

Fundamental Issues in al-Shāṭibī's Theory

In the preceding two chapters I attempted to summarize the theory of objectives as formulated by al-Shāṭibī in his *Kitāb al-Maqāṣid* (The Book of Higher Objectives) of *al-Muwāfaqāt*. In addition, I presented the various dimensions of this theory and its effect on his *uṣūl*-related thought, all of which sheds light on the importance of the objectives of the Law in the formation and direction of Islamic thought. With this foundation in place, I will now move on to the study and discussion of certain fundamental aspects of the objectives theory. And since a detailed commentary on all that al-Shāṭibī had to say concerning the objectives of the Law would be of limited benefit, I will therefore limit myself to a discussion of the major issues in al-Shāṭibī's theory. In this chapter I will examine three issues which I consider to be the most critical to the topic of objectives in general, and to al-Shāṭibī's thought in particular. This will then be followed by a final chapter which presents still other, complementary, aspects of al-Shāṭibī's thought as well as an overall assessment of the theory of objectives.

[I]

The Question of *Ta'īl**

As we have had occasion to mention,¹ al-Shāṭibī presents a 'scholastic introduction' to his *Kitāb al-Maqāṣid* in which he touches upon

the notion of the Law's being subject in its entirety to *ta'ālil*, in other words, the notion that all of it may be understood in light of its concern for human interests and the occasions which gave rise to it. I want to return to this theme here, for two reasons:

1. The aforementioned introduction is so brief (a mere two pages) that it might well be described as inadequate in light of the major significance of the question of *ta'ālil*, which constitutes the foundation for the entire objectives theory. Consequently, it requires more elaboration than it is given in this terse introduction.
2. Despite – or perhaps because of – the brevity of this introduction, al-Shāṭibī raises issues which call for further discussion and investigation, particularly when he makes reference to those who take a stance for or against the practice of *ta'ālil*.

Legal Rulings Between *Ta'ālil* and *Ta'abbud**

In the beginning of the aforementioned introduction to *Kitāb al-Maqāṣid*, al-Shāṭibī states, “Before embarking on the required discussion, allow us to introduce our topic with an incontestable, scholastic premise, that is, with the affirmation that all laws within Islam have been established for the sole purpose of serving human interests in both this life and the next. This is a claim in relation to which arguments must be presented, both pro and con; however, this is not the appropriate place for such a discussion.”

Al-Shāṭibī describes the content of his introduction as being ‘incontestable,’ which means that there is no disagreement concerning it. Even so, he feels the need to add that, “This is a claim in relation to which arguments must be presented, both pro and con,” which cannot be said of claims which are incontestable. It is also unclear what he means when he states that “this is not the appropriate place for such a discussion,” since it happens to be an eminently appropriate place for it. And he does, in fact, offer proof in support of his claim, albeit with extreme brevity. Perhaps what he means to say is that detailed arguments in connection with the matter will be

forthcoming later in the book.

Be that as it may, al-Shāṭibī then proceeds further to contradict his statement about the incontestability of his introductory premise by noting that “there has been disagreement over it in the realm of scholastic theology, with al-Rāzī claiming that neither divine precepts nor divine actions may be explained in light of their logical bases or a concern for human interests. The Mu‘tazilites, by contrast, are in agreement that divine precepts may be interpreted in light of their preservation of human interests; moreover, this is the view preferred by most later jurists.” How is one to reconcile this statement with al-Shāṭibī’s earlier affirmation that his opening premise is “incontestable,” unless what he means by this term is that it is incontestable as far as he personally is concerned, or that it is incontestable despite the fact that some have nevertheless chosen to disagree with it? This latter possibility is the most likely; however, it should have been made clearer.

As for the introductory premise’s being incontestable in al-Shāṭibī’s own estimation, of this there can be no doubt. Indeed, he considers it to be an absolute certainty, a certainty for which he relies, as usual, on an inductive reading of the Law. In the course of the introduction, al-Shāṭibī quotes a part of this reading on the basis of which it may be concluded that the Law in its entirety has been established for the sake of human interests. Then he states, “If an inductive reading leads to this conclusion, and if in relation to a question such as this one it offers us any knowledge, then we may conclude with certainty that this principle applies to virtually all details of the Law.”

In a variety of places and on various occasions, al-Shāṭibī reaffirms and reclarifies this point. In his discussion of Question 7 of Type 1, for example, he states, “If it has been established that the Lawgiver’s intention in legislating is to preserve human interests, both eternal and temporal – and this in a way which applies consistently on the levels of both universals and particulars, and in regard to essentials, exigencies and embellishments alike – then there can be doubt that it was established in this way eternally, universally and all-inclusively, in relation to all sorts of obligations, all types of human beings, and under all circumstances. And in fact, this is how we have found it to

be, may God be praised.”

Al-Shāṭibī continues in the same vein throughout *al-Muwāfaqāt*, stating and restating in the most decisive terms that virtually all rulings of the Law have been laid down for the sake of human interests. He writes, for example, in *Kitāb al-Aḥkām* “It is a known fact concerning the Law that it was established for the sake of human interests. For every legal obligation which it imposes is either to prevent some type of harm or corruption and/or to achieve some benefit.”²

In order to clarify his stance on the matter of *taʿlīl*, it should be mentioned that al-Shāṭibī frequently draws a distinction between rulings which pertain to customs and daily transactions and those rulings which pertain to acts of worship, since in connection with the former, the established approach is that of consideration for human interests and *taʿlīl*, that is, interpreting them in light of their logical bases and the occasions which gave rise to them, whereas in connection with the latter, the established approach is that of devoted, unquestioning submission and abstention from *taʿlīl*.

The first approach to legal rulings is supported by a number of factors. The first of these is an inductive reading of the Law, which reveals that the Lawgiver’s objective is to preserve human interests. This objective is reflected, for example, in rulings that pertain to daily customs, in which one finds that whereas something might be forbidden in a situation in which it would serve no human interest, it may be permitted in another situation in which it does serve such an interest.³ The second factor which supports this first approach (i.e., consideration for human interests and *taʿlīl*) is that the Lawgiver has explained many of the bases and wise purposes behind legal rulings that pertain to daily customs, examples of which have been cited earlier. Most such explanations, moreover, are presented in terms of an ‘appropriateness’⁴ which, if presented to the human mind, will be comprehensible and acceptable.⁵

As for the second approach, on the basis of which rulings which pertain to acts of worship are accepted in an attitude of devotion and submission while the prescribed limits are observed without question, it is also supported by an inductive reading of the Law.⁶ This may be seen in the fact that many of the rulings relating to acts of

worship – with respect to the manner in which they are to be performed, the number of times they are to be performed, the times at which they are required, conditions for their validity, etc. – cannot be explained on the basis of logic or specific occasions which gave rise to them; nor is it possible to determine exactly what human interest they serve based on mere reasoning. This is true of the situations which require ritual purity, for example, since the ritual purity required of the Muslim goes beyond the site of a ritually impure substance. Someone who is perfectly clean may still be required to perform ritual ablutions, while someone else who is quite dirty may, nevertheless, be in a state of ritual purity. In like manner, we find that the practice of *tayammum** is considered an acceptable substitute for regular ritual ablutions, which would make no sense if one did not approach it with an attitude of unquestioning submission. The same principle, moreover, applies to many other rulings relating to acts of worship, in connection with which the use of *ta'īl* and *munāsabah*⁷ is the exception rather than the rule.

Based on this principle, namely, not seeking to identify the bases for rulings relating to acts of worship, al-Shāṭibī views as groundless the attempts made by some scholars to identify the 'wise purposes and hidden wisdom' underlying certain worship-related rulings. He does not consider such attempted explanations to arise from solid learning or reasoning; rather, he views them as mere 'scholars' tales,' as it were. He notes, for example,

'wise purposes' which are derived to explain things whose meaning cannot be comprehended, particularly those pertaining to required acts of worship – such as the requirement that ritual ablutions include the washing of certain parts of the body and not others, the requirement that ritual prayer be performed in a certain manner, including the lifting of the hands, standing, bowing, prostrating, etc., and not in some other way, the requirement that Muslims fast during the day rather than at night,⁸ that ritual prayers be performed at certain times of the day and night and not others, that the pilgrimage to Makkah involve the performance of specific actions and not others, that such acts be performed at certain locations and not others, and that the pilgrimage

be concluded in a particular mosque, etc. There are, in addition, other acts of worship the bases for which cannot be readily understood and which would not even suggest themselves to one's mind. Yet in spite of this, there are people who attribute to them wise purposes which they claim to be the basis for the Lawgiver's having established these practices. All such claims, however, rest on surmise and conjecture which have nothing to do with the subject at hand and upon which no action whatsoever is based...⁹

This, then, is al-Shāṭibī's overall perspective on the matter of *ta'līl*, which can be summarized further by saying that he holds that the validity of interpreting Islamic Law in terms of its concern for human interests is a certainty which admits of no doubt, and that this truth applies to the entire Law with the exception of those rulings having to do with acts of worship, which need to be accepted with unquestioning submission and devotion without regard for what underlies them by way of bases or wise purposes. Hence, the foundation for dealing with rulings such as these is to refrain from *ta'līl*, even though they most certainly do have a basis in both logic and human interest which is known to God Almighty.

The first part of al-Shāṭibī's view may be considered beyond dispute and will be clarified and finalized further in what follows, whereas the second part calls for examination and discussion. Before this, however, it should be pointed out that al-Shāṭibī is not alone in holding that the foundation for dealing with rulings relating to Islamic acts of worship is to refrain from *ta'līl*; on the contrary, this is the view held by the vast majority of scholars, and is often attributed to Mālik himself.¹⁰ Al-Maqqarī (al-Shāṭibī's shaykh) held that it was among the principles established by al-Shāfi'ī, as opposed to Abū Ḥanīfah, who held that "the foundation [for dealing with all aspects of the Law] is *ta'līl*, however difficult it may be."¹¹ Al-Maqqarī then states, "And the truth is that [even] in the case of those things whose meaning cannot be discerned through human reason, their forms, features and associated conditions are still binding." He affirms this same view elsewhere, as, for example, in Rule 296 where he writes, "According to Imam Mālik and Imam Muḥammad,¹² it is

not possible to identify the bases for zakah-related texts which specify the amounts which one is to contribute of various types of wealth, since the established approach to rulings pertaining to acts of worship is, as we have seen, to adhere strictly to their concrete meanings, since this is what is required of us.¹³ In contrast, al-Nu'mān¹⁴ states that 'the basis for [such rulings] is the provision of financial wherewithal to establish the rights of the poor'."

One might well ask then, is this approach fully sound and universally accepted? In other words, can it be taken as a given that the established approach toward rulings on acts of worship in Islam is to take them at face value and apply them literally without giving any consideration to their objectives, wise purposes and meanings? And is it really true that refraining from *ta'ḥīl* is the most widely accepted approach toward such rulings, with *ta'ḥīl* being the exception rather than the rule? These and other questions call for the following clarifications: We find all of the Islamic forms of worship explained as to their purposes and bases in the very texts where they are laid down as requirements. Such explanations are explicit and need not be arrived at by way of induction or conjecture. Concerning ritual prayer we read, "Verily, I – I alone – am God; there is no deity save Me. Hence, worship Me alone, and be constant in prayer, so as to remember Me!" (Qur'an, 20:14) and, "Be constant in prayer, for behold, prayer restrains [man] from loathsome deeds and from all that runs counter to reason" (Qur'an, 29:45). Concerning fasting we read, "O you who have attained to faith! Fasting is ordained for you as it was ordained for those before you, so that you might remain conscious of God" (Qur'an, 2:183). Concerning the pilgrimage we read, "Hence, [O Muhammad,] proclaim thou unto all people the [duty of] pilgrimage... so that they might experience much that shall be of benefit to them, and that they might extol the name of God on the days appointed..." (Qur'an, 22:27,28). And in connection with zakah we read, "[Hence, O Prophet,] accept that [part] of their possessions which is offered for the sake of God, so that thou mayest cleanse them thereby and cause them to grow in purity" (Qur'an, 9:103). Moreover, this is just one aspect of the basis for zakah, which Abū Ḥanifah considered to be the primary objective for the

sake of which zakah was established. In his view, zakah “was legislated as a means of disciplining the soul through a reduction in wealth, since contenting oneself with one’s material wealth is among the things which lead to tyranny and corruption.”¹⁵

