

From *Qāḍī* to Philosophical Icon: Ibn Rushd and the Epistemic Reconfiguration of Islamic Studies in Europe

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Abstract

This article revisits the modern reception of Ibn Rushd (d. 595/1198) in European intellectual history. Since the nineteenth century, especially after Ernest Renan (d. 1892), he has often been presented as the emblem of an Islamic rationalism compatible with European modernity. Such portrayals tend to privilege Ibn Rushd the commentator on Aristotle and the author of the *Tahāfut al-tahāfut*, while paying far less attention to Ibn Rushd the Māliki jurist and *qāḍī*, including his discussions of jihad and other legal matters. Focusing on close readings of selected passages, the article questions this split between “the philosopher” and “the judge.” It suggests that the separation owes less to tensions within Ibn Rushd’s own writings than to later habits of reading shaped by modern, secular disciplinary boundaries. By restoring the coherence and complexity of Ibn Rushd’s thought, this paper calls for a reassessment of the epistemology and paradigms through which the medieval Islamic intellectual heritage is read and interpreted in modern scholarship.

Keywords

Ibn Rushd; *Fiqh*; Philosophy; Jihad; Epistemology; Paradigm; Modern reception

De *qāḍī* à icône philosophique : Ibn Rushd et la reconfiguration épistémique des études islamiques en Europe

Résumé

Cet article revisite la réception moderne d'Ibn Rushd (m. 595/1198) dans l'histoire intellectuelle européenne. Depuis le XIX^e siècle, en particulier à la suite d'Ernest Renan (m. 1892), il a souvent été présenté comme l'emblème d'un rationalisme islamique compatible avec la modernité européenne. De telles représentations tendent à privilégier Ibn Rushd en tant que commentateur d'Aristote et auteur du *Tahāfut al-tahāfut*, tout en accordant une attention bien moindre, voire en négligeant parfois, Ibn Rushd en tant que juriste malikite et *qāḍī*, y compris ses développements sur le jihad et d'autres questions juridiques. À partir d'une lecture rapprochée de passages sélectionnés, cet article interroge cette dissociation entre « le philosophe » et « le juge ». Il suggère que cette séparation tient moins à des tensions internes dans l'œuvre d'Ibn Rushd qu'à des habitudes de lecture postérieures, façonnées par des frontières disciplinaires modernes et sécularisées. En restituant la cohérence et la complexité de la pensée d'Ibn Rushd, cette étude appelle à une réévaluation des épistémologies et des paradigmes à travers lesquels l'héritage intellectuel islamique médiéval est lu et interprété dans la recherche contemporaine.

Mot-clés

Ibn Rushd ; *Fiqh* ; Philosophie ; Jihad ; Epistémologie ; Paradigme ; Réception moderne

فلسفي: ابن رشد وإعادة تشكيل الأطر من قاضٍ إلى رمز المعرفية للدراسات الإسلامية في أوروبا

المخلص

تعيد هذه الدراسة النظر في تلقي ابن رشد (ت. 595هـ/1198م) في التاريخ الفكري الأوروبي الحديث. فمنذ القرن التاسع عشر، ولا سيما بعد إرنست رينان (ت. 1892م)، غالبًا ما قُدِّم بوصفه رمزًا لعقلانية إسلامية منسجمة مع الحداثة الأوروبية. وتميل هذه التصورات إلى إبراز ابن رشد بوصفه شارحًا لأرسطو ومؤلف تهافت التهافت، مع منح اهتمام أقل بكثير، بل وإغفال أحيانًا، لابن رشد الفقيه المالكي والقاضي. بما في ذلك تناوله لمسائل الجهاد وغيرها من القضايا الفقهية. وانطلاقًا من قراءة دقيقة لنصوص مختارة، تتناول هذه الدراسة هذا الفصل بين «الفيلسوف» و«القاضي». وتذهب إلى أن هذا الفصل لا يرجع إلى توترات داخلية في كتابات ابن رشد بقدر ما يرجع إلى أنماط قراءة لاحقة تشكلت في ظل حدود تخصصية حديثة ذات طابع علماني. ومن خلال إبراز تماسك فكر ابن رشد وتحقيقه، تدعو هذه الدراسة إلى إعادة النظر في الأطر المعرفية والنماذج التي يُقرأ من خلالها التراث الفكري الإسلامي في العصر الوسيط ويُفسَّر في الدراسات الحديثة.

الكلمات المفتاحية

ابن رشد؛ الفقه؛ الفلسفة؛ الجهاد؛ نظرية المعرفة؛ النموذج؛ التلقي الحديث

1. Introduction

Since the nineteenth century, Ibn Rushd (d. 595/1198) has occupied a distinctive place in European narratives of intellectual history. In Western historiography as well as in public discourse, he is overwhelmingly presented as the commentator on Aristotle (Adamson, Di Giovanni, 2019). He is, to a lesser extent, also identified as the author of the *Tahāfut al-tahāfut* (*The Incoherence of the Incoherence*), written in response to al-Ghazālī's *Tahāfut al-falāsifa* (*The Incoherence of the Philosophers*), and as a defender of demonstrative rational inquiry. This interpretation belongs to a longer tradition, initiated in the medieval Latin reception and consolidated in the modern period, that casts Ibn Rushd as a mediator between Islam and Christian Europe, even as a milestone in the development of European rationality. While the medieval Latin reception contributed to shaping the figure of Averroes as a philosophical authority, it did not operate through the same epistemic filters as modern readings. The contrast is therefore not simply one of continuity, but of reconfiguration: what was transmitted as a philosophical corpus in the medieval period is selectively reinterpreted in modern scholarship through categories that tend to dissociate philosophy from juridical normativity.

It found an influential nineteenth-century expression in Ernest Renan (d. 1892), for whom Ibn Rushd embodied the rationalist exception within an Islam presumed to be structurally resistant to philosophy (Renan, 1852 ; de Libera, 2016 ; Forte, 2016). Having become dominant in many academic syntheses, this image has helped establish Ibn Rushd almost exclusively as a philosopher and an emblem of an Islamic rationalism rendered compatible with the categories of European modernity.

Such a reading, however, rests on an implicit dissociation between Ibn Rushd the philosopher and Ibn Rushd the jurist, even though, as Roger Arnaldez aptly observed, one cannot in reality separate the Muslim who applies the Law from the thinker who comments on Aristotle and believes in the truth of his thought.¹ The commentator on Aristotle and the author of the *Faṣl al-maqāl fīmā bayna al-sharī'a wa al-ḥikma min al-ittiṣāl* (*The Decisive Treatise Determining the Connection between the Law and Wisdom*) is frequently detached from the author of the *Bidāyat al-mujtahid wa nihāyat al-muqtaṣid* (*The Distinguished Jurist's Primer*) and from his

¹ “On ne peut en réalité séparer le musulman qui applique la Loi et le penseur qui commente Aristote et croit en la vérité de sa pensée”. Roger Arnaldez, *Averroès, un rationaliste en Islam* (Paris: Balland, 1998), p. 15. Further on, pp. 43-44, the author writes: “Dans ces conditions, nous comprenons qu’il y ait eu entre l’Averroès juriste et l’Averroès philosophe un accord parfait, et que ses spéculations sur les questions de droit s’appuient raisonnablement sur une logique dont l’objet n’est pas sans doute de prouver par des arguments apodictiques, mais de définir une méthode de compréhension des textes, capable de les présenter dans un ensemble et un ordre satisfaisant pour la raison.”

