

# The Meaning of the Term *Šarī‘ah* in the Classical Theology of Sunnite Islam<sup>1</sup>

Jens Bakker\*

## Abstract

In this paper it is shown that *šarī‘ah* is a systematical concept of classical Sunnite theology (at least 7th/13th to 13th/19th century), which denotes a divine revelation that is intersubjectively comprehensible. Thereby some imprecise notions about the meaning of *šarī‘ah* current in publications in the field of Islamic studies, for example that *šarī‘ah* signifies only practical norms, which are not helpful when it comes to interpretation of texts from the classical period in the above mentioned sense, are corrected. It has also been attempted to find some reasons for these misunderstandings.

A very short characterization of classical theology of Sunnite Islam, from a historical point of view the most influential form of theology in the Sunnite world, is given. It will become clear that the classical theologians imply with the term *šarī‘ah* only a revelation whose veracity can be established by purely rational arguments, and that these arguments have to meet the epistemological requirements of the philosophical sciences of their times. That means that this form of theology is by its own understanding a profoundly rational and scientific project.

**Keywords:** Sunnite Islam, Islamic theology, classical theology of Sunnite Islam, Islamic law, Islamic legal theory, Islamic dogmatics, Islamic practical theology, revelation and reason, *šarī‘ah*, *kalām*, *fiqh*, *uṣūl al-fiqh*, Islamic standard works, ‘Aḍud ad-Dīn al-‘Iḡīy, Galāl ad-Dīn al-Maḥallīy, Ibn al-Ḥāḡib, Sa‘d ad-Dīn at-Taftāzānīy, Šadr aš-Šarī‘ah al-Maḥbūbīy al-Buḥārīy, as-Sayyid aš-Šarīf al-Ġurḡānīy, Tāḡ ad-Dīn as-Subkīy.

## Introduction

The Islamic world, insofar it is conceived by the historical discipline called “Islamic studies”,<sup>2</sup> is, according to John Voll in his article “*Islam as a Special World-System*”, neither a political, nor an economic, nor a cultural unity in a narrower sense, but rather a very large network constituted by a common discourse which comprises inter alia religious and theological contents and came into being approximately towards the end of the 4th/10th century.<sup>3</sup>

Assuming Voll’s thesis, one must conclude that this common discourse, as it constitutes the Islamic world system, is part of the larger context of most of the texts that have

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<sup>1</sup> An earlier version of this paper has been delivered at “*Herausforderung durch Religion? Internationale Tagung an der Theologischen Fakultät Trier*” on September, 30th 2009. Mr. Robert Seymour has corrected the English language of this last version of the article, remaining shortcomings are of course my fault. For reasons of consistency, the scientific transcription as standardized by the *Deutsche Morgenländische Gesellschaft* (DMG), which is usually employed in the *Hikma*, has not been used in this English-language article.

\* Dr. Jens Bakker is former lecturer at the “Institut für Orient- und Asienwissenschaften, Abteilung Islamwissenschaft” of the University of Bonn and postdoctoral research fellow at the Institute for Islamic Theology (IIT) at Osnabrück University.

<sup>2</sup> In German: “Islamwissenschaft”.

<sup>3</sup> Cf. Voll, John Obert, “*Islam as a Special World-System*”, in: *Journal of World History*, 5, no. 2, Honolulu: University of Hawaii Press 1994, pp. 213-226.

been produced within it, and therefore familiarity with as much of this discourse as possible, especially with its most central elements, is necessary as a hermeneutical prerequisite to interpret such texts. The aim of this paper is to make a small contribution towards increasing the general familiarity with this discourse.

As I have shown in my PhD thesis,<sup>4</sup> the most influential form of theology of Sunnite Islam as regards its dissemination through time and space was shaped by a paradigm that had been formulated at the latest in the 5th/11th century and was the predominant and most widespread form of Sunnite theology at the very latest from the 7th/13th century onwards. I have dubbed this type of theology “the classical theology of Sunnite Islam”.

The paradigm of this classical theology consists in its division of the whole of theology into eight basic disciplines, in the definitions of these disciplines, and in its epistemology as well as theory of sciences which both integrate the theological sciences into a system that comprises also the profane sciences to which philosophy belongs, too. The eight basic disciplines of classical theology are the following:

1. Dogmatics (*‘ilmu l-kalāmi* / *‘ilmu ‘uṣūli d-dīni* / *‘ilmu t-tawhīdi*), which is concerned with proving the theoretical contents of revelation by proofs that yield certainty;
2. Practical theology (*al-fiqh*), which, as will be shown later in this article, deduces the practical norms of revelation from their respective sources;
3. The science of the principles of practical theology (*‘uṣūlu l-fiqhi*), that investigates the methods practical theology has to follow, as will be also seen here;
4. The science of the way of the Sufis, which is to be understood as a kind of religious psychology;
5. The science of the textual form and the recitation of the Koran (*‘ilmu l-qirā’āti*);
6. Interpretation of the Koran (*‘ilmu t-tafsīri*), that is explaining the meaning of the verses of the Koran;
7. The science of the Ḥadīth (*‘ilmu l-Ḥadīthi*), that has to determine the authority of the ḥadīths. Other aspects of research in the realm of Ḥadīth are also part of this field of studies which is in its turn divided into many branches;
8. The science of the principles of the science of the Ḥadīth (mostly called *al-muṣṭalaḥ*), the object of which is to determine the rules by which the authority of the ḥadīths can be in turn determined.<sup>5</sup>

The contents of classical theology are accessible to us through sources which I have called “standard works”. By these sources I mean books that have been used on a wide scale in space and time as textbooks for teaching and studying theology. Because of this widespread dissemination as a medium through which theology was taught and learned, it is highly probable that the contents of these books are especially representative for that

<sup>4</sup> Bakker, Jens, *Normative Grundstrukturen der Theologie des sunnitischen Islam im 12./18. Jahrhundert*. (= Bonner Islamstudien; Bd. 23), Berlin: EB-Verlag 2012. This study investigates the basic normative structures of the theology of Sunnite Islam in the 12th/18th century.

<sup>5</sup> Concerning the system of theology, its division in its different branches, their definitions, the designations of these disciplines, their translations, etc., see part 3 of my PhD thesis.

which was held to be true or authoritative within the circles of the theologians of Sunnite Islam.<sup>6</sup>

The aim of the present investigation is to bring to light the meaning of the term *šarī'ah* / *šarī'ah* as it can be gleaned from standard works in the abovementioned sense, i.e. the meaning it has had within the classical theology of Sunnite Islam, at the very least from the 7th/13th to the 13th/19th century. From the fact that many of the standard works of classical Sunnite theology are still in print today, it can be concluded that this form of theology is still very influential. We will see, further, that in this framework *šarī'ah* is a central systematical concept of theology.

The restriction of the scope of the present investigation to the classical theology of Sunnite Islam also means that I will not seek to ascertain the meanings which *šarī'ah* has in contemporary theological language or in non-Arabic or even western languages, for example in the mass media etc. Nevertheless, in passing it may be mentioned how some modern western scholars of Islamic studies understand the concept of *šarī'ah*, and we will see that none of them grasps the meaning which is intended in the writings which are here labelled the “standard works” of classical Sunnite theology. These scholars agree insofar as they understand *šarī'ah* principally as designating the practical norms revealed by God:

N. Calder says in his EI<sup>2</sup> article “*Šarī'a*” on p. 321a.<sup>7</sup>

“The word *šarī'a* is common to the Arabic-speaking peoples of the Middle East and designates a prophetic religion in its totality, generating such phrases as *šarī'at Mūsā*, *šarī'at al-Masīh* (the law / religion of Moses or the Messiah), *šarī'at al-Madǰūs* (the Zoroastrian religion) or *šarī'atu-nā* (meaning our religion and referring to any of the monotheist faiths). Within Muslim discourse, *šarī'a* designates the rules and regulations governing the lives of Muslims, derived in principal from the Qur'ān and *ḥadīth*. In this sense, the word is closely associated with *fiḫh* [q.v.], which signifies academic discussion of divine law.” (Emphasis contained in the original document.)

