

Article

Before and After Revelation: Qirqisānī on Human Reason as the Source of Moral and Religious Knowledge (With a Note on the Rationalism of Rav Sa'adya Ga'on): A Chapter in 10th Century Karaite Thought

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Abstract

This article examines the limits of human reason as a source of moral and religious knowledge in the thought of the tenth-century Karaite scholar Ya'qūb al-Qirqisānī. While Qirqisānī assigns reason a central role in theology, legal analogy, and dialectical deliberation, the article focuses on a neglected dimension of his thought: the epistemological status of morally neutral actions—those neither intrinsically obligatory nor forbidden. Through close analysis of chapter 51 of the fourth treatise of the *Kitāb al-Anwār wa-al-Marāqib*, it is shown that Qirqisānī proposes a tripartite framework—necessity, rational morality, and revelation—arguing that the status of neutral actions cannot be determined by reason alone and requires explicit divine legislation. This positivist stance is contrasted with that of Rav Sa'adya Ga'on, who holds that reason, grounded in the premise of God's goodness, can establish the permissibility of beneficial actions without explicit revelation. Additional perspectives from Yefet ben 'Eli complicate the assumption that this debate mapped neatly onto the Rabbanite–Karaite divide. The article situates Qirqisānī's position within contemporary Muslim theological debates on the moral status of human actions before revelation.

Keywords: Qirqisānī; Karaites; Sa'adya Ga'on; morality; revelation

1. Introduction

Abū Yūsuf Ya'qūb al-Qirqisānī was one of the greatest Karaite scholars of all generations. He lived in Babylonia, apparently in Baghdad, during the first half of the tenth century, a period in which Baghdad was the center of the Abbasid Caliphate—a city in which Jewish and general intellectual life was diverse and flourishing.

Scholars still debate the main sources of influence that nourished and fostered the Karaite movement, as well as the question of when Karaism coalesced into a movement (Gil 2003; Lasker 2022, pp. 12–27; Polliack 2006). Although by Qirqisānī's time Karaism was an identifiable and distinct stream within Judaism, the Karaites of that time were not uniform in their halakhic and theological views. Qirqisānī writes of the Karaites of his day that it is “impossible to find two of them agreeing in everything” (Leon Nemoy's translation, in Nemoy 1929, p. 330), or in a more radical translation: “...scarce two of them are to be found who agree on anything” (Wilfrid Lockwood's translation, in Chiesa and Lockwood 1984, p. 104).¹

Qirqisānī was a scholar well-versed in the religious doctrines and intellectual schools of thought prevalent in his environment, and he was also familiar with contemporary



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philosophical and scientific compositions. Naturally, much material from rabbinic literature is embedded in his books. His writings also indicate that he participated in *majālis* (conferences)—scholarly gatherings aimed at learning, inquiry, and debate on interpretive, theological, and philosophical matters—in which scholars from different religions frequently participated (Lazarus-Yafeh 1999; Drory 1988, p. 98, para. 3. On Qirqisānī, his writings, and his theological thought, cf. Nemoy 1952, pp. 42–45; Ben-Shammai 1977; Astren 2010).

Qirqisānī's writings express a Karaite ideology, interpretive method, and body of law as these had developed up to his time. Qirqisānī's books are also among the most important sources for acquainting ourselves with the diversity of Jewish groups and theological approaches that existed in the Muslim world from the eighth through the tenth century.

His comprehensive legal and theological work is the *Kitāb al-Anwār wa-al-Marāqib* ('Book of Lights and Watchtowers'), written in Arabic. Its composition was completed in 937 (Ben-Shammai 2002, p. 12) or 927 (Chiesa and Lockwood 1984, p. 22). This is a monumental work not only in size—1284 pages in Leon Nemoy's edition (See *al-Qirqisānī* 1939–1943)—but also in the breadth of its content. The work comprises 13 treatises dealing with heresiography, theology, polemic not only against various Jewish sects, but also against Christians and Muslims, legal methodology and principles of biblical interpretation, and, above all, central topics in Karaite law: circumcision and Sabbath; interpretation of the nine additional commandments in the Decalogue; the calendar; Shavuot and other festivals; laws of impurity and purity; forbidden marriages and levirate marriage; forbidden foods, mixed species, and fringes; and laws of inheritance—all while discussing the schools, opinions, and academies that preceded the author or were his contemporaries.²

