A Review of Classical and Contemporary Usul Fiqh Scholars' Perspectives on the Method of *Al-Ta'lil Bi Al-Hikmah*

***Md Azzaat Ahsanie bin Lokman**

Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM), Cawangan Melaka

***Corresponding Author**

DOI: https://dx.doi.org/10.47772/IJRISS.2025.90200004

Received: 24 June 2025; Accepted: 07 July 2025; Published: 26 July 2025

ABSTRACT

The method of *al-Taʿlīl bi al-Ḥikmah* has increasingly become a focal point of scholarly discourse among researchers in Islamic Jurisprudence and Maqasid Shariah in the Middle East. However, this topic remains relatively underexplored in English literature. The growing scholarly attention underscores the significance of this method in the formulation of contemporary Islamic legal rulings, despite its inherent complexity. This highlights the need to initiate a discourse on *al-Taʿlīl bi al-Ḥikmah* in English language, thereby facilitating a deeper understanding and widened the reach of this topic outside of Middle East region. The objective of this study is to examine the perspectives of both classical and contemporary Usul scholars on *al-Taʿlīl bi al-Ḥikmah*, given the ongoing debate surrounding this method and the prevalence of the well-known usuli maxim: "*al-ḥukmu yadūru maʿa ʿillatihi wujūdan wa ʿadaman lā ḥikmatihi*" (a ruling revolves around its effective cause, not its wisdom). This study employs a document analysis method by critically examining the views of Usul scholars as presented in classical Usul al-Fiqh texts, using both inductive and comparative approaches. The study finds that there are three primary scholarly positions on the method of *al-Taʿlīl bi al-Ḥikmah*, with the third view being the one most frequently adopted by contemporary researchers due to its robust evidentiary support.

Keywords: al-Ta'lil bi al-Ḥikmah, ḥikmah, ta'lil, Islamic Jurisprudence, Maqasid Shariah

INTRODUCTION

Al-Taʿlīl bi al-Ḥikmah has increasingly become a central theme of scholarly discourse among postgraduate and doctoral researchers in the fields of Islamic Jurisprudence and Maqasid Shariah, particularly in the Middle Eastern academic landscape. A review of existing literature shows that the number of studies focusing on *al-Taʿlīl bi al-Ḥikmah* has grown significantly over the years (Azzaat, 2021). However, interest in this topic appears to remain relatively limited to scholars in the Middle East and has not spread widely to other regions, despite their strong academic presence and globally recognized institutions.

Given this situation, there is a pressing need to further advance and disseminate the discourse on *al-Taʿlīl bi al-Ḥikmah* beyond Arabic-speaking circles, particularly through English-language scholarship.

Such an approach is crucial for reaching a broader academic audience, including scholars and students who may not possess proficiency in Arabic but are actively engaged in Islamic legal theory and Maqasid-based studies. As the importance of *al-Taʿlīl bi al-Ḥikmah* in contemporary Islamic legal law becomes more widely acknowledged in the Middle East, similar awareness and engagement must be cultivated in other regions.

The study of *al-Taʿlīl bi al-Ḥikmah* is crucial in Islamic jurisprudence as it addresses the role of wisdom (hikmah) which is the underlying purpose or benefit behind the formulation of Islamic legal rulings. While traditional usul al-fiqh prioritizes legal causation (*ʿillah*) as the basis of law, the consideration of hikmah offers a more dynamic and context-sensitive approach to interpreting and applying Islamic law in contemporary

settings. This gap highlights the need for deeper engagement with *al-Taʿlīl bi al-Ḥikmah* to enrich legal reasoning, promote maqasid-based ijtihad, and respond more effectively to modern societal challenges through Shariah-compliant solutions that consider both the letter and the spirit of the law.

This study, therefore, aims to examine and critically engage with the views of both classical and contemporary *Uṣūl* scholars on the method of *al-Taʿlīl bi al-Ḥikmah*. This is particularly necessary due to the contentious nature of this method, which has sparked debate among *Uṣūl* scholars, most notably encapsulated in the well-known legal maxim: "*al-ḥukmu yadūru maʿa ʿillatihi wujūdan wa ʿadaman lā ḥikmatihi*" (a ruling is contingent upon its effective underlying cause and not its wisdom). This maxim implicitly dismisses the role of *ḥikmah* in the derivation of *sharʿī* rulings, thereby necessitating a reevaluation of its methodological implications.

METHODOLOGY

This study adopts a qualitative library-based research design, collecting and analysing written materials from both classical and contemporary sources in the field of Usul al-Fiqh as primary references. These materials were critically examined using inductive, deductive, and comparative approaches to deeply explore the subject of *al-Taʿlīl bi al-Ḥikmah* as discussed by past and present *Uṣūl* scholars.

The selection of sources includes works that address *al-Taʿlīl bi al-Ḥikmah* either as a standalone topic, commonly found in contemporary writings, or as a sub-topic within the broader discussion of *qiyās*, as is typically the case in classical Usul al-Fiqh treatises. Additionally, this study considers writings that specifically address the theme of *ʿillah*, due to its inseparable connection to *ḥikmah* and its central role in the framework of *qiyās*.

Furthermore, literature concerning *taʿlīl al-aḥkām* is also analysed, given its close relation to both *ʿillah* and *ḥikmah*. This study does not confine itself to specific schools of jurisprudence, nor does it seek to evaluate the topic from the standpoint of any one madhhab. Rather, it adopts a holistic view of the usulī discourse, focusing solely on the methodological dimensions of the topic without sectarian bias.

