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TN:2396104



Journal Title: The law applied contextualizing the Islamic Shari'a : a volume in honor of Frank E. Vogel

Volume: c.1

Issue:

Month/Year: 2008

Pages: 397-421

Article Author: Zysow, A.,

Article Title: Two Theories of the Obligation to Obey God's Commands.

Cited In: ScanDeliver

Notes:

Print Date:6/13/2019 10:52 AM

Call #: XXKBP50.L389 2008 c.2

Location: JRL / Gen

Barcode:81165177



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THE LAW APPLIED

Contextualizing the Islamic Shari‘a



A Volume in Honor of Frank E. Vogel

Edited by

Peri Bearman
Wolfhart Heinrichs
Bernard G. Weiss

Peri Bearman is Associate Director of the Islamic Legal Studies Program (ILSP) at Harvard Law School.

Wolfhart Heinrichs is James Richard Jewett Professor of Arabic in the Department of Near Eastern Languages and Civilizations at Harvard University.

Bernard G. Weiss is Professor of Arabic and Islamic Studies at the University of Utah.

I.B. TAURIS

LONDON · NEW YORK

CONTENTS

Preface, by William P. Alford	vii
Foreword	ix
1. Charles Donahue, Jr., <i>Reform, Renewal, Religion, and Social Discipline: Reflections of a Medievalist</i>	1
2. John Makdisi, <i>The Kindred Concepts of Seisin and Hawz in English and Islamic Law</i>	22
3. Louise Halper, "Legal Realism" in Tehran: <i>Gender Law and the Transformative State</i>	42
4. Kristen Stilt, <i>Price Setting and Hoarding in Mamluk Egypt: The Lessons of Legal Realism for Islamic Legal Studies</i>	57
5. Rudolph Peters, <i>Sharecropping in the Dakhla Oasis: Shari'a and Customary Law in Ottoman Egypt</i>	79
6. Mark E. Cammack and R. Michael Feener, <i>Joint Marital Property in Indonesian Customary, Islamic, and National Law</i>	92
7. Muhammad Khalid Masud, <i>A Study of Wakā'is (d. 306/917) Akhbār al-Quḍāt</i>	116
8. Aharon Layish, <i>The Heritage of Ottoman Rule in the Israeli Legal System: The Concept of Umma and Millet</i>	128
9. Amira El-Azhary Sonbol, <i>Class and Violence in Nineteenth-Century Egypt</i>	150
10. Brinkley Messick, <i>Shari'a Ethnography</i>	173
11. Chibli Mallat, <i>Constitutions for the Twenty-First Century: Emerging Patterns—The EU, Iraq, Afghanistan...</i>	194
12. Martin Lau, <i>Legal Reconstruction and Islamic Law in Afghanistan</i>	216

Published in 2008 by I.B.Tauris & Co Ltd
6 Salem Road, London W2 4BU
175 Fifth Avenue, New York, NY 10010
www.ibtauris.com

In the United States of America and Canada distributed by Palgrave Macmillan
a division of St. Martin's Press, 175 Fifth Avenue, New York, NY 10010

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ISBN 978 1 84511 736 8

A full CIP record for this book is available from the British Library
A full CIP record for this book is available from the Library of Congress

Library of Congress Catalog Card Number: available

Printed and bound in Great Britain by TJ International Ltd, Padstow, Cornwall

²⁴ Frank E. Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia* (Leiden: Brill, 2000), 23–28.

²⁵ *Idem*, 23.

²⁶ *Idem*, 21.

²⁷ TM, 328.

²⁸ Friedrich Nietzsche, “Beyond Good and Evil,” tr. R. Hollingdale, in *Great Books of the Western World* (Chicago: Encyclopaedia Britannica, Inc., 1990), 43:463.

²⁹ Quoted in Francis J. Mootz III, *Rhetorical Knowledge in Legal Practice and Critical Legal Theory* (Tuscaloosa: University of Alabama Press, 2006), xi–xii.

20

TWO THEORIES OF THE OBLIGATION TO OBEY GOD’S COMMANDS

Aron Zyso

The Two Theories Introduced

Islamic law grew out of God’s commands and prohibitions as conveyed by the Prophet Muḥammad. It is perhaps out of place to ask why one should obey these commands and prohibitions. But the Qur’an itself with noteworthy frequency sees fit to enjoin obedience to God and His messenger.¹ Is one therefore bound to obey God’s commands and prohibitions because God has commanded that He be obeyed? But why obey this command to obey? A regress obviously looms. Recognizing this problem, modern Twelver Shi’i legal theory distinguishes between God’s authoritative commands (*amr maḥlūfī*) and His advisory commands (*amr irshādī*), of which the Qur’anic commands to obey God are a paradigm instance. These commands, according to the Shi’i theorists, do not impose independent obligations but serve rather to advise one of one’s rational obligations.² Whether or not the question of why obey God was appropriate in the first place, it was one that Muslims thinkers did, in fact, ask. A variety of answers were proposed, answers that are in general terms akin to the answers that Western theologians have given to the same question and that Western political theorists have given to the analogous question: Why obey the laws of the state?

Broadly speaking, the leading answers to the question of why obey God are of two sorts, prudential and moral.³ Probably the response to this question best known to students of Islamic thought is that grounded in prudence. This answer is associated with the theological school of Ash‘arism, espoused by so many distinguished Muslim thinkers. The Ash‘aris must ground the obligation to obey God in prudence because for them there is no moral order independent of revelation. The commands of God are what bring obligations into existence, and the concept of obligation as a technical legal term is rooted in the threat of punishment in the Hereafter.⁴ The everyday sense of obligation apart from revelation is similarly prudential, for someone who does not believe in revelation might well say that it is obligatory for someone in extreme hunger, on the

brink of dying of starvation, to eat any bread he comes across.⁵ To what extent Ash'ari teaching on this matter was "internalized" by the many Muslims who over the centuries called themselves Ash'aris, and to what extent Ash'ari theological doctrine is consistent with Islamic legal theory, in particular the theory of analogy (*qiyās*), are both important questions that cannot be addressed here.

A moral, as opposed to a prudential, answer to the question of why one should obey God's commands assumes the existence of a moral order apart from revelation. Recognition of obligations grounded in reason without revelation is commonly associated with the Mu'tazili theological tradition, but this notion was far from being found only among Mu'tazilis and those, such as Twelver and Zaydi Shi'is, influenced by Mu'tazili thought.⁶ Nonetheless it cannot be denied that Mu'tazilism, more than any other theological movement to which we have access, was engaged in elaborating the many implications of such recognition, including the question of the ground of obedience to God's commands. It was thus among Mu'tazilis that two leading moral justifications of the obligation to obey God came to be hotly debated.⁷

The older theory was that the obligation to obey God was grounded in the rational obligation of gratitude to a benefactor (*shukr al-mun'im*).⁸ This was the theory espoused by the Baghdadi wing of the Mu'tazila, and is particularly associated with Abū l-Qāsim al-Ka'bī (d. 319/931), who came to enjoy great prominence as the leading figure in this branch of the school. The theory of gratitude was also popular among prominent Twelver Shi'i and Zaydi theologians and enjoyed notable support among the anti-Mu'tazili Central Asian Hanafis, whose outstanding theologian was al-Māturīdī (d. 333/944).⁹ It also appears to have been the position of several prominent Shaf'i jurists, who in espousing moral obligations founded in reason were later regarded as having fallen prey to Mu'tazili influence. Adoption of the theory of gratitude was not limited to Muslims but extended to Jews, most prominently Saadia Gaon (d. 942). The widespread popularity of the theory of gratitude and its at least initially intuitive appeal make it clear that it was the original moral justification in Islamic thought for the obedience due God.¹⁰ The focus here will be chiefly on the Mu'tazili version of the theory of gratitude as defended by al-Ka'bī and his followers.

For a time the Baghdadi theory of gratitude was in competition with the newer theory associated with the Basran Mu'tazilis and championed above all by Abū Hāshim al-Jubbā'ī (d. 321/933).¹¹ This is the theory of *lutf*, divine grace or assistance.¹² According to this theory, the acts and omissions made obligatory by the revealed law have an instrumental function, in that compliance with them brings one closer to compliance with one's rational obligations. Obedience to the law does so by strengthening one's motivation to do what is right. Although this theory can find some

support in the Qur'an itself (e.g. 29:45), it clearly constitutes a far less obvious explanation of the obligation to obey God than the theory of gratitude.¹³ Nonetheless, it was the *lutf* theory that triumphed both among the Mu'tazila and among those Shi'is—Twelvers and Zaydis—and Jews most influenced by developments in Mu'tazili thought. It was chiefly among the Yemeni Zaydis that the older doctrine of gratitude survived alongside the *lutf* theory before being given new life by the powerful Yemeni Zaydi imam al-Manṣūr bi-llāh al-Qāsim b. Muḥammad (d. 1029/1620).

The Theory of Gratitude

Although very little survives of the writings of Abū l-Qāsim al-Ka'bī and the Baghdadi school in general, the main outlines of al-Ka'bī's position are fairly clear. According to him, God's limitless bounties made God the unparalleled benefactor of His creation and thus the primary object of the rational obligation of gratitude. Without revelation, however, mankind would be unable to discharge this obligation for lack of knowledge as to what it entailed in the case of God, who is beyond all needs and human favors. Revelation was required to give substance to the underlying rational obligation of gratitude. Human obedience to the law of God merited no divine reward in itself, since such obedience was simply a means of fulfilling the duty of gratitude already incurred to God. In this sense, in obeying God human beings were occupied in meeting an obligation they could never even come close to discharging, even as they continued to enjoy God's favors in the very expression of their gratitude. Al-Ka'bī thus held that any reward God bestowed on those who obeyed His commands was in the nature of an act of generosity on God's part. By contrast, the Basran Mu'tazilis regarded reward for obedience to God as merited by the hardship (*mashaqqā*) of compliance given the opposing impulses with which God has endowed His subjects.¹⁴ According to them, God was under an obligation to reward those who had obeyed Him.¹⁵

In itself the notion that God's commands simply spell out the content of the gratitude owed God does not directly address the content of these commands. Given that God is above all needs (*ghani*), God has nothing to gain for Himself by what He commands. Might His commands simply be ways of testing the gratitude of those whom He has benefited? This is a possible position and would represent what might be termed a pure theory of gratitude as the ground of obedience to God. On this account the content of the revealed law would not necessarily be such as to provide any independent ground for compliance beyond the gratitude already due God for past benefits.¹⁶ A theory of this sort is suggested by a passage in *al-Radd 'alā l-mulḥid* attributed to the Medinese Zaydi imam al-Qāsim b. Ibrāhīm al-Rassī (d. 246/ 860).¹⁷ In this work al-Qāsim explains that ritual acts such as prayer and fasting have no other ground in reason than obeying (*i'timār*) God's command. These obligations represent a test (*imtihān*) of

obedience imposed by God. In fact, all of the revealed laws (*sharāʿiʿ*) share this ground. Al-Qāsim suggests an analogy with the similar unquestioning obedience owed the slave-master (*sayyid*) by his slave.¹⁸

