Ibn Rushd's *The Decisive Treatise*: A Text for Political Reform

Ayesha Omar*

Ibn Rushd's the Decisive Treatise *(1126–98) is widely acknowledged as an important text for understanding his legal ideas, with some scholars describing this text as a legal opinion (*fatwa*) issued for the Malikite jurists of that period. Contrastingly, I argue that the* Decisive Treatise *forms part of Ibn Rushd's broader vision for political reform, and should thus be reconsidered as an important text for understanding his ideas on political authority. Whilst Ibn Rushd persisted in advancing the Almohad policy of reform, by calling on the religious scholars who occupied an important space in Almohad society to relinquish their narrow positions on how to understand and interpret Islamic Law, he went further in devising his own guidelines for reform. This constituted an argument that Greek ideas, and the wisdom of the ancient philosophers, are not only compatible with Islamic principles but also stand to offer much-needed guidance.*

Introduction

The Almohad period brought a reversal in attitudes towards intellectual and philosophical ideas. Indeed, there was a 'vigorous revival' of intellectual activity under the Almohad Caliphate largely engendered by the rationalising reform advocated by its earliest founder Ibn Tumart.[1]

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[1] Urvoy, *Ibn Rushd (Averroës)*: 20.

*Department of Political Studies, The University of the Witwatersrand, Johannesburg, South Africa.
E-mail: ayesha.omar@wits.ac.za

Ibn Rushd was not a marginal member of Almohad society, but was the grand judge of Seville, the advisor to the Caliph and a fully integrated member actively involved in the affairs of the Almohad community. This is important if we are to appreciate the contemporaneous influence of his ideas. Ibn Rushd's philosophical project was undeniably made possible and strengthened by the reformist character of the Almohad Caliphate that ruled over Muslim Spain during the twelfth century. However, Ibn Rushd went much further in composing his own series of treatises for reform.

In this article, I argue that Ibn Rushd's *Decisive Treatise* is best understood with reference to his one major concern, namely the belief that reform in Almohad society was possible through the efflorescence of philosophy, and in particular, through the acceptance of the wisdom of Greek ideas. Thus, Ibn Rushd argued, albeit quite radically, that the manner in which political reform was to be facilitated required a rethinking of the nature of Islamic Law and its relationship to philosophy. I proceed by exploring the main aspects of Ibn Rushd's arguments in the *Decisive Treatise*, and establish what implications they have for Ibn Rushd's conception of political reform as a whole. First, in the *Decisive Treatise*, Ibn Rushd asserts the co-existence, harmony and even necessary interdependence of Islamic Law and speculative deductive philosophy, in spite of popular notions of their antagonism by traditional Islamic scholars during that period. The *Decisive Treatise* does not explicitly address politics, and thus might be construed to be tangentially related to Ibn Rushd's conception of politics and political authority. However, I posit that a sensitive reading of the *Decisive Treatise* is not only necessary to understanding Ibn Rushd's conception of politics but also is intrinsic to his conception of political authority, especially with regards to the legitimacy and effectiveness of ideal rulership.

There are two aspects to the connection between Ibn Rushd's *Decisive Treatise* and his political theory that require emphasis here. The first is that Ibn Rushd's Islamic political theory is written in the language and framework of Greek philosophy. Therefore, foundational to Ibn Rushd's Islamic political thought is his own justification for why and how Greek philosophy can be harmonised with Islamic Law. That justification must legitimise his project of 'Islamising' Greek thought, but more importantly, be taken as a test of the authenticity of the claim that Islamic Law was

always in harmony with—and already contained—the best of philosophy.[2] Ibn Rushd thus purposely emphasises the alliance and inter-dependence of philosophy and Islamic Law to his Almohad audience. The *Decisive Treatise*, I argue, not only allows Ibn Rushd to highlight this important alliance but also introduces to his audience what he conceives as fundamental to his vision for reform, namely that Islamic Law is united with philosophy in a single endeavour. Thus, part of Ibn Rushd's radical programme for reform constituted his publicising this alliance, along with extolling the imperative importance of accepting the wisdom of 'the ancients'.

Second, contemporary scholars such as Butterworth[3] and Hourani[4] highlight that the *Decisive Treatise* is not merely an investigation into the relation between rational thought, or philosophy, and revelation but also an analysis of the way in which religion is taught, and the political consequences of the teaching. This view, I argue, must be taken seriously, as Ibn Rushd constantly refers to the various levels of religious argumentation, and later invokes the same categories when conceptualising the function of those tasked with political authority. I offer an analysis of Ibn Rushd's *Decisive Treatise* in the following that demonstrates the usefulness of this text in understanding Ibn Rushd's conception of political authority.

Background to the *Decisive Treatise*

The *Decisive Treatise*[5] was thought to have been written by Ibn Rushd sometime between 1178 and 1180. As Ibn Rushd affirms, the writing of this treatise was the outcome of intense contemporary debates regarding the value of philosophy in Islamic scholarship, where he states: '[I]f it were not for the publicity given to the matter and to these questions which we have discussed, we should not have permitted ourselves to write a word

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[2] I borrow this term 'Islamising' Greek thought from Lerner, who argues that Ibn Rushd embarks on an 'Islamisation' of Plato's *Republic*: Trans. Lerner 1974: xiv.

[3] Butterworth, 'New Light on the Political Philosophy of Averroës'.

[4] Hourani, *Averroës*.

[5] Hourani's translation of this book is entitled *Averroës*: *On the Harmony of Religion and Philosophy.* Although I have consulted the Arabic original, I have given preference to Hourani's translation for its faithfulness to the Arabic text (Hourani, 1974).

on the subject'.[6] One of the remarkable features of Almohad rule during that period was its receptive attitude towards Greek philosophy. In many traditional Muslim societies, the study of Greek philosophy was regarded a heretical pursuit and looked upon unfavourably. As such, the practice and study of Greek philosophy had to be defended, and was often practiced on the margins or scholarship. It is therefore important to take into account the historical conditions under which Muslim philosophers such as Ibn Rushd operated, and the manner in which this may have impacted on the development of political thought itself.

