Imam al-Shatibi: The Master Architect of *Maqasid*

Abu Ishaq Ibrahim b. Musa b. Muhammad al-Lakhmi al-Shatibi was among the greatest scholars of al-Andalus – modern day Spain and Portugal, and one of the brightest Maliki scholars. According to most of the authentic reports on Imam al-Shatibi, his early life has not been recorded in detail. This could be due to the fact that he was not born in a wealthy or a renowned family of scholars, for which such records could have been available. One may, however, deduce from his name that his ancestors came from the Lakhmi tribe of Arabia, and probably migrated to al-Andalus. Although many have mistakenly mentioned his birth and early life to be in Shatiba (Xativa or Jativa), authentic reports about the great Imam confirm that he was neither born nor had ever lived there. His immediate ancestors might have moved to Granada from Shatiba few decades before his birth. The last record of Muslim settlement in Shatiba before it fell to Christian rule was in 645H/1247CE, at least eight to nine decades prior to his birth, thus him being born and raised up in there is certainly impossible.

Ahmad al-Raisuni, a contemporary Moroccan scholar who wrote on Imam al-Shatibi's theory of *maqasid* in his *Nazriyyat al-Maqasid 'Ind al-Imam al-Shatibi*, mentions about the two earliest biographies of the Imam available to us. One of these was written by his student Abu Abdullah al-Majari (d. 862H/1458CE) in his *Barnamij al-Majari* (*Majari's Scheme*), and the second is by Ahmad Baba al-Timbukti (d. 1036H/1627CE), the great scholar of seventeenth century Mali, in his *Nayl al-Ibtihaj* (*Attainment of Jubilation*) and *Kifayat al-Muhtaj* (*Sufficiency of the Needy*). Raisuni claims that Abul-Ajfan seems to have delivered the most comprehensive biography of the Imam so far. However, Khalid Masud on the other hand, seems to have written extensively on the Imam at least a decade prior to Abul Ajfan. Raisuni might not have come across Khalid Masud's Ph.D. thesis entitled *Shatibi's Philosophy of Islamic Law* presented at McGill in 1973 otherwise he would have mentioned the latter. One reason could be the fact that Khalid Masud has written in English, while Abul Ajfan's contributions were in the Arabic language.

Birth and Education

No definitive information is available on the Imam's year of birth. It is however thought to be between 720H/1320CE to 730H/1330CE. He was born into a poor family in Granada, the capital of the Nasri Kingdom, which was ruled by Sultan Muhammad V al-Ghani Billah at the time. He had never travelled out of Granada, neither for his education nor for Hajj. He studied with the renowned scholars of Granada, and gained mastery of the available branches of knowledge of his time. He gained expertise in Qur'anic exegesis (*tafsir*), Hadith, Islamic jurisprudence (*fiqh*), the principles of Islamic jurisprudence (*usul al-fiqh*), and the Arabic language and grammar; while traces of his treatises on medicine, and history are also available.

Shatibi's youth coincided with the eventful era of the Nasri Kingdom. For its development and prosperity, the city of Granada was a centre of attraction for scholars from all parts of North Africa. Greatest scholars among al-Shatibi's contemporaries like Ibn Khaldun (d. 808H/1406CE) and Ibn al-Khatib (d.775H/1374CE) had visited Granada or were attached to the Nasri court. The city had thus developed into a significant seat of learning.

Al-Shatibi's Teachers

Al-Shatibi gained his early education in Arabic language, grammar and literature as it had been the practice then. His first teacher on Arabic language and grammar was Abu Abdullah Muhammad al-Biri (d.754H/1353CE), known as the 'master of grammarians' (*Shaykh al-Nuhat*) in Andalus. Shatibi continued his studies of Arabic language and grammar from Abul-Qasim al-Sharif al-Sibti (d.760H/1358CE) after Al-Biri's demise. Al-Sibti was known to be 'The Bearer of the Standard of Rhetoric' for his eminence in Arabic language and grammar. Al-Timbukti had high regard for him too, and thus considered him as "*Ra'is al-'Ulum al-Lisaniyyah*" (the king of linguistics).

