

# Is Taha Abdurrahman a Contractarian Philosopher?

## Taha Abdurrahman Bir Sözleşme Teorisini midir?

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Received: 16.05.2022

Received in revised form: 16.06.2022

Accepted: 16.06.2022

Available online: 25.10.2022

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**ABSTRACT** This study aimed to examine the possibility to consider the Moroccan philosopher Taha Abdurrahman as a part of the contractarian tradition. In order to this, the major themes of contractarian philosophy had been examined through a brief historical study, which gave us the opportunity to extract the main characteristic of a “contractarian theory”. Both Judeo-Christian and Islamic traditions of contractarianism had been Contextualized using these themes with more emphasis on the latter for the benefit of the subject of the research. Following that, an introduction to Taha Abdurrahman’s philosophy was developed, referring to his foundational theories and concepts such as his *entrustment ethics*, and the *covenant of testimony*. The elements of contractarianism in his work had been highlighted and underlined. Then his possible impact on Islamic political scholarly both theoretical and practical was examined.

**Keywords:** Taha Abdurrahman; social contract; the covenant of testimony; contractarian ethics; entrustment ethics

**ÖZ** Bu çalışma, Faslı filozof Taha Abdurrahman’ın felsefenin toplumsal sözleşme kuramı geleneğinin bir parçası olarak ele alınma olasılığını incelemeyi amaçlamaktadır. Bu doğrultuda kısa ve öz bir tarihsel çalışma ile toplumsal sözleşme kuramlarının ana konuları incelenmiş ve bu sayede “sözleşme teorisi”nin temel karakteristiği ortaya konulmuştur. Hem Yahudi-Hristiyan hem de ağırlıklı olarak İslam toplumsal sözleşme kuramı gelenekleri, bu ana konuları kullanarak araştırma konusunu desteklemek için bağlamsallaştırılmıştır. Bu bağlamda Taha Abdurrahman’ın felsefesi-ne, emanet etiği ve şahadet ahdi (tanıklık sözleşmesi) gibi temel teori ve kavramları çerçevesinde bir giriş geliştirilmiştir. Eserlerindeki sözleşme kuramı unsurlarının altı çizilmiş ve vurgulanmıştır. Daha sonra ise Taha Abdurrahman’ın İslam siyaset ilmine hem teorik hem de pratik alandaki olası etkisi incelenmiştir.

**Anahtar Kelimeler:** Taha Abdurrahman; social contract; the covenant of testimony; contractarian ethics; entrustment ethics

### EXTENDED ABSTRACT

This study aimed to examine the possibility of considering the contemporary Moroccan philosopher Taha Abdurrahman -who has the possibility of being “The Next Big Thing” in Islamic philosophy - a part of the contractarian tradition. The overall objective of this can be summarized in two points: The first is to determine whether Taha's theory is essentially contractarian, in which case contractarian critique would apply to it. The second is to assess the implications of his "contract/ covenant" theory in terms of present and future ethical and political studies. In order to do this, the major themes of contractarian philosophy had been examined through a brief historical study, in which the study did not seek a “single unbroken tradition of contractarianism”, but for different traits of what was called contractarian through the ages. which gave us the opportunity to extract the main characteristic of a “contractarian theory.” In this thematic study, three general themes of contractarianism were adopted from previous studies: ethical/ moral, civil, and constitutional. Through these themes, the most influential accounts of contractarianism were examined to identify what makes a “contractarian theory.”

Four main characteristics seemed to be the defining elements of a contractarian theory: a pre-state condition, a transformative moment, a referential value of that moment, and an anthropogenic perspective of the parties with which the contract was formed. Both Judeo-Christian and Islamic traditions of contractarianism had been Contextualized using these themes with more emphasis on the latter for the benefit of the research subject. Following that, an introduction to Taha Abdurrahman's philosophy was developed, referring to his foundational theories and concepts such as his entrustment ethics, and the covenant of testimony where Taha considers morality a defining feature of humanity, not rationality, nor sociability. He considers postmodern culture an immoral culture and a threatening one. And thus he suggests his entrustment paradigm as a solution – or rather a starting point of a solution- for the moral degradation of the world today. The elements of contractarianism in his work had been highlighted and underlined, including his idea of whether a contract did happen, its nature, and the consequences of such an incident. The study found that Taha's contractarian account is a synthesis of the three contractarian themes with different percentages of density. Taha's account and his criticism of anthropocentric contractarianism had been addressed briefly. Then his possible impact on Islamic political scholarly both theoretical and practical was examined.

One of the dominant forms of theorizing regarding social reality – or rather the pre-social nature from which the social reality stemmed - is to go far back to the realm of the unseen. It appears that something deep in human nature tends to charm the supposedly object-oriented minds of philosophers and thinkers to that “pure state”. This might be rationalized by a tendency to eliminate intervening factors in social experiments, or -simply- as an attempt to examine the essence of human nature.

In this short article, we shall be examining -to various degrees- the core ideas of contractarian philosophy in order to reach to the main themes by which one can identify a contractarian theory. then we will use this thematic analysis to examine the historical development of the idea and its ‘pre-social’ element, namely the state of nature. Following that, we would look at Taha Abdurrahman, a contemporary Moroccan philosopher with the capacity of being "the next big thing" in the Arabic-Islamic philosophy, and use the aforementioned contractarian themes to accomplish two goals: The first is to determine whether Taha's theory is essentially contractarian, in which case contractarian critique would apply. The second is to assess the implications of his "contract/ covenant" theory in terms of present and future ethical and political studies.

