

Theorising the Relationship between *Kalām* and *Uṣūl al-Fiqh*: the Theological-Legal
Epistemology of Sa‘d al-Dīn al-Taftāzānī (d. 792/1390)

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INTRODUCTION

I. Thesis and chapters summaries

In the last two decades one of the key questions that has occupied academics working on Islamic intellectual history and hermeneutics is how the science of *uṣūl al-fiqh* developed in relation to the creation of religious judgements (*aḥkām sharʿiyya*). Although this question has resulted in serious attempts at investigating issues of authority, legal functionality, and continuity of the traditional schools of Islamic jurisprudence (*madhāhib fiqhiyya*), questions of epistemology have remained relatively unexplored in this scholarship. This is partly due to the historically contentious notion that epistemology in the Islamic historical context is a question reserved for the realms of Islamic philosophical theology (*kalām*) and Islamic philosophy (*falsafa*), but in part, due to the little attention given to the contributions of late classical traditions,¹ when most of these epistemological developments of *uṣūl al-fiqh* took place. This thesis is an original contribution to the development of *uṣūl al-fiqh* as a source of epistemology in late classical scholarship, through investigating its relationship to *kalām*. More specifically, this thesis theorises the relationship between *kalām* and *uṣūl al-fiqh* through investigating their shared epistemology as developed in late classical works on *kalām* and *uṣūl al-fiqh*.

This shared epistemology, I argue, is manifested in what is classically termed, the theological postulates (*al-mabādiʾ al-kalāmiyya*) of *uṣūl al-fiqh*. These postulates occupy a significant space in much of the works on *uṣūl al-fiqh* from the fifth/eleventh century, following their explicit formulation by Imām al-Ḥaramayn al-Juwaynī (d. 478/1085). These theological postulates receive a greater significance in the works of the highly celebrated

¹ There is no conventional, generally-accepted periodisation of Islamic intellectual history that I know of. In this study, I shall define periods by the development of *uṣūl* and *kalām* as sources of epistemology. I use the term ‘classical’ for the period ending with Imām al-Ḥaramayn al-Juwaynī (d. 478/1085) and the term ‘late-classical’ for the period after Imām al-Ḥaramayn ending with the ninth/fifteenth to tenth/sixteenth centuries.

eighth/fourteenth century Persian theologian *cum* jurist Sa‘d al-Dīn Mas‘ūd ibn ‘Umar al-Taftāzānī (d. 792/1390). In contrast to existing scholarship at his time which presented these postulates as borrowed concepts from a higher-ranked science, *kalām*, to another, *uṣūl al-fiqh*, considered lower in rank, Taftāzānī presents *al-mabādi’ al-kalāmiyya* as a shared epistemology between all religious sciences. He insists that these are foundational to all sciences and that their inclusion in, or attribution to *kalām*, is only a matter of scholarly custom and genre- appropriation. This marks what we can call an epistemological turn in Islamic intellectual history. This thesis investigates this epistemological turn through the study of *al-mabādi’ al-kalāmiyya* as a shared epistemology of *kalām* and *uṣūl al-fiqh*. I shall therefore refer to *al-mabādi’ al-kalāmiyya* as epistemological postulates.

The epistemological postulates encompass the study of the various degrees of knowledge (e.g. *‘ilm* and *ẓann*), the various degrees of epistemic indicants (e.g. *dalīl* and *amāra*), and the scholarly investigation (*nazar*); i.e., the theory of knowledge, the theory of epistemic indication, and the theory of scholarly investigation. I have therefore divided this thesis into four main chapters: three core chapters addressing the above three theories, in addition to an introductory chapter for the historical contexts and theoretical framework. Lastly, a conclusion will summarise arguments and research findings.

The first chapter consists of three parts. The first part offers an intellectual biography of Taftāzānī, including his education, works, legacy, and *madhhab* affiliations. This part highlights two crucial discussions. The first is concerning Taftāzānī’s influence in the various pre-modern and modern Islamic centres of education (*madrasas*)— from Egypt’s al-Azhar, the Ottoman courts, Safavid *madrasas*, to the *madrasas* in the Indian subcontinental. I reflect upon the question: why is such a Persian scholar almost universally studied? The second is concerning the controversy of Taftāzānī’s theological and legal *madhhab* affiliations. I examine the classical and modern attempts to define Taftāzānī’s *madhhab* affiliations—

which are mainly based on his geographic location, teachers, or the original texts upon which he wrote most of his commentaries. I argue that the lack of any self-pronounced affiliation on the part of Taftāzānī should be taken more seriously as to reflect the status and significance of *madhhab* affiliation in his own *scholarship*, as well as in the late classical tradition. This discussion will also shed light on why Taftāzānī was seen as a perfect fit for the *madrassa* curriculum over a period of more than seven centuries in every active centre of Islamic education around the Islamic world.

The second part focuses on the larger question of the relationship between *kalām* and *uṣūl al-fiqh*. I examine the classical narratives and present-day contributions toward defining this relationship, arguing that both have focused on the impact of *kalām* in *uṣūl al-fiqh* rather than their shared ground. I further argue that the classical and late classical legal theorists (*uṣūlīs*) were not only concerned about the functionality of their hermeneutical methods, but also about the theological correctness. This chapter benefits from references to the philosophical and logical classification of sciences, and the influence of the Avicennian criterion of sciences on developing the classical narratives of the relationship between *kalām* and *uṣūl al-fiqh*. Debating the legitimacy of this philosophical criterion informed *uṣūlīs*' debate over the status of the epistemological postulates. The aim of this section is to show how the development of the epistemological postulates is an attempt to create an authentically Islamic epistemology as an alternative model to the one which is found in logic and philosophy. The framework through which I examine the applicability of this epistemology to *kalām* and *uṣūl al-fiqh* is its occasionalist and foundationalist features.

The second chapter, the chapter on the theory of knowledge, starts with a diachronic examination of how the terminologies and epistemic values of knowledge (e.g. *ʿilm*, *ẓann*, and their related terms) developed in the works of Taftāzānī drawing from the scholarship preceded him. It covers the logical categorisation of knowledge and its objects of, and shows

how Taftāzānī offers a distinct understanding of key logical concepts, prominently the concept of assent (*taṣdīq*, lit. ascribing truthfulness) to inform the determination of epistemic value of religious knowledge. In this chapter I argue that Taftāzānī's theory of knowledge as represented in this *kalām-uṣūl* epistemology is occasionalist and foundationalist. The occasionalist aspect of this theory manifests in its underdetermined consequences, as all knowledge relies upon the creation of God, and the foundationalist aspect manifests in its enhancement of the epistemic value of conjecture (*ẓann*). This chapter also highlights Taftāzānī's appropriation of the metaphysical positions of Ibn Sīnā (d. 427/1037) to respond to *uṣūlī* concerns of the functionality of epistemology.

The third chapter studies the theory of epistemic indication (*dalāla*), the second main theory of the epistemological postulates of *uṣūl al-fiqh* and *kalām*. It covers the various types of epistemic indicants (e.g. *dalīl* and *amāra*) as well as their agreed upon and debated sources (e.g. reason and revelation). This chapter shows that Taftāzānī's occasionalist and foundationalist theory of knowledge influences his classification and conditions of epistemic indicants. In this light, Taftāzānī emphasises the distinction between two methods of reasoning: the first is the effect-to-cause reasoning, that is, *istidlāl*; the second is cause-to-effect reasoning, that is, *ta'līl*. The former, he argues, does not interrupt occasionalism, while the second does. This discussion is an important key to the theorisation of the relationship between *kalām* and *uṣūl* as it manifests the keen concern of harmonisation between the theological and legal genres and the struggle such a concern imposes on the functionality of the Muslim hermeneutics. In addition, and because of the foundationalist aspect of his epistemology, Taftāzānī focuses almost entirely on the hermeneutical methods of establishing *a proper* connection between the investigated indicants and their conclusions. Throughout this chapter, I argue that Taftāzānī's theory of indication as represented in *al-mabādi'* serves

his theory of knowledge, and departs from the logical tradition by focusing on the content, not the form, of epistemic indicants.

The fourth and final core chapter of this thesis discusses Taftāzānī's theory of scholarly investigation (*naẓar*), which is the single method of acquiring knowledge according to the majority of classical Muslim scholars, and hence is the basis of *ijtihād*. This chapter consists of three main sections. The first section studies the development of the concept of *naẓar* chronologically from Bāqillānī (d. 403/1013) to Taftāzānī. I show that there have been several shifts in the approach to defining *naẓar*. One of the most important shifts for our purpose is the strong inclination towards including *ẓann* in the content and conclusions of *naẓar*. The second section studies the conditions for the soundness of *naẓar*, its content and form. This section further highlights the centrality of content over form in scholarly investigation. The third section is dedicated to examining the foundationalist and occasionalist views of Taftāzānī in relation to the theory of *naẓar*. I argue that, in many ways, the epistemological concept of *naẓar* is treated analogously to the theological concept of human acquisition (*kasb*).

Over the course of these chapters, I examine the development and significance of the shared epistemology between *kalām* and *uṣūl al-fiqh* from the classical to the late classical Sunni works. I show that this period witnessed the existence of a core of epistemological, legal, ontological, and metaphysical commitments, which led to the development of the genre of *al-mabādi'* which has the potential to shift our understanding of the continuity and discontinuity of philosophical enquiry in the Islamic intellectual history. This thesis is thus rooted in four main branches of the Islamic tradition: *uṣūl al-fiqh*, *kalām*, metaphysics (*falsafa*), and Arabic logic (*manṭiq*). There is no precise fit in English for the genre or subject matter covered by these *mabādi'*. 'Epistemology' although an imprecise match, serves as a common reference or point of comparison to this set of *mabādi'*. My main goal is to show

how these logically informed, philosophically oriented, and theologically principled postulates are internalised in the works of fourteenth-century *uṣūl* and *kalām* and why Taftāzānī is the perfect figure of this period to illustrate this epistemological turn within his works.

This thesis draws mostly from Taftāzānī's works on *kalām*, *uṣūl*, and logic. In *kalām*, I primarily use *Sharḥ al-Maqāṣid*, Taftāzānī seminal and latest manual of *kalām*. I also use *Sharḥ al-‘Aqā’id al-nasafiyya*, Taftāzānī's widely circulated commentary of *kalām*, and to a lesser extent his *Tahdhīb al-manṭiq wa-l-kalām*², a combined manual of *kalām* and logic. In *uṣūl*, I use his two known commentaries, *al-Ḥāshiyā ‘alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*³ and *al-Talwīḥ ‘alā al-Tawḏīḥ*. There is a third work of *uṣūl* attributed to Taftāzānī, a commentary on Imām al-Ḥaramayn al-Juwaynī's manual, *al-Waraqāt*. Although this text includes several quotations from Taftāzānī's *al-Talwīḥ* and *al-Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, its attribution has not yet been verified. In logic, I use *Sharḥ al-Shamsiyya* in addition to the logic section of *Tahdhīb al-manṭiq*.

This thesis is the first work to be thoroughly dedicated to the study of the epistemological postulates in any European or Eastern language, as far as my research suggests. It is also the first thesis dedicated to examining the work of the late classical maverick scholar Sa‘d al-Dīn al-Taftāzānī in English. Arabic studies dedicated to the works of Taftāzānī have mainly focused on his theological and linguistic contributions. A recently published German thesis studied key theological concepts of Taftāzānī.⁴ Taftāzānī's contributions in *uṣūl al-fiqh*, Sufism, Ḥadīth, Qur’ānic exegesis, and to an extent, Arabic logic are largely understudied.

² Shortened to ‘*Tahdhīb*’ from now onward.

³ Shortened to ‘*Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*’ from now onward.

⁴ Thomas Würtz, *Islamische Theologie im 14. Jahrhundert: Auferstehungslehre, Handlungstheorie und Schöpfungsvorstellungen im Werk von Sa‘d ad-Dīn at-Taftāzānī*. This work is unfortunately not accessible to me as I do not read German. However, I benefited from a detailed review of this work by Christian Mauder.

وسيحمدُ الغائصُ في بحار التحقيق، الفائض عليه أنوار التوفيق، ما أودعتُ هذا الكتاب، الذي لا يستكشف القناع عن حقايقه إلا الماهر من علماء الفريقين [الحنفي والشافعي]، ولا يستأهل للاطلاع على دقايقه إلا البارِع في أصول المذهبين [الحنفي والشافعي] مع بضاعة في صناعة التوجيه والتعديل، وإحاطة بقوانين الاكتساب والتحصيل.

Those who are well versed in the oceans of scholarly verification, whom the lights of success are bestowed upon will appreciate what I have included in this book. Only a clever [scholar] amongst the scholars of the two parties (i.e. Ḥanafīs and Shāfi‘īs) can unveil the truths [included in this book]. Only an expert in the principles of the two *madhhabs* (i.e. Ḥanafī and the Shāfi‘ī), with a background in the craft of reasoning and appraisal [of juristic disagreements], and a comprehension of the rules of learning and teaching is eligible to be exposed to the subtleties of this [book].

Sa‘d al-Dīn al-Taftāzānī, *al-Talwīh ‘alā al-Tawḍīh*, 3.

CHAPTER I: HISTORICAL CONTEXTS

I. Short intellectual biography of Taftāzānī: the famous unknown Persian scholar⁵

Sa‘d al-Dīn Mas‘ūd ibn ‘Umar al-Taftāzānī was born in Taftāzān, a small village in Khurāsān (currently in Iran). His birth date is disputed. A majority of biographical sources suggest that he was born in the year 722/1322. A couple of other sources suggest that he was born in 712/1312 instead; however, this suggestion is weakened by reports on the timeline when Taftāzānī completed several of his books. His earliest work was completed in the year 738/1337 when he was sixteen. There is no disagreement regarding the death date of Taftāzānī. He died in Samarqand, the year of 792/1390. Very little is found in biographical dictionaries about Taftāzānī’s life or family. Only short accounts concerning his education, teachers, and status within the Islamic intellectual communities survive. They also affirm that he was raised in a family interested in Islamic sciences, his father was a judge, and that he was active in the court of the Persian ruler Tīmūr Lang (d. 807/1405).⁶ These accounts are mostly reproduced in the introductions to his published works. Despite this little interest in Taftāzānī’s intellectual journey in biographical dictionaries, his contributions to Islamic sciences have attracted a remarkable number of students, commentators, and debates not long after his death. In this short intellectual biography of Taftāzānī I will shed light on two important debates concerning Taftāzānī’s intellectual life: his teachers and his affiliation to theological and legal *madhhabs*, for these two debates are of most interest to this study on his epistemology. In addressing these two debates, I will not only rely on biographical dictionaries, but, and even more significantly, on my analysis of Taftāzānī’s own texts and the texts of his students and commentators. Finally, I include a section highlighting

⁵ This title is inspired by Rudolph’s introduction to his *Māturīdī and the Development of Sunnī Theology in Samarqand* where he was referring to *Māturīdī* as the ‘famous unknown’ scholar, Ulrich Rudolph and Rodrigo Adem, *Māturīdī and the Development of Sunnī Theology in Samarqand*, Islamic History and Civilization / Studies and Texts, v. 100 (Leiden: Brill, 2015), 1.

⁶ Beatrice F. Manz, ‘Tīmūr Lang’, in *Encyclopaedia of Islam*, Second Edition, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donsel, W.P. Heinrichs. First published online: 2012.

Taftāzānī's legacy and contributions to classical and contemporary Islamic traditional education.

1. Education and teachers

Two Persianate teachers are regularly named in biographical dictionaries as having trained Taftāzānī. The first is the pioneer theologian and judge 'Aḍuḍ al-Dīn al-Ījī (d. 756/1355) and the second is Quṭb al-Dīn al-Rāzī (also known as al-Quṭb al-Taḥṭānī [d. 766/1365]), the famous logician.⁷ Taftāzānī's studentship to the latter has been refuted by recent works, perhaps because al-Quṭb al-Taḥṭānī left Persia for Syria in 766/1365 and remained there until his death. Taftāzānī wrote commentaries on several of Ījī's books, as I will outline shortly. He consistently calls him the verified commentator (*al-shāriḥ al-muḥaqqiq*). Taftāzānī relied heavily on the structure of Ījī's *al-Mawāqif* in his composition of *Sharḥ al-Maqāsid*. He has no attributed commentaries on any of al-Quṭb al-Taḥṭānī's texts; however, Taftāzānī's commentary on *al-Shamsiyya* is highly influenced by al-Quṭb al-Taḥṭānī's logic works.

In addition to these two known teachers of Taftāzānī, he had a few other teachers of less prominent status. I mentioned them here, although they did not necessarily teach him *kalām* or *uṣūl al-fiqh*, to show the diversity of Taftāzānī's training and interests. For example, there a couple of teachers whom he names in his commentary on Abū Zakariyyā, Yaḥyā ibn Sharaf al-Nawawī's (d. 676/1277) collection of forty prophetic traditions (*aḥādīth*). Following the scholarly custom of scholars of *ḥadīth*, Taftāzānī offers chains of transmission between himself and the author, Nawawī:

⁷ See, for example, 'Abbās al-Qummī, *al-Kunā wa-l-alqāb* (Tehran: Maktabat al-Ṣadr, 1970), 2:108; Aḥmad ibn Muṣṭafā Ṭāshkubrī' zādah, *Miftāḥ al-sa'āda wa-miṣbāḥ al-siyāda fī mawḍū'āt al-'ulūm*, ed. Sha'ban 'Abd al-'Azīz Khalīfah and Walīd Muḥammad 'Awzah (Cairo: al-'Arabī, 1993), 1:205; Ibn Ḥajar al-'Asqalānī, *al-Durar al-kāmina*, ed. Muḥammad 'Abd al-Mu'īd Ḍānn (India: Dā'irat al-Ma'ārif, 1972), 6:112.

Before beginning this commentary, I mention my chain of transmission (*isnād*) of this book: The scholar master, Muftī of the realm, and master of the religion Aḥmad ibn al-Sayyid ‘Abd al-Wahhāb al-Miṣrī al-Muḥammadī, narrated to me by hearing from him saying: my father narrated to me through the author [al-Nawawī] by hearing from him on the road to Mecca. ... Also narrated to me the teacher of experts in ḥadīth and saint scholar ‘Afīf al-Milla wa-l-Dīn Muḥammad ibn Sa‘īd al-Kāzarūnī narrated to me by hearing and has granted me a transmission licence (*ijāzā*) saying: the Ḥāfīz Jamāl al-Dīn Abū al-Ḥajjāj Yūsūf ibn al-Zakī al-Murabbī has narrated to me and has granted me a special *ijāzā* saying: al-Imām Abū Zakariyyā, Yaḥyā ibn Sharaf al-Nawawī has narrated to me.⁸

The first of these two teachers, Aḥmad ibn al-Sayyid ‘Abd al-Wahhāb al-Miṣrī al-Muḥammadī, was a Shāfi‘ī Egyptian scholar who, according to al-Sakhāwī (d. 902/1497), travelled to and taught in Syria and Persianate cities, Shīrāz and Iṣfahān, possibly where he met Taftāzānī. Sakhāwī also records that al-Miṣrī al-Muḥammadī narrated Nawawī’s *ḥadīth* collections through his father. This confirmation of information Taftāzānī offers in his *ḥadīth* commentary attests to its sound attribution. In addition, some of the views he argues for in this *ḥadīth* commentary are also consistent with his views on *Sharḥ al-Maqāṣid*, as I will note where appropriate. Al-Miṣrī al-Muḥammadī died a few years after Taftāzānī, the year 803/1401 in his nineties, says Sakhāwī.⁹ The second teacher, ‘Afīf al-Dīn ibn Sa‘īd al-Kāzarūnī (d. 802/1400), was a scholar of *ḥadīth* from Nīsābūr. His father, Sa‘īd al-Kāzarūnī (d. 758/1357), who might in fact be the teacher and *ḥadīth* transmitter of Taftāzānī himself, is a commentator on the *ḥadīth* collection of al-Bukhārī from Shīrāz, according to the author of *Kashf al-zunūn*.¹⁰ Both al-Miṣrī al-Muḥammadī and Kāzarūnī died after Taftāzānī, the former died in his nineties, so their meeting is plausible, the age of the second at the time of his death is, however, unknown. It is also worth noting that in Taftāzānī’s introduction to this *Sharḥ al-Arba‘īn al-nawawiyya*, he mentions that he has written this commentary at an old age, which

⁸ Sa‘īd al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Sharḥ al-Arba‘īn al-nawawiyya* (Tunisia: Maṭba‘at al-Dawla al-Tūnisiyya, 1878), 3.

⁹ Shams al-Dīn Abū al-Khayr Muḥammad al-Sakhāwī, *al-Daw‘ al-lāmi‘ li-ahl al-qarn al-tāsi‘* (Beirut: Dār Maktabat al-Ḥayāh, n.d.), 1:375.

¹⁰ Kātip Çelebi, *Kashf al-zunūn ‘an asāmī al-kutub wa-al-funūn* (Cairo: Bulāq, 1858), 10:40.

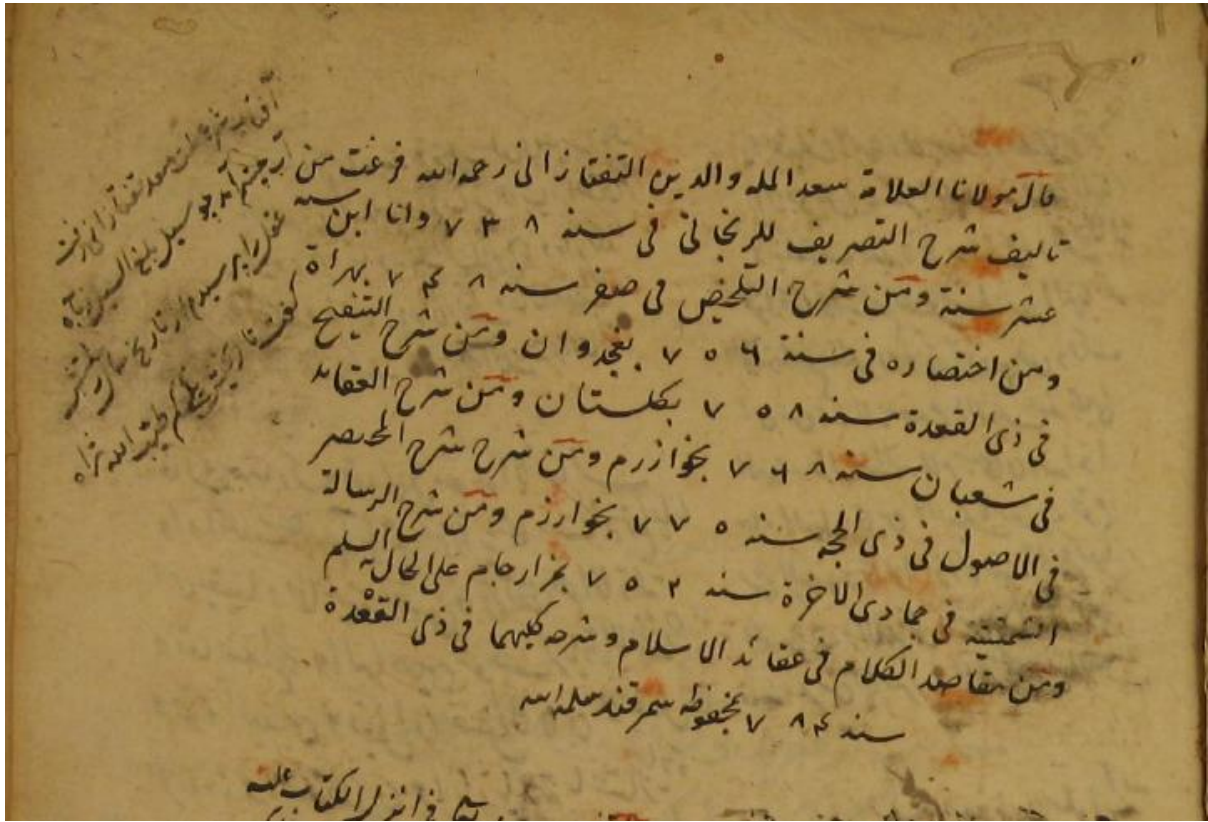
opens the possibility of his receiving this *isnād* from Kāzarūnī toward the end of his life as well.

2. Published and unpublished works

Taftāzānī authored texts in Arabic and Persian. His earliest book, *Sharḥ Taṣnīf al-Zinjānī*, in the science of Morphology, was completed at the age of sixteen. This might be explained by the fact that he was born to a family invested in Islamic sciences, and accordingly started his training at an early age. The subjects of his writings cover the breadth of religious and literary topics of *kalām*, *uṣūl al-fiqh*, *fiqh*, Arabic logic (*manṭiq*), *ḥadīth*, Qur'ānic exegesis (*tafsīr*), Arabic rhetoric (*balāgha*) and Sufism. The attribution of some of these texts is questionable and requires further investigation. I have limited myself to investigating the attribution of the texts of significant relevance to this study, including his *ḥadīth* commentary, *Sharḥ al-Arbaʿīn al-nawawiyya*, and a short treatise of *uṣūl al-fiqh*, the commentary on *al-Waraqāt* by Imām al-Ḥaramayn al-Juwaynī (d. 478/1085). The list of texts below with the dates of their completion appears in old manuscripts of Taftāzānī's books as a direct quotation of Taftāzānī himself outlining a dated list of his books. An example of these manuscripts is the tenth/sixteenth century Ottoman manuscript of his *Sharḥ al-Maqaṣid*, copied by a certain Ibn al-ʿImādī in 974/1566. The list is pictured in (figure 1) below. The list includes the following works (in the order of their completion date):

1. *Sharḥ Taṣrīf al-Zinjānī*, on morphology, which he authored at the age of fifteenth and finished in 738/1337.
2. *Sharḥ al-Talkhīṣ*, finished in 748/1347.
3. *Al-Sharḥ al-mukhtaṣar ʿalā Talkhīṣ al-miftāḥ*, in 754/1353 in Khijdwān.
4. *Al-Talwīḥ ʿalā al-Tawḍīḥ*, in 758/1357 in Kiltistān.
5. *Sharḥ al-ʿAqāʿid al-nasafiyya* in 768/1367 in Khawārizm.
6. *Ḥāshiyā ʿalā Sharḥ al-mukhtaṣar* (famously known as *Sharḥ al-Sharḥ*) in 775/1374 in Khawārizm.
7. *Sharḥ al-Risāla al-Shamsiyya* in 752/1351 in Khawārijām.

8. *Maqāsid al-tālibīn fī ‘ilm uṣūl al-dīn* and its commentary, *Sharḥ al-Maqāsid*, both finished in Samarqand in 784/1383.



[Figure 1: an attributed quotation of Taftāzānī outlining a dated list of his books. This is found in a tenth/sixteenth century manuscript copy of his *Sharḥ al-Maqāsid*, Turkey]

In addition to this list, ‘Abd al-‘Azīz ibn Aḥmad al-Farhārī ¹¹(d. ca. 1241/1825–1826) adds the following list in his introduction to his well-known commentary on *Sharḥ al-‘Aqā’id al-nasafiyya*, titled *al-Nibrās*:

1. *Mirāḥ al-arwāḥ* on morphology (*taṣrīf*).
2. *Irshād al-hādī* on Arabic grammar, published.
3. *Sharḥ Isāgūgī*, which Farhārī reports it was said Taftāzānī have finished in one day.¹²
4. *Sharḥ Miftāḥ al-‘ulūm* of the Arabic rhetorician al-Sakkākī (d. 626/1229).

¹¹ ‘Abd al-‘Azīz ibn Aḥmad al-Farhārī, *al-Nibrās: Sharḥ al-‘Aqā’id al-nasafiyya* (Üsküdar: Hakimiet-I Milliye Cad, n.d), 4.

¹² Although I found no references to this text under this name, there is a text attributed to Taftāzānī titled *al-Fawā’id al-Taftāzāniyya*, on which an Ottoman author by the name Mollā Aḥmad ‘Alī has a *Sharḥ*. An early print of this *Sharḥ* (dated 1871) is found at the Princeton University Library.

5. *Sharḥ al-Muṭawwal*. Published.
6. *Tahdhīb al-manṭiq wa-l-kalām*, a short manual of logic and *kalām*. Published.
7. *Risāla fī taḥqīq al-īmān*.
8. Incomplete *Ḥāshiya* ‘alā al-Kashshāf of the Mu‘tazilī theologian *cum* exegete Jār Allāh Abū al-Qāsim Maḥmūd b. ‘Umar al-Zamakhsharī (467-538/ca.1074-1143), a work of *tafsīr*.

Another relevant work attributed to Taftāzānī is a short commentary on *uṣūl al-fiqh* entitled, *Sharḥ al-Waraqāt*, a commentary on Imām al-Ḥaramayn’s *al-Waraqāt*. None of the classical biographies of Taftāzānī mentions of this text. However, I found two manuscript copies of this *Sharḥ al-Waraqāt* which state Taftāzānī’s name very clearly as the author. The content of the text includes many quotations from Taftāzānī’s *al-Talwīḥ* and his *Ḥāshiya* ‘alā *Sharḥ al-mukhtaṣar*. In addition, the structure of the texts closely follows the structure of the standard commentary on *al-Waraqāt* by the Egyptian Shāfi‘ī jurist Jalāl al-Dīn al-Maḥallī (d. 864/1459). I therefore infer that these manuscripts are written in later centuries and attributed to Taftāzānī based on the content quotations. The manuscripts are also not dated.

Sharḥ al-Maqāṣid is Taftāzānī’s latest work on *kalām* and one of the latest works he authored before his death. The fact that Taftāzānī, a primarily verified commentator himself, chooses to author an independent work of *kalām* instead of writing a commentary on Ījī’s book suggests that his scholarship has grown distinct from that of his teacher. Therefore, I take his views on *Sharḥ al-Maqāṣid* to be his most developed views. Any difference of opinions between his earlier and later works will be highlighted to note the development of his scholarship. Taftāzānī has several major disagreements with his teachers’ theological, and epistemological, and logical including, but not limited to, Ījī’s views regarding the status and function of *al-mabādi*’ and al-Quṭb al-Taḥṭānī’s views on the concept of *taṣdīq*.

The above non-exhaustive list of works authored by Taftāzānī shows the breadth of his expertise in Islamic and Arabic sciences. Unfortunately, most of his contributions to these

sciences are still undiscovered in Western academe. Arabic studies dedicated to the works of Taftāzānī have mainly focused on his theological and linguistic contributions. A recently published German thesis studied key theological concepts of Taftāzānī. Taftāzānī's contributions in *uṣūl al-fiqh*, Sufism, Ḥadīth, Qur'ānic exegesis, and to an extent, Arabic logic are largely understudied.

3. Theological and legal school-affiliations (*madhhabs*)

Perhaps the most famous classical controversy concerning Taftāzānī is his theological and legal school-affiliations (*madhhabs*). This debate is still an active controversy in recent studies addressing any aspect of Taftāzānī's works, including editions of his published texts. There are many factors which kept this controversy alive until our modern time. These factors include: the vastness of Taftāzānī's commentaries, which covered texts written in different theological and legal *madhhabs*; the lack of an explicit pronouncement of his *mdhahbs* in his own works; the fact that he advocates Ḥanafī and Shāfi'ī as well as Māturīdī and Ash'arī views throughout his works; in addition, he was a pupil to teachers who are known adherents to different *madhahbs*. Even further, Taftāzānī was known for his fatwas in accordance to the *madhhab* of Shāfi'īs and Ḥanafīs, although he was appointed as the grand judge (*qāḍī al-quḍāh*) at the Ḥanafī court in Sarakhs, Iran. His only attributed work of *fiqh*, *Miftāḥ al-fiqh*, is said to have been in accordance with the Shāfi'ī *madhhab*. Biographical works often list some of these factors to advocate affiliating Taftāzānī to one *madhhab* or the other; they have not, however, been very useful in settling this controversy. They mostly offered suggestions based on his geographic location, teachers, or the original texts on which he wrote most of his commentaries. None of these suggestions have taken into consideration the lack of Taftāzānī's self-pronounced *madhhabs* or entertained the possibility of his adhering to two or none of these theological and legal *madhhabs*.

Conversely, attempting to skip these biographical suggestions and offer ones which are based on investigating Taftāzānī's views as laid down in his works to suggest a well-grounded account of his *madhhabs*, which is what I intend to do, may still leave us in a conundrum. Below I offer some of the challenges I faced while attempting to examine Taftāzānī's *madhhabs* based on his works. I then suggest that we should be open to the possibility that *madhhab* affiliations have not played a great role in Taftāzānī's works. The lack of self-pronounced *madhhab*, I argue, reflects the status and significance of *madhhab* affiliations in his own scholarship, as well as in the late classical tradition.¹³

Throughout his works on *kalām* and *uṣūl al-fiqh* under investigation, Taftāzānī uses neutral language to refer to the views of different *madhhabs*, the ones he supports and the ones he refutes. By neutral language I mean he does not associate with or dissociate himself from these *madhhabs*; rather, he associates with and dissociate himself from single views within these *madhhabs*. In addition, Taftāzānī's scholastic style in *kalām* and *uṣūl al-fiqh* is largely comparative. To illustrate this comparative feature of his scholastic style, I present the following example from his *al-Talwīḥ*. Taftāzānī refers to Shāfi'īs as the companions of al-Shāfi'ī in his clarification of the view holders to which a passive passage in *al-Tawḍīḥ*, 'and it has been said',¹⁴ refers. This is in the context of the definition and classification of religious judgements. After this Taftāzānī offers a severe criticism of the Ḥanafī judge Ṣadr al-Sharī' al-Maḥbūbī's (d. 747/1346) understanding of this Shāfi'ī view and describes it as a

¹³ The practice of adhering to one *madhhab* in law and theology, and some also argue in Sufism, is a vivid feature of classical Islamic traditions, see for example the work of Aaron Spevack, *The Archetypal Sunnī Scholar: Law, Theology, and Mysticism in the Synthesis of Al-Bājūrī* (Albany: State University of New York Press, 2014). Yet, we see some voices in the late classical period which explicitly criticised such an adherence as becoming a rigid practice which may have not been as rigid in the early (and more pious) times in the Islamic history. A famous example of these voices is the Egyptian sixteenth century jurist *cum* mystic al-Imām 'Abd al-Wahhāb al-Sha'rānī (d. 973/1565). In his comparative *fiqh* manual, *al-Mīzān al-Kubrā*, Sha'rānī states that the early generations have tolerated the transfer from one *madhhab* to another much more than what he witnesses in his own time. He mentions several examples for scholars from the classical and late classical periods who have changed their *madhhabs* without receiving any form of condemnation from their peers, teachers, or students. See 'Abd al-Wahhāb al-Sha'rānī, *al-Mīzān al-Kubrā* (Cairo: Maktabat al-Thaqāfa, 2004), 45-46.

¹⁴ Taftāzānī, *al-Talwīḥ* 'alā al-Tawḍīḥ, 17.

misrepresentation of the Shāfi‘ī *madhhab*. On several occasions, Maḥbūbī is also criticised for misquoting and misinterpreting Ash‘arīs’ views. Taftāzānī has accused Maḥbūbī of lacking the knowledge of the Shāfi‘ī and Ash‘arī *madhhabs* and has related this accusation to his suspicion that Maḥbūbī has never read their texts.¹⁵

These practices of comparison and criticism show that Taftāzānī may have been distancing himself from the Shāfi‘īs by referring to them as the companions of Shāfi‘ī, but that he advocates the Shāfi‘ī’s views against those of the Ḥanafīs. Most importantly, however, these practices, which continue throughout *al-Talwīh*, show that Taftāzānī aims to compare the two *madhhabs* by writing this critical commentary on a prominent widely-circulated Ḥanafī text of *fiqh*. The suggestion that Taftāzānī’s *uṣūl* text, *al-Talwīh*, is authored in a comparative scholastic style seems to have been clear to early students of Taftāzānī. The famous Ottoman jurist Mollā Meḥmed ibn Firāmurz ibn ‘Alī Kḥosrew (d. 885/1480), who wrote a commentary on Taftāzānī’s *al-Talwīh*, interprets Taftāzānī’s reference to the ‘two parties’ and the ‘two *madhhabs*’ in the following passage as referring to Ḥanafīs and Shāfi‘īs. Below is Taftāzānī’s statement with Kḥosrew’s interpretation between brackets:

Those who are well versed in the oceans of scholarly verification, whom the lights of success are bestowed upon them will appreciate what I have included in this book. Only a clever [scholar] amongst the scholars of the two parties [the two parties are the Ḥanafīs and Shāfi‘īs] can unveil the truths [included in this book]. Only an expert in the principles of the two *madhhabs* [the two *madhhabs* are the Ḥanafī and the Shāfi‘ī *madhhabs*], with a background in the craft of reasoning and appraisal [of juristic disagreements], and a comprehension of the rules of [knowledge] attainment and acquisition is eligible to be exposed to the subtleties of this [book].¹⁶

¹⁵ Other examples of this same criticism are found in Taftāzānī, *al-Talwīh ‘alā al-Tawḍīh*, 33, in the discussion of the scope of *fiqh*; 31 in the discussion of the qualification of ‘practical’ in the definition of *fiqh*; 31 in the discussion of acquiring morals through reason alone; 19 on the definition of judgement versus religious judgements. These are only example from the first section of the book.

¹⁶ Taftāzānī, *al-Talwīh ‘alā al-Tawḍīh*, 3; Mollā Meḥmed ibn Firāmurz ibn ‘Alī Kḥosrew, *Hāshiyā ‘alā al-Talwīh* (Ms. Riyadh: al-Maktaba al-Markaziyya, n.d.), 5.

This scholarly comparative style is also followed, but to a lesser extent, in Taftāzānī's commentary on Ījī's *uṣūl* text, *Hāshiya 'alā Sharḥ al-Muhtaṣar*.

Another challenge in attempting to examine Taftāzānī's works to determine his *madhhab* is that he had the opportunity to declare his *madhhab* on several occasions but refrained from doing so. Rather, he continues identifying the different *madhhabs* in a manner of scholarly verification without personal association. For example, In *Sharḥ al-Maqāṣid*, at the end of a discussion on faith (*īmān*), Taftāzānī defines the parties rightly included under the term 'the people of *sunna*' (*ahl al-sunna*), saying:

The famous [party] of *ahl al-sunna* in the lands of *Khurāsān*, *Irāq*, and *Shām*, as well as most regions is the Ash'arī [*madhhab*], followers of Abū al-Ḥasan 'Alī ibn Ismā'īl ibn Ishāq ibn Sālim ibn Ismā'īl ibn 'Abd Allāh ibn Bilāl ibn Burda ibn Abū Musā al-Ash'arī, the companion of the Prophet, upon him blessings and peace. He (i.e. Ash'arī) is the first to disagree with Abū 'Alī al-Jubbā'ī and leave his school to the *sunna*, by which I mean the way of the Prophet, upon him blessings and peace, and the *jamā'a*, by which I mean the way of the companions. And [the famous party of *ahl al-sunna*] in Transoxiana is the Maturīdī [party], the followers of Abū Maṣṣūr al-Māturīdī, the student of Abū Naṣr al-'Ayyād, the student of Abū Bakr al-Jurjānī, the colleague of Abū Sulaymān al-Jurjānī, the student of Muḥammad ibn al-Ḥasan al-Shaybānī, may God bestow mercy upon him. Māturīd is a village in Samarqand, which is now witnessing disagreements between the two groups on some principles, such as the problem of bringing into existence (*takwīn*), the problem of [the legal effect of the use of] exception in oaths, the problem of the [status of the] faith of the conformist follower, and so on. The verified scholars from the two parties do not associate the other group with innovation and divergence (*bid'a wa-ḍalāla*). Those who are extremists and invalidators, however, do so.¹⁷

This crucial passage not only shows that Taftāzānī refrains from associating himself with one of these two theological parties, but, and more significantly, that he recognizes them as equally authentic theological schools. In addition, he is aware of the political crisis from which his own town is suffering, which may have been a significant motive for his refraining. Taftāzānī identifies these two theological schools by their spread in different geographical regions.

¹⁷ Sa'd al-Dīn 'Umar ibn Mas'ūd al-Taftāzānī, *Maqāṣid al-ṭālibīn fī 'ilm uṣūl al-dīn* (Istanbul: Maṭba'at al-Ḥājj Muḥarrām al-Busnawī, 1305 [in the margins of Taftāzānī's *Sharḥ al-Maqāṣid*]), 2:271.

I understand Taftāzānī's critical comparative approach and his refraining from identifying from either of these theological parties as a focus on scholarly verification (*taḥqīq*), and not, as some contemporary Arabophone scholars claim, a concern of reconciliation (*tawfīq*) between these theological and legal *madhhabs*. One important point to support my observation is that Taftāzānī has clear and explicit views on the theological debates he mentioned in the above passage and he fiercely defends. Similarly, he does defend particular views in his works on *uṣūl al-fiqh* without displaying this concern of reconciliation. This is not to say Taftāzānī did not have a theological or legal *madhhab*-affiliation, or that he identified with more than one *madhhab*. It is to say that his affiliations to formal *madhhabs* do not seem to have played a significant role in his scholarship. This perhaps is the reason he did not feel the need to declare his *madhhabs* in clear terms. There is also the possibility that he had declared his *madhhabs* in works which we did not receive. However, given the quick spread of his texts during and shortly after his death, this possibility is less likely.

Recent academic works have offered insightful accounts concerning Taftāzānī's theological *madhhab* in particular. In the introduction to his translation of Taftāzānī's *Sharḥ al-‘Aqā’id al-nasafiyya*, Elder, for example, suggests that Taftāzānī was an Ash‘arī who at times advocates Māturīdī positions.¹⁸ Würtz, according to Mauder, suggests that Taftāzānī was a Māturīdī earlier in his life and became an Ash‘arī in his later life. This is based on an examination of three theological concepts in the the three main theological works of Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, *Tahdhīb al-mantiq wa-l-kalām*, and *Sharḥ al-Maqāsid*. Würtz observes that while the earlier works of Taftāzānī, namely his *Sharḥ al-‘Aqā’id al-Nasafiyya* and *Tahdhīb al-mantiq wa-l-kalām*, lean toward Māturīdī theology, his

¹⁸ Earl Edgar Elder, *A commentary on the creed of Islam: Sa‘d al-Dīn al-Tāftāzānī on the creed of Najm al-Dīn al-Nasafī* (New York: Columbia University Press, 1950), xxxi. Elder's introduction offers a useful summary of the difference of theological opinions between Māturīdīs and Ash‘arīs.

later work, *Sharḥ al-Maqāṣid*, is more Ash‘arī oriented.¹⁹ Mauder finds the argument of development in Taftāzānī’s thought to be convincing, yet Mauder notes that ‘the reasons for this development remain unclear.’²⁰ The two accounts by Elder and Würtz offer interesting observations which are still possible explanations, as I alluded to in the above paragraph.

A crucial note here, which is also supported by Würtz’s observations, is that Taftāzānī’s focus on scholastic verification over *madhhab*-affiliation has granted him a prominent status within the various intellectual communities. He was seen as a perfect fit for the *madrassa* curriculum over the period of more than seven centuries in every active centre of Islamic education around the Muslim world as we shall see in the next section.

4. Legacy and *madrassas*’ influence

Until modern times, the works of Taftāzānī on semantics, rhetoric, grammar, logic, *uṣūl al-fiqh*, and *kalām* remained at the top of the standard textbooks taught at many traditional Islamic seminaries and universities, most prominently al-Azhar University in Cairo. This has already been established by several recent academic works, noting Taftāzānī’s contributions amongst the contribution of late classical scholarship in Islamic seminaries. To reference one of these recent works, in recently published article by Ahmed El Shamsy, he examines two libraries of Azharī scholars from the nineteenth to early twentieth centuries, and makes the following observation:

The most successful of them all appears to have been al-Taftāzānī, whose commentaries on theology (on al-Nasafī’s creed and on Ṣadr al-Šarī‘a’s *Tanqīh*), legal theory (on Ibn al-Ḥāğib’s *Muḥtaṣar*), logic (on the *Šamsiyya*), and rhetoric (on *Talḥiṣ al-miftāh*) were almost universally studied throughout the Ottoman, Safavid, and Mughal realms and also feature in both of the libraries examined here.²¹

¹⁹ Christian Mauder, review of *Islamische Theologie im 14. Jahrhundert: Auferstehungslehre, Handlungstheorie und Schöpfungsvorstellungen im Werk von Sa‘d ad-Din at-Taftāzani*, by Thomas Würtz, *al-‘Uṣūr al-Wuṣṭā* 25 (2017): 219-224 at 222-223.

²⁰ Mauder, review, 223.

²¹ Ahmed El Shamsy, ‘Islamic Book Culture through the Lens of Two Private Libraries, 1850–1940’, *Intellectual History of the Islamicate World* 4 (2016): 61–81, at 76. Transliteration is Shamsy’s. Also see

In the nineteenth century, several of Taftāzānī's texts have made it to the new publishing houses in Egypt, Iran, India, Tunisia, Russia, and Turkey to name a few places only based on the early editions of Taftāzānī's published texts I have used in this thesis. Some of these editions have stated that they were especially printed for the *madrassa* curriculums. An example is Taftāzānī's *Hāshiya 'alā Sharḥ al-mukhtaṣar* published in 1983 by al-Maṭba'at al-Amīriyya in Cairo.

This commitment to the study of Taftāzānī's works evidently started soon after his death. A powerful statement by the celebrated Tunisian Muslim historiographer Ibn Khaldūn (d. 808/1406) demonstrates Taftāzānī's quick shining intellectual status and the rapid spread of his works. Ibn Khaldūn writes:

I found in Egypt numerous works on the intellectual sciences composed by the well-known person Sa'd al-Dīn Taftāzānī, a native of Herat, one of the villages of Khurāsān. Some of them are on *kalām* and the foundations of *fiqh* and rhetoric, which show that he had a profound knowledge of these sciences. Their contents demonstrate that he was well versed in the philosophical sciences and far advanced in the rest of the sciences which deal with Reason.²²

This is a clear statement by a historian who himself died a few years after Taftāzānī that the works of Taftāzānī had gained prominence in his own lifetime. This was not even a regional prominence. His texts were spread far from his location in Iran to reach the intellectual schools in Egypt. It is reasonable to note that the phenomenon of express circulation of textual materials is not an unusual phenomenon during these late centuries. The Ḥanafī judge Ṣadr al-Sharī'at al-Maḥbūbī's (d. 747/1346), a younger contemporary of Taftāzānī and the author of the *uṣūl al-fiqh* text, *al-Tawḍīḥ* on which Taftāzānī wrote his *al-Talwīḥ*, tells the story behind writing his *al-Tawḍīḥ* in its introduction. He says that when he wrote a draft of a

Khaled El Rouayheb, 'Opening the Gate of Verification: the Forgotten Arab-Islamic Florescence of the 17th Century,' *International Journal of Middle East Studies* 38, no. 2 (2006), 263-281.

²² Translation of this passage is taken from Elder, *A commentary on the creed of Islam*, xxi.

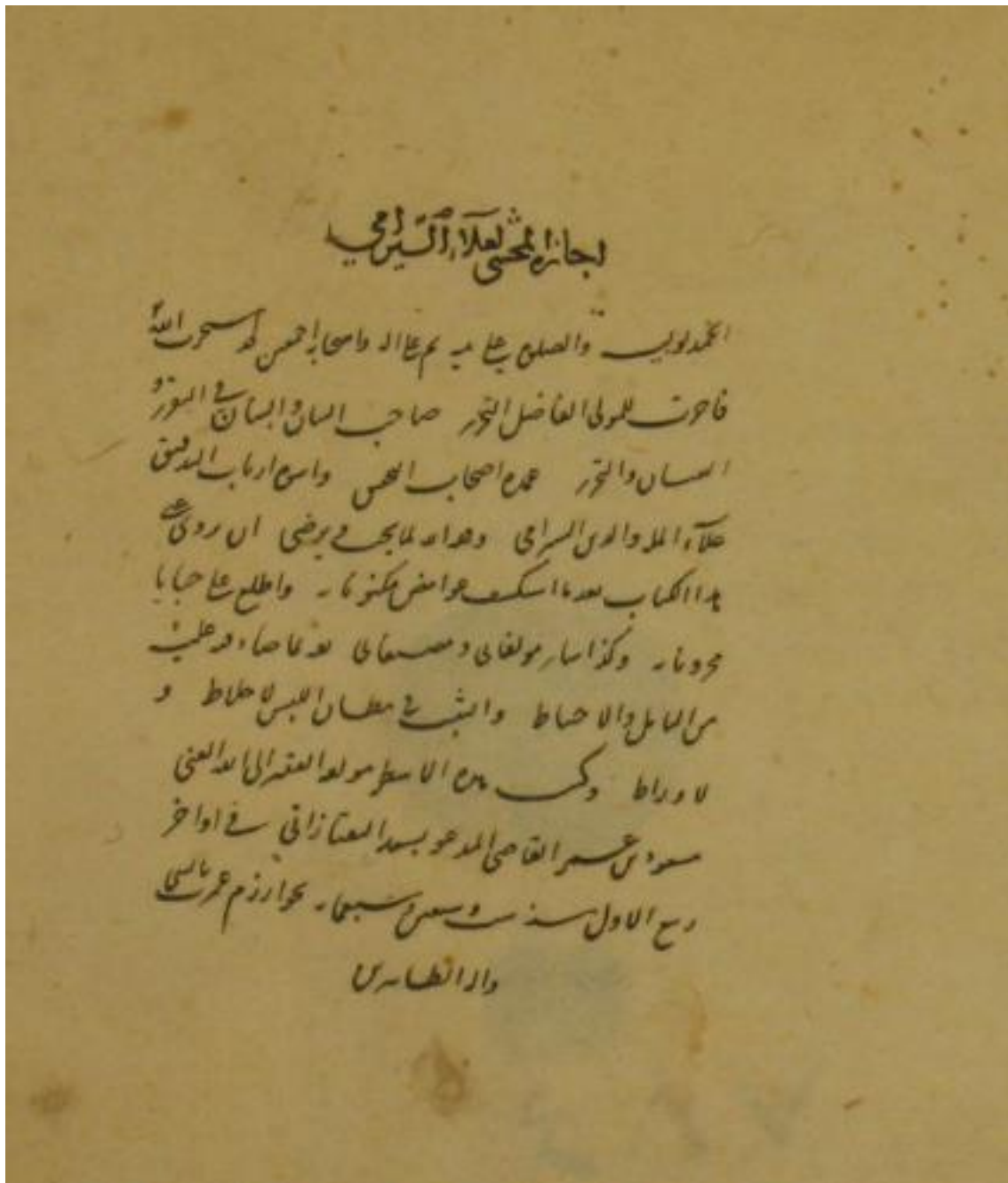
Ḥanafī text on *uṣūl al-fiqh* entitled *Tanqīḥ al-uṣūl*, and that some of his friends had quickly copied this draft before he had developed it. The copies of this draft spread across the regions, so that he decided to write a commentary to clarify and retract the changes to his first draft. It is for this reason he entitled his commentary on his own text, the clarification (*al-Tawḍīḥ*).²³ This phenomenon eases the way for researchers to undertake historical verification of such information.

The works of Taftāzānī entered the Egyptian *madrasa* during or immediately after his death as clearly noted by Ibn Khaldūn. In addition to Ibn Khaldūn’s observation, I offer one example of tracking the chain through which the works of Taftāzānī have transmitted to Egyptian *madrāsas*. The Egyptian Badr al-Dīn ibn Aḥmad al-‘Aynī (d. 855/1451), the author of the famous commentary on al-Bukhārī, *‘Umdat al-Qārī*, authored a long biographical dictionary of his own teachers (*Mu‘jam al-shuyūkh*). In *Mu‘jam al-shuyūkh*, al-‘Aynī details the biographies of his teachers and the texts they taught him. This list includes two prominent students of Taftāzānī.²⁴ One of them is the Egyptian al-‘Alā’ ibn Aḥmad al-Sīrāmī (d. 790/1388), who was appointed the rector of *al-Madrasa al-Zāhiriyya* in Cairo, according to ‘Aynī. Taftāzānī trained and licensed Sīrāmī to teach all of the former’s works. The oldest edition of Taftāzānī’s *uṣūl* commentary, *Ḥāshiya ‘alā Sharḥ al-Mukhtaṣar*, which is copied by the famous Mölla Kḥosrew (d. 885/1480), includes the scholarly license (*ijāza*) Taftāzānī gave to Sīrāmī. In this *ijāza*, Taftāzānī testifies that Sīrāmī has studied and mastered the *Ḥāshiya* with him and that he trusts his level of mastery of the rest of his works. The *ijāza* also states the teaching took place in in Khwārizm the year of 776/1376, a year after the text

²³ Ṣadr al-Sharī‘a ibn Mas‘ūd al-Maḥbūbī, *al-Tawḍīḥ* (Russia: al-Maṭba‘a al-Imbirātūriyya [in the margins of Taftāzānī’s *al-Talwīḥ*]), 1:3.

²⁴ I have not found this text but it was reproduced in the introduction of *‘Umdat al-Qārī*, see ‘Abd Allāh Maḥmūd Muḥammad ‘Umar, introduction to *‘Umdat al-Qārī: Sharḥ Ṣaḥīḥ al-Bukhārī* by Badr al-Dīn ibn Aḥmad al-‘Aynī (Beirut: Dār al-Kutub al-‘Ilmiyya, 2001), 1:7-8.

was completed. ‘Aynī, in his *Mu‘jam al-shuyūkh*, states he has studied with Sīrāmī the following texts by Taftāzānī: *al-Talwīh*, *Sharḥ al-Talkhīṣ*, and sections from *al-Kashshāf*.



[figure 2 Taftāzānī’s scholastic licence (*ijāzā*) to Sīrāmī in an Ottoman manuscript copy of Taftāzānī’s *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*]

The prominence of Taftāzānī’s works in Egypt remained the mainstream view within its *madrasas*, including al-Azhar. The Egyptian reformer Sheikh, Muhammad ‘Abdū (1849-

1905), initiated some ‘reforms’ of al-Azhar’s curriculum which removed Taftāzānī’s works from the formal Azharī education. ‘Abdū criticised the reliance on Taftāzānī’s commentaries, among other reasons, for its complex philosophical approaches.²⁵ Even after such an attack on Taftāzānī’s works in the formal Azhar schools, it seems that traditional circles at al-Azhar maintained their engagement with Taftāzānī’s texts, prominently his works on Arabic logic and *kalām*. The Moroccan historian and Islamic scholar ‘Abd Allāh al-Ṣiddīq al-Ghumārī (d. 1993) states in his autobiography that after his arrival in Egypt to study at al-Azhar, he attended classes on Taftāzānī’s *Tahdhīb*.²⁶

Other centres of pre-modern Islamic training centres have also committed to the study of Taftāzānī’s works. The Moroccan Ḥadīth scholar, jurist, and historian ‘Abd Allāh al-Ṣiddīq al-Ghumārī, a son of another famous Ghumārī scholar, speaks about the curriculum of the Moroccan *madarasa* in his autobiography, *Sabīl al-tawfīq fī tarjamat ‘Abd Allāh ibn al-Ṣiddīq*. He states that Taftāzānī’s commentaries on *al-Talkhīṣ* and his *Tahdhīb* were at the heart of the texts he had to study in his traditional education.²⁷ Ghumārī also notes that other authors who have been influenced by Taftāzānī’s scholastic styles were also criticised for their difficult language and philosophical approach to religious sciences such as *fiqh* and *uṣūl al-fiqh*. One of these scholars is the ninth/sixteenth Egyptian Shāfi‘ī jurist Jalāl al-Dīn al-Maḥallī (d. 864/1459).²⁸ This influence might explain the resemblance between Maḥallī’s *Sharḥ al-Waraqāt* and the attributed *Sharḥ al-Waraqāt* of Taftāzānī.

²⁵ ‘Abdū’s critiques and the continuous attack of his students on Taftāzānī are discussed in Shākir’s introduction to *Asrār al-Balāgha* by ‘Abd al-Qāhir al-Jurjānī (Jadda: Dār al-Madanī, 1996), 17-24.

²⁶ ‘Abd Allāh al-Ṣiddīq al-Ghumārī, *Sabīl al-tawfīq fī tarjamat ‘Abd Allāh ibn al-Ṣiddīq* (online source), 45.

²⁶ Ghumārī, *Sabīl al-tawfīq*, 34.

²⁷ Ghumārī, *Sabīl al-tawfīq*, 45.

²⁸ Ghumārī, *Sabīl al-tawfīq*, 34.

Several sources affirm that Taftāzānī had close encounters with Tīmūr Lang, who used to host scholarly debates at his court.²⁹ Tīmūr Lang held Taftāzānī in a high position but later he exiled him to Samarqand. Taftāzānī remained in Samarqand until his death. A famous debate on Arabic rhetoric between Taftāzānī and his younger contemporary critic, the theologian *cum* jurist al-Sayyed al-Sharīf al-Jurjānī (d. 816/1413) at Tīmūr Lang’s court is said to be the reason behind Taftāzānī’s exile. In his *al-Nibrās*, Farhārī suggests that the judge of this debate, the Mu‘tazilī scholar Ibn al-Nu‘mān, favoured Jurjānī’s views on a special type of metaphor (*isti‘āra*) over the views of Taftāzānī, according to which Tīmūr Lang announced the victory of Jurjānī over Taftāzānī and exiled the latter to Samarqand. A few years later, Jurjānī lost in another debate between himself and the Shāfi‘ī jurist Muḥammad ibn al-Jizrī (d. 833/1430).³⁰ The intellectual and political significance these court-debates played in late classical scholarship calls for further research. The significance of this story to this short biography of Taftāzānī is, however, its indication of the active role Taftāzānī played in intellectual communities of his own time.

²⁹ Khayr al-Dīn al Zirkilī, *A‘lām*, 7: 219. Ibn Ḥajar al-‘Asqalānī, *al-Durar al-Kāmina* (India: Dā‘irat al-Ma‘ārif, 1972), 6:112; Elder, xx-xxi.

³⁰ Farhārī, *al-Nibrās*, 4.

