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Dean's Message

Dear Reader,

I am delighted to present the sixth issue of *Astrolabe: A CIS Research Journal*, a continued reflection of the intellectual vitality and interdisciplinary spirit that define the College of Islamic Studies (CIS) at Hamad Bin Khalifa University (HBKU).

With each edition, *Astrolabe* reinforces its role as a platform for emerging scholars to engage in rigorous academic inquiry, addressing pressing issues that shape Muslim communities and the wider world. Our graduate students have once again demonstrated an admirable ability to draw upon the Islamic intellectual tradition while engaging contemporary debates across social, political, ethical, and technological dimensions.

This year's issue captures the dynamism of thought at CIS—where historical depth meets contemporary relevance, and where faith and scholarship converge to inspire practical solutions for the complexities of modern life. It is a privilege to witness our students' dedication to producing research that is not only academically sound but also imbued with a sense of responsibility toward humanity.

I invite you to explore the rich discussions within these pages and hope they provide both intellectual nourishment and inspiration for further inquiry.

Recep Şentürk, PhD

Dean, College of Islamic Studies
Hamad Bin Khalifa University

Introductory Note

Dear Reader,

Welcome to the sixth issue of *Astrolabe: A CIS Research Journal*. True to its name, *Astrolabe* continues to serve as a guiding instrument for navigating the vast seas of Islamic scholarship and interdisciplinary thought. Each article in this volume represents a voyage—an intellectual pursuit shaped by rigorous analysis, curiosity, and the enduring wisdom of the Islamic tradition.

This edition reflects the diversity and depth of inquiry that characterizes the academic environment at CIS. Within these pages, you will find discussions that traverse historical, theological, ethical, and socio-economic landscapes, each offering fresh perspectives on the pressing questions of our time. These contributions not only exemplify the scholarly rigor of our students but also their commitment to advancing knowledge that speaks to both the academy and the wider community.

We take pride in this platform as a space for contemporary voices, critical engagement, and intriguing explorations. May this issue inspire you to continue exploring the uncharted territories of thought and discovery.

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RESEARCH ARTICLE

Law in Premodern Islamic Society: Close Reading of Al-Ghazālī's *Deliverance from Error*

Lida Larson

ABSTRACT

This essay explores the place of Islamic law in the thought and work of Abū Ḥāmid al-Ghazālī, with a specific focus on his spiritual autobiography, *Deliverance from Error* (*al-Munqidh min al-Ḍalāl*). Al-Ghazālī's treatment of law diverges from conventional legalistic perspectives in 12th-century Seljuk Iran, where law was a central feature of Islamic identity. By critically examining al-Ghazālī's critique of the juristic class and legal conformity, this study argues that al-Ghazālī sought to realign legal and ritual practices with their ultimate purpose—felicity in the Hereafter. His critique of legalism highlights the limitations of legal thought, its tendency to focus solely on external actions, and its failure to address the internal spiritual dimensions necessary for salvation. Al-Ghazālī's view of law, while not dismissive of its societal role, emphasizes the importance of mystical practice and the purification of the heart as essential for achieving a meaningful connection with God. By situating al-Ghazālī's ideas in the intellectual and cultural milieu

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of the time, this work underscores the nuanced position he adopts with law, suggesting that it should function as a guide to spiritual practice rather than as a system of governance or a means to unify society.

Keywords: al-Ghazālī, Islamic law, legalism, spiritual practice, *Deliverance from Error*, Seljuk Iran, juristic class, Sufism, Islamic thought

1. INTRODUCTION

Law (*sharī'a*) often evokes an array of negative associations, as Islam is frequently perceived as legalistic in contrast to Christianity, which is viewed as a religion of grace (Ralston, 2016). Joseph Schacht goes as far as to say that “Islamic law is the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself” (Schacht, 1982, p. 1). Wael Hallaq echoes these sentiments, writing: “It would in no way be an exaggeration to argue that law was the defining characteristic of Muslim societies and civilizations throughout the centuries, and in every corner of the Islamic world” (cited in Ahmed, 2016, p. 118). For these reasons, it is surprising that a Muslim scholar as influential as Abū Ḥāmid al-Ghazālī (d. 1111) would overlook Islamic law in his spiritual autobiography *Deliverance from Error (al-Munqidh min al-Dalāl)*. However, often, what is left unsaid tells its own story.

In this essay, I closely read *Deliverance from Error* to explore the place and function of Islamic law in al-Ghazālī’s work, situated in the context of Seljuk Iran and the Near East. More specifically, I argue that al-Ghazālī aimed to reform the understanding and practice of law in his time to realign legal and ritual practices toward their ultimate purpose: felicity in the Hereafter. I introduce al-Ghazālī’s intellectual and cultural milieu and the broad contours of Islamic thought regarding law at the turn of the 12th century. Next, I offer a brief overview of al-Ghazālī’s life and an introduction to his work, *Deliverance from Error*. Finally, I review the major themes of *Deliverance from Error* that pertain to law and the juristic class, including the limitations of legalism and the critique of the juristic class. I adopt a law-in-society approach, which recognizes the contextually situated and contested nature of law (Mather, 2008). This approach assumes that law does not exist as an autonomous field separate from the social fabric and governed by its internal logic. Rather, law is socially and historically constructed and deeply embedded within society. Instead of treating law in isolation, a law-in-society approach focuses on understanding law in relation to history, culture, and its contextual environment.

2. AL-GHAZĀLĪ’S INTELLECTUAL AND CULTURAL MILIEU

In the 11th and 12th centuries, the Near East witnessed great political and social upheaval. The Seljuks entered Baghdad in 1055 (3 years before al-Ghazālī’s birth) as the “defenders” of normative Sunnī Islam. They suppressed an ‘Ismā‘īlī uprising and protected the Caliphate, which had already weathered a century of decline. Besides rescuing the

Caliphate, historical chronicles credit the Seljuks with restoring social order (*nizām*) by promoting Sunnī orthodoxy (Safi, 2006). They responded to the military and epistemological threats jeopardizing social cohesion and unity of the *umma* (community). Safi (2006) argues that the new Seljuk rulers engaged in “mythmaking” to legitimize their rule, which ideologically intertwined religious stability with social order, resulting in the “the Great Seljuk Myth.” Religion needed the state to safeguard it from heretical attacks, and movements labeled heretical were charged with disrupting the established social order.¹

Seljuk military campaigns against the ‘Ismā‘īlīs accompanied state-sponsored efforts to systematize Islamic intellectual disciplines and promote state-sanctioned interpretations of Islam by establishing *madrāsas* and *khānaqāhs*. These institutions empowered orthodox knowledge and countered heretical opposition, particularly Ismāīlism. The Seljuk vizier Nizām al-Mulk (d. 1092) appointed al-Ghazālī to the Baghdad Nizāmīya in 1091 and positioned him as a prominent figure to confront various intellectual claimants to religious knowledge and support the Seljuk-sponsored ideology. While the Seljuks faced the ‘Ismā‘īlīs militarily, al-Ghazālī was given a “preemptory order” (*amrun jāzim*) to write a book, engaging them intellectually, dismissing them through polemic, while also attacking the influence of philosophers (al-Ghazālī, 1967, pp. 91–92; 1999, p. 42; Safi, 2006).

3. CONCEPTIONS OF LAW IN ISLAMIC THOUGHT

Ahmad (2016) presents Muslim societies as discursive arenas where the epistemological authority of the law is perpetually contested and negotiated. He advocates for viewing historical Muslim societies as spaces where the law’s position and authority were subject to debate. It is essential to recognize that premodern societies were not homogenous; they did not strictly adhere to puritanical norms as is often portrayed in premodern Islamic discourses. While a legalist approach provides clarity on what constitutes Islamic practice, it tends to overshadow the critical role of nonlegal discourses in shaping normative Islam throughout history. A legal supremacist view only provides an impoverished and misleading view of Islam as it was articulated historically.

Al-Ghazālī’s critique of legalism occurs in a broader discourse of Islamic thought that flourished during the Abbasid period (750–1258 CE). Heck (2004) maintains that the Islamic conception of law evolved significantly during this period. Before the Abbasids, the concept of governance was characterized by thinkers like Ibn al-Muqaffa’ (d. 756), who emphasized charisma and the personal relationships between rulers and subjects. In this view, the ruler was the living embodiment of law (*nomos empsychos*).

1 Nizām al-Mulk stated: “The most important thing which a king needs is sound religion (*dīn-I durust*) because kingship and religion are like two brothers; whenever disturbance (*iḍṭirāb*) breaks out in the country, religion suffers too; heretics (*baddīnān*) and evil-doers (*mufsidān*) appear; and whenever religious affairs are in disorder (*bā-khalal*), there is confusion (*shūrīda*) in the country; evil-doers gain power and render the king impotent and despondent; heresy grows rife, and rebels make themselves felt” (*Siyar al-Mulūk* cited in Safi, 2006, p. 5).

However, under the Abbasids, administrative institutions were integrated into the conception of polity. The expansion and refinement of administrative norms and structures transformed perspectives on governance. Rather than relying on the ruler as the source of justice, the focus shifted to viewing the law itself as the foundation of Islamic polity (Heck, 2004).

Later in the Abbasid period, Qudāma b. Jaʿfar (d. 948) introduced a political framework for law and society (Heck, 2004). He conceptualized the state with two essential components: the ruler and the administration. The law, once rooted solely in the ruler's authority, was now rooted in the ruler's person and the bureaucratic structures, marking a transition from ruler-centered to institution-centered governance. The law no longer originated only from divine command and the ruler's law-making capacity; instead, it was entrusted by God to the ruler for the common good. The ruler's sanctity was now measured by adherence to God's will. Law was envisioned to address social needs beyond the ruler's judgment. In essence, this period witnessed a transition from ruler-centric governance to a focus on institutional structures and the law as a guide for the Islamic polity (Heck, 2004). These developments help understand al-Ghazālī's relationship to the law. As a representative of the Seljuk administrative apparatus, he conferred religious legitimacy and asserted orthodox Sunnī Islam as a guiding framework for all Muslims under Seljuk rule.

4. AL-GHAZĀLĪ'S LIFE AND WORK

Abū Hāmid Muḥammad ibn Muḥammad al-Ghazālī al-Ṭūsī was born in 1055 in Ṭūs, Iran. The Seljuk Vizier Nizām al-Mulk appointed him as a professor at the Nizāmīya College in Baghdad. However, just four years after assuming his position, al-Ghazālī grappled with a spiritual crisis that coincided with (but cannot be reduced to) political instability within the Seljuk regime following the assassination of Nizām al-Mulk and the death of the Malik Shāh, the Seljuk sultan. Al-Ghazālī resigned from the Nizāmīya and withdrew to Damascus and Jerusalem (Hodgson, 1974). In 1106, he accepted a teaching position at the Nizāmīya in Nīshāpūr. He left behind a rich legacy of works in Arabic and Persian covering topics like theology, Qur'ānic exegesis, jurisprudence, philosophy, polemics, and encyclopedic works on outer and inner aspects of religious life (Treiger, 2011). Al-Ghazālī's writings, most notably *The Revival of Religious Sciences*, spread widely through the Islamic world, and his synthesis has served as the point of departure for discourses of orthodoxy until today (Safi, 2006).

Al-Ghazālī's project was inspired by discontent with the excessive entanglement between the religious sciences and worldly affairs, which he perceived as causing social complacency. Recognizing the urgent need for a revival, he embarked on a mission to reform the understanding and practice of legal and ritual practices, highlighting their ultimate purpose of attaining felicity in the Hereafter. His written works offer valuable insight into his perspective on the role of law in religion. By situating ritual practices and social activities within "The Sciences of the World," al-Ghazālī sought to dislodge law from its central position in Islam (Ralston, 2016).

5. THE PRIMARY TEXT

Deliverance from Error (al-Munqidh min al-Ḍalāl) is a spiritual autobiography that describes al-Ghazālī's transformation from a scholar immersed in worldly pursuits like fame and prestige to a scholar devoted to the Hereafter. Al-Ghazālī wrote this work late in life, completing it in 1106, a mere 5 years before his death (Treiger, 2011). His audience extended beyond specialized theologians and jurists to include a wide readership fascinated by the intellectual conflicts among the various factions (Griffel, 2011). It was his first work after returning to Nīshāpūr, and it was prompted by a backlash against his philosophically inspired ideas in *The Revival of Religious Sciences* (Treiger, 2011). In the latter work, al-Ghazālī criticized Islamic law (*fiqh*) and theology (*kalām*) for having stifled the religious sciences by expanding beyond their intended boundaries (Garden, 2011).

In *Deliverance from Error*, al-Ghazālī provides minimal autobiographical details, but instead emphasizes their role in his spiritual journey. These carefully selected facts are intricately woven into his arguments and discussions (Ormsby, 1991). He recounts an epistemological and spiritual crisis that made him skeptical about the reliability of sense perception and reason. This led him to question the possibility of knowing anything with certainty, including the sciences he knew well and expertly taught. After 2 months, he was cured of his skepticism through “a light which God Most High cast into [his] breast” (*bi nūrīn qadhafahu llāhu ta'ālā fī sadr*) (al-Ghazālī, 1967, pp. 38–67; 1999, p. 23) and embarked on a quest to re-examine the methodology of the four “travelers of the paths of seeking Truth” (*sālikīn subul ṭalab al-haqq*): the *mutakallimūn* (scholastic theologian), the *bāṭinīyah* (*ta'limites* or people of esoteric teaching), the *falāsifah* (philosophers), and the *Ṣūfīyah* (Sufi mystics) (al-Ghazālī, 1967, p. 69; 1999, p. 24). Each of these perspectives embodies a different approach to knowledge: the *mutakallimūn* engage in dialectic and controversy, the *bāṭinīyah* emphasize authoritarian procedures, the *falāsifah* rely on reason and demonstration, and the *Ṣūfīyah* seek inner transformation and illumination through lived practice (Ormsby, 1991).

Al-Ghazālī critiqued the lack of reliable knowledge among the *mutakallimūn*, *bāṭinīyah*, and *falāsifah* before settling on mystical praxis: (1) the *mutakallimūn* rely on apologetic doctrinal statements to refute heresies without validating their assumptions, proving ineffective in dispelling skepticism through syllogism; (2) the *bāṭinīyah* depend entirely on the teachings of an allegedly infallible Imam for attaining certainty, which contradicts the singular infallibility of the Prophet Muḥammad for the Muslim community; (3) the *falāsifah* assume that rational propositions lead to ultimate truth; three of their doctrines constitute unbelief (*kufr*), and seventeen other doctrines have no grounding in the Muslim tradition and are heterodox innovations (*bid'ah*) (al-Ghazālī, 1967, p. 69; 1999, p. 24). Although the discipline of law serves an important purpose for al-Ghazālī, it is not concerned with revealing Truth, so he does not pursue it in his quest to reach certainty.

Deliverance from Error should not be read as a straightforward autobiography. Al-Ghazālī's doubts were not solely directed toward attaining personal religious certainty; they also functioned as a sophisticated polemic, engaging with various intellectual

contenders of religious knowledge (Safi, 2006). Al-Ghazālī aims to guide his readers toward knowing God in this life and achieving felicity (*sa'āda*) in the Hereafter, or at least salvation (*najāt*). This overarching goal shapes the structure of his work, which is not merely informative but instructional, aiming to lead readers step-by-step toward a deeper understanding of the Islamic message. Al-Ghazālī categorizes his audience into two main groups: the commoners (*'awāmm*) and the elect (*khawāṣṣ*). The term “commoners” refers to anyone lacking access to Al-Ghazālī’s works, including religious scholars (*'ulamā'*) lacking the requisite insight and training. Al-Ghazālī compares teaching commoners to feeding infants: just as solid food would harm a baby, exposing commoners to ideas beyond their capacity can lead to confusion and loss of faith. Hence, he advocates withholding higher truths from the commoners, reserving them for the elect (Treiger, 2011).

Al-Ghazālī’s “pedagogy of salvation” elucidates a theory of instructional levels with three levels of doctrine: (1) doctrine held dogmatically for debates; (2) doctrine tailored for teaching, adjusted to students’ qualifications and intellectual capacities; and (3) doctrine kept in secret between oneself and God (*sirran baynahū wa-bayn Allāh*), shared only with like-minded people. The stratified and tailored nature of al-Ghazālī’s work means that readers must be aware that he might not fully disclose his beliefs. Furthermore, al-Ghazālī might occasionally make false statements to deter readers from spiritual danger, like a parent falsely warning children of dangers to keep them safe (Treiger, 2011).

6. THE LIMITATIONS OF LEGALISM: CONFORMITY TO LAW IS NOT UNIVERSAL

In *Deliverance from Error*, al-Ghazālī paints a picture of the broader cultural and intellectual milieu of Nīshāpūr as characterized by pluralism. In this context, at least some members of society openly flaunted their “unbelief” (*kufr*), “negative attitude” (*ta'īl*), and “disdain” (*tahāwun*) for the law (al-Ghazālī, 1967, p. 79; 1999, p. 32).

Al-Ghazālī addresses weakening religious conviction (*futūr al-'i'tiqādāt*) and diminishing adherence to legal norms, which he attributes to the same four contenders of religious knowledge: “I then reflected on the reason for men’s lukewarmness and the weakness of their faith and found them to be four in number: 1) A reason stemming from those engrossed in the science of philosophy; 2) A reason stemming from those absorbed in the way of Sufism; 3) A reason stemming from those attached to the claim of authoritative teaching; 4) A reason stemming from the behavior of those popularly regarded as preeminent in learning” (al-Ghazālī, 1967, p. 117; 1999, pp. 66–67). Through a series of dialogues, he provides a map of the disputes about legal norms and orthodox beliefs, revealing widespread erosion of religious adherence. He traces this disinterest in law to several factors: (1) the juristic class falling short of normative standards, (2) elitist *Ṣūfi* antinomianism arising from spiritual attainment and rationalizations that relativized legal obligations, (3) the intractability of disagreements among the scholars which destabilized

the structure of authority and made the *bāṭinī* argument about adherence to an infallible model figure appealing, and (4) the elitist philosophical critique, which dismissed the legal system's function as a mechanism for state regulation of collective well-being, deeming it superfluous due to the elite's capacity for self-regulation.

In his portrayal of this milieu, al-Ghazālī situates philosophy within a hegemonic domain. He warns his readers about even the seemingly innocuous subgroup of mathematicians because public admiration for their intellectual prowess may lead some to emulate their skepticism and atheism. Al-Ghazālī's modest endeavor is to carve out and safeguard a space for religion that remains insulated from the hegemonic ambitions of science. He achieves this by demonstrating that religion possesses relative autonomy from philosophy, stating: "A person skilled in one field is not necessarily skilled in every field. Thus, a man skilled in jurisprudence and kalam is not necessarily skilled in medicine ... in each field, there are men who have reached in it a certain degree of skill and pre-eminence, although they may be quite stupid and ignorant about other things" (al-Ghazālī, 1999, p. 32). Therefore, mathematical, logical, scientific, and metaphysical claims need not undermine religious truths.

Al-Ghazālī's normative project revolves around safeguarding the place of revealed law in various sciences. His perspective on the scope and limitations of revealed law can be inferred from the connections he establishes between religious law and the diverse disciplines of his time. He warns that novices taking up mathematical sciences are at risk of thinking: "If religion were true, this would not have been unknown to these philosophers, given their precision in this science of mathematics" (al-Ghazālī, 1999, p. 32). Al-Ghazālī recognizes that logic, mathematics, and physics operate through demonstrations and do not inherently affirm or deny religious matters. Consequently, he advocates for their functional separation from the law. By emphasizing this separation, he aims to undo perceived links between the precision of mathematicians and their perceived disdain for religion. He wants to teach his readers that sciences exist within their distinct domains and are independent of the personal values of the scientists, thereby salvaging the philosophical methodology and doing away with the attitudes. Al-Ghazālī subtly hints at the domains of specialization through his account of his personal crisis. Despite the doctors' ability to offer learned but ultimately ineffective diagnoses, they remained powerless to cure him. The disease defied the skills of conventional medicine, leaving the doctors helpless. In this situation, only divine intervention could bring healing (Ormsby, 1991).

For the political and moral sciences, Al-Ghazālī champions religious scholars and supports their precedence, asserting that political scientists draw upon "scriptures revealed to the prophets by God Most High and from the maxims handed down from the predecessors of the prophets" (al-Ghazālī, 1999, p. 36). As for moral scientists, Al-Ghazālī claims that they "took from the saying of the Sufis ... and mixed them up with their own doctrines" (al-Ghazālī, 1999, p. 37). Al-Ghazālī reconstructs the development of ethics, declaring that the ethical framework of the philosophers is borrowed from Sufis who were engaged in the remembrance of God and detachment from worldly pleasures, which gave them profound moral understanding.

Al-Ghazālī advises readers about how to discern authentic insights from mixed teachings. The broader trend in Islamic culture was to attribute the intellectual and spiritual achievements of the Greeks to Middle Eastern or prehistoric sources. Al-Ghazālī discusses pre-Islamic figures like the Companions of the Cave, which indicates an accepting stance toward ancient ethicists and a continuity of wisdom across diverse traditions. Al-Ghazālī advocates for the supremacy of divine inspiration in ethical development, in contrast to philosophers like al-Fārābī and Ibn Sīnā, who viewed religion as a derivative of philosophy. His approach emphasizes the practical benefits of religious practices and the moral exemplarity of prophethood as evidence of its authenticity (Kukkonen, 2016).

Despite his critique of philosophy in *Deliverance from Error*,² as well as *Incoherence of the Philosophers* (*Tahāfut al-falāsifa*),³ al-Ghazālī values philosophy. He admires syllogistic logic—a rational science based on inductive reasoning—and uses it to revive the religion. Griffel (2009) credits Al-Ghazālī with having made great contributions to the process of the naturalization of philosophy within the Islamic theological discourse. Al-Ghazālī publicly dismisses accusations of philosophical influence in *Deliverance from Error*, claiming that his teachings on the mysteries of the religious sciences [*asrār ‘ulūm al-dīn*] are partially “[his] own original ideas ... and some are found in the scriptures [*al-kutub al-shar‘īya*]; and the sense of most is found in the writings of the Šūfīs” (al-Ghazālī, 1967, p. 88; 1999, p. 39). Yet, at the same time, he subtly defends philosophy, arguing that philosophical statements can be reasonable when supported by demonstrative proofs in line with the Qur’ān and Sunna. He argues, “If we were to open this door and aim at forgoing every truth which had been first formulated by the mind of one in error, we would have to forgo much of what is true” (al-Ghazālī, 1967, p. 88; 1999, p. 39). Thus, a philosopher’s endorsement of an idea does not inherently make it false. Treiger (2011) suggests that al-Ghazālī’s “refutation” of philosophers did not negate their conclusions but rather undermined public confidence in their intellectual achievements, leaving the door open for endorsing the same conclusions in later work (Treiger, 2011).

Al-Ghazālī’s elitist vision permeates this text, asserting his expertise as a religious scholar to engage with philosophical material but denying this privilege to unqualified “commoners” (*‘awāmm*), including most scholars. He states:

The intelligent man, therefore, first knows the truth, then he considers what is actually said by someone. If it is true, he accepts it, whether the speaker be wrong or right in other matters. Indeed, such a man will often be intent on extracting what is true from the involved utterances of the erring [*ahl al-ḍalāl*], since he is aware

2 Al-Ghazālī argued that all divisions of philosophy bear “the stigma of unbelief and godlessness” (al-Ghazālī, 1999, p. 28).

3 Al-Ghazālī accuses the Muslim peripatetic philosophers in general and Ibn Sīnā and al-Fārābī in particular of committing heretical innovation concerning seventeen issues and of falling into infidelity regarding three issues (al-Ghazālī, 1999).

that gold is usually found mixed with dirt... [Since] most men have an overweening opinion of their own competence and cleverness and think they are perfectly equipped intellectually to discern truth from error, the door must be blocked to prevent the generality of men, as far as possible, from perusing the works of those addicted to error. (al-Ghazālī, 1967, p. 87; 1999, pp. 38–39)

For al-Ghazālī, the value of philosophy depends on a person’s position: while he discourages commoners from engaging with it, he encourages elites to explore it, stating: “... the perusal of the philosophers’ books must be prevented on the score of the deceit and danger they contain ... just as the snake charmer must not handle a snake in the presence of his little boy, since he knows that the boy will imitate him thinking he is like his father, but rather must caution his boy against that by being cautious himself in the boy’s presence, so also the man of deep learning must comport himself” (al-Ghazālī, 1999, p. 41). This elitist perspective is not exclusive to al-Ghazālī; rather, it reflects a society divided between an educated class of scholars and the largely illiterate masses. In his work *The Decisive Treatise (Faṣl al-Maqāl)*, Ibn Rushd (d. 1198) critiques al-Ghazālī for incorporating hermeneutical complexities—usually found in philosophical texts—into religious literature, which confused the populace (Belo, 2016). Al-Ghazālī justifies his reliance on philosophy by likening himself to a man sifting gold from dirt or gold from counterfeit coins, or a “skilled snake charmer” who invalidates philosophical demonstrations (neutralizing the snake’s poison) but appropriates the theories (distilling the precious antidote) required to revive Islam and cure the Muslim community of its spiritual malaise (Treiger, 2011). He states:

When a skilled snake charmer takes a snake and separates the antidote from the poison and draws forth the antidote and renders the poison harmless, he is not free to withhold the antidote from anyone in need of it. So, too, when the money changer skilled in picking out coins puts his hand in the trickster’s sack and takes out the genuine pure gold and discards the spurious and counterfeit coins, he is not free to withhold the good and acceptable coins from anyone who needs them. The same holds good for the true scholar. (al-Ghazālī, 1999, p. 41)

7. AL-GHAZĀLĪ’S STANCE TOWARD TRADITIONAL LEGALISTIC APPROACHES

7.1 Criticism of the Conformity-Oriented Epistemology of Law

Al-Ghazālī criticizes the epistemological basis of *kalām* from a philosophical perspective, noting that *kalām* lacks solid grounding in “primary truths” (*al-awwalyāt*). Despite the claim of the *mutakallimūn* to being “men of independent judgment and reasoning” (*‘ahlu al-ra’y wa al-naẓar*), al-Ghazālī claims that they base their arguments on “uncritical acceptance” (*taqlīd*), “the community’s consensus” (*‘ijmā’ al-umma*), or “simple acceptance deriving from the Qur’ān and the Traditions” (*qabūl min al-Qur’ān wa al-akhbār*) (al-Ghazālī, 1967, p. 72; 1999, p. 26). According to al-Ghazālī, these

foundations are merely inherited beliefs (*al-'aqā'id al-mawrūtha*) and do not constitute genuine knowledge (*dark ḥaqā'iq al-umūr*). Indeed, much of al-Ghazālī's critique of *kalām* can be extended to the discipline of law, as it also lacks the qualities of being self-evident, universally valid, or based on philosophical inquiry.

Ibn Khaldūn (d. 1406) discusses the regression of knowledge production within legal schools from independent reasoning (*ijtihād*) to imitation (*taqlīd*) in his *Muqaddima*. With the establishment of the dominant legal schools and the increasing complexity and specialization of the various religious sciences, it became nearly impossible for any individual to encompass all the knowledge required to qualify as a *mujtahid*, prompting scholars to declare the gates of *ijtihād* closed. The spirit of intellectual plurality, diversity, and *ijtihād* became confined to *taqlīd* and mere transmission of rulings and legal theories within the schools (Ibn Khaldūn, 1958).

Ibn Khaldūn's perspective on *kalām* and philosophy contrasts with al-Ghazālī's. According to Ibn Khaldūn, speculative theologians and philosophers differ significantly in their approaches. While philosophers employ rational arguments to investigate the truth of previously unknown articles of faith, speculative theologians use rational arguments to defend articles of faith derived from religious law. They use rational arguments only after the correctness of the established articles of faith has been confirmed to refute theological innovations and dispel doubts regarding faith. Although the theologians' arguments may appear to search for faith through rational means, their ultimate purpose is to refute heretical views. Ibn Khaldūn emphasizes that the tenets of faith are based on divine light and, therefore, are beyond the canon of rational speculation and perceptions (Ibn Khaldūn, 1958).

In his account of his quest for genuine knowledge, al-Ghazālī does not consider the state of natural disposition (*fiṭra*) within Muslims as theologians do. He recalls that upon hearing the prophetic ḥadīth "Every infant is born endowed with the *fiṭra*: then his parents make him Jew or Christian or Magian," he sought "the true meaning of the original *fiṭra* and the true meaning of beliefs arising (*al-'aqā'id al-'āriḍa*) through slavish aping (*taqlīdāt*) of parents and teachers. I wanted to sift out these uncritical beliefs (*taqlīdāt*), the beginnings of which are suggestions imposed from without, since there are differences of opinion in the discernment of those that are true from those which are false" (al-Ghazālī, 1967, p. 63; 1999, pp. 19–20). For al-Ghazālī, *fiṭra* is a set of universally shared primary judgments among all humans, regardless of their life experiences or acquired knowledge (Griffel, 2011). Muslims are just as culpable of blindly following authority and becoming distant from the natural disposition as Jews and Christians. While the inherited beliefs of Muslims happen to align with Islamic teachings and are therefore correct, they remain inherited beliefs and not true knowledge (Griffel, 2012). Al-Ghazālī likens this situation to the rust from vices clouding the mirror of the heart. These need to be polished for the heart to reflect intelligible objects. Similarly, he believes that uncritical beliefs based on imitation (*taqlīd*) of parents or teachers should be replaced by true knowledge (Treiger, 2011).

