

# Juridical Dialectic as 'Theory': The Case of *Ghāyat al-Amal fī 'Ilm al-Jadal*<sup>(\*)</sup>

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## Abstract

The coloniality of western theory still rears its head anthology after anthology. In the Arabic-speaking world, the challenge of 'theory' propelled critics to reconstruct 'theory' in premodern poetics then philosophy with the exclusion of jurisprudence. Intriguingly, the Arab-Islamic religious sciences developed an indigenous dialectic that resisted the intrusions of the ancient Greek dialectic, persisting until now in centers of religious learning. Modern colonial theory would never consider this kind of dialectic as part of theory. Focusing on Sayf al-Dīn al-Āmidī's *Ghāyat al-amal fī 'ilm al-Jadal*, this paper adopts the decolonial option of 'epistemic disobedience' in raising the question of whether juridical dialectic should earn its place in contemporary endeavors at studying 'theory' in the Arab-Islamic tradition. In terms of a future planetary theory, there must be a place for the religious to counter the entrenched presence of western theology in western 'theory.' Post-1000 scholars who carried out the process of Avicennizing the juridical dialectic should be dealt with as critical theorists in era before Western modernity.

**Keywords:** Decoloniality, Critical and Literary Theory, Dialectic, Later Islam

## الجدل الفقهي بصفته "نظرية": دراسة حالة لغاية الأمل في علم الجدل

### المستخلص

ما زالت كولونيالية النظرية الغربية تطل برأسها في كتب مختارات النصوص من النقد واحدًا تلو الآخر. أما في العالم العربي، فقد دفع تحدي تجذير "النظرية" النقاد إلى إعادة بناء "النظرية" في نظريات الشعر في العصر ما قبل الحديث وفي الفلسفة، مستبعدة الفقهاء. ومن المثير للاهتمام في هذا الصدد أن العلوم الدينية الإسلامية استطاعت تقديم جدل أصيل استطاع مقاومة تدخلات الجدل

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اليوناني القديم، وهو الجدل الذي استمر إلى الآن في مراكز دراسة العلوم الدينية. لا يمكننا دراسة هذا النوع من الجدل بصفته "نظرية" تحت مظلة النظرية المعاصرة. من خلال التركيز على "غاية الأمل في علم الجدل" للإمام الأشعري سيف الدين الأمدى، تتبنى هذه الورقة البحثية خيار "العصيان المعرفي" الديكولوجي من خلال إثارة السؤال حول ما إذا كان الجدل الفقهي يستحق مكاناً ومكانة في المحاولات المعاصرة لدراسة "النظرية" بالتراث العربي الإسلامي. أما في إطار إيجاد نظرية كوكبية في المستقبل، فتؤكد الدراسة أهمية إدماج ما هو ديني لمعادلة الوجود المتأصل للاهوت الغربي في "النظرية". وتذهب إلى ضرورة أن يتسع مفهوم من يُعدّون منظرين نقديين فيما سبق الحدائث الغربية ليتضمن الفاعلين بتيار صبغ الجدل الفقهي بصبغة سنيوية (نسبة إلى ابن سينا) فيما بعد القرن الحادي عشر.

**الكلمات المفتاحية:** الديكولوجية، النظرية النقدية والأدبية، الجدل، الإسلام في العصر المتأخر

## Introduction

With the advent of the last quarter of the twentieth century, a shift towards studying the 'religious' in the hegemonic western humanities started to gain steam. At the forefront of this monumental transformation is Moshe Halbertal and Avishai Margalit's *Idolatry* (1992), Talal Asad's *Genealogies of Religion* (1993), and John Milbank's *Theology and Social Theory* (1998) (Vries, 1999, pp. 1–2). Many philosophers, sociologists of religion, and anthropologists led the charge against the pervasive secularization thesis describing and politically proscribing the breakdown of religion and religious practices in modern societies (Onishi, 2018, pp. 1–2). Philosophy, nonetheless, has yet to fully extricate itself from secularism since religion has always been a resource philosophers draw on to expand their vision of the secular (Onishi, 2018, p. 2). The growing strands of critical philosophies of religion and decolonial theories arguably effected a seismic shift in understanding the status of 'religion' in 'theory.' With the single exception of western literary studies in the early twenty-first century, many disciplines in the humanities have been critically examining their overarching assumptions about the secular/religious (Kaufmann, p. 607). Despite the actual difficulties in drawing up clear distinctions between the religious and the secular, literary studies, for long, treated these categories as "normative, fixed categories" (Kaufmann, p. 609). Decolonial theories, such as that of

Aimé Césaire, Enrique Dussel, Sylvia Wynter among others, argue for the entanglement of the 'secular' and colonial, modern 'theory' in way that transcends the binarism of the secular/religious (Yountae, 2024, pp. 2–3). Unlike philosophy, sociology, and anthropology as can be gleaned from this brief introduction, western and western-styled departments of English reportedly remain resistant to embracing religion and secularism studies into their programs despite the forceful historicist, feminist, and/or postcolonial arguments against the marginalization of the 'religious' (Branch, 2022, pp. 373–394). Maldonado-Torres, the decolonial theorist, would beg to differ with Branch in relation to postcolonial theory. Setting its examinations to the relationship between religion, modernity, coloniality aside. Postcolonial theory has favored western modern secularism and Third World secular intellectuals over religious thinkers from the global south and nonwestern conceptualization of the religious (2017, p. 547).

Intriguingly, 'literary theory' attempted to bridge this gap between the religious/theological and secular, yet it is arguably the political choice of many departments north and south to disregard this early entwinement during the phase of 'high theory.' In the late 1970s and early 1980s, the French critical and literary philosopher Jacques Derrida started to pick up theological themes that gradually effected a pronounced shift in deconstruction and continental philosophy towards the religious (Bradley, 2006, p. 21). Writing in the 1990s, the following questions are raised:

*“Why is this phenomenon, so hastily called the ‘return of religions,’ so difficult to think? Why is it so surprising? Why does it particularly astonish those who believed naively that an alternative opposed Religion, on the other side, and on the other, Reason, Enlightenment, Science, Criticism (Marxist Criticism, Nietzschean genealogy, Freudian psychoanalysis and their heritage), as though the one could not but put an end*

*to the other? On the contrary, it is an entirely different schema that would have to be taken as one's point of departure in order to try and think of the 'return of the religious.'"* (Derrida 2002, 45; italics in original)

In his iconic aphoristic style, Derrida draws attention to the fact that 'religion' and 'criticism' or 'theory' co-existed without negating each other as presumed or commonly practiced by the proponents of 'theory.' Furthermore, Derrida's statement does not deny the presence of 'religious' and 'theological' in 'theory' prior to the so-called 'return of the religious.' In the case of deconstruction itself, it has been contended that Derrida's supposed shift to the theological has never been a surprising one as dramatically claimed by some of Derrida's scholars. It has arguably been a component of his thought from early on as exemplified by Derrida's transcendentalized notion of 'aporia of origin' (Bradley, 2006, p. 25). The aforementioned quotation seems to support this interpretation of the presence of the 'theological/religious' in the cluster of Reason/Enlightenment/Science/Criticism. Drawing on the work of Bernard Stiegler, it is further proposed that the irreducible, transcendentalized notion of 'aporia' vanishes in late Derrida as it is replaced by an ahistorical, openly transcendental 'aporia' (2006, 27–30). In other words, the late Derrida could be understood as a postmodern theologian in contrast to the early Derrida who critiqued the transcendentalism lurking in Husserl's phenomenology and Heidegger's ontology. Derrida's pronouncements may hint at a present entanglement between theology and his notion of *différance* (1987, p. 542; Ward, 2000, p. 17).

