JADAL AND THE INTEGRATION OF *KALĀM* AND *FIQH*: A CRITICAL STUDY OF IMĀM AL-ḤARAMAYN AL-JUWAYNĪ'S APPLICATION OF ISLAMIC DIALECTIC

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Abstract

This article examines Imām al-Ḥaramayn al-Juwaynī's application of jadal theory in both his legal and theological work by analyzing critically his major writings, namely: Kitāb al-Irshād (1950), al-Kāfiya fī al-jadal (1979), al-Burhān fī uṣūl al-fiqh (1980), al-Durrah al-Muḍīyah fī mā waqaʿa fīhi al-khilāf bayn al-Shāfiʿiyah wa al-Ḥanafiyah (1986), and Tafḍīl madhhab al-Shāfiʿī ʿalā sāʾir al-madhāhib (2013). Through a hermeneutical reading of these books, I find that Imām al-Ḥaramayn's application of jadal renders the integration of kalām and fiqh. At first, Imām al-Ḥaramayn aims to obtain knowledge with a certain level of certainty (in the forms of ʿilm or ghalabat al-ẓann) in law and theology by applying jadal in both disciplines. Then, this scholarly attempt of obtaining certainty interestingly provides an epistemological ground for the integration of kalām and fiqh. He inserts theological elements in his legal scholarship and incorporates a juridical perspective in his theological work. As a result, he "rationalizes" Shāfiʿī legal doctrines on the one hand and "traditionalizes" rational theology on the other. This epistemological foundation for the integration of kalām and fiqh is important not only because it provides a different description of Islamic intellectual history, but also redefines the concept of Sunnī in the eleventh century.

Keywords*: Jadal, Kalām, Fiqh, Sunni, Integration*

INTRODUCTION

In the midst of the tension between traditionalist (*fiqh*) and rationalist (*kalām*) scholars in the tenth and eleventh century, modern scholars describe this period as triumph era of traditionalism signified by the issuance of the Qādirī creed (Makdisi, 1991: 41-42) and the period of synthesis between traditionalism and rationalism indicated by the formulation of *uṣūl al-fiqh* (legal theory) (Hallaq, 2005: 127-128). However, these portraits of the tenth-eleventh century of Muslim scholarship are not fully accurate due to some rationalist-theologians who were still active in writing and teaching, including Imām al-Ḥaramayn al-Juwaynī and his *kalām* teachers or students. This suggests that the rational-theologians were not entirely

defeated and eliminated, especially in the eastern part of Muslim world, like Nīshāpūr. In addition, the *uṣūl al-fiqh* literature in the circles of legal scholarship during this period was still textually based and centered on the authority of traditional sources where, instead of calling *uṣūl al-fiqh* as synthesis between *fiqh* and *kalām*, it would be more accurate to call it as advancement or an expansion of traditionalist (*fiqh*) thoughts.

This article discusses an important theme that is absent from the traditionalism victory narrative and synthesis narrative, which is the role of *jadal* (dialectical theory and practice in Islamic tradition) in the integration of *kalām* (i.e. rational theology) and *fiqh* (i.e. traditional jurisprudence). The existence of *jadal* theory

and practical application challenges such narrative of traditionalism victory and synthesis. It shows that the rational-theologians were not entirely defeated and eliminated, especially in the eastern part of Muslim world, like Nīshāpūr, and *uṣūl al-fiqh* is not a form of synthesis, but an extension of traditionalist (*fiqh*) thoughts. This study applies a critical and hermeneutical analysis to read and analyze Imām al-Ḥaramayn al-Juwaynī's legal and theological works in which he applies his *jadal* (dialectic) theory. Among Imām al-Ḥaramayn's works that this study employs are *Kitāb al-Irshād* (1950), *al-Kāfiya fī al-jadal* (1979), *al-Burhān fī uṣūl al-fiqh* (1980), *al-Durrah al-Muḍīyah fī mā waqaʿa fihi al-khilāf bayn al-Shāfiʿiyah wa al-Ḥanafiyah* (1986), and *Tafḍīl madhhab al-Shāfiʿī ʿalā sāʾir al-madhāhib* (2013).

Previous studies on Imām al-Ḥaramayn al-Juwaynī's scholarly career and works focus on his contribution in legal and political thought (Siddiqui, 2019), particular legal or theological text (Saflo, 2000), influence on another scholar (Abdullah, 1995), and political thought of the imamate (Muhammad, 1995). None of these studies recognize the importance of *jadal* (dialectic) in Imam al-Haramayn's intellectual legacy. Other studies may have elaborated briefly on Imam al-Haramayn's theory of *jadal* in their works, such as Walter Edward Young (Young, 2012), Larry B. Miller (Miller, 1984), and Mehmet Kadri Karabela (Karabela, August, 2010). But, the discussion in these works is limited and the centrality of Imam al-Haramayn's *jadal* application of *jadal* and its implication in the Islamic intellectual history in the tenth-eleventh century is absent.

This article, by reading closely Imam al-Haramayn's al-Juwayni's legal and theological works, recognizes the pivotal role of *jadal* (dialectic or debate) in Imam al-Haramayn's works and argues that Imām al-Ḥaramayn's application of *jadal* in his scholarly treatises leads to the integration of *kalām* (Islamic theology) and *fiqh* (Islamic law). At first, Imām al-Ḥaramayn aims to obtain certainty in Islamic law and theology by applying *jadal* in both fields of Islamic scholarship. This attempt of obtaining certainty interestingly renders a new development in Islamic intellectual history, which is the integration of *kalām* and *fiqh*. This integration is important not only because it provides a different description of Islamic intellectual history in the tenth and eleventh centuries, but also redefines the concept of *Ahl al-Sunnah wa al-Jamāʿah* (Sunnīsm). If Sunnīsm from the tenth to the first half of eleventh century is associated with major Islamic legal schools, after the integration of *kalām* and *fiqh* in the eleventh century by Imām al-Ḥaramayn al-Juwaynī, Ashʿarī scholastic theology is also integrated into the body of Sunnī orthodoxy.

RESULT AND DISCUSSION
A Brief Biography of Imām al-Ḥaramayn al-Juwaynī

Imām al-Ḥaramayn al-Juwaynī's full name is ʿAbd al-Malik b. al-Shaykh Abū Muḥammad ʿAbdullāh b. Abū Yaʿqūb Yūsuf b. ʿAbdullāh b. Yūsuf b. Muḥammad b. Hayyūyah al-Juwaynī (Ibn Khallikān, 1968: 167). More frequently, however, he was addressed by his well-known honorific name "Imām al-Ḥaramayn (The Imām of the Two Noble Sanctuaries: Mecca and Medina)." This name is used by Abū Isḥāq al-Shīrāzī's *Ṭabaqāt*, Abū Ghafir al-Fārisī's *Siyāq al-Nīsābūr*, Ibn Khallikān's *Wafayāt al-aʿyān*, al-Subkī's *Ṭabaqāt*, and also Ibn Kathīr's *Ṭabaqāt*. Therefore, in this article, the name of Imām al-Ḥaramayn al-Juwaynī is used to refer to "ʿAbd al-Malik b. al-Shaykh Abū Muḥammad ʿAbdullāh al-Juwaynī."

He lived in the time when medieval religious, social, and political landscape transformed from Shiʿa political domination in the tenth century to "Sunni Revival" in the eleventh century (Makdisi, 1990). Nīshāpūr became one of the centers where such transformation occurred. He was born in Muḥarram 419/ February 1028 and was died in the village named Bushtaniqān

in the year 478/1085 (Ibn Khallikān, 1968: 169). He was the first director of Nizamiyya madrasa in Nishapur in 450/1058. For the last thirty years before his death in 1085/478, Imām Ḥaramayn al-Juwaynī was the unchallenged leader of the Shafi`ī faction both in official position and in scholarly accomplishment (Bulliet, 1972: 124-125). He wrote books on a wide variety of topics ranging from theology, legal theory, politic, dialectic, and other religious sciences. The majority of his books are in fact written in order to formulate a juridical and theological foundation for the new social balance and order Sunni revival in the eleventh century. Among his writings are: *al-Burhān fī Uṣul al-Fiqh*, *Kitāb al-Irshād ilā Qawaṭiʿ al-Adilla fī Uṣūl al-Iʿtiqād*, *al-Kāfiya fī al-Jadal*, *Kitāb al-Waraqāt fī Uṣūl al-Fiqh*, *al-Shāmil fī Uṣūl al-Dīn*, *Ghiyāth al-Umam fī Iltiyāth al-Ẓulam*, *Mughīth al-Khalq fī Tarjīh al-Qawl al-Ḥaqq*, *Nīhayat al-Maṭlab fī Dirāyat al-Madhhab, al-Durra al-Muḍiyya fimā Waqaʿa fīhi Bayna al-Shafiʿiyya wa'l-Ḥanafiyya, Shifā' al-Ghalīl fī Bayān mā Waqaʿa fī'l-Taura wa'l-Injīl min al-Tabdīl, al-ʿAqīda al-Niẓāmiyya*, and *Lumaʿ al-Adilla fī Qawaʿid ʿAqa'id Ahl al-Sunna wa al-Jamaʿah*, and and *Tafḍīl madhhab al-Shāfiʿī ʿalā sā'ir al-madhāhib*.

The Application of *Jadal* and Its Implications

Jadal is an Islamic form of dialectic (disputation or debate). Imām al-Ḥaramayn defines it as "when two dialecticians present the core of their views on the basis of reciprocal attack (*al-tanāfī*) and defense (*al-tadāfuʿ*) through a linguistic expression or something that can substitute its function such as a signification (*ishārah*) and an indicant (*dalālah*)" (al-Juwaynī, 1979: 21). He wrote a specific treatise on the theory and rules of dialectic in the book entitled *al-Kāfiya fī al-Jadal* (see its more elaborated discussion in Widigdo, 2018: 271-308).

