

CHAPTER FOUR

JUDGMENTS ON INFLICTING PAIN

Before directing our attention to ‘Abd al-Jabbār’s opinion on how to judge the infliction of pain, I will discuss his theory on good and evil. From his discussion of this subject, it becomes clear that his object is not to set up an ethical system to be applied to human acts but rather to show that all God’s acts are good.

1. *The Analogy Between Divine and Human Acts*

The assertion that all God’s acts are good leads to the question how we can judge God’s acts. Does what applies to human acts also apply to divine acts? ‘Abd al-Jabbār thinks that it is indeed the case. His theory says God is not known by intuitive knowledge or by perception. This means that knowledge about God must be acquired¹. The question is how this can be done as, in his view, God is far above the world in which we live. We can perceive the world in which we live with our senses, whereas the divine world is hidden from us. ‘Abd al-Jabbār therefore refers to the divine world as “the absent” (*al-ghā’ib*), whereas he uses the term “the present” (*al-shāhid*) for the world in which we live². However, although God belongs to the absent world (*al-ghā’ib*), He acts in the present world (*al-shāhid*). In ‘Abd al-Jabbār’s opinion, God’s acts in the present world function as indications (*dalā’il*) from which knowledge about Him can be acquired by means of reflection (*naẓar*). This method of acquiring knowledge about God is called *al-istidlāl bi-’l-shāhid ‘alā ’l-ghā’ib* (using indications found in the present world for drawing conclusions about the absent world)³.

¹ On the knowledge by which God is known, see Peters (1976, 224).

² On *al-shāhid* and *al-ghā’ib*, see Peters (1976, 407-409).

³ On the method of using evidence found in the present world for drawing conclusions about the absent world, see Bernand (1982, 243-261). Frank (1992, 31) expressed as his opinion that systematic attention should be given to the rules and conditions for thinking rationally about, and for drawing valid inferences with regard to, the absent world on the basis of what is phenomenally available, as they are set forth in the texts of the speculative theologians.

Closely related to the method in which knowledge of God is acquired from evidences in this world is the method in which this knowledge is acquired by drawing an analogy between this world and the absent world. This is called *ḥaml al-ghā'ib 'alā 'l-shāhid* or *qiyās al-ghā'ib 'alā 'l-shāhid* (drawing an analogy between the absent world and the present world)⁴. This method is applied by 'Abd al-Jabbār. He explains that knowledge about a particular predicate (*ism*) of God is acquired by applying to the absent world (*al-ghā'ib*) what is known about this predicate from the present world (*al-shāhid*) (*Mughnī* VII, 210: 7-9 and *Mughnī* VIII, 233: 18-234: 2). In his opinion, the correctness of judgments with respect to the absent world can be proved by the same arguments as are used with respect to the present world (*Mughnī* VI/2, 269: 4-6).

In his discussion of pain inflicted by God, 'Abd al-Jabbār frequently uses the method of "drawing an analogy between the absent and the present world". He first describes which human ways of inflicting pain are good and why they are good. Having done this, he discusses the subject of God's infliction of pain, drawing an analogy between this world and the absent world in order to make it clear that God's infliction of pain is good because it is done in a way which is good.

2. Terms Used in Reference to Good and Bad

Before discussing 'Abd al-Jabbār's opinion on whether inflicting pain is good or bad, I will explain the meaning of some terms used by him in reference to good and bad. In his discussions of good and bad, 'Abd al-Jabbār uses the following couples of terms: *khayr* (something good) and *sharr* (something bad), *ḥasan* (good) and *qabīḥ* (bad⁵), *naḥḥ* (profit) and *ḍarar* (harm).

⁴ On the method of drawing an analogy between the absent world and the present world, see Gimaret (1980, 281-283).

⁵ There are different opinions on how to translate the term *qabīḥ*. Reinhart (1955, 185, note 8) translates *qabīḥ* as destestable since he believes that "the word's overtones are aesthetic rather than moral (as with the word evil)". Hourani (1971, 29, 39, 48) translates *qabīḥ* as "evil" and *ẓulm* as "wrongdoing". He considers *sharr* and *fasād* as synonyms of *qabīḥ* (1971, 49). Frank (1985, 73) translates *qabīḥ* as "ethically bad" and Fakhry (1991, 32) as "bad", whereas Peters (1976, 87) translates *qabīḥ* as "evil". Mohammed (1985, 65) also translates *qabīḥ* as "evil", but adds that *qabīḥ* is only the equivalent of evil if it is used in a moral sense; if *qabīḥ* is used in a nonmoral sense, he considers it better to translate it as "bad". I have chosen to translate *qabīḥ* as "bad" without the addition of "ethically" or "mo-

When ‘Abd al-Jabbār uses the terms *khayr* (something good) and *sharr* (something bad), he refers to good and bad things that happen to people. He relates this to profit and harm and takes into consideration that what happens to people usually has aspects of both profit and harm. In some cases, profit prevails and, in other cases, harm. ‘Abd al-Jabbār therefore describes *khayr* as “good profit” (*al-nafʿ al-ḥasan*) and *sharr* as “bad harm” (*al-sharr al-qabīḥ*) (*Mughnī* V, 45: 11-12). What he understands by good profit and bad harm becomes clear from his descriptions of profit and harm. He characterizes profit as pleasure (*malādhḍha*, plural *malādhḍh*) and joy (*surūr*), which may happen immediately or at some time in the future. He therefore adds that also things that lead to pleasure and joy are considered to be a profit. However, something is a profit on condition that it does not entail a harm that outweighs it. ‘Abd al-Jabbār therefore describes *khayr* not just as “profit”, but as “good profit”: it does not entail a harm that outweighs it.

Harm (*ḍarar*) is characterized by ‘Abd al-Jabbār as pain (*alam*, plural *ālām*) and sorrow (*ghamm*, plural *ghumūm*). Similarly, as he did with respect to profit, he includes in harm not only those things that are pain or sorrow but also those which lead to pain or sorrow. However, when pain or sorrow are outweighed by a greater profit they are not considered as “bad harm” (*sharr*). ‘Abd al-Jabbār explains that something is a real harm for someone only if it does not involve a profit which is greater than the harm. He therefore adds “bad” when he describes the meaning of *sharr*, thus characterizing *sharr* as “bad harm” (*Mughnī* V, 14: 3-5).

‘Abd al-Jabbār declares that one and the same thing (*shayʿ*) can occur in such a way (*wajh*) that it is something good (*khayr*), but it can also occur in such a way that it is something bad (*sharr*) (*Mughnī* V, 45: 9-10). That is, sometimes we may experience a particular thing as bad because it harms us. At other times the same thing may happen to us but then it may be something good because it involves a profit for us. We will see that pain is such a thing. Pain may happen to us without bringing us any profit, yet it may also lead to a profit greater than the pain⁶.

rally” because in several cases ‘Abd al-Jabbār uses the term *qabīḥ* in a non-moral sense, for instance, when he describes harm done by animals as *qabīḥ*. He also uses *qabīḥ* in reference to unwise acting, when he describes useless acts as *qabīḥ*.

⁶ When ‘Abd al-Jabbār in this context speaks of pain he means pain that is experienced as pain because it is perceived with aversion. Although pain may

‘Abd al-Jabbār uses the terms *ḥasan* and *qabīḥ* in reference to actions that result in good (*khayr*) or bad (*sharr*) happening to someone. The result of such an action may concern the person who acted or someone else: a person may inflict harm on someone else, but also on himself. ‘Abd al-Jabbār declares that an act is described as bad (*qabīḥ*) if its agent deserves blame (*dhamm*) for it, “if it stands alone” (*idhā ’nfarada*) (*Mughnī* VI/1, 7: 8). Hourani⁷, translating *idhā ’nfarada* as “taken in isolation”, supposed that ‘Abd al-Jabbār added these words “to make an exception for peccadilloes and white lies by a person who is on the whole of good character and performance”. This seems to be contradicted by ‘Abd al-Jabbār’s opinion that telling a lie is intrinsically bad⁸. The explanation for ‘Abd al-Jabbār’s addition of the words “if it stands alone” is found in the last part of Hourani’s suggestion. ‘Abd al-Jabbār uses the expression “if it stands alone” with respect to bad acts that are trivial (*Mughnī* VI/1, 26: 14-16). He points out that when someone does some good acts and some other trivial acts that are bad, this person does not deserve blame if the praise for his good acts is equal to, or more than, the blame for his bad acts. In that case the blame for his bad acts is “neutralized” by the praise for his good acts (*Mughnī* V, 34: 11)⁹. However, that the agent of the bad acts does not deserve blame does not mean that these acts are not bad. Had he not done the good acts, but only these bad acts, he would be blamed for doing the bad acts. ‘Abd al-Jabbār therefore adds “if it stands alone”, when he says that the agent of a bad act deserves blame for doing such an act. This means that Hourani’s suggestion is correct, although it refers not only to peccadilloes and white lies, but to all kinds of trivial acts that are bad.