It seems that Calder holds that the original meaning of *šarī'ah* was that of the totality of that which a prophet had revealed, and in Islamic usage this meaning was narrowed to denote only the practical norms of the revelation of the prophet Muḥammad. However, a

<sup>6</sup> I have discussed the issue of the standard works thoroughly in part 4 of my PhD thesis. Some hints are given in, for example, the following works: Husain, Mawlawi M. Hidayat, “*The Persian Autobiography of Shāh Walīullah bin 'Abd al-Raḥīm al-Dihlavī: its English translation and a list of his works*”, in: *Journal & Proceedings of the Asiatic Society of Bengal*, vol. VIII, no. 4, Calcutta: Asiatic Society 1912, pp. 161-175.; Malik, Jamal, *Islamische Gelehrtenkultur in Nordindien. Entwicklungsgeschichte und Tendenzen am Beispiel von Lucknow*. (= Islamic History and Civilization, Studies and Texts; vol. 19), Leiden: Brill 1997, especially the annexes on pp. 522-541; Robinson, Francis, “*Ottomans – Safavids – Mughals: Shared Knowledge and Connective Systems*”, in: *Journal of Islamic Studies*, 8, 2, Oxford: Oxford University Press 1997, pp. 151-184; Voll, “*Islam as a Special World-System*”, p. 223.

<sup>7</sup> EI<sup>2</sup> = *The Encyclopaedia of Islam*, New Edition, Leiden: E. J. Brill, vol. I, A-B, 1960; vol. II, C-G, 1965; vol. III, H-Iram, 1971; vol. IV, Iran-Kha, 1978; vol. V, Khe-Mahi, 1986; vol. VI, Mahk-Mid, 1991; vol. VII, Mif-Naz, 1993; vol. VIII, Ned-Sam, 1995; vol. IX, San-Sze, 1997; vol. X, T-U, 2000; vol. XI, V-Z, 2002; vol. XII, Supplement, 2004; Index Volume, 2009. The article of Calder can be found in: Calder, N., Article “*Šarī'a*”, in: EI<sup>2</sup>, IX, Leiden: Brill 1997, pp. 321-326.

few lines down (p. 322a), he appears to assert that Muslims also use the term *ṣarī'ah* to refer to the totality of a divine revelation through a prophet:

“*Ṣarī'ah* and its cognates appear, in Islamic religious literature, reflecting the same range and type of reference as in Jewish and Christian literature. *Ṣarī'ah* (pl. *ṣharā'i'*) designates a rule of law, or a system of laws, or the totality of the message of a particular prophet. In so far as it designates a system of laws it is synonymous with the word *shar'*, which is probably the more common word in juristic literature for divine law.” (Emphasis contained in the original document.)

Calder does not specify the historical framework in which he intends his statement to be valid, but from the ensuing exposition it seems to be clear that he wants to cover the whole range of Islamic history and all fields of usage. The latter is implied in his method of dividing his investigation according to the “major genres of religious literature” (p. 322a) as *kalām*, *tafsīr*, and *fiqh*, and due to the fact that he additionally investigates lexicography.

Tilman Nagel, *Das islamische Recht*, p. 6 together with note 11, is of the opinion that from around the 5th/11th century onwards, *ṣarī'ah* must be understood as a comprehensive set of rules, which mirrors the will of God as a lawgiver. He comments (p. 6):

„Wenn die Kreuzfahrer den Übertritt zum Islam als die Annahme des – göttlichen – Gesetzes ansahen, dann hatte dies also seine Berechtigung; als sie den Islam kennenlernten, war die Scharia, verstanden als ein umfassendes, den Willen Gottes als des eines Gesetzgebers widerspiegelndes Regelwerk, zur Lebensmitte der Religion geworden.“<sup>8</sup>

Unfortunately, the only evidence Nagel cites for his claim is the equivocal testimony of the crusaders.<sup>9</sup> Bearman and Vogel, *The Islamic School of Law*, p. viii,<sup>10</sup> suggest the following definition:

“The madhhabs<sup>11</sup> are the outcome of several hundred years of efforts by early religious-legal scholars to interpret, articulate, elaborate, and transmit God’s commandments to believers as found in the two revealed texts of Islam, namely, the Qur’an, or the direct revelation of God’s Prophet Muḥammad, and the Sunna, or the corpus of accounts about the sayings and doings of Muḥammad. The perfect divine law revealed by these scriptures is called Shari’a, while the law as expounded by the early scholars and their successors is known as *fiqh*, or

<sup>8</sup> Nagel, *Das islamische Recht*, p. 6 (translation by author, J. B.): “Accordingly, the crusaders were not mistaken in seeing conversion to Islam as the acceptance of divine law. For, at the time of their acquaintance with Islam, *ṣarī'ah*, understood as a comprehensive set of rules which mirrors the will of God as a lawgiver, had become the core of the religion [of Islam].” The full bibliographical data of this monograph: Nagel, Tilman, *Das islamische Recht: eine Einführung*, Westhofen: WVA-Verlag 2001.

<sup>9</sup> Nagel gives the reference to the source of this statement of the crusaders on p. 3, in footnote 1.

<sup>10</sup> Bearman, Peri / Peters, Rudolph / Vogel, Frank E. (eds.), *The Islamic School of Law: Evolution, Devolution, and Progress*, (= Harvard Series in Islamic Law), Cambridge, Massachusetts: Harvard University Press 2005.

<sup>11</sup> These are the different “schools of law”, or, as I prefer to name them, the different schools of practical theology.

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‘understanding.’ Together Shari‘a and fiqh comprise what we in English call ‘Islamic law.’” (Emphasis contained in the original document).

This interpretation seems to imply that on the one hand, the Islamic theologians hold the view that there is a perfect divine law which is revealed by God through the Koran and the sayings and doings of the messenger of God, i.e. *šarī‘a*. On the other hand, there is an exposition of this law by the scholars, namely *fiqh*, which is not identical with the perfect and revealed law of God, despite the fact that the perfect law of God is revealed, that means that it is not obscured, and therefore has to be understood by man. It follows from this that the scholars have expounded this perfect law, which they call *šarī‘a*, in their *fiqh* in a way different to that in which God has revealed it, or that it cannot be known, although it has been revealed by God. This interpretation obviously implicates a *contradictio in adiecto*, and therefore can hardly be attributed to the Islamic theologians with any degree of probability. Unfortunately, Bearman and Vogel do not provide the reader with any information pertaining to the source of their view.

Finally, Hallaq, “*What is Shari‘a?*”, p. 156,<sup>12</sup> apparently not intending to define *šarī‘ah* in the sense the Islamic theologians use that term, but rather delimiting a phenomenological concept of his own, states:

“The Shari‘a then was not only a judicial system and a legal doctrine whose function was to regulate social relations and resolve disputes, but a discursive practice that structurally and organically tied itself to the world around it in ways that were vertical and horizontal, structural and linear, economic and social, moral and ethical, intellectual and spiritual, epistemic and cultural, and textual and poetic, among much else.”

That Hallaq does not want to reproduce the definition of the Islamic theologians is evident from the purpose and outlook of his article and from the fact that he does not refer to any Islamic theological source for the definition he provides.

From this short survey it becomes clear that the recourse to discussions of the term *šarī‘ah* in publications in the field of Islamic studies cannot provide us with an account of the meaning of this term in the most important and most widespread form of Sunnite theology in terms of time and space, i.e. what is called “classical theology” here. This is because they are imprecise and historically not sufficiently focused, or have no foundation in relevant original sources, or are obviously self-contradictory, or do not intend to recount the usage of the Islamic theologians.

But because the concept signified by *šarī‘ah* is, as it will become also obvious in the course of this investigation, central to theology and therefore also a central element of the discourse that, according to Voll, constitutes the Islamic world-system, because there can be no doubt that classical theology is a part of this discourse, due to its obviously attested dissemination, which I have shown in my PhD thesis, determining its exact meaning enhances our ability to understand texts that have been written within the Islamic world-system. Therefore it will be useful to expend some effort in filling this gap in research, this shall be the aim of my paper.

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<sup>12</sup> Hallaq, Wael B., “*What is Shari‘a?*”, in: *Yearbook of Islamic and Middle Eastern Law* 12, no. 2005-2006, Leiden / Boston: Brill 2008, pp. 151-180.

### The Terms *Šarī‘ah* and *Šar‘* in Standard Works

In the following section, some discussions in standard works for different branches of theology will be examined. That these works have been standard works in the above defined sense has been shown in my PhD thesis and may be assumed here as an axiom, because there is no ample time to prove it.