FINDINGS

The Concept of al-Taʿlīl bi al-Ḥikmah

According to Raid Nasri (2007), *al-Taʿlīl bi al-Ḥikmah* refers to the effort of a mujtahid to elucidate the relationship between a legal ruling and the intended objectives of the Lawgiver (Shāriʿ) by identifying appropriate meanings (*maʿānī munāsibah*) that serve to realise benefit (*maṣlaḥah*) or avert harm (*mafsadah*) from the *mukallaf* (legally responsible individual), provided that the process follows recognised methodological standards for identifying such wisdoms. In agreement, Hanan Qudah and Muhammad Khalid Manṣur (2016) define *al-Taʿlīl bi al-Ḥikmah* as the establishment or negation of a ruling based on the presence or absence of a beneficial meaning (*maʿnā maṣlaḥī*) that aligns with the overarching purposes of Shariah.

Muadh Nani (2019) adds that the process involves "clarifying (*iẓhār*) a relevant meaning embedded within a *Sharʿī* or *ijtihādī* ruling." This addition leans more toward *taʿlīl* in the sense of *bayān al-ḥikmah* (clarifying the wisdom), which primarily serves an explanatory rather than justificatory role in legal derivation. Nevertheless, this stage is critical, as the identification and understanding of the wisdom (*ḥikmah*) is the first essential step in the broader process of *al-Taʿlīl bi al-Ḥikmah*. The sequence of *iẓhār al-ḥikmah* (revealing the wisdom) followed by *ibtināʾ al-aḥkām* (formulating rulings) is also highlighted in the definition proposed by Husām Mazban and Amir ʿAydan (2017).

Based on these various definitions, this study defines *al-Taʿlīl bi al-Ḥikmah* as the utilisation of a meaning (maʿnā munāsib) intended by the Lawgiver in the legislation of rulings, to serve as the legal basis (*ʿillah*) in the process of deriving fiqhī rulings. In essence, it entails elevating the status of *ḥikmah* especially when it fulfils specific criteria to that of a legal cause (*ʿillah*) in ijtihād-based reasoning.

Scholarly Views on the Application of al-Taʿlīl bi al-Ḥikmah

Classical and contemporary Usul scholars have extensively discussed the issue of *al-Taʿlīl bi al-Ḥikmah* in their works, particularly under the subject of *qiyās*. Their opinions differ significantly regarding the permissibility of employing *ḥikmah* as the basis for legal causation, depending on various factors. Broadly, the scholarly views can be categorized into three main positions (al-Amidi, 2003):

Those who categorically reject the use of *ḥikmah* in legal causation

Those who accept its use unconditionally, and

Those who accept it conditionally - only if the *ḥikmah* meets certain established criteria.

The View that Totally Prohibits al-Taʿlīl bi al-Ḥikmah

This group completely rejects the use of *ḥikmah* in legal causation, regardless of whether the *ḥikmah* is apparent (*ẓāhir*) or obscure (*khafī*), consistent (*munḍabiṭ*) or inconsistent (*ghayr munḍabiṭ*) (al-Saʿdi, 2000). In summary, this position asserts that the use of *ḥikmah* in legal reasoning is invalid and not recognised in Islamic jurisprudence. According to al-Amidi (2003), this view represents the majority opinion among Usul scholars. Ibn al-Najjar (1993) also attributes this view to most scholars of the Hanbali school. Al-Zarkashi (1992) ascribes this position to Imam Abū Ḥanīfah, and al-Zanjānī (1398H) to the Ḥanafī school more broadly. Bakhīt al-Muṭīʿī (1343H) emphasises that al-Subkī, particularly in his Jamʿ al-Jawāmiʿ, is among the most prominent scholars to oppose *al-Taʿlīl bi al-Ḥikmah* in its entirety. This group supports its position with several arguments, including the following:

i. Rationalizing rulings based on *ḥikmah* negates rationalization based on qualifying attributes (*ṣifah*)

According to al-Rāzī (1997), assigning a ruling to a wisdom leads to the negation of assigning it to a qualifying attribute (*ṣifah*) or effective cause (*ʿillah*). This is because, in the legal methodology of the *uṣūliyyūn*, an original basis (*aṣl*) cannot be replaced by a secondary consideration (*farʿ*) unless there is a legally recognized necessity (*ʿudhr*). If rationalizing with *ḥikmah*, which is inherently secondary, is permitted without *ʿudhr*, then the use of ṣifah as *ʿillah* becomes void. This contradicts the consensus (*ijmāʿ*) of jurists who affirm *qiyās* based on *ṣifāt* as the operative *ʿillah* (al-Qarāfī, 1973).

ii. Shariah considers presumptive indications (*maẓinnah*) even in the absence of *ḥikmah*

The application of Islamic law demonstrates that rulings persist even when the underlying wisdom is absent, so long as the legal presumption (*maẓinnah*) remains. For instance, a king undertaking travel is still permitted to shorten his prayer (*qaṣr*) even if no hardship is encountered. Conversely, rulings do not apply even when the *ḥikmah* (hardship) exists if the presumption is absent, such as a pregnant woman being prohibited from *qaṣr* despite hardship, or a laborer in Ramadan not being excused from fasting due to difficulty. This affirms that rulings are not rationalized solely by *ḥikmah* (al-Āmidī, 2003).

iii. *Ḥikmah* is unstable and context-dependent

Ḥikmah lacks the requisite consistency (*inḍibāṭ*) to serve as a valid *ʿillah*. The experience of a traveler varies significantly; those using a train differ in hardship from those on motorcycles or airplanes. Similarly, travel during summer differs from travel in spring. Owing to this variation, the Shariah bases rulings on observable, consistent, and suitable attributes (*ṣifāt ẓāhirah*, *munḍabiṭah*, *munāsibah*) rather than variable *ḥikmah* (al-Ījī, 2000).

iv. Using *ḥikmah* as *ʿillah* leads to incongruence between ruling and causation

Permitting *taʿlīl* based on *ḥikmah* can result in rulings that are incongruent with their actual *ʿillah*. For example, the ḥadd punishment for *zinā* (fornication) is rationalized by the *ʿillah* of the act itself, while the *ḥikmah* is the prevention of lineage confusion (*ikhtilāṭ al-ansāb*). If the ruling were based on *ḥikmah*, then one

could analogically extend the *ḥadd* to one who kidnaps a baby and separates them from their parents, which also leads to lineage confusion. Yet no jurist has ever issued such a ruling.