In ‘Abd al-Jabbār’s opinion it depends on the circumstances whether or not the agent of a bad act is to be blamed. We will see

lead to a profit, this does not mean that in that case it is experienced as a pleasure. It does not stop being pain.

⁷ Hourani (1971, 49).

⁸ In a later article (1972, reprint 1985) Hourani (1985, 104) says: “‘Abd al-Jabbār shows some hesitation about lying, whether it belongs to absolute or prima facie evils. In principle he holds it an absolute evil, but he has to face hard cases raised by his Ash‘arite opponents. Would it be evil to tell a lie to save the life of a Muslim, for example by saying he is not at home to someone coming to his house with evident intent to murder him? ‘Abd al-Jabbār says one can always escape from such a dilemma by insinuations or silence, and never needs to tell a direct lie (*Mughnī* VI.ii, 342)”.

⁹ For a French translation of this passage, see Monnot (1974, 195).

that in the discussion of acts that are not done intentionally ‘Abd al-Jabbār describes some of these acts as being bad, although he denies that the agent of such an act deserves blame. This concerns cases in which someone is unintentionally harmed. The agent does not deserve blame because the act is not done intentionally. Nevertheless, ‘Abd al-Jabbār describes these acts as bad because of the harm involved.

‘Abd al-Jabbār says that it is a characteristic of an act that is described as good (*hasan*) that its agent does not deserve blame for doing it. As good is the opposite of bad, and praise is the opposite of blame, one might expect ‘Abd al-Jabbār to say that an act is good when its agent deserves praise (*madh*). However, this description would not cover all acts that he describes as good. Indeed, one deserves praise for doing certain kinds of good acts. In ‘Abd al-Jabbār’s opinion one deserves praise for doing what is recommended (*nadb*), desirable (*muraghab fih*) or obligatory (*wājib*)¹⁰. However, one does not deserve praise for acts that are permissible (*mubāh*)¹¹ (*Mughnī* VI/1, 7: 14-8: 1, and *Mughnī* XIV, 16: 11). As one is not blamed for doing them either, ‘Abd al-Jabbār considers permissible acts good: they fulfil the requirement that one does not deserve blame for doing them.

3. *The Grounds on Which Acts are Good or Bad*

According to ‘Abd al-Jabbār, whether an act is good or bad depends on several factors such as the profit and harm the act involves and whether or not permission has been given. He refers to the combination of factors that determine whether an act is good or bad as the way (*wajh*)¹² in which the act is done. He points out that acts

¹⁰ ‘Abd al-Jabbār declares that a person deserves praise (*madh*) for doing what is obligatory. (*Wa-min haqqi ‘l-wājibi an yustaḥaqqā bihī ‘l-madhu*, *Mughnī* XIV, 16: 11). When Hourani (1971, 39) gives a table of the ethical categories of acts according to ‘Abd al-Jabbār, he adds that the doer of an obligatory act does not deserve blame or praise. This does not accord with what ‘Abd al-Jabbār says in the *Mughnī* (XIV, 16: 11). In the table of ethical values that he made in a later article Hourani (1985, 101) has omitted this addition.

¹¹ The terms permissible (*mubāh*) and obligatory (*wājib*) are also used in law. However, Mohammed (1984, 51) warns that we should not be misled by the apparent similarity between ‘Abd al-Jabbār’s terms and the terms used in the *sharī‘a*, as ‘Abd al-Jabbār’s terms do not refer to legal matters. On the meaning of *mubāh*, see Reinhart (1995, 128-132).

¹² On *wajh*, see Reinhart, 1995, 148-151. It is difficult to give an adequate

cannot be described as good or bad merely on the grounds that they belong to a particular class of acts. For instance, it is wrong to say that every infliction of pain is bad just because it is infliction of pain. 'Abd al-Jabbār thinks it possible to inflict pain in such a way that this act is described as good.

Yet, 'Abd al-Jabbār considers that there are some actions that cannot be done in such a way that they are good: it is always considered bad to do them. These acts include: telling a lie (*kidhb*), committing an injustice (*ẓulm*), commanding someone to do a bad thing (*amr bi-qabīḥ*), having a conviction that is not in accordance with truth (*jahl*), and the will to do something bad (*irāda li-qabīḥ*)¹³ (*Mughnī* VI/1, 10: 16-17).

To explain that an action can be done in different ways, 'Abd al-Jabbār gives the example of making a statement: the same statement can be at one time in accordance with reality and at another time not in accordance with reality. I will explain what 'Abd al-Jabbār means by taking as an example the statement: "Aḥmad is in the house". If the person who makes the statement knows that Aḥmad is in the house, the statement is true, but if he knows that Aḥmad is not in the house, the statement is a lie. According to 'Abd al-Jabbār, in the first case making the statement is good and in the second case it is bad because it is a lie. 'Abd al-Jabbār refers to whether or not the statement is in accordance with reality as the "way" (*wajh*) in which the statement is made. He is of the opinion that once it is

translation of the term *wajh*. 'Abd al-Jabbār uses the term in different ways. Sometimes he uses *wajh* as a technical term, for instance, in the discussion of the moral judgement on acts, but at other times he uses it with respect to the qualities of things. Reinhart (1995, 148-151) mostly uses the term untranslated, but says that it means face, aspect, perspective (148). He adds (219, note 19): "Sometimes it means nothing more than 'the way the act is done.'" Hourani (1971) translates *wajh* (plural *wujūh*) as "aspect" (27, 31, 32 a.o.), "respect" (63), "ground" (69, 121), or "reason" (96). Frank translates it as "manner" (1978, 132-135 a.o.), "mode or manner" (1985, 71), and "way" (1985, 72). Gimaret (1980, 20-25 a.o.) translates it in French as "modalité". Brunschvig (1974a, 15) gives the French translation "aspect". These translations do not render the exact meaning of the term *wajh*. Because of this, most translators add an explanation if the meaning is not clear from the context. For instance: "the manner or the character (*wajh*) of the occurrence of the act" (Frank, 1978, 132) or "all the reasons (*jamī'a 'l-wujūh*) for which acts are done" (Hourani, 1971, 96).

¹³ The knowledge that these acts are bad makes part of the innate knowledge of a human being. It belongs to the knowledge of the *'aql* which is created in him or her by God (Reinhart, 1995, 151-153).

known that a statement is a lie (*kidhb*), it is also known that making this statement is bad.

A statement can also be a command. ‘Abd al-Jabbār declares that if it is known that this command concerns the performance of a bad act, it is also known that making this statement is bad. Similarly, if it is known that a particular act is an injustice (*ẓulm*), it is also known that this act is bad. This is so because the acts mentioned by ‘Abd al-Jabbār are intrinsically bad acts. The Arabic words that are used to describe these acts have a meaning that entails the judgment that they are bad. For instance, describing a particular act of injustice (*ẓulm*) as a good act is impossible because it is a contradiction in terms.

‘Abd al-Jabbār recognizes a category of acts that cannot be judged as good or bad (*Mughnī* VI/1, 7: 4-5). There was a difference of opinion among the Baṣra Mu‘tazilites about the judgment on acts that are done by a sleeper (*nā’im*) or absentminded person (*sāhī*)¹⁴, people who are not aware of their actions¹⁵. Some said that these acts are neither good nor bad. At first sight the question of whether the act of a sleeper or absentminded person is good or bad may look trivial. However, the real issue here is not the act of a sleeper or absentminded person but the reason why an act is bad. A sleeper acts without intention, yet his act may imply harm or profit to someone else. Then, what is decisive for the judgment passed on an act: the intention of its agent or the result of the act?

Abū ‘Alī al-Jubbā’ī and his son Abū Hāshim considered the intention of the agent to be the deciding factor. They said that all acts by sleepers and absentminded people are neither good nor bad, because they are done without any intention or awareness that the act is good or bad (*Mughnī* VI/1, 11: 15-17, *Mughnī* XIII, 304: 6-7). Even if someone in his sleep or absentmindedly harms someone else by unintentionally striking him with his fist, they did not regard this as bad because the harm is done unintentionally (*Mughnī*, VI/1, 88: 2-5).

The Ikhshīdiyya held an opinion very close to that of Abū ‘Alī and Abū Hāshim: they considered that an act is bad because of the agent’s will (*irāda*). Ibn Mattawayh refuted their opinion, pointing out that

¹⁴ Hourani (1971, 38, note 24) chose to translate *sāhī* as “unconscious”, but ‘Abd al-Jabbār means every state in which someone is unaware of his actions. Therefore, I think that “absentminded” may be a better translation.

