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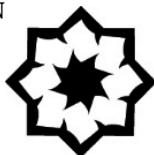
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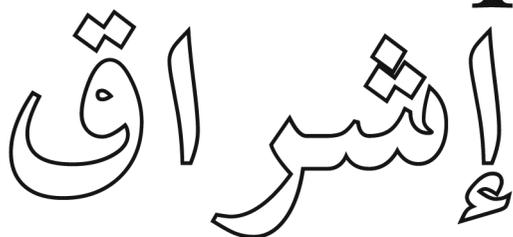
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Andrey V. Smirnov

IS A PROCESS-BASED LOGIC POSSIBLE?*

The two kinds of apodictic proof

Consider the following *Proof 1*:

1. $A = (P^1) \Rightarrow B$
2. *because, and only because* $B = (P^2) \Rightarrow C$
3. *and* $D = (P^2) \Rightarrow C$
4. *it follows that* $A = (P^1) \Rightarrow D$

“ $A = (P^1) \Rightarrow B$ ” means: “A” is linked to “B” by process “ P^1 ”, e.g.: Arthur (“A”) loves (P^1) Beatrice (“B”). Then the *Proof 1* may be interpreted as follows:

1. Arthur loves Beatrice $A = (P^1) \Rightarrow B$
2. *because, and only because* Beatrice adores poetry $B = (P^2) \Rightarrow C$
3. *and* Diana adores poetry $D = (P^2) \Rightarrow C$
4. *it follows that* Arthur loves Diana $A = (P^1) \Rightarrow D$

We may interpret P^1 , P^2 , A, B, C and D in the above formal presentation of *Proof 1* as we wish, and we will be always and inevitably arriving at the true conclusion, provided that all the requirements for this proof are met. I mean, provided that we deal with the two processes and their four sides (two for each): two actors and two recipients, and “because, and only because” condition is fulfilled. Then *Proof 1* is as flawless as Aristotle’s categorical syllogism: it never fails. It means that *Proof 1* is universally valid.

Consider, for example, the following interpretation of *Proof 1*:

1. kettle boils water $A = (P^1) \Rightarrow B$
2. *because, and only because* water conducts heat $B = (P^2) \Rightarrow C$

* The Russian version of the article appeared as “Процессуальная логика и ее обоснование” in *Voprosy Filosofii* 2 (2019), pp. 5–17.

- | | | | |
|----|------------------------|--------------------|---------------------------|
| 3. | <i>and</i> | milk conducts heat | $D = (P^2) \Rightarrow C$ |
| 4. | <i>it follows that</i> | kettle boils milk | $A = (P^1) \Rightarrow D$ |

or this one:

- | | | | |
|----|----------------------------------|--|---------------------------|
| 1. | | compass needle points
to the magnetic pole | $A = (P^1) \Rightarrow B$ |
| 2. | <i>because, and only because</i> | magnetic pole attracts
magnetized steel of the needle | $B = (P^2) \Rightarrow C$ |
| 3. | <i>and</i> | this bulk of iron attracts
magnetized steel of the needle | $D = (P^2) \Rightarrow C$ |
| 4. | <i>it follows that</i> | compass needle points
to this bulk of iron | $A = (P^1) \Rightarrow D$ |

And so on, and so forth: reality itself speaks for validity of this syllogism. However, *Proof 1*, unlike Aristotle's syllogisms and his logic, tells us nothing about substances and their attributes. They do not exist in the world of *Proof 1*. *Proof 1* applies to a very different reality: reality of processes, and not that of substances. Or, we may say, it deals with *acting*, and not with *being*.

Now let us consider *Proof 2*: "All humans are mortal, Socrates is human, then Socrates is mortal". This syllogism deals with substances (humans, Socrates) and their attributes (mortality). It tells us something important about being, not about acting. This *Proof 2* is also universally valid: "All 'B' are 'C', 'A' is 'B', then 'A' is 'C'". No matter how we interpret 'A', 'B' and 'C', we will always be arriving at true conclusion.