With a particular awareness of this historical context, *The Decisive Treatise*, I argue, should be regarded as a text that was written in the spirit of instituting reform in Almohad society, as Ibn Rushd aimed to establish the legitimacy of philosophical and rational inquiry as an obligatory part of Islamic Law. Moreover, Ibn Rushd sought to emphasise the integral importance of accepting Greek wisdom in facilitating that reformist vision. To this end, the objective of this text was guided by the Ibn Rushd's conviction that not only were the guardians of the Islamic Law misinterpreting Islamic Law but also that they truly did not understand its purpose.[7] Furthermore, it proceeds from the premise that the purpose of the Law and of philosophy is the same, and that they would therefore lead to the same conclusions. But how does Ibn Rushd succeed in illustrating this?

Ibn Rushd's theological and legal ideas outlined in the *Decisive Treatise* are concerned with assessing the compatibility of the study of the Law and the study of philosophy. The Shari'a (Law) that Ibn Rushd was referring to was Islamic Law, which scholars at the time considered divine, as it was based on revelation from God. It is interesting that Ibn Rushd would look upon the highest authority on this matter that is the Shari'a (divine Law) for affirmation and guidance, indicating the serious nature of this

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[6] Ibn Rushd, *Decisive Treatise*: 1.

[7] This disenchantment with the manner in which contemporaneous scholars dealt with aspects of the Law was further reinforced in Ibn Rushd's work: *Kitab al-kash 'an manahaij al-adilla* [The Book of the Unveiling of the Methodology], which is a polemical account of the way in which aspects of Islamic Law, such as ascertaining the existence of God, have been misinterpreted by the religious scholars and speculative theologians, who lack demonstrative reasoning and thus mislead the masses. Ibn Rushd attempts to rectify this by advancing a methodology of the existence of God grounded in reason. Hourani aptly describes this book as 'a handbook of instruction for teachers of popular religion': Hourani (1961), *Averroës*: 63.

subject in his view.[8] As was a common theme in the pre-modern Islamic tradition, the source of moral obligation is God, which is derived from divine Law. This raises an interesting discussion about the philosophical place of Natural Law in the Islamic tradition. That is, if the Law is silent on any matter concerning human norms, and the Law cannot provide the means to which a judgement can be made, can reason assume ontological authority?

Two points are perhaps worth dwelling on. First is with regards to the place for Natural Law in the Islamic tradition and in the context of *usul al-fiqh* (jurisprudence), with specific reference to the idea of *ratio legis*. The work of Emon[9] is seminal in this regard as it provides textual justification of a tradition of Natural Law in the legal theory of Islamic premodern jurists such as Al-Jassas, Al-Jabbar, Al-Ghazali and Al-Shatibi, amongst others.[10] Emon argues that Muslim jurists recognised that insofar as the finiteness of source texts was concerned, an 'alternative authority for the law, such as reason' could be invoked.[11] In particular, Emon draws a distinction between what he terms the hard naturalist position and the soft naturalist position, a distinction largely embedded on the theological implication of their conception of God's omnipotence. For Emon, the hard naturalists formulated a conception of Natural Law theory which granted ontological authority to reason in Sharia by using nature as the medium through which divine will and human reason can be connected.[12] The soft naturalists, on the other hand, promulgated a voluntarist theological positon, arguing that while reason can determine goodness or evil, applying that form of rational reasoning will not render it an authoritative Sharia norm.[13]

Emon compares Mu'tazalite and Ash'arite premodern jurisprudential accounts and assesses to what extent jurists fused fact and value in nature to develop Natural Law theories. His account of soft naturalist thinkers such as Al-Ghazali and Al-Shatibi, who maintained their commitment to

[8] Henceforth, I will refer to the Shari'a as 'Law'.

[9] Emon, *Islamic Natural Law Theories.*

[10] In his book *Islamic Natural Law Theories*, Emon thus provides an interesting and innovative account of the Islamic Natural Law tradition by illuminating the manner in which Muslim thinkers used central jurisprudential principles derived from Islamic Law to develop a theoretical conception of Natural Law.

[11] Emon, *Islamic Natural Law Theories*: 13.

[12] *Ibid.*

[13] *Ibid.*

divine omnipotence, is particularly interesting. Al-Ghazali and Al-Shatibi (an Andalusian like Ibn Rushd) developed theories of natural reasoning that fused fact and value in nature through the use of the term *maslaha* (public interest). The fundamental point for these thinkers was that natural reasoning can be accommodated only to the extent that 'its constancy is subject to a divine purposiveness that can be changed at God's discretion'.[14] Emon's work is interesting in that it brings to the fore a previously latent scholarship on the Islamic jurisprudential Natural Law tradition. Recent work by Taliaferro[15] suggests that an account of Natural Law is also evident in the *falsafa* (Muslim philosophy) tradition. Taliaferro considers the utility of a conception of Natural Law in mediating divine law and human law. Here, she argues, Ibn Rushd makes reference to an 'unwritten law', which is in effect a theory of Natural Law.

Second, another observation can be made insofar as the question of Natural Law and the source of moral obligation and reason as a form of ontological authority. Ibn Rushd's desire to bring into harmony the aims of Law and philosophy in the *Decisive Treatise* signals the importance of Law as the ultimate source of moral obligation.[16] The parallel with Christian Natural Law here is striking, where a similar argument for philosophical reasoning was made. In the early Christian Natural Law tradition, for example, obligations conformed to the precepts of Natural Law in the firm belief that God is its author. Reason was not considered to be a form of ontological authority in itself, as the divine Law was the basis for which obligations could be established and formed since they originated from God. [17] Reason is the foundation of Natural Law and it provides the

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[14] *Ibid.*: 17.

[15] Taliaferro, 'Ibn Rushd and Natural Law'.

[16] Taliaferro argues that the issue that arises when attempting to incorporate Natural Law into Islamic legal theory is the ultimate question of obligation: 'Natural Law is ill at ease with *fiqh*, one may say, because it lacks a source of obligation; in Islamic Law, it is God who obligates, not nature': Taliaferroṅ, 'Ibn Rushd and Natural Law': 22.

