Published: June 15, 2009
Last Updated: September 27, 2017

JOVAYNI, EMĀM-AL-ḤARAMAYN

JOVAYNI, EMĀM-AL-ḤARAMAYN, Abu'l-Maʿāli ʿAbd-al-Malek b. ʿAbd-Allāh b. Yusof (b. Boštanekān, near Nišāpur, 18 Moḥarram 419/17 February 1028; d. Boštanekān, 25 Rabiʿ II 478/20 August 1085), a noted Shafiʿite scholar of the 11th century. He was born into a learned family, and his early education was undertaken by his father, ʿAbd-Allāh b. Yusof Jovayni (d. 1047). Among his subsequent teachers, the most important was the prominent Ashʿarite theologian, Abu'l-Qāsem ʿAbd-al-Jabbār Eskāfi Esfarāʾeni (d. 1060). Theological controversies in Khorasan under the Saljuq rule (often but not indubitably associated with the denunciation of Ashʿarism by the Saljuq vizier, ʿAmid-al-Molk Kondori) led to Jovayni's exile. The dates of this are not certain: he was compelled to leave Nišāpur around 1053; after spending some time in Baghdad, he ultimately reached Mecca and Medina in 1058, where he spent four years—hence the title, Emām-al-Ḥaramayn (Imam of the Two Sanctuaries). The ascendancy of the famous Saljuq vizier, Neẓām-al-Molk (d. 1092, q.v.), whose administrative policy included a concerted effort to patronize religious scholars, allowed for Jovayni's return to Nišāpur around 1063 (the date of the imprisonment and death of the above-mentioned ʿAmid-al-Molk Kondori). Neẓām-al-Molk appointed Jovayni teacher and eventually director of the first of a number of schools (*madrasa*) founded by him, al-Madrasa al-Neẓāmiya in Nišāpur, a post Jovayni held until his death, which is believed to have occurred in his native village of Boštanekān, in 1085. As a leading Ashʿarite theologian of the Khorasani branch of the school, Jovayni

was in direct contact with other Ashʿarite luminaries from Khorasan, such as Abu Bakr Bayhaqi (d. 1066) and Abu'l-Qāsem Qošayri (d. 1074). He left a legacy not only in his writings, a number of which were the object of commentaries for centuries to come, but also in his disciples, the most famous of whom was Abu Ḥāmed Moḥammad Ḡazāli (1058-1111, q.v.).

Jovayni's scholarly activity can be summed up as a quest for certainty of religious knowledge. In general, he was motivated by two challenges, both of which needed to be met if skepticism (that is, doubts about religious truth) was not to spread: a sectarian milieu where competing theological claims among Muslims themselves held out the prospect of irresolvable theological contradiction and thus the impossibility of ascertaining truth; and the spread of beliefs and practices that struck the rational mind as superstitious and intellectually indefensible, thus exposing the religion to theological ridicule (e.g., *Al-Eršād elā qawāṭeʿ al-adella fi oṣul al-eʿteqād*, pp. 128-29, where Jovayni criticizes the literal-minded belief that the written representation of God's speech is actually God's speech, leading common people to pay undo reverence to Qurʾānic verses inscribed in material form). One way Jovayni dealt with the theological chaos was to set up a hierarchy of belief, where only belief that was rationally defensible could be counted as religious knowledge, rendering the belief of those who received it from others (*taqlid*) inconclusive in the end (Frank, pp. 53-57).

