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Towards New Perspectives on

Ethics in Islam

Casuistry, Contingency, and Ambiguity

Guest editor

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Moral Value and Commercial Gain: Three Classical Islamic Approaches

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Abstract

This paper presents three theoretical accounts developed to assess the moral value and legal status of acts designed to promote commercial gain in the thought of major classical Muslim scholars. There has been an increased interest in Islamic commercial law and ethics in recent years. Much of the recent scholarship consists of practically inclined studies that tend to lump the Islamic tradition of evaluation of commerce under the principles of social justice and avoidance of harm. Our study of three selected scholars will reveal distinct approaches that are characteristic of classical Islamic ethical discussions: anchoring moral value in this world, attributing moral goodness to salvation in the next world, and finding a balance between these two approaches. Counterintuitively, we will see that the naturalistic view that ascribes moral values to things and actions was the most restrictive, whereas the dualistic model that focuses on salvation in the next world was markedly more permissive of commercial transactions.

Keywords: Commercial ethics, Islamic law, Islamic ethics, Abū Ḥāmid al-Ghazālī, al-‘Izz b. ‘Abd al-Salām, Shaykh al-Ṭūsī

Introduction

This paper presents three theoretical accounts developed to assess the moral value and legal status of acts designed to promote commercial gain in the thought of major classical Muslim scholars. The purpose of these accounts is to serve as an entry-point for theoretically grounded inquiry into classical Islamic commercial thought by introducing three general approaches to morality in the classical tradition and elucidating their corresponding systems of commercial morality. There has been an increased recent interest in Islamic commerce, finance, and commercial ethics in recent years, possibly as a reaction to global economic crises and a persistent scholarly inclination to search for alternative modes of conceiving of commerce. Much of the recent scholarship, however, consists of normatively and practically inclined studies that draw upon Quranic and classical juristic doctrines (e.g., QUDDUS, BAILEY III and WHILTE 2009; ALI 2015; PERRY 2006). Such practically oriented studies display a tendency to lump the Islamic tradition of legal-moral evaluation of commerce under the principles of social justice and “avoidance of harm,” though such principles certainly had

their place (e.g., ALI 2015: 3-13) studies that attempt to ground Muslim classical reflections on commerce in their philosophical foundations are virtually non-existent.¹

Our study of three selected scholars will reveal three distinct approaches that are characteristic of classical Islamic ethical discussions: anchoring moral value in this world, attributing moral goodness to salvation in the next world, and finding a balance between these two approaches. Naṣīr al-Dīn al-Ṭūṣī is a scholar who begins from a moral theory that ascribes intrinsic moral values to objects, actions, and persons, and proceeds to evaluate commercial transactions accordingly. Abū Ḥāmid al-Ghazālī's treatment of commerce in his *Iḥyā'* avoids the ascription of any intrinsic moral values to acts for the sake of a dualistic theory. For Ghazālī, only the next, non-material world, matters, and therefore all actions, including commerce, should be evaluated based on their *effects* concerning the likelihood of success in the next life. Finally, al-'Izz b. 'Abd al-Salām is an example of a scholar who attempted to draw links between considerations of benefit in this world and success in the next and formulated a commercial moral theory that took both concerns into account. Counterintuitively, we will see that the naturalistic view that ascribes moral values to things and actions was the most restrictive, whereas the dualistic model that focuses on salvation in the next world was markedly more permissive of commercial transactions.

Scholars of commercial ethics in general distinguish between two approaches to the subject. On the one hand, many philosophers begin by formulating a general moral theory, then proceed to normatively assess commercial behavior according to such theory (MORIARTY 2017).² On the other hand, some scholars of commercial ethics work in an opposite direction: they begin from particular commercial practices and then proceed to formulate frameworks that would help assess those practices. Some commercial practices that have attracted philosophical attention include advertising, pricing, negotiation, and corporate responsibility (e.g., ATTAS 1999; HOLLEY 1998; CARR 1968).

As we will see, both approaches can be detected in the work of classical Muslim jurists, although greater emphasis is placed on the former, i.e., assessing commercial practices in light of a pre-conceived overarching moral theory. Classical approaches to the evaluation of commercial acts were as diverse as the theoretical views on the foundations of ethics more generally that were adopted in that tradition. While each scholar begins from a specific theory of morality, when it comes to discussing the goodness and lawfulness of particular commercial practices, the coherence of their ideal moral theories often challenged by the contingencies of moral and commercial realities. Our focus on a small number of classical theories allows us to trace those challenges within these scholars' reasoning. The attempt to move from a theoretical moral framework to a system of assessment of commercial actions often reveals tensions between the pre-conceived theories of moral goodness, considerations of personal virtue, and possible socio-political implications of commercial transactions.

Those tensions reveal how classical Muslim jurists dealt with the complexities that arose from applying a general meta-ethical model to the contingencies of the world of profit-generation. Our final level of analysis concerns the relation of commercial morality to law.

¹ Some efforts, however, were made to investigate the foundations of the commercial legal tradition from the standpoint of economic theory. For a broad examination of ideas of equality, property, and distribution of wealth in Islamic law, see FADEL 2019.

² An example of such approach that relies on a theory of virtue ethics can be found in MOORE 2005.

The inseparability of law and morality in the Islamic tradition has been a frequently debated subject (e.g., REINHART 1983; HALLAQ 2013, 2009; JOHANSEN 1998). However, not many studies have focused on how ideas of good and right, or desirability and lawfulness, play out in specific areas of practical morality and law. We will see that, whereas lawfulness tended to coincide with moral goodness in those classical theories, the two ideas were conceptually distinct, and there were minor domains in which less-than-desirable actions were considered legally valid.

I. The Restrictive Commercial Model of Natural Law

Muḥammad b. Ḥasan al-Ṭūsī (d. 1067), widely known as Shaykh al-Ṭāʾifa, was a prominent and influential early Twelver Shīʿī scholar. His work includes foundational treatises in Prophetic Traditions, jurisprudence, and theology.³ His meta-ethical approach, referred to here as “natural law,” is closely similar to the Muʿtazilī thought of the time, which emphasized the possibility of knowing moral values independently of revelation and the inherent good or evil nature of acts and things.⁴ This approach is often, rather confusingly, labelled “rationalist” in contemporary scholarship. “Rationalist” in that context merely means that moral values and judgments are not made through reliance on text or revelation.⁵ As we will see in this section, this non-textual ethics led to a relatively restrictive theory of commercial ethics. Here, I use “natural law” in the sense commonly used in the contemporary study of Islam to denote the belief that divine revelation accords with some notion of morality that is discoverable through human cognition independently of revelation. The term, of course, has a long history in Western thought dating back to Thomas Aquinas, and involving vivid debates in modern philosophy and religion. The idea that laws are “discoverable” is best captured by John Finnis’s definition of “natural law” as a set of criteria for human action that are normative prior to any particular choices or determination (FINNIS 2012; see also TALIAFERRO 2017).

