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>Maslaḥa</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	

Moral Assessments and Legal Categories: The Relationship between Rational Ethics and Revealed Law in Post-Classical Imāmī Shīʿī Legal Theory*

ROBERT GLEAVE (University of Exeter)

Abstract

In this chapter, I examine the discussion around the rational and moral basis for legal categories in postclassical Imāmī Twelver Shīʿī legal theory. The debate was pushed forward by the Akhbārī movement in the 17th century CE; they proposed a novel position concerning the rational basis for the law in which reason can determine certain moral aspects of an action (e.g., a good action can be recognised by reason, and its performance attracts praise), but not legal elements (e.g., that the performance of a good action deserves a reward beyond praise). This leaves, for them, the Lawgiver (that is, God) to connect the moral aspects of an act with its legal consequences (that is punishment for a morally bad action and reward for a morally good action); that causal connection cannot be made by reason alone. Based on these findings, I conclude that Akhbārī moral theory, often read along literalist lines, showcases an adherence to the Muʿtazilī-derived framework common to the Imāmī Twelver Shīʿī theology and law generally, whilst also reserving ultimate legal authority to God.

Keywords: Legal rationalism, Twelver Shiʿism, Legal theory (*uṣūl al-fiqh*), Postclassicism.

Introduction

The five-fold system of Islamic legal classification (*al-ahkām al-khamsa*) lays out the requirements placed on the individual by the ultimate Lawgiver (*al-shāriʿ*, that is, God). The Lawgiver, speaking either directly (in revelation) or indirectly (through his emissaries), provides for humankind a legal (*sharʿī*) assessment for each action. Every action a human being performs is, under this general theory, assessed as obligatory (*wājib*), recommended (*mustahabb*), discouraged (*makrūh*) or forbidden (*ḥarām*). The Lawgiver also reveals that some actions are simply neutral or unclassified (*mubāḥ*: permitted), and the agent is neither

* Research for this paper was carried out under the auspices of the Law, Authority and Learning in Imami Shiite Islam project <www.lawalisi.eu>, funded by the European Research Council (no. 695245). I thank Drs Amin Ehteshami, Raha Rafii, Kumail Rajani and Cameron Zargar (of the LAWALISI project) and to this volume's respected editor for comments on an earlier draft; and to the Cambridge-Exeter LAWALISI *Uṣūl* text reading group which met online during the Summer 2020 lockdown.

encouraged nor required to perform them, nor is he discouraged or forbidden from performing them. This is a possible summary of the legal framework which underpins most premodern elaborations of Islamic legal theory.¹

The five-fold legal classification derived—directly or indirectly—from the Lawgiver. There is, though an alternative system of evaluating acts: namely, “rational” assessments, discovered or determined by the application of “reason” (*‘aql*) to the act. The definition and scope of *‘aql* (here, translated, albeit imperfectly, as “reason” or “rationality”) is much discussed in Muslim speculative theology and legal theory. Generally speaking, though, these assessments are conceived of as independent (*mustaqill*) judgments of a perfectly functioning rational faculty, unaided by other forms of moral and legal knowledge (such as revelation). The early champions of the reality (and hence superiority) of these rational assessments were, of course, the theological school known as the Mu‘tazila. For them, reason identifies certain actions (such as debt repayment) to be morally good (*hasan*) and other actions (such as lying) to be morally repugnant (*qabīḥ*). That is, reason has the ability to identify these moral assessments as external characteristics of acts: lying is morally repugnant because of a quality of moral repugnance which it has alongside all its other qualities (physical attributes, location, time, etc). It is not morally repugnant because an authoritative individual (such as the Lawgiver) has declared it so. The early Mu‘tazilī position then consisted of two elements: (1) ontology (the independent and external nature of moral assessments) and (2) the functioning of reason (i.e., the ability of reason to recognise and identify these external characteristics). These two elements proved, in time, to be particularly attractive to a number of theological schools beyond the Mu‘tazila proper, with these Mu‘tazilī-derived ideas influencing other theological trends. Amongst those drawn to these views were some early Shī‘ī tendencies with a pioneering effort to incorporate Mu‘tazilī-based theological claims by 11th century CE, Baghdad-based Twelver Shī‘ī scholars such as al-Shaykh al-Mufīd, al-Sharīf al-Murtaḍā and Muḥammad b. al-Ḥasan al-Ṭūsī. Subsequent to their efforts, *‘aql*’s ability to identify an action’s moral qualities became standard Twelver Shī‘ī doctrine. In the centuries following its incorporation, the principle was subjected to extensive elaboration and development, and continues in the contemporary period to be the bedrock of Twelver Shī‘ī legal theory.²

This chapter concerns the relationship between these two systems of assessment: the legal five-fold classification and the rational system of assessment. In particular, I focus on the

1 There is much debate in Islamic legal theory over whether the Lawgiver declaring, explicitly and directly, something to be *mubāḥ* is the only way to discover its classification. In contemporary Shī‘ī *uṣūl al-fiqh*, the debate is linked to a typology of “permission” (*ibāḥa*)—required/demanded and non-required/non-demanded (*iqtiḍā’iyya* and *lā-iqtiḍā’iyya* respectively). In brief, the permission given for some actions is based on a fundamental notion that this is an action which should be subject to individual choice. There are some actions which are permitted for a reason; that is, they have some characteristic which requires them to be permitted. The Lawgiver, following this natural law, would inevitably decree them permitted—this is a required (*iqtiḍā’ī*) permission. There are other actions which are not “required” in this sense to be permitted—there is no reason for there to be a choice over performance or abstention—but more than this, there is also no reason to perform or abstain. In such circumstances, the action falls into the permitted category, but there is no natural requirement (*lā-iqtiḍā’ī*) for it to be there. Discussions in modern *uṣūl* include ṢADR 1986: I, 147-8 and KHUMANYNĪ 2002: I, 235-6.

2 See, for example, the various studies in BHOJANI et al. (eds.) 2020.

debate around this relationship in “postclassical”³ works of Imāmī (Twelver) Shī‘ī legal theory. Twelver Shī‘ī legal scholarship experienced a fissure during the postclassical period between two opposing jurisprudential movements: Uṣūlism (usually characterised as promoting greater rationality in legal derivation) and Akhbārism (which opposed the supposed Uṣūlī rationalism, advocating a renewed emphasis on the principles revealed by the Imams and found in the textual reports of their sayings and actions—the *akhbār*).⁴ The Akhbārīs are sometimes viewed as “anti-rationalist”, “traditionalist” or “literalist” in the secondary literature.⁵ I argue in this chapter that this is an inaccurate portrayal, and I base my conclusions on my analysis of the Akhbārī position of the relationship between moral (rational) assessments and legal (revelation-based) categorisations. On this issue (and many others, it could be added), the Akhbārīs propose a variant of the Mu‘tazilī-style argumentation which Twelver Shī‘ī scholars had taken and made their own in the years after the full-blown adoption of Mu‘tazilism (MADELUNG 2008). The Akhbārī and Uṣūlī debate encompassed many elements of Twelver Shī‘ī legal theory; on the question of the relationship between the legal classifications and moral assessments, the debate appears to be between variants of rationalism, rather than “rationalism” in conflict with “traditionalism”.

One should not think of the disputes around this issue as arcane and moribund. In contemporary Twelver Shī‘ī legal theory (which I date from the late 19th century onwards) there is a vibrant discussion of the moral assessment-legal category relationship. The discussion is framed around the workings of a “principle of necessary correlation” (*qā‘idat al-mulāzama*). That is, the majority of contemporary scholars agree that there is a “necessary correlation” (*mulāzama*) between the moral assessment and the legal classification. There is though much debate about how this “necessary correlation” operates. The centrality of the *qā‘idat al-mulāzama* (despite the differences of opinion around its operation) was established in the work of al-Shaykh al-Murtaḍā al-Anṣārī (d.1864). Al-Anṣārī is usually credited with founding the modern school of Twelver Shī‘ī legal theory, and in the seminary setting, the supremacy of his ideas is expressed through the intense study of his work of legal theory *Farā‘id al-Uṣūl* (also known as *al-Rasā’il*). The study of *al-Rasā’il* is supplemented with a wealth of commentaries on the legal epitome *Kifāyat al-uṣūl* by his one-time pupil al-Ākhund Muḥammad Kāzīm al-Khurasānī (d. 1911). Both of these works, and nearly all subsequent works of Shī‘ī jurisprudence approach the issue of the legal classification/moral assessment relationship through *qā‘idat al-mulāzama*. Whilst characterising the relationship as coming out of necessity (*lāzim*, or its derivatives such as *mulāzama*) can be found in classical works of *uṣūl al-fiqh*,⁶ the idea of a “principle” (*qā‘ida*) of “necessary correlation” (*mulāzama*)

3 “Postclassical” is in part a convenient period marker (by it I mean works written between the 15th and 19th centuries CE); but also, the works of this period are characterised by virtuoso debate and extreme focus on commentarial minutiae, features which were not absent in other period but are intensely exhibited in these “postclassical” works. See, GLEAVE and AHMED 2018 and GLEAVE forthcoming.

4 There is, now, quite a significant body of literature of the Akhbārī movement including: NEWMAN 1992a and 1992b; STEWART 2003; GLEAVE 2007; ABISAAB 2015.