II. *ʿIlm al-kalām* and *ʿilm uṣūl al-fiqh*: two Islamic sciences of epistemology

Before proceeding to the section on the historical overview of the relationship between *kalām* and *uṣūl al-fiqh*, this section offers a brief historical account of the definition, function, and scope of these two Islamic sciences. I aim to show that the classical conception of *kalām* and *uṣūl al-fiqh* is, in part, that they are two sources of epistemology, and that both have classically developed accordingly.

1. *Uṣūl al-fiqh*: definition and function

Classical sources credit the notable jurist Muḥammad ibn Idrīs al-Shāfiʿī (d. 204/820) for writing the first *opus* in *uṣūl al-fiqh*, *al-Risāla*.³¹ Fakhr al-Dīn al-Rāzī (d. 606/1209), for example, compares the relationship of Shāfiʿī to *uṣūl al-fiqh* to the relationship of Aristotle to Logic. The significance of Shāfiʿī's contribution to *uṣūl al-fiqh* is a debated question in the field.³² Similarly debated is whether Shāfiʿī's *al-Risāla* contained any theological motives. Some recognise the influence of *kalām* in Shāfiʿī's discussions,³³ others claim it owes little to *kalām*, namely, its style of argumentation, and others argue Shāfiʿī had no interest in *kalām* at all.³⁴ Other contemporary scholars argued against the inclusion of *kalām* in *uṣūl al-fiqh* within and outside *al-Risāla*. Makdisi, for example, who suggested that *al-Risāla* was to

³¹ Fakhr al-Dīn Abū ʿAbd Allāh al-Rāzī, *Manāqib al-imām al-shāfiʿī*, ed. Aḥmad Ḥijāzī al-Saqqā (Cairo: Maktabat al-Kulliyāt al-Azhariyya, 1986), 156.

³² See for example, Wael b. Hallaq, 'Was al-Shafi'i the Master Architect of Islamic Jurisprudence?', *International Journal of Middle East Studies*, 25, no. 4 (1993): 587–605 where Hallaq argues *Risāla*'s main concern is *ḥadīth*; Lowry, *Early Islamic Legal Theory*, 7-15; and Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (New York, NY: Cambridge University Press, 2013), 5-6 where El Shamsy argues that providing 'a justification for the exclusive status of the sacred text' was a major achievement of *al-Risāla*.

³³ Lowry, *Early Islamic Legal Theory*. Lowry stated that the concept of *bayān* pertains to the theological as well as the legal realm. Also see Muṣṭafā ʿAbd al-Rāziq, *Tamhīd li-tārīkh al-falsafa al-islāmiyya* (Cairo: Maktabat al-Thaqāfa al-Dīniyya, n.d.). 244-46.

³⁴ Shutaywī, *Alāqat ʿilm uṣūl al-fiqh bi-ʿilm al-kalām*, 74–75, 86–88.

exclude *kalām* from the definition of orthodoxy. Fazlur Rahman has also argued for such a connection between the realms of law and theology.³⁵

It is, therefore, reasonable to investigate what Shāfi‘ī aimed to achieve by composing his *al-Risāla*³⁶ to note the development of the definition and objective of *uṣūl al-fiqh* in classical works. *Al-Risāla* includes no mention or definition of the term *uṣūl al-fiqh* as we know it; nonetheless, there are significant aspects of *al-Risāla* which help us understand what Shāfi‘ī aimed to theorise. The first discussion in *al-Risāla* is a discussion of the concept of divine elucidation (*bayān*) as the theoretical framework within which *Risāla* is situated. Shāfi‘ī defines *bayān* as ‘a comprehensive noun that denotes the meanings of the shared principles and the manifold branches’ (*ism jāmi‘ li-ma‘ānī mujtami‘at al-uṣūl mutasha‘ibat al-furū‘*).³⁷ Shāfi‘ī explains that *bayān* requires referential reasoning (*istidlāl*), which depends on the epistemic signs (*‘alāmāt*) the Legislator set forward explicitly or implicitly in revelational sources. The purpose of writing *al-Risāla*, Shāfi‘ī states, is to identify ‘some of these [epistemic indicants], in hopes they would lead to what is beyond them of [the judgements] which share their meaning’.³⁸ Thus, Shāfi‘ī aimed to establish the authority of general epistemic indicants that he thought would lead to establishing new and varying branches (*furū‘*). This shows that Shāfi‘ī proposes a theory of interpretation that serves the practical derivation of these branches; in addition, as observed by David Vishanoff, to create methods for dealing with language ambiguities.³⁹ This theory, as indicated by the discussions

³⁵ Fazlur Rahman ‘Functional Interdependence of Law and Theology’ in *Theology and Law in Islam*, ed. G.E. von Grunebaum (Wisebaden: Otto Harrassowitz, 1971), 89-99.

³⁶ There are two other small *uṣūlī* works ascribed to al-Shāfi‘ī. Although some have disputed whether he authored them or not. The first is *Jimā‘ al-‘ilm* and the second is *Ibtāl al-istiḥsān*, see Joseph E. Lowry, *Early Islamic Legal Theory: The Risāla of Muḥammad ibn Idrīs al-Shāfi‘ī*, Studies in Islamic Law and Society, v. 30 (Leiden; Boston: Brill, 2007), 7.

³⁷ Muḥammad Idrīs al-Shāfi‘ī, *al-Risāla* (Cairo: al-Bābī al-Ḥalabī, 1983), 15. Lowry offers the following translation of Shāfi‘ī’s definition of *bayān*: ‘a noun comprising several convergent basic meanings which are, however, divergent in their details’, see Lowry, *Early Islamic Legal Theory*, 25.

³⁸ Lowry, *Early Islamic Legal Theory*, 18.

³⁹ David R. Vishanoff, *The Formation of Islamic Hermeneutics: How Sunni Legal Theorists Imagined a Revealed Law*, American Oriental Series, v. 93 (New Haven, Conn: American Oriental Society, 2011), 15.

covered in *al-Risāla*, relies on the authenticated revelational texts (Qur'ān and prophetic traditions) as its sources, and on juristic analogy (*qīyās*) as its accepted method of *istidlāl*.

The above questions remain a crucial part of the skeleton of subsequent works of *uṣūl*, although their answers to these questions differed.⁴⁰ Authors after Shāfi'ī from the fourth/tenth and early fifth/eleventh centuries offered outlines of their acceptable sources of religious knowledge as well as the methods they proposed for their investigation. Examples are the Ḥanafī jurist Nizām al-Dīn al-Shāshī (d. 344/955) in his *Uṣūl al-shāshī*,⁴¹ the Ḥanbalī Irāqī jurist Ibn Shihāb al-'Ukbarī (d. 428/1037) in his *al-Risāla fī uṣūl al-fiqh*, and the Mu'tazilite Abū al-Ḥusayn al-Baṣrī (d. 436/1044) in his *al-Mu'tamad fī uṣūl al-fiqh*.⁴² Other earlier scholars, such as Ibn Surayj (d. 306/918), have also engaged with the above discussions of sources and methods of reasoning, although they did not dedicate independent treatises to *uṣūl al-fiqh*. This practice of earlier jurists was recently demonstrated by Ahmed El Shamsy's article, 'Bridging the Gap: Two Early Texts of Islamic Legal Theory' as he shows how discussions pertaining to *uṣūl al-fiqh* have appeared in early works *fiqh* manuals as introductions or conclusions to these manuals.⁴³

None of these authors, apart from Abū al-Ḥusayn al-Baṣrī, offers a conventional definition of *uṣūl al-fiqh*. Conventional definitions of *uṣūl al-fiqh* appear in the middle fifth/eleventh century, the era accredited with the formal development of the science of *uṣūl al-fiqh* and bringing it to maturity. Abū al-Ḥusayn al-Baṣrī defines *uṣūl al-fiqh* in the

⁴⁰ Vishanoff stresses the continuity of the framework of *al-Risāla* in later works of *uṣūl al-fiqh* and the different approaches in dealing with this framework, see Vishanoff, *The Formation of Islamic Hermeneutics*, 14.

⁴¹ Murteza Bedir disputes the attribution of this work to al-Shāshī. He suggests that *Uṣūl al-shāshī* presupposes the work of late fifth/eleventh century scholarship and hence cannot be a product of the early to middle fourth/tenth century. See Murteza Bedir, 'The Problem of Uṣūl al-Shāshī,' *Islamic Studies*, 42, no.3 (2003): 415–36.

⁴² Nizām al-Dīn al-Shāshī, *Uṣūl al-shāshī*, ed. Akram al-Nadwī (Beirut: Dār al-Kitāb al-'Arabī, 2000), 13; Ibn Shihāb al-'Ukbarī, *al-Risāla fī uṣūl al-fiqh*, ed. Muwaffaq ibn 'Abd al-Qādir (Mecca: al-Maktaba al-Makkiyya, 1992), 46; Abū al-Ḥusayn al-Baṣrī, *Kitāb al-Mu'tamad fī uṣūl al-fiqh*, ed. Muḥammad Ḥamīd Allāh, vol. 2 (Damascus: al-Ma'had al-'Ilmī al-Faransī lil-Dirāsāt al-'Arabīyah, 1964), 1:5.

⁴³ Ahmed El Shamsy, 'Bridging the Gap: Two Early Texts of Islamic Legal Theory,' in *Journal of the American Oriental Society*, Vol. 137, No. 3 (July-September 2017), 505-536, at 506.

convention of the jurists (*fī 'urf al-fuqahā'*) as 'the investigation of the general methods of *fiqh*, the quality for their referential reasoning, and what follows such reasoning';⁴⁴ i.e. of the derivation of religious judgements. Imām al-Ḥaramayn Abū al-Ma'ālī al-Juwaynī (d. 478/1085) defines *uṣūl al-fiqh* as 'the knowledge of the epistemic indicants that lead to religious judgements'. A younger contemporary of Imām al-Ḥaramayn, Abū Ishāq al-Shīrāzī (d. 476/1083), offers a similar definition with an emphasis on the generality of these methods/indicants through which *fiqh* is derived.⁴⁵ These definitions claim that the chief objective of *uṣūl al-fiqh* is the establishing of general sources and methods of reasoning for the specific purpose of establishing religious judgements. This objective by itself, I argue, is bipartite: the epistemological concern of the sources and the functional concern of deriving religious judgements. Early *uṣūl* texts also show theological concerns in their establishment of these sources. Examples are Abū al-Ḥusayn al-Baṣrī's inclusion of justice ('*adl*'), a major theological principle for Mu'tazilīs, as a source by which religious judgements can be derived, and Shāfi'ī's strong refutation of juristic preference (*al-istihsān*), a major principle of his opposition, the rationalists (*ahl al-ra'y*). In doing so, these scholars were declaring their theological and legal orientations that underpin their theories of interpretation. I attribute these practices to their view of *uṣūl* as not only an instrument of deriving religious judgements, but also as a source of theologically-influenced epistemology. Later definitions of *uṣūl al-fiqh* remain faithful to the form and content of these early definitions with occasional minor modifications.⁴⁶ These later classical *uṣūlīs* inherited this bipartite objective of *uṣūl al-fiqh* but had the leisure to further theorise them considering questions of theology and philosophy.

⁴⁴ Baṣrī, *Kitāb al-Mu'tamad fī uṣūl al-fiqh*, 1:9.

⁴⁵ Abū al-Ma'ālī 'Abd al-Malik ibn 'Abd Allāh al-Juwaynī, *al-Talkhīṣ fī uṣūl al-fiqh*, eds. Aḥmad al-'Umarī and 'Abd Allāh al-Nibālī (Beirut: Dār al-Bashā'ir, n.d.), 1:106; also see Abū Ishāq al-Shīrāzī, *al-Luma' fī uṣūl al-fiqh*, 2nd ed. (Beirut: Dār al-Kutub al-'Ilmiyya, 2003), 6.

⁴⁶ See for example, Sayf al-Dīn 'Alī ibn Abī 'Alī al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām* (Beirut: Dār al-Fikr, 2003), 1:10.

The second of this bipartite objective, the concern of functionality, which corresponds to the scope of *fiqh*, somewhat decreased in late classical scholarship with the maturation of the legal schools and judicial practices, leaving the science of *uṣūl al-fiqh* at risk of losing its status within Islamic intellectual history. This perhaps is one of the reasons *uṣūlīs* have focused their work on the theological-epistemological aspect of *uṣūl al-fiqh*. Benham Sadeghi has already noted that including the legal precedents—judgements deduced by earlier and contemporaneous jurists—in the category of *received* legal judgements, has reduced the scope of the *acquired (muktasaba)*⁴⁷ religious judgements, which further limited the need for the functional aspect of *uṣūl al-fiqh*, the theological-epistemological aspect apparently became the dominant objective for the continued composition of *uṣūl al-fiqh*.

Classification of *uṣūl al-fiqh*

The consistency between early and late definitions of *uṣūl al-fiqh* with its stated bipartite objective, however, was not a reflection of consistency in scope or style in the later works of *uṣūl al-fiqh*. There was a struggle to maintain only one or two of the classical objectives of authoring works on *uṣūl al-fiqh*. Accordingly, an emphasis-based classification of the science of *uṣūl al-fiqh* emerged among late classical scholars. The celebrated Tunisian Muslim historiographer Ibn Khaldūn (d. 808/1406) classified the composition of *uṣūl al-fiqh* into three methods: the method of jurists (*ṭarīqat al-fuqahā'*), which is characterised as being more concerned about the functionality of *uṣūl* in the derivation of legal judgements; the method of theologians (*ṭarīqat al-mutakallimīn*), which, as the name suggests, is more interested in the theological-epistemological aspect of *uṣūl al-fiqh*; and the method combining the two methods (*ṭarīqat al-jam' bayn al-ṭarīqatayn*), which attempts to maintain

⁴⁷ Behnam Sadeghi, *The Logic of Law-Making in Islam: Women and Prayer in the Legal Tradition*, Cambridge Studies in Islamic Civilization (Cambridge: Cambridge University Press, 2013), 14.

the bipartite objective of *uṣūl al-fiqh* altogether. Although we find no mention of these classes in the classical works of *uṣūl al-fiqh* before Ibn Khaldūn, later *uṣūlīs* and historians reproduced his classification in their works. Perhaps the earliest reference we can find for this distinction between the method of the jurists and the method of the theologian is Ghazālī's remarks in his *al-Mustasfā*. Ghazālī notes that some Transoxianan scholars have excessively included branches of *fiqh* in their works of *uṣūl al-fiqh* while some theologians have excessively included theological debates in their works of *uṣūl al-fiqh*. This practice, he explains, is due to the area of expertise for both parties; however, he insists it is not befitting the craft of *uṣūl al-fiqh*.⁴⁸

This classification of the methods of *uṣūl al-fiqh*, however, is problematic on several levels as has already been pointed out by scholars in contemporary academia. Firstly, the features of the three classes are present in varying degrees in all *uṣūl* works we have received and hence it is a matter of emphasis rather than exclusive affiliation to different archetypes.⁴⁹ Secondly, the application of Ibn Khaldūn's classification may have to rely on the authors' self-identified *madhhab* (for example, if the author is a Shāfi'ī, then the method of their *uṣūl* is the method of the theologians), or on the authors' geographical location, or on a particular period of time, rather than relying on a defined style or structure of their works. This is even more problematic when considering the suggestion of some scholars that *uṣūl al-fiqh* as a science tends to be *madhhab*-free.⁵⁰ In addition, and as I have explained in the previous section, the tradition of scholastic and comparative commentaries encouraged authors to step in and out of their specific *madhhabs* to author commentaries to explain or to critique texts by other authors. Nonetheless, it is a fair observation to that the Shāfi'īs paid greater attention

⁴⁸ Abū Hāmid of al-Ghazālī, *al-Mustasfā min 'ilm al-uṣūl*, ed. Raḍwā Ḍaww (Beirut: Dār al-Turāth al-'Arabī, 1997), 1:20.

⁴⁹ Bernard G Weiss, *The Search for God's Law Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī* (Salt Lake City: University of Utah Press, 2010), 18–20.

⁵⁰ See for example Sherman A. Jackson, 'Fiction and Formalism: Toward A Functional Analysis of *Uṣūl al-Fiqh*,' in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss, *Studies in Islamic Law and Society*, vol.15 (Leiden; Boston [Mass.]: Brill, 2002), 179-180.

to the theologisation of their *uṣūl al-fiqh* and its grounding within an explicit epistemology than did the Ḥanafīs. Samarqandī (d. 540/1145) in his *Mīzān al-uṣūl* has explicitly critiqued his fellow Ḥanafīs for not supporting their *uṣūl* through their creedal theology, as will be explained.⁵¹

The debate concerning the nature and function of *uṣūl al-fiqh* and its relationship to the establishment or justification of religious judgements has received considerable attention in recent scholarship. Wael Hallaq, for example, taking into consideration classical scholars' declared objective of their composition in *uṣūl al-fiqh*, argues that *uṣūl al-fiqh* is a manual for the *mujtahid* 'to discover judgements for unprecedented cases',⁵² and that this is the 'chief *raison d'être* of legal theory.'⁵³ Hallaq has also recognised another role for this genre, which leans more toward the epistemological aspect of the genre, which is the justification and re-enactment of the already established judgements.⁵⁴ Aron Zysow, in his doctoral dissertation entitled, *The Economy of Certainty* has also argued that the function of *uṣūl al-fiqh* is connected to *ijtihād*, and that there is 'no reason to doubt'⁵⁵ the remarks made by *uṣūlīs* concerning the importance of *uṣūl al-fiqh* for practising jurists, i.e., of practicing *ijtihād*. This question, however, was not the only concern of *uṣūlīs*, according to Zysow; he argues that the theologisation of *fiqh* is a main objective *uṣūl al-fiqh* came to achieve.⁵⁶ Bernard Weiss, in his comprehensive study of Sayf al-Dīn al-Āmidī's (d. 631/1233) *al-Iḥkām fī uṣūl al-aḥkām*, highlights the role of *uṣūl al-fiqh* in the *mujtahid*'s task of constructing religious judgements

⁵¹ 'Alā' al-Dīn Abū Bakr Muḥammad al-Samarqandī, *Mīzān al-uṣūl*, ed. 'Abd al-Malik al-Sa'dī (Mecca: Jāmi'at Umm al-Qurā, 1984), 1:2. Observations concerning the genre of *fiqh* may suggest the lack of argumentative style and theological support to debates in Ḥanafī *fiqh* manuals is also true.

⁵² Wael b. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl al-Fiqh* (Cambridge: Cambridge University Press, 1997), 256.

⁵³ Hallaq, *A History of Islamic Legal Theories*, ix.

⁵⁴ Hallaq, *A History of Islamic Legal Theories*, 256.

⁵⁵ Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory*, Resources in Arabic and Islamic Studies 2 (Atlanta, GA: Lockwood Press, 2013), 5.

⁵⁶ Robert Gleave, Introduction to *The Economy of Certainty*, by Aron Zysow (Atlanta, GA: Lockwood Press, 2013), xiii.

based on the epistemic indicants studied intensively in *uṣūl al-fiqh*.⁵⁷ One significant observation Weiss offers is that the section covering these epistemic indicants in Āmidī's *Ihkām* constitutes more than eighty percent of the book. A practice which Weiss considers appropriate given that this study is the 'primary subject matter of that science.'⁵⁸

Other scholars have challenged this classical narrative, arguing that functionality may not have been a main concern for the works of *uṣūl al-fiqh*. Sherman Jackson has written an article challenging the common notion that 'Islamic legal theory (*uṣūl al-fiqh*) is the exclusive determinant of the content of Islamic law' and called it a 'fiction'. He argued that *uṣūl al-fiqh* as a theory of interpretation 'only putatively renders theory the source of actual content of legal interpretations.'⁵⁹ and that it is a theory which is 'simply appealed to for the purpose of validating these views.'⁶⁰ Another attempt to challenge this classical narrative is found in Behnam Sadeghi's *The Logic of Law-Making in Islam*, which challenges Jackson's position. Sadeghi argues that Jackson's article 'does not deny that the rules of interpretation could have shaped the laws to a significant degree.'⁶¹ For him, *uṣūl al-fiqh* 'played a negligible role in determining the laws'⁶² and its hermeneutic principles only 'constrain and discipline the use of exegetic rationales'. However, Sadeghi claims this was not limited to hermeneutic principles of *uṣūl al-fiqh*, but also to those found in the genre of *fiqh*. The function of these hermeneutic principles, according to Sadeghi, is to determine the 'degree of hermeneutic flexibility' for a jurist.⁶³ This point of hermeneutic flexibility, which I shall return to later in this chapter, is also highlighted in the work of David Vishanoff. Vishanoff

⁵⁷ Bernard G. Weiss, *The Search for God's Law Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī*, 678. Also see Bernard G. Weiss, 'Interpretation in Islamic Law: The Theory of Ijtihād', *American Journal of Comparative Law*, vol. 26, issue 2 (1978), 199- 212, at 199 and 203. Weiss translates *adilla* as indicators.

⁵⁸ Weiss, *The Search for God's Law*, 153.

⁵⁹ Jackson, 'Fiction and Formalism', 178.

⁶⁰ Jackson, 'Fiction and Formalism', 178.

⁶¹ Sadeghi, *The Logic of Law-Making in Islam*, 36.

⁶² Sadeghi, *The Logic of Law-Making in Islam*, 27.

⁶³ Sadeghi, *The Logic of Law-Making in Islam*, 27.

argues that the function of *uṣūl al-fiqh* varies from one *uṣūlī* to another.⁶⁴ For this reason, he repeatedly refuses to take sides in the debate concerning the *uṣūl-fiqh* relationship.⁶⁵ He decided to speak ‘neither of creating [laws] nor justifying, but rather of “harmonising”, “correlating” or “negotiating relationships between texts and laws.”’⁶⁶

These are only examples of the recent attempts to define the nature and function of *uṣūl al-fiqh*. None of these views denies the science of *uṣūl al-fiqh* its status in Islamic intellectual history; rather, they question the actual application of the theories it proposes. The critical examination of the functional aspect of *uṣūl al-fiqh* and the recognition of its privileged status within Islamic sciences calls upon us to further examine the science’s epistemological aspect. Understanding the classical narrative in the context of these recent observations is crucial. This approach might also be considered complementary as it fills crucial gaps in our understanding of the development of Islamic sciences in general, and *uṣūl al-fiqh*’s continuous development in late classical scholarship, especially after its claimed objective had drastically decreased. The marriage between *uṣūl al-fiqh* and *‘ilm al-kalām*, which gave birth to *al-mabādi’ al-kalāmiyya*, I argue, is a vibrant factor in the survival of *uṣūl al-fiqh*.

2. *Kalām*: nature, status, and scope

Although discussions pertaining to *‘ilm al-kalām* predate discussions pertaining to *uṣūl al-fiqh* (e.g. the createdness of the *Qur’ān*),⁶⁷ it is challenging to claim an early standardisation of the former’s definition or subject matter. The science of *kalām* has undergone various turns and its subject matter, as observed by Richard Frank, encompasses issues which pertain

⁶⁴ Vishanoff, *The Formation of Islamic Hermeneutics*, 13–14.

⁶⁵ Vishanoff, *The Formation of Islamic Hermeneutics*, 9–10; 262–263.

⁶⁶ Vishanoff, *The Formation of Islamic Hermeneutics*, 10.

⁶⁷ Richard C. Martin, ‘Createdness of the Qur’ān’, *Encyclopaedia of the Qur’ān*, http://referenceworks.brillonline.com/entries/encyclopaedia-of-the-quran/createdness-of-the-quran-EQCOM_00044.

to the realm of metaphysics as well as the realm of monotheism (*tawḥīd*). According to Frank, the matters and questions discussed in *kalām* follow the structure below, with some variations:

1. Justified knowledge (*al-‘ilm*) and speculative reason (*al-naẓar*).
2. Proof of the existence of the Creator.
 - 2.1 The attributes of the Creator.
3. God’s governance of the world and the ontological status of human agency (*al-qaḍā’ wa-l-qadar*).
 - 3.1 Prophecy and prophets.
 - 3.2 Questions related to prophetic revelation:
 - 3.3 The next life.
 - 3.4 The status of individuals and the order of society (*al-asmā’ wa-l-aḥkām, al-ta’ḍīl wa-l-tajwīr, al-imāma*).⁶⁸

The ultimate objective of *kalām*, Frank notes, is ‘to rationalise the basic beliefs of the Muslims as they are given in the Koran and Sunna.’⁶⁹ Frank’s view may be supported by the arguably earliest standardised definition of *kalām*, the one by Ījī (d. 756/1355) in his *al-Mawāqif*. Ījī states that *kalām* is ‘a science with which the establishment of the religious creeds is enabled through the presentation of decisive proofs and the refutations of suspicions [occurring against these creeds]’.⁷⁰ The origin of Ījī’s definition of *kalām* may be traced back to the one found in Fārābī’s (d. 339/950) *Iḥṣā’ al-‘ulūm*, although the latter does not receive much circulation in later texts. Both definitions consider *kalām* a craft for defending one’s creeds against opponents and bringing victory for these creeds.⁷¹ One critical distinction between Fārābī and Ījī’s definitions of *kalām*, however, is that creeds for Ījī, as well as the classical and late classical traditions, are theoretical opinions concerning the divine being. Fārābī, however, argues that *kalām* does not only defend the theoretical opinions (*ārā’*) but

⁶⁸ Richard M. Frank, ‘The Science of Kalām,’ *Arabic Sciences and Philosophy*, 2, no. 1 (1992): 12–13. Numbering and transliteration are mine, translation of terminologies is Frank’s. The index of Taftāzānī’s works’ table of contents by the end of this thesis offers a better understanding of the issues discussed in *kalām* by his time.

⁶⁹ Frank, ‘The Science of Kalām’, 22.

⁷⁰ Al-Qāḍī ‘Aḍud al-Dīn al-Ījī, *al-Mawāqif*, 5 vol. (Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2011), 1: 65; al-Qāḍī ‘Aḍud al-Dīn al-Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 2nd ed. (Cairo: al-Maṭba‘a al-Amīriyya-Bulāq, 1404), 1:34-35. His statement reads as follows, ‘*ilm yuqtadaru ma’ahu ‘alā ithbāt al-‘aqā’id al-dīniyya bi-irād al-ḥujaj wa-daḥ‘ al-shubuhāt*’.

⁷¹ Abū Naṣr al-Fārābī, *Iḥṣā’ al-‘ulūm*, ed. ‘Alī Bou Milḥim (Beirut: Dār al-Hilāl, 1996), 86.

also the practical creeds (*af'āl*), by which Fārābī may be referring to ethics, although he does include ethics under a different science, the one investigating political and social orders (*al-'ilm al-madanī*).⁷² He describes them as creeds which are intended to lead to practical use when established and defended. Considering *kalām* amongst the practical sciences is an interesting feature of Fārābī's theory of the classification of sciences, replaced in later classical scholarship by Ibn Sīnā's theory which considers *kalām* a purely theoretical science, under the category of the divine science or metaphysics (*al-'ilm al-ilāhī*) as I shall explain in the next section.

The discussion of the scope and content of *kalām* informs the debate concerning the position of *al-mabādi'* within or outside the realm of *kalām*. Therefore, it requires an examination with some details here. Some scholars argue that the subject matter of *kalām* should be restricted to discussions pertaining to God, His attributes, and His actions. This restriction allows *kalām* to be properly defined as religious science; others claim *kalām* ought to be broadened to include metaphysics in order to extend it to be the highest discipline of the religious sciences that studies the most general and metaphysical notions. The difference between these views of the subject matter of *kalām* influences its content and by extension the place of the epistemological postulates. Taftāzānī's view that the epistemological postulates are not from *kalām* but are placed there as an addendum to the works of *kalām* already suggests that he is not an advocate of broadening the scope of *kalām* as such. The next section on the scope of *kalām* and its relationship to the philosophical tradition, namely the divine science or metaphysics, elaborates on these views of *kalām* in the late classical tradition and its role in the development of the genre of *al-mabādi'*.

⁷² This is suggested by the *Iḥṣā'* editor, 'Alī Bou Milḥim as well as the editor of the (1949) earlier *Iḥṣā'* edition, 'Uthmān Muḥammad Amīn.

a. The difference between *kalām* and *al-‘ilm al-ilāhī*

In the introduction of Taftāzānī’s magnum opus, *Sharḥ al-Maqāṣid*, he classifies the distinctive human powers into: (i) rational or investigative power (*quwwa naẓariyya*), by which they seek to know truths as they are, and (ii) practical power (*quwwa ‘amaliyya*), by which they seek to do things in the right way. Religion (*al-milla*) and philosophy (*falsafa*), he continues, aim to perfect these two powers. To obtain such perfection, philosophers constructed theoretical and practical wisdoms (*al-ḥikma al-naẓariyya wa-l-‘amaliyya*). Similarly, Muslim scholars constructed the science of *kalām* and the science of revelations and religious judgements (*‘ilm al-sharā’i‘ wa-l-aḥkām*) to perfect these human powers through the guidance of revelation.⁷³ The explanation by Taftāzānī of the role of *kalām* is, in general terms, made analogous to the role played by theoretical philosophy.

Theoretical philosophy, however, is a general field of enquiry which includes several philosophical sciences, including but not limited to *al-‘ilm al-ilāhī*. Taftāzānī further specified this analogical relationship when he states that the subject matter of *kalām* is ‘known insofar as it relates to the establishment of religious creeds (*al-ma‘lūm min ḥaythu yata‘allaq bihi ithbāt al-‘aqā’id al-dīniyya*)’.⁷⁴ The aspect (*ḥaythiyya*) of enquiry in *kalām*, thus, is the establishment of religious creeds, not knowledge; knowledge is postulated. Accordingly, the matters and questions discussed in *kalām* include five sections only: the general principles or metaphysica generalis (*al-umūr al-‘amma*), accidents, atoms (*jawāhir*), metaphysics (*ilāhiyyāt*), and matters known through revelation (*sam‘iyyāt*). It excludes the

⁷³ Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Sharḥ al-Maqāṣid* (Istanbul: Maṭba‘at al-Ḥājj Muḥarrām al-Busnawī, 1305), 1:19. Taftāzānī also uses the term ‘*ilm al-sharā’i‘ wa-l-aḥkām*’ in his *Sharḥ al-‘Aqā’id*, which one of his commentators, Ibrāhīm al-Bājūrī, argues is referring to the science of *fiqh*. See Sa‘d al-Dīn al-Taftāzānī, ‘*Sharḥ al-‘Aqā’id al-nasafiyya*’ in *Majmū‘at al-Hawāshī al-bahiyya ‘alā sharḥ al-‘aqā’id al-nasafiyya* (Cairo: Maṭba‘at Kurdistān al-‘Ilmiyya, 1329), 1:177; Muḥammad al-Bājūrī, *Hāshiya ‘alā Sharḥ al-‘Aqā’id al-nasafiyya li-Sa‘d al-Dīn al-Taftāzānī* (Cairo: al-Maktaba al-Markaziyya li-l-Makhtūṭāt al-Islāmiyya, 2739/221 folios).

⁷⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:10.

first on Frank's list, discussions pertaining to knowledge, epistemology.⁷⁵ Taftāzānī distinguishes between his own view and the view of the early scholars who claimed that the subject matter of *kalām* is the existent *qua* existent (*al-mawjūd bi-mā huwa mawjūd*). Their view, he adds, makes the subject matter of *kalām* the same subject matter of *al-‘ilm al-ilāhī* for the philosopher, with each of them taking a distinct approach to investigating this subject matter: philosophers through the intellect alone, early Muslim scholars through the criterion of Islam (*‘alā qānūn al-islām*). Thus, according to Taftāzānī, *kalām* for the early scholars is the Islamic version of *al-‘ilm al-ilāhī*.⁷⁶ To this end, he cites Ghazālī's *al-Mustasfā* as one of the examples which gave *kalām* the same status of *al-‘ilm al-ilāhī*. This status is the status of the highest science (*al-‘ilm al-a‘lā*), which is the same term used by Fārābī (d. 339/950) and Ibn Sīnā to describe *al-‘ilm al-ilāhī*, and Ghazālī, as well as others such as Jurjānī, to describe *kalām*. The core problem here, however, is not terminological but epistemological, as I explain below.

In the Farābīan system of classification of sciences, *kalām* is placed outside the scope of metaphysics and in the same category which also includes *fiqh* and the political and social orders (*al-‘ilm al-madanī*). *Al-‘ilm al-ilāhī*, together with the science of natural things (*al-‘ilm al-ṭabī‘ī*) is in a separate category. However, Fārābī includes under the subject matter of *al-‘ilm al-ilāhī* the existent *qua* existent, the epistemological postulates of all sciences, including logic, as well as theological creeds which lead to the establishment of the Necessary Existent.⁷⁷ Accordingly, *kalām* and *al-‘ilm al-ilāhī* according to Fārābī are very distinct: *kalām* is a particular science with a subject matter specific to the establishment of Islamic creeds, theoretical and practical, and it is why(?) therefore he places *kalām* with the other theoretical and practical sciences, *fiqh* and *‘ilm madanī*.

⁷⁵ Please consult indexes for an index I have included outlining the relevant books and chapters of *Sharḥ al-Maqāṣid* at the end of this thesis for a better understanding of its scope and content.

⁷⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:11.

⁷⁷ Fārābī, *Iḥṣā’ al-‘ulūm*, 75-76.

As for Ibn Sīnā, his *Risāla fī aqṣām al-‘ulūm al-‘aqliyya* offers a more sophisticated classification of sciences with an elaborate subject matter and set of problems. He starts by classifying wisdom (*ḥikma*) into theoretical and practical, which Taftāzānī has obviously followed in his statement above. He places the sciences related to monotheism and metaphysics in the theoretical part of wisdom, affirming that its ultimate objective is establishing opinions, not informing actions. Theoretical wisdom (i.e. philosophy), for him, includes a tripartite hierarchy: the lower science, science of natural things; the middle science, mathematics; and the highest science, *al-‘ilm al-ilāhī*, under which he includes several primary and secondary sections. Aspects of epistemology and theology appear within these primary and secondary sections alike. For example, the primary sections include the postulates for the three theoretical types of wisdom as well as the Necessary Existent, and the secondary sections include the types of epistemic indicants as well as prophethood.⁷⁸

The struggle to define the scope of the subject matter of *kalām* in relation to *al-‘ilm al-ilāhī* has continued for several centuries after these two foundational theories of Fārābī and Ibn Sīnā. Sirāj al-Dīn al-Urmawī (d. 681/1283) authored a treatise dedicated to verifying the difference between *kalām* and *al-‘ilm al-ilāhī*. Interestingly, he insists that the subject matter of *al-‘ilm al-ilāhī* is ‘existent thing *qua* existent thing’, which, according to him, excludes enquires regarding the specific existence of God. The subject matter of *kalām*, for him, is restricted to the essence and attributes of God, and the relevant revelatory matters, such as the hereafter. This is the reason *kalām* is also termed the principles of the religion (*uṣūl al-dīn*). Urmawī uses strong language to refute all other views which broadens the subject matter of *kalām* beyond these revelatory matters. However, the science which receives the highest science rank is *al-‘ilm al-ilāhī*.⁷⁹

⁷⁸ Abū ‘Alī al-Ḥuṣayn ibn ‘Abd Allāh Ibn Sīnā, ‘Risāla fī aqṣām al-‘ulūm al-‘aqliyya’, in *Rasā’il fī al-ḥikma wa-l-ṭabī‘iyyāt* (Maṭba‘at al-Jawā’ib, 1881), 72 and 76.

⁷⁹ Sirāj al-Dīn al-Urmawī, *Risāla fī al-farq bayna al-‘ilm al-ilāhī wa-l-kalām*, ed. Muḥammad Akram Abū Ghūsh (Amman: Dār al-Nūr al-Mubīn, 2012), 71-77.

In a recent article on Ījī's *al-Mawāqif*, Alnoor Dhanani observes that in this book, Ījī aimed at appropriating the Avicennian framework of metaphysics as a discipline of knowledge. This appropriation, he contends, 'indicates that his aim is to present *kalām* as a discipline, albeit of the religious sciences, that fulfils the Avicennian criteria of what constitutes a proper discipline of knowledge.'⁸⁰ This appropriation, it seems, appears in Ījī's view on the subject matter of *kalām*, which although takes Ibn Sīnā's view into consideration, but is distinct in its defined scope. Ījī's *al-Mawāqif* states that the subject matter of *kalām* is 'the known insofar as it relates to the establishment of religious creeds in an immediate or distant manner (*al-ma'lūm min ḥaythu yata'allaq bihi ithbāt al-'aqā'id al-dīniyya ta'alluqan qarīban aw ba'īdan*'),⁸¹ and that the epistemological sections on *dalīl* and *nazar* do indeed fall under the content of *kalām* through this aspect of enquiry.⁸² Jurjānī's commentary on this section shows full support of Ījī's view, but I postpone addressing his commentary until the section dedicated to the epistemological postulates by the end of this chapter. This is because his commentary aims directly at refuting Taftāzānī's views concerning these epistemological postulates. It suffices here to conclude that the only difference between Ījī and Taftāzānī's views concerning the subject matter of *kalām* is the inclusion and exclusion of the epistemological postulates. The difference between Ījī, Taftāzānī, and the late classical school's view of the subject matter of *kalām*, and the early classical school's view, including Ghazālī and Urmawī, is that the former broadens the scope of the subject matter to include epistemology, ontology, and revelatory content, while the latter restricts it to revelatory matters. The difference between Ghazālī and Urmawī is that, for Ghazālī, *kalām* is the highest ranked science and, for Urmawī, as well as the early philosophical tradition, *al-'ilm al-ilāhī* is the highest ranked science.

⁸⁰ Alnoor Dhanani, '*al-Mawāqif* fi 'ilm al-kalām by 'Adūd al-Dīn al-Ījī (d. 1355), and Its Commentaries' in the Oxford Handbook of Islamic Philosophy, eds. Khaled El-Rouayheb and Sabine Schmidtke (Oxford: Oxford University Press, 2016).

⁸¹ Ījī, *al-Mawāqif*, 1:40.

⁸² Ījī, *al-Mawāqif*, 1:40.

In this section, I explained the theoretical background of the classification of sciences. I have shown that the issue at hand is not merely a matter of classification but is a matter of authority and hierarchy between religious and philosophical sciences. This informs the debate on the status of the epistemological postulates and their place within the religious or the philosophical sciences.

Taftāzānī explicitly dissociates the science of *kalām* from philosophy; the former aims to serve revelation and the latter serves human desire (*hawā*). By this practice, which I will further elucidate in the next section, Taftāzānī shows a concern to establish the authenticity of *kalām* as a religious, not a philosophical science. He attempts to distance himself from the field of philosophical enquiry. This seems to be because of the stigma this field continued to suffer in his time. Taftāzānī was not entirely successful in this disassociation attempt; his most vigorous critic, Jurjānī, accused him of practising philosophy in several incidents, including, as will be explained, Taftāzānī's views regarding *al-mabādi*'. Taftāzānī may have inherited this concern from his teacher, Ījī.

The works of Robert Wisnovsky and Frank, as well as others, have already questioned this classical narrative that the work of *kalām* and *falsafa* are categorically dissimilar,⁸³ and proved that both are intertwined in relation to their concepts and contents. Yet this narrative explains why epistemology born of *kalām* would be considered as legitimate within the Sunni tradition as that which is born of *falsafa*. Taftāzānī has no attributed works of *falsafa* and has occasionally distinguished his works from that of the *falāsifa* (though he takes the side of the *ḥukamā*' on other occasions), yet his scholarly works, in *kalām* and in *uṣūl*, are largely perceived as philosophical. On this point, Frank is partially right to note that the *mutakallimūn* did not distinguish theology from philosophy, as the Christians did, nor did the

⁸³ See, for example, Robert Wisnovsky, 'Avicenna and Avicennian Tradition,' in *The Cambridge Companion to Arabic Philosophy*, ed. Peter Adamson and Richard C. Taylor (Cambridge: Cambridge University Press, 2005), 92–136.

falāsifa make such a distinction,⁸⁴ and at the same time to question whether *kalām* used a proper philosophical method in dealing with the philosophical matters it included.⁸⁵ The recent study by Würtz, according to Mauder, shows that ‘all three works [of *kalām* of Taftāzānī] seek to refute the teaching of the *falāsifa* that there is no bodily resurrection, thereby, however, focusing on different aspects of eschatology.’⁸⁶ Taftāzānī does occasionally refer to opinions of philosophy favourably.⁸⁷ However, it is reasonable to conclude that although *kalām*’s rationality is emphasised in the classical and late classical work through its subject matter and method of investigation, its strong connection to and reliance upon revelation is not compromised, at least in theory.

⁸⁴ Frank, ‘The Science of Kalām,’ 19.

⁸⁵ Richard M. Frank, ‘*Kalām* and Philosophy: A Perspective from One Problem,’ in *Arabic Sciences and Philosophy* 2, no. 1 (1992), ed. Parviz Morewedge (Albany: State University of New York Press, 1979), 7–73 at 72–73.

⁸⁶ Mauder, review, 223.

⁸⁷ An example is his discussion of their view of the knowledge acquired by senses, which will be addressed in the next chapter.

III. The relationship between *kalām* and *uṣūl*

Recent scholarship sheds lights on different aspects of the relationship between *kalām* and *uṣūl al-fiqh*. The bulk of these works, as I shall present shortly, investigates the impact of *kalām* in *uṣūl al-fiqh*: for example, how theological doctrines played a role in shaping legal principles, why *uṣūlīs* used theological arguments to support their views in *uṣūl al-fiqh*, and whether there has always been consistency between the legal principles and theological views of one author or one school. Other aspects of the relationship, for example, the impact of *uṣūl al-fiqh* in *kalām*⁸⁸ or the shared elements between the two, have received less attention in present-day scholarship. The focus of these recent studies on the impact of *kalām* in *uṣūl al-fiqh* is justified. The classical narratives concerning the relationship between *kalām* and *uṣūl* we received are almost entirely focused on supporting or refuting this impact. Someone conversant with classical works of *uṣūl al-fiqh* will not fail to notice the growing interest amongst *uṣūlīs* to identify with theological views in their works of *uṣūl al-fiqh*. Sometimes the occasion is to support their *uṣūlī* principles, at other times, the occasion is to invalidate their opponents' *uṣūlī* principles through demonstrating the theological fallacies or deviances these principles entail. Debating the role of *kalām* in *uṣūl al-fiqh*, as well as in the other Islamic sciences, became vibrant in the late classical works of *uṣūl al-fiqh*. In this section, I first introduce some of these recent works on the relationship between *kalām* and *uṣūl al-fiqh*, then I discuss the classical narratives of this relationship, highlighting their limitations. Afterwards, I proceed to discuss the formation and development of the *kalām-uṣūl* shared epistemology.

Unlike the debate on the relationship between *fiqh* and *uṣūl*, the debate on the relationship between *kalām* and *uṣūl al-fiqh* has not gained sufficient attention in Western

⁸⁸ A possible example for the impact of *uṣūl al-fiqh* in *kalām* is the genre of juristic disputation (*jadāl*), which some historians suggest *kalām* adopted.

academe. Nonetheless, several works have remarked upon the influence of theological doctrines in *uṣūl al-fiqh*. For example, Wael Hallaq has rightly noted that legal theory presupposed theology as ‘a logical consequence of its fundamental reliance on revelation’; such reliance offered both sciences ‘religious authority and operative epistemology.’⁸⁹ Hallaq’s view is consistent with the classical narrative that restricts the impact of *kalām* to the authentication of the sources, which is discussed in the division of labour below. This view undermines the role of *kalām* beyond this authentication level, which, although supported by the classical narrative, does not suffice to explicate the extent of the relationship between *kalām* and *uṣūl al-fiqh*. David Vishanoff also noted the association between ‘classical legal hermeneutics’ and ‘theological orientation for Muslim scholars’,⁹⁰ although dealing with language ambiguities and what he terms ‘the triumph of the law-oriented paradigm’,⁹¹ resulted in a detachment between the two, he claims. Aron Zysow distinguished between two levels of analysis when it comes to the relationship between *kalām* and *uṣūl al-fiqh*, ‘the associations that modern scholars may detect and those associations perceived by theologians and legal theorists.’⁹² His magnum opus, *The Economy of Certainty*, which is based on the work of the Central Asian Ḥanafī scholar ‘Alā’ al-Dīn al-Samarqandī (d. 540/1145), offers a great model for the study of the theological underpinnings of *uṣūlī* problems, for example, how the theological debate on the punishment of a grave sinner is influencing the hermeneutical-linguistic debate of whether a general term is certain or conjectural in indication, and accordingly, whether it could be specified by less authentic indicants or not.⁹³ Zysow has also taken this same approach in an article investigating the variation in evaluations of the outcome of *ijtihād* and the hermeneutical theory of fallibilism (*takḥī’a*)

⁸⁹ Hallaq, *A History of Islamic Legal Theories*, 256.

⁹⁰ Vishanoff, *The Formation of Islamic Hermeneutics*, 13.

⁹¹ Vishanoff, *The Formation of Islamic Hermeneutics*, 14.

⁹² Aron Zysow, ‘Mu‘tazilism and Māturīdism in Ḥanafī Legal Theory,’ in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden; Boston [Mass.]: Brill, 2002), 237.

⁹³ Zysow, *The Economy of Certainty*, 76–93. Note that Zysow translates *ẓannī* as ‘presumptive’ not ‘conjectural’.

and infallibilism (*taṣwīb*) as a theological concern. He notes that these different evaluations of legal issues by theological questions are particularly important for the insights it offers into the history and developments of the two sciences.⁹⁴

Zysow's approach was elaborated and examined by the recent study by Mohamed Eissa, which further investigates the 'impact of theology on legal theory in the Shāfi'ī School during the fifth/eleventh century.'⁹⁵ Eissa compares the views of four Shāfi'ī legal theorists who identify with different theological traditions (Mu'tazilīs, Ash'arīs, and traditionalists, *ahl al-ḥadīth*), and concludes that harmony between legal theory and theological beliefs is a main concern for these scholars who often 'put forward the theological arguments as evidence for the validity of their choices in legal theory.'⁹⁶ However, he argues that this harmonisation attempt happens on an individual rather than scholastic basis. His research shows the variations in determining the legal consequences of a specific theological doctrine; therefore, uṣūlīs may use conflicting theological doctrines to support the same position in legal theory. Another evidence he offers for his argument is that 'doctrinal disagreements rarely prevent jurists from joining the same school of law and sharing similar opinions in legal theory.'⁹⁷ As such, Eissa observes inconsistencies in the impact of *kalām* in *uṣūl al-fiqh* which led him to question the existence of the agreed upon 'theological foundations of the Sunnī legal theories.'⁹⁸

An unpublished thesis dissertation from New York University's Department of Middle Eastern and Islamic Studies by Dale Correa offers a ground-breaking thesis dedicated to the study of *tawātur*, through which the relationship between *kalām* and *uṣūl al-fiqh* is

⁹⁴ Aron Zysow, 'Mu'tazilism and Māturīdism in Ḥanafī Legal Theory,' in *Studies in Islamic Legal Theory*, 236–65.

⁹⁵ Mohamed Abdelrahman Eissa, *The Jurist and the Theologian: Speculative Theology in Shafi'i Legal Theory*, Gorgias Islamic Studies 5 (Piscataway, NJ: Gorgias Press, 2017), 6.

⁹⁶ Eissa, *the Jurist and the Theologian*, 24.

⁹⁷ Eissa, *the Jurist and the Theologian*, 25.

⁹⁸ Eissa, *the Jurist and the Theologian*, 321.

examined. Correa's thesis, *Testifying Beyond Experience: Theories of Akhbār and the Boundaries of Community in Transoxanian Islamic Thought, 10th-12th Centuries CE*, examines unpublished *uṣūl al-fiqh* manuscripts by the famous Transoxanian Māturīdī theologian al-Nasafī. She examines how certainty in testimonies is produced through the community and individuals, arguing that the impact of *kalām* in the development of *akhbār* theories marks a 'theological turn' in the Samarqandī school of *uṣūl al-fiqh*.⁹⁹

To conclude, the bulk of these present-day attempts to investigate the relationship between *kalām* and *uṣūl al-fiqh* focused on the level of legitimacy and the level of impact, both of which are, in varying ways, supported by the classical narrative concerning this relationship. The works of Zysow, Eissa, and Correa¹⁰⁰ offers sufficient evidences to establish the various impacts of *kalām* in the development of *uṣūl al-fiqh* through their respective case studies and within the classical period. They have paved the road for a concentration on a meta-study to examine the shared space between these two Islamic sciences in the late classical period.

⁹⁹ Dale June Correa, *Testifying Beyond Experience: Theories of Akhbār and the Boundaries of Community in Transoxanian Islamic Thought, 10th-12th Centuries CE* (PhD diss., New York University, 2014), 156–160. This thesis became available online at ProQuest in 2016.

¹⁰⁰ To Correa, I owe the inspiration of the term 'epistemological turn' as a continuation of what she argues to be a 'theological turn' in the Samarqand Ḥanafī school of *uṣūl al-fiqh*.

1. The classical narrative: the division of labour

In the previous sections, I have shown that the maturation of the Islamic sciences, including *kalām* and *uṣūl*, allowed late classical scholars to theorise their relationship with each others and in relation to other theoretical and practical sciences. To this end, the classical narratives concerning these relationships were partially based on the distinction between the subject matters of these sciences, and partially on the aspired function of these sciences. These narratives aimed to define the questions addressed in each science, the methods to address them, and the qualifications of those occupied by these sciences. There are two classical narratives which are relevant to this study. The first is a narrative concerned with defining what can appropriately be considered a discipline of knowledge, we can call ‘the division of labour’, following Baber Johansen,¹⁰¹ in a recent article. The second is a narrative concerned with governing the interaction and overlap between sciences, which is manifested in the borrowed postulates (*al-mabādi’ al-mustamadda*). Understanding these two narratives should help us recognise the intellectual framework within which late classical Islamic sciences are composed, which in turn will help us situate the development of the *kalām* and *uṣūl* shared epistemology within this larger framework. In this section, I argue that the division of labour is primary a logical rhetoric which has not always been properly applied in the scholarly composition. I show that Ghazālī’s use of the the division of labour rhetoric is an attempt to define and limit the impact of *kalām* in *uṣūl al-fiqh* to the authentication of its sources, i.e. revelation. As such, this rhetorical theory offers little to our understanding of the actual impact of *kalām* in *uṣūl al-fiqh*, let alone their shared epistemology. I further argue that the formulation of the second narrative, the borrowed postulates, problematises the narrative division of labour and shows it was not maintained in later scholarship.

¹⁰¹ Baber Johansen, ‘The Changing Limits of Contingency in the History of Muslim Law,’ *Third Annual Nehemia Levtzion Lecture for Islamic Studies* (The Hebrew University of Jerusalem, 2013), VI.2. p. 22-29. His essay focuses particularly on the division of labour between law and theology through an examination of notions of contingency and non-contingency in the acts of worship (‘*ibādāt*’).

In logical commentaries on Aristotelian logic, Arabic logicians outline a classification system of sciences based on their subject matters.¹⁰² They argue that the distinction between sciences is governed by the assignment of a subject matter for each science which is distinct from all other sciences. This subject matter is what creates the particularity of each science as an independent body of knowledge. The works of Fārābī (d. 339/950), Ibn Sīnā (d. 427/1037), and Ibn Rushd (d. 520/1126) have all addressed this method of classification in their summaries and commentaries of Greek logic, arguing for the division of labour between sciences, and the expectations of specialists in each science. Ibn Sīnā devoted a section in his book of *Burhān* to the distinction and association of sciences (*ikhtilāf al-‘ulūm wa-ishtirākihā*) where he asserts that the true distinction between sciences is in their subject matter (*mawḍū‘*).¹⁰³ This concept of subject matter has become the basis for the classification of sciences in later classical works and hence is also the basis for Ghazālī’s theory of the division of labour.

The scope of the subject matter for each science is governed by this subject’s intrinsic accidents (*a‘rāḍ dhātīyya*) which are to be the discussions of each science. Khaled El Rouayheb has discussed the concept of intrinsic accidents (*a‘rāḍ dhātīyya*) in his article, ‘Post-Avicennan Logicians on The Subject Matter of Logic’. He explains that this concept is ‘central to Avicenna’s conception of science and elicited considerable discussion and controversy in the later Avicennan tradition.’ He takes Kātibī’s explanation of this concept as representative of the later debate:

In his *Jāmi‘ al-daqa‘iq*, he [Kātibī] explained that *a‘rāḍ dhātīyya* are accidents that accrue to a subject because of (i) the subject’s essence (*talḥaquhu li-dhātihī*), such as the ability to wonder which is true of humans because of their essence, viz. rational

¹⁰² For a comprehensive study of the different theories of classical classification of sciences, see Osman Bakar, *Classification of Knowledge in Islam: A Study in Islamic Philosophies of Science* (Cambridge, U.K: Islamic Texts Society, 1998). Bakar shows that the classification of sciences has taken several forms because of the different ontological, ethical, rational or revelational bases of this classification. It is noteworthy that Bakar considers the classification based on the subject-matter of sciences to be an ontological classification.

¹⁰³ Abū ‘Alī al-Ḥuṣain ibn ‘Abd Allāh ibn Sīnā, *al-Shifā‘: kitāb al-burhān*, ed. Abū al-‘Ilā ‘Affī (Cairo: al-Maṭba‘a al-Amīriyya, 1956), 1:62.

animal; or (ii) because of something extrinsic that is co-extensional with the subject (*li-mā yusāwīhi*), such as the ability to laugh which is true of humans because of the ability to wonder, or (iii) because of something that is of more general extension than the subject but is part of its essence (*li-amrin a'amma dākhilin fīhi*), such as moving at will which is true of humans because of their being animals.¹⁰⁴

On another section, Ibn Sīnā further discusses the implication of this classification theory on the establishment of the postulates of sciences (*aṣnāf mabādi' al-'ulūm*). He distinguishes between two levels of *mabādi'* that must precede sciences: the ones concerning simple meanings, and the ones concerning complex meanings. The first requires definitions and the second requires demonstrative proofs¹⁰⁵: in other words, concept-formation postulates, such as what knowledge is, and propositional postulates, such as what the nature and conditions of knowledge are. Ibn Rushd in several sections of his *Burhān* addresses similar issues in an even more sophisticated manner. Most importantly in this section, he dedicates a sub-section to the unity and diversity of sciences, where he suggests that sciences are distinguishable by their different postulates (*al-mabādi' al-'uwal*) as well as by their different subject matter.¹⁰⁶

The division of labour of Islamic sciences is a system originating within this logical classification of sciences. Late classical scholars aimed at organising and systematising for each science a body of knowledge that anchors its own subject matter, set of problems (*masā'il*), and function (*ghāya*). The chief late classical scholar to theorise this narrative, as I mentioned before, is Ghazālī. He dedicates a lengthy section in his seminal *uṣūl* text, *al-Mustaṣfā*, to distinguishing the tasks and occupations of the scholars working in the genres of the Islamic sciences. Notably, he seemed convinced that such a division of labour between the Islamic sciences was the common custom among the scholars of his time:

¹⁰⁴ Khaled El-Rouayheb, 'Post-Avicennan Logicians on The Subject Matter of Logic: Some Thirteenth-and Fourteenth-Century Discussions,' in *Arabic Sciences and Philosophy* 22, no. 1 (2012): 69–90. This explanation also appears in Urmawī's *Risāla fī al-farq bayna al-'ilm al-ilāhī wa-l-kalām*, 77-79.

¹⁰⁵ Ibn Sīnā, *al-Shifā': kitāb al-burhān*, 1: 68–71.

¹⁰⁶ Abū al-Walīd Muḥammad b. Aḥmad Ibn Rushd, *Talkhīṣ Manṭiq Aristū: naṣṣ talkhīṣ kitāb al-burhān*, ed. Jīrār Juhāmī (Beirut: al-Jāmi'a al-Libnāniyya, 1982), 2:442.

The term “jurist (*faqīh*)”, according to the scholarly custom (*‘urf al-‘ulamā’*) expresses knowledge of the legal norms, which are established in particular for the acts of the legally responsible person (*mukallaf*), so that, according to [this] custom, the name of the jurist will not be applied to the theologian, nor to the philosopher, grammarian, transmitter of hadith and exegete. Rather, it shall be used in particular for those scholars who are knowledgeable in the Divine judgements of human acts established for human acts.¹⁰⁷

The theologian, he explains, studies rational and universal matters:

It is not hidden from you that acts follow rational judgements (*anna li-l-af‘āl aḥkām ‘aqliyya*) perceived by the intellect (*mudraka bi-l-‘aql*), such as being accidents, existing in a space (*maḥall*) [i.e. a body], different from substance... The one who knows these judgements is called a theologian (*mutakallim*), not a jurist.¹⁰⁸

The legal theorist (*uṣūlī*), he continues, only investigates ‘the speech of the Prophet (*qawl al-rasūl*)’, which includes revelatory and non-revelatory speech. The veracity of the Prophet’s speech, the revelation, had already been established by the *mutakallim*. Then the *uṣūlī* contemplates the degrees to which the speech of the Prophet generally indicates judgements, either through explicit expressions (*malḥūz*), by implication (*maḥmūm*), or by rational analysis of the meaning of expressions (*ma‘qūl al-lafẓ*). This rational analysis, according to Ghazālī, is juristic analogy (*qiyās*).¹⁰⁹

We notice that Ghazālī distinguishes between these sciences by means of the set of problems they address, i.e. the intrinsic accidents of the subject matter he assigned to each of them. Any of these intrinsic accidents might be connected to one or multiple subject matters (e.g. the speech of the Prophet for the legal theorist, the actions of believers for the jurist, or the rational judgements for the theologian). Ghazālī, in this context, makes no mention of the place of epistemology within this classification. This division of labour gained prominence amongst later scholars, although have been understood and applied in different ways. Ījī, for example, uses a similar concept to classify Islamic sciences, which he calls the direction of

¹⁰⁷ Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:17.

¹⁰⁸ Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:17.

¹⁰⁹ Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:17.

unity (*jihat al-waḥda*). The direction of unity connects various set of problems to formulate a science that deserves to be independent in composition and learning. The definition of each science, for Ījī, must reflect its direction, if not by essence (*dhāt*), then by characteristic.¹¹⁰ The direction of unity sounds more as an approach of enquiries than enquires themselves. As such, Ījī suggests distinction between sciences can be achieved through definitions.

