CHAPTER 4

Al-Ghazali's Ethics and Natural Law Theory

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'Natural Law Theory' can refer to either a theory of law or a theory of morality. The two are at least logically independent. For instance, one might adopt a natural law theory of law, asserting a special relationship between legal authority and moral principles, while also opposing natural law as a moral theory by holding that moral principles are rooted ultimately in cultural convention. Conversely, one might hold a natural law theory of morality, while denying any special relationship between that and positive law or legal authority. While it is questionable whether the distinction has any practical relevance here, this chapter will focus on the compatibility between the thought of Abu Hamid al-Ghazali (1058–1111), and the dimension of natural law pertaining to morality and moral epistemology. Specifically, we will examine to what extent we can accurately describe his moral theory as a natural law theory.

In his extensive study on Islamic natural law theories, Anver Emon (2010) has identified a 'soft natural law' operative in Ghazali's theory of

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maṣlaḥa and *maqāṣid*, as methods of Islamic jurisprudence. According to Emon, however, the essential distinction between this and 'hard natural law' appears to be theological. 'Hard' natural law entails a natural and moral order that is not contingent on God's will. The 'soft' natural law which Emon discovers in Ghazali's legal methodology, however, is compatible with the position that the natural and moral order is contingent on God's will, and therefore underwritten by Divine grace, rather than on any natural or moral order independent of God's will (Emon 2010: 124).

George Hourani, on the other hand, had earlier argued that Ghazali's moral theory is incompatible with the natural law theory, in virtue of its 'theistic subjectivism'. That is, "the belief that 'good', 'right', and similar terms have no other meaning than 'that which God wills" (Hourani 1985: 59). Part of his argument is that moral subjectivism follows from the very contingency on Divine will, with which Emon understands 'soft' natural law to be compatible. Emon bases his study on sections of Ghazali's *Shifā' al-Ghalīl* and *al-Mustaṣfā min 'Ilm al-Usūl*, where Ghazali deals with the topic of *maṣlaḥa*. Hourani, meanwhile, bases his opposing case on an examination of a different section of the latter work, and a parallel section of *al-Iqtiṣād fi al-i'tiqād*, where Ghazali discusses meta-ethical issues involved in defining terms like 'good,' 'bad,' and 'obligation,' in the course of critiquing the Mu'tazila position on the matter.

In this chapter, I will make the case that we can accurately describe Ghazali's position as a natural law theory, based on a reading of the same texts Hourani focused on in his study. Kevin Reinhart (1995), on whose translation of *al-Mustaṣfā* I will be depending in what follows, has also treated this topic. Though he did not specifically compare Ghazali's position there with natural law theory, like Hourani (though for somewhat different reasons) he interprets Ghazali's position as subjectivist on key points rendering it incompatible with natural law theory. Thus, I will begin with a prima facie case for this incompatibility roughly along the lines one finds in Reinhart, and argue that a closer examination of the relevant text of *al-Mustaṣfā* along with the parallel section of *al-Iqtiṣād*, also cited by Hourani, shows that Ghazali's position is not conclusively subjectivist, but instead is compatible with a natural law theory. I will examine key sections of Ghazali's *Kimiya al-Sa'dāt* that quite clearly express a natural law theory of morality. Along the way, I will consider and answer some key objections.

What, then, counts as a natural law theory of morality? In what follows, I will take it to include any theory according to which (1) there are objective moral norms, (2) which follow from human nature, and (3) are discoverable by independent reason. Secondly, I will take the moral theory of Saint Thomas Aquinas as paradigmatic in this regard. This, of course, bears on our understanding of what counts as 'independent reason.' It means we cannot take this to require absolute independence, for according to Saint Thomas nothing is independent of Divine Providence. What we mean then is that reason is capable of discovering moral norms independent of revealed scripture or law. As for the first requirement, of objectivism, I will understand that to include, as Hourani puts it "any theory which affirms that value has a real existence in particular things or acts, regardless of the wishes or opinions of any judge or observer as such" (Hourani 1985: 58).