5 COLE 1989: 9 and 33; ABISAAB 2015: 5; FARZANEH 2015: 100-1.

6 In Shī‘ī texts the “go-to” Sunni source is ZARKASHI 1998: I, 133-9, a commentary on al-Subkī’s *Jam‘ al-Jawāmi‘* where he says, “Good and Evil are essential characteristics, and obligation and prohibition are legal categories—but there is no necessary correlation between them” (*al-ḥasan wa-l-qubḥ dhātīyyān, wa-l-wujūb wa-l-ḥurma shar‘īyyān, wa-annahū lā mulāzama baynahumā*); the relationship is, to my

governing the operation of the law in this area appears to be a late development. I have not managed to find use of the phrase *qā'idat al-mulāzama* to express the legal categories-moral assessments relationship before al-Ākhund al-Khurasānī in his *Kifāyat al-uṣūl* (al-KHURSĀNĪ 1988: 321). There are many ways in which the implications of this principle are parsed in contemporary theory, but it is usually summed up with the slogan: “everything which reason decrees as an assessment, revelation also so decrees” (*kull mā ḥakama bihi l-ʿaqlu, ḥakama bihi l-sharʿu*). This slogan became the summary for the *qā'idat al-mulāzama*, but it was in existence (in slightly modified form) well-before the time of al-Ākhund. The relationship is one of *necessary* correlation because it is theologically (and rationally) unthinkable for the Lawgiver to require an irrational action from his subjects. It is, then, rationally required that all the Lawgiver’s legal requirements must be in conformity with rational moral assessments. The explicit and direct commitment to this notion as a principle (*qā'ida*) of jurisprudence in contemporary Shīʿī legal theory stands at the end of long debate. In post-classical works of Shīʿī legal theory, different positions (and sometimes different formulations of the same position) were proposed, tested and often rejected, until the *qā'idat al-mulāzama* with its accompanying slogan became the majority (one might, cautiously say “orthodox”) position. This chapter aims to trace the backstory to the near universal adoption of *qā'idat al-mulāzama* in the pre-Anṣārī period.

Classical Shīʿī expressions of the moral assessment/legal categories relationship

Much research on the early Muʿtazilī theories of ethics and law has emerged in the recent years, and here is not the place to summarize the findings of this extensive body of scholarship. It is sufficient to say here that the Muʿtazilīs argued for a strong relationship between the moral assessment of reason and the legal classifications made by the Lawgiver. The Muʿtazila were not, it seems, of a single mind though on the nature of this correlation. The Baghdadīs were in favour of a strict correlation; Basran Muʿtazilīs were more nuanced. For example, a lie might be essentially bad and therefore forbidden; but what of a lie to protect a Prophet? The problem of a “good lie” meant Basrans struggled with the straightforward *mulāzama* of the Baghdadī Muʿtazilīs. They devised a number of systems for coping with this, the most successful of which was the idea that the evil attribute essential in a lie could be over-ruled (*marjūh*) by another attribute or quality based on the beneficial results of the action (*maṣlaḥa*). Hence, a good lie was not, strictly speaking, possible, but a bad lie for good ends might be a required course of action (i.e., essentially evil, but contingently obligatory). Such a “good bad lie” is possible in certain situations and creates a gap between the moral assessment and the requirement (*taklīf*) on the moral subject. Some theorists evaluated these debates around a balance of praise (*madḥ*) and blame (*dhamm*). If telling a lie created a beneficial outcome, then would such an action attract praise or blame from God, the ultimate moral judge? If it attracts praise, then, logically, it could not be “forbidden”; and

knowledge, adopted with the term *mulāzama* (“necessary correlation”) in Shīʿī writings in TŪNĪ 1992: 175 where he lifts it most probably from his reading of al-Zarkashī.

if it attracts blame, then logically it cannot be obligatory. The other categories are less straightforward. For example, if the action attracts praise, is it not also logically impossible for the action to be “discouraged” (but not “forbidden”)? Here, and more generally in the definition of the intervening categories (discouraged, permitted, recommended), there was debate as to whether the praise/blame calculus could adequately capture the nature of these legal categories. Furthermore, the ontological implications of such a formulation were manifold, but most importantly, the position entailed that whilst an act’s evil was inherent in the act itself in “unrestricted” (*muṭlaq*) circumstances, legal categories are created from contexts and other stipulations which take into account the consequences of the action. In unrestricted contexts, the transfer from evil moral assessment to legal prohibition was straightforward (in a *mulāzama* sense); in other contexts, the legal classification may deviate from the moral assessment, but always with a recognition that there remains an element of transgression in, for example, the obligatory lie. The early Basran Mu’tazilī position does imply a contingent, timebound (almost this worldly) character to the legal classifications absent in the absolute moral (and ontologically secure) assessments. The possibility of legal variation in response to contextual factors, consequences and the praise/blame calculation is something which reoccurs in the Twelver Shī’ī debates discussed below.⁷

These Mu’tazilī formulations and reformulations of the ontology of moral assessments have been studied by others;⁸ their incorporation into Imāmī Shī’ī *kalām* and *uṣūl* discussions, which eventually informed the position on the *mulāzama* issue, was, by the time of the influential Twelver Shī’ī jurist and theologian, al-‘Allāma al-Ḥillī (d. 726/1325), fully developed. In his *Kashf al-Murād*, a commentary on the creedal statement *Tajrīd al-I’tiqād* of Naṣīr al-Dīn al-Ṭūsī (672/1274), he discusses the various definitions of an act (*fi’l*). Al-‘Allāma states that the actions of neglectful or sleeping individuals have no moral attributes beyond the bare facts of their existence. This is because these incapacitated individuals cannot act with intention, and for al-‘Allāma intention forms an essential component of any moral (and therefore legal) assessment. He continues:

If [an action] can have this [additional, moral] attribute, then there are two types—good (*ḥusn*) and evil (*qubh*). Regarding *ḥusn*, if it has no quality (*wasf*) above and beyond it being good, then the action is permitted (*mubāḥ*), and it is decreed that there is no praise for either performing it or not performing it.⁹ If it has an additional quality, then if he deserves praise for performing it and censure for not performing it, then it is obligatory (*wājib*); if he deserves praise for performing it, and no censure for not performing it, then it is recommended (*mandūb*); if he deserves praise for not performing it and no censure for performing it, then it is discouraged (*makrūh*). So

⁷ The discussion mirrored, of course, with discussion of necessity (*darūra*) and the ability of circumstances to change legal rules (though in *darūra*, the process was reversed, in the sense that the legal rule is established, but the obligatory action, created out of circumstance, deviates from the legal categorisation).

⁸ VAN ESS 1984; SCHMIDTKE 2016; BENNETT 2016; EL OMARI 2016.

⁹ Praise is viewed as a rationally justified and appropriate response to the performance of the action; so a person with a fully functioning rational faculty would respond by praising it. Ultimately, the individual whose praise is most relevant here is the Lawgiver himself.

husn is divided into four legal categorisations... and with prohibited (*ḥarām*), the four *husn* categories and *qabīḥ* make five. (al-ḤILLI 1988: 280)

The close linkage between the two moral assessments and the five legal categories is established by al-ʿAllāma such that if reason recognises these various permutations of praise and censure, then the resulting assessment maps onto the well-known five legal categories. The categories become further interwoven when al-ʿAllāma introduces reward and punishment for performing good and evil actions:

Praise and reward are due for obligatory and recommended actions, and actions which are contrary to evil actions (*didd al-qabīḥ*).... (al-ḤILLI 1988: 280)

He summarises his views in a useful abbreviated form in his *Manāḥij al-Yaqīn*:

Reward is a desert for that which commendation (*taʿzīm*) and praise are deserts when they have been stipulated; punishment is a desert for that which censure and denunciation (*istikḥfāf*) are deserts. (al-ḤILLI 1995: 346)

The link between an act deserving praise (*madḥ*) and it therefore deserving reward (*thawāb*) seems natural (perhaps necessary) for al-ʿAllāma. There may be an ontological difference between the way the two qualities or attributes are attached to an action (essential for good and evil/attributional for obligatory, recommended etc.), but the relationship between the two appears seamless in his presentation. Following this line of argument, al-ʿAllāma gives his perspective on the much-discussed question of whether one should lie to protect a prophet: that is, if, for example, an enemy is searching for the prophet and asks you his whereabouts. Whilst lying is inherently evil, could it be recommended in these circumstances? Al-ʿAllāma marshals three principal arguments to validate the prophet-saving lie. These are:

- (1) this lie is the lesser of two evils
- (2) the quality of evil might be absent from this lie because of some preventative feature (*māniʿ*). In this case, the *māniʿ* would be the consequent harm to the Prophet, but by allowing this individual preventative feature, one is not committed to the view that all lies, potentially, have this preventative feature. The *māniʿ* is very specific to this instance.

Finally, he argues:

- (3) This lie has an aspect (*jiḥa*) of good in it,¹⁰ but not because it is a lie, but because it includes the [Prophet] escaping [harm]; in it there is an aspect of evil, and that is because it is a lie. The two aspects oppose one another. Something which has an aspect of evil necessarily has that aspect; something which has an aspect of good, it also necessarily has that aspect but without any variation (*taghayyur*). (al-ḤILLI 1995: 346)

The implication of these arguments is that a lie remains evil, even when it is for a good reason. One can see this good reason as outweighing the evil (argument 1); or one can say

¹⁰ Clearly, *jiḥa* is being used here in a similar way to the cognate *wajh*. On *wajh* see REINHART 1995, 148-150. See also SHIHADAH 2016, where it is translated to “configuration”.

that the link is not between evil and prohibition, but instead between the action and the evil (which is a conditional linkage—argument 2); or one can argue that an act has various aspects (drawing on the term *jiha*): some are good and others evil. Evil aspects are subject to variation (that is their evil aspect can be outweighed by other factors). Good aspects, on the other hand, are absolute—when an action is identified as morally good (such as repaying a debt), it will always have this preponderant aspect of “goodness”.¹¹ The result is that the good aspect of the lie (*hasan*—i.e., that it aids the prophet in his escape from harm) creates the obligation (*wujūb*) to lie, even though lying remains necessarily evil.

