İlahiyat Studies

A Journal on Islamic and Religious Studies

Volume 4 • Number 2 • Summer / Fall 2013

IS

CONTENTS

ARTICLES

Avicenna and Thomas Aquinas on the Possibility of Talking about God
Mehmet Ata Az
ھ‌و‌ڲ

A Sixteenth-Century Ottoman Scholar in the Footsteps of Ibn Taymiy-ya and an Opponent of Ibn ʿArabī: Chiwizāda Muḥyī al-Dīn Sheikh Meḥmed Efendī
Mehmet Gel
ھ‌و‌ڲ

Jews in the Ottoman Millet *System and Their Judicial Status: A Family Law Review*
Ahmet Yaman
ھ‌و‌ڲ

The Headscarf Problem in Turkey in the Context of Discussions on Freedom
Derda Küçükalp
ھ‌و‌ڲ

AVICENNA AND THOMAS AQUINAS ON THE POSSIBILITY OF TALKING ABOUT GOD

Mehmet Ata Az
Şırnak University, Şırnak-Turkey

Abstract

The most important claim of the thesis of the divine simplicity is that the daily expressions of language, which are constructed in reference to the material and composite beings, are not deep enough in the meaning, to the degree that one may not directly use them when talking about God. This claim, which is about the meaning mode of references to God and the insufficiency of the form of reference, has brought about the problem of what sort of language must be used when talking about God. This study addresses the question of what kind and to what degree the resemblance of the caused beings to the final cause (God) – a resemblance that they possess in their natures – allows human beings to talk about the final cause. While the study presents an analysis of the views of Avicenna and Aquinas on talking about God, examining the differences and similarities between them, it will not give a detailed account of their dispute on the distinction between essence and existence in God.

Key Words: Aquinas, Avicenna / Ibn Sīnā, God, attribute, *dhāt*, essence, *tashkīk* and analogia

The question of what kind of being God is comes before the issue of whether one can talk about Him. This is because the question of what kind of being God is a question which determines whether God, whose existence is claimed, exists or not. When someone, who states that *God exists* is asked "*what kind of essence does God have as an existent being?*," the answer allows verifiability and falsifiability of

the propositions acquired about God. It indirectly determines whether someone can talk about God or not. Thus, in order to determine the truth and falsity of knowledge about something, it is primarily necessary that one knows what essence (essentia/quiddita/*dhāt*) that thing has, because what is not understood can neither be rejected, nor accepted. After the problem of what kind of existence God is settled, it is possible to discuss the issues such as, whether one can talk about Him or not, and the possibility of the talking, and which language/rhetoric should be used.

Another important factor that determines the talking about God is the understanding of ontology which is hold. While philosophers and theologians in the Middle Ages support constitutional ontology, modern philosophers and theologians accept constructional ontology. With regard to the question of how the divine simplicity must be understood, this difference fundamentally influenced the possibility of the talking about God. In particular, discussions on the reality and nature of the attributes, a topic which allows talking about God and defining His essence, and on what relationship between the attributes and the *dhāt* is established, determined the possibility of talking about God as well as His essence. That is to say, every defining name and attribute which is referred to God in order to define Him would cause complexity in God, even if it is in the mental level. In that case, the meaning of the concept which constitutes the definition would refer to a different part or element in God. This would lead to the opinion that God has some sort of complexity, in accordance with the ideas of the philosophers in the middle ages, who hold constitutional ontology. The basic claim of the idea of the simplicity is that any statement and concept cannot be not enough to define Him, due to His being perfection and uniqueness.

When we take Avicenna's works as a whole, we cannot claim that he addresses the issue of the possibility of talking about God and the nature of theological language as much detailed and systematical as Aquinas does. Avicenna claims that one cannot apply neither any definition (*ḥadd*) nor any description about the *dhāt* of God, thus, cannot talk about Him. He further states that one can only know that God exists, and can talk about, therefore, His existence.[1] The basic

---

[1] Abū ʿAlī al-Ḥusayn ibn ʿAbd Allāh ibn ʿAlī Ibn Sīnā, *Kitāb al-shifāʾ: al-Ilāhiyyāt II* (eds. George C. Anawati, Ibrāhīm Madkūr, and Saʿīd Zāyid; Cairo: al-Hayʾa al-Miṣriyya al-ʿĀmma li-l-Kitāb, 1975), 8.5, 349.

reason for Avicenna to claim that God's *dhāt* is undefinable is that every concept that is used about His *dhāt* alludes to some determinations about God. With regard to these determinations, these concepts would also allude to some parts in His *dhāt*. In other words, every concept that is found in definitions about the *dhāt* of God would signify a different part that constitutes Him. Just like every word in any definition contributes to constitution of the general meaning … However, since any partition is impossible for His simplicity, the usage of any concept that demonstrates the parts is impossible, too. Besides, every definition, to the degree that it limits the thing it defines, means commonality and difference (genus, *differentia*, etc.), the thing, which can be defined, would not be unique. This, in turn, contradicts the idea of simplicity and uniqueness of God, an idea that is the basic thesis of the divine simplicity.

Another reason for Avicenna to claim that it is not possible to directly talk about God because He is not describable is that the state in which the definition/the defined exists (*dhāt*) is mentally perceived and expressed. Thus, talking about God, in relation to the possibility of defining God, would necessitate the *dhāt* of God to be included in a certain category or categories, or classified with other beings due to similarities and differences. Due to all this concerns, Avicenna claims that one cannot directly talk about God, because of the idea that a definition of *Wājib al-wujūd* is not possible.[2]

According to the problem of the possibility of knowing the essence of God, both Avicenna and Aquinas attempt to explain God's essence/*dhāt*, as well as the possibility of knowing God, as they judge from the principle that the essence of being and its cause must

---

[2]   Ibn Sīnā, *Kitāb al-shifāʾ: al-Ilāhiyyāt I* (eds. George C. Anawati, Ibrāhīm Madkūr, and Saʿīd Zāyid; Cairo: al-Hayʾa al-Miṣriyya al-ʿĀmma li-l-Kitāb, 1975), 5.7-9; 9.1, 373; 1.7, 45-46; id., *al-Ilāhiyyāt II*, 8.4-5; id., *Kitāb al-najāt fī l-ḥikma al-manṭiqiyya wa-l-ṭabīʿiyya wa-l-ilāhiyya* (ed. Mājid Fakhrī; Beirut: Dār al-Āfāq al-Jadīda, 1985), 259-260; 266-271; id., *al-Risāla al-ʿarshiyya fī tawḥīdihⁱ taʿālā wa-ṣifātihⁱ*, in *Majmūʿ rasāʾil al-Sheikh al-Raʾīs* (Hyderabad: Dāʾirat al-Maʿārif al-ʿUthmāniyya, 1354 H.), 3-17; Ḥasan ʿĀṣī, *al-Tafsīr al-Qurʾānī wa-l-lugha al-ṣūfiyya fī falsafat Ibn Sīnā* (Beirut: al-Muʾassasa al-Jāmiʿiyya, 1983), 106-107; Parviz Morewedge, *The* Metaphysica *of Avicenna (Ibn Sīnā): A Critical Translation-Commentary and Analysis of Fundamental Arguments in Avicenna's* Metaphysica *in the* Dānish Nāma-i ʿalāʾī *(The Book of Scientific Knowledge)* (New York, NY: Columbia University Press, 1973), 57-59.

be identical, or that essence must not be different from being. Avicenna explains the possibility of knowledge, basing himself on the idea that the created beings constitute God's *lāzim*s because they emanated from God.[3] Moreover, Aquinas tries to do that by basing himself on the First Cause giving causes to other created beings, and criticizes Avicenna's understanding of emanation.[4] Avicenna states that *Wājib al-wujūd* has a *positive* and *negative* relation (*iḍāfa*) to the beings which emanated from Him. According to him, our mind achieves the possibility of talking about God leaning on this kind of relationship, which is different but connected with each other. Similar to the relationship between cause and effect, Avicenna bases this relationship, which has two different aspects as positive and negative, on the idea that created beings emanate from God, and that they are God's *lāzim*s.[5] Just as Avicenna does, Aquinas explains the possibility of knowing God because God is the first cause and the created beings are caused beings, basing himself on the idea that the effect has similarities with the cause, or that the agent leaves some personal marks on the affected. Aquinas sees as possible talking about God, considering the relationship between cause and effect. The relation of God to the created beings, in the words of Aquinas, is a relation that develops from something to another (*in transitu*), and this relation is not coming from causal similarity.[6] The fact that God has an ultimate sim-

---

[3]   Ibn Sīnā, *al-Ilāhiyyāt II*, 8.4, 343; 9.3, 396-397; id., *al-Ishārāt wa-l-tanbīhāt: Qism 3: al-Ilāhiyyāt* (ed. Sulaymān Dunyā; Cairo: Dār al-Maʿārif, 1960), 183-185; 218; 97; id., *al-Najāt*, 286.

[4]   Aquinas wrote his work *De Potentia* in order to criticize Avicennas' theory of emanation. In this work, Aquinas attempts to prove that God, the First Cause and First Being, created things out of non-existence in terms of His will. See Beatrica H. Zedler, "Saint Thomas and Avicenna in the 'De Potentia Dei'," *Traditio* 6 (1948), 105-159.

[5]   Ibn Sīnā, *al-Taʿlīqāt* (ed. ʿAbd al-Rahmān Badawī; Qum: Maktabat al-Iʿlām al-Islāmī, n.d.), 103; id., *al-Ilāhiyyāt II*, 9.3, 396-397; 8.4, 343-344; ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 107.

[6]   Thomas Aquinas, *Quaestiones Disputatae De Potentia* (*DP*) in *Quaestiones Disputatae* (8th rev. edn., vol. II: ed. P. Bazzi et al.; Turin & Rome: Mariette, 1949), q. 7, a. 8, 5; id., *Divi Thomae Aquinatis Summa Theologica* (*ST*) (Rome: Ex Typographia Senatus, 1886), q. 12, a. 12, q. 13, a. 1; id., *Summa Contra Gentiles* (*SCG*), (as the vols. XIII-XV of the series of "Sancti Thomae Aquinatis Doctoris Angelici opera omnia iussu impensaque Leonis XIII P.M. edita;" Rome: Typis Riccardi Garroni, 1918-1930), c. 9.

ple structure does not prevent Him from having a kind of relation to the beings which are caused by Him. Contrarily, the simple structure of God develops different relations to the caused beings, to the degree that God causes the created beings.[7]

Both philosophers accept that the source, which allows the possibility of talking about God, is the similarity, which the caused beings have about their cause. They also agree on the point that the relationship is not in God, and has an *asymmetric* character. The negative and positive names and qualities, which Avicenna defines as relation and the similarity, which Aquinas defines as relation are to be found out of the *dhāt* and essence of God (*secundum aliquid extra*), due to absolute simplicity. Otherwise any change that could occur because of the temporality of the relation would necessarily lead to a change in the essence/*dhāt* of God. Hence, the relation, which allows the talking, takes places in the created beings themselves, out of the *dhāt*.[8] Accordingly, every cause or agent produces a result, which resembles it, or at least has some parts that resembles it. Similar to that, every cause gives to the thing it causes some personal characters.[9] This situation can be called "the seal" of the First and Final Cause, or its self-reflection of His *māhiyya* and nature.[10]

Avicenna proves the relationship, which allows the talking about God, by stating that beings that hierarchically emanate from God have two different relations with God, as positive and negative relations. According to him, the two relations are effects of the actions that belong to God's *dhāt*. Since every effect has a partial similarity to its cause, it is possible to talk about God, i.e., the First Cause, judging from the created beings. The most important similarity between the first being and the created beings is the *wujūd* that they both have:

> Now we say, "even if existence is not a genus as you know, and not equally predicated of what is under, it is a common meaning in terms of priority (*taqaddum*) and posteriority (*ta'akhkhur*). *Wujūd* belongs to the *māhiyya*, which consists of substance, and then, to the thing follows (*a'rāḍ*). Since *wujūd* is a single meaning as we have said, it clings to the accidents (*a'rāḍ*), which is special to it, as we have stat-

---

[7]   Aquinas, *DP,* q. 7, a. 8.

[8]   Ibn Sīnā, *al-Ilāhiyyāt II,* 8.4, 344; Aquinas, *DP*, q. 7, a. 8.

[9]   ʿĀṣī, *al-Tafsīr al-Qurʾānī,* 107; Ibn Sīnā, *al-Ilāhiyyāt II,* 9.3, 396-397.

[10] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.4, 343-344.

ed before.[11]

Similarly, Aquinas says:

All created beings have a shared effect, which is *esse* (existence)…
Thus, there must be a high cause that enables every cause to produce
the same effect, i.e., *esse*. This cause is God. The effect, which is in ac-
cordance with the nature of the cause, comes from the cause. Hence,
esse ought to be the substance, or nature of God.[12]

As is understood from the passages, both philosophers seek to
explain the nature of knowledge and God's being the first cause in
the same way. Apart from God's being causeless, they try to explain
God's directly being the first cause, stating that every cause gives
something from its nature in a way, which accords to its nature.
Moreover, they lead the way to the possibility of knowing and talking
about the cause through the results, by stating that, in the produced
results, all the causes bring about effects that are similar to them. Re-
garding the fact that the common thing between the two kinds of
existence is *wujūd* or *esse*, the knowledge that we have as certain
about Him is His existence. This is because the divine *māhiy-
ya*/nature creates a common effect between actions and the results of
action, and this effect is *wujūd/esse*. The *wujūd/esse,* which God and
the created beings share, allows the language, which is formed judg-
ing from the created beings to be used for God as well.

Consequently, both philosophers base the possibility of talking
about God on the relationship between God and the caused beings.
They also follow similar way in the issue of the quality of the talking.
They agree on that the concepts in the daily language, which are con-
stituted from the caused beings and have limited meanings, may not
be used as they are for God, who is the Perfect and the Simple. They
also agree on that these concepts may not be used in a way that has
completely different mode of meaning. Concepts that are constituted
in reference to the concrete, material, and composite beings in daily
language are so limited that they may not define and talk about the
structure of the divine *dhāt*. However, the common meanings of the
qualities and names, which are based on the similarity and relation

---

[11]   Ibn Sīnā, *al-Ilāhiyyāt I*, I.5, 34-35; Morewedge, *The* Metaphysica *of Avicenna*, 66,
39.

[12]   Aquinas, *DP,* q. 7, a. 2 resp., a. 5 resp.

between two beings, cannot be eliminated. Thus, as a first step to solve this problem, Avicenna and Aquinas clarify the quality of the relationship between the beings that surround our mind, and us and the divine being, which is simple and perfect. As I have stated above, Avicenna allows the possibility of talking about God by stating that God has a relation to the created beings, a relation that both has negative and positive aspects. Meanwhile, Aquinas allows the possibility of the language, leaning on the similarity, which occurs as a result of God's being final and first cause of the caused beings.

According to Avicenna, when talking about God it is possible that some names and attributes belong only to God, while others belong only to the created beings. He states that some names and attributes that are attributable to both beings cannot be related to both God and the created beings in the same mode of meaning. Due to this basic difference, the fundamental issue, which the philosopher takes into consideration about the names and attributes which are attributable both to God and other beings, is God's perfection and the finitude of the created beings.[13] Avicenna states that the names and attributes, which are acquired from the created beings in daily language, cannot be predicated to the *dhāt* of the created. He further points to some issue, which must be taken into consideration in, the *iḍāfa* of these names and attributes. The first is the consciousness about the structural difference between two beings. The second is that the mode of meaning for the names and attributes, which are to be attributed with regard to this structural difference, have to be changed due to the being which the attribution takes place.

Aquinas addresses the issue of what kind of language should be used when talking about God, under the title *De Divinis Nominibus* (*On Divine Names*).[14] Similar to the issues Avicenna talks about on the attribution of the names and the attributes, Aquinas concentrates on *ratio nominis* (the meaning of the name, the mode of the meaning). However, different from Avicenna in the issue of the essence and the quality of the attributes of God, he makes the distinction *res significata* (that which something is attibuted) ve *modus siginificandi* (the mode of attribution), starting directly from the form of the

---

[13] Ibn Sīnā, *al-Najāt*, 5; id., *al-Ilāhiyyāt II*, 8.5, 354; 8.6, 355; 8.7, 367-368.

[14] Aquinas, *In librum beati Dionysii De divinis nominibus expositio* (ed. Ceslai Pera; Turin & Rome: Marietti, 1950), q. 7, a. 5.

attribution, its meaning, and the entity to which the attribute is related. In other words, he differentiates between meaning and reference.[15] The first of these is meaning (*modus signficandi*), whereas the second is predication (*res significata*).[16] By doing this, Aquinas differentiates between the etymological meaning of a name or a quality, and the mode of meaning which it acquires in relation to the being it references.[17] Aquinas' purpose for is that qualities, which look similar to each other, gain different meanings according to the being they are attributed. If the meaning of the attribute of God and its mode of meaning are quite similar to the meaning of the qualities, which the created beings have, these cannot be attributed to God. This is because the source of the mode of meaning for these attributed qualities are the created beings, thus, they might mean deficiency and finitude. According to the thing which the attributed names signify (*res significata*), these names are/must be attributed to God, rather than to the created beings. The perfection, which the names signify, develops from God through the created beings. However, since we know first the created beings in terms of the styles of the attribution, Aquinas states, we first attribute names to the created beings. He stresses that names are the modes of attribution (*modus significandi*), which are the sources for the created beings.[18]

Another reason for Aquinas to make a distinction between the meaning of the attributes and the thing to which something is attributed is to distinguish between the mode of meaning which concepts have and the form of attribution which concepts possess because of the created beings. In other words, God who has the most perfect mode of meaning with regard to names and attributes, is to distinguish between the conceptual meaning of the names and the attributes, constituted because of the created beings, and the mode of attribution which is formed with regard to the perception of the names and the attributes of the created beings in our minds. According to Aquinas, qualities, which are attributed to God, truly allude to the perfect divine substance. However, he concludes that they fail

---

[15] Aquinas, *DP*, q. 7, a. 2, ad. 7; id., *ST*, q.13 a.3, 5; In addition, see Rahim Acar, *Creation: A Comparative Study between Avicenna's and Aquinas' Positions* (PhD dissertation; Cambridge, Mass.: Harvard University, 2002), 65 et seq.

[16] Aquinas, *ST*, q. 13, ad. 3; id., *SCG*, c. 33.

[17] Aquinas, *ST*, q. 13, a. 8.

[18] Aquinas, *ST*, q. 13, a. 6; id., *SCG*, c. 30; id., *DP*, q. 7, a. 2, ad. 7; q. 7, a. 4, ad. I.

when defining the perfection the divine substance has. Thus Aquinas accepts that positive qualities can be attributed to God, and that they might be regarded as true attributes because they refer to the divine substance. However even if these attributions may be regarded as correct in terms of *res significata*, they fall short of defining the divine substance, because they are formed judging from the created beings in terms of *modus significandi*.[19] As a main reason for that, Aquinas points to the fact that the created beings possess names and attributes in limited and deficient way. He also mentions the weakness of our mind in perceiving them and of our language in conceptualizing them.[20]

A name can have different modes of meaning with regard to the thing it refers. For instance, the name "stone" means a solid matter when referring a physical object and soundness in psychological meaning. While the psychological meanings can be used in reference to God, the soundness in physical meaning cannot be used for God. As in the example of stone, a name has different modes of meaning. While the limited and deficient meanings can be used for the created beings, they cannot be used for God.[21] In this case, while we use the concepts, which we have in the context of the daily language in reference to God, we cannot directly attribute the limited meaning of the concepts to God, in order to prevent antrophomorphism. Therefore, the names and attributes, which are formed with regard to the created beings, cannot be used directly for God, preserving the literal meaning. The thing to do in this case is to negate the deficient and limited meanings of the names, which are determined with regard to the qualities of the created beings, and to use them to refer to God by making them perfect.[22]

Avicenna does not address the issue with systematical details like Aquinas, such as *res significata* and *modus significandi*. However, judging from what he says in the issue of how names and attributes,

---

[19] Aquinas, *ST,* q. 13, a. 3; Gregory Rocca, "The Distinction between Res Significata and Modus Significandi in Aquinas's Theological Epistemology," *The Thomist* 55 (1991), 178.

[20] Aquinas, *ST,* q. 13, a. 1-3.

[21] Aquinas, *ST,* q. 13, a. 3, ad. 3; q. 13, a. 2, ad. 2; q. 13, a. 8, ad. 2.

[22] Aquinas, *SCG,* c. 14; Etienne Gilson, *The Christian Philosophy of St. Thomas Aquinas* (New York, NY: Random House, 1956), 104.

we can say both philosophers have similar concerns, pointing to the same problems. These problems are that the names and attributes are predicated in which meanings, in terms of their etymological meanings, their daily meanings, their modes of meaning when referring, and finally the beings that they refer to. This is because predication necessitates knowing the thing over which it is predicated. God who has transcendent and perfect nature is known indirectly based on the created beings. Thus, the knowledge about God is limited and deficient. Due to the fact that His essence/*dhāt* is known as much as understood, based on the created beings, things are predicated for Him to the degree that the knowledge is achieved. This means that names and attributes, which don't have the mode of meaning, which perfectly signifies His essence/*dhāt*, cannot be attributed to Him.[23] Giving the examples of *persona* (identity, individual) and *perfectus* (that which occurs, that with which comes to existence), Aquinas states that names and attributes can be attributed to God, considering the meanings of the attributed predicates, i.e., the etymological, real meanings and those meanings in the time of attribution.[24] Thus, when predicating the names and qualities in the daily language, which are formed according to the created beings, one must take into consideration the formal meaning of the predicated names and qualities, the

---

[23] Ibn Sīnā, *al-Najāt*, 265; id., *al-Ilāhiyyāt II*, 8.7, 368; 8.7, 367-368; Majid Fakhry, *History of Islamic Philosophy* (2nd edn., London: Longman & New York, NY: Columbia University Press, 1983), 154; Aquinas, *Scriptum super libros Sententiarum Magistri Petri Lombardi episcopi Parisiensis (Sententiae I)* (vol. I: ed. R. P. Mandonnet; Paris: P. Lethielleux, 1929), I, d. 22, q. 1.

[24] Aquinas gives two more different examples except the example of stone. The first is "*persona* (person, personality)" which he uses when addressing the nature of trinity and the issue how the trinity is named. He says that personality is attributed to the elements of trinity, judging from the substance they share among them. Since it means etymologically the substance as a whole, it can be predicated of God. However, Aquinas warns that personality cannot be attributed to God while it has the same meaning as in the created beings. See Aquinas, *Sententiae I*, d. 23, q. 1; The second example is the quality of *perfectus* (perfection) which we frequently use for God. In Latin, the quality of *perfectus* consists of the words *per* (through, every, etc.) and *fectus* (that which happens). Completely considering the etymological meaning, we can call the created beings *perfectus*, i.e., *that which happens, through which happens*. However, the etymological meaning of *perfectus* as it is cannot be attributed to God. If another meanings of *perfectus* such as "what exists with itself," "actual," which are not etymological, is considered, they can be predicated of God. See Aquinas, *SCG*, c. 28.

mode of meaning in the time of attribution and the structure of the attributed being.[25] The most important thing to do in this case is to make names and qualities go through some process in order to make their meaning suitable for attributing to God.

Avicenna bases himself on the impossibility of perceiving the *dhāt* of *Wājib al-wujūd* per se. He states that the attributes are nothing but partial and deficient definitions about His existence, rather than explaining what He is. In other words, the attributes are the conteptualized forms of our attempt to define God considering the actions of God, a transcendent and perfect being which is far from the perception of our mind. For example, the attribute of power, which is attributed to His *dhāt* because of the created beings, does not give direct information about the power of His *dhāt*. Rather, it points to God's being the final and first cause of the created beings, or the source of existence for them. The attribute of power also informs us about God's absolute power and that He is able to create and do everything. Thus, this attribute gives us indirect information about God's actions, which are echoes of His power and the effects of these actions, namely, the creation and the source of the created beings.[26]

Both Avicenna and Aquinas state that the attribution of the names and qualities, which are formed about the first cause considering the qualities of the caused beings, allows the idea that the created beings and the creator share same qualities. They state that this idea does not necessarily mean that the names and attributes, which are attributed to both beings, have the same meanings and the same predications.[27] Like in the example of stone, it has different meanings according to the different contexts.[28] The form of meaning and predication meant for names or attributes when talking about the qualities of the created beings is different from the form of meaning intended for the names and attributes when talking about God. One of the reasons for this

---

[25] Aquinas, *Sententiae I*, d. 2, q. 1.

[26] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.4, 368.

[27] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.4, 344; id., *al-Ilāhiyyāt I*, IV.I, 16; id., *al-Risāla al-ʿarshiyya*, 5; id., *al-Najāt*, 264, 280, 287.

[28] Aquinas, *ST,* q. 13, a. 5; id., *DP*, q. 7, a. 7; id., *Compendium Theologiae ad fratrem Reginaldum socium suum carissimum*, in *Opuscula theologica, vol. I: De re dogmatica et morali (CT I)* (ed. Raimundo A. Verardo; Turin & Rome: Marietti, 1954), c. 25-27.

difference is that God has these names and qualities in an absolute and perfect way, while the created beings have them in a deficient and limited way.[29]

Avicenna's and Aquinas' claim that God cannot be perceived directly, that names and attributes, which are formed according to the created beings, can be predicated of God after some stages (analogia/*tashkīk*, ratio/*salb*, eminentia/*kamāl*) cause some problems. For instance, whether this kind of relationship can be settled between two different beings whose modes of existence are completely different … One may not claim that there is similarity all the time, judging from the relationship between the cause and the caused. Moreover, while Avicenna and Aquinas claim that God is a transcendent being, thus our minds cannot understand His essence, they also claim that the qualities of the finite and composite beings can be attributed to God after going through certain stages. How the names and qualities, which are formed according to the created beings, are predicated of a being that is impossible to be known in certain and thorough way, given that the only knowledge about Him is the knowledge of its existence. Is the formation of the knowledge acquired according to the relationship between the cause and the caused in a process of different stages enough for knowing or conceptualizing the names and attributes He has? How is it known that the acquired names and attributes correspond to the being of which perfect and sufficient knowledge is not available, and that they refer to his *dhāt* in correct way?

Both philosophers think these questions can be answered by considering the relationship between the cause and the caused. As we have stated above, the reason the philosophers allow this kind of knowing considering the relationship between the cause and the caused is that the caused, if slightly, has some similarities to the cause. Qualities that are drawn from the composite beings do not define Him perfectly. However, as they claim, the names and attributes can be attributed to Him after going through certain stages. They think that we can only understand and express the simple existence of God through the names and attributes, because our mind is inclined to understand composite and temporary things. As an exam-

---

[29]   Aquinas, *ST,* q. 13, a. 2-5; id., *DP,* q. 7, a. 5, resp.; Ibn Sīnā, *al-Ilāhiyyāt II,* 8.4, 368; id., *al-Ishārāt,* 118-124.

ple, the eternal generation is to be understood and expressed by temporal things.[30]

Although the method they offer is partially different, both philosophers hold that the relation of the names and attributes predicated of the created beings to the thing they are predicated of is different from the relation of the names and attributes of God to God Himself. This difference is as follows: The names and qualities of the created beings are not the same as their essences. However, God's names and attributes are the same as His *māhiyya/dhāt*. Thus, although God's perfection is necessarily essential, the deficient and limited qualities of the created beings are in an accidental relation to their essences. In other words, the existence of the created beings is different from the names and qualities and in a caused relation to them. This also means that the qualities which the created beings have a causal relation to the essence/*dhāt* of God. Hence, Avicenna and Aquinas state that the qualities of the created beings are possible to be metaphorically, not literally, attributed to God. Besides, the fact that God is the source of the existence and qualities in the created beings and the cause of the relationship allows the attribution of the names and qualities to God, after certain stages.[31] They say that to claim the attributes being univocally identical cause the transcendence of God to lose its meaning. Moreover, to claim the attributes beings equivocally identical cause the knowability of the necessary being to be impossible. In order to analyze the essences of the attributes and the relations between them on the one hand, and to prevent the impossibility of the knowledge of God on the other, they offer *tashkīk* and the usage of the *analogical* language.[32]

1. *Tashkīk* and Analogia as a Way of Talking about God

In several places of his works, Avicenna uses the term *bi l-tashkīk* when addressing the *nature* of the attributes, their relations to God and between them. We can translate the term *tashkīk* as ambiguous, and as *analogy* as well.[33] Especially in terms of the relation of the

---

[30] Aquinas, *ST,* q. 13, a. 1; ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 107; Ibn Sīnā, *al-Risāla al-ʿarshiyya*, 13; id., *al-Ilāhiyyāt II,* 8.7, 368.

[31] Aquinas, *ST,* q.13, 3 c.

[32] ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 117-110; Aquinas, *CT I,* c. 27.

[33] In the context of the type of attribution for God's attributes and in relation to the distinction between *equivocal* which has completely different meanings and

attributes to the *dhāt*, the possibility of talking about God, it is proper for us to use the word *analogy*.[34] The philosopher does not use the word *analogy* in his works. However, he compares the things to each other using the *taqaddum* and the *ta'akhkhur* contexts, in terms of the rank, nature (*māhiyya*), nobility (*kamāl*), with reference to the meaning and function of the proportion and syllogism which correspond to the word "analogy."[35]

We can find the *tashkīk*, which was used in Avicenna in terms of *taqaddum* and *ta'akhkhur*, first in Aristotle,[36] afterwards in al-Fārābī.[37] The philosopher uses the term *tashkīk* in order to differentiate between the names and attributes the *Wājib al-wujūd* has and those of the created beings. He also uses it to express the idea that God possesses the attributes referred to him in a more perfect and infitine form than the created beings.[38] The attribution of the qualities

---

univocal which only has a single meaning, Aristotle talks about a third concept, which is *amphibolus*. By this concept, he means that a quality is neither equivocally nor univocally attributed, according to the thing it is attributed. He further means by it that it is attributed in similar meaning, although there is a basic difference according to the thing it is attributed. Wolfson claims that the term *amphibolus,* which was used by Aristotle, was later used by Muslim philosophers who followed the teaching of Aristotle including Avicenna, by means of translations. He claims that Avicenna refers to *amphibolus* by *mushakkak*. First, the concept was used by al-Fārābī, Avicenna, al-Ghazālī, and Ibn Rushd. Later, it is translated to Latin as *ambiquus* and from Hebrew (in the 15th century) as *analogicus* (analogy). For more information see Harry A. Wolfson, "The Amphibolous Terms in Aristotle, Arabic Philosophy and Maimonides," in his *Studies in the History of Philosophy and Religion* (eds. Isadora Twersky and George H. Williams; Cambridge, Mass.: Harvard University Press, 1973), I, 455-477. Also see Acar, *Creation*, 45-49.

[34] ʿĀṣī, *al-Tafsīr al-Qur'ānī*, 117-120.

[35] Morewedge, *The* Metaphysica *of Avicenna*, 39-40; Ibn Sīnā, *al-Ilāhiyyāt I*, 4.1, 163-169; Acar, *Creation*, 46-47.

[36] Aristotle, *De Anima* (translated into English by J. A. Smith), in Richard McKeon (ed.), *The Basic Works of Aristotle* (New York, NY: Random House, 1941), 402b; id., *Metaphysics* (translated into English by Richard Hope; Ann Arbor, MI: The University of Michigan Press, 1960), 2, 1003a.

[37] Wolfson, "The Amphibolous Terms ...," 456-459. For more information on the source of *tashkīk*, its historical development and its usage in the works of al-Fārābī, al-Ghazālī, Ibn Rushd, and Maimonides see *ibid.*, 455-477.

[38] Wolfson, "Avicenna, Algazali and Averroes on Divine Attributes," in his *Studies in the History of Philosophy and Religion*, I, 153-154.

such as existence, oneness, substance, and cause to God and to the created beings according to the method of *bi l-tashkīk,* not in the same mode of meaning is of this kind.[39] Thus, by using the term *bi l-tashkīk* when talking about God, Avicenna means "having the attributed qualities," *before-ness* (*taqaddum*), *after-ness* (*taʾakhkhur*), or *perfect* (*kamāl*), or "having *in the secondary level.*"[40]

As for Aquinas, he most frequently uses the expression *analogy* (*analogicus-analogiae),* as he elaborates on the relation of the attributes to the divine essence and the relation of God to the created beings. He is aware of Aristotle's *ambiguous,* and the Latin translations of *tashkīk* and *mushakkak,* i.e., *ambiguus, analogia*, etc. He uses the concept *analogia* to render what Aristotle and Avicenna mean by those words. In addition to Avicenna's *tashkīk* as *taqaddum* and *taʾakhkhur*, Aquinas uses the concept of analogy, having in mind wider meanings such as similarity (*similitudo*), imitation (*imitatio*), assimilation (*assimilitatio*), and exemplification (*examplar*).[41] Although he uses different words to express what he means by analogy, he defines analogy as a proportion based on the particular similarity which allows talking about God, as Aristotle and Avicenna does. In doing that, he states that analogy implies neither that the attributes of God are completely different from God (*aequivocus*) nor that they are identical to Him (*univocus*).

In terms of the issue of analogy, we can see the discussions in early philosophers such as Aristotle, as to whether the same thing is meant when the concepts are used for two different beings, or what is meant when the same concept is used for two different concepts. For example, Aristotle points to the relationship between meaning and reference, distinguishing between "intensional" and "extensional."[42] In the context of the distinction between intensional and exten-

---

[39]   *Ibid*., 155-156; Ibn Sīnā, *al-Ilāhiyyāt I*, 4.1, 163-167.

[40]   Ibn Sīnā, *al-Ilāhiyyāt I,* 4.1, 163-164; Acar, *Creation,* 45.

[41]   Aquinas, *Quaestiones Disputatae De Veritate* (*DV*) in *Quaestiones Disputatae* (8th rev. edn., vol. I: ed. Raymundi Spiazzi; Turin & Rome: Mariette, 1949), q. 9, a. 10; id., *SCG,* c. 15, 23; id., *ST,* q. 13, a. 9; q. 35, a. 1; q. 17; id., *Sententiae I*, q. 4, a. 11; For further information see Wolfson, "The Amphibolous Terms ...," 476-477.

[42]   Aristotle, *Categoriae* (= *Categories*) (translated into English by E. M. Edghill), in Richard McKeon (ed.), *The Basic Works of Aristotle*, ch. 1, 1a, 1-12; Acar, *Creation*, 48-49.

sional, the same concept can be used for two different beings in genus. Sometimes a concept can also be used for different beings in species, while they are the same in genus. This shows us that analogy and the language that is formed according the deficient and limited created beings can be used to describe the transcendent and perfect being. For instance, when we say "Aḥmad is alive" and "plant is alive" in the context of analogy, even if Aḥmad and plant are different species, the life, which we attribute to them, is the same. Despite this similarity, we know that the life we attribute to the two things is not totally the same. We are aware of what we mean by the life in two attributions, too. Moreover, different from *tahskīk*'s *taqaddum* and *taʾakhkhur*, analogy's aspects regarding proportion and syllogism are more dominant.

Aquinas' concept of analogy gains importance to define the transcendent and metaphysical beings of the daily language. Analogy becomes the most important method, which acquires the positive knowledge about God. Analogy shows that the names and attributes that are attributed to the divine *dhāt* when the philosophers and theologians talk about God cannot be attributed to God in a way that they are attributed to the created beings. It also allows them to be away from the sophism and exaggeration while talking about God.[43] Aquinas generally uses the expression analogy to explain that a name has different relations to different things at the same time. He also uses this concept to express the similar aspects of the same name in different things. In particular, he uses this term to explain that Necesse Esse and the attributes predicated of the created beings are in different form and mode of meaning.[44] To put it differently, he wants to show that God and the created beings have different relations to the same name.

Giving the example of *esse* as Avicenna's example of *wujūd*, Aquinas states that the created beings possess the *esse* in the second level, when compared to God.[45] Avicenna and Aquinas agree on that

---

[43]   Gilson, *The Christian Philosophy of St. Thomas Aquinas*, 106.

[44]   Aquinas, *De Principiis Naturae* (introduction and critical text by John J. Pauson; Fribourg: Société Philosophique & Leuven: E. Nauwelaerts, 1950), c. 3, a. 1; *ST,* q. 3, a. 5; Acar, *Creation*, 63-64.

[45]   Both philosophers support the similar view, i.e., *taqaddum-taʾakhkhur*, when discussing whether *wujūd* and esse are common qualities among the created beings, the issue of the reality of the qualities and their relation to *dhāt*. Ibn Sīnā, *al-*

the most important factor to allow *tashkīk* and analogy between God and the created beings is the partial similarity because of the relationship between the cause and the caused.[46] The names and attributes attributed to God and the created beings are in different modes of meaning and expressed by different concepts. However, they refer to the same thing. *Tashkīk* stresses *taqaddum* and *taʾakhkhur*, while analogy stresses proportion. However, the shared point between them is that God is perfect and that the created beings are limited and finite. This is because God must be attributable of the perfect forms of all the names and attributes because of His perfect structure. Since the created beings are partial and finite in structure, the qualities that are attributed to them must be deficient and limited. Analogy, which is based on the relationship between cause and effect, entails a type of relationship which is based on limited, methaphorical, and deficient.[47] This basic difference allows the *taqaddum* and the *taʾakhkhur* of the *tashkīk* and the proportion of analogy. If God and the created beings had not had different forms of perfection, there would have not been any shared point between them. Therefore, one would not have referred to the *dhāt* of God in the contexts of proportion, *taqaddum*, and *taʾakhkhur*.[48]

Furthermore, we can clarify the difference between Avicenna's *tashkīk* and Aquinas' analogy, comparing them in context of God's oneness and the perfection of His being. In terms of *tashkīk*, Avicenna compares the *waḥdāniyya* or being *aḥad* of *Wājib al-wujūd* to the oneness of the created beings. The attribute *wāḥid* is attributed to God as a necessity of His perfection. By doing that, not only His oneness in quantitative sense, but in qualitative sense is meant. Avicenna attributes *waḥdāniyya* to God in order to make Him free in logical sense from the parts by which definition might cause to His *dhāt*, in metaphysical sense from the composition of accident and substance,

---

Ilāhiyyāt I, I.5, 34-35; 4.1, 163-167; Morewedge, *The* Metaphysica *of Avicenna*, 66; 39; Aquinas, *DP*, q. 7, a. 2, ad. 9; q. 7, a. 4; id., *SCG*, c. 22, 30; id., *Le "De ente et Essentia" de S. Thomas d'Aquin* (ed. Marie-Dominique Roland-Gosselin; Paris: Librairie Philosophique J. Vrin, 1948), c. 1, 5; *ST,* q. 13, a. 6.