Surveying continental critical theory's positions on religion goes beyond the scope of this paper, but one caveat can be established: theory has not disavowed its implicit subscription to the primacy of the secular over the religious despite the ambivalent embrace of the postsecular by Habermas. Apart from Derrida's French critical and literary philosophy which took roots in the US, the

German critical theorist Walter Benjamin broke ranks with thesis that secularization is progress, while second generation Jürgen Habermas maintained different positions regarding religion, and third generation theorist Axel Honneth made no reference to religion implicitly showing his unwavering commitment to secularism (Chernilo, 2023, p. 283). Habermas maintained an interest in religion since the time he finished his doctoral dissertation; however, he only started embedding religion in his analysis of the discourse of rationalization and modernity in the late 1980s and early 1990s (MacKendrick & Sheedy, 2015, pp. 153–154). Habermas's early twenty-first valuing of religion is limited to the moral intuitions that it can inspire self-reflectively (p. 156). By using genealogy, Habermas, in Amy Allen's assessment, traces back the point where postsecular reason emerges, focusing on the dependence of what he considers secular Enlightenment ideals to be on religious traditions, especially those of the Axial Age. His project attempts to expose the historical grounding of reason while so defending its context-transcending claims. Habermas's genealogy wobbles between vindicating Enlightenment ideals as actualized in processes of rational learning, and questioning secularism's self-understanding, Allen observes. Allen thereby makes a distinction between vindicatory, subversive, and problematizing modes of genealogy. Rather, she argues, Habermas is really adopting a vindicatory approach, using genealogy to justify modernity's universal norms by framing them as the result of historical learning processes. However, she critiques his insufficient engagement with the regressive and power-laden aspects of religious and secular traditions. By avoiding subversive elements, Habermas fails to fully interrogate the complicity of religious traditions in colonialism, moral constraints, and hierarchical power structures. Allen concludes that Habermas's genealogy of postsecular reason would benefit from adopting a more robustly problematizing and contextualist stance. This approach would align better with his political goals of fostering symmetrical dialogue

and mutual learning between secular and religious citizens, while addressing the historical complicities of modernity's normative ideals (Allen, 2013, pp. 132-153).

Lori Branch suggests that religion has to be taken up heads on in literature classrooms in a way that does not reproduce or implicitly accept the binary of the secular/religious (2022, p. 380). While Branch departs from her positionality in western academy, the non-west, for her, remains an uncharted territory that can never be captured by general references to colonialism and race. Religion interpellated all aspects of life since the advent of Islam up to the moment western modernity and the modern construct of nation state were instituted in the Arab-Islamic world in the nineteenth century onwards. Religion found its way into the Arab-Islamic regimes of knowing and sensing from as early as the third/ninth century. In *Fī l-falsafa al-ʿulā* [On First Philosophy], Yaʿqūb al-Kindī (d. 256/870?) places his “first philosophy”, being concerned with God the first cause, at the top of all knowledge, proceeding to let his metaphysics subsume the following subspecies: *ʿilm al-rubūbiyya* [science of divinity], *ʿilm al-wahdāniyya* [science of oneness], *ʿilm al-faḍīlah* [science of virtue] (1953, pp. 32–35). Under this rubric that brings philosophical metaphysics into the multifaceted study of *tawḥīd* and *al-akhlāq* [ethics], al-Kindī advances two relevant theological arguments: one against the eternity of the world, and another in favor of God's oneness with his divine attributes that is reminiscent of Muʿtazila's view of God and His relationship to his creation, as Adamson (2003, pp. 49–57) rightfully notes. Abū Naṣr al-Fārābī (d. 339/950), in *Iḥṣāʾ al-ʿUlūm*, amended the ancient Greek *diaireses* of knowledge by adding the indigenous religious/theological sciences of *fiqh*, and *kalām* (1968, p. 53). Each knowledge is divided into two parts: one of opinions and one of actions (p. 131). What sets the *faqīh* from the *mutakallim* is that the first employs *istinbāṭ* in deriving whatever is necessary from the principles informed by the opinions and actions set by the

lawmaker/founder of *milla* [religion], while the second defends these principles without employing the tool of deduction unless the active investigator is both a *faqīh* and a *mutakallim* (p. 132). In al-Fārābī’s proto-genealogical account of knowledge in *Kitāb al-Ḥurūf*, *falsafa* is said to historically precede *milla*, and *milla* precedes *kalām* and *fiqh* (1990, p. 131), creating an epistemic hierarchy that connects philosophy to *fiqh*. Putting aside the differences between *Iḥṣā’* and *Ḥurūf* in relations to *kalām* and *fiqh*, it should be noted that *kalam* has more functions in the latter treatise and a “more exalted position” (Mahdi, 2001, p. 216). Correct religion is further indicated to be contingent on the preexistence of a complete, perfect philosophy (al-Fārābī, 1990, p. 153).

In western scholarship, Frank Griffel (2021, pp. 8–15) has recently established that post-classical *ḥikma* (formerly *falsafa*) incorporates the two separate philosophical traditions of *falsafa* and *kalām* thrived from the sixth/twelfth century onwards, sharing intellectual lineage through the system of the Eminent Master Ibn Sīnā. This indicates that approaching philosophy, and hence ‘theory,’ in the Arab-Islamic world is more than focusing on the traditions of *falsafa* or even later *kalām*. The positions taken by Adamson (2019) and Griffel (2021) are more progressive than the alternative positions which deny *kalām* and *uṣūl* any pronounced philosophical character—such as Rudolph (2017) and Gutas (2018). While Griffel excludes *uṣūl* from the family of Arab-Islamic philosophical sciences, the present reading conforms to the positions of Mustafa Abdel Razaq, Ali al-Nashar and Hasan Hanafī which engage with *uṣūl* on its philosophical terms (Hanafi, 2004, p. 6). Arab-Islamic jurisprudence has more to offer to Arab-Islamic philosophy compared to the relatively progressive position that relegates it to the fields of the philosophy of religion or the philosophy of law—such as that of Peter Adamson (2019, pp. vii–xi). It follows that reconstituting ‘theory’ in the pre-1500 era requires an extensive engagement with *uṣūl al-fiqh*, along

with *kalām* and *falsafa/hikma*. As much as western philosophy undergirds contemporary colonial western ‘theory,’ a global critical and literary theory should not shy away from interrogating these interdependent epistemic fields inasmuch as they contribute to our understanding of philosophy across knowledge which includes critical and literary ‘theory.’ To continue to exclude what is critical and theoretically relevant to understanding active critical and literary theorizations in the pre-1500 era is to continue to damage the interepistemic threads that hold Arab-Islamic thought together. This colonial damage is a natural conclusion to the negative effects western-styled colonial modernity had on the Arab-Islamic world since the nineteenth century. Legal scholarship as an institution in the Arab-Islamic world continued to play a significant role in local communities up to the nineteenth century which witnessed the dismantling of this institution (Hallaq, 2005, pp. 205–206). Arab-Islamic philosophical discourses developed over the centuries were also stunted by the colonial domination of the west (Griffel, 2021, p. 14, 571). Linking ‘theory’ to these premodern religious/theological roots is one way of undoing the destructive impact brought upon global southern epistemologies by western colonialism and the colonial matrix of power (CMP).