His *jadal* theory was applied in a written form and did not necessarily follow the order of ordinary *jadal* questions, ranging from the question on the nature of the opponent's opinion and its proofs. Since Imām al-Ḥaramayn was already familiar with the opinions held by his opponents, he did not deem it necessary to ask his opponents introductory *jadal* questions, which were about the nature of their opinions (e.g. "Do you have an opinion?" and "What is your opinion?"). Furthermore, in most cases, he even skipped the third *jadal* question, which refers to the existence of the proof (e.g. "Do you have a proof?"), and directly employed the fourth *jadal* question, which is a question about the verification of the proof (e.g. "Is your proof the correct proof?"). However, on certain occasions when the opinion and its proofs are clearly recognizable, Imām al-Ḥaramayn often jumped to attack his opponents by using different modes of *iʿtirāḍ* (refutation).

a. Imām al-Ḥaramayn's *jadal* with fellow Shāfiʿī and Ashʿarī scholars

Imām al-Ḥaramayn employs *jadal* not only to argue against adversaries from non-Shāfiʿī and Ashʿarī scholars but also against scholars from within Shāfiʿī and Ashʿarī inner circles. Although the main purpose of having an argument with his fellow Shāfiʿī or Ashʿarī scholars was to know God's attributes, commands, and prohibitions with a degree of confidence that renders certainty, the application of *jadal* had another important implication for him. In the context of Shāfiʿī legal scholarship, Imām al-Ḥaramayn pushes doctrinal boundaries within Shāfiʿī legal tradition.

1. *Jadal* with al-Shāfiʿī

In *al-Burhān fī uṣūl al-fiqh*, he shows a number of disagreements with al-Shāfiʿī. Then, without posing a formal *jadal* question since he knows al-Shāfiʿī's position and the proof that al-Shāfiʿī cites, he directly applies a type of refutation (*iʿtirāḍ*) called *muʿāraḍah* (objection) to challenge al-Shāfiʿī's opinion or his use of textual proof in some cases.

First, he challenges al-Shāfiʿī's definition and hierarchy of *bayān*. Imām al-Shāfiʿī understood *al-bayān* as God's mode of communication in

the Qur'an, which was revealed in Arabic.[1] Imām al-Shāfiʿī classified this mode of communication (*al-bayān*) in a certain hierarchy of clarity and authority (*marātib al-bayān*) (al-Shāfiʿī, 1940: 270-486), which was summarized by Imām al-Ḥaramayn in the following: The first and the highest order of *bayān* is a univocal term (*naṣṣ*) that signifies the intended (meaning) without confusion.

The second order in the hierarchy of *bayān* is a speech that has clear and obvious intended meanings; nevertheless, no one can understand this *bayān* nor its intended meanings except for those who are intelligent and well versed in Arabic. The third order of *bayān* is something mentioned in the Qur'an but its detailed explanation is referred to the Prophet Muḥammad. The fourth order of *bayān* is sound reports from the Prophet Muḥammad. The fifth order of *bayān* is reasoning by analogy (*al-qiyās*). The *qiyās* employs premises (either *aṣl* or *illah*) that are derived from what has been established in the Qur'an and Sunnah (al-Juwaynī, 1980: 160-162).

In response to al-Shāfiʿī's definition of *bayān* and its hierarchical order, Imām al-Ḥaramayn provides a refutation (*iʿtirāḍ*) in the forms of *muʿāraḍah* (objection). Instead of following al-Shāfiʿī in defining *bayān* as God's different ways of communication, Imām al-Ḥaramayn defines *bayān* from the perspective of both theologian and jurist. In an agreement with his teacher, Abū Bakr al-Bāqillānī, he defines *bayān* as "the proof" (*al-dalīl*). By defining *bayān* as *dalīl*, Imām al-Ḥaramayn extended the scope of *bayān*. As a proof, either in the context of legal or theological

context, *bayān* comprises not only traditional-religious proof (*al-samʿī*) but also rational proof (*al-ʿaqlī*) (al-Juwaynī, 1980: 160 and 165).

Imām al-Ḥaramayn categorizes al-Shāfiʿī's understanding of *bayān* as traditional proof (*al-bayān al-samʿī*) because the basis for its authoritativeness is rooted in God's divine and inimitable speech, which is the Qur'an. However, compared to al-Shāfiʿī, he gave a slightly different hierarchy of *bayān*. Instead of classifying different modes of speech and its clarity in the Qur'an, Imām al-Ḥaramayn classifies a hierarchy of traditional proofs (*bayān al-samʿīyāt*) based on their close relationship with the Qur'an. According to Imām al-Ḥaramayn, the priority should be given to the proof that has a closer relation with the Qur'an. According to Imām al-Ḥaramayn, the first hierarchical order of *bayān* as proof is whatever had been received from the Prophet Muḥammad. This is considered a divine proof (*dalīl al-muʿjizah*), which consists of the Qur'an itself and the Sunnah of the Prophet and both are received and transmitted from the utterance of the Messenger (*min lafẓ rasūlillāh*). The second order of the proof is *ijmāʿ* (consensus). The third order of the proof is different ways of reasoning that scholars could have a consensus on their authoritativeness, namely: the Prophetic report that has only a solitary line of transmission and reasoning by analogy (*qiyās*).

Imām al-Ḥaramayn adds one kind of *bayān*, being the absence in al-Shāfiʿī's discussion of *bayān*, which is *al-bayān al-ʿaqlī* (rational proof). There is no hierarchical order in this *bayān*. To be a valid proof, the rational *bayān* should have two valid premises so that a sound conclusion or knowledge can be derived (al-Juwaynī, 1980: 165).

Second, he criticizes al-Shāfiʿī in the discussion about the legal basis of the authoritativeness of *ijmāʿ* (*ḥujjīyat al-ijmāʿ*). Al-Shāfiʿī claims that the authority of *ijmāʿ* is based on the following verse of the Qur'an, Sūrah al-Nisā' 4: 115:

> "And whoever splits with the Messenger after that guidance has become manifest to him, and

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[1] Imām al-Shāfiʿī defined *al-bayān* as follows: "A term that comprises meanings converging in principles but diverging in their details. The minimum common denominator in those converging and diverging meanings is that those meanings are *bayān* directed to whosoever is addressed thereby among those people in whose language the Qur'an was revealed. Although some of the meanings have stronger emphasis of *bayān* than others, they look almost the same to Arabic speakers but look different to people who do not know Arabic." See (al-Shāfiʿī, 1940: 21) In this regard, Joseph Lowry summarizes that al-Shāfiʿī views *al-bayān* as a term that represents "a statement, communication, or address to someone, in Arabic language" (Lowry, 2007: 25).

follows other than the way of the believers (sabīl al-mu'minīn)*, We shall turn him to that which he has turned and make him enter hell; and it is an evil resort."*

Al-Shāfiʿī implements this verse to suggest that the believers could come to a consensus (i.e. *sabīl al-mu'minīn*) in a certain matter. If there is one who dissents or breaches the consensus, according to al-Shāfiʿī, it means that they have split with the community of believers and do not follow the same path. In other words, the justification of the authoritativeness of *ijmāʿ* is based on the understanding of the *sabīl al-mu'minīn* (literally: the way of the believers), which was translated as the consensus of the believers.

Imām al-Ḥaramayn presents one objection (*munāqaḍah*) to this argument. He argues that the addresses in the above verse are not those who have a dissenting opinion against of the consensus of believers. Rather, he argues, the verse is directed to those who desire a disbelieving act, attribute falsehood to the Prophet, and/or turn away from traditions of truth. Therefore, he continues, the proper ordering of the verse's meaning is, *"And whoever splits with the Messenger after that guidance has become manifest to him, and follows other than the way of the believers who follow him (the Prophet),*[2] *We will turn him to that which he has turned..."* In this understanding, the way of believers (*sabīl al-mu'minīn*) is interpreted not as a consensus of the believers in a random case, but as the way of believers who follow the path and the example of the Prophet. This interpretation is more consistent and coherent with the beginning of the verse that addresses the case of those who split with the Prophet.

For Imām al-Ḥaramayn, a different interpretation of the above verse shows that the verse cannot be used to justify the authoritativeness of the *ijmāʿ*. The verse is an

interpretable text of the Qur'an (*ẓāhir*) renders no certainty (*al-qaṭʿ*) but probabilities (*muḥtamalāt* or *ẓunūn*). The authoritativeness of *ijmāʿ*, as one of the traditional proofs that can yield certainty, cannot be established by a probable proof like that of interpretable text of the Qur'an. It should be proof that yields certainty, like univocal text of the Qur'an (*naṣṣ al-Qur'ān*), univocal text of the Prophetic Sunnah with recurrent chains of transmission (*naṣṣ ḥadīth mutawātir*), and certain rational proofs that yield certainty. Therefore, the claim that the authoritativeness of *ijmāʿ* that is based on the verse of the Qur'an in Sūrah al-Nisā': 115 can be refuted by providing another possible interpretation of that verse, which makes the verse no longer in the level of univocal text (*naṣṣ*) but in the level of interpretable or equivocal text (*ẓāhir*) (al-Juwaynī, 1980, 677-678).

Imām al-Ḥaramayn's objection is also applied to those who argue that the authoritativeness of *ijmāʿ* can be based on the *ḥadīth*, "My *ummah* (nation) will not agree on error." Although this *ḥadīth* has a variety of wordings, its chain of transmissions is still in the level of solitary reports (*akhbār al-āḥād*), not reaching the level of recurrent and corroborative reports (*khabar mutawātir*). *Ḥadīth* with a solitary report cannot be used as a basis for the justification of religious epistemological authorities (e.g. *ijmāʿ*) that demand an epistemological certainty (*qaṭʿīyāt*). Furthermore, the meaning of this *ḥadīth* designates not only the possibility of the occurrence of *ijmāʿ* but can also mean a good tiding, revelation of the unseen, and an announcement that *ummah* of the Prophet will not apostatize until the Day of Judgment (al-Juwaynī, 1980: 679). It means that the above *ḥadīth* is also subject to interpretation (*ẓāhir*), as the above Qur'anic text that cannot render an objective certainty (*qaṭʿ*). Accordingly, the *ḥadīth* cannot be used to justify the authoritativeness of *ijmāʿ*, not only because of its solitary chain of transmission but also because of its interpretable nature of the text (al-Juwaynī, 1980: 678-679).

