

## 4 Judiciousness

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Among the Beautiful Names that the Qur'ān ascribes to the divinity – which is to say, among the names that, according to the Islamic perspective, God has designated for Himself when addressed by the faithful – we find *al-ḥalīm* (cf. Qur'ān II,225, 235 and 263; III,155; IV,12; V,101; XVII,44; XXII,59; XXXIII,51; XXXV,41; LXIV,17). The exegetical tradition follows the scriptural lead and accords *al-ḥalīm* a place in the principal lists of Names.<sup>1</sup>

It is not easy to demarcate the contents of the Name in question, nor indeed to define exactly the quality – *ḥilm* – that this Name implies. As a consequence, it is hard to arrive at an adequate translation. For the moment, we will just consider that in the various Qur'ānic occurrences of the term, the Holy Book posits a relationship between this divine quality and absolute Sufficiency, that is, the non-existence in God of deficiencies or needs (as in the expression *ghanī ḥalīm*); and also with Omniscience (as in *ḥalīm 'alīm*); or again with Forgiveness (as in *ghafūr ḥalīm*) and with Gratitude (as in *ḥalīm shakūr*). We might also bear in mind that *ḥalīm* can denote a virtuous human being: the Qur'ān in fact attributes the quality in question to Abraham (IX,114; XI,75) and to his son in the sacrifice story, Isaac/Ishāq or Ishmael/Ismā'il (XXXVII,101);<sup>2</sup> and also to the ancient prophet Shu'ayb (XI,87).

Once again, as with patience and gratitude, we are dealing therefore with an Islamic virtue to be pursued in imitation of God.

<sup>1</sup> No. 33 in al-Tirmidhī's authoritative list.

<sup>2</sup> The commentators do not agree on the son offered for sacrifice, but the majority opt for Isaac, following the biblical precedent (*Genesis* 22,1-18).

#### 4.1 Puberty and Intellectual Maturity

We have already signalled the importance of Ibn Manẓūr and his dictionary of classical Arabic *The Language of the Arabs*, with its abundance of clarifications and useful examples. Once again it proves a helpful resource.

In dealing with *ḥilm*, Ibn Manẓūr insists on the cognitive element,<sup>3</sup> which is an amalgam of thoughtfulness and intelligence that is the opposite of stupidity: indeed, it is precisely this quality, together with deliberation and steadfastness of purpose, that is a hallmark of the intelligent person. Among the many examples that the author provides is that of the woman who *aḥlamat*, or ‘has procured *ḥilm*’, when the children she gives birth to are intelligent.

This virtue seems to correspond, then, at least in broad terms, more to ‘judiciousness’, perspicacity of the mind and shrewdness of action, than to ‘temperance’ as others suggest, recalling the fourth virtue of the Western tradition, from Plato via Cicero to Saint Ambrose. Temperance is equilibrium and self-control, a sensible moderation in satisfying one’s appetites, but the intellectual dimension is clearly less to the fore.

*The Language of the Arabs* once again refers to intelligence and knowledge in its examination of the Qur’ānic passage on Shu‘ayb (Qur’ān XI,87), a prophet whom the unbelievers mockingly called ‘judicious’ (*ḥalīm*). Ibn Manẓūr notes that ‘judicious’ here, being used in mockery, must be taken to mean its opposite, that is, ‘stupid’ or ‘ignorant’ (*saḥīh* سفيه, *jāhil* جاهل). Calling another *ḥalīm* when you consider him ignorant – the author goes on to say – is especially insulting to an Arab; it is like saying: you think you are wise but to everyone else you are an idiot. Never unwilling to argue from opposites, Ibn Manẓūr takes this to reaffirm the contents of the virtue in question, which are judiciousness in the sense of sound judgment (*‘aql* عقل) and thoughtful and resolute conduct (*anāt* أناة, *tathabbūt* تثبت), that is to say: the opposite of stupidity (*saḥāh* سفه); and civility and proper use of the intellect, as opposed to ignorance (*jahl* جهل). Finally, *ḥilm* can be said to mirror, at least to this extent, the Greek concept of ‘wisdom’, or φρόνησις.

