

Divine Respite in the Ottoman Tafsīr Tradition: Reconciling Exegetical Approaches to Q.11:117

Arnold Yasin Mol

PhD Candidate, Leiden University

Introduction: *Tafsīr* as theology

The Qur'ān has always been understood in variant ways by the different schools and sects within the Islamic tradition. These different interpretations arose due to methodological and textual differences in consonantal, grammatical, and semantical readings. Within the Sunnī tradition the multiple readings (*qirā'āt*) and interpretations (*tafsīr* and *ta'wīl*) generated and acknowledged by it, are classified based on historical, theological, and logical criteria.¹ The employment of both grammar and semantics in the service of establishing narrative, ethico-legal and theological possibilities and premises was one of purposes of the *tafsīr* tradition. Qur'ānic exegesis played, next to theological tracts themselves, a central role in propagating the theologies of different schools of thought. The Khawārij, Mu'tazila, Sunnī orthodoxy, the different sects among the Shī'a, and other schools and sects, all had generated exegetical works to promote and establish the premisses and main foundations of their theologies.² With the start of the classical period there not only

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- 1 On the classification of readings, see: Muḥammad Shaykh Ibrāhīm Ḥaqqī, 'Ulūm al-qur'ān min khilāl muqadimāt al-tafāsīr (Beirut: Mu'assasat al-Risālah, 2004), 2: 251-257; Mannā' al-Qaṭṭān, *Mabāḥith fī 'ulūm al-Qur'ān* (Beirut: Mu'assasat al-Risālah, 2009), 157-168; Recep Doğan, *Usūl al-tafsīr: The sciences and methodology of the Qur'ān* (Clifton: Tughra Books, 2014), 246-9.
- 2 Muṣṭafā Muḥaqqiq Dāmād, "The Quran and Schools of Islamic Theology and Philosophy" in *The Study Quran: A new translation with notes and commentary* (referred to as SQ from here on), Seyyed Hossein Nasr e.a. Ed. (United States: HarperOne, 2015), 1719-1735; Hussein

emerged multiple *tafsīr* works which provide commentary on almost all verses in the Qur’ān, but also encyclopedic works (*muṭawwalāt al-tafsīr*, “lengthy exegesis”) which gathered as many and as diverse exegetical commentary as possible. Although the gathered material was clearly selected by applying preference, it also included the opinions or traditions from what were deemed rival or heretical schools. These were included partially to refute them, many times also as a citation of an acceptable opinion, or to reframe them in service of another theological construct. We see this with early classical works as that of Ibn Jarīr al-Ṭabarī (d. 310/923) whose work epitomizes the traditional exegesis (*tafsīr bi-l-māthūr/riwāya*) genre³, and by Abū Maṣṣūr al-Māturīdī (d. 333/944) whose work epitomizes the rational exegesis (*tafsīr bi-l-rā’y/dirāya*) genre⁴, which are important sources for pre-classical exegesis. In the post-classical period we also see the emergence of smaller works which generally summarize the most accepted exegetical positions of the formative and classical period (*al-mukhtaṣarāt*, “summaries”), showing a crystallization of the *tafsīr* genre.⁵ The most famous works of this type is by Ibn ‘Umar al-Zamaksharī (d. 538/1144) and ‘Abd Allāh al-Bayḍāwī (d. 685/1286), whom also became the most popular subject of another post-classical trend: the supercommentary tradition (*shurūḥ*, “exploratory commentaries”, and *ḥawāshī*, “marginal or gloss commentaries”).⁶ These supercommentaries added to

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Abdul-Raof, *Schools of Qur’anic Exegesis: Genesis and development* (Abdingdon: Routledge, 2010), 55-83, 111-164; Hussein Abdul-Raof, *Theological approaches to Qur’anic exegesis: A practical comparative-contrastive analysis* (London: Taylor & Francis, 2010), 84-93; Yāsir b. Māter al-Maṭrafi, *Al-‘aqā’idiyyat wa tafsīr, al-naṣṣ, al-qur’āniyya* (Beirut: Markaz Namā’ li-l-buḥūth wa al-darāsāt, 2016), 67-74, 605-691; Suleiman A. Mourad, “The Survival Of The Mu’tazila Tradition Of Qur’anic Exegesis In Shī’ī And Sunnī *Tafsīr*”, *Journal Of Qur’anic Studies*, 2010.

- 3 Although some identify al-Ṭabarī’s approach as being between the genres, labelling it as *tafsīr al-athār al-nazarī* (exegesis through tradition and insight). On al-Ṭabarī and his exegesis, see: Ḥaqqī, *‘ulūm al-qur’ān*, 1: 265-296; Al-Maṭrafi, *Al-‘aqā’idiyyat wa tafsīr*, 610-615.
- 4 On al-Māturīdī and his exegesis, see: Ahmad Choirul Rofiq, “The Methodology Of Al-Maturidi’s Qur’anic Exegesis: Study Of Ta’wilat Ahl Al-Sunnah”, *Al-Jami’ah: Journal of Islamic Studies* 47/2 (2009); Walid A. Saleh, “Rereading Al-Ṭabarī Through Al-Māturīdī: New Light On The Third Century Hijrī”, *Journal of Qur’anic Studies* 18/2 (2016): 180-209; Al-Maṭrafi, *Al-‘aqā’idiyyat wa tafsīr*, 688-691.
- 5 Walid A. Saleh, *The Formation Of The Classical Tafsīr Tradition: The Qur’ān Commentary Of Al-Tha’labī* (D. 427/1035) (Leiden: Brill, 2004), 14-23; Walid Saleh, “Quranic Commentaries” in *SQ*, 1645-1658.
- 6 For a full discussion on the supercommentary tradition, see: Eric van Lit, “Commentary And Commentary Tradition: The Basic Terms For Understanding Islamic Intellectual History”, *MIDÉO* 32 (2016): 3-26; Asad Q. Ahmed and Margaret Larkin, “The *Hāshiyā* And Islamic

popular exegetical texts full explanations (as was done with al-Bayḍāwī's exegesis) or refutations (as was done with al-Zamakhsharī's exegesis), others used these texts as headers for their own legal or theological discourse. It is in this mature phase of the *tafsīr* tradition where the Ottomans define themselves not only by their emphasis on deep linguistic and rhetorical exegesis, but also the full incorporation, into their exegetical activity, of the Islamic and philosophical sciences as taught in the Ottoman curriculum.⁷ In the post-classical period and after, Sunnī exegesis is dominated by exegetes from the Ash'arī and Māturīdī⁸ schools whereby they generally focus on the Mu'tazila as the theological Other.⁹ The *tafsīr* tradition, as an accumulative and overarching science, was a source through which different schools and sects could reflect, respond and learn from another. But the *tafsīr* tradition also became a repository for theological positions which are generally not discussed in official theological tracts. Understanding the Ottoman *tafsīr* tradition would therefore imply one also understands the Ottoman theological tradition, which is a theme we will explore. One of the theses proposed in this paper is that Ottoman *tafsīr* tradition developed parallel to the rise of Ottoman *ikhṭilāf* literature on Ash'arī-Māturīdī differences (such as the famous tract by Ibn Kamāl Pāshā

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Intellectual History", *Oriens* 41/3-4 (2013): 213-216; Walid A. Saleh, "The Gloss As Intellectual History: The Ḥāshiyahs On Al-Kashshāf", *Oriens* 41/3-4 (2013): 218-220. On the time periods, see: Haim Gerber, *Islamic Law And Culture, 1600-1840* (Leiden: Brill, 1999), 3 fn.8; Abdul-Raof, *Schools of Qur'anic Exegesis*, 11-12; Shuruq Naguib, "Guiding The Sound Mind: Ebu'S-Su'ūd's Tafsir and Rhetorical Interpretation of the Qur'an in the Post-Classical Period", *Osmanlı Araştırmaları / The Journal Of Ottoman Studies* (2013): 2 fn.3.

- 7 Naguib, *ibid*, 13-15; Hamza Karamali, *The Madrasa Curriculum in Context* (UAE: Kalam Research & Media, 2017), 17-18. For an overview of Ottoman exegetes, see: Mustafa Ozturk, "Osmanlı Tefsir Kültürüne: Panoramik Bir Bakış" in *Osmanlı Toplumunda Kur'an Kültürü ve Tefsir Çalışmalar*, volume 1 (Istanbul: ilim Yayma Vakfı Kur'an ve Tefsir Akademisi, 2011).
- 8 Rational exegesis is the dominant typology within the *tafsīr* tradition from the late formative period right up to today, to state otherwise as several have done (such as Goldziher and Abdul-Raof) is to simply ignore the fact that the majority of the extant exegetical works are from this typology. This probably comes from the outdated (or ideologically framed) presumption that extreme traditionalism was an authentic outgrowth of Islam, and rationalism a hellenistic import. For a discussion on this, see: Saleh, "Rereading Al-Ṭabarī Through Al-Māturīdī", 181, 193-195; Walid Saleh, "Book Review 'Schools Of Qur'anic Exegesis: Genesis And Development'", *Journal Of Islamic Studies* 23/1 (2012): 85-87; Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 678-691.
- 9 Abdul-Raof, *Theological approaches to Qur'anic exegesis*, 46-47, 51-53; Albayrak İsmail, "'The Other' Among Us: The Perception Of Khārījī And Ibādī Islam In The Muslim Exegetical Traditions", *Ankara Üniversitesi İlahiyat Fakültesi Dergisi* 54/1 (2013): 35-63; Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 193-220.

(Kemālpāshazāde, d. 940/1533)) and functioned as a reconciliatory science or synthesis between dominant Mu'tazila and Ash'arī exegesis.¹⁰ The main differences between the Māturīdī and Ash'arī were according to some as low as five or as high as fifty, depending on what one counts as a school-defining heuristic. But two of the central defining differences revolved around rational knowledge and how this relates to the nature of God. Within the *tafsīr* tradition these theological discussions became connected to certain verses. Some were obvious, such as the discussion on verse Q.17:15 surrounding rational responsibility. But other connections were not as obvious. Sometimes because the subject already occurred in an earlier verse, or simply because you would not expect a certain phrasing or grammatical construct to invite such complex discourses. Of the latter is Q.2:29 a great example of not only complex discourse connected to small element of a verse {**He created for you** (*khalaqa la-kum*)}, but also the school-defining heuristic it became to represent. Within the *tafsīr* tradition it became the defining verse to discuss ontological ethics, and therefore also invited extensive Ḥanafī-Māturīdī apologetics: did God create everything with an inherent benefit (*intifā'*) and permittance (*mubāḥat fī al-aṣl*), and does this ontology generate ethical responsibility (*taklīf*)? The adherents of this position are called the people of permittance (*ahl al-ibāḥa*), and are mainly from the Ḥanafī school (the Mu'tazila and Māturīdī), who argued that as God is without need it means creation is created for the benefit of creation itself, and must be rationally constructed and inherently good for humans.¹¹ According to the Late Ottoman exegete 'Iṣām al-Dīn al-Qūnawī (d. 1195/1781) the *lām* in *la-kum* {for you} implies a rationale (*ta'līl*) and purpose (*ghāyya/gharaḍ*) behind the act of creation.¹² The opponents of this position, mainly from the Ash'arī, saw this as obligating and restraining God as He must

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10 On the rise of Ottoman *ikhtilāf* literature, see: Yayha Raad Haidar, *The Debates Between Ash'arism and Māturīdism in Ottoman Religious Scholarship: A Historical and Bibliographical Study* (PhD thesis, 2016), 116-117, 170-173, 204-208.

11 Anver Emon, *Islamic Natural Law Theories* (New York: Oxford University Press, USA, 2010), 40-41; 'Abd Allāh al-Nasafī, *Tafsīr al-Nasafī aw madārik al-tanzīl wa ḥaqā'iq al-tā'wīl* (Beirut: Dār al-Ma'rifa, 2008), 43; Aḥmad b. Abū Sa'īd Mullājīyūn al-Ḥanafī, *Tafsīrāt al-aḥ-madiyya fī bayān al-ayāt al-sharā'iyyat* (Beirut: Dār al-Kutub al-'ilmiyyah, 2010), 21-23; Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 3: 81-87; Wahba al-Zuhaylī, *Uṣūl al-fiqh al-islāmī* (Damascus: Dār al-Fikr, 2013), 1: 93-98; Muḥammad 'Abd al-Ḥaqq b. Shāh al-Hindī, *Al-iklīl 'alā madārik al-tanzīl wa ḥaqā'iq al-tā'wīl* (Beirut: Dār al-Kutub al-'ilmiyyah, 2012), 1: 304-306; Haytham 'Abd al-Ḥamīd Khazna, *Taṭawwur al-fikr al-uṣūlī Ḥanafī* (Beirut: Dār al-Kutub al-'ilmiyyah, 2012), 323-327, 347-359.

12 Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 3: 82. See also: Shāh al-Hindī, *Al-iklīl 'alā madārik*, 1: 302.

adhere to creational needs and purposes.¹³ Al-Rāzī therefore states that the *lām* does not imply for humans but must be understood in line with Q.51:56 {I have created the Jinn and mankind except to worship Me (*li-ya'budūni*)}.¹⁴ The Mu'tazila argued from the idea that God was obligated to do the best for creation (*al-aṣlah*), the Māturīdī on the other hand argued from the idea that the beneficial purpose of the act of creation comes from divine wisdom (*al-ḥikma*) and therefore does not imply an external obligation on God. The Ash'arī rejected the former, but partially accepted the latter.¹⁵ The exegesis surrounding this verse shows how the Māturīdī not simply developed a middle path between the Ash'arī and Mu'tazila, but self-identified their theological tradition as being directly linked to the founders of the Ḥanafī school itself, and therefore being older than either the Mu'tazila or the Ash'arī. We see a similar claim surrounding Q.17:15 {we do not punish until we sent a messenger}, where the Māturīdī defend the concept of rational responsibility as a teaching of Abū Ḥanifā (d. 150/767) himself. The founder of the Ḥanafīte theological school, Abū Manṣūr al-Māturīdī, explains that the messenger in Q.17:15 is preceded by human reason:

”And in the verse is proof that monotheism is required for them by reason (*bi-l-'aql*). [...] If it was not required, then when messengers are sent to call them towards [monotheism], they would say, ‘Who are you, who sent you to us?’ [...] but God from His grace wanted to remove doubts from them, and eliminate any excuse, by sending them a messenger. For there are three causes of knowledge (*asbāb al-'ilm*)¹⁶: (1.) what they learn through the appa-

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13 Al-Rāzī, *Al-Tafsīr al-kabīr*, 2: 141-142; Abū 'abd Allāh b. Aḥmad al-Qurṭubī, *Al-jāmi' li-aḥkām al-qur'ān* (Cairo: Dār al-Kutub al-Miṣriyya, 1964), 251-252. The majority of the Ash'arī rejected the *ibāḥa* position from a theological perspective, but embraced it in their philosophy of law (*uṣūl al-fiqh*) whereby the maxim “The principle is that all things are permitted (*al-aṣl fī al-ashā' al-ibāḥa*)” became accepted by most schools. Shāh al-Hindī, *Al-iklīl 'alā madārik*, 1: 303; Muḥammad Muṣṭafā al-Zuhaylī, *Al-qawā'id al-fiqhiyya wa taḥbīqātahā fī al-madhāhib al-arba'* (Damascus: Dār al-Fikr, 2006), 1: 111/190-194; Imran Ahsan Khan Nyazee, *Islamic Legal Maxims (Qawā'id Fiqhiyyah)* (Islamabad: Center for Excellence in Research, 2016), 110-115. For a critique on this seemingly contradicting stance, see: Ṭahir Ibn 'Āshūr, *Tafsīr al-taḥrīr wa al-tanwīr* (Tunis: Dār Sahnun li-L-Nushr wa-L-Tawzī', n.d.), 1: 379-381.

14 Al-Rāzī, *Al-Tafsīr al-kabīr*, 2: 142.

15 Ulrich Rudolph, *Al-Māturīdī and the Development of Sunnī Theology in Samarqand* (Leiden: Brill, 2015), 296-300; Ramon Harvey, *The Qur'an and the Just Society* (Edinburgh: Edinburgh University Press, 2017), 28-33; Ibn Kamāl Bāshā, *Masā'il al-ikhtilāf bayna al-ashā'ira wa al-māturīdīyya* (Beirut: Dār al-Dakhā'ir, 2015), 29-33; Khazna, *Taṭawwur al-fikr al-uṣūlī Ḥanafī*, 323-327.

16 These three causes of knowledge are central in Islamic scholastic theology, such as rephrased in the famous Māturīdī tract *'Aqā'id al-Nasafī*: (1.) sound senses (*al-ḥawās al-salīm*), (2.) re-

rent senses together with intuition, (2.) and some also add understanding through contemplation and reflection (*bi-l-tā'mmul wa-l-naẓar*), (3.) while others do not learn except through teachings and warnings.”¹⁷

As the Mu'tazila had an almost similar approach to this verse¹⁸, it became a central polemic concern for Ash'arī exegetes such as al-Bayḍāwī who emphasized that the literal import of the verse mitigates any claim for rational responsibility or obligation apart from revelation. Al-Qūnawī, in his extensive *hāshiya* on Bayḍāwī's exegesis, confronts this refutation head on:

“And [al-Bayḍāwī] says ‘and in it is the proof that there is no obligation before the revelation of the divine law’, meaning there is no obligation on the responsible person (*al-mukallaf*) before the divine law is cognitively related to him, because if reason obligates it is required that when he leaves the obligation unfulfilled he is liable for divine punishment. But the Exalted clearly states that {and We do not punish until we sent a messenger} which nullifies any required punishment. [And al-Bayḍāwī's] intent is to refute (*radd*) the scholars of the Māturīdī¹⁹ and to slander (*tashnī*) the Mu'tazila as they state that reason rules by obligation over all matters, and from this statement they establish that good and evil are known by reason. But our scholars [of the Māturīdī] follow the opinion that good and evil are known by reason as established by the Most Wise, which is God the Exalted. And

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liable reports (*al-khabar al-ṣādiq*), (3.) intellect/reasoning (*'aql*). See: Aḥmad Farīd al-Mazīdī (Ed.), *Shurūḥ wa ḥawāshī al-'aqā'id al-nasafiyya li-ahl al-sunna wa-l-jamā'a al-ash'ira wa-l-māturīdiyya* (Beirut: Dār al-Kutub al-'ilmiyyah, 2013), 1: 87-95, 2: 219-605.