Al-‘Allāma’s formulation, which could be viewed as an authoritative expression of the “classical” doctrine of the relationship between moral and legal assessments, brings together a number of interlinked notions. At a fundamental level there is the ontology of moral properties: the *ḥusn* or *qubh* are, in some way, essential/*dhātī* to an action. These essential attributes can be identified and recognised by the faculty of reason, and are therefore rational/*‘aqlī*. These attributions come about for reasons, the most proximate of which is that good/*hasan* actions attract praise/*madḥ*, and evil/*qabīḥ* actions attract blame/*dhamm*. Furthermore, it appears that praiseworthy actions deserve reward/*thawāb*, and blameworthy actions deserve punishment/*‘uqūba*. There is a yet further link, apparently, with the notion of a good/*hasan* act bringing about a benefit (*maṣlaḥa*), perhaps with the corollary that an evil/*qabīḥ* act leading to a detriment/*mafsada*. All of this appears to be in the realm of rational assessment, without the Lawgiver having any agency in determining the moral evaluations. The link between these categories and the legal categories appears to be within the Lawgiver’s realm, since it would be illogical for the just (and ultimately rational) Lawgiver to make a blameworthy action obligatory and a praiseworthy action prohibited. Interestingly, the symmetry between good and evil aspects is disrupted for al-‘Allāma at this advance stage of legal analysis: an action with an evil attribute (i.e., one that, under normal circumstances, is blameworthy) is subject to variation (*taghayyur*); that is, under certain circumstances, it could become obligatory and deserve reward, whilst nonetheless remaining in some aspects evil. This, apparently, cannot happen to a good attribute: praiseworthy actions always retain the link with obligation without any possibility of variation. As we shall see, it was this “strong” notion of the necessary correlation between the moral assessment (*hasan*) and the legal category (*wājib*) of an act which was viewed by Akhbārīs as contrary to reason itself. Perhaps more importantly for them, though, this position deviated from their understanding of the message of the Imams. It is worth noting here that one element of the Akhbārī counter-attack explored below was the disputed legacy of Naṣīr al-Dīn al-Ṭūsī. Al-‘Allāma, and the majority of postclassical jurists (eventually to be called Uṣūlīs) claimed Naṣīr al-Dīn al-Ṭūsī’s theological legacy as supporting their Uṣūlī positions. In this, and in other areas of theology and legal theory, Akhbārīs counter-claimed that Naṣīr al-Dīn al-Ṭūsī fundamentally agreed with Akhbārī views.

11 That good/*hasan* attributes are somehow less open to displacement than evil/*qabīḥ* attributes appears based on an underlying commitment to the good’s sturdier ontological foundations. This most likely has its roots in the assertion within Islamic philosophical theology (drawing on the view attributed to Plotinus) that evil is nothing more than *privatio boni*—a non-existence of good. See SHIHADÉH 2019. Indeed Avicenna admits the negative existence of Evil, and that existence is all good (*khayr maḥḍ*). See BOUHAFI in this issue.

Akhbārī Positions

Al-‘Allāma al-Ḥillī’s position laid out above, dominated Twelver Shī‘ī legal theory writings in the subsequent centuries—so much so, that there appears very little discussion or disagreement around the relationship between the legal categories and the rational assessments in *uṣūl* and *kalām* works in the period following al-‘Allāma. For example, the *Ma‘ālim al-Uṣūl* of al-Ḥasan b. al-Shahīd al-Thānī (d. 1011/1602, based in Ottoman Syria) was to become the major seminary textbook for *uṣūl al-fiqh* in subsequent centuries; it has no in-depth discussion of the role of ‘*aql* in the derivation of legal rules. There is an assumption in the work that ‘*aql* is a means to knowledge, but there is no description of the relationship between knowledge gained through ‘*aql* and rules revealed by the Lawgiver. In his *Zubdat al-Uṣūl*, the famous Safavid polymath al-Shaykh al-Bahā‘ī (d. 1030/1620 or 1031/1621) does mention this issue. He states that certain moral and legal truths are available through ‘*aql* and without the need for revelation (BAHA‘I 2002: 67-69). In particular, good actions (such as justice and honourable conduct) deserve praise and evil actions (such as oppression) deserve blame. ‘*aql* produces certain knowledge that that there can be no punishment for certain good actions (such as thanking a benefactor). There is, though, no discussion continuing the terms laid out by al-‘Allāma al-Ḥillī. Al-Shaykh al-Bahā‘ī’s assertion that one can know through ‘*aql* that some good (*ḥasan*) actions can never attract punishment reveals two things. First, al-Shaykh al-Bahā‘ī is working on the intimate link between a good action and the impossibility of punishment; this, it could be argued, is an elaboration of al-‘Allāma’s assertion that the attribute of good is invariable, and therefore linked with the legal category of obligation. Second, for al-Shaykh al-Bahā‘ī, deserts are identified by reason, creating a reason-based link between actions, deserts and, therefore, their legal categories. These are interesting implications, but they do not appear controversial in *uṣūl* works. There is hardly any discussion or critique of al-‘Allāma al-Ḥillī’s doctrinal framework. There appears to be a general acceptance of the close (perhaps even logically necessary) relationship between moral assessments (*ḥasan*, *qabīḥ*) and legal categories (from *wājib* to *ḥarām*). The acceptance of al-‘Allāma’s formulation was to be challenged with the emergence of the Akhbārī scholarly movement amongst Twelver Shī‘ī scholars. The Akhbāriyya (or *akhbāriyyūn*) saw much to criticise in the Twelver Shī‘ī legal theory from al-‘Allāma al-Ḥillī onward. Amongst the faulty doctrines introduced by al-‘Allāma was the assertion that the relationship between moral assessments and legal categories was one of logical necessity; the Akhbārī rejection of this logical necessity can be seen in the light of their legal theory more generally.

The Akhbārīs have been described as literalist, fundamentalist, traditionalist and anti-rationalist in the secondary literature. None of these labels, I would argue, fully capture Akhbārī methodology.¹² The Akhbārī movement was, arguably, launched with the composition of *al-Fawā‘id al-Madaniyya* by the Mecca-based Iranian scholar Muḥammad Amīn al-Astarābādī (d. 624/1626/1627). This work was a pointed rejection of much of the accepted Shī‘ī legal theory. Al-Astarābādī’s analysis was extensive and detailed, though the work’s arrangement was rather unsystematic. Nonetheless, *al-Fawā‘id al-Madaniyya* was accepted as a (perhaps *the*) foundational text for those scholars who, following al-Astarābādī’s method,

¹² See above notes 5 and 6.

were labelled *akhbāriyyūn* (Akhbārīs) due to their call for a return to reliance on the *akhbār* of the Imams, and a relegation (though perhaps not total exclusion) of rational techniques of deduction. The central tenets of this postclassical Akhbarism are now clear: these Akhbārīs were unhappy with the increased role given to reason (i.e., *‘aql*) in Shī‘ī legal theory; in particular, personal juristic reasoning (*ijtihād*) as exercised by a supposedly qualified jurist (*mujtahid*) was unacceptable for Akhbārīs; the result of *ijtihād* was never more than a *mujtahid*’s personal opinion (*ẓann*); the Akhbārīs saw no justification for this *ẓann* being authoritative for any other members of the community, perhaps not even for the *mujtahid* himself.¹³ A general reduction of the role of human reasoning, then, formed a major part of a thorough, critical overhaul of existing Shī‘ī legal theory. Amongst the issues addressed by al-Astarābādī in the course of this reformulation was the question of the relationship between the legal categories and the rational assessments. His exposition is quite lengthy and, as with much of his argumentation, his declared aim is to delineate the doctrine of the Imams as found in the texts recording their statements (*akhbār*); pure rational argumentation is generally of secondary importance. Al-Astarābādī’s interpretation of the *akhbār* texts is not, of course, devoid of legal reasoning: the texts are presented as if they speak for themselves, but of course, that is an exegetical sleight of hand. The *akhbār*, along with the “obvious” or “apparent” meaning of Quranic verses, are clear and unambiguous, he claims; they indicate, in al-Astarābādī’s view, that obligation and prohibition (i.e., the legal categories) are not essential attributes of actions (*buṭlān al-wujūb wa-l-ḥurma al-dhātīyyayn*).¹⁴ On the other hand, good and evil (i.e., the moral assessments) are essential attributes of acts (*al-ḥusn wa-l-qubh dhātīyyān*), but these characteristics are not connected—causally or otherwise—with the legal categories (i.e., obligation and prohibition). There is, then, no necessary correlation (*mulāzama*) between moral assessments and legal categories. Al-Astarābādī, though, recognises that various respected scholars have adopted different positions. A “proper” understanding of the issue (by which he means, a demonstration of the superiority of his own view, and the failure of the others), he says, requires an appreciation of these positions. He outlines how the different positions unfold in the course of a three step argument, with theological and philosophical tendencies associated with each stage:

1. Moral assessments (i.e., good and evil), acquired through the operation of the faculty of reason (*‘aql*), are essential attributes of acts.

¹³ Al-‘Allāma and others had argued that the legal authority of the *mujtahid*’s opinion is achieved through the doctrine of “authoritative following”—*taqlīd*—of the *mujtahid*

¹⁴ AL-ASTARĀBĀDĪ 2003: 465-6. The view that the obvious meaning of Quranic verses (*ẓawāhir al-āyāt al-karīma*) indicates that obligation and prohibition are not essential properties of an action might be seen as a contradiction of al-Astarābādī’s view that Quranic verses cannot be understood, even in their obvious meanings, without the *akhbār* of the Imams. Here, it could be viewed that the obvious meaning of Quranic verses is only obvious because the Imams themselves have made it so (through their *akhbār*). Also, it seems clear that al-Astarābādī is arguing against those who see prohibition and obligation as essential features of actions, and such people do, indeed, take obvious meanings of the Qur’ān as probative; he is, then, trying to play his opponents at their own game. For al-Astarābādī’s view that the obvious meaning of a Quranic verse cannot be used as an indicator of the meaning of the verse, see al-ASTARĀBĀDĪ 2003: 269-271.

[View 1: this is the view, he explains, of all the Twelver Shi'ites (the Imāmiyya as he terms them), the Mu'tazila and a few Ash'arīs; the majority of Ash'arīs would not hold this view, he argues]

2. For some, these essential attributes necessarily lead to the performer of the action being praised for the performance of a good action, or censured or blamed for an evil action.

[View 2: this opinion is held by some Imāmīs, some Mu'tazilīs and a few Ash'arīs. This is al-Astarābādī's own view,¹⁵ which, he claims, derives (in part) from the position of Naṣīr al-Dīn al-Ṭūsī¹⁶]

3. Praise and censure necessarily leads to the performer deserving reward (for a praised "good" action) or punishment (for a censured "evil" action). "Deserving reward" and "deserving punishment" become the definitions of legal obligation and prohibition respectively. The conclusion for this view is, then, that essential moral attributes [established in step 1 above] have a "necessary correlation" entail legal classifications [step 3].

