

Al-Shāṭibī and His Theory

[I]

Introduction to al-Shāṭibī

Perhaps the most comprehensive biography of al-Shāṭibī thus far is the one prepared by Muhammad Abu al-Ajfan with which he introduces both *al-Ifādāt wa al-Inshādāt* by al-Shāṭibī and *Fatāwā al-Imām al-Shāṭibī*¹ which contains Abu al-Ajfan's compilation of the sources and references which offer biographical information about al-Shāṭibī or discuss him in any way.² According to Abu al-Ajfan, the most important contributors to al-Shāṭibī's biography are his disciple, Abū ʿAbd Allāh al-Majāri in his book *Barnāmiḡ al-Majāri*, edited by Abu al-Ajfan, and Aḡmad Bābā al-Tunbukṭī in his books, *Nayl al-Ibtihāj* and *Kifāyat al-Muḡtāj*.

In this chapter I will focus only briefly on what is already known about al-Shāṭibī, particularly in view of Abu al-Ajfan's aforementioned compilation of known sources. I shall then offer an orderly presentation of information which is not yet known or which has not yet been compiled in the hope of offering the greatest benefit through my efforts. My introduction to al-Shāṭibī will fall under the following three headings: (1) A brief biological sketch, (2) al-Shāṭibī speaks about himself, and (3) al-Shāṭibī's correspondences.

I. A BRIEF BIOLOGICAL SKETCH OF AL-SHATIBI

Ibrāhīm ibn Mūsā ibn Muḥammad al-Lakhmī al-Gharnāṭī, Abū Ishāq al-Shāṭibī, best known simply as al-Shāṭibī, was “the venerable, learned, realized imam, the exemplar, who had memorized the entire Qur’an and who was qualified to engage in independent interpretation of Islamic Law and its sources...”³ Al-Shāṭibī is described in a similar fashion by his later biographers, including Makhḷuf,⁴ Muhammad al-Hajawī,⁵ and others to be mentioned in due time.

None of al-Shāṭibī’s biographers makes any mention of either the place or date of his birth, although Abu al-Ajfan has arrived at an approximation of the year in which he was born. As for his place of birth, which is a matter of greater importance, Abu al-Ajfan avoids dealing with the subject, perhaps due to a lack of evidence on which to base a conclusion. Hence he states simply, “And it was in Granada that he was raised and grew to maturity.”⁶ I have wondered myself about his place of birth given the fact that he is known as al-Shāṭibī, which is an attribution to the city of Shāṭibah.⁷ Be that as it may, it appears most likely that he was born in Granada. As for al-Shāṭibī’s having grown up and spent his entire life there, there is no evidence which would indicate the contrary. No mention is made of journeys which he undertook, and he himself likewise makes no mention of anything of this sort. Nor is there even mention of his having embarked on the voyage which was most common for both scholars and others of his day, namely, the pilgrimage to Makkah.

Al-Shāṭibī’s Shaykhs

Abu al-Ajfan draws a distinction between al-Shāṭibī’s shaykhs who were natives of Granada and those who had come to Granada from elsewhere. This distinction is helpful, since it confirms to us that al-Shāṭibī did not become anyone’s disciple outside of Granada, while at the same time it gives us an awareness of the locations beyond Granada from which he drew his knowledge.⁸ His shaykhs who were native-born Granadans included:

1. Ibn al-Fakhkhār al-Bīrī, whom al-Tunbuktī describes as having

been “an imam with unrivaled insight into the Arabic language.” He also mentions that al-Shāṭibī remained his student until his, (al-Bīrī’s), death⁹ and recited the Qur’an to him seven times from beginning to end in its seven recognized recitations.¹⁰

2. Abū Ja‘far al-Shaqqūrī, who was a grammarian and jurisprudent with a specialization in the division of bequests among their various beneficiaries.
3. Abū Sa‘id ibn Lubb, Granada’s renowned, mufti, chief orator and teacher. A number of well-publicized disputes arose between al-Shāṭibī and Ibn Lubb, some of which will be mentioned later.
4. Abū ‘Abd Allāh al-Balansī, a grammarian and commentator on the Qur’an.

As for his shaykhs who came from outside Granada, they included:

1. Imam Abū ‘Abd Allāh al-Sharīf al-Tilmisānī, the most learned of his time,¹¹ and author of the book, *Miftāḥ al-Wuṣūl ilā Binā’ al-Furū‘ ‘Alā al-Uṣūl*.
2. Abū ‘Abd Allāh al-Maqqarī, also from Tilimsan, who authored the weighty book *Qawā‘id al-Fiqh*¹² and other works.
3. Abū al-Qāsim al-Sabtī, who al-Tunbuktī describes as having been a leading scholar of linguistics.¹³
4. Abū ‘Alī al-Zawāwī, who taught in both Bijāyah (Algeria) and in Tilmisan, and who was also al-Shāṭibī’s shaykh in *uṣūl al-fiqh*. Al-Shāṭibī wrote, “Our shaykh in *uṣūl al-fiqh*, Abū ‘Alī al-Zawāwī, spoke to us, saying...”¹⁴ Elsewhere he states, “Our shaykh, the learned Abū ‘Alī al-Zawāwī cited examples for us during our reading of Ibn al-Ḥājjib’s book on the branches of jurisprudence...”¹⁵ In addition, Abu al-Ajfan quotes from *Barnāmij al-Majāri* (p.119) as saying that al-Shāṭibī also studied Ibn al-Ḥājjib’s book, *Mukhtaṣar al-Muntahā* on *uṣūl al-fiqh* under al-Zawāwī’s¹⁶ tutelage.
5. Ibn Marzūq al-Khaṭīb (the grandfather) also from Tilmisan, is described by al-Wansharīsī as having been the ‘Mālik’ of his day,¹⁷ while elsewhere he dubs him ‘the shaykh of Islam.’¹⁸ Al-Shāṭibī heard Mālik’s *al-Muwatta’* and al-Bukhārī’s *Ṣaḥīḥ* from him based on Abū ‘Abd Allāh al-Ḥaffār’s reading thereof.¹⁹

For the names of still other shaykhs whom al-Shāṭibī mentions or on whose authority he passes on narratives, see his book *al-Ifādāt wa al-Inshādāt*.

Al-Shāṭibī's Disciples

Of al-Shāṭibī's disciples, al-Tunbuktī mentions the following three:²⁰

1. Abū Yaḥyā ibn ʿĀṣim, who died as a martyr on the battlefield²¹ and is described as being “the disciple and companion of Imam Abū Ishāq al-Shāṭibī and the heir to his method.”²²
2. Judge and jurisprudent Abū Bakr ibn ʿĀṣim (Abū Yaḥyā's brother), who composed the well-known fiqh-inspired poem, *Tuḥfat al-Aḥkām*.
3. Shaykh and jurisprudent Abū ʿAbd Allāh al-Bayānī.

In addition to these three, Abū al-Ajfan²³ mentions two other disciples, namely:

4. Abū Jaʿfar al-Qaṣṣār, whom al-Shāṭibī is said to have discussed various issues with before recording his conclusions in *al-Muwāfaqāt*.
5. Abū ʿAbd Allāh al-Majārī, who has been mentioned previously.

Al-Shāṭibī's Writings - (a) Those in Print

There can be no doubt that the most important work which al-Shāṭibī left to posterity is his book *al-Muwāfaqāt*,²⁴ in the introduction to which he mentions that he had been intending to entitle the book, *ʿUnwān al-Taʿrīf bi Asrār al-Taklīf*, that is, “An Introduction to the Mysteries of Accountability Before the Divine Law.” The reason for this choice of title was that the book contains a great deal concerning “the mysteries embodied in accountability before this pure divine Law.”