17 Abū Maṣṣūr al-Māturīdī, *Tā'wīlāt ahl al-sunnah* (Beirut: Dār al-Kutub al-'ilmiyyah, 2012), 7: 19.

18 See: Ibn 'Umar al-Zamakhsharī, *al-Kashshāf 'an ḥaqā'iq al-tanzīl wa 'uyūn al-aqāwīl fī wujūh al-tā'wīl wa ma'a ḥawāshī* (Beirut: Dār al-Kutub al-'ilmiyyah, 2015), 2: 268. Quṭb al-Dīn Maḥmūd (d. 710/1311) accuses al-Zamakhsharī of strategems (*al-ḥiyal*) because of stating that no people are destroyed before the sending of the messenger but incorporating this with the Mu'tazila argument that people already have knowledge of God and “what is required” through reason. Maḥmūd points out that the Mu'tazila believe that the majority of rulings (*aḥkām*) are known through reason, so technically revelation would not add much to people's obligations, and al-Zamakhsharī does not state this Mu'tazila belief clearly. 'Umar b. Muḥammad al-Sakūnī (d. 717/1317) identifies al-Zamakhsharī's take on Q.17:15 as completely falling in line with Mu'tazila opinion (*wa hadhā kullihu ṭ'izāl*). Maḥmūd's supercommentary in *al-Kashshāf*, fn.1; 'Umar b. Muḥammad al-Sakūnī, *al-Tamyīz limā awda'hu al-Zamakhsharī min al-ṭ'izāl fī tafsīr al-kitāb al-'azīz* (Beirut: Dār al-Kutub al-'ilmiyyah, 2005), 2: 386-387.

19 This self-identification as Māturīdī and references and citations to their founding namesake is prominent within Ottoman exegesis.

that similar matters such as belief in the Prophet, peace be upon him, are divinely imposed by the divine law, and when something is not imposed by the divine law it is obligated by reason when it falls under rationally known ethics. Therefore the messenger [in this verse] is universal, meaning reason. And this is the opinion of Imām Abū Ḥanifā in that anyone to whom revelation has not reached, and he does not believe in the existence of God and His oneness, then that person will be in the hellfire forever as this is a fact known by reason.”²⁰

Another verse which became connected to the discussion surrounding rational responsibility is Q.11:117 {**And your Lord does not destroy the communities through/because of wrongdoing while its people are rightdoers**}, which is concerned with the cause for divine worldly punishment. Does Q.11:117 simply deny that God is unjust in His punishment, or does it also deny that God punished civilizations simply because they were infidels? What triggers divine worldly punishment? How did the Ottoman *tafsīr* tradition engage the different exegetical approaches to verses such as Q.11:117, and what function had Māturīdī theology within its development? To understand these discussions surrounding Q.2:29, 17:15, and 11:117 we need first to further understand how rational obligation (*taklīf ‘aqli*) and the relation between faith and ethics developed within Islamic theology.

Islamic theology and rational obligation

The earliest main theological positions held by the Muslim community were generally simple ethical-monotheistic mirror images of their polytheistic counterparts whereby the early Muslims could adhere to the apparent meaning of key Qur’ān verses: God is one; He is independent and in total control of creation; He has no partners or intermediaries; and He will hold humans accountable for their ethical and creedal violations.²¹ When it came to more detailed positions it became more difficult to uphold or to determine the apparent meaning, such as: 1) how the seemingly anthropomorphic divine attributes of hands and face were to be understood²²; 2) do humans have free

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20 Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 11: 463.

21 Cf. Q.112:1-4, 6:133, 10:68, 22:64-65, 35:15, 40:48-52 etc. On early Muslim theology, see: Harry Austryn Wolfson, *The Philosophy of the Kalam* (Cambridge, Mass.: Harvard University Press, 1976), 5-6.

22 The most disputed anthropomorphic attributes in the Qur’ān are: God’s hands (*yad*), Q.5:64, 7:57, 36:71, 38:75, 39:67, 48:10, 67:1; God’s shin (*sāq*), Q68:42; and God’s face (*wajh*),

will²³; 3) whether believers can become unbelievers through performing sins, if they go to hell for them, and if so, in what way (i.e. the status and fate of the grave sinner (*fāsiq*)²⁴); 4) or if people who died before the prophetic message reached them were responsible for their wrongdoing. Most of these positions were seemingly not resolved in a definitive way by the prophetic teachings, which caused two approaches among the early generations, suspend judgement on these subjects by delegating all interpretive authority back to God (*tafwīd*), or applying reasoned opinion (*rā'y* or *ijtihād*) to determine acceptable and coherent interpretations.²⁵

The questions surrounding belief and works revolved around three main issues:

- i. can humans rationally know God and ethics,
- ii. how are belief and ethics connected,
- iii. and when does responsibility (*taklīf*) sets in?

The majority among the Sunnī theologians state that people who died before any prophet or revelation reached them fully (*bulūgh al-da'wa*) to have died on

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Q2:115/272, 28:88, 30:38-39, 55:27, and 76:9. For the different ways these were understood, see: Abdur-Rahman Ibn Yusuf, *Imam Abū Ḥanīfa's Al-Fiqh Al-Akbar Explained* (London: White Thread Press, 2007), 99-104; Mullā 'Alī al-Qārī, *Sharḥ kitāb al-fiqh al-akbar* (Beirut: Dār al-Kutub al-'ilmiyyah, 2007), 62-72; Ibn Abī al-'Izz, *Commentary On The Creed Of At-Ṭahāwī (Sharḥ Al-'Aqidah At-Ṭahāwīyyah)* (Riyad: al-Imam Muhammad Ibn Sa'ud Islamic University, 2000), 147-162; Wolfson, *ibid*, 8-17; Muḥammad Ṣāliḥ Farfūr and Wesam Charkawi, *The Beneficial Message and the Definitive Proof in the Study of Theology* (London: Azhar Academy, 2010), 131-138.

23 i.e. the question on divine decree (*qadar*) and decision (*qaḍā'*), and human will (*irāda*) and acquisition (*kasb*). For the different ways these were understood, see: Al-Qārī, *Sharḥ*, 29, 75-98; Ibn Abī al-'Izz, *ibid*, 392-413; 'Alī Juma 'a, *Ḥāshiya Al-Imām Al-Bajūriyya 'alā Jawharat Al-Ṭawḥīd* (Cairo: Dār al-Salām li-l-Ṭabā' wa-l-Nashar wa-l-Tawzī' wa-l-Tarjama, 2012), 175-177; Rudolph, *ibid*, 112, 302-308; Wolfson, *ibid*, 601-719; J. Meric Pessagno, "Irāda, Ikhtiyār, Qudra, Kasb The View of Abū Manṣūr al-Māturīdī", *Journal Of The American Oriental Society* 104/1 (1984): 177-191.

24 For a full discussion on *fāsiq* among the different schools of thought, see: Toshihiko Izutsu, *The Concept Of Belief In Islamic Theology: A Semantic Analysis of Īmān and Islām* (Kuala Lumpur: Islamic Book Trust, 2006), 43-70.

25 Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 97-146, 396-398, 448; Al-'ak, *Uṣul al-tafsīr*, 54-55; Aḥmad ibn Muḥyī al-Dīn Ibn Jahbal, *The Refutation of Him [Ibn Taymiyya] Who Attributes Direction to Allāh (Al-Raddu 'alā Man Qāla Bil-Jiha)*, Gibril Fouad Haddad trans. (Birmingham, UK: AQSA Publications, 2008), 114-118; Ḥamad Al-Sinān and Fawzī Al-'anjarī, *Ahl Al-Sunnat Al-Ash'ārah: Shihādāt 'ulamā' Wa Adillatuhum* (Kuwait: Dār al-Ḍiyā' li-l-Nushr wa al-Tawzī', 2006), 102, 148-170; Al-Mazīdī, *Shurūḥ wa ḥawāshī*, 1: 83-85.

their primordial nature (*fiṭra*)²⁶ and are deemed ‘the people of the interval [between prophets] (*ahl al-fatra*)’ who are not (fully) responsible for their faith and deeds.²⁷ The question of course is what is beyond someone’s responsibility, and what defines the sending of a messenger? The Māturīdī, who similarly to the Mu’tazila²⁸, follow Abū Ḥanīfa in the opinion that people can know through reason that God exists. Those people are therefore obligated to inquire about the origins of existence within their mental capabilities (“obligation to inquire (*wujūb al-naẓar*)” or “necessary knowledge (*‘ilm al-ḍarūra*)”).²⁹ And through the same signs in the world by which humans can interfere God’s existence they can also discern the main differences between good and evil (*al-tahsīn wa al-taqbīh*). The Māturīdī therefore adhere to ethical objectivism³⁰, and hold people

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26 On *fiṭra*, see: Frank Griffel, “Al-Ghazālī’s Use of “Original Human Disposition” (*fiṭra*) and Its Background in the Teachings of Al-Fārābī and Avicenna”, *The Muslim World* 102 (2012).

27 “The principle position of the Ash’arī is that whoever dies, and the message [of Islam] has not reached him (*tabluḡuhu al-da’wa*), dies saved. However, the Māturīdī say, whoever dies before he has time to contemplate (*al-tā’mmul*), and does not have faith or disbelief, then no punishment is on him.” Muḥammad Amin Ibn ‘Ābidīn, *Radd al-muḥtār ‘alā durr al-mukhtār* (Beirut: Dār al-Fikr, 1992), 3: 185. On *bulūḡ al-da’wa*, *ahl al-fatra*, intercession (*shafā’*), and salvation outside Islam, see: SQ, 31-32; Al-Alūsī, *Rūḥ al-ma’ānī*, 15: 47-57; Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 11: 463; Farfūr, *ibid*, 66-73; Abū al-Thana Maḥmūd al-Lāmishī, *Kitāb fī uṣūl al-fiqh* (Beirut: Dār al-Gharb al-Islāmī, 1995), 103-104; Wahba al-Zuḥaylī, *Al-tafsīr al-munīr fī al-‘aqīda wa al-sharī’a wa al-minhaj* (Damascus: Dār al-Fikr, 2003), 6: 64-65; Abū al-Mu’in al-Nasafī, *Baḥr al-kalām yabḥṡu fī ba’d al-firaq al-islāmiyya wa-l-radd ‘alayhā min al-kitāb wa-l-sunna* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2005), 100-101; Al-Qāḍī ‘Abd al-Jabbār b. Aḥmad, *Sharḥ al-uṣūl al-khamsa* (Cairo: Al-Hay’at al-Miṣriyyat al-‘āmma li-l-kitāb, 2009), 477-479; Mohammad Fadel, “No Salvation outside Islam” Muslim Modernists, Democratic Politics, and Islamic Theological Exclusivism”, and: Tim Winter, “Realism and the Real: Theology and the problem of Alternative Expressions of God”, in *Between Heaven And Hell Islam, Salvation, And The Fate Of Others* (New York: Oxford University Press, 2013); Muḥammad b. Rasūl al-Barzanjī, *Sadād al-dīn wa sadād al-dayn fī ithbāt al-najāt wa al-darajāt li-l-walīdayn* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2006), 174-194.

28 On the Mu’tazila concepts of reason (*‘aql*), intellectual insight (*naẓar*) and necessary knowledge (*‘ilm al-ḍarūra*), see: Al-Qāḍī ‘Abd al-Jabbār, *Al-mughnī fī abwāb al-tawḥīd wa-l-‘ādil* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2012), 12: 28-147; ‘Abd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 50-52, 64-76; Mariam al-Attar, *Islamic Ethics: Divine Command Theory In Arabo-Islamic Thought* (Abingdon: Routledge, 2010), 69-80.

29 Rudolph, *ibid*, 232, 262-268, 274; Abū al-Mu’in al-Nasafī, *Baḥr al-kalām*, 16-17. On “necessary knowledge”, see: Binyamin Abrahamov, “Necessary Knowledge In Islamic Theology”, *British Journal Of Middle Eastern Studies* 20/1 (1993): 20-32.

30 Ethical objectivism is also known as natural law theory or moral realism, on this see: Mark C Murphy, *God And Moral Law: On The Theistic Explanation Of Morality* (Oxford: Oxford University Press, 2011), 69-99; Alessandro Passerin d’Entrèves, *Natural Law: An Introduction To Legal Philosophy* (UK: Hutchinson & Co, 1972), 37-50; Emon, *Islamic Natural Law Theories*, 7-11; Al-Attar, *ibid*, 12.

responsible for their general beliefs and works apart from revelation (i.e. *taklīf ‘aqlī*).³¹ It is because of this that the Māturīdī shared overlapping discourses and concerns with the Mu‘tazila, and was seen as a middle path between the latter and the Ash‘arī. But there is an important difference between the Mu‘tazila and the Māturīdī in how reason obligates. For the Mu‘tazila reason obligates by essence (*bi-l-dhāt*) and therefore obligates directly when (even minimally) present, while for the Māturīdī it only obligates after both sanity and maturity are fully attained so a person has the ability to know his obligations (*kamāl al-‘aql ma‘rafa li-l-wujūb*) and even then people can be excused (*‘udhr*) for matters which are unclear.³² The general position among the early Ash‘arī is that reason can only provide possible knowledge about God and ethics, therefore worldly and eschatological obligation is only acquired through revelation.³³ The main Ash‘arī position can therefore be defined as an adherence to ethical voluntarism.³⁴ The later (post-1100) Ash‘arī have a more nuanced position

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31 The Ḥanafī for the majority upheld rational responsibility, which is generally summed up by referring to founding scholars as Abū Ḥanifā, al-Karkhī, al-Māturīdī, the majority of Iraqi Ḥanafī’s, and the Mu‘tazila, versus the suspenders of obligation (similar to the later Ash‘arī) by the Samarqand/Bukhara Ḥanafī’s. Anver Emon labels this type of moral realism as *hard natural law*. Cf. A. Kevin Reinhart, *Before Revelation: The Boundaries Of Muslim Moral Thought* (Albany, NY: State Univ. of New York Press, 1995), 43-56, 79-86; Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 11: 463; Emon, *Islamic Natural Law Theories*, 45-89; Al-Lāmishī, *Kitāb*, 66, 103-104; Al-Zuḥaylī, *Uṣūl*, 1: 123-124, 127-134; ‘Alī Juma ‘a, *Hāshiya*, 71; Harvey, *ibid*, 34-39; Abū Bakr al-Rāzī al-Jaṣṣāṣ, *Uṣūl al-Jaṣṣāṣ al-masammā al-fuṣūl fi-l-uṣūl* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2010), 2: 99-105; Abū Zayd al-Dabūsī, *Taqwīm al-adilat fi uṣūl al-fiqh* (Beirut: Al-Maktaba al-‘Asriya, 2006), 464-477; Aḥmad Ḥilmī Ḥarb, *Al-ṣillat bayna uṣūl al-fiqh wa ‘ilm al-kalām fi masālatayya al-taḥsīn wa-l-taqbīḥ af‘āla Allāh ta‘ālā* (Dār al-nūr al-mubīn wa-l-nushr wa-l-tawzī’, 2015), 133-164; Ahmed Akgündüz, *Introduction To Islamic Law* (Rotterdam: IUR Press, 2010), 216-220; Aḥmad b. Abū Sa‘īd Mullājīyūn al-Ḥanafī, *Nūr al-anwār Sharḥ Risālat Al-Manār* (Karachi: Maktabat al-Bushrā, 2017), 1: 146-147/197; Ibn Kamāl Bāshā, *Masā’il*, 41-54, 57-60; Al-Maṭrafi, *Al-‘aqā’idiyyat wa tafsīr*, 446-447; Ibn ‘Ābidīn, *Radd al-muḥtār*, 4: 258-259; Khazna, *Taṭawwur al-fikr al-uṣūlī Ḥanafī*, 343-359.

32 Sa‘ad al-Dīn al-Taftāzānī, *Sharḥ al-talwīḥ ‘alā al-tawqīḥ li-matn al-tanqīḥ* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2013), 2: 334-337; Khazna, *Taṭawwur al-fikr al-uṣūlī Ḥanafī*, 326.

33 Sa‘ad al-Dīn al-Taftāzānī, *Sharḥ al-maqāsid* (Beirut: ‘Ālam al-Kutub, 1998), 4: 282-306; Al-Maṭrafi, *Al-‘aqā’idiyyat wa tafsīr*, 432-435; ‘Alī Juma ‘a, *Hāshiya*, 67-68, 70-71, 185-186; Imām al-Ḥarāmayn al-Juwaynī, *A Guide To The Conclusive Proofs For The Principles Of Belief: Kitāb al-irshād ilā qawāṭi’ al-adilla fi uṣūl al-‘itiqād* (Reading: Garnet Publishing, 2010), 147-149. Al-Zuḥaylī, *Uṣūl*, 1: 120-121, 124-126. A similar position is taken by the Athārī, see: Najm al-Dīn al-Ṭūfī al-Ṣarṣarī, *Al-Ishārāt li-ilahiyya ilā al-mabāḥith al-uṣūliyya tafsīr al-qur‘ān al-‘aẓīm* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2005), 389.

34 Also known as ethical subjectivism or divine command theory, on this see: Murphy, *ibid*, 100-132; Philip L Quinn, *Divine Commands And Moral Requirements* (Oxford: Clarendon, 2003), 66-88; Al-Attar, *ibid*, 75.

wherein they accept rational ethics, placing worldly ethical obligation on all humans, but retaining the position that eschatological responsibility is only attained through revelation.³⁵ But these opinions first of all center around responsibility in relation to judgement in the hereafter. How is one judged on earth? Here the question on the relation between faith and works comes in to play. Can one be a wrongdoer in relation to God, i.e. an unbeliever or polytheist, and at the same time be a rightdoer in relation to other humans? And could one be a rightdoer in relation to God, i.e. a believer or monotheist, and at the same be a wrongdoer in relation to himself and others, i.e. a sinner and oppressor? It is this latter question which became a central topic in Sunnī theology as a response to the Khawārij and Mu'tazila whereby the Sunnī orthodox rejected the concept that faith, as it is located in the heart, can be annihilated by works. The Mu'tazila adhered to universal rational knowledge of belief and ethics, but because they emphasized monotheism and the collapse of faith and works, it also meant a collapse of worldly and eschatological punishment. Unbelief becomes the main cause of divine wrath both in the hereafter and here on earth.³⁶ For the group which became known as the people of the prophetic tradition and community (*Ahl al-sunna wa-l-jamā'*, i.e. Sunnī orthodox), encompassing Māturīdī, Ash'arī, and moderate Atharī, a clear separation between faith (*īmān*) and works (*a'māl*) was upheld.³⁷ And it is this separation

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35 Anver Emon labels this semi-moral realism as *soft natural law*. A similar development can also be discerned with the Atharī. An important voluntarist tool to apply this semi-moral realism are the "objectives of the Shari'a (*maqāṣid al-sharī'a*)."
Emon, *Islamic Natural Law Theories*, 123-183; Reinhart, *ibid*, 62-76, 87-104; Al-Attar, *ibid*, 135-140; Farfūr, *ibid*, 67-72; Mariam al-Attar, "Meta-Ethics: A Quest For An Epistemological Basis Of Morality In Classical Islamic Thought", *Journal Of Islamic Ethics* 1/1-2 (2017), 39-47; Akgündüz, *ibid*, 213-216; Ibn Ishāq al-Shātibī, *Al-muwāfaqāt fī uṣūl al-sharī'a* (Mansoura: Dār al-Ghadd al-Jadīd, 2011), 1: 63-65; Rami Koujah, "Divine Purposiveness And Its Implications In Legal Theory: The Interplay Of Kalām And Uṣūl Al-Fiqh", *Islamic Law And Society* 24/3 (2017): 171-210; Ibn Kamāl Bāshā, *Masā'il*; Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 436-444.

