

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question

What is the Meaning of the Ma'qool of the Text?

To: Yahya Abu Zinah

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

Our Sheikh, may Allah protect and aid you to carry this trust, and may Allah grant you the victory soon, by Allah's permission.

Allow me to ask this question in Usul ul Fiqh:

Why do we consider the 'illa as the Ma'qool of the text, and not the Mafhoom, while the indicative 'illa is constant by the indication of Tanbeeh and l'ma', and they are related to Mafhoom? What do we mean by the Ma'qool of the text?

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh,

The text has Mantoq (literal expression) and Mafhoom (understanding/connotation) and if 'illa (reason/cause) can be extrapolated from it, then it is said that this text has a Ma'qool (reasoning). But if there is no 'illa extrapolated from the Mantoq (literal expression) and Mafhoom (understanding/connotation), then it is said that this text is not a Ma'qool (reasoning). For example, the saying of the Prophet (saw): «... وَفِي صَدَقَةِ الْعَنَمِ فِي سَائِمَتِهَا إِذَا كَانَتْ أَرْبَعِينَ إِلَى عِشْرِينَ وَمِائَةٍ: "The Zakaat of the sheep is in the grazing ones of them are forty up to one hundred and twenty sheep" [Compiled by Al Bukhari]. It is true that this text has a Mantoq (literal expression) which is the Zakaat of the grazing sheep, and it has a Mafhoom (understanding/connotation) of Mukahlafah (opposite) that no Zakaat on the non-grazing sheep. However, this text denotes by expression of a 'illa too, because the word "سَائِمَتِهَا" "grazing" is a description that is understood, because most of the time it is stall-fed and there is no Zakaat in the stall-fed sheep, so here it is said that in addition to the Mantoq and Mafhoom of the text, there is 'illa i.e., the Ma'qool (reasoning).

Therefore, there is no conflict between the text having a Mantoq and a Mafhoom and also having a reasoning. But this does not apply to every text. A text may have a Mantoq and a Mafhoom but it may not contain a Ma'qool, i.e. it has no 'illa. For example, the saying of Allah (swt): ﴿فَأَلْتَقَطَهُ آلُ فِرْعَوْنَ لِيَكُونَ لَهُمْ عَدُوًّا﴾: "And the family of Pharaoh picked him up [out of the river] so that he would become to them an enemy and a [cause of] grief" [Al-Qasas: 8].

This text has a Mantoq and a Mafhoom, the Mantoq (literal expression) is that they picked him up, but it is not for the reason that he will be their enemy, but the Mafhoom (understanding/connotation) is that the consequences of their action is that he became their enemy, that is the result of this matter is that he becomes their enemy, and there is no 'illa present. But in the saying of Allah (swt): ﴿وَالْمَوْلَاةُ قُلُوبُهُمْ﴾ "... and for bringing hearts together [for Islam]" [At-Tawba: 60], this text has Mantoq and Mafhoom and it also has a 'illa, which is to bring their hearts together for Islam, which is the 'illa of giving them Zakaat. If the matter does not achieve bringing their hearts for Islam, i.e. due to Muslims becoming stronger and many in number, then the reality of bringing the hearts for Islam does not exist. Hence, the category of Zakaat to bring their hearts for Islam were given Zakaat in the first days of Islam, and when Islam prevailed and Muslims increased in number, Umar (ra) did not give them Zakaat. So, bringing the hearts for Islam is 'illa indicated by the understood description of bringing hearts together for Islam.

Accordingly, the answer to your question is as follows:

There is no contradiction between 'illa extracted from the text by indication from the text if it contains an understood description, and if the text has a Mafhoom and Mantooq. In other words, the text may have a Mantooq and a Mafhoom and at the same time has an indicating 'illa. This does not mean that the indicated 'illa is not extracted from the text, whether from its Mantooq, like the clear 'illah in His (saw) saying: «إِنَّمَا جُعِلَ الْإِسْتِئْذَانُ مِنْ أَجْلِ الْبَصَرِ» “**Verily! The order of taking permission to enter has been enjoined because of that sight, (that one should not look unlawfully at the state of others).**” [Extracted by Al-Bukhari]

Or from the Mafhoom, like the 'illah by indication as we mentioned in the hadith before: ...» «**The Zakaat of the sheep is in the grazing ones of them, if they are between forty and one-hundred-and-twenty sheep**”, And the verse: ﴿وَالْمَوْلَافَةَ لِقُلُوبِهِمْ﴾ “**...and for bringing hearts together [for Islam]**” [At-Tawba: 60].

2- So what is the Ma'qool (reasoning) of the text, it is the Shariah 'illah, i.e. if 'illah is understood from the Mantooq (literal expression) or from the Mafhoom (understanding/connotation) of the text, then it is said that this text has a Ma'qool (reasoning). However, if the text has Mantooq (literal expression) and Mafhoom (understanding/connotation) only and no 'illa is extracted from it, then it is said that this text has a Mantooq (literal expression) and Mafhoom (understanding/connotation) but has no Ma'qool (reasoning).

We have elaborated these matters in our books. I will quote some of what is stated in our books:

In the book, *Islamic Personality* Volume 3, on pages 66-68 (Arabic version), it states:

[The Shariah evidences are of two types: one of them is related to the expressions (words) of the text and what is denoted by their literal meaning (mantouq) and their connotation (mafhoum). The second type is related to the reasoned meaning (ma'qoul) of the text, i.e. related to the Shariah 'illah (reason of the legislation)]

Also in the book *Islamic Personality*: page 347-349 (Arabic version) under the Chapter of 'illa, it states:

[...If the text doesn't include 'illah, it has a (mantooq) literal meaning and a (mafhoum) connotation, but it doesn't have the (ma'qool) 'illah, then no other thing can be a supplement to it at all. But if the text includes a 'illah, i.e., the verdict in it is joined to an indicative description, that means it has a literal meaning, a connotation, and an indicative description, then other things can be supplemented to it. So, the existence of the 'illah makes the text include other kinds and individuals of incidents. This inclusion is not by its literal meaning, nor is it by its connotation, but by the supplementation, because they share in the 'illah that came in it. So the 'illah has something new in addition to the indication on the verdict; that is the reason for legislating this verdict...]

Wa Assalam Alaikum Wa Rahmatullah Wa Barakatuh

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

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The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/2961612264084778>