In fact, however, this pure theory of gratitude was far less popular than another version of the theory of gratitude, according to which the obligations of the revealed law were themselves benefits bestowed by God upon his subjects.¹⁹ This version accords with the characteristic Baghdadi Muʿtazili teaching that God always acts to achieve what is optimistic (*al-aṣlah*) for his creation in both worldly (*al-dunyā*) and religious matters (*al-dīn*). The Basran Muʿtazilis accepted this notion only with respect to religious matters, that is, entirely in terms of their concept of *lutf*. For them *maslaḥa* (utility) and *lutf* are treated as synonyms.²⁰ For the Baghdadi Muʿtazilis God is the ultimate utilitarian agent. Since the utility that God is ever maximizing is that of His creation, the essential relation between God and creature is that of gratitude. It was even argued that rationality (*ḥikma*) requires that God, the perfectly rational agent, exhibit His benefits, in order that He may be the object of gratitude.²¹ On this account, God has to create the world and impose a system of moral and legal responsibility (*taklīf*). It would be irrational (*ʿabath*) for God to fail to do so.²²

Like all other dimensions of God's activity, His legislation is necessarily utilitarian. The Baghdadis insisted that each obligation of the revealed law was imposed for the benefit of its human subjects. A fairly elaborate exposition of this version of the theory of gratitude is found in the recently published theological work *Ḥaqāʾiq al-maʿrifa* of the Yemeni Zaydi imam al-Mutawakkil ʿalā llāh Aḥmad b. Sulaymān (d. 566/1170).²³

This version of the theory of gratitude sometimes looks to the obligation of gratitude toward parents as its human analogue. Loving parents will impose those obligations that they regard as in the best interests of their children, and their children will owe them obedience from gratitude for previous benefits.²⁴ Because God is above all need, the obligations He imposes will necessarily be free of any taint of self-interest.

The Muʿtazili Debate

It is important to keep in mind that both sides of the gratitude versus *lutf* debate, along with many others, recognized a rational obligation of gratitude to a benefactor.²⁵ This explains both the widespread early appeal of the gratitude theory as well as the rather scanty positive argumentation in its support that survives. The *lutf* theorists, committed as they were to the recognition of a rational obligation of gratitude to a benefactor, were compelled to construe this obligation in such a way as to preclude its use by the gratitude theorists. They also made a specific target of the nexus of Baghdadi utilitarianism and gratitude.

For the supporters of the theory of gratitude, gratitude was essentially expressed as obedience (*tāʿa*) and could take the most varied forms.²⁶ By contrast the proponents of the theory of *lutf* understood gratitude in a far more attenuated sense. For them gratitude was defined in terms of acknowledgment (*ʿitirāf*) coupled with respect (*taʿzīm*).²⁷ The acknowledgment of the benefit bestowed was essentially mental and verbal, as was the respect due the benefactor.

The Muʿtazili Ibn Mattawayh (d. 469/1076), a student of Qāḍī ʿAbd al-Jabbār (d. 415/1025), rejects completely the notion that the obligation of gratitude for benefits received could sustain such burdensome obligations as jihad and fasting. This claim was not supported by reason. God could only impose such burdensome obligations by attaching compensating rewards to their performance.²⁸ Equally misplaced was an appeal to an analogy with the obligations of gratitude due parents, which typically went beyond simple mental and verbal acknowledgement to include burdensome services. If there was a rational obligation of service to parents, it was grounded not in gratitude but rather in self-interest, in that in serving one's parents one was sparing oneself the unpleasant feelings (*ghamm*) that would attend contravening their wishes. Insofar as the revealed law introduced obligations of burdensome service to parents, these would have to be grounded in *lutf*.²⁹ To the extent that the [Basran] Muʿtazili masters could be found basing the ritual acts of the revealed law on gratitude to God, what they meant was that such acts had to be performed with due respect and self-abasement (*khudūʿ*) as was the case with gratitude toward a benefactor. They did not mean that such acts were grounded on gratitude in the strict sense (*tahqīq*).³⁰

A further argument against grounding the obligation of obeying God's law in gratitude is that there is no apparent correspondence between the distribution of God's benefits and the burdens of His law as one might expect. In fact, one finds individuals varying widely in the benefits that God has bestowed upon them subject to the very same legal obligations.³¹

The nexus between the Baghdadi theories of utilitarianism and gratitude was the specific object of criticism by the Basran Muʿtazilis. Their criticism was one element in a broader Basran attack on the utilitarian theory of God's action that includes objections familiar from modern critiques of utilitarianism, e.g., it makes excessive demands, it fails to recognize the distinction between obligation and supererogation.³² The Basran Muʿtazilis argued that since God is obligated to act for the maximal benefit of His creatures, they owe Him no gratitude. The obligation of gratitude only arises when the benefactor acts without being under an obligation.³³ An agent who performs an obligatory act may merit praise (*madh*) but definitely not gratitude. Thus the Baghdadi theory of God as the ultimate utilitarian cuts the ground from under the gratitude theory of obedience to God's law.³⁴

Although the Baghdadis spoke of God's obligation to do what is most to the benefit of His creation, they did seek to mitigate this bold assertion by interpreting the obligation in question in such a way as to respond to the Basran argument. They thus claimed that the term "obligatory" might correctly be used for what was not required in the strict sense but was preferable (*awlā*).³⁵ Failure to comply with an obligation in this sense did not entail blame of the agent.³⁶ They sought to associate the obligation they had in mind with generosity (*jūd*). If God did not do what was most beneficial, He would not be generous (*jawād*), and if not generous, then He was miserly (*bakhīl*).³⁷ The Basran response to the Baghdadi defense of their utilitarianism came to be built around the analysis of an array of terms that called for careful preliminary scrutiny.³⁸

Against the Basran argument that gratitude was not incumbent for the performance of an obligation, the Baghdadis counterattacked by pointing out that the Basrans themselves were of the view that gratitude was due God for His reward (*thawāb*), for the compensation (*āwād*) He provided His creatures for their suffering, and for the various forms of *lutf*, all of which they regarded as obligatory for God. The Basrans replied that although God's reward, compensation, and assistance were indeed obligatory, they only became so in consequence of God's supererogatory acts, whether the act of creation itself or the act of imposing moral responsibility (*taklīf*). The gratitude due God in all the cases cited by the Baghdadis was thus ultimately grounded not in acts that were obligatory for God but in acts of supererogation (*tafaddul*).³⁹ It was, however, argued on behalf of the utilitarians that they too could trace the obligation of gratitude back to supererogatory acts on God's part.⁴⁰

The Fate of the Two Theories

The general trend among Mu'tazilis and the Twelver and Zaydi Shi'i theologians who wrote within a Mu'tazili framework was for gratitude to give way to *lutf*. While the Baghdadi doctrine of optimificity (*al-aṣlah*) enjoyed some continued support in the less ambitious version proposed by the influential Basran theorist Abū l-Ḥusayn al-Baṣrī (d. 436/1044), the theory of gratitude itself increasingly fell by the wayside.⁴¹

Evidence for the dating of the abandonment of the theory of gratitude for *lutf* among Twelver Shi'is comes from Muḥammad b. 'Alī al-Karājīkī (d. 449/1057), a student of al-Shaykh al-Mufīd (d. 413/1022). Al-Karājīkī in general faithfully upholds his teacher's predominantly Baghdadi positions, even when they were given up for Basran views by al-Sharīf al-Murtaḍā (d. 426/1044) and Abū Ja'far al-Ṭūsī (d. 459/1067), fellow students of al-Mufīd. But whereas al-Mufīd appears to have fully endorsed the theory of gratitude, al-Karājīkī suggests that *lutf*, at least in some instances, may be a ground for revelation in addition to gratitude.⁴² Although the contemporary political theorist A. John Simmons has argued that there is no

virtue in positing a single ground for political obligation (what he terms singularity), he fails to note that different grounds may have incompatible implications.⁴³ We have already had occasion to note the vulnerability to Basran criticism of the Baghdadi combination of gratitude and utilitarianism. Singularity is by no means the rule in the Islamic context, but where we do encounter it in the classical and later periods, it appears to be linked to heightened efforts toward increased theoretical rigor. In any case, al-Karājīkī illustrates the weakening hold of the theory of gratitude on those circles that had been most committed to it.

Outside of Yemen, after the 5th/11th century both Mu'tazili and Twelver Shi'i theological works in enumerating the possible justifications for revelation (*ḥusn al-ba'tha*) cite the Basran theory of *lutf* along with other theories but commonly omit any reference to gratitude.⁴⁴ The theory of gratitude survived longer in connection with another theological problem, that of the ground of the obligation of reasoning (*nazar*) to God's existence and nature.⁴⁵ Here, too, the rival moral theories of gratitude and *lutf* were invoked, with *lutf* once again emerging as predominant.⁴⁶

The same course of development is also in evidence among Jewish theorists. The theory of gratitude appears in a form familiar from Baghdadi Mu'tazilism in the Jewish rabbi and philosopher Saadia Gaon (d. 942).⁴⁷ According to Saadia, reason dictates that every benefactor be requited with a good deed (*iḥsān*) if he is in need of such, otherwise with gratitude. Because this is a universal rational obligation (*min wājibāt al-'aql al-kullīyyāt*), the Creator cannot fail to implement it with respect to Himself but must command His creatures to do service to Him and to show gratitude (*bi l-ta'abbud lahū wa-shukrīhū*). Reason also dictates, according to Saadia, that God not permit Himself to be reviled and treated with contempt. The revealed law specifically related to gratitude is the law of prayer. The law was revealed through God's prophets not only to convey obligations independent of reason, but to indicate the manner of compliance with rational obligations. While reason recognizes the obligation of gratitude, it is not in a position to delimit this obligation. Such delimitation in terms of utterance, time, and manner (*min qawl wa-min waqt wa-min hay'a*) requires prophets, who have in fact so delimited gratitude in the form they have termed prayer (*fa-ḥaddathu wa-sammathu ṣalāt*).⁴⁸ Gratitude for Saadia is thus the ground for the obligation of some portion of the revealed law.⁴⁹

In Jewish *kalām* the *lutf* theory also came to supplant the theory of gratitude.⁵⁰ It was the theory propounded by the leading Jewish theologians, both Rabbinate and Karaite, during the highpoint of Mu'tazili influence on Jewish theology. Samuel ben Ḥofni Gaon (d. 1013) may be mentioned among the former, his contemporary Yūsuf al-Baṣrī (fl. first half 11th century) among the latter.⁵¹

In the period following Aḥmad b. Sulaymān, Yemeni Zaydi thinkers came increasingly under the influence of the Basran version of