36 Cf. Sophia Vasalou, *Moral Agents And Their Deserts: The Character Of Mu'tazilite Ethics* (Princeton University Press, 2008). The Shī'a and Ibādī (sub-sect of the Khawārij) adopted the majority of the positions taken by the Mu'tazila (and used Mu'tazila exegesis as templates for their own *tafsīr* works), cf. Martin J MacDermott, *The Theology Of Al-Shaikh Al-Muḥīd* (Beyrouth: Dar el-Machreq, 1986); Valerie J Hoffman, *The Essentials Of Ibadi Islam* (Syracuse, N.Y.: Syracuse University Press, 2012); Abdul-Raof, *Theological approaches to Qur'anic exegesis*, 37-53.

37 Ibn Abī al-'Izz, *ibid*, 283-311; Imam al-Haramayn al-Juywani, *A Guide To Conclusive Proofs For The Principles Of Belief: Kitab Al-Irshad Ila Qawati Al-Adilla Fi Usul Attiqad*, Paul E. Walker trans. (United Kingdom: Garnet Publishing, 2001), 209-215; Al-Mazīdī, *Shurūḥ wa ḥawāshī*, 5: 3-65; Wilferd Madelung, "Early Sunni Doctrine Concerning Faith As Reflected In The 'Kitab Al-Iman' Of Abu 'Ubayd Al-Qasim B. Sallam (D. 224/839)", *Studia Islamica* 32 (1970): 233-254.

which also affects their understanding if unbelievers, despite their unbelief, can perform ethical works. If faith is not affected by works, then works are not necessarily affected by faith. Thereby also possibly separating worldly and eschatological punishment. Does unbelief clouds one's vision on ethics? The Mu'tazila view knowledge of monotheism (*tawhīd*) as primary to knowledge of ethics, as ethics are derived from the knowledge of the just attributes of God, therefore a clouding in belief necessarily means a clouding in ethics.³⁸ For the Sunnī orthodox, because there is a separation between faith and works, there is only a possible and not a necessary relation between them. (See Table 1. below together with the main theological schools and their positions concerning faith and works). Confronted with the belief in rational access to ethics, and that some cultures and minority groups follow earlier revealed religions, Islamic philosophy of law, especially among the Ḥanafī, developed the hypothetical question pertaining to “the rulings of things before the advent of revelation (*aḥkām al-ashiyā' qabla majr' al-sama'*)” to discuss the minimal ethical and legal responsibilities Muslims can expect from non-Muslims when it comes to treaties, trade, and social cohesion and the rule of law.³⁹ This defined what is known by reason alone (general belief in and gratitude to the creator (*shukr al-mun'im*), upholding justice ('adl), goodness (*iḥsān*) and equity (*inṣāf*), and eradication of injustice (*maḥwa al-zulm*)⁴⁰, and what is part of all revelations (specific belief in God, specific requirements for worship, belief in judgement day and the hereafter, pursuing human interests (*maṣāliḥ*), guarding the five universals/objectives of the revealed law (*kulliyāt/maqāṣid al-sharī'a*)⁴¹, obligation of vows, and punishments for murder, fornication, and theft).⁴²

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38 'Abd al-Jabbār, *Sharḥ al-uṣūl al-khamsa*, 64; Reinhart, *ibid*, 139-141.

39 Reinhart, *ibid*, 3-9.

40 Al-Jaṣṣāṣ, *Uṣūl*, 2: 100; AL-Lāmishī, *Kitāb*, 66; Reinhart, *ibid*, 19; Khazna, *Taṭawwur al-fikr al-uṣūlī Ḥanafī*, 346-347, 354-355; Anver M Emon, *Religious Pluralism And Islamic Law* (Oxford: Oxford Univ. Press, 2014), 79-86.

41 On *kulliyāt/maqāṣid al-sharī'a*, see: Al-Zuḥaylī, *Uṣūl*, 2: 307-323; Jasser Auda, *Maqāṣid Al-Sharī'ah As Philosophy Of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2007). On the *maqāṣid* being part of all major religions, see: Aḥmad b. 'Alī Abī al-Ḍayā' Ibn al-Sā'ātī, *Nihāyat al-wuṣūl ilā 'ilm al-uṣūl* (Beirut: Dār al-Kutub al-'ilmiyyah, 2004), 261.

42 Emon, *ibid*, 106-108; Shāh Walī Allāh al-Dahlawī, *Hujjat Allāh Al-Bāligha* (Damascus: Dār Ibn Kathīr, 2010), 1: 294-309; Abū Bakr Aḥmad b. 'Umar Al-Khaṣṣāf and 'Umar b. 'Abd Al-'Azīz, *Sharḥ Adab Al-Qāḍī* (Beirut: Dār al-Kutub al-'ilmiyyah, 1994), 495-497.

Table 1. Main positions on faith, works, and judgement

school	faith-attainment	faith and works	faith-loss	ethics	human-performed punishment	divine worldly punishment	punishment hereafter
Murj'ā ¹	knowledge/assent (<i>ma'rifa/taṣdīq</i>), verbal confession (<i>iqrār bi-l-lisān</i>)	faith is not affected by works	rejection <i>shahāda</i>	known in general by reason and revelation, obligated through both	combatant/criminal infidel, grave sinner=subject to <i>hudūd</i>	unjust infidel	responsible infidel
Mātūrīq ²	knowledge (<i>ma'rifa</i>), assent in heart (<i>taṣdīq bi-l-qalb</i>), verbal confession (<i>iqrār bi-l-lisān</i>)	faith is not affected by works	rejection <i>shahāda</i>	known in general by reason and known fully by revelation, obligated through both	combatant/criminal infidel, grave sinner=subject to <i>hudūd</i>	unjust infidel (and believer)	responsible infidel, temporary punishment grave sinner
Ash'arī ³	assent in heart (<i>taṣdīq bi-l-qalb</i>), verbal confession (<i>iqrār bi-l-lisān</i>)	faith increases and decreases with works without annihilation	rejection <i>shahāda</i> , clear and persisted heresy/ <i>shirk</i>	partially known by reason and fully by revelation, obligated through revelation	combatant/criminal infidel, grave sinner=subject to <i>hudūd</i>	unjust infidel (and believer)	responsible infidel, temporary punishment grave sinner
Atharī ⁴	assent (<i>taṣdīq</i>), verbal confession (<i>iqrār bi-l-lisān</i>)	faith increases and decreases with works (without annihilation)	rejection <i>shahāda</i> , clear and persisted heresy/ <i>shirk</i> , non-performance <i>ṣalāt</i>	known and obligated by revelation alone	non-treaty-aligned/criminal infidel, grave sinner=subject to <i>hudūd</i>	infidel, grave-sinning believer	every infidel, temporary punishment grave sinner
Mu'tazila ⁵	knowledge (<i>ma'rifa</i>)	works determine one's faith-status	rejection <i>shahāda</i> , grave sin/heresy=intermediate position	known fully by reason and revelation, obligated through both	non-treaty-aligned/criminal infidel, grave sinner=subject to <i>hudūd</i> , unjust ruler	infidel, grave-sinner	every infidel, unrepentant grave sinner
Khawārij ⁶	verbal confession (<i>iqrār bi-l-lisān</i>)	works determine one's faith-status	rejection <i>shahāda</i> , grave sin= <i>kufr</i>	known and obligated by revelation alone	infidel, grave sinner=infidel, unjust ruler=infidel	infidel, grave-sinner	every infidel, grave sinner

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43 Izutsu, *ibid*, 104-127, 129-131, 201-202; Akgündüz, *ibid*, 197-198; Ann K. S Lambton, *State and Government in Medieval Islam* (London: Routledge, 2014), 32-36.

44 Izutsu, *ibid*, 131-153, 168-173, 182-187; Al-Mazīdī, *Shurūḥ wa ḥawāshī*, 1: 143-153, 168-170, 177, 4: 423-433, 5: 3-65, 5: 204-206; Akgündüz, *ibid*, 216-220.

45 Izutsu, *ibid*, 154-158, 174-181; Farfūr, *ibid*, 18-22; 'Alī luma 'a, *Hāshīya*, 70-71, 90-94, 100-103; Al-Juwaynī, *ibid*, 147-149, 217-219, 234; Akgündüz, *ibid*, 212-216.

46 Izutsu, *ibid*, 204-237; Lambton, *ibid*, 41-42, 146; Watt, *ibid*, 30-39; Al-Lāmishī, *Kitāb*, 67.

47 Izutsu, *ibid*, 135-136, 197-201; Farfūr, *ibid*, 24-26; Al-Attar, *ibid*, 44-62, 68-98; Lambton, *ibid*, 36-39.

48 Izutsu, *ibid*, 3-20; Farfūr, *ibid*, 44; Al-Attar, *ibid*, 31-37; Lambton, *ibid*, 21-24; Akgündüz, *ibid*, 187-189.

An interesting early example of the ethical expectations placed on non-Muslims is by Muḥammad al-Shaybānī (d. 189/805), the most productive student of Abū Ḥanīfa, in his discussions on international law (*siyar*):

“If a [non-Muslim] ruler seeks an agreement of security (*dhimma*) and that he should be left free to rule the people of his kingdom as he likes by killing people, crucifying them and other acts that are not deemed suitable (*lā yaşluḥ*) for the people of [the territory of] Islam, this will not be accepted. If the agreement of truce (*şulḥ*) or guarantee is provided on these conditions, it will be void (*bāṭil*) [because] it is not lawful in Islam.”⁴⁹

The Ḥanafī scholar Abū al-Thanā Maḥmūd al-Lāmishī (d. 539/1144) discusses if non-Muslims are responsible, after receiving the call of the prophet (i.e. after *bulūgh al-da’wa* has been fulfilled), for all the specific or general rulings of the Sharī’a⁵⁰, after which he states:

“[The non-Muslims] are addressed in the inviolable matters (*al-ḥurumāt*)⁵¹ and social affairs (*al-mu’āmalāt*) apart from the matters of worship (*al-‘ibādāt*), because the people of worship are the believers apart from the unbelievers. As for the unbelievers, they are a people with legal capacity (*ahlun*)⁵² in [upholding and receiving] the permanent inviolability (*li-thubūt al-ḥurma*) in rights (*ḥaqqahu*) and social affairs.”⁵³

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49 Abū Bakr al-Sarakhsī, *Al-mabsūṭ* (Beirut: Dār al-Ma’rifa, 1993), 10: 85.

50 Specific: they are held responsible in the hereafter for failing to perform all the specific rulings revealed by Islamic revelations (such as fulfilling worship through the five prayers). This position was, according to al-Lāmishī, adhered to by the Ḥanafī from Iraq, all the Mu’tazila, and ‘people of Ḥadīth (i.e. Ḥanbalī)’. See also: Khazna, *Taṭawwur al-fikr al-uşūlī Ḥanafī*, 371-373. General: they are held responsible in the hereafter for performing any general principle form (*aşl*) of ethics and worship, known by reason/human nature, as a way to “thank the benefactor”. This position was, according to al-Lāmishī, adhered to by the Ḥanafī from Transoxania. See also: Khazna, *Taṭawwur al-fikr al-uşūlī Ḥanafī*, 374-377. For larger discussions on if humans are responsible for all or only general rulings, see: Al-Dabūsī, *Taqwīm*, 437-443; A. Kevin Reinhart, “Failures Of Practice Or Failures Of Faith: Are Non-Muslims Subject To The Sharia?”, in *Between Heaven And Hell: Islam, Salvation, And The Fate Of Others* (New York: Oxford University Press, 2013), 13-34.

51 These include murder (*qatl*), injuring others (*jurḥ*), and adultery (*zinā*). Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 423-424.

52 The juristic definition of *ahliyya* has many similarities to the term *dhimma* and refers to “competent humans who have an obligation towards legal right-claims (*li-wujūb al-ḥuqūq al-maşrū’a*), [whereby the rights-claim are made] by them or [are claimed by others] upon them.” ‘Abd al-Karīm b. ‘Alī al-Namla, *Al-Shāmil fī ḥudūd ta’rīfāt muşṭalaḥāt ‘ilm uşūl al-fiqh* (Riyad: Maktabat al-Rushd, 2009), 1: 208.

53 Al-Lāmishī, *Kitāb*, 105.

Non-Muslims are in this world accountable for their ethical works, but their failure to fulfill the obligation of worship will be dealt with in the hereafter.⁵⁴ This shows that the separation of faith and works was also applied to non-Muslims and has implications not only for the time after the sending of the prophet Muḥammad, but also raises questions on the times before it. Did God destroy the peoples mentioned in the prophetic tales for their idolatry and unbelief, and/or injustice towards other humans (or themselves)? The different positions taken towards universal ethics and divine respite in relation to the prophetic tales (*qışaş al-anbiyā*) show the further development and implications of the separation of faith and works and what is deemed reasonable responsibility, and will be one of the central typologies defining Sunnī theology and the unique characteristics of Ottoman thought with its emphasis on Māturīdī theology.

Divine punishment and prophetic tales (*qışaş al-anbiyā*)

Of the more than 6000 verses in the Qur’ān, around 1400 of them have prophetic tales or punishment-narratives as its subject.⁵⁵ These tales were central both in Islamic theology, as in general Muslim culture as shown by its own specific literary genre.⁵⁶ These narratives mostly discuss the fate of earlier peoples in relation to their works and unbelief in their prophets. But these narratives are not only to be understood as providing sacred history, for the Islamic tradition they also provide an anthropology. According to David Marshall and Robert Tottoli the punishment-narratives provide an exposition of God’s response to unbelief.⁵⁷ This assumption is logical as the main shared message between all these prophets is that they proclaimed monotheism (Q.7:59, 21:25 etc.), and that God only punishes after sending a messenger (Q.6:131, 17:15, 28:59). A similar stance is discernible among several, mainly early, exegetes of the Qur’ān, especially at key verses discussing the punishment-narratives, such as Q.6:131,

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54 Mullājīyūn al-Ḥanafī, *Nūr al-anwār*, 1: 194-196; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 1: 402-408; Nya-zee, *Islamic Legal Maxims*, 108-109; Khazna, *Ṭaṭawwur al-fikr al-uşūlī Ḥanafī*, 364.

55 David Marshall, *God, Muhammad And The Believers: A Qur’anic Study* (Richmond: Curzon, 1999), 31.

56 Aḥmad ibn Muḥammad Tha’labī and William M. Brinner, *‘Arā’is al-Majālis fī Qışaş Al-Anbiyā, or «Lives of the Prophets»* (Leiden: Brill, 2002), xi-xxx; Muḥammad ibn ‘Abd Allāh Kīsā’ī and W. M. Thackston, *The Tales Of The Prophets Of Al-Kisa’i* (Boston: Twayne, 1978), xii-xxxiv; Roberto Tottoli, *Biblical Prophets in the Qur’ān and Muslim Literature* (London: Routledge, 2009), 165-196.

57 Marshall, *ibid*, 65; Tottoli, *ibid*, 6.

8:54, 11:100-117, 17:15-16/56-59, 18:59, 28:59, 29:31/40, and 46:25-27. An example of early exegesis on verse Q.11:117 is that by the early exegete Muqātil b. Sulaymān (d. 150/767)⁵⁸:

“{And God does not destroy} meaning punish the communities in this world (*al-dunyā*) {unjustly (*bi-zulm*)}, meaning, [He would not destroy them] without any sin (*‘alā ghayri dhanb*), meaning, the communities which God the Exalted has mentioned in this chapter [i.e. sūrat al-Hud] which God had punished, and they were the people of Noah, and [the people of] ‘Ād, Thamūd, the people of Abraham, the people of Lot, and the people of Shu‘ayb. Then He says {people who are righteous} meaning believers. He is saying: if they were believers they would not have been destroyed.”⁵⁹

The proposed interpretation is clear, God would not destroy them without them having performed any sin, which includes their unbelief. Similar exegesis is proposed by other early scholars, especially among the Mu‘tazila.⁶⁰ God being transcendent of any injustice is a central position in Islamic thought and emphasized multiple times in the Qur’ān itself (Q.3:117, 4:40, 10:44, 16:33, 18:49). The destruction is brought upon by the people themselves due to their own sins, as they have done injustice to themselves (*zalamū anfusahum* Q.3:117/135, 4:64, 9:70, 11:101, 14:45, 30:9, 34:19). And with each prophetic tale, apart from their idolatry and rejection of the messengers, specific sins (*bi-dhanb* Q.6:6, 29:40) are mentioned such as the oppression and persecution of the people of Israel by Pharaoh (Q.8:54), the killing of the camel by the Thamūd (Q.11:65-66), and the violation of rights by the ‘Ād (Q.41:15).⁶¹ So there are three possible violations by the people mentioned in the punishment-narratives:

- i. idolatry (*shirk*)
- ii. giving the lie to (*takdhīb*) and/or unbelief/rejection (*kufr*) in the messengers/prophets
- iii. ethical violations towards other humans (*zulm*)

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58 On Muqātil, see: Cf. Nicolai Sinai, “The Qur’anic Commentary Of Muqātil B. Sulaymān And The Evolution Of Early Tafsīr Literature”, in *Tafsīr And Islamic Intellectual History: Exploring The Boundaries Of A Genre* (New York: Oxford University Press, 2014), 113-143; Al-Banjabīrī, *Ṭabaqāt almufasssīrīn*, 56-57; Nuwayhid, *Mu‘jam al-mufasssīrīn*, 682-683.