¹⁵ This question and the different opinions held on it are discussed by Hourani (1971, 41-42) and Mohammed (1984, 52-53).

the reason why an act is bad cannot be the agent's will. He argued that it is bad to will something bad. If this act were bad because of the agent's will, it would imply that the first will is bad because of a second will, and that this second will is bad because of a third will, and so on and on (*Majmū'* III, 31: 9-11).

Abū 'Abdallāh al-Baṣrī and Abū Ishāq b. 'Ayyāsh, teachers of 'Abd al-Jabbār, considered that the result of an act was the decisive factor. They admitted that sleepers and absentminded people can do acts that are neither good nor bad, such as speech and slight movements. However, they declared that when someone in his sleep or absentmindedly harms someone else, his act is bad even though it is done unintentionally. They considered that sleepers and absentminded people may do acts that belong to a category of acts that are injustices if they are done knowingly. Acts included in this category cannot be good acts because they are intrinsically bad. Abū 'Abdallāh and Abū Ishāq said that sleep and absentmindedness cannot have a bearing on the judgment on acts of this category: they are always bad, whether they are done intentionally or unintentionally. However, they declared that sleep and absentmindedness do have a bearing on the blame attributed to the agent of a bad act: someone who harms another person in his sleep or absentmindedly should not be blamed for his act, even if this act is described as bad (*Mughnī* XIII, 311: 14-17, *Mughnī* VI/1, 11 : 18-12: 9).

'Abd al-Jabbār declares that he prefers the opinion of Abū 'Abdallāh and Abū Ishāq in this question to that of Abū 'Alī and Abū Hāshim (*Mughnī* XIII, 311: 13-21). He agrees with them that if the act of a sleeper or absentminded person harms somebody else, this act is bad, although its agent should not be blamed for doing it. He adds, moreover, that if this act involves a profit for someone else, it is a good act, although the sleeper or the absentminded person does not deserve praise for doing it. 'Abd al-Jabbār mentions as an example the act of someone else, who in his sleep, scratches someone else, so that the other person experiences pleasure as a result of the scratching (*Mughnī* VI/1, 12: 10-11).

4. *How to Know Whether a Particular Act is Good or Bad*

With respect to acts that are done intentionally, 'Abd al-Jabbār not only takes into consideration the harm and profit they involve, but

also other factors such as permission that has been given to do a particular act. When these factors are known, it can be known by reason whether a particular act is good or bad. We will see that ‘Abd al-Jabbār also considers what is disclosed in the divine revelation. He acknowledges that God’s revelation may disclose that a particular act is permitted by God, or that it involves a profit or harm that is not known by reason.

When ‘Abd al-Jabbār asserts that it is known by reason, whether a particular act is good or bad, he opposes the opinion of the “Compulsionists” (*Mujbira*)¹⁶ on this question. The “Compulsionists”, among whom ‘Abd al-Jabbār includes the Ash‘arites, believed that it is known from God’s revelation and religious law whether an act is good or bad (*Mughnī* XIII, 282: 7-12). This implies that according to them acts are good or bad because of a divine command or prohibition¹⁷. ‘Abd al-Jabbār refutes this, arguing that an action cannot be good only because it is done on someone else’s command. Nor can an act be bad only because someone has prohibited it. He rejects the opinion of those who argue that God is the Lord and Master (*mālik*)¹⁸ and that a divine prohibition is therefore the reason why an act is bad (*Mughnī* VI/1, 102: 9-14).

To support his argument, ‘Abd al-Jabbār first explains that in our world the quality of the agent does not define whether an act is good or bad. When two different agents do the same act with the same intention and with the same result, both acts are good or both acts are bad because they are done in the same way (*wajh*). He considers it impossible that the act of one of them could be good and the act of the other bad. It is the way (*wajh*) in which an act is done which determines whether it is good or bad. He adds that someone who distinguishes between the acts of two agents on the basis of their quality might conclude that committing an injustice (*ẓulm*) is bad if the injustice is done by a human, but good if it is done by a prophet or an angel. This is impossible, according to ‘Abd al-Jabbār, because

¹⁶ According to Watt (1990, 177) the Mu‘tazilites applied the name *Mujbira* to all who denied their doctrine of human freedom to act, which means that most Sunnites, from Traditionalists to Ash‘arites, are included in this term.

¹⁷ The opinion of the “Compulsionists” that acts are good or bad because of a divine command or prohibition has been described as “ethical voluntarism” (Fakhry, 1991, 46-52). Fakhry (1991, 31-45) describes the ethical doctrines of the Mu‘tazilites as “ethical rationalism”.

¹⁸ On the meaning of *mālik* according to the Ash‘arites and the Mu‘tazilites, see Gimaret (1988, 313-318).

injustice is always bad, regardless of whether it is done by humans or by prophets and angels (*Mughnī* VI/1, 125: 11-19). The quality of the agent does not have a bearing on this matter. Applying this to the other world, ‘Abd al-Jabbār points out that when an act of God is good because it is done in a particular way, the act of a human being that is done in the same way (*wajh*) must also be good (*Mughnī* VI/1, 59: 16-60: 1).

After having explained that the quality of the agent has no bearing on whether an act is good or bad, ‘Abd al-Jabbār argues that if acts were bad because of a divine prohibition (*nahy*), every prohibited act would be bad, not only acts prohibited by God but also acts prohibited by man. In that case, it would be possible for an act to be good and bad at the same time. This would happen if the act was commanded by one person and prohibited by another person (*Mughnī* VI/1, 102: 4-8). By these arguments ‘Abd al-Jabbār refutes that a divine command or divine prohibition defines whether an act is good or bad.

‘Abd al-Jabbār’s opinion that we know by reason whether an act is good or bad does not imply that he disregards what is said in God’s revelation (*al-sam‘*) about good and bad acts. In his view, this confirms what is already known by reason. He argues that when we know by reason that an act is an injustice (*ẓulm*), we know that this act is bad, even before we have learned this from God’s revelation (*Mughnī* XIII, 309: 18-310: 3). However, there may be discrepancies between what we know by reason and what we learn by revelation. How to explain this? In ‘Abd al-Jabbār’s opinion, the cause of these discrepancies is that God’s revelation discloses aspects of a particular act that cannot be known by reason¹⁹. For instance, it may disclose that an act is permissible (*ḥalāl*) because God has given permission to do it, which cannot be known by reason (*‘aqlan*) (*Mughnī* VI/1, 32: 3-7). ‘Abd al-Jabbār gives the example of the slaughtering of livestock. By reason, one may conclude that this act is forbidden (*maḥẓūr*). However, the disclosure of God’s permission in His revelation provides additional information that says that slaughtering livestock is permissible, which implies that this act is good²⁰ (*Mughnī* VI/1, 64: 11-12).

¹⁹ See also Reinhart (1995, 157-159).

²⁰ We will see (below, 167-168) on which grounds it is good, according to ‘Abd al-Jabbār, that God permits the slaughtering of livestock.

The same applies to some acts that the religious law describes as a religious duty, which means that they are obligatory (*wājib*). One who does not know God's revelation, may not consider these acts to be obligatory. For instance, in God's revelation it is disclosed that the *ṣalāt* (ritual prayer) is obligatory, which means that performing the *ṣalāt* is a good act. However, someone who does not know God's revelation may think differently. 'Abd al-Jabbār explains that in His revelation God has promised to reward those who perform the *ṣalāt*. Thus, performing the *ṣalāt* leads to a profit (the reward). In 'Abd al-Jabbār's opinion the profit that can be obtained is so great that because of the very knowledge about this profit people would conclude by reason that performing the *ṣalāt* must be obligatory. They would say:

Had we known by reason that we obtain an enormous profit if we perform the *ṣalāt*, that it [the *ṣalāt*] leads us to choose to do what is obligatory and that we deserve a reward for it, we would have known by reason that it [the *ṣalāt*] is obligatory (*Mughnī* VI/1, 64: 14-16)²¹.

Someone who knows God's revelation knows the reward or punishment that God will give for particular acts. If he knows that he can obtain a profit (the reward) or can be harmed (by the punishment), he knows by reason, weighing profit against harm, whether it is good or bad to do these acts. This means that it is not because of a divine command or prohibition that these acts are considered good or bad but because of a divine reward or punishment. This may ultimately amount to the same thing. However, 'Abd al-Jabbār's theory does not imply arbitrariness on God's part. We will see that he believes that God's acts are in accordance with what reason considers to be good.