## HISTORY OF “A” SOCIAL CONTRACT

The contractarian “tradition” is an ancient one; it goes way behind its modern fathers, yet it cannot be said that we have one single unbroken tradition of contractarianism, it is more likely that we have common themes that have been appearing in various periods. Therefore, it would be safe to say that social contraction in its broadest sense is as ancient as political philosophy itself. Contractarian ideas may be found even in ancient Greek philosophers such as Antiphon, Hippias, Glaucon, Thrasymachus, and Epicurus, as well as Socrates and Plato.<sup>1</sup> We cannot go through all of the contractarian ideas proposed by philosophers throughout history in such a thematic study, thus we will instead adopt Boucher and Kelly's broad classification of contractarian theories based on moral, civil, and constitutional considerations.<sup>2</sup>

<sup>1</sup> David C. Perry and Natalia Villamizar-Duarte, “The Social Contract: A Political and Economic Overview,” in *Remaking the Urban Social Contract*, ed. Michael A. Pagano, Health, Energy, and the Environment (University of Illinois Press, 2016), 3-32, <https://www.jstor.org/stable/10.5406/j.ctt1hfr0bc.4>; David G. Ritchie, “Contributions to the History of the Social Contract Theory,” *Political Science Quarterly* 6, no. 4 (December 1891): 656, doi:10.2307/2139203 p.3-4.

<sup>2</sup> David Boucher and P. J. Kelly, eds., *The Social Contract from Hobbes to Rawls* (London ; New York: Routledge, 1994) p. 2.

Moral contractarianism is the category in which the contract became the source of moral duty for both individuals and society. This contract-based moral morality came from creative self-interested individuals who chose to constrain themselves with such morality to achieve higher levels of benefit. We can find examples of this theme of contractarianism in the works of John Harsanyi, John Mackie, David Gauthier, and James Buchanan among others.<sup>3</sup> Of course, these “modern moral contractarians” have an abundance of conflicting views. However, it can be said that they all agree on one consistent premise: the main moral responsibility is grounded in a contract, the contract is not just a source of political entities and civility, but also a method of creating ethical value.

Civil contractarianism on the other hand is a form of social contract that seeks to legitimize the coercive political authority and / or restrain it. This theme of contractarianism is the most common in political philosophy. In fact, this type is what most people have in mind when they talk about “social contract”. The contract in this context did not come to create morality, but to uphold “pre-existing moral rights and duties.” In fact, the whole political entity which stemmed from the contract is meant either to achieve ethical standards that are known and respected but practically impossible to achieve as Hobbes proposed.<sup>4</sup> Or to preserve the rights and the moral capacity of the state of nature which could not be fully preserved as Locke and Pufendorf suggested.<sup>5</sup> Pufendorf argued in the same manner that even justice does not depend on a sovereign, a statement which presupposes the existence of justice prior to the contract.<sup>6</sup> It is worth noting here that both Locke and Pufendorf presupposed a deity from which the state of nature derived its values, which is an important perspective in the context of our study.

Rousseau’s perspective regarding the contract is out of context in the western contractarian tradition, where he argued that the contract was a source of artificial inequalities. The contract according to Rousseau “gave new fetters to the weak, and new forces to the rich, irretrievably destroyed natural liberty ..... changed adroit usurpation into an irrevocable right.. henceforth subjugated the entire human race to labor, servitude, and misery”<sup>7</sup> in his later works Rousseau turned to a more positive outlook to the contract as a correction tool of some sort. Yet, this pessimistic look upon the social contract is a theme to which we will return when we deal with Taha’s work.

Kant made significant contributions to this tradition, the most important of which is talking about the social contract as theoretical moral foundation of the society dictated by reason, rather than a historical explanation of its existence. Thus, he turned it from a mere supposition into both analytical and evaluative tool. One might wonder about the reason for which Kant was not considered a part of the first theme? while these themes are not fixed and easily overlap, the main character of moral contractarianism is to suppose that the contract is the source of morality civil morality at least- , and while Kant does attribute some moral aspects on the state itself, the source of morality is not the contract itself, neither the parties of the contract, but reason itself.<sup>8</sup>

<sup>3</sup> David Gauthier, “The Social Contract as Ideology,” *Philosophy & Public Affairs* 6, no. 2 (1977): 130–64; Harsanyi, “Morality and the Theory of Rational Behaviour,” in *Utilitarianism and Beyond*, ed. Amartya Sen, Bernard Williams, and John C, 1st ed. (Cambridge University Press, 1982), 39–62, doi:10.1017/CBO9780511611964.004.

<sup>4</sup> Thomas Hobbes, *Leviathan*, ed. John Plamenatz, 8. impr, Fontana Philosophy Classics (London: Collins, 1976) p.18 .

<sup>5</sup> John Locke, *Two Treatises of Government*, ed. Peter Laslett, Student ed, Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York: Cambridge University Press, 1988); p.255-230 Samuel Pufendorf, *Of the Law of Nature and Nations: Eight Books*, The 4th ed., (Clark, N.J: Lawbook Exchange, 2005).

<sup>6</sup> Samuel Pufendorf, *Of the Law of Nature and Nations: Eight Books*, The 4th ed., (Clark, N.J: Lawbook Exchange, 2005) p. 256.

<sup>7</sup> Jean-Jacques Rousseau, *Basic Political Writings*, ed. Donald A. Cress, 2nd ed (Indianapolis, IN ; Cambridge: Hackett Pub. Co, 2011) p.75.

<sup>8</sup> Immanuel Kant, *Kant: Political Writings*, ed. Hans Siebert Reiss, 2nd, enl. ed ed., Cambridge Texts in the History of Political Thought (Cambridge [England] ; New York: Cambridge University Press, 1991).

A modern version of both Lockian and Kantian contracts were developed in a more secular manner by Robert Nozick and John Rawls respectively. In this context, the dispute over whether Rawls has a contractarian theory or not is an intriguing one that can be very helpful. For in that debate two things happened: *first*, though the social contract theory(ies) held its theoretical rigorous, and kept its place as a “top shelf” item in the philosophical market throughout the years, it did face a period of negligence during the 19<sup>th</sup> and the first half of the 20<sup>th</sup> century<sup>9</sup> as the sound of political ideologies<sup>10</sup> ruled supreme. This debate about Rawls revived the social contract theory and brought it back to the fronts of philosophical debate. *Second*; this debate brought forth and highlighted the main themes by which you can define a “contractarian theory.” Jean Hampton, for example, developed a very interesting three model-based theoretical framework in which she tackled the logical and philosophical soundness of Rawls’s theory by examining the options that can occur in the *original position*.<sup>11</sup>

