# The Theological Foundations of Reasoning in Islamic Legal Theory: A Study of the Influence of Doctrinal Conceptions on the Construction of Legal Evidence

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**ABSTRACT**

This article examines the influence of Islamic theology (kalām) on Islamic legal theory (uṣūl al-fiqh), asking where doctrinal conceptions shape the understanding of legal rulings and the construction of legal evidence. It adopts a comparative analytical method, examining texts by Abū al-Ḥusayn al-Baṣrī, al-Juwaynī, al-Ghazālī, al-Samarqandī, al-Dabūsī, al-Sarakhsī, al-Āmidī, al-Qarāfī, and al-Shāṭibī, while also drawing on contemporary examples. It begins by defining the relevant terms and explaining the relationship between the two disciplines, then examines the influence of doctrine on legal rulings, moral and legal obligation, the authoritative force of evidence, textual signification, and the identification of legal causes. It concludes that this influence varies from one issue to another. It may be clear in the definition of a legal ruling and the source of obligation, whereas establishing it elsewhere may require consideration of additional linguistic and juristic evidence. The article also shows that agreement in theological affiliation does not entail agreement on every principle of legal theory, and that differences of affiliation do not preclude agreement on some of those principles. It recommends reading each issue in its context and explaining the connection between a doctrinal premise and a conclusion in legal theory, while distinguishing an author's own position from views reported from others.

**Keywords**: Islamic theology; Islamic legal theory; authoritative force of evidence; legal ruling; identification of legal causes

## INTRODUCTION

It is well established in Islamic legal studies that having a text at one's disposal does not, in itself, enable a jurist or theologian to invoke it as evidence. They must first examine its authenticity, why its address is binding, how it bears on a particular case, and how much certain or probable knowledge it yields. They must also consider the language, context, and contextual indicators needed to understand it. These questions belong to several disciplines, including theology, logic, and language.

Works of Islamic legal theory have brought together those elements of these disciplines on which sound legal derivation depends. Consequently, when legal theorists discuss the disciplines from which Islamic legal theory draws, they frequently refer to theology. They also examine well-known theological questions in the course of discussing principles of legal theory, such as the question of judging acts to be good.

The importance of examining the relationship between theology and reasoning in legal theory arises from this connection, which reveals some of the premises on which a legal theorist relies before beginning to derive rulings.

## RESEARCH PROBLEM AND QUESTIONS

The central question of this study is as follows: how do theological conceptions influence the construction of legal evidence, and when is it appropriate to attribute disagreement in legal theory to doctrinal disagreement? This question involves explaining what it means for legal theory to draw on theology, how the definition of a legal ruling and discussions of goodness and badness bear on the source of obligation, and the limits of the influence of doctrine on interpreting texts and identifying the causes of legal rulings.

## METHOD AND SCOPE

The study adopts a comparative analytical method. It examines legal theorists' positions and evidence, identifies the premises on which they rely, and then compares the influence of those premises in selected issues, while drawing on modern scholarship. It does not seek to provide a comprehensive history of the emergence of the two disciplines or to reduce disagreements among jurists to a single cause.

Previous Studies and the Contribution of the Present Study

Contemporary studies have addressed the relationship between the two disciplines from different

perspectives. In his study, "The Theologians and Islamic Legal Theory," Quṭb Muṣṭafā Sānū highlighted the theologians' role in extending and organizing the subjects of legal theory, relating this development to the intellectual and social circumstances in which works were composed. He advocated learning the principles of theology in order to understand legal theory, while removing issues that have no evident juristic implications. This conclusion invites consideration of which theological discussions a legal theorist needs and how they should be presented.[1]

In an earlier study I wrote, entitled "Logical Inquiry in Works of Islamic Legal Theory," I examined the presence of logic in works of legal theory and then studied examples from the writings of ʿAbd Allāh ibn Bayyah. The present study draws on that approach by first introducing the concepts needed to understand an issue and then examining how they are used. Yet a shared use of logical definitions and syllogisms does not imply agreement in theological affiliation. Scholars may employ the same method of reasoning while differing over its premises and their consequences.[2]

A study by ʿAbd al-Raḥīm Muwaffaq traced the influence of disagreement over the divine attribute of speech on certain questions of legal theory. Bilāl Qārah likewise discussed goodness and badness and moral and legal obligation in his examination of the relationship between the two disciplines. The present study benefits from these works while focusing on how a doctrinal premise influences each issue and whether the conclusion rests on that premise alone or on other evidence as well.[3]

The contribution sought by this study is to bring together questions concerning legal rulings, moral and legal obligation, the authoritative force of evidence, textual signification, and the identification of legal causes, and to examine them through a single question: how does a legal theorist move from a doctrinal conception to the position adopted on a particular issue? Applying this question to texts from different schools makes it possible to identify where doctrinal influence is clear and where linguistic and juristic considerations also play a part. Through this comparison, the study seeks to establish a more precise basis for attributing disagreements in legal theory to theological causes, so that not every difference in legal theory is ascribed to a difference in doctrine.

## STRUCTURE OF THE STUDY

The subject calls for a division into three sections. The first is introductory: it defines the terms and explains the relationship between theology and Islamic legal theory. The second examines the influence of theological conceptions on legal rulings, moral and legal obligation, and the authoritative force of evidence. The third considers their influence on textual signification and the identification of legal causes, together with the limits of that influence. The conclusion brings together the principal findings and recommendations.

## SECTION ONE: BASIC CONCEPTS AND THE RELATIONSHIP BETWEEN THEOLOGY AND ISLAMIC LEGAL THEORY

### 1. Defining Islamic Theology

According to Ibn Fāris, one of the two basic meanings of the Arabic root k-l-m is intelligible utterance, from which kalām (speech) and taklīm (speaking to someone) derive. This is the basis of its lexical use. The discipline of kalām, however, has its own subject matter, questions, and purpose, so its lexical meaning alone is insufficient to define it.[4]

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[1] Quṭb Muṣṭafā Sānū, "Al-Mutakallimūn wa-uṣūl al-fiqh: Qirāʾah fī jadaliyyat al-ʿalāqah bayna ʿilmay al-uṣūl wa-l-kalām" [The Theologians and Legal Theory: A Reading of the Dialectical Relationship between Legal Theory and Theology], Islāmiyyat al-Maʿrifah, no. 9 (1997), pp. 37–79.

[2] Mohamed Aly Isselmou Taleb Ebeidy, "Al-Dars al-manṭiqī fī al-muṣannaf al-uṣūlī: Dirāsah namūdhajiyyah min khilāl muʾallafāt al-ʿallāmah al-Shaykh ʿAbd Allāh ibn Bayyah" [Logical Inquiry in Works of Islamic Legal Theory: A Case Study of the Writings of the Distinguished Scholar Shaykh ʿAbd Allāh ibn Bayyah], Majallat Kulliyyat al-Dirāsāt al-Islāmiyyah Banīn bi-Aswān, no. 4 (1443 AH/2021), pp. 2095–2126, especially pp. 2099–2107.