2. Qirqisānī's Legal Rationalism

Qirqisānī assigns a central place to human reason in the determination of law, alongside the Scriptures, as human reason, according to Qirqisānī, is the most reliable source of knowledge in all fields. This religious rationalism can be identified in Qirqisānī across several domains:

Qirqisānī accepts the Mu'tazilite notion of 'rational commandments'—moral obligations rooted in human nature. The binding force of these obligations derives not only from revelation but from the very rational nature of the human being (Hourani 1971, pp. 8–14; Fakhry 1991, pp. 31–45). According to Qirqisānī, these obligations are eternal and universal: they apply to all human beings at all times (Ravitsky 2024, pp. 755–57). Moreover, Qirqisānī mandates rational deliberation in interpreting the Torah, and logical inference from what is explicitly stated therein to cases not discussed therein—this is the primary use of *qiyās* (legal inference), a subject to which he devotes extensive discussions in the second and fourth treatises of the *Kitāb al-Anwār* (Vajda 1946–1947, pp. 52–98, and cf. Lasker 2008, pp. 18–22). Moreover, in Qirqisānī's thought, the application of *qiyās* in biblical interpretation is not limited to legal analogies but also includes evaluative, moral, and 'reasonable' interpretation of divine commandments and narratives (*al-Qirqisānī* 1939–1943, vol. 1, pp. 102–5; cf. Chiesa 2000, pp. 166–86; Habib 2023). From Qirqisānī's perspective, the application of rational deliberation in the domain of the divine law is a religious duty, and, in general, Qirqisānī says that the application of human judgment with respect to facts knowable by reason is what distinguishes human beings from animals. In his words: "The Wise [=God], may He be elevated and exalted, had already created the [human] intellects (*al-'uqūl*) and posited them as a measure (*mi'yāran*) of all things and as a ladder leading to true inference [...] God, may He be elevated and exalted, wished to train our intellect, in order to prevent us from becoming like some of the non-speaking [=non-rational] animals, which mechanically repeat words taught them by human beings, like the parrot and its

like. And had [this] been the case, there would have been no difference between the wise [=human being] and the rest" (al-Qirqisānī 1939–1943, vol. 1, pp. 108–9).

In his *Kitāb al-Anwār* Qirqisānī intends to adjudicate among the various positions of the scholars by means of reason. In his introduction to *Kitāb al-Anwār* he states the purpose of the book: to gather the words of the halakhic scholars by their different schools, along with their proofs, and to examine them using the dialectical method of question and answer, with the aim of distinguishing the true position from the erroneous one. In his words: "And I shall confirm from these [=from the words of the scholars] what has been confirmed to my mind through question and answer (*bi-al-mas'alah wa-al-jawāb*), and I shall invalidate from them what I have seen to be invalid" (al-Qirqisānī 1939–1943, vol. 1, pp. 4–5). Additionally, Qirqisānī assigns to reason the status of a reliable and binding source of knowledge not only in the domain of legal praxis, but also with regard to the domain of religious theory—by which I mean knowledge of God and His attributes through rational contemplation of nature. On this subject, Qirqisānī reveals himself not only as a rationalist theologian but also as a philosopher—in the sense of being faithful to philosophical doctrines available to Arabic readers of his period (for example, the appreciation of scientific description of the world and the value of scientific knowledge). On this subject Qirqisānī elaborates in the second treatise of the *Kitāb al-Anwār* and also in his commentary on the Book of Genesis (al-Qirqisānī 1939–1943, vol. 1, pp. 72–77; Hirschfeld 1918, pp. 40–43. For an English translation of these passages, see Nemoy 1952, pp. 54–57, and cf. Ravitsky 2018).

However, we must ask: what, in Qirqisānī's view, are the limits of human reason in knowing one's religious duties? One of the cases in which Qirqisānī appears to limit human reason is the discussion of the theoretical question: could human beings, through their reason alone, have known all their obligations without any revelation whatsoever? To this question is devoted chapter 51 of the fourth treatise of the *Kitāb al-Anwār*, and the discussion in that chapter is also an example of the application of the dialectical method to the resolution of disagreements on a given subject.