Mukhtaṣar of al-Ghazālī's *al-Mustaṣfā*, as though these works belonged to separate intellectual domains. On this view, Ibn Rushd's juridical production appears contextual, if not secondary, while his philosophical writings are isolated and universalized. Yet, this fragmentation corresponds neither to the internal coherence of his corpus nor to the intellectual world of twelfth-century al-Andalus and the Maghrib in which he wrote.

The consequences of this dissociation are visible in the strongly idealized figure that emerged within European intellectual space. Alain de Libera formulated the point bluntly: Ibn Rushd "was neither a thinker of tolerance, nor a moderate Muslim, nor an Enlightenment man. He was quite simply a Muslim intellectual of the second half of the twelfth century engaged in radical religious reform, in the service of an authoritarian political power, the Almohad dynasty, founded by Ibn Tumart (d. 1130) (de Libera, 2016).

This article takes that dissociation as a problem to be examined through a close cross-reading of selected passages from Ibn Rushd's corpus. It proceeds by detailed textual analysis, attentive to the juridical categories at work, the hierarchy of sources invoked, and the forms of reasoning mobilized. The aim is not to offer a comprehensive account of Ibn Rushd's reception. Rather, I argue that a focus on a limited set of texts can illuminate a broader interpretive habit, one that foregrounds certain dimensions of Ibn Rushd's work while leaving others in the background.

The objective, then, is to restore the coherence of an author for whom *falsafa* and *fiqh* did not constitute rival domains. They operated instead as distinct registers within a shared intellectual horizon. The modern dissociation between philosopher and jurist owes less to tensions internal to Ibn Rushd's writings than to the categories through which those writings have been made legible. Through his case, what comes into view is a wider process: the reconfiguration of medieval Islamic scholarly figures within the epistemological frameworks of modern European academia.

2. Ibn Rushd in Modern Historiography: Between Rationalist Myth and Teleology

This section does not aim at an exhaustive survey of modern scholarship, but rather isolates a set of recurring interpretive operations that have shaped the dominant image of Ibn Rushd in European intellectual history.

Part of nineteenth century Orientalism played a decisive role in consolidating this portrait. Within that framework, Ibn Rushd was regularly mobilized as the emblem of an enlightened and rational Islam (von Kügelgen, 1994 ; 1996), sometimes even as a precursor of the European Enlightenment (Forte, 2016 ; Schick, 2023), in contrast to other traditions portrayed as more legalistic or conservative, a contrast that subsequent scholarship has significantly nuanced. Marked by a strong teleological impulse, this reading has nevertheless been questioned by scholars attentive to restoring the internal coherence of Ibn Rushd's work and distancing

themselves from the ideological uses to which it was put in the modern period (von Kügelgen, 1994 ; 1996 ; Forte, 2016 ; Schick, 2023).

This historiographical construction continues today in certain public discourses and forms of scholarly popularization, where Ibn Rushd is frequently invoked as the figure of a rational, philosophical Islam compatible with modern intellectual categories.² Such contemporary appropriations tend to reinforce the teleological reading of his thought by reinscribing it within ongoing debates about modernity, tolerance, and secularization. Yet this framing rests on an artificial dissociation between philosophy and religious normativity, a dissociation that corresponds neither to Ibn Rushd's biographical trajectory nor to the internal logic of his corpus.

As early as 1970, Majid Fakhry spoke of the "denationalization" of Ibn Rushd, describing how he had been detached from the intellectual history of Islam and elevated into a transnational figure of Aristotelian philosophy (Fakhry, 2004). Alain de Libera later proposed an "archaeology" of the figure of Averroes, showing how, through successive Latin translations, scholastic controversies, and polemical attributions, a character emerged increasingly detached from Ibn Rushd and his Islamic context. De Libera emphasizes that theses often projected onto him, sometimes formulated by his opponents, contributed to the formation of competing legends, portraying him either as an enemy of religion or as a precursor of tolerance and Enlightenment rationality. In his view, this construction obscured Ibn Rushd's juridical, theological, and political embeddedness within the Almohad context and transformed a medieval author into a transhistorical symbol, thereby distorting his intellectual profile.³ The elevation of Averroes as a figure compatible with modern

² These framings can be found across a wide range of media and formats. For example see Malek Chebel, *Manifeste pour un islam des Lumières : 27 propositions pour réformer l'islam* (Paris: Fayard, 2011), p. 10, 20. In the Arab world, in particular Egypt, see Fauzi M. Najjar, "Ibn Rushd (Averroes) and the Egyptian Enlightenment Movement", *British Journal of Middle Eastern Studies*, 31/2 (2004), pp. 195–213. For another example arguing that the Arabic philosophical tradition lies at the origin of the modern Enlightenment, see Eric Marion, *Lumières arabes et Lumières modernes. Au miroir de l'utopie insulaire d'Ibn Tufayl. Expérience de soi et dissidence du philosophe autodidacte* (Paris: Kimé édition, 2016). See also the insightful review of this work by Aziz Hilal, "Marion Éric, *Lumières arabes et Lumières modernes*", *MIDÉO*, 33 (2018), Online since 05 July 2018, connection on 21 January 2026. URL: <http://journals.openedition.org/mideo/2291>

See also <https://www.historia.fr/personnages-historiques/biographies/averroes-2059405>; https://www.huffingtonpost.fr/actualites/article/averroes-ibn-rushd-et-l-islam-des-lumieres_49676.html

³ de Libera, "Averroës: The bearded philosopher", pp. I–VI. On Almohadism and its relation to the course of Averroes' undertaking see also Maribel Fierro, "The Legal Policies of the Almohad Caliphs and Ibn Rushd's *Bidāyat al-Mujtahid*", *Journal of*

rationality thus appears less as the result of continuous reception than as the outcome of selective historiographical operations, a dynamic exemplarily illuminated in Stefan Schick's study of his rediscovery by Tiedemann and Herder (Schick, 2023).

Three mechanisms appear particularly structuring in this reception: the selective emphasis on philosophical writings, a teleological framing that integrates Ibn Rushd into a history of European rationality, and the progressive detachment of his work from its juridical and doctrinal context.