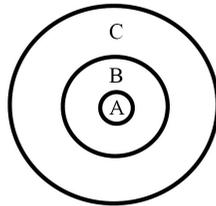
Thus, we have two kinds of apodictic proof: *Proof 1* and *Proof 2*. They both are universally valid, and both may be presented in a formal way. Both fully comply with reality: they do not require any artificial ontology, they both describe and explain the real world around us. The difference between them is that *Proof 1* applies to *acting*, while *Proof 2* applies to *being*. We may even say the *Proof 1* reduces being to acting: we do not care, e.g., what the "kettle" or the "water" are, we care about how they *act*. And vice versa: in *Proof 2* we reduce *acting* to *being*. We do not care if Socrates dies or not, we care about him *being* mortal.

The two cognitive models

This is an utterly important metaphysical difference between the two kinds of apodictic proof. Another one has to do with the basic cognitive operations we (or we'd better say: our consciousness) perform when we acknowledge the validity of each of the two kinds of proof.

Why are we convinced of the universal validity of *Proof 2*? The answer is provided by Euler circles (or, as they are also called, Venn diagrams):

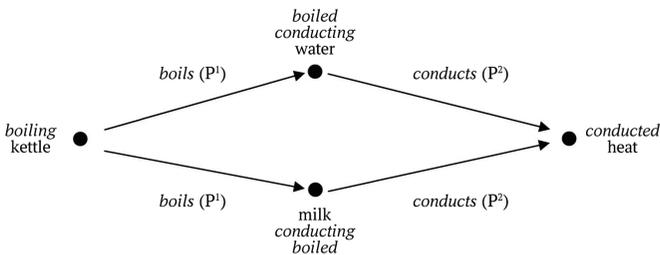
Fig. 2



It simply cannot be otherwise: any point inside the circle 'A' is thereby also inside the circles 'B' and 'C'. This is evident, no one can doubt it. When we say "A is B", "Socrates is human", we imply "A is inside B", "Socrates is inside the class of humans", as if "humanity" were a kind of volume containing "Socrates". For a substance to possess an attribute means to be contained by such an embracing volume, and the meaning of the copula "to be" boils down to the subject of a proposition being contained by the volume of its predicate.

Thus Fig. 2 is a perfect cognitive model for Aristotle's substance-attribute metaphysics and for any proposition employing the "to be" copula. It explains perfectly the universal validity of *Proof 2*. However, it does not in any way explain *Proof 1*. Why? Because *Proof 1* says nothing about substances and attributes, and it is expressed by propositions that do not use the copula "to be". We need a totally different cognitive model to schematize *Proof 1*:

Fig. 1



Instead of substances and attributes, we deal here with actors, acts and acted upon (recipients). It is this tripartite schema that matters. Our kettle is the "boiling" agent which "boils" the "boiled" water. The water is not only a passive side of the first act (P¹), but also an active side of the second act (P²): "conducting" water "conducts" the "conducted" heat. The two acts, the act of boiling and the act of conducting, are linked by virtue of water playing a role in both acts, passive in P¹ and active in P². This fact of linking the two processes through this unit is reflected in *Proof 1* as "because, and only because" clause.

This explains the upper part of *Fig. 1*. The two arrows signify the two processes, that of “boiling” (P^1) and that of “conducting” heat (P^2). Let me remind that in the context of *Proof 1* they are processes (=changeless, regular acts), not attributes of substances, and *Proof 1* is useless unless we deal with processes, not with substances and their attributes. Now, the crucial point of *Proof 1* is the linkage of the two said processes through the common unit, i.e., “water”. Without such a linkage *Proof 1* won’t work. The two linked processes ($P^1 + P^2$) produce a single two-step (combined of two arrows) line.

Now to the bottom part of *Fig. 1*. Here we move in the opposite direction, linking the second process (P^2) of “conducting” the heat to the first process (P^1) of “boiling” through a new common unit “milk”. “Milk” plays an active role in P^2 and a passive role in P^1 , in the same way as “water” does (in the upper part of *Fig. 1*).

Since milk conducts heat like water does, the process of heat conduction will be linked to the process of boiling: the kettle will boil milk like it boils water. The decisive point of this model is that link: milk acts, as water does, when considered as heat-conducting, so it performs in the same way when boiled in (and by) the kettle. The substances do not matter, it is the acts that are taken into consideration.

