

DERIVATION IN *UṢŪL AL-FIQH*

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A Thesis Submitted to the Faculty of Graduate Studies
and Research in Partial Fulfillment of the
Requirements of the Degree of
Master of Arts

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June, 1988

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ABSTRACT

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This is an attempt to investigate the linguistic question of derivation in *uṣūl al-fiqh* (legal theory). Being treated in various linguistic disciplines, especially grammar, the subject matter is studied in light of these disciplines in order to expound the unique contribution of *uṣūlists* to it. The present study explores the chronological evolution of the subject and presents "derivation" as one example of the methodology applied by *uṣūlists* to linguistic issues.

This thesis concludes that derivation was introduced in *uṣūl al-fiqh* in order to address a theological problem related to divine attributes. Hence, insofar as strict legal methodology is concerned, derivation represents an extraneous issue in Sunnī *uṣūl al-fiqh* as it bears no juridical consequences pertaining to positive law. On the other hand, derivation is considered an integral part of Shīcī *uṣūl al-fiqh* since the subject is intimately related to positive legal questions.

RÉSUMÉ

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Titre: La Dérivation dans *uṣūl al-fiqh*

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Le présent essai se veut le fruit d'une recherche sur la dérivation: question linguistique mise en rapport avec le domaine suivant: *uṣūl al-fiqh* (théorie légale). Le sujet, traité dans différentes disciplines, spécialement la grammaire, est étudié à la lumière de ces disciplines afin d'extraire la contribution particulière qu' y ont apportée les *uṣūlistes*. Notre étude retrace donc l'évolution chronologique du sujet et présente la "dérivation" comme un exemple de la méthodologie mise en pratique par les *uṣūlistes* en matières linguistiques.

Cette thèse conclut que la dérivation a été introduite dans l'*uṣūl al-fiqh* afin de pouvoir aborder un problème théologique relié aux attributs divins. Par conséquent, pour autant que la méthodologie légale stricte soit concernée, la dérivation reste un élément externe de l'*uṣūl al-fiqh* Sunnī, parce qu'elle n'a pas de conséquences juridiques sur la loi positive. D'autre part, la dérivation constitue une partie intégrale de l' *uṣūl al-fiqh* Shī'ī, le sujet étant intimement relié aux questions légales positives.

ACKNOWLEDGEMENTS

I would like to express deep appreciation to Professor Wael Hallaq, my thesis advisor, who provided me with constructive criticism, suggestions and guidance throughout the preparation of this thesis. My cordial thanks are due to the administrators of the University of Bahrain for granting me a scholarship to pursue my study.

I wish to express sincere thanks to my colleague Ms. Karmen Talbot for typing the thesis and for her valuable remarks. Thanks are also due to the Institute of Islamic Studies' Library, particularly Ms. Salwa Ferahian and Mr. Steve Millier for their valuable help. Finally, I am overwhelmingly indebted to my beloved parents and dear wife for their ceaseless support.

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19.11.64

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TRANSLITERATION TABLE

Consonants: ' initial: unexpressed ' medial and final: '

Arabic	Persian	Turkish	Urdu	Arabic	Persian	Turkish	Urdu
ب b	b	b	b	ص s	ş	ş	ş
پ	p	p	p	ض ḍ	z	z	z
ت t	t	t	t	ط ṭ	ṭ	ṭ	ṭ
ث			<u>t</u>	ظ ḏ	ḏ	ḏ	ḏ
ث th	<u>s</u>	<u>s</u>	<u>s</u>	ع ʿ	ʿ	ʿ	ʿ
ج j	j	c	j	غ gh	gh	ğ	<u>gh</u>
چ	ch	ç	ch	ف f	f	f	f
ح ḥ	ḥ	ḥ	ḥ	ق q	q	k	q
خ kh	kh	<u>h</u>	<u>kh</u>	ك k	k	k	k
د d	d	d	d	گ	g	g	g
ڊ			<u>d</u>	ث		ñ	
ڌ dh	<u>z</u>	<u>z</u>	<u>z</u>	ل l	l	l	l
ر r	r	r	r	م m	m	m	m
ړ			<u>r</u>	ن n	n	n	n
ز z	z	z	z	و			ṇ
ژ	zh	zh	zh	ه h	h	h	h
س s	s	s	s	و w	v	v	v
ش sh	sh	ş	sh	ی y	y	y	y

The yā' bearing a shadda is transliterated as «iyya».

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INTRODUCTION

Having as its ultimate objective the derivation of legal rulings from the Qur'ān and the Sunna, *uṣūl al-fiqh* (legal theory) concerns itself with the important task of analyzing the linguistic structure of these two primary sources. The first step in any undertaking of *ijtihād* (legal reasoning) is linguistic analysis which constitutes the subject of the preliminary chapters in works of *uṣūl al-fiqh*. The question of derivation stands as one of the fundamental linguistic matters which is of concern to *uṣūlists*. In classical Arabic philology three types of derivation are distinguished; they are minor derivation (*al-ishtiqāq al-aṣghar*), major derivation (*al-ishtiqāq al-kabīr*) and superior derivation (*al-ishtiqāq al-akbar*). Of these types, *uṣūlists* are concerned only with minor derivation.

Although derivation is dealt with in various disciplines, such as grammar, morphology and rhetoric, its treatment in *uṣūl al-fiqh* is distinctive. This is because *uṣūlists* focus upon the significance of the semantic aspect of the derivative, which is directly related to their disciplinary interest. However, despite the importance of the subject, thus far it has received no attention in either the secular Middle Eastern university or the West.

It thus seems that no one has written about the subject except Muṣṭafā Jamāl al-Dīn (b.1924)¹ and Ṣāliḥ al-Ẓālimī

¹Muṣṭafā Jamāl al-Dīn, *Al-Baḥṭh al-Naḥwī fī al-Uṣūliyyīn* (Baghdad: Dār al-Rashīd, 1980), 83-140.

(b.1926),² who belong to the legal school of al-Najaf, where the subject has recently flourished. However, their studies are not comprehensive, for al-Ẓālimī only deals with the origin (*aṣl*) of derivatives, an aspect which receives no special attention except in the modern Shīʿī school of al-Najaf. On the other hand, Jamāl al-Dīn pays no attention to the rhetorical and theological aspects of the subject and restricts his study to the grammatical feature. Generally, none of these scholars examines the rationale beyond the integration of the subject in *uṣūl al-fiqh*, its historical evolution, its relation to positive law and other pertinent issues.