[17] The basic point here was that because of the fall, human beings did not all have equal capacity to apprehend the Natural Law, and while an innate sense of this existed, the phenomenon of original sin was viewed as responsible for its corruption. It is right reason which enables humans to discover God's law. Thus, in the Christian Natural Law tradition, the basis of obligation is that that it is God's Law, and it is ultimately God that is the source of the obligation. While someone like Grotius implied that the source of obligation is human nature and that our natures have been endowed by God, others such as Gentili asserted that

criterion of objective right and wrong. However, it is not itself law. Reason does not give the obligation, it reveals it, and ultimately it is God's Law that makes Natural Law obligatory.

Ibn Rushd: On the Harmony of Religion and Philosophy

Ibn Rushd introduces the *Decisive Treatise* by clearly stating its purpose: 'To examine, from the standpoint of the study of the Law, whether the study of philosophy and logic is allowed by the Law, or prohibited, or commanded, either by way of recommendation or as obligatory.'[18] A text like the *Decisive Treatise* points to an obvious conclusion about the direction in which the Islamic philosopher is heading when attempting to argue the manner in which religion and philosophy can be reconciled: that indeed the two are perfectly compatible. What more can we expect from a thinker such as Ibn Rushd, who saw it a duty to give philosophic study the high rank that it deserved? However, in this treatise, Ibn Rushd goes a little further, when he makes an even bolder claim, namely that the Law does not simply permit this study but actually obligates it upon its followers. As Leaman points out, this is perhaps the most 'intriguing feature' of this text.[19]

Ibn Rushd saw it as incumbent upon himself to examine what position the Law would take on this matter, and proceeds by making a radical argument that the Law itself not only permits philosophic study but also goes further by commanding it. His reasoning is compelling and multi-layered, but begins with a teleological claim, which states that since philosophy can be defined as 'nothing more than study of existing beings and reflections on them as indications of the Artisan [...] and the Law has encouraged and urged reflections on beings', it necessarily follows that the Law commands this study.[20]

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people who do not worship God stand outside the Natural Law and cannot enjoy its protection. For Suárez, reason was the instrument by which one discovers or derives the precepts from the Natural Law. For more on this, see Finnis (2011) who surveys the development of the Natural Law tradition in Christianity.

[18] Ibn Rushd, *Decisive Treatise*: 2.

[19] Leaman, *Averroës and His Philosophy*: 144.

[20] Ibn Rushd, *Decisive Treatise*: 44.

Simply, this argument suggests that since philosophy is, by nature, a study, which seeks to uncover the end or purpose of the ordered world, it is a study which corresponds with the purpose of the Law. This is because of the main purposes of the Law is for its followers to gain an understanding of the direction of the ordered world, ultimately pointing in the direction of the existence of a Creator. Using the 'rational faculties' to assess the truth of the religious message is an oft-repeated motif of the Qur'an.[21] In fact, Ibn Rushd cites several verses in the Qur'an, which he argues implores people to reflect and pursue knowledge in this way. For example, Ibn Rushd argued that one such verse, 'Reflect [oh] you [who] have vision', calls on Muslims to reflect and understand God and His creation.[22] Of course, one can argue that the Qur'an does not set philosophy or rational inquiry as the pre-condition for gaining this understanding, and it may be a little far-fetched to make this kind of claim. However, for Ibn Rushd, imposing this type of interpretative analysis on the Law is not without reason, and he thus argues that the Law calls for reflection, which as a feature of rational activity expects rigorous philosophical reasoning. This is the main component of his argument, where he asserts that the Qur'an is guiding its followers to undertake an 'Aristotelian-type' study of religion.[23]

In Ibn Rushd's view, these kinds of verses are 'textual authority' obligating Muslims to undertake a study of God and his creation, through the process of intellectual reasoning.[24] But what did Ibn Rushd mean by intellectual reasoning, and did he have a specific method in mind? Ibn Rushd argued that the type of intellectual reasoning, which the Law has made obligatory, is a reasoning of the most 'perfect kind', and which can be termed 'demonstration'.[25] As Rosenthal points out, it was Ibn Rushd's purpose to bring to light the failure of *kalam* (speculative theology), the dominant theological discipline of the time, and the *muta'kallimun* (speculative theologians), as its ardent interpreters, to offer compelling interpretations Islamic beliefs; hence he saw it as his duty to establish the superiority of the philosopher as the legitimate custodian of the Islamic

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[21] Leaman, *Averroës and His Philosophy*: 144.

[22] Ibn Rushd, *Decisive Treatise*: 45.

[23] Leaman, *Averroës and His Philosophy*: 145.

[24] Ibn Rushd, *Decisive Treatise*: 45.

[25] *Ibid.*

tradition.[26] He was best able to achieve this very controversial claim by employing Aristotle's conceptual distinction between demonstrative and dialectical arguments in the realm of religious ideas. Demonstration as an Aristotelian principle was the highest form of philosophical reasoning of which humans are capable, and would lead to the unveiling of truths purely through rational explanation. Demonstrative reasoning is also an integral component of Ibn Rushd's political theory and his conception of political authority and ideal rulership. Ibn Rushd's vision of leadership was intricately connected to the ability of those with political authority to have access to a higher form of knowledge grounded in reason and rationality. For the purposes of the argument at hand, it is necessary to establish what Ibn Rushd means by demonstrative reasoning:

> The Law, then, has urged us to have demonstrative knowledge of God the Exalted and all the beings of His creation. But it is preferable and even necessary for anyone, who wants to understand God the Exalted and the other beings demonstratively, to have first understood the kinds of demonstration and their conditions [of validity], and in what respects demonstrative reasoning differs from dialectical, rhetorical and fallacious reasoning.[27]

Ibn Rushd argued that that any thinker who wishes to apply demonstrative reasoning, first needs to ascertain its conditions of validity and invalidity. Furthermore, demonstrative reasoning must never be confused with lower-level forms of reasoning, such as the dialectical, rhetorical and fallacious. Demonstrative reasoning in his view is composed of various parts such as the 'premises and their kinds', and therefore, those who 'believe in the Law and obeys its command to study beings, ought prior to his study' engage himself with mastering these 'instruments'.[28] According to Ibn Rushd then, equipping oneself with the proper tools of understanding and education is necessary before one is to undertake philosophic activity.