As for the other aspect of the basis for zakah, it is referred to in the Prophetic hadith which reads, “It is taken from their wealthy and given back to their poor.”¹⁶ This hadith is clarified and detailed by the Qur’anic verse which lists the groups of people among whom zakah funds are to be distributed, since this verse makes it clear that the objective of zakah is to meet the needs of these eight groups,¹⁷ or those of them which exist in any given society. Most scholars hold that this is the primary objective of zakah. Moreover, Imam al-Shāfi‘ī – who is among the minority of scholars who have engaged in *ta‘lil* in general, and in connection with acts of worship in particular – adopted this interpretation and built upon it. On this topic Shihāb al-Dīn al-Zanjānī (himself a Shafi‘ī) writes,

Imam al-Shāfi‘ī was of the belief that zakah is a kind of financial provision¹⁸ which is due to the poor on the part of the wealthy by virtue of the brotherly bond of Islam, and in the form of assistance. As for the worship-related aspect of zakah, this is secondary, and was only affirmed by the Lawgiver as a means of motivating human beings to fulfill their obligation in this area. After all, human beings are naturally predisposed to be miserly and greedy, as a result of which they have been commanded to draw near to God by means of zakah, so that in their desire to receive a reward from God they will be encouraged to achieve the end for which zakah was legislated.¹⁹

And is there anyone who is unaware that the bases and objectives of the legal rulings pertaining to jihad and to commanding the doing of what is right and prohibiting the doing of what is wrong – all of which are considered to fall in the category of ‘acts of worship’ – have been clearly stated, and that they are virtually all accessible to reason? Indeed, al-Shāfi‘ī himself does not deny that the overall rationale and objectives of the various forms of worship in Islam are provided in the texts in which they are instituted; however, he main-

tains that for the most part, such explanations remain obscure in relation to their details. On this point he states, "It is a known fact that generally speaking, the various forms of worship have been established to benefit human beings in this world or in the next, although it may not be known how this works out in their details. Moreover, it is valid and acceptable on the whole for one to intend their effects,²⁰ both temporal and eternal."²¹

Al-Shāṭibī's use of the phrase, "in this world or in the next" is not an expression of doubt on his part as to whether the forms of worship offer temporal benefits to those who engage in them; rather, in so speaking he is simply making allowance for certain particulars or cases in which the temporal benefits to be experienced are not obvious and immediate. He deals, for example, with the objectives and legitimate benefits of ritual prayer, noting that their primary objective is to instill in the person who prays "a sense of humble reverence for God, Glory be to Him, by turning to Him in perfect sincerity, standing before Him in broken subservience and reminding oneself to keep Him constantly in remembrance."²² Then, among the secondary objectives which have been explicitly stated for prayer,²³ al-Shāṭibī mentions "restraining the person who prays from loathsome deeds and from all that runs counter to reason, seeking refuge in prayer from the world's afflictions, asking God by means of prayer to provide one's daily sustenance and grant one success in one's temporal pursuits, and asking for grace to attain Paradise, enter into God's protection, and achieve the most exalted of [spiritual] stations." Al-Shāṭibī then adds, "Other forms of worship likewise offer eternal benefits, which are the principle ones, as well as temporal benefits all of which are secondary to the primary [that is, eternal] benefit which they bring."²⁴

Thus, the realm of worship and its various expressions is not closed to the practice of interest-based *ta'ālil*; on the contrary, there is more than one avenue by which *ta'ālil* can be practiced in this area. This may be observed in the fact that reasons are given for all the allowances mentioned in rulings pertaining to acts of worship. Al-Shāṭibī acknowledges this fact to some extent, but then hastens to change the subject! He observes that "the practice of identifying an

‘appropriate’ basis and purpose for [rulings relating to worship] is limited in scope and without parallel, such as [the alleviation of hardship] as the basis for allowing someone on a journey to shorten his prayers, join two consecutive prayers, break his fast and the like.”²⁵

In relation to a type of ruling similar to that of allowances – namely, the prohibitions issued by the Prophet to one of his Companions against going to excess in certain forms of worship to the point of exhaustion and boredom – al-Shāṭibī offers an explicit, ‘appropriate’ explanation of its basis and objective, saying, “All of this may be explained in a manner which is fully comprehensible based on what is indicated by the foregoing, namely, the danger of succumbing to weariness, boredom, a sense of inadequacy and a hatred for obedience. If this is accurate, then the prohibition is consistent with its basis in the sense that if the basis exists, so will the prohibition, and if the basis is absent, the prohibition will likewise cease to exist.”²⁶

With regard to the details of rites relating to ritual purity and rulings on the various types of water, we cannot overlook the fact that ‘appropriateness’ is the most apparent, most prevalent approach; nor can it be considered to have no parallel. An example of this (namely, the reasonableness and appropriateness of the rulings relating to ritual purity and impurity) may be seen in the rule formulated by al-Maqqarī, who stated, “That which is considered offensive in the realm of daily customs is likewise deemed objectionable in the realm of worship, such as vessels which appear to have been designed to hold impurities, performance of ritual prayer in a lavatory,²⁷ or doing ritual ablutions with water which has been used previously, since it might be likened to dirty wash water...”²⁸ If it were not for the preponderant practice of *taʿlīl* in this connection, al-Maqqarī could not have stated this rule in such general terms. Moreover, even clearer than this is al-Juwaynī’s statement that, “Various groups of jurists have stated the view that it is forbidden for someone to rub himself with impure substances unless there is an urgent need to do so,”²⁹ the reason for this being the incompatibility between such a practice and the *taʿlīl* which follows the Qur’anic mention of minor and major ritual ablutions: “God does not want to impose any hard-

ship on you, but wants to make you pure..." (Qur'an, 5:6). Hence, explaining minor and major ritual ablutions as being for the purpose of purification is perfectly acceptable, even though this is not their only purpose.

Concerning the details of ritual prayer, we ask: Who could possibly fail to realize that prayer's set times and our obligation to observe these times are intended – among other things – to ensure that ritual prayer and its effects are foremost in our lives, from the moment we awaken till the moment we lie down to sleep? And who could fail to perceive the wise purposes behind communal prayer, the Friday prayer, and the prayers performed specially for *Īd al-Fiṭr* and *Īd al-Adḥā*? Similarly, the call to prayer (*al-adḥān*) and the announcement of prayer's commencement (*al-iqāmah*) bespeak the purposes for which they were established, while the postures of prayer, including standing, bowing and prostration, are all unmistakable expressions of reverence for God and humble subservience in His presence. Moreover, given that of all these postures, prostration is the most expressive of these attitudes, the worshipper may be considered, while in this position, to be especially close to his Lord. As we read in a certain sound hadith, "Never is the servant nearer to his Lord than when he is in prostration; hence, offer many prayers of supplication [while in this posture]." ³⁰ And as we are instructed by God Almighty, "Prostrate thyself [before God] and draw near [to Him]" (Qur'an, 96:19). Indeed, so vividly do the postures of bowing and prostration demonstrate the worshipper's lowliness and submission and his recognition of God's Greatness and Majesty that Imam al-Ghazālī affirms unequivocally, "As for bowing and prostration, they are intended without a doubt to glorify and magnify God." ³¹

One need not go far in search of support for this perspective when al-Shāṭibī himself has provided us with more detailed explanations of such rulings. He says:

In the case of ritual prayer, for example, we observe that when it is preceded by the rites through which the worshipper enters a state of ritual purity, this signals preparation for an event of great moment. ³² When the worshipper faces the *qiblah*, he is filled with an awareness of the

One to whom he is turning, and when he forms the intention to engage in worship, this gives rise to reverence and tranquillity. He then enters into the prayer proper by reciting a surah of the Qur'an in completion of the obligatory recitation of the *Fātiḥah*, since all of it is the speech of the Lord to whom he is directing himself. When he utters the words, 'Allāhu akbar,' words of praise to God, and the testimony of faith, all of this together serves to alert and awaken his heart lest he forget that he is engaged in intimate converse with his Lord and standing in His presence. And thus it is from beginning to end: If one begins with a voluntary prayer, this can serve to prepare one gradually to enter the spirit of worship and make oneself more 'present'; similarly, if one ends with a voluntary prayer, this has the potential of increasing one's attentiveness during the obligatory prayer which precedes it.

Still another thing to be taken into consideration is the fact that every single part of the prayer entails divine remembrance accompanied by action. In this way, one's tongue and all one's bodily members are harmonized in the pursuit of a single thing, namely, to be present with God throughout the prayer in an attitude of tranquility, adoration and surrender. Indeed, no part of the entire prayer is devoid of some word or action, lest [the absence of words or actions] be a door through which heedlessness can enter, and with it, Satan's evil insinuations.³³

In so saying, al-Shāṭibī is effecting a notable expansion by engaging in *ta'ālil* in relation to the details of the one form of worship which, more than any other, calls for unquestioning submission. How, then, can it be said that 'appropriateness' in relation to Islamic forms of worship has no parallel or that the established approach in this realm is to refrain from *ta'ālil*? There can be no doubt, of course, that we will encounter rulings having to do with the forms of worship which are difficult to trace to an obvious, readily understandable basis, and to which al-Ghazālī refers when he states that "the forms of worship are based on 'appeals,' by which we mean those things in which it is difficult for us to perceive the divine kindness. We believe that there is a hidden wisdom which underlies the fact that the number of *rak'ahs* for the dawn prayer has been set at two,

for the sundown prayer at three and for the late afternoon prayer at four.³⁴ That is to say, these set numbers of *rak'ahs* embody a form of kindness and blessing for human beings which is known to God alone. Hence, we do not seek to understand it;³⁵ rather, we content ourselves with drinking from the wellsprings He has provided.”³⁶

But, which of the two is the predominant approach and which should we take as the rule, such that the other becomes the exception? Is the ‘rule’ that which has a comprehensible explanation, whose basis can be identified and whose wise purpose can be comprehended? Or is it that for which no wise purpose or benefit can be identified? We should bear in mind, of course, that the overall rule in connection with Islamic Law is to interpret it in light of its concern for human interests, as we have seen; hence, the question here pertains only to those rulings which have to do with forms of worship.

If we look at the jurisprudence of *zakah*, we will hardly find a single ruling in this area but that jurists have approached it with some form of *ta'lil*. Hence, if one jurist has not sought to interpret it in terms of its basis and wise purpose, some other jurist has done so. All their interpretations are based clearly on consideration for human interests, in addition to which they have employed analogical deduction in their rulings despite the fact that they have to do with worship.³⁷ It is on this basis that Yusuf al-Qaradawi states:

The Prophet took the fast-breaking *zakah* from certain grains and fruits such as barley, dates and raisins. Hence, al-Shāfi‘ī, Aḥmad and their followers concluded on the basis of analogical deduction that *zakah* may be taken from whatever serves as the basis for one’s sustenance, the most commonly eaten food in a given region, or even the food eaten most commonly by a particular individual. In other words, they did not consider the types of food from which the Prophet had taken *zakah* to be intended for their own sake such that no other foods could serve as the basis for the fast-breaking *zakah*.

Similarly in regard to the *zakah* collected on agricultural produce and

fruits, the majority of imams have drawn analogies between many different types of grains and those specifically mentioned in the texts of Islamic Law. Consequently, they do not limit zakah to those substances mentioned in Prophetic hadiths, such as wheat, barley, dates and raisins. It is related concerning ‘Umar [ibn al-Khaṭṭāb] that he became the first person to apply analogical deduction to zakah when it became apparent to him that there were people who owned mares, one of which might be equal in value to one hundred she-camels. And he said, “Are we to collect zakah on forty ewes, and not collect any on horses?!” He was then followed in this practice by Abū Ḥanīfah with certain conditions.

This is what has led us to draw analogies between agricultural lands and buildings being used as rental property, as well as a multiplicity of other entities...³⁸

Ibn al-Qayyim in particular goes to great lengths to identify the bases and wise purposes of legal rulings, including those pertaining to acts of worship and those which, even though they pertain to daily transactions, cannot be traced through human reasoning to a particular purpose or human interest. For example, he offers explanations for why waterless ablutions are allowed as a substitute for regular ritual ablutions, why waterless ablutions involve wiping only two parts of the body, why cupping causes someone’s fasting to be invalidated, why the excretion of semen requires one to perform total ablutions whereas the excretion of urine requires only that one perform regular ablutions, why the passing of gas requires that one wash parts of the body which bear no relation to this event, as well as many other legal rulings of this sort and countless others having to do with daily transactions.³⁹

Due to his insistence on identifying a basis for every ruling, Ibn al-Qayyim offers a number of weak explanations, as, for example, his explanation of the difference between boys’ and girls’ urine,⁴⁰ or why ritual prayers performed by day are silent while those performed at night are spoken aloud.⁴¹ He acknowledges, in part, the position held by al-Shāṭibī and al-Ghazālī, saying that, “Generally

speaking, there are mysteries pertaining to the rulings on acts of worship which are known to the Lawgiver alone and which, although they might be grasped in a general sense, cannot be comprehended in detail.”⁴² Nevertheless Ibn al-Qayyim, unlike al-Shāṭibī, treats *taʿlīl* as the rule and refraining from it as the exception (in relation to rulings that pertain to acts of worship).