Nozick on the other hand developed his version the “invisible hand” of the social contract, where he explained the existence of the state by contending that it stemmed from a sort of protective agencies, that developed through contracting to encompass whole communities, and those who had no contract had to be included forcefully to insure the protection of the whole population.<sup>12 13</sup>

Lastly, we have constitutional contractarianism, which is a theme of contractarianism based in the legal/ jurisprudential traditions of both Islamic and western civilizations. It is important to note that this theme is not concerned with the historical events that gave birth to society and state, but rather in the relationship between the governor and the governed in the already existing political community. Two historical facts can help us to explain why such an outlook exists; *first*: is the fact that vast majority of constitutional contractarianism tradition was written by jurists and thinkers who presupposed - consciously or subconsciously- that humans were created by God as social hence political beings. Accordingly, State and society are what God himself wanted or destined for his creatures, and their job was to ensure that this “will of God” is being fulfilled to the best of what God intended. *The Second*: is the fact that The rest of the tradition was written by practitioners, such as jurists and law makers, or politicians themselves, which means that they were more invested in the practical aspects of political order rather than the philosophical background as to the origins of political power.

The constitutional contractarians in the European middle Ages mostly envisioned a contract between a king and his vassals,<sup>14 15</sup> rather than between equal individuals. During the 16<sup>th</sup> and the 17<sup>th</sup> centuries, the narrative changed to include “citizens of the realm” a term that shrank and expanded according to a shifting political settings. Such contractarianism may be seen in the works of Richard Hooker who considered that even the oath of coronation is a renewal of a contract of perpetual nature.<sup>16</sup>

<sup>9</sup> Boucher and Kelly, *The Social Contract from Hobbes to Rawls*.

<sup>10</sup> Understood in its neutral meaning as the set of fairly comprehensive ideas that perceive the political reality in a certain way (A) and aim to a utopian political future of some sort (B) and has a practical plan to reach from point A to point B. ideas here take the shape of political mobilization tool.

<sup>11</sup> Jean Hampton, “Contracts and Choices: Does Rawls Have a Social Contract Theory?,” *The Journal of Philosophy* 77, no. 6 (1980): 315-38, doi:10.2307/2025640.

<sup>12</sup> Boucher and Kelly, *The Social Contract from Hobbes to Rawls*.

<sup>13</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974).

<sup>14</sup> Vassals being understood here as a narrow as possible, which would include the elite lords and nobles of the community in certain traditions, and all land owners in others.

<sup>15</sup> Boucher and Kelly, *The Social Contract from Hobbes to Rawls*.

<sup>16</sup> Richard Hooker, *Of the Laws of Ecclesiastical Polity: A Critical Edition with Modern Spelling*, ed. Arthur Stephen McGrade (Oxford: Oxford University Press, 2013).

Another issue to be considered in the context of the three previous themes is the relation between these theories of a social contract and the Judeo-Christian covenant of the old and new testament. This issue was tackled before, during, and after the emergence of the mainstream civil social contractarianism. The idea of a covenant is an essential corner in the biblical narrative, in which we can find five covenants: Noahic, Abrahamic, Mosaic, Davidic, and new Christian covenant.<sup>17</sup> Each one of these has a certain place and function in the overall comprehensive narrative. We can contend that before the 16<sup>th</sup> century the Christian covenant narrative focused on constitutional aspects. But During and after the 16<sup>th</sup> century it took a turn to become an evaluative, analytical and critical tool of both moral and civil contractarianism. Few attempts of reviving contractarianism in Judeo-Christian contexts were done during the last 50 years, these attempts did go in opposing directions; few went to a more secular understanding of the covenant, while others went to a more literal and conservative understanding.<sup>18</sup>

## CONTRACTARIANISM IN ISLAMIC THOUGHT

On the Islamic front we can examine a significant contractarian tradition in its constitutional theme.<sup>19</sup> In fact, the linguistic sources (*al-maṣādir*) that are related to contractarianism in general are abundant in the two founding sources of Islamic tradition; Quran and Sunnah. In Quran the words like *ahd*,<sup>20</sup> *aqd*,<sup>21</sup> *bay'a*,<sup>22</sup> *mithaq*<sup>23</sup> and *mawthiq*<sup>24</sup> -which are different variations of verbal and written acts of self-obligation of various levels of commitment, from a mere simple promise to a sacred oath or covenant- were used in religious, ethical, and legal contexts.<sup>25</sup>

A significant sum of contractarian themes have come up in the prophet's legacy, Sunna. Yet the most important embodiment of such is what is now called "The *Treaty of Medina*" also known as "The *Constitution of Medina*" in which the prophet Mohammed made a treaty with the people of Madina - which consisted back then of Arab-Muslims, Arab-non Muslims, and Jewish tribes-. This treaty declares that the inhabitants of Madina who accepted the treaty<sup>26</sup> will become an *Ummah*, which is - in this context- a type of nation based on religious then civil relationships in which the inhabitants of a certain geographical area are living under the same political unity. Then the treaty lists the various rights and obligations of the parties of the contract.<sup>27</sup> And while the details of such incidents are not important in the context of this study, the contractarian nature that was present in both Quran and Sunna -Albeit just in a jurisprudential/legal i.e. constitutional theme, and spiritual religious manner- can help us to understand the direction to which the Islamic tradition headed in the next few centuries.

<sup>17</sup> André Lacocque, Paul Ricœur, and David Pellauer, *Thinking Biblically: Exegetical and Hermeneutical Studies* (Chicago: University of Chicago Press, 1998); Samuel Rutherford, *Lex, Rex, Or The Law And The Prince: A Dispute For The Just Prerogative Of King And People* (CreateSpace Independent Publishing Platform, 2012).

<sup>18</sup> Michael Horton, *Introducing Covenant Theology*, Reprint edition (Baker Books, 2009); David Novak, *The Jewish Social Contract: An Essay in Political Theology*, First Edition (Princeton: Princeton University Press, 2005).

<sup>19</sup> Yousef Alqurashi, *The Theory of Authority in Islamic Thought*, first (Nama publishing, 2018), [https://www.researchgate.net/publication/336891675\\_n\\_nzryt\\_alsltt\\_fy\\_alaslam](https://www.researchgate.net/publication/336891675_n_nzryt_alsltt_fy_alaslam).

