

Omar Farahat. *The Foundation of Norms in Islamic Jurisprudence and Theology*. New York: Cambridge University Press, 2019. 257 pages. ISBN: 9781108476768.

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The Foundation of Norms in Islamic Jurisprudence and Theology seeks to answer why and how revelation leads human behavior by investigating the theories of divine speech and commandments in rational theology (*kalām*) and legal theory (*uṣūl al-fiqh*). These questions and their answers acquire a different meaning, especially when put into dialogue with secularism's dominant paradigms. Given this, Omar Farahat attempts to reconsider the commonly held conceptions of classical Islamic theories in a context that will open a conversation with the prevailing rational approaches by explaining the text-reader relationship based on Paul Ricoeur's conceptualization of the hermeneutic arc (i.e., analyzing, understanding, and appropriating the text) presented in his *Hermeneutics and the Human Sciences*.¹ Accordingly, he proposes resolutions for various problems in contemporary theological ethics following the abstract meta-ethical models obtained by analyzing fifth/eleventh-century Islamic theological and legal texts.

The book raises two prominent theories in the contemporary Christian tradition regarding revelation's role in determining human behavior in religious and legal theories: divine commandment and natural law. These two theories have adopted different approaches to the necessity of the relation of value judgments to revelation and, consequently, to the idea that revelation is

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1 Paul Ricoeur, *Hermeneutics and the Human Sciences: Essays on Language, Action, and Interpretation*, trans. John B. Thompson (Cambridge: Cambridge University Press, 1981).

the source for human behavior. To put it simply, the former asserts that the source of moral behavior is divine, whereas the latter suggests that it originates from the human being and nature itself.²

Farahat begins by stating that his book is not a study of intellectual history as widely conceived in Islamic studies. Instead of pondering how a set of texts written during a particular period deal with a concept or issue, as is the case with intellectual history studies, he focuses on how we understand religio-ethical and legal theories. Given this angle, the book discusses the broad theoretical approaches and evaluates them from a meta-historical perspective in light of the common ethical and legal questions found in human societies (5). This has led the author to delve into the Islamic intellectual tradition via questions posed by the theories of divine commandments and natural law as regards revelation as the source of human behavior in the Christian tradition.

He examines the various schools of Islamic theological thought on the basis of these approaches and questions the two theories mentioned above. On the one hand, this inquiry has the potential to provide important insights into what kind of contribution Islamic scholars can make to contemporary discussions on this subject, and on the other hand it brings with it some dilemmas that arise from the differences between the two ontologies. For example, the most important issue separating the theory of divine commandment from the understandings of revelation in Islamic thought is based on the fundamental distinction between the Qur'ān and the Bible. The Qur'ān as a divine address was revealed to Prophet Muḥammad, who transmitted it both verbally and practically to the new Muslim community. In addition, both the Qur'ānic revelation and the Prophet's *Sunna* were transferred to subsequent generations through the system of attribution (*isnād*) developed by that community. Therefore, the traditions of interpretation developed around the revelation display a unique character.

2 For the "divine command theory," see David Baggett and Jerry L. Walls, *Good God: The Theistic Foundations of Morality* (Oxford: Oxford University Press, 2011), 103-25; Harry J. Gensler, *Ethics and Religion* (Cambridge: Cambridge University Press, 2016), 9-28; Philip L. Quinn, "Divine Command Theory," *The Blackwell Guide to Ethical Theory*, ed. Hugh LaFollette and Ingmar Persson (Hoboken, NJ: Wiley-Blackwell, 2013), 81-102. For "natural law theory," see Knud Haakonssen, "Natural Law Theory," *Encyclopedia of Ethics*, ed. Lawrence C. Becker and Charlotte B. Becker (New York: Garland, 1992); Mark C. Murphy, *Natural Law and Practical Rationality* (New York: Cambridge University Press, 2001); Alfonso Gómez-Lobo, *Morality and the Human Goods: An Introduction to Natural Law Ethics* (Washington, DC: Georgetown University Press, 2002); David S. Oderberg and Timothy Chappell (eds.), *Human Values: New Essays on Ethics and Natural Law* (New York: Palgrave, 2004).