The Prima Facie Opposing Case

Based on these requirements, we can make a prima facie case, against the suggestion that Ghazali held a natural law theory of morality based straightforwardly on statements he makes in the beginning of the first *qutb* of *al-Mustaṣfā*. Here, he defines the moral/legal status of an act (*ḥukm*) and makes three assertions directed against the Mu'tazila. The *ḥukm* is the dictum (*khiṭāb*) of the divine law (*shar'*) in relation to the act of those under obligation. The obligatory (*wājib*) is the command to perform the act and not to refrain from it. The forbidden (*ḥarām*) is the command to refrain from it. If there is no such command, he writes, there is no *ḥukm*. Thereafter, he makes the following three assertions. First, the intellect (*'aql*) neither commends nor detests. Second, the intellect does not obligate thanking the benefactor. Third, there is no *ḥukm* for acts before the arrival of the divine law (Reinhart 1995: 87).

Ghazali makes these three assertions in opposition to the Mu'tazila position, according to which the intellect can perceive the good (*ḥusn*) or bad (*qabḥ*) of some deeds (specifically excluding rites of worship), either immediately in virtue of its self-evidence, or through rational inquiry. Thanking the benefactor is one of the acts that, according to the Mu'tazila, are obligatory by way of reason alone. On the face of it, these assertions contradict all three of what we identified here as essential elements of a natural law theory of morality. For, if the moral status of an act is simply God's declaration about it, and it has no moral status before that

declaration, its moral status is not a fact about the act independent of the declaration. Therefore, there are no objective moral norms. Furthermore, Ghazali specifically states that the intellect does not perceive things as good or bad, and (by extension from not obliging gratefulness to the benefactor) neither obliges nor forbids any act. This seems to entail that moral norms are not discoverable by reason.

Later in the same section, Ghazali deals specifically and in more detail with the Mu'tazila position on thanking the benefactor. The first premise of his argument against them identifies the obligatory even more thoroughly with the divine command. "An indication of this," he writes, "is that there is no meaning to Obligatory (*wājib*) except 'what God makes Obligatory and commands and threatens punishment for neglecting'" (Reinhart 1995: 97). It is natural to interpret this as asserting that any use of the term obligatory for other than what God commands is strictly meaningless. In that case, we have an expression of a divine command theory of a most positivist sort.

Objectivity of Obligation

Yet, a second look reveals that it would be a self-defeating one, for as a definition it is circular: 'obligatory means what God makes obligatory.' If we bracket the term itself from the definiens, we get 'what God commands and threatens punishment for neglecting.' If we say the obligatory is what God commands, it is equally circular, since to command is just to obligate. Thus, when Ghazali says the obligatory is 'what God makes obligatory and commands,' he is giving an extensional, not intensional, definition of the term. That is, he is not telling us the meaning of obligatory per se, but specifying what is to be included in the set of things that are 'obligatory' as a category of *fiqh*. When he says, 'the obligatory is what God makes obligatory,' it is not strictly circular, since the term 'obligatory,' that he is defining here, is a secondary, technical sense of the term, which appears in the definition in its primary, general sense. The latter appears in the last part of the definition: 'and threatens punishment for neglecting.'

Ghazali confirms this later in the course of the argument, when he defines the obligatory per se. "For there is no meaning to obligatory other than 'that the doing of which is preferable to being shunned, so as to prevent a known harm or one [merely] fancied'," he insists, "For the meaning of the obligatory is [only] the preference of doing over shunning" (Reinhart 1995: 99). Thus, the obligatory is not, by definition, 'what God

makes obligatory.' The obligatory is that which one must do, on pain of some real or imagined harm. Therefore, it is not the case that the obligatory has no meaning, independently of the command of God. Nor is it the case that nothing is obligatory in the primary general sense, without God commanding it. Nothing is obligatory in the *fiqhi* sense without a command from God, but this is in virtue of the fact that 'obligatory' in the primary sense means that which must be done on pain of a harm, combined with information *fiqh* discovers, about acts for which God has threatened harm or promised reward in the Hereafter. There is a 'natural' meaning for obligatory here, independent of divine command, of which the technical meaning is a specification.