In the introductory part of a book on principles of practical theology (*‘uṣūlu l-fiqhi*), the commentary<sup>13</sup> of Ġalāl ad-Dīn ‘Abū ‘Abd Allāh Muḥammad b. ‘Aḥmad al-Maḥallīy (born 791/1389, died 864/1459)<sup>14</sup> on *ġam‘u l-ġawāmi‘i* by Tāġ ad-Dīn ‘Abd al-Waḥhāb b. Taqīy ad-Dīn ‘Alīy as-Subkīy (died 771/1370),<sup>15</sup> we find the following definition of *fiqh* which is customarily rendered as “Islamic law” but which would be better translated by “practical theology”<sup>16</sup> as will become clear from the following text:

“{al-fiqh is the knowledge of the practical *šar‘īy*-judgments},<sup>17</sup> that means of all the propositions that are taken from the *šar‘* with which the noble prophet, may God bless him and sanctify him, has been sent, and whose content is a quality of an act, may it be an act of the mind or of something other, as for example the knowledge that the intention for the ritual ablution is obligatory and that the watr prayer<sup>18</sup> is recommended, {which}, i.e. that knowledge, {is gained from the respective sources of knowledge for them, [i.e. from the respective sources of knowledge of the *šar‘īy* propositions that have a practical content,]} that means from the particular sources of knowledge for the [particular] judgments.

By the specification ‘judgments’ the knowledge of something other, like [the knowledge of] substances and attributes, as for example the definition of ‘human being’ and of ‘being white’, is excluded, by the specification ‘*šar‘īy*’ the knowledge of rational and sensual judgments, as the knowledge that one is the half of two and that fire is hot, and by the specification ‘practical’ the

<sup>13</sup> I have shown that this work has been a standard work in my PhD thesis: § 4.2.3, no. 6, pp. 771-775.

<sup>14</sup> Concerning his life, see: Pellat, Ch., Article “*al-Maḥallī, Abū ‘Alī Djalāl al-Dīn Muḥammad b. Aḥmad b. Muḥammad b. Ibrāhīm al-Šāfi‘ī*”, in: EI<sup>2</sup>, V, Leiden: Brill 1986, p. 1223.

<sup>15</sup> For his biography, see: Schacht, J. and Bosworth, C. E., Article “*al-Subkī*”, in: EI<sup>2</sup>, IX, Leiden: Brill 1997, pp. 743-745.

<sup>16</sup> The issue of the translation of the names of the theological disciplines is also dealt with in my PhD thesis; see: § 3.3.3.5, pp. 586-589.

<sup>17</sup> This work consists of a text and an accompanying commentary. The text is enclosed in curly brackets to distinguish it from the commentary. The same method is used in the remainder of the text with quotes from other works, which likewise are commentaries.

<sup>18</sup> For example according to a Shafiite standard work for practical theology (*al-fiqh*), al-‘Anṣārīy, Zakarīyā‘ b. Muḥammad, aš-Šāfi‘īy, ‘Abū Yaḥyā, (died 925 A. H.), *tuḥfatu t-ṭullāb bi-šarḥi taḥrīri tanqīhi l-lubāb*, first edition, Beirut: Dār al-Mašārī‘ 1425/2005, the word can be pronounced “watr” or “witr” (see: p. 57, at the beginning of kitābu ṣ-ṣalāti), and it is a voluntary prayer which can be said after the obligatory night prayer (*al-‘iṣā‘*), and which can consist of one, three, five, seven, nine or eleven prayer units (*raḥ‘ah*); see: p. 108 (bābu ṣalāti n-naflī). That this work of al-‘Anṣārīy has been a standard work has been shown in my PhD thesis in: § 4.2.4.3, no. 4, pp. 800-805.

knowledge of the theoretical *šar‘īy* judgments, as the knowledge that God is unique and that he will be seen in the world to come.”<sup>19</sup>

For the time being I have refrained from translating the terms *šar‘* and *šar‘īy* – the latter is a relative adjective to *šar‘* and means “of *šar‘*”, “belonging to *šar‘*”, “pertaining to *šar‘*” – so that the determination of their meaning can be followed more easily.

According to our text, the *šar‘īy* propositions are propositions that are taken from the *šar‘* with which the messenger of God, Muḥammad, was sent. Some of these propositions have a practical content, while others have a theoretical content. As the given examples show “practical propositions” (*‘aḥkāmun ‘amalīyah*) refer to normative propositions pertaining to actions. The meaning of “theoretical propositions” (*‘aḥkāmun ‘ilmīyah*) is also clear from the given examples, i.e. as propositions whose contents are not norms for actions.

So we can conclude that *šar‘* signifies a set of practical propositions, i.e. norms for actions, and of theoretical propositions with which the prophet was sent, and which then can only mean “revelation”. We can thus translate the words “aš-šar‘u l-mab‘ūtu bihī n-nabīyu” as “the revelation with which the prophet was sent”, namely by God to mankind, and which was communicated by the messenger Muḥammad.

Accordingly we should translate the definition of *fiqh* as “the knowledge of the practical propositions of revelation which [i.e. the knowledge] is gained from their [i.e. the practical propositions] particular respective sources of knowledge”. Then it may also be concluded that the most appropriate rendering of *fiqh* is “practical theology”.<sup>20</sup>

Let us have a look at another text, a short linguistic explanation of the word *šar‘* / *šarī‘ah* in another standard work<sup>21</sup> on principles of practical theology, which was written by the famous Sa‘d ad-Dīn Mas‘ūd b. ‘Umar at-Taftāzānī (born 722/1322, died 793/1390):<sup>22</sup>

<sup>19</sup> al-Maḥallīy, Muḥammad b. ‘Aḥmad, ‘Abū ‘Abd Allāh, Ġalāl ad-Dīn, aš-Šāfi‘īy, (died 864 A. H.), *al-badru ṭ-ṭāli‘ fī ḥallī ḡam‘i l-ḡawāmi‘*, ed. ‘Abū l-Fidā’ Murtaḍā ‘Alīy b. Muḥammad al-Muḥammadīy ad-Dāḡistānīy, first edition, 2 vols., Beirut: Mu‘assasat ar-Risālah Nāšīrūn 1426/2005, I, p. 83. (al-kalāmu fī l-muqaddimātī, [ta‘rīfu l-fiḡhi]): “{wa-l-fiḡhu: l-‘ilmu bi-l-‘aḥkāmī} ‘ay bi-ḡamī‘i n-nisabi t-tāmmati {š-šar‘īyati} ‘ayi l-ma‘ḡūḡati mina š-šar‘i, l-mab‘ūti bihī n-nabīyu l-karīmu šallā llāhu ‘alayhi wa-sallama, {l-‘amalīyati} ‘ayi l-muta‘alliqati bi-kayfīyati ‘amalin: qalbīyin ‘aw ḡayrihī ka-l-‘ilmi bi-‘anna n-nīyata fī l-wuḡū‘i wāḡibatun wa-‘anna l-watra mandūbuni, {l-muktasabu} ḡālika l-‘ilmu {min ‘adillatihā t-tafšīlīyati} ‘ay mina l-‘adillati t-tafšīlīyati li-l-‘aḥkāmī. fa-ḡaraḡa bi-qaydi ‘l-‘aḥkāmī’ l-‘ilmu bi-ḡayrihā mina ḡ-ḡawātī wa-š-šifātī ka-tašawwuri l-‘insāni wa-l-bayāḡi; wa-bi-qaydi ‘š-šar‘īyati’ l-‘ilmu bi-l-‘aḥkāmī l-‘aḡlīyati wa-l-ḡissīyati ka-l-‘ilmi bi-‘anna l-wāḡida nišfu l-iṭṡnayni, wa-‘anna n-nāra muḡriqatun. wa-bi-qaydi ‘l-‘amalīyati’ l-‘ilmu bi-l-‘aḥkāmī š-šar‘īyati l-‘ilmīyati ‘ayi l-‘tiḡāḡiyati ka-l-‘ilmi bi-‘anna llāha ta‘ālā wāḡidun wa-‘annahū yurā fī l-‘aḡirati.” I have also cited this text in § 3.3.5.2, p. 690 of my PhD thesis.