59 Muqātil b. Sulaymān, *Tafsīr Muqātil b. Sulaymān* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2003), 2: 135.

60 Abū ‘Alī al-Jubā‘ī, *Tafsīr Abū ‘alī al-Jubā‘ī* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2007), 229; Al-Ṭabarsī, *Al-tibyān*, 4: 284-285. On al-Jubā‘ī, see: Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 119; Nuwayhid, *Mu‘jam al-mufasssīrīn*, 570.

61 For overviews of the prophetic tales within the Qur’ān, see: Tottoli, *ibid*, 17-70; Marshall, *ibid*, 39-153; Al-Qaṭṭān, *Mabāhith*, 279-284; Ṣalāḥ al-Khālidi, *Al-qaṣaṣ al-qur’āniyyu ‘arḍu wa qā’i’ wa taḥlīl aḥdath* (Damascus: Dār al-Qalam, 1998), 1: 77ff.

Do all three violations need to be present in a people for them to be punished, and if not, which violation or combination of violations, triggers divine wrath on earth and which are given respite? The answers to these questions revolve around our earlier analysis on the separation between faith and works: can reason can create responsibility, and can a hierarchy of values can be discerned through these? The Qur'an itself mentions idolatry, murder, and adultery as belonging to the major sins deserving punishment (Q.25:68) and singles out idolatry as the only unforgivable sin (Q.4:48). But there are multiple verses mentioning respite until the day of judgement and God desiring religious pluralism on earth (Q.2:213, 5:48, 10:19, 11:118, 16:93, 42:8). As is stated in Q.11:57, human unbelief cannot hurt God. God is self-sufficient and free from want (*al-Ghanī* Q.3:97, 4:131/170, 6:133, 14:8, 27:40, 31:12) and in no need of His creation. As Muqātil comments at Q.6:133 “{and your Lord is self-sufficient} of the worship of His creation.”⁶² A point which Marshall also emphasizes:

“In the Bible sin and unbelief set God a problem which is not simply resolved [...] In contrast [...] the God of the Qur'an is unaffected by sin and unbelief and there is a serene simplicity in his triumph over them. A necessary dimension of this simplicity is the absence of any sense of tragedy in God's experience of the world. This absence is reflected succinctly but powerfully in a group of passages of which the following is typical: 'And Moses said, "If you disbelieve, you and everyone on the earth, yet assuredly God is self-sufficient, laudable"' [...] The Arabic word translated 'self-sufficient' here is *ghanī*, literally 'rich', but suggestive of the ability to do without others [...] The implication here is that in this encounter with unbelief, as in all other matters, the divine omnipotence does not experience any problem, and certainly no occasion for lamentation.”⁶³

We can therefore conclude that seemingly from a Qur'anic theological perspective, idolatry and unbelief by itself are not the main causes for divine worldly punishment. But what after a prophet or messenger is sent, do their warnings and knowledge make one acquire a responsibility (*taklīf*) which deserves both worldly and eschatological punishment? According to the early Kharājite scholar Hūd Muḥakkam b. Hūd al-Hawārī (d. 220/835?)⁶⁴, in his ex-

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62 Muqātil, *Tafsīr*, 1: 371. This is the dominant interpretation throughout the Sunnī *tafsīr* tradition on this part of this verse.

63 Marshall, *ibid*, 87-88.

64 On al-Hawārī, see: Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 656-658; Nuwayhid, *Mu'jam al-mu-fassīrīn*, 713.

egesis on Q.6:131, rejection of the messengers deserves worldly punishment: “[God] destroyed all of the preceding nations when they belied their messengers.”⁶⁵ And this is seemingly the implied meaning of the verse when it states {**your Lord does not destroy the communities unjustly while the people were heedless**}, which presents a similar argument as Q.17:15 and Q.28:59.⁶⁶ But these verses were generally understood as promising respite (*imhāl*) until the day of judgement as the prophet Muḥammad was sent to the whole of mankind (Q.34:28), and, as discussed above, God also wills religious pluralism on earth. Non-Muslims were accepted as citizens within the Islamic empire, and were deemed as communities with rights.⁶⁷ These communities were clearly exposed to the message of Islam (fulfilling the requirement of *bulūgh al-da’wa*), and several of them had made treaties with Muḥammad himself.⁶⁸ So idolatry and unbelief were not only tolerated, their existence was divinely mandated and protected. Taking in these realities, together with the concept that divine convention (*sunnat Allāh*) concerning these matters do not change (Q.33:38/62, 35:43, 40:85, 48:23), resulted in a belief that the punishment for idolatry and unbelief were deemed eschatological.⁶⁹ This leaves us then with connecting the underlying cause of the punishment-narratives to ethical violations. If violations in faith are ignored on earth, but violations in ethics are not, then we can determine both the separation and hierarchical difference between faith and works. And it is this interpretation which is slowly adopted in the exegesis on verses as Q.6:131 and Q.11:117. These verses were seen, by the overall exegetical tradition, as the key verses discussing the causes behind divine worldly punishment. This development within the exegetical tradition

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65 Hüd Muḥakkam b. Hüd al-Hawārī, *Tafsīr kitāb Allāh al-‘azīz* (Beirut: Dār al-Gharab al-Islām, 1990), 1: 561.

66 Q.28:59 is generally understood to be directly referring to Mecca {**mother of the cities**} after the sending of Muḥammad {**messenger**} and the Qur’ān {**verses recited to them**}, whereby the latter part of the verse {**He will not destroy the communities except when its people do wrong**} referred to their totality of belying of Muḥammad and the persecution of the believers. The verse was therefore mostly understood through the biography of the prophet, something we do not see with Q.11:117. Cf. Muqātil, *Tafsīr*, 2: 502; SQ, 959.

67 Cf. Labeeb Ahmed Bsoul, *International Treaties (Mu’āhadāt) In Islam: Theory And Practice In The Light Of Islamic International Law (Siyar) According To Orthodox Schools* (Lanham: University Press of America, 2008), 52-67, 132-136. Emon, *Religious Pluralism*, 97-105.

68 Cf. John Andrew Morrow, *The Covenants Of The Prophet Muhammad With The Christians Of The World* (USA: Angelico Press, 2013).

69 Linking divine respite to divine convention is mainly done in modern exegesis, starting with Muḥammad ‘Abdūh (d. 1905), whereby divine convention is interpreted from an Enlightenment concept of ‘natural law’ and ‘law of nations’.

reflects the development of the foundational principles adopted and defended by what became known as the Sunnī orthodox.

Divine punishment and respite in the *tafsīr* tradition

An early representation of this development can be seen in the exegesis on Q.11:117 by the early grammarian Yaḥyā b. Ziyād al-Farrā' (d. 207/822)⁷⁰:

“It is saying (*yaqūlu*): It is not that He destroys them while they are right-doers, because that would be unjust (*ẓulm*). And it could [also] be saying (*yuqālu*): It is not that He destroys them while they give [others] the right in what is between them (*al-ḥaqq fīmā baynahum*) while they are polytheists (*mushrikīn*) and [practice] the wrongdoing of idolatry (*al-ẓulm al-shirk*).”⁷¹

Here, al-Farrā' begins with the similar interpretation as provided by Muqātil and others by emphasizing God's transcendence over injustice. But al-Farrā' also introduces here another interpretation⁷², which shifts the agent of the injustice or wrongdoing (*ẓulm*) to the people of the communities. This shift has major implications for the overall meaning of the verse, and for the possible theology presented by it. In this interpretation God will not destroy the people of the communities for their idolatry, and He will not destroy them as long as they uphold justice between them and others. In this scheme, violations in faith are given divine respite, but violations in ethics are not. He thereby acknowledges that non-Muslims, even polytheists, can know and uphold ethics in a satisfactory way, despite their unbelief. Al-Farrā' is the earliest exegete which provides this interpretation, and is also is one of the earliest exegetes

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70 On al-Farrā', see: Doğan, *History Of The Methodology*, 137-138; Mustafa Shah, “Exploring The Genesis Of Early Arabic Linguistic Thought: Qur'anic Readers And Grammarians Of The Kūfan Tradition (Part I)”, *Journal Of Qur'anic Studies* 5/1 (2003): 50, 55-59; Maḥmūd, *Manāḥij al-mufasssīrīn*, 23-28; Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 87; Nuwayḥid, *Mu'jam al-mufasssīrīn*, 729-730.

71 Yaḥyā b. Ziyād al-Farrā', *Ma'ānī al-qur'ān* (Egypt: Dār al-Miṣriyat li-l-Tā'lif wa-l-Tarjima, 2010), 2: 31.

72 The use of *yuqālu* can be understood to imply an exegesis based on less directly implied, or less logical or traditional footing than a reading introduced with *yaqūlu*. But in these early forms of exegesis, there was no systematic application of these terms, although some used *yuqālu* to introduce alternative readings. Cf. Cornelis H. M Versteegh, *Arabic Grammar And Qur'anic Exegesis In Early Islam* (Leiden: Brill, 1993), 115. I have also not seen a clear systematic use of it by al-Farrā', but here it is best to be understood as the first exegesis introduced with *yuqālu* implying a literal linguistic reading (God does not do *ẓulm*), and the second exegesis introduced with *yuqālu* proposing an implied theological reading (God does not respond with *ẓulm* to their theological *ẓulm*).

adhering to the positions for which the later Sunnī orthodox became known.⁷³ We see this interpretive attribution also clearly with the Ḥanafī scholar Abū al-Layth al-Samarqandī (d. 375/985)⁷⁴, who directly refers to both Ibn ‘Abbās and al-Farrā’⁷⁵:

“He [God] said: {**And He will not destroy the communities because of wrongdoing**}, He is saying your Lord does not punish (*li-yu’adhhab*) the people of the communities, {*bi-ẓulm*} means: without any crime (*jurm*), {*wa ahluhā muṣliḥūna*} means: obedient monotheists (*muwaḥādīn muṭī’yīn*). And it is related from Ibn ‘Abbās saying: ‘God doesn’t destroy a people except by their acts (*bi-a’malihim*), and He does not destroy them because of idolatry (*shirk*).’ Meaning: He does not destroy them because of their idolatry while they are rightdoers and do not do wrong to others, because idolatry is compensated in the hellfire (*al-nār*) and nowhere else. God only destroys them because of their transgressions added (*ziyāda*) to their idolatry, such as [with] the people of Šāliḥ by wounding the she-camel, and the people of Lot by acting wickedly, and the people of Shu’ayb by devaluing the weight and measure, and the people of Pharaoh by torturing Moses and the tribe of Israel. And it could be saying (*yuqālu*) {**and your Lord does not destroy the communities because of wrongdoing while they are rightdoers**}, meaning: and in them [i.e. the communities] someone is calling towards the good and forbids the bad. And al-Farrā’ said: He will

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73 There is also a *tafsīr* work attributed to the prophetic companion Ibn ‘Abbās (d. 68/688) which mentions these exegetical positions, but as there are logical issues with this attribution it cannot be claimed to be the earliest *tafsīr* applying it. It is therefore possible that al-Farrā’'s exegesis on Q.6:131 and 11:117 is relating theological and exegetical positions which are viewed as being from the school of Ibn ‘Abbās (and which was known for its *ijtihādī* approach to exegesis). For the attributed exegesis (which some also see as collected notes of his students), see: ‘Abd Allāh Ibn ‘Abbās, *Tanwīr al-miqbās min tafsīr Ibn ‘Abbās* (Beirut: Dār al-Kutub al-‘ilmiyyah, 1992), 156. For the problems surrounding these attributed works, see: Gilliot, *ibid*, 9-13; Andrew Rippin, “Ibn ‘Abbās’s Al-Lughāt fī’l-Qur’ān” and “Ibn ‘Abbās’s Gharīb al-Qur’ān”, in *The Qur’an: Formative Interpretation* (USA: Ashgate, 1999), 109-122; Abdul-Raof, *Schools of Qur’anic Exegesis*, 14, 17-19. I agree with Edmund Beck that al-Farrā’ has been wrongly labeled as a Mu’tazila by classical Islamic scholarship, as the position taken by al-Farrā’ here, and at other verses, clearly show a proto-Sunnī adherence. Cf. Edmund Beck, “The Dogmatic Religious Stance Of The Grammarian Yaḥyā Ibn Ziyād Al-Farrā’”, in *The Qur’an: Formative Interpretation* (USA: Ashgate, 1999), 137-158. Mustafa Shah also agrees with this position: Mustafa Shah, “Al-Ṭabarī And The Dynamics Of *Tafsīr*: Theological Dimensions Of A Legacy”, *Journal Of Qur’anic Studies* 15/2 (2013), 87.

74 On al- Samarqandī and his exegesis, see: Al-Maṭrafī, *Al-‘aqā’idiyyat wa tafsīr*, 689-690; Ḥaqqī, *‘ulūm al-qur’ān*, 1: 297-306; Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 140-141.

75 Al-Ṭabarī also cites al-Farrā’ anonymously in his exegesis on this verse. See: Al-Ṭabarī, *Jāmi’ al-bayān fī tā’wīl al- Qur’ān* (Beirut: Mu’assasat al-Risālāh, 2000), 15: 530.

not destroy them while they undertake the right in what is between them, while they are criminals [i.e. idolators].”⁷⁶

From this exegesis we can deduce three different approaches towards the punishment-narratives:

- i. God is not unjust and therefore only destroys people for being disobedient in relation to faith.
- ii. God does not destroy people for their idolatry, as this is compensated in the hellfire (i.e. eschatological), but only destroys them when they perform ethical violations added to their unbelief, or separate from it.
- iii. God will not destroy them as long they call towards the good and forbid the bad (i.e. they apply *ḥisba*).

Again, this exegesis begins with an emphasis on divine justice and the importance of correct faith. Which was clearly the dominant reading of this verse in the formative period. Al-Samarqandī provides an intersectional interpretation as possible (by using *yūqāl*) in relation to believers being destroyed by failing to apply *ḥisba*.⁷⁷ But a secondary reading is provided which presents the separation of faith and works as the true orthodox position as represented by Ibn ‘Abbās⁷⁸, the second most important exegetical authority within Sunnī Islam next to the Prophet.⁷⁹ Thereby providing a clear traditional basis for al-Farrā’s proposed exegesis, which al-Samarqandī partially cites at the end. No reference is provided by them for that *ẓulm* can be understood here as *shirk*, but it has a clear Qur’ānic basis in Q.31:13 {**idolatry is a tremendous wrong** (*al-shirk la-ẓulm ‘aẓīm*)} which is also cited in the prophetic exegesis on Q.6:82 {**do not clothe their belief with wrongdoing** (*lam yalbisū ‘imānīhum bi-ẓulm*)}. This interpretation of Q.6:82 was also used by the majority of later exegetes as an antithesis for the Mu‘tazila reading who understood *ẓulm* here as major sins (*kabā’ir*), and therefore as proof for the eternal lost status of the unre-

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76 Abū al-Layth al-Samarqandī, *Tafsīr al-Samarqandī aw baḥr al-‘ulūm* (Beirut: Dār al-Kutub al-‘ilmiyyah, 1993), 2: 146.

77 On *ḥisba*, see: A. Kevin Reinhart, “Ethics and the Qur’ān” in *Encyclopaedia of the Qur’ān*, Jane Dammen McAuliffe Ed. (Leiden: Brill 2001), 2: 62-65.

78 I have seen no earlier source for this tradition. According to the Ash’arīte exegete Abū al-Ḥasan al-Wāḥidī (d. 468/1076), which is also cited later by Shī’ite exegete Abū ‘Alī al-Faḍīl al-Ṭabarsī (d. 548/1153), there is a similar reading from Ibn ‘Abbās by his student ‘Aṭā’ b. Abū Rabāḥ (d. 115/733). See: Abū al-Ḥasan ‘Alī b. Aḥmad al-Wāḥidī, *Tafsīr al-basīṭ* (Saudi-Arabia: ‘imādat al-Baḥth al-‘ilmī, 2009), 11: 586-587; Abū ‘Alī al-Faḍīl b. al-Ḥassan al-Ṭabarsī, *Majmū’ al-bayān fī tafsīr al-qur’ān* (Beirut: Dār al-‘ulūm, 2005), 5: 269.

79 Berg, *ibid*, 131-135.

pentant *fāsiq*⁸⁰. Although unstated by all commentaries (with the exception of Ebu's-su'ūd Efendi [d. 982/1574]⁸¹) it is undeniable that the prophetic exegesis on Q.6:82 explaining *ẓulm* as *shirk* was used analogically to interpret Q.6:131 and 11:117 in a similar fashion: to separate *īmān* and *a'māl*, and to provide an alternative to the Mu'tazila reading. The exegetical precedence of Q.6:82 was used to project the (proto-)Sunnī theological developments unto the other two verses and shows how the development of orthodox Sunnī theology is reflected within the *tafsīr* tradition. These readings also show how Islamic theology developed towards viewing the punishment-narratives from providing a dichotomy between belief and unbelief, towards a dichotomy between good and bad works. There are multiple verses using derivatives of *halaka* (to destroy), *ẓalama* (to be unjust) or *dhanaba* (to sin) in relation to the punishment-narratives, but it is only in Q.11:117 where *halaka* is combined with *ẓalama* and *ṣalaḥa* (to do right)⁸², whereby the unbelievers can be understood to not only being destroyed because they did wrong, as in Q.18:59 {**We destroyed them for their wrongdoing** (*ahlaknāhum lammā ẓalamū*)}⁸³, but also as *not* being destroyed because they did right. This latter element became a theological ground for Sunnism in its adherence to the hierarchical dominance of ethics over belief.

