

Cross Disciplinary Review of Literature on Positive Human Nature: *Sharī'ah* (Islamic Law), Literary and Psychological Perspective (A way towards Effective Legal Ethics in Islamic Law)



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Abstract

Human nature and its impact on a strong legal system has been one of the most debated topics of human history – both ancient and contemporary. The debate has, consequently, brought forth that every major area of knowledge, unanimously, agrees on its contents; there are, however, marked differences among scholars and jurists over its true nature. Those interested in the topic, can, however, form, without much ado, a comparatively compact yet fairly defined view of human nature by finding the most authentic and logical discussion in *Sharī'ah*, literature and psychology. The positive view, like in many other domains of knowledge, firmly holds the forefront against negativistic, neutralist and dualistic concepts. The present work, primarily, aims at investigating the three major domains (*Sharī'ah*, literature and psychology) in order to ascertain the positive concept of human nature. The findings, deeply grounded in logic, suggest that man should put in his best to reinforce his potentials for good against negativity and evil in himself. Moreover, it is found that Islamic law has a broad accommodation for legal ethics. The study, at a deeper plane, proposes that human nature is more positive and, therefore, should be promoted by every jurists, writer and psychologist to further strengthen the good in man. Such good in man can give birth to strong legal ethics. If properly promulgated, the findings can lead to a peaceful and upright society, firmly rooted in positivity – and this fact would lead to an effective legal system. The technique used herein is the content analysis, a research tool widely practiced in the qualitative research methodology, appropriate for such inquiries.

Keywords: Muslim Jurist, *Sharī'ah* literature, nature, human, psychology, psychologists, positive human nature, legal ethics, Islamic Law, jurists

Introduction

The fundamental human traits, commonly known as human nature ('human universals'), have provided complex yet fertile ground for intense philosophically rigorous and academically rich debate since the year dot now. The inconclusiveness of this ancient debate, is often, and rightly attributed to its elusive and equivocal nature. That is why the most heated debates over its exact '*nature*', ringing all over human history, have led to even further complexities. The issue whether human nature is positive, negative, none or both is clouded by the fact that human nature has evolved drastically over the years – though with variant intervals. However, a vast majority of

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thinkers – both religious and secular - displays general consensus on the point that human nature is predisposed to positivity. This approach may lead to a very health legal ethical system – as a matter of fact this idea is already followed by Islamic law and its unmatched legal system. A closer look at *Sharī'ah*, arts, (like literature) and the empirical sciences, (like psychology) reveals that all the three, though diverse in purposes and methods, share important and common premises on positive human nature. However, Islamic law is very dominant in this connection. The underlying references, hinting therein at positivity, encourages debates, circling around true human nature.

Islam, (one of the major Abrahamic faiths¹) - being in perfect harmony with human nature (Rippin, 1993) - maintains, despite frailty and weakness, that man is born in the state of *fiṭrāh*². To this effect, confirmatory evidences exit in abundance in the *Sharī'ah* and discourse, mainly consisting of the Holy *Qurān*³ and *hadīth* of the Holy Prophet (SAW). Constructing their views of human nature on these grounds, both the classical and contemporary *Fuqahā* (Muslim jurists), like ibn Taymiyyāh (1981)⁴, Sābūnī (1981b), Al-Tabarī (2001), Shāh Walī Allāh (1954), Mufti Muhammad Shafi (1976), and others, support the same concept. Their scholarly opinions, however, show slight and, sometimes, major variations of opinion. The arguments against the dominant concept of human nature rest on various assumptions. Jalal ad-Din al-Afghani (Howard, 2011) and Abul A'ala Maududi (Hussain, 2014), for instance, propound the view that man is negative in nature; Sayyid Qutb (1979), a renowned Muslim scholar, defends the concept of *duality* of *fiṭrāh*; Al-Maliki, commonly known as Ibn Abd al Barr (1967), another classical Islamic jurist, interprets *fiṭrāh* as *neutral*. The *positive* view of human nature, is supported by ibn Taymiyyāh (1981) and many others (Mohamed, 1986). There are, however, other interpretations as well, like the predestinarian one, supported by Ibn Mubārak (d. H 181) and Shaykh 'Abd al-Qadīr Jilānī (d. 1106). This view posits that every good and evil is predestined by *Allāh* (SWT) (Mohamed, 1995b). However, soon after, a group of Islamic scholars, known as libertarians questioned and opposed the extremist view of the predestinarians. This event can be said to the beginning of the neutral view of *fiṭrāh* (Mohamed, 1995b). Since, the predestinarian view is not regarded a valid one, it is, therefore, left unelaborated herein as well.

As said earlier, numerous holy verses and *hadīth*, explicitly supporting the concept of good human nature, can be found in *Sharī'ah*. The following verse from the Holy *Qurān*, for instance, aptly illustrates the point in question:

“So set thy purpose (O Muhammad) for religion as a man by nature upright – the nature (framed) of Allāh, in which He hath created man. There is no altering (the laws of) Allāh’s creation....” – (Qurān, 30: 30).

As hypothesized earlier, this holy verse confirms the belief, supported by several Muslim and non-Muslim scholars and jurists, that man’s nature – divine and, therefore, incorruptible – is upright. It can further be supplemented by stating that human nature is, for the same reason, pure and good rather than bad and evil. At per this view, there is no need to incorporate ethics in Islamic legal system as it has already been incorporated. Moreover, there are numerous *hadīth* besides which speak of the same fact in a telling manner⁵. However, it is not as simple as it seems to be at first sight. The

issue begins to gather complications when one comes across certain holy verses⁶ which seem to contradict the notion of a totally good human nature. Such verses strongly suggest the fallible nature of man⁷, despite his special faculty to distinguish between good and bad (Qutb, 1979), (Razak, 1997). As per this view, legal ethics must be incorporated in the ambit of Islamic law. This carries the connotation that the society, rampant with evil, corrupts his *fiṭrāh*, if not alters it altogether (the foundation of theories, like *nature/nurture* dichotomy and *gene-environment*). However, in the face of all pitfalls, man, as a whole, can regain his goodness with conscious effort (Watson, 1963).

Literature, the unofficial history of humankind, is the repertoire of morals. Literature, in the much exaggerated words of the renowned Victorian cultural and literary critic Mathew Arnold, could even thwart the deadly onslaught of Darwin's Theory of Evolution⁸ on religion and morality (Carter, 2006). However, unlike the divine scriptures (the Holy Bible and the Holy *Qurān*), works of literature, as they are required to, do not explicitly discuss human nature. Rather, they, in accordance with their purpose, put across their message through action or other literary devices. Even then, the reader can construct a notion, based on concrete grounds, that all the renowned writers from Plato through to Arudhati Roy, believe that man by nature is more virtuous than evil. There are, no doubt, writers like William Golding⁹ who believe in an evil nature of man (Lambert, 1993). The literary artists, as is said earlier, may not directly moralize, yet their eliciting description of goodness is so strong that one concludes, without hesitation, that they consider human nature virtuous and pure. The following lines, for example, instruct the reader by appealing to the temperance in his nature: "*Costly thy habit as thy purse can buy, / But not expressed in fancy; rich not gaudy ... Neither a borrower nor a lender be ...*" (Shakespeare, 1971: Act 1. Scene 3. Lines 70 and 75). One can expect such an implied instruction on temperance from none other than William Shakespeare, the true explorer and depicter of human psyche. Also, the Italian classical poet, Dante Alighieri¹⁰, though considered as pungently critical of man's nature, as is evident from his works, believes in a compassionate nature of man (Levy, 2013).

Psychologists, both ancient and modern, unanimously maintain, since the year one, that man by nature is positive because, no matter how much one gets corrupted, virtue ultimately reclaims his soul. Several psychologists like Ekman (2010), Ansbacher & Ansbacher (1956), and Fehr & Fischbacher (2003) believe that man by nature is more altruist than selfish, more sympathetic than apathetic, and more compassionate than unkind. Man is also patient, so says Chödrön (2005) in her groundbreaking work on patience, when she details the psychological implications the virtue of patience. Also, love is the main component of human nature as human history is full of examples when people place "*the wellbeing of others above their own*"¹¹ (Chapman, 2011).