Ibn Rushd goes on to make a vital comparison between legal reasoning and philosophical reasoning, by arguing that since the former requires the legal practioner to gain a thorough understanding of its various categories, it is incumbent too on those who are commanded to understand God 'to

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[26] Rosenthal, 'The Place of Politics in the Philosophy of Ibn Rushd': 253.

[27] Ibn Rushd, *Decisive Treatise*: 45.

[28] *Ibid.*: 46

acquire an understanding of intellectual reasoning and its kinds'.[29] As legal reasoning and jurisprudence was taken very seriously in the Islamic world, as Leaman suggests, this comparison has even deeper significance.[30] Once he laid down the foundation of this comparison, Ibn Rushd then defends philosophy, by highlighting that those who criticise intellectual reasoning as a kind of *bid'ah* (innovation), which did not exist in the early days of Islam, should apply that same logic to law and legal reasoning, which also did not exist during the time of Muhammad and the early Caliphs, but developed over time. Ibn Rushd had directed this treatise to the staunchest opponents of Greek philosophy, and now addresses this group in direct terms, describing them as a small minority of 'gross literalists', who could be refuted by sacred texts and further claims that 'most masters of this religion support intellectual reasoning'.[31] This is undeniably a highly contested historical claim, which is a strategy Ibn Rushd may have used in order to intellectually marginalise his opponents. That said, Ibn Rushd's boldness in claiming this type of enquiry as integral to Islamic practice might speak of the receptiveness towards reason and rationality within Almohad society at the time.

It is necessary, according to Ibn Rushd, that when we undertake a study of intellectual reasoning, we ought to seek the help of our predecessors, 'regardless of whether this other one shares our religion or not'.[32] This is because the study of intellectual reasoning belongs to a tradition, and there are non-Muslim thinkers who have established this tradition over time. From this perspective, it would be difficult and imprudent to start this process from the beginning and not to draw from the wisdom of these ancients, whose writings generally appear long before the advent of Islam. In order to further emphasise this point, Ibn Rushd provides an example, which captures the need to draw from the work of the ancients:

> For when a valid sacrifice is performed with a certain instrument, no account is taken, in judging the validity of the sacrifice, of whether the instrument belongs to one who shares the religion or to one who does not, so long as it fulfils the conditions for validity.[33]

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[29] *Ibid.*
[30] Leaman, *Averroës and His Philosophy*: 146.
[31] Ibn Rushd, *Decisive Treatise*: 46.
[32] *Ibid*: 47.
[33] *Ibid.*

This example indicates that on the subject of intellectual reasoning, one must turn to the writings of those who have examined it in all its depth, such as the Ancient Greeks, whose work provides the instrument in understanding the subject of logic. For Ibn Rushd, the fact that they were not Muslims is really irrelevant to the larger purpose of the study, as they offer valuable insight into the subject. However, in such case where their work may contain errors 'we should draw attention to that'.[34] Ibn Rushd's example of instruments used during the sacrifice is particularly 'useful', as Leaman argues, where it serves to make another point often advanced by the Muslim philosophers that 'logic is an instrument of philosophy rather than a part of philosophy itself'.[35] Here too, Ibn Rushd is using a type of religious metaphor to note the importance of drawing from ideas that belong to the non-Muslim tradition.

Aside from the logic which provides us with the instruments of understanding and reflection, Ibn Rushd now makes a case for the study of philosophy itself by referring to the mathematical, astronomical and legal sciences. He argues that the study of geometry, for example, requires one to build on the 'successive examinations' taken over a period of time, and that if a 'single person wanted to ascertain by himself the sizes of the heavenly bodies, their shapes and their distances from each other, that would not be possible for him'.[36] Similarly, in the case of the study of law, a person would be considered foolish if he were to try and single-handedly discover every question and debate in this field, which was devised over a long period of time. This again would not only be an 'impossible task', because the 'work has been done already', but the person would become an object of ridicule.[37]

Ibn Rushd is making a significant point here about the Islamic jurisprudential tradition. His own training as a jurist provided him with the analytical knowledge of jurisprudence, which he knew to be a complex science that evolved through centuries of debate, discussion and argumentation. In order to extrapolate a legal ruling on a matter, a jurist is first inclined to look through this already-developed science. Similarly, as with the theoretical sciences, it would seem unreasonable

[34] *Ibid.*
[35] Leaman, *Averroës and His Philosophy*: 146.
[36] Ibn Rushd, *Decisive Treatise*: 47.
[37] *Ibid.*

to advocate an approach that ignores the work of the Greek philosophers, who over long periods of time, like the jurists, developed the science of demonstrative argument. Moreover, Ibn Rushd deemed the study of philosophy the 'art of arts', and so where there existed a sound theory of understanding the universe through the principles of demonstration from previous generations, he believed that one ought to study it and 'accept it from them gladly and gratefully'.[38] Ibn Rushd extends this analogy to further demonstrate that the aim of the books of the ancients and the purpose of the Law is one and the same, 'since their aim and purpose in their books is just the purpose to which the Law has urged us', and whomsoever prohibits this is in effect impeding a person from obtaining a true knowledge of God.[39] This statement reiterates one of Ibn Rushd's most fundamental claims: that the purpose of philosophy and the purpose of the Law is the same, and that since the former concords in its aim and purpose with the latter, Greek ideas can serve as an important purveyor of political reform.