7.2 Criticism of the Limited Scope of Law

Al-Ghazālī distinguishes two types of scholars: “scholars of the afterlife” (*‘ulamā’ al-ākhirah*) who fulfill the prophetic mission of guiding people toward salvation (*najāt*) and felicity (*sa’āda*), and “scholars of this world” (*‘ulamā’ al-dunyā*), whom he identifies as “lawyers” (*fuqahā’*). Al-Ghazālī criticizes the disciplines of *fiqh* (Islamic law), *kalām*, and rhetoric for deviating from the true aim of religious scholarship. In *The Revival*, Al-Ghazālī criticizes the scholars of this world, stating: “They caused people to imagine that there is no other knowledge than an authoritative ruling (*fatwā*), employed by the judges in settling a dispute when the mob riots, or debating (*jadāl*) with which a seeker of vanity arms himself to overcome and silence [his opponent], or embellished rhymed prose (*saj’*) employed by the preacher to influence the common folk. ... As for the Science of the Path to the Afterlife (*‘ilm ṭarīq al-ākhirah*), which the righteous forebears (*al-salaf al-ṣāliḥ*) pursued and which God in His Book called Understanding (*fiqh*), Wisdom, Knowledge, Brightness, Light, Guidance, and Direction, it has vanished among the people and is completely forgotten” (al-Ghazālī cited in Treiger, 2011, p. 36).

Reflecting on his time at the Nizāmīya, al-Ghazālī regards the sciences he taught as “unimportant and useless” in the journey to the Hereafter (al-Ghazālī, 1967, pp. 38–67; 1999, p. 53). He recounts the inefficacy of the proofs (*naẓm dalīl*) and arguments (*tartīb kalām*) of the theologians in addressing his skepticism in the Nizāmīya, since *kalām* only defends orthodoxy and refutes innovations. Al-Ghazālī states that “*kalām* was not sufficient in my case, nor was it a remedy for the malady of which I was complaining” (al-Ghazālī, 1999, p. 26). Additionally, referring to the inefficacy of *kalām* in addressing skepticism, Al-Ghazālī states that its aim is “simply to conserve the creed of the orthodox for the orthodox and to guard it from the confusion introduced by the innovators” (al-Ghazālī, 1999, p. 25). Al-Ghazālī stresses that his healing came not from structured proofs (*al-adilla al-muḥarrara*), but rather from divine “unveiling” (*kashf*), which he explains as “a light which God Most High cast into my breast (*bi nūrīn qadhafahu llāhu ta’ālā fī sadr*). And that light is the key to most knowledge. Therefore, whoever thinks that unveiling of truth (*kashf*) depends on precisely formulated proofs (*mawqūf al-adilla al-muḥarrara*) has indeed strained the broad mercy of God” (al-Ghazālī, 1967, pp. 67–68; 1999, p. 23). He argues that skill in structured arguments and clever debates—mastered by lawyers and theologians—do not lead to *kashf*. Instead, *kashf* requires asceticism, ethical discipline, and polishing the mirror of the heart (Treiger, 2011). In his work *Revival of the Religious Sciences*, he aims to revive Islam based on the Science of the Path to the Afterlife, seeking to diminish the influence of “worldly” sciences that have wrongly taken precedence and contributed to the decline of religion (Treiger, 2011).

Furthermore, Al-Ghazālī distinguishes between sincere inner faith and outer action, which is not in itself enough to lead to salvation. Since the scope of law pertains only to the external, legal doctrine is not fully autonomous and is ill-equipped to discern the possibility of internal contradiction. Al-Ghazālī recounts addressing individuals who were “remiss in fulfilling the law” (*yaqṣuru fī mutāba’at al-shar’*), inquiring about the cause of

their “outward boldness” (*jur’a*) and concluding that it was because of their inner “hidden unbelief” (*kufri khafti*) if not their stupidity⁴. He emphasizes that human beings are beckoned beyond mere adherence to the external dictates of law, as external actions must be accompanied by an inner state to be of spiritual value. Al-Ghazālī thus established a framework designed to purify the heart and harmonize knowledge with practice (*‘ilm wa ‘amal*). While emphasizing the primacy of the inner life and the proper disposition of the heart, he never dismisses external actions as unnecessary. Al-Ghazālī asserts that adherence to the law and the proper performance of ritual acts are fundamental pillars of the Science of the Hereafter. To integrate legal and spiritual guidance, al-Ghazālī supplements his legal teachings with extensive discussions of their inner dimensions in *Revival of the Religious Sciences* (Ralston, 2016).

7.3 Criticism of the Inefficacy of Law as a Unifying Factor

As previously mentioned, Safi (2006) highlights the deep commitment of the Seljuk state to restoring social cohesion and order. To achieve this, the Seljuks promoted religious orthodoxy by establishing *madrasas* that propagated the state-sanctioned version of orthodoxy. Al-Ghazālī, as the chief instructor, perceived differences in the religious creed as a critical cosmic battle between good and evil, where differences needed to be completely eradicated. He argued that despite the theologians’ efforts to develop their discipline by grounding their defense of orthodoxy in rational arguments, they fell short of “dispel[ing] entirely” (*yamḥaq bi al-kullīya*) the “darkness due to the bewilderment about the differences dividing men” (*ẓulumāt al-ḥīra fī ikhtilāfāt al-khalq*) (al-Ghazālī, 1967, p. 72; 1999, pp. 26–27). Al-Ghazālī’s critique extends beyond *kalām* to encompass the discipline of law since law is also insufficient to unify society. This sheds light on why al-Ghazālī may have been disinterested in law and why law did not occupy a central role in his pursuit of Truth.

Another related criticism of the divisiveness of law was the intractability of juristic disagreements. An interlocutor who al-Ghazālī addresses in his investigation of the reasons behind the lack of conformity to religious law complains of the challenges posed by the myriad legal rulings and disagreements (*al-ikhtilāf*) within the juridical community, stating that “the truth is doubtful, the way to it hard, there is much disagreement (*al-ikhtilāf*) about it, and no one view is preferable to any other. Moreover, rational proofs contradict one another so that no reliance can be placed on the opinion of independent thinkers” (al-Ghazālī, 1967, p. 119; 1999, p. 68). The common people, grappling with this multitude of viewpoints, found it increasingly difficult to navigate the intricacies of religious law. The interlocutor proposed a solution: abandoning reliance on proofs altogether and instead following the certainty provided by the authoritative teachings of an infallible imam, as was the practice of the *bāṭinīyah*. According to the interlocutor, this approach would simplify matters and provide clarity. Of course, Al-Ghazālī was

4 Al-Ghazālī addresses the question of whether failure to act according to one’s convictions signifies disbelief (*kufri*) in his book *Scale of Action* (*Mizān al-‘amal*). He concludes that the underlying cause is heedlessness (*ghafla*), not *kufri* (Leites, 2024).

theologically opposed to the idea of an infallible *imām*, since the Prophet is the only infallible individual.⁵

In his *Muqaddima*, Ibn Khaldūn offers a more favorable perspective on the diversity of legal opinions. He advocates for the utility of the science of juristic disagreements (*khilāf*) and recognizes that the inevitable divergence among jurists' opinions arises from their reliance on various sources, including (1) the intricacy of the Arabic language, (2) varying approaches to authenticating the *sunna*, (3) apparently conflicting *ḥadīths*, and (4) disagreements regarding the authority of consensus (*ijmā'*) and analogy (*qyās*) (Ibn Khaldūn, 1958).

7.4 Criticism of the Deficient Moral Integrity of the Juristic Class

Al-Ghazālī recounts an irreligious interlocutor justifying his negligence in fulfilling the obligations of the law, arguing that if adherence to the law were indeed obligatory, then the jurists who are most deeply versed in legal matters would naturally be the foremost in compliance. Instead, those very jurists are seen contravening normative standards in multiple ways. The interlocutor proceeds to cite six specific examples, some related to individual practice (failure to conform to prescriptions of sacred law such as neglecting prescribed prayers and indulging in wine) and others related to the inadequate exercise of legal functions (judges exploiting religious endowments and property of orphans, accepting bribes for judgments and testimony, and maintaining relationships with political authorities in contravention of the stipulations mentioned in *adab al-qādī* literature). The litany of transgressions continues, as he concludes with the ominous phrase, “and so on in many similar instances!” hinting at a broader pattern of noncompliance (al-Ghazālī, 1999, p. 68). Also, it is important to note that this criticism originates from al-Ghazālī's interlocutor, not al-Ghazālī himself, signifying the fact that such sentiments were widely circulated and acknowledged within the public sphere.

7.5 Criticism of Insincerity in Juristic Pedagogical Functions

Al-Ghazālī paints a critical portrait of the juristic class, highlighting their lack of sincerity toward their pedagogical roles. He admits that his public teaching at the Nizāmīya was not solely directed toward God; rather, it was motivated by a yearning for “fame (*al-jāh*) and widespread prestige (*al-ṣayt*)” (al-Ghazālī, 1967, pp. 103–104; 1999, pp. 53–54). Caught up in “eyeservice (*ruyā'*) and fakery (*takhyīl*),” al-Ghazālī grappled with conflicted motivations. He recalls his 6-month-long struggle to abandon the allure of his “renowned and splendid position” (*al-jāh al-'arīḍ wa al-sha'n al-manzūm*), which, in hindsight, he recognized as the seductive “pull of worldly desires” (*tajādhub shahawāt al-dunyā*) (al-Ghazālī, 1967, pp. 103–104; 1999, p. 54). He recounts the divine intervention as God making it easy for his heart to “turn away from fame and fortune” (*al-jāh wa al-māl*). In recounting his experience, he also notes that the religious leaders in Iraq who remained

5 For a discussion of individual moral responsibility in the face of contradicting legal opinions, comparing the views of al-Ghazālī, Ibn Taymiyya, and al-Shātibī, see al-Khatib (2022).

insincere were perplexed by his decision to relinquish his esteemed post, which they understood as the highest dignity in the religion.

8. A SHIFT TO SPIRITUAL PRACTICE IN THE SCIENCE OF THE PATH TO THE AFTERLIFE

Al-Ghazālī's revision of Islamic thinking culminates in a foundation for effective religious life, which he called Science of the Path to the Afterlife, comprised of two branches: (1) the science of practice (*'ilm al-mu'āmalā*) and (2) the science of unveiling (*'ilm al-mukāshafa*). The science of practice encompasses external actions, including worship and social interactions, as well as internal actions of the heart. Through practice, the heart is oriented toward God, and "the mirror of the heart" becomes receptive to reflecting divine realities. This revelation of divine realities to the individual constitutes the science of unveiling (*mukāshafa*) which brings about knowledge of God (*ma'rifat Allāh*) in this world and felicity (*sa'āda*) in the afterlife (Treiger, 2011). Once this state is attained, one can experience immediate witnessing, which Al-Ghazālī considers to be the only true path to certainty. All other forms of knowledge rely on confirmation through imitation (*taqlīd*), particularly in fields like jurisprudence and theology (Lumbard, 2019).

9. CONCLUSION

In his work *The Deliverance from Error*, Al-Ghazālī indirectly sheds light on the role of law in 12th-century Iran. Discontent with prevailing social complacency, Al-Ghazālī embarked on a mission to reform the understanding and practice of legal matters. His critique encompasses several aspects: he challenged the prevailing mindset that prioritizes conformity, highlighted the external focus of legal discourse, and emphasized that law alone cannot unify society. Importantly, Al-Ghazālī did not view law as the central pivot of religion or the sole means to Truth and felicity in the Hereafter. Instead, he sought to reposition law as a practical science on the journey to the hereafter.

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RESEARCH ARTICLE

Qalawun Complex: Monumental Construction Filled with History

Haithm Galal Mohammed

ABSTRACT

This article investigates the Qalawun complex and its architectural importance and features, shedding light on the main components of the building and architecturally analyzing how this building is designed, the purpose for its design, and some of the detailed elements and decorations possessed by the complex. It starts with a brief history of the Mamluks and the background history of the intention of building the complex. It then examines each zone's intricate social and philanthropic functions within the complex, shedding light on its multifaceted role in Mamluk society. The article offers insights into the cultural exchange and artistic innovation that characterized the Mamluk period by delving into historical records and scholarly interpretations.

Keywords: Qalawun complex, architectural features, decorative features, mausoleum

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1. INTRODUCTION

The Mamluk era is one of the most prosperous eras in Islamic history that extended from 1250 to 1517 CE during which great architecture emerged under the Mamluks and their odd ruling system (Behrens-Abouseif, 1989). The rich and diverse architectural typologies known as Mamluk architecture was a result of rapid competition to build between the amirs to showcase presence and power; and was a source of unease for the Bahri (1250–1380 CE) and Burji (1380–1517 CE) rulers. Immediately, the pattern became apparent, which led the Amirs to select the sultans. This frequently included people making a stand and rallying support, which invariably resulted in violent power battles. The son of a sultan was occasionally permitted to inherit state authority for the sake of maintaining peace. However, this was often for a short period until a more qualified candidate was chosen (Yeomans, 2006). In the case of Sultan Qalawun (1222–1290 CE), he developed an inherited dynasty, and for a certain period, the city experienced flourishing (AlSayyad, 2011).

The Qalawun complex stands as a testament to the grandeur of Egypt's Mamluk period. Sultan Qalawun built this sprawling structure in the 13th century as a hospital and educational center. Its centerpiece, the Qalawun Mausoleum, was a marvel of its time, financed by the war spoils the Qalawun acquired from war against the crusaders. Qalawun's vision extended beyond mere construction; he established a system of financial support for scholars and teachers, ensuring the mosque's role as a hub of Islamic learning. This commitment included provisions for women and widows, reflecting a forward-thinking approach to community welfare.

The mosque's significance went beyond its architectural beauty; it became a unifying force for the Muslim community. Despite enduring an earthquake in 1303, the Qalawun complex remained a symbol of resilience, embodying Qalawun's dedication to fostering religious and educational life in Egypt.

2. HISTORICAL BACKGROUND

The history of the Mamluks originated from a system of enslaved warriors who gained influence via tactics and military ability. They were raised into a powerful fighting force by assimilating Turkish and Circassian cultural elements with their newly discovered Islamic identity. Originally, they acquired children from non-Muslim homes. Due to this mixing of ethnicities, a unique Mamluk civilization emerged, known for its exoticism and military might.

However, the Mamluk era was marked by more than their military prowess; they also left a lasting impression on their realms' architectural landscapes. The Mamluks had a reputation as liberal art and architectural patrons, vying with one another to build the grandest and most intricate buildings. These structures represented the goals and aspirations of the ruling class and acted as symbols of status and authority. The Mamluk leaders commissioned architectural constructions that are still standing today, representing an important period in Islamic art and architecture.

Mamluk buildings serve as concrete reminders of their political and cultural heritage and showcase their artistic tastes, a significant characteristic of Mamluk history. Sultan Qalawun is known for reviving Egypt's artistic and architectural legacy. After a turbulent era under the Ayyubids and the fear of Mongol invasion, Qalawun inherited a country ravaged by neglect and decay and set out on a quest to restore Egypt to its former splendor.

2.1 Significance of the Qalawun Complex Mosque

The Qalawun complex is a beacon of historical significance among a tapestry of old monuments in the middle of Cairo's busy cityscape. This architectural monument is a true representation of the strength of the sultan it was named after; it was Qalawun and Baybars who fought in the Battle of Ain Galout under Qutuz rule and were innovative in their battles (Rabbat, 2010).

This early Mamluk-era architectural wonder has withstood the ages with amazing persistence, retaining its majesty for investigation in the present era. The Qalawun complex is unique (Figure 1), not just because of its long history but also the abundance of knowledge and stories engraved onto its stones. Its founder, Sultan al-Malik al-Mansur Saif al-Din Qalawun (1280–1290 CE; Rabbat, 2010), and the mysterious Al-Mansur Amirs who were instrumental in its founding, are at the core of a complex fabric of narratives that engulf researchers studying its past.

There are hints of a past time when culture and power interacted in intriguing ways within the complex's walls. Every stone in this location has a whisper of victory and hardship, providing a glimpse into the vibrant world of medieval Cairo. The Qalawun complex, with its maze-like passageways and courtyards, presents itself as more than simply a monument; it is a dynamic example of the tenacity of history, calling inquisitive minds to decipher its riddles and learn about its past (Abdulfattah, 2020).

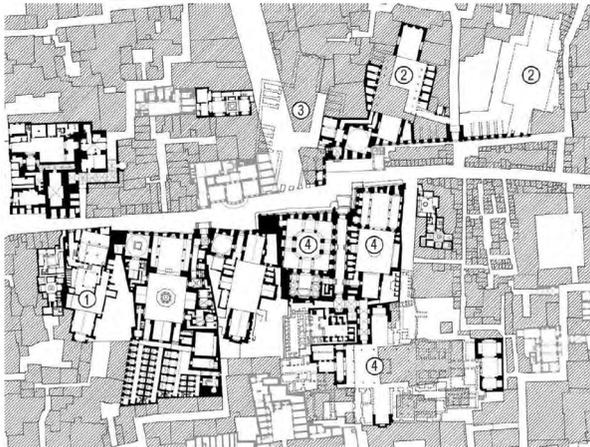


Figure 1. The area of Bayn Al-Qasrayn and its surrounding monuments. (4) Qalawun complex. Source: Qalawun VR Projects.

3. ARCHITECTURAL FEATURES

3.1 Layout and Design

The layout is designed on the west side of the street, where the entrance corridor separates the madrasa and the mausoleum; this entrance corridor leads directly to the hospital at the rear.

The entrance portal of the building (Figure 2) is understated in its architectural design, featuring a shallow recess adorned with marble paneling. However, what distinguishes it is the prominent horseshoe arch within this recess, contrasting with the prevalent pointed arches seen throughout the facade. This unique arch is embellished with intricate black and white strapwork on its spandrels, adding to its visual appeal. Above the doorway, a triple window is adorned with a wrought iron grille.



Figure 2. “The Complex of Sultan Al-Mansur Qalawun in Cairo.” Source: Carl Werner

Beyond the entrance lies a lengthy passage flanked by the madrasa and the mausoleum, covered by a wooden ceiling that appears to be a later addition. The absence of original support for this ceiling suggests it was installed post-construction. Interestingly, the ceiling disrupts the arched windows along the passage’s side walls, indicating its later addition. Removing the ceiling would allow more natural light into the mausoleum, which currently suffers from dimness.

Adjacent to the portal, on the upper floor, is an apartment that was designated for a guardian strategically positioned to oversee the entrance. This living space would have

spanned the initial portion of the passage. Alongside the madrasa, living quarters for students overlooked the passage, creating a bustling hub of activity and communal living within the complex (Abouseif, 2007).

With its three zones, the complex brought a whole new architectural style to the city. It integrated a *bimaristan*, a communal hospital, with educational and religious activities. One of the most astonishing achievements of the Qalawun complex is the fact that it was built in 13 months; this is a record pace for a project of this size, especially at the time. Historians, like Shihab Al-Din Al-Nuairi, state:

When Sultan al-Malik al-Mansūr saw the turba [mausoleum] of Sultan al-Sālih [Najm al-Dīn], he ordered that there should be built a turba, a madrasa, a bīmāristān, and amaktab sabīl. So the Dār al-Qutbiyya and the adjacent buildings, which are in Bayn al-Qasryan, were bought out of the Sultan's own private means, and the residents in Dār al-Qutbiyya were given in exchange for the palace known as Qasr al-Zumurrud, on the 12 of Ramadān of the year 682 [4 December 1283]. The Emir Alam al-Dīn Sanjar al-Shujā' I was made supervisor of the building and displayed unheard of care and zeal, that it was finished in the shortest period of time. (AlSayyad, 2011)

Additionally, this expedited construction of the Qalawun complex was made possible by using hundreds of Mongol prisoners of war as laborers and dedicating all Cairo-based builders to the project. Historians also claim that the facility was constructed on land that was unlawfully taken when Qalawun drove out the occupants of the Qutbiyya palace to make room for the hospital. Religious academics have questioned its validity as a spiritual organization because of these factors (AlSayyad, 2011).

The plan of the complex is divided into three main zones: the hospital, the madrasa, and the mausoleum (Figure 3). Beyond its architectural significance, the complex served a profound social and philanthropic purpose, extending its hospitality to Muslims of all genders and social statuses. Its exterior facade is intricately designed, featuring segmented panels adorned with pointed-arch recesses and three tiers of windows. Scholars have suggested that this architectural motif bears a resemblance to stylistic elements observed in Western European traditions. Specifically, the arrangement of triple windows, comprising two arched apertures surmounted by a circular opening, mirrors a design convention commonly associated with Gothic churches (AlSayyad, 2011).



Figure 3. Plan of the complex. (1) The mausoleum, (2) the madrasa, and (3) bimaristan. Source: Qalawun VR Projects

The mausoleum

The mausoleum's entrance (Figure 4) was thoughtfully designed to direct pilgrims east from the corridor that runs between the mausoleum and the nearby hospital to the west. They walk through an antechamber on this route before arriving at the mausoleum's main chamber. Furthermore, direct access from the complex's main entry corridor is now made possible for guests via a secondary entrance with a modest stairway. A square design is used in the main hall, with eight large columns grouped in an octagonal configuration to hold up the stately dome over the center. The floor is surrounded by wooden lattice panels in the middle, where a simple wooden cenotaph symbolically represents the bodies buried below.

In contrast to the older dome of al-Salih, which represented loyalty to the Ayyubid ancestors, the dome of Qalawun represented a new period of Mamluk dominance and dynastic continuity. In contrast to subsequent funeral structures, as mentioned earlier, the Qalawun tomb and madrasa are divided by the entrance corridor rather than being next to one other. The old dome, demolished during repair in the 18th century, was replaced with the current dome, which the Comité recreated in 1903 (AlSayyad, 2011). The entrance to the tomb was originally on the west via a distinctive porticoed courtyard with small brick domes covering the eastern and western arcades. With a single arch facing the courtyard, the northern portico led to the tomb entrance, while the southern side had ornate stucco sculptures.



Figure 4. The mausoleum’s wooden partition. Source: Qalawun VR Projects.

The bimaristan

The hospital section has not survived. The complexity of the structure of the bimaristan was remarkable, not solely for its considerable dimensions—standing at 20.2 metres tall and spanning 35.1 metres in length—but also for the innovative nature of its functions and embellishments. The Qalawun Hospital had a very interesting inclusive policy, welcoming all Muslims, whether they were part of the military or civilians, for medical treatment. Importantly, there were no restrictions on the duration of their stay at the hospital. Upon discharge, patients were not only congratulated but also provided with financial assistance and clothing. In case of a patient’s demise, their family received monetary support to cover funeral expenses.

This demonstrates that the Qalawun Hospital served as a medical facility and played a significant social welfare role by offering financial aid to those in need. During that period, however, individuals categorized as “protected persons” (dhimmī), such as Jews and Christians, were not allowed admission to the hospital, access to advanced medical care provided by hospitals with chief physicians, and were strictly forbidden from involvement in its management, which was exclusively reserved for the Islamic community (Qalawun VR Project, 2019).

The madrasa

Last, the madrasa is located on the left side of the entrance. According to Maqrizi, a 15th-century historian and a contemporary of the Mamluks, the madrasa was established

to impart knowledge in the four schools of Islamic law, hadith studies, and medicine. Although a fragmentary waqf document provides a detailed account of the madrasa's architectural features and restoration efforts, it does not explicitly mention its educational function.

The madrasa's layout comprises two unequal major *iwans* (vaulted hall that is open on one side) and two recesses referred to as *suffa* in the waqf deed, indicating their recessed nature. This design deviates from the cruciform plan of the Baybars madrasa but aligns more closely with the configuration of al-Salih Najm al-Din madrasa, featuring two blocks, each containing two iwans, arranged around a courtyard with cells along the lateral sides. Notably, the document describes the courtyard as *durqa'a*, a term commonly associated with the central space of a residential hall, rather than *sahn*, typically used for an open courtyard. This choice of terminology suggests a residential Cairene influence on the layout, possibly inspired by the Fatimid Palace that previously occupied the site (Soliman & Elkhateeb, 2022).

This blend of educational and residential elements in the madrasa's design reflects its multifaceted purpose, serving as both a center of learning and a place of communal living for students. The architectural features highlighted in the waqf document underscore the meticulous planning and attention to detail invested in the construction and maintenance of this institution, emphasizing its significance within the intellectual and social fabric of medieval Cairo (Abouseif, 2007).

3.2 DECORATIVE ELEMENTS

The Qalawun complex is filled with details that the eyes cannot process at one glance; the stunning features start with the massiveness of the building from the exterior. A noticeable exterior feature is the window (Qalawun Set), which consists of two arched window openings, topped by a *qamaria*—a rounded window that is usually covered with coloured glass. This window design gives a bit of reference to the Gothic window style (Figure 5).

The mausoleum's inner walls are distinguished by a marble veneer set with exquisite mother-of-pearl, which is regarded as some of the best ornamental marble found in Egyptian Islamic architecture. The pattern on the entrance door is one of the earliest eight-pattern stars; the intricacy of the work established in this complex set the benchmark for the mamluk architecture and decoration, as it was one of the earliest Mamluk monuments (Figure 6); the door itself is made of wood that is covered with brass (Ghunaim, 2023).

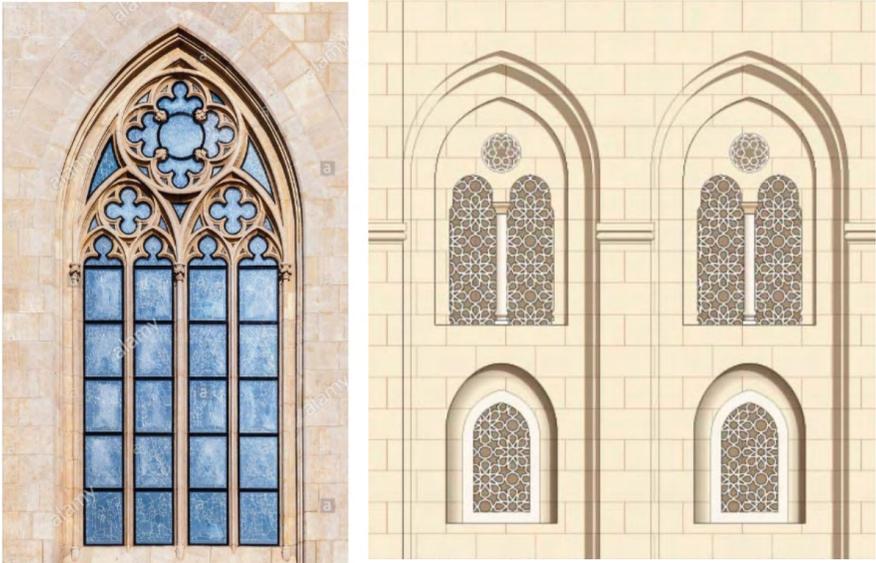


Figure 5. A Gothic window design (left). Elevation represents the Qalawun complex by Ahmed Hafez (right) Source: Hafez, 2021.

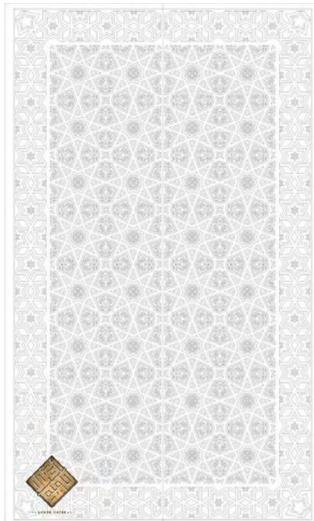


Figure 6. The detailed pattern on the complex entrance door by Ahmed Hafez. Source: Hafez, 2021.

Considering the grand scale of the complex and the pressing requirement for a sizable labor force, a stucco factory was carefully set up on a vacant Dar al-Qutbiyya property (Ghunaim, 2023). This move, which Amir al-Shuja probably made, was both economically sensible and helpful in increasing the craftsmen's productivity. The complex's extensive use of finely carved stucco decorations—most notably in the mausoleum—emphasizes this workshop's role in providing the required ornamentation. The workshop's proximity to the building site allowed for quick access to materials and promoted close coordination between the builders and artisans. Stucco decorations were fabricated close to the complex, reducing shipping costs and easing logistical issues.

Furthermore, it is possible that the workshop functioned as a center for creativity and invention, encouraging a cooperative atmosphere where craftspeople could improve their methods and create exquisite stucco embellishments. In addition, the choice to locate the workshop on Dar al-Qutbiyya's adjoining property demonstrates meticulous resource management and planning. The building project moved on easily and effectively because it made the most of the available space and the infrastructure already in place. In addition to saving time and money, this calculated move enhanced the Qalawun complex's overall success and grandeur, leaving a lasting testament to its superb architectural design and artistic skill (Abdulfattah, 2020).

The patterned designs on the interior walls of the mausoleum are said to be inspired by craftsmen from Sicily; Qalawun's role in the fast-moving building of the complex within the short 14-month timeframe seems to have been minimal, with al-Shuja taking on a large portion of the decision-making duties. Al-Shuja's influence may also be seen in the experimental ornamental elements and the integration of diverse spolia from various sources. Certain elements, like the dado in the tomb and the Cosmatesque pavement, came to define high Mamluk architecture. These decorations, with their comparable color schemes and geometric patterns, are reminiscent of Siculo-Norman interiors seen in Palermo in the 12th century, especially in buildings like the Cathedral of Monreale and Cappella Palatine. This resemblance, even though a century separated them, is frequently ascribed to the existence of itinerant artisans under al-Shuja's supervision (Abdulfattah, 2020).