[46] ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 107; Ibn Sīnā, *al-Najāt*, 287; id., *al-Ilāhiyyāt II*, 8.5, 354; id., *al-Ilāhiyyāt I*, 4.1, 163-164; id., *al-Risāla al-ʿarshiyya*, 13; Aquinas, *ST*, q. 12, a. 12, I; q. 13, a. 5 resp.; id., *SCG*, c. 29; id., *DP*, q. 7, a. 5; id., *CT I*, c. 27.

[47] Ibn Sīnā, *al-Ilāhiyyāt I*, 4.1, 163-164; Aquinas, *ST*, q. 13, a. 5 resp.; id., *CT I*, c. 27.

[48] Ibn Sīnā, *al-Najāt*, 265; Aquinas, *ST*, q. 13, a. 4; id., *SCG,* c. 31.

in ontological sense from part that would form Him. When *waḥdāniyya* is predicated of the created beings, the purpose is rather a quantitative oneness. Besides, it is not a logical or metaphysical oneness, and means a secondary level (*taʾakhkhur*) existence as compared to God.[49] Contrary to *Wājib al-wujūd*, the structure of the created beings is a composite form such as *ṣūra-hayūlā, bi l-quwwa-bi l-fiʿl*, substance-accident.[50] However, *Wājib al-wujūd* is absolute *aḥad* and one, because He is simple and *bi l-fiʿl* existent. It cannot be said that He is a composite being neither in mind, nor in definition and reality.[51] The usage of the expression *aḥad* for the created beings is no more than its analogical usage.[52] Thus, by *tashkīk*, Avicenna points to the fact that oneness is more perfect in God than the created beings, and that it is found in the created beings in the second level. However, Aquinas bases the oneness of God on the proofs for His being absolute, simple, and actual. He, then, concludes that the oneness (*unum, unitate*), which is attributed to the created beings, is entirely analogical.[53] In this conclusion, one must take into consideration the meaning of the predicated name and quality at the moment of the predication of any name and quality, that of which something is predicated, and the mode of predication.

Avicenna addresses the difference between *bi l-fiʿl* existence of God and the existence of the created beings in the context of beforeness and after-ness (*taqaddum* and *taʾakhkhur*). He states that the created beings have existence in different types according to their closeness to the Simple and One, in the context the theory of emanation. However, God who is the first being, is the source of existence for everything that exists. Thus, all the possible beings owe their existences to Him. This means that God has existence before the creat-

---

[49] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.4, 343-345; 9.1, 373; id., *al-Najāt*, 263-368; id., *al-Taʿliqāt*, 183-185; Morewedge, *The* Metaphysica *of Avicenna*, 38-39.

[50] Ibn Sīnā, *al-Ilāhiyyāt*, 9.4, 402; 8.6, 355-356; Morewedge, *The* Metaphysica *of Avicenna*, 54-55, 45; Ibn Sīnā, *al-Ishārāt*, 54, 45-46; id., *al-Najāt*, 264, 229; id., *al-Mabdaʾ wa-l-maʿād* (ed. ʿAbd Allāh Nūrānī, Tehran: Muʾassasa-i Muṭālaʿāt-i Islāmī, 1363 HS.), 10-11; ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 107.

[51] Āṣī, *ibid.*, 109; Ibn Sīnā, *al-Ilāhiyyāt I*, I.5, 34-35; 4.1, 163-167; Morewedge, *The* Metaphysica *of Avicenna*, 66; 39; Wolfson, "Avicenna, Algazali and Averroes on Divine Attributes," 143.

[52] Ibn Sīnā, *al-Ilāhiyyāt I*, 4.1, 164-167.

[53] Aquinas, *DP*, q. 7, a. 3; id., *ST*, q. 3, 5c; id., *SCG*, c. 25.

ed beings and in a more perfect way, and that the created beings have existence in the second level. God who is the final cause is the cause of the existence of the caused being, when is considered in the context of the relationship between the cause and the caused. The cause has more perfect existence than the caused beings, since it precedes them in every aspect. Thus, when existence is attributed to the created beings and God, it is done so according to *taqaddum* and *taʾakhkhur*.[54]

Aquinas criticizes the difference of the possession of existence between God and the created beings in the context of Avicenna's theory of emanation. He reaches the conclusion that the necessary being is perfect and actual as much as absolute, judging from the absoluteness and perfection of the existence of God and the limitedness and causedness of the existence of the created beings. The caused beings receive existence afterwards, because the sources of the existence of the possible beings are the First Cause and the First Being. Due to this difference, the created beings have the attributed existence in the second level and the deficient form, compared to God.[55] Concerning the issue whether the existence in the context of *tashkīk* and analogy can be both attributable to God and the created beings, both philosophers conclude that existence is attributable neither in completely different meanings nor in completely same meanings, on the contrary, it is attributable according to *tashkīk* and analogy.[56]

According to Aquinas, the thing that allows the relationship between two different beings and thus analogy is the similarity between cause and effect:

> Proportion (*proportio*) is nothing other than the mutual relation of two things associated by something in respect to which they either agree or differ … In one way, things may be associated as belonging to the same genus of quantity or quality, as is the relation of one surface to another or of one number to another … In another way beings are said to be related when they are associated in a certain order; and in this way there is proportion between matter and form, between the maker and the thing made … Thus there is a proportion between God

---

[54]   Ibn Sīnā, *al-Ilāhiyyāt I*, 4.I, 164-167; id., *al-Ilāhiyyāt II,* 8.6, 355-356; 9.3, 396-397.

[55]   Aquinas, *DP*, q. 7, a. 1 resp.; q. 7, a. 1.

[56]   Ibn Sīnā, *al-Ilāhiyyāt II*, 8.5, 350; 8.6, 356; Aquinas, *ST,* q. 3, a. 4 resp.; q. 4, a. 2 resp.; id., *CT I,* c. 11; id., *Sententiae I,* d. 8, q. 5, a. 2; id., *DP*, q. 7, a. 7.

and the created beings, such as the proportion between cause and effect and knower and knowable.[57]

After stating the similarity, which allows analogy, Aquinas states that analogy is either in the form of proportion between things or proportion between many and one:

> Names are analogically predicated in two ways: either according as many things are proportionate to one, or according as one thing is proportionate to another ... Now this mode of community of idea is a mean between pure equivocation (pure aequivoce) and simple univocation (simple univoce). For in analogies the idea is not, as it is in univocals, one and the same, yet it is not totally diverse as in equivocals. But a term which is thus used in a multiple sense signifies various proportions to some one thing. Thus "healthy" applied to urine signifies the sign of animal health, and applied to medicine signifies the cause of the same health.[58]

The first type of analogy, which Aquinas talks about, is *proportio,* while the second is *proportionalitatis.* In *proportio,* a name is predicated of several objects in the same meaning. In other words, the attribution of one name or quality to many things and a name or attribute mean many relations. The predicated name or quality are used to state that the things among which an anology is settled share the same quality, such as the shared existence between substance and accidents.[59] The name that is attributed to state this association is used in different meanings according to the relationship between the things, proportion, and the thing it refers. For instance, the concept *healthy* means the protector of health when applied to food, the provider of health when applied to medicine, the sign for health when applied to urine. Thus, every use of the concept of health refers to the same health, which is found in animals, signed by urine, provided by

---

[57]   Aquinas, *Expositio super Librum Boethii de Trinitate* (ed. Bruno Decker; Leiden: Brill, 1955), q. 11, a. 2.

[58]   Aquinas, *ST,* q. 13, a. 5 resp.; id., *CT I,* c. 27.

[59]   Aquinas, *DV,* q. 2, a. 11 resp.; id., *Commentary on the* Metaphysics *of Aristotle* (translated into English by John P. Rowan; Chicago, IL: Henry Regnery Company, 1961), IV. L.1:C 536-37; In another work, Aquinas states that a thing can be predicated in three different ways. See id., *De Principiis Naturae*, 3, 1.

medicine and included by food.[60] Everything that is attributable of the name health is in a direct relation to *healthy*, and it has also the shared qualities that can be stated by the same quality. Although the quality of everyone is stated by the same concept, we cannot say that it directly means the same thing. The concept *health* points to different meanings in every unit. For instance, the quality, which is found in animals, signed by urine, provided by medicine and included by food, points to different aspects of the attributed thing.

The second type analogy, *proportionalitatis* is the indication of the relationship between two things. In other words, it is the exposure of the existent similarity by explaining the relation of the quality of a thing and the quality of another thing to their objects. In this kind of relationship, both beings are neither directly compared, nor is anology set between them. On the contrary, the existent similarity is exposed considering the relation of two beings to the qualities they have. Let us take the example of the similarity between numbers six and four. Six is two times three, just as four is two times two. Thus the aspect of agreement between six and four is that they are two times of other numbers.[61]

In this kind of analogy, the validity of the proportion is related to the nature of the similarity between two things. For instance, the quality of *good* is both found in God and in the created beings and this situation allows analogy. However, we cannot say that it is a similarity which provides a full and correct information. The relation of good to God and the created beings is different in essence and, it is partial and deficient similarity, too. While God's relation to good or existence is necessary and essential, the created beings' relation to good and existence is possible as much as it is accidental. Therefore, Aquinas states that there is a similarity in terms of the relation of the qualities and existence of two things to the qualities. But he reminds us that this similarity can be totally metaphorical.[62]

According to Aquinas, the proportion analogy cannot be applied when God and the created beings are considered. This is because, even if there is similarity between the qualities God has and the quali-

---

[60] Aquinas, *Commentary on the* Metaphysics *of Aristotle*, L.1:C 536-37; id., *ST,* q. 13, a. 5 resp.

[61] Aquinas, *DV,* q. 2, a. 11 resp.

[62] *Ibid.*

ties the created beings have, this similarity is deficient and partial. Proportion analogy is possible, if is used in a particular quality, name, or concept as a same meaning. However, when the basic differences between God and the created beings are considered, the usage of this kind of analogy is not correct. In this issue, Aquinas holds that the usage of *proportionalitatis* is more correct.[63]

Aquinas points out that the best way to talk about God is the usage of the analogical language. When we consider his works as a whole, we see that he does not refer to a particular analogy. Rather he mentions different kinds of analogy under several titles of his works, according to the contexts of the topics he deals with. This analogy is sometimes based on similarity, and sometimes on proportion. Accordingly, Aquinas states that *analogy is proportion*,[64] or *analogy is proportion in reference to one*.[65] With the word *similitudo* (similarity) which is used to describe the similarity and relationship between God and the created beings, contrary to the cause-effect relationship, Aquinas means the created beings' imperfect description of the unique essence of God, such as the partial similarity of the picture or photograph to human.[66] In addition to the expression similarity, he also uses the expression representation (*repraesentatio*), judging from the relationship and the partial similarity between the cause and the caused. He thinks that the created beings possess in their essences the similarity, which represents God inasmuch as it allows analogy, if deficient and limited. Like in the examples of the representation of smoke for fire, or the statue of Mercury for Mercury in formal similarity, it can be said that the created beings represent the perfection of God, even if in deficient and limited form.[67] Aquinas' purpose for the expression *similitude* (similarity) is the resemblance of the created beings to God, not vice versa. To put it more plainly, the similarity between two kinds of beings is asymmetrical, not symmetrical.[68] We can find the idea that similarity is one-sided, not two-sided, in Avicenna before Aquinas. When Avicenna addresses the source and

---

[63]   *Ibid.*

[64]   Aquinas, *ST,* q. 13, a. 5.

[65]   Aquinas, *CT I,* c. 27.

[66]   Aquinas, *DV,* q. 9, a. 10; id., *SCG,* c. 15; id., *ST,* q. 13, a. 9.

[67]   Aquinas, *ST,* q. 13, a. 2, 4, 5; id., *DV,* q. 9, 26; id., *SCG,* c. 17, 26, 54, 64.

[68]   Aquinas, *DP,* q. 14, 23, 24; id., *SCG,* c. 15; id., *ST,* q. 13, a. 9; id., *DV,* q. 9, 22.

structure of the similarity (*iḍāfa*) between God and the created be-ings, he states that the similarity is one-sided and only found in the created beings, thus, his *dhāt* must be freed from similarity.[69]

Aquinas uses *imitatio* (imitation) to state that the existent similarity is not in fact a direct similarity, on the contrary, it is a limited and de-ficient kind of similarity. His purpose for using imitation, is to elimi-nate misundertandings about "image" which he uses to clarify his intention for the similarity. Aquinas uses image as a kind of similarity. He states that the created beings are God's imitations, or His images.[70] Aquinas uses such expressions as imitation, image, representation etc., to define the one-sided similarity.[71] He uses the concept *exem-plar* in a different meaning from the concept "image," which he used before. According to this division, image is the example of the imita-tion while the example is that which is imitated.[72] As a last issue, Aquinas' last concept in the context of analogy is *participio* (*ishtirāk*), which means God's sharing His perfection with the created beings in deficient and limited form.[73]

As is understood from the division done, Aquinas takes as a base the inner or outer quality which is shared among beings, in the pro-cess of the predication of the predicated name and quality, when he talks about different types of analogy. According to the proportion of the shared quality and thus the similarity, which happens as a result, there are types of analogy. When we evaluate Aquinas' words as a whole, we see that he does not apply a clear-cut division. Instead of that, he talks about different types of analogy, according to the rela-tions between things among which analogy would be settled and their relations to the shared quality which they have.[74] For instance, let us examine the quality *good* that seems to be common between God and the created beings. The thing that allows analogy between two beings is the quality "good." In an analogy that is formed accord-ing to the quality "good," it is found most perfectly in God, while it is found in other beings in a deficient way. Thus this kind of analogy is

---

[69] Ibn Sīnā, *al-Ilāhiyyāt I*, 8.5, 354.

[70] Aquinas, *ST*, q. 35, a. 1, ad. 1.

[71] Aquinas, *ST*, q. 35, a. 1; id., *DV*, q. 9, 23.

[72] Aquinas, *ST*, q. 35, a. 1, ad. 1.

[73] Aquinas, *Sententiae I,* d. 4, q. 11; id., *SCG,* c. 15, 23; id., *ST,* q. 17.

[74] Aquinas, *ST,* q. 20, a. 3, ad. 3; id., *CT I,* c. 27.

based on a relationship that is formed according to the presence of a quality, which is found only in one being in necessary/essential and perfect way, in other beings as a second degree. The created beings are analogically called "good," considering the absolute goodness.[75] Thus, Aquinas points to the relationship which is based on the similarity among beings according to the common qualities between them. He also points to the one being's partial relationship to the similar things.[76]

Explaining the relationship between God and other beings with analogy which is generally based on proportion (*proportio*) and the cause-effect relationship, Aquinas does not accept the analogy which depends on the certain and direct proportion. Instead of that, he accepts the analogy which depends on the partial proportion and relationship. Stating that the relationship which allows analogy between God and the created beings is a partial relationship, Aquinas thinks that the created beings inevitably possess limited similarities to the beings which cause them.[77] Limited similarity allows the formation of the association between two things, the decrease of the distant space between them, the utterance of the shared things regarding them and, in summary, the application of analogy.[78] Aquinas states that the limited similarity does not necessitate sameness between God and the created beings. By doing that, he protects the space and the basic categorical difference betwen the cause and the caused.[79]

As is in the *tashkīk* method of Avicenna, the thing which allows all these kinds of analogy is the similarity formed by the relationship between cause and effect. Effects, to the degree that they feel the power of the cause, possess the common qualities about the cause. The proportion of the similarity and difference in effect change according to the proportion of the causality. Aquinas calls the cause which allows the similarity between the created beings and God, the Final Cause, "the analogical cause (*analogous cause*)."[80] The similarity coming from the cause-effect relationship is inevitable, when God

---

[75] Aquinas, *ST,* q. 13, a. 6 resp.; id., *DV,* q. 2, a. 11 resp.

[76] Aquinas, *ST,* q. 13, a. 6; id., *DV,* q. 11, a. 2.

[77] Aquinas, *Sententiae III,* d. 6, q. 2; id., *DT,* q. 11, a. 2; id., *CT I,* c. 27.

[78] Aquinas, *DV,* q. 9, a. 12.

[79] Aquinas, *SCG*, c. 35; id., *DP,* q. 7, a. 6.

[80] Aquinas, *Sententiae I*, d. 19, q. 5, a. 2.

and the created beings are considered. Yet this similarity is in a limited, common, and particular form. Similarly, the heat produced by fire falls short of representing the perfect heat produced by the sun.[81]

2. *Tanzīhī* Language (*Salb*-Remotio/Negotiate)

Analogical language has some theological problems. The most crucial one is how this perfect and trancendent being in every aspect is possible to be known with a limited and finite mind. The second important problem is how the transcendent beings are defined by a daily language which is formed according to the limited and deficient beings. In other words, which kind of language relationship does our minds form between God and the created beings, which are two in different category of being?[82] The usage of *tanzīhī* language together with analogical language is necessary, in order to eliminate these philosophical and theological concerns, and protect the difference between God and the created beings. The knowledge, which is formed according to the similarity of the created beings to God, gives us some knowledge about God. This knowledge allows us to talk about Him, too. This kind of knowledge that allows us to talk is based on the created beings, which are totally in different category. So the qualities achieved cannot be directly attributed to God, while protecting their meanings. Contrarily, the achieved knowledge must be attributable to Him. In this stage, Avicenna and Aquinas states that *tashkīk* and *analogical* language is insufficient to describe Him. They claim that the description must be supported by *tanzīhī* (*Salb*-Remotio/Negotiate) language.[83]

The *tanzīhī* language will make the deficiencies of the analogical language and the aspects which resemble the created beings negated and perfected. With al-Ghazālī's words, the *tanzīhī* language is to distinguish a thing from the things with which it might be confused.[84] This is because the *tanzīhī* language will revise and change the idea that God is knowable, a misconception formed by the analogical lan-

---

[81] Aquinas, *ST*, c. 17, 27; id., *DP*, q. 14, a. 11; id., *SCG*, c. 15, 29.

[82] Austin Marsden Farrer, *Finite and Infinite: A Philosophical Essay* (Westminster, UK: Dacre Press, 1959), 16.

[83] Morewedge, *The* Metaphysica *of Avicenna*, 39-40; Ibn Sīnā, *al-Ilāhiyyāt I*, 4.1; ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 117-120; Aquinas, *SCG*, vol. 14.

[84] Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *al-Mustaṣfā min ʿilm al-uṣūl* (Beirut: Dār al-Fikr, n.d.), 24.

guage, to the idea that God is not truly knowable. He does that by accepting that we cannot understand Him by knowing what He is, contrarily, we can only achieve some information as we know what He is not.[85] Besides, the knowledge that God does not resemble any of His creatures is an important tool for us to lead to Him. Thus the *tanzīhī* language does not make God unknowable and untalkable.[86] On the contrary, the *tanzīhī* languge removes the possibility of reducing the fact of God to the senses. Moreover, the *tanzīhī* language keeps us away from the anthrophomorfic understanding of God, which is brought about, by the human-centered understanding of knowledge. It stresses that God does not share anything with the created beings and that He is unique. About the necessity of the usage of the *tanzīhī* language, Avicenna says,

> … The First, after *anniyya*, is qualified with the *salb* of His resemblances and the negation of all *iḍāfa*s from Him. For everthing is from Him but He does not share anything with that which comes from Him. He is the principle of everything but He is not something among the things that which come after Him.[87]

Avicenna states that some of the qualities attributed to God while talking about Him are positive in that they provide further information about His *dhāt*, some of them are negative in that they make His *dhāt* free from what harm Him. Afterwards, he gives an example as to why the *tanzīhī* language (*salb*) must be used regarding negative attributes. He puts the issue in a more concrete way:

> As regards the things which are confused with the meanings of *salb*… If one says about the One, without any hesitation that He is substance, he means something different from the beings which is removed of the presence in a subject. If he says that He is one, he means the being which is removed of quantity, division with word, or an association. If he says that God is intellect, the one who has intellect and the intelligible, he means that this pure being is removed of the possibility of being confused with matter and the *iḍāfa*s of matter. When he says that He is "first" (*awwal*), what is meant by this is the

[85] Ibn Sīnā, *al-Ilāhiyyāt I*, 8.5, 354; Aquinas, *SCG*, c. 14.

[86] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.7, 367-368; id., *al-Risāla al-ʿarshiyya*, 7; al-Ghazālī, *al-Mustaṣfā*, 24; id., *Kīmyāʾ al-saʿāda* (as *Kīmyā-yi saʿādat*) (ed. Ḥusayn Khidīwjam; Tehran: Intishārāt-i ʿIlmī wa-Farhangī, 1382 HS.), I, 24; Aquinas, *SCG*, c. 14.

[87] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.5, 354.

iḍāfa of being to all existent beings. When he says that He is powerful (*qādir*), he means that He is *Wājib al-wujūd*. He further means that the existence of other beings only happens as related to Him and comes from him in the form of *iḍāfa*, as is mentioned.[88]

Aquinas says,

When we examine the existence of a thing, many questions emerge, in order to know the essence of that thing. However, we only know what God is not, not what God is. Similarly, we cannot think what God is, we only think what God is not.[89]

The reason for both philosophers to claim that the divine substance is not reachable with positive expressions, is the fact that human mind lacks a direct understanding of the divine essence. The base for this idea is that our minds only perceive the material objects. To put it more clear, the fact that our mind perceives the form abstracting it from the existence by means of sensual experiments makes impossible the knowledge about the form, which is identical to His existence.[90] This impossibility does not allow us to perceive God as He is. Thus, instead of knowing the divine essence and define Him with positive attributes, a partial knowledge is achievable by negating the attributes which are achieved from the created beings.[91]

Every negative expression to be used in the context of the *tanzīhī* language can be seen as a step toward differentiating Him from other beings. Every negative expression supports other negative expressions. Thus, they make Him more transcendent and us to be more close the correct knowledge about God. The more we negate thing from Him, the closer we are to the knowledge about God. To the degree that we see the difference of a thing from other thing, we can know this thing more perfect.[92] The same applies to the things whose

---

[88]   Ibn Sīnā, *al-Ilāhiyyāt II,* 8.7, 367-368.

[89]   Aquinas, *ST,* q. 3.

[90]   Ibn Sīnā, *al-Ilāhiyyāt II*, 8.5, 347-348; id., *al-Ishārāt*, 45-49, 66; Aquinas, *ST,* q. 84, a. 7; q. 3.

[91]   Ibn Sīnā, *al-Ilāhiyyāt II*, 8.4, 344; id., *al-Risāla al-ʿarshiyya*, 7; ʿĀṣī, *al-Tafsīr al-Qurʾānī*, 107; Aquinas, *ST,* q. 3; John F. Wippel, *Metaphysical Themes in Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 1995), 223; Acar, *Creation*, 69-70.

[92]   Ibn Sīnā, *al-Ilāhiyyāt II*, 8.7, 367-368; Aquinas, *ST,* q. 3.

definitions we know. First, we know what they are (*quid est*) and then divide them into genera. After that, we add the difference of every single thing, compared to other things. So the completed knowledge of the substance is perfected.[93] Therefore, according to Avicenna and Aquinas, the First, which is subject of essence, is free from genus, quality, space, time, equal and partner, and thus He is not definable. The qualities which are formed according to the created beings, therefore must be attributed to Him in negative way.[94]

Al-Ghazālī criticizes Avicenna's views on knowing God and talking about Him. Although he accepts the *tanzīhī* language has an important function in defining God and talking about Him, he is not inclined to the *tanzīhī* language as theologians and Avicenna. According to him, the *tanzīhī* language does not allow talking about God without entailing some philosophical and theological problems such as agnosticism. Furthermore, it opens an unsolvable gap between the Creator and the created, and causes the religious language to be meaningless. Besides, he criticized the usage of the *tanzīhī* language, stating that the being which is totally close to any positive expression, or is always defined with negative expressions is not definable and knowable with regard to his *māhiyya*.[95]

We can say that al-Ghazālī's criticisms are not relevant for Avicenna and Aquinas. Both philosophers do not deal directly with the *tanzīhī* language in order to talk about God, as we have stated above. Rather, only after acquiring certain knowledge about God with *tashkīkī* and analogical language and allowing talking about God, they deal with the *tanzīhī* langue. As stated in al-Ghazālī's criticisms towards theologians, they use the *tanzīhī* language to prevent philosophical and theological problems caused by *tashkīkī* and analogical language. By using the negative language when talking about God, they aim to show that God is free from every qualities which the created beings have. However, they warn that the purpose of negating the qualities from Him must be correctly understood. The purpose of negating the quality, which is possessed by the created

---

[93] Aquinas, *SCG*, c. 14.

[94] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.5, 354; 8.4, 347-348; id., *al-Najāt*, 287; Aquinas, *SCG*, c. 14, 25; id., *ST*, q. 3, a. 5; id., *DP*, q. 7, a. 3; id., *De Ente et Essentia*, c. 6.

[95] al-Ghazālī, *al-Iqtisād fī l-iʿtiqād* (ed. ʿAlī Bū Mulḥim; Beirut: Dār wa-Maktabat al-Hilāl, 2000), 57.

beings, is not that *God is not evil*. Contrarily, it is to show that He does not possess the quality of goodness just as the created beings possess. It is also to indicate that He is the absolute good and the source of goodness.[96]

Conclusion

Avicenna, without directly aiming to develop a religious language, explains how the meaning mode and the predication of the attributes which are referred to God should be understood. Basing himself on the created beings' being limited and deficient compared to the perfection of God, he develops the method *tashkīk* (positive and negative *iḍāfa*) in terms of the concepts *taqaddum* and *taʾakhkhur*. With the *analogical* language that he developed, Aquinas deals with the possibility of the attribution of the attributes to the divine essence. Besides he also explains how the similar and different aspects of the attributes which are attributed to God and the created beings are to be understood, in the context of the analogical language.

In order to prevent some philosophical and theological problems such as antrophomorphism, which can be caused by the methods *tashkīk* and analogy – methods which are used by them to prevent the theological agnosticism –, both philosophers support the *tashkīk* and analogy with the *tanzīhī* language and support the view that one can talk about God. By the *tanzīhī* language, they show that the problem which arises when defining and talking about God is not coming from languge only. But it is coming from the functioning of our mind, too. They explain that our mind perceives the names and attributes of the created beings in deficient and limited forms. However, it falls short of perceiving the necessary/essential qualities which God possess when using the *tanzīhī* language, both philosophers do not ignore the expressions with which God describes Himself. They try to show how such definitions about the divine essence and *dhāt* in religious texts should be correctly understood. Furthermore, they try to show the limit of our mind for understanding the perfect and infinite God. They also try to show the insufficiency of the daily language which is consisted of the concepts whose meanings are formed in reference to the material and composite beings.

---

[96] Ibn Sīnā, *al-Ilāhiyyāt II*, 8.6, 354-355; id., *al-Najāt*, 286-287; id., *al-Risāla al-ʿarshiyya*, 7; Aquinas, *SCG,* c. 14; id., *ST,* q. 13, a. 2.

Allowing the positive theology with the attribution of the positive names and qualities, they prove that one can talk about His essence and partially indicate the transcendental and perfect essence with daily language. In order to prevent the philosophical and theological problems which can be caused by the positive theology, they try to re-shape the acquired knowledge in accordance to transcendence and perfection, in the context of the negative theology. They lean more on the negative theology than the positive theology, because of God's transcendence and unknowability. This situation was understood as their denial of the positive theology. However the fact that theological epistemologies of both philosophers that are constructed in the contexts of issues such as God's essence, knowability, the possibility of talking about Him, consist of the negative and positive theologies, prove this claim wrong.

In case it is claimed that the qualities which are attributed to God and the created beings are completely different from each other, in terms of their meanings, this means the failure of the religious language used for God. In other words, this situation means the failure of the construction of the religious language about defining God and talking about God. This is because it means that the human-centered concepts are not put back in conceptualizing and naming the qualities which are attributed to His *dhāt*. Such as the failure of the construction of a religious language which is completely autonomous, just as in mathematics. Aware of this situation, both philosophers achieve the positive knowledge which allows talking about God with *tashkīk*/analogy. Besides, they also support the view that the names and attributes which are derived from the created beings cannot be attributed to His *dhāt* in the same mode of meaning. On the one hand, they oppose the criticism that this leads to a kind of metaphysical and theological agnosticism by using analogy with the positive knowledge. On the other, they oppose the criticism that it leads to antrophomorphism with the attribution of the names and qualities of the created beings to Him, by stating that every quality attributed to him with the help of the *tanzīhī* language should be attributed in the perfect and infinite mode of meaning, thus eliminating the concerns for antrophomorphism.

REFERENCES

Acar, Rahim, *Creation: A Comparative Study between Avicenna's and Aquinas' Positions* (PhD dissertation; Cambridge, Mass.: Harvard University, 2002).

Aquinas, Thomas, *Commentary on the* Metaphysics *of Aristotle*, 2 vols., (translated into English by John P. Rowan; Chicago, IL: Henry Regnery Company, 1961).

_____ *Compendium Theologiae ad fratrem Reginaldum socium suum carissimum*, in *Opuscula theologica, vol. I: De re dogmatica et morali (CT I)* (ed. Raimundo A. Verardo; Turin & Rome: Marietti, 1954).

_____ *De Principiis Naturae* (introduction and critical text by John J. Pauson; Fribourg: Société Philosophique & Leuven: E. Nauwelaerts, 1950).

_____ *Divi Thomae Aquinatis Summa Theologica I* (*ST I*), 6 vols., (Rome: Ex Typographia Senatus, 1886-1887).

_____ *Expositio super Librum Boethii de Trinitate* (ed. Bruno Decker; Leiden: Brill, 1955).

_____ *Le "De ente et Essentia" de S. Thomas d'Aquin* (ed. Marie-Dominique Roland-Gosselin; Paris: Librairie Philosophique J. Vrin, 1948).

_____ *Quaestiones Disputatae De Potentia* (*DP*) in *Quaestiones Disputatae* (8th rev. edn., vol. II: ed. P. Bazzi et al.; Turin & Rome: Mariette, 1949).

_____ *Quaestiones Disputatae De Veritate* (*DV*) in *Quaestiones Disputatae* (8th rev. edn., vol. I: ed. Raymundi Spiazzi; Turin & Rome: Mariette, 1949).

_____ *Scriptum super libros Sententiarum Magistri Petri Lombardi episcopi Parisiensis* (*Sententiae I*) (vol. I-II: ed. R. P. Mandonnet; Paris: P. Lethielleux, 1929; vol. III-IV: ed. Maria Fabianus Moos; Paris: P. Lethielleux, 1933, 1947).

_____ *Summa Contra Gentiles* (*SCG*), (as the vols. XIII-XV of the series of "Sancti Thomae Aquinatis Doctoris Angelici opera omnia iussu impensaque Leonis XIII P.M. edita"; Rome: Typis Riccardi Garroni, 1918-1930).

_____ *In librum beati Dionysii De divinis nominibus expositio* (ed. Ceslai Pera; Turin & Rome: Marietti, 1950).

Aristotle, *Categoriae (= Categories)* (translated into English by E. M. Edghill), in Richard McKeon (ed.), *The Basic Works of Aristotle* (New York, NY: Random House, 1941), 7-37.

_____ *De Anima* (translated into English by J. A. Smith), in Richard McKeon (ed.), *The Basic Works of Aristotle* (New York, NY: Random House, 1941), 533-603.

_____ *Metaphysics* (translated into English by Richard Hope; Ann Arbor, MI: The University of Michigan Press, 1960).

ʿĀṣī, Ḥasan, *al-Tafsīr al-Qurʾānī wa-l-lugha al-ṣūfiyya fī falsafat Ibn Sīnā* (Beirut: al-Muʾassasa al-Jāmiʿiyya, 1983).

Fakhry, Majid, *History of Islamic Philosophy* (2nd edn., London: Longman & New York, NY: Columbia University Press, 1983).

Farrer, Austin Marsden, *Finite and Infinite: A Philosophical Essay* (Westminster, UK: Dacre Press, 1959).

al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad, *al-Iqtisād fī l-iʿtiqād* (ed. ʿAlī Bū Mulḥim; Beirut: Dār wa-Maktabat al-Hilāl, 2000).

_____ *Kīmyā-yi saʿādat* [*Kīmyāʾ al-saʿāda*], 2 vols., (ed. Ḥusayn Khidīwjam; Tehran: Intishārāt-i ʿIlmī wa-Farhangī, 1382 HS.).

_____ *al-Mustaṣfā min ʿilm al-uṣūl* (Beirut: Dar al-Fikr, n.d.).

Gilson, Etienne, *The Christian Philosophy of St. Thomas Aquinas* (New York, NY: Random House, 1956).

Ibn Sīnā, Abū ʿAlī al-Ḥusayn ibn ʿAbd Allāh ibn ʿAlī, *al-Ishārāt wa-l-tanbīhāt: Qism 3: al-Ilāhiyyāt* (ed. Sulaymān Dunyā; Cairo: Dār al-Maʿārif, 1960).

_____ *Kitāb al-najāt fī l-ḥikma al-manṭiqiyya wa-l-ṭabīʿiyya wa-l-ilāhiyya* (ed. Mājid Fakhrī; Beirut: Dār al-Āfāq al-Jadīda, 1985).

_____ *Kitāb al-shifāʾ: al-Ilāhiyyāt I-II* (eds. George C. Anawati, Ibrāhīm Madkūr, and Saʿīd Zāyid; Cairo: al-Hayʾa al-Miṣriyya al-ʿĀmma li-l-Kitāb, 1975).

_____ *al-Mabdaʾ wa-l-maʿād* (ed. ʿAbd Allāh Nūrānī, Tehran: Muʾassasa-i Muṭalaʿāt-i Islāmī, 1363 HS.).

_____ *al-Risāla al-ʿarshiyya fī tawḥīdih^{i} taʿālā wa-ṣifātih^{i}*, in *Majmūʿ rasāʾil al-Sheikh al-Raʾīs* (Hyderabad: Dāʾirat al-Maʿārif al-ʿUthmāniyya, 1354 H.).

_____ *al-Taʿlīqāt* (ed. ʿAbd al-Raḥmān Badawī; Qum: Maktabat al-Iʿlām al-Islāmī, n.d.).

Morewedge, Parviz, *The* Metaphysica *of Avicenna (Ibn Sīnā): A Critical Translation-Commentary and Analysis of Fundamental Arguments in Avicenna's* Metaphysica *in the* Dānish Nāma-i ʿalāʾī *(The Book of Scientific Knowledge)* (New York, NY: Columbia University Press, 1973).

Rocca, Gregory, "The Distinction between res Significata and Modus Significandi in Aquinas's Theological Epistemology," *The Thomist* 55 (1991), 173-197.

Wippel, John F., *Metaphysical Themes in Thomas Aquinas* (Washington, D.C.: The Catholic University of America Press, 1995).

Wolfson, Harry A., "Avicenna, Algazali and Averroes on Divine Attributes," in his, *Studies in the History of Philosophy and Religion* (ed. Isadora Twersky and George H. Williams; Cambridge, Mass.: Harvard University Press, 1973), I, 143-169.

_____ "The Amphibolous Terms in Aristotle, Arabic Philosophy and Maimonides," in his *Studies in the History of Philosophy and Religion* (ed. Isadora Twersky and George H. Williams; Cambridge, Mass.: Harvard University Press, 1973), I, 455-477.

Zedler, Beatrica H., "Saint Thomas and Avicenna in the 'De Potentia Dei'," *Traditio* 6 (1948), 105-159.

A SIXTEENTH-CENTURY OTTOMAN SCHOLAR IN THE FOOT-STEPS OF IBN TAYMIYYA AND AN OPPONENT OF IBN ʿARABĪ: CHIWIZĀDA MUḤYĪ AL-DĪN SHEIKH MEḤMED EFENDĪ*

Mehmet Gel

Bartın University, Bartın-Turkey

Abstract

One of the Ottoman scholars in the sixteenth century who opposed the view of the famous Sufi Muḥyī al-Dīn Ibn ʿArabī was Chiwizāda Muḥyī al-Dīn Sheikh Meḥmed Efendī (d. 954/1547). He served as sheikh al-islām in the reign of Sulaymān the Magnificent for a short time. He stood out for his criticisms against some Sufis of his time and was even dismissed from the rank of sheikh al-islām because of these criticisms, according to some reports. In this paper, I will examine Chiwizāda's criticisms of Muḥyī al-Dīn Ibn ʿArabī, who was at the top of the Sufis he opposed, in terms of their historical-intellectual roots.

Key Words: Chiwizāda, Ibn ʿArabī, Ibn Taymiyya, Sheikh Bālī al-Ṣofyawī, *Fuṣūṣ al-ḥikam*

Introduction

Muḥyī al-Dīn Ibn ʿArabī (d. 638/1240) was one of the most influential Sufis. The issue of the attitude of Ottoman scholars toward the views and supporters of this great Sufi is important, not only because of the relations of scholars and central power to the Sufi circles but

---

also because of the different intellectual tendencies among these scholars. An examination of this issue with regard to its historical and intellectual aspects, especially in the context of the scholars who oppose the views of Ibn ʿArabī, can provide crucial information about issues such as the formation of the Ottoman tradition of science and thought, its development, its changes (if any), the scholars belonging to it, the relations among these scholars, the interactions among them, and their attitudes, roles, and influences. Although Şükrü Özen's study on this issue in terms of the *fatwā*s of sheikh al-islāms is not as comprehensive as Alexander D. Knysh's study in the context of the Islamic world in the Middle Ages,[1] it provides a valuable perspective because it discusses the scholars who opposed the views of Ibn ʿArabī among the Ottoman scholars of the classical period. This study is particularly important because it points to the fact that this opposing approach became visible after the conquest of Egypt by Sultan Selīm I.[2]

There is no doubt that other interesting results may be achieved if more in-depth studies are conducted from this perspective. For example, the use of the "the net of relations" and "intellectual scouting" methods to examine the reasons Ottoman scholars in the sixteenth century opposed the views of Ibn ʿArabī, the reasons they subsequently adopted this approach, and the source of their ideas would provide concrete and convincing proof. In fact, this issue has been discussed in broad strokes in studies by Mahmut Erol Kılıç and Şükrü Özen.[3]

---

[1]   Kynsh addresses the approaches of such scholars as Ibn Taymiyya, al-Taftāzānī, Ibn Khaldūn, and al-Biqāʿī toward Ibn ʿArabī, see Alexander D. Knysh, *Ibn ʿArabī in the Later Islamic Tradition: The Making of a Polemical Image in Medieval Islam* (Albany, NY: State University of New York Press, 1999).

[2]   Şükrü Özen, "Ottoman *ʿUlamā* Debating Sufism: Settling the Conflict on the Ibn al-ʿArabī's Legacy by *Fatwā*s," *El Sufismo y las normas del Islam: Trabajos del IV Congreso Internacional de Estudios Jurídicos Islámicos: Derecho y Sufismo, Murcia, 7-10 Mayo 2003* (ed. Alfonso Carmona; Murcia: Editora Regional de Murcia Colection Ibn Arabi, 2006), 309-341.

