



## Philosophy and Jurisprudence in Islam

### A Hermeneutic Perspective

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**Abstract:** This essay provides a summary with comments about five papers presented at a panel organized by the Karl Jaspers Society of North America at the 108th Annual Meeting of the American Philosophical Association, Washington, DC, December 27-30, 2011.

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### Introduction

By way of introduction, let me make two general points.

First, I wish to express profound regret that our colleagues from Iran, who so diligently met all of the deadlines for submitting their papers, were not granted visas to enter the United States and thus could not attend the American Philosophical Association annual meeting. Their presence would have made the important intellectual exchange that took place much richer and deeper. Above all, it would have permitted the scholars, researchers, and students in the audience to learn more about Iran and the Iranian educational system. It might also, perhaps, have allowed our Iranian colleagues to learn more about the US and its educational system. Given all of the benefits that could have resulted from such an exchange, especially at this moment of tensions between our two countries, it is difficult to fathom what could have prompted consular officials to deny these scholars the visas they sought.

Second, readers should note that the observations set forth here come from one trained in the history of political philosophy, especially Islamic political philosophy. If the vocabulary used falls oddly on the ears of those trained in philosophy, hopefully the arguments will make sense.

My observations are organized into three parts. I first summarize the general argument of each paper and make brief comments on them, then speak of what I identify as themes common to all of the papers, and conclude by proposing an alternate approach for addressing these subjects or themes.

### The Essays

Dr. Mohammad Reza Rezvantalab, University of Tehran, sets forth two principal themes in his essay, "Philosophy in Islam and the West." The first is that ontology is the central theme of philosophy, and the second is that the philosopher's understanding of the whole is central to all of his thought. Not explicitly stated, but nonetheless central to his argument, is the premise that wisdom and reality must be understood solely from the perspective of revelation. Thus, when Professor Rezvantalab, compares Western philosophy with Islamic philosophy, he finds that Western philosophy turns away from that divine source of wisdom and reality in order to privilege experience and sensation.

Professor Rezvantalab appears to rely upon a history of Western philosophy, not upon first-hand knowledge of their writings, for his opinions about

what Western philosophers think. As a consequence, he pays insufficient attention to Plato's and Aristotle's critique of the polytheism of their day. He also fails to acknowledge that the religious teachings of the Jews, as set forth in Hebrew Scriptures, predated any of the Greek philosophers. Modern Western philosophers, beginning with Francis Bacon, broke with ancient philosophy because they thought Aristotle had presented an incorrect view of the world around us and of the way human beings make sense of that world, but they were aware of Aristotle's logical and scientific teaching even as they rejected it—rejected, not refuted. Professor Rezvantalab does not mention the grounds for that break with ancient philosophy among the Moderns, perhaps for the reasons stated. Rather than rely on a contemporary Iranian history of philosophy, he would have been on far surer ground had he considered the way prominent thinkers such as Alfarabi and Ibn Rushd (Averroes) from the Golden Age of Islam wrestled with the great figures of Western philosophy and sought to make their teachings comprehensible to their coreligionists.

What Professor Rezvantalab means by the term "Islamic philosophy" is not evident. Yet, since that is the alternative he proposes, it is necessary for him to say something about what he understands by this term. He cannot have Alfarabi or Averroes in mind, for they both endorse the rationalist worldview of the Western philosophers.

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In his essay, "The Instrumental Intellect in Islamic Tradition," Dr. Reza Berenjkār of the University of Tehran posits that the intellect has three functions—theoretical, practical, and instrumental. The latter depends upon the two former. Its role is to help humans manage their affairs. For Professor Berenjkār, according to Islamic tradition (Qur'an, hadith, and views of Muslim scholars), the intellect allows human beings to know the way things are (especially the existence of God and the life to come) as well as what needs to be done to conform to divine commandments. In this schema, the instrumental intellect serves the practical intellect by helping humans do what they ought.

Taking David Hume as the representative of Western philosophy, Professor Berenjkār focuses above all on Hume's denial that things can be known in themselves or that obligations can be known. We are aware only of sensations and must reflect upon them.