After refuting the claims of authoritativeness of *ijmāʿ* based on the Qur'an and Ḥadīth, Imām

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[2]The bold is mine. In Imām al-Ḥaramayn's interpretation, this phrase indicates that the way of believers that is mentioned in the verse is actually designating the way of believers who follow the prophet, not an independent way of the believers that has no relation with the path of the Prophet, which is mentioned in the beginning of the verse.

al-Ḥaramayn proposes an alternative justification of *ijmāʿ*, which he considered more valid than the above Qur'anic verse and solitary *ḥadīth*. Instead of using scriptural basis for the justification, he employed a more empirical and experiential basis for the authoritativeness of *ijmāʿ*. The first foundation of *ijmāʿ* is when qualified scholars in a given time from all geographical locations agree on a qualification of a certain *ẓannī* legal issue.[3] The agreed legal qualification cannot be derived from a pure rational (non-textual oriented) reasoning. The existing custom (*iṭṭirād al-iʿtiyād*) has proven that scholars cannot come to a complete agreement with rational certainty when non-textual oriented tools of reasoning are used. Therefore, according to Imām al-Ḥaramayn, in order to have a consensus on a qualification of *ẓannī* legal matters, scholars must base their reasoning on what they consider indubitable textual evidence (*samʿī qatʿī*), not on *ẓannī* (probable or uncertain) textual or rational proofs (al-Juwaynī, 1980: 780-781). When a qualified scholar bases their reasoning on indubitable textual evidence in order to issue a *ẓannī* legal judgment, and every other scholar employs a similar line of reasoning and produces the same the *ẓannī* legal judgment, the collective agreement of those scholars on a *ẓannī* legal judgment is called "consensus (*ijmāʿ*)."

The second foundation of the authoritativeness of *ijmāʿ* is when scholarly consensus on a judgment of *ẓannī* legal matters is reached, those who contravene consensus of scholars will be charged with deviance, perversion, and disobedience. Imām al-Ḥaramayn writes:

> "We have found that past generations and extinct nations have agreed to reproach those who deviate from the consensus of scholars—scholars of the time—, and charged those who deviate with deviance, perversion, and disobedience...let their consensus on reproaching and rebuking those who deviate (from consensus of scholars) be a foundation of legal certainty" (al-Juwaynī, 1980: 681-682).

In other words, when consensus of the qualified scholars is widely accepted and adopted by the *ummah* as their custom, Imām al-Ḥaramayn believed that such custom can be a justification for the legal certainty of *ijmāʿ*. Based on this custom, the *ummah* will collectively condemn those who deviate from the consensus of scholars.

The *jadal* over al-Shāfiʿī's opinions in the issue of the hierarchy of *bayān* and the authoritativeness of *ijmāʿ* have two important consequences. First, by defining *bayān* as a proof (*dalīl*) in his refutation against al-Shāfiʿī's hierarchy of *bayān*, Imām al-Ḥaramayn not only employed traditional proofs but also rational proofs (*bayān ʿaqlī*) in order to ascertain knowledge with a certain degree of confidence. As a result, reason as a non-textual tool of reasoning obtains an important place in Imām al-Ḥaramayn's work. The inclusion of rational proofs (*bayān ʿaqlī*) as legitimate proofs in order to obtain (legal) knowledge with certainty can be called "rationalization" of legal scholarship within Shāfiʿī legal tradition. Second, by refuting al-Shāfiʿī's "textual" argument to justify the authoritativeness of *ijmāʿ* and relying more on empirical and "customary" evidence for such justification, Imām al-Ḥaramayn consciously or not made two "objective"[4] ways to establish the foundations of *ijmāʿ*. One, every Muslim can conduct an empirical observation to assess whether the actual consensus among qualified scholars happens. Two, anyone can also evaluate whether or not an established customary practice actually condemns the heretics and deviants.

2. *Jadal* with Abū Isḥāq al-Shīrāzī, among the leading Shāfiʿī scholars

In addition to *jadal* with al-Shāfiʿī as the founder of the legal school that he follows, Imām

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[3]This is a kind of legal issue that is not addressed explicitly by the Qur'an or Ḥadīth with a degree of certainty (*qatʿī*).

[4]Objective means that every Muslim in the time of *ijmāʿ* has a sensible tool, which is an empirical observation and experience, to know whether or not the actual agreement among the qualified scholars happens and whether or not the custom of people condemns the deviants and heretics.

al-Ḥaramayn al-Juwaynī engages in *jadal* with the leading Shāfiʿī scholars in his time, such as Abū Isḥāq al-Shīrāzī. Al-Subkī recorded the disputation between these two influential Shāfiʿī scholars in the eleventh century in *Ṭabaqāt al-Shāfiʿīyah al-Kubrā* (al-Subkī, 1386H/1967: 214-218). One of the subjects of disputation is about whether it is permissible for legal guardians to force a mature-virgin girl (*al-bikr al-bālighah*) to marry.

Abū Isḥāq al-Shīrāzī argues that it is permissible for a father of a mature-virgin girl to force her to get married without her consent because the girl is still a virgin (*bikārat al-aṣl*), although the permissibility originally applies when the girl is still a child (*ṣaghīrah*). Al-Shīrāzī argues further that the effective cause (*ʿillah*) for this "permissibility" legal judgment is the virginity of the girl (*bikārat al-aṣl*), which is among the effective causes that are established by religious sources (*al-ʿilal al-sharʿīyah*).

Sheikh Imām Abū al-Maʿālī al-Ḥaramayn al-Juwaynī (Q) refutes the proof of al-Shīrāzī by saying:

"I have a comment[5] based on the proof you have provided from the Prophetic report (*khabar*) and an intellectual reasoning (*naẓar*). Regarding the prophetic report (*khabar*), it contains a possibility of interpretation (*al-ta'wīl*). The report can mean, '*al-thayību aḥaqqu bi nafsihā* (the widow has more right of herself),' because the marriage cannot be held without her verbal consent. The virgin is vice versa. If the *khabar* contains a possibility of interpretation, we interpret (the *khabar*), as I have said, with an interpretation that yields certain knowledge (*al-ʿilm*). For a mature-virgin girl (*al-bikr al-bālighah*), all causes that invalidate the guardianship of a guardian has been collected and she has an autonomy to exercise her own right. Since a woman only needs a guardian because of the absence of autonomy either because of her child-age (*ṣighr*) or mental illness (*junūn*). If the causes that invalidate the guardianship of a guardian are gathered, establishing the guardianship for her in the process of marriage without her permission is not permissible. There is a proof in the prophetic report (*khabar*) that makes this interpre-

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[5]This italic phrase is additional words inserted to make the sentence complete and understandable.

tation valid in two ways. One of them is that the Prophet mentions a legal guardian (*al-walī*) in its general term. He does not specify whether a father, a grandfather, or other guardians. If the intended meaning is the guardian who has capacity of imposing marriage—not general guardianship because there is consensus that other than father and grandfather has no authority to impose the marriage—, then certainly it means the attribution of the verbal consent to the right of the widow and nullification of it from the right of the virgin. In this regard, the Prophet said, '*al-bikru tusta'dhanu wa idhnuhā ṣumātuhā* (the virgin-girl should be consulted and her consent is her silence).' "This proves that the Prophet wants to assign the verbal consent (*iʿtibār al-nuṭq*) in the case of the widow" (al-Subkī, 1386H/1967: 215-216).

The *jadal* between these two scholars still goes on without a clear resolution. However, this disputation presents an interesting intellectual orientation and development within Shāfiʿī legal scholarship. First, Abū Isḥāq al-Shīrāzī represents a traditional view of Shāfiʿī scholars who rely heavily on textual evidences without further rational or contextual considerations. This "textual" tendency appears in his argument about the possibility of the guardian in forcing a mature-virgin girl to get married. He attempts to prove that the effective cause (*ʿillah*) for the permissibility is established by univocal-textual evidence (*naṣṣ*) from the *khabar*. The *naṣṣ* (univocal-textual evidence) clearly shows that the virginity (*al-bikārah*) becomes the effective cause for the permissibility and for the nullification of her right of verbal consent. According to al-Shīrāzī, there is no other possible interpretation other than this legitimate interpretation.

Then, Imām al-Ḥaramayn al-Juwaynī attempts to push this traditional tenet by arguing that the textual proof is actually not univocal (*naṣṣ*). Instead, the *khabar* contains a statement that opens more than one interpretation (*ta'wīl*). In other words, the textual evidence is equivocal (*ẓāhir*), accepting more than one interpretation (*ta'wīl*), not univocal (*naṣṣ*). In this regard, Imām Abū al-Maʿālī al-Juwaynī offered his alternative interpretation of the textual

evidence. Instead of using either virginity (*al-bikārah)* or widowhood (*al-thuyūbah*) for the effective cause (*ʿillah*) of whether the guardian is legally permitted to force a mature-virgin girl, he employs "*aḥaqqu bi nafsihā* (has more right to herself)" to be the effective cause (*ʿillah*) of whether the guardian is permissible to force the mature-virgin girl. According to Imām al-Ḥaramayn, the phrase means that a woman only needs a guardianship if she is incapable of exercising her own autonomy and right, such as a child-age (*ṣighr*) or mentally ill (*junūn*). Since the widow is capable of exercising her own right and autonomy, she has more right over herself than her guardian (*al-thayyib/al-ayyim aḥaqqu bi nafsihā min walīyihā*). The same applies to the mature-virgin girl. He says, "If the causes that invalidate the guardianship of a guardian are gathered, establishing the guardianship for her in the process of marriage without her permission is not permissible" (al-Subkī, 1386H/1967: 215-216). In the case of the mature-virgin, all causes and conditions that invalidate the guardianship are present, namely her autonomy, ability to exercise her right, and soundness of her mental state. Therefore, according to Imām al-Ḥaramayn, the guardian is not allowed to force her to get married. Her marriage can only proceed with her verbal consent, not with her silence or the authority of her guardian.