The two kinds of logic and metaphysics

The two cognitive models, depicted at *Fig. 1* and *Fig. 2*, are altogether different, and we may say: alternative. The metaphysics they presuppose is different as well, or rather alternative: metaphysics of being for *Fig. 2* and metaphysics of acting for *Fig. 1*. Accordingly, *Proof 1* and *Proof 2* are the two different, or we may say: alternative kinds of proof. Generalizing, we may say that we deal with the two kinds of full-fledged logic: logic of being and logic of acting. They are mutually irreducible, because they proceed from alternative metaphysical assumptions, use different cognitive models and are formalized as two different and irreducible to each other kinds of proof.

Proof 1 is my formalization of the demonstration procedure used by the *fuqahā’* (Islamic jurists) and called *qiyās* (lit. co-measuring). *Proof 2* was used in Arab-Islamic world by the *falāsifa* (followers of the Greek-inspired, Aristotelian and Neoplatonic, school of thought). It was called in Arabic *qiyās* as well. This raises an interesting question of how to translate *qiyās* in the two cases; I will get back to it in the final part of this paper.

Proof 1 was elaborated by the *fuqahā’* but never, to the best of my knowledge, was it formalized in their writings the way I did. Yet I argue that my formal presentation of *Proof 1*, which is apodictic and universal, fully complies with the theory of *qiyās ‘illa* (*qiyās* based on “cause, reason”) elaborated in the *‘uṣūl al-fiqh* (“roots of jurisprudence”, science concerned with the theoretical foundation of Islamic jurisprudence) by a number of prominent theoreticians

beginning with the famous al-Shāfi'ī (767–820) and including 'Aḥmad b. 'Alī al-Rāzī al-Jaṣṣāṣ (917–981), al-Bāqillānī (d. 1013), al-Juwaynī (1028–1085), al-'Āmidī (1156–1233), Fakhr al-Dīn al-Rāzī (1149–1209), Ibn al-Ḥājib (d. 1249), al-Taftāzānī (1322–1390), al-Zarkashī (1344–1392), et al.

Proof 1 in the perspective of Fig. 2 cognitive model

Now let us ask the following question. Given that (1) *Proof 1* is irreducible to *Proof 2* and (2) *Proof 2* is the ideal of demonstration for the thinking based on the cognitive model of the *Fig. 2* kind, then is it possible to express validity of *Proof 1* through the cognitive model of the *Fig. 2* kind (volumes within volumes, classes containing other classes), without switching to *Fig. 1* cognitive model? And vice versa: what does the validity of *Proof 2* look like in the domain of thought modeled along the *Fig. 1* lines?

The answer to the first question (how we perceive *Proof 1* in the perspective shaped by *Fig. 2* cognitive model) is provided by Western scholarship which translates *qiyās* of the *fuqahā'* as “analogy” and, accordingly, treats it as inferior to the apodictic *Proof 2*.¹ As W. Hallaq stated,

the subsumption of analogy under *qiyās* is not only beyond dispute, but has been so predominant that the great majority of modern scholars conceive of *qiyās* as a term which exclusively denoted analogy.²

W. Hallaq notes that the term *qiyās* may refer to other types of argument but this does not in the least imply any doubt about the possibility to equate “analogy” and *qiyās*.³ He argues that *qiyās* as analogy may be formalized in the following way:⁴

¹ Cf.: Schacht, J., *The origins of Muhammadan jurisprudence*, Oxford: Clarendon Press, 1950, p. 99; Schacht, J., *An introduction to Islamic law*, Oxford: Clarendon Press, ©1982, p. 60; Coulson, N.J., *A History of Islamic law*, Edinburgh: Edinburgh university press, 1978, p. 239; Hallaq, W., *Law and legal theory in classical and medieval Islam*, Aldershot, England; Brookfield, Vt.: Variorum/Ashgate, 1995, pp. 85–91; Weiss, B.G., *The search for God's law: Islamic jurisprudence in the writings of Sayf al-Dīn al-Āmidī*. University of Utah Press, ©2010, p. 542 ff.; Rosen, L., *The anthropology of justice: Law as culture in Islamic society*, Cambridge; New York: Cambridge University Press, 1989, p. 41; Wegner, J.R. “Islamic and Talmudic Jurisprudence: The four roots of Islamic law and their Talmudic counterparts”, *The American Journal of Legal History*, 26 (1982), p. 44.