[3]   Kılıç writes, "Upon the import of Ibn Taymiyya's views, the type of scholars changed and these views gave rise to two types of scholars, i.e., Qāḍīzādalis and Chiwizādalis ...." With these words, he relates the opposition of the Ottoman scholars to Ibn ʿArabī to the influence of Ibn Taymiyya's views. See M. Erol Kılıç, "İbnü'l-Arabî, Muhyiddin," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XX,

Our study of Chiwizāda Muḥyī al-Dīn Sheikh Meḥmed Efendī (d. 954/1547), the famous Ottoman scholar of the sixteenth century who is known for his opposition to some mystics, mainly Ibn ʿArabī, has produced interesting results. In this article, I present the results that seem to answer the question of whom Chiwizāda followed in criticizing the views of Ibn ʿArabī. In other words, I examine the intellectual foundations of Chiwizāda's critical approach to the thought of Ibn ʿArabī in the context of the historical opposition to Ibn ʿArabī. I will not address more general issues, such as Chiwizāda's attitude toward and relations with Sufis and the determining factors in these issues. Within this framework, it is important to address the sources of data for this case because of some delicate aspects of our topic.

The Sources of Chiwizāda's Ideas on Ibn ʿArabī

The most important source that presents Chiwizāda's ideas on Ibn ʿArabī is undoubtedly Sheikh Bālī al-Ṣofyawī's (d. 960/1553) *Risāla fī ḥall mushkilāt al-Fuṣūṣ*. In this interesting treatise, Sheikh Bālī al-Ṣofyawī narrates some crucial information in order to refute found in a lost treatise of Chiwizāda.[4] This treatise of Chiwizāda, which is ap-

---

514. Özen explains the issue by noting the fact that a negative approach to the views of Ibn ʿArabī, which was common among Arab scholars, began to spread among the preachers of Anatolia and Istanbul after the conquest of Egypt. He says, "As Knysh pointed out, when they defended or refuted the teaching of the Greatest Master in their native tongue, Turkish or even in Arabic, they relied heavily on their Arabophone predecessors for arguments." See Özen, "Ottoman *ʿUlamā* Debating Sufism," 322-323, 334.

[4]   In the first half of the XVIth century, there were two interesting controversies on some ideas of Ibn ʿArabī and the issue of the "cash *waqf*s" between Chiwizāda Muḥyī al-Dīn Sheikh Meḥmed Efendī and Sheikh Bālī al-Ṣofyawī. Chiwizāda served as *mudarris* in several *madrasa*s, the judge of Egypt, the *qāḍī ʿaskar* of Anatolia, *muftī*/sheikh al-islām, and *qāḍī ʿaskar* of Rumeli. Sheikh Bālī al-Ṣofyawī was a Sufi who had a commentary on *Fuṣūṣ al-ḥikam* and a disciple of Qāsim Chalabī who was a sheikh of the Khalwatiyya Order. These controversies became known with al-Ṣofyawī's criticisms toward Chiwizāda in the form of treatises and letters. It seems that Chiwizāda's negative ideas had a strict scientific approach; thus, al-Ṣofyawī's aim of defending his own circle, which was the target of these negative ideas, fed these controversies. For brief biographies of Chiwizāda and al-Ṣofyawī, see Mehmet İpşirli, "Çivizâde Muhyiddin Mehmed Efendi," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, VIII, 348-349; Mustafa Kara, "Bâlî Efendi, Sofyalı," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, V, 20-21.

parently about Ibn ʿArabī and his *Fuṣūṣ al-ḥikam*, is lost. When the Ottoman atmosphere in the XVIth century is considered in the context of the relations among the central power, scholars, and Sufis,[5] there is a possibility that the treatise was swept away deliberately or was not yet discovered. In other words, this short treatise of al-Ṣofyawī is the most fundamental source for us because it indirectly enables us to access Chiwizāda's lost treatise.

Let us present the relation of *Risāla fī ḥall mushkilāt al-Fuṣūṣ* to Chiwizāda's treatise and ideas because the former has such an important function. For instance, the title page of one of the manuscripts of this treatise in Süleymaniye Library states, "Sheikh Bālī al-Ṣofyawī has written this treatise to refute Mullā Chiwizāda in terms of the problems in *al-Fuṣūṣ*."[6] Moreover, in the introduction of the treatise regarding this issue, Sheikh Bālī al-Ṣofyawī states,

> … Some people were ignorant about the style of *al-Fuṣūṣ* (which is self-explanatory) since they did not have a total grasp of it. Although that person did not know anything about this discipline (ʿilm), he only looked at the half of the speech and those aspects which are clear, the people of knowledge became contradictory/ambiguous to him. For that reason, he wrote a treatise to deal with these ambiguous issues and denounced the author of *al-Fuṣūṣ* as an unbeliever. However, the person who he denounced as an unbeliever is "the son of the sister of his own aunt" [meaning "he just denounced himself"] …[7]

Sheikh Bālī al-Ṣofyawī does not clearly state that the one who wrote the treatise against Ibn ʿArabī, which includes the *takfīr* (de-

---

[5] On this subject, especially see Michel Chodkiewicz, "İbn Arabî'nin Öğretisinin Osmanlı Dünyasında Karşılanışı," in Ahmet Yaşar Ocak (ed.), *Osmanlı Toplumunda Tasavvuf ve Sufiler: Kaynaklar, Doktrin, Ayin ve Erkan, Tarikatlar, Edebiyat, Mimari, İkonografi, Modernizm* (Ankara: Türk Tarih Kurumu Yayınları, 2005), 89-111.

[6] See Sheikh Bālī al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ* (MS Istanbul: Süleymaniye Library, Reisülküttab, 1166/8), 52a. For another study which states that this treatise of al-Ṣofyawī was written against Chiwizāda judging from another manuscript titled *Risāla fī ḥall mushkilat al-Fuṣūṣ* found in Istanbul Süleymaniye Library, Pertev Paşa, 621, 36a-38a; see Abdurrezzak Tek, "Fusûsu'l-Hikem'e Yönelik Bazı Tartışmalı Konulara Sofyalı Bâlî Efendi'nin Bakışı," *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* 14/2 (2005), 108-109.

[7] Al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 52a. Cf. Tek, ibid., 131.

nouncing someone as an unbeliever), is Chiwizāda. However, in the following statements, he seems to identify Chiwizāda when he mentions that Chiwizāda served as *muftī* and was later dismissed from this position and that he was angry with the Sufis. He says,

> … This kind of person does not fit into the position of *fatwā* because (the position of) *fatwā* signifies the dignity of the one who owns it. For that reason, he was left alone by God when he was dismissed from this very high and noble position … We have written the meaning of the words stated by *fatwā* giver in his treatise in our commentary on *Fuṣūṣ al-ḥikam* in a thorough (*taḥqīq*) and detailed way … This word came out of him because of his anger with *ahl Allāh* (people of God) due to the lack of his reason. He did not know what he said because of his confusion … The author of the treatise treated himself unjustly in two aspects. For that reason, he left the position of *fatwā* (the post of sheikh al-islām) in a true sense although he stayed in it officially … The *takfīr* as such is not an issue (*shaʾn*) of *fatwā*.[8]

A biographer of the XVIth-century Ottoman scholars, Maḥmūd ibn Sulaymān al-Kafawī (d. 990/1582), in his *Katāʾib aʿlām al-akhyār min fuqahāʾ madhhab al-Nuʿmān al-mukhtār*, clearly states that Sheikh Bālī al-Ṣofyawī defines Chiwizāda with these words. He also mentions that al-Ṣofyawī wrote a treatise against him (*Risāla fī ḥall mushkilāt al-Fuṣūṣ*). He says,

> Sheikh Meḥmed, known as al-mawlā al-fāḍil sheikh al-islām Chiwizāda, wrote a treatise. In that treatise, there were criticisms (*muʾākhadhāt*) leveled against al-Sheikh al-akbar, to the degree that the author denounced al-Sheikh al-akbar as an unbeliever because of some issues in *Fuṣūṣ al-ḥikam* … Some Ḥanafī scholars and Sufis (*mashkhāyikh-i ṭarīqa*) responded to that treatise. Al-Sheikh al-fāḍil wa-l-murshid al-kāmil Sheikh Bālī al-Ṣofyawī was among them. Furthermore, Sheikh Bālī wrote a treatise in this issue and returned all criticisms back to their owner …[9]

---

[8]   Al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 52a-54b. Cf. Tek, "Fusûsu'l-Hikem'e Yönelik …," 131-133. Quoting from the treatise of Sheikh Bālī al-Ṣofyawī, al-Kafawī states this sentence as follows: "This *takfīr* is not one of the official duties (*ādāb*) of *muftī*." See Maḥmūd ibn Sulaymān al-Kafawī, *Katāʾib aʿlām al-akhyār min fuqahāʾ madhhab al-Nuʿmān al-mukhtār* (MS Istanbul: Süleymaniye Library, Reisülküttab, 690), 249a. Cf. Tek, ibid., 133.

[9]   Al-Kafawī, *Katāʾib*, 248b. On this issue, see also 402a, 415b-416a.

At the time of Sheikh Bālī al-Ṣofyawī, there is no other Ottoman scholar known to us besides Chiwizāda who served as a *muftī* and was later dismissed who held such negative opinions about Ibn ʿArabī to denounce him as an unbeliever.[10] It is apparent that Chiwizāda wrote a treatise that "deserved" to be called "al-Risāla al-kufriyya" according to al-Ṣofyawī,[11] and *Risāla fī ḥall mushkilāt al-Fuṣūṣ* was written against that treatise. Therefore, there is no doubt that the ideas attributed to "al-Risāla al-kufriyya" in al-Ṣofyawī's *Risāla fī ḥall mushkilāt al-Fuṣūṣ* actually belonged to Chiwizāda. In this regard, this treatise is the most basic source for the issue we are addressing.

The second important source of Chiwizāda's opinions about Ibn ʿArabī is the four *fatwā*s attributed to him. These *fatwā*s complete the above-mentioned treatise of al-Ṣofyawī in a sense. In fact, three of these *fatwā*s are similar to the relationship between Sheikh Bālī al-Ṣofyawī's *Risāla fī ḥall mushkilāt al-Fuṣūṣ* and the above-mentioned unknown treatise of Chiwizāda in terms of the quality of the collection in which they are found. These three *fatwā*s are not found in the collection of *fatwā*s[12] compiled by Sayyid Aḥmad ibn Muṣṭafā (d. 971/1563) known as Lālī Aḥmad Chalabī,[13] who served as a "secretary of *fatwā*" during the period when Chiwizāda was muftī, and by Ibn al-Adhamī al-Maghnisāwī,[14] who held copies of Chiwizāda's *fatwā* and served as the "secretary of *fatwā*" for Kamālpashazāda and Saʿdī Chalabī. Instead, they are in a collection (*majmūʿa*) called *Dafʿ al-Fuṣūṣ,* which includes treatises and *fatwā*s against Ibn ʿArabī's *Fuṣūṣ*

---

[10] Saʿdī Chalabī (d. 945/1539), who was the *muftī* or sheikh al-islām before Chiwizāda, takes a similar approach to Ibn ʿArabī. However, he cannot be the person Sheikh Bālī al-Ṣofyawī describes because he was not dismissed from the position of *muftī*.

[11] Al-Ṣofyawī repeats this name in the above-mentioned treatise several times. The most striking expression he uses is as follows: "… He said so in his *al-Risāla al-kufriyya*. Thus this treatise deserves to be called so." See al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 52b.

[12] See Sayyid Lālī Aḥmad Chalabī ibn Muṣṭafā al-Ṣārukhānī, *Majmaʿ al-masāʾil al-sharʿiyya fī l-ʿulūm al-dīniyya* (MS Istanbul: Süleymaniye Library, Şehid Ali Paşa, 1066), 1a-179b.

[13] As Laʿlī or Laʾālī in some manuscripts.

[14] See Ibn al-Adhamī Saʿīd ibn Ḥusām al-Dīn al-Maghnisāwī, *Majmūʿat al-fatāwā* (MS Istanbul: Âtıf Efendi Library, Âtıf Efendi, 2835), 1b-70b.

al-ḥikam. In other words, the fact that these three *fatwā*s are not found in the primary source for Chiwizāda's *fatwā*s (i.e., the collections of Lālī and Ibn al-Adhamī) but are found in a collection called *Dafʿ al-Fuṣūṣ* suggests that they may not belong to Chiwizāda.[15]

This idea might seem reasonable if the problematic and complex structure of the world of manuscripts is considered. Nonetheless, I think that there is no harm in accepting that these *fatwā*s belong to Chiwizāda, as attributed in *Dafʿ al-Fuṣūṣ.* Strong proofs, such as the writing style of these *fatwā*s and the signature "al-Sheikh Meḥmed," suggest that the contents of these *fatwā*s are in harmony with the information provided by other sources about Chiwizāda's stance on Ibn ʿArabī[16] and the information provided by Sheikh Bālī al-Ṣofyawī in his *Risāla fī ḥall mushkilāt al-Fuṣūṣ* support the fact that these *fatwā*s belong to Chiwizāda rather than casting doubt on them because they are not found in the above-mentioned collections. Moreover, the issue was very sensitive at that time in terms of the relations among the political power, scholars, and the Sufi environment. This idea can be disproved by the reasonable explanation that these *fatwā*s were not included in the collections of Lālī and Ibn al-Adhamī

---

[15] Another problem with the attribution of these *fatwā*s to Chiwizāda, which are recorded in *Dafʿ al-Fuṣūṣ* under the name "Chiwizāda, *Fatāwā ʿalā l-Fuṣūṣ,*" is the note on the folio in the same chapter. This note reads, "The death of Chiwizāda, year: 995." Thus, the *fatwā*s are attributed to Chiwizāda's son, who became famous with the same nickname as his father and served as sheikh al-islām. However, in addition to other *fatwā*s recorded there, the three *fatwā*s appear to belong to the father Chiwizāda Muḥyī al-Dīn Sheikh Meḥmed Efendī (d. 954/1547), not his son Chiwizāda (d. 995/1586-87), after examination of their form and contents. See Chiwizāda, *Fatāwā ʿalā l-Fuṣūṣ*, in *Dafʿ al-Fuṣūṣ* (MS Ankara: Ankara University Faculty of Theology Library, 37208), 36b-41b.

[16] There is an issue of the harmony between the harsh criticism against Ibn ʿArabī in the *fatwā*s attributed to Chiwizāda and the historical image of Chiwizāda. In this context, let me limit myself to pointing to a narration of Walī ibn Yagān, the *murattib* of the *fatwā*s of Abū l-Suʿūd Efendī. According to the narration recorded by Walī ibn Yagān, upon his return from pilgrimage after he was dismissed from the *muftī* position, Chiwizāda said to Sulaymān the Magnificent, "Sheikh-i Akbar ʿArabī is a heretic and unbeliever. It is due to the Islamic law that his bones should be removed from his grave and burned." He suggested that the Sultan should open his grave and burn his remaining bones. See *Fatāwā-yi Abū l-Suʿūd* (MS Istanbul: Süleymaniye Library, İsmihan Sultan, 226), 168b-169a. For this narration, see also Özen, "Ottoman *ʿUlamāʾ* Debating Sufism," 329.

due to inconsistencies in them. This situation is similar to that of the "al-Risāla al-kufriyya," which is attributed to Chiwizāda by al-Ṣofyawī, and is now lost. Hence, it is quite meaningful that these *fatwā*s were recorded in *Dafʿ al-Fuṣūṣ*, which is suitable for their content, rather than in any other collection of *fatwā*s. Thus, there is no harm in using these three *fatwā*s as sources in the context of the historical base of Chiwizāda's ideas on Ibn ʿArabī.

The Historical Base of Chiwizāda's Ideas on Ibn ʿArabī

Let me first state that Chiwizāda takes a negative/critical approach towards Ibn ʿArabī, which is known by the records in biographical and historical sources.[17] Here, we begin to examine the issue of the historical base of Chiwizāda's opposition to Ibn ʿArabī without mentioning this issue separately. This examination will also function as a depiction of Chiwizāda's ideas on Ibn ʿArabī.

The most important source for Chiwizāda's criticism toward Ibn ʿArabī is Sheikh Bālī al-Ṣofyawī's *Risāla fī ḥall mushkilāt al-Fuṣūṣ*. When we read this, we see that Chiwizāda's opposition to Ibn ʿArabī seems to depend considerably on the ideas of Ibn Taymiyya (d. 728/1328) in terms of Chiwizāda's reasons for his criticism, including Ibn ʿArabī's ideas (on which Chiwizāda bases his criticism), the style of the evaluation of Ibn ʿArabī's ideas, and the conclusions. In other words, an examination of the information in the above-mentioned source in terms of its historical bases suggests that most of Chiwizāda's ideas about Ibn ʿArabī are rooted in Ibn Taymiyya. The proofs that lead to this idea are important and must be addressed in detail. Let us now examine the issue to identify the reasons why Chiwizāda opposed Ibn ʿArabī.

---

[17]   For instance, see Abū l-Faḍl Shams al-Dīn Muḥammad ibn ʿAlī ibn Aḥmad Ibn Ṭūlūn al-Ṣaliḥī al-Dimashqī, *Ḥawādith Dimashq al-yawmiyya: Ghadāt al-ghazw al-ʿUthmānī li-l-Shām, 926-951 H.: Ṣafaḥāt mafqūda tunshar li-l-marra al-ūlā min kitāb* Mufākahat al-khillān fī ḥawādith al-zamān *li-Ibn Ṭūlūn al-Dimashqī* (ed. Aḥmad Ībish; Damascus: Dār al-Awāʾil, 2002), 341-342; al-Kafawī, *Katāʾib*, 415b-416a; Gelibolulu Muṣṭafā ʿĀlī Efendī, *Kunh al-akhbār* (MS Istanbul: Süleymaniye Library, Hamidiye, 914), 341a; Ḥājī Khalīfa Muṣṭafā ibn ʿAbd Allāh Kātib Chalabī, *Kashf al-ẓunūn ʿan asāmī l-kutub wa-l-funūn* (eds. M. Şerefeddin Yaltkaya and Kilisli Rifat Bilge; Istanbul: Maarif Matbaası, 1943), II, 1264; Abū l-Makārim Najm al-Dīn Muḥammad ibn Muḥammad al-Ghazzī, *al-Kawākib al-sāʾira bi-aʿyān al-miʾa al-ʿāshira* (ed. Jabrāʾīl Sulaymān Jabbūr; 2nd edn., Beirut: Dār al-Āfāq al-Jadīda, 1979), II, 28.

First and foremost, the issues that Sheikh Bālī al-Ṣofyawī narrates and explains in *Risāla fī ḥall mushkilāt al-Fuṣūṣ* with regard to Chiwizāda's criticism toward Ibn ʿArabī are, in fact, the issues in *Fuṣūṣ al-ḥikam* that were once asked to Ibn Taymiyya, such as *waḥdat al-wujūd*, the finitude of torment in Hell, the belief of the Pharaoh, worshipping idols, and *tanzīh-tashbīh*.[18] To state this fact in a more concrete way, all the reasons for Chiwizāda's opposition to Ibn ʿArabī (as well as several additional ideas on the same topic) are to be found in this question directed to Ibn Taymiyya:

Question: I wonder, what do the respected scholars, great imāms, and the guides of Muslims say about a common book? The author of this book claims that he wrote that book and presented to people after he had seen the Prophet Muḥammad (pbuh) in his dream and received his permission. However, most of that book is contrary to the divine books revealed by God. Moreover, it is also in disagreement with the sayings of the prophets sent by God. For instance, this book says, "Adam was called human because, before God, he was in the position of the eyeball which enables the eye to see." In another place, the book says, "the *Ḥaqq* (God) which is purified (*munazzah*) is indeed people which are resembled (*mushabbah*). About the people of Noah, the author says, "If they had quit worshipping the idols Wadd, Suwāʿ, Yaghūth, Yaʿūq, and Nasr, they would have become ignorant of God inasmuch as they quit these idols." The author goes on, "This is because God has a face in everything that is worshipped. Those who know it know it, those who do not, do not. The one who has the knowledge is aware that who is worth of being worshipped and in which shapes God reveals Himself, thus being worshipped. This person knows that this difference and multiplicity are like organs in material bodies." About the people of Hūd, he says, "... they became connected in term of closeness. Distance has gone away. For them, Hell ceased to exist. They achieved this position of closeness because they deserve this delightful and pleasing position, which was acquired for them as an obligation (*minna*). For that reason, they have achieved this rank because their natures deserve that, because of their good actions, and because they have been on the righteous path of

---

[18]   For some remarks that state that these issues are crucial for Ibn Taymiyya's negative attitude toward Ibn ʿArabī, see Mustafa Kara, "İbn Teymiye'nin İbn Arabî'ye ve Vahdet-i Vücuda Bakışı," in his *Dervişin Hayatı Sûfînin Kelâmı: Hal Tercümeleri/Tarikatlar/Istılahlar* (Istanbul: Dergâh Yayınları, 2005), 173-188.

their God." Moreover, he denies the judgment of the *waʿīd* of God, i. e., His threatening, for people who deserve to be punished. Now, should those who agree with all these ideas of that man be denounced as unbelievers or not? Or, should one consent to all these statements or not? Should one be regarded as a sinner if he does not reject these ideas with his tongue or his heart upon hearing them? Please give us a clear *fatwā* …[19]

There is an intriguing overlap between these issues. The above-mentioned ideas of Ibn ʿArabī were criticized by many scholars. There is also the possibility that the text in question was circulated in the Ottoman scholarly circles. Thus, the situation might be that it does not have any "special meaning" in establishing the relationship between Chiwizāda and Ibn Taymiyya. Moreover, an interesting *fatwā* with almost the same meaning, which is attributed to Chiwizāda, might be taken as proof:

The author of *al-Fuṣūṣ* says in *al-Fuṣūṣ*, "in their deception they say, 'Do not abandon your gods, neither Wadd, Suwāʿ, Yaghūth nor Yaʿūq, nor Nasr. If they had abandoned them they would have become ignorant of the Reality, to the extent that they deserted them'."[20] And he also says, "for in every object of worship there is reflection of the Reality whether it be recognized or not (…) The one who knows, knows Who is worshipped and in what form He is manifest to be worshipped. He also knows that the distinction and multiplicity [of forms] are merely like parts of sensible form or the powers of a spiritual image,"[21] and he also says, "Since it is He [their Lord] Who drives them to this abode, they [in truth] attain nearness [to Him], all distance and notion of Hell ceasing for them. Thus they attain [in reality] the blessing of nearness [to Him] in respect of what they have merited [in their eternal essences] being [eternally] wrongdoers; nor does He grant them this pleasurable station as a freely given gift because it is they themselves who adopt it according as their essential realities have merited eternally by their deeds [thus determined]. Indeed in

---

[19] Abū l-ʿAbbās Taqī al-Dīn Aḥmad ibn ʿAbd al-Ḥalīm Ibn Taymiyya, *İbn Teymiye Külliyatı* (vol. II: translated into Turkish by Yusuf Işıcık, Ahmet Önkal, Sait Şimşek, and İ. Hakkı Sezer; Istanbul: Tevhid Yayınları, 1987), 147-148.

[20] Ibn ʿArabī [as Ibn Al'Arabi], *The Bezels of Wisdom* [= *Fuṣūṣ al-ḥikam*] (translated into English by Ralph W. J. Austin; Mahwah, NJ: Paulist Press, 1980), 78.

[21] *Ibid.*, 78.

performing their deeds they are, nevertheless, on the Path of their Lord …"[22] and he also says, "The Reality is at once the created Creator and the creating creature. All this is One Essence, at once Unique and Many …"[23] If anyone who reads these sentences, understands them, believes in them as truths, and insists on them, what must be the religious verdict of that person? May God give you reward if you respond to our question.

Answer: He is an unbeliever and heretic. He must be killed. If he repents after he is captured, he will not escape the death penalty. Written by Sheikh Meḥmed.[24]

However, the idea that the overlap in the mentioned issues may not have a "special meaning" does not seem correct. This is because, I believe, Chiwizāda's style of evaluating Ibn ʿArabī's ideas (in the question asked to Ibn Taymiyya), including Chiwizāda's answer in this *fatwā*, strongly supports the idea that he might be influenced by Ibn Taymiyya, and the above-mentioned text might be a part of this influence.

The explanation is as follows. According to the information given by Sheikh Bālī al-Ṣofyawī, Chiwizāda had criticized Ibn ʿArabī for the first time because of the latter's words about *waḥdat al-wujūd* in *Fuṣūṣ al-ḥikam*: "Before God, the human was in the position of the eyeball which enables the eye to see; this is why he was called 'human.' This is because God looks at His creatures through him and has mercy on them …"[25] and also because of Ibn ʿArabī's claim that "this situation entails Adam to be a 'part' of God." In addition to this criticism, he stated that this second sentence makes the above-mentioned claim appropriate judging from Ibn ʿArabī's sentence, "the *Ḥaqq* (God) which is purified (*munazzah*) is indeed the created which is resembled (*mushabbah*)."[26] With regard to *waḥdat al-wujūd*, again, in Ibn ʿArabī's words, "… the *Ḥaqq* (God) which is purified (*munazzah*) is indeed the created which is resembled (*mushabbah*). Thus, the creator is (in a sense) the created, and the created is the Creator.

---

[22] *Ibid.*, 131.

[23] *Ibid.*, 87.

[24] Chiwizāda, *Fatāwā ʿalā l-Fuṣūṣ*, 40a-b.

[25] Ibn ʿArabī, *Fuṣūṣ al-ḥikam*, 26.

[26] See al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 52a.

These are all the same realities…"[27] and "… thus the Noble Being by virtue of himself (…) is the perfect being which encompasses all things which exist with Him and everything which is attributed to non-existence …"[28] are interpreted by Chiwizāda as meaning that "God is the same as the world and He is qualified with the attributes of the created beings (*muḥdathāt*)."[29] Furthermore, "God has, according to them, the all qualities that the creatures have, such as *ḥusn* (beauty), *qubḥ* (ugliness), *madḥ* (praise), and *dhamm* (blaim)."[30] Hence, these are all against true belief (*sharʿī iʿtiqād*); thus, he denounced Ibn ʿArabī as an unbeliever.[31]

Responding the question above, Ibn Taymiyya, who had evaluated Ibn ʿArabī's ideas three centuries ago, states,

> If someone says that "For God, Adam is in the position of the eyeball which enables the eye to see," it entails that Adam be a part of God the Exalted and a division of Him. Furthermore, Adam will be the most precious part and division in God. Now, this idea is the base of the school supported by these people. This is what is understood from their words. Hence, Ibn ʿArabī's second sentence "the *Ḥaqq* (God) which is purified (*munazzah*) is indeed the created which is resembled (*mushabbah*)" is completely in accordance with that. For that reason he goes on to say, "The creator (*khāliq*) is indeed the created (*makhlūq*), and the created is indeed the Creator. These are all from the same being. No! No! He is even the same being. He is the beings which are in the state of multiplicity (*kathra*) …" He also says: "… Thus the Noble Being by virtue of himself, no matter he be praised in terms of custom, reason, and religion, or blamed, is the perfect being which encompasses all things which exist with Him and everything which is attributed to non-existence. This is only relevant for the being which we call Allah … Do not you see that God reveals Himself with the attributes of *muḥdathāt* (the created beings) and de-

---

27 Ibn ʿArabī, *Fuṣūṣ al-ḥikam*, 75-76.

28 Ibn Taymiyya, *İbn Teymiye Külliyatı*, II, 149. For another translation of Ibn ʿArabī's words in "Faṣṣ Idrīs", see Ibn ʿArabī, *Fusûsu'l-hikem* [= *Fuṣūṣ al-ḥikam*] (translated into Turkish by Nuri Gençosman; Istanbul: Milli Eğitim Bakanlığı Yayınları, 1992), 75.

29 See al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 52b.

30 See *ibid.*, 53a.

31 See *ibid.*, 52b.

scribes Himself by these with the qualities of incompleteness and blame (*dhamm*)." (…) These people are called "the people of *waḥdat al-wujūd*" and they claim truth (*taḥqīq*) and wisdom (*ʿirfān*). They regard the existence of God as equal to the existence of the created beings. According to these people, God is subject to all qualities which are found in the created beings such as beauty, ugliness, praise, and blame. Moreover, the Creator does not have a different existence from creatures in any sense. In this world, nothing is apart from the Creator (*khāliq*) and different from Him.[32]

These statements, if Sheikh Bālī al-Ṣofyawī does not misguide us, reveal us that Chiwizāda follows Ibn Taymiyya's words line by line. Regarding Ibn Taymiyya's words "Adam is a part of God" or "a division of God," "the second sentence is completely in accordance with that," "God is equal to the created beings," and "according to the people of *waḥdat al-wujūd*, God has the same qualities as the created beings" are repeated by Chiwizāda as "Adam is a part (*juzʾ*)," "the second sentence (word) makes appropriate the first," "God is the same as the world," and "according to them, God has the same attributes as all the attributes that the created beings have," sentence by sentence and with the same concepts. Therefore, this situation leads us to conclude that Chiwizāda followed Ibn Taymiyya on this issue.

The interpretation of Ibn ʿArabī's words about worshipping idols, which is narrated in the question asked to Ibn Taymiyya and repeated by Chiwizāda in the same manner, is another striking example of this influence. In response to that question, Ibn Taymiyya's statements are as follows:

> Those who say that "if the worshippers of idols had left their idols, they would have become ignorant of God inasmuch as they quit these idols" are in more unbelief than Jews and Christians. If someone does not regard those people as unbelievers, they are even in more unbelief than Jews and Christians. This is because Jews and Christians regard idol-worshippers as unbelievers … Indeed, these people are in more unbelief than *mushrik*s (idol-worshippers). This is because they see the idol-worshipper as the one who worships God, not something else. They make the idols with regard to God as the organs of man

---

[32] Ibn Taymiyya, *İbn Teymiye Külliyatı*, II, 148-150.

with regard to man, and the faculties of soul with regard to the soul.[33]

Sheikh Bālī al-Ṣofyawī briefly narrates Ibn ʿArabī's statements as follows: "… if they had quit the gods they worship, they would become ignorant about God as much as they quit worshipping …"[34] Then, al-Ṣofyawī provides some additional remarks and says, "This is his [Chiwizāda's] word." About the same statements, Chiwizāda seems to have used this expression: "The one who holds that is more unbeliever than Jews and Christians, even than idol-worshippers."[35] One should notice that this phrase, which al-Ṣofyawī attributes to Chiwizāda, is a combination of two of Ibn Taymiyya's sentences. This is another proof that seems to show that Chiwizāda followed Ibn Taymiyya when opposing Ibn ʿArabī.

In my opinion, Chiwizāda's remarks on the issue of the "belief of Pharaoh" exhibit the same influence, that is, the influence of Ibn Taymiyya. Some of Ibn Taymiyya's words about the issue of the belief of Pharaoh are as follows:

> These people also say that "everything is but God" … For that reason, the author of *al-Fuṣūṣ* saw those who worship the calf as truthful. He further stated that Moses criticized and refuted Aaron's preventing these people from worshipping the calf, and said: "… The knower indeed sees God in everything and even knows God as identical to everything." As a result, these people see Pharaoh as one of the dignitaries of knowers and the people of *taḥqīq* (truth) and regard him right in his claim for deity … To understand that these people are in unbelief, it is enough to say that their easiest statement is as follows: "Pharaoh died as a believer, free from all his sins." Thus, Ibn ʿArabī says: "Moses became the light of Pharaoh's eye because of the belief granted by God at the time of drowning. Thus, God took his soul when he was clean and purified, free from any evil or ugliness. This is because God took his soul just at the time of his belief, when he did not have a chance to be sinful. (As regards his previous sins) Islam extinguishes all previous sins." However, as is necessarily known by Muslims,

---

[33] *Ibid.*, II, 154-155.

[34] Ibn ʿArabī, *Fuṣūṣ al-ḥikam*, 66.

[35] See al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 53b-54a.

Jews, Christians, and the people of other religions as well, Pharaoh is one of the people who denied God most.[36]

According to Sheikh Bālī al-Ṣofyawī's account, Ibn ʿArabī's words "… Thus, God took his soul when he was clean and purified, free from any evil or ugliness …"[37] were objected to by Chiwizāda because "this word indicates that Pharaoh was a monotheist Muslim like other Muslims."[38] He attributed to "the great mystics" (*mashāyikh-i kibār*) the phrase "the knower is the one who sees God in everything, he even sees (God) as identical to everything." He said, "This is why he regarded Pharaoh as one of the great followers of truth (*muḥaqqiq*)."[39] Chiwizāda seems to follow Ibn Taymiyya in his statement that Ibn ʿArabī's words would mean that Pharaoh was a believer; in his statement "the knower is the one who sees God in everything," which he attributes to "the great mystics;" and in his statement, "Pharaoh is regarded as one of the greatest followers of truth."

As stated above, according to Sheikh Bālī al-Ṣofyawī's information in *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, Chiwizāda criticized Ibn ʿArabī's ideas on *tanzīh-tashbīh* and "the finitude of the torment in Hell" in the question asked to Ibn Taymiyya. Nonetheless, al-Ṣofyawī does not follow the reflection of Chiwizāda's criticism and does not literally narrate some of his words, as in the case of three issues we have addressed. For instance, he explains the issue of *tanzīh-tashbīh* without mentioning Chiwizāda, only quoting Ibn ʿArabī's sentences[40] "neither is *tanzīh* distinguished from *tashbīh*, nor is *tashbīh* free from *tanzīh*"[41] and "the knower (*ʿārif*), who is competent in his knowledge, is the one who combine *tashbīh* with *tanzīh* at the same time in the issue of the knowledge of God (*maʿrifat Allāh*)."[42] Similar-

---

[36]   Ibn Taymiyya, *İbn Teymiye Külliyatı*, II, 150-151.

[37]   Ibn ʿArabī, *Fuṣūṣ al-ḥikam*, 221.

[38]   al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 53a.

[39]   *Ibid.*, 53b.

[40]   *Ibid.*, 54a.

[41]   Ibn ʿArabī, *Fuṣūṣ al-ḥikam*, 200.

[42]   Ibn ʿArabī's words that were quoted by al-Ṣofyawī must be taken from these parts in The Chapter of/on Noah (Faṣṣ Nūḥ): "If you combine two things, that is, *tashbīh* and *tanzīh*, you find the true path and become one of imāms and sayyids in the divine knowledge …;" "The one who combines *tanzīh* and *tashbīh* in the path of knowing God and describes Him with two characters (*al-Ẓāhir* and *al-*

ly, he mentions Chiwizāda's criticism on the issue of the "finitude of the torment in Hell" only in broad strokes. Therefore, al-Ṣofyawī's records are not enough to define the nature of Chiwizāda's criticisms and their relation to the ideas of Ibn Taymiyya. However, Chiwizāda's *fatwā* about the last issue, which I found during my studies, seems to resolve the problem when considered with regard to al-Ṣofyawī's relevant record.

Regarding the criticism of Chiwizāda on the issue of the "finitude of the torment in Hell," Sheikh Bālī al-Ṣofyawī quotes and interprets Ibn ʿArabī's statements, "… (they) are found in the very closeness. In this case, distance ceases to exist and the thing called 'Hell' perishes for them. Thus, they achieve the profit of closeness in terms of acquisition."[43] According to al-Ṣofyawī, with regard to such words, there is no reason to think badly (*sūʾ-i ẓann*) of al-Sheikh [Ibn ʿArabī] and *other people of God*.[44] It is understood from these statements that Chiwizāda had thought badly about Ibn ʿArabī for the latter's statements mentioned above. According to a *fatwā* that I found during my studies, Chiwizāda regards Ibn ʿArabī's sentences as "heresy." According to Chiwizāda, those who hold such views must be subject to the judgments applied to heretics. The *fatwā* is as follows:

> (Question) A sheikh says that the natures of the people of unbelief change to the nature of fire after they are tormented for one or two days in Hell. Thus, they are not affected by the pain of torment. They take a walk in Hell as they do in the world. What would be the verdict of this sheikh? May God bless you upon your answer!

> Answer: He is a heretic. The verdicts about heretics must be applied. Written by el-faqīr Sheikh Meḥmed.[45]

When we look at the views of Ibn Taymiyya, we notice a similar verdict:

> Hence Ibn ʿArabī shows the people of ʿĀd and other unbelievers as they are on the righteous path. He regards them as intertwined with

---

Bāṭin), knows himself universally, not in details. He can also understand God universally, not with the details of His names and attributes …." See Ibn ʿArabī, *Fuṣūṣ al-ḥikam*, 56, 54.

43 *Ibid.*, 113-114.

44 Al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 53a.

45 Chiwizāda, *Fatāwā ʿalā l-Fuṣūṣ*, 41a.

closeness. He holds that the people of Hell find pleasure in Hell like the people of the Heaven do in Heaven. The religion of Islam clearly reports that the people of ʿĀd and Thamūd, Pharaoh and his people, and other unbelievers whose stories are told by God are the enemies of God. These people will be tormented in Hell. God cursed them and is angry with them. So, those who praise them, regard them as the good people of God and see their place in Heaven are more un-believers than Jews and Christians.[46]

In terms of the issues addressed by Sheikh Bālī al-Ṣofyawī in *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, Chiwizāda's reasons for his opposition to Ibn ʿArabī are mentioned above. Furthermore, we need to note two more issues that are of crucial importance because they show that he follows Ibn Taymiyya in his opposition. The first of these issues is Ibn ʿArabī's opinion about the concept *khātam al-awliyāʾ* (the seal of God's friends), a subject that is criticized by Ibn Taymiyya and Chiwizāda but is not mentioned in the question asked to Ibn Taymiyya or in Sheikh Bālī al-Ṣofyawī's *Risāla fī ḥall mushkilāt al-Fuṣūṣ*. In my opinion, this issue could also be interpreted as evidence that Chiwizāda follows Ibn Taymiyya when he opposes Ibn ʿArabī. It is not coincidence that this issue is not found in the question asked to Ibn Taymiyya or in Sheikh Bālī al-Ṣofyawī's *Risāla fī ḥall mushkilāt al-Fuṣūṣ*. On the contrary, Chiwizāda might have written the treatise in which he denounced Ibn ʿArabī as an unbeliever by following the answer given by Ibn Taymiyya in response to a question asked to him, as we have attempted to prove above. Thus, Chiwizāda did not address the issue of *khātam al-awliyāʾ*, which is not found in that answer. Naturally, Sheikh Bālī al-Ṣofyawī must have followed a similar path in his refutation to Chiwizāda. Therefore, the fact that the issue of *khātam al-awliyāʾ* was not addressed by al-Ṣofyawī is a meaningful parallelism for the relationship between Chiwizāda and Ibn Taymiyya.