4. CONCLUSION

The Qalawun complex stands as a remarkable testament to the architectural and social achievements of Egypt's Mamluk era. Divided into three main zones—the bimaristan, the madrasa, and the mausoleum—the complex served not only as a center of learning and worship but also as a hub of charity, medical care, and financial support to Muslims of all backgrounds, which ultimately redefines the typology of an ordinary funerary/madrasa complex. Its exterior facade, designed with intricate decorative elements, reflects a blend of Islamic and Western architectural influences, suggesting a rich cultural exchange during the Mamluk period.

The mausoleum, with its carefully designed entrance and symbolic wooden cenotaph, embodies the transition from Ayyubid to Mamluk rule, symbolized by the replacement of

the old dome with a new one under Qalawun's reign. The hospital's inclusive policy and innovative features, such as financial assistance for patients, highlight the complex's commitment to social welfare. Meanwhile, the madrasa's layout and architectural elements reveal a blend of educational and residential functions, reflecting its multifaceted role in medieval Cairo.

The decorative elements found throughout the complex, from the intricate marble veneer to the Gothic-inspired Qalawun Set window, showcase the exquisite craftsmanship and artistic innovation of the Mamluk period. The establishment of a stucco workshop adjacent to the site further emphasizes the meticulous planning and resource management behind the complex's construction, underlining its significance as a masterpiece of architectural design and cultural exchange.

In conclusion, the Qalawun complex is a testament to the ingenuity, vision, and philanthropy of Sultan Qalawun and the Mamluk rulers of Egypt. Its architectural and social significance transcends time, offering a window into the rich history and cultural heritage of medieval Cairo.

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RESEARCH ARTICLE

Islamic Values, Sustainability, and Mega-Event Legacies: A Case Study from the FIFA World Cup Qatar 2022

Deniz Can Ekren

ABSTRACT

Governments have increasingly leveraged sports as a tool for tourism marketing, aiming to attract visitors, stimulate economic activity, and generate global media attention (Bowdin et al., 2011). To maximize these benefits, host nations must adopt a holistic and strategic approach to event planning and operations to ensure positive social, environmental, and social impacts are realized both during and after the event. Qatar hosted the latest edition of the FIFA World Cup™ (FWC), which is widely considered one of the largest global sporting events, with the final event attracting close to 1.5 billion viewers around the world. This research explores Qatar as a case study using a unique lens to examine the event's alignment with Islamic values of *'adl* (justice), *mīzān* (balanced development), *amānah* (responsibility towards nature and society), and *maşlahā* (preservation of public

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<https://www.hbku.edu.qa/sites/default/files/IslamicValuesWorldCup.pdf>

good). This study adopts an autoethnographic approach, drawing on the author's firsthand experiences and empirical insights gained over more than eight years of working with the organizers of the FWC 2022 in developing and implementing legacy and sustainability programming in Qatar. It proposes a theoretical framework to guide Muslim event organizers, non-governmental organizations, and governments in integrating Islamic values into the bidding and hosting of contemporary events, with the outcome of delivering a sustainable event with a lasting legacy. The primary objective of this study is to contribute to the academic discourse on mega-events and Islamic ethics, offering an assessment of how mega-events can be used as a catalyst for nationwide development by adopting positive value systems based on Islamic principles.

Keywords: Islamic values, sports tourism, mega-events, FIFA World Cup Qatar 2022, sustainable development

1. INTRODUCTION

Masterman (2014) states that modern sports events trace their origin to ancient Chinese, Greek, and Egyptian cultures, emphasizing that sports have played a pivotal role throughout history by significantly contributing to the development of societies. Hamil and Chadwick (2010) support this notion, describing sports as a deeply embedded sociocultural phenomenon. Today, sports have evolved into a global industry with substantial economic, political, social, and technological significance. Notably, governments are increasingly leveraging sports events as a strategy for tourism marketing because of their capacity to attract visitors, boost economic activity, and capture media attention (Bowdin et al., 2011, p. 24).

Against this backdrop, Qatar's hosting of the latest edition of the FIFA World Cup™ (FWC), one of the largest sporting events in the world, with the final attracting close to 1.5 billion around the world, serves as a fascinating case study. This research examines Qatar's role as a host nation through a distinct lens, evaluating the event's alignment with Islamic values such as *'adl* (justice), *mīzān* (balance between environment, social, and economic development), *amānah* (responsibility), and *maşlahā* (public good). Rooted in the Qur'an and the sunna of Prophet Muhammed (peace be upon him), these values serve as guiding principles for fostering inclusivity, preserving relationships with nature and society, and ultimately benefiting the wider community, leaving a legacy post-event.

This study adopts an autoethnographic approach, drawing from the author's practical experiences and empirical insights gained over 8 years of engagement with the organizers of FWC 2022. The author's roles evolved from a Legacy Analyst to a Corporate Social Responsibility (CSR) Specialist, CSR Manager, and Sustainability Manager, contributing to the development and implementation of legacy and sustainability programs in Qatar and the Gulf Cooperation Council (GCC) region. The choice of an autoethnographic approach stems from its ability to provide a nuanced understanding of personal experiences, complementing conventional research method gaps as outlined by Amos (2022). These

personal reflections will be supplemented with secondary research on mega-events and Islamic values. The research seeks to answer the following questions, offering fresh insights into the existing literature:

1. What are the legacies of mega-events, and how do they align with the Islamic values of ‘*adl* (justice), *mīzān* (balance between environment, social, and economic development), *amānah* (responsibility), inclusivity/diversity, and *maṣlaḥa* (public good)?
2. How can these Islamic values inform the development of legacy strategies for mega-events, drawing from lessons learned from FWC 2022?
3. How can Muslim event organizers, non-governmental organizations (NGOs), and governments apply these strategies to create a decision-making framework that integrates Islamic values into modern events bidding, hosting, and legacy planning to ensure a lasting impact?

By addressing these questions, the research aims to offer unique insights into the intersection of mega-events, Islamic values, and sustainable development, contributing to future event management practices as well as policy frameworks. The research aims to achieve the following objectives:

- **Literature development:** Expand the body of research on mega-events and Islamic values by assessing how mega-events can drive nationwide development, particularly by embracing positive value systems rooted in Islamic principles, such as ‘*adl*, *mīzān*, *amānah*, and *maṣlaḥa*.
- **Framework development:** Propose a practical framework, informed by Qatar’s experience, to guide Muslim event organizers, NGOs, and governments in leveraging Islamic values to create sustainable event legacies.

To achieve these objectives, the research utilizes the FWC 2022 as a case study, analyzing the broader impacts of mega-event legacies on society, the environment, and the economy. Ultimately, it advocates for a return to Islamic values and ethics to foster a deeper understanding of sustainable development. This approach aligns with Senturk’s (2022) concept of “rooted revival,” emphasizing the need to contextualize and internalize modernization rather than blindly or uncritically adopting Western paradigms.

The research follows a structured approach to navigate through the literature, as illustrated in Figure 1. Section 2 reviews existing literature on mega-event legacies and sustainability and Islamic ethics, drawing insights from the FWC 2022. Section 3 proposes a theoretical framework for host nations to align mega-events with Islamic values to achieve long-term sustainability goals. Section 4 identifies key challenges and offers recommendations for decision-makers in the Muslim world, including event organizers, NGOs, and governments, on how to effectively embed Islamic values in event bidding, hosting, and legacy planning. Finally, Section 5 presents the study’s conclusions and broader implications.

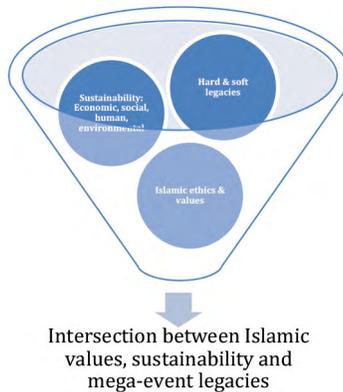


Figure 1. Funnel approach to literature review on mega-event legacies in the context of Islamic values and ethics.

2. BACKGROUND

2.1 Mega-Event Legacies

Matheson (2010) states that strategic planning for event legacies has emerged as an increasingly important phenomenon over the last two decades. The concept of legacy, its definition, and potential impact have been subjects of considerable debate among scholars, including Chappelet and Junod (2006), Preuss (2007), and Cornelissen et al. (2011). According to Chappelet (2012), the discourse on the legacy of mega-sporting events emerged in the 1990s, advocating a comprehensive approach that encompasses financial, economic, social, and environmental considerations. Preuss provides a concise definition of legacy as “all planned and unplanned, positive and negative, tangible and intangible structures created for and by a sporting event that remain longer than the event itself” (2007, p. 211). In essence, legacy refers to what remains from the mega-sporting event after its conclusion. Legacy has emerged as a critical consideration when bidding for and hosting major sporting events. Key questions considered by host countries’ officials, scholars, and practitioners include:

- What are the potential tangible (hard) and intangible (soft), positive and negative legacy impacts on individuals, ecosystems, society, and knowledge development?
- Can the costs of hosting these major events be justified in terms of taxpayers’ money, considering potential legacy outcomes?
- What are the ramifications if heavy infrastructure investment leaves the host city in financial debt, with underutilized facilities as “white elephants?”
- What are the opportunity costs of hosting major events, particularly in terms of redirected investments away from critical areas such as public health, education, and other essential infrastructure needs of the host community?

Based on the insights gathered from more than 30 host cities and nations, the Organization for Economic Co-operation and Development (OECD) has formulated a framework delineating the advantages of hosting international events. Table 1 presents a summary of the OECD’s discoveries, organized according to primary and secondary benefits.

Table 1. Benefits of hosting international events. Source: OECD (2008).

No.	Primary Benefits	Secondary Benefits
1	Alignment of the event with sector and business growth strategies in the city or nation	Post event usages of improved land and buildings
2	Private-public investment partnerships	Connectivity and infrastructure legacies
3	Image and identity impacts attracting increased population, investment and/or trade	Labor market impacts and social/economic inclusion
4	Structural expansion of visitor economy and supply chain development and expansion	Secondary impacts in the property market
5	Environmental impacts, both in built and natural environments	Global positioning, events strategy going forward, and project management capability

These primary and secondary benefits described in Table 1 can further be broken down to include a broader spectrum of hard and soft event-related legacies, as described by Preuss (2007), and/or as tangible or intangible, as explained by Chappelet and Junod (2006), in areas of economic, human, social, and environmental impact. The impacts are experienced across local, national, regional, and global scales, as depicted in Figure 2. Moreover, according to Aicher et al. (2019), tangible legacy refers to observable, easily identified, or physical transformations within the host community that persist post-event. In contrast, intangible legacy encompasses nonphysical changes related to knowledge transfer, governmental reform, the accrual of emotional capital for residents, participants, and spectators, psychological enhancements to the city’s image, and alterations in social structure.

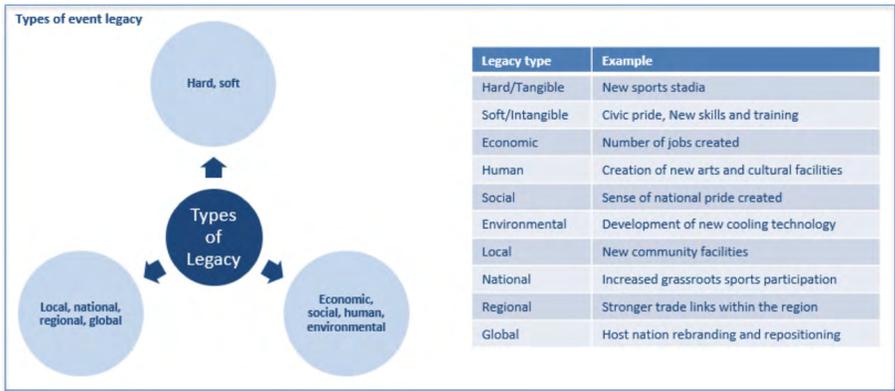


Figure 2. Types of event legacy. Source: Adapted from Preuss (2007), MacRury (2009), and OECD (2008).

Beesley and Chalip (2011) state that maximizing event benefits is possible through strategic planning and implementation to capitalize on the opportunities generated by events. Therefore, strategic planning efforts preceding event hosting should assess various economic, social, and environmental impacts and identify mitigation and adaptation measures to reduce adverse impacts and capitalize on potential opportunities.

The impact of hosting mega-events or the event legacies are often perceived positively by the host population (VisitScotland 2012). However, a historical review of mega-events hosted since 2000, including the Olympic Games and FWC, revealed mixed legacies, with some countries faring better than others in achieving wider legacy objectives. Figure 3 is also a testament to the globalization of sports, namely the FWC and Olympic games, highlighting how sports extend beyond national boundaries, reaching continents of Australia, Asia, Europe, Africa, and South America. This further supports the academic view of the globalization of sports, particularly football, as referenced by Dolles and Söderman (2005), Horton (2011), and Lee and Kim (2016), among others. The case for FWC 2022 will be discussed separately in Section 2.3.



Figure 3. Comparative legacies from mega-events since 2000, including the Olympic Games and FWC. Source: Author’s analysis.

2.2 Islamic Principles

A widespread misconception suggests that legacy planning principles for sustainable development are not rooted in Islamic values and traditions, often viewed as primarily derived from Western sources introduced to the Middle East. However, a closer analysis uncovers that Islamic teachings have emphasized sustainability and the responsibility to create positive legacies as a fundamental duty for Muslims for nearly 1,400 years.

The first modern use of the word “sustainable” was introduced to the literature by the Club of Rome’s report “Limits to Growth.” Additionally, as introduced earlier, “Our Common Future” coined the term sustainable development in 1987. John Elkington further contributed to the literature by coining the term “triple bottom line” to explain that sustainability is an integration/intersection of social, economic, and environmental values.

The nexus between sustainable development and religion has been extensively studied. Narayanan (2013) identified three key ways in which religion can significantly contribute to fostering sustainable development: by drawing on its values and principles, promoting social and ecological activism, and aiding individual self-development. More recently, Al-Jayyousi et al. (2023) explored the connections between Islamic faith and sustainability, particularly in the context of climate policy. Their research examined how faith-based value systems and religion can play a pivotal role in shaping policy development and institutional practices.

Allah defines the creation in its perfect balance (mīzān) in Surah Ar-Rahman (The Merciful):

The Most Merciful,
Taught the Qur’an
Created Humankind

Taught him Eloquence
The sun and the moon move in precise calculation
And the stars and the trees prostrate
And the heaven He raised and imposed the balance
That you not transgress within the balance
And establish weight in justice and do not make deficient the balance
(The Qur'an 55:1–9)

In Surah Ar-Rahmān (The Merciful), Allah describes the creation in perfect balance (*mīzān*), emphasizing the significance of sustaining the equilibrium and promoting justice (*'adl*) in all actions, including stewardship of the environment. It is intriguing that the Club of Rome report (1972) concludes with the same idea of humanity imposing limits on itself to attain a state of global equilibrium, carefully balancing population and production.

The fundamental difference between the United Nations–led development agenda in the form of Sustainable Development Goals (SDGs) and the Islamic value-driven approach lies in the comprehensive worldview and guidance offered by Islam, which encompasses all facets of life, including the relationship between humanity and the environment (Ahmed, 1998). Sarkawi et al. (2016) argue that the current concept of sustainability fails to account for the religious obligation of Muslims and their motivation to maintain balance in utilizing the Earth's resources without harming nature. This practice is rooted in seeking God's mercy and accumulating good deeds for the *akhirah* (the afterlife) in order to enter Paradise, which is regarded as the ultimate objective.

The Holy Qur'an repeatedly emphasizes the concept of *'adl*, *mīzān*, *amānah*, inclusivity, and *maşlaḥa*, underscoring the stewardship (*khalīfah*) role of humankind on earth and the imperative of maintaining balance in resource use and environmental protection. These five key Islamic values, encapsulating principles of sustainability and leaving a lasting legacy, form the foundation of this research. Illustrated in Figure 4, they are structured as a *Bayt Al Maşlaḥa* model, with *'adl* as the cornerstone upon which *mīzān*, *khalīfah*, *amānah*, and inclusivity rely, culminating in the assurance of *maşlaḥa* symbolized as the roof of the house.

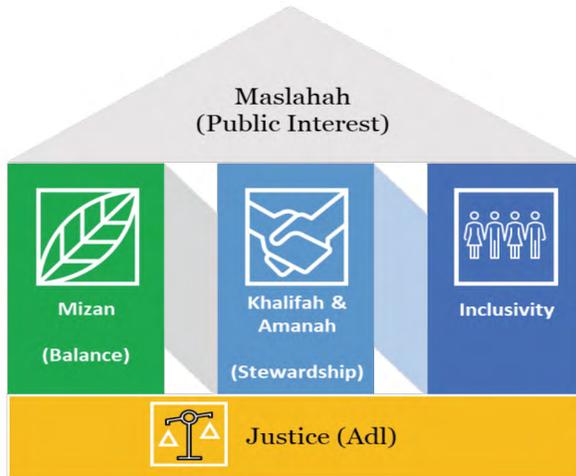


Figure 4. Bayt Al Maşlahah—five core Islamic principles that drive sustainability and legacy approach. Source: Author’s analysis.

Imam Al-Ghazali (1993) elaborates on the concept of *maqāsid sharia* (objectives of Islamic law), which directly relates to maşlahah and ‘adl, by outlining five essential elements: protection of *al-dīn* (religion), *al-nafs* (life), *al-aql* (intellect), *al-naşl* (lineage), and *al-māl* (wealth). These elements align directly with the pursuit of the five Islamic principles driving sustainability and legacy within the Bayt Al Maşlahah model.

2.2.1 Bayt Al Maşlahah: Five Core Principles

a. ‘Adl (Justice)

The Holy Qur’an emphasizes justice and fairness in all facets of our lives, from individual levels to business transactions and government policy. Justice (‘adl) forms the foundational concept of the Bayt Al Maşlahah model (Figure 4), protecting fundamental rights and applying good governance practices (Al-Jayyousi, 2012). Allah mentions in the Qur’an, “O you who have believed, be persistently standing firm for Allah, witnesses in justice” (4:135). The verse urges Muslims to stand firm for justice and bear witness to it. Consequently, justice and fairness serve as foundational pillars for the other principles discussed in this study, which are aimed at promoting sustainable events. Isfahani (1987), as cited in Mohamed (2020), asserts that God used the word *al-mīzān* to refer to justice because justice results in balance, and balance exhibits itself in concrete actions of justice.

b. Mīzān (Balance)

Principles of ‘adl and mīzān are closely linked to each other as God planted them in all beings and things in the universe, which manifests divine justice (Mohamed, 2020). The

Islamic concept of *mīzān* is closely connected with the terminology *al-wasāṭiyyah*, rooted in the Arabic word *wasāṭ*, meaning moderation and fairness. Allah says in Surah al-Baqarah: “Thus, have We made of you an *umma* (community) justly balanced (*wasāṭan*), that ye might be witnesses over the nations, and the Messenger a witness over yourselves ...” (Qur’an 2:143). This describes Muslims as an *ummataṅ wasāṭan* (justly balanced ummah), conveying Islam’s message of peace, justice, and moderation toward God’s creation (people, animals, and the natural environment). It should be noted that over 500 Qur’anic verses guide environmental stewardship, with Prophet Muhammed’s life (PBUH) serving as a role model for justice and equity (Hassan & Cajee, 2002, as cited by Aburounia & Sexton, 2022).

c. Inclusivity and Diversity

The Qur’an promotes inclusivity and respect for diversity, recognizing differences as signs of God. Allah revealed in the Holy Qur’an, “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you” (49:13). As stated in the verse, differences in sex, race, and language are all manifestations of God rather than reasons for superiority over one another. Allah encourages mutual understanding and getting to know one another, highlighting diversity as a unifying force among humanity. *Adamiyyah*—stemming from our common origin in Adam (PBUH)—is a source of unity rather than a cause for division. The only distinction between individuals in the sight of God is based on their deeds and righteousness.

d. Khalīfah and Amānah (Stewardship and Trust)

Islam teaches that humans are stewards of the Earth, responsible for its care and preservation as described by God in the Holy Qur’an: “He is the One Who has placed you as successors on earth and elevated some of you in rank over others, so He may test you with what He has given you. Surely your Lord is swift in punishment, but He is certainly All-Forgiving, Most Merciful” (6:165). Sarkawi et al. (2016) emphasize that humans’ responsibility to God aligns with stewardship toward nature. Furthermore, Bsoul et al. (2022) highlight how environmental protection, advocated by the SDGs, is deeply embedded in Islam and was practiced by Prophet Muhammad (PBUH) in the 6th century. The Qur’an encourages avoidance of excessive consumption and wastefulness and promotes social justice through sharing food with the poor: “It is He Who has brought into being gardens, the cultivated and the wild, and date-palms, and fields with produce of all kinds, and olives and pomegranates, similar (in kind) and variegated. Eat of their fruit in season, but give (the poor) their due on harvest day. And do not waste, for God does not love the wasteful” (6:141).

e. Maṣlaḥa (Public Interest)

Morales (2016) defines *maṣlaḥa* as an Islamic legal concept that has been pivotal in understanding Islamic policy, governance, and discourse. Bsoul et al. (2022) argue that

only through improved ethical and moral relationships toward nature can we encourage responsible resource management, environmental protection, and sustainable development. However, this responsibility extends beyond the individual to wider public policy implications. The concept of *maşlahā* underscores the importance of policy and actions benefiting society.

It is noteworthy that other models, as Al-Jayyousi (2012), explore development with “good life” (*hayāt tayyiba*) at its core, with a larger circle representing the construction of the universe (*imārāt al-kawn*). The four components he outlines are ‘adl (justice), *ihsān* (excellence), *arhām* (social capital), and limiting *fasād* (mischief). However, unlike the theoretical model presented by Al-Jayyousi, my framework differs by focusing on the interplay between Islamic principles and the three pillars of sustainability—namely economic, social, and environmental dimensions—with an operationalized decision-making framework that aims to leave a lasting positive legacy from events. Nevertheless, both frameworks share a focus on ‘adl and limiting harm, as captured under *maşlahā*.

The key Islamic principles outlined in the Bayt Al Maşlahā model, including justice, balanced development, responsibility towards nature and society, and preservation of public good, are rooted in the Qur’an and the sunna. These principles serve as the building blocks for inclusive events that benefit all members of the community, preserving relationships with nature and society and ultimately benefiting the wider community, leaving a legacy. This is explored further in the case study of FWC 2022 and in the theoretical framework in Section 3 to guide event organizers’ decision-making.

2.3 FWC Qatar 2022 Case Study

Mega sporting events matter at sociological, political, cultural, and economic levels, driving nations towards a global society (Horne & Manzenreiter, 2006). Historical experiences show that host nations of mega-events vary in economic, human, social, and environmental development trajectories, with a mix of developed and developing countries and a clear North–South divide (Figure 5). It is also clear that there are measurable differences in size, population, and culture between various host nations. Unique opportunities and challenges arise for each host, demonstrating that solutions successful in one setting may not immediately transfer to others.

Qatar’s unique position as a mega-event host is evident in its status as the smallest but wealthiest nation per capita to host the tournament (Figure 5). A comparison of the last four FWC hosts reveals stark economic contrasts, with Qatar’s gross domestic product (GDP) per capita (USD 87,661) over 13 times higher than of South Africa (USD 6,766) and over 6 times higher than of Russia (USD 15,270) (World Bank, 2022).

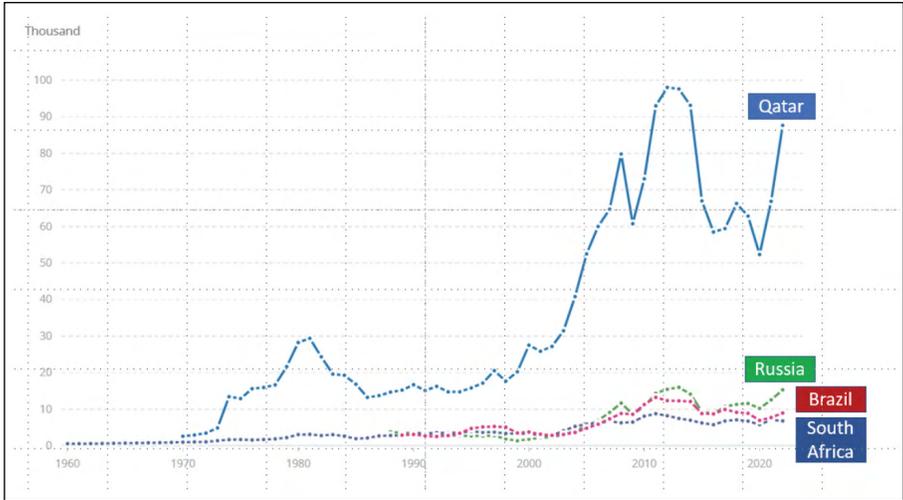


Figure 5. Comparison between the last four countries to host the FWC in terms of GDP per capita in USD in 2022. Source: World Bank Data (2022)

According to Brannagan and Giulianotti (2018), states pursuing soft power, like Qatar, risk soft disempowerment, inviting unwanted attention and greater international scrutiny that may potentially discredit the nations’ (in)/actions. The soft disempowerment in the context of Qatar is centered around four main themes, mainly human rights concerns, including workers’ welfare and LGBTQ+ rights, environmental impacts, financial costs, and legacy use of facilities post-event.

Each of these topics require deeper study to ensure themes are adequately addressed and explore underlying issues, validity of the criticism, and responses of the Qatari government in producing mitigation plans in the short-, medium-, and long-term. Considering that FWC 2022 was hosted a little over a year ago at the time of writing, the legacies from the mega-event are still being realized. Cornelissen et al. (2011) emphasize the importance of sustaining legacies well beyond the event itself to secure long-term impact, suggesting evaluations to be conducted for at least 20 years following the event.

Li and McCabe (2013) divide the time dimension of legacies into three stages: short-, medium-, and long-term. For FWC 2022, early signs of positive legacy transformation have been in infrastructure improvements across Qatar, including but not limited to new sporting facilities; and urban legacy, including hotels, parks, roads, and transportation networks, including metro, light rail, and buses (Figure 6). Figure 6 is a stark illustration of how Qatar in the 10 years from 2013 to 2022 developed its infrastructure at a more rapid pace than it has in more than in 60 years from 1950 to 2013. Qatar’s hosting of the FWC 2022 was a significant catalyst driving this exponential growth over the last decade.

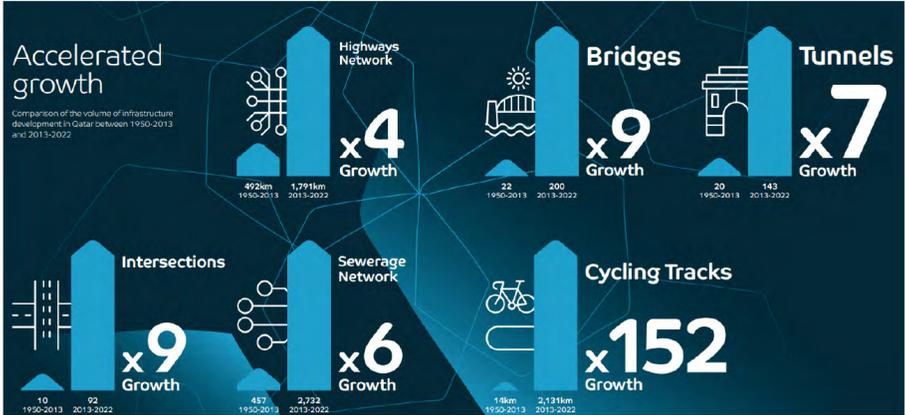


Figure 6. Comparison between infrastructure development in Qatar. Source: Supreme Committee for Delivery & Legacy (n.d.).

It is important to note that in Qatar's case, due to its vast hydrocarbon wealth, their choice for hosting the mega-event did not result in the opportunity cost of not investing in other vital public services such as healthcare, education, and other services. Also, it did not leave the Qatari government in huge debt as in the cases of the Athens 2004 Olympics, FWC 2014, and the 2016 Olympic Games in Brazil (Becatoros, 2012; Smith, 2012). However, there are still question marks around whether Qatar will be able to utilize all its sporting infrastructure built for the FWC 2022, including seven new state-of-the-art stadiums and 32 team base camps. At present, we have already witnessed most of the stadiums being used during the recent AFC Asian Cup 2023 from January to February 2024, and several venues have already become home grounds for Qatar Stars League matches.

According to EuroNews (2023), organizers stated that two stadiums, namely, Ahmad Bin Ali and Al Janoub stadiums, will undergo a reduction in capacity by half, allowing Qatar to donate approximately 40,000 removed seats to sub-Saharan African nations to aid in the development of their footballing infrastructure. Such conversion costs for these two stadia and the maintenance costs for the other remaining assets will be an ongoing burden on the state, especially if they are under-utilized over their life cycle of 30 to 50 years.

Despite the criticism, Qatar's comparative country brand index, from 2010 to 2020, rose from 70 to 18 in the global rankings in 2020. This further demonstrates that before hosting the FWC, Qatar already began realizing its vision of delivering hard and soft legacy outcomes from the physical transformation of the country to increasing global awareness of Qatar, establishing an appealing hub for business and tourism.

Another positive legacy outcome already realized has been the increase in tourism post-event. The number of international arrivals to Qatar almost doubled between 2019 (taken as a pre-COVID-19 baseline at 2.1 million visitors) and 2023, reaching more than

4 million (Figure 7). Already, the first 2 months (January and February) of 2024 are showing promising tourism numbers, with close to 1.3 million visitors during this period. Whether the current boosted tourism figures can be sustained over the long term is yet to be seen. Even if it is sustained, there may be other variables that could boost tourism in the future, and it will be difficult to isolate any future economic and tourism impact occurring solely on Qatar’s hosting of the FWC 2022.