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80 Al-Ṣāwī says: "[...] it is meant here as *shirk* [...] And this opinion is what is adhered to by the *ahl al-Sunna*, while the Mu'tazila adhere to the opinion that {*bi-l-ẓulm*} in this verse is intended as sinning (*al-ma'siyya*) and not *shirk*." Aḥmad b. Muḥammad al-Ṣāwī, *Ḥāshiyat al-'alāma al-Ṣāwī 'alā tafsīr al-Jalālayn* (Beirut: Dār al-Jīl, n.dt.), 2: 26. For other Sunnī responses to the Mu'tazila reading, see: Al-Qūnawī, *Ḥāshiyat Al-Qūnawī*, 8: 174; Al-Sakūnī, *al-Tamyīz limā awda'hu al-Zamakhsharī*, 2: 176-177; Quṭb al-Dīn Maḥmūd's *ḥāshiyat* in al-Zamakhsharī, *ibid*, fn.3; Sulaymān b. 'Umar al-'ajlī al-Jamal, *Al-futūḥāt al-ilahiyat bi-tawḍīḥ tafsīr al-Jalālayn li-l-daqā'iq al-khafiyat* (Beirut: Dār al-Kutub al-'ilmiyyah, 2013), 2: 388-389; Al-Ṣarṣarī, *Al-Isḥārāt li-ilahiyat*, 254. For the typical Mu'tazila reading of this verse, see: Al-Jubā'ī, *Tafsīr*, 215-216; Al-Zamakhsharī, *al-Kashshāf*, 2: 40; Abū Ja'far b. al-Ḥassan al-Ṭabarsī, *Al-tibyān fī tafsīr al-qur'ān* (Beirut: Dār ihyā' al-Turāth al-'Arabiyya, n.dt.), 4: 190-191. Al-Qāḍī 'Abd al-Jabbār seemingly tries to reconcile the popular prophetic exegesis with the general Mu'tazila reading by stating that: "Of all the sins many are included in *ẓulm*, therefore the Exalted says {**as idolatry is a tremendous wrong** (Q.31:13)}. Al-Qāḍī 'Abd al-Jabbār, *Tanzīh al-qur'ān 'an al-muṭā'in* (Beirut: Dār al-Kutub al-'ilmiyyah, 2008), 171.

81 With one interesting exception: Ebu's-su'ūd Efendi (d. 982/1574) in his exegesis on 11:117 explains {**bi-ẓulm**} with *multabasā* "to clothe" which is used in verse 6: 82. Ebu's-su'ūd Efendi, *Tafsīr Abū Su'ūd aw Irshād al-'aql al-salīm ilā mazāyā al-kitāb al-karīm* (Quetta: Maktaba al-Ma'rūfiyya, 2011), 3: 359. And Ebu's-su'ūd is cited by: Al-Jamal, *Al-futūḥāt*, 3: 485; Muḥammad al-Amīn al-Harīrī, *Tafsīr ḥadā'iq al-rūḥ wa al-rīḥān fī rawābī 'ulūm al-qur'ān* (Beirut: Dār Ṭawq al-Najāh, 2001), 13: 271.

82 For all occurrences in the Qur'ān of *halaka* and its derivatives, see: Muḥammad Fuād 'Abd al-Bāqī, *Al-mu'jam al-muḥfaris li-alfāz al-qur'ān al-karīm* (Beirut: Dār al-Jīl, n.dt.), 737-738.

83 Cf. Q.14:13, 22:45, 28:59, and 29:31.

From the mentioned exegetical works we can discern two main approaches to Q.II:117 within the general *tafsīr* tradition:

- A. God does not punish unjustly (*bi-zulm*) people who are correct (*ahluhā muşliḥūn*) in their faith (*imān*) nor is His punishment towards unbelievers unjust as they have called it upon themselves by being theologically unjust through their unbelief (i.e. they perform vertical *zulm*).
- B. God doesn't punish people for their theological injustice (*bi-zulm*) of polytheism (*shirk*) or unbelief (*kufr*), if they are people who perform ethical goodness (*ahluhā muşliḥūn*) and are therefore not unjust towards others (i.e. their vertical *zulm* is ignored if they do not perform horizontal *zulm*).

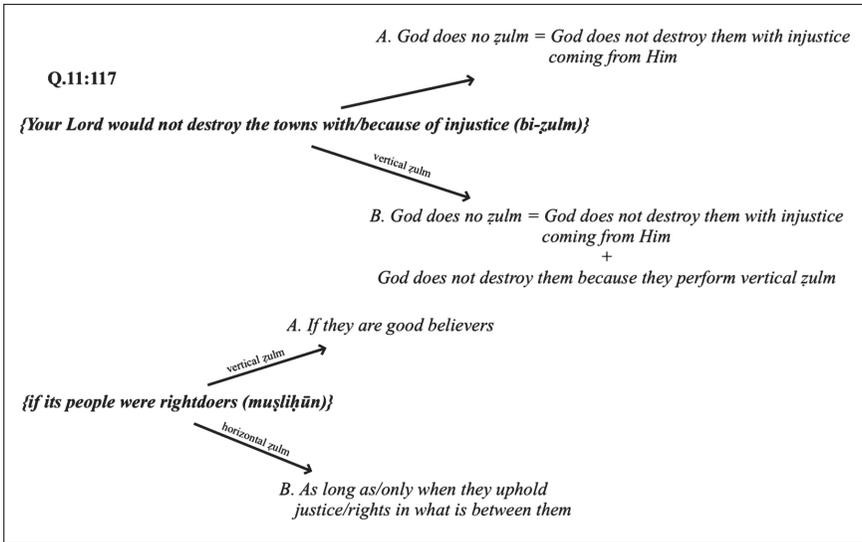


Figure 1. Two interpretive approaches to Q.II:117 ā Arnold Mol

Q.II:117 therefore lies at the center of two different theologies each with their own anthropologies, as theology and anthropology are unmistakably intertwined.⁸⁴ Both readings see God as just, but reading (A) presents a theology wherein God takes revenge on humans violating His personal rights regarding monotheism and worship, thereby presenting an anthropology whereby humans are first and foremost defined by their unbelief. Reading (B) presents a

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84 Gordon D. Kaufman, "Theology As Imaginative Construction", *Journal Of The American Academy Of Religion* 50/1 (1982): 74-79.

theology wherein God takes revenge on humans violating the rights of other humans, thereby presenting an anthropology whereby humans are first and foremost defined by their ethics.

Q.11:117 and its main readings as epitomized by
Zamakhsharī, Rāzī, and Bayḍāwī

In the classical period the (B) reading is adopted as the dominant interpretation representing the Sunnī orthodox, as stated by the Ash'arīte exegete Abū al-Ḥasan al-Wāḥidī (d. 468/1076)⁸⁵:

“Abū Bakr al-Anbārī⁸⁶ said: He intends with the communities its people and its residences and mentions its people after it in His statement {**and its people**} exposing for what they not include. The exegetes and the people of meaning [i.e. the linguists] mention two statements on this verse: 1) And God does not destroy the people of the communities and they are rightdoing Muslims (*muslimūn ṣālihūn*), as that would be wrongdoing from Him [directed] towards them. 2) And the *ahl al-Sunna* say [this verse is read as]: that your Lord does not destroy the people of the communities because of their idolatry and them doing wrong to themselves, and they are rightdoers undertaking the right between them. Meaning [the destruction] is not [caused by them being] from the way of the unbelievers - when they pursue the right in the social affairs (*al-mu'āmalā*) and they avoid wrongdoing. That God sends down punishment to them annihilating them, and the meaning of this [is provided] through a saying from Ibn 'Abbās in a narration from 'Aṭṭā'⁸⁷: ‘{**and your Lord does not destroy the communities**} intending the people, {*bi-zulm*} intending because of idolatry and {**its people are rightdoers**} intending in what between them, such as with the people of Lot He punished them for sodomy, and He said about them {**and**

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85 On al-Wāḥidī and his exegetical methodology and works, cf. Walid A. Saleh, “The Last Of The Nishapuri School Of Tafsīr: Al-Wāḥidī (D. 468/1076) And His Significance In The History Of Qur'anic Exegesis”, *Journal Of The American Oriental Society* 126/2 (2006): 223-243; Walid A. Saleh, “The Introduction To Wāḥidī's *Al-Basīṭ*: An Edition, Translation And Commentary”, in *Aims, Methods And Contexts Of Qur'anic Exegesis (2Nd/8Th-9Th/15Th C.)* (Oxford: Oxford University Press, 2013), 67-100; Ḥaqqī, *'ulūm al-qur'ān*, 1: 331-340; Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 176-177.

86 This is the grammarian Abū Bakr Ibn al-Anbārī (d. 328/939), author of the linguistic work *Kitāb al-aḍḍād*, see: Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 132; Nuwayḥid, *Mu'jam al-mufasssīrīn*, 704-705.

87 On the *tābi'* 'Aṭṭā b. Abū Rabāḥ (d. 114/732), see: Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 45.

before they had being acting evil (Q.II:78)} intending idolatry, and such as the people of Shu‘ayb were punished for devaluing the measure.’ And this exegesis proves that the insolence of [performing these different] types of sinful rebellions are nearer towards the punishment of eradication in the world [compared to] idolatry.”⁸⁸

This development in the classical period shifts reading (B) from being a weak or minority reading in the pre-classical period, towards being the dominant reading adopted by the Sunnī orthodox (represented by its linkage to Ibn Abbas). Making (B) into the typological Sunnī orthodox reading had a direct consequence for reading (A): it became to be viewed as the typological reading of the Mu‘tazila, the main opponents of the kalāmīc Sunnī orthodox.⁸⁹ That readings (A) and (B) revolved around the separation of faith and works can also be seen in an important term al-Wāḥidī introduces: the communities were destroyed because of their failures in social affairs (*al-mu‘āmala*), thereby excluding faith (which falls under the category *al-‘ibādāt*, worship) and private sins (which fall under works but do not harm anyone except the sinner himself, which therefore are categorized by being pious works (*diyāna*)) as causes for worldly punishment.⁹⁰ We then enter the true mature phase of the *tafsīr* tradition with the Mu‘tazilite al-Zamakhsharī, whose *Kashshāf* became central in the overall *tafsīr* tradition mainly for its strong linguistic interpretations.⁹¹ With the rising dominance of the (B) reading in the classical period, he also mentions it as a secondary interpretation which we have highlighted in bold⁹²:

“This is with the meaning of truth and uprightness. And the *lām* [in *li-yuhlik*] is to confirm the denial. And the {*bi-zulm*} is the condition of the agent (*hāl min al-fā‘il*), and its meaning is that it is impossible (*istaḥāl*) from divine

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88 Al-Wāḥidī, *Tafsīr al-basīṭ*, 11: 586-587.

89 Al-Sakūnī, *al-Tamyīz limā awda‘hu al-Zamakhsharī*, 2: 341.

90 On the dichotomy of *mu‘āmalāt* and *‘ibādāt*, see: Emon, *Religious Pluralism*, 78.

91 For a discussion on this, see: Rufaydah, *Al-naḥw wa kutub al-tafsīr*, 2: 681-741.

92 According to Andrew Lane, al-Zamakhsharī’s exegesis does not strictly adhere to Mu‘tazilite principles, while Kifayat Ullah’s analysis shows the ways it does conform to the Mu‘tazilite five principles (*uṣūl al-khamsa*). As al-Zamakhsharī mentions reading (B), which contradicts many of these five principles, it can be assumed that his theological positions as taken within his *tafsīr* work probably lies in the middle of these two extremes. On this, and al-Zamakhsharī in general, cf. Andrew J Lane, *A Traditional Mu‘tazilite Qur’an Commentary: The Kashshāf of Jār Allāh al-Zamakhsharī (d.538/1144)* (Boston: Brill, 2006); Kifayat Ullah, *Al-Kashshāf: Al-Zamakhsharī’s (d. 538/1144) Mutazilite Exegesis Of The Quran* (New York: De Gruyter, 2017); Doğan, *History Of The Methodology*, 169-174; Maḥmūd, *Manāḥij al-mufasssīrīn*, 105-110; Al-Banjābīrī, *Ṭabaqāt al-mufasssīrīn*, 200-202; Nuwayḥid, *Mu‘jam al-mufasssīrīn*, 666.

wisdom (*al-ḥikma*) that God destroys the communities unjustly while its people are rightdoers. His essence transcends (*tanzīhā li-dhātahu*) wrongdoing. And proclaims with it that He destroyed rightdoers due to [their own] wrongdoing. And it is said (*qīla*): **The wrongdoing is idolatry, and its meaning is that He does not destroy the communities caused by (*bi-sabab*) the idolatry of its people while they are rightdoers undertaking the right in what is between them and not incorporate (*yaḍummūna*) to their idolatry any corruption later on.**⁹³

Al-Zamakhsharī's work became, ironically, the central referenced *tafsīr* among all major schools in Islam and was the primary *tafsīr* text studied in Ottoman scholarship.⁹⁴ Multiple marginal commentaries (*ḥawāshī*) were produced to counter or downplay its Mu'tazila theology as a way to keep its popularity and central use in Sunnī curriculum acceptable.⁹⁵ And with its popularity it also increased the normative status of reading (B). It is also in the classical period where grammar became to be employed to prove either the veracity of readings (A) or (B), being a rather late development. This shows the multiple methods deemed necessary to ground the theological paradigm shift of reading (B) in the Qur'ānic text itself, instead of only in the theological premises. Especially Ottoman exegetes will use al-Zamakhsharī's grammatical proofs for the (A) reading, and his references to divine wisdom and transcendence over injustice, in service of the (B) reading. The theological implications of reading (B) laid the ground for post-classical scholars as the Ash'arīte theologian Fakhr al-Dīn al-Rāzī⁹⁶ to expand these into an Islamic rights discourse. In the classical

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93 Ibn 'Umar al-Zamakhsharī, *al-Kashshāf 'an ḥaqā'iq al-tanzīl wa 'uyūn al-aqāwīl fi wujuh al-tā'wīl* (Beirut: Dār al-Ṣādir, 2010), 2: 686-687.

94 Naguib, *ibid*, 12-14.

95 Cf. Lane, *ibid*, 19-23; Walid A. Saleh, "The Gloss As Intellectual History: The Ḥāshiyahs On Al-Kashshāf", 217-259; Walid A. Saleh, "The Ḥāshiyah Of Ibn Al-Munayyir (D. 683/1284) On Al-Kashshāf Of Al-Zamakhsharī", in *Books And Written Culture Of The Islamic World: Studies Presented To Claude Gilliot On The Occasion Of His 75th Birthday* (Leiden: Brill, 2015), 86-90; M. Taha Boyalıklar, "The Debate On The Nature Of The Science Of Tafsīr In The Tradition Of Sharḥs And Ḥāshiyas On Al-Kashshāf", *Nazariyat Journal For The History Of Islamic Philosophy And Sciences* 4/1 (2017): 87-114; Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 674-677, 684-685. Shahab Ahmed and Nenad Filipovic, "The Sultan's Syllabus: A Curriculum For The Ottoman Imperial Medreses Prescribed In A Fermān Of Qānūnī I Süleymān, Dated 973 (1565)", *Studia Islamica* 98/99 (2004), 196, 207-210. For an extensive overview of commentaries on al-Kashshāf, see: 'Abd Allāh Muḥammad al-Ḥabashī, *Jāmi 'al-shurūḥ wa al-ḥawāshī* (Abū Dhabi: Al-Majma' al-Thaqāfi, 2004), 3: 1354-1367.

96 On al-Rāzī, his exegesis, and other works, cf. Al-Maṭrafi, *Al-'aqā'idīyyat wa tafsīr*, 685-686; Al-Khālidī, *Ta'rīf*, 464-492; Maḥmūd, *Manāhij al-mufasssīrīn*, 145-152; Nuwayhid, *Mu'jam al-mufasssīrīn*, 596; Doğan, *History Of The Methodology*, 86-90; Tariq Jaffer, Rāzī: *Master Of*

period the dichotomy between *ʾīmān* and *aʾmāl* was specified by the technical categories of *ʾibādāt* and *muʾāmalāt*, which al-Rāzī further expanded into the dichotomy of divine and human rights (*ḥuqūq Allāh wa ḥuqūq al-ʾibād*):

“What is intended here with wrongdoing is idolatry, as is said by the Exalted: {idolatry is a great wrongdoing (Q.31:13)} And the meaning is that the Exalted does not destroy the people of the communities based purely (*bi-mujarrad*) on them being idolaters if they are rightdoers in social affairs (*al-muʾāmalāt*) in what is between them and the occurrence that the punishment of extermination (*ʾadhāb al-istiʿsāl*) is not send down for the sake of being a people holding creeds of idolatry or unbelief. But on the contrary He only sends down the punishment when [they are] evil (*asāwā*) in social affairs and they expand harm (*al-iydhāʾ*) and wrongdoing. And for this the jurists (*al-fuqhā*) say that divine rights (*ḥuqūq Allāh*) [concerning creed and worship] are based on liberality (*musāmaḥa*) and generosity (*musāhala*), and human rights (*ḥuqūq al-ʾibād*) on paucity (*ḍayq*) [of life-protecting mechanisms] and scarcity (*shahḥ*) [of these rights]. And it is said in the tradition (*al-athar*) that rulership remains with unbelief and does not remain with injustice (*al-mulk yuqbā maʾ al-kufr wa lā yuqbā maʾ al-zulm*).⁹⁷ Therefore the verse means: ‘And your Lord does not destroy the communities because of wrongdoing, meaning He does not destroy them based purely on their idolatry if they are rightdoers in their dealings with others in goodness (*al-ṣalaḥ*) and appropriateness (*al-sadād*).’ And this is the interpretation (*tāʾwīl*) of the *ahl al-Sunna* on this verse. They say: and the proof (*al-dalīl*) on it is that the people of Noah and Hūd and Sāliḥ and Lot and Shuʾayb whereby the punishment of extermination was sent down on them, for what God the exalted relates about them, because of them harming mankind and doing wrong to creation.”⁹⁸

The *ḥuqūq* scheme represent both a rational heuristic as well as an Islamic natural rights regime which balances and uphold private and societal needs through the rule of law, by imposing duties on, and acknowledging claims by, individuals and governing authorities. This regime was constructed based on ontological and anthropological assumptions on what constitutes private and

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Qurʾānic Interpretation And Theological Reasoning (New York: Oxford University Press, 2015); Yasin Ceylan, *Theology And Tafsīr In The Major Works Of Fakhr Al-Dīn Al-Rāzī* (Kuala Lumpur: ISTAC, 1996).