Another useful consideration in refining the meaning of *ḥilm* is its etymological relationship with *ḥulm* حُلْم (‘erotic dream’) as well as the overlapping spelling of the two terms. Ibn Manẓūr notes this, and so introduces a new aspect of judiciousness, which has to do with the sexual sphere and the achievement of puberty. And it is exactly the latter which, as is well known, obliges the Muslim to perform acts of worship, which in their turn are only considered wholly valid for those who are fully responsible legally, having reached both physical and mental maturity.

The relationship between wisdom, puberty and legal responsibility is also to be found in the Sunna or Tradition. It is again Ibn Manẓūr who reminds us that the Prophet prescribed a complete washing every Friday for every ‘*ḥālim*’ حَالِم, meaning all those having reached puberty, those who had had an erotic dream; or again that the Prophet had imposed at Medina a personal tax on all who had proved capable of sound judgement whether they had had erotic dreams or not. The pubescent boy is someone who has reached the age of comprehension, the stage of adulthood in which things are grasped,

<sup>3</sup> Ibn Manẓūr 2010, root ḥ-l-m; along the same lines but more succinctly al-Fayrūz‘ābādī 1419/1998, 1096.

explains Ibn Manẓūr; and, thus, sheds light on the complex domain of sexual maturity, which is the murky locus of physical prohibitions and potential sinfulness, but also the luminous point of intellectual maturity, welcome to God and no less to men.

## 4.2 Patience, Slowness, Calm and Fortitude

In his *The Language of the Arabs*, Ibn Manẓūr offers another explanation of judiciousness, widely shared among theologians and jurists, based on the sura *al-Nahl* 'The Bees': "If God punished men for the sins they have committed", the Book states, "no living creature would be left on earth, and instead He gives them respite for a designated term" (Qur'ān XVI,61). Ibn Manẓūr explains that the Name *al-ḥalīm* 'the Judicious One' is a synonym of *al-ṣabūr* 'the Most Patient': it means that while God does not take the recalcitrance of the disobedient lightly, He nonetheless does not allow Himself to be disturbed by anger against them; He has set the measure of all things, which end in Him.

Deferment as a feature of divine action, a sobriety of gesture that derives from imperturbability, is frequently highlighted by Qur'ānic commentators, particularly when they are explaining how God is 'forgiving and forbearing' (*ghafūr ḥalīm*), as in the sura 'The Cow' (II,225). The great Ibn Jarīr al-Ṭabarī, for example, writes in his *Compendious Discourse* that "God is the Judicious One because he does not hurry to punish the disobedient".<sup>4</sup> Many others have dwelt on the divine inclination to delay or defer – the Andalusian Muḥammad al-Qurṭubī (d. 671/1272) for one, who writes in his *Jāmi' al-aḥkām li-l-Qur'ān* or 'The Compendium of the Judgments of the Qur'ān': "Judiciousness belongs in the chapter of deferral [*tawṣi'a* اتوسعة];<sup>5</sup> or the Persian Fakhr al-Dīn al-Rāzī in his *Mafātīḥ al-ghayb* or 'The Keys to the Unknown': "God does not rush [*ya'jalu*] His chastisement but rather delays [*yu'akhhiru*] punishment of the unbelievers and the corrupt".<sup>6</sup> The latter, one of Islam's greatest theologians and philosophers, teaches that the true foundation of judiciousness is the calm that comes from inner composure and distinguishes himself from other commentators by noting that *ḥilm* can also mean 'tranquillity' (*sukūn* سكون) – one says, in fact, 'put the palanquin on the most judicious camel', meaning the quieter one. Nor does al-Rāzī overlook the link between judiciousness and dreaming, explaining that dreams can be called *ḥulm* because one experiences them in a state of rest.

The Qur'ānic commentators also wax eloquent in their definitions of human judiciousness. In the sura *al-Tawba* 'The Repentance', the Qur'ān teaches that Abraham realised his father's faithlessness, and regretfully abandoned him to his fate: "Abraham prayed for his father's forgiveness [...]. But when it became clear to him that he was an enemy to God, he dissociated himself from him: for Abraham was most tender-hearted, judicious" (Qur'ān IX,114).