Similarly, the prohibition of marrying one's wet nurse is based on the *ʿillah* of suckling (*riḍāʿah*), with the *ḥikmah* being the merging of bodily elements akin to biological maternity. If the ruling were based on this *ḥikmah*, then consuming a woman's flesh, receiving her blood transfusion, or an organ donation would all necessitate a marriage prohibition, an untenable conclusion that the Shariah does not permit (al-Qarāfī, 2010; 1973).

v. Inductive analysis (*istiqrāʾ*) confirms that rulings are never assigned based on *ḥikmah* in the Shariah

Through istiqrāʾ (systematic induction), it becomes evident that the Shariah never assigns legal rulings based on *ḥikmah*. Instead, only observable, consistent, and relevant attributes (ṣifāt) are utilized. Legal rulings are contingent upon the presence of *ʿillah*, not the presence or absence of *ḥikmah*. For example, contractual rulings such as in gifting, marriage, or sales are not actualized merely due to perceived benefit (*maṣlaḥah*) without the presence of qualifying attributes (al-Ījī, 2000).

vi. The discovery of *ḥikmah* is inherently difficult and burdensome

Uncovering the underlying *ḥikmah* is highly challenging due to its hidden nature and the difficulty in ascertaining its measure without exhaustive effort. It is a principle of Islamic jurisprudence that Allah does not impose obligations (*taklīf*) that are overly burdensome or beyond human capacity. Hence, the pursuit of *ḥikmah* cannot be considered obligatory, while the derivation of rulings - particularly in cases lacking textual evidence - is a legal obligation that must be grounded in discoverable *ʿillah*. This supports the conclusion that *taʿlīl* through *ḥikmah* is not permissible (al-Rāzī, 1997).

vii. *Ḥikmah* is an outcome (*thamarah*), not a cause of the ruling

According to al-Rāzī (1997) and al-Lakhmī (1987), *ḥikmah* represents the result or fruit (*thamarah*) of a ruling, not its origin or generator. As such, something that emerges only after the ruling has been issued cannot serve as a valid basis for *taʿlīl*. A valid *ʿillah* must precede and precipitate the ruling, not merely result from it.

The View That Permits the Absolute Use of al-Taʿlīl bi al-Ḥikmah

This group permits the use of *ḥikmah* as the foundational basis for legal rationalization (*taʿlīl al-ḥukm*) in Islamic law without restriction, regardless of the nature or stability of that *ḥikmah*. This view is attributed to scholars such as al-Rāzī (1997) and al-Bayḍāwī (1343H). However, Aḥmad al-Raysūnī (1992) argues that al-Rāzī's position was not entirely unconditional, suggesting that al-Rāzī allowed *taʿlīl* based on *ḥikmah* with specific conditions rather than absolutely. The proponents of this view advance several arguments:

Rejection of *ḥikmah* or *maṣlaḥah* as a basis for *taʿlīl* is internally inconsistent

Those who reject legal rationalization based on *ḥikmah* or *maṣlaḥah* in applied jurisprudential matters (*furūʿ*) often do so based on claims of epistemic uncertainty. However, they themselves still rationalize legal rulings through attributes (*ṣifāt*) deemed appropriate (*munāsib*). This is contradictory, as no attribute can legitimately serve as an operative *ʿillah* unless it inherently contains some form of *maṣlaḥah* (benefit) or *mafsadah* (harm) that is recognized by the Shariah. Thus, knowledge of the *ḥikmah* underlying an attribute is necessary and logically prior to determining whether an attribute is appropriate. Since such *ḥikam* are potentially knowable through reason (*ʿaql*), the rationalization process can be both sound and valid (al-Āmidī, 2003).

Without knowledge of the relationship between the attribute and the underlying *ḥikmah*, *taʿlīl* based on the attribute becomes as untenable as *taʿlīl* based directly on *ḥikmah*. For example, the permissibility of shortening prayers (*qaṣr al-ṣalāh*) while travelling is not due solely to the act of travelling (*safar*), but due to the hardship (*mashaqqah*) usually entailed. In other words, if *al-Taʿlīl bi al-Ḥikmah* is deemed impermissible, then *taʿlīl* using attributes is likewise untenable (al-Bayḍāwī, 1343H).

Attributes affect rulings only because of their connection to *ḥikmah*

An attribute in and of itself does not influence legal rulings except to the extent that it is connected to the realization of *maṣlaḥah* and the avoidance of *mafsadah*. In essence, attributes used as *ʿillah* are tightly interwoven with the notion of *ḥikmah*. Attributes are accepted as *maẓinnah* (indicators with high probability of leading to *maṣlaḥah*), but rulings are not suspended upon these attributes due to their essence. Rather, their recognition as *maẓinnah* is only for the purpose of realizing the actual *ḥikmah*.

If the specific *ḥikmah* cannot be discerned, then it becomes equally impossible to establish the attribute as a valid *ʿillah* (al-Rāzī, 1997). In reality, the true *ʿillah* is *ḥikmah* itself, as it represents the very benefit (*maṣlaḥah*) or harm (*mafsadah*) that the ruling seeks to address. The observable attribute is merely secondary. Hence, if the follower (*tābiʿ*)—i.e., the attribute—can be accepted as the basis of legal reasoning, then the followed (*matbūʿ*)—i.e., the *ḥikmah*—is even more worthy of being the focus of *taʿlīl* (al-Lakhmī, 1987).