Furthermore, Chiwizāda's statements in one of his *fatwā*s parallel to Ibn Taymiyya's ideas. Upon reviewing Ibn ʿArabī's views on the concept of *khātam al-awliyāʾ*, Ibn Taymiyya regards them as "unbelief" and "heterodoxy:"

> … Thus Ibn ʿArabī regarded *khātam al-awliyāʾ* as more knowledge-able of God than all prophets (*nabī*s and *rasūl*s). He held that proph-

---

46   Ibn Taymiyya, *İbn Teymiye Külliyatı*, II, 155-156.

ets can see the knowledge about God in the light of *khātam al-awliyāʾ* … He said so because it was not possible to accept any *nabī*s and *rasūl*s after the Prophet (pbuh). This is pure unbelief … In addition, Ibn ʿArabī's ideas that there is a *khātam al-awliyāʾ* who comes to the earth at the end of time, that he is superior to all sages who lived before him, that he is in the position of *khātam al-anbiyāʾ* (the seal of the prophets) among other sages in comparison to other prophets are clearly heretical views.[47]

Similar to Ibn Taymiyya when he was asked about the same issue, Chiwizāda concluded that the holder of these views is an unbeliever:

Question: What is the religious verdict of those people who know that al-Sheikh Muḥyī al-Dīn ʿArabī stated in his *al-Fuṣūṣ* that *khātam al-awliyāʾ* is better than *khātam al-rusul* and in his *al-Futūḥāt* that "I am the *khātam al-awliyāʾ*," who says that Ibn ʿArabī's words are right so believe in them accordingly or see them as possible to be true?

Answer: He becomes an unbeliever, may Allah protect us from falling in that.
Chiwizāda.[48]

The second issue that we need to note is that Chiwizāda's judgments about the teachings of Ibn ʿArabī in his *fatwā*s are in parallel to those of Ibn Taymiyya. For instance, regarding the leaders of *waḥdat al-wujūd*, Ibn Taymiyya states that they must be (*wājib*) killed and that their repentances should not be accepted when they are seized:

The situation of these people of *waḥdat al-wujūd* is the same. Their leaders are the pioneers of unbelief and they must be killed. When they are seized at the time they have not repented yet, their repentances are not accepted anymore.[49]

Like Ibn Taymiyya, in his *fatwā*s, one of which is quoted above and the other about the believers in the truthfulness of Ibn ʿArabī's

---

[47]   *Ibid.*, II, 232-234.

[48]   Lālī, *Majmaʿ*, 12b-13a. For this *fatwā* see also MS Istanbul: Süleymaniye Library, Reşid Efendi, 1036, 129b. As stated by Özen (see "Ottoman *ʿUlamāʾ* Debating Sufism," 336), Ibn al-Adhamī wrongly attributed this *fatwā* to Kamālpashazāda. See Ibn al-Adhamī, *Majmūʿa*, 12a.

[49]   Ibn Taymiyya, *İbn Teymiye Külliyatı*, II, 157.

ideas in *Fuṣūṣ al-ḥikam*, Chiwizāda stated that those people must be killed and that their repentances are not accepted upon their seizure:

Answer: He is a heretic (*zindīq*) and must be killed. He cannot escape the death penalty upon seizure, even if he repents.
Written by al-Sheikh Meḥmed.[50]

(Question:) There is a group called "Malāmiyya." These people hang "çeke" around their necks and say *lā ilāhᵃ illā llāh?*. They walk down the streets of market places. They completely understand the words written in the book *al-Fuṣūṣ* and believe in them as truth. They insist on such beliefs. They contaminate the beliefs of common people with words which are contrary to the noble religion and misguide them. What is the verdict on those people?

Answer: The author of the book called *al-Fuṣūṣ* is Ibn ʿArabī. This book includes many things from *kufr*, *ilḥād*, and *zandaqa*. There is no doubt that the one who understands it and holds it true is a heretic. He must be killed and cannot escape death after he repents upon his seizure. He is not like other unbelievers.
Written by el-faqīr Sheikh Meḥmed.[51]

---

50 Chiwizāda, *Fatāwā ʿalā l-Fuṣūṣ*, 40a-b.

51 *Ibid.*, 41a. In this regard, we must touch upon another interesting issue stated by Sheikh Bālī al-Ṣofyawī. According to al-Ṣofyawī, at the end of his treatise, Chiwizāda stated that some scholars had refuted *Fuṣūṣ*, including "al-Sheikh Badr al-Dīn, Sheikh al-muḥaddithīn, Imām al-Shāfiʿiyya, and Qāḍī Saʿd al-Dīn." These names mentioned by Chiwizāda gain importance for the question of whom he followed in his opposition to Ibn ʿArabī. This is because these names, when they are examined in terms of the environment to which they belong, whether they include Ibn Taymiyya, and what this means in the context of the parallel-ism/relationship among the texts analyzed above, might provide some clues. Let me state clearly that I have not reached any conclusion about the identification of these names. The person known as "Qāḍī Saʿd al-Dīn" might be the famous Saʿd al-Dīn al-Taftāzānī, who is known as a dissident of Ibn ʿArabī. Thus, for now, I will not provide further examination of this important question. The original of al-Ṣofyawī's record is as follows: ثم قال في آخر رسالته و قد رد على *الفصوص* جماعة من العلماء منهم الشيخ بدر الدين شيخ المحدثين و إمام الشافعية و القاضي سعد الدين آه. See al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 54a; see also al-Kafawī, *Katāʾib*, 248b. In this issue, see also Tek, "Fusûsu'l-Hikem'e Yönelik ...," 132. Apart from this record, one might ask, "Why did al-Ṣofyawī not mention Ibn Taymiyya against Chiwizāda's criticisms toward Ibn ʿArabī and the fact that he had followed Ibn Taymiyya?" I would answer this question as follows. Al-Ṣofyawī was not aware of

Lastly, I would like to briefly address the issue of the historical ground and possibility of the above-mentioned intellectual parallelism/relationship between Chiwizāda and Ibn Taymiyya. First, let me state that, regardless of the context of the opposition to Ibn ʿArabī or in any other issue, Chiwizāda had the opportunity to be directly or indirectly informed of or influenced by the views of Ibn Taymiyya. Chiwizāda went to Cairo during his career in the Ottoman scholarly environment – most likely in 937/1530-31 – after he was appointed the judge of Egypt. He served as judge there until 944/1537, about six years.[52] According to the writings of XVIth-century biographers such as Taqī al-Dīn al-Tamīmī (d. 1005/1596-97) and ʿAbd al-Wahhāb al-Shaʿrānī (d. 973/1565), Chiwizāda settled relationships in this period with scholars belonging to different schools and environments, such as al-Imām al-ʿAllāma Naṣīr al-Dīn al-Laqānī al-Mālikī (d. 958/1551), al-Sheikh al-ʿAllāma Naṣīr al-Dīn al-Ṭablāwī al-Shāfiʿī, Shihāb al-Dīn Ibn ʿAbd al-Ḥaqq al-Sunbāṭī, Ibn al-Ḥalabī, al-Ghazzī, Aḥmad ibn Aḥmad Shihāb al-Dīn al-Ramlī al-Anṣārī (d. 957/1550), al-Barhamtūshī,[53] and ʿAlī Nūr al-Dīn al-Ṭarābulusī. Chiwizāda's relationships with these scholars were sometimes positive and sometimes negative.[54] Moreover, Chiwizāda got *ijāza* in ḥadīth from the Egyptian Shāfiʿī scholar al-Sayyid al-Sharīf ʿAbd al-Raḥīm al-ʿAbbāsī (d. 963/1555-56), who lived sometime in Istanbul, and from Ibn al-Najjār

---

this situation when he wrote his treatise, in which he quoted from Chiwizāda. Even if he was aware, he could not have mentioned it as an anti-"accusation." Furthermore, in comparison with the scholars who refuted *Fuṣūṣ*, as stated by Chiwizāda, al-Ṣofyawī lists those scholars who supported his claim, such as Fakhr al-Rāzī, al-Qāḍī al-Bayḍāwī, Mawlānā al-Fanārī, Mawlānā al-ʿArab, Ibn al-Khaṭīb, Ibn al-Afḍal, ʿAlī Chalabī, Kamālpashazāda, and Ibn Bahāʾ al-Dīn. In terms of the differences among the scientific views of scholars, this can be taken as another clue to support our case. For this record, see al-Ṣofyawī, *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, 54b; see also Tek, "Fusûsu'l-Hikem'e Yönelik …," 132-133.

[52] See Nawʿīzāda ʿAṭāʾ Allāh Efendī ʿAṭāʾī, *Ḥadāʾiq al-ḥaqāʾiq fī takmilat al-Shaqāʾiq*, in *Şakaik-ı Nuʿmaniye ve Zeyilleri* (vol. II: ed. Abdülkadir Özcan; Istanbul: Çağrı Yayınları, 1989), 137; Taqī al-Dīn ibn ʿAbd al-Qādir al-Tamīmī, *al-Ṭabaqāt al-saniyya fī tarājim al-Ḥanafiyya* (MS Istanbul: Süleymaniye Library, Süleymaniye, 829), 366a.

[53] Al-Tamīmī, *ibid*., 366a.

[54] Michael Winter, *Society and Religion in Early Ottoman Egypt: Studies in the Writings of ʿAbd al-Wahhāb al-Shaʿrānī* (New Brunswick, NJ: Transaction Publishers, 1982), 226.

(d. 949/1542-43), who was "from the last Arabic speaking Ḥanbalī chief-judges of Egypt" and was "a dissident of Sufism in his early times."[55] Additionally, in Istanbul, he was in contact with the famous Ibrāhīm al-Ḥalabī (d. 956/1549-50), the author of *Niʿmat al-dharīʿa fī nuṣrat al-sharīʿa*, who seems to have played an important role in the formation of the opposition to Ibn ʿArabī in the Ottoman capital in the XVIth century.[56] Therefore, it is not incorrect to assume that Chiwizāda might have seen the works of many scholars belonging to different traditions who opposed Ibn ʿArabī, including Ibn Taymiyya. Chiwizāda might have been influenced by these scholars when forming his critical views of Ibn ʿArabī.

At this point, we must note an intriguing difference between Chiwizāda and the scholars who were critics of Ibn ʿArabī in Istanbul. Ibrāhīm al-Ḥalabī and Sheikh al-islām Saʿdī Chalabī (d. 945/1539) were important scholars who opposed Ibn ʿArabī in the Ottoman capital in Chiwizāda's time. Theoretically, these two could be the ones who influenced Chiwizāda. Ibrāhīm al-Ḥalabī may have been more influential because he wrote two different works against Ibn ʿArabī. In his *Niʿmat al-dharīʿa fī nuṣrat al-sharīʿa*, he mostly attacks the idea of *waḥdat al-wujūd* and describes Ibn ʿArabī as a heretic (*zindīq* and *mulḥid*).[57] As the contemporary Saudi Arabian researcher Abū l-Faḍl Muḥammad al-Qūnawī states, he takes into account "the principle which Ibn Taymiyya and other scholars had considered in

---

[55]   Al-Tamīmī, *ibid.*, 366b. For Shihāb al-Dīn Aḥmad al-Futūḥī (d. 949/1542-43), who was one of the most important Ḥanbalī scholars in the first half of the XVIth century and was known as Ibn al-Najjār (based on ʿAbd al-Wahhāb al-Shaʿrānī), see Winter, *ibid.*, 227, 244. Ibn al-Najjār al-Futūḥī who was also known as Ibn al-Najjār, like Shihāb al-Dīn Aḥmad al-Futūḥī, was later appointed as Ḥanbalī *qāḍī l-quḍāt* of Egypt. See Ferhat Koca, "İbnü'n-Neccâr el-Fütûhî," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XXI, 170-171.

[56]   As stated by Özen, Chiwizāda (and Sheikh al-islām Saʿdī Chalabī) wrote forewords (appreciation) for the work of Ibrāhīm al-Ḥalabī in which he refuted Ibn ʿArabī's ideas (Özen, "Ottoman *ʿUlamāʾ* Debating Sufism," 326). For these forewords, see Ibrāhīm ibn Muḥammad ibn Ibrāhīm al-Ḥalabī, *Niʿmat al-dharīʿa fī nuṣrat al-sharīʿa* (MS Istanbul: Süleymaniye Library, Laleli, 2453), 1a. For a short biography of Ibrāhīm al-Ḥalabī, see Şükrü Selim Has, "Halebî, İbrâhim b. Muhammed," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XV, 231-232.

[57]   See al-Ḥalabī, *Niʿmat al-dharīʿa*, 1b-72b. This treatise is translated into Turkish. See *Vahdet-i Vucud* (translated into Turkish by Ahmet Dündar; Istanbul: Tevhid Yayınları, 1999), 1-199.

dealing with the disease."[58] In other words, al-Qūnawī holds that Ibrāhīm al-Ḥalabī did not follow Ibn Taymiyya when he criticized Ibn ʿArabī. Alexander Knysh provides some information about the issue, referring to ʿUthmān Yaḥyā, the publisher of Ibn ʿArabī's works. According to him, in the mentioned treatise, al-Ḥalabī followed al-Taftāzānī's treatise/thesis on the subject.[59] This means that Ibrāhīm al-Ḥalabī followed al-Taftāzānī, not Ibn Taymiyya, in his criticism of Ibn ʿArabī.

Sheikh al-islām Saʿdī Chalabī was in close contact and "cooperation" with Ibrāhīm al-Ḥalabī. He was asked to issue a *fatwā*[60] about Ibn ʿArabī's ideas in *Fuṣūṣ al-ḥikam,* such as the idea that the human is like the eyeball of God, the meaning of worshipping idols, the idea that God is purified (*munazzah*) and people are resembled (*mushabbah*), and the torment in Hell (*waʿīd*). According to the findings of Şükrü Özen, the question part (*masʾala*) of the *fatwā* is identical to the question asked to the Mamluk scholars.[61] In this *fatwā*, Saʿdī Chalabī responds that some of these views of Ibn ʿArabī are sophistry, some of them are heresy (*zandaqa, ilḥād*), and some are a "denial of the basic religious principles" and that anyone who affirms them or is hesitant about them becomes an unbeliever. Furthermore, supporters of these views, if they do not repent, are to be killed with "the sword of religious law," and those who hear these views should deny them.[62] The expressions in this response of Saʿdī Chalabī do not have intriguing similarities in style to those of Ibn Taymiyya. Thus, it is not probable that Saʿdī Chalabī followed the path of Ibn Taymiyya when he criticized Ibn ʿArabī.

However, as I attempt to prove, especially according to the information narrated by Sheikh Bālī al-Ṣofyawī, Chiwizāda repeats some words of Ibn Taymiyya when he criticizes Ibn ʿArabī. From this point of view, Chiwizāda is in a different position from that of Ibrāhīm al-

---

[58] Al-Ḥalabī, *Vahdet-i Vucud,* 7-8.

[59] Knysh, *Ibn ʿArabī in the Later Islamic Tradition*, 164.

[60] Saʿd al-Dīn Saʿdī Chalabī ibn ʿĪsā al-Qasṭamūnī, *Ṣūrat-i Fatwā Sheikh al-islām Saʿdī Efendī* (MS Istanbul: Süleymaniye Library, Hacı Mahmud Efendi, 2680), 71a-b.

[61] Özen, "Ottoman *ʿUlamāʾ* Debating Sufism," 325-326.

[62] Saʿdī Chalabī, *ibid*., 71a-b. See also Özen, "Otoman *ʿUlamāʾ* Debating Sufism," 325-326.

Ḥalabī and Saʿdī Chalabī, at least in terms of al-Ṣofyawī's account. This position cannot only be explained by the fact that Ibn Taymiyya's ideas about Ibn ʿArabī became "anonymous" in time and thus affected Chiwizāda. We also cannot also explain it with a common "breeze of Ibn Taymiyya" that is found in every anti-Ibn ʿArabī stance.

Conclusion

Chiwizāda's criticisms toward Ibn ʿArabī especially those found in Sheikh Bālī al-Ṣofyawī's *Risāla fī ḥall mushkilāt al-Fuṣūṣ*, in my opinion, are rooted in the Salafī scholar Ibn Taymiyya, who was at the top of the critics of Ibn ʿArabī. This is because these criticisms of Chiwizāda have interesting similarities, both in content and style, to the text which includes a question asked to Ibn Taymiyya about *Fuṣūṣ al-ḥikam* and his answer. In other words, Chiwizāda seems to level his criticisms toward Ibn ʿArabī, literally following the ideas/statements that are found in the text belonging to Ibn Taymiyya. Historically, there is the probability that Chiwizāda is aware of Ibn Taymiyya's ideas, either directly or indirectly. Therefore, Chiwizāda must have been influenced, either deliberately or unknowingly, by Ibn Taymiyya's views. The possibility that scholars who belong to different traditions might have arrived at the same criticisms toward Ibn ʿArabī is weak. If the available, if scarce, information and its analysis do not lead us to a serious mistake, the above-mentioned situation is very meaningful in terms of discussions about the influence of Salafī thought on the Ottoman scientific tradition.

REFERENCES

Abū l- Suʿūd, Muḥammad ibn Muḥammad ibn Muṣṭafā al-ʿImādī, *Fatāwā-yi Abū l-Suʿūd* (compiled by Walī ibn Yagān; MS Istanbul: Süleymaniye Library, İsmihan Sultan, 226).

Chodkiewicz, Michel, "İbn Arabî'nin Öğretisinin Osmanlı Dünyasında Karşılanışı," in Ahmet Yaşar Ocak (ed.), *Osmanlı Toplumunda Tasavvuf ve Sufiler: Kaynaklar, Doktrin, Ayin ve Erkan, Tarikatlar, Edebiyat, Mimari, Ikonografi, Modernizm* (Ankara: Türk Tarih Kurumu Yayınları, 2005), 89-111.

Chiwizāda, Muḥyī al-Dīn Sheikh Meḥmed Efendī, *Fatāwā ʿalā l-Fuṣūṣ*, in *Dafʿ al-Fuṣūṣ* (MS Ankara: Ankara University Faculty of Theology Library, 37208), 36b-41b.

Gel, Mehmet, *XVI. Yüzyılın İlk Yarısında Osmanlı Toplumunun Dinî Mese- lelerine Muhalif Bir Yaklaşım: Şeyhülislam Çivizâde Muhyiddin Mehmed Efendi ve Fikirleri Üzerine Bir İnceleme* (PhD dissertation; Ankara: Gazi University, 2010).

Gelibolulu Muṣṭafā ʿĀlī Efendī, *Kunh al-akhbār* (MS Istanbul: Süleymaniye Library, Hamidiye, 914).

al-Ghazzī, Abū l-Makārim Najm al-Dīn Muḥammad ibn Muḥammad, *al- Kawākib al-sāʾira bi-aʿyān al-miʾa al-ʿāshira*, 3 vols., (ed. Jabrāʾīl Sulaymān Jabbūr; 2ⁿᵈ edn., Beirut: Dār al-Āfāq al-Jadīda, 1979).

al-Ḥalabī, Ibrāhīm ibn Muḥammad ibn Ibrāhīm, *Niʿmat al-dharīʿa fī nuṣrat al-sharīʿa* (MS Istanbul: Süleymaniye Library, Laleli, 2453).

_____ *Vahdet-i Vucud* (translated into Turkish by Ahmet Dündar; Istanbul: Tevhid Yayınları, 1999).

Has, Şükrü Selim, "Halebî, İbrâhim b. Muhammed," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XV, 231-232.

Ibn al-Adhamī al-Maghnisāwī, Saʿīd ibn Ḥusām al-Dīn, *Majmūʿat al-fatāwā* (MS Istanbul: Âtıf Efendi Library, Âtıf Efendi, 2835), 1b-70b.

Ibn ʿArabī, Abū ʿAbd Allāh Muḥyī al-Dīn Muḥammad ibn ʿAlī, *Fusûsu'l- hikem* [= *Fuṣūṣ al-ḥikam*] (translated into Turkish by Nuri Genços- man; Istanbul: Milli Eğitim Bakanlığı Yayınları, 1992).

_____ [as Ibn Al'Arabi], *The Bezels of Wisdom* [= *Fuṣūṣ al-ḥikam*] (translated into English by Ralph W. J. Austin; Mahwah, NJ: Paulist Press, 1980).

Ibn Taymiyya, Abū l-ʿAbbās Taqī al-Dīn Aḥmad ibn ʿAbd al-Ḥalīm, *İbn Tey- miye Külliyatı*, 9 vols., (vol. II: translated into Turkish by Yusuf Işıcık, Ahmet Önkal, Sait Şimşek, and İ. Hakkı Sezer; Istanbul: Tevhid Yayın- ları, 1987).

Ibn Ṭūlūn, Abū l-Faḍl Shams al-Dīn Muḥammad ibn ʿAlī ibn Aḥmad al-Ṣaliḥī al-Dimashqī, *Ḥawādith Dimashq al-yawmiyya: Ghadāt al-ghazw al- ʿUthmānī li-l-Shām, 926-951 H.: Ṣafaḥāt mafqūda tunshar li-l- marra al-ūlā min kitāb* Mufākahat al-khillān fī ḥawādith al-zamān *li- Ibn Ṭūlūn al-Dimashqī* (ed. Aḥmad Ībish; Damascus: Dār al-Awāʾil, 2002).

İpşirli, Mehmet, "Çivizâde Muhyiddin Mehmed Efendi," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), VIII, 348-349.

al-Kafawī, Maḥmūd ibn Sulaymān, *Katāʾib aʿlām al-akhyār min fuqahāʾ madhhab al-Nuʿmān al-mukhtār* (MS Istanbul: Süleymaniye Library, Reisülküttab, 690).

Kara, Mustafa, "Bâlî Efendi, Sofyalı," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), V, 20-21.

_____ "İbn Teymiye'nin İbn Arabî'ye ve Vahdet-i Vücuda Bakışı," in his *Dervişin Hayatı Sûfînin Kelâmı: Hal Tercümeleri/Tarikatlar/Istılahlar* (Istanbul: Dergâh Yayınları, 2005), 173-188.

Kātib Chalabī, Ḥājī Khalīfa Muṣṭafā ibn ʿAbd Allāh, *Kashf al-ẓunūn ʿan asāmī l-kutub wa-l-funūn*, 2 vols., (ed. M. Şerefeddin Yaltkaya and Kilisli Rifat Bilge; Istanbul: Maarif Matbaası, 1941-1943).

Kılıç, M. Erol, "İbnü'l-Arabî, Muhiddin," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XX, 493-516.

Knysh, Alexander D., *Ibn ʿArabī in the Later Islamic Tradition: The Making of a Polemical Image in Medieval Islam* (Albany, NY: State University of New York Press, 1999).

Koca, Ferhat, "İbnü'n-Neccâr el-Fütûhî," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XXI, 170-171.

Lālī, Sayyid Aḥmad Chalabī ibn Muṣṭafā al-Şārukhānī, *Majmaʿ al-masāʾil al-sharʿiyya fī ʿulūm al-dīniyya* (MS Istanbul: Süleymaniye Library, Şehid Ali Paşa, 1066), 1a-179b.

Nawʿīzāda ʿAṭāʾ Allāh Efendī ʿAṭāʾī, *Ḥadāʾiq al-ḥaqāʾiq fī takmilat al-Shaqāʾiq* (in *Şakaik-ı Nuʿmaniye ve Zeyilleri*, vol. II: ed. Abdülkadir Özcan; Istanbul: Çağrı Yayınları, 1989).

Özen, Şükrü, "Ottoman *ʿUlamāʾ* Debating Sufism: Settling the Conflict on the Ibn al-ʿArabī's Legacy by *Fatwā*s," *El Sufismo y las normas del Islam: Trabajos del IV Congreso Internacional de Estudios Jurídicos Islámicos: Derecho y Sufismo, Murcia, 7-10 Mayo 2003* (ed. Alfonso Carmona; Murcia: Editora Regional de Murcia Colection Ibn Arabi, 2006), 309-341.

Saʿdī Chalabī, Saʿd al-Dīn ibn ʿĪsā al-Qasṭamūnī, *Ṣūrat-i Fatwā Sheikh al-islām Saʿdī Efendī* (MS Istanbul: Süleymaniye Library, Hacı Mahmud Efendi, 2680), 71a-b.

al-Şofyawī, Sheikh Bālī, *Risāla fī ḥall mushkilat al-Fuṣūṣ* (MS Istanbul: Süleymaniye Library, Pertev Paşa, 621), 36a-38a.

_____ *Risāla fī ḥall mushkilāt al-Fuṣūṣ* (MS Istanbul: Süleymaniye Library, Reisülküttab, 1166/8), 52a-54b.

al-Tamīmī, Taqī al-Dīn ibn ʿAbd al-Qādir, *al-Ṭabaqāt al-saniyya fī tarājim al-Ḥanafiyya* (MS Istanbul: Süleymaniye Library, Süleymaniye, 829).

Tek, Abdurrezzak, "Fusûsu'l-Hikem'e Yönelik Bazı Tartışmalı Konulara Sof-yalı Bâlî Efendi'nin Bakışı," *Uludağ Üniversitesi İlahiyat Fakültesi Dergisi* 14/2 (2005), 107-133.

Winter, Michael, *Society and Religion in Early Ottoman Egypt: Studies in the Writings of ʿAbd al-Wahhāb al-Shaʿrānī* (New Brunswick, NJ: Trans-action Publishers, 1982).

JEWS IN THE OTTOMAN *MILLET* SYSTEM AND THEIR JUDICIAL STATUS
A Family Law Review

Ahmet Yaman

Necmettin Erbakan University, Konya-Turkey

Abstract

In Ottoman society, which was formed on the basis of the "*millet* system" with the conquest of Istanbul, freedom of faith and opinion among the communities composing this society, which included the members of various religions and parties of society, was guaranteed. With regard to certain rights of self-determination, judicial acts and cases that concerned private law were resolved according to the laws and customs of each community. Along with the Rūms and Armenians, Jews composed a significant part in the Ottoman *millet* system. Due to its multinational and multi-confessional social structure, the Ottoman Empire respected the religions and cultures of individuals in relation to private law. One of the fields in which this respect can be observed is the field of family law. *Qāḍī*s valued the consideration of the parties and made decisions by taking those considerations into account. This sensitivity was exhibited in the preparation of the last example of Ottoman legislation, the *Ḥuqūq-i ʿĀʾila Qarār-nāmasi* (*Hukûk-ı Âile Kararnâmesi* [*Decree of the Family Law*]), and the provisions "involving Jews and Christians" were established separately. This study will examine the place of Jews in the Ottoman social order and their judicial status. The study will conclude with some evaluations comparing Jewish customs and the rules of family law that were applied to the Ottoman Jews within the framework of *Ḥuqūq-i ʿĀʾila Qarār-nāmasi*, dated 1917.

Key Words: Jews, Ottoman Legislation of 1917, family law, non-Muslims, *dhimma*, *dhimmī*

Introduction

The *Ḥuqūq-i ʿĀʾila Qarār-nāmasi* (*Hukûk-ı Âile Kararnâmesi* [*Decree of the Family Law*], henceforth *HAQ*), which went into effect by the imperial decree of Sultan Meḥmed V Rashād (d. 1918) dated Muḥarram 8, 1336 / October 25, 1917, constitutes the last circle of the legislation efforts in the modern sense of the Ottoman Empire, which dates back to the *Majalla*. As described in the document of motivation (*asbāb-i mūjiba lāyiḥasi*), this codification, which, due to certain concerns, is of the nature of a "decree law" rather than a "law," is the first code to take effect in the Muslim world.[1]

The aforementioned *HAQ*, which introduced many innovations to Islamic law as well as to the history of Ottoman law, was prepared in a way that could be applied to all citizens of the Ottoman Empire, which retained the identity of an empire at the time the *HAQ* took effect. In other words, the *HAQ* was effective not only for Muslim citizens but also for non-Muslims. This is why the *HAQ* established provisions "involving Jews" and provisions "involving Christians."

By doing so, acts of marriage and divorce (*ṭalāq*) that non-Muslim communities had been carrying out among themselves and cases concerning these acts were taken under the control of the Empire. In a manner of speaking, unity in the judiciary was meant to be assured. This implementation was the result of the policy to legislate for all Ottoman citizens in accordance with the principle of *liberty*, recognized by the *Khaṭṭ-i sharīf of Gulkhāna* (*Gülhâne Hatt-ı Şerîfi* [*Rescript of the Rose Chamber of 1839*]) and followed by *Qānūn-i Asāsī* (*Kânûn-i Esâsî* [*the Ottoman Constitution of 1876*]) after the end of the *millet* system, which had been applied since Meḥmed II. The implementation was actually a result of the reform process introduced by the *Tanẓīmāt* movement.

Within the framework of the *HAQ*, this study will present a two-step examination of the family law applied to the Ottoman Jews. First, Jews' place in the Ottoman *millet* system and their judicial status will

---

[1] Prior to the *Ḥuqūq-i ʿĀʾila Qarār-nāmasi*, a project consisting of 647 articles titled *al-Aḥkām al-sharʿiyya fī l-aḥwāl al-shakhṣiyya* (Cairo: Maṭbaʿa-i Hindiyya, 1900), which was probably prepared in 1292/1875 by Muḥammad Qadrī Pasha, the Minister of Justice in Egypt, could not take effect. See Mehmet Akif Aydın, "el-Ahkâmü'ş-Şerʿiyye fi'l-Ahvâli'ş-Şahsiyye," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), I, 557.

be reviewed, and then the regulation will be evaluated within the framework of the *HAQ*.

I. Jews in the Ottoman Millet System and Their Judicial Status

With the conquest of Istanbul, Ottoman society was formed on the basis of the *millet* system and with respect to certain rights of autonomy recognized to the *millet*s, the members of various religions. Thus, judicial acts or cases pertaining to the field of private law were resolved by application of the specific laws and customs of each *millet* (which was not a racial but a religion-based concept).[2] Although complete self-determination was not the case (and was out of question because it would have contradicted the sovereignty of the state), non-Muslims enjoyed complete freedom to fulfill the requirements of their own religions under the leadership of their spiritual leaders to such an extent that they could even perform certain acts that were strictly prohibited by Islamic law,[3] which was the basic law and the source of reference of the Ottoman Empire.

Those who doubt the greatness of this autonomy,[4] which was summarized by the firman, "Shall they manage all acts and cases of any kind through the means of the related patriarch," do not hesitate to acknowledge that with regard to family law, non-Muslims had an almost unlimited judicial autonomy. Marriage, divorce, and other acts and cases related to these issues were left exclusively to the spiritual leaders.[5]

---

[2] Joseph R. Hacker, "Ottoman Policy toward the Jews and Jewish Attitudes toward the Ottomans during the Fifteenth Century," in Benjamin Braude and Bernard Lewis (eds.), *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society* (New York, NY: Holmes & Meier Publishers, 1982), I (*The Central Lands*), 117, 122; İlber Ortaylı, "Millet: Osmanlılar'da Millet Sistemi," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XXX, 66-67; M. Macit Kenanoğlu, *Osmanlı Millet Sistemi: Mit ve Gerçek* (Istanbul: Klasik Yayınları, 2004), 34, 44, 245.

[3] For instance, producing alcoholic drinks, raising and eating pigs, and marrying one's *maḥram*s could be noted here.

[4] For certain doubts of Benjamin Braude, Kevork Bardakcıyan, Joseph R. Hacker, and Macit M. Kenanoğlu, see Kenanoğlu, *Osmanlı Millet Sistemi*, 38-56, 245.

[5] See Stanford J. Shaw, *The Jews of the Ottoman Empire and the Turkish Republic* (Hong Kong: Macmillan, 1991), 60-61; Yavuz Ercan, *Osmanlı Yönetiminde Gayri Müslimler: Kuruluştan Tanzimat'a Kadar Sosyal, Ekonomik ve Hukukî Durumları* (Ankara: Turhan Kitabevi, 2001), 203; Kenanoğlu, *Osmanlı Millet Sistemi*,

From its foundation by way of a marriage to its end, the central administration of the Ottoman Empire left the field of family law to the spiritual leaders and prevented interference from the outside, even from the side of Muslims. Orders required *qāḍī*s and *imām*s not to interfere with the procedures of marriage of non-Muslims but to be sensitive in their circumscription and to control local *imām*s who exceeded their competence by performing marriages for non-Muslims.[6] It was not verified whether non-Muslims carried out their procedures of marriage and divorce in accordance with their religion ("in accordance with their own rituals," as expressed in the documents). The *ahl-i ʿurf* [Officer of Custom] who conducted this inspection was equipped with the power to nullify any act that would be considered illicit according to the law and custom of the religious group involved. Additionally, there were attempts to prevent *ahl-i ʿurf*s from bribing the spiritual leaders validate illicit marriages.[7] The Ottoman sensitivity in regulating the field of family law by taking specific religions into consideration was so advanced that it went even further, exiling or imprisoning religious men who allowed illicit marriages that were not supported by their religion.[8]

It is unlikely that a state that was so sensitive about guaranteeing the free application of religious law for members of other religions in addition to Christians and Jews would pressure non-Muslim citizens[9]

245; Colin Imber, *Osmanlı İmparatorluğu 1300-1650: İktidarın Yapısı* [= *The Ottoman Empire 1300-1650: The Structure of Power*] (translated into Turkish by Şiar Yalçın; Istanbul: İstanbul Bilgi Üniversitesi Yayınları, 2006), 283-284; Hacker, "Ottoman Policy ...," 117; id., "Jewish Autonomy in the Ottoman Empire, Its Scope and Limits: Jewish Courts from the Sixteenth to the Eighteenth Centuries," in Avigdor Levy (ed.), *The Jews of the Ottoman Empire* (Princeton, NJ: Darwin Press, 1994), 153 ff.

6   *Kulliyyāt-i Qawānīn*, vol. II, no: 3991; vol. III, no: 3992, cited in Kenanoğlu, *Osmanlı Millet Sistemi*, 246.

7   *Kulliyyāt-i Qawānīn*, vol. III, no: 3993; vol. IV, no: 3994, cited in Kenanoğlu, *ibid.*, 246.

8   Kenanoğlu, *ibid.*, 247.

9   Here, it should be noted that the words *minority* or *aqalliyya* (small group) are deliberately not used. In Islamic societies, there is no minority; instead, it is "citizens" who are bound to the state by contract. In these societies, strangers are either tourists or enemy warriors, and they are treated according to these statuses. For the idea that the concept of *minority* did not exist in Ottoman society and that the word *aqalliyya* (small group) was used only in the last decade of the

in other cases. In fact, tens of studies[10] based on searches of thousands of archival documents and court registers prove that non-Muslims lived freely within the Ottoman territory. Two examples leave no need for any further comment on this issue:

* To prevent the acceptance of Islam by force, the procedure required that non-Muslims must state in front of the court and witnesses (or, in later periods, before the interpreter of the consulate) that they became Muslim by their own consent and without pressure.[11]

* According to a survey conducted on the *sharīʿa* court registers of Cyprus, between 1786 and 1834 (over a period of fifty years), only seven cases occurred between Muslims and non-Muslims. Because one of the parties was Muslim, at the end of six cases of the seven cases in *sharīʿa* courts, the non-Muslim party was considered rightful.[12]

Islam constitutes the main framework of reference for itself, so the pre-Tanẓīmāt Ottoman practice summarized herein essentially depends upon the Islamic concept of *dhimma*. The Qurʾān, which emphasizes that the pluralism of religion in society is Allah's own wish,[13] has established provisions to guarantee the freedom of religion and opinion.[14] Through his personal attitude along with the commands he

---

Empire, see Ortaylı, "Gayri Müslimlerin Hukuki ve Günlük Yaşamdaki Durumları – Osmanlı İmparatorluğundan Türkiye Cumhuriyetine [Die rechtliche und alltagskulturelle Situation der Nichtmuslime – vom Osmanischen Reich zur Türkischen Republik]," *Türkiye ve Avrupa'da Çok Dinli Yaşam – Geçmişte ve Günümüzde* [*Multireligiöses Zusammenleben in Der Türkei und in Europa – Gestern und Heute*] (Ankara: Konrad-Adenauer-Stiftung Yayınları, 2006), 19; id., "Millet: Osmanlılar'da Millet Sistemi," XXX, 67.

[10] Although inadequate, for a list of surveys on the subject, see Erhan Afyoncu, *Tanzimat Öncesi Osmanlı Araştırma Rehberi* (Istanbul: Yeditepe Yayınevi, 2007), 489-493.

[11] Gülnihâl Bozkurt, *Alman-İngiliz Belgelerinin ve Siyasi Gelişmelerin Işığı Altında Gayrimüslim Osmanlı Vatandaşlarının Hukukî Durumu (1839-1914)* (Ankara: Türk Tarih Kurumu Yayınları, 1996), 134.

[12] Ahmet B. Ercilasun, "Hristiyan Teb'aya Karşı Türk Toleransı," *Türk Kültürü* 24/264 (1985), 39-40; see Kenanoğlu, *Osmanlı Millet Sistemi*, 283.

[13] Q 5:48; Q 10:99.

[14] Q 2:26; Q 10:99; Q 18:29; Q 88:21-22.

gave, the Prophet embodied the institution of *dhimma*,[15] which means guaranteeing in the territory ruled by Muslims that non-Muslims live as citizens and that they benefit from a substantial judicial autonomy.

Furthermore, the following are stipulations of the Constitution of Medina, the first written constitution of the history of law:

> Amongst Jews, those who have submitted to us are to be treated well and helped without injustice, nor is it allowed to support those who are against them.

> The Jews of ʿAwf, compose an *umma* together with the Muslims. The religion of the Jews is to themselves, and that of the Muslims is to themselves. This applies to themselves as well as their associates, as long as they don't do injustice or commit crime. One, who commits a crime or does an injustice, hurts only his family and himself.[16]

The Prophet endeavored to protect the rights of non-Muslims based on his authority. For example, in a message he sent to the King of Ḥimyar in South Arabia, he established as a condition that Jews and Christians desiring to preserve their religion should not be permitted. In the *amān-nāma* (permission paper) he gave to the Christians of Najrān, he declared that he himself was the guarantee of their properties, their lives, their religions and rituals, their families, and their temples.[17]

Based on the divine instructions in the rule, "They have rights and obligations just like the Muslims," Muslim jurists have emphasized that non-Muslims "should be let free with their religion."[18]

---

[15] For the details, see Abū ʿAbd Allāh Shams al-Dīn Muḥammad Ibn Qayyim al-Jawziyya, *Aḥkām ahl al-dhimma* (3rd edn., Beirut: Dār al-ʿIlm li-l-Malāyīn, 1983); ʿAbd al-Karīm Zaydān, *Aḥkām al-dhimmiyyīn wa-l-mustaʾmanīn fī dār al-Islām* (Beirut: Muʾassasat al-Risāla, 1982); Ahmet Yaman, *İslam Hukukunda Uluslararası İlişkiler* (Ankara: Fecr Yayınevi, 1998).