Mu'tazilism, a development that led to the displacement of gratitude by *lutf* as the accepted ground of the obligation to obey God.⁵² The change from gratitude to *lutf* did not pass without resistance. In Yemen the Zaydī 'Abd Allāh b. Zayd al-'Anṣī (d. 667/1269) rejected the doctrine of *al-aṣlah*, but continued vigorously to defend the theory of gratitude in opposition to *lutf*.⁵³ An attempt to mediate between the competing theories is attributed to 'Abd Allāh b. Muḥammad al-Najrī (d. 877/1473), who, however, presented his own legal thought in terms of the *lutf* theory.⁵⁴ A significant reassertion of the theory of gratitude among the Yemeni Zaydis did not, however, take place until centuries later with the imam al-Manṣūr bi-llāh al-Qāsim b. Muḥammad (d. 1029/1620), who championed this theory as the authentic teaching of the family of the Prophet against the theory of *lutf*, which he sought to discredit. The theory of gratitude had already been supported by one of his predecessors, the imam al-Mutawakkil 'alā llāh Yaḥyā Sharaf al-Dīn (d. 965/1558), as al-Qāsim himself acknowledged.⁵⁵ The popularity in Yemen of al-Qāsim's summary of theology, *Kitāb al-Asās li-'aḡā'id al-akya's*, ensured that the theory of gratitude would once again be regarded among the Yemeni Zaydis and those raised in the Zaydi tradition as a serious rival to the theory of *lutf*.⁵⁶

Al-Qāsim b. Muḥammad reasserted gratitude as the exclusive ground for both reasoning to God's existence and for the obligation of obedience to God's law.⁵⁷ At the same time, he argued that proponents of *lutf* had no basis for their claim that the *lutf* they located in both cases was obligatory for God. Al-Qāsim's defense of gratitude enjoyed notable success, to the point that an earlier Zaydi credo, the popular *Miṣbāh al-ʿulūm fi ma'rifa't al-ḥayy al-qayyūm*, of Aḥmad b. al-Ḥasan al-Raṣṣāṣ (d. 656/1258), a proponent of the *lutf* theory, came to be expounded in terms of the theory of gratitude.⁵⁸

As popular as the theory of gratitude still appears to be among contemporary Zaydis, it has its critics, among them Ḥasan b. Ḥusayn al-Ḥūthī (d. 1388/1968–9), who propounds an innovative theory of obligation.⁵⁹ According to al-Ḥūthī, the obligation of reasoning to God's existence is not grounded on the rational obligation of gratitude to a benefactor, for al-Ḥūthī endorses the Basran argument that we can only know that we are the beneficiaries of God's bounty after knowing the moral nature of God. The rational obligation to reason to the existence and nature of God only arises with the proclamation of the prophetic mission by a person of known good character. Gratitude thus has no role to play in the obligation of reasoning, and in any case could not play such a role because there is according to al-Ḥūthī no general rational obligation of gratitude to a benefactor.⁶⁰ Reason can discern that requiring a benefactor is right (*ḥasan*), but not that it is an obligation.⁶¹ There is, however, a rational prohibition of offending (*isā'ā*) a benefactor in the sense that reason recognizes

such conduct to be wrong (*qabīḥ*). Ordinarily one infringes no principle of rational morality in failing to requite a benefactor, provided that one equally refrains from offending him. In the case of God, however, once it is established by reason that He is our creator, failure to obey God's commands as conveyed by the prophets amounts to offending our greatest benefactor. The rational ground of the obligation to obey God is thus not the rational obligation of gratitude but the rational prohibition of offending a benefactor that would inevitably be involved in employing our members, which belong to God as creator, in infringing God's commands, each of which is accompanied by an explicit or implicit prohibition of disabling ourselves from God's service.⁶²

Among the Central Asian anti-Mu'tazili Hanafis the theory of gratitude left a lasting mark but is commonly invoked alongside other notions of the ground of obligation.⁶³ We find al-Māturīdī, the leading theologian to emerge from among these Hanafis, making repeated appeals to gratitude. In his *Kitāb al-Tawḥīd*, al-Māturīdī cites with approval the view of the theologian al-Ḥusayn al-Najjār (d. 3rd/9th century) that gratitude toward God is among the grounds for God's commands and prohibitions, in that these enabled His creatures to render the gratitude they owed Him.⁶⁴ Al-Māturīdī further argues that the rational necessity of prophecy can be founded on the consideration that God alone knows the appropriate measure of gratitude due for His all-encompassing bounties and conveys this through His messengers.⁶⁵ While al-Māturīdī does clearly recognize gratitude as a ground for the revealed law, he is equally clearly prepared to acknowledge other grounds as well. The tendency away from singularity on this issue is typical of the Central Asian Hanafis. In *Kitāb al-Tawḥīd fi bayān al-tawḥīd* of Abū Shakūr al-Sālimī (dates uncertain), the author gives no fewer than eight possible grounds for prophecy, of which two have some relation to gratitude, one being the by now familiar notion that revelation conveys the due measure of gratitude and worship (*ḥadd al-shukr wa l-'ubūdiyya*).⁶⁶

In expounding the necessity of revelation in terms of gratitude, al-Māturīdī appeals to the notion that inasmuch as God's bounties touch every single sense organ, every organ must be used in expressing gratitude. Because reason cannot determine the measure of gratitude due from each organ, prophecy is required to communicate this.⁶⁷ This explanation survives in the well-known legal treatise *Badā'ī' al-ṣanā'ī' fi tartīb al-sharā'ī'* of the Central Asian Hanafi jurist al-Kāsānī (d. 587/1191), who throughout his exposition of the *ibādāt* makes reference to their rational ground.⁶⁸ For al-Kāsānī the rational ground in each case is typically a specific expression of gratitude related to the ritual obligation in question. Thus al-Kāsānī explains the complete ablution (*ghusl*) required to regain purity after sexual intercourse as expressive of gratitude for the pleasure experienced by the entire body.⁶⁹

For al-Kāsānī gratitude for God's favors is, however, not the only possible justification in every case. He offers three rational grounds for the obligation of paying *zakāt*: assisting the poor in performing their obligations, purifying oneself from the vice of greed, and expressing gratitude to God for the blessing of wealth.⁷⁰ He similarly provides three rational grounds for the obligation of fasting: deprivation from food, drink, and sex brings one to recognition of and gratitude for these favors of God, abstinence breeds fear of God (*taqwā*), and fasting breaks the hold of nature (*tab'*) and appetite (*shahwa*).⁷¹ The pilgrimage he explains as expressive of servitude (*'ubūdiyya*) and gratitude, each of which is rationally required (*lāzim fi l-ma'qūl*).⁷²

The theory of the moral obligation of gratitude as the ground of the obligation to obey God's law enjoyed, it seems, sufficient popularity to threaten the anti-rationalists. Some of the latter were apparently not content with attacking the notion of rational obligations in general, including any alleged rational obligation of gratitude. They also insisted, along the lines of the Basran Mu'tazilis, that gratitude was not a matter of actions. Ibn Taymiyya (d. 728/1328) found himself called upon to refute the claim made by an Ash'ari contemporary in the name of *ahl al-sunna* that gratitude is confined to words.⁷³ He would, in any case, have been familiar with the view of the Hanbali Abū Ya'lā b. al-Farrā' (d. 458/1066) that there was no rational obligation of gratitude and that the gratitude prescribed by Islamic law itself was confined to the tongue and mind.⁷⁴

Universalist Implications of the Theory of Gratitude

The theory of gratitude, insofar as it was seriously maintained, naturally supported a universalistic conception of the revealed law in two senses. In the first place, for committed gratitude theorists the revealed law had to be contemporaneous with the moral responsibility that followed from the possession of reason by humans. The revealed law was thus universal in the temporal sense. In a second sense, the revealed law was universal in that all morally responsible humans were necessarily subject to the valid revealed law of their day to the extent that they had knowledge of this law. Each of these points merits some elaboration.

Because the theory of gratitude regarded the rational obligation of gratitude, in this case gratitude to God, as empty without the information on how to exhibit gratitude that God provided by revelation, the relation between reason and revelation is quite different for the two theories of obligation. For the theory of gratitude, there is no gap between a state of being subject to the obligations of reason (*taklīf 'aqlī*) and being subject to the obligations of the revealed law (*taklīf sam'ī*).⁷⁵ The Twelver Shi'i al-Shaykh al-Mufid (d. 413/1022) notes that on this question the Baghdadi Mu'tazilis are in agreement with the Imami Shi'is against the other

Mu'tazilis, Kharijites, and Zaydis. He points out that Imamis support their position with arguments additional to those employed by the Baghdadis.⁷⁶ For the Imamis their doctrine of the *imāma* was understood to require this constant conjunction of rational and legal obligation, whereas for the Baghdadis the conjunction rested upon the necessity of giving content to the rational obligation of gratitude, a position that al-Mufid as a proponent of the gratitude theory could also endorse.

A forceful statement of this position comes from the grandson of al-Qāsim b. Ibrāhīm, the Zaydi imam al-Hādī Yaḥyā b. al-Ḥusayn (d. 298/911), the founder of the Yemeni Zaydi state. Al-Hādī explains that because we cannot know how to obey, and in this way express our gratitude, without information (*khbar*) from the Benefactor (*al-mun'im*) telling us how He wants us to obey, and there can be no direct information from God face to face, "one knows that the information on obedience is only possible through a messenger from the Benefactor, who differs from other humans in his marks and actions. It is thus incumbent on one who has reached physical and intellectual majority (*al-bāligh al-mudrik*) to know without the benefit of transmitted report that God does provide a messenger."⁷⁷ According to al-Hādī, reason alone is sufficient to establish the necessity of prophecy as a corollary of the rational obligation of gratitude.

The necessary conjunction between the states of rational and legal obligation that follows from the theory of gratitude was not accepted by the *lutf* theorists. For them it is conceivable that there be cases where individuals will comply with their rational obligations without the necessity for the assistance provided by the revealed law, that is, without *lutf* in the form of revelation. In such cases, there is no necessity for a Prophet to be sent.⁷⁸

The universality of the revealed law in a second sense follows from the gratitude theory. All humans with moral responsibility are subject to the revealed law, the essential function of which is to give content to their universal moral obligation of gratitude to their common benefactor God; that is, to the extent that there is a revealed law, it obligates the very same humans who owe gratitude to God to the extent that they are in a position to have knowledge of the revealed law. The gratitude theorists are committed by their theory to a positive answer to the well-known question of whether unbelievers are subject to the revealed law, in the sense that they are punishable for infractions of this law.⁷⁹ The fact that the Central Asian Hanafis, as opposed to the Iraqi Hanafis, tended to give a negative answer to this question is a clear indication that their commitment to the gratitude theory was less than complete.⁸⁰ On their anti-Mu'tazili interpretation of rationalist ethics as ultimately imposed by God, not reason, the link between the rational obligation of gratitude and the revealed law should, if anything, be even tighter than for the Mu'tazili gratitude theorists. On

this point, however, the Murji'ism of these Hanafis seems to have proved dominant, in that they insisted on a sharp distinction between salvational belief and action.