97 This ethico-political tradition is discussed below.

98 Al-Rāzī, *al-Tafsīr al-kabīr*, 18: 61.

public interest (*maşlahā*/pl. *maşāliḥ*).⁹⁹ Although there were some clear scriptural designations of what constitutes a divine or human right, the overall content and structure of the *ḥuqūq* scheme was constructed through rational and dynamic intra-juristic discourses, and served as extra-scriptural indicators for determining *maşlahā*.¹⁰⁰ Divine rights came to represent God's personal rights in relation to creed and worship (*'ibādāt*) whereby God makes a subjective claim on mankind to show "thankfulness to the benefactor (*shukr al-mun'im*)" as He created them and endowed them with reason and benefits.¹⁰¹ These subjective claims are based on ritual obedience (*al-ta'bud*) which can not be waived (*lā isqāt*) or their revealed prescripts changed (i.e. five prayers remain five in any situation¹⁰²), their fulfillment acquiring *maşlahā* in the hereafter.¹⁰³ Next to these subjective claims there is a second category of divine rights which represent public interests which cannot be claimed by anyone in particular, rather they are one-sided public demands on the individual, as they are meant to rid the world of evil and corruption (*ikhla' al-'alām 'an al-fasād*).¹⁰⁴ Here God is used in an objective fashion to represent His creation in their general rights (*ḥaqq al-'āmm*) and interests (*maşāliḥ/nafa' al-'āmm*) such as in matters of penal law (*'uqūbāt* in the form of *ḥudūd/ta'zīr* as ways of deterrence (*zajr*))¹⁰⁵, *ḥisba* (of which *jihād* is the highest form), public safety, tak-

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99 Anver M Emon, "Ḥuqūq Allāh And Ḥuqūq Al-'ibād: A Legal Heuristic For A Natural Rights Scheme", *Islamic Law And Society* 13/3 (2006), 326-328. For discussions on *maşlahā*, see: Felicitas Opwis, *Maşlahā And The Purpose Of The Law* (Leiden: Brill, 2010); Zayn al-'Ābidīn Al-Nūr, *Rā'y al-uşuliyin fī al-maşāliḥ al-mursulat wa al-istiḥsān* (Abu Dhabi: Dār al-Buḥūth li-l-Darāsāt al-Islāmiyya wa aḥyā' al-Turāth, 2004) in 2 volumes.

100 Emon, *Natural Rights*, 355-365; Emon, *Legal Heuristic*, 390.

101 Vasalou, *Moral Agents*, 46; Al-Shāṭibī, *Al-muwāfaqāt*, 1: 250; Al-Zuḥaylī, *Uşūl*, 1: 154-155; Al-Dabūsī, *Taqwīm*, 437; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 316-317.

102 The revealed prescripts revolve around the five pillars: testifying to God's monotheism and Muḥammad's messengership (*shahāda*), obligatory prayers (*ṣalāt*), almsgiving (*zakāt*), fasting during Ramaḍān (*ṣiyām*), and pilgrimage (*hajj*). But within these revealed prescripts are exceptions incorporated to protect human welfare, such as shortening the prayer during travel or delaying or compensating (*kafāra*) fasting due to travel or sickness. These exceptions are used as proof that human rights in general are hierarchically dominant over divine rights, and that eschatological *maşlahā* is an extension of worldly *maşlahā*, and rarely its replacement. Nyazee, *Islamic Legal Maxims*, 225.

103 Al-Shāṭibī, *Al-muwāfaqāt*, 1: 248; Al-Zuḥaylī, *Al-fiqh*, 9: 25.

104 Al-Zuḥaylī, *Al-fiqh*, 9: 22; Al-Zuḥaylī, *Uşūl*, 1: 157; Mullājīyūn al-Ḥanafī, *Nūr al-anwār*, 2: 123; Emon, *Legal Heuristic*, 339; Hallaq, "God Cannot Be Harmed", 8; Ahmed Akgündüz, *Islamic Public Law* (Rotterdam: IUR Press, 2011), 23.

105 On Islamic penal law and retaliation, see: Intisar A. Rabb, *Doubt In Islamic Law: A History Of Legal Maxims, Interpretation, And Islamic Criminal Law* (New York: Cambridge University Press, 2015), 29-39; Akgündüz, *Islamic Public Law*, 303-416; Al-Zuḥaylī, *Al-fiqh*, 5: 711-815, 6: 19-338.

ing care of the destitute, means to travel and trade (infrastructure/markets), means to worship and education (availability mosques/institutes), ritual and charity compensations (*kafāra*), trust funds (*awqāf*), paying taxes (*kharāj/‘ushr*), providing truthful witness in courts, and fulfilling oaths, which all preserve the human necessities (which are subsumed under the universals/objectives of Islamic law, *kulliyāt/maqāṣid al-sharī‘a*) such as preserving life and access to wealth.¹⁰⁶ Human rights are subjective private claims (*ḥaqq khāṣṣ*) preserving and representing individual interests (*maṣlaḥa fard/khāṣṣa*), such as rights of inviolability (*‘iṣma*), freedom (*ḥurriya*), ownership (*milkiya*), wealth (*māl*), trade (*buyū*), access to water, possible waver of retaliation by the victim’s family, retaliation (*qiṣāṣ*), repentance, fair trial, punishing the slanderer (*ḥadd al-qadhf*), family and its maintenance (*nifāq*), and inheritance (*mīrāth*). Human rights are technically unlimited as they are defined as “every rights-claim other than divine rights-claims”.¹⁰⁷ Human rights were seen as ontologically established within every born human, whether they are a child or insane, representing a natural rights scheme grounded within the divine covenant (*‘ahd*)¹⁰⁸, as expressed by the Ḥanafite Abū Bakr al-Sarakhsī (490/1097):

“As God the Exalted created humanity to carry out His trusts (*amānatahu*)¹⁰⁹, He dignified them with reason (*bi-l-‘aql*) and legal personhood (*al-dhimma*) in order to be a people with legal capacity (*ahlān*) for the necessary rights God the Exalted has placed over them. Then He established for them inviolability (*al-‘iṣma*), freedom (*al-ḥurriya*), and property (*al-mālakiya*) to continue carrying out their trusts. Hence, this [right of] freedom, sanctity, and property are granted to a person at the time they are born (*hīn yuwwlad*). Those capable of discernment (*mayyaz*) and those not capable of discernment are equal (*sawā*) in this regard, so this applicable legal personality for the necessary rights (*li-wujūb al-ḥuqūq*) is estab-

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106 Akgündüz, *Islamic Public Law*, 23-25; Mullājīyūn al-Ḥanafī, *Nūr al-anwār*, 2: 122-128; Hallaq, “God Cannot Be Harmed”, 9-10; Al-Zuḥaylī, *Al-fiqh*, 9: 22-27; Al-Zuḥaylī, *Uṣūl*, 1: 154-157; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 318-322; Al-Shāṭibī, *Al-muwāfaqāt*, 1: 292-293.

107 Al-Zuḥaylī, *Al-fiqh*, 9: 23; Al-Zuḥaylī, *Uṣūl*, 1: 157; Mullājīyūn al-Ḥanafī, *Nūr al-anwār*, 2: 123-125/128; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 323, 337; Ahmed Akgündüz, *Islamic Public Law* (Rotterdam: IUR Press, 2011), 25; Khaṣṣāf and ‘Abd Al-‘Azīz, *Sharḥ Adab Al-Qāḍī*, 287-288; Abū Bakr b. Mas’ūd al-Kāsānī, *Badā’i’ al-ṣanā’i’ fī tartīb al-sharā’i’* (Beirut: Dār al-Kutub al-‘ilmiyyah, 1982), 6: 282; Nyazee, *Islamic Legal Maxims*, 221.

108 On Islamic covenant theology, see: Tariq Jaffer, “Is There Covenant Theology In Islam?”, in *Islamic Studies Today: Essays In Honor Of Andrew Rippin* (Leiden: Brill, 2017), 98-121.

109 Referring to the trusts mentioned in Q.33:72, which are understood to be the fulfillment of divine and human rights. Cf. Al-Qūnawī, *Ḥāshiyat Al-Qūnawī*, 15: 430-435; SQ, 1040-1041.

lished at birth whether they are capable of discernment or not capable of discernment.”¹¹⁰

The Islamic rights scheme envisioned natural (and revealed) rights and duties as grounded in a human ontology in which the human is rational, so he can know his rights and duties, and a legal personality (*ahliyya/dhimma*), so he can claim and fulfill his rights and duties.¹¹¹ A *dhimma* is a repository of incorporeal rights who has “the capacity to be the subject of relations of *ḥuqūq*—of acquiring claims over others and being the subject of claims in turn, of having rights and obligations.”¹¹² This deontological human ontology was seen as universal, providing natural rights to all humans, whatever their age, background or mental state, whereby all humans (including unborn) are “people of necessity [in rights] (*ahliyyat al-wujūb*)”. And obligating all mature sane humans to fulfill those rights as in having *taklīf* to fulfill them, termed “people of fulfillment [of rights] (*ahliyyat al-addā*)”.¹¹³ As within such a safeguarding context people will have the chance to know and pursue God’s personal rights. For the *‘ibādāt* to be fulfilled, *mu‘āmalāt* must first be established and guarded to provide a context in which religious freedom arises. These rationally known rights (*ḥuqūq ‘aqlī*) indicate a minimal deontology based on Islamic anthropological notions of human nature (*fiṭra*), necessary knowledge (*wujūb al-nazar/‘ilm al-darūra*), and “the rulings of things before the advent of revelation”, and provide a universal discourse and heuristic to construct rational and revealed duties and right-claims for natural (i.e. non-political) and institutional (i.e. political/rule of law) contexts. The non-fulfillment or violation of divine and human rights constitute an evil (*qabīḥ*) which is either transitive or intransitive.¹¹⁴ When it is a transitive evil it hurts others (violates *ḥaqq al-‘ibād/‘amm*, i.e. horizontal *ẓulm*), and therefore a public or private claim arises

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110 Abū Bakr al-Sarakhsī, *Uṣūl al-Sarakhsī* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2015), 2: 334.

111 For similar statements on this Islamic rights scheme, see: Al-Dabūsī, *Taqwīm*, 432; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 337; Recep Senturk, “Human Rights In Islamic Jurisprudence: Why Should All Human Beings Be Inviolable?”, in *The Future Of Religious Freedom: Global Challenges* (New York: Oxford University Press, 2013), 290-311; Ruud Peters, “Islamic Law And Human Rights: A Contribution To An Ongoing Debate”, *Islam And Christian-Muslim Relations* 10/1 (1999): 5-14; Nyazee, *Islamic Legal Maxims*, 221-233.

112 Vasalou, *Moral Agents*, 47, 154.

113 For a full overview of Fiqhi discourses on *ahliyya/dhimma*, see: Al-Namla, *Al-Shāmil*, 1: 208-220; Al-Zuḥaylī, *Uṣūl*, 1: 164-168; *EI3*, Oussama Arabi, “Legal Capacity”; Ahmed Ak-gündüz, *Islamic Private Law* (Rotterdam: IUR Press, 2017), 52-82; Khazna, *Ṭaṭawwūr al-fikr al-uṣūlī Ḥanafī*, 376.

114 Vasalou, *Moral Agents*, 83-84.

which needs to be fulfilled by punishment and/or compensation in this world (and when not fulfilled, in the next world). An intransitive evil refers to a sin which only hurts oneself (private sin, *dhanb khāṣṣ*) or betrays God in matters of worship (unbelief/idolatry, i.e. vertical *ẓulm*), which generates divine claims dealt with in the hereafter.

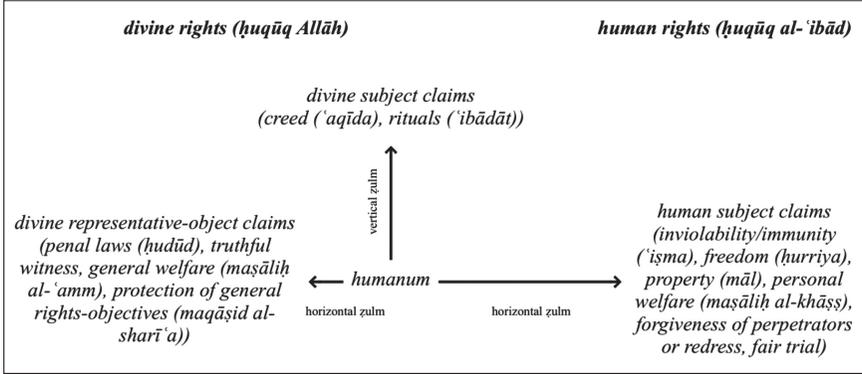


Figure 2. Islamic rights discourse (*ḥuqūq* scheme) ā Arnold Mol

Sometimes public and private claims are both generated by a certain crime and can therefore become intermingled/shared (*mā ijtim ā fih/mushtarak*) and even conflicting (*khilāf*), such as the question if the stolen goods or blood money are due above any penal punishment. Each school developed its own reasoning and hierarchy in when both claims are fulfilled, or when one claim overrules (*ghālib*) the other.¹¹⁵ And with the further development of the *ḥuqūq* scheme it becomes directly discernible within the *tafsīr* tradition, as Qur’ān verses provide plentiful resources to project the scheme on. One of the distinct trends of the *ḥuqūq* scheme within the Sunnī tradition is a clear hierarchy between divine and human rights, meaning that human rights as a premise will almost always overrule divine rights, a premise which is directly grounded in Islamic monotheism. As stated by Indian Ḥanafī scholar Mullājīyūn al-Ḥanafī (Mullajeevan, d. 1130/1718):

“Pure rights of God the Exalted are connected to general benefit (*nafa’ al-’amm*) [...] except that God the Exalted is too exalted to be benefitted in

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115 Emon, *Legal Heuristic*, 329, 334-336, 342-344, 361-363, 367-381; Hallaq, “God Cannot Be Harmed”, 22-26; Mullājīyūn al-Ḥanafī, *Nūr al-anwār*, 2: 123; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 315; Al-Zuḥaylī, *Uṣūl*, 1: 157; Al-Zuḥaylī, *Al-fiqh*, 9: 24.

anything (*ta'ālā 'an yantafi' bi-shay'*), so it not possible that a right for Him is with this aspect and not [originally intended to] be directed at creation, because all [of creation] are equal in this regard.”¹¹⁶

As discussed above, the fact that God is self sufficient (*al-Ghanī*) means He is therefore transcendent above any need or want. This applies both to His subjective and representative rights, as they are called divine rights because the “initiative [for commanding these rights] comes from Him [which would imply] that God is benefitted by it, and the condition is that God is needless (*mustaghan*) from that.”¹¹⁷ There is no divine right which does not incorporate creational benefit, nor is there no human right which does not serve Him.¹¹⁸ So although divine rights in all its aspects served general benefit, there was a reluctance to apply maximum penal law (i.e. *ḥudūd*) by referring both to a prophetic tradition stating “avoid the penal laws by doubt (*idra'ū al-ḥudūd bi-l-shubahāt*)”¹¹⁹, and by referring to the fact that fulfilling divine rights does not benefit God, nor does their non-fulfillment harm Him.¹²⁰ Therefore divine rights are based on leniency (*al-musāhala*).¹²¹ This of course is not the same for human rights, on which human existence depend for survival and prosperity, which were therefore deemed as necessary (*wujūb*), and its presence in the world to be viewed as that of scarcity (*shaḥḥ*), paucity (*ḍayq*), and that they are easily undermined (*ḍanna*).¹²² It is this difference between creator and creation which was also projected unto the claims and duties linked to each ontology, creating a hierarchy of no-need (God) versus need (humanity) within the Islamic *ḥuqūq* scheme. As expressed by al-Rāzī in his commentary on Q.1:4:

“And it is known that the obligatory duties fall into two categories: divine rights and human rights. Divine rights are based on liberality (*al-musāmaḥa*) because the Exalted is needless (*ghanī*) of creation (*al-'ālamīn*), and human

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116 Meaning there is no divine right which is not directed at the benefit of His creation, as He is needless, and everything in creation is equal to another from the aspect that He is creator of all. Mullājīyūn al-Ḥanafī, *Nūr al-anwār*, 2: 122.

117 Muḥammad Ḥayāt al-Sanbihulī (d. 1978) in his gloss (*hāshiya al-asrār*) on the *Nūr al-anwār*. *Ibid*.

118 Hallaq, “God Cannot Be Harmed”, 5-6.

119 Rabb, *ibid*, 38; Al-Jaṣṣāṣ, *Uṣūl*, 2: 347; Al-Zuḥaylī, *Al-fīqh*, 9: 911-913; Hallaq, “God Cannot Be Harmed”, 11-12.

120 Hallaq, “God Cannot Be Harmed”, 9; Al-Jaṣṣāṣ, *Uṣūl*, 2: 100.

121 Al-Taftāzānī, *Sharḥ al-talwīḥ*, 2: 371.

122 Emon, *Legal Heuristic*, 378; Al-Taftāzānī, *Sharḥ al-talwīḥ*, 1: 421; Fakhr al-Dīn al-Rāzī, *Al-Maḥṣūl fī 'ilm uṣūl al-fīqh* (Damascus: Mussassat al-Risāla, 2012), 2: 244.

rights are those which necessitates reserved caution concerning them (*ya-jīb al-iḥtirāz ‘anhā*).”¹²³

It is exactly this hierarchy which became applied in the commentaries on Q.II:117. First by using general ethical terms as *inṣāf* and *ḥaqq* as referring to simply right-claims, after which it became replaced with technical terminology as *mu’āmalāt*, and finally with al-Rāzī introducing the *ḥuqūq* scheme with its maximum hierarchy. In this fully developed classical *ḥuqūq* scheme the punishment for violating divine subjective rights (i.e. vertical *zulm*) is not only restricted to the hereafter, but also completely ignored by God in this world¹²⁴, whereas violations in human and public rights (i.e. horizontal *zulm*) are punished in both worlds and can even cause divine intervention. After al-Rāzī it was his fellow Ash’arīte theologian al-Bayḍāwī¹²⁵ who abbreviates Rāzī’s exegesis, although rejecting his absolute separation of belief and works and preferring al-Zamakhsharī’s wording (highlighted in bold) that divine worldly punishment is caused by idolatry combined with injustice. Interesting is also his replacing divine generosity (*musāhala*) with divine mercy (*raḥma*):

“{And your Lord does not destroy the communities for wrongdoing} for idolatry. And its people are rightdoers in what is between them without incorporating corruption and rebellion with their idolatry. And this is His extreme mercy (*li-farḥ raḥmatahu*) and liberality (*musāmaḥatahu*) in His rights and from this do the jurists advance human rights [over divine] rights [when it comes to] hierarchy. And it is said (*qīla*) rulership remains with idolatry and does not remain with injustice.”¹²⁶

Although al-Rāzī’s tafsīr was widely read, it was al-Bayḍāwī’s work which, due to both its density of complex theological and exegetical discourse¹²⁷, and the

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123 Al-Rāzī, *al-Tafsīr al-kabīr*, 1: 192.