While certainly a faithful reading of Hume, it is not at all evident that Hume embodies the whole of Western philosophy. Nor has Professor Berenjkār made any attempt to explain Hume's larger goal, namely, his emphasis on limiting what is known to what can be perceived. Moreover, Professor Berenjkār passes over in silence that Hume has received much criticism from within the Western tradition. Equally important, Professor Berenjkār privileges Islamic tradition (hadith) without ever showing why it ought to be privileged.

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The essay, "Rationality of Belief in Action: A Look at the Theory of Allāmah Tabātabāi," by Dr. Hādi Sādeqi of the Hadith Sciences College sets forth the principal teachings of Allāmah Tabātabāi. Professor Sādeqi begins by noting that theoretical rationality allows one to fulfill rational and intellectual duties and responsibilities. It uses practical rationality (means-end rationality) once it decides what end or means to pursue. That involves having the faculty (free will) to choose among ends and means as well as being able to deliberate about them. Then he goes on to explain how Tabātabāi's thinking helps us discern how to choose the correct ends and means.

Yet, Professor Sādeqi goes on to argue that just because a belief is rational does not necessarily mean it is right: rational belief can be right or wrong just as true belief can be rational or irrational. There is always the possibility for an error or errors: an action may be rational, but erroneous. The consequence is that individuals are not able to bear obligations that are beyond their capacity (see Qur'an 2:286). So, different people cannot be expected to have the same amount of faith or to believe in what is beyond their perception.

The merit of the essay is the explanation it offers of the way human beings function and also its justification of the Qur'anic verse 2:286, the core of which I would translate as follows: "Allah makes a soul responsible only for what it can bear; its gain is what it has earned, and its penalty is what it has incurred." The point is that human beings are not asked to do more than they are capable of doing as well as that they are rewarded or punished according to what they actually do.

This is an important explanation of a very difficult Qur'anic verse. But, unfortunately, neither this exegesis nor the verse itself offers more than a sketch of theoretical and practical reason. Nor does Professor Sādeqi provide a clear indication of why Tabātabāi

deserves the attention he is accorded.

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Dr. Ali Asgariyazdi of the University of Tehran insists in his "Characteristics of Islamic Philosophy" that Islamic philosophy focuses on the problem of unity and multiplicity, that is, the relationship between God and the world. Professor Asgariyazdi sees the merit of Islamic philosophy as stemming from the fact that it presupposes God's existence and centers on the task of defining and elaborating God's attributes. Moreover, it reconciles revelation with intellect, knowledge with faith, and religion with philosophy, and shows that intellect and revelation do not contradict each other. For Islamic philosophy, then, revelation, intellect, faith, knowledge, and religion all lead to the same conclusions.

According to Professor Asgariyazdi, Islamic Philosophy is based on the teachings of the Qur'an and hadith, and Mulla Sadra offers a fine image of it in his transcendent philosophy. Thus, Islamic philosophy so understood is similar to Peripatetic philosophy in that its form is Peripatetic but its core is Illuminationist. Mulla Sadra bases his thoughts on the Qur'an and hadith. For him, revelation is the most important, valid, and reliable source for knowledge. He says that human intellect confirms the revelation, and the revelation supplements the intellect.

Now what Professor Asgariyazdi says here may well be true of Mulla Sadra, but it does not mesh with what other philosophers within the tradition of Islamic philosophy have to say. Why does he not mention any of these other philosophers? And how might one make a salient case for Mulla Sadra's illuminationist philosophy or for his claims about revelation being the best source of knowledge?

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In his essay entitled, "How Philosophy Shapes Theology," Professor Muhammad Ali Abdollahi of the University of Tehran formulates a novel and appealing image of philosophy and theology. For him, despite claims that theology and philosophy differ in their commitment to religious doctrines, it is more accurate to say that each serves the other. Philosophy that focuses upon proving the existence of God and the necessity of divine revelation is loyal to religious teachings. Consequently, philosophers must differentiate between the revelation received by the Prophet and that

accessible to the layman, the first alone being free from any form of error. It is not possible to exclude human reason from the process of understanding religion, nor to abstain from the use of philosophy in theology. Thus, both reason and transmitted revelation are to be utilized as epistemic sources in understanding religion.