However, he then abandoned this title in favor of *al-Muwāfaqāt* based on a vision which a certain highly respected shaykh of his had had.²⁵

Al-Shāṭibī has divided *al-Muwāfaqāt* into five parts:

PART 1 contains needed introductions to the book's theme.

PART 2 deals²⁶ with legal rulings, how they are conceptualized, and how judgments are made by means of them, or on them, whether they serve to define legal obligations (*al-aḥkām al-taklīfiyyah*) or to specify causes, conditions and/or constraints on such obligations (*al-aḥkām al-waḍ'īyyah*).

PART 3 deals with the higher objectives of Islamic Law and the rulings relating thereto.

PART 4 deals with the categorization of legal evidence²⁷ and a clarification of what may be added thereto on the level of generalities and specifics. Mention is also made of the sources of the various categories of evidence and in what ways evidence may be put to use in rulings on people's actions.

PART 5 deals with rulings having to do with independent reasoning, imitation, and those who engage in one or the other; it also includes a discussion of conflict (among human interests and the like) and the manner in which a decision is made to favor one over the other, as well as questions and answers.

Al-Muwāfaqāt has been studied with great interest and appreciation ever since ancient times. However, only in modern times has it achieved the place of distinction which it truly merits, and it continues to gain ever increasing respect. In al-Shāṭibī's own day, his disciple Abū Bakr ibn ʿĀṣim abridged *al-Muwāfaqāt* and entitled his abridgement, *al-Munā fī Ikhtisār al-Muwāfaqāt*, after which another of his disciples set it to verse and entitled his rhymed version *Nayl al-Munā Min al-Muwāfaqāt*.²⁸

Al-Tunbuktī describes *al-Muwāfaqāt* as "of great moment indeed, and without equal. It bespeaks al-Shāṭibī's [spiritual and intellectual] preeminence and his far-sightedness in the sciences, and most particularly in the science of the fundamentals of jurisprudence."²⁹ *Al-Muwāfaqāt* was printed and published in the year 1302 AH/1884

AC in Tunis, after which Mā' al-^cAynayn ibn Māmīn set it to verse and entitled his rhymed version *Muwāfiq al-Muwāfaqāt*. He then wrote a commentary on his versified arrangement and entitled the commentary *al-Murāfiq* ^c*Alā al-Muwāfiq*. This commentary was printed and published in Fez in 1324 AH/1906 AC.

Al-I^ctiṣām: In two parts, this book deals with the theme of *bida^c*, or (heretical) innovations, and *muhḍathāt*, that is, practices and beliefs which are foreign to the Qur'an, the Sunnah, and the practices or sayings of the Prophet's Companions. Al-Shāṭibī treats the subject matter of this work by means of a staid methodology rooted in *uṣūl al-fiqh* and includes a valuable discussion of principles of jurisprudence such as unrestricted interests (*al-maṣāliḥ al-mursalah*) and juristic preference (*istiḥsān*).³⁰ *Al-I^ctiṣām* was published for the first time by Muhammad Rashid Rida, who wrote an introduction to it and reviewed its texts. However, his review was hastily done and insufficient. Moreover, it is mentioned at the end of the book that al-Shāṭibī never completed it.

Al-Ifādāt wa al-Inshādāt:³¹ This work consists of anecdotes, literary curiosities and 'recitations' (*inshādāt*). This book, likewise edited by Abu al-Ajfan, was published several years ago.

These, then, are writings by al-Shāṭibī which are known and in print at the present time. As for *Fatāwā al-Imām al-Shāṭibī*, collected and edited by Abu al-Ajfan, it was not composed by al-Shāṭibī himself; rather, it consists simply of miscellaneous fatwas in which al-Shāṭibī replied to his inquirers and which had been recorded here and there in written compilations of judicial cases, foremost among them being al-Wansharī's *al-Mi^cyār*.

Al-Shāṭibī's Writings - (b) Those Not in Print

As for those works by al-Shāṭibī which are not in print, most of them are no longer extant. Be that as it may, perhaps the most important of these is his book entitled *Kitāb al-Majālis* (Book of Councils) in which he comments on the section of *Ṣaḥīḥ al-Bukhārī* which deals with transactions involving buying and selling. The importance of this book is revealed in the comment made by the author of *Nayl al-*

Ibtihāj, who states, “This book contained benefits and investigations the value of which is known to God alone.” The book’s value may likewise be seen in the fact that it is the only work which al-Shāṭibī is said to have written on jurisprudence. Given these observations, I would rank this book directly after *al-Muwāfaqāt*, since the latter deals with the principles of jurisprudence and the objectives of the Law, while the former deals with the application of the principles of jurisprudence.

I have searched for this book and inquired concerning it of a number of manuscript experts, but without results. Nevertheless, it is my hope that God will lead someone from among the ‘knights’ of this field to unearth it one day and make it available to the Muslim community, and particularly to seekers of knowledge.

Oddly, al-Shāṭibī himself makes no mention of this book whatsoever in any of the works which have been published in his name. This indicates that he may have written it toward the end of his life; the other possibility is that he composed it early in his life,³² after which he destroyed it as he destroyed others of his works. Al-Tunbuktī mentions that al-Shāṭibī’s works included two books entitled *‘Unwān al-Ittifāq fī ‘Ilm al-Ishtiqāq* (The Sign of Agreement in the Science of Etymology) and *Uṣūl al-Naḥw* (The Fundamentals of Grammar). He then goes on to say that al-Shāṭibī “mentions both these books together in his *Sharḥ al-Alfiyyah*. I have seen evidence elsewhere that he destroyed the first book during his lifetime, and that the second was destroyed as well.”³³

Sharḥ al-Alfiyyah: This work, to which al-Tunbuktī makes reference, is also on the subject of grammar, being a commentary on Ibn Mālik’s well-known didactic poem entitled *al-Alfiyyah*. Abu al-Ajfan mentions that a hand-written copy of this work is located at the Royal Library in Rabat, No. 276, and that the Research Center at Umm al-Qurā University in Makkah is in the process of editing it for publication.³⁴ Concerning al-Shāṭibī’s work *Sharḥ al-Alfiyyah*, al-Tunbuktī writes, “His momentous commentary on this compendium of grammar consists of four large volumes. To my knowledge, nothing comparable has been written on this poem by way of research and investigation.”³⁵ Al-Tunbuktī concludes his discussion of al-

Shāṭibī's works by saying that, "He also composed other works, and issued numerous fatwas,"³⁶ a statement which leads one to wonder: What are these other works which he has not mentioned?