On the *lutf* theory of obligation, it is less obvious what the answer to this question should be. The mainstream of Basran Mu'tazilis maintained the view that unbelievers were bound by the provisions of the revealed law.⁸¹ Apart from appeal to Qur'anic verses, this position could be defended in terms of the *lutf* theory.⁸² But the dispute on this point among medieval Jewish theorists, also working with the *lutf* theory, shows that this conclusion was by no means inevitable.⁸³ Whereas the theory of gratitude looks to the objective role of the revealed law as instituted by God as an expression of the appropriate gratitude to which He is entitled, the *lutf* theory puts emphasis on the subjective operation of the revealed law on the motivation of each agent. It is correspondingly more accommodating of individual peculiarities and is to that extent compatible with the notion that the motivational efficacy of the law might depend on prior belief.⁸⁴ Both Baghdadi and Basran Mu'tazili ethics have deontological and consequentialist elements, but in their accounts of the justification of obedience to God the Baghdadis focus on the deontological, the Basrans on the consequentialist, which in their case happens to take a distinctly agent-relative form.

Further Implications of the Theory of Gratitude

Two further possible implications of the debate between gratitude and *lutf* theorists over the ground of legal obligation remain to be considered. The first is the relation between the two theories and the epistemic evaluation of independent reasoning (*ijtihād*), that is, the question of whether every *mujtahid* is correct or not. On this question the Basran Mu'tazilis from early on embraced infallibilism (*taswīb*), the view that every *mujtahid* is correct within the scope of his *ijtihād*. The Basran view was adopted by many Zaydis in connection with their growing adherence to Basran Mu'tazilism.⁸⁵ The Baghdadi Mu'tazilis, by contrast, for a long time rejected *ijtihād* altogether in its technical sense of probabilistic legal reasoning and insisted that all of the law could be the object of knowledge. They held a strong form of fallibilism (*takhtī'a*), the view that there was only one correct answer to every legal question. Although al-Ka'bī was the central figure in the shift on the part of the Baghdadis toward acceptance of *ijtihād*, he continued to maintain fallibilism in a mitigated form: there was one correct answer but it might not be knowable.⁸⁶

The possible conceptual link between the theory of gratitude and fallibilism once again lies in the objective quality of the law as an expression of gratitude ordained by God, as opposed to the law as a form of *lutf* operating on each psyche, such that the *mujtahid's* subjective sense of probability might determine the effect on him of compliance with the law. It is significant that along with his championing of the theory of gratitude, the

Zaydi imam al-Qāsim b. Muḥammad endorsed fallibilism as the teaching of the majority of Zaydi imams and other jurists.⁸⁷

The apparent early widespread appeal of the theory of gratitude to a variety of thinkers merits further study in relation to the development of legal reasoning. It is not unlikely that important early Shafi'i jurists, who are reported to have upheld a rational obligation of gratitude, were in fact at the same time offering a rational ground for the obligation to obey the law.⁸⁸ If this is so, these same jurists are likely to have held the theory of gratitude in its impure form, that is, to have looked beyond simple obedience to the variety of benefits that God bestowed by revealing the law. The significance of this for legal history may then lie in the use made by these same jurists of analogy (*qiyās*).

If the revealed law is seen as a system imposed for the benefit of those subject to it, then each element of the revealed law will have to be scrutinized to discern the benefit it may be intended to achieve, and any extension of the revealed law by analogy will need to ensure that the aimed-at benefits are preserved in the process. We thus end up with an overtly utilitarian approach to the law. Just such an approach was taken by the leading early Transoxanian Shafi'i al-Qaffāl al-Shāshī (d. 365/976), whose unedited *Mahāsin al-sharī'a* expounds the entire corpus of Shafi'i law in terms of *maṣlaḥa* in the wide sense invoked by the proponents of the doctrine of *al-aṣlah*.⁸⁹ Al-Shāshī understood the provisions of the revealed law as designed to create a just and stable social order.⁹⁰ Like some other leading early Shafi'i jurists al-Qaffāl was regarded by later Ash'ari Shafi'is as having adhered to Mu'tazilism at least for a time.⁹¹

There is no necessary relation between endorsement of either theory of legal obligation and the practice of legal analogy, and Twelver Shi'i jurists held both theories of obligation while continuing to reject *qiyās*. Nonetheless for those jurists who did accept analogy, the adoption of the *lutf* theory in place of the theory of gratitude might be expected to bring with it a corresponding shift to a more narrowly individualistic view of the revealed law, as attention turned to the underlying relationship, a psychological one, that fitted the law to the rational morality it served, the so-called *munāsaba* between the two, and away from its social role.⁹² In the absence of extensive information on the law of the leading Baghdadi and Basran Mu'tazilis, Zaydi law, too long neglected by Western scholarship in any case, would appear to be the most obvious place to look for such a change.

Summary

Two important theories of the moral ground for obedience to God's commands held by Muslim theorists were the theory of gratitude (*shukr*) and the theory of grace (*lutf*). The theory of gratitude was widely popular in early Islamic thought and even later among those who recognized some form

of rational ethics. The theory of grace was that of the Basran Mu'tazila and those, including Shi'is and Jews, who came under their influence. In the wake of extensive debate within Mu'tazili circles between proponents of the two competing theories, the theory of grace emerged dominant. The theory of gratitude did, however, enjoy a renewed life among Yemeni Zaydis after it was championed by the imam al-Manṣūr bi-llāh Muḥammad b. al-Qāsim (d. 1029/1620). The theory of gratitude points in the direction of a more universalist notion of revealed law in that it makes the revealed law necessarily contemporaneous with morality and binding on all humans. The theory of gratitude also appears to favor the doctrine of the fallibility of *ijtihād* (*takhtī'a*) and a broadly utilitarian approach to the practice of analogy (*qiyās*).

NOTES

¹ On obedience to God, see "Obedience" (Khalid Yahya Blankinship), in *Encyclopaedia of the Qur'an* (Leiden 2001–6), 3:366–69; and "Tā'a" (D. Gimaret), in *EP*², 10:1–2.

² On this terminology, see, for example, Muḥammad Ḥusayn Mukhtārī Māzandarānī, *Farhang-i iṣṭilāḥāt-i uṣūlī* (Tehran 1377 s), 78; Muḥammad Ṣanqūr 'Alī, *al-Mu'jam al-uṣūlī* (Qum 1380 s/2001), 264–65, 275. Both authors adduce the Qur'anic command to obey God, as does 'Isā Wīlāyī, *Farhang-i tashrīḥī-i iṣṭilāḥāt-i uṣūl* (Tehran 1374s), 125–26, who notes that the classification of a specific command is a matter of reason. Thus the general classification of the command to obey God as *irshādī* leaves open the possibility of specific contextual considerations that point to other functions in certain Qur'anic verses, as may be gathered from discussions throughout Muḥammad Ḥusayn al-Ṭabāṭabā'ī, *al-Mīzān fī tafsīr al-Qur'an* (Beirut n.d.).

³ This classification, of course, assumes that prudence is not itself a moral category, a point that is far from obvious. Furthermore, not all answers to the question readily fit either category. One can also go on to ask why one should obey the demands of morality, on which question see the well-known discussion in John Hospers, *Human Conduct: An Introduction to the Problems of Ethics* (New York 1961), 174–95. On this question a prudential answer came to dominate Mu'tazili thought: it is rational to avoid harm; see, for example, the Twelver Shi'i Abū l-Ṣalāḥ Taqī al-Dīn al-Ḥalabī, *Taqrīb al-ma'ārif*, ed. Fāris Tabrīziyān al-Ḥassūn (n.p., 1417 AH), 65–6, on the obligation of reasoning (*naẓar*) as to the existence of God.

⁴ The focus here is on obligation. Needless to say, Ash'arīs might prefer to regard their obedience to God as growing out of love, and the ties between Ash'arism and Sufism are well known. Al-Ghazālī, in the chapter *al-maḥabba* of his *Iḥyā' 'ulūm al-dīn* (Aleppo 1419/1998), 5:4, speaks of obedience as derivative of love and its fruit.

⁵ al-Ghazālī, *al-Iqtiṣād fī l-i'tiqād*, ed. İbrahim Agah Çubukçu and Hüseyin Atay (Ankara 1962), 171–72.

⁶ George Makdisi, "Ethics in Islamic Traditionalist Doctrine," in Richard G. Hovannisian, *Ethics in Islam: Ninth Giorgio Levi Della Vida Biennial Conference* (Malibu 1985), 47–63, especially the citation from Ibn Taymiyya's *Minhāj al-sunna*, on

p. 60, which adduces support for rationalist ethics among Karramis, Malikis, Shafi'is, and Hanbalis. For an Isma'ili reference to the rational obligation of gratitude, see Ja'far b. Manṣūr al-Yaman, *The Master and the Disciple: An Early Islamic Spiritual Dialogue*, ed. and trans. James Morris (London 2001), Arabic 46, trans. 116.

⁷ I address here the obligation of obedience to God, sometimes put as obedience to His messengers. I do not take up the question of obedience to rulers except insofar as this follows directly from God's commands.

⁸ The two-part article "Shukr" (Alma Giese and A. K. Reinhart) in *EP*², 9:496–98, provides essential information on the Islamic discussions of the topic of gratitude in general. Several papers on gratitude in Islamic thought, including Reinhart's "Thanking a Benefactor," may be found in John B. Carman and Frederick J. Steng (eds.), *Spoken and Unspoken Thanks: Some Comparative Soundings* (Dallas 1989). To some extent, research on the topic in Islamic texts is made more difficult by the fairly consistent failure of editors to include the term *shukr* in their indices.

⁹ For the Isma'ilis, see n. 6 above.

¹⁰ On the Qur'anic source for the notion and its development in early Islamic thought, see the brief but valuable discussion in Reinhart, "Thanking the Benefactor," 120–25, 127 n. 26, and the parallel but shorter treatment in his *Before Revelation: The Boundaries of Muslim Moral Thought* (Albany 1995), 110–13.

¹¹ Abū Ḥāshim in particular identified the prophetic function as exclusively legislative (Ibn Mattawayh, *Kitāb al-Majmū' fī l-muḥīṭ bi l-taklīf*, vol. 3, ed. Jan Peters [Beirut 1999], 438), although some of his followers are reported to have relaxed this requirement to a certain extent (al-Sharīf al-Murtaḍā, *al-Dhakhīra fī 'ilm al-kalām*, ed. Aḥmad al-Ḥusaynī [Qum 1411], 325).

¹² On the theory of *lutf*, see Binyamin Abrahamov, "Abd al-Jabbār's Theory of Divine Assistance (*Lutf*)," *Jerusalem Studies in Arabic and Islam* 16 (1993), 41–58, which includes an annotated translation of the relevant section of Mānkḍīm's *Sharḥ al-uṣūl al-khamsa*; and David E. Sklare, *Samuel Ben Hofni Gaon and His Cultural World: Texts and Studies* (Leiden 1996), 150–52. The topic, which goes well beyond the revealed law, deserves far more extensive treatment than it has so far received. Because Abrahamov, like some others, is concerned lest translation of the term *lutf* by "grace" introduce misleading Christian connotations (47 n. 16), it is worth noting that Louis Gardet, a Roman Catholic priest, felt free to adopt the translation "grace divine" in his *Dieu et la destinée de l'homme* (Paris 1967), 101–7 (with comparative remarks). In any case, the final word has not been said on possible Christian influence.

