Analyzing the Objectives of Shariah as intended by the Lawgiver in Enacting Shariah (Text) for *Ifhām* (Proper Understanding) according to al-Shatibi

Analisa Objektif Pemberi Hukum dalam Penggubalan Syariah untuk Ifhām (Difahami) Menurut al-Shatibi

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ABSTRACT

An in-depth knowledge of the Objectives of Shariah, as intended by Allah the Lawgiver, is needed for analytical research when enacting Shariah. The question arises regarding the level of Arabic language knowledge required to understand Shariah before one is considered bound by Shariah injunctions. The main aim of this study is to elaborate on the classification of the Objectives of Shariah as advanced by al-Shatibi, especially, the objective of enacting Shariah for proper understanding (Ifhām). Also discussed in this study are the identification of foreign terms introduced into the Arabic language, if any found in the Quran, the knowledge of rules relating to customary usage of Quranic Arabic as understood by both laymen and experts, and the role these play in deducing the objectives of enacting Shariah. Another objective of Islamic law is the secondary connotation, whereby each interpreter understands the same text differently. This is the basis for translated text of Shariah. The findings of this study reveal that, firstly, there are no non-Arabic terms in Shariah text; second, Shariah text have both primary and secondary connotations which pose problems in translation; third, the Arabic language text was revealed to an unlettered Arab who understood it and implemented the demands of the text; fourth, there are linguistic maxims from which objectives result, as raised by al-Shatibi; finally, al-Shatibi re-defined in detail both primary and secondary connotations of Sharia texts due to their significance, since command and prohibition verses may independently convey such injunctions.

Keywords: Maqsad al-ifham, objective of ifham, objectives of the lawgiver

ABSTRAK

Pengetahuan yang mendalam mengenai objektif Allah dalam menggubal Syariah kini perlu diselidik secara analitik. Demi mengemukakan isu ini, pertanyaan yang diajukan adalah, sejauh manakah pengetahuan bahasa Arab yang diperlukan oleh seseorang untuk memahami Syariah sebelum dia menjadi terikat dengan tuntutannya? Tujuan utama kajian ini adalah untuk menghuraikan klasifikasi objektif Syariah sebagaimana yang dikemukakan oleh al-Shatibi, terutamanya objektif penggubalan Syariah untuk difahami dengan betul (Ifhām). Perbahasan dalam kajian ini juga mencakupi pengenalpastian istilah asing yang diperkenalkan ke dalam bahasa Arab, yang juga terdapat dalam Al-Quran, ilmu mengenai peraturan yang berkait dengan resam penggunaan bahasa Arab Al-Quran sebagaimana yang difahami oleh orang awam dan pakar, serta peranan yang ia mainkan dalam mengeluarkan objektif penggubalan Syariah. Objektif lain undang-undang Islam adalah konotasi sekunder, di mana setiap penafsir memahami teks yang sama secara berbeza. Atas dasar inilah bergantungnya hasil terjemahan teks. Hasil kajian ini mendapati bahawa, pertamanya, tidak ada istilah bukan Arab dalam teks Syariah; kedua, teks Syariah mempunyai konotasi primer dan sekunder yang menimbulkan masalah dalam terjemahan; ketiga, bahasa Arab diturunkan kepada seorang Arab yang buta huruf, yang memahaminya dan melaksanakan tuntutan nas tersebut; keempat, terdapat peraturan bahasa yang menghasilkan objektif ini seperti yang dikemukakan oleh al-Shatibi; akhirnya, al-Shatibi mendefiniskan semula secara terperinci konotasi primer dan sekunder (teks Syariah) atas sebab kepentingannya kerana ayat perintah dan larangan boleh menyampaikan suruhan tersebut secara berasingan.

Kata kunci: Maqāsad al-Ifhām, objektif Ifhām, objektif Pemberi Hukum

INTRODUCTION

The chapter *Kitāb al-maqāṣid* is the most important part of al-Shatibi's al-Muwafaqat, which he authored mainly as a book that treats the principles of Islamic jurisprudence (*uṣūl al-fiqh*). Of the four objectives of the Lawgiver, this study is concerned with an analysis of al-Shatibi's discourse on the ultimate aim

of devising the Sharia for thorough understanding (*ifhām*) - an outgrowth of the overall objective of the Lawgiver in legislating Sharia, which is to secure the interest (*maṣlaḥah*) of human in this world and the hereafter.

This element and objective of *ifhām* is of prime significance to today's Islamic thought. This is for two reasons. One the nature of Quranic discourse does not require a specialist in the Islamic sciences to completely grasp and apply to their relevant disciplines. This study shows how al-Shatibi went by demonstrating that. Second, the over-complication and over-philosophication of Islamic sciences was never intended as the Sharia is intended as a code of law for the laymen and specialist alike to understand and practice. This would remove a lot of barriers set up by the classical methodology which requires a long qualification period before one is licensed to interpret the Sharia texts and derive the principles for them as it relates to their respective disciplines. This significance does not negate the need to undertake a rigorous qualification program for those wishing to undertake fatwa and service the domain of religious verdict.