Ibn al-Qayyim's perspective is thus in agreement with the general principle according to which Islamic Law is subject to interpretation based on its concern to preserve human interests regardless of the distinction between acts of worship and other areas of life. It is this principle which al-Shāṭibī has declared to be a universally accepted, uncontestable given and which al-Maqqarī describes as being “the recognized approach to legal rulings – those which are comprehensible to human reason, that is, and not those whose meanings are inaccessible – since this is more acceptable and less likely to cause hardship.”⁴³ At the same time, Ibn al-Qayyim's view supports the point which I myself have been seeking to convey, namely, that rulings on acts of worship which are accessible to human reason and whose bases and wise purposes are identifiable are quite numerous, and that there are very few of them for which it would be impossible to offer a clear explanation. Add to this the general principle referred to earlier, and it becomes even clearer that the approach which should be taken as the rule in relation to legal rulings – both those pertaining to daily transactions and those pertaining to the realm of worship – is that of *taʿlīl*, and that whatever departs from this approach should be taken as the exception.

Al-Juwaynī declares that legal rulings which lack any meaning accessible to human reason would be “very difficult to conceive of,”⁴⁴ which is consistent with passages from the Qur'an which state explicitly that the entire Law and, indeed, the entire religion without exception may be interpreted in terms of its bases and wise purposes. God Almighty states, for example, “And [thus, O Prophet,] We have sent thee as [an evidence of Our] Grace towards all the worlds” (Qur'an, 21:107). Commenting on this passage, al-ʿAḍd al-Ījī states, “The apparent sense of the verse is that it has general application. In other words, that it may be understood to mean that human beings'

interests are preserved in all legal rulings which have been issued for them. For if He sent down a ruling which brought them no benefit, this would not be a manifestation of grace, since it would be a pointless obligation which flies in the face of the universal sense [of these words].”⁴⁵

At the same time, however, legal rulings pertaining to worship and those which cannot be traced through human reasoning to a particular purpose or human interest contain numerous specifications, forms and quantifications, such as the number of ritual prayers to be performed, the number of *rak'ahs* in each prayer, whether a given prayer is to be performed silently or aloud, the fact that the fast is to last for a month, specification of the month in which the fast is to take place, the specification that fasting is to commence from dawn and not from sunrise, details relating to the pilgrimage, the specific requirements involved in acts of atonement, the types and degrees of punishments laid down in Islamic Law, etc. These specifications – or codifications, if you will – are urgent requirements of public life and order. In addition to the spirit of submission and devotion fostered by adherence to such rulings, they serve to achieve an observable benefit by ordering and facilitating life's affairs and defining obligations and limits. Hence, for example, even if we acknowledge the wise purposes served by ritual purity and prayer in a general sense, there will still be a need to set down detailed procedures for people to follow, which will assist them in adhering to and preserving the required limits. Similarly, even if we acknowledge the overall wise purpose behind *zakah*, we will still need to specify quotas, percentages and the like in order for everyone to know what his right or obligation is. And after recognizing the wise purpose underlying the fast of Ramadan, we still need to define its limit and extent and specify when it will begin and when it will end in a manner which is suited to the majority of the population. Similarly, even when we have recognized the wise purpose, or purposes, behind the pilgrimage to Makkah, we will be obliged – in order to fulfill these wise purposes – to limit it to a specified period of time: “The pilgrimage shall take place in the months appointed for it” (Qur'an, 2:197), and “on the days appointed” (Qur'an, 22:28). In addition, it needs to be marked

by certain rites which enable people to maintain discipline and order since, left to their own devices, the pilgrims may become agitated and unruly and begin jostling and crowding one another like an untended herd of cattle. And similarly, if we accept the principle that transgressors and those who exceed proper bounds must be punished and deterred by force, the means by which this is to be done must be detailed and explained in order for people to be aware of what they are doing and the consequences to which this has led.

Were it not for codifications and controls such as these, our recognized pillars and foundations would be lost. They would be lost due to their ambiguity and also people's consequent confusion about them, disagreements, lack of cooperation⁴⁶ in appreciating and in enforcing them, and procrastination and delays resulting from an absence of set times at which to carry them out.

Al-Shāṭibī comes to our aid here once again with support for these explanations of 'that which cannot be explained,' saying:

Rulings which pertain to daily transactions and customs, as well as many rulings which pertain to the realm of worship, have a recognized purpose, namely, to regulate the various aspects of human interests, for if they were left open to different interpretations, they would remain undefined and be the cause of disagreements and divisions. As a consequence, they would no longer be subject to regulation or control and it would be difficult, if not impossible, to appeal to a [universally accepted] legal foundation. Precise definitions are more conducive to submission if it is possible to provide them. Consequently, the Lawgiver has specified the limits set by the Law in terms of recognized quantities, such as the eighty lashes to be delivered as punishment for falsely accusing someone of unchastity (*qadhf*), the one hundred lashes and one year of exile for an unmarried person guilty of sexual misconduct, specifying the full entry of the glans [in the vagina] as a criterion for a number of rulings, the use of months as opposed to the number of menstrual periods when calculating a woman's waiting period [following divorce or the death of her husband], specifying the minimum amount of wealth on which zakah is due and stipulating that such wealth must be in one's possession for an entire year before zakah is due on it, etc. As

for those things which are not subject to precise specification, they are left to the individual's conscience.⁴⁷

Such specifications and criteria help to guide jurists engaged in independent reasoning for the purpose of arriving at a legal decision, and by rulers in their codifications. In fact, they are relied upon by lay people themselves in the form of customs and traditions which they respect and adhere to, since they regulate their transactions in this or that area of life. For what is recognized as customary – like that which is stipulated as a condition and, indeed, that which is legitimized through law – (is valid) so long as it does not come in conflict with the objectives of the Law and the rulings derived from it.

Hence, precise definition, codification and specification are a recognized benefit which most people stand in need of. And this, in turn, is a reasonable, appropriate basis for the explanation of many legal rulings. This is not to deny the aspect of these same rulings which calls for unquestioning devotion and submission; on the contrary, *ta'ālil* does not, generally speaking, preclude this aspect of any of the Law's precepts. This is why some have said that no legal ruling – whether its bases and wise purposes are easily identifiable or not, and whether it pertains to the realm of worship or some other area of life – is devoid of the aspect of devotion and submission (God's right over us).⁴⁸ In fact, it may be said that a devoted, submissive response to the rulings of the Law is itself one aspect of the interest-based *ta'ālil* which applies to every ruling to one extent or another. After all, every ruling which instructs and trains people in submission to the Law and reverence for God is of benefit.

As will be seen in the next section, al-Shāṭibī states that Islamic Law is comprised of both a particular and a universal aspect, and that the universal interest served by the Law is “for every human being to be answerable to some specific precept of the Law in all of his movements, words and beliefs...”⁴⁹ Add to this principle our faith that every ruling has its own particular basis and wise purpose whether we are aware of them or not. As was stated earlier by al-Ghazālī, “every ruling has an underlying wisdom and embodies a

form of kindness and blessing for human beings.” Also in the words of al-Ghazālī, “It is as though people’s minds are naturally disposed to see a meaning in every ruling. Our inability to discern the *‘illah* behind certain rulings obliges us to attribute them simply to the divine prerogative; however, if there is some [interest-related] aspect [to a given ruling] – excluding those aspects which are weak and obscure – it should be explained on the basis thereof.”⁵⁰

As many will be aware, *ta’līl* has its own methods and laws which must be adhered to in the discipline of *uṣūl al-fiqh*. No one is free to base *ta’līl* on personal preference or conjecture, nor does anyone have the right to lend authority to his own opinions and illusions when dealing with God’s Law, since this would be tantamount to making unfounded claims about God and attributing to Him objectives which He has not attributed to Himself. Al-Maqqarī, who was quoted earlier as saying that the established approach to legal rulings is to treat them as having comprehensible bases and purposes, offers the following summary of the proper attitude toward the practice of *ta’līl*:

Overdone attempts to ascertain the wise purposes for the sake of which the Law has been established – as opposed to the derivation of the bases for its rulings and the precise definition of their outward indications or associated conditions – is not to be considered the essence of knowledge, but rather, a mere pastime which passes for scholarship. One should not go to excess in seeking to dig up wise purposes, particularly in relation to rulings which appear to fall in the category of *ta’abbud*,* since there is no guarantee that in so doing, one will not fall into danger and error. Hence, the jurist should content himself with what is explicitly stated in the text, its most apparent meaning, or whatever most closely approaches its apparent meaning. One should not say, for example,⁵¹ “Noon is the time when one reverts to one’s habits,⁵² as a result of which one is commanded to commence this part of the day with worship. Mid-afternoon is the time when people go back into the workplace to seek their earthly sustenance, as a result of which they are told, ‘Stock up before this on sustenance for the life to come.’ And sundown is the time when people once again repair to their homes and their daily habits...”⁵³

Those who Reject the Practice of *Ta'lil*

As we have indicated earlier, it may be understood from al-Shāṭibī's aforementioned introduction that there has been disagreement over the matter of *ta'lil* in relation to Islamic Law, that is, over whether and when it is possible and/or legitimate to identify the bases and wise purposes behind Islamic legal rulings. Indeed, he makes explicit mention of the fact that there has been disagreement over this issue "in scholastic theology," and that al-Rāzī held the view that neither divine precepts nor divine actions may be explained in light of their logical bases or a concern for human interests. Given his mention of the fact that the Muṭalizites supported the practice of *ta'lil* along with the majority of later jurists, al-Shāṭibī seems to allude to the existence of others who objected to the use of *ta'lil*. In other words, he seems to be suggesting that scholars other than the Muṭalizites – including both earlier thinkers and a number of later thinkers as well – disagreed with them on this point.

As we have seen, however, al-Shāṭibī himself views the validity of *ta'lil* as virtually axiomatic; and, indeed, it is, as we have sought to make clear in the preceding pages.

Who, Then, are Those who Deny the Validity of Ta'lil? And on What do They Base this Denial?

Shihāb al-Dīn al-Zanjānī notes that "al-Shāfi'ī and most of the orthodox sunni scholars," were of the conviction that one should not seek to interpret Islamic Law in terms of its preservation of human interests, since in their view, legal rulings "have been established by God at His own discretion and without a basis or purpose accessible to human reason." According to this perspective, "whatever connection such rulings bear to human interests is implicit, secondary and incidental, not explicit, primary or deliberate." Al-Zanjānī excludes from this group the Ḥanafite scholars of *uṣūl al-fiqh* according to whom all legal rulings "have been established and legislated by God with clearly comprehensible bases in human interests."⁵⁴

Al-Zanjānī, who writes in the area of jurisprudence and its fundamentals, attributes this stance (i.e., the stance against engaging in

ta'ḥlīl) to Imam al-Shāfi'ī and to “the majority of the orthodox sunni scholars” without presenting a shred of evidence for this unqualified generalization. He does, it must be admitted, quote certain derivative rulings for which Abū Ḥanīfah offered explanations and for which al-Shāfi'ī did not. However, this in no wise demonstrates that al-Shāfi'ī denied the validity of *ta'ḥlīl* entirely, particularly given that he attributes this denial to “the majority of the orthodox sunni scholars”! In fact, al-Zanjānī presents evidence which disproves his own claim; for as we have seen, he attributes to al-Shāfi'ī a clear instance of interest-based *ta'ḥlīl* of legal rulings pertaining to zakah, including the statement that the worship-related aspect of zakah is subordinate to the other purposes for which it was legislated.⁵⁵ As for al-Zanjānī's claim that “the majority of the orthodox sunni scholars” deny the validity of *ta'ḥlīl*, he embroils himself even further in the realm of unfounded allegations, evidence of which will be presented below.