The present work approaches the topic from a completely different perspective and is, thus, worthy of an exalted eminence in the hierarchy of academic research, predominantly, exists in *Sharī'ah*. Numerous research studies, approaching human nature from different viewpoints, no doubt, exist, yet not a single work on the topic from the proposed angle, it is strongly conjectured, has ever been attempted. To begin with, monumental works, for example, of Islamic jurists and scholars exist which deal human nature from every possible aspect (Mohamed, 1986). Likewise, works of

literature abundantly exist where human nature has been dealt accordingly from every imaginable angle (Alexander, 2006; Bacon, 1908; Golding, 1983; and others). Again, a huge body of works of psychology is found scientifically focusing on the topic of human nature from all aspects (Plato, Aristotle, Sigmund Freud, B. F. Skinner, Martha Nussbaum (Noonan, 2011); Maslow (1956); Seligman (2010), and others). Moreover, it is academically required to critically analyze these works to judge their authenticity and possible applicability in the legal system. Keeping these objectives, the present work has ambitiously been embarked upon to not only corroborate *Shari'ah*, literary and psychological concepts on human nature, but to also put all the prominent works on human nature to intense analyses before confirming their authenticity and superiority or otherwise. Moreover, to know how *Shari'ah* inculcates such positive human nature in its brilliant legal system. Furthermore, to know about the role of such legal ethical rules in the development of a positive society. Additionally, it is also conducted to highlight whatever commonalities exist among them.

The present study appoints certain doable objectives to steer it through the labyrinth of overwhelming data on human nature and to help maintain its track of development. The study is, first, intended to develop a research work, consisting relevant verses and passages from the Holy *Qurān*, *hadīth* and extracts from the works of renowned Muslim jurists, related selections from littérateurs, and pertinent reflections from the scholarly assumptions of the renowned psychologists on positive human nature. Second, the current research work is set to endeavor to critically analyze all the consulted works in order to sound their authenticity and superiority. Third, it takes upon itself the responsibility to highlight points they converge and diverge on human nature.

Though a generic work on positive human nature, it has some inbuilt limitations. The present work, for instance, solely focuses on positive human nature, as depicted in *Shari'ah*, literary and psychology texts. No claim to its exhaustiveness can be made as the present topic consults only *Shari'ah*, literary works and psychology; however, it can be confidently claimed that this work, though seminal in nature, can proffer propositions for other research works on the topic from various other angles. Similar or works of larger magnitude, for instance, can be contemplated on the negative side of human nature from the same perspectives (Islamic, literary and psychological). Likewise, comparative studies can be initiated on both positive and negative human nature from the *Qurānic*/Shakespearean (other than his tragedies), *Qurānic*/Wordsworthian, *Qurānic*/Dantean and/or *Qurānic*/Miltonic standpoints, so that the topic may further be explored. The present work focuses only on those aspects of human nature which are universal and permanent like love, compassion and sympathy, and others and not on those variations which effected by the physical environment and the specific cultures of various territories. Moreover, the present work focuses on the role of positive human nature in *Shari'ah* and its implementation in the shape of legal ethics.

Method

Today, when the human psyche and society as a whole, are rotten with the evils of greed (war), hatred, selfishness, apathy, and others, the world is in dire need of the

inculcation of virtues, like love, compassion, altruism and sympathy. The inculcation of these and other virtues requires, in the first phase, their thorough study and understanding. The immediate and reliable sources are, unquestionably, religion (Islam), literature and psychology. All the three, no doubt, are different from one another in approach and purpose, yet they are focused on one and the same point, i.e. human nature and, also, on its workings. Other domains of knowledge, such as, philosophy, economics, sociology, anthropology and others, one can confidently claim, do not provide ample insights onto human nature as the former three do. Owing to this fact, the present study is, therefore, being carried out, keeping in view the above scenario. Moreover, the current study, based on Islamic, literary and psychological insights into positive human nature, intends to facilitate the common reader who either does not have access to all the works or is baffled by the overwhelming quantity of material on the topic. It also seeks to highlight commonalities as well as dissimilarities, existing among the three domains regarding the concept of positive human nature.

Qualitative in nature, the present study applies content analysis technique on the available secondary data for any results. The data, consisting of relevant verses and passages from the Holy *Qurān*, Muslim jurists and relevant *hadīth*, related passages from world literature, and appropriate views of renowned psychologists on positive human nature, have been included in the work. The authenticity of the journals, cited herein, is always considered a benchmark for reliable referencing. A strict criterion is followed in case of scholarly journals; citing, hence, only those journals and periodicals which, one way or the other, are relevant to the issue under investigation. The data has, moreover, been collected from authentic printed and online books, reputed journals, websites, and other periodicals on the consulted areas of the essay, before examining it at length. Various websites, particularly those containing updated and reliable data, appropriate to the issue under probe, were extensively used in the study. Relevant extracts from world literature and works of prominent psychologists have been used, drawing, particularly, on the most authentic and updated editions. Simultaneously, authentic and available translations and exegeses of the Holy *Qurān*, such as those of Pickthall (1953), Ali (1934), as well as of Mahalli's *Tafsīr-al-Jalālayn* (2007) and Shafi Usmani's *Ma'ariful Qurān* (1995), have been consulted, too. Also, works of renowned Muslim scholars and jurists, such as Al-Tabarī (2001), Imām Nawāwī (Hanif, 1930), Al Qurtubī (1967), Muhammad Ali Sābūnī (1981a), Ismail al-Fārūqī (1982), Naquib al-'Attās (1985), Shāh Walī Allāh (1954), Mufti Muhammad Shafī (1976), Sayyid Qutb (1979), Alī Sharī'atī (1979), Alī Sharī'atī (1981), Al-Maliki (1967), and others, have frequently been referred to with the purpose to reach solid and reliable findings. Extreme care has been taken on the part of the researchers to maintain impartiality to the last possible extent - as the work involves the Holy *Qurān*, *hadīth* and works of Muslim scholars.

Positive Human Nature: An Overview of the Early Research Endeavors (Sharī'ah, Literary and Psychological Insight)

Human nature is so volatile a topic that it has kept engaged the mighty minds (from the three domains) of all age in rigorous debates. For that purpose, its slippery nature has always eluded and denied an exact comprehension, managing to hold the ground till this day. This debate has, however, resulted in a profusion of material on human nature, in form of Muslim scholars' commentaries, literary works and branches of positive

psychology. All the three, therefore, discuss it in great detail as each one of them has built its grand edifice on the foundation of human nature. Every major religion, i.e. Judaism, Christianity or Islam, either reminds man of his *fiṭrāh* - his divine and unalterable part – or purges it of any impurities, effected by the ever proliferating evil in human society. *Hadīth*, exegeses and Islamic Jurisprudence, a rich treasure trove on human nature, are in fact the extension and elaboration of the teachings of the Holy *Qurān* – the primary source for derivation in Islamic law. While going a step ahead, *Sharī'ah* has incorporated such positive human nature in its unique legal system. Following this, various legal rules are placed that reflect morality. Sale over the sale of another individual, engagement over the engagement of another individual and etc can be cited few example in this connection.