Ibn Rushd does nonetheless qualify who is fit to study these books and ideas, arguing that he must possess two important qualities: '(1) natural intelligence; and (2) religious integrity and moral virtue'.[40] This mention of the intelligent person is significant, and indicates Ibn Rushd's very Platonic stance on limiting philosophy to a certain kind of person, a belief which he consistently held, namely that philosophy it is not something to be practiced by all. To this end, Ibn Rushd interrogates the matter of who should study the work of the ancients by posing the following question: [I]f philosophy is a study that only an elect few might undertake, then surely there will be instances of those who attempted to study the books of the ancients, but failed?[41] Ibn Rushd argued that it is important not to ascribe philosophical error to the books themselves, but to the deficiencies in those who study them. These deficiencies could range from a lack in 'natural capacity' of a person to 'bad organisation of his study' or 'the domination by his passions'.[42] According to Ibn Rushd, the idea that people may err in philosophic study should not result in condemning the subject as a whole and should not forbid those who are especially qualified for

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[38] *Ibid.*: 48.
[39] *Ibid.*
[40] *Ibid.*: 48.
[41] *Ibid.*: 49.
[42] *Ibid.*: 48.

this type of study. Ibn Rushd invoked the concepts of 'accident' versus 'essence' so as to help illustrate his argument. If something is beneficial by its very nature or essence, one cannot disregard it as a result of something harmful it may contain by accident. For example, he presented the tale of a thirsty man needing water:

> We can even say that a man who prevents a qualified person from studying books of philosophy, because some of the most vicious people may be thought to have gone astray through their study of them, is like a man who prevents a thirsty person from drinking cool, fresh water until he dies of thirst, because some people have choked to death on it. For death from water by choking is an accidental matter, but death by thirst is essential and necessary.[43]

This analogy of a thirsty, dying man who needs water serves to demonstrate the proliferation of accidental causality and these two categories—essence versus accident—must, according to Ibn Rushd, be properly delineated. Preventing a qualified person from studying philosophy is likely to cause overriding harm to society, and is as ill-conceived as preventing a man dying of thirst from drinking water. This problem of 'essence' versus 'accident' is also evident in the study of Law, where many lawyers are so caught up in worldly affairs that they lack the required 'practical virtue' that law expects by its essence. Therefore, philosophy should not be shunned when some of those who practice it lack the required 'intellectual virtue'.[44] This is a mere accident, and does not undermine its essence.

 A major underlying theme in much of Ibn Rushd's political writings is the idea that human beings are given different natures and capacities, and that this would ultimately determine their level of understanding the Law which promotes virtue and morality and the well-being of the state. Ibn Rushd argues that religion provides different paths to God, and these paths are based on people's intellectual abilities. For Ibn Rushd, this is at the very core of the religious message, and God himself summons man in respect to the nature of his intellectual level and capacity:

> For the natures of men are on different levels with respect to [their paths to] assent. One of them comes to assent through demonstration; another comes to assent through dialectical arguments, just as firmly as the demonstrative man

[43] *Ibid.*: 49.
[44] *Ibid*.

through demonstration, since his nature does not contain any greater capacity; while another comes to assent through rhetorical arguments, again just as firmly as the demonstrative man through demonstrative arguments.[45]

According to Ibn Rushd, the Qur'an embraces all three methods of assent in religion as it exhorts people to 'summon to the way of your Lord by wisdom and by good preaching, and debate with them in the most effective manner'.[46] In order for religious teaching to be effective, it must appeal to a universal cross-section of people, each with their own innate capacity to understand that message. Ibn Rushd thus divides people's levels into various categories, and ranks them from a higher level of sophisticated understanding of God, presented in their capacity to engage with demonstrative arguments, to a much lower level of assent, which is directed at those lacking in natural intelligence. The significance of Ibn Rushd's distinction between these categories of understanding should not be underestimated, as it speaks to a much larger discussion on political authority which he revisits in his later work, the *Commentary on Plato's Republic*. The manner in which religion is taught to people directly influences the way in which it affects political life, insofar as religion is the instrument that instils virtue in the human soul, which ultimately leads to the moral education of the citizenry which promotes the well-being of the polity. Ibn Rushd was very much concerned with this persuasive element of religious belief in his political theory. Although the essential message of the truth that religion imparts is identical in meaning, the approaches in conveying that message alter with respect to the given audience. Hence, for example, in the first category there exists a small group of people who engage in a higher form of reasoning and therefore subject scripture to intense syllogistic reasoning, known as 'demonstration'. The use of logic is necessary for this group in coming to know God and his creation and this is the way their 'faith' is strengthened.[47]

The next category is a 'dialectical' approach, which offers those in the majority a way of understanding God that does not involve the scrutiny of the rigour of logic, but rather attempts to evaluate the various conflicting views on religion, and is thus a form of reasoning based on conjecture.

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[45] *Ibid.*
[46] *Ibid.*
[47] Leaman, *Averroës and His Philosophy*: 149.

For example, it uses the tactic of disproving other religious positions, such that people may be satisfied with their own. It is a rationally legitimate form of argument that might appeal to many people. In the last category, Ibn Rushd mentions the 'rhetorical' approach, which is a common way in which to discipline people into faith by invoking the use of *mahal* (examples).[48] Rhetoric does not conform to any syllogistic reasoning, but does nonetheless appeal to people for its simplified form of argumentation. This form of reasoning, along with the dialectical, is likely to apply to a large majority of people. Demonstration must be limited to the few who possess the natural capacity for it.

Having established the aforementioned, Ibn Rushd now returns to his initial purpose, that is, to prove that the Law and philosophy are fundamentally compatible ideas, and that philosophy does not contradict revelation. For Ibn Rushd, a demonstrative study of the Law is deemed a sure path that 'leads to the knowledge of the Truth', and will not oppose the revealed text as 'truth does not oppose truth but accords with it and bears witness to it'.[49] Put simply, both Law and demonstrative study are geared towards the same end, and thus lead to the same conclusion about God and truth, and cannot therefore be opposed to one another. A demonstrative study is set to deal with aspects of knowledge, which may either be mentioned or which may go unmentioned in the scripture. For Ibn Rushd, there is no contradiction if something goes unmentioned in the scripture, as the same method that lawyers use would in this case also apply: to 'infer it by reasoning from scripture'.[50] The issue becomes slightly more complicated when it is mentioned in scripture. If something is mentioned in scripture, the words may 'accord' or 'conflict' with the conclusions of demonstration. In the case where it accords, Ibn Rushd sees no reason for contestation. However, in the case where the two conflict, he argues that one needs to employ *tawil* (allegorical interpretation) in order to decipher the real meaning:

> If it conflicts there is a call for allegorical interpretation of it. The meaning of 'allegorical interpretation' is: [the] extension of the significance of an expression from real to metaphorical significance, without forsaking therein the standard metaphorical practices of Arabic, such as calling a thing by the

[48] *Ibid.*
[49] Ibn Rushd, *Decisive Treatise*: 50.
[50] *Ibid.*

name of something resembling it or a cause or consequence or accompaniment of it, or other things, such as are enumerated in accounts of the kinds of metaphorical speech.[51]

Ibn Rushd's rationale for the aforementioned proposition is that it is a common practice in Law. It is often the case that lawyers must apply this kind of reasoning, and use vague principles that are either conjectural or speculative. Insofar as permitting the application of the allegorical method of interpretation to philosophers, Ibn Rushd considers this perfectly acceptable, especially if one takes into account the sound and well-established principles of certainty of the philosopher. This proposition, he strongly argued, 'is questioned by no Muslim and doubted by no believer'.[52] The allegorical method can be verified with certainty by those who have applied it and made it 'their aim to reconcile intellect and tradition'.[53] It is clear that Ibn Rushd is aware of the acceptability of the principle of allegorical interpretation in Islamic law and theology, and audaciously uses this to put forward his argument for the use of allegorical interpretation in demonstrative study. He was of however extending this idea to a much more unfamiliar and uncertain realm of rational enquiry and philosophy.

How this argument may have fared during Ibn Rushd's time is not something we can know with any historical certainty. However, it may be useful for us to consider the historical context, in order to determine whether Ibn Rushd may have felt comfortable in publicising his position on such a delicate issue. As I have pointed out already, the concept of applying one's logic and reason to scripture is an idea advanced by Ibn Tumart, the founder of Almohadism. We are aware that Ibn Tumart had embarked on an intellectual project of rational theology, and had claimed authority in the name of religious reform. While the Almoravids, who ruled prior to the Almohads, emphasised the importance of *furu* (positive law), the Almohads, by contrast, were more concerned with returning to the foundations of the Law itself.[54] This attention to the foundational aspects

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[51] *Ibid.*

[52] *Ibid.*: 51.

[53] *Ibid.*

[54] Some scholars, such as Goldziher, argue that the Almohad reformist agenda, which advocated the reading of primary texts and a return to the sources of the Law, characterised this group as literalists (*Zahiri's*). As Goldziher argues: 'we are talking about a theological reform, guided not by the theologians, but by the princes, a reform that led the Zahirite

of the Law, as Urvoy argues, was motivated by the Almohad desire to consolidate their political power: 'in the face of historical vicissitudes, the Law represented a structure which could ensure the preservation of the Muslim edifice, and those in power were its guardians'.[55] To this extent the Almohad movement was seen to impose a juridical reform that called for Muslims to revert their attention to the primary texts and the source of the Law, as opposed to the traditional practice in the Muslim world, which relied on positive law, exemplified in generations of interpreted opinions of both Muslim scholars and jurists.[56]

For Ibn Tumart then, the Law should be understood in its literal sense and its meaning should be derived from this literal reading, not from any legal authorities of traditional jurisprudence.[57] This view is echoed in Ibn Rushd's work, as he argued for a return to a theology that not only examined the sources of the Law directly, but also for a regulated interpretation of certain parts of the text. Furthermore, Ibn Rushd and Ibn Tumart both made arguments advocating the use of rational methods of understanding the Qur'an through allegorical interpretation by men of understanding.[58] In Ibn Tumart's view, the term men of understanding

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system to triumph and saw its principles raised to a kind of state religion': Goldziher, *The Zahiris*: 159.

[55] Urvoy, *Ibn Rushd (Averroës)*: 14; In addition to Urvoy, other important work on Ibn Rushd's link to Almohadism can be found in French scholarship; see Jolivet, *Multiple Averroes*; Renan, 1949.

[56] Ibn Rushd was an important critic of the theological fraternity, who opposed Almohad juridical reform. As Mahdi notes, during the Almohad period, many of the jurists, judges and religious scholars were in a 'quandary', since 'most of them were set in their ideas as how to practice the Law, and relatively few only joined the new movement and became a part of it; the rest of the *fuqaha* (jurists) remained in their old kind of convictions, opposed to the new rulers': Mahdi, *Averroës and the Transition*: 6. Both in this work and in other theoretical writings, such as the *Kashf* (exposition), Ibn Rushd actively pursued a hostile attitude towards the speculative theologians and religious scholars for misinterpreting the Law, and for leading the people towards confusion and misguidance.

[57] Hourani, *Averroës*: 10.

[58] Urvoy argues that if we are to compare the teachings of Ibn Tumart and Ibn Rushd, they share a unanimity of ideas, save for their views on the aspect of the Almohad founders' support of the Ash'arites. Ibn Rushd consistently disagreed with the Ash'ari School, on the basis that they espoused sophistical arguments, which produced obscure interpretations. Urvoy further claims that Ibn Rushd might have been responsible for the change in the official Almohad stance towards the work of Al-Ghazali, which Ibn Rushd had openly attacked: Urvoy, *Ibn Rushd (Averroës)*: 72–80.

referred to the *Imam* (leader) of the Almohad community. Ibn Rushd on the other hand, inferred men of understanding to mean the intellectual elite or the philosophers. Thus, although the type of legal arguments advanced by Ibn Rushd in the *Decisive Treatise* sought to institute reform in line with Almohad policy, Ibn Rushd advanced his own vision for reform, which was to a large extent influenced by Greek ideas. This is most clearly seen in the manner in which he conceives of political ideas.