[View 3: this is held by some Mu'tazilīs and some Imāmīs; and it is this view which al-Astarābādī spends much of his subsequent discussion debunking]

Al-Astarābādī states that all those who believe in View 1, should also believe in View 2:

Everyone who argues for essential evil in this meaning, also says that the one who performs such an act deserves censure in the eyes of [God] the Wise One when he does it—providing [the one performing the action] knew that it was characterised by this attribute (*ṣifa*).

Some, though, go further (arriving at View 3), and say that it is a rational necessity that the performer also be rewarded and punished for the act's performance—that is, an expression of praise logically entails the performer gaining a reward; an expression of blame logically entails the performer is punished. God rewards and punishes in the next life, since he is the ultimate agent of justice. View 3 (as presented by al-Astarābādī) is the strongest notion of

¹⁵ In al-Astarābādī's formulation, though, it is God who recognises the good or bad quality of an act and automatically (it seems) adopts an attitude of praise or blame respectively. In some formulations, the person performing the praise or blame is left unidentified (i.e., it is simply that the individual deserves praise or blame by a form of rational necessity, often expressed in the passive grammatically). Strictly speaking, God is either drawn to or recoils from the act; God's recoiling from an act (*tanfir*) is glossed as censure (*dhamm*) in al-Astarābādī's presentation: "The essentially bad thing (*al-qabīḥ al-dhātī*) is an action described with an attribute (*ṣifa*) which, when [God] the Wise One recognises it, he recoils from it" (al-ASTARĀBĀDĪ 2003: 466). One can imagine a determined critic might wish to exploit this, though one should note al-Astarābādī decides to refer to "the Wise One" (*al-ḥakīm*) as an epithet of God, emphasising God's rationality. That is, God (i.e., the supremely rational being) recognises the bad attribute of an act; and by rational necessity recoils from it and censures the performer.

¹⁶ Al-Astarābādī references *al-Fuṣūl al-Naṣīriyya* of al-Ṭūsī here. The editor of the *al-Fawā'id al-Madaniyya* seems to think this refers to a Persian work which is lost; it is possible it refers to the Arabic work of the same title by Naṣīr al-Dīn al-Ṭūsī which is much commentated on, and in the base text of which al-Khawāja al-Ṭūsī states "Rational individuals censure (*dhamm*) anyone who performs an evil act (*fā'il al-qabīḥ*) and neglects to perform a required act (*tārik al-wājib*)"; a required act is an act which "Reason recoils from [anyone] abstaining from its performance." See the text of *al-Fuṣūl al-Naṣīriyya*, embedded in its numerous commentaries (for example, al-ḤILLĪ n.d.: 124)

mulāzama and it is this which he rejects. It is not clear whether al-Astarābādī sees those who support View 3 to be involved in a two-step logical process here (from evil action to blame, and from blame to punishment), or a simpler one-step process (from evil action to blame and punishment).¹⁷ One suspects the latter, since for al-Astarābādī (as explored below), it is the conflation of blame with punishment (and, to a lesser extent, praise with reward) which is problematic. The third step in the process—that is, between an action deserving punishment and it falling into the legal category of being prohibited—does not appear to have been contentious. It is clear that punishment and prohibition are linked by definition (rather than by either logical entailment or causation). The definition of “prohibition” (*ḥurma*) is, in law, “deserving punishment”, and “performing a prohibited act” means little more than “performing an act that deserves punishment”. Al-Astarābādī portrays those who adopt View 3 as arguing that prohibition (aka deserving punishment) is a rationally-established necessary result of the “evil” essential attribute inhering in the action. If he has in mind the doctrine of al-‘Allāma al-Ḥillī when describing this third view, the characterisation is somewhat exaggerated; al-‘Allāma’s view—at least as found in *Manāḥij al-yaqīn*—is that the link between evil attribute and legal prohibition is open to “variation” (*taghayyur*) depending on both the circumstances and the consequences of the act (hence lying to save a Prophet is permitted, or perhaps obligatory, whilst lying per se is prohibited). Al-Astarābādī, though, is more interested in refutation than in providing a nuanced description of opponents’ views. For him, those who hold View 3 believe that the category of legal prohibition (*ḥurma*) is a rationally-established, necessary correlate of an action being evil (*qubḥ*). For al-Astarābādī this means prohibition is, effectively, an essential attribute of the act, and therefore of the same genus as the act’s evil attribute. This is how al-Astarābādī sets up the discussion, and the set-up is, of course, designed to provide him with the most persuasive means of rebuttal.

Al-Astarābādī finds objectionable the step from the second to the third view; and he presents a series of arguments against it. His principal argument is that there are numerous reports from the Imams that indicate that obligation and prohibition are not essential properties of acts, but that good and evil are. This is, of course, a standard Akhbārī mode of argumentation, and involves the writer presenting the meaning of the reports in question as clear and unambiguous; the exegete appears as an entirely uncreative vehicle for the reports’ meaning to the audience. It is a rhetorical fiction of course, but as a method of legal argumentation it was not exclusive to Akhbārīs. There is, though, a rational argument which al-Astarābādī also puts forward: if one holds View 3, then one must also hold another view, and this additional view is clearly invalid. It is, then, a *reductio ad absurdum* argument. Al-Astarābādī’s argument runs as follows:

17 It is also not clear whether this process (be it one or two step) is strictly causal (the moral assessment of evil causes the blame response, which then causes the punishment) or logical entailment (which, one might think, is closer to the sense of *mulāzama*). Perhaps, for al-Astarābādī, it is unimportant. For those working in the Ash‘arī tradition, of course, causation (which is usually effective but nonetheless open to suspension and deviation) is quite distinct from logical necessity (which many Ash‘arīs conceived of as invariable). For Ash‘arīs, the argument is likely to flow in the opposite direction: an action is prohibited, and therefore (logically, or linguistically, or causally) it deserves punishment. For al-Astarābādī, it does appear that the recognition of praise or blame is prior to (or separately from) any possibility of legal assessment, and in this sense he is broadly Mu‘tazilī in his approach.

- a. View 3 holds that deserving reward/obligation and deserving punishment/prohibition are necessary correlates of the essential attributes of good/evil; a necessary correlate of an essential attribute is essential alongside the attribute. According to View 3, then, if a person knowingly performs an evil act (moral assessment), then s/he necessarily deserves punishment (legal category).
- b. On the other hand, a person may not know that an act has the attribute of evil; s/he is therefore unaware that it attracts censure, punishment and is therefore forbidden (for View 3). If s/he then performs the act, then all agree—even those who hold View 3—that s/he is excused, and does not deserve punishment.
- c. Furthermore, a person, rather than not knowing the act to be evil, may be unsure as to whether or not the act has the evil attribute. There are two options here: either s/he deserves punishment (like the one who knew it to be evil) or s/he is to be excused (like the one who was ignorant).
- d. If s/he is excused, then deserving punishment cannot be an essential element of the act, since someone can perform it, but does not deserve punishment (one could argue that the same applies to the one ignorant of the attribute, though this point is not explored by al-Astarābādī).
- e. If s/he is to be censured and punished for performance, what is s/he to do when faced with this uncertainty? Logic dictates, s/he must treat the action as forbidden (*ḥaẓr*).
- f. This conclusion—namely the requirement of *ḥaẓr*—is an unavoidable consequence of asserting the necessary correlation between an act's attribute of evil and the performer deserving punishment.

Page | 194

Now, if one can demonstrate that *ḥaẓr* is invalid in such circumstances, then View 3 will also be invalid. The reasons for the invalidity of *ḥaẓr* are given by al-Astarābādī, and they are a mixture of rational and scriptural arguments. The rational argument is as follows: if the unsure person considers it prohibited to perform the action, then s/he should tell others that it is prohibited; however, “a condition of forbidding a prohibited thing (*shart al-nahy ‘an al-munkar*) is knowing it to be prohibited; for it is possible that the action's attribute is clear in these aspects [relating to permission] to the one performing it in a way that it is not clear to the unsure person” (al-ASTRĀBĀDĪ 2003: 466). The unsure person cannot, then, prohibit another from performing the action; he could only do this if he was sure it was prohibited. This, for al-Astarābādī, makes View 3 incoherent:

So, I say: it is known [from this] that one who holds [view 3]¹⁸... unavoidably holds the view that there is a necessary correlation between [evil attribute and deserving punishment] when [the individual] is uncertain that the action has the attribute. The truth, though, is that there is no necessary correlation in this [second case], as has been demonstrated by al-Zarkashī and as we have opted for also. The truth is that the one who is unsure [that the act has the attribute] should suspend judgement [regarding punishment and prohibition]. The one who warns incorrectly is liable for censure. (al-ASTRĀBĀDĪ 2003: 466-7)

¹⁸ That is, the view that there is a necessary correlation between deserving censure and deserving punishment when one knows the action has the attribute.

The problem with View 3, then, is that it assumes that the evil attribute of an action is always clear and identifiable, and therefore punishment can be applied without injustice. View 3 is too optimistic concerning the ability of the individual to discern the evil attribute. If an individual is unsure, rather than risk punishment, s/he should declare the action forbidden. But this declaration of prohibition would not be based on knowledge (as such declarations should be)—but rather on uncertainty; and one cannot call for others to obey a rule which one is (oneself) uncertain: this would be logically incoherent. This constitutes a rational argument for the rejection of View 3.

Al-Astarābādī finishes up with three arguments linked to scriptural sources.¹⁹ First, reports from the Imams, for al-Astarābādī, make it clear that the Shī'a have been left with adequate guidance during the Imam's occultation in the form of the Imams' reports (*akhbār*). Whilst complete knowledge of all things may not be obtainable, knowledge sufficient for the obedience of the community at a particular point in time is always available:

It is a requirement of [God's] wisdom that He provides for his community at every point during the Greater Occultation the means whereby they acquire the revealed hadith in the established sources (*al-uṣūl al-mumahhada*),²⁰ so that the Shī'a can be shown the clear truth, or how to be cautious according to a particular method. (al-ASTARĀBĀDĪ 2003: 468)

The point here is that the revelatory sources are sufficient, and the individual does not need to resort to View 3 above and link, in a necessary way, legal categories with moral assessments, thereby bypassing revelation. In the absence of the Imam, the legal categorisations, as provided by the extant statements (the *akhbār*), are sufficient for the community to follow the true path. That it is the *akhbār* themselves which proclaim the view that one should obey the *akhbār* was a circularity which subsequent opponents of Akhbarism exploited enthusiastically.