In light of this, the present study attempts to provide a comprehensive exposition of the subject. It also endeavors to trace the influence of other disciplines, such as grammar, rhetoric, logic, and philosophy on the subject. Since grammar is one of the major fields of derivation, whenever possible the views of grammarians and *uṣūlists* are taken into consideration. Such a comparative study demonstrates the interdependence between the two and guides us to an assessment of the scholarly contribution of *uṣūlists* to the subject in general. In short, this thesis points out the link between *uṣūl al-fiqh* and related subjects, especially grammar.

Furthermore, as part of the linguistic exposition with which the *uṣūlists* deal, derivation is studied here as an example which sheds light upon the methodological philosophy of *uṣūlists*

²Ṣāliḥ al-Ẓālimī, "Al-Aṣl al-Nazarī aw al-Tārīkhī lil-Mushtaqqāt wal-Afʿāl," *Majallat Kulliyat al-Fiqh* (Najaf: Maṭbaʿat al-Ādāb, 1979), 1: 473:491.

in treating linguistic issues. This philosophy is unique and deserves a thorough study: this thesis should be considered as a preliminary step towards that end. However, the methodology concerning this particular issue, i.e., derivation, is highlighted here.

This thesis draws upon various sources relative to *uṣūl al-fiqh* in its treatment of the subject matter. Supplementary references from fields related to grammar, morphology, theology, rhetoric and the like have also been employed.

The thesis consists of three chapters, the first of which outlines the concepts of grammar and *uṣūl al-fiqh* and provides an overview of the interrelation between the two. Particular attention is paid to the various types of derivation, each of which is investigated in light of its importance to the Arabic language and its relation to *uṣūl al-fiqh*. The second chapter focuses on the historical evolution of derivation in *uṣūl al-fiqh*, laying particular emphasis on the historical and intellectual circumstances under which derivation was incorporated into *uṣūl al-fiqh*. It also investigates the concept of derivation peculiar to *uṣūlists*. A major part of this chapter is devoted to the question of the identification of the origin of derivatives. This topic will be treated and analyzed historically and comparatively, beginning with its genesis down to its treatment in the modern schools. The third chapter discusses whether the *uṣūlistic*³ concept of

³In this thesis, the word "*uṣūlist*" is employed to indicate a scholar of *uṣūl al-fiqh* while "*uṣūlistic*" is used as an adjective. This usage is in accordance with the English molds linguist-linguistic, artist, artistic... etc.

the derivative retains its linguistic identity or gains a novel identity which serves its own disciplinary interest. Most of this chapter is dedicated to the analyses of the derivative and its objectives. There are three analytical dimensions, namely, grammatical (which discusses whether the derivative is simple or compound), rhetorical (which treats the issue of whether the various usages of the derivative are real, *ḥaqīqī*, or metaphorical) and finally theological (which treats of the divine attributes).

CHAPTER ONE

DERIVATION IN THE LINGUISTIC DISCIPLINES AND *UṢŪL AL-FIQH*

Derivation was studied fairly extensively as early as the second/eighth century by grammarians and philologists, such as al-Mufaḍḍal Ibn Salama al-Ḍabbī (d.168/784), Muḥammad Ibn Aḥmad known as Quṭrub (d.206/821) and ʿAbd al-Malik al-Bāhilī known as al-Aṣmaʿī (d.216/831).¹ The vital role that derivation played in the mechanism of the Arabic language as a whole renders its study necessary to various disciplines, such as grammar, philology, morphology, rhetoric and *uṣūl al-fiqh*. In the latter, derivation is studied as part of expositions called linguistic premises or principles (*mabāḥith al-alfāz* or *al-mabādiʾ al-lughawiyya*). Although derivation represents a common denominator in these disciplines, each of them tackles the issue of derivation from its own perspective, in an effort to achieve its own objectives. Since grammar is the main linguistic discipline dealing with derivation, we shall, as a preliminary step, identify it along with *uṣūl al-fiqh* investigating the interrelations between these two disciplines.

Grammar

Among Arab grammarians there are two viewpoints on the nature of Arabic grammatical studies. The vast majority of these

¹ Jalāl al-Dīn al-Suyūṭī, *Al-Muzhir*, ed. M. Bik, M. Ibrāhīm and A. al-Bajjāwī, 2 vols., 3rd ed. (Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabiyya, n.d.), I:351.

scholars emphasize parsing words within sentences. In other words, they emphasize vocalization (*l^ḥcrāb*) by investigating the literal (*lafẓī*) influence of words on each other. Little, if any attention, is paid to semantics, the relation of words with their respective parts of speech, or to syntax. Hence, Arabic grammar has been treated as a unique phenomenon in comparison with other grammars which treat many elements including phonology, morphology, syntax and semantic relations within sentences. Arab grammarians have literally divorced semantics and syntax from their studies. Furthermore, some of them call grammar the knowledge of vocalization (*ʿilm al-^ḥcrāb*).² They define grammar as “a knowledge which studies the endings of words as regards *bināʾ* and *ḥcrāb*.”³ This trend in the study of grammar dates back to the formative stages of grammar when grammarians focused their attention on vocalization deriving their incentive from the dissemination of solecism among non-Arabs who embraced Islam.

The other trend in grammar is not limited to the sphere of the vocalization of word-endings. The grammarians of this trend take into consideration the fact that grammar should deal with syntax and the resultant meaning of speech (semantics). In other words, this approach might be said to be multi-leveled: it deals with the atomic level (phonology), then the molecular level (morphology) and finally the microsystems (syntax) and

²Muḥammad ʿAlī al-Tahānawī, *Kashshāf Iṣṭilāḥāt al-Funūn*, ed. Luṭfī ʿAbd al-Badīʿ (Cairo: Maktabat al-Nahḍa al-Miṣriyya, 1382/1963), 23.

³Al-Sharīf al-Jurjānī, *Kitāb al-Taʿrīfāt* (Constantinople: n.p. 1300/1882), 164. See also, ʿAbd Allāh al-Fākihī, *Kitāb Hudūd al-Naḥw* (Calcutta: n.p., 1946), 1.

macrosystems (semantics). Hence, the purpose of grammar is “to prevent errors in composition and in understanding this composition and communicating it.”⁴

Khalaf al-Aḥmar (d.180/796) may be considered as a representative of this trend⁵ as he declares in the introduction of his book *Muqaddima fil-Naḥw* ⁶ that the purpose of the book is to establish rules for writers, speakers, poets and orators. However, this statement does not necessarily mean that he is supportive of this trend of grammar because even the pure study of vocalization helps writers, speakers and others. In fact, a brief glance at his book shows that he is in support of the first trend because his book deals exclusively with vocalization. He primarily treats prepositions which introduce nominative, accusative, genitive and quiescence. Generally, his approach focuses on inflectional grammar insofar as vocalization is concerned.