¹³ The accessibility of the notion of an obligation of gratitude to God perhaps goes some way in explaining the prominent role it sometimes continues to play in the popular writing of theologians who are committed to the theory of *lutf*, for example, al-Ḥākim al-Jishumī (d. 493/1101), *Tahkīm al-uqūl fī tashḥīḥ al-uṣūl*, ed. 'Abd al-Salām b. 'Abbās al-Wajīh (Amman 1421/2001), 31–2, cf. 197–98.

¹⁴ According to al-Ka'bī, the hardship involved in obeying God's laws was fully justified by God's pre-existing benefits (Mānkḍīm, *Sharḥ al-uṣūl al-khamsa*, ed. 'Abd al-Karīm 'Uthmān [Cairo 1384/1965], 217–18; also attributed to al-Ka'bī and the Baghdadis in al-Ṭabrisī, *Majma' al-bayān*, on Q 57:21, cited in *Tafsīr Abī l-Qāsim al-Ka'bī al-Balkhī*, ed. Khiḍr Muḥammad Nabḥā [Beirut 1428/2007], 294)

(this is a modern collection of citations from al-Ka'bi's lost commentary, one of a series of such works on Mu'tazili *tafsīr*). But this cannot be a complete answer, since it addresses only the question of the justice ('*adl*') of demanding obedience, but not the utilitarian aspect of imposing such hardship that al-Ka'bi's adherence to *al-aṣlah*, discussed below, would require. This was sometimes explained by the Baghdadis in psychological terms: the previously experienced hardship enhanced the enjoyment of God's reward (Ibn Mattawayh, *Kitāb al-Majmū'*, 3:147).

¹⁵ The far-reaching Basran critique of the ethics of the Baghdadis focused on their recognition as grounds of obligation what were not so and their failure to recognize what were in fact grounds (al-Qāḍī 'Abd al-Jabbār, *al-Mughnī fī abwāb al-tawhīd wa l-'adl*, vol. 14, ed. Muṣṭafā al-Ṣaqqā [Cairo 1385/1965], 23).

¹⁶ On the importance of identifying an independent argument from gratitude, see A. D. M. Walker, "Political Obligation and the Argument from Gratitude," *Philosophy and Public Affairs* 17/3 (Summer 1988), 203. The criterion of independence, as Walker terms it, need, however, apply to only a part of one's obligations. Mark C. Murphy, *An Essay on Divine Authority* (Ithaca 2002), 115–18, presents arguments for a gratitude theory of obedience to God that does not claim such independence and thus supports, as he readily acknowledges, a very thin notion of divine authority.

¹⁷ On the character of this work, see Wilferd Madelung, *Der Imam al-Qāsim ibn Ibrāhīm und die Glaubenslehre der Zaiditen* (Berlin 1965), 100.

¹⁸ *Kitāb al-Radd 'alā l-mulhīd*, ed. Muḥammad Yaḥyā Sālim 'Izzān (San'a' 1412/1992), 52–3; also published with his *al-Dalīl al-kabīr*, ed. Imām Ḥanafī 'Abd Allāh (Cairo 1420/2000), 102–3, and included under the title *Munāzara ma'a l-mulhīd*, in *Majmū' kutub wa-rasā'il al-Imām al-Qāsim b. Ibrāhīm*, ed. 'Abd al-Karīm Aḥmad Jadabān (San'a' 1422/2001), 1:313–14. Cf. *Tafsīr Abī l-Qāsim al-Ka'bi al-Balkhī*, 156 on Q 3:186. Al-Qāsim argues that reason cannot itself arrive at the various legal obligations but can recognize them as right when they are imposed as tests, compliance with which will be rewarded. To the extent that the rationality of compliance depends on the supposition that a reward will be given for obedience, the theory of gratitude here is only relatively pure. Saadia Gaon offers a similar account (*Kitāb al-Mukhtār min al-amānāt wa l-i'tiqādāt*, ed. and trans. Yosef Kāfīh [Jerusalem 1970], 118–19), but goes on to observe that there must exist some, albeit modest, rational ground in terms of benefit for the obligations. In inquiring into the content of the obligations, Saadia goes beyond the relatively pure theory of gratitude that justifies the obligations imposed by the benefactor solely as means for the beneficiary to gain a reward. For the pure and relatively pure theories of gratitude, the rationality of performing the obligatory acts is extrinsic to their nature: they function either as merely arbitrarily chosen expressions of gratitude or as such expressions joined with the promise of reward for performance. On the rationality of God's imposing obligations for the sole purpose of rewarding their performance (as defended by Saadia, for example, op. cit., 117: *wa l-'aql yujawwiz aydan an yasta'mila al-ḥakīm 'āmilan fī shay' mā wa-yu'tiyahū 'alayhī ujratahū bi-wajh ta'riḍhī ilā al-naḥ' khāṣṣatan*), see the critical discussion in Ibn Mattawayh, *Kitāb al-Majmū'*, 3:434–35, where the widespread appeal to the notion in earlier Mu'tazili writing is mentioned.

¹⁹ The pure theory of gratitude, like any other Islamic theory of obligation, has to face the question of variations in God's law, that is, the question of why

God's tests, if that is what His laws are, vary, whether across individuals, across revelations, and even within the single revelation to Muḥammad. Inasmuch as God is understood to be unchanging, the explanation, unless it is to be an appeal to the mystery of the divine will (cf. Ibn Fūrak, *Mujarrad Maqālāt al-Shaykh Abī l-Ḥasan al-Ash'arī*, ed. Daniel Gimaret [Beirut 1987], 199–200 on abrogation), would have to be in terms of differences in His creatures; thus the development away from the pure theory.

²⁰ Sklare, *Samuel ben Hofnī*, 150. On the meaning that the Basrans attached to the term *al-aṣlah*, see 'Abd al-Jabbār, *al-Mughnī*, 14:37. See further the comprehensive article of Robert Brunschvig, "Mu'tazilisme et optimum (*al-aṣlah*)," *Studia Islamica* 39 (1974), 5–23.

²¹ Naṣīr al-Dīn al-Ṭūsī (d. 672/1274) argues that if obedience were due God for His benefits, then God, not his creature, would be in the position of the one rewarded (*mulhāb*) (*Talkhīs al-Muḥaṣṣal*, ed. 'Abd Allāh Nūrānī [Tehran 1359 s], 343). The philosopher Terrance McConnell is of the view that a benefactor who acts for the purpose of putting his beneficiary in his debt is not entitled to gratitude (*Gratitude* [Philadelphia 1993], 22–5).

²² Ibn Mattawayh, *Kitāb al-Majmū'*, 3:170–71.

²³ Ed. Ḥasan b. Yaḥyā al-Yūsufī (San'a' 1424/2003), 247–309.

²⁴ On parents as one's primary human benefactors, see the gratitude theorists al-Karājiki, *al-Tā'rif bi-wujūb ḥaqq al-wālidayn*, ed. Muḥammad Bāqir al-Nāṣirī (Baghdad 1398/1978), 25, and al-Qāsim b. Muḥammad, *Majmū' kutub wa-rasā'il al-Imām al-Mansūr bi llāh al-Qāsim b. Muḥammad*, vol. 1, ed. Muḥammad Qāsim Muḥammad al-Mutawakkil (San'a' 1424/2003), 207–20. The Basran view of the relation between children and parents was cynical to the extent that their analysis was in terms of prudence. Both parents and children in their dealings with one another were motivated above all by avoidance of harm to their own interests. According to 'Abd al-Jabbār, *al-Mughnī*, 14:27, parents are under no independent moral obligation to benefit their children. Since God is above all harm, He is bound neither by prudence nor morality to act to the benefit of anyone. Cf. the Jewish gratitude theorist Baḥyā ibn Paqūda, *Kitāb al-Hidāya ilā farā'id al-qulūb*, ed. and trans. Yosef Kāfīh (Jerusalem 1973), 128, who acknowledges that a father's benefits to a son are self-interested, "for the son is part of the father" (*al-walad qit'a min al-wālid*).

For a rejection of gratitude as the basis for obedience to either parents or God, see Joseph L. Lombardi, "Filial Gratitude and the God's Right to Command," *Journal of Religious Ethics* 19 (1991), 93–118. On the analogy sometimes made between gratitude owed to parents and to the state, see A. John Simmons, *Moral Principles and Political Obligations* (Princeton 1979), 161, 183.

²⁵ For representative opinions by Western philosophers on the rational obligation of gratitude, see "Gratitude" (Mary A. McCloskey), in Lawrence C. and Charlotte B. Becker (eds.), *Encyclopedia of Ethics*, 2nd ed. (New York 2001), 1:629–31. Two book-length philosophical studies of gratitude are Terrance C. McConnell, *Gratitude*, already cited, and the more historical Antonio Polisen, *La gratitudine: tra obbligazione morale et debito legale* (Rome 2005). Two collections of papers on the topic are Josef Seifert (ed.), *Danken und Dankbarkeit* (Heidelberg 1992), which includes a contribution from the Islamic (largely Sufi) perspective by Hadi Sharifi, 197–210; and Giuseppe Galli, *Interpretazione e gratitudine*

(Macertoa 1994). Both volumes include papers on the obligation of gratitude in Roman law.

²⁶ On *tā'a* as the appropriate form of gratitude to a superior, see al-Karājīkī, *Ma'ādīn al-jawāhir wa-riyādat al-khawāṭir*, ed. 'Alī Riḍā Hazār (Qum, 1422), 87. Note also the definition of *tā'a* in Bahya ibn Paqūda, *Kitāb al-Hidāya*, 136 as *khudū' al-mun'am 'alayhū li l-mun'im bi l-ni'ma wa-mukāfa'atihū alā ni'amihū ḥasab tāqatihū*.

²⁷ See the definitions of gratitude collected in *Sharḥ al-muṣṭalahāt al-kalāmīyya* (Mashhad 1414 AH), 177–78, and Abū Hilāl al-'Askarī, *al-Furūq al-lughawīyya*, ed. Muḥammad Bāsil 'Uyūn al-Sūd (Beirut 1421/2000), 162, according to whom gratitude is exclusively verbal, to which add 'Abd Allāh Ibn Ḥamza, *Sharḥ al-Risāla al-nāsiha bi l-adilla al-wāḍiha*, ed. Ibrāhīm Yaḥyā al-Darsī al-Ḥamzī and Hādī b. Ḥasan b. Hādī al-Ḥamzī (Sa'da 1423/2002), 49. The Zaydī imam al-Hādī ilā l-Ḥaqq Yaḥyā b. al-Ḥusayn (d. 298/911), a gratitude theorist, already insists that gratitude includes actions not only words (*Kitāb al-Aḥkām fi l-ḥalāl wa l-ḥarām* [n.p. 1410/1990], 1:535). The Shafī'i Ash'ari Ibn Barhān (d. 518/1124) in his *al-Wuṣūl ilā l-uṣūl*, ed. 'Abd al-Ḥamīd 'Alī Abū Zunayd (Riyad 1403/1983), 1:67, incorrectly states that for the Mu'tazilis, compliance with the rational obligation of gratitude consists in refraining from actions condemned by reason and performing actions approved of by reason. He argues that they have to locate gratitude in action because reason dictates no specific form of words to express gratitude, nor can gratitude consist in knowledge of God, for that must precede gratitude. This account corresponds to neither Baghdadi nor Basran teachings. As far as the Basrans are concerned, a verbal expression of gratitude, however articulated, is rationally obligatory only under specific circumstances ('Abd al-Jabbār, *al-Mughnī*, 14:167; Mānkdm, *Sharḥ al-uṣūl al-khamsa*, 83). Cf. another Ash'ari Shafī'i, Abū l-Muẓaffar al-Isfārāyīnī, who also presents the rational obligation of gratitude for the Mu'tazilis as operating outside of the Shari'a (*al-Tabṣīr fi l-dīn*, ed. Muḥammad Zahid al-Kawtharī [Baghdad 1374/1955], 62–3).