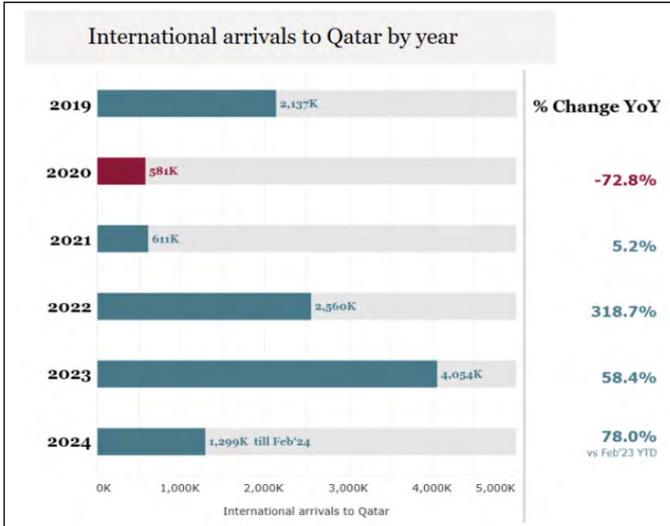


Figure 7. International arrivals to Qatar by year (2019–2024 February). Source: Qatar Tourism.

From a sociological perspective, the FWC has catalyzed fostering greater cultural exchange among people of diverse religions and cultures. The tournament unites fans from around the world to celebrate their shared love of football, breaking down cultural barriers and promoting mutual understanding, tolerance, and respect.

Qatari organizers have consistently promoted the event as a means of fostering unity and cultural cohesion between the East and the West. Hassan Al Thawadi, head of the FWC Qatar bid committee and the Secretary General of the Supreme Committee for Delivery & Legacy responsible for organizing the event, stated that “uniting people, breaking down social barriers, and bridging the gap between East and West are all part of the legacy of staging the first FWC in the Middle East and Arab world.” Encouraging cultural exchange among stakeholders involved in the FWC, with a specific emphasis on deepening appreciation for the culture of Qatar and the wider region, was a key goal outlined in the FWC Qatar 2022 Sustainability Strategy.

Consistent with this strategy, one of the key outcomes of the FWC was an increase in cultural exchange through a rise in the number of tourists visiting the country. Tournament

organizers have reported that over 1.4 million fans from across the globe visited Qatar for the FWC. The mega-event showcased Islamic culture and Qatari hospitality, dispelling stereotypes and promoting acceptance of the religion and its followers. From this perspective, one can argue that this event served as a tool to promote greater understanding and acceptance of Islam and Islamic cultures.

Qatar's hosting of the FWC 2022 also faced heavy criticism, mainly from Western media outlets and politicians, citing reasons such as the lack of a footballing culture, excessively hot weather for football, workers' welfare, and LGBTQ+ rights, amongst others. There were instances where the criticism took racist and Islamophobic undertones as Muslims and Qataris were depicted as inferior and unworthy of hosting the FWC 2022. Green (2021) from Oxford Bibliographies defines Islamophobia as a "fear of and hostility toward Muslims and Islam that is driven by racism and that leads to exclusionary, discriminatory, and violent actions targeting Muslims and those perceived as Muslim." Islamophobia refers to fear, prejudice, or discrimination against the Islamic religion or people who practice it. Georgetown University conducted an extensive research project on Islamophobia, stating that it does not occur randomly but is spread through generously financed networks of ideologues, media personalities, think tanks, and social and political entities.

This research captured instances where media criticism turned to racist and Islamophobic remarks as Muslims and Qataris were depicted as inferior and unworthy of hosting the FWC 2022. Below is a high-level overview of Islamophobic statements made in several European media outlets. Figure 8 depicts a cartoon published by French newspaper *Le Canard Enchaîné*, depicting the Qatar National Football Team as angry terrorists holding weapons while playing football.



Figure 8. French newspaper *Le Canard Enchaîné*'s depiction of the Qatar National Football Team. Source: Al Jazeera News.

In another incident, a Danish channel, *TV 2 News*, came under heavy criticism after their anchor, Soren Lippert, compared Moroccan players hugging their mothers during their celebrations with monkeys on live television (Figure 9).



Figure 9. A Danish news anchor holds an image of monkeys embracing and compared it to Morocco’s National Team players hugging their mothers. Source: Doha News.

Amidst the instances mentioned above, additional cases of Islamophobic remarks surfaced in Western media. For instance, Germany’s *Welt TV* alleged that the Moroccan team made an “Islamic State gesture” after defeating Portugal. The image (Figure 10) captured Moroccan players holding their national flag with raised index fingers, a symbol used by Muslims for years to affirm their oneness of God and of one’s faith. However, it is worth noting that this gesture is also commonly used in celebration by non-Muslim players like both Ronaldos from Brazil and Portugal. Despite this, *Welt TV* conflated the gesture with members of a terrorist group.

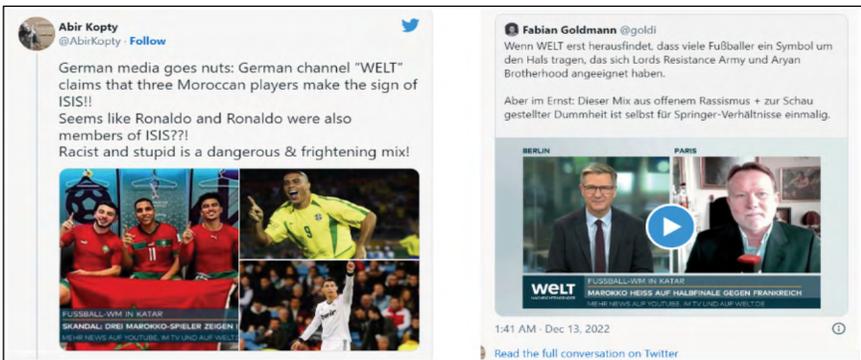


Figure 10. Moroccan players celebrating their victory. Source: Middle East Eye.

Last, a memorable moment during the Finals saw Argentina players, led by Lionel Messi, receiving honors on stage from the Amir of Qatar, Sheikh Tamim bin Hamad Al Thani, who presented Messi with a *bisht*—a traditional and honored men’s cloak—as a symbol of respect and honor in Arab culture. However, this act was criticized as “a bizarre act that ruined the greatest moment in World Cup history” by the British newspaper *The Telegraph*, which has since changed its headline for the article, and “Absolutely grim” by Fox Sports headline (Figure 11).

It is interesting when criticism aimed at Qatar is compared with past events. For instance, at the 2004 Athens Olympics, athletes were often seen wearing olive wreaths, a nod to ancient Greece (Figure 13). Similarly, after Brazil’s 1970 World Cup victory in Mexico, Pele was photographed wearing a sombrero. Notably, there were no similar media narratives criticizing the use of these cultural symbols by athletes.

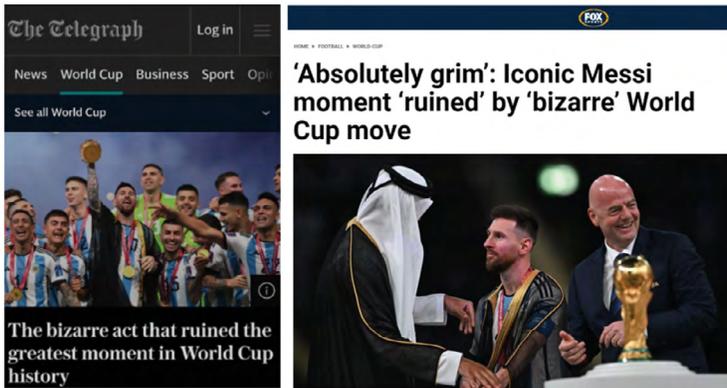


Figure 11. Western media (*The Telegraph*, UK, and *Fox Sports*, USA) coverage of Messi wearing the bisht. Source: Fox Sports.





Figure 12. The 2004 Athens Olympics and 1970 World Cup victory celebration by Pele in Mexico. Source: <https://nation.africa/kenya/sports/football/pele-shows-why-brazil-would-forever-be-world-cup-favourite-4020860>.

Elamin (2023) describes the prevalent media narratives during Qatar’s hosting of the FWC in 2022 as divisive and reinforcing the “East versus West” dichotomy. Furthermore, Nereim (2022) states that the mega-event brought a disproportionate array of negative coverage, which Qataris describe as giving descriptions of their country and people from an outdated and stereotypical perspective, painting an image of Qatar that is contrary to reality. Despite such criticism, Qatar has demonstrated that a Muslim and Arab nation can successfully host a spectacular FWC, lauded by FIFA’s president as the best edition to date. This sentiment was echoed by fans in the BBC poll after the event, with 78% naming the Qatar World Cup the “best of the century” (Figure 13).

Which was the best World Cup this century?

This vote is now closed. Here are the final results.



Figure 13. BBC poll on the best World Cup of the century. Source: BBC News

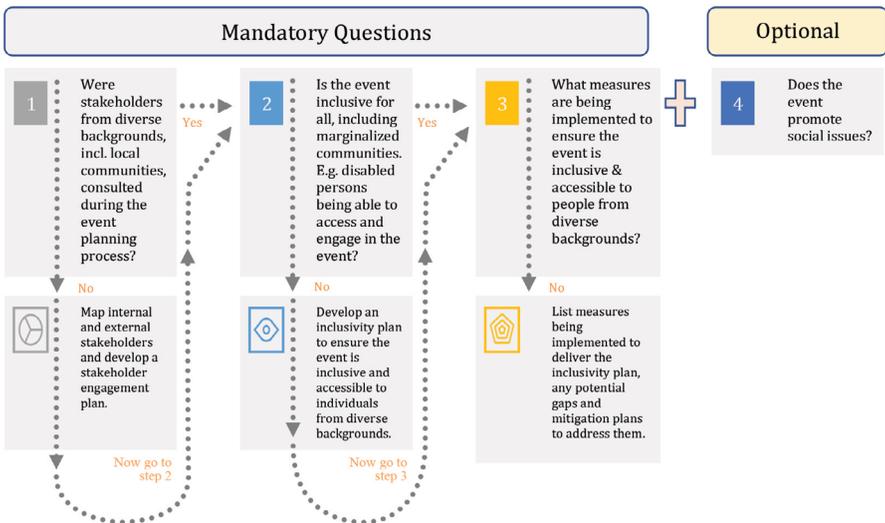
3. THEORETICAL FRAMEWORK

Drawing on my FWC 2022 experience and research in the field of sustainability and Islamic ethics, I have developed the following theoretical framework to assist decision-makers and event organization bodies in the Muslim world to apply Islamic values to contemporary event bidding and hosting processes to leave a lasting positive legacy. Expanding on Section 2.2, which introduced Bayt Al Maşlahā and its five core Islamic principles, this section proposes a decision-making tree methodology linked to Islamic principles and sustainability pillars. This approach outlines the process of the decision-making model in a flowchart with yes or no questions leading to possible pathways for event organizers to consider. It is important to note that the Islamic principles previously presented, such as justice, fairness, and inclusivity, have been grouped to give a stronger emphasis and avoid repetition.

3.1 Islamic Principles: Justice, Fairness, and Inclusivity

The Holy Qur’an emphasizes justice and fairness in all facets of our lives, starting at the individual and extending to business transactions and government policy. Similarly, events should uphold principles of justice and be inclusive in nature.

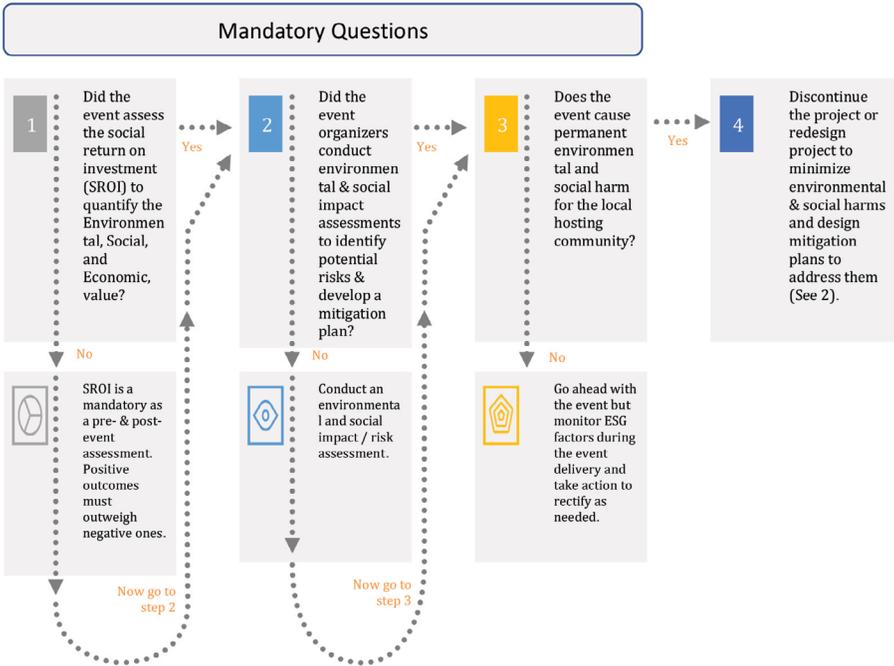
- Holy Qur’an 5:8: “O you who have believed, be persistently standing firm for Allah, witnesses in justice, and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness.”
- Hadith (Bukhari): “The Prophet (peace be upon him) said, ‘Do you know who will go first on the Day of Resurrection to the shade of Allah? Those who are just in their rulings.’”



3.2 Islamic Principles: Balance

Principles of ‘adl (justice) and mīzān (balance) are closely linked to each other as they have originally been planted by God in all things and beings in the universe, which is a manifestation of divine justice according to Mohamed (2020). Hence, conveying Islam’s message of balance and moderation toward God’s creation, including people, animals, and the natural environment, should be embedded in event planning, delivery, and legacy.

- Holy Qur’an 55:7-9: “And the heaven He raised and imposed the balance. That you not transgress within the balance. And establish weight in justice and do not make deficient the balance.”
- Hadith (Tirmidhi): “The Prophet (peace be upon him) said, ‘the best of your actions is the most balanced.’”

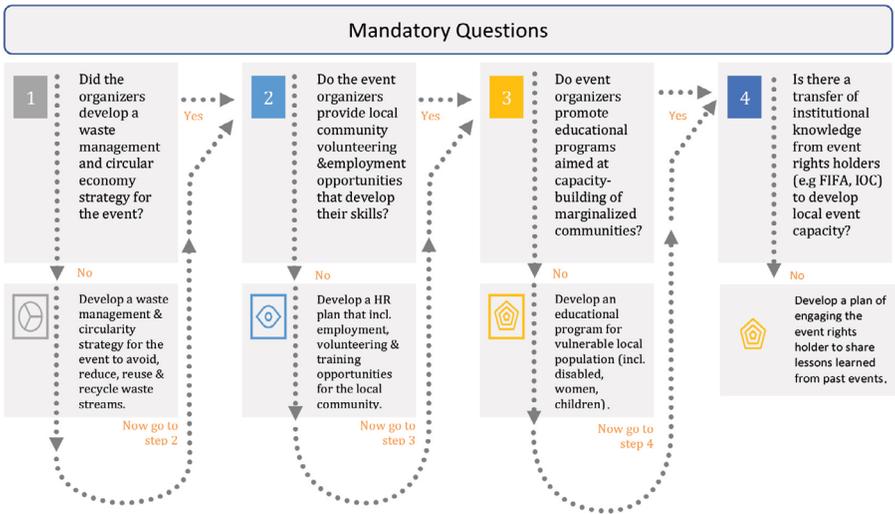


3.3 Islamic Principles: Stewardship and Responsibility

Islam teaches that humans are stewards (khalīfah) of the Earth, responsible for its care and preservation. Hence, event organizers have a responsibility to create positive social, environmental, and/or economic impacts meanwhile minimizing harm.

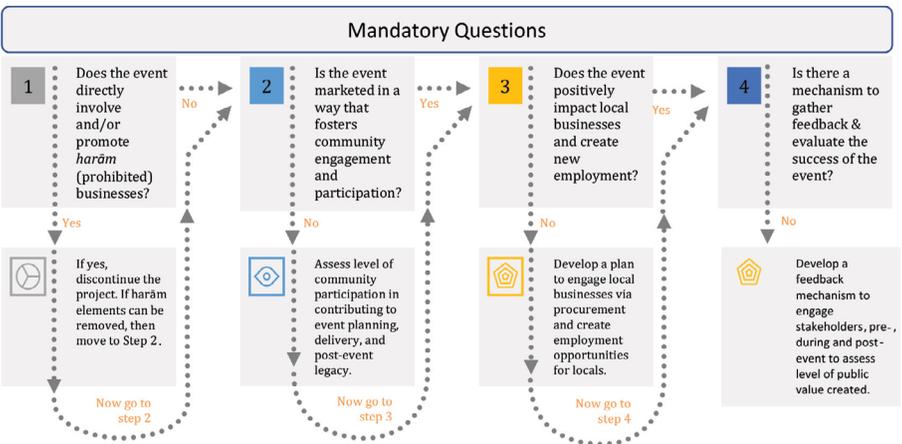
- Holy Qur’an 6:165: “And it is He who has made you successors (khalīfah) upon the earth ...”

- Hadith (Abu Dawood), “The Prophet (PBUH) said, ‘The world is sweet and green (alluring) and verily Allah is going to install you as vicegerent in it in order to see how you act.’”



3.4 Islamic Principles: Public Good

Imam Al-Ghazali states that *maşlahā* (public good) comprises factors aimed at ensuring a benefit or averting harm. Thus, asserting that safeguarding life, religion, intellect, lineage, and property all constitute *maşlahā*. From an event perspective, events should be designed to promote public good across economic, social, and environmental pillars.



4. CHALLENGES AND RECOMMENDATIONS

The proposed theoretical framework aims to offer valuable insights from Qatar for Muslim event organizers, NGOs, and governments globally, guiding them in applying Islamic principles to contemporary events and projects for enduring legacy. However, organizations may encounter various hurdles when transitioning to innovative, sustainable business models aligned with Islamic values. These challenges include resistance to change, financial constraints, lack of management commitment, culture supporting Islamic values and sustainability, and lack of capacity and resources to monitor, evaluate, and report on sustainability performance to environmental and social capital. Addressing these challenges requires strategic approaches by introducing design thinking as described below:

- 1. Resistance to change:** Lack of management commitment and a culture supporting sustainability can hinder progress. According to Razzouk & Shute (2012), introducing design-thinking methodologies can aid in problem-solving, enabling teams to identify and solve business challenges, including adopting sustainable practices.
- 2. Lack of understanding and implementation of Islamic values:** Key recommendation is to integrate Islamic values of 'adl, mīzān, khalīfah, amānah, and maṣlaḥa into organizational policies, procedures, and business models through design-thinking workshops, establishing governance steering groups for decision-making based on proposed framework, and offering capacity-building training to key decision-makers such as managers and supervisors, and assigning designated champions across the organization.
- 3. Financial costs:** Incorporating Islamic values that drive sustainable innovation may incur initial expenses. Emphasizing long-term benefits such as cost savings, environmental impact reduction, reputation enhancement, and regulatory compliance can justify these costs.
- 4. Measuring sustainable performance:** Lack of standardized methods for evaluating sustainability aligned with Islamic values, including impact on environmental and social capital, poses a challenge. Utilizing the proposed theoretical Islamic framework along international recognized standards like the Global Reporting Standards that sets standards based on Environment, Social, and Governance (ESG) metrics to report on the most material/important topics to organizations and its stakeholders, can support in addressing this concern. Technology can aid in data collection, including measuring greenhouse gas (GHG) emissions, waste, and wastewater amongst other areas to measure, analyze, report, and outline corrective actions to mitigate adverse impacts and analysis for informed decision-making.
- 5. Environment and social audits:** Organizations can conduct regular environmental and social audits internally and across its supply chain to identify areas of improvement. This means that working with suppliers is crucial to enforce any meaningful change and may require working directly with suppliers to build their capacity and provide resources for them on an ongoing basis.

However, relying solely on design thinking and theoretical frameworks can pose risks of being time-consuming and costly for organizations. Another potential risk is failing to fully assess the problem statement, resulting in a simplified assessment that overlooks root causes, key enablers, and/or barriers, which can hinder driving real impact and systemic change within the organization. Therefore, organizations should utilize the theoretical framework for key strategic decisions, such as event bidding decisions, post-award event planning and implementation, and post-event legacy assessment. It is not recommended to apply the proposed theoretical framework for every operational decision, especially major decisions and milestones as outlined here.

This thesis advocates for a revival within organizations to reconnect with Islamic values, promoting sustainability as internal concepts derived from Islamic values rather than exported from elsewhere to fit into the local context. This approach facilitates the easier adoption of sustainability pillars in the Muslim world by directly linking sustainability aspirations with local culture and traditions. However, further research is required to develop frameworks that effectively promote Islamic values and integrate them with operational sustainability-based standards and metrics, particularly tailored to serve host nations in Muslim-majority countries.

From the perspective of FWC in Qatar, further research is necessary to explore the post-event legacy, examining the human, social, environmental, and economic impacts over the potential mid-term (3–5 years) to long-term (5–10 years) periods, and how they have contributed to the country's development trajectory. Additionally, more research is needed to evaluate events hosted by other Muslim nations, analyze their experiences, adopt sustainability pillars, incorporate Islamic values, and identify existing gaps in this field. Sociologically, there is a gap in research in understanding the opinions and attitudes of non-Muslim fans visiting Qatar during the mega-event compared to the prevailing narrative in Western media. Investigating the potential shift (positive or negative) in fans' perspective of Qatar and Islam after the event, particularly focusing on two groups—specifically those who physically visited Qatar and those who watched the event on TV—would be intriguing.

5. CONCLUSIONS

This research introduces a novel approach for evaluating mega-event legacies by incorporating Islamic values into a theoretical decision-making framework. It highlights the shared principles between Islam and the concept of creating positive legacies for society and the environment. These principles, deeply rooted in Islamic teachings, include *ʿadl* (justice), *mīzān* (balance), *maṣlaḥa* (public good), *khalīfah* (stewardship of the earth), and *amānah* (responsibility entrusted by God). The study leverages autoethnographic reflections and empirical insights gained from the author's involvement with the organizers of the FWC Qatar 2022, including contributing to the development and implementation of legacy and sustainability programming in Qatar and the region. This was supplemented by secondary research from the event management and sustainability literature as well as news coverage of the FWC 2022.

The article concludes that, while there were clear indications of alignment with Islamic values as a moral and ethical framework outlined in the Qatar National Vision 2030, Qatar did not explicitly articulate a strategy to promote these values during the FWC 2022. Nevertheless, Islamic principles organically influenced decision-making as implicit guidelines, reflecting Qatar's Arab Muslim identity and conservative Islamic ethos. This was largely facilitated by Qatari leadership, whose adherence to Islamic values was inherently embedded in the event's organizational processes.

The research emphasizes the need to transition from leadership-driven value generation to a more systematic approach to decision-making. It advocates for the development and application of an Islamic value-based framework, rather than assuming that Muslim-majority countries will naturally align with Islamic principles in their policies and actions when bidding for and hosting events. With event organizers often employing a globally diverse workforce, including managerial staff, a systemic approach becomes even more essential.

The study aims to enrich the literature on mega-events and Islamic values by examining how such events can drive national development through the adoption of positive value systems rooted in Islamic teachings. The proposed framework offers practical insights for Muslim event organizers, NGOs, and governments, providing strategies to integrate Islamic principles into modern events and projects to ensure lasting legacies. However, it notes that relying solely on theoretical frameworks can be resource-intensive and time-consuming. As such, the study recommends employing this framework for key strategic decisions—such as event bidding, post-award event planning and implementation, and post-event legacy assessment—rather than for all operational decisions.

A limitation of the research is its exclusive focus on Islamic values, which may limit its acceptance outside the Muslim world. Future research could explore the development of a parallel model based on shared Abrahamic values, incorporating the three major world religions: Islam, Christianity, and Judaism. Such a model would require close interfaith collaboration among religious leaders, businesses, communities, NGOs, universities, and research institutions.

A key recommendation of this study is to emphasize the importance of revitalizing these concepts and reestablishing the connection between sustainability and Islamic values, framing sustainability as an intrinsic aspect of Islamic teachings rather than an externally imposed idea. To foster greater acceptance of sustainable development and the SDGs within Muslim communities, policymakers, public and private institutions, and NGOs should revisit the deep-rooted links between sustainability and Islamic principles. However, a degree of localization is essential to tailor these overarching values to the unique needs and challenges of different regions and cities, ensuring the development of sustainable and inclusive events.

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RESEARCH ARTICLE

Fostering Refugee Empowerment via an Innovative Islamic Social Finance Framework

Dareen Abdullatif

ABSTRACT

This article develops and analyzes a comprehensive Islamic Social Finance (ISF) framework addressing the economic and social challenges of the global refugee crisis. I construct a model that integrates shari'a-compliant financial instruments to promote the sustainable economic integration of refugees in host countries. This framework synthesizes human capital development, financial inclusion, and market creation strategies tailored to displaced populations. Using a qualitative approach, I examine the potential of ISF tools, including zakat, waqf, Islamic microfinance, and *takāful*, to create a self-sustaining ecosystem for refugee empowerment. This integrated approach can overcome the limitations of traditional aid models by fostering financial self-sufficiency and long-term economic resilience. The analysis suggests the ISF framework can significantly reduce fiscal burdens on host countries while potentially boosting their gross domestic product through increased refugee economic participation. I identify implementation challenges,

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including regulatory barriers and operational complexities, and propose mitigation strategies. This study contributes to the literature on financial inclusion, Islamic finance, and development economics. It provides policymakers with a novel approach to refugee integration, aligning economic imperatives with ethical considerations. For financial institutions, the findings offer insights into an emerging market for shari‘a-compliant products tailored to vulnerable populations.

Keywords: Islamic social finance, refugee empowerment, financial inclusion, zakat, waqf, Islamic microfinance, takāful

1. INTRODUCTION

The global refugee crisis has reached unprecedented levels, presenting significant challenges to international financial systems and social structures. As of mid-2023, the United Nations High Commissioner for Refugees (UNHCR) reports approximately 110 million forcibly displaced individuals worldwide, including around 47.8 million refugees who have crossed international borders (UNHCR, 2023b). This staggering figure underscores the urgent need for innovative and sustainable solutions to address the economic and social challenges faced by displaced populations.

Traditional approaches to refugee assistance have predominantly focused on short-term aid, providing immediate relief but often falling short in facilitating long-term integration and self-sufficiency. The persistent nature of displacement, with many refugees spending years or even decades in host countries, necessitates a paradigm shift towards more sustainable solutions. This article examines the potential of Islamic social finance (ISF) to address these challenges, proposing a comprehensive framework that aligns financial empowerment with ethical and religious principles.

The concept of ISF encompasses a range of financial instruments and practices rooted in Islamic principles, aimed at promoting social welfare alongside economic development. These tools, including zakat (obligatory almsgiving), waqf (endowments), Islamic microfinance, and *takāful* (Islamic insurance), offer a unique approach to addressing poverty and social inequality. While these instruments have a long history in Muslim-majority countries, their potential application in the context of refugee empowerment remains largely unexplored in academic literature.

This study proposes and evaluates a comprehensive Islamic social finance ecosystem (ISFE) designed to empower refugees economically and socially while adhering to maqāṣid al-shari‘a principles. The maqāṣid al-shari‘a, or the higher objectives of Islamic law, provide a comprehensive framework that emphasizes the preservation of faith (*dīn*), life (*nafs*), intellect (*‘aql*), lineage (*nasl*), and wealth (*māl*). By aligning financial empowerment strategies with these principles, I aim to create a model that not only addresses economic needs but also respects the cultural and religious values of refugee populations.

My primary research question is: How can ISF tools be effectively leveraged to address the economic and social challenges faced by refugees sustainably and comprehensively?

To explore this overarching question, I investigate several sub-inquiries:

- How can ISF instruments support the development of sustainable refugee-owned businesses, considering the unique challenges and opportunities in displacement contexts?
- What role can ISF play in facilitating access to education, vocational training, and networking opportunities for refugees, enhancing their human capital and employability?
- How can ISF guarantee ethical and sustainable practices that align with the shari‘a principles?
- What strategies can be employed to use ISF as a tool for social integration, bridging the gap between refugee communities and host populations?
- How can the ISFE model maintain long-term financial viability, balancing the need for sustainability with the imperative to provide ongoing support to vulnerable populations?

The methodology employs a qualitative deductive approach, synthesizing data from a wide range of sources. It analyzes academic journals spanning the fields of refugee studies, Islamic finance, and development economics. Reports from international organizations, including the UNHCR and various non-governmental organizations (NGOs) working in refugee contexts, provide crucial empirical data and insights into current practices. Islamic religious texts and scholarly interpretations inform our understanding of the ethical and practical foundations of ISF instruments. Additionally, I examine case studies of existing ISF applications in various contexts, drawing lessons that can be applied to refugee empowerment strategies.

Using this diverse body of knowledge, I develop a framework for the ISFE model that integrates various ISF tools. This integrated approach allows us to address the multifaceted challenges faced by refugees, from meeting immediate basic needs to fostering long-term economic independence.

This research contributes to the existing literature in several significant ways:

- It proposes a novel, comprehensive framework for refugee empowerment based on Islamic financial principles, filling a gap in both refugee studies and Islamic finance literature.
- The study provides a detailed analysis of the potential of ISF tools to address specific economic and social challenges faced by refugees, offering practical insights for policymakers and practitioners.
- By exploring the intersection of shari‘a principles, financial innovation, and humanitarian assistance, this research opens new avenues for interdisciplinary studies in finance, ethics, and development.
- The ISFE model presents a scalable and adaptable framework that can be tailored to various refugee contexts, potentially transforming approaches to refugee assistance globally.