There are some grammarians who adopt the comprehensive concept of grammar in part, such as Sībawayh and al-Zamakhsharī (d.538/1143). In his book *al-Mufaṣṣal*, for instance, al-Zamakhsharī and his commentator Ibn Yaʿīsh (d.643/1245) present a typical approach to the comprehensive treatment of some grammatical issues, such as in the case of the particles

⁴Al-Tahānawī, *Kashshāf...*, 23.

⁵Muṣṭafá Jamāl al-Dīn, *Al-Baḥṭh al-Naḥwī ʿind al-Uṣūliyyīn* (Baghdad: Dār al-Rashīd, 1980), 27.

⁶Khalaf al-Aḥmar, *Muqaddima fil-Naḥw*, ed. I. D. Tanūkhī (Damascus: n.p. 1381/1961), 34.

“*ilā*” and “*ḥattā*”.⁷ It also seems that Ibn Jinnī (d.392/1002)⁸ and the well-known rhetorician al-Sakkākī (d.626/1228) share the same attitude to grammar, although like the rhetoricians, they do not present it in an independent grammatical framework.

It is noteworthy that *uṣūl al-fiqh* is concerned with this tendency of grammar. It focuses on the level of semantics, which has thus far been neglected by grammarians, as shall be shown in the course of this thesis.

Uṣūl al-fiqh

Apparently established by al-Shāfiʿī (d.204/820),⁹ *uṣūl al-fiqh* is an indispensable domain for *ijtihād* (legal reasoning). In fact, *ijtihād* draws upon many other disciplines, such as *ʿilm al-rijāl*,¹⁰ grammar, *ḥadīth* (tradition), and so on. But *uṣūl al-fiqh* performs the most vital role in *ijtihād*. It is defined by Muḥammad Bāqir al-Ṣadr (d. 1980) as “a knowledge of common elements (*ʿanāṣir mushtaraka*) used in inferring the legal obligation (*jaʿl sharʿī*).”¹¹

⁷Yacīsh ibn Yaʿīsh, *Sharḥ al-Mufaṣṣal*, 10 vols. (Cairo: Idārat al-Ṭibāʿa al-Muniriyya, n.d.) 8:14-20.

⁸Uthmān ibn Jinnī, *Al-Khaṣāʾiṣ*, 3 vols. ed. M.A. al-Najjār (Cairo: Dār al-Kutub al-Miṣriyya, 1374/1955), 1:34.

⁹Joseph Schacht, *An Introduction to Islamic Law* (London: Oxford University Press, 1964), 48.

¹⁰It is also called *al-jarḥ wal-taʿdīl*. It deals with biographies of people who transmit the Sunna in order to know the rectitude of any transmitter of a report on the basis of which positive law is decided.

¹¹Muḥammad Bāqir al-Ṣadr, *Durūs fī ʿilm al-Uṣūl*, 4 vols. (Beirut(?): Dār al-Kitāb al-Lubnānī and Dār al-Kitāb al-Miṣrī, 1980), 3:13.

Uṣūl al-fiqh deals with the bases of Islamic law, such as the Qur'ān, the Sunna, consensus, *qiyās* (analogy) and certain linguistic principles. These bases are the common principles which partake in inferring rulings of positive law. In other words, *uṣūl al-fiqh* provides *mujtahids* with principles or strategies the implementation of which result in legal rulings. Hence, it is called "the logic of positive law."¹² To grasp the nature of what is included in *uṣūl al-fiqh*, one should bear in mind that the *mujtahid* deals with two types of elements in order to establish legal rulings:¹³

1. Particular elements which are relative to a certain issue, e.g. a prophetic report which establishes a certain punishment for an adulterer. In order to adopt this kind of punishment, the *mujtahid* has to deal with elements, such as the rectitude of the transmitter of this report, whether or not this report was abrogated by another report or the Qur'ān, the lexical meaning of the report's words, etc..

2. Common elements which participate in the process of establishing many different rulings in positive law. For example, whether or not the isolated report or the reliance on the apparent meaning of speech are authoritative. These elements do not pertain to specific issues in positive law, such as the punishment of fornication; rather, they are applicable to many cases, such as prayer, punishment, marriage, gifts and so forth. Further

¹²Ibid., 2:12.

¹³Ibid., 2:11-12.

illustration of this point is the Qur'ānic verse “*wa-tayammamū ṣaʿīdan ṭayyibā.*”¹⁴ In order to derive a ruling of positive law from this verse, the *mujtahid* would draw the following syllogism:

The meaning of “*ṣaʿīd*” as dust or sand is apparent.

Every apparent meaning is authoritative

The meaning of “*ṣaʿīd*” as dust or sand is authoritative.

Evidently, the lexical matter, i.e. the meaning of *ṣaʿīd*, in this example, pertains to a particular case which is *tayammum* (using sand instead of water for ablution). In contrast, the major premise concerning the authoritativeness of the apparent meaning represents an *uṣūlistic* rule, which is applicable to many analogous cases.

The first type of element must be investigated by the *mujtahid* himself since it is a special issue related to a particular incident. However, the second type of element is regulated in *uṣūl al-fiqh* because the common denominator among them makes it easy for its integration and application in a given discipline.¹⁵

¹⁴Qur'ān 3:43.

¹⁵It is important to mention here that there are, theoretically speaking, *uṣūlists* who lay down the principles of *uṣūl al-fiqh*; and *mujtahids*, who apply these principles in their inferences which aim at establishing rulings of positive law. However, in practice, this distinction ceases to exist between them because every *mujtahid* is an *uṣūlist* and almost every *uṣūlist* is a *mujtahid*. For this reason, these two terms are used interchangeably by some writers and occasionally will be used in this manner throughout this thesis.