5. *How to Know Whether a Particular Act of Inflicting Pain is Good or Bad*

When 'Abd al-Jabbār discusses whether inflicting pain is good or bad, he does not restrict this to physical pain; he also includes causing sorrow. According to him, sorrow (*ghamm*) is a "conviction" (*i'tiqād*) someone has. He uses the term conviction (*i'tiqād*) as a general term

²¹ *Lī-annā law 'alimnā bi-'l-'aqli anna lanā fī 'l-ṣalāti nafan 'azīman wa-annahā tu'addī binā ilā an nakhtāra fī'la 'l-wājibi wa-nastaḥaqqā bihā 'l-thawāba la-'alimnā wujūbahā 'aqlan.* For a translation, see also Reinhart (1995, 159).

that comprises knowledge (*ilm*) and supposition (*ẓann*)²². A sorrowful person (*mughtamm*) is therefore described by him as one who “knows or supposes that a harm has happened or will happen to him” (*Mughnī* IV, 15: 5-6)²³. The counterpart of sorrow is joy. Joy (*surūr*) is the knowledge or the supposition that a profit (*naʿf*) is acquired or will be acquired (*Mughnī* IV, 15: 5). ‘Abd al-Jabbār declares that causing someone sorrow is comparable with inflicting pain on this person; both acts are good or bad on the same grounds (*Mughnī* IV, 16: 1-8). Although he mostly gives examples of the infliction of pain, it is clear that what he says concerns sorrow as well. According to his theory, pain (*alam*) and sorrow (*ghamm*) or what leads to pain and sorrow amount to harm (*ḍarar*)²⁴ (*Mughnī* IV, 14: 4 and *Mughnī* XIII, 298: 10-11). All three terms—harm, pain and sorrow—occur in his discussion of the infliction of pain.

The method followed by ‘Abd al-Jabbār in order to find out whether a particular act of inflicting pain or sorrow is good or bad is to find out whether this act should be called an injustice. We have seen that committing an injustice is one of the acts that he considers intrinsically bad. This means that as soon as an infliction of pain is known to be an injustice, it is also known that this act is bad because injustice can only ever be bad. It is ‘Abd al-Jabbār’s belief that adults of sound mind have “necessary knowledge” (*ilm ḍarūrī*) of this, that is, knowledge that necessarily exists in an adult of sound mind, in the sense that he or she cannot be without this knowledge²⁵.

When ‘Abd al-Jabbār says that it is “necessarily” known that injustice (*ẓulm*) is bad, it implies that no reflection (*naẓar*) is needed for knowing this (*Mughnī* XIII, 301: 3-6). However, one must reflect in order to know whether or not a particular act of inflicting pain or sorrow is indeed an injustice and take into consideration the circumstances, and the harm and profit it involves. ‘Abd al-Jabbār calls knowledge that is the result of reflection “acquired knowledge” (*ilm muktasab*) (*Mughnī* XII, 67: 19-68:4). If reflection on the aspects of an act leads to the conclusion that it is an injustice, it is known by neces-

²² On the different kinds of knowledge see also below, 134.

²³ For a French translation of *Mughnī* IV, 15: 20, see Vajda (1985, 244-249).

²⁴ ‘Abd al-Jabbār uses both the terms *ḍarar* and *maḍarra* (plural *maḍārr*). The terms are synonyms, but *ḍarar* is mostly used for harm in general, whereas *maḍarra* usually refers to a particular harm.

²⁵ Bernand (1982, 137-180) explains ‘Abd al-Jabbār’s theory of necessary knowledge in her study on ‘Abd al-Jabbār’s theories of knowledge. See also Abrahamov (1993), Reinhart (1995, 151-153) and above, 117, note 13.

sary knowledge that doing this act is bad (*Mughnī* XIII, 305: 2-6 and 307: 1-7)²⁶. However, it is possible, after reflection, to conclude that what at first sight seems to be an injustice is in fact a good act. Before discussing the different aspects of inflicting pain, it is useful to first consider what ‘Abd al-Jabbār understands by injustice (*ẓulm*).

‘Abd al-Jabbār defines injustice in a negative way by mentioning those cases in which doing harm is not an injustice. He says that

- injustice is every harm that
- does not involve a profit that outweighs it,
 - does not avert a harm greater than it,
 - is not deserved
 - and is not done on the supposition that it has one of the mentioned aspects (*Mughnī* XIII, 298: 8-9)²⁷.

This definition is formulated briefly and it is therefore not complete, standing in need of explanation. From this definition alone, wrong conclusions may be drawn about ‘Abd al-Jabbār’s understanding of injustice. ‘Abd al-Jabbār gives another more extensive description of injustice. He says that we know that the harm inflicted is an injustice if it is known that

- ‘Amr [the harmed person] does not deserve to be hurt and Zayd [the person inflicting the harm] cannot have the right to punish the other;
- he [the harmed person] is safe from great harm or fear so that it is not possible that a greater harm is averted in this way;
- the harm is not inflicted on him [the person harmed] with the intention of providing him with a profit, nor is there any evidence of a profit;
- the harm is not done on the supposition that this harm will provide [the harmed person with] a profit nor [on the supposition that this harm has] one of the [other] aspects [mentioned] (*Mughnī* XIII, 306: 12-16)²⁸.

²⁶ Because of what ‘Abd al-Jabbār says in the preceding passage, I propose to read *Mughnī* XIII, 307: 2 as “*lā yajūzu an lā yu‘lama qubhuhū*” instead of “*lā yajūzu an yu‘lama qubhuhū*” because the latter reading is not in agreement with what ‘Abd al-Jabbār has said before.

²⁷ *Fa-ḥaqīqatu ‘l-ẓulmī huwa kullu dararin lā naf‘a fihi yūfī ‘alayhi wa-lā daf‘a maḍarratin zā‘īdatin ‘alayhi wa-lā mustaḥqqin wa-lā yuzannu fihi ba‘du ḥādhihi ‘l-wujūhi*.

²⁸ *Wa-dhālika li-annahū qad ya‘lamu anna ‘Amran ghayru mustaḥqqin li-‘l-ālāmin, wa-anna Zaydan lā yaṣīḥhu an yastaḥiqqa an yu‘āqibahū, wa-ya‘lamu annahū salima ‘an dararin ‘azīmin wa-khawfin* (reading *khawf* instead of *ḥawf*); *fa-lā yajūzu an yakūna madfū‘an bihi dararin ‘azīmun, wa-ya‘lamu annahū lam yaqṣid mā aqdama ‘alayhi ṭṣālahū ilā naf‘in, wa-ya‘lamu aydan anna lā imārata li-‘l-naf‘i, wa-ya‘lamu ta‘ammudahū li-dhālika min ghayri ḡanni ‘l-naf‘i wa-li-ba‘ḍi ‘l-wujūhi*.

In this description some aspects are added that are not mentioned in the first definition, such as the remark that the harm is an injustice if the harming person does not have the right to inflict the harm deserved. On the other hand, some aspects that are present in the first definition are omitted, such as the condition that the profit must be greater than the harm that is done. In the discussion of the different aspects of good infliction of pain the purport of what is mentioned in these definitions will be made clear. First, attention will be given to inflicting harm that is described as a useless act (*‘abath*).

From ‘Abd al-Jabbār’s definitions of injustice it becomes clear that according to him inflicting a harm that entails a profit outweighing the harm, or that averts another harm greater than the harm suffered, is not an injustice but a good act (*Mughnī* XIII, 314: 14). The profit must outweigh the harm; if the profit is less than the harm, ‘Abd al-Jabbār maintains that inflicting this harm is an injustice. Similarly, if the harm averted is less than the harm suffered, the act is considered an injustice. But what about inflicting harm that entails a profit equal to the harm, or that averts an equal harm? Is this act an injustice or not?

‘Abd al-Jabbār does not describe such an act as an injustice. Yet, he considers it a bad act because, in his opinion, it is a useless act (*‘abath*)²⁹ (*Mughnī* XIII, 314: 13-15 and 331: 6-8). He explains that when the profit is equal to the harm, it is as if the act is not done. He gives the example of someone who disposes of something in order to obtain the same thing. His act is without any advantage (*fā’ida*) and is therefore a useless act (*‘abath*) (*Mughnī* XIII, 331: 8-10). ‘Abd al-Jabbār adds some other examples of useless acts. For a good understanding it is necessary to know that he regards it as a harm to have someone do hard work. This harm is compensated for by the payment the worker gets for his work. An example given by him of a useless act is that of someone who engages a workman to refresh the open air because he wants to provide the workman with a *dīnār* (*Mughnī* XIII, 395: 10-11). With respect to this example is important that the employer’s intention is to provide the workman with money. He could have given the money to the workman as a gift without making him do useless work, reaching his aim (giving

²⁹ The meaning of the term *‘abath* is discussed by Hourani (1971, 75-76), Peters (1976, 89-90) and Frank (1978, 133-134). Madelung (1991b, 246) describes *‘abath* as “vain, aimless action”. He explains that: “The fully conscious agent who acts without motive and aim (*gharad*) is described as acting vainly (*‘ābith*).”

money) in an easier way. The employer's act is therefore described as useless.