[16] For the entire Constitution along with Articles 16 and 25 cited above, see Muḥammad Ḥamīdullāh, *Majmūʿat al-wathāʾiq al-siyāsiyya li-l-ʿahd al-nabawī wa-l-khilāfa al-rāshida* (Beirut: Dār al-Nafāʾis, 1987), 59-62.

[17] For the documents and their sources, see Ḥamīdullāh, *ibid.*, 175, 220.

[18] Abū Bakr Shams al-aʾimma Muḥammad ibn Aḥmad ibn Sahl al-Sarakhsī, *al-Mabsūṭ* (Istanbul: Çağrı Yayınları, 1983), XIII, 137; Abū Bakr ʿAlāʾ al-Dīn Abū Bakr ibn Masʿūd ibn Aḥmad al-Ḥanafī al-Kāsānī, *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ* (2nd edn., Beirut: Dār al-Kutub al-ʿIlmiyya, 1982), VI, 280.

*Dhimmī*s in the Muslim world had judicial autonomy in the fields of family law and the law of succession. According to the general consideration of Muslim scholars, these two fields were originally considered to be religious; in a better expression, they were considered to have the characteristics of worship. This is why the command "Let them free with their religions" that the Prophet gave to Muslim scholars has opened the door of recognition to the acts that Islam strictly prohibits in these fields. As an indicator of this, al-Ḥasan al-Baṣrī (d. 110/728) stated, "They pay us *jizya* to be able to live in respect to their own religions" to ʿUmar ibn ʿAbd al-ʿAzīz, the Umayyad Caliph (d. 101/720), who had asked him if the state should interfere in the marriages of the *dhimmī*s, which should be nullified according to Islamic law.[19]

In this regard, the engagements concerning the rights of non-Muslim citizens undertaken by the Ottoman Empire within the framework of the *Iṣlāḥāt Farmāni* (*Islahat Fermanı* [*Ottoman Reform Edict of 1856*]) before the international community are nothing more than a confirmation of an old tradition that dates back centuries.

Jews, who constitute the main subject of this article, composed a significant part of the Ottoman *millet* system. Jews, who are referred to with terms such as *millet-i Yehûd, Yehûd tâifesi*, and *Mûsevî milleti*,[20] constituted the third *millet* along with the Rūms and Armenians.[21]

Meḥmed II designated Rabbi Moses Capsali, who was attempting to fulfill his duty under harsh circumstances in Byzantine, as the

---

[19] Antoine Fattal, *Le Statut Legal des Non-Musulmans en Pays d'Islam* (Beirut: al-Maṭbaʿa al-Kāthūlīkiyya, 1958), 128; Aydın, "Osmanlıda Hukuk," in Ekmeleddin İhsanoğlu (ed.), *Osmanlı Devleti Tarihi* (Istanbul: Feza Gazetecilik, 1999), II, 420.

[20] The Ottoman historians register, as an interesting matter of fact, that the expression *kafara* [unbelievers] is not used regarding Jews. As the recordings from the classic period show, the distinction "*kafara* and the Jewish community" existed in the documents. See Ortaylı, "Millet: Osmanlılar'da Millet Sistemi" XXX, 69.

[21] Aryeh Shmuelevitz, *The Jews of the Ottoman Empire in the Late Fifteenth and Sixteenth Centuries: Administrative, Economic, Legal and Social Relations as reflected in the Responsa* (Leiden: E. J. Brill, 1984), 20-21; Avram Galanti, *Fatih Sultan Mehmet Zamanında İstanbul Yahudileri* (Istanbul: Fakülteler Matbaası, 1953); Ahmet Hikmet Eroğlu, *Osmanlı Devletinde Yahudiler (XIX. Yüzyılın Sonuna Kadar)* (Ankara: Alperen Yayınları, 2000), 165 ff.; Kenanoğlu, *Osmanlı Millet Sistemi*, 44; Hacker, "Ottoman Policy …," 122.

commissioned rabbi of the Jewish community. It is controversial whether this rabbi and the following rabbis delegated by the Empire represented the entire Jewish *millet* or only the Jewish community inhabiting Istanbul and nearby cities.[22] However, historical sources register the personalities who led the Jewish community in both religious and judicial aspects beginning from this period.[23]

In fact, the Jewish presence and the application of the *dhimma* law to Jews date back in the Ottoman Empire almost to the time of its foundation. When he received the keys of Bursa in 1326, Orkhān Beg came upon a Jewish society that had always been subject to the humiliations of the *takfur*s there. Following the conquest, Orkhān Beg allowed the construction of the temple still known today as *Etz ha-Hayyim* (Tree of Life), and he provided an environment of toleration where they could manage their affairs and resolve their cases through the administration of their chief rabbis.[24]

With the tolerance that they were shown after the conquest of Bursa, Jews, who had always been subject to exile and genocide under Roman and Byzantine rule, had for the first time a legitimate social identity that did not exist in that period in other European countries.[25] Moreover, the *Yeshiva* (Talmud school) of Edirne under the

---

[22] Shmuelevitz, *The Jews of the Ottoman Empire*, 20-21; Naim Güleryüz, *Türk Yahudileri Tarihi I (20. Yüzyılın Başına Kadar)* (Istanbul: Gözlem Gazetecilik Basın ve Yayın, 1993), 51-52; Kenanoğlu, *Osmanlı Millet Sistemi*, 130 ff.; Eroğlu, *Osmanlı Devletinde Yahudiler*, 165 ff.; Hacker, "Ottoman Policy ...," 122.

[23] For example, see Shmuelevitz, *The Jews of the Ottoman Empire*, 20-21; Güleryüz, *İstanbul Sinagogları* (Istanbul: Rekor Ofset, 1992); Galanti, *Türkler ve Yahudiler: Tarihi, Siyasi Tetkik* (expanded 2nd edn., Istanbul: Tan Matbaası, 1947); Moshe Sevilla-Sharon, *Türkiye Yahudileri* (Istanbul: İletişim Yayınları, 1992); Harry Ojalvo, *Osmanlı Padişahları ve Musevi Tebaalarına İlişkin Kısa Tarihçe* (Istanbul: A Basım ve Reklam Hizmetleri Ltd. Şti., 2001).

[24] Ojalvo, *ibid*., 22; Shmuelevitz, *The Jews of the Ottoman Empire*, 17-18, 85; Sevilla-Sharon, *Türkiye Yahudileri*, 31; Kenanoğlu, *Osmanlı Millet Sistemi*, 131; Bozkurt, *Alman-İngiliz Belgelerinin ve Siyasi Gelişmelerin Işığı Altında ...*, 12-13; Güleryüz, *Türk Yahudileri Tarihi*, 43; Eva Groepler, *İslâm ve Osmanlı Dünyasında Yahudiler* (translated into Turkish by Süheyla Kaya; Istanbul: Belge Yayınları, 1999), 29-30; "History of the Jews in Turkey," http://en.wikipedia.org/wiki/History_of_the_Jews_in_Turkey (accessed February 10, 2009).

[25] Leften S. Stavrianos, *The Balkans since 1453* (New York: Rinehart, 1958), 89-90; Hacker, "Ottoman Policy ...," 117; Mary W. Montgomery, "Turkey," *Jewish Encyclopaedia*, 279, cited in Ercan, *Osmanlı Yönetiminde Gayri Müslimler*, 65. On the

rule of the Romaniot Community became a center of theology to educate the rabbis of nearby countries in the period of Murād I (1362-1389).[26]

In the following years, although some Jews immigrated to the Ottoman territory from countries such as France and Hungary and those who lived in the conquered Balkan territory gained the status of *dhimmī*,[27] Jews who immigrated at the end of the 15th century from Spain, Portugal, and Italy and who spoke Spanish (which is why they were called *Safārad*) became more apparent in Ottoman society. In Jerusalem, there were 70 Jewish families in 1488, whereas at the beginning of the 16th century, this number reached 1.500. The number of synagogues in Istanbul soon reached 44, and the number of Jewish inhabitants was as high as 30.000.[28] Joseph R. Hacker, in his book dedicated to the Ottoman Jews, records that 1.647 Jewish families were living in Istanbul in 1477.[29] Some Jewish scholars say that this made Istanbul the largest Jewish center in Europe.[30]

Jews, who had a non-negligible population at the time, increased their population in the following period.[31] By examining the Jewish

---

subject, Yavuz Ercan refers to: Klaus Schwarz, *Osmanische Sultansurkunden des Sinai-Klosters in Turkischer Sprache* (Freiburg im Breisgau: Klaus Schwarz Verlag, 1970), 41, 42.

[26] Groepler, *İslâm ve Osmanlı Dünyasında Yahudiler*, 30.

[27] For further information, see Benjamin Braude and Bernard Lewis (eds.), *Christians and Jews in the Ottoman Empire* (vol I: *The Central Lands*; vol. II: *The Arabic-Speaking Lands*; New York, NY: Holmes & Meier Publishers, 1982); Halil İnalcık, Leon Picon, and Kerim C. Kevenk, *Turkish-Jewish Relations in the Ottoman Empire* (reprinted from United Turkish American, 1982); Güleryüz, *Türk Yahudileri Tarihi I*; Bernard Lewis, *İslam Dünyasında Yahudiler* [= *The Jews of Islam*] (translated into Turkish by Bahadır Sina Şener; Ankara: İmge Kitabevi, 1996).

[28] Montgomery, "Turkey," 280, cited in Ercan, *Osmanlı Yönetiminde Gayri Müslimler*, 65-66; Groepler, *İslâm ve Osmanlı Dünyasında Yahudiler*, 31; "History of the Jews in Turkey."

[29] Hacker, "Ottoman Policy ...," 123.

[30] Groepler, *İslâm ve Osmanlı Dünyasında Yahudiler*, 31. There is evidence that at that time, the Jewish population in Istanbul was 11%. See Groepler, *ibid*., 33.

[31] For a brief summary based on a large body of literature on the history, the organization, the operation, and the situation of the Jewish presence in the Ottoman Empire, see Kenanoğlu, *Osmanlı Millet Sistemi*, 130-145; for further information,

population living at the time the *HAQ* containing the rules for Jewish family law took effect (which will be discussed below), the increase in the population can be observed. According to the evaluation of *Alliance Israélite Universelle*, in 1908, there were 65.000 Jews in Istanbul, 17.000 in Edirne, 90.000 in Thessaloniki, 35.000 in Izmir, 12.000 in Aleppo and Damascus each, 40.000 in Jerusalem, and 45.000 in Baghdad.[32] According to the *Judische Statistik* and *The News of Today*, between 1902 and 1913, the total Jewish population of Ottoman society reached as high as 650.000.[33] These numbers give us an idea about the size of the Jewish community addressed by the *HAQ*.

Thus, the *HAQ*, dated 1917, covered Jews, who had always had a certain autonomy in matters of family law. Although it limited their judicial competence in family matters by other *ruʾasāʾ-i rūḥāniyya* (spiritual leaders),[34] it continued tolerance toward them through provisions regulated based on their own religion and considerations.

To demonstrate their gratefulness for this general attitude of tolerance by the Ottoman Empire, all of the Jewish organizations in different territories of the world organized the *Conference of Istanbul* in 1877. They unanimously recorded the fact that Jews had been treated well in the Ottoman Empire and that they had lived a peaceful life. In contrast, Jews who inhabited the territories that lost Ottoman authority were subject to great atrocities.[35]

---

see Güleryüz, *Türk Yahudileri Tarihi I*, 43 ff.; Groepler, *İslâm ve Osmanlı Dünyasında Yahudiler,* 28 ff.

[32] Paul Dumont, "Jewish Communities in Turkey during the Last Decades of the Nineteenth Century in the light of the Archives of the Alliance Israélite Universelle," in Braude and Lewis (eds.), *Christians and Jews in the Ottoman Empire*, I, 231. M. A. Ubicini registers that as of 1844, 170.000 Jews lived in the Ottoman Empire and constituted 0.48% of the population. According to the same census, the population consisted of Muslims by a margin of 58.13%, 38.84% Rūms-Orthodox, and 2.55% Catholics. See Bilal Eryılmaz, *Osmanlı Devletinde Gayrımüslim Tebʾanın Yönetimi* (Istanbul: Risale Yayınları, 1990), 76.

[33] Justin McCarthy, "Jewish Population in the Late Ottoman Period," in Avigdor Levy (ed.) *The Jews of the Ottoman Empire* (Princeton, NJ: Darwin Press, 1994), 376. For confirmation, see Enver Ziya Karal, *Osmanlı İmparatorluğu'nda İlk Nüfus Sayımı 1831* (Ankara: T.C. Başvekâlet İstatistik Umum Müdürlüğü, 1943).

[34] *Ḥuqūq-i ʿĀʾila Qarār-nāmasi* (Istanbul: Maṭbaʿa-i Orkhāniyya, 1336 H.), art. 156.

[35] *Avrupa ve Amerika'da Bulunan Bütün Musevî Cemiyetlerin 1877'de İstanbul Konferansı'na Verdikleri Müşterek Muhtıra: Musevilerin İspanya'dan Türkiye'ye*

II. Rules of Family Law Applied to the Ottoman Jews

The *HAQ*, which was a regulation concerning not only Muslims but also all Ottoman citizens, was the result of the reform period that had a significant impact on the last century of the Empire. Thanks to the reforms that occurred beginning with the *Tanzīmāt*, differences in the judicial statuses between various *millet*s of non-Muslim citizens disappeared and the status of "Ottoman citizen" was adopted in place of the status of *dhimmī*.[36]

Because the field of law and culture related to the family had always been in line with the theory and application suggested by Islam, deprivation could not be the case. New secular laws adopted by means of translations and reception[37] did not distinguish between citizens. Indeed, the *Majalla* was of the same nature and was effective for all Ottoman citizens. Furthermore, within the laws and decrees provided in accordance with *shar'-i sharīf* (Islamic law), the provisions with respect to the religion of non-Muslims (with respect to "their own rituals," as the mention in the Ottoman documents goes) were established separately. This method did not imply the existence of a multi-jurisdictional legislative structure. By virtue of the principle of territoriality, the legislation was to be applied to all citizens. Provisions involving religious differences were inserted separately in the same legislation. Thus, in the words of Aḥmad Jawdat Pasha (d. 1895), a general regulation was put into place that was "to

---

Göçlerinin 500'üncü Yılı Kutlanırken (ed. İlhan Akant; Istanbul: İstanbul Üniversitesi Siyasal Bilgiler Fakültesi, 1992); The memoirs of a lady named Gracia Mendes, who fled from the Spanish-Portuguese inquisition, describe with gratitude how they were given an opportunity by the Ottoman Empire to preserve and almost rebuild their identity. See Marianna D. Birnbaum, *Gracia Mendes: Bir Sefaradın Uzun Yolculuğu* [= *The Long Journey of Gracia Mendes*] (translated into Turkish by Mercan Uluengin; Istanbul: Kitap Yayınevi, 2007). See also Esther Benbassa, *Son Osmanlı Hahambaşısının Mektupları – Alyans'tan Lozan'a –* [= *Haim Nahum: A Sephardic Chief Rabbi in Politics, 1892-1923*] (translated into Turkish by İrfan Yalçın; Istanbul: Milliyet Yayınları, 1998).

[36] Bozkurt, *Alman-İngiliz Belgelerinin ve Siyasi Gelişmelerin Işığı Altında ...*, 2; Eryılmaz, *Osmanlı Devletinde Gayrimüslim Teb'anın Yönetimi*, 95 ff.

[37] See Bozkurt, *Batı Hukukunun Türkiye'de Benimsenmesi* (Ankara: Türk Tarih Kurumu Basımevi, 1996), 39 ff.; Cengiz Otacı, *Hukukun Laikleşme Serüveni* (Istanbul: Birey Yayınları, 2004), 146 ff.; Mustafa Şentop, "Tanzimat Dönemi Kanunlaştırma Faaliyetleri Literatürü," *Türkiye Araştırmaları Literatür Dergisi* [*TALİD*] 3/5 (2005), 647-672.

be applied as the religious law to the members of Islam, and to the non-Muslim people too, in the sense of a law."[38]

Thanks to the *HAQ*, the institution of the family obtained the protection of the law, which was previously based upon imperial decrees and orders and the books of *fiqh* and *fatwā* for Muslims. For non-Muslims, it was left to the authority of the community that depended upon the requirements of their own religion.

Although it was subject to objections by the Jewish and Christian community[39] because it removed the jurisdictional competence of the community courts in the field of family law,[40] the *HAQ* maintained the same approach to protecting their rights and regulating the field of family law with respect to their own religion. In this regard, the "provisions involving Jews and Christians" were listed under separate titles and they were consulted in the determination of these rules. This fact is mentioned in the motivation of the *HAQ*, as follows:

> Because of the fact it is possible to eliminate all the inconveniences related to their religious rules, by individually indicating and explaining all the rules to be imperatively applied, within this law herein, this principal was followed and non-Muslim people were consulted in the preparation and the regulation of the rules concerning non-Muslims and they were benefited from their knowledge on the subject.[41]

> Due the fact that the Rabbinate and the Patriarch agreed on the effectivity and the validity of the rules concerning non-Muslims, no further motivation was needed to mention.[42]

Despite believing in different religions, sharing the same cultural geography for centuries meant that the Jewish family was an Ottoman family as well. They had more commonalities than differences in their culture. İlber Ortaylı, indicating that the Ottoman family was a typology in the world, says that what designates the border of the composition of the Ottoman family is not the religion of the people or their

---

[38]   Aḥmad Jawdat Pasha, *Maʿrūḍāt* (ed. Yusuf Halaçoğlu; Istanbul: Çağrı Yayınları, 1980), 200.

[39]   See Mehmet Akif Aydın, *İslâm-Osmanlı Aile Hukuku* (Istanbul: Marmara Üniversitesi İlâhiyat Fakültesi Vakfı Yayınları, 1985), 208-212, 222.

[40]   *HAQ*, art. 156.

[41]   *Munākaḥāt wa-Mufāraqāt Qānūn-nāmasi Asbāb-i Mūjiba Lāyiḥasi*, in *HAQ*, 2-3.

[42]   *Ibid.*, 7.

families but the common culture. According to Ortaylı, "The difference between a Dutch family and an Ottoman Armenian family is greater than the one between an Armenian and an Ottoman Turk."[43]

Because of the common sense mentioned above, although no religious or legal obstacle existed in practice, the marriage of a Jewish lady of the Ottoman society and a Jewish man outside of the society was not considered appropriate. Non-Muslims did not approve of marriages between the women of their communities and non-Muslim men from other countries, and they carried out strict control on this issue.[44] As an indicator of this situation, upon the marriage of Jewish women to men from Tuscany inhabited Thessaloniki at that time, a firman prohibiting these acts was promulgated, dated Shawwāl 17, 1266/1850. Aḥmad Rāsim Beg, the *tabaʿa tafrīq maʾmūru* (officer of nationality), ordered the investigation and prevention of these situations.[45]

As in Islamic culture, the family was considered a religious institution beyond its social character in Judaism. The Torah, which indicates that it was not right for the first human created to remain alone,[46] continues by stating that Allah created the woman, and that the two made a whole together.[47] The phrases below from the Torah* clearly show that the family is a praised institution and indicate the importance of the family in Judaism:

> Take wives and become the fathers of sons and daughters, and take wives for your sons and give your daughters to husbands, that they may bear sons and daughters; and multiply there and do not decrease.[48]

---

[43] Ortaylı, *Osmanlı Toplumunda Aile* (Istanbul: Pan Yayınları, 2001), 2, 7, 70-71.

[44] *Ibid.,* 30, 74, 94-95.

[45] Başbakanlık Osmanlı Arşivi (BOA) [The Ottoman Archives of the Prime Minister's Office], İr-Har, no: 5109, cited in Ortaylı, *ibid.*, 96,

[46] Gen. 2:18.

[47] Gen. 2:24; 3:16.

* All the citations herein are based on the version *New American Standard Bible*, 1995.

[48] Jer. 29:6.

Ahmet Yaman

God created man in His own image, in the image of God He created him; male and female He created them. God blessed them; and God said to them, "Be fruitful and multiply, and fill the earth!"[49]

The family, which was considered so important in Judaism, obtained a judicial and moral character with the aid of regulations in the holy texts. The laws related to the family, particularly the questions of whom not to marry, the cancellation of marriage, polygamy, law regarding widows, the *mahr*, divorce, and the consequences related to these issues were enumerated both in the Torah and in the Mishnah along with the Talmud.[50]

The field of the family is the area of civil relations in which religious considerations are most important. With the exception of legislations of a laic nature, legislative activity in this field has long adopted the principle of being respectful toward religious sensitivity. Based on this sensitivity, the *HAQ* separately determined the rules to which Jews submitted themselves, as mentioned above.

Were these provisions really in coherence with the religion and customs of the Jews? Was any rule presented of which no trace is found in the Old Testament? This paper seeks answers to these questions with the Old Testament (i.e., the Torah) at the center of the study.

First, one should keep in mind that the Commission that was to prepare the *HAQ* determined the provisions related to Jews by con-

---

[49] Gen. 1:27-28. On the place of the family in Judaism, see also Hakkı Şah Yasdıman, *Yahudi Kutsal Metinleri Işığında Kadının Evlilikteki Yeri* (PhD dissertation; Izmir: Dokuz Eylül University, 2000); id., "Yahudi Dininde Ailenin Yeri," *Dokuz Eylül Üniversitesi İlahiyat Fakültesi Dergisi*, 13-14 (2001), 241-266; Nuh Arslantaş, *İslâm Toplumunda Yahudiler: Abbâsî ve Fâtımî Dönemi Yahudilerinde Hukukî, Dinî ve Sosyal Hayat* (Istanbul: İz Yayıncılık, 2008), 347-348; see Yusuf Besalel, "Aile," *Yahudilik Ansiklopedisi* (Istanbul: Gözlem Gazetecilik Basım ve Yayın, 2001-2002), I, 42 ff.; Louis M. Epstein, *The Jewish Marriage Contract: A Study in the Status of the Woman in Jewish Law* (New York: Jewish Theological Seminary of America, 1927).

[50] On the Jewish sacred texts, see Ömer Faruk Harman, *Metin, Muhteva ve Kaynak Açısından Yahudi Kutsal Metinleri* (unpublished habilitation thesis; Istanbul: 1988); Baki Adam, *Yahudi Kaynaklarına Göre Tevrat (Mahiyeti, Tahrifi ve Yahudi Hayatındaki Yeri)* (Ankara: Seba Yayınları, 1997); Ẓafar al-Islām Khan, *al-Talmūd tārīkhuhᵘ wa-taʿālīmuhᵘ* (Beirut: Dār al-Nafāʾis, 1985).

sulting their own authorities. The Commission of the *Ḥuqūq-i ʿĀʾila* (Family Law), which was constituted by five delegates, was first separated into three subcommissions to determine the rules of family law of the three religions. It stipulated provisions primarily concerning Muslims along with rules determined in the subcommissions. The rules of Christian or Jewish family law, which were not compatible with Islam and featured a different character, were indicated separately. This is how the *HAQ* was formed.[51]

As stated above, because the Commission consulted the religious authorities of related communities along with the Rabbinate and the Patriarch and because the provisions regarding non-Muslims were considered "valid and effective" by them as well, the Commission did not draw up a separate *asbāb-i mūjiba* (leading motives) concerning these rules. This leads to the conclusion that the rules of the *HAQ*, apart from those legislated separately with respect to different religions and those that were not to be applied to the non-Muslims, were to be applied to all Ottoman citizens. The *HAQ* acknowledges this situation by stating, "The rules in the Chapter herein, are also effective regarding Jews"[52] and "The rules within the Chapter herein, are not to be applied to the non-Muslims."[53] In addition, it embodies the aforementioned situation by stating, "The articles in the Decree herein, which are not contradictory with the provisions exceptionally stipulated regarding the non-Muslims, are to be applied to them as well, unless clearly stated otherwise."[54]

In the next section, the origin of the articles that are stipulated regarding Jews will be sought in the Torah or in Jewish custom rather than focusing on the provisions to be applied to Muslims. In the first chapter specific to the Jews, the *HAQ* enumerates the persons with whom one cannot marry. This chapter, titled, "On the persons with whom one is prohibited to get married; concerning Jews," consists of articles numbered 20 to 26, including the articles below:

Article 20: "One cannot marry the sister of his divorcee who is alive".

The article quoted above, which derives from the 18th sentence of the 18th chapter of the third book of the Torah, the Book of Leviticus,

---

[51] Aydın, *İslâm-Osmanlı Aile Hukuku*, 163-164.
[52] *HAQ*, art. 39.
[53] *HAQ*, art. 51, 91.
[54] *HAQ*, art. 155.

prohibits marrying a living divorcee's sister. Although it is not clearly stated in the article, it is *a priori* understood that marrying two sisters at the same time is also prohibited. The passage of the Torah mentioned below explicitly notes this situation:

> You shall not marry a woman in addition to her sister as a rival while she is alive, to uncover her nakedness.[55]

> Article 21: A woman, who is conclusively divorced from her spouse, cannot marry him again; after having married to another man, and having divorced from him.

The above article, which prohibits the remarriage of divorced spouses no matter what the reason, derives from verses 1-4 of the 24th chapter of the fifth book of the Torah, the Book of Deuteronomy. Although this marriage obstacle, which is regulated in the verses mentioned above, seems to be exclusive to cases in which the divorce is on the part of the woman, Jewish custom extends the scope of this obstacle to all divorces of any sort or any grounds. This issue is mentioned in the Torah as follows:

> When a man takes a wife and marries her, and it happens that she finds no favor in his eyes because he has found some indecency[56] in her, and he writes her a certificate of divorce and puts it in her hand

---

[55] Lev. 18:18. "To uncover her nakedness" refers to marriage and the bridal chamber, not "adultery." Until Moses, Jews were authorized to marry two sisters at the same time. After Moses, this practice was prohibited. It is considered illicit to be married to two sisters at the same time. On this subject, see Arslantaş, *İslâm Toplumunda Yahudiler*, 348 ff.

[56] In Jewish literature, this situation is called "ervat davar." "The things to be ashamed of" that exist in women are detailed in the Talmudic literature on the basis of verse 22:13 of the Deuteronomy. The Talmud states that a man can divorce his wife if he finds that she has physical flaws or a chronic disease. Flaws that provide reasons to divorce a woman include having permanent traces (e.g., a dog bite) on her body, smelling bad, having bad breath or body odor, old age, contagious and chronic diseases such as epilepsy and leprosy, a bad voice, or asymmetrical breasts. In the same way, if a man marries a girl thinking that she is healthy and finds that she has a disease after marriage, it is acceptable for the husband to divorce his wife without being obliged to pay her *ketubah* (*mahr*). See Arslantaş, *İslâm Toplumunda Yahudiler,* 418-419. Some authors suggest that "things to be ashamed of" implies situations such as not being a virgin, being disloyal, or overcooking food. See Besalel, "Boşanma," *Yahudilik Ansiklopedisi*, II, 127.

and sends her out from his house, and she leaves his house and goes and becomes another man's wife, and if the latter husband turns against her and writes her a certificate of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies who took her to be his wife, then her former husband who sent her away is not allowed to take her again to be his wife because she has been defiled; for that is an abomination before the Lord …[57]

Article 22: One is not prohibited to marry his brother's/his sister's female descendants and his/her posterity.

The origin of this article, which allows marriage with nieces and the children of these, could not be found in the Torah we consulted. However, the passages of the Torah on marriage obstacles[58] (that is, the persons whom one is prohibited from marrying) do not contain any obstacles regarding this issue. Although it seems to be one of the provisions likely to be corrupted because it is not explicitly prohibited in the Old Testament and there are examples of this practice in Jewish history, this seems compatible with Jewish law. Consequently, the provision stating the legitimacy of a marriage of an uncle (the brother of a man, not the brother of a woman) who marries his nieces is confirmed by the practice of this type of marriage dating back to the time of the Prophet.[59] Some contemporary Jewish researchers indicate that it is acceptable to marry one's nieces in Rabbinic (Orthodox) Judaism. However, it is prohibited in certain marginal Jewish sects, namely Karaite Judaism and the Covenanters of Damascus.[60]

---

[57] Deut. 24:1-4.

[58] See Lev. 18:6-18; Deut. 22:13-21, 30.

[59] See Arslantaş, "Hz. Peygamber'in Çağdaşı Yahudilerin İnanç-İbâdet ve Dinî Hayatları ile İlgili Bazı Tespitler," *Marmara Üniversitesi İlâhiyat Fakültesi Dergisi* 34/1 (2008), 91.

[60] S. D. Goitein, *Yahudiler ve Araplar: Çağlar Boyu İlişkileri* (translated into Turkish by Nuh Arslantaş and Emine Buket Sağlam; Istanbul: İz Yayıncılık, 2004), 77. The fact that Karaite Jews, who only accept the *written* Torah and reject the Talmud (which is considered the *oral* Torah), appeared a century after the Prophet and the fact that the Covenanters of Damascus, about whom there is no sufficient information, appeared three centuries later (see George F. Moore, "The Covenanters of Damascus; A Hitherto Unknown Jewish Sect," *Harvard Theological Review* 4/3 [1911], 330-377) lead to the idea that these sects prohibited the situation in question, inspired by Islam.

Article 23: Within the framework of the prohibitions regulated under the Article 19 in four categories, the prohibition of *muṣāhara* (affinity) will be admitted in case of an abstract act as well as in case of an absolutely invalid marriage, no matter if an intercourse took place or not.

Article 19 to which the above article refers regulates the issue of a marriage obstacle called *ḥurmat-i muṣāhara* or *mamnūʿiyyat-i muṣāhara* (prohibition of the affinity) in the words of the *HAQ*. Within this framework, Article 19 enumerates the relatives-in-law whom one cannot marry. Affinity is considered a continuous obstacle because it does not cease by divorce or death. The prohibition of marriage to daughters-in-law, mothers-in-law, stepmothers, stepsisters, and step-grandchildren, regulated in Article 19, exists in the same form in Judaism. Marriage obstacles caused by birth or marriage are listed in the Torah, as follows:

None of you shall approach any blood relative of his to uncover nakedness; I am the Lord. You shall not uncover the nakedness of your father, that is, the nakedness of your mother. She is your mother; you are not to uncover her nakedness. You shall not uncover the nakedness of your father's wife; it is your father's nakedness. The nakedness of your sister, either your father's daughter or your mother's daughter, whether born at home or born outside, their nakedness you shall not uncover. The nakedness of your son's daughter or your daughter's daughter, their nakedness you shall not uncover; for their nakedness is yours. The nakedness of your father's wife's daughter, born to your father, she is your sister, you shall not uncover her nakedness. You shall not uncover the nakedness of your father's sister; she is your father's blood relative. You shall not uncover the nakedness of your mother's sister, for she is your mother's blood relative. You shall not uncover the nakedness of your father's brother; you shall not approach his wife, she is your aunt. You shall not uncover the nakedness of your daughter-in-law; she is your son's wife, you shall not uncover her nakedness. You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness. You shall not uncover the nakedness of a woman and of her daughter, nor shall you take her son's daughter or her daughter's daughter, to uncover her nakedness; they are blood relatives. It is lewdness. You shall not marry a

woman in addition to her sister as a rival while she is alive, to uncover her nakedness.[61]

Here, Article 23 of the *HAQ* indicates that the affinity that leads to an eternal marriage obstacle with stepsisters and step-grandchildren is caused exclusively by the contract of marriage according to Judaism, adding that it does not matter whether actual intercourse took place or the marriage is invalidly established.[62]

> Article 24: Remarrying the woman divorced due to adultery is prohibited.

A woman who is accused before the *kohen* on grounds of adultery is divorced by the decision of the *kohen* after an oath and a cursing procedure, which is explained in detail in the Book of Numbers of the Torah.[63] Spouses in such cases who are divorced due to adultery can never marry each other again, and the woman cannot marry the man with whom she committed adultery.[64]

---

[61] Lev. 18:6-18. See also Deut. 22:30 and 27:20-23. As can be seen, in Judaism, unlike Islam, it is strictly prohibited to marry the wives of one's uncles (that is, one's sisters-in-law).

[62] In Islamic law, it requires more than a contract of marriage to be prohibited to marry one's wife's posterity, or stepsisters and step-grandchildren. For this, one needs to have had sexual intercourse in addition to the contract of marriage. More clearly, in case of a divorce without sexual intercourse, it is possible to marry the girl of that woman who was fathered by a different man. However, if one had sexual intercourse with his wife, he can no longer marry his stepsisters. See Q 4:23; also Yaman, *İslam Aile Hukuku* (Istanbul: Marmara Üniversitesi İlâhiyat Fakültesi Vakfı Yayınları, 2008), 41.

[63] See Num. 5:11-31. This procedure of cursing, which involves irrational practices that contradict physical principles such as an appeal to a divine voice and the bitter water test, eventually evolved to a more reasonable form. See Ze'ev W. Falk, "Yahudi Hukuku [= Jewish Law]," (translated into Turkish by Bilal Aybakan), *İLAM Araştırma Dergisi* 3/1 (1998), 174.

[64] In Judaism, this rule is called *asur le-baal ve le-bo'el*, which means "to be prohibited to both her husband and the man with whom she committed the adultery." For some of the court decisions on the subject dating to the pre-Ottoman era, see Arslantaş, *İslâm Toplumunda Yahudiler*, 386-387. On the same subject, see also Haim Cohn, "Eherecht," *Jüdischen Lexikon*, 78, cited in Fatmatüzzehra Ekinci, *İslam Hukuku ile Tevrat Hükümlerinin Karşılaştırmalı Olarak İncelenmesi* (MA thesis; Konya: Selçuk University, 2003), 90; Besalel, "Evlilik," *Yahudilik Ansiklopedisi*, I, 161-167. The procedure called *mulāʿana* or *liʿān*, which consists of

Article 25: Marrying the wife of a brother, who died while having children, is prohibited.

The following sentence from the 18ᵗʰ chapter of the Book of Leviticus, which is quoted in detail under Article 23, is the origin of the above article:

You shall not uncover the nakedness of your brother's wife; it is your brother's nakedness.[65]

It is deducible from both the statement and the sense of Article 25 that it is possible to marry the childless wives of one's brothers after the death of their husbands. Although it seems as if the above verse of the Torah indicates a general prohibition without taking such details into consideration, a study of the other verses shows that the prohibition in question, like the Article clearly states, concerns only the wives of brothers who have children. Moreover, in such a case, it is almost an obligation for the widow who does not have children to marry the brother of her husband who died. This marriage,[66] called *yibbum* in Judaism[67] (a sort of *levirate*; marrying the brother-in-law), takes place as follows:

When brothers live together and one of them dies and has no son, the wife of the deceased shall not be married outside the family to a strange man. Her husband's brother shall go in to her and take her to himself as wife and perform the duty of a husband's brother to her. It shall be that the firstborn whom she bears shall assume the name of his dead brother, so that his name will not be blotted out from Israel. However, if the man does not desire to take his brother's wife, then

---

cursing each other in front of the judge, although practiced differently in Islam (Q 24:6-9), is considered an eternal obstacle to marriage (similar to Judaism), according to the majority of *faqīh*s (with the exception of al-Imām Abū Ḥanīfa and Muḥammad al-Shaybānī). See Yaman, *İslam Aile Hukuku*, 91-92.

[65] Lev. 18:16. As can be seen, in Judaism, unlike Islam, it is strictly prohibited to marry the wives of one's brothers who have children – in other words, the brides of the family who have children.

[66] See Cohn, "Leviratehe," *Jüdischen Lexikon*, 114, and Johnson, *Yahudi Tarihi*, 547, cited in Ekinci, *İslam Hukuku ile Tevrat Hükümlerinin Karşılaştırmalı Olarak İncelenmesi*, 84.

[67] *Yibbum* is the practice in which a man dies leaving his children behind, and his brother marries his dead brother's wife. The purpose of this marriage is to retain the name of the dead brother and to prevent the family property from being dispersed or distributed to others.

his brother's wife shall go up to the gate to the elders and say, "My husband's brother refuses to establish a name for his brother in Israel; he is not willing to perform the duty of a husband's brother to me." Then, the elders of his city shall summon him and speak to him. And if he persists and says, "I do not desire to take her," then his brother's wife shall come to him in the sight of the elders, and pull his sandal off his foot and spit in his face; and she shall declare, "Thus it is done to the man who does not build up his brother's house." In Israel his name shall be called, "The house of him whose sandal is removed."[68]

Thus, the aforementioned article shows coherence with Jewish law and the Torah, which serves as its basis.

Article 26: Foster kinship is not an obstacle to marriage.

The above article, stating that the foster kinship does not constitute an obstacle to marriage, overlaps both the Torah and Jewish custom. Although wet nursing was known in the era of Moses,[69] the Torah did not refer to foster kinship when enumerating the persons whom one cannot marry.[70] On the grounds of these historical data, the *HAQ* indicates that foster kinship does not concern the Jews.[71]

The second specific chapter of the *HAQ* about Jews, dated 1917, regulates the issue of the invalidity and nullity of a marriage. The chapter titled "On the Validity and the Nullity of the Marriage Involving Jews," which consists of articles numbered from 59 to 62, includes the following articles:

Article 59: It is invalid to marry a woman, with whom one is prohibited to get married, by virtue of the Articles 13, 14, 16, 17, 19, 20, 21, 22, 23, 24, and 25.

---

[68] Deut. 25:5-10; see Gen. 38:8-10.

[69] Exod. 2:1-10; Q 28:7, 12.

[70] Lev. 18:6-8; Deut. 22:30; 27:20-23. However, under the impression of Islam, certain Judaic sects, such as Karaite Judaism, which appeared after the emergence of Islam, began to accept that foster kinship is an obstacle to the marriage. See Arslantaş, *İslâm Toplumunda Yahudiler*, 351.

[71] See also Yaman, "İslam Hukukuna Özgü Bir Kurum: Süt Akrabalığı," *Selçuk Üniversitesi İlâhiyat Fakültesi Dergisi* 13 (2002), 58-59. According to Islam (Q 4:23; al-Bukhārī, "Nikāḥ," 20; Muslim, "Raḍāʾ," 1), a proper foster kinship that meets the conditions is considered a continuous obstacle to marriage.

Except for Article 14, all of these articles, of which the last six are mentioned above, originate from the verses of the Torah. The articles in question, listed under the title "On the persons with whom one is prohibited to get married," enumerate the marriage obstacles concerning the Muslim community. According to these, it is prohibited to marry a woman who is already married to someone else or who is in the period of *'idda*; to marry two women who would be *maḥram* to each other (in other words, if one of them was to be imagined as a man to marry the other one, who would not be able to realize such a marriage due to the close kinship); to marry a relative of the first degree of affinity or consanguinity; and to marry a person who became a relative due to marriage.