In my opinion, this statement comes closest to grasping what Islamic philosophy is about and to providing a clear picture of what philosophers within that tradition have sought to do—see, for example, Alfarabi's portrait of the dialectical theologian in *Book of Letters*, Part Two, beginning. The statement errs, however, in assuming that these philosophers saw their teaching as in service to religion—especially Islam. That argument deserves and requires a much more extensive account of the writings of the philosophers who thrived within the Islamic tradition of the Golden Age.

### Common Themes

Running through these essays are five common themes, the first being the six basic assumptions or presuppositions shared by all of the authors. For them, being has a divine origin, and information about it is to be derived solely from the Qur'an and hadith (the recorded sayings and actions of the Prophet). It follows, then, that just as Islamic philosophy must be rooted in acceptance of the Qur'an and hadith, Western philosophy is erroneous because it is not focused on the divine. (Here all of the authors curiously fail to accord sufficient attention to the Christian authors of the Western Middle Ages who wrote in Latin, those known as the Scholastics, and who did use philosophical argument to strengthen their positions of faith.) Each author concurs in thinking that the best authorities for Islamic philosophy are Ibn Sina and Mulla Sadra. For some reason, Alfarabi, Ibn Tufayl, Averroes, and Ibn Khaldun are neglected if not passed over in silence. Finally, one author after another proposes the vocabulary of *Uṣūl al-Fiqh* (literally, the roots of jurisprudence; that is, the fundamental principles on which jurisprudence is based) as the proper way to frame the questions raised, but not one of them explains those principles.

Second, all of our Iranian colleagues agree in holding that the authoritative sources for knowledge are the Qur'an and hadith. How one gains awareness of what knowledge is not, however, explained. Were they to argue that reason must guide the scholar's inquiry into these two sources of knowledge, that could

provide a common starting point for them and their Western counter-parts.

Third, they all seem to think that there is no philosophical tradition in the West worthy of note prior to Descartes. Thus, with the exception of Professor Rezvantalab in his brief history of Western thought and Professor Asgariyazdi's summary of Mulla Sadra's philosophical teaching, no one else mentions Plato or Aristotle, much less any of the Scholastics, in any of the papers.

A corollary of this point is that all of our Iranian colleagues agree in denying the existence of any philosophical tradition within Islamic culture worthy of note. Thus, with one exception, namely, Professor Berenjkari's bibliographical citation of Alfarabi's *Selected Aphorisms (Fuṣūl Muntaza'a)*, none of the other authors mention Alfarabi or Averroes in their papers. Indeed, the authors of these papers make no reference at all to any of the Arab philosophers.

Finally, the title of the panel notwithstanding, no attempt is made to identify a jurisprudential tradition worthy of note—neither Shi'i nor Sunni. No mention is made, for example, of thinkers like Aljuwayni, Alghazzali, or any of the renowned Shi'i jurisprudential thinkers or theologians. Now passing Sunni figures over in silence might be warranted from a Shi'i perspective. But it is necessary to explain the reasons for that position to those of us who are unacquainted with Shi'i doctrine on such matters—assuming that this is what guides our colleagues in their thinking.

### **An Alternative Approach**

Surely, we all agree that philosophy is the attempt to replace opinion with knowledge. From this point of agreement, it follows that we must be aware of what opinion is and what its limits are—this simply because neither opinion or belief is knowledge. That line of thinking indicates as well that we must all learn how to reason—how to think our way through the conundrums we face in attempting to answer questions about ourselves and the world around us, about what is. For a task of such magnitude, recourse to good teachers is always useful. Whatever else one might say, it cannot be denied that Plato and Aristotle are important insofar as they showed how to reason and, in showing how reason works, raised important questions. Other thinkers, especially some from within the Islamic tradition, recognized the merit of Plato and Aristotle and showed how to profit from them. The least we can do, then, is to follow their lead, even

their prompting, and attempt to learn from Plato and Aristotle as well as from other major thinkers within the tradition of philosophy. A corollary of this line of reasoning is that the role of religion in society and in life is a question, not a given. It cannot be assumed and certainly not posited without argument that religion holds the keys to all questions. Indeed, religion and revelation both must be examined by the philosopher.

