

Book Review

## The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Din al-Amidi

By Bernard G. Weiss. Salt Lake City: University of Utah Press, 1992, 745 pp.

When one works in the field of Shari'ah studies, a field widely perceived as holding little excitement (for those who pursue careers in it and for those who don't), one rarely encounters a book that sends one into the poetic ecstasy of a Keats, for example, on the occasion of his first looking into Chapman's *Homer*. Nonetheless, in any intellectual enterprise there are joys that perhaps only the initiated, so to speak, may truly share. In fact, in the field of Shari'ah studies, as in many of the fields related to the study of classical Islamic disciplines, the esoteric delights to be tasted these days are many, particularly in view of the continual stream of carefully edited works from the classical period ... especially when so many of them were believed lost, eaten by worms in some dreary desert setting or sent tumbling toward eternity in the bloody waters of the Tigris when Baghdad was overrun by Mongol hordes. But, to return to the present, it is certainly not everyday that something really significant happens in the field. In *The Search for God's Law*, that significant something has happened.

Less than a decade ago, a distinguished western scholar lamented in the *Journal of the American Oriental Society* that "despite the great interest shown in *uṣūl al fiqh* by Orientalists throughout the world, no general and systematic work dealing with this most important Islamic

science has been done.”<sup>1</sup> Of course, what he meant to say was that no such work had been done in the West or in a western language. But orientalists and their orientalisms aside, the simple truth is that *uṣūl al fiqh* has been neglected by Muslims. As an essential tool in the process of *ijtihād*, it was only natural that if *ijtihād* were neglected then *uṣūl al fiqh* would suffer much the same fate. And so it did. As a discipline, it was relegated to the world of the *kutub ṣafrā* (the yellowed tomes), where it remained unchanged and unchallenged—an academic armadillo—for centuries. In recent years, however, *uṣūl al fiqh* has begun to receive serious scholarly attention. Manuscripts have been hunted down and edited, separate studies have been made of traditional *uṣūlī* subjects,<sup>2</sup> and there have even been some attempts to reconsider all Shari‘ah sciences from a contemporary perspective.<sup>3</sup>

From an Islamization of knowledge perspective, the subject of *uṣūl al fiqh*’s applicability as a methodology for the social sciences has generated a great deal of interest and debate<sup>4</sup> and, at least to the mind of this reviewer, the debate is going to be very important, if not crucial, to the future of the Islamization of knowledge. The reality of the situation, however, is such that many of the most important participants in the debate, particularly the social scientists, have never had access to the classical *uṣūlī* works. This has been due either to their lack of Arabic or to the specialized vocabulary and prohibitive style in which so many classical works were written. Thus, the appearance of this book can only be viewed with pleasure and satisfaction by those who are close to this debate or to any other aspect of the Islamization of knowledge undertaking.<sup>5</sup> Ah yes, and to those whose field is

<sup>1</sup> Marie Bernard, “Hanafī *Uṣūl Al-Fiqh* Through a Manuscript of Al-Jaṣṣāṣ, *Journal of the American Oriental Society* 105, no. 4 (1985).

<sup>2</sup> See Ṭāhā Jābir al ‘Alwānī, *Source Methodology in Islamic Jurisprudence*, 2d ed. (Herndon, VA: International Institute of Islamic Thought, 1994), 79-90.

<sup>3</sup> Notable among these are the two works by Jamāl al Dīn ‘Aṭṭīyah, *al Tanzīr al Fiqhī* and *al Naẓarīyah al ‘Ammah li al Sharī‘ah al Islāmīyah* (Cairo: Maṭba‘ah Madanīyah).

<sup>4</sup> See ‘Alā’a Muṣṭafā Anwar, “Azmat al Manhaj fī al ‘Ulūm al Insānīyah,” *Majallat al Muslim al Mu‘āshir* no. 55-56 (January-June 1990): 115-134, and ‘AbdulḤamīd AbūSulaymān, *Crisis in the Muslim Mind* (Herndon, VA: International Institute of Islamic Thought, 1993), 35-46.