Turning to Tāj al-Dīn al-Subkī, we find that he is more accurate in his assessment of the situation. He states, “The most widely accepted view among scholastic theologians is that the bases and purposes of the divine precepts cannot be identified – in other words, that *ta'ḥlīl* is neither possible nor valid – whereas the most widely accepted view among jurists is to the contrary, namely, that *ta'ḥlīl* is both possible and valid.”⁵⁶ As for Ibn al-Najjār al-Ḥanbalī, he speaks in greater detail and with more precision than either al-Zanjānī or al-Subkī. Nevertheless, he still fails to overcome the ambiguity and confusion which surrounds the question. He states,

According to a number of our fellow thinkers, as well as some Malikites and Shafi'ites, neither God's actions nor His commands have a basis or a wise purpose; this view is likewise held by the Zahirites, the Ash'arites and the Jahmites.⁵⁷ As for the other view, namely, that both God's actions and His commands have a basis and a wise purpose, it is held by al-Ṭūfī, Taqī al-Dīn, Ibn al-Qayyim, and Ibn Qāḍī al-Jabal. Based on a consensus of the pious ancestors, this view is held by the Shi'ites and the Mu'tazilites. According to Taqī al-Dīn, the orthodox sunni scholars are divided in their views on *ta'ḥlīl* as it relates to God's actions and commands, with the majority of them favoring *ta'ḥlīl*.⁵⁸

The fact is that as al-Shāṭibī has stated, this issue was the subject of disagreement among scholastic theologians, after which the controversy and its effects shifted to the realm of *uṣūl al-fiqh*, especially given that a number of the major scholastic theologians wrote in the area of *uṣūl al-fiqh*. In other words, they were both scholastic theologians and *uṣūl* scholars. However, if we leave aside scholastic theology and its particular battles and effects, we will find nothing but support for *taʿlīl* and its practical application in the areas of both jurisprudence and its fundamentals. Moreover, as we go back in time, the influence of scholastic theology over jurisprudence and its fundamentals dwindles progressively and, as a consequence, we find the practice of *taʿlīl* to be a ‘given,’ or, as al-Shāṭibī terms it, ‘incontestable.’ Accordingly, we find that Islamic Law is looked upon as a source of mercy, goodness, blessing, justice and cleansing; there is no good but that Islamic Law has pointed the way to it, and no evil but that it has issued prohibitions against it and closed off the avenues that lead to it, since this, after all, is its purpose and foundation.

Taʿlīl, or the identification of legal rulings’ bases and wise purposes, is the approach followed in both the Qur’an and the Sunnah, from which Ibn al-Qayyim cites scores of relevant examples.⁵⁹ In his book *Miftāḥ Dār al-Saʿādah*, he states, “The Qur’an and the Sunnah are filled with examples of the wise purposes and interests served by legal rulings, references to the various aspects of such wise purposes and interests and interpretation of creation in light thereof, as well as the various aspects of the wise purposes for the sake of which these rulings were legislated and for the sake of which essences were created. Now, if the Qur’an and the Sunnah contained one or two hundred passages of this nature, we would quote them here. However, they come to more than one thousand passages of various types.”⁶⁰ He then proceeds to point out the numerous forms of *taʿlīl* which are employed in the Qur’an.

The Prophet’s Companions engaged in *taʿlīl* based on their sound intuition and with unaffected, unarguable spontaneity, basing their independent interpretations on what they understood to be the bases and objectives of the Law. They were succeeded on this exemplary path by the followers, and then by the imams who in turn inspired

others with their authority. Then people were afflicted with scholastic theology, which brought with it complication, disagreements and strife. Based on his compilation of numerous instances of the pious ancestors' *ta'īl* and interpretations based on them,⁶¹ Muhammad Mustafa Shalabi discusses the dispute which emerged over this question based on "the aforementioned presentation of the texts from both the Qur'an and the Sunnah which illustrate the practice of *ta'īl*, as well as the method adopted by the Companions, their followers and their followers' followers without the slightest indication of disagreement or contention among them. This phenomenon serves as irrefutable evidence that the divine precepts may indeed be interpreted in light of their preservation of human interests. Moreover, there was complete, or nearly complete, consensus concerning this truth until the arrival of those who found reasons to quarrel about it."⁶²

Shalabi's hesitation as to whether the consensus among early scholars concerning the matter of *ta'īl* was "complete, or nearly complete," is countered by a number of other scholars who affirm unequivocally that the consensus was indeed complete. One such scholar is al-Āmidī – a Shafi'ite scholar of *uṣūl al-fiqh* and a scholastic theologian. According to al-Āmidī, no legal ruling in Islam may be said to have no basis (*illah*), since "this runs counter to jurists' consensus" on this matter.⁶³ Al-Āmidī affirms elsewhere as well that, "Leading jurists are in full agreement that no divine precept is devoid of a wise purpose and an objective."⁶⁴

Ibn al-Hājib makes a similar declaration, saying, "The rulings of the Law were established in order to preserve human interests, as evidenced by the consensus of the imams."⁶⁵ Similarly, al-Maqqarī quotes Ashhab as saying that "those who engage in analogical deduction unanimously support *ta'īl* even though they may disagree on exactly what the *illah*, or basis, of a given ruling happens to be."⁶⁶ And al-Shāṭibī himself, having mentioned, both implicitly and explicitly, the existence of those who disagree concerning the matter or *ta'īl*, states clearly, albeit with some reservation, that there is consensus on the same question. He writes, "There is, overall, consensus concerning the fact that the Lawgiver's objective in holding human beings accountable before the Law is to serve human interests."⁶⁷

He also states, "It is an agreed-upon assertion that the Lawgiver has established the Law based on a consideration for human interests."⁶⁸

Shāh Walī Allāh al-Dahlawī criticizes those who deny the validity of *ta'ālil*, castigating them for their view that Islamic Law is (based on) nothing but (arbitrary) choice and the requirement that one submit to it in unquestioning devotion without concern for human interests. This view he says "is a baseless belief which is belied by the Sunnah and the consensus of successive, well-attested generations."⁶⁹ It is true, of course, that the consensus being spoken of in these quotations refers, first, to the census of the pious ancestors and, secondly, to that of scholars of jurisprudence and its fundamentals. However, this in no way undermines its value; on the contrary, it increases it, since it was the consensus of our exemplary Muslim forebears, and following them, of those with specialized knowledge of the Islamic faith. It follows, then, that if, at a late date in relation to this consensus, some scholastic theologians broke this unanimity, it is not thereby invalidated. On the contrary, the original consensus invalidates the contentious theories and claims which were introduced subsequently.

In his book *al-Minhāj*, al-Bayḍāwī's states that, "An inductive reading of the Law provides evidence of the fact that God Almighty, in His bounty and goodness, has laid down His precepts for the benefit of human beings." In a criticism⁷⁰ of al-Bayḍāwī's statement, Ibn al-Subkī says, "Some have claimed that there is unanimous agreement that the divine precepts were set down for human beings' benefit. However, this claim is false, because the scholastic theologians do not support *ta'ālil* – that is, the interpretation of legal rulings in light of their concern for human interests – either as an obligation or even as a permissible practice."⁷¹

At this juncture we may pause to ask: Why did the scholastic theologians, or more properly speaking, some of them, deny the validity of *ta'ālil*? And what evidence did they put forward in support of this denial? Although I do not consider the scholastic theologians' position on this matter to be of great significance to our topic, particularly given all that I have presented in support of the validity and intuitive acceptability of *ta'ālil*, I wish, nevertheless, to consider this

question briefly in order to “settle the issue,” and to clear away any remaining doubts or uncertainties in order that the matter might be, as al-Shāṭibī puts it, “incontestable.”

To begin with, let us complete the quote begun earlier from Ibn al-Subkī, a denier of the validity of *taʿlīl*. He states,

...the scholastic theologians do not support *taʿlīl* – that is, the interpretation of legal rulings in light of their preservation of human interests – either as an obligation or even as a permissible practice. Indeed, this is the position which is most in keeping with their principles. They have stated that it is not permissible to interpret God’s actions in light of some basis or purpose, since when someone performs an action for a given purpose, the performance of the action, with respect to the actor, is most important, whether the purpose of the action had to do with the actor himself or with someone else. If so, this means that the actor is incomplete in himself and seeks completion through some other entity. But sublimely exalted is God, Glory be to Him, above any such thing.⁷²

This, then, is the ‘evidence’ which was reiterated by Ashʿarite scholastic theologians whenever mention was made of their denial of the validity of *taʿlīl*. However, this logic of theirs was subjected to criticism by many scholars and was thoroughly refuted. Muhammad al-Tahir ibn Ashur states,

The upshot is that the evidence with which they support their position consists of two invalid premises. The first of these is their claim that if an action is performed for a purpose, the actor must therefore be in need of completion through the fulfillment of said purpose. This, however, is a fallacy in that a purpose which is beneficial to the actor is equated with the purpose of someone who calls [others] to action and who is acting, not out of incompleteness but, rather, in a manner consistent with his own perfection – a perfection, moreover, which is not dependent on his action. As for the second premise, it is their claim that if an action is performed for a purpose, then the purpose is a cause, which necessitates the actor’s inadequacy. This is likewise a fallacy, however, because a cause which serves as a motivator is being equated

with a cause whose existence necessitates existence, and whose non-existence necessitates non-existence. For both of these are causes, [but of different sorts]...⁷³

Another thinker who disputed with those who reject the validity of *taʿlīl* was the Ḥanafite *uṣūl* scholar Ibn al-Humām al-Iskandarī, who argued that whatever may be said concerning the blessings which God has bestowed upon His servants applies likewise to the rulings which He has legislated for them. Hence, if God, Glory be to Him, has bestowed His blessings upon us – including the act of creating us, proportioning us and the world we live in, and granting us health and daily sustenance – for our benefit, it follows that He has likewise legislated His precepts for our benefit. Thus, whatever is said about one applies equally to the other, without distinction.⁷⁴

Still another Ḥanafite scholar who responded forcefully to scholastic theologians' polemical logic was al-Qādī ʿUbayd Allāh ibn Masʿūd, also known as *ṣadr al-Shariʿah* (champion of the Law), who wrote,

What a far cry from the truth is the claim of those who say that it [the Law] cannot be understood in terms of its basis or purpose. The prophets – upon them be blessings and peace – were sent in order to guide people, and they were granted the ability to work miracles in order for people to believe their message. Hence, whoever denies the validity of *taʿlīl* denies the validity of prophethood and the truth of God's words, "I have not created the invisible beings and men to any end other than that they may [know and] worship Me"⁷⁵ (Qur'an, 51:56), and "they have been commanded no more than this: to worship God" (Qur'an, 98:5). There are, in addition, many other such passages from the Qur'an which support what we have said. Besides, if God did not act with purpose, it would necessitate a universe without meaning.⁷⁶

But, if the validity of *taʿlīl* is this obvious and well established, then what is to explain this major disagreement between those who affirm its validity and those who deny it? A perplexing question,

indeed. And the answer to it, whatever it happens to be, is distressing, since it is bound to reveal one or more aspects of the confusion which had found its way into scholastic thought and reasoning. So profound was this confusion that the axioms attested to repeatedly by countless texts in the Islamic heritage and concerning which early thinkers had been in unanimous agreement, had now come to be the focus of a prolonged controversy among both scholastic theologians and scholastic scholars of *uṣūl al-fiqh*.

A number of scholars have concerned themselves with this 'contradiction' and have worked to resolve it or, at the very least, to explain it. One of these scholars was Ibn al-Subkī (ʿAbd al-Wahhāb), who proposed a 'way out' which he had received from his father (ʿAlī ibn ʿAbd al-Kāfī). He states,

My father, the shaykh and imam (may God have mercy on him and give him length of days) continued to encounter difficulty in reconciling their conflicting claims⁷⁷ until he came up with a singular solution. In a witty summarization of the issue entitled, *Wird al-ʿAlal fi Fahm al-ʿIlal*, he states, "There is actually no contradiction between the two positions, since what is meant [by jurists and those who support *taʿlīl* in general] is that the *ʿillah* is what moves a person to act; the necessity of preserving human life, for example, is a *ʿillah* which leads to application of the law of retribution, and this is a human action which is ruled on by the Law. Thus, the legal ruling itself has no basis, or *ʿillah*, and nothing which gives rise to it."⁷⁸

It is plain to see, however, that this 'reconciliation' of opposing viewpoints is actually nothing more than an affirmation of the rejection of *taʿlīl*. And in fact, it is a dodging of the issue at hand, since people speak of *taʿlīl* not in relation to human beings' actions but, rather, in relation to the rulings issued by the Lawgiver. Hence, this interpretation of *taʿlīl* appears to have been proposed more in jest than in seriousness. Noting this phenomenon in his commentary, al-ʿĀṭṭār states, "What the author of *Jamʿ al-Jawāmiʿ* says [here] is a meaningless invention of his father's, since the motivation to action [with which *taʿlīl* concerns itself] is what moves the Lawgiver to issue

rulings, not what moves the human being to action...”⁷⁹

As for Ibn al-Humām (al-Ḥanafī), he seeks to bridge the gap between the two camps by saying, “The most accurate view would seem to be that the dispute is really just a matter of terminology, having to do with the definition of the term ‘objective’ (*gharaḍ*). Those who use the term to mean that which will bring benefit to the party who performs the action say that *taʿlīl* may not be applied to God’s words and actions, and in fact, this position is beyond dispute, while those who use the term to mean that which will bring benefit to human beings say that *taʿlīl* may, in fact, be applied to God’s words and actions, a position which is likewise beyond dispute.”⁸⁰ However, this reconciliation of opposing viewpoints loses its value when we find that some insist on rejecting *taʿlīl* even when the term ‘objective’ is understood to mean that which will bring benefit to human beings.