Al-Shāṭibī mentions in *al-I'tiṣām* that he intends to write a book explaining the true nature of Sufism and detailing the lives of its early imams. He states,

It is my intention – if God grants me length of days, upholds me by His Grace and provides the means necessary – to write a brief model of the Sufi path which will serve as evidence of its validity and its success in approaching the ideal way of life. In this book I will seek to demonstrate that harmful, corrupt practices and innovations have infiltrated the path due to the influence of those who succeeded the righteous ancestors through whom the path had originated, claiming to be following it yet without conducting themselves in a way which is in keeping with the Law, and without an understanding of the true objectives of those who do adhere to the path.³⁷

Elsewhere in *al-I'tiṣām*, al-Shāṭibī expresses an even stronger, and clearer determination to write this book, saying, "If God grants me length of days and upholds me by His Grace I will expound this matter in a book to be entitled, *Madhhab Ahl al-Taṣawwuf* [The Sufi Teachings and Way of Life], showing the inconsistencies which have been introduced into the Sufi path."³⁸ If we realize that al-Shāṭibī did not even complete *al-I'tiṣām* itself, we can only then wonder: Did death overtake him before he was able to write the book which he had hoped to? Or might he have written it as he wrote *al-I'tiṣām*? Or alternatively, might he have gathered the materials for it or begun writing it without then being able to complete the task? Whatever the answers to such questions, there is no doubt about the fact that al-Shāṭibī died in the year 790 AH/1388 AC and, according to al-Tunbuktī, he died in the month of Sha'bān.³⁹

2. AL-SHATIBI SPEAKS ABOUT HIMSELF

As noted earlier, there is a dearth of detailed biographical material

on al-Shāṭibī. Indeed, if everything recorded about him by early writers were put together, it would come to no more than a few pages, notwithstanding the resounding acclaim which such biographers bestow on al-Shāṭibī's intellectual and spiritual leadership and his unparalleled writings. It is this dearth which has led us to search for further information on this great scholar, with careful attention to what was written by al-Shāṭibī himself, in hopes that we might broaden our knowledge about the character of this unique man.

Signposts Along his Intellectual Path

Al-Shāṭibī states in *al-Ifādāt wa al-Inshādāt*,

I would often hear Abū 'Alī al-Zawāwī say: "A wise man once said, 'No scholar may truly be said to be learned in a discipline until he has fulfilled four conditions. First, he must have achieved perfect mastery of the principles of the discipline. Second, he must have acquired the ability to speak and write about the discipline. Third, he must be aware of what is required of him in view of his knowledge. Fourth, he must have the ability to resolve difficulties and ambiguities which arise in the discipline concerned.' It so happened that I had found these same conditions in a book by the philosopher, Abū Naṣr Muḥammad ibn Muḥammad al-Fārābī."⁴⁰

Al-Shāṭibī must have kept this admonition constantly in his awareness and sought to act in accordance with it in his pursuit of knowledge. After all, it was an admonition which he had received from one of his most revered shaykhs, who frequently repeated it to him and reminded him of its importance. In addition, al-Shāṭibī had come across this same counsel in the writings of the great philosopher Abū Naṣr al-Fārābī, also known as "the second beacon."

Al-Shāṭibī declares explicitly, or nearly so, his loyalty and adherence to these conditions in his own pursuit of scholarship, and he did indeed fulfill these conditions in the field of Islamic Law, both its roots and its branches. Moreover, as we saw earlier, he stipulates that any reader who wishes to benefit from *al-Muwāfaqāt* "must have a thorough grasp of the science of Islamic Law – both its roots

and its branches, both that which has been revealed and has passed down in textual form, and our understanding and interpretations thereof.” Hence if such conditions are required of those who read the book, how much more must they have been required of its author!

In his introduction to *al-I‘tiṣām*, al-Shāṭibī discusses this topic, saying,

...thanks be to God, from the time my mind was opened to receiving understanding and I directed myself to the pursuit of knowledge, I investigated both its rational and legal aspects, its roots and its branches, not limiting myself to one discipline at the expense of others. [In this manner I conducted myself] in keeping with the constraints of time and possibility and the disposition given me by God’s Grace. I plunged into its depths like an adept swimmer, fearlessly storming its domains... until the most munificent, merciful and compassionate Sustainer bestowed His bounty upon me and explained to me of the meanings of the Law that which I could never have hoped to comprehend [on my own].... Thereafter I braced myself to walk this path as God opened the way, beginning with the roots of the religion in both practice and belief, then moving on to its branches as founded upon these roots...⁴¹

It was undoubtedly this patient, deliberate advance and this conscientious striving for full comprehension and mastery which – together with the God-given aid toward success which he never tires of mentioning – made it possible for al-Shāṭibī to achieve the brilliance and maturity which became the distinguishing feature of all his writings, and most particularly, *al-Muwāfaqāt*.

Among the things which al-Shāṭibī relates in *al-Ifādāt wa al-Inshādāt* is that a certain shaykh used to say of Abū al-Ḥusayn al-Baṣrī – that keen-sighted Mu‘tazilite scholar of *uṣūl al-fiqh* – “If Abū al-Ḥusayn al-Baṣrī disagrees with someone on an issue, it will be difficult to refute his position.”⁴² This could only be said, of course, of someone who has mastered his subject matter and has full command of the arguments at his disposal. The reason I mention this is that similarly, if al-Shāṭibī made up his mind about something, it would have been a difficult thing indeed to shake his resolve, much

less to prove it invalid, and he owed this quality to his deliberateness, his mastery and his thorough understanding of matters. These same virtues may help to explain the relatively small number of al-Shāṭibī's writings and the fact that he is said to have destroyed some of his own compositions, and this despite his extraordinary intellectual standing. For he may have written some of these early in his life, after which he judged them not to be worthy of public circulation. Indeed, these very scruples may also be the secret behind the wide and growing acceptance which al-Shāṭibī enjoys today.

Still another lustrous hallmark of al-Shāṭibī's intellectual life was his method of writing. This method is distinguished by two features which may be viewed as an extension of those personal qualities already mentioned. They are: (1) a deliberate, long-term investigation of his topic before he undertook to write, and (2) consultation with others concerning what he wrote. In relation to his writing of *al-Muwāfaqāt*, al-Shāṭibī makes reference to the protracted suffering which it entailed, saying,

When the secret which had been so well concealed manifested itself, and when God in His bounty granted me access and guidance to that which He willed to reveal thereof, I proceeded to record its wonders and gather together its scattered pieces from the most specific to the most general, citing the evidence thereof from the sources of Islamic rulings with attention to every detail. In so doing, I relied upon all-inclusive inferences rather than limiting myself to isolated particulars, demonstrating the textual and rational foundations [of Islamic rulings] to the extent that I was enabled by grace to elucidate the objectives of the Qur'an and Sunnah. Then I sought guidance from God Almighty as to whether it was His will for me to string these precious pearls, assembling these treasure troves into explanations which would trace them back to their origins and be a source of assistance toward their comprehension and acquisition. As a consequence, they were brought together to explain the fundamentals of jurisprudence, and their splendid threads were woven together into a book in five parts.⁴³

At the end of his introduction to the book he writes, "It is the right

of the thoughtful reader, if he should find some lack therein, to complete it. However, let him regard with kindness [the] one who was companion to both day and night, who exchanged leisure for toil, and slumber for wakefulness in order that he might present him [the reader] with the sole fruit of his earthly days, the work of a lifetime.”⁴⁴

Similarly in regard to his writing of *al-Iʿtiṣām*, al-Shāṭibī says,

I continued to trace the innovations to which the Messenger of God had drawn attention and against which he had warned.... Then, after the passage of many days and ceaseless investigation, I came to perceive a set of principles relating to both innovations and practices based on the example of the Prophet, principles whose rulings are confirmed by the Law. Their branches have far-reaching ramifications, yet they are ordered by these same principles, or roots. Rarely will one find such principles arranged in the order which presented itself to my mind, an order which has inspired me to disseminate them widely.⁴⁵

As for al-Shāṭibī’s practice of consulting others concerning what he was writing, we saw earlier that during his composition of *al-Muwāfaqāt*, he would inform his astute disciple, Abū Jaʿfar al-Qaṣṣār of some of the issues with which the book was to deal and discuss them with him before committing them to writing. Similarly, when al-Shāṭibī began to consider writing *al-Iʿtiṣām* and was uncertain as to whether to proceed or not, he sought counsel from loved ones and confidants among those possessed of learning. He relates this development by saying,