3. May a Human Being Derive Benefit from This World Without Explicit Permission from God?

The fourth treatise of the *Kitāb al-Anwār*, in which the discussion of this theoretical question is found, is devoted to what can be called legal methodology. Qirqisānī's discussion of the question under consideration comes after his discussion of analogy and the correct way to apply it in the domain of law, and before the discussion of the antiquity of the commandments and the historical development of law. These subjects place before the learner, as basic premises for discussion, the position that human beings, through their human reason, can know their religious and moral duties and the will of God toward them. The question posed by Qirqisānī—whether, without any revelation at all, human beings could have known all their duties—is essentially a theoretical question, but Qirqisānī treats it as a historical question: before God commanded human beings with commandments, did they know their religious and moral duties, or does knowledge of one's duties toward God and other people depend also on revelation?

Before I analyze Qirqisānī's words on this subject, let me sharpen the meaning of the question from an epistemological and theological perspective: as was shown, Qirqisānī assigns a place of honor to human reason in what pertains to four legal domains: the rational commandments; analogy and interpretation; dialectical discussion in the adjudication of law; and, finally, theology and philosophy. Now, as regards knowledge of the rational commandments—this is general and principled knowledge only (Ravitsky 2016, pp. 181–83), and it does not cover the entire domain of human life. There are many actions

in our lives that are not in the category of moral prohibition or moral obligation. They are morally neutral. Nevertheless, since many such actions bring benefit to a person and involve deriving enjoyment from God's world, the question arises whether such actions are permitted or forbidden. Is it permitted or forbidden to enjoy God's world without an explicit license from Him?

As regards analogy—here the epistemic operation of the human being is to extract hidden knowledge from explicit data. The data are the commandments explicitly stated in revelation, and the hidden knowledge contained within them is as valid as revelation itself. In the operation of analogy, reason is not the source of religious knowledge but only the means to it. Hence, analogy has a place only after revelation. The question under discussion in the context of the current debate is whether, without revelation, human reason could have decided on the permissibility or prohibition of enjoying this world. After revelation, and especially through the application of inference, it is clear that humans have the ability to answer this question and to know which enjoyment is permitted and which is forbidden.

Similarly, dialectical discussion also weighs the implications of given positions. Here too reason does not 'legislate' but 'adjudicates' among given opinions and possibilities.

The question arises whether reason can 'legislate'; whether it can be a source of moral-religious knowledge in the neutral domain, beyond the rational commandments. As will be shown below, this subject was discussed by additional Jewish scholars roughly contemporary with Qirqisānī—namely Rav Sa'adya Ga'on and Yefet ben 'Eli. But as in several other cases, Qirqisānī's discussion is more developed and thorough. Not only were Jewish scholars interested in the subject. As A. Kevin Reinhart has shown, the subject was discussed extensively by Muslim theologians and legal scholars, and according to Reinhart's analysis, three directions can be identified in the opinions of Muslim scholars:

- a. The Prohibitors, who argue that all created things belong to God, and it is forbidden to use them without His permission. According to Reinhart, the Prohibitors are primarily the Mu'tazilite scholars of Baghdad in the tenth century—primarily Abū al-Qāsim al-Ka'bī (d. 931)—but Ḥanbali thinkers also held this view (Reinhart 1995, p. 31).
- b. The Permitters, who argue that God created the world for the purpose of doing good and bringing benefit. Hence, the very usefulness of an action justifies it. According to permitters, there are indeed actions that are intrinsically good and obligatory even before revelation, whose goodness revelation confirmed. There are also actions that are intrinsically objectionable and forbidden even before revelation, whose objectionableness revelation confirmed. And there are useful actions which, before revelation, are permitted, and revelation forbade some of them (e.g., eating pork) or confirmed their permissibility (e.g., eating beef). Scholars of various schools championed this position, especially Ḥanafis and Mu'tazilites, and the first among them, according to Reinhart, is the Mu'tazilite Abū Bakr Aḥmad al-Jaṣṣāṣ (917–980) (*ibid.*, p. 44.).
- c. The Agnostics, who argue for an inability to evaluate. These claim that without revelation, there is no ability to determine whether it is permitted or forbidden to enjoy and derive benefit from this world. In the domain of 'neutral' activity, argue the agnostics, actions have no moral standing without revelation. This position is associated with Ash'arite-Shāfi'ite scholars (such as al-Juwaynī and al-Ghazālī)—originally the position had developed out of the thought of the jurist al-Shāfi'ī (d. 820)—but they were not the only ones who championed this position. According to Reinhart's assessment, the first to formulate this position is Abū Bakr al-Bāqillānī (950–1013) (*ibid.*, pp. 62–67, and see the main discussion *ibid.*, pp. 29–76).

