
Introductory Part of the Book “Mahāsin Al-Sharī’ah”

Khakimova Nigora Alisherovna

*Lecturer International Islamic Academy of Uzbekistan
ICESCO Chair for Islamic Studies and Islamic Civilization*

Abstract: This article is devoted to the scientific analysis of the Introductory part of the book “Mahāsin al-Sharī’ah”. The term "mahāsin" has been used by the scholar to express that all the commandments of the Sharī’ah are good and beautiful, and the concept is explained in detail in the article.

Keywords: usul al-fiqh, husn wa qubh, Mahāsin al-Sharī’ah, al-Qaffāl al-Shāshī

In order to fully understand al-Qaffāl al-Shāshī's views on the foundations of Islamic law in his book Mahāsin al-Sharī’ah (محاسن الشريعة), it is necessary to read first al-Risāla by Imam al-Shafi’ī. It should be noted that Mahāsin al-Sharī’ah is a book based on the knowledge given in Imam al-Shafi’ī's al-Risala, which explains the wisdom behind fiqh rulings and their purpose. The title of the work consists of the words mahāsin and al-Sharī’ah, and the word "mahāsin" in the dictionary means the plural form of the word husn that means beauty. Moreover, according to some scholars, the word mahāsin does not have a singular form, and the word is used only in the plural. In the dictionary, it means good qualities. It should be noted that the term refers to a state of natural pleasures, such as joy, the state of something with the perfect quality, such as knowledge, and the state of praiseworthy deeds such as prayers.

The word "al-Sharī’ah" is generally used in two senses: first, in the sense of the path which leads to the water. In this sense, the Arabic proverb says, "The easiest way to drink water is to enter the Sharī’ah"; the second, in the sense of the "clear way" (right way). This is the meaning of the verse 18 of Surah al-Jathiyah in the Qur'an: "Now We have set you ‘O Prophet’ on the ‘clear’ Way of faith". In the term, the Sharī’ah is a set of rules revealed by Allah to regulate man's relationship with his Lord, his relationship with his Muslim and human brothers, and his relationship with the whole existent world and the life itself. By "Sharī’ah" in Islamic law, scholars mean a set of divine instructions (rulings) found in the Qur'an and the Sunnah of the Prophet, while jurists refer to a set of Islamic laws. Based on the above, it can be concluded that the word “Mahāsin al-Sharī’ah” means the beauty and virtues of the Sharī’ah.

The introductory part of Mahāsin al-Sharī’ah begins with a basmala and salawat to the Prophet Muhammad (pbuh). The author praises Allah, then the various verses of the Qur’an are quoted in the following order, just as the author himself saying these words: Praise be to Allaah, the Self-Sufficient, Praiseworthy. He is the Lord of the Throne, the All-Glorious, and Doer of whatever He wills. He is Honourable and the Most Generous, Ever Gracious and Most Merciful. No one can hold him accountable for his judgment, no one can fully understand his fate, no one can stop him from doing what he wants. All it takes, when He wills something ‘to be’, is simply to say to it: “Be!” And it is! His creation is perfect and his work is perfect. You will never see any imperfection in the creation of the Most Compassionate.¹ So look again: do you see any flaws? Then look again and again—your

sight will return frustrated and weary. 'He is the' Knower of the unseen, disclosing none of it to anyone, except messengers of His choice. no one can grasp any of His knowledge—except what He wills 'to reveal'. His Seat encompasses the heavens and the earth, and the preservation of both does not tire Him. For He is the Most High, the Greatest. He cannot be questioned about what He does, but they will 'all' be questioned..... Blessings and peace be upon all his prophets and messengers. In particular, may the blessings and peace be upon the last of the Prophets Prophet Muhammad (peace and blessings of Allaah be upon him) and his family.

The scholar glorifies and praises Allah by using the verses of the Qur'an. He does not intend to recite the verses, but uses them to prove the greatness and power of Allah with the verses of the Qur'an. He then traditionally sends special greetings and blessings to all the prophets and messengers, as well as to Muhammad (pbuh). "We began this book by praising Allah, for His praiseworthy attributes are innumerable and He is always mentioned. The purpose of writing this book, which was born with the destiny of Allah, is to reveal the essence of the beauty of the Sharī'ah, that it is part of a tolerant "noble policy" (السياسة الفاضلة) and common sense, and to provide answers to those who ask questions about the true purpose of the Sharī'ah. It is known that such questions are asked by two categories of people:

the first group believe that the creation of the world belongs to its one Creator and that prophecy is true, they believe that the wisdom of judgment belongs to Allah, the Wise, the Almighty, and that He instructs only good for His servants

the second category of people ask these questions in order to prove that prophecy is false and that the creation of the world has nothing to do with the one Creator, or to deny prophecy while acknowledging the one Creator of the world. This category of people relies on the logic of proving that the judgment is not valid by making sure that there is no one who sent down the judgment”.