The Relationship Between *Ijtihād* and the Language

Dealing with the Qur'ān and the Sunna, the *mujtahid* is required to have a good command of the Arabic language. He should be versed in the language in order to be aware of subtle differences which may change the meaning entirely. For instance, if someone says: "*li fulānin Āindī mi'atun ghayru dirham,*" one would be admitting that he owes someone 100 *dirhams*. However, if he says "*lahū Āindī mi'atun ghayra dirham*" he is admitting that he owes that person 99 *dirhams*, for "*ghayru*" in the first statement indicates an adjective which does not affect the previous noun; while "*ghayra*" indicates an exception, so that it excludes what follows it from what precedes it.¹⁶ Another illustration from the Sunna ¹⁷ is the prophetic report which Sunnī muslims read as "*naḥnu ma'āshira al-anbiyā'i lā nuwarrithu mā taraknā ṣadaqatun*" [We, the prophets, do not leave an inheritance. Whatever we leave behind is endowment]. However, Shī'ī muslims read the last word in the report as *ṣadaqatan* not *ṣadaqatun* rendering the meaning [We, the prophets, do not leave as an inheritance what we leave as an endowment]. As a result, Sunnī muslims take it to mean that prophets are not allowed to leave anything as inheritance, but the Shī'īs claim they are allowed to do so. This diversity refers to the vocalization of the

¹⁶Yā'qūb ibn Abī Ya'qūb, *Sharḥ al-Mufaṣṣal*, 1:11.

¹⁷Nādiya S. al-ʿUmarī, *Al-Ijtihād fil-Islām* (Beirut: Mu'assasat al-Risāla, 1401/1981), 90. See also, Muḥammad Bāqir al-Ṣadr, *Fadāḥ fil-Tārīkh*, 2nd. ed. (Najaf: al-Maṭbaʿa al-Ḥaydariyya, 1389/1970), 131-132.

last word in the report whether it is “*mā taraknā ṣadaqatun*,” the first view, or “*ṣadaqatan*,” the second view.¹⁸

Therefore, *mujtahids* are required to be knowledgeable in the language, but to what extent? To answer this question, one must bear in mind that the *mujtahid* deals with the language on two levels. First, he treats the language in general by studying the aspects which provide him with a thorough understanding of the language in which the fundamental sources of law, the Qur’ān and the Sunna, were revealed. On this level, disciplines, such as grammar, morphology and rhetoric, are of vital importance to the *mujtahid*. Second, the *mujtahid* deals extensively with specific linguistic issues investigated in *uṣūl al-fiqh*. However, with regard to the language in general, the first level, jurists offer two answers to the previous question.

The first answer is provided by Abū Ishāq al-Shāṭibī (d.790/1388). He demands that the *mujtahid* in *sharīʿa* must also be a *mujtahid* in Arabic. He explicitly states his view by saying that the *mujtahid* “must reach the level of the masters of the Arabic language, such as al-Khalīl, Sībawayh, al-Akhfash, al-Jarmī, al-Māzinī and others like them.”¹⁹

¹⁸This dispute dates back to a historical event concerning the two pieces of land which the Prophet Muḥammad owned. The first caliph, Abū Bakr, and his supporters claimed that these lands belong to the community, while Fāṭima, the Prophet’s daughter, claimed them to belong to her by inheritance, according to the general principle of inheritance in the *sharīʿa*.

¹⁹Abū Ishāq al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharīʿa*, ed. ʿAbd Allāh Darrāz, 4 vols. (Cairo: al-Maṭbaʿa al-Raḥmāniyya, n.d.), 4:115.

The second answer is provided by the vast majority of jurists, such as al-Ghazālī (d.505/1111),²⁰ al-Āmidī (d. 631/1233),²¹ al-Subkī (d.771/1370),²² and most Shīcī *mujtahids*.²³ They demand that the *mujtahid* must obtain a good command of the language to enable him to understand the Arabic speech and the custom of its use, as al-Ghazālī points out. Accordingly, the *mujtahid* need not be versed as al-Khalīl or Sībawayh.

As it has been noted previously, jurists have given much attention to the language because of the vital role it plays in the scope of legal reasoning. However, that attention is overshadowed by the attention given to some linguistic matters which are dealt with in *uṣūl al-fiqh* within the exposition of the linguistic premises or principles. These matters have been originally investigated to an extent that Arab linguists have not reached. In fact, as Weiss points out, the preoccupation with linguistic matters is greater in the case of the Islamic legal tradition than in most other legal traditions, including those in

²⁰Abū Ḥāmid al-Ghazālī, *Al-Mustaṣfá*, 2 vols., 2nd ed. (Baghdad: Maṭbaʿat al-Muthanná, 1970), 2:352.

²¹Sayf al-Dīn al-Āmidī, *Al-Iḥkām fī Uṣūl al-Aḥkām*, 4 vols. (Cairo: Dār al-Ḥadīth, n.d.), 4:220.

²²Tāj al-Dīn al-Subkī, *Jamʿ al-Jawāmiʿ*, 2 vols. (Cairo: Maṭbaʿat Dār Iḥyāʾ al-Kutub al-ʿArabiyya, n.d.), 2:383.

²³Muḥammad al-Shīrāzī, *Al-Wuṣūl ilá Kifāyat al-Uṣūl*, 5 vols. (Najaf: Maṭbaʿat al-Ādāb, n.d.), 5:335.

the West.²⁴ *Uṣūlists* have introduced some linguistic concepts, such as *mafḥūm al-mukhālafa*, which do not even exist in any linguistic disciplines. This preoccupation with the language is due to the fact that the *mujtahid* in *sharīʿa* must be a *mujtahid* in these matters, which are considered an integral part of *uṣūl al-fiqh*.

Why are only those particular matters included in *uṣūl al-fiqh*? Some scholars, such as Weiss, seem to grasp the relationship between those matters and *uṣūl al-fiqh* in light of the indispensability of the language to *sharīʿa*.²⁵ But that does not solve the question because not only these matters but language as a whole is of great importance to *sharīʿa*. Muḥammad T. al-Ḥakīm declares that those linguistic matters are not part of *uṣūl al-fiqh*. They are included in this discipline because they are related to the means of establishing Islamic law, and have not received adequate attention in their own scholarly fields.²⁶ Al-Ḥakīm's disciple, Muṣṭafá Jamāl al-Dīn (b.1924) holds the same view. He believes that *uṣūlists* have included these linguistic

²⁴Bernard Weiss, "Language and Law: the Linguistic Premises of Islamic Legal Science," *In quest of an Islamic Humanism: Arabic and Islamic Studies in Memory of Mohamed al-Nowaihi*, ed. Arnold H. Green (Cairo: American University, 1985), 18.

²⁵*Ibid.*, 15-16.