<sup>20</sup> I have discussed the translation of the terms for the basic disciplines of classical theology in my PhD thesis in § 3.3.3.5, pp. 586-589. More than a century ago Wilhelm Pertsch, *Die orientalischen Handschriften der herzoglichen Bibliothek zu Gotha. Dritter Teil: die arabischen Handschriften*, 5 Bde., Gotha: Friedr. Andr. Perthes 1878-1892 used the German “praktische Theologie” to render *fiqh* (I, p. 50, referring to MS. orient. A 19,5; II, p. 223, referring to MS. orient. A 955) along with “muḡammadanisches Recht” (cf. II, p. 209, referring to MS. orient. A 938).

<sup>21</sup> I have shown that this book has been a standard work in my PhD thesis. See: § 4.2.3, no. 5, pp. 770-771.

<sup>22</sup> For his life, see: Madelung, W., Article “*al-Taftāzānī, Sa‘d al-Dīn Mas‘ūd b. ‘Umar b. ‘Abd Allāh*”, in EI<sup>2</sup>, X, Brill: Leiden 2000, pp. 88-89.

“šar‘ and šarī‘ah is the religion that God has proclaimed (mā šara‘ahū llāhu ta‘ālā mina d-dīni) to mankind, i.e. has made revealed (‘aẓhara) and has proclaimed (bayyana). Its content is the teaching that is authentically known from the prophet.”<sup>23</sup>

This short linguistic definition confirms the usage of šar‘ that we have seen in the previous text and assures us that šar‘ and šarī‘ah have the same meaning. In addition, we learn that there is a corresponding verb šara‘a, which is explained by at-Taftāzānī by ‘aẓhara as meaning “to make apparent”, “to reveal”, and bayyana as meaning “to let know”, “to make clear”, “to explain”, and which I prefer to translate as “to proclaim”.

While this short text clearly raises more than one question, I would like to pursue only one, namely the issue of how exactly this act of God, which is termed šara‘a, and which is explained by “to reveal” and “to let know”, is to be qualified – i.e. what is exactly the classical theologians’ understanding regarding this kind of “letting know” or “proclaiming”? In other words: How do they think that man can comprehend this revelation, i.e. how can he know its veracity?<sup>24</sup>

This may become evident from two passages from a well-known standard work on dogmatics, the commentary provided by as-Sayyid aš-Šarīf ‘Alī b. Muḥammad al-Ġurġānī (born 740/1339, died 816/1413)<sup>25</sup> on the *mawāqif* by ‘Aḍud ad-Dīn ‘Abd ar-Raḥmān b. ‘Aḥmad al-‘Iḡīy (died 756/1355)<sup>26,27</sup>

“{A proof is either a [pure] rational one with respect to all of its premises}, may they be immediate or mediated, {or one that is dependent [only] on tradition, [i.e. revelation,]} also {with respect to all of its premises, or it is composed of both, [i.e. of premises of both of these kinds].

The first is the {pure {rational argument}, which is wholly independent of tradition, [i.e. revelation]. {The second is} the pure traditional argument which is {not possible, because the veracity of the reporter, [i.e. the messenger of God,] is necessary} for the traditional argument to entail knowledge. {And this, [i.e. the veracity of the reporter,] can only be established by reason}, namely by looking at the miracle that proves his, [i.e. the prophets,] veracity.

<sup>23</sup> at-Taftāzānī, Mas‘ūd b. ‘Umar aš-Šāfi‘īy, Sa‘d ad-Dīn, (died 792 A. H.), *šarḥu t-talwīhi ‘alā t-tawdīhi li-matni t-tanqīhi fī ‘uṣūli l-fiqhi, wa-t-tanqīhu ma‘a šarḥihī l-musammā bi-t-tawdīhi li-l-‘imāmi l-qāḍī Šadri š-Šarī‘ati ‘Ubaydi llāhi bni Mas‘ūdini l-Maḥbūbiyi l-Buḥārīyi l-Ḥanafīyi, l-mutawaffā sanata 747 h.*, ed. Zakariyā ‘Umayrāt, first edition, 2 vols., Beirut: Dār al-Kutub al-‘Ilmiyah 1416/1996, I, p. 10: “wa-š-šar‘u wa-š-šarī‘atu mā šara‘ahū llāhu ta‘ālā li-‘ibādihī mina d-dīni ‘ay ‘aẓhara wa-bayyana, wa-hāšiluhū ṭ-ṭarīqatu l-ma‘hūdatu ṭ-ṭābitatu mina n-nabiyyi ‘alayhi s-salāmu”. I have cited this text also in my PhD thesis in: § 2.2.2, p. 49.

<sup>24</sup> Concerning this question, see also: Heer, Nicholas, “The Priority of Reason in the Interpretation of Scripture: Ibn Taymīyah and the Mutakallimūn”, in: Mir, Mustansir / Fossom, Jarl E. (eds.), *Literary Heritage of Classical Islam, Arabic and Islamic Studies in Honor of James A. Bellamy*, Princeton, New Jersey: The Darwin Press 1993, pp. 181-195.

<sup>25</sup> Concerning his life, see: Tritton, A. S., Article “al-Djurdjānī, ‘Alī b. Muḥammad”, in: EI<sup>2</sup>, II, Leiden: Brill 1965, pp. 602-603.

<sup>26</sup> For his biography, see: van Ess, Article “al-‘Iḡīy, ‘Aḍud ad-Dīn ‘Abd ar-Raḥmān b. Rukn al-Dīn b. ‘Abd al-Ġhaḥfār al-Bakrī al-Šhabānkārī”, in: EI<sup>2</sup>, III, Leiden: Brill 1971, p. 1022.

<sup>27</sup> That this book has been a standard work is shown in my PhD thesis in: § 4.2.2, no. 3, pp. 754-755.



Jens Bakker: The Meaning of the Term *Šarī‘ah*

If you would try to prove this, [i.e. the veracity of the prophet,] by tradition, [i.e. by revelation,] this would lead into a circle or a regressus ad infinitum.”<sup>28</sup>

A few lines down we can read a further clarification:

“{The second} kind of questions: {That upon which the tradition, [i.e. the veracity of the claim of the revelation which Muḥammad proclaimed to mankind,] is dependent, as [the proof for] the existence of the creator}, and [the proof] that he, [i.e. God,] is knowing, omnipotent, and free to choose [to do whatever he wants], {and [the proof for] the [veracity] of the prophethood of Muḥammad} – may God bless him and sanctify him.

{This} kind of judgment {can only be proven by reason, for if it was proven by tradition, [i.e. by revelation,] this would lead into a circle,} because each of the both, [i.e. the existence of God and the veracity of the prophet on one side, and the veracity of revelation, i.e. the veracity of the prophet in his claim to proclaim the revelation of God, on the other side,] would be proven by the other.”<sup>29</sup>

From these statements it becomes obvious what the classical theologians mean by *šara‘a* and *šar‘ / šarī‘ah* in the sense of “to reveal” and “to let know”: They mean a revelation whose veracity we can establish by reason, meaning our natural faculty to obtain knowledge which can be argued for, i.e. which is intersubjectively comprehensible.

Therefore we may translate *šar‘ / šarī‘ah* as “intersubjectively comprehensible revelation”. However, on which scale do the classical theologians measure intersubjectivity?