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a. Truth-aptness of Values and Moral Caution

Ṭūsī’s belief in the truth-aptness of the moral values of each act led to a preference for extreme moral caution. By truth-aptness I mean that moral statements can be judged as true or false; in other words, they are objective, and not entirely dependent on subjective opinion or moral feeling (see O’LEARY-HAWTHORNE 1994). The metaethical framework within which he operates reflects a combination of the belief that we could determine the truth or

³ For a brief biography see GLEAVE 2016 and for more on his influence see HEERN 2017.

⁴ For more on Muʿtazilī metaethics see VASALOU 2008; KHOUJAH 2019.

⁵ As correctly explained by KHOUJAH (2019: 130), the Muʿtazilī position was that human reason or cognition was capable of knowing already existing values. They did not argue that the human minds legislated those values. Ayman SHIHADAH (2016: 384-407) ascribed this Muʿtazilī doctrine to their view that moral values are “real” and inherent in actions (i.e., their “moral realism”). Realism is certainly one important aspect of the Muʿtazilī position. For our limited purposes here, what matters is that Ṭūsī displayed a form of cognitivism, i.e., the belief that moral values are verifiable through cognition.

falsehood of moral claims, combined with a strong aversion to moral risk.⁶ In *al-Nihāya*, a book of Islamic law and ethics anchored primarily in the *ḥadīth* genre, al-Tūsī sets out a general framework for what constitutes acceptable pursuit of commercial gain. It may be worth noting here that, as with any treatise concerned with Islamic substantive laws, Tūsī's main concern is with determining what is right and good, with the assumption that the merchants-believers will be self-motivated to learn about and seek expert advice in following the law. I will come to the implications of this arrangement later.⁷

Since all actions must be determined to be objectively good for them to be legally acceptable, commercial gain must also achieve an identifiable good for it to be valid. That is, a commercial exchange *must have a positive added moral value* for it to be legally acceptable. The first step in attempting to assess the general added value of an exchange is the moral valuation of the *object* of commercial exchange: what may be commercialized for the purposes of material gain, and what may not. Objects and services that ought to be provided as a matter of obligation to society may not be bought and sold (TŪSĪ 1991: 101). These exclusions leave out of the sphere of commerce a significant range of goods. Making profit through things that are otherwise obligatory upon the community, such as acts of burial and prayer, is prohibited, just as much as actions that are immoral in themselves, such as prostitution. Gain, for Tūsī, must be attached to a positive contribution to society, and not just the performance of a needed act. Doing what is already obligatory by virtue of revelation, whether individually or upon society as a whole (*farḍ kifāya*), cannot be grounds for enrichment. The same applies to acts that are immoral such as unlawful sexual acts. To further narrow the scope of lawful commerce, Tūsī excludes from it acts that are pointless or frivolous, since these do not contain a determinable positive moral value. These include, for Tūsī, performances that are without benefit to society, such as performing magic tricks, or similar activities (TŪSĪ 1991: 101).

Al-Tūsī's model is markedly restrictive of commerce. The underlying understanding of profit or commercial gain in his theory is that it must be justified on *objective moral* grounds. The background of this doctrine is a Mu'tazilī-like belief that revelation-independent reasoning is capable of leading to a wide range of true moral beliefs. This theory was developed by Tūsī in some detail in his *Uddat al-uṣūl*. In this summarized work of legal theory, he argued that rationality or reasonableness (*ʿaql*), is a body of knowledge that must imperatively exist in a capable person's mind for them to qualify as rational, or of full mental ability (*ʿāqil*). This range of knowledge includes sensory data, the fact that things either exist or do not, and that existents are either temporal or eternal. But these also, importantly, include evaluative judgments, such as the necessity of thanking the benefactor, and the intrinsic wrongness of many actions, such as unjustifiable lying (TŪSĪ 1996: 23). To justify a financial

6 This moral theory coincides with what we might refer to as "cognitivism," or the belief that moral statements can be judged as true or false. This is a sub-division of realism, that is the view that moral claims are claims about objective facts. In Mark VAN ROOJEN's (2018) words: "Cognitivists think that moral sentences are apt for truth or falsity, and that the state of mind of accepting a moral judgment is typically one of belief. They think that typical utterances of indicative sentences containing moral predicates express beliefs in the same way that other sentences with ordinary descriptive predicates typically do."

7 On the believer's obligation to follow the jurists, see FADEL 2014.

margin of profit, there must be a clear and identifiable benefit produced by the transaction, which means that the willful agreement of all parties involved is insufficient for legal validity. Remarkably, this means that social agreement, including commercial custom and practical expediency, play a limited role in Tūṣī's system in comparison to the "traditionalist" models we will examine below. This is particularly noteworthy given that Tūṣī represents a "natural law" segment of the Islamic legal-moral tradition, which is often celebrated as rationalist in some modern accounts (e.g., HOURANI 1971). In that context, however, the natural law account of commerce is morally restrictive of otherwise willfully or customarily accepted exchanges.

The resulting outcome of this metaethical theory is a restrictive one: an act is only permissible if we can determine with some certainty that it is desirable. Where verification is not immediately possible, he believed it was best to altogether refrain from any proposed transaction. The very existence of the market is conceived within a narrowly defined conception of commercial exchange. Individuals can only profit from exchanges that are positively beneficial in the moral sense, not socially required, and, of course, not otherwise reprehensible.⁸ Moral goodness here is understood as an intrinsic value that is universally identifiable and, therefore, can be the subject of objective assessment. As a result, a prerequisite to becoming a merchant is to know the legal and moral frameworks within which commerce can be properly practiced (TŪSĪ 1991: 108). That way a merchant would be able to distinguish between reprehensible, valid and invalid exchanges, and avoid sins, such as interest and unequal exchanges more generally. The assumption in that context is that commerce is morally hazardous as a *prima facie* presumption. Unlike most other areas of human activity where one can simply rely on the experts to gain knowledge and give proper advice, commerce practically requires a certain degree of legal and moral knowledge by the merchant herself. This is a practical imperative: whereas merchants are certainly encouraged to seek advice from jurists, given the morally hazardous nature of their trade, it is practically impossible for them to carry forth their business without some basic legal knowledge.