Because these prohibitions are also valid for Jews according to the 18th chapter of the Book of Leviticus as well as 22:30 and 27:20-23 of the Book of Deuteronomy, quoted in detail under Article 23, the *HAQ* regulated the issue in this direction. Article 14 states that it is also effective concerning Jews. The Article, which allows polygamy limited to four women by stating "It is prohibited to marry another woman for one, who has four wives, either who are married to him or who are in the period of *'idda*," gives the impression that the limit of four women is also effective regarding the Jews because the Article itself is effective concerning them. However, according to the sentence "If he marries another woman, he is not to reduce the *nafaqa*, the dressing and the right of wifehood of the previous,"[72] although polygamy is legal in Judaism,[73] no observable quantitative limitation or mention

---

[72] Exod. 21:10; for the verses confirming polygamy, see Gen. 4:19; 16:1-4; 29:16-30; Deut. 21:15-17; cf. Deut. 17:17.

[73] Cf. Besalel, "Monogami ve Poligami," *Yahudi Ansiklopedisi*, II, 427-428; Yasdıman, "Yahudi Dininde Ailenin Yeri," 254-255; Ekinci, *İslam Hukuku ile Tevrat Hükümlerinin Karşılaştırmalı Olarak İncelenmesi*, 84. When the State of Israel was founded, a group of immigrant Jews came from Yemen to Israel, bringing two or three wives with them, which put the immigration officers into a quite difficult situation. Although the State allowed the immigrants to keep their wives with them, most men divorced their wives after their arrival in Israel. Those who did not divorce their wives retained their rights. For the others who were divorced, the right of a remarriage was not recognized. However, with a law promulgated in 1959, polygamy was prohibited. See Goitein, *Yahudiler ve Araplar*, 227.

exists in the Torah.[74] However, in some Talmudic reviews, it is stated that one can marry a maximum of four women at the same time.[75]

Thus, the Ottoman administration, to take control of marriage and to obtain a certain discipline in this field, accepted the above interpretation, discussed the situation with the Rabbinate, and enlarged the scope of the Article to be applied to Jews as well, as stated in the *asbāb-i mūjiba* of the *HAQ*.

> Article 60: By virtue of the articles written under the Second Chapter of the previous Book, in case one of two parties does not possess the conditions of capacity, the marriage becomes illicit.
>
> Article 61: In case the conditions settled at the moment of contract in favor of one of the parties do not come true following the marriage, the marriage becomes illicit.
>
> Article 62: In case the witnesses presenting themselves at the contract of marriage do not possess the required qualities, the marriage becomes illicit.

These three articles, which regulate some technical aspects of the contract of marriage, seem to guarantee that the contract of marriage

---

[74] The tradition that existed between Jews in the Era of the Judges of marrying two or three times gave way to an even more advanced polygamy. The Torah mentions that David married six or seven wives, and Solomon married even more wives. The Torah also records that not only the prophets but also prominent kings and administrators carried out polygamous marriages. It is known that Rehoboam married many times; he married 18 wives, like Gideon, and had 60 concubines. It is also known that in the era of the Prophet, some contemporary Jews carried out polygamous marriages. In the Islamic period, Jewish ecclesiastics such as Sherira Gaon (967-1006) indicated that polygamy limited to 18 wives and the right to own unlimited concubines/odalisques, concerned only the kings, adding that as long as one provided one's wives with alimentation, dressing, and sexual needs, there was no limit. On the subject, see Arslantaş, "Hz. Peygamber'in Çağdaşı Yahudilerin Sosyo-Kültürel Hayatlarına Dair Bazı Tespitler," *İSTEM (İslam San'at, Tarih, Edebiyat ve Mûsıkîsi Dergisi)* 11 (2008), 27.

[75] Abraham Cohen, *Everyman's Talmud* (New York: E. P. Dutton, 1949), 166; Ali Osman Ateş, *İslam'a Göre Cahiliye ve Ehl-i Kitab Örf ve Âdetleri* (Istanbul: Beyan Yayınları, 1996), 326.

(*ketubah*)[76] is correctly contracted, which is taken quite seriously by Jews who attempt to make these aspects written. Obviously, it is difficult to find word-for-word equivalences of these details in the Torah. However, Jewish sources indicate that marriages took place between persons of a certain age in a wedding tent or a synagogue. Although it was not imperative, beginning in the 15th century, they were carried out in the presence of a rabbi and two witnesses. Conditions in favor of only one party could be demanded, and these conditions could be added in the *ketubah*. Furthermore, the witnesses should possess certain qualities.[77] Thus, the provisions of the *HAQ* in question are in line with Judaism.

> Article 148:   Regarding Jews, an absolutely valid contract is required. In case of an invalid contract, a divorce should be carried out. In case of the cancellation of the marriage or the death of the husband, the *'idda* should take place. The period of *'idda* is ninety-one days. However, for a woman who is pregnant or who has a child, this period lasts until the child reaches two years of age. In case of the death of the child, *'idda* is ninety-one days beginning from the day of the death.

For the above article, which legislates that women should wait throughout the *'idda* in any case, a word-for-word origin could not

---

[76]   *Ketubah*, which is the written record of the marriage signed before the rabbinate who performed the marriage and two witnesses and then delivered to the bride, is the letter of agreement. This paper, which is to ensure the economic security or the rights of succession of the woman in case of the death of her husband or a divorce, is literally a social contract that is completely in favor of the woman.

[77]   These conditions were registered in the *additional ketubah* (*ketuba tosefet*). For Jews, *ketubah*s consist of two parts: the *original ketubah* (Ikar) and the *additional ketubah* (Tosefet). The *original ketubah* is the *ketubah* within the framework of which the minimum *mahr* that the groom should pay to the bride is registered. The *additional ketubah* is the *ketubah* that contains the conditions that were settled regarding the marriage other than the *mahr*. See Arslantaş, *İslam Toplumunda Yahudiler*, 364-365. Based on other Jewish sources as well as the documents of the Turkish Rabbinate, see also Besalel, "Evlilik," I, 161-167; I. Singer, J. F. McLaughlin, S. Schechter, J. H. Greenstone, and J. Jacobs, "Marriage," http://www.jewishencyclopedia.com/articles/10432-marriage (accessed August 18, 2009); Asife Ünal, *Yahudilik'te, Hıristiyanlık'ta ve İslâm'da Evlilik* (Ankara: T.C. Kültür Bakanlığı, 1998), 22, 39; see also Epstein, *The Jewish Marriage Contract*.

be found in the Torah. However, in Jewish resources, the reason for the *'idda* is indicated as "finding out whether the woman is pregnant or not" and "helping the woman to forget her past." It is generally accepted for 90 days for women who do not have children. For women who have a baby, the period lasts until the baby stops suckling[78] or for a duration of twenty-four months,[79] which indicates that the Article overlaps Jewish custom. It should be noted that the information in the *fiqh* books stating that a woman who is a member of the People of the Book should not wait for the *'idda* should be revised.

Conclusion

Although not as populous as the Christians, Jews composed a significant part of Ottoman society. Jews, who lived under the status of *dhimmī* until the *Tanzīmāt* (when they became constitutionally equal citizens in the Ottoman territory), had extensive freedom of religion and opinion. Within the framework of this freedom, they formed relations of private law among them with respect to the religious rules, considerations, and customs to which they submitted. Thus, they regulated the family, which they considered a religious institution, from its foundation to the end and within its period of operation according to Jewish principles.

The religious and semi-judicial freedom that the Ottoman administration recognized for them finds its reflection in the *HAQ* dated 1917, which is the last comprehensive legislation of the Empire. Within the rules of this decree-law, the rules that the Jewish community adopted were also taken into consideration, and separate chapters concerning them were inserted in the *HAQ*.

This study showed that all the Articles related to Jews depended either directly on the Torah, which is their Holy Book, or the Talmud, which is the long-established interpretation of the Torah or Jewish custom.

---

[78] For related provisions in the medieval Jewish law literature and the application of these, see Arslantaş, *İslam Toplumunda Yahudiler*, 430-431.

[79] See Besalel, "Boşanma," I, 128; id., "Evlilik," I, 167; Ünal, *Yahudilik'te, Hıristiyanlık'ta ve İslâm'da Evlilik*, 62; Solomon Schechter and David W. Amram, "Divorce," http://www.jewishencyclopedia.com/articles/5238-divorce (accessed August 18, 2009); see also Yasdıman, *Yahudi Kutsal Metinlerine Göre Kadının Evlilikteki Yeri*.

REFERENCES

Adam, Baki, *Yahudi Kaynaklarına Göre Tevrat (Mahiyeti, Tahrifi ve Yahudi Hayatındaki Yeri)* (Ankara: Seba Yayınları, 1997).

Afyoncu, Erhan, *Tanzimat Öncesi Osmanlı Araştırma Rehberi* (Istanbul: Yeditepe Yayınevi, 2007).

Aḥmad Jawdat Pasha, *Maʿrūḍāt* (ed. Yusuf Halaçoğlu; Istanbul: Çağrı Yayınları, 1980).

Arslantaş, Nuh, *İslâm Toplumunda Yahudiler: Abbâsî ve Fâtımî Dönemi Yahudilerinde Hukukî, Dinî ve Sosyal Hayat* (Istanbul: İz Yayıncılık, 2008).

_____ "Hz. Peygamber'in Çağdaşı Yahudilerin İnanç-İbâdet ve Dinî Hayatları ile İlgili Bazı Tespitler," *Marmara Üniversitesi İlâhiyat Fakültesi Dergisi* 34/1 (2008), 55-92.

_____ "Hz. Peygamber'in Çağdaşı Yahudilerin Sosyo-Kültürel Hayatlarına Dair Bazı Tespitler," *İSTEM (İslam San'at, Tarih, Edebiyat ve Mûsıkîsi Dergisi)* 11(2008), 9-46.

Ateş, Ali Osman, *İslam'a Göre Cahiliye ve Ehl-i Kitab Örf ve Âdetleri* (Istanbul: Beyan Yayınları, 1996).

Avrupa ve Amerika'da Bulunan Bütün Musevî Cemiyetlerin 1877'de İstanbul Konferansı'na Verdikleri Müşterek Muhtıra: Musevilerin İspanya'dan Türkiye'ye Göçlerinin 500'üncü Yılı Kutlanırken (ed. İlhan Akant; Istanbul: İstanbul Üniversitesi Siyasal Bilgiler Fakültesi, 1992).

Aydın, Mehmet Akif, *İslâm-Osmanlı Aile Hukuku* (Istanbul: Marmara Üniversitesi İlâhiyat Fakültesi Vakfı Yayınları, 1985).

_____ "el-Ahkâmü'ş-Şer'iyye fi'l-Ahvâli'ş-Şahsiyye," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, I, 557.

_____ "Osmanlıda Hukuk," in Ekmeleddin İhsanoğlu (ed.), *Osmanlı Devleti Tarihi* (Istanbul: Feza Gazetecilik, 1999), II, 375-438.

Benbassa, Esther, *Son Osmanlı Hahambaşısının Mektupları −Alyans'tan Lozan'a −* [= *Haim Nahum: A Sephardic Chief Rabbi in Politics, 1892-1923*] (translated into Turkish by İrfan Yalçın; Istanbul: Milliyet Yayınları, 1998).

Besalel, Yusuf, "Aile," *Yahudilik Ansiklopedisi* (Istanbul: Gözlem Gazetecilik Basım ve Yayın, 2001-2002), I, 42-46.

_____ "Boşanma," *Yahudilik Ansiklopedisi* (Istanbul: Gözlem Gazetecilik Basım ve Yayın, 2001-2002), II, 127-129.

_____ "Evlilik," *Yahudilik Ansiklopedisi* (Istanbul: Gözlem Gazetecilik Basım ve Yayın, 2001-2002), I, 161-167.

_____ "Monogami ve Poligami," *Yahudilik Ansiklopedisi* (Istanbul: Gözlem Gazetecilik Basım ve Yayın, 2001-2002), II, 427-428.

Birnbaum, Marianna D., *Gracia Mendes: Bir Sefaradın Uzun Yolculuğu* [= *The Long Journey of Gracia Mendes*] (translated into Turkish by Mercan Uluengin; Istanbul: Kitap Yayınevi, 2007).

Bozkurt, Gülnihâl, *Alman-İngiliz Belgelerinin ve Siyasi Gelişmelerin Işığı Altında Gayrimüslim Osmanlı Vatandaşlarının Hukukî Durumu (1839-1914)* (Ankara: Türk Tarih Kurumu Yayınları, 1996).

_____ *Batı Hukukunun Türkiye'de Benimsenmesi* (Ankara: Türk Tarih Kurumu Basımevi, 1996).

Braude, Benjamin and Lewis, Bernard (eds.), *Christians and Jews in the Ottoman Empire* (vol I: *The Central Lands*; vol. II: *The Arabic-Speaking Lands*; New York, NY: Holmes & Meier Publishers, 1982).

Cohen, Abraham, *Everyman's Talmud* (New York: E. P. Dutton, 1949).

Dumont, Paul, "Jewish Communities in Turkey during the Last Decades of the Nineteenth Century in the light of the Archives of the Alliance Israélite Universelle," in Benjamin Braude and Bernard Lewis (eds.), *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society* (vol. I: *The Central Lands*; New York, NY: Holmes & Meier Publishers, 1982), 209-242.

Ekinci, Fatmatüzzehra, *İslam Hukuku ile Tevrat Hükümlerinin Karşılaştırmalı Olarak İncelenmesi* (MA thesis; Konya: Selçuk University, 2003).

Epstein, Louis M., *The Jewish Marriage Contract: A Study in the Status of the Woman in Jewish Law* (New York: Jewish Theological Seminary of America, 1927).

Ercan, Yavuz, *Osmanlı Yönetiminde Gayri Müslimler: Kuruluştan Tanzimat'a Kadar Sosyal, Ekonomik ve Hukukî Durumları* (Ankara: Turhan Kitabevi, 2001).

Ercilasun, Ahmet B., "Hristiyan Teb'aya Karşı Türk Toleransı," *Türk Kültürü* 24/264 (1985).

Eroğlu, Ahmet Hikmet, *Osmanlı Devletinde Yahudiler (XIX. Yüzyılın Sonuna Kadar)* (Ankara: Alperen Yayınları, 2000).

Eryılmaz, Bilal, *Osmanlı Devletinde Gayrımüslim Teb'anın Yönetimi* (Istanbul: Risale Yayınları, 1990).

Falk, Ze'ev W., "Yahudi Hukuku [= Jewish Law]," (translated into Turkish by Bilal Aybakan), *İLAM Araştırma Dergisi* 3/1 (1998), 169-192.

Fattal, Antoine, *Le Statut Legal des non-Musulmans en Pays d'Islam* (Beirut: al-Maṭbaʿa al-Kāthūlīkiyya, 1958).

Galanti, Avram, *Fatih Sultan Mehmet Zamanında İstanbul Yahudileri* (Istanbul: Fakülteler Matbaası, 1953).

_____ *Türkler ve Yahudiler: Tarihi, Siyasi Tetkik* (expanded 2nd edn., Istanbul: Tan Matbaası, 1947).

Goitein, S. D., *Yahudiler ve Araplar: Çağlar Boyu İlişkileri* (translated into Turkish by Nuh Arslantaş and Emine Buket Sağlam; Istanbul: İz Yayıncılık, 2004).

Groepler, Eva, *İslâm ve Osmanlı Dünyasında Yahudiler* [= *Jews and Arabs: Their Contact through the Ages*] (translated into Turkish by Süheyla Kaya; Istanbul: Belge Yayınları, 1999).

Güleryüz, Naim, *İstanbul Sinagogları* (Istanbul: Rekor Ofset, 1992).

_____ *Türk Yahudileri Tarihi I (20. Yüzyılın Başına Kadar)* (Istanbul: Gözlem Gazetecilik Basın ve Yayın, 1993).

Hacker, Joseph R., "Jewish Autonomy in the Ottoman Empire, Its Scope and Limits: Jewish Courts from the Sixteenth to the Eighteenth Centuries," in Avigdor Levy (ed.), *The Jews of the Ottoman Empire* (Princeton, NJ: Darwin Press, 1994), 153-202.

_____ "Ottoman Policy toward the Jews and Jewish Attitudes toward the Ottomans during the Fifteenth Century," in Benjamin Braude and Bernard Lewis (eds.), *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society* (vol. I: *The Central Lands*; New York, NY: Holmes & Meier Publishers, 1982), 117-126.

Ḥamīdullāh, Muḥammad, *Majmūʿat al-wathāʾiq al-siyāsiyya li-l-ʿahd al-nabawīwa-l-khilāfa al-rāshida* (Beirut: Dār al-Nafāʾis, 1987).

Harman, Ömer Faruk, *Metin, Muhteva ve Kaynak Açısından Yahudi Kutsal Metinleri* (unpublished habilitation thesis; Istanbul: 1988).

"History of the Jews in Turkey," http://en.wikipedia.org/wiki/History_of_the_Jews_in_Turkey (accessed February 10, 2009).

Ḥuqūq-i ʿĀʾila Qarār-nāmasi (Istanbul: Maṭbaʿa-i Orkhāniyya, 1336 H.).

Ibn Qayyim al-Jawziyya, Abū ʿAbd Allāh Shams al-Dīn Muḥammad, *Aḥkām ahl al-dhimma* (3rd edn., Beirut: Dār al-ʿIlm li-l-Malāyīn, 1983).

Imber, Colin, *Osmanlı İmparatorluğu 1300-1650: İktidarın Yapısı* [= *The Ottoman Empire 1300-1650: The Structure of Power*] (translated into

Turkish by Şiar Yalçın; Istanbul: İstanbul Bilgi Üniversitesi Yayınları, 2006).

İnalcık, Halil & Picon, Leon, & Kevenk, Kerim C., *Turkish-Jewish Relations in the Ottoman Empire* (reprinted from United Turkish American, 1982).

Karal, Enver Ziya, *Osmanlı İmparatorluğu'nda İlk Nüfus Sayımı 1831* (Ankara: T.C. Başvekâlet İstatistik Umum Müdürlüğü, 1943).

al-Kāsānī, Abū Bakr ʿAlāʾ al-Dīn Abū Bakr ibn Masʿūd ibn Aḥmad al-Ḥanafī, *Badāʾiʿ al-ṣanāʾiʿ fī tartīb al-sharāʾiʿ*, 7 vols., (2nd edn., Beirut: Dār al-Kutub al-ʿIlmiyya, 1982).

Kenanoğlu, M. Macit, *Osmanlı Millet Sistemi: Mit ve Gerçek* (Istanbul: Klasik Yayınları, 2004).

Khan, Ẓafar al-Islām, *al-Talmūd tārīkhuhū wa-taʿālīmuhū* (Beirut: Dār al-Nafāʾis, 1985).

Lewis, Bernard, *İslam Dünyasında Yahudiler* [= *The Jews of Islam*] (translated into Turkish by Bahadır Sina Şener; Ankara: İmge Kitabevi, 1996).

McCarthy, Justin, "Jewish Population in the Late Ottoman Period," in Avigdor Levy (ed.) *The Jews of the Ottoman Empire* (Princeton, NJ: Darwin Press, 1994), 375-397.

Moore, George F., "The Covenanters of Damascus; A Hitherto Unknown Jewish Sect," *Harvard Theological Review* 4/3 (1911), 330-377, http://dx.doi.org/10.1017/S0017816000007239

Ojalvo, Harry, *Osmanlı Padişahları ve Musevi Tebaalarına İlişkin Kısa Tarihçe* (Istanbul: A Basım ve Reklam Hizmetleri Ltd. Şti., 2001).

Ortaylı, İlber, *Osmanlı Toplumunda Aile* (Istanbul: Pan Yayınları, 2001).

_____ "Gayri Müslimlerin Hukuki ve Günlük Yaşamdaki Durumları – Osmanlı İmparatorluğundan Türkiye Cumhuriyetine [Die rechtliche und alltagskulturelle Situation der Nichtmuslime – vom Osmanischen Reich zur Türkischen Republik]," in *Türkiye ve Avrupa'da Çok Dinli Yaşam – Geçmişte ve Günümüzde* [*Multireligiöses Zusammenleben in Der Türkei und in Europa – Gestern und Heute*] (Ankara: Konrad-Adenauer-Stiftung Yayınları, 2006), 19-30.

_____ "Millet: Osmanlılar'da Millet Sistemi," *Türkiye Diyanet Vakfı İslâm Ansiklopedisi* (*DİA*), XXX, 66-70.

Otacı, Cengiz, *Hukukun Laikleşme Serüveni* (Istanbul: Birey Yayınları, 2004).

al-Sarakhsī, Abū Bakr Shams al-aʾimma Muḥammad ibn Aḥmad ibn Sahl, *al-Mabsūṭ*, 30 parts in 10 vols., (Istanbul: Çağrı Yayınları, 1983).

Schechter, Solomon & Amram, David W., "Divorce," http://www.jewishencyclopedia.com/articles/5238-divorce (accessed August 18, 2009).

Sevilla-Sharon, Moshe, *Türkiye Yahudileri* (Istanbul: İletişim Yayınları, 1992).

Shaw, Stanford J., *The Jews of the Ottoman Empire and the Turkish Republic* (Hong Kong: Macmillan, 1991).

Shmuelevitz, Aryeh, *The Jews of the Ottoman Empire in the Late Fifteenth and Sixteenth Centuries: Administrative, Economic, Legal and Social Relations as reflected in the Responsa* (Leiden: E. J. Brill, 1984).

Singer, Isidore & McLaughlin, J. F. & Schechter, Solomon & Greenstone, Julius H. & Jacobs, Joseph, "Marriage," http://www. jewishencyclopedia.com/articles/10432-marriage (accessed August 18, 2009).

Stavrianos, Leften S., *The Balkans since 1453* (New York: Rinehart, 1958).

Şentop, Mustafa, "Tanzimat Dönemi Kanunlaştırma Faaliyetleri Literatürü," *Türkiye Araştırmaları Literatür Dergisi* [*TALİD*] 3/5 (2005), 647-672.

Ünal, Asife, *Yahudilik'te, Hıristiyanlık'ta ve İslâm'da Evlilik* (Ankara: T.C. Kültür Bakanlığı, 1998).

Yaman, Ahmet, *İslam Hukukunda Uluslararası İlişkiler* (Ankara: Fecr Yayınevi, 1998).

_____ *İslam Aile Hukuku* (Istanbul: Marmara Üniversitesi İlâhiyat Fakültesi Vakfı Yayınları, 2008).

_____ "İslam Hukukuna Özgü Bir Kurum: Süt Akrabalığı," *Selçuk Üniversitesi İlâhiyat Fakültesi Dergisi* 13 (2002), 55-67.

Yasdıman, Hakkı Şah, *Yahudi Kutsal Metinleri Işığında Kadının Evlilikteki Yeri* (PhD dissertation; Izmir: Dokuz Eylül University, 2000).

_____ "Yahudi Dininde Ailenin Yeri," *Dokuz Eylül Üniversitesi İlahiyat Fakültesi Dergisi* 13-14 (2001), 241-266.

Zaydān, ʿAbd al-Karīm, *Aḥkām al-dhimmiyyīn wa-l-mustaʾmanīn fī dār al-Islām* (Beirut: Muʾassasat al-Risāla, 1982).

THE HEADSCARF PROBLEM IN TURKEY IN THE CONTEXT OF DISCUSSIONS ON FREEDOM

Derda Küçükalp

Uludağ University, Bursa-Turkey

Abstract

Both supporters and opponents of the headscarf ban in Turkey refer to the freedom of the individual. This case makes it necessary to address the headscarf problem in the context of discussions on freedom. This study aims to evaluate the headscarf problem in the context of two approaches that we call "the enlightened perspective" and "the liberal perspective." The enlightened perspective supports the headscarf ban in Turkey and is based on a particular interpretation of the idea of positive liberty. According to this interpretation, freedom means the manifestation of the rational self. Hence, people's freedom is connected with the sovereignty of their true lifestyle. Because religion equals "the irrational," the religious lifestyle is a deviation from the true way of life. For that reason, the use of the headscarf, which is a sign of a religious lifestyle, in the public sphere is seen as a threat to the correct lifestyle. The liberal perspective addresses the demand for the abolition of the headscarf ban in the context of the individual's freedom of belief. In this sense, it is possible to say that behind the liberal perspective's assessments about the headscarf issue lies the idea of negative liberty. Negative liberty means the lack of any outer intervention or pressure that limits the individual's choices and actions. The headscarf ban is a restriction for a woman who chooses a life in accordance with Islamic values and sees covering her body as a necessity for such a lifestyle. According to the liberal perspective,

wearing the headscarf must be seen as a lifestyle choice and thus re-spected. Allowing this choice is a requirement for freedom.

Introduction

The beginning of the headscarf problem in Turkey dates back to the foundation of the Turkish Republic. Because the governing elites who founded the Turkish Republic regarded the secular life of society as a fundamental characteristic of "being modern," they saw the headscarf, like other religious symbols, as an opposition to modernity (and thus rationality). Through the implemented revolutions, these elites planned to put religion under the control of the state and turn a blind eye to religion in social life. Consequently, women covering their bodies were not seen as a problem in a certain section of socie-ty, which is placed in the "corner" of society, and have no effect on the center of social life. The headscarf started to become problematic when the above-mentioned section of society moved from the corner to the center as a consequence of political and social changes. This change was regarded as a threat to the Republic by a community that adopted the founding ideology of the Republic. This perception of threat strengthened over time and especially after the parties rooted in the Islamic tradition came to power. Consequently, we observed problems related to the headscarf issue in Turkey as follows: under-graduate students could not attend lessons while they covered their heads; public servants were not allowed to wear headscarves while on duty; students could not take examinations while wearing head-scarves; and in public places with symbolic importance (e.g., the par-liament and the presidential palace), the headscarf may have not be worn.

Both supporters and opponents of the headscarf ban in Turkey re-fer to the freedom of the individual. This case makes it necessary to address the headscarf problem in the context of discussions on free-dom. This study aims to evaluate the headscarf problem in the con-text of two approaches that we call the enlightened perspective and the liberal perspective. While the first approach supports the head-scarf ban, the second opposes it. The attitudes of the two approaches

to the headscarf problem are directly related to their perception of freedom. Considering Isaiah Berlin's distinction, we can name these perceptions of freedom *negative liberty* and *positive liberty*. Berlin's distinction is especially important for us to understand how the community, which adopts the founding ideology of the Republic, reconciles freedom with pressure when they support the headscarf ban. In this study, we claim that the most appropriate grounds for the demands of the abolishment of the headscarf ban is the understanding of negative liberty, and we point out that the idea of positive liberty might work as a legitimizing factor for the headscarf ban.

When it is considered that liberal thought is fed by the idea of the enlightenment, one may think that the enlightened perspective-liberal perspective distinction is problematic. However, enlightenment is often thought to make reason absolute and to legitimize the elimination of myth, tradition and religion, which are elements defined as "the opponent of reason" and seen as obstacles to enlightenment, by means of political power. There is a serious gap between this conception of the enlightenment and the liberal idea based on the classification of political power.[1] We can say that, especially in non-Western societies such as Turkey, the idea of the enlightenment has been reduced to the above-mentioned form and perceived in this way. The belief of the elites who founded the Republic, namely that the enlightenment can only be applied by the elimination of tradition and religion, and their revolutionary actions related to this belief are a signs of how the enlightenment has been seen in Turkey.[2] The idea of enlightenment in Turkey has given a higher position to the state rather than the individual and has functioned as a legitimizing factor for transforming society by means of the state.[3] Because liberalism, by its essence, includes criticism of the state-oriented understanding, the liberal perspective has been a source for feeding liberals and any communities that announce their demands for freedom against the

---

[1] Mustafa Erdoğan, *Aydınlanma, Modernlik ve Liberalizm* (Ankara: Orion Yayınevi, 2006), 38.

[2] Mete Tunçay, "İkna (İnandırma) yerine Tecebbür (Zorlama)," in Tanıl Bora and Murat Gültekingil (eds.), *Modern Türkiye'de Siyasî Düşünce, Cilt 2: Kemalizm* (Istanbul: İletişim Yayınları, 2001), 93-94.

[3] Mehmet Ali Kılıçbay, "Atatürkçülük ya da Türk Aydınlanması," in Ali Yaşar Sarıbay and Ersin Kalaycıoğlu (eds.), *Türkiye'de Politik Değişim ve Modernleşme* (Bursa: Dora Yayıncılık, 2009), 240.

state. Conservatives and Islamists have generally taken the liberal perspective's idea of individual freedom as their starting point. However, there is a perspective in Turkey that does not consider the headscarf as an issue of individual freedom and instead claims that the real meaning of the freedom of the headscarf can only be found in an Islamic order of society in which people fulfill their religious duties. Being the subject of a different discussion, we will not address this issue in this paper.

The Enlightened Perspective

In dealing with the headscarf problem, the enlightened perspective takes the idea of positive liberty as its starting point. The fact that the enlightened perspective sees the headscarf ban as a liberating action is directly related to certain qualities of the idea of positive liberty. Although the headscarf ban is not a necessary consequence of the idea of positive liberty, an interpretation of the idea of positive liberty might work as a legitimizing factor for the headscarf ban. The enlightened perspective adopts this interpretation.

Positive liberty is concerned with the source of control.[4] According to the idea of positive liberty, freedom of the individual is based on the notion that the individual is the source of control. The individual can be considered free only if he/she wills his/her actions, that is, only if he/she is the lawgiver.

The notion of positive liberty is based on the idea of a dualist self.[5] According to this idea, the self is divided into a "high" and a "low" part. In relation to this division, the idea of positive liberty defines freedom as the sovereignty of the "high" self.[6] In the given meaning, freedom does not exist automatically. Rather, it depends on the existence of something else, i.e., only in those cases in which the "high" self possesses its own meaning. Because the "high" self gains its meaning through actions that allow individuals to actualize their potential, to be free is to be free "for something." The definition of "to

---

[4]   Isaiah Berlin, "İki Özgürlük Kavramı [= Two Concepts of Liberty]," (translated into Turkish by Mehmet Saygılı and Enis Oktay), *Cogito* 32 (2002), 212.

[5]   Berlin, "Introduction," *Four Essays on Liberty* (Oxford & New York: Oxford University Press, 1996), xliv.

[6]   Richard J. White, *Nietzsche and the Problem of Sovereignty* (Urbana, IL: The University of Illinois Press, 1997), 35-36.

be free for something" proposes a positive relationship between freedom and pressure and connects freedom to inner factors such as the level of consciousness, the capacity for knowledge, feelings, and wishes.[7] Once the importance and liberating function of pressure are accepted, it becomes more clear why not every limitation means "not to be free" in the idea of positive liberty. If freedom means that individuals do what they really wish[8] and not that everybody does everything they want, it is necessary for us to limit the wishes coming from our "low" self to do what we really wish.

According to the enlightened perspective's logic, one woman's wish to cover herself is a sign that the woman's low self is determining her wish. Hence, if that person had acted according to her rational self, i.e., her reason, she would have known that the headscarf is a tool for controlling women, and thus she would not have covered her body. In this case, the wish for covering is a result of false consciousness, not free choice. According to the enlightened perspective, this false consciousness originates from false information, value, and behavior patterns that the person received by means of socialization. The recovery from this false consciousness is possible only with correct education. Once a woman receives this education, she realizes that the headscarf ban serves freedom. The "convincing rooms" of the 28th of February are a result of this idea. These convincing rooms were created to inform students of the realities of the headscarf ban and lead them to uncover their heads voluntarily.

The equivalent of the distinction between the "high" self and the "low" self at the political level is the distinction between the self-realization of the individual and the social conditions inconsistent with this realization. Parallel to the idea that one must control the "low" self and put pressure on it for the sake of the sovereignty of the "high" self, is the political meaning of positive liberty, which holds that the social conditions must be controlled and social life must be interfered with in order for people to master and realize themselves. It is accepted that pressure is not a completely negative thing but has

---

[7] Karl Schmidt, "Freedom and Democracy," *The Journal of Philosophy* 39/14 (1942), 373.

[8] Charles Taylor, "Negatif Özgürlük Anlayışının Yanılgısı [= What's Wrong with Negative Liberty?]," (translated into Turkish by Özden Arıkan), *Cogito* 32 (2002), 261.

a positive function when necessary. Therefore, similar to the fact that the individual's suppressing of the "low" self's wishes constitutes a condition of freedom, the restriction of the individual's choices by interfering in social life is seen a condition for real freedom in terms of the political meaning of freedom. The idea of positive liberty, with the positive meaning it attributes to the concept of interference, establishes a relationship between freedom and historical-sociological conditions. According to the supporters of positive liberty, the realization of freedom is related to the inner factors as much as to the outer factors, which determine important parts of the inner factors. Thus, freedom is only possible in proper historical, social conditions.

The enlightened perspective sees women covering their bodies as a manifestation of bigotry. From this perspective, it bases itself on the idea that Turkey has not yet reached a level of progress that corresponds to the social conditions supplying freedom to every individual in the society. According to the enlightened perspective, which sees secular life as the most fundamental character of a modern society, demands for the freedom to wear a headscarf in public space in Turkey is the result of the persistence of the religious understanding, which is supposed to be left behind in modern society. The fact that some communities in Turkey cannot understand the necessity of the headscarf ban for a society that allows people to be free is a result of the religious understanding mentioned above. Although the headscarf ban prevents a demand from being actualized and puts pressure on the choices of those who have this demand, this pressure has a liberating function because it is required for a modern society to exist. When this type of society is actualized, women's demands for covering their bodies cease because the religious understanding, which stands as an obstacle to people's gaining the right consciousness, loses its effect. The enlightenment perspective's concern that religious understanding dominates social life is behind the perspective's sensibility to proliferate the use of the headscarf in the public sphere. Thus, a "reactionist" political-social order is actualized in Turkey. The enlightened perspective does not oppose women covering their bodies if there is no threat to the social order, even if it regards this as a choice stemming from false consciousness. This idea suggests that the enlightened perspective excludes private space from the issue of the headscarf ban. However, related to the fact that the enlightened perspective sees the public sphere as a threat, it can reach beyond the public sphere, which is defined by the use of state power. The head-

scarf ban's application to university students is an example. The enlightened perspective has supported the headscarf ban in universities based on an understanding of a public sphere that includes university staff and public servants who use public power and students who do not use public power.

 If the "low" self, i.e., deceptive feelings and wishes, is left behind and the "high" self, i.e., reason, is consulted, the distinction between the "high" self and the "low" self reveals the "monist" character of positive liberty together with the assumption that the correct can be known for one or many. Thus, the clash between values or options can be eliminated. Monism, which demands absolute solutions, is the biggest enemy of pluralism.[9]

The monist character of positive liberty corresponds to the enlightened perspective belief that a woman not covering her body is a sign that she is living the correct lifestyle. In this sense, covering the body deviates from the correct lifestyle. According to the enlightened perspective, in the clash between two lifestyles, every rational individual agrees that the first type of lifestyle is correct. To choose the second type is irrational. The correct social order is the order in which the rational lifestyle is dominant. Therefore, the spread of irrational lifestyles should be prevented, even by means of restrictions. According to the enlightened perspective, this is the very reason that the headscarf ban as a precaution that prevents the spread of the headscarf in the public sphere is a consequence of rationality.

The enlightened perspective holds that the use of the headscarf in the public sphere is a threat to a correct social order for two reasons. The first threat is formulated on the concept of "social power," and the second is formulated on the concept of "political power."

According to the enlightened perspective, an increase in the number of women wearing headscarves in the public sphere will socially pressure those women who do not wear headscarves. This is parallel to the sovereignty of the idea that a "religious," "chaste," and "moral" woman is always a woman with a headscarf. This pressure can be seen in cases in which women with headscarves do not see women without headscarves as religious and ostracize them. It can also be seen in cases in which women who do not wear headscarves feel

---

9   Berlin, "Introduction," i.

ostracized by the increasing number of women with headscarves in the public sphere. The enlightened perspective holds that this pressure leads to an increase in the number of women with headscarves in society. We can also talk about reverse social pressure, in which women who cover their bodies are seen as leading a reactionist way of life that dominates society. This parallels the increase of women who do not cover their bodies. Because the enlightened perspective sees "non-covering" as a prerequisite to rationality, it does not see this pressure as an obstacle to freedom.

The enlightened perspective supports the headscarf ban and holds that the headscarf is being used as a political symbol. For the enlightened perspective, the headscarf symbolizes a religious political system. Thus, demands for the freedom to wear a headscarf in the public sphere functions as a tool for actualizing a religious political system. Therefore, lifting the headscarf ban may not be supported by individual freedom. The enlightened perspective sees the maintenance of the headscarf ban as correct and rational, regardless of the fact that the majority of society thinks that the headscarf should be allowed in the public sphere. Hence, the enlightened perspective has objected, on the grounds that these actions would serve to found a religious political system, to the actions of the political powers, which represent the majority of the society, in their attempt to change the constitution and codes to allow the headscarf in the public sphere.

Although it is contrary to the majority will, the enlightened perspective sees the headscarf ban as necessary. Behind this attitude lies the monist character of the idea of positive liberty. Although positive liberty sees freedom as "somebody governing himself/herself," it can lead to results that contradict democracy, a system that is equal to the notion of "self-governing" at the political level. When its rationalist definition is taken into consideration, freedom signifies an action that is the result of the human will under the guidance of reason. Then, freedom in the political meaning signifies forming of the will under the guidance of the collective reason.[10] However, this overlap between individual wills and the collective will or a lack of any departure from the collective will is possible in the ideal state. In the ideal state, people do not tend to dominate each other and agree on the

---

[10] Friedrich August von Hayek, "Freedom, Reason and Tradition," *Ethics: An International Journal of Social Political and Legal Philosophy* 68/4 (1958), 234.

rules that regulate the social life because they respect the principles of reason as rational individuals. According to the rationalist idea, the existence of pressure in a society is a sign of the existence of wills that deviate from the collective will, that is, a sign that the ideal state is not reached.[11] In this case, freedom requires pressure be put on the non-rational for their own sake and rational rules to be forced on the non-rational. In the words of Berlin, the assumption of a single real solution makes positive liberty an ideological tool for authoritative regimes that are governed by the directives of the elite.[12] The identification of the "high" self with indefinite identities such as institutions, nations, races, parties, and the enlightened power of society results in the possibility that a doctrine of freedom becomes a doctrine of authority.[13]

The Liberal Perspective

The liberal perspective addresses the demand for the abolition of the headscarf ban in the context of the individual's freedom of belief and worship. As a result, it sees the headscarf issue as a problem of individual freedom. In this sense, the idea of negative liberty lies behind the liberal perspective's assessments of the headscarf issue.