² Hallaq, W., *Law and legal theory in classical and medieval Islam*, Aldershot, England; Brookfield, Vt.: Variorum/Ashgate, 1995, p. 288.

³ *Ibid.*

⁴ *Ibid.*, p. 85.

Table 1

A has the properties <i>X, Y...</i>
B has the properties <i>X, Y...</i>
A has the rule <i>J</i>
<u><i>X, Y...</i> are relevant properties in inducing <i>J</i></u>
Therefore, <i>B</i> must have the rule <i>J</i>

Table 1 is constructed on the basis of *Fig. 2* cognitive model, and not that of *Fig. 1*. I argue that it does not and cannot adequately interpret *qiyās* of *fuqahā'*. Saying that the *fuqahā'* used “analogy” instead of Greek syllogism, W. Hallaq, together with other scholars, says that the *fuqahā'* used imperfect argument, instead of the apodictic one.

How does he explain this obviously “strange” behavior of the vast army of Islamic theoreticians over centuries? He simply says they had no other choice than to accept an imperfect *qiyās*-analogy argument:

The Muslim and common law lawyers, while realizing its shortcomings, have no choice but to accept it.⁵

This sounds as a claim backed by no evidence. The evidence, I argue, is strictly contrary to that claim. Strange enough, it was not brought to the fore in the studies on *qiyās* of *fuqahā'*. Contrary to what W.Hallaq says, the *fuqahā'* (1) did have a very clear choice between *Proof 1* and *Proof 2*, and they had (2) all the necessary premises to construct *Proof 2*. This is usually neglected in Western scholarship, but it is strikingly evident.

Case study: *khamr* and *nabīdh*

Let me refer to the standard example of *qiyās* discussed in Islamic works on *'uṣūl al-fiqh* (“roots of jurisprudence”). It deals with the two kinds of drinks, *khamr* and *nabīdh*. The Arabs were producing and drinking red grape wine called *khamr* in pre-Islamic and early Islamic times. Then *khamr* was prohibited by the Qur'ān. Besides *khamr*, Arabs were making *nabīdh*. This is a much wider term referring to a whole range of non-alcoholic as well as alcoholic drinks produced in fact from anything: cereals, fruits, etc. What about alcoholic kinds of *nabīdh*: are they prohibited by Islamic Law or not? The *fuqahā'* had to solve that questions themselves since Muhammad died leaving it open.

⁵ Hallaq, W., *Law and legal theory in classical and medieval Islam*, Aldershot, England; Brookfield, Vt.: Variorum/Ashgate, 1995, p. 86 (italics by me. — A. S.).

The Sunna expresses in a clear and definite way (1) prohibition of *nabīdh* (e.g., al-Bukhārī,⁶ 'Abū Dawūd al-Sijistānī⁷) as well as (2) prohibition of *any intoxicating drink*. This general prohibition is underlined numerous and unequivocally in all of the “Six Books” (the most authoritative Sunna texts for the Sunnites): al-Bukhārī 4087, 4088, 4110, 4111, 5773, 6751,⁸ etc., Muslim 1733, 2001–2003,⁹ 'Abū Dāwūd al-Sijistānī 3679,¹⁰ Ibn Māja 3388–3394,¹¹ al-Tirmidhī 1861–1864,¹² al-Nasā'ī 5092–5102¹³ and other. Three formulas are used most often to express the prohibition of all intoxicating (alcoholic) drinks: *kull muskir khamr* “anything intoxicating equals *khamr*”, *kull muskir ḥarām* “anything intoxicating is strictly prohibited” and *kull khamr ḥarām* “any *khamr* is strictly prohibited”. Though used occasionally one at a time, usually they come in pairs. The preferred combination is the first + the second (*kull muskir khamr*, *kull muskir ḥarām* “anything intoxicating equals *khamr* and is strictly prohibited”). And in Muslim 2003¹⁴ and Ibn Māja 3390¹⁵ we encounter almost a ready syllogism where the first + the third of the above expressions are combined: *kull muskir khamr*, *kull khamr ḥarām* “anything intoxicating equals *khamr* and any *khamr* is strictly prohibited”. All you have to do is say that “*nabīdh* intoxicates”, which is well-known by experience, and you have what you need: *nabīdh* intoxicates, all that intoxicates equals *khamr*, *khamr* is strongly prohibited, and it follows: *nabīdh* is strongly prohibited.