The second scriptural argument involves reports which demonstrate that before the legal categorisations are revealed, items are uncategorizable, and have a fundamental permission (*al-ibāha al-aṣliyya*). Al-Astarābādī cites the well-known report “All things are unrestricted until a prohibition is applied to them” (IBN BĀBĀWAYH n.d.: I, 317). This demonstrates, for al-Astarābādī, that the moral assessments of good and evil, even if they are essential to an action, do not imply any legal category (in this case, prohibition). This report demonstrates that legal categories require revelation. Without revelation, “all things are unrestricted” legally speaking (even those with evil attributes). Furthermore, for punishment to be the appropriate consequence of actions, a prohibition (*nahy*) is necessary. This report, and others like it, establish that it is revelation alone that makes an action forbidden, even when reason identifies it as evil.

Finally, al-Astarābādī cites yet more reports which demonstrate that when a legal categorisation is not clear (*fī kull wāqi'a lam yakun ḥukmuhā bayyinan*), the appropriate course of action is to suspend judgement (*tawaqquf*). When there is a rational assessment—

¹⁹ An obvious counter argument is that one can only accept these scriptural sources though after having already accepted the Akhbārī framework of legal theory.

²⁰ A reference to the early, pre-Kulaynī collections of hadith. See KOHLBERG 1987.

coming from an essential attribute—that an action is good or evil, one is commanded to suspend judgement rather than declare an action forbidden. This stipulated “suspension of judgement” would not occur if there was a necessarily correlation between the essential evil attribute, deserving punishment and the legal categorisation of an action as “forbidden”. If there was a necessary correlation, then all would be certain that the identification of an evil attribute means prohibition; since the reports indicate that there are cases of uncertainty, View 3 is counter-scriptural.

Composed in Mecca and Medina and distributed to Twelver Shīʿī centres of learning in Iraq and Iran, al-Astarābādī’s *al-Fawāʿid al-Madaniyya* appears to have prompted the composition of a number of works, both supportive and critical. Amongst the first reactions to his attempted Akhbārī revival are two works of legal theory, the *Hidāyat al-Abrār ilā tariq al-aʿimma al-aṭhār* of al-Ḥusayn b. Shihāb al-Dīn al-Karakī (d. 1076/1665) and the *al-Wāfiya fī uṣūl al-fiqh* of ʿAbdallāh b. Muḥammad al-Bushrawī (d. 1071/1660), known as al-Fāḍil al-Tūnī. The *Wāfiya* is a more technically adept work, following closely the argumentation of standard works of *uṣūl*. In many areas, it also follows standard (*uṣūlī*) argumentation—but al-Tūnī argues for some doctrines which clearly demonstrate a debt to al-Astarābādī’s Akhbārī critique. Al-Karakī’s *Hidāya* is a more straightforward exposition of Akhbārī methodology, without much argumentation, but (unlike al-Astarābādī’s *Fawāʿid*) it is clearly arranged following a coherent structure drawn from the existing *uṣūl* tradition. In both works the *mulāzama* doctrine is explored; both authors reject al-ʿAllāma’s view though they do not slavishly follow al-Astarābādī’s conclusions. In the remainder of this chapter, I examine these two Akhbārī-leaning accounts of the *mulāzama* debate in turn; my argument is that together, these three discussions (al-Astarābādī, al-Karakī and al-Tūnī) demonstrate that Akhbarism was not a rejection of rationalism per se, but instead Akhbārī positions echo different Muʿtazilī doctrines on the essential attributes of good and evil. Akhbārīs, then, can be seen as participating in theological and legal discussions having accepted fundamental Muʿtazilī principles of the rational foundation of moral assessments.

Al-Karakī, coming from one of the Arab families which migrated to Iran during the early Safavid period, was based in Isfahan, only leaving for India (and settling in Hyderabad) for the last two years of his life. He was introduced to al-Astarābādī’s ideas when in Isfahan, and though he does not explicitly name him as source, he does cite the *Fawāʿid* at various points. More generally, al-Astarābādī’s ideas are re-expressed (with some adjustments) in the *Hidāya* (though with greater attention to their systematic presentation). On the doctrine of *mulāzama*, he first outlines the different opinions on the topic. The major difference is between rationalists (*al-ʿuqalāʾ*) and Ashʿarīs. The rationalists, al-Karakī argues, hold that “the goodness of some actions (*ḥusn baʿd al-aḥḥād*)—like justice—mean (*bi-maʿnā*) that the one who performs them deserves praise and reward (*al-madh wa-l-thawāb*).” Similarly, evil acts “mean” that the performer deserves censure and punishment (*al-dhamm wa-l-ʿiqāb*).²¹ The Ashʿarīs, on the other hand, hold that “there is no good or evil under this meaning,

21 AL-KARAKĪ 1974: 250 (emphasis added). The phrase *bi-maʿnā* may indicate something as simple as “which is to say...”; it might be seen as a conceptual/linguistic linkage between goodness on the one hand, and deserving praise and reward on the other. If the latter, then these rationalists (*ʿuqalāʾ*) as al-Karakī refers to them, are advocating a strong version of *mulāzama* (good attribute-praise – reward, and perhaps the legal categorisation of forbidden).

rationally speaking (*bi-hādhā l-ma'nā 'aqlan*). Rather [good and evil] follow the command of the Lawgiver" (al-KARAKĪ 1974: 251), thus setting their position as quite different from the Mu'tazilī positions discussed above. Al-Karakī's is, of course, a simplistic caricature of the Ash'arī position, but this does not mean he has no awareness of the debates within Sunni conceptions of *ḥusn* and *qubh*. He states that the rationalists hold the view that some actions are essentially good by virtue of the fact that they deserve praise and reward, and this would be held by "someone who knows nothing of the [divine] laws (*sharā'i*) and does not even acknowledge the existence of the Creator" (al-KARAKĪ 1974: 250-1). They hold to this regardless of whether the acts have "deficient or complete" attributes (*ṣifāt kamāl aw naqṣ*). This is a reference to the doctrine that good and evil can be attributed to action on account of attributes of completeness and deficiency respectively. In this way, one can say knowledge is "good" and ignorance is "evil"—since the acquisition of knowledge is a form of completion, and being ignorant is to be, in some way, deficient. The doctrine is explored in both Māturīdī and Ash'arī texts and, when accepted, it represents a departure from the supposed Ash'arī total rejection of reason. Under this doctrine, reason can identify knowledge as good and ignorance as evil—it represents an acceptance that not all types value judgement (i.e., *ḥusn* and *qubh*) are established by the Lawgiver; a limited number can be established by reason (see al-TAFTAZĀNĪ 1957: 172-175). Al-Karakī is clearly aware of these Sunni doctrinal discussions (they are referenced in earlier works of Twelver Shī'ī *uṣūl* works, which is probably his principal source). However, al-Karakī's "rationalists" hold that *ḥusn* and *qubh* are not dependent on a recognition of attributes of completeness and deficiency—for them, *ḥusn* and *qubh* are instead established via the recognition that an action has deserts—namely, award of praise/reward and blame/punishment.

Al-Karakī is also aware of other Ash'arī formulations of *ḥusn* and *qubh*. For some, a rational recognition (i.e., independent of aid from revelation) that an action results in a benefit and harm (*maṣlaḥa aw maṣṣada*) can result in a purely rational determination that the action is good or evil (i.e., *ḥasan* or *qabīḥ*). This was a well-established formulation, famously associated with jurists promoting notions of "benefit" as the ethical ground of the law—since God's aim in providing his Law is to benefit (*maṣlaḥa*) humanity, and if a particular law can be seen to result in a (rationally detected) harm (*maṣṣada*), the harmful (but scripture-based) law can be set aside, and a beneficial one put in its place (OPWIS 2005). In this way, an action is good or evil, independent from scriptural support. For some attracted to this way of thinking, though, the whole notion of the Law being a benefit for humankind is itself a sort of *Grundnorm* derived from scripture, not reason. Al-Karakī references this position (i.e., that good and evil are grounded in an action's benefit and harm), but does not think it captures the rationalists' view: for them, some actions have the attribute of good—"meaning that" they deserve praise and reward; and others have the attribute of bad—"meaning that" they deserve censure and punishment. This is unrelated to whether an action brings about benefit or harm.

Amongst the rationalists, al-Karakī lays out variant positions; the differences between these positions involve different conceptions of an action's attributes and their ontology. From this flow notions of the deserts, rationally speaking, which flow from an action having these attributes. The four positions and those who subscribe to them are described by al-Karakī and can be summarized thus:

- (1) The early Mu'tazilīs believed that good and evil are part of the essences of actions (*dhawāt*) rather than due to attributes (*ṣifāt*) which necessitate the qualities of good and evil. This is clearly a corollary of early Mu'tazilī doctrine on divine attributes being identical with God's essence.
- (2) Al-Muḥaqqiq al-Ḥillī and Muḥammad b. Ḥasan al-Ṭūsī hold that an action's good and evil characteristics are due to real "essential attributes" (*ṣifa dhātiyya*).
- (3) Abū al-Ḥasan al-Baṣrī (d. 436/1044), the later Mu'tazilī figure, is described as believing that evil is due to an attribute which necessitates the act being evil; good, though, does not need an attribute in the same way, but rather the good in an action "is sufficient to eliminate the bad attribute from the action." This appears close to al-'Allāmā's opinion (described above). He argued that good is invariable, whilst evil can vary and be eliminated from an action by good (as exemplified by the case of lying to save a prophet).
- (4) The earlier Mu'tazilī Abū l-Hāshim al-Jubbā'ī (d. 321/933) hold that good and bad are rationally deduced, but they come about due to "aspects and considerations" (*wujūh wa-ṭibārāt*). These can be separated from those things the essence itself requires. For example, slapping a child could be considered educational (*ta'dīb*) and therefore good (according to al-Jubbā'ī, it should be added); or it could be an act of oppression (*ẓulm*), and hence evil. Al-Karakī mentions his teacher (*shaykhunā*), al-Shaykh al-Bahā'ī (the author of the above mentioned *Zubdat al-Uṣūl*), as holding this position. Also, as we have seen (though unmentioned by al-Karakī), al-'Allāmā also drew on al-Jubbā'ī's position, in his use of the notion of *wujūh*—aspects of an action which are non-essential but circumstantial.