Al-Shatibi categorized this objective into five without any specific order because they are closely interwoven. So, a discussion of secondary *dilālah* is found in chapter two, and in chapter five he discussed it in detail, probably because he felt readers could not comprehend the earlier discussion. He started with the first chapter treating the issue of the entry of non-Arabic terms into Quranic discourse, which is in Arabic as confirmed by verses in the Quran. This study compares al-Shatibi's findings as regards this subject matter with al-Shafi'ī's in his treatise. Thereafter, primary-secondary *dilālah* and its effect in translating the Holy Quran to non-Arabic languages is discussed in brief. This is followed by al-Shatibi's discussion in chapter three on the unlettered nature of Islamic law and its Texts (Quran and Sunna) so that the entirety of humanity – both Arabs and non-Arabs – will be subject to its rules.

In chapter four, al-Shatibi mentions some linguistic maxims that expound how to deal with the preceding subjects as elaborated in the first three chapters, while in chapter five, al-Shatibi revisited the question of primary and secondary *dilālah* in detail examining the views and arguments of scholars regarding secondary *dilālah* and expressing his preponderate view.

Finally, it should be mentioned here that researchers employ the analytical method for al-Shatibi's texts in conducting this study since al-Shatibi's discourse is easily understandable. Moreover, the commentary of Abdullah Daraz is quite helpful in having a grip on ambiguities encountered by researchers in this discourse, without paying much attention to other commentators except when comparison is made with the work of other Islamic legal theorists like al-Shafi'ī. The choice to compare some of al-Shatibi's stances to those of al-Shafi'ī by the author was not arbitrary but was instead inspired by Hallaq's (1992) comments on the two giants of Islamic legal theory, namely that they afford their readers a rebuttal of the dogmatic view insisting on the morbidly uniform nature of *uṣūl al-fiqh* of which linguistic implications form a large part (also known as *ṭuruq al-istinbāṭ*). The two eminent scholars and their either diverging or converging opinions on the issue of *ifhām* will provide greater diversity in its presentation.

THEME ONE: THE TEXTS OF SHARIA BEING ARABIC MEANS THEY DO NOT CONTAIN ANY NON-ARABIC LANGUAGE

Sharia is the law legislated by Allah for his servants regarding religious affairs (Al-Sahib 1994). This raises the question: Is Sharia only an Arabic discourse or it is also non-Arabic? The Quran has been revealed in Arabic only, as affirmed by Allah, the Exalted: *We have surely revealed it – an Arabic Quran* (Quran,12:2). This verse is interpreted by commentators to mean that the Quran was revealed to the noblest of prophets in the Arabic language because it is the most eloquent, rhetorically the richest, and semantically the most expressive compared to other languages (Al-Sahib 1994). This is further reinforced by Allah's saying: *In clear Arabic language* (Quran,26:195).

In yet another verse: *... the language of the one whom they reproach is non-Arabic while this is a clear Arabic language* (An-Nahl:103). This verse is a reminder from Allah to the polytheists for what they used to say that the Messenger of Allah fabricated lies and committed slander (Al-Sahib 1994). It is also mentioned in another verse that the language of Sharia does not contain any non-Arabic expressions, as stated by the Exalted: *And if we had made it a Quran in non-Arabic language, they would have said: If only its message had been clearly explained! Is it non-Arabic or Arabic?* (Fussilat: 44). This verse shows that had the Quran been revealed in any language other than Arabic, the people would have said that the Quran is non-Arabic while Muhammad was Arab (Al-Tabari 2014).

Al-Shatibi is inclined to the view of those who reject the existence of non-Arabic text in the Quran like Abu Ubaidah, Ibn Faris, al-Shafi'i, al-Baqillani, among other (Kheir et al. 2014).

If there had been any non-Arabic terms in Arabic discourse, the Arabs would have made use of it until it became part of their language and if they agree with the Arabic morphological system, they become arabicized. This phenomenon is, however, very uncommon. However, if they are incompatible with the Arabic morphological system, the Arabs will replace it with the closest sounds in their language regardless of their compatibility with the sounds of the borrowed terms. In sum, the Quran has been revealed in the Arabic language without any non-Arabic terms or expressions in it. That is, it is sent down in a language and specific terms/expressions that the Arabs are familiar with (Al-Shatibi 2004).

THE RELATION BETWEEN THIS ISSUE AND AL-SHAFI'I'S VIEW

Al-Shafi'i is of the opinion that the Quran does not contain non-Arabic terms because the Quran itself refers to this in a number of verses as mentioned earlier. However, it is possible to have some of them (non-Arabic words) without some Arabs taking cognizance of them. As for those who hold that some non-Arabic terms exist in the Quran, they only do so in blind imitation of the proponents of this opinion. In addition, the Arabic language is the broadest in terms of the scope of its vocabulary, and no one can have comprehensive knowledge of it except a prophet, but no part of it slips the mind of the collectivity of Arab as a whole. So, any term that appears non-Arabic cannot trace its root back Arabic, and it is likely that a non-Arabic term resembles the Arabic term in question (Kheir et al. 2014).