Ibn Rushd thus goes on to explain that there is unanimous acceptability for the principle of allegorical interpretation in Islam, as no law in Islam exists which compels its followers to take every verse of scripture in its literal sense. In fact, where the debate really lies is in determining which verses of scripture must be interpreted allegorically. Here, scholars have not reached a consensus with some schools of thought such as the Asha'arites arguing that it should be the anthropomorphic verses—such as the verses which speak of God's descent—while the Hanbalites believe that a literal meaning for these same verses would suffice.[59] The obvious problem with this kind of exercise, which Ibn Rushd seemed to foist on scriptural reading, is the fact that religion claims to offer its followers a clear and unambiguous text, where a literal interpretation is likely to be adequate. Why then is it necessary to 'import all sorts of more sophisticated meanings' into scripture?[60] Ibn Rushd answers this by once again highlighting the varied natural capacities of people: 'the reason why we have received a Scripture with both an apparent and an inner meaning lies in the diversity of people's natural capacities and the difference of their innate dispositions with regard to assent'.[61] This argument is interesting in that it deems any contradictions in scripture to be part of its artificial design, which only the well-trained philosopher is skilled enough to handle.[62] This view places the philosopher on a pedestal, by acknowledging his religious role as the most qualified person in the interpretation of the nuanced and difficult verses of the

[59] Ibn Rushd, *Decisive Treatise*: 51.

[60] Leaman, *Averroës and His Philosophy*: 150.

[61] Ibn Rushd, *Decisive Treatise*: 51.

[62] The radical implications of Ibn Rushd's point can perhaps be understood in the context of Leo Strauss' *Persecution and the Art of Writing*. Strauss identifies, albeit controversially, a type of philosophical argument which has an esoteric and an exoteric aspect which he believes many Medieval philosophers invoked in response to the threat of persecution and charges of heresy.

Qura'n, a role which was traditionally accorded to the religious scholar. Moreover, for Ibn Rushd, the Qura'n itself acknowledges that it is indeed the philosopher who has the requisite intellectual tools for this exercise, when it states, 'he it is who has sent down to you the Book, containing certain verses clear and definite' and other verses which are specifically for 'those who are well grounded in science'.[63] By quoting this verse of the Qura'n in order to support his position, Ibn Rushd was able to provide divine justification for the role of the philosophers, as those who are well grounded in science and knowledge, and therefore equipped to uncover these hidden meanings.

Ibn Rushd gave credence to the idea that God himself established in this verse that the philosopher is the person of knowledge and intellectual wisdom, who is able to undertake this complex task of allegorical interpretation. Furthermore, he turned to some of Islam's traditional religious scholars such as al-Ghazali, whom he claimed concur that there are certain parts of scripture where there is no agreement on meaning. From this perspective, Ibn Rushd believes that 'uncertainty of interpretation is acceptable' in these complicated theoretical matters.[64] This is something that even the early leaders of Islam such as the Caliph Ali held as true, when he advised that 'there are things in Scripture whose true meaning should not be learned by all people'.[65] However, practical matters can be disclosed to all people of the community and can be widely discussed. This is the case because the practical aspects of religion, as opposed to the doctrinal aspects, are less controversial. By drawing a clear distinction between these two aspects of religion, Ibn Rushd was essentially advocating the need for a society where certain forms of knowledge are reserved for an elite class. The fact that this elite class of scholars were philosophers and not religious scholars constituted a radical departure from the mainstream position.

Ibn Rushd then uses this space as an opportunity to defend the Peripatetic philosophers such as al-Farabi and Ibn-Sina, whom al-Ghazali had called disbelievers because of their theoretical views relating to the world's eternity and bodily resurrection. Ibn Rushd's retort to this charge was to recall al-Ghazali's position on this matter, arguing that

[63] Ibn Rushd, 1971: 52.
[64] Leaman, *Averroës and His Philosophy*: 151.
[65] Ibn Rushd, *Decisive Treatise*: 52.

al-Ghazali had spoken against titling people as unbelievers for 'violating unanimity'.[66] He defends the philosophers for holding divergent views from the traditionalists, such as the Ash'arites, and believes that these differences in view do not justify labelling the philosophers as disbelievers. Furthermore, any disagreement on the 'interpretation of these difficult questions earn merit if they are in the right and will be excused [by God] if they are in error'.[67] However, the unqualified person who attempts to answer these difficult questions and falls into error is committing a sin. The philosophers are absolved of any blame, as Ibn Rushd believes that God will excuse the error of the competent and qualified scholar. This notion of the philosopher as the only person who is capable of demonstrative argument and hence of allegorical interpretation, once again reiterates Ibn Rushd's claim that the philosopher and not the religious scholar or speculative theologian ought to be the one designated to undertake the interpretation of scripture. It also suggests that one must apply reason and logic in this interpretation, as there is no other way to understand these parts of scripture except through 'rational thought'.[68] It may well be the case that the philosopher might err in this very difficult exercise of interpretation and demonstration, and should thus not be judged harshly for their attempts.

Ibn Rushd then reflects on the true purpose of religion, which is 'simply to teach true science and right practice'.[69] He explores these ideas and concludes that true science constitutes knowledge of God, His creation, happiness, misery of the afterlife, which are, after all, ideas which propel people into performing acts of righteousness, as opposed to acts that may lead to ruin. This view echoes a standard theological analysis of religion as a system that teaches and disciplines its followers into achieving happiness. The political implication of this is obvious, it is only the Law which is able to promote a life of morality, virtue and righteousness, and thus the happiness of people and the well-being of the state are contingent upon the obedience of the Law. Obedience of the Law is made easier, since the scripture caters for the needs of all its followers through its use of demonstrative, dialectical and rhetorical argumentation. Religion caters

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[66] *Ibid.*
[67] *Ibid.*: 54
[68] Leaman, *Averroës and His Philosophy*: 152.
[69] Ibn Rushd, *Decisive Treatise*: 63.

for the intellectual class by providing hidden meanings to certain parts of scripture. Through reason and demonstration, the philosopher alone will discover what this hidden meaning is, and will choose to not share it with those who are not equipped to understand.

Since most people lack the natural ability 'to take in demonstrations' and it is the 'purpose of Scripture to teach everyone', it correspondingly contains 'every method of [bringing about] judgments of assent and every method of forming concepts'.[70] The majority of people will respond to the rhetorical and dialectical methods of instruction, whilst a small group will require demonstration. The masses respond best to rhetoric, where they are able to use *zann* (their opinion) 'to apprehend the truth', and are easily convinced with persuasive language, described by Leaman as 'clever speeches and attractive imagery'.[71] As I shall explore later, this distinction is important as Ibn Rushd considered rhetoric to be a critical tool for political rule, as the masses tend to respond to these techniques, resulting in a more virtuous citizenry.