124 Although some viewed religious minority rulings (*aḥkām al-dhimma*) as a form of worldly punishment, this was rejected by others. Cf. Emon, *Religious Pluralism*, 135; Ismā’īl Ḥaqqī al-Burūsawī, *Rūḥ al-bayān fī tafsīr al-qur’ān* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2013), 3: 433-434; Muḥammad Thanā’ Allāh al-Maẓharī, *Tafsīr al-Maẓharī* (Beirut: Dār al-Kutub al-‘ilmiyyah, 2007), 3: 265-275.

125 On al-Bayḍāwī, see: Maḥmūd, *Manāḥij al-mufasssīrīn*, 241-246; Doğan, *History Of The Methodology*, 111-115; James Pollock, Edwin Elliot Calverley and ‘Abd Allāh al-Bayḍawī, *Nature, Man And God In Medieval Islam: ‘Abd Allah Bayḍawī’s Text, Tawālī’ Al-Anwar Min Mata-lī’ Al-Anzar, Along With Mahmud Isfahani’s Commentary, Mata-lī’ Al-Anzar, Sharḥ Tawālī’ Al-Anwar* (Leiden: Brill, 2001), 1: xxiv, xxvi-xxxiii; EI3, Walid Saleh, “al-Bayḍāwī”; Nuway-ḥiḍ, *Mu’jam al-mufasssīrīn*, 318; Al-Banjabirī, *Ṭabaqāt al-mufasssīrīn*, 250-251.

126 ‘Abd Allāh al-Bayḍāwī, *Anwār al-tanzīl wa āsrār al-tā’wīl* (Beirut: Dār Ṣādr, 2004), 1: 475.

127 Although al-Bayḍāwī applies many of al-Rāzī’s Ash’arī positions, he also deviates from

“Sunnī-fication” of al-Zamakhsharī’s exegesis¹²⁸, became the standard representation of Sunnī tafsīr.¹²⁹ As stated by the Ottoman encyclopedic historian Ḥājji Khalīfa (Katip Çelebi, d. 1067/1628):

“And his *tafsīr* is the greatest book concerning this matter, rich in clarification, specifically from [al-Zamakhsharī’s] *al-Kashshāf* what is related to grammar (*al-i’rāb*), semantical meaning (*al-ma’nā*), and clarification (*al-bayān*). And from [al-Rāzī’s] *Tafsīr al-kabīr* the viewpoints from al-Rāzī relating to philosophy and theology (*bi-l-ḥikma wa al-kalām*). [...] And incorporates in it what kindles the light of thought concerning rational aspects and acceptable conduct. And shines [light] on the doubts that overcome [us] concerning the [mystical] secrets. And it is abundant in knowledge of exposition of discernment. Such as said by our master al-Munishī [in a poem]: ‘The people of intellect (*awlū al-albāb*) had not come up with what removes (*bi-kashf*)¹³⁰ the veil from the recited¹³¹, but the judge¹³² has provided a luminous hand (*yad bayḍā*)¹³³ which will never fade.’¹³⁴

Al-Bayḍāwī’s popularity can also simply be assessed by the fact that his exegesis has hundreds of commentaries and glosses written on it, and is preserved by the largest number of extant manuscripts of any exegetical work, even surpassing al-Zamakhsharī.¹³⁵ It was deemed the “furthest goal and highest pur-

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them many times to state his own, which are also less polemic when it comes to promoting cosmological naturalism and rational ethics as compared to al-Rāzī.

128 Al-Bayḍāwī discusses public interest (*maṣlaḥa*) dozens of time throughout his exegesis, both with legal and non-legal verses (for example on Q.2:216), while al-Zamakhsharī only mentions it a few times throughout his exegesis. Also, with verses on nature and cosmology al-Zamakhsharī mostly focuses on discussing the imagery (*taṣwīr* and *takhyīl*) or metaphorical (*tamthīl*) hermeneutics used in those verses to convey a message, while al-Bayḍāwī follows him in this (see their exegesis on Q.41:11) he also adds natural philosophical concepts (compare their exegesis on verse Q.41:9). Al-Bayḍāwī therefore also represents both an “*uṣūl*-ification” and an “Avicennian-fication” of al-Zamakhsharī’s exegesis.

129 Cf. Saleh, “The Gloss As Intellectual History”, 228.

130 This a nice word play on the *Kashshāf*, implying that al-Zamakhsharī’s work does not provide enough to fully understand the Qur’ān.

131 i.e. the Qur’ān.

132 This refers to the fact that al-Bayḍāwī was a judge in Shiraz, by which, within the *tafsīr* tradition, he was identified.

133 This is a nice word play referring to the name al-Bayḍāwī.

134 Khalīfa, *Kashf al-zunūn*, 1: 186. I thank Sohaib Saeed for his help in translating the poem in a way that makes most sense.

135 Cf. Al-Maṭrafi, *Al-‘aqā’idiyyat wa tafsīr*, 679; Al-Ḥabashī, *Jāmi ‘ al-shurūḥ wa al-ḥawāshī*, 1: 310-343; Ahmed and Filipovic, “The Sultan’s Syllabus”, 197-198, 208-209.

pose of the science of *tafsīr*” and the “peak of the study of the science of *tafsīr*” by the majority of authorities after him.¹³⁶ But even with this widely accepted status of al-Bayḍāwī’s work, itself, and the multiple supercommentaries on it, Bayḍāwī and his impact is highly understudied in modern Islamic studies.¹³⁷ Due to the popularity of both al-Razī’s and al-Bayḍāwī’s *tafsīr* works¹³⁸, as well as their interpretation seemingly representing the dominant theological trend of post-classical Sunnism, it was their rights discourse on Q.11:117 which became the dominant exegesis in the Sunnī *tafsīr* tradition and was directly cited, rephrased, or expanded upon by later exegetes. After al-Rāzī and al-Bayḍāwī, almost no Sunnī exegete could only discuss aspects of divine respite without also referring to the humanistic hierarchy between divine and human rights.¹³⁹ And it is this which we also see within the Ottoman *tafsīr* tradition on this verse.

Divine respite in the Ottoman *tafsīr* tradition

To understand how the Ḥanafīte theological tradition of the Māturīdī upheld divine respite in relation to rational responsibility we need to look at Abū Maṣṣūr al-Māturīdī’s interpretations at several verses¹⁴⁰ connected to divine worldly punishment (Q.6:131, 11:101–102, and especially 28:59), where he states that people will not be destroyed on earth as a punishment for unbelief alone as unbelief is only punished in the hereafter (*lā nahlikhum ihlāk ta’dhib bi-nafsi al-kufr fī al-dunyā...innamā yu’adhibūn ‘adhāb al-kufr fī al-akhi-*

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136 Cited in: Ahmed and Filipovic, “The Sultan’s Syllabus”, 209.

137 Apart from the fact that al-Bayḍāwī as a scholar, and his exegesis itself, deserve monographs dedicated to them (we thankfully already have the monumental work by James Pollock and Edwin Elliot Calverley on al-Bayḍāwī’s theological tract, *Ṭawālī al-anwār min maṭāli’ al-anzār*, and its commentary by Maḥmūd al-Aṣḥāhānī), we can say the same for many of the supercommentaries which deserve to be treated as monumental works of their own. Such as the multivolume works by Muḥī al-Dīn Shaykh Zādah (d. 951/1544), Shihāb al-Dīn al-Khafājī (d. 1069/1658), and ‘Iṣām al-Dīn al-Qūnawī (d. 1195/1781), which all have been published and are easily accessible. We need an inventory overview of the supercommentaries and analysis to see how al-Bayḍāwī was understood and used by the later tradition.

138 Al-Rāzī became essentially the most read or referred to theologian in both Sunnī and Shī‘ī scholarship, see: Jaffer, *ibid*, 2-3.

139 Although beyond the scope of this paper, after al-Zamakhsharī it also became a mentioned opinion among Shī‘īte and Ibāḍīte exegetes as well. I hope to incorporate both more Sunnī and non-Sunnī exegetical positions on this subject in future publications.

140 We see direct citations and references to al-Māturīdī’s *tafsīr* in the majority of Ottoman exegetical works, showing his continued direct influence and status within Ottoman thought.

ra).¹⁴¹ This differentiates him from the Mu'tazila as they do believe people are destroyed on earth as a punishment for their *kufr*¹⁴², and it fits al-Māturīdī's constant repeated theme that this world is the "abode of trial and testing (*dār al-miḥna wa al-ibtilā'*)" and not of "compensation and punishment (*dār al-jazā' wa 'aqūba*)" regarding belief and ethics.¹⁴³ Murder, for example, is a test in relation to ethics and can never be a punishment for *kufr*.¹⁴⁴ Only after the sending of a messenger (i.e. after *bulūgh al-da'wa* is fulfilled), understanding his warnings and promises, and responding to him with mockery demands for destruction, stubbornness, haughtiness, continued social corruption, and obstructing people on the path of God, can destruction occur. Destruction is therefore caused by the combination of both theological and ethical injustice and not simply unbelief.¹⁴⁵ Māturīdī discourse on divine respite therefore does not adhere to a collapsing of belief and works, but neither does it uphold a full separation between them either as we saw with al-Rāzī. Māturīdī theologians therefore formed a middle path between the Ash'arī and Mu'tazila, and walked this middle path by applying an exegetical synthesis between the latter two. The first Māturīdī scholar known for his "Sunnī-fication" of al-Zamakhsharī is Abū al-Barakāt b. Maḥmūd al-Nasafī (d. 710/1310).¹⁴⁶ His exegesis was widely used and considered by some as the best Sunnī redaction of the *Kashshāf* after al-Bayḍāwī's¹⁴⁷, especially because he provides several rebuttals of al-Zamakhsharī's linguistic claims.¹⁴⁸ But it generated only a handful super-commentaries¹⁴⁹, probably due to its emphasis on both Māturīdīte theology and Ḥanafī jurisprudence, thereby being considered less a crossover of the

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141 Al-Māturīdī, *Tā'wīlāt*, 8: 184-185. Al-Māturīdī uses Q.11:117 as a counterargument against the Khawārij by discussing when believers become unbelievers or not and when a land can be considered as a land of unbelief (*dār al-kufr*), but he does not discuss divine punishment. We therefore have to look at other divine punishment verses.

142 Al-Ṭabarsī, *Al-tibyān*, 6: 81; Abū 'Alī al-Faḍīl al-Ṭabarsī, *Majmu'*, 5: 269.

143 Al-Māturīdī, *Tā'wīlāt*, 1: 409, 434, 464, 563, 4: 529, 8: 192, 622, 10: 154, 286, 379, 523.

144 Al-Māturīdī, *Tā'wīlāt*, 5: 338-339.

145 Al-Māturīdī, *Tā'wīlāt*, 4: 621, 6: 181-183.

146 On al-Nasafī, see: Maḥmūd, *Manāḥij al-mufasssīrīn*, 215-222; Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 258-259.

147 Some scholars claim al-Nasafī used al-Bayḍāwī's work as a source, but many specific statements unique to al-Bayḍāwī (especially on philosophy of nature) are, as far as I'm aware, not to be found in al-Nasafī's work. Another indicator that al-Nasafī did not (heavily) rely on al-Bayḍāwī is the lack of *ḥuqūq* discourse on Q.11:117. So a more thorough analysis of this claim is needed. Cf. Maḥmūd, *Manāḥij al-mufasssīrīn*, 217.

148 Maḥmūd, *Manāḥij al-mufasssīrīn*, 218.

149 Al-Ḥabashī, *Jāmi' al-shurūḥ wa al-ḥawāshī*, 1: 616-617.

schools as al-Bayḍāwī was or deemed as being less in need of supercommentaries. His exegesis on verse Q.11:117 is a redaction of al-Zamakhsharī, editing out two sentences, and adding two original wordings. We have highlighted al-Zamakhsharī's words in bold to visualize this:

“{And your Lord does not destroy the communities} the lām is for confirmation of the denial {with injustice} is the condition of the agent meaning it is not true that God destroys the towns unjustly {and its people} people are {rightdoers} as He transcends by His essence any wrongdoing. And it is said (qīla) the wrongdoing of idolatry, meaning He does not destroy the towns caused by idolatry of its people and they are rightdoers in social affairs in what is between them and do not incorporate corruption to their idolatry later on.”¹⁵⁰

We then begin our assessment of the Ottoman *tafsīr* tradition, with one of the first major supercommentary writers on al-Bayḍāwī (highlighted in bold), the Ottoman exegete Muṣṭafā ibn al-Tamjīd (d. 880/1476)¹⁵¹ who has no issues with the idea that God places a ‘restriction (*taqyīd*)’ on Himself based on wisdom and mercy. An emphasis which is difficult taken from an Ash‘arī perspective, but logical from a Māturīdī perspective:

“And ‘His extreme mercy and liberality in His rights’ means restricting Himself by disavowing destruction based on doing wrong to one’s self [by adhering to idolatry] (*taqyīd nafī al-hilāk bi-ẓulm al-nafs*), and by guaranteeing this established condition through His statement, and its inhabitants being righteous, they being instructed that God the Exalted is merciful towards towards the person doing wrong to himself when he is not exceeding in doing wrong to others. Doing wrong to oneself [as in adhering to idolatry] belongs to the rights of the Exalted and this verse proves that **the Exalted is liberal in His rights** when human rights are upheld. And this is from **His extreme mercy**. O God, be merciful on us and be extremely exceeding on us, and bestow us with guidance and success in avoiding the violation of Your servant’s rights!”¹⁵²

Aḥmad b. Isma‘īl al-Gūrānī (d. 893/1488)¹⁵³, the first Ottoman *shaykh al-Islām* known to write an original and complete exegesis, provides his own unique

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150 Al-Nasafi, *Tafsīr al-Nasafi*, 517.

151 On Ibn al-Tamjīd, see: Nuwayhid, *Mu‘jam al-mufasssīrīn*, 673.

152 Printed in the margin of Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 10: 237.

153 On al-Gūrānī, see: Naguib, *ibid*, 8, Al-Banjābīrī, *Ṭabaqāt al-mufasssīrīn*, 352; Nuwayhid, *Mu‘jam al-mufasssīrīn*, 30.

redaction of al-Rāzī, ignoring al-Bayḍāwī (even though al-Gūrānī's exegesis is mainly based on the latter). To visualize his redaction we have highlighted al-Rāzī's words in bold:

“{**And your Lord does not destroy the communities for wrongdoing**} without any sin because if He would destroy them He would be unjust, but no, the allegation [of performing injustice] in on them. Such as His saying {so that mankind may not have any argument against God (Q. 4:165)}, and {it was not God who wronged them, but it was they who wronged themselves (Q. 29:40)}. And it said: {*bi-zulm*} is because of idolatry. {and its people are rightdoers} meaning in what is between them from the social affairs of mankind (*al-mu'āmalā al-nās*) and human rights (*ḥaqq al-'ibād*). As divine rights (*ḥaqq Allāh*) are based on liberality (*musāmaḥa*) and God will not destroy the people on idolatry alone. **And the punishment of extermination is not send down simply for the sake of belying** (*mujarrad al-takdhīb*) such as in the stories of Hūd and Sāliḥ and His saying {and We rooted out those who belied Our signs and were not faithful (Q. 7:72)}.”¹⁵⁴

The Šūfī exegete Na'imat Allāh b. Maḥmūd al-Nakhjawānī (d. 920/1514)¹⁵⁵, whose exegesis has been falsely attributed to the Šūfī saint 'Abd al-Qādir al-Jilānī (d. 561/1166), provides a (B) reading applied in his own terminology which can not be directly linked to either al-Rāzī or al-Bayḍāwī, thereby showing the normalization of the *ḥuqūq* reading on this verse:

“{**And your Lord does not**} and He does not based on His custom (*sunнатаhu*) and it takes place by His convention (*'āddatahu*). {**destroys the communities because of wrongdoing**} meaning caused by idolatry and unbelief spread among them. {its people} and its people are in the state (*al-ḥāl*) of being rightdoers on earth and are not corrupters on it. Meaning they are not seized by the Most Praised for the sake of divine rights alone without any link to human rights. But no! God seizes them when grave sinners and conflict start to circulate, and corruption becomes apparent, and humans dispute.”¹⁵⁶

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154 Isma'īl al-Gūrānī, *Ghāyat al-amānī fī tafsīr al-kalām al-rabbānī* (Riyad: Dār al-Ḥaḍāra, 2018), 3: 878-879.

155 On al-Nakhjawānī, see: Al-Banjābīrī, *Ṭabaqāt al-mufasssīrīn*, 365-366; Khalīfa, *Kashf al-zunūn*, 2: 1292.

156 Na'imat Allāh b. Maḥmūd al-Nakhjawānī, *Al-fawātiḥ al-ilāhiyyat wa al-mafātiḥ al-ghaybiyyat al-muwaḍḍiḥat li-l-kalām al-qur'āniyyat wa al-ḥukm al-furqāniyya* (Egypt: Dār Rikābī li'n-Nushr, 1999), 1: 366; 'Abd al-Qādir al-Jilānī and Na'imat Allāh b. Maḥmūd al-Nakhjawānī, *Tafsīr al-Jilānī* (Istanbul: Markaz al-Jilānī li'l-Buḥūth al-'ilmiyyah, 2009), 2: 424.

Al-Gūrānī's successor of the title of the Ottoman *shaykh al-Islām*, Ibn Kamāl Pāshā (Kemālpāshazāde, d. 940/1533)¹⁵⁷, was a polymath writing commentaries on main texts of multiple sciences (including one on the *Kashshāf*), but also highly original works on theology and exegesis. In his work on creed he discusses the wisdom behind the sending of messengers which follows the philosophical tradition's emphasis on religion as the basis for civilization, serving humanistic ends¹⁵⁸:

“We say: As God the Exalted created mankind and determined for them that their existence is dependent on survival, and He created for them the necessities [of survival] such as food, drinks, clothing, homes, and things of such nature. So mankind was made covetous for those necessities in service of their own existential survival [and are therefore hostile] towards Others, and are not content with what God the Exalted provides them and will therefore allow injustice, usurpation, theft, murder etcetera. So there no escaping that men are to be united by people of law which are send to them to forbid them those evils. They make a system of law and order between the people in this world and in order that they do not destroy this world. And guide them towards worshipping their Lord with their bodies and wealth so that they deserve by it paradise in the Hereafter. And those who do not do this are in the Hereafter a people lost and destroyed.”¹⁵⁹

This follows a humanistic theological vision we also see with the concept of divine respite and the *huqūq* scheme, which Pāshā emphasizes in his exegesis in a unique synthesis of al-Bayḍāwī and al-Zamakhsharī (both highlighted in bold):

“{And your Lord does not destroy the communities} the *lām* is for confirmation of the denial [of destroying the towns] {with injustice} is the condition of the agent, being indefinite for magnification¹⁶⁰ as an indication towards that destroying the righteous is a great injustice, and therefore the denial [of destruction] is guaranteed with the *lām*. And similarly,

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157 On Pāshā, see: Nuwayhid, *Mu'jam al-mufasssīrīn*, 39-40; Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 368-369.