<sup>20</sup> *Ahd*: a type of conditional promising.

<sup>21</sup> *A'qd*: an Oral or written agreement between two parties or more.

<sup>22</sup> *Bay'a*: Originally: a deal that includes buying or selling, in some contexts in Quran it means a declaration of allegiance.

<sup>23</sup> *Mithaq*: Covenant, contract, or charter depending on the context.

<sup>24</sup> Plural of *Mithaq*

<sup>25</sup> Shahrough Akhavi, "Sunni Modernist Theories of Social Contract in Contemporary Egypt," *International Journal of Middle East Studies* 35, no. 1 (2003): 23-49.

<sup>26</sup> Which is -to state the obvious- a type of contracts.

<sup>27</sup> Saïd Amir Arjomand, "The Constitution Of Medina: A Sociological Interpretation Of Muhammad's Acts Of Foundation Of The *Umma*," *International Journal of Middle East Studies* 41, no. 4 (November 2009): 555-75, doi:10.1017/S0020743809990067; Frederick M. Denny, "Ummah in the Constitution of Medina," *Journal of Near Eastern Studies* 36, no. 1 (January 1977): 39-47, doi:10.1086/372530.

The custom of Bay'a is another example of constitutional contractarianism in Islamic tradition; *Bay'a* is a pledge of allegiance given by a specified group of people to support the newly chosen, appointed, or elected rulers who are thought to be committed to working in accordance with God's rulings. This group is known as *Ahl Al Hal Wal Akd*, which literally translates to "the people who loose and bind knots"<sup>28</sup> and can be understood in this context as a made up of political, scholarly, and military elites who gained power via their tribal, martial, financial, and scholarly prominence through tribal, martial, financial, and jurisprudential means.<sup>29</sup>

The important issue here is not the historical incidents *per say*, but the process of theorizing and philosophizing that went in the scholarly field between the three main branches of the contributors to Islamic political thought; *Kuttab*, *Falasifa*, and *Fuqwa wa mutkalimon*<sup>30</sup> about the issue<sup>31</sup>. We are not going into the details of the disputes of these branches or the inter-branch discussion, but on from a contractarian perspective one can notice that philosophers such as Farabi and Ibn Rushed then Ibn Khaldoun tend to take a similar path to a sort of civil contractarianism, speaking about the pre-state status, and the aim of the human societies *vis a vis* the individual.<sup>32</sup> While *Kuttab* such as *Ibn Almuqaffa* tackled the practical issues of Bay'a, and its implications on how realistically a ruler can govern his kingdom without breaking *Bay'a*.<sup>33</sup> <sup>34</sup> Jurists and theologians such as *Ghazali*, *Mawardi*, *al- Farra*, *Juwaini*, *Ibn Taymiyya* and others focused significantly on the legal aspects of bay'. For instance, they tried to answer a set of questions like "why is Bay'a necessary?", "how it must be done?" and "who are the people entitled with it and to it?" "How and who does it bind?" and "when is it permissible for the people or Ummah to break the Baya'a with the ruler and depose him."<sup>35</sup> In Islamic contexts, we can notice a mixture of constitutional and civil contractarianism in dealing with bay'a, but an absence of moral contractarianism even by among philosophers. To be fair, the moral theme did emerge as the last of the three even in the western political thought. And in an Islamic context we can understand this in the light of the presupposition of perennality of ethics in Islamic civilizations as morality and religion are indivisible.

## WHAT CONSTITUTES A CONTRACTARIAN THEORY?

Following this thematic summary, one must consider what constitutes a "contractarian theory"? based on what we have examined thus far, four main characteristics stand out:

1-All contractarian theories have a view of a pre-state -or at least pre-acceptable state- condition in which humanity supposedly dealt with a chaotic hierarchy of values of some sort, which is usually referred to as the *State of Nature*.

2-All contractarian theories have a historical or hypothetical incident that transformed human beings from that chaotic environment to some type of a defined set of values in many fields, mostly

<sup>28</sup> Knots here refers to hard issues that need experience and knowledge to be "unknotted".

<sup>29</sup> Josef W. Meri, ed., *Medieval Islamic Civilization. Volume 1: A - K, Index* (New York: Routledge, Taylor & Francis Group, 2016).

<sup>30</sup> High-end bureaucrats, philosophers, and "Jurists and theologians" respectively.

<sup>31</sup> Gerhard Bowering, *Islamic Political Thought: An Introduction*, 2017, <https://doi.org/10.23943/princeton/9780691164823.001.0001> p. 5-6 .

<sup>32</sup> 'Aziz al-Haddadi, *Ibn-Ruṣd wa-iṣkālīyat al-falsafa as-siyāsiya fī 'l-islām: nakbat al-failasūf wa-miḥnat al-falsafa*, Ṭab'a 1, Falsafa (Bairūt: Dār at-Ṭalī'a li-ṭ-Ṭibā'a wa-'n-Naṣr, 2010) p. 10-15.

<sup>33</sup> Influenced by the Persian literature, a whole new political writing tradition emerged from such orientation. It is known in the Islamic culture as "*Nasehatul Muluk*" or the guidance / advising for the Monarchs.

<sup>34</sup> Joseph E. Lowry, "The First Islamic Legal Theory: Ibn al-Muqaffa' on Interpretation, Authority, and the Structure of the Law," *The Journal of the American Oriental Society* 128, no. 1 (January 1, 2008): p. 25-41.

<sup>35</sup> Yousef Alqurashi, *The Theory of Authority in Islamic Thought*, first (Nama publishing, 2018), [https://www.researchgate.net/publication/336891675\\_n\\_nzryt\\_alsltt\\_fy\\_alaslam](https://www.researchgate.net/publication/336891675_n_nzryt_alsltt_fy_alaslam): p.110-120.

political and social. In other words an incident happened and transformed “*homo-socius*” to “*Homo-politicus*” through a two-step mutual agreement in which one party concedes a sum of rights - whether natural or not is a point of debate- to another party - which had already existed or which the contract itself created<sup>36</sup>- in order to achieve a certain interest -collective or individualistic- or safeguard against certain threat -imminent or expected-.