THEME TWO: PRIMARY AND SECONDARY CONNOTATION AND TRANSLATING THE QURAN TO NON-ARABIC LANGUAGES

The Arabic language, in terms of its vocabulary and expressions, is absolute, indicating an unqualified connotation- *dilālah muṭlaqah* (Al-Shatibi 2004), which is a primary *dilālah*. Its vocabulary and expressions could also be restricted, conveying a *dilālah* subject to the former primary *dilālah* which is called secondary *dilālah*. Conveying primary

dilālah, in the first sense, is common to all languages because the intents of speakers are directed at it, and this is not peculiar to any linguistic community (nation). As for the secondary *dilālah*, it is the one that is peculiar to Arabic language when informing of something. For instance, every report in this aspect requires certain lexical constituents/components to serve it according to the nature of the report itself, the reporter, the reported and other related details. Literary styles such as clarity, undertones, brevity and so on, also fall under the latter category (Al-Shatibi 2004). If the focus of attention is on the subject of a sentence like *Muhammad stood up,* we simply say *Muhammad stood up*. But in the context of doubt or denial, we say *Muhammad surely stood up*, and so on. These acts are not the end in themselves but are complimentary to the message conveyed. Therefore, it is on the basis of this second category that expressions vary as well as many stories in the Quran, because the flow of stories take one form in some part of the Quran and another form in other parts (Al-Shatibi 2004).

THE RULING OF TRANSLATING ARABIC DISCOURSE INTO NON-ARABIC LANGUAGE

The question here is: Is translating the Quran to non-Arabic languages acceptable or not? Technically, this is not acceptable except if on the assumption that there are equivalents in both languages based on the second *dilālah*, which is quite difficult at any rate (Al-Shatibi 2004). Ibn Qutaybah dismissed the possibility of translating the Quran based on the second category in consideration of secondary *dilālah*. He agrees that it is possible considering the first category – the primary *dilālah*. To him, it is permissible to interpret the Quran and explain its *dilālah* to people. The people of Islam are unanimously agreed that translating Arabic discourse in the Quran into non-Arabic language is allowable, and this unanimity is the basis for the permissibility of translation based on primary *dilālah* (Ibn Taymiyyah 1995). All this boils down to the fact that the process of translation is permissible on the condition that both languages agree in styles, senses and concepts. That is, both languages are compatible as regards primary and secondary *dilālah*. Since this is impossible, the Quran can be translated on the basis primary and not secondary *dilālah* as languages differ with regard to the latter.

THE RELATION BETWEEN THIS ISSUE
AND AL-SHAFI'Ī'S VIEW

There is no problem with primary *dilālah* going by al-Shatibi's definition of its concept. But as for secondary *dilālah*, al-Shafi'ī considers it valid. Examples that indicate that he does accept this include verses that do not refer to practical jurisprudential rulings (Muhammad Hendu 2016):

1. He discerns the *dilālah* of Allah's saying: *And it is not appropriate for the Most Merciful that He should take a son*, (Maryam: 92) to imply that whoever owns his son (as his slave), then his son is automatically emancipated due to the parental relationship.
2. He also deduces from Allah's saying: *the wife of Pharaoh* (At-Tahrim:11) the validity of marriage to the people of other scriptures.

In fact, these are considered verses that relate to rulings according to those who hold that jurisprudential rulings can be inferred from verses indicating rulings by means of primary *dilālah*. Al-Shafi'ī (1940) also draws conclusions from the secondary *dilālah* of verses which originally indicate jurisprudential rulings, for example, the issue of the impurity of water, namely the Quranic verse: *If you rise for prayer, wash your faces and hand (arm) up to the elbows, and wipe you're your heads and (wash) your feet up to the ankles, and if you are impure, then cleanse yourselves (through ghusl) (*Al-Ma'idah: 6).

In this regard, al-Shafi'ī holds that the primary *dilālah* is quite obvious in that it refers to washing and wiping of certain parts in the act of ablution. But there may be other secondary *dilālah* like the repetition of such acts of washing and wiping three times over, as is indicated by the Prophetic practice. In other words, the Lawgiver indicates the minimum number of washing or wipes necessary to have properly purified oneself through primary *dilālah*, which leaves repeating it three times voluntary (al-Shafi'ī 1940). In this simple yet critical manner, al-Shafi'ī establishes the existence of secondary in the Shariah *dilālah* texts.