A comparable mechanism can be observed in the modern reception of Ibn Khaldūn, which offers a useful point of comparison for understanding the broader historiographical dynamics at work. As Aziz Al-Azmeh has shown, the *Muqaddima* has often been read through a modernizing lens that casts Ibn Khaldūn as a precursor of European sociology or political philosophy, at the cost of flattening the internal complexity of his thought (Al-Azmeh, 1981 ; Alatas, 2015). This reconfiguration, which turns a medieval scholar into a canonical figure of emerging social sciences, illustrates a structural tension between the richness of premodern texts and the frameworks of intelligibility favored within modern academia. The recent recontextualization proposed by Mehdi Ghouirgate makes it possible to move beyond the image of the "isolated precursor" by restoring Ibn Khaldūn to the density of his historical and political experience (Ghouirgate, 2024a ; 2024b).⁴

Ibn Rushd was, of course, a philosopher and a physician. But he was also—and fundamentally—a Mālikī jurist, a *qāḍī* of Córdoba and later Seville, and the heir to a distinguished Andalusī scholarly lineage. He was the son of a *qāḍī* and grandson of the renowned Abū al-Walid Muḥammad b. Aḥmad b. Rushd (d. 520/1126), one of the most prominent Mālikī jurists of al-Andalus and the Maghrib in his time, commonly known as Ibn Rushd al-Jadd ("the grandfather") to distinguish him from

Islamic Studies, 10/3 (1999), pp. 226–248; Maribel Fierro, "Ibn Rushd's (Averroes) 'Disgrace' and his relation with the Almohads", in *Islamic philosophy from the 12th to the 14th century*, ed. Abdelkader Al Ghouz, (Bonn: Bonn University Press, 2018), pp. 73–116; Dominique Urvoy, *Averroès: les ambitions d'un intellectuel musulman* (Paris: Flammarion, 1998), pp. 57–60; Dominique Urvoy, "Ibn Rushd et le pouvoir almohade", in *Averroès et l'averroïsme*, ed. André Bazzana, Nicole Bériou and Pierre Guichard (Presses universitaires de Lyon, Lyon, 2005), pp. 121–130; Matteo Di Giovanni, "Averroes, Philosopher of Islam", in *Interpreting Averroes: Critical Essays*, ed. Peter Adamson and Matteo Di Giovanni (Cambridge: Cambridge University Press, 2019), pp. 11–18.

⁴ Already in his work *Les Empires berbères*, Mehdi Ghouirgate argued that, within the specific field of studies devoted to medieval Islam, there exists a tendency to approach Islam as a monolithic block, on the basis of several questionable assumptions. As he himself states, the book is the result of a "perplexity" and an "epistemological skepticism".

his more famous descendant.⁵ Ibn Rushd's juridical training, his integration into Almohad judicial institutions, and his sustained engagement in the normative debates of his time occupied a central place in his intellectual trajectory.⁶ Yet these dimensions are often relegated to the margins or altogether ignored in modern readings of his work.

3. *Falsafa* within the Interpretive Framework of Fiqh

It is in the texts themselves that the distance becomes visible between the figure reconstructed by modern reception and the way Ibn Rushd situates himself. The *Faṣl al-maḡāl*, often read as a philosophical *manifesto*, is particularly revealing in this regard: from its opening lines, the question of philosophy is framed in terms of juridical qualification rather than the autonomy of reason:

والحكمة الشريعة بين التكلم: الأول الفصل

وأنواعه العقلي القياس في النظر بالشرع يجب

المصطفى [المطهر] عبده محمد على والصلاة، محامده بجميع الله حمد بعد أما في النظر هل، الشرعي النظر جهة على، نفحص أن القول هذا من الغرض فإن، ورسوله، التذنب جهة على إما به مأمور أم، محذور أم، بالشرع مباح المنطق وعلوم الفلسفة في النظر من أكثر شيئاً ليس الفلسفة فعل كان إن: فنقول، الوجوب جهة [على وإما] فإن، مصنوعات هي ما جهة من أعني الصانع على دلالتها جهة من واعتبارها الموجودات بصنعتها المعرفة كانت كلما وإنه، صنعتها بمعرفة الصانع على تدل إنما الموجودات على وحث الموجودات اعتبار إلى ندب قد الشرع وكان. أتم بالصانع المعرفة كانت أتم أن فأما، إليه مندوب وإما، بالشرع واجب إما: الاسم هذا [عليه] يدل ما أن فيبين، ذلك آية ما غير في بين فذلك، به معرفتها وتطلب، بالعقل الموجودات اعتبار إلى دعا الشرع على نص وهذا، "الأبصار أولي يا فاعتبروا": تعالى قوله مثل، وتعالى تبارك الله كتاب من في ينظروا أولم": تعالى قوله ومثل، "معاً الشرعي أو العقلي القياس استعمال وجوب في النظر على بالبحث نص وهذا، "شيء من الله خلق وما والأرض السماوات ملكوت

⁵ For further information on the figure and his thought, see Camilo Gómez-Rivas, *Law and the Islamization of Morocco under the Almoravids: The Fatwās of Ibn Rushd al-Jadd to the Far Maghrib* (Leiden: Brill, 2015); Delfina Serrano Ruano, "Ibn Rushd al-Jadd (d. 520/1126)", in *Islamic Legal Thought: A Compendium of Muslim Jurists*, Oussama Arabi, ed. David S. Powers, Susan A. Spector (Leiden: Brill, 2013), pp. 295–322. See also the unpublished dissertation of Farid Bouchiba, *Juifs et chrétiens au miroir du droit mālikite aux XIe-XIIe siècles. Épistémologie, herméneutique et norme juridiques envers les non-musulmans à l'époque almoravide dans l'œuvre d'Ibn Rushd al-jadd (m. 520/1126)*, Unpublished PhD dissertation (Nantes: university of Nantes, 2018), 5 vols; Nesrine Badawi, *Islamic Jurisprudence on the Regulation of Armed Conflict* (Leiden/Boston, Brill, 2020), pp. 97–110; Urvoy, *Averroès: les ambitions d'un intellectuel musulman*, pp. 20–29.

⁶ For more information see Urvoy, *Averroès: les ambitions d'un intellectuel musulman*, pp. 38–42, 86–146.