ʿAbd al-Jabbār also gives the example of someone who pays a workman to pour out water from one side of the sea to the other side (*Mughnī* XIII, 312: 6-7). The acts mentioned are by no means an injustice as the workman is paid for his work. Yet they are bad because they are superfluous. The result of these acts can be achieved in another, easier way. ʿAbd al-Jabbār therefore defines a useless act (*ʿabath*) as “every act that is not done by its agent with the intention of doing it in a reasonable way” (*wajhan maʿqūlan*) (*Mughnī* XI, 191: 3-4). He emphasizes, however, that acts done by sleeping or absent-minded people are not to be considered as useless acts, although they are not done in a rational way. These acts are done unknowingly, whereas the characteristic of a useless act is that it is done knowingly (*Mughnī* VI/1, 11: 5-11)³⁰.

Although ʿAbd al-Jabbār considers that useless acts do not involve injustice, he does not describe them as good acts. Had he described them as good acts, this would have had consequences for his discussion of acts done by God. It is evident that ʿAbd al-Jabbār discusses the subject of good and bad acts in this world in order to apply this to the acts of God³¹. If he said that useless acts are good, it could be concluded that some of God's acts are good but useless. We will see later³² that this would subvert ʿAbd al-Jabbār's theory of divine compensation for suffering.

6. *Good Infliction of Pain*

ʿAbd al-Jabbār asserts that it is possible to inflict harm (pain or sorrow) in such a way that the act in question is judged as a good act. Such an act must not be an injustice or a useless act: it must belong to the exceptions that he has mentioned in his definitions of injustice. This means that doing harm can only be good by exception: in general it is a bad act. We have seen that ʿAbd al-Jabbār says that doing harm is an injustice unless this harm [1] involves a profit greater than the harm, [2] averts a harm greater than the inflicted harm,

³⁰ Frank (1978, 144, note 48) points out that *ʿabathan* should be read for *ghny* in line 5; *li-ʿl-ʿabath* for *llghyb* in line 6; and *al-ʿabath* for *ʿlghyb* in line 8.

³¹ For instance, see *Mughnī* XIII, 395: 6-14 and *Mughnī* XI, 64: 8-9.

³² See below, 159.

[3] is deserved, or [4] is done on the supposition to be as mentioned before (*Mughnī* XIII, 298: 8-9 and 316: 4-6). In what follows each of these four exceptions will be discussed.

6.1. *Inflicting Pain that Involves a Profit*

We have seen that according to ‘Abd al-Jabbār, inflicting pain is good if it provides the harmed person with a profit that outweighs the pain. To explain this, ‘Abd al-Jabbār gives the example of someone who disposes of his garment in order to obtain money for it (*Mughnī* XIII, 318: 3-8). According to his theory, this act is good if the profit (the money that is obtained) is more than the harm (missing the garment). ‘Abd al-Jabbār therefore takes into consideration how much this profit is. If a large sum of money is obtained, the act of disposing of the garment is good, because the harm of missing the garment is outweighed by the profit. If a small sum of money is obtained, the act is bad because the profit obtained by possessing the money is not enough to outweigh the harm of missing the garment.

According to ‘Abd al-Jabbār this example shows that the basis for deciding whether the act of disposing of the garment is good or bad is the quantity of the profit, and nothing else. The act is good only if the profit outweighs the harm. He emphasizes that it is not enough for the profit to be equal to the harm. If harm and profit are equal it is a useless act (*‘abath*) and, like all useless acts, it is bad (*Mughnī* XIII, 331: 4-10).

The example just mentioned concerns harm that someone willingly does to himself. If the harm is done by one person to another more aspects must be taken into consideration. The profit must not only outweigh the harm, but the act must be done with the intention of providing a profit and, if the harmed person is an adult of sound mind, he must give his consent to be harmed for this profit. In the example above the agreement to sell the garment for a certain sum of money implies that the owner gives his consent to be “harmed” by the buyer in order to obtain the profit (the money). The act of the owner is good because the profit obtained outweighs the harm of missing the garment; the act of the buyer is good because the owner has given his consent beforehand to be “harmed”.

It would have been a different matter if the garment was taken from the owner without his consent or, put differently, if the garment had been stolen from him. ‘Abd al-Jabbār asserts that stealing

is bad. He admits that there is profit involved in this act: however, the profit is for the agent of the act, the thief, but not for the victim who suffers a loss. ‘Abd al-Jabbār explains that the profit is not to be taken into consideration because it does not fulfil the condition that it must be obtained by the harmed person and not by the person inflicting harm. It is clear that it is bad to harm someone else in order to obtain a profit for oneself (*Mughnī* XIII, 396: 15-17 and 345: 7-8). ‘Abd al-Jabbār asserts that compensation for the loss of the garment does not turn the theft of a garment into a good act, although the compensation is a profit for the owner. He points out that turning the theft into a good act is impossible because of the thief’s intention when he stole the garment, which was to obtain a profit for himself. It was not the thief’s intention to provide the harmed person with a profit in the form of compensation; even if this had been his intention, his act would be bad because the harmed person did not give his consent beforehand.

‘Abd al-Jabbār adds that, apart from this, there is another reason why the act of the thief would not be turned into a good act by a compensation afterwards: the compensation for a stolen garment is normally equal to its value. Thus, the profit for the owner of the garment is equal to the harm. This does not meet the condition that the profit must outweigh the harm (*Mughnī* XIII, 320: 7-20).

‘Abd al-Jabbār’s assertion that a compensation afterwards does not turn the act of harming someone without first obtaining his consent into a good act places him in an awkward position. His purpose in discussing these questions is to draw an analogy between the present world and the absent (divine) world. If he first declares that doing harm without consent is bad, how can he explain that God’s imposing illnesses and pain on His creatures without obtaining their consent beforehand is good? In the present world an adult of sound mind (*‘āqil*) has to give his consent to be harmed. Only children, madmen and animals are not asked for their consent. ‘Abd al-Jabbār considers it good that their caretaker inflicts pain on them in those situations in which he would deem it good to inflict this pain on himself. He does not need their consent, because they are put into his care and he knows what is best for them. If the pain leads to a profit greater than the harm, it is good to inflict pain on them.

Some Mu‘tazilites³³ said, indeed, that the relation between God

³³ ‘Abd al-Jabbār does not mention them by name but refers to them as “our masters” (*shuyūkhunā*).

and humans is like the relation between a caretaker and those who are put into his care. God created them, giving them life, and is therefore in the best position to know what is good for them. When God imposes illnesses on them, He does not have to ask for their consent to be harmed if this harm leads to a profit for them that outweighs the harm (*Mughnī* XIII, 454: 17-455: 9).

This solution is rejected by ‘Abd al-Jabbār because it conflicts with his theory on God imposing obligations (*taklīf*)³⁴ on humans. This presupposes that these humans are adults of sound mind, otherwise it would be wrong to impose obligations on them. That they are adults of sound mind implies that they should give their consent to be harmed. ‘Abd al-Jabbār therefore presents a different solution. He has thought out a situation in which it is good to harm an adult of sound mind, even though he has not given his consent beforehand. This is the case if the compensation for the harm is so great that it is indisputable that all adults of sound mind, different as they are, would choose to bear this harm to obtain the compensation that is awarded for it. He gives the example of someone who is compensated a thousand dīnār for having to stand up after being seated. In his opinion, someone who is awarded such compensation and yet refuses to bear the harm for it must be considered as not being of sound mind (*Mughnī* XIII, 322: 15-17). He needs a caretaker. If, then, his caretaker inflicts pain on him without his consent, the act of the caretaker is good because of the profit it involves for this person. (*Mughnī* XIII, 321: 9-19, 322: 9-18, 401: 1-12).

6.2. *Inflicting Pain in Order to Avert another Harm*

Another exception to the rule that doing harm is bad concerns harm that is done to avert another harm. For the harm to be good, the harm averted must be greater than the harm suffered. ‘Abd al-Jabbār explains this by giving the example of someone who hurts himself walking through thorns in order to escape a predatory animal or a fire. It is considered good that he hurts himself in this way because he would suffer more pain if he was torn to pieces by the predatory animal or was burned by the fire. ‘Abd al-Jabbār gives other examples as well, such as undergoing a severe treatment in order to shorten the duration of an illness, or exerting oneself by working in crafts

³⁴ On his theory of *taklīf*, see below, 142-148.

or trade in order to avoid poverty or the fear of poverty (*Mughnī* XIII, 335: 6-8). ‘Abd al-Jabbār also adds that reflection (*naẓar*) in order to acquire knowledge of God is good because it averts a harm: by taking the trouble to reflect one gets rid of a great fear that is evoked by one’s inner voice (*khāṭir*)³⁵ and the urge to know truth (*Mughnī* XIII, 335: 8-10).