Now let us examine Qirqisānī's words:

One group [of scholars] holds that things (*al-ashyāʾ*) in their entirety are forbidden until what is permitted of them is permitted. And they brought proof for this from the words of God to Adam (Genesis 2: 16): “From the fruit³ of the garden you may freely eat.” They said: Behold, had this thing been permitted, there would have been no need to permit it to him. Since the matter is as it is, only that which Scripture or analogy (*al-naṣṣ aw al-qiyās*) has permitted is permitted to us, and the rest remain forbidden. They further adduced in support of their view everything that the Creator, exalted and elevated, permitted us in the Torah through Moses, peace be upon him, from the animals and the like, and they said about it the same as what they said about His words to Adam, “From the fruit of the garden.”

And others said: On the contrary, things are permitted until they are forbidden, and whatever the Torah forbids us in Scripture or by analogy is forbidden. And this based on proof from⁴ the eating of mushrooms, for which we found no warrant whatsoever, neither from Scripture nor from anything else [yet it is clear that they are permitted]. They said: Behold, had things in their entirety been forbidden until permitted, we would not have been permitted to eat mushrooms. And one of the later scholars added to this the wearing of linen, since we found no mention of its permissibility at all. (*al-Qirḡisānī 1939–1943*, vol. 2, pp. 437–38)

Qirḡisānī adjudicates between the positions and says:

I say that each of the two groups has been right in one respect and has erred in another. (*ibid.*, p. 438)

In what did the scholars of each group get it right, and in what did they err? The explanation is this: according to Qirḡisānī, there are actions that are clearly forbidden even before revelation—and in this, the Prohibitors were right. And there are also actions that are clearly permitted even before revelation—and in this the Permitters were right. But the subject is complex and the dialectical discussion deepens: according to Qirḡisānī, the solution to the question whether human reason has the capacity to know one’s religious and moral duties before revelation is to be found neither in textual proofs from Scripture nor in reliance on actions which all the Jewish congregations agreed are permitted, such as eating mushrooms and wearing linen. Qirḡisānī divides the types of human actions into three parts, in accordance with the sources of knowledge about them. In his words: “All forbidden and permitted things are certainly [determined] from one of three aspects: either something that occurs of necessity (*darūratan*), or something that stands in reason (*fi al-ʿaql*), or something that is known from hearing (*min al-samʿ*) [=meaning the revelation in which the prophet heard the divine command].” (*al-Qirḡisānī 1939–1943*, vol. 2, p. 438). There are thus three types of actions:

- a. Actions in the domain of necessity—examples include such actions as breathing and eating, or refraining from causing harm to your body (the examples are mine).
- b. Actions in the domain of morality known through human reason—examples include such actions as treating well those who treat you well and refraining from oppression and injustice (the examples are mine).
- c. Actions whose religious status is known only through ‘hearing,’ that is, through prophecy—these are actions in the neutral domain—such as wearing linen and eating mushrooms (these examples were dealt with by Qirḡisānī in his discussion of the Jewish permitters).

Actions of the first type (the type of necessity)—are certainly permitted, and the proof of their permissibility is their very necessity. In Qirḡisānī’s words: “And what necessity obligates, does not require more than necessity itself as proof of its permissibility or pro-

hibition, since it [=their necessity] is the greatest of proofs, and it is inconceivable that the Wise [=God] would compel one to do something and then forbid it" (ibid.). It is clear that the rule governing actions that must be done (or avoided) derives, in the final account, from God's being just—a Mu'tazilite principle which Qirqisānī certainly accepted (Fakhry 1991, pp. 40–45; Hourani 1971, pp. 10–11).