In general, then, while Jovayni was an ardent defender of traditional Islam, it is more accurate to describe his aims in terms of a systematic (and only then apologetic) presentation of the faith. His writings show him at times quite ready to part ways with his Shafiʿite and Ashʿarite forebears when he feels that a sounder argument can be made. Rather, his overarching goal was the creation of a rationally sound and universally comprehensive system that could account for the theological, legal, and political aspects of the traditional Sunnite Islam of his day. Jovayni did not initiate this trend to rational systematization—Bāqelāni (d. 1012) stands as an important forerunner—but he did bring it to a new height (Nagel). The desire to dispel ambiguities that touched upon the truths of religious knowledge can also explain his support for Neẓām-al-Molk. In other words, the scholarly work that he dedicated to the Saljuq vizier ought not to be reduced to political interests, but should rather be seen as symbiotic: Jovayni had hoped that this leading political figure would unite Islam not only in a socio-political sense, but also in a religious one, through enforcing theological parameters within the realm, preferably by

persuasion but also by force if necessary, so as to eradicate the ambiguities that threatened certainty of belief (*Ḡiāṯ al-omam*).

His writings that have reached us are essentially devoted to theology (*ʿelm-e kalām*) and law (*feqh*). In the realm of theology, Jovayni composed *al-Šāmel fi oṣul al-din*, a theological summa amounting to a lengthy explanation of Bāqelāni's commentary on Ašʿari's *Lomaʿ*. This book was abridged and refined as *al-Eršād elā qawāṭeʿ al-adella fi oṣul al-eʿteqād*, which in turn was pared down to a short summary, *Lomaʿ fi qawāʿed ahl al-sonna wa al-jamāʿa*. Overall, these three works comprise a single theological outlook. In contrast, Jovayni's last work on theology, a short treatise dedicated to Neẓām-al-Molk (and thus best read as a companion piece to a second work dedicated to Jovayni's patron, *Ḡiāṯ al-omam*, see below) and entitled *al-ʿAqida al-Neẓāmiya* (also known as *al-Resāla al-Neẓāmiya fi al-arkān al-eslāmiya*), stands apart in many ways, less so in style and more in content (on its attribution to Jovayni, see Allard, pp. 399-400). Two other works of a theological orientation are worth mentioning: a short treatise on the distortion of Jewish and Christian scriptures, *Šefāʾ al-jalil fi bayān mā waqaʿa fi al-Towrāt wa al-Enjil men al-tabdil*; and an instruction manual on the technique and terminology of theological dispute, *al-Kāfiya fi al-jadal*.

In the realm of law, Jovayni composed a still unpublished compendium on *feqh*, *Nehāyat al-maṭlab fi derāyat al-maḏhab*, but also exhibited strong interest—perhaps due to his central interest in the intellectual underpinnings of religious knowledge—in the discipline of jurisprudence, in which he wrote a long and comprehensive work, *al-Borhān fi oṣul al-feqh*, a very concise summary, *Waraqāt fi oṣul al-feqh*, and an abridgement (and correction) of Bāqelāni's voluminous exposition of the nature of legal knowledge (*al-Taqrib wa al-eršād*), *al-Talḵiṣ fi oṣul al-feqh* (for a discussion of Jovayni's entire oeuvre, including commentaries on his works and manuscripts of both published and unpublished works, see the editor's introduction to *al-Kāfiya fi al-jadal*, pp. 12-25).

Although his works take up longstanding and well-known issues, his goal of demonstrating the rational comprehensibility and universal scope of the religion led him to articulate the faith in new ways. Certainly, for him, the content of religious knowledge (*ʿelm*) was to come from revelation. This, by his day, had become a prevailing point of view, of course, but Jovayni also understood the perils of giving too much scope to reason apart from an outside source of authority (the communal tradition), noting, for example, that

arguments based on nature (*ṭabʿ*) or universal intellect (*al-ʿaql al-kolli*) inevitably resulted in disagreement over particulars (*tafāṣil*; see *Neẓāmiya*, pp. 212-13). His thinking, however, was hardly obscurantist. For him, the intellect (*ʿaql*)—which, he claimed (*Eršād*, p. 360), revelation never contradicted—existed to understand the truth that revelation had conveyed.