Here the "tender-hearted, judicious" (*awwāḥ ḥalīm* أَوْوَاهٌ حَالِيمٌ) Abraham, grieving for his father but firm in purpose, is an emblematic example of dominating

<sup>4</sup> Al-Ṭabarī 1412/1992, commentary on Qur'ān II,225.

<sup>5</sup> Al-Qurṭubī 1413/1993, commentary on Qur'ān II,225.

<sup>6</sup> Al-Rāzī 1401/1981, commentary on Qur'ān II,225.

one's emotions. The same is the case in the sura *al-Ṣāfāt* 'Those Ranged in Ranks' (XXXVII, 102-7), where the patriarch before resolving to sacrifice his son is gripped by despair. Perhaps, in the context of judiciousness, it is no coincidence that here the divine command to sacrifice is conveyed in a dream. The emotional and passionate element that underpins Abraham's judiciousness, but which on this occasion he suppresses, is highlighted in the above-mentioned commentary of Fakhr al-Dīn al-Rāzī, a highly skilled intra-scriptural analyst. The distinguished theologian explains in his *The Keys to the Unknown* that among the foundations of Abraham's *ḥilm* are a delicacy of heart, a fineness of feelings and an affectionate disposition. Nearly two centuries later the Shāfi'ī historian and jurist Ibn Kathīr (d. 774/1373), in his *Tafsīr al-Qur'ān al-'aẓīm* or 'Exegesis of the Sublime Qur'ān',<sup>7</sup> reduces the scope of Abraham's judiciousness but elevates its moral weight: thinking in particular of Abraham's troubles with the idolators who went so far as to threaten his life, Ibn Kathīr explains his judiciousness as being marked by a long-suffering fortitude, which enabled him to face down malice and insolence, and associates *ḥilm* with the great Islamic virtue of *ṣabr*, the patience shown by those who repay evil with good, as the Qur'ān repeatedly enjoins (cf. LXI,34; XXVIII,54). Abraham is called *ḥalīm* because he treated well those who did him ill – Ibn Kathīr teaches – and asked God to forgive them.

Seeing Abraham's judiciousness as overlapping with patience or *ṣabr* is a commonplace among the classical commentators. But many modern and contemporary scholars take the same line: the Yemeni al-Shawkānī (d. 1250/1834), for example, writes in his *Faṭḥ al-qadīr* or 'The Victory of the Almighty': "Part of Abraham's *ḥilm* is that, if any of his people hurt him in some way, he would answer: – May God guide you to the good".<sup>8</sup> Also the respected Egyptian jurist and preacher Muḥammad Mutawallī al-Sha'rāwī (d. 1998) outlines in his unfinished commentary entitled *Khawāṭiri ḥawla al-Qur'ān al-karīm* or 'My Considerations on the Noble Qur'ān' how judiciousness is a characteristic that makes one full of patience for the adversities one suffers oneself, and full of indulgence for the faults of others.<sup>9</sup>

### 4.3 The Judiciousness of Abraham's Son

Where exactly, then, is the borderline between judiciousness and patience? The answer must be sought in the relationship linking *ḥilm* to the age of majority: judiciousness, calm, tolerance, are to be sure a part of patience and perseverance, but they need to be leavened with good judgment and by cultural maturity, that is, freed from the failings of youth. This clarification can be gleaned from glosses on the sura 'Those Ranged in Ranks', where we read that God announced to Abraham the arrival of 'a judicious son' (*ghulām ḥalīm*):

We gave him the glad tidings of a judicious boy. When his son was old enough to walk with him, he said: – My son, I have had a dream that I must sacrifice you. What do you think of this? He replied: – Father, fulfil

<sup>7</sup> Ibn Kathīr 1422/2001, commentary on Qur'ān IX,114.

<sup>8</sup> Al-Shawkānī 1431/2010, commentary on Qur'ān IX,114.