Because exploring those roots is still in its infancy, the purposed decolonial ‘epistemic restitution’ suggested here takes dialectic as the foremost example of these interepistemic threads that bring pre-1500 ‘theory,’ *falsafa*, and *uṣūl* in communication. While traditional colonial scholarship would direct this paper into establishing the presence of the religious, juridical dialectic in pre-1500 Arab-Islamic literature first, it is one of the underlying assumptions of this paper that rules of disputation traveled between disciplines with no exception. If contemporary ‘theory’ accepts the presence of dialectic in its midst with its roots in philosophy with no qualms, a global ‘theory’ for the non-west should arguably accept the



disputational, interdependent dialectic of the pre-1500 world. If the religious/theological is accepted within the bounds of humanities in general and 'theory' in specific, the pre-1500 indigenous religious roots of the juridical dialectic should be arguably accepted as part of 'theory' and 'philosophy' in its Arab-Islamic iterations. Disputation as the subject of the various species of dialectic had intricate and clearly defined rules that were formulated by philosophers, jurists, litterateurs, poets alike across interdependent domains. Any Arab-Islamic epistemic field that has actively developed a critical method to study its object and formulates overarching principles and set of methodical practices is arguably deemed 'philosophical' by this paper. In language more relatable to western philosophy, any discipline that actively develops a hermeneutic of understanding with the exception of the natural sciences and the occult sciences qualifies to be philosophical. These interdependent domains increasingly coalesced in the wake of Ibn Sīnā (d. 428/1037) and the popularization of his philosophy starting from the fifth/eleventh through the seventh/thirteenth centuries in arguably all fields of Arab-Islamic knowledge in the eastern Arab-Islamic world. This paper will actively demonstrate the Avicennization of juridical *jadal* at the hands of the Ash'arī jurisprudent and philosopher Sayf al-Dīn al-Āmidī (d. 631/1233) in his treatise *Ghāyat al-amal* [The Ultimate Hope in the Discipline of Dialectic]. This specific treatise is arguably taken to be an exemplar of pre-1500 'theory' at the crossroads of *uṣūl*, *falsafa/hikma*. It gives validity to the following assumptions: *uṣūl* is philosophical; dialectic crossed the boundaries of the philosophical religious sciences and *falsafa* in anticipation of the later emergence of *ādāb al-baḥth wa-al-munāzara* [protocols of dialectical inquiry and investigation]; rules of disputation were increasingly unified which must have affected other material phenomena as works of *uṣūl* literature in that era.

## The Coloniality of ‘Theory’

The centrality of continental philosophy in contemporary colonial literary and critical theory is a clear testament to the pronounced western tilt in the architecture of mainstream ‘theory.’ In spite of the rise of critical theories from the non-west, anthologies continue to prioritize western philosophy in antiquity, Middle Ages and the early modern era. In the modern era, anthologies, such as *Contemporary Literary and Cultural Theory* (2012) and *The Norton Anthology of Theory and Criticism* (2018), group decolonial theorists under the umbrellas of ‘postcolonial criticism,’ ‘race and ethnicity studies, and’ ‘gender’ among many other categories that do neither feature ‘decoloniality’ as an independent non-western strand of theories nor offer readings on the rich conceptual vocabulary of decolonial theorists. This applies to the cases of Franz Fanon, Hamid Dabashi, and Gloria Anzaldúa (e.g., 2012, 235, 383; 2018, xxiii–xxiv). Richard Lane’s *Global Literary Theory* (2013) follows more or less the same scheme. Without the categories of ‘postcolonialism,’ ‘gender,’ and ‘feminism,’ literary theory, in its myriad continental iterations, focalizes Immanuel Kant, Georg Wilhelm Hegel, and Friedrich Nietzsche (Zima, 1999, p. x). Deconstruction, for example, has arguably emerged out of the phenomenological tradition of Edmund Husserl and Martin Heidegger from which Jacques Derrida borrowed the term “deconstruction” itself (Lawlor, 2014, p. 122). Derridean deconstruction is possibly a continuation of the Heideggerian and Nietzschean projects in some of the readings to his postmodern hermeneutics (Palmer, 1983, p. 66). Nietzsche operates profoundly behind the critiques of poststructuralists, such as Derrida and Michel Foucault, in a way that exceeds the influence Marx and Hegel had on their systems (Palmer, 1983, p. 63). Foucault’s Nietzscheism is different from Derrida’s as Foucault is more interested in Nietzschean themes as the constructedness of human knowledge, the pervasive role

of interpretation, and the influence of interests on all forms of knowledge (68–69). Foucault's problematization of "genealogy" owes much to Kant's "critique" as much as it owes to Nietzsche (Koopman, 2013, p. 7).

As for 'critical theory,' there are three different meanings for 'theory' in which two are more prominent in dominant understandings of 'critical theory' and one is revolutionary in its breadth, opening up 'critical theory' to feminism, postcolonial theory, and decolonial theories among others (Allen, 2016, pp. xi–xii). The first meaning refers to German 'critical theory' which extends from the first generation of theorists Max Horkheimer, Theodor Adorno, Herbert Marcuse, Walter Benjamin among others to the second-generation including Jürgen Habermas, and the third generation of Axel Honneth, and Rainer Frost in Europe, Thomas McCarthy, Nancy Fraser, and Seyla Benhabib in the US (Rush, 2004b, p. 1; Allen, 2016, p. xi). The second meaning refers to French critical theory which includes figures as Derrida, Foucault, Deleuze among others (Allen, 2016, p. xi). Setting aside the debt postcolonial studies owes to French critical theory, German critical social theory has puzzlingly refrained from any serious engagement with postcolonial and decolonial theories despite its emphasis on emancipation (Allen, 2016, p. xiv). In some of Habermas' communication and lectures, an awareness of Eurocentrism, colonialism, and imperialism is manifest, yet this does not translate into any lengthy engagement on Habermas' part towards postcolonialism and decolonial theories (Mendieta, 2019, pp. 310–312). Addressing the conceptualizations of 'normativity' in German critical theory, Amy Allen concludes that Habermas and Honneth strand are "neo-Hegelian" while Frost's strand is "neo-Kantian" (2019, p. xv). Similar to the centrality of Kant, Hegel, and Nietzsche in literary theory, German critical theory centralizes Kant and Hegel one way or another, after it used to privilege Kant and Marx in its early twentieth-century roots (Rush, 2004a, p. 9). The third-generation

critical theorist Axel Honneth thinks that critical theory emerged from the European intellectual history that stretches from Hegel to Freud (2004, p. 336), which extends the genealogy of German critical theory to Freudian psychoanalysis as well.