²⁶Muḥammad T. al-Ḥakīm, "*Al-Waḍʿ*," *al-Baḥūth wal-Muḥāḍarāt* (Baghdad: Maṭbaʿat al-Majmaʿ al-ʿIrāqī al-ʿIlmī, 1386/1966), 345.

matters in order to investigate their semantic values which grammarians neglect.²⁷

However, the modern *mujtahids* in the Shīʿī school,²⁸ such as Abū al-Qāsim al-Khūʾī (b. 1317/1899) and Muḥammad Bāqir al-Ṣadr, regard those matters as an integral part of *uṣūl al-fiqh* because they result in common principles or elements which are involved directly in the legal inference, just as any *uṣūlistic* principles. Still, this view does not square with the *de facto* *uṣūlistic* works which include many linguistic issues that do not result in common principles or elements which participate in the legal inference. For instance, *uṣūlists* deal with issues, such as homonymy, synonymy or the creation of language (*waḍʿ al-lughā*), which are not pertinent to the legal inference. However, al-Ṣadr, who adopts this view, applies it to his *uṣūlistic* works wherein he, consequently, rearranges the classification of the linguistic premises. Despite the changes he introduces in the linguistic premises, he does not dispense with some issues which he otherwise deems irrelevant, such as metaphor, homonymy and so forth.

It is noteworthy that most linguistic principles dealt with in *uṣūl al-fiqh* are grammatical. These principles could be perceived of as representing an *uṣūlistic* grammar which chiefly concerns itself with semantics and partly with syntax but pays

²⁷Jamāl al-Dīn, *Al-Baḥth al-Naḥwī...*, 53.

²⁸Muḥammad Al-Fayyāḍ, *Muḥāḍarāt fī Uṣūl al-Fiqh*, 5 vols. (Najaf: Maṭbaʿat al-Najaf, 1382/1962), 1:13.

no attention whatsoever to vocalization. *Uṣūlists* depend on intellectual speculation as a central basis for their grammatical methodology. Accordingly, they, unlike grammarians, almost neglect induction (*istiqrā'*) which is vital in grammatical studies. In fact, the philosophical and intellectual method of the *uṣūlists* makes their grammar impenetrable. They analyze speech philosophically and go into meticulous detail. This phenomenon will become evident in their discussion of whether the derivative is simple or compound.

On the Nature of Derivation and Its Types

Derivation is considered by many writers as a salient feature of the logical structure of Arabic grammar. This is because derivation is based on *qiyās* (analogy), a term which grammarians have used since the formative stages of grammar. Aḥmad Amīn, a contemporary Egyptian writer, maintains that grammarians were influenced by jurists in adopting *qiyās*, the method which flourished under its most outstanding representatives: Abū ʿAlī al-Fārisī and his disciple ʿUthmān Ibn Jinnī.²⁹ In contrast, it is claimed that Arab grammarians preceded jurists in implementing such a method.³⁰ C. H. M. Versteegh seems to have aptly ascertained that the origin of

²⁹Aḥmad Amīn, *Ḍuḥā al-Islām*, 2 vols. 3rd ed. (Cairo: Maṭbaʿat al-Taʿlīf wal-Tarjama wal-Nashr, 1371/1952), 2:281.

³⁰Wael Hallaq, "The Development of Logical Structure in Sunni Legal Theory," *Der Islam* (64) 1987, 44.

qiyās in the Arabic sciences is to be found in Arab contact with Hellenistic education and Greek culture in Syria and Palestine.³¹

While searching for the meaning of *qiyās* in grammar, one is overwhelmed by the diversity of the interpretations of the term. Many scholars, such as Aḥmad Amīn³² and Jaroslav Stetkevych,³³ believe that *qiyās* in grammar corresponds to the analogical argument in logic. This conception of the nature of *qiyās* is identical to the nature of juridical *qiyās*. The modern linguist, Ibrāhīm Anīs, concedes that the term *qiyās* meant induction at the formative stages of grammar when grammarians investigated the customary usage of Arabs and accordingly established linguistic rules. Later on, from the end of the third century, the term *qiyās* meant the implementation of those rules so that one could imitate Arabs in creating new vocabulary by using the same criteria that Arabs used and for the same purpose.³⁴

However, this view seems to be narrow since it does not take into account the view of Kūfan grammarians. They apply *qiyās* without employing induction; as a rule, *qiyās* is based upon that which is attributed to the custom of the Arabs even if the custom is anomalous. It is said that the Kūfan grammarian,

³¹C.H.M. Versteegh, "The Origin of the Term 'Qiyās' in Arabic Grammar," *Journal of Arabic Linguistics* 4 (1980), 14.

³²Amīn, *Ḍuḥā*., 2:278-280.

³³J. Stetkevych, *The Modern Arabic Literary Language* (Chicago: University of Chicago Press, 1970), 3.

³⁴Ibrāhīm Anīs, *Min Asrār al-Lugha*, 5th ed. (Cairo: Maktabat al-Anjlū Miṣriyya, 1975), 18-19.

al-Kisā'ī, “*yasmaʿu al-shādhḥa al-ladhī lā yajūzu illā fil-ḍarūratī fayajʿaluhu aṣḥan wa yaqīsu ʿalayh*.”³⁵ In his well-known verse, he says that grammar is *qiyās*:

Innama al-naḥwu qiyāsun yuttabaʿ^ʿ
wa bihī fī kulli ʿilmin yuntafaʿ^ʿ
[Grammar is nothing but analogy to be
drawn and every science benefits from it.]³⁶

This verse may have prompted Ibn al-Anbārī (d. 577/1182) to say that grammar as a whole is *qiyās*.³⁷

In fact, it might be argued that *qiyās* does not mean induction since the purpose of *qiyās* was to lay down rules of the Arabic speech. Therefore, induction was taken as a logical basis for the configuration of these rules. However, this argument becomes superfluous when we refer to the Kūfan grammarians who virtually have no regard for induction.

It seems that in the formative stages of grammar there is an uncertainty regarding the analogical nature of *qiyās*. In his exhaustive study about the use of *qiyās* in the work of Sībawayh, C.H.M. Versteegh says:

The meaning of *qiyās* in the Kitāb differs, however, slightly, but significantly from its later use. The general meaning of *qiyās* is ‘rule’. The latter meaning, a procedure by analogy, in which two forms are

³⁵Translation of the quotation is “he hears anomalous speech, which is not permissible except in the case of necessity, so he considers it as a principle on which he bases analogy.” Al-Suyūtī, *Bughyat al-Wuʿāt*., 336.

³⁶Ibid., 337.