THEME THREE: ARABIC AS A LANGUAGE
FOR UNLETTERED FOLK AND THE
EVIDENCE FOR THAT

While commenting on this, Abdullah Draz says: *... that is, you do not need, in order to understand them* [Sharia texts]*, know their instructions and prohibition, to delve into natural sciences, mathematics and so on (*Al-Shatibi 2004). The rationale for this is that the companions of the Prophet were unlettered (who understood connotations of words clearly) by instinct, even though Sharia is not itself unlettered because it encompasses the entirety of humanity, both Arabs and non-Arabs. Bodies of evidence to prove this are contained in definitively transmitted (*mutawātir*) texts such as Allah's saying: *It is He who has sent among the Unlettered People [Arabs] a Messenger from themselves* (Al-Jumu'ah: 2), and: *... So, believe in Allah and His Messenger, the Unlettered Prophet, who believes in Allah and His words ...* (Al-A'raf:158) The Prophet also says: *We are an unlettered people; we neither compute nor write. The month is like this, and this, and this... (* Al-Nasa'i 2001). The ḥadīth indicates that they do not have the knowledge of mathematics and writing – although the author debates this in fact.

The second piece of evidence is that Sharia was meant during its revelation specifically for the Arabs and non-Arabs generally. It was revealed either to address the unlettered Arabs, or else it would have addressed them in a manner unknown to them. The latter case is not possible since that would render them unable to understand it properly and since the Quranic Arabic was meant to challenge the Arabs by its miraculous nature, they could not be challenged if it had been in a manner unknown. Allah has refuted the claim of the Arabs, when failed as they said: *It is only a human being who teaches the Prophet*, to which He responded: *... the language of the one whom they reject is non-Arabic while this is a clear Arabic language* (An-Nahl:103). So, due to their failure (to disprove his message), they accused the Prophet of learning from a non-Arab, but Allah dismissed that claim by affirming that the Quran was revealed in a language that they understand and were familiar with (Al-Shatibi 2004).

THE INTENDED UNLETTERED AUDIENCE
OF SHARIA DOES NOT MEAN THAT IT IS
APPLICABLE TO THE ALL OF WHAT THE
ARABS HAD OR PRACTICED IN TERMS OF
ARTS AND SCIENCES

Here, al-Shatibi points out that the Arabs had many fields of knowledge which the Quran corroborated. However, only a few elites possessed this knowledge as opposed to the general masses. It is important to note before proceeding that al-Shatibi was fit to

address this phenomenon considering the majority of his published legal opinions (*fatwá*) deal with social phenome and change (Eickelman 2000). In the case of the sciences touched on by the Quran, people did not find it difficult to understand because it was within the realm of issues that they were familiar with. The Quran introduced many sciences and arts such as cosmology or astronomy, history, medicine, liberal arts, poetry but these were specializations some of which Arab experts were familiar with. The Quran thus impressed them by acquainting them with the mysteries of these fields which no expert in the sixth century could decipher.

In the field of biology – or medicine – for instance, seminal emission from the backbone and the ribs, and the stages of foetal development had not been known. Coming to meteorology, the Quran explained its facts and fallacies, stating that Allah flashes lightning at His servants in order to frighten them off from His punishment, make them relish His blessing, and that the rain sent down should be a reason for their appreciation of his blessings and a cause of denying his favours. As for history, it is undebatable that the Quran has amazed both Arabs and non-Arabs by some intricate details of the stories it narrated. The greatest of these disciplines that the Arabs were familiar with and at which they marvelled is the art of rhetoric. This is the essence of this study. In order to prove that it is from the Lord of humanity, the Quranic discourse contains the literary styles of the Arabs and delves into extraordinary eloquence the like of which they were unable to produce (Al-Shatibi 2004).

THE ARABS WERE ADDRESSED WITH THE PROOFS OF MONOTHEISM, THE HEREAFTER AND PROPHETHOOD BASED ON THEIR KNOWLEDGE

Allah – the Exalted – has address the Arabs in a way that points to what they know as regards the gigantic creations of Allah, such as the mountains and the heavens. Pondering over these creations by an individual with sound reason requires his paying attention to the reality of the universe and the oneness of Allah. The same applies to the signs of prophethood and belief in Muhammad since the heritage of the Prophetic laws like that of Ibrahim had been with them. Allah – the Exalted - says: ... *[It is] the religion of your father, Ibrahim. Allah named you "Muslims" before [in former scriptures] and in*

this [revelation] ... (Al-Hajj: 78), and*: Ibrahim was neither a Jew nor a Christian* ... (Al- Imran: 67). As for the proofs of coming to pass of the hereafter, the Quran has informed them of the comforts in paradise, comparing these with those they have such as date palms, grapes, honey and milk (Al-Shatibi 2004.

THEME FOUR: OTHER PRINCIPLES OF IFHĀM

PRINCIPLE ONE: THE ATTRIBUTION OF NON-QURANIC SCIENCES TO THE QURAN

The first principle states that many people overstep the Quranic limits in attributing to it to disciplines that are not derived from it. This, according to al-Shatibi, is a false claim to attribute natural sciences, mathematics, *manṭiq* (a form of logicism) to it. This is because our pious predecessors, the companions, their successors and the generation that came after them were more knowledgeable of the Quran and its sciences and there were no reports that any one of them made mention of such apart for the rulings regarding religious obligatory practices, beliefs pertaining to the hereafter and so on. The Quran only contains sciences which the Arabs were familiar with and Abdullah Daraz contended this argument of al-Shatibi that restricting this to what the Arabs were familiar with is not justified just as there is no need for it (Al-Shatibi 2004).