3-All contractarian theories believe that this point of transformation is ought to be a reference point, in an evaluative, explanatory, or corrective-reformist manner. Even those who prized the state of nature and contended that the transformation had negative effect on humans did use the same transformative moment - or at least one version of it- as a corrective point of reference.<sup>37</sup>

4-All contractarian theories are anthropocentric; which indicates that the contract was made between human parties, and the consequences of that certain contract derive from and geared toward human beings

We can notice few hidden common characteristics in the background too; such as a presupposition of the imminence of political subdivision of the world into units, and a presupposition of human’s political nature, among other minor issues.

It is worth noting at this point that based on this characteristic understanding, some themes of contractarianism are more contractarian than others based on how fundamental the effect of the contract goes. Thus, we can argue that moral contractarianism is the most contractarian, followed by civil contractarianism, and a far last is constitutional contractarianism<sup>38</sup>. In moral contractarianism, the basic values by which humans organizes their very existence is produced by the contract, thus making the transformative moment an enormous one. Most if civil contractarianism contend that a hierarchy of values already existed in the state of nature.<sup>39</sup> In fact, that same hierarchy can be considered the reason behind the contract itself.

The case of constitutional contractarianism is vague to a certain extent; the contract happened - or assumed to have had happened- not in a state of nature, but in an already existing society. It can be argued that no organic transformation did happen as a result of such “Ceremonial oath”. Nevertheless, as minor as it is, constitutional contractarianism does include a chaotic *before* and an orderly *after* through a transformative moment.

## AN INTRODUCTION TO TAHA ABDURRAHMAN’S PHILOSOPHY

Taha Abdurrahman<sup>40</sup> is a prominent Moroccan philosopher who has been described as the “first Arab philosophical system builder since the Islamic golden age of philosophy.”<sup>41</sup> He has also been described as providing to the Arab world “innovativeness in philosophy,” “intellectual liberation,”

<sup>36</sup> This issue might seem a bit self-contradictory because it is. Significant portion of criticism pointed towards Social contract theories is dedicated to the “parties” of the contract, especially the second party that receives the result of the contract.

<sup>37</sup> Lionel A. McKenzie, “Rousseau’s Debate with Machiavelli in the Social Contract,” *Journal of the History of Ideas* 43, no. 2 (1982): 20928, doi:10.2307/2709200; Rousseau, *Basic Political Writings*; Jean-Jacques Rousseau, *The Social Contract* (Place of publication not identified: CreateSpace, 2014); David Lay Williams, “Ideas and Actuality in the Social Contract: Kant and Rousseau”, *History of Political Thought* 28, no. 3 (2007): p.46995.

<sup>38</sup> This categorization can be flipped upside down if we took practicality as a base.

<sup>39</sup> Life, liberty and property to lock ad Nozick for example, security to Hobbes ... etc.

<sup>40</sup> His name is Actually: Abdurrahman Taha, yet he is mostly known even in the Arabic-speaking world by his family name as his name and vice versa. His name is even written on the covers of his books likewise.

<sup>41</sup> A. Z. Obiedat, *Modernity And The Ideals Of Arab-Islamic And Western-Scientific Philosophy: The Worldviews... of Mario Bunge and Taha Abd al-Rahman*. (S.l.: Springer Nature, 2022), p. 82-85.

“boldness and challenge,” and “a discourse distinctive in form and content” proving the “legitimacy of philosophical difference.” “One of the shrewdest observers -and consumers- of European and Euro American intellectual output.” He “is not just engaged in the business of providing philosophical answers to crucial questions that Islam-in-modernity has raised; his project in effect sets in motion a second but equally formidable prong, namely, a philosophical lexical repertoire that functions as a productive engine constantly engaged in the generation of such answers.”<sup>42</sup> And most importantly, his thought “serves as a good summary of contemporary Arab-Islamic revival, without the demagogic religious tone.”<sup>43</sup> Wael Hallq of Colombia university described him as “one of the most significant philosophers that the world of Islam has produced since colonialism set foot in Afro-Asia.”<sup>44</sup> And he was named one of the top 35 most influential minds in the world by *Le Nouveau Magazine Littéraire*.<sup>45</sup>

Taha’s project and publications were ignored for a long period of time both in Islamic countries and in the world for different reasons, among which is his clear religious orientation by basing his theory of extracting the value through the glories names of Allah, in a time in which secular-based values production mechanisms are prominent. His alignment with the *Budsheshaya* Sufi order, which led to his alienation by Islamic religious and political groups during the 90s and 2000s when Salafi revivalism was dominant in the Arabic world.

Another difficulty is Taha’s language; his systematic and meticulously elaborative writings has been an impediment on two levels; The first is that non-academics, or even "lay academics," neglected to study his writings in the Arabic world. The second level is mainly concerned with his writings' translation, which is the only method to make them available to a worldwide audience. Given his constant instrumentalization of Arabic derivations to construct a new set of vocabulary, it is easy to see why a proper translation of his texts looks to be difficult, if not impossible.

Fortunately, Taha himself has a theory of linguistics and translation (or rather transliteration) , and his work can be understood and “translated” through the meaning to which he is referring, using what he called “الترجمة التأصيلية” *Tarjama Ta’siliyya* or the translation that inherit the recipient’s an ability to philosophize in the translated text, so they are not restricted to transmitting all the verbal formulas contained in the original nor all the cognitive contents it contained, but rather conveying what has proven useful in upbringing or developing philosophical preparations for this recipient.<sup>46</sup>

Despite only superficially talking of his theory, more and more academics are becoming interested in his books. An important example is Wael Hallaq’s book titled: *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*, in which he sheds a light on Taha’s critique of modernity, as well as his ontological, epistemological, and ethical methods and perspectives. Another notable example is a collection of research articles on various aspects of his philosophy published by Brill and CILE in 2020, “*Islamic Ethics and the Trusteeship<sup>47</sup> paradigm: Taha Abdurrahman’s philosophy in comparative perspectives*” It includes papers on a wide range of Taha's philosophical concerns, from

<sup>42</sup> Ibrahim Mashruh, *Taha `Abd al-Rahman: qiraah fi mashru`ihi al-fikri* (Bayrut: Markaz al-Hadarah li-Tanmiyat al-Fikr al-Islami, 2009) p. 18.