The Conditional View on the Permissibility of al-Taʿlīl bi al-Ḥikmah

Among the scholars who adhere to this third view are al-Āmidī (2003), Ibn al-Ḥājib (d. 1326H), al-Aṣfahānī (1986), Ṣafiyy al-Dīn al-Hindī (as cited by al-Shawkānī, 1999), Ibn al-Subkī (1995: 239), and others (al-Isnawī, 1343H; al-Bannānī, 1982). This third opinion permits *al-taʿlīl* based on *ḥikmah* (*al-Taʿlīl bi al-Ḥikmah*) provided certain conditions are met. Their reasoning is as follows:

Al-Taʿlīl bi al-Ḥikmah is only permissible when the *ḥikmah* is manifest (*ẓāhir*) and measurable (*munḍabiṭ*)

A manifest and measurable attribute is not, in and of itself, the original purpose (*maqṣūd aṣlī*) behind the legislation of a ruling. Nevertheless, it is recognized and accepted as a valid *ʿillah* because of its strong likelihood of encompassing the hidden *ḥikmah*. Hence, when a *ḥikmah*, which represents the original legislative intent, is equivalent in clarity and measurability to an observable attribute, then that *ḥikmah* is even more deserving to be adopted as the basis of *taʿlīl* (al-Āmidī, 2003).

However, if the *ḥikmah* is hidden and lacks measurability (*non-munḍabiṭ*), then it cannot serve as the basis for legal rationalization

This restriction is clarified through the following points (al-Āmidī, 2003):

When the *ḥikmah* is hidden and non-measurable, varying across individuals, time, place, and circumstances, it becomes extremely difficult to determine the operative cause (*ʿillah*) of a ruling with precision. The Shariah does not impose such difficulty on legal agents (*mukallaf*), as it seeks to facilitate ease in legal determinations. Accordingly, the Shariah assigns legal rulings based on *maẓinnah* (apparent and likely indicators), as they are easier to identify.

For instance, in the case of travel (*safar*), it is difficult to determine the exact level or degree of hardship (*mashaqqah*) that would justify the concession of shortening prayers (*qaṣr*). Hardship itself varies with differing contexts. Thus, the Shariah sets a fixed travel distance or duration as the legal basis for concession, rather than *mashaqqah* itself. As a result, a pregnant woman may not legally shorten her prayer despite her possibly experiencing greater *mashaqqah* than a traveler (Ibn al-Subkī, 1996).

There is scholarly consensus in *Uṣūl al-Fiqh* that legal rationalization is permissible with attributes that are manifest, measurable, and likely to realize *ḥikmah*. Conversely, if hidden *ḥikmah* were allowed to serve as a basis for *taʿlīl*, there would be no need to go through the entire structured process of identifying appropriate attributes (*ṣifāt*) under the established methodology of *taʿlīl*. This would effectively undermine the purpose of the legal methodology altogether.

Rationalizing rulings based on hidden *ḥikmah* imposes difficulty and burden upon legal agents, particularly in identifying and verifying such wisdoms**.** Since Islam aims to remove hardship and difficulty, the Shariah substitutes such hidden *ḥikmah* with observable and measurable attributes. The burden of working with defined attributes is far less than that of trying to base rulings on ambiguous, speculative wisdoms.

Table I Scholarly Views on al-Ta'lil bi al-Hikmah

Aspect	Total Permissibility	Conditional Permissibility	Total Prohibition
Main Claim	al-Taʿlīl using *ḥikmah* is fully valid regardless of whether the *ḥikmah* is clear, hidden, or measurable.	al-Taʿlīl using *ḥikmah* is valid only if the *ḥikmah* is clear (*ẓāhir*) and measurable (*munḍabiṭ*).	al-Taʿlīl must be based solely on concrete attributes (*ṣifāt*); hikmah are not suitable bases for legal causality.
Key Supporters	Fakhr al-Dīn al-Rāzī (1997) (disputed by al-Raysūnī) al-Bayḍāwī (1343H)	al-Āmidī (2003), Ibn al-Ḥājib (d. 1326H), al-Aṣfahānī (1986), Ṣafiyy al-Dīn al-Hindī, Ibn al-Subkī (1995), al-Isnawī (1343H), al-Bannānī (1982)	Majority of early Uṣūlī scholars, some *Ẓāhirī* and Shāfiʿī jurists
Core Argument 1	Every valid legal cause (*ʿillah*) must contain a recognized maṣlaḥah or mafsadah known through intellect or Shariah; hence, *ḥikmah* is inherently involved.	When *ḥikmah* is both apparent and consistently measurable, it aligns with the criteria of an acceptable *ʿillah*.	Hikmah is often speculative, varies, and difficult to define across cases, thus unreliable for legal deduction.
Core Argument 2	If an attribute (*ṣifah*) can be used to rationalize law, and it is ultimately a means to realize a *ḥikmah*, then the *ḥikmah* itself deserves to be prioritized in legal reasoning.	The Shariah intends ease, and therefore bases rulings on *maẓinnah* (likely indicators), not burdensome or speculative causes.	Legal rationalization must be based on fixed textual or analogical causes; speculative wisdoms may lead to inconsistency.
Example Given	Safar (travel) is a legal cause for qaṣr prayer due to the hardship (*mashaqqah*) it entails, not travel per se. Hence, *ḥikmah* (hardship) is the true *ʿillah*.	Since hardship (*mashaqqah*) varies, the Shariah sets long-distance travel as the measurable standard. Pregnancy may cause more *mashaqqah*, but it's not a valid cause for qaṣr.	Only travel (safar) qualifies as the legal *ʿillah* for qaṣr, not hardship, since *ḥikmah* is too subjective to measure.
Implications for Ijtihād	Opens broader avenues for legal innovation based on underlying wisdoms.	Allows for reasoned legislation while preserving Shariah methodology and structure.	Restricts legal reasoning to clear and fixed analogies; prevents subjective interpretation.
Criticism	Risk of excessive subjectivity and ignoring clear textual causes.	Difficult to always determine when a *ḥikmah* is adequately measurable.	May overlook the spirit or purpose behind the law; overly rigid.