The problem in the examples mentioned is that the averted harm does not happen, precisely because it is averted. Is it good to suffer harm to avert a harm that is only expected to happen? Answering this question, ‘Abd al-Jabbār distinguishes between a threatening harm that already exists and a threatening harm that is expected to come into existence but which does not yet exist.

According to ‘Abd al-Jabbār, adults of sound mind (*‘uqalā*) know intuitively (*bi-’dḥirār*) that it is good to avert an existent harm by means of another existent harm if that harm is less than the averted harm (*Mughnī* XIII, 355: 10-12). There was difference of opinion as to the reason why this is good. Some said that bearing the chosen harm is good because it leads to a profit, namely, joy (*surūr*) about the greater harm being averted. ‘Abd al-Jabbār rejects this, arguing that this amounts to saying that bearing the harm is good because it stops sorrow (*ghamm*) about the threatening harm. In his opinion, this is wrong because it is the threatening harm itself that is averted and not the knowledge of it, the fear of it, or the psychological picture of it (*Mughnī* XIII, 336: 10-18). Only in those cases in which the averted harm does not yet exist but is likely to come into existence does he deem it possible to say that fear of the harm is averted. However, he prefers to say that the harm itself is averted (*Mughnī* XIII, 337: 19-338: 2).

We have seen that according to ‘Abd al-Jabbār’s theory, it is only if the averted harm is greater than the chosen harm that it is good to bear the chosen harm. In order to know whether bearing a harm

³⁵ The motive (*dā’i*) and the inner voice (*khāṭir*) have a function in the process of the acquisition of knowledge. They urge us to find out what truth is (Bernand, 1982, 181-199). I have chosen to translate *khāṭir* by “inner voice”, in view of Peters’ (1976, 64-65) explanation: “I believe that we justly compare this *khāṭir* with what we know as God’s voice in our heart, our conscience”. Reinhart (1995, 157) says that Abū Hāshim al-Jubbā’ī and ‘Abd al-Jabbār held that the *khāṭir* is a form of speech. He explains that the *khāṭir* provokes fear that leads to inquiry, which in its turn leads to knowledge. Reinhart translates *khāṭir* as warner. Wolfson (1976, 624-644) discusses the theory of the two *khāṭirs* (one inciting to doing an act and one inciting to not doing it) in relation to freedom of choice.

is good, the quantities of the two harms must therefore be weighed against each other. ‘Abd al-Jabbār admits that in many cases it is difficult to know the quantity of an averted harm, especially if it does not exist yet and is only expected to happen. It is therefore difficult to know with certainty whether the averted harm is greater than the chosen harm. For this reason ‘Abd al-Jabbār deems it necessary that there be a great difference in quantity between the averted harm and the chosen harm. In his opinion, it is only good to choose an existent harm in order to avert an expected harm if the expected harm is much greater than the chosen harm (*Mughnī* XIII, 342: 9-343: 2).

Evidently, it is bad to expose oneself to a great harm in order to avert an insignificant harm. ‘Abd al-Jabbār considers this an injustice (*ẓulm*) because the chosen harm is greater than the harm averted. In his opinion, it is also bad to choose to bear a harm in order to avert an equal harm because in that case it is a useless act (*‘abath*). However, if it concerns an expected harm that is equal to the chosen harm, he considers it an injustice to choose to bear this harm, taking in consideration that the harm to be averted does not exist but the chosen harm does exist (*Mughnī* XIII, 342: 3-8).

6.3. *Inflicting Deserved Pain*

According to ‘Abd al-Jabbār’s theory it is, on certain conditions, good to inflict pain or sorrow on someone who deserves a punishment (*‘iqāb*), blame (*dhamm*) or a reproof (*lawm*). Doing such a thing is good because it is deserved. It should not be concluded from this that ‘Abd al-Jabbār considers it good to take justice into our own hands. We have seen that in his second definition of injustice, he says that harming someone else is not an injustice if that person has deserved this harm, but he adds that the person inflicting harm must have the right to punish him. In the following example of deserved pain, he prudently³⁶ speaks of blame and sorrow, and not of punishment and physical pain:

³⁶ Although one might think of physical pain inflicted on a criminal when ‘Abd al-Jabbār speaks of deserved pain, he does not mention the *ḥadd* punishments as an example of deserved pain. The *ḥadd* punishments are: 1. stoning or scourging for illicit intercourse (*zinā*); 2. scourging for falsely accusing a married woman of adultery (*qadhif*); 3. scourging for drinking wine or other intoxicating drinks; 4. cutting off hands for theft; 5. various punishments, including crucifixion, for various forms of robbery (Juynboll, 1930, 304-312, and Baradie, 1983,

I have explained that it is good that we blame someone who has wronged us or has committed terrible deeds of evil, although that blame and the fact that the blame is deserved sadden him, annoy him and affect his heart (*Mughnī* XIII, 344: 4-6)³⁷.

‘Abd al-Jabbār gives an example of sorrow felt by someone who deservedly is blamed. To make clear that the blame is really deserved, he speaks of “terrible deeds of evil” (*qabā’ih ‘aẓīma*) committed. The blame is expressed by the persons who are wronged themselves and not by other persons. In ‘Abd al-Jabbār’s opinion, we know intuitively (*bi-ṭarīqat al-idṭirār*) that in this case it is good to blame the wrong-doer, even though he is hurt by the blame (*Mughnī* XIII, 344: 9).

There are some respects in which deserved pain differs from pain that involves a profit or averts a harm. ‘Abd al-Jabbār points out that pain which involves a profit or averts a harm is mostly self-inflicted. A person chooses to bear such pain, or, if this pain is inflicted by someone else, he gives his consent to be harmed³⁸. However, with respect to deserved pain quite the opposite is true: the deserved pain is inflicted on someone without asking him for his consent.

Although ‘Abd al-Jabbār thinks that—on certain conditions—it is good to inflict pain on someone who deserves a punishment, he considers it bad to punish oneself (*Mughnī* XIII, 344: 15-17). In his opinion, it is even bad to expose oneself voluntarily to punishment: on the contrary, he considers it good to escape punishment. Evidently, this is related to his opinion that we strive to obtain profit and try to avert harm. ‘Abd al-Jabbār considers that punishment is of no use for the one to be punished and that his exposure to punishment is therefore a useless act (*abath*) which, like all useless acts is bad. In his view, escaping a deserved punishment is a good act because in

96-129). Apparently, ‘Abd al-Jabbār does not mention them here because they are imposed on God’s command, as disclosed in the revelation. The divine command means that it is God who punishes, although the punishments are carried out by humans. ‘Abd al-Jabbār therefore gives an example of deserved pain (sorrow) inflicted by humans on their own initiative.

³⁷ *Wa-qad bayyantu annahū yaḥsunu min aḥadinā an yadhumma man asā’a ilayhi aw aqdama ‘alā ‘l-qabā’ihā ‘l-‘aẓīmati wa-in kāna dhālika ‘l-dhammu wa-‘l-istiḥqāqu yughim-muhū wa-yu’dhīhi wa-yu’aththiru fī qalbihi.*

³⁸ We have seen (above, 128) that there are some exceptions to this rule, for instance, with respect to humans who are not in full possession of their mental faculties. Their caretaker may take the decision for them to bear a pain. Another exception, mentioned by ‘Abd al-Jabbār, is when the profit is so great that everyone would choose to bear the pain for this profit.

this way the person to be punished averts a harm to himself (*Mughnī* XIII, 290: 16-18; see also *Mughnī* XIII, 413: 13-15).

Does this mean that ‘Abd al-Jabbār, himself a judge, considers that escaping punishment is legally permissible? He reports that some jurists did, indeed, declare it permissible for a judge to refrain from the infliction of a *ḥadd* punishment if the guilty person avoids punishment by flight (*ḥarab*) or repentance (*tawba*) (*Mughnī* XIII, 432: 6-7). ‘Abd al-Jabbār himself does not completely agree with them. He does agree with them about flight from the punishment. However, he does not think that a *ḥadd* punishment³⁹ should be abandoned if the guilty person repents; it is his opinion that in that case, the religious leader (*imām*) must still inflict the *ḥadd* punishment even though the repentance implies that the guilty person no longer deserves to be punished. The *ḥadd* punishment should then not be seen as a punishment but as a trial (*miḥna*) from God (*Mughnī* XIII, 408: 15-16 and 409: 16-18). We will see later⁴⁰ that ‘Abd al-Jabbār believes that the pain of a *ḥadd* punishment given to one who repents is compensated for by God (*Mughnī* XIII, 461: 15-18; *Mughnī* XIII, 493: 11).