[3] ʿAbd al-Raḥīm Muwaffaq, "Muqārabah naqdiyyah li-jadaliyyat al-ʿalāqah bayna ʿilm al-kalām wa-uṣūl al-fiqh: Ṣifat kalām Allāh taʿālā namūdhajan" [A Critical Approach to the Dialectical Relationship between Theology and Legal Theory: The Attribute of Divine Speech as a Case Study], Al-Iḥyāʾ 21, no. 28 (January 2021), pp. 73–86, especially pp. 73–74; Bilāl Qārah, "Jadaliyyat al-ʿalāqah bayna ʿilm al-kalām wa-ʿilm uṣūl al-fiqh" [The Dialectical Relationship between Theology and Legal Theory], Silsilat al-Anwār 14, no. 3 (2024), pp. 33–56, especially pp. 50–54.

[4] Aḥmad ibn Fāris, Muʿjam Maqāyīs al-lughah, ed. ʿAbd al-Salām Muḥammad Hārūn (Maktabat al-Iʿlām al-Islāmī, n.d.), vol. 5, p. 131, entry "k-l-m."

Al-Ījī defines kalām as "a discipline that enables one to establish religious doctrines by adducing arguments and dispelling doubts. By doctrines is meant that which concerns belief itself rather than action, and by religious is meant that which is ascribed to the religion of Muḥammad, peace and blessings be upon him." Al-Ījī maintains that judging an opponent to be mistaken does not exclude that person from the ranks of theologians. His definition thus encompasses both establishing doctrines and answering objections to them, and extends to adherents of the different schools within the discipline.[5]

In this study, Islamic theology means the systematic examination of doctrines and the premises by which they are established, insofar as these relate to questions of Islamic legal theory. This meaning does not encompass every use of reason. Understanding language, assessing reports, and arranging analogical arguments are also rational activities. The term kalām must therefore be understood in the context in which it occurs.

### 2. Defining Aṣl, Fiqh, and Uṣūl al-Fiqh

One lexical meaning of aṣl is the foundation of a thing, as Ibn Fāris explains under the root ʾ-ṣ-l. This meaning helps explain the construct phrase uṣūl al-fiqh: the foundations are that on which knowledge of legal rulings rests and to which one refers in establishing them. Al-Āmidī states that the foundation of anything is that on which its realization depends. He then defines Islamic legal theory in terms of the evidence for jurisprudence, the ways in which that evidence signifies, and the qualifications of the person reasoning from it, all considered in general terms. Inquiry in legal theory thus concerns evidence, the conditions under which it may be invoked, and what the inquirer needs in order to use it.[6]

Lexically, fiqh means understanding. Al-Āmidī distinguishes understanding from knowledge, associating understanding with the mind's preparedness to apprehend the matters it seeks to know. In the usage of scholars of the revealed law, however, fiqh is knowledge of a body of subsidiary legal rulings acquired through reflection and reasoning. The qualifications in this definition identify both the field of jurisprudence and the means by which it is acquired: it concerns subsidiary legal rulings and arrives at them by examining evidence. It does not include inquiry into the basis of the authoritative force of evidence, since that is a question of Islamic legal theory.[7]

Accordingly, Islamic legal theory is "knowledge of the evidence for jurisprudence in general terms, of how to derive benefit from it, and of the qualifications of the person doing so."[8]

It is therefore clear that examining the ruling on a particular act is an inquiry in jurisprudence, whereas examining the signification of the imperative form and the conditions under which it may be invoked as evidence is an inquiry in legal theory. Establishing the truthfulness of the Messenger through whom the command was conveyed belongs to theology. An author may nevertheless bring these questions together in a single discussion.

### 3. The Meaning of Reasoning and the Conditions for Constructing Evidence

Lexically, istidlāl means seeking evidence and the path that leads to what is sought. Al-Āmidī explains that jurists use it to mean adducing evidence, whether a text, consensus, analogy, or some other form. They also use it in a specific sense for evidence that does not fall within these categories. This study uses the general sense: establishing an argument on a question of legal theory, rather than the specific category to which some authors devote a chapter after their discussion of analogy.[9]

Abū al-Ḥusayn al-Baṣrī describes reasoning as the arrangement of beliefs or probable judgments through which one comes to know something by way of belief or probability. He explains the manner of reasoning in terms of its conditions, premises, and their arrangement. An argument thus requires sound premises arranged in a way that leads validly to the conclusion. Examining a theological foundation

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[5] ʿAḍud al-Dīn ʿAbd al-Raḥmān ibn Aḥmad al-Ījī, Al-Mawāqif, with the commentary of al-Sharīf al-Jurjānī, ed. ʿAbd al-Raḥmān ʿUmayrah (Beirut: Dār al-Jīl), vol. 1, p. 31. The definition and qualification cited are from al-Ījī's text printed with the commentary.

[6] Ibn Fāris, Muʿjam Maqāyīs al-lughah, vol. 1, p. 109, entry "ʾ-ṣ-l"; ʿAlī ibn Muḥammad al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, annotated by ʿAbd al-Razzāq ʿAfīfī (Al-Maktab al-Islāmī, 1402 AH), vol. 1, p. 7.

[7] Al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, vol. 1, pp. 6–7.

[8] Taqī al-Dīn al-Subkī, Al-Ibhāj fī sharḥ al-Minhāj (Dār al-Kutub al-ʿIlmiyyah, 1995 edition), vol. 1, p. 19.

[9] Al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, vol. 4, p. 118.

therefore means examining the role of a particular premise within an argument.[10]

The construction of evidence involves the conditions under which a text or a meaning may be invoked in seeking a ruling. Some of these conditions concern the source, while others concern the manner of transmission, signification, the person reasoning, or the case in question. Establishing the truth of revelation does not dispense with verifying the attribution of a particular report. The authenticity of a report does not dispense with understanding its language. Understanding a general ruling does not settle its applicability to a particular case. Those who reason from evidence must therefore explain what their evidence establishes and how it leads to the ruling they seek.

The importance of clarifying concepts is evident in the introduction to al-Mustaṣfā. Al-Ghazālī distinguishes apprehending individual concepts from apprehending the relation between them, and places a discussion of definition and demonstration before the substantive questions of the book. He explicitly states that this introduction is shared by the theoretical disciplines and is not confined to Islamic legal theory. It follows that the use of common instruments of inquiry does not entail doctrinal agreement. Adherents of different schools may employ the same form of reasoning while differing over the premises on which they base their rulings.[11]

### 4. What Islamic Legal Theory Draws from Theology and How Its Influence Is Established

Shaykh ʿAlī Jumʿah states: "We derive rulings from the Qurʾān as the revealed text, protected from alteration and transmitted to us through recurrent mass transmission, and as the word of God, whom we believe to be the Creator. We are bound in this worldly life by His commands and prohibitions ('do' or 'do not do'), and these rulings are the standard by which we are held accountable on a Last Day, when human beings return to their Creator for reckoning, punishment, and reward. This makes clear how Islamic legal theory draws on theology. If the Qurʾān is the source and foundation of legislation, the Sunna explains and complements it, since it has been established that the Messenger, peace and blessings be upon him, conveys the message of his Lord, that obedience to that Messenger is commanded, and that his explanation is to be regarded as protected from error."[12]