Actions of the second type (the type of rational obligations)—some are certainly obligatory and some certainly forbidden—their rule derives from the innate rationality of the human being and from his moral nature. This too is a Mu'tazilite principle accepted by Qirqisānī (al-Qirqisānī 1939–1943, vol. 2, p. 452; Hourani 1971, pp. 20–23; Fakhry 1991, pp. 31–35). But Qirqisānī adds: "And if something stands in reason [=is known by human reason], its path is also the path of necessity" (al-Qirqisānī 1939–1943, vol. 1, p. 438). That is, both actions of necessity and actions of rational morality fall under necessity in the sense that, from a rational-human perspective and also from the perspective of God, there is no 'possibility' here, but rather a single, specific course of action is required in both categories. And in contrast to the 'necessity' of the first two categories, in the third domain—the domain of revelation, the domain that is in itself neutral—there is an ethical possibility of deciding one way or the other, and God is the one in whose hands the decision lies. This point is also clear in the words of Sa'adya Ga'on who characterizes thus the religious status of the traditional-revelatory commandments before and after the divine command: "Things that reason does not, in themselves, require us to love or to avoid, our God added to us commandments and prohibitions concerning them" (Ga'on 1970, pp. 118–19, and cf. ibid., p. 135).

According to Qirqisānī, human cognition is unable to know a person's duties in the third, neutral domain without revelation. In his words:

Whatever is not derived from these two modes [=necessity and what is known through reason]⁵ and is not known from one of the two, it is impossible to say that it is not under prohibition or under permission, and which of the two things the Creator, exalted and elevated, desires regarding it. And He has not abandoned His creatures in it [=in this matter, the neutral one] without benefit. Rather, this thing must inevitably become known through the messenger [=the prophet]. Thus did God act with the first of His creatures. He created him, namely Adam, and did not abandon him, when He had created him, until He commanded him to worship Him in all that He desired of him of the obligatory, the forbidden, and the permitted. And not a single thing remained to him that was not under prohibition or under permission. And possibly the Creator may add to these, as we shall explain below (see chapter 58 of the fourth treatise; al-Qirqisānī 1939–1943, vol. 2, p. 469).⁶ And thus for everyone who came after him [=after Adam], until He sealed [the Torah] through Moses, peace be upon him, and made His Torah eternal⁷ until the end of all days⁸. (al-Qirqisānī 1939–1943, vol. 2, p. 438)

The adjudication of the dialectical discussion—which critically examines both principal positions: the one claiming that all 'things' are forbidden until God explicitly permits them, and the one claiming that all 'things' are permitted unless explicitly forbidden by God—is based on the modality of cognition: Qirqisānī examines both positions on the assumption that from an epistemological perspective there is 'necessity' and 'possibility.' 'Necessity'—its moral and legal standing is known through reason and is determined 'from within it.' In contrast, 'possibility'—whose moral and legal standing must be determined 'from outside,' by a legislative authority that will cause the neutral action to become obligatory, permitted, or forbidden. A similar line of reasoning was already formulated by the Mu'tazilite scholar Ibrāhīm al-Nazzām (d. between 835 and 845). According to al-Nazzām: "Wisdom is of two kinds: [first], wisdom as such, non-contingent (*ḥikmah bi-'aynihā, la li-*

‘illah), such as justice, faith, honesty and charity [...] (second), wisdom which becomes such contingent upon its very decree (*li-‘illat al-amr bi-hā*), such as ritual, prayer, and fasting.” (Tritton 1962, p. 63).⁹

From an interpretive standpoint, Qirqisānī argues, one cannot accept one of the two principal positions and reject the other. Those who argue that everything is forbidden until permitted explicitly bring as proof the verse “[Of every] tree of the garden you may freely eat” (Genesis 2:16), and argue that if everything were permitted, why would there have been a need to explicitly permit the eating of the fruit of the garden trees? However, says Qirqisānī, against them stands the very next verse: “But of the tree of the knowledge of good and evil you shall not eat” (Genesis 2:17), which supports the opposite position, with a similar argument: if everything were forbidden, why would there have been a need to explicitly forbid the eating of the tree of knowledge? (*al-Qirqisānī 1939–1943*, vol. 2, pp. 438–39).

And also, from the standpoint of the sources of law, one cannot adjudicate as either of the two principal positions. According to Qirqisānī, those who argue that it cannot be the case that things are forbidden until permitted explicitly prove their position from the eating of mushrooms and the like (see above). They argue that it is clear that mushrooms are permitted for eating by virtue of the general consensus (*al-ijmāʿ*) of all Jews on this (ibid., p. 439). But from Qirqisānī’s perspective, this is actually proof for his own approach. In his words: “And since acts of worship can be learned from three modes: from Scripture (*al-naṣṣ*), and analogy (*al-qiyās*), and consensus (*al-ijmāʿ*), which is tradition (*al-naql*),¹⁰ one cannot deny that the permissibility of mushrooms was taken from a tradition going back to Moses, peace be upon him, and to Adam [the first]” (*al-Qirqisānī 1939–1943*, vol. 2, p. 439). According to Qirqisānī, the consensus of the entire nation can indeed serve as a source of permissibility for eating mushrooms, since it attests to a reliable tradition whose source is the revelation to Moses our teacher or to Adam the first. In any case, the source of the permissibility is an explicit revelation known to us through a reliable tradition based on general consensus. Without revelation and without the reliable tradition, we would not have been able to claim that mushrooms are permitted or forbidden for eating.