But it should be noted that there is also a certain limit to the knowledge of the wisdom behind the judgments. If certain rules are not followed in studying the wisdom and purpose of all the norms, it is possible to fall into the state of misguided sects, such as the batini ones. Imam al-Qaffāl al-Shāshī, well aware of this problem, quotes the following sentences about the Ismailis and their over-indulgence in symbols:

أن الله خلق الخلق ليعبدوه و ركب فيهم العقول ليعرفوه

Allah created the creatures to worship Him, and gave them intellect so that they may know Him.

Al-Qaffāl al-Shāshī, who refers to the Ismaili sect, one of the Shia groups, responds to them with some comments. Recalling a principle known to researchers, al-Qaffāl Al-Shāshī says any opinion that is not substantiated by evidence is invalid.

Then, urge the opposite side to come up with sound evidence, using the five senses, the necessary knowledge, reliable message (khabar), and common sense which are the basis of cognition.

He strongly criticizes the Ismaili sect's beliefs about numbers and the number of letters in the names: "You believe that the hill of Safā is Ali and the hill of Marwā is Muhammad. You say Minā represents 'Alī and 'Arafāt Muḥammad. Where did you get the theory that the number seven is seven imams and the number twelve is twelve imams. Do you have the necessary knowledge, reliable message, mental or theoretical comparisons about these things”?

When we talk about the goals behind the rulings in the book Mahāsin al-Sharī'ah, we emphasize that the first and foremost of them, that is, the primary purpose of the creation of

beings, is to worship Allah. Among the creatures, some of them, that is, man, were endowed with intellect in order to know Allah. Al-Qaffāl al-Shāshī's view that "man is a living being endowed with reason" may have its origins in the traditions of Aristotle. The fact that this philosophical rule is quoted without comment shows how much the author was influenced by Greek philosophy.

الله يحلّل و يحرم لمنافع عباده و استصلاحهم

Allah has made some things lawful and some unlawful for the interest of His servants and for their benefit.

The view that the divine norms should be in the interest of man (المصلحة) was at the heart of the ideas of tenth-century Shafī'ī scholars on the theory of jurisprudence. This view served to explain that the Sharī'ah guidelines are reasonable. The fact that divine laws serve the interests of man is a manifestation of the wisdom hidden behind them.

ولا شك أن أولى الأشياء بالتحريم و الحظر ما كان ضارا غير نافع و احقهما بالتحليل و الإباحة ما كان نافعا غير ضار

Clearly, those things that are unlawful and forbidden are harmful and useless, and those that are lawful are useful and harmless.

The above-mentioned idea also implies that all religious prohibitions and permissions were introduced for the benefit of man and to protect him from harm. This study used the book "Mahāsin al-Sharī'ah" published by Ali Samak in 2007, which was compared with the Oxford Manuscript. In Ali Samak's research, we can see that this sentence is given as follows:

لا شك أن أولى الأشياء بالتحريم و التحظير ما كان غير نافع و اخفها بالتحليل و الإباحة ما كان نافعا غير ضار

The occurrence of such differences in the investigated form of the book that has been published proves once again that it is important for the study to work directly with the manuscript form of the book if it is possible.

Along with the written and literal priority of laws, the issue of their application in practical life with an understanding of their purpose and essence is crucial for the full realization of the concept of justice in human societies, regardless of time and place.

Charles Louis Montesquieu quotes in his book Spirit of the laws: "They (laws) should be adopted in such a manner to the people for whom they are made, as to render it very unlikely for those of one nation to be proper for another".

Ensuring the rule of law does not mean making it absolute. Legal norms should be aimed at protecting the interests of people, nations. The human interest, in addition to the basic inviolable rights and freedom necessary for all human beings to live, includes concepts and norms that differ according to the national values of a nation, the geographical conditions of the region in which they live, and many other aspects. The inclusion of tradition in the list of sources of Islamic law also shows that it is not right to apply the norms of Islam in the same way for all peoples. The application of legal norms on the basis of "noble policy", as al-Qaffāl al-Shāshī implies, means the protection of human interests in all senses of the word.

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