

## Book Review: “The Maqasid (Objectives) According to Imam Al-Shatibi”

(Translated)

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The book “The Maqasid (Objectives) According to Imam al-Shatibi” has recently been published, authored by Ustadh Mahmoud Abdel Hadi Faour. Al-Waie Magazine offers its readers an introduction to this book, which it finds to be a serious, profound, and disciplined research into the usool of fiqh (foundations of jurisprudence). The author delved deeply into the truth of this idea, or theory, of Imam al-Shatibi, while remaining analytical and objective to the utmost.

What is clearly evident in this valuable book is its thoroughness and depth. The author does not attribute to al-Shatibi (died 790 AH, 1388 CE) an opinion, a meaning he intended, a principle he adopted, or an explanation of a text important to his methodology, unless he links this to texts from al-Shatibi himself that conclusively confirm the truth of his objective and intention. Indeed, the reader interested in this matter will sense the great effort expended in dividing the chapters and topics of this book, and arranging them so that what precedes it paves the way for what follows, and what follows it builds on what precedes it, in a coherent, convincing, and useful intellectual style. This is so that the reader arrives at an understanding and comprehension of the reasons and circumstances for the emergence and development of the idea of the Maqasid of the Shariah, and then after that an understanding and comprehension of the idea of the objectives of Imam al-Shatibi, may Allah (swt) have mercy on him.

One of the most important and precise things the author did, after explaining and clarifying this idea, was to present and explain the most important Shariah qawa'id (principles) and usool (foundations) considered in Al-Shatibi's methodology, such as: the origin of the consequences of actions (أصل مآلات الأفعال) and the principles of public interest (المصالح المرسلّة), juristic preference (الاستحسان), blocking the means to evil (سد الذرائع), the principles of the origin and the predominant (وقواعد الأصل والغالب), and removing harm (رفع الضرر). The author presented all of this in an explanatory and applied manner for Al-Shatibi's methodology in establishing the foundations and principles and in understanding the Shariah. This is the most important objective of Al-Shatibi in writing his book “Al-Muwafaqat (Reconciling)” and in clarifying the new aspects of his methodology in the usool of fiqh.

In numerous places throughout his book, the author demonstrates the significant difference, indeed the contradiction, between the true nature of al-Shatibi's methodology, and the claims or stances advocated by many in our time for the development of fiqh, or even the usool of fiqh, by invoking al-Shatibi and his methodology. This was one of the author's motivations for delving into this thorny subject, and clarifying the true nature of the concept of objectives according to Imam al-Shatibi, as he states in his introduction.

The researcher looked into “Al-Muwafaqat” and studied it from the beginning to end, and then from the end to the beginning. It contains depth, and its author is purposeful, and it needs to be looked at and re-looked at, so be it. The researcher focused on it and looked at it carefully. The result was that Al-Shatibi is slandered by one group, and is not understood by another. The result is that Al-Shatibi is innocent of what is attributed to him regarding interests and objectives. The researcher continued studying Al-Shatibi, including his book “Kitab al-I'tisam” (The Book of Adherence), and found that those who use him as a screen to hide behind are innovators in his view. Al-Shatibi does not agree

with them and he warns against them and attacks them and their approach. From here arose the motivations for researching this topic, which are, in brief:

1- Deen is a Shariah takleef (legal obligation) and a trust in the neck of everyone who understands it. The researcher saw it as his Shariah obligation to clarify that the maqasid (objectives) of Shariah do not contradict Shariah, nor do they invalidate its Shariah rulings. If the objectives are objectives of Shariah, then they are a branch of it, and Shariah is the origin. It is not right for the branch to reduce the origin to an invalidation. It is necessary to confront every thought or proposal that calls for aborting Shariah, or transgressing its boundaries, especially if it is done in the name of Islam.

2- Since some contemporaries have clung to Al-Shatibi and his “Al-Muwafaqat”, and attributed to him what he does not say, but instead what he has always warned against, it was necessary to clarify the truth of this matter, and that there is no way to cling to Al-Shatibi or his “Al-Muwafaqat” for those who want to amend or alter the rulings of the Shariah under the pretext of its objectives (maqasid), whether with good intentions and purpose, or with bad intentions.

3- There has been much talk about Al-Shatibi and his idea of the maqasid (objectives), or his theory of them, and about his elaboration in how to understand the Shariah, whilst research has been presented in this regard and around it, in books, on the pages of magazines and newspapers, and on satellite TV screens. The researcher finds that these are all far from Al-Shatibi and his idea or his method or his elaboration. So, he feels that he must clarify what he sees as correct in this matter (from the author’s introduction).