I proceeded to discuss the matter with some of the brethren who were nearest and dearest to my heart and who were a balm to my ailing soul, for they were of the opinion that it [the publication of my findings] was a legitimate task about which there was no reason to feel uncertain, and that in view of the needs of the day, there could be no doubt that it was a most urgent duty. Hence, I prayed to God for guidance concerning the writing of a book...⁴⁶

Al-Shāṭibī's Ordeal

Something else about which we learn primarily from al-Shāṭibī's (own) writings is the ordeal of persecution through which he passed. Even his principle biographer, Aḥmad Bābā al-Tunbuktī, makes only passing mention of the matter in a verse of poetry which he quotes from al-Shāṭibī. Al-Tunbuktī states,

The following is among the verses which he composed when he suffered affliction on account of various innovations: "I have been afflicted, O people, in myriad ways, by those whom I have treated with gentle courtesy, till it nearly proved the death of me. To ward off harm is one thing, to bring benefit another, yet God is my sufficiency in both reason and faith."⁴⁷

Al-Shāṭibī speaks about his ordeal with religious innovations and their adherents in the introduction to *al-I'tisām*.⁴⁸ He had challenged certain commonly held concepts relating to sermons and the functions of the prayer leader, or imam, desiring to conduct himself in these realms in a manner consistent with knowledge and truth. However, in the process he found himself at loggerheads with certain baneful customs and religious innovations of the sort which had been unknown to the Prophet and his Companions but which had become widespread among the people of his day. Such customs and their associated beliefs had taken such firm hold that they were the daily fare of young and old alike. In the beginning al-Shāṭibī was confused and hesitant: Should he go along with prevailing customs and innovations? Or should he hold firm to the evidence at his disposal and the conduct for which it called, defending the Sunnah and its dictates? However, his hesitancy was short-lived, for the truth was too clear for him to deny.

And thus it was that he rose to the occasion and set out to fulfill his mission, certain, as he puts it, "that to perish [while] emulating the Sunnah is deliverance, and that people will avail me naught if I have not God by my side. I approached the matter of reform in certain matters gradually. Even so, all hell broke loose against me, the fires of reproach were kindled beneath me, and censure's arrows

rained down upon me. I was branded a heretic and reprobate, relegated to the ranks of the foolish and ignorant...”⁴⁹

Accusations and slanderous fabrications came against him in steady succession:

1. He was quoted as having said that prayers of supplication are of no avail, when all that he had done was to break with the practice of communal supplication when he served as people’s prayer leader.
2. He was associated with the Shi‘ites and the Rafidites* and also accused of hating the Prophet’s Companions simply because he did not adhere to the practice of mentioning the rightly guided caliphs in his sermons.
3. He was accused of approving disobedience to the imams because he did not mention them in his sermons, despite the fact that in this omission of his he was emulating the practice of the pious ancestors.
4. He was accused of extremism and overstrictness because he made it a practice to issue fatwas which reflected the (Malikite) school’s most widely accepted views and avoided issuing fatwas based on weakly supported or ‘irregular’ statements, despite the fact that this was also the practice adhered to by others of the school’s knowledgeable imams and scholars.
5. He was accused of enmity toward God’s righteous saints, when all he had done was to censure “those dervishes who introduce innovations and violate the Sunnah...who claim to be associated with the Sufis yet fail to emulate them.”⁵⁰
6. It was claimed that he was in violation of the Sunnah and the Muslim community, “a claim which they base on the [notion that] the community which we [as Muslims] have been commanded to emulate – namely, the community of those being saved from spiritual death – is represented by the practices most commonly adhered to among them whereas, unbeknownst to them, the community [which Muslims are commanded to emulate] is

represented by the practices which were adhered to by the Prophet, his Companions, and those who emulated them in virtue.”⁵¹

Yet, despite this all-out campaign and the grave accusations which had been leveled against him, al-Shāṭibī remained true to the convictions dictated to him by his allegiance to what he knew and his sense of duty. It was thus in an atmosphere charged against him that he composed *al-I’tiṣām*, which may be viewed as the most significant work ever written on the subject of religious innovations in Islam.⁵²

In this book we find an extended discussion of a certain “shaykh of the age,” who had issued a fatwa against “the mosque’s imam” for discontinuing the communal prayer of supplication following the ritual prayers, claiming that such supplications were not the practice of the Prophet and the imams who came after him. The aforementioned opposed the imam, replying to his views “in a manner which was inconsistent with the views held by those well-established in knowledge, although he claimed to have achieved through his reply all that he could have hoped to.”⁵³

Oddly, al-Shāṭibī does not name the shaykh in question despite the fact that his discussion of him goes on for twenty pages.⁵⁴ The fact is, however, that his opponent is none other than his own shaykh, Abū Sa‘īd ibn Lubb, renowned Mufti of Granada, whose response to said imam is found in Question 7 of the eight questions addressed to Ibn ‘Arafah, and which will be discussed in the next section dealing with al-Shāṭibī’s correspondences. The response given there by Ibn Lubb⁵⁵ is the same response which al-Shāṭibī refutes in *al-I’tiṣām* point by point, and part of which is his witty statement in justification of innovations, “Just as new judgments are issued for people to the extent that they devise new forms of immorality, so also are new enticements to virtue introduced to the extent that they devise new forms of indifference.”⁵⁶

In this charged atmosphere, al-Shāṭibī continued to issue his fatwas in opposition to religious innovations, a good number of which are included by al-Wansharī in *al-Mi‘yār*, particularly in Volume 11.⁵⁷ It appears that al-Shāṭibī’s position on this issue had become

well known in his day, as is indicated by his reply to a certain inquirer⁵⁸ in which he states, “You are familiar with my teachings on this point, so there is no need for me to repeat them.”⁵⁹

It also appears that al-Shāṭibī’s positions censuring what he perceived to be wrong and championing the Sunnah had a palpable effect on his own life. Al-Wansharīsī has recorded other correspondences which took place between al-Shāṭibī and “some of his companions” in this connection. One such quote by al-Wansharīsī reads, “Abū Ishāq wrote to one of his companions, saying, ‘As for all other things you wrote about in your letter concerning misfortunes, trials, and objections, they are evidence of a single reality, namely, that the person who seeks truth in our generation is an alien, and that the person who speaks the truth will be treated unjustly. Of this we have an example in our righteous forebears.’”⁶⁰ (Then, addressing the same correspondent, al-Shāṭibī continues,) “I then received news that your appointment as imam had been delayed and that someone else had been given precedence. However, ‘...it may well be that you hate a thing the while it is good for you, and it may well be that you love a thing the while it is bad for you: and God knows, whereas you do not know’ (Qur’an 2:216).”⁶¹

Al-Shāṭibī urges his companion to persevere in declaring the truth and carrying out the trust entailed by his learning as long as he can find those receptive to his message and so long as he can perceive that his efforts are bearing fruit. He states, “...Your words have had a visible, salutary effect in relation to many of these matters.⁶² So how can we fail to declare the truth? This would be unthinkable unless you found no one willing to receive it, and God forbid that we should ever see the day when such is the case.”⁶³

Al-Shāṭibī also received word that one of his companions had abandoned the Sunnah after having been committed to it and had gone back to complying with the common people in their innovation. Hence, al-Shāṭibī wrote him a letter in which he stated, “..If this is because you have found such an innovation to be the correct path, then why did you not explain this to the one who loves you in order that we might help one another in furthering virtue and God-consciousness? If, on the other hand, you have taken this turn in order

to ensure your livelihood, then you are accusing your Lord, Glory be to Him, of not being able to guarantee your sustenance. And if it is for some other reason, then make it clear to me.”⁶⁴