Al-Karakī rarely presents worked out arguments for his position in the *Hidāya*, and his discussion on this topic is no exception. He simply states his position in bald terms: "the true position is that chosen by al-Muḥaqqiq and al-Ṭūsī" (i.e., the second position in the above list). According to this view (and hence for al-Karakī also), good and evil are essential attributes—which, though essential can be distinguished from an act's essence. These essential attributes then are not what makes the act what it is, but they are unavoidable entailments of the act's qualities. Lying might be described as the intentional telling of an untruth whilst knowing it to be untrue. These characteristics form the essence of lying. That lying is evil flows out of having these essential characteristics, but being evil is not an essential element of what a lie is. This means that, for this position, an evil act remains evil because of an essential attribute; but non-performance of this evil action need not always be the correct course of action:

The true position is that held by al-Muḥaqqiq and al-Ṭūsī: [an evil action] never ceases being evil by reason, but it is possible to take the lesser of two evils because of a benefit (*maṣlaḥa*) which makes it obligatory to choose this [lesser evil]—such as the killing of a murderer, or lying to save the Prophet. (al-KARAKĪ 1974: 251)

So, for al-Karakī, an action cannot not be evil because of any detriment it causes; however, it can become obligatory (*wājib*) because of a benefit it might bring about. The legal category of obligation is linked with the results of an action; the moral assessments of good or evil concern the ontology of the act itself (in this case, the presence of essential attributes). There

is, then, no necessary connection for al-Karakī between an act's essential attribute of good or evil and the requirement to perform or not perform the action. Without this connection, there can be no necessary punishment for performing an evil act.

The shift from the early Mu'tazilī position (where the act is essentially evil, i.e., position 1 above), to this reformulated position (position 2, an act is evil due to an essential attribute) enables al-Karakī (following al-Tūsī before him) to separate any necessary connect between an act's attributes of good and evil, and the legal categories of obligation and prohibition (and the associated reward and punishment). This is not say, though, that all legal categories are necessarily scriptural in their origin—for al-Karakī, permission and prohibition at least are available to reason:

Know that just as good and evil are rational, in the same way permission and prohibition are also rational. However, they are not essential to the thing (*laysā dhātiyyayn*). Instead, they come about due to aspects and considerations (*wujūh wa-ṭibārāt*) and hence they are subject to change (*tabaddul*). (al-KARAKĪ 1974: 251-2)

Here, permission and prohibitions (*al-ḥill wa-l-ḥurma*) are rationally deduced, but they are not essential, and can be removed and replaced (*jāza tabadduluhumā*):

So, a thing can be permitted in one revealed law (*sharī'a*) and forbidden in another. The law, when it identifies it is permitted or forbidden, reveals something which reason deduces independently. (al-KARAKĪ 1974: 252)

Al-Karakī's use of the phrase *wujūh wa-ṭibārāt* relates back to one of the positions he rejects at the outset of the discussion—namely that of Abū l-Hāshim al-Jubbā'ī. Al-Jubbā'ī viewed good and evil as non-essential, but rationally deducible via *wujūh wa-ṭibārāt*. Al-Karakī rejects the idea that good and evil are due to *wujūh wa-ṭibārāt*—instead they are due to essential attributes (*ṣifāt dhātiyya*). However, permission and prohibition—that is legal categories—can be deduced via reason (i.e., independently from scripture) through *wujūh wa-ṭibārāt*. Al-Karakī, then, borrows the concepts of one Mu'tazilī (Abū l-Hāshim al-Jubbā'ī's idea of *wujūh wa-ṭibārāt*) and applies it to a separate element of his moral theory (i.e., permission/prohibition rather than good/evil). This deft piece of borrowing demonstrates how al-Karakī's discussion is entirely framed within Mu'tazilī parameters.

Al-Karakī's densely worded formulation can be summarised thus:

1. An act is evil or good on account of an essential attribute; but it could be obligatory to perform an evil act on account of a benefit which accrues from its performance, making it the lesser of two evils.²² Both the essential attribute and the fact that the act can be performed are rationally deduced; the permitted (and perhaps obligatory) performance of an evil act does, though, break any supposed link between essential attribute and morally required action.
2. There is a separation between the assessment of the act (as good or evil) and the legal categorisation of the act (as permitted or forbidden). That an act's performance

²² Though he does not state it, it would seem possible that a good act could be neglected because is it the lesser of two goods, and his system would not necessarily be undermined.

is permitted or forbidden can be rationally deduced, but this is due to other qualities of the act—namely “aspects or considerations”. These “aspects or considerations” can change over time, and so an act which is good or bad can, as judged by reason, be permitted or forbidden depending on these “aspects or considerations” (which appear to equate to the “circumstances” of an act).

So far the analysis has been in the realm of reason. What, then, is the role of revelation in al-Karakī's scheme? He writes:

The Law comes to reveal what reason cannot reach independently when it assesses an act being permitted or prohibited. (al-KARAKĪ 1974: 252)

So, legal categorisations are available through reason (that one is obligated to lie to save a prophet, for example) and through revelation (al-Karakī does not mention any, but perhaps the actions of prayer or the prohibition on eating swine could qualify as revelation-derived legal categorisations). However, these legal categorisations (derived via both reason and revelation) are not “essential” (*dhātī*) to the act (either in the essence or as essential attributes), and hence can change over time and in different circumstances. This distinguishes them from the moral assessments (good and evil), which are arrived at entirely through reason and are each due to a particular essential attribute (*ṣifa dhātiyya*). These moral assessments are unchanging (a lie is always evil even when obligated through circumstances). Al-Karakī indicates that a failure to be clear on these matters explains why there is so much confusion over these matters amongst the scholars:

The ambiguity over good and evil being essential attributes is due to confusion over the issue at hand: the [ambiguity] comes about simply because there are those who claim that permission and prohibition are essential, and that a rationally deduced evil [act] is necessarily forbidden (*al-qubḥ al-‘aqlī malzūm lil-ḥurma*).²³

For al-Karakī, he has established three fundamental moral truths: (1) only moral assessments are essential (albeit by an essential attribute rather than being an essence itself); (2) the legal categories are contingent to the act, not essential; (3) there is no necessary connection between the moral assessments and the legal categories (even when they are both rationally deduced).

²³ Al-Karakī does add, though, that in the absence of a law—that is before a law has been revealed—the decisions of reason as to permission and prohibition can act as legitimate justifications for an individual to act or not to act. This is because “it is understood from the noble reports [from the Imams] that everything which reason does not declare to be evil, before a law is revealed, is permitted” (al-KARAKĪ 1974: 202). The Imams have, for al-Karakī, stated the position, and there is the opinion that creates the legal theory: Reason, then, “before revelation”, can decree something evil (by recognition of essential attributes), and this would make it forbidden in the pre-revelation context. The whole discussion of reason's ability before revelation is moot though (to be precise, “useless” *lā fa’ida li-dhālika ‘indanā*). Revelation has come, he states, and decreed not only rules, but a process of rule derivation for every circumstance. There is no analogy for al-Karakī between reason's operation before revelation and the circumstances when the textual sources are unclear—whilst revelatory silence characterises both circumstances, it is a different kind of revelatory silence: it is the difference between revelation being absent and being perceived to be silent.

How does this position, also Akhbārī in tenor, outlined by al-Karakī compare with that proposed by al-Astarābādī a generation earlier? For al-Astarābādī, legal classifications are defined by the punishment or reward which flows from an act's performance and though they may coincide with rational assessments of good and evil, they are not necessarily determined by them. Therefore, for al-Astarābādī, to say that an act is forbidden is to say nothing more than it was declared so by the Lawgiver and that punishment will follow from its performance. For al-Karakī, this is only partially true: acts can be legally classified by reason (e.g. the obligation to lie to save a prophet) and by revelation (e.g. eating swine is forbidden). However, like al-Astarābādī, there is no necessary correlation between these legal classifications and the moral assessments of the acts themselves in al-Karakī's scheme. Legal classifications can vary from circumstance to circumstance and from time to time; moral assessments are permanent (and hence, in some sense "essential"). Whilst al-Astarābādī focusses on reward and punishment as the hallmarks of the legal classifications or obligation and prohibition, al-Karakī concerns himself primarily with the legal categories (prohibition, permission, obligation etc). It may be that al-Karakī views the legal classification of, say, obligation, as meaning nothing more than "deserving reward in the view of the Lawgiver"; if so he does not say so explicitly. It would not undermine the system, as far as I can tell if he were to assert this, and thereby tie his position more closely to that of al-Astarābādī. There are differences here, but the basic framework (essential moral attributes/non-essential legal categories) runs through both positions, and is clearly the crucial point for both these two Akhbārī thinkers.