The examples cited above apply only to the general prohibition of all intoxicating drinks unambiguously stated in the “Six Books” of Sunna. We may add

⁶ Al-Bukhārī, *Al-Jāmi' al-Ṣaḥīḥ al-mukhtaṣar* [The Concise “Ṣaḥīḥ” by al-Bukhārī], Al-Yamāma — Bayrūt: Dār Ibn Kathīr, 1987, in 6 vols., vol. 5, p. 2122.

⁷ 'Abū Dāwūd al-Sijistānī, *Sunan 'Abī Dāwūd* [The Sunna by 'Abū Dāwūd], ed. Muḥammad Muḥyī al-Dīn 'Abd al-Ḥamīd, n.p.: Dār al-fikr, n.y., in 4 vols., vol. 3, p. 330.

⁸ Al-Bukhārī, *Al-Jāmi' al-Ṣaḥīḥ al-mukhtaṣar* [The Concise “Ṣaḥīḥ” by al-Bukhārī], Al-Yamāma — Bayrūt: Dār Ibn Kathīr, 1987, in 6 vols., vol. 4, p. 1579, 1588; vol. 5, p. 2269; vol. 6, p. 2624.

⁹ Muslim, *Al-Ṣaḥīḥ* [The “Ṣaḥīḥ”], ed. Muḥammad Fu'ād 'Abd al-Bāqī, Bayrūt: Dār ihyā' al-turāth al-'arabī, n.y., in 4 vols., vol. 3, pp. 1585–1588.

¹⁰ 'Abū Dāwūd al-Sijistānī, *Sunan 'Abī Dāwūd* [The Sunna by 'Abū Dāwūd], ed. Muḥammad Muḥyī al-Dīn 'Abd al-Ḥamīd: in 4 vols., n.p.: Dār al-fikr, n.y., vol. 3, p. 327.

¹¹ *Sunan Ibn Māja* [The Sunna by Ibn Māja], ed. Muḥammad Fu'ād 'Abd al-Bāqī, Bayrūt: Dār al-fikr, n.y., in 2 vols., vol. 2, pp. 1124–1125.

¹² Al-Tirmidhī, *Al-Jāmi' al-Ṣaḥīḥ Sunan al-Tirmidhī* [The Sunna by al-Tirmidhī], ed. Aḥmad Muḥammad Shākir et al., Bayrūt: Dār ihyā' al-turāth al-'arabī, n.y., in 5 vols., vol. 4, pp. 290–291.

¹³ Al-Nasā'ī, *Al-Sunan al-kubrā* [The Great Sunna], ed. 'Abd al-Ghaffār Sulaymān al-Bandārī and Sayyid Kasrawī Ḥasan, Bayrūt: Dār al-kutub al-'ilmiyya, 1991, in 6 vols., vol. 3, pp. 212–213.

¹⁴ Muslim, *Al-Ṣaḥīḥ* [The “Ṣaḥīḥ”], ed. Muḥammad Fu'ād 'Abd al-Bāqī, Bayrūt: Dār ihyā' al-turāth al-'arabī, n.y., in 4 vols., vol. 3, p. 1588.