<sup>43</sup> Obiedat, *Modernity and the Ideals of Arab-Islamic and Western-Scientific Philosophy*.

<sup>44</sup> Wael B. Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha* (New York: Columbia University Press, 2019): p. xiii.

<sup>45</sup> “Nouveau Magazine Littéraire N°13 - Les 35 Penseurs Qui Influencent Le Monde - Décembre 2018,” n.d.

<sup>46</sup> Tāhā Abdurrahman, *Fiqhul Falsafā*, vol. 1 (Almarkaz Althaqafi Al Arabi, 1995).

<sup>47</sup> In fact, Taha himself chose to translate his paradigm of “التأصيلية” as *Entrustment ethics*. But he did that in his last volume of books in 2020, so it is possible that the choice of words came before that. It worth noticing that the Arabic word *ائتمان* does carry the possible of these two translation and more, with few nuances in each context.

his ethical philosophy to the question of political action, and from his critique of reason to his peculiar opinion of Sufism, among other theoretical and applied issues.<sup>48</sup>

Another face of interaction with Taha's works is through critique. And While a full and a comprehensive critical work is yet to be published, a sum of critical articles had been focusing on different perspectives of his philosophy, among which is his work's tendency to be more theoretical than practical. His theory being a mere of reiteration of classical Islamic scholarly in a modern language. His ethical theory being inapplicable. Among other issues. Nonetheless, it is our estimation that a more profound critical work is in order.<sup>49</sup>

Taha's philosophy is based on the idea that people are ethical beings. In other words, humankind not *Homo socius* or *homo politicus*, but rather "*homo ethicus*" and all other positive attributes of humans are a byproduct or a branch of this fundamental nature. He criticized the Aristotelian definition of humankind as "rational",<sup>50</sup> and stroked major Islamic and non-Islamic philosopher who used this trait to distinguish humanity from other species. Thusly, in Taha's perspective, he who departs from the path of morality does so at the expense of his humanity.

Another significant basis of his philosophy which is important for the subject of this article is his understanding of "المجال التداولي" or *Pragmatics*.<sup>51</sup> *Pragmatics* in this context refers to the field in which thoughts, philosophies, dialogues, and narratives of a certain "nation" interact and develop. which is - for Taha- a three legged sphere consisting of language, doctrine(s), and knowledge. Every nation<sup>52</sup> has the capacity to develop and flourish intellectually and socially through its pragmatics. Based on this, a significant mistake was committed by those who tried to develop is the Islamic world using the Greek-western pragmatics.

Taha's project is significantly wide, Hashas categorized his projects - consisting to this moment of 29 books- into five majors or "intellectual interests" using Hashas words: logic, philosophy of language, assessing the tradition, spiritual modernity and moral philosophy, and lastly political philosophy.<sup>53</sup> Considering the vast nature of his project I believe that much more work should be done to deeply understand both the theoretical and applied aspects of his philosophy. Nonetheless, we intend examining one aspect here which is the contractarian themes in his philosophy.

## TAHA AND THE "COVENANT OF TESTIMONY"

In Quran, a story is being told about a certain dialog between God and His creation in which he takes the offspring of Adam from his loins, and bestowed upon them a question: "Am I not Your God?",

<sup>48</sup> Mohammed Hashas, "Taha Abderrahmane's Trusteeship Paradigm: Spiritual Modernity and the Islamic Contribution to the Formation of a Renewed Universal Civilization of Ethos," *Oriente Moderno* 95, no. 1-2 (August 7, 2015): 67-105, doi:10.1163/22138617-12340077; Mohammed Hashas and Mutaz al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives: مقاربات في الأخلاق الإسلامية ونسق الانتمائية*. مقاربات في فلسفة طه عبد الرحمن (Brill, 2021), doi:10.1163/9789004438354.

<sup>49</sup> Abdulbasit Haykal, "إشكاليات منهجية في قراءة طه عبد الرحمن للتراث," <https://www.hafryat.com/>, 2021, [https://www.hafryat.com/ar/blog/%D8%A5%D8%B4%D9%83%D8%A7%D9%84%D9%8A%D8%A7%D8%AA-%D9%85%D9%86%D9%87%D8%AC%D9%8A%D8%A9-%D9%81%D9%8A-%D9%82%D8%B1%D8%A7%D8%A1%D8%A9-%D8%B7%D9%87-%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D8%B1%D8%AD%D9%85%D9%86-%D9%84%D9%84%D8%AA%D8%B1%D8%A7%D8%AB](https://www.hafryat.com/ar/blog/%D8%A5%D8%B4%D9%83%D8%A7%D9%84%D9%8A%D8%A7%D8%AA-%D9%85%D9%86%D9%87%D8%AC%D9%8A%D8%A9-%D9%81%D9%8A-%D9%82%D8%B1%D8%A7%D8%A1%D8%A9-%D8%B7%D9%87-%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D8%B1%D8%AD%D9%85%D9%86-%D9%84%D9%84%D8%AA%D8%B1%D8%A7%D8%AB;); Ali Omari, 2020, مناقشة أطروحة الدكتور طه عبد الرحمن التجديدية د: علي محمود العمري, [https://www.youtube.com/watch?v=ZqnNlw\\_9joA](https://www.youtube.com/watch?v=ZqnNlw_9joA).

<sup>50</sup> Taha Abdurrahman, *Su'at Al Akhlak : Musahma fi Al Naqd AlAkhlaki lil Hadatha AlGHarbyya* (Almarkaz Althaqafi Al Arabi, 2013) : p. 59-64 .

<sup>51</sup> Linguistic Pragmatics, not ideological pragmatism, as understood from the context.

<sup>52</sup> Nation here is defined by its filed of pragmatics; as a group that share language, doctrines and knowledge.