In sum, as regards the ‘auditory’-revelatory portion of the commandments, we as human beings cannot determine whether a particular action is forbidden, obligatory, or permitted, since in this domain there is no ‘necessity’—neither practical nor moral. There is ‘possibility,’ and the decision to one side of the possible must be made by God Himself, for the possibility of legislation belongs to Him alone. Qirqisānī adds that God’s determination of the status of actions in the neutral domain can be done either through an explicit verse, or through a verse that permits only certain particulars within a general category—which serves as proof that the remaining particulars in that category are forbidden—or through a verse that forbids only certain particulars within a general category—which serves as proof that the remaining particulars in that category are permitted (*al-Qirqisānī 1939–1943*, vol. 2, pp. 439–40).

4. Qirqisānī’s Stance in His Commentary on Genesis

Qirqisānī’s commentary on Genesis 1:29: “Behold, I have given you every plant yielding seed [...] it shall be yours for food,” in his *Kitāb al-riyāḍ wa-al-ḥadāʾiq* (*Book of Gardens and Parks*, the book in which Qirqisānī deals with the non-legal portion of the Torah), fits with his approach in the *Kitāb al-Anwār*. According to Qirqisānī, this verse teaches “[that God] informed them that He had already permitted them this [=the eating of plant species],” and Qirqisānī goes further and says:

He alerted them to nourishment from plants, and indicated that He had already taught Adam by word and communication (*bi-al-qawl wa-al-khabar*) all that nour-

ishes from plants: from seed and date and leaf, with all their natures and [the good] of them and the useful [...]. And likewise His saying (Genesis 1:30): “And to every beast of the earth [and to every bird of the sky and to every creature that moves on the earth, which has the breath of life, I have given every green plant for food],” entails that He had already taught him each kind of animal’s fodder [...]. (al-Qirqisānī n.d., pp. 29a–b)

Qirqisānī adds, with admiration:

And among the wonders of wisdom is that the animals—all those that do not speak and do not discern (*ghayr nāfiq wa-lā mumayyiz*)—He placed within their nature the knowledge of what benefits and nourishes them. This is in contrast to humans, who, being endowed with rational knowledge (*‘aārif bi-al-nuṭq*), did not have this placed in their nature; rather, He taught them the very same thing through speech (*bi-al-qawl*). This is a proof of prophecy. And among the closer proofs of this [=that humans require teaching, unlike animals] is that it is not in human nature to swim until one learns to swim. The other animals swim without having learned. Therefore, an infant among human beings, before he is ready to learn and has no understanding or reason, yet needs nourishment, He placed within his nature the instinct for pleasure and suckling. (ibid.)

According to his words, God indeed instructed Adam that he was permitted to eat from the plant kingdom. Since a clear revelatory permission was given, Adam was exempt from trying to infer through his reason whether it was permitted or forbidden to him to derive enjoyment and benefit from species of plants—and all this in accordance with Qirqisānī’s fundamental approach, which he detailed in the *Kitāb al-Anwār*.

5. The Position of Rav Sa’adya Ga’on Versus the Position of Qirqisānī

Qirqisānī’s position will become clearer if we compare it to the succinct words of Rav Sa’adya Ga’on (882–942) on this matter. Rav Sa’adya Ga’on was Qirqisānī’s contemporary, and he headed the Yeshiva of Sura, which operated in his day in Baghdad. Sa’adya represented in his debates against Karaites the camp of the Rabbanites—those who follow the Talmud. Qirqisānī, by contrast, expressed Karaite positions, and many times he did so within the framework of polemic against Sa’adya. As we shall see, Rav Sa’adya held a position different from that of Qirqisānī on the subject under discussion. Do we have before us a dispute between Rabbanites and Karaites? The matter is complex, as will be demonstrated immediately.