What is widely circulated among researchers is true, that the book “Al-Muwafaqat”, in which Al-Shatibi included his idea of the objectives and his method of ijthad, is a difficult book, indeed very difficult. Al-Shatibi himself alluded to this fact, and advised that his book should only be studied by those who are well-versed in the disciplines of Shariah, otherwise the blessing contained within it will turn against them. If this is the case, then the author — after briefly explaining the emergence and development of the discipline of the usool of fiqh, then the emergence of the idea of the objectives (maqasid) of Shariah, and the discussions and debates of the usooliyoon (ulema of usool of fiqh) before Al-Shatibi — simplified it and presented it in a documented and easy-to-understand manner for anyone interested and seeking to understand the maqasid.

There are many noteworthy points in the book, including, for example, the author’s emphasis on al-Shatibi’s understanding of the maqasid, which confirms that contemporary discussions on this matter and their warnings about al-Shatibi’s methodology and elaborations are far removed from al-Shatibi and his methodology. Al-Shatibi divided the maqasid into two categories: the objectives of the Lawgiver and the objectives of the legally obligated. He then divided the objectives of the legally obligated into four categories, of which the objectives of Islamic Law are only one. However, contemporary scholars do not address or research anything other than the maqasid of Islamic Shariah Law. Furthermore, the content of their research, when they do discuss it, is mostly the maqasid (objectives) of the legally obligated, not the objectives of Islamic Shariah Law.

Moreover, most contemporary discussions overlook what al-Shatibi considered the fourth type of objectives, which is the objective of the Lawgiver for the worship and obedience of His servants. In fact, the other three objectives were only discussed for the sake of achieving this objective, which is for people to worship their Creator. Allah (swt), ﴿وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ﴾ **“And I did not create the jinn and mankind except to worship Me.”** [TMQ Adh-Dhariyat: 56]. Likewise, one of the most precise things the author did was to verify the meaning of every word or term used by al-Shatibi that is

important or influential in understanding his methodology or innovation. He clarified and documented al-Shatibi's intent with fiqhi terms such as, the cause (السبب), the effect (المسبب), the wisdom (الحكمة), the analogical reason (العلة), the foundation (لأصل), the partial (الجزئي), the branch (الفرع), meanings of Shariah rulings (معاني الأحكام), original objectives (المقاصد الأصلية), subsidiary objectives (المقاصد التابعة), and others. The author also highlighted the meaning that Al-Shatibi intended by induction, how to apply it, his requirement of certainty in the foundations, how to benefit from this from juristic examination (استقراء), and how the juristic examination (استقراء) method is one of the most important pillars of Al-Shatibi's idea, which is something that contemporary advocates of altering reformation completely ignore and neglect.

Thus, the author guides his reader step by step, leading him to understand the meaning of the objectives as intended by al-Shatibi. He then explores how an objective is considered a Shariah objective, how it can be suspended or rejected, and how the levels of the objectives of the Shariah vary, with one being considered a necessity, another a need, and another an improvement. He also explains al-Shatibi's method of arranging the objectives within a single level, such as preserving Deen, life, reasoning intellect, lineage, and wealth. The author explains that the Grand Imamate (Khilafah (Caliphate)), for example, is a necessity in the level of preserving Deen, as is Jihad, Salah, and all the other pillars. All of this is according to al-Shatibi.

One of the most important points to note in our introduction to this book is the author's definition and explanation of what al-Shatibi meant by the terms *maslahah* (interest) and *mafsadah* (corruption). He explains how *maslahah* (interest) is a Shariah objective that the legally obligated person (*mukallaf*) must consider in Shariah legislation. He warns that it can be merely reduced to an objective of the *mukallaf* itself, depending on his own desires, inclinations, and whims. The book conclusively examines, investigates, and establishes, that *maslahah* (interest) according to al-Shatibi is what has been determined by Islamic Shariah Law to be an objective of the Lawgiver, regardless of whether it conforms to the desired objectives of the created or not. Thus, there is no ambiguity in al-Shatibi's approach, which states that the correct way is to say *الشرع مصلحة* "Shariah is interest" and not "interest is Shariah", as many people imagine is the meaning intended by al-Shatibi. The author also explains the intended meaning of terms such as *mu'tabar* (considered), *mursal* (mandated), and *mulgha* (cancelled), as well as the types of consideration in the phrase "considered interest" or "mandated interest". The author also clarifies the meaning of the "central midground" (*wasat*) and mediacy (*wastiyyah*) according to al-Shatibi, with definitive texts from al-Muwafaqat. He elaborates on how to determine the *wasat* in any given issue, explaining that it is not something that falls between the extremes of excess and deficiency or anything similar. Instead, excess and deficiency are identified after the *wasat* is identified. As for how the *wasat* is identified, the author cites al-Shatibi's statement, *والتوسط يُعرف بالشرع* "Centralizing is determined by the Shariah alone".