b. Assessment of Commerce through Moral Exclusion

This framework led to a method of assessment of commercial acts that operates through a series of exclusions, based on the type of good or service provided to or by the proposed other party to the exchange. Whereas some acts of commerce are excluded because they do not allow exchange for profit by their very nature, others are excluded based on the prospective contractor. Determining who one can contract with follows from an account of the acceptable sources from which gain can be drawn. The first potential source of gain is

⁸ Things become complicated when it comes to religious knowledge, since there is an element of social obligation attached to it. Teaching and copying the Quran can be profitable activities, but commercial gain from them is discouraged. By contrast, mere ethical instruction, that does not involve the Quran, can be done for profit, since it is not an obligation in itself. That being said, any activity involving teaching must be conducted in a way that ensures full equality between the children in terms of attention given, and compensation acquired from the parents. Also, printing religious books (other than the Quran) is a permitted commercial activity, except if the object of the book is contrary to proper belief, unless the purpose of the book is to disprove arguments of non-belief (TŪSĪ 1991: 102).

through service to the state, or the political power in place.⁹ The moral assessment of this type of gain depends on the ultimate effect of collaboration with the political power. If the existing order is one that rules justly and upholds divine commandments, then all cooperation is permissible, and in fact encouraged. If, by contrast, the existing order is unjust or fails to uphold the *sharīʿa*, cooperation would be discouraged if it is likely to reinforce the regime's injustice, and only encouraged if it is likely to improve the rulers' practices. From the distinction between just and unjust parties follows a restriction on commercial dealings with unjust rulers, and unjust individuals more generally. Along the same lines, it is prohibited to trade in merchandize that is known to have been stolen or unlawfully obtained or in any way deemed improper (Tūsī 1991: 90-91). Any exchange that involves support for a political tyrant or furthering their doctrines is prohibited, as well as sale of arms to enemies and any act that enables foreign powers to fight against Muslim empires. Naturally, in a manner typical of jurists of his era, Tūsī measured the justice or injustice of rulers on the basis of their deference to and implementation of moral edicts that are in line with divine injunctions (Tūsī 1991: 99).

Tūsī details five areas that need to be avoided: speaking highly of the merchandise, talking down to the customer, failure to disclose defects, making an oath to facilitate a deal, and interest. The golden rule also finds its way in Tūsī's thought: a merchant should treat a customer as the merchant would want to be treated when he is a customer. They should give them advice concerning the best merchandise available according to their needs. Tūsī's system thus categorically excludes from the domain of acceptable acts all that would fall today under the domain of advertising. Merchandise should not be displayed in a way that covers defects or shows it in a way that is too flattering. All customers must be treated equally, including the young, the shy, the blind, and the vulnerable. Some discrimination, however, is permitted by Tūsī in differentiating between believers and non-believers. All must be treated fairly, but a merchant is under a moral duty to try his or her best to minimize their profit when dealing with a fellow believer. If it is inevitable, he or she should accept the deal offered to them and not engage in extensive negotiation (Tūsī 1991: 110-112). Moral caution also requires that matters of measurement, such as weighing merchandize, should be treated with particular care, since cheating the scale is an offense that is explicitly mentioned in the Quran.¹⁰ To be on the safe side, a merchant must attempt to be on the losing side when they are weighing, so they should sell more and buy less (Tūsī 1991: 113).

For the most part, as we can see, Tūsī's account of lawful commercial transactions coincides with a pre-conceived, broad theory of moral goodness. Moral values are objectively determined, and only those judged as good may be lawfully exchanged, unless they are

⁹ Explaining Tūsī's views in light of their historical context would require a lengthy study that exceeds our scope, but it will suffice to say that his deep moral caution and suspicion of the state could be explained with reference to the fact that he witnessed the decline of the Shīʿī Buwayhid dynasty and rise of the Seljuks in the mid-eleventh century CE, which prompted him to flee Baghdad. See RAMYAR 1977: 9-11.

¹⁰ From Chapter 55 (al-Raḥmān), verses 7-9: "And the heaven: He has raised it high, and He has set up the Balance. In order that you may not transgress (due) balance. And observe the weight with equity and do not make the balance deficient." Translation by al-HILALI and KHAN online.

socially necessary, which makes them non-commodifiable.¹¹ There remains, however, an area in which lawfulness and goodness appear to slightly diverge. Tūsī views certain commercial activities as valid but not encouraged for the purposes of virtuous perfection. These are ventures that, while providing clear needs for others, may have a negative impact on the merchant's soul. The tension here is not between law and morality as such, but rather between two different types of value: providing goods and services needed within society and preserving the virtue of one's soul. Social needs and individual virtue ethics, for Tūsī, can be at odds. These include selling burial garments, and generally selling food, since the first leads to an anticipation of death, and the second gives rise to a tendency to hoard. Tūsī's definition of hoarding (*al-ihtikār*) was, it must be noted, carefully delineated. It only applied to certain types of edible merchandize. It is only considered hoarding if there is social need for the merchandize, otherwise the merchant should be free to withhold goods.

Tūsī's permissive attitude towards hoarding may appear surprising, but it becomes clearer when we see that it reflects a different kind of tension: that is between moral reprehensibility and state intervention. It appears as if Tūsī saw the latter as the greater evil. He was prepared to accept a certain degree of unvirtuous commercial practice for the sake of denying political authorities reason to intervene in commercial regulation excessively. In cases where there is an urgent need for the merchandize, political authorities can force a merchant to sell. They may not, however, enforce a given price, but should accept whatever price is offered by customers. When a given good is scarce and expensive, keeping it for more than three days is considered hoarding, otherwise it is forty days (Tūsī 1991: 115-116). Besides the small number of essential foods mentioned exclusively by Tūsī, no other foods can be the subject of hoarding. This, in a way, is a limitation on political authority, since they may not determine prices or force sales outside of a limited number of necessary foods. Hoarding is morally reprehensible and opens the door to possible state intervention. By contrast, lending with interest is not only reprehensible but also invalid.¹² The reprehensibility of interest is one of the main reasons why merchants are expected to learn the *fiqh* of commercial transaction, because it is easy to enter into *ribā* transactions unknowingly. As cautious as he was when it came to the moral valuation of commercial acts, Tūsī appeared broadly suspicious of state intervention in commerce in a categorical fashion. Whereas dealing with the government largely depended on its just nature, Tūsī's practical evaluation of commerce suggests that state intervention in commerce is inherently harmful.