Similarly, every literary work is based on human nature which, though like *Sharī'ah*, in its distinct manner, either criticizes and curbs the negativity in man or reinforces the inherent goodness in him. These works are, in fact, the products of the artist's contemplation over human nature. Likewise, psychology – the science of human psyche and behavior – also discusses human nature in its rainbow manifestation. It is, however, different from the two as it is based on empirical foundations which the other two never profess. For the same reason, all the three domains share both common and uncommon grounds - however, the common grounds are predominant in nature for whatsoever reason may be. These common grounds are mostly areas where all these three meet – though with minor variations. *Sharī'ah*, for example, has given the concept of *fiṭrāh*, which literature, on the other hand, seems to have embodied either in splendid characters or their virtuous actions. Psychology, on the same way, have delved deeper into the psyche of man and, it seems, have justified man's positive acts – alluded to by the Holy *Qurān* as *fiṭrāh*. The belief further strengthens when one comes to know the modern branches of psychology, like positive and humanistic psychology, encouraging positivity in the nature of man. In other term, it can be hypothesized that the Holy *Qurān* provides the basic concepts of positive human nature and its constituents; literature enacts those concepts through characters and their acts; while psychology, on the other hand, explores the impetuses and motives behind those acts. The present work has, however, pointed out not only the commonalities among these three domains of knowledge but has also, at the same time, marked the differences in terms of opinion, existing among them. In order to facilitate the reader in understanding the issue, the well thought-out plan of the present work is to, first, discuss positive human nature from the Islamic viewpoint, supported by the Holy *Qurān*, *hadīth* and works of Muslim scholars and jurists; followed by literary perspective by referring to world literary figures' concepts of human nature, inculcation of positive human nature in the legal system of Islamic law and ending the discussion of the same issue with the psychologists' academic perspectives on the same.

Human Nature: Historical Perspective of Classical and Contemporary Muslim Jurists - A Base for a Strong Legal Ethics

Human nature has always been at work behind every religious and secular discussion.

Sharī'ah, like psychology, discusses human nature with the intent to both help man maintain his intrinsic goodness (*Qurān*, 95: 4) and/or redeem when he is degraded (*Qurān*, 95:5). And being the ultimate source of derivation (*Al Masdar al Aslī*) of all

concepts, including human nature, the Holy *Qurān* provides an in-depth insight onto human nature. *Hadīth*, having explanatory character for the rules mentioned in the Holy *Qurān*, offers the same role. The classical and contemporary Muslim jurists, for the same reason, have drawn on the Glorious *Qurān* and *hadīth* of the Holy Prophet (SAW) for the explanation of various concepts, including human nature. Such positive human nature provides a concrete background for an effective legal system in the domain of Islamic law. Though there are three different concepts of human nature, extracted from various holy verses, an overwhelming majority of classical and contemporary Muslim jurists believe in an intrinsically good human nature. They defend the intrinsic goodness of human nature, bearing this and many other verses: “Surely We created man of the best of stature ...” (*Qurān*, 95:4). This verse categorically endorses the fact that human nature is in the elemental state and is created uncorrupted, predominant with virtues, like kindness, politeness and mercy (Usmani, 1995). The following holy verse, too, provides a solid and sturdy foundation to the same concept of an intrinsically good *fiṭrāh*. The holy verse flows as:

“So set thy purpose (O Muhammad) for religion as a man by nature upright – the nature (framed) of Allāh, in which He hath created man. There is no altering (the laws of) Allāh’s creation...” (*Qurān*, 30: 30).

This holy verse puts the point expressly that *fiṭrāh* – the divine part is in man – does not alter, no matter how corrupt it gets. This also signifies that man by nature is upright because part of him is divine. This peculiar characteristic makes Islamic law and its ethical norms more superior than conventional law and other prevailing legal system. Here an individual follow the law not being a law of the land but also as a divine duty. Moreover, man’s consciousness of *Allāh* (SWT) as his Creator, and his answerability to Him for his deeds make him virtuous, as referred to in this holy verse:

“And (remember) when thy Lord brought forth from the Children of Adam, from their reins, their seed, and made them testify of themselves, (saying): Am I not your Lord? They said: Yea, verily. We testify. (That was) lest ye should say at the Day of Resurrection: ...” (*Qurān*, 7: 172).

Even the most unaware can testify that *Allāh* (SWT) is All Powerful and the Lord, as is indicated in the above - quoted verse. In other terms, man’s intrinsic awareness of *Allāh* (SWT), as his Creator and Sustainer, Who “*is nearer to him than his jugular vein*” and “*his soul*” (*Qurān*, 50: 16 & *Qurān*, 56: 85), confirms his good *fiṭrāh*. This fact compels him to follow the Islamic law both in letter and spirit. In his revolutionary work on human cognition, Barrett, an American cognitive scientists, also confirms, through intensive research, that human thoughts are deeply rooted in religious concepts, like the existence of supernatural agents or gods, and the possibility of an afterlife and pre-life (2011). Another argument, in support of the view that man by nature is upright, is man’s natural abhorrence for vices, like hypocrisy, dishonesty and other vices (*Qurān*, 49:7) and love for virtues (*Qurān*, 91:7 – 10). Other verses, bearing witness to man’s essential goodness, include: (*Qurān*, 24:31 - 34), (*Qurān*, 31:19), (*Qurān*, 25:67), (*Qurān*, 3:31, 32), (*Qurān*, 90:4), (*Qurān*, 2:153, 155 - 157), (*Qurān*, 4:36), (*Qurān*, 25:63).

The Holy *Qurān*, a complete and authentic scripture, studying man in totality, is well-aware of the bipartite nature of man which is both positive as well as negative. The Holy *Qurān*, no doubt, is conscious of man's dual nature; there are, therefore, quite a number of holy verses which allude to man's weak and imperfect nature as well (*Qurān*, 4: 28), (Gebeye, 2012). It clearly indicates that man, though the best of all creation, is fallible and can degenerate down to the level of brutes (*Qurān*, 95:4 - 6) and, at times, his vain desires, like lust (*Qurān*, 4:27), (*Qurān*, 17:32), (*Qurān*, 7:31), gluttony (*Qurān*, 7:31), greed (*Qurān*, 92:8 – 11), sloth (*Qurān*, 4:142), wrath (*Qurān*, 3: 134), envy (*Qurān*, 7:12), pride (*Qurān*, 31:18) and plethora of others (*Qurān*, 14:34), (*Qurān*, 59:9), (*Qurān*, 64:16) dominate him. While commenting on these verses, the *Mufasīrīn* (commentators of the Holy *Qurān*), however, attribute his evil nature to the environment he lives in. However, at this particular point his bad nature is firmly controlled through effective legal system. In addition, a strong legal ethical system is also required at this particular phase.

The same concept of positive human nature, presented by the Holy *Qurān*, is identified and supported by a considerable number of authentic *hadīth* – a secondary source for the derivation of Islamic law. As an illustration of the point in question, the following *hadīth* not only supports the concept of good human nature, but also takes the point a step ahead in term of details:

"No child is born but has the Islamic Faith, but its parents turn it into a Jew or a Christian. It is as you help the animals give birth. Do you find among their offspring a mutilated one before you mutilate them yourself?" (Bukhari, 1997: Hadīth No. 597).

The above-cited *hadīth*, like the previous holy verse, confirms that man is born with a positive *fiṭrāh* (Islam). Moreover, it, according to *Muhadithīn* (commentators on *hadīth*), confirms the view that man is born with good nature; later deviations, however, are the results of his contact with social environment, infested with evil. This concept, in modern psychology, has been developed and has come to be known as the *nature/nurture* dichotomy¹². There are several other *hadīth*, referring to man's intrinsic goodness. The one, given below, for example, offers the same concept:

"It is related that the Prophet said that he saw in a vision an old man at the foot of a large tree and the tall man whom [he] saw in the garden, [was] Abraham and the children around him [were] those children who died with Al-Fitra (the Islamic Faith). The narrator added: Some Muslims asked the Prophet, "O Allah's Apostle! What about the children of pagans?" The Prophet replied, "And also the children of pagans" (Bukhari, 1997: Hadīth No. 171).

This *hadīth* establishes the point that children, born to pagan parents and dead before attaining discretion and coming of age, are on the Islamic Faith (*fiṭrāh*). The *Muhadithīn* interpret this and other such *hadīth* that every child, irrespective of their parental faith, is predisposed and ready to change to Islam. Moreover, it also suggests that good constitutes the inner state of a person's nature, while evil is something that happens

after the person is born (Mohamed, 1986). This evil nature can be curbed through a strong legal system; having effective mechanism for punishment of offenders without any sort of discrimination on the basis of color, creed, religion and etc. This can be explained through a maxim that everyone is equal before law.