The remainder of this article is organized as follows: Section 2 provides a comprehensive review of the literature on refugee empowerment, microfinance, and ISF. Section 3 examines the historical context of Islamic finance and its principles, drawing parallels with contemporary refugee challenges. Section 4 discusses ISF instruments in detail, analyzing their potential applications in refugee contexts. Section 5 presents the proposed ISFE framework (Figure 1), elaborating on its components, implementation strategies, and potential impacts. Finally, Section 6 concludes with policy recommendations, acknowledges limitations, and outlines directions for future research.

As the global community continues to grapple with the challenges of forced displacement, innovative financial approaches like the ISFE may play a crucial role in fostering refugee self-reliance and economic integration. This study aims to contribute to this important conversation, offering a new perspective on how faith-based financial principles can be leveraged to create sustainable solutions for one of the most pressing humanitarian issues of our time.

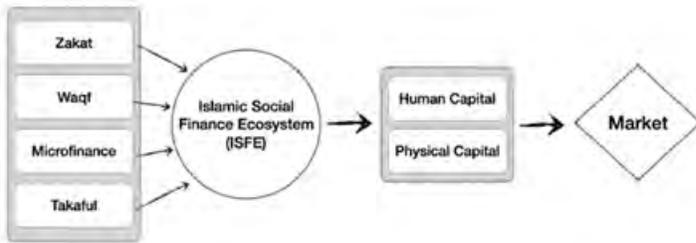


Figure 1. ISFE framework. Source: Author’s creation.

2. LITERATURE REVIEW

The complex issue of refugee empowerment has garnered increasing attention in academic literature, reflecting the growing global concern over protracted displacement conditions. This section provides a comprehensive review of existing research on refugee empowerment, with a particular focus on economic dimensions and the potential role of microfinance and Islamic financial instruments in addressing refugee challenges.

2.1 Dimensions of Refugee Empowerment

Refugee empowerment is a multidimensional concept encompassing economic, educational, social, psychological, and legal components (Steimel, 2017). While all these aspects are interconnected and crucial for holistic refugee integration, the study focuses primarily on economic and social empowerment as a foundational element for overall well-being and self-reliance.

Economic empowerment aims to facilitate financial self-reliance among refugee populations, enabling them to meet their basic needs and contribute to their host communities (Jacobsen, 2002). This approach represents a shift from traditional aid

models that often create long-term dependency towards strategies that foster agency and self-sufficiency among refugees.

Key elements of economic empowerment identified in the literature include:

- **Access to employment:** Job placement strategies that facilitate integration into host economies are crucial for refugee self-reliance. Ott (2013) emphasizes the importance of tailored employment programs that consider both the skills of refugees and the needs of local labor markets. However, legal barriers to employment in many host countries continue to pose a significant challenge (Zetter & Ruaudel, 2016).
- **Entrepreneurship support:** Microfinance initiatives supporting refugee entrepreneurship have shown promise in various contexts. Osman (2020) highlights small-scale enterprises' potential in empowering refugee communities. These businesses not only provide income for refugee families but can also contribute to the economic dynamism of host communities.
- **Financial inclusion:** Access to basic financial services—including savings accounts, credit, and insurance products—is often limited for refugees due to legal status issues and lack of documentation. Zademach et al. (2019) find that refugees demonstrate creditworthiness comparable to host communities in microfinance contexts, challenging perceptions of refugees as high-risk borrowers.
- **Skill development and education:** Vocational training and education programs play a crucial role in enhancing the employability of refugees. Lumley-Sapanski and Callahan (2019) argue that such programs should be aligned with local market needs to maximize their effectiveness.
- **Market access:** Creating avenues for refugees to participate in local and regional markets is essential for sustainable economic integration. This includes addressing legal barriers to business ownership and facilitating connections between refugee entrepreneurs and broader economic networks (Betts et al., 2017).

2.2 Microfinance and Refugee Empowerment

Microfinance has emerged as a powerful tool for poverty alleviation and empowerment, particularly in developing economies. Its potential application in refugee contexts has gained attention from researchers and practitioners alike.

Hadidi (2018) demonstrates the positive impact of microfinance on female empowerment in Egypt, highlighting its potential for addressing gender disparities in vulnerable communities. For refugees, microfinance offers a pathway to financial inclusion through loans, savings, and insurance products, which are often unavailable through traditional banking systems due to legal and documentary constraints (Megersa, 2021).

The benefits of microfinance in refugee contexts extend beyond immediate economic outcomes:

- **Social capital formation:** Group lending models, common in many microfinance programs, can foster social connections and mutual support networks among refugees. Meissner (2005) argues that these social bonds are particularly valuable in post-

conflict environments, helping to rebuild community ties disrupted by displacement.

- **Women empowerment:** Microfinance programs often target women, who are disproportionately affected by displacement. Armendáriz and Morduch (2010) highlight the potential of microfinance to enhance women's economic opportunities within households and communities.
- **Psychological benefits:** Access to financial resources and the ability to engage in productive economic activities can boost self-esteem and a sense of agency among refugees. However, Li et al. (2016) caution that the effectiveness of these psychological benefits may be moderated by cultural factors and the ongoing stress of displacement.

Despite its potential, the application of microfinance in refugee contexts faces several challenges. Jacobsen (2005) points out that the transient nature of refugee populations can complicate long-term financial relationships necessary for successful microfinance programs. Additionally, the legal uncertainty experienced by many refugees can create barriers to accessing even basic financial services.

2.3 Islamic Finance and Social Development

The principles of Islamic finance, rooted in shari'a law, offer a unique perspective on economic development and social welfare. While extensive literature exists on Islamic finance in general, its specific application to refugee empowerment remains an emerging field of study.

Sairally (2013) explores the social responsibility dimension of Islamic financial institutions, arguing that these entities have an ethical obligation to contribute to community development and poverty alleviation. This aligns closely with the needs of refugee populations and suggests potential synergies between Islamic finance principles and refugee empowerment strategies.

Several Islamic financial instruments have been studied in the context of poverty alleviation and social development:

- **Zakat:** The obligatory almsgiving in Islam has been examined as a tool for wealth redistribution and poverty alleviation. Razin and Rosman (2021) analyze the potential of zakat to serve as a social safety net, particularly in Muslim-majority countries hosting large refugee populations.
- **Waqf:** Islamic endowments have a long history of supporting social welfare initiatives. Mohsin (2013) explores the use of cash waqf for microfinance, proposing models that could be adapted for refugee contexts.
- **Islamic microfinance:** Profit-and-loss sharing models like *muḍārabah* and *mushārakah* offer alternatives to interest-based microfinance. Rahim Abdul Rahman (2010) argues that these models are more aligned with ethical financing principles and may be more suitable for poverty alleviation in refugee populations.
- **Ṣukūk:** Islamic investment certificates have been studied as a means of financing development projects. Hafsa and Oumaima (2021) propose the use of *ṣukūk* to fund initiatives targeting vulnerable populations, including refugees.

While these studies provide valuable insights into the potential of Islamic finance for social development, there remains a significant gap in the literature regarding the comprehensive application of these tools in refugee empowerment contexts. This study aims to address this gap by proposing an integrated framework that leverages various ISF instruments to create a sustainable ecosystem for refugee economic empowerment.

3. HISTORICAL CONTEXT AND ISLAMIC FINANCIAL PRINCIPLES

To fully appreciate the potential of ISF in addressing contemporary refugee challenges, it is essential to understand its historical roots and underlying principles. This section explores the historical context of Islamic approaches to displacement and economic empowerment, drawing parallels with modern refugee conditions. We then examine the fundamental principles of Islamic finance and their relevance to refugee empowerment strategies.

3.1 Historical Lessons from Islamic Migration

The concept of forced migration and the ethical treatment of displaced persons have deep roots in Islamic history. The hijra of Prophet Muhammad (PBUH) and his followers from Mecca to Medina in 622 CE serves as a seminal event that shaped Islamic perspectives on migration, community building, and economic integration.

Several key principles emerge from this historical event and subsequent Islamic traditions:

- **Emphasis on self-reliance:** Upon arriving in Medina, the Prophet (PBUH) encouraged the migrants (*muhājirūn*) to seek employment and contribute to their new community. This principle is exemplified by the hadith of Abdul-Rahman ibn Auf, who, when offered assistance, requested instead to be shown the way to the marketplace (Ibn Hajar, 1987). This emphasis on self-reliance aligns closely with modern concepts of refugee economic empowerment.
- **Establishment of ethical markets:** The Prophet Muhammad (PBUH) established a new marketplace in Medina based on Islamic ethical principles. This included prohibitions on monopolistic practices, fraud, and exploitation (Humaidi, 2020). These principles of fair trade and ethical business practices remain relevant in designing economic systems that integrate refugees fairly into host economies.
- **Land revitalization:** The Prophet Muhammad (PBUH) said, “Whoever brings life to unused land, owns it” (Al-Albani, 2002). The concept of *ihyā’ al-mawāt* (reviving dead land) encouraged the cultivation of unused land, promoting self-sufficiency and economic growth. This principle could inform strategies for involving refugees in agricultural projects or urban renewal initiatives in host countries’ development.
- **Open economic interaction:** Despite the cultural and religious differences between the migrants and the local population of Medina (*anṣār*), the Prophet (PBUH) encouraged open economic interaction. This included allowing trade with non-

Muslims and facilitating currency exchange, subject to ethical constraints (Jal'ut, 2020). Such principles of economic openness and inclusion are crucial for successful refugee integration into host economies.

- **Market regulations:** The implementation of the Hisbah system, an early form of market regulation, ensured fair practices and protected consumers and traders alike (Al-Bashir, 2019). This historical precedent underscores the importance of appropriate regulatory frameworks in creating equitable economic opportunities for refugees.

These historical lessons offer several principles applicable to contemporary financial empowerment strategies for refugees:

- Promotion of entrepreneurship and self-employment among refugee populations;
- Development of ethical financial products and services tailored to refugee needs;
- Implementation of market regulations that ensure fair participation of refugee entrepreneurs; and
- Emphasis on skills development and job placement to facilitate economic integration.

3.2 Foundational Principles of Islamic Finance

The principles underlying Islamic finance provide an ethical framework that can guide the development of refugee empowerment strategies. These principles are derived from the Qur'an, sunna (prophetic traditions), and scholarly consensus, and are encapsulated in the concept of *maqāṣid al-shari'a* (objectives of Islamic law).

Auda (2008) identifies five primary objectives of *maqāṣid al-shari'a*: (1) preservation of faith (*hifz al-dīn*), (2) preservation of life (*hifz al-nafs*), (3) preservation of intellect (*hifz al-'aql*), (4) preservation of lineage (*hifz al-nasl*), and (5) preservation of wealth (*hifz al-māl*).

In the context of ISF for refugee empowerment, the preservation of life (*hifz al-nafs*) and wealth (*hifz al-māl*) are particularly relevant. These objectives provide an ethical basis for developing financial instruments and strategies that not only meet the economic needs of refugees but also safeguard their dignity and long-term well-being. Bahri et al. (2019) argue that implementing *maqāṣid al-shari'a* in financial systems can facilitate the transition of individuals from aid recipients (*mustahiqq*) to economic contributors (*munfiq/muzakkī*). This aligns closely with the goals of refugee empowerment and self-reliance.

Key principles of Islamic finance that inform the ISFE framework include:

- **Prohibition of ribā (interest):** Islamic finance prohibits the charging or paying of interest, considering it exploitative. This principle encourages profit-and-loss sharing arrangements that may be more equitable for vulnerable populations like refugees (Iqbal & Mirakhor, 2011).
- **Asset-backed financing:** Islamic financial transactions must be backed by tangible assets, reducing speculative risks. This principle can guide the development of secure financing options for refugee entrepreneurs (Ayub, 2007).
- **Risk-sharing:** Risk-sharing is a central concept in Islamic finance, promoting more equitable economic relationships. This principle can inform microfinance models that

distribute risk fairly between financial institutions and vulnerable populations, such as refugees, by enhancing financial inclusion and participation in economic growth (Maghrebi & Mirakhor, 2015).

- **Prohibition of *gharar* (legal uncertainty):** Contracts must be clear and transparent, reducing information asymmetry and protecting ownership rights. This principle is crucial in developing financial products that are easily understood by refugee populations who may have limited financial literacy (El-Gamal, 2006).

These principles provide a robust ethical framework for developing financial instruments and strategies tailored to the unique needs and circumstances of refugee populations. By aligning economic empowerment initiatives with these principles, the ISFE model aims to create sustainable, equitable solutions that respect the dignity and cultural values of refugees while fostering their economic integration.

4. ISLAMIC SOCIAL FINANCE INSTRUMENTS

Having established the historical and theoretical foundations of Islamic finance, I now turn to a detailed examination of specific ISF instruments and their potential applications in refugee empowerment contexts. This section analyzes the mechanisms, strengths, and challenges of each instrument, providing a comprehensive understanding of their role within the proposed ISFE framework.

4.1 Zakat (Almsgiving)

Zakat, one of the five pillars of Islam, is a form of obligatory almsgiving that serves as a mechanism for wealth redistribution and poverty alleviation. In the context of refugee empowerment, zakat presents a potentially significant source of funding for meeting immediate needs and supporting longer-term development initiatives.

4.1.1 Mechanism

Zakat requires eligible Muslims to give 2.5 percent of their wealth annually to specified categories of recipients, including the poor and needy (Al-Qaradawi, 1999). The collection and distribution of zakat can be managed by governmental bodies, NGOs, or dedicated zakat institutions.

Potential applications in refugee contexts include:

- **Meeting basic needs:** Zakat funds can be allocated to provide food, shelter, and healthcare to newly arrived refugees, addressing immediate survival needs (Razin & Rosman, 2021).
- **Education and skills development:** Zakat can fund educational programs and vocational training for refugees, enhancing their human capital and employability (Kachkar & Alfares, 2022).
- **Microfinance seed capital:** Some scholars argue that zakat funds can be used as seed capital for microfinance initiatives, helping refugees start small businesses (Kachkar & Alfares, 2022).

Challenges and considerations include:

- Ensuring proper identification of eligible recipients within refugee populations;
- Developing transparent and efficient distribution mechanisms; and
- Addressing the debate among Islamic scholars regarding the use of zakat for productive purposes versus immediate consumption.

4.1.2 Recent Innovations

Salleh et al. (2022) highlight innovative approaches to leveraging zakat for sustainable development. For instance, the integration of technology in the zakat collection and distribution, such as blockchain-based systems, can enhance transparency and efficiency (Ikhsan, 2023).

4.2 Waqf (Islamic Endowment)

Waqf, a form of perpetual charity in Islam, offers significant potential for long-term social and economic development in refugee contexts. Unlike zakat, which is typically distributed for immediate use, waqf assets are preserved and invested to generate ongoing returns for charitable purposes.

4.2.1 Mechanism

A donor (*wāqif*) endows an asset (e.g., property, cash) for a specific charitable purpose. The asset is then managed to generate returns, which are used to fund the designated charitable activities in perpetuity (Mohsin, 2013).

Potential applications in refugee contexts include:

- **Sustainable infrastructure:** Waqf can fund the development of schools, hospitals, and community centers in refugee settlements, providing long-term social infrastructure (Shaikh et al., 2017).
- **Income-generating projects:** Waqf assets can be invested in businesses that employ refugees, creating sustainable income sources (Mohd Thas Thaker et al., 2020).
- **Education endowments:** Cash waqf can be used to create endowments for refugee education, funding scholarships and educational programs over the long term (Muayyad & Jatmiko, 2021).

Innovations in waqf can include:

- **Cash waqf:** Modern interpretations allow for cash endowments, increasing the flexibility and accessibility of waqf (Mohsin, 2013).
- **Waqf-based microfinance:** Models integrating waqf and microfinance have been proposed, using waqf funds to provide interest-free loans to refugees (Kachkar, 2017).
- **Temporary waqf:** Some scholars argue for the validity of time-limited waqf, which could align well with the often-temporary nature of refugee situations (Firdaus & Muhammad, 2017).

Challenges and considerations include:

- Ensuring effective and transparent management of waqf assets;

- Navigating legal frameworks in non-Muslim countries for establishing waqf; and
- Balancing the perpetuity principle of waqf with the potentially transient nature of refugee conditions.

4.3 Islamic Microfinance

Islamic microfinance represents a shari‘a-compliant alternative to conventional microfinance, offering financial services to refugees in a manner consistent with Islamic principles. This approach can be particularly valuable in predominantly Muslim refugee populations.

Key Islamic microfinance instruments are:

- **Mudarabah (profit-sharing partnership):** The financial institution provides capital while the entrepreneur contributes labor and expertise. Profits are shared according to a pre-agreed ratio, but losses are borne by the capital provider unless caused by negligence (Obaidullah, 2008).
- **Mushārahah (joint venture partnership):** Both the financial institution and the entrepreneur contribute capital and expertise. Profits and losses are shared based on capital contribution ratios (Ishak et al., 2023).
- **Murābahah (cost-plus financing):** The financial institution purchases an asset and resells it to the client at a marked-up price, with payment deferred. This can be used for financing inventory or equipment for refugee-owned businesses (Abdul Rahman, 2007).
- **‘Ijārah (leasing):** The financial institution purchases an asset and leases it to the client. This can be useful for refugees who need equipment but cannot afford to purchase it outright (Ayub, 2007).
- **Qarḍ al-ḥasan (interest-free loan):** These benevolent loans are often used for consumption smoothing or emergency needs and can be particularly relevant in refugee contexts (Aslam Haneef et al., 2015).

Potential applications in refugee contexts include:

- **Business start-up financing:** Using muḍārahah or mushārahah to provide capital for refugee entrepreneurs (Haneef et al., 2015).
- **Asset acquisition:** Utilizing murābahah or ‘ijārah for refugees to acquire necessary business equipment or inventory (Abdul Rahman, 2007).
- **Skills development:** Combining qarḍ al-ḥasan with vocational training programs to enhance refugee employability (Mohieldin et al., 2011).

Challenges and considerations include:

- Higher operational costs compared to conventional microfinance due to the need for shari‘a compliance monitoring;
- Limited understanding of Islamic finance products among some refugee populations, necessitating financial literacy programs; and
- Balancing profitability with social impact objectives in Islamic microfinance institutions.

4.3.1 Recent Innovations

Innovations in Islamic microfinance include the development of mobile banking platforms for smoother access, integration with fintech solutions for improved efficiency, and the creation of hybrid models that combine various Islamic finance instruments to meet diverse needs (Todorof, 2018).

4.4 Şukūk (Islamic Investment Certificates)

Şukūk, often referred to as Islamic investment certificates, represent an innovative financial instrument with potential applications in funding larger-scale refugee empowerment initiatives. Unlike conventional bonds, şukūk are asset-backed securities that comply with Islamic financial principles.

4.4.1 Mechanism

Şukūk represents undivided ownership in tangible assets, usufruct, services, or a combination of these. They provide returns based on the performance of the underlying assets rather than interest payments (Shalhoob, 2018).

Types of şukūk relevant to refugee contexts include:

- **’Ijārah şukūk:** Based on leasing contracts, these can be used to fund infrastructure projects in refugee settlements (Rofik et al., 2023).
- **Muḍārabah şukūk:** Profit-sharing instruments that could fund entrepreneurship programs for refugees (Khouildi & Kassim, 2019).
- **Wakalah şukūk:** Agency-based şukūk that offers flexibility in funding various refugee-related projects (Abubakar & Lawa, 2020).

Potential applications in refugee contexts include:

- **Infrastructure development:** Şukūk can finance large-scale projects like housing, schools, or hospitals in refugee-hosting areas (Abubakar & Lawa, 2020).
- **Microfinance funding:** Şukūk can be used to raise capital for Islamic microfinance institutions serving refugee populations (Khouildi & Kassim, 2019).
- **Social impact şukūk:** These innovative instruments directly link financial returns to achieved social outcomes, such as refugee employment rates or education levels (Azman & Ali, 2016).

Challenges and considerations include:

- Complexity of structuring şukūk in compliance with both shari‘a and secular legal systems;
- The need for credit enhancement mechanisms to attract investors to refugee-focused şukūk; and
- Ensuring that the benefits of şukūk-funded projects reach the intended refugee beneficiaries.

4.4.2 Recent Innovations

The development of green şukūk and Sustainable Development Goal (SDG) şukūk

provides models for structuring socially responsible investments that could be adapted for refugee contexts (Alam et al., 2016; Araminta et al., 2022).

4.5 Takāful (Islamic Insurance)

Takāful, the Islamic alternative to conventional insurance, operates on principles of cooperation and shared responsibility. In refugee contexts, takāful can play a crucial role in risk mitigation, providing a safety net against unforeseen circumstances.

4.5.1 Mechanism

Participants contribute to a pool of funds, which is then used to assist members facing specified risks or losses. The operation is based on the concepts of *tabarru'* (donation) and *ta'āwun* (mutual assistance) (Billah, 2019b).

Types of takāful relevant to refugee contexts are as follows:

- **Micro-takāful:** Scaled-down takāful products designed for low-income populations, including refugees (Htay et al., 2015).
- **Health takāful:** Provides coverage for medical expenses, which is crucial in refugee settings where access to healthcare can be limited (Billah, 2017).
- **Property takāful:** Protects assets of refugee-owned businesses against risks like fire or theft (Billah, 2019a).

Potential applications in refugee contexts include:

- **Health protection:** Micro-health takāful can provide essential medical coverage for refugee families (Salleh et al., 2018).
- **Business risk mitigation:** Takāful products can protect refugee entrepreneurs against business-related risks, encouraging entrepreneurship (Rifas et al., 2023).
- **Crop takāful:** For refugees engaged in agricultural activities, this can protect against crop failures due to natural disasters (Salleh et al., 2023).

Challenges and considerations include:

- Designing takāful products that are affordable for refugee populations while remaining financially viable;
- Navigating regulatory frameworks in host countries that may not recognize takāful; and
- Educating refugee communities about the concept and benefits of takāful.

4.5.2 Recent Innovations

The integration of technology in takāful operations, such as blockchain for claims processing and mobile apps for policy management, can enhance accessibility and efficiency in refugee contexts (Mcisaac et al., 2019). By leveraging these ISF instruments in an integrated framework, the ISFE model aims to create a comprehensive ecosystem for refugee empowerment. Each instrument addresses different aspects of the economic challenges faced by refugees, from meeting immediate needs to fostering long-term

financial resilience and entrepreneurship. The following section will detail how these instruments are integrated into the proposed ISFE framework, creating a holistic approach to refugee economic empowerment.

5. ISFE FOR REFUGEE EMPOWERMENT

Building on the individual ISF instruments discussed in the previous section, I now present the proposed ISFE for refugee empowerment. This integrated framework leverages the strengths of each instrument to create a comprehensive, sustainable approach to addressing the economic challenges faced by refugee populations.

5.1. Overview of the ISFE Model

The ISFE model is designed as a holistic ecosystem that addresses the multifaceted economic needs of refugees, from immediate survival to long-term self-reliance and integration. It integrates zakat, waqf, Islamic microfinance, *shūkūk*, and *takāful* in a coordinated system that provides a continuum of support throughout a refugee's journey towards economic and social empowerment.

Key features of the ISFE model include:

- **Staged support:** The model provides different types of financial assistance and services based on the refugee's stage of economic integration, from newly arrived to fully self-reliant.
- **Integrated instruments:** Each ISF instrument is strategically deployed to address specific needs and challenges, creating a comprehensive support system.
- **Self-sustainability:** The model aims to create a self-sustaining ecosystem where successful refugee entrepreneurs eventually contribute back to the system.
- **Shari'a compliance:** All components of the ISFE adhere to Islamic financial principles, ensuring ethical and culturally appropriate support for refugee populations.
- **Flexibility:** The framework is adaptable to various refugee contexts and can be scaled according to the size and needs of the target population.

5.2 Components of the ISFE Model

5.2.1 Zakat for Immediate Needs and Initial Stabilization

Role in the ISFE

- Providing for the basic needs (food, shelter, and healthcare) of newly arrived refugees;
- Funding initial skills assessment and language training programs; and
- Supporting short-term cash assistance programs.

Implementation Strategy

- Establish partnerships with local zakat institutions in host countries;
- Develop transparent mechanisms for identifying eligible refugee recipients; and
- Create a dedicated zakat fund for refugee assistance within the ISFE.

Case Study

The UNHCR's Refugee Zakat Fund provides a model for leveraging zakat for refugee assistance. In 2020, it supported over 2.1 million beneficiaries across 13 countries, addressing immediate needs, including shelter, food, education, healthcare, and debt repayment (UNHCR, 2021).

5.2.2 Waqf for Long-Term Development and Infrastructure

Role in the ISFE

- Funding educational institutions and vocational training centers for refugees;
- Establishing community centers and other social infrastructure in refugee settlements; and
- Creating endowments for ongoing support of refugee empowerment programs.

Implementation Strategy

- Develop a centralized waqf management institution within the ISFE;
- Create diverse waqf portfolios targeting different aspects of refugee empowerment; and
- Explore innovative waqf models, including cash waqf and temporary waqf.

Case Study

The Abdul Aziz Al Ghurair Refugee Education Fund, established in 2018, demonstrates the potential of waqf-like structures in supporting refugee education. It provides education and skill enhancement programs for young refugees in Jordan and Lebanon (UNHCR, 2023a).

5.2.3 Islamic Microfinance for Entrepreneurship and Economic Independence

Role in the ISFE

- Providing shari'a-compliant financing options for refugee-owned businesses;
- Offering financial products tailored to different stages of business development; and
- Integrating financial services with business training and mentorship programs.

Implementation Strategy

- Establish dedicated Islamic microfinance institutions (IMFIs) for refugee communities;
- Develop a range of products using various Islamic contracts (muḍārabah, mushārahah, murābaḥah, etc.); and
- Create linkages between microfinance programs and larger financial institutions for scalability.

Case Study

Akhuwat Islamic Microfinance in Pakistan offers shari'a-compliant microloans to refugees, facilitating small business creation and financial independence. Their model of interest-free loans combined with business support services has shown promising results in refugee communities (Akhuwat, n.d.).

5.2.4 Şukūk for Large-Scale Infrastructure and Development Projects

Role in the ISFE

- Raising capital for major infrastructure projects in refugee-hosting areas;
- Funding large-scale economic development initiatives benefiting both refugees and host communities; and
- Creating a mechanism for socially responsible investors to support refugee empowerment.

Implementation Strategy

- Develop a range of şukūk structures tailored to different project types (e.g., 'ijārah şukūk for housing projects, muḍārabah şukūk for business incubators);
- Collaborate with governments and international organizations to provide credit enhancements and reduce investor risk; and
- Implement rigorous impact measurement systems to track and report on the social outcomes of şukūk-funded projects.

Case Study

While not specifically targeted at refugees, the International Finance Facility for Immunization Şukūk provides a model for using Islamic finance to fund large-scale humanitarian efforts. This innovative şukūk raised funds for global vaccination programs, demonstrating the potential for similar structures in refugee contexts (Moghul & Safar-Aly, 2014).

5.2.5 Takāful for Risk Mitigation and Social Protection

Role in the ISFE

- Providing health coverage for refugee families;
- Offering property and business insurance for refugee entrepreneurs; and
- Creating a social safety net to encourage risk-taking and innovation among refugees.

Implementation Strategy

- Establish micro-takāful programs specifically designed for refugee populations;
- Integrate takāful offerings with microfinance and business support services; and
- Develop community-based takāful models to leverage social capital within refugee communities.

Case Study

While not specifically targeting refugees, Iran's Universal Public Health Insurance program offers comprehensive health coverage to migrants, similar to Iranian citizens. This model demonstrates the potential for inclusive insurance systems that benefit displaced populations (Trallori, 2023).

5.3 Integration and Synergies within the ISFE

The power of the ISFE model lies in the integration and synergies between its components. For example:

- Zakat funds can provide initial support and stability, preparing refugees for participation in microfinance programs.
- Waqf-funded educational institutions can enhance human capital, improving the success rates of refugee entrepreneurs supported by Islamic microfinance.
- Şukūk can fund large-scale projects that create employment opportunities for refugees, who can then access Islamic microfinance to start supplier businesses.
- Takāful can provide a safety net that encourages more refugees to participate in entrepreneurship programs funded by Islamic microfinance.

This integrated approach creates a comprehensive ecosystem that supports refugees at every stage of their journey towards economic empowerment and integration.

5.4 Governance and Operational Structure

The effective implementation of the ISFE requires robust governance and operational structure, such as:

- **Central coordinating body:** To oversee the integration of various components and ensure alignment with overall objectives.
- **Shari'a supervisory board:** To ensure all activities comply with Islamic financial principles.
- **Stakeholder council:** To guide strategy and ensure responsiveness to needs, with representatives from refugee communities, host governments, NGOs, and financial institutions.
- **Transparent reporting system:** To publish regular financial and impact reports in order to maintain trust and accountability.
- **Technology integration:** To leverage fintech solutions for efficient operations, including blockchain for transparency and mobile banking for accessibility.

5.5 Challenges and Mitigation Strategies

While the ISFE model offers significant potential, several challenges must be addressed:

- **Regulatory barriers:**
 - *Challenge:* Many host countries may lack regulatory frameworks for Islamic financial instruments.
 - *Mitigation:* Engage with regulators to develop appropriate frameworks; start with pilot programs in receptive jurisdictions.
- **Cultural and religious diversity:**
 - *Challenge:* Not all refugees may be familiar with or comfortable using Islamic financial products.
 - *Mitigation:* Offer financial literacy programs; provide options for non-Muslim

refugees to participate in ethically aligned conventional products.