عليه إبراهيم به وشرفه العلم بهذا خصه ممن أن تعالى الله أعلم. الموجودات جميع وقال. الآية "والأرض السماوات ملكوت إبراهيم نرى وكذلك": تعالى فقال، السلام ويتفكرون": وقال. "رُفعت كيف السماء وإلى خُلقت كيف الإبل إلى ينظرون أفلا": تعالى كثرة تُحصى لا التي الآيات من ذلك غير إلى "والأرض السماوات خلق في

*Chapter One: On the Discourse between the Law and Wisdom
The Law obliges the examination of rational analogical reasoning and its various forms*

After praising God with all due praise and invoking blessings upon Muḥammad, His chosen and purified servant and Messenger, the purpose of this treatise is to examine, from the standpoint of legal consideration, whether the study of philosophy and the sciences of logic is, according to the Revealed Law, permitted, prohibited, or prescribed, whether by way of recommendation or obligation. If the activity of philosophy consists in nothing more than examining existing beings and considering them insofar as they indicate the existence of the Artisan, that is, insofar as they are crafted products, then beings indicate the Artisan only through knowledge of their craftsmanship, and the more complete this knowledge, the more complete the knowledge of the Artisan. Since the Law has recommended reflection upon existing beings and exhorted toward it, it follows that what is designated by this term, namely philosophy, is either obligatory or recommended according to the Law. That the Law calls upon human beings to reflect upon existing things through reason and to seek knowledge of them in this manner is evident in more than one Quranic verse, such as: "So reflect, O you endowed with insight," which establishes the obligation of employing rational or juridical analogical reasoning, or both together. Likewise: "Have they not considered the dominion of the heavens and the earth and all that God has created?" a clear exhortation to examine the totality of existing things. God further indicates that among those specially honored with this knowledge was Abraham, upon whom be peace: "Thus We showed Abraham the dominion of the heavens and the earth..." He also says: "Do they not look at the camels, how they were created? And at the sky, how it was raised?" and "They reflect upon the creation of the heavens and the earth," along with many other such verses. (Ibn Rushd, 1997)

This passage from the *Faṣl al-maqāl* compels us to reconsider common assumptions. The analysis that follows focuses on the juridical framing of philosophical inquiry and its implications for how Ibn Rushd's intellectual project should be understood. At first sight, one might expect a declaration of philosophical autonomy. The text, however, moves in a different direction: Ibn Rushd frames *falsafa* as a juridical problem, its qualification under the *sharī'a*. Philosophy is not presented as an autonomous intellectual activity to be assessed independently of the Islamic normative framework. The question is posed in explicitly legal terms: is philosophical inquiry, from the standpoint of the *sharī'a*, permitted (*mubāḥ*), prohibited (*maḥẓūr*), or prescribed, whether as recommended (*mandūb*) or obligatory (*wājib*)? This typology corresponds precisely to the classical categories of the

aḥkām taklīfīyya. *Falsafa* thus becomes the object of legal classification rather than purely speculative justification.

The formulation *‘alā jihat al-naẓar al-shar‘ī* (“from the standpoint of legal consideration”) is significant. Ibn Rushd does not seek to determine the intrinsic value of philosophy according to a criterion external to Revelation; he evaluates it from within the normative horizon of the sharī‘a. The issue, in other words, is less the emancipation of reason from the Law than its juridical status within it: does philosophical inquiry fall under obligation, recommendation, or prohibition?

Ibn Rushd’s argumentative strategy is revealing. He begins by redefining philosophy as the examination of existing beings (*naẓar fī al-mawjūdāt*) insofar as they point to the existence of the Artisan. This move displaces the problem: *falsafa* is not introduced as a foreign Greek inheritance, but as a form of *i‘tibār* namely reflection upon the divine signs manifest in creation. Once this equivalence is established, the reasoning takes the form of a juridical syllogism: if the Law commands or recommends reflection upon existing beings, and if philosophy consists precisely in such reflection, then philosophy must necessarily assume a positive normative status either obligatory or recommended.

The appeal to Quranic verses confirms this orientation. Ibn Rushd does not ground his argument in the authority of Aristotle or in an autonomous philosophical tradition; rather, he invokes Quranic passages as quoted above. Rational demonstration is thus presented as an exigency derived from Revelation itself. Reason does not replace Revelation; it operates as one of its modes of fulfillment.

The vocabulary employed further underscores this integration. Terms such as *qiyās* situate the discussion squarely within the universe of *uṣūl al-fiqh*. The so-called *qiyās ‘aqlī* (rational analogical reasoning) is not opposed to *qiyās shar‘ī* as though they belonged to hermetically sealed domains. Rather, Ibn Rushd suggests their articulation. Logic and demonstrative reasoning function as methodological instruments serving a fuller understanding of creation and, by extension, of the Creator. The aim is not to establish an autonomous sphere of knowledge detached from religious normativity, but to integrate philosophical activity within the hierarchy of sciences recognized by the sharī‘a.

Already, this text complicates the image of Ibn Rushd as a philosopher in the modern sense—namely, as the bearer of a secularized rationality detached from Islamic law. Even when defending the legitimacy of *falsafa*, he does so as a jurist qualifying a practice under the Law. The question of philosophy is not framed as emancipation, but as normative status. In this respect, the *Faṣl al-maqāl* does not stage a rupture between reason and sharī‘a; it articulates them within the categories of *fiqh* itself. One may therefore agree with Alain de Libera that the *Faṣl al-maqāl* is neither primarily a theological nor a philosophical treatise, but a juridical one (Averroès, 1999).

Far from revealing a structural tension between philosophy and normativity, the text suggests that, for Ibn Rushd, demonstrative rationality finds its place within the economy of the Law. The modern dissociation between philosopher and

jurist thus appears less as a faithful reflection of his work than as the product of a later rereading shaped by categories foreign to the intellectual world of twelfth-century al-Andalus.

Ibn Rushd further writes:

فإنّه كما أن الفقيه يستنبط من الأمر بالتفقه في الأحكام وجوب معرفة المقاييس
الفقهية على أنواعها، وما منها قياس وما منها ليس بقياس، كذلك يجب على
العارف أن يستنبط من الأمر بالنظر في الموجودات وجوب معرفة القياس العقلي
وأنواعه، بل هو أخرى بذلك؛ لأنه إذا كان الفقيه يستنبط من قوله تعالى "فاعتبروا يا
أولي الأبصار" وجوب معرفة القياس الفقهي، فكذلك بالحرّي والأولى أن يستنبط من
ذلك العارف بالله وجوب معرفة القياس العقلي.

Just as the jurist infers from the command to deepen understanding of legal rulings the obligation to master the various forms of juridical analogical reasoning, distinguishing what properly constitutes *qiyās* from what does not, so too the knower must infer from the command to reflect upon existing beings the obligation to master rational analogical reasoning and its forms. Indeed, this applies even more strongly to him, for if the jurist infers from the verse "So reflect, O you endowed with insight" the obligation of mastering juridical *qiyās*, how much more appropriate is it for the knower of God to infer from it the obligation of mastering rational *qiyās*. (Ibn rushd, 1997)

The passage is decisive. When Ibn Rushd defends philosophy, he does so from within juridical reasoning. The starting point is not an abstract meditation on the value of reason, but the command to engage in *tafaqquh* in legal rulings. The verb *yastanbiṭ* points to *istinbāṭ*, the operation through which a jurist derives a ruling from revealed texts. It is on this terrain that Ibn Rushd situates himself.