Abū al-Ḥusayn al-Baṣrī distinguishes between that on which jurisprudence rests in the lexical sense and what belongs to the discipline of Islamic legal theory according to its practitioners' technical usage. He includes divine unity and justice among the foundations on which jurisprudence rests, but then defines the field of legal theory in terms of the general means of arriving at jurisprudence, the manner of reasoning from them, and related matters. This means that a question may constitute a necessary foundation for jurisprudence without all its details belonging within the discussions of legal theory.[13]

For this reason, al-Baṣrī chose to omit certain intricate theological discussions from his book, while employing premises concerning divine wisdom and justice in a number of his positions. He states that he refrains "from discussing those intricate questions of theology that do not belong in Islamic legal theory." He explains that these discussions belong to another discipline and that some have only a remote connection with the purpose of legal theory. The aim of the omission is therefore to keep the book focused on what serves its purpose, not to deny the relationship between the two disciplines.[14]

This distinction is evident in the legal theorist's own work. When invoking evidence transmitted through revelation, the theorist accepts the truthfulness of the Messenger, peace and blessings be upon him, but does not re-establish the proofs of prophethood in every question. Similarly, the theorist distinguishes certain from probable knowledge without again demonstrating the possibility of knowledge. The theorist thus builds on premises already established and returns to their proper field of inquiry if they are challenged. In this way, legal theory benefits from theology without turning a work of legal theory into a book covering all theological questions.

Establishing the influence of a theological premise requires examining the argument the author

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[10] Al-Baṣrī, Al-Muʿtamad fī uṣūl al-fiqh, vol. 1, p. 5.

[11] Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, Al-Mustaṣfā, ed. Muḥammad ʿAbd al-Salām ʿAbd al-Shāfī, 1st ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1413 AH/1993), p. 10.

[12] ʿAlī Jumʿah, Al-Madkhal ilā dirāsat al-madhāhib al-fiqhiyyah, 2nd ed. (Dār al-Salām, 2001), p. 312.

[13] Abū al-Ḥusayn Muḥammad ibn ʿAlī al-Baṣrī, Al-Muʿtamad fī uṣūl al-fiqh, ed. Khalīl al-Mays, 1st ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1403 AH), vol. 1, pp. 4–5.

[14] Al-Baṣrī, Al-Muʿtamad fī uṣūl al-fiqh, vol. 1, p. 3.

employs. The presence of a doctrinal position and a principle of legal theory in the same book does not suffice to establish that the latter derives from the former. The case for this connection becomes stronger when the author expressly gives the doctrinal position as a reason, or when the argument would not be valid without the stated doctrinal premise. The premise must then be identified as its proponent formulates it, its connection to the conclusion explained, and any further premises required concerning the establishment or signification of the evidence, or the kind of act involved, examined.

Examples include moving from the denial that reason imposes obligations to the denial of a legal ruling before revelation, or from establishing the Messenger's truthfulness to affirming the authoritative force of his reports. Reading these arguments requires preserving the qualifications stated by their authors. The rational possibility of something does not establish that it occurs under the revealed law. Denying that something is obligatory upon God does not deny that it may occur as an act of grace or in fulfillment of a promise. Nor does the revealed character of a ruling preclude using reason to understand it and infer the basis of its applicability. Overlooking these distinctions may lead to attributing conclusions to an author that the author does not accept.

If a principle can be established by independent evidence, caution is required before treating a doctrinal premise as its necessary foundation. Even so, that premise may influence the author's choice of the principle, although it can be supported by another argument. Examining whether a premise is necessary within an argument differs from examining why a position arose. This study confines itself to the reasons and evidence presented in the selected texts, in order to identify the influence of theology on the authoritative force of revelation, the interpretation of legal rulings and obligation, human capacity to bear moral and legal obligation, and questions of legal causation and divine wisdom.

## SECTION TWO: THE INFLUENCE OF THEOLOGICAL CONCEPTIONS ON LEGAL RULINGS, MORAL AND LEGAL OBLIGATION, AND THE AUTHORITATIVE FORCE OF EVIDENCE

The influence of a theological conception on Islamic legal theory becomes apparent when it contributes to defining a legal ruling, explaining the source of obligation, establishing the authoritative force of evidence, or determining a person's capacity to bear moral and legal obligation. The fact that two authors belong to the same theological school does not suffice to establish this influence. They may agree on certain principles while differing in their interpretation of texts and assessment of competing evidence. Similarly, affiliation with Ḥanafī jurisprudence does not establish a single theological position on every issue. This section therefore brings together examples from several works according to the issue addressed, while preserving the differences between their authors.

### 1. Defining the Legal Ruling and Its Relationship to the Lawgiver's Address

Al-Ghazālī defines the scope of inquiry in legal theory as follows: "Legal theory concerns the proofs of these rulings and knowledge of the ways in which they indicate rulings in general, rather than in detail."[15] The object of inquiry here is the proof and the way in which it establishes a ruling, before it is applied to a particular case. At this level, the legal theorist asks: What makes an act obligatory? What may properly be invoked to establish its obligatory character? How can acting on evidence that does not yield certainty be obligatory? The answers to these questions help identify the place of the theological premise in legal reasoning.

Al-Ghazālī's definition of the legal ruling provides a clear example: "For us, a ruling is the address of revealed law insofar as it relates to the acts of those subject to obligation."[16] He traces the obligatory, the prohibited, and the permissible to the address's requirement to act, requirement to refrain, or allowance of a choice between the two. Establishing a ruling thus depends on explaining its relationship to the Lawgiver's address. Recognizing the benefit of an act is not enough for a researcher to attribute its obligatory character to revealed law; the researcher must identify the proof that warrants this attribution.

Al-Ghazālī reinforces this point by stating: "If this address from the Lawgiver does not exist, there is no ruling." He then rejects rational determination of goodness and badness in the particular sense he specifies, the rational obligation to thank the benefactor, and the existence of rulings governing acts before the advent of revelation.[17] The author himself connects these issues to his definition of the legal ruling, so it

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[15] Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, Al-Mustaṣfā, ed. Muḥammad ʿAbd al-Salām ʿAbd al-Shāfī, 1st ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1413 AH/1993), p. 5.

[16] Al-Ghazālī, Al-Mustaṣfā, p. 45.

[17] Al-Ghazālī, Al-Mustaṣfā, p. 45.

is legitimate to trace the influence of his position on rational obligation within that definition. Its limits must nevertheless be observed: he is discussing the establishment of a ruling of revealed law, not denying all rational knowledge of the characteristics or consequences of acts. At the beginning of his book, he distinguishes inquiry into rational judgments concerning acts from inquiry into their obligatory, prohibited, or permissible character.[18] His denial should therefore not be extended to encompass every form of rational understanding related to conduct.

Al-Āmidī's discussion shows that identifying the ruling with the address does not resolve every question about its definition. He objects to a definition that merely relates the Lawgiver's address to the acts of those subject to obligation, since some divine discourse reports the creation of their acts without constituting a legal ruling in the intended sense. He also discusses the qualification that the address must involve a requirement or a choice, arguing that this excludes the ruling that proofs possess authoritative force, as well as certain other rulings, such as ownership and inviolability. He ultimately defines the ruling as "the Lawgiver's address that conveys a legal import."[19] This discussion shows that legal theorists may share the basis of a definition while differing over its scope and what it includes. Agreement in theological orientation does not dispense with examining the adequacy of a definition and the precision of its qualifications.