In the *al-Mustaṣfā*, Ghazali introduces the discussion of the obligatory by concentrating on this specific technical sense, appropriately for a manual on *uṣūl al-fiqh*. His definition of the term in its primary sense only appears in the course of his argument against the Mu'tazila, about thanking the benefactor. The argument is that, if the intellect alone obliges thanking the benefactor, then it either does so for an advantage or not. It is impossible that it does not do so for an advantage, he argues, because "that is futility and foolishness" (Reinhart 1995: 97). This is because an act's being obligatory, in its primary sense, just means that there is some advantage in doing it, that is, the avoidance of a harm. That this only appears later in the text is, perhaps, the reason Reinhart makes the mistake of interpreting Ghazali as holding that the *ḥukm* is imperative rather than descriptive (Reinhart 1995: 72). For to say that an act, if neglected, will lead to harm, is descriptive, even if the harm it describes is in the hereafter.

For the purposes of *uṣūl al-fiqh* proper, the technical sense of 'obligatory' is the primary concern. When Ghazali launches his rebuttal of the Mu'tazila, and deploys his definition of the term in its general sense, he is digressing to a connected issue that belongs primarily to the field of *'ilm al-kalām*. Hence, while the treatment of the same question in his text on that field, *al-Iqtiṣād fi al-i'tiqād* is substantially similar to that in the *al-Mustaṣfā*, its order is different. Here, he starts with term 'obligatory' (rather than the 'good' and 'bad' as he does in *al-Mustaṣfā*), and focuses on defining it in the general sense. "Indeed, what is specifically called 'obligatory' is that act the refraining from which leads to definite harm," he writes, "If this harm obtains in the next life and is known through the revelation, we call the act 'obligatory,' and if the harm obtains in this worldly life and is known through reason, in this case too the act might be called 'obligatory'" (Yaqub 2013: 159). The term, therefore, describes a

relation between the act and a value (harm or benefit), and not simply a relation between the act and a decree. For as he argues, such a decree has no meaning outside of such a description.

Here, Ghazali treats the distinction, between 'obligatory' as a term of *fiqh* and the primary sense of the term, in a manner appropriate to the context of *kalām*. "We have arrived at two meanings for 'obligatory', both of which are based on encountering harm," he writes, "One of them, however, is more general, because it is not specific to the hereafter; the second is more specific and is our usage" (Yaqub 2013: 160). The difference, then, is not that in 'our usage' the term 'obligatory' means nothing more than 'commanded by God.' It lies, rather, in what sort of harm we have in mind. This does not entail that use of the term 'obligatory' outside of the *fiqh* sense is mistaken. "We do not forbid this convention according to the law," he writes, "The terms are open to all and there are no restrictions on them either due to the revelation or due to reason" (Yaqub 2013: 159–160). The argument here is not that 'obligation' is by definition a divine command. Rather, it is that acts are obligatory in virtue of their relation to a consequence rather than (as the Mu'tazila maintain, according to Ghazali) their intrinsic nature.

Does this notion of the obligatory preclude the possibility of objective moral norms, of the sort required by a natural law theory? Not if it is a matter of objective fact, whether refraining from an act will bring harm. For, if there is an objective fact that a specific act will bring about a grave harm, then that could underwrite an objective moral norm forbidding the act. The only objection to this (coming from, e.g., a strict deontological position) would be that consideration of an act's consequences can only underwrite a prudential evaluation, and not a properly moral one. Yet this would also be an objection against natural law theory itself. Aside from that, whether the relation between an act and a consequence can underwrite an objective moral obligation depends on two separate questions: (1) whether it is an objective fact that refraining from the act will bring about the consequence in question, and (2) whether it is an objective fact that the consequence in question is a harm.

The first question is answered simply enough. Obviously, for Ghazali there are objective facts that refraining from certain acts will lead to harm, namely in the hereafter. Yet this is also the case in the worldly context. "The one who does not affirm the revelation might say that it is obligatory for a hungry person who is dying of hunger to eat if he finds bread," he writes, "He means by 'eating is obligatory' that performing it is

preponderant over refraining from it because of the harm that is caused by refraining from it" (Yaqub 2013: 159). It is an objective fact that someone who does not eat will die.