If we concede that the measure of intersubjectivity is the epistemology and theoretical understanding of the sciences which are assumed and referred to, then we must reply that the classical theologians understood intersubjectivity in line with the epistemological conceptions of Islamic philosophy; in addition their theoretical understanding of the sci-

<sup>28</sup> al-Ġurġānīy, ‘Alīy b. Muḥammad, as-Sayyid aš-Šarīf, *šarḥu l-mawāqifi li-l-qādi ‘Aḍudī d-Dīni ‘Abdi r-Raḥmāni l-‘Iḡīyi l-mutawaffā 756 h., wa-ma‘ahū ḥāšiyatu ‘Abdi l-Ḥakīmi s-Siyālkūṭīyi wa-ḥāšiyatu Ḥasanin Čalābī bni Muḥammadin Šāhi l-Fanārīyi*, (= manšūrāt Muḥammad ‘Alīy Bayḍūn), ed. Maḥmūd ‘Umar ad-Dimyāṭīy, first edition, eight parts in four volumes, Beirut: Dār al-Kutub al-‘Ilmīyah 1419/1998, II, pp. 48-49; al-Ġurġānīy, ‘Alīy b. Muḥammad, as-Sayyid aš-Šarīf, *šarḥu kitābi l-mawāqifi li-l-qādi l-‘imāmi ‘Aḍudī d-Dīni ‘Abdi r-Raḥmāni bni ‘Aḥmada l-‘Iḡīyi*, ed. ‘Abd ar-Raḥmān ‘Umayrah, first edition, three volumes, Beirut: Dār al-Ġīl 1417/1997, I, pp. 203-204 (al-mawqifu l-‘awwalu, al-maršadu s-sādisu, al-maqšadu s-sābi‘u): “{ad-dalīlu ‘immā ‘aqlīyun bi-ḡamī‘i muqaddimātihī} qarībatan kānat ‘aw ba‘īdatan, {‘aw naqlīyun bi-ḡamī‘ihā} [p. 49] kaḍālika {‘aw murakkabun minhumā. wa-l-‘awwalu} huwa d-dalīlu {l-‘aqlīyu} l-maḥḍu llaḍī lā yatawaqqafu ‘alā s-sam‘i ‘ašlan {wa-t-tānī} huwa d-dalīlu n-naqlīyu l-maḥḍu {lā yutašawwaru, ‘iḍ ṣidqu l-muḥbiri lā budda minhu} ḥattā yufīda d-dalīlu n-naqlīyu l-‘ilma bi-l-madlūli {wa-‘innahū lā yuḡbatu ‘illā bi-l-‘aqlī} wa-huwa ‘an yunzara fī l-mu‘ḡizati d-dāllati ‘alā ṣidqihī, wa-law ‘urīda ‘itbātuhū bi-n-naqli dāra ‘aw tasalsala”. This text is also cited in my PhD thesis in: § 2.2.4.2.7, pp. 207-208.

<sup>29</sup> al-Ġurġānīy, *šarḥu l-mawāqifi*, ed. ad-Dimyāṭīy, II, p. 50; ed. ‘Umayrah, I, p. 205 (al-mawqifu l-‘awwalu, al-maršadu s-sādisu, al-maqšadu s-sābi‘u): “{at-tānī} mina l-maḡālībi {mā yatawaqqafu ‘alayhi n-naqlu miḡlu wuḡūdi ṣ-šāni‘i} wa-kawnihī ‘āliman qādiran muḡtāran {wa-nubūwati Muḥammadin} šallā llāhu ‘alayhi wa-sallama {fa-ḥāḍā} l-maḡlūbu {lā yaḡbutu ‘illā bi-l-‘aqlī ‘iḍ law ḡabata bi-n-naqli [la-] lazima d-dawru} li-‘anna kulla wāḥidin minhumā yatawaqqafu ḥīna ‘iḍin ‘alā l-‘āḡari”. This text is also cited in my PhD thesis in: § 2.2.4.2.7, p. 208.

ences was such that it was seen to integrate the theological disciplines into a paradigm comprising the profane sciences, to which the philosophical sciences also belong.<sup>30</sup>

For practical reasons it is of course recommendable to translate *šar‘*, *šarī‘ah* and *šar‘īy* only as “revelation” and “belonging to revelation” or “pertaining to revelation” respectively, provided that the context of the translation clearly indicates that no private revelation is meant.

Furthermore, it should be born in mind that *šar‘* and its cognates do not imply a special content, for example only the practical norms of revelation, as has been said by most of the scholars of Islamic studies previously cited in this text. Instead, they rather refer to the mode of revelation, namely that it is revealed by God in a way that renders it intersubjectively comprehensible.

Even if the investigations of the scholars of Islamic studies mentioned above do not explain why they believe that *šar‘* and its cognates signify only the practical norms of revelation, it can be supposed that there must be some good reason which prompted them to hold this view. This issue will be further investigated in the following lines, and an attempt will be made to trace why they believed this to be the case.

As we have already seen, according to the classical theologians, both theoretical and practical propositions are found in revelation. Some apparently theoretical propositions that doubtlessly also come with revelation, as for example the veracity of the claim of the messenger of God that he is a true messenger of God, and all the propositions that have to be proven in order to show that the messenger of God is a true messenger, as the existence of God etc., can only be substantiated by rational arguments. However, there are other propositions which can be known only through revelation, as the following text states. The text is taken from a standard work on principles of practical theology written by at-Taftāzānī which has already been quoted before:

“The contents of revelation are partly propositions whose validity only rests on revelation, as for example that the [five] prayers and the [Ramaḍān] fast are obligatory, and partly propositions whose validity does not rest on it, as the obligation to believe in God the exalted, and the obligation to know the veracity of the prophet – may he be blessed.

This is due to the fact that the truth-claim of revelation is grounded in the belief in the existence of God the exalted, in his knowledge, his power, and his speech. As well as in the knowledge that the prophet – may he be blessed – is a true prophet. The prophet’s claim is in turn verified by his miracles. Should the validity of one of these propositions rely on revelation, this would lead to a circular argument.”<sup>31</sup>

<sup>30</sup> Concerning epistemology cf. my PhD thesis § 2.2.4.2 “Der epistemologische Status der Überlieferung”, and also van Ess, Josef, *Die Erkenntnislehre des ‘Aḩudaddīn al-‘Icī. Übersetzung und Kommentar des ersten Buches seiner Mawāqif*, (= Akademie der Wissenschaften und der Literatur [in Mainz], Veröffentlichungen der Orientalischen Kommission; Bd. XXII), Wiesbaden: Franz Steiner Verlag 1966, especially pp. 398-399. The system of the sciences the classical theologians are assuming is elucidated upon in part 3 of my PhD thesis.

<sup>31</sup> at-Taftāzānī, *šarhu t-talwīhi*, I, p. 22: “wa-l-‘aḩkāmu minhā mā huwa ḩiṭābun bi-mā yatawaqqafu ‘alā š-šar‘i ka-wuḩūbi š-šalāti wa-š-šawmi, wa-minhā mā huwa ḩiṭābun bi-mā lā yatawaqqafu ‘alayhi ka-wuḩūbi l-‘īmāni bi-llāhi ta‘ālā wa-wuḩūbi taṣḩīqi n-nabīyi ‘alayhi s-salāmu, li-‘anna tubūta š-šar‘i mawqūfun ‘alā

While the veracity of revelation as a whole and its preconditions – the existence of God and some of his attributes – have to be proven only by rational arguments, there are also contents which can be known only by revelation whose veracity has been proven solely by reason. At-Taftāzānī gives two practical norms as examples for such propositions: the obligation to perform the ritual prayer and to fast in the month of Ramaḍān.

This is a hint to the special connection between practical norms and revelation, which may have led the aforementioned scholars of Islamic studies to believe that *šar‘*, *šarī‘a*, and their cognates only denote the practical norms of revelation. While some central contents of the Islamic religion have to be established solely by reason, for example those theoretical propositions contained in revelation such as the existence of God and some of his attributes, together with the veracity of the prophet, practical norms can only be known through revelation. This is also stated by the same at-Taftāzānī in another book, a widely used standard work on dogmatics:

“Know that the norms of revelation (al-‘aḥkāmu š-šar‘īyah) [p. 10] may pertain to the quality of an act, these are called secondary (far‘īyah) or practical (‘amalīyah), or to believe (al-i‘tiqād), these are termed primary (‘ašlīyah) or dogmatical (i‘tiqādīyah).

The science which is concerned with the former is just called science of the norms of revelation (‘ilmu š-šar‘ī‘i wa-l-‘aḥkāmi), too, because they [i.e. the practical norms] can be known solely by revelation, and because if the word ‘norms’ is used, one thinks at first that these [i.e. the practical norms of revelation] are meant, and [that science] which is concerned with the latter [p. 11] is called the science of the confession that God is unique and of his attributes.”<sup>32</sup>

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l-‘Imāni bi-wuḡūdi l-bārī‘i ta‘ālā wa-‘ilmihī wa-qudratihī wa-kalāmihī, wa-‘alā t-taḥḍīqī bi-nubūwati n-nabīyī ‘alayhi s-salāmu bi-dilālāti mu‘ǧizātihī, fa-law tawaqqafa šay‘un min ḥāḍirihī l-‘aḥkāmi ‘alā š-šar‘i [la-] lazima d-dawru.” This work has already been quoted in this article. In addition, I have cited this text in my PhD thesis: § 2.2.4.2.7, p. 209.