‘Abd al-Jabbār indicates another point of difference between deserved pain and pain that involves a profit or averts a harm. As we have seen⁴¹, in order to know whether the latter pain is good, quantities of pain and profit or averted harm must be weighed against each other. ‘Abd al-Jabbār declares that this does not hold for deserved pain. In his opinion, the infliction of deserved pain is good by the mere fact that it is deserved and it is therefore not necessary to take into consideration whether or not the quantity of the offence is greater than the quantity of the punishment (*Mughnī* XIII, 347: 1-6). Does ‘Abd al-Jabbār mean that giving a heavy punishment for a trivial offence is a good act? He does not explain this further, but refers to his discussion of “the threat [of hell]” (*al-wa‘īd*)⁴². Since I

³⁹ On the *ḥadd* punishments, see above 131-132, note 36.

⁴⁰ See below, 154.

⁴¹ See above, 126-131.

⁴² Peters (1976, 34) supposes that a part of the missing volumes XVIII and XIX must have dealt with “the Promise and the Threat”, but from ‘Abd al-Jabbār’s use of the past tense of the verb “explain” (I explained/ *bayyantu*) we may conclude that he discussed it in a volume earlier than volume XIII. This does not exclude the possibility that the main discussion of this subject was contained in volumes XVIII/XIX as in *Mughnī* XIII, 365: 20 ‘Abd al-Jabbār refers to *al-Wa‘īd* (the Threat) in the present tense: “we [will] study (*nataqaṣṣā*) ... in the *Wa‘īd*”.

have been unable to trace the discussion he is referring to, I can only speculate about his opinion on the quantities of offence and punishment. I think it unlikely that he considers it good to severely punish someone for a trivial offence. His opinion probably should be explained as follows: one who commits a trivial offence only deserves a light punishment; if he were punished severely this would be an undeserved punishment and, consequently, a bad act because inflicting pain is only good if it is deserved.

6.4. *Inflicting Pain that is Supposed to be Good*

We humans cannot know with certainty what will happen in the future; we can only suppose that certain things will happen. Then, what about exerting oneself in order to obtain a profit which does not eventuate? Or choosing to bear a harm in order to avert a greater harm, but that harm is not averted? Are these acts bad? This question concerns the certainty of knowing. As 'Abd al-Jabbār asserts the omniscience of God, he obviously does not discuss these questions with the intention of applying them to God's acts; for him, it is an established truth that supposing does not apply to God but only to humans.

Referring to the different kinds of knowledge, 'Abd al-Jabbār uses the terms *ʿitiqād* (conviction), *ʿilm* (knowledge) and *ẓann* (supposition)⁴³. The meaning of these terms can be clarified as follows: someone has a conviction (*ʿitiqād*) about something if he considers it to be true. His conviction may be in accordance with reality or not. In the latter case his conviction is a wrong conviction, for which 'Abd al-Jabbār uses the term *jahl* (*Mughnī* XIII, 352: 6-7). If his conviction is in accordance with truth it is called knowledge (*ʿilm*). How can we be certain that a conviction we have is in accordance with reality? 'Abd al-Jabbār points out that if we are certain that something is in accordance with reality, we feel in ourselves a true and authentic feeling of certitude (*sukūn al-naḥs*) that we do not feel when we are not certain of this⁴⁴. This certitude exists in us, for instance, when we are certain that something exists because we have seen it with our

⁴³ For more details on the meaning of the terms *ʿitiqād*, *ʿilm* and *ẓann*, see Peters (1976, 41-56), Bernand (1982, 279-300) and Reinhart (1995, 155-156).

⁴⁴ In her detailed study on 'Abd al-Jabbār's theory of knowledge, Bernand (1982, 291-300) explained how the concept of *sukūn al-naḥs* was applied by the Mu'tazilites. See also Peters (1976, 48-50).

own eyes. This certitude is missing when we only have a supposition (*ẓann*) about something, for instance, when something is supposed to happen in the future. ‘Abd al-Jabbār therefore says that we do not have knowledge (*‘ilm*) of, but only a supposition (*ẓann*) about, what will happen in the future.

In ‘Abd al-Jabbār’s opinion it is good to inflict pain in order to obtain a profit that does not exist at that moment, but which it is supposed will eventuate in the future. To illustrate this, ‘Abd al-Jabbār again takes up the example of selling a garment for a dīnār. He considers this act to be good, regardless of whether the dīnār is spent at that moment or later, although there is only certainty about the profit if the money is spent at once. If the dīnār is spent later, it is supposed that the profit will eventuate; it does not exist at the moment when the owner disposes of his garment. Similarly, in many other cases when pain involves a profit, the profit is not known with certainty because it will happen in the future. Yet suffering the pain for it is considered good. ‘Abd al-Jabbār mentions as examples trade and labour that are done in order to obtain gains. Another example involves exertion in the search for science, culture or exquisite things. At the moment someone decides to harm himself like this, the profit has not yet happened and cannot be known with certainty, yet his act is considered to be good because it is supposed that it will yield him a profit in the future (*Mughnī* XIII, 348: 3-9).

However, it is possible that a profit that is supposed to happen in the future does not happen at all. This implies that the harm inflicted does not lead to a profit that outweighs it. Similarly, it is possible that a harm is chosen in order to avert a greater harm but that the harm intended to be averted happens after all. Must these acts be judged as being bad? ‘Abd al-Jabbār does not think so. He considers them good acts, notwithstanding the harm they involve. What, then, makes these acts good? It cannot be the profit because there is no profit, nor the averting of harm because harm is not averted. ‘Abd al-Jabbār explains that these acts are good because of the supposition (*ẓann*) someone has at the moment that he chooses the pain, namely, that the pain will involve a profit or avert a harm (*Mughnī* XIII, 348: 12-13). However, he makes it conditional that the supposed profit is much greater than the pain suffered (*Mughnī* XIII, 349: 1-7 and 362: 3-12).

The examples that ‘Abd al-Jabbār has given above concern self-inflicted pain. In ‘Abd al-Jabbār’s opinion it is also good to inflict

pain on someone else on the supposition that it will provide him with a profit in the future or that it will avert an expected harm, but only if the other person has given his consent to be harmed. 'Abd al-Jabbār considers that harming an adult of sound mind (*'āqil*) without his consent is bad when it concerns a future profit, however great this profit may be: no exception is made for a profit that is so great that every adult of sound mind would choose to be harmed in order to obtain it (*Mughnī* XIII, 357: 11-14). However, in 'Abd al-Jabbār's opinion it is good if someone harms living beings who are not in full possession of their mental faculties and are put into his care, when he supposes that this will lead to a profit for them in the future or that it will avert an expected harm (*Mughnī* XIII, 362: 1-8).

Opinion diverged on the question of whether or not it is good to inflict pain that is supposed to be deserved. Evidently, the question is not whether it is good to punish someone for an offence it is supposed he will commit in the future but rather whether it is good to punish someone on the supposition that he has already committed an offence. A different kind of supposition is therefore involved: there is uncertainty about something, not because it has not happened yet but because it is unclear what exactly has happened.

In 'Abd al-Jabbār's opinion it is not good to inflict pain on the supposition that it is deserved. He declares himself in agreement with Abū 'Alī al-Jubbā'ī, who was of the opinion that supposition cannot take the place of knowledge with respect to deserved pain. In Abū 'Alī's opinion, inflicting deserved pain is only good if it is known with certainty that the pain is deserved. However, he reportedly made an exception for blame, considering it good to blame someone on the supposition that this person deserves to be blamed. He explained that this act is good, not because of the blaming person's supposition (*ẓann*) but because of the profit that the blamed person derives from the blame: the blame may prevent him from committing the offence for which he, perhaps undeservingly, has been blamed (*Mughnī* XIII, 363: 3-7).

Abū 'Alī al-Jubbā'ī's son Abū Hāshim is reported⁴⁵ to have said that it is good to inflict pain even if it is only supposed that the pain is deserved (*Mughnī* XIII, 363: 13-14). This evidently referred to blaming someone, as he argued that it is difficult to know with cer-

⁴⁵ The works to which 'Abd al-Jabbār refers are Abū Hāshim's *al-Abwāb* and his *al-Baghdādiyyāt* (not *al-Ta'dādiyyāt* as is written in the edition).

tainty whether the blame is deserved: in many cases in which blaming is considered good the blame is, in fact, based on supposition rather than knowledge (*Mughnī*, XIII, 363: 14-364: 6). Abū Hāshim disagreed with Abū 'Alī that in those cases the reason why blaming is good is a future profit. Abū Hāshim took into account that the blame is not given with the consent of the one who is blamed. As we have seen, harming an adult without his consent to obtain a future profit for him is not good. He therefore concluded that blaming in those cases cannot be good because of a profit and that it must therefore be good because of the supposition that it is deserved (*Mughnī* XIII, 364: 6-10). 'Abd al-Jabbār rejects this. He is convinced that the infliction of deserved pain is only good if it is known that it is deserved (*Mughnī* XIII, 365: 12-20).