Eighteenth and nineteenth-century German philosophy is, hence, central to the critical impetus of German and French critical theories. As much as western, and western-styled critical project finds lineage in Kant, Kant's system is still part of the western philosophical tradition. Despite the egalitarian basis of the northern Enlightenment, theories conceived in this period paradoxically favored the interests and color of Europeans over the interests of the non-west (Bernasconi, 2002, pp. 145–146; Hoffmann, 2016, p. 55). Western Cosmopolitanism was born wedded to racism as first briefly observed by Horkheimer and Adorno (Bernasconi, 2002, p. 146). Kant was front and central in the establishment of 'race' as a dividing line between human beings before the birth of scientific racism (Bernasconi, 2002, pp. 146–147; Hoffmann, 2016, p. 55). Despite his criticism of colonialism in general, Kant was very selective in his choices of texts that support his assumption that Black people and Native Americans are inferior to White people (Bernasconi, 2002, pp. 148–149). His definition of 'race' arguably strengthened the case against race mixing as well (Bernasconi, 2002, p. 155). One of the constant beliefs that Kant held throughout the years is that interracialism is against the order of nature, existing without having a natural ideal of beauty (Hoffmann, 2016, p. 69). Kant's aesthetic philosophy admits racial appearance as a criterion to classify individuals as belonging to different species. For Kant of the late 1700s, different races mean different species in contrast to his earlier monogenetic theory of race (Hoffmann, 2016, p. 58). Troublingly, the zenith of his critical period in the late 1700s saw Kant endorsing racism which conflicts with those who view Kant's racism an artefact of his earlier philosophy (Fleischacker, 2023, pp. 7–8). His views of

racism evolved in conjunction with the development of his critical philosophy which would paint Kant as “a racist egalitarian” (Hoffmann, 2016, p. 74), an inherently paradoxical descriptor that underlines the conflicting currents in Kant’s thought and the incessant attempts to rehabilitate Kant’s philosophy in the wake of its failings in relation to ‘race.’

It took postcolonial theory a while until it started to subject German theory to the same critique it applied to other mainstream European texts with most of the critiques directed at Hegel’s *Lectures on the Philosophy of History (LPH)* (Mandair, 2006, p. 15; Steinmetz, 2006, p. 3). This postcolonial critique emerged from the late 1980s to the early 2000s. Robert Bernasconi (2000) still insists that it is a rarity in scholarship to examine Hegel’s understanding of ‘race’ in his *LPH* (p. 171), in which he must be referring to the scholarship of philosophers rather than among literary scholars and postcolonial critics. In *LPH*, geography underlies Hegel’s philosophy of history as Habib observes (2017, p. 8). Africa is associated with the sensory sphere, much like how he views women in the context of family life. Both are linked to the realm of immediate, particular existence—an identity defined by isolation from broader, universal connections. Africa, in this sense, represents irreducible particularity, characterized by its detachment from the dynamic processes of history and abstract, unchanging identity (Habib, 2017, p. 9). With the exception of Egypt dealt with as a province of Persia, Africans are perceived as lacking motivation toward cultural development and exhibiting no signs of advancement (Bernasconi, 2000, pp. 184–186). Following the first three phases of history—i.e. the Oriental World, the Greek World, the Roman Empire, the fourth phase encloses ‘Mohammedanism’ and Christianity under the aegis of the “spiritual empire of subjectivity” (Hegel, 1980, p. 205; Habib, 2017, pp. 10–13). Islam, in other words, is too abstract, “accompanied by total indifference towards worldly things, and “a more primitive system than that of Christianity” (Hegel,

1980, p. 206). It is not only *LPH* that is seldom approached as a eurocentric cultural text, but also Hegel's *Lectures on the Philosophy of Religion* (*LPR*) is another accessible text that speaks to Hegel's Eurocentrism. *LPR*, furthermore, started to receive some critical attention from postcolonial theorists as Ronald Inden, Gayatri Spivak, and Pheng Cheah also decades after the emergence of postcolonial theory only in the context of India (Mandair, 2006, p. 17). In *LPR*, Islam is described as "a perfect formalism that allows nothing to take shape in opposition to it" (Hegel, 1985, 3: 218). The Islamic doctrine, Hegel adds, centers on the "fear of God" (Hegel, 1985, 3: 218). Islam is antithetical to Christianity since they both occupy a similar sphere in terms of religious consciousness (Hegel, 1985, 3: 218). In a throwback to *LPH*, Islam is depicted by Hegel as a religion that "hates and proscribes everything concrete." In Islam, "human beings retain for themselves no purpose, no private domain, nothing peculiar to themselves" in contract to Christianity (1985, 3: 243).

The case of Nietzsche is different from that of Kant and Hegel since his critique of western philosophy found its way to French critical theory via Foucault and hence postcolonial theory. Edward Said's *Orientalism* (1978) is riddled with references to genealogy from which one is presented so early as one of the central aims of the treatise, i.e., to cast a new light on orientalist's intellectual genealogy (p. 24). In William Spanos' assessment, the Foucault of *Orientalism* is the Heideggerian/Nietzschean genealogist of *Discipline and Punish* (2009, p. 69). It is also argued that Said is no genealogist because of his concern with truth which runs contrary to 'genealogy,' and, hence, he is a structuralist rather than a poststructuralist (Naicker, 2015, pp. 106–146). Setting aside the debate on whether Said's 'genealogy' is an appropriation or a misappropriation of Foucault and hence Nietzsche, Nietzsche is called upon twice by Said—one in relation to philology and the other in relation to 'truth' and 'language,' underscoring the illusory foundations of truths in general which can be

extended to the kind of truths presented by orientalist (1978, p. 131, 203). Apart from ‘genealogy,’ ‘*ressentiment*’ is more recognized as one of the misappropriated Nietzschean terms in the anticolonial and postcolonial theorizations of Franz Fanon, and Edward Said (Naicker, 2019, pp. 61–62), demonstrating the myriad ways Nietzsche had indirectly shaped early anticolonial/postcolonial theorizing. Some recent decolonial readings of western philosophy find Nietzsche appealing given his emphasis on the subjectivity of truth of philosophy (Soldatenko, 2015, pp. 138–158). In relying on Nietzsche’s system, there is the risk of extending the ‘cognitive empire’ of the west into the non-west instead of fostering a dialogue between philosophical traditions without the typical hierarchy of being. Left undefined by Santos (2018), the “cognitive empire” is the same as the “metaphysical empire” of Ngũgĩ wa Thiong’o, the “empire of the mind” of Robert Gildea, and the “intimate enemy” of Ashis Nandy (Ndlovu-Gatsheni, 2023, p. 40). This same western cognitive empire has always led to epistemicides, linguicides, culturecides, and alienation (Ndlovu-Gatsheni 2021, p. 886).