The analogy is straightforward: just as the jurist deduces from revelation the obligation to master juridical *qiyās*, the knower, a fortiori, must deduce from the injunction to reflect the obligation to master rational *qiyās*. The two forms of reasoning are not competing rationalities; they share a common argumentative structure. Philosophy is not introduced as an autonomous discipline, but articulated through the categories of *fiqh*.

The expression *fa-kam bi-l-ḥarī wa-l-awlā* intensifies this movement: demonstrative reasoning appears not as a marginal concession, but as an even stronger obligation insofar as it concerns knowledge of God. The logic at work is one of internal hierarchy, not separation of domains.

Under these conditions, it becomes difficult to read the *Faṣl al-maḳāl* as a manifesto of reason emancipated from the shari'a. The framework remains juridical: *aḥkām*, *qiyās*, *istinbāṭ*, hierarchical classification of obligations. Even when addressing logic, Ibn Rushd operates from within this normative horizon.

What later interpretations have sometimes overlooked is precisely this methodological anchoring. By isolating the commentator on Aristotle, one risks

forgetting that the legitimation of philosophy here proceeds through the very instruments of law. Demonstrative rationality does not arise against the Law; it extends its interpretive tools.

4. Beyond the *Tahāfut*: The *Mukhtaṣar al-Mustaṣfā* and Ibn Rushd's *Uṣūlī* Formation

If Ibn Rushd is often reduced to the author of the *Tahāfut al-Tahāfut*, written in response to al-Ghazālī's *Tahāfut al-falāsifa*, it is far less frequently recalled that he also composed a *mukhtaṣar* of al-Ghazālī's *al-Mustaṣfā*, one of the major works in *uṣūl al-fiqh*. This abridgment attests to an early and substantive engagement with the discipline and deserves to be taken seriously in its own right. This early engagement with *uṣūl al-fiqh* has also been highlighted in recent scholarship on Ibn Rushd's juridical reasoning, which has emphasized the continuity of his legal thought across works of different genres, from his abridgment of al-Ghazālī's *Mustaṣfā* to the *Bidāyat al-mujtahid* (Bou Akl, 2018, 2019 ; Adamson & Di Giovanni, 2019 ; Fakhry, 2001 ; Arnaldez, 1998 ; Urvoy, 1998). It belongs to the series of summaries composed at the beginning of his career, yet it resists a purely "technical" reading. The authorial positioning is more visible here, and the argumentation more tightly structured. As such, it sheds light on a still insufficiently studied moment in his intellectual trajectory.

As Jamāl al-Dīn al-ʿAlawī has observed, the decision to abridge *al-Mustaṣfā* is far from incidental and invites a partial reconsideration of how Ibn Rushd's relationship to al-Ghazālī has been described. Scholarship often takes the *Tahāfut al-Tahāfut* as its point of departure, as though the connection between the two authors were confined to a late polemical refutation. The *Mukhtaṣar al-Mustaṣfā*, however, points to an earlier—and arguably more formative—encounter. To our knowledge, it constitutes the first attested point of articulation between Ibn Rushd and al-Ghazālī, anticipating the variety of forms this relationship would later assume, from the youthful *ḥawāṣi* to the mature *Tahāfut al-Tahāfut* (Ibn Rushd, 1994).

Moreover, this text demonstrates that Ibn Rushd situates himself, from the outset, within an explicitly normative framework. His use of the expression *ahl al-Sunna* (the People of the Sunna) (Ibn Rushd, 1994) is not merely descriptive. By invoking it, he locates himself within that doctrinal space and adopts it as a horizon of reference. In other words, Ibn Rushd does not simply designate prophetic normativity from a distance; he integrates himself within it and mobilizes it as an authoritative framework. This reminder is important: his intellectual labor remains articulated from within an acknowledged doctrinal and juridical order—far removed from what would, in modern terms, be described as a secularized rationalist posture.

5. Penal Normativity and the Hierarchy of Proofs: The Case of *Zinā*

Ibn Rushd's reputation as a *faqīh* rests largely on his celebrated work of jurisprudence, the *Bidāyat al-mujtahid wa nihāyat al-muqtaṣid* (*The Distinguished Jurist's Primer*), a systematic manual of comparative legal analysis across the major schools.

The example discussed here is not intended to exhaust the range of Ibn Rushd's juridical concerns. It is selected both for its centrality within the structure of *fiqh* and for the particular tension it introduces into interpretations shaped by modern assumptions that tend to privilege a "philosophical" Ibn Rushd detached from the normative and coercive dimensions of the law.

Far from being marginal within his corpus, this contribution testifies to a sustained engagement with Islamic normativity, rooted in a distinctly Mālikī juridical formation. Faithful to a comparative method, Ibn Rushd examines the principal questions addressed by the jurists of his time: ritual practice, commercial transactions, family law, and penal law, including matters such as the consumption of alcohol, theft, and illicit sexual relations (*zinā*). On the latter, he writes:

الْبَابُ الثَّانِي فِي أَصْنَافِ الزِّنَاةِ وَعُقُوبَاتِهِمْ

وَالزِّنَاةُ الَّذِينَ تَخْتَلِفُ الْعُقُوبَةُ بِاخْتِلَافِهِمْ أَرْبَعَةٌ أَصْنَافٌ: مُخْصَنُونَ نَيْبٌ، وَأَبْكَارٌ، وَأَخْرَارٌ، وَعَبِيدٌ وَذُكُورٌ وَإِنَاثٌ. وَالْحُدُودُ الْإِسْلَامِيَّةُ ثَلَاثَةٌ: رَجْمٌ، وَجَلْدٌ، وَتَغْرِيبٌ. فَأَمَّا النَّيْبُ الْأَخْرَارُ الْمُخْصَنُونَ فَإِنَّ الْمُسْلِمِينَ أَجْمَعُوا عَلَى أَنَّ حَدَّهُمُ الرَّجْمُ إِلَّا فِرْقَةً مِنْ أَهْلِ الْأَهْوَاءِ فَإِنَّهُمْ رَأَوْا أَنَّ حَدَّ كُلِّ زَانِ الْجَلْدُ، وَإِنَّمَا صَارَ الْجُمْهُورُ لِلرَّجْمِ؛ لِثُبُوتِ أَخَادِيثِ الرَّجْمِ، فَخَصَّصُوا الْكِتَابَ بِالسُّنَّةِ. أَغْنَى قَوْلُهُ تَعَالَى: {الرَّانِيَّةُ وَالرَّانِي} [النور: ٢] الْآيَةَ.