In sum, the acceptability of a commercial transaction for Tūsī's was narrowly limited to situations in which commercial profit is likely to coincide with a concrete contribution that is morally good. In cases where exchanges of potential moral harm are tolerated as legally valid, Tūsī is often dealing with a tension of values of sorts, involving considerations of social benefit, edification of the soul, and suspicion of political powers. It would seem that Tūsī, as we will see with Ghazālī below, with obvious differences, conceives of a hierarchy of moral behavior wherein actions must be morally beneficial to be lawful, and even within this

11 A clear statement of the Imāmī doctrine on the truth-aptness of moral judgments was formulated by al-ʿAllāma al-Ḥillī, who argued, in Muʿtazilī fashion, that the good or evil nature of actions are discoverable by human minds, and that God commands good actions because they are good, not the reverse. See al-ḤILLI 2006: 310-315. For more on Ḥillī's views on moral ontology, see MASHITA 2013: 90-95.

12 For more on the doctrine of *ribā* in classical *fiqh*, see FADEL 2008.

category of beneficial actions some may be questionable from the perspective of personal virtue. Overall, Ṭūṣī's belief that actions are inherently good or bad, and his insistence on certain, objective morality meant that large categories and types of action were excluded from what could be commodified and exchanged. Moral caution required suspicion of both commerce and the state.

II. Supremacy of the Afterlife and the Pyramid of Virtues

Abū Ḥāmid al-Ghazālī (d. 1111) weaved his discussion of acceptable commercial practices into his dualistic moral framework which centers on the moral primacy of the next life. As we saw, Ṭūṣī's general theory was faced with a challenge when it came to resolving tensions between the moral values of the commercial act, the identity of the other party to the transaction, and the potential effects on the believer's soul. Similarly, Ghazālī's dualistic model had to contend with tensions between a commercial act's conduciveness to a morally desirable state of financial independence (*ghanā*) and the act's possible effects on the soul. These tensions often manifested as distinctions between legal validity and moral virtue.

a. Ghazālī and the Primacy of the Afterlife

In *Iḥyā' 'ulūm al-Dīn* (The Revival of Religious Sciences), al-Ghazālī anchored his views on the assessment of commercial gain in a particular understanding of human purpose within a dualistic conception of the world.¹³ Ghazālī's metaphysical dualism was reflected in his belief that human life occurs at two levels of existence, the current temporary world, and the next eternal one. By virtue of its truthfulness and eternity, the next world is infinitely more significant than the present one. Thus, the one rational purpose of human action in this world is salvation in the next. Setting success in the next world as the only *telos* of human action is crucial to understanding Ghazālī's reasoning in encouraging commerce in this "lower" life. This understanding of human *telos* as a quest for individual edification is broadly in line with Aristotelian ethics, with some substantive differences, as will be discussed below (see BRAGUES 2013). All actions must follow this teleological principle to be morally justifiable. The starting point for Ghazālī, therefore, is that afterlife is the truth, and all else is negligible (GHAZĀLĪ 2007: 87). The "lower" life (*al-dunyā*), where commerce takes place, is a realm of confusion and struggle. The next life is a place of justice and eternity. If the afterlife is so vastly more important than this present life, it would follow that the only rational principle of conduct is to do whatever is needed for success in the next life.

Much like Ṭūṣī, therefore, Ghazālī also attempts to anchor his framework of commercial regulation within a broad moral outlook. This general theory emphasizing the next life could have conceivably led to a view of the pursuit of material wealth as unethical, or at least a distraction from living a meaningful life. Ghazālī was quick to dismiss this possibility: "hard work in this life is not limited to the pursuit of the afterlife (*al-ma'ād*) to the exclusion of one's livelihood (*al-ma'āsh*). Rather, working for livelihood assists in the pursuit of the afterlife, since this life is a steppingstone to the next" (GHAZĀLĪ 2007: 87). While Ghazālī

¹³ For a biography of Ghazālī, see CAMPO 2016.

clearly regards devotion to the divine and the pursuit of moral righteousness as the most valuable of human tasks, he does not dismiss the need to make a living as an irrelevant distraction. It is a necessity that must be achieved to live a virtuous life. Making a living is not an act of morally neutral status, but, because of its implications for healthy human living, is imbued with moral significance. Focusing one's time in this life either solely on worship, or on seeking wealth, would be a type of imbalance that is not suitable for a virtuous life. To achieve the virtue of moderation (*iqtisād*), one must approach material gain in this world as *a means* (*wasīla*) to the attainment of righteousness, and therefore salvation in the afterlife. In a manner typical of Ghazālī's reasoning in his *magnum opus*, this argument is partially supported by the scripture. For example, Ghazālī's vision is corroborated by the Quran's frequent exhortation to "spread in the world" (*intashirū fī l-ard*) and seek God's bounty (*ibtaghū faḍl Allāh*).¹⁴ The possibility of finding one's livelihood within the earth's resources is not a cause for greed, but rather increased thankfulness to the Creator. The glorification of the righteous pursuit of wealth through, among other things, honest trading, is also to be found in the Prophet's traditions. Ghazālī cites a number of prophetic sayings, including "there are certain sins that are only forgiven through the diligent pursuit of livelihood," and "the honest merchant joins the saints and martyrs on the Day of Judgment." In response to a criticism directed at a young man for waking up early to pursue trade rather than perform prayer, the Prophet reportedly said:

If he was working to become self-sufficient, then he is on the path of God. If he is providing for elderly parents or young children to ensure they are taken care of, then he is on the path of God. If, however, he is working to accumulate [wealth] and [driven by] vanity (*tafākhuran*), then he is on the path of the devil. (GHAZĀLĪ 2007: 88)

Ghazālī's dualistic theory, therefore, called for a type of moral balance between the practical and the spiritual. This balancing effort can be seen throughout his attempt to formulate concrete assessments of commercial acts. Self-sufficiency, spiritual stability, hard work, are all desirable. Complacency, greed, reliance on others are all undesirable states of affairs. Counterintuitively, Ghazālī's theoretical framework that emphasized the primacy of the afterlife set the stage for a theory of commercial morality that was highly permissive and encouraging of commerce, precisely because of its centering of human *telos* in the afterlife. By contrast, as we saw, Tūṣī's naturalist theory of morality led to a type of jurisprudence that was, in its ultimate, practical form, highly suspicious of commerce. For Ghazālī, commerce as an activity that can lead to peace of mind, financial independence, and, therefore, spiritual stability, is morally positive. This is so because of its likely consequences, not its inherent value.¹⁵ The pursuit of wealth through lawful commerce is encouraged to the extent that it aims at achieving independence, and thus allowing for peaceful spiritual edification. The criteria of morally acceptable commerce, in this model, have an unmistakable subjective element: it is the person's intention from the pursuit of wealth that defines its moral status.