In his commentary on Genesis 2:9: “And the Lord God caused to grow from the ground every tree that is pleasing to the sight and good for eating,” Sa’adya explains that God created for Adam fine substitutes for the tree of knowledge that was forbidden to him, because divine justice requires that God not forbid something that a person needs unless there is a good substitute for it. And he continues:

And from this foundation we say that when a person perceives himself to need some action, it is clear to his mind that the One who made him need it [=God] has permitted it to him, except for what He explicitly told him is forbidden. And if so, all the things we need are permitted to us, except for what the messenger [=Moses] has informed us of its prohibition. And this, for whoever says ‘this thing is permitted’ is not required to bring proof from the Torah for this. But whoever says ‘the thing is forbidden’ is required to do so. And this matter is disputed between the community (*al-jamā‘ah*) (Moshe Zucker in his Hebrew translation added: [the Rabbanite] community), and those who disagree with it (*al-mukhālifin*). For the community says: everything is permitted except what

has been forbidden, while they say: on the contrary, everything is forbidden except what has been permitted. And I say to them: find for me the permission to wear linen and the like in Scripture, and behold, it is not found there at all. And someone other than I said to them: where did you find the permission to eat mushrooms in the Torah, and things of this sort. (Zucker 1984, pp. 59–60; Hebrew trans. *ibid.*, pp. 267–68)

Sa'adya presents the question as disputed between the Rabbanites and their opponents (apparently some Karaite group). Indeed, passages from Talmudic literature can be brought that appear to support the position of 'the community.' For instance, the *Mishnah*, Yadayim 4:3 states: "Whoever imposes a stringency—the burden of proof is on him to teach." However, I am not certain that this position is the only one in Talmudic literature. For example, the expansion of the Talmudic position that "it is forbidden for a person to derive benefit from this world without a blessing, and whoever derives benefit from this world without a blessing has committed an embezzlement," or: "whoever derives benefit from this world without a blessing is as though he derived benefit from sacred things of heaven" (both statements are found in the *Babylonian Talmud*, Berakhot 35a)—would lead precisely to the conclusion that without divine authorization we have no permission to derive benefit from God's world—in accordance with the view of 'the opponents of the community' (understanding 'blessing' as a request for permission from God to enjoy His world, and without such a request for permission the person enjoying the world is stealing what belongs to God—in Talmudic parlance: 'committing embezzlement'). In any case, from Rav Sa'adya's perspective, reason is capable of determining the moral status of actions that bring benefit and enjoyment to a person, even without revelation. Rav Sa'adya accepts the rational premise regarding the will of the beneficent God and derives the permissibility of a useful action from God's goodness, without requiring an explicit law. Qirqisānī, by contrast, requires divine approval for a useful action. It stands to reason that, according to his approach, the fundamental determination that God wishes to benefit His creatures is insufficient to determine what the moral status of a useful action is, without explicit revelation.

6. The Two Positions in the Commentary of Yefet ben 'Eli

Positions very similar to those of Rav Sa'adya and Qirqisānī found their way into the commentary of Yefet ben 'Eli (the well-known Karaite scholar, from the second half of the tenth century) on Genesis 1:29–30, but Yefet sees no need to adjudicate between them, which raises the question: was the subject actually disputed between Rabbanites and Karaites?

According to Yefet, the scholars disagreed about the interpretation of the verse (Genesis 1:29): "And God said: Behold, I have given you every plant yielding seed [...] it shall be yours for food." Yefet says the following:

And we say that the scholars disagreed about this. One of them said that the saying "And let them have dominion over the fish of the sea" (Genesis 1:28), "Behold I have given you" (*ibid.*, p. 29)—is by way of permission. And Adam was not permitted to rule over the animals or to eat anything from the plants, except by God's command, for He is the king of all. And when God granted him dominion over the animals, then use of them and deriving benefit from them was permitted to him. [...] And according to this approach He [=God] had already taught [Adam] all things (compare with *Qur'ān* 31, 2), and taught which is obligatory, and which is forbidden, and which is permitted [=this position is close to the position of Qirqisānī with respect to things that are not 'by necessity' and 'by reason,' but 'by hearing'].

