

**THE CONCEPT OF HUMAN INTEREST IN JURISPRUDENTIAL PRINCIPLES: AL-QAFFAL AL-SHASHI'S APPROACH**

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**ABSTRACT**

*This article is devoted to the scientific analysis of the term "mahasin" used by al-Qaffal al-Shashi. The term "mahasin" has been used by the scholar to express that all the commandments of the Sharia are good and beautiful, and the concept is explained in detail in the article.*

**KEYWORDS:** *Usul Al-Fiqh, Husn Wa Qubh, Mahasin Al-Sharia, Al-Qaffal Al-Shashi.*

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**INTRODUCTION**

In his book Mahasin, al-Qaffal al-Shashi tries to explain the compatibility of Sharia and the reason. The scholar expresses the main idea of the Sharia as "al-siyasa al-fadila" (virtuous politics), the rulings in it as "mahasin" (beauty) and the purpose of the Sharia as "maslaha" (human interest).

The purpose of writing is to make the purpose and wisdom of the commandments of the Sharia comprehensible by means of reason. Through this, the author tries to accept the norms established by Allah and demonstrate that they are in accordance with common sense.

In carrying out this task, al-Qaffal al-Shashi aimed to show the harmony between reason and revelation on the basis of the teachings and prohibitions of the Sharia on what the scholar himself called "al-siyasa al-fadila". The fact that the introductory part of the book provides comprehensive answers to the questions of the Ismailites makes this clear.

Knowing that the position of the intellect is extremely important in the relationship between Allah and the human being, al-Qaffal al-Shashi explains the wisdom behind all the major issues of fiqh by the harmony between revelation and reason. In doing so, he mentions that not all the rules of the Sharia can be understood. For example, the rak'ahs of the prayer, the repetition of prostration in each rak'ah, the limitation of the punishment of beating to different numbers such as fifty, one hundred or forty, and so on, may indicate that the intellect may not be sufficient to know the cause of the issues.

Allah has created what His servants need and taught them the general information they need without going into details. He argues that while the wisdom and purposes of the Sharia are clearly known in general terms and methods, it is natural that some of the details and sub-aspects of its narrow meaning are not known. More precisely, their meanings are hidden from us and left closed. The key is to know that everything the Creator has created is for the benefit and interest of human beings. Saying that Allah created man as a rational being, al-Qaffal al-Shashi emphasizes that the intellect is a necessary condition for identifying these beauties and useful things and applying them to life.

Based on the above considerations, the following explanation can be made of al-Qaffal al-Shashi's fiqh views: According to the virtuous policy of the religion, all commands and prohibitions, along

with their wisdom, are for the benefit and well-being of the human beings, and this conclusion does not contradict reason and tradition.

Al-Qaffal al-Shashi uses a variety of terms to describe the topics he deals with, with his multifaceted personality and perfect mastery of Islamic sciences. For example, on the sources of jurisprudence in the science of methodology, the Book, Sunnah, Qiyas, Production, Istikhob, Istidlol, Istinbat; in terms of essence, it makes extensive use of concepts such as meaning, aspect, purpose, and wisdom. Throughout the work, the concept of "mahasin" is used, which means that all the commandments of the Sharia are good and beautiful, and the term is explained in more detail below.

Mahasin is the plural of the word 'husn', which means beauty, in the opposite sense to the word ugly (qubh). "Husn" is in the sense of beauty, it is used as a noun in the sense of something beautiful, famous and beloved. On the other hand, the word "qubh" means something ugly and deserving of hatred. Ibn Manzur states that grammarians and linguists are of the same opinion that the word "mahasin" is a plural word that is not a singular form. Moreover, to be "muhsin" in the verse "For we see that you are of the doers of good" means, unlike other people, to help the weak, to protect the oppressed, and to care for the sick.

Apparently, the word mahasin is a reflection of ugliness (qubh) and is used not only for moral beauty and goodness such as words and behavior, but also for beautiful qualities that distinguish something from others in a material sense.