¹⁴ Q. 62:10 and 73:20, respectively.

¹⁵ George HOURANI (1976: 69-88) rightly noted that Ghazālī's "ethics of action" are dependent upon eventual salvation in the afterlife, and that moral goodness can only be known through revelation. Hourani, however, ignored the fact that things that are rationally necessary for the fulfillment of revelation-based obligations (like lawful commerce, in our case), are also obligatory in Ghazālī's system.

When commerce is driven by greed and the unrestricted accumulation of wealth, it becomes contrary to the central purpose of human life.

The flipside of Ghazālī's moral framework is that the unhindered accumulation of wealth for the sake of pure enrichment is unequivocally immoral (*madhmūma*) (GHAZĀLĪ 2007: 92). This position can be linked to the first element in Ghazālī's metaphysics: this world is negligible compared to the next, therefore being entirely absorbed by this world to the exclusion of the next is clearly misguided. That being said, avoiding poverty or falling into neediness takes priority over worship, unless one is a public servant whose livelihood is covered by welfare funds. Those exceptional servants who are provided for by the community include traditional scholars, figures of authority who run the polity's affairs, and mystics. In such exceptional cases, focusing entirely on matters of public service, religious learning, and worship may be permitted. Otherwise, no human should allow themselves to be entirely consumed by worship to the point of poverty. In the end, Ghazālī argues, this is an individual judgment call in which each person should "seek guidance from their heart" (GHAZĀLĪ 2007: 91-92). On this account, one can deduce that Ghazālī's broad moral framework is complicated by tensions between spiritual, material, and social considerations.

Similar to Tūsī's theory, Ghazālī's model reflects a complex interplay, but not an identity, between law and morality. In Ghazālī's framework of evaluation of commercial acts, the moral purpose of commercial acts can be assessed both at the level of the manner and the intent for which they are undertaken. All considerations, whether objective or purely subjective, must be taken into account. Working to achieve material sufficiency must be done with diligence and honesty and should not lead to vanity or greed. An immediate consequence of Ghazālī's framing of commerce as a means to an end is the prioritization of virtue over profit. Yet, he did not argue that all deviation from virtue leads to unlawfulness. To attain virtue in commerce, one can generally trust the golden rule of interpersonal dealings: deal with others as you would like to be dealt with. All forms of transgression from that standard are reprehensible, but not all reprehensible actions are legally invalid. This does not mean that commercial law was separable from morality, but only that there are limits to what the physical legal infrastructure can do to affect the course of commercial transaction. Since the latter was often governed by purely pragmatic concerns (as "moral" or beneficial as these concerns might be at a social level), personal virtue might on occasion be at odds with commercial practice.

b. The Pyramid of Values: Goodness and Legal Validity

The distinction between moral goodness and validity was advanced in the form of a pyramid of moral and legal valuation. This pyramid explains to us how Ghazālī viewed the moral perfection of the soul, the higher goal of his *Iḥyā'*, with more practical moral considerations, which correspond to what we might view as commercial law. The highest degree of the pyramid includes a small set of actions that reflect the utmost degree of virtue (*iḥsān*), below which there are dealings representing justice (*ʿadl*), and finally there is a large set of transactions deemed valid by default by jurists.¹⁶ In some understanding, we might say that

¹⁶ Understanding *iḥsān* as virtue is common in the study of Islamic law and ethics. See for example, CARNEY 1983: 159-174. See also MOAD 2007: 135-48. I follow this designation because, for Ghazālī, it is clear that *iḥsān* is more than simply acting out of a sense of responsibility or being charitable, but it is

actions approved and disapproved by the community of jurists what reflects the purely “legal” aspect of Ghazālī’s model. This legal component is subsumed within his ethical theory, but does not exhaust it, and is not perfectly identical with virtue. The highest degree of commercial virtue (*ihsān*) that Ghazālī discusses is the performance of practices that are not strictly necessary but constitute an excess of generosity when performed.

It may be worth noting here, as suggested above, that Ghazālī’s centering of virtue and edification of the self as the foundation of commercial ethics makes him, in a very broad sense, in line with Aristotelian commercial ethics, which has seen a recent resurgence in the area of virtue ethics (see BRAGUES 2013). Ghazālī explains that to act with *justice* is analogous to possessing capital, whereas to act with *virtue* is analogous to collecting profit. It would be foolish for someone to be satisfied with possessing capital, and not seek to gain some profit. Hence, it is evidently rational for merchants to seek to conduct their commerce in a way that accords with virtue (*ihsān*) by going out of their way to be generous to their customers. One way of doing that is to shun an excessive margin of profit (*mughābana*) when possible (GHAZĀLĪ 2007: 113). Ghazālī explains that having a margin of profit is obviously permitted, since that is the point of trade. However, there are circumstances under which customers find themselves ready to pay an amount higher than the fair price for any number of reasons. It would not be strictly sinful to accept such additional profit, but it would be virtuous to refuse it and not take advantage of the customer. The former conduct is valid, but the latter is virtuous.¹⁷ Another type of virtuous dealing arises from the opposite situation: if a seller in need asks for more than the fair price, it is considered *ihsān* to let him have the additional money. This scenario is referred to as the “toleration of excessive pricing” (*iḥtimāl al-ghubn*). Again, it is not unjust, let alone invalid, to demand a fair price, but it is exceedingly virtuous to happily give a poor merchant an additional profit (GHAZĀLĪ 2007: 115).

Just as some virtuous acts are not strictly required, there are also cases in which morally questionable ways of acquiring wealth can be allowed under the law as developed by the jurists and applied by state courts. These are the acts that lie at the lower side of the pyramid of virtue, which makes them legal but not virtuous. Whereas any invalidity can be explained through some kind of immorality, not all immoral acts of commerce will necessarily be declared invalid. The distinction here is not between what is legal and what is moral, but between actions that are both reprehensible and invalid, and those that are only reprehensible. The difference is that, in the case of actions that are prohibited by divine law but not invalidated by the jurists, there is no worldly mechanism to undo the act in question. Much like neglecting prayer or any other form of worship, those actions are very much “prohibited,” but generally no concrete consequence will follow as far as state enforcement is concerned. This is a noteworthy instance in which legality in the classical Islamic context is independent

a reflection of a state of spiritual ordering and perfection that is superior to merely following the rules as formulated by the jurists. The distinction between legal justice and the virtue of *ihsān* echoes Aristotle’s distinction between justice and beneficence as explained by Ibn Rushd in his *Commentary to Aristotle Nicomachean Ethics*. For more see BOUHAFIA 2016: 157.

