Virtue And The Common Good: Hermeneutic Foundations Of Aš-Šāṭibī's Ethical Philosophy

Mohammed Eriouiche
University of al-Qarawiyyin, Fes, Morocco
eriouiche@gmail.com

Nekroumi, Mohammed, *Virtue And The Common Good: Hermeneutic Foundations of Aš-Šāṭibī's Ethical Philosophy*. Boston : Brill. 2023, pp214., ISBN : 978-90-04-68225-2 .

In his book entitled: "Virtue and the Common Good: Hermeneutic Foundations of aš-Šāṭibī's Ethical Philosophy" Mohammed Nekroumi meticulously navigates the intricate landscape of Islamic ethical philosophy, centring his analysis on the hermeneutic foundations of aš-Šāṭibī's thought. Nekroumi's scholarly exploration transcends linguistic boundaries, originally presented in German and seamlessly translated into English. The book unfurls a rich tapestry of insights, delving into the ethical considerations embedded in the Qur'an, scrutinizing the philosophy of aš-Šāṭibī, and probing the objectives of Islamic law. With a keen focus on istişlāḥ (Unrestricted interest-based reasoning) and the interpretative dimensions of Islamic legal principles, Nekroumi's work emerges as a comprehensive and indispensable resource for scholars and students alike, offering a nuanced understanding of virtue, the common good, and their intricate intersections within the Islamic ethical framework.

The author's thesis is that the study of Islamic ethical theory is essential for understanding the complex and dynamic relationship between Islamic tradition and modernity. The author argues that the hermeneutic character of this ethically-oriented legal theory will be revealed during a discussion of fundamental technical concepts such as Shari'ah (divine law), fiqh (Islamic legal philosophy), ʿaql (reason) and fiṭra (natural disposition). The author also examines key concepts related to virtues and the common good in Islamic ethical and moral theory. Furthermore, Nekroumi describes the epistemological and intellectual-historical objectives of the study as a project in rereading what in particular, needs a little further explication and reform. The author's goal is to confront the challenge of exploring ways in which an academic theological discourse, that has been dormant (stagnant) for centuries, can catch up and connect with modern academic debates.

Corresponding Author
Name   :   Mohammed Eriouiche
Email   :   *eriouiche@gmail.com*

This work delves into Islamic ethics, exploring fundamental epistemological questions and debates within the field. It begins by examining the object of study, situating ethical inquiries within Islamic theology and addressing controversies surrounding Greek philosophical influences. The text then delves into basic epistemological inquiries, such as the roots of Islamic legal theory and the relationship between ethics and key Islamic concepts including maqāṣid. Further, it explores methodologies, including ethical principles and the organization of moral concepts within Islamic jurisprudence.

Moving on, the work tackles rational justifications of Islamic moral theology, analyzing Maqasid-based revelation and the role of moral norms in ethical reasoning. It also delves into theological hermeneutics, exploring how maqāṣid morally justify actions and the entanglement of purposefulness and causality in ethical judgments.

The cornerstone of ethical orientation, maṣlaḥa (interest), is extensively discussed, elucidating its historical context, methodological implications, and its role in ethical decision-making. The book also explores various dimensions of maṣlaḥa, its relationship with duty, and its categorization within Islamic thought.

Moreover, the work examines ethical orientation in identity formation, defining relationships between the basic objectives of Shari'ah and the social responsibilities of individuals. It also addresses the ethical norms governing obligations, such as the interaction between maqāṣid and aḥkām (legal rulings), and permissibility within obligational norms.

Lastly, the book delves into al-Aḥkām al-waḍʿiyya, constitutive rules of moral action, exploring their relevance within religious practice and their impact on ethical judgment formation. It concludes with closing remarks and prospects for future research in Islamic ethics. Additionally, the work includes a glossary, bibliography, and indices for further reference.

The studies of Maqasid have turned towards ethics in recent years, considering it as an advanced subject in Islamic law. Perhaps researchers' pursuit of relying on ethical lessons in Maqasid to open new horizons has contributed to creating new issues, such as the feasibility of ethics in contemporary Islamic legislation, by linking Maqasid to the concept of duty in Islamic jurisprudence or to the concept of interest. It is worth noting that interest in Islamic legislative heritage is a concept rooted in theology, particularly in the wisdom behind Allah's actions. If Allah's actions have a purpose, it means that Allah does what He does to achieve a goal, while Allah is detached from goals and objectives.