Appropriating/misappropriating critical tools from western ‘theory’ is one point that sets critical theories from the west from critical theories from the non-west. Postcolonial theory embodies the first strand, whereas decolonial theories embody the second. On the subject of Nietzsche, the nonwestern critical theorist Enrique Dussel groups Nietzsche with Hegel and Heidegger, declaring them to be “phenomenologists of European centrism” (2003, p. 54). Heidegger and Nietzsche’s critiques of western modernity are also recognized as part of the critiques that emerge from the center (Dussel, 2013, p. 37). Although nineteenth-century ‘racism’ among philosophers was different from the biological, essentialist approach to ‘race’ that characterizes the eighteenth century, other forms of racism existed in his thought (Bernasconi, 2017, pp. 55–56). Nietzsche expressed interest in Europe maintaining a semblance of ‘racial purity’ that

mimics the Greeks, eventually leading to a European super-race (Nietzsche, 2011, p. 181; Bernasconi, 2017, p. 57). In relation to the larger question of colonialism and slavery, Bernasconi's research shows that Nietzsche approved of cruelty against Africans in order for Europeans to be able to master them (2017, p. 60). He actively referenced Congo without seizing the chance to comment on the monstrosities committed by the Belgians against Africans (Nietzsche, 1980, 12: 471; Bernasconi, 2017, p. 60). In 1884, Nietzsche commended slavery as a way for "spiritual discipline" and "breeding" (2014, p. 84; Bernasconi, 2017, p. 61). On 'breeding' and eugenics, Nietzsche's editors obscure the occurrence of 'breeding' by replacing it with 'cultivation,' which shows how Nietzsche's apologists go above and beyond to conceal this other side of him (Bernasconi, 2017, p. 59). It is a combination of the utility of Nietzsche's critique of western philosophy and the apologism of his defenders that obscured these views espoused by the nineteenth-century German philosopher. This is neither a call to dismiss colonial critical and literary theory nor to denigrate the western philosophical tradition. Decolonization requires us to contend with the failings of western 'theory' and to understand how western philosophy legitimized colonialism and imperialism as well as how it managed to extend western hegemony over the planet. Decolonizing 'theory' requires us also to unlearn the neat western divisions between the religious and the secular (Gordon, 2019, p. 23). It also requires us to learn more about the darker side of 'theory.' We owe it to ourselves to undo the damage done by 'theory' via opening up 'theory' to other nonwestern critical traditions like that of Enrique Dussel and Aníbal Quijano among others. 'Theory' should not be bound by any arbitrary temporal or spatial divisions mandated by colonial western 'theory.' Euromodernity is not the only modernity to happen since the dawn of human beings on the planet. This directly means that one should also examine all the pre-1500s theorists who



critically advanced knowledge in their respective epistemic domains with the aim of foster further interdependence between knowledges.

### **The Case Study of Sayf al-Dīn al-Āmidī’s *Ghāyat al-Amal fī ‘Ilm al-Jadal***

A survey of seventh/thirteenth century Arab-Islamic philosophizing in the East has to reflect on the understudied contribution of Sayf al-Dīn al-Āmidī (d. 631/1233) and subject the established separation between early *kalām* and *falsafa* to critique. As the famed North African historian Ibn Khaldūn reports in his *Muqaddima*, al-Āmidī was one of two renowned masters of *kalām* in the post-Ghazālīan/Avicennan philosophical tradition (1984, p. 554). Trained in *uṣūl al-dīn*, *‘ilm al-khilāf* [juridical disputation], *fiqh*, *jadal*, and *falsafa/ḥikma* (Hassan, 2020, pp. 8–10), al-Āmidī authored *Ghāyat al-amal* [The Ultimate Hope in the Discipline of Dialectic] at the crossroads of multiple interdependent disciplines around one century before the epistemic consolidation of *jadal* in *ādāb al-baḥth wa-al-munāẓara* at the hands of Shams al-Dīn al-Samarqandī (d. 722/1322). The eleventh/sixteenth century biographer and historian Ibn ‘Imad al-Ḥanbalī reports that al-Āmidī was a master of *baḥth* (1986, p. 254), which signifies that Sayf al-Dīn’s dialectical treatises have been *madrassa* textbooks in the later discipline of *ādāb al-baḥth* (Brentjes, 1997, p. 32). *Ghāyat al-amal* seems to be the only surviving Āmidian treatise that mainly studies dialectic, and hence it is consequential in appraising al-Āmidī as a dialectician. In Walter Edward Young’s developmental view, the religious dialectic in Islam went from (i) “proto-system teachings and practices to full-system theories,” to (ii) “post-Avicennan logicizing of theories,” ending with (iii) “supremacy of the *ādāb al-baḥth wa-l-munāẓara*” (2021). Sayf al-Dīn could be situated in the second major stage of development that brings the Avicennian philosophical system into dialogue with the legal and theological works of Abū Ishāq al-Shīrāzī (d. 476/1083) and Abū Ḥāmid al-Ghazālī (d. 505/1111) (Young, 2021). Specific to al-

Āmidī's *Ghāyat al-amal* is the intersection of *'ilm al-nazar*, *fiqh* and *jadāl* that transcends a singular legal origin and demonstrates the logicization of the religious dialectic from the fifth/eleventh century through seventh/thirteenth century. Contrary to the established view that al-Ghazālī completed his project of Avicennizing jurisprudence (Eichner, 2022, p. 55), other later sixth/twelfth century scholars, such as al-Āmidī and Fakhr al-Dīn al-Rāzī (d. 606/1210), arguably oversaw the Avicennization of juridical *jadāl*. Al-Āmidī's treatise seems to be heavily influenced by the Eminent Master Ibn Sīnā in continuation to al-Ghazālī's critical project of logicizing jurisprudence.

The attention to consolidate the presence of *falsafa* in the juridical dialectic arguably sets al-Āmidī apart from al-Ghazālī. The influence of the *falsafa* tradition on in al-Ghazālī's *Muntakhal fī 'ilm al-jadal* [The Elect in the Knowledge of Dialectic] is mostly limited to the introduction where he mentions the following: "And, now, since [the following] became evident: the quaesitum [*maṭlūb*] of this knowledge, its utility, its definition, the sum of what you attempt to mentioned in this *Muntakhal* from the commentary on *jadāl* is restricted by two sections" (2004, p. 311). The importance of the dialectic in al-Āmidī's system is captured by Bernard Weiss (2012) who argues that "the highest reaches of the knowledge of God and the Godhead are accessible through the methods of the dialectic." The departure point for reading al-Āmidī's *Ghāyat al-amal fī 'ilm al-jadal* [The Ultimate Hope in the Knowledge of Jadal] lies, then, in the juxtaposition he makes in the prologue between his work and the famed *jadālī* treatise of Sharaf Shāh al-Sharīf al-Marāghī (d. 543/1148-9)—known as *Ghunyat al-mustarshid wa-munyat al-Rāshid* [The Wealth of the Seeker of Guidance and the Aim of the Rightly Guided] (2020, p. 61). Al-Marāghī is another major dialectician of the late fifth/eleventh and mid-sixth/twelfth centuries who is almost not present in the contemporary scholarship on the Arab-Islamic dialectic. Ibn Qāḍī Shuhbah (d. 851/1448) reports that al-Marāghī excelled in

*fiqh* to the degree that he became one of the foremost jurists who use *naẓar* [*anẓar al-fuqahā'*] (1994, 1: 357). As evidence for the wide reception of al-Marāghī's *Jadal*, there is at least one known commentary that has been produced by al-Ḥasan ibn al-Qāsim ibn Hibat Allāh al-Baghdādī al-Nīlī (d. 712/1313). Al-Ḥawshānī notes that the famed *Ghunya* is divided into three sections: the commonly used terms by jurists, indicants and their validity, and objections and disjunctions (1429/2008, p. 96). Given the centrality of the dialectic in his system and the utility of *falsafa* to jurists, al-Āmidī had to wade in the domain of juridical dialectics with his treatise.