³⁷Ibn al-Anbārī, *Lumaʿ al-Adilla*, Printed with *al-Ighrāb fī Jadal al-Iʿrāb*, ed. Saʿīd al-Afghānī (Damascus: Maṭbaʿat al-Jāmiʿa al-Sūriyya, 1377/1957), 95.

compared and judgments concerning the second form are derived from what we know about the first one, cannot apply to the *qiyās*, as Sibawayhi³⁸ uses it.³⁹

Nevertheless, the term *qiyās* undoubtedly means analogy in the writings of Ibn al-Anbārī and al-Suyūṭī (d.911/1505) on *uṣūl al-naḥw*. Both Ibn al-Anbārī, in his work *Lumaʿ al-Adilla fī Uṣūl al-Naḥw*, and al-Suyūṭī, in his book *al-Iqtirāḥ fī ʿIlm Uṣūl al-Naḥw* discuss *qiyās* in such a way that it is analogous to the discussion of *qiyās* in *uṣūl al-fiqh*. They achieve this end through a careful manipulation of the technical terminology which they employ.⁴⁰ It seems that these two books are the only extant works which deal with the technical aspects of grammatical *qiyās*, with the exception of *al-Ṭḍāḥ fī ʿIlal al-Naḥw* of Abū al-Qāsim al-Zajjājī (d.337/949). However, he does not deal with the grammatical *ʿilal* (causes) vis-a-vis *qiyās*.⁴¹ Still, whatever

³⁸It seems to me that it is incorrect to write Sībawayh with an “i” at the end as Versteegh and other do. That is because the “i” represents the vowel indicating genitive case in Arabic. Due to the fact that Sībawayh is indeclinable and that the “i” (*kasra*) is an inherent part of the noun, it is possible that this gave rise to the confusion. Nevertheless, even in Arabic, the “i” must be omitted at the end of the word according to the rule that in speech Arabs do not vocalize words at a pause. Since English does not have this system of vocalization, any single transliterated word must not be vocalized at the last letter unless for a special purpose. For instance we do not transliterate ʿAlī as ʿAliyyun, ʿAliyyan or ʿAliyyin.

³⁹C.H.M. Versteegh, “The Origin of the Term ‘Qiyās’ in Arabic Grammar,” 23.

⁴⁰Ibn al-Anbārī, *Lumaʿ al-Adilla...*, 93-133 and al-Suyūṭī, *Al-Iqtirāḥ fī ʿIlm Uṣūl al-Naḥw*, 2nd ed. (Hyderabad, n.p.1359/1940), 38-69.

⁴¹Abū al-Qāsim al-Zajjājī, *Al-Ṭḍāḥ fī ʿIlal al-Naḥw*, 3rd. ed. ed. M. al-Mubārak (Beirut: Dār al-Nafāʾis, 1399/1979), 64-66.

the nature of *qiyās*, it is an essential element in the theory of derivation.

Derivation is a crucial element in the Arabic language. It plays a vital role in the formulation and progression of the language. For instance, by applying the theory of derivation to create neologisms, Arabs were able to meet the requirements of social changes, especially during the Abbasid period which was the most fertile period of derivational literature and was the point in time when Islamic civilization reached its apogee.⁴² Terms related to developed or assimilated sciences, as well as names for new devices had to be formulated in accordance with the spirit of Arabic language and this was achieved primarily through derivation. Furthermore, derivation contributed by enlarging the dimensions of the language which enabled the men of letters to create or adopt a novel literary production.

This flexibility of the Arabic language seems to have saved the language at least at two critical junctures. First, when the Islamic conquests dominated two inveterate civilizations, the Byzantine and the Persian, the conquering Arabs had to deal with the intellectual and social activities of those two civilizations. Had it not been for the flexibility of the language, Arabic would have been dominated or, at least, spoiled by other languages which could accommodate the exigencies of everyday life. The second juncture was the movement of modernization or Westernization which was inaugurated in the second half of the

⁴²Fu'ād Tarazī, *Al-Ishtiḳāq* (Beirut: Maṭbaʿat Dār al-Kutub, 1968), 24-25.

nineteenth century and flourished at the beginning of this century. Even though this movement was associated with a political domination of the West over the Arab countries, Arabic could accommodate the Western civilization to a certain degree, without losing its identity. In fact, derivation and Arabization (*taʿrīb*) played a decisive role in the confrontation of these two challenges and enriched the linguistic sphere with neologisms. Although the viability of *taʿrīb* is disputable, it has imposed itself upon the language since the pre-Islamic period. Most of the assimilated foreign words were coined according to the structure of Arabic words, such as *dirham* (a silver coin), using the mold of *hijraʿ*; or *dīnār* (a gold coin), using the mold of *dībāj* (pure silk cloth).⁴³ Sometimes, the Arabs would leave the foreign word as it is, without changing its structure, if its letters existed in Arabic, such as *Khurāsān* or *kurkum* (turmeric).⁴⁴ The Arabs also derived some molds from assimilated words, such as *muhandis* (engineer) from *al-handasa* (engineering) or *zarqana*⁴⁵

⁴³Sībawayh, *Al-Kitāb*, 2 vols. (Cairo: al-Maṭbaʿa al-Kubrā al-Amīriyya, 1317/1899), 2:342.

⁴⁴ibid.

⁴⁵Abū Maṣʿūd al-Jawālīqī, *Al-Muʿarrab min al-Kalām al-ʿAjamī*, ed Eduard Sachau (Leipzig: n.p. 1897), 145.

from *al-zirqīn* (zircon).⁴⁶ According to some scholars,⁴⁷ some Arabicized words are included in the Qur'ān, such as *mishkāṭ* (niche), *istabraq* (brocade), *qisṭās* (balance), *sijill* (record) and so forth.⁴⁸ Beside derivation and *taʿrīb*, *al-muwallad* (neologism) performs a crucial and remarkable role in the growth of the language. Like derivation, *muwallad* is basically a restricted to Arabic origins.⁴⁹

However, whether or not the nature of the Arabic language possesses merits and properties which protect it in the face of challenges, there is a substantial factor that sustains it as well. This is the relationship between the language and religion, i.e. Islam. Since the main sources of the religion, the Qur'ān and Sunna, are revealed in Arabic, this relationship casts a halo of sanctity upon the language. Hence, this "inviolability", derived from the connection between language and religion, has a significant role in protecting the language from any radical

⁴⁶Ibid., 78.

⁴⁷The existence of foreign words in the Qur'ān is a disputable issue especially among Muslim philologists. L. Kopf suggests that "the words in question are foreign as regards their 'origin'; they are arabic with respect to the fact that they were used or at least understood by the Arabs of Qur'ānic times." For this and further information see L. Kopf, "Religious Influence on Medieval Arabic Philology," *Studia Islamica* (5) 1956.42-45.