7. *Judgments on Some Particular Cases of Inflicting Pain*

7.1. *Saving Someone and Harming Him*

We have seen that according to 'Abd al-Jabbār, it is good to avert a serious harm by bearing a trivial harm. But what about someone whose hand is broken while he is being saved from drowning⁴⁶? Is saving him in this way good because a serious harm (drowning) is averted by a trivial harm (breaking the hand of the drowning person)? However, the drowning person may be saved without breaking his hand. Although this question concerns a theoretical case which it is hard to imagine ever happening in reality, it was already a point of discussion in Abū 'Alī al-Jubbā'ī's time (*Majmū'ī* III, 29: 6-9).

The question of saving someone from drowning by breaking his hand has different aspects. With respect to the drowning person himself, it can be asked whether his exposing his hand to be broken is good. 'Abd al-Jabbār's opinion is that this is good if he supposes that this is the only way to be saved. 'Abd al-Jabbār argues that the act of the drowning person can be compared with the act of someone who has his hand amputated for fear that the gangrene in it will spread to the rest of his body. Having his hand amputated is good

⁴⁶ Hourani (1971, 75) mentions the question of the drowning person but speaks of the rescuer's broken hand and the compensation that the drowning person gives to the rescuer. It is not clear which passage in the *Mughnī* Hourani based this on.

in this case because he supposes that the amputation will avert the greater harm of dying from gangrene. Similarly, the act of the drowning person is good if he supposes that the only way to be saved is by exposing his hand to be broken (*Mughnī* XIII, 340: 13).

However, in 'Abd al-Jabbār's opinion the drowning person's act is bad if he knows that he can be saved without having his hand broken. Again, 'Abd al-Jabbār compares the drowning person's act with the act of someone who has his hand amputated because of gangrene. If the person with gangrene knows that he can be saved from gangrene without having his hand amputated it is bad of him to have his hand amputated. Similarly, if the drowning person knows that he can be saved without exposing his hand to be broken yet still exposes it to be broken, his act is bad (*Mughnī* XIII, 340: 3-5).

This concerns the act of the person who is drowning. As for the person who saves him and breaks his hand, 'Abd al-Jabbār is of the opinion that if the rescuer intentionally breaks the drowning person's hand, it is good of him to do so, even if he were able to save him without breaking it. 'Abd al-Jabbār explains that if the rescuer breaks the hand for a purpose (*gharad*) it means that he supposes that there is an advantage in saving the drowning person in this way. However, 'Abd al-Jabbār considers that his act is bad if he breaks the hand for no purpose, because in that case it is a useless act ('*abath*')⁴⁷ (*Mughnī* XIII, 340: 5-9). We have seen⁴⁸ that according to him every act that is not done with the intention of doing it in a reasonable way is a useless act and useless acts are bad.

'Abd al-Jabbār's opinion on this question differs slightly from Abū 'Alī al-Jubbā'ī's. In Abū 'Alī's view, breaking the hand of the drowning person although he could be saved without breaking his hand is a bad act on the rescuer's part. He argued that the rescuer harms himself because he will not receive thanks and praise from the person he has saved. Abū 'Alī considered that the rescue altogether is not an injustice because the profit for the drowning person (i.e., being saved) outweighs the harm (i.e., his broken hand). However, he added that the act of the drowning person who exposes his hand to be broken is bad because it is a useless act ('*abath*') (*Majmū'* III, 29: 9). We have seen that in 'Abd al-Jabbār view the act of the drowning

⁴⁷ This example is also given by 'Abd al-Jabbār in another passage in which he explains that doing harm is bad in those cases in which it is a useless act ('*abath*') (*Mughnī* XIII, 312: 8-10).

⁴⁸ See above, 125-126.

person is good if he supposes that this is the only way he can be saved.

7.2. *Inflicting Pain on Someone in Self-Defence*

Many people will consider that it is good to defend oneself against an attack by someone else, even if it means that the attacker is harmed⁴⁹. Yet, on what grounds is self-defence a good act? According to 'Abd al-Jabbār's theory it is bad to harm someone else in order to gain a profit for oneself. He thinks that, similarly, it is bad to harm someone else for the purpose of averting a harm to oneself. He argues that this is known by reason, which says that it is not good to take someone's bread (harming him in this way) to appease one's own hunger (averting harm to oneself) (*Mughnī* XIII, 341: 6-7)⁵⁰. Does self-defence not imply that we harm someone else in order to avert a harm to ourselves?

Presumably 'Abd al-Jabbār in his function as a judge often dealt with cases of self-defence. Answering the question of whether it is good to harm someone else in self-defence he takes into account whether it is necessary to use violence in order to avert the attack. He concedes that it is good to inflict pain in self-defence, but only if it is impossible to ward off an attacker without inflicting pain on him. He emphasizes that if it is possible to fend off the attacker without harming him there is an obligation to do so.

The same holds for an attack that can be warded off with only slight harm to the attacker. 'Abd al-Jabbār considers that it is bad to harm the attacker more than is necessary: it should not be the defender's object to harm the attacker. If possible, he must try to stop the attacker by keeping him off with his hands and if he can keep him off without the use of violence, he should do so (*Mughnī* XIII, 340: 18-341: 3)⁵¹.

In 'Abd al-Jabbār's opinion, it is not bad to harm someone in

⁴⁹ Ḥanafite lawyers say that it is permissible (*mubāḥ*) to kill someone else in self-defence, provided that the attack cannot be averted in another way (Schacht, 1978, 768).

⁵⁰ We should remember that 'Abd al-Jabbār does not discuss the legal aspects of acts. Whether or not the thief of a loaf of bread should be punished according to law is a different question that he does not discuss here.

⁵¹ Although I did not come across any passage in the *Mughnī* in which 'Abd al-Jabbār explicitly speaks as a judge, passages like the one discussed here may evidence his experience with juridical cases.

self-defence if this is the only way to ward off an attacker. He believes that this act is good because the attacker himself chooses to be harmed: at the moment that he decides to attack someone, he also chooses to expose himself to harm from the attacked person acting in self-defence. Thus, harm done in self-defence should not be seen as harm inflicted by the person attacked but rather as harm inflicted by the attacker on himself (*Mughnī* XIII, 341: 4-6).

7.3. *Pain Inflicted by Children and Animals*

We have seen⁵² that ‘Abd al-Jabbār considered bad the act of someone who in his sleep or absentmindedly harms someone else⁵³. Although the act is not done intentionally ‘Abd al-Jabbār nevertheless considers it bad because it involves harm. However, no blame is attached because the harm is done unintentionally. Another reason why no blame is attached for some bad acts is that they are done by living beings without complete minds, such as children, insane adults and animals. They are not blamed because they cannot know that these acts are bad.

In Mu‘tazilite thought God imposes obligations on adults of sound mind but not on children, insane adults and animals⁵⁴. ‘Abd al-Jabbār reports that some speculative theologians believed that acts that are bad if adults of sound mind do them are not bad if they are done by living beings on whom God has not imposed obligations (*laysa bi-mukallafin*) (*Mughnī* XIII, 304: 4-6). ‘Abd al-Jabbār rejects the opinion of these theologians. In his view, harm done by such living beings is bad even though they do not know that doing harm is bad. However, they do not deserve blame for their acts because they cannot be prevented from acting by the knowledge that doing harm is bad: they do not have this knowledge (*Mughnī* XIII, 478. 9-10).

In the next chapter we will see that ‘Abd al-Jabbār, having explained that there are ways in which inflicting pain is good, goes on to apply the method of drawing an analogy between this world and the divine world in order to make clear that God’s acts of inflicting pain

⁵² See above, 118-119.

⁵³ It is obvious that this harm is good if it involves a greater profit for the harmed person or averts a greater harm to him, even though the harm is not done with this intention.

⁵⁴ See below, 147.

are good because they are done in those ways. However, this is not the only reason why he has specified which human acts of infliction of pain are good. The distinction between good and bad infliction of pain is important for him because he believes that in particular cases God compensates for pain, even if this pain is produced by humans. However, he is convinced that God does not compensate for bad infliction of pain: someone who inflicts pain on someone else in such a way that his act is bad must himself compensate for this pain. In the next chapter we will see how, according to ‘Abd al-Jabbār, this is done.