This discussion shows how classical uṣūlīs felt the need to shape their religious sciences in a manner that would respond to or interact with the logical classification of knowledge. This is not to question the nature of these sciences as perceived by late classical scholars; rather, it is to question the *reality* of their division of labour. If late classical scholars inherited this structure of sciences from their predecessors— note that the examples given in the above manuals of logic are of the natural sciences such as medicine, engineering, and astronomy— then it was a matter of implementing a rhetoric rather than an actual classification of sciences. In the next section, I explain how, in relation to *kalām* and *uṣūl al-fiqh*, the division of labour theory has been challenged in later classical scholarship through the development of the shared epistemological postulates.

IV. The epistemological postulates (*al-mabādi' al-kalāmiyya*)

The dependence of *uṣūl al-fiqh* upon *kalām* has been highlighted in the previous sections. Despite the early and continuous resistance of this theological influence in legal principles and their argumentation, the scope of impact of *kalām* on *uṣūl al-fiqh* has increased and gained acceptance in classical works of *uṣūl* from all official *madhhabs*. One may in fact argue that the lack of theological grounds for legal principles has become a point of criticism in classical works; failing to offer theological arguments to support legal principles might be a sign of inconsistency of scholarship. The eminent Ḥanafī jurist ‘Alā’ al-Dīn al-Samarqandī

¹¹⁰ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:16–17.

(d. 540/1145) in his *Mīzān al-uṣūl* explicitly encourages his fellow Ḥanafīs and Māturīdīs to construct their legal principles in accordance with their theological creeds, ‘Indeed, the science of legal theories of and religious judgements (*‘ilm uṣūl al-fiqh wa-l-aḥkām*) is a branch of the science of the principles of theology (*‘ilm uṣūl al-kalām*)... it is [therefore], vital that the composition in this science be in accordance with the beliefs of its composer.’¹¹¹ He goes on to criticise those who he claims have abandoned the practice of their master, Māturīdī himself in his own attributed works on *uṣūl al-fiqh*, *Ma’ākhidh al-sharā’*’ and *al-Jadal*. Samarqandī suggests that such an abandonment is partially caused by those scholars’ greater interest in the derivation of religious judgements, and partially because of their incompetence and shortcomings.¹¹² This strong language expressing this view demonstrates that not only that the dependence of *uṣūl al-fiqh* upon *kalām* has gained acceptance, it has also become an integrated feature of the scholastic development of the science.

This level of acknowledgement, however, did not apply to broadening the scope of *uṣūl al-fiqh* to include theological debates which are not in direct service to the formation or support of legal principles. An *uṣūlī* presupposes theological debates without having to investigate them in their work of *uṣūl al-fiqh*. In continuation of his division of labour theory, Ghazālī’ states that ‘*kalām* is responsible for establishing postulates of all religious sciences (*mabādi’ al-‘ulūm al-dīniyya*).’¹¹³ Therefore, any scholar of any Islamic science, including the *uṣūlī*, is expected to be a conformist follower (*muqallid*) in taking the postulates of their science from *kalām*, Ghazālī suggests. This rule, as explained above by Ghazālī, applies to the postulates upon which the origin and authenticity of the science in question depend. For example, the veracity of the Prophet is a prior condition for the origin of *fiqh* and *uṣūl al-fiqh* together, so an *uṣūlī* or a *faqīh* is neither expected to establish such a veracity, nor are they able to justify their science before *kalām* establishes such a veracity.

¹¹¹ Samarqandī, *Mīzān al-uṣūl*, 1:2.

¹¹² Samarqandī, *Mīzān al-uṣūl*, 2:4

¹¹³ Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:17.

As for Taftāzānī, he argues that taking the veracity of the prophet and the authentication of the religious sources as axioms in the science of *uṣūl al-fiqh* is sufficient to one who seeks the knowledge of *uṣūl al-fiqh*. However, he notes, ‘when the truth and the complete knowledge of the epistemic indicants [of *uṣūl*] are intended (*‘inda qaṣd al-ḥaqīqa wa-l-iḥāta bi-dalā’ilih*) in a manner that leaves none of the premises un-explained in the eyes of the one employing them (*al-mustadill*), then it is vital that one return to consult the other science[s] [in which the axioms are originally studied].’¹¹⁴ He supports his position by suggesting that, ‘there is no problem that two sciences share one matter in two distinct respects (*lā imtinā ‘fī ishtirāk ‘ilmayn fī mas’ala bi-i’tibārayn*)’,¹¹⁵ by which he means that it does not contradict the rule that sciences are distinguished by their distinct subject matter.

A conversant in the classical works of *kalām* and the treatises dedicated to the classification of sciences will also not fail to realise the representation of *kalām* as the highest of religious sciences and hence the science which has an impact on all other religious sciences. The ascribed rationality of *kalām* in classical works granted it a prominent status throughout Islamic intellectual history - the highest status a science may receive. Statements by the *mutakallimūn* do not fail to make this status explicit. Taftāzānī, who generalised the epistemological postulates of all sciences, has repeatedly affirmed this status, saying, ‘*ilm al-kalām* is the basis of the science of revelation and religious judgements, and the parameter (*miqyās*) for the rules concerning the articles of Islamic beliefs.’¹¹⁶ Before him, Ghazālī made a similarly explicit statement, noting that *kalām* is the ‘most-honorable science (*ashraf al-‘ulūm*)’,¹¹⁷ perhaps to compete with the Aristotelian criterion of the most virtuous of

¹¹⁴ Sa’d al-Dīn Mas’ūd ibn ‘Umar Taftāzānī, *Ḥāshiyā ‘alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī* (Cairo: al-Maṭba‘a al-Amīriyya-Bulāq, 1983 in the margins of Ījī’s *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*), 1:24.

¹¹⁵ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:24.

¹¹⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:3. Also see Sa’d al-Dīn ‘Umar ibn Mas’ūd al-Taftāzānī, *al-Talwīḥ ‘alā al-Tawḍīḥ* (Russia: al-Maṭba‘a al-Imbirāṭūriyya), 1:7.

¹¹⁷ Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:16; Taftāzānī, *al-Talwīḥ ilā Kashf Ḥaqā’iq al-Tanqīḥ*, 1:16.

sciences (*al-‘ilm al-fāḍil*) ascribed to philosophy.¹¹⁸ Ghazālī has also ascribed to *kalām* the task of establishing ‘the postulates of all religious sciences (*mabādi’ al-‘ulūm al-dīniyya kullihā*)’¹¹⁹ arguing that *kalām* is the only universal science while all other sciences are particular (*juz’ī*) and are dependent upon *kalām* for their establishment. This latter claim of Ghazālī is the basis for the division of labour discussed in the next section and is problematised by Taftāzānī’s generalisation of *al-mabādi’ al-kalāmiyya*, as I discuss below.

1. Historical overview

a. Before Imām al-Ḥaramayn

As I mentioned in the introduction, the genre of the theological postulates encompasses three main topics: knowledge, epistemic indication, and scholarly investigation. Discussions pertaining to these three topics appeared in varying degrees in the early classical works of *kalām* and Arabic logic (e.g. the works of Fārābī in logic and Māturīdī in *kalām*). The earliest they appear in classical works of *uṣūl al-fiqh* is in the Ash‘arī Abū Bakr al-Bāqillānī’s (d. 403/1013) *al-Taqrīb wa-l-irshād fī uṣūl al-fiqh* and the Mu‘tazilī Abū al-Ḥusayn al-Baṣrī’s (d. 436/1044) *al-Mu‘tamad fī uṣūl al-fiqh*. Both texts had different explanations for the status and need for discussing these topics in the introductions of their work on *uṣūl al-fiqh*.

Bāqillānī explains that *uṣūl al-fiqh* is a genre of knowledge and hence ‘it is necessary to begin by mentioning the essence, definition, classification, and levels of knowledge’.¹²⁰ Only then, he continues, are we able to detail the ‘realities of the objects of knowledge (*ḥaqā’iq al-ma‘lūmāt*)’.¹²¹ Hence, prefacing the book with these sections was a logical priority for the *uṣūlī* discussions to follow. Bāqillānī offers a fairly detailed treatment of the concepts of ‘ilm,

¹¹⁸ See Abū al-Walīd Muḥammad b. Aḥmad Ibn Rushd, *Talkhīṣ Manṭiq Arisṭū: naṣṣ talkhīṣ kitāb al-burhān*, ed. Jīrār Juhāmī (Beirut: al-Jāmi‘a al-Libnāniyya, 1982), 2:441.

¹¹⁹ Ghazālī, *al-Mustasfā min ‘ilm al-uṣūl*, 1:17.

¹²⁰ Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī, *al-Taqrīb wa-l-irshād*, ed. ‘Abd al-Ḥamīd ibn ‘Alī Abū Zunayd (Beirut: Mu‘assasat al-Risāla, 1998), 1:173.

¹²¹ Bāqillānī, *al-Taqrīb wa-l-irshād*, 1:173.

dalīl, and *naẓar* before progressing to the *uṣūlī* sections, starting with human religious responsibility (*taklīf*). Bāqillānī abstained from associating these discussions to logic or *kalām*. As for Abū al-Ḥusaun al-Baṣrī's *al-Mu'tamad*, the author clearly associates these concepts to the realm of *kalām* and admits it was inappropriate to elaborate on their discussions in his earlier work, a commentary on a book titled *Kitāb al-'Ahd*.¹²² Therefore, he decides *not* to dedicate a section to their discussion in his *al-Mu'tamad*; rather, he chooses to only briefly define them, in less than a page, in his introduction to *al-Mu'tamad*.¹²³ Afterward, he proceeds to the *uṣūlī* sections, starting with the types of Arabic expressions (e.g. realities, metaphors, and so on). Abū al-Ḥusayn al-Baṣrī's hesitation concerning his decision to add or remove *al-mabādi'* from his works of *uṣūl al-fiqh* shows the continuous resistance to bringing *kalām* to *uṣūl al-fiqh* and the tendency to restrict this genre to topics pertaining to the derivation of religious rulings. His apology for his earlier practice in *Kitāb al-'Ahd* is another sign of adherence to the logical division of labour I discussed above. However, it is important to note that Abū al-Ḥusayn al-Baṣrī is the earliest, as far as my research suggests, to identify these epistemological sections— without labelling them as *mabādi'*— with the realm of *kalām*, not logic, despite the early struggle to define the scope of *kalām* within and outside creedal theology, and despite his disagreement of including these sections in *uṣūl al-fiqh*. Neither Bāqillānī nor Abū al-Ḥusayn al-Baṣrī identifies these epistemological sections as postulates of *uṣūl al-fiqh* in any explicit manner.

b. From Imām al-Ḥaramayn to Taftāzānī

Imām al-Ḥaramayn al-Juwaynī (d. 478/1085) is the first to identify the sections on *'ilm*, *dalīl*, and *naẓar* as theological sources (*mawādd kalāmiyya*)¹²⁴ which are prerequisites for the study

¹²² Baṣrī, *Kitāb al-Mu'tamad fī uṣūl al-fiqh*, 1:7.

¹²³ Baṣrī, Baṣrī, *Kitāb al-Mu'tamad fī uṣūl al-fiqh*, 1:8-9.

¹²⁴ Abū al-Ma'ālī 'Abd al-Malik b. 'Abd Allāh al-Juwaynī, *al-Burhān fī uṣūl al-fiqh*, ed. Ṣalāḥ b. Muḥammad 'Uwayḍah (Beirut: Dār al-Kutub al-'Ilmiyya, 1997), 1:7.

of *uṣūl al-fiqh*. He suggests that these sections are ‘borrowed’ from *kalām* to support *uṣūl al-fiqh*. These ‘theological sources’, according to Imām al-Ḥaramayn, were not the only prerequisites for the study of *uṣūl al-fiqh*, they were accompanied by linguistic and jurisprudential prerequisites. A statement by the Egyptian contemporary of Taftāzānī, Badr al-Dīn al-Zarkashī (d. 794/1392), confirms that it was Imām al-Ḥaramayn who first stated that these epistemological sections are theological sources for *uṣūl al-fiqh*, Zarkashī writes ‘Imām al-Ḥaramayn declared, and they (i.e., *uṣūlīs*) followed him, that *uṣūl al-fiqh* is derived from three sciences: *al-kalām*, *al-fiqh*, and Arabic.’¹²⁵ In his *al-Burhān fī uṣūl al-fiqh*, Imām al-Ḥaramayn sets a general rule that it is a necessity that one who wishes to be an expert in a science first know the objective of this science, its definition, and the sources through which it is derived. He then explains the sources through which *uṣūl al-fiqh* get its postulates as follows:

Uṣūl al-fiqh is derived (*mustamadda*) from *kalām*, Arabic (‘*arabiyya*), and *fiqh*. By *kalām* I mean the knowledge of the universe, its divisions, truths, and accidental nature; the knowledge of its (i.e., the universe) Creator, what is necessary, impossible, and possible in His regard; the knowledge of prophethood, its distinction from false claims of liars by means of miracles, and the rules of prophethood. ... what is pursued under the science of *kalām* is not limited to a definition. That which [*uṣūl al-fiqh*] is derived from is the holistic comprehension (*iḥāṭa*) of what distinguishes necessary knowledge (‘*ilm*) from all other beliefs (*i tiqādāt*), and the knowledge of the difference between epistemic indicants and suspicions, and the comprehension of the methods of scholarly investigation (*dark masālik al-naẓar*).¹²⁶

¹²⁵ Abū ‘Abd Allāh Badr al-Dīn Muḥammad al-Zarkashī, *al-Baḥr al-muḥīṭ fī uṣūl al-fiqh* (Cairo: Dār al-Kutaybī, 1994), 1:45.

¹²⁶ Juwaynī, *al-Burhān fī uṣūl al-fiqh*, 1:7-8. Imām al-Ḥaramayn continues explaining the other two borrowed sources, he writes:

Arabic is also among the borrowed sources of *uṣūl al-fiqh*. This is because a significant section of [*uṣūl al-fiqh*] is related to the indication of expressions. One would not be competent in this section unless they are competent independently [i.e., without reliance on other scholars] in the Arabic language.

Fiqh is also among the borrowed sources of *uṣūl al-fiqh*. This is because *fiqh* is what is what is indicated (*madlūl*) by *uṣūl al-fiqh*, and it is not possible to understand the indicants without understanding what they would indicate.

The Arabic and jurisprudential prerequisites of *uṣūl al-fiqh* did not receive critical questioning or debating in earlier or later works on *uṣūl al-fiqh*. In fact, scholars seem to have considered them essential part of *uṣūl al-fiqh* across the Ḥanafī and Shāfi‘ī spectrum. One cannot find a text of *uṣūl al-fiqh* which does not include a discussion of Arabic expressions and the classification of religious judgements into obligatory, forbidden, and so on. An example of how these linguistic and jurisprudential postulates are treated as lying within the scope of *uṣūl al-fiqh* is Ghazālī’s inclusion of the linguistic postulates in his explanation of the work of the *uṣūlī* whilst explaining his theory of the division of labour above. I have not elaborated on these discussions as they are outside the scope of this thesis.

This explicit formulation of the theological sources of *uṣūl al-fiqh* marks what we can understand as a standardisation of the relationship between *kalām* and *uṣūl al-fiqh*. However, there are two important gaps in Imām al-Ḥaramayn’s formulation, which were later addressed and modified. Firstly, his term for expressing this relationship was theological sources (*mawādd kalāmiyya*) not theological postulates (*mabādi’ kalāmiyya*). The difference between the two terms is that the first leans toward the dependence of *uṣūl al-fiqh* upon *kalām* for its authentication, which I explained has become a standard classical method of explaining the relationship between *kalām* and *uṣūl al-fiqh*. In other words, in addition to establishing the existence of the Creator and the veracity of revelation, *kalām* also establishes the nature and conditions of knowledge. The second term, *mabādi’*, which becomes the standard term to define this section, is more explicit in the shared ground between *kalām* and *uṣūl al-fiqh*. Secondly, Imām al-Ḥaramayn identified the scope of these three epistemological sources in *‘ilm*, *dalīl*, and *naẓar*, which remained the same until Taftāzānī; however, he prefaced these sections with an ontological discussion of the intellect (‘*aql*) which disappeared in later works. Its disappearance can be seen as another step on the road of the development of *al-mabādi’* as shared epistemology.

The prominent student of Imām al-Ḥaramayn, Ghazālī, also tackles the question of the borrowed sources (*al-mawādd al-mustamadda*) in his condensed work on *uṣūl al-fiqh*, *al-Mankhūl*, stating that the sources of *uṣūl al-fiqh* are three, theological, jurisprudential, and linguistic,¹²⁷ following his teacher, Imām al-Ḥaramayn, or an earlier source which both of them followed. However, similar to what he says in *al-Mustasfā*, Ghazālī states that what is meant by these theological sources is the veracity of revelation, and that it is sufficient for the *uṣūlī* to receive these theological sources by means of *taqlīd* from the *mutakallimūn*.¹²⁸ *Al-*

¹²⁷ Abū Hāmid Muḥammad ibn Muḥammad al-Ghazālī, *al-Mankhūl min ta’līqāt al-uṣūl*, ed. Ḥasan Hītū (Damascus: Dār al-Fikr, 1998), 1:4.

¹²⁸ Ghazālī, *al-Mankhūl*, 1:4.

mabādi' al-mustamadda is part of the basic introduction to Islamic sciences, which later became known as the ten points of departure (*al-mabādi' al-'ashra*).¹²⁹ The system of *al-mabādi' al-'ashra* became an essential part of traditional Islamic learning since their formulation in the late classical centuries until modern times.

As for the epistemological sections of knowledge, epistemic indication, and scholarly investigation, Ghazālī seems to identify them with logic, not with *kalām*. In his *al-Mustasfā*, he prefaces his work with a logical section titled, ‘clarifying the restriction of the methods of theoretical knowledge in definition and demonstrative syllogism (*bayān ḥaṣr madārik al-'ulūm al-nazariyya fī al-ḥadd wa-l-burhān*).’¹³⁰ He states that this logical introduction is not only an introduction for the science of *uṣūl al-fiqh*, it is an introduction to all sciences. At the beginning and the end of this section, Ghazālī refers his readers who wishes to gain more knowledge on these subjects to read his two works of logic, *Miḥakk al-naẓar* and *Mi'yār al-'ilm*.¹³¹ I explained that Ghazālī has a restricted view of the subject matter of *kalām* and yet he classifies it as the highest ranked science. Those who restrict the subject matter of *kalām* often attribute the epistemological postulates to the theoretical wisdom in *al-'ilm al-ilāhī*, as done by Urmawī,¹³² however, Ghazālī attributes them to logic instead whilst maintaining the status of *kalām*, in contrast to Urmawī’s method. Perhaps the reason Ghazālī attributes these postulates to logic is that he consider logic an instrumental science, not a religious or a philosophical science, and that *kalām* deals with ontology and establishing religious creed, only, which leaves epistemology in the realm of logic for him

A student of Ghazālī, the Ḥanbalī turned Shāfi‘ī Aḥmad ibn ‘Alī ibn Barhān (d. 518/1124), offers an alternative justification of the dependence of *uṣūl al-fiqh* upon these theological sources claimed to be within the realm of *kalām*. His justification focuses on their

¹²⁹ For a comprehensive account of the formulation, development and usage of these introductory prerequisites, consult: al-Fāsī, *al-Azhār al-ṭaiyyabat al-nashr fī mā yata‘allaq bi-ba‘d al-'ulūm min al-mabādi' al-'Ashr*.

¹³⁰ Ghazālī, *al-Mustasfā min 'ilm al-uṣūl*, 1:21.

¹³¹ See, Ghazālī, *al-Mustasfā min 'ilm al-uṣūl*, 1:20 and 1:58.

¹³² See Urmawī’s *Risāla fī al-farq bayna al-'ilm al-ilāhī wa-l-kalām*, 77-80.

epistemological function in the science of *uṣūl al-fiqh*, not on the latter's authenticity as a religious science, as done by Ghazālī. Ibn Barhān explains that the craft of *uṣūl al-fiqh* 'demands a distinction between proof (*ḥujja*), demonstrative syllogism (*burhān*), and the epistemic indicant (*dalīl*), all of which are found in the craft of *kalām*.'¹³³ This is an explicit inclination toward identifying these topics with *kalām* rather than logic.

Fakhr al-Dīn al-Rāzī (d. 606/1209) offers a similar account for the reasoning behind the dependence of *uṣūl al-fiqh* upon these postulates, he states:

... *uṣūl al-fiqh* is an expression [which refers to] the general routes of *fiqh* (*majmū'aturuq al-fiqh*). The route is that which if soundly investigated leads to the necessary or conjectural knowledge of its epistemic conclusion (*madlūl*). The epistemic conclusion here is the religious judgement. Because of this [understanding of *uṣūl al-fiqh*], we are obliged to understand the conceptions of these expressions, by which I mean: necessary knowledge (*'ilm*), conjecture (*ẓann*), scholarly investigation (*naẓar*), and religious judgement (*ḥukm Shar'ī*).¹³⁴

Rāzī, thus, connects the necessity of including these epistemological conceptions in *uṣūl al-fiqh* to the understanding of its very definition. He then adds that what is to be included in *uṣūl al-fiqh* is only the established conceptions concerning these expressions not their arguments. Arguments that require proofs, however, need to be referred to the universal science, the science of *kalām* for their scholarly investigation.¹³⁵ This means that we can, for example, include the definition of *ẓann* in *uṣūl al-fiqh* but not investigate how this definition is sound or unsound and why. This type of investigation is not relevant to *uṣūl al-fiqh* but to *kalām*. The reason Rāzī offers for his view that the investigation of these postulates must not be included in *uṣūl al-fiqh* is that the postulates of any particular science must be proven outside this science not within its investigated problems (*masā'il*). Postulates of a science, he continues, are used to establish the investigated problems (*masā'il*) of such a science; if these

¹³³ Aḥmad ibn 'Alī ibn Barhān, *al-Wuṣūl ilā al-uṣūl*, ed. 'Abd al-Ḥamīd 'Alī Abū Zayd (Riyadh: Maktabat al-Ma'ārif, 1983), 1:56.

¹³⁴ Fakhr al-Dīn Muḥammad ibn 'Umar al-Rāzī, *al-Maḥṣūl min 'ilm uṣūl*, ed. Ṭaha Jabir al-'Alwānī (Cairo: Mu'assasat al-Risāla, n.d.), 1:82.

¹³⁵ Rāzī, *al-Maḥṣūl*, 1:82.

postulates are also investigated within this science, it would be circular reasoning: postulates are investigated problems used to establish investigated problems. The argument of circulation is also used by Jurjānī to refute Taftāzānī's view as I will explain below.

Sayf al-Dīn al-Āmidī (d. 631/1233) offers another attempt to specify the nature and scope of these epistemological sections. He perhaps is also the first to term them postulates (*mabādi'*). In his *Ihkām*, he writes, 'the discussion on the indicants of *fiqh* necessitates the knowledge of what an indicant is, its classification, which of [them] indicates certainty and which [of which] indicates probability, by means of scholarly investigation (*nazar*). All of these are provided by the specialist of *kalām*.'¹³⁶ For Āmidī, the sections of epistemic indicants, type of knowledge (certainty and probability), as well as scholarly investigation, are the theological postulates of *uṣūl al-fiqh*. However, he is also willing to receive them from the *mutakallimūn* without having to investigate them in *uṣūl al-fiqh*. Accordingly, his section concerning *al-mabādi'* in his *al-Ihkām* is no more than a brief definition of the four terms without any relevant discussions.

Weiss views the inclusion of this short section on postulates, or 'starting principles' as evidence for the 'influence of Aristotle on Āmidī's structuring of that science'. He adds that '[T]he starting principles are the premises upon which theoretical jurisprudence is *logically* dependent.'¹³⁷ Weiss, as I understand, is not suggesting that these postulates pertain to the science of logic, but is noting that the practice where a science draws its postulates from another science is a logical practice. The comparison Weiss draws between syllogism and this practice supports my understanding, 'just as, in a syllogism, a conclusion proceeds from premises, so an entire science must proceed from a body of premises.'¹³⁸ This explains why adherence to the Aristotelian logical tradition has secured the continuity of defending the

¹³⁶ Sayf al-Dīn 'Alī ibn Abī 'Alī al-Āmidī, *Muntahā al-sūl fī 'ilm al-uṣūl*, ed. Aḥmad Farīd al-Muzaydī (Beirut: Dār al-Kutub al-'Ilmiyya, 2003), 8.

¹³⁷ Weiss, *The Search for God's Law*, 31. Emphasis is Weiss's.

¹³⁸ Weiss, *The Search for God's Law*, 31.

status of *al-mabādi*' as borrowed from another science which has a higher position that it can offer in support of another science. This logical practice informing this understanding of *al-mabādi*' is not limited to *kalām* and *uṣūl al-fiqh*, needless to say. Disconnecting from this practice by presenting *al-mabādi*' as independent crucial part of all sciences is in itself a divergence from the Aristotelian model. This is where Taftāzānī's view of *al-mabādi*', as I show below, lies. He contends that they are indispensable to the science of *uṣūl al-fiqh*, as well as to other sciences. This has led him to suggest that they are postulates to all religious sciences, but that their inclusion in *kalām* is only a matter of appropriateness as it is the science concerned with rational and epistemological investigation.¹³⁹

At this point of the development of the epistemological postulates, it appears that they have already become a crucial part of the science of *uṣūl al-fiqh*, and that the scholarly argument is now concerning their nature (whether they belong to *kalām* or logic) and whether it is possible to allow their investigation in *uṣūl al-fiqh*. The question that underpins these two arguments is essentially a question of the different theories of classification of sciences. What makes these postulates belong to one science or the other? Is it the subject matter of this science, which is the argument for those who identify these postulates with logic as the place where these discussions originated in the first place?¹⁴⁰ Is it the rank this science held amongst the other sciences, which is the argument for those who identify these postulates with *kalām*, and which is mainly a question of authority? Or is it the approach taken to address these postulates? In other words, can there be a logical, a theological, or a legal approach to investigating these postulates according to which they are identified? This latter understanding, I argue, is how Taftāzānī identified and addressed these epistemological postulates, and it is what this author will now proceed to defend.

¹³⁹ Taftāzānī, *Hāshiya 'alā Sharḥ al-Mukhtaṣar*, 1:38.

¹⁴⁰ See for this discussion: Adam Sabra, 'Avicenna on the Subject Matter of Logic', in *The Journal of Philosophy*, vol. 77, no. 11; Khaled el-Rouayheb, 'Post Avicennan Logicians on the Subject Matter of Logic: Some Thirteenth and Fourteenth-Century Discussions' in *Arabic sciences and Philosophy* 22, no.1 (2012), 69-90.

This theoretical difference of opinion concerning the status and place of *al-mabādi'* is reflected on the approach taken by advocates of these opinions. Ghazālī, who considers these postulates are logical postulates of all sciences, focuses his representation on the categorisation of knowledge and forms of epistemic indicants. Ghazālī, in his *al-Mustaṣfā*, for example, offers, in some detail, an outline of the figures and modes of syllogisms. Those who claim they pertain with the realm of *kalām* treats these postulates theologically through focusing on the authority of religious knowledge, revelation, over reason and rational enquiry. As for Taftāzānī, and although his section of *al-mabādi'* takes into consideration the logical and metaphysical questions, his focus is on the content, and modes of indication, not the form of these epistemic indicants or the categories of knowledge insofar as they are categories. As such, he offers epistemological view of these categories, as we shall see. I will be paying attention to the differences between the logical perception of *al-mabādi'* and the epistemological perception of them.

a. The epistemological turn

Before I proceed to Taftāzānī's own argument for the status of the epistemological postulates (*al-mabādi'*), it is important to state that the formation and development of *al-mabādi'* is, by itself, an epistemological turn for the science of *uṣūl al-fiqh*.

Taftāzānī takes the epistemological postulates to be a universal set of theories for all Islamic sciences including *kalām*. This view makes these postulates a shared epistemology between *kalām* and *uṣūl* rather than borrowed concepts from a higher-ranked science to another which is lower in rank, the latter being the standard view in the scholarship before Taftāzānī. He favours Āmidī's practice of using the term *mabādi'* to describe these epistemological concepts, over Ījī's practice to term them locations (*mawāḍi'*), which is close

to Imām al-Ḥaramayn’s term, *mawādd*.¹⁴¹ Taftāzānī argues that *al-mabādi*’ do not belong to the realm of logic of the realm of *kalām*. He refutes the contentious view which claims to determine the relationship between sciences based on their hierarchical status, which led classical scholars to insist on the status of *al-mabādi*’ within the highest-ranked religious science, *kalām*. In doing so, he allows for a science with a possible low-rank in the hierarchy of sciences to inform the sources or subject matter of another science occupying a higher rank in the same hierarchy.¹⁴² However, Taftāzānī does not propose that *al-mabādi*’ belong to a lower-ranked science in comparison with *kalām*, as some later scholars claimed he does; rather, he uses this dialectic method of presupposing of argument (*taslīm*) to refute the idea underpinning his opponents’ view. In other words, even if the classification of sciences is determined by their honourable rank compared to each other, the status of *al-mabādi*’ in relation to higher and lower ranked sciences should not be affected by this hierarchy. The status of *al-mabādi*’, for Taftāzānī, is scholastic not hierarchical.

This view is severely criticised by Taftāzānī’s colleague and opponent, Jurjānī, who condemns him in his *Sharḥ al-Mawāqif* and *al-Ḥāshiya ‘alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*. He does not mention Taftāzānī by name in the first text, although later commentators identified him, but Jurjānī quotes Taftāzānī’s view in the second text above. The following is how Jurjānī outlines his critique of Taftāzānī’s view:

Based on what I have verified, it becomes clear to you that [discussions on the] states of the objects of knowledge, the sections on scholarly investigation, and epistemic indicant, pertain to *kalām*. Permitting that the postulates of the highest religious science be explicated in a science which is not religious insofar as [these postulates] would need such a [non-religious science] is a view which only a philosopher or a philosophising person, who licks the leftovers from the philosophers, would dare to claim. [In addition,] comparing this to the how *uṣūl al-fiqh* needs the Arabic language cannot be uttered by an expert.¹⁴³

¹⁴¹ Taftāzānī, *Ḥāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:38.

¹⁴² Taftāzānī, *Ḥāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:38.

¹⁴³ Sayyid al-Sharīf ‘Alī ibn Muḥammad al-Jurjānī, *Sharḥ al-Mawāqif* (al-Maktaba al-Azhariyya li-l-Turāth, 2011 [in the margins of Ṭijī’s *al-Mawāqif*]), 1:59.

Jurjānī is using a hierarchical argument against this opponent. This is the argument I mentioned is used by those who insist these epistemological postulates belong to *kalām*. The Indian Ḥanafī theologian ‘Abd al-Ḥakīm al-Siyalkūtī (d. 1067/1657) clarifies that Jurjānī here is responding to Taftāzānī, who argues that these sections are postulates of *kalām*, and that the subject matter of *kalām* is the divine essence. According to Siyalkūtī, Taftāzānī attaches these epistemological postulates to *al-‘ilm al-ilāhī*,¹⁴⁴ which, as I explained above, is not the case. In fact, Taftāzānī did not offer an alternative to logic or *kalām* as the source of these epistemological postulates. He admits they are more suited to *kalām*, but they are general postulates for *kalām* as well. Taftāzānī treats *al-mabādi*’ as a stand-alone genre.

The argument of the opponent which Jurjānī is refuting, according to Siyalkūtī, is as follows: if *fiqh* is a science which is lower in rank than *uṣūl al-fiqh* yet no one argues that *fiqh* is not among the sources of the postulates of the latter, then why not, by the same logic, argue that although *kalām* is the highest religious science, its epistemological postulates may still be provided by a science which is lower in rank, in this case, *al-‘ilm al-ilāhī*?

Siyalkūtī also criticises Jurjānī for the inconsistencies in his view on this debate. In his *Ḥāshiyā ‘alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, Jurjānī associates the epistemological postulates to logic.¹⁴⁵ Jurjānī does state and defend this position clearly in this text, stating that he follows Ghazālī’s view as outlined in his *al-Mustasfā*.¹⁴⁶ This view, he continues, considers logic an instrument of all sciences and hence is the source for the postulates of these sciences. It is not clear if Jurjānī had a change of heart after expressing either of these two views, and unfortunately we do not know for sure which of these two texts were first written. We know that his *Ḥāshiyā ‘alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī* is incomplete

¹⁴⁴ ‘Abd al-Ḥakīm ibn Shams al-Dīn al-Siyalkūtī, *Ḥāshiyā ‘alā Sharḥ al-Mawāqif* (Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2011 [in the margins of Jurjānī’s *Sharḥ al-Mawāqif*]), 1:59. Siyalkūtī condemns Jurjānī’s unacceptable insult of Taftāzānī describing it as ‘ugly demonising’.

¹⁴⁵ Siyalkūtī, *Ḥāshiyā ‘alā Sharḥ al-Mawāqif*, 1:57.

¹⁴⁶ ‘Alī ibn Muḥammad al-Sharīf al-Jurjānī, *Ḥāshiyā ‘alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 2nd ed. (Cairo: al-Maṭba‘a al-Amīriyya-Bulāq, 1983 [in the margins of Ījī’s *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*]), 1:38-39.

and that his commentary on Ījī's *al-Mawāqif* was completed few years after Taftāzānī's death. Both texts of Jurjānī are written after Taftāzānī's *Sharḥ al-Maqāsid* and his own *Hāshiya 'alā Sharḥ al-Mukhtaṣar*. Hence, despite this severe criticism of Taftāzānī, it seems that Jurjānī's refutation is not a defence of the theological or logical nature of these postulates *per se*; rather, it is a refutation of what he conceives as an act of following a foreign philosophical approach by Taftāzānī. However, as I explained, Taftāzānī does not place *al-mabādi'* within *al-'ilm al-ilāhī*, nor does he deny *kalām* its highest ranking within the Islamic sciences.

Conclusion

In conclusion, I have shown the early classical struggle to define the function and subject matter of both *kalām* and *uṣūl al-fiqh*. This struggle resulted in serious attempts to theorise their relationship. Limiting the impact of *kalām* in *uṣūl al-fiqh* to the authentication of the religious sources, by establishing the veracity of revelation, proved to be insufficient for our understanding of the development of *uṣūl al-fiqh* in relation to the theological and philosophical traditions which flourished at its boundries. The formation and development of the genre of *al-mabādi'* emerged from an understanding of *kalām* and *uṣūl al-fiqh* as sources of epistemology. Taftāzānī's attempt to treat *al-mabādi'* as independent from *kalām* and logic suggests we are uncovering a genre within the late classical Islamic tradition which has not been highlighted before. The practice of including a stand-alone genre within the composition of its most suitable and more established genres is not novel to the case of *al-mabādi'*. As Ahmed El-Shamsy has recently shown, in the early centuries, *uṣūl al-fiqh* itself was developed in introductions or addendum to major *fiqh* texts.¹⁴⁷ Other examples include genres

¹⁴⁷ Ahmed El Shamsy, 'Bridging the Gap: Two Early Texts of Islamic Legal Theory,' in *Journal of the American Oriental Society*, Vol. 137, No. 3 (July-September 2017), 505-536 at 505.

like discourses of method or dialectics (*adab al-baḥth*) and deep reading (*ādāb al-muṭāla‘a*) as has also been introduced through the work of Khaled El Rouayheb.¹⁴⁸

In the following chapters, I support my argument that *al-mabādi’* is not simply logic by pointing out the major divergences in approach and interests between *al-mabādi’* and logic manuals. I support my argument that *al-mabādi’* is a shared epistemology between *kalām* and *uṣūl al-fiqh*, by highlighting the interplay of the *kalām-uṣūl* interests in this genre of *al-mabādi’*. These interests are reflected in the occasionalist and foundationalist features of the three theories which constitute the content of the epistemology under investigation. Occasionalism is a theological theory adopted by the Ash‘arī-Māturīdī *madhhabs* which ‘stresses God’s absolute power by negating any kind of natural causality and attributing every casual effect in the world immediately to Him.’¹⁴⁹ Foundationalism is an epistemological theory which suggests knowledge can be acquired and justified through appropriate modes of indications. Its basic idea is ‘that all knowledge or justified belief rest ultimately on a foundation of noninferential knowledge or justified belief.’¹⁵⁰

¹⁴⁸ Khaled El-Rouayheb, *Islamic Intellectual History in the Seventeenth Century: Scholarly Currents in the Ottoman Empire and the Maghreb* (New York, NY: Cambridge University Press, 2015).

¹⁴⁹ For the development of this theory, see Ulrich Rudolph, ‘Occasionalism’ in the in the Oxford Handbook of Islamic Philosophy, eds. *Khaled El-Rouayheb and Sabine Schmidtke* (Oxford: Oxford University Press, 2016), 347-363 at 345 and 357.

¹⁵⁰ Ali Hasan and Richard Fumerton, ‘Foundationalist Theories of Epistemic Justification’, *The Stanford Encyclopedia of Philosophy*, eds. Edward N. Zalta (Winter 2016 Edition) <https://plato.stanford.edu/archives/win2016/entries/justep-foundational>.

”الْحَمْدُ لِلَّهِ الَّذِي بَصَّرَنَا بِنُورِ الْهُدَايَةِ وَالْتَوْفِيقِ، وَيَسَّرَ لَنَا سُلُوكَ مَنَاهِجِ النَّصُورِ وَالنَّصِيقِ

‘Praise belongs to God, who, by the light of guidance and success, has made us see,
and has made easy for us to follow the methods of conceptions and assents’

Sa‘d al-Dīn al-Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 1.

CHAPTER II: THEORY OF KNOWLEDGE

I. Introduction

In chapter I, I argued that the fifth/eleventh to eighth/fourteenth centuries witnessed a core of philosophical, theological, logical and legal commitments that led to the formulation and development of the theological postulates (*al-mabādi' al-kalāmiyya*). These theological postulates, or, as I suggested, the epistemological postulates, became an integrated part of major Sunni works in philosophical theology (*'ilm al-kalām*) and legal theory (*uṣūl al-fiqh*) following their explicit formulation by Imām al-Ḥaramayn al-Juwaynī (d. 478/1085). In contrast to existing scholarship at his time which presented these *mabādi'* as borrowed concepts from a higher-ranked science, *kalām*, to another, *uṣūl*, considered lower in rank, Sa'd al-Dīn al-Taftāzānī (d. 792/1390) presents them as a shared epistemology between all religious sciences. He insists that their attribution to *kalām* is only a matter of appropriation. The significant interest in developing and generalising these postulates, I argued, marks an epistemological turn in Islamic intellectual history.

This shared epistemology consists of three theories: the theory of knowledge (*'ilm* and *ẓann*), the theory of epistemic indicants (*adilla*), and the theory of scholarly investigation (*naẓar*). The current chapter discusses the first of these theories. The aim of this chapter is to offer a diachronic examination of how the terminologies and epistemic value of knowledge developed in the late classical period,¹⁵¹ as shown in the writings of Taftāzānī. It draws mostly from his works of *kalām* and logic (*manṭiq*), and to a lesser extent, his works of *uṣūl*. I will, however, compare how the discussions in the chapter develop or differ from one of these genres to another. The following two chapters of this thesis, the chapters on *adilla* and *naẓar*, will mostly draw from Taftāzānī's works of *uṣūl* while also referring to his works of

¹⁵¹ There is no conventional, generally-accepted periodisation of Islamic intellectual history that I know of. In this study, I shall define periods by the development of *uṣūl* and *kalām* as sources of epistemology. I use the term 'classical' for the period ending with Imām al-Ḥaramayn al-Juwaynī (d. 478/1085) and the term 'late-classical' for the period after Imām al-Ḥaramayn ending with the ninth/fifteenth to tenth/sixteenth centuries.

kalām and *manṭiq*. The goal of this study is to uncover Taftāzānī's views on the classical theories of foundationalism and occasionalism within his *kalām-uṣūl* shared epistemology. This goal will be in the background of discussions in this chapter and of the next two chapters as well.

Knowledge is addressed twice in Taftāzānī's seminal *kalām* work, *Sharḥ al-Maqāsid*. The first occasion, which is the one most relevant to this study, is in the first book (*maqṣid*), the book of postulates (*al-mabādi'*). There, Taftāzānī examines the nature and epistemic value of the different degrees of knowledge. The second is in the third book, the book of accidents (*al-a'rāḍ*). There, he examines the ontological characteristics of *'ilm* as one of the psychological or intellectual qualities (*al-kayfiyyāt al-nafsāniyya* or *al-ma'qūla*), under the category of quality (*maqūlat al-kayf*). The ontological discussion of *'ilm* is not of direct relevance to this study on epistemology, but some of its elements will help us explain and elaborate the epistemological debates in the book of postulates. Hence, I shall refer to the book of accidents when necessary. In his *Sharḥ al-Shamsiyya* and *Tahdhīb al-manṭiq*,¹⁵² Taftāzānī offers a careful and detailed examination of the logical categories of knowledge, conceptions and assents, which I have also used in this study. In this chapter, I emphasise and show the significance of these logical categories of knowledge in informing Taftāzānī's theory of knowledge, noting his significant departures from the standard classical understanding of these categories.

Knowledge is also addressed in Taftāzānī's two major commentaries on *uṣūl al-fiqh*, *Ḥāshiya 'alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī* and *al-Talwīḥ 'alā al-Tawḍīḥ*. The first addresses knowledge in the chapter on postulates, which the original author, the Mālikī Ibn al-Ḥājjib (d. 646/1249), and first commentator, the Shāfi'ī judge 'Aḍud al-Dīn al-Ījī (d. 756/1356), devoted to postulates. But the second, a commentary on the Ḥanafī Ṣadr al-

¹⁵² The full title of this book is *Tahdhīb al-manṭiq wa-l-kalām*. It is a manual combining logic and philosophical theology.

Sharī‘a al-Maḥbūbī’s (d. 747/1346) text, *al-Tawḍīḥ*, does not include a section on postulates at the beginning. However, Taftāzānī discusses the subject elsewhere in *al-Talwīḥ*, for example in the introduction as part of discussing the author’s definition of *fiqh* as ‘knowledge of... (*ma‘rifat...*).’ Taftāzānī goes on to discuss the differences between and degrees of *ma‘rifa* and ‘ilm.’¹⁵³

I hope to make several key arguments in this chapter. Firstly, Taftāzānī introduces a bipartite epistemology that represents several departures from the Aristotelian logical tradition as understood and adapted by classical Arabic logicians. Secondly, Taftāzānī uses the ontological framework of Ibn Sīnā (also known as Avicenna [d. 428/1037]) to develop and support his own epistemological framework. For example, Taftāzānī uses Ibn Sīnā’s definition of assents to rework the epistemic value of judgements (*aḥkām*). Thirdly, Taftāzānī presents a distinctive occasionalist theory that problematises natural causes (*al-‘ilal al-ṭabī‘iyya*) and epistemic causes: all knowledge (including immediate and non-immediate necessary, as well as conjectural, knowledge) is continuously dependent upon the creation of God. He does so by negating any intrinsic attributes of knowledge that would prevent alteration or removal. This is a step farther than the classical Ash‘arī-Māturīdī occasionalism. Fourthly, Taftāzānī makes key hermeneutical interventions aiming for the enhancement of the epistemic value of conjectural knowledge (*ẓann*), which is a central aspect of Taftāzānī’s epistemology. For Taftāzānī, the authority of *ẓann*, which has long been debated in Islamic classical sources, is founded on its inclusion under the process of *taṣḍīq*, through acceptance on the one hand, and the religious obligation to act upon accepted *ẓann* on the other. In this approach, *taṣḍīq* is acceptance, and acceptance of *aḥkām* is an epistemological act, which

¹⁵³ Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *al-Talwīḥ ‘alā al-Tawḍīḥ* (Qāzān, Russia: al-Maṭba‘a al-Imbirāṭūriyya, 1883), 1:23-29. Note that Taftāzānī wrote *al-Talwīḥ* several years before his *Hāshiyā ‘alā Sharḥ al-Mukhtaṣar* and *Sharḥ al-Maqāṣid*, as stated in his biographies and as indicated by his practice of citing *al-Talwīḥ* in *al-Hāshiyā*. Thus I take what is in *al-Hāshiyā* and *Sharḥ al-Maqāṣid* as his most developed views. The first chapter of this thesis deals with the chronology of Taftāzānī’s works and its significance to the present study.

raises questions regarding the role of the intellect and conscience in defining the bases of such an acceptance.

I use Taftāzānī's argument for *ẓann* to problematise the long-held position that theological enquiry has only accepted certain knowledge, while legal enquiry relied on conjectural knowledge. The core point I would like to discuss in this regard is whether accepted *aḥkām*, the necessary and conjectural assents, have the same capacity to support arguments for theological and legal debates as necessary propositions alone have. This discussion of *ẓann* will shed light on the extent to which functionality is a concern in Taftāzānī's theological-legal epistemology.

II. The classification of the objects of knowledge (*al-ma 'lūmāt*)

Taṣdīq is the key to understanding Taftāzānī's theory of knowledge; thus, we must understand his conception of the objects of knowledge (*al-ma 'lūmāt*). The objects of knowledge, as I shall explain below, are conceptions and assents. Classical logic manuals defined conceptions and assents as two categories of knowledge applied to singular and propositional objects of knowledge, respectively. The late classical *kalām-uṣūl* definitions of conceptions and assents considered them two epistemological acts of the intellect. The difference between the two lies in the consideration or non-consideration to knowledge's correspondence to reality and its epistemic justification. This difference entails an important departure from the logical definition. This departure serves my argument in considering *al-mabādi' al-kalāmiyya* an alternative *kalām-uṣūl* epistemology to the one found in logic manuals.

1. Singular and propositional objects of knowledge

The question of knowledge, for classical Muslim scholars, starts with the question of what it is that we know, the objects of knowledge. Is it possible to claim that one knows whiteness, a lion, God, or a divine associate? Or must we ask: what do you claim to know about whiteness, a lion, God, or the divine associate? Then the answers to these questions might be that whiteness is an accident, a lion is a wild animal, God is Existent, and the divine associate is non-existent. The majority argue that the first case is a case of mere conceptual knowledge of objects independent of any judgements; it is a concept-forming or image-framing type of knowledge, where the intellect moves from simple ignorance to simple attention to an object. The second case is a further type of knowledge, for it includes an affirmation or negation of judgements concerning the image already recognised by the intellect. These are two distinct classes of objects of knowledge: the first consists of singular concepts, and the second consists of propositions (subject, predicate, and relation). Others point out that one cannot know an object without forming a kind of judgement about it: when we say *whiteness*, *lion*, or *God*, our intellect is already implying a judgement in their regard, though it is not necessarily true, affirmed, or even stated, in every instance. This means that there is only one type of what we know, that is, propositions, and these propositions vary when it comes to their establishment in the intellect.

This discussion occupies the first section of the chapter on knowledge after or before its definition in any work of logic, *kalām* or *uṣūl* in the late classical period. Taftāzānī tells us that the famous opinion amongst classical Muslim scholars regarding the classification of the object of knowledge (*al-ma'lūm*) is that it covers the two cases above, and that they are distinct in nature, though their overlap is a possibility. The first set of known objects is termed logically termed conceptions (*al-ma'lūmāt al-taṣawwuriyya*), and the second set is termed assents (*al-ma'lūmāt al-taṣdīqiyya*). The knowledge of the first case is termed

taṣawwur; that is, the conception of singular objects with no consideration of any judgements in their regard. The knowledge of the second case is termed *taṣdīq*; that is, the knowledge of propositional judgements.¹⁵⁴ Knowledge of the second presupposes knowledge of the first, but not vice versa.

Knowledge, Taftāzānī writes:

... is either [of] a judgement, by which I mean an acceptance of and submission to a propositional relation (*nisba*) [between a subject and a predicate], and in such a case it is [called] an assent (*taṣdīq*). Otherwise, it is [called] a conception (*taṣawwur*). The difference between the two is real and not only relational.¹⁵⁵

The last remark by Taftāzānī aims to refute what he claims to be a minority opinion that denies the famous distinction between the objects of *taṣawwur* and the objects of *taṣdīq*. Some have argued that there is an obvious necessary entailment (*luzūm*) between the two categories: you cannot claim knowledge of singular objects without having a propositional knowledge of them, and vice versa. What follows is that such a distinction is not in fact real but relational. Others, among those who deny the distinction, agree that there is a distinction between the two in terms of their meaning (*mafhūm*), but deny that the distinction is existent in external reality. In other words, one cannot exist without the other, they say.

Taftāzānī refutes these two opinions. He insists that there is an actual separation between *taṣawwur* and *taṣdīq* as two different forms of knowledge directed towards two different objects of knowledge. He illustrates his position with the following example, which shows how such a distinction is conceivable:

¹⁵⁴ For the classical definition of conceptions and assents in logical manuals, see Aḥmad Shihāb al-Dīn al-Mallawī, *Sharḥ al-Sullam* (Cairo: Maṭba‘at Muḥammad Ṣabīḥ, 1936), 12. For a useful historical overview of the terms *taṣawwur* and *taṣdīq*, their roots, and their role in Islamic Arabic philosophy, see Harry A. Wolfson, ‘The terms *taṣawwur* and *taṣdīq* in Arabic Philosophy and their Greek, Latin and Hebrew equivalents’, in Isadore Twersky and George H. Williams (eds.), *Studies in the History and Philosophy of Religion*, 2 vols. (Cambridge, MA, 1979), vol.1, pp. 478-92.

¹⁵⁵ Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn* (Istanbul: Maṭba‘at al-Ḥājj Muḥarrām al-Busnawī, 1305 [in the margins of Taftāzānī’s *Sharḥ al-Maqāṣid*]), 1:19; also see Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar* (Cairo: al-Maṭba‘a al-Amīriyya-Bulāq, 1403 [in the margins of Ījī’s *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*]), 1:63.

Consider this point: if you doubted the createdness of the universe, you have already conceived the universe, the createdness, as well as the propositional relation [that could occur] between them without making or accepting such a judgement. Afterwards, if the proof is established, then you would know (*'alimta*) this propositional relation through a different type of knowledge, which is called a judgement (*ḥukm*) or an assent (*taṣdīq*).¹⁵⁶

Taftāzānī is not alone in his defence of this bipartite classification of the objects of knowledge. This is the general framework within which the Arabic logicians since Abū Naṣr al-Fārābī (d. 950/1339) have been working.¹⁵⁷ There are, however, significant variations regarding the nature of these two categories of knowledge amongst Muslim logicians, theologians, philosophers, and legal theorists. These variations and their implications in defining classical and late classical theories of epistemology is what this section intends to investigate. I would like to highlight two of these significant variations here because they play a crucial role in defining Taftāzānī's own epistemology. The first debate is concerning the objects of *taṣawwur*: whether *taṣawwur* is restricted to singular objects while *taṣdīq* is directed to propositions containing a relation, or it also includes propositional relations which have not been accepted. The second debate is concerning the objects of *taṣdīq*: whether *taṣdīq* is directed to propositions containing a relation, the judgement, or the acceptance of such a judgement. Taftāzānī takes a special interest in contesting the first of these two possible answers; then he uses his critiques as a basis for his argument that *taṣdīq* is an epistemological act and not a category under which propositions are placed.

2. Conception and assent (*al-taṣawwur* and *al-taṣdīq*)

¹⁵⁶ Sa'd al-Dīn 'Umar ibn Mas'ūd al-Taftāzānī, *Sharḥ al-Maqāṣid* (Istanbul: Maṭba'at al-Hājj Muḥarrām al-Busnawī, 1305), 1:19.

¹⁵⁷ For Fārābī's definition of conception and assent, see the second section of Abū Naṣr al-Fārābī, *Mabādi' al-Falsafa al-Qadīma: Majmū'a fihā: Kitāb mā yanbaghī an yuqaddam qabla ta'allum falsafat Aristū; wa-Kitāb 'Uyūn al-Masā'il fī al-manṭiq wa-mabādi' al-falsafa* (Cairo: Maṭba'at al-Mu'ayyid, 1910), 2–3; For how the Arabic language informed this distinction between conception and assent in Fārābī's work, see Shukri Abed, *Aristotelian Logic and the Arabic Language in Al-Fārābī*, SUNY Series, toward a Comparative Philosophy of Religion (Albany, N.Y.: State University of New York Press, 1991), 36–38–126.

What is *taṣawwur*? And what is *taṣdīq*? The aforementioned example of the createdness of the universe shows that doubt is a major factor in the distinction between the quality of *taṣawwur* and the quality of *taṣdīq*. This is an important added distinction between *taṣawwur* and *taṣdīq* for Taftāzānī; that is, *taṣawwur* is all types of knowledge prior to the affirmation or negation of a propositional relation, while *taṣdīq* is knowledge of an affirmed or negated propositional relation. What follows is that even if you acquire all elements of a proposition (i.e. the subject, the predicate, and the propositional relation), if you have not yet accepted such a relation, your knowledge still falls under the category of *taṣawwur*. The implication here, as I understand it, is that before the judgement is accepted, this composite proposition is made up only of singular concepts with no real connection between them, so each is treated individually.

In his *Ḥāshiyā ‘alā Sharḥ al-mukhtaṣar*, Taftāzānī elaborates on this distinction, saying that any *doubt* in a proposition places it under the category of conceptual objects of knowledge (*taṣawwurāt*), though in form, it is a proposition.¹⁵⁸ Hence, the category of *taṣawwurāt* comes in two forms: the first is the conception of singular objects, and the second is the conception of propositions unaccompanied by the intellect’s acceptance of the judgement. So, when we say that humans can write, or whiteness is an accident, or God is Existent without the intellect’s acceptance of these relations based on proofs that remove any doubts, all of them are still regarded as *taṣawwur* and not *taṣdīq*.¹⁵⁹

To further support this position, Taftāzānī quotes Ibn Sīnā’s seminal work, *al-Shifā’*. Ibn Sīnā defends the bipartite classification of *al-ma’lūm*, explaining:

The conception in your saying: ‘whiteness is an accident’ is that an image of this composition, as well as what it is composed of – i.e. whiteness and accident – is printed in your intellect. But the assent is when the propositional relation between this image and the objects themselves occurs in the intellect with correspondence

¹⁵⁸ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:63; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:229.

¹⁵⁹ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:63-64.

(*muṭābaqa*). Denying (*takdhīb*, lit. pronouncing something a lie) is the opposite of that.¹⁶⁰

Ibn Sīnā, Taftāzānī explains, says that what we are looking for in an assent is acceptance of a proposition as truthful and that denying is its counter rational possibility. To further clarify this, Ibn Sīnā, as understood and supported by Taftāzānī, is emphasising the role of the intellect in processing a propositional relation to pronounce a judgement a truthful judgement. This process is what we call *taṣdīq* and not the establishment of a proposition as true or false in and of itself. This is to say, *taṣdīq* is not the occurrence of an affirmed propositional relation in the intellect (*ḥuṣūl al-nisba al-tāmma fī-l-dhihn*), as some scholars claim; rather, it is the occurrence of the intellect *rendering* such a propositional relation as affirmed (*ḥuṣūl an yansiba al-dhihnu al-thubūta*).¹⁶¹ This subtle yet significant difference between the occurrence of a propositional relation, a judgement, in reality and the process of making such a judgement is what renders *taṣdīq*, for Taftāzānī, an epistemological act and not a category, or not only a category. Importantly, this process of *taṣdīq* includes pronouncing an affirmed or negated propositional relation as truthful, and it does not imply that negated propositions can not be subject to *taṣdīq*. One may equally accept the propositional relations in ‘prayer is an obligation’ and ‘usury is not permissible.’

a. *Taṣdīq* and *geravīdan*

The intellect’s acceptance of an affirmed or negated propositional relation is what we call an assent (*taṣdīq*) or a judgement (*ḥukm*), in the meaning of accepting a propositional relation between the object of judgement (*al-maḥkūm ‘alayh*) and the judgement (*al-maḥkūm bih*). Taftāzānī introduces a third term for this epistemological process, it is the Persian term

¹⁶⁰ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:20.

¹⁶¹ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:252.

‘*geravīdan* (گرویدن).’¹⁶² *Geravīdan*, an infinitive form, literally means *believing in or to turning toward* something.¹⁶³ It stems from the lexical root *gerow* (گرو), which also means to believe in something or to be inclined towards something. It is used extensively in Taftāzānī’s works in logic, *kalām*, and *uṣūl*, to emphasise the *acceptance* element of *taṣdīq* in different arguments including, as we shall see, the definition of faith. The three terms, *taṣdīq*, *ḥukm*, and *geravīdan*, are thus synonymous. That which does not fall under this description is termed *taṣawwūr*. The important conclusion here is that *taṣdīq* is that which includes acceptance of a propositional relation between a subject and a predicate, while *taṣawwūr* is that which is otherwise. This is stated by Taftāzānī in the first line of his *Tahdhīb* where he writes, ‘Knowledge is either an acceptance of the propositional relation, that is, the assent; if otherwise, it is a conception (*al-‘ilm in kāna idh ‘ānan li-l-nisba fa-taṣdīq wa-illā fa-taṣawwūr*).’¹⁶⁴ *Taṣawwūr* comprises knowledge of singular objects and prepositions that are yet to be accepted and/or proved. *Taṣdīq* encompasses judgements that are accepted and proved. This is the definition of Taftāzānī following what he states is the definition of Ibn Sīnā.¹⁶⁵ Next, I shed light on the accuracy of Taftāzānī’s understanding of Ibn Sīnā and argue that although he uses his conception of *taṣdīq*, Taftāzānī arrives at different conclusions regarding the objects of *taṣdīq* from those of Ibn Sīnā.

The implication of the distinction between *taṣdīq* as a category and *taṣdīq* as an epistemological act of the intellect appears in the condition of correspondence to reality: must judgements, the objects of *taṣdīq*, be correspondent to reality? If the answer is yes, then we

¹⁶² Taftāzānī also mentions the Persian translation of *taṣawwūr*, *dāryāftan* (lit. to understand or to excogitate در یافتن) but only once in the section on belief (*īmān*) as part of a quotation from Ibn Sīnā’s Persian book of logic, *Dānish-nāmah ‘Alā’ī* (the Book of Knowledge for ‘*Alā’ al-Dawla*), see Taftāzānī, *Sharḥ al-Maqāṣid*, 2:252. *Dānish-nāmah ‘Alā’ī* has been translated from the original Persian to English by Farhang Zabeeh, see Avicenna and Farhang Zabeeh, *Avicenna’s Treatise on Logic: (A Concise Philosophical Encyclopaedia) and Autobiography* (The Hague: Nijhoff, 1971).