Supporting their view of human nature on and interpreting various verses from the Holy *Qurān* and on passages from *hadīth*, the renowned classical Muslim jurists have developed concepts of human nature. Abu Hurayrāh¹³, one of the closest and the most famous companions of Prophet Muhammad (SAW) and the most reliable narrator of *hadīth*, believes in the same intrinsic positive human nature. Ibn Taymiyyāh (1981), a classical Muslim jurist of antiquity, bases his concept of human nature on the central *hadīth* “No child is born but has the Islamic Faith ...”, narrated by Abu Hurayrāh (Ali, 2016). Ibn Taymiyyāh believes that *fiṭrāh* is the purity of the heart and its intrinsic willingness to accept the truth – *Din-e-Ĥanif* (Wani, 2017). He further argues that, despite the evils of social environment, a child’s innate quality (*fiṭrāh*) may guide him to the right path and to the teachings of *Sharī’ah*. Further illustrating the point with an appropriate analogy in his monumental work, he says:

“Fitrah is like rays of human sight which is necessary for people to perceive the light of the sun. All persons with sound eyes can perceive the sun, if there is no veil, which prevents them from that, the deviated and false religions like Judaism, Christianity and Persian dualism are all like this veil which restrains the eyes from seeing the light of the sun” (Ali, 2016).

Ibn Taymiyyāh is, more or less, supported in his view of positive human nature by both classical Muslim jurists and narrators of *hadīth*, like Al-Tabarī (2001), Ibn Qayyim (Asqalani, H 1300), Imām Nawāwī (Hanif, 1930), and Al Qurtubī (1967); and contemporary Muslim scholars, like Muhammad Ali Sābūnī (1981a-b), Ismail al-Fārūqī (1982), Idris (1983) Naquib al-’Aṭṭās (1985), Tantawi Jawharī (H 1350), Muhammad Asad (1980), Shāh Walī Allāh (1954), Mufti Muhammad Shafī (1976) and others. These Muslim scholars, led by Ibn Taymiyyāh, cite the central holy verse in support of their plea.¹⁴

There, of course, exists variations among Ibn Taymiyyāh and other Muslim scholars on positive human nature. Before their complete conformity to Ibn Taymiyyāh’s concept, his followers voice and record their individual perceptions of *fiṭrāh*. Imām Nawāwī, for example, agrees with Ibn Taymiyyāh as far as the belief in *fiṭrāh*; but, unlike the static concept of latter, the Imām thinks it the unconfirmed state which exists until the individual consciously affirms and confesses to Islam. Hence, if a child were to die before attaining discretion, he would be of the inmates of Paradise. This view applies to the children of polytheists as well, and is supported by the above-quoted *hadīth* (i.e. Bukhari, 1997: Hadīth No. 171). Al Qurtubī (1967), another prominent Muslim jurist, remarks that one can realize the true religion through the observation of natural phenomena. Moreover, the same concept of positive human nature is vigorously supported by scholars, like Ali (2016), Mohamed (1986), Bhat (2016), Mohamed (1995a-b) and others in their innovative works. This positive human

nature of a Muslim makes him a civilized citizen – a citizen who follows the law under any stretch explanation and circumstances. Here obedience of law is its peak.

The concept of *fiṭrāh* is a dynamic one, posing challenge after challenge to scholars of every age. One such attempt at explaining the true nature of man's nature comes from Shāh Walī Allāh (1954), the prominent Indian Muslim scholar, who considers *fiṭrāh* as the entire man, made up of both psychological, as well as, biological nature. He believes that *fiṭrāh* – the comprehensive innate natural quality - is compatible with and, therefore, incorporates both man's spiritual (purity of soul and morality) and physical (means conduct and behavior in accordance with the injunctions of the *sharī'ah*) tendency (Mohamed, 1986, 1995b). Both these tendencies, according to Ali (2016), guide man to understand the truth and follow the straight path. Though, despite Imām Nawāwī's modern and influential concept of human nature, other contemporary scholars, like Mufti Muhammad Shafī (1976) and Muhammad Asad (1980) dogmatically believe in the immutability of human nature. Al-'Aṭṭās, a contemporary Muslim scholar, reflects the same concept of human nature, maintained particularly by Mufti Muhammad Shafī:

“This natural tendency in man to serve and worship God is also referred to as *dīn* ... here in the religious context it has a more specific signification of the natural state of being called ‘*fiṭrāh*’. In fact *dīn* also means ‘*fiṭrāh*’. It is the pattern according to which God has created all things... Submission to it brings harmony, for it means realization of what is inherent in one's true nature; opposition to it brings discord, for it means realization of what is extraneous to one's true nature” (Al-'Aṭṭās, 1985).

Man's total submission, as indicated in the extract, is due to his *fiṭrāh* which is predisposed to submit to the Divine Will, as it is synonymous with *dīn* (religion). Similarly, any opposition to his *fiṭrāh* means discord and disharmony. However, Al-'Aṭṭās (1985), Jawharī (H 1350) and, of course, Shāh Walī Allāh (1954) are very much close in their approach to Imām Nawāwī's, if not in concept (Mohamed, 1995b).

However, there are fundamental differences among Muslim jurists over the true nature of human nature. For instance, Qutb (1979) and Alī Sharī'atī (1979), prominent Muslim scholars, believe in a dualistic nature of man; Al-Maliki (1967), on the other hand, believes in a neutral one. Qutb, the main figure of the dualistic school, believes in the goodness of human nature; but, at the same time, he also acknowledges the fallibility of man; thus, getting close to Skinner's concept of human nature, determined by volition (Skinner, 1953). Qutb, therefore, believes in a two dimensional nature of man, having the potential to lean to any of the two extremes (Bhat, 2016). Because of this dual nature, Islamic law prescribes punishment for the offenders. In case of heinous crimes, such punishment are very major in nature e.g murder, adultery, theft and etc. The objectives of *Sharī'ah* play a vital role in the determination of such punishments. Qutb defends the duality of nature, based on the holy verses which refer to man's divine and earthly characteristics, signified by the divine spirit and earthly body (made of clay). The verses read as:

“And (remember) when thy Lord said unto the angels: Lo! I am creating a mortal out of potter’s clay of black mud altered,/So, when I have made him and have breathed into him of My spirit, do ye fall down, prostrating yourselves unto him” (Qurān, 15: 28-29).

Qutb interprets the word *clay*, used in the preceding verse, as the physical and earthly aspect of man which is fallible, as is evident from the history of man (Bouزيد, 1998), (Mohamed, 1995b). There are numerous other verses, like the following, which refer to the dual nature of man:

“And when thy Lord said unto the angels: Lo! I am about to place a viceroy in the earth, they said: Wilt Thou place therein one who will do harm therein and will shed blood, while we, we hymn Thy praise and sanctify Thee? He said: Surely I know that which ye know not” (Qurān, 2: 30).

However, with the divine spirit and earthly body, man has been endowed with knowledge (Qurān, 2: 31-32) to differentiate and choose between good and bad – “*Did We not assign unto him two eyes/And a tongue and two lips ...*” (Qurān, 90: 8 - 9). The same idea is offered by another holy verse, i.e. (Qurān, 76: 3). Besides the composition of man, the above-cited verse (i.e. Qurān, 2: 30) points out that *Allāh* (SWT) deputed man with a responsibility to be His vicegerent (Qurān, 6:166); (Qurān, 27:62); (Qurān, 35:39) with free will on earth (Qurān, 91:8 – 10) which other creations of *Allāh* refused to accept (Qurān, 33:72). However, man’s free will to choose between good and evil, as believed in by the Muktazilites and the Qadarites, (Taib, 2000) also signifies man’s dual nature and his inclination to either of them (Sharī’atī, 1979; Qutb, 1979). Here at this point, a strong legal ethical system is required to curb out his bad nature; compelling him to follow the rules and regulations of law.