Al-Shatibi, however, presented some pieces of evidence as a proof of his claim, such as Allah's saying: ... *We have not neglected in the Book [al-kitāb] a thing* ... (Al-An'am: 38) and: ... *And We have sent down to you the Book [al-kitāb] as clarification for all things* ... (An-Nahl: 89), dismissing their argument that these verses only indicate the rulings which entail obligation and responsibility (*taklīf*) and acts of worship. He argues further that the term *al-kitāb* (the Book), for instance, refers *al-Lawḥ al-Maḥfūḍ* (the preserved tablet). He concludes his argument about this principle that if they employed the knowledge attributed to the Arabs specifically as a means to understand the Quran, that would be better. Abdullah Daraz also criticized that the statement, *if they employed the knowledge attributed to the Arabs specifically*, be replaced with, *if they employed the knowledge attributed to the generality of people*, because non-Arabs may comprehend what they – the Arabs - do not comprehend (Al-Shatibi 2004).

PRINCIPLE TWO: CUSTOMARY ARABIC AND EXCEPTIONS TO QURANIC ARABIC DISCOURSE

In order to understand Sharia, what the unlettered Arabs are familiar with must be followed because they are the Arabs in whose language the Quran was revealed, and they had an enduring custom which should be maintained by the Sharia. Toure and Mamat (2018) ascertain that the nature of the Quranic revelation was so as to conform to the customs, practices and traditions of the Arabs, especially of Mecca, as long as they were not explicitly forbidden. This is applicable to connotations, terms and styles, for example, the Arabs do not consider terms to be strictly followed when maintaining their connotation as they sometimes stick to one connotation only. This is evidenced in the following:

1. The Arabs break regular grammatical rules in their expressions unnecessarily like prolonging a short sound, to make an adapting the form of a word that is otherwise fixed; this was allowed for purposes of poetic rhymes.
2. Arabs dispense with the connotation of some words which is considered in order because the intended connotation is correct. For example, the Quran has been revealed in seven dialects, and our predecessors recited the Quran in different methods (according to different schools of recitation), for example, *mālik* and *malik*; this is appropriate because the intended connotation is conveyed (Al-Shatibi 2004).
3. They could also disregard the rules in some cases or words, even though generally, it maintains the rules (Al-Shatibi 2004).
4. Acceptable Arabic expressions are the ones free from affectation and mannerism (Al-Shatibi 2004).

PRINCIPLE THREE: VARYING LEVELS IN THE UNDERSTANDING OF THE ARABS

Only generally acceptable expressions are correct because people are not on the same level in their understanding, but they are close on private matters, despite the fact that Allah the Exalted can require from them what they do not understand. Similarly, the understanding of the Book can be revealed on the basis of *dilālah* which is comprehensible by all Arabs. On the authority of Ubayy ibn Ka'b, he said: *The Messenger of Allah met Jibril and said: Jibril, I have been sent to an unlettered nation amongst whom are elderly women, old men, young boy, young girls, and men who have never read a book at all. He replied: Muhammad, the Quran has been revealed in seven dialects (*Al-Tirmidhi 1998). This indicates that the Quran is revealed to the entire collectivity of Arabs, whether literate or otherwise.

PRINCIPLE FOUR: THE PRIMACY OF CONNOTATION

This principles states that consideration must be given to widespread connotations in a discourse because the concern of Arabs in their discourse is the meanings of words – their *dilālah* and not necessarily the choice of words used to express the connotation. This is because a term is only a means to give an aesthetic to the intended *dilālah* since *dilālah* is the goal. A single *dilālah* could be done away with if a compound *dilālah* (containing primary and secondary connotation) is understood without it. It is for this reason that Umar criticized someone who asked him about the term *abbā* in Quran (Abasa: 31) where he replied: *We have been prohibited from engaging in excessive inquiry*. Sometimes, however, a single *dilālah* could be intended by necessity, for instance, the saying of Allah*: wa ya'khudhuhum ʿalá takhawwuf*, the term *takhawwuf* here means *tanaqqus* (dispraise), that is, blame. So, Umar instructed the people to try to study their poetic collections of the pre-Islamic (*jāhilīyah*) period because this would help in the interpretation of the Book of Allah – the Exalted – as regards *dilālah* and specifically primary *dilālah* (Al-Shatibi 2004).

PRINCIPLE FIVE: EXPERTS AND LAYMEN ARE ADDRESSES OF THE SHARIA ALIKE

It states that rulings of creed (*Aqīdah*) and *fiqh* should be comprehensible to the unlettered individual so that they can be bound by their implications. If ideological matters are not well-understood except by a few scholars, the Sharia is not comprehensive as it cannot be comprehended by unlettered individuals. Whereas Sharia has been proven to be comprehensive and unlettered in nature, it follows that its connotation must be understandable otherwise it amounts to requiring people to do what they are not capable of doing, which is unrealistic. So, Sharia exempted the attributes of Allah for ...*there is nothing like unto Him* ... (Ash-Shuraa: 11) and by trying to bring the people close to believing (in Allah) through reflection on His creations and issues that are ambiguous *(*Al-Shatibi 2004).