Al-Āmidī's inclusion of knowledge that proofs possess authoritative force among the matters that a definition of the ruling should encompass is particularly significant. He distinguishes establishing a ruling for a particular act from establishing the permissibility of relying on a particular class of proofs. The legal theorist must therefore examine the authoritative force of the method employed and then ascertain that the conditions for using it in the particular issue have been met.[20] This explains part of legal theory's need for theological premises without turning all its inquiries into inquiries in theology.

### 2. Goodness, Badness, and Wisdom in Explaining Obligation

Clarifying the dispute over goodness and badness begins by identifying the intended meaning of these terms. Al-Ghazālī writes: "The conventions governing the use of the terms goodness and badness differ, and they must therefore be clarified."[21] Good may mean conformity to a purpose, or it may concern praise and reward; evil may mean contrariety to a purpose or the deserving of blame and punishment. Combining these meanings in a single judgment may lead one to attribute to an author a denial he did not intend or an affirmation broader than the one he actually made.

Al-Ghazālī explains how an act may accord with one person's purpose while conflicting with another's, describing the meanings under discussion as relational and rationally intelligible.[22] He thus recognizes a domain in which reason can understand the suitability of acts to purposes, while denying that this knowledge alone suffices to establish a legal obligation. The issue concerns what may legitimately follow from our knowledge of an act: is recognizing its benefit enough to establish that it is obligatory, or does obligation require a further basis? It is also important not to reconstruct the opposing position from al-Ghazālī's account alone. Studying the Muʿtazilī position requires consulting Muʿtazilī texts, and the account of one leading figure cannot properly be generalized to all of them.

Al-Dabūsī's text helps clarify the connection between wisdom and obligation. In discussing the goodness of what is commanded, he argues that requiring an act as worship of God entails that it is good in God's judgment. He explains: "God Most High is the Wise One, in whom there is no folly, and He therefore does not command us to do it." The pronoun refers to the evil act mentioned immediately before this statement.[23] Divine wisdom here serves as a premise for explaining a characteristic of the act to which the command relates. He then classifies the forms of goodness and explains examples drawn from prayer, almsgiving, fasting, and pilgrimage. The theological premise thus performs a function within the inquiry

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[18] Al-Ghazālī, Al-Mustaṣfā, p. 5.

[19] ʿAlī ibn Muḥammad al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, annotated by ʿAbd al-Razzāq ʿAfīfī (Al-Maktab al-Islāmī, 1402 AH), vol. 1, pp. 95–96.

[20] Al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, vol. 1, pp. 95–96.

[21] Al-Ghazālī, Al-Mustaṣfā, p. 45.

[22] Al-Ghazālī, Al-Mustaṣfā, pp. 45–46.

[23] Abū Zayd ʿUbayd Allāh ibn ʿUmar al-Dabūsī, Taqwīm al-adillah fī uṣūl al-fiqh, ed. Khalīl Muḥyī al-Dīn al-Mays, 1st ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1421 AH/2001), p. 44.

rather than remaining a general proposition preceding its substantive issues.

Nevertheless, the goodness of what is commanded in God's judgment does not mean that the person subject to obligation can know every detail of that goodness through reason before receiving the address. Al-Dabūsī takes the command itself as a route to examining the characteristic of the commanded act. A distinction must therefore be drawn between the basis of a ruling and the means of knowing it: wisdom may provide a basis for explaining legislation, while the address remains the means of knowing a particular obligation. To hold that a ruling has an intelligible rationale does not entail that reason can derive all rulings without an address.

This distinction appears in al-Dabūsī's classification of goodness. He states that honoring is good in itself in relation to the one honored, while acknowledging that circumstances may arise that render the act unlawful at a particular time or in a particular situation.[24] The goodness of an act in a general respect does not establish the same ruling for every instance of it. Determining the ruling requires consideration of circumstances, time, and other conditions. This shows what the discipline of legal theory adds to the theological premise: it examines how a general meaning applies to a particular act and what prevents or qualifies that application.

Comparing these two texts allows the issue to be defined without generalizing across schools. Al-Ghazālī explains why knowing certain characteristics of an act does not suffice to establish obligation, while al-Dabūsī employs wisdom to explain the goodness of what is commanded and then distinguishes its circumstances. In both passages, the transition from a characteristic to a ruling must be examined, and the proof or condition required for that transition identified. These examples alone do not justify denying that an author recognizes legal causes or welfare considerations, nor do they establish that another author regards reason as independently capable of knowing all obligations. Each claim requires its own texts and relevant discussions.

### 3. Theological Foundations and the Authoritative Force of Reports

Al-Ghazālī regards theology as a universal science and jurisprudence, legal theory, hadith, and Qurʾānic exegesis as particular sciences in respect of their subject matters. He explains that the theologian studies existence and questions concerning God and prophecy, whereas the other sciences turn to more specific subjects.[25] He writes: "Theology, then, undertakes to establish the principles of all the religious sciences."[26] The point is that theology supplies proof for principles on which those sciences depend. Once the Messenger's truthfulness has been established, one can investigate how his words indicate a ruling. Establishing his truthfulness, however, does not dispense with linguistic rules or the conditions governing the transmission of reports.

Al-Āmidī states that legal theory draws upon theology, Arabic, and legal rulings. He explains its dependence on theology by noting that knowledge of how proofs establish rulings under revealed law depends on knowing God, His attributes, and the truthfulness of His Messenger.[27] Each source of knowledge has a function here: theology establishes the authority of the source, Arabic assists in understanding its meaning, and knowledge of rulings clarifies what is to be established. Al-Āmidī cautions that drawing upon rulings does not mean depending on the prior establishment of every individual juristic ruling. A ruling itself requires proof, and making the validity of that proof depend on the ruling would produce circularity.[28] The distinction is between knowing what the ruling under investigation means and actually establishing it in a particular issue.

Al-Ghazālī does not make this ordering a requirement that every practitioner of a particular science must first master theology. Answering this objection, he writes: "That is not a condition of being a legal theorist, jurist, exegete, or hadith scholar."[29] His explanation is that every science has principles accepted within it whose demonstration is sought in another science. A legal theorist may therefore investigate meaning after accepting the underlying authoritative force of the source and return to the proof of that foundation when necessary. The relationship between the two sciences does not require all principles to be

[24] Al-Dabūsī, Taqwīm al-adillah fī uṣūl al-fiqh, p. 44.

[25] Al-Ghazālī, Al-Mustaṣfā, p. 6.

[26] Al-Ghazālī, Al-Mustaṣfā, p. 7.

[27] Al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, vol. 1, pp. 7–8.

[28] Al-Āmidī, Al-Iḥkām fī uṣūl al-aḥkām, vol. 1, p. 8.

[29] Al-Ghazālī, Al-Mustaṣfā, p. 7.

demonstrated afresh in every issue.