DISCUSSION

Based on the views of the scholars of *Uṣūl* regarding the issue of *al-Taʿlīl bi al-Ḥikmah*, it can be observed that the third opinion is the most balanced and reasonable to adopt. The necessity to bind the permissibility of *al-Taʿlīl bi al-Ḥikmah* with proper conditions and restrictions arises from the very nature of *ḥikmah* itself. Besides the possibility of it being non-regulatable (*ghayr munḍabiṭ*), *ḥikmah* also frequently leads to the issue of *takhalluf*, a situation where the supposed wisdom does not exist in the intended subject or exists in other subjects not intended by the Shariah. Furthermore, *ḥikmah* is generally of a hidden nature (Muadh Nani, 2019). Anything inherently obscure cannot serve as a sound basis for legal rulings, as the ambiguity involved could undermine the legal outcomes built upon it. Therefore, the view which permits *al-Taʿlīl bi al-Ḥikmah* in an absolute sense, regardless of the state and nature of the *ḥikmah*, is an overly lax approach.

Nevertheless, to claim that all *hikmah* are hidden, unclear, and inconsistent is an unbalanced perspective either. Not all *hikmah* possess such characteristics. Some *hikmah* may be discovered through careful observation, deep reflection, and systematic research. The assertion that *ḥikmah*, due to its speculative (*ẓannī*) nature, cannot serve as a basis for legal reasoning, was addressed by al-Lakhmi (1987), who pointed out that reasoning with *ṣifah* is also inherently speculative. Despite this, the process of uncovering meanings that reach a level of

ghalabat al-ẓann (dominant probability) should be prioritised, as this was also the approach taken by the Prophet's Companions (Muʿadh Nānī, 2019).

Indeed, through the inductive analysis (*istiqrāʾ*) of the totality of Shariah rulings, one can arrive at an understanding of the wisdom, objectives, benefits (*maṣlaḥah*), and harms (*mafsadah*) behind Islamic legal rulings, collectively known as *ḥikmah* (al-Shāṭibī, 1997). This is not foreign to the Islamic intellectual tradition, which has consistently demonstrated scholars' efforts in uncovering, reflecting upon, rationalising, and articulating the secrets and wisdom behind divine laws and the creation of the universe. This can be seen in the writings of al-Qaffāl al-Shāshī in *Maḥāsin al-Shariah*, al-Ghazālī in *Iḥyāʾ ʿUlūm al-Dīn*, Ibn Qayyim al-Jawziyyah in *Iʿlām al-Muwaqqiʿīn*, Shāh Waliyullāh al-Dehlawī in *Ḥujjatullāh al-Bālighah*, and ʿAlī al-Jurjāwī in *Ḥikmah al-Tashrīʿ*, among others. This aligns with the call of Maqāṣid scholars, who consistently urge the continuous study and research into the *Maqāṣid al-Shariah*, as well as the wisdom and objectives behind the enactment of Islamic laws.

Moreover, the arguments presented by those who reject the methodology of *al-Taʿlīl bi al-Ḥikmah* can be answered from several angles. Firstly, the claim that *al-Taʿlīl bi al-Ḥikmah* is never practised in Islamic law is inconsistent with the actual legislative methodology of the Shariah as demonstrated through the textual evidences, the ijtihād of the Companions (RA), and the reasoning of the great jurists. The methodology of Shariah accommodates legal rulings along with their inherent wisdoms, the *maṣlaḥah* intended to be achieved, and the *mafsadah* intended to be avoided.

Thus, when Mustafa Shalabi listed the inclinations and opinions of *Uṣūl* scholars regarding *al-Taʿlīl bi al-Ḥikmah*, he appeared perplexed by such rejectionist views. This is because the overwhelming number of textual evidences he compiled through inductive analysis clearly demonstrate that the actual legislative methodology of the Shariah is fundamentally tied to *ḥikmah* and *maṣlaḥah*, and not merely to observable *ṣifāt* (Shalabi, 2017; Shalabi, n.d.). Therefore, to claim that such a method does not exist in Shariah is extreme and inaccurate (al-Sāmarrāʾī, 2009).

At the same time, the examples presented by those who totally reject or disallow *al-Taʿlīl bi al-Ḥikmah* are not accurate. This is because the examples they present do not meet the conditions of valid *taʿlīl bi al-ḥikmah* process (al-Samirra'i, 2009; al-Ḍuwayḥi, 1427H; al-Kamali, 2013), such as being inconsistent (*ghayr munḍabiṭ*), hidden in nature, belonging to the *taʿabbudī* category, involving *takhalluf*, or contradicting and nullifying definitive textual evidence. These examples are not disputed in their unsuitability for reasoning through *ḥikmah* (al-Ghazālī, 1971).

However, Mustafa Shalabi (2017) and al-Saʿdi (2000) argue that such cases do not justify rejecting the entire concept of reasoning through *ḥikmah*. This is because there are many other examples in Islamic law that demonstrate rulings which clearly adopt reasoning based on *ḥikmah*. In fact, if we refer to books of *furūʿ al-fiqh* (subsidiary legal rulings), we will find that scholars have applied legal reasoning using concepts such as *ḥaraj* (hardship), *mashaqqah* (difficulty), *ḥājah* (need), *maṣlaḥah* (benefit), and *maʿnā* (meaning) derived from the texts, all of which are expressions of *ḥikmah* and *maṣlaḥah* (Raid Nasri, 2007).

Al-Āmidī (2003) also stated that reasoning based on explicit attributes does not exclude reasoning based on wisdom. Reasoning through attributes is merely easier, but that does not mean we must reject reasoning based on *ḥikmah*. Hence, Shalabī (2017) concluded that legal rulings can be reasoned through both *ḥikmah* and *ṣifah*.