Ibn Ashur inclines slightly toward this same solution, saying, “There is among scholastic theologians a disagreement over this issue which appears to be a mere matter of terminology. After all, all Muslims agree that God’s actions arise out of free will and choice and in accordance with His knowledge, and that all of them are based on wise purposes and human interests. Hence, the dispute has to do with whether or not these wise purposes and interests are to be described as ‘objectives’ (*aghrāḍ*) and purposeful bases (*ʿilal ghāʾiyah*).”⁸¹ In addition, Ibn Ashur draws attention to a matter which may constitute the actual reason behind this peculiar denial of the validity of *taʿlīl* in relation to God’s precepts and actions. Specifically, he notes that those who reject *taʿlīl* have felt themselves obliged to reject it in order to escape the logical consequences of Muʿtazilite claims that support for *taʿlīl* requires one also to say that God is obliged, as it were, to demonstrate the greatest possible ‘kindness’ (*ṣalāḥ* or *lutf*)⁸² to His servants.⁸³

Although Muhammad Said al-Buti proposes another solution, his explanation of the conflict likewise confirms that it is an outgrowth of the long-standing controversy between the Muʿtazilites and philosophers on one hand, and the Ashʿarites on the other. According to al-Buti, the *taʿlīl* spoken of by scholastic theologians is not the same

as the *taʿlīl* spoken of by jurists and scholars of *uṣūl al-fiqh*; consequently, he says, the *taʿlīl* whose validity is denied by the former group differs from the *taʿlīl* whose validity is affirmed by the latter. He states,

The *ʿillah*, that is, basis or cause, referred to in scholastic theology is the type spoken of by philosophers, namely, that which necessitates a particular effect. And it would most certainly not be acceptable to attribute causes (*ʿilal*), understood in this sense, to God's actions. However, what the orthodox sunni scholars are referring to when they speak of a *ʿillah* as the basis for divine precepts is a kind of intermediary cause or basis (*ʿillah jaʿliyyah*), since God has caused it to necessitate a particular ruling.⁸⁴

This explanation is undermined, however, by the fact that as we have seen, there are some – such as al-Subkī and Ibn al-Subkī, for example – who also deny the validity of *taʿlīl* in relation to legal rulings, a view which they make mention of in their discussions of analogical deduction. Be that as it may, al-Buti's observation serves, at the very least, to explain one aspect of the issue and to shed light on some of the background factors which have contributed to it.

As for Mustafa Shalabi, he has accused scholastic *uṣūl* scholars of departing from the method established and universally agreed upon by the pious ancestors, namely, that of *taʿlīl*. According to Shalabi, such scholars contradict themselves by denying the validity of *taʿlīl* in the realm of scholastic theology and affirming it in the realm of *uṣūl al-fiqh*, or the fundamentals of jurisprudence, since analogical deduction is founded upon it.⁸⁵

Al-Rāzī's Stance on *Taʿlīl*

I have chosen to devote this section to a discussion of Imam al-Rāzī for the following reasons:

1. In his discussion of *taʿlīl*, al-Shāṭibī singles out al-Rāzī alone for mention, and attributes to al-Rāzī alone a complete rejection of

the practice – a fact which calls for contemplation and investigation.

2. Certain other writers have followed al-Shāṭibī's lead in this attribution to al-Rāzī.⁸⁶
3. Al-Rāzī was one of the most prominent scholars of *uṣūl al-fiqh*, and his book *al-Maḥṣūl* became the focal point for scores and scores of *uṣūl*-related works written in succeeding years.

Before presenting al-Rāzī's position, it should be recalled that in his introduction to *Kitāb al-Maqāṣid* al-Shāṭibī states, "Al-Rāzī claimed that neither divine precepts nor divine actions may be explained in light of their logical bases or a concern for human interests." He then says, "Based on an inductive reading of Islamic Law, we have concluded that it was established for the sake of human interests, and this conclusion cannot be contested by al-Rāzī or anyone else." Hence, al-Shāṭibī names no one but al-Rāzī among those who deny the validity of *ta'ḥlīl*. Not only this, but he claims that al-Rāzī's rejection of *ta'ḥlīl* is absolute, including both God's actions and His precepts.

Now, for al-Rāzī to have rejected *ta'ḥlīl* in his writings on scholastic theology based on the philosophical understanding thereof is one thing. After all, this is the stance which was taken by most Ash'arites in their confrontations with philosophers and Mu'tazilites, and in this there is nothing surprising. What is surprising, however, is for this rejection to be attributed to al-Rāzī alone, since he was not alone among Ash'arites in taking this stance. On the contrary, when he defended the rejection of *ta'ḥlīl* – as related to God's actions, but not in relation to God's precepts – he spoke in the name of 'the companions,' that is, his fellow Ash'arites. Thus, for example, in explaining God's declaration that, "He it is who has created for you all that is on earth..." (Qur'an, 2:29), al-Rāzī writes, "Our companions maintain that God, Glorious and Exalted is He, performs no action with an objective (*li gharad*), for if this were the case, it would mean that He sought completion through the fulfillment of said objective, and whoever seeks completion through something other than himself

is incomplete in himself, which is unthinkable of God Almighty.”⁸⁷ In addition, he presents the other standard Ash‘arite arguments⁸⁸ against *ta‘lil*, the same ones that Ibn Ashur described earlier as being invalid.

What concerns us in this context is al-Rāzī’s position on *ta‘lil* in the realm of jurisprudence and its fundamentals, namely, interpreting legal rulings in terms of their bases and the preservation of human interests in a manner which implies no coercion of God, Glory be to Him, or necessity pertaining to His will. Al-Rāzī’s position on *ta‘lil* must be taken primarily from his writings on the fundamentals of jurisprudence (*uṣūl al-fiqh*) and specifically, in his own *uṣūl*-related field. For al-Rāzī was one who engaged in *qiyās*, or analogical deduction, and there is no such thing as analogical deduction without *ta‘lil* since in both theory and practice *qiyās* revolves around the determination of the basis, or *‘illah*, of both the case which is taken as the basis for the analogy, and the case which is being compared to it.

Al-Rāzī’s position on *ta‘lil* emerges most clearly in his writings on the methods by which the *‘illah* of a given ruling may be determined and, most particularly, on ‘the appropriateness method’ (*maslak al-munāsabah*),⁸⁹ which he treats in *al-Maḥṣūl*, his encyclopedia of the fundamentals of jurisprudence. He states,

The appropriateness [method] points to the most probable basis [for the ruling concerned], and it is this which should be adopted. The clarification of the first consists of two aspects: The first of these two aspects consists of three premises, namely, that: (1) God Almighty has established the Law’s rulings for the benefit of human beings. (2) Such-and-such is a benefit. (3) It may be considered most likely that God established this ruling for the sake of this benefit. These three premises must be demonstrated with evidence. As for the first premise,⁹⁰ the evidence in its favor is as follows:

One: That God Almighty has specified a particular ruling for a particular event, either with or without considerations in its favor. Now, it is invalid to say “without considerations in its favor,” since otherwise,

preference would have to be given to one ruling over another without evidence to support such a preference, which is unthinkable. Hence, every ruling must have considerations in its favor. Moreover, the considerations in favor of any given ruling will pertain either to God or to human beings; however, all Muslims would agree unanimously that the first possibility is invalid, which leaves only the second. Now, the considerations which pertain to human beings will have to do with either a benefit, a source of harm, or something which brings neither benefit nor harm. Of these three possibilities, all sensible people would agree that the second and third are invalid, leaving only the first. It is thus established that God Almighty has established the Law's rulings for the benefit of human beings.

Two: It is universally agreed upon among Muslims that God is All-Wise, and that the All-Wise would never perform any action which was not for the sake of some benefit. Indeed, anyone who acts without regard for what will bring benefit is foolish, and foolishness – based on the written texts of the Qur'an and the Sunnah, the consensus of the Muslim community and the testimony of sound reason – would be impossible for God Almighty. It is thus clear that God Almighty established the precepts of Islamic Law for the benefit of human beings.

*Five:*⁹¹ The texts [from the Qur'an and the Sunnah] which serve as evidence that the objective of the Law is to achieve benefit for human beings and to protect them from harm include the following: "And [thus, O Prophet,] We have sent thee as [an evidence of Our] Grace towards all the worlds" (21:107); "He it is who has created for you all that is on earth..." (2:29); "And He has made subservient to you, [as a gift] from Himself, all that is in the heavens and on earth: in this, behold, there are messages indeed for people who think!" (45:13); and "[He] has laid no hardship on you in [anything that pertains to] religion" (22:78). Similarly, the Messenger of God declared, "I have been sent with the true, moderate, tolerant [religion]," and, "[The believer] causes no harm either to himself or to others."

Six: God has described Himself as All-Merciful and Gracious, saying,

“My Grace overspreads everything” (Qur’an, 7:156). However, if He legislated that which is not for human beings’ benefit, this would not be an expression of mercy or grace.

These six points, then, serve to show that God Almighty has laid down the precepts of the Law for no purpose other than to serve human beings’ interests.⁹²

This, then, is al-Rāzī’s position on the interpretation of Islamic Law in terms of its concern for human interests. Indeed, it is a position in clear, powerful support of *ta’līl*, and which he defends with greater enthusiasm and detail than al-Shāṭibī himself.

After the passage quoted above, al-Rāzī continues with his defense of *ta’līl*, marshaling evidence both rational and textual to refute any objections which might be raised against it. He concludes by saying, “There is unanimous agreement that the divinely revealed laws concern themselves with human interests, either as a matter of necessity as the Mu‘tazilites claim, or as a manifestation of God’s bounty and goodness, as we claim.”⁹³ So keen, in fact, is al-Rāzī’s enthusiasm to uphold *ta’līl* that he borders on being a Mu‘tazilite himself. In the course of arguing in favor of God’s concern for human interests, al-Rāzī appeals to the fact that God has created human beings in order to worship and serve Him. “It follows, then,” he states, “that by guarding their interests, God must deprive them [human beings] of any excuse [not to serve and worship Him].”⁹⁴

In another, clearer reference to the Mu‘tazilites’ position, al-Rāzī writes,

As for the Mu‘tazilites, they have brought this fact to light and stated it explicitly by saying that it would be unthinkable for God Almighty to engage in that which is shameful or to act frivolously. On the contrary, God’s actions must be for the sake of a benefit [*maṣlaḥah*] and an objective [*gharaḍ*]. Jurisprudents, by contrast, declare that God has established this or that precept with a given meaning [*ma’nā*] and for this or that wise purpose [*ḥikmah*]; but if they so much as hear someone utter the word *gharaḍ*, they declare him an infidel, and this despite the fact

that the terms which they use themselves refer, in essence, to the same reality, that is, to an 'objective' [*gharaḍ*].⁹⁵

Is it justifiable to attribute an utter rejection of *ta'ḥlīl* to one who espouses views such as these? And does it make any sense to classify him together with the Zahirites? The fact is that those who malign al-Rāzī for having been influenced by the Mu'tazilites would have been more justified in their words were it not for God Almighty's saying, "And neither shall you defame one another, nor insult one another by [opprobrious] epithets" (Qur'an, 49:11). In other words, we are only to refer to people in ways of which they themselves would approve, or with epithets which they would apply to themselves.

Al-Rāzī expounds his position on *ta'ḥlīl* not only in *al-Maḥṣūl*, but in a number of his other writings as well. In *Munāẓarāt al-Fakhr al-Rāzī*, for example, he explains why scholars who engage in *qiyās*, or analogical deduction, base *ta'ḥlīl* on outward conditions and indications rather than on the ruling's wise purpose, the benefit it is intended to achieve, or the harm it is intended to prevent. He states, "It is permissible to base *ta'ḥlīl* on outward conditions because such outward conditions or indications point to the benefit or harm concerned. Hence, the actual determinant of the ruling is the concern for these interests. As for outward conditions or signs, they do not, in fact, determine rulings but, rather, serve as evidence of the benefits or sources of harm [with which the rulings are concerned], and this is why it is permissible to use them as the basis for *ta'ḥlīl*."⁹⁶ From this it may be seen that the influence exerted on legal rulings by benefits and sources of harm is a genuine, essential, underived influence, whereas the influence exerted by outward conditions or circumstances is symbolic, accidental, and derived...." He then continues, "As for the assertion that *ta'ḥlīl* may legitimately be based on interest-related outward circumstances or conditions, this is agreed upon by all those endowed with discernment and understanding."⁹⁷

It is thus quite clear that in al-Rāzī's view, benefits and sources of harm are the true basis for the establishment of legal rulings. However, in view of the fact that in many cases, sources of benefit and

harm are not observable, measurable phenomena, as it were, rulings are based instead on visible, perceptible causes and indications which tend to be associated with the source of benefit or harm which is the focus of the ruling in question. It is for this reason that scholars of jurisprudence and its fundamentals prefer to employ visible, measurable conditions, signs or circumstances as the basis for legal rulings rather than basing them directly on the source of benefit or harm with which they are concerned, particularly if it is not visible or is difficult to observe or quantify.