Al-Wansharīsī then adds, “He would strengthen his companions’ resolve and urge them to endure with patience any tribulations which came their way as a result of their spreading the truth. When one of al-Shāṭibī’s companions wrote to him complaining of the suffering he was having to endure on this account, he replied, ‘...Have no fear, for God is with you so long as you seek His Face in all that you do and persevere in following the truth and walking the path of righteousness. Other people’s approval will avail you nothing before God, but God Himself will be our Friend and Protector just as He has been for His righteous servants’.”⁶⁵

3. AL-SHATIBI’S CORRESPONDENCES

Al-Shāṭibī’s correspondences are a phenomenon which is bound to draw the attention of those who read *al-Muwāfaqāt* and *al-I’tiṣām*, where he makes frequent mention of the fact that he corresponded with this or that shaykh, including the shaykhs of Morocco and Tunisia concerning this or that matter or question. Although al-Tunbuktī mentions al-Shāṭibī’s having engaged in dialogues with a number of the scholars of his day, he does not state explicitly that these dialogues – or many of them, at least – took place through written correspondence. Rather, the word which he uses suggests that the exchange in question was a direct encounter. He states, “He spoke with many imams concerning problematic questions. Those with whom he spoke included his own shaykhs and others, such as al-Qabbāb, the Judge of Cordoba, al-Qashtālī, Ibn ‘Arafah, and Abū ‘Abd Allāh ibn ‘Abbād. He also took part with them in discussions and consultations which revealed his eloquence and eminent standing.”⁶⁶

However, further investigation reveals that the ‘speaking’ referred by al-Tunbuktī with these and other scholars of Morocco and Africa took place through written correspondence, a fact which will become even clearer in what follows. I was spurred to follow up on the

matter of these correspondences by the fact that, as al-Tunbuktī points out, they dealt with questions of a problematic nature and involved discussions and consultations with individuals who were, at that time, the leading figures of the (Malikite) school. What lends even greater significance to this topic is that al-Shāṭibī frequently used such correspondences as the basis for the formulation of principles and opinions of the utmost importance. Despite this fact, however, he hardly makes any mention of them apart from a few scattered allusions!

I thus found myself impelled to look into these correspondences and to gather what I could of their threads. In the course of this effort, I benefited greatly from *al-Miʿyār*⁶⁷ by Abū al-ʿAbbās al-Wansharīsī.

Correspondence with Ibn ʿArafah (al-Tūnisī)

Let us begin with Part 6 of *al-Miʿyār*, where we find the following: “These are questions which were written in Tunis by some jurists [or, a certain jurist] of Granada to the most perfectly realized jurist, imam, scholar, mufti, orator, teacher, and reciter of the Qur’an, Abū ʿAbd Allāh Muḥammad ibn Muḥammad ibn ʿArafah, may God be pleased with him...”⁶⁸ This introduction obviously raises a number of questions: Were these questions written by one person, or more than one? Who was this person, or who were these people? And were the questions actually written in the city of Tunis, or is this simply an error?⁶⁹

The eight questions and Ibn ʿArafah’s replies thereto begin and end⁷⁰ without any mention of who posed them. It appears that the identity of the ‘Granadan’ questioner has been deliberately left obscure, since we find the same obscurity in *Sharḥ Hudūd Ibn ʿArafah* by al-Raṣṣāʿ, who discusses the Granadan questions in his section on “consideration for opposing viewpoints,” where he indicates that the questioner is a single person, but does not identify him.⁷¹

Nevertheless, repeated readings of the questions and comparisons of them to others have led me to the firm conclusion – the basis for which I will clarify in the pages to come, God willing – that the person who posed these questions was none other than Abū Ishāq al-

Shāṭibī himself. These questions are of major importance given what they reveal to us about al-Shāṭibī's interests and his intellectual character; they are, in addition, of importance in and of themselves since they are not merely questions, but rather, points of view supported by the most cogent evidence on issues of academic significance (granting, of course, that some of the issues are of less significance in the present day). In view of these considerations, then, I have provided a summary of them below:

Question 1: Jurisprudents of the Malikite school will find that on any given issue there may be several conflicting opinions, all of which are attributed to Imam Mālik; indeed, there may be as many as three or four such conflicting statements, yet they base their fatwas on all of them despite the inconsistency among them, and despite the fact that such inconsistency suggests that (at least) one of the statements has been abandoned and should therefore no longer be applied. Such a statement is comparable to legal evidence which has been declared null and void. Moreover, scholars of *uṣūl al-fiqh* are in agreement that if two conflicting statements are attributed to a single religious authority, and if it is not known which of the two statements preceded the other, neither of them is to be used as legal evidence due to the possibility that the one used might be the one which the authority in question had abandoned.

Question 2: The second question, which is similar to, and based on, the first, reads thus: If there are incompatible accounts within the school (of what was said by Mālik), then is it valid for someone to say, "This is the Malikite school's position on this matter," when all he means is that one of these accounts supports this position? And if someone says such a thing, will he be justified in attributing to Mālik a point of view which he is not certain that Mālik actually espoused?

Question 3: Jurisprudents frequently refer to statements found in Mālik's *al-Mudawwanah* or elsewhere and interpret them in the various ways their words permit, after which they base their judgments on their understanding of them. Not only this, but they frequently

rely for evidence upon their understanding of statements by Ibn al-Qāsim and others, and not only on statements made by Mālik himself. Now, even in dealing with the words uttered by the Lawgiver, reliance upon one's own understanding of these words is known to lead to disagreement among different interpreters. How much more, then, will this be the case in relation to statements made by mere human beings, characterized as they are by inadequacy, oversights and interpolations?

Question 4: Mālik and his school have become well known for what is known as 'consideration for opposing points of view,' a principle upon which certain Malikite fatwas are based. For example, the Malikite school may have taken such-and-such a position on a given issue or question.

If, then, the ruling on a case or an action which has been committed is in conflict with the Malikite school's position but is consistent with the position of some other school or scholar, then the fatwa issued by a Malikite jurist, after the ruling has been issued or the action has been committed, may endorse said ruling or action and deem it valid⁷² in keeping with the view held by the opposing school which acknowledged such an action or ruling as valid in the first place.

The problem which arises here, and which al-Shāṭibī raises is that in such a case, the Malikite scholar will have forgone the evidence which he believes to be valid – or, at the very least, to have more in its favor – in order to act in accordance with evidence which he believes to be invalid – or, at the very least, to have less in its favor; moreover, he will have deemed permissible, subsequent to its commission, an action which had not been permissible prior to this!

Question 5: Al-Ghazālī, Ibn Rushd and others, such as al-Qarāfī, considered it a form of piety to eschew disputes over opposing viewpoints. The basis for this position of theirs was that matters about which there are opposing viewpoints (that is, concerning what is or is not permissible) constitute a type of judicial 'gray area' (*shubhah*) which, according to one Prophetic tradition, we are urged to avoid. Hence, as a means of demonstrating piety and avoiding such gray

areas, we are to steer clear of disputes over opposing viewpoints by simply abstaining from whatever is the subject of dispute.

This position leads to difficulties, one of which is that we will have relegated a large portion of the Law to the realm of the obscure (*al-mutashābihāt*) whereas in the realm of Islamic Law, those matters which are obscure are exceptions, not the rule. The second difficulty which results from this position is the great hardship which people will have to endure in order to be pious, whereas undue hardship and difficulty are definitively precluded by the Law.

Question 6: Someone who is answerable before the Law may, out of ignorance and mere conjecture, do something without knowing the legal ruling on his action. Such an action, which might fall within the realm of acts of worship or some other realm, may take a form which is judged to be valid by some scholars and invalid by others. The question, then, is: Should such an action be deemed to have fulfilled this individual's obligation before the Law, bearing in mind that the person undoubtedly intended to fulfill this obligation by doing what he did?