Since the Christian tradition has no such system, some problems arise when trying to explain revelation in Islamic thought and the traditions of interpretation appearing therein through the divine commandment theory. In particular, reading Ash'arism from this perspective may lead to conclusions never meant by its scholars. Likewise, comparing the Mu'tazili to the theory of natural law, which is centered on the human being and nature instead of revelation, would cause confusion between two different metaphysical doctrines because Mu'tazili thinkers, despite their emphasis on reason, cannot be said to have dismissed revelation in their theological approach.

This study focuses on the fifth/eleventh-century Ash'arī and Mu'tazilī texts written for the closely related disciplines of theology and *uṣūl al-fiqh*. The fact that both disciplines try to determine the ethical character of the norms theologically within a single intellectual project plays an important role. From this point of view, Farahat seeks answers to the following questions in the text: Why do we need revelation to initiate the norm-building process, and what can one know or not know without revelation? These questions give rise to the question of what revelation is.

The book's first part, "What do We Know without Revelation? The Epistemology of Divine Speech," focuses on the discipline of theology and consists of titles that seek answers to these questions. In it, the author claims that the Mu'tazili-Ash'arī conflict stems from the divergence between the latter's naturalism, which argues that values and norms depend on empirical and fundamental knowledge, and the former's skepticism, according to which the norms derived from individual experience are likewise individual and probable, rather than their respective positions on the reason–revelation relationship. Examining both of these approaches under two headings, Farahat emphasizes that this difference results from the epistemological difference between them. He compares the Mu'tazili approach with natural law, because according to it revelation does not contradict the knowledge obtained by reason, for reason can understand the rules and values even without revelation. However, leaving modern Mu'tazili readings aside, Farahat stresses that one cannot equate their theory of natural law with the rationalist understanding that emerged in different historical contexts (28, 41). In fact, he opines that the approach used by those Ash'arī theologians who criticize them is not a dogmatic adherence to the revealed text, but rather the result of a skeptical epistemological perspective. The Ash'arī approach stems from their basic premise, based on the legitimacy of the role they attribute to divine speech, rather than to their opposition toward the Mu'tazili (52-53).

Under the title “God in Relation to Us: The Metaphysics of Divine Speech,” the metaphysical theories that form the basis of the two attitudes regarding revelation’s normative role are examined comparatively. Farahat states that the difference is based on the Mu‘tazilī’s dualistic metaphysical understanding and the Ash‘arī’s skeptical theistic approach. The last section of this chapter, “The Nature of Divine Speech in Classical Theology,” deals with the implications of these schools’ metaphysical differences as regards their conceptions of revelation. The Mu‘tazilīs argue that values and judgments are independent of divine speech, for they view the material manifestation of the divine speech reflecting God’s will as a factor that leads to concrete change in the world. On the other hand, the Ash‘arīs hold divine speech as transcendent, as being above our material world, and therefore see values and judgments as fictions that emerge due to human epistemological endeavors.

Farahat makes an important point here and corrects a misunderstanding that has become common in the modern era: Describing the Mu‘tazilī as rationalists, based on their theory of the createdness of divine speech, is an inadequate reading because the basis of the discussion here is God’s relation with His servants, rather than the nature of divine speech. Therefore, whereas they imagined the divine realm as an ideal reflection of the world in which we live, the Ash‘arīs approach it with suspicion, try to understand God and His acts, and constantly see Him as transcendent and dissimilar to what He has created. As a result, although the Ash‘arī tradition is neither a rational-empirical nor a purely scripturalist dogmatism, it should be evaluated as an approach that accepts no similarity between what is transcendent and eternal and what is human (97).