It is in light of the foregoing that we must understand the statement made by Shalabi in the context of al-Rāzī's (supposed) rejection of *ta'līl*, according to which, "In his discussion of 'appropriateness,' al-Isnawī quotes al-Rāzī as saying that, 'It is not acceptable to interpret legal rulings based on sources of benefit and harm.'"⁹⁸ If we find al-Rāzī forbidding the interpretation of legal rulings based on sources of benefit and harm, this is not because he holds that divine precepts cannot be traced, in their essence, to the achievement of benefit and the prevention of harm but, rather, because of the impossibility of subjecting such realities to precise measurement. For as we have seen, al-Rāzī states unequivocally that he considers the achievement of benefit and the prevention of harm to be the actual, original basis, or *'illah*, for any given ruling.

However, although al-Rāzī chooses in *al-Munāẓarāt* to prohibit the practice of linking legal rulings directly to the achievement of benefit or the prevention of harm during the process of analogical deduction, he leans in *al-Maḥṣūl* toward allowing it. After touching upon the dispute over whether to link legal rulings directly with the ruling's intent or wise purpose (*ḥikmah*) – to achieve such-and-such a benefit or prevent such-and-such a kind of harm – al-Rāzī states, "There is more evidence in favor of allowing it,"⁹⁹ after which he defends his position in detail.¹⁰⁰

In any case, this is not the central issue here. Rather, the central issue is the fact that the basis for divine precepts is the preservation of human interests. It is hoped, however, that this digression will help to clear away any confusion which may have arisen concerning statements made by al-Rāzī and his firm, even enthusiastic position

in defense of *taʿlil* in relation to Islamic Law. Further confirmation of the fact that this is, indeed, al-Rāzī's position – if further confirmation is needed – may be found in a statement by the practitioner of *taʿlil* par excellence – namely, Ibn al-Qayyim – in the context of his response to those who deny the validity of both *taʿlil* and *qiyās*. After making a masterful presentation of their arguments – or, more accurately speaking, their sophisms – Ibn al-Qayyim writes, “The replies offered by *uṣūl* scholars have differed based on their various understandings and degrees of awareness of the secrets of the Law. Ibn al-Khaṭīb,¹⁰¹ for example, replies by saying that, ‘Most legal rulings in Islamic Law have their basis in concern for known human interests.’ Dispute arises only in relation to the very rare cases which depart from this general rule. However, the occurrence of such exceptional cases does not diminish the possibility of arriving at reasonable certainty,¹⁰² just as, if storm clouds fail on some rare occasion to yield rain, this need not cast doubt on whether they tend to yield rain as a general rule.”¹⁰³

Who, then, remains of those who reject the practice of *taʿlil*? As we have seen, al-Shāṭibī considers its validity to be beyond dispute. We have also seen how many Muslim scholars consider there to be unanimous support for *taʿlil*. We have observed the true nature and value of what some Ashʿarite scholastic theologians have had to say on the matter of ‘the denial of *taʿlil*.’ We have, in addition, become acquainted with the position of one such scholar, namely, Imam Fakhr al-Dīn al-Rāzī, of whom it became widely believed that he denied the validity of *taʿlil*.

Who, then, specifically, would deny that Islamic Law came in order to preserve human interests? The fact is that after extensive research and investigation, I am aware of no one but the Zahirites. It is the Zahirites who reject *taʿlil* both in theory and in practice, and in all of its aspects. It is they who put forth the clearest, most forceful case against *taʿlil*, as well as the most forceful defense of an attitude of utter, unquestioning devotion and submission in relation to the Law. When I speak of the Zahirites, I am thinking in particular of Abū Muḥammad ibn Ḥazm al-Andalusī, who was full heir to the Zahirite bent, and whose written works and views represent a com-

plete embodiment of Zahirite teachings on the levels of both principle and application.

Ibn Ḥazm and *Ta'ḥlīl*

It is a strange thing indeed that, whereas al-Shāṭibī criticizes and responds to al-Rāzī, he makes no mention of Ibn Ḥazm's position and enters into no discussion of his arguments and views, and this despite the fact that there would have been every reason for him to do so. Firstly, it is Ibn Ḥazm to whom one could rightly attribute the view which al-Shāṭibī attributes instead to al-Rāzī when he states, "Al-Rāzī claims that neither divine precepts nor divine actions may be explained in light of their logical bases or a concern for human interests." And it is Ibn Ḥazm who devotes an entire chapter of his book *al-Iḥkām* to demolishing the notion of *ta'ḥlīl*. In Chapter 39 "On Refutation of the Claim That the Precepts of the Law Can Be Attributed to *ʿIlal*, or Logical Bases," Ibn Ḥazm attributes a total rejection of *ta'ḥlīl* to all Zahirites who preceded him, saying, "According to Abū Sulaymān¹⁰⁴ and all of his companions God performs no action and issues no precept for the sake of a *ʿillah*. Abū Muḥammad has said: This is the religion which we profess before God Almighty, which we call upon all of God's servants to follow, and which we state unequivocally to be God's truth."¹⁰⁵

Secondly, Ibn Ḥazm goes to extremes in marshalling arguments against his opponents and in attacking and provoking them, all of which makes it very difficult to disregard his position, his specious premises and his conclusions, particularly in view of the fact that he presents all of this as the truth which admits of no discussion or examination. In fact, I feel certain that it was Ibn Ḥazm's words which provoked Ibn al-Qayyim, as he prepared to make a detailed reply to those who reject the practice of *qiyās*, to say, "Now the battle has heated up, thereby kindling the fighting spirit of God's helpers and His Messenger, to defend His religion and the message with which His apostle was sent. It is now time for the party of God to cease fearing the censure of those who might censure them."¹⁰⁶ In fact, Ibn Ḥazm carries his campaign against *ta'ḥlīl* and its proponents

to the point where he claims that “*qiyās*, or analogical deduction and *taʿlīl*, or the tracing of divine precepts to logical bases, are the religion of Satan which stands in violation of the religion of God Almighty and His good pleasure. As for us, we declare before God that we are innocent of both analogical deduction in matters pertaining to religion, and the affirmation of a *ʿillah*, or logical basis, for any aspect of the Law.”¹⁰⁷

Thirdly, it is Ibn Ḥazm who so preoccupied, or captivated, the Malikites of Morocco and Andalusia that on more than one occasion, he came to represent a genuine threat to the stability of their school of jurisprudence. How, then, could al-Shāṭibī – a Malikite – have failed to respond to him?! Was this silence on al-Shāṭibī’s part a deliberate attempt to disregard the Zahirites and, in this way, to put their claims to death? I consider this unlikely, since al-Shāṭibī makes mention of the Zahirites and Ibn Ḥazm on numerous occasions and when he does so, he speaks of them in a tone of fairness and compassion.¹⁰⁸

Be that as it may, what concerns me now is to register my sense that al-Shāṭibī’s failure to address Ibn Ḥazm’s position, to disclaim his views and to expose the speciousness of his arguments constitutes a flaw in a book devoted entirely to the objectives of the Law; for not only does it treat the objectives of the Law but, more than this, it lays the foundation for the theory of objectives, and the foundation for the theory of objectives is *taʿlīl*. Al-Shāṭibī exhibits genuine inspiration when he opens *Kitāb al-Maqāṣid* with a discussion of the question of *taʿlīl* and when he speaks of its validity as ‘incontestable.’ However, in order to ensure that the matter is truly beyond dispute, al-Shāṭibī should have concerned himself with the position taken by Ibn Ḥazm, that obstinate opponent who, in his own hot-tempered, imperious way, sought to discredit the belief that Islamic Law came in order to preserve human interests and that its precepts may be interpreted and understood on this basis since, in so doing, he threatened to discredit everything which might be said about the objectives of the Law. Consequently, this loophole must be closed, as it were, by deconstructing Ibn Ḥazm’s specious arguments in order for both the validity of *taʿlīl* and the Muslim community’s consensus on this

point to be truly beyond dispute and, therefore, invulnerable to attacks by Ibn Ḥazm or anyone else.¹⁰⁹

Consequently, I think it proper for us to reflect briefly¹¹⁰ on the most important of Ibn Ḥazm's views and arguments. To begin with, it should be pointed out that some aspects of the conflict with Ibn Ḥazm may be resolved by what *uṣūl* scholars refer to as "clearing the playing field." In other words, many disagreements may be due to differing usages of key terms. Ibn Ḥazm himself points this out, saying, "The root of all affliction, blindness, disorder and corruption¹¹¹ lies in a confusion of terms and the use of a single word to convey numerous meanings, as a result of which a speaker or writer uses a term with the intention of conveying one meaning, whereas the hearer or reader understands the word to mean something other than what the speaker or writer intended. And there ensues trouble and confusion."¹¹²

One aspect of the conflict with Ibn Ḥazm can be eliminated by noting the fact that he repeatedly criticizes the proponents of *ta'lil* – and particularly the orthodox sunni scholars – for a claim which they do not make, namely, that *ta'lil* may be undertaken in the philosophical sense which, as we saw earlier, is likewise rejected by most Ash'arite scholastic theologians. He states, "The word *'illah* is a term used to refer to any factor which logically necessitates a particular effect or event."¹¹³ If the term *'illah* is used in this sense in relation to Islamic legal rulings, this means that "such rulings were laid down by God Almighty based on factors (*'ilal*) which logically necessitated that He do so."¹¹⁴ However, none of the orthodox sunni scholars would make this claim; on the contrary, orthodox sunni scholars have generally censured the philosophers and the Mu'tazilites for using the term *'illah* in this sense.

As we have seen, orthodox scholars speak of intermediary causes or bases (*'ilal ja'liyyah*) which God, by virtue of His will, has caused (to necessitate this or that ruling) but which require nothing of God. Based on this understanding, they hold that God preserves human interests not out of duty or necessity, but rather, out of His Bounty and Goodness. Against this type of *ta'lil*, then, Ibn Ḥazm is fighting a losing battle. For if he had taken into consideration the way the

term *‘illah* was being used by other scholars of the Law – something of which he could not have been unaware – the gap between him and his supposed opponents would have narrowed, and the ferocity of the battle which had “heated up,” in the words of Ibn al-Qayyim, would have been mitigated.

If, conversely, we take Ibn Ḥazm’s terminology into consideration, the dispute cools down by still another degree. After all, the concept of *‘illah* as he defines it is something which all, including the orthodox sunni scholars, would agree unanimously to reject. And as for the concept of *ta‘līl* as understood by the orthodox sunni scholars, Ibn Ḥazm himself acknowledges it to some extent. However, rather than referring to it as a *‘illah*, he refers to it as a *sabab*. Now, a *sabab*, or cause, as Ibn Ḥazm understands it, is:

anything for the sake of which an actor freely undertakes an action which, if he had wanted to, he could have chosen to refrain from. An example of a *sabab* would be anger which leads one to take revenge. The anger is the *sabab*, or cause, of the revenge; however, if the avenger chose not to take revenge, he would be free not to do so. Hence, a *sabab*, or cause, according to this understanding does not necessitate the effect to which it leads.¹¹⁵

Hence, the essential difference for Ibn Ḥazm between a *‘illah* and a *sabab* is that, within his terminological framework, a *‘illah* leads by necessity to its effect, whereas a *sabab* entails no necessity or compulsion; rather, the actor upon whom the *sabab* has exerted its influence is free to engage in, or to refrain from, the resulting action.

Understood in this sense, Ibn Ḥazm acknowledges, as did his predecessor Abū Sulaymān, that the Lawgiver has linked some rulings to causes (*asbāb*), as an example of which he cites the words of the Prophet, “The most criminal of all people in Islam are those who ask about something which has not been forbidden, after which it is forbidden because they asked about it.” In addition he declares dying as an unbeliever to be a cause for spending eternity in Hell, dying as a believer to be a cause for entering Paradise, and stealing to be a cause for having one’s hand amputated.¹¹⁶ At the same time, however, Ibn

Ḥazm ties his acknowledgment of this link between rulings and their causes to a set of conditions, a fact which sets him apart unmistakably from most other scholars. As for his conditions, they are as follows:

1. None of these causes may be linked to a divine ruling unless the causal link is declared explicitly (in the Qur'an or the Sunnah); in other words, the link may not merely be deduced or determined based on independent reasoning.
2. These explicitly stated causes may not be employed as the basis for analogical deduction; in other words, they may not be extrapolated to other, analogous situations which are not explicitly mentioned in the text.
3. The explicitly stated links between certain legal rulings and certain causes may not be said to have some wise purpose or objective. In other words, it is not permissible to claim that they are intended to achieve a particular benefit or to prevent a particular type of harm; rather, they are simply the will of God, no more and no less.

