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### Citation for Shāṭibī, Abū Ishāq

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#### MLA

Moosa, Ebrahim . "Shāṭibī, Abū Ishāq." In *The [Oxford] Encyclopedia of Islam and Law. Oxford Islamic Studies Online*. Jul 29, 2014. <<http://www.oxfordislamicstudies.com/article/opr/t349/e0114>>.

#### Chicago

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## Shāṭibī, Abū Ishāq

A towering fourteenth century Mālikī jurist, Abū Ishāq Ibrāhīm b. Mūsā al-Gharnāṭī, known as al-Shāṭibī (d. 1388), is immortalized in the annals of Islamic law for his innovative theorization of the doctrine of the “purposes of the Shari‘ah (*maqāṣid al-sharī‘ah*)”. Born and raised in the city of Granada and educated by the foremost scholars of Muslim Spain, his family name bespeaks his ancestral origins to the coastal town of Játiva, once known as Shāṭibah in Arabic.

In the twentieth century, Shāṭibī’s legal theory and theology enjoyed a global revival in diverse Sunni intellectual circles. *Al-Muwāfaqāt fī uṣūl al-Sharī‘ah, The Reconciliation of the Fundamentals of the Shari‘ah*, his *magnum opus*, attempts to project the big picture of Muslim juro-moral theory (*uṣūl al-sharī‘ah*). Remarkably, it does so without disrupting the filigree of the preexisting traditional theoretical methods. It is composed of five parts. Part One presents thirteen prologues that define Shaṭibī’s meta-hermeneutical framework. Part Two details the five purposes of the Shari‘ah and the concept of public interest (*maṣlaḥah*). Part

Three elucidates the underlying wisdom of the Shari‘ah and shows how God’s purposes and those of humans work in tandem. Part Four discusses legal indicants and epistemological issues, namely how knowledge is derived from the Qur’an and the prophetic traditions. Part Five is an energetic discussion of the construction of authority with a focus on *ijtihād*, a qualification to interpret the sources, and (*taqlīd*) how to follow authority. *Al-I‘tiṣām, The Adherence*, is a systematic work of moral theology that grounds Muslim practices and beliefs in a scriptural paradigm. He also has other works on literature, grammar and collections of juristic responsa, *fatwās*.

A man of severe ascetic qualities and lofty scruples Shāṭibī battled several peers and invited enmity in doing so. He criticized his once favorite teacher, Abū Sa‘īd Ibn Lubb (d. 1380), for being too flexible and not following the mainstream Mālikī views when issuing *fatwās*. Shāṭibī clearly nurtured the juridical temperament of a purist, fearing that a lax attitude might promote permissiveness. When extensive correspondence with leading scholars failed to vindicate his more strict position on issuing *fatwās*, colleagues and students joined Ibn Lubb and shunned Shāṭibī. As an advocate of inter-school ecumenism, Shāṭibī ought to have welcomed Ibn Lubb’s flexibility; instead it inexplicably evoked this otherwise gentle jurist’s ire; in defeat, he sought cover in self-righteousness.

Soon after this scholarly spectacle, Shāṭibī’s adversaries publicized his controversial views on unsanctioned practices (*bid‘a*). According to Shāṭibī, there is no legal sanction for blessing the names of political leaders during the Friday sermon. Similarly, supplications (*du‘ā*) recited audibly after congregational prayers were, in his view, not authorized by prophetic authority or by early pious figures. Vexatious charges leveled against Shāṭibī claimed that he harbored Shi‘i sympathies and perilously permitted rebellion against political authority. Rebuke for being an enthusiast of the Iraqī jurist, Abū Ḥanīfa followed. This charge stemmed from his goal, stated in the *Muwāfaqāt*, to reconcile theoretical methods available in both the Mālikī and Ḥanafī schools, a desideratum the Granada scholars disliked. In their eyes Mālik’s method was in no need of a supplement.

A miserable Shāṭibī felt persecuted and despondent. Scattered in his writings are lamentations and acidic rebukes bearing testimony to his pain and tormented psyche. At one point he ponders the merits of death over a disgraced life. Adherents to the truth at a time of moral decline will always be like exiles, he consoled himself, echoing a motif of the Prophet Muḥammad’s teachings. Apart from citations in a few *fatwā* collections there is little mention of Shāṭibī in the centuries after his death. His sprawling writing style coupled with his controversial scholarly reputation might have contributed to this anonymity.

Today Shāṭibī’s name is synonymous with the concept of the “purposes” (*maqāṣid*) of the Shari‘ah. Building on the work of early predecessors, Shāṭibī designed a tripartite hierarchical structure of public interests (*maṣāliḥ*; sing. *maṣlaḥah*) as central to juridical reasoning in Islam. If jurists miss this big picture, Shāṭibī warned, they will also fail to grasp the purposes behind God’s design of

the Shari‘ah. He ranked public interests as 1. “necessity” (*ḍarūriyyāt*), 2. “needs” (*ḥājjiyyāt*), and, 3. “improvements” (*taḥsīnāt*). The category of “necessary” advances the core universal values. In Kelsonian usage, they are the *grundnorms* of the Shari‘ah, namely to *protect* religion, life, reason, progeny, and wealth. If legal and ethical reasoning, in Shāṭibī’s view, ignores these purposive norms, the Muslim moral and juridical order is doomed. He visualized the cardinal norms as a golden thread that seamlessly tied the fundamentals of faith (*uṣūl al-dīn*), to rules derived from the revealed law (*qawā‘id al-Sharī‘ah*) to universal values that cement the political community of Muslims (*kulliyāt al-millah*).

All public interests rated as “needs,” such as transactions in markets and marriages, rules of war and peace and regulations of public and private governance, must take account of the five norms while also being sensitive to the pragmatic aspects of life. Finally, constructive customs, virtues, good taste, and values that promote dignified living are classed as “improvements.”

Reason in Shāṭibī’s view is subordinate to the dictates of revelation. Nevertheless, he inductively crafted a fully rationalized paradigm from the Qur’an and the prophetic teachings (Sunnah). Any practice that did not square with his paradigmatic Shari‘ah reasoning amounted to fabricated or heretical religion (*bid‘a*). Shari‘ah rules are intrinsically, in his view, customary rules ingrained in our traits (*‘ādah*; pl. *‘awa‘id*). God’s laws are premised on customary practices of one kind or another. And in some instances, custom lends dynamism to God’s law.

Modern advocates of Shāṭibī include the Egyptian revivalist scholar Muḥammad ‘Abduh and his student Rashīd Riḍā. But his *Muwāfaqāt* was already published in Tunis by 1884 and taught there at the famous Zaytūnah mosque-university. At least two scholars edited this text, before ‘Abd Allāh Darāz’s 1922 edition appeared.

Shāṭibī focused the attention of modern Muslim juro-moral theory on value-objectives when faith intersects with social, cultural, and political issues. This approach found favor with the needs of modern Muslims, and a burgeoning scholarship now adorns Shāṭibī’s name. Now Muslims view him as a renewer of the spirit of the times (*mujaddid*) and an advocate of social reform (*iṣlāḥ*). From his grave Shāṭibī can ironically gloat at his critics. More than six centuries after his death, his legacy continues to transfix and inspire a global Muslim scholarly audience.

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