Al-Samarqandī, for his part, states in the introduction to al-Mīzān that "the science of legal theory and rulings is a branch of the science of the foundations of theology." He accordingly calls for attention to an author's creed when assessing works of legal theory.[30] This statement indicates the place he assigns theology within his own project; it cannot properly be treated as a description applying equally to every work of legal theory and every rule within it. He makes it in the context of evaluating earlier writings, taking the soundness of their theological foundations as a criterion for what he accepts and what he regards with reservation.

This context is reinforced by his discussion of works by those who disagree with him in principles or substantive law and his concern that error might pass from one domain to the other.[31] Expressing this concern does not, however, establish that every rule depends directly on its author's creed. To determine this, the proof supporting the rule must be examined: does it lose its basis if the theological premise changes, or does it retain an independent proof? This allows us to distinguish the strength of theology's guiding role in al-Samarqandī's project from the extent of its influence on each issue. It also keeps his criticism of earlier works attributed to him, so that describing his position does not become an endorsement of all his judgments about his opponents.

Al-Dabūsī provides a clearer practical example in his discussion of multiply transmitted reports (mutawātir). He connects the exclusion of collusion to the number of transmitters and the diversity of their purposes. He then grounds the authoritative force of what is transmitted from the Prophet in the established principle that the Prophet is protected from lying and speaking falsely.[32] Two stages must be distinguished here: verifying that the report originated from its attributed source and establishing that source's authoritative force. Proof of the Messenger's truthfulness does not establish the authenticity of every report attributed to him, just as establishing transmission alone does not explain why its content is authoritative. This example identifies where the theological premise operates while leaving the investigation of transmission subject to its own proofs and conditions.

This distinction protects reasoning from circularity. We cannot properly treat every report attributed to the Prophet as proof of his truthfulness and then use his truthfulness as proof that the same report is authentically attributed to him. We must instead identify what establishes prophecy, what establishes transmission, and then examine the meaning of what has been transmitted. These stages describe theology's influence more precisely than a general statement that legal theory draws upon it.

### 4. The Authority of Acting on Probabilistic Evidence

A proof may yield probability, yet acting upon it may be obligatory when it meets the conditions for recognition. Al-Juwaynī explains this when discussing the definition of jurisprudence as knowledge even though many of its issues are matters of probability: "Probable judgments are not jurisprudence; jurisprudence is knowledge of the obligation to act when probable judgments arise."[33] He distinguishes the degree of our knowledge of a particular ruling from our knowledge of the obligation to follow the method that leads to it. The possibility of error in the conclusion does not, by itself, suffice to invalidate the method's authoritative force; one must examine why the method is recognized and the conditions under which reliance on it is warranted.

Al-Juwaynī confirms this when asking why the details of solitary reports and analogies are included in legal theory. He answers that "the legal theorist's task is to explain the conclusive basis for acting upon them."[34] Certainty here concerns the obligation to act; it does not automatically extend to every ruling derived through a probabilistic method. The conclusion remains open to revision if stronger contextual evidence emerges or a defect in the proof's conditions becomes apparent. This account can help explain how al-Juwaynī establishes authoritative force, but it should not be generalized without evidence to all issues or schools of legal theory.

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[30] ʿAlāʾ al-Dīn Muḥammad ibn Aḥmad al-Samarqandī, Mīzān al-uṣūl fī natāʾij al-ʿuqūl, ed. Muḥammad Zakī ʿAbd al-Barr, 1st ed. (Qatar: Maṭābiʿ al-Dawḥah al-Ḥadīthah, 1404 AH/1984), p. 1.

[31] Al-Samarqandī, Mīzān al-uṣūl fī natāʾij al-ʿuqūl, p. 2.

[32] Al-Dabūsī, Taqwīm al-adillah fī uṣūl al-fiqh, p. 22.

[33] ʿAbd al-Malik ibn ʿAbd Allāh al-Juwaynī, Al-Burhān fī uṣūl al-fiqh, ed. Ṣalāḥ ibn Muḥammad ibn ʿUwayḍah, 1st ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1418 AH/1997), vol. 1, p. 8.

[34] Al-Juwaynī, Al-Burhān fī uṣūl al-fiqh, vol. 1, p. 8.

This distinction relates to al-Ghazālī's assignment of the demonstration of the Messenger's truthfulness to theology and of the examination of modes of signification and conditions of validity to the legal theorist.[35] Describing a proof as grounded in revealed law does not mean that all the premises involved in reasoning from it are transmitted expressions. One must establish the source, examine transmission, understand the language, and weigh possible interpretations. Each stage has its own question, which cannot be answered by the proof appropriate to another stage. If an objection concerns a report's authenticity, demonstrating the Messenger's truthfulness is not a sufficient answer; if it concerns interpretation, establishing authentic attribution does not resolve it. The soundness of a source does not guarantee the soundness of every understanding attributed to it.

### 5. Legal Personality, Capacity, and the Limits of Obligation

The study of capacity shifts attention from the proof to the human being to whom rights and obligations attach. Al-Dabūsī holds that dhimma is the locus of obligation, adducing a child's liability for damage and the rights that bind the child before the capacity to perform is fully developed. He then connects this to a conception of the human being as bearing the trust and being honored with reason and dhimma, and thus possessing rights and bearing obligations.[36] In this sense, dhimma, or the capacity to bear rights and obligations, explains how a right can be established without always tying it to a voluntary act performed by the person to whom it attaches.

The establishment of a right is nevertheless distinct from the obligation to perform and from accountability. A child may incur financial liability without being treated as an adult in matters of worship, and the use of the same term, obligation, does not suffice to equate the two domains. Legal theorists accordingly ask whether the basic obligation arises from the presence of its cause and the suitability of its locus, with performance deferred, or whether the basic obligation depends on the existence of an address applicable to the person subject to it. Establishing dhimma alone does not resolve this disagreement.

Al-Sarakhsī presents two approaches among his teachers. One affirms the obligation of duties owed to God on the basis of the suitability of dhimma and the presence of the relevant causes; the other does not affirm it until the person's condition has attained maturity through puberty and reason.[37] In presenting the first approach, he includes the well-known account of the human being's honor through reason and dhimma and the possession of inviolability, freedom, and the capacity for ownership from birth. He then evaluates the two approaches by stating: "Neither of the two approaches is satisfactory to me."[38] The statement appearing in his presentation of the first approach therefore cannot properly be quoted as his final preference. Reading the discussion in full shows that he criticizes both approaches before setting out his own view.

Al-Sarakhsī connects the existence of the cause and the locus to the locus's suitability for what follows from obligation. He preserves the effect of causes recognized by revealed law while also considering the purpose of obligation and the meaning of being put to the test. He connects obedience and disobedience to voluntary performance and treats choice as relevant to deserving recompense.[39] Establishing dhimma is therefore insufficient to generate every ruling; human capacity and the purpose of obligation must also be considered. The meanings of wisdom, trial, and choice operate here within a specific issue of legal theory without negating the legally recognized cause.