Al-Āmidī's complete dissatisfaction with the form and content of al-Marāghī arguably stems from his intimate knowledge of the Avicennian philosophical system. The Anatolian Ash'arī scholar already produced a refutational commentary of al-Rāzī's own explication of Ibn Sīnā's *al-Ishārāt wa-l-tanbīhāt* titled *Kashf al-tamwīhāt fī sharḥ al-ishārāt wa-l-tanbīhāt*, demonstrating his active engagement with Avicennian philosophy. It is strongly possible that this commentary was chiefly produced to counter the fame of al-Āmidī's rival, i.e. Rāzī. *Kashf* yet shares a similar theme to that is foregrounded in *Ghāyat*, which is to popularize the philosophical sciences [*al-'ulūm al-ḥikmīya*] against the background of the widely circulating commentaries that fouts the novice and the untrained with sophistries and errors (2013, p. 37). In al-Āmidī's words in *Ghāyat*, al-Marāghī attempted to avoid the drawbacks of the widely circulated *jadali* treatises which stray away from the specific *maṭlūb* in some places, and condenses its material in a way that leaves readers unable to fathom their aims [*maqṣūd*] (2020, p. 61). Al-Āmidī's treatise is a self-proclaimed refined, regulatory work [*dabṭ*] that stands in juxtaposition to the disarray [*khabṭ*] of his rivals and the pitfalls of the established verifiers [*maḥqqqīn*] (p. 61). Al-Āmidī's position draws a line between *jadal al-mutakallimīn* and *jadal al-fuqahā'* as represented by al-Marāghī, unraveling momentarily the project of his

predecessors to draw boundaries between *fiqh*, *kalām*, and *falsafa*. The significance of al-Āmidī's stance is that it debatably ushered the wave of Avicennizing *jadāl* in continuation to the efforts of al-Ghazālī in legal theory, inaugurating a new philosophical conjunction between the *falsafa* tradition and the *fuqahā'* tradition. Al-Āmidī's project does not seek to alienate *fuqahā'* rather than introducing them to a novel logical presentation of the knowledge of *jadāl*.

*Ghāyat*'s introduction concisely addresses the logical foundations of *jadāl* through familiarizing the audience with the most basic logical assumptions that bear on the study of *jadāl*. It is worth noting that al-Āmidī does neither openly recognize this logical kernel nor allude to logic explicitly in the entire treatise. In a few instances, he cites an unnamed treatise in an unnamed *fann* where students could find lengthier elaborations on given logical concepts (2020, p. 72). As for the same introduction, theoretical quaesita [*maṭlubāt naẓarīya*] are said to be either simple [*mufrada*] or composite [*murakkaba*] that are informed by the wider context of explicatory statements or proofs (p. 63). The division is inherently logical since all terms are classified into simple and composite (Ibn Sīnā, 1960, p. 143; al-Āmidī, 2019, 1: 35). The jurist is introduced to quaesita, theoretical knowledges, types of terms, and the kinds of iterations that fashion arguments. In a typical programmatic move by al-Āmidī as attested by his *Daqā'iq* –for example, the description of *jadāl* as per the scholars of *shar'* is swiftly provided: “it is a craft's law through which the states of investigations whether they are wrong, or right are known in a way that removes from the deliberating scholar and the disputant any doubt or suspicion” (p. 63). Intriguingly, none of the al-Āmidī's predecessors describes *jadāl* as a *qānūn*; furthermore, there is a marked accent on truth/false as opposed to the highly charged *uṣūlī* dichotomy of *ḥaqq/bāṭil* present in al-Juwaynī and al-Ghazālī. Contrary to al-Āmidī's assertion of following the tradition of *shar'*, it is Ibn Sīnā in *al-Shifā'* who both briefly refers to what is termed *al-*

*qānūn al-jadalī* and rejects the association of *jadal* to verities while implying that dialectic works via removing from the learner's soul any disapproval [*istinkār*]. In the context of discussing the reliance of dialectical syllogism on endoxa in premises, Ibn Sīnā describes induction in the elucidation of endoxic premises as an instance of *al-qānūn al-jadalī* (1960, p. 109). It is already established in *Jadal* that all crafts follow universal laws [*qawānīn kullīya*] which act as criteria [*ma'āyīr*] to this craft (1965, p. 21). Nonetheless, the choice to describe *jadal* primarily as a law is al-Āmidī's. Most probably, what begets doubt or suspicions in *jadal* is the probabilistic nature of dialectical knowledge on many occasions, an eventuality that is acknowledged by Ibn Sīnā and al-Ghazālī in their respective dialectical treatises (1965, p. 135; 2004, p. 305). It also follows that for the *falsafa*-minded scholar al-Āmidī the question of *ḥaqq/bāṭil* must be disentangled from *jadal*. Relevant to that probable line of thinking is Ibn Sīnā's reflection on the relationship between truth and *jadal* in *al-Khaṭāba* from *al-Shifā'*. At the crossroads of *burhān*, *khaṭāba*, and *jadal* comes the iteration that *jadal* could never signify truth since the dialectical craft is predisposed to engaging with opposites and is mainly based on endoxa (1954, p. 3). It is also added that *jadal* may be used to inculcate students with the principles of a given craft through which the mentor attempts to dispel any sign of disapproval from the soul of the learning student, and to compel him/her to incline probabilistically towards one side of a pair of opposites (1954, p. 3). This may have also factored in the decision of al-Āmidī to render the definition of *jadal* in more neutral, logic-oriented terms.

The clandestine Avicennization of *jadal* continues unabatedly in the rest of the introduction. In defining the subject of the discipline, al-Āmidī, in *Ghāyat*, asserts that a discipline researches the matters that are accidental to its essence, and since *fuqahā'* interest in *jadal* extends to the explicatory statements and proofs, both are declared to

be the subject of *jadal* as a science, cementing the logical character of the discipline. Although he does not reference here the *taṣawwur/taṣdīq* dichotomy, Ibn Sīnā's statement in *Ishārāt* must have shaped his twofold division of the subject of *jadal*:

It is customary to call the thing by means of which the sought conceptualization is attained "an explicatory statement," which includes definition, description, and what resembles them; and to call the thing by means of which the sought assent is attained "proof." which includes syllogism, / induction, and their like. (1960, p. 136; 1984, p. 49; modified trans.)