In sum, through this specific type of *jadal* with his fellow Shāfiʿī legal scholars, Imām al-Ḥaramayn attempted to go beyond a textual-oriented reasoning and put a greater emphasis on a case-oriented reasoning. Accordingly, he pushed a traditional thought and boundaries within Shāfiʿī legal scholarship to be not only loyal to the textual evidence but also through paying attention to specific contexts and particular cases. Therefore, in the context of the above debate, the terms "virginity" is not applied generally to every virgin but only applied to a minor-virgin. The mature-virgin is excluded from the guardianship since she has her autonomy and can exercise her own right.

3. *Jadal* with al-Ashʿarī, al-Bāqillānī, and Abū Isḥāq al-Isfarāʾīnī on *ijtihād*

One of Imām al-Ḥaramayn's disagreements with his fellow Ashʿarī scholars is related to the subject of *ijtihād* and *mujtahid* (the performer of *ijtihād*). The main point of disagreement is around the topic of *ijtihād* in matters of *maẓnūnāt* (probabilities).[6] According to Imām al-Ḥaramayn, Abū Ḥasan al-Ashʿarī, Abū Bakr al-Bāqillānī, and some groups of people who agree with them maintain that two *mujtahid*s who have divergent opinions with regard to a certain ruling in the context of *maẓnūnāt*, both of them are correct and rewarded (al-Juwaynī, 1980: 1319). Imām al-Ḥaramayn classifis them into two groups: the moderate and the extreme. The moderate scholars (*al-muqtaṣidūn*) maintain that when the textual proofs and *ijmāʿ* are silent in determining the ruling of a given case, God actually does not prescribe a specific ruling (*ḥukm muʿayyan*). Therefore, an intelligent person (*al-nāẓir*) is supposed to do the *ijtihād* (i.e. exerting an intellectual effort to find the most reasonable ruling in *maẓnūnāt*). If the *mujtahid* has a preponderance of conviction (*ghalabat al-ẓann*) regarding the ruling of a case, God then prescribes that he should follow his preponderance of conviction and act on it. Meanwhile, the extreme scholars (*al-ghulāt*) argue that there is no need for *ijtihād* in *maẓnūnāt*. A person can just chose one of the two opposing opinions, as he desires (al-Juwaynī, 1980: 1319-1320).

In contrast to al-Ashʿarī, al-Bāqillānī, and those who follow their opinions, Abū Isḥāq Ibrāhīm al-Isfarāʾīnī (d.418/1027) argues that only one *mujtahid* of the two opposing *mujtahid*s is correct and rewarded in the context of *maẓnūnāt*, not both of them (al-Juwaynī, 1980, p. 1319). The moderates among those who follow the opinion of Abū Isḥāq al-Isfarāʾīnī would say that one of the *mujtahid*s arrives at a correct opinion and he is rewarded for it. Meanwhile,

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[6]*Al-maẓnūnāt* refers to issues and cases that religious proofs, ranging from the Qurʾan Ḥadīth, to *Ijmāʿ*, are either silent or inconclusive in determining their legal or theological qualifications.

the other *mujtahid* is in error and he is to be forgiven for his incorrect opinion. Those who hold the "extreme" opinion would agree with the moderates in regard to the correct *mujtahid* but disagree with them in the context of the erring *mujtahid*. They argue that the erring *mujtahid* is committing a sin so that deserves a rejection and punishment (al-Juwaynī, 1980: 1320). However, both of them agree that two opposing opinions cannot be correct at the same time, one of them must be right and the other one must be wrong. They say, "It is impossible that one thing is both permissible and prohibited since both qualifications are oppositional and contradictory" (al-Juwaynī, 1980: 1320).

In this regard, Imām al-Ḥaramayn al-Juwaynī provides a critical response to both camps, namely al-Ashʿarī, al-Bāqillānī, and others who maintain that two opposite *mujtahid*s are correct and al-Isfarāʾīnī and others who argue that only one *mujtahid* is correct. Then, he offers his original opinion with regard to this discussion. He attempted to reconcile those two opposing arguments by criticizing their weaknesses and adopting their strengths. In response to al-Bāqillānī (and those who agree with him), Imām al-Ḥaramayn states:

"If by *taṣwīb* (considering both oppositional *mujtahid*s correct) you mean an obligation for both *mujtahid*s to act according to their respective probable opinion (*ẓann*), that is acceptable. However, if by *taṣwīb* you mean the abolition of *ijtihād*, establishment of free-selection (of the two opposing opinions), and conviction of the equality between the permission and prohibition, this is something that definitely contradicts the *sharīʿah*. We can know this contradiction by necessity and intuition. Furthermore, if by the word *taṣwīb* you mean, in reality, God has no fixed ruling (*ḥukm ʿalā al-taʿyīn*), then this understanding should also be rejected because the act of searching (*al-ṭalab*) cannot stand by itself. There must be a searched-object (*al-maṭlūb*). It is impossible to command the act of searching without having the searched-object. As an illustration, someone who is looking for a person named 'Zayd' at a house must think that Zayd is inside the house or not inside the house" (al-Juwaynī, 1980: 1324).

Imām al-Ḥaramayn continues:

"…a *mujtahid* is regarded as correct when he acts in accordance to his probable opinion (*ẓann*) of God's command and viewed as wrong when he does not end the *ijtihād* in the point where he can find the ruling of God (*ḥukm Allāh*) in reality. This is the preferred opinion. We explain it with two examples. One of them is the following: In reality, God's ruling is the prohibition. The *mujtahid*, when he performs *ijtihād*, is able to find the ruling of prohibition, he is correct from every direction. If the second *mujtahid* is more convinced with the opinion of reprehension (*karāhah*) and he acts on it, he is correct with regard to fact that he acts on the ruling of reprehension, but he is wrong with regard to the fact that he cannot find the ruling of prohibition" (al-Juwaynī, 1980: 1325).

In response to al-Isfarāʾīnī and his fellows, Imām al-Ḥaramayn writes:

"If by *takhṭiʾah* (considering one of the two opposing *mujtahid*s erroneous) you mean that he is not obliged to act on his preponderance of conviction (*ghalabat al-ẓann*), this is a denial of something that there is no reason to deny. When the *mujtahid* possesses a preponderance of conviction (*ghalaba ʿalā ẓannihi amr*), God commands that he acts in accordance to his convincing opinion (*ẓann*). His opinion is not conditioned and influenced by opinion of others. If by *takhṭiʾah* you mean that the *mujtahid* is demanded to produce another opinion or conviction beyond *ghalabat al-ẓann*, there is no reason to accept it. When *ijtihād* and opinion/conviction are put in order, the result is *ghalabat al-ẓann*" (al-Juwaynī, 1980: 1323).

The departure of Imām al-Ḥaramayn from the first group (i.e. *taṣwīb*) represented by al-Bāqillānī and the second group (i.e. *takhṭiʾah*) represented by al-Isfarāʾīnī is interesting.[7] First, he refutes the idea of al-Bāqillānī and his fellows who do not believe in the existence of the actual ruling of God (*ḥukm Allāh al-muʿayyan*) in *maẓnūnāt* but he accepts the idea of the importance of *ijtihād* and that *mujtahid* should act in accordance with

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[7] Aron Zysow translates "*taṣwīb*" as infallibism and those who hold this idea of the correctness of every *mujtahid* as infallibists. Meanwhile, the term "*takhṭiʾah*" is translated as fallibism and those who recognize the possibility of error of *mujtahid*, especially one of the two opposing *mujtahid*s, as fallibists (Zysow, 2013: 259-272).

his preponderance of conviction in a given case. On the other hand, he opposes the argument of al-Isfarāʾīnī and his fellows regarding the binary right-wrong judgment (one is considered right and another is wrong) of the two oppositional *mujtahid*s but accepts the idea that there is so called the truth, or God's fixed ruling, that a *mujtahid* needs to pursue, at least, its approximation. In fact, according to Imām al-Haramayn, what is demanded from *mujtahid* is not to find the truth itself but to obtain the approximation of the truth (*shabah*). As a result, Imām al-Haramayn once again goes beyond the existing Ashʿarī theological circles. He reconciles the two opposing arguments (*taṣwīb* and *takhṭiʾah*) by suggesting that two opposing *mujtahid*s can be right in the sense that both of them have a preponderance of conviction and act according to it, but, one of them must be wrong in the sense that he does not find the ruling prescribed by God (i.e. the truth). Being wrong in this sense is not punished because as far as a *mujtahid* acts according to his *ghalabat al-ẓann*, he is still right and rewarded (although his ruling turns out to be wrong in God's perspective). The important contribution of Imām al-Haramayn to this discussion is that he introduced the concept of *ghalabat al-ẓann* (preponderance of conviction) and *ashbah* (the approximate truth). In other words, in the context of *maẓnūnāt*, the assignment of a *mujtahid* is not to find the truth (*al-haqq*) with its ontological certainty. Instead, he is only demanded to arrive at the approximate truth (*al-ashbah*) with a preponderance of conviction (*ghalabat al-ẓann*) and acts in accordance to it. This understanding of *ijtihād* and *mujtahid* goes well beyond the binary position of al-Bāqillānī and al-Isfarāʾīnī and became an important contribution of Imām al-Haramayn al-Juwaynī in the advancement of the scholarship within Ashʿarī scholarly circles.

b. Imām al_Haramayn's *Jadal* with the Ḥanafī and Muʿtazilī scholars

Unlike *jadal* with fellow Shāfiʿī and Ashʿarī scholars that is aimed to push doctrinal boundaries, Imām al-Haramayn's *jadal* against

non-Shāfiʿī and Ashʿarī opponents is generally intended to defend Shāfiʿī and Ashʿarī school of thoughts. In his work, Imām al-Haramayn provides "traditional" arguments against the Ḥanafī and Muʿtazilī scholars.