Clarifying the precise point of disagreement prevents positions from being made to imply what they do not assert. A scholar who affirms a basic obligation on the basis of cause and locus does not necessarily deny that understanding is a condition of accountability; he may distinguish the basic obligation from performance. Nor does a scholar who requires an address necessarily deny human worth or rights before puberty. Likewise, a child's liability for damaged property does not by itself establish an obligation to perform every act of worship. These distinctions show that adherence to the same school of jurisprudence does not preclude different ways of explaining obligation.

Invoking human honor or the bearing of the trust is insufficient to attribute a position to a particular

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[35] Al-Ghazālī, Al-Mustaṣfā, p. 7.

[36] Al-Dabūsī, Taqwīm al-adillah fī uṣūl al-fiqh, p. 417.

[37] Shams al-Aʾimmah Muḥammad ibn Aḥmad al-Sarakhsī, Uṣūl al-Sarakhsī, ed. Abū al-Wafāʾ al-Afghānī (Beirut: Dār al-Kutub al-ʿIlmiyyah, n.d.), vol. 2, pp. 333–334.

[38] Al-Sarakhsī, Uṣūl al-Sarakhsī, vol. 2, p. 335.

[39] Al-Sarakhsī, Uṣūl al-Sarakhsī, vol. 2, p. 335.

theological school, since these are shared meanings grounded in revelation. The theological question arises when they are used to explain the human being's capacity to receive the address or the relationship between reason, capacity, and obligation. Comparison thus remains limited to what each text establishes: not every religious explanation of capacity becomes a doctrinal dispute, and the rulings governing obligation are not reduced to a single premise.

## SECTION THREE: THE INFLUENCE OF THEOLOGICAL CONCEPTIONS ON SIGNIFICATION AND LEGAL CAUSES AND THE LIMITS OF THAT INFLUENCE

### 1. Legal Causes and Human Welfare

The study of legal causes requires a distinction between two questions: the wisdom of divine action and the cause through which a jurist identifies the ruling governing a case. The theologian examines what is possible or impossible with respect to God Most High, while the jurist investigates the attribute to which the ruling attaches and how its presence can be ascertained. Both may use the term "cause" while intending different meanings. An author's intended meaning must therefore be understood before attributing to him either affirmation or denial of causal explanation: is he discussing something that reason makes obligatory, the wisdom of legislation, or an attribute through which a new case is assimilated to an original case?

This distinction appears at the beginning of the Book of Objectives in al-Muwāfaqāt, where al-Shāṭibī starts with "a theological premise taken as established at this point." He explains it as follows: "The enactment of revealed laws is solely for the welfare of human beings in this world and the hereafter alike."[40] He mentions the theological disagreement over this issue, so describing the premise as established does not mean that scholars unanimously agree upon it. Rather, he adopts it here in order to investigate the objectives of legislation, while the underlying disagreement remains a matter requiring proof.

Al-Shāṭibī then explains how he establishes this premise: "Our basis is that we have established by induction from revealed law that it was instituted for human welfare, through an induction that neither al-Rāzī nor anyone else disputes."[41] He assembles evidence from legal rulings to establish their concern for welfare, without making this inquiry dependent on resolving every theological dispute about the purposes of actions. His phrase "does not dispute" expresses his assessment of the strength of the induction; it does not, by itself, suffice to attribute agreement to all legal theorists.

Al-Shāṭibī presents examples from the sending of messengers and from the rulings on ablution, fasting, and prayer, then states: "As for explanations of the reasons for particular rulings in the Book and the Sunna, they are too numerous to count."[42] It is the convergence of these examples that strengthens the claim that welfare is taken into account. Establishing this general principle does not, however, justify attributing every conceivable benefit to revealed law. The jurist must still provide evidence for it, consider what may oppose it, and ascertain its presence in the case whose ruling is being investigated.

### 2. The Role of Reason in Identifying the Legal Cause and Applying the Ruling

Al-Qarāfī's detailed account of the meanings of goodness and badness helps clarify the role of reason in this inquiry. He distinguishes what is congenial or repugnant to human nature, perfection and deficiency, and the deserving of praise and blame under revealed law. He then states: "The first two are rational by consensus, while the third, in our view, is determined by revealed law and can be known and established only through it."[43] He affirms that reason can perceive benefit and harm, perfection and deficiency, while locating the dispute in the establishment of praise and blame under revealed law. Denying reason's independence as a source of legislation must therefore not be understood as eliminating its role in identifying and weighing attributes.

One example of this role is verification of the operative basis of a ruling (taḥqīq al-manāṭ), which al-Qarāfī defines as follows: "Verification of the operative basis is ascertaining the agreed-upon cause in the new case." He illustrates this with disagreement over the application of the prohibition of usury to figs: are they a predominant staple, as in al-Andalus, or are they not, as considered in relation to the Hijaz and other

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[40] Al-Shāṭibī, Al-Muwāfaqāt, ed. Mashhūr ibn Ḥasan Āl Salmān, 1st ed. (Dār Ibn ʿAffān, 1997), vol. 2, p. 9.

[41] Al-Shāṭibī, Al-Muwāfaqāt, vol. 2, p. 12.

[42] Al-Shāṭibī, Al-Muwāfaqāt, vol. 2, p. 12.

[43] Al-Qarāfī, Sharḥ Tanqīḥ al-fuṣūl, ed. Ṭāhā ʿAbd al-Raʾūf Saʿd, 1st ed. (Sharikat al-Ṭibāʿah al-Fanniyyah al-Muttaḥidah, 1973), p. 86.

regions?[44] The example shows that jurists may agree on the cause of a ruling yet differ over whether it is present in a particular food. This disagreement requires knowledge of people's circumstances and staple foods; knowing the doctrinal position on the source of the ruling is not enough.

A distinction should therefore be drawn between deriving the operative basis of a ruling, refining it, and verifying it. A jurist may investigate the cause where it has not been stated, distinguish the relevant attribute from others mentioned alongside it, or ascertain its presence in the new case. Each inquiry calls for the appropriate forms of evidence.[45] An error in understanding the facts differs from an error in selecting the cause, and neither can properly be reduced to theological affiliation. The researcher should first identify where the error lies and then consider whether it relates to a doctrinal premise, interpretation of the text, or knowledge of the case.

In this connection, al-Shāṭibī states that rational proofs are employed in legal theory "in conjunction with transmitted proofs, or in support of their reasoning, or to verify their operative basis." He explains this by stating that "reason is not a lawgiver, as is established in theology."[46] Recourse to revelation in establishing the ruling does not relieve the qualified jurist of rational inquiry. Reason is needed to understand the proof, assist in deriving rulings, and ascertain the case to which a ruling applies. This clarifies the role al-Shāṭibī affirms for reason and the role he denies it.

Al-Shāṭibī also states that "the foundations of jurisprudence in religion are certain, not probable." He notes that their premises are rational, based on observed regularities, or transmitted, and includes induction from the rulings of revealed law among the transmitted premises.[47] This is his chosen account of the foundations of the science; it should not be presented as a consensus that every issue discussed in works of legal theory is certain. Nor does a jurist's certainty about a general principle render every application of it certain. Establishing concern for welfare does not identify the benefit in every case, and establishing the authoritative force of analogy does not guarantee the validity of every analogy.