A foreseeable objection here is that, according to Ghazali, it is God's decision that links the act to a punishment in the hereafter. Therefore, the fact that the act will lead to that harm is not objective, since it is contingent on God's will. It is not clear how this follows. If it follows on a general assertion that anything contingent on God's will is subjective, then one would have to conclude that for Ghazali, as well as for Aquinas (the paradigmatic natural law theorist), the existence of the universe is subjective. Perhaps the reasoning is that in order to be objective, the link between the act and the consequence has to be mediated by nature (as a 'secondary cause') rather than directly by God. Yet imagine someone puts a gun to my head and threatens to shoot unless I deny that it is an objective fact that if he does I will die. Even though this is contingent on his decision, it is certainly an objective fact that, if I refrain from acting as he demands, at least my chances of dying are higher. Then, if contingency on the decision of a human being does not render this subjective, why should contingency on the decision of God?

This leads to a second potential objection. For Ghazali, there are no objective facts about human acts leading to consequences, because human acts do not lead to consequences at all, since everything that happens, according to Ghazali, is a consequence of God's act. This is the crux of Hourani's argument that Ghazali could not have been a natural law theorist. (Hourani 1985: 152–153) This objection, however, depends on a strictly 'occasionalist' interpretation of Ghazali's metaphysics of nature that is controversial. Even if this interpretation is correct, it just may be that Ghazali's moral theory is inconsistent with his metaphysics of nature. That would be the case, if the position that human acts do not cause their consequences entails that they do not have consequences. Yet in the scenario imagined above, where someone shoots me for not complying with a demand, it seems right to say my death would be a consequence of my failure to comply, as an objective fact, even though the shooting (not my non-compliance) is the cause. Therefore, even on the most strictly 'occasionalist' interpretation of Ghazali's metaphysics of nature, where only God is the cause of anything, it does not follow that human acts do not have consequences, as a matter of objective fact.

Objectivity of Value

The second question is whether it is an objective fact that the consequence in question is a harm, and by extension, whether there are any objective values. For if it is an objective fact that an act will lead to a consequence described as a harm, but it is a merely subjective matter whether the consequence is a harm (i.e., if its status as 'harm' depends on the evaluation of the one affected by it), then the moral principle based on that will be subjective. If the moral principle is to be one that follows from human nature, as natural law theory holds, then the value in question must follow from human nature, as an objective fact. Likewise, if the moral principle is to be discoverable by reason, then both the relation between the act and the consequence, and the fact that its harmfulness follows objectively from human nature, must be discoverable by reason. Hence, we must examine Ghazali's discussion of the terms 'good' (*ḥasn*) and 'bad' (*qabḥ*).

"The act that is in accordance with the agent is called 'good' for him; there is no meaning to its being good other than its accord with his purpose," he writes, "The act that is contrary to his purpose is called "bad"; there is no meaning to its being bad other than its contrariety to his purpose" (Yaqub 2013: 160). 'Good' and 'bad' are, therefore, not intrinsic to an act or its consequence, but in every case signify a relation of accord or contrariety to an objective. They are in an important sense relative.

> If it is in accordance with one person's purpose but not another's it is called 'good' for the first and 'bad' for the other. For the terms 'good' and 'bad' are relational matters that vary with people. They even vary with the states of a single person, and they vary with the purposes attached to a single state. An act might be in accordance with a person in one way and contrary to him in another way; hence it would be good for him in one way and bad for him in another way. (Yaqub 2013: 161)

Again, this seems at first to mitigate against the objectivity of a moral norm based on these values, but that would be a hasty conclusion. For the relativity of 'good' and 'bad' in this sense does not entail their subjectivity. That is, even though the meaning of a thing being 'good' is only that it is in accord with one's purpose, it does not follow that you can never be mistaken about whether something is good. That a dosage of medication, for example, is good for you means only that it is in accord with your

purpose in taking it (presumably, health). Yet this depends on objective facts that differ from person to person (such as your specific condition, age, weight, etc.), and not simply on your evaluation. Whether a moral norm based on this conception of value is objective, depends on (1) whether there is an objective fact as to whether the relation (of accordance/contrariety) obtains between the act (or its consequence) and the purpose, and (2) whether there is an objective fact as to what the purpose is.