The book also highlights Al-Shatibi's position on some pronouncements or the principles adopted by some muftis, such as facilitation due to hardship (التيسير بسبب المشقة), alleged necessities (الضرورات المزعومة) or needs (حاجات), and the permissibility of freely choosing between Shariah schools of thought or Shariah fatwas. Al-Shatibi rejects all of them and even attacks them strongly.

The book also highlights Al-Shatibi's stance regarding 'urf (custom) or 'awaa'id (traditions), as he calls them, and the extent of their consideration in Shariah, and the statement that Shariah rulings change with the change of customs, interests, time, or place, and the issue of the absence of Shariah in some rulings, or what some claim about the existence of a vacuum in Shariah. The author explains Al-Shatibi's stance on all of this and other things, in interesting and useful research, and documents that with texts by

Al-Shatibi, including his saying, that among the characteristics of Shariah are **العموم والاطراد**، فلذلك جرت الأحكام الشرعية في أفعال المكلفين على الإطلاق وإن كانت آحادها الخاصة لا تنتاهي، فلا عمل يفرض **generality and consistency**. Therefore, the Shariah rulings apply to the actions of those obligated in general, even if their particularities are endless. No action is obligated, nor movement, nor abstention claimed, except that Shariah determines it both individually and in combination, which is the meaning of Shariah being general”.

Among the characteristics of Shariah, as Al-Shatibi says, is also، **الثبوت من غير زوال؛ فلذلك لا تجد فيها بعد كمالها نسخاً ولا تخصيصاً لعمومها، ولا تقييداً لإطلاقها، ولا رفعاً لحكم من أحكامها، لا بحسب عموم المكلفين، ولا بحسب خصوص بعضهم، ولا بحسب حال من الأحوال، بل ما أثبت سبباً فهو سبب أبداً لا يرتفع، وما كان شرطاً فهو شرطاً أبداً، وما كان واجباً فهو واجب أبداً، أو مندوباً فمندوب، وهكذا جميع الأحكام فلا زوال لها ولا تبدل، ولو فرض بقاء التكليف Establishment without disappearance. Therefore, after the completion of Shariah, you will not find in it any abrogation or specification of its generality, nor any restriction of its absoluteness, nor any lifting of any of its rulings, neither according to the generality of those obligated, nor according to the particularity of some of them, nor according to any situation. Instead, whatever has been established as a cause (sabab) is always a cause and cannot be lifted. Whatever was a condition (shart) is always a condition. Whatever was obligatory (wajib) is always obligatory. Whatever is recommended (mandub) is always recommended. And so are all Shariah rulings. They do not cease or change. Even if it were assumed that the legal obligation would continue indefinitely, its Shariah rulings would be likewise”.**

Among the sayings of al-Shatibi, the author also cites، **لأن الشرع موضوع على أنه أبدي لو فرض**، **This is because the Shariah is intended to be eternal. This is even if it were assumed that the world would continue indefinitely. The Shariah obligation is thus. There is no need for anything more in the Shariah”.**

In the reviewed book there is a study under the title، **لا يجوز مخالفة الأحكام بحجة المقاصد**، **“It is not permissible to contradict the Shariah rulings under the pretext of objectives”**، which is a condition, according to Al-Shatibi, in order to consider the objectives and to validate the application of the method. In fact, the objective is not considered a Shariah objective if it contradicts the Shariah rulings, which is what Al-Shatibi refers to a lot in his book **“Al-Muwafaqat”**، and it is some of what Al-Shatibi means by his saying that it is necessary to apply the generalities and the particulars together. It is one of the usool according to Al-Shatibi that the author explained to us clearly, and he showed that it is a condition for Al-Shatibi’s method in the usool of fiqh.

In this book, the author traces many of the opinions, understandings and meanings held by many contemporary researchers and writers on the usool of fiqh, including those who reviewed the book **“Al-Muwafaqat”**، through which they mistakenly attribute to Al-Shatibi. He demonstrates their error and, sometimes, their contradiction with Al-Shatibi. He relies on analysis, connection, and reasoning based on Al-Shatibi’s texts and their applications, using an intellectual and objective approach. He also rejects what some have claimed about contradictions in Al-Shatibi’s texts, explaining that this is a delusion on their part and due to their lack of understanding of some of those issues, as well as Al-Shatibi’s meaning by some important terms in his methodology, such as **maslahah** (interest) and **mafsadah** (corruption), as opposed to interest as understood in common parlance, and so on.

The author concluded his book with the tenth chapter, which he divided into three sections. In the first, he summarized the concept of **maqasid** (objectives) according to Al-Shatibi, presenting its pillars, meaning, and Al-Shatibi's approach to understanding the Shariah according to it. In the second and third sections, he discussed it in an **usooli** discussion. He discussed the issue of juristic examination as a method versus **istinbat**