¹⁶³ A. K. S. Lambton, *Persian Vocabulary* (Cambridge University Press, 1954), 132 and 206.

¹⁶⁴ Sa’d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Tahdhīb al-manṭiq wa-l-kalām* (Cairo: Maṭba‘at al-Sa‘āda, 1330), 4.

¹⁶⁵ See Taftāzānī, *Sharḥ al-Maqāṣid*, 1:19; Sa’d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, ed. Jād Allāh Ṣāliḥ (Amman: Dār al-Nūr al-Mubīn, 2011), 99.

need to restrict *taṣḍīq* to certain judgements. Taftāzānī, therefore, explains why *takdhīb*, in Ibn Sīnā's statement above, is not related to the judgement's correspondence to reality, but is related to the existence or non-existence of acceptance. Taftāzānī carefully notes that Ibn Sīnā's last remark does not restrict *taṣḍīq* to that which is correspondent (*muṭābiq*) with reality, as some commentators, unnamed, inaccurately interpret his words. For if we understand his statement this way, it would imply that whatever is established in the intellect must also be existent in external reality, which is not the case.¹⁶⁶ But if the answer to the above question is no, then we open the door for uncertain judgements (conjectures and others) to be objects of *taṣḍīq* as well. The condition of knowledge's correspondence to reality is also particularly significant when it comes to introducing conjectural knowledge as a type of *taṣḍīq*, as done by Taftāzānī. Accepting this condition poses a challenge to including conjectural knowledge under *taṣḍīq*, but removing it poses a challenge to restricting *taṣḍīq* to certain and conjectural knowledge, as done by Taftāzānī. Therefore, Taftāzānī resorts to a significant modification to Ibn Sīnā's theory of *taṣḍīq* to allow the inclusion of conjectural knowledge while preventing other judgements from being objects of *taṣḍīq*. I introduce this modification in the next section.

b. Classical approaches to *taṣḍīq*

In a small treatise dedicated to presenting and discussing the scholarly definitions of *taṣawwur* and *taṣḍīq*, Quṭb al-Dīn al-Rāzī (also known as al-Quṭb al-Taḥṭānī [d. 766/1365]), a famous commentator on *al-Shamsiyya* and an attributed teacher of Taftāzānī, discusses different methods of defining *taṣḍīq*,¹⁶⁷ three of which are important for our purpose. The first, attributed to the wise philosophers (*al-ḥukamā'*), is that *taṣḍīq* is synonymous to

¹⁶⁶ This is also relevant to the debate regarding the thingness of the non-existent (*shay'īyyat al-ma'dūm*) and its eligibility to be an object of knowledge, which will be addressed at the end of this section.

¹⁶⁷ Maḥmūd ibn Muḥammad al-Rāzī (al-Quṭb al-Taḥṭānī), '*Taḥqīq ma'nā al-taṣawwur wa-l-taṣḍīq*' (n.p.: n.p., n.d.), 2-6.

judgement (*ḥukm*), but these philosophers, al-Quṭb al-Taḥṭānī explains, disagree on what they mean by judgement. Some say a judgement is establishing an affirmed or negated propositional relation between two things. Others say a judgement is the propositional relation itself, while a third group claims a judgement is the intellection of the propositional relation (*ta' aqqul al-nisba*). Al-Quṭb al-Taḥṭānī does not elaborate on the implication of these different understandings of judgement.

The second method is the method of Ibn Sīnā who says, according to al-Quṭb Taḥṭānī, that *taṣḍīq* is the intellect's admittance to (*iqrār*) and acceptance of (*idh'ān*) the meaning of the proposition; that is, *taṣḍīq* is external to the elements of the proposition: the subject, predicate, and propositional relation. Al-Quṭb al-Taḥṭānī concludes two important points about Ibn Sīnā's method. Firstly, doubt and denial oppose *taṣḍīq*, which Taftāzānī also notes as explained above. Secondly, *taṣḍīq* may equally occur in the five arts of syllogisms (*al-ṣinā'āt al-khams*), since it is external to the proposition in that it is not connected to the proposition's correspondence to reality.¹⁶⁸ This is because the acceptance of a judgement is more general than the correspondence of this judgement to reality, for one may accept a judgement that turns out to be false. Correspondence to reality is only a condition for necessary knowledge as we shall see below.

Khaled El Rouayheb argues that up until al-Quṭb al-Taḥṭānī in his commentary on *al-Shamsiyya*, a tripartite analysis of categorical propositions was the accepted view of classical scholars. They held that a proposition has only three parts: subject, predicate, and a relation. Al-Quṭb al-Taḥṭānī, however, argued for a quadripartite analysis of propositions, which

¹⁶⁸ The five syllogisms (*al-ṣinā'āt al-khams*) are: demonstrative syllogism (*burhān*), dialectic syllogism (*jadāl*), discursive syllogism (*khaṭāba*), poetic syllogism (*shī'r*), and fallacious syllogism (*mughālaṭa*), in order of their epistemic value. This will be subject to discussion in the chapter on *adilla*. Al-Quṭb al-Taḥṭānī continues explaining his interpretation saying: 'if you accept that a certain meaning is correspondent to reality, this would not necessitate that such a meaning is [actually] correspondent to reality. Because correspondence to reality is one thing and accepting [such a] correspondence is another thing. Accordingly, *taṣḍīq*, in this consideration, does not contradict sophistry or the other syllogisms.' See Quṭb al-Taḥṭānī, '*Taḥqīq ma'nā al-taṣawwur wa-l-taṣḍīq*,' 3.

introduced the fourth part: the judgement. El Rouayheb introduces a large body of texts, including that of Taftāzānī, to argue that the quadripartite analysis then became the standard amongst later Arabic logicians.¹⁶⁹ With al-Quṭb al-Taḥṭānī's representation of Ibn Sīnā's conception of *taṣḍīq* above, it seems he had in mind this distinction between the judgement, as the fourth part of a proposition, and *taṣḍīq*, which is the acceptance of such a fourth part; hence, he argued that *taṣḍīq* is external to the proposition according to Ibn Sīnā. If al-Quṭb al-Taḥṭānī's understanding of Ibn Sīnā is accurate, then Ibn Sīnā alluded to the quadripartite analysis long before al-Quṭb al-Taḥṭānī; but if not, then this case is another example of the appropriation of Ibn Sīnā's views in later scholarship, which Taftāzānī and others have used to develop or support their own views.

The method of Ibn Sīnā in al-Quṭb al-Taḥṭānī's explanation is distinguished from that of the *ḥukamā'*. The apparent difference is that the former considers *taṣḍīq* an external process, while it is an internal element for the latter, at least for the first two definitions of what they mean by *ḥukm*. Taftāzānī, however, seems to disregard this difference between the method of Ibn Sīnā and that of the *ḥukamā'*. He repeatedly cites Ibn Sīnā's equation of *ḥukm* and *taṣḍīq*, though he clearly understands *ḥukm* in a way that is closer to the third definition according to the *ḥukamā'*. In other words, according to Taftāzānī, *taṣḍīq* is *ḥukm* in a very specific meaning which is the intellect's acceptance of this *ḥukm*. The intellect's acceptance of the *ḥukm* strikes me as a specific type of the intellectuation of the propositional relation (*ta' aqqul al-nisba*).

The third method, which Taḥṭānī attributes to Fakhr al-Dīn al-Rāzī (d. 606/1209), is that an assent is a combination of conceptualising the object of judgement (*al-maḥkūm*

¹⁶⁹ El Rouayheb explains that these scholars' motivation for this discussion is commonly connected to their concern to define hypothetical versus categorical proposition. More significantly, he argues, this discussion is connected to a question of the objects of knowledge: can an object of conception also be an object of an assent? See Khaled El Rouayheb, 'Does a Proposition have Three Parts or Four? A Debate in Later Arabic Logic,' *Brill ORIENS*, no. 44 (2016): 301-31.

‘*alayh*), what is being judged (*al-maḥkūm bih*), and the judgement (*al-ḥukm*).¹⁷⁰ In this case, as the later logician Aḥmad al-Mallawī (d. 1181/1767) observed, *taṣdīq* is a composite of all the elements of the proposition: the subject and the predicate, as well as the relation (*nisba*). All are parts of what we term *taṣdīq*.¹⁷¹ Before Mallawī, the Persian scholar Naṣīr al-Dīn al-Ṭūsī (d. 672/1274) also noted the composite nature of *taṣdīq* for Rāzī and argued that this is in opposition to the rest of the wise philosophers (*al-ḥukamā’*), who argue that *taṣdīq* is the judgement alone.¹⁷² This usage, one may note, does not emphasise the quality of accepting a propositional relation in a premise, if it considers this element in understanding *taṣdīq* at all. Taftāzānī gives more attention to debating this method of defining *taṣdīq* as a category of knowledge than he does with the other methods discussed by al-Quṭb al-Taḥṭānī in his treatise. He also attributes this method to Rāzī and to those who follow him, such as Kātibī (d. 675/1277), the author of the famous logic manual, *al-Shamsiyya*, on which Taftāzānī wrote a major commentary, as well as Taftāzānī’s teacher, Ījī. In the *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, Taftāzānī quotes Ījī’s statement in *al-Mawāqif*, ‘if knowledge does not include a judgement, it is a conception, otherwise, it is an assent (*al-‘ilm in khalā ‘an al-ḥukm fa-taṣawwur wa-illā fa-taṣdīq*),’¹⁷³ and explains that he follows Rāzī’s method in defining *taṣawwur* and *taṣdīq*. Comparing this statement of Ījī with that of Taftāzānī’s famous *Tahdhīb* statement, quoted above, ‘if knowledge is an acceptance of a propositional relation, it is an assent, otherwise, it is a conception (*al-‘ilm in kāna idh ‘ānan li-l-nisba fa-taṣdīq wa-illā fa-taṣawwur*),’¹⁷⁴ shows the significant difference in understanding these two epistemological concepts. The first, following Rāzī, suggests that an assent is a composition of a subject, predicate, relation, and a judgement (i.e. the affirmation or negation of such a

¹⁷⁰ For Rāzī’s account, see Fakhr al-Dīn Muḥammad ibn ‘Umar al-Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta’akhhirīn* (Cairo: al-Maṭba‘a al-Ḥusayniyya, 1905), 2–3.

¹⁷¹ Mallawī, *Sharḥ al-Sullam*, 12.

¹⁷² Naṣīr al-Dīn al-Ṭūsī, *Talkhīṣ al-Muḥaṣṣal*, 2nd ed. (Beirut: Dār al-Aḍwā’, 1985), 6.

¹⁷³ Taftāzānī, *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:64.

¹⁷⁴ Taftāzānī, *al-Tahdhīb*, 4.

relation), while the second statement suggests that *taṣḍīq* is only the acceptance of this affirmed or negated relation. All other knowledge before this step of acceptance (including the four elements of a proposition above) lies in the realm of *taṣawwur*. For this reason, Taftāzānī defines *taṣawwur* as that which is not *taṣḍīq*, i.e. that which did not reach the level of *taṣḍīq*, while Ījī, following Rāzī, defines *taṣḍīq* as that which is not *taṣawwur*.

Rāzī's definition of *taṣḍīq* might in fact be influenced by Fārābī's definition. In his '*Uyūn al-masā'il*', Fārābī states that 'knowledge is either an absolute conception, ... or a conception with an assent (*taṣawwur ma'a taṣḍīq*).'¹⁷⁵ This last phrase, which is almost identical in meaning to Ījī's statement above, suggests that for Fārābī, *taṣḍīq* is composite knowledge; i.e. it is knowledge of several conceptions that together are considered *taṣḍīq*. The link between Fārābī and Rāzī's definitions of *taṣḍīq* and Ibn Sīnā and Taftāzānī's definitions of *taṣḍīq* shows an interesting interplay between the Farabian and Avicennan theories of knowledge amongst classical and late classical scholars. This marks this debate as a good example of the Avicennan turn, which Wisnovsky argues shapes the late Islamic Sunni tradition.¹⁷⁶

c. Taftāzānī's critiques of Rāzī's conception of *taṣḍīq*

Rāzī and Kātibī use the term *taṣawwur* and the term *'ilm* equally to denote absolute knowledge (*muṭlaq al-'ilm*), which is perception *qua* perception (*idrāk*). They then divide *'ilm* (a.k.a. *taṣawwur*) into: 1) simple conception (*al-taṣawwur al-sādhaj*), that is, the knowledge preceded by simple ignorance with no regard to judgement, and 2) *taṣḍīq*, the knowledge of judgements together with their conceptions.¹⁷⁷ Taftāzānī makes several arguments against this classification of knowledge, two of which are crucial for this section

¹⁷⁵ Fārābī, '*Uyūn al-Masā'il*', 1.

¹⁷⁶ See Robert Wisnovsky, 'One Aspect of the Avicennian Turn in Sunnī Theology', *Arabic Sciences and Philosophy* 14, no. 1 (March 2004): 65–100.

¹⁷⁷ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:19; Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 99.

on *taṣḍīq*. The first problem is that this method inevitably creates a tripartite classification of knowledge. The first class is perception conditioned on judgements, that is, *taṣḍīq*. The second is perception conditioned upon the absence of judgements, that is, *taṣawwur sādḥaj*. The third is perception not conditioned upon anything (*lā bi-sharṭ shay'*), that is, *muṭlaq al-taṣawwur*. Thus this classification uses the terms *'ilm* and *taṣawwur* as the conception being classified and as classes themselves. Kātibī departs from this usage in his other works, Taftāzānī claims.¹⁷⁸ This is one of ten objections Taftāzānī makes to the above classification of knowledge. Taftāzānī uses this objection in *al-Ḥāshiya* to dispute Rāzī's definition of *taṣḍīq* because, he says, it disregards the element of acceptance, which, according to Taftāzānī, is crucial.¹⁷⁹ Because the emphasis in this definition of *taṣḍīq* is on judgements, rather than on making or accepting judgements, which allows Rāzī to further divide *taṣḍīq* into necessary assent, conjecture, belief, doubt, and delusion; that is, the five types of intellectual perceptions.

This brings us to the second and more significant problem of Rāzī's classification of intellectual perceptions: it allows doubt and delusion into the category of *taṣḍīq*. For Taftāzānī, doubt implies hesitation in the acceptance of the affirmed or negated relation, which opposes the meaning of *taṣḍīq*. The inclusion of doubt and delusion in the category of *taṣḍīq* is severely criticised by Taftāzānī on several occasions. For example, he attempts to explain how this practice is inaccurate by exploring the meaning of affirmation and negation. He says that what we understand from affirmation and negation is one of two things. The first is extracting (*intizā'*) the relation and accepting its occurrence, which, he says, is the reality of *taṣḍīq* and *ḥukm*, again being used synonymously. This *cannot* include doubt and delusion, he asserts, because they do not fall under this description. The second is the occurrence and non-occurrence of the relation (*wa-immā wuqū' al-nisba wa-lā wuqū' uhā*). This latter

¹⁷⁸ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 99.

¹⁷⁹ Taftāzānī, *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar*, 1:60.

understanding, the occurrence and non-occurrence of the relation, assuming it applies to doubt and delusion, is not the basis for a classification of knowledge; rather, it is a basis for a classification of the objects of necessary knowledge (*al-ma' lūm*), the objects of conjectural knowledge (*al-maznūn*), and so on. The occurrence of an object of knowledge is connected to this object's correspondence to reality, a condition which does not apply to the conception of *taṣdīq*, according to Taftāzānī. An object's correspondence to reality (whether an object is true or false) might be based on confirmation (*jazm*), preponderance (*rujḥān*), doubt (*shakk*), or non-preponderance (*marjūhiyya*), but an acceptance of an affirmed or a negated relation, *taṣdīq*, can only be with either confirmation or preponderance, the two which create the necessary and the conjectural types of *taṣdīq*. Accepting through preponderance is the key point in Taftāzānī's enhancement of the epistemic value of conjecture through its inclusion in the definition of *taṣdīq*. The meaning of affirmation and negation in and of itself could not, Taftāzānī contends, allow for the inclusion of doubt and delusion.¹⁸⁰ Such an inclusion, claimed by Rāzī and others, contravenes the verified conclusions (*mukhālīf li-l-taḥqīq*).¹⁸¹

After arguing for an understanding of *taṣdīq* that relies on Ibn Sīnā's definition, Taftāzānī argues for restricting this understanding to that of necessary knowledge (*'ilm*) and conjectural knowledge (*ẓann*). Although, as we stated above, Ibn Sīnā allows for *taṣdīq* to occur in the five arts of syllogisms, as some of them could, by their definition, include premises of less epistemic value than *ẓann*, including delusions (*wahmiyyāt*), Taftāzānī does not claim a departure from or a modification of Ibn Sīnā's conception of *taṣdīq*, but the consequence of his own conception of *taṣdīq* suggests so. His attempt to distinguish between the classification of the objects of knowledge and the classification of knowledge above may offer a reconciliation between his view and that of Ibn Sīnā as it does for Rāzī's view. Taftāzānī's strong defence of *taṣdīq* as a process restricted to *'ilm* and *ẓann* serves his

¹⁸⁰ Taftāzānī, *Ḥāshiyā 'alā Sharḥ al-Mukhtaṣar*, 1:61.

¹⁸¹ Taftāzānī, *Ḥāshiyā 'alā Sharḥ al-Mukhtaṣar*, 1:60.

argument to enhance the epistemic value of *ẓann* and *ẓann*-constructed syllogisms, as will be elaborated in the chapter on *adilla*.

A significant point to highlight here is that Taftāzānī while it is understandable to exclude doubt and delusion from *taṣḍīq*, it is interesting that Taftāzānī also strongly excludes belief (*i' tiqād*) from *taṣḍīq*. Belief is distinguished from faith (*īmān*), the former is excluded from *taṣḍīq* and the latter is included. This raises the question of whether such an acceptance of a propositional relation he calls *taṣḍīq* needs to be supported by proofs. The next section sheds light on the relationship between belief, faith, and *taṣḍīq*. Taftāzānī distinguishes belief from *taṣḍīq*, and equates *īmān* and *taṣḍīq*. His discussion further demonstrates that the intellect's acceptance is the determining factor in *taṣḍīq* and not correspondence to reality or the level of certainty upon which the judgement is based.

3. Knowledge, belief, and faith: *taṣḍīq*, *i' tiqād*, and *īmān*

The distinction between *ilm* and *taṣḍīq* (*taṣḍīq* being a step above *ilm*) informed Taftāzānī's position in the debate regarding the relationship between knowledge, belief, and faith. He argues that *taṣḍīq* in the normative definition of *īmān* (the acceptance of the heart – '*taṣḍīq al-qalb*') refers to the same usage of *taṣḍīq* as understood by Muslim logicians.¹⁸² To this end, he starts his section on *īmān* with the following assertions:

We have [a few] assertions (*maqāmāt*): Firstly, faith is the action of the heart and not only the action of the tongue. Secondly, it is acceptance (*taṣḍīq*) and not only knowledge (*ma'rifa*) or belief (*i' tiqād*). Thirdly, actions are not part of it (i.e. *īmān*) such that it would be negated were they to be absent.¹⁸³

These three assertions, expanded in three sub-sections, aim to respond to two groups: the first are those who claim that *taṣḍīq* in the context of faith refers to a linguistic usage that is

¹⁸² Taftāzānī, *Sharḥ al-Maqāṣid*, 2:257.

¹⁸³ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:249.

restricted to the verbal admittance and acceptance of faith. The second group are those who claim that *taṣḍīq* is a requirement of faith, but that it is not merely acceptance (*taslīm*); rather, there is an added condition (*amr zā'id*) to the logical *taṣḍīq* that entails an action of choice (*fi'l ikhtiyārī*). This is because, they claim, only actions can be obliged and not qualities. The first group limits faith to mere belief (*i'tiqād*) or knowledge (*ma'rifa*), and the second diverts the meaning of *taṣḍīq* for no apparent reason. Taftāzānī focuses his conversation with this second group as he believes they add unnecessary subtleties to faith that exclude 'almost all common believers, early scholars, and the leaders and masters of the religion'.¹⁸⁴

In this context, Taftāzānī cites the term *geravīdan* from Ibn Sīnā's Persian logic work, *Dānish-Nāmeḥ 'Alā'ī*,¹⁸⁵ in *Sharḥ al-Maqāṣid*, *al-Talwīḥ*, *Sharḥ al-Nasafīyya*, as well as *Sharḥ al-Shamsiyya*,¹⁸⁶ to disprove the two claims above. The significance of this Persian citation, he clarifies, is that it is the authority for how the term *taṣḍīq* came to be used in logic, and how its usage in logic is in fact its original linguistic usage.¹⁸⁷

Ibn Sīnā, who is the model (*qudwā*) in the art of logic, the trust in interpreting its expressions and explaining its meanings, states that the logical *taṣḍīq*, into which knowledge is divided besides *taṣawwūr*, is exactly the linguistic one expressed in Persian as *geravīdan* and contrasted with denying (*takdhīb*), as he says in his book, *Dānish-Nāmeḥ 'Alā'ī*. ... this is explicit in that the second sub-division of knowledge is the meaning which the expression *taṣḍīq* is assigned to (*wuḍi'a bi-idhā'ih*) in the language of Arabs, and *geravīdan* [is assigned] in the language of Persians. This [also] negates what might be claimed by an intransigent person (*mu'ānid*), that *geravīdan* in logic is different than it is in language.¹⁸⁸

¹⁸⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:250-255.

¹⁸⁵ *Dānish-nāmah 'Alā'ī* has been translated from the original Persian to English by Farhange Zabeeh, see Avicenna and Zabeeh, *Avicenna's Treatise on Logic*. For the content and significance of Ibn Sīnā's *Dānish-nāmah 'Alā'ī*, see A. M. Bogoutdinov, 'A Notable Philosophical Production of the Tadjik People: Ibn Sīnā's *Donesh-Nameh*', in *Philosophy and Phenomenological Research*, Volume 11, Issue 1 (Sep. 1950), 25-39.

¹⁸⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:20 and 2:252; Taftāzānī, *Hāshiya 'alā Sharḥ al-Mukhtaṣar*, 1:63; Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 98; Sa'd al-Dīn al-Taftāzānī, 'Sharḥ al-'Aqā'id al-nasafīyya' in *Majmū'at al-Ḥawāshī al-bahiyya 'alā sharḥ al-'aqā'id al-nasafīyya* (Cairo: Maṭba'at Kurdistān al-'Ilmiyya, 1329), 1:177; Taftāzānī, *al-Talwīḥ 'alā al-Tawḍīḥ*, 1:302.

¹⁸⁷ For the linguistic usage of *īmān* and *taṣḍīq* as synonyms, see Azharī (d. 369/980), *al-Tahdhīb*, s.v. 'alif, mīm, nūn and ṣād, dāl, qāf'; Ibn Fāris (d. 395/1004), *Maqāyīs*, s.v. 'alif, mīm, nūn'; and Ibn Manẓūr (630-711/1233-ca.1312), *Lisān al-'Arab*, s.v. 'alif, mīm, nūn,' which states: 'the people of knowledge, linguists and others, agree that *īmān* means *taṣḍīq*.' Notably, *geravīdan* also appears as a translation of *īmān* in Persian translations of the Qur'ān.

¹⁸⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:251. He adds: 'We are claiming nothing except that the logical *taṣḍīq*, as interpreted by their [logicians'] master, not as understood by any weaver (*nassāj*) and wool-carder (*ḥallāj*), is

Thus, to claim that scholars of Islam who agree on interpreting *īmān* by *taṣḍīq* have changed its meaning from the linguistic usage, one would need to offer proof. This is because such a claim is in opposition to the principal assumption (*khilāf al-aṣl*), which is that the linguistic usage is the same unless one proves otherwise.¹⁸⁹ Taftāzānī uses this argument to disprove the overly lenient view that accepts verbal expressions of faith as *taṣḍīq*, and the rigid view that does not consider the acceptance of the intellect to be sufficient for the establishment of faith. In addition to this argument, he quotes numerous verses from the Qur’ān and prophetic reports to counter the two views. But he spends much of the section arguing against the second opinion, citing and conversing with its proponent, whom I infer to be Ibn Taymiyya (d. 728/1328),¹⁹⁰ although Taftāzānī does not mention him by name. Ibn Taymiyya famously argues that *īmān* is a more specific form of *taṣḍīq*;¹⁹¹ it is a revelational (*shar’ī*) usage of the term that is different from its logical and non-technical usage. For Ibn Taymiyya, faith must be an action in order for it to be an obligation. This replaces faith in the Category of Action (*maqūlat al-fi’l*). For Taftāzānī, faith, that is *taṣḍīq*, as well as all perception, is a psychological/intellectual quality under the Category of Quality (*maqūlat al-kayf*).¹⁹² However,

the linguistic *taṣḍīq* that contrasts denying (*takdhīb*), which is expressed in *geravīdan*. It is not then valid for people to fixate or agree on [the claim] that what is considered in *īmān* is a linguistic, not the logical [meaning]. Indeed, the most that can be argued is that there must be conditions of choice, absence of ingratitude and pride.’

¹⁸⁹ Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 2:250.

¹⁹⁰ There are no historical sources, as far as we know, which prove that Taftāzānī, Jurjānī, or Ījī have read or engaged in debating the works of Ibn Taymiyya. He is never mentioned by name in any of their works which we received. However, in the hadith commentary attributed to Taftāzānī titled *Sharḥ al-arba‘īn al-nawawīyya*, he cites one of Ibn Qayyim al-Jawziyya’s (d. 751/1349) books, *al-Kāfi ‘an al-dawā’ al-shāfi’*. Ibn Qayyim is a famous disciple of Ibn Taymiyya, which indicates that Taftāzānī must have had access to the works of Ibn Taymiyya, even if only through his student. See Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Sharḥ al-Arba‘īn al-nawawīyya* (Tunisia: Maṭba‘at al-Dawla al-Tūnisiyya, 1878), 16.

¹⁹¹ For Ibn Taymiyya’s view on *īmān*, see for example Taqī al-Dīn Aḥmad ibn Taymiyya al-Ḥarrānī, ‘Kitāb al-īmān’ in *Majmū‘at Fatāwā* (Riyadh: Majma‘ al-Malik Fahd, 1995), 7:388-409.

¹⁹² Taftāzānī also presents four other arguments against Ibn Taymiyya’s view which are not directly related to my argument here. Taftāzānī admits that most of these views on faith and *taṣḍīq* are subject to *ijtihād*, which means differences could be accepted were it not for the dangerous ramifications this view has had on the religious community. In addition, he accepts that actions are conditions of faith, which means that faith is not complete without them, just like ablutions for prayers, but clarifies that the performance of these actions is not part of the essence of faith, which would mean that faith did not exist if these actions did not exist. See Taftāzānī, *Sharḥ al-Maqāṣid*, 2:250. It is also worth pointing out, though outside the scope of this thesis, that

faith is still an obligation. This is because what is being obliged is the acquisition of this quality.¹⁹³ This interest of Taftāzānī's in disproving the claim that *taṣḍīq* has a revelational meaning that is different from its logical meaning might stem from a concern that the term would lose its epistemological value. The reason why this is a concern is that it could bring about disputations about the requirements of knowledge in a dialectic enquiry and not only of faith. Otherwise, he agrees with the view that action is a condition of faith but is not part of its essence, as stated in his first assertions.¹⁹⁴ In his seminal work, *Knowledge Triumphant*, Rosenthal claims that although the equation of faith and *taṣḍīq* came about around 800, it was the Ash'arīs who significantly injected this notion into their theological discussions of faith. Prior to them and following the Qur'ānic terminology, it was through knowledge, precisely, *ma'rifa*, that faith was defined. He explains that this new practice might have been influenced by the newly introduced discussions on Greek philosophy.¹⁹⁵ This might help us understand the extensive later discussions of *taṣḍīq* in the context of faith as carrying epistemological and not merely theological concerns.

There is one last important question in this section: on what grounds is one able to accept a judgement, as emphasised in the term *taṣḍīq*? If on the grounds of epistemic indicants (*adilla*), what then is the status of the conformist follower's faith (*īmān al-muqallid*) which is not based on *adilla*? The implication of the above distinction between *'ilm*, *i'tiqād* and *taṣḍīq*, is that *taṣḍīq* cannot occur before the step of confirmed or preponderant knowledge. Confirmation is the condition for necessary knowledge (*'ilm*), which can either be immediate (requires no proofs) or investigative (requires proofs). The

the debate on the definition of faith by action has also been a part of the Sunni schools' discussion against the Khārijīs, for whom one's outward actions indicated whether one was a believer or not.

¹⁹³ See Taftāzānī, *Sharḥ al-Maqāṣid*, 2:250-252; Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 98-100; Taftāzānī, *al-Talwīḥ 'alā al-Tawḍīḥ*, 1:302.

¹⁹⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:253.

¹⁹⁵ Franz Rosenthal, *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam* (Leiden: Brill, 1970), 100-2. The following article by Wilfred Smith uses, among other things, parts of Taftāzānī's statements to also conclude that *taṣḍīq* is not merely a category, but denotes, indeed, an intellectual process. See Wilfred C. Smith 'Faith as *Taṣḍīq*,' in Parviz Morewedge (ed.), *Islamic Philosophical Theology* (Albany: Sunny Press, 1979), 96-119.

knowledge of God and revelation falls under the second of these two types. It requires investigation which conformist followers do not undertake. What follows from these premises is that the faith of conformist followers cannot be regarded as *taṣḍīq* because it lacks the step of *‘ilm* through investigation, since faith does not belong to the category of self-evident or immediate knowledge. Despite the above reasoning, Taftāzānī subscribes to the theological view that accepts the faith of the conformist follower.¹⁹⁶ He follows what he identifies as the view held by many scholars, including Abū Manṣūr al-Māturīdī (d. 333/944).¹⁹⁷ Abū al-Ḥasan al-Ash‘arī (d. 324/936), in one of two reports, does not accept this view. Taftāzānī justifies his adherence to this Māturīdī view by saying that the conformist follower’s acceptance is sufficient, even if it is not based on an acquisition of knowledge by him- or herself, as long as the essence of *taṣḍīq* is still present. Further, a person might acquire knowledge of the Message through the witnessing of miracles, recurrent transmission (*tawātur*), scholarly investigation (*naẓar*), or consensus (*ijmā‘*). Hence, the acquisition of this type of knowledge, which precedes the step of *taṣḍīq*, is not restricted to inference from a *dalīl*.

Taftāzānī attempts to attribute this view to the Ash‘arī school’s founder as well, in spite of the famous report of his opposition. He claims that it is closer to what ‘Abd al-Qāhir al-Baghdādī (d. 429/1037) reported to be Ash‘arī’s view. Baghdādī explains that Ash‘arī says a person who thinks about rational proofs and yet is unable to express their thinking is not completely a believer, but is also not an unbeliever because of the existence of acceptance in their case. This person is a sinner who will end up in heaven. Taftāzānī understands this report to mean that rational proof for Ash‘arī is a condition of perfecting one’s faith just like actions (*a‘māl*), but not part of the essence of faith in and of itself. Since Ash‘arī does not

¹⁹⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:263-264.

¹⁹⁷ Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, 1:179. For the debate on the faith of conformist followers, see Ḥasan ibn ‘Abd al-Muḥsin Abū ‘Adba, *al-Rawḍa al-bahiyya fī-mā bayna al-ashā‘ira wa-l-māturīdiyya* (India: Dā‘irat al-Ma‘ārif, 1322).

subscribe to the view of the intermediate state (*al-manzila bayna al-manzilatayn*), which argues that one could be neither a believer nor an unbeliever, and he also does not claim that unbelievers enter paradise, this report can only mean that he accepts the faith of the person who is unable to investigate the rational proofs on the ground of acceptance alone. This view, Taftāzānī comments, is no different from his own view.¹⁹⁸ The difference between belief and faith in conformist followers is a subject that merits further study, but is not relevant here.

Taṣḍīq, ‘ilm, and ma ‘rifa

Above I explained how Taftāzānī argues that the three terms, *taṣḍīq*, *ḥukm*, and *geravīdan* are synonyms. He also argues that they are not synonymous with knowledge (‘*ilm*) in its absolute meaning (i.e. perception of any type), for a person might *know* the truthfulness of a judgement and still deny it. Some scholars use this discussion to argue that accepting the faith is an obligation, so it must be an action, others claim that it is not an obligation because it is a quality (*kayfiyya*) of the intellect and not an action. For Taftāzānī, faith is a quality and still an obligation, because what is being obliged is the acquisition of this quality.¹⁹⁹ It is not then sufficient for the intellect to *know* the truthfulness of a judgement; it must also *accept* it to reach the level of *taṣḍīq*. This seems to stem from Ibn Sīnā’s view of *taṣḍīq* as external to the premises. Neither are the three terms synonymous with ‘*ilm* in its particular meaning (i.e. necessary knowledge of any type), because necessary knowledge can also be of perceptions, as will be explained.

Inspired by Arabic linguists, early scholars referred to *taṣawwur* by the term *ma ‘rifa*, and reserved the term ‘*ilm* for *taṣḍīq*. The reason for this practice is that, in the Arabic language, *ma ‘rifa* stems from the verb ‘*rafa*, which is a transitive verb that requires, in addition to its agent, one direct object, so you may say: I knew Zayd (‘*araftu zaydan*). By

¹⁹⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 2:265.

¹⁹⁹ Taftāzānī, 2:250-2; Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 98–100; Taftāzānī, *al-Talwīḥ ‘alā al-Tawḍīḥ*, 1:302.

contrast, *‘ilm*, like conjecture (*ẓann*), requires two direct objects and not one, so you may only say: ‘I thought Zayd is a scholar (*ẓanantu Zaydan ‘āliman*)’ or ‘I knew Zayd as just (*‘alimtu Zaydan ‘adlan*)’, and you may not say, ‘I thought Zayd (*ẓanantu Zaydan*)’ or ‘I thought a scholar (*ẓanantu ‘āliman*).’²⁰⁰ This practice of early scholars is based on the method of defining *taṣawwur* and *taṣdīq* as categories of knowledge, which restricts the first to the knowledge of singular objects and the second to the knowledge of propositional objects. This is different from that of Taftāzānī, which is based on the existence and absence of acceptance, as explained.

Although Taftāzānī himself does not specify a usage for the term *ma‘rifa*, in his *Sharḥ al-Shamsiyya*, he states that it has become the custom among scholars to use the term *ma‘rifa* in referring to knowledge of the particulars (*al-juz‘iyyāt*).²⁰¹ But he uses *‘ilm* in its absolute sense on many occasions, and at times he conjoins *‘ilm* and *ma‘rifa* to contrast with *taṣdīq* (*taṣdīq* is *other than ‘ilm* and *ma‘rifa*).²⁰² Moreover, in the section on the degrees of knowledge, he consistently uses ‘*ilm*’ to refer to necessary knowledge (including necessary conceptions and assents), in contrast to non-necessary knowledge (*ẓann* and its related terms). These notes and practices allow us to conclude that Taftāzānī uses the term *‘ilm* in two meanings: the first is a general meaning that refers to absolute knowledge (*muṭlaq al-‘ilm*), i.e. knowledge in the general sense – which is the logical usage of the term – and the second is a particular or technical meaning that refers to necessary knowledge – and this is the *uṣūlī* and *mutakallim* usage of the term. He does not, however, use *‘ilm* to refer to *taṣdīq*, or *ma‘rifa* to refer to conceptions in any formal way. Thus for convenience, I will only use the Arabic *‘ilm* throughout the rest of this thesis to refer to necessary knowledge.

²⁰⁰ Ghazālī, *al-Mustasfā min ‘ilm al-uṣūl*, 1:23-34. For the etymology and usages of *ma‘rifa*, please consult: R. Arnaldez, s.v. ‘Ma‘rifa’, in *Encyclopaedia of Islam*, Second Edition.

²⁰¹ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 109.

²⁰² For example Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 2:250; Taftāzānī, *Sharḥ al-Maqāṣid*, 2:250, which will be cited shortly.

4. Existent and non-existent objects of knowledge (*al-ma 'lūm* and *al-ma 'dūm*)

A final debate that I would like to address in this section is whether an object of knowledge (*al-ma 'lūm*) must be existent in order for it to be known. I previously mentioned that Taftāzānī corrected those who understood Ibn Sīnā's condition of *muṭābaqa* in *taṣdīq* as being the correspondence of a thing to reality, which would indicate the external existence of such a thing. He noted that this cannot be what Ibn Sīnā implied, and clarified that he was concerned with the acceptance of the relation in *taṣdīq* and not its existence in the external world. This is explicit in that an object of knowledge does not have to be existent. This opinion is the opinion of the wise philosophers (*al-ḥukamā'*), Taftāzānī says. There are some who oppose this opinion, unnamed in *al-Maqāṣid* but identified in *Sharḥ al-'Aqā'id* as Mu'tazilīs. The ground of their claim is that perception is an attribute of the perceived (*al-mudrak*), and thus it requires the perceived's external existence. If these objects do not have external existence, then we cannot perceive this external existence, or at least, we cannot claim a knowledge of these objects. The verifying scholars (*al-muḥaqqiqūn*) would not pay attention to such an objection, Taftāzānī comments.²⁰³

Hence, the perception of an object does not necessitate its external existence because it is perceived via the presence of its image in the intellect. But must this object of knowledge be a thing? This debate is known as the thingness of the non-existent (*shay'iyat al-ma 'dūm*). Taftāzānī states that his position in this debate is exactly the position of Abū al-Ḥusayn al-Baṣrī al-Mu'tazilī (d. 436/1044), which is that the term 'thing' (*shay'*) is applied to the non-existent (*ma 'dūm*), but only metaphorically, when it is known (*ma 'lūm*), because it is a thing in the intellect.²⁰⁴ An object of knowledge, however, is not a thing if by a thing we mean

²⁰³ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:225.

²⁰⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:85; Taftāzānī, *Sharḥ al-'Aqā'id al-nasafiyya*, 2:90. For an examination of how the theological debate of *shay'iyat al-ma 'dūm* is influenced by Ibn Sīnā's metaphysical debate on beings and existence, consult Robert Wisnovsky, 'Notes on Avicenna's concept of thingness (*shay'iyat*)', *Arabic sciences and Philosophy*, 10.2 (2000): 181-221. See also Richard M. Frank, 'The Non-Existent and the Possible in Classical Ash'arite Teaching', *Mélanges de l'institut Dominicain d'Études Orientales*, 24 (2000): 1-37.

what is established in the external world. This, for Taftāzānī, is a rational judgement that no one has disputed except Mu‘tazilīs, who claimed that possible non-existents are things established in the external world.²⁰⁵

5. Concluding remarks

In this section, I introduced several connected arguments regarding the classification of knowledge and its objects, in the hope of uncovering Taftāzānī’s conception of *taṣḍīq*, which plays a significant role in his epistemology, as will be unfolded in the coming sections and chapters. The following summarises and concludes the arguments of this section.

Firstly, knowledge is subdivided into conceptions and assents. A conception is the knowledge of singular objects or propositional relations prior to the intellect’s acceptance of such relations. An assent is the intellect’s acceptance of an affirmed or negated propositional relation, by which we mean making a judgement about such a propositional relation. The Arabic *‘ilm* as the category being divided is used to refer to both conceptions and assents; however, *‘ilm*’s most common usage in Taftāzānī’s works is to refer to what is necessary from both, the conceptions and assents.

Secondly, *taṣḍīq*, for Taftāzānī, is the intellect’s acceptance of judgements and not the judgements themselves, as other classical scholars, prominently the *ḥukamā’*, hold. Taftāzānī thus represents *taṣḍīq* as an epistemological act of the intellect and not as a category, opposing Rāzī’s school. He argues that *taṣḍīq* is further divided into the necessary and the conjectural. The former is *taṣḍīq* based on confirmation and the second based on preponderance. Both of which must be preceded by their appropriate methods of investigation. An exception is the case of faith, which Taftāzānī argues is *taṣḍīq*, considering it is the acceptance of the Message, while belief is not. Taftāzānī exceptionally accepts the

²⁰⁵ Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, 1:206

faith of the conformist follower based on their *taṣḍīq*, despite the fact that he requires that *taṣḍīq* be preceded by knowledge.

Finally, the distinction between *taṣḍīq* and *taṣawwur* creates a two-step epistemological act: the first is a prior step of concept-formation that needs to occur before a judgement takes place, and the second is an intellectual movement towards accepting a propositional relation between the formed concepts. For this reason, classical Muslim scholars dedicated sections of their works to definitions for the acquisition of these conceptions. This first epistemological step, according to Taftāzānī, requires the formation of three concepts: the subject of the proposition (the object of judgement ‘*al-maḥkūm ‘alayh*’), the predicate of the proposition (what is being judged ‘*al-maḥkūm bih*’), and the propositional relation (the judgement ‘*al-ḥukm*’). All three are prior to the epistemological step of *taṣḍīq*.²⁰⁶ These prior steps are conditions of *taṣḍīq* in the opinion of Taftāzānī, but are essential parts of *taṣḍīq* according to Fakhr al-Dīn al-Rāzī.²⁰⁷

The rest of this chapter deals with knowledge as a conception through investigating its definition, and then proceeds to its classifications and epistemic degrees, focusing on the two types of *taṣḍīq*: necessary knowledge (‘*ilm*’) and conjectural knowledge (*ẓann*).

²⁰⁶ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 116-117. In the terminology of other classical scholars, such as Ghazālī, *taṣḍīq* is preceded by only two conceptions. The first is the conception of the singulars of a proposition, and the second is the conception of a proposed relation between these two extremes. See Ghazālī, *al-Mustasfā min ‘ilm al-uṣūl*, 1:43.

²⁰⁷ For a later classical explanation of the differences between Rāzī’s school and the *ḥukamā*’ school in defining *taṣḍīq*, see Mallawī, *Sharḥ al-Sullam*, 12.

III. The definitions of knowledge

1. A linguistic note

The Arabic expression *‘ilm* is a homonymous expression (*lafz mushtarak*). A homonymous expression in the Arabic language may be associated with a number of meanings. For example, the expression *‘ayn* refers to several meanings, including the physical eye, a well of water, a spy, and a monetary object. In the case of the expression of *‘ilm*, Taftāzānī notes that scholars should pay attention to which linguistic usage they are referring to when offering definitions for *‘ilm*. He notes that there are three meanings for the expression *‘ilm*, the third of which is what we aim to investigate in this section:

1. Absolute intellect perception (*muṭlaq idrāk al-‘aql*). This encompasses all types of intellectual perceptions including conceptions and assents, necessary and non-necessary – this is knowledge in its general sense.
2. A particular type of intellectual perception, the assent (*al-idrāk al-taṣdīqī*), which would exclude conceptual knowledge.
3. A particular type of intellectual perception that encompasses the congruent conceptions and the necessary assents (*al-taṣawwur wa-l-taṣdīq al-yaqīnī*).²⁰⁸

The latter usage of *‘ilm* which is the subject of this section is in line with the previously discussed position of Taftāzānī regarding the category of *al-ma‘lūm* encompassing the conceptions and assents; the existent and non-existent. This is also in line with his position regarding the relationship between *‘ilm* and *taṣdīq* where he asserts that the two terms are not synonyms.

²⁰⁸ Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 1:17 and 1:229; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:18-19 and 1:230; Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, 1:39.

2. The struggle to define knowledge: three views

There are more agreements on the classifications of knowledge and its objects than there are regarding the definition of knowledge itself. The first step toward debating the epistemic value and hermeneutical function of different types of knowledge is defining what we mean by these types. This task, however, seems to be more difficult than one would imagine. The type of knowledge whose definition is debated at length in classical works is certain knowledge (*‘ilm yaqīnī*) or necessary knowledge (*‘ilm ḍarūrī*) – both are used synonymously in texts under examination and are mostly referred to by the term *‘ilm* unaccompanied by a qualification. This is clearly because other types of knowledge, including *ẓann*, are defined by their contrast to *‘ilm*. Yet classical Muslim scholars disagree regarding the possibility of defining *‘ilm*: some have said it cannot be defined, and others have said it can. The former further disagree on the reasons why it cannot be defined, and the latter disagree on how to define it.

Hence, there are three main views with regard to the definition of *‘ilm*: [1] those who claim that *‘ilm* is an immediately perceived concept that allows no definition; [2] those who claim that *‘ilm* is an ambiguous concept and that defining it poses severe difficulty; and [3] those who agree that *‘ilm* can be defined, but disagree on the method of its definition. The majority suggest that it is to be given a complete essential definition (*ḥadd tāmm*), while others suggest that a non-essential definition is sufficient. An essential definition requires a full distinction of the defined thing through its genus and differentia (*faṣl*), while the non-essential definition requires a partial distinction through qualities, illustrative examples or exhaustive classification of the defined thing.²⁰⁹

²⁰⁹ Al-Qāḍī ‘Aḍud al-Dīn al-Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 2nd ed. (Cairo: al-Maṭba‘a al-Amīriyya-Bulāq, 1404), 1:46-47; Qāḍī ‘Aḍud al-Dīn al-Ījī, *al-Mawāqif* (Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2011), 1:62-69; Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:47. Next chapter on *adilla* will further discuss these types of definitions and their significance in classical and late classical epistemology.

a. First view: *‘ilm* is immediate

In *Sharḥ al-Maqāṣid*, Taftāzānī attributes the first opinion to Fakhr al-Dīn Rāzī (d. 606/1209):

Imām al-Rāzī argued that the concept of *‘ilm* is immediate (*badīhī*) in two ways: the *first* is that it is a known object (*ma‘lūm*) of which acquisition is impossible. Such knowingness is [established] by means of the judgement of intuition, and such impossibility of acquisition is because [in order to acquire the knowledge of something,] it must occur through that which is other than itself. That is because a thing cannot be acquired through itself, and cannot be acquired through an unknown other. Since all other things are known through *‘ilm*, if *‘ilm* is known through that which is other than itself, [the argument] would be circular. What follows is that the concept of *‘ilm* is self-evident, which is the sought-after conclusion (*al-maṭlūb*). The *second* is that the knowledge of every individual that he is existent is immediate, i.e. it occurs without investigation or acquisition. This [type of knowledge] is a particular knowledge preceded by an absolute knowledge, because this [particular knowledge] is composed of [absolute knowledge] plus the particularity, and that which precedes immediate knowledge is [already] immediate knowledge (*wa-l-sābiq ‘alā al-badīhī badīhī*). Further, it is more worthy of immediacy. Thus, absolute knowledge is immediate, which is the sought-after conclusion.²¹⁰

Taftāzānī refutes Rāzī’s argument at length on the basis of the following counter-argument:

Rāzī’s two arguments are based on a failure to distinguish between the conception of knowledge (*taṣawwur al-‘ilm*) and its actual occurrence (*ḥuṣūl*).²¹¹ What we aim to achieve from defining *‘ilm* is acquiring its conception, while the above two arguments are for its occurrence.²¹²

The first argument, which alleges circularity in defining all things through *‘ilm* and then defining *‘ilm* through some things, fails to make such a distinction by equating perceiving a concept and being characterised by such a concept. Taftāzānī explains his refutation through the following example: an unbeliever who is characterised by unbelief because of the occurrence (*ḥuṣūl*) of denial in him may not comprehend this denial or this unbelief. Such an unbeliever may comprehend faith as a concept without necessarily being characterised by it. In other words, the reality of knowledge in a person (one *is* a believer;

²¹⁰ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:15-16.

²¹¹ See Taftāzānī, *Sharḥ al-Maqāṣid*, 1: 16-17; Taftāzānī, *Hāshiyā ‘alā Sharḥ al-Mukhtaṣar* 1:49-51.

²¹² See Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:50; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:16.

one *is* an existent) does not amount to one's characterisation by knowledge (i.e. one *is* a knower of belief; one *is* a knower of existence).

The second argument against the definition of *'ilm* according to Rāzī is claiming that the immediacy of one's *'ilm* of their own self necessitates the immediacy of *'ilm* in general. This argument also disregards the distinction between the conception of *'ilm* and its occurrence. It follows from the premise that one's knowledge of their own being (which we will call 'C') is a particular form of knowledge, composed of A) absolute knowledge, and B) particularity. If 'C' is proved to be immediate, then 'A' and 'B' must also be immediate. This is because the existence of the particular, in our case the immediate knowledge of one's being, proves the existence of the universal, i.e. knowledge. Another example is that if you know a human being is a rational animal, this necessarily means you have the knowledge of these two parts: 'rational' and 'animal.' Further, knowledge of the number 'four', which is composed of multiplying the number 'two', necessitates knowledge of the number 'two' as well as 'multiplication' or 'evenness.' This principle does not apply to the debate regarding the definition of knowledge according to Taftāzānī:

What is immediate to everyone is not the conception of *'ilm* as an existent (*bi-annahū mawjūd*); rather, it is the actual occurrence of such knowledge. This does not necessitate conceiving this occurrence (*huṣūl*) let alone its immediacy. It is similar to the fact that everyone knows they have a soul, but they do not know its essence.²¹³

In the book of accidents, Taftāzānī relates his argument against Rāzī to the previously discussed debate on the possibility of perceiving non-existent objects. We explained that conceiving of an object does not necessitate its external existence because its conception occurs in relation to the image the intellect forms for this object. But this image, he says, is

²¹³ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:16.

different from the quiddity (*māhiyya*) of the object perceived. Hence, it does not necessitate that the perceiving person (*al-mudrik*) be characterised by what he or she perceives.²¹⁴

Ījī also refutes this second argument of Rāzī in his *al-Mawāqif*, but on the basis of a different principle. Ījī explains that the conception of an object is more specific than its knowledge because the first, acquired by definitions, includes no judgement, while the second, being an assent, requires a judgement.²¹⁵ This reasoning, Taftāzānī states, is weak.²¹⁶ It is because the implication in Ījī’s argument is that the knowledge that we seek to define and the knowledge which we use to define all other things are of the same type; their relationship is the same as the relationship between the general and the specific. But for Taftāzānī, this is not the case, as explained in his refutation of Rāzī. In fact, Ījī’s response could support Rāzī’s position.

Despite this disagreement in responding to the second argument of Rāzī, Ījī was first to establish the general principle which Taftāzānī used to refute Rāzī’s two arguments, that is, the distinction between the conception and occurrence of knowledge. Ījī states, ‘The general response to the two doubts [of Rāzī] is by distinguishing the occurrence of knowledge from its conception (*wa-ḥāsil ḥall al-shubhatayn bi-l-farq bayna ḥuṣūl al-‘ilm wa-taṣawwurihi*).’²¹⁷

Taftāzānī, however, does not deny all connections between the conception of ‘ilm and its occurrence; rather, he denies that both are the same. After the above discussion, he remarks, ‘though it might entail it (*bal rubbamā yastalzimuhu*).’²¹⁸ So, the maximum connection between *taṣawwur al-‘ilm* and *ḥuṣūl al-‘ilm*, which is the basis for the circular

²¹⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:226.

²¹⁵ Al-Qāḍī ‘Aḍud al-Dīn Ījī, *al-Mawāqif* (Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2011), 1: 65; Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:44.

²¹⁶ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:49; also in: Taftāzānī, *Sharḥ al-Maqāṣid*, 1:16. The latter uses the word lenient ‘*tasāmuh*’ to describe Ījī’s response.

²¹⁷ Ījī, *al-Mawāqif*, 1:66.

²¹⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:17.

argument by Rāzī, is the possibility, and not the necessity, of entailment. The two are indeed separable. This disproves Rāzī's argument against defining 'ilm because of its immediacy.

b. Second view: defining 'ilm's definition is unattainable

In his *Sharḥ al-Mukhtaṣar* and *al-Mawāqif*, Ījī attributes the second view which negates the possibility of defining 'ilm because of its difficulty to Imām al-Ḥaramayn al-Juwaynī (d. 478/1085)²¹⁹ and Abū Ḥāmid al-Ghazālī (d. 505/1111).²²⁰ Taftāzānī's commentary, however, explains that this attribution is based on a misinterpretation of Ghazālī's position.²²¹ He claims that Ghazālī did not negate all possibilities of defining 'ilm; rather, he only negates the possibility of giving 'ilm a complete definition:

Ḥujjat al-Islām [al-Ghazālī] said that it is extremely difficult to define 'ilm by its essence in a clear sentence that combines its genus and differentia (*faṣl*). This is because such [a definition] is extremely difficult for most things, even for most sensory perceptions (*mudrakāt ḥissiyya*), such as the smell of musk. So [imagine] how [difficult] it would be for intellectual perceptions (*idrākāt*).²²²

This passage from Ghazālī's *Mustaṣfā* must have been the statement that led Ījī to attribute this second view to him. The rest of Ghazālī's statement, which Taftāzānī continues to summarise, shows that Ghazālī offers an alternative to this complete essential definition of 'ilm, which he deems difficult to obtain:

²¹⁹ Note that Ījī uses the title *al-imām* to refer to Imām al-Ḥaramayn al-Juwaynī but Taftāzānī uses this title to refer to al-Imām Fakhr al-Dīn Rāzī (d. 606/1209) in *al-Maqāṣid*, its *Sharḥ*, and in *al-Shamsiyya*. This difference of usage is sometimes indicated by the name of the book they cite, and in other times by revealing the name of the view holder in a different passage, section, or text. When referring to Juwaynī, Taftāzānī gives him the title Imām al-Ḥaramayn (e.g. al-Taftāzānī, *Sharḥ al-Maqāṣid*, 2:379; Sa'd al-Dīn 'Umar ibn Mas'ūd al-Taftāzānī, *al-Talwīḥ 'alā al-Tawḍīḥ*, 1:63). Interestingly, in these sections of postulates, Taftāzānī rarely engages with Imām al-Ḥaramayn's views in comparison with his extensive engagement with Ibn Sīnā, Rāzī, Ījī, or Ghazālī's views.

²²⁰ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:46; Ījī, *al-Mawāqif*, 1:67.

²²¹ Taftāzānī does not deal with Imām al-Ḥaramayn's position on this matter in his *Hāshiyā* and his *Sharḥ al-Maqāṣid*. I speculate that his manuscript removed the *wāw* letter between al-Imām and al-Ghazālī in Ījī's *Sharḥ* statement which states, similar to Āmidī in *al-Iḥkām*, '*qāla al-imām wa-l-Ghazālī*', or that he thought clarifying Ghazālī's position would also encompass Imām al-Ḥaramayn's. See Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:46; Sayf al-Dīn al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām* (Beirut: Dār al-Fikr, 2003), 1:11.

²²² Taftāzānī, *Hāshiyā 'alā Sharḥ al-Mukhtaṣar*, 1:47.

We might, however, be able to explain the meaning of *‘ilm* through its division or through [giving] an example [for it]. As for division, it is distinguishing it (i.e. *‘ilm*) from other intellectual perceptions with which it could be confused; we distinguish it from conjecture (*ẓann*) and doubt (*shakk*), through apodictic confirmation (*jazm*), and [we distinguish it] from ignorance through correspondence to reality (*muṭābaqa*), and from the faith of the conformist follower through the fact that [their] faith remains even if the doctrine [which they follow] changes, [all of which] contrast *‘ilm*.²²³

In this passage, Ghazālī suggests that *‘ilm* can be made clear and distinguishable from other intellectual perceptions through identifying its most essential qualities. According to him, these qualities are: being confirmed (*jāzim*), correspondent to reality (*muṭābiq*), and established (*thābit*). This latter condition of establishment for *‘ilm*, explained elsewhere in classical works, refers to the existence of proper justification. Some scholars, therefore, express this condition more explicitly as ‘*an dalīl*’ as found in Rāzī’s *al-Maḥṣūl*, for example. The second method for understanding *‘ilm* without having to offer a complete essential definition is simile. Ghazālī has also suggested comparing the state of *‘ilm* in the intellect with the state of sight in mirrors:

As for the [explanatory] example: the perception of the intellect is similar to the perception of the eyesight. There is no meaning for ‘seeing’ other than the reflection of the seen image, i.e. its exact replication, in one’s visual faculty (*quwwa bāṣira*), as in the reflection of an image in the mirror. Similarly, *‘ilm* is the exact replication of intelligibles (*ma qūlāt*) in the intellect. ... Thus, the division I mentioned separates *‘ilm* from any confusing resemblances (*mazānn al-ishtibāh*), and this example enables you to understand the reality of *‘ilm*.²²⁴

After this detailed quotation from Ghazālī’s *al-Mustaṣfā*, Taftāzānī defends his understanding of Ghazālī saying, ‘this is the end of the summary of his words in the *al-Mustaṣfā*,²²⁵ through which it becomes clear that what he meant is the severity in offering a complete essential definition of *‘ilm* and not the severity of offering a non-essential distinguishing one.²²⁶ In

²²³ Also cited in: Taftāzānī, *Sharḥ al-Maqāṣid*, 1:17.

²²⁴ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:47.

²²⁵ For the original passage by Ghazālī, see Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:32–35; Ghazālī, *al-Mankhūl*, 1:40. For Imām al-Ḥaramayn’s view see Abū al-Ma‘ālī ‘Abd al-Malik b. ‘Abd Allāh al-Juwaynī, *al-Burhān fī uṣūl al-fiqh*, ed. Ṣalāḥ b. Muḥammad ‘Uwayḍah (Beirut: Dār al-Kutub al-‘Ilmiyya, 1997), 1:121.