In the first chapter of the first *fann*, al-Āmidī openly breaks with the tradition of dialecticians, signaling a shift from the clandestine critique of *fuqahā'* in the introduction to an explicit attack on the prevailing dialectical tradition of his age. This shift slowly demonstrates that it is acceptable to lambast dialecticians in contrast to *fuqahā'*. It also evidences al-Āmidī's intent not to antagonize jurists in the pursuit of popularizing recasting *jadal* to fit the Avicennian philosophical system. Contrary to the tradition of dialecticians who open their treatises with descriptions of the commonly used terms among jurists, al-Āmidī's first stated aim in this chapter is to introduce the craft of composing an explicatory statement [*ta'līf al-qawl al-shāriḥ*] (2020, p. 65). Departing from this contention, he concisely defines *dhātī* [essential], *jins* [genus], and *'arḍī* [accidental] with the first and the second subclassified into 'general' and 'particular' and the last encompassing the 'general accidental' (pp. 65–67). Typically, the logician has to be introduced to these terms, and they may also need to grasp how an explicatory statement is composed (Ibn Sīnā, 1960, p. 138); nevertheless, the jurist and the dialectician are also meant to be acquainted with these terms as al-Āmidī establishes in this chapter.

In the second chapter, al-Āmidī delves into the most important types of questions [*ummahāt al-maṭālib*]*—*a phrase he borrows from

Ibn Sīnā (1960, p. 489)—that subclassify an explicatory statement into *ḥaqīqī* [real], *rasmī* [descriptive/standard], and *lafẓī* [nominal/formal]; these questions are as follows: *hal* [is], *mā* [what is], *ayy* [how], and *lama* [why] (2020, p. 67). For each, a brief definition or example is given, and the more challenging aspects of these statements are given more ground in his exposition. For instance, it is asserted that *ḥadd* and *rasm* are harder to grasp, requiring an introduction to the basic tenets of signification [*dalāla*]*—*the latter includes *dalālat taḍammun* [signification of containment], *dalālat muṭābaqa* [signification of correspondence], and *dalālat iltizām* [signification of concomitance] (pp. 68–29). The chapter so far covers the basics of logic up to its second half which is dedicated to the acquisition of explicatory statements and the types of objections raised against them (pp. 71–76). Only this mention of *iʿtirāḍāt* signals the shift towards the juridical *jadal* tradition which has not been called upon in the discussion of many pivotal concepts such as *dalāla*. His readership, by then, will have to recognize that the juridical *dalāla* [indication] is distinctive in comparison to the *falsafa dalāla* [signification].

Al-Āmidī makes the case that *manʿ* and *muʿāraḍa* are null and void in relation to *ḥadd* and *rasm* with the notable exception of the juridical dialectical act of *naqd* (p. 75). The jurisprudent is either conscious of the validity or invalidity of *ḥadd* or aware of one’s ignorance (74). In the laws of the dialectic [*sharʿ al-jadal*], the *mustdil* should not ascribe the impossible to a given *rasm*, knowing that denial is not an option and showing inconsistency is challenging. Denying a *ḥadd* is also unheard of and not because the acquisition of definitions is through demonstration [*burhān*] (74). As is characteristic of his presentation, he does not elaborate on the reasons due to the strictly logical nature of the question. Pertaining to the dialectical act of *naqd* which aims at demonstrating the invalidity of *ḥadd*, al-Āmidī addresses its core operation and leaving its operational definition to the last third of his treatise: “And know that [showing] inconsistency

in definition is either by putting forward the definition and not the defined, or via putting forward the defined and not the definition—the first is termed according to dialecticians *naqd*, and the second is called ‘*aks*’ (p. 75). If the *mustdil* is unable to rebut the first suboperation in the presence of definition and the second suboperation in denying its absence from the defined, he is considered *munqt* (p. 75). It is notable here that the dialectical act of *inqiṭā’a* [failure to substantiate] intersects with *naqd* contrary to al-Ghazālī who subordinates *inqiṭā’a* to the larger dialectical act of *man* [denial] (2004, p. 400). In the next chapter, al-Āmidī admittedly turns to the descriptions common among jurists in their exchanges, specifically the two rules of *dalīl* and *ḥukm* (p. 76). The first is defined as “whatever could guide through the [implementation] of sound *naẓar* to a given *maṭlūb*” (p. 76), while the second is summarily defined as a *mushtarak* [equivocal] term that encompasses *ḥukm taklīfī* [legally mandated ruling] and *ḥukm waḍ’ī* [laid down ruling] (p. 96). *Maṭlūb* and *lafẓ mushtarak* are two logical terms. Both definitions as expected by now, are defined in a language that appropriates the logical to the juridical contrary to al-Āmidī’s assertion that he is actively following the juridical tradition.

*Naẓar*, which appears in the definition of *dalīl*, becomes prominent in the epilogue to the second *fann*. The Āmidīan formula also brings *manṭiq* on a technical level into the crucible of knowledges making up *jadāl*. For the philosophically minded jurist al-Āmidī, the noble *‘ilm al-naẓar*, synonymous with *kalām*, is understood to rank atop the hierarchy of scholarly endeavors (103). Entitled “*Fī al-ḥujaj wa-huwa al-maqṣūd al-kullī min Hādhā al-‘ilm*” [On proofs/arguments which is the universal purpose of this knowledge], the second *fann* ventures into the technical acts of the juridical dialectic after concisely casting it in the logical vocabulary of *ḥujaj* and *al-maqṣūd al-kullī* (pp. 103–211). In the Avicennan system, *ḥujja* is more universal than *qiyās*, as it includes *qiyās*, *istiqrā’* and their likes evident in the abovementioned quotation (1965, p. 136). Al-



Ghazālī, in his *Mi‘yār*, reiterates the same formula: “what leads to assents is called “proof” which includes syllogism, induction, and else”, while stating that all types of syllogisms are all categories of proofs/arguments [*aṣnāf al-ḥujja*] (2013, p. 36). In the relevant context of Ibn Sīnā’s *Jadal*, it is pointed out that *al-ḥujja al-jadalīya* is broader than *al-qiyās al-jadali* (p. 25). It follows that al-Āmidī would choose *ḥujja* to be the universal purpose of *jadal* as it includes *qiyās* and *istidlāl*—the legal and juridical cousin of the philosophical syllogism and induction, along with the conventional juridical proofs of *kitāb*, *sunna*, and *ijmā‘* used in matters of *ẓann* (p. 110). Al-Āmidī’s choice, hence, is in alignment with both Ibn Sīnā and al-Ghazālī. One point of departure with Ibn Sīnā’s *Jadal* is his centralization of the question of *mā* in the pursuit of *ḥujaj* (p. 103). Unlike the definitively dialectical question of *lama*, the question of *mā*, in Ibn Sīnā’s system, is said to be an educational question except in two cases: the what is [*mā ‘īya*] that targets a term’s signification as used by a respondent in his/her turn, and the conversion of *mā* to *hal* up to the moment when the respondent contradicts the questioner and brings forward an opposite (1965, pp. 79–80). It is the text of *Ishārāt* that prioritizes the question of what is (1960, p. 490), yet it does not establish it as the foremost question in pursuing proofs in the manner *Ghāyat* seems to suggest. This does not mean that al-Āmidī downgrades the question of *lama*; in fact, he subordinates it to the dialectical question of *muṭālaba*, dubbing it the most general of all the aims of *naẓar* (2020, p. 143). Interspersing his treatment of *muṭālaba*, multiple assertions are made that speak to the authority and reliability of *ẓann* in drawing rulings through the utilization of *sabr*, *munāsaba*, and *tarjīḥ* (pp. 154–167). As much as al-Āmidī follows the juridical tradition from al-Baṣrī to al-Ghazālī in relying on *ẓann*, he also follows the philosophical *jadal* that relies, to a lesser degree, on presumptions and probabilities. While Ibn Sīnā, in *Jadal* 1.1, speaks favorably of *ẓanūn* in particulars-focused syllogisms, he insists that near-apodeictic