1. *Jadal* with Ḥanafī scholars

One of the issues that Imām al-Haramayn discusses is the Ḥanafī position on the comparison between the authority of a prophetic report with a solitary chain of transmission (*khabar al-wāḥid*) and reasoning by analogy (*al-qiyās*). Ḥanafī scholars argues that *khabar al-wāḥid* should be rejected if it contradicts *qiyās* (al-Juwaynī, 2013: 77). In response to this argument, Imām al-Haramayn defends the authority of *khabar al-wāḥid* over *qiyās*. He writes:

> "There is no doubt that the *aṣl* (the original source or case that serves as a proof) of the *qiyās* is the prophetic report (*al-khabar*). It is necessary to find an agreement between *al-aṣl* (the original case addressed in the textual proof/*khabar*) and *al-farʿ* (the test case). If the *qiyās* is in agreement with the *aṣl*, which is *al-khabar*, it is acceptable. However, if it is contradicting *aṣl,* we know that the *qiyās* is false. It is rationally and textually impossible to obtain harmony between *aṣl* and *farʿ* by modifying the original cases (*uṣūl*) to be equal with the test cases (*furūʿ*)" (al-Juwaynī, 2013: 77-79).

One of the examples in which Imām al-Haramayn finds Abū Ḥanīfah and the Ḥanafī scholars giving priority to *qiyās* over a textual proof is the case of whether or not a ritual ablution (*wuḍūʾ*) or dirt removal (*izālat al-najāsah*) using vinegar is acceptable. The Ḥanafī would say:

> "Al-Shāfiʿī is restrictive in using *qiyās*. He refuses to apply *qiyās* in the case of removing dirt (*najāsah*) by using vinegar. Abū Ḥanīfah says, 'The idea is to remove dirt. In the context of removing dirt, vinegar is faster than water. Therefore, vinegar can substitute for water'" (al-Juwaynī, 2013: 87-88).

Then, Imām al-Haramayn answers:

> "No. This is even not accurate because al-Shāfiʿī says, 'The conclusion that water is dirt removal is

not established by *qiyās*.[8] It is the (only) alternative in Islamic law. In principle, nothing else can be compared with it (in terms of its function as dirt removal)" (al-Juwaynī, 2013: 87-88).

As it can be seen from the above disputation, Imām al-Ḥaramayn prefers to rely on a "traditional" textual proof advocated by al-Shāfiʿī to a "rational" proof supported by Abū Ḥanīfah and his students. In this regard, Imām al-Ḥaramayn attempts not only to tackle external challenges from Ḥanafī scholars, but also at the same time, to convince his fellow Shāfiʿī scholars that he is still loyal to al-Shāfiʿī foundational teachings with regard to an adherence to a traditional-textual proof.

2. *Jadal* with Muʿtazilī scholars

Imām al-Ḥaramayn's *jadal* against Muʿtazilī scholars is largely aimed to "traditionalize" Muʿtazilī theological doctrines in a sense that their rational theology should be challenged with a reasoning that is more grounded in traditional proofs, ranging from the Qur'an, Sunnah, *Ijmāʿ*, to a sound *qiyās*. For example, he was engaged in the debate with Muʿtazilī scholars in the issue of God's divine attributes. The Muʿtazilī theological school and their like-minded scholars agree in denying the attributes that are associated with God. They generally present their rejection of divine attributes in three different forms of expression. One, some scholars maintain that God is living, knowing, and powerful in and of Himself (*li nafsih*). Two, some other scholars argue that the properties of living, knowing, and power reside in the essence of God because there is a most particular attribute associated with Him called "a state or mode (*ḥālah* or *ḥāl*)" that requires that He is living, knowing and powerful. Three, some of Muʿtazilī scholars insist that God is

living, knowing, and powerful not through causes (*ʿilal*) or in and of Himself (*li nafsih*) (al-Juwaynī, 1950: 79)

In response to the Muʿtazilah's rejection of the divine attributes, Imām al-Ḥaramayn employs two strategies to refute their argument. He justifies the status of "modes" in the context of establishing the essential attributes (*al-ṣifāt al-nafsīyah*) of God through *qiyās*, and second, he shows the necessity of applying the principle of causation (*taʿlīl*) in terms of establishing the conceptual attributes (*al-ṣifāt al-maʿnawīyah*) of God (al-Juwaynī, 1950: 80-94).

In the first stage, against those who argue that life, knowledge, and power of God are in and of His essence just like atom's spatial extension (*al-taḥayyuz*) is the very foundation of the atom's existence (*wujūd al-jawhar*), Imām al-Ḥaramayn contends that, beyond the binary category of existence and non-existence, there is another entity called "*aḥwāl* (singular: *ḥāl*) or modes." Some may refer to them "aspects (*wujūh*)" or attributes of essence (*ṣifāt nafs*) (al-Juwaynī, 1950: 82). Some of these modes inhere firmly in the essence or existence[9] either due to a cause (*muʿallal*) or without any cause (*ghayr muʿallal*). Among the examples of the first kind of modes, the caused modes, is the fact that the knowledgeable person is knowing. The "knowing" does not happen automatically but it occurs due to a cause, namely "knowledge". In this regard, "knowing" is a mode that results from a cause (*ʿillah* or *maʿnā*), which is knowledge. As for the example of the second type of modes, the uncaused modes, is among other things

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[8]The editor of the book *Tafḍīl madhhab al-Shāfiʿī*, Aḥmad Muṣtafā Qāsim al-Ṭahṭāwī, provides a textual citation to support this claim from Shāfiʿī scholars. Water is considered as a tool for dirt removal and purification is based on the Qur'an, Sūrah al-Anfāl: 8: 11, that reads:"...He sent down upon you water from the sky thet He thereby purify you..."(al-Juwaynī, 2013: 88).

[9]Imām al-Ḥaramayn sometimes used the term "essence" and "existence" interchangeably. For example, he defined the uncaused mode as something additional to the "essence" (*zāʾidah ʿalā al-dhāt*) in (al-Juwaynī, 1950: 80) Meanwhile, he also wrote that the mode is something additional to the "existence" (*zāid ʿalā wujūdih*) in (al-Juwaynī, 1950: 81) He justified this intecheangable usage of the terms when he explains the relationship between existence, essence, and attributes. He wrote,"existence is not considered one of attributes because existence is the essence itself (*fa inna al-wujūd nafs al-dhāt*)." In other words, Imām al-Ḥaramayn equated existence with essence, and vice versa, essence with existence. See (al-Juwaynī, 1950: 31)

the relationship between the atom/substance/ body (*jawhar*) and its characteristic of spatial extension (*al-taḥayyuz*). The spatial extension is the mode that inheres in the atom's essence but is not the essence of atom itself. Unlike the attribute or mode of "knowing," which is caused by a factor named "knowledge" that resides in a subject, the "spatial extension" has no cause to be a mode for the atom. Following Imām al-Ḥaramayn's line of argument, "the spatial extension" is an essential aspect of the atom, but at the same time, additional to the atom. It means that "the spatial extension" distinguishes the essence of the atom from other essences but it can be recognized as an independent entity that is apart from the atom's essence.[10] This understanding of the uncaused modes, especially the relationship between atom and its attribute of spatial extension, refutes the arguments of Muʿtazilī theologians who claimed that the attributes are identical with the essence, like "the atom is spatially extended in and of itself" or "God is living, knowing, and powerful in and of Himself." Imām al-Ḥaramayn writes:

> "The proof indicating that there are modes is that when someone knows the existence of an atom without having knowledge of its (attribute of) spatial extension, but then, the spatial extension becomes clear (to him), so that he obtains a new fact associated with an object of knowledge. In this regard, determining knowledge of the existence without having knowledge of spatial extension is possible. Having determined that there are two different forms of knowledge (first, knowledge of the atom's existence, and second, knowledge of the spatial extension), the object of the second knowledge must fall under one of the two (following) situations, either it is known (automatically) by means of the first knowledge or it is additional (*zāʾid*) to the first knowledge. It is wrong to think that the object of the second knowledge is (at the

same time) the object of the first knowledge..." (al-Juwaynī, 1950: 81).

By explaining that there are two forms of knowledge, namely knowledge of the existence of the atom and knowledge of spatial extension, Imām al-Ḥaramayn attempts to prove that the mode is not the same as the existence or the essence of the atom itself. It is inherent within the atom but is independent and addition to it. This can be understood from the fact that knowing the existence of an atom is not necessarily accompanied with knowledge of the spatial extension, and vice versa, knowledge of the spatial extension does not necessarily guarantee having knowledge of the existence of the atom. With this understanding of the relationship between the existence of an atom with the mode of the spatial extension, Imām al-Ḥaramayn applies the reasoning of *qiyās* and concludes that the relationship between the divine essential attributes (*al-ṣifāt al-nafsīyah*) and God resembles the relationship between the spatial extension and the atom.