Arguably, Jovayni's most important contributions to the development of Ashʿarite theology are his arguments for the existence of God and his multiple ways of classifying the divine attributes. One of his approaches to God's existence came out of a longstanding argument for the originated status of the world (thus connecting Jovayni to a line of thinking initiated by John Philoponus in the 6th century CE in refuting Aristotle's argument for the eternity of the world; see Davidson, pp. 388-91). On the basis of this argument, Jovayni demonstrated that this act of origination (*ḥadaṯ*) had to have happened not by necessity but by free choice—and thus by a being capable of that, namely God. More significantly, he introduced into Sunnite theology another approach to God's existence (*Neẓāmiya*, pp. 129-35), as necessary being in contrast to the world's contingent or possible (and thus not necessary) being. This development was made possible in an intellectual atmosphere that had quickly embraced (if not always accepted) the philosophical thinking of Ebn Sinā (Avicenna, d. 1037, q.v.): the philosophical distinction between necessary (*wājeb*, and thus uncaused) and contingent (*jāʾez*, thus caused and therefore possible but not necessary) seems to have stirred Jovayni to put aside Ashʿarite reservations about theological definitions that would apply the notion of necessity to God (Wisnovsky, pp. 91-94). It is worth noting that Jovayni's argumentation for the existence of God was philosophically refuted by Ebn Rošd (Averroes, d. 1198) in *al-Kašf ʿan manāhej al-adella fi ʿaqāʾed al-mella*.

Further philosophical distinction between necessary existence in itself (that is, as predicate) and necessary existence through another (that is, as a qualifier) was also taken up by Jovayni in his treatment of the divine attributes, as a way to preserve, against Muʿtazilite claims, the Ashʿarite position on their status as eternal (Wisnovsky, pp. 92-93) and, at the same time, to avoid the potential conclusion of a plurality in God's existence. First, it permitted Jovayni to think of God's attributes as entirely eternal, but divisible into the necessary and possible: the attributes of God's essence become his necessary attributes and the attributes of his acts become his possible attributes—in other words, God is necessary in himself while his actions are not (since they could always be

otherwise). Secondly, it allowed Jovayni to divide the divine attributes into another twofold classification: the essential (*nafsiya*), definable as necessary, eternal, and uncaused (that is, linked to God's essence—thus God's existence, eternality, omnipotence, uniqueness, and oneness); and the qualified (*maʿnawiya*, which Allard calls "entitatif," p. 387), definable as necessary, eternal, and caused (that is, from a cause subsisting in God's essence—thus God's knowledge, power, will, life, sight, hearing, and speech; see Saflo, pp. 118-56). A final classification, tripartite this time, divided God's attributes into what is impossible in the case of God, what is necessary, and what is possible (*Neẓāmiya*, p. 137).

So much of Jovayni's theological reflections hinge on his distinction between the divine as exclusively incorporeal and eternal (and thus necessary) and all else (what is other than God, that is, the world) as corporeal and contingent, that is, existing in time (and thus possible but not necessary), thereby in no way appropriate to a description of God. For example, Jovayni's understanding of divine speech rests on a clear distinction between its eternality, preserving the Ashʿarite position of its uncreated status, and its created, that is, contingent and corporeal, representation in human speech and writing (Allard, pp. 391-92). This compromise with the Muʿtazilite position was made possible by Jovayni's identification of speech in its true sense—drawing on a long-standing distinction between interior thought and exterior speech (going back to Greek philosophy as used by Muslim scholars in the classical period)—with the interior (that is, incorporeal) realm. God's speech, identifiable first and foremost with God's essence (*al-qāʾem be al-nafs*), as opposed to letters and sounds, is therefore eternally existent and uncreated in itself insofar as it is and has always been with God; it can, however, be communicated in a temporal and corporeal fashion for human comprehension—hence the letters and sounds of the Qurʾān as humanly understood. This distinction provided Jovayni with the intellectual foundation for another compromise with Muʿtazilite thinking (without, however, transgressing Ashʿarite commitments): metaphorical interpretation of the anthropomorphic qualities (hands, eyes, face, throne) attributed to God in the Qurʾān, in line with his Ashʿarite predecessors, Ebn Forak (d. 1015) and ʿAbd-al-Qāher Bāḡdādi (d. 1037), who had adopted this approach in critiquing the anthropomorphic theology of the Karramites. It is worth noting, however, that Jovayni confirmed that God would, even if not conceivable in bodily form, somehow be seen by humans in the next life.