¹⁵ *Sunan Ibn Māja* [The Sunna by Ibn Māja], ed. Muḥammad Fu'ād 'Abd al-Bāqī, Bayrūt: Dār al-fikr, n.y., in 2 vols., vol. 2, p. 1124.

to this numerous other cases of prohibition stated differently, as well as traditions with the same or close meaning in other books of Sunna. This is a vast bulk of authoritative texts leaving no doubt whatsoever that the Sunna provides all that is needed to prove apodictically prohibition of all and any intoxicating drink along the lines of the *Proof 2*. And this is what al-Ghazālī (1058–1111), the outstanding *faqīh* and proponent of Aristotle’s logic, in fact did arguing that Aristotle’s syllogism *may* be used to arrive at the needed conclusion:

Any *nabīdh* intoxicates, all that intoxicates is *ḥarām* (prohibited), it follows that any *nabīdh* is *ḥarām* (prohibited).¹⁶

Another outstanding *faqīh*, the head of the Zāhirī school, Ibn Ḥazm (994–1064), expressed himself in an even more clear and vigorous way. He does not spare a word to blame and humiliate his colleagues who do not notice the evident. Speaking about the definition of *qiyās* accepted by the majority of *fuqahā’* and proposed by the famous al-Bāqillānī, head of the Ash’arites of his time and a Malikī *faqīh*, Ibn Ḥazm calls it “haphazard” (*khabt*), “a delusion” (*takhliṭ*), “stammering” (*lukna wa ‘iyy*) and stresses that it amounts to nothing, but had it amounted to anything, it would have been a false claim without argument.¹⁷

More than once Ibn Ḥazm exclaims pathetically: you do not need at all the *qiyās* of the *fuqahā’* (*Proof 1*), because *any* intoxicating drink is classified as prohibited by the Sunna, because any such drink falls under the syllogism “anything intoxicating equals *khamr* and any *khamr* is strictly prohibited”.¹⁸ It makes no difference whatsoever what the drink is made of: dates, figs, cereals, etc., and *khamr* is not privileged among them as prohibited.¹⁹ The Law had provided absolutely all that is necessary to draw any needed new conclusions, we do not have to invent the new *qiyās* of the *fuqahā’*. In other words, *Proof 1*, according to Ibn Ḥazm, is not needed as long as we have *Proof 2* and all the necessary premises for it in the Sunna.

The situation is quite clear and opposite to what W. Hallaq claims: the *fuqahā’* had all the necessary premises for *Proof 2* in the Sunna, moreover, the Sunna almost verbatim uses that kind of argument. The *fuqahā’* perfectly knew that Ibn Ḥazm and al-Ghazālī, the two influential figures, were arguing in favour of *Proof 2*. *Proof 2* was no secret for them, it was lying on the surface. And yet they almost unanimously opted for *Proof 1* instead of *Proof 2*. *Proof 1*

¹⁶ Al-Ghazālī, *Al-Mustaṣfā min ‘uṣūl al-fiqh* [The Select in the Roots of jurisprudence], ed. Muḥammad ‘Abd al-Salām ‘Abd al-Shāfi, Bayrūt: Dār al-kutub al-‘ilmiyya, 1413 h., pp. 31, 280–281.

¹⁷ Ibn Ḥazm, *Al-Iḥkām fī ‘uṣūl al-aḥkām* [Perfection in the Roots of legal norms], Bayrūt: Dār al-‘āfāq al-jadīda, n.y., in 8 vols., vol. 7, p. 53–54.

¹⁸ Ibid., vol. 5, p. 106; vol. 7, pp. 199, 201.

¹⁹ Ibn Ḥazm, *Al-Iḥkām fī ‘uṣūl al-aḥkām* [Perfection in the Roots of legal norms], Bayrūt: Dār al-‘āfāq al-jadīda, n.y., in 8 vols., vol. 7, p. 201.

they had to elaborate from zero, while *Proof 2* was a ready-made tool perfected by centuries of scholarship and education in Iranian pre-Islamic and Islamic lands, and later in Baghdad and other Islamic lands. Greek by origin, *Proof 2* was Greek, Syriac and Arabic by language and Islamic by location and habitation. I mean, *Proof 2* was at hand, and the *fuqahā'* had to have very, very strong reasons to opt for *Proof 1* (rather, opt for elaboration of what was to become *Proof 1* after centuries of work and debates) and neglect *Proof 2* (ready for use).