The *qiyās* reasoning in theology works with the principle that says, "*iʿtibār al-ghāʾib bi al-shāhid*" and "*qiyās al-ghāʾib ʿalā al-shāhid* (viewing by analogy the invisible world based on what applies in the visible world)" (al-Juwaynī, 1950: 82; van Ess, 1970: 34). The invisible world (*al-ghāʾib*) mainly refers to God and His attributes that can be apprehended through reason while the visible world (*al-shāhid*) designates the empirical world that can be perceived through human sensory devices. In order to avoid an analogical fallacy, such as attributing bodily organs to God based on the visible human physical organs, Imām al-Ḥaramayn al-Juwaynī formulates four types of connections in which *qiyās* can be applied in a theological context. In other words, the invisible can be linked to the visible world if the connection between the two fulfills one of the following types of condition. One of them is the connection between the invisible and the visible based on *illah* (cause). For instance, if a person is knowledgeable because of knowledge (as ʿillah) in the visible world, the same causal relation should

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[10]See the discussion of the difference between the *hāl* (mode) theory of Abū Hāshim b. al-Jubbāʾī, a Muʿtazilī theologian, and that of Imām al-Haramayn al-Juwaynī (Ajhar, 1995: 49-51; Saflo, 2000: 138-139). One of the differences that they discus is that, for Abū Hāshim, the modes cannot be known independently from the essence since they are predicated upon the essence, whereas for Imām al-Haramayn, the modes can be known independently apart from the essence.

be applied in the invisible world as well. Another type of connection is based on a condition (*sharṭ*). For example, when someone cannot be knowing unless they are living, in which being alive becomes a condition (*sharṭ*) for knowing in the visible world, this kind of conditional relation is also extended to the invisible world. Another possible connection is based on the essential relationship (*haqīqah*), such as the essence of the knowledgeable person is the fact that they are the one in whom knowledge resides. The last type of connection between the invisible and the visible is based on indicatory or evidentiary relationship (*dalīl*). If a creation in the invisible world indicates and proves that there must be a creator, the same relation applies to creations that become an indication and proof for the existence of the Creator in the invisible world (al-Juwaynī, 1950: 83-84).

Imām al-Ḥaramayn al-Juwaynī applies the theological *qiyās*, especially which is linked by the connection of essence (*haqīqah*), in the purpose of establishing the relationship between God and His essential attributes. The relationship between God and His essential attributes is analogous to the relationship between the atom and its mode of *taḥayyuz* (spatial extension). Since the spatial extension is uncaused, essential, and inherent mode but additional to the essence of the atom, the same relation applies to the relationship in the invisible world, which is the relationship between God and His essential attributes. Therefore, the divine essential attributes must be uncaused, essential, and inherent in the essence of God but can be recognized independently apart from His essence. The essential attributes of God, according to Imām al-Ḥaramayn, are the eternity of God, His Self-Subsistence, His oneness of God, and His difference from the creations (al-Juwaynī, 1950: 30-60). Existence, although most of theologians view it as one of the attributes, is not regarded as an attribute because "it is the very essence itself" (al-Juwaynī, 1950: 31). In contrast to the argument of Muʿtazilī scholars who insisted that the attributes are in and of His essence, Imām al-Ḥaramayn proves by means of the theological

qiyās that these attributes are additional to His essence just as the spatial extension is an addition to the essence of atom (al-Juwaynī, 1950: 31).

Second, Imām al-Ḥaramayn demonstrates the inconsistency of Muʿtazilī scholars by showing that they employ *qiyās* based on the link of a condition (*sharṭ*) between the context of both the possible being and the necessary being world but refuse to apply *qiyās* based on the connection of cause (*ʿillah*). In the context of the relationship "life" and "knowledge," the Muʿtazilīs maintain that a person is considered being knowledgeable if they are alive. In this regard, being alive is a condition (*sharṭ*) for being knowledgeable in the visible/possible being world. The Muʿtazilī scholars apply this conditional relationship to the relationship between "power" and "knowledge" in the invisible/necessary being world. They say, according to Imām al-Ḥaramayn's account, "The Creator being knowledgeable is conditioned on His being powerful" (al-Juwaynī, 1950: 87). Then, Imām al-Ḥaramayn threw his attacking premise,

> "Since they do not make a distinction between the world of necessary being and the world of the possible being with regard to the application of a condition (*sharṭ*), such distinction should not be permitted to work in the context of the application of the cause (*ʿillah*)" (al-Juwaynī, 1950: 87).

With this attacking statement, Imām al-Ḥaramayn reveals the Muʿtazilī's inconsistency, namely, applying *qiyās al-ghā'ib ʿalā al-shāhid* based on the conditional relationship (*sharṭ*) in the necessary being but refuting the application of the *qiyās* based on the causal relationship (*ʿillah*) in the possible beings.

Third, in contrast to Muʿtazilah's argument that relies on *qiyās* as a rational proof to establish the relationship between knowledgeable (*ʿālim*) and powerful (*qādir*) or between knowledge (*ʿilm*) and power (*qudrah*) in the invisible world, Imām al-Ḥaramayn relies on the traditional or revelatory sources instead of merely rational sources. He wrote:

> "As for knowledge is being an addition to power, it is not something that can be attained with cer-

tainty by means of reason. The (more reliable) method in this case is an adherence to proofs from revelation. In addition, the theologians have been debating concerning the affirmation and negation of the attributes, but they have **a consensus** with regard to the rejection of one (particular) attribute that can be used to establish the attribute of 'knowledge' and 'power.' Whoever tries to establish such particular attribute and its application (for establishing the attribute of 'knowledge' and 'power'), he violates this consensus" (al-Juwaynī, 1950: 92).

Although some of Imām al-Ḥaramayn's theological conclusions are inspired by Muʿtazilī rational ideas, such as Abū Hāshim's notion of mode (*ḥal*), he still resorts to traditional proofs when rational proofs were not convincing enough or were contradictory to the traditional proofs. In this case, Imām al-Ḥaramayn refers to the proofs from the revelation and consensus to establish the relationship between the attribute of "power" and "knowledge." Some Qur'anic passages clearly mention the attribute of "the most knowing" and "the most powerful" side by side that among other things, proves the affirmation of the attribute of "power" and "knowledge" is based on the revelation.[11] He also invokes the consensus that he believed to have occurred among theologians. The consensus, according to Imām al-Ḥaramayn, unanimously rejects the possibility of having one attribute, whatever it might be, for the basis of establishing the attribute of both "powerful" and "knowledgeable."

Towards the Integration Between Fiqh and Kalām

As can be seen from the above discussion, Imām al-Ḥaramayn applies *jadal* in his legal (*fiqh*[12] and *uṣūl al-fiqh*[13]) and theological (*kalām*

or *uṣūl al-dīn*[14]) work. In fact, this application of *jadal* in the field of law and theology becomes a foundation for the integration between *fiqh* (mainly through *uṣūl al-fiqh*) and *kalām*. Imām al-Ḥaramayn's work in legal scholarship is no longer a mere legal treatise since it also includes some theological aspects and, at the same time, his work in the field of *kalām* is not only theological piece since it contains some legal elements as well. In other words, through the application of *jadal* in his works, Imām al-Ḥaramayn attempts to integrate a theological perspective into legal scholarship and integrate a legal perspective into theological scholarship in order to obtain certainty in knowing the reality of God (through *kalām*) and His will (through *fiqh*). In this respect, Imām al-Ḥaramayn al-Juwaynī employs two important strategies to pave the way of the integration between *fiqh* and *kalām*: first, inserting aspects of rational theology into legal scholarship and, second, including perspectives of legal discipline into theological scholarship.

a. Theological aspect in *fiqh* and *uṣūl al-fiqh*

The main objective of Islamic theology is primarily to equip Muslims with a scholastic tool to know God, His divine attributes, the characteristics of His prophets, and the laws of His religion (al-Juwaynī, 1979: 28). In this respect, both *fiqh* and *uṣūl al-fiqh* are designed to obtain knowledge of God's laws, His commands and prohibitions, by means of which legal qualifications of human action are determined in the contexts of these two legal scholastic disciplines. Furthermore, knowledge of these divine laws and legal qualifications is believed to eventually lead Muslims to knowledge of God, which is considered as one of religious obligations (al-Juwaynī, 1950: 111). In his legal work, Imām

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[11]See the Quran, Sūrah al-Naḥl 16: 70, Sūrah al-Shūrā 42:50, Sūrah al-Rūm 30:54, and Sūrah Fāṭir 35:44.

[12]Imām al-Ḥaramayn defines *fiqh* (Islamic law) as a scholastic science to study religious legal rules (*aḥkām al-sharīʿah*), or, a scholastic science to study legal qualifications of actions performed by people who has a legal liability (*ahl al-taklīf*). See (al-Juwaynī, 1979: 27)

[13]Imām al-Ḥaramayn defines *uṣūl al-fiqh* (principles of Islamic law) as a scholastic science to study proofs that become the basis of *fiqh*. See (al-Juwaynī, 1979: 27)

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[14]mām al-Haramayn equates kalām (speech, Islamic theology) with uṣūl al-dīn (principles of religion), which is defined as This is a scholastic discipline designed to equip Muslims with a science to know God the Exalted, divine attributes, the attributes of His messengers, and the laws of His religion (al-Juwaynī, 1979: 28)

al-Ḥaramayn has a vision and assumption that an intellectual work in legal scholarship can provide a way to knowledge of God's law or God's will, which eventually lead to knowledge of God Himself. This is in fact the first theological aspect that Imām al-Ḥaramayn utilizes in his legal scholarship.

Imām al-Ḥaramayn contends that reasoning (*naẓar*) is an important tool for Muslims in knowing God, His attributes, and His laws. He even regards reasoning as one of religious obligations because without reasoning, it is impossible to have knowledge of God (al-Juwaynī, 1950: 11). In Islamic legal tradition, reasoning is primarily based on the proofs that are established in the revealed text and prophetic tradition. In other words, legal reasoning is text-based reasoning. Meanwhile, in the context of *kalām*, there are two important forms of theological reasoning, namely theological *jadal* and *qiyās*. Theologians harness these two types of reasoning to ensure that their intellectual path to knowledge of God is sound and defensible.