<sup>5</sup> In his preface, Weiss writes: “I particularly hope that persons outside the field of Islamic studies will, despite its heaviness and (in places) denseness, find it a useful introduction to the broad field of Islamic jurisprudence” (p. xxii).

Shari'ah studies, well, theirs is the pleasure of discovering, page by page and term by term, a superlative translation.

Except that Weiss's book is not a translation. More precisely, and to use his terminology, it is a "fundamentally expository" study of Sayf al Din al Āmidī's "jurisprudential thinking" or his work on the subject of *uṣūl al fiqh* as recorded in his two noteworthy works: *Kitāb al Iḥkām fī al Aḥkām* and *Muntahā al Sūl fī 'Ilm al Uṣūl*. Weiss writes:

My exposition of Amidi's ideas and of the dialectic in which he was involved must . . . be understood as selective. I have attempted to use my best judgment in deciding what to include and what not to include. In general, I have tried to include those issues, ideas, positions, arguments, counter-arguments that are most central to Amidi's mode of presentation, leaving out only matters that appear somewhat peripheral.

The result is an extremely fluent and readable explanation of *uṣūl al fiqh* in all of its glorious intricacy. What makes it such a success is that Weiss has arranged<sup>6</sup> and then explains the contents of each topic in such a way that specialists and nonspecialists alike will have no trouble in dealing with the material. One might lament the lack of indices and a bibliography, but these are secondary matters and in no way detract from the quality of the work itself and of the lucidity of its exposition.

Which brings us to one final point: terminology. No one has done what Weiss has done with the terminology of the classical Islamic discipline of *uṣūl*. In line with the dictum that clear thinking must precede clear writing, a precise understanding of terminology is essential to every discipline. In his preface, Weiss writes: "I have been obliged to make a considerable variety of crucial terminological choices: the choices are clearly mine, and they affect the product

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<sup>6</sup> By way of example, the reader might consider the reasons (p. 81) given by Weiss for changing Āmidī's order in his discussion of *fiqh* and *lughah*-related postulates. See also page 121 and elsewhere. Āmidī's *Iḥkām* is itself an exemplary work from the perspective of its style and order. When I first encountered it on the shelves of the library when I was a student of Ḥanafī *fiqh* charged with making sense of the notoriously abstruse Ḥanafī *muṭun*, I recall thinking to myself how fortunate the Shāfi'iyah were to have such simple texts (like Āmidī's *Iḥkām* and Ghazālī's *Muṣ-ṭasfā*) to work with. Of course, at the time, Rāzī's *Maḥṣūl* had not been edited and published, nor had Juwaynī's *Burḥān*.

profoundly."<sup>7</sup> In his book, examples of every sort abound and, quite honestly, they are a pleasure.<sup>8</sup> But beyond that, Weiss' efforts in this direction represent a significant breakthrough in that he has provided the foundations for meaningful discourse in the *uṣūlī* idiom among specialists from different fields. What this means for the Islamization of knowledge discourse, among the fundamentals of which is *taysīr al turāth* or facilitating access to the intellectual legacy of Islam, is not difficult to predict.

Yusuf Talal DeLorenzo  
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## The Intellectual Legacy of the *Uṣūlī* Tradition

Reviewed by: Muhammad al-ʿArabi and Ahmad al-ʿArabi, see: *Al-Jawāb*, 11:4 (2004), 582-583.

... (The following text is extremely faint and largely illegible due to low contrast and blurring in the original scan. It appears to be a preface or introductory text.)

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<sup>7</sup> Preface, p. xx.

<sup>8</sup> Particularly delightful is the author's discussion of Āmidī's definition of *wujūb* ... footnote 25, p. 99, in which he gives his own version, adding: "Amidī would probably not have been unhappy with the rephrasing of his Muntaha definition as *al-wujūb* ...."