<sup>9</sup> Al-Sha'rāwī 1991, commentary on Qur'ān IX,114.

whatever you are commanded to do and you will find me patient, by the will of God. (Qur'ān XXXVII,101-2)

In this regard, the exegetes are driven to recover the link with puberty, and in turn, like the linguist Ibn Manẓūr, establish the link between sensibleness and pubescent dreams. “God announced to Abraham a son described as *ḥalīm*” explains, for example, al-Ṭabarī “and we understand this to mean: when he was grown up”. The idea that God’s promise to Abraham entailed the survival of his child into adulthood, in so far as children could not possess *ḥilm*, we find also in al-Qurṭubī. The Mu’tazilite commentator al-Zamakhsharī (d. 538/1144), as a proponent of man’s freedom of choice according to his school of thought, takes the same line, in the name of divine justice. This writer is especially attentive to the linguistic and rhetorical aspects of the Holy Book, and as well as dwelling on the virtue in question he draws our attention to the admirable concision of the Qur’ān’s phraseology, noting in his *The Discoverer of Revealed Truths* (*Al-kashshāf ‘an ḥaqā’iq al-tanzīl*) how, in a brief phrase,

God announced three things to Abraham: that he would have a male child, that the child would reach puberty and that he would be judicious – more so even than his father, because when the latter told him that he would be sacrificed, he replied: – You will find me, if God so wills, one of the steadfast [cf. Qur’ān XXXVII,102]. After which he submitted himself to God.<sup>10</sup>

And here we should note that the medieval commentator’s exact word for ‘he submitted himself to God’ is *istaslama* استسلم, that is to say, ‘he made himself a Muslim’, a demonstration of the extent to which the exegetical tradition equated judiciousness with adherence to Islam, and how this virtue is absorbed into that religion. “There is no quality that God has bestowed upon the prophets more sparingly than judiciousness, so excellent is its possession”, al-Zamakhsharī concludes.<sup>11</sup>

#### 4.4 The Antidote to Stupidity and Ignorance

The relationship that links judiciousness to sexual and intellectual maturity is what marks the boundary between judiciousness and patience. We should add that the boundary is also marked by a prior damaging action, not misfortune but more particularly a wrong suffered, which makes judiciousness the great remedy against offences committed against us by others: if patience is the necessary analgesic, judiciousness is the active antidote.

This last aspect is continually foregrounded in the *Kitāb al-ḥilm* or ‘The Book of Judiciousness’<sup>12</sup> by Ibn Abī l-Dunyā of Baghdad, a prolific writer – as we have seen – on moral questions. This work, like others of his, is again a chain of stories from the Tradition – over a hundred of them, in verse and prose, simply juxtaposed without commentary; it is therefore important to consider the order of the passages, since, in the absence of commentary, the

<sup>10</sup> Al-Zamakhsharī 1385/1966, commentary on Qur’ān XXXVII,101.

<sup>11</sup> Al-Zamakhsharī 1385/1966, commentary on Qur’ān XXXVII,101.

<sup>12</sup> Ibn Abī l-Dunyā 1413/1993.

author's contribution can only be read in the choice and arrangement of his material. And at the beginning of the work, we find a saying of Muḥammad's which speaks precisely of the need for some hurdle: "There is no judicious man without an obstacle, and no wise one without a trial".<sup>13</sup>

A few decades later, the Khorasanian traditionist Ibn Ḥibbān al-Bustī (d. 354/965) would revisit this saying in a great work entitled *Rawḍat al-'uqalā' wa-nuzhat al-fuḍalā'* or 'The Garden of the Wise, the Meadow of the Virtuous', placing it at the head of a chapter on judiciousness.<sup>14</sup> He interprets the saying as meaning that there can be no judiciousness if no obstacle highlights it and puts it to the test, just as there is no wisdom that is not measured against stupidity, because all perfection rests on the experience of its absence.<sup>15</sup>

But to go back to Ibn Abī l-Dunyā, he also places a second saying of the Prophet at the beginning of his work, where the issue is one of personal commitment to the practice of virtue: "Knowledge is obtained by learning, judiciousness by making oneself judicious,<sup>16</sup> he who gives himself to the good will find it given to him, he who looks to guard himself from evil will be saved from it".<sup>17</sup>

After recalling that judiciousness is first of all something sought and practised by man, Ibn Abī l-Dunyā teaches that it is, in any case, a wonderful gift from the Creator. His third epigraph is indeed the following prayer of Muḥammad's: "My Lord, make me rich in knowledge, adorn me with judiciousness, honour me with the fear of You, make me beautiful with good health".<sup>18</sup>

Having introduced its material in the logical sequence we have seen – first the necessary experience of some setback, then individual commitment, which naturally is *jihād* جهاد, and then faith in the grace that makes virtue its reward – the *The Book of Judiciousness* continues with another of Muḥammad's sayings:

The Prophet said to his followers: – Aim for the highest rank before God.