- **Sustainability of funding:**
 - *Challenge:* Ensuring a consistent flow of zakat and waqf contributions.
 - *Mitigation:* Develop diverse funding sources; create endowment-like structures for long-term sustainability.
- **Coordination among stakeholders:**
 - *Challenge:* Aligning the interests and operations of various entities within the ISFE.
 - *Mitigation:* Establish clear governance structures and communication channels; use technology for efficient coordination.
- **Impact measurement:**
 - *Challenge:* Accurately assessing the long-term impact of ISFE interventions.
 - *Mitigation:* Develop comprehensive impact measurement frameworks; collaborate with academic institutions for rigorous evaluation studies.

6. CONCLUSION AND FUTURE RESEARCH DIRECTIONS

The ISFE presents a promising framework for addressing the complex financial challenges of refugee populations. By integrating various Islamic financial instruments—zakat, waqf, Islamic microfinance, *ṣukūk*, and *takāful*—the ISFE model offers a comprehensive approach to refugee empowerment that aligns with ethical and religious principles.

The analysis suggests that the ISFE has the potential to overcome limitations of traditional refugee support models by:

- Fostering financial inclusion and self-sufficiency among refugee populations;
- Providing a continuum of support from immediate relief to long-term economic integration;
- Leveraging faith-based principles to create culturally appropriate and ethically aligned financial solutions;
- Creating sustainable funding mechanisms for refugee assistance programs; and
- Encouraging the economic integration of refugees in ways that benefit both displaced populations and host communities.

However, several implementation challenges remain, including regulatory barriers in non-Islamic jurisdictions, operational complexities in establishing shari'ah-compliant governance structures, and potential cultural and trust issues among diverse refugee populations. Addressing these challenges will require collaborative efforts among policymakers, financial institutions, humanitarian organizations, and refugee communities themselves.

Future research directions should focus on:

- **Quantitative impact assessment:** Develop econometric models to estimate the potential effects of ISFE implementation on refugee economic outcomes and host country macroeconomic indicators. This could include longitudinal studies tracking

refugee households participating in ISFE programs over time.

- **Comparative analysis:** Conduct comparative studies of ISFE implementation in different geographical and cultural contexts to identify best practices and context-specific adaptations.
- **Regulatory frameworks:** Examine the legal and regulatory challenges of implementing the ISFE in various jurisdictions, with a focus on developing model legislation that can facilitate the adoption of Islamic financial instruments for refugee empowerment.
- **Product innovation:** Explore the development of new Islamic financial products specifically tailored to refugee needs, such as hybrid instruments that combine features of different Islamic contracts.
- **Technology integration:** Investigate the potential of fintech solutions, including blockchain and artificial intelligence, in enhancing the efficiency and transparency of ISFE operations.
- **Social impact measurement:** Develop comprehensive frameworks for measuring the social and economic impact of ISFE interventions, including both quantitative metrics and qualitative assessments of refugee well-being and integration.
- **Stakeholder perceptions:** Conduct in-depth studies of how various stakeholders—including refugees, host communities, governments, and financial institutions—perceive and interact with the ISFE model.
- **Scaling and replication:** Analyze the factors that contribute to the successful scaling of ISFE initiatives and develop strategies for replicating successful models in diverse contexts.
- **Integration with conventional systems:** Explore ways to integrate ISFE with existing conventional financial and humanitarian assistance systems to create comprehensive support networks for refugees.
- **Ethical considerations:** Examine the ethical implications of faith-based financial models in diverse refugee populations and develop guidelines for ensuring inclusivity and respect for diverse beliefs.

As global displacement continues to pose significant economic and social challenges, innovative financial approaches like the ISFE may play a crucial role in fostering refugee self-reliance and economic integration. By combining ethical financial principles with practical economic empowerment strategies, the ISFE model offers a new paradigm for addressing one of the most pressing humanitarian issues of our time.

The development and implementation of the ISFE will require ongoing collaboration between researchers, practitioners, policymakers, and refugee communities. As this model evolves and is tested in real-world contexts, it has the potential to transform approaches to refugee assistance, moving from short-term aid to sustainable, dignity-preserving empowerment. In doing so, it may not only improve the lives of millions of displaced individuals but also contribute to the economic vitality and social cohesion of host communities around the world.

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تحليل الفتاوى في الاستلحاق عبر القرون

الملخص

يتناول هذا البحث مسألة الاستلحاق في الفقه الإسلامي، ويُقصد بها: نسبة ولد الزنا إلى الزاني، إذا استلحقه وأقرّ به عندما لا تكون المرأة فراشاً لأحد. وقد تَتَبَّعَ الباحثُ الفتاوى المتعلقة بهذه المسألة عبر القرون، وعَرَضَهَا، ثم حَلَّلَهَا وفق محددات علمية، تشمل: المفتي، وزمانه، ومذهبه، وطبيعة السؤال، والحكم، والأدلة، والآثار المترتبة على الفتوى. خلص البحث إلى أن جمهور العلماء من المذاهب الأربعة والظاهرية ذهبوا إلى عدم إلحاق ولد الزنا بالزاني، حتى لو استلحقه مع عدم وجود فراش، مستدلين بحديث «الولد للفراش، وللعاهر الحجر»، بينما ذهب بعض العلماء إلى القول بالإلحاق، مستدلين بعمل الصحابي عمر بن الخطاب -رضي الله عنه- وأنّ النصوص الشرعية لا تعارضه في هذه الحالة. وقد رَجَّحَ الباحث، بعد دراسة الأدلة والمقارنة بينها، القول بثبوت نَسَبِ الولد إذا استلحقه الزاني، راعياً تحقيق مصلحة حِفْظِ نَسَبِ الولد.

كلمات مفتاحية: الاستلحاق، نسب ولد الزنا، الولد للفراش، تحليل الفتاوى.

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Paternity Acknowledgment (istilhāq) in Islamic Jurisprudence

ABSTRACT

This research addresses the issue of paternity acknowledgment (*istilhāq*) in Islamic jurisprudence, referring specifically to the attribution of a child born from fornication to the biological father when the mother is not married. The author traced fatwas (Islamic legal opinions) issued over the centuries regarding this matter, presented and analyzed them according to specific scholarly criteria, including the identity of the mufti (jurist), his era, his school of thought, the nature of the question, the legal ruling issued, the evidences cited, and the consequences of the fatwa. The study concludes that the majority of scholars agreed that a child born from fornication cannot be attributed to the biological father, even if he acknowledges and claims the child. They supported their position with the prophetic tradition: “The child belongs to the marriage bed, and the adulterer gets nothing.” Conversely, some scholars held the view that the child can indeed be attributed to the biological father, basing their argument on the precedent set by the companion ‘Umar ibn al-Khaṭṭāb, asserting that there is no contradiction with the prophetic texts in this context. After carefully examining and comparing the evidences, the researcher leans toward the opinion that the child’s lineage should be established if the biological father claims him, emphasizing the importance of preserving the child’s lineage and rights.

Keywords: Istilhāq (paternity acknowledgment), child born from fornication, the child belongs to the marriage bed, fatwa analysis

1. مقدمة

إن علماء المسلمين قديماً وحديثاً اختلفوا في حكم الاستلحاق، وصورة هذه المسألة هي: عندما يزني رجل بامرأة، أو يقيم معها علاقة غير شرعية، ثم تأتي منه بولد، فيدعيه الزاني ويستلحق الولد، وتصدق المرأة، فهل يُنسب إليه الولد، أم لا؟
والمقصود من هذه الورقة البحثية هو تتبع فتاوى العلماء الواردة في هذه المسألة عبر القرون، وجمعها، ثم تحليلها، معتمداً في هذا التتبع على محددات معينة. وقد قسمت الورقة إلى مقدمة، ومبحثين، وخاتمة:

- فتشتمل المقدمة على التقديم للموضوع، والمحددات المعتمدة لتحليل الفتاوى.
- المبحث الأول: عرض الفتاوى في حكم الاستلحاق عبر القرون.
- المبحث الثاني: تحليل الفتاوى.
- خاتمة: تتضمن أهم النتائج.



1.1 المحددات المعتمدة لتحليل الفتاوى

اعتمدت في تحليل الفتاوى على المحددات الآتية:
المفتي: أتعرّض لاسمه، أو لقبه، وأهم أوصافه العلمية.
الزمان: أذكر القرن الذي عاش فيه.
المذهب: أتناول فيه المذهب الذي ينتمي إليه المفتي، أو كونه من أهل الاجتهاد، إن لم ينتم إلى أي مذهب.
طبيعة السؤال: أبين فيه كون السؤال صريحاً في المسألة، أم محتملاً.
الحكم الشرعي: أذكر الحكم الذي أفتي به المفتي.
الأدلة: إن ذكر المفتي دليلاً، سأبين كونه نقلياً، أم عقلياً، وإن لم يصرّح بالدليل، سأحاول استنباطه من كلامه، إن وجدت إلى ذلك سبيلاً.
الآثار المترتبة على الفتوى: أبين فيه الأثر المترتب على الفتوى، سواء ذكره المفتي في الفتوى، أم لم يذكره.

2. المبحث الأول: عرض الفتاوى في حكم الاستلحاق عبر القرون

1.2 القرن الثاني

وردَ في المدونة «في الرجل يُقرّ بالولد من زنا، قلت: أرايت لو أن رجلاً قال: زنيْتُ بهذه الأمة؛ فجاءت بهذا الولد وهو مني، فجلدته الحدّ مائة جلدة، ثم اشترى الأمة وولدها، أَيَبْتُ نَسْبَهُ منه وَيُعْتَقَ عليه في قول مالك، أم لا؟ قال: لا يَبْتُ نَسْبَهُ منه، ولا يُعْتَقَ عليه عند مالك». (الأصححي، 1994).
المفتي: مالك بن أنس الأصبحي المدني، إمام دار الهجرة والمذهب المالكي، فقيه محدث.
الزمان: القرن الثاني، توفي (179هـ).
المذهب: هو مجتهد، وإمام المذهب المالكي.
طبيعة السؤال: السؤال صريح وواضح في مَنْ يُقرّ بولدٍ من زنا بِأمة، حتّى وإن كان قد اشترى الأمة وولدها.
الحكم: أنه لا يثبت النسب بالزنا، ولو أقرّ الزاني بالولد.
الدليل: لم يذكر المفتي دليلاً، ولم يُشر إليه.
الآثار المترتبة على الفتوى: نفى النسب بينهما والإرث، والإعتاق عليه لو ملك الزاني الأمة المزني بها، أو ولدها.

2.2 القرن الثالث

«قال إسحاق بن منصور: قلت: رجل زنا بامرأة، ثم ادّعى ولدها، هل يلحق به الولد؟ قال إسحاق: الذي يُعتمد أن يكون: يُجلد الحدّ إذا أقرّ أنه زنا، وإذا استيقن أن الولد منه لما استوثق منها أن يقبل الولد، وليس ههنا خلافاً لقول النبي، صلى الله عليه وسلم: «الولدُ لِلْفَرَّاشِ، وَلِلْعَاهِرِ الْحَجَرُ»، (البخاري، 1993)؛ لأنه

لا فراش ههنا، وهو عاهر، وقد أُلْحَقَ عمرُ بِنُ الخطاب -رحمه الله- أولادَ الزنا الذين وُلدوا في الجاهلية بأبائهم في الإسلام في حديثٍ غاضرة بيان هذا أيضاً. ولقد قال هؤلاء في رَجُلٍ زنا بجاريةِ ابنه: إنَّه أتى حراماً، ولكنْ ضمن، أما ما اختلف فيه، فأروا إذا ولدت أن يُلْحَقَ الولدُ به، وقد أقرّوا أنه زنا، وكذلك المرأة يتزوجها رجل في عِدَّتْها فولدَتْ منه، رأوا أن يُقَبَّلَ، وكذلك بغير ولي، ونحو هذا كثير، وكلُّ هذا يقوِّي ما وصفنا في الزاني بالمرأة، فتلد منه وقد استوثق منها، وكذلك قال الحسن (الكوسج، 2002).

المفتي: إسحاق بن راهويه، إمام فقيه محدِّث، صاحب مذهب فقهي مندثر.

الزمان: القرن الثالث، توفي (238هـ).

المذهب: محدِّث فقيه، صاحب مذهب مندثر.

طبيعة السؤال: صريح في مَنْ ادَّعى ولداً من الزنى، هل يُلْحَقُ به؟

الحكم: أنَّ الولد يُلْحَقُ بالزاني الَّذي يدَّعيه، إذا استيقن أنَّ الولد منه.

الدليل: دليل نقلي: مفهوم مخالفة قوله -صلى الله عليه وسلم-: (الولد للفراش، وللعاهر الحجر)، ولا فراش في صورة هذه المسألة، وفعل عمر بن الخطاب، رضي الله عنه.

ودليلي عقلي: وهو قياس هذه الصورة على الزاني بجارية ولده، فالمخالفون يرونه زنا، ومع ذلك يُلْحَقون الولد به.

الآثار المترتبة على الفتوى: ثبوت النسب بين الولد من الزنى والزاني، وثبوت التوارث بينهما.

3.2 فتوى أخرى في هذا القرن

« قال إسحاق بن منصور: قلت: رجل زنا بامرأة، ثم ادَّعى ولدها. هل يُلْحَقُ به الولد؟ قال: لا يُلْحَقُ به، لأنَّ النبي -صلى الله عليه وسلم- قال: «الولد للفراش، وللعاهر الحجر» (الكوسج، 2002).

المفتي: أبو عبد الله أحمد بن حنبل، إمام المذهب الحنبلي، محدِّث فقيه.

الزمان: القرن الثالث، توفي (241هـ).

المذهب: مجتهد، إمام المذهب الحنبلي.

طبيعة السؤال: صريح في المسألة، نفس صيغة السؤال الذي قبله.

الحكم: لا يُلْحَقُ الولدُ من الزنى بالمستلحق المدَّعي.

الدليل: نقلي، «الولد للفراش، وللعاهر الحجر».

الآثار المترتبة على الفتوى: نفي النسب والتوارث بينهما.

4.2 القرن الثامن

«وسئل رحمه الله: عن رجل له جارية وله ولد: فزنى بالجارية. وهي تزني مع غيره، فجاءت بولد، ونسبته إلى ولده، فاستلحقه ورضي السيد. فهل يرث إذا مات مستلحقه؟ أم لا؟ فأجاب: إن كان الولد استلحقه في حياته وقال: هذا ابني؛ لحقه النسب وكان من أولاده إذا لم يكن له أبٌ يُعرَفُ غيره. وكذلك إن علم أن الجارية كانت ملكاً لابن فإن «الولد للفراش؛ وللعاهر الحجر»، (ابن تيمية، 2004).



المفتي: أبو العباس أحمد بن عبد الحلیم بن تیمیة، فقیهه، محدث، مجتهد.
الزمان: القرن الثامن، توفي (728هـ).

المذهب: حنبلي.

طبیعة السؤال: صریح فی مسألة استلحاق الولد من الزنى، وهل يرث الولد المستلحق؟
الحكم: يلحق الولد من الزنى إذا استلحقه الزاني ويرثه.

الدلیل: لم يذكر دليلاً، والحديث المذكور إنما استدلل به على فرض كون الجارية ملكاً لابن، أي: فراشاً له. وهذا لا خلاف فيه.

الأثار المترتبة على الفتوى: ثبوت النسب والتوارث بين الولد من الزنى والمستلحق.

5.2 القرن العاشر

سئل: عن نصرانية زنى بها مسلم؛ فأنت منه بولد. هل يحكم بإسلامه، أم لا؟

(فأجاب) بأن الولد غير منسوب إلى الزاني، لقوله صلى الله عليه وسلم: «والولد للفرّاش، وللعاهر الحَجْر» فهو محكوم بكونه نصرانياً تبعاً لأمه، فقد قالوا: لا يحكم بإسلام الطفل بالتبعية إلا بإحدى جهات ثلاث، الأولى: إسلام أحد أصوله، لأنه جزء من مسلم. قال بعضهم -وهذه علة صحيحة- إن كان الأب مسلماً، أو الأم، وقلنا الولد من مائهما، وإن قلنا بقول بعض العلماء إنه من الرجل فقط، فلا، وقال غيرهم: يؤخذ من قولهم أحد أصوله أنه لو زنى مسلم بكافرة؛ فأنت بولد منه؛ لا يحكم بإسلامه، لأنه ليس أصلاً له، ولأنه لو كان أنثى؛ لجاز وصح له نكاحها على مذهب الشافعي، وأما ما ذكره ابن حزم الظاهري من أنّ ولد الكافرة الحربية والذمية من زنا أو إكراه مسلم، ولا بد، لأنه وُلد على الإسلام، وليس له أبوان يخرجانه منه، فمردود بما ذكرناه، وبأن الولد المذكور كغيره من أطفال الكفار محكوم بكفرهم في الأحكام الدنيوية، والحديث المأخوذ منه ما ذكره من جملة أدلة القول الصحيح أن أطفال الكفار محكوم بإسلامهم في الأحكام الأخروية، وحينئذ فما ذكره رأي للظاهرية. وقد قال إمام الحرمين إن المحققين لا يقيمون للظاهرية وزناً، وإن خلافهم لا يُعتَبَر، الثانية: تبعية السابى، فإذا سبى المسلم طفلاً منفرداً عن أبويه؛ حُكِمَ بإسلامه، الثالثة: تبعية الدار، فإذا وُجد لقيط -وهو كل طفل ضائع، لا كافل له- في دار الإسلام، وفيها مسلم، أو في دار الكفر، وقد سكنها مسلم، يمكن أن يكون ولده حكم بإسلامه. (الرملي، د.ت).

المفتي: شهاب الدين أحمد بن حمزة الأنصاري الرملي، فقيه.

الزمان: القرن العاشر، توفي (957هـ).

المذهب: شافعي.

طبیعة السؤال: السؤال ليس صريحاً في مسألة؛ لأنه سئل عن نصرانية زنى بها مسلم، فوَلَدَتْ منه، هل يحكم بإسلام الولد؟ لكن في جوابه حكمٌ لمسألتنا؛ لأنّ جواب هذا السؤال مبني على حكم مسألة. وقد نقلتُ جواب الفتوى كاملاً مع طوله -رغم أنّ الجزء المتعلق بحكم مسألة في السطر الأول فقط- لغرض عند التحليل.

الحُكْم: لا يحكم بكون هذا الولد مسلماً؛ لأنه غير منسوب إلى أبيه. وهذه الجملة الأخيرة هي المتعلقة مباشرةً بحكم مسألة.

الدليل: نقلي، حديث «الولد للفراش، وللعاهر الحجر».

الآثار المترتبة على الفتوى: لا يثبت النسب بين الولد من الزنى والزاني، ولا توارث بينهما، ولا يُحكّم بإسلام الولد إذا كانت المزنيّ بها غير مسلمة؛ لأنّه يتبع أمّه في دينها، لعدم ثبوت النسب بينه وبين الزاني المسلم الذي يدّعيه.

6.2 القرن الرابع عشر

«السلام عليكم ورحمة الله وبركاته. وبعد.. فقد وصلنا كتابك، وفهمنا ما تضمنه من استرشادك عن قولنا في امرأة بكرٍ حملت بزنا من رجل بكرٍ، هل يلحق الولد بوالده؟ وهل يُزوَّج الرجل منها قبل العقد وبعد التوبة، إلى آخر ما ذكرت؟

ونفيدك بأنّ ولد الزنى لا يلحق، كما هو ظاهر أقوال أهل العلم، ولا يجوز للزاني ولا لغيره الزواج من الزانية، إلا بعد توبتها وانقضاء عدتها. وهناك قول بعدم تحليلها للزاني بها بحال، وهو قول ابن مسعود، والبراء بن عازب، وعائشة، رضي الله عنهم، وقد يقوى هذا القول تبعاً لاجتهاد الحاكم، وانتشار الفساد.

وقد جاء في استفتائكم ما يلي: هل يلحق الولد بالوالد؟ ونبهكم إلى أن الولد المخلوق من ماء الزنا لا يُسمّى ولداً للزاني. وبالله التوفيق. والسلام عليكم. (آل الشيخ، 1399هـ).

المفتي: محمد بن إبراهيم بن عبد اللطيف آل الشيخ، فقيه مُفتٍ.

الزمان: القرن الرابع عشر، توفي (1389هـ).

المذهب: حنبلي.

طبيعة السؤال: السؤال في حُكْم نسبة الولد من الزنى إلى الزاني، وإن لم يكن فيه تصريح أنّ الزاني استلحق الولد وأدعاه.

الحكم: لا يلحق ولد الزنى إلى الزاني، ولا يُنسب إليه. ويُفهم من الجواب إطلاق الحكم، أي: سواء استلحقه الزاني، أم لم يستلحقه.

الدليل: لم يذكر دليلاً، بل اكتفى بذكر أنّ ذلك هو ظاهر أقوال أهل العلم.

الآثار المترتبة على الفتوى: لا يثبت النسب بين الولد من الزنى والزاني؛ وعليه، فلا توارث بينهما.

7.2 القرن الخامس عشر

«ما حكم ولد الزنا إذا اعترف والده، وليست أمّه متزوجة؟

الجواب: لا يثبت بالزنا نسب الولد للزاني؛ لقول النبي صلى الله عليه وسلم: «الولد للفراش، وللعاهر الحجر» ويجوز للزاني أن يتزوج الزانية بعد انقضاء العدة والتوبة النصوح». (اللجنة الدائمة للبحوث العلمية والإفتاء).

المفتي: فتوى جماعية: اللجنة الدائمة للبحوث العلمية والإفتاء.

الزمان: القرن الخامس عشر.

طبيعة السؤال: السؤال صريح في حكم إلحاق ولد الزنى إذا اعترف به الزاني، وليست أمّه متزوجة.

الحكم: لا يثبت نسب الولد للزاني.



الدليل: حديث «الولد للفراش، وللعاهر الحجر»، دليلي نقلي.
الآثار المترتبة على الفتوى: لا يُنسب ولد الزنى إلى الزاني، ولو استلحقه، ويترتب على ذلك عدم التوارث بينهما.

3. المبحث الثاني: تحليل الفتاوى

سأقوم بتحليل الفتاوى المذكورة، معتمداً على بعض المحددات التي يترتب عليها أثر مهم:

طبيعة السؤال:

يمكن القول إن السؤال كان صريحاً في خمس من الفتاوى السبع المذكورة، حيث كان السؤال فيها حُكْم نسبة الولد من الزنى إذا استلحقه الزاني، أو اعترف به، أو ادّعه، بينما كان السؤال في الواحدة من السبع مطلقاً، أي: السؤال عن حُكْم الإلحاق، دون التصريح فيه بأنّ الزاني استلحق الولد. وفتوى واحدة كانت حول الحُكْم بإسلام الولد من الزنى إذا كانت أمه نصرانية والزاني مسلماً، لكنّ جوابها تَصَمَّن جواب مسألتنا. ونلاحظ فيما يتعلّق بشكل الفتوى ما يلي:

- أن ما يفوق نصف الفتاوى المذكورة كان الجواب فيها مختصراً، وهذا يمثل نهجَ مَنْ يرى أنّ على المفتي أن يختصر في جوابه، وألا يكون مدرّساً في الفتوى، بينما كان الجواب في الباقي، الذي هو أقلّ من نصف الفتاوى، مطوّلاً، وهذه النسبة الأقلّ تمثّل منهجَ مَنْ لا يرى الاختصار في الفتوى، كالقراضوي مثلاً، الذي يعبّر نفسه عند الإفتاء مفتياً ومدرباً وناصحاً.
- أن أكثر من نصف الفتاوى ذُكرت فيها حُجّة الفتوى، وهي نص واضح مختصر، «الولد للفراش، وللعاهر الحجر»، وليس هذا بمنكر في مثل هذه الحالة.
- تطوّر الفتوى من الفتوى الفردية إلى الفتوى الجماعية، كما يظهر في فتوى اللجنة الدائمة.

الحُكْم:

أكثر من ثلثي الفتاوى المذكورة تقول بأنّه لا يلحق ولد الزنى إلى الزاني المستلحق، في حين أنّ أقلّ من ثلثيها: اثنتين فقط، وهما فتوى إسحاق بن راهوية، وابن تيمية، تقولان بإلحاق الولد من الزنى إلى والده المستلحق.

وهذا ليس بغريب، أعني: كثرة القول بعدم الإلحاق، وقلة القول بالإلحاق. فإنّ القول بأنّه لا يلحق ولد الزنى بالزاني، حتى لو اعترف به واستلحقه، هو قول المذاهب الأربعة: الحنفية (الكاساني، 1328هـ)، والمالكية (الأصبحي، 1994)، والشافعية (الماوردي، 1999)، والحنابلة (ابن قدامة المقدسي، 1997). وهو قول الظاهرية (ابن حزم، د.ت). أما القول بإلحاق ولد الزنى بأبيه المستلحق، الذي عليه فتوى ابن راهوية، وابن تيمية، فهو وإن لم يذهب إليه أيّ مذهب من المذاهب الأربعة، إلاّ أنّه قول بعض علماء المسلمين قديماً وحديثاً، فهو فعّل عمر بن الخطاب (الموطأ، 1985)، وقول الحسن البصري، وابن سيرين، وذُكر

عن عروة بن الزبير، وسليمان بن يسار، ورؤي عن أبي حنيفة (ابن قدامة المقدسي، 1997)، والمختار عند ابن القيم (ابن القيم، 1440هـ)، وذهب إليه من المعاصرين محمد رشيد رضا (رشيد رضا، 1990)، ومحمد بن صالح العثيمين (العثيمين، 1442هـ).

كما يُلاحظ من المعلومات السابقة أنّ أكثرَ القائلين بالإلحاق من أهل القرون الثلاثة الأولى، وقُلّ العددُ بعد ذلك، ففي القرن الثامن نجد ابن تيمية وابن القيم، ومن المعاصرين نجد محمد رشيد رضا، وابن العثيمين، حسب ما وقفت عليه، ويحتَمَل وجود غيرهما في هذا العصر. فالخلاصة أنّ النسبة الكثيرة القائلة بعدم الإلحاق في الفتاوى السابقة تمثل ما عليه الجمهور: المذاهب الأربعة والظاهرية، والنسبة القليلة منها (فتوى ابن راهويه وابن تيمية) تمثّل مذهب بعض العلماء، وأنّ أكثرَ القائلين بالإلحاق حسب ما وقفتُ عليه من أهل القرون الثلاثة الأولى.

الدليل:

دليل القائلين بعدم الإلحاق في هذه الفتاوى دليل واحد، هو «الولد للفراش، وللعاهر الحَجَر». ويُلاحظ أنّ هذا النص، وإن ورد في حال النزاع، فيكون الحكمُ أنّ الولد للفراش، ولا شيء للزّاني، إلاّ أنهم استدلوا به كذلك في غير النزاع حين لا تكون المرأة فراشاً، ويكون هناك مستلحق. أدلّة القائلين بالإلحاق في الفتاوى السابقة هي:

- تأويل حديث «الولد للفراش، وللعاهر الحَجَر» على أنّه ورد في صورةٍ تكون المرأة فيها فراشاً، أمّا هنا، فلا فراش، وعليه يُلحق الولد.
- فعَل عمر بن الخطاب (رضي الله عنه)، أي: مذهب الصحابي. فقد كان يُليط، أي: يُنسب أولاد الجاهلية إلى مَنْ ادّعاهم في الإسلام.
- قياس هذه الصورة على زواج المرأة بغير وليّ، أو في عدّتها، فالولد يُلحق إلى الواطئ فيهما، وكذلك في الصورة الأولى.

مقارنة الأدلّة:

القائلون بعدم الإلحاق استدلوا بحديث «الولد للفراش، وللعاهر الحَجَر». ويُلاحظ أنّ هذا النص، وإن ورد في حال النزاع، فيكون الولد للفراش، ولا شيء للزّاني، إلاّ أنهم استدلوا به كذلك في غير النزاع حين لا تكون المرأة فراشاً، ويكون هناك مستلحق. وبين الصورتين فرق، فالحقيقة أنّ النص لا ينطبق على صورة مسألتنا؛ لأنّه لا فراش هنا، كما ذكره ابن راهويه في فتواه؛ وعليه ففِي الاستدلال به نظر.

فإن قيل: العبرة بعموم اللفظ، لا بخصوص السبب، فالجواب: نعم، هذا صحيح، لكن صورة السبب تتحقّق عند التنازع بين صاحب فراش وغيره، وهنا لا فراش، ولا تنازُع.

أمّا القائلون بالإلحاق، فذكروا أنّ قولهم لا يخالف النص؛ لأنّه ورد في حال النزاع حين تكون المرأة فراشاً، ولا فراش هنا كما سبق، وهذا صحيح، واستدلوا كذلك بمذهب عمر بن الخطاب (رضي الله عنه).



قلتُ: ولم أر خلال البحث أنّ العلماء ذكروا له مخالفاً من الصحابة، ولا يُتصوّر أنّ مثل هذا لم يشتهر، وفيه حجة لمن يحتجّ بمذهب الصحابي.

أما قياس هذه المسألة على زواج المرأة في عدتها، أو بغير وليّ، ففيه نظر؛ لأنّ هذا نكاح فاسد عند من يشترط الولاية، وهو يختلف عن الزنا.

والمختار بعد مقارنة هذه الأدلة الواردة في الفتاوى هو إلحاق الولد من الزنى إذا استلحقه الزاني؛ لأن النص ورد في صورة التنازع، ولا نزاع هنا ولا فراش، وأنّ في الإلحاق حفظ نسب الولد، وحفظ حقوقه المترتبة عليه، وفي عدم الإلحاق تفويت لهذه المصالح والحقوق، وأنّ الإلحاق هو فعل الصحابي عمر بن الخطاب (رضي الله عنه)، فيحتجّ به لمن يرى حجية مذهب الصحابي، أو يستأنس به لمن لا يرى الحجية في قول الصحابي، والله أعلم.