This point is further corroborated by the fact that the companions and their successors never delved into these matters because they never saw any need for that and never felt that was the objective of Sharia This also support the fact in mathematical processes they were not obligated in practice to calculate the movement of the sun and the moon in prayers and evaluating the days of the month of Ramadan to be thirty days. So, they were content with the natural signs of these timings like the rising and setting of the sun, the doubling of the shade of an object, the sighting of the crescent, and other common specific issues in which the principle of high probability was reference.

Al-Shatibi examines the evidence of the opponents and quotes as follows: *Why do they not carefully examine objects of rulings and the areas of ambiguities (that is, the companions, their successors and the scholars)*? Sharia also comprises what is known to the scholars in particular, the Arabs in general and what is only known to Allah – the Exalted. So how far apart are these arguments? So, he proceeded saying *(*Al-Shatibi 2004):

1. This is because these issues are secondary which are not required as they are undertaken by those who are trained in Sharia who understand it better. Therefore, relating the latter to his understanding is as good as relating the unlettered individual to his understanding. So, there is no basis for this question. This answer has been criticized by Daraz in that it is contradictory, when al-Shatibi at the beginning of the chapter: the rule is that delving into a study on Shariah is a departure from the principle of Shariah. The argument of Daraz here against al-Shatibi is perhaps fictitious, not substantive, because both of them are debating a specific sphere of Sharia or from a specific point of view. It also appears that the precise and detailed answer given by al-Shatibi better clarifies that.

2. Allah has categorized the addressees of the Sharia into stages, placing some above others, but they all (the experts and the unlettered) remain guided by it on common ground, because having specialization does not mean being exempted from being commonly bound by it as other non-specialists are.

3. There are absolute texts in Sharia, which Allah – the Exalted - has left to the addressee of the Sharia to reflect on so as to use them to regulate his customary practice in order to prevent any hardship while granting him an opportunity

(to decide on certain issues). This is closer to serving public interest and because most of these are based on facts which leave a more lasting impression on the minds. The Prophet says: *Being good is a (inherent) habit* (Ibn Majah 2009). On the note of customary practices, al-Shatibi refers to *maṣlaḥah ḥājīyah* as being a primary objective of the Lawgiver - *maṣlaḥah* here being synonymous with *maqṣad* – which is something that eliminates difficulties and hardships from human life (Ghani et al. 2011).

THEME FIVE: TOPICS RELATED TO PRIMARY AND SECONDARY CONNOTATION (*DILĀLAH*)

This study concentrates on examining the debate among scholars as regards primary and secondary *dilālah* as well as the evidence presented by each party while giving examples and advancing the preponderate views in accordance with what al-Shatibi has mentioned in his al-Muwafaqat.

TOPIC ONE: THE CONCEPTS OF PRIMARY DILĀLAH AND SECONDARY DILĀLAH

Al-Shatibi began the chapter by mentioning that a word or expression has two types of *dilālah*: the aspect of its *dilālah* of primary *dilālah* and that of secondary *dilālah*, which is subject to the primary *dilālah*. Then, he went on to say that it is necessary to examine the aspect from which rulings (of *fiqh*) are derived, and he asked: Is their derivation peculiar to the primary *dilālah*? Or can they be derived from both? (Al-Shatibi 2004). In other words, he is asking: Is consideration given to primary *dilālah*? Or to secondary *dilālah*? He then affirms that consideration of primary *dilālah* is generally acceptable and its examples include commands to do and abstain, general and specific texts, and contextual evidence (*qarīnah*) that does not change the original *dilālah* (of a text).

The first situation/use: The original linguistic connotation is not what is meant here, because it means making a word to connote a meaning, but the Lawgiver may change a lexical item from its original (linguistic) meaning, assigning a special meaning to it. Is this acceptable? Yes, it is, but not as the Arabs devise meanings for Arabic words (called *waḍ*). It is a *waḍ ʿ* according to Sharia. Customary usage can also change the meaning of a lexical item from its original meaning in the Arabic language. In

this case, it is divested of its linguistic meaning in consideration of custom. (Al-Hazim 2013).

Then, are any additional meanings understood in a secondary *dilālah*, whereby the secondary *dilālah* conveys rulings not conveyed by the primary *dilālah*? This is a subject of controversy and al-Shatibi mention the evidence of those who validate the two types of *dilālah* and that of those who do not, as shall be discussed next.