The distinction becomes clear on returning to al-Qarāfī's example of figs. Taking their use as a staple into account in the ruling is one question; classifying figs as a staple in a particular country is another. Disagreement over the latter remains even where there is agreement on the former.[48] The conclusion does not derive certainty from the strength of the principle alone when its application depends on an attribute that has not been established with the same degree of certainty.

This distinction must also be observed when invoking the objectives of revealed law. Establishing a general objective is not enough to set aside an established ruling without explaining the relationship between them. Nor does the existence of a benefit in a ruling suffice to establish that it is the cause upon which analogy may be based. Read together, al-Shāṭibī's induction and al-Qarāfī's detailed treatment of the operative basis show that inquiry into welfare requires evidence and disciplined criteria, like other methods of reasoning. This is an inference from the preceding texts, not a quotation from either author.

### 3. The Influence of Belief on Textual Interpretation in Ibn Bayyah

The examples discussed by ʿAbd Allāh ibn Bayyah in Amālī al-dalālāt wa-majālī al-ikhtilāfāt provide another opportunity to examine the influence of theological belief. Moving from lexical ambiguity to the meanings of particles, he presents theological and legal questions that admit different grammatical analyses. These examples help distinguish what language can establish from what requires further evidence. The views of earlier scholars discussed here are cited through Ibn Bayyah; this study does not claim to have checked them against their original works.[49]

Ibn Bayyah draws attention to the possibility that a jurist may seek linguistic evidence to support a position already adopted on other grounds. We must therefore ask whether the wording led him to that position or whether he used it to strengthen a position he had already chosen. The fact that an interpretation agrees with its author's theological belief is not sufficient to conclude that he imposed that belief on the text, since the interpretation may also be linguistically sound. This can be determined only by examining the

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[44] Al-Qarāfī, Sharḥ Tanqīḥ al-fuṣūl, p. 387.

[45] Al-Qarāfī, Sharḥ Tanqīḥ al-fuṣūl, p. 387.

[46] Al-Shāṭibī, Al-Muwāfaqāt, vol. 1, p. 27.

[47] Al-Shāṭibī, Al-Muwāfaqāt, vol. 1, pp. 17, 25.

[48] Al-Qarāfī, Sharḥ Tanqīḥ al-fuṣūl, p. 387; Al-Muwāfaqāt, vol. 1, pp. 25–27.

[49] ʿAbd Allāh ibn al-Shaykh al-Maḥfūẓ ibn Bayyah, Amālī al-dalālāt wa-majālī al-ikhtilāfāt (Al-Maktabah al-Makkiyyah and Dār Ibn Ḥazm, edition unspecified, n.d.), pp. 147–154.

evidence and considering the objections to it. This is a conclusion drawn in the present study from Ibn Bayyah's examples, not a rule quoted from him.[50]

In discussing the verse concerning ambiguous passages of the Qurʾān, Ibn Bayyah considers whether the wāw preceding 'those firmly grounded in knowledge' is a conjunction or introduces a new sentence, and the implications of these alternatives for knowledge of interpretation. He then states that 'language does not settle the matter' before expressing his preferred view. The example clearly demonstrates the importance of grammar, but also its limits: the grammatical possibility of coordination is not, by itself, sufficient to determine what those firmly grounded in knowledge know. The meaning of interpretation and the other relevant evidence must also be considered. Nor is a preference for a theological position sufficient to dismiss a linguistic possibility without discussing it.[51]

Ibn Bayyah also examines disagreement over the wāw in God's words: 'Now God has lightened your burden and knows that there is weakness in you.' He reports that some Muʿtazilīs insist on reading it as a conjunction and explains how they interpret knowledge on that basis. He then mentions its interpretation as a circumstantial wāw and the objection that this construction requires qad with a past-tense verb. He cites a distinction made by Ibn Mālik concerning the pronoun's reference to the subject of the circumstantial clause. Here, theological belief may guide the choice of grammatical analysis, but knowledge of a scholar's belief neither establishes nor disproves the soundness of that analysis. It must instead be examined through the rules and attested usages of Arabic. Moreover, accepting the grammatical evidence does not entail accepting every theological conclusion that an interpreter draws from it.[52]

On the question of looking and seeing, Ibn Bayyah reports al-Zamakhsharī's interpretation of looking as waiting, then mentions the objection that the verb is followed by the preposition ilā. He states: 'In my view, language does not settle the matter.' He cites a Qurʾānic usage connected with granting respite, then invokes the hadith he has mentioned to support the Sunni position and determine the meaning of looking. After examining the linguistic possibility, he thus turns to transmitted evidence to establish which meaning is preferable. The purpose here is to explain his method of argument, not to assess all the evidence concerning the vision of God. A distinction remains between a meaning that Arabic permits and one established as the intended meaning of a particular text.[53]

In his discussion of wāw and sequence, Ibn Bayyah notes that Ibn Mālik adopted Sībawayh's grammatical position even though it differed from the position of his own Shāfiʿī legal school. This cautions against explaining every scholarly choice by reference to a scholar's legal or theological school. Ibn Bayyah also examines the use of a line of poetry as evidence for an additional, non-essential wāw, returning to the remaining lines to assess the argument. Reading a cited passage in context may change the assessment of it, even when it has been used as evidence in a legal dispute.[54]

These examples show that knowing an author's school does not remove the need to examine his argument. His belief may influence his choice of a meaning or his preference for a piece of evidence, but that choice still requires scrutiny. Ibn Bayyah's statement that language does not settle certain questions does not deny its evidentiary value. Rather, it indicates that a linguistic possibility may require contextual evidence to establish the intended meaning.

### 4. The Practical Consequences of Theological Disagreement and the Limits of Its Inclusion in Legal Theory

The need for theological premises in legal theory does not entail including every theological question within it. Al-Shāṭibī writes: 'Any question set out in legal theory upon which no legal rulings or religious norms of conduct are based, and which does not assist in establishing them, is only on loan to legal theory.' He is asking how a question benefits the study of legal theory, not declaring it invalid or denying its value in another discipline. He gives usefulness a broad meaning that includes religious norms of conduct and matters that assist jurisprudence, rather than restricting it to an immediate substantive legal ruling.[55]

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[50] Ibn Bayyah, Amālī al-dalālāt wa-majālī al-ikhtilāfāt, pp. 149–150.

[51] Ibn Bayyah, Amālī al-dalālāt wa-majālī al-ikhtilāfāt, p. 150.

[52] Ibn Bayyah, Amālī al-dalālāt wa-majālī al-ikhtilāfāt, p. 151. Ibn Mālik is cited here through Ibn Bayyah.

[53] Ibn Bayyah, Amālī al-dalālāt wa-majālī al-ikhtilāfāt, pp. 151–152.

[54] Ibid., pp. 152–154.

[55] Al-Shāṭibī, Al-Muwāfaqāt, vol. 1, p. 37.