Contextualizing: Mu'tazila, Arabic language and Greek logic

Why did they do that? My answer is: they opted for the process-based cognitive model (*Fig. 1*). This is the only reasonable explanation.

Contextualizing, we have to refer, firstly, to the Mu'tazila (8–11 cc.), the first Islamic philosophers, who developed amazing and sophisticated theories of time and space and metaphysics of processes (*af'āl*, sing. *fi'l*). For them, acts, or processes (*af'āl*), constitute the basic reality — not the substances. To explain the world rationally meant for them to reduce its plurality to a number of regular acts performed by actors and governed by rational rules. Later that line was elaborated by outstanding Ṣūfī thinkers like Ibn 'Arabī (1165–1240) resulting in a highly sophisticated metaphysics. This non-Aristotelian line of Arab-Islamic thought relies altogether on process-based, and not substance-based, worldview. This is a very long story, and to make it short I can only say that *Proof 1* fits perfectly that kind of thought and that kind of metaphysics.

Secondly, we have to refer to the Arabic language as a vehicle of thought and, therefore, a vehicle of practicing this or that cognitive model: either that of *Fig. 1* or that of *Fig. 2*. Now, the *Fig. 2* cognitive model relies on a language that uses the “to be” copula to link the predicate to the subject. The amazing fact of Arabic is that this language (1) does not use the “to be” copula, (2) does not use any copula word at all, and (3) does not possess the verb “to be”. This is also a very long story, and I have to refer to my article²⁰ where all the evidence, based on the richest legacy of classical Arab philology, is presented and a full answer is given to the claims made by F. Shehadi that Arabic does use “a to-be type copula”,²¹ as he put it. I can only say here that both all the classical Arabic dictionaries starting with al-Khalīl's *Kitāb al-'ayn* and all the Arabic linguistic tradition starting with al-Khalīl (d. 776–791) and Sibawayhi (d. 796) and running

²⁰ Smirnov, A.V. “To Be” and Arabic Grammar: The Case of *kāna* and *wujida*”, *Ishraq: Islamic Philosophy Yearbook: 2016*, Moscow, 2016, no. 7, pp. 174–201.

²¹ Cf.: Shehadi, F., “Arabic and ‘to be’”, *The Verb ‘be’ and its synonyms; philosophical and grammatical studies. (4) Twi, Modern Chinese, Arabic*, ed. John W.M. Verhaar, Dordrecht: D. Reidel, 1969, pp. 112–125; Shehadi F., *Metaphysics in Islamic Philosophy*, Delmar — N. Y.: Caravan Books, 1982.

through classical and post-classical times corroborate the three theses above. The Arab philologists are very consistent and absolutely clear on those matters, excluding altogether any Shehadi-type speculations.

It follows that for the native Arabic speaker the cognitive model of *Fig. 1* is preferable to the cognitive model of *Fig. 2*, for it (1) does not require cognitive operations connected with the “to be” copula usage (hierarchy of volumes within volumes), and (2) complies with the subject-predicate linkage vehicle of Arabic called *isnād* (“leaning upon”). I am not saying that language programs mind, but a certain correlation of preferred cognitive models between language and thought cannot be denied.

Speaking of language, and contextualizing further, we recall the famous dialogue of Mattā and al-Sīrāfī in al-Tawḥīdī’s *Kitāb al-imtā’ wa-l-mu’ānasa*²². ‘Abū Biṣhr Mattā, the outstanding logician and translator of Greek logical texts, and al-Sīrāfī, Arab philologist, cannot come to terms. Mattā argues that Aristotle’s logic is a perfect tool of demonstration, while al-Sīrāfī says that Greek logic proves nothing outside the Greek language domain, and that Arabic grammar *is* the logic for those who speak Arabic. If we consider those arguments in the light of “copula word/copulative function” problem and in the light of cognitive models depicted at *Fig. 1* and *Fig. 2*, we will perhaps agree rather than disagree with al-Sīrāfī. Anyway, the *fuqahā’* who opted for *Proof 1*, and not *Proof 2*, acted as if they did agree.