A final example of the influence of Muʿtazilite thinking on Jovayni is his use of the theory of states, or modes (*aḥwāl*), devised by Abu Hāšem Jobbāʾi (d. 933) as a middle position between acceptance and denial of the ontological (that is, eternal, uncreated) value of God's attributes; in adopting this theory, however, Jovayni retains an Ashʿarite framework wherein these states are not qualified by existence or non-existence (for Jobbāʾi, they were qualified by non-existence). Such influences should not be taken as evidence of a creeping Muʿtazilism in the case of Jovayni, but rather as an increasingly refined effort within Ashʿarism to connect Sunnite beliefs to discourse of a philosophical kind (hence the tendency to introduce Ashʿarite works with preliminary reflection on the nature and purpose of reason and knowledge, true of Bāqelāni no less than Jovayni; see Gardet and Anawati, pp. 66-67).

At the same time, it can be said that Jovayni simply sought increasingly nuanced formulas to make sense of theological conundrums in an intellectually reasonable fashion. For example, he advances an argument for God's foreknowledge of human acts as a way to resolve the apparent contradiction in Ashʿarism between God's creation of human acts and human obligation to the revealed law (*Neẓāmiya*, pp. 200-202): "I have made a combination (*fa-qad jamaʿtu*) between delegating all matters to God—beneficial and harmful, good and evil—and retaining the truths [that is, meanings] of legal obligations and confirming the bases of the revealed laws in an intellectually reasonable fashion (*ʿalā al-wajh al-maʿqul*). He [God] wills of his servants what he knew they would do, but did not rob them of their faculties or keep them from the right way; the revealed law thus is restored to its proper place and the doctrine concerning the principles of divinity proceeds in accord with what is correct."

This attempt to understand the import of God's specific commands and prohibitions (the revealed law) in theological terms—a task in which he followed the lead of Bāqelāni—posed the greatest challenge to Jovayni's efforts to keep revelation rationally comprehensible, which might help explain the well-known characterization of *al-Borhān* by Sobki (d. 1369) as "the enigma of the community" (*loḡz al-omma*). In any event, Jovayni's definition of the revealed law as theologically possible but not necessary posed challenges to its rational comprehensibility and universal applicability, essentially rendering moral knowledge a matter of what God has authorized and moral action a matter of what God has commanded or prohibited (Nagel). In that, he affirmed a cognitive dissonance between God's judgment (reward and punishment) of

human activity and rational calculations of justice—for God is above human categories of what is considered beneficial and harmful, and he who created the innumerable circumstances by which human acts are determined alone knows their moral produce. Humans can simply gratefully perform (that is, obtain, *kasb*) the acts that God in his foreknowledge always knew they would perform, regardless of graces received along the way or anticipated in a life to come.