And another group said that the saying “Behold I have given you” (Genesis 1:29) is not by way of permission [...] for when Adam saw himself to need food, he would not have doubted that God had already granted him the eating of plants and fruits, since there is no sustaining himself¹¹ except through these [=a position close to the argument of Rav Sa’adya, that something a person necessarily needs cannot conceivably be forbidden]. (ben ‘Eli n.d., pp. 74b–75b)

According to the first approach that Yefet mentions, deriving enjoyment and benefit from the world was forbidden to Adam until God explicitly permitted it. According to this approach, the world and its resources belong to God, who is “the king of all,” and God necessarily taught Adam commandments and details of the law concerning all that is forbidden, permitted, and obligatory. According to the second approach that Yefet mentions, the basic logical premise is that God permitted Adam to use what is necessary for human existence. According to this approach, what is forbidden must be forbidden by a special commandment.

7. Conclusions

In summary: Qirqisānī assigns a central place to human reason in theology and philosophy, and in law (in the rational commandments, in analogy, and in the standing of dialectical discussion in the adjudication of law). And yet, Qirqisānī reveals himself—at least on the subject of knowing one’s duties in the neutral domain, the amoral domain—as a positivist.

Qirqisānī’s position becomes clear through comparison with that of Rav Sa’adya, who was a rationalist. Qirqisānī affirms human moral cognition in the very general domain of the rational commandments; he affirms human ability to infer from data given in revelation additional knowledge through analogy; and he trusts in dialectical deliberation and its ability to create unified law that will bridge the divisions among Jewish groups. But nonetheless, according to Qirqisānī, without revelation and without a given law, humans could not have lived their lives or used God’s world for their benefit and enjoyment. Rav Sa’adya Gaon, by contrast, does not require divine approval to derive benefit from this world. According to Rav Sa’adya, reason has the power to teach this.

On the question discussed here—what we would have known without revelation—Rav Sa’adya turns to the goodness of God and draws a rationalist conclusion: reason has the power to teach what is not determined in revelation. Qirqisānī, by contrast, would plausibly agree with the formulation of Yefet ben ‘Eli: God is a king to whom everything belongs, and without positive law in the ‘possible’-amoral domain, humans would not have been able to live in this world.

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Notes

- ¹ In the original Arabic: *lā takādu tajidu ithnayni minhum muttafiqayni ‘alā kul shay’* (al-Qirqisānī 1939–1943, vol. 1, p. 14). Qirqisānī’s words are ambiguous, and can be understood in line with either Nemoy’s translation or Lockwood’s. From now on, all translations from Arabic into English in this article are my own, unless otherwise noted.

- 2 Nemoy published the work based on several manuscripts, in Arabic script. Parts of the book were translated into French with important annotations by Georges Vajda; see (Vajda 1941–1945, 1946–1947, 1948, 1961, 1963). For an English translation of the first treatise, see (Nemoy 1929); for an additional English translation, see (Chiesa and Lockwood 1984).
- 3 Written in the text in Heb.: *mi-perī*—Nemoy notes that the reading should be corrected according to the Masoretic text: *mi-kol* (“from all”).
- 4 I translated according to the manuscript reading cited in Nemoy’s note: ‘*alā*. In Nemoy’s edition the text reads: *mithl* (“such as”).
- 5 Literally: “And everything for which these two modes had no cause therein.”
- 6 For a discussion of al-Qirqisānī’s approach to the prohibition of adding to the commandments (Heb.: *bal tosif*), see (Ravitsky 2024, pp. 753–54).
- 7 I translated in accordance with Nemoy’s correction in note 3.
- 8 Literally: “until the end of eternity.”
- 9 See further on this text and on the reliability of its attribution to al-Nazzām, (Ravitsky 2024, pp. 751–52).
- 10 According to al-Qirqisānī’s method, there exist traditions that originate in revelation given to one of the prophets and carry binding halakhic authority, but they must pass the test of reliable transmission—and the criterion for this is the general consensus that exists concerning them. See (al-Qirqisānī 1939–1943, vol. 2, pp. 142–143, 146–149). On the status of tradition as a means of knowledge in Qirqisānī’s thought, see also (Ben-Shammai 1977, p. 54), who argues that al-Qirqisānī holds that “tradition is not negated in principle. It is a form of knowledge that must be examined and evaluated.” and cf. *ibid.*: pp. 90–91; 94–95.
- 11 Literally: “since there is no basis (or substance, bodily constitution) for him.”

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