158 That the sending of messengers to mankind is an act of divine wisdom and benevolence is central in Māturīdī theology, see: Al-Mazīdī (Ed.), *Shurūḥ wa ḥawāshī al-'aqā'id al-nasafiyya*, 1: 156-157, 5: 90-99.

159 Ibn Kamāl Pāshā, *al-Munīr fī al-Mawā'iz wa al-'Aqā'id* (Istanbul: Dār al-Lubāb, 2018), 46.

160 Pāshā uniquely grounds the understanding of *zulm* as *shirk* in this grammatical reading, while all other exegetes are satisfied with the analogical use of the exegesis on Q.6:82.

is *zulm* explained as *shirk*, with the *bā'* as causitive, meaning you will not be destroyed caused by a great injustice coming from Him. {and its people rightdoers} the condition of being rightdoers is that they are acting with justice in what is between them. He has complete indulgence and mercy for His servant and generosity (*musāhala*)¹⁶¹ in His rights, and from this do the jurists advance human rights [over divine] rights [when it comes to] hierarchy. [Providing this verse with the] meaning: And your Lord certainly does not destroy the communities unjustly as He transcends injustice by essence, or [destroy them] caused by idolatry as long as they do not incorporate to their idolatry corruption between them. And because of this it is said that rulership remains with idolatry and does not remain with injustice.”¹⁶²

Another Ottoman supercommentary writer on al-Bayḍāwī is the Ottoman scholar Muḥī al-Dīn Shaykh Zādah (d. 951/1544)¹⁶³ who uses al-Rāzī as a commentary on al-Bayḍāwī¹⁶⁴, and adds an extensive discussion on the grammatical readings according to the Basran and Kufan schools and how this affects the exegesis. The focus on grounding theology in elaborate grammatical and rhetorical discourses became a distinguishing feature of the Ottoman *tafsīr* tradition.¹⁶⁵ The Ottoman *shaykh al-Islām*, Ebu’s-su’ūd Efendi, was known for his reformist and reconciliation efforts concerning Ḥanafī jurisprudence and Ottoman civil law¹⁶⁶, but especially for his exegesis which is deemed one of the best after al-Zamakhshari and al-Bayḍāwī, which he tried to surpass with his exegetical work.¹⁶⁷ In his exegesis he begins with a rephrasing of al-Za-

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161 Here he replaces Bayḍāwī’s single use of liberality (*musāmahatahu*) with Rāzī’s use of *musāhala*, showing a conscious use and preference of terminologies.

162 Ibn Kamāl Pāshā, *Tafsīr Ibn Kamāl Pāshā* (Istanbul: Irsad Kitabevi, 2018), 5: 231.

163 On Shaykh Zādah, see: Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 371; Khalīfa, *Kashf al-zunūn*, 2: 1331; Nuwayhid, *Mu’jam al-mufasssīrīn*, 637-638.

164 This is in an almost similar fashion in how Sharif al-Dīn al-Ṭībī (d. 743/1342), in his famous supercommentary on the *Kashshāf*, uses al-Bayḍāwī as a commentary on al-Zamakhshari. See: Sharif al-Dīn al-Ṭībī, *Futūḥ al-ghayb fī al-kashf ‘an qinā’i al-rayb wa huwa Ḥāshiyat al-Ṭībī ‘alā al-Kashshāf* (United Arab Emirates: Jā’izat Dubay al-Dawlat li-lQur’ān al-Karīm waḥīdat alBuḥūth wa al-Dirāsāt, 2013), 8: 231-232. On al-Ṭībī, see: Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 275-276; Nuwayhid, *Mu’jam al-mufasssīrīn*, 159; Saleh, “The Gloss As Intellectual History”, 236, 245-246; Ahmed and Filipovic, “The Sultan’s Syllabus”, 198, 208.

165 Muḥī al-Dīn Shaykh Zādah, *Ḥāshiyat Muḥī al-Dīn Shaykh Zādah ‘alā tafsīr al-Qāḍī al-Bayḍāwī* (Beirut: Dār al-Kutub al-‘ilmiyyah, 1999), 4: 710-711.

166 Cf. Colin Imber, *Ebu’s-Su’ud* (Stanford, California: Stanford University Press, 2009).

167 On Ebu’s-su’ūd and his exegesis, see: Al-Banjabīrī, *Ṭabaqāt al-mufasssīrīn*, 374; Maḥmūd, *Manāḥij al-mufasssīrīn*, 253-258; Naguib, *ibid*, 1-52.

makhsharī's statement on divine wisdom in that it is impossible for God to destroy the towns when they are not informed about their wrongdoing of unbelief, which is why God let them remain in that state. This respite is also grounded in divine transcendence over injustice which, Ebu's-su'ūd states, is the main principle (*qā'ida*) of the *ahl al-Sunna*. Zamakhsharī's Mu'tazilite emphasis of divine transcendence over injustice becomes Sunnī-fied within the Māturīdī tradition. Ebu's-su'ūd then synthesizes al-Zamakhsharī with al-Bayḍāwī through different grammar readings, and provides an explanation to why there is a humanistic hierarchy between divine and human rights. We have highlighted al-Zamakhsharī and al-Bayḍāwī's words in bold to show how much new exegetical discourse Ebu's-su'ūd provides here.¹⁶⁸

“This is with the meaning of truth and uprightness thus its meaning is that it is impossible from divine wisdom that He destroys the communities which is not a deserved destruction without warnings being conveyed, and thereby learning from this continued state of the unjust communities. **And the *lām* [in *li-yuhlik*] is to confirm the denial.** And the **{*bi-ẓulm*}** meaning to clothe with it [i.e. referring to Q.6:82]. **And it is said this is the condition of the agent,** meaning He being unjust towards them. This being indefinite for magnification as an indication towards that destroying the righteous is a great injustice.¹⁶⁹ And what is intended is that **God the Exalted transcends that** in totality with this illustration, as such characterization is impossible as primary concept of the Exalted. As there is no wrongdoing in the acts of God the Exalted towards His created servant. This is an accepted upon main principle (*qā'ida*) of the *ahl al-Sunna*, which we discussed previously at verse **{And God is not unjust towards His servant (Q.3:182)}**. And God saying **{and its people rightdoers}** being the state of the passive object, being affected by His agency. However, it does not express that restricting Himself concerns the locating of the state of the agent signified by **{*bi-ẓulm*}**. For the proof of the restriction is the disavowing of the unjust destruction because of the state of its people being that of rightdoers. And there is no doubt in that [the destroyed people's] corruption is absolute. **And it is said: The wrongdoing is idolatry, with the *bā'* as causitive meaning He does not destroy the communities caused by (*bi-sabab*) the idolatry of its people and they are rightdoers while they**

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168 Ebu's-su'ūd Efendi, *Tafsir Abū Su'ūd aw Irshād al-'aql al-salīm ilā mazāyā al-kitāb al-karīm* (Quetta: Maktaba al-Ma'rūfiyya, 2011), 3: 358-359.

169 This small grammatical explanatory sentence is taken from Ibn Kamāl Pāshā.

are rightdoers undertaking the right in what is between them and not incorporate to their idolatry any corruption later on. And that [God provides respite concerning idolatry] is from His extreme mercy (*li-farṭ raḥma*) and liberality (*musāmaḥa*) in The Exalted His rights (*ḥuqūqahu*) and that is why the jurists give precedence to human rights (*ḥuqūq al-‘ibād*) as the rights being pushed forward [in prominence]. Mankind is poor (*al-fuqarā’*) in relation to their rights compared to God the Exalted who is rich (*al-ghanī*) and extolled. And it is said that rulership remains with unbelief but does not remain with injustice. And you are informed that a place which forbids the reprehensible but allows the evil of idolatry is not fitting. As idolatry is an entrance towards corruption on earth, which is providing an entrance [of hurting] the devout. And that is why all the messengers forbade it, as is related in their stories about warning [their peoples]. Its people are first [warned] about idolatry, then the widespread sinning which they are undertaking. So this aspect charges *al-zulm* with an absoluteness of corruption which incorporates idolatry and other such rebellious matters. And the responsibility of reform (*al-iṣlāḥ*) on the people’s reformation and departure [from evil] is through some of them being focused on forbidding [idolatry] and some of them being directed towards admonishing without being insistent on idolatry and other forms of corruption^{170, 171}

Another famous Ottoman supercommentator on al-Bayḍāwī is Shihāb al-Dīn al-Khafājī (d. 1069/1658)¹⁷², who emphasizes that although reading *zulm* as *shirk* has Qur’anic precedence it does veer off from the literal import of the verse, the latter of which is better captured in the (A) reading as expressed by al-Zamaksharī. Khafājī therefore implies that the (A) reading is literal, and the (B) reading a non-literal interpretation. He then focuses on Bayḍāwī’s discourse on divine respite and human rights whereby he emphasizes that divine respite regarding idolatry is only granted as human rights take precedence over divine rights, but this does not mean that idolatry is ignored as the granting of respite already implies that a violations of someone’s rights, i.e. God’s, is occurring. Which is why divine worldly punishment is evoked when human rights

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170 Meaning, some messengers forbid idolatry and other sins from a position of law, and others only warned about its evil effects.

171 Ebu’s-su’ūd Efendi, *Tafsīr Abū Su’ūd aw Irshād al-‘aql al-salīm ilā mazāyā al-kitāb al-karīm* (Quetta: Maktaba al-Ma’rūfiyya, 2011), 3: 358-359.

172 On al-Khafājī, see: Al-Banjābirī, *Ṭabaqāt al-mufasssīrīn*, 417; Nuwayhid, *Mu’jam al-mufasssīrīn*, 75.

violations are added to idolatry.¹⁷³ The Ottoman Şūfī scholar Ismā‘īl Haqqī al-Burūsawī (d. 1127/1715)¹⁷⁴ cites Ebu’s-su‘ūd’s rephrasing of Zamakhsharī on divine justice, cites elements of al-Bayḍāwī, al-Rāzī, and al-Samarqandī which he then uses as the interpretive framework to understand the prophetic tales, before closing of with the political maxim and its synonyms within Persian wisdom literature.¹⁷⁵ We will end our assessment with the 18th century Ottoman exegete al-Qūnawī¹⁷⁶ who was the head of the scholars in his time, and wrote an extensive twenty volume supercommentary on al-Bayḍāwī. He elaborates on al-Bayḍāwī’s statement “liberality (*musāmaḥatahu*) in His rights” as “respite (*imhālahu*) in His rights”, showing the direct relation between divine respite and the humanistic hierarchy in divine and human rights (al-Bayḍāwī’s words are highlighted in bold):

“And his [Bayḍāwī’s] statement ‘**because of idolatry**’ explains *zulm* here as *shirk* based on exigency, and that {its people are rightdoers}. [...] And his statement ‘**what is between them**’ is not between them and God the Exalted regarding their unbelief towards Him. [...] And his statement ‘**and this**’ means the absence of destruction caused by the crime of idolatry and so long as they do not incorporate it with corruption and injustice towards other humans. And his statement ‘**His extreme mercy and liberality in His rights and from this do the jurists advance human rights [over divine] rights [when it comes to] hierarchy. And it is said (*qīla*) rulership remains with idolatry and does not remain with injustice.**’ And His liberality takes precedence [...] and **His extreme mercy** and His respite concerning His rights or forgiveness in this matter regarding His rights after the offense on earth, delaying the punishment. And this verse states that their destruction is caused by their unbelief which was tolerated, and which was then added with injustice and the violation of human rights such as murdering. And dutiful worship proscribes on someone almstax, pledges, and other such matters which belong to divine rights, while duties towards mankind takes precedence in fulfillment as being duties towards creation. And this is evident within the art of jurisprudence.”¹⁷⁷

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173 Shihāb al-Dīn Aḥmad b. Muḥammad b. ‘Umar al-Khafājī, *Ḥāshiyat al-Shihāb ‘alā Tafsīr al-Bayḍāwī* (Beirut: Dār al-Kutub al-‘ilmiyyah, 1997), 5: 253-254.

174 On al-Burūsawī and his exegesis, see: Maḥmūd, *Manāhij al-mufasssīrīn*, 265-272.

175 Ismā‘īl Haqqī al-Burūsawī, *Rūḥ al-bayān fī tafsīr al-qur‘ān* (Beirut: Dār al-Fikr), 4: 201.

176 On al-Qūnawī, see: Al-Qūnawī, *Ḥāshiyat Al-Qūnawī*, 1: 5-7; Nuwayhid, *Mu‘jam al-mufasssīrīn*, 94.

177 Al-Qūnawī, *Ḥāshiyat Al-Qūnawī*, 10: 236-237.

The God who does no injustice, who gives respite for unbelief until the hereafter, does not give respite for human injustice on earth, and this establishes, both as a theology and a juristic maxim, that human rights are given preference over divine rights. And this is all grounded in what was viewed as the main consequence of Islam's radical monotheism: God is without need. One of the earliest Islamic references of this maxim tradition, 'rulership remains with unbelief, but does not remain with injustice', is by al-Māwardī in his work on political philosophy, *Adāb al-dunyā wa al-dīn*, in which he links it directly to the classical philosophers (*ḥukamā'*), and Abū Ḥāmid al-Ghazālī (d. 505/III) in the 'mirror for princes' work attributed to him, the *Naṣiḥiyyat al-mulūk*, states it is a prophetic tradition, which is unlikely.¹⁷⁸ This maxim has a long history in political philosophy, and has been paraphrased by many scholars. One of its most famous proponents is Ibn Taymiyya (d. 728/1328), who rephrased it as: "Allāh supports a just nation (*al-dawlat al-ādilat*) even though it is an infidel [nation] (*kāfirā*), and He does not support an unjust nation (*al-dawlat al-zālimat*) even though it is a believing [nation]."¹⁷⁹ The maxim was so prominent in Islamic intellectual thought that even the historian Ḥājī Khalīfa refers to it: "The reason for the continuity of the *mulk* (state) of the unbelievers is their strict adherence to their *siyāsah 'aqliyya* (rational politics). This is the meaning behind the Turkish idiom: 'The world does not fall to ruin because of unbelief, but it does because of *zulm*'."¹⁸⁰ Given the prominence of the maxim it was understandable for some to also use it as a form of exegesis at other verses such as done by al-Qūnawī at Q.2:35 to explain the injustice committed by Adam by which he was expelled from the garden.¹⁸¹ Why a land can remain with unbelief but not with injustice is explained by al-Tamjīd: "This is because unbelief does not disregard [the rights and duties] towards the other, this is in contrast to injustice and disregard for the other is a cause for the destruction of the kingdom and this is the meaning of rulership not remaining with injustice."¹⁸²

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178 Abū al-Ḥasan al-Māwardī, *Adāb al-dunyā wa al-dīn* (Dār Maktabat al-Ḥayāt, 1986), 140; Abū Ḥāmid al-Ghazālī, *Al-tibr al-masbūk fī naṣiḥa al-mulūk* (Beirut: Dār al-Kutub al-'ilmiyyah, 1988), 44. See also discussed in: Lambton, *ibid*, 121.

179 Ibn Taymiyya, *Majmū' al-fatāwā* (Madina: Majma' al-Malik Fahd, 1995), 28: 63 (*bāb fiqh al-jihād*).

180 Ḥājī Khalīfa as cited by Asim Cüneyd Köksal, *Fıkıh ve Siyaset: Osmanlılarda Siyaset-i Şer'iyye* (Istanbul: Klasik, 2016), 101.

181 Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 3: 184

182 *Hāshiya Ibn al-Tamjīd* in Al-Qūnawī, *Hāshiyat Al-Qūnawī*, 10: 237.

Conclusion

In our analysis we have shown how the *tafsir* tradition, as an accumulative and overarching science, is a direct reflection of the trends emerging in other Islamic sciences. Exegesis on verse Q.II:II7 became an important marker for Islamic theology. This development within the *tafsir* tradition, ran parallel to the paradigm shifts within Sunnī theology, whereby ethical monotheism and the separation of faith and works became more integrated. The Islamic theological concept that God is transcendent above any need or want had direct humanistic implications. Fulfilling divine rights does not benefit God, nor does their non-fulfillment harm Him. Therefore, divine rights are based on leniency and mercy, and respite becomes the norm. But Islamic anthropology viewed human rights, on which human existence depend for survival and prosperity, as necessary to fulfill. Islamic theology and anthropology projected the difference between creator and creation on its ethics and rights discourse, creating a hierarchy of no-need (God) versus need (humanity). It is exactly this hierarchy which became applied in the commentaries on Q.II:II7. Al-Zamakhsharī, al-Rāzī and al-Bayḍāwī became the overall dominant exegesis among later exegetes, representing the dominant theological trends of post-classical Sunnī Islam. Reconciliation between the (A) and the (B) readings in the Ottoman *tafsir* tradition was directly based on its Māturīdī theological adherence which developed a unique synthesis of al-Zamakhsharī and al-Bayḍāwī wherein divine respite becomes grounded in divine wisdom and justice. The increase of supercommentaries in the post-classical period shows a redefining in how to engage the *tafsir* tradition in the post-15th century era. Many of the referenced supercommentaries both use and respond to their central texts, and the authority these have in Muslim societies, as headers for their own discourse. Supercommentaries on the *Kashshāf* tried to Sunnify its theological positions, but the supercommentaries on al-Bayḍāwī used it as representative summarizations of the pre-15th century *tafsir* tradition in total. The latter supercommentaries therefore seem to draw a line in the sand, marking a before and after in exegetical epochs. From the 15th century onwards we also see the rise of Ottoman *ikhtilāf* literature on Ash'arī-Māturīdī differences. This development within Ottoman theology directly reflects the increase in exegetical supercommentaries on al-Bayḍāwī, whereby Bayḍāwī served as the Ash'arī Other to which to respond to from a Māturīdī perspective. Just as the supercommentary tradition on al-Zamakhsharī refuted his Mu'tazila theology, so did the Ottoman supercommentary tradition on al-Bayḍāwī. But apart from the Māturīdī middle path adhered to in the Ottoman *tafsir* tradition, we

also clearly see in the Ottoman tradition an expansion and maturing of both the science of exegesis and the implications of the humanistic turn taken in post-classical Sunnī theology.

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