Al-Shatibi studied *fiqh* from the famous Andalusian jurist Abu Sa'id ibn Lubb, who was the *mufti* (jurisconsult) and *khatib* (preacher) of Granada. He owes much to his master Ibn Lubb for his education in *fiqh,* although they both later entered into controversies over several issues.

The most prominent teacher of al-Shatibi was probably Abu Abdullah al-Maqqari, who was appointed as the Chief Qadi by the Marini Sultan Abu 'Inan. He was sent to Granada in 757H/1356CE on a diplomatic mission by the Sultan, but was later arrested by the Nasri Sultan and sent back to Fez. He was tried and convicted there. Al-Maqqari's prominence in Maliki *fiqh* granted him the title "*muhaqqiq.*" He wrote on Arabic grammar, *usul al-fiqh*, and on *tasawwuf* (Sufism) as well. He also initiated al-Shatibi to a *sufi* order.

Al-Shatibi owes his knowledge of *'ulum al-aqliyyah* (rational sciences) to two great scholars. First of them Abu Ali Mansur al-Zawawi – who lived in Granada between 753H/1352CE and 765H/1363CE until he was expelled – was influential on the former's knowledge of philosophy and theology. Abu Abdullah al-Sharif al-Tilmisani (d. 771H/1369CE), the second of them, was considered to be 'The Most Knowledgeable Man' of his time and to have attained the rank of *mujtahid* by his contemporaries. He was the author of *Miftah al-Usul ila Bina al-Furu' 'ala al-`Usul* (*The Key to Building the Branches on the Roots of Islamic Jurisprudence*) – a masterpiece in *Usul al-Fiqh*.

Among other teachers whose records have been mentioned in the biographies of the Imam include Abu Abdullah of Valencia, Abu Ja'far al-Shaquri of Granada, and Ibn Marzuq al-Khatib al-Tilmisani. The latter is reported to have been considered as *Shaykh al-Islam* of his

time. Al-Shatibi studied *Al-Muwatta'* of Imam Malik and *Sahih al-Bukhari* under this great scholar of his time.

His Students and Disciples

Since not much has been comprehensively recorded on the Imam's biography, his career as a teacher remains unclear to us. However, al-Timbukti mentioned about three of his students. The two brothers Abu Yahya ibn 'Asim and Abu Bakr ibn 'Asim were the most prominent. The latter became the chief *Qadi* of Granada later, and is known for his *Tuhfat al-Hukkam* (*Gift for the Rulers*) – a compendium of rules collected for the judges of Granada. His brother Abu Yahya was martyred on a battlefield. The third student of the Imam was the *faqih* Abu Abdullah al-Bayani.

Abul-Ajfan mentioned two more of the Imam's students; Abu Ja'far al-Qassar and Abu Abdullah al-Majari who compiled the earliest biography of the Imam in his book we mentioned earlier.

Al-Shatibi's Works

Imam al-Shatibi's works were almost unknown to the modern world until the nineteenth century. His magnum opus *Al-Muwafaqat* was first published in Tunis in 1884. Not much was known about him until then. The celebrated works of the Imam were soon recognised as masterpieces of modern day Islamic legal theories. The following treatises of Imam al-Shatibi – mainly in the fields of Arabic grammar and *fiqh* – have been so far recorded in his biographies:

1. *Sharh 'Ala al-Khulasa fi al-Nahw* (*Explanation on the Summary of Arabic Grammar*): this is a four volume commentary on Ibn Malik's (600H/1204 – 672H/1274.) *al-Khulasa al-Alfiyyah*. Al-Timbukti holds this as 'an unprecedented work on Arabic grammar!'
2. *'Unwan al-Ittifaq fi 'Ilm al-Ishtiqaq* (*Addressing the Agreement in Science of Derivation*)
3. *Kitab Usul al-Nahw* (*Principles of Arabic Grammar*): both of the above mentioned books are on Arabic grammar, which Imam al-Shatibi also mentioned in his *Sharh 'Ala al-Khulasa fi al-Nahw*. However al-Timbukti mentioned that al-Shatibi destroyed these works during his lifetime for reasons not described by his biographers.
4. *Kitab al-Majalis*: this is a commentary on the chapter of sale (*buyu'*) of *Sahih al-Bukhari*.
5. *Al-Ifadat wal-Inshadat* (*Testimonies and Recitations*): a treatise on Arabic literature edited by Abul Ajfan and published in Beirut in 1983.