In discussing alternative obligations and alternative prohibitions, al-Shāṭibī describes a disagreement that does not change the required action: 'Each group agrees with the other concerning the action itself; they differ only in belief, on the basis of a principle established in theology.' This shows that different explanations of a ruling may coexist with agreement about what the obligated person should do. Yet the example cannot be generalized to every theological disagreement. The consequences of a question may vary from one context to another, and may concern the explanation of a ruling or the argument supporting it without changing the action required.[56]

A comparable distinction is that between the possibility of imposing an obligation beyond a person's capacity and its actual occurrence. Al-Qarāfī distinguishes the two and presents the disagreement concerning each. The purpose here is not to endorse a particular view, but to show that judging something possible does not establish that it actually occurs in revealed law. Establishing its occurrence requires further evidence, just as the inquiry must first clarify the disputed meaning of what lies within a person's capacity. The analysis thus focuses on the scholar's own position, rather than on what might be expected of him because of his affiliation with a theological school.[57]

### 5. Principles for Studying Theological Influence

The preceding evidence shows that the influence of theology varies according to the question under consideration. Establishing the Messenger's truthfulness concerns the fundamental authority of his words; defining a legal ruling determines what falls within that category; and examining capacity and legal capacity helps identify those to whom obligation applies. What one premise establishes should not be attributed to another. Assessing theological influence therefore begins by identifying the proposition that the author seeks to establish.

A researcher can proceed through clear steps: state the position in legal theory, identify the theological premise on which its proponent relies, and then explain how he reasons from it and what additional textual, linguistic, or contextual knowledge he requires. If the reasoning remains unclear, the attribution of the position to theological belief remains uncertain. If the connection is established, the researcher must still ask whether the position also rests on independent evidence, so that it is not attributed to the theological premise alone.

This approach can be applied to al-Ghazālī's position on legal rulings before the advent of revelation. He denies the existence of a ruling in the absence of the Lawgiver's address. This is connected both to his definition of a ruling and to his denial that reason independently establishes obligation in the sense he specifies. Since a ruling, in his account, is connected with the address of revealed law, the absence of that address entails the absence of a ruling in this sense. This does not, however, establish that reason is incapable of recognizing certain qualities of actions; al-Ghazālī himself distinguishes different meanings of goodness and badness. The limits of the conclusion must therefore be understood from his definition of a ruling and the precise point in dispute, rather than by extending his denial to every form of rational understanding.[58]

In the discussion of reports, by contrast, accepting the Messenger's truthfulness does not establish the authenticity of every narration attributed to him. Once prophethood has been acknowledged in principle, the report must therefore be authenticated through an accepted method. The difference between this example and the previous one is that the ruling in the first depends on the author's definition, whereas the authenticity of a narration requires an investigation of its transmission. A sound theological premise does not dispense with the need to establish the other conditions on which the conclusion depends.[59]

One useful question is whether the position in legal theory would still hold if the theological premise on which its author relies were different. If it has independent linguistic or transmitted evidence, that premise is not its sole basis. If the reasoning in the text depends on the premise, its influence is established in that particular case, without extending the judgment to all authors. This question helps avoid treating every agreement or disagreement as a necessary consequence of theological affiliation.

Disagreements within a single school reinforce this point. Al-Sarakhsī discusses positions held by his own teachers on legal capacity, while al-Āmidī objects to a definition of a legal ruling despite a broadly shared theological outlook. These examples show that independent judgment and criticism remain possible

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[56] Al-Shāṭibī, Al-Muwāfaqāt, vol. 1, pp. 39–40.

[57] Al-Qarāfī, Sharḥ Tanqīḥ al-fuṣūl, p. 141.

[58] Al-Ghazālī, Al-Mustaṣfā, pp. 45–46.

[59] Al-Dabūsī, Taqwīm al-adillah fī uṣūl al-fiqh, p. 22; al-Ghazālī, Al-Mustaṣfā, p. 7.

among scholars of similar orientations; they do not negate the influence of belief. Theological belief may guide the questions a scholar investigates or the explanations he accepts without determining his answer to every question in legal theory.

Accordingly, studying the relationship between theology and legal theory requires an account of which theological discussions benefit the legal theorist and which may simply be consulted in their proper disciplinary setting. Neither defending the inclusion of all such discussions nor excluding them all because of their length and occasional difficulty is sufficient. The passages cited above from al-Baṣrī, al-Ghazālī, and al-Shāṭibī indicate the need for theological premises while expressing reservations about treating all their details in works of legal theory.

This also has implications for teaching. A student studies the evidence for the authoritative force of revelation, then learns how to authenticate its transmission, understand its meaning, and examine the case in question. When a difficulty arises that depends on a theological principle, the student returns to it as needed. This enables the student to distinguish an error in authenticating a report from an error in understanding it, an error in identifying the case to which a ruling applies, or an objection to its basic authority. Questions with different forms of evidence and methods of inquiry are thereby kept distinct.

## CONCLUSION

The study of the selected texts has shown that theology contributed to the formation of Islamic legal theory and that the extent of this contribution varies from one question to another. The study reaches the following conclusions:

First, theology establishes the basis for the authoritative force of revelation and the truthfulness of the Messenger, peace and blessings be upon him. The legal theorist then investigates the authenticity of the text and the meaning it conveys. Establishing prophethood therefore does not remove the need to authenticate a report attributed to the Prophet, peace and blessings be upon him, or to determine its intended meaning.

Second, the influence of theological belief is particularly clear in the definition of a legal ruling and the source of obligation. This is evident in al-Ghazālī's connection of rulings with the address of revealed law and in the discussion of rational judgments of goodness and badness. His denial that reason establishes obligation does not, however, mean that he denies reason's ability to recognize benefits and harms. The precise point in dispute must be identified before it can be assessed.

Third, a distinction must be drawn between the evidence establishing the obligation to act on a particular method of inference and the conclusion that a jurist reaches by applying that method. The former may be established by conclusive evidence while the latter remains probable; there is no contradiction between the two.

Fourth, discussions of legal capacity and dhimma show how conceptions of the human person and human responsibility relate to the rules of obligation. Al-Sarakhsī's discussion of his teachers' positions also demonstrates the importance of distinguishing the view an author reports from the one he adopts.

Fifth, the meanings of cause and wisdom vary according to the question under consideration. A judgment concerning the purposes of God's acts cannot therefore be transferred to legal analogy without explaining the connection between them. The passages from al-Shāṭibī and al-Qarāfī establish the importance of examining the evidence for the question itself rather than merely assigning its proponent to a theological school.

Sixth, Ibn Bayyah's examples show that theological belief may guide the interpretation of an expression and the preference for one of its meanings, while the linguistic evidence and other relevant proofs still require examination. An expression may admit more than one meaning, and identifying the intended meaning may require evidence beyond mere linguistic possibility.

Seventh, agreement among scholars in theological belief is not sufficient to establish agreement in legal theory, just as theological disagreement does not preclude agreement on a principle of legal theory. The more accurate approach is to examine the scholar's position and evidence, then identify the contribution of his theological principle and the points at which he relies on language, jurisprudence, or transmitted evidence.

The study recommends examining specific questions, such as commands and their relationship to will, solitary reports, and legal capacity, while comparing an author's discussions in his theological, legal-theoretical, and jurisprudential works. It also recommends careful attention to the meanings of terms in context, since disagreements are often obscured when a term is assigned the same meaning in different

settings. In this way, the study of the relationship between the two disciplines can better explain scholars' positions and assess them fairly, while avoiding generalizations unsupported by the texts.

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