Sources state that husn and qubh have three meanings:

1. In the sense of perfection and imperfection (such as knowledge and ignorance);
2. Acting for worldly purposes and vice versa (such as effort and laziness);
3. In the sense of being worthy of praise and reward, of being worthy of retribution and punishment.

The first two in the above classification of the meanings of husn and qubh are the meanings found by the intellect. There is some disagreement about the third, with some believing that this meaning of husn and qubh can be known through reason, while others believe that it can be known on the basis of the Sharia.

The use of the word Mahasin by al-Qaffal al-Shashi in the form of Mahasin al- Sharia means that the Sharia is beautiful, flawless, perfect and virtuous. In fact, he argues that the purpose of writing his book is to guide sane people to understand the beauties of Sharia.

When "husn" and "qubh" are translated as beautiful and ugly, it means more material and aesthetic values. It would be more appropriate to express the terms 'husn' and 'qubh' as terms of kalam, morality and usul al-fiqh as 'good and evil, benefit and harm in terms of this world and the hereafter'.

The following issues are studied in the usul al-fiqh and kalam under the headings "husn and qubh": possibility to know good and evil through the mind, attributing these concepts to God, God's commands, topics such as human obligations to good and evil are explored. The topics begin with the question of whether 'husn' is good / useful and whether 'qubh' is bad / harmful, and whether it is understood through the medium of reason or the Sharia.

If these concepts can be known through the mind, then they can be known without being aware of the revelation. In this case, for some acts, such as polytheism, cruelty, injustice, unjust killing of someone, etc. what would be the punishment for the offender in such cases? The question arises as to whether he will be punished according to the Shariadue to his accountability, or whether he will not be punished for not knowing that what he has done is haram and forbidden.

Although the Mu'tazilites firmly believed in the accuracy of the information revealed by revelation, as a rule, they accepted that information about people's obligations was information that could be understood by reason.

Imam al-Juwayni, on the other hand, based on Imam al-Ash'ari's views on "husn" and "qubh," said that what the Sharia considers good is good and what it considers bad is bad, and if a child is not informed of the commands and prohibitions directly or through the prophets, he will not be held responsible and will not be punished. In his book, Sam'ani al-Kawati writes that according to most scholars, except for the followers of the Mu'tazila sect, no one is responsible without knowing the instructions of Sharia.

According to the majority of Moturidi scholars, "husn" and "qubh" are understood partly on the basis of reason and partly on the basis of sharia. Accordingly, the mind cannot comprehend the good or bad aspects of all behavior. In addition, people's mental capacity, experience, and knowledge require them to interpret the subject differently. A person who is able to make more precise decisions as his experience and knowledge increases cannot obtain the concepts of 'husn' and 'qubh' about actions in all their details independently of the revelation. Man's abilities are limited and he needs the help of revelation in areas where he cannot acquire accurate knowledge.

According to Abu Hanifa (r.a.), Allah sent many prophets to introduce Himself to His servants. Suppose that even if no prophet was sent to humankind, it would be obligatory for them to recognize their creator with their minds and believe in them. Therefore, it is obligatory for people in places where the call of Islam has not reached them to know and believe in Allah, the Creator of the worlds and people, with their minds, and they will be asked about this faith on the Day of Resurrection. However, they are not responsible for the remaining Sharia rules, such as prayer and fasting. Because these things are not things that are known by reason.

Based on the information given by Ibn Asakir, some *tabaqat* books say that al-Qaffal al-Shashi was initially inclined to Mu'tazilites and then converted to the Ash'ari sect. This is because al-Qaffal al-Shashi, in his youth, acted based on analogy and *khbarahad*, and expressed his views on issues such as giving thanks for the blessings of Allah. In the book "Tabaqat al-Shafeiyya al-Kubra", it is stated that he was influenced by the Mu'tazilite views in his youth and later abandoned his views after learning theology from Imam al-Ash'ari, and followed the Ahl as-Sunnah wa'l-Jama'ah's Ash'ariyya sect.