This effectively refutes the argument that if legal reasoning is based on *ḥikmah*, it would invalidate reasoning based on attributes. Such a claim is incorrect because the methodology of legal reasoning in Shariah includes both types, reasoning based on observable attributes and reasoning based on *ḥikmah*. The claim that Shariah rulings can be reasoned through *ḥikmah* does not invalidate reasoning through *ṣifah*. Consider the following statement from al-Ghazālī (1993), which shows that there are two types of legal causes (*ʿillah*) in the Shariah:

"If two ʿillah are equal in all aspects, where one is a direct cause and the other is a cause of that cause - for example, adultery and theft being causes for the ḥadd punishment and cutting of the hand - it is more appropriate than using causes such as 'taking someone's property in secret' or 'inserting the private part into a forbidden one.' If there is an indication from the evidence that the ruling is not based on the apparent cause

but on a deeper meaning (maʿnā) contained within it, then the ruling follows that meaning. For instance, in the case of a judge not being allowed to rule while angry, it is not the attribute of 'anger' that is the cause, but rather that anger hinders clear thinking. Thus, the ruling also applies in cases of exhaustion and hunger. This maʿnā is more appropriate as the legal cause than the apparent attribute of anger itself."

Based on this understanding, after conducting *istiqrāʾ* of Shariah rulings, Umar Jadiyyah (2010) classified *taʿlīl al-aḥkām* into two main methodologies: first, *al-Taʿlīl bi al-Ḥikmah* and second, *al-Taʿlīl bi al-Munāsabah*. The first method refers to *ḥikmah* as the original basis for legal reasoning. However, if the *ḥikmah* does not meet the criteria of clarity and consistency, then the reasoning shifts to the second method - harmonising and assessing the appropriateness (*munāsabah*) of a clear and consistent attribute (*ṣifah*) with the intended *ḥikmah* and *maṣlaḥah* of the Shariah. This is the true reality of legal reasoning in Islam, which may be summarised in the maxim: "*al-ḥukmu yadūru maʿa ḥikmatihi kamā yadūru maʿa ʿillatihi wujūdan wa ʿadaman*" ("A ruling revolves around its wisdom just as it revolves around its effective cause, in presence and absence.") (Raid Nasri, 2007).

The reasoning of legal rulings using apparent and well-defined attributes (*ṣifāt ẓāhirah wa munḍabiṭah*) is itself conditional upon those attributes being appropriate (*munāsib*). In other words, such attributes must be presumed (*maẓinnah*) to be capable of realising the intended wisdom (*ḥikmah*), namely the attainment of *maṣlaḥah* (benefit) and the prevention of *mafsadah* (harm). If the attribute is not *munāsib*, then it cannot be accepted as a valid legal cause (*ʿillah*). This condition typically applies to rulings within the domains of customary practices and commercial transactions (*ʿādāt wa muʿāmalāt*), but not to acts of worship (*ʿibādāt*) (Ridzwan Ahmad, 2004).

Based on this observation - and the assertion that *ḥikmah* represents the ultimate objective of the Shariah and, in fact, constitutes the true underlying cause (*ʿillah ḥaqīqiyyah*) behind legal rulings (al-Raysuni, 1992) - it follows that when *ḥikmah* meets the required conditions for application in the process of legal reasoning (*taʿlīl al-aḥkām*), it is even more deserving to be identified as the effective *ʿillah*. This constitutes the first major argument used by proponents of the third opinion.

Moreover, given that *ḥikmah* itself denotes *maṣlaḥah*, to designate *maṣlaḥah* as a legal cause (*ʿillah*) is neither anomalous nor inconsistent with legal truth. This is because many legal rulings established during the era of the Companions (*Ṣaḥābah*) and Successors (*Tābiʿīn*) were grounded in *ḥikmah*, which inherently encompassed the realisation of *maṣlaḥah* and the avoidance of *mafsadah*. It would be problematic to maintain that while the majority of *Uṣūl* scholars accept the principle of legal reasoning (*taʿlīl al-aḥkām*), they nonetheless reject the use of *ḥikmah* - which comprises considerations of benefit and harm - as a valid *ʿillah* (Ridzwan Ahmad, 2004).

Accordingly, this study supports the view that permits *al-Taʿlīl bi al-Ḥikmah*, provided that the conditions for its application are met. Conversely, if *ḥikmah* fails to fulfil the necessary criteria - namely that it is not apparent (*ẓāhir*) or well-defined (*munḍabiṭ*), but rather obscure (*khafī*) or unstable (*muḍṭarib*) - then legal reasoning should revert to reliance on an apparent attribute (*ṣifah ẓāhirah*) which serves as a probable indicator of the intended *ḥikmah* (*maẓinnah al-ḥikmah)* (Ibn al-Ḥājib, 1326H; Umar Jadiyyah, 2010). When properly applied with due adherence to its conditions, this approach to *taʿlīl* has the potential to produce *ijtihād* that are consistent with both the objectives of Shariah and the sound principles of *uṣūl al-fiqh* (Jamilah Tilut, 2019).

This position is in line with the views of contemporary scholars such as Mustafa Shalabi (2017), Yusuf al-Qaradawi, Abd al-Ḥakim al-Saʿdi (2000), Muhammad Salim al-'Awwa (2014), Ali Jumaʿah (2006), Ramadan Abd al-Wadud al-Lakhmi (1343H), and numerous other contemporary researchers in the field of Shariah, as reflected in their postgraduate-level studies.

CONCLUSION AND RECOMMENDATION

The discourse on *al-Taʿlīl bi al-Ḥikmah* remains a marginalised and often overlooked topic, largely due to its controversial nature and the reluctance of many scholars to engage with it in depth. As a consequence, *al-Taʿlīl bi al-Ḥikmah* is frequently misunderstood, and discussions on the subject are often perceived as unorthodox or contrary to mainstream legal thought. Therefore, this discourse must continue to be explored and given due

attention in order to enhance understanding and dispel misconceptions surrounding it.

Al-Taʿlīl bi al-Ḥikmah is not inherently in contradiction with the Shariah. Rather, it is a concept that aligns with the objectives of Shariah, provided it is applied in accordance with the necessary conditions. Failure to do so could lead to its misuse or, worse, to the distortion of established legal rulings that are definitive (*qaṭʿī*) and grounded in the Quran and Sunnah.