In the second chapter, which focuses on the normative possibility of the divine address by examining the concept of divine commandment through *uṣūl al-fiqh*, Farahat seeks to explain how norms are formed in the context of linguistic forms peculiar to the language of revelation. According to him, whereas the fact that the theory of divine commandment insists on revelation’s necessity has achieved success in the big picture, *uṣūl al-fiqh* has allowed the existence of natural law doctrines within its own complex structure (164). In this context, the author examines the theoretical debates about the nature of divine commandments in *uṣūl al-fiqh* under the title of the first section, “The Nature of Divine Commands in Classical Legal Theory.” Although the Mu‘tazilīs ascribe normativity to God’s will and actions, the Ash‘arīs see normativity as an eternal divine attribute and people’s moral judgments as human experiences that try to determine these attributes.

Under the title of “Divine Commands in the Imperative Mood,” the author examines the semantic dimensions of normative denotations found in scripture by examining the chapters in *uṣūl al-fiqh* on commandments. Farahat argues that Ash‘arism’s revelation-centered approach prevailed with the emergence of that science as the basic method of negotiating the normative denotations of revelation, while Mu‘tazili naturalism subsisted, and even to a certain extent prevailed, in the fine details of *uṣūl al-fiqh*. The last section, “The Persistence of Natural Law in Islamic Jurisprudence,” reveals that some of the Mu‘tazili’s naturalist ideas continue to exist in the revelation-centered understanding of *uṣūl al-fiqh*. In this section, the possibility of inner morality is tackled via the jurisprudential works of al-Bāqillānī (d. 403/1013), al-Jaṣṣāṣ (d. 370/981), and Abū al-Muẓaffar al-Sam‘ānī (d. 489/1096). Specifically, when the chapters on commandments in this science’s literature are examined, he states that the arguments about the reasonableness and validity of legal obligations are covered by theories on how to address revelation in the form of commandments.

Given that the book explored different approaches in Islamic thought through the divine commandments and natural law theories, it was based on works by Mu‘tazilī and Ash‘arī theologians and confined to those Ash‘arī theologians who were contemporaneous with their Mu‘tazilī counterparts. Farahat specifically focuses on the fifth/eleventh century, a time when prominent members of both schools were alive and active. This choice, however, led to the exclusion of the post-sixth/twelfth-century discussions, when the Mu‘tazilī’s intellectual production waned and the Ash‘arī theologians were composing highly sophisticated philosophical and theological texts. This is a major shortcoming.

Among the important contributions of Farahat’s work to this field is his conclusions, which refute the essential modernist supposition that deems the Mu‘tazilī to be rationalists and the Ash‘arīs to be scripture-centered. His skepticism about Ash‘arī theology is noteworthy in this respect, for the production of theological and legal knowledge based on revelation is nothing but a human interpretation of the denotations and implications of divine speech. Therefore, Ash‘arī skepticism is more of a social agreement among believers rather than a dogmatic approach that binds norms derived from empirical knowledge to the scripture. This phenomenon is observed in all jurisprudential and theological writings, a reality that reveals the fact that producing revelation-based knowledge is a result of human interpretation (97-98, 169).

The first part of the book discusses Mu'tazili and Ash'ari theologians. However, the second part makes no such distinction and the writing traditions in *uṣūl al-fiqh* are absent. For the debates among the *uṣūl al-fiqh* scholars on the meaning of the imperative mood, mention is made first of the differences between al-Qāḍī 'Abd al-Jabbār (d. 415/1025) and al-Bāqillānī, and then between al-Jaṣṣāṣ and Abū al-Ḥusayn al-Baṣrī (d. 436/1044). If the main currents in the first chapter are to be taken as the basis, then a distinction here should be made between al-Bāqillānī and the other names. If, instead of this distinction, the writing methods of *uṣūl* had been considered, then al-Jaṣṣāṣ should be placed on one side and the others on the other side. However, Farahat neither clarified this distinction nor offered a classification based on the scholarly traditions they followed.