Parallel to the dualistic concept, there runs the neutral interpretation of human nature that emerges in the time before the mid of the eighth century in response to the deterministic ideas of jurists, like Ibn Mubārak and Shaykh 'Abd al-Qadīr Jilānī (1071) (Mohamed, 1995b). These scholars, known as Jabarites¹⁵, believe in the predestinarian concept of human nature, suggesting that good and evil, committed by a man, are predetermined by the Will of *Allāh* (SWT). They further argue that a believer would be born in the state of Islam while a nonbeliever, in a state of *kufr* (unbelief). Taking up the issue, Al-Maliki (1967), a prominent jurist of the Malikī School of thought, suggests that “*fiṭrāh* is neither a state of intrinsic *īmān* nor a state of intrinsic *kufr*. Elaborating the point further, Al-Maliki has said that the child is born in a wholesome state, a blank state, as it were, with no cognition of *īmān* or *kufr*; belief or unbelief become manifest only when the child attains maturity (*taklīf*)” (Al-'Asqalani, (H 1300). He has cited many verses of the Holy Qurān (i.e. Qurān, 37:105 & 110; Qurān, 74:38; Qurān, 17: 15) to support his claim. Among these, the most relevant flows as: “*And Allāh brought you forth from the wombs of your mothers knowing nothing ...*” (Qurān, 16:78). While interpreting the verse, he indicates that he who does not know anything at the time of his birth will be in no position to *īmān* (belief) or *kufr* (unbelief), thus, negating Jabarites’ predestinarian view of human nature (Al-'Asqalani, (H 1300).

To sum up, one can conclude that despite his fallibility, timely loss of innocence and the corruption in his primordial state of *fiṭrāh*, the partly divine nature of man remains unaltered, capable of redeeming man after degradation. The facts, that he is created in the best of stature and that he is always aware of *Allāh* (SWT) as his Creator, help man regain his lost *fiṭrāh* and reinstate himself to the lost seat of being the best of the entire creation. The only act that is required of him is asking *Allāh*'s forgiveness (*taubah*) and, of course, conscious effort to be good again (Watson, 1963; Cua, 2005). If, on the one hand, different theories of human nature are, in fact, different stages of evolution of its perception and nature, on the other, they indicate its elusive and equivocal nature.

Depiction of Human Nature in Literature and Islamic Law (A Comparative Approach)

Unlike religious scriptures and other books of morals, literature, a different species, provides, in the first place, pleasurable entertainment to the readers and audience. However, to say that literature only offers pleasure and nothing else would be unjust and untrue. Every good piece of literature gives, besides its basic undertaking, some deeper understanding of human life. Moreover, there are, no doubt, trends in literature from the very beginning which promote different ideologies (like Christianity, Calvinism, Marxism, feminism and colonialism, to name but a few) (Tyson, 2014). In other terms, literature is not that 'innocent', as some think it to be. It is, in fact, one of the apparatuses of promoting different ideologies, ranging religious, political, economic, ideological, and others. Since literature utilizes dialogues, characterization, actions and other dramatic conventions, it, therefore, avoids explicit commentary on concepts, like human nature as such. Instead, it presents such concepts through experiences and actions of characters, the nerves and sinews of a literary piece. Even though it has been criticized, particularly by modern writers, like T.S. Eliot (1935) for being detached from the cares of life, almost every work betrays its nature, purpose and function, by entering the domain of scriptures and books of morality. Though notorious for the working of jealousy (a dark form of love itself!), William Shakespeare's tragedy *Othello*, for example, is deeply rooted in love, a character of human nature (Roberts, 1968). All the actions and events, therefore, spring from this prime content (love) of human nature. In other terms, instead of informing the audience of the inborn love in human nature, William Shakespeare, as demanded by the typical calling of an artist, chooses to reveal it through dialogues and actions. Likewise, instead of delivering rhetorical speeches on the virtue of loyalty, the Elizabethan dramatist presents the virtue in human nature through the character of the earl of Kent in *King Lear* – his another tragedy (Shakespeare, 1952).

Like majority of the Muslim jurists, world renowned literary writers believe that human nature is more positive than negative. Literary writers, in their own way, promote, no doubt, different ideologies and concepts; they are, however, not as explicit as the Muslim jurists or divine scriptures are, as they cater to a different faculty of human consciousness. Despite, this reservation on the part of literary writers, there is no scarcity of statements which confirm the positive concept of man's nature. A careful analysis of the classical works of renowned writers indicate that they believe in a nature of man that is loving, compassionate, and sympathetic like that of *Sharī'ah*. This can be derived from their works which, though use different means yet towards similar

conclusions. For example, Plato, the Greek philosopher and writer, says that: “*To prefer evil to good is not in human nature; and when a man is compelled to choose one of two evils, no one will choose the greater when he might have the less*” (Cooper & Hutchinson, (1997). Yet on another occasion, he maintains that: “*Human beings have Love for one another inborn in them - Love, reassembler of our ancient nature, who tries to make one out of two and to heal human nature.*” (Kalkavage, Brann, & Salem, 2017). These excerpts from his dialogues, once and for all, cement the idea that human nature is intrinsically positive and virtuous. Thomas Paine, the British American political philosopher and author, is party with Plato in the belief, stating that “*Human nature is not of itself vicious*” (Paine, 1792). The same statement seems to imply that, though positive, it is liable to turn evil by the society and the environment. Even then, whenever, man is given the option to choose between two evils, he goes for the lesser one. Even Arundhati Roy, the contemporary Indian writer, confirms the same by stating: “*Anything's possible in Human Nature ... Love. Hope. Infinite joy*” (Dwivedi, 2001). Revealing the true self of human nature, she does not mention any evil once, as she knows that evil is a ‘foreign matter’ to man’s nature. It further, indeed, strengthens the belief that man is good by nature rather malicious and evil, owing to the fact that there is some divine essence in man that purges him of any wickedness, accumulated over time. Keats, one of the great Romantic poets, puts the same idea in these poetic lines: “*There is an electric fire in human nature tending to purify - so that among these human creatures there is continually some birth of new heroism. The pity is that we must wonder at it, as we should at finding a pearl in rubbish*” (Keats, 1895). Including truth to the list of the contents of human nature, Francis Bacon, the Renaissance philosopher and essayist, says: “*Truth ... is the sovereign good of human nature*” (Bacon, 1908). Contrary to this ism, there are still some beliefs that man by nature is inclined towards hoarding and storing. This assumption is far from an established fact because there is an intrinsic dislike in man for anything evil and wicked. The same idea is put forth by George Bernard Shaw: “*I loathe saving. It turns human nature sour*” (Everding, 1987). Man likes diligence and constant hard work instead of hoarding as is evident from these lines by William Shakespeare in *Troilus and Cressida*: “*Things won are done, joy's soul lies in the doing*” (Alexander, 2006). Hawthorne’s statement can be considered the last stone in this regard, which runs as:

“It is to the credit of human nature, that, except where its selfishness is brought into play, it loves more readily than it hates. Hatred, by a gradual and quiet process, will even be transformed to love, unless the change be impeded by a continually new irritation of the original feeling of hostility” (Hawthorne, 1883).

Indemnifying the earlier theory, this selection indicates that man may get corrupted by the society, but he has the attribute to consequently regain his lost nature which “... is too full o' the milk of human kindness” (Shakespeare & Fletcher, 1962). This leads to the fact that man’s nature is positive (loving, diligent, truthful) - a concept held both by *Sharī'ah* and world literary writers alike. However, the approach of *Sharī'ah* is more superior in this regard. It ensures such positive human nature not at theoretical level but also inbuilt it in its strong legal system – technically called Islamic law.

Before concluding that human nature is positive without an iota of negativity in it, a cursory glance of the above citations, though not exhaustive in any way, on positive human nature, present an incomplete picture of human nature. As per certain scholars’

belief, it (human nature) is a two dimensional phenomenon, composed of both positive and negative characteristics. Not only this, certain writers cross the bridge by stating that a weak nature cannot be virtuous but evil (Doyle, 1930); (Shakespeare, 1971); (Lambert, 1993). Virginia Woolf, a modern novelist, for instance, venting her disgust with human nature, exclaimed once: “*Really I don't like human nature unless all candied over with art*” (Bell & McNeillie, 1982). Though a strong advocate of positive and the undisputed authority on human nature, William Shakespeare, at one point, breaks into a condemnatory outburst, thus:

“Jealous souls ... are not ever jealous for the cause,

But jealous for they're jealous. It is a monster

Begot upon itself, born of itself” (Shakespeare, 1968).