6. *Kitab al-I'tisam* (*The Book of Adherence*): it is one of the widely mentioned works of Imam al-Shatibi. The two-volume work focuses on *bid'ah* (pernicious innovation) which the Imam has severely condemned. He also differentiates between *bid'ah, istihsan* (juristic preference) and *maslahah mursalah* (public interest) here. *Bid'ah* has lead to heresies and deviations in the Islamic legal traditions, and al-Shatibi concludes that such deviation is generally caused by two factors: ignorance of Arabic language and its inherent meaning of the religious texts, and ignorance of the purposes and objectives of the Shari'ah. Al-Shatibi and his works were introduced by Muhammad Rashid Rida (d. 1935) in his *al-Manar* often calling al-Shatibi as a warrior against *bid'ah*.

7. *Al-Muwafaqat* (*The Reconciliation of the fundamentals of Islamic Law*): this is considered to be his magnum opus. Modern writers on *usul al-fiqh* owe a great debt to him for this masterpiece. It is especially elaboration on the concepts of *maslahah* (public interest/welfare) and *maqasid al-Shari'ah* (higher objectives of the Shari'ah), subject that are widely referred to in the contemporary Islamic legal theories, which are mainly based on al-Shatibi's work. Al-Shatibi, here followed the Hanafi method (*tariqah al-Hanafiyyin*, also known as jurists' method) of deriving rules and principles from the Qur'an and Sunnah. Using this method, he found that *maslahah* was the underlying principle in all Shari'ah rulings. He was also among the few Maliki scholars who consolidated the principles of the Maliki School with those of the Hanafi School.

   As mentioned earlier that *Al-Muwafaqat* was first published in 1884 in Tunis. Since then it gained much attention, so much so that it was edited several times by prominent scholars like Musa Jar-Allah, Khidr Husain and Abdullah Darraz. Recently in 2011 the English translation of *al-Muwafaqat* by Imran Ahsan Khan Nyazee was published by the Muhammad bin Hamad al-Thani Centre for Muslim Contribution to Civilization in Qatar and Garnet Publishing in the UK.

   Al-Shatibi divided the book into five parts, the first on premises and the other four on *ahkam* (rules), *maqasid al-Shari'ah* (objectives of the Shari'ah), *adillah* (proofs, sources), and *ijtihad* (independent legal reasoning). *Al-Muwafaqat* is considered to be the first systematic study on *maqasid al-Shari'ah* by any scholar before al-Shatibi. He is veritably accounted the nickname *'shaikh al-maqasid'* (the master architect of *maqasid*) as he was the first to develop *maqasid al-shari'ah* into a separate chapter of the Shari'ah in a manner no other scholar had done before him.

8. Al-Shatibi is also reported to have written a medical treatise, the manuscript of which is preserved at the University of Leiden. Although it has not been mentioned by any major authorities on al-Shatibi, however the catalogue attributes it to the Imam and describes it as having been written down by his student Ibn al-Khatib.

9. *Fatawa* (*Legal Verdicts*)*:* although al-Shatibi did not write or compile his *fatawa* into a single volume, the different *fatawa* he delivered were later compiled by Abul Ajfan. It consists of 60 *fatawa* on subjects including knowledge, *salat, ijtihad, zakah,* vows, slaughter, penalties, inheritance, innovation etc.

Al-Shatibi: The Imam of *Maqasid al-Shari'ah*

Imam al-Shatibi, in his *al-Muwafaqat* described for the first time in details, the theory of *maqasid al-Shari'ah*. His discussion was divided into two main parts on the *maqasid*: i) *qasd al-Shari'* or the Lawgiver's intent, and ii) *qasd al-mukallaf* or the human addressee's intent.