Question 7: An imam in Granada⁷³ abandoned the practice of offering a communal supplication following ritual prayers based on the conviction that this practice is an innovation which conflicts with what is known to have been the custom of the Prophet and the imams who succeeded him. Abū Saʿīd ibn Lubb responded to this imam's decision in a treatise entitled, *Lisān al-Adhkār wa al-Daʿawāt mim mā Sharaʿa fī Adbār al-Ṣalawāt* (Invocation of the Divine Name and Supplications: A Legitimate Practice Following Ritual Prayers). In this treatise Ibn Lubb claimed that communal supplications following ritual prayers have a legitimate basis generally speaking, and that the fact that they were not among the customs of the pious ancestors need not be taken as evidence that they should be forbidden (granting, at the same time, that it indicates the permissibility of foregoing them). He likewise claims in this treatise that communal supplications are a commendable innovation which offers benefits to people. The problem which arises here is that any-

one who introduces an innovation into the religion may defend it with these very arguments, putting it forward as a “commendable innovation” without there being any (definitive) criterion by which to distinguish between those innovations which are legitimate and those which are not.

Question 8: A certain public orator abandoned the customary practice of offering supplication on behalf of the Prophet’s Companions following his sermons, mentioning them only when he would relate some hadith on their authority. He likewise ceased mentioning the sultan in his sermons, claiming that all such things are innovations and citing statements by Ibn ‘Abd al-Salām al-Shāfi‘ī to support his claim. Upon investigation of the matter, certain seekers of knowledge ascertained that the Prophet and the four rightly guided caliphs did not engage in these practices, nor did any of the governors during their caliphates. Nevertheless they concluded, saying, “Yet such practices continue, so perhaps they have some basis.” News of the controversy reached Abū Sa‘īd ibn Lubb, who denounced vehemently said imam. He accused him of being a rejecter of the Companions and thus came to the defense of the commonly held view, saying that a consensus among Muslims was sufficient evidence that such practices ought to be approved.

The question which arises here is: When we find that the practices commonly adhered to by people are in conflict with what is written in the Law and with the practices known to have been adhered to by the pious ancestors, scholars and those qualified to engage in ijtihad, are we to approve currently prevailing practices and abandon both the Law and the example set by our forebears? If so, then how will the Sunnah continue to be of any effect? And is a consensus devoid of the approval of those qualified to engage in ijtihad – as often occurs in later times – to be considered a sufficient argument in something’s favor even if it violates the consensus of the first generation of Muslims, including the Companions and others?

These, then, are the questions⁷⁴ raised by al-Shāṭibī and which are, in reality, closer to being answers than questions. Moreover,

they reveal the extent of his commitment and loyalty to the requirements of legal evidence and to the premises rooted in the fundamentals of jurisprudence.

After presenting Ibn ‘Arafah’s responses,⁷⁵ the compiler states, “I said: Abū al-Qāsim al-Suyūrī was asked whether he considered the practice of offering supplications for sultans in sermons to be valid or invalid, to which he replied...”⁷⁶ Then, following Abū al-Qāsim’s response, he states, “Moreover, a certain person⁷⁷ wrote to Abū al-‘Abbās, that is, my master, Aḥmad al-Qabbāb, with a question about the aforementioned principle of ‘consideration for opposing points of view’...,”⁷⁸ and once again, he does not name the person who posed the question.

Nevertheless, the question is an abridged version of the fourth of the eight questions addressed to Ibn ‘Arafah. In fact, the central phrases of which the two questions consist are identical. One such phrase is,

It thus appears that the [most weighty] evidence is what one should adhere to. In other words, wherever the evidence leads, one must follow. Whenever a qualified scholar finds that one of two pieces of evidence has more in its favor than another – and even if the more cogent evidence only slightly outweighs its counterpart – it is this evidence which must be relied upon while all other evidence is to be disregarded in accordance with the recognized principles of jurisprudence. It follows, then, that when a qualified scholar defers to someone else’s point of view, he is approving evidence which, from his own point of view, has less in its favor, and disregarding the evidence which, as he sees it, has more in its favor and which he is under obligation to adhere to.⁷⁹

Al-Wansharīsī makes no direct mention of the response given by the shaykh to whom the question was addressed, that is, al-Qabbāb. However, prior to this he states,

I said: This matter was investigated by and Imam Abū Ishāq al-Shāṭibī, who wrote about it on more than one occasion to scholars in Fez and

Africa [Tunis] who were his contemporaries. Moreover, his discussion thereof included all manner of sound opinions and well-founded points of view. Imam Abū ‘Abd Allāh ibn ‘Arafah offered the reply quoted above, while the jurist Abū al-‘Abbās al-Qabbāb replied as follows...⁸⁰

It thus becomes apparent that the person who concerned himself with this question and who corresponded with others about it was Abū Ishāq al-Shāṭibī, and that it is the same question which appears among the eight summarized above. This is an initial piece of evidence indicating that al-Shāṭibī was the person who posed both questions. Even more telling, however, is the verbatim correspondence between the two questions’ principle phrases, as well as al-Wansharī’s statement that, “Imam Abū ‘Abd Allāh ibn ‘Arafah, may God have mercy upon him, offered the reply quoted above,” while “the reply quoted above” is his response to the person who posed the eight aforementioned questions. Hence, the author of the set of eight questions is the same person who posed this question and addressed it to the scholars of Fez (al-Qabbāb) and Africa (‘Arafah).

Al-Shāṭibī himself mentions that he corresponded with a group of shaykhs concerning the matter of ‘consideration for opposing points of view.’⁸¹ In *al-Muwāfaqāt* he mentions the problem which arises in connection with the question, then he states, “I asked a group of shaykhs with whom I had come into contact about the matter...”⁸² In *al-I’tisām* he writes, “I had written to the countries of Morocco and Africa concerning the matter of ‘consideration for opposing points of view’ in light of a difficulty which arose in connection with it in two respects.”⁸³ He then describes the difficulty with the same phrasing found in the text which I quoted earlier from al-Wansharī’s *al-Mi’yār*.

Al-Shāṭibī states, “The reply I received from one of them was more plausible, while the other’s reply was less so.”⁸⁴ However, I discussed the matter further with one of them, namely, my brother and mentor Abū al-‘Abbās ibn al-Qabbāb, may God’s mercy rest upon him, and in response he wrote the following...⁸⁵ It may be inferred from what he states here, and from his mention in *al-Muwāfaqāt* of his having written to a group of shaykhs, that he did not limit his cor-

response to Ibn ʿArafah and al-Qabbāb but that, in addition, he wrote to other scholars of Fez and Tunisia in particular.⁸⁶

Let me return now to the matter of al-Shāṭibī's being the person who posed the set of eight questions addressed to Ibn ʿArafah, and in particular, to Question 5, where the questioner notes difficulties with al-Ghazālī's, Ibn Rushd's and al-Qarāfi's view that it is an expression of piety to avoid disputes over opposing viewpoints by abstaining from whatever is the subject of dispute. The questioner states,

There is substantial⁸⁷ disagreement over most questions of jurisprudence, and by comparison with those questions over which there is disagreement, those about which there is agreement are few. Consequently, the majority of issues relating to Islamic Law come under the category of the obscure or ambiguous (*al-mutashābihāt*), which is contrary to the purpose for which the Law was established. In addition, it causes piety to become a source of severe hardship brought by the Law, since [given this perspective], there will not be a single expression of worship, a single daily transaction, or a single matter having to do with human accountability before the Law but that it is colored by some dispute which one is required to avoid, the ramifications of which are not difficult to imagine...⁸⁸