<sup>53</sup> Mohammed Hashas and Mutaz al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives: مقاربات في فلسفة طه عبد الرحمن الأخلاق الإسلامية ونسق الانتمائية*. مقاربات في فلسفة طه عبد الرحمن (Brill, 2021), doi:10.1163/9789004438354 : p.41-49.

“indeed” humans replied “we testify”. Merely a preaching story for most Muslims about the creation of mankind, Taha Takes this idea and builds upon it a theory of ethical and social responsibility.<sup>54 55 56</sup>

*Mithaq Al-Shahada* ميثاق الشهادة, is a covenant or an oath that humans took in front of God in the World of the unseen “ملكوت” and that very incident had planted “*Fitrah*” which is the “the innate memory of values” in every human. This lead to two other covenants: the first is *Mithaq Al Amana* ميثاق الأمانة or the covenant of trust, in which God entrusted Humans to carry the burden of his trust in an act of *Entrustment*, and the other is *Mithaq Al Resalah* ميثاق الرسالة in which it becomes the duty of those who remembered the first Mithaq to remind other human beings, to awake *Fitrah* inside them through *Tazkya* تزكية spiritual self-purification.<sup>57 58</sup>

This is very short summary of the framework upon which Taha builds most of his paradigm. At this point, two issues must be addressed; First: it is obvious that these concepts (*Shahada*, *Amana*, and *Risala*...etc.) both in traditional Islamic tradition and in Taha’s contexts has a clear religious referencing, a quality which is usually frowned upon in modern and post-modern philosophies. Thus, in the field of political theory, one has two options dealing with Taha’s contractualist philosophy. The first is to classify all of Taha’s work as Pre-modern philosophy, viewing it as a mere repetition of traditional Sufism with a linguistic “twist”, and therefore engaging it with cultural anthropological tool box. The second option is to understand it as a Modern philosophy; a collection of deep interactions and reactions between Arabic-Islamic religious and linguistic tradition and philosophy as a part of this contemporary world. Thus dealing with his work as a part of the growing contemporary tradition of political ethics, the field in which we seek value in political action and every other aspect of political conceptualization and life. It is obvious that we chose the latter.

The second issue is that Taha’s importance is not in his philosophy *per say*, but in his renewal of the trend of philosophizing in the Arabic sphere, which would lead -in our assessment- into jumps in intellectual methodological publication which use the Arabic Pragmatics as a base for their intellectual process.

Coming back to the Taha’s covenant; Taha Abudlrahman himself is clearly aware of the thematic similarity between mainstream contractarianism and his own account, an issue with which he dealt in many places. He wrote a critique of social contract in many chapters of his books. in *Din Al Haya’a*, the introductory chapter is titled “*The Entrustment Covenant Instead Of the Social Contract*” in which he lists twelve “fundamental” differences between his framework and what he calls the modern social contract.<sup>59 60</sup>

In the light of our previous thematic discussion of contractarianism, it is obvious that Taha was mainly writing about the civil contractarianism. That can be understood both from his conceptualization of the idea itself: “If this revolution of media and interconnection had a share in

<sup>54</sup> Ṭahā Abdurrahman, *al-Mafahim al-akhlaqiyah bayna al-itimaniyah wa-al-`almaniyaḥ: al-juz al-awwal*, *al-Mafahim al-itimaniyah*, *al-juz al-thani*, *al-Mafahim al-`almaniyaḥ*, 2021.

<sup>55</sup> Abdurrahman, *Su’al Al Akhlak : Musahma fi Al Naqd AlAkhlaki lil Hadatha AlGHarbyya*.

<sup>56</sup> Ṭahā Abdurrahman, *Bus al-dahraniyah: al-naqd al-itimani li-fasl al-akhlaq `an al-din*, 2014.

<sup>57</sup> Abdurrahman, *al-Mafahim al-akhlaqiyah bayna al-itimaniyah wa-al-`almaniyaḥ*.

<sup>58</sup> Most of these frameworks were mentioned in most of his 29 books, and we are referring to them using some of his last publications.

<sup>59</sup> Among which that: 1) state of nature is a lower ethical state while Taha’s “Malakuti” state is a higher ethical state.2) the state of nature is a point from which we existed to civility, while Taha’s state is a state to which we should exit.3) the social contract in an imaginative incident, while Taha’s covenant is a real event. Among other issues.

<sup>60</sup> Ṭahā Abdurrahman, *Din Al-Hayā’: Min al-Fiqh al-’imārī Ilá al-Fiqh al-’imānī*, al-Ṭab’ah al-ūlá (Bayrūt: al-Mu’assah al-‘Arabīyah lil-Fikr wa-al-Ibdā’, 2017):16-20.

developing this “contemporary man” as an idea, then the founding of such idea goes back to the theories of the social contract which removed human beings from the state of nature to the state of civility.”<sup>61</sup>

And from his given examples; In *Rūh al-dīndīn* he criticizes various application of contractarianism and democracy,<sup>62</sup> and in his last book he gives a well-rounded philosophical attack yet again on the social contract.<sup>63</sup> And in mostly all of his critiques he states that the idea of civil contractarianism is a secularized, less polished version of the same idea of the covenant that was mentioned in the Torah.<sup>64</sup>

Keeping his critique aside, does Taha provide a contractarian account of society? A thematic examination is on order. Regarding the pre-social/ pre-state statues, one can notice that Taha himself does not deny the occurrence of a social contract of some sort at one point in time. Theorizing about the contract itself might be the moment of its birth for Taha. He does contend that social contract is “imaginary”, yet in the same time lists a number of consequences of its occurrence and/or its conceptualization.<sup>65</sup> In fact, a noteworthy sum of his critique to democracy, elections, and other modern political concepts and applications is based on the idea of a social contract having negative influence on the mindset of citizens, who –because of their belief in a social contract- behave like gods of the earth through *Taghyeeb* تغيب or assigning a metaphysical aspect or character to elements political life.<sup>66 67</sup> Even his covenant does not have just a pre-social “state of nature” but a pre-existence state of soul; in which the *Ethical soul* or more accurately the human soul which is moral by definition took this oath in *عالم الملكوت* or the world of the unseen. Souls consented in that realm of pure value to assume the duty of ethical vicegerency in earth *استخلاف*, and as a result of this vicegerency, humans are entrusted to achieve a certain purpose.<sup>68</sup> Hence, Taha does speak of a pre-social statue, just a very far one.

