BOOK REVIEWS

The Foundation of Norms in Islamic Jurisprudence and Theology


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Omar Farahat’s *The Foundation of Norms in Islamic Jurisprudence and Theology* is a detailed and principled account of classical Islamic theologians and legal specialists who discussed divine revelation and the construction of norms of human actions.

While there have been recent publications on Islamic ethics, Ash'arī and Mu'tazili thought, and divine command theory,1 Farahat’s book provides a welcome addition to the classical scholarship on the subject of divine commands and natural law theories, addressing many of the nuances of Ash'arī and Mu'tazili theological and legal intricacies. By covering a broad chronological and disciplinary range, Farahat deftly analyzes two intertwined yet seemingly irreconcilable streams within the Islamic theological tradition as studied by some of the most important Ash'arī and Mu'tazili thinkers.

The book has two parts, each with three chapters. In the first part, Farahat’s primary concern is the metaphysical and epistemological questions on the notion of divine speech in the works of *kalām* (systematic theology). In these three chapters, Farahat discusses the epistemology of divine speech, its metaphysics, and its nature in classical theology, respectively. In the second part of the book, Farahat dissects linguistic manifestations of divine commands and their normative statements in the works of *uṣūl al-fiqh* (methodology of Islamic jurisprudence), addressing in the three chapters the nature of divine commands in classical legal thought, divine command in linguistic and semantic forms in the language of revelation, and the position and role of legal obligations through their imperative form.

Both fields, *kalām* and *uṣūl al-fiqh*, are concerned with a wide range of debates about divine command theories and natural law theories. Being part of a “single intellectual project” (22) and as such inseparable in understanding and defining moral positions based on theological precepts and virtues, both *kalām* and *uṣūl al-fiqh* are hence integrated in the development of moral epistemology, metaphysics, and the notion of divine speech and justice.

Farahat aims to answer the question of “why and how do we rely on divine revelation in guiding our actions” (1) in the context of classical Islamic thought. While the prevalent view

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of the divine command theory insists that actions are good or correct because God commanded them, Farahat reconsiders and rehabilitates some of the key features of this theory in conversation with the interlocutors of the natural law theory; in doing so, he casts a new light onto the formation of both theories in construction of Islamic norms. Divine command theories stem from an understanding of revelation as a necessary element in guiding human actions; natural law theories, by contrast, perceive revelation as informative yet not integral to its function. Farahat explores nuanced epistemological and metaphysical avenues, and he offers new insight into the early debates between Ashʿarī and Muʿtazilī through his close readings of the major works—those by al-Qādī `Abd al-Jabbār, Rukn al-Dīn al-Malāḥīmī (al-Khwārazmī), Abū al-Ḥusayn al-Baṣrī Muḥammad b. `Alī b. Ṭāyyīb al-Baṣrī, Abū Bakr al-Bāqillānī, `Abd al-Malik ibn `Abdallāh ibn Yūsuf al-Juwānī (Imām al-Ḥaramayn), Abū Bakr Aḥmad ibn `Alī al-Rāzī al-Jaṣṣās, and Abū al-Muẓaffar al-Samʿānī. He insists that the boundaries between the Ashʿarīs and Muʿtazilīs on major theological tenets are not always distinct or clear-cut, and rather than being bifurcated, the two lines of thought are enmeshed and entangled despite major epistemological differences.