¹⁷ This distinction between justice and virtue was upheld by many scholars after Ghazālī. Abbas ALI (2015: 4) attributes the same distinction to Ibn ‘Arabī and the Abū Tālib al-Makkī. Ali explains this distinction as follows: “...*ehsan* conveys kindness in dealing with others and a tendency to provide assistance to those in need.” He attributes to Makkī the view that justice is giving what is right, whereas virtue is letting go of part of what you are owed for the sake of doing what is right.

of the promise of coercion. Just like some actions are legal but fall short of achieving virtue, some are clearly contrary to virtue but not precluded by the legal system for practical reasons. Whereas law and virtue overlap at the core, they tend to diverge at the peripheries.

The first type of reprehensible conduct that is nonetheless valid includes matters that affect society at large. The most noteworthy example is hoarding (*al-ihtikār*), understood as holding on to necessarily merchandise in the hope that its value will increase (GHAZĀLĪ 2007: 113). Ghazālī linked the immorality of this action to its potential harmful effects upon consumers. Reprehensibility of hoarding, therefore, was not categorical or unconditional. The prohibition of hoarding applied only to matters that are necessary for people's subsistence, such as basic foods. Further, it is only immoral if its unavailability will make it significantly more expensive. In situations in which foods are abundant and available for a negligible price, it is acceptable for a merchant to wait until the market price becomes more adequate before selling the merchandize. Ghazālī, therefore, does not oppose the search for a profitable bargain, but only rejects behavior that could harm society for the sake of unreasonable profit (GHAZĀLĪ 2007: 105). Conversely, if there is a shortage of food in general, hoarding items that would otherwise be considered delicacies would be prohibited.

The second type includes actions that could harm the other party to the transaction. This discussion evokes the golden rule, the most fundamental principle of commercial morality put forward by Ghazālī: "if you sell something for one Dirham knowing that you would only accept it for a fraction of the price, then you have strayed from the proper means of doing commerce." (GHAZĀLĪ 2007: 107). Under this category falls nearly the entirety of what would pass in today's commerce as advertising. Ghazālī considers prohibited the praising of merchandize for what it does not possess or failing to declare any of its defects or hidden features in any way. It would seem that Ghazālī considers any praise of a merchandize that is not strictly and objectively descriptive to be a moral hazard. On the one hand, if the purchaser becomes disappointed after buying the merchandize, that would constitute injustice (*ẓulm*) to that customer. On the other hand, if the customer still walks away, the merchant would have committed the sin of lying, and lost his integrity.¹⁸ Even if praise does in fact reflect some of the item's obvious characteristics, it still constitutes meaningless "blabbering" (*hadhayān*), which could be morally reprehensible.

In sum, Ghazālī, like Tūṣī, began his evaluations of acts intended for commercial gain from a general theory of morality. In a sense, Ghazālī's theory is the reverse of Tūṣī's: whereas the latter emphasized the inherent moral value of objects and actions in this world, Ghazālī emphasized the likely outcome of any type of behavior in the next world. Nonetheless, Ghazālī's framework was much less suspicious of commerce. The avoidance of a theory of truth-apt moral values and adherence to a dualistic view of moral evaluation led Ghazālī to accept the basic goodness of commerce as an act that is likely to lead to the spiritually desirable state of financial independence. In the end, the tensions between spiritual and material considerations led to a slight distinction between virtue and lawfulness, wherein all forms of invalidity stem from undesirability, but not all undesirable acts are necessarily invalid.

¹⁸ For more on lying see QUDDUS et al. 2009.

III. Ibn ‘Abd al-Salām’s Scheme of Natural Social Interdependencies

Al-‘Izz b. ‘Abd al-Salām (d. 1262) was another prominent Shāfi‘ī-Ash‘arī who believed in the importance of revelation to the determination of moral values.¹⁹ For him, this-worldly benefit and satisfaction are preconditions to righteousness. However, the divide is not seen in a stark contrast and gain in this world is not fully subsumed under an analysis of what might lead to salvation in the next. For Ibn ‘Abd al-Salām, there is a range of benefits that can be achieved in both this world and the next. Morality rests on the realization of benefit in both worlds, which, in both cases, can be defined in terms of *happiness*.²⁰ Ibn ‘Abd al-Salām’s soft Ash‘arism presents a model in which a general theory of ethics attempts to resolve some of the tensions between practical, social, and spiritual considerations that we saw in the evaluations of commerce advanced by other jurists. Inasmuch as they both adopt a *teleological* approach to commercial ethics, it should be noted, Ghazālī and Ibn ‘Abd al-Salām appear to draw upon the Aristotelian tradition, in which it was believed that human actions should be assessed based on the purposes they aim to achieve. On his insistence on “happiness” as a guiding principle, however, Ibn ‘Abd al-Salām’s theory, which will be elucidated in this section, may appear to be more directly in line with Aristotelian thought. On closer inspection, however, it becomes clear that the kind of “happiness” advocated by Ibn ‘Abd al-Salām differs fundamentally from the Aristotelian notion of happiness. Whereas Ghazālī, following Aristotle, advances an individual notion of virtue that is focused on personal excellence (rationality for Aristotle, salvation for Ghazālī), Ibn ‘Abd al-Salām’s idea of happiness is profoundly social rather than centered on the individual.²¹ As Oliver Leaman explained, Aristotle had a range of conceptions of happiness, of which wisdom and virtuous action was the most readily accepted by Muslim philosophers. Ibn ‘Abd al-Salām’s “happiness,” by contrast, is a reference to social benefit: it is tied to the maximization of success and satisfaction among one’s immediate social network.²²

¹⁹ For a biography of Ibn ‘Abd al-Salām see SALAHI 2013.

²⁰ This is comparable to what Feriel BOUHAFI (2018: 77) observed in relation to Ibn Rushd: “Averroes states that injustice has two modes, relative to the beneficial and the pleasant, which hints at a teleological understanding of the norms of action. To grasp this teleological dimension, one should refer to his definition of the obligatory in the Abridgement. There, Averroes explains that Muslim jurists could not have conceived of the obligatory independently of the harmful (*al-darar*) and beneficial (*al-naf‘*). The obligatory is that which is serviceable to an end, and essentially relates to the interests of the agent himself—that is, either the avoidance of harm or the attainment of benefit.”

²¹ “It is well known that Aristotle is a teleological thinker in that he believes all beings in the universe, the human species included, act for a purpose. This feature of Aristotle’s thought manifests itself right from the start of the *Nicomachean Ethics* where he raises the question of humanity’s end or *telos*. How does Aristotle manage to answer this seemingly inscrutable question? He notes the elementary fact that all human activities aim at some good... Eventually, the point is reached where a purpose is apprehended that is desirable for its own sake. This is the highest good” (BRAGUES 2013: 5). Bragues also points out the individualism of Aristotle idea of virtue as a possible objection that is particularly pertinent to commercial ethics.

²² On Aristotle’s notion of happiness and its reception in Islamic thought, see LEAMAN 2001:193-196.

a. Happiness and the Natural Social Order

Like Ghazālī and Ṭūsī, Ibn ‘Abd al-Salām grounded his commercial law theory in a single substantive moral theory and saw the basic act of commercial exchange as morally meaningful. Unlike Ghazālī, however, he did not regard salvation as the main guiding principle of human action, but the achievement of benefit (*manfa‘a*), which he understood as happiness, a concept that is shared in both this life and the next.²³ In his *Qawā‘id al-aḥkām* (also known as *al-Qawā‘id al-kubrā*), Ibn ‘Abd al-Salām formulates his views on the assessment and regulation of commercial acts in the context of a moral theory of benefit and harm. The realization of benefit and harm through transactions is embedded in an intricate web of social interdependencies. When engaging in commerce, each party is activating this set of pre-determined expectations, and therefore must attempt to maximize the benefit for all parties involved. For Ibn ‘Abd al-Salām, the basic need for the regulation of human interactions by divine law stems from the fact that “God Most Exalted created humans and made some dependent on others (*aḥwaja ba‘dahum ilā ba‘ḍin*) so that each group of people would look after the other” (IBN ‘ABD al-SALĀM 2004: 236). Material wealth (*amwāl*) is designed as a means for the achievement of benefit both in this world and the next.

‘Abd al-Salām explains benefit in terms of what naturally brings about more happiness, understood broadly as pleasure or contentment. A child would choose a more delicious treat over the less delicious one, and a bigger allowance over a smaller one. One would only choose the less beneficial option if they were unable to properly weight the benefits and harms of a given situation. This is often the case, since virtually nothing is a benefit devoid of harm or pain. For example, food, clothes, intercourse, housing, among other basic needs, require extensive effort for their achievement, and also contain some harms. One is inconvenienced by the need for food, the struggle to make it available, and finally by the digestive issues that may arise from it. The happiness brought about from it is often outweighed by all of those harms. The same can be said of all other material luxuries: they are difficult to attain, and invariably contain inconveniences that limit their enjoyment. Furthermore, material lust (*shahwa*) is pure harm, since it undermines the character, and often leads to long-term damage, either in this world or the next.

As we saw above, Ghazālī’s idea of *ghanā’* reflected a simple notion of financial independence, and was only valuable because of its conduciveness to salvation. By contrast, Ibn ‘Abd al-Salām considered that the benefits resulting from material exchange depends on each individual’s context, and the happiness it generates is a moral end in itself. Benefit, therefore, was varied and final in its moral importance. A basic assumption of Ibn ‘Abd al-Salām’s

23 As indicated above, this moral theory, reminiscent of utilitarianism, is often too easily taken to be representative of the whole classical tradition. For example, see ALI 2015. The importance of Ibn ‘Abd al-Salām’s contribution lies not in its emphasis on benefit and harm, but in his attempt to find a way to resolve the tensions between practical and spiritual considerations, which we find in the two previous models. My reference to “utilitarianism” here is specifically intended to evoke the sense famously used by John Stuart MILL (2009) in *Utilitarianism*, in which he developed a general theory of moral evaluation based on the principle of Happiness. For a discussion of what “happiness” means and the central place of pleasure within the concept, see LOIZIDES 2014: 302-21. For a noteworthy response to utilitarianism, see Williams’s criticism in SMART 1973. Much could be said, of course, about the different meanings and historical contexts of the notions of happiness in Ibn ‘Abd al-Salām and Mill’s thought; however, there remain sufficient conceptual similarities between the two theories for the comparison to be helpful.

theory is that the circulation of wealth, labor, and commodities, within society is a necessity that follows from the very nature of human social organization, which naturally includes intrinsic inequalities (IBN ‘ABD al-SALĀM 2004: 11). This includes a division of humans according to age, social class, and sex, and the interdependence of all those categories on one another. In the end, the mutual care and responsibility for one another leads to the realization of benefits and avoidance of harm either in this life and next, or in one rather than the other. The benefits of transactions stem from the inherent interdependency that results from our social roles, which reflects in the way specific commercial acts should be evaluated. For example, commoners (*al-aṣṣāghir*) depend on those in power (*al-akābir*), the poor on the rich, men on women, freemen and women on slaves, and vice-versa. In each case, people belonging to different social categories will cooperate to bring to one another benefits and help one another avert harms belonging to both worlds. Those interdependencies make it imperative for a merchant to examine the benefit or harm that may follow from their actions in each context in light of the expectations (IBN ‘ABD al-SALĀM 2004: 339).

Ibn ‘Abd al-Salām’s model thus harmonizes some of the elements of the two previous theories and centers morality in this world and the next world. Actions are not only morally based on their likely effect in the afterlife, but because of the amount of happiness they are likely to generate, in the sense of pleasure or contentment, as described above. Without postulating that actions have inherent moral values, Ibn ‘Abd al-Salām’s theory of benefit and harm posits that happiness is the ultimate benefit with which both mundane and spiritual rules are concerned. Much of the means of worldly happiness, he maintains, can be known without revelation, but revelation does intervene to show what the *true* benefit of humanity is (see ALI 2015: 13). By contrast, success and happiness in the next world cannot be achieved without proper knowledge of revelation. The primary difference between ‘Abd al-Salām’s and Ghazālī’s frameworks is that the former acknowledges worldly happiness as a worthy goal in itself, whereas for Ghazālī everything needs to be aimed at the achievement of success in the afterlife.