<sup>32</sup> at-Taftāzānī, Mas‘ūd b. ‘Umar, Sa‘d ad-Dīn (gest. 791 A. H.), *šarḥun ‘alā matni l-‘aqā‘idi li-š-šayḥi Naǧmi d-Dīni ‘Abī Ḥaḥḥin ‘Umara bni Muḥammadini n-Nasaḥīyī l-mutawaffā 537, wa-bi-hāmišihī ḥāšiyatu l-Mawlā Muḥlihi d-Dīni Muḥḥafā l-Kastalīyī l-mutawaffā 901 ‘alā šarḥi l-‘aqā‘idi, wa-talīhimā ḥāšiyatu l-Mawlā ‘Aḥmada bni Mūsā l-Ḥayālīyī l-mutawaffā 860 ‘alā šarḥi l-‘aqā‘idi li-l-‘allāmati t-tānī Sa‘di l-Millati wa-d-Dīni t-Taftāzānīyī, wa-bi-hāmišihī ḥāšiyatu l-fāḍilī š-šayḥi Ramādāna l-Biḥīḥīyī l-mutawaffā 979*, ed. Qrīmī Yūsuf Ḍiyā’, Der-i Sa‘ādet (Konstantinopel): Širket-i Šaḥāḥīyeh-yi ‘Oṯmānīyeh Maḥba‘asī 1326 A. H, pp. 9-11; at-Taftāzānīy, Sa‘d ad-Dīn, *šarḥu l-‘aqā‘idi n-Nasaḥīyati*, ed. ‘Aḥmad Ḥiǧāzīy as-Saqqā, first edition, Cairo: Maktabat al-Kullīyāt al-‘Azharīyah 1407/1987, p. 10; at-Taftāzānīy, Sa‘d ad-Dīn Mas‘ūd b. ‘Umar, (gest. 792/1390), *šarḥu l-‘aqā‘idi n-Nasaḥīyati, fi ‘uḥūli d-dīni wa-‘ilmi l-kalāmi*, ed. Klūd Salāmah, Damaskus: Manšūrāt Wizārat aṭ-Ṭaqāḥ wa-l-‘Irsād al-Qawmīy 1974, p. 4; see also the translation of Elder, Earl Edgar, *A Commentary on the Creed of Islam, Sa‘d al-Dīn al-Taftāzānī on the Creed of Najm al-Dīn al-Nasaḥī, translated with introduction and notes*, (= Records of Civilization, Sources and Studies), New York: Columbia University Press 1950, pp. 5-6; (Elder did not grasp the meaning of *šar‘* / *šarī‘ah*, and therefore didn’t understand the term *šar‘īy*): “i‘lam ‘anna l-‘aḥkāma š-šar‘īyata [p. 10] minḥā mā yata‘allaqu bi-kayḥīyati l-‘amali wa-tusammā far‘īyatan wa-‘amalīyatan wa-minḥā mā yata‘allaqu bi-l-i‘tiqādi wa-tusammā ‘ašlīyatan wa-tiqādīyatan wa-l-‘ilmu l-muta‘allīqu bi-l-‘ulā yusammā ‘ilma š-šar‘ī‘i wa-l-‘aḥkāmi lammā ‘annahā lā tustafādu ‘illā min ḡihati š-šar‘i wa-lā yasbuqu l-fahmu ‘inda ‘itlāqi l-‘aḥkāmi ‘illā ‘ilayhā wa-bi-t-tānīyati [p. 11] ‘ilma t-tawḥīdi wa-š-šifāti.” That this book has been a standard work has been shown in my PhD thesis in § 4.2.2, no. 1, pp. 752-753. I have also cited this passage in: § 2.2.2, pp. 50-51 of my PhD thesis.

In this passage, at-Taftāzānī says that the practical norms of revelation are regularly labelled simply ‘norms of revelation’ or even just ‘norms’, because they can solely be known by revelation and therefore are immediately associated with it. Of course, not all theoretical norms can be known by reason, but here is not the place to discuss this issue further, even if it would also be desirable to identify the reason why theologians hold that the practical norms can only be cognized from revelation. Anyway, it seems probable that the mentioned linguistic usage may have prompted the aforesaid scholars of Islamic studies to think that *šar*‘ and its cognates only signify the practical norms of revelation.

Finally, I will address the issue of the self-contradictory concept of a revelation that is not really revealed. I will start with a text that confirms that the classical theologians held the view that the practical norms can only be known from revelation, and which will lead us, accompanied by other texts, to some insights into the view of the theologians regarding the outlook of revelation. This text is taken from a standard work on principles of practical theology, the commentary of the previously mentioned ‘Aḍud ad-Dīn ‘Abd ar-Raḥmān b. ‘Aḥmad al-‘Iḡīy on the epitome of ‘Abū ‘Amr ‘Uṭmān b. ‘Umar who is known as Ibn al-Ḥāḡib (born in 570/1174-5, died on 26th Šawwāl / 11th February 1249):<sup>33</sup>

“I [i.e. al-‘Iḡīy] say: The epitome or the science can be summarized in four points: [p. 6] the first [point] are the prerequisites, although they are not part of the subject matter, [p. 7] but it [i.e. the subject matter] rests on them. To reckon them as a part of the science is not to be rejected outright, because they are few in comparison with its [i.e. the subject matter’s] amount [and therefore mentioning them does not alter the overall character of the book as dealing with principles of practical theology].

The second [point] concerns the sources of knowledge of revelation, [p. 8] because the benefit [which is intended by this science] consists in deriving [practical norms], which can be achieved only from them, because according to our view reason is no source for practical norms.

The third [point] concerns the method of pondering [sources of knowledge of practical norms that contradict each other], for sources of knowledge that can only substantiate supposition may contradict each other. If this is the case, they have to be balanced. Therefore the principles of balancing [contradicting sources of knowledge of practical norms of revelation] have to be known.

The fourth [point] concerns the iḡtihād which is the benefit intended by this science, namely the deriving [of practical norms], wherefore it and its pre-conditions have to be known.”<sup>34</sup>

<sup>33</sup> For Ibn al-Ḥāḡib see: Fleisch, H., Article “*Ibn al-Ḥāḡib, Djamāl al-Dīn Abū ‘Amr ‘Uṭmān b. ‘Umar b. Abī Bakr al-Mālikī*”, in: *Et*<sup>2</sup>, III, p. 781.

<sup>34</sup> al-‘Iḡīy, ‘Aḍud ad-Dīn, [‘Abd ar-Raḥmān b. ‘Aḥmad], (died 756 A. H.), *šarḥu muḥtašari l-muntahā l-ušūliyyi ta’līfi l-‘imāmi bni l-Ḥāḡibi l-mutawaffā 646 h., ma’a ḥāšiyati l-‘allāmati Sa’di d-Dīni t-Taftāzāniyyi l-mutawaffā 791 h. wa-ḥāšiyati l-muḥaqqiqi s-Sayyidi š-Šarīfi l-Ġurġāniyyi l-mutawaffā 816 h., wa-ma’a ḥāšiyati l-muḥaqqiqi Ḥasanīni l-Harawīyi ‘alā ḥāšiyati s-sayyidi l-Ġurġāniyyi*, ed. Ša’bān Muḥammad ‘Ismā’īl, reprint of the edition Būlāq: al-Maṭba’ah al-‘Amīriyyah, and Kairo: al-Maṭba’ah al-Ḥayriyyah, end of Rabī’ I 1319 A. H., two parts in one volume, Cairo: Maktabat al-Kulliyāt al-‘Azharīyah 1403/1983, I, pp. 5-8: “‘aqlu: yanḥašaru l-muḥtašaru ‘awi l-‘ilmu fī ‘umūrin [p. 6] ‘arba’atini: l-‘awwalu

Here we learn that at least some of the sources of knowledge for practical norms of revelation can only yield supposition, may even contradict each other and then have to be balanced, and that the activity of deriving practical norms from their sources is called *iğtihād*.

In the same book we find a definition of *iğtihād*: “In the technical language [of the theologians] *iğtihād* means the utmost endeavour of a practical theologian to gain supposition of a [practical] norm of revelation.”<sup>35</sup>

This definition makes it clear that the product of *iğtihād* can only be supposition, which seems to imply that not only some, but rather the most sources of knowledge of practical norms of revelation can only yield supposition, and therefore may lead to contradictory or at least different results of *iğtihād*.