TOPIC TWO: THE EVIDENCE OF PROPONENTS AND OPPONENTS REGARDING SECONDARY DILĀLAH

Al-Shatibi evidences the stance of the uṣūli experts (experts in Islamic jurisprudential methodology) through presenting a summary of their spirited debates on the issue. The evidence of proponents of the presence of *secondary dilālah* in Islamic scripture is (Al-Shatibi 2004):

First, secondary *dilālah* comprises (part of) the general *dilālah* meaning of a word and the Lawgiver employs it, so it must be given consideration and cannot be neglected even if it conveys extra independent rulings. This is quite correct because it does not differ from the primary *dilālah*, so both primary and secondary *dilālah* are inseparable from the word used by the Lawgiver.

Second, Sharia is in the Arabic language and not just any speech. This implies that both primary *dilālah* on the one hand, and secondary *dilālah* on the other, exist. The first and second aspects are considered ṣifāh (an adjective) and mawṣūf (subject of an adjective) which can neither be specified nor have the adjective given preponderance than its subject or vice versa, as this would mean making a preponderance to something without any justification. In others, there is no reason to disqualify the secondary *dilālah* as it forms an important component of overall meaning.

Third, they also advanced as evidence that the jurists used the secondary *dilālah* to prove rulings, some of which are:

1. The Prophet says: *Each of you (women) spend a half of her lifetime without observing salat*. This refers to the deficiency of a woman's religion and that situation implies the longest period of menstruation which is 15 days. This is the additional *dilālah* understood from the ḥadīth.
2. They proved the 6-month shortest duration of pregnancy by the saying of Allah – the Exalted: *... and his gestation and weaning [period] is thirty months* (Quran 46:15), and *... and his weaning is in two years* (Al-Ahqaf:14). The Exalted explained in the first verse the two periods together, and in the second, the period of weaning and was silent about conception. The secondary *dilālah* here implies a ruling which is that the least duration of pregnancy is 6 months.
3. The obligation of *zakāh* on a small or large quantity grains is proven by the ḥadīth of the Prophet: *On a piece of land watered by the sky (i.e. the rain) a tenth is due* (Abu Dawud 2011).

Al-Shatibi says what is meant by the statement of the Messenger here is to explain the amount to be paid and not to specify the genus (grain, vegetables, coins, etc.) from which the payment is to be made. It is on this claim that Daraz argued that there it conveys a meaning – secondary *dilālah*.

THE EVIDENCE OF THE OPPONENTS GOES AS FOLLOWS (AL-SHATIBI 2004)

First, the second *dilālah* is only subject to the primary *dilālah* just as it strengthens and expounds it in such a way that the former makes the latter suitable to listeners and understandable to the intellect. Allah, the Exalted says: ... *Do whatever you will* ... (Fussilat: 40) as well as: *[It will be said], "Taste! Indeed, you are the honoured, the noble!* (Ad-Dukhan: 49). These are not intended to be imperative, but an exaggeration of threat. So, no ruling regarding commands or prohibitions is deduced from them. The same applies to the saying of Allah – the Exalted: *And ask the city in which we were* ... (Yusuf: 82). It does not mean asking the city itself nor does its ruling imply *taklīf*. It is the people of the city that is meant, and Daraz added while commenting that the point of emphasis here was that none of the people of the city was left unquestioned (Al-Shatibi 2004).

Second, if the secondary connotation were to possess an extra secondary *dilālah* without the primary *dilālah*, it would be intended just as the primary *dilālah* is – in that it can convey its own unique connotation. To say that a *dilālah* conveyed by the secondary connotation is a contradiction which is not possible. And even if it is possible to consider the secondary *dilālah* as extra just as it is correct to have a secondary aim unknowingly or to have a primary aim within the primary and secondary *dilālah*, this requires not isolating (rendering it independent) the *dilālah* of the secondary *dilālah*.

This is because the Arabs do use their expressions in this way, so to break this convention is not possible.

Third, the situation in which this connotation should be subject to the first (primary *dilālah*) implies that the *dilālah* it conveys is not correct one unless it is derived from that connotation. If we claim that it connotes an extra meaning aside from that borne by the first aspect, that would be a departure from the rule, which contrary to the Arabs' perception. They say: So it is now left for the rulings derived from the secondary connotation to refer to the first or a third connotation. And in response to the third evidence advanced by proponents, which gives examples of the jurists' use of the third connotation to derive a ruling, the following examples are advanced:

1. The period of menstruation: The ḥadīth does not refer to this., and for this reason the Hanafi`s opine that the period is ten days. Even though we do agree that the specified maximum period of menstruation is established in the ḥadīth, it is only based on Sharia-based *dilālah*.

2. The least duration of pregnancy is deduced from the first aspect and not the second. Daraz further commented and explained that there is no word that – based on the original Arabic – indicates that the least duration of pregnancy is six months. But that is arrived at through addition and subtraction and the remaining number becomes the number mentioned.

3. Concerning the obligatoriness of paying zakat on all types of grains, those who hold this view assume that generalization is the goal of the Lawgiver, and they did not clarify that generalization is not intended, otherwise that would be contradictory. If Islamic legal rulings are based on evidence which is the aim of the Lawgiver, then would generalization be proven while still holding that the apparent connotation of the text is not intended.