²²⁶ This is drawn from the logical distinction between the complete definition (*ḥadd*) and the distinguishing definition (*rasm*), which will be addressed in the chapter on *adilla*.

fact, Ghazālī states his position very clearly at the end of this section in the *al-Mustasfā*, saying: ‘this is what we see as sufficient in explaining the reality of ‘ilm,’²²⁷ so it is not clear whether Ījī read Ghazālī’s complete passage carefully or whether he was reporting his view through other authors who had also misread the passage. The clarification Taftāzānī offers for what Ghazālī means by definition-by-example further refutes Ījī’s response to Rāzī’s argument against the immediacy of ‘ilm. Taftāzānī explains that by making a simile between what is seen by the eyesight and what is perceived by the intellect, Ghazālī is not saying that ‘seeing’ is a particular form of ‘ilm through which ‘ilm is immediately perceived.

c. Third view: defining ‘ilm through through language and qualities (through interpretation)

The third of the three groups debating the definition of ‘ilm agrees on the possibility of defining ‘ilm, but disagrees on the type of definition that is sufficient or possible to obtain. The above explanation of Ghazālī’s position places him in this third group rather than the second. This is also where Taftāzānī stands as he defends this view in both *al-Ḥāshiya* and *Sharḥ al-Maqāṣid*. In his short manual, *al-Tahdhīb*, Taftāzānī states that ‘ilm cannot be given a complete definition (*al-‘ilm lā yuḥadd*), but it can be interpreted in a way that distinguishes its different terminologies.²²⁸ A similar assertion is made in *Sharḥ al-Shamsiyya* with no further elaboration.²²⁹ He also uses two definitions of ‘ilm in his commentary on *al-Nasafiyya* for two different usages of the term: absolute knowledge and necessary knowledge.²³⁰ All of

²²⁷ Ghazālī, *al-Mustasfā min ‘ilm al-uṣūl*, 1:35. Ghazālī’s *al-Mankhūl* statement, however, might be more explicit in the impossibility to define ‘ilm as he criticise a list of classical definitions and only suggests classification for distinguishin ‘ilm from other perceptions, especially from belief, see Ghazālī, *al-Mankhūl*, 1:40.

²²⁸ Taftāzānī, *al-Tahdhīb*, 15.

²²⁹ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 97.

²³⁰ Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, 1:37.

which suggest that Taftāzānī agrees *‘ilm* can be interpreted (*yufassar*),²³¹ though it cannot be given a complete definition (*yuhadd*) in the logical sense.

Though he suggests, similar to Ghazālī, that it is possible to define *‘ilm* through non-essential definitions, Taftāzānī admits that most of the proposed definitions of *‘ilm* are ‘objectionable (*madkhūla*).’²³² This dissatisfaction with what scholars had to offer in their definitions or interpretations of *‘ilm* led Taftāzānī to focus on the qualities and conditions which may together lead us to identifying the reality of *‘ilm* and distinguishing it from other intellectual perceptions. To this end, Taftāzānī cites two definitions of *‘ilm* which manifest its most essential qualities, then he offers a rational condition which acts as a parameter to test the existence or non-existence of these qualities in claims of *‘ilm*. The two definitions are as follows:

- i. A quality (*ṣifa*) by which the object of knowledge is manifested (*yatajallā*) in whomever such a quality is established. This excludes conjecture, compound ignorance, and the conformist follower’s belief.
- ii. A quality which correlates to the divine creation; it is a distinction between meanings that do not allow the occurrence or supposition of their contraries.

These are the two definitions I previously mentioned that Taftāzānī uses in his commentary on *al-Nasafiyya* as well in *Sharḥ al-Maqāṣid*. Both of these definitions affirm that *‘ilm* is a strong psychological quality (*kayfiyya nafsāniyya*) which is confirmed (to exclude conjecture), correspondent to reality (to exclude compound ignorance), and based on a proof (to exclude beliefs).

The impossibility of contraries (*‘adam iḥtimāl al-naqīḍ*)

²³¹ Defining through interpretation is one of the types of non-essential definitions (*ta’rīf bi-l-rasm*) which will be explained in the chapter of *adilla*. It only requires offering some kind of distinction of the defined thing through either mentioning its special properties, illustrative examples, or its classification, as done by Ghazālī.

²³² Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 1:17.

As for the rational criterion used to test this quality of *‘ilm*, it is the impossibility of its contrary (*‘adam ihtimāl al-naqīd*). The concept of the impossibility of contraries is one of the most complicated concepts to understand in the epistemological sense. It is clear, however, that it is a criterion which serves the condition of confirmation (*thubūt*) to exclude any knowledge which is less than necessary knowledge. Before proceeding to what Taftāzānī means by this concept, it is important to note that a contrary (*naqīd*) is not the same as an opposite (*ḍidd*). The former is a relation of mutual nullification between two objects: one of which must be true while the other must be false. For example, an object is either existent or non-existent, a proposition is either true or false. This is mostly a case of affirmation and negation but also occurs in cases where there are only two possibilities, like day and night, or movement and stillness. It cannot be both and it cannot be neither. An example of the latter, the opposite, is an object which is white or black. It cannot be both, but it can be neither (e.g. the object is red or yellow, and so on).

Taftāzānī explains that what this rational criterion of *‘ilm* means is the impossibility of the actual occurrence or supposition of occurrence of the contraries of the knowledge of an object. So, a contrary or contraries of a known object cannot exist or bear existence in and of themselves. This method distinguishes *‘ilm* – in the meaning of congruent conceptions and necessary assents – from possible or ordinary things (*‘ādiyyāt*). Taftāzānī writes: ‘[Note that] the meaning of our saying ordinary things (*‘ādiyyāt*) bear their contraries, is that if the occurrence [of an ordinary thing’s contrary] is supposed, it does not necessitate an essential absurdity by itself (*muḥāl li-dhātih*).’²³³ This usage of the term *‘ādiyyāt* is synonymous with the theological term possible matters (*mumkināt*), which are objects which may and may not exist, and not the legal usage, which refers to judgements based on customs or traditions.

²³³ Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 1:17.

Hence, what is meant by this criterion is that our intellects cannot permit the occurrence of contraries in an immediate and real manner or in the future. How can this rational criterion help distinguish *'ilm* from all other perceptions? Taftāzānī explains that in the case of *ẓann*, the intellect is able to perceive contraries of the conjectural (*maznūn*) at the time of making the conjectured judgement as well as in external reality. An example is an authenticated report through an individual truthful reporter which is countered by an authenticated report through another individual truthful reporter. Judgements based on both reports are *maznūn* and may both be accepted, though they are contraries. The judgement in *ẓann* has no confirmation (*jazm*). In the case of the belief of conformist followers, contraries are possible to occur immediately or in the future. This is because such a belief enjoys confirmation, but it lacks the existence of a justification, a *dalīl*, that would disallow change or removal from occurring now or in the future.²³⁴ The distinction is of course obvious in the case of doubts and compound ignorance and hence Taftāzānī did not address it.

The following example illustrates the meaning of this criterion: consider a mountain we know through ordinary judgement to be made of stone. In a way, this knowledge of the mountain bears its contrary because the mountain of stone could turn into a mountain of gold, or could vanish (*yu'dam*) and be replaced by a mountain of gold. All of these are possible as long as we establish the existence of an All-Powerful Creator. This contrary is thus rationally possible to occur because it is possible for the intellect to perceive it. However, the intellect cannot perceive the mountain being made of stone and gold at the same time; rather, if one possibility is confirmed, the other one is necessarily not perceived by the intellect and not confirmed in external reality.²³⁵ In this way, this ordinary judgement disallows the occurrence

²³⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:19, also in 1:230, there Taftāzānī describes the opinion which says that the impossibility of a contrary means if the contrary is supposed, it would not lead to essential absurdity as the true opinion. Taftāzānī, *Ḥāshiyā 'alā Sharḥ al-Mukhtaṣar*, 1:58-60.

²³⁵ See Taftāzānī, *Ḥāshiyā 'alā Sharḥ al-Mukhtaṣar*, 1:58-9; Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:56-7.

of its contrary, although it is in the realm of possible things only in the sense that it is possible to come into existence in the future.

Some scholars are not as restrictive as Taftāzānī and his teachers regarding the condition of the impossibility of contraries. They suggest that the impossibility considered here is only in external reality, and hence, mental existence of contraries to what we claim is *‘ilm* does not cancel our judgement of its knowledge. Their opinion entails that these known objects do not have to be true in and of themselves. Taftāzānī refutes this view and asserts the position of his teacher Ījī on the matter:

Some glosses [suggest] that the meaning [of *iḥtimāl al-naqīd*] is that the contrary is possible in and of itself but is impossible for external reasons; [which means] that its essence has been acquired through ordinary judgement, and that such a contrary is impossible [to occur] in external reality [even if it is possible to be conceived in the intellect]. In other [glosses] the meaning of intellectual permissibility is the possibility of external occurrence, and that [the meaning of] possibility (*iḥtimāl*) is the possibility of mental [existence]. The negation of the second does not contradict the affirmation of the first.

You surely know (*khābīr*) that *‘ilm* requires the impossibility of its contrary in every way. Therefore, you realise that the correct opinion is that of the commentator [Ījī].²³⁶

An example of this is if you see Zayd moving or see a white body; it is absolutely impossible, in the same instance that you see Zayd, for him not to be moving or for the body not to be white. Rather, you are certain that the reality is this propositional relation (*nisba*) and not the other. Ordinary knowledge (*al-‘ulūm al-‘ādiyya*) is of this type because it is always possible to presuppose their contraries without falling into absurdities. In other words, conjectural knowledge comprises judgements that permit the mental existence of their contraries, even if these latter judgements never occur in external reality. Despite this, Taftāzānī still considers these judgements to be of the conjectural type. This strictness regarding the criterion of *‘ilm* inevitably decreases the scope of *‘ilm* according to Taftāzānī from this particular angle, impossibility of contraries; however, the scope of what Taftāzānī regards as *‘ilm* outlined in

²³⁶ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:60.

the next section suggests that in practice, this criterion is not strictly applied to necessary knowledge.

IV. The classification and epistemic degrees of knowledge

1. Immediate and investigative conceptions and assents

As discussed previously, the classification of the objects of knowledge (*al-ma' lūmāt*) comprises the singular and propositional, the existent and non-existent objects. Conceptions (*al-taṣawwurāt*) include singular objects and propositions whose propositional relations have not been accepted. Assents (*al-taṣdīqāt*) are restricted to the intellect's acceptance of propositional relations in necessary and conjectural judgements. Arriving at such an acceptance might require an investigation of the singular concepts and the proposed relation between them, in which case, this knowledge would be termed investigative (*naẓarī*) or acquired (*kasbī*), or it might not require such an investigation, in which case, the knowledge would be termed immediate (*badīhī*).

Classical Muslim scholars term this quest to acquire knowledge a scholarly investigation (*naẓar*). They note, with consensus, that *naẓar* leads to conjectural knowledge (*ẓann*), but they disagree on whether it leads to necessary knowledge (*'ilm*)—i.e. that which is other than the immediately perceived knowledge, which does not require *naẓar*. Taftāzānī and most legal theorists and theologians of the classical and late classical periods hold the view that suggests that *naẓar* leads to necessary knowledge. Thus, the types of knowledge our intellects perceive according to them are as follows:

I. Singular conceptions:

1. Immediate (*taṣawwurāt ḍarūriyya*), such as perceiving existence and non-existence, or knowledge according to Rāzī.
2. Investigative (*taṣawwurāt naẓariyya*), such as perceiving jinn, or knowledge according to Taftāzānī.

II. Propositional perceptions (*taṣdīqāt*):

1. Immediate judgements (*taṣḍīqāt badīhiyya*), an example of which is the impossibility of X being both existent and non-existent, or of being white and not-white simultaneously.
2. Investigative (*taṣḍīqāt naẓariyya*), which is further divided into:
 - a. That which after investigation becomes necessary (*ḍarūriyya*), such as the createdness of the universe.
 - b. That which after investigation becomes conjectural (*ẓanniyya*), such as most of our judgements.

A lengthy discussion of these terms in *Sharḥ al-Maqāṣid* allows us to conclude that the following terms are synonyms: investigative (*naẓarī*), acquired (*kasbī*), and inferred (*istidlālī*). The only exception would be for the one who considers divine inspiration (*ilhām*) a method of knowledge acquisition, in which case, Taftāzānī suggests, *kasbī* would be a broader category than *naẓarī*, because one could then acquire knowledge via other than scholarly investigation (*naẓar*). But *naẓarī* does not equal conjectural knowledge (*ẓannī*), because *naẓar* leads to both *ilm* and *ẓann* according to the opinion of Taftāzānī.²³⁷ In another discussion in *Sharḥ al-Shamsiyya*, Taftāzānī explains that *badīhī* and *ḍarūrī* are used synonymously by some scholars to refer to the knowledge which requires no investigation (i.e. not acquired). However, *ḍarūrī* is also used in a broader sense to include knowledge which does not require acquisition even if it requires something else, such as intuition and experiments, hence *badīhī* is a type of *ḍarūrī* which only requires a proposition's extremes (subject, predicate, relation) to reach a judgement. He then adds that later scholars argue that even if the conception of the proposition's extremes requires acquisition, it is still *ḍarūrī*.²³⁸ For example, one may require a definition for X and another definition for Z, but once both definitions are acquired, affirming or negating the propositional relation between them can be

²³⁷ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:20-21.

²³⁸ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 103.

ḍarūrī. In this case *nazarī* is not opposite to *ḍarūrī*; rather, it is opposite to *badīhī* only. It is also essential to note that some logicians, such as al-Abharī in his *Isāgoge* and al-Mallawī in his *Sharḥ al-Sullam*, use the term certain knowledge (*‘ilm yaqīnī*) as a synonym for *ḍarūrī*, which I will refute later in this study.

Necessary knowledge (which I will refer to as *‘ilm* for the rest of this chapter) is thus in contrast with conjectural (*ẓannī*) knowledge and not with investigative (*nazarī*) knowledge, as some opinions refuted by Taftāzānī suggest. This means that we have two levels of *‘ilm*:

1. *‘ilm badīhī* (immediate-necessary knowledge) which requires no investigation, but is self-evident.
2. *‘ilm nazarī* (investigative-necessary knowledge) which requires investigation for its acquisition.

These two levels apply to conceptions and assents alike. However, the investigative-conjectural knowledge (*ẓann*) applies only to assent. Once a conception is perceived, either immediately or through investigation, its knowledge is considered necessary. This is because concepts are images formed in the intellect and these images either exist once recalled (in the case of the immediate), or once defined or distinguished (in the case of the investigative necessary conceptions). It is thus only in relation to assents that the epistemic value of investigative knowledge is varied. This is the opinion of Rāzī, supported by Taftāzānī.²³⁹ The methods of defining and distinguishing concepts, including definitions, divisions, and explanatory phrases will be discussed in the chapter on *adilla*.

The second epistemological act we previously discussed is then required only if the first epistemological act, i.e. the concept-formation, was not sufficient to establish judgements concerning the relations between the concepts formed. If the first step was sufficient, there is no need for the second. For example, if the conception of the number *four*

²³⁹ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:21-22.

and the number *two* are used as the extremes of a proposition, the proposed judgement, that *two* is half of *four*, is immediately established in the intellect, and requires no further investigation.

The focus of the remaining part of this chapter will specifically discuss the epistemic value of investigative necessary and conjectural knowledge. I first outline in detail the types of investigative necessary knowledge (*'ilm nazārī darūrī*) according to Taftāzānī. Then I discuss the classical sceptical critiques concerning these types. Lastly, I identify the place of *ẓann* at the borders this framework, paying special attention to the overlap in scope of *'ilm* and *ẓann* as two categories for investigative knowledge as well as of *taṣdīq*. This bipartite classification of investigative knowledge and of *taṣdīq* is different from the classification of perception (*idrāk*), which includes, in addition to *'ilm* and *ẓann*, doubt, delusion, and belief. Both classifications are distinct for Taftāzānī, as opposed to Rāzī.

2. Classification of necessary knowledge

If the conception of the two or more extremes of a proposition succeeded in producing a judgement in their regard, there will be no need to perform the second epistemological act we discussed. The set of judgements produced by the first epistemic act are termed immediate (*badhiyyāt* or *awwaliyyāt*). For example, conceptualising the ‘whole’ and the ‘part’ immediately results in the judgement that the whole is greater than the part. This, however, is not the case for most intellectual judgements, including, of course, legal and theological knowledge. Conceptualising ‘prayer’ and ‘obligatory’ or ‘fire’ and ‘burning’ does not result in affirming or negating a relation between them. One requires additional investigative support to reach conclusions or to form judgements for premises of this kind. This additional support can either be to support the intellect itself in making the judgement, or to support the propositions to indicate the judgement, or a combination of both, support for the intellect and

the propositions. By proposition (*qaḍiyya*) here, scholars refer to propositions containing the argument, i.e. the propositional relation one seeks to affirm or negate.

Logicians, theologians, and legal theorists discuss different types and conditions for the support which helps reach necessary judgements not immediately created through the mental images in the intellect. An example of the type of support required for the intellect itself is witness (*mushāhada*). In the above example of fire and burning, the intellect by itself is unable to conclude that fire burns, but when one sees or touches fire and it burns, their sense perception becomes a witness that aids their intellect to conclude that this fire burns. This particular judgement is thus made through conceptualising ‘fire’ and ‘burning’ in addition to sense perception. The repeated occurrence of this affirmed judgement can then create a universal judgement: fire burns. These are two different types of ‘ilm as explained below. An example of the type of support a proposition might require is logical entailment (*luzūm*) between its subject and predicate. For example, to conclude that ‘two’ is half of ‘four’, the intellect needs to notice ‘evenness’ as a logical entailment for numbers which can be divided by two. An example of using a combination of intellect-support and proposition-support is in the case of physical experiments, because sense perception supports the intellect, and a proof indicating the connection between repeated results and the experiments supports the proposition.

Each of these three cases of support comes in two forms and creates two separate types of ‘ilm. Witness can either be witness of the apparent senses (*ḥissiyyāt*) or of the inner senses (*wijdāniyyāt*). The logical entailment can either be necessary, as in innate matters (*fiṭriyyāt*), or not necessary, as in intuitions (*ḥadsiyyāt*). The third case, which is a combination of additional support to the intellect and the proposition, creates the reports with multiple transmissions (*mutawātirāt*), where hearing of reports by first transmitters is a sense support for the intellect, and an implied syllogism is added in support of the proposition. This

implied syllogism, as will be explained, is a conditional exceptive syllogism, and it may read as follows:

Minor premise: If the report is not true, this mass of people would not have transmitted it.

Major premise: But it is established that they have transmitted it.

Conclusion: It is true.

Exceptive syllogisms are composed of one conditional proposition (the minor premise) and one exceptive proposition (the major premise). A conditional proposition is constructed via an antecedent (the first part) and a consequent (the second part). Two basic rules of production apply to this type of syllogism: the first is that affirming the antecedent results in affirming the consequent while affirming the consequent does not result in affirming the antecedent. A classic example is: if the prayer is valid, the praying person ritually pure; the prayer is valid; thus, the praying person ritually pure. Affirming the antecedent, however, does not affirm the consequent. If you say: the prayer is not valid, it does not necessitate that the praying person does not have ablution because the prayer can be invalid for other reasons. The second is that negating the consequent results in affirming the antecedent, such in the example above, while negating the antecedent (the report is true, for the above example) does not result in affirming or negating the consequent.²⁴⁰

Physical experiments (*mujarrabāt*) is the second category which falls under this third case. The correlation between a thing's cause and that thing's effect acts as a support for the intellect. An implied categorical syllogism like the one below acts as a support for the proposition itself:

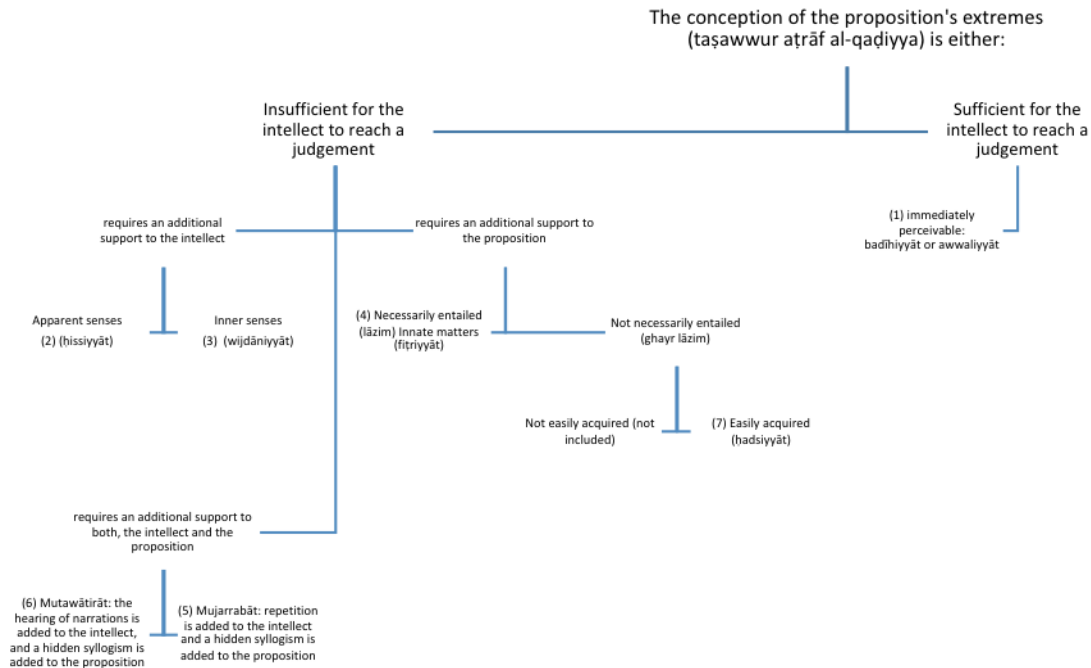
Minor: All repeated occurrences of a thing in the same way at all times must have a cause

Major: In all cases where causes exist, their effects also exist.

Conclusion: All existing causes have existing effects.

²⁴⁰ For the definition and conditions of exceptive syllogisms, see Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 359–61; Mallawī, *Sharḥ al-Sullam*, 69–70.

The following diagram further clarifies how Taftāzānī explains this classification of necessary knowledges:



[Figure 3: classification of necessary knowledge]

[1] *Badīhiyyāt*, also known as *awwalīyyāt*, are judgements which the intellect accepts (*yaḥkum bihi*) by merely perceiving its two extremes (*ṭarafayn*). Examples are ‘one is half of two’, and ‘X cannot be in two places at the same time’. The intellect may fail to perceive immediate judgements for external reasons, such as in the case of insanity or the non-creation of this knowledge after the comprehension of the propositions’ extremes, as will be pointed out.

[2] Sensory matters (*ḥissiyyāt*) are the judgements which the intellect perceives through witness of apparent senses, and it is one of two types of *mushāhadāt*. For example, the sun is bright and the fire is burning. Judgements based on senses are particular judgements; i.e. they are specific to the case witnessed, so you may make the judgement that this particular fire is burning, not that all fire is burning.

[3] Emotional matters (*wijdāniyyāt*) are judgements which the intellect perceives through the witness of inner senses, such as our knowledge that we are angry or fearful. This is the second type of *mushāhadāt*. Their judgements are also particular and they have no epistemic value, i.e. one cannot use these emotional matters in arguments with another; they establish the knowledge of their perceiver only.

[4] Innate or dispositional matters (*fiṭriyyāt*) are those which the intellect perceives through a mediation (*wāsiṭa*). This mediation must not be hidden or separable in the intellect; it must be necessarily entailed. This condition applies to what the logicians term ‘propositions that contain their syllogisms’; their standard example is the evenness of the numbers four, six, and so on. Once you perceive such a number, you perceive its evenness. The extremes of the proposition and the relation between them are inseparable in the intellect.

[5] Physically experiments (*mujarrabāt*) are judgements which the intellect perceives through the repetition of observation. An example is fever as a sign of flu.

[6] Mass-transmissions (*mutawātirāt*) are judgements which the intellect perceives through the mass-reporting of a possible thing (*amr mumkin*), such as the existence of China for those who have never visited China.

[7] Intuitive matters (*ḥadsiyyāt*) are judgements the intellect perceives through the strong intuition of the soul that removes any doubt.²⁴¹

This is the reasoning behind restricting, or rather, *broadening*, necessary knowledge to these six classes, in addition to the immediate, as explained by Taftāzānī.²⁴² Although this list of necessary knowledges, with variations in number or description, appears in other *kalām* and logic texts, this explanation of how they are created through the required support of the intellect and/or the proposition is particular to Taftāzānī. Ījī, for example, classifies the

²⁴¹ Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 1:24; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:25; Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, 1:30; Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 368–69.

²⁴² Taftāzānī, *Sharḥ al-Maqāṣid*, 1:24-25; Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 1:24; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:25; Taftāzānī, *Sharḥ al-‘Aqā’id al-nasafiyya*, 1:35-53.

necessary knowledges in his *Mawāqif* into *wijdāniyyāt*, *ḥissiyyāt*, and *badīhiyyāt* only.²⁴³ He explains that the first has little epistemic value (*qalīlat al-naḥḥ fī al-‘ulūm*) because of the near impossibility of sharing this type of knowledge with others or of verifying its existence in others. This is similar to why Taftāzānī argues *wijdāniyyāt* are particular judgements. However, Taftāzānī sees this to also be the case for *ḥissiyyāt* as explained in the fire example above. In his *Sharḥ al-Shamsiyya*, he states that the judgements based on *mushāhadāt*, which comprises *wijdāniyyāt* and *ḥissiyyāt*, are particular judgements.²⁴⁴ The difference between the two is that *ḥissiyyāt*, when accompanied by the rational correlation through repetition, may lead to universal judgements, while *wijdāniyyāt* are always particular judgements. Necessary knowledge to Ījī is thus restricted to two types: *ḥissiyyāt*, and *badīhiyyāt*. Ījī’s view is identical to the view of Rāzī as stated in his *al-Muḥaṣṣal*, and as Taftāzānī notes.²⁴⁵

Jurjānī’s commentary on *al-Mawāqif*, which was written over a decade after Taftāzānī’s *Sharḥ al-Maqāṣid*, includes in *ḥissiyyāt*: physically tested matters, mass-transmitted reports, witnessed matters, and intuitive matters. Thus, Jurjānī’s list which expands Ījī’s bipartite classification of necessary knowledge into six types is nearly identical to Taftāzānī’s list, although different in his method of classification. For example, Jurjānī includes *ḥadsiyyāt* in *ḥissiyyāt*, contrary to Taftāzānī. This inclusion of *ḥadsiyyāt* in *ḥissiyyāt* was criticised by some of Jurjānī’s commentators such as the Indian Ḥanafī theologian ‘Abd al-Ḥakīm al-Siyalkūtī (d. 1067/1657). This is because although some of the *ḥadsiyyāt* can be based on the senses, such as our judgement that the source of the moon’s light is the sun, most of the *ḥadsiyyāt* are extrasensory judgements and they happen as a result of a sudden intrinsic communication with the soul; i.e. they are not based on senses or sense repetition.²⁴⁶ This is the reason why Taftāzānī did not include *ḥadsiyyāt* in the type of necessary

²⁴³ Ījī, *al-Mawāqif*, 1:123-4.

²⁴⁴ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 369.

²⁴⁵ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:26; Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta’akhhirīn*, 6.

²⁴⁶ ‘Abd al-Ḥakīm ibn Shams al-Dīn al-Siyalkūtī, *Hāshiya ‘alā Sharḥ al-Mawāqif* (Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2011 [in the margins of Jurjānī’s *Sharḥ al-Mawāqif*]), 1:124.

knowledge that requires a support for the intellect, as is clear from the diagram above.

Another difference between Jurjānī and Taftāzānī's classification is that Jurjānī includes *fiṭriyyāt*, such as two is an even number, in the class of *badīhiyyāt*²⁴⁷ while Taftāzānī places them in a separate class. Jurjānī considers the inseparable entailment of these propositions' syllogisms sufficient to be considered immediately perceived, while Taftāzānī considers the entailment of such syllogisms as an additional requirement for the intellect to reach a judgement and hence cannot be thought of as immediately perceived.

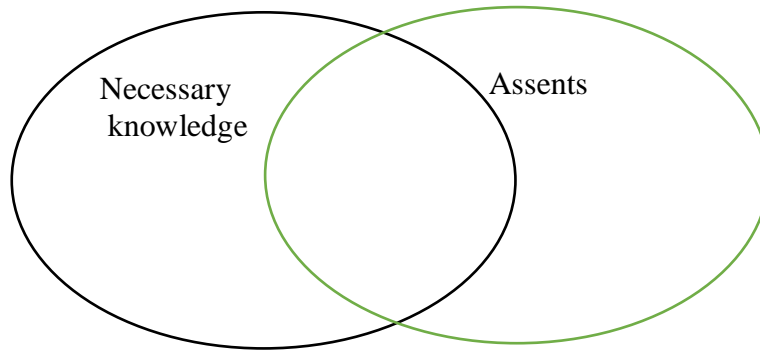
In summary, the classes of necessary knowledge (*al- 'ulūm al-ḍarūriyya*) are seven. *Badīhiyyāt* is the only class which constitutes self-evident rational judgements. The rest are investigative and are constituents of ordinary judgements (*aḥkām al- 'āda*). This is according to the school which holds that *nazar* leads to *'ilm* and not only to *ẓann*. This opinion is held by most classical scholars, Taftāzānī claims. This claim will be examined in the chapter on *nazar*. It is noteworthy that the sources of these six classes of *'ilm* are essentially the intellect (*'aql*) and reports (*naql*), as well as senses (*ḥawāss*), if considered a separate source of knowledge, not a subordinate of the first two sources, as noted by some scholars including, for example, Ṭūsī. The chapter on *adilla* examines these sources in detail.

a. Necessary and assented judgements

One final point to note here is the relationship between *'ilm* and *taṣdīq*, which, as we explained, comprise necessary and conjunctive judgements. The figure below shows the relationship between *'ilm* and *taṣdīq*: some of the assents are necessary and some of the necessary are assents. The shared area between the two is assented necessary knowledge (*al-taṣdīqāt al-ḍarūriyya*). In addition to this shared area, the circle of assents includes

²⁴⁷ Ṭūsī, *al-Mawāqif*, 1:123-4; Sayyid al-Sharīf 'Alī ibn Muḥammad al-Jurjānī, *Sharḥ al-Mawāqif* (al-Maktaba al-Azhariyya li-l-Turāth, 2011 [in the margins of Ṭūsī's *al-Mawāqif*]), 1:124. Other logicians, such as al-Mallawī in his *Sharḥ al-Sullam*, follow the same practice.

conjectural assents (*al-taṣḍīqāt al-zānniyya*) and the circle of necessary knowledge includes necessary knowledges which are not assented.



[Figure 4: the relationship between necessities and assents]

Another important distinction between *‘ilm* and *taṣḍīq* is that Taftāzānī requires correspondence to reality in *‘ilm*, as we noted in the condition of confirmation and the criterion of impossibility of contraries, but he does not require this condition in the case of *taṣḍīq*. This is consistent with Taftāzānī’s opinion considering *taṣḍīq* an attribute of the intellect and not of the proposition itself. The condition of correspondence to reality plays a significant role in the definition of *naẓar* and the epistemic value of the judgements it produces, which will be discussed in the chapter on *naẓar*.

3. Contesting necessary knowledges: sceptical critiques

Throughout his oeuvre, Taftāzānī takes sceptical critiques very seriously; he neglects no opportunity to engage with their doubts, and sometimes attempts to reconcile their views with his own and those of his teachers. His responses to sceptical critiques about his classification of *‘ilm* is an example of this. Some of these critiques are levelled against the concept of *‘ilm* as a confirmed established form of knowledge which also corresponds to reality. They are claiming that such a concept is not applicable within human capacity, while some of them

exclude one or more classes of *ilm*. Below I will briefly discuss these sceptical critiques and Taftāzānī's responses to them, noting that most of these critiques are essentially critiques of the sources of knowledge. Taftāzānī writes:

The agreement of the people of truth is established on considering sensory matters (*ḥissiyyāt*) and immediately perceived matters (*badīhiyyāt*) as the first foundations to be used in arguments against opponents. A group [however,] has disputed this [agreement]: [1] some of them denied the inclusion of *ḥissiyyāt*, and restricted these foundations to *badīhiyyāt*. [2] Others made an opposite claim, while [3] some denied both (i.e. *ḥissiyyāt* and *badīhiyyāt*). Each of these groups have doubts that al-Imām [al-Rāzī] has extensively responded to.²⁴⁸

Although Taftāzānī resorts to Rāzī for his comprehensive responses to these sceptical critiques, he refuses Rāzī's identification of the holders of these critiques. Rāzī attributes the opinion that claims knowledge based on senses cannot be considered necessary knowledge to Plato, Aristotle, Ptolemy and Galen. They restricted the necessities to the intelligibles (*ma'qūlāt*), he claims.²⁴⁹ Taftāzānī refutes this attribution to those whom he describes as 'the greatest of philosophers (*akābir al-falāsifa*)' clearly referring to the list Rāzī mentioned. He does so by explaining that most of what these philosophers consider necessary knowledge is based on the senses, and hence they could not possibly be negating their necessity in general. Also, Taftāzānī argues, they have explicitly stated that the foundation for physically tested matters, mass-transmitted reports, and intuitions is the sense of particulars (*al-iḥsās bi-l-juz'īyyāt*). Children acquire immediate knowledge because of how their intellect develops an inclination towards receiving it. Such an inclination of their intellects is also formed through their sense perceptions of the particulars. All of this makes it difficult for one to argue that the philosophers would deny the capacity of the senses to form necessary knowledge. In this context, Taftāzānī mentions Naṣīr al-Dīn al-Ṭūsī's (d. 672/1274) famous commentary on Rāzī's *al-Muḥaṣṣal*, *Talkhīṣ al-Muḥaṣṣal*, in support of his understanding. Ṭūsī explains that

²⁴⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:27.

²⁴⁹ Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta'akhhirīn*, 6.

the senses have no judgements in and of themselves because they are only capable of perception (*idrāk*), and are not capable of composing propositional relations. Accordingly, *ḥissiyyāt*, in so far as being sensory matters, cannot be described as being certain or not certain, true or false. They may only be described as such in relation to the intellect's judgement.²⁵⁰ Hence, Taftāzānī concludes, 'it is not valid to attribute this [opinion] to the philosophers (*ḥukamā'*), as their statement is clear in indicating the opposite of this.'²⁵¹

Despite their disagreement of Rāzī's attribution of this opinion to philosophers, Taftāzānī and Ṭūsī admit that there are groups, namely the sophists, who denied that *ḥissiyyāt* are necessary judgements, and others who denied that *badḥiyyāt* are necessary judgements as well. Ṭūsī further suggests that sophists are not a particular historical group of people or a school of thought, but rather any person with this quality of sophistic reasoning.²⁵² Rāzī engages in their arguments at length, to which Taftāzānī refers his readers. However, Taftāzānī notes that engaging with arguments with groups that deny the necessity of any form of knowledge supports their claim. Because if we need to argue over establishing the existence of immediate necessary knowledge, it means it is not immediate knowledge in the first place. He suggests that rather, one could hurt them; if they acknowledge pain, they accept the necessity of knowledge based on senses, and if they acknowledge the difference between this pain and pleasure, they then accept the necessity of knowledge based on the intellect, the intelligibles. This invalidates their opinion.²⁵³ I find this suggestion to be very interesting in understanding the foundationalist versus occasionalist inclinations of Taftāzānī and other classical theologians (Rāzī actually made this same suggestion but only for those who denies the necessity of *ḥissiyyāt*) within the Ash'arī-Māturīdī spectrum. How could one who strongly deny the necessary connection between natural causes and their effects strongly

²⁵⁰ Ṭūsī, *Talkhīṣ al-Muḥaṣṣal*, 13; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:27.

²⁵¹ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:27.

²⁵² Ṭūsī, *Talkhīṣ al-Muḥaṣṣal*, 46.

²⁵³ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:30.

advocate this method which relies on the necessity between fire and burning to reason with these sceptics? It makes one wonder, beyond the theological concerns, what other implications there are for problematising natural causes.

In addition to disputing the inclusion of *ḥissiyyāt* in the classification of *‘ilm*, some other sceptic views have also disputed other classes, some of which rely on *ḥissiyyāt* for their necessity:

The inclusion of physically tested matters (*mujarrabāt*), mass-transmitted reports (*mutawātirāt*), and intuitions (*ḥadsiyyāt*) among certainties (*yaqīniyyāt*) is a point of enquiry, as detailed by al-Imām [Rāzī] in *al-Mulakhkhaṣ*. This is because each of them includes a noted dependence on an implied syllogism. This is also the case for propositions that contain their syllogisms (*fiṭriyyāt*). [Therefore,] some have disputed that *mujarrabāt* and *ḥadsiyyāt* are amongst certainties, let alone being from the necessary. Additionally, many scholars have deemed intuitions as conjectures (*ẓanniyyāt*). But the verifying scholars among those who said that these four (i.e. *mujarrabāt*, *ḥadsiyyāt*, *fiṭriyyāt* and *mutawātirāt*) are not from the class of necessary knowledge, also said they are not investigative, but an intermediate [between the two] because they do not require intellectual acquisition. This sounds like what Ḥujjat al-Islām [al-Ghazālī] has said in his discussion as he states: the knowledge that occurs from mass-transmission (*mutawātirāt*) is necessary in the meaning that it does not require a notice of a mediation which leads to [this knowledge], although such a mediation is present in the intellect. But it (i.e. knowledge based on *mutawātirāt*) is not necessary in the meaning of the knowledge which occurs with no mediation, such as in saying the existent is not non-existent. [The mediation] in the case of mass-transmission is [the syllogism constructed from] two premises: [1] the transmitters with their great numbers and their differences could not agree upon a lie and [2] they agreed to transmit such a report [hence they are not lying].²⁵⁴

Taftāzānī understands from Ghazālī’s explanation that this disagreement is a disagreement of the definition of necessity in knowledge: if we consider necessary knowledge to refer to judgements which require no meditation after the conceptualisation of its subject and predicate, hence we are restricting necessary knowledge to immediately perceived knowledge (*badīhiyyāt*), and these four classes, including *mutawātirāt*, are not necessary knowledge. If we understand necessity to refer to knowledge easily obtained through the mediation of senses and/or the presence of a rational argument, then they are all necessary knowledge. The latter

²⁵⁴ Taftāzānī, *Sharḥ al-Maqāsid*, 1:26.

definition is based on the view which argues necessary knowledge can be obtained through investigation.

This passage of Taftāzānī's also suggests that although some sceptical critiques aim to remove these four classes from the category of necessary knowledge, they do not aim to place them in the realm of investigative knowledge; rather, they suggest a middle mode. In other words knowledge, according to them, is tripartite: necessary, investigative, and neither necessary nor investigative. Taftāzānī did not identify whom he means by these scholars, but this view is based on the opinion which negates the capacity of investigation (*naẓar*) to lead to necessary knowledge. This is different from Taftāzānī's opinion which confirms the existence of investigative necessary knowledge, as we briefly explained in this chapter and as will be discussed in detail in the chapter on *naẓar*. Despite this significant difference in the epistemology of the two opinions, Taftāzānī claims, or understands Ghazālī to claim,²⁵⁵ that this dispute is merely linguistic:

Through this [discussion] it becomes apparent that this difference of opinion is purely linguistic, because it is based on the definition of *ḍarūrī* as either [a] that which does not require a mediation, or [b] that which we find ourselves compelled to perceive (i.e. the *badīhī*).²⁵⁶

This difference of opinion, although based on differences in the definition of what is necessary, has consequences for the theory of knowledge in general and for the distinction between necessary and conjectural judgements in particular. I am yet to further investigate this view. What Taftāzānī seems to mean here is that everyone can come to an agreement that knowledge based on *mujarrabāt*, *ḥadsīyyāt*, *fiṭriyyāt* and *mutawātirāt* is not conjectural, although some may dispute whether it is necessary knowledge or a mediation between what is necessary and what is non-necessary.

²⁵⁵ For Ghazālī's account see of Ghazālī, *al-Mustasfā min 'ilm al-uṣūl*, 1:35.

²⁵⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:26; Taftāzānī, *Ḥāshiyā 'alā Sharḥ al-Mukhtaṣar*, 2:10.

Taftāzānī provides another response to the exclusion of *ḥissiyyāt* from necessary knowledge, that is, the possibility of errors in sense perceptions, such as in seeing large objects as small and vice versa. He refutes this by pointing to the fact that the possibility of error is not limited to sense perception, but can occur in matters that are purely in the realm of intelligibles (*ma'qūlāt*) as well. This means that deficiencies in sensory and intellectual faculties do not render the knowledge they produce uncertain in general; this is only the case in relation to the person who lacks soundness in both faculties. This issue is further discussed in the section on *nazar*.

a. Further clarification of *tawātur*'s being necessary

Although Taftāzānī stridently defends these four disputed classes of the necessary, he gives special attention to the status of *mutawātirāt* and their legal application. He writes in an example that illustrates the reliance of *tawātur* upon both the senses and a rational argument through a hidden syllogism:

If it is mass-reported (*tawātarat al-akhbār*) that the Prophet, upon him be peace, said that the burden of evidence (*bayyīna*) is on the plaintiff, while the oath is on the defendant, then, [A] the knowledge that this was the voice of the reporters (i.e. those who heard this report) is necessary, acquired through senses; [B] the knowledge that this statement which is being transmitted is the speech of the Prophet, upon him be peace, is acquired (*mustafād*) through the case of the *mutawātirāt*, whose necessity is being disputed, [C] the knowledge that the proof is an obligation upon the person who makes a claim is acquired (*kasbī*), obtained from ordering the two premises, by which I mean: [1] this is the statement of the Prophet, upon him be peace, [2] every statement that is a statement of the Prophet, its content is truth because of what has been established of his truthfulness by means of the indication of miracles. Then, the meaning of saying 'this hadith is *mutawātir*' is that its report as being the Prophet's speech is *mutawātir*.²⁵⁷

There are three aspects of the problem of the necessity of knowledge based on *tawātur*: in what capacity does *mutawātir* produce necessary knowledge? Is it by itself? Or by external factors? If the latter, what are these external factors? For Taftāzānī, the answer is that *tawātur*

²⁵⁷ Taftāzānī, *Sharḥ al-Maqāsid*, 1:26-27.

does not produce knowledge by itself but by external factors. These factors are the senses (the first reporter's senses), as well as the syllogism which is hidden in our statement: mass-transmission of reports produces knowledge. But after these factors are considered and *tawātur* is considered a source of necessary knowledge, it is necessary knowledge of the transmission (the Prophet has said it) not of the content or meaning of the transmitted report. This distinction is vital not only for our understanding of the concept of necessary knowledge, but also for our understanding of the sources of this knowledge (‘*aql* and *naql*), as will be discussed in the chapter on *adilla*.

V. Conclusion

This chapter discussed Taftāzānī's theory of knowledge through an examination of his classification and definitions of knowledge and its related terminologies, both drawing from and departing from the philosophical and theological traditions which preceded him. It showed that Taftāzānī makes creative theoretical interventions to support or to defend a highly theological and flexible epistemology. This chapter demonstrated that the concept of *taṣḍīq* is the key to decoding Taftāzānī's theory of knowledge. *Taṣḍīq* is largely perceived, amongst logicians and the *mutakallimūn*, as a category of knowledge concerned with propositions, which therefore includes all types of judgements *qua* judgements. Taftāzānī, relying on his interpretation of Ibn Sīnā's view, argues that *taṣḍīq* is an epistemological process that is built upon the intellect's acceptance of judgements. This acceptance includes acceptance of necessary and conjectural judgements, and excludes doubt and belief. This acceptance must have an epistemic foundation, which, according to Taftāzānī, is certainty of a confirmed or preponderant judgement. This, when understood in the light of Taftāzānī's theological-legal epistemology, serves to enhance the value of accepted conjectural judgements (*ẓann taṣḍīqī*). The epistemic value of knowledge is not only rooted in the

strength of the epistemic indicants (*adilla*) that underpin it, but also, and even more significantly, in the intellect's acceptance of such knowledge. Taftāzānī's use of the Persian term for *taṣḍīq* – *geravīdan* – emphasises his view of *taṣḍīq* as a process. I consider such an enhancement of *ẓann* one of Taftāzānī's key tools for the functionality of his epistemology.

In fact, there is more in this epistemological understanding of *taṣḍīq* than enhancing the epistemic value of *ẓann*. The discussion over the concept of *taṣḍīq* sheds important light on our understanding of certitude in classical works. Words Taftāzānī used to define *taṣḍīq* lean more toward a description of a state of certitude concerning a judgement than to proofs of the establishment of such a judgement. By placing *ẓann* within this framework of *taṣḍīq* as an intellectual acceptance while emphasising its basis (preponderance), Taftāzānī introduces *ẓann* as a state of certitude regarding one's acceptance of a conjectural judgement.

Further, Taftāzānī alludes to this analogous relationship between certitude and *taṣḍīq* elsewhere in his *Sharḥ al-Maqāṣid*. He explains that if we look at *taṣḍīq* through the aspect of certitude only, then *taṣḍīq* may be applicable to all judgements which are confirmed.²⁵⁸ This might be what Ibn Sīnā had in mind when arguing that *taṣḍīq* applies to all types of syllogisms, including the ones constructed via delusions, beliefs, and compound ignorances. A view which Taftāzānī has rejected, as demonstrated in this chapter. For him, *taṣḍīq* is certitude of a confirmed or preponderant judgement supported by epistemic indicants.

The examination of the practical use of this theory will be the subject of the chapter on epistemic indicants (*adilla*), in the discussion regarding the sources and types of epistemic indicants. The next two chapters take this theological-legal theory of knowledge to its hermeneutical level through the discussion of the classification of epistemic indicants and their relationship to the knowledge they produce.

²⁵⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:230.

’ العلم والظن عَقَبَ الدليل والأمانة بخلق الله تعالى من غير تأثيرٍ لهما وإيجاب‘

‘Necessary and conjectural knowledge correlate in their occurrence to the necessary and conjectural indicants through the creation of God, the Exalted. They have no efficacy or obliging [power] in themselves.’

Sa‘d al-Dīn al-Taftāzānī, *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:42-3

CHAPTER III: THE THEORY OF EPISTEMIC INDICATION (*DALĀLA*)

I. Introduction

In chapter II, I argued that the epistemic value of knowledge, according to Taftāzānī, is constructed within complex metaphysical and logical frameworks and is characterised as being occasionalist and foundationalist at once. The occasionalist aspect appears in Taftāzānī's negation of all intrinsic features of knowledge in order to argue that all degrees of knowledge, including immediate and investigative necessary knowledge, depend in their occurrence solely upon the creation of the Omnipotent God. The foundationalist aspect appears in his hermeneutical efforts to enhance the value of conjectural knowledge (*ẓann*) through restricting the concept of *taṣdīq* to accepted judgements. Accepting judgements, he insists, is either accepted on the basis of confirmation (*jazm*) in necessary knowledge or preponderance (*rujhān*) in conjectural knowledge. What are the sources of this certainty or preponderance? This is the subject of the current chapter.

This chapter studies the theory of epistemic indication (*dalāla*, also vocalised as *dilāla* and *dulāla*), the second main theory of the epistemological postulates of *uṣūl al-fiqh* and *kalām*. It covers the necessary and conjectural epistemic indicants (e.g. proofs and signs), as well as their agreed upon and debated sources (e.g. reason and revelation). It shows how Taftāzānī's bipartite theory of knowledge, discussed in the previous chapter, shaped his classification and conditions in the section on *adilla*. For example, since Taftāzānī, agreeing with late classical scholarship, argues that necessary knowledge is either immediate, such as in the first principles, or investigative, such as mass-transmissions; and that investigative knowledge can either be necessary or conjectural judgements, the epistemic indicants in Taftāzānī's theory of indication are classified insofar as they lead to either investigative necessary or conjectural judgements. The method through which he argues such necessary and conjectural judgements are produced is termed inferential reasoning (*istidlāl*); that is, the

process of creating a proper connection between the epistemic indicants and their conclusions or judgements. This, as will be explained, is in line with the foundationalist feature of Taftāzānī's theory of knowledge. In addition, Taftāzānī's occasionalism also plays a role in his theory of epistemic indication. Taftāzānī emphasises the distinction between two methods of reasoning, the first is the effect-to-cause reasoning, that is, *istidlāl*; and the second is cause-to-effect reasoning, that is, *ta'īl*. The former, he argues, does not interrupt occasionalism, while the second does. This discussion is an important key to the theorisation of the relationship between *kalām* and *uṣūl* as it manifests the keen concern of harmonisation between the legal and theological genres and the struggle such a concern imposes on the functionality of Muslim hermeneutics. Throughout this chapter, it will become evident that there are two hermeneutical principles that are most important in Taftāzānī's theory of epistemic indication. The first is developing a method for constructing a relationship between epistemic indicants and their conclusions; this relationship is often termed the mode of indication (*wajh al-dalāla*). The second hermeneutical principle is the obligation to act upon accepted necessary and conjectural judgements alike. The latter principle shows an important implication for Taftāzānī's concept of *taṣdīq* and its restriction to accepted necessary and conjectural judgements. It serves the functional aspect of his theory of knowledge, as will be explained.

This chapter mostly draws from sections on the epistemological postulates in Taftāzānī's *uṣūl* and *kalām* texts. It also draws from sections on *adilla* in his *Hāshiya 'alā Sharḥ al-Mukhtaṣar*, and *al-Talwīḥ 'alā al-Tanqīḥ*. It also benefits from his logic manuals and other chapters from his *kalām* works, particularly the fifth book (*maqṣid*) of *Sharḥ al-Maqāṣid*, in the section on causality (*ta'īl*), where the impact of the occasionalist approach of Taftāzānī is further elaborated and examined with regard to juristic analogy (*tamthīl*) and syllogism (*qiyās*). Importantly, Taftāzānī addresses *adilla* within the section of scholarly

investigation (*nazar*) in *Sharḥ al-Maqāṣid* and as a separate section in *al-Ḥāshiya*, following Ījī's practice. Both occasions are within the chapter on epistemological postulates, which is titled *al-mabādi'* only in *Sharḥ al-Maqāṣid* and is titled *al-mabādi' al-kalāmiyya* in his *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar*. This, as I explained in the chapter on theorising the relationship between *kalām* and *uṣūl*, is following the classical scholarly custom of relating these epistemological postulates to the realm of *kalām*. I also explained how Taftāzānī critically practises this scholarly tradition while noting the generality of these *mabādi'* to *kalām*, *uṣūl*, as well as the other Islamic disciplines.

I divide this chapter into three main sections: the first focuses on the two classical usages of the term *adilla* as sources of knowledge and as epistemic indicants (i.e. the content and form for *nazar*); the second focuses on the types and conditions of epistemic indicants, including the methods for acquiring conceptions and assents, the necessary and conjectural ones; the third focuses on the two hermeneutical principles I mentioned above and their foundationalist occasionalist implications. The latter section will introduce key elements which will be subject for further discussions in the next chapter on *nazar*, the third and last theory of the epistemological postulates of *uṣūl al-fiqh* and *kalām*.

II. Two classical usages of *adilla*: as sources and as epistemic indicants

Adilla (sing. *dalīl*)²⁵⁹ in classical writings of *uṣūl* and *kalām* may refer to the sources of legislation, which is what is referred to in the standardised classical definitions of *uṣūl al-fiqh* (i.e. Qur'ān, *Sunna*, and *ijmā'*) as seen in the first chapter. *Adilla* may also refer to the particular form and content of an argument constructed in support of, or in opposition to, a

²⁵⁹ Linguistically, the term *dalīl* refers to the *murshid* ('guide'), and *murshid* may either refer to the one who sets up a sign for guidance, the sign which has been set for guidance, or the one who offers such a sign in guidance. If we ask what the *dalīl* for the existence of God is, the answer may be the Creator, the universe, or the scholar who investigates the universe. According to *uṣūlīs*, however, *dalīl* only refers to the universe in the above example. See Sa'd al-Dīn 'Umar ibn Mas'ūd al-Taftāzānī, *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar* (Cairo: al-Maṭba'a al-Amīriyya-Bulāq, 1983), 1:39-40; Sayf al-Dīn al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām* (Beirut: Dār al-Fikr, 2003), 1:13 Also see Jawhārī, *Mukhtār al-Siḥāh*, s.v. *h-d-ā*.

judgement. For example, the argument for the legal judgement that drinking wine is forbidden takes the form of juristic analogy (*tamthīl*), and relies on the content of a particular Qur’ānic verse and/or Prophetic report, and so on. The discussions on *adilla* in the epistemological postulates in the *uṣūl* and *kalām* texts under investigation cover both of these two usages of *adilla* and hence this chapter will address them. I start with the second of these two usages. The first discussion is essentially a discussion on the sources of knowledge. These sources are identified in the postulates as the revelational sources (*al-adilla al-naqliyya*; ²⁶⁰ also known as *al-adilla al-sam’iyya*²⁶¹), and the rational sources (*al-adilla al-‘aqliyya*).

1. *Adilla* as sources

a. Bipartite and tripartite classification of ‘*aql* and *naql*’

The bipartite classification of ‘*aql* and *naql*’ in the classical sources has attracted a considerable number of academic debates. Most of them are concerned with the compatibility of rational and revelational reasoning within the Islamic framework. More specifically, this concerns whether the rational source (*dalīl ‘aqlī*) has an authoritative place in Muslim epistemology, and if so, what happens when a rational proof contradicts a revelational source (*dalīl naqlī*). In addition, there is the question of the authority to independently legislate religious judgements. The famous debate between Ash‘arīs and Maturīdīs on the one hand and Mu‘tazilīs on the other hand, that reason cannot legislate independently from revelation, according to the first, and can do so according to the second, has also been the subject of

²⁶⁰ The more accurate translation of *naqlī* is ‘reportive’ or ‘transmitted’, because the section on postulates treats these two sources as generic sources for religious and non-religious knowledge. One can say the same about the classification of knowledge in the previous chapter. However, I have decided to translate *naqlī* in this chapter as ‘revelational’ because the reports we are discussing here as sources of epistemology are those pertaining to revelation (the Qur’ān and Prophetic reports), and also in order to make the discussions here relevant to the academic debates on reason and revelation.

²⁶¹ See for example, Abū al-Ma‘ālī ‘Abd al-Malik ibn ‘Abd Allāh al-Juwaynī, *Kitāb al-Irshād ilā qawāṭi‘ al-adilla fī uṣūl al-i‘tiqād*, ed. Mḥammad Mūsā and ‘Alī ‘Abd al-Ḥamīd (Cairo: Maktabat al-Khānjī, n.d.), 8 where Imām al-Ḥaramayn al-Juwaynī classifies *adilla* to ‘*aqlī* and *sam’ī*’.

substantial works in modern academia.²⁶² This section is, however, addressing a different approach to the problem of reason and revelation as two sources of knowledge; that is, problematising the possibility of acquiring religious judgements through revelation alone, or the possibility of obliging religious judgements through reason alone. This approach is not novel: it had evidently become a feature of late classical scholarship dealing with the problem of reason and revelation, as will be proven through the following presentation.

It is a standard classical position for *mutakallimūn* and *uṣūlīs* within the Ashʿarī and Māturīdī schools to acknowledge that there is a set of judgements which must be acquired through the intellect alone; these are judgements leading to knowledge of the Creator, such as the createdness of the universe, the rational possibility of prophets being sent, and the veracity of the prophets through miracles. A second set of judgements must only be acquired through revelation; that is, the religious obligations, in opposition of Muʿtazilīs who argue that judgements concerning some religious obligations are also acquired through the intellect. This standard Ashʿarī and Māturīdī position results in acknowledging two sources of knowledge: reason and revelation, while also acknowledging that they may, separately or together, be used to establish judgements.

Late classical scholarly traditions have problematised this bipartite classification of the sources of knowledge, arguing that *adilla* are of three types: purely rational, purely revelational, and a composite of revelational and rational. The reasoning behind this tripartite classification, they argue, is that the second type depends on the first type for its existence;

²⁶² For an overview of the problem, see for example Binyamin Abrahamov, *Islamic Theology: Traditionalism and Rationalism* (Edinburgh: Edinburgh University Press, 1998). The author assesses materials from early to late classical periods which represent the struggles and compromises traditionalists make to argue that rational arguments do not contradict revelational (traditional) arguments. The most important contribution of the past twenty years has been: Carl Sharif El-Tobgui, 'Revelation & the reconstitution of rationality: Taqī al-Dīn Ibn Taymiyya's (d. 728/1328) *Dar ʿTaʿārud al-ʿaql wa-l-naql*' or 'The refutation of the contradiction of reason and revelation' (PhD. diss., McGill University, 2013) for Ibn Taymiyya's critique of Rāzī's *rationalist* school. Other beneficial sources include: George Hourani, *Reason and tradition in Islamic ethics* (Cambridge: University Press, 1985); A. Kevin Reinhart, *Before revelation: the boundaries of Muslim moral thought*, SUNY series in Middle Eastern studies (Albany: State University of New York Press, 1995); Anver M. Emon, *Islamic natural law theories* (Oxford: University Press, 2010)

we cannot claim these religious judgements are acquired through revelation alone; they are acquired through revelation the veracity of which has been established through the judgement of the intellect.

The underlying problem in their claim is the following: if we define the revelational *dalīl* as that which has no dependence upon the intellect whatsoever, and the rational *dalīl* as that which has no dependence on revelation whatsoever, are we risking disregarding the two sources all together? The reason behind this is that the revelational sources depend on the intellect in their establishment, hence they cannot be used in legislation before the intellect establishes the veracity of the Prophet. The rational source cannot independently be a source of legislation, at least according to the majority of Sunni schools in the classical tradition. The late Ash‘arī scholars took this risk seriously, it seems. Consequently, and in addition to the two classical types of *adilla* mentioned above, the rational throughout its premises and the revelational throughout its premises, late classical scholars created a third type of *dalīl*, which replaces the second type in the classical framework. The passage below is an explanation of this tripartite classification of *adilla* from Ījī’s *Mawāqif*, accompanied by Jurjānī’s commentary between brackets:

Dalīl is either rational throughout its premises (be it immediate or mediated), or revelational throughout all of them (in the same manner), or a composite of these two. The first is the (purely) rational (*dalīl* which does not depend on revelation). The second (which is the purely revelational *dalīl*) is inconceivable because the veracity of the Prophet is essential [for the revelational *dalīl* to entail knowledge], and such [a veracity] is only known by reason (through investigating the miracle that proves his veracity. For if you would try to prove this through revelation, [your argument] would be circular or infinitely regress). The third (which is the composite) is what we call revelational (because of its dependence upon revelation in general. Thus, *dalīl* is restricted to two types: the rational and the composite of rational and revelational [premises]. This is the verified opinion).²⁶³

²⁶³ Jurjānī, *Sharḥ al-Mawāqif*, 2:49; Ījī, *al-Mawāqif*, 2:49; Also see Taftāzānī, *Sharḥ al-Maqāṣid*, 1:52-53.