There were, in addition, specific concerns in Jovayni's time about the very existence of religious knowledge and of those qualified to adjudicate it: were the mechanisms of *ejtehād* ('exerting effort,' see EJTEHĀD IN SHIʿISM) sufficient to bring the revelation, limited in its details, to bear on ever new circumstances and, more poignantly, were there qualified scholars who could guide the Muslim community to a true knowledge of what was permitted and what was forbidden? Jovayni was the first to consider this legal controversy in detail, but within a theological paradigm—in function of the belief in the inevitable degeneracy, indeed disappearance, of religious knowledge among Muslims as a sign of the onset of the Day of Judgment (Hallaq, 1986b; for further information on Jovayni and *ejtehād*, see Hallaq, 1984b, pp. 12-16). Despite (or perhaps because of) his less than sanguine assessment of the intellectual capabilities of the ulema of his day, Jovayni undertook to demonstrate the rational comprehensibility and universal applicability of the revealed law—a logic to the law. To this end, he argued that all life's cases, even if having no attested precedent in the revealed law, do not fall outside the scope of revealed ruling, which can be inferred in such instances by reference to universal "goods" (*maṣāleḥ*). These goods are knowable—at least when it comes to human necessities and needs (that is, those things without which society cannot properly function)—by analogical reasoning. His conceptualization of analogical reasoning (*qiās*), however, extends beyond the normally understood limit of causal analogue to the explicit language of revealed text; he includes analogy on the basis of revealed purpose (*maʿnā*) as well, even if not explicitly textual (see Opwis, pp. 31-40)—a jurisprudential formulation in which one notes an echo of his division of God's speech into the interior/eternal and exterior/created. To be sure, he is careful to circumscribe his jurisprudential innovation within prophetic boundaries by ascribing its practice to the Companions of the Prophet, thereby ensuring that such an extension of the revealed law would still enjoy the certainty of revelation. His defense of the authority of consensus (*ejmāʿ*) is made in similar terms (see Hallaq, 1986a, pp. 439-41)—even, it would seem possible, when established

rulings, based on attested precedent, are trumped by the universal goods by which the law is understood to operate.

Finally, Jovayni's lengthy political treatise, *Ḡiāṯ al-omam fi eltiāṯ al-ẓolam*, is one of the most remarkable works of its kind, combining material from theological literature on the requisite qualifications for the office of imam with *Fürstenspiegel* material on strong rule. His definition of the office of imam lays emphasis on the need to enforce orderly life in Muslim society, not only political but also doctrinal stability; this needed strong rule—something that Abbasid rulers, Jovayni knew too well, could no longer provide—leading him to devalue Qorayshi genealogy as requisite qualification for the office of the imam, opening the doorway for assumption of the office by a Saljuq personage, perhaps even Neẓām-al-Molk himself (Hallaq, 1984a; it is worth noting that Jovayni, while grounding the office of imam in communal consensus in this work, elsewhere concludes that it is of no consequence to sound belief, *Neẓāmiya*, p. 134). Undoubtedly framing his vision of leadership in line with the political reality of his day, not to mention Saljuq political interests, Jovayni also had his own intellectual perspective in mind: the cause of religious certainty required political enforcement of orthodoxy within society. The leeway given to political power to examine the orthodoxy of subjects comes close at times to an inquisitorial project, making of the work a theological reformulation of philosophical arguments on the necessity of a restraining agent, that is, political power, by which to ensure the prosperity of society amidst conflicting interests. In this work, we see how the various strands of his overall intellectual system are interwoven—theological certainty, legal universality (he argues for the permanence of *jehād* (jihad) of an offensive kind to extend the sway of the revealed way of life), and political purpose. His hope in the end was a righteous community, grounded in a prophetic basis, with a strong power to guide it to truth.

BIBLIOGRAPHY

Jovayni's selected works. *Al-ʿAqida al-neẓāmiya*, ed. Moḥammad al-Zobeydi, Beirut, 2003; ed. Moḥammad Zāhed al-Kowṯari, Cairo, 1948; ed. and tr. H. Klopfer as *Das Dogma des Imâm al-Ḥaramain al-Djuwainî und sein Werk al-*

ʿ*Aqîdat an-Niẓâmîya*, Cairo, 1958.

Al-Borhān fi oṣul al-feqh, ed. ʿAbd-al-ʿAẓim al-Dib, 2 vols., Cairo, 1980.