⁴⁸S.D. al-Munajjid, *Al-Mufaṣṣal fil-Alfāẓ al-Fārisiyya al-Muʿarraba* (Beirut: Dār al-Kitāb al-Jadīd, 1398/1978), 83-87. See also, M. al-Khidr Ḥusayn, *Dirāsāt fil-ʿArabiyya wa Tārīkhihā*, 2nd ed. ʿAlī R. al-Tūnisī (Damascus: Al-Maktab al-Islāmī and Maktabat Dār al-Fath, 1380/1960), 153 and Rashīd Nakhla al-Yasūʿī, *Gharāʾib al-Lughā al-ʿArabiyya*, 2nd ed. (Beirut: al-Maṭbaʿa al-Kāthūlīkiyya, 1960), 169-285.

⁴⁹Ḥilmī Khalīl Qāsim, *Ittijāhāt al-Baḥth al-Lughawī al-Ḥadīth fil-ʿĀlam al-ʿArabī*, 2 vols. (Beirut: Mu'assasat Nawfal, 1982), 1:176-77.

change, such as the proposal of writing Arabic in Latin characters or in its colloquial form.

Nevertheless, derivation stands as an important tool which helps the language meet the changing social exigencies. It helps to introduce neologisms into the language thus contributing to its growth. In classical Arabic philology, three types of derivation are distinguished. These types are minor derivation (*al-ishtiqāq al-aṣghar*), major derivation (*al-ishtiqāq al-kabīr*) and superior derivation (*al-ishtiqāq al-akbar* or *ibdāl*). A modern author, ^cAbd Allāh Amīn, adds acronymic word formation (*naḥt*) as a fourth type of derivation. However, the most important and operative factor is minor derivation, which has been the subject of the foregoing discussion and is the focal point in *uṣūl al-fiqh*.

Minor Derivation

According to al-Sharīf al-Jurjānī (d. 816/1413), minor derivation consists of “extracting an expression (*lafẓ*) from another provided that there is a correspondence between them in meaning and structure, but a difference in the mold (*ṣīgha*).”⁵⁰ In Arabic, there are two kinds of words: derived and non-derived (*jāmid*); derivation is basically applicable to derived words. An example of minor derivation is the simple declension, such as *faʿala*, *yafʿalu*, *fāʿilun*, *mafʿūlun*, and so forth. The major nominal derivatives are: active participles, passive participles, nouns of time, nouns of place, substantive or quasi-infinitive nouns (*ism al-maṣdar*), adjectives assimilated to the participles,

⁵⁰F.H. Tarazī, *Al-Ishtiqāq*, 13.

and the forms of *afʿal* of preeminence (comparative and superlative adjectives). In addition, infinitive nouns are also regarded as nominal derivatives according to the Kūfan school, which considers the verb as the origin of derivation. This structural approach is the concern of the morphologist and is not of any interest to the *uṣūlist*.

In fact, grammar seems to be the first linguistic discipline to deal with derivation because the science of morphology did not exist at that time. Therefore, morphological and pertinent issues were treated in grammar. Then, Abū ʿUthmān al-Māzinī (d.247/861) distinguished it as an independent science in his book *Al-Taṣrīf*, the first book on morphology.⁵¹ After the second half of the second/eighth century, many books had been written on derivation, which was apparently perceived as an independent science by that time. Ibn Jinnī points out that there is a close affinity between derivation and morphology.⁵² However, derivation has become part of morphology in the modern morphological books, such as *Shadhā al-ʿArf fī Fann al-Ṣarf* of Aḥmad al-Ḥamalāwī (1856–1932).⁵³

Morphology is not the only discipline that deals with derivation. Grammar treats derivation but only to the extent that it is congruent with its disciplinary interests. While morphology

⁵¹ Ibn Jinnī, *Al-Munṣif*, 3 vols. ed. Ibrāhīm Muṣṭafá and ʿAbd Allāh Amīn (Cairo: Maṭbaʿat Muṣṭafá al-Bābī, 1379/1960), 3:288.

⁵² Ibid., 3:278.

⁵³ Aḥmad al-Ḥamalāwī, *Shadhā al-ʿArf fī Fann al-Ṣarf*, 16th ed. (Cairo: Maṭbaʿat Muṣṭafá al-Bābī, 1384/1965), 67–86.

deals with the structural aspects of derivation, grammar primarily discusses derivation with regard to the function of derivation in vocalization. Philology deals specifically with the philosophy of the theory of derivation. *Uṣūl al-fiqh* also devotes attention to derivation. While focusing upon the semantic aspects of derivatives it pays sufficient attention to some other aspects of derivation, especially the question of the origin (*aṣl*) of derivatives, as we shall see. In fact, some other disciplines have minor interest in derivation, such as logic and rhetoric. It is noteworthy that although derivation is related to divine attributes in Islamic scholastic theology, theologians do not concern themselves with an analytical study of derivation in their discipline. Rather, they build their doctrines primarily on the *uṣūlistic* discussions of the subject. This interrelation between *uṣūl al-fiqh* and theology will be outlined in the third chapter.

Cognizant of the importance of derivation, linguists have devoted a large number of books for its study. As far as we know, the first book was written by al-Mufaḍḍal Ibn Salama al-Ḍabbī. The third/ninth and fourth/tenth centuries were the most prolific periods of literature of derivation. Most books on derivation were written in this period by, for example, Quṭrub (d.206/821), al-Aṣmaʿī (d.215/830), al-Akhfash al-Awsaṭ (d.215/830), al-Zajjāj (d. 316/928), Ibn Durayd (d.321/935), Ibn Durustawayh

(d.347/959), al-Rummānī (d.384/994) and many others.⁵⁴ The second prolific period is the second half of the nineteenth century and thereafter.⁵⁵ Most books are by Shīʿī scholars who have been trained in religious schools. Accordingly, we assume that these books deal with the *uṣūlistic* point of view regarding derivation rather than from a linguistic perspective. However, the most well-received books of this period are *al-Ishtiqaq* of ʿAbd Allāh Amīn⁵⁶ and *al-Ishtiqaq wal-Taʿrīb* of ʿAbd al-Qādir al-Maghribī.⁵⁷

Major Derivation

It seems that some scholars⁵⁸ confuse this type of derivation with metathesis (linguistic *qalb*). This confusion seems to be due to the close affinity between the two. However, a comprehensive investigation of the primary sources shows that

⁵⁴See al-Suyūṭī, *Al-Muzhir*, 1:351; ʿAlī ibn Yūsuf al-Qiftī, *Inbāh al-Ruwāt ʿalā Anbāh al-Nuḥāt*, ed. Muḥammad A. Ibrāhīm (Cairo: Maṭbaʿat Dār al-Kutub al-Miṣriyya, 1950), 1:103,108,109,165,325; 2:295; 3:306, 251,144, 96; Ibn Durayd, *Al-Ishtiqaq*, ed. ʿAbd S.M. Hārūn.(Cairo: Maṭbaʿat al-Sunna al-Muḥammadiyya, 1378/1958),28-29.