The first type, according to this late Ash‘arī school, can only be used to establish non-religious judgements, in addition to the existence of God, the possibility of His sending the prophets, and the veracity of their miracles, which are religious knowledge and yet are only established through rational arguments. The second, as defined above, is a replacement for the classical revelational type of *adilla*, which this view deemed *inconceivable*. The first scholar to initiate this view, as my research suggests, is Rāzī in his *Muḥaṣṣal*. Rāzī states that the existence of the purely revelational *dalīl* is impossible (*muḥāl*) because, he explains, unless the intellect establishes the veracity of the reporter (the Prophet), the report itself does not entail necessary knowledge.²⁶⁴ This explanation is similar to the explanation of Ījī above and is also reproduced in Taftāzānī’s *Sharḥ al-Maqāṣid* with an emphasis on the problem of circularity (*dawr*) this classification creates.²⁶⁵ In addition, and as discussed in the previous chapter, Taftāzānī establishes the necessity of *mutawātirāt* through a combination of sense-perception of reporters and rational argument, syllogism, supporting the veracity of mass-transmission. Taftāzānī then explains that while necessary knowledge based on sense-perception (*ḥissiyyāt*) is only necessary to persons experiencing this sense-perception (i.e. it is a particular necessary knowledge), the rational argument backing up *mutawātirāt* (as well as *mujarrabāt*) is what renders its knowledge universal necessary knowledge.

b. Rejection of purely revelational *adilla* in late classical writings

Rejecting the existence of the purely revelational *dalīl* became a feature of the late Ash‘arī tradition and received a considerable amount of criticism from later scholars, which is not relevant to this work. This position of theirs is generally classified as one of the Mu‘tazilī influences in the Ash‘arī school. Noteworthy that such a rejection is not a rejection of existence *per se*; rather, it is a rejection of the epistemic value of *naql* in and of itself, as

²⁶⁴ Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta’akhhirīn*, 31.

²⁶⁵ Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *Maqāṣid al-ṭālibīn fī ‘ilm uṣūl al-dīn* (Istanbul: Maṭba‘at al-Ḥājj Muḥarrām al-Busnawī, 1305), 1:52.

understood from Rāzī's explanation. Taftāzānī notes this delicate difference toward the end of his section on *dalīl* in *Sharḥ al-Maqāṣid*, and after presenting this tripartite classification of *dalīl*. He explains that the dependence of revelational sources upon rational sources (in establishing the existence of the Creator and the veracity of the Prophet) is only required when one is seeking to acquire necessary knowledge regarding a religious judgement. Otherwise, *naql* alone may establish necessary knowledge in non-religious affairs (e.g. the existence of Paris) or conjectural knowledge of religious matters (e.g. a report by a saint, a poet, or a scholar).²⁶⁶ Taftāzānī is thus suggesting that this view of Rāzī may not have great implications beyond establishing the core principles of religious knowledge.

c. Circular reasoning and its role in creating the tripartite classification of *adilla*

The adoption of the logical rules of circularity (*al-dawr*) in *uṣūl*, following *kalām*, has several implications on different discussions, including this late classical classification of *adilla*. The rule of circularity originally pertains to logic and is considered one of the main logical fallacies one is not allowed to commit in their reasoning. For example, you cannot define the sun by saying it is the star which appears in the day, because 'day' is defined by the appearance of the sun. This is circular as you cannot understand the definition unless you understand the defined thing. Similarly, you cannot argue for the existence of God through revelational proofs, since the authentication of revelation as a source of knowledge is dependent upon proving the existence of God. Circularity is an ontological debate, its application in epistemological debates in the classical and late classical schools requires further academic investigation. The adaptation of the logical rules of circularity first appeared in the work of the Mu'tazilīs, and was then transferred to the Ash'arīs and the Māturīdīs. There are a couple of secondary Arabic sources which address the problem of circularity and

²⁶⁶ Sa'd al-Dīn 'Umar ibn Mas'ūd al-Taftāzānī, *Sharḥ al-Maqāṣid* (Istanbul: Maṭba'at al-ḥājj muḥarram al-busnawī, 1305), 1:53. The Paris example is mine, the saint or poet example is Taftāzānī's.

its transference from the Mu‘tazilī to the Ash‘arī school of *kalām*. Most prominent is the work of the contemporary Egyptian theologian, Ḥasan al-Shāfi‘ī, a student of the late 19th century philosopher ‘Alī al-Nashshār and the rector of the high council of Arabic language (*Majma‘ al-Lugha al-‘Arabiyya*). Shāfi‘ī argues that Ash‘arī himself did not use the concept of *dawr* in his work, and neither did Bāqillānī who, Shāfi‘ī suggests, criticised those who, relying on the argument of circularity, claimed that the existence and oneness of God could not be demonstrated by revelation alone.²⁶⁷ Shāfi‘ī then suggests that the first to employ this ontological concept of circularity in his *kalām* works was Imām al-Ḥaramayn in his *al-Shāmil*.²⁶⁸ Imām al-Ḥaramayn distinguished between three types of objects of knowledge: those which can only be acquired by the intellect, those which can only be acquired by revelation, and those which can be acquired by both.²⁶⁹ This seems to be the origin of the late classical tripartite classification of *dalīl*. Rāzī was the first to invalidate the first of these three, i.e. the purely revelational *adilla*. One may thus conclude that the reason early *mutakallimūn* did not problematise the concept of purely revelational *adilla*, as the later *mutakallimūn* did, is that the concept of circular reasoning had not yet been introduced or employed in these early writings. It is only after the strict employment of this concept, explicitly in the writings of Rāzī, that you find this problematisation of the epistemic value of the purely revelational *adilla* to be relevant.

d. The epistemic value of purely revelational *adilla*

In addition to the ontological problem of circularity, which led this late classical school to argue that revelational sources only lead to conjectural knowledge unless the veracity of the

²⁶⁷ For Bāqillānī’s argument, see for example, Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī, *I‘jāz al-Qur‘ān*, ed. al-Sayyid Aḥmad Ṣaqr (Cairo: Dār al-Ma‘ārif, 1997), 10–15, where he repeatedly argues that necessary knowledge of God and veracity of the Prophet is obtained through revelation alone.

²⁶⁸ Ḥasan al-Shāfi‘ī, *al-Madkhal ilā dirāsāt ‘ilm al-kalām*, 2nd ed. (Pakistan: Idārat al-Qur‘ān wa-l-‘ulūm al-Islāmiyya, n.d.), 144–46.

²⁶⁹ Abū al-Ma‘ālī ‘Abd al-Malik b. ‘Abd Allāh al-Juwaynī, *al-Shāmil fī uṣūl al-dīn*, ed. ‘Alī Sāmī al-Nashār (Alexandria: al-Ma‘ārif, 1969).

first reporter is established by the intellect, there are also the linguistic and epistemological probabilities which these scholars argue prevent us from acquiring necessary knowledge from reports, even with the support of the veracity of the reporters. These probabilities stem from the absence of three main conditions, without which reports cannot lead to necessary knowledge. In the section on *mutawātirāt*, Taftāzānī noted that the necessary knowledge we are acquiring from *mutawātirāt* is necessary knowledge that the Prophet has said these exact words, but what these exact words indicate, he continues, is a different question. The conditions below, which late classical scholars claim are nearly impossible to meet for any report, are conditions to investigate the necessity of the content of *mutawātirāt* as alluded to by Taftāzānī before. Therefore, without these conditions, *mutawātirāt* may only lead to conjectural knowledge of their content although they lead to necessary knowledge of their historical occurrence. The reason for this strictness is that the absence of any of these conditions leads to doubting the meanings of the reports, and doubt is contrary to necessary knowledge.

1. The first condition is the knowledge of the primordial act of coinage of language (*wadʿ*); that the expressions in the Prophet’s statements are assigned to the meanings understood from them. To obtain this knowledge of *wadʿ*, we must first establish the immunity (*iṣma*) of the Arabic narrators and philologists from errors and lies.
2. The second condition is the knowledge of the intended meaning (*irāda* lit. ‘will’); that we know that the reporter intended what we understand by such expressions. This condition requires the following seven further conditions for its establishment:
 - a. Demonstrating that no change of meanings has occurred to the primordial linguistic impositions of the expressions.

- b. Demonstrating that the expressions used are not homonymous²⁷⁰ without clear indications of the intended meaning.
 - c. Demonstrating that the expressions are not used in their metaphorical sense.
 - d. Demonstrating that the reporter has not concealed anything which could change the meaning.
 - e. Demonstrating that there has been no specification (*takhṣīṣ*) when the apparent meaning is general.
 - f. Demonstrating that there is no change in the order of the statement which might affect the meaning.
 - g. Demonstrating that there have been no necessary or unnecessary omissions in the reports.
3. The third condition is the absence of any rational contraries (*al-mu'arīḍ al-'aqlī*), by which is meant that the meaning understood from the report does not contradict rational rules.²⁷¹

This last condition concerning the quality of necessary knowledge has already been discussed in the previous chapter in the definition of necessary knowledge. Reading Taftāzānī's sections on this debate in his *kalām* and *uṣūl* texts, it is difficult to clearly identify his position on the matter. On the one hand, he cites and explains in detail the tripartite classification and the explicit problematisation of the epistemic value of the purely revelational *adilla*; on the other hand, he notes that this tripartite classification is only applicable according to the logicians' method of defining *adilla*, but for the *uṣūlīs*, the

²⁷⁰ Homonymous expressions are those expressions with more than one real meaning, for example, *'ayn*, which could refer to the physical eye, a well of water, or a spy; all of these are real, not metaphorical, senses.

²⁷¹ For this list of conditions, see Taftāzānī, *Maqāṣid al-ṭālibīn fī 'ilm uṣūl al-dīn*, 1:53; Taftāzānī, *Sharḥ al-Maqāṣid*, 1:53-54; Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta'akkkhīrīn*, 31–32; Ījī, *al-Mawāqif*, 2:52-55. You will notice minor variations in order and explanation, but these ten points are all present in the above texts.

composite type of *adilla*, which replaced the purely revelational type, makes no sense.²⁷²

Here, I understand that he is referring to the premise that the intellect has no role in legislating religious obligations by itself, according to Ash‘arī *uṣūlīs*, at least. Hence, he argues that in *uṣūl* we only consider the bipartite classification of *adilla*. Taftāzānī is not explicit as to whether he accepts the bipartite or the tripartite classification of *adilla* when it comes to *kalām*. However, the examples he gives in the next passage, where he explicitly acknowledges the existence of revelational *adilla* which lead to necessary knowledge, suggests that as in the case of *uṣūl*, the bipartite classification of *adilla* is applicable to *kalām*:

The truth is that it is possible for the revelational source to lead to necessary knowledge (*ilm*). This is because some of the primordial linguistic impositions (*awḍā‘*) are known through mass transmission (*tawātur*), such as ‘sky’ and ‘earth,’ as well as most morphology and grammar rules regarding the [methods of] assigning singular and composite forms [to meaning]. Also, the knowledge of the intended meaning is obtained through the support of contextual signs (*qarā‘in*) in a way that leaves no doubt. For example, the reports concerning the obligation of prayer and alms-giving, and their likes. Similarly, [reports concerning] monotheism and resurrection – if we consider revelation (*sam‘*) to be sufficient for their establishment – such as God saying: ‘Say: He is God, the One and Only’ and: ‘So know that there is no God but God’ and: ‘Say, He will give them life Who created them for the first time, for He is All-Knowing in every kind of creation.’

If it is said [after the fulfilment of the above conditions] that the existence of a rational contrary is still possible because its absence has not been established, we respond: [1] as for religious judgements, there is no doubt in that [such a contrary is absent]. This is because [A] the intellect has no say in these [religious judgements], and hence it cannot act as a contrary, and [B] we know the absence of any religious contraries in the likes of the above judgements by religious necessity (*bi-l-ḍarūra min al-dīn*).²⁷³

Ījī in his *Mawāqif* seems ready to accept the possibility of verifying the knowledge of these linguistic signs and gives the examples of ‘sky’ and ‘earth’ as well. He states that ‘doubting this is sophistic.’ Yet he does not go on to make the argument concerning necessary religious obligations Taftāzānī mentions, nor does his major commentator, Jurjānī.²⁷⁴ In the article,

The Meaning of the Term Šarī‘ah in the Classical Theology of Sunnite Islam, Jens Bakker

²⁷² Taftāzānī, *Sharḥ al-Maqāṣid*, 1:53; Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:40-41.

²⁷³ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:54.

²⁷⁴ See, Ījī, *al-Mawāqif*, 2:56.

uses late classical works (which he terms ‘standard works’) by Ījī, Jurjānī, Taftāzānī and Jalāl al-Dīn al-Maḥallī (d. 864/1459 – on whose work I noted the influence of Taftāzānī in the first chapter), to argue for ‘the priority of reason over other means of obtaining knowledge’,²⁷⁵ according to these authors. This, he argues, is precisely because of the idea that in order to authorise revelation, one must first establish its veracity through reason. This argument is part of his wider argument that ‘the historically most influential and widespread form of theology of Sunnite Islam, which is termed here ‘classical theology’, is a profoundly rational theology, which holds that the veracity of a revelation can only be accepted if it can be proved rationally’. Bakker’s general argument is plausible, but, his case for the superiority of reason over revelation based on these texts is difficult to accept, especially with regard to Taftāzānī. Arguing for the priority or dependence, in existence, of reason, does not inevitably grant its superiority. Conceptions are prior to assents while assents are, epistemologically, superior, to give an example. This is in addition to the fact that Taftāzānī goes on to argue that this tripartite classification is only applicable according to the logician’s definition of *dalīl* and not the *uṣūl* definition of *adilla* as sources of legislation themselves, or even the *kalām* definition, as I have mentioned. Hence, Taftāzānī seems to be satisfied with the bipartite classification of *adilla* which early scholars maintained in their works. This debate thus becomes one example of the aspect of Taftāzānī’s scholasticism which I talked about in the first chapter, namely that in some ways Taftāzānī is preferring early views over later views throughout his manoeuvre.

Finally, it is worth noting that the revelational *adilla* encompass the Qur’ān and the Prophetic traditions. This is not stated in the section in *al-mabādi’* as it deals with *naql* in a generic sense to cover secular and religious reports, but in the section on the religious sources (*al-adilla al-shar‘iyya*) in the core chapters of *uṣūl* texts. Ibn al-Ḥājj and Ījī state that the

²⁷⁵ Jens Bakker, ‘The Meaning of the Term *Ṣarī‘ah* in the Classical Theology of Sunnite Islam’ in *HIKMA*, Volume 5 (October 2012), pp. 187-203.

religious sources are five: The Scripture, the Prophetic traditions, scholarly consensus, analogy, and referential reasoning (*istidlāl*). Ījī explains the reasoning behind the restriction of the five in the following:

It has been established that a *dalīl* is either revelational, or not. The revelational is either recited, which is the Qur’ān, or not, which is the Prophetic tradition. The non-revelational *dalīl* is either the opinion of the entire nation, which is scholarly consensus, or the shared cause between a branch and a principle, which is juristic analogy. Otherwise, it is referential reasoning.²⁷⁶

Importantly, Taftāzānī explains that *istidlāl* encompasses all the above sources, but because the process of identifying *wajh al-dalāla* is more obvious in referential reasoning, it was termed *istidlāl*.²⁷⁷ This last note is essential to mention because, as the next section discusses, the establishment of *wajh al-dalāla* is the main hermeneutical principle concerning *adilla* as discussed in *al-mabādi’*. All discussions of *adilla* as epistemic indicants in the section of *al-mabādi’* are centred around the identification of the methods of establishing *wajh al-dalāla*.

²⁷⁶ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 2:18.

²⁷⁷ Taftāzānī, *Ḥāshiya ‘alā Sharḥ al-Mukhtaṣar*, 2:17.

2. *Adilla* as epistemic indicants

Before proceeding to the second part of this chapter on the types of epistemic indicants, there are two important preliminary points concerning the classical terminologies of *dalīl* that should be clarified. The first is the difference in what the term *dalīl* refers to according to logicians, *uṣūlīs*, and *mutakallimūn*. The second is the distinction in terminologies used for necessary and conjectural epistemic indicants, and the question of whether the term *dalīl* only refers to necessary knowledge.

a. What is an epistemic indicant? Logicians, *uṣūlīs*, and *mutakallimūn*

There are a few terms here that warrant explanation for the understanding of the first point: epistemic indicant (*dalīl*), what is indicated (*madlūl*), indication (*dalāla*), and the mode of indication (*jihat al-dalāla* or *wajh al-dalāla*). To simplify these terms, let us take the following example, a composite 1st figure syllogism for the existence of God:

Minor premise: The universe is changeable (*mutaghayyir*) (a judgement known via sense perception).

Major premise: All changeable things are created in time.

Conclusion for 1st syllogism and minor premise for 2nd syllogism: The universe is created in time.

Major premise for 2nd syllogism: Everything created in time has a creator.

Conclusion for 2nd syllogism: The universe has a creator.

In this composite syllogism, the universe is the *dalīl*, that is, what the intellect investigates to demonstrate the existence of the Creator; the existence of the Creator is the *madlūl*, that is, the thing being indicated or concluded by investigating the *dalīl* (also known as the sought-after conclusion – ‘*maṭlūb*’); the being of the universe in such a suitable manner that when investigated leads to the knowledge of the Creator is the *dalāla*; while *wajh al-dalāla* in this example is the createdness of the universe which allowed the intellect to move from the knowledge of the universe to the knowledge of the existence of its Creator; in other words,

wajh al-dalāla helps the intellect to create a connection between the epistemic indicant, the argument itself, and the sought-after conclusion.²⁷⁸ Creating this connection is the single most important element for the process of *istidlāl*, which I will come back to later in this chapter. Here, I would like to note that the above explanation of these four terms is in accordance with the approach of the *uṣūlīs*, as noted by Ījī. *Dalīl* for logicians, he also notes, is the form of the syllogism itself. So, in the above example, it is the syllogistic arrangement of these premises which is considered the *dalīl*, not the universe.²⁷⁹ Taftāzānī agrees with Ījī's distinction between the definition of *dalīl* according to the *uṣūlīs* and the logicians in his *Ḥāshiya 'ala Sharḥ al-Mukhtaṣar*. In his *Sharḥ al-Maqāṣid*, he attributes the *uṣūlīs'* usage of *dalīl* to the *mutakallimūn*:

If we are to use the universe to demonstrate (*istidlāl* *'alā*) the [existence of] the Creator, we investigate [the universe] and obtain two premises. The first is that 'the universe is created in time', and the second is that 'everything created in time has a Creator.' The universe [in this *istidlāl*] is the *dalīl* according to the *mutakallimūn*, rather than the two formed premises, which are the *dalīl* according to the logicians.²⁸⁰

This distinction is epistemologically significant and will be the basis for the distinction between *istidlāl*, a type of argument which runs from the effect to cause (From the indicant to the indicated) and *ta'līl*, a type of argument which runs from the cause to the effect. This distinction is supported and defended by Taftāzānī. The most obvious implication of this distinction is that what is considered the *dalīl* according to the *uṣūlīs* and the *mutakallimūn* is the content (*mādda*) of the above syllogism; while what is considered a *dalīl* for the logicians is the form (*ṣūra*) of the syllogism. The above example is an example of the purely rational source; the following is another example of a syllogism based on the revelational source from Taftāzānī's discussion elsewhere:

Minor premise: Pilgrimage is commanded in the Qur'ān

²⁷⁸ Taftāzānī, *Maqāṣid al-ṭālibīn fī 'ilm uṣūl al-dīn*, 1:42.

²⁷⁹ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:43.

²⁸⁰ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:43.

Major premise: Every commanded action is obligatory
Conclusion: Pilgrimage is obligatory

In this example, the *dalīl* for the obligation of pilgrimage according to *uṣūlīs* and *mutakallimūn* is the report containing the command, while for logicians, it is this constructed syllogism itself. Obviously, *uṣūlīs* did not need to construct this syllogism to reach this conclusion concerning pilgrimage, but because the logical forms had become an essential feature of scholastic writings in the late classical works, you often find authors refer to their *adilla* in these logical terminologies. This is also why, despite this explicit distinction between what logicians consider the *dalīl* to be and what *uṣūlīs* and *mutakallimūn* consider it to be, the rest of the subsection on *dalīl* in the chapter on *al-mabādi'* in *Sharḥ al-Maqāṣid* and *al-Ḥāshiyā* continues outlining the logical as well as the *uṣūlīs* and *mutakallimūn* definitions of *adilla*. These sections, therefore, discuss the forms and content of *adilla*. The types of contents and forms of the *adilla* are both covered in this chapter and their conditions are covered in the next chapter on *naẓar*.

b. Necessary and conjectural epistemic indicants (*dalīl* and *amāra*)

The second point I would like to address here also concerns the terminological use of *dalīl* in the context of *al-mabādi'*. There is difference of opinion amongst classical and late classical scholars over the need or benefit of restricting the term *dalīl* to the epistemic indicant which leads to necessary knowledge, and of using another term, *amāra*, for the epistemic indicant which leads to conjectural knowledge. This difference of opinion seems to be influenced by two important debates: the first is the different views concerning the epistemic value of *ẓann*, and the second is the possibility of acquiring necessary knowledge through scholarly investigation.

Bāqillānī, for example, argues that there is neither a need nor a linguistic basis for such a distinction,²⁸¹ while Imām al-Ḥaramayn argues that this distinction is in accordance with the verification of scholars.²⁸² Āmidī attributes the distinction to the *uṣūlīs*,²⁸³ because *dalīl*, in *uṣūl al-fiqh*, is restricted to that which leads to necessary knowledge, but he maintains that for the jurists, this distinction is not applicable,²⁸⁴ since their work pertains to the realm of conjectures, one assumes. As for Ījī, he attributes two definitions of *dalīl* to the *uṣūlīs*. The first definition encompasses necessary and conjectural indicants and the second excludes conjectural ones. Similarly, he presents two definitions of *dalīl* according to the logicians; one of them includes conjectural syllogisms and the other one excludes them. Ījī does not, however, state his own preference:

Conventionally, [*dalīl*], according to legal theorists, is that which, if investigated through sound scholarly investigation, could lead to a propositional sought-after conclusion (*maṭlūb khabarī*). ... This [definition] includes the sign (*amāra*), by which I mean the conjectural [indicant] (*al-zanniyy minhu*). It could also be said that [*dalīl*] leads to the necessary knowledge of a propositional sought-after conclusion (*al-‘ilm bi-maṭlūb khabarī*); hence, it does not include it (i.e. the *amāra*). According to the logicians, [*dalīl*] is two or more premises that produce a third premise. This [definition] includes *amāra* because it encompasses the demonstrative, the conjectural, the poetic, and the sophistic (*safsaṭī*) syllogisms. It has also been said [amongst logicians], instead of ‘produce’ [in the above definition], ‘necessitate by themselves’, in which case *amāra* is excluded.²⁸⁵

In his commentary on this passage, Taftāzānī confirms that Ījī does not exclude conjectural indicants from the term *dalīl* according to the *uṣūlīs* and that he was only reporting various views on the matter.²⁸⁶ Taftāzānī also paid special attention to investigating and invalidating

²⁸¹ Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī, *al-Taqrīb wa-l-irshād*, ed. ‘Abd al-Ḥamīd ibn ‘Alī Abū Zunayd (Beirut: Mu’assasat al-Risāla, 1998), 1:222-223.

²⁸² Abū al-Ma‘ālī ‘Abd al-Malik b. ‘Abd Allāh al-Juwaynī, *Kitāb al-Talkhīṣ fī uṣūl al-fiqh*, ed. ‘Abd Allāh al-Nībālī and Shabīr al-‘Umarī (Beirut: Dār al-Bashā’ir al-Islāmiyya, 1996), 1:131.

²⁸³ See Bernard G. Weiss, *The Search for God’s Law: Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī*, revised ed. (Salt Lake City: Herndon, Va: University of Utah Press, 2010), 49–60.

²⁸⁴ Āmidī, *al-Ihkām fī uṣūl al-aḥkām*, 1:9; Rāzī also argues for the distinction, see Fakhr al-Dīn Muḥammad ibn ‘Umar al-Rāzī, *al-Maḥṣūl min ‘ilm al-uṣūl*, ed. Ṭaha Jabir al-‘Alwānī (Cairo: Mu’assasat al-Risāla, n.d.), 1:88.

²⁸⁵ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:40-43.

²⁸⁶ Ījī states in his *Mawāqif* that *dalīl* encompasses necessary and conjectural assents, and that it is restricted to assents not conceptions, see Ījī, *al-Mawāqif*, 2:3.

Āmidī's position, which suggests that this distinction is relevant in the definition of *dalīl* according to the *fuqahā'* and the *uṣūlīs*.²⁸⁷ In fact, in *Sharḥ al-Maqāṣid*, Taftāzānī seems to suggest that Āmidī did not intend to restrict *dalīl* to that which leads to necessary knowledge only; rather, he meant to respond to those who claimed *dalīl* cannot lead to necessary knowledge by emphasising that it mainly leads to necessary knowledge.²⁸⁸ His discussion was in the context of Āmidī's restriction of *naẓar al-adilla* to certainties, which I will examine further in the next chapter. The following passage further clarifies Taftāzānī's view on the two points discussed here:

In logic, *dalīl* is the arranged premises that produce the sought-after conclusion. It is also said with regard to the thing which if investigated leads to extracting these arranged premises, such as saying the universe [is the *dalīl*] for the Creator [which is the approach of the *uṣūlīs* and the *mutakallimūn*]. Hence, it is defined as that which if investigated through sound scholarly investigation could lead either to a necessary or a conjectural judgement.²⁸⁹

The important question that arises in this discussion, however, is whether *amāra*, according to those who restrict *dalīl* to necessary epistemic indicants, is restricted to conjectural indicants or whether it also includes beliefs. Ibn al-Ḥājjib in his *Mukhtaṣar* restricts *dalīl* to necessary indicants, but defines *amāra* as that which leads to conjectures or beliefs (*i'tiqād*). He states that the conclusions of the *dalīl* are certain, while the conclusions of the *amāra* are either conjectures or beliefs. Ījī has followed him in his *Sharḥ al-Mukhtaṣar* with a similar remark. Taftāzānī, however, notes that belief is excluded from both the *dalīl* and the *amāra*, even with the distinction made between them. He states: '... even if the *dalīl* is restricted to that which leads to necessary knowledge, and *amāra* is specific to that which leads to conjectural knowledge, belief remains excluded. ... The commentator [Ījī] interpreted *amārāt* as that which is conjectural, then he said the connection [between an *amāra* and its

²⁸⁷ Taftāzānī, *Ḥāshiyā 'alā Sharḥ al-Mukhtaṣar*, 1:140.

²⁸⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:34.

²⁸⁹ Taftāzānī, *Sharḥ al-Maqāṣid* 1:52.

conclusions] is conjecture or belief, which is a confusion.’²⁹⁰ Ījī did not classify Ibn al-Ḥāḥib’s definition as sound or unsound, so there still is a chance he is merely acting as a commentator of Ibn al-Ḥāḥib’s view and not making this distinction between the varying degrees of epistemic indicants himself, as noted by Taftāzānī above. This might be supported by the fact that Ījī did not state a preference of his own in his *Mawāqif* either. This view of restricting *dalīl* (or *dalīl* and *amāra*) to that which leads to either the necessary or the conjectural is consistent with Taftāzānī’s view, as opposed to Rāzī’s view, of restricting assents to necessary and conjectural acceptance of the judgements, which he argues are based on certainty and preponderance respectively. The certainty and preponderance of judgements, accordingly, are acquired through *dalīl* and *amāra*.

A final related preliminary point here which Taftāzānī brings the attention to is the restriction of *dalīl* to that which leads to an assent (*taṣdīq*), necessary or conjectural, which would exclude what leads to conceptions. Taftāzānī acknowledges that it is scholarly practice to restrict the section on *dalīl* and *naẓar* to the sources and methods of acquiring assents, not conceptions.²⁹¹ However, he continues his discussions on the two sections covering the methods of acquiring conceptions in addition to assents, the reason being the importance of the first epistemological step of acquiring concepts before one is able to proceed to the acquisition of assents. In the chapter of knowledge, the first epistemological step of concept-forming was discussed in the context of the logical categories of knowledge. In the next chapter on *naẓar*, this epistemological step will again be highlighted in the process of *naẓar*. In the next section, he includes the definition, which is the method of acquiring conceptual knowledge, in the classification of the *dalīl*.

Despite these efforts to agree on terminologies, one who is versed in the scholarly works of these classical writers may conclude that their practice does not always follow their

²⁹⁰ Taftāzānī, *Ḥāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:87-88.

²⁹¹ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:52.

terminological preferences. For example, *‘ilm*, which is often restricted to necessary knowledge, as seen in the previous chapter, is used to denote knowledge in general as well. To refer to necessary knowledge, we observe, they often qualify *‘ilm* by the term *ḍarūrī* (‘necessary’); nonetheless, if the term is used in contrast to other degrees of knowledge (e.g. *ẓann*), *‘ilm* clearly only refers to necessary knowledge. Similarly, the term *dalīl* is often used in these classical and late classical works to denote any type of epistemic indicant, while it is qualified by ‘certain’ (*qaṭ‘ī*) when referring to necessary epistemic indicants. This observation is interestingly accurate in the case of the scholarly usage of the term *dalīl* as well. This perhaps is because the difference of opinion is stronger, as has been explained above. Thus, this observation requires us to understand these classical discussions on terminology in a different way to the way they are usually understood. The intent of these writers is not merely to establish terminologies, but even more significantly, to institute their epistemological boundaries. In other words, restricting *dalīl* to indicants with necessary epistemic indication, and forging the term *amāra* for indicants with less epistemic indication, places *ẓann* in an inferior position with regard to legislation, even if the linguistic use of the term does not support this epistemological distinction, while the assertion that the term *dalīl* equally denotes necessary and conjectural epistemic indications implies the inclusion of *ẓanniyyāt* in the accepted sources of legislation.

III. Types of epistemic indicants (*adilla*)

Before proceeding to the types of *adilla*, I would like to emphasise that this thesis is restricted to the study of the epistemological postulates discussed in the *uṣūl* and *kalām* texts of the late classical period, so topics examined here concerning the *adilla* will not extend to an examination of the sections on *adilla* in the body of the *uṣūl* texts, although connections and further explanations from these sections will be a useful addition to us here. However, for example, the discussion of scholarly consensus (*ijmāʿ*) as a source, which occupies a sizable discussion in the *uṣūl* texts, is not addressed here since it is not part of *adilla* as discussed in *al-mabādiʿ* in its two usages: as sources of knowledge (rational and revelational) and as methods of knowledge acquisition (e.g. definitions and juristic analogy). It should be explained that the representation of the *adilla* in this section of *al-mabādiʿ* is significantly different to the representation we find in logic manuals, as well as the representation we find in the body of *uṣūl* texts. In logic manuals, including Taftāzānī's own extensive *Sharḥ al-Shamsiyya*, the focus is on the forms of these *adilla*, on how to construct valid forms of syllogisms, but disregarding their content. In fact, the forms and figures of syllogisms – which, in Taftāzānī's *Sharḥ al-Shamsiyya*, number in their hundreds – and the conditions for their production, make up the greater part of the discussion in logic manuals.²⁹² This does not mean that the content, by which I mean the sources of knowledge, is irrelevant to logic manuals. The end of these manuals usually contains a brief discussion on the epistemic value of premises used in the different types of syllogisms, which I will note shortly. As for the main sections on *adilla* in *uṣūl* works, which mainly deal with the revelational types of indicants, the questions dominating the representation of these *adilla* can be summarised into two. The first is a question of authentication: what makes the list of *adilla* each *madhhab*

²⁹² See Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 312–64; For the number of possible forms and figures, see for example al-Taftāzānī, *Sharḥ al-Maqāṣid*, 334, 339, 350.

supports an authentic source for legislation? This question of authentication is why the study of *adilla* in *uṣūl* works is often termed the study of the general sources (*al-adilla al-ijmāliyya*). The second question dominating the representation of the *adilla* in *uṣūl* works is a question of practice: what are the valid foundations for acting upon the *adilla*?

The representation of *adilla* in the section of *al-mabādi'* however, is centred on discussions of the epistemological aspects of these *adilla*, viz. their epistemic value as sources, and the epistemic value of their conclusions, if investigated. Two important epistemological debates arise from the *mabādi'-adilla* section, which are: the method of establishing a connection between the *adilla* and their judgements, and the place for *ẓann* within this epistemology. These two questions and their related debates are the core focus of the rest of this chapter. My discussions below will not go into details about the logical and *uṣūlī* debates (for example, I will not discuss the categorical (*iqtirānī*) and exceptive (*istithnā'ī*) forms of syllogism, nor will I discuss the scholarly consensus (*ijmā'*) or juristic preference (*istiḥsān*) as general *adilla*, viz. sources of legislation). Rather, my focus will be on the epistemological debates discussed in *al-mabādi'*, namely the epistemic value these indicants produce and the way through which they produce, followed by their implication on the foundationalist and occasionalist features of Taftāzānī's epistemology.

I will start the next section of this chapter with a brief outline of the methods of acquiring conceptions and assents, then proceed to the discussion of the epistemological debates above, which are the main concern here.

1. Methods for the acquisition of conceptions: Definitions (*mu'arrifāt*)

As I mentioned earlier, Taftāzānī includes a subsection on definitions, the methods of acquiring conceptions, in his classification of the *adilla*. However, he notes that scholars usually restrict their section on *adilla* to that which leads to *taṣdīq*. By *taṣdīq* here he refers to

necessary and conjectural judgements only, as will be demonstrated below. Definitions occupy a significant status in the texts we are studying as well as within the classical and late classical *kalām* and *uṣūl* works in general. Such a significance stems from an interest in acquiring conceptions as a prior epistemological step to the acquisition of assents. For this reason, we find that the section on *adilla* also includes a sub-section for the types and methods of constructing definitions in the *kalām* and *uṣūl* works of Taftāzānī and not only in his *manṭiq* texts, though this discussion is more extensive in his *Sharḥ al-Shamsiyya*. Taftāzānī points out on several occasions that scholars tend to restrict their sections on *adilla* and *nazar* to that which leads to the acquisition of assents, and not definitions, which lead to conceptions. Yet, he renders the acquisition of definitions a prior step that needs to be addressed in *kalām* and *uṣūl* before proceeding to the methods and sources of acquiring assents. It is noteworthy that, as the above section indicates, the most cited definitions of *adilla* in classical works exclude definitions.

Several of the arguments discussed in this thesis and the texts under investigation depend on the basic structure and conditions of definitions; i.e. the methods of acquiring conceptions. Definitions at the beginning of any section of any work on *kalām* or *uṣūl*, as well as other genres, significantly steer the debates of that section. Therefore, I will briefly discuss the category of definitions as it appears in the sections on *al-mabādi'*, with assistance from Taftāzānī's *Sharḥ al-Shamsiyya*.²⁹³ When needed, I will also make use of standard logic handbooks, such as the famous logic handbook, *Isāgoge*, by Athīr al-Dīn al-Abharī (d. between 660/1263 and 663/1265).²⁹⁴ The basic structure of any standard logic handbook outlines the methods of acquiring conceptions through definitions, and assents through syllogisms. The study of definitions is preceded by the study of the five universals, as they

²⁹³ See Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 138–200.

²⁹⁴ Eichner, Heidrun, 'Al-Abharī, Athīr al-Dīn', in: *Encyclopaedia of Islam, THREE*, Edited by: Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, Everett Rowson. Consulted online on 18 December 2017 http://dx.doi.org/10.1163/1573-3912_ei3_COM_26284 First published online: 2008

are the prerequisites of definitions. The study of syllogisms is preceded by the study of propositions as the prerequisites for syllogisms.

a. The five universals (*al-kulliyāt al-khams*)

Understanding definitions warrants the understanding of the five universals which are used to construct the different types of definitions. I will thus start with their description. *Where do the five universals come from?* There are two types of indicative expressions (*alfāz dālla*). The first is the singular expression, if it conveys a singular meaning, even if expressed in more than one word. For example, human, honesty, and Ḥujjat al-islām (when referring to Ghazālī), are all singulars. The second is the composite expression: if the expression is used to convey a composite meaning, for example: ‘oriental studies’, ‘do your job’, and ‘prayer is obligatory’. Singular expressions are either used to convey a particular meaning (*juz ī*), such as all proper nouns and any definite items (e.g. this tree), or a universal meaning (*kullī*), such as tree, humanity, school, and so on. The universal singular expression is anything the meaning of which is applicable to many, even if only one item exists in reality. The standard example for the case when only one item exists under a universal singular expression is *sun*. The classification of expressions into singular and composite is a linguistic classification: expressions insofar as they are expressions. The classification of singular expressions into particular and universal is a classification of the meanings these expressions indicate, and not the expressions themselves.

Logicians have identified five universals with consideration to the relations of one essence (i.e. one object of knowledge or one defined thing) to another. They have inductively concluded that a universal quality is either internal or external (also known as essential and accidental) to the defined thing, and that each is either shared with other things or specific to the defined thing. If the universal is internal and shared with other things, it is called ‘genus’

(*jins*); if it is internal and specific to one essence only, it is called ‘differentia’ (*faṣl*). If the universal is external and specific to one essence, it is called a ‘special property’ (*khāṣṣa*) or (*‘araḍ khāṣṣ*); if it is external and shared with other things, it is called a ‘general property’ (*‘araḍ ‘ām*). Internal universals are essential parts of what the object of knowledge really is; i.e. its essence (*dhāt*). They are used to answer the question of quiddity (*māhiyya*): what is it? The standard example is saying a ‘human is a rational animal’ as an answer to the question: what is a human being? Animation, or life, is an essential internal part of what a human is, but it is also an essential internal part of what a lion or a horse is. Hence it is a *genus* in their definitions, while rationality, or the faculty of reason, is an essential internal quality of humans which is specific to only them; hence it is the *differentia* of this definition of human being. External universals are accidentals (*‘araḍiyyāt*), meaning they are not part of what the defined thing is, even if they can only be said of this object. For example, laughing or writing are not parts of what the human being is, *although* the abilities to laugh and to write are particular to humans, at least as far as we know, hence, they are the special properties in the definition of the human being. The ability to walk or to breathe is an accidental external universal for the human being, as well as for other animals, hence, these are general properties in the definition of the human being. The shared, specific, essential, and accidental universals create four out of the five universals; the fifth is the object of definition, the essence itself, which is called species (*naw’*). Different combinations of these five universals create different types of definitions, as I explain below.

b. Types and conditions of definitions

The first step toward defining a thing is to identify the qualities that this thing shares with other, and perhaps more familiar, things. The closer you are to recognising this shared quality the better your definition is. For example, if you are defining ‘apple’, you may see that what

is common between apples and other things of its kind is ‘fruit’ as well as ‘food’. Fruit is closer to the essence of apples than food, so using it in the definition is better. This common quality you need to identify is the genus, and it is of two types: immediate and distant genus. Some also add ‘intermediate’ as a third type of genus. The second step is to identify the qualities that are specific to this defined thing that other things do not share. This specific quality might be essential or accidental. If acquiring the essential specific quality, the differentia, is a possibility, then one must use it for the definition to be strong; otherwise, the definition must include one or many of the specific accidental qualities, the special properties, to complete the definition. Accordingly, logicians suggest there are four types of definitions:

1. Complete essential definition (*ḥadd tāmm*), which contains the immediate genus and differentia; for example, a human is a rational animal.
2. Incomplete essential definition (*ḥadd nāqiṣ*), which contains the distant genus and the differentia, or the differentia only; for example, a human is a rational body.
3. Complete non-essential definition (*rasm tāmm*), which contains the immediate genus and one or more special properties; for example, a human is a laughing, writing animal.
4. Incomplete non-essential definition (*rasm nāqiṣ*) which contains the distant genus and one or more special properties; for example, a human is a laughing body.

In addition to these four, there are also: the linguistic definition, which is defining a thing by its more common synonymy; the definition by classification (e.g. knowledge is either a conception or an assent), and the definition by illustrative examples (e.g. seeing in the mirror to explain intellectual perceptions in Ghazālī’s definition of *‘ilm* discussed previously). These three are considered, by many logicians, to be non-essential definitions. Non-essential

definitions are sometimes referred to as interpretation (*tafsīr*). The following is Taftāzānī's explanation of the process of obtaining a conception through definitions:

The method for obtaining a conceptional sought-after conclusion (*maṭlūb taṣawwūrī*) is definition, be it an essential definition (*ta'rif bi-l-ḥadd*), or a non-essential definition (*ta'rif bi-l-rasm*). Each one of them is either complete or incomplete, because *distinction* is a condition in definitions without which the intellect is unable to acquire knowledge [of the conception]. Such a distinction is either essential, in which case the definition is termed *ḥadd*. ... or an accident, in which case the definition is termed *rasm*.²⁹⁵

Thus, the objective of definitions is to acquire the knowledge of the defined thing through distinguishing it from all other items. To ensure this objective is achieved, logicians set forth several conditions. Some are more significant than others:

- a. The first and most significant condition is that the definition be inclusive and exclusive (*jāmi' māni'*, also known as *muṭṭarid mun'akis*). This means that the definition must be applicable to all items under its species, while eliminating all items of which inclusion is not intended. This condition secures the distinction between objects of knowledge. It is naturally achieved by the differentia (e.g. rationality for humans), because the differentia equals the essence of a thing. But acquiring the differentia is very difficult, especially for theoretical concepts (e.g. *fiqh* or *uṣūl*) and hence Muslim logicians accept the use of one or more special properties to achieve this condition.
- b. The second condition is that the definition not entail a rational impossibility, for example, that it not be circular. This means the definition cannot depend on the knowledge of the thing defined (e.g. knowledge is knowing objects of knowledge).
- c. The third is a set of conditions concerning clarity: that the definition be clearer than the thing defined, not less clear or equally clear.

²⁹⁵ Taftāzānī, *Maqāṣid al-ṭālibīn fī 'ilm uṣūl al-dīn*, 1:49. Emphasis is mine.

- d. The fourth is a set of conditions concerning language: that the definition not contain metaphors or homonymous expressions without indicating the intended meaning.
- e. The fifth condition is that the definition not include judgements, in an explicit way. Otherwise, the definition includes several implied judgements regarding the relations between the thing defined and the universals in the definitions (e.g. rational is a differentia for human) and so on.

The more knowledge one has of a thing, we may conclude from the above set of conditions, the better one is able to identify its internal and external universals. Therefore, it may be argued that constructing a definition is a posterior and not a prior step to its knowledge. This contrasts with how logical manuals introduce definitions as the methods of acquiring knowledge of concepts.²⁹⁶ This observation helps explain the role of the logical methods of definitions as essentially offering formalistic constructions of an already identified conception. In other words, logic manuals are concerned with the form of definitions rather than the content of the conception. Definitions of theoretical concepts, which is more relevant to us here, are in many ways representations of the definer's view of what the concept constitutes. In other words, a person may create a concept and give it a definition which indicates these essential or accidental qualities according to their own opinion. This, I argue, is one main reason why definitions became significant in the Islamic disciplines, in addition to the bipartite epistemology of concepts-formation before the acceptance of their proposed relations. Offering definitions of concepts has, therefore, become the basis for debating any judgements concerning these concepts in almost all genres within classical Islamic scholarship.

²⁹⁶ It is worth noting that later jurist-logicians, such as Ibrāhīm ibn Muḥammad al-Bājūrī (d. 1276/1860), indicated that the definition is not the only method of acquiring concepts. In the following article, Spevack suggests that this late view seems to be in response to some of the critiques of logic from the likes of Ibn Taymiyya. Ibn Taymiyya, for example, denies the existence of the universals and their benefit in acquiring the knowledge of things. See Aaron Spevack, 'Apples and Oranges: The Logic of the Early and Later Arabic Logicians', *Islamic Law and Society*, no. 17 (2010): at 167-9.

The acceptable methods of constructing definitions in this *kalām-uṣūl* epistemology have been modified from what one finds in logic manuals, as outlined above. Most of the modification occurred to the criterion of acceptable definitions focused on the fulfilment of the condition of distinction. The most significant evidence which supports this claim is that although the above outline of the types and conditions of definitions appears in the works of *kalām*, *uṣūl* and *manṭiq* under investigation, Taftāzānī, in his *Hāshiya*, explains that while logicians require the use of the essentials in their complete definitions, *uṣūlīs* do not.²⁹⁷ The only important condition for the *uṣūlīs* is the *distinction* condition which may be acquired through the differentia, or through the special property, or, when required, several special properties which together achieve the condition of distinction, through accidental properties.

This modification points out an important divergence between juristic and logical conceptions of epistemology, which supports my overall argument regarding the place of *al-mabādi'* on the borders on logic, *kalām* and *uṣūl*. This modification is also an indication of a concern of functionality of epistemology: essentials are not easily identified in most things. Restricting valid definitions to those which successfully identify them poses difficulty to acquiring conceptions in general and subsequently to forming judgements in their regards. Distinction becomes the central objective of the practice of offering, or debating, a definition in classical *kalām* and *uṣūl* texts, as well as other Islamic disciplines.

Modifying the conditions of accepted definitions has in fact also encouraged some scholars to accept general definitions; i.e. definitions which are inclusive, but not exclusive. However, the opposite, specific definitions which are exclusive but not inclusive, are generally not accepted. An example of this practice is seen in the definition of *dalīl* discussed above which encompassed definitions, although some scholars have excluded them from the concept of *dalīl*. Another example for the emphasised objective of distinction, and the

²⁹⁷ See Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:68; Taftāzānī, *Hāshiya 'alā Sharḥ al-Mukhtaṣar*, 1:68-69.

possibility of achieving it through special properties rather than the essentials, is the conception of *nazar*, which will be discussed in the next chapter. These practices are important modifications which the *mutakallimūn* and *uṣūlīs* made to the ideals and concepts of the genre of logic. Their modifications show the flexibility of their epistemology. This flexibility served, in many ways, the functionality of their theories.

2. Epistemic indicants for the acquisition of judgements

a. *Rationale behind restricting adilla in syllogisms, juristic analogies, and inductive reasoning (qiyās, istiqrā', and tamthīl)*

In addition to the methods for acquiring conceptions through definitions, the methods for acquiring assents, the epistemic indicants (*adilla*), Taftāzānī explains, are three: syllogism (*qiyās*), inductive reasoning (*istiqrā'*), and juristic analogy (*tamthīl*). By epistemic indicants here I refer to the *kalām-uṣūl*, not the logical, understanding of epistemic indicants (e.g. the universe itself, not the syllogistic form in the previously discussed example). These three methods are the basis upon which *taṣdīq* may rely. Sound ones from the three methods produce necessary and conjectural judgements alike, as will be explained. The first question discussed in the section on *al-mabādi'* concerning these three types of *adilla* is the reasoning behind their restriction. This discussion is particularly important because it answers the question: how do these epistemic indicants lead to their conclusions? In other words, what must one establish to claim an argument is a valid argument for a specific judgement?

Taftāzānī explains that the reason for restricting the *adilla* to these three is that the *dalīl* leads to its conclusion through offering a proper connection for a sought-after conclusion (*al-maṭlūb*), a judgement in our case. What makes a connection proper according to him is that both, the *dalīl* and the judgement, include a shared meaning which justifies the application of the latter to the subject of the former. He explains that this inclusion may occur

in three cases: [A] When the sought-after conclusion or the judgement is contained in the *dalīl*; [B] when the *dalīl* is contained in the sought-after conclusion; [C] when the *dalīl* and the sought-after conclusion are contained in a third thing which they share. These three types of connection between the judgement and its *dalīl* create the three forms of *adilla* discussed in the section on *al-mabādi*'. Taftāzānī states:

What leads to judgement – which is called a *dalīl* because of the guidance it offers [in obtaining] sought-after conclusions, and [is called] a proof (*ḥujja*) because it enables triumph over opponents – is a syllogism (*qiyās*), inductive reasoning (*istiqrā'*), or juristic analogy (*tamthīl*). This is because there must be a suitable connection between the *dalīl* and the sought-after conclusion to produce [the latter] from [the former]. This suitable connection is either through the inclusion of one of them in the other, or otherwise. If the *dalīl* includes the sought-after conclusion, then it is the case of syllogism, because the conclusion is contained in the two premises of [the syllogism]. If the sought-after conclusion includes the *dalīl*, it is the case of inductive reasoning, because the sought-after conclusion is the general principle established through its existence within its particulars. As for the second case [where neither contains the other], there must be a third [thing] for both (i.e. the *dalīl* and the sought-after conclusion) to share so that the knowledge of one of them produces the knowledge of the other. This is the case of juristic analogy, because the judgement of the branch-case (*far'*), which is the sought-after conclusion, is produced through the judgement of the principle-case (*aṣl*), through their inclusion under a shared third, which is the legal cause (*'illa*).²⁹⁸

In this passage, Taftāzānī is concerned about the justification condition rather than the formalistic details of these three types of *adilla* as outlined in logic manuals. This condition, through which the three methods of *adilla* are identified, is equivalent to the *uṣūlī* method of inferential reasoning (*istidlāl*, lit. 'seeking the *dalīl*'). *Istidlāl*, broadly defined as the hermeneutical process for establishing a mode of indication (*wajh dalāla*) between sought-after conclusions, the legal judgements, and their epistemic indicants, is also what is known in kalām texts as scholarly investigation (*naẓar*), the subject of the next chapter of this study. These three epistemic indicants are thus the different forms the process of *naẓar* may take.

²⁹⁸Taftāzānī, *Sharḥ al-Maqāṣid*, 1:50; Rāzī makes a similar remark on the comparison between these three types of *adilla*, but not on the basis of inclusion; rather, on the basis of entailment (*luzūm*). This entailment method is also the explanation Ījī gives in his *al-Mawāqif*. See Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta'akhhirīn*, 32.

They are the forms through which scholars may explicate their arguments to show their proper connections to their conclusions. Next, I will further explain these three forms of epistemic indicants in relation to this condition of establishing a mode of indication. Afterwards, I will demonstrate that similar to the condition of distinction (*tamayyuz*), which replaced essential forms of logical definitions for *uṣūlīs*, the condition of establishing *wajh al-dalāla* became the key hermeneutical principle that shifted the focus away from the logical forms of syllogisms, juristic analogies, and inductions.

b. Syllogism (*qiyās*)

Taftāzānī explains above that syllogism is an epistemic indicant within which the conclusion is contained. To further explain this, the two premises used to construct a syllogism include the sought-after conclusion. A syllogism contains three terms: the minor term, which is the subject of the conclusion; the major term, which is the predicate of the conclusion; and a middle term, which is the repeated term in the two premises, and which indicates the inclusion of the minor term in the major term to create the judgement. The following is a standard first figure syllogism (*qiyās min al-shakl al-awwal*) as an illustrative example:

Minor premise: Zayd is a human being
Major premise: all human beings are rational
Conclusion: Zayd is rational

In this example, the minor term is *Zayd* (the premise which contains the minor term is termed the minor premise), the major term is *rational* (the premise which contains the major term is termed the major premise), and the middle term is *human being*, which is repeated in both premises and disappears in the conclusion. The middle term, *human being*, indicated the inclusion of the minor term, *Zayd*, in the major term, *human being*; hence, *wajh al-dalāla* in this syllogism is the containment of the sought-after conclusion: *Zayd is rational*, in the epistemic indicant: the general premise that all human beings are rational. The syllogism

comes to indicate that the minor term shares the general quality the *dalīl* already established. This first figure of syllogism is not, of course, the only one;²⁹⁹ however, it is the strongest in indicating *wajh al-dalāla*, to the extent that Taftāzānī, and other logicians, argue that all other forms and figures need to be converted into the form of the first figure in order for them to produce their conclusions.³⁰⁰

Importantly, the forms of syllogisms *indicate* rather than establish *wajh al-dalāla* in this case of *istidlāl*. The universal premise that all humans are rational, as well as the particular premise that Zayd is a human being, are both established outside this syllogistic form. This syllogistic form makes anyone who accepts the validity of these two premises accept the validity of the conclusion, in other words, assent to the judgement. Another related important note is that a valid form of syllogism fulfilling all conditions of production might still be an invalid epistemic indicant for a sought-after conclusion if it fails to meet the conditions of content. Even further, a valid form of syllogism not fulfilling the conditions of content might still produce a sought-after conclusion. Taftāzānī therefore emphasises that *wajh al-dalāla* is ‘an attribute in the epistemic indicant (*ṣifa fī-l-dalīl*)’,³⁰¹ not a mere rational consideration (*amr i tibārī ‘aqlī*), as argued by Rāzī, Ṭūsī, and Ghazālī. Taftāzānī argues that their view seems to confuse *wajh al-dalāla* with *dalāla*. They argue that *wajh al-dalāla* is a

²⁹⁹ The figures of a syllogism are mainly four (the validity of the fourth being questionable according to many logicians). These figures are determined by the place of the middle term, which creates the connection between the minor and major premises. The middle term in the first figure is a predicate in the minor premise and a subject in the major premise, as in the above example. This figure produces all forms of conclusions (universal and particular, affirmative and negative judgements). The middle term in the second figure is a predicate in the minor and major premises. For example, all intentional eating breaks the fast; no bleeding breaks the fast; hence, no intentional eating is bleeding. This figure only produces negative conclusions (universals and particulars). For this reason, Ghazālī claims, this syllogistic figure is what jurists term the proof of differentiation (*dalīl al-farq*). See Ghazālī, *al-Mustaṣfā min ‘ilm al-uṣūl*, 1:46. The middle term in the third figure is a subject in the minor and major premises; for example, every theft is a betrayal; every theft requires hand-cutting; hence, some betrayals require hand-cutting. This syllogistic figure only produces particular judgements because the minimum connection one may be able to claim between two judgements of one conception is that they both share the particularity of being judgements for this conception. The middle term in the fourth figure is a subject in the minor term and a predicate in the major premise; for example, human beings are animals; women are human beings; hence, some animals are women. These figures are further subdivided with regard to affirmation and negation, universality and particularity of their premises, and each requires several conditions for their productions, all of which are intensively discussed in logic manuals.

³⁰⁰ Taftāzānī, *Ḥāshiyā ‘alā Sharḥ al-Mukhtaṣar*, 1:46.

³⁰¹ See Taftāzānī, *Sharḥ al-Maqāṣid*, 1:43-4.

rational consideration of the epistemic indicant; i.e. the being of the indicant in such a way that the conclusion is indicated. For Taftāzānī, this rational virtual consideration is the *dalāla* itself, while *wajh al-dalāla* is an attribute connected to the epistemic indicant itself. For example, the possibility and createdness of the universe are two attributes of the epistemic indicant for the existence of God and hence they are *wajh al-dalāla*. The importance of this distinction lies in the identification of this condition within or outside the content of the epistemic indicants themselves.

c. Juristic analogy (*tamthīl*)

The second type of epistemic indicant is juristic analogy (*tamthīl*) which is often confused with syllogism as I explain below. *Tamthīl* is the process of ‘making similar’ the judgement of a particular case to another particular case for a shared meaning between them. The first particular case in this process is the principle-case (*aṣl*), the second is the branch-case (*farʿ*), and the shared meaning is what *uṣūlīs* term the legal cause (*ʿilla*). The connection between this type of epistemic indicant and its sought-after conclusion is created through the inclusion of both, the epistemic indicant and its sought-after conclusion, under a third shared particular, which is the shared quality (*jāmiʿ*) of a similar case we call a ‘principle-case’.³⁰² The standard classical example for *tamthīl* is the simile between the legal judgement of drinking alcohol, the principle-case, and drinking wine, the branch-case for sharing the *ʿilla* of intoxication. The process of *tamthīl* depends on four terms, not three, as in the case of syllogism: the branch-case, the principle-case, the *ʿilla*, and the judgement of the principle-case.

³⁰² Taftāzānī, *Sharḥ al-Maqāṣid*, 1:50; Rāzī makes a similar remark on the comparison between these three types of *adilla*, but not on the basis of inclusion; rather, he relates all of them to applying general principles to prove specific principles; or establishing specific principles to prove general principles; or use a shared general principle to prove equally specific principles, see Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-mutaʾakkkhirīn*, 32.

a. The difference between syllogism and juristic analogy

Aron Zysow in his *The Economy of Certainty* has already noted the difference of opinion in considering juristic analogy a type of inductive reasoning, as suggested by Ibn Ḥazm (d. 456/1064), because it is the search for the legal cause (‘*illa*), or a type of syllogism with ‘*illa* as its middle term, as suggested by most jurists.³⁰³ In an apparent attempt to reconcile between these two scholarly opinions, Taftāzānī distinguishes between two methods of searching for the ‘*illa*, which explains why some scholars claim juristic analogy is a type of syllogism and others claim it is a type of inductive reasoning. The first method of determining the ‘*illa* (also known as the shared quality ‘*jāmi*’ in *tamthīl*) in a juristic case is concomitance (*dawarān*). *Dawarān* means that the judgement corresponds in existence to the shared quality, the ‘*illa*, in all of its cases. This method makes juristic analogy closer to inductive reasoning. The second method is when the shared quality is stated and is used as the middle term which connects the branch-case to the principle-case, then, juristic analogy is closer to syllogism.³⁰⁴ Taftāzānī may have had Rāzī’s view in mind when he was offering this detailed explanation of *tamthīl*. In *al-Muḥaṣṣal*, Rāzī suggests that *tamthīl* is, in reality, a combination of syllogism and inductive reasoning, without going into further explanation of why he suggests so.³⁰⁵ However, in his *Sharḥ al-Maqāṣid*, Taftāzānī states his own view concerning this debate. He states that jurists, inaccurately, use the term *qiyās* for juristic analogy, instead of *tamthīl*. The reason they do so is because of the inclusion of the branch-case in the principle-case through the shared ‘*illa* which can take the form of a middle term in a syllogism.³⁰⁶ In other words, although cases of *tamthīl* may be expressed in the same form as *qiyās*, in essence, *tamthīl* is a different method of reasoning than *qiyās*; the connection between the premises and conclusions in both methods are different, as explained above. In

³⁰³ Aron Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory*, Resources in Arabic and Islamic Studies 2 (Atlanta, GA: Lockwood Press, 2013), 145.