Given the current positive developments in the field of *Maqaṣid Shariah*, it is vital that the discussion on *al-Taʿlīl bi al-Ḥikmah* continues in parallel. This is necessary to affirm the interdependent and symbiotic relationship between *Uṣūl al-Fiqh* and *Maqasid Shariah*, and to reinforce the understanding that *Maqasid Shariah* cannot be applied or operationalised in isolation from the methodological principles of *Uṣūl al-Fiqh*.

Future research should focus on developing a more structured framework for identifying and applying *al-hikmah* in legal reasoning. Comparative case studies involving real-world issues can illustrate how this method is used in practice, making the findings more applicable and accessible. Additionally, engaging interdisciplinary perspectives such as ethics, sociology, and legal theory could enrich the understanding of *al-hikmah* and its implications. Translation and analysis of lesser-known scholarly works could also broaden the scope and depth of the discourse.

ACKNOWLEDGMENT

The author of this study would like to thank Universiti Teknologi MARA (UiTM) Cawangan Melaka for giving support for this study.

REFERENCES

1. Aḥmad al-Raysūnī. Naẓariah al-Maqāṣid ʿinda Imām al-Shāṭibī. t.tp.: al-Dār al-ʿAlamiyyah li al-Kitāb al-Islāmiy, cet.2, 1992.
2. Al-Āmidī, ʿAlī bin Muhammad. Al-Iḥkām fī Uṣūl al-Aḥkām. Abd al-Razāq ʿAfīfī (edit). Riyāḍ: Dār al-Ṣamīʿī, 2003.
3. Al-Aṣfahānī, Maḥmūd ibn Abd Rahman. Bayān al-Mukhtaṣar Sharḥ Mukhtaṣar Ibn al-Ḥājib. Muhammad Maẓhar Baqā (edit). Arab Saudi: Dār al-Madani, 1986.
4. Al-Bannānī, Abd al-Raḥmān bin Jād Allah. Ḥāshiah al-Bannānī ʿala Sharḥ al-Maḥallī ʿalā Matan al-Jamʿ al-Jawāmiʿ. t.tp.: Dār al-Fikr, 1982.
5. Al-Bayḍāwī, Abdullah bin ʿUmar. Minhāj al-Wuṣūl ilā ʿIlm al-Uṣūl, printed with al-Isnawī, "Nihāyat al-Sūl Sharḥ Minhāj al-Uṣūl." Beirūt: ʿAlam al-Kutub, 1343H.
6. Al-Ḍuwayḥī, Ahmad bin Abdullah. Al-Taʿlīl bi al-Ḥikmah. Riyāḍ: t.p, 1427H.
7. Al-Ghazālī, Abū Ḥāmid. Al-Mustaṣfā min ʿIlm al-Uṣūl. Muhammad Abd al-Salām Abd al-Shāfī (edit). Beirūt: Dār al-Kutub al-ʿIlmiyyah, 1993.
8. Al-Ghazālī, Abū Ḥāmid. Shifā' al-Ghalīl fī Bayān al-Shabah wa al-Mukhīl wa Masālik al-Taʿlīl. Ḥamdi al-Kabīsī (edit). Baghdad: Maṭbaʿah al-Irshād, 1971.
9. ʿAlī Jumʿah. Al-Qiyās ʿinda al-Uṣūliyyīn. Qāherah: Dār al-Risālah, 2006.
10. Al-Ījī, ʿAḍad al-Dīn Abd Rahman. Sharḥ al-ʿAḍad ʿalā Mukhtaṣar al-Muntahā al-Uṣūlī. Fādī Naṣīf & Ṭāriq Yaḥyā (edit). Beirūt: Dār al-Kutub al-ʿIlmiyyah, 2000.
11. Al-Isnawī, Jamāl al-Dīn. Nihāyah al-Sūl fī Sharḥ Minhāj al-Uṣūl. Beirūt: ʿAlam al-Kutub, 1343H.
12. Al-Kamālī, Abd Allah bin Yaḥyā bin Muhammad. Al-Taʿlīl bi al-Ḥikmah ʿInda ʿUlamā' al-Uṣūl wa Atharuhu fī al-Fiqh al-Islāmiyy. Kuwait: Gherās, 2013.
13. Al-Lakhmī, Ramaḍān Abd al-Wadūd. Al-Taʿlīl bi al-Maṣlaḥah ʿinda al-Uṣūliyyīn. Mesir: Dār al-Hudā, 1987.
14. Al-Muṭīʿī, Muhammad Bakhīt. "Sullam al-Wuṣūl li Sharḥ Nihāyat al-Sūl" printed with Jamāl al-Dīn al-Isnawī, Nihāyat al-Sūl fī Sharḥ Minhāj al-Uṣūl. Beirūt: ʿAlam al-Kutub, 1343H, 4:261.
15. Al-Qarāfī, Shihāb al-Dīn. Anwār al-Burūq fī Anwā' al-Furūq. Qaherah; Dār al-Salām, 2010
16. Al-Qarāfī, Shihāb al-Dīn. Sharḥ Tanqīḥ al-Fuṣūl. Ṭāha Abd al-Ra'ūf Saʿad (edit). t.tp: al-Ṭabaʿah al-Fanniyyah al-Muttaḥidah, cet.1, 1973.
17. Al-Rāzī, Fakhr al-Dīn. Al-Maḥṣūl fī ʿIlmi Uṣūl al-Fiqh. Ṭāhā Jābir al-ʿAlwānī (edit). t.tp.: Muassasah