The theological *jadal,* according to Josef van Ess, attempts to find what is perceived as truth through *jadal* that includes "an answer and query, *jawāb wa-su'āl*," in which the answerer has a thesis to defend and the questioner challenges the thesis with series of question. In a written theological work, van Ess continues, the *jadal* question and answer appears in the following formula: "*wa-in qāla qā'ilun...qulnā...*, "if somebody says...we answer...," or *wa-lā yuqālu inna...li-annā naqūlu...*, "one cannot say... because we would answer...."(van Ess, 1970: 23). Interestingly, Imām al-Ḥaramayn al-Juwaynī uses this theological *jadal* method in order to refute arguments of his adversaries, from either within Shāfiʿī legal circles or from Ḥanafī and other legal schools. As it can be seen from the above discussion, when he has a disagreement with al-Shāfiʿī on the issue of *bayān* and *ijmāʿ* and a disputation with Abū Isḥāq al-Shīrāzī in the case of the extent of legal guardian authority, Imām al-Ḥaramayn utilizes this theological

jadal formula with certain variations and modifications. He uses the same theological *jadal* rhetoric to have an argument with Ḥanafī scholars and with other legal scholars in his legal works such as *Tafḍīl madhhab al-Shāfiʿī ʿalā sāʾir al-madhāhib* (al-Juwaynī, 2013) and *al-Durrah al-Muḍīyah fī mā waqaʿa fīhi al-khilāf bayn al-Shāfiʿīyah wa al-Ḥanafīyah* (al-Juwaynī, 1986). In other words, the theological *jadal* formula is the second theological aspect that Imām al-Ḥaramayn applies in his legal scholarship.

In addition to the above *jadal* form of reasoning that makes a certain argument defensible, van Ess (1970) also identifies another distinct reasoning in *kalām,* which is theological *qiyās*. This *qiyās* is mainly formulated to ensure that the intellectual path to knowledge of God is sound and free from analogical and logical fallacies. This theological *qiyās*, as mentioned earlier, uses the principle of *qiyās al-ghā'ib ʿalā al-shāhid*, in which the invisible world (*al-ghā'ib*) is perceived and measured based on analogous occurrences in the visible world (*al-shāhid*) (van Ess, 1970). This *qiyās* is slightly different from the *qiyās* used in the Islamic legal context (*fiqh* and *uṣūl al-fiqh*). If the principal case (*al-aṣl*) in legal *qiyās* is established in the textual proofs of the Qur'an or Sunnah of the Prophet, the *al-aṣl* in theological *qiyās* is found in the visible world (*al-shāhid*). While the examined case (al-*farʿ*) in *fiqh* and *uṣūl al-fiqh* is represented by cases in which the textual proofs are either ambiguous, silent, or absent, the examined case in theological *qiyās* is what probably happens in the invisible world (*al-ghā'ib*). Furthermore, if the *aṣl* and the *farʿ* in legal *qiyās* is linked by a connecting factor that is either established by either textual or rational proofs, the link between *al-shāhid* and *al-ghā'ib* in theological *qiyās* is primarily established by a rational proof. Interestingly, the soundness and validity of *qiyās* in both law and theology is primarily determined by the soundness of a connecting factor that links *al-aṣl* and *al-farʿ* or between *al-shāhid* and *al-ghā'ib*. The connecting factor

is sometimes labelled with different names such as *waṣf* (characteristic), *ʿillah* (cause), *maʿnā* (reason or meaning), *shabah* (resemblance), *sharṭ* (condition), *haqīqah* (essence), *dalīl* (indicatory proof), and so forth. However, in Islamic theology, Imām al-Ḥaramayn mentioned four possible valid factors that can connect *al-shāhid* and *al-ghā'ib* and eventually make theological *qiyās* sound and acceptable. As it is explained earlier, these four valid connecting factors are, first, causal relationship (*ʿillah*), second, the conditional relationship (*sharṭ*), third, the essential relationship (*haqīqah*), and fourth, indicatory relationship (*dalīl*) (al-Juwaynī, 1950: 83-84).

In short, the spirit of theological *qiyās* is establishing rational proofs, instead of textual proofs, to knowledge of God, which includes reasoning by analogy, logic, dialectic, syllogism, customary practices and other non-scriptural/textual proofs. This underlying spirit of theological *qiyās* can be seen from the fact that the principle case (*al-aṣl*) is not established by textual religious references but by empirical phenomena in the visible world (*al-shāhid*). The connecting factor between *al-shāhid* and *al-ghā'ib* is not derived from scriptural significations but by rational inferences. In this light, Imām al-Ḥaramayn employed the theological *qiyās* in the spirit of rationalization and non-text based orientation to argue against his fellow Shāfiʿī and Ashʿarī scholars. This spirit of "rational" and "non-text based" orientation is the third theological aspect that Imām al-Ḥaramayn applied in his legal practice and scholarship.

As it can be seen from the above discussion, Imām al-Ḥaramayn pushes al-Shāfiʿī on the definition and hierarchy of *al-bayān*. Instead of following al-Shāfiʿī's definition of *al-bayān* as a mode of communication and its hierarchy that is built around the textual-scriptural mode of communication, Imām al-Ḥaramayn defines *al-bayān* as proof and classifies *al-bayān* accordingly. By defining *al-bayān* as proof, he adds a rational dimension to what is regarded as legal proof. For him, the legal proof in the context of Islamic

legal discipline is not only a textual-traditional proof (*al-bayān al-samʿī*) and its hierarchical quality as al-Shāfiʿī suggests but also including a rational proof (*al-bayān al-ʿaqlī*) and its rules of validity. In the same vein, Imām al-Ḥaramayn refuses to accept al-Shāfiʿī's argument regarding the authoritativeness of *ijmāʿ* (consensus). In contrast to al-Shāfiʿī, who uses a "textual" argument to justify the authoritativeness of *ijmāʿ*, he relies more on "non-textual" evidences for such purpose. Imām al-Ḥaramayn al-Juwaynī asserts that empirical and "customary" evidence is more convincing and objective than the textual one to establish the legitimacy of *ijmāʿ*. It is empirical when the authoritativeness of *ijmāʿ* depends on an empirical observation of every member of Muslim community who at the end of the day will conclude whether or not the consensus among the qualified scholars actually takes place. It is also "customary-based" evidence when the legitimacy of *ijmāʿ* is measured by people's attitudes towards those who deviate from what is believed to be *ijmāʿ*. According to Imām al-Ḥaramayn, if the *ijmāʿ* really occurs, the established customary practice of people will condemn the heretics and deviants.

Similarly, the theological spirit of "rationalization" and "non-textual" orientation also appears in Imām al-Ḥaramayn's interaction with his fellow Shāfiʿī scholars, especially Abū Isḥāq al-Shīrāzī as discussed above. Instead of strictly adhering to a textual injunction in the case of the permissibility of forcing a mature-virgin girl to get married as al-Shīrāzī advocates, Imām al-Ḥaramayn considers a case-based reasoning perspective to adjudicate the case. He considers the fact that the mature-virgin girl has her own autonomy, volition, and capability of deliberation, therefore, the term "virgin" in the textual *ḥadīth* is not applied to her. As a result, according to him, the male legal guardian cannot force her to get married, unlike the opinion of Abū Isḥāq al-Shīrāzī. This "departure" from literal interpretation to embrace a factual situation and common sense shows that Imām al-Ḥaramayn al-Juwaynī can go beyond the textual-based

reasoning and use a case-based reasoning when deemed necessary.

The fourth theological element that Imām al-Ḥaramayn inserts into his legal work, especially into *uṣūl al-fiqh* (legal theory), is a theological conversation and disputation with notable Ashʿarī theologians and their Muʿtazilī opponents into conversation in his work of *uṣūl al-fiqh*, especially in *al-Burhān fī uṣūl al-fiqh*. One of the important "theological" discussions between Imām al-Ḥaramayn and his fellow Ashʿarī theologians was about the notion of knowledge (*ʿilm*). Imām al-Ḥaramayn's attitude towards his Ashʿarī theological teachers was analogous to his attitude towards his fellow Shāfiʿī legal experts. He attempts to push doctrinal boundaries by offering a new approach or thought that can ascertain a higher level of certainty in knowledge of God. Since the purpose of theology is to obtain knowledge of God with a higher degree of certainty, Imām al-Ḥaramayn challenges the existing conventional definition of knowledge offered by Abū Ḥasan al-Ashʿarī and the cognitive definition of knowledge suggested by Abū Bakr al-Bāqillānī. He criticizes al-Ashʿarī's definition of knowledge as being too general and unclear and only explains the effect of knowledge on whoever has it. It does not explain the nature of knowledge. His criticism of al-Bāqillānī's definition of knowledge, which is the act of knowing (*maʿrifah*) something as what really is, is directed to the fact that it is impossible to achieve. What an individual can achieve is a conviction about something resulting from a certain intellectual reflection. Thus, Imām al-Ḥaramayn viewed knowledge as a kind of psychological certainty about a certain object. He defined it as a conviction (*ʿaqd*) related to a certain object as what really is. To him, this definition of knowledge allows an individual to gain knowledge of God with a higher degree of certainty.

Another "theological" conversation that Imām al-Ḥaramayn inserts in his books of *uṣūl al-fiqh* is about the notion of *ijtihād* and the status of *mujtahid* (the performer of *ijtihād*).