In *al-Muwāfaqāt*, al-Shāṭibī states,

...Many later thinkers have deemed it necessary to avoid them⁸⁹ over actions which are obligatory under the Law, and they have placed questions over which there is disagreement in the category of the obscure. I continued for a long time to find this position problematic until I wrote concerning it to Morocco and Africa. However, I received no reply which I found fully satisfactory. Rather, one of the difficulties which were raised⁹⁰ was that there is considerable disagreement over most issues [relating to jurisprudence]; this causes most questions relating to Islamic Law to fall under the category of the obscure and ambiguous, which is contrary to the purpose for which the Law was laid down. In addition, it causes piety to become the source of the severest hardship,

since for the most part, there is no expression of worship, daily transaction or matter having to do with human accountability before the Law which is not colored by some dispute which one is required to avoid, the ramifications of which are not difficult to imagine...⁹¹

As for the reply which al-Shāṭibī did not find to be fully satisfactory, he quotes it as follows: “One person replied by saying that questions over which there is disagreement and which fall in the category of the obscure are those in which the evidence for the opposing positions are equal in weight or very similar. However, this could not be said of most issues relating to jurisprudence; on the contrary, for someone who gives careful thought to the matter, only very few of them could be described in this manner. This being the case, those points which may be described as obscure will be only a tiny fraction of the total... And as for piety as such, even if we limit our discussion of it to this particular form, it is rigorous and difficult, and is only attained by those to whom God has granted the ability to focus inwardly on the reasons for which forbidden actions have been forbidden. As the Messenger of God declared, ‘Paradise is hedged about by hardships.’ This is the reply he offered. Hence I wrote to him, saying...”⁹²

A comparison of Ibn ‘Arafah’s reply to Question 5 as recorded in *al-Mi‘yār* with the reply just quoted by al-Shāṭibī makes it clear that the two replies are one and the same. Similarly, a comparison of the two questions indicates that they were both posed by a single person; in short, the questioner was al-Shāṭibī and the respondent was Ibn ‘Arafah. In order to facilitate the comparison, I am including in what follows the relevant part of Ibn ‘Arafah’s reply. He states,

What they mean⁹³ by saying that points about which there is some dispute fall in the category of the obscure is that the points over which there is some dispute include only those questions in relation to which the evidence for the opposing positions are equal in weight or very similar. However, this could not be said of most issues relating to jurisprudence. On the contrary, for someone who gives careful thought to the matter, only very few of them could be described in this manner.

This being the case, those points which may be described as obscure or ambiguous make up only a tiny fraction of the total.⁹⁴ He⁹⁵ also states that, ‘Piety has become a source of the severest hardship’...

Ibn ‘Arafah continues, saying,

This is an error resulting from his premise that most questions relating to jurisprudence fall in the category of the obscure, whereas we have shown this premise to be false. And as for piety as such, even if we limit our discussion of it to this particular form, it is rigorous and difficult, and is only attained by those to whom God has granted the ability to focus inwardly on the reasons for which forbidden actions have been forbidden. As the Messenger of God declared, “Paradise is hedged about by hardships.”⁹⁶

We find in Aḥmad Bābā al-Tunbuktī’s biography of Ibn ‘Arafah that he was once asked from Granada about the statement which the imam had retracted.⁹⁷ He does not mention who posed the question, but a comparison reveals that the question which was addressed to Ibn ‘Arafah from Granada is the same as the first of the set of eight questions mentioned above.

In other words, it has to do with al-Shāṭibī’s question; however, Ibn ‘Arafah’s reply as recorded by al-Tunbuktī contains additions which are not found in the reply recorded by al-Wansharīsī in *al-Mi‘yār*. This same question was addressed – likewise from Granada – to Imam Abū ‘Abd Allāh al-Sharīf al-Tilmisānī (*Nayl al-Ibtihāj*, 262) without any mention of the inquirer’s identity. It is a known fact, however, that al-Sharīf al-Tilmisānī was an eminent shaykh of al-Shāṭibī’s who visited Granada.

Correspondence with al-Qabbāb

In Part I of *al-Mi‘yār* we read the following: “Abū al-‘Abbās Aḥmad ibn Qāsim al-Qabbāb, an imam of Fez and among those who have memorized the Holy Qur’an, was once asked about the ruling on offering supplications following ritual prayer.”⁹⁸ There is no indication of the identity of the person who posed the question; in fact,

the question itself is unclear, since the actual text of the question is not provided as it has been for previous ones, nor are any of its details mentioned. Nor does the response reveal anything about the inquirer's identity, status or position. Even so, my attention was arrested by the fact that al-Qabbāb opens his response with the following definitive judgement: "My position, like that of those with knowledge of such matters, is that this is a reprehensible innovation."⁹⁹

The question appears to have to do with supplication in general following ritual prayers; however, this ruling could not possibly apply to supplication in general following ritual prayer, since this is a legitimate and even recommended practice. This conclusion is likewise supported by the fact that the evidence upon which the response is based has to do with the supplications offered by an imam.

Moreover, knowing as I do of al-Shāṭibī's intense preoccupation with this question, especially after encountering personal difficulties in this connection when he "challenged certain commonly held concepts relating to sermons and the functions of the prayer leader, or imam," and knowing of his written exchanges with his "brother and mentor" al-Qabbāb, it occurred to me that al-Shāṭibī might possibly be the person who posed this question. I was brought to certainty concerning this point when, during re-examinations of *al-I'tisām*, I found al-Shāṭibī citing the same evidence which is cited in al-Qabbāb's response to this question and even employing the same expressions found there.¹⁰⁰ After quoting the better part of the response, he states, "A certain shaykh of ours from whom we have benefited has said,"¹⁰¹ after which he quotes the remainder of al-Qabbāb's response and its supporting evidence adding, "This is what the communicated after deeming regular supplications following communal ritual prayers¹⁰² to be a reprehensible innovation..."¹⁰³

In Part 11 of *al-Mi'yār* we find another question of unknown origin. The compiler states, "Abū al-Abbās al-Qabbāb was asked about a matter which will become clear through his response. He writes,

Praise be to God.... My brother, may God preserve your goodwill and continue to bless you with good fortune by His bounty and Grace. I

have received your missive containing news of the debate which took place among you concerning the matter of following the Sufi path without the aid of a shaykh and the arguments presented by both sides. You requested that I write to you concerning the truth at my disposal as it pertains to this matter, detailing my views on said debate and summarizing my conclusions in order that all of you might have recourse to the guidance I have to offer. Moreover, you stated your request by appealing to me in the name of God, the weightiness of which is no secret to you.¹⁰⁴

From what al-Qabbāb reveals and reiterates of the question posed, it is clear not only that this unknown inquirer holds al-Qabbāb in the highest regard, but that al-Qabbāb has immense respect and appreciation for the inquirer as well. In the preface to his reply al-Qabbāb writes,

If anyone else had addressed me in a similar fashion, I would have concluded definitively that he was mocking me and that he prided himself on his superior knowledge. However, the high regard which I have for you banishes such an interpretation from my mind and renders it preposterous. You have [so to speak,] taken one with a protuberance to be plump, and blown on embers which yield no blaze. [As al-Mutanabbī once said]: “May God grant you the ability to see things as they are, lest you count as plump one whose fat is nothing but a protuberance.”