The bibliography of Nekroumi's work consists of primary and secondary literature related to Islamic jurisprudence, theology, and ethics. It includes works by notable Islamic scholars and philosophers such as al-Ghazali, Ibn Sina, Ibn Taymiyyah, and others. The sources cover various topics including Islamic legal theory (usul al-fiqh), ethical principles, Quranic interpretation (tafsir), Hadith collections (sahih), and theological discussions. The bibliography provides valuable

resources for scholars and researchers interested in Islamic studies, offering insights into the intellectual tradition of Islamic thought and jurisprudence. The bibliography also contains a list of secondary literature focused on Islamic studies, philosophy, ethics, and related disciplines. It includes works by various authors such as Ṭaha ʿAbd ar-Raḥmān, Muḥammad Abū Rīdah, Nasr Hamid Abu Zaid, and others who have contributed to the understanding of Islamic philosophy, jurisprudence, theology, and ethics.

However, investing in this bibliography remains inconsistent and is known for some methodological imbalances regarding presentation and delay. However, we find that Nekroumi sometimes did not make good use of this bibliography list. Sometimes, we find him putting different intellectual trends in one basket, such as Ṭaha ʿAbd ar-Raḥmān, aš-Šāṭibī', Abdullah Al-Arwi, Nasr Hamid Abu Zayd, and Al-Raisouni, in a way that confuses readers. Yet, generally, his choice seems appropriate. Moreover, relying on Ṭaha ʿAbd ar-Raḥmān raises many questions. Firstly, because the author relied on four books by Taha, which are "Rūḥ ad-dīn," "Suʾāl al-akhlāq" "Suʾāl al-ʿamal" and "Tajdīd al-manhaji fī taqwīm at-turāth" while ʿAbd ar-Raḥmān has a book titled "al-Taʾsīs alāʾtmāny li-ʿIlm al-maqāṣid" which is a book that aligns with the author's interest. Therefore, we see the possibility of presenting a critical reading of the philosophy of a prolific philosopher like Ṭaha ʿAbd ar-Raḥmān remains a challenge for any writer because some everyday writers are seemingly unable to formulate a comprehensive understanding of his ideas. Therefore, in my opinion, reading Nekroumi's book and studying it in light of the thoughts of Ṭaha ʿAbd ar-Raḥmān remains incomplete unless the author relies on the new book we have referred to.

On another note, the new ethical trend emerging in the Arab world, whether expressed in Arabic or other languages, and its connection to Islamic Shari'ah, remains merely an intellectual trend through which Arab authors have been trying to emulate. The primary domain of ethics remains fundamentally philosophical. Ethics continue to be relied upon as a source of elaboration, a secondary source that is ideally internalized. However, for ethics to be a primary source in the legislative hierarchy alongside the Quran and Sunnah may not be acceptable to many Muslims. Therefore, in my opinion, the approach to ethics in its essence remains philosophical and mystical.

Upon delving into Nekroumi's book, we confront two pressing questions regarding the essence of Shari'ah itself:

Firstly, while there is a consensus among jurists and scholars regarding the function of Shari'ah, integrating it with the moral dimension doesn't seem to inherently constitute a covert framework. This observation, drawn from the structuralist school of thought, stems from the understanding that Shari'ah embodies obligation, commitment, and submission, as inherently embedded in the Islamic ethos. Therefore, the inquiry arises: Can ethical principles truly emanate from the concept of submission?

Secondly, the notion of referencing fitrah as a key component in discerning the objectives of Shari'ah, as exemplified by Tahir ibn Ashur, who attributed the foundational principles of Islam to fitrah, invites scrutiny. This perspective, juxtaposed with Ibn Sina's philosophical interpretation of human nature, leaves the concept somewhat ambiguous. Thus, it prompts us to question: If fitrah indeed holds the significance attributed to it, to what extent can its legitimacy in legislative matters be assured? Relying on human nature for legislation introduces an element of uncertainty and potentially exposes Shari'ah to misconceptions and illusions.

A critical analysis of Nekroumi's book reveals both its contributions and limitations. On the positive side, the book offers a comprehensive exploration of Maqasid literature, shedding light on important aspects of Islamic jurisprudence. Its detailed examination of the subject matter provides valuable insights for readers interested in understanding the underlying principles of Islamic law. Moreover, Nekroumi effectively contextualizes the relevance of Maqasid in contemporary discourse, demonstrating its applicability in various domains. However, the book lacks depth in its critical engagement with the material, failing to offer nuanced interpretations or challenge prevailing perspectives. Furthermore, while it provides a broad overview, it may have overlooked certain nuanced or divergent views within the field. Therefore, while Nekroumi's work serves as a useful introduction to Maqasid literature, it falls short in providing the rigorous analysis necessary for advanced scholarship in the field.