In this conversation, Imām al-Ḥaramayn pushed the doctrinal boundaries within Ashʿarī theology by going beyond a binary position within Ashʿarī theological school. He introduced an innovative understanding of *ghalabat al-ẓann* (preponderance of conviction) that can reconcile the position of al-Bāqillānī and al-Isfarāʾīnī regarding the status of two opposing *mujtahid*s. Unlike al-Bāqillānī and his fellows who argued that two opposing *mujtahid*s are correct and rewarded (i.e. *taṣwīb*) and al-Isfarāʾīnī and his fellows who insisted that only one of them is correct and rewarded while the other *mujtahid* is wrong and punishable (i.e. *takhṭiʾah*), with the innovative understanding of *ghalabat al-ẓann*, Imām al-Ḥaramayn harmonizes and goes beyond the above two opposing opinions. He asserts that two opposing *mujtahid*s are correct as far as they act according to their preponderance of conviction (*ghalabat al-ẓann*), but one of them must be wrong in the sense that he does not arrive at the actual ruling prescribed by God. However, his wrongness is not punished because what is demanded from a *mujtahid* is not to arrive at the actual truth or ruling prescribed by God. He is only expected to arrive at an approximate truth (*ashbah*) with a preponderance of conviction (*ghalabat al-ẓann*) and act according to it. In short, this conversation and disputation with his theological teachers in the work of *uṣūl al-fiqh* brings a more rational and innovative dimension into legal scholarship.

b. Legal and traditional perspective in *kalām*

The second move of Imām al-Ḥaramayn makes to integrate legal and theological scholarship is the application a legal and traditional perspectives in his theological work, especially when he had a disputation with non-Shāfiʿī jurists, especially the Ḥanafīs and non-Ashʿarī theologians such as the Muʿtazilīs. The legal and traditional perspective that he employed considers the textual and traditional proofs from the Qurʾan, *Ḥadīth*, *Ijmāʿ*, and legal *qiyās* have

a higher priority and hierarchical authority over the authority of reason and rational proofs.[15] The legal *qiyās* is actually considered a form of rational proofs. Nevertheless, this *qiyās* is still admitted as a legal and traditional proof since its principal premise (*al-aṣl*) is inseparably connected with injunctions established in the textual proofs.

Imām al-Ḥaramayn's preference for the textual-oriented reasoning to the rational-oriented reasoning appears when he had a disputation with Ḥanafī scholars as discussed earlier. When there is a contradiction between textual evidence in the forms of *khabar al-āḥād* and rational evidence from *qiyās*, Imām al-Ḥaramayn disagreed with the position of Abū Ḥanīfah and his students. While Ḥanafī legal scholars choose to rely on the *qiyās* as a rational proof, Imām al-Ḥaramayn preferred to stay with the textual proof from a solitary Prophetic report (*khabar al-āḥād*). This textual-oriented position shows Imām al-Ḥaramayn's traditional attitude when had an argument with rationalist jurists represented by Ḥanafī scholars.

Furthermore, in the debate with Muʿtazilī theologians, Imām al-Ḥaramayn's legal and traditional perspective can be recognized from his use of theological *qiyās* to argue against the Muʿtazilīs who denied the divine attributes. Although theological *qiyās* is slightly different from the legal *qiyās*, both work with similar rules and criteria of validity. Both forms of *qiyās* have three components, the principle case (*aṣl*), the examined case (*farʿ*), and a certain factor that connects both of them (e.g. *ʿillah, maʿnā, sharṭ*, etc.). The *aṣl* in theology is found in the visible world (*al-shāhid*), the *farʿ* is found in the invisible world (*al-ghāʾib*), and the connecting factors between them can be based on a similarity of cause (*ʿillah*), similarity of condition (*sharṭ*),

similarity of relationship in essence (*haqīqah*), and similarity of relationship in signification (*dalīl*). Inspired by the legal *qiyās* that functions as one of the criteria of validity for rational proofs, Imām al-Ḥaramayn applied this theological *qiyās* to be a criterion for the valid reasoning in theology as well. The authority of reason as advocated by Muʿtazilī scholars is qualified and accepted as far as it complies with rules and criteria of rational soundness in theological *qiyās*.

In this regard, Imām al-Ḥaramayn applies theological *qiyās* to establish the divine attributes, both the essential attributes (*al-ṣifāt al-nafsīyah*) and the conceptual ones (*al-ṣifāt al-maʿnawīyah*), against Muʿtazilah who do not acknowledge the divine attributes. If the atom in the visible world (*al-shāhid*) has an essential and uncaused attribute, especially the spatial extension (*taḥayyuz*), God in the invisible world (*al-ghāʾib*) must also have essential and uncaused attributes. Thus, the essential attributes (*al-ṣifāt al-nafsīyah*) of God are established through *qiyās* based on the essential relationship between an atom and its essential attribute "spatial extension" in the visible world (*al-shāhid*). Similarly, if knowledge (*ʿilm*) renders the one who has it knowledgeable (*ʿālim*) in the visible world, this causal relationship should also be applied in the invisible world. It means that God is being knowledgeable is not in and of Himself but caused by knowledge (*ʿilm*) that resides in Him. In other words, Imām al-Ḥaramayn al-Juwaynī harnessed theological *qiyās* to establish the legitimacy of conceptual attributes (*al-ṣifāt al-maʿnawīyah*) such as His being knowledgeable.

Moreover, when Muʿtazilī theologians argue that the relationship between "power" and "knowledge" can be established through a rational proof, by referring to the relationship between "knowledge" and "alive" in which the latter is a condition (*sharṭ*) for the former, Imām al-Ḥaramayn found this argument unconvincing. Therefore, instead of using *qiyās* and other rational justifications to establish the relationship between the "power" of God and

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[15]Muʿtazilī scholars prioritize reason and rational proofs over the scriptural and traditional proofs (the Qurʾan, Sunnah, and Ijmāʾ). Qāḍī 'Abd al-Jabbār (d. 415/1025) formulates an order of hierarchical proofs in theology: first, rational proofs (*adillat al-ʿaql*) then followed by text-based and traditional authority, the Qurʾan, Sunnah, and Ijmāʾ. See a partial translation of 'Abd al-Jabbār's book *Kitāb al-uṣūl al-khamsah* in (Martin, 1997: 91).

His "knowledge," he resorts to the revealed textual proof, which is the Qur'anic verses that address this topic. Some passages of the Qur'an frequently mention these two attributes together in the same verse.[16] Furthermore, he also cites the existence of scholarly consensus (*ijmāʿ*) among theologians that rejects the possibility of having one distinct mode (*ḥāl*) or attribute that can be used to establish the legitimacy of other modes (*aḥwāl*) or attributes (*ṣifāt*) such as "power" and "knowledge." In short, Imām al-Ḥaramayn utilized a legal and traditional perspective, which prioritizes textual and traditional proofs ranging from the revelation to the sound *qiyās* over rational proofs, in order to establish the divine attributes against Muʿtazilī theologians who deny the divine attributes.

Conclusion

In conclusion, by means of applying *jadal* in legal and theological scholarship, Imām al-Ḥaramayn integrates effort and vision to understand God, His attributes, and His wills (i.e. commands and prohibitions) with a sufficient degree of certainty. This certainty appears in the forms of certain knowledge (*ʿilm*) and preponderance of conviction (*ghalabat al-ẓann*) that resulted from reasoning in the context of legal disciplines (*fiqh* and *uṣūl al-fiqh*) and theology (*kalām*). Imām al-Ḥaramayn's integrated vision and effort can be seen from two scholarly moves that he made: first, embracing elements of rational theology in legal scholarship, second, using perspectives of law and tradition in scholastic theology.

These scholarly steps engender some interesting implications such as pushing doctrinal boundaries within the Shāfiʿī legal and Ashʿarī theological schools through rationalization and non-textual orientation. By embracing theological aspects in legal works, Imām al-Ḥaramayn attempted to convince his

fellow Shāfiʿī jurists that they needed to adopt a rational theology and understanding to face external challenges from rationalists like Ḥanafīs and Muʿtazilīs. In this regard, following Imām al-Ḥaramayn's argument, Ashʿarī scholastic theology is considered the most suitable school of theology that Shāfiʿī scholars must embrace since it is regarded as a moderate theological school compared to the textualist Ḥanbalīs and rationalist Muʿtazilīs. However, according to Imām al-Ḥaramayn, some Ashʿarī theological doctrines need a reformation. The literal and anthropomorphic understandings in Ashʿarī *kalām* are no longer defensible and, therefore, should be changed to a more rational and defendable theological understanding so that Ashʿarī theology can withstand criticism and threats from Muʿtazilīs. The consequence of pushing doctrinal boundaries within Shāfiʿī and Ashʿarī circles should also be situated in this context, which is convincing Shāfiʿī scholars to adopt Ashʿarī theology and defending both Shāfiʿī legal teachings and Ashʿarī theology from external challenges and criticism.

Another implication from Imām al-Ḥaramayn's move of integrating theology into law as well as law into theology is making rationalist groups, such as Ḥanafīs and Muʿtazilīs, more respectful and willing to submit themselves to legal and traditional sources of authority. We call this implication as "traditionalization" of rational teachings in Islamic scholarship, especially theology. In this way, Muʿtazilī (including Ḥanafī) rational methods and ideas can be either proven false and contradictory to textual sources or can be adopted with some modification (e.g. the idea of *ḥāl* of Abū Hāshim). However, the more important consequence from this "traditionalization" is that Imām al-Ḥaramayn could have shown to his fellow Shāfiʿī jurists and Ashʿarī theologians that he was still loyal and staying within a broader boundary of Shāfiʿī and Ashʿarī tradition.

Imām al-Ḥaramayn's integrated vision and effort to obtain certainty through applying *jadal* in *fiqh*, *uṣūl al-fiqh*, and *kalām* pave the way for

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[16]See the Quran, Sūrah al-Nahl 16: 70, Sūrah al-Shūrā 42:50, Sūrah al-Rūm 30:54, and Sūrah Fātir 35:44.

the integration between *fiqh* (mainly through *uṣul al-fiqh*) and *kalām*. In addition to the fact that Imām al-Ḥaramayn believes that he achieves the certainty that he was looking for in legal and theological scholarship, one of the most important results from his intellectual works is a general acceptance of *kalām* scholarship, especially Ashʿarī kalām, within the circles of legal scholars, especially within Shāfiʿī legal school. This general acceptance, in turn, challenges the existing definition of Sunnī orthodoxy in the first half of the eleventh century. Sunnī orthodoxy which had been associated with merely legal schools needed a reformulation since Ashʿarī *kalām* had already been integrated and adopted to be part of Sunnī orthodoxy by Shāfiʿī scholars.

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