Are there objective facts about the relations between acts and purposes? In Ghazali's view there are. "One speaker uses it ['good'] for whatever serves a purpose, whether the purpose is near at hand or far in the future," he writes. "Another speaker uses it specifically for what serves a purpose in the hereafter, and this is what the revelation deems good; that is, exhorts its performance and promises a reward for it; and it is the usage of our peers" (Yaqub 2013: 161–2). In relation to this reward in the hereafter, according to Ghazali's position, obviously, there are objective facts about which acts accord with it. These are the facts disclosed by revelation.

Yet even with respect to worldly purposes, there are objective facts about which acts are in accord with them and which not, for one is often mistaken on the matter. We can find a vivid illustration of this in Ghazali's psychological explanation of why people falsely conceive goodness and badness as intrinsic properties of things. Reinhart headed his translation of this section of *al-Mustaṣfā* with the title 'Evaluations are subjective.' Yet from Ghazali's position that goodness and badness are not intrinsic properties, it does not follow that they are subjective. On the contrary, his explanation of the faulty habit of thinking of them as intrinsic entails that they are objective.

The 'first error' is that we apply the word 'bad' to what is contrary to our objectives, while failing to notice that it is in accord with someone else's objectives. This leads us to 'determine detestability unrestrictedly' (Reinhart 1995: 93). That is, we wrongly conclude that it is bad for all, when it is really just bad for us. This is a mistake precisely because it is an objective fact that the same thing is in accord with someone else's objectives; that is, that it is good for them. If the matter of how the thing relates to the others interests were subjective, then whether it is bad for them would just depend on whether I think it is. There would be no fact about how it relates to the others interest, and thus nothing for me to be mistaken about. Yet, Ghazali's argument starts with the observation that there is an objective fact, which I fail to acknowledge, that the thing is in

accord with someone else's interests, both to prove that the badness of the thing is not intrinsic to it, and explain why we tend to think it is.

The 'second error' is that, when something is contrary to our objective in most cases, we fail to notice the few cases in which it is otherwise, leading us to conclude that the thing is bad in itself. The 'third error' is the fallacy of association. When one thing resembles another, which we know to be contrary to our interests, we falsely conclude that the first is also contrary to our interests. Ghazali gives the example of a snakebite victim who feels aversion to colored rope. This is an error precisely because he thinks the rope poses a threat when it does not; that is, he thinks it is bad when it is not. If evaluations of good and bad were subjective, then this would not be possible, for in that case there would be nothing to whether the rope is bad, aside from whether one thinks it is. That is not the case. One thinks the thing threatens his interests when in fact it does not. Therefore, the relation between the thing and his interests is an objective matter, and the fact that 'good' and 'bad' is such a relation does not render these evaluations subjective.

This brings us to the question, whether there is any objective fact as to what one's purpose is. For if one's purpose is a purely subjective matter (i.e., if it is whatever one thinks it is), then any evaluation consisting of a relation to that will also be subjective, as will any moral norm based on such an evaluation. On the other hand, if there is an objective fact about what your purpose is, for example, if you have a purpose that follows from your nature, as natural law theory holds, then an evaluation of something based on how it relates to that purpose, as well as a moral norm following from that, may be objective. If these facts about your purpose and the relation of an act thereto are discoverable by reason, then the resulting moral norm may be discoverable by reason.

Then does Ghazali hold that the question of one's purpose is merely subjective? Clearly not. For again, if your purpose is a subjective matter, then it is whatever you think it is, and therefore logically impossible for you to be wrong about. For, as Ghazali would certainly agree, punishment in the hereafter is bad for you and reward is good. Then assume it is a subjective matter what your purpose is. Since a thing being 'good' means only that it is in accord with your purpose, then if you resolve to go to Hell, that destination will be good for you. As I will argue in what follows, Ghazali would say you were simply mistaken about what your purpose actually is. Therefore, there is an objective fact about it, independent of your subjective choice or assessment.