In the period immediately after al-Astarābādī's critique, there was one other significant, formulation of the relationship between *ḥusn/qubḥ* and the legal assessments which might be termed Akhbārī-esque. 'Abdallāh al-Fāḍil al-Tūnī, a leading Khorasani scholar based in the seminaries in Isfahan, was clearly influenced by the Akhbārī position. He presents his major work of legal theory, *al-Wāfiya*, in standard *uṣūl* fashion. In many respects his discussion of legal issues appears Akhbārī in tone; but at other points, such as the chapters discussing *ijtihād* and *taqlīd*, he presents doctrines incompatible with al-Astarābādī's system. This blend has led to some in the subsequent tradition declaring him an Akhbārī while others claim him as an Uṣūlī. Notwithstanding the ambiguous assessment in the later tradition, al-Tūnī's position on the question of *mulāzama* is almost perfectly aligned with that of al-Astarābādī, though, one might say, presented in a more scholarly manner. In his section on rational indicators (*al-adilla al-'aqliyya*) he writes:

[Rational indicators] are of different types:

The first involves those things reason can rule on independently—like the obligation to repay a debt, or return a loan; and the prohibition of oppression, and that it is recommended to be honourable and such like. This is what is mentioned by al-Muḥaqqiq (in his *al-Mu'tabar*)²⁴ and al-Shahīd²⁵ (in his *al-Dhikrā*) and by others. The proof for this is based on *al-ḥusn wa-l-qubḥ al-'aqliyyān* [i.e., that good and evil being

24 A reference to *al-Mu'tabar fī sharḥ al-Mukhtaṣar* by Ja'far b. al-Ḥasan al-Muḥaqqiq al-Ḥillī (d. 626/1277).

25 A reference to *Dhikrā al-Shī'a fī aḥkām al-Sharī'a* by Muḥammad b. Makkī al-Shahīd al-Awwal (d. 786/1384).

rationally recognised]. The correct and true position is that they are established, as stipulated by necessary reasoning in its totality.

There is however discussion and debate around legal assessments—such as whether the legal categorisations of obligation or prohibition is established by [rationally established assessments of] good and evil.

Rational obligation (*al-wājib al-‘aqlī*) refers to those actions, the performer of which deserves praise and the one who neglects them, deserves censure.

Legal obligation (*[al-wājib] al-shar‘ī*) refers to those actions, the performer of which deserves reward and the one who neglects them, deserves punishment.

The opposite is the case with prohibition. (al-Tūnī 1992: 171)

Here we have a direct match up with al-Astarābādī’s position, though expressed in slightly different terms. Reason can establish that an action is good (or evil), and that it is obligatory (or prohibited) in the sense that the performer deserves praise (or censure). Revelation, though establishes that the performer of that action deserves (reward or punishment). Al-Tūnī gives four arguments for this position, some scriptural, some rational:

1. God says, “We shall not punish until we send a messenger” (Q17/*al-Isrā’*: 15). This is a commonly cited verse in these disputes, and is used by al-Tūnī to argue that “there is only punishment [in the sense of the desert for performing a legally prohibited act] after the Messenger is sent.”
2. The reports from the Imams, such as the famous “All things are unrestricted until a prohibition refers to it”, also indicate that a scripture is necessary for legal categorisation.
3. Moral duties arising out of the rational assessment of actions come about due to God, out of his goodness, allowing these duties to come into being. If he was to then punish for non-performance without an explicit stipulating text, he would be acting contrary to his quality of goodness, and this is not permitted. Therefore, though moral duty (i.e., a form of *taklīf* from which censure or blame flow) might come into being due to reason, there can be no punishment without an explicit text stipulating the connection between censure and blame on the one hand, and divine punishment on the other.
4. The Imams stated that a person can do all his prayers, fasting, almsgiving and pilgrimage, but if “he does not recognise the spiritual authority of Imam ‘Alī, then he shall have no right to a reward from God, and he is not one of the people of faith” (al-KULAYNĪ 2009, II: 18). Reports expressing similar messages are numerous and widely accepted amongst the Twelver Shī‘ī scholars. These reports indicate, for al-Tūnī, that the rewards for obeying the rulings relating to actions (*al-aḥkām al-‘amaliyya*) are dependent on revelation, not reason. If reason established that one was rewarded for obeying God’s commands in these areas (i.e., reward was essential to the act, just like its moral property of goodness), then the reward could not be removed by the failure to accept the spiritual authority of Imam ‘Alī. Since, as the report makes clear, the rewards for prayer and fasting can be removed if the individual does not recognise Imam, reward cannot, rationally speaking, be invariably established. The fact that essentially good acts can have their rewards

removed means, for al-Tūnī, that reward cannot be an essential element of a good act.

Al-Tūnī cites various scholars—both Shīʿī and Sunni—who have discussed these matters, finding his own position to be in broad agreement with al-Sayyid al-Murtaḍā and Naṣīr al-Dīn al-Ṭūsī (amongst the Shīʿa), and Badr al-Dīn al-Zarkashī (amongst the Sunnis). He then quotes Muḥammad Amīn al-Astarābādī's *al-Fawā'id al-Madaniyya* (though he refers to him simply as “one of the moderns from amongst our colleagues”). In the passage, al-Astarābādī argues that the report “All things are unrestricted until a prohibition refers to it” proves that good and evil are essential, but obligation and prohibition are not: the report shows the latter claim that legal categories are essential “is false but not the former” claim concerning good and evil being essential. Al-Astarābādī ends with the assertion that “most of the things which are considered evil rationally are not forbidden in the Sharīʿa”—a provocative statement which al-Tūnī considers highly debateable (*fī ākhir kalāmihī naẓar ẓāhir*). Even if he disagrees with al-Astarābādī on this point, their fundamental positions on the issues of *mulāzama* are compatible: reason establishes good and evil as an act's characteristics, and reason also establishes that praise and blame result from the act's performance; only scripture can link these with reward and evil.

Conclusion

In the above, I have examined three formulations of *mulāzama* which, though presented differently, display a consistent, broadly Akhbārī position: good and evil are essential to (or essential attributes of) acts; these acts may also have a corresponding legal classification, but there is no logically necessary entailment between the rational assessment and the legal classification.²⁶ In this, they consider themselves to have precedent within Islamic intellectual history generally, and within the Shīʿī tradition in the form of supposedly clear and unambiguous statements from the Imams themselves, and from previous scholars (particularly al-Sayyid al-Murtaḍā and Naṣīr al-Dīn al-Ṭūsī).

The Akhbārī refusal to allow a necessary connection between rational moral assessments and scriptural legal classifications appears, on an initial reading, quite Ashʿarī in tone. The

26 That an action which deserves praise also deserves punishment seems an almost unquestioned element of the Basran Muʿtazlī outlook, expertly laid out by Vasalou: “Here it is asserted that the principles of punishment are the same as those of blame, and that both stand or fall together, for what has a determinant effect (*muʾaththir*) in both is the fact that the person committed acts of disobedience and breached their obligations” (VASALOU 2008: 121). And “since it is known that blame is deserved in perpetuity, the same must apply to punishment.” There are, though, some types of blame which do not lead to punishment: I steal your property, and then put it back before you notice—I deserve blame but not punishment (VASALOU 2008: 110); “We have already seen that blame (*dhamm*) and praise (*madh*) function as the building blocks of the definitions of moral qualities. Reward (*thawāb*) and punishment (*ʿiqāb*) were considered to constitute the counter-parts of these responses, in the sense that the person who deserves blame is such as also deserves punishment. Blame is the moral prototype of punishment: it is the paradigm accessible to us in this world (*al-shāhid*) by which we may grasp the principles that apply to its counterpart in the other world (*al-ghāʾib*), and thus the justification for the one is the justification for the other” (VASALOU 2008: 77).

Akhbārīs themselves identify occasional, later Ash‘arīs (such as al-Zarkashī) who hold similar positions.²⁷ However, the Akhbārī position, and the Akhbārīs themselves, see their position, first and foremost, as the one laid out by the Imams, and this position (they argue) shares certain characteristics with at least some early Mu‘tazilīs. These include the belief that acts are not good and evil because the Lawgiver decrees them so—they are good and evil due to essential attributes of the acts themselves. The Lawgiver is required to act in a just and fair manner (as determined by reason), and this represents something of a constraint on his actions. Praise and blame, even coming from the Lawgiver, are necessary entailments for the commission of good and evil acts respectively. These Akhbārīs employ essentially Mu‘tazilī ideas of attribute and essence, and the changeable nature of legal assessments (such as *wujūh wa-‘tibārāt*). All of these propositions demonstrate that the terms of the debate for Akhbārīs are essentially Mu‘tazilī (or rather, the adoption of Mu‘tazilī ideas and their adaption within the Ithnā‘ ‘asharī tradition). It is perhaps best to characterise the Akhbārī position not as an anti-rationalist (or anti-Mu‘tazilī) position, but as a development of certain ideas originating in the various doctrinal paths within Mu‘tazilism, but by the time of these writers, wholly incorporated and naturalised within Ithnā‘ ‘asharī Shi‘ism. Their formulation is, perhaps, a more conservative form of Mu‘tazilism, sharing some doctrines with trends before the dominance within Mu‘tazilism of Abū Hāshim al-Jubbā‘ī and his followers, the Bahshamiyya.²⁸ The rise of a revived Uṣūlī school, under the leadership of Muḥammad Bāqir al-Bihbahānī (known as al-Wahīd, d. c. 1205/1791) led to yet more intricate reformulations of the *mulāzama* doctrine, most of which represent a response to the Akhbārī position.²⁹

For the Akhbārīs, there is a form of *mulāzama* between good/evil and praise/blame, though they do not use the term. This, for them, is a logically required rational entailment—if an action is evil it deserves censure; if it is good, it deserves praise. They advocate, then, a limited form of *mulāzama*. The “full” *mulāzama* (i.e., between good/evil and reward/punishment, and subsequent legal categorisation) is, for them, a problematic Uṣūlī assertion. Whilst they might accept a customary link between good/reward and punishment (i.e., things punished in the law are usually things which have evil attributes and deserve censure), no necessary entailment can operate here for the Akhbārīs. The principal, explicit Akhbārī argument for denying the more extensive form of *mulāzama* is scriptural. They argue it does not accord with the saying of the Imams; but of course, scriptural sources are rarely

27 Al-Zarkashī represents a more sophisticated Ash‘arism reflecting the extensive reworking of the tradition after al-Rāzī.

28 Exactly which elements of the Akhbārī position on this and other issues are Baghdādī, Ikshīdī, Baṣrī or otherwise requires a more extended study. It is clear, though, that their positions are, in the main, not developed through direct interaction with the Mu‘tazilī tradition (or Mu‘tazilī writings) directly. Rather, their acquaintance with these ideas is refracted through their adoption and adaption within Ithnā‘ ‘asharī Shi‘ism. See ANSARI and SCHMIDTKE 2016.