الآثار المترتبة على الفتوى:

بخصوص ما يتعلق بالقول بعدم الإلحاق، فلا ينسب الولد إلى الزاني، ولا يثبت التوارث بينهما، ولا تثبت له أحكام النسب. ففيه تفويت لحفظ نسبه، وكلّ ما يترتب على النسب. أما بخصوص القول بالإلحاق، فينسب إلى الزاني، ويترتب على ذلك حفظ كلّ ما يترتب على النسب.

4. خاتمة

من خلال تحليل الفتاوى السابقة في حكم الاستلحاق، وذكّر أقوال العلماء فيه، تبيّنت أمور، أهمها ما يلي:

- أنّ الجواب في أكثر الفتاوى المذكورة كان مختصراً، وهذا يؤكّد منهج من يرى أنّ على المفتي أن يختصر في جوابه، بينما كان الجواب في النسبة القليلة منها مطوّلاً، وهذا يمثل منهج من يرى الإطالة فيها، وأنه لا مانع من أن يكون المفتي مدرّساً.
 - الحكم في أكثر الفتاوى أنّه لا يجوز نسبة الولد إلى الزاني، حتى لو استلحقه، بينما نجد في اثنتين منها ثبوت النسب عند الاستلحاق. وهذا يعكس الواقع، فالأول مذهب الجمهور، والثاني مذهب بعض العلماء.
 - أنّ في بعض الفتاوى ذكر حجة الفتوى حين كانت نصّاً واضحاً مختصراً، وهذا يؤكّد منهج من يرى أنّ هذا مستحسن.
 - أنّ القول المختار هو ثبوت نسب الولد إلى الزاني إذا استلحقه، وأنه يترتب على ذلك ثبوت أحكام النسب بينهما، والله أعلم.
- والحمد لله رب العالمين، والصلاة والسلام على سيّد المرسلين، وعلى آله وصحبه أجمعين.

نجوغو امبوج طالب في الدراسات العليا في برنامج الماجستير في الفقه والمجتمع (دفعة 2025)، في كلية الدراسات الإسلامية في جامعة حمد بن خليفة، وهو في الفصل الأخير من مرحلة الماجستير. مهتم بالفقه وأصوله، وتَنصَّبُ اهتماماته البحثية على الموضوعات الفقهية المتعلقة بالقضايا الاجتماعية، كالعلاقة المالية بين الزوجين، وتطبيقات العُرف في مسائل الأحوال الشخصية.
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RESEARCH ARTICLE

From *Kasb* to *Ikhtiyār*: Understanding Asharite and Maturidite Theories on Human Actions

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ABSTRACT

Islamic theology, a realm of intellectual richness and contemplation, serves as a testament to the diverse tapestry of critical thoughts that has indeed shaped the Muslim intellectual tradition throughout history. It was characterized by fervent debates on potential theological issues like divine attributes, prophecy, and the createdness of the Qur'ān. Among these, the debate over the coexistence of predestination (*qadr*) and free will by upholding the sovereignty of God and accountability of humans simultaneously has been a subject of contemplation among Muslims, dating back to the early stages of Islam. In the Qur'ān, we can see verses unequivocally establishing the omnipotence and supreme sovereignty of God on the one hand, and there exist verses that assert the human autonomy and accountability for their actions on the other. Classical *kalām* debates grapple with this

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apparent paradox, and this theological conundrum has played a significant role in the genesis of various theological schisms and schools within the broader Muslim intellectual tradition, especially during the formative periods of Islam. Nevertheless, as Mustafa Shah (2006) outlines, the divergence of opinions regarding the issue of predestination hinges upon the question of the true creator of human actions. This article does not aim at a comprehensive treatment of the problem or reconciling it; rather, it examines the nuanced exploration of the perspectives on the issue by Ash'arī and Māturīdī theologians, unravelling the intricacies that distinguished their theological thoughts.

Keywords: *Kasb*, *ikhṭiyār*, human actions, Asharites, Maturidites

1. INTRODUCTION

Islamic theology, a realm of intellectual richness and contemplation, serves as a testament to the diverse tapestry of critical thoughts that has indeed shaped the Muslim intellectual tradition throughout history. It was characterized by fervent debates on various potential issues like divine attributes, prophecy, and the createdness of the Qur'ān. Among these, the debate surrounding the coexistence of predestination (*qadr*) and free will by upholding the sovereignty of God and accountability of humans simultaneously was a topic of contemplation among Muslims, dating back to the early stages of Islam. In the Qur'ān, we can see verses unequivocally establishing the omnipotence and supreme sovereignty of God such as, "Truly We have created everything according to measure" (54:49). It further states, "Surely it is all written in a record. That is certainly easy for Allah" (22:70). Conversely, there exist verses that assert the autonomy of human actions and accountability, as seen in "Each soul is responsible for its own actions" (6:164). Classical *kalām* debates grapple with this apparent paradox, and this theological conundrum has played a significant role in the genesis of various theological schisms and schools within the broader Muslim intellectual tradition, especially during the formative periods of Islam (Shah, 2006). Those opposed to the doctrine of predestination were referred to as *Qadarīyya*, namely proponents of free will, whereas those who adhered to a strict interpretation of predestination were referred to as *Jabrīyya*, who argued that God alone is the True Creator of all the acts of man (Shah, 2006). Jabrites believe that everything is determined solely by God and that humans have no real agency in their actions, whereas Qadarites deny the role of God in humans' actions and attribute all actions, including will, cause, and execution, solely to humans. This was considered as elevating human status to a divine level, which was unacceptable (Rudolph, 2015).

The Mu'tazilites gained recognition for employing a rational approach to Islamic tenets, and they staunchly rejected the idea of predestination because placing God as the author of man's actions would undermine God's divine justice (Shah, 2006). The Mu'tazilites' rationale behind adopting this stance was apparent, where they strived to uphold divine justice by dissociating God from human actions. To uphold the absolute justice of God, the Mu'tazilites introduced the concept of *al-aṣḥāḥ* (most beneficial), the belief that God always acts in the best interest of every human being (Cerić, 1995). In

other words, God is just, and hence, there cannot be injustice or evil emanating from the Divine. They contended that it would be unjust for God to predetermine human actions and then subsequently punish or reward them based on those predetermined actions. Thus, the Mu'tazilites went on to assert that God has no control over human acts, encroaching upon the orthodox doctrine of the omnipotence of an all-encompassing God (Shah, 2006). Nevertheless, as Shah (2006) outlines, the divergence of opinions regarding the issue of predestination hinged upon the question of the true creator of human actions (p. 639). The disagreements raised on the question whether God bestowed individuals with an inherent capacity and volition to their own to act or not, deserving subsequent rewards or punishments accordingly (Shah, 2006). This article does not aim at a comprehensive treatment of the problem or reconciling it; rather, it examines the nuanced exploration of the perspectives on the issue by Ash'arī and Māturīdī theologians, unravelling the intricacies that distinguished their theological thoughts. The article outlines the positions starting with al-Ash'arī (d. 324/935), al-Bāqillānī (d. 403/1013), and Fakhr al-Dīn al-Rāzī (d. 606/1209). It then examines the positions of al-Māturīdī (d. 333/934) and Najm al-Dīn al-Nasafī (d. 537/1142), followed by analyzing Sa'd al-Dīn al-Taftāzānī's (d. 792/1390) commentary on *al-'Aqā'id al-Nasafiyya*.

2. ASHARITES

2.1 Abū'l-Ḥasan al-Ash'arī

Abū'l-Ḥasan al-Ash'arī was initially known for his affiliation with the Mu'tazilites, and he was a disciple of one of their leading luminaries, Abū 'Alī al-Jubbā'ī (d. 303/915; Shah, 2007). Yet at some juncture of his life, al-Ash'arī denounced Mu'tazilism and dedicated significant intellectual efforts to refute their theological doctrines. He asserted that God's absolute power knows no bounds and encompasses every creation and event in the world. Contrary to Mu'tazilites, the weighing of divine omnipotence led him to the argument that there is no creator (*khāliq*) and no agent (*fā'il*) other than God (Thiele, 2016). Rather, human actions are directly brought into being by God followed by a habitual order (*'āda*), which is maintained by God himself (Shihadeh, 2006). To advocate absolute determinism while upholding religious obligation, al-Ash'arī developed the doctrine of acquisition (*kasb*), thereby bridging the gap that appeared between man and his acts (Shihadeh, 2006). The doctrine of *kasb* implies that God grants existence to an act or motion, but the transition of that act into an actual performance takes place once it is "acquired" by the human agent (Adamson & Benevich, 2023). However, al-Ash'arī was not the first one to develop the notion of *kasb* in describing the theological context of analyzing human acts. The term had been in circulation long before al-Ash'arī himself to imply an act for which human beings were entirely responsible (Frank, 2016). The technical vocabulary of *kasb* was built on the ideas of earlier thinkers, mainly by Ḍirār b. 'Amr (d. 200/815) and later utilized by al-Ḥusayn b. Muḥammad al-Najjār (d. 220/835) and Ibn Kullāb (d. 240/854; Thiele, 2016).

Ḍirār formulated that all human actions are brought into the realm by God himself, and humans' role is limited to "acquiring" them. In other words, every human act has two

agents, namely God who produces the act and man who “acquires” it (Thiele, 2016). This concept of double agency served as an imperative tool in addressing several issues in causality, granting natural events to be analyzed as real events while upholding God’s position as the ultimate agent (Bennett, 2020). Al-Ash‘arī, in his *Maqālāt al-Islāmiyyīn* commenting on Dirār’s formulations, states:

The ground of separation of Dirār b. ‘Amr from Mu‘tazila was his view that the acts of men created, and that one act comes from two agents (*fā‘ilān*), one of who creates it, namely God, while the other acquires it (*iktasaba*) namely man; and that God is the agent of the acts of men in reality and that men are the agents of them in reality. (Watt, 1948, pp. 104–105)

The point of contention for al-Ash‘arī with Dirār was his claim that the man is the agent of himself in reality. Rather, for al-Ash‘arī, God creates the acquisition of man, and man acquires his action by virtue of possessing the power (*qudra*) that relates to it. For al-Ash‘arī, “the true meaning of acquisition is that the things proceed from its acquirer in virtue of a created power” (McCarthy, 1953, p. 60). Al-Ash‘arī further maintained that the capacity to act exists simultaneously with the act by stating that:

He (man) cannot acquire the act if there be no capacity; it is certain that the acquisition exists only because the capacity exists. And this is equivalently an affirmation that the capacity exists with the act and for the acts. (McCarthy, 1953, p. 79)

According to al-Ash‘arī, when a human agent disbelieves or lies, it does not entail that the agent has brought into existence the very nature and reality of unbelief and lying; rather, its essential nature is determined by God (Frank, 2016). Al-Ash‘arī further differentiates between acquired acts and necessary acts, such as shivering from fever and trembling. The necessary act is defined as “which the thing is constrained, compelled and forced and from which it can find no way to get free or to escape” (Thiele, 2016, p. 255). Al-Ash‘arī posited that human beings are responsible for the “acquired acts” and not the “necessary” acts. Nonetheless, if God is the ultimate creator of an action, how can humans be held accountable for such actions when they are not the originator of those acts? Thiele (2016) points out that al-Ash‘arī does not provide a direct answer to this question (p. 255). Subsequently, we could see a clear departure from this position by the later Ash‘arī theologians, who delved deeper into analyzing human actions. For instance, al-Juwaynī (d. 478/1085) considered the doctrine of *kasb* as “a mere word, without reference to any meaning” and argued that human act is produced by the agent’s power alone, provided to him by God (Shihadeh, 2006, pp. 39–40).

2.2 Al-Bāqillānī

Abū Bakr al-Bāqillānī was one of the significant scholars in his era who made a substantial contribution to the consolidation of the school’s theological teachings. He addresses the issue mainly in his earlier works, such as *Kitāb al-Tamhīd* and, later, his magnum opus in

theology, *Hidāyat al-Mustarshidīn*. Al-Bāqillānī defines the notion of acquisition (*kasb*) as the act performed by an agent who holds power (*qudra*) in acquiring that act (Thiele, 2016, p. 258). For al-Bāqillānī, the concept of power stipulates that an agent should possess the appropriate capacity for that specific act to come into existence. This state (*hāl*) of being powerful (*kawnihi qādir*) is interconnected when an act is brought into existence. Al-Shahrastānī (d. 548/1153), in his *Nihāyat al-Aqdām*, explains al-Bāqillānī's concept of act as states (*ahwāl*), emphasizing that this state serves as the link between a human agent and the acquisition of the act. Moreover, when a command (*amr*) is in place and the human agent acts in accordance with that command, it is known as service and obedience (Adamson & Benevich, 2023). In contrast, if an act comes into existence contrary to that command, it is deemed sin and disobedience. It is within this framework that the concept of obligation (*mukallaf*), as well as the principles of punishment and reward, are established.

Furthermore, al-Bāqillānī asserted that the concept of *kasb* is rooted in human will (*'irāda*) itself. In other words, to counter the objection that the acquisition of an act of will requires another act of will, leading to an infinite regress, al-Bāqillānī argued that the will itself is an acquired act. Humans' failure to exercise their will at a given moment is nothing more than a lack of power (Thiele, 2016). Much like al-Ash'arī, al-Bāqillānī also held the view that an agent possesses the power (*qudra*) to act at the very moment of that particular act.

The Mu'tazilites asserted that humans are fully held accountable for their own actions since these acts originate from themselves. Eventually, they raised the objection: How can humans be blamed or praised for acts if they are not the creators of those actions? Al-Bāqillānī's response to this dilemma posits that human acts possess an attribute based on man's created power (*qudra*), and it is to this attribute that God's commands, prohibitions, punishments, and rewards apply (Thiele, 2016). For al-Bāqillānī, he asserts that a moral responsibility and assessment are intrinsic to human actions, yet the very existence of acts created by God does not imply that humans are morally responsible for their existence. In essence, while God is the ultimate creator of all acts, humans act intentionally by virtue of their "power" of acquiring (*kasb*), which is determined by their own volition, even though they do not create the acts themselves. Consequently, humans are neither to be blamed or praised for the existence of actions but are held accountable for their acquisition (*kasb*) of actions on account of their own power (*qudra*; Thiele, 2016).

2.3 Al-Rāzī

Al-Rāzī was a traditional Ash'arī, as his first teacher in both *kalām* and *fiqh* was Diyā' al-Dīn (d. 559/1164), a prominent Shāfi'ī and Ash'arī scholar known as the "preacher of Rayy" due to his widely attended sermons (Shihadeh, 2006). His early works adhered to classical Ash'arī style but later embraced a shift by integrating the Aristotelian philosophy into speculative theology (*kalām*) while still maintaining alignment with traditional Ash'arīsm (Griffel, 2020). Al-Rāzī was never reluctant to engage with philosophical works and quoted them extensively where relevant in his works. Simultaneously, he incorporated the *kalām* technique of exhaustive investigation and systematic disjunction

into his philosophical discourse. Shihadeh (2006) observes that al-Rāzī's discussions on human actions can be found in several of his works, including *Al-Arba'īn fī Uṣūl al-Dīn*, *Ma'ālim Uṣūl al-Dīn*, *Mafātīḥ al-Ghayb*, and *Al-Matālib al-ʿĀliya min al-ʿIlm al-Ilāhī* (p. 17). In his early works, al-Rāzī adhered to the classical Ashʿarī doctrine of acquisition, aimed at establishing a connection (*taʿalluq*) between the power (*qudra*) of the human agent and his act (*fiʿl*) to affirm moral responsibility and obligation. Al-Rāzī identifies four main positions in the theories of action, as outlined below (Shihadeh, 2006, pp. 15–16):

- Action is brought into being by divine power only. He mentions al-Ashʿarī, al-Bāqillānī, and Ibn Fūrak (d. 404/1015) as the proponents of this view.
- Action is produced by a combination of divine power and human power. He quotes Abū Ishāq al-Isfrāʾīnī (d. 418/1027), who asserts that human power may be affected with assistance (*muʿīn*) in the action, which then combines with the divine action.
- Action is produced when human power (*qudra*) and motivation (*daʿī*) are combined in the agent. He mentions philosophers as the proponents of this view.
- Humans act with autonomy (*istiqlāl*) and choice (*ikhtiyār*) that is deduced through reflection (*naẓar*) or inference (*istidlāl*). He mentions most Muʿtazilites as the proponents of this view.

Of the above classification, al-Rāzī accepts the third position—that an action is produced when human power (*qudra*) and motivation (*daʿī*) are combined. This combination results in the emergence of a “complete cause” (*muʿaththir tāmm*) that produces the effect at the same instant. As for human power (*qudra*), al-Rāzī adhered to the Ashʿarī path in his early stages. This was self-evident in his *Uṣūl al-Dīn*, where he maintains that human power or capability (*istitāʿa*) is an accident that exists within the human body. However, in his later works, such as *Maʿālim*, al-Rāzī rejects this Ashʿarī notion and implies that human power is the fitness of the physical organs and the balance of the humors, both of which directly influence the ability to perform or refrain from an action (Shihadeh, 2006).

Al-Rāzī maintains the view that power is linked to producing one single act, with both capability and action occurring simultaneously. As for the motivation (*daʿī*), al-Rāzī defines it as the presence of three types of cognitive states in the human agent. This includes knowledge (*ʿilm*), belief (*iʿtiqād*), or presumption (*ẓann*) that human agents perceive a preponderant advantage (*maṣlaḥa rājiḥa*) in carrying out a particular act (Shihadeh, 2006). This accommodates in the agent's heart a decisive inclination (*mayl al-jāzim*) toward performing that act. Conversely, if a particular act presents a preponderant disadvantage (*mafsada*), it leads the agent to a decisive aversion (*naḥra*) against executing that act. According to al-Rāzī, the agent's mind calculates the advantages and disadvantages of an act before performing it. If the agent finds an act to be advantageous, he will be compellingly motivated (*muljaʿ*)¹ to perform it and perform it by necessity.

1 Ayman Shihadeh notes that the term *muljaʿ* employed by al-Rāzī originates from the usage by Muʿtazilites, where al-Jubbāʿī used it to indicate an intentional act which agent perceives himself to force to choose. See Shihadeh (2006, p. 24).

In explaining the cognitive state of knowledge, al-Rāzī asserts that knowledge is a stronger motive than belief itself, as the latter is susceptible to doubt. Al-Rāzī in his *Matālib* states:

The act of being beneficial and good is never a cause for the agent's performance thereof. Rather what effects agency (*fā'iliyya*) is the agent's knowledge that the act in question involves such goodness and benefit. (Shihadeh, 2006, p. 22)

The motives stemming from an agent's cognitive states are determined by both internal and external factors which include (a) variations in the essences of human souls and temperance, (b) physiognomic variation, (c) habituation, (d) the exception of certain benefits and harms, and (e) theoretical training (Shihadeh, 2006, p. 31). For al-Rāzī, all motives are instilled in the agent's heart by God himself, including those that prompt the agent to alter other motives within himself. In *Kitāb al-Jabr*, he states that "all the knowledge and ignorance that occur in people's hearts and minds are from God and are brought into being by God" (Shihadeh, 2006, p. 32). According to al-Rāzī, seeking benefit, pleasure (*ladhdha*) or joy (*surūr*), and abstaining from harm, pain, or grief (*ghamm*) are the fundamental instincts that outline all humans' motivation (Shihadeh, 2006). As for the harm, it can be classified into three main types: (a) real harm with immediate experience of pain, (b) the negation of benefit, and (c) the negation of what prevents harm (Shihadeh, 2006, p. 23). Similarly, benefits are classified into three types: (a) real benefit with immediate experience of pleasure, (b) the prevention of harm, and (c) the prevention of what impedes the benefit (Shihadeh, 2006, p. 23).

After establishing that the combination of motivation and power is what ultimately dictates an action, al-Rāzī maintains that both stages are deterministic and hence all human action in general is determined. He explains this conclusion by stating that:

Man finds in himself that unless he wants to act, he will not be able to act, and unless he wills to abstain, he will not be able to abstain. That will is not due to another will, for otherwise, this would entail infinite regress. It is thus certain that those will go back to a necessary will that occurs in the heart without will. (Shihadeh, 2006, p. 30)

So according to al-Rāzī, that necessary will, which serves as a precedence to the act in both cases, is from a decisive will that occurs in the heart without will, which is from God. Al-Rāzī summarizes his position in *Kitāb al-Jabr* by stating that the combination of power and motivation affects (*mu'aththir*) the act, and the creator of this combination is God, the Exalted. He further states that "since this combination necessitates the occurrence of these acts, it becomes true that all is by God's decree and determination" (Shihadeh, 2006, p. 41). For al-Rāzī, rejecting determinism and affirming free human will would result in a more severe consequence, mainly the refusal of the Creator's existence. So, he concludes that while the human is a voluntary agent in the sense of acting with awareness, he is nonetheless compelled in his choosing (*muḍṭarr fi ikhtiyārih*) and affirms determination by stating that "there is nothing in existence but determination" (*mā fi l-wujūd illā l-jabr*;

Shihadeh, 2006, p. 37). However, al-Rāzī's approach towards the issue, where he took a firm attempt to synthesize primary philosophical (*falsafī*) argument and *kalām*, was criticized by Ibn Taymiyya (d. 728/1328), who explicitly states that:

Whenever al-Rāzī and his follower's debate with Mu'tazilīs on matters of destiny, they hold on that an agent can preponderate only by a complete preponderator. Whenever they debate with *falāsifa*, they follow the route of Mu'tazilīs and Jahmīs in saying that an agent may preponderate over the other without a preponderator. (Shihadeh, 2006, p. 36)

Even though al-Rāzī was considered as upholding a deterministic position, he admits in one of his later work *Mafātīḥ al-Ghayb* the fact that the question of human destiny and free choice does not bear a conclusive solution by stating that "there is a mystery (*sirr*) in this issue, that providing the existence of God compels one to uphold determinism (*jabr*) while proving prophecy compels one to uphold human autonomy (*qudra*)" (Shihadeh, 2006, p. 38).

3. MATURIDITES

3.1 Abū Manṣūr al-Māturīdī

Abū Manṣūr al-Māturīdī hailed from a village outside of Samarqand, known as Māturīd, and played a significant role in shaping the Ḥanafī theological tradition in the region, although a doctrinal school attributed to him did not occur until several generations later (Correa, 2022). Al-Māturīdī was a disciple of Abū Naṣr al-'Iyāḍī (d. 275/888), affiliating himself with the institutional lineage of the Ḥanafī learning circle, which traces its origins to Abū Sulymān al-Juzjānī (d. 200/816; Dorroll, 2022ab). His disciple Abū'l-Mu'īn al-Nasafī (d. 508/1114) even bestowed al-Māturīdī with the honorific title of "the most knowledgeable person on the views of Abū Ḥanīfa" (*a 'raf al-nās bi madhāhib abī Ḥanīfa*; Rudolph, 2015, p. 5). Furthermore, Tāj al-Dīn al-Subkī (d. 771/1370) characterized the doctrine of Māturīdī as the doctrine of *aṣḥāb abī Ḥanīfa* (Rudolph, 2015). Al-Māturīdī was a part of an intellectual center in Samarqand that gained recognition for its theological rationalism and engaged in conflicts with theological circles attributed to the *ahl al-ḥadīth* (Dorroll, 2022b). Despite being a devoted Ḥanafī adherent, al-Māturīdī further possessed an independent stance in theological matters. His extensive theological work *Kitāb al-Tawḥīd*² mentions Abū Ḥanīfah's name only four times, indicating that he utilized the school's thought but was capable of applying it to the demanding problems of his day on his own (Ceric, 1995).

With regard to human actions, al-Māturīdī advocated for a balanced stance between

2 Daniel Gimaret in his *Theories de l'Acte Humain en Theologie Musulmane* after making a comparison between *Kitāb al-Tawḥīd* and Abū'l-Mu'īn al-Nasafī's *Tabṣirat al-adilla fī uṣūl al-dīn* further affirms that fact *Kitāb al-Tawḥīd* was indeed al-Māturīdī's works. See Ceric (1995, p. 50). Al-Māturīdī's *Kitāb al-Tawḥīd* documents his debates with leading Mu'tazilī theologian Abū l Qāsim al-Balkhī/al-Ka'bī (d. 319/931). See Omari (2022, p. 179).

the two opposing extremes of Jabrites and Qadarites. Al-Māturīdī, in his *Kitāb al-Tawhīd*, states that “the correct approach to this problem is that of the middle way between these two views” (*al-madhhab al-mutawassit*; Ceric, 1995, p. 210).

According to al-Māturīdī, two forms of capacity (*istitā‘a*) serve as a prerequisite for every action. The first capacity is inherent and by nature, where humans possess soundness (*salāma*) and health (*ṣiḥḥa*) to the body and the intellect (Rudolph, 2015). The second form of capacity is granted to perform two contrary acts during the action itself (*ma‘a l-fi‘l*), enabling humans to choose between two opposing actions. It is at this point that al-Māturīdī introduces the terminological expression of choice (*ikhtiyār*), where it gained popularity and became a central theme in theological discourse (Rudolph, 2015). Al-Māturīdī, in his *Ta‘wilāt al-Qur‘ān*, states that “the performance of the act belongs to the servant and the realization of it belongs to God. From the servant comes the move to either choose to act good or evil, and from God comes the creation (*khalq*) [of the act]—this is what apprehends from the path of justice and fairness (*al-‘adl wa-l-ḥaqq*)” (Ozaykal, 2022, pp. 148–149). Like Abū l-Ḥasan al-Ash‘arī, al-Māturīdī asserted the omnipotence of God and that every act originates from God; however, he argued that God chooses to make the intelligibility of the acts accessible through human reasoning itself (Omari, 2022). For al-Māturīdī, God has bestowed human beings with the capacity of knowledge so that they can ascertain and choose good over evil on their own. In *Kitāb al-Tawhīd*, al-Māturīdī further states that “He [God] has made them[humans] capable of knowing and distinguishing the praiseworthy things (*maḥmūd*) from the blameworthy things (*madhmūm*)” (Dorroll, 2022a, pp. 192–193). So, the ability to choose (*ikhtiyār*) between good and evil is known through knowledge based on sensory perception (*‘iyān/hawāss*), reported knowledge (*sam‘/akhbār*), and speculation (*naẓar/‘aql*; Dorroll, 2022b). In contrast to the Asharites, al-Māturīdī was dealing with the issue of human actions from a different perspective, where he brings into the discussion the difference between human beings’ natural inclination (*mayl at-ṭabi‘a*) and reason (*‘aql*). Al-Māturīdī states that “human beings’ own nature becomes one of the enemies of their use of their own intellect in ascertaining the goodness and evilness of things” (Dorroll, 2022a, pp. 198–199). So, human beings’ nature changes from state to state, sometimes forcibly, whereas that is not the case with intellect. The goodness of things is ascertained by the intellect, which never perceives goodness as evil and emphasizes that “for that which the intellect ascertains to be good or evil and does not change from state to state” (Dorroll, 2022a, pp. 198–199). Al-Māturīdī further states that:

He [God] enjoins those people to adhere to that which the intellect shows them to be good; even if there is a repulsive from his own nature and to avoid (*ijtināb*) what is evil according to intellect; even when his own nature tends to accept it. (Dorroll, 2022a, pp. 198–199)

For al-Māturīdī, humans themselves are the authors of their actions within the limits of God’s will, in which the evil deeds will not happen with the contentment (*riḍa*) of God (Shah, 2006).. Furthermore, al-Māturīdī rejects the notion of Mu‘tazilites’ *al-aṣḥāḥ* (most

beneficial) on the ground that everything is from God, including evil, and it relies solely on God's absolute divine wisdom (*ḥikma*). Al-Māturīdī goes on to say, "God must be described with every and each action He creates by wisdom and justice or grace" (Ceric, 1995, p. 218). For al-Māturīdī, regardless of the nature of the acts, God is wise because He "puts everything in its place" (*wa d'u kulli shay'in mawḍi'ahu*; Rudolph, 2015, p. 299).

3.2 Najm al-Dīn Abū Ḥafṣ 'Umar al-Nasafī

Even though Najm al-Dīn Abū Ḥafṣ 'Umar al-Nasafī (d. 537/1142) did not mention al-Māturīdī nor his *Kitāb al-Tawḥīd* in his famous *al-'Aqā'id al-Nasafiyya*, it was an important creedal text that was written in the early classical period to summarize the Māturīdī school's theological imprints. Najm al-Dīn, in his work, extensively relied on his master Abū'l-Mu'īn al-Nasafī's *Tamhīd li-Qawā'id al-Tawḥīd*, which is widely recognized as the second-most influential text within the Māturīdī tradition after Māturīdī's seminal work *Kitāb al-Tawḥīd* (Alper, 2022). Al-Nasafī, by following al-Māturīdī's epistemological framework, outlines the sources of knowledge as sound senses (*al-ḥawāss al-salīma*), reported knowledge (*al-khabr al-sādiq*), and reason (*al-'aql*; Al-Nasafī, 2014). He then elucidates the conundrum surrounding the coexistence of human actions and predetermination by incorporating God's eternal will by stating that "Allah is the creator of all actions of His creatures including disbelief, belief, obedience and disobedience" (*wallāhu ta'alā khālīqu liaff'aal al-'ibād min-'l-kufr wa-l-imān, al-tā'a wa-l-iṣiyān*) and all these according to Nasafī is by Allah's will (*bi-'irādathihi*; Al-Nasafī, 2014, pp. 167–169). Then Al-Nasafī addresses the conundrum by stating that "His creatures possess an action of choice (*ikhtiyār*), based on which they are rewarded (*yuthābūna biha*) and punished (*yu'āqibūna 'alayhā*); and the goodness (*ḥasan*) in those actions is by the contentment (*riḍā'*) of God, while the badness (*qabīh*) in those actions is not by His contentment" (Al-Nasafī, 2014, pp. 167–169). Unlike the Mu'tazilites, al-Nasafī acknowledges that all human actions, regardless of their status, originate from the Divine. However, humans are granted the ability to choose among them, and it is by aligning their actions with divine contentment that they are rewarded or punished.