They asked him: – What is that, Messenger of God?

He replied: – Be reunited with those who have strayed from you, give to those who have deprived you of what should be yours, and be judicious with those who behave arrogantly towards you.<sup>19</sup>

An interesting saying, which testifies to the social weight of judiciousness, and confirms its scope: *ḥilm* is responding to evil with good, as Abraham did, and as his son did; it is a mature and subtle, and entirely worldly form of patience or *ṣabr*, which the good Muslim knows should be opposed in this world to those who are not good. Precisely because it is the good response

<sup>13</sup> In Arabic: *lā ḥalīm illā dhū 'athra lā ḥakīm illā dhū tajriba*; Ibn Abī l-Dunyā 1413/1993, 14-15. Cf. Al-Bukhārī 1409/1983, 199, no. 565.

<sup>14</sup> Al-Bustī 1397/1977, 137-42.

<sup>15</sup> Al-Bustī 1397/1977, 137.

<sup>16</sup> In Arabic: *al-'ilm bi-l-ta'allum al-ḥilm bi-l-taḥallum*.

<sup>17</sup> Ibn Abī l-Dunyā 1413/1993, 16-17.

<sup>18</sup> Ibn Abī l-Dunyā 1413/1993, 19.

<sup>19</sup> Ibn Abī l-Dunyā 1413/1993, 20-1. Cf. for example: "And who is he that will harm you, if you be followers of that which is good?" (1 Peter 3,13).

to the bad actions of others, judiciousness has a formidable social function, namely prevention; Ibn Abī l-Dunyā has a pertinent aphorism: “If someone does ill and receives good in return, a barrier is formed in his heart which keeps him from doing similar harm on another occasion”.<sup>20</sup>

We have seen how, in Ibn Manẓūr’s dictionary, judiciousness is placed in opposition to stupidity (*safah*), and that among its components is a good use of the intellect (*‘aql*); a qualification amply illustrated by Ibn Abī l-Dunyā who throughout his compilation is always ready to emphasise the intellectual aspect of the Islamic consciousness. As he puts it: “Judiciousness is an aptitude of the intellect”,<sup>21</sup> adding,

The adornment of man is submission to God [*islām* اسلام], the adornment of submission to God is intelligence, the adornment of intelligence is judiciousness, the adornment of judiciousness is restraint, the adornment of restraint is reflection, the adornment of reflection is patience, and the adornment of patience is to pause and consider what is obedience and what is disobedience.<sup>22</sup>

Ibn Abī l-Dunyā insists repeatedly on the contrast, the antagonism almost, between judiciousness and stupidity, as when he quotes the following two sayings of Muḥammad:

There are three things that, if any one of them is missing in a man, his actions count for nothing. They are: the fear of God that keeps him from disobeying the Lord, the judiciousness with which he keeps the foolish at bay, and the good character that makes him live well amidst others.<sup>23</sup>

When God wills the good of a people, he defers business to the wise and spoils to the generous, and when He wills the evil of a people, He defers business to the foolish and rewards to the greedy.<sup>24</sup>

Ibn Abī l-Dunyā thus firmly correlates judiciousness with intelligence; he also correlates judiciousness with education: “Nothing”, he writes, “is better connected to another thing than judiciousness to knowledge”.<sup>25</sup> This is simply a necessary connection: judiciousness is a virtue of the Muslim, and a Muslim is one who possesses not only reason but also, thanks to the Book, knowledge (*‘ilm*), in the very specific sense of revealed knowledge.