But why should God reveal his practical norms in such an ambiguous way that does not lead to certainty on the part of the receiver of that revelation, or even prompts them to contradictory opinions? The answer to this question is given by the following two passages, also from the commentary of al-Ṭig̃īy on the epitome of Ibn al-Ḥāgib:

“As a providence for his servants God revealed to them the practical norms, let them know the permitted and the forbidden, that their life in this world may succeed, and that they will be saved in the next world. But because he [i.e. God] knew that the practical norms are very numerous and their [i.e. the humans] ability would not suffice to comprehend them and keep hold of them, he connected them [i.e. the norms] with proofs [that entail certainty], as well as with indicators [that yield supposition], and designated a group which should derive them [i.e. the practical norms from their proofs and indicators].

He let them succeed to reduce them [i.e. the practical norms] to writing after deriving them from their respective sources [p. 5]. And because this [deriving] is subject to general rules and rests upon premises, they dedicated to these [rules and premises] a science in its own right which they called ‘principles of practical theology’ (‘uṣūlu l-fiqhi) which is an important science whose outcome is to praise, which joins reason with cognition from revelation, and gathers principles and results from different sciences.”<sup>36</sup>

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l-mabādi’u wa-hiya mā lā yakūnu maqṣūdan bi-d-ḡāti [p. 7] bal yatawaqqafu ‘alayhi ḡālīka, wa-‘adduhā ḡuz’an mina l-‘ilmi taḡlīban lā yab’udu. ṭ-ṭānī l-‘adillatu s-sam’iyatu [p. 8] li-‘anna l-maqṣūda stinbāṭu l-‘aḡkāmi wa-innamā yakūnu minhā li-‘anna l-‘aqla lā madḡala lahū fi l-‘aḡkāmi ‘indanā, ṭ-ṭālīṭu t-tarḡīḡu ‘idī l-‘adillatu z-zanniyatu qad tata‘āraḡu fa-lā yumkinu l-istinbāṭu ‘illā bi-t-tarḡīḡi wa-huwa bi-ma’rifati ḡihāṭihī, r-rābi’u l-iḡtihādu wa-huwa l-istinbāṭu l-maqṣūdu fa-lā budda min ma’rifati ‘aḡkāmiḡi wa-ṣārā’iḡihī.” There are no punctuational marks in the original. I have shown that this text has been a standard work in my PhD thesis: § 4.2.3, no. 2, pp. 765-767.

<sup>35</sup> al-Ṭig̃īy, *ṣarḡu muḡtaṣari l-muntahā l-‘uṣūliyyi*, II, p. 289: “al-iḡtihādu fi l-iṣṭilāḡi stifrāḡu l-faḡṭhi l-wus’ā li-taḡṣīli zannin bi-ḡukmin ṣar’iyin”. I have cited this definition also in my PhD thesis towards the end of § 2.2.4.2.3, p. 128.

<sup>36</sup> al-Ṭig̃īy, *ṣarḡu muḡtaṣari l-muntahā l-‘uṣūliyyi*, I, pp. 4-5: “fa-‘inna min ‘ināyati llāhi bi-l-‘ibādi’an ṣara’a l-‘aḡkāma wa-bayyana l-ḡalāla wa-l-ḡarāma sababan yuṣliḡuhum fi l-ma’āsi wa-yunḡrihim fi l-ma’ādi, walamā ‘alima kawnahā mutakattīratan wa-‘anna qūwatahum qāṣīratun ‘an ḡabṭihā muntaṣīratun nāṭahā bi-dalā’ila wa-rabaṭahā bi-‘amārātīn wa-maḡā’ila wa-raṣṣaḡa ṭā’ifatan mimmani ṣṭafāḡum li-stinbāṭihā wa-waffaḡahum li-tadwīnihā ba’da ‘aḡḡihā min ma’ḡaḡihā wa-manāṭihā, [p. 5] wa-kāna li-ḡālīka qawā’idu kulliyatun biḡā yutawaṣṣalu wa-muḡaddimātun ḡāmi’atun minhā yutawaṣṣalu ‘afradū li-ḡālīka ‘ilman sammawhu ‘uṣūla l-fiqhi fa-ḡā’ a ‘ilman ‘azīma l-ḡaṭari maḡmūda l-‘aṭari yaḡma’u ‘ilā l-ma’qūli maṣrū’an wa-yataḡammanu min ‘ulūmin ṣattā’ uṣūlan wa-furū’an.” There are no punctuational marks in the original.

It is the great number of different possible acts and therefore of practical norms which renders it impossible for humans to receive the practical norms for all possible acts in an explicit and univocal form that they can comprehend, let alone to retain and transmit them to future generations. Thus God conveys his norms to man in a form that corresponds to the makeup of the human ability of cognition and communication as well as to the openness of the realm of human acts, and which thus inevitably has to appear in a shape that cannot always yield certainty on the part of the human receiver of revelation.

In the following text, also taken from al-ʿIḡīy’s commentary on the epitome of Ibn al-Ḥāḡib, the commentator goes a little bit further into the process of deriving the norms of revelation:

“I [i.e. al-ʿIḡīy] say: A title is a proper name that implies praise or blame, and ‘uṣūlu l-fiqhi’ [p. 19] is a proper name for this science that implies that practical theology is built on it, which is a praise. It [i.e. the title of this science] is a genitive expression that had been given a technical meaning, therefore it [i.e. the expression ‘uṣūlu l-fiqhi’] can be defined twofold [namely its meaning in common language and its technical meaning]. Its definition as a title [i.e. the definition of its technical meaning] runs as follows: the science of the rules by which the secondary judgments of revelation are derived from their respective sources of knowledge.

To understand this properly one has to be aware that judgments either are not taken from revelation, as for example the judgment that some things are similar to each other or are not, or are taken from revelation. The latter are either theoretical, i.e. their content is not the quality of an act, and are termed primary [judgments], or they are practical. These [i.e. the practical] are those whose content is the quality of an act, and which are called secondary [judgments]. These [i.e. the latter] are nearly countless, [p. 20] so that it is impossible to preserve them all for the generality in case they are needed. Hence they have been connected [by God] with sources of knowledge which convey general aspects and reasons for judgments, that means that there is for every problem a source of knowledge by which it can be solved in case of need.

But because not everybody can occupy himself with this task, since it requires qualifications that can only be acquired in nearly a lifetime which entails that other religious or worldly goods would be neglected [if everybody had to become a practical theologian], there has been singled out [by God] a special group, those who carry out iḡtihād (al-muḡtahidūn), to dedicate themselves to it. The others adopt the results of their efforts. The results of iḡtihād have been reduced to writing, and the science that arose from that has been termed ‘practical theology’ (al-fiqh).”<sup>37</sup>

<sup>37</sup> al-ʿIḡīy, *ṣarḥu muḡtaṣari l-muntahā l-uṣūliyyi*, I, pp. 18-21: “‘aḡūlu: al-laḡabu ‘alamun yuṣ’iru bi-madḥin ‘aw ḡammin, wa-’uṣūlu l-fiqhi [p. 19] ‘alamun li-hāḡā l-’ilmi yuṣ’iru b-btinā’i l-fiqhi fī d-dīni ‘alayhi wa-huwa ṣifatu madḥin. ṭumma ‘innahū manḡūlun ‘an murakkabin ‘iḡāffyin fa-lahū bi-kulli ‘tibārin ḡaddun, ‘ammā ḡadduhū laḡaban: fa-l-’ilmu bi-l-qawā’idi llatī yutawaṣṣalu bihā ‘ilā stinbā’i l-’aḡkāmi ṣ-ṣar’iyati l-far’iyati ‘an ‘adillatihā t-tafṣīliyyati, wa-llaḡī yakṣīfu ‘an ḡaḡiqatihī ‘anna l-’aḡkāma ḡad tu’ḡaḡu lā mina ṣ-ṣar’i ka-t-tamāṭuli wa-l-iḡtilāfi wa-ḡad tu’ḡaḡu minhu, wa-tilka ‘immā ‘tiḡāḡiyatun lā tata’allaḡu bi-kayfiyyati ‘amalin wa-tusammā ‘aṣliyyatan ‘aw ‘amalīyyatun tata’allaḡu bihā wa-tusammā far’iyatan. wa-

Firstly we see that al-ʿIḡīy's statement confirms the finding of this investigation that *ṣar'* and its cognates do not merely signify the practical propositions of revelation, but comprise both the practical and the theoretical. Moreover the statements may hint at the reason which prompted some scholars of Islamic studies to develop the aforementioned concept of a revelation that is not really revealed: On the one hand there are always new cases which require practical theologians to derive norms from the sources of knowledge of revelation which contains solutions for every practical problem in the shape of general aspects and reasons; however, on the other hand, previous findings of *iḡtihād* have been reduced to writing, which has resulted in a tangible appearance of practical theology that, however, still covers just a part of the vast unexplored realm of norms of revelation for possible human acts.