Ibn Ḥazm also employs another term which, if we take it into consideration, bridges the gap between him and his opponents by another degree, slight though it may be. The term I am referring to is *gharaḍ*, generally rendered in English as 'purpose' or 'objective,' and which he defines as follows: "As for the term *gharaḍ*, it refers to whatever one objectives for or intends by means of what one does. Hence, the *gharaḍ* behind taking revenge is to assuage and do away with anger. The anger is the cause, or *sabab*, behind the vengeance, whereas the anger's elimination is its objective, or *gharaḍ*."¹¹⁷ By citing this example, Ibn Ḥazm is saying that if some legal rulings have causes, and if the legal rulings are, therefore, the effects of such causes, then the Lawgiver may have purposes which He seeks to achieve by means of these effects (that is, rulings). That is to say, they have objectives and purposes! Ibn Ḥazm appears, in so saying, to approach the majority position; however, he quickly beats a retreat

by proceeding to restrict these principles, circuitous though they are to begin with!

The first restriction which he imposes is reflected in the entire Zahirite tendency. He states, “As for the *gharaḍ* behind God’s actions and precepts, it is none other than what is clear and apparent from the text.”¹¹⁸ In other words, there is no *gharaḍ*, or purpose, which can be discerned through reflection, deduction, inductive reading, or overall *taʿlīl*. As for the second restriction, it consists in the stipulation that all such purposes, or *aghrāḍ*, must have to do with the afterlife. Hence, the purpose behind some legal rulings is “for those with hearts and minds able to perceive, to take a lesson therefrom, while the purpose behind others is for God to bring into Paradise those whom He wishes to bring in, or for Him to send to the Hellfire those whom He wills to send there.”¹¹⁹ He then adds the following clarification, saying,

Each of the divine purposes which we have mentioned, whether it be that people take a lesson from a given ruling, that He usher into Paradise those whom He wills and into the Hellfire those whom He wills, or His causing whatever He wills to bring about whatever He wills, is God’s own action and ruling which has no cause [*sabab*] originally, and in which He has no purpose [*gharaḍ*] whatsoever other than that it emerge and come into being. “He cannot be called to account for whatever He does...” (Qur’an, 21:23), and if it were not for the fact that He has expressly stated that He wills for us to take a lesson from such-and-such and to bring into Paradise those whom He wills, we would not have claimed such a thing.¹²⁰

Perhaps the most important ‘evidence’ upon which Ibn Ḥazm bases his rejection of *taʿlīl* and his excoriation of those who support and practice it is the Qur’anic verse to which he refers above, that is, God’s declaration concerning Himself, “He cannot be called to account for whatever He does, whereas they will be called to account” (21:23). What follows is Ibn Ḥazm’s interpretation of this verse:

God Almighty has stated in description of Himself, “He cannot be

called to account for whatever He does, whereas they will be called to account" (21:23). He has thus made a statement concerning the difference between us and Him, namely, that the question "Why?" may not be asked concerning the things He does. Moreover, since it is not permissible for us to ask Him about any of His rulings or actions, saying, "Why is this?" then all causes [*asbāb*] are rendered null and void, while all logical bases [*ʿilal*] [for God's actions] are abolished except in those cases where God states explicitly that He has done a certain thing for a certain purpose. However, He is not to be asked even about these things. No one has the right to say, "Why was this ruling for this cause and not for some other cause?" Nor may anyone say, "Why was this thing made to be a cause without something else's being made a cause as well?" Whoever poses such questions has disobeyed God, Almighty and Majestic is He, and abandoned the religion. Such a person has defied God's declaration that, "He cannot be called to account for whatever He does," and anyone who calls God to account for what He does is wicked and rebellious.¹²¹

In another passage Ibn Ḥazm finds fault with the position of scholars who engage in analogical deduction and search out the bases for legal rulings, saying, "Such people are constantly asking their Lord, 'Why did You do such-and-such?' as though they had never read this verse! May God preserve us from such betrayal!"¹²² Given this understanding and this use of 'evidence,' the aforementioned Qur'anic verse becomes a cutting sword in Ibn Ḥazm's hand, which he brandishes freely and with which, indeed, he deals a blow against whoever would dare to search for the wise purposes of the Law and the logical bases for its rulings. In so doing, he closes off all of what *uṣūl* scholars refer to as "the pathways of *taʿlīl*" (with the sole exception of explicit texts understood in their most literal sense), prohibits all inquiry into the objectives of the Lawgiver and the mysteries of the Law, and brands those who engage in such inquiry as godless and wicked!

The only direct reply I have found to the dangerous way in which Ibn Ḥazm derives support for his position from this verse is that presented by Muḥammad Abū Zahrah. In his most significant rejoinder,

Abū Zahrah points out that Ibn Ḥazm has confused God's actions with His precepts or rulings and, as a consequence, has mistakenly applied the prohibition against inquiry into God's actions to inquiry into His rulings or precepts. Abū Zahrah states,

... God, Glorious and Exalted is He, may not be questioned concerning His actions or His words, since no one possesses authority over against His; He is the Possessor of all Sovereignty, full of Majesty and Glory. No one may presume to question the bases for His actions, since He is the All-Wise, the All-Knowing, the All-Aware. However, does this necessitate a prohibition against inquiry into the bases for the texts of Islamic Law? As I see it, there is a major difference between the bases for legal texts and the bases for God's actions, since inquiry into the bases for the texts of the Law is a means of determining what they mean and what they require of us.¹²³

However, this rejoinder by Abū Zahrah is no match for Ibn Ḥazm's logic and his detailed, elaborate arguments. After all, Ibn Ḥazm, or anyone else who adheres to his view, can maintain that there is no real distinction between God's actions and His rulings, since His rulings are included among His actions, and because His actions entail some of His rulings. In addition, Ibn Ḥazm finds support for the prohibition against *ta'lil* in the words of God Almighty in which He describes Himself as "a Sovereign Doer of whatever He wills" (Qur'an, 11:107 and 85:16). That is to say, God does whatever He wills and issues whatever rulings He wills. No one has the right or capacity to comment on His judgment, since "[When] God judges, there is no power that could repel His judgment" (Qur'an, 13:41), nor can He be called to account for what He does, whether in relation to creation and its management, or in the realm of legislation and its ratification. In all these realms He 'does' what He wills. Hence, whoever asks Him, "Why did You rule thus and so?" is also asking Him, in effect, "Why did You do thus and so?"

Abū Zahrah states that God Almighty cannot be called to account for His actions or His words, after which he proceeds to argue in favor of inquiring into the bases of legal texts, whereas legal texts are

God's words. He also makes mention of the fact that searching out the bases of legal texts is "a means of determining what they mean and what they require of us." In fact, however, there is a difference of degree between *ta'lil* on one hand, and determining what a text means and what it requires of us, on the other. God tells us, for example, "... to have two sisters [as your wives] at one and the same time" (Qur'an, 4:23). The meaning of this text is that it is forbidden for a man to be married, at one and the same time, to two women who are sisters, and what is required of us is to avoid this practice. This, then, is the ruling which human beings are to be aware of and to obey. As for the identification of its basis or purpose, however, this is another matter, or another degree, if you will. Ibn Ḥazm, as will be seen below, raises no objection to the first degree (i.e., being aware of what a ruling requires and adhering to it); on the contrary, he considers it – as do all Muslims – to be a duty. However, he forbids the second degree, which begins when we say, "Why has God forbidden a man to be married simultaneously to two women who are sisters?" This is the question to which Ibn Ḥazm objects; indeed, he forbids it, and declares whoever poses it to be "sinful." Consequently, it would not be permissible for someone to say of this prohibition, for example, that the "wise purpose behind it is to prevent jealousy on the part of those among whom the Lawgiver intends to preserve love and harmony,"¹²⁴ or some other wise purpose which is readily perceived.

Before entering into a discussion and refutation of Ibn Ḥazm's understanding of the verse, "He cannot be called to account for whatever He does, whereas they will be called to account" (The Qur'an, 21:23), and the conclusions which he draws from it, I should add that he also supports his position with another verse which he interprets in a similar way. He writes,

Abū Muḥammad notes that God Almighty has declared, "and that they in whose hearts is disease and they who deny the truth outright might ask: 'What does [your] God mean by this parable?' In this way God lets go astray him that wills [to go astray], and guides aright him that wills [to be guided]" (Qur'an, 74:31). Thus, God has told us that

inquiry into the basis for what He wills is error. This is what the verse has to mean; otherwise, it must entail a prohibition against seeking out the intended meaning, which is an error which no Muslim would accept. On the contrary, attempting to ascertain the meaning which God intended is the duty of all who seek knowledge, and indeed, of every Muslim in the context of his own life circumstances. Hence, the second possibility¹²⁵ must of necessity be the correct one. God has also described Himself as “a Sovereign Doer of whatever He wills” (85:16) and declared concerning Himself that “He cannot be called to account for whatever He does, whereas they will be called to account.” Abū Muḥammad states, “This is sufficient as a prohibition against *taʿlīl* of any kind, and given these words, anyone who engages in this practice is disobeying God. May God preserve us from such perfidy!”¹²⁶

This is the cornerstone of the Zahirite position in general, and of Ibn Ḥazm’s position in particular, on the matter of *taʿlīl*, or, as Ibn Ḥazm terms it, “the accursed question”!¹²⁷

These teachings of Ibn Ḥazm’s, and particularly the conclusions which he draws from the two aforementioned verses, rest upon a glaring fallacy. However, because Abū Zahrah fails to note this fallacy, he is not able to deal a death blow to Ibn Ḥazm’s arguments. The words, “He cannot be called to account for whatever He does, whereas they will be called to account” mean that God Almighty may not be called to account by anyone for what He does; nor may anyone call Him to account for His judgments: “[When] God judges, there is no power that could repel His judgment” (Qur’an, 13:41). Human beings, by contrast, may be asked, called to account, chastised and reprovved for their errors. The reason for this is that God Almighty is the Creator and Master of all, the One who possesses everything in the heavens and on earth, in this life and the life to come. In addition, He is the Wisest of those who judge, the most Merciful of the merciful, the most Truthful of those who speak, the All-Knowing and the All-Aware. And it is on this basis – or, rather, these bases – that there is no possibility of correcting or taking exception to his actions and judgments.

For these reasons, then, the Lord Almighty “cannot be called to

account for whatever He does, whereas they will be called to account.” In other words, He may not be asked a question the intent of which is to remonstrate with Him or to hold Him accountable. This, then, is the meaning of the verse, and there can be no doubt that to question God in this sense is an expression of unbelief. Moreover, it is here that we come up against the error, or fallacy, to which Ibn Ḥazm falls prey when he prohibits *ta‘lil* on the basis of this and similar verses from the Qur’an. For to pose questions concerning the bases for legal rulings and the hidden wisdom and wise purposes which underlie God’s actions is to seek to understand and to learn. These types of questions or inquiries were asked by the prophets and the righteous and they find both mention and approval in the Qur’an, a fact which should do away with the faulty understanding adopted by Ibn Ḥazm and on the basis of which he relegates the majority of scholars – his predecessors and successors alike – to the ranks of the foolish.