Throughout, Farahat argues that the simple rationalist-traditionalist divide does not do justice to the complex and multifaceted epistemologies of Ashʿarī and Muʿtazilī thought, despite the contrasting metaphysics between them, such as the notion of continuity between the physical and the metaphysical world. Proponents of divine command theories, associated with the Ashʿarī stream, often resorted to the faculty of reason in defining divine speech and divine justice. Ashʿarīs established the very foundation of their critique of natural law theories and advanced their justification of revelation as categorical in the construction of human knowledge. On the other hand, Muʿtazilī thinkers, even though they have often been designated as rationalists, indeed resorted to observation and reasoning based on the inner state of knowing, but did not exclusively claim that the human faculty of reason is the very source of knowledge (41). Thus, rationalism appears to be an unhelpful label in defining their theological position. Rather than questioning whether one needs revelation for understanding the phenomenal world and for the construction of normativity, Farahat offers, we should ask if divine revelation is necessary for obtaining categorical values and norms in Islam. For Ashʿarīs, God, and therefore his speech, are constitutive elements of the created universe and hence eternal, and not humanlike intervention as put forward by Muʿtazilīs. In this light, Ashʿarīs believed that the divine is necessarily existent but the faculty of reason is incapable of comprehending God’s actions, whereas for Muʿtazilīs, God’s attributes and actions are somewhat analogous to those of human beings. God participates in this world through his actions, which means that his speech is good by necessity, Muʿtazilīs would argue. What the two streams share, however, is the perception of God as an eternal Creator. From this discussion, Ashʿarī’s response to Muʿtazilī’s metaphysical naturalism implies that their system of ethics is based on both sense perception and the faculty of reason, which means that the divine does not interfere in the construction of norms, but “by the interruption of the normal flow of human experience through a nonhabitual occurrence that serves to establish the possibility of ethics” (125).

Farahat thus explores the construction of norms and the role of jurisprudential reasoning in this debate. Starting with Euthyphro’s dilemma, the question arises whether or not God commands that which is good and prohibits that which is bad. Farahat argues that this problem is valid only if we presuppose a particular conception of divine commands that is close in nature to our understanding of human commands (135). Farahat inquires if divine command theories are inherently contrary to moral autonomy. Because Muʿtazilīs adopted a notion of divine commands as part of the preexisting moral order, their line of thought presupposes that divine commands do not generate normative judgments. In this context, divine revelation only informs humans of proper actions and concedes the Euthyphro objection. Conversely, the Ashʿarīs perceived divine commands as attributes of God, part of the design of the universe, advancing the idea that the revelation is a source of universalizability that nonetheless involves human faculties for the formation of moral judgments. The early
Ash'arī and Mu'tazili debates on the construction of norms hence reveal a great deal of interdependence of legal and theological epistemologies that were conceded by the community of scholars in the classical Islamic period. Farahat convincingly shows that the formulation of principles of usūl al-fiqh can be perceived as mechanisms to attain a balanced understanding and implications of both divine commands and their linguistic formulations and practical essentials in human life. The production of obligations and legal deliberations stemmed from the classical jurisprudents and the community of classical scholars who did not inquire into the concept of divine will directly (188). Studying usūl al-fiqh is thus an attempt to construct a theory of ethics as a space between theology and practical norms, since it was in this domain that methods of norm production were discussed. Given epistemological inquiries by the jurisprudents and social construction of norms, it was the rational approach of divine command theories that reigned supreme.

The Foundation of Norms in Islamic Jurisprudence and Theology is certainly a notable addition to the extant literature of the field and thus worthy of being referenced in graduate seminars and academic settings alike. I would have liked a more comprehensive account (perhaps a slightly longer introduction) of the issue at stake, the divine command and natural law theories. This could entail a brief history and emergence of early Ash'arī and Mu'tazili thought in the context of Islamic intellectual history and a few lines on other theological traditions, such as the Māturīdī thought. By doing so, Farahat could situate the theological and philosophical intricacies within the larger context of Islamic theology and hence recommend the book also to those studying the field at a more introductory level.

Written in a scholarly, yet clear, fashion, the book is suitable for scholars and students of Islamic studies generally, and Islamic theology, Islamic law, Islamic history, and Islamic ethics more specifically. Farahat puts forward an idea that the early Muslim debates on the nature and role of the revelation were often rooted in conflicting metaphysical and epistemological outlooks, not in a simple construction of rationalist-traditionalist divide. He also sheds light on epistemological, linguistic, legal, and theological aspects of key Ash'arī and Mu'tazili theorists in constructing legal normativity. Moreover, this work offers an important contribution for religious moral and legal theories in general.