Chapter Two: On the Categories of zinā (illicit sexual relations) and Their Punishments

Those guilty of illicit sexual relations, whose punishments vary according to their status, fall into four categories: married persons who have consummated their marriage (*muḥṣanūn thuyyib*), unmarried persons, free individuals, and slaves, whether male or female. The Islamic legal penalties are three: stoning, flogging, and banishment. As for free married persons who are legally protected (*muḥṣanūn*), the Muslims have reached consensus that their punishment is stoning, with the exception of a group among the *ahl al-ahwā'*, who held that the punishment for every adulterer is flogging. The majority adopted stoning on the basis of the authenticity of the reports concerning it, thereby specifying the Quranic verse by means of the Sunna namely, His saying (God): "the man and the woman guilty of *zinā*..." (Q 24:2). (Ibn Rushd, 2012)

This passage from the *Bidāyat al-mujtahid* leaves little room for ambiguity: here Ibn Rushd speaks first and foremost as a jurist. The discussion is neither incidental nor peripheral. It fully assumes the categories, evidentiary hierarchies, and coercive mechanisms of classical law. He does not write as an author seeking to relativize the *sharī'a*, but as a Mālikī jurist intent on methodically presenting the

internal architecture of doctrine. The reasoning mobilizes classical tools: the hierarchy of sources (Quran and Sunna), the authority of consensus (*ijmāʿ*), and the treatment of minority positions. When Ibn Rushd states that “the Muslims have reached consensus” regarding the punishment of the *muḥṣan*, this is not merely a descriptive remark. In the language of *fiqh*, *ijmāʿ* stabilizes a norm and signals the limit beyond which legitimate disagreement no longer operates.

The passage is equally instructive with respect to the articulation of proofs. Ibn Rushd explains that stoning was adopted on the basis of the authenticated hadiths, leading jurists to specify or restrict the apparent meaning of the Quranic verse (Q 24:2) by means of the Sunna. He presents this procedure as an ordinary operation of legal science: once a Sunna is deemed established, it may clarify or delimit the scope of a Quranic text. Nothing in his exposition suggests that this constitutes a principled difficulty.

Perhaps most significant, however, is the expression *ahl al-ahwāʾ*, which may be translated here as “the people of [capricious] inclinations.” Ibn Rushd uses it to designate those who reject stoning and maintain that the punishment for *zinā* is limited to flogging. The term *hawā* (pl. *ahwāʾ*) has Quranic origins and appears frequently in hadith literature, generally in a pejorative sense, denoting subjective inclination or passion in opposition to guidance (*hudā*) and rectitude. Quranic passages such as “The Jews and the Christians will never be satisfied with you until you follow their religion. Say: “Indeed, the guidance of God is the true guidance.” If you were to follow their inclinations after what has come to you of knowledge, you would have against God neither protector nor helper.” (2:120); “Even if you were to bring to those who were given the Scripture every sign, they would not follow your direction of prayer, nor will you follow their direction, nor do they follow one another’s direction. If you were to follow their inclinations after what has come to you of knowledge, you would then be among the wrongdoers.” (2:145) and “We have sent down to you the Book in truth, confirming what preceded it of the Scripture and as a guardian over it. So judge between them according to what God has sent down, and do not follow their inclinations away from the truth that has come to you. To each of you We have appointed a law and a path. Had God willed, He could have made you one community, but He intended to test you in what He has given you. So compete in good works. To God you will all return, and He will inform you concerning that over which you used to differ.” (5:48) among others, employ the term to contrast divine guidance with following one’s passions.⁷ A similar connotation appears in certain hadiths invoking protection from deviant

⁷ The terms *ahwāʾ*, *hawā*, and their derivatives occur approximately thirty-two times in the Quran.

inclinations: “O God, I seek refuge in You from blameworthy character traits, evil actions, deviant inclinations, and diseases.”⁸

In classical doctrinal vocabulary, *hawā* does not merely designate a different opinion; it suggests arbitrariness and methodological deviation. To describe certain jurists as *ahl al-ahwā*’ is therefore to position them on the margins of acceptable disagreement. This is not a serene acknowledgment of pluralism. On the contrary, Ibn Rushd draws a clear boundary between disagreements regulated by the internal rules of *fiqh* and positions deemed disqualified. Such passages complicate portrayals of Ibn Rushd as a straightforward mediator between Islam and European modernity. Their relative absence from some modern syntheses likely stems from the fact that they unsettle a now-familiar portrait.

This passage also clarifies the nature of the rationality operative within *fiqh*. The reasoning mobilized by Ibn Rushd does not aim at loosening normative constraint; it seeks to organize doctrines, order proofs, and determine the limits of admissible debate. In this respect, such discussions sit uneasily with modern representations that elevate Ibn Rushd as the emblem of an easily secularizable rationalism. One is far here from the image of an “enlightened” Islam seamlessly compatible with modern notions such as “tolerance” or “critical reason”. The text suggests no attenuation of penal normativity; rather, it presents a jurist who fully assumes the coercive mechanisms of the Law as articulated within classical jurisprudence. This does not suffice to characterize him as a “violent” thinker, but it does prevent his reduction to a reassuring figure readily assimilable into a European history of reason.

If such passages have often been marginal in certain Western readings, this is not because they are peripheral to his work, but because they complicate a canonical portrait: that of a ‘respectable’ philosopher, detachable from his juridical anchoring. Yet it is precisely this anchoring that reminds us that the modern valorization of Ibn Rushd has frequently entailed a displacement—or at least a distancing—from his own normative framework.

Precisely because such domains resist easy integration into modern narratives of rationalism and tolerance, they offer a privileged vantage point for reassessing the coherence of Ibn Rushd’s thought.

6. Jihad as a Legal Institution in Ibn Rushd

Ibn Rushd also addresses matters relating to jihad, the *jizya*, and the status of the *dhimmīs*, to which he devotes an extended chapter. It is noteworthy that he places the chapter on jihad immediately after that on the *hajj*, the fifth and final

⁸ والادواء والأهواء والأعمال الأخلاق منكرات من بك أعوذ إني اللهم This hadith is reported by al-Tirmidhī, Ibn Hibbān and al-Ṭabarānī. Another similar version exists, without the mention of the term “diseases” at the end of the hadith.

pillar of Islam, an arrangement that itself signals the importance he accords to the subject.