29 The development of *mulāzama* in the 19th century Uṣūlism requires a separate study. But worthy of note here are (1) the development of *mulāzama* as a principle of doctrine (*qā‘ida*), which appears championed by Abū l-Qāsim Mīrzā al-Qummī (d. 1231/1815-16) and (2) the retro-Akhbārī position put forward by Muḥammad Ḥusayn al-Iṣfahānī (d. 1261/1845, known as Sāhib al-Fuṣūl), that whilst there is *mulāzama* it is not an actual entailment (*fī l-wāqī‘a*) but only an apparent (*fī l-ẓāhir*) entailment, sufficient for legal production but not for certain knowledge of God’s own categorisation of acts. See, for example, the discussion in IṢFAHĀNĪ 1983: 342.

determinative of theological doctrine. They are, one might say, the quintessential polyvalent knowledge source. A more significant factor in the Akhbārī formulation is that full *mulāzama* robs the *akhbār* of their probative force; limited *mulāzama* gives the *akhbār* a role in legal deduction, whilst not denying the obviously persuasive and traditionally sanctioned doctrines of the rationality of good and evil (*al-ḥusn wa-l-qubḥ al-‘aqliyyān*) and ultimate justice (*‘adl*) of God.

Bibliography

Sources

- al-‘ALLĀMA, al-Hasan b. Yūsuf. *Manāḥij al-Yaqīn fī uṣūl al-dīn* / ed. Muḥammad al-Anṣārī. Qum 1416AH/ 1995.
- . *Kashf al-Murād fī sharḥ Tajrīd al-‘itiqād* / Beirut 1988.
- al-ASTARĀBĀDĪ, Muḥammad Amīn. *Al-Fawā'id al-Madaniyya* / ed. Mu'assasat al-Nashr al-Islāmī al-tābi'ah li-Jamā'at al-Mudarrisīn. Qum, 1424/2003.
- al-BAHĀ'Ī, Muḥammad b. Ḥusayn al-‘Āmilī, al-Shaykh. *Zubdat al-uṣūl* / Qum, 1423/2002.
- al-ḤILLĪ, Naṣīr al-Dīn. *Al-Anwār al-Jalāliyya fī sharḥ al-fuṣūl al-naṣīriyya* / ed. by ‘Alī Ḥājī Ābadī et al. Mashhad n.d.
- IBN BĀBĀWAYH, Abū Ja‘far. *Man lā yaḥḍuruḥu l-faqīh* / ed. by Muḥammad Jawād al-Faqīh. 4 vols. Qum, n.d.
- al-IṢFAHĀNĪ, Muḥammad Ḥusayn b. ‘Abd al-Raḥīm. *Al-Fuṣūl al-Gharawiyya fī l-uṣūl al-fiqhiyya* / Qum 1404AH/1983.
- al-KARAKĪ, Ḥusayn ibn Shihāb al-Dīn. *Hidāyat al-Abrār ilā tarīq al-a‘immah al-aṭḥār* / ed. Ra’ūf Jamāl al-Dīn. Baghdad 1394AH/1974.
- al-KHUMAYNĪ, Rūḥallāh. *Tahdhīb al-uṣūl* 3 vols. Qum 1423AH/ 2002.
- al-KHURASĀNĪ, Muḥammad Kāzim. *Kifāyat al-uṣūl* / Qum 1409AH/ 1988.
- al-KULAYNĪ, Muḥammad b. Ya‘qūb. *Al-Kāfī* / ed. ‘Alī al-Ghaffārī. Tehran 1388Sh/2009.
- al-ṢADR, Muḥammad Bāqir. *Al-Durūs fī ‘ilm al-uṣūl* / 3 vols. Beirut, 1406AH/1986.
- al-TAFTAZĀNĪ, Sa‘d al-Dīn. *Sharḥ al-Talwīḥ ‘alā al-Tawḍīḥ* / Cairo, 1377AH/1957.
- al-TUNĪ, ‘Abdallāh b. Muḥammad. *Al-Wāfiya fī uṣūl al-fiqh* / ed. Muḥammad al-Kashmīrī. Qum 1412AH/1992
- al-ZARKASHĪ, Abū ‘Abdallāh. *Tashnī‘ al-Musāmiḥ fī jam‘ al-jawāmi‘* / ed. Sayyid ‘Abd al-‘Azīz [et al.]. Mecca, 1418AH/1998.

Studies

- ABISSAB, Rula. 2015. “Shī‘i Jurisprudence, Sunnism and the Traditionalist Thought (Akhbari) of Muhammad Amin Astarabadi (d.1626-7).” *International Journal of Middle East Studies*, 47/1:5-23.
- ADAMSON, Peter (ed.). 2011. *In the Age of Averroes: Arabic Philosophy in the Sixth/Twelfth Century*. London: The Warburg Institute.
- ANSARI, Hassan, and Sabine SCHMIDTKE. 2016. “The Shī‘ī Reception of Mu‘tazilism (II): Twelver Shī‘īs.” In: SCHMIDTKE (ed.) 2016: 196-214.
- BENNETT, David. 2016. “The Mu‘tazilite Movement (II): The Early Mu‘tazilites.” In: SCHMIDTKE (ed.) 2016: 142-158.

- BHOJANI, Ali-Reza, et al. (eds.). 2020. *Visions of Sharī'a: Contemporary Discussions in Shī'ī Legal Theory*. Leiden: Brill.
- COLE, Juan R. I. 1989. "Ideology, Ethics, and Philosophical Discourse in Eighteenth Century Iran." *Iranian Studies* 22/1: 7-34.
- EL-OMARI, Racha. 2016. "The Mu'tazilite Movement (I): The Origins of the Mu'tazila." In: SCHMIDTKE (ed.) 2016: 130-141.
- ESOTS, Janis (ed.). *The Renaissance of Shī'ī Islam*. Forthcoming.
- FAHD, Tawfiq (ed.). 1970. *Le Shi'isme Imamite*. Paris: Paries Presses Universitaires de France.
- FARZANEH, Mateo Mohammad. 2015. *The Iranian Constitutional Revolution and the Clerical Leadership of Khurasani*. Syracuse, New York: Syracuse University Press.
- GIMARET, Daniel. 1980. *Théories de l'acte humain en théologie musulmane*. Paris: Vrin.
- GLEAVE, Robert. "Postclassical Legal Commentaries in Imāmī Shī'ī Jurisprudence." In: ESOTS (ed.). forthcoming.
- . 2007. *Scripturalist Islam: The History and Doctrines of the Akhbari Shii School*. Leiden: Brill.
- , and Asad AHMED. 2018. "Rationalist Disciplines and Postclassical Islamic Legal Theories." *Oriens*, 46/1-2: 1-5
- KOHLBERG, Etan. 1987. "Al-Uṣul al-Arba'umī'a." *Jerusalem Studies in Arabic and Islam*, 10: 128-66.
- . 1987. "Aspects of Akhbari Thought in the Seventeenth and Eighteenth Centuries." In: LEVTZION (et al., eds.) 1987: 133-60.
- LEVTZION, Nehemia (et al., eds.). 1987. *Eighteenth-Century Renewal and Reform in Islam*. Syracuse: Syracuse University Press.
- MADELUNG, Wilferd. 1970. "Imamism and Mu'tazilite Theology." In: FAHD (ed.) 1970: 13-21.
- . 2008. "Review of R. Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbari Shii School*." *Journal of Islamic Studies*, 19/3: 398-400.
- MAZZAOI, Michel (ed.). 2003. *Safavid Iran and Her Neighbors*. Salt Lake City, Utah: Utah University Press.
- MODARRESSI, Hossein. 1984. *Introduction to Shi'i Law*. London: Ithaca Press.
- . 1984. "Rationalism and Traditionalism in Shī'ī Jurisprudence: A Preliminary Survey." *Studia Islamica*, 59: 141-58.
- NEWMAN, Andrew. 1992a. "The Nature of the Akhbārī/Uṣūlī Dispute in Late Ṣafawid Iran. Part 1: 'Abdallāh Al-Samāhijī's 'Munyat Al-Mumārīsīn'." *Bulletin of the School of Oriental and African Studies, University of London*, 55/1: 22-51.
- . 1992b. "The Nature of the Akhbārī/Uṣūlī Dispute in Late Ṣafawid Iran, Part 2: The Conflict Reassessed." *Bulletin of the School of Oriental and African Studies, University of London*, 55/2: 250-61.
- OPWIS, Felicitas. 2005. "Maṣlaḥa in Contemporary Islamic Legal Theory." *Islamic Law and Society*, 12/2: 182-223.
- REINHART, Kevin. 1995. *Before Revelation: The boundaries of Muslim moral thought*. Albany: State University of New York Press.
- SCHMIDTKE, Sabine (ed.). 2016. *Oxford Handbook of Islamic Theology*. Oxford: Oxford University Press.
- . 2016. "The Mu'tazilite Movement (III): The Scholastic Phase." In: SCHMIDTKE (ed.) 2016: 159-180.
- SCHWARB, Gregor. 2011. "Mu'tazilism in the Age of Averroes." In: ADAMSON (ed.) 2011: 251-281.

- SHIHADDEH, Ayman. 2019. "Avicenna's Theodicy and al-Rāzī's Anti-Theodicy." *Intellectual History of the Islamicate World*, 7: 61-84.
- . 2016. "Theories of Ethical Value in Kalām: A New Interpretation." In: SCHMIDTKE (ed.) 2016: 384-407.
- STEWART, Devin "The Genesis of the Akhbari Revival." In: MAZZAOI (ed.) 2003: 169-193.
- VAN ESS, Josef. 1984. *Une lecture à rebours de l'histoire du mu'tazilisme*. Paris: Librairie orientaliste Paul Geuthner.
- VASALOU, Sophia. 2008. *Moral Agents and Their Deserts: The Character of Mu'tazilite Ethics*. Princeton; Oxford: Princeton University Press.
- YOUNG, Walter. 2016. "Mulāzama in Action in the Early Ādāb Al-Baḥṭh." *Oriens*, 44.3/4: 332-85.

© Robert Gleave, University of Exeter, UK
◀ r.gleave@exeter.ac.uk ▶