On the same way, many other scholars, both classical and contemporary, believe man to be lazy (Thackeray, 1877), revengeful (Jeffers, 2018) and cruel (Cowper, 1882) by nature. These statements, however, are partial and cannot be taken as truthful because the same works by the same writers bear passages which declare human nature to be positive and virtuous. A vigilant reader can find that these selected sentences are not free from their contextual meaning – clearly identifying different directions than the cited ones. Moreover, they disprove of any positivity in human nature which, as proven by the above detailed discussion, is constituted by love, compassion, sympathy, diligence, truth and others.

Psychological Perspectives on Human Nature

Psychology, at first, seems to nurture a negative opinion of human nature; however, upon a close analysis of the works of the humanist and positive psychologists, like Maslow (1956) and Seligman (2010), it is revealed on the inquirer that modern psychology, on the opposite, understands human nature to be positive. The renewed perception is described by Maslow in these terms: “*Human nature is not nearly as bad as it has been thought to be*” (Maslow, 2013). This new perception led contemporary psychologists like Maslow and others to contemplate the concept of human nature anew, resulting in branches of psychology, based on positivity. This sort of approach has added holistic dimension to the existing psychology, focused more on nurturing goodness in man rather than on his badness. Apart from these strong advocacies of positive human nature, nearly all classical and contemporary psychologists, like Plato, Aristotle, Sigmund Freud, B. F. Skinner and Martha Nussbaum, despite partial disagreements, unanimously agree on one common nature – the positive one (Noonan, 2011). They, however, retain their professional differences, attributing, for example, love to as many factors as biological, psychological and philosophical ones. In the light of the above preamble, human nature, humanist and positive psychologists consider, is truly characterized by love, compassion, humility, diligence, patience, temperance, chastity and other virtues.

Being in complete concord with other psychologists in the classical conception of positive human nature, Sigmund Freud, B. F. Skinner and others, disbelieve in a nature that is devoid of love and compassion (Chapman, 2011). It is, therefore, now an undisputed fact that human nature, besides other positive attributes, is blessed with an all-inclusive emotion of love, particularly containing the one that places “*the wellbeing of others above [one's] own*” (Chapman, 2011). Many other renowned biological

psychologists, such as Fisher (2006), attribute love to man's (or even of animals) biological need of mate selection, thus, stripping love of divine overtones. Believing in such would be unnatural that human nature is loving but not compassionate, the natural offshoot of the former. Human nature, in fact, 'Buddha nature'¹⁶ is the "intrinsicly altruistic non-conscious mind with compassionate kindness at its core" (O'Conner et al., 2015). On the same way, numerous psychologists opine that humility - the extended form of compassion - is also a major constituent of positive human nature. Considering humility a psychological quality of man, characterized more by humbleness, open-mindedness, and respectfulness to others, Rowatt, et al. (2006) and Grenberg (2005), for example, reflect Wright et al. (2017)'s hypothesis who consider humility "a particular psychological positioning of oneself in "a vast universe..." This selection reveals the fact that humility originates from self-recognition and self-identification against self-enhancement (Davis, 2010).

Certain human traits, like diligence and chastity, psychology believes, are the result of external circumstances rather than the innate characters of human nature. At this particular point the concept of legal ethics comes to the spot. As per this view, a positive attitude in human beings can be created through an effective legal system; having extra ordinary accommodation for the enforcement of legal ethics. Owing to this view, morality should be enforced through the court of law. However, this hypothesis does not hold water against the fact that the innate potential and competence of man for being good and hard-work is immense and infinite. This is a proven fact, according to Fleming (2004), that a particular situation - a series of various stages of development - includes the diligence stage, for the final accomplishment. On logical grounds, backed by observation, it can be constructed that the stupendous progress of man over the last millennium is owing to the indomitable nature of man. Likewise, man's sense of situation in the infinite universe endows man with patient. To add a solid point to the existing argument, it can be said that the smallest indication of his being patient is always letting others express themselves first, without any registering unpleasant reaction (Chödron, 2005). Human nature, moreover, has great potential for goodness and for acquiring positive attributes, like temperance and chastity, if one starts believing for a moment the view that they are social constructs. A renowned psychologist, Roberts, in his groundbreaking work, maintains that:

"Temperance - abstinence from excessive food, drink, and sex ...-, is an important virtue because [all the three], if desired improperly, can be sources of disruption, corruption, misery, and ill being ...; but if properly loved and pursued, can be sources of joy and wellbeing" (Roberts, 2014).

The potential in human nature, it suggests, can abstain, if so desires a man, itself from overindulgence in food and other undesired practices. As it is said earlier, chastity, a form of temperance, psychology believes, is an acquired virtue or social construct rather, as is generally believed, an innate quality of man. In other terms, chastity and temperance, unlike love, are the products of *nurture* or *culture* rather *nature*. Putting the same point succinctly, Miller (2007), a renowned psychologist, states that chastity is a 'morality-through-mate-choice' – the product of society, shaped by sexual selection. In short, human nature, all three domains believe, is characterized by cardinal virtues, both innate and acquired, and is, therefore, predominantly positive.

Contrary to the well-established concept of positive human nature, held by prominent psychologists, there are also quite others who consider human nature to be negative. Buss (2013), Plutchik (2001), Celse (2010), Schoeck (1969) and others, for instance, believe in an envious and jealous human nature. Many others believe that there is intrinsic pride (Baechler, 2010), wrath (Potegal & Novaco, 2010), (Masango, 2004), sloth (Abdullah, 2017), (Dye, 1995), (Ziapour et al, 2015), Thakkar (2009), greed (Kets de Vries, 2016), (Newhauser, 2000), gluttony (Wang & Murnighan, 2011), Karasu, (2012) and lust (Wells, 2016), (Shaver, Morgan & Wu, 1996), (Knight, 2006), Purcell & Arrigo, 2006), God knows what not, in human nature.

Despite these muffled voices against the positivity in human nature, the positive concept is mighty strong among scholars that the intrinsic goodness in human nature is indomitable; adequately reflected in the words of George Eliot: "*The tendency toward good in human nature has a force which no creed can utterly counteract, and which insures the ultimate triumph of that tendency over all dogmatic perversions*" (Sheppard, 1883). This strong stance, upheld by one of a gifted writer, indicates that, despite the powerful onslaughts of evil on man, the intrinsic good in him has remained intact, always piercing through the appalling darkness of evil. Despite the rampant evil, human history is full of examples of immense goodness, proving man's intrinsic positivity in every age, since "*Human nature*" in the words of Bertrand Russell, "*is so constructed that it gives affection most readily [even] to those who seem least to demand it*" (Russell, 2012).

Social and Academic Implications of the Present Work

Despite the predominant positivity of human nature, it is enough to disquiet a sane man to find the society incurably diseased with the evils of greed, pride and other deadly sins. Having the same in mind, the jurists of all times recommended enforcement of positive human nature in the shape of legal ethics. Here at this point, legal ethics is an indispensable part of any legal system. The goodness in man, in the face of such gruesome state of affairs, is required to strengthen and flourish against the spawning evil, prevalent in the society. The question before human society, therefore, is as to where lies the problem and naturally its solution. It is, of course, one of initiation, as positive human nature entails mindful awareness of the negative thoughts and emotions so that they are approached with balance and equanimity (Neff & Dahm, 2015). A little conscious effort on the part of man, indeed, goes into realizing a virtuous and blissful society. *Sharī'ah*, support this view to some extent. However, Islamic law also enforces some moral values through its legal system. Prohibition of sale of an individual over the sale of another individual and engagement of an individual over the engagement of another individual is strictly prohibited by Islamic law. In such a bleak and dismal atmosphere, seemingly insignificant communal acts and such academic works are seriously relevant to reinforce the intrinsic good in human nature. As alternatives of willful acts of greed, pride, envy and the likes, man ought to consciously act more positively. Falling prey to his base desires like brutes, he, on the opposite, is required to act according to his capacities for goodness. Besides a will, this, however, demands on him complete awareness of his nature and its contents. In that case, man must realize the strengths and weaknesses of his nature. To know his true nature and instruct himself on goodness, man can utilize, besides others, several means and sources, like religion, literature and psychology. Thus, deeply fed on these sources, man can bring about miraculous changes in himself and, consequently, in the world, too. Here it is not

necessary that moral values should be made a part of the legal system. Here morality can be developed through social values. It takes such works, as the present one, inspiring man to apply his great hidden potentials for good in the world. Having seismic effect, the present and similar works equally promise to cater to any taste: there is substantial meat, for example, for those who seek the guidance in religion; for others who consult literature for the same purpose; and for those liberals who refer to psychology for scientifically grounded evidences on the topic. Having said that, such research works would, therefore, be sources of ready reference and inspiration, equally, for religious scholars, writers and psychologists in the promotion of positivity in human nature – without any sort of discrimination on the basis of color, creed and religion.