Al-Shatibi elaborates the former from four angles:

a. The primary intention of the Lawgiver in instituting the law as such,
b. The Lawgiver's intention in instituting so as to make His ruling understood and intelligible (*ifham*),
c. The Lawgiver's intention in instituting a ruling into an obligation (*taklif*), and
d. The Lawgiver's intention in considering the *mukallaf* or obligee under its command.

However, following the discussion on *maqasid al-Shari'ah* by Imam al-Haramayn al-Juwaini (d. 478H/1085CE) and his disciple Imam al-Ghazzali (d. 505H/1111CE) al-Shatibi's major contribution to the theories of *maqasid al-Shari'ah* can be concluded under three substantial headings:

i. From 'unrestricted interests' to 'fundamentals of laws:' prior to his *al-Muwafaqat* the discussions on *maqasid* were only confined to 'unrestricted interests' (*al-masalih al-mutlaqah*) and were never thought to be among the fundamentals (*usul*) in their own right. He referred to the Qur'an to elaborate that the Creator has His own purposes in His creation, sending messengers to mankind, and also in ordaining laws. Therefore, he considers *maqasid* as the *"usul al-din wa qawa'id al-Shari'ah wa kulliyyah al-millah"* (the fundamentals of religion, basic rules of the law and universals of belief).

ii. From 'wisdoms behind the rulings' to 'bases for rulings:' his consideration for the *maqasid* was that these should be bases for rulings. He gave precedence to the universality of necessities (*daruriyat*), needs (*hajiyat*) and embellishments (*tahsiniyat*) over the partialities and minutia (*juz'iyyah*), as for him the universal rulings cannot be overridden by the partial rulings. This represents a departure from the Maliki School of his *fiqh*, wherein partial rulings are given precedence over the universal rulings in general. He also considered the knowledge of *maqasid* as a fundamental condition for *ijtihad* (juridical reasoning) on all levels.

iii. From 'uncertainty' (*zanniyah*) to 'certainty' (*qat'iyyah*): he argued to provide the new theories of *maqasid al-Shari'ah* a level of certainty, which was formulated on the inductive method of reasoning. This was also a challenging divergence from the popular argumentation method against the validity and certainty of the inductive method.

Accreditation and Demise

Imam al-Shatibi is considered to be among the few classical jurists upon whom the modern writers on *usul al-fiqh* are highly dependent. His theories of *maslahah* and *maqasid al-Shariah* are repeatedly observed and extensively researched in the formulation of contemporary laws and in the quest of ideas for the wider agenda of civilizational renewal. This is mainly because these theories were not produced in a vacuum, rather they were proclaimed to answer the challenges, issues and social changes of his time – the era of a very prosperous and flourishing al-Andalus. Recent scholars like Rashid Rida considered him among the *mujaddids* (religious reviver of the century) of the 8th/14th century, having a status equal to that of Ibn Khaldun. 'Abd al-Muta'al al-Sa'idi (d. 1386H/1966CE) also opined in the same vein, adding to it that al-Shatibi is ranked alongside Imam al-Shafi'i in order to significance.

This great multidisciplinary Imam of the 14th century al-Andalus breathed his last on the eighth of Sha'ban in 790H/1388CE. Abu Yahya ibn 'Asim, one of Imam's most prominent disciples, in his *Nayl al-Muna*, an abridgment of *Al-Muwafaqat*, confirmed this date in a verse translated as follows:

> "Until his life came to an end in the year of ninety in seven hundred."

References for further readings

Muhammad Khalid Masud, *Shatibi's Philosophy of Islamic Law*, Islamic Book Trust, KL, 2000.

Muhammad Khalid Masud, "Recent Studies of Shatibi's Al-Muwafaqat," *Islamic Studies*, vol.14, no. 1 (Spring 1975), pp.: 65-75.

Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: Systems Approach*, Islamic Book Trust and the International Institute of Islamic Thought, KL and Virginia, 2010.

Ahmad al-Raisuni, *Nazariyat al-Maqasid 'ind al-Imam al-Shatibi*, International Institute of Islamic Thought, Virginia, 1995

Tawfique Al-Mubarak

January 2015.