³⁰⁴ See Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 366.

³⁰⁵ Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta’akhhirīn*, 32.

³⁰⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:44.

addition, the epistemic value of both methods of reasoning, which is based on the way such a connection is made, is also different. In syllogism, we give the conclusion the same epistemic value of the two premises. In juristic analogy, however, the principle-case has a higher epistemic value than the branch-case. For example, the judgement of the principle-case can be certain, such in the judgement that wheat is a usurious substance known through explicit text, while the judgement of its branch-case is only conjecture, such as in the judgement that apples are a usurious substance, because they shared the *'illa* of eatability (wheat and apples are both food), according to some juristic schools. According to other schools, apples are not usurious because the *'illa* for the principle-case is sustainability (i.e. food which sustains human life) not eatability. In this example, the judgement of the branch-case is a conjectural judgement, because the *'illa* is deduced rather than stated and hence the juristic differences. Hence, we cannot claim that juristic analogy is a form of syllogism, because in syllogism, the conclusions follow the epistemic value of their premises.

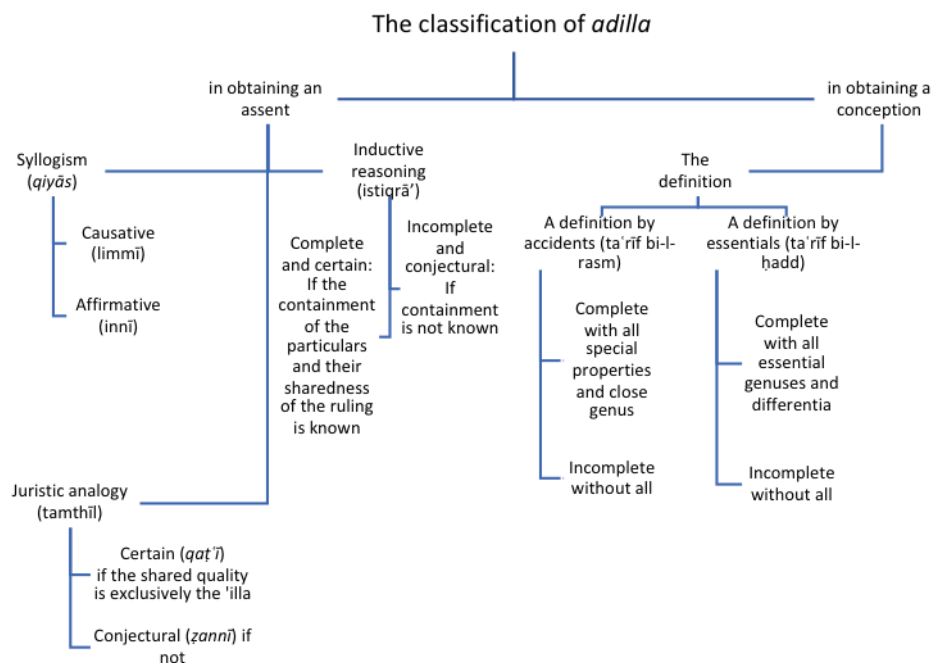
5. Inductive reasoning (*istiqrā'*)

The third type of epistemic indicant is inductive reasoning (*istiqrā'*). Simply defined, *istiqrā'* is the exhaustive investigation of the particulars to conclude a universal principle.³⁰⁷ The universal principle is the sought-after conclusion and the particulars, in this case, are the *dalīl* for this sought-after conclusion. Therefore, the epistemic connection here is in the inclusion of the *dalīl* in the sought-after conclusion. If the inductive reasoning is complete, by which we mean it is based on the investigation of all the particulars, it leads to necessary knowledge. In most cases, though, the particulars are not exhaustively investigated or even known, so the inductive reasoning leads to conjectural knowledge only.

³⁰⁷ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 364.

In fact, Taftāzānī claims an agreement on the epistemic value of inductive reasoning and juristic analogy; both of them, he states, only lead to conjectural knowledge,³⁰⁸ while demonstrative syllogism leads to necessary knowledge. Taftāzānī theoretically explains when inductive reasoning and juristic analogy could lead to necessary conclusions. However, he seems convinced that these theoretical methods cannot be applied in practice; one could never claim to have searched for all qualities of a case to determine the *'illa* or to have investigated all particulars of a universal to establish the universal principle. This is especially true when it comes to juristic investigations.

The following is a diagram explaining the types of *adilla* for acquiring conceptions and assents based on Taftāzānī's subsection on *dalīl* in *Sharḥ al-Maqāṣid*'s chapter on *al-mabādi'*:



[Figure 5: classification of *adilla*]³⁰⁹

³⁰⁸ Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 367.

³⁰⁹ The causative and affirmative types of syllogisms will be explained in the next section.

6. Establishing a *proper* connection between epistemic indicants and judgements

The above forms of epistemic indicants: syllogisms, juristic analogies, and inductive reasoning, require a suitable mode of indication (*wajh al-dalāla*) which connects their premises and their conclusion (the *aḥkām*). Otherwise, the *dalīl* would not lead to its desired conclusion. I have explained that establishing *wajh al-dalāla* is the central focus in the discussion of the different forms of *adilla* leading to *aḥkām* in the section of *al-mabādi'*. Establishing *wajh al-dalāla* is considered the condition of content to these forms of *adilla*. The epistemic value and suitability of this connection are what determine the validity and epistemic value of the *dalīl*: if they are certain, the conclusion is certain, and if conjectural, the conclusion is conjectural. Taftāzānī explained the cases in which any of the three *adilla* lead to necessary or conjectural conclusions and suggested that only demonstrative syllogism leads to necessary knowledge, while all other types are, practically, conjectural in the way they indicate their conclusions. In theory, he contends that juristic analogy and inductive reasoning may lead to necessary knowledge. This conclusion of Taftāzānī's is based on his view that the connection between epistemic indicants and their conclusions needs to be a connection of inclusion. However, this is not the only classical view in identifying the connection between epistemic indicants and the judgements they produce.

Ījī, for example, introduces a different concept in explaining the required connection between epistemic indicants and their conclusions, the concept of necessary entailment (*istilzām*):

Dalīl requires a necessary entailment (*mustalzim*); Otherwise, the intellect will not reach [the conclusion] through the [*dalīl*]. This necessary entailment must be established in the subject [of the premise], so that the conclusion becomes propositional (i.e. contains a judgement). This is the reason why a *dalīl* must contain two premises,

so that one of them tells us about the connection (*luzūm*), and the other tells us about the occurrence of such a connection [in the subject] (*ḥuṣūl al-malzūm*).³¹⁰

The concept of *mustalzim* is a logical concept connected to syllogisms as clearly indicated by Ījī's explanation of *dalīl* containing two premises. He explains the requirement of the middle terms in the syllogistic forms and their role in establishing the connection between sought-after conclusions and premises. This connection is the necessary entailment in logic indicated through the middle terms in syllogisms, but *wajh al-dalāla* in Taftāzānī's view is evidently a much more general concept, as it applies to all forms of epistemic indicants and not only syllogisms. In addition, it also applies to conjectural and necessary indicants, while necessary entailment is only connected to necessary indicants. Ījī has restricted the concept of *dalīl* in necessary indicants, which explains why his condition of production is also restricted to necessary indicants.

Taftāzānī maintains that the fulfilment of the condition of *wajh al-dalāla* is what matters, for it is a condition of content, not of form. For logicians, the soundness of form is their major concern and hence their condition of the existence of middle terms. As explained, for the *mutakallimūn* and *uṣūlīs* the indication is in the content, not in the form, in opposition to logicians who consider the indication to be in the form. This might be one of the reasons for the disagreement regarding considering juristic analogy a syllogism or inductive reasoning, for if you have the *wajh al-dalāla* which established the connection between the epistemic indicant and your desired conclusion, you can then turn your juristic case to any form of indicants. Taftāzānī, consequently, states that an epistemic indicant only leads to its conclusion on the presumption that the scholarly investigation (*naẓar*) has taken place, rather than, as some may think, through the premises themselves or through their arrangement in

³¹⁰ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:44.

one form of indicant or the other.³¹¹ This condition of *wajh al-dalāla* will be further developed in the next chapter on *naẓar*. The emphasis on *wajh al-dalāla* and its role is more significant in Taftāzānī's theory of indication than it is in the works of his contemporaries and predecessors.

IV. Occasionalism and foundationalism

1. The correlation between premises and conclusions

The process of establishing a connection between epistemic indicants and their conclusions is thus the key step for the establishment or extraction of judgements, the primary task for *uṣūlīs* and *mutakallimūn*. How can these *uṣūlīs* and *mutakallimūn*, who problematise the connection between causes and effects, accept this condition of establishing a relationship between conclusions and epistemic indicants, which is considered a form of causative connection? In the chapter on the theory of knowledge, Taftāzānī speaks about the un-intrinsic feature of all judgements, including necessities and conjectures, as a natural result of their reliance on the existence of God's will simultaneously with the existence of the epistemic indicant which affirms or negates them. He denies that any type of knowledge has any necessary entailment in its occurrence in one's intellect, including knowledge resulting from demonstrative syllogisms, the strongest in its epistemic value, as well as the other types of indicants. He also noted that immediate-necessary knowledge, which requires no epistemic indicants, may still fail to occur in the intellect for one who, for example, suffers from deficiencies in their mind or senses. The reason for this intense rejection of an intrinsic epistemic value of indicants is that all types of knowledge are also created in time (*'ilm ḥādith*), which means they are possible matters that require God's will for their existence or non-existence. This view is similar to the one concerning natural causes (for example, the

³¹¹ Taftāzānī, *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar*, 1:44.

causative relationship between ‘fire’ and ‘burning’) which is the standard view of Sunni schools with some variations amongst Ash‘arīs and Māturīdīs. In his *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, Taftāzānī re-establishes this position which he defended in *Sharḥ al-Maqāṣid*, but this time the discussion is in the context of the relationship between epistemic indicants and their conclusions:

Possible matters are, essentially, dependent upon God; hence, necessary and conjectural knowledge [which are [both] possible matters] correlate in their occurrence to the necessary and conjectural indicants through the creation of God, the Exalted. They have no efficacy or obliging [power] in themselves (*min ghayr ta’tḥīr lahumā aw ijāb*).³¹²

If the relationship between *adilla* and *aḥkāṃ* is not that of an entailment or necessity, how then do they produce the *aḥkāṃ*, or more precisely for this matter, the knowledge of the *aḥkāṃ* that occurs after investigating and presenting them? Taftāzānī answers this question clearly in the following:

The meaning of the *dalīl*’s entailment of knowledge (*istilzām al-dalīl al-‘ilm*) is their correlation; that is, the *dalīl* correlating to necessary knowledge in an ordinary manner (*‘ādatan*). Correspondingly, it is not strange to say that the *amāra* is also correlating to conjectural knowledge in the same [ordinary] manner, and that [this conjectural knowledge] may not occur after the *amāra* is presented if God does not create it. ... This ordinary correlation prevents dissociation [between indicants and judgements] ordinarily, although it permits it rationally.³¹³

In the above passage, Taftāzānī starts by defining the relationship between necessary knowledge and its epistemic indicants as a relationship of an ordinary entailment, then explains that this also is the case regarding the relationship between conjectural knowledge and epistemic indicants. This structure rightly suggests that it is easier to accept this view in conjectures if you accept it with regard to knowledge of greater epistemic value such as in the necessities. But this obvious point is not why Taftāzānī makes the effort to make similar

³¹² Taftāzānī, *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:42-3.

³¹³ Taftāzānī, *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:43-4; Similarly in: Sa‘d al-Dīn ‘Umar ibn Mas‘ūd al-Taftāzānī, *al-Talwīḥ ‘alā al-Tawḍīḥ* (Qazān, Russia: al-Maṭba‘a al-imbarātūriyya, 1883), 16–17.

conjectural knowledge to necessary knowledge; rather, it is the fact that this discussion is in the context of *uṣūl al-fiqh* where the objective of jurists is to establish conjectural *aḥkām*. Hence, he suggests that the correlation between epistemic indicants and their conclusions is strong enough that scholars are enabled to extract *aḥkām* through establishing *wajh al-dalāla*, but not so strong as to prohibit rational contraries or disassociation between indicants and conclusions. Further, in his *Talwīḥ*, Taftāzānī asserts that all religious causes (*‘ilal shar‘iyya*) are conjectural indicants not obliging or effective causes.³¹⁴ This statement introduces another important and delicate point in understanding Taftāzānī’s conception of *dalāla*, namely, that religious causes are not causes in the rational sense so that their effects exist whenever they exist; rather, religious causes are epistemic indicants which *are* the effects of the Divine judgements. This calls for an understanding of the distinction between *dalīl* and *‘illa* and accordingly between *istidlāl* (lit. seeking or offering the *dalīl*) and *ta‘līl* (lit. offering the cause) as two methods of reasoning.

2. Effect-to-cause and cause-to-effect reasoning: *istidlāl* and *ta‘līl*

The correlation between epistemic indicants and their conclusions is interpreted in an ordinary and not a rational manner, according to Taftāzānī. This, as I have shown, is an occasionalist feature of Taftāzānī’s theory of *dalāla*. Another relevant feature of this theory which can also be seen as a manifestation of an occasionalist concern is Taftāzānī’s distinction between *dalīl* and *‘illa*. In a response to an objection on whether *naẓar* leads to necessary knowledge,³¹⁵ the opponent, Taftāzānī reports, claims that saying *naẓar* leads to necessary knowledge when a *dalīl* is investigated would result in us saying that the existence of the Necessary Existent is necessitated through the investigation of the appropriate *dalīl*. This saying, the opponent continues, means that if such a *dalīl* is absent or not investigated, it

³¹⁴ Taftāzānī, *al-Talwīḥ ‘alā al-Tawḍīḥ*, 18.

³¹⁵ This is one of seven criticisms the opponents raise which will be addressed in the next section on *naẓar*.

would entail the non-existence of the Necessary Existent, which is invalid. To simplify this objection, take the example of a human voice in a vacant space. If A hears a human voice, they will be certain there exists a cause for this voice and that this cause is a human being, because the voice is an effect for this cause. This means that the voice necessitated the existence of the human being. If the voice never existed or A did not hear it, the opponent debating Taftāzānī claims that this, for A, means that the human being never existed. Taftāzānī's response to this opponent was simply to clarify that what is described in this objection is not the *dalīl*, it is the *‘illa*. What we are arguing over is the epistemic value of the *dalīl*, not the effectiveness of the *‘illa*. The opponent is assuming that the voice (or the universe in the example of the Necessary Existent) is the cause rather than the effect for the human being, and hence claims that the non-existence or non-hearing of the voice entails the non-existence of the human being. In other words, Taftāzānī asserts that what is entailed from the *dalīl* is the *knowledge* of the judgement *not* the judgement itself, as is the case in *‘illa*.³¹⁶

Taftāzānī's response to this objection is worth quoting in full:

By saying that a *dalīl* leads to something or entails something, we do not mean it brings such a thing into existence as is the case with causes (*‘ala mā huwa sha’nu al-‘ilal*). Rather, [we mean] that whenever [the *dalīl*] is existent, such a thing (i.e. its *madlūl*) is existent [and not vice versa], and whenever [the *dalīl*] is investigated, such a thing becomes known. In summary, [the *dalīl*'s] existence entails the [*madlūl*'s] establishment, and the investigation of such a [*dalīl*] entails the knowledge of [the *madlūl*] (*wa ḥāsiluhu anna wujūdahu mustalzimun li-thubūtihi wa-l-naẓar fihi mustalzimun li-l-‘ilmi bih*).³¹⁷

In the process of *istidlāl*, Taftāzānī explains, we seek to arrive at the knowledge of *aḥkām* through investigating indicants which contain modes of indications suitable for the establishment of these *aḥkām*. Therefore, *istidlāl* is restricted to reasoning which runs from the effect (*athar*) to the cause (*mu’aththir*), such as arriving at the knowledge of the existence

³¹⁶ Taftāzānī, *al-Talwīḥ ‘alā al-Tawḍīḥ*, 16.

³¹⁷ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:41.

of the Creator through investigating the universe. The opposite method of reasoning, which runs from the cause to the effect, is called *ta'īl*, such as arriving at brightness through investigating fire.³¹⁸ This distinction is a central distinction for Taftāzānī. It is emphasised on different occasions, including his separate discussions of *dalīl*, *'illa*, *istidlāl*, and *ta'īl* in his two *uṣūl* commentaries. The objective of this distinction is bipartite: it safeguards the functionality of *istidlāl* for the *uṣūlīs* and maintains the theological stance against *ta'īl* for the *mutakallimūn*.

Whether this distinction is novel to the *uṣūlīs* and the *mutakallimūn* of late classical scholarship or not is an enquiry which requires further investigation. In Ījī's discussion of the definition of *dalīl* and its qualifications (e.g. its specification to that which leads to necessary knowledge or assents), he briefly notes that there is a view that further qualifies *dalīl* as that which goes from the effect (*ma'lūl*) to the cause (*'illa*). The opposite, which goes from the cause to the effect, he adds, is causational reasoning (*ta'īl*).³¹⁹ Ījī does not connect this distinction of *dalīl* to logic, but both his commentator, Jurjānī, and Jurjānī's commentator, 'Abd al-Ḥakīm al-Siyalkūtī, do. Siyalkūtī explains that the view which restricts *dalīl* to effect-to-cause reasoning and *ta'īl* to cause-to-effect reasoning, creates two types of demonstrating syllogisms. The first is the affirmative demonstrative syllogism (*al-burhān al-innī*) and the second is the causative demonstrative syllogism (*al-burhān al-limmī*). The first is an attribution to the Arabic particle *inna* إِنَّ, which indicates the affirmation of the sentence after it, while the second is an attribution to the particle *lima* لِمَا, which indicates the cause of the sentence which is used to ask for the cause of something. The first type is described thus because it indicates the affirmation of a judgement but not its cause, the second because it offers the cause of the judgement.³²⁰

³¹⁸ Taftāzānī, *al-Talwīḥ 'alā al-Tawḍīḥ*, 17-18.

³¹⁹ Ījī, *al-Mawāqif*, 2:3-4.

³²⁰ Siyalkūtī, *Ḥāshiya 'alā Sharḥ al-Mawāqif*, 2:4.

However, the distinction between *ta'īl* and *istidlāl* also impacted Taftāzānī's views on the other types of *adilla* and not only of syllogisms, which suggests that this distinction is not necessarily rooted in logic. For example, in his *Sharḥ al-Shamsiyya*, Taftāzānī indicates that in juristic analogy, the *'illa* is not the cause (*sabab*) for the *ḥukm*; rather, it is the shared quality (*al-jāmi'*) under which the principle-case and branch-case are included.³²¹ He acknowledges that the *jāmi'* is either the *dalīl* or the *'illa*; it is not restricted to *'illa*. This assertion suggests that Taftāzānī's defence of *istidlāl* against *ta'īl* is not restricted to syllogisms, but applies to all types of epistemic indicants. In addition, it points to another example where the juristic usage of the term (*'illa* in this instance) is different from its original logic-*kalām* usage.

Finally, the section on causality (*ta'īl*) from Taftāzānī's book of accidents, directly connects this debate of causality to the debate on the theory of creation, which is even more explicit than Taftāzānī's attempts to do so in the section on *al-mabādi'*:

The Originator according to us is God, the Exalted, alone. Accordingly, the meaning of a thing being a cause in possible matters is that [another] thing is created after the existence of [such a cause] (*lammā kana al-mūjid 'indanā huwa Allāh ta'ālā waḥdahu kāna mā'nā al-'illa min al-mumkināt mā jarat al-'āda bi-khalqī al-shay' 'aqībahu*).³²²

Elaborating on this debate, Taftāzānī explains that after having discussed and extensively explained the rules, states, and classification of effective and non-effective, simple and complex, universal and particular causes, Taftāzānī states that all of these are according to those who claim possible matters are capable of affecting each other, such as the philosophers and *al-millīn*, but the meaning of causality in possible matters for those who agree that all is dependent upon the Omnipotent God in the first place is:

The meaning of the causality of a possible-matter to a thing is the customary correlation that God creates such a thing upon such a possible-matter, in such a way

³²¹ Taftāzānī, *Sharḥ al-Risāla al-Shamsiyya*, 366–67.

³²² Taftāzānī, *Maqāsid al-ṭālibīn fī 'ilm uṣūl al-dīn*, 1:173.

that the intellect immediately rules that the existence of this [thing] is depending upon the existence of this [possible-matter]. In this way, it would be valid to say that if this [possible-matter] exists that [thing] exists without the former having any effective power in the latter. For example, the cause of burning is being fire not water even if such [a burning] existed upon touching either [fire or water], and the cause for Zayd's eating cannot be 'Amr's drinking, even if [Zayd's eating] correlated in existence to ['Amr's drinking].³²³

V. Conclusions

1. Reason and revelation: putting a long-standing debate to rest?

This chapter shows how problematising the epistemic value of the purely revelational source of legislation is a distinct feature of late classical scholarship. Late classical scholars, beginning with Rāzī, questioned the basic concept of authenticating sources of knowledge which are not supported by a rational foundation. This view was not necessarily a result of their commitment to a rationalist approach in their epistemology; it is also proven to be a dialectical tactic to secure the rather fragile epistemic value of prophetic reports (including the Qur'ān) while engaging with rationalist opponents. This security stems from claiming that revelational sources *have been* authenticated by rational sources of knowledge before they are used as religious epistemic indicants. This should satisfy an opponent who only accepts rational sources of knowledge. The debate on the compatibility of reason and revelation could then find an easier pathway to follow; in the end, both parties agree on the priority, though *not* the superiority, of reason over revelation. The latter relies on the former in its authentication. This idea was clear from Taftāzānī's explanation of the problem in *Sharḥ al-Maqāṣid* as we have seen. Accepting the veracity of a revelational indicant entails the non-existence of a rational contrary, since both, 'aql and naql, cannot be contraries and true simultaneously. In other words, submitting to Rāzī's view on the impossibility of purely revelational indicants may strengthen, rather than weaken, the epistemic value of what he termed composite indicants.

³²³ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:173.

2. Hermeneutics of inclusion

This chapter introduced a crucial concept in Taftāzānī's theory of indication, which is the concept of *wajh al-dalāla*. It is the most significant element in referential reasoning (*istidlāl*). *Wajh al-dalāla*, Taftāzānī argues, defines the relationship between epistemic indicants and their conclusion. This relationship is a relationship of inclusion (*ishtimāl*), not of a necessary entailment (*istilzām*), which was the defining element in the process of *istidlāl* according to earlier scholars, such as Ījī, following the logical model of demonstrative syllogism.

3. Agreeing on functionality

Taftāzānī insists that the conclusions of juristic analogy and inductive reasoning are primarily conjectures. This epistemic value does not reduce the functional value of these conclusions, according to late classical *uṣūlīs*. Rāzī in his *Maḥṣūl*, for example, explains that when a *mujtahid* jurist reaches a judgement through juristic analogy, the process the jurist has undertaken to reach this judgement may be conjectural, but the judgement itself is certainly known. Accordingly, he adds, it becomes an obligation to act in accordance with this *ḥukm*.³²⁴

This perhaps the second point of security that assured late classical scholars to take the risk of questioning purely revelational indicants, since the religious practice has already been secured through the established principle of acting upon conjectures (*wujūb al-ʿamal bi-l-zann*). This principle developed from the permissibility of acting upon conjectures in the early classical period, mainly to justify the use of individual reports and juristic analogies, to the obligation to act upon conjectures in later classical period. This means that even where there is agreement that revelational sources may only lead to conjectural judgements, practitioners are still obliged to apply these judgements in their practice. This, of course, is

³²⁴ Rāzī, *al-Maḥṣūl min ʿilm al-uṣūl*, 178–79.

the case when *taṣdīq* is in place, according to Taftāzānī. As such, Taftāzānī gives epistemological framework for this religious practice of *wujūb al-‘amal bi-l-ẓann*.

‘نعم، إنما يحصل منصب الاجتهاد في زماننا بممارسته؛ فهو طريق تحصيل الدربة في هذا الزمان’

‘Indeed, the status of *ijtihād* in our time is acquired only through its practice. [Practice] is the method of acquiring experience in this time’

Taftāzānī citing Ghazālī’s *Mustaṣfā* in his *Hāshiya* and *Talwīḥ*.

CHAPTER IV: THE THEORY OF SCHOLARLY INVESTIGATION

(NAZAR)

I. Introduction

This chapter continues the discussion of Taftāzānī's *kalām-uṣūl* shared epistemology through studying his theory of scholarly investigation (*naẓar*). *Naẓar* is the single most important method for acquiring knowledge according to classical Muslim scholars, including Taftāzānī, and hence is the basis for *ijtihād*. This chapter presents the valid and invalid types of *naẓar* and their capacity to produce non-immediate necessary and conjectural judgements. It analyses the methods of acquiring knowledge via revelational and non-revelational sources and highlights the foundationalist theory of Taftāzānī. Further, this chapter argues that Taftāzānī attests to the epistemological view that one may acquire necessary as well as conjectural knowledge, in contrast to some who argue that *naẓar* can only produce conjectural knowledge. A crucial element of Taftāzānī's occasionalism is also emphasised here; while he validates effect-to-cause reasoning, Taftāzānī problematises cause-to-effect reasoning, claiming the former is a legitimate *istidlāl*, while the latter, proper causality, is theologically problematic as it contradicts occasionalism. Throughout this chapter, I argue that Taftāzānī uses occasionalism to broaden the scope of knowledge and not to restrict it. In other words, by acknowledging the human's inability to reach absolute knowledge, we can be content with minimising the required conditions of necessary and non-necessary knowledge. In the chapter on knowledge, I have shown that knowledge for Taftāzānī and the late classical legal scholars is a two-step epistemological act. The first step aims at acquiring concepts that form a proposed judgement between a subject and a predicate of a proposition, while the second step aims at assenting an affirmed or negated judgement. This process is applicable to all investigative knowledge, including what is necessary and what is conjectural, according to Taftāzānī and his school.

The chapter on *adilla* showed that this bipartite theory of knowledge called for a bipartite classification of *adilla* to lead us to either necessary or conjectural judgements as well as conceptions. Although the disagreement regarding the name of each type of these epistemic indicants (*adilla* and *amārāt*) seemed fruitless, the disagreement among logicians and *uṣūlīs* regarding what constitutes a *dalīl*, the form for logicians, or the content for *uṣūlīs*, sets the ground for the epistemological discussions on *wajh al-dalāla* and the distinction between *istidlāl* and *ta' līl*. These two significant discussions are further investigated in this chapter where I discuss the methods for examining the *adilla* to produce religious or non-religious judgements according to Taftāzānī.

Nazar is introduced in the section on *al-mabādi'* as a rational process through which humans acquire knowledge of various epistemic values. Although according to some scholars, the process of *nazar* is only applicable to the process of acquiring necessary and conjectural knowledge, other types of perceptions, including beliefs, doubts and delusions, remain outside the scope of *nazar*. Other scholars argue that *nazar* is a general rational process of knowledge acquisition of all types; however, they contend that sound *nazar* leads to necessary and conjectural judgements, while unsound *nazar* leads to the other types of perceptions. As for Taftāzānī, *nazar* is a unified rational process for acquiring investigative (i.e. non-immediate) conceptions and assents:

Sought-after conclusions do not just happen from any random premise. Rather, there must be suitable premises [that lead to them]. Further, premises [even the suitable ones] do not just randomly lead us to them (i.e. conclusions). Rather, they must be in a special form [to produce them].

Taftāzānī starts his section on *nazar* in *Sharḥ al-Maqāṣid* with the above passage to note the two significant steps necessary for the acquisition of sought-after conclusions (*maṭālib*, sing. *maṭlūb*), as well as their two most significant conditions. The first step is acquiring the content of the epistemic indicants used to acquire conclusions. The condition for this step is the *suitability* of premises to the conclusions sought. This suitability, as shown in the

previous chapter, is to establish *wajh al-dalāla*. The second step is constructing the form of these epistemic indicants. The condition for this step is that such a form indicates the connection between the sought-after conclusion and the investigated indicant, i.e. indicating *wajh al-dalāla*. This two-step process of acquiring *maṭālib*, religious or non-religious, is what we call *naẓar*.

This chapter consists of three main sections. The first section studies the development of the concept of *naẓar* chronologically from Bāqillānī (d. 403/1013) to Taftāzānī (d. 792/1390). I show that there have been several shifts in the approach to defining *naẓar*. One of the most important shifts for our purpose is the strong inclination towards including *ẓann* in the content and conclusions of *naẓar*. The discussion of *ẓann* which appears in the definition of *naẓar* is one of the most detailed discussions of the epistemic value of *ẓann* I have found in classical works. Hence, this discussion is of special interest to this thesis. It paves the road to the final point in this section on the relationship between *naẓar* and *ijtihād*. The second section studies the conditions for the soundness of *naẓar*, its content and form. This section further highlights the centrality of *wajh al-dalāla*, as the main condition of content, in the process of establishing *aḥkām*, and its contrast with *ta'wīl*. The third and final section will be dedicated to the thematic question of this thesis on the foundationalist and occasionalist views of Taftāzānī in relation to the theory of *naẓar*. I approach this question through noting the comparison between *naẓar* as a theory of knowledge acquisition and *kasb* as a theory of action acquisition.

II. From the known to the unknown: scholarly investigation (*naẓar*)

Naẓar is a rational method, whether the investigated indicants consist of revelational or rational sources; it is a process that depends on the individual's capacity to reason. Although in some disciplines, such as in *fiqh*, *uṣūl*, and *kalām*, it is restricted to scholars and experts, the individual human being is entitled, and in some cases obliged, to investigate the epistemic indicants to reach their own conclusions. In fact, and contrary to Taftāzānī's constant attempts to exclude beliefs, doubts, and ignorance from his theory of knowledge and restrict the types of investigative or accepted knowledge to necessities and conjectures, *naẓar* is also the same process for acquiring doubts, beliefs, and all other perceptions. According to Taftāzānī, *naẓar* is the method used to acquire conceptions and assents of all types (e.g. singular, propositional, necessary or conjectural). This makes the process of *naẓar* the practical instrument for *ijtihād*.

1. Methods and definitions of *naẓar*

We have already established that Taftāzānī's classification of necessary knowledge encompasses the immediate and the non-immediate necessary; that there is a scholarly agreement that *naẓar* produces conjectural knowledge; that according to Taftāzānī and others, *naẓar* produces necessary and conjectural knowledge alike; and that the necessary and conjectural knowledges are the only two sub-categories of assents, according to Taftāzānī. Based on the above points, we conclude that the circle of necessary meets the circle of assents in that which is assented amongst the necessary, while the circle of assents also encompasses conjectural knowledge. What then is *naẓar* and how does it function as a method of knowledge acquisition? There are a couple of aspects to this enquiry. The first is understanding *naẓar* as a dialectic process, by which I mean a theory concerned with the

formalistic aspects of interpretation. The second is identifying its epistemic value, by which I mean the degree of knowledge to which *nazar* leads.

These two aspects or angles for looking at *nazar* are two methods of defining *nazar* in classical and late classical works. The first method defines *nazar* in consideration of its dialectic process, hence looking at the way through which the premises are arranged to help reach a conclusion. The second method defines *nazar* with regard to the movement of the intellect in discovering the meanings present in the intellect that lead to such a dialectic process of arranging premises. Whether classical scholars consider this dialectic process or intellectual activity in identifying the essence of *nazar* or not, their aim is to specify *nazar*'s epistemic value (the type of knowledge it can produce) and its hermeneutical function (the creation of new meanings through reordering existing meanings). They also all seem to agree that what distinguishes *nazar* from all other intellectual activities is the intentional quest to reach an already desired conclusion. This emphasis highlights the dialectical nature of *nazar*; it is a tool used to argue for or against an opinion against opponents.

a. First method: Bāqillānī and the epistemic value of *nazar*

The definition of Abū Bakr Muḥammad ibn al-Ṭayyib al-Bāqillānī (d. 403/1013) is the most cited definition of *nazar* in the late classical texts of *kalām*, if not to support his definition, then to criticise it. According to Bāqillānī, *nazar* is 'the thought (*fīkr*) through which necessary knowledge or strong conjecture is sought.'³²⁵ This definition, one can see, is in

³²⁵ There are some variations in the reported definition of Bāqillānī in the works above. For example, Ījī's statement states: '*al-fīkr alladhī yuṭlabu bihi 'ilm aw ghalabat ḡann*,' while the one found in Āmidī states, '*al-fīkr alladhī yaṭlub bihi man qāma bihi 'ilm aw ghalabat ḡann*.' The latter is an exact replication of what is in Imām al-Ḥaramayn's *Irshād*. In the *Talkhīṣ*, he states *nazar* is '*al-fīkr alladhī yuṭlab bihi ma'rifat al-ḥaqq fī ibtighā' al-'ulūm wa-ghalabāt al-ḡunūn*.' Despite these variations in reporting Bāqillānī's definition, they all agree that he adds a qualification to the *ḡann* acquired through *nazar*, which is the strong (*ghālib*) *ḡann*. They also agree that this qualification is inaccurate. In Bāqillānī's *al-Taqrīb wa-l-irshād*, the statement is as follows: 'the heart's thought, insight and contemplation in seeking the knowledge of these matters (i.e. the true and the false, the good and the bad) or the strong conjecture to some of it.' See Ījī, *al-Mawāqif*, 1:189; Juwaynī, *Kitāb al-Irshād ilā qawāṭi' al-adilla fī uṣūl al-i'tiqād*, 3; Sayf al-Dīn al-Āmidī, *Abkār al-aḡkār*, ed. Aḡmad

consideration of the epistemic value of the outcomes of *nazar*, the degree of knowledge it may lead to. Several scholars, including Imām al-Ḥaramayn, al-Ījī, and al-Āmidī, raised questions regarding the applicability of this definition to, and its inclusiveness of, all types of *nazar*. Three of their questions are relevant to us in this section. The first is regarding Bāqillānī's added qualification to conjecture, that is, the strong or overwhelming conjecture (*al-ẓann al-ghālib*). This qualification, they say, excludes absolute conjecture (*muṭlaq al-ẓann*), which they all agree is sought through *nazar*. Secondly, some argued that Bāqillānī's definition lacks an important qualification with regard to *ẓann*, that is, its correspondence (*muṭābaqa*) to reality. They say that *ẓann* which does not correspond to reality is ignorance, and ignorance cannot be sought after, and hence must be excluded from this definition. Finally, *nazar* is linguistically synonymous to *fikr*, which makes *fikr* in the definition of al-Bāqillānī an unnecessary added genus to the definition. These questions are essentially questions on the logical requirement of definitions to be inclusive (*jāmi*) of the thing defined, and exclusive (*māni*) of all other things, as we have seen in the chapter on *adilla*. Yet they signify important epistemological variations. Most importantly, they signify different views on the epistemological value of *ẓann*, which is of special interest to this thesis. Therefore, I will pay careful attention to the discussions of this definition.

The first question: does nazar lead to conjectures or strong conjectures?

In a proposed response to the first objection to Bāqillānī's definition, Āmidī claims that *nazar* has several properties (*khawāṣṣ*), which include: leading to *ilm*, leading to *ẓann*, and leading to strong *ẓann*. What Bāqillānī did, according to Āmidī, is to define *nazar* through some, but not all, of these properties, while the other properties are still implied, although not stated in

Muḥammad al-Mahdī (Cairo: Dār al-Kutb wa-l-Wathā'iq al-Qawmiyya, 2004), 1:125; Juwaynī, *Kitāb al-Talkhīṣ fī uṣūl al-fiqh*, 1:123; Bāqillānī, *al-Taqrīb wa-l-irshād*, 1:210.

the definition.³²⁶ This practice according to Āmidī is valid in incomplete or explanatory definitions (*rasm*). Thus, he contends that Bāqillānī did not mean to restrict *nazar* to that which leads to necessary and strong conjecture. Neither Ījī nor Taftāzānī were convinced by this response of Āmidī's. Ījī explains that if this is true, mentioning '*ilm*' only would have also sufficed in Bāqillānī's definition.³²⁷ Taftāzānī adds that this practice of limiting the definition of a defined thing to some of its properties is not applicable to this case because none of these properties is inclusive of the other, while this practice is only valid in inclusive properties (*khawāṣṣ shāmila*).³²⁸ Ījī's alternative response to this critique of Bāqillānī's definition is that absolute conjecture is accurately what is referred to in Bāqillānī's definition as the strong conjecture (*ghalabat al-zann*). The reason why he used the expression '*ghalabat al-zann*' is that preponderance (*rujḥān*) is an essential attribute of *zann* as *zann* is the preponderant belief (*al-i'tiqād al-rājiḥ*).³²⁹ This would be as if Bāqillānī interpreted *zann* as being a strong belief. Taftāzānī also refuses this response of Ījī's. The fact that preponderance of a judgement is the essence of *zann*, of any degree, does not justify adding it as a qualification for *zann*, he explains. This response thus does not correct or validate Bāqillānī's definition, it is a mere 'unclear apology' from Ījī, Taftāzānī argues.

A possible response to this critique according to Taftāzānī is to claim that the three degrees of knowledge, '*ilm*', *zann*, and strong *zann*, are inclusive properties to the process of *nazar* and not to *nazar* itself. In other words, we consider what is intended by their inclusion in *nazar* is not that they are individually sought in actuality (*bi-l-fi'l*), but that the aspect (*ḥaythiyya*) through which such a thought (*fikr*) is performed – i.e. the process itself – applies to them equally. So, instead of such a thought being a movement in the intelligibles (*ma'qūlāt*), it becomes a movement in the intelligibles *to acquire* the premises for a sought-

³²⁶ Āmidī, *Abkār al-afkār*, 1:125-7.

³²⁷ Ījī, *al-Mawāqif*, 1:191.

³²⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:32.

³²⁹ Ījī, *al-Mawāqif*, 1:190-1.

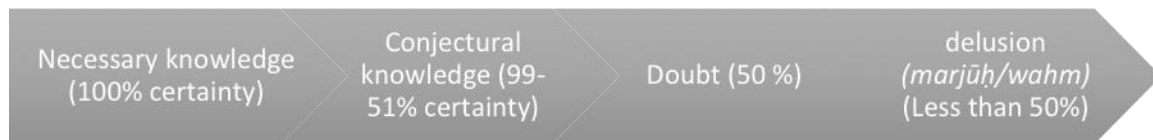
after conclusion that is either necessary, conjecture, or preponderated conjecture.³³⁰ In other words, it can be argued that since the dialectic process of this quest of knowledge acquisition is the same, then restricting the definition to one of them would be fine if we are looking at the process and not the outcomes. In this manner, the quest of acquisition becomes the inclusive property for *naẓar* and not, as Āmidī attempted to explain, leading to *‘ilm*, leading to *ẓann*, and leading to strong *ẓann*. Ultimately, Taftāzānī here is correcting the definition of Bāqillānī by claiming he is defining *naẓar* through its dialectic process rather than through the epistemic value of its outcomes. This response, as we will see, is an appropriation of Bāqillānī’s definition to look more like the definition of later scholars.

What we conclude from this discussion of the first question is that classical and late classical scholars, such as Imām al-Ḥaramayn, Āmidī, Ījī and Taftāzānī, agree that the concept of *naẓar* encompasses the quest for necessary knowledge as well as conjectural knowledge of any level; if there exists a preponderance of affirming or negating a relation, we are able to call this judgement *ẓann*. This agreement is why some of these scholars went out of their way to appropriate Bāqillānī’s definition to include absolute conjecture. Otherwise, he would be making a mistake by qualifying the investigative conjecture to strong conjecture, or would at least be going against this agreed upon understanding of *naẓar*. The inclusion of other types of perceptions (such as belief, doubt, or compound ignorance) in the definition of *naẓar* is highly questionable.

There might be a good reason why qualifying conjecture as being strong is not needed. If we construct a scale of a hundred to one percent of the certainty concerning affirming or negating a judgement, based on how classical scholars describe the above degrees of knowledge,³³¹ it would look like the following:

³³⁰ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:33.

³³¹ In his *Maḥṣūl*, Rāzī states that a confirmed judgement (*ḥukm jāzim*) is either based on proof and is correspondent to reality, which is *‘ilm*, or not based on proofs [disregarding its correspondence to reality], which is *i‘tiqād*, or not correspondent to reality, which is *jahl* (without the qualification of 'complex' though it is



In this scale, the quality of confirmation (*jazm*) puts necessary knowledge (*‘ilm*), conformist’s belief, and compound ignorance³³² in the same category as being 100% confirmed, although the second is not based on proofs and is not stable, and the third is not correspondent to reality. Any level of knowledge which is less in confirmation than the percentage of certainty while above the level of doubt is considered to be conjecture. To distinguish between strong and absolute conjectures, one requires a method to justify the epistemic variations and implications this distinction creates. Of course, the epistemic variations of the conjectures, as well as the necessities, at least for Taftāzānī,³³³ are acknowledged by some late classical scholars; however, none, as far as we know, have claimed such variations have a role in establishing, or accepting, religious judgements of strong conjectures over absolute conjectures.³³⁴

Second question: must investigative conjectures be correspondent to reality?

The second critique of Bāqillānī’s definition is regarding the problem of correspondence to reality. In the chapter on knowledge, I explained that correspondence (*muṭābaqa*), as

implied). A judgement which is not confirmed, he adds, is either a) *shakk*, if the affirmation or negation of the propositional relation is equal in the mind, or b) *ẓann*, if there is a preponderance of an affirmed or a negated propositional relation, or c) *wahm*, if it is the opposite side of *ẓann*. See Rāzī, *al-Maḥṣūl min ‘ilm al-uṣūl*, 1:83-84.

³³² Compound ignorance (*jahl murakkab*) is false knowledge of an object of knowledge whose knower believes it to be true, i.e. knowledge which lacks correspondence to reality, as opposed to simple ignorance (*jahl basīṭ*) which means the absence of knowledge.

³³³ See for example Taftāzānī, *Sharḥ al-Maqāsid*, 1:36. Taftāzānī explains that variation amongst necessities is possible due to people’s different degrees of clarity in the intellect and soundness of the senses.

³³⁴ As Bernard Weiss has argued in his discussion of Āmidī’s definition of *ijtihād*, where he states: ‘Probability exists, of course, in different degrees. On one end of the spectrum is probability that borders on certainty without crossing the crucial line – *al-ẓann al-muqārib li-l-qaṭ’* Āmidī calls it at least once. A somewhat broader category of opinion is ‘overwhelming opinion’ (*ghalabat al-ẓann*). Such high levels of probability are, quite naturally, always gratifying to the scholar who discovers them; but high probability is not necessary to the enterprise of formulating the law. The slightest degree of probability will do.’ Though I disagree with translating *ẓann* with its essential preponderance of the judgement as *probability* or *opinion*. Weiss also makes this conclusion in his discussion of Āmidī’s definition of *ijtihād*: Weiss, *The Search for God’s Law*, 676.

understood by Taftāzānī, is an attribute of necessary and conjectural knowledge and not necessarily of necessary and conjectural assents. This is because necessities and conjectures *qua* necessities and conjectures are subject to truth and falsity (i.e. correspondence and non-correspondence to reality), while necessary and conjectural assents are subject to the acceptance or non-acceptance of the intellect to their propositional relation by means of certainty (*yaqīn*) or preponderance (*rujhān*). In addition, the majority of Sunni schools, excluding some Mu‘tazilīs, agree that an object of knowledge does not have to exist in external reality. The critique Āmidī and Ījī report is raised by unnamed scholars who claim Bāqillānī’s definition is missing an important qualification to *ẓann* acquired through *naẓar*, which is its correspondence to reality. This makes his definition not exclusive (*ghayr māni*) as it also includes ignorance, which is not sought-after. However, adding this qualification to *ẓann* would create another problem. Because, they add, *ẓann* which is not correspondent to reality is ignorance, and *ẓann* in which correspondence to reality is established is termed *‘ilm*. One cannot seek ignorance, especially through *naẓar*, thus *naẓar* is restricted to the acquisition of *‘ilm*.

In other words, adding the suggested qualification of correspondence to the definition of *naẓar* will restrict its outcome to *‘ilm*, but not adding it would make the definition more general as it would include seeking ignorance as well. Āmidī and Ījī, followed by Taftāzānī, both respond to this critique by clarifying that the aspect through which a type of knowledge is sought is different from the aspect through which it corresponds or does not correspond to reality. What is considered in *naẓar* is *ẓann qua ẓann*, the preponderance of affirming or negating the propositional relation, with no regard to its correspondence to reality.³³⁵ Even further, the perception of an object, here a conjecture, does not necessitate its external existence, and hence there is no need for the condition of correspondence in the quest for

³³⁵ Āmidī, *Abkār al-afkār*, 126; Ījī, *al-Mawāqif*, 1:190-1.

acquiring these perceptions. Taftāzānī states, ‘The answer is – that which corresponds to reality could be sought with regard to its preponderance and not with regard to its confirmation (*anna al-muṭābiq qad yuṭlabu lā min ḥaythu al-jazm bal min ḥaythu al-rujhān*).’³³⁶

Third question: is thought (fikr) synonymous with naẓar?

The final critique of Bāqillānī’s definition which I will address here is his use of the expression *fikr* as a genus in the definition of *naẓar*. The critics, including Āmidī, argue that *fikr* is a synonym of *naẓar* in its linguistic and conventional sense, and hence, there is no need to use it as a genus in the definition of *naẓar*. Āmidī responds to this critique saying that *fikr* is not part of Bāqillānī’s definition of *naẓar*. Rather, Bāqillānī clarifies *naẓar* by an expression which is identical to *naẓar* in meaning but is linguistically clearer (*bayān ittihād madlūl al-naẓar wa-l-fikr*). Thus, Bāqillānī’s definition of *naẓar* starts after this explanatory expression, i.e. from ‘*alladhī yuṭlubu bihi...*’.³³⁷ In contrast to Āmidī, Imām al-Ḥaramayn, followed by Ījī and Taftāzānī, agree that *fikr* here is in fact a genus and not a synonym of *naẓar*. However, they disagree regarding the aspect through which *fikr* is considered a genus for *naẓar*. More precisely, they disagree regarding the essence of *fikr* that makes *naẓar* one item under its genus.

As explained in the chapter on *adilla*, a complete definition, essential or non-essential, contains a genus of the defined object of knowledge. In the complete essential definition, this genus must be the closest genus to the thing defined (e.g. animate for human). In the non-essential definition, this genus could also be a distant genus (e.g. corporal for human). In order to understand *naẓar* as a type of *fikr*, one must first understand *fikr* as used by Bāqillānī

³³⁶ Taftāzānī, *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:46.

³³⁷ Āmidī, *Abkār al-afkār*, 1:127; Taftāzānī explains and refutes this response in detail, see Taftāzānī, *Hāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:46.

and others. Taftāzānī explains and agrees with how Imām al-Ḥaramayn understands *fikr* as a genus for *nazar* in the following:

Fikr is the movement of the intellect in meanings (*ḥarakat al-naḥs ft-l-ma`ānī*). ... generally, it is considered a genus for *nazar*. This is the opinion held by Imām al-Ḥaramayn [who states, this movement of the intellect,] *fikr* is either to obtain ‘ilm or *ẓann*, in which case it is called *nazar*. Otherwise, such as in the case of self-dialogue (*ḥadīth al-naḥs*), it is not. This invalidates Āmidī’s objection that *fikr* is an unnecessary addition [in the definition of *nazar*], because the rest of the definition [of Bāqillānī] suffices.³³⁸

It is clear from this passage that the essence of *fikr*, which is the general category for *nazar*, is the intellectual movement. *Nazar* is a specific type of intellectual movement that is aimed at the discovery of specific types of knowledge. If we understand *fikr* in this manner, it becomes unnecessary to remove the expression *fikr* from Bāqillānī’s definition or to claim it is an explanatory expression which is not part of the definition.

Although Ījī in *al-Mawāqif* agrees that the addition of *fikr* is not an objectionable practice of Bāqillānī’s, he proposes a different understanding of *fikr* as the general essence for *nazar*. He suggests that *fikr* is ‘any sort of imaginary movements (*al-ḥarakāt al-takhayyuliyya kayfa kānat*)’.³³⁹ This is the general category that he considers a genus for *nazar* while the rest of the definition is its distinguishing characteristic, or a differentia (*faṣl*). In his *Sharḥ al-Mukhtaṣar*, Ījī has a different explanation of *fikr* as a genus for *nazar* that is closer to the view of Imām al-Ḥaramayn. He states, ‘*fikr* is the transference of the intellect within meanings in a deliberate manner (*intiḳālan bi-l-qaṣd*). This may be in the quest for ‘ilm and *ẓann*, which we call *nazar*, and it may be otherwise, such as much of our self-dialogue, in which case it is not *nazar*.’³⁴⁰ Taftāzānī supports the *Sharḥ*’s explanation of *fikr* and refutes the one Ījī offers in his *al-Mawāqif*. The problem with *al-Mawāqif*’s statement,

³³⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:32; Ījī also attributes this view to Imām al-Ḥaramayn and cites his *al-Shāmil*, where, however, I checked but could not find this statement. Ījī, *al-Mawāqif*, 1:46.

³³⁹ Ījī, *al-Mawāqif*, 1:194.

³⁴⁰ Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 1:45-6.

according to Taftāzānī, is that the intellect’s imaginary movements only occur in sensory matters (*maḥsūsāt*). What you imagine is essentially the images stored in your intellect and not the intelligibles or meanings themselves. Since *fīkr*, in this sense, is a genus for *naẓar*, Ījī would be suggesting that *naẓar* is restricted to a specific type of the intellect’s movements in sensory matters, and this could exclude the movements in intelligibles. This is an inaccurate understanding of *naẓar* as he suggests, and hence the *Mawāqif*’s statement cannot be what is meant by *fīkr* as a genus for *naẓar*.³⁴¹

Taftāzānī’s argument regarding imaginary movements being specific to sensible matters is problematised by other scholars. For example, Jurjānī, another commentator on Ījī’s *Sharḥ al-Mukhtaṣar* and *al-Mawāqif*, and a major opponent of Taftāzānī, suggests that imaginary movements may refer to either the sensory matters or the intelligibles, although Ījī is clearly referring to the latter.³⁴² This is Jurjānī’s position in *Sharḥ al-Mawāqif*, but in his *uṣūl* commentary, he admits that the most favoured usage amongst scholars is that the intellect’s movements in sensible matters are termed *takhayyul* and in intelligibles are termed *fīkr*. ‘Abd al-Ḥakīm al-Siyalkūtī (d. 1067/1657), the author of the famous commentary on Jurjānī’s *Sharḥ al-Mawāqif*, agrees with his view and supports it by quoting Najm al-Dīn al-Qazwīnī al-Kātibī’s (d. 675/1276) *Ḥikmat al-‘Ayn*. Siyalkūtī states: ‘Defining *fīkr* via imaginary movements in the meaning of intellectual moments occurred in *Ḥikmat al-‘Ayn*’s section on knowledge, where he [Kātibī] states: “if by *fīkr* we refer to the imaginary movements...” and it goes on’.³⁴³ According to this account, Ījī’s interpretation of *fīkr* in his *Mawāqif* and *Sharḥ al-Mukhtaṣar* are similar. These scholars thus agree with Taftāzānī that *naẓar* is not to be restricted to the intellect’s movements in sensory matters, but they disagree with his objection to Ījī’s *Mawāqif* statement, which is based on Taftāzānī’s misinterpretation of what imaginary movements are.

³⁴¹ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:32.

³⁴² Jurjānī, *Sharḥ al-Mawāqif*, 1:194.

³⁴³ Siyalkūtī, *Ḥāshiyā ‘alā Sharḥ al-Mawāqif*, 1:194.

Another reason for Taftāzānī's preference for *Sharḥ* al-Mukhtaṣar's statement is the added qualification of deliberation (*qaṣd*) in seeking to obtain specific types of knowledge. He explains that this is an essential qualification which distinguishes *fikr* from all other intellectual movements, such as the self-dialogue as well as intuitions, which occur in the soul immediately and strongly without deliberate thought. Jurjānī, however, points out that Ījī did not use movement (*ḥaraka*) in his definition of *fikr* in *Sharḥ* al-Mukhtaṣar. Instead, he used transference (*intiḳāl*), which is a more general category than movement, and could be deliberate or non-deliberate. This is the reason that Ījī added the qualification of deliberation to exclude any transference which is not deliberate. Thus, Jurjānī equates the use of 'movement' and 'deliberate transference', unlike Taftāzānī who considers such a deliberation an essential added qualification in Ījī's definition. In fact, Taftāzānī suggests that deliberation is an essential element of *nazar* which all of its definitions refer to in one way or another.³⁴⁴ This is something which all the above-mentioned scholars agree on, although it can be expressed in different ways, including, as we will see, the rest of the definition of *nazar*.

A concluding remark

To conclude, Bāqillānī's definition of *nazar* received significant attention in later scholarship. His definition is with consideration to the epistemic value of *nazar* rather than to its dialectic process. Primarily, his objective was to establish the connection between the general category of *fikr* and *nazar*, and to affirm the possibility of acquiring necessary knowledge through *nazar*, not only conjectural knowledge. As discussed in the chapter on knowledge, there have been sceptical disputes between early and classical scholars on the possibility of acquiring necessary knowledge. These disputes, it seems, ended with the triumph of foundationalists who argued for the acquisition of knowledge. They therefore distinguished between

³⁴⁴ He states: 'It is so obvious that what distinguishes *nazar* from all other movements of the intellect is the intentional quest that none of its definitions fail to make a reference to'. See Taftāzānī, *Sharḥ al-Maqāṣid*, 1:32.

immediate-necessary knowledge and investigative-necessary knowledge. Accordingly, Bāqillānī's definition is an affirmation of this classical position on the possibility of acquiring necessary knowledge through *naẓar*. An evidence to support this claim is that in his *al-Taqrīb wa-l-irshād*, Bāqillānī argued in detail, after offering his definition of *naẓar*, for the position that *naẓar* leads to, though does not generate, necessary knowledge.³⁴⁵ Interestingly, the focus of the discussions on his definition differed from what seems to be his own focus on the definition; while his focus was on the inclusion of necessary knowledge in the outcome of *naẓar*, the focus of the later scholars was on the inclusion of absolute conjecture in the outcome of *naẓar*. This signifies a shift of interest between these early and later classical scholars, and the increased significance or need for the acquisition of *ẓann*.

The second important point here is that although late classical scholars attempted to understand Bāqillānī's definition of *naẓar* to refer to absolute *ẓann*, he clearly distinguishes between absolute and strong types of *ẓann* in his *al-Taqrīb wa-l-irshād*. Late classical scholars rejected the qualification of *ẓann* which *naẓar* may lead to as being strong *ẓann* and hence appropriated Bāqillānī's definition to agree with this view. Bāqillānī, however, introduces two types of *ẓann*: the first is a type which has no specific principle (*aṣl*) for its acquisition, for example the *naẓar* performed to determine the estimated financial penalties in cases like killing an animal while performing pilgrimage and the estimate of obligatory provision (*naḥāqa*) for wives, or the *naẓar* required to determine the appropriate level of uprightness (*ʿadāla*) in witnesses. In these cases of *naẓar*, there is no specific revelational or rational indicants to be employed in determining the judgements in these cases. Therefore, the epistemic value of the conclusions of such cases is mere conjecture. The process Bāqillānī refers to here is what *uṣūlīs* term the verification of the nexus (*taḥqīq al-manāṭ*), which is accepted even by those who do not accept juristic analogy, as it is essential for the application

³⁴⁵ See Bāqillānī, *al-Taqrīb wa-l-irshād*, 1:211-218.

of the law.³⁴⁶ The second, which leads to strong conjecture, is the type of *naẓar* which relies on a specific principle for its acquisition. Bāqillānī calls this type the proper juristic analogy (*qiyās*),³⁴⁷ which we discussed in the previous chapter. Although Bāqillānī terms the process of acquiring either of these types of conjectures *naẓar*, he appears to suggest that only the second, which leads to strong conjecture through having an appropriate principle for its acquisition, is the scholarly *naẓar*. This seems to be Bāqillānī's method of justifying these epistemic variations of *ẓann*, but only if we consider the first of these two cases, the verification of the nexus, a type of *naẓar*, and not a mere application of an already acquired judgement. Either way, the above discussion on the near-consensus of later scholars on the refutation of qualifying the outcome of *naẓar* to strong conjecture also supports the shift of interest toward *ẓann* and its acquisition in later scholarship. I will come back to this discussion later in this chapter. Below I discuss the second method of defining *naẓar* as a dialectic process, then move to the view held by Taftāzānī.

b. Second method: Rāzī and the dialectic process of *naẓar*

Another significant attempt to define *naẓar* which did not receive as much attention or did not raise as many questions as the one by Bāqillānī is Rāzī's definition. It is a good example of the second method of defining knowledge through its dialectic process, rather than the epistemic value of its conclusions. It also shows how Rāzī's views on knowledge, its degrees, and the scope of investigative knowledge impact his definition of *naẓar* and vice versa. For example, since Rāzī restricted necessary knowledge to assents which are immediate (*badīhiyyāt*) or assents acquired through outer senses (*ḥissiyyāt*), *naẓar* for him is also restricted to the process of acquiring these two types of necessary assents. This means that he

³⁴⁶ See Zysow, *The Economy of Certainty*, 161.

³⁴⁷ Bāqillānī, *al-Taqrīb wa-l-irshād*, 1:222-224.

excludes any other types of assents as well as all types of conceptions, Rāzī states: ‘*Naẓar* is the arrangement (*tarīb*) of [immediate and sensory]³⁴⁸ assents to reach other assents.’³⁴⁹

This restriction of *naẓar* is critiqued by his commentators, including most significantly, Naṣīr al-Dīn al-Ṭūsī. Ṭūsī describes this definition as too specific – i.e. it is a non-inclusive definition because it excludes various forms of reasoning to which this process of arrangement in *naẓar* applies. He gives the following examples for these inaccurately excluded forms: *naẓar* which starts from the sought-after conclusions to reach their suitable premises, and then moves from their premises to affirming or negating these conclusions; *naẓar* which arranges conceptions in the intellect to reach other conceptions (note Rāzī denies this form of *naẓar* is possible in conceptions); *naẓar* which starts from conceptions to form premises, and then moves from these premises to their conclusions. These, I believe, are not exhaustive examples of what is excluded from Rāzī’s definitions. Ṭūsī is clearly attempting to prove that *naẓar* is a dialectic process of arranging one’s existing knowledge to produce other knowledge, disregarding what type of knowledge one has to arrange and what type of knowledge this arrangement produces.