The current study, like other such works, also carries academic implications. Though unique in its conception and content, it is narrow in its structural and topical scope. It is a research endeavor, so designed as to only highlight commonalities among *Sharīʿah*, works of prominent writers and psychologists on positive human nature, supported with relevant data, painstakingly garnered from authentic texts. The consulted texts include the Holy *Qurān*, *hadīth* and their respective exegeses and commentaries, scholarly treatises of renowned Muslim jurists and works of prominent world literary artists and psychologists. This overview provides an insight onto the nature of the study. As the narrow scope of a single research work disallows a full-fledged development of the issue under scrutiny, it is, therefore, prudent under the current circumstances to contain the dominion of the work within certain limits, focusing only on a single aspect. The present work, as planned, has chosen to discuss only the positive aspect of human nature and its inculcation in the legal system, predominantly, that of *Sharīʿah*, leaving out other aspects, like the negative one, for a full-length work. Being a seminal work in nature, this study suggests that works of similar or greater significance are direly needed on the negative aspects of human nature, as certain Muslim jurists, literary writers and psychologists believe human nature to be negative. Moreover, it would be equally rewarding to initiate research on works of Muslim jurists, literary writers and psychologists who either believe in the neutrality or duality of human nature. In such works it is also necessary to suggest that how legal ethics can be included in any legal system. It also proposes that, besides this endeavor, a similar study be initiated from the Biblical, literary and psychological perspective on positive human nature so that the issue gets due academic attention and investigation. Such initiatives will surely prove to be fertile grounds for researches on the issue in times to come.

The consensus view seems to be that the current study carries social, as well as, academic implications in the future as a value-addition work in both the social, legal and academic spheres. It is, therefore, strongly hoped that this work will engender a general realization among the masses concerning the great potential for good in human nature through academia and their academic and social efforts. This realization, in return, will ultimately help establish a better and peaceful world, grounded in love, compassion, fellow-feeling, patience and equality. Likewise, this study will not only augment the academic riches even further, but, with its valuable insights into the issue in question, will pave the ground for similar and greater quality works in the future as well.

Conclusion

Whether man by nature is positive, negative, both or neither has always been an inconclusive debate among the greatest contemporary minds of every age. This chimerical issue has adamantly held the ground to the utter disappointment of the mighty minds, thus, frustrating, to the last possible extent, the rigorist and the most vigorous scrutiny and analysis. Viewing from the historical perspective, one can judge that this incomprehensibility of human nature has been occasioned by two factors: first, by the equivocal nature of human nature and, second, owing to the absolutist approach of every debater. Later on, as the debaters, now alert, approached the issue scientifically and objectively, the entire rigid scenario changed. Consequently, with a few exceptions, almost all prominent scholars, especially from *Sharī'ah*, literature and psychology, agreed on the positivity of human nature – though after long nerve breaking rounds of debate. Islamic law, being an exemplary system of natural justice, sometime incorporates such positive human nature in its legal system. However, in most cases ethics is not made a part of the legal system as its every verdict carries, naturally, the principle of morality. It can be said that the approach of Islamic law is very much realistic in nature. If critically analyzed the three main attitudes, leaving out only the negativist perspective, one can conclude that even the neutralist and dualist standpoints do not negate, if not appreciate, the positivity of man's nature. As per this view, it is not necessary that ethics should be made a substantive part of any legal system. Though the current time is of comparative respite in the centuries old debate, the present study is being conducted not to sabotage the respite but, more precisely, to confirm the hypothesis that man by nature is more positive than negative. The three domains i.e. *Sharī'ah*, literature and psychology, selected as parameters for the investigation of the issue, on two bases: first, they influence human mind comparatively more (*Sharī'ah* is more superior in this regard) and; second, they provide an in-depth study of man's nature. Islam, the most authentic depicter of human nature, estimates man as positive-natured, as confirmed by numerous verses in the Holy *Qurān* and, of course, by *hadīth* of the Holy Prophet (SAW). Depending their concepts on the *Qurānic* concept of *fiṭrāh*, various leading Muslim jurists, like Ibn Taymiyyāh, Al-Tabarī, Ibn Qayyim, Imām Nawāwī, Al Qurtubī, Muhammad Ali Sābūnī, Ismail al-Fārūqī, Naquib al-'Aṭṭās, Tantawi Jawharī, Shāh Walī Allāh, Mufti Muhammad Shafī and several others endorse the same concept (the positive one). According to their view, Islamic law and legal ethics are not two different things rather they are words having the same meaning. This approach advocates that Muslim follow all rules laws of law as they are backed by Islamic law. They consider morality as an order of *Sharī'ah* and , therefore, they do not have any option. There are, of course, variations in approach among the jurists, yet they are only skin-deep, hardly affecting the main concept. The data endorses the view that positive concept is grounded in solid argument and is in line with human reason. Moreover, as required, this approach is direly needed in the disturbed contemporary human society – where hatred, greed, envy, lust, sloth, anger and other evils permeate the human psyche. Though there are other scholars, like Al-Afghani and Maududi who are of the view that human nature is negative. Besides this unnatural and extremist view, there are others, like Qutb and Alī Sharī'atī's dualistic and Al-Maliki's neutralist concepts. Since the positive human nature is the universally accepted concept, it is well represented in literature as well. Many prominent writers,

like Plato, William Shakespeare, Thomas Paine, Arundhati Roy, Francis Bacon, John Keats, George Bernard Shaw, Nathaniel Hawthorne and others replicate the same notion, as portrayed by the *Qurān*, *hadīth* and Muslim scholars. Here too, there are voices of opposition which believe, on the contrary, in negative human nature. This opposition comes from none other than Conan Doyle, Virginia Woolf, and others. Even William Shakespeare, the mightiest supporter of positive human nature, is, at times, found out-bursting on the negativity of man. Although an autonomous branch of knowledge, psychology in general and humanist and positive psychology in particular, unwaveringly believe in positive human nature; thus, further confirming and strengthening the plea taken by religion and literature (regarding positive human nature). This camp of classical and contemporary psychologists includes as important names as of Plato, Aristotle, Sigmund Freud, B. F. Skinner, Martha Nussbaum, Maslow, Seligman, besides numerous others. As always, there are psychologists, such as Buss, Baechler, Masango, Abdullah, Thakkar, Newhauser, Karasu, Wells, and others who defy the positive concept; stating that man is more negative than positive. All the three areas, representing divinity, arts and sciences, respectively, solidly maintain that human nature, as a whole, is virtuous. The current study, in this context, can be termed as rewarding both in terms of social and academic implications. All the consulted areas, particularly religion, exert mighty influence on the mind and heart of humanity in general. On the same way, literature and psychology, though not as universally influential as religion, in their own right, do exercise great sway in social circles. Likewise, as for academics, this work, a melting pot of concepts on human nature, held by religion (Islam), literature and psychology, will surely cause quite an academic sensation. It is, therefore, incumbent on the researchers of the day to carry out more such research studies in order to further strengthen man's virtuous nature. In a nutshell, necessity is put on man to know his potentials for good in his nature, putting in his best to buttress it against the temptations of evil, rampant in the society. Moreover, positivity in human nature is to be propagated in the strongest possible terms, especially by religious scholars, artists and psychologists in order to materialize an ideal society, based on love, compassion, respect and fellow-feelings.