In the same manner, Taha is asserting on the transformative moment when humans - albeit through the soul- accepted Entrustment and became responsible for the morality of earth, thus transforming them from mere souls to the vicegerents of God on earth.

Taha does consider that covenant a reference point for all human activity. Not just political and social actions, but even individual actions. He states that humans have been living a state of constant *تسفل* or moral degradation and the only way to reverse this degradation is to return to the original covenant's ideals.<sup>69</sup>

Taha does, in fact, have a contractarian account. The last theme of contractarianism, however, does not fit in Taha’s profile. Taha’s covenant is not anthropocentric, which means that it does not take place between humans. It is mutually concluded by God and his creation on a moral foundation preset by God himself. Does this mean that Taha lost the contractual character in his theory? Not necessarily; An answer to this question can be found deep within Islamic tradition, where the concept of *حق الله* or the

<sup>61</sup> Ibid : 14-15.

<sup>62</sup> Tāhā Abdurrahman, *Rūh ad-Dīn... min daiyiq al-'almāniya ilā sa'at al-'i'timāniya*, at-Ṭab'a 2 (Bairūt: al-Markaz at-Taḳāfi al-'Arabī, 2013) : p. 91-139.

<sup>63</sup> Fadi Zatari, “Entrustment Ethics and Secularism: Taha Abdurrahman’s Perspective,” *Darulfunun Ilahiyat* 0, no. 0 (2019), doi:10.26650/di.2022.33.1.1077851 p. 3-4.

<sup>64</sup> عبدالله هداري (Abdellah Haddari) “*Journal of Islamic Ethics* 5, no. 1–2 (April 20, 2021) doi:10.1163/24685542-12340062, p.331-42.

<sup>65</sup> Abdurrahman, *Dīn Al-Hayā'*.

<sup>66</sup> Tagheeb can be understood differently in different contexts, I chose this understanding for the sake of relevance to the context.

<sup>67</sup> Tāhā Abdurrahman, *Rūh ad-Dīn... min daiyiq al-'almāniya ilā sa'at al-'i'timāniya*, at-Ṭab'a 2 (Bairūt: al-Markaz at-Taḳāfi al-'Arabī, 2013): p. 91-139.

<sup>68</sup> It is noteworthy to point out here that this perspective is not new in principle, most Islamic scholarly is agreed upon the concept of the covenant, the difference is the applicable theoretical framework that Taha extract from the incident.

<sup>69</sup> Tāhā Abdurrahman, *Rūh ad-Dīn... min daiyiq al-'almāniya ilā sa'at al-'i'timāniya*, at-Ṭab'a 2 (Bairūt: al-Markaz at-Taḳāfi al-'Arabī, 2013): p. 44

right of Allah/God is abundantly used to mark any right which its bearer cannot defend himself. That included animals and plants, and even inanimate objects, and in wider context, society itself.<sup>70</sup> This might be an indication to the meaning of this contract or covenant with God in this context. Especially considering that in Islam, it is a well-established that any order by God is not to be understood as a need of the divine, but rather an instruction for the benefit of the addressee.<sup>71</sup> Which can open doors for a more Eco-centric contractility. Of course, such symbolic understanding would need a deeper linguistic study of Taha's Narrative, but I would contend that Taha can provide contemporary Islamic scholarly with a deep eccentric approach of which many scholars spoke, but to which never succeeded to give a deep theoretical framework.

Yet, our point is that Taha does have a contractarian account that is a synthesis of the three contractarian themes with different percentages of density for each; While Ethics are perineal and Godly, Humans did receive ethical responsibility through the covenant, which doesn't make the covenant a source for moral value itself, but it does make it a source for the commitment to it. and while the state now is built upon an imaginary social contract "that contributed to the degradation of human kind", a new form of political entity should arise based on the three covenants.<sup>72</sup> And while the relation between the ruler and the ruled was not -and is not- contractarian *per se* according to Taha,<sup>73</sup> the relation between the parties of any political entity should be governed by the Entrustment principles which is a direct implication of the covenant.

## CONCLUSION

Taha Abdurrahman (born 1944) is a Moroccan philosopher who had been neglected both in Arabic and western studies for several reasons among which is his technical language and his deep religiosity. But Academics started to pay attention to him during the last ten years.

While Taha's theory of the covenant of Testimony does not appear - at the first glance- to fit any of the conventional contractarian themes, understanding it as a synthetics theme is a more explanatory approach. An addition to this synthesis is the element of eco-centrism, which can provide contemporary Islamic scholarly with a deep eccentric approach beneficial in legal, political, economic, and environmental fields.

Taha's perspective towered human beings as ethical beings is an essential part of his framework. Taha considers morality a defining feature of humanity, not rationality, nor sociability. He considers postmodern culture an immoral and threatening one. And thus he suggests his entrustment paradigm as a solution - or rather a starting point of a solution- for the moral degradation of the world today.

Taha's theory has political, social, economic, environmental, and individual applications. But the most important aspect of his theories is the use of Arabic-Islamic pragmatics as an analytical, evaluate, and philosophical tools to produce a theoretical philosophical framework of applied nature, which would lead in our assessment to a rise in writings using the same method of philosophizing wither in political, ethical, or social philosophy.

<sup>70</sup> Abulwahhab Khallaf, *The Foundation of Jurisprudence and the History of Islamic Tashreeh*, 1942; p.211

<sup>71</sup> Ibid.

<sup>72</sup> The idea of *Tadbeer* -which is Taha's concept of what we know as politics - needs deep studies both on theoretical and applied levels.

<sup>73</sup> Tahā Abdurrahman, *Rūh ad-Dīn... min daiyiq al-'almāniya ilā sa'at al-i'timāniya*, at-Tab'a 2 (Bairūt: al-Markaz at-Taḡāfi al-'Arabi, 2013): p.139.

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