Along the same lines, to explain what Islamic philosophy is, one must speak about those who have engaged in it and distinguish one philosopher or school from another. In order to explain what Shi'i thought is—jurisprudential or theological, then, one must distinguish it from Sunni thought, at least superficially. Such a task might be as intellectually beneficial for the one carrying it out as for the one who reads the results.

Finally, it must be noted that there are many facets of intellectual inquiry in the Islamic tradition, just as there are within the Western. These include philosophy, theology, canon law and Islamic jurisprudence, the genre known as "mirrors of princes" literature, poetry, and also eloquent discourses. To do justice to the whole of the Islamic tradition of learning, one must acknowledge the importance of these different fields of inquiry and relate them to philosophy or to whatever else an author thinks may take the place of philosophy. This approach, one not taken by any of our Iranian colleagues, would have allowed us to understand much better what philosophy in Iran is and how it is carried out.

### **Conclusion**

It has been a great pleasure to read these five papers and to learn from them. For their effort and for the good will plus scholarly comradeship they displayed in preparing their papers and sharing them with us, I am deeply grateful to all of our Iranian colleagues. What a pity that political shortsightedness on the part of our own government prevented them from attending the panel in person and interacting with us.

### **Reply to the Authors**

Much as I admire the detailed summary Professor Rezvantalab provides of Western philosophy from its early modern origins in Leibniz and Ockham on to Hegel and Russell, I still wish to learn what he thinks about those who set philosophy on its course in the West and in the Middle East, namely, Plato and

Aristotle. They are, after all the thinkers to whom the great philosophers of the Golden Age of Islam turn for guidance just as they are the ones to whom the early modern Western thinkers turn as they seek to orient their own thoughts. But to have a dialogue, we need some common ground. By using Plato and Aristotle, thinkers known both to the major philosophical figures within the Islamic and the modern Western traditions, we can find such a meeting place and begin to explore points of agreement and of difference.

Professor Berenjkar's statement of what he intended in his paper underlines the fundamental issues under discussion here, the core of Western rationalism versus the wisdom prized in the Islamic tradition as set forth in hadith. To be sure, the former attempts to divorce human reason from divine inspiration. Of that effort, Hume is a good representative. But his thought, like the larger enterprise, is contested by other thinkers in the West. That tension, so very characteristic of Western thought, must be acknowledged. In saying Professor Berenjkar privileged hadith, my hope was to elicit a similar account of that kind of thought. Because it is filtered through human beings, it is subject to error — is it not?

Professor Sādeqi has graciously responded at length not only to my comments on his paper, but also to my attempt to identify the themes common to all of the authors who contributed to this panel. My own infelicitous phrasing of what I presented as the first shared assumption prompted Professor Sādeqi to draw attention to the importance of faith in Christian thought, and his account of the four sources of knowledge recognized in Islam enriches the earlier discussion. For two of the four (intellect and what is transmitted, *'aql* and *naql*), he offers the Arabic equivalents; but he does not do so for the other two (experience and inspiration). Why not? If the equivalent of inspiration is *wah.y*, how does it differ from intellect—especially given the way Aristotle defines intellect in *Posterior Analytics*, end, and the subsequent reflections of Alfarabi, Ibn Tufayl, and Averroes on it? Professor Sādeqi's other replies to my comments on the common themes and on his paper elucidate the distinctions that seemed important to me, while seeking to show what is lacking in my perception. They are well worth reading and pondering, for they constitute the beginning of the dialogue we had hoped to have at the conference.