Ibn Rushd concludes this treatise by arguing that philosophers are the only one's belonging to the demonstrative class and should not share the conclusions of their study or interpretations with the dialecticians, and especially not with the masses, for it will confuse them and lead them astray. Since the masses are not fit enough to receive demonstrative interpretations, 'because of their remoteness from common knowledge, both he who expresses it and he to whom it is expressed are led into unbelief'.[72] Discussing these interpretations in books, which are available to the masses is equally harmful, and here Ibn Rushd accuses al-Ghazali of this mistake. The parts of Scripture accessible to all people contain three miraculous properties:

> (1) There exist none more completely persuasive and convincing to everyone than they; (2) their meaning admits naturally of mastery, up to a point, beyond which their allegorical interpretation (when they are of a kind to have such an interpretation) can only be found out by the demonstrative class; (3) They contain a means of drawing the attention of the people of truth to true allegorical meaning.[73]

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[70] *Ibid.*: 64.
[71] Leaman, *Averroës and His Philosophy*: 154.
[72] Ibn Rushd, *Decisive Treatise*: 64.
[73] *Ibid.*: 69.

Although Ibn Rushd attempted to lay down the accessible nature of Scripture in the aforementioned properties, his doctrine on the philosophers as custodians of the hidden meaning of scripture was contrary to the dominant theological discourse in the Muslim World at the time. Indeed, for him, it was not the Law which opposes his view, as 'philosophy is the friend and milk-sister of religion', but the miscreant beliefs of people who injure philosophy by claiming to 'have some affinity to it'.[74] This kind of view, although intellectually innovative had significant implications on Ibn Rushd's project to engender Almohad reform, as true political reform for Ibn Rushd hinged on the acceptance of Greek wisdom and ideas to facilitate reform. Ibn Rushd's fervent appeal for engaging in the wisdom and sciences of the ancients, however, led to his opponents casting doubt on the sincerity of his Islamic beliefs, eventually leading to his banishment and exile from Muslim Spain. I would argue following Rosenthal[75] that the sincerity of Ibn Rushd's religious beliefs should not be brought into question, as Ibn Rushd spent the major part of his life establishing on unequivocal terms, that the Law and philosophy were aimed towards the same end or purpose and that it was in fact the Law which was being misinterpreted by religious scholars who professed to be its guardians. What is radical about the political implications of his thought then is the challenge to authority that it presents.

Conclusion

In the *Decisive Treatise*, Ibn Rushd demonstrated the way in which he saw philosophy and the Law to be aligned. I argue that a study of the *Decisive Treatise* must first be undertaken if we are to properly understand his conception of political authority, and that Ibn Rushd's argument for the priority of philosophy was part of his reformist vision for Almohad society. The natural link between philosophy and the Law, which he drew out with meticulous and logical precision, was not set out for arbitrary purposes. Rather, Ibn Rushd was wholly concerned with the nature of political reform in his society and was of the conviction that the philosopher endowed and trained in the skills of demonstration—supplied by Greek wisdom and Aristotelean philosophy—would be able to posit the correct

[74] *Ibid.*: 70.
[75] Rosenthal, 'The Place of Politics in the Philosophy of Ibn Rushd'.

understanding of the Law, and thus alleviate the Muslim community of its political afflictions at the time. From Ibn Rushd's point of view, the religious scholars at the time were misguided in their understanding of the Law, and if reform were to take place, the religious scholars who held an influential position in society were obliged to relinquish their narrow doctrinal positions. After all, it was these scholars who resisted the direct study of the Qu'ran, along with the use of allegorical interpretation through reason.

According to Ibn Rushd, the religious scholar's refusal to embrace the Almohad vision for juridical reform presented wider political ramifications for Almohad society. As Ibn Rushd argues, if the Law is incorrectly interpreted and understood by Muslim scholars, it results in pernicious consequences for the Muslim community as a whole, since it is the Law which is ultimately responsible for upholding virtue and ensuring that happiness is to prevail. A correct interpretation of the Law, from Ibn Rushd's perspective, would ensure virtue is promulgated and the moral well-being of the citizenry is fostered. This link between the harmony of Law and philosophy is also significant for his conception of political authority, as Ibn Rushd believes that the Law will not produce the desired end if those who are tasked with political authority cannot offer the people a correct interpretation and understanding of the Law in the first place. Those tasked with political authority were reliant on the traditional scholars for validation, as such Ibn Rushd was proposing that their authority should be displaced by the philosopher.

This argument holds that the immediate task of those with political authority is to recognise the different levels that exist in revelation, and to relay the meanings of this text in accordance with the levels of ability found amongst the people. If real moral education is to prevail and happiness for this life and the hereafter is to be procured, the argument continues, the Law must be interpreted correctly. As Ibn Rushd noted, the incorrect interpretation of the Law by Mu'atazalite and Ash'arite scholars produced the opposite effect in Muslim societies, as hostility, sectarianism and war sowed the seeds of division amongst Muslims.[76] For Ibn Rushd, the correct method for teaching people must therefore fall into the three categories of assent, namely the demonstrative, dialectical or rhetorical.

[76] Ibn Rushd, *Decisive Treatise*: 68.

Ibn Rushd's analysis of the way in which religion is taught to people and its political consequences provide us with a foundation for understanding his views on political authority. By embarking on the daunting intellectual challenge of reconciling Islamic Law and philosophy, Ibn Rushd was able to turn to other aspects of his thought which presuppose the necessity of studying the work of the ancient Greek philosophers such as Aristotle and Plato. It is in this context that Ibn Rushd's views on the mandatory significance of philosophical study in one's approach to religion enables us to refer to his political views in his *Commentary on Plato's Republic*, where he presented a political thought that justifies the authority of the Law in political matters, while at the same time establishing the need for reason and philosophical insight in the context of political authority.

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