Al-Eršād elā qawāṭeʿ al-adella fi oṣul al-eʿtiqād, ed. Moḥammad Yusof Musā, Cairo, 1950; ed. Zakariyā ʿOmayrāt, Beirut, 1995; ed. and tr. J. D. Luciani, Paris, 1938; tr. P. E. Walker as *A Guide to the Conclusive Proofs for the Principles of Belief*, Reading, 2000.

Ğiāṯ al-omam fi eltiāṯ al-ẓolam, ed. ʿAbd-al-ʿAzim al-Dib, Cairo, 1981; ed. ʿAbd-al-Monʿem, Alexandria, 1979.

Al-Kāfiya fi al-jadal, ed. Fowqiya Ḥosayn Maḥmud, Cairo, 1979.

Lomaʿ fi qawāʿed ahl al-sonna wa al-jamāʿa, ed. Fowqiya Ḥosayn Maḥmud, Cairo, 1965; ed. and tr. M. Allard as *Textes Apologétiques de Ğuwaini*, Beirut, 1968.

Al-Šāmel fi oṣul al-din, ed. ʿAli Sāmi al-Naššār, Alexandria, 1969; ed. ʿAbd-Allāh Maḥmud Moḥammad ʿOmar, Beirut, 1999; partial editions by H. Klopfer, Cairo, 1960 and R. M. Frank, Tehran, 1981.

Šefāʾ al-jalil fi bayān mā waqaʿa fi al-Towrāt wa al-Enjil min al-tabdil, ed. and tr. M. Allard as *Textes Apologétiques de Ğuwaini*, Beirut, 1968.

Al-Talḵiṣ fi oṣul al-feqh, ed. ʿAbd-Allāh Jawlam al-Nebāli and Šobbayr Aḥmad al-ʿOmari, 3 vols., Beirut, 1996.

Waraqāt fi oṣul al-feqh, in Jalāl-al-Din Moḥammad b. Aḥmad al-Maḥalli al-Šāfeʿi, *Šarḥ al-waraqāt fi ʿelm oṣul al-feqh*, multiple editions.

Studies. M. Allard, SJ, *Le problème des attributs divins dans la doctrine d'al-Aš'ari et de ses premiers grand disciples*, Beirut 1965.

H. A. Davidson, "John Philoponus as a Source of Medieval Islamic and Jewish Proofs of Creation," *JAOS* 89, 1969, pp. 357-91.

R. M. Frank, "Knowledge and *Taqlid*. The Foundations of Religious Belief in Classical Ashʿarism," *JAOS* 109, 1989, pp. 37-62.

L. Gardet and M.-M. Anawati, *Introduction à la théologie musulmane*, 2nd ed., Paris, 1970.

W. B. Hallaq, “Caliphs, Jurists and the Saljuqs in the Political Thought of Juwayni,” *Muslim World* 74, 1984a, pp. 26-41.

Idem, “Was the Gate of Ijtihād Closed?” *IJMES* 16, 1984b, pp. 3-41.

Idem, “On the Authoritativeness of Sunni Consensus,” *IJMES* 18, 1986a, pp. 427-54.

Idem, “On the Origins of the Controversy about the Existence of Mujtahids and the Gate of Ijtihad,” *Stud. Isl.* 63, 1986b, pp. 129-41.

T. Nagel, *Die Festung des Glaubens. Triumph und Scheitern des islamischen Rationalismus im 11. Jahrhundert*, Munich, 1988.

F. Opwis, “*Maṣlaḥa*: an Intellectual History of a Core Concept in Islamic Legal Theory,” PhD diss., Yale University, 2001.

Mohammad Moslem Adel Saflo, *al-Juwayni’s Thought and Methodology. With a Translation and Commentary on Lumaʿ al-Adillah*, Berlin, 2000 (but see review by Frank Griffel in *JAOS* 122, 2002, pp. 858-59).

R. Wisnovsky, “One Aspect of the Avicennian Turn in Sunni Theology,” *Arabic Sciences and Philosophy* 14, 2004, pp. 65-100.