Opinion (*ẓann*) and certainty (*yaqīn*)

There is one more issue I have to address before I conclude. It is well known that *fuqahā’* classify their *qiyās* as *ẓann* “opinion”, whereas the *falāsifa* argue that their kind of *qiyās* produces *yaqīn* “certainty”. *Ẓann* “opinion” is a proposition which admits its opposite as equally possible (e.g., “it will rain tomorrow”), while *yaqīn* “certainty” is a proposition which rules out its opposite (e.g. “Beijing is the capital of China”). Since opinion is inferior to certainty, *qiyās* of the *fuqahā’* should be inferior to *qiyās* of the *falāsifa*. However, we have to ask: why did the *fuqahā’* classify their *qiyās* as “opinion” and not “certainty”?

In *Proof 1*, the crucial point of the demonstration is the linking of the two processes denoted as P¹ and P². This link is provided by the “because, and only because” clause called *illa* “reason, cause” by the *fuqahā’*. Without it P¹ would not be linked to P² and the whole demonstration will go to pieces, ceasing to be a syllogism. And the greatest problem for the *fuqahā’* was that the *illa* “reason” is not stated clearly and unequivocally in the authoritative texts, that is, in the Qur’ān and the Sunna. It means that the *faqīh* himself had to figure out

²² *Al-Tawḥīdī*, *Kitāb al-imtā’ wa-l-mu’ānasa* [Enjoyment and conviviality], Bayrūt: Dār al-kitāb al-‘arabī, 2004, part I. The 8th night, pp. 65–87. The dispute took place in 326 H. = 937/8 C.E. (ibid., p. 67).

the “reason” for Divine prohibition, prescription or any other “norm” (*ḥukm*) of the Law. Since the *faqīh*, as any human being, can never be sure that his decision fits God’s intention, that is, that the *‘illa* he uses in the *qiyās* is exactly the *‘illa* that the God implied, *faqīh* has to say that his *qiyās* is only “opinion” and not “certainty”. Yet this has to do exclusively with the quality of knowledge used in the *Proof 1*, it does not in the least affect its procedure. This difference is utterly important and, unfortunately, neglected in Western scholarship. The demonstration procedure of the formal *Proof 1* is altogether flawless. And the *fuqahā’* themselves were fully aware of it, saying that *qiyās* entails “necessity” (*awjaba*) of the norm of the Law.²³

Conclusion:
the two cognitive models and irreducibility
of the two kinds of logic and metaphysics

So how do we translate the word *qiyās* used by the *fuqahā’* to denote that type of demonstration which they themselves considered apodictic (save for the initial knowledge used in the demonstration procedure and referred to as *‘illa* “reason”), and which is considered uncertain and defective in Western scholarship where it is rendered as “analogy”? Translation is an epistemic procedure, as long as it has to do with deconstruction of meaning on the side of the source language and its construction anew in the target language. When we deconstruct the meaning of the word *qiyās*, where do we arrive? That is the question. If we, together with W. Hallaq and other scholars, deconstruct the meaning of *qiyās* to arrive at *Fig. 2* cognitive model, then we will formalize *qiyās* as in *Table 1* and translate it as “analogy”. If we, alternatively, arrive at *Fig. 1* cognitive model, we will formalize it as in *Proof 1* and translate it as “demonstration”, “apodictic proof” and the like. The words are secondary to the cognitive models, which play the crucial role in sense-positing. In the first case, we consider *qiyās* of the *fuqahā’* an imperfect kind of demonstration regarding its procedure, not quality of knowledge used in its premises. In the second case we consider it a perfect apodictic proof from the point of view of its procedure, with any possible imperfection resulting out of the quality of initial knowledge (in that case knowledge of *‘illa* “reason”). Cognitive models affect not only translation, but our analysis and estimation. And finally, the two cognitive models we discussed presuppose alternative metaphysics and systems of logic: the one that centers on acting, and the other that centers on being.

²³ Al-Zarkashī, *Al-Baḥr al-muḥīṭ fī ‘uṣūl al-fīqh* [The Ocean of knowledge in the roots of jurisprudence], ed. by ‘Abd al-Sattār ‘Abū Ghadda, Al-Kuwayt: Dār al-ṣafwa, 1992, in 6 vols., vol. 5, p. 14.

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