Given my love for you and my confidence in you, my desire to do justice to our brotherly bond and my knowledge that those like you pick others up when they have fallen and conceal their brothers’ failings, I am sending you my views on the matter you have raised (for it is knowledge which is not to be spread abroad – on the contrary, it is inadequate and worthy only of being concealed). After all, it is my duty to reply to someone with such a noble standing before God and whom it would be unconscionable to neglect.¹⁰⁵

In the interests of brevity, I will offer a summary here of al-Qabbāb’s reply. His position is that if anyone wishes to follow the

Sufi path and experience spiritual states and stations – taking on the qualities which these entail, keeping watch over his thoughts and desires and overcoming impediments along the spiritual path – he must have the guidance of a shaykh in the process and must not rely solely on books, for it is a path fraught with perils. At the same time, he points out, this path is not obligatory for anyone; rather, it may be likened to the pursuit of greater profit. “And it is not characteristic of the prudent, when pursuing profit, to risk traveling a dangerous path with nothing to guide them but descriptions out of books.”¹⁰⁶

As for following the path of ascertaining how one is to relate to others and purifying one’s manners of all corruption, discerning the faults in one’s soul and treating its defects, this is a confirmed obligation which no one can afford to neglect. Hence, if you should find a guide along this path, keep his company faithfully, and if you should find none, then rely upon books. For this is an obligation which has been laid upon every one of us, and whoever occupies himself with it will, most likely, not have time to devote himself fully to anything else. al-Qabbāb states,

It astonishes me that one should devote his life to the pursuit of spiritual states and stations before requiring himself to fulfill his financial and moral obligations, and before seeking knowledge of that which everyone agrees to be his duty, namely, not to engage in any action, speech, movement or stillness before determining God’s ruling thereon...Then, having ascertained these things, one should require oneself to do what is one’s unequivocal duty and refrain from that which is forbidden in the realm of beliefs, inward states and thoughts, movements, forms of quietude, and all other states....[Such a person will] fulfill his duty to speak the truth wherever this is required, command the doing of what is good and forbid the doing of what is wrong wherever necessary, and keep watch over his bodily members at every moment, calling himself to account morning and evening.¹⁰⁷

Then, coming to his main point, al-Qabbāb states, “And if anything should distract him from a moment of his ritual prayer, he

should empty himself thereof by abandoning it, even if it equals 50,000,¹⁰⁸ as our forebears used to do.”¹⁰⁹ He then continues for several more pages, at the end of which he apologizes to his inquirer for not having addressed the issue at hand point by point as he had asked him to do. In addition, he confesses honestly, and with a peculiar, remarkable humility, to negligence in relation to both this life and the life to come, saying, “I urge people to live the truth, while I myself fail to do what it requires of me. I call others to the truth while I, of all people, am the farthest from it. For this I ask God to pardon me by His Grace.”¹¹⁰

Hence, both the question and the reply are presented without any mention of the inquirer’s identity despite his notably lofty status. Indeed, al-Qabbāb suggests in the beginning of his response that the inquirer is more knowledgeable than the one of whom he is inquiring. This being the case, one would have expected the compiler to make an effort to identify and introduce the inquirer to the extent possible; and perhaps he did so.¹¹¹

Be that as it may, I have managed to determine that the inquirer was al-Shāṭibī. This conclusion is based on the fact that in *al-Muwāfaqāt*, al-Shāṭibī himself mentions the statement which I referred to above as the ‘main point’ of al-Qabbāb’s response. He writes, “Regarding what someone who seeks the afterlife ought to concern himself with, a certain shaykh of Morocco¹¹² wrote to me, saying, ‘And if anything should distract him from a moment of his ritual prayer, he should empty himself thereof by abandoning it, even if it equals 50,000, as our forebears¹¹³ used to do’.”¹¹⁴

Al-Shāṭibī replied to al-Qabbāb concerning this matter in a second letter the text of which he includes in *al-Muwāfaqāt*, mentioning that when al-Qabbāb received the reply, he wrote back to al-Shāṭibī acknowledging the soundness of his position.¹¹⁵

Al-Shāṭibī’s reply is witty and cogent.¹¹⁶ The gist of his argument is that the claim that whoever is distracted by something during his prayer is obliged to give up whatever it was that distracted him finds no support either in the principles of Islamic Law or in reality. After all, if we hold to this premise, then virtually everyone will have to renounce all their possessions and their families as well! And what

are we to say about someone who is distracted during prayer by his poverty and the fact that he has nothing? At the same time, he recognizes that those accountable before the Law must struggle to the best of their ability against whatever distracting thoughts might assail them during prayer and do whatever they can to overcome them.¹¹⁷

Based on this issue and that of avoiding disputes as an expression of piety, as well as Ibn ‘Arafah’s related response, al-Shāṭibī formulated a rule of the utmost importance and soundness, namely, that “If the application of a principle in its most inclusive sense leads to that which is inconsonant with the Law or reason, then it may not be viewed as fully sound or consistent, and must no longer be applied unconditionally.”¹¹⁸

He then states, “Adhere to this rule, for it is quite beneficial and can serve as the basis for answers to many questions pertaining to the matter of piety (*waraʿ*) and points which are deemed to be obscure or ambiguous, as well as in determining which aspects of such ambiguity should, or should not, be deemed significant...”¹¹⁹

Correspondence with Ibn ‘Abbād al-Rundī

Another of al-Shāṭibī’s correspondences which al-Wansharīsī has included in his encyclopedic work *al-Miʿyār* is his exchange with Ibn ‘Abbād, which likewise had to do with the matter of following the Sufi path and the degree to which it is necessary to have a shaykh to guide one in this process. Al-Wansharīsī states, “A question concerning the science of Sufism: written from Granada, Andalusia’s base, by the shaykh, scholar and realized gnostic, my master Abū Ishāq al-Shāṭibī, may God have mercy on him to the realized shaykh, righteous scholar and man of God, Abū ‘Abd Allāh, my master Muḥammad ibn Ibrāhīm ibn Muḥammad ibn Mālik ibn Ibrāhīm ibn Yaḥyā ibn ‘Abbād al-Nafzī al-Rundī.”¹²⁰

This time, however, al-Wansharīsī identifies the inquirer,¹²¹ honoring him with the titles of “shaykh,” “scholar,” “realized gnostic,” and “master.” He also comments on the question with the words, “A question on the science of Sufism...,” a phrase which calls for two observations. Firstly, there was actually more than a single question

and a single correspondence; rather, Ibn ‘Abbād, the question’s respondent, makes reference to two correspondences on this topic. Thus, in the beginning of his response he writes, “I have read your two missives and understood their contents. However, I will not be able to write in response to all their sections by way of either validation or invalidation, since they are quite lengthy and touch upon a wide variety of themes.”¹²²

Secondly, it appears from this statement by Ibn ‘Abbād – as it appeared earlier from what al-Qabbāb wrote in his response – that al-Shāṭibī’s correspondences were more than simply ‘questions,’ but were, in fact, lengthy treatises dealing with a number of issues and themes, and that they presented the debates which were taking place in Granada, including the arguments and points of view being put forth by both sides (one of which was represented by al-Shāṭibī, of course).

Moreover, this correspondence, which included two letters to Ibn ‘Abbād, touched on such a wide variety of issues that both respondents declined to follow up on all their contents. In fact, al-Qabbāb wrote saying, “I have declined to respond to all of its sections, confessing honestly to negligence in relation to both this life and the life to come.”¹²³

It is truly unfortunate that letters of such academic and historical importance have been lost!

* * * * *

Having concluded this brief look at certain features of al-Shāṭibī’s personality, life and interests, I shall now turn to the heart of this study, namely, al-Shāṭibī’s theory of *maqāṣid*. However, by way of introduction to a detailed study and discussion of the theory and related issues, I have devoted the section which follows to a presentation of the theory in summary form. And to this we now turn.