²⁸ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:147.

²⁹ Ibid. According to the Basrans, gratitude, whether to God or to those legally entitled to it, merits reward from God insofar as it is burdensome (Mānkdm, *Sharḥ al-uṣūl al-khamsa*, 82–3).

³⁰ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:148. The same point is made in 'Abd al-Jabbār, *al-Mughnī*, 14:168. This explanation should be contrasted with the exposition of the relation between gratitude and physical action (in the form of the *ibādāt*) found in Mānkdm, *Sharḥ al-uṣūl al-khamsa*, 82, and al-Sharīf al-Murtaḍā, *Sharḥ jumal al-ilm wa l-'amal*, ed. Ya'qūb al-Ja'farī al-Marāghī (Tehran 1419 AH), 133, and alluded to in passing in *al-Mughnī*, 14:166, l. 19 reading *bi-ni'amihū*. Al-Sharīf al-Murtaḍā, *al-Dhakhira*, 207, speaks of *ibāda* as a *kayfiyya fi l-shukr* but otherwise makes it clear that gratitude is primarily a verbal act (277–78), as he also does in his *al-Hudūd wa l-ḥaqā'iq*, ed. Muḥammad Taqī Dānishpazhūh, in *Chahār farhangnāmah-i kalāmī* (n.p. n.d.), 164–65. Elsewhere he states: *lā shukr awfā min al-'ibāda (Majmū'a fi funūn min 'ilm al-kalām*, in *Nafā'is al-makhtūlāt, al-majmū'a al-khāmisa*, ed. Muḥammad Ḥusayn Āl Yāsīn [Baghdad 1375/1955]). His explanation in *al-Dhakhira* is followed by Abū Ja'far al-Tūsī's commentary on *Jumal al-ilm wa l-'amal, Kitāb Tamhūd al-uṣūl fi 'ilm al-kalām*, ed. 'Abd al-Muḥsin Mishkāt al-Dīnī (Tehran 1362 s), 250. It appears that older forms of speaking reflecting the gratitude theory of obligation

were only gradually brought into line with the singularity of the *lutf* theory. In this respect Ibn Mattawayh is particularly consistent.

³¹ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:148. The compressed argument in 'Abd al-Jabbār, *al-Mughnī*, 14:168, appears to make the quite different point that the variability of legal obligations makes sense on the theory of *lutf* but not on the theory of gratitude, since all are subject to the same rational obligation of gratitude vis-à-vis God, having all received the same basic benefits (*uṣūl al-ni'am*), including life itself. These basic benefits already create a limitless and unceasing obligation of mental gratitude. Presumably the Baghdadis would respond to Ibn Mattawayh along these lines, but include action as integral to their notion of gratitude.

³² These two criticisms are prominent in the convenient summary of Sterling Harwood, "Eleven Objections to Utilitarianism," in Louis P. Pojman (ed.), *Moral Philosophy: A Reader* (Indianapolis 1993), 142–44. The argument that the Baghdadi teaching is overly demanding was particularly relied upon by Abū 'Alī al-Jubbā'ī according to *al-Mughnī*, 14:56. *Al-Mughnī*, 14:70, attributes the argument from the elimination of supererogation (*tafaḍḍul*) to his son Abū Ḥashim.

³³ The question whether obligatory benefits can ground a duty of gratitude continues to be debated (see McConnell, *Gratitude*, 14–6). Cf. the polite contemporary expression used to decline thanks, *lā shukr 'alā wajīb*.

³⁴ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:149. This anti-utilitarian argument appears in *al-Mughnī*, 14:67, where it is attributed to *shuyūkhinā*.

³⁵ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:156.

³⁶ 'Abd al-Jabbār, *al-Mughnī*, 14:12.

³⁷ Op. cit., 14:47.

³⁸ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:156.

³⁹ 'Abd al-Jabbār, *al-Mughnī*, 14:67–8. This text mentions God's *altāf*, as does the Karaite Yūsuf al-Baṣīr, in Georges Vajda, *al-Kitāb al-Muhtawī de Yūsuf al-Baṣīr*, ed. David R. Blumenthal (Leiden 1985), *Judaeo-Arabic* 752, trans. 513–14. Elsewhere only reward and compensation are adduced: e.g., al-Sharīf al-Murtaḍā, *al-Dhakhira fi 'ilm al-kalām*, 207. *Al-Yāqūt* by the Twelver Shi'i Abū Ishāq b. Nawbakht (dates uncertain) in Ḥasan b. Yūsuf b. al-Muṭahhar al-Hillī, *Anwār al-malakūt fi sharḥ al-Yāqūt*, ed. Muḥammad Najmī Zanjanī (Tehran 1338 s), 156, introduces the *alṭāf* as an additional point, which suggests that the original form of this anti-utilitarian argument goes back to a pre-*lutf* stage.

⁴⁰ Al-Hillī, *Anwār al-malakūt*, 156. 'Abd al-Jabbār, *al-Mughnī*, 14:68, insists that this reply is not open to the utilitarians.

⁴¹ For al-Baṣīr's position on *al-aṣlah*, see al-'Allāma al-Hillī, *Kashf al-murād fi sharḥ Tajrīd al-i'tiqād (qism al-ilāhiyyāt)*, ed. Ja'far al-Subḥānī (Qum 1375 s), 147–48. Sadīd al-Dīn al-Ḥimaṣṣī al-Rāzī (d. after 600/1204) speaks of al-Baṣīr mediating between the two camps (*al-Munqidh min al-iaqlād* [Qum 1412 AH], 1:300).

⁴² *Kanz al-fawā'id*, ed. 'Abd Allāh Ni'ma (Beirut 1405/1985), 1:225. Al-Mufīd's position is noted below.

⁴³ *Moral Principles and Political Obligations*, 35.

⁴⁴ For example, al-Ḥimaṣṣī al-Rāzī, *al-Munqidh*, 1:373–74, al-Hillī, *Kashf al-murād*, 151–4; al-Hillī, *Manāḥij al-yaqīn fi uṣūl al-dīn*, ed. Muḥammad Riḍā al-Anṣārī al-Qummī (Qum 1416 AH), 264–65; al-Miqdād al-Suyūrī (d. 826/1423), *Kitāb al-Lawāmi' al-ilāhiyya*, ed. Muḥammad 'Alī al-Ṭabāṭabā'ī (Tabriz 1397 AH), 166,

gives seven grounds in justification of prophecy, of which the third is the modality of gratitude and legal provisions not attainable by reason. Ibn Mattawayh already accords gratitude only the briefest mention in his discussion of the grounds for prophecy (*Kūāb al-Majmūʿ*, 3:435, referring the reader to the treatment of the topic in *al-aṣlah*). On the topic of the justification of prophecy, see Sabine Schmidtke, *The Theology of al-ʿAllāma al-Ḥillī* (d. 726/1325) (Berlin 1991), 136–41. The Twelver Shiʿi al-Shahīd al-Awwal, Muḥammad b. Makkī al-ʿĀmilī (d. 786/1384), does take the trouble to expound what he takes to be al-Kaʿbī's teaching on gratitude as the ground of obligation, but then makes the fanciful suggestion that al-Kaʿbī may not have meant that the obligations of the revealed law constitute forms of gratitude, but that their performance would strengthen one's motives to discharge the rational obligation of gratitude (*al-Maqāla al-taklīfiyya*, in *Rasāʾil al-Shahīd al-Awwal* [Qum 1385 s], 95; also in *Arbaʿ rasāʾil kalāmīyya* [Qum 1423 AH], 51, with the commentary of ʿAlī b. Muḥammad al-Bayāḏī [d. 877/1472], *al-Risāla al-Yūnusīyya*, 166). This suggestion amounts to treating the theory of gratitude as a special limited form (*shuʿba*) of the *lutf* theory.

⁴⁵ Abū l-Ṣalāḥ al-Ḥalabī, *Taqrīb al-maʿārif*, 65–6 (reasoning grounded in *lutf* or gratitude), 152 (prophecy grounded in *lutf*); Anonymous, *Khulāṣat al-nazar*, ed. Sabine Schmidtke and Hasan Ansari (Tehran 2006), 22 (reasoning grounded in gratitude), 130 (prophecy justified in terms of *lutf*) (this Twelver Shiʿi text is dated by the editors to the late 6th/12th or early 7th/13th century); al-Miqdād al-Suyūrī (d. 826/1423), *Kūāb al-Lawāmiʿ al-ilāhiyya*, 9–11; al-Suyūrī, *al-Nāfiʿ yawm al-ḥaṣhr fī sharḥ al-Bāb al-ḥadī ʿashar*, ed. Mahdī Muḥaqqiq (Tehran 1365 s), 3, published with Abū l-Faṭḥ b. Makhdūm al-Ḥusaynī (d. 976/1568), *Miftāḥ al-Bāb*, 74.

⁴⁶ To the extent that they were not construed as simply alternative versions of the argument from prudence (see n. 3 above). It may be surmised that a number of later theologians found the attenuated Basran notion of gratitude sufficient to support the mental obligation of reasoning about the existence and nature of God. They apparently were unconvinced by the Basran argument that the moral obligation of gratitude was not a suitable basis for the obligation of reasoning since it could not be known that one was the recipient of God's benefits until one had come to know something of the moral nature of God, for there can be no benefit without the intention to do good (Mānkādm, *Sharḥ al-uṣūl al-khamsa*, 70–1). Ibn Mattawayh, *al-Majmūʿ fī l-muḥūṭ bi l-taklīf*, vol. 1, ed. J. J. Houben (Beirut 1965), 19–20, published as *al-Muḥūṭ bi l-taklīf*, ed. ʿUmar al-Sayyid ʿAzmī (Cairo, 28–9), rejects the notion that one can render conditional gratitude when unsure that one has been the recipient of benefits. This line of argument appears to represent a step toward the singularity of *lutf* and away from any recognition at all of gratitude in the obligation of reasoning. The Zaydī Aḥmad b. Muḥammad al-Sharāfi (d. 1055/1646), *Sharḥ al-Asās al-kabīr*, ed. Aḥmad ʿAṭā Allāh ʿĀrif (Sanʿa 1411/1991), 1:195, has the anti-gratitude theorists urging that a vague form of gratitude (*shukr al-munʿim ʿalā l-jumla*) or conditional gratitude (*al-shukr al-mashrūṭ*) is sufficient to discharge one's rational obligation of gratitude but at the same time insufficient to initiate the necessary further reasoning to arrive at God's existence, precisely the argument found in al-Ḥimaṣṣī al-Rāzī, *al-Munqidh*, 1:268. Presumably, one response available to the gratitude theorists would be to accept a vague or conditional form of gratitude as merely the initial stage of theological reasoning. Such a response is suggested by al-Zamakhsharī's comment on Q 4:147,

which has vague gratitude (*shukr mubham*) coming to be followed by knowledge of God and obedience (*al-Kashshāf ʿan ḥaqāʾiq al-tanzīl* [Beirut n.d.], 1:582). Ibn Mattawayh may have sought to block this response. *Khulāṣat al-nazar*, 22, responds that conditional gratitude is inappropriate when knowledge of the benefactor is possible, as in the case of God, while al-Sharāfi rejects the notion of conditional gratitude as irrational. A further consideration in explanation of the survival of the argument from gratitude for theological reasoning is that such reasoning is a one-time affair, unlike the continuing obligation of obedience. Precisely what initiates such reasoning is thus less critical than that it be accomplished and come to serve as the foundation for the revealed law. A particularly striking example of eclecticism here comes from the Twelver Shiʿi Abū l-Ṣalāḥ Taqī al-Dīn al-Ḥalabī (d. 447/1055) (cf. n. 3 above), a student of al-Sharīf al-Murtaḏā, who gives all four of what he takes to be the possible solutions: if the primary obligation is knowledge of God (the Baghdadi view), this may be based on either gratitude or *lutf*, but if the primary obligation is reasoning (*nazar*), that too may be based on either gratitude or *lutf* (*al-Kāfi fī l-fiqh*, ed. Riḏa Ustādī [Isfahan 1403], 38–9).