This blurs the discussion in the second chapter. For example, what separates al-Jaṣṣāṣ and al-Baṣrī from al-Qāḍī 'Abd al-Jabbār, all of whom were Mu'tazilis, is not clarified. In other words, no discussion is provided on how scholars who accept the same theological premises could have different approaches to *uṣūl al-fiqh* and, more specifically, to the issues related to its language. Likewise, while al-Qāḍī 'Abd al-Jabbār and al-Bāqillānī have different views on all of the sub-headings of the first chapter dealing with the nature of the divine address, how both of them adopted the position of suspension (*tawaqquf*) for the meaning of "imperative" remains unanswered.

Whereas such names as al-Qāḍī 'Abd al-Jabbār, Rukn al-Dīn al-Malāḥimī (d. 536/1141), al-Bāqillānī, and al-Juwaynī (d. 478/1085) are featured in the book's first part within the framework of theological issues, the second part studies *uṣūl al-fiqh* problems through the writings of al-Jaṣṣāṣ and Abū al-Muẓaffar al-Sam'ānī, in addition to al-Qāḍī 'Abd al-Jabbār and al-Bāqillānī. Although Farahat stated at the beginning of his study that he would include the views of Ash'ari and Mu'tazili scholars, it would have been more useful to include the views on commandments from *uṣūl* scholars who belonged to the same theological schools in terms of maintaining the consistency and highlighting the relationship between theology and *uṣūl al-fiqh*. Thus it is hard to understand why al-Juwaynī, a scholar of *uṣūl al-fiqh*, was excluded when discussing the chapters on commandments, or why al-Sam'ānī was included in the discussion in the last section.

In addition, the author states in the second chapter's final part that al-Sam'ānī does not have a certain theological commitment (203), although it is known that this figure, a Shāfi'i in jurisprudence and a Salaf-oriented theologian, seriously

criticized the Mu‘tazilis, Qadariyyas, and Khārijīyyas.³ In this context, al-Juwaynī’s views on the meaning of the “imperative mood” occupies an important place in *al-Burhān*⁴ and differs from al-Bāqillānī’s view on many levels. For instance, he disagrees with the latter on issues such as the relation between God’s speech and language,⁵ whether the imperative implies obligation,⁶ and whether the unqualified imperative form entails immediacy.⁷

The book undoubtedly makes important contributions to contemporary scholarship on theology, the history of Islamic sects and doctrines, and *uṣūl al-fiqh*. A particularly valuable one is its critique of interpretation, seen in both the West and the Islamic world, of the divine address as the source of human behavior and, consequently, the evaluation of the Mu‘tazilī and Ash‘arism in the context of rationalism and scripturalism, respectively. In particular, the strong argument that the divergent Mu‘tazilī–Ash‘arī approaches to the issue of an act’s legality should be evaluated in the context of naturalistic–skeptical theism rather than the rationalism–scripturalism dichotomy will be an important starting point for further research.

3 See Abū al-Muzaḥḥar al-Sam‘ānī, *Tafsīr al-Qur‘ān*, ed. Abū Tamīm Yāsir b. Ibrāhīm (Riyad: Dār al-Vaṭan, 1997). This six-volume Qur’anic commentary (*tafsīr*) is well known for addressing a wide range of verses with theological import and pointing out the period’s central discussions. In addition, the Ḥanafī jurist al-Dabūsī’s criticism of al-Sam‘ānī’s doctrine of *Sunna*, in particular, led the latter to write his *Qawāṭi’ al-Adilla* in *uṣūl al-fiqh*. Al-Sam‘ānī explicitly states this in the introduction of his *Qawāṭi’ al-Adilla*, ed. ‘Abd Allāh b. Ḥafīz b. Aḥmad al-Ḥakamī (Riyad: Maktabat al-Tawba, 1419 AH), 7-8.

4 Abū al-Mā‘alī ‘Abd al-Malik al-Juwaynī, *al-Burhān fī uṣūl al-fiqh*, ed. ‘Abd al-‘Azīm al-Dīb (Doha, 1399 AH), 199-283.

5 al-Juwaynī, *al-Burhān*, 174-77.

6 Ibid., 212-24.

7 Ibid., 231-49.