The definition Ṭūsī argues is inclusive of these different forms of *naẓar* is a clear indication of this understanding. He writes, *naẓar* is ‘the transference from existing things in the intellect to acquiring things which are the objectives [of *naẓar*] (*al-intiqāl min umūr ḥāṣila fī al-dhihn ilā umūr mustaḥṣala hiya al-maqāṣid*)’.³⁵⁰ Ṭūsī’s definition suggests that *naẓar* is a general intellectual activity that applies to all cases of reasoning that consider known objects in the process of making an unknown object known. *Naẓar* needs to be general enough to encompass different cases and different movements, which include the

³⁴⁸ The reason I added [immediate and sensory] as a qualification in the definition is that the statement precedes Rāzī’s definition indicates it. He writes, ‘those who acknowledge the existence of immediate and sensory assents disagrees on the possibility of arranging them in a manner which leads to bringing knowledge to that which is not known. The majority of the learned ones agree.’

³⁴⁹ Rāzī, *Muḥaṣṣal afkār al-mutaqaddimīn wa-l-muta’akhhirīn*, 23; Rāzī repeats this definition in his *Maḥṣūl*; see Rāzī, *al-Maḥṣūl min ‘ilm al-uṣūl*, 1:87.

³⁵⁰ Ṭūsī, *Talkhīṣ al-Muḥaṣṣal*, 48–49.

process of arranging simple concepts to form or establish propositions, as well as the process of arranging immediate or investigative judgements to arrive at other judgements, and so on. Restricting *nazar* to one or more of these cases requires suggesting alternative intellectual processes through which these cases are acquired. Since *nazar* is the only tool classical scholars argue has the capacity to produce knowledge which is not immediately produced, then this tool must encompass all forms of reasoning. The validity or invalidity of these forms thus becomes irrelevant to the definition. Because of this understanding of *nazar*, Ṭūsī, similar to Āmidī, equates *nazar* and *fikr*. He states, ‘*fikr*, conventionally, is like a synonym for *nazar*’.³⁵¹ In addition, Ṭūsī explains that moving from the premises to their conclusions, which is the only case of *nazar* in Rāzī’s definition, is a rare practice in most of our rational reasoning. Moving from the conclusions, by which I believe he means proposing or noticing these conclusions, to searching for their premises applies to most of our reasoning.

In line with Ṭūsī’s opinion that *nazar* is a general intellectual process for knowledge acquisition of different forms, and following the second method of defining *nazar* through its dialectic process and not the epistemic value of its conclusions, Taftāzānī cites the following definition of *nazar* in *Sharḥ al-Maqāṣid* as one which dispenses with the problematic questions raised against Bāqillānī and Rāzī’s definitions: ‘[*nazar* is] observing what is present in the intellect to acquire the unknown (*mulāḥaẓat al-ma‘qūl li-taḥṣīl al-majhūl*)’.³⁵² Taftāzānī explains that by *al-ma‘qūl* he refers to what is already perceived in the intellect, be it one or many, conceptions or assents, necessary or conjecture, and even compound ignorance (*jahl murakkab*). The inclusion of the latter means not to require the qualification of correspondence to reality in the conjectures to be investigated or the conjectures to be acquired (i.e. the content of the premises and conclusions).³⁵³ Moreover, this definition of

³⁵¹ Ṭūsī, *Talkhīṣ al-Muḥaṣṣal* 49.

³⁵² Taftāzānī, *Sharḥ al-Maqāṣid*, 1:31.

³⁵³ Also see similar remarks in Taftāzānī’s discussion of *fikr* in *Sharḥ al-Shamsiyya*: Taftāzānī, *Sharḥ al-Risāla al-shamsiyya*, 107.

nazar is a definition for valid and invalid types of *nazar*. However, unlike Ṭūsī, Taftāzānī distinguishes between *nazar* and *fikr* as he argues that *nazar* is a specific type of *fikr* distinguished by its quest for acquiring new knowledge, while *fikr* is free of this qualification, and hence it includes self-dialogues and intuitions. This understanding, as Taftāzānī argues above, makes *fikr* a genus for *nazar*, contrary to the opinion of Āmidī and Ṭūsī.

The origin of Rāzī's definition

The origin of this definition which became the standard definition of late classical scholars is that which Ijī attributes to a group he identifies as the masters of mathematics (*arbāb al-ta'ālīm* 'lit. masters of educations').³⁵⁴ They argued that *nazar* is the acquisition of the unknown from the known, meaning that *nazar* is the actual process of arranging premises to reach conclusions. This, he explains, is because they are advocates of teaching and learning the unknowns (*al-majhūlāt*) from the knowns (*al-ma'lūmāt*) with or without teachers (i.e. the human capacity to reach unknowns by arranging what they know). The definition he attributes to them is a general definition; it is inclusive of necessary and conjectural objects of knowledge in the two sides of *nazar*, by which I mean the investigated and the acquired knowledges. Their definition reads as follows: *nazar* is 'the arrangement of necessary or conjectural matters to obtain other [matters] (*tartīb umūr ma'lūma aw maẓnūna li-tu'addī ilā ākhar*)'.³⁵⁵ Ijī criticises the definition of this group because it is a definition of absolute *nazar*, not of sound *nazar*. For him, this is primarily because it is missing the qualification of

³⁵⁴ Ijī does not identify who he is referring to by the term *arbāb al-ta'ālīm*. The name itself literally translates as the masters of educations or sciences; however, we find in al-Fārābī's (d. 339/950) *Iḥṣā' al-'ulūm*, a section dedicated to *al-ta'ālīm* as a branch of knowledge. This section consists of seven sciences: the science of numbers (*'ilm al-'adad*); the science of geometry (*'ilm al-handasa*); the science of the stars (*'ilm al-nujūm*); the science of optics (*'ilm al-manāẓir*); the science of music (*'ilm al-mūsīqā*); the science of theoretical mechanics (*'ilm al-athqāl*); the science of artifices (*'ilm al-ḥiyal*). Neither Ijī nor Jurjānī identified which of these sciences this definition belongs to, but it might be the science of *handasa* since its masters have been famous for being philosophers, similarly, many philosophers have been known for taking the profession of *handasa* as well. Fārābī, *Iḥṣā' al-'ulūm*, 49–67. The relationship between these mathematical sciences and philosophy in the classical period and how philosophers often took one or more of these professions is an interesting historical enquiry, but it is outside the scope of this thesis.

³⁵⁵ Ijī, *al-Mawāqif*, 1:196.

correspondence in the conjectures investigated.³⁵⁶ Note that the qualification of correspondence in conjectures here which Ījī is demanding is different from the qualification of conjectures which he agreed is not needed in Bāqillānī's definition. The first, which is missing from *arbāb al-ta'ālīm*'s definition, is the correspondence of the conjectures *investigated*, i.e. the known conjectures, while the correspondence which is dispensed with in Bāqillānī's definition, is the correspondence of the conjectures *acquired* through *naẓar* – i.e. the sought-after conjectures. The reason for Ījī's requirement of this qualification in the investigated conjectures will be further explained in the conditions of sound *naẓar*. Ījī acknowledges the fact that *arbāb al-ta'ālīm*'s definition, as general as it is, became the chosen definition of later scholars.³⁵⁷ It is noteworthy that what became the standard in the definition of *arbāb al-ta'ālīm* is its inclusiveness of necessary and conjectural knowns in what is investigated and what is acquired (the epistemic indicants investigated and the judgements inferred). Otherwise, Rāzī has also noted the process of arrangement (*tartīb*) in his definition, which considers the dialectic aspect of *naẓar*, and which is not considered a standard definition of *naẓar*.

c. Taftāzānī's method: *naẓar* is the two movements of the intellect

Taftāzānī gives preference to the definition of *arbāb al-ta'ālīm* over the definitions by Bāqillānī and Rāzī; however, he notes that it only grasps one aspect of *naẓar*, which is the process of constructing the *form* of an epistemic indicant (*dalīl*). This process, although a central aspect of *naẓar*, does not express the real essence of *naẓar*, he adds. The real essence of *naẓar*, according to him, includes the search for and assigning of the appropriate *content* of an epistemic indicant. *Naẓar*, thus, consists of two intellectual movements: one is related to the content, and the second arranges this content in a form indicating its connection to the

³⁵⁶ Ījī, *al-Mawāqif*, 1:196-8.

³⁵⁷ Ījī, *al-Mawāqif*, 1:204.

desired conclusion. Both were mentioned at the very beginning of this chapter and are further elaborated in the following passage from Taftāzānī's *Sharḥ al-Maqāṣid*:

If we attempt to acquire a sought-after conception or judgement – and no doubt [this sought-after conclusion] must have already been noticed in a way (*mash'ūran bihi min wajh*) – the intellect makes a movement through its stored images and starts shifting from one image to another image until it (i.e. the intellect) attains the content of [this sought-after's] premises (*mabādi'*), such as its essences and accidents, as well as middle terms. Hence it (i.e. the intellect) may comprehend them as specific and distinguishable [as they are]. Then, it moves within these [premises] to arrange them in a special order that leads to [A] conceptualising a sought-after conclusion by its reality, or [B] by a way that distinguishes it from anything else. Or [C, to lead to] accepting it with certainty, or [D, accepting it] without certainty. Here, we have two movements: by the first, we acquire the content (*mādda*) [for *nazar* – i.e. the investigated indicants], and by the second we acquire the form (*ṣūra*) [of these indicants]. ...The reality of *nazar* is the combination of these two movements.³⁵⁸

There are several points that require explanation in this crucial passage which carefully outlines the process of *nazar* and the epistemic value of its conclusions. Firstly, this understanding of *nazar* as the above two movements is still within the second approach of defining *nazar* as a dialectic process disregarding the epistemic value of its conclusions, contrary to the first approach of Bāqillānī and his followers. However, Taftāzānī adds a prior step to the process of arrangement mentioned in the definition of Rāzī and *arbāb al-ta'ālīm*. This step is the intellectual movement of acquiring the content for the sought-after conclusion. Accordingly, this dialectic process of *nazar* is not only concerned with constructing the form, but also, and more importantly, investigating the content of epistemic indicants. Secondly, Taftāzānī acknowledges that one must first identify a proposed sought-after conclusion before working toward affirming or negating it through this process of *nazar*. Thirdly, Taftāzānī generalises the concept of *nazar* to include not only the method leading to necessary and conjectural knowns, but also compound ignorance, beliefs, and apparently, also doubts. This is indicated by his identification of the two types of assents (C

³⁵⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:30-31.

and D) which *nazar* leads to as: certain or not certain. ‘Not certain’ in its apparent meaning includes all epistemic levels above, although not explicitly stated. One would have to interpret his statement to exclude doubt, belief, and compound ignorance in order to make it consistent with the late classical scholarship which excludes all three from the outcome of *nazar*. However, Taftāzānī seems to intend this generalisation. In another section on the conditions of soundness for *nazar*, he notes that doubts, beliefs, and compound ignorance are not excluded from the investigated or acquired objects of knowledge. This is a very subtle and significant point in understanding Taftāzānī’s theory of *nazar* and its consistency with his theory of knowledge: Taftāzānī restricts *taṣdīq* to necessary and conjectural judgements, but necessary and conjectural judgements are not automatically placed in the realm of *taṣdīq*; they must be accepted by the intellect to obtain this status. It is not, therefore, necessary to exclude doubts, beliefs, and compound ignorance from the process of *nazar*, as did later scholars, because the process of *taṣdīq* will exclude them. In other words, Taftāzānī denies that there is such a thing as a *taṣdīq* which is based on doubts, beliefs, and compound ignorance, he does not, however, deny that there are judgements which are based on any of the three, as previously explained.

In addition, the condition of suitability, which will be addressed soon, demands that if doubts, beliefs, or compound ignorance are the content of an epistemic indicant, it will not produce necessary or conjectural judgements. As such, Taftāzānī’s summary of the essence of *nazar* aims at encompassing all forms of *nazar*, rather than acknowledging an epistemic value of doubts, ignorance, or beliefs. The final point I would like to note here, which is related to the fourth point, is that this opinion of Taftāzānī’s marks another example of his reviving of early scholars’ views. Early scholars defined *nazar* as the two movements, or the two steps of investigation, and not only as the second movement. Taftāzānī refers his readers

to Ibn Sīnā's *al-Ishārāt wa-l-tanbīhāt* for further elaboration for the inclusion of mere conjecture, belief, and compound ignorance in the definition of *nazar*.³⁵⁹

Jurjānī agrees with this understanding of Taftāzānī. In his commentary on Ījī's *Sharḥ al-Mukhtaṣar*, written a few years after Taftāzānī's commentary on the same text, Jurjānī summarises the difference of opinion between early and later scholars regarding the definition of *nazar*. He writes:

... if you ask: what is meant by *nazar* in this stated definition [of Ījī]? Is it the combination of the two movements, following the opinion of early scholars (*al-qudamā'*), or the second movement only, following the opinion of later scholars? Does [his definition] include investigating conceptions or not? I respond: the evident opinion is to understand [Ījī's definition] according to the first opinion because the sought-after conclusion is established through both [movements], not through the second movement alone. In addition, since conception is included in the interpretation of *'ilm*, the definition [of *nazar*] includes investigations of conceptions and assents (*al-anzār al-taṣawwuriyya wa-l-taṣdīqiyya*) within certainties and conjectures, as well as that which take the same course as they are.³⁶⁰

From the above we may conclude that there is less disagreement regarding the nature and scope of *nazar* than there is regarding the nature and scope of *'ilm*. Jurjānī's statement nicely sums up the classical and late classical arguments concerning the nature and scope of *nazar* in relation to the nature and scope of *'ilm*. There are essential conditions for the process of *nazar* to lead to these degrees of knowledge. I address these conditions in the next section.

III. Sound and Unsound *nazar*: conditions of production

Throughout this chapter and the previous chapter on *adilla*, the emphasis on the content (*mādda*) over the form (*ṣūra*) of epistemic indicants is repeatedly highlighted. Late classical scholars agree that *nazar* encompasses the two intellectual movements to investigate the content and then the form of any epistemic indicant. They also agree that each of these two

³⁵⁹ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:31.

³⁶⁰ 'Alī ibn Muḥammad al-Sharīf al-Jurjānī, *Hāshiyā 'alā Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 2nd ed. (Cairo: al-Maṭba'a al-Amīriyya-Bulāq, 1983 [in the margins of Ījī's *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*]), 1:46-47.

movements require certain conditions for their soundness. Accordingly, they classify *naẓar* into sound and unsound.

The soundness of content for *naẓar* is connected to the existence of a sound mode of indication (*wajh dalāla*) that enables the intellect to transfer from the premises of an epistemic indicant to its conclusion – such as in the middle term (*al-ḥadd al-awsaṭ*) in a syllogism. This soundness can either be in the content (*mādda*) of the *dalīl* or in its form (*ṣura*): the first is such as saying: the universe is created in time – which is a valid premise that can be used in an argument for the existence of God, but not, for example, a valid premise in an argument for the veracity of prophets. As for the soundness in form, it is the fulfilment of the conditions of a recognizable form of syllogism, juristic analogy, or inductive reasoning. The unsoundness of *naẓar* can also occur in either the form or the content of the epistemic indicants.

The first occurs in the falsehood of the premises; their non-correspondence with reality, such in saying: every living animal is an inanimate. This is a false premise that will result in a false argument as well, for example:

Minor premise: every human being is a living animal
Major premise: every living animal is an inanimate
Conclusion: every human being is an inanimate thing.

The unsoundness in form, which in turns make the scholarly investigation unsound, is the failure to adhere to the conditions of syllogism modes and figures. For example:

Major premise 1: no American is a killer
Minor premise 2: some killers are held in prison.
No results.

There is no conclusion from this syllogism because the minor premise is negated and the major premise is a particular premise; i.e. it is missing the first condition of the first figure of

syllogism (the universality of the major premise) so the connection between the two premises is broken and no conclusion is made.³⁶¹

1. Conditions of soundness in the content

In the chapter on *adilla*, I argued that the single most important element in the process of *istidlāl* is establishing a *suitable* connection between an epistemic indicant and the sought-after conclusion, the judgement. For Imām al-Ḥaramayn, sound *naẓar* is that which leads to discovering the mode (*wajh*) through which an epistemic indicant indicates the sought-after conclusion.³⁶²

The following is an example to illustrate the condition of suitability in *wajh al-dalāla*: if your sought-after conclusion is to prove or disprove the existence of God, your first intellectual movement aims to collect information about what God is, what existence is, and what are the other ways which lead to either affirming or negating this sought-after, such as the existence of the universe, your own existence, the qualities of such existence, and so on. Your second movement aims to arranging the information you collected in a way which affirms or negates your sought-after. For example, you start from the temporality of your existence or the changing reality of the universe to form the following major universal premise: every changing or temporal existence is created in time. If you then add a minor premise stating: the universe is temporal or changing. Your conclusion would be: the universe is created in time. Then you use this particular major premise in another syllogism as a major premise: the universe is created in time. You add to this a minor universal premise: everything created in time necessitates a creator. Your conclusion would then affirm your sought-after: the universe necessitates a creator. The content and form of these two movements are suitable for the sought-after and hence this *naẓar* is sound. If, however, one

³⁶¹ Taftāzānī, *Ḥāshiya ‘alā Sharḥ al-Mukhtaṣar*, 1:40.

³⁶² Juwaynī, *Kitāb al-Irshād ilā qawāṭi ‘al-adilla fī uṣūl al-i’tiqād*, 3.

moves from the collected images of the existence, temporality, createdness, and God in the arrangement we just presented to seek affirming or negating prophethood, this *nazar* would be unsound in regard to its content; since the content is not suitable for the sought-after conclusion. Also, if the arrangement of these premises looked differently, just as saying: my existence is temporal and the universe is changing in reality, as the two premises in a syllogism, this will be an unsound *nazar* in its form because there was no inclusion of one of the premises in the other in order to establish a proper connection and produce a conclusion.³⁶³

Accordingly, one may conclude, soundness and unsoundness of *nazar*, must be in consideration to the content of the acquired premises or the form of its arrangement, and not in consideration to the two movements themselves. Because, whether one is able to gather the appropriate premises to their sought-after and put them in the right order which ensures establishing the proper connection or not, the two movements themselves happened and are sound. This suggests that in order to attribute soundness or unsoundness to *nazar* according to the late method of definition, which Taftāzānī followed, one must leniently consider *nazar* the result of the two movements and not the two movements themselves.

Soundness of *nazar* is not insofar as it is completed or practised, but insofar as it leads to its conclusions. Some sought-after conclusions may require more epistemic indicants than other sought-after conclusions, and accordingly, we may say that even if the *nazar* performed to reach them is sound, it still does not lead to these conclusions because of its level of clarity or ambiguity. Therefore, Taftāzānī notes that it might not be accurate to classify *nazar* into sound and unsound, classifying *nazar* into clear and ambiguous might be more accurate:

It becomes clear that dividing the content and form of *nazar* into sound and unsound is inaccurate, and it might be better to classify it (i.e. *nazar*) into clear and unclear in the same way, because the components of the definition and the proof could be necessary [but] varies in clarity and ambiguity. It could also be investigative but leads

³⁶³ Taftāzānī, *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar*, 1:140.

to necessary knowledge through external elements which are less or more [in the level of their certainty].

Despite this interesting observation, Taftāzānī continues to follow the standard terminology of soundness and unsoundness in his section on *naẓar*. The need to recognise the soundness and unsoundness of the process of *naẓar* as such is expressed in Taftāzānī's section on *naẓar* as follows:

They agreed that if the content and form are sound, the scholarly investigation is sound and [consequently] leads to the sought-after conclusion. Otherwise, it is unsound and it does not lead to [sought-after conclusion].³⁶⁴

2. Conditions of soundness in the form:

The conditions of soundness of *naẓar* does not receive much attention in the section of *al-mabādi'* in Taftāzānī's *kalām* and *uṣūl* texts. He refers the readers to the genre of logic for the detailed conditions of form in epistemic indicants:

In the epistemic indicant, [it is required] that it follows the considerable conditions of productivity (*intāj*), which are outlined in detail in the sections of syllogism, inductive reasoning, juristic analogy (*tamthīl*) in logic.³⁶⁵

This is a very explicit practice to demonstrate that the objective and interests of the epistemological discussions in *al-mabādi'* are distinct from the objective and interests of logic and hence they are not to be understood as logical postulates, as done by Ghazālī, for example.

³⁶⁴ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:33.

³⁶⁵ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:33.

IV. Outcomes of the process of *naẓar*

1. From necessary to investigative knowledge and vice versa

Before moving to the views on the outcome of sound and unsound *naẓar*, I discuss an ontological and theological question underpinning the possibility or impossibility of acquiring necessary knowledge through the process of *naẓar*. In the section on perceptions in the book of accidents from *Sharḥ al-Maqāṣid*, we find a critical dissuasion regarding the possibility that investigative knowledge might become necessary and vice versa. Before proceeding, it is useful to present the metaphysical framework to which perceptions belong to note how Taftāzānī arrived at his view.

Accidents are of two types: that which is not specific to living beings, which include A) the four generated things (*al-akwān al-arbaʿa*): compositeness; separation; movement and stillness, and B) sensible entities (*al-mahsūsāt*). This type is not relevant to this enquiry. The second type is that which is specific to living beings. This includes life and what it entails of knowledge, power, will, speech, and other perceptions. These qualities can also be predicated of abstracts (i.e. the Necessary Existent).

The intellectual or psychological qualities (*al-kayfiyyāt al-nafsāniyya* or *al-maʿqūla*) are of this latter type under the Category of Quality (*maqūlat al-kayf*). These are those which are specific to animate beings, not to plants or inanimate things. Perception (*idrāk*) is the second of the few psychological qualities that Taftāzānī addresses. For him, there are various types of perceptions, including emotion, imagination, delusion, and intellect (*taʿaqqul*). Knowledge is of this last type.

One of the psychological qualities which Taftāzānī uses in the argument concerning the possibility of investigative knowledge turning into necessary knowledge is the following: a psychological quality is either intrinsic, in which case, it is called a habitus (*malaka*), or not, and it is then called a state (*ḥāl*). A state can turn into a habitus, just as a young person

becomes old.³⁶⁶

Taftāzānī uses this metaphysical framework to dispute Rāzī's argument against such a possibility of transfer. Rāzī argues that the necessary knowledge cannot become investigative knowledge nor vice versa; this is because, as Taftāzānī reports, he claims that necessary knowledge is intrinsically necessary (*dhātī*) and investigative knowledge is intrinsically investigative.³⁶⁷ This view of Rāzī's would prevent either form of knowledge from turning into the other, because an essential attribute is inseparable from its essence. For Taftāzānī, none of these attributes is intrinsic (since all of them are dependent upon God), and that is why investigative knowledge turns into necessary knowledge via the process of *nazar*. Even if Rāzī's argument is conceded, it can only be applied to the immediate-necessary knowledge. Despite this, Taftāzānī does not accept that either type of necessary knowledge has intrinsic attachment to their epistemic degree. Further, he argues, necessary knowledge (immediate and non-immediate) can become investigative (which opens the possibility of its becoming conjectural), contingent on the Will of God to create such a reversal. On this point, Taftāzānī goes on to argue that the intellect may fail to receive even the immediately-perceived matters for several reasons, including that God does not create such a knowledge (*aw li-anna Allāh lā yakhlūquhu*).³⁶⁸ Other reasons for failing to perceive immediate-necessary knowledge is deficient faculties or failing to perceive the extremes of their proposition.³⁶⁹ This shows an occasionalist attitude toward the reliance of all knowledge on the Omnipotent God.

Mu'tazilīs, arguing on the basis of their claim that all knowledge is homogeneous, admit the rational possibility that necessary knowledge can become investigative, and investigative knowledge necessary. They do however exempt the category of religio-moral obligation (*taklīf*) from undergoing such a transformation (such as the knowledge of God) in

³⁶⁶ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:222.

³⁶⁷ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:232.

³⁶⁸ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:232.

³⁶⁹ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:21-22.

order to avoid the theological impossibility of obliging the inconceivable (*al-taklīf bi-l-muḥāl*). Other scholars, such as Āmidī, argue that such a transformation from the investigative to the necessary is possible, claiming that this is a point of agreement among the scholars. However, the majority (*al-jumhūr*) deny the possibility of the transformation of the necessary to the investigative. Taftāzānī, nonetheless, claims that their view might be interpreted so as to prevent all necessary knowledge from turning into investigative, because, he explains, if this happened, there would be no necessary knowledge to rely on in the acquisition of knowledge; if there is no necessary, there is no speculative, he says.³⁷⁰ This comment reflects a foundationalist concern for the necessity of the existence of given prioris as data to establish other premises. But what the limits of these axiomatic premises are, and how far must we go to secure these axiomatic premises, are two questions Taftāzānī leaves unanswered.

Developing an epistemology that depends on and emerges from an ontological framework is highlighted in several key arguments in this study, especially regarding Taftāzānī's use and support of Ibn Sīnā. For example, the ways in which the psychological qualities steered Taftāzānī's opinion concerning the intrinsic and non-intrinsic features of necessary and conjectural knowledge, which in turn determined their capacity to be alternated and the human capacity to acquire them. This treatment of knowledge acquisition in epistemology is parrallel to the theological concept of creation and human acquisition (*kasb*). Both are only granted material or rational existence when they are in accordance to the divine will and the effectivness of divine power upon such existence.³⁷¹

³⁷⁰ Taftāzānī, *Sharḥ al-Maqāṣid*, 1:232-233.

³⁷¹ See Rudolph, 'Occasionalism' in the in the Oxford Handbook of Islamic Philosophy, 357.

Outcomes of *naẓar*

According to what is in *Sharḥ al-Maqāsid*, there is no disagreement that *naẓar* leads to conjectural knowledge, the disagreement is in regard to whether it leads to necessary knowledge:

The sound [*naẓar*] which fulfils its conditions avails (*yufīd*) *‘ilm* in the meaning that [A] it correlates to it in an ordinary manner (*‘ādatan*) with or [B] without acquisition, or [C that which] entails it (i.e. *‘ilm*) rationally (*‘aqliyyan*) [but] by means of God’s creation in our school, or by means of generation (*tawlīd*) according to Mu‘tazilīs, or by means of necessity (*wujūban*) – because of the emanative perfection – according to the wise philosophers.³⁷²

Ḥujjat al-islām mentioned that it is the opinion of most of our scholars that *naẓar* necessitates *‘ilm* of the conclusion by means of *wujūb* which is inevitable and not by means of generation as in the view of Mu‘tazilīs. This is similar to what is reported to be the opinion of al-Qāḍī Abū Bakr and Imām al-Ḥaramayn as [they say] that *naẓar* necessitates *‘ilm* without such *naẓar* being a cause or a generator.³⁷³

In *Al-Tahdhīb*, Taftāzānī claims that the fact that *naẓar* leads to *‘ilm* even if only with regard to theological matters (*ilāhiyyāt*) is necessary. Whoever denies this is a stubborn opposer (*mu‘ānid*) such as a sophistic who denies knowledge based on senses (*ḥissiyyāt*), or the immediate principles (*badīhiyyāt*), or both.³⁷⁴ Ījī and Jurjānī in *al-Mawāqif* and *Sharḥ al-Mawāqif* both claim that it is the the majority’s view (*al-jumhūr*) that sound *naẓar* leads to *‘ilm*.³⁷⁵ The latter’s commentator, Siyalkūtī, explains that if *naẓar* does not lead to *‘ilm*, then it would not lead to the occurrence of any sought-after conclusion in the first place, and hence it would not be sound.³⁷⁶ For al-Rāzī, a particular *naẓar* may lead to a particular *‘ilm* but not all sound *naẓar* has the capacity to lead to *‘ilm*. This view, according to Ījī is inept, because, he explains, the particular judgement cannot be established before we establish its universal judgement. Accordingly, we must first establish that *naẓar* leads to *‘ilm* as a general premise, before we are able to claim that a particular process of *naẓar* is leading to *‘ilm* of a particular

³⁷² Taftāzānī, *Maqāsid al-ṭālibīn fī ‘ilm uṣūl al-dīn*, 1:33-4.

³⁷³ Taftāzānī, *Sharḥ al-Maqāsid*, 1:35.

³⁷⁴ Taftāzānī, *al-Tahdhīb*, 16.

³⁷⁵ Ījī, *al-Mawāqif*, 1:207; Jurjānī, *Sharḥ al-Mawāqif*, 1:207.

³⁷⁶ Siyalkūtī, *Ḥāshiyā ‘alā Sharḥ al-Mawāqif*, 1:207.

judgement. For example, if we say: this thing is created-in-time, and every created-in-time requires an effect, these two premises would lead us to the knowledge that this thing requires an effect, but they would not prove that all created-in-time things require an effect.

Āmidī in *Abkār al-afkār* does say that sound *naẓar* leads to *‘ilm*, but it leads to *‘ilm* only if its premises are composed of certainties.³⁷⁷ This is also the view which Ījī reports for him in *al-Mawāqif*, where Jurjānī clarifies that he excludes sound *naẓar* which premises are composed of conjectures which are correspondent to reality and not certainties.³⁷⁸ This explains Āmidī’s restriction of the concept of *dalīl* to necessary knowledge as discussed in the chapter on *adilla*. Āmidī may have also had Rāzī in his mind while arguing against those who claim *naẓar* does not lead to *‘ilm*:

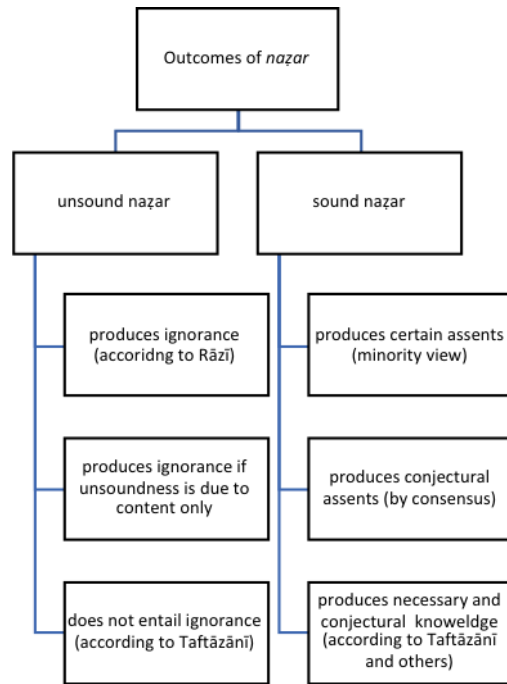
The second evidence is that we find in ourselves the knowledge of universal matters that occurred to us after they have not been [known to us]. If we are left to our natural disposition without seeking them, we would have not known them [because they are not immediate]. These include the knowledge of the meaning of soul, intellect, and others. There must be a method (*madrak*) that lead to these [knowns] as they are not immediate. This method is not the senses as these [knowns] are not sensible matters. Neither can it be the mass-transmitted reports, because they only lead to necessary knowledge of what is sensible (i.e. the witness of the first reporters). *Naẓar* is what leads to necessary knowledge of these [universal matters] other than the two mentioned [methods, which are the senses and the mass-transmitted reports].³⁷⁹

The following diagram outlines the difference of opinions regarding the outcome of sound and unsound *naẓar*, whether soundness or unsoundness are in the form or in the content of *naẓar*:

³⁷⁷ Āmidī, *Abkār al-afkār*, 136.

³⁷⁸ Jurjānī, *Sharḥ al-Mawāqif*, 1:209.

³⁷⁹ Āmidī, *Abkār al-afkār*, 136.



[Figure 6: views on the outcome of *nazar*]

Conclusion

1. *Nazar* and *ijtihād*

After explaining the way through which *fikr*, the movements in the intelligibles, is a genus or a special property for *nazar*, the process of acquiring all types of knowledge including necessary and conjectural knowledge, now I explain how *nazar* is a genus for *ijtihād*, the process of inferring religious judgements, which *uṣūl al-fiqh*'s basic classical function is to support. Below I examine the definitions of *ijtihād* according to the classical and late classical scholars we discussed their definitions of *nazar*, from Bāqillānī and Imām al-Ḥaramayn, to Taftāzānī and Jurjānī.

Some *uṣūlīs* are explicit about the relationship between *nazar* and *ijtihād*, mostly that the latter is a specific type of the former, but others are not. Similarly, some are explicit about the restriction of *ijtihād* to the acquisition of conjectural judgements while others are not. In addition, some further explicitly restrict *ijtihād* to conjectural knowledge of legal judgements, excluding theological judgements, while others make the process of *ijtihād* a general process encompassing all religious judgements.

Rāzī, who restricted *nazar* to conjectural assents and particular necessary knowledge, defines *ijtihād* in his *al-Maḥṣūl* as the 'exertion of one's utmost ability in scholarly investigation (*istifrāgh al-wus' fi-l-nazar*) insofar as such [exertion] excludes any blame afterward.' This is a general definition which would include necessary and conjectural outcomes of *nazar*. Āmidī in *al-Iḥkām* defines *ijtihād* as the 'exertion of one's utmost ability in seeking conjectural knowledge of something within the religious judgements insofar as they feel unable to accomplish any more'. He explains that the genus in his definition is the 'exertion of one's utmost ability' while the rest are special properties of this non-essential definition. This definition excludes, he adds, seeking certainties, non-religious judgements,

and the *ijtihād* which is not properly done by a person; i.e. the one who does not exert their utmost capacity, they fall short.³⁸⁰

Ibn al-Ḥājjib defines *ijtihād* as ‘the jurist’s exertion of his utmost ability to acquire a conjecture of a religious judgement.’³⁸¹ This was adopted by Ījī who further explained that the *faqīh* here is an important qualification as the exhaustion of efforts for other than jurists in order to acquire religious judgements is not considered *ijtihād*. In addition, qualifying the sought-after religious judgements in *ijtihād* by conjectural judgement is also necessary since *ijtihād* is not accepted in certain religious judgements.³⁸² For example, ‘prayer is obligatory’ is a certain religious judgement which is not subject to *ijtihād*, but ‘intention is obligatory in prayers’ is subject to *ijtihād*.

As for the first qualification, the performance of *ijtihād*’s restriction to jurists, Taftāzānī sees no point in such a qualification. This is so because, he explains, a person is not considered a jurist before performing *ijtihād*. So, in abstract terms, one cannot imagine the existence of a jurist who is not a *mujtahid* or a *mujtahid* who is not a jurist. However, Taftāzānī notes that because scholars considered the possibility of a person performing *ijtihād* in only one problem while having the potential of being a jurist, there does exist a *mujtahid* who is not a jurist. He also notes that it has become customarily well known that anyone who works in this genre of *fiqh* is called a jurist even if they are not a *mujtahid*. Therefore, Ghazālī and Āmidī did not add this qualification of being a jurist in their definitions of *ijtihād*.³⁸³ Yet, in his *al-Talwīḥ*, Taftāzānī defines *ijtihād* as: ‘the jurist’s exertion of his utmost ability to acquire a conjecture of a religious judgement’ which is identical to the definition of Ibn al-Ḥājjib.

³⁸⁰ Āmidī, *al-Iḥkām fī uṣūl al-aḥkām*, 2:309.

³⁸¹ ʿUthmān ibn ʿAmr Ibn al-Ḥājjib, *Mukhtaṣar al-muntahā al-uṣūlī*, 2nd ed. (Cairo: al-maktaba al-azhariyya li-l-turāth, 1983), 2:289.

³⁸² Ījī, *Sharḥ Mukhtaṣar al-muntahā al-uṣūlī*, 2:289.

³⁸³ Taftāzānī, *Ḥāshiyā ʿalā Sharḥ al-Mukhtaṣar*, 2:289-90.

CONCLUSION

I. Future research: the under developed genre of *al-mabādi*'

This study has addressed the relationship between two important Islamic sciences, *‘ilm al-kalām* and *‘ilm uṣūl al-fiqh*, as sources of epistemology, taking the work of the maverick eighth/fourteenth century Persian theologian *cum* jurist Sa‘d al-Dīn Mas‘ūd ibn ‘Umar al-Taftāzānī (d. 792/1390) as its core illustration. Noting the early classical developments which contributed to his scholarship, this thesis underlines the shift in focus of epistemological studies from the usual philosophical and theological genres, to the genre of *al-mabādi*', which became a critical part of works on *kalām* and *uṣūl al-fiqh* in late classical scholarship.

Drawing from Taftāzānī's works on *kalām*, *uṣūl al-fiqh*, and *manṭiq*, I have shown that the development and generalisation of the genre of *al-mabādi*' marks an epistemological turn in the development of *uṣūl al-fiqh* and Islamic intellectual history in general. I have argued that the epistemology developed in the genre of *al-mabādi*' in late classical scholarship, is perceived as a *kalām-uṣūl* epistemology which presents an alternative to the logical-philosophical epistemology developed in *manṭiq* and *falsafa*. This alternative "authenticated" epistemology adapted and departed from philosophical approaches and logical methods, resulting in what we can call 'flexible epistemology.' Most of these adaptations and departures have been informed by *uṣūlī* concerns, such as functionality, as illustrated in the case of *ẓann*, as well as *kalām* concerns, as illustrated in the case of *naẓar*.

The originality of Taftāzānī's thought and his scholastic style of *taḥqīq*, spurning *madhhab*-affiliations, highlighted throughout this study, offered new insights to the unique intellectual production of late classical scholarship. The intellectual production of this period has largely been overlooked in present-day academe. This thesis thus opens a door to areas of research which have not been sufficiently addressed in any

academic language. Future research may investigate the later developments in the genre of *al-mabādi'*, and reasons why it has never been independently studied. Later Ottoman and Asian commentators in particular seem to have expanded the scope of *al-mabādi'* in later centuries. Further studies investigating the scholarly contributions of Taftāzānī in other sciences, including *ḥadīth*, *tafsīr*, and Sufism, would help us better understand his intellectual project and shed further light on the diversity of late classical scholarship.

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INDEXES

I. Table of contents for Taftāzānī's *Sharḥ al-Maqāṣid*

The following is a detailed table of content of the relevant three, out of six books from *Sharḥ al-Maqāṣid*:

Books (<i>maqāṣid</i>)	Chapters (<i>fuṣūl</i>) and parts (<i>aqṣām</i>)	Themes (<i>manāḥij</i>) and sections (<i>mabāḥith</i>)
The first book: the book of postulates (<i>al-mabādi'</i>)	i. Chapter (<i>faṣl</i>) on the introductions (<i>muqaddimāt</i>)	1. Section (<i>mabḥath</i>) on definitions, subject matter, and objective of the science of <i>kalām</i>
	ii. Chapter on knowledge (<i>ilm</i>)	1. Section on definitions of knowledge and whether its perception is necessary 2. Section on the classification of knowledge 3. Section on the types and conditions of necessary knowledge
	iii. Chapter on the scholarly investigation (<i>nazar</i>)	1. Section on the nature of <i>nazar</i> 2. Section on the valid and invalid <i>nazar</i> (in form and substance) 3. Section on the conditions of <i>nazar</i> 4. Section: Muslims agree on the obligation of <i>nazar</i> for the knowledge of God 5. Section on the debate regarding the first obligation: is it the knowledge of God or performing <i>nazar</i> ? 6. The completion of <i>nazar</i> : obtaining knowledge through epistemic indicants (<i>adilla</i>) a. Types and conditions of <i>adilla</i>
The second book: the book on the general matters (<i>al-umūr al-āmma</i>)	i. Chapter on existence and non-existence	1. Section: the perception of existence is immediate 2. Section: existence is a homonymous concept (<i>mafhūm mushtarak</i>) 3. Section: existence includes the external material (<i>aynī</i>), the mental (<i>dhihnī</i>), the lexical (<i>lafẓī</i>), and the scriptural (<i>khaṭṭī</i>) forms of existence 4. Section: existence is synonym to affirmation (<i>thubūt</i>) and non-existence to negation (<i>nafy</i>) 5. Section: non-existents have a sort of distinction in the intellect

		6. Section: the existent and the non-existent can function as predicates as well as middle terms [in propositions/ syllogisms]
	ii. Chapter on quiddity (<i>māhiyya</i>)	1. Section on the definition and conditions of quiddity 2. Section on the types of quiddity
	iii. Chapter on the suffixes/posteriors (<i>lawāḥiq</i>) of existence and quiddity	1. First theme (<i>manhaj</i>): on the instantiation or entification (<i>al-ta'iyun</i>) a. Section (<i>mabḥath</i>): entification is different from quiddity, existence, and oneness b. Section: entification is a mental – not actual- concept c. Section on the conditions of entification 2. Second theme: on necessity (<i>al-wujūb</i>), impossibility (<i>imtinā'</i>), and possibility (<i>imkān</i>) a. Section on the meaning of these three concepts b. Section on the types of these concepts c. Section on the use of these concepts on the propositions (<i>al-qaḍāyā</i>) d. Section on the necessity of an actor/effect (<i>mu'aththir</i>) to possible matters e. Section: the intellect reaches this necessity by noticing that an essence cannot exist and non-exist at the same time f. Section: there is no priority of one possible matter over another in itself 3. Third theme on the eternity (<i>qidam</i>) and temporal creation (<i>ḥudūth</i>) a. Section on the meaning of eternity and temporal creation b. Section: philosopher claimed every created-in-time is preceded by a substance and a time 4. Fourth theme on the oneness or unity (<i>al-waḥda</i>) and the multiplicity or plurality (<i>al-kathra</i>) a. Section on the meaning <i>al-waḥda</i> and <i>al-kathra</i>

		<ul style="list-style-type: none"> b. Section on <i>ma'rūd al-waḥda</i> and <i>al-kathra</i> c. Section on the specifications of <i>al-waḥda</i> and <i>al-kathra</i> (e.g. contrast) <p>5. Fifth theme on the casualty (<i>'illa</i>) and efficacy (<i>ma'lūliyya</i>)</p> <ul style="list-style-type: none"> a. Section on the definition of <i>'illa</i> b. Section on the necessity of the effect c. The oneness of the effect (<i>waḥdat al-ma'lūl</i>) d. Section: philosophers claimed the one cannot be a recipient and subject e. Section: there is no efficacy for the bodily powers f. Section: it is impossible for the cause and effect to continue infinitely g. Section: the substance is the abode (<i>maḥall</i>) and carrier of the form (<i>ṣūra</i>)
The third book: the book of accidents (<i>al-a'rāḍ</i>)	i. Chapter on the universal discussions (<i>al-mabāḥith al-kulliyya</i>)	<ol style="list-style-type: none"> 1. Section: existence is either preceded by non-existence or not 2. Section: it is a necessity that the accident is contingent for its existence on a substrate 3. Section: they [theologians] agreed on the impossibility of the transfer of accidents [from one substrate to another] 4. Section: it is not possible for the accident to subsist in another accident 5. Section: many theologians say it is impossible for an accident to persist for more than two discreet moments
	ii. Chapter on the quantity (<i>al-kamm</i>)	<ol style="list-style-type: none"> 1. Section on quantity's general rules, such as its receptivity of division (<i>qubūl al-qisma</i>) 2. Section on time (<i>al-zamān</i>)—most theologians have denied it <ul style="list-style-type: none"> a. Sub-section: philosopher claimed the affirmation (<i>thubūt</i>) of time 3. Section on space (<i>al-makān</i>)
	iii. Chapter on quality (<i>al-kayf</i>)- This chapter has four parts for the four types of qualities:	<ol style="list-style-type: none"> 1. First: sense of touch (<i>malmūsāt</i>) <ol style="list-style-type: none"> 1. Section: they agreed, the origin of <i>malmūsāt</i> is heat (<i>ḥarāra</i>) 2. Section: some suggest ...

	<p>a. Sensory qualities (<i>al-kayfiyyāt al-maḥsūsa</i>)</p>	<p>2. Second: sense of sight (<i>mubṣirāt</i>)</p> <ol style="list-style-type: none"> 1. Section: colour has two extremes 2. Section: Some claimed colour has no reality 3. Section: light is either essential or accidental 4. Section: light is different than colour <p>3. Third: sense of hearing (<i>masmū'āt</i>)</p> <ol style="list-style-type: none"> 1. Section on the meaning of voice 2. Section: voice can acquire a quality that distinguish it from what is similar to it <p>4. Fourth: sense of taste (<i>madhūqāt</i>)</p> <p>5. Fifth: sense of smell (<i>mashmūmāt</i>), which are the smells (<i>rawā'iḥ</i>)</p>
	<p>b. Mental or psychical qualities (<i>al-kayfiyyāt al-naḥsiyya</i>)</p>	<p>1. First: life (<i>al-ḥayāh</i>)</p> <ol style="list-style-type: none"> 1. Section: the meaning of life 2. Section: the soul, body, and temperament (<i>i'tidāl al-mazāj</i>) are not necessary conditions of life, contra to philosophers and Mu'tazila 3. Section: death is the removal of life <p>2. Second: perception (<i>al-idrāk</i>)</p> <ol style="list-style-type: none"> 1. Section: what happens when we perceive a thing ... 2. Section: there are four types of perceptions <ol style="list-style-type: none"> a. feeling (<i>iḥsās</i>) b. imagination (<i>takhayyul</i>) c. delusion (<i>wahm</i>) d. intellection (<i>ta'aqqul</i>) 3. Section: knowledge is divided into eternal and created-in-time 4. Section: there is no disagreement regarding the permissibility of the speculative becoming necessary 5. Section: does the created knowledge multiplies by the multiplicity of the thing-known? 6. Section: the place of knowledge is the heart 7. Section: the intellect, which is the ground of the religious responsibility (<i>taklīf</i>) is ... <p>3. Third: will (<i>al-irāda</i>)</p> <ol style="list-style-type: none"> 1. Section on the meaning of <i>irāda</i> 2. Section: willing something means

		<p>disliking its opposite, according to the Sheikh (i.e. al-Ash‘arī)</p> <p>4. Fourth: power (<i>qudra</i>)</p> <p>1. Section on the meaning and types of power</p> <p>a. Sub-section: power is distinguished by intuition (<i>wijdān</i>) according to Ashā‘ira</p> <p>2. Section: the created power (<i>al-qudra al-hāditha</i>) over an action cannot precede such action, contra to Mu‘tazila</p> <p>3. Section: the opposite of power is inability (<i>‘ajz</i>), contra to Abū Hāshim</p> <p>5. Fifth: creation (<i>khalq</i>) of actions</p> <p>6. Sixth: enjoyment and pain (<i>al-ladhdha wa-l-alam</i>)</p> <p>Section: enjoyment and pain are either sensual or mental</p> <p>7. Seventh: Health and sickness</p> <p>8. Eighth: happiness, sadness, anger, fear and so on of the mental qualities which will not be studying (<i>lā baḥth ftha</i>)</p>
	e. Qualities that are specific to quantities	Such as straightness, curving, concavity, and convexity
	f. Predispositional qualities (<i>al-kayfiyyāt al-isti‘dādiyya</i>)	

	iv. Chapter on the where/location (<i>al-ayn or al-kawn</i>)	<p>First: the way of the theologians:</p> <ol style="list-style-type: none"> 1. Section: location or being in a substrate (<i>al-kawn fī al-ḥayyiz</i>) is necessary 2. The truth is that the inner (<i>al-bāṭin</i>) is part of the body <p>Second: the way of the philosophers</p> <ol style="list-style-type: none"> 1. <i>Al-ayn</i> is either real (<i>ḥaqīqī</i>) or not real 2. Requirements of the movement 3. The attachment of a movement to what is in it and what is from it is almost essential 4. A movement requires a time and an extension 5. Some philosophers and theologians say that between every two straight movements a stillness (<i>sukūn</i>) 6. A body could have two movements 7. Stillness in the where is the preservation of the proportions (<i>nisab</i>) of the body
	v. Chapter on the rest of the relational accidents (<i>al-a'rāḍ al-nisbiyya</i>)	<ol style="list-style-type: none"> 1. Relation (<i>al-idāfa</i>) 2. The When (<i>al-matā</i>) 3. Position (<i>al-waḍ'</i>) 4. Possession (<i>lahu or al-mulk</i>) 5. Action and passion (<i>an yaf'al wa-an yanfa'il</i>)
The forth book, the book of substances (<i>al-jawāhir</i>)		
The fifth book, the book of metaphysics (<i>ilāhiyyāt</i>)		
The sixth book, the book of matters known by revelation (<i>sam'iyāt</i>)		

II. Table of contents for Taftāzānī's *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar*

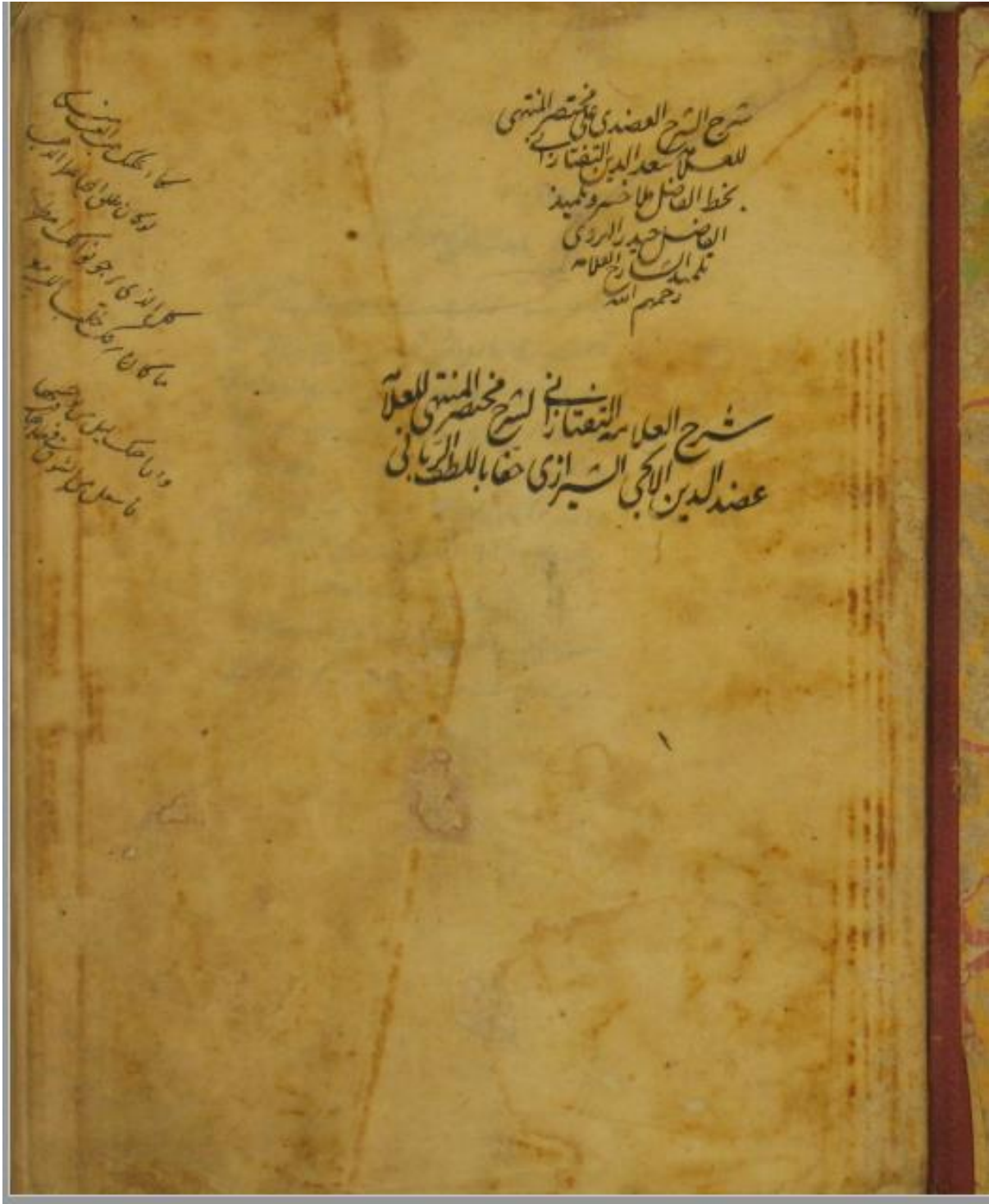
The following is a detailed table of content of the relevant sections from *Ḥāshiya 'alā Sharḥ al-Mukhtaṣar*:

THE FIRST PART: INTRODUCTIONS		
1. Definition, objective (ghāya), and derivation (istimdād)	i. Definition of <i>fiqh</i> and <i>uṣūl al-fiqh</i> ii. The postulates of <i>uṣūl al-fiqh</i>	
2. The postulates (al-mabādi')	i. The theological postulates (<i>al-mabādi' al-kalāmiyya</i>)	Section on the meaning of epistemic indicator (<i>dalīl</i>)
		Section on the meaning of the scholarly investigation (<i>nazar</i>)
		Section on the meaning of knowledge (<i>'ilm</i>) a. On belief, conjecture, delusion, and doubt
		Section: the types of knowledge: perceptions and assents
		Section on Definitions and Perceptions (<i>al-taṣawwūrāt</i>) a. The conditions of definitions b. The five universals c. Types of definitions d. Can definitions be acquired via demonstrative proofs?
		Section on assents (<i>al-taṣdīqāt</i>) a. Propositions b. The categorical and conditional propositions c. The certainty of the premises of the demonstrative proof d. Probable signs (<i>al-amārāt</i>) e. Necessary propositions (<i>ḍarūriyyāt</i>) f. The forms and figures of the demonstrative proof g. Deficiencies in the form or substance of the demonstrative proof
	ii. The linguistic postulates (<i>al-mabādi' al-lughawiyya</i>)	Section on the categorisation of speech

		Section on homonymous and synonymous usages in the Qur'an and language
		Section on reality (<i>al-ḥaqīqa</i>) and metaphor (<i>al-majāz</i>)
		Section: analogy (<i>qiyās</i>) does not establish language
		Section on letters (<i>al-ḥurūf</i>)
		Section on the creator of the language (<i>wāḍi' al-luġha</i>)
	iii. The jurisprudential postulates (<i>al-mabādi' al-fiqhiyya</i>)	Section on the legal categorisation of human acts (<i>al-aḥkām</i>)
		Section: <i>shukr al-mun'im</i> is not obligatory by the intellect
		Section on the categorisation of the religious ruling
		Section on the types of obligations
THE SECOND PART: SCRIPTURAL OR RELIGIOUS SOURCES (AL-ADILLA AL-SAM'IYYA OR AL-SHAR'IYYA)		
	<ul style="list-style-type: none"> i. The book (<i>al-kitāb</i>) ii. The prophetic traditions (<i>al-sunna</i>) iii. Consensus (<i>al-ijmā'</i>) iv. Abrogation (<i>al-naskh</i>) v. Juristic analogy (<i>qiyās</i>) vi. Reasoning (<i>istidlāl</i>) vii. The presumption of continuity (<i>istiṣḥāb</i>) viii. Public interest (<i>al-maṣāliḥ al-mursala</i>) 	
THE THIRD PART: REASONING (AL-IJTIHĀD)		
	<ul style="list-style-type: none"> 1. <i>Ijtihād</i> 2. <i>Taqlīd</i> 	
THE FOURTH PART: PREPONDERANCE (AL-TARJĪḤ)		
	No sub-sections	

III. Samples of early manuscript copies of Taftāzānī's texts.

1. A ninth/fourteenth century copy of *Hāshiya 'alā Sharḥ al-Mukhtaṣar* scripted by Mölla Ḳhosrew (d. 885/1480)



2. A tenth/sixteenth century Ottoman manuscript of *Sharḥ* al-Maqāṣid, scripted by Ibn al-‘Imādī in (974/1566)

من كلام الشريف الرب حايح
تو دل سخته بگوای سخته بی بیری سخته
خدا دار که بر سخته
به باغی من مد من مد من
مزه دم محبوبان الهی

لا اله الا الله
قد الصفة واد بوج کما
و ان من عن الی بلین
و ان کل الام کل الام
سفسس من دوی الماء لیس

سنة ثمان وتسعون و تسعمائة بر سبع الاخرینک
یکرمی ایتمی کونی صالی کون کاش کلک اوان
بدیج کونیدر صباح اذ انزه مضطقی چایی
دنیا یہ کلن در حق بی زوتعالی عر طویل
و خیر خلف او کنی مسیر پیوره امین الله

بنا دم الجسم کم نسبی

انطلب الروح

اقبل علی النفس و استیکلفها

فانت بالنف لا بالجسم ان

و المتوکل انفق فی لا یحتاج لی توکل الی ترک الاسباب
لا متکلا انظر شهوده بوجود مستجاب الاسباب
یتقیر توکل الی الاسباب و علامه

و هو الاطلاق الصبری حسن
النفس علی طاعت الله و تحقیق
بالصبر علی الامور ات والاصبر علی
المشقات و هذا من قولنا کرم سوره
الصبر ان صبر علی ما کنه و صبر علی
تحت و عمل الصبر الاعمال الصبر
ناله ای یقوم فی الصبر بالذات
قال الله و صبر و ما صبرک الی الله
سما الشکر و الصلوة ذکر النعم بالنف
او یغیر و صبر القناعة الی الله
بدون الکفایة و هی توفیه الی الله
الغنی و ذلك لان مع العناء عدم
فمن کان اقل حاجته فهو اقر الی الله
الغنی و حاجته القانع اقل هو اقر الی الله

الغنی و حاجته القانع اقل هو اقر الی الله
لا حياء الا و ایضا
الا حياء استغناء الی الله
و القانع یستغنی عنها و الاستغناء
عن الشئ افضل من الاستغناء به
ذکر من الشئ نفس الغنی و اما فهو قنیه

ای لفره در کمال عقل

است انوار حرمین بید

ای وجود تو اصل من وجود
سجا بودن و خواهی

تو که بگویم هر که از تو
دچار دار تا از قدر تو دور