Another possible response to this hypothesis is that the notion of resolving to go to Hell is absurd. Since Hell is essentially bad, and 'bad' just means that which is contrary to one's purpose, then Hell is that which is contrary to one's purpose, whatever it may be. To resolve to go to Hell, then, would be just to make it your purpose to defeat your purpose, which is absurd. As a matter of objective fact, therefore, your purpose is fulfillment. One may object that this is not a meaningful fact about the nature of your purpose, since it does not distinguish anything specific that would constitute fulfillment from its opposite. Fulfillment must be fulfillment of *something*. Though it is of the nature of a purposive being that it aims for fulfillment, and though this is an objective fact discoverable by reason, in order for any objective moral norm to follow from this we must be able to say something more specific about what it is, fulfillment of which constitutes the purpose of the human being.

Reason and Human Nature

Ghazali places this question at the center of his *Kimiya al-Sa'ādat*, the Persian synopsis of *Ihyā Ulūm al-Din*.

> Therefore, you must seek out the truth about yourself: What sort of a thing are you? Where did you come from? Where are you going? Why have you come to this stopping place? What is your happiness and in what does it lie? Where is your misery and in what does it lie? (Cook 2005: 11)

The premise here is that human purpose is an objective matter that is subject to discovery rather than simply an individual's decision. Hence, it determines what is good and bad for you, that is, in what your 'happiness' and 'misery' lie. This purpose is the objective referent of the terms 'good' and 'bad,' as Ghazali defines them above. The good is that which is in accord with it, while the bad is that which is contrary to it. Moreover, Ghazali does not present the question here exclusively in terms of Divine will as known through scripture, but as involving an examination of human nature. He describes the human as exhibiting the attributes of cattle, predatory beasts, demons, and angels.

> Which of these is you? Which is the truth of your essential nature, while the others are foreign and borrowed? If you do not know this, you cannot seek

> your happiness, because for each of these there is a different nutriment and a different happiness. (Cook 2005: 21)

For Ghazali, of course, our essential nature is that corresponding to the 'attributes of the angels,' by which he means the intellect. "How do we know that his origin lies in the essence of the angels," he asks, "and that the others are foreign and accidental?" (Cook 2005: 21) That he considers this discoverable by reason is evident by the fact that he offers a reasoned argument for it, as follows. "Know that you recognize this because you know that a human being is nobler and more perfect than animals and predatory beasts," he argues, "Everything to which perfection has been given, which is his final stage, is the reason for his having been created" (Cook 2005: 21). The perfection of a thing is a feature unique to it in relation to others whose features it shares. Ghazali compares horses to donkeys, as an example. Whereas the function of the donkey is to carry burdens, the horse can do all that the donkey can as well as run at speed, which the donkey cannot. All those attributes of cattle and predatory beasts that we find in the human being are not unique to the human being but shared by (you guessed it) cattle and predatory beasts.

> Therefore, a human being has that which has been given to the animals and wild beasts, but in addition he has been given a perfection and that is intellect. With it he comes to know God Most High and His handiwork. With it, he delivers himself from the grasp of lust and anger. This is the attribute of the angels. With it, he dominates animals and beasts of prey. All are subservient to him: everything that is upon the ace of the Earth, as God Most High said: *He has made all of what is on Earth subservient to you*. [45: 13] (Cook 2005: 22)

The position that human nature is discoverable by reason, however, is not alone sufficient for a natural law theory. The latter holds that objective moral norms rooted in human nature are discoverable by reason. And, notwithstanding the apparent implications of what Ghazali says here about discovering where your happiness lies, in *al-Mustaṣfā* he explicitly states that the intellect neither commends nor detests, nor does it obligate thanking the benefactor (or anything else, presumably). This would seem to preclude the discoverability of moral norms by reason. There appears, at least, to be a contradiction between his position there and here.

The resolution of this apparent contradiction is that, from Ghazali's assertion that reason does not commend and detest, or impose obligations, it does not follow that it cannot discover them. To clarify what he means by the former, we need to pay close attention to the course of his argument against the Mu'tazila. Ghazali argues that the obligation of thanking the benefactor is only sustainable in relation to a benefit (reward and the avoidance of punishment) in the hereafter. This is because there is no obligation without a consequence, and no benefit in this life for gratefulness. But "there is no advantage to him in the Next World [either as far as he knows], for the reward is gratuitous preferment from God and is known [only] by His promise and His informing," he argues, "If one is not informed of it, whence does he know that he is rewarded for it?" (Reinhart 1995: 97).