⁴⁷ That Saadia wrote on revealed law under Baghdadi as opposed to Basran Muʿtazili influence was noted by Moshe Zucker, *Saadia's Commentary on Genesis* (in Hebr.) (New York 1984), 306 n. 20, but the evidence he cites for this is not entirely cogent in light of what Ibn Mattawayh tells us (n. 18 above). Saadia as a proponent of a gratitude theory of obedience to God's commands is discussed by the philosophers Avi Sagi and Daniel Statman in their book on divine command ethics, *Religion and Morality*, trans. from Hebr. by Batya Stein (Amsterdam 1995), 74–8.

⁴⁸ In what survives of the introduction to his prayer book, Saadia states that while the obligation of gratitude is known by reason, terming it prayer (*ṣalāt*) is based on revelation (*Siddur R. Saadia Gaon*, ed. I. Davidson et al. [Jerusalem 2000], 3).

⁴⁹ *Kūāb al-Mukhtār*, 116–23. Addressing the challenge that it would be *aṣlah* for his creatures if God were to freely grant them eternal bliss, Saadia, like the Baghdadi Muʿtazilis, explains that compensation for the hardship of obedience to God's law will come in the form of their enhanced enjoyment of what has been achieved by their own efforts rather than simply given (116). Cf. al-Shaykh al-Mufīd, *Awāʾil al-maqālāt*, in *Muṣannaḥāt al-Shaykh al-Mufīd* (Qum 1413 AH), 4:60, translated in Martin J. McDermott, *The Theology of al-Shaykh al-Mufīd* (d. 413/1022) (Beirut 1978), 76; al-Karājiki, *Kanz al-fawāʾid*, 2:70–2. Both al-Mufīd (*Awāʾil al-maqālāt*, 4:59–60, translation and discussion in McDermott, 71–6) and al-Karājiki (*Kanz al-fawāʾid*, 1:126–31), defended the theory of *al-aṣlah*.

⁵⁰ In Spain Baḥyā ibn Paqūda (ca. 1080) in his *Kūāb al-Hidāya ilā farāʾid al-qulūb*, 127–84, presents a highly developed theory of gratitude, undoubtedly influenced by Saadia's work but taken well beyond known *kalām* models. My thanks to Professor Moshe Berger for reminding me to look at the works of Saadia and Baḥyā.

⁵¹ On Samuel ben Ḥofni, see the work already cited of David E. Sklare. On Yūsuf al-Baṣīr, see in addition to the posthumously published edition and translation of his *al-Muḥtawī* by Georges Vajda, referenced above, the introduction and bibliography of the first part of his shorter *Kūāb al-Tamyīz*, published as *Das Buch der Unterscheidung*, ed. and trans. Wolfgang von Abel (Freiburg 2005). *Lutf* was rendered as *leʾūt* in the Hebrew of the Byzantine Karaites (Eliezer Ben-

Yehuda, *Thesaurus totius hebraicitatis* [in Hebr.] [Jerusalem 1948–59], 5:2583, cf. Simon Hopkins, “Arabic Elements in the Hebrew of the Byzantine Karaites,” in Joshua Blau and Stefan C. Reif [eds.], *Genizah Research after Ninety Years: The Case of Judaeo-Arabic* [Cambridge 1992], 93–9).

⁵² On the massive introduction of Mu‘tazili literature into Yemen under Aḥmad b. Sulaymān, see Ayman Fu‘ād Sayyid, *Ta‘rīkh al-madhāhib al-dīniyya fi bilād al-yaman ḥattā nihāyat al-qarn al-sādis al-hijrī* (Cairo 1408/1988), 254–59, largely relied upon in the account of Richard C. Martin and Mark R. Woodward (with Dwi S. Atmaja), *Defenders of Reason in Islam* (Oxford 1997). Leading Caspian Zaydi imams had already adopted the Basran Mu‘tazili *lutf* theory (see, for example, al-Mu‘ayyad bi-llāh Aḥmad b. al-Ḥusayn, *al-Tabṣira*, ed. ‘Abd al-Karīm b. Aḥmad Jadabān [Sa‘da 1423/2002], 30, on the obligation of reasoning as based on *lutf*).

⁵³ Quoted from an otherwise apparently no longer extant section of his *al-Maḥajja al-bayḍā’* in al-Sharāfi, *Sharḥ al-Asās al-kabīr*, 2:276–79; cf. Madelung, *al-Imam al-Qāsim*, 222. On al-‘Ansī, see ‘Abd al-Salām b. ‘Abbās al-Wajīh, *A‘lām al-mu‘allifīn al-zaydiyya* (Amman 1420/1999), 589–91.

⁵⁴ The two theories are said to be close by Aḥmad b. ‘Abd Allāh al-Ṣan‘ānī (d. 1080/1669), who ascribes the same view to al-Najrī’s *Kūtab al-Munāsabat (al-Ghuṣūn al-mayyāsa)*, ed. Ayman ‘Abd al-Jābir al-Buḥayrī (Cairo 1421/2001), 29. Al-Najrī’s work, still unpublished, is, however, formulated according to the *lutf* theory as is clear from the reproduction of part of its preface in al-Najrī, *Shāfi‘ al-‘atīl*, ed. Aḥmad ‘Alī Aḥmad al-Shāmī, vol. 1 (San‘a’ 1406/1986), 47.

⁵⁵ *Majmū‘ kutub wa-rasā’il*, 1:206.

⁵⁶ There are now two editions of *Kūtab al-Asās*, that of Albert Nader (Beirut 1980) and that of Muḥammad Qāsim ‘Abd Allāh al-Hāshimī (Sa‘da 1415/1994). Gratitude and *lutf* as the two standard rival theories of the obligation of obedience appear in al-Ḥasan b. Aḥmad al-Jalāl (d. 1084/1673), *al-‘Iṣma‘an al-dalāl*, ed. by Ḥusayn b. ‘Abd Allāh al-‘Amrī, in *al-‘Allāma al-mujtahid al-muṭlaq al-Ḥasan b. al-Jalāl* (Beirut 1421/2000), 110, and al-Ḥusayn b. Nāṣir al-Sharaf (d. 1111/1699), *Maṭma‘ al-āmāl*, ed. ‘Abd Allāh b. ‘Abd Allāh al-Ḥūthī (San‘a’ 1422/2002), 400.

⁵⁷ *Kūtab al-Asās*, ed. Nader, 55, 135–6, ed. al-Hāshimī, 18, 120. Al-Qāsim adduced the usage of the term *kāfir ni‘ma* by the early imams for one who had committed a single major sin as evidence for their acceptance of the gratitude theory (ed. Nader, 188–89, ed. al-Hāshimī, 184). The gratitude theory espoused by al-Qāsim and by al-‘Ansī before him is generally speaking Baghdadi, although both insist that God is under no obligations.

⁵⁸ Al-Raṣṣās’s short text, also known as *al-Thalāthūna mas‘ala*, has been edited by Muḥammad Kafāfi (Beirut 1971). Two of its commentaries expounding the gratitude theory are those of Aḥmad b. Yaḥyā b. Ḥābis, *Kūtab al-‘Idāh*, ed. Ḥasan b. Yūsuf b. Yaḥyā al-Yūsufī (San‘a’ 1420/2000), 48–51 and al-Nāṣir li-Dīn Allāh Ibrāhīm b. Muḥammad, *al-‘Iṣbāh*, ed. ‘Abd al-Raḥmān b. Ḥusayn Shāyim (San‘a’ 1422/2002), 23 (in the section added by the contemporary editor). Al-Raṣṣās’s adherence to the theory of *lutf* is clear from his recently published *al-Khulāsa al-nāfi‘a*, ed. Imām Ḥanafī Sayyid ‘Abd Allāh (Cairo 1422/2002), 42, 48.

⁵⁹ Al-Ḥūthī’s *tanbīh* on the subject, dated 1381/1961, is included as a footnote to the edition of Muḥammad b. Ṣalāḥ al-Sharāfi’s *‘Uddat al-akyās fi sharḥ ma‘ānī al-Asās* (San‘a’ 1415/1995), 1:63–8. On al-Ḥūthī, see al-Wajīh, *A‘lām al-zaydiyya*, 316–17.

⁶⁰ Al-Ḥūthī suggests that the gratitude theory came to be adopted in light of the legal obligation of gratitude coupled with gratitude being morally right (1:64).

⁶¹ The Twelver Shi‘i Ibn Shahrāshūb (d. 588/1192) makes reference to instances of gratitude that are supererogatory (*atawawu*) but gives no examples (*Mutashābih al-Qur‘ān* [Tehran 1328 AH], 1:124). He may have been thinking of a verbal expression of gratitude where such is not made obligatory by special circumstances (see n. 27 above).

⁶² Al-Ḥūthī’s theory of obligation bears a strong resemblance to that of Abū ‘Alī al-Jubbā‘ī (*Sharḥ al-uṣūl al-khamsa*, 43). It is interesting to note that Walker, “Political Obligation and the Argument from Gratitude,” 202, also favors a version of the argument from gratitude that rests on the obligation of not acting in ways incompatible with the goodwill due a benefactor.

⁶³ A Hanafi version of a rational morality, including the obligation of gratitude to a benefactor, was attributed to Abū Ḥanīfa. It holds that God, not reason, is the *mūjib* (Muḥammad b. ‘Abd al-Ḥamīd al-Uṣmandī [d. 552/1157], *Lubāb al-kalām*, ed. M. Sait Özervarlı, 30). My thanks to Professor Özervarlı for providing me with a copy of a preliminary edition of this text cited here. I have not seen the edition he published in *Alaeddin el-Üsmendi ve Lübabü’l-Kelam adhi eseri* (Istanbul 2005). On this Hanafi position on rational ethics, see Reinhart, *Before Revelation*, 52–6.