structures supersedes the *ākad* from plausibles (1965, p. 10). In *Mi'yār*, al-Ghazālī endorses the plausible [*zanyāt*] to juridical matters [*fiqhīyāt*] (2013, p. 194). Pertaining to the substance of *muṭālaba* in *Ghāyat*, its technicality raises the question of what kind of *naẓar* is meant here and whether its operations are akin to the procedural dialectic espoused here or not. So far, al-Āmidī subscribes to a long juridical and *kalām* tradition that approaches *jadāl* as a tool for *naẓar*, yet he combines multiple traditional threads in simultaneously treating *jadāl* as a distinct body of knowledge. In such positions, the fuzzy demarcation lines between juridical *jadāl*, *falsafa jadāl*, and *naẓar* are apparent.

Apart from the aforementioned convergences between philosophical *jadāl* and juridical *jadāl*, there is an outstanding subchapter “Fī al-istidlāl wa-huwa ‘la ḍurūb” that is dedicated to the forms and figures of conjunctive conditional and expletive syllogisms as known among logicians (pp. 197–204). The subchapter lies between al-Āmidī’s long presentation of the dialectical acts and the final book section on *tarjīḥ*. Intriguingly, Ibn Sīnā’s *Jadal* does not elaborate on *iqtirānī* and *istithnā’ī* syllogisms, which must have prompted al-Āmidī to consult the influential *summa* he is heavily drawing on that is *Ishārāt*. In Ibn Sīnā’s *Jadal*, there are numerous references to conditional and exceptive syllogisms, but there is no direct mention of *iqtirānī* syllogism (e.g., 1965, p. 96, p. 125, p. 127, 138). Al-Ghazālī’s *Mi'yār* does not use these terms in the special book on syllogisms, as it elaborates on *ḥamlī*, *sharṭī mutṭaṣil*, *sharṭī munḥaṣil*, and *qiyās al-khalf* (2013, p. 111)—which are all found in the text of *Jadal*. Starting from the definition of *qiyās*, the resemblances between *Ghāyat* and *Ishārāt* are pronounced:

قول مؤلف من أقوال، إذا سلم ما أورد فيها قول مؤلف من أقوال يلزم من تسليها  
من القضايا، لزم عنه لذاته قول آخر. (، 1960 لذاتها تسليم قول آخر. (197، 2020)

(370

The syllogism is a discourse

composed of statements. If the propositions which the syllogism involves are admitted, this by itself necessarily leads to another statement. (1984, 130)

The choice to start by explaining the *iqtirānī* syllogism prior to the *istithnā'ī* syllogism is also informed by the text of *Ishārāt*, which departs from the conjunctive conditional to the expletive (p. 374). Simply put, it is because the *iqtirānī* syllogisms range from the simple categorical syllogisms to the complex conditional ones (2019, 1: 224; 1960, p. 375). One notable stylistic aspect of al-Āmidī's definition is his omission of the overtly logical terms such as *qaḍāyā*, but he is forced to keep *dhāt* of which his audience may be familiar with its *kalām* significations rather than the logical ones. The same strategy extends to the following definition of *qawl lāzim* [concomitant statement] (*Ghāyat* 2020, p. 197), which does not wrestle with the philosophical discussions of quiddities and constitutive essentials as expounded in *Ishārāt* (1960, pp. 154–165).

Al-Āmidī's subsequent definition of *iqtirānī* condenses the lengthy presentation found in *Ishārāt* in a short definition that falls upon the audience knowledge of Arabic grammar to approximate the meaning of subject and predicate:

As for the conjunctive conditional, it is composed of two premises in which each premise contains two terms, a subject and a predicate, **or a *mubtada'* and a *khbar***... أما الاقتراني: فهو مؤلف من مقدمتين كل مقدمة تشتمل على حدين، موضوع ومحمول، أي مبتدأ وخبر، لكن لابد أن يكون أحد الحدين بين المقدمتين مشتركا، والحدان الآخرين فيهما مختلفان. (2020, ) (p. 197; emphasis added)

The final strategy utilized by al-Āmidī in the examples provided for the syllogistic figures under the *iqtirānī* syllogism is the replacement

of the abstract logical notations of Ibn Sīnā with other cases his audience are more familiar with.

**Its first:** two universal affirmative that ends in a universal affirmative conclusion, its example: every ablution is an act of worship, and every act of worship lacks an intention, producing: every ablution lacks intention. الأول منها: من كليتين موجبتين ونتيجته موجبة كلية موجبة، مثاله: كل وضوء عبادة وكل عبادة تقتقر إلى النية، أنتج: أن كل وضوء مفتقر إلى النية (2020, p. 197; ) (emphasis in original)

Al-Āmidī resorts to this strategy whenever he touches on any logical concept whether in this chapter or the rest of the treatise. As for the other cited cases, they include examples of *bay' al-ghā'ib* [sales of unseen commodities/commutation] and *ribā* [usury] (199–201).

### Conclusion

Without opening up 'critical theory' to the critical, philosophical tradition coming from the left of the center and the nonwest as suggested by Amy Allen, 'theory' is colonial as it espouses theorizations that exclusively emerged in the west and made claims to the universality of its ideals and its applicability to other non-western domains abrogating the indigenous epistemic traditions of the non-west in the process. 'Theory' is colonial, because it obscures a latent Eurocentrism in its iterations. It is colonial, because its modern proponents refuse to deconstruct the very cultural systems that gave form to these theories. It is colonial because of all the dehumanization the non-west is subjected to by its founding fathers. It is colonial because the omission of the 'religious' in the case of Arab-Islamic 'theory' can be construed as a continuation to the negative stance the forefathers of 'theory' maintained towards the non-west. 'Theory' is

colonial as long as it maintains invisible lines that divide scholarship coming from the global north from that knowledge produced in the global south. Without recentralizing and de-provincializing non-western thought, the ‘cognitive empire’ of the west extends as far as the thought of these figure can reach. A path of epistemic decolonization would suspend disciplinarity as imagined in the west and venture into the rich sources of the pre-1500 Arab-Islamic civilization which would include *uṣūl*. The Avicennization of *uṣūl* at the hands of scholars as al-Āmidī offers an opportunity to demonstrate the growing philosophization of Islamic jurisprudence. It also paints al-Āmidī as a critical theorist of the pre-1500s, evincing the rich intellectual life of Muslims following the formative period of Arab-Islamic philosophy.

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