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Endnotes

¹ *And strive for Allāh with the endeavor which is His right. He hath chosen you and hath not laid upon you in religion any worship; the faith of your father Abraham (is yours). He hath named you Muslims* of old time and in this (Scripture), that the messenger may be a witness against you, and that ye may be witnesses against mankind. So establish worship, pay the poor-due, and hold fast to Allāh. He is your Protecting Friend. And blessed Patron and a blessed Helper. (Qurān, 23: 78).*

*"Those who have surrendered."

² *Abdullah Yusūf Ali*, in his authentic translation of the Holy Qurān, defines the term *fiṭrāh* as the divine pattern on which Allāh (SWT) has created man. It is divine and is, therefore, unchangeable (*Qurān*, 30: 30). In other words, this verse maintains that though the good nature in man is corruptible and fallible, yet its core remains unscathed, uncorrupt and unalterable by the evils in society.

³ In *Sharī'ah* (Islamic Jurisprudence), *Qurān* is considered a primary source (*Al Masdar al Aslī*) for the derivation of all rules and regulations.

⁴ *Taqī ad-Dīn Ahmad ibn Taymiyyāh* (1263-1328), known as *Ibn Taymiyyāh*, was a mediaeval Sunni theologian, jurist, logician and reformer. Though controversial, he enjoys a considerable influence on contemporary Islam. *Ibn Taymiyyāh* wrote more than three hundred books. His most famous works are *A Great Compilation of Fatwa, Minhaj as –Sunnah an Nabawiyyah (The Way of the Prophet's Sunnah), Al-Aqida al Waasitiyyah (The Creed to the people of Wāsiṭ), Dar' ta 'āruḍ al- 'aql wa al-naql ("Averting the Conflict between Reason and [religious] Tradition")* and others. See for details: Bori, C. (2004). A new source for the

biography of Ibn Taymiyyāh. *Bulletin of the School of Oriental and African Studies*, 67(3), 321-348.

⁵"No child is born but has the Islamic Faith, but its parents turn it into a Jew or a Christian. It is as you help the animals give birth. Do you find among their offspring a mutilated one before you mutilate them yourself?" Bukhari, S. (1997). (M. M. Khan, Trans.). Riyadh: Darussalm, Volume 8, Book 77, Number 597. Another holy tradition puts the same idea in the following way: "It is related that the Prophet said that he saw in a vision an old man at the foot of a large tree and the tall man whom [he] saw in the garden, [was] Abraham and the children around him [were] those children who died with Al-Fitra (the Islamic Faith). The narrator added: Some Muslims asked the Prophet, "O Allah's Apostle! What about the children of pagans?" The Prophet replied, "And also the children of pagans." Bukhari, S. (1997). (M. M. Khan, Trans.). Riyadh: Darussalm, Volume 9, Book 87, Number 171.

⁶ See these verses for the same point: (*Qurān*, 90:10); (*Qurān*, 73:3); (*Qurān*, 15:28-29); (*Qurān*, 91: 07 – 10).

⁷"No child is born but has the Islamic Faith, but its parents turn it into a Jew or a Christian. It is as you help the animals give birth. Do you find among their offspring a mutilated one before you mutilate them yourself?" Bukhari, S. (1997). (M. M. Khan, Trans.). Riyadh: Darussalm, Volume 8, Book 77, Number 597.

⁸ Darwin's Theory of Evolution is the widely held notion that all life is related and has descended from a common ancestor: the birds and the bananas, the fishes and the flowers -- all related. Darwin's general theory presumes the development of life from non-life, stressing a purely naturalistic "descent with modification". That is, complex creatures evolve from more simplistic ancestors naturally over time. In a nutshell, as random genetic mutations occur within an organism's genetic code, the beneficial mutations are preserved because they aid survival -- a process known as "natural selection." These beneficial mutations are passed on to the next generation. Over time, beneficial mutations accumulate and the result is an entirely different organism (not just a variation of the original, but an entirely different creature). See for more details: Darwin, C. (2004). *On the origin of species, 1859*. Routledge.

⁹ Sir William Gerald Golding (1911 – 1993), a British novelist, playwright, and poet is best known for his novel *Lord of the Flies*. In the novel, Golding argues that human nature, free from the constraints of society, draws people away from reason toward savagery. See for details: Boukhala, A., & Temmar, A. (2016). *The Use of Symbolism in William Golding's Lord of the Flies* (Doctoral dissertation).

¹⁰ Dante Alighieri (1265 – 1321), an Italian writer of the antiquity, is one of the most revered writers who exercised a mighty influence on the poets of later generations. His ambitious work, *Divina Comedia*, consisting of *Inferno*, a description of Hell, *Purgatorio*, a description of Purgatory, and *Paradiso*, a vision of a world of beauty, light, and song, is religiously inspired and inspiring (See for more detailed: Eagle, D. (1985). *The Concise Oxford Dictionary of English Literature*, 2nd ed. Great Britain: Oxford University Press.

¹¹ The same idea is offered by the Holy *Qurān* about 1400 years ago. In this regard, the virtue of patience is beautifully illustrated therein, thus: "Those who entered the city and the faith before them love those who flee unto them for refuge, and find in their breasts no need for that which hath been given them, but prefer (the fugitives) above themselves though poverty becomes their lot. And whoso is saved from his own avarice – such are they who are successful." (*Qurān*, 59: 9).

¹² For millennia, scholars, philosophers and poets have speculated on the origins of individual differences in behavior, and especially the extent to which these differences owe to inborn natural factors (*nature*) versus life circumstances (*nurture*). The modern form of

the nature-nurture debate took shape in the late 19th century when, based on his empirical studies, Sir Francis Galton concluded that nature prevails enormously over nurture. See for more details: Zaky, E. A. (2015). Nature, nurture, and human behavior; an endless debate. *Journal of Child and Adolescent Behavior*.

¹³ Abu Hurayrāh (603–681.CE) (may *Allāh* be pleased with him) is one of the most famous companions of Prophet Muhammad (SWA). His name is synonymous with prophetic tradition (hadith) and like all the companions, he is known to have been extremely trustworthy, just and completely reliable. He was an outstanding individual and his life speaks of sacrifice, devotion and love for the Messenger and for the religion of Islam. Abu Hurayrāh's citation of this *ayāh* after the hadīth apparently means that the *fiṭrāh* of the *hadīth* refers to the fitrah of the *Qurānic ayāh*, which is a good fitrah because the right dīn is being described as *Allāh fiṭrāh*. The logic of this argument is that Abu Hurayrāh meant that *fiṭrāh* is associated with Islam (al Qurtubī, 1967). And according to Ibn Taymiyyrāh, it is the social circumstances, as represented by the parents, which causes the child to be a Jew, a Christian or a Magian.

¹⁴ “So set thy purpose (O Muhammad) for religion as a man by nature upright – the nature (framed) of *Allāh*, in which He hath created man. There is no altering (the laws of) *Allāh*'s creation...” *Qurān*, 30: 30. See also *Qurān*, 95:4 for the explication of the former holy verse.

¹⁵ The Jabarites is an early school of Islamic determinists who believed that God had predetermined the human life denied that man has freedom of choice and affirmed an absolute predestination fashioned by Allah. The Muktazilites and the Qadarites, on the contrary, believed in human's free will. See for more details: Taib, M. I. M. (2000). The Problem of Pre-Determinism and Its Impact on Muslim Thought. *The Fount Journal*. Also see: Zakaria, W. F. A. W. (2015). Qadar in classical and modern Islamic discourses: Commending a futuristic perspective. *International Journal of Islamic Thought*, 7, 39.

¹⁶ “Buddha nature” means “all beings without exception have the same nature and potential for enlightenment. See for more details: King, S. B. (1991). *Buddha nature*. SUNY press.