Some of the stories taken up by the author feature a figure whose judiciousness was proverbial, the Caliph Mu’āwiya Ibn Abī Sufyān (d. 64/680).<sup>26</sup> According to the Sunni historiographical tradition – but not the Shia one, which instead attributes to him a satanic cunning, similar to intelligence

<sup>20</sup> Ibn Abī l-Dunyā 1413/1993, 43.

<sup>21</sup> Ibn Abī l-Dunyā 1413/1993, 21.

<sup>22</sup> Ibn Abī l-Dunyā 1413/1993, 62.

<sup>23</sup> Ibn Abī l-Dunyā 1413/1993, 48-9.

<sup>24</sup> Ibn Abī l-Dunyā 1413/1993, 58.

<sup>25</sup> Ibn Abī l-Dunyā 1413/1993, 28.

<sup>26</sup> Ibn Abī l-Dunyā actually composed an entire *Kitāb ḥilm Mu’āwiya* ‘The Book of Mu’āwiya’s Judiciousness’: Ibn Abī l-Dunyā 1424/2003.



without possessing such<sup>27</sup> – Mu‘āwiya used to consult his contemporaries on questions of morality; and the attention that this early caliph afforded his various interlocutors, new converts and thus subscribers to values that predated Islam, clearly had, for Ibn Abī l-Dunyā, something of the perennial and undisputable validity of *ḥilm*.

Our author records, for example, that Mu‘āwiya asked a certain ‘Arāba Ibn Aws, a Medina notable who was dubbed *al-shammākh* الشَّمَاح ‘the supernal’, for his exalted moral qualities, how he had governed his people. He replied: “I have been judicious towards the ignorant among them, I have rewarded the petitioners among them, and I have been prompt in responding to their needs”.<sup>28</sup> To the further and everlasting glory of *ḥilm*, *The Book of Judiciousness* contains a saying that partly repeats and partly supplements the last wishes of the wise Luqmān, a mythical figure mentioned in the Qur‘ān (XXXI,17-19):

My son, I commend to you the good qualities; if you stick to them you will not cease to excel. Spread your wisdom widely over the near and the far, and withhold your ignorance from both the excellent and the reprehensible, sustain ties with your relatives, and let those whom you did not disparage when they broke with you, and you with them, be your brothers.<sup>29</sup>

#### 4.5 Forgiveness and Silence

In Ibn Abī l-Dunyā’s anthology, as indeed in Arabic and Islamic literature generally, and edifying literature in particular, judiciousness qualifies in the first instance as an educated and intelligent antidote to both foolishness and ignorance, and since both are chiefly understood as conduct detrimental to one’s neighbour, among the components of judiciousness are both forgiveness (*ghafr* غفر, *maghfira* مغفرة) and pardon (*‘afw* عفو), the latter being, precisely, the renunciation of inflicting punishment or exacting revenge while having the capacity to do so; as Ibn Ḥibbān al-Bustī observes in *The Garden of the Wise*, “no one thing sits better with another than pardon with power”; and “the best judiciousness is that which comes from one who has the power to take revenge”.<sup>30</sup>

Let us return to Ibn Abī l-Dunyā but stay with forgiveness and pardon.

The author takes up the Prophet’s assurance that among the meritorious deeds to be counted on the Day of Resurrection, is “that you have forgiven those who have wronged you and treated judiciously those who have behaved badly towards you”.<sup>31</sup> Again from the Prophet, and again in eschatological mode:

When God gathers together all His creatures on the Day of Resurrection, a voice will call out: – Where are the virtuous ones?

<sup>27</sup> The judiciousness of the Caliph Mu‘āwiya is proverbial in Sunni literature; on the dissidence of Shia writings on the matter, cf. Amir-Moezzi 2007, 25.

<sup>28</sup> Ibn Abī l-Dunyā 1413/1993, 40.

<sup>29</sup> Ibn Abī l-Dunyā 1413/1993, 46.

<sup>30</sup> Al-Bustī 1397/1977, 137.

<sup>31</sup> Ibn Abī l-Dunyā 1413/1993, 23-4.