3.3 Sa'd al-Dīn al-Taftāzānī's (d. 792/1390) commentary on al-'Aqā'id al-Nasafiyya

Al-'Aqā'id al-Nasafiyya of Najm al-Dīn Abū Ḥafṣ 'Umar al-Nasafī was concise, eloquent, and considered a synthesis of the Maturidite theology, as it attracted many Ash'arī scholars and theologians. Among them, Al-Taftāzānī was a significant figure in the later phase of classical Sunnī theological tradition, and his commentary on *al-'Aqā'id al-Nasafiyya* integrated elements from both Ash'arī and Māturīdī schools that further receive commentaries to the present day (Harvey, 2021). In his commentary on human actions, al-Taftāzānī states that the early Mu'tazilites refrained from applying the concept of creation (*khalq*) on humans and restricted the terminology to *mūjid* (bringer into existence) and *mukthari'* (inventor). Later, when al-Jubbā'ī and his followers defined creation as the act of one who brings existence from nonexistence, they employed the word creator

(*khāliq*; Al-Taftāzānī, 2014). Al-Taftāzānī also addresses the claim by Mu‘tazilites that if God is the creator of all actions, then He would be the One sitting and standing. For al-Taftāzānī, this is ignorance (*jahl*), as the one who is the creator of actions and the one who is performing those actions are distinct. It is for God to create attributes such as the blackness and whiteness of bodies, but this does not entail that these are God’s predicates (*muttaṣif*; Al-Taftāzānī, 2014). Rather, God should be maintained as the creator only. If someone claims that we should be pleased with one being unbelief (*kuf̄r*) and evil doer (*fāsiq*) as this is part of divine decree, al-Taftāzānī clarifies that God willed for them unbelief and evil doing by their own choice (*bi ikhtiyārihima*), but not by obligation (*taklīf*; Al-Taftāzānī, 2014). For al-Taftāzānī, God did not make human agents legally responsible for something that was not irreversible, such as evil deeds or unbelief. Rather, they had a choice in both choosing and refraining from those acts. In his discussion on the Maturīdites’ notion of choice (*ikhtiyār*), al-Taftāzānī gives a detailed commentary on how it should be perceived.

Al-Taftāzānī addresses the notion of *ikhtiyār* by affirming that God both knows and wills whether humans will choose to undertake an action or abstain from it by their own choice, and there is no confusion (*ishkāl*) about it (Al-Taftāzānī, 2014). In addition to that, al-Taftāzānī reconciles the notion of *ikhtiyār* and *kasb* by stating that while God is the creator (*khāliq*) of actions, humans, through their choices, are acquirers (*kāsib*) of those actions. When a human exerts their power and will in performing any action, it is an acquisition (*kasb*); whereas when God brings that action into existence (*‘ijād*), it is regarded as the creation (*khalq*). The act, which is subject to power, falls under two forms of powers (*maqḍūr*), each with differing capacities: one in relation to God, who brings the action into existence, and the other in relation to humans, who acquire the action (Al-Taftāzānī, 2014). Addressing the potential accusation that this combination of powers implies a form of co-association with God (*shirk*), al-Taftāzānī defends his position by saying that “in each scenario, one power detaches itself from the other, with each belonging to its respective source, just as an action is ascribed to God from the standpoint of creation and to the human from the standpoint of acquisition (*kasb*)” (Al-Taftāzānī, 2014, p. 86). If someone raises the objection as to how the acquisition of reprehensible actions (*qabīh*) is deemed blameworthy (*dhamm*) and subject to punishment (*‘iqāb*), while the very creation of such reprehensible actions is not considered vile, Al-Taftāzānī in line with al-Māturīdī refutes it by asserting that creators’ actions are inherently wise (*hikm*) and are grounded in beneficial matters (*masalih*) in which human beings are incapable of fully comprehending the wisdom behind it (Al-Taftāzānī, 2014).

4. CONCLUSION

There is no doubt that both al-Ash‘arī and al-Māturīdī emerged as luminary theologians whose discussions on theological matters left indelible marks and thoughts that continue to reverberate throughout history up until today, demonstrating how both theologians worked in tandem for the orthodox theology while maintaining differences in opinion. In the case of al-Ash‘arī, he primarily laid down the theological foundation on various issues,

which was subsequently developed, refined, and altered by his successors. Al-Ash‘arī emphasized that every event, including human actions, is created by God and acquired by humans, with free will existing within the prescribed bounds of God’s ultimate control. That very notion of acquisition (*kasb*) and theories on human actions underwent substantial revisions within the Asha‘rite theological framework, as we have seen through figures like al-Bāqillānī and al-Rāzī. This becomes apparent when al-Taftāzānī worked on Nasafī’s creed and tried to reconcile between the two notion of theories—*kasb* and *ikhtiyār*. On the other hand, al-Māturīdī sought to craft out a delicate equilibrium between Divine sovereignty and human agency, endowing humans with the capacity and intellect to exercise *ikhtiyār* (meaningful choices), and it was concisely summarized by al-Nasafī as well. For al-Māturīdī, there is no criterion for absolute divine wisdom to be measured on the status of acts and thus rejects the Mu‘tazilite notion of *al-aṣṣlah* (most beneficial). Allah knows best.

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BOOK REVIEW

The Teleological Ethics of Fakhr al-Dīn al-Rāzī by Ayman Shihadeh

Monis Abdul Majid

ABSTRACT

This review summarises and critically engages with Ayman Shihadeh's *The Teleological Ethics of Fakhr al-Dīn al-Rāzī*, a significant contribution to the emerging fields of Islamic ethics and al-Rāzī studies. The book traces the development of al-Rāzī's thought, particularly his ethical philosophy, and seeks to establish the teleological nature of his ethics—an intriguing pursuit given his *Ash'arī* theological background. Organised around the book's chapters, the review highlights Shihadeh's account of al-Rāzī's evolving theories of action, ethics and character as well as his later pessimism, especially as expressed in *Risālat Dhamm al-Ladhdhāt*. Shihadeh argues that al-Rāzī's metaethics is consequentialist with regard to action and perfectionism with regard to character. The review also reflects on the intellectual richness of al-Rāzī's thought and the book's contribution to understanding the intersections of *kalām*, *falsafa*, and Sufism within Islamic ethical discourse.

Keywords: Al-Rāzī, teleology, Ash'arī, action, ethics, character

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1. INTRODUCTION

Fakhr al-Dīn al-Rāzī (544/1149–606/1210) is considered an *Ash‘arī* (al-Subkī, n.d., p. 82) and *Ash‘arism*—at least in its purest form—is considered a theology of absolute determinism. Thus, the title, *The Teleological Ethics of Fakhr al-Dīn al-Rāzī*, itself gives a glimpse of the intense discussion that is about to unfold. This essay reviews the above-mentioned book published in 2006 by Brill, authored by Ayman Shihadeh,¹ an intellectual historian of the Islamic world with a focus on theology and philosophy. Al-Rāzī was a theologian and a philosopher with diverse influences ranging from the *Ash‘arīs* and the *falāsifa* (philosophers) to the *Šūfis* (Nasr, 1963, p. 644), and one, as we shall see, who indulged in debates with all kinds of thinkers. The title of the book indicates its focus on establishing the teleological nature of al-Rāzī’s ethics. The Greek word *telos*, from which teleology is derived, means “final purpose.” Hence, “a teleological ethical theory explains and justifies ethical values by reference to some final purpose or good” (Korsgaard, 1998).² Teleological ethics can further be divided into consequentialist and perfectionist ethics. While the former “assesses the rightness or wrongness of actions in terms of the value of their consequences” (McNaughton & Rawling, 1998), the latter maintains “what is morally right is what most promotes” certain “human ‘excellences’ or ‘perfections’” (Hurka, 1998). Shihadeh argues that the metaethics that al-Rāzī develops is consequentialist in relation to action and perfectionist in relation to character. At the metaethical level, says Shihadeh (for al-Rāzī), “consequentialism and perfectionism are two aspects of the same teleological ethics, rather than separate ethical theories” (p. 2).

2. THE BOOK

The book is derived from the author’s doctoral dissertation and can be considered his most important contribution to his main area of interest, that is, the study of al-Rāzī, which is complemented by many of his shorter works about al-Rāzī in the form of book chapters and journal articles. As the author mentions in the preface, the book makes a “contribution to two main areas of interest in Islamic intellectual history, namely ethical philosophy and the thought of Fakhr al-Dīn al-Rāzī.”

The book provides a survey of the development of al-Rāzī’s thought (especially his ethical thought, but also his metaphysics and epistemology, which are vital to understanding the former) from his earliest works to the latest. The book is also appended by al-Rāzī’s *Risālat Dhamm al-Ladhdhāt*, which is edited and published for the first time. The author draws from a wide range of al-Rāzī’s works, especially *Uṣūl al-Dīn*, *al-Ishārāt*, *al-Maḥṣūl*, *al-Mabāḥith*, *al-Mulakhkhaṣ*, *Kitāb al-Nafs wa al-Rūḥ*, *Sharḥ al-Ishārāt wa al-Tanbīhāt*, *I‘tiqād*, *al-Arba‘in*, *al-Taḥṣīr al-Kabīr*; *Ma‘ālim*, *Maṭālib*, and *Sharḥ ‘Uyūn al-Ḥikma*.

The book was well received and has been widely cited since. Peter Adamson, in an online article, calls it “the best book about this figure” (2023). Ibrahim Kalin, in his review

1 For a profile of the author, see SOAS (n.d.).

2 I have used the same sources used by the author to define teleological ethics.

of the book, calls it “an excellent study detailing the development of his (al-Rāzī’s) ethical thought ... considering his reputation as the chief of Sceptics (*imām al-mushakkikīn*) and (that) he changed his mind on a number of issues” (2007). Toby Mayer calls the book a “strong contribution to the emerging picture of Fakhr al-Dīn al-Rāzī in current scholarship” (2007).

The author starts with an introduction to give a general background of the ethical debates faced by al-Rāzī, followed by a short biography and a chronological list of his works. The book is well-structured and divided into four chapters. Since no ethics can be developed until we have a working conception of action, the first chapter of the book deals with al-Rāzī’s theory of action. The chapter discusses its historical background, creation, nature, motivation, and ends. After explaining al-Rāzī’s theory of action, Shihadeh proceeds in the second chapter to discuss al-Rāzī’s views on the ethics of action. In this chapter, he again starts with the historical background, followed by discussing moral obligation and ethical value and its relation to God and revelation. The third chapter of the book discusses al-Rāzī’s “perfectionist” theory of virtue. Hence, the book proceeds from “action” to “ethics” to “character.” The fourth chapter is a commentary on the *Risālat Dhamm al-Ladhdhāt*, discussing the later pessimism of al-Rāzī and its implications on his conception of pleasure and pain, socio-political systems and epistemology, and the optimism he saw in the “Qur’ānic method.” We shall now proceed to discuss these chapters one by one.

2.1 Al-Rāzī’s Theory of Action

The first chapter, titled *Al-Rāzī’s Theory of Action*, starts with a survey of al-Rāzī’s early *kalām* works. In his *Uṣūl al-Dīn*, Al-Rāzī accepts the theory of action accepted by traditional *Ash‘arī mutakallimūn* (p. 13). This theory divides created existents into atoms and accidents and considers human power (*qudra*) to be an accident subsisting in the atoms of the human body. This power is directly created by God in the atoms and cannot last for longer than a moment. At this stage, al-Rāzī also adheres to the classical *Ash‘arī* doctrine of acquisition (*kasb*) to explain the relationship between responsibility and obligation. As we proceed through the chapter, we find al-Rāzī indulging in debates with the *Mu‘tazila* and *falāsifa*, at the same time refuting them and being influenced by them. As a result, we see al-Rāzī moving from a purely *Ash‘arī* perspective to a highly eclectic stance (p. 17). The author points out two main features of al-Rāzī’s later theory of human action: the concern of cosmogony, or what may be called the problem of “the creation of acts” (*khalq al-af‘āl*), and the concern in psychology (concerned with choice and motivation). The latter is dealt with first.

It must be noted that although al-Rāzī takes an eclectic stance on various issues, he interprets his stance in a way that does not go against the *Ash‘arī* position, or at least that is what he claims. For the later al-Rāzī, power is no more an accident but the fitness of the physical body. This power is only potential power. Active power is the combination of potential power and motivation (p. 18). While potential power remains in the body, active power exists only in the instance of the act. This distinction between the two types of

power allows al-Rāzī to argue that his stance is merely a reinterpretation of the Ash‘arī position and, thus, the accepted Sunni position.

The author gives ample space to al-Rāzī’s doctrine of motivation. Human action requires the combination of power and a preponderator (*murajjih*; p. 20). A preponderator preponderates on the non-existence of an act and brings it into existence. Al-Rāzī, according to the author, argues that to deny the principle of preponderation is to deny the existence of a Creator, although the author does not explain how that can be the case. The preponderator in question is identified as will (*irādah*) or inclination (*mayl*). Al-Rāzī here agrees with Ibn Sīnā that the active cause of the act in question is its final cause (p. 21). He, however, distinguishes between the objective (*gharad*), which is what is sought, and the motive, which is the knowledge of the same. This distinction is vital, as being an Ash‘arī, al-Rāzī does not provide objective value to any act. He identifies motive with the knowledge of the beneficence (*manfa‘a*) or harmfulness (*maḍarra*) of an act. This is very important for his gradual shift from deontological ethics to teleological ethics. Al-Rāzī here establishes personal benefit as the ultimate basis for all human motivation. Thus, all human action aims at seeking pleasure and avoiding pain (p. 24).

However, later in the book, the pleasures of the afterlife are mentioned to be more desirable than those of this world (p. 66). Despite this, al-Rāzī maintains that God is the sole source of all actions and that man, in his capacity, is not capable of anything. He argues that man has no power over the contents of his knowledge (p. 31), and hence, any knowledge or motivation is created in him by God. To reconcile the consequentialism mentioned above and the Ash‘arī determinism, he gives two main proofs: a falsafī proof from preponderance (preponderance cannot go ad infinitum and must culminate in God) and a common *Sunnī* proof for predestination from God’s pre-eternal knowledge of everything. For al-Rāzī, “man is compelled in his choosing” (*muḍṭarr fī ikhtiyārih*; p. 37). The author also briefly discusses what he calls “some sort of natural causality” (p. 41), which al-Rāzī adopted to solve the problem of the “createdness of acts” as he did away with the doctrine of *kasb* (p. 43). The author does not go into too much detail about it apart from highlighting the influence of Ibn Sīnā here while at the same time showing al-Rāzī’s general attitude of being open to influence but with proper criticism and refining.

2.2 Al-Rāzī on Ethics of Action

In the second chapter, titled *Al-Rāzī on Ethics of Action*, we see a shift in al-Rāzī’s thought from Ash‘arī voluntarism to a sort of emotivism inspired by al-Ghazālī. In the classical language of kalām, this may be called the problem of “judgements of goodness and badness” (*al-tahsīn wa al-taqbīh*). The background in which al-Rāzī formed his ethics was occupied by the Ash‘arī–Mu‘tazilī debate about mainly two questions: whether moral value terms refer to objective attributes of an act and whether moral judgements may be known by unaided reason (p. 46). The author, therefore, starts by providing a historical background of the problem through a brief survey of the views of the Ash‘aris and the Mu‘tazila. While the Mu‘tazila held that values of human and Divine action were objective and knowable in principle by natural human reason (Hourani, 2007, p. 67), the Ash‘aris

held that nothing was good or evil in itself; rather it was revelation alone that could differentiate between good and evil (Fakhry, 1994, p. 49). The author discusses, with relevance to al-Rāzī, the opinions of many Mu‘tazilī thinkers like Ibn al-Malāḥimī (p. 49), Abd al-Jabbār (p. 47), and Abū Qāsim al-Ka‘bī (p. 47); and Ash‘arī thinkers like al-Ghazālī (p. 51), al-Juwaynī (p. 54), and al-Bāqillanī (p. 66).

Al-Rāzī seems to have inherited his eclecticism from al-Ghazālī, who made room for “subjective considerations of self-interest” in his *Iqtisād* (p. 55). “The Ghazālian influence,” notes Shihadeh, “highlights al-Rāzī’s increasingly psychological approach to ethics, action, and the theory of human nature in general” (p. 57). Al-Rāzī distinguishes between “value judgement” and “the nature of value.” While the former is self-evident, the knowledge of the latter is not immediate but discursive (p. 60). The objective nature of an act that we perceive is not real; only our judgement of its value, in terms of pain and pleasure—which have been classified in a hierarchy, like the pleasure of hereafter is better than the pleasure of this world, and thus different from crude hedonism (p. 60)—is real. While value judgements can be made by subjective interests, “Revealed Law remains as an objective source of normative judgements” (p. 68). Although al-Rāzī points out that Revealed Law also mostly provides grounds (promise of pleasure or pain) when obligating or prohibiting something, he reconfirms his Ash‘arī creed by stating that God is not bound by anything and “no cognitive ethical judgements can be made in relation to God” (p. 96). Although it is theoretically possible that God may mislead men, it is in fact inconceivable (p. 107).

2.3 Al-Rāzī’s Perfectionist Theory of Ethics

The third chapter, titled *Al-Rāzī’s Perfectionist Theory of Ethics*, discusses Al-Rāzī’s approach to virtue in a perfectionist sense, apart from consequentialist and legal senses. Under falsafī and Ṣūfī influences, he argues in favour of the dualism of a physical body and a separate, rational, and unphysical soul (p. 116), which is our essence and true self. Among other works, this chapter focuses on a minor work of al-Rāzī known as *Risāla fī al-Nafs*. The soul is only connected to the body to attain perfection by way of acquiring knowledge (p. 117). The author further points to the influence of Abū al-Barakāt al-Baghdādī and “talisman specialists” on al-Rāzī, who maintain that human souls vary in their essence and that the souls of moving planets are the causes or sources for human souls (p. 118). He may have found in it a way to maintain a falsafī understanding of the soul while still denying its eternity and the theory of emanation³. Al-Rāzī adopts Ibn Sīnā’s division of human psychological faculties into vegetative, animal, and rational faculties, although in contrast to Ibn Sīnā, he classifies the animal faculties not as functions of the body but of the rational soul itself (p. 120). The human good is identified with perfecting the spiritual attribute of knowledge while restraining the soul from its engagement with the physical body and the external world. True happiness only results from knowing God (p. 128).

3 For the theory of emanation, see Stace (1960, p. 374).

This chapter also discusses a shift in al-Rāzī's thought from a theological to a teleological approach to prophecy. Inspired by al-Ghazālī, al-Rāzī maintains that a prophet is a perfect man who at the same time perfects others (p. 137). He also provides an inductive proof of prophecy; that is, the hierarchy of beings that we observe in the cosmological order points out that the highest species in the lower division are very similar to the lowest species in the higher division. Therefore, there must be men in the human species very similar to the angels; these are the prophets. Here, we also notice al-Rāzī's shift from giving prophets primacy in his earlier works (p. 114) to putting angels at a higher standard in *Maṭālib* (p. 140). While for al-Rāzī, revelation provides general principles, it is a source for only the initial stages of human theoretical perfection (p. 149). In his *tafsīr* though, under Ṣūfī influence, he mentions more than one function of revelation, viz., providing the Law (*sharī'a*), purifying the soul (*tarīqa*), realisation of Truth (*ḥaqīqa*)—the stage of theoretical perfection in which the truth manifests in the hearts of spiritual men, and finally prophecy (*nubuwwa*), which is reserved for the elect few and in which the soul becomes absolutely perfect and able to perfect those imperfect (p. 152).

2.4 Al-Rāzī's Later Pessimism: Commentary on *Risālat Dhamm al-Ladhdhāt*

The fourth and last chapter, titled *Al-Rāzī's Later Pessimism: Commentary on Risālat Dhamm al-Ladhdhāt*, discusses mainly a text he wrote towards the end of his life, an edited version of which is appended to the book and published for the first time. It marks a shift in the philosophy of al-Rāzī from moral and epistemological optimism, as expressed in his main book on practical ethics, *Kitāb al-Nafs wa al-Rūh*, to moral and epistemological pessimism (p. 156). The *Risālat Dhamm al-Ladhdhāt* is more of rhetorical nature rather than demonstrative. The pessimistic nature of the text is evident throughout; for example, al-Rāzī even considers garments and houses “little more than lesser evils” (p. 156). The text in question consists of three sections relating to three types of pleasure: sensory (*ḥissī*) pleasure, imaginative (*khayālī*) pleasure, and intellectual (*‘aqlī*) pleasure. While the first two forms present “utterly irresolvable moral dilemmas,” the latter “inevitably culminates in stalemate” (p. 156). In the first category, al-Rāzī focuses only on eating and coition, as they are the only ones that seem to produce real pleasures. He mentions the justifications provided by the poets, orators, and falāsifah to condemn these pleasures and focuses mainly on the proposition that “the sensory pleasure thought to be real pleasures are actually not pleasures, but little more than relief from pain” (p. 157). He concludes the section by stating that grief and pain prevail over the world rather than pleasure and good, which are very rare (p. 158). The author continues to provide an overview of the nature of pleasure, pain, and theodicy as discussed by al-Rāzī in his earlier works. Discussing (and refuting) mainly Abū Bakr al-Rāzī and Ibn Sīnā, al-Rāzī concludes that the only solution to the problem of theodicy is to affirm God's free choice and reject moral realism (p. 168).

The second part of *Risālat Dhamm al-Ladhdhāt*, maintaining the rhetoric nature of the text, provides a glimpse into al-Rāzī's socio-political thought. Al-Rāzī asserts that the acquisition of the pleasures of “rule and high status (*ri'āsa wa-jāh*)” come only with hardships and pains and are in themselves “vile and unworthy” (p. 170). He maintains that

human beings seek it because being dominant over others is an attribute of perfection, and perfection is what all seek (pp. 170–171). He describes human nature as being highly motivated by power. Everyone strives to have power over others. Those who do not have power wish to bring down those who have, and those who have power wish to gain more and more (p. 172). “The original nature of man is evil” (p. 173; quoted from *Tafsīr*, 16, 182–183). However, man is political in nature (*madaniyy bi al-ṭabʿ*), and Shihadeh deduces that for al-Rāzī, “good and just government is virtually impossible” (p. 174). Shihadeh pleads to not jump to judge his socio-political account as crude, rather to see it as a view of basic human social nature and a foundation that may be developed into a full-fledged socio-political theory (p. 176). He proceeds to append the examination of the notion of human nature in *Risālat Dhamm al-Ladhdhāt* by al-Rāzī’s views about the topic in his other works. Here, the author talks about a “Hobbesian Social Contract”⁴ where people acknowledge that for the greater good (having already discussed al-Rāzī’s accommodation of the notion of greater good in earlier chapters; p. 60), they must have an *imām*. While it is possible that a political leader may become evil, nonetheless, it is lesser than the evil of anarchy. As it guarantees the prevention of harm, installing an *imām* is obligatory (*wājib*; p. 177).

The third part of the *Risāla* concerns intellectual pleasure, which al-Rāzī associates with human good (p. 181). “Yet the pessimism he expresses here in relation to intellectual activity,” the author says, “is downright surprising” (p. 182). This surprise is because of an image of al-Rāzī, which is otherwise of a confident rationalist, as maintained in almost all his works (p. 182). Al-Rāzī associates intellectual pleasure with the rational (*ʿaqlī*) sciences. The rational sciences which have their own ends are of four types, each concerning knowing God, knowing spiritual entities (*ruhāniyyāt*), knowing the higher world, and knowing the lower world, respectively. Although praising the highest of these sciences, viz., theology, al-Rāzī’s scepticism becomes evident when he mentions (along with praise) its yield as presumptions (*ẓann*) and conjectures (*ḥisbān*) and their culmination as estimations (*wahm*) and imaginations (*khayāl*, p. 182). The author then discusses various proofs given by al-Rāzī for this contention. The main argument is the non-demonstrative nature of the so-called demonstrations. Al-Rāzī mentions the arguments of various schools of thought and highlights the general problems in their dialectic; at the same time, to not sink into agnosticism, he keeps referring the reader to his earlier works like the *Maṭālib* for proper understanding of the issues cited (p. 186). He further maintains that certainty may be very rare, but it is still attainable. This cautious reaffirmation of certainty is followed by what the author calls the “most explicitly pessimistic statement to be found anywhere in al-Rāzī’s writings and among the most extreme expressions of pessimism that can be found in medieval Arabic prose” (p. 188): “If you recognise these conditions, sensory pleasures will become vile, and imaginative pleasures will become abject” (p. 187). Nonetheless, al-Rāzī’s pessimism towards philosophy and theology ends in an optimism found in the “most correct and advantageous” method of the Holy Qurʾān

4 For social contract, see Wolff, 2006, p. 39.

(*tarīqat al-Qurʿān*). The discussion in the chapter is followed by a study of skepticism in al-Rāzī's *Maṭālib*, where he provides some room for theological reasoning by saying: "when the mind is unable to attain apodictic knowledge in relation to a given theological problem, it may have reason to affirm, tentatively, the most probable, plausible, or apt belief, that it can attain while recognizing its fallibility" (p. 194). While al-Rāzī maintains that discursive, philosophical, and theological approaches to sacred knowledge are always indirect, he claims the method of spiritual discipline to allow direct and supra-mundane knowledge of God (p. 199). This does not contradict his later emphasis on the Qurʿān, which, for him, is spiritually transformative.

3. CONCLUSION

As made evident in the review, the book accomplishes the daunting task of tracing the everchanging thought of al-Rāzī. The author demonstrates how al-Rāzī develops consequentialist ethics while still maintaining his allegiance to the Ashʿarī creed. Despite al-Rāzī's insistence that he is just reinterpreting Ashʿarism, Shihadeh maintains that al-Rāzī's teleological ethics is a new theory altogether. Apart from the ethics, a very significant aspect of the book is the demonstration of the very broad intellectual landscape that al-Rāzī dwelled in. He quotes the *falāsifa*, sometimes agrees with them (p. 88) and sometimes refutes them (p. 163), uses medical evidence (p. 160), draws from the *Ṣūfīs* (p. 199), and even quotes extensively from the all-time Ashʿari-rivals, the *Muʿtazila* (p. 199). The most commonly used phrase by al-Rāzī, *bahathnā wa taʿammalnā* (translated as "I reflected and meditated" but can also be translated as "I searched and meditated," which adds to the meaning) also demonstrates the intellectual rigor al-Rāzī put into his works. The author successfully pins down the various stages of al-Rāzī's ethical thought and portrays them in a manner convenient for the reader. However, the vast amount of literature and different stances of al-Rāzī sometimes make it harder for the author to be very coherent, who at certain places seems to be unable to conclude and thus, when he seems to be reaching a conclusion, keeps jumping back into the discussion. The author also tends to explain classical ideas in modern terms like the Hobbesian social contract, state of nature, hedonism, and teleology itself, which may be good for explaining an idea but at the same time carries the risk of appropriation.

In addition, the author does not make clear the difference between scepticism and pessimism. While the latter is evident in al-Rāzī (pp. 165, 173, 174, 175) and is not very problematic, the former could imply something like disbelief or even atheism (Kalin, 2007, p. 249). The third chapter of the book ends on an ethical note, but the last chapter, although adding to the initial chapters, ends more on an epistemological note, taking focus off ethics. The author also does not explain what to make of al-Rāzī's pessimism: whether al-Rāzī's pessimism is an outright condemnation of rational reflection in theology or there is a scope for an alternate interpretation as argued by later *kalām* scholars like al-Sanūsī (d. 895/1490) and al-Bājūrī (d. 1860; Spevack, 2020, p. 231). Nonetheless, the book proves to be a very significant contribution to the study of al-Rāzī. The author hopes that it induces interest in scholars to further study the works of al-Rāzī, much of which remain

unpublished.

Substantial work has since been done on different aspects of al-Rāzī's thought, mainly his falsafī and kalāmī contributions and the problem of putting him in one of the two categories. Also, his relationship with the Avicennian tradition and Sūfī traditions has been much discussed. "The scholarship on Fakhr al-Dīn al-Rāzī during the past 20 years has more than doubled the output of the previous period" (Janos & Attar, 2023, p. 21). The likes of Ayman Shihadeh, Frank Griffel, Sa'īd Fouda, Eşref Altaş, and Robert Wisnovsky, among others, have significantly enriched the field. Besides English and Arabic, Turkish and Persian scholarship on al-Rāzī has also significantly increased. After Shihadeh's book, many scholars have paid special attention to al-Rāzī's ethics (Janos & Attar, 2023, p. 154). These include works discussing comparative ethics, felicity, virtue, soul, goodness and evil, political theology, amongst other debates. For a detailed view of modern scholarship on Fakhr al-Dīn al-Rāzī, see *A Comprehensive, Annotated, and Indexed Bibliography of the Modern Scholarship on Fakhr al-Dīn al-Rāzī (544/1150—606/1210)* by Janos and Attar, published by Brill (2023).

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