⁵⁵See Ibn Durayd, *Al-Ishtiqaq*, 30; Kūrķīs ʿAwwād, *Al-Mabāḥith al-Lughawiyya fī Muʿallafāt al-ʿIrāqiyyīn al-Muḥdathīn*, (Baghdad: Maṭbaʿat al-ʿĀnī, 1385/1965), 22,27,48; Āqā Buzurk al-Ṭihrānī, *Al-Dharīʿa ilā Taṣānīf al-Shīʿa* (Tehran(?): Chāp Islamiyya, 1392/1972) 21:40-42.

⁵⁶ʿAbd Allāh Amīn. *Al-Istiqaq* (Cairo: Lajnat al-Taʿlīf wal-Tarjama wal-Nashr, 1956).

⁵⁷ʿAbd al-Qādir al-Maghribī, *Al-Ishtiqaq wal-Taʿrīb*, 2nd ed. (Cairo: Maṭbaʿat Lajnat al-Taʿlīf wal-Tarjama wal-Nashr, 1366/1947).

⁵⁸Jaroslav Stetkevych, *The Modern Arabic Literary Language*, 46 and ʿAbd al-Qādir M. al-Maghribī, *Al-Ishtiqaq wal-Taʿrīb*, 2nd ed. (Cairo: Maṭbaʿat Lajnat al-Taʿlīf wal-Tarjama wal-Nashr, 1366/1947), 10-12.

the two subjects are distinct. Al-Suyūṭī mentions that Ibn Jinnī (d.392/1002) was the first to discuss major derivation⁵⁹ and he mentions Ibn al-Sikkīt (d.244?/859?) as the author of a book on metathesis.⁶⁰ Al-Suyūṭī also mentions that Ibn Durustawayh (d. 347/958) refuted the theory of metathesis in a book entitled *lbṭāl al-Qalb* (The refutation of metathesis).⁶¹ The fact that al-Suyūṭī distinguishes the two is a sufficient indication of the difference between the two terms. In other words, if major derivation was a synonym of *qalb*, al-Suyūṭī would not have declared that Ibn Jinnī was the first to treat major derivation. Consequently, metathesis was known before Ibn Jinnī and his master Abū ʿAlī al-Fārisī (d.377/987), who inspired⁶² Ibn Jinnī to adopt the theory of major derivation.

Qalb refers to the change of position of the root consonants while retaining the original meaning. For example, *jabadha* is a transmuted form of *jadhaba* (to draw, to attract) and *al-lajiz* is a changed form of *al-lazij* (viscous). In fact, *qalb* is dealt with as major derivation by some scholars, such as J. Stetkevych and ʿAbd al-Qādir al-Maghribī, while medieval scholars, such as al-Suyūṭī, deal with it under the title of *qalb*. Eventhough, *qalb* is

⁵⁹Al-Suyūṭī, *Al-Muzhir*, 1:347.

⁶⁰It is debateable whether the date of his death is 244, 245, or 246. For al-Suyūṭī's mention of Ibn al-Sikkīt's book see *Al-Muzhir*, 1:476.

⁶¹*Ibid.*, 1:481.

⁶²Ibn Jinnī, *Al-Khaṣāʾiṣ...*, 2:133.

not applicable, it can rarely be found in colloquialisms, such as the change of *zawj* (spouse) to *jawz*.

Major derivation is the theory which was inaugurated by Abū ʿAlī al-Fārisī and developed by his disciple Ibn Jinnī. The latter calls it the superior derivation (*al-ishtiḳāq al-akbar*) but others call it major derivation (*al-ishtiḳāq al-kabīr*). Ibn Jinnī says: “this subject was not mentioned by any of our colleagues except that Abū ʿAlī, may God bless him, took an interest in it and resorted to it ... nevertheless, he did not give it a name ... This (task) of giving it a name was initiated by me myself.”⁶³ He identifies this type of derivation as taking a triliteral stem and finding a common meaning for its six molds and what could be derived from each of them. However, “if some of these molds do not coincide with that common meaning, they have to be traced back to this common meaning by professional skillfulness and interpretation.”⁶⁴ For example, the tri-stem (*j-b-r*) has “strength and hardness” as a common meaning or denominator for all of its molds, such as:

1- *jabartu al-ʿaẓma wal-faqīra* means that I have set the broken bone to be strong and redressed the poor to strengthen his financial condition.

2- *abjar* is a man who has a potbellied.

3- *Burj* (pinnacle) was given this name because of its strength.

⁶³Ibn Jinnī, *Al-Khaṣāʾiṣ*..., 2:133.

⁶⁴*Ibid.*, 2:134.

4-*Rajab* (a holy month in the Muslim calendar) was given this name because Arabs honored it by prohibiting fighting in it. It reflects a spiritual strength.⁶⁵

This type of derivation gives the Arabic letters a semantic significance and a magical role in constructing the language. However, many scholars do not believe in sound symbolism and attach no importance to this derivational dimension. Al-Suyūṭī says: “it (major derivation) is not authoritative in the language.”⁶⁶

Superior Derivation

Until the medieval period, superior derivation was known as *ibdāl* (substitution); namely, the substitution of some letters for others in a word with the retention of the original meaning. This original meaning may remain the same in substituted words or there may be nuances. In fact, substitution is a subject which attracted attention at the starting point of the linguistic disciplines. Philologists, such as Ibn al-Sikkīt and Abū al-Ṭayyib al-Lughawī (d.351/962), wrote books on this subject. Still, Ibn Jinnī treats it under the title of *taṣāqub al-alfāẓ li taṣāqub maʿānīhā* (the proximity of expressions according to the proximity of their meanings.)⁶⁷ Ibn Fāris (d. 395/1004) considers

⁶⁵Ibid., 2:135-136.

⁶⁶Al-Suyūṭī, *Al-Muzhir*, 1:347.

⁶⁷Ibid., 1:460. Abū Ishāq al-Zajjāj also wrote an abridged book called *Kitāb al-Ibdāl wal-Muʿāqaba wal-Naẓāʾir*. It was edited by ʿIