Themed section

Towards New Perspectives on

Ethics in Islam

Casuistry, Contingency, and Ambiguity

Guest editor

Feriel Bouhafa

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Consult Your Heart: The Self as a Source of Moral Judgment*

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Abstract

In this article, I explore the authority of the heart (*qalb*) as a potential locus for the individual moral knowledge and normativity in Islamic ethics. To do so, I discuss the two *ḥadīths* that ostensibly suggest one's "self" as a source of moral judgment. These *ḥadīths* raise renewed questions about the sources of moral judgment, the nature of moral judgment and the ethical capacity of the "self" (conscience)—"consult your heart and consult your self ..."; "righteousness is good conduct, and sin is that which rankles in your chest and which you would hate for other people to look upon."

There are rich debates in the Islamic tradition on the place and authority of the *bāṭin* (inward) in generating moral knowledge, which correspond to contemporary discourses in Western ethics on the place of conscience in the moral formation of the individual. In this article, I argue that although Islamic legal tradition as a discipline has focused on qualified external actions of individuals and the *ijtihād* (independent legal reasoning) of *mujtahids* (jurists), it did not ignore the authority of the *bāṭin* for moral assessment and the *ijtihād* of common individuals. I propose that the inward dimension has always occupied an important space within the interdisciplinary field of Islamic ethics but has been overshadowed by the overarching theological disputes between the *Mu'tazilīs* and *Ash'arīs* over the sources of knowledge.

The article starts by exploring the relevant *aḥādīth* (reports) and their interpretation in *ḥadīth* commentaries, followed by an analysis of discussions in the fields of Islamic jurisprudence and Sufism.

Keywords: *Akhlāq* (ethics), *Ḥadīth*, Scriptural ethics, Moral conscience, Heart, Self, Moral judgment, *al-Bāṭin*, Consult your heart, Inspiration (*ilhām*), *Ratio legis*, Sufism.

Introduction

The dichotomy of God versus human is central in Qur'anic discourse and permeates most reflections in ontology, epistemology, and ethics. For example, God as the Bestower of bounty (*al-mun'im*) and the Speaker (*al-mutakallim*) has been the focus of inquiries into the ethical obligations upon humans and the sources of knowledge in Islamic scholarship. The

* I would like to thank Mohammed El-Sayed Bushra for his valuable help in fixing the language of an early draft of this article. I also thank Samer Rashwani and Rajai Ray Jureidini for their editorial help in later versions, Ferial Bouhafa, and the anonymous reviewers for their valuable comments.

search for understanding this dilemma pushed Muslims to explore a methodology for understanding God's discourse and uncovering His will—either through the Qur'an or through the Prophet Muhammad's words and deeds.

The difference in methodology between the jurists and *Sufis* around what is the apparent (*ẓāhir*) and what is inward (*bāṭin*) formed a central axis in discussions within the fields of *tafsīr* (Qur'anic exegesis), *ḥadīth* (prophetic reports), *fiqh* (Islamic law), *uṣūl al-fiqh* (Islamic legal theory), and *Sufism* (Islamic mysticism). However, the search for the sources of ethical knowledge against the universality of the Lawgiver stimulates serious inquiry into the role of the individual in ethical judgment. The question of individual moral knowledge prompts us to explore interrelated issues such as: (1) the capacity to know an ethical judgment inwardly, which relates to the source of the judgment and its evidence; (2) the competence to understand the Lawgiver's intent addressed to individuals; (3) the ethical responsibility in applying general judgments and principles, or the *fatwā* (legal opinion) of the *muftī* (juris-consult), to specific private realities (scrutiny and caution); and (4) individual moral responsibility and choice in the face of contradictions in legal opinions of *muftīs*—for example, in the case of different opinions in a particular case, how can the individual choose?¹

The issue of individual moral knowledge is not only limited to questions of ethical responsibility but also connected to the concept of “conscience” understood as

The faculty within us that decides on the moral quality of our thoughts, words, and acts. It makes us conscious of the worth of our deeds and gives rise to a pleasurable feeling if they are good and to a painful one if they are evil. (DESPLAND 2005: III, 1939)

The concept of “conscience” is a controversial issue for Western scholars. For instance, TISDALL (1910: 62) appealed to the Arabic language to prove that Islam lacks the ethical conception which is called “conscience” (*ḍamīr*) claiming that “[n]either in the Arabic itself nor in any other Muhammadan languages is there a word which properly expresses what we mean by conscience.” This approach led the *Encyclopedia of Religion* (DESPLAND 2005: III, 1944) to conclude that: “The notion of conscience as internal organ is not found outside of Christianity. As commonly understood, it is peculiar to the West.” This debate on the existence or non-existence of “conscience” in Islam began at the beginning of the 20th century. GOLDZIEH's insight was critical when he noted: “The assumption that a word alone can be taken as a credible proof of the existence of a conception, has shown itself to be a prejudice” (1917: 16). Indeed, he quoted the two *ḥadīths* that are under study here to prove that

¹ Recently, few studies discussed the moral role of the individual in Islamic law. Mohammad FADEL (2014: 106) discussed the ethical dilemma facing *muqallids* (imitator) as a result of the ethical pluralism generated by *uṣūl al-fiqh*'s individualist ethical paradigm, and he proposed that “the *muqallid* plays a central role in maintaining the integrity of Islamic law by monitoring would-be *mujtahids* to ensure that they conform to Islamic ethical ideals”. Similarly, Baber JOHANSEN (1997: 20) suggested a differentiation between *forum internum* and *forum externum* inherent to Islamic Law which, “like most legal systems, obliges those that appeal to it to choose their own options and to take ethical decisions.”

Didactic sentences, principles mirroring ethical conceptions, should be tested by more than a word, a *terminus technicus*, such as those which are used in the consideration of the ‘question of conscience’ in Islam. (*ibid.*)

In this vein, Bryan W. VAN NORDEN (2003: 101-102) coined the term “lexical fallacy” to argue that simply because a word for a concept does not exist in a particular tradition does not mean that the concept is not operative in it. Rashīd RİDĀ (1367/1948: IX, 419) argued that the “*qalb*” (heart), in a specific context, refers to what is known in modern Arabic as “*damīr*” (conscience). It means knowing by oneself through spiritual and emotional engagement (*al-wijdān al-ḥissī wa-l-ma‘nawī*). He also quoted the *ḥadīth* “consult your heart ...” to prove this meaning.²

The concomitant dichotomy of reason and revelation has also dominated modern discussions about Islamic ethics,³ hindering further inquiry into conscience and its authority in the Islamic tradition. The present study unveils those understudied spaces where Muslim jurists, legal theorists, Sufis, and ethicists have discussed the role of individual conscience in the development of moral judgments, from different perspectives.

In order to flesh out these issues, this study shall investigate two central *ḥadīths*: “consult your heart and consult your self”⁴ and “righteousness is good conduct, and sin is that which rankles in your chest and which you would hate for other people to look upon.” These two *ḥadīths* have been chosen for their content and special status in the field of Islamic ethics. The two *ḥadīths* point to the innermost dimension in humans—that which takes place in the heart, stirs in the self, and occurs within thought—in order to distinguish between the righteous and the sinful. Furthermore, the special status of these two *ḥadīths* is attested by the fact that they were included by Imām al-Nawawī (d. 676/1277) in his collection of forty *ḥadīths*, wherein each is considered

A core fundamental among the fundamentals of religion, described by scholars as [the core] upon which Islam is premised, or as being half of Islam, or one third of it, or something approximating that. (al-NAWAWI 2004: 14-15)

The reception of the two *ḥadīths* will be explored within the disciplines of *ḥadīth* commentaries, *uṣūl al-fiqh*, *fiqh*, and Sufi literature. Looking at Muslim jurists’ and theorists’ engagement with these *ḥadīths*, I shall focus on al-Ghazālī’s understanding of *al-waraʿ* (abstinence), Ibn Taymiyya’s approach and al-Shāṭibī’s interpretation of *ijtihād al-mukallaḥ* (exerting one’s reasoning for personal judgment). My approach investigates the specific ethical question of the inward aspect (*al-bāṭin*) on three levels. First, it looks at meta-ethics, as it explores the theoretical and epistemological basis relating to the sources of judgment and the criteria for specifying righteousness and sin. Second, I examine the scriptural ethics, represented by the key *ḥadīths* as the primary gateways for the study of ethics within the

2 For more discussion about “*damīr*” see HECK 2014: 292-324 and LEIRVIK 2006.

3 See for example MAKDISI 1983: 47-64; FRANK 1983: 204-223; HOURANI 1985: 57-66; KELSAY 1994: 101-26; SHIHADDEH 2016: 384-407; AL-ATTAR 2019: 98-111.

4 Lit. “seek *fatwā* from your heart and seek *fatwā* from yourself”. The variant narrations of the two *ḥadīths* will be discussed soon.

ḥadīth corpus.⁵ And third, I turn to applied ethics, which focuses on specific cases and individual applications.⁶

I. References to the inward dimension (*al-bāṭin*) in the *ḥadīth* corpus

The *ḥadīths* associated with the issues of the role of the inward dimension of the individual may be approached through the scrutiny of the transmission and narrations, and/or interpretation, both direct and indirect. While the locus of direct interpretation can be accessed in the books of *ḥadīth* commentary, indirect interpretation may be gleaned from the titles of the books and chapters in the *ḥadīth* compendiums that employ the device of chapter and topic headings.

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The *ḥadīths* of the inward dimension (*al-bāṭin*)

There are two central *ḥadīths* that refer to the inward dimension of the human in the attainment of knowledge of righteousness (*birr*) and sinfulness (*ithm*): the *ḥadīth* of Wābiṣa b. Maʿbad and that of al-Nawwās b. Samʿān. It was reported that Wābiṣa came to ask the Prophet about righteousness and sinfulness, so the Prophet said:

O Wābiṣa! Consult your heart and consult your self (three times). Righteousness is that towards which the self feels tranquil, and sinfulness is that which rankles in the self, and wavers in the chest, even when people have offered you their opinion time and time again.⁷

As for al-Nawwās b. Samʿān, it was imparted that he said:

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- 5 Taha Abdurrahman has mentioned that it has been customary for jurists not to pay heed to the ethical aspects of scriptural texts, as a result of their paramount interest in commandments, which he named the commandment-based (*iʿtimārī*) orientation. This orientation may be summarized as “seeking rulings simultaneously denuded from both the divine witness (*al-shāhid al-ilāhī*) and the inward ethical dimension (*al-bāṭin al-akhlāqī*),” whereas “divine command (*āmiriyya*) is the basis of the existence of the apparent legal decree, and divine witnessing (*al-shāhidiyya al-ilāhiyya*) is the basis of the existence of the inward ethical dimension of these rulings” (ABDURRAHMAN 2017: I, 205-206). However, we shall clarify in the course of this study the inaccuracy of this generalization.
 - 6 I have developed a specialized academic syllabus entitled “Scriptural Ethics: Ethics in the Qurʾan and the *Ḥadīth*” for master students specializing in the “Applied Islamic Ethics” MA program at the College of Islamic Studies, Hamad Bin Khalifa University, starting from Fall 2019.
 - 7 Narrated by IBN ABĪ SHAYBA 1997: II, 259; AHMAD 2001: 29, 533; al-DARIMĪ 2000: III, 1649, *The Book of Sales*, Chapter “Leave That Which Stirs Doubt Within You in Favor of That Which Does Not”; al-ḤĀRITH (1992: I, 201), Chapter “On Righteousness and Doubt”; ABŪ YAʿLĀ (1984: III, 160); al-ṬAHĀWĪ (1994: V, 386), Chapter “Clarifying Problematic Narrations Attributed to the Messenger of God—upon him be God’s blessings and peace—on Righteousness and Sinfulness: What Are They?”; and ABŪ NUʿAYM (1996: II, 24). AL-NAWAWĪ said: “a good (*ḥasan*) *ḥadīth*,” and IBN RAJAB (1999: II, 95) said: “and this *ḥadīth* has been narrated from the Prophet—upon him be God’s blessings and peace—via numerous routes, some of which are good.”

I asked the Messenger of God about righteousness and sinful, so he said: righteousness is good conduct (*ḥusn al-khuluq*), and sinfulness is that which rankles in your chest and which you would hate for other people to look upon.⁸

There is a slight difference in the narrations of the *ḥadīth* of Wābiṣa. Consultation is reported to be sought from both the heart and the self together in some narrations,⁹ but in others, consultation is reported to be sought from the self alone.¹⁰ Whereas Wābiṣa's version enquires about the knowledge of righteousness and sinfulness, others seek the knowledge about the permissible (*ḥalāl*) and the prohibited (*ḥarām*), and some *ḥadīths* even report mention of certitude (*yaqīn*) and doubt (*shakk*).¹¹ The sign of righteousness or certitude is occasionally expressed as 'tranquility (*tuma'nīna*) of the heart or the self', and on other occasions as 'stillness (*sukūn*) of the heart or the self'. Sinfulness is expressed on one occasion as 'that which rankles in the self'; on another as 'that which rankles in the heart and wavers in the chest' (AḤMAD 2001: XXIX, 528), and on yet a third occasion as 'that which rankles in the chest' (ABŪ YA'LĀ 1984: III, 162). Sufis have engaged in extended discussions on the self and the heart, but these *ḥadīths* do not help in differentiating between the self and the heart, because they add in the term 'chest'. However, the central formulation in the *ḥadīth* of Wābiṣa is "Consult your heart. Consult your self" and the common denominator among all the narrations is the turning towards the inner dimension of the human being. This is meant to distinguish between righteousness and sinfulness, or between the permissible and the prohibited. The *ḥadīth* is connected to the dichotomy of the apparent (*ẓāhir*) and the inward (*bāṭin*), which manifested strongly thereafter, particularly in the writings of the Sufis, who speak of 'the scholars of the apparent' (*'ulamā' al-ẓāhir*) in opposition to 'the scholars of the inward dimension' (*'ulamā' al-bāṭin*), as we find, for instance, in Abū Ṭālib al-MAKKI's (d. 386/998) work (2001: I, 326, 423-424, 443).

The *ḥadīth* variant that mentioned certitude (*yaqīn*) and doubt (*shakk*) can be linked to the intensive discussions on knowledge (*'ilm*), its definition and process as we find in

8 Narrated by IBN ABĪ SHAYBA (1989: V, 212), *The Book of Manners (Adab)*, Chapter "On What Has Been Mentioned Regarding Good Conduct and the Abhorrence of Indecency"; AḤMAD (1999: V, 386; 29: 180); al-BAKHĀRĪ in *Al-Adab Al-Mufrad* (1989: 110-111), Chapter "Good Conduct if [Only] They Understood"; MUSLIM (1991: IV, 180), *The Book of Righteousness, Maintaining Relations, and Manners*, Chapter "Explaining Righteousness and Sinfulness"; al-TIRMIDHĪ (1996: IV, 196), *The Book of the Doors of Temperance (Zuhd)*, Chapter "On What Has Been Reported on Righteousness and Sin"; al-KHARĀ'ITĪ (1999: 35), Chapter "Encouragement and Promotion of Upright Conduct"; IBN ḤIBBĀN (2012: V, 272), Chapter "Reports of the Prophet's—upon Him be God's blessings and peace—Answers to Things About Which He Was Asked, Mention of Reports About What a Person is Obligated to do in Terms of Commitment to [Being Watchful of] his Secrets and Abstaining from Excusing Minor Sins"; al-BAYHAQĪ (2011: XXI, 30), *The Book of the Anthology of Chapters on Whose Testimony is Permissible and Whose is Not Among Free Muslims of Majority and Sound Mind*, Chapter "Clarifying the Noblest and Most Excellent of Manners, Which Render a Person as Among the People of Chivalry, Which is a Condition for the Acceptance of Testimony by Way of Abridgement"; and al-BAYHAQĪ (2003: IX, 408), Chapter "On the Treatment of Each Sin by Repenting From It," section: On Minor Sins.

9 As narrated by AḤMAD 2001: XXIX, 533; IBN ABĪ SHAYBA 1997: II, 259; ABŪ YA'LĀ 1984: III, 160; al-HĀRITH 1992: I, 201; and al-DĀRIMĪ 2000: III, 1649.

10 As narrated by AḤMAD 2001: XXIX, 528, and al-ṬAḤĀWĪ 1994: V, 386.

11 As narrated by al-ṬABARĀNĪ 1984: I, 117, and al-MUKHALLIS 2008: II, 265.

philosophy, theology, and *uṣūl al-fiqh*. The Muʿtazilites considered *sukūn al-naḥs* (lit., “tranquility of the soul”) a condition for knowledge. Thus, when the conviction does not correspond to reality (*muṭābaqa li-l-wāqīʿ*), it should be considered ignorance; which was criticized harshly by Sunnī *uṣūl al-fiqh* (al-BĀQILLĀNĪ 1998: 178-182, al-SHĪRĀZĪ 2003: 4, al-KALWADHĀNĪ 1985: I, 36). The Muʿtazilites defined knowledge as “believing a thing to be as it is to one’s self’s tranquility” (*iʿtiqād al-shayʿ ʿalā mā huwa bihi maʿa sukūn al-naḥs ilayh*),¹² and a similar definition can be found in philosophy in relation to rhetorical argument. ʿAbd al-Jabbār (d. 415/1025) developed an epistemology of *sukūn al-naḥs* as mental persuasion that corresponds to outward realities (*al-muṭābaqa fī l-khārij*), and he understood it as an additional attribute of scholarship (*ʿālim*) and not as an essential element of the definition of *ʿilm* itself. Hence, the subjective standard of inner conviction must be reinforced by an objective standard. Thus, the tranquility of the self belongs to rationality rather than psychology, because lay persons (or *muqallid*, a person who follows others opinions) psychologically can have the tranquility of the self without its rational basis (ʿABD al-JABBĀR n.d: 12: 16-33; al-KINDĪ 1950, 1: 171; BUTTERWORTH 1977: 63; ROSENTHAL 2007: 47f, 63, 211; WILMERS 2018: 151-152, 156, 163; ELKAISY-FRIEMUTH 2006: 58-60, 169; GOODMAN 2003: 148-149).¹³ Note, however, that this understanding of *sukūn al-naḥs* is outside the scope of this paper as it is related mainly to the rational process of attaining knowledge and not to the inward dimension and conscience.

Going back to the two mentioned *ḥadīths* I should note that they have provoked disagreement, as is clear from the words of Muḥammad b. Jarīr al-Ṭabarī (d. 310/923), who spoke of people being divided into two groups according to their stance:

A group among the predecessors (*al-salaf*) advocated deeming them authentic (*ṣaḥīḥ*) and acting upon that which is indicated by their apparent meanings..., then there are reports attributing to others a position advocating attenuating them, deeming them weak (*daʿīf*), and reinterpreting their meanings.¹⁴

As for the group, who ascribed a weak validity to these *ḥadīths*, they did not only discourage people to act upon them, but also saw a contradiction between those *ḥadīths* that restrict guidance (*hidāya*) to the Qurʾān and the Sunna and those that refer to consultation of the heart and the self. For God is the legislator (*al-musharriʿ*) and He has clarified all matters of religion either directly or indirectly. Indeed, even the Prophet had been commanded in the Qurʾān to rule between people according to what God had shown him (Surat al-Nisāʾ/IV:105), not according to his own opinion, nor by what his self had instructed. If this

¹² It seems that the Muʿtazilites’ definition of *ʿilm* has developed and revised by some late Muʿtazilī scholars. (See ʿABD al-JABBĀR no. date: XII, 13; al-BAṢRĪ 1964: I, 10; al-MĀZARĪ 2002: 97).

¹³ For more discussion on *sukūn al-naḥs*, see al-ʿASKARĪ 1998: 81; BOUHAFI 2018: 67; JOHANSEN 2013: 127-144.

¹⁴ After al-SHĀṬIBĪ (1992: II, 659) relates a group of *ḥadīths*, both *marfūʿ* (attributed to the Prophet) and *mawqūf* (attributed to a Prophetic companion (*ṣaḥābī*)), he summarizes the words of al-ṬABARĪ from his book *Tahdhīb al-Āthār*. We do not know precisely which *ḥadīths* have been deemed weak (*daʿīf*), as some *ḥadīths* to this effect have been verified in the two authentic books of *ḥadīth* (al-BUKHĀRĪ and MUSLIM) or in one of them. Also, the extant copy of *Tahdhīb al-Āthār* is incomplete and does not contain this discussion, nor could I find anyone else who has cited these words from al-Ṭabarī.

was the case with the Prophet himself, then it is all the more applicable to others. Whosoever is ignorant of God's proclamations is obligated to ask the scholars who understand God's intention, not to ask his self. The scriptural evidence is the sole reference for knowing the permissible and the prohibited, the meaning of which is affirmed by a number of *ḥadīths* and reports. It would seem that the choice for which this group has opted in order to resolve the supposed problem is to weigh between the *ḥadīths* that gives preference to one over the other. This is done without attempting to interpret or harmonize them, or even claim abrogation—the available options for dealing with 'contradictory *ḥadīths*' (al-KHATIB 2011: 286-289; al-SHUMUNNI 2004: 157-161). It would have been possible to restrict consultation of the heart to cases in which scriptural texts are absent or in cases where divergence exists between scholars on a particular issue. However, this too was ruled out based on the aforementioned argument regarding the status of the scriptural text as the sole authority with proclamations encompassing all realities.

As for the other group who advocated classifying these *ḥadīths* as authentic (*ṣaḥīḥ*) and acting upon their apparent meanings, al-Shāṭibī (d. 790/1388) reported some disagreement but did not convey the arguments through al-Ṭabarī, although they are mentioned in the books of *uṣūl al-fiqh*. It appears that al-Ṭabarī opted for an intermediate position between the two groups, so he interpreted the *ḥadīths* in a restricted manner,

Either because he considered the *ḥadīths* to be authentic, or because he considered those among them that indicate their [apparent] meanings to be authentic. (al-SHĀṬIBĪ 1992: II, 663)

However, the position advocating the attenuation of these *ḥadīths*, deeming them weak (*daʿīf*), did not continue after al-Ṭabarī. We find no clear trace of this position in the various sources of *ḥadīth*.¹⁵ It would appear that numerous *ḥadīths* that reported on this topic within the *ḥadīth* corpus precluded the endurance of the position advocating such *ḥadīths* to be deemed forgeries. This is especially the case because these *ḥadīths* buttress each other's reliability, due to the abundance of their sources and the trajectory of their chain of transmission, as they were imparted from seven Companions (*ṣaḥāba*) and one among the Successors (*tābiʿūn*).

Interpretations of the *ḥadīth*

With the decline of the position advocating the weak reliability of these *ḥadīths*, the discussion turned to their interpretation and the search for their intended meaning. These *ḥadīths* provoked a central dilemma connected to the sources of knowledge, namely the authority of the heart and the self. The interpretations of the scholars of *ḥadīth* reflect their positions vis-a-vis this issue. For if we examine the chapter headings under which these *ḥadīths* have been included, we will find them revolving around ethical content, such as: righteousness and sinfulness; manners and good conduct; temperance, piety, and abstaining

¹⁵ With the exception of that which appears, in a very limited fashion, in the criticism of the chain of transmission of the "consult your heart" *ḥadīth*, connected to the weakness of a particular transmitter, or one transmitter not hearing the narration from another transmitter. In all cases, this is a criticism directed at the chains of transmission, not to the *ḥadīth* in its origin, which is transmitted through numerous paths. (See IBN RAJAB 1999: II, 94-95).

from ambiguous matters; in addition to some jurisprudential topics, such as the books of sales, of testimony, of judgments and rulings. The discussions of the *ḥadīth* commentators revolved around three central issues: (1) the boundaries of the authority of the heart and the self; (2) the concepts of righteousness and sinfulness; (3) How to reconcile and harmonize between the *ḥadīth* and others that might contradict it. We now turn to these issues in more detail.

A. The authority of the heart

One group rejected the authority of the heart and the self, and on this basis, deemed these *ḥadīths* to be weak. Another group took the opposite position and embraced the apparent meaning of these *ḥadīths*. Al-Ṭabarī was opposed to taking these *ḥadīths* in their general apparent meaning. He argued that the meaning of these *ḥadīths* is restricted, “not as those have presumed, that it is a commandment directed to the ignorant (*al-juhhāl*) to act according to what their selves have arrived at and reject whatever they deem repulsive, without asking their scholars” (al-SHĀṬIBĪ 1992: II, 664). Thus, two central questions arise here: what are those things that one should refer to the heart? And is this applicable to all hearts?

Al-Ṭūfī (d. 716/1316) determined that:

The self (*al-nafs*) possesses an awareness, rooted in the *fiṭra* (innate disposition), of outcomes or results that are praiseworthy and those outcomes which are not. However, the appetite (*shahwa*) can overcome inner restrictions in such a way that it can obligate the person to act in a way that is self-harmful, such as the thief who is overcome by the appetite to steal, [despite] being afraid of the punishment that may befall him. (al-ṬŪFĪ 1998b: 204)

Ibn Rajab (d. 795/1393) affirmed the same meaning, maintaining the position that:

Consultation of the heart is connected to those *ḥadīths* that speak of the innate disposition that God has built into people (*al-fiṭra al-laṭī faṭar al-nās ‘alayhā*)¹⁶. However, something might arise that may corrupt this *fiṭra*, as a result of the actions of devils or parents. Thus, truth and falsehood are not ambiguous for the percipient believer—rather, he knows the truth from the light that surrounds it, so his heart accepts it; and he recoils from falsehood, so he condemns it and does not affirm it. (IBN RAJAB 1999: 99-101)

However, because the *fiṭra* may become disturbed by external influence, the authority of the heart remains, on the one hand, imprecise and ill-suited for generalization to all individuals and, on the other hand, also ill-suited for all issues about which one seeks consultation. The position advocating the authority of the heart in absolute terms would, thus, infringe upon the authority of the scriptural text and that of the scholars. It is possible here to distinguish between three interpretations.

The first interpretation followed the apparent meaning of the *ḥadīth*, while restricting its applicability to the person seeking an answer alone, namely Wābiṣa b. Ma‘bad, for the specificity of the person’s condition such as the tranquility of his self in comparison to others,

¹⁶ On *fiṭra*, see VASALOU 2016; HOLTZMAN 2015: 163-188.

and being gifted with a light that distinguishes between truth and falsehood (al-MUNĀWĪ 1972: I, 495-496). However, the *ḥadīths* on this topic clearly demonstrate that Wābiṣa was not unique, as the question was reportedly raised by others. Because some *ḥadīths* are articulated in a general form, there is no rationale for such specification.

The second interpretation holds that the *ḥadīth* is not specific to the person seeking an answer. Rather, it is specific to a particular kind of heart. Thus, it is addressed to a person whose chest God has expanded with the light of certainty when he was given an opinion based on mere conjecture or inclination without *sharʿī* (legal) evidence (al-MUNĀWĪ 1972: I, 495). Al-Ḥakīm al-Tirmidhī (d. 320/932) predates others in advocating this meaning, as he specified that the heart one seeks consultation from should be the heart of “the truthful” (*al-muḥiqqūn*). By this, he means the people of truth possess a path towards God and their appetites have been controlled to the extent that their selves have become consorts of their hearts (al-ḤAKĪM al-TIRMIDHĪ 2010: II, 39-40). However, Ibn ʿIllān (d. 1057/1647) held that the intended meaning here is the self and the heart of a person among the people of *ijtihād*; for if this were not the case, then the person would be obligated to ask a *mujtahid* (IBN ʿILLĀN n.d, 5: 41). Thus, he reverts the entire issue to the actions and choices of the jurist, not to those of the *muqallid* (*madhhab* (legal school)-follower) or the person seeking consultation.

The third interpretation attests that the report is meant for all believing hearts, but that it is specific to ambiguous issues, or to the field of transactions (*buyūʿ*) in particular. Thus, whoever has said that seeking consultation of the heart is specific to ambiguous issues in general has interpreted the *ḥadīth* of Wābiṣa in light of the *ḥadīth* of al-Nuʿmān b. Bashīr, who relates from the Prophet:

That which is permissible is clear, and that which is prohibited is clear, and between these two are ambiguous matters that many people do not know. (al-BAKHĀRĪ 1895: III, 53; MUSLIM 1991: III 1221)

Al-Ṭabarī was among the first to advocate this position, as he dealt with the juristic applications of these *ḥadīths*. Therefore, he “did not apply them in every domain of *fiqh*” (al-SHĀṬIBĪ 1992: II, 663). Thus, seeking consultation from the heart does not apply to the legislation of actions or instituting acts of worship, nor to leaving aside *sharʿī* rulings. The authority of the self and the heart, then, lies in issues that are licit (*mubāḥ*) or in cases where sinfulness has been cast in doubt. It covers the area of mundane choices (*muʿāmalāt*) in life where people find themselves hesitant about a decision.

Some of the jurists who have commented on the *ḥadīth*, such as al-Ṭūfī and Ibn Rajab followed al-Ṭabarī’s construal. Ibn Rajab attempted to create a balance between the authority of the self, on the one hand, and the authority of the scriptural text and the *mufīṭ*, on the other. Thus, he divided thoughts that occur in the self into those addressed by scriptural texts and those that are not. In the case of issues scriptural texts have addressed, the believer has no option but to obey God and his Prophet, and what occurs in the self is of no consequence. As for cases that have not been addressed by scriptural texts, authority belongs to the evidence if it exists or to the self of the tranquil believer if no evidence exists (IBN RAJAB 1999: II, 103). This implies that Ibn Rajab remarkably narrowed the space in which one can refer to the heart, privileging the scriptural text, the actions of the predecessors (*al-salaf*), and the authority of the *mufīṭ*.

B. The concepts of righteousness and sinfulness

Wābiṣa and al-Nawwās had both inquired about righteousness and sinfulness but provided different answers. Righteousness, in the *ḥadīth* of Wābiṣa, is “that towards which the self feels tranquil (*mā iṭma’annat ilayhi al-nafs*),” whereas in the *ḥadīth* of al-Nawwās, it is “good conduct (*ḥusn al-khuluq*).” Al-Ṭaḥāwī (d. 321/933) strived to bring the two *ḥadīths* into harmony and suggested that since good conduct is occasioned by the tranquility of the self, the two answers are in agreement (al-ṬAḤĀWĪ 1994: V, 387). However, Ibn Rajab considered the difference in the Prophet’s explanation of righteousness to be due to a variance in the meaning of the term itself, as it carries two connotations. In the context of the treatment of the rest of the creation, it means doing good (*al-iḥsān*), which includes doing good towards one’s parents (*birr al-wālidayn*). It also means performing all acts of obedience, both apparent and inward. Ibn Rajab considered the *ḥadīth* of al-Nawwās to encompass the second meaning, because “by good conduct, one might mean adopting the ethics of the *sharī’a* and the manner of God.” However, he did not clarify which meaning is applicable to the *ḥadīth* of Wābiṣa (IBN RAJAB 1999: II, 97-99). As for al-Rāghib al-Iṣfahānī (c 5th/6th), the *ḥadīth* of Wābiṣa does not explain the concepts of righteousness and sinfulness, but somewhat clarifies their legal status (*ḥukm*) (al-IṢFAHĀNĪ 2009: 64). This is because the meaning of righteousness is amplitude (*sa’a*), and the meaning of sinfulness is delay (*ibṭā’*), for “righteousness (*al-birr*) is amplitude in knowing truth (*ilm al-ḥaqq*) and doing good (*fī’l al-khayr*),” and sinfulness (*al-iṭhm*) “is a name for actions that inhibit reward (*mubṭi’a ‘an al-thawāb*)” (al-IṢFAHĀNĪ 2007: 160; 2009: 114).

It seems as such, that al-Rāghib wants to suggest the abundant commission of good actions bequeaths the self an expansion in the chest and tranquility in the heart. As for al-Ṭūfī, he considered that if righteousness is opposed to sinfulness, then it pertains to what the *sharī’a* demands in terms of obligations or recommendations, and sinfulness in this case pertains to what the *sharī’a* prohibits; whereas if righteousness is opposed to ingratitude, then it means doing good (*al-iḥsān*). The *ḥadīth* of al-Nawwās includes the two signs of sinful acts, namely, its effect on the self and its wavering within it, because of its sense of an ill outcome, and hating for others to look upon the thing. However, al-Ṭūfī gave preponderance to their being a single composite sign (al-ṬŪFĪ 1998 b: 204-205).

Al-Ṭūfī and Ibn Rajab attempted to translate righteousness and sinfulness into the juristic categories of human actions (*al-aḥkām al-fiqhiyya*). Al-Ṭūfī built upon the signs of righteousness and sinfulness four possibilities: (1) *iṭhm* (sinfulness) or *ḥarām* is that which rankles in the self, with fears that other people will observe it, such as *zinā* and *ribā*; (2) *birr* (righteousness) is that which does not rankle in the self and there is no fear of the observation of others such as *ibāda*, eating and drinking; (3) *mushtabih* (ambiguous) is that which rankles in the self but with no fear of other people observing (4) or where one fears other people observing him but it does not rankle in the self. The last two (3 and 4) oscillate between sinfulness and righteousness and are encompassed by the category of abhorred acts from which one ought to distance oneself (*al-karāha al-tanzīhiyya*). Guarding against ambiguous acts is considered to be obligatory (*wājib*). Coming into contact with them is sinful, whereas guarding against them is a path to absolution for the religion (*al-dīn*) and honor (*al-‘ird*). This is obligatory, for the path to what is obligatory is in turn also obligatory (al-ṬŪFĪ 1998b: 210).

Ibn Rajab, on the other hand, considered sinfulness to be of two levels: the higher level is where both signs are established. The lower level is where the action is objectionable to the performer of the action. This is only applicable if the heart is among those that have been expanded by belief and the *muftī* offers his opinion merely on the basis of supposition (*ẓann*) or inclination toward whim (*mayl ilā hawā*) without *sharʿī* evidence where he grants the person the right to an individual review. However, he did not clarify the legal status of referring to what is in the self in this case. Rather, he defined righteousness as that which is permissible (*ḥalāl*) and sinfulness as that which is prohibited (*ḥarām*). In so doing, he recognized the tranquil heart for which the chest expands (*mā sakana ilayhi al-qalb wa-insharaḥa ilayhi al-ṣadr*) is righteous and permissible, while its opposite is sinful and prohibited (IBN RAJAB 1999: II, 101).

Righteousness and sinfulness are ethical principles. However, commentators such as al-Ṭūfī and Ibn Rajab occupied themselves with the translation of the significations of righteousness and sinfulness into a juristic language within the system of the permissible and the prohibited (*manẓūmat al-ḥalāl wa-l-ḥarām*). Thus, the idea that righteousness implies amplitude, for example, pushes one to search for its constituent parts in an attempt to regulate and specify what is righteous and permissible, what is sinful and prohibited—and what is ambiguous. No acts of righteousness fall outside being either recommended (*mandūb*) or obligatory (*wājib*), as pointed out by al-Ṭūfī.

However, righteousness, in its qualification as an ethical principle, refers, in my opinion, to a broader conception than that as it encompasses two things: truthfulness (*al-sidq*) in action, i.e., achieving the intended aim of the action, and good conduct (*al-iḥsān*) in action, i.e., performing it in the most perfect fashion. This means that righteousness is a concept that refers to quality, not to quantity or the degree of obligation in action (obligatory and recommended). It thus aims to transcend the formalism of apparent judgments or mere performance apart from consideration for the intent or the anticipated value of actions. This meaning remains unexamined in the books of *ḥadīth* commentary. For righteousness is a concept that surpasses juristic language and transcends to the ethical sphere.

Al-Ḥakīm al-Tirmidhī held the position that ambiguity only occurs for the scholars of the apparent (*ʿulamāʾ al-zāhir*), because “they found no revelation in its regard, nor any tradition attributed to the Prophet, so it appears to them as ambiguous, sometimes as permissible and other times as prohibited, and they corrupted the witness (*shāhid*) that is within their hearts and the proof (*ḥujja*) with which God provided them” (al-ḤAKĪM al-TIRMIDHĪ 2010: II, 42). But this does not occur for the truthful ones (*al-muḥiqqūn*) who find within their hearts the clarification of ambiguous matters. Whatever makes their hearts feel tranquil, they count among the permissible, and whatever makes their hearts waver and from which they recoil, they count among the prohibited. For in the view of the truthful, no ambiguous matter falls outside what is either permissible or prohibited, and this is a level of reflection at variance with the aforementioned ambiguous matters with which the jurists occupied themselves. An ambiguous matter for the jurist does not fall outside the category of abhorred acts from which one ought to distance himself/herself (*al-karāha al-tanzīhiyya*), as made clear by al-Ṭūfī. However, al-Ḥakīm al-Tirmidhī counts that towards which the heart feels tranquil as permissible, and that for which the heart wavers as prohibited. I surmise that he has in mind a meaning specific to the jurists, which he clarified in another book when he speaks of abstaining from appetites and avoiding desires for the purpose of refining the self and training

it so that the heart is not corrupted, not in the sense of prohibiting that which is permissible (al-ḤAKĪM al-TIRMIDHĪ 1993: 64). This meaning is connected to the principle of striving for perfection of action, which transcends the action of the people of the apparent (*ahl al-ẓāhir*).

These opinions have generally sought to present interpretations that preserve the authority of the scriptural text and that of its specialists and prevent the transformation of normative judgments into individual subjective judgments. This is particularly the case as the self is susceptible to contingencies, such as desires and appetites, which disrupt the objectivity of its judgments. Accordingly, there were three interpretations; the first interpretation understood “consulting the heart” as a reference specifically to the hearts of the people of truth who relinquished their appetites and submitted to psychological exercises that refined them and rendered their judgments as trustworthy. The second interpretation specified consulting the heart over ambiguous issues, where the line between permissible (*halāl*) and prohibited (*ḥarām*) is blurred. This ambiguity occurs mainly in individual choices and in the absence of evidentiary arguments. Here individuals are addressed by the *sharīʿa* because they are aware of the innermost aspects of their selves. The third interpretation understood consulting the heart as a reference to the heart of the independent jurist (*mujtahid*) or the critical *ḥadīth* scholar (*al-muḥaddith al-nāqid*) who has acquired cumulative evidentiary knowledge. In all these interpretations, scholars tried to minimize the subjective role of individual in favor of the objective judgment of the scholars in general.

II. Consulting the heart: Rational proofs and the sources of knowledge

The previous discussion revolved around the text of the *ḥadīth* in two aspects: that of the *ḥadīth* being firmly established, and that of its signification and its relation to other scriptural texts. However, the authority of the inward dimension (*al-bāṭin*) is connected to discussions and branching issues that fall under the domains of *fiqh*, *uṣūl al-fiqh*, and sufism. This is because the authority of the inward dimension relates to a central issue—namely, the sources of knowledge by which *sharīʿ* knowledge is established and the arguments for the rulings (*aḥkām*) of actions, which are matters where the jurists differ from the Sufis. The *ḥadīths* of consulting the heart or referring to the stirrings of the heart (*hawāzz al-qulūb*) are connected to numerous issues; among them are inspiration (*ilhām*), juristic preference (*istiḥsān*), blocking the means of prohibited actions (*sadd al-dharāʿiʿ*), piety (*waraʿ*) and caution (*iḥtiyāṭ*).¹⁷

¹⁷ *istiḥsān* is defined by some Ḥanafīs as a nuanced and subtle evidence that the *mujtahid* is unable to express properly (*dalīl yanqadihu fī nafs al-mujtahid taqṣuru ʿanhu ʿibāratuh*), although he/she feels it in his/her heart. This definition, according to Shams al-Dīn al-Barmāwī (d. 831/1428), makes *istiḥsān* close to *ilhām* in the Ḥanafī view (al-BARMĀWĪ 2015: V, 180), but *istiḥsān*, in contrast to Ibn Ḥazm’s view, is classified as a sort of evidence not personal preference (*tashahhī*) (see al-DABBŪSĪ 2009: III, 369, 404; al-TAFTĀZĀNĪ n.d.: II, 163; IBN ḤAZM n.d.: VI, 60). Furthermore, conceiving *ijtihād* as a *malaka* (faculty) that enables the *mujtahid* to do his job spontaneously, makes *istiḥsān* acceptable even beyond the Ḥanafī school (see al-ṬŪFĪ 1998 a: III, 192). As for *sadd al-dharāʿiʿ*, al-SHAWKĀNĪ (1999: II, 196; see also al-BAJĪ 1995: II, 697-698) considered this *ḥadīth* as an evidence that supports it; in the sense that the individual shall consult his heart in the case of doubt or uncertainty and leave out some permissible

Inspiration (*ilhām*) and rational proofs

The jurists base their knowledge on a master principle: theoretical speculation (*naẓar*) and evidentiary inference (*istidlāl*). In so doing, jurists hold that in every ruling (*ḥukm*), there must be a fundamental principle (*aṣl*) upon which it is based. Thus, they did not deem it permissible for a legally obligated individual (*mukallaf*) to undertake action if they do not know its *sharʿī* ruling. These rulings are specified according to an established methodology in *uṣūl al-fiqh*, which inquires into the evidence and proofs upon which *fiqh* is based. We find the application of this method to assess particular actions through attributing to them a specific ruling in the science of *fiqh*. However, inspiration (*ilhām*) is neither theoretical speculation (*naẓar*), nor evidentiary inference (*istidlāl*), and therefore it has been a cause for controversy in *uṣūl al-fiqh* (IBN ʿAQIL 1999: I, 18; ABŪ YAʿLĀ 1990: I, 82). Can *fiqh* be based upon the inspiration of the heart? Is seeking the adjudication of the heart an action of the independent jurist (*mujtahid*) or the madhhab-follower (*muqallid*)? What is the authoritative reference if all proofs are absent? These questions fall directly under our discussion of the *ḥadīths* under study.

The evidentiary inference has been employed with the “consult your heart” *ḥadīth* in order to prove the authority of inspiration.¹⁸ This is an area of inquiry where the positions of the *uṣūlīs* (legal theorists) have differed and three positions are distinguishable.

The first position holds that inspiration is an absolute *sharʿī* proof and an inward revelation analogous to rational theoretical speculation and evidentiary inference. It would appear that the rejection of the authority of inspiration in the books of *uṣūl* is related to two issues: the jurists’ conceptualization of what may be deemed as adequate “proof” in their convention; and their response to those who pay no heed to rational theoretical speculation holding that “there is no proof except inspiration.” So they give precedence to it over rational theoretical speculation (al-SAMARQANDĪ 1984: 679; al-MĀWARDĪ 1994: XVI, 53; al-DABBŪSĪ 2009: III, 369-391; al-FANĀRĪ 2006: II, 445).

The second position holds that inspiration is not proof, neither with respect to the individual who is inspired (*mulham*), nor with respect to others, i.e., regardless of whether it is transitive or intransitive. The reason for this is the absence of divine basis and the distrust towards those who carry fallible meditations (al-SUBKĪ 2003: 111; IBN AMĪR al-ḤĀJJ 1983: III, 296). Ruling out inspiration as a path to knowledge or as a proof among other proofs is due to the paths of knowledge and to the conceptualization of the validity of proofs. The paths of *sharʿī* knowledge were restricted by al-Shāfiʿī (d. 204/820) to the scriptural text. He clarified elsewhere that resorting to *ijmāʿ* (consensus) and *qiyās* (analogy) is within the category of *ḍarūra* (exigency) (al-SHĀFIʿĪ 1938: 39; 599). This means that the locus of *sharʿī* knowledge is either a revealed scriptural text, or, in absence of a direct scriptural text, rational theoretical speculation regarding a revealed scriptural text. However, the *uṣūlīs* who came after al-Shāfiʿī agreed upon the convention of “*istidlāl* (evidentiary inference),” which is to

actions to avoid what is prohibited. These two concepts belong to the tool-box of the *mujtahid* per se. The other concepts belong to the space of individual moral judgment. Hence, the following headings will be dedicated to discuss them in detail.

18 Those in support of the authority of inspiration have marshalled it as evidence in a number of sources, including: al-DABBŪSĪ 2009: III, 372; al-SAMARQANDĪ 1984: 680; al-BARMĀWĪ 2015: V, 182; al-FANĀRĪ 2006: II, 445; al-ZARKASHĪ 1994: VIII, 117; and al-KŪRĀNĪ 2008: IV, 38.

search for proofs outside the four sources (Qur'an, *ḥadīth*, consensus, and analogy). *Istidlāl* is based upon rational theoretical speculation, thereby excluding inspiration (al-DABBŪSĪ 2009: III, 375; al-SARAKHSĪ n.d.: II, 185-186; al-BAKHĀRĪ n.d.: III, 358).

The third position is that it is obligatory to act upon true inspiration, but only with respect to the individual who is inspired. It is impermissible to invite others to it. Al-Dabbūsī and al-Samarqandī attributed this position to the majority of scholars (al-DABBŪSĪ 2009: III, 369; al-SAMARQANDĪ 1984: 679; IBN AMĪR al-ḤĀJJ 1983: III, 296; al-ZARKASHĪ 1994: VIII, 114; IBN al-NAJJĀR 1993: I, 330-332; IBN RAJAB 1999: II, 104). However, those who hold this position consider inspiration to be conditional proof, not self-standing independent proof. Thus, it is not permissible to act upon it, except in the absence of all other proofs (al-DABBŪSĪ 2009: III, 369; al-SAMARQANDĪ 1984: 679; IBN al-NAJJĀR 1993: I, 330-332).

According to the first position, inspiration is considered as a path to knowledge that is established in the heart without theoretical speculation or evidentiary inference. The testimony of the heart without proof holds precedence over the proof-based opinion of the *mufī*. This has been understood from the *ḥadīth* of Wābiṣa itself, meaning that the heart of the individual occupies a dynamic role in the ethical valuation of actions, owing to the fact that the inspiration of the heart is analogous to revelation. However, the problem with this position is the possibility that inspiration can stand independently from all other proofs, or in opposition to them (al-DABBŪSĪ 2009: III, 388). Even if it is indeed an "inward proof" (*ḥujja bāṭina*), the characteristics of proofs sanctioned by the *uṣūlīs* in rulings do not apply. Proofs, according to them, are the rational proofs that depend, on the one hand, on scriptural texts and, on the other, on theoretical speculation and evidentiary inference. Further, among the necessary conditions of proof is that it should be expressed first, whereas in the case of inspiration, "the scope for expressing it narrows" (al-GHAZĀLĪ 1971: 177). A proof must be suitable for debate and be binding upon another (al-DABBŪSĪ 2009: III, 377; I, 133-134), meaning that it is open to generalization. However, obligation and generalization are established upon the characteristic of what is apparent to everyone, which is not so in the case of inspiration.

The majority of scholars did not deem inspiration to be entirely without merit, but they only resorted to it in cases of exigency where worthy proofs were absent. What is implied by this is that proofs vary in degree, so direct scriptural proofs are given precedence over indirect scriptural proofs. Thus, *qiyās* (analogy) and *ijmā'* (consensus) were considered to be an exigency in the absence of a scriptural text. If all apparent proofs are lacking, the individual who is inspired resorts to inspiration as an exigency. Such a ruling is established for the individual alone, so others should not be invited towards it. Obviously, this avoids the arbitrariness of judgment and ensures stability while still allowing for some discretion in cases where no apparent evidence is available. This remains consistent with *uṣūlī*'s theory.

The heart that offers opinion: al-Ghazālī, on piety and caution

The *ḥadīth* of Wābiṣa and others are a fundamental principle within chapters that address the subject of piety (*wara'*). The two imams al-Juwaynī (d. 478/1085) and al-Ghazālī (d. 505/1111) deemed it foundational within their chapters on this topic. Al-Ghazālī spoke of what he called "the heart that offers opinion (*al-qalb al-mufī*)," and he drew a parallel between the opinion (*fatwā*) of the heart and that of the *mufī* in terms of ethical responsibility and the jurist's connection to the actions of the heart. The individual "is taken with respect to his

self—between himself and God—by the opinion of his heart” (al-GHAZĀLĪ 1982: III, 3; II, 113; see also al-JUWAYNĪ 2007: XV, 320). At the same time, the actions of the heart fall outside the authority of the jurist due to two reasons: the first is because the theoretical speculation of the jurist is specific only to the rulings of the actions of the limbs and that which becomes apparent from inward actions. In other words, the jurist is concerned only with what can be regulated and is general to all legally obligated individuals. This differs from “the piety of the God-conscious (*muttaqūn*) and the righteous (*ṣāliḥūn*),” who aspire to a station higher than that of the generality of the legally obligated. For that reason, the latter do not only stop at the boundary of the obligatory and the prohibited, but rather abstain from everything in which there is ambiguity; and they also abstain from some things that are licit out of fear that they may lead to what is illicit. Then, if their station is elevated further, they abstain from many licit fortunes which distract them from the pleasure of proximity to God. The second reason is that the jurist “does not discuss the stirrings of the hearts and how to act upon them,” because his theoretical speculation relates to the earthly world (*dunyā*) (al-GHAZĀLĪ 1982: II, 113; I, 19; IV, 213). On this basis, the individual shoulders the majority of the heart’s actions themselves since it is s/he who is acquainted with their own particulars. This is a broad conception of piety that al-Ghazālī discussed at length. However, despite that, he did not grant the legally obligated individual complete authority to determine what is valid or invalid in piety in case he passes over into obsessiveness and affective overburdening. Some piety falls under the laws of *fiqh* in terms of regulation and codification, and that which cannot be regulated is deferred anew to the legally obligated pious individual (al-GHAZĀLĪ 1982: II, 112).

Importantly, consultation of the heart is not absolute. It is subject to restrictions and particulars at which one must stop for it not to disrupt the system of apparent rulings. This is because the purpose of scrutinizing the conditions of the inward dimension is to arrive at a higher station of devotion in worship. On this basis, al-Ghazālī stipulated that the intended meaning of consulting the heart is,

that which the *muftī* has declared permissible. As for that which he has declared prohibited, it is obligatory to refrain. (al-GHAZĀLĪ 1982: II, 118)

Here, it is possible for us to distinguish between two cases. The first is the case of conflict between the opinion of the *muftī* and the opinion of the heart, which is implied by the *ḥadīth* of Wābiṣa (al-GHAZĀLĪ 1982: I, 224), i.e., that the opinion of the heart is given precedence over that of the *muftī*, because the heart is the locus of accountability for blame and the acquisition of reward.

So, if the heart of the *muftī* ruled in favor of deeming something obligatory and it was mistaken in so doing, he is rewarded for that. Indeed, whosoever presumed that he had performed ritual purification must pray, then if he prayed and then remembered that he had not performed the ablution, he receives a reward for his action. If he remembered and then left performing it, he is punished for it ... and all that is by considering the heart to the exception of the limbs. (al-GHAZĀLĪ 2011: V, 153)

Moreover, the heart might be harmed by accepting that in which there is a stirring. It is obligatory, therefore, to listen to it. Venturing upon any action, with a stirring in the heart

harms the heart and brings darkness upon it, irrespective of the reality of the ruling as determined by God or its formulation by the *mufī* (al-GHAZĀLĪ 1982: II, 113).

The second case is doubt and ambiguity, involving two competing beliefs, each with its own proper ground. Al-Ghazālī attempted to regulate the implications of ambiguous matters. He determined that in cases of doubt, the legally obligated individual shall consult his heart in the same way the Messenger of God commanded Wābiṣa to consult his heart. Al-Ghazālī thus calls upon the legally obligated individual to go beyond simply avoiding what is prohibited and to shun ambiguous matters. For a while the opinion of the *mufī* is grounded on probabilities, the opinion of the heart pertains to piety and needs to be shielded from ambiguous matters. Such a station is higher than the theoretical speculation of the jurist which stops at clear-cut boundaries. Although al-Ghazālī attempted to regulate the fundamental principles of ambiguous matters (*al-shubah*) by means of the logic of the jurist, the details and applications of these ambiguous matters cannot be regulated. On this basis, he delegated them to the heart, not to the *mufī* (al-GHAZĀLĪ 1982: II, 99, 103, 86, 118).

The heart's stirrings, in terms of their capacity as a standard in determining what is ethical, do not only depend on the heart as the locus of legal obligation. They also depend on the heart possessing "insights into discrete contextual indicants for which the scope of speech narrows" (al-GHAZĀLĪ 1982: II, 125). Thus, it is not possible to regulate them according to the laws of *fiqh*, but they may be realized by means of "the contextual indicants of conditions (*qarā'in al-ahwāl*)" (al-GHAZĀLĪ 1982: IV, 213).

Because the heart's stirrings differ according to individuals and realities, it is possible to posit a general fundamental principle for them. Namely, "that which he finds to be closer to his whim and to that which is implied by his nature, the opposite of it is more worthy" (al-GHAZĀLĪ 1982: II, 170). Because these issues and conditions are in the utmost of subtlety, "not every heart can be depended upon" (al-GHAZĀLĪ 1982: II: 118). For that reason, "[the Prophet] did not refer everyone to the consultation of the heart. Rather, he only said that to Wābiṣa because of what he had known of his condition" (al-GHAZĀLĪ 1982: II, 117). This does not mean that consultation is to be restricted to the hearts of specific individuals, but rather that the command revolves around specific characteristics that adorn hearts, which may be attained through cultivation, watchfulness, and avoiding ambiguous matters. For hearts are two extremes and a median: the two extremes are an obsessive heart that recoils from everything and a covetous indulgent heart that is at ease with everything, and these two hearts are to be given no consideration. Rather, consideration is owed to what al-Ghazālī on occasion called "the heart of the scholar who has attained success that is watchful of the subtleties of conditions," which on another occasion he called "the pure moderate heart (*al-qalb al-ṣāfi al-mu'tadil*)." Even though al-Ghazālī admits to the scarcity of this heart, he opens the door to whoever "does not trust his own heart" to "solicit the light from a heart bearing this description" in order that he may present his case to it (al-GHAZĀLĪ 1982: 113, 118).

The heart as exhorter: Ibn Taymiyya and giving preponderance to the heart

Ibn Taymiyya (d. 728/1328) reaffirms the authority of the scriptural text. He holds that any belief or action needs to be grounded on *sharī* evidence (IBN TAYMIYYA 2001: II, 101; 2005: X, 477; 1991a: I, 244; 2005: XVIII, 65, XXII, 27; 1987: V, 134). The scriptural evidence reflects God's intent and what He loves and abhors. Hence, it behooves the legally obligated individual to examine the evidence without yielding to his or her whim. However, the

lawgiver's ruling may be absolute or specific. As clarified by the lawgiver, absolute rulings are principles and generalities which encompass an infinite number of particularities (IBN TAYMIYYA 2001: II, 102; 2005: X, 478). Specific rulings, on the other hand, are those technically termed "establishing the *ratio legis* (*taḥqīq al-manāṭ*).² If a specific scriptural text exists in which the ruling is clarified, this expresses God's intent more clearly. However, if God's intent is hidden due to the absence of evidence or its ambiguity, or because the proofs contradict one another, establishing what God loves and what God abhors becomes the locus of *ijtihād*. It is here that Ibn Taymiyya cites three schools: the first is to give preponderance to one position by the mere choice and will of the legally obligated individual. This is the position of the theologians, jurists and some of the Sufis. However, he determined that,

Giving preponderance to one position by mere will, without relying on any scholarly basis, whether hidden or apparent, is not a position that is held by any of the *imāms* of knowledge and temperance. (IBN TAYMIYYA 2005: X, 269; 2001: II, 93)

The second is to refer to pure *qadar* (divine decree), because of the absence of overriding authoritative reasons (*al-asbāb al-murajjiḥa*) from the perspective of the *sharī'a*, and to avoid the introduction of personal will and whim into the action. This is because the introduction of whim dithers between being prohibited, disapproved, or descending from the station of perfect obedience to God. Surrendering to *qadar* here is to give preponderance by means of something that cannot be attributed to the individual and in which he has no will. It is God's action with regard to the individual. This is, according to Ibn Taymiyya, the method of 'Abd al-Qādir al-Jaylānī (d. 561/1166) and his like among the great *shaykhs*. The third is to give preponderance to one position based on an inward reason, such as taste (*dhawq*), inspiration (*ilhām*), or inclination of the heart (*mayl qalbī*). Here, Ibn Taymiyya added that if the heart that is abundant in God-consciousness (*al-qalb al-ma'mūr bi-l-taqwā*) gives preponderance to a position by its will, then it is a *sharī'a* overriding authority (*tarjīḥ sharī'a*) with respect to itself. Guiding indications may occur within the heart of the believer regarding things that cannot be expressed. This is because God has built within his servants an innate disposition (*fiṭra*) towards the truth, and has placed within the heart of each believer an exhorter (*wā'iz*), just as he placed an exhorter for the believer within the Book and the apparent *sharī'a*. Within each of the two exhorters, there are commandments and prohibitions, accompanied by exhortations and admonitions. This implies that there is a correspondence between apparent commandments and inward commandments. And in the case of the heart that is abundant in God-consciousness, the commandments and prohibitions that occur within the believer's heart are identical to the commandments and prohibitions of the Qur'an, so one is strengthened by the other. Thus there is sinfulness and righteousness "roaming and wavering" (*taraddud wa-jawalān*) within the chests of creation. If the servant exerts their utmost in obeying God and guarding against God's wrath, God becomes his or her hearing and sight and comes to be within his or her heart and sense. Thus, he or she mostly wills what God loves and detests that which He abhors. When a heart becomes abundant in God-consciousness, matters are disclosed and become open to it, unlike the darkened ruinous heart. The action of this heart (i.e., *al-qalb al-ma'mūr bi-l-taqwā*) here is stronger upon its bearer than the weak and illusory analogies, just as it is stronger than the many apparent meanings and claims of continuity (*istiṣḥāb*) that the jurists cite as proof (IBN TAYMIYYA

2001: II, 98-99; 2005, XX, 27-29, XX, 44-46; XIX, 280-285; X, 268-273, X, 477; 1986: VIII, 70; 1991b: I, 7).

Resorting to the inward overriding authoritative factor (*al-murajjih al-bāṭin*) here takes place after the exhaustion of all apparent evidentiary indicants. The believer in this case may either opt to give preponderance to this inward reason, or to give preponderance merely based on his or her will and choice. However, giving preponderance to something merely on the basis of personal choice is to be avoided because it can be unstable, oscillating between prohibition or disapproval, or descending from the station of perfect obedience to God. The servant may also be requested to contradict his or her whim.

Everyone is their own jurist: al-Shāṭibī and establishing the *ratio legis*

Al-Shāṭibī argued that these *ḥadīths* are connected to the legally obligated individual's *ijtihād* in establishing the *ratio legis* (*taḥqīq al-manāṭ*). When it comes to knowing its ruling, every action is in need of two exercises in theoretical speculation: the first is an exercise in theoretical speculation with respect to the scriptural evidence of the ruling (*dalīl al-ḥukm*). This is something in which the heart has no place. For deeming something detestable based on the extent to which the self feels at ease without any scriptural evidence is the methodology of the people of innovation (*bidʿa*), and opposed to the *ijmāʿ* of Muslims. The second is an exercise in theoretical speculation regarding the locus in which the ruling is revealed (*maḥall al-ḥukm*), as many of its applications are deferred to the legally obligated individuals without requiring them to meet the condition of fulfilling the status of *ijtihād* or of *sharʿī* knowledge.¹⁹ If the layperson were to ask the *mufī* about actions that are not of the type performed in prayer—whether their commission by a person during the performance of prayer would render their prayer invalid—the *mufī* would answer: if the action is negligible, it is forgivable, but if it is excessive, it would invalidate the prayer. The layperson here is in no need of clarification from the *mufī* in specifying what is excessive and what is not, for such specific judgment goes back to each legally obligated individual self to decide. This means that judgments of validity and invalidity depend upon the self of the legally obligated individual, i.e., deferring to the heart is restrictive in nature, so it does not undermine the scriptural evidence of the *sharʿa* (al-SHĀṬIBĪ 1992: II, 666-667; 1997: II, 300; V, 16-17, 25). As for determining general rulings, engaging in theoretical speculation on scriptural evidence and establishing the *ratio legis* that require *ijtihād*, they are to be referred to the jurists. This is because the ruling authority of jurists rests on *sharʿī* knowledge, which is specific to their domain and distinguishes them from others. To refer to the jurist is to refer to the *sharʿa*, and the *muqallid* is in need of an exemplar to follow (al-SHĀṬIBĪ 1992: II, 858-862). This means that consultation of the heart does not nullify the authority of the jurist.

19 After putting our *ḥadīth* in the context of doubtful cases where everyone is obliged to refer to his own conscience and abide by its response, Muhammad Abdulla Draz (d. 1958) discussed the role that the individual conscience plays in the institution of moral duty based on two points; understanding a rule and applying it, where there is a whole gamut of options between the undetermined and the determined. A similar perception was discussed by al-Shāṭibī under “*ratio legis* (*taḥqīq al-manāṭ*).” Draz concluded that it is “the recourse to individual effort, to ensure that one’s duty is in conformity with the objective reality, is a universal duty, incumbent upon the most ignorant man, as well as the most competent” (DRAZ 2008: 63-65).

Al-Shāṭibī stresses the regularity of the *sharīʿa*, the generality and consistency of its rulings, and its exemption from loopholes, and thus runs on a singular law encompassing all legally obligated individuals. This regularity, however, does not nullify the variances and differences between individuals, whether in terms of the difference in their conditions, or the variance in their cognitive abilities. On this basis, al-Shāṭibī determines that the purpose of *sharīʿi* rulings relating to customs (such as transactions and adjudications) as well as many acts of worship is the regulation of the avenues of benefits, so that people's affairs may become well-ordered. Regulation, to the extent that it is possible, is closer to abiding by God's intent. As for matters that cannot be regulated, they are deferred to the trust and private affairs of legally obligated individuals (*amānāt al-mukallafīn*), such as prayer, fasting, menstruation, ritual purity, and other such matters (al-SHĀṬIBĪ 1997: II, 526-527). Furthermore, absolute commandments and absolute prohibitions (i.e., those for which the lawgiver has not specified particular boundaries) are intended by the lawgiver to be unregulated and are delegated to the theoretical speculation of the legally obligated individual to engage in *ijtihād*. This is because the commandments and prohibitions must have intelligible meanings that can be understood independently but are still left without regulation. The aim here is to accommodate individual differences and conditions and variances in the performance of duties, which fall outside the circle of well-regulated obligations in which all are equal (al-SHĀṬIBĪ 1997, 2: 148). This includes commandments such as those in favor of justice, goodness, forgiveness, patience, and gratitude, and prohibitions against injustice, indecency, bad conduct, and transgression (al-SHĀṬIBĪ 1997: III, 235, 392-398, 401). This point opens the door for the individual creative effort,²⁰ which differentiates between people in their goodness, and for distinctions between ethics and *fiqh* where the ethical realm goes beyond what is licit.

As for the stirrings of the hearts, they cannot be regulated, and they encompass personal revelations (*mukāshafāt*) and miracles (*karāmāt*). These cannot validly be taken into consideration except on the condition that they do not contravene a *sharīʿi* ruling nor a religious principle. Moreover, the domain of acting upon *mukāshafāt* and *karāmāt* is in matters that are licit, or desirable pursuits in which there is room for maneuver, such as warning, giving glad tidings, and the pursuit of benefits that one hopes may successfully be attained. All this is based upon the fundamental principle determined by al-Shāṭibī, namely that the *sharīʿa* is general and not specific. Its fundamental basis cannot be contravened and its consistency cannot be broken (al-SHĀṬIBĪ 1997: II, 457, 466-468, 471-473).

Al-Ghazālī discussed exhaustively what cannot be regulated among the actions of legally obligated individuals under the topic of “piety (*waraʿ*),” and included a cryptic part to guide the pious scholar. Al-Shāṭibī, however, addressed the same point under what he called the theoretical speculation of legally obligated individuals (*naẓar al-mukallaf*), or under the *fiqh* of the self, which generally revolves around “establishing the *ratio legis*.” The two approaches are complementary, as they refer to the individual's effort and role in the valuation of actions. Overlapping occurs between the approaches of al-Ghazālī and al-Shāṭibī in that issues of piety overlap with issues of establishing the *ratio legis*. If piety is taken to

²⁰ It seems that Draz coined what he called “effort créateur” (creative effort) based on what al-Shāṭibī mentioned here. For more details see DRAZ 2008: 257 f. and al-KHATIB 2017: 107-108.

mean the avoidance of ambiguous matters, then establishing the *ratio legis* is a broader category, because it addresses ambiguous matters and other issues. Al-Shāṭibī even made space for that which the lawgiver deliberately left unregulated in order that the legally obligated individual may move freely based on their *ijtihād* and according to their condition. Al-Ghazālī primarily occupied himself with the responsibility of the individual from a Sufi perspective, and therefore opened the door to the stirrings of the hearts in order that some licit things that may harm the self may be avoided. Al-Shāṭibī, on the other hand, occupied himself with the regulation of the fundamental principles of the *sharīʿa*. He thus posited a cohesive theoretical framework for it, closing the door to the stirrings of the hearts except if they do not contravene *sharīʿi* principles or rulings such as *al-mushtabihāt* or licit actions to exclude what some extremist Sufis did when they followed their inspiration and freed themselves from the juristic rulings.

III. The Sufi discourse on consciences

Ibn ʿAjība (d. 1224/1808) noted that “among the foundational principles of the people of *taṣawwuf* is to refer to God in all things” (IBN ʿAJĪBA 2002: II, 417). However, this absolute recourse to God cannot be achieved by sticking to the method of the jurists only and contenting oneself with the apparent actions. Thus, the Sufis expanded in two directions: first, in valuating human actions in such a way as to encompass actions of the heart, and that there are rights owed to God in the beliefs of the hearts and what they acquire. These are referred to as “the inward knowledge” (*ʿilm al-bāṭin*),²¹ which pertains to what the Sufis call musings (*khaṭarāt*), which are, as al-Muḥāsibī (d. 243/857) says, “the causes for hearts to turn to every good or evil” (al-MUḤĀSIBĪ 2003: 84-85). The second expansion came in the direction of the sources of knowledge of divine will, which governs people’s actions. This will encompass “apparent commandments” (*al-awāmir al-zāhira*), expressed by scriptural texts, and “inward commandments” (*al-awāmir al-bāṭina*), embodied in inspiration (*ilhām*) and the consultation of the heart. Al-Qushayrī’s (465/1073) definition of musings reflects this aforementioned expansion, as he defined musings as “a discourse that comes upon the consciences” (*khiṭāb yaridu ʿalā al-damāʿir*) (al-QUSHAYRĪ 1989: 169). This is a definition that encompasses two meanings:

The first meaning is that the heart is a discrete power (*quwwa khaṭfiyya*) or a divine spiritual subtlety (*laṭīfa rabbāniyya rūḥāniyya*). This is the discerning aspect of the human that is addressed, punished, admonished, and answerable. The *khaṭarāt*, which come upon this heart, vary based on their sources and types and are differentiated by means of signs and terminologies. Al-Muḥāsibī divided the musings of the hearts into three types: a forewarning from the Most Gracious (which may be direct, without an intermediary, or through the

21 *ʿilm al-bāṭin* refers to what al-Ḥārith al-Muḥāsibī called “inward worship” (*al-ʿibāda al-bāṭina*) which consists of the inward actions and virtues such as *waraʿ* (piety), *ikhhlās* (sincerity), and *niyya* (intention). In contrast, the apparent knowledge (*ʿilm al-zāhir*) consists of the knowledge of *ḥalāl* (permissible) and *ḥarām* (prohibited). This classification of knowledge emerged with al-Muḥāsibī, and then it became popular in the Sufi literature such as Abū Ṭālib al-Makkī’s work (see al-MUḤĀSIBĪ 1975: 81-88; al-MAKKĪ 2001: I, 363-380).

mediation of an angel), a command from the self, and a whispering from the devil. Al-Qushayrī clarifies that each of these types takes a convention specific to it, “so, if it is from an angel, it is inspiration (*ilhām*); if it is from the self, it is called presentiments (*hawājis*); if it is from the devil, it is the whispering (*waswās*); and if it is God who has placed it in the heart, it is a true musing (*khāṭir haqq*)” (al-MUHĀSIBĪ 1986: 297-299; al-QUSHAYRĪ 1989: 169-170). The Sufis were thus cognizant of the complexities of that which roams within the human and the different causes that prompt actions. This is a vision that is more layered and complex than that of the Greek philosophers regarding the three powers of the soul: the appetitive power, the irascible power, and the rational power.²² This complexity can be explained based on the spiritual experience and the scriptural sources.

The second meaning is that the Sufis’ inquiry into divine will (and what God loves and abhors) generated their interest in the varieties of discourse, both apparent and inward. With regard to the inward discourse, they considered all its forms regardless of the source because they believed that the inward revelation complements the apparent revelation. Inquiry into the inward revelation requires differentiating it from what may be confused with it, such as the whisperings of a devil or the whims of a self. The inward revelation takes two forms: inspiration from an angel and the true musing from God, each of which represents a source for the valuation of the individual’s actions. On this basis, al-Suhrawardī (d. 632/1234) considered that “the esoteric sciences (*al-‘ulūm al-ladunniyya*) within the hearts of those devoted to God are a kind of communication” (al-SUHRAWARDĪ 2000: II, 37). However, this differs from the way of the jurists, who restricted themselves to knowing the discourse of revelation (scriptural texts) which represents the general and apparent divine will. In the absence of scriptural evidence, jurists had to negotiate how much leeway they were willing to give to the heart within the non-textual sources. By contrast, the Sufis did not have the same concern for they operated within the realm of the heart and had more space to elaborate and theorise. For jurists, it remained limited to psychology in relation to what is evident and what is apparent in terms of testimony, while for the Sufis it became completely grounded in the deep psychological domain of the heart, beyond the domain of what is apparent. While some *uṣūlīs* objected to the rejection of inspiration, for the lack of grounding of its source, the Sufis posited standards and signs that aid in differentiating between one musing and another. From the sum total of their discussions, it is possible to say that the distinction stands upon two things. The first rests on the consideration of the musing in light of the apparent revelation. The second is premised on the special characteristics linked to taste and experience. The divine musing is in concord with a fundamental *shar‘ī* principle, untouched by license or whim, and followed by a sense of calm and expansion (*burūda wa-inshirāḥ*). The musing of the self mostly invites following an appetite or a sense of pride, which is not in accord with a fundamental *shar‘ī* principle. It also admits licenses and is followed by a sense of dryness and tightness (*yubs wa-inqibāḍ*). The angelic musing brings nothing but good, whereas the satanic musing mostly invites us towards sin, although it may also bring good, which is cause for ambiguity. The differentiating factor between the angelic and satanic muse is that the first

²² This is the classic version of the Platonic tripartite soul, but some studies show that Plato was hesitant about the tripartite division or there is more than one tripartite relation in the *Republic*. (See PLATO 2003: 135 f; FINAMORE 2005: 35-52; ROBINSON 1995: 119-122; FRONTEROTTA 2013: 168-178; CORRIGAN 2007: 99-113.)

is supported by evidentiary indicants and is accompanied by an expansion, contrary to the satanic, which turns one away from evidentiary indicants and is accompanied by a restrictiveness. If a person is confused regarding the origin of their musing, it is up to them to stop and ascertain, either by looking into their heart or asking the scholars. Thus, according to Ibn ‘Ajība, it is among the characteristics of the people of *taṣawwuf* “to consult the hearts regarding those matters that occur [to them],” i.e., if they did not find an apparent revelation in its regard (al-MUḤĀSIBĪ 2003: 89; al-QUSHAYRĪ 1989: 169-170; al-JAYLĀNĪ 1976: 26-27; ZARRŪQ n.d.: 288-289; al-ḤAKĪM al-TIRMIDHĪ 2010: II, 42, 54; IBN ‘AJĪBA 2002: III, 14; II, 417).

The principle of referring to God in all things also affected the Sufis’ way of gauging actions on the basis of the principle that all the servant’s movements and moments of stillness ought to be through God. This is because referring to God absolutely demands following commandments that may be divided into two kinds: the first is to take from the earthly world (*al-dunyā*) sustenance (*al-qūt*) which is the self’s right to avoid whims and desires (*ḥaẓẓ al-nafs*), and to perform obligations and become occupied with avoiding sins, both apparent and inward. This is the adherence to apparent commandments. The second is to follow the inward commandment, which comes from the exalted Truth. God commands His servants and prohibits them by means of a true musing or by the inspiration of an angel. This inward commandment is linked to what is licit with no ruling in the *sharī‘a* and is left to the servant’s choice. However, here, the individual may relinquish choice and await the inward commandment regarding the issue at hand—and if he is then commanded, he complies. Indeed, al-Jaylānī and others “command the performance of that which is recommended and not obligatory and proscribe that which is discouraged and not prohibited” (IBN TAYMIYYA 2005: X, 265). Thus, there remains no scope for the five legal rulings²³ with respect to the specific individual. This is because the recommended (*mustaḥabb*) is subsumed into the obligatory (*wājib*), the discouraged (*makrūh*) is subsumed into the prohibited (*ḥarām*), and the licit (*mubāḥ*) does not exist, because it becomes appended either to commission or to omission. In fact, al-Jaylānī calls for the abandonment of those musings which, upon consideration in light of the Book and the Sunna, it becomes clear that they are of the self and its licit appetites (such as eating, drinking, sexual intercourse, and other such things).

Ibn Taymiyya highlighted the disputation among the jurists over the meaning adopted here by al-Jaylānī and others because the jurists affirm the five legal rulings. However, the work of the jurists applies to rulings in general (*al-‘umūm*) and the work of the Sufis applies to the rulings of the elect (*al-khawāṣṣ*). Thus, al-Ḥakīm al-Tirmidhī differentiated between “refining the self,” by barring it from some licit appetites and “prohibition,” positing that by barring the self from its desires, the training of the self is achieved such that it is subdued and softened. Therefore, the renunciation of the heart is meant to purify the heart. For the sake of these meanings, *fiqh*²⁴ for the Sufis is the science of the path of the hereafter, as clarified by al-Muḥāsibī, al-Ghazālī, and others (al-JAYLĀNĪ 1976: 26-28; IBN TAYMIYYA 2005: X, 296-299; al-ḤAKĪM al-TIRMIDHĪ 1993: 63-65). This provides room to both distinguish between

²³ The five legal rulings in *fiqh* are: obligatory (*fard*), recommended (*mustaḥabb*, *mandūb*), permissible/licit (*mubāḥ*), discouraged/disapproved (*makrūh*), and prohibited (*ḥarām*).

²⁴ Lit., ‘comprehension; understanding’.

fiqh and ethics and give more scope for the individual creative effort that is based on self-discipline.

Conclusion

This study has shown that the inward dimension, with its various interpretations and the scope of its authority, has occupied an important space in various disciplines of the Islamic moral tradition. However, taking the perspective of how the two *ḥadīths* were interpreted offers a different outlook to what is often gleaned from *Mu'tazilīs* and *Ash'arīs*' discussions on the sources of moral value judgments (*taḥsīn* and *taqbīḥ*). Moral conscience is a third category, besides reason and revelation, to assess the moral quality of our thoughts, words, and deeds. This article proves that the common assumption of the absence of individual decision making in Islamic ethics is an oversimplification.

The contemporary scholarship about Islamic ethics has reduced Islamic ethics to two meta-ethical theories: ethical rationalism and ethical voluntarism (divine command theory). This taxonomy has implicitly emphasized the common understanding among some Western scholars that the Islamic conscience is an external scriptural conscience. This study identifies the rich Islamic discussions on individual conscience and its authority in ethical judgments. The inward dimension of soul is substantiated through the discussion of three concepts: (1) inspiration (*ilhām*) (2) the musings (*khawāṭir*) that come upon the individual conscience in general, and (3) the preponderation of the heart (*tarjīḥ al-qalb*) and its inclination towards a particular action or judgment.

Traditionally, there were two main positions vis-à-vis the two key *ḥadīths* discussed here. The first is represented by *ḥadīth* commentators who reinforced the authority of the scriptural text and the scholars to prevent the transformation of juristic rulings into individual judgment based upon human whims. On this basis, the apparent or general meaning of the *ḥadīth* was rejected. Jurists, *uṣūlīs* and Sufīs adopted the second stance and sought to negotiate the strength of the authority of the conscience. In fact, the majority of *uṣūlīs* considered that in the absence of rational proofs, inspiration plays the role of an inward proof with respect to the individual who receives inspiration to the exception of others. In so doing, the recourse to inward dimension is needed as a departure from the apparent sense-determinate towards the individual inward dimension that cannot be made apparent, generalized, or regulated. The Sufīs, however, have a vision of divine command that is broader than that of the jurists. For them, the issue is no longer limited to the commands and prohibitions stated in the scriptural texts, nor to those dos and don'ts that can be gleaned from the apparent meanings of these texts, but also encompass the inward dimensions of individuals and the actions of hearts. In order for their position to be made feasible, Sufīs needed to broaden the sources of knowledge of divine will. On this basis, they discussed "the inward revelation," represented in inspiration and consultation of the heart, because it is deemed a divine discourse, coming either directly from God or through the medium of an angel.

In the negotiations over the authority and space of individual conscience, some scholars such as al-Ghazālī, Ibn Taymiyya, and al-Shāṭibī pursued a middle route, through which they attempted to reconcile between the apparent and the inward in terms of the discussions about consultation of the heart and to give preponderance to it. Al-Ghazālī argued for "the heart as

mufī,” with the *ḥadīth* as a fundamental principle for piety (*waraʿ*). This piety directs itself towards the actions and choices of individuals, an issue that does not occupy the jurist. The individual takes charge of the majority of the actions of the heart, as it is the individual who is acquainted with its particularities. The heart becomes the locus of legal and moral obligation and possesses “insights into discrete contextual indicants,” which cannot be regulated by the laws of *fiqh*.

Ibn Taymiyya weighs between the action of the heart and some of the preponderations that the jurists adopt (such as weak analogy, the apparent meaning, and claims of continuity [*istiṣḥāb*]), and considers that the inclination of the heart in this instance is stronger with respect to the individual than the overriding authoritative claims of the jurists.

Al-Shāṭibī, while refusing the heart as a source of evidence or a source of issuing rulings, established a balance between the absolute and the individual, the regulated and unregulated, and the authority of the scriptural text and the jurist on the one hand, and the responsibility of the legally obligated individual on the other. Those issues that cannot be regulated are to be deferred to the trusts and private affairs of legally obligated individuals. Indeed, there are spaces which the lawgiver intended to leave unregulated by delegating them to the theoretical speculation of the legally obligated individuals so that they may engage in *ijtihād* according to their capacity, cognition, and condition. This is because affairs of the conscience come down to intelligible meanings in which individuals differ.

To conclude, subjective interiority was inherent in the Islamic tradition and not necessarily imported and introduced by modernity.²⁵ This goes against the widespread Weberian notion that the normative structure of Islamic law leaves no room for individual ethical decisions and moral resistance against legal authority and political power. According to Max Weber,

A ‘sacred law’ is unable to develop the concept and the institutions of a formally rational justice because the weight of material religious ethics will always force the judge to define justice in the light of material considerations inherent in the case which he has to try. It will, therefore, produce “Kadi-Justiz.” The mixture of ethics and law is considered to be an efficient impediment against the formal rationalization of law. (JOHANSEN 1997: 2)

Mohammad FADEL (2014), Baber JOHANSEN, and Talal ASSAD also proved that this assumption is untenable and the latter emphasized that,

Subjective interiority has always been recognized in the Islamic tradition ... what modernity does bring in is a new *kind* of subjectivity, one that is appropriate to ethical autonomy and aesthetic self-invention—a concept of ‘the subject’ that has a new grammar. (ASAD 2003: 225)

The classical discussions around the authority of the inward dimension and the boundaries of its investment in ethical knowledge fall within the core of *ḥadīth*-centric discussions around the idea of the ethical conscience and its role in specifying right and wrong, which in turn is worthy of attention in further studies.

²⁵ Although that Jakob SKOVGAARD-PETERSEN defended the opposite of this position (1997: 23-25, 384).

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