Negative liberty means the lack of any outer intervention or pressure that limits the individual's choices and actions. With the lack of intervention and pressure, it is not important for the idea of negative liberty whether these choices and actions can be realized or not. As Berlin states, negative liberty points to the lack of obstacles in the way of someone who decides whether he/she walks or not; freedom is related to how widely the door is open, not to whether he/she wants to walk or not, or to how far the way is.[14] In this case, it is obvious that negative liberty is concerned with whether the opportunities are found for choice and action and not the nature of the choices and actions made.[15]

The concept of "opportunity" is crucial for some fundamental characteristics of negative liberty to be understood.

---

[11]   Berlin, "İki Özgürlük Kavramı," 226-227.

[12]   *Ibid.*, 232-234.

[13]   Berlin, "Introduction," xliv.

[14]   *Ibid.*, xxxix.

[15]   *Ibid.*, xlii.

First, the concept of opportunity reveals the meaning of "negative" in negative liberty. Opportunity exists by itself upon the absence of factors that eliminate opportunity. Thus, equating freedom with opportunity brings about the definition of freedom as "the lack of something." According to this meaning, to be free is to be free from something. This "something" can reveal itself as the intervention of an individual, group, or institution. In this sense, to be free is to have a space of motion that can be used with the "lack" of this intervention and in which certain action choices are to be found.[16] Therefore, in terms of the idea of negative liberty, the amount of freedom of the individual is determined by how the wide the space of action is in which no intervention exists.[17]

The liberal perspective posits that the headscarf ban is an intervention leveled against the individual's space of motion. For the liberal perspective, covering the body is a result of individual choice. The headscarf ban is a restriction for a woman who chooses a life according to Islamic values and sees covering her body as a necessity for such a lifestyle.

Second, opportunity is independent of the individual characteristics of the one who uses it. That being so, the negative liberty conception of freedom is not related to inner factors such as the possession of inadequate or incorrect information or the ability to evaluate and make present choices.[18] Because what eliminates the opportunities is the outer pressure or intervention, negative liberty is an "outer" liberty.

The liberal perspective posits that we should respect the choice to wear a headscarf without questioning the underlying causes. At this particular point, the above-mentioned understanding that addresses freedom without the inner factor is important. In this sense, the liberal perspective holds that banning the headscarf on the grounds that it is a choice depending on false consciousness is a restriction to individual freedom.

Consequently, an understanding of freedom based on the concept of opportunity proposes that freedom is not related to historical-

---

[16] Berlin, "İki Özgürlük Kavramı," 206.

[17] *Ibid.*, 207.

[18] Taylor, "Negatif Özgürlük Anlayışının Yanılgısı," 255.

social conditions. In the idea of negative liberty, there is a clear separation between freedom and its conditions. In Berlin's words, "liberty is one thing, and the conditions for it are another."[19] Accordingly, factors such as the economic state of an individual, his/her level of education, and the social environment he/she lives in may not be appropriate allow for certain opportunities. However, as long as there is no intervention to remove these opportunities, he/she will be free in the negative sense. At first sight, a sharp separation between freedom and its conditions might be considered to be contrary to the definition of negative liberty that it is the lack of the outer obstacles. This is because the historical-social conditions that prevent the individual from using the opportunities in front of him/her are included in the scope of the outer obstacle in its widest meaning. However, the outer restrictions in negative liberty are not taken in this wide meaning. In the idea of negative liberty, the unintended restrictions (historical-social conditions) are seen as similar to natural restrictions and are not obstacles to freedom.[20] An outer obstacle's possession of a nature that eliminates freedom, that is, its perception as an intervention, is connected to the fact that it is previously thought and intended.[21]

The liberal perspective does not set a relationship between unintended outer conditions and freedom. Therefore, it posits that the headscarf choice is a respectable choice free from the historical-social conditions of the chooser. According to the liberal perspective, the headscarf ban may not be supported by such reasons as the backwardness of the society, the social conditioning that women who choose to cover their bodies undergo in the social environment in which they are raised, the women's lack of education, which would enable them to make rational choices, and the unseen pressure of the social environment that determines their choice to cover.

The idea of negative liberty makes the concept of opportunity important. When it is taken in the context of the relationship between

---

[19] Berlin*, "*Introduction," iii.

[20] Ian Carter, "Positive and Negative Liberty," *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), Edward N. Zalta (ed.), http://plato.stanford.edu/archives/spr2012/entries/liberty-positive-negative (accessed March 30, 2012).

[21] Berlin, "İki Özgürlük Kavramı ," 206.

politics and freedom, the case points to the fact that there is a fear of intervening politics that is based on the belief that what is correct and false and good and bad for human beings can be known and that society is organized accordingly. The thing that leads most thinkers who adopt the idea of negative liberty to lean on the concept of opportunity is the fear of totalitarianism, which signifies the extreme case of the idea of policy.[22] Because liberals see the inconsistencies between rival values as an indispensable part of the human condition, they give importance to a definition of freedom based on choice or opportunity. As Honneth states, because the definition of freedom based on the concept of opportunity eliminates all pseudo-good willing reasons for intervention in life, it functions as a condition to feed pluralism.[23]

According to the liberal perspective, different lifestyles reflect different choices. For these choices to co-occur in peaceful way, they must be respected equally. The liberal perspective holds that this can be achieved in a political system that is based on the priority of rights. The rights that the individual possesses by the virtue of being human provide him/her a space of motion (freedom) in which he/she follows special purposes (choices, benefits, "good"s). Nevertheless, the space in which the individual follows his/her special purposes is limited by other individuals' space of motion. Thus, rights constitute the natural space and limit of freedom. In this sense, it is possible to say that rights have superior status in social life when compared to the individuals' choices to lead a good life. In the liberal perspective, this is called the principle of the priority of the right over the good. This principle also is grounded in the principle of the impartiality of law, a principle that the liberal perspective regards as the system of rules based on the protection of rights. The principle of the impartiality of law, which means that the rules that regulate common life remain the same distance from all choices of life, is tantamount to the guarantee of individual freedom.

In the liberal perspective, the headscarf is perceived as a threat to freedom only if it is imposed on people. This imposition could be in the form of someone being forced to wear a headscarf by a person,

---

[22] Taylor, "Negatif Özgürlük Anlayışının Yanılgısı," 258.

[23] Axel Honneth, "Negative Freedom and Cultural Belonging: Unhealthy Tension in Political Philosophy of Isaiah Berlin," *Social Research* 66/4 (1999), 1068, 1071.

group, or institution. There could be a system of law based on a particular lifestyle that could force women to wear a headscarf. If these two cases are absent, the headscarf must be seen as a lifestyle choice and thus respected. Allowing this choice is a requirement of freedom. When it is considered in terms of the discussions on headscarf in Turkey, the liberal perspective holds that the headscarf ban implemented on university students, public servants, and members of parliament is an unjust practice.

Impartiality is a principle that the liberal perspective sees as the guarantee of all individual freedoms, including the freedom to wear a headscarf. However, impartiality is an argument that has been used to defend the headscarf ban in the headscarf controversies in Turkey.

Some who think that the headscarf should be banned in universities take the argument of the impartiality of the public sphere as their starting point. Accordingly, the headscarf is a political symbol because it points to a common lifestyle. For that reason, the demand for the freedom to wear a headscarf in universities cannot be seen as a demand for freedom. Because the headscarf as a political symbol points to an Islamic political system in which women must cover their bodies, to allow the headscarf in such a public space as universities contradicts the principle of the impartiality of the public sphere. There were those in Turkey who defended the view that women with headscarf should not attend "the receptions of the Republic," which are held in the presidential palace during the celebrations of establishment of Turkish Republic, or that they cannot be in the parliament while they wear a headscarf. These people have used the argument that no political symbol should be used in the public sphere. The liberal perspective holds that the headscarf ban may not be seen as legal, even if the headscarf is used in the public sphere as a political symbol. According to the liberal perspective, individuals have the freedom to act in the public sphere, either in an individual or organized way to spread their political views as long as they do not use force.[24]

The headscarf ban directed to public servants is supported on the grounds of the impartiality of public institutions or individuals who use the public power. According to the supporters of this view,

---

[24]   Atilla Yayla, "Ahlak, Hukuk ve Başörtüsü Yasağı" *www.liberal-dt.org.tr* (accessed March 30, 2012).

someone who uses the public power wearing a headscarf contradicts the principle of the impartiality of the public power because the headscarf represents a certain way of life. Basing itself on the distinction of "givers-receivers of the public service" in the headscarf ban, this idea holds that the headscarf ban can be implemented only on those engaged in public service. For instance, this idea considers the headscarf ban for students as a violation of freedom. However, this perspective does not oppose the implementation of the ban on the university staff. According to the liberal perspective, the use of a symbol that represents a certain way of life by public servants does not contradict the principle of impartiality. If the public servants are unbiased towards the receivers of the service, the law rules must be considered because these rules give directions to them. If these rules are impartial and implemented on everyone equally, the dress of those who implement them is not important at all.[25] The liberal perspective is based on the idea of negative liberty. Thus, it holds that an argument that a non-covered woman would see herself under pressure against a covered, public servant cannot be the reason for the implementation of the headscarf ban on public servants.

One of the arguments used to support the headscarf ban is the principle of the impartiality of rules. This principle posits that the rules needed to maintain order in social life should be applied to everyone equally. Accordingly, to exempt anyone from these rules for any reason is a violation of the principle of impartiality. The headscarf ban during examinations in Turkey has also been supported on the basis of the argument of the impartiality of rules. The supporters of this ban claim that some rules are needed in order for the success of the examination. Thus, they say that the headscarf ban is a rule put in place for identifying students in examinations. For the supporters of this claim, to allow some people to wear headscarves in examinations is to exempt those people from this rule, and this is contrary to the principle of impartiality. In fact, the principle of the impartiality of rules is a principle to which the liberal perspective also gives importance. Nevertheless, the liberal perspective regards the headscarf ban as a violation of freedom because of this principle. According to the liberal perspective, the rules that maintain the social order can be seen as legal, as much as they are dependent on human rights. If a rule limits a right and the individual's freedom that is granted to

---

[25]   *Ibid.*

him/her in terms of this right, the application of this rule equally does not mean that justice is served.[26]

Conclusion

The enlightened perspective, which supports the headscarf ban in Turkey, is based on a particular interpretation of the idea of positive liberty. According to this interpretation, freedom means the manifestation of the rational self, i.e., the "quintessence" accepted as the common and fundamental characteristic of all mankind. Hence, people's freedom is connected with the maintenance and sovereignty of a lifestyle that allows the "rational" soul to exist, i.e., the true lifestyle. Because religion equals "the irrational," the religious lifestyle is a deviation from the true way of life. For that reason, the use of the headscarf, a sign of a religious lifestyle, in the public sphere must be seen as a threat to the correct lifestyle. The way to eliminate this threat is to ban the headscarf in the public sphere.

The perspective that adopts the idea of negative liberty, however, sees the demand to wear a headscarf in the public sphere as a demand for freedom. According to the liberal perspective, to be free means that there to be no interference in the individual's space of choice. It is a prerequisite of freedom that an individual forms his/her own life as he/she wants according to his/her wishes as long as he/she does not interfere in another's space of freedom. Wearing a headscarf is a lifestyle choice and thus the headscarf ban in the public sphere is a violation of freedom. According to the liberal perspective, an individual can question his/her own choice in parallel with his/her own choice of lifestyle. However, in the liberal political system, this questioning cannot go as far as to block the choices of the individuals who choose wearing a headscarf as a part of their lifestyle. This is because, for the liberal perspective, the headscarf choice must be respected as much as the choices of those who question it.

Undoubtedly, the liberal political system, which is based on the idea of the negative liberty, is an important guarantee for the freedom of the headscarf as much as for other types of freedom. However, is this guarantee enough, as the liberal perspective claims? I think that this guarantee is not enough because of an important factor that the liberal perspective ignores because it adopts the negative perspec-

---

[26]   Ali Yaşar Sarıbay, *Demokrasinin Sosyolojisi* (Istanbul: Timaş Yayınları, 2012), 70.

tive. Although having a space of motion free from interference is important for the protection of the individual against pressure, this is not adequate for such protection. This is because pressure does not consist of only interferences, i.e., the intended outer factors. The unintended outer conditions that limit the individual's choices are also included in the scope of pressure. Because the idea of negative liberty does not differentiate between freedom and the conditions of freedom and because it ignores the relational character of freedom in social life, it is blind to the unseen face of pressure.[27] For that reason, the idea of negative liberty ignores the fact that freedom can be lost in some cases without interference.[28] For example, even if we live in a liberal political system, we cannot prevent a teacher, who sees the headscarf as a symbol of reactionism, from despising a student wearing a headscarf, preventing this student from uncovering her head and feeling worthless because of this despise. This shows us that freedom, i.e., the ideal of the liberal perspective, can only be actualized in a social system where the liberal culture dominates. Thus, disappearance of the headscarf problem in Turkey depends upon the change of the political culture rather than the legal or constitutional amendments. Because such a change of political culture cannot take place overnight, the headscarf issue will still be a topic of discussion in Turkey's near future.

REFERENCES

Berlin, Isaiah, "Introduction," *Four Essays on Liberty* (Oxford & New York: Oxford University Press, 1996), i-lxiii.

_____ "İki Özgürlük Kavramı [= Two Concepts of Liberty]," (translated into Turkish by Mehmet Saygılı and Enis Oktay), *Cogito* 32 (2002), 202-253.

Carter, Ian, "Positive and Negative Liberty," *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), Edward N. Zalta (ed.), http://plato.stanford.edu/archives/spr2012/entries/liberty-positive-negative (accessed March 30, 2012).

---

[27]   William L. McBride, "The Concept of Liberty Thirty Years Later: A Sartre-Inspired Critique," *Social Theory and Practice* 16/3 (1990), 320.

[28]   Philip Pettit, *Cumhuriyetçilik: Bir Özgürlük ve Yönetim Teorisi* [= *Republicanism: A Theory of Freedom and Government*] (translated into Turkish by Abdullah Yılmaz; Istanbul: Ayrıntı Yayınları, 1998), 60-61.

Erdoğan, Mustafa, *Aydınlanma, Modernlik ve Liberalizm* (Ankara: Orion Press, 2006).

Hayek, Friedrich August von, "Freedom, Reason and Tradition," *Ethics: An International Journal of Social Political and Legal Philosophy* 68/4 (1958), 229-245.

Honneth, Axel, "Negative Freedom and Cultural Belonging: Unhealthy Tension in Political Philosophy of Isaiah Berlin," *Social Research* 66/4 (1999), 1063-1077.

Kılıçbay, Mehmet Ali, "Atatürkçülük ya da Türk Aydınlanması," in Ali Yaşar Sarıbay and Ersin Kalaycıoğlu (eds.), *Türkiye'de Politik Değişim ve Modernleşme* (Bursa: Dora Press, 2009), 233-242.

McBride, William L., "The Concept of Liberty Thirty Years Later: A Sartre-Inspired Critique," *Social Theory and Practice* 16/3 (1990), 297-322, http://dx.doi.org/10.5840/soctheorpract199016315

Pettit, Philip, *Cumhuriyetçilik: Bir Özgürlük ve Yönetim Teorisi* [= *Republicanism: A Theory of Freedom and Government*] (translated into Turkish by Abdullah Yılmaz; Istanbul: Ayrıntı Yayınları, 1998).

Sarıbay, Ali Yaşar, *Demokrasinin Sosyolojisi* (Istanbul: Timaş Yayınları, 2012).

Schmidt, Karl, "Freedom and Democracy," *The Journal of Philosophy* 39/14 (1942), 365-381, http://dx.doi.org/10.2307/2018624

Taylor, Charles, "Negatif Özgürlük Anlayışının Yanılgısı [= What's Wrong with Negative Liberty]," (translated into Turkish by Özden Arıkan), *Cogito* 32 (2002), 254-275.

Tunçay, Mete (2001), "İkna (İnandırma) yerine Tecebbür (Zorlama)," in Tanıl Bora and Murat Gültekingil (eds.), *Modern Türkiye'de Siyasî Düşünce, Cilt 2: Kemalizm* (Istanbul: İletişim Yayınları, 2001), 92-96.

White, Richard J., *Nietzsche and the Problem of Sovereignty* (Urbana, IL: The University of Illinois Press, 1997).

Yayla, Atilla, "Ahlak, Hukuk ve Başörtüsü Yasağı," *www.liberal-dt.org.tr* (accessed March 30, 2012).

BOOK REVIEWS

The Night Journey and Ascension in Islam: The Reception of Religious Narrative in Sunnī, Shīʿī and Western Culture
by R. P. Buckley

Stijn Aerts

ࢃࢦ

Arabic Thresholds: Sites of Rhetorical Turn in Contemporary Scholarship
edited by Muhsin J. al-Musawi

Amidu Olalekan Sanni

ࢃࢦ

An Anthology of Philosophy in Persia, Vol. 4: From the School of Illumination to Philosophical Mysticism
edited by Seyyed Hossein Nasr and Mehdi Aminrazavi

L. W. C. van Lit

ࢃࢦ

Argumentation et dialectique en Islam
by Abdessamad Belhaj

Giovanni Carrera

ࢃࢦ

Sufism, Black and White: A Critical Edition of Kitāb al-Bayāḍ wa-l-Sawād by Abū l-Ḥasan al-Sīrjānī (d. ca. 470/1077)
edited by Bilal Orfali and Nada Saab

Hikmet Yaman

ࢃࢦ

Questioning Modernity in Indonesia and Malaysia
edited by Wendy Mee and Joel S. Kahn

Kevin W. Fogg

ॐ✦ॐ

The End of Innocence? Indonesian Islam and the Temptations of
Radicalism
by Andrée Feillard and Rémy Madinier

Muhammad Wildan

ॐ✦ॐ

The Night Journey and Ascension in Islam: The Reception of Religious Narrative in Sunnī, Shīʿī and Western Culture, by R. P. Buckley (Library of Middle East History, 36) (London & New York: I. B. Tauris, 2013), ix + 360 pp., ISBN: 978-1-84885-986-9, £59.50 (hb)

The book under review is a study of the discourses on the *isrāʾ* and the *miʿrāj*, Muḥammad's Night Journey to Jerusalem and his Ascension to heaven, in Sunnī and Shīʿī Islam as well as in the (non-Muslim) West. It does not deal with the historical development of the *isrāʾ* and *miʿrāj* narratives in the formative period of Islam, nor with the literary dimensions of the narratives of the nocturnal journeys. The author's goal is to draw up an inventory of the intellectual activity inspired by or centering on these narratives. The study covers early classical as well as modern Islam, and everything in between: present-day internet sources of sectarian groups such as the "Qurʾān-Only" Movement are quoted next to medieval Imāmī sources and early Khārijite and Muʿtazilite opinions – surely one of the strengths of the book. The reader should not, however, expect to find a comprehensive "history of ideas" (p. viii). Although the author systematically sketches the existence of ideas in pre-modern times (but not the formative period of Islam), there is limited attention for the dynamics of the transmission of ideas and the intellectual contexts in which they originated and blossomed. All in all, the book contributes more to our knowledge of Muslim thought in the medieval and especially the modern period than the centuries before.

The book is arranged according to the variegated questions and problems brought forth by the Night Journey and Ascension; within each subdivision, the material is presented mostly chronologically. In chapter one, the reader is introduced to the supposed references to the Journeys in the Qurʾān (Q 17:1 and Q 53:1-18) and the narratives as found in the *Sīra* of Ibn Isḥāq, the *Ṣaḥīḥ* of al-Bukhārī, and the *Tafsīr* of ʿAlī ibn Ibrāhīm al-Qummī, all of which are quoted in translation, and which obviously constitute only a small selection of the *isrāʾ* and *miʿrāj* narratives in Islamic literature. Chapter two is dedicated to the problems that these narratives entail in the eyes of Muslims with respect to the veracity of the described events. These include the scarcity of Qurʾānic proof, especially for the Ascension, and

the fact that the ḥadīth traditions could be apocryphal. Further problems ensue from the often contradictory nature of the accounts, the miraculousness of the events (which conflicts with reason), and the anthropomorphic elements and tangible, extra-Qurʾānic descriptions of such details as al-Burāq, the celestial mount.

The majority of Muslims, however, accept the veracity of the accounts, and the next three chapters discuss the problems that arise from this position, and the solutions that Muslim thinkers formulated to relieve some of the tension. Chapter three deals with the majority view that Muḥammad physically undertook (or underwent) the nocturnal journeys, and that the details as preserved in the trustworthy accounts should be taken literally. Chapter four zooms in on those ʿulamāʾ who contended that the *isrāʾ* and the *miʿrāj* are visions, dreams, or spiritual journeys, which the Prophet undertook with his heart, but not with his body. Chapter five addresses a third attitude towards these miraculous stories: that the *isrāʾ* and *miʿrāj* cannot be understood by humankind because they pertain to a transcendent, superhuman reality so different of the worldly reality, that reason falls short of interpreting it. While chapters two to five incorporate both Sunnī and Shīʿī thinkers, from past and present, chapter six is devoted exclusively to the Imāmī reception of the narratives, because Imāmism, unlike Sunnism, has been largely neglected in the West, and because the narratives "reflect the Imāmī worldview more comprehensively than they do that of Sunnī Muslims" (p. 139).

The author's wide scope, which reaches beyond orthodox Sunnism to include also Shīʿism and Sufi thought, is an asset of this study. Chapters one through six are a commendable read for everyone interested not only in the *isrāʾ* and *miʿrāj* as such, but more generally in the intellectual traditions on the nature of prophethood in Islam, the role and limitations of reason in Islam, the authenticity of the ḥadīth, and anthropomorphism. The book constitutes a refreshing and remarkably accessible (i.e., non-technical) read on these issues, suitable for many audiences.

The seventh and last chapter, good for one third of the body of the book, is about Western perspectives on the Night Journey and the Ascension from the Middle Ages to modernity. It is a well-prepared case study of Christian anti-Islamic polemics, which often targeted the *isrāʾ* and *miʿrāj* specifically. These polemics were more often than not inspired by the West's fear of the Islamic East, which was blessed

with rather more military (and other) success. They were an expression of the Christian understanding of "true faith" and were intended to discredit Muḥammad as a Prophet and Islam as a religion. As such, the chapter is about the Christian West – Muslim reactions to these polemics are left unconsidered – and its relation to the previous chapters, which deal with the Islamic East, is unclear. Since the book lacks both an introduction and a general conclusion, the reader looks in vain for an elucidation of the rationale for combining in one monograph these two research paths, which, ultimately, only have in common that they deal with the *isrāʾ* and *miʿrāj*. In the preface, it says that the Christian commentaries on the Night Journey form "an essential element within the Western response to Islam and its Prophet" – a valid point, but one that is far removed from the subject of the rest of the book.

The book contains a convenient general index, which includes also authors and titles, but the sixty pages of endnotes have not been indexed. The text suffers from some inaccuracies, mostly concerning the transcription of Arabic: on p. 2, read *nuriyahū* for *nurīyahu*; on p. 4 and p. 274 note 143, read *āyāt* and *al-āya* for *ayāt* and *al-ayāh*; on p. 46 and p. 273 n. 139, read *ṭabaqāt* for *ṭabāqāt* and *tabāqāt*; on p. 88, read *raʾāhu* instead of *rāhu*; on p. 89, read *ḍarūriyyāt* for *ḍurūriyyāt*; on p. 112, read *zindīq* for *zindiq*; on p. 164, p. 300 n. 84, and p. 333, read *al-aʾimma* for *al-āʾimma*; on p. 168, in the second line of the *adhān*, read *ashhadu an* for *ashhadu anna*; on p. 266 note 12 and p. 339, read *sabʿ* for *sabaʿ*; on p. 266 n. 15, p. 276 n. 24, and p. 324, read Rifʿat instead of Rafʿat; on p. 270 n. 74, read *baʿīd^{an}* for *baʿīd^{an}*; on p. 293 n. 23, read *khulāṣat* for *khulaṣat*. The publisher of Nūrsī's *al-Miʿrāj al-nabawī* is "Sözler" instead of "Sozlar" (p. 338). The name of al-Baghawī is Ibn Masʿūd instead of al-Masʿūd, and he died in 516, not 561 (p. 87). The title of Ibn al-Qayyim's work is conventionally read as *Zād al-maʿād fī hady khayr al-ʿibād* instead of *hudā khayr al-ʿubbād* (p. 273 n. 124, p. 282 n. 24, and p. 333). In the tradition from al-Bukhārī's *Ṣaḥīḥ* translated on p. 5, it is probably Qatāda and possibly Anas who interposes a question to al-Jārūd, but definitely not Mālik ibn Ṣaʿṣaʿa, whom al-Jārūd never met.

Stijn Aerts
University of Leuven, Leuven-Belgium

Arabic Thresholds : Sites of Rhetorical Turn in Contemporary Scholarship, edited by Muhsin J. al-Musawi (Leiden & Boston: Brill, 2009), xvii + 339 pp., ISBN: 978-90-04-17689-8, €165.00 / $220.00 (hb)

This is a felicitation volume (*Festschrift*) whose contents originally appeared as articles in two issues of the *Journal of Arabic Literature* (38/3 [2007] and 39/1 [2008]) in honor of Jaroslav Stetkevych, the iconic scholar of Arabic studies and critical thoughts. These contributions by friends, colleagues, and old students, which are underlined by a common subscription to the doctrine of a rhetorical shift in the humanities and dialogue with social science methodologies, cover the wide spectrum of Stetkevych's intellectual interests. These include advocacy for a review of old 'Orientalism,' classical Arabic literary tradition, Andalusian poetry, Francophone literature, translation, the nexus between architecture and poetry, Sufism, and comparative studies. These are the subject matters covered in this volume. Roger Allen (pp. 1-15) identifies some of the principal issues which are involved in the parameters for periodizing the Arabic literary history as applied to the Arabic novel. The confusion over placing the 'crude' or informal antecedents into the category of formal narrative categories is mentioned as a key problem. In his view, the nature of generic change which has come to pass since the 19th century has not been fully digested by the scholarly community in its attitude towards modernity, hence the inability, if not the failure to classify rightly, the fictional writings of the pre-Modern period. Allen therefore calls for a different approach to the fictional writings of that period in light of current trends.

Muhsin al-Musawi (pp. 17-51) discusses the popular narrative in the ʿAbbāsid era in the context of readership and distribution techniques, and analyzes the theoretical and anecdotal values of authors and works such as al-Qāḍī Abū ʿAlī al-Tanūkhī's (d. 384/995) *Nishwār al-muḥāḍara*, Ibn Ṭufayl's (d. 581/1185) *Ḥayy ibn Yaqẓān*, and Abū Isḥāq Ibrāhīm ibn ʿAlī al-Ḥuṣrī's (d. 413/1022) *Jamʿ al-jawāhir*, the last being the most analyzed in detail by him. He also categorizes the narrative practice into six on the basis of theoretical and material paradigms and concludes that Arab writers of fiction and realistic narratives worked out a preliminary theoretical framework which is distin-

guished by the complexity of the transgeneric writing. Although he falls into the hackneyed misnomer of designating the twilight of the 'Golden' era of Arabic cultural milieu as 'late ʿAbbāsid and post-classical period' (p. 20), the faultiness of which designation has been robustly established by Thomas Bauer,[1] he is able to show how the restrictions enforced by market inspectors, the *muḥtasibs*, impacted on the rise and eclipse of the narrative tradition in an ever-mutating socio-political landscape in which the "One Thousand and One Nights" model stood as the most illustrious representative, *odium theologicum*, notwithstanding. Due to the emergence of a formidable readership and the discontent with the conservative religious class, some of whom had reservations about the narrative tradition anyway, the genre successfully challenged and brilliantly supplanted other literary types. A key reason for this success, according to the writer, is that "the anecdotal quality targets reading publics and assemblies" (p. 28). This particular contribution by al-Musawi is very insightful, as it reinforces the valid assumption that narratology as a heuristic tool for interpretation is a kit containing a variety of instruments that may be exclusive or universal to different sorts of narrative texts. And this can be established from the nature and contrariety of responses to the various Arabic literary types that held sway from the ʿAbbāsid period downward.[2]

Suzanne P. Stetkevych's contribution (pp. 53-84), which is a contextual and theoretical analysis of ʿAlid legitimacy to suzerainty on the basis of an elegy by al-Sharīf al-Murtaḍā for al-Ḥusayn ibn ʿAlī is all but connected to the overarching philosophy and underlying current of the volume. Samer M. Ali's "Early Islam-Monotheism or Henotheism: A View from the Court" (pp. 85-109) discusses the encounter between the sacred and the profane in the ʿAbbāsid court and how the court promoted the latter at the expense of the former. But his argument that the *ʿulamāʾ* as a learned class of professionals with expertise in various disciplines was yet to be formed in the 9th and 10th centuries "before the spread of state madrasas" (p. 88 n. 8), is less than correct. There abound evidences of study circles around experts

---

[1] Thomas Bauer, "In Search of 'Post-Classical Literature': A Review Article," *Mamlūk Studies Review* 11/2 (2007), 137-167.

[2] Cf. Genevieve Liveley, "Narratology" (A review of *Narratology and Interpretation: The Content of Narrative Form in Ancient Literature* [ed. by Janos Grethlein and Antonios Rengakos], *The Classical Review* 61/2 (2011), 341-343.

in Islamic sciences from the mid 8th century in the Islamic lands (Mec-ca-Medina-Iraq-Syria), of courtly preceptors, and advice for teacher and student literature for which Ibn Saḥnūn (d. 256/870) and al-Jāḥiẓ (d. 255/869) stand out. Moreover, the class of preachers (*wāʿiẓ*s), admonitors (*mudhakkir*s), and edifying, moralistic story-tellers (*qāṣṣ*es), professional dictation makers (*mustamlī*s), and of biblio-philes from before the 9th century clearly indicates the existence of several "professional" classes of ʿulamāʾ, although evidence of an overlap across various specialisms and expertise was not altogether lacking.[3] However, Ali brilliantly illustrates how J. Stetkevych's work exemplifies the 'linguistic turn,' that is, ways in which language per-formance and rhetoric reflect and constitute individuals and societies.

The contribution by James Monroe (pp. 111-141) discusses the phylogeny of the Andalusian strophic verse types, the *muwashshaḥ* and the *zajal*, using a sample from Ibn Quzmān (d. 535/1145) as a template to prove his hybridization theory in architecture and aesthet-ic model. In the case of *zajal*, the structure, that is, its strophic form, is from the Western European tradition, while the material, is Eastern, that is, the archetypical Arabic *qaṣīda*. Using this template to formu-late a theory on correspondence between poetry and architecture, especially where a binary of dominant and dominated cultures is in-volved, Monroe argues that where the *structure* of a work is bor-rowed from the *dominant* culture but the materials are from the *dom-inated* cultures (for which mosques and *mudéjar* churches are cited), a classical medium of expression is adopted to *uphold* official values. Conversely, the colloquial is adopted to subvert official values when the reverse process is the case (p. 137). Al-Nābulusī's (d. 1050/1641) explication of a *jīmiyya* poem by the mystic Ibn al-Fāriḍ (d. 632/1235) was more of an exegesis of an assumedly divinely inspired text than an interpretation, and this marks off al-Nābulusī's *Kashf al-sirr al-ghāmiḍ* from al-Būrīnī's (d. 1024/1615) literary and rhetorical interpretation of the same work. This is the subject matter of the con-tribution by Th. Emil Homerin (pp. 143-206).

Michael Sells (pp. 207-218) gives a translation and commentary of two poems from *Turjumān al-ashwāq* [*The Interpreter of Desires*], a collection of sixty-one self-standing *nasīb*s by the famous Sufi theo-

---

[3]   See the various essays in Claude Gilliot (ed.), *Education and Learning in the Early Islamic World* (Surrey-Burlington, VT: Ashgate Variorum, 2012).

logian Ibn ʿArabī (d. 637/1240). Aḥmad Shawqī's (1868-1932) *sīniyya* poem on the Great Mosque of Cordova, a sort of contrafaction (*muʿāraḍa*) to al-Buḥturī's (d. 284/897) composition on the Sasanian Palace (Īwān Kisrā) is the subject matter of Akiko M. Sumi's contribution in this volume (pp. 219-272). Shawqī's poem is analyzed in the context of his thematic borrowings from his model and the architectural peculiarities of the mosque and the palace as reflected in the two poems. This perspective is a further deployment of Sumi's 2004 thesis on *ekphrasis* (*waṣf*),[4] and in this particular case, she examines the relationship between poetry and architecture through the prism of modern architectural theories. Sumi characterizes Shawqī's reused rhyme-word from al-Buḥturī as *spolia*, an architectural reference term for Roman marble ornaments. She also shows how al-Buḥturī's sense of loss of a past glory, the Persian palace, influenced Shawqī's description of the Andalusian historical monuments in order to show how architectural techniques as manifested in theories and monuments can be replicated in poetry (p. 268).

Aida O. Azouqa in "Metapoetry between East and West: ʿAbd al-Wahhāb al-Bayātī and the Western Composers of Metapoetry – A Study in Analogies" (pp. 273-309) indicates that metapoetry refers to such poems that make poetry and literary criticism the subject of a poem. The Iraqi al-Bayātī (1926-1999) is known for his bold poetic experimentations which make his "work departs from Classical Arabic poetry in substance as well as in structure" (p. 274). The poet's priority derives largely from his being the pioneer of metapoetry in contemporary Arabic literary tradition, due to his strong fascination with ancient and classical mythologies as expressed in his poetry.

The concluding contribution by Elizabeth M. Holt (pp. 311-329) is an examination of the Algerian Aḥlām Mustaghānamī's award-winning bestseller novel, *Dhākirat al-jasad* vis-a-vis its French translation in the context of the conflict between the Algerian Arabic literary background and *francophonie*, the legacy of French colonial hegemony.

On the whole, the essays in the volume unearth the unfamiliar undercurrents in the pre-Modern Arabic literary tradition in respect of its

---

[4] See Amidu Olalekan Sanni, "A Review of *Description in Classical Arabic Poetry: Waṣf, Ekphrasis, and Interarts Theory*, by Akiko M. Sumi," *Die Welt des Islams* 45/2 (2005), 304-306.

various modes of manifestation; poetry, artistic prose, fictional narratology, hybridized models, and comparative texts and contexts. More importantly, the contributions challenge received canons and perspectives and offer alternative perspectives which truly justify its claim to being a foray into the rhetorical turn, a perspective which has been popularized by the seminal exertion of Herbert Simon, from which this *Festschrift* derived its methodological framework in the first place.[5] This is a welcome addition to the emerging literature on redefining the Arabic aesthetic cultural heritage by rooting it in the mainstream of criticism and cultural studies.

Amidu Olalekan Sanni
Lagos State University, Ojo, Lagos-Nigeria &
Oxford Centre for Islamic Studies, Oxford-UK

REFERENCES

Bauer, Thomas, "In Search of 'Post-Classical Literature': A Review Article," *Mamlūk Studies Review* 11/2 (2007), 137-167.

Gilliot, Claude (ed.), *Education and Learning in the Early Islamic World* (Surrey-Burlington, VT: Ashgate Variorum, 2012).

Liveley, Genevieve, "Narratology" (A review of *Narratology and Interpretation: The Content of Narrative Form in Ancient Literature,* ed. by Janos Grethlein and Antonios Rengakos), *The Classical Review* 61/2 (2011), 341-343, http://dx.doi.org/10.1017/S0009840X11000631

Sanni, Amidu Olalekan, "A Review of *Description in Classical Arabic Poetry: Waṣf, Ekphrasis, and Interarts Theory,* by Akiko M. Sumi," *Die Welt des Islams* 45/2 (2005), 304-306.

Simon, Herbert W. (ed.), *The Rhetorical Turn: Invention and Persuasion in the Conduct of Inquiry* (Chicago, IL: Chicago University Press, 1990), http://dx.doi.org/10.7208/chicago/9780226759036.001.0001

---

[5]   See Herbert W. Simon (ed.), *The Rhetorical Turn: Invention and Persuasion in the Conduct of Inquiry* (Chicago, IL: Chicago University Press, 1990).

An Anthology of Philosophy in Persia, Vol. 4: From the School of Illumination to Philosophical Mysticism, edited by Seyyed Hossein Nasr and Mehdi Aminrazavi (London & New York: I. B. Tauris in association with The Institute of Ismaili Studies, 2012), xix + 532 pp., ISBN: 978-1-84885-749-0, £39.50 (hb)

This book is the fourth volume of a massive anthology, dealing roughly with the period from the 13th to the 16th century. This late medieval period is receiving more and more attention lately, and so this anthology is timely. While previously Nasr and Aminrazavi had stated they would able to complete their project in four volumes, they now write that a fifth part will follow, mostly to cover areas that had to be left out in this volume due to space limitations (p. 1). They limit their fourth volume to around 500 pages, just like the previous volumes.

To do justice to a volume as large and varied as this in a review is challenging. However, after careful examination, I have concluded that by restricting our attention to those parts that will be of benefit to advanced undergraduate students and upwards, the material becomes more manageable, as we may safely leave out half of the book. I shall not deny that this half may be of interest to the general public, for whom, Nasr seems to imply (p. 8), this volume may primarily be intended. However, here I will review the book strictly on its merits for academic use.

First of all, of the 24 translations, 6 are reprints, amounting to 108 pages. All of them are still readily available, for reasonable prices, so perhaps those interested in these texts will do better to get the books where the passages are from, to read them in their full context. Further, an excerpt from a letter by ʿAyn al-Quḍāt Hamadānī is said to be "translated for this volume" (p. 412) by Omid Safi, yet it already appeared in his *The Politics of Knowledge in Premodern Islam* (2006), pp. 175-176. A passage from the 'Commentary upon Guidance through wisdom' (*Sharḥ Hidāyat al-ḥikma*), is said to be "translated for this volume" (p. 269) by Nicholas Heer, yet it has been available on his institutional website for many years (https://digital.lib. washington.edu/researchworks/handle/1773/4887). Additionally, two passages have already been translated into English. One is a passage from Dawānī's 'The Jalālian Ethics' (*Akhlāq-i Jalālī*) on the virtues for

rulers. First translated by W. F. Thompson (*Practical Philosophy of the Muhammadan People*, 1839, p. 377 ff.), it now receives a fresh translation by Carl Ernst. Why exactly it needed to be retranslated is not mentioned; in fact, no reference is made to Thompson's translation. In the original translation, Thompson makes the comment that this chapter is based on *Akhlāq-i Nāṣirī* (by Naṣīr al-Dīn Ṭūsī), with only small additions (p. 377, n. 1). This seems to me a rather important comment, but it is not mentioned by the translator or the editors, which gives the false impression it is entirely Dawānī's. The second passage that has already been translated comes from Aḥmad Ghazālī's 'Auspices of Divine Lovers' (*Sawāniḥ al-ʿushshāq*). The translator, Joseph Lumbard, mentions the earlier translation by N. Pourjavady, to which he is "deeply indebted" (p. 375 n. 1), but it is again not made clear why this passage deserved a fresh translation.