al-Risālah, cet. 3, 1997.
18. Al-Saʿdī, Abd Ḥakīm Abd Raḥmān. Mabāḥith al-ʿillah fī al-Qiyās ʿinda al-Uṣūliyyīn. Beirut: Dār al-Bashāir al-Islāmiyyah, cet.2, 2000.
19. Al-Saʿdī, Abd Ḥakīm Abd Raḥmān. Mabāḥith al-ʿillah fī al-Qiyās ʿinda al-Uṣūliyyīn. Beirut: Dār al-Bashāir al-Islāmiyyah, cet.2, 2000.
20. Al-Sāmirrā'ī, Sabāh Ṭaha Bashīr. Al-Ḥikmah ʿInda al-Uṣūliyyin. Lubnan: Dār al-Kutub al-ʿIlmiyyah, 2009,
21. Al-Shāṭibī, Ibrāhīm bin Mūsā. Al-Muwāfaqāt. Ḥasan Āli Salmān (edit). Arab Saudi: Dār Ibn ʿAffān, cet.1, 1997.
22. Al-Shawkānī, Muhammad bin ʿAlī. Irshād al-Fuḥūl ilā Taḥqīq al-Ḥaq min ʿIlm al-Uṣūl. Khalīl al-Mīs & Ṣāliḥ Farfūr (edit). t.tp: Dār al-Kitāb al-ʿArabī, cet.1, 1999.
23. Al-Subkī, Tāj al-Dīn Abd al-Wahab. Jamʿu al-Jawāmiʿ fī Uṣūl al-Fiqh. Beirūt: Dār al-Kutub al-ʿIlmiyyah, 1996.
24. Al-Subkī, Taqiy al-Dīn & Tāj al-Dīn. Al-Ibhāj fī Sharḥ al-Minhāj. Beirūt: Dār al-Kutub al-ʿIlmiyyah, 1995.
25. Al-Zanjānī, Maḥmūd bin Aḥmad. Takhrīj al-Furūʿ ʿala al-Uṣūl. Beirut: Muassasah al-Risālah, cet.2, 1398H.
26. Al-Zarkashī, Badr al-Dīn Muhammad bin Bahadur. Al-Baḥr al-Muḥit fī Uṣūl al-Fiqh. Abd al-Sattār Abū Ghuddah (edit). Ghardaqah: Dār al-Ṣafwah, cet.2, 1992.
27. Ḥanān Abd al-Karīm al-Quḍāḥ & Muhammad Khālid Manṣūr, "al-Ta'lil al-Maṣlaḥī wa Taṭbīqātuhu fī al-Madhhab al-Shāfiʿī," Dirāsāt ʿUlūm al-Sharīʿah wa al-Qanūn 43, no.2, (2016): 711-727, 716.
28. Ḥusām Ḥusayn Mazbān & ʿĀmir Yāsīn ʿAydān, "al-Ṣillah bayn al-Taʿlīl bi al-Ḥikmah wa Naqḍ al-ʿillah ʿinda al-Uṣūliyyīn," Majallah al-ʿUlūm al-Islāmiyyah, (2017):767-828.
29. Ibn al-Ḥājib, Jamāl al-Dīn. Muntahā al-Wuṣūl wa al-Amal fī ʿIlmay al-Uṣūl wa al-Jadal. Mesir: Maṭbaʿah al-Saʿādah, 1326H.
30. Ibn al-Najjār, Muḥammad bin Aḥmad bin Abd al-ʿAzīz. Sharḥ al-Kawkab al-Munīr. Muhammad al-Zuḥaylī & Nāzih Ḥammād (edit). Riyāḍ: Maktabah al-ʿAbīkān, cet. 1, 1993.
31. Jamīlah Tilūt. Naẓariyyah Dawrān al-Aḥkām al-Sharʿiyyah: Dirāsah Uṣūliyyah Maqāṣidiyyah, London: Muassasah al-Furqān li al-Turāth al-Islāmī, 2019.
32. Md Azzaat Ahsanie bin Lokman (2021). Penggunaan Hikmah Saintifik Berdasarkan Konsep Al-Taʿlīl bi al-Ḥikmah Dalam Isu Fiqh Terpilih. PhD Thesis. UniSZA
33. Muʿādh bin Abd al-Kabīr Nānī. Athar al-Taʿlīl bi al-Maṣlaḥah fī al-Tashrīʿ al-Islāmī: Dirāsah Naẓariyyah Taṭbīqiyyah. Riyāḍ: Maktabah al-Rushd, 2019.
34. Muhammad Muṣṭafā Shalabī. Taʿlīl al-aḥkām ʿArd wa Tahlīl lī Ṭarīqah al-Taʿlīl wa Taṭawwurātihā fī ʿUṣūr al-Ijtihād wa al-Taqlīd. Qaherah: Dār al-Salām, 2017.
35. Muhammad Muṣṭafā Shalabī. Uṣūl al-Fiqh al-Islāmiy. t.tp: al-Dār al-Jamiʿiyyah, t.t.
36. Muhammad Salīm al-ʿAwwā. Al-Taʿlīl bi al-Ḥikmah: Jawāzuhu wa Wuqūʿuhu fi al-Sharīʿah wa al-Fiqh (ʿAmal al-ʿAllāmah al-Shaykh Muhammad Muṣṭafā Shalabī Namūzajan). London: Muassasah al-Furqān li al-Turāth al-Islāmiyy, 2014.
37. Rā'id Naṣrī Jamīl Abū Mu'nis. Manhaj al-Taʿlīl bi al-Ḥikmah wa Atharuhu fī al-Tashrīʿ al-Islāmiy. Herndon: Maʿhad al-ʿĀlami li Fikr al-Islāmiy, 2007.
38. Ridzwan Ahmad. "Standard Penentuan Maṣlaḥah Dan Mafsadah Dalam Hukum Islam Semasa di Malaysia." PhD Thesis, Akademi Pengajian Islam, Universiti Malaya, 2004.
39. ʿUmar Jadiah, Manhaj al-al-Istiqrā' ʿinda al-Uṣūliyyīn wa al-Fuqahā', Beirūt: Dār al-Kutub al-ʿIlmiyyah, 2010.