Regarding this issue we thus have two items: The revelation that contains in form of general aspects and reasons norms for the nearly infinite number of possible acts and which is therefore perfect, and the hitherto recorded results of practical theology, which can comprise only a part of this vast realm. However, because it is not exactly clear what is meant by the concept mentioned by those scholars of Islamic studies examined above, there may also be another reason that could have motivated them to form it. It might be due to the fact that the results of *iḡtihād* can only be supposition. In a passage from another standard work on principles of practical theology we read:

“As an answer to the question ‘why is practical theology (al-fiqh) considered a science, despite the fact that it consists [mainly] of suppositions?’ is to be said that that part of practical theology which has been dealt with [before in this book], i.e. that which has been revealed univocally, and that which has been agreed upon by consensus, is certain. Furthermore, something, which is [mainly] supposition, as for example medicine and the like, as well as something, which is certain, is called ‘science’.

Moreover, as the revelator [i.e. the messenger of God] has taken into account the preponderance of the supposition of the practical theologian (al-muḡtahid), it is as if he [i.e. the prophet] had said: ‘whenever the practical theologian (al-muḡtahid) has attained preponderating supposition of a norm, the norm is valid.’ That means that whenever the supposition of the practical theologian (al-muḡtahid) preponderates, the norm is certainly valid.

This answer is correct according to those who hold the view that every practical theologian (al-muḡtahid) hits the mark [after exhausting his efforts]. Whoever does not endorse this doctrine interprets the proposition ‘whenever the supposition of the practical theologian (al-muḡtahid) preponderates, the norm is valid’ as meaning that it is incumbent on him [i.e. the practical theologian] to act [in accordance with the result of his *iḡtihād*], or that the norm is

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hāḡihī lā takādu tatanāhā [p. 20] fa-imtana ʿa ḡifzuhā kullihā li-waḡṡi l-hāḡati li-l-kulli, fa-nīṡat bi-ʿadillatin kullīyatin min ʿumūmātin wa-ʿilalin taḡṡīlyatin [p. 21] ʿay kullu masʿalatin masʿalatin bi-dalīlin dalīlin li-tustanbaṡa minhā ʿinda l-hāḡati, wa-ʿiḡ laysa fī wusʿi l-kulli ʿayḡan ʿan yantahiḡa laḡū li-tawaqqufihī ʿalā ʿadawātin yastaḡriqu taḡṡīluḡā l-ʿumra wa-kāda yufḡī ʿilā taʿaṡṡuli ḡayriḡī mina l-maḡṡīdi d-dīnīyati wa-dunyawīyati fa-ḡuṡṡa ḡawmun bi-l-intihāḡi laḡū wa-humu l-muḡṡahidūna wa-l-bāḡūna yuḡallidūnahum fīhi, fa-dawwanū ḡālika wa-sammawu l-ʿilma l-hāḡila lahum minhā fiḡhan.” There are no punctuational marks in the original. I have also cited this passage in § 3.3.5.2, p. 682 of my PhD thesis.

valid with regard to the source of knowledge [for revelation which is relevant for this special norm], even if it should not be valid in the knowledge of God the exalted.”<sup>38</sup>

This means that, in the view of those theologians who hold that not every practical theologian hits the mark after carrying out *iğtihād*, there is in the knowledge of God only one correct solution singled out for a particular case. Nevertheless they hold the view that it is also revealed certainly that the practical theologian is obliged to act according to the result of his effort to derive a norm. In this context, both positions agree insofar as they state that it is a revealed norm that the practical theologian has to act in accordance with the outcome of his *iğtihād*.

That means that in the case that two practical theologians draw different conclusions regarding the same problem, according to the doctrine of those who say that not every practical theologian arrives at the norm that is in the knowledge of God, it is not revealed which version of the norm is singled out as the correct in the knowledge of God; however, it is certainly revealed that the practical theologian has to act in agreement with the result of his effort.

If the mentioned concept of the scholars of Islamic studies should be prompted by the doctrine of some of the classical theologians that for every case there is only one correct norm in the knowledge of God, regarding that which is in the knowledge of God as the “perfect revelation”, then it is a misunderstanding of the teaching of the classical theologians, because they hold that in this case God’s knowledge is not revealed.

### Summary

As the result of our reading of some discussions contained in standard works of the classical theology of Sunnite Islam, it can be concluded that *šar‘* / *šarī‘ah* signifies in the language of the theologians the concept of a revelation which can be known intersubjectively. The term “intersubjectively” means that its veracity can only be proved by making use of rational arguments, which have to meet the requirements of the philosophical sciences of their day. This also implies that the historically most influential and widespread form of theology of Sunnite Islam, which is termed here “classical theology”, is a profoundly rational theology, which holds that the veracity of a revelation can only be accepted if it can

<sup>38</sup> al-Maḥbūbīy, *at-tawdīḥ li-matni t-tanqīḥ*, in: at-Taftāzānīy, *šarḥu t-talwīḥi*, I, p. 32: “wa-mā qīla ‘inna l-fiḥḥa zannīyun fa-lima ‘uṭṭiqa l-‘ilmu ‘alayhi, fa-ḡawābuhū ‘awwalan ‘annahū maqtū‘un bihī fa-‘inna l-ḡumlata llatī ḡakarnā ‘annahā fiḡhun wa-hiya mā qad zahara nuzūlu l-waḡyi bihī wa-mā n-‘aqada l-‘iḡmā‘u ‘alayhi qaṭ‘iyatun, wa-tānīyan ‘anna l-‘ilma yuṭlaqu ‘alā z-zannīyāti kamā yuṭlaqu ‘alā l-qaṭ‘iyāti ka-ṭ-ṭibbi wa-naḡwiḡi, wa-tālīḡan ‘anna š-šārī‘a lammā ‘tabara ḡalabata z-zanni fī l-‘aḡkāmī šāra ka-‘annahū qāla: kullamā ḡalaba zannu l-muḡtahidī bi-l-ḡukmi yaṭbutu l-ḡukmu fa-kullamā wuḡīda ḡalabatu zanni l-muḡtahidī yakūnu ṭubūtu l-ḡukmi maqtū‘an bihī, fa-hādā l-ḡawābu ‘alā maḡḡabi man yaqūlu ‘inna kulla muḡtahidin muṣībun yakūnu ṣaḡīḡan, wa-‘ammā ‘inda man lā yaqūlu bihī fa-yurādu bi-qawliḡi kullamā ḡalaba zannu l-muḡtahidī yaṭbutu l-ḡukmu ‘annahū yaḡību ‘alayhi l-‘amalū ‘aw yaṭbutu l-ḡukmu bi-n-naḡari ‘ilā d-dalīli wa-‘in lam yaṭbut fī ‘ilmi llāḡi ta‘ālā.” I have also cited this text in my PhD thesis towards the end of section § 2.2.4.2.3, pp. 128-129. I have demonstrated that it is a standard work in: § 4.2.3, no. 5, pp. 770-771. The author of the text is Šadr aš-Šarī‘ah at-Tānī ‘Ubayd Allāh b. Mas‘ūd b. Tāḡ aš-Šarī‘ah Maḡmūd b. Šadr aš-Šarī‘ah al-‘Awwal ‘Aḡmad al-Maḡbūbīy al-Buḡḡarīy al-Ḥanaḡīy who died in 747/1346 (see my PhD thesis: § 4.2.3, no. 5, p. 770 together with footnote 152).



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be proved rationally, and which thereby unequivocally professes the priority of reason over other means of obtaining knowledge.