That leaves us with 14 newly translated passages. Of these, two were already available in French. Majid Fakhry's translation of a passage from Mullā Ṣadrā's 'Glosses upon the Commentary of the Philosophy of Illumination' (*Taʿlīqāt ʿalā Sharḥ Ḥikmat al-ishrāq*) was translated by H. Corbin in *Le Livre de la Sagesse Orientale* (1986, p. 646 ff.). Omid Safi provides a passage from ʿAyn al-Quḍāt Hamadānī's 'Dispositions' (*Tamhīdāt*), which can be found in C. Tortel's *Les Tentations Métaphysiques* (1992). Safi long ago announced his intention to publish a full translation of Hamadānī's *Tamhīdāt*, which, were it ever to see the light, would downgrade the inclusion of the passage in this anthology to yet one more reprint.

Lastly, and then we will continue on a more positive note, the little introductions at the beginning of each chapter may safely be skipped. Serious students will find no new information in them, and are better off reading entries from e.g. M. M. Sharif's *A History of Muslim Philosophy*, M. Fakhry's *A History of Islamic Philosophy*, or the *Encyclopaedia of Islam*. It is even hard to believe that these introductions could work for the general public, as they are stylistically rather poor, as though the first draft went straight to press without an editor having looked at them.

In total, not counting the passages available in French, this amounts to 249 pages, almost half of the book. If we do count the passages available in French this even becomes 282 pages, well more than half of the book. This means of course that still the other half consists of new translations that may be of interest to students and

scholars. A large part of this, 5 passages covering 97 pages, comes from the pen of Majid Fakhry. Especially his two translations on the concept of knowledge will be of interest to many. He has translated a general discussion on the concept of knowledge by Ibn Abī Jumhūr, and one more specifically about the two key notions, *taṣawwur* (conception) and *taṣdīq* (consent) by Quṭb al-Dīn Rāzī. These passages are interesting perhaps not so much for the private opinions of the authors, but because they discuss a variety of opinions, which gives the reader an excellent primer in the breadth and depth of the medieval discourse on epistemology. Fakhry's translation of some of the later chapters in Naṣīr al-Dīn Ṭūsī's *Sharḥ al-Ishārāt*, complements well Inati's translation of the same chapters from Ibn Sīnā's *al-Ishārāt* (*Ibn Sīnā and Mysticism*, pp. 81 ff.). Fakhry further translates a passage from Shahrazūrī, about some Greek philosophers, which gives an insight into the level of knowledge of Greek philosophy in the late 13th century. Lastly, as mentioned before, Fakhry translates a passage from Mullā Ṣadrā's glosses on Quṭb al-Dīn Shīrāzī's commentary on Suhrawardī's *Ḥikmat al-ishrāq*, which is a key passage in Mullā Ṣadrā's thinking on eschatology.

It seems that this anthology came slightly too early, as Fakhry had to work from lithographs for the passages from Ibn Abī Jumhūr and Mullā Ṣadrā, while both of them have recently appeared as editions. I have inspected Fakhry's translation of Mullā Ṣadrā closely and found some 26 instances where Fakhry's translation is problematic, when compared to the new edition (ed. S. M. Musawi, 2013, pp. 508 ff.). In some cases, it is obvious that Fakhry read a word that is close but not correct. For example, on p. 161, l. 19 Fakhry translates "snakes (?)," indicating he is not sure himself. He probably read *ḥayyāt*, but the new edition reads *ḥummayāt*, that is, "fevers," which makes more sense contextually (a full list is available from this reviewer). I have not compared the translation of Ibn Abī Jumhūr's passage on knowledge, but already a cursory look into the new edition reveals that this passage is partly based on texts by Shahrazūrī and ʿAlī Qūshjī. This is not pointed out by the translator or the editors. Another text that suffers from using an old edition is the translation by Carl Ernst of a passage from Dawānī's *Shawākil al-ḥūr*, a commentary on Suhrawardī's *Hayākil al-nūr*. Ernst used the old edition from Madras (1953), but he would have been saved from at least some mistakes had he made use of Tūysirkānī's edition (*Thalāth rasāʾil*, 1991; in 2010 the Madras edition was reprinted, repeating its mistakes). In a

footnote he refers to the Persian version of Suhrawardī's *Hayākil al-nūr* (Suhrawardī, *Majmūʿa*, v. 3, p. 98 ff.) and Corbin's translation in *L'Archange Empourpré* (p. 54 ff.), but he seems not to have looked at these texts closely, as he would have noticed some incongruencies. In particular, I am referring to Ernst's italicization at the bottom of p. 91 and top of p. 92, which would make the reader believe this is a sentence from Suhrawardī's text, while it is not. His translation is problematic for other reasons as well. Whence stems the subheading on p. 91 ("Chapter one…")? Not even the Madras edition has this. He translates *ḥādith* with 'contingent' rather than 'temporal thing,' which is problematic as 'contingent' is usually used to translate the Arabic *mumkin*. He translates *irtifāʿ al-māniʿ* as "invalidating prohibition," which makes little sense in this context. One should rather read it as meaning the taking away of something that disallowed it [from existing] (lit. 'lifting of a blockade'). *Li-imtināʿ takhalluf al-maʿlūl ʿan al-ʿilla al-tāmma* he translates as "because of the impossibility of the lack of an effect for a complete cause," but this, to me, does not capture the meaning completely. "Because it is impossible that the effect would hold out after [the cause has come to be] a complete cause" would perhaps be a better rendering. All these issues are from the first page of Ernst's translation and should be sufficient to show the problematic nature of this translation.

This leaves 7 other translations, done by various scholars. Alma Giese translated passages from three treatises on knowledge (only the first is fully translated) of which the attribution to Ghazālī is doubtful (cf. Badawi, *Muʾallafāt al-Ghazālī*, 1977, pp. 268, 269, and 449). Neither Giese nor the editors mention the doubtful attribution to Ghazālī, and neither do they explain why exactly they chose these three treatises, nor in fact why they translated passages from all three treatises. Though the passages make for interesting reading, they are not exactly representative of that for which Ghazālī is best known. Since the content is close to what appears in *al-Maqṣad al-asnā* (fully translated by Burrell and Daher as *Al-Ghazali on the Ninety-Nine Beautiful Names of God*, 1995), the reader is perhaps better off studying the *Maqṣad*.

The style of the other 6 translations varies greatly; some translators, like İ. Kalın (a selection from Kātibī's *Ḥikmat al-ʿayn*) and W. Chittick (a passage from Qūnawī's *al-Nuṣūṣ*) include many notes and give the Arabic terms often between brackets. These will be useful to

many. M. Aminrazavi (a passage from Quṭb al-Dīn Shīrāzī's *Durrat al-tāj*) adopts a more straightforward style with no such notes or terms. In between these two styles are the final three passages, from Āmulī (translated by L. P. Peerwani), Ibn Turkah (translated by J. Lumbard), and Lāhījī (translated by M. H. Faghfoory). The choice of these 6 texts seems justified and the quality of the translations appears to be in order, though I will leave a more in-depth review to others who have more experience with what Nasr and Aminrazavi call 'philosophical sufism.'

In conclusion, for use by the serious student or researcher, one has to raise some red flags with regard to this anthology. In particular the attribution of texts to authors as genuine and original to them deserves more discussion. It is especially useful in case, for example, one wishes to read the original text of one of the selected passages and has the translation on the side (regrettably, not all passages have a proper reference). This volume brings us no less than 14 passages translated for the first time into English. This, in itself, is no small feat and merits recognition.

L. W. C. van Lit
Utrecht University, Utrecht-The Netherlands

***Argumentation et dialectique en Islam: Formes et séquences de la* munāẓara**, by Abdessamad Belhaj (Louvain-la-Neuve: Presse Universitaire de Louvain, 2010), 178 pp., ISBN 978-287463-242-6, €20,50

The book under review fits within the literature on the history of dialectics and the art of disputation in the Islamic civilization, as reflected by the title *Argumentation et dialectique en Islam*. As the author Abdessamad Belhaj affirms in his introduction, the scope of this work is to undertake a reconstruction of the development of the ʿilm al-jadal and the art of *munāẓara* as argumentative processes in both *fiqh* and *kalām* traditions. Belhaj states that his project is to draw the historical development of *jadal* and *munāẓara* by taking into account the gaps of the major secondary literature. Put differently, this filling-in-the-gaps project seeks to provide a tableau of the way the notions of *jadal* and *munāẓara* have been used and developed in different milieus of the classical Islamic world.

The book is divided into four chapters preceded by an introduction and followed by a short conclusion and a glossary of key terms. The introduction provides a general overview of the secondary literature recently produced on the topics related to the literary genre of *jadal*, *munāẓara*, and *ādāb al-baḥth*. The first chapter deals essentially with the definitions of *munāẓara* as wells as with the key terms that define the art of disputation in the Islamic civilization such as *jadal*, *mujādala*, *khilāf*, etc. Belhaj establishes the definitions of these key terms by analyzing different primary sources, starting from al-Jāḥiẓ (d. ca. 868) until Ismāʿīl al-Kalanbāwī (d. 1791) and by referring to their discussion by Muslim dialecticians. The second chapter is devoted to the actualization of the argumentative processes and its evolution in different contexts; Belhaj analyzes a series of primary sources in which the forms or patterns of disputation arise, such as the Qurʾān, the ḥadīth, the literary genres, the theological literature, and, finally, the juridical context. The third chapter is focused on determining the various origins of the discipline of the ʿilm al-jadal, the science of dialectic. Belhaj's final chapter is devoted to an overview of the elements that characterize the mature science of disputation and argumentation, a literary genre called *adab al-baḥth*.

This short book attains the merit of gathering together a large amount of secondary sources. Belhaj plunges into the secondary literature that takes into account one or many perspectives of the concept of argumentation and disputation in the Islamic thought. He brings to this body of work an *état des lieux* and a valid critique to complement his project of reconstructing the evolution of the art of *munāẓara* and *jadal*. The great effort the author makes in accounting for the evolution of both *jadal* and *munāẓara*'s statuses throughout the eras is reflected in the breadth of primary sources he collects for the project.

Nevertheless, Belhaj's choice of primary sources does not provide an accurate sense of the evolution of *jadal* within the *kalām* tradition. He prides himself on taking al-Jāḥiẓ's *al-Masāʾil wa-l-jawābāt fī l-maʿrifa*, drawing heavily upon the authority of H. Daiber, as an example of the usage of dialectic tools in the *kalām* literature. Of note is Belhaj's lack of attention to the *al-Masāʾil fī l-khilāf bayna l-Baṣriyyīn wa-l-Baghdādiyyīn* by the Bahshamite Abū Rashīd al-Nīsābūrī (d. after 1024), a masterpiece of Muʿtazilī dialectics which reveals the authentic dialectical sequences of the tradition. An analysis of this work, for example, would provide an otherwise absent authoritative supplement to the scope of his project. Belhaj's discussions of the case studies within the *fiqh* tradition are subject to the same textual limitations. He rightly points out the importance of the notion of *ikhtilāf* and draws necessary attention to the figure of al-Shāfiʿī; however in so doing he relies heavily upon secondary sources rather than acquainting the reader with al-Shāfiʿī's own writings. This decision is particularly detrimental to his purpose of accounting for the development of the dialectical traditions when considering the presence of more indispensible works of al-Shāfiʿī, the most significant of which remain the *Kitāb al-umm* and in particular the treatise contained in it under the title of *Ikhtilāfāt al-ʿIrāqiyyīn*. Belhaj thus sacrifices an account of the proto-model usage of *jadal* in the *fiqh* tradition in favor of an extensive criticism of the shortcomings of Makdisi's thesis on al-Shāfiʿī, thus calling into question the extent to which his work fills the gaps within the literature rather than merely reaffirming them.

Perhaps due to the sheer historical breadth of sources Belhaj admirably attempts to account for, "Argumentation et Dialectique en Islam" sacrifices considerable depth in addressing the content and

implications of these works. Admittedly those with a previous knowledge of the secondary sources presented in the Introduction may find Belhaj accurately presents the development of the ʿilm al-jadal and the art of *munāẓara* throughout the centuries they account for. However a closer reading reveals that a crucial attention to primary sources is not provided. As a result both those looking to build upon, as well as to expand their understanding of the field are left with a fragmented sense of the development of the flourishing *ars disputandi* in Islamic thought.

Many typos are present, here the most relevant: p. 35 "… de leurs consequences :fanatisme…" instead of (hereafter =) "de leurs conse-quences : fanatisme"; p. 51 "Il a critiqué ; comme S. Lucas…" = "il a critiqué, comme Lucas…"; p. 54 "mʾāḫid" = "maʾḫid;" p. 66 "Baalbaki" is spelled differently than the footnote (n. 206) "Baʿlbakkī;" p. 67 "V century" is not consistent with the Christian/Hijra format used throughout the book; p. 91 "… les deux methodes sont été em-ployées" = "ont été employees;" p. 97 "… par les théologiens sont soient dialectiques, soit rhétoriques …" = "sont soit dialectique, soit …;" p. 100 "Ǧtant donné" = "Etant donné;" p. 102 n. 324 is on the next page; p. 108 "fanqala" should be italicized; p. 114 "que'elle" = "qu'elle;" p. 121 "al-ʿamīdī" = "al-ʿAmīdī;" p. 124 "yaǧūẓ" = "yaǧūz;" p. 128 "lafḍī" instead of "lafẓī; p. 129 "māniʾ" = "māniʿ;" p. 140 "… en tant qu'ensemble des deux premisses est assurée par <*missing word?*> …" = "… par <*invalidation*> …;" p. 141 "… dont les les tâches …" = "dont les tâches …"

Giovanni Carrera
McGill University, Montreal, Quebec-Canada

Sufism, Black and White : A Critical Edition of* Kitāb al-Bayāḍ wa-l-Sawād *by Abū l-Ḥasan al-Sīrjānī (d. ca. 470/1077), edited by Bilal Orfali and Nada Saab (Islamic History and Civilization: Studies and Texts, 94) (Leiden & Boston: Brill, 2012), xii + 60 + 510 pp. (Introduction in English & Text in Arabic), ISBN: 978-90-04-21677-8; €147.00 / $196.00 (hb)

Most of the works that constitute the earliest Sufi corpus of the 2nd/8th and 3rd/9th centuries have been lost in their original forms, leaving large gaps in the source material available to contemporary scholars carrying out research in the field. Many Sufi concepts can only be examined in the works of later authors, such as al-Sarrāj (d. 378/988), al-Kalābādhī (d. 380/990), al-Makkī (d. 386/996), Abū Nuʿaym (d. 430/1039), al-Qushayrī (d. 465/1074), and al-Hujwīrī (d. *ca.* 465/1072). Orfali and Saab's edition of Abū l-Ḥasan al-Sīrjānī's 5th/11th century collection of early Sufi sayings, *Kitāb al-bayāḍ wa-l-sawād min khaṣāʾiṣ ḥikam al-ʿibād fī naʿt al-murīd wa-l-murād*, is one of the sources in this category that can be used to reflect and reconstruct the earliest treatments of Sufi concepts and figures.

Little is known about al-Sīrjānī's life and works. His *nisba* indicates that he was from Sīrjān, the largest city of Kirmān province. His name is recorded by two of his contemporaries: ʿAlī ibn ʿUthmān al-Hujwīrī and ʿAbd Allāh al-Anṣārī al-Harawī (d. 481/1089). They write that al-Sīrjānī was one of the sheikhs of Kirmān.

In his brief introduction to his *Kitāb al-bayāḍ wa-l-sawād*, al-Sīrjānī states that in this work he would like to present a collection of wise sayings and anecdotes of the Sufis. These Sufis have adhered to the Qurʾān exoterically and esoterically, in mind and heart. They have followed the Prophetic practice in speech and action as well as in good manners and morality. Al-Sīrjānī arranges his quotations according to their subject matter, without providing the names of their transmitters (*asānīd*).

The work consists of seventy-three chapters (*bāb*) and many of the chapters are divided into further subdivisions (*faṣl*). The chapters cover a wide range of topics on the theoretical and practical aspects of Sufism. Many chapters include two main parts: First, the idea of the subject matter is introduced. Then, those who put this idea into prac-

tice are mentioned (e.g., *ma'rifa-'ārif, īmān-mu'min, 'aql-'uqalā', wara'-mutawarri', zuhd-zāhid, faqr-fuqarā', taqwā-muttaqī,* and *tawakkul-mutawakkil*). The chapter headings include the following: On *ḥikma*; On the spiritual strivings of the Sufis, their moral conduct and mystical states; On the establishment of the name *taṣawwuf*; On the essence of Sufism and the purity of the Sufis; On their understanding of gnosis (*ma'rifa*) and the reality of the gnostic (*'ārif*); On faith (*īmān*) and the virtue of the believer (*mu'min*); On belittling this world and the unawareness of this-worldly people; On the mention of intellect (*'aql*) and the virtues of those who possess it; On repentance (*tawba*) and the endeavor of the repentant; On moral scrupulousness (*wara'*) and the merits of those who possess it; On asceticism (*zuhd*) and the nearness of the ascetic (to God); On poverty (*faqr*) and the honor of the poor; On chivalry (*futuwwa*) and the generosity of those who practice it; On the affirmation of the Sufi states (*aḥwāl*) and stations (*maqāmāt*); and On miscellaneous questions.

Most chapters open with Qur'ānic statements. These are followed by Sufi commentaries, which are primarily adopted from Abū 'Abd al-Raḥmān al-Sulamī's (d. 412/1021) *Ḥaqā'iq al-tafsīr*. Many chapters also contain Prophetic traditions, wise sayings, and verses of poetry. For instance, in the chapter on wisdom (*ḥikma*), al-Sīrjānī begins his elucidations with the Qur'ānic verses 2:269 and 2:212: "He (God) gives *ḥikma* to whomever He wants, and whoever is given *ḥikma* has been given much good" and "He (God) provides whomever He will without reckoning." Al-Sīrjānī continues his remarks through citations from the Prophet Muḥammad: "*Ḥikma* is the stray camel of the believer (*ḍāllat al-mu'min*); he takes it wherever he finds it" and "Whoever becomes an ascetic toward this world God settles *ḥikma* in his heart and makes his tongue speak through it." Then, he presents quotations on the subject of *ḥikma* from earlier authoritative Islamic figures in general and Sufi figures in particular. Among these figures are 'Alī ibn Abī Ṭālib, Dhū l-Nūn al-Miṣrī, Fuḍayl ibn 'Iyāḍ, Abū Bakr al-Warrāq, Abū Sa'īd al-Kharrāz, and Yaḥyā ibn Mu'ādh. Al-Sīrjānī also cites lines of poetry that address *ḥikma* in his treatment of the concept.

Although al-Sīrjānī does not explicitly name all of the sources that he uses in *Kitāb al-bayāḍ wa-l-sawād*, his quotations from al-Sarrāj's *al-Luma' fī l-taṣawwuf* indicate that the structure and content of *al-*

Lumaʿ influenced al-Sīrjānī's work. Occasionally, al-Sīrjānī refers to his primary source as al-Sarrāj. However, many other times, he does not do so. Al-Sīrjānī's omission of transmission chains might be a result of the influence of al-Sarrāj's style on the author in this respect. In his introduction, al-Sarrāj states that he has omitted the names of the transmitters from most of his quotations. After *al-Lumaʿ*, al-Sulamī's *Ḥaqāʾiq al-tafsīr* seems to be the second main source used by al-Sīrjānī, particularly in the case of Sufi Qurʾān commentaries. Al-Sulamī's *Ṭabaqāt al-ṣūfiyya* was likely also a source for al-Sīrjānī for the statements of earlier Sufis. It seems that al-Sīrjānī quotes only from written sources. He never says "so-and-so said such-and-such to me." In this respect, *Kitāb al-bayāḍ wa-l-sawād* differs from *al-Lumaʿ* and al-Qushayrī's *al-Risāla*, for especially in the latter case, al-Qushayrī frequently refers to the oral statements of his teacher and father-in-law Abū ʿAlī al-Daqqāq (d. 405/1015).

If we move beyond the work itself to the edition under review here, it is notable that we have seen two recent editions of al-Sīrjānī's *Kitāb al-bayāḍ wa-l-sawād*. These two editions were apparently produced independently. In addition to Orfali and Saab, al-Sīrjānī's work has been edited by Mohsen Pourmokhtar and published by the Iranian Institute of Philosophy & Research Unit Intellectual History of Islamicate World of the Freie Universität Berlin (Tehran, 2011). Although Orfali and Saab mention Pourmokhtar's studies on *Kitāb al-Bayāḍ wa-l-sawād*, they do not refer to his complete edition of the work. Orfali and Saab's edition is based on three manuscripts: Landberg 64 (Yale University), Āyat Allāh Marʿashī Najafī 117, and British Library Board Or. 12632. Additionally, Pourmokhtar uses Malek Library (Tehran) 4251. Orfali and Saab's edition aims at presenting an authoritative text of the work.

The editors provide lists of Qurʾānic verses and Prophetic statements cited in *Kitāb al-bayāḍ wa-l-sawād* and indices of geographical names, proper names, poems, and technical terms. They document in footnotes major variations between the manuscripts and add meters in parentheses for the verses of poetry.

Although this edition is not an annotated edition of *Kitāb al-Bayāḍ wa-l-sawād*, the reader would like to see a certain degree of annotation in the edition. For instance, s/he would like to see the addresses of the ḥadīth narrations in the primary ḥadīth collections and be able to identify and cross-reference al-Sīrjānī's primary

sources throughout his quotations, at least in the case of written sources that are easily available to us today, such as al-Sarrāj's *al-Lumaʿ* and al-Sulamī's *Ḥaqāʾiq al-tafsīr*. The scholarly level of this edition could have been enhanced through such annotations.

In the introduction in English, the editors provide information about al-Sīrjānī and *Kitāb al-bayāḍ wa-l-sawād*, and they discuss the work's construction and content. However, throughout this section, their translations from the work are of a quite loose and incomplete character. Particularly in the case of the chapter headings, the editors provide their personal interpretations of the headings rather than the actual translations. For instance, chapter ten is translated as "Disregard for this world and its people," while the original phrase reads, "On belittling this world and the unawareness of this-worldly people" (*bāb taṣghīr al-dunyā wa-ghaflat ahlihⁱ*). Chapter eleven is translated as "The human mind and its achievements," although the actual wording reads, "On the mention of intellect and the virtues of those who possess it" (*bāb dhikr al-ʿaql wa-manāqib al-ʿuqalāʾ*). Chapter thirteen is translated as "Abstinence and self-denial," whereas the original text reads, "On moral scrupulousness and the merit of those who possess it" (*bāb al-waraʿ wa-karāmat al-mutawarriʿ*). Chapter twenty-two is translated as "The Sufi idea of time and mystical moments," although the original phrase reads, "On what has been said about the moment and keeping it" (*bāb mā qīla fī l-waqt wa-ḥifẓihⁱ*). Chapter thirty is translated as "False claims and their insignificance," whereas the actual wording reads, "On disclosing pretentiousness and the insignificance of pretentious people in the eyes of the men of the Truth" (*bāb al-kashf ʿan al-daʿwā wa-qillat khaṭar ahlihⁱ ʿinda ahl al-ḥaqq*). In addition, chapter fifty-six is translated as "Satisfaction and being content with God," although the original text reads, "On satisfaction and the rank of the person who is satisfied" (*bāb al-riḍā wa-darajat al-rāḍī).*

In any case, al-Sīrjānī's *Kitāb al-bayāḍ wa-l-sawād* is an invaluable source for the study of Sufism, and we feel fortunate to have this critical edition in front of us with the comprehensive indices that it includes. This edition will certainly provide a foundation for further studies in the field and is a welcome contribution to the growing literature on early Sufi texts.

Hikmet Yaman
Marmara University, Istanbul-Turkey

Questioning Modernity in Indonesia and Malaysia, edited by Wendy Mee and Joel S. Kahn (Kyoto CSEAS Series on Asian Studies, 5) (Singapore: NUS [National University of Singapore] Press, 2012), vi + 257 pp., ISBN: 978-9971-69-563-7, US$30.00 / S$38.00 (pb)

The creeping expansion of a Western-normative modernity has posed a challenge both for non-Western societies and for scholars of those regions. For the societies, the struggle is to adapt to the disruptive trends of individualization, commoditization, technological transformation, and others while still maintaining the characteristics that mark their cultural difference. For scholars, the task is not just to document the struggle of non-Western societies, but more to understand the essential characteristics of the "modern age" and "modernity" without essentializing these two down to contemporary Western practice or denying their existence. This book, edited by the anthropologists Wendy Mee and Joel S. Kahn, attempts to use observations from Muslim societies in Southeast Asia (in the states of Malaysia and Indonesia, but certainly not focused on those state identities) to probe current definitions of modernity.

In the introduction, Mee and Kahn examine academic debates about modernity, demonstrating the basis of their dissatisfaction in purely historical or economic examinations based in the West. As an alternative, they put forward the cultural approaches of this book, organized under three themes: "Transnational and Border-Zone Modernities," "Nation-States and Citizenships," and "Cultural and Moral Orientations."

Leading off the discussion of border-zones, Kahn has a chapter that grows out of his 2006 book, *Other Malays*. The central question here is whether Weber's ideas about modernity (and its Western, Protestant origins) apply to Southeast Asia. To find the answer, Kahn looks at the geographic regions on the margins of long-standing states, concluding that despite being politically marginal they are in fact the most rapid in economic modernization. Kenneth Young then provides the most Islamically-oriented chapter of the book, using Charles Taylor's idea of a "social imaginary" to propose alternatives to the modern nation-state in Islamic regions of Southeast Asia. Young supports the idea that "Other Malays" (again pulling from Kahn's

work) share norms and cultural concepts to constitute a cohesive group even if they do not share the historical experiences that render a nation-state. To close out the section, Yekti Maunati describes three recent efforts to connect and promote modernity among the Dayak, the interior peoples of Indonesian Borneo.

The best chapter in the book is Goh Beng Lan's study of the tension between Islamic values and human rights in Malaysia, entitled "Dilemma of Progressive Politics in Malaysia." Meticulously documenting her many cases through Malaysia's alternative press, Goh points to instances where Malaysians hoping to change religion, limit religion's public role, or exercise a particular type of religious freedom have found their discourses of human rights (inherently Western-oriented and thus alienated from the aspiring Islamic modernity of Malaysia) opposed by Islamic interests. The dilemmas documented here in Malaysia are equally applicable in other Islamic societies. This chapter also complements nicely the next one, a discussion by Thung Ju-lan about the place of ethnic Chinese in Indonesian political and social contexts. Deftly using a comparison with Rwanda and Mamdani's distinction between ethnic and civic citizenship, Thung teases out the cultural structures rendering Chinese-Indonesians second-class citizens in their country of birth.

In the section on "Cultural and Moral Orientations," Maila Stivens describes various points of social anxiety relating to urban youth and morality in Malaysia. This chapter is the clearest in the book pointing out the conflict between Malaysia's national rhetoric of "development" juxtaposed with a national rejection of "westernization," leading to a heavily-contested search for modernity. On the opposite end of society, villagers engaging in land transfer demonstrate how both traditional patterns of gift exchange and "modern" patterns of commodity exchange are important in contemporary Malaysian society, as Oh Myung-Seok details. The conclusion of Oh's article is that Malaysian villagers, far from being traditional "peasants" – as the national narrative and some academic studies would have them – are also not entirely commoditized in their economic relations; indeed, no one anywhere is. To close the book, Wendy Mee ends with a look at popular attitudes towards technology in Malaysia. Using the results of a small, intensive study at a transnational company in the 1990s, Mee finds that technology is uniformly seen as positive and necessary by

Malaysians, showing how the public has absorbed and contributed to the local idea of modernity through scientific trappings.

Although the book identifies "modernity" as the unifying theme, it could have just as easily been pitched as a volume to honor the work of Joel S. Kahn. His ideas about cultural construction, "Other Malays," economic and technical transformation, and modernity generally color the book. Additionally, many of the contributors are connected through the person of Kahn, either from his time at LaTrobe University (where he is now an emeritus professor) or the Asia Institute at the University of Melbourne, Australia.

This edited volume is most useful for scholars of Southeast Asia, but holds appeal for Islamic studies generally in two ways. First, as the editors suggest, it charts a methodology for approaching the concept of "modernity" through anthropological fieldwork. Especially if scholars of the Muslim world want to contribute to the international definition of this critical concept, their contributions should be similarly based in the lived experiences of Muslims in the modern world. Second, because Malaysia especially is a paragon for a state project promoting "Islamic modernity," this volume shows the cracks in that project and some points of conflict on the path to such a future. In further studies of Malaysia's push for Islamic finance, science and technology, and state-controlled development – or studies of other Muslim countries with similar agendas, of which there are now quite a few – scholars should remember this cautionary tale of the limits of modernity, or the particular characteristics of local modernity, or the questioning of modernity altogether.

Kevin W. Fogg
Oxford Centre for Islamic Studies & University of Oxford, Oxford-UK

The End of Innocence? Indonesian Islam and the Temptations of Radicalism [= *La fin de l'innocence? L'islam indonésien face à la tentation radicale de 1967 à nos jours*], by Andrée Feillard and Rémy Madinier (translated into English by Wong Wee; Singapore: NUS [National University of Singapore] Press in association with IRASEC, 2011), 336 pp., ISBN: 978-9971-69-512-5, US$30.00 / S$38.00 (pb)

The basic premise of the book is that radicalism in Indonesia is not a new phenomenon. Although Islam has spread widely and peacefully in the country since the 13th century, Islamism and radicalism are significant challenges to Indonesian Islam. Islamism and radicalism have been a part of Indonesian history since its emergence as a nation-state. These phenomena have emerged in conjunction with Indonesia's development up to the end of the 20th century. Islamism and radicalism in Indonesia have intensified with the rise of globalization over the last ten years and put pressure on Indonesian Islam.

In the book (published by NUS Press in association with IRASEC), Andrée Feillard and Rémy Madinier start with the process of indigenization of Islam in Indonesia. Beginning with the introduction of Islam to the archipelago, the authors also note the attempts by some nationalist Muslims during the first 50 years of Indonesia's political system (collectively, the Old Order and New Order periods) to influence the political arena. Some radical activities, such as those carried out by the *Darul Islam* and *Komando Jihad* groups, are outlined in this chapter. The chapter also covers the role played in the political arena by such modernist Muslim groups as Ikatan Cendekiawan Muslim Indonesia (ICMI) that quite successfully put many *santri* (devout Muslims) in the parliament.

The strength of the book is its elaboration of the phenomena that allow radicalism to flourish. Factors that contributed to the rise of Islamism include the pressure of the government to Muslims during the early period of the New Order, the obsessive fear of Muslims with respect to the Christianization issue, the failure to integrate Chinese into Indonesian society, and the economic crises that occurred during Soeharto's downfall. Finally, the authors describe the political climate at the end of the 1990s that triggered the emergence of Islamism activism. The reformation era ushered in a resetting of the nation-state in

which many elements of society were able to participate. This situation clearly symbolizes the unfinished democratization process of shaping a new identity for Indonesia.

The authors clearly state that although Islamism has arisen largely as a result of democratization, many Islamism groups have rejected and condemned democracy. In their view, Indonesian Muslims, who comprise a majority of Indonesians, should take a leading political role in the country. Therefore, many hardliners consider democracy to be the worst kind of political system. It is worth mentioning that the Prosperous Justice Party (PKS), a conservative Islamic political party, recognizes the benefit of democracy in an Indonesian political system.

A shortcoming of this excellent book is that the authors do not include globalization and Western hegemony as contributory causes of radicalism in Indonesia. In my view, Indonesia is one of many countries that has struggled recently with radicalism; for example, some devastating bombings that were inspired by the 9/11 WTC bombing and allegedly attributed to *Jamaʿah Islamiyah* (JI) were carried out by some "veterans" of Afghanistan. In addition, Imam Samudera, mastermind behind the Bali bombing, affirms in his book, *Aku Melawan Teroris* (*I Fought against Terrorism*, 2004), that his actions in Bali were an effort to seek revenge for Western hegemony over the Muslim majority countries of Palestine, Afghanistan, and Iraq. Furthermore, some radical activism during the 1980s was an outcome of the hegemonic and authoritarian government of New Order Indonesia. In this respect, I share the view of Olivier Roy (2004) who states that radical Islam is a global phenomenon shaped by local idiosyncrasies.

Another exceptional aspect of the book is that it describes in detail some phenomena of radicalism in the nation that have attracted some Indonesian Muslims. Most notable is that all of these phenomena have arisen during the reformation era. These phenomena include the emergence of the Salafī network, the re-emergence of *Darul Islam*, the Ngruki network and *Jamaʿah Islamiyah*, the influence from *tarbiyah* of *Ikhwānī*, and the rise of some vigilante forces such as the Islamic Defender Front (FPI). All of the activities by these networks and groups greatly contribute to the assumption by many Indonesian observers and scholars that the country is moving in "another direction" toward radicalism or conservatism. Martin van Bruinessen

(2013, et al.) defines these phenomena as the "conservative turn." Andrée Feillard and Rémy Madinier also use the term conservatism to characterize the shifting paradigm within the Indonesian Council of Ulama (MUI).

In my view, however, recent conservatism or Islamic radicalism in Indonesia is not part of the religious mainstream. Because Indonesia has a long history of religious tolerance and inter-religious dynamics, the growth of Islamic radicalism in the last decade has spread among a very small number of Muslims. At a glance, people may believe there is a shifting paradigm from inclusivism to exclusivism or from moderate to conservative ideology. Undeniably, the phenomena of Islamism is now quite obvious phenomenal in many aspects of life in Indonesia. Since the early 1980s, Dewan Dakwah Islamiyah Indonesia (DDII) has played a significant role in spreading the ideology of Wahhābism and Salafism throughout Indonesia. Another phenomenon of conservatism is the existence lately of Peraturan Daerah Syari'ah (Islamic byelaws) in many Indonesian provinces. Moreover, some radical and violent activities, such as the Bali and Mega Kuningan bombings, also support the notion of a conservative turn.

In general, however, moderate Muslims still comprise the majority of Indonesians. It is due largely to the roles played by Nurcholish Madjid and Abdurahman Wahid (Gus Dur) in introducing tolerance and open-minded views of Islam during the New Order that Indonesian Muslims today accept democracy. On the one hand, democracy could unite many views of political Islam within a democratic system; on the other hand, it could incite the rise of diverse Islamic and radical movements. In Indonesia today, therefore, Islam is multidimensional and includes radical, conservative, and moderate elements. It is now the task of civil society groups such as Muhammadiyah and Nahdlatul Ulama (NU) to strengthen the acceptance of democracy among Muslims. I agree with Andrée Feillard and Rémy Madinier that radicalism is attractive to some Indonesian Muslims. Therefore, it is up to Indonesian Muslims to keep moderate Islam as their Indonesian identity.

Muhammad Wildan
State Islamic University (UIN) of Sunan Kalijaga, Yogyakarta-Indonesia

ILAHIYAT STUDIES
INDEX TO VOLUME 4

TITLES OF ARTICLES

BOOKS REVIEWED

AUTHORS OF ARTICLES

REVIEWERS

GUIDELINES FOR CONTRIBUTORS

The papers submitted to *Ilahiyat Studies* should make some noticeable contribution to Islamic and religious studies. The papers will be held to imply that it contains original un-published work and is not being submitted for publication elsewhere.

Since *Ilahiyat Studies* sends all papers for re-view, a copy should be submitted in a form suitable for sending anonymously to the re-viewers. Manuscripts are evaluated by anon-ymous peer review, therefore, authors must remove all identifying information from their texts. Authors should refer to themselves in the text and citations in the third person. For example, instead of writing "I argue (Nasr, 2007)…." write "Nasr (1997) argues…"

All submissions are assessed by referees, but the Editorial board reserves the right to decide what articles will be published.

Unsolicited book reviews may not be pub-lished.

Full name(s) of author(s) must be listed, along with university or professional affiliation, address, city, state, country, phone/fax num-ber(s), and email address where you can be reached. Provide a two-sentence biography that we can use in your article. Current infor-mation only.

All papers must include an abstract of no more 150 words.

It is strongly advised that the length of the article should not exceed 8000 words. Book reviews and conference reports must not exceed 1500 words. All pages should be num-bered consecutively.

All papers should have an introductory sec-tion in which the objectives and methodology of the article are explained and a final section, which summarizes the main points, discussed and the conclusions reached.

Manuscripts should be typed double-spaced on one side of the A4 only. Tables, graphs and figures should be on separate pages. All sub-missions should be in MS-Word (97-2003, 2007 or higher) format. Leave margins of at least 4 cm on top, bottom, and sides.

A reference list must be included at the end of the manuscript in the following style:

Journal Article & *Entry*

Eichner, Heidrun, "Dissolving the Unity of Metaphysics: From Fakhr al-Dīn al-Rāzī to Mullā Ṣadrā al-Shīrāzī", *Medioevo* 32 (2007), 139-197.

Buckley, J. Jacobsen and Albrile, Ezio, "Man-daean Religion", (trans. from Italian by Paul Ellis), *Encyclopedia of Religion: Second Edition*, (editor in chief: Lindsay Jones; USA: Thomson Gale, 2005), VIII, 5634-5640.

Book

Kātib Chalabī, Ḥājī Khalīfa Muṣṭafā ibn ʿAbd Allāh, *Kashf al-ẓunūn ʿan asāmī l-kutub wa-l-funūn*, 2 vols., (eds. M. Şerefeddin Yaltkaya and Kilisli Rifat Bilge; Istanbul: Maarif Mat-baası, 1941-1943).

Michot, Yahya M., *Ibn Sīnā: Lettre au Vizir Abū Saʿd: Editio princeps d'après le manuscrit de Bursa, traduction de l'arabe, introduction, notes et lexique* (Beirut: al-Burāq, 2000).

Book Chapter

Janssens, Jules, "The Reception of Avicenna's *Physics* in the Latin Middle Ages" in I. Vrolijk and J. P. Hogendijk (eds.), *O ye Gentlemen*: *Arabic Studies on Science and Literary Culture in honour of Remke Kruk* (Leiden & Boston: Brill, 2007), 55-64.

Online Citation

Rudolph, Kurt, "Mandaeans: ii. The Mandae-an Religion", *Encyclopaedia Iranica*, Online Edition, 20 January 2010, available at www.iranica.com/articles/mandaeans-2-religion

Page references to works referred to in the text should take the following form: (Touraine, 1995: 9-10). The verses of the Qurʾān should be referred to as follows: Q 2:23; Q 17:108; the references from the Old and New Testament should carry chapter name and number, and verse number.

Text and references must follow the format outlined in The Chicago Manual of Style, 15th edition.

Arabic words should be transliterated accord-ing the style used by the Library of Congress.

Contents