⁶⁴ Ed. Bekir Topaloğlu and Muhammad Aruçi (Ankara 2003), 156; cf. 274 (God’s bestowing His benefits entails His making Himself known so as to enable His creatures appropriately to direct their gratitude).

⁶⁵ Op. cit., 278.

⁶⁶ Ed. Ömür Türkmen, Haran University Ph.D. dissertation, 100. My thanks to Professor Özervarlı for providing me with a copy of this edition. Strictly speaking, some of the grounds offered to support the necessity of prophecy do not go to the issue of obedience to the law, since they address possible functions of prophecy other than legislation. In the case of al-Sālimī’s list, however, we find that one of the possible grounds for prophecy is conveying the obligation of gratitude, a ground quite incompatible with that of conveying the due measure of an existing rational obligation of gratitude.

⁶⁷ *Kūtab al-Tamhīd*, 278.

⁶⁸ Al-Kāsānī’s father-in-law and teacher, ‘Alā’ al-Dīn al-Samarqandī (d. 539/1144), it is worth noting, was a devoted exponent of al-Māturīdī’s teachings. Al-Kāsānī’s student Jamāl al-Dīn al-Ghaznawī (d. 593/1196–97) continues to regard the exposition of the details of gratitude as one of the two grounds for the rational necessity of prophecy (*Kūtab Uṣūl al-dīn*, ed. ‘Umar Wafiq al-Dā‘ūq [Beirut 1419/1998], 120).

⁶⁹ Ed. ‘Alī Muḥammad Mu‘awwaḍ and ‘Adil Aḥmad ‘Abd al-Mawjūd (Beirut 1418/1997), 1:274. Further such explanations can be found at 1:458–59 (*salāt*), 2:373 (*zakāt*), 2:550 (*ṣawm*), 3:41 (*hajj*).

⁷⁰ Op. cit., 2:373.

⁷¹ Op. cit., 2:550.

⁷² Op. cit., 3:41.

⁷³ Ibn ‘Abd al-Hādī, *Kūtab al-Intisār*, ed. Jalaynad (Cairo 1423/2003), 159–73. The contemporary was the Shafi‘i jurist Ibn al-Wakīl (d. 716/1317).

⁷⁴ *Kūtab al-Mu‘tamad fi uṣūl al-dīn*, ed. Wadi Z. Haddad (Beirut 1974), 103.

⁷⁵ Saadia appears to express this notion when he states it is not possible for God to neglect (*lā yuhmiluhū*) to communicate to His creatures how to thank Him and (earlier) that reason requires that God provide legislation and not neglect us (*ihmāhunā*) (*Kitāb al-Mukhtār*, 117). The same notion that humans would be neglected (*muhmalīn*) should God have failed to make them subject to the obligation to know and thank Him is found in al-Ka'bi (*Tafsīr Abī l-Qāsim al-Ka'bi al-Balkhī*, 113–4, on Q 2:35, cf. 236, on Q 10:4). Presumably Saadia also held Jewish law to be binding on gentiles, on which see n. 83 below.

⁷⁶ *Awā'il al-maqālāt*, 4:44–5, translated in McDermott, *The Theology of al-Shaikh al-Mufīd*, 60, whose discussion of the Baghdadi position (61–2), however, fails to grasp the issue. Cf. al-Mufīd, *Tashīh al-i'tiqād*, in *Muṣannaḥāt al-Shaykh al-Mufīd*, 5:104–5 on the limitless debt of gratitude owed God.

⁷⁷ *Kitāb al-Bāligh al-mudrik*, in *Majmū' rasā'il al-Imām al-Hādī*, ed. 'Abd Allāh b. Muḥammad al-Shādhilī (Amman 1421/2001), 42 and n. 5 of the editor, whose interpretation coincides with that of the imam al-Qāsim b. Muḥammad, *al-Asās*, ed. Nader, 135, ed. al-Hāshimī, 119–20. The commentator al-Sharafī identifies the view attributed in *al-Asās* to al-Hādī as reflecting the teaching of *al-Bāligh al-mudrik* (*Uddat al-akyās*, 2:8). The passage is differently construed by the Caspian Zaydi imam al-Nāṭiq bi l-Haqq Abū Ṭālib Yaḥyā b. al-Ḥusayn, *Sharḥ al-Bāligh al-mudrik*, ed. Muḥammad Yaḥyā Sālim 'Izzān (San'a' 1997/1417), 69, as meaning that reports are not sufficient to establish a claim to prophecy. Al-Hādī, it is worth pointing out, was a proponent of *al-aṣlah* (*Kitāb al-Manzila bayn al-manzilatayn*, in *Majmū' rasā'il*, 168–69).

⁷⁸ Ibn Mattawayh, *Kitāb al-Majmū'*, 3:425–26. There is equally no necessity for revelation where non-compliance with rational obligations is inevitable. It is significant that in explaining why some regard prophecy as necessary Ibn Mattawayh omits to mention the subject of gratitude.

⁷⁹ On how this question should properly be formulated, see Ibn Barhān, *al-Wuṣūl ilā l-uṣūl*, 1:91–2. For Ash'aris like Ibn Barhān, the positive answer, once admitted to be rationally possible, must almost entirely be based on revealed texts, since obviously they have no general theory of legal obligation to which to appeal. Assuming a positive answer, there is the further question of how al-Ash'arī would justify the legal obligation of unbelievers to be grateful to God if, as he held, God bestows no benefits at all on unbelievers, only apparent benefits that will in the end prove to be their ruin. The question is all the more acute in that al-Ash'arī, like the Basran Mu'tazilis, tied the obligation of gratitude to freely bestowed benefits (Ibn Fūrak, *Mujarrad*, 35–6). According to Ibn Fūrak's explanation, the gratitude the unbelievers owe to God is for the benefits bestowed on the believers (ibid., 34). Al-Bāqillānī, however, held the position that the unbelievers are benefited by God ('Alī al-Qārī, *Sharḥ al-Fiqh al-akbar* [Cairo 1375/1955], 126–7, the dispute is verbal). Aḥmad b. Sulaymān, noting the parallel with Ash'ari doctrine, argues that the heretical Mutarrifi sect does not recognize God's favors to unbelievers or even to believers and so can provide no ground for an obligation of gratitude or *ibāda*: *al-Hāshima li-anf al-dullāl min madhāhib al-muṭarrifiyya al-juhḥāl*, in *al-Ṣirā' al-fikrī fī l-yaman bayna al-zaydiyya wa l-muṭarrifiyya*, ed. 'Abd al-Ghanī Maḥmūd 'Abd al-Āṭī (al-Haram 2002), 111.

⁸⁰ See, for example, Ibn al-'Aynī, on the margin of Ibn al-Malak, *Sharḥ al-Manār* (Istanbul 1308), 65–6.

⁸¹ Abū l-Ḥusayn al-Baṣrī, *Kitāb al-Mu'tamad fī uṣūl al-fiqh*, ed. Muḥammad Ḥamīd Allāh et al. (Damascus 1384/1964), 1:294.

⁸² *Ibid.*, 1:295–96.

⁸³ See the helpful summary in Sklare, *Samuel ben Hofni*, 153–54. He has treated this subject further in "Yūsuf al-Baṣīr: Theological Aspects of His Halakhic Works," in Daniel Frank (ed.), *The Jews of Medieval Islam: Community, Society, and Identity* (Leiden 1995), 264–69, and most fully in "Are the Gentiles Obligated to Observe the Torah? The Discussion Concerning the Universality of the Torah in the East in the Tenth and Eleventh Centuries," in Jay M. Harris (ed.), *Be'erot Yitzhak: Studies in Memory of Isadore Twersky* (Cambridge, Mass. 2005), 311–46, especially 324–26 on the role of *lutf* in the debate. The position of Saadia is discussed on p. 320. The dispute is also addressed by Haggai Ben-Shammai, "Some Genizah Fragments on the Duty of the Nations to Keep the Mosaic Law," in Joshua Blau and Stefan C. Reif (eds.), *Genizah Research*, 22–30. Both Sklare ("Yūsuf al-Baṣīr," 268–9; "Are the Gentiles," 336) and Ben-Shammai, 28–9, misconstrue the position of 'Abd al-Jabbār. According to 'Abd al-Jabbār, unbelievers are obligated by the provisions of Islamic law (Ibn al-Murtaḍā, *Minḥāj al-buṣūl ilā Mi'yār al-uqūl fī 'ilm al-uṣūl*, ed. Aḥmad 'Alī Muṭaḥhar al-Mākhadhī [San'a' 1412/1992], 257), as one would expect of a Basran Mu'tazili (see n. 81 above). In the passages from *al-Mughnī*, vol. 16, cited by Sklare and Ben-Shammai, 'Abd al-Jabbār argues that a condition of the unbelievers being obligated is that they be in a position to know of the revelation to Muḥammad, not that they accept this revelation. He rejects the notion that they might mingle with Muslims and yet not come to know of Islam, that is, of Muḥammad's claims to be a prophet.

⁸⁴ This is the problem that Abū l-Ḥusayn al-Baṣrī specifically addresses in *Kitāb al-Mu'tamad*, 1:297–98, and he admits the force of the counterargument on 1:298, ll. 7–9.

⁸⁵ A representative list of Mu'tazili and Zaydi infallibilists can be found in Ibn Muẓaffar, *Kitāb al-Bayān al-Shāfi' al-muntaza' min al-Burhān al-kāfi* (San'a' 1984), 1:18.

⁸⁶ *Ibid.*

⁸⁷ *Kitāb al-Asās*, ed. Nader, 152–56, ed. al-Hāshimī, 141–45.

⁸⁸ Some material on these jurists is provided by Reinhart, *Before Revelation*, 15–21, 121–23. Among later Shafīis who held that there is a rational obligation of gratitude is al-Rāghib al-Isfāhānī, *Kitāb al-Dharī'a ilā makārim al-sharī'a*, ed. Abū l-Yazīd al-'Ajamī (Cairo 1405/1985), 279. His classification of gratitude as of the heart, tongue, and limbs was widely cited by later authors (*Mufradāt alfāz al-Qur'ān*, ed. Ṣafwān 'Adnān Dāwūdī [Damascus 1412/1998], 461).

⁸⁹ My thanks to Ahmed El-Shamsy for lending me his microfilm of the Istanbul copy of this work (Ahmed III 1317).

⁹⁰ Quoted in Fakhr al-Dīn al-Rāzī, *al-Tafsīr al-kabīr* (Tehran 1371–80/1992–2001), 2:66 on Qur'an 2:11.

⁹¹ See Reinhart, *Before Revelation*, 20–1.

⁹² Ibn Mattawayh, *Kitāb al-Majmū'*, 3:434. Of course, the social circumstances created by the law might have a role to play at the psychological level, but the individualism of the *lutf* theory, as opposed to the popular utilitarian version of the gratitude theory, is quite marked.