And some will rise up and move quickly towards paradise.  
The angels will come out to meet them and ask: – We have seen you hurrying towards paradise: who are you?  
They will reply: – We are the virtuous ones!  
The angels will ask: – And what are your virtues?  
They will reply: – When they wronged us, we were patient, when they harmed us, we forgave them, and we were judicious when they treated us arrogantly.  
The angels will cry: – Come into paradise! Beautiful are the rewards for those who have done well!<sup>32</sup>

It is worth noting that these and other commendations of forgiveness and pardon always conceal the beneficial function of the offending action, be it foolish or arrogant; without antecedent offence, good conduct has no way or existing or reason to manifest itself, and the goodness is lost. Judiciousness is the ability to correctly evaluate contingencies, but especially negative ones; and to maintain in all cases a firm mind and calm conduct, in the certainty of a final resolution. Ibn Ḥibbān al-Bustī explains:

Virtue exists only in those who do good to those who do harm to them, because doing good to those who do good to us and behaving judiciously with those who have done no harm at all, is neither judiciousness nor doing good.<sup>33</sup>

Without the spur of foolish or ignorant action, judiciousness does not edify its possessor and brings him no advantage; so teaches the author of *The Garden of the Wise* through the words of an ancient sage:

If a fool treats thee foolishly, take advantage of thy judiciousness! If thou wilt only do good by him so that he will do good by thee, where is thy reward, where is thy excellency over others? If thou desirest merit, do good to him who has done thee wrong, and pardon him who has wronged thee, and benefit him who has not benefited thee, and wait for the reward that God will give thee. The perfect good deed is that of one which asks for no reward in this world.<sup>34</sup>

Ibn Ḥibbān al-Bustī goes on to cite another saying, so elliptical as to practically resist deciphering: “Without an ignoramus there can be no judiciousness”.<sup>35</sup> And he explains that it is sometimes necessary for the judicious person to let a fool get the better of him, because judiciousness springs precisely from its opposite. He then recounts a piquant dialogue between two characters, who are foolish and judicious by turns: on the one side we have the Sunni jurist Abū Ḥanīfa (d. 150/767), eponym of the Hanafi school of law, which allows the consumption of alcohol in certain circumstances; and on the other ‘Alī Ibn al-Nu‘mān (d. 180/796 or 797), a Shiite,

<sup>32</sup> Ibn Abī l-Dunyā 1413/1993, 49-51; this saying is also repeated in Ibn Abī l-Dunyā 1418/1998b, 29-30.

<sup>33</sup> Al-Bustī 1397/1977, 139.

<sup>34</sup> Al-Bustī 1397/1977, 141.

<sup>35</sup> *Lā ḥilm° li-man lā jāhil° la-hu*: Al-Bustī 1397/1977, 141.

therefore in favour of temporary marriage (*nikāḥ al-mutʿa* نكاح المتعة) which the Sunnis condemn:

Abū Ḥanīfa asked: – What do you think of temporary marriage?

The other answered: – It is permissible.

Abū Ḥanīfa said: – And would you be happy for your mother to make a temporary marriage?

The other was quiet for a bit, but then asked: – And you, what do you think of date wine?<sup>36</sup>

– It is permissible – Abū Ḥanīfa replied.

– To drink, to buy and to sell? – his companion specified?

– Yes – he replied.

The other was quiet for a bit, but then said: – Would you be happy if your mother were an innkeeper? Abū Ḥanīfa was quiet in his turn.<sup>37</sup>

Judiciousness is keeping one's counsel and letting things pass, we also read in *The Garden of the Wise*, and if judiciousness had two fathers one would be intelligence and the other silence (*ṣamt* صمت).<sup>38</sup> But among many pronouncements that emphasise the inactive and passive character of *ḥilm*, al-Bustī feels the need to include a verdict offered by al-Ma'mūn (d. 218/833), a caliph famous for, among other things, promoting the translation of Greek philosophy into Arabic:

It is good that sovereigns display judiciousness towards everyone, with three exceptions: with those who disparage a king, with those who betray a secret and with those who violate a sacred prohibition.<sup>39</sup>

This is a notable clarification because it insists on the relativity of virtue, and would be enough by itself to dismiss any notion that Islamic ethics is blindly prescriptive. Neither judiciousness nor any other virtue will always manifest itself in the same way but must be recognised each time, because the same behaviour may be evaluated differently according to the persons involved and the differing circumstances of life.