The substance of the argument, however, lies in Ghazali's response to the Mu'tazilite objection he considers directly afterward. "It may occur to [the bondsman] that if he is ungrateful and disclaims [the benefaction], *perhaps* he will be punished," he has them say, "The *'aql* summons one to travel the more secure path" (Reinhart 1995: 97). Ghazali's reply here is independent of what the intellect can know about the hereafter.

> No. Rather, the *'aql* makes known the more secure path, and thereupon a natural characteristic (*al-tab'*) impels him to travel it. For every person is created with a disposition to love himself and dislike unpleasantness. You have erred in saying that the *'aql* is a summoner; rather the *'aql* is a guide; inducements and motivations proceed from the lower soul consequent to the assessment (*hukm*) by the *'aql*. (Reinhart 1995: 97–98)

The intellect has a function here, which Ghazali explicitly describes as a *hukm*; 'making known the more secure path,' indeed, in this case that gratefulness is more likely to save one from punishment in the hereafter. What he denies is that the intellect *imposes* the obligation. That is to say, the obligation is imposed by one's nature, in relation to which the consequence of the act constitutes a harm. The function of reason is not to impose, but to recognize this. This division of labor between one's nature and one's intellect in the moral schema matches that of Saint Thomas Aquinas, as explained by Father Copleston, in his *History of Philosophy*, from the chapter on Aquinas' moral theory. "Thus man, in common with all other substances, has a natural inclination to the preservation of his being," he writes, "and reason, reflecting on this

inclination, orders that the means necessary to the preservation of life are to be taken" (Copleston 1946: 407).

Ghazali refers to the seat of the intellect as the heart (*qalb*). He tells us that the nobility of the human heart has two dimensions: one pertaining to power and another to knowledge. That pertaining to knowledge has a degree that is accessible to the generality of humanity, and another that is rare. The former involves 'the ability to learn all sciences and arts, so as to know all arts, and to read and learn all that is in books, such as geometry, mathematics, medicine, astrology, and religious sciences.' All of this, according to Ghazali, is learned through the senses and pertains to the physical, while the second degree of nobility is 'a window inside the heart open to the kingdom of the heavens,' and pertains to the spiritual (Cook 2005: 22–23). Though this is the faculty, by means of which prophets receive divine revelation, it is not strictly limited to them.

> Do not suppose that this is restricted to the prophets. Rather, the essence of all persons in its original nature is fit for this, just as there is no iron, in its original nature, unsuited for the making of a mirror that may relate the form of the world—unless it has been spoilt by some corrosive thrown into its substance. In the same way, every heart that has been overcome by the worldly greed and appetite for sins which have become firmly established in it—to the point of being possessed by them and assuming their nature—nullifies this (potential) suitability. All who are born are born with an innate nature; their parents make them Jews, Christians, or Magians. (Cook 2005: 25–26)

On the one hand, this capacity is innate and universal. "It is as basic as answering to every sane person who asks 'Is two not greater than one?" (Cook 2005: 26). It is natural reason, but as applied to moral questions, one must contend with the effect of the 'rust' of sin that obstructs its proper function, of reflecting the reality of one's nature and the relation of various deeds to that. Consequently, only very few people actualize this ability to various degrees. It is not, as Ghazali depicted the Mu'tazila as presuming, something developed in the same degree to everyone. "However, not everyone who sows reaps, not everyone who travels arrives, and not everyone who seeks finds," he writes, "for the more precious a thing is, the more numerous the conditions and the rarer its attainment" (Cook 2005: 26). Like Ghazali, Saint Thomas according to Copleston holds only that the potential (not actual) apprehension of moral norms by

the intellect is common to all. Citing *Summa Theologica* II Question 91, Article 4, Copleston writes:

> The natural law is the totality of the universal dictates of right reason concerning that good of nature which is to be pursued and that evil of nature which is to be shunned, and man's reason could, at least in theory, arrive by its own light at a knowledge of these dictates or precepts. Nevertheless, since, as we have seen, the influence of passion and of inclinations which are not in accordance with right reason may lead men astray and since not all men have the time or ability or patience to discover the whole natural law for themselves, it was morally necessary that the natural law should be positively expressed by God, as was done by the revelation of the Decalogue to Moses. (Copleston 1946: 409)