Before citing examples of the point I have just raised, allow me to clarify further both Ibn Ḥazm’s proof text and its context. The context of the verse is an affirmation of the divine oneness and uniqueness and a refutation of polytheism,

For unto Him belong all [beings] that are in the heavens and on earth; and those that are with Him are never too proud to worship Him and never grow weary [thereof]: they extol His limitless Glory by night and by day, never flagging [therein]. And yet, some people choose to worship certain earthly things or beings as deities that [are supposed to] resurrect [the dead: and they fail to realize that], had there been in heaven or on earth any deities other than God, both [those realms] would surely have fallen into ruin! But limitless in His Glory is God, enthroned in His awesome Almightyness [far] above anything that men may devise by way of definition! He cannot be called to account for whatever He does, whereas they will be called to account: and yet, they choose to worship [imaginary] deities instead of Him! Say [O Prophet]: “Produce an evidence for what you are claiming: this is a reminder [unceasingly voiced] by those who are with me, just as it was a reminder [voiced] by those who came before me.” But nay, most of them do not

know the truth, and so they stubbornly turn away [from it] – and [this despite the fact that even] before thy time We never sent any apostle without having revealed to him that there is no deity save Me, [and that,] therefore, you shall worship Me [alone]! And [yet,] some say, “The Most Gracious has taken unto Himself a son”! Limitless is He in His Glory! Nay, [those whom they regard as God’s “offspring” are but His] honored servants: they speak not until He has spoken unto them, and [whenever they act,] they act at His behest. He knows all that lies open before them and all that is hidden from them: hence, they cannot intercede for any but those whom He has [already] graced with His goodly acceptance, since they themselves stand in reverent awe of Him. And if any of them were to say, “Behold, I am a deity beside Him” – that one We should requite with hell: thus do We requite all [such] evildoers. (Qur’an, 21:19-29)

The verse which Ibn Ḥazm cites as evidence in support of his rejection of *taʿlīl* appears in the context of an affirmation of the singularity of the One, Glory be to Him, that is, an affirmation of those attributes which belong to Him alone, and which, therefore, distinguish Him from His so-called ‘partners.’ One such attribute is that unlike other beings, the One cannot be called to account, reprovved, or remonstrated with. As for other alleged deities, be they angels or human beings, they are answerable for what they do and say, they will be called to account, and they will be brought to judgment; yet any being to whom such descriptions apply cannot be divine.

This, then, is the context of the type of questioning which must be negated in relation to God but which may be affirmed in relation to God’s creatures. In clarification of this point Ibn Ashur writes,

Questioning here is being spoken of in the sense of calling to account, demanding an explanation for the reason behind an action, [requesting] an apology for something which has been done, and [offering] release from blame or reproach for what has been done. It is, in other words, like the questioning referred to in the Prophetic hadith which reads, “Each of you is a shepherd, and each of you is answerable for his flock.” The fact that the Prophet’s listeners are answerable is an allu-

sion to their status as servants, since the servant is subject to being censured for what he does or does not do, just as he is liable to err in some of what he does.

We do not intend here to deny the legitimacy of requesting counsel or seeking knowledge [from God]; nor are we negating the permissibility of supplication, seeking benefit, or attempts to search out new knowledge, as, for example, through the questions posed by students of jurisprudence and scholastic theologians concerning the wise purposes being fulfilled through legal rulings or cosmic systems. The reason for this is that questions of this nature fall within the category of discovery and the pursuit of knowledge, and are not attempts to question God Almighty or to absolve Him of supposed blame. This distinction serves to disprove the divinity of those beings who occupy places close to God, such as the angels who were worshipped by polytheists and whom the latter claimed to be daughters of God Almighty, since it negates of such beings those qualities which are peculiar to the true God alone. After all, they will be called to account for what they do, whereas the truly Divine cannot be thus called to account. Hence, the statement, "He cannot be called to account for whatever He does" is an allusion to the fact that God's actions are always in accordance with perfect wisdom such that if a critic were to examine them thoughtfully and with care, or if he were given insight into the aspects of such actions which were heretofore beyond his perception, he would find nothing in them to condemn.¹²⁸

Given the foregoing, we may now identify the secret to resolving this question and the decisive criterion by means of which to distinguish between one type of questioning and another – between the type of question for which Ibn Ḥazm brands others as "sinful," and the type of question by means of which one seeks to draw near to God and to merit divine favor and reward. Specifically, any question which is posed to God concerning any of God's acts, words, or judgments with the intent of protesting, censuring, mocking or calling to account is a manifestation of error and unbelief; this is the motive behind the question which appears in the verse cited by Ibn Ḥazm in

support of prohibiting a search for the bases of legal rulings: “and that they in whose hearts is disease and they who deny the truth outright might ask: ‘What does [your] God mean by this parable?’ In this way God lets go astray him that wills [to go astray], and guides aright him that wills [to be guided]” (Qur’an, 74:31). The question mentioned in this verse is posed by those who deny the truth and those “in whose hearts is disease” and, as is clear from the circumstances which provided the occasion for the revelation of this verse, it is asked in a tone of mockery and disdain.

Comparable to this verse is another which is found in *Surat al-Baqarah*: “...those who are bent on denying the truth say, ‘What could God mean by this parable?’” (2:26). On this verse al-Qurṭubī comments, saying, “These words of theirs are an expression of denial in the form of a question.”¹²⁹ A similar message is conveyed by the hadith in which the Messenger of God decreed that a wergild should be paid on behalf of an unborn child which was killed along with its mother. After he had issued this ruling, Ḥamal ibn al-Nābighah – from the clan of the woman who committed the murder and who, according to the ruling, would be required to pay the two wergilds – rises and says, “O Messenger of God, how can I be fined for the sake of someone who has never drunk, eaten, spoken or uttered the name of God over a sacrifice? For the blood of such an entity calls for no wergild.” In response to this, the Messenger of God declared, “This man is a brother of soothsayers.”¹³⁰

The statement made by Ḥamal ibn al-Nābighah is a type of rhetorical question the intent behind which is dissent and protest and which, if addressed to God, is a form of unbelief, or nearly so. It is for this reason that the Messenger of God is angered and describes the man in the way that he does. In his commentary on *Ṣaḥīḥ Muslim*, al-Nawawī states, “Scholars have held that he condemned the man’s use of rhymed prose¹³¹ for two reasons, one of which is that by means of it, he defied the ruling of the Law and expressed the desire for it to be nullified...”¹³² As a matter of fact, however, the Prophet’s condemnation is not directed against the man’s use of rhymed prose but, rather, against the defiant content of his words and his rejection of the ruling issued by God and His Messenger. In

situations such as this, then, it is valid and appropriate to cite these verses.

If, on the other hand, such a question is voiced in an attitude of complete faith in God and His attributes of perfection, and in particular, His justice and wisdom; and if the question is motivated by the desire for greater understanding of God's wise purposes as revealed in His Laws and His manner of disposing of affairs, it thereby becomes a legitimate, and indeed, even a praiseworthy question rather than one which merits condemnation, provided, of course, that it is voiced in a courteous manner. As a matter of fact, such questions have been asked by God's righteous, chosen servants whose lives are models for all to emulate:

- The angels asked their Lord, "Wilt Thou place on [the Earth] such as will spread corruption thereon and shed blood – whereas it is we who extol Thy limitless Glory, and praise Thee, and hallow Thy name?" (Qur'an, 2:30)
- God's beloved friend Abraham said, "O my Sustainer! Show me how Thou givest life unto the dead!" (Qur'an, 2:260) Commenting on this verse, al-Qurṭubī writes, "He [Abraham] was simply asking for a direct, experiential vision, since it is a natural thing for one to long to see that about which one has been told. He then justifies his request by saying, 'so that my heart may be set fully at rest,' by closing the gap, as it were, between that which he knew based on evidence, and that which he knew through direct experience."¹³³
- Upon receiving the glad tidings of a son, both Mary and Zachariah had questions for God. "[Zachariah] exclaimed, 'O my Sustainer! How can I have a son when old age has already overtaken me, and my wife is barren?'" (Qur'an, 3:40) As for Mary, she said, "O my Sustainer! How can I have a son when no man has ever touched me?" (3:47) Both of them, overwhelmed and disconcerted in the presence of God and His power, found themselves addressing questions to the One concerned, Glory be to Him, [aware] of His power to accomplish all things and His perfect knowledge.

All the questions just mentioned have to do with God's actions; in other words, they do not pertain to the divinely revealed Law. Even so, they were posed by the most exemplary of God's servants. As for questions having to do with God's rulings, an example thereof is found in the circumstances which occasioned the revelation of the following passage from the Qur'an:

Verily, for all men and women who have surrendered themselves unto God, and all believing men and believing women, and all truly devout men and truly devout women, and all men and women who are true to their word, and all men and women who are patient in adversity, and all men and women who humble themselves [before God], and all men and women who give in charity, and all self-denying men and self-denying women, and all men and women who are mindful of their chastity, and all men and women who remember God unceasingly: for [all of] them has God readied forgiveness of sins and a mighty reward. (33:35)

Concerning the circumstances which occasioned the revelation of this passage, it is related by Aḥmad ibn Ḥanbal and al-Nassā'ī that Umm Salamah once asked the Prophet, "Why is it that we [women] are not mentioned in the Qur'an as men are?" whereupon God sent down this verse.¹³⁴ Even though the question posed by the Mother of the Faithful Umm Salamah or by other female Companions as recorded in other accounts, was addressed directly to the Prophet, it was, in actual fact, addressed to God Himself, Majestic in His Glory is He, and for this reason God Almighty undertook Himself to answer it. Moreover, this question, or this questioning, was not a cause for condemnation or blame, which confirms that it was devoid of all dubious motives or intentions. Rather, it was an honest expression of the desire for knowledge and understanding together with perfect contentment (in God) and submission (to Him) no matter what the answer might happen to be.

Given this discussion of the most important evidence proffered by Ibn Ḥazm and the most relevant to our topic, I see no need to present his other arguments against *ta'ḥīl*.¹³⁵ Some of these arguments are disproven by the evidence which has been presented in this sec-

tion in support of *ta'li'l*, and which there is no need to repeat, others are obviously invalid, particularly in light of the foregoing discussion, while still others delve into scholastic, philosophical discussions which I do not wish to go into. As for the examples cited by Ibn Hazm from the realm of jurisprudence in order to invalidate *qiyās* and *ta'li'l*, a thorough-going response to these may be found in what was written by Ibn al-Qayyim in refutation of those who reject the practice of analogical deduction, or *qiyās*, even though he mentions none of them by name.¹³⁶

It should be affirmed here once again that the process of identifying the bases and wise purposes of legal rulings is associated with specific methods, limits and criteria. All of these are expounded in the appropriate sections of books devoted to the fundamentals of jurisprudence (*uṣūl al-fiqh*) and the jurisprudence of hadith (*fiqh al-ḥadīth*), and applied in books on jurisprudence and commentaries on the Qur'an and the Sunnah.

It may be affirmed with confidence that there is not a single legal ruling in Islam but that it is permissible to inquire into its wise purpose and to search for this purpose employing all the methods of research and knowledge which God has made available to us. If, then, we arrive at a conclusion which is attested to by reliable evidence, we may accept it, and if we do not, we surrender to God's wisdom in the matter whatever it happens to be. The search goes on, knowledge is limitless, and God has commanded us to use our minds, to reflect, to ponder, and to examine His religion and His Law, His creation and His sovereign domain. He says, "Will they not, then, try to understand this Qur'an?" (Qur'an, 4:82) and, "Do, then, they [who deny resurrection] never gaze at the clouds pregnant with water, [and observe] how they are created? And at the sky, how it is raised aloft? And at the mountains, how firmly they are reared? And at the earth, how it is spread out?" (88:17-20) In both realms there is a need to ask about the bases for things and the laws which govern them, about mysteries and wise purposes. Such inquiries, of course, should be kept within the limits of what is possible, or what appears to be possible; meanwhile, may God's blessing rest on those who recognize their limitations and do not seek to go beyond them.

In our current area of concern, that is, the sphere of Islamic Law and its rulings, it should be recalled that in order for our understanding of the Law and its purposes to advance, we must proceed with the full certainty and confidence that this Law, to borrow the words of Ibn al-Qayyim, “is nothing but justice, nothing but mercy, nothing but benefit, nothing but wisdom...”¹³⁷ And as al-Qurṭubī – a fellow countryman of Ibn Ḥazm’s – puts it, “Among the discerning, there is no one who would dispute the fact that the intent behind the Laws revealed through the prophets is to preserve human interests, both worldly and otherworldly, material and spiritual.”¹³⁸

We are thus called upon to inquire into the material and spiritual benefits and purposes which underlie the rulings of Islamic Law, since in this way we will be enabled to understand them, apply them, and be guided aright in situations which receive no explicit mention in the Qur’an or the Sunnah. Distinguished scholar Ibn Ashur states,

In sum, we are certain that all the rulings of Islamic Law entail objectives, that is, wise purposes, interests and benefits. Consequently, our scholars are duty bound to acquaint themselves with the Law’s logical bases and purposes, both those which are readily perceived and those which are hidden from view.¹³⁹

And just as it is impossible for someone who lacks faith in the laws of the universe, their regularity, stability, perfection and precision to progress in any of the material sciences, neither is it possible for one who lacks faith in the all-encompassing wisdom of the divinely revealed legislation, its orderly laws and its sound principles, to achieve any progress in the sciences of Islamic Law.

[II]

Sources of Benefit and Harm

If the discussion of *ta’lil* is a discussion of the foundation of the objectives of Islamic Law, then the discussion of sources of benefit