b. Obedience, Doubt, and the Permissibility of Commerce

Ibn ‘Abd al-Salām’s model, while it deviates from Ghazālī’s in positing the possibility of finding ultimate moral values in this world, converges with him in viewing that obeying God is the main purpose of humans in this life. From this basic obligation, follows a number of ramifications. All things that are commanded by God are good (*khayr*) and reward has been promised for such actions. Conversely, things prohibited or discouraged by God are necessarily evil (*sharr*) and punishment has been threatened for such actions. The promise and threat of reward and punishment follows the Ash‘arī view that divine rewards and punishments are not inevitable, but God only makes us feel that we might be rewarded and punished for our actions. Believers therefore are urged to obey God’s commands and avoid His prohibitions, because that aligns with a general distinction between good and evil. A further ramification of this framework is that there are benefits attached to obedience. The implication of this is that those “benefits” may not be directly commanded by God but are in a way closely linked to the general framework of divine guidance, which is where lawful commerce is to be found. Acting in obedience to God and with respect to the pursuit of benefit and avoidance of harm is in the best interests of humans, not something that you do for God. In line with the Ash‘arī theory of divine sufficiency (*ghanā*), Ibn ‘Abd al-Salām holds that

God has no need for human obedience: he has commanded us to do what is moral and beneficial for our own good (IBN ‘ABD al-SALĀM 2004: 7).

Because of the link between divine commands and natural goodness, one might infer the latter from the former in a probabilistic way. Reward and punishment, as we saw, are only promised in the next life, which means that reaping the benefits of one’s actions in the next life is only a matter of probability. The same goes for benefits of this life. Achieving beneficial outcomes is only a matter of probability (*ẓann*), but we act in a way that maximizes the possibility of achieving benefit for oneself and others such as the case of merchants travelling to foreign lands in search for gain. Acting in a way that is praiseworthy (*maḥmūd*) and moral (*ḥasan*) necessitates an understanding of the degrees of probability of the acquisition of benefit. There are results that constitute pure benefit, others that constitute pure harm, and there are many degrees between the two extremes. In committing any given action, one must always prioritize the action that would bring the most benefit to all involved (IBN ‘ABD al-SALĀM 2004: 6). In all cases there can be no firm conviction as to the degree of benefit or harm that is to follow, but we act on those convictions. Making informed guesses about possible benefits is possible independently of revelation. They can also be known through most revealed laws (*muḥkam al-sharā’i*) (IBN ‘ABD al-SALĀM 2004: 9).

The reliance on a theory of benefit and the probabilistic approach to morality led to a general acceptance of the lawfulness of most commercial acts. The permissibility (*ibāḥa*) of the majority of commercial exchanges is, like all other legal norms, related to a “benefit”: making available human needs that would otherwise be difficult to obtain. Some exchanges are designed to purely this-worldly needs, such as sale and service contracts. Some otherworldly considerations can be included through charitable concessions to the other party, which may be socially beneficial but materially harmful to the moral agent in the short term. Some exchanges have a spiritual object, such as contracts that facilitate pilgrimage. Others such as interest-free loans, and gifts, combine an immediate gain in exchange for a moral or spiritual gain. A variant of this type also includes endowments, loans, and wills. The lowest form of moral dealing, therefore, is being conscious of the interests of the other party and entering into transactions in a way that takes into account the interests of all involved. A higher degree involves purely selfless acts, such as allowing delayed or reduced repayments, and letting go of immediate material gain with pious intentions (IBN ‘ABD al-SALĀM 2004: 347-348). This framework creates limitations that curtail a broad permissibility of commercial action, which, in turn, is anchored in a natural system of benefit that plays out in a network of social interdependencies. Because this framework attempts to harmonize morality with what is beneficial in a worldly sense, we see a smaller degree of tension between lawfulness and morality in Ibn ‘Abd al-Salām’s model: happiness in this world and the next becomes an all-encompassing principle according to which the morality and legality of all actions ought to be evaluated.

Conclusion

In this paper, we studied three classical Islamic approaches to the moral and legal evaluations of acts of commerce. These texts represented three distinct approaches to metaethics, and, consequently, three different systems of assessment of commercial acts. This analysis helps

shed light on two kinds of relation in classical Islamic legal-moral thought: the relation between moral theory and practical evaluation, and the relation between value and lawfulness. Our first conclusion is that classical Muslim jurist-ethicists tended to develop their systems of commercial assessment within the frameworks of pre-conceived general theories of morality. While they shared this methodological commitment to the primacy of metaethics, this also meant that their methods of assessing commercial actions differed greatly based on their theoretical commitments. This diversity could be handily contrasted with the tendency, seen in modern accounts, to attribute all Muslim approaches to the assessment of commercial acts to a single fundamental principle, such as the avoidance of harm, or social justice. The move from theory to practice in the assessment of commerce also reveals some noteworthy features. First, the belief in the objectivity of the moral values tended to result in a more restrictive system of commercial regulation than dualistic account that exhibited a certain degree of doubt about moral knowledge. Second, assessing commercial actions using a general theory of morality led to analytical challenges when faced with the contingencies of practical circumstances. Al-‘Izz ibn ‘Abd al-Salām’s attempt to harmonize the ultimate moral criterion of “happiness” in this world and the next was an ingenious effort to resolve some of those difficulties. Finally, we saw a recurring pattern in the analysis of our classical jurists concerning the relation between the good and the right. All evil is prohibited, but not all that is lawful is necessarily virtuous. The overlap of considerations of spiritual edification, material security, social solidarity, and political morality in many types of commercial transaction made it so that the conceptual distinction between virtue and lawfulness manifested most obviously in those situations of tension. Whereas legality was largely at the service of morality, it was not completely determined by it, as legal expediency led to exceptional situations in which what is allowed may not necessarily be conducive to virtue. It follows that, whereas law quite closely coincided with morality in those scholars’ theories, it was not identical with it, and deviated from it in some peripheral areas.²⁴

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24 This divide was elucidated by LEAMAN (2001: 174) as follows: “One of the themes which runs through the account of ethics in Islamic philosophy is the conflict between two kinds of ethical system. The moral life of human beings takes place on two different levels, one of which is secular, social, political and physical, while the other is spiritual and religious. When we think of Aristotelian ethics in terms of the doctrine of the mean then we are thinking of fulfilling the commandments and establishing appropriate rules of behaviour for our social life. When we think of moral behaviour in terms of intellectual union with God, in terms of moral and intellectual perfection, then we are concerned with the rules of behaviour appropriate to that spiritual end.”

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