For Ghazali, for one to arrive at this knowledge by means of reason alone requires a cleansing of the heart, not only from passions and inclinations that lead one astray, but also from the deceptive influence of the senses and imagination. For this reason, it is a rare circumstance. The moral knowledge that is accessible to the vast majority is limited to that which is passed down on the basis of authority, and is merely the 'husk' of truth, in relation to the 'kernel' that is possible for the intellect purified from distorting elements. Yet, the former is indispensable for the scarcity of the latter, and Ghazali is scornful of the 'freethinkers' and 'useless ringdoves' of his era who dismissed positive religious law and legal learning in the pretense of possessing or favoring the 'kernel' of true knowledge. He compares common religious knowledge to gold, and the purified intellect to the fabled 'philosopher's stone.'

> They are like that person who has heard that the philosopher's stone is better than gold, because limitless gold can be made from it. If someone places a treasure of gold before him, he will refuse it, saying: "What good is gold and what value does it have? I want the philosopher's stone, which is its source!" He will never possess the philosopher's stone. He will remain a penniless, hungry wretch, relishing and bragging about his words: "I said that the philosopher's stone is better than gold." (Cook 2005: 31)

Thus, while there is an elitism here that may effectively limit public moral authority to the purview of positive religious law, it does not entail that moral norms are not, in principle, discoverable by independent reason. Indeed, Ghazali's aim here is to explain how they are, and what

one needs to do in order to actualize that capability. Since his position on this is similar to that of Saint Thomas, who we are in good company in taking as the paradigmatic natural law theorist, then there is no reason to take Ghazali's spiritual and moral elitism in this regard as reason to preclude describing his position as a natural law theory.

We might make another instructive comparison to utilitarianism, which though not a natural law theory nevertheless holds that moral norms are discoverable by independent reason. The utilitarian Henry Sidgwick (1874) argued that, though the principle of utility is true, the principle itself demands that the public at large believe otherwise. Since most people are incapable of accurately calculating which acts will maximize the general utility, it would be a utilitarian disaster if everyone were to act on it. Therefore, he argued, it would maximize the utility if most people simply followed a set of moral rules formulated by those who are capable of making accurate calculations. This may be objectionable for other reasons, but we would not take it to imply that moral norms are obscure to reason.

We have given a plausible reading of the relevant sections of Ghazali's *al-Mustaṣfā min 'Ilm al-Usūl* and *al-Iqtiṣād fi al-i'tiqād* that is consistent with the overall approach to ethics we find in *Kimiya al-Sa'ādat*. Together, they form a largely coherent theory that exhibits all the main features of a natural law theory and is comparable in its essential components to that of Saint Thomas Aquinas. A reader of Islamic philosophy will notice the basic similarity between this theory and that of his contemporaries among the Muslim *falāsifa*. The remaining objection to this comparison is that which Hourani raised on the basis of Ghazali's metaphysics of nature.

Hourani mentions that Ghazali never rejects the ethical theory of *falāsifa*, yet he insists that it is certain that Ghazali opposed them, because he must have opposed them, given his metaphysics of nature (Hourani 1985: 152). The argument is that, while the teleological ethics of the *falāsifa* is centered on the causality operative between human nature, human action, and the condition of one's soul, Ghazali 'denies causality,' and therefore cannot have accepted this sort of moral theory. As mentioned earlier, this depends on an oversimplification of Ghazali's metaphysics of nature; and specifically, a hasty conclusion that it precludes the possibility of any natural order whatsoever. This discussion, however, is beyond the scope of the present chapter, and has been discussed extensively by others, including Frank Giffel (2009).

At least one piece of prima facie evidence, that Ghazali's metaphysics of nature does not preclude a teleological ethics involving human nature and

the effects of acts on the soul, is the simple fact that, as we have shown, Ghazali does in fact advocate an ethics of precisely that sort. Then either Ghazali believed (rightly or wrongly) that such a theory is compatible with his metaphysics of nature, or he simply contradicted himself out of negligence. Charity demands that we assume the former. Yet, even if his ethical theory is incompatible with his metaphysics of nature, it remains the case that the ethics he does expound is a natural law theory in all essential respects.

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