## 4.6 Humility and Honour

Returning again to Ibn Abī l-Dunyā and his *The Book of Judiciousness*, we see that his teaching on humility (*dhull* ذُلّ) – which here has a positive sense of modesty and the renunciation of pride,<sup>40</sup> of brave and noble self-offering, humility as the mirror of judiciousness – should also be read in a relative light. The author reminds us, for example, that 'Īsā Ibn Ṭalḥa Ibn 'Ubayd Allāh (d. 100 of the hijra), an ancient wise man esteemed for his sound morals,

<sup>36</sup> The Hanafi legal tradition, unlike the other three Sunni schools and the Shia tradition, permits the consumption of date wine (*nabīdh*) in modest quantities; but even for the Hanafis wine from grapes (*khamr*) is absolutely forbidden.

<sup>37</sup> Al-Bustī 1397/1977, 141.

<sup>38</sup> Al-Bustī 1397/1977, 139-40.

<sup>39</sup> Al-Bustī 1397/1977, 141.

<sup>40</sup> It can also have a negative sense of pettiness, subjugation and dishonour; we need only think of how often it is paired with *ṣaghār* 'cowardice, servility'.

answered the question “what is wisdom?” by simply saying that it is humility;<sup>41</sup> and the Caliph Mu‘āwīya responded in the same way to a similar question.<sup>42</sup> Nonetheless, in his compilation of assorted examples, Ibn Abī l-Dunyā is at pains to make it clear that judiciousness, though humble and tending to silence and overlooking offence, should not be confused with the abdications of the cowardly or the – socially or morally – low, because it expresses, on the contrary, nobility (*sharaf* شرف), and is an additional source of honour.

One last source on judiciousness: the legal and political philosopher al-Māwardī. His *The Ethics of Religion and of this World*,<sup>43</sup> already cited above, is a wide-ranging work full of acute observations and piquant stories. Just a few examples:

A man insulted the historian and jurist al-Sha‘bī [seventh-eighth century] and he observed only: – If I am as you say, may God forgive me, if not, may God forgive you.<sup>44</sup>

A man swore to beat the Caliph Mu‘āwīya about the head; when the caliph heard this, he said to him: – By all means keep your oath, but let the old men be gentle with one another.<sup>45</sup>

A man said to a certain Ḍirār Ibn al-Qa‘qā’: – If you say a word, you will get ten back. The other replied: – If you say ten, you will not hear one back.<sup>46</sup>

The anger of the foolish is in their words; the anger of the wise is in their actions.<sup>47</sup>

In his chapter on judiciousness,<sup>48</sup> al-Māwardī touches among other things on the difference between forgiveness coming from a noble spirit and that coming from the ignoble, the first a source of edification, the second perverted and corrupt. The Arabs say what enters into a house is what has gone out of it – he writes – so good will enter only if good has come out of it, while if evil has gone out, evil will come back in.<sup>49</sup> Similarly, he observes that even the anger of a noble spirit is noble, which he will keep in check with courageous judiciousness, whereas the coward is one who does not become angry when he should, showing little pride and a base spirit. As the wise say,

three kinds of men make themselves known on three occasions: the generous in difficult straits, the courageous in war, and the judicious in wrath.<sup>50</sup>

<sup>41</sup> Ibn Abī l-Dunyā 1413/1993, 36-7.

<sup>42</sup> Ibn Abī l-Dunyā 1413/1993, 37.

<sup>43</sup> Al-Māwardī 1408/1988, 357-64.

<sup>44</sup> Al-Māwardī 1408/1988, 358.

<sup>45</sup> Al-Māwardī 1408/1988, 358.

<sup>46</sup> Al-Māwardī 1408/1988, 361.

<sup>47</sup> Al-Māwardī 1408/1988, 362-3.

<sup>48</sup> Al-Māwardī 1408/1988, 361; ch. 4, *Fī l-ḥilm wa-l-ghaḍab*, 357-69.

<sup>49</sup> Al-Māwardī 1408/1988, 364.

<sup>50</sup> Al-Māwardī 1408/1988, 363-4.