At the end of this chapter, al-Shatibi resolves that the evidence advanced by the opponents is stronger, and by extension, the consideration to be given to the second aspect which implies an extra new ruling is not correct.

TOPIC THREE: THE SECONDARY DILĀLAH ENTAILS MORAL CONDUCT ACKNOWLEDGED BY A PERSON OF SOUND MIND.

Al-Shatibi explains that secondary *dilālah* is not entirely devoid of connotation. For example, good moral principles that are required by a statement, especially if the statement is from the Divine revelation, such expression indicates, by means of primary *dilālah*, something, and formulating the expression in relation to its bearing other connotations entails other things which have to do with the proper use of language. In order to establish this argument, the following examples are quoted:

1. The use of the vocative particle "*ya*" in Quranic verses if the call is made by Allah – the Exalted – to His servants implies warning. But, if the call is made by a servant of Allah – glory be to Him – the particle is not used because Allah is exalted above being warned.

2. Also, when a call made by a human to Allah – the Exalted – the word *"rabb"* (Lord) means the one who does the action. So when a servant calls his Lord, the request is mostly made of desire and need for what will make his life better. The inference is further supported by the fact that the disbelievers would call on Allah – the Exalted – saying: *O Allah if this is indeed the Truth from You…* (Al-Anfal: 32). Here, they do not intend to seek assistance from or make an entreaty to Allah but instead challenge and mock, so the use of the word *rabb* is not suitable.

3. The use euphemism to refer to things that are embarrassing: Allah – the Exalted - made use of the euphemisms *clothing* and *touching* to refer to sexual intercourse. He – Allah, the Exalted – also made use of the euphemism, *…they had both to eat their (daily) food…* (Ma'idah: 75), to refer to relieving oneself while relating the story of Jesus and his mother – may Allah be please with them both. The *dilālah* here his secondary and not primary.

4. The avoidance of quoting the attribution of evil to Allah as in His saying: …*in Your hand is all good* (Ali 'Imran: 26), without mentioning evil (*sharr*) despite all being from Allah as mentioned in the subsequent part of the same verse: *Verily, over all things You hast power* (Ali 'Imran: 26). The same could also be said of the saying of Allah – the Exalted – quoting Ibrahim, peace be unto him: *And when I am ill, it is He Who cures me* (Ash-Shu'ara: 80), without attributing the infliction of illness to Allah. This is also through secondary *dilālah* indicating politeness towards Allah by not attributing ill to him.

5. The etiquette of debate requires that one does not hasten to give a response contentiously without having recourse to courtesy and leniency as emphasized in the saying of Allah – the Exalted:

And indeed, we or you are either upon guidance or in clear error (Saba: 24), and *Say, [O Muhammad], "If the Most Merciful had a son, then I would be the first of [his] worshippers* (Az-Zukhruf: 81), among other verses which challenge the polytheists and the People of the Book, where being polite in argument is inferred from the secondary *dilālah*.

Al-Shatibi mentioned several examples whose discussion here is outside the scope of this study. However, after quoting these examples, he added that they indicate the validity of considering secondary *dilālah* and its independence in this form. This is as a result of the addition of a new ruling ... as established earlier that secondary *dilālah* is not given consideration and does not add to the rulings of primary *dilālah*. The contradiction perhaps affirms no ruling is inferred from these examples as regards the devising of these terms to convey *dilālah*, but only in terms teaching praiseworthy conduct.

CONCLUSION

In conclusion, the aim of al-Shatibi as to the objective of devising the Sharia for *ifhām* and what the topics and issues this title entails. This study arrives at the following conclusion:

1. Sharia is revealed in the Arabic language and there is no place for non-Arabic words in it, that is, in the Quran. This is in agreement with al-Shafi'ī's conclusion.
2. Primary *dilālah* is generally indicated by an unqualified expression, but as for secondary *dilālah*, it is an expression which indicates connotation subject to the primary *dilālah*. This shows al-Shatibi's position regarding the secondary *dilālah* in that it does not imply an independent ruling. The translation of the Quran is acceptable on the basis of the first consideration, as opposed to the second consideration, because languages share primary *dilālah* instead of secondary *dilālah*.
3. It has been established that Arabic is intended for unlettered individuals and others alike by virtue of the verses that prove this, otherwise it would not be counted as a miracle, since it is outside the scope of what is known to them. This does not mean that the disciplines mentioned by Sharia's stand contrary to what they are familiar with just as it does not mean that the general public is exempted from its obligations, just because it is peculiar to experts. It has rather challenged them in this regard.
4. There are rules for the application of the expressions discussed in the first part of this study.

5. The consideration of primary *dilālah* and its establishment of an independent ruling is a matter that is devoid of dispute, but secondary *dilālah* and its establishment of an independent ruling remains a subject of controversy on which scholars are divided as to whether or not it (secondary *dilālah*) should be given consideration (whether it connotes something significant) based on evidence from transmitted and rational sources.

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