The following example complements the previous one by extending the analysis to another domain in which the articulation between normativity, political context, and legal reasoning becomes particularly visible:

الْفَضْلُ الثَّالِثُ فِي مَعْرِفَةِ مَا يَجُوزُ مِنَ النَّكَايَةِ بِالْعَدُوِّ

وَأَمَّا مَا يَجُوزُ مِنَ النَّكَايَةِ بِالْعَدُوِّ فَإِنَّ النَّكَايَةَ لَا تَخْلُو أَنْ تَكُونَ فِي الْأَمْوَالِ، أَوْ فِي النَّفُوسِ، أَوْ فِي الرَّقَابِ، أَعْنِي: الْإِسْتِغْبَادَ وَالْتِمْلُكَ. فَأَمَّا النَّكَايَةُ الَّتِي هِيَ الْإِسْتِغْبَادُ فَهِيَ جَائِزَةٌ بِطَرِيقِ الْإِجْمَاعِ فِي جَمِيعِ أَنْوَاعِ الْمُشْرِكِينَ، أَعْنِي: دُخْرَانَهُمْ وَإِنَائَتَهُمْ وَشَبُوحَهُمْ وَصَبْيَانَهُمْ صَغَارَهُمْ وَكِبَارَهُمْ إِلَّا الرَّهْبَانَ. فَإِنَّ قَوْمًا رَأَوْا أَنْ يُتْرَكُوا وَلَا يُؤَسَّرُوا، بَلْ يُتْرَكُوا دُونَ أَنْ يُغَرَضَ إِلَيْهِمْ لَا يَقْتُلُ وَلَا يَسْتِغْبَا; يَقُولُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «قَذَرُوهُمْ وَمَا حَبَسُوا أَنْفُسَهُمْ إِلَيْهِ». «وَأَتَّبَاعًا لِفِعْلِ أَبِي بَكْرٍ [...] وَأَمَّا النَّكَايَةُ الَّتِي تَكُونُ فِي النَّفُوسِ فَهِيَ الْقَتْلُ، وَلَا خِلَافَ بَيْنَ الْمُسْلِمِينَ أَنَّهُ يَجُوزُ فِي الْحَرْبِ قَتْلُ الْمُشْرِكِينَ الذَّكَرَانَ النَّبَالِغِينَ الْمُقَاتِلِينَ. وَأَمَّا الْقَتْلُ بَعْدَ الْأَسْرِ فَفِيهِ الْخِلَافُ الَّذِي ذَكَرْنَا.

Chapter Three: On What Is Permissible in Inflicting Harm upon the Enemy

As for the forms of harm that may be inflicted upon the enemy, they fall into three categories: harm to property, harm to persons, and harm affecting persons in the sense of enslavement and appropriation. With regard to enslavement, it is considered permissible by consensus with respect to all categories of polytheists, men and women, the elderly and children, young and old, except monks. Some held that monks should be left alone and neither taken captive nor subjected to killing or enslavement, on the basis of the Prophet's statement, "Leave them to what they have devoted themselves," and in accordance with the practice attributed to Abū Bakr [...]. As for harm affecting persons, this refers to killing. There is no disagreement among Muslims that, in warfare, it is permissible to kill adult male polytheists who participate in combat. The question of killing after capture, however, is subject to the divergence previously mentioned. (Ibn Rushd, 2012)

This passage on jihad in the *Bidāyat al-mujtahid*, like several others that cannot be cited here for reasons of length, extends and confirms what the earlier discussion of the legal punishment (*ḥadd*) for *zinā* already suggested: Ibn Rushd does not treat Islamic normativity as a secondary backdrop to his work, but as a central field of juridical rationalization. Jihad is approached not as a polemical or exceptional theme, but as an ordinary legal institution, subject to the same demands of classification, evidentiary hierarchy, and systematic organization that govern other areas of *fiqh*.

From the outset, the treatment of jihad is markedly technical. Ibn Rushd does not discuss the spiritual value of combat, nor does he revisit its general legitimacy. He proceeds from the premise that armed jihad forms part of the Islamic legal order. The question is therefore not whether it is legitimate, but how it is to be conducted, against whom, and with what legal consequences. This framing is itself

revealing: warfare is not conceived as a rupture of normative order, but as one of its modalities.

Ibn Rushd structures his exposition around a precise typology of the effects of jihad (a traditional typology found in many works of *fiqh*) distinguishing between combatants and non-combatants, addressing killing, captivity (*asr*), and enslavement (*istirqāq*). Each point is examined in light of the classical sources (Qur'ān, Sunna, and practices attributed to the Companions) and situated within a controlled framework of juristic disagreement among the legal schools. Once again, Ibn Rushd adopts a descriptive and classificatory posture, without attempting to soften the coercive implications of the rules he presents.

The recurrent appeal to consensus (*ijmā'*) plays a central role in this presentation. When Ibn Rushd indicates that jurists agree on the permissibility of certain practices, he is not merely recording a majority opinion; he is delineating a threshold of normativity. As in the earlier discussion of adultery, *ijmā'* functions to distinguish between disagreement that remains doctrinally admissible and positions that fall outside the bounds of accepted doctrine. Jihad thus appears as a highly regulated domain, structured by precise legal rules rather than as a sphere of arbitrary or uncontrolled violence.

What is particularly striking in this passage is the absence of any attempt at moralization in the modern sense. Ibn Rushd neither seeks to offer an ethical justification for the killing of combatants nor to problematize the enslavement of captives. These practices are treated as possible legal consequences of a state of war, in the same way that other legal effects arise in non-military domains. This apparent neutrality does not indicate moral indifference; rather, it reflects an intellectual framework in which juridical normativity takes precedence over external evaluations grounded in contemporary criteria.

This mode of treating jihad further clarifies the internal coherence of Ibn Rushd's thought. The same author who, in the *Faṣl al-maqāl*, defends the legitimacy of demonstrative reasoning within the framework of the Law sees no contradiction in setting out, in another register, the legal rules governing warfare and coercion. Philosophy and *fiqh* are not conceived as antagonistic spheres, but as distinct levels within a single order of truth, each addressing different purposes and audiences. This distinction of audiences is crucial. Ibn Rushd does not address a homogeneous readership: his juridical writings are primarily directed toward jurists and students of *fiqh*, engaged in the classification of norms and the management of disagreement, whereas his philosophical texts concern those trained in demonstrative reasoning. The articulation between these registers therefore reflects not a division of thought, but a differentiation of discursive levels within a shared intellectual framework. The rationality operative within *fiqh* is therefore not critical in a secularized sense; it is primarily ordering and normative.

Such passages sit uneasily with certain modern representations of Ibn Rushd as the emblem of a pacified, universalist Islam detached from the political and mil-

itary realities of his time. The text instead presents a jurist fully aware of the context of warfare in which he operated, namely Almohad al-Andalus in confrontation with Christian polities, a context that he integrates into a structured legal framework. Jihad is neither exalted nor marginalized; it is treated as a normal component of the medieval Islamic order.

7. Interpretive Selection and Epistemological Reconfiguration

These elements invite a reconsideration of how Ibn Rushd has been read in the modern period. The dominant reception has not always proceeded from a comprehensive engagement with the corpus as a whole, but rather from an implicit selection that privileges those texts and traits most readily integrated into a narrative of rationalism, while relegating more explicitly juridical and political dimensions to the background. In this respect, Ibn Rushd's treatment of jihad is not an anomaly: it forms part of the coherence of a normative rationality that articulates reason, hierarchy of proofs, and legal order. Yet this component often remains marginal in syntheses devoted to him—not because it is secondary, but because it unsettles the balance of an already familiar portrait.

In Ibn Rushd's case, it is important to recall that jihad, in its military sense, referred to a broadly shared social reality in which warfare constituted an ordinary feature of political life. Ibn Rushd was both a *qāḍī* and a philosopher, and he wrote on matters relating to war. This conjunction corresponds to a historical reality on two levels: first, his texts; and second, the context of Almohad al-Andalus, marked by military confrontation with Christian polities of the Iberian Peninsula, a context of which he was both a contemporary and a witness, notably to the Almohad victory at Alarcos against the Castilian army of Alfonso VIII.⁹ That Ibn Rushd devoted sustained attention to jihad often complicates portrayals of him as an exclusively rationalist and “universalist” thinker. Within certain contemporary interpretive frameworks, philosophy and jihad tend to be perceived as mutually incompatible, particularly when the term jihad has been re-inscribed in the contemporary imag-

⁹ Pascal Buresi, “L’apogée almohade : la bataille d’Alarcos et son contexte historique”, in *Averroès et l’averroïsme*, ed. André Bazzana, Nicole Bériou and Pierre Guichard (Lyon: Presses universitaires de Lyon, 2005), pp. 99-113. On the Almohad jihad, see Mehdi Ghouirgate, “Some Observations on War and Berber Empires”, in *The Medieval Jihad*, ed. Mehdi Berriah and Abbès Zouache, (Cairo: Institut français d’archéologie orientale, 2025), pp. 147-170.

ination through the violence of modern jihadist movements, including attacks affecting Western societies.¹⁰ The result is a certain interpretive discomfort: the commentator on Aristotle and defender of reason is readily retained, while the jurist who methodically expounds rules concerning war, political authority, and the shari‘a is left in the shadows.

This marginalization is not merely accidental. More broadly, it points to an epistemological framework within which the coexistence, in a single scholar, of philosophical rationality and a juridical commitment fully rooted in the shari‘a becomes difficult to accommodate. The same applies to the presumed incompatibility between *fiqh* and *falsafa*. This observation may resonate with Shahab Ahmed’s discussion of what he termed the “coherent contradiction” as a structuring feature of classical Islam (Ahmed, 2016). Ibn Rushd did not oppose philosophy and law; he conceived them as distinct and hierarchically ordered registers in the pursuit of truth, each addressing specific audiences and purposes. The modern tendency to isolate the philosopher from the jurist may therefore reflect less a historical reality than a contemporary difficulty in acknowledging the inseparability of these registers.

One must also acknowledge the selectivity that appears particularly clearly in the treatment of Ibn Rushd’s writings on jihad, political authority, and legal order. These texts, although well attested, are seldom foregrounded in dominant readings because they sit uneasily with the image of an exclusively rationalist and universalist thinker. Their marginalization thus contributes to a neutralization of the normative dimensions of his thought, and may be read in light of Talal Asad’s analyses of the modern construction of “religion” and of the conditions under which it becomes legible (Asad, 2003; 1993).

In this respect, Ibn Rushd exemplifies a mechanism analyzed by Wael Hallaq: the issue is not overt hostility toward a Muslim author, but rather conditional valorization (Hallaq, 2018). Ibn Rushd becomes a “respectable” figure on the condition that those aspects that embed him too visibly within a normative Islamic tradition remain secondary or invisible. What tends ultimately to become canonized is a fil-

¹⁰ On the various biases and approaches in the study of the concept of medieval jihad, see Mehdi Berriah and Abbès Zouache, “Studying Medieval Jihad as a Multidimensional Phenomenon: Corpus, Holistic Approach, Temporalities and Contextualization”, in *The Medieval Jihad*, ed. Mehdi Berriah and Abbès Zouache, (Cairo: Institut français d’archéologie orientale, 2025), pp. 1-9; Suleiman A. Mourad, “The Concept of Jihad in Medieval Islam: Some Reflections”, in *The Medieval Jihad*, ed. Mehdi Berriah and Abbès Zouache, (Cairo: Institut français d’archéologie orientale, 2025), pp. 19-38; Abbès Zouache, “Rethinking Warfare Concepts. ‘Crusade’, ‘War of Religion’, ‘Counter-crusade’, ‘Jihad’: the Words of the “Jihadocentrism”, in *The Medieval Jihad*, ed. Mehdi Berriah and Abbès Zouache, (Cairo: Institut français d’archéologie orientale, 2025), pp. 39-66.

tered Ibn Rushd: not the historical jurist-philosopher in his entirety, but a reconstruction shaped by contemporary epistemic expectations. Far from constituting an exception, the case of Ibn Rushd reveals a broader dynamic in the modern gaze cast upon the medieval Islamic scholarly heritage: the Andalusian scholar is celebrated less for what he historically was than for what he enables to be projected—namely, an Islam rendered compatible with modern categories of rationality, an “enlightened” Islam, at the cost of effacing its juridical, political, and normative dimensions.

8. Conclusion

A close reading of Ibn Rushd’s texts complicates the familiar image of a thinker cast, above all, as the representative of a modern “rationalist Islam”. The *Faṣl al-maqāl* shows that the defense of philosophy is framed in the very language of juridical qualification: *falsafa* is not legitimated as an autonomous realm of reason, but placed within the normative horizon of the *sharīʿa*. The *Bidāyat al-mujtahid*, meanwhile, presents a jurist deeply invested in the systematization of Islamic law—penal sanctions, the regulation of doctrinal disagreement, and the rules governing jihad among them. What emerges across these registers is not critique in a secularized sense, but a rationality that orders: it classifies doctrines, ranks proofs, and marks the limits of admissible debate.

In combination, these elements make a neat dissociation between philosopher and jurist hard to maintain. They point instead to the coherence of an author for whom philosophy and *fiqh* operate as distinct yet complementary domains within a single pursuit of truth. In Ibn Rushd, reflection on demonstrative reasoning coexists with an explicit commitment to juridical normativity without constituting an internal contradiction. This is best understood within the intellectual world of a twelfth-century Muslim scholar trained in the religious sciences and embedded in the institutions of his time.

If a tension is to be located, it lies less in the texts than in patterns of modern reception. The tendency to separate the commentator on Aristotle from the Mālikī *qāḍī* reflects habits of reading that instinctively oppose reason to religious normativity. That opposition, central to modern epistemology, cannot be carried over wholesale into medieval intellectual configurations. Ibn Rushd’s case therefore invites a closer look at the assumptions that continue to shape contemporary approaches to classical Islamic authors.

The aim has not been to replace one unified image with another, nor to deny the complexity of Ibn Rushd’s reception. It is, more modestly, to insist that his work becomes intelligible only when its registers are read together. To read Ibn Rushd as a philosopher while abstracting from the jurist is less to interpret his oeuvre than to reconfigure it through categories that were not his own. Resisting inherited divisions is thus a basic condition for recovering, so far as our sources allow, the internal coherence of a medieval Muslim intellectual.

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