In addition, al-Razi, who has used the field of commentary more in the scholar's legacy, notes that al-Qaffal al-Shashi was in an approach that supported his Mu'tazilite views in his commentaries on the Qur'an. However, al-Razi points out that al-Qaffal al-Shashi is a full representative of the Ahl as-Sunnah wa'l-Jama'ah in matters related to *usul al-fiqh*. It is not correct to determine whether al-Qaffal Shashi was a Mu'tazilite based solely on theoretical considerations. According to him, in order to properly assess this issue, it is necessary to look at the evolutionary and gradual stages of al-Qaffal al-Shashi's thinking.

Al-Qaffal al-Shashi's views on "husn and qubh" are in line with the Ash'ari school. According to Al-Qaffal al-Shashi, although there are things that a person can know about "husn and qubh" through the mind, there can be the opposite, and man needs the help of Allah to make the right decision in this regard. Allah says that He revealed this to His slaves in order to ensure social order and peace, which can be disturbed by people's choices between what is beneficial and what is harmful.

The word "maslaha" comes from the root "sa-la-ha" and means "salah", which is the opposite of evil. In the dictionary, it means benefit, interest, goodness, direction. That is, something means to be fit for the expected purpose, to be free from error, to be just and honest, to be the opposite of sin, to be far from evil, to be good and rewarded, to be at peace. In the second sense, it is a unit of

the word 'masalih', and it refers to things that do good, benefit, bring convenience, bring goodness, and embody it for individuals and societies. Based on all this, we see that maslaha has three main lexical meanings: benefit / interest, worth / fit, and good.

In jurisprudential works, the debates that define the meaning of the term maslaha take place mainly in the sections where the concept of illa is discussed and raised a question whether maslaha can be considered as independent evidence or not.

Imam al-Ghazali emphasizes that maslaha is to take advantage (benefit) or to prevent harm, "When we say maslaha, we mean to maintain the goals of the Sharia." According to him, the purpose of Sharia is to protect the five universal principles: religion, life, generation, intellect and property. Anything aimed at defending these five concepts is maslaha. If it is not possible to protect them, then it is "mafsadat" (corruption) and it is advisable to destroy them. Similarly, al-Ghazali emphasizes that these five important things are the most important and necessary level of maslaha.

Based on the above interpretation, maslaha means benefiting and eliminating harm. Benefits also include providing and protecting the means of pleasure and enjoyment, as well as eliminating the means of pain (suffering) and suffering. Such views on interest are in fact the same as I'zziddin bin Abdussalam's division on maslaha and mafsadat. According to I'zziddin bin Abdussalam, the maslaha is divided into the following four parts: Pleasures and their causes, happiness and their causes. Similarly, he divides the mafsadat into four parts: pain and its causes, sorrows, and their causes.

Apparently, maslaha is interpreted as ensuring people's happiness by protecting one's basic human needs. Sheikh Ramazan Buti summarizes this as follows: "Islamic scholars describe the concept of maslaha as the benefits declared by the Sharia for the protection of religion, life, consciousness, generation and property."

The basic principle expressed by the approaches related to the definition of maslaha is human happiness, and it is to provide what is beneficial for happiness and to prevent harmful things.

As is clear from the descriptions given, maslaha is the intention and desire of the Sharia. In other words, the Sharia may have wished this maslaha to the obligated person and made them come true. Orders, fards (religious obligations), and other norms that serve the interests of the slaves attract His approval, grant them paradise, and provide the obligated person with a state of inner peace and security. Undoubtedly, there are categories of maslaha that express the relationship between the goals that Allah expects from the slave and the happiness of the slave.

Izziddin ibn Abdussalam classifies these interests as mubah, mandub and wajib with the four divisions mentioned above. Similarly, the mafsadats that undermine this relationship are also divided into makruh and haram, according to Izziddin ibn Abdussalam. The main purpose of these detailed explanations, based on his interests, is to facilitate the slave's interpretation. In all these advices, which are called worldly and worldly, the slave chooses worldly pleasures or the happiness of the hereafter. According to him, the beloved and chosen servants of Allah choose the happiness of the Hereafter and strive for it. Some special slaves, whom Allah calls the chosen ones, emphasize that they prefer situations that bring them closer to Allah than all pleasures and blessings. These are rare slaves who have found real benefit in the spiritual world living in an ocean of ingenuity and wisdom.

The concept of maslaha was first established by Imam al-Juwayni. It was later developed by Imam al-Ghazali and classified according to human needs in the form of levels of necessity, pilgrimage and praise. While this view is correct, we can see that Al-Qaffal al-Shashi used the concept of advice extensively in his Mahasin before these scholars. Alloma uses the concept of 'advice',

which is another basic concept, to express the relationship between reason and revelation. Al-Qaffal al-Shashi emphasizes that the main purpose of the revelation about life is to ensure justice in accordance with the noble policy on earth. This justice is ensured by the benefits that include all kinds of goodness and benefits that are necessary for the happiness of man in this world and in the world to come. Al-Qaffal al-Shashi clearly states that the common reason for the existence of all sharia is advice, the interest of man.

It was mentioned above that the concept of maqasid al-sharia, which embodied the maslaha and the idea of purpose after the period of its formation, could be "al-sayasa al-fodila" according to al-Qaffal al-Shashi.

In conclusion, al-Qaffal al-Shashi followed a system in this book that brought Sharia and reason closer. This system, in turn, revolves around the purpose of the nass and its orders. In elucidating the concept of human interest in jurisprudential norms, the scholar reveals the general idea of the Sharia by formulating the rulings around the concepts of 'al-sayasa al-fadila', the rulings 'mahasin' and the goal 'maslaha'.

According to the above analysis, al-Qaffal al-Shashi's views are based on a complete Ash'ari point of view. This proves that the book Mahasin al-sharia was written far from the Mu'tazilite creed.

#### **REFERENCES:**

1. Ibn Manzur. Lison al-arab. - Cairo .: Darul Ma'arif, 2007.
2. Nizamuddin Shashi. Usul al-Shashi. - Karachi .: Maktabat al-bushra, 2008.
3. Nizamuddin Shashi. Usul al-Shashi. // Author of translation and comments: A.Ahmadaliev // Academic translation into Uzbek. - Tashkent.: Mawaraunnahr, 2016.
4. Toj al-din Subkiy. Tabaqat al-shafeiyya al-kubra. // Research author: Mahmud Muhammad Tonahiy. - Cairo .: Dar ihya al-kutub, Volume 3, 1918.
5. Al-Qaffal al-Shashi. Mahasin al-Sharia. // Research author: Ali Samak. - Lebanon.: Dar al-kutub al-ilmiyya, 2007
6. Translation and Interpretation of the Meanings of the Qur'an / Translation. and author of comments: Sheikh Abdulaziz Mansur. - Tashkent.: Sano-standart, 2021.
7. Mehmet Emin Mashali. Kaffâl es-Şâşî and the concept of Qur'an-Yorum. –Ankara .: Otto Yayinevi, 2016.
8. MüntehaMashalı. The Dimension of Wisdom in Fiqh Judgments - The Example of Kaffâleş-Şâşî. - Ankara .: Hermes Offset, 2016
9. TDV Islamic Encyclopedia. Ilyas Celebi. Hüsün and Kubuh. - Istanbul .: TDV Center for Islamic Studies, Volume 19, 1999.
10. TDV Islamic Encyclopedia. Ibrahim Kafi Dönmez. Tip. - Istanbul .: TDV Center for Islamic Studies, Volume 28, 2003.
11. Abu Hamid al-Ghazali. Al-Mustasfo. –Bayrut: Risala, 1997. V.II.
12. I'zz bin Abdussalom. Al-qovaid al-kubro. –Damashq: Dor al-Qalam, 2000. V. I.
13. R. Butiy. Davabit al-maslaha, - Damascus: 2005.
14. Nuriddin ibn Mukhtar Khadimi. Ilm al-maqasid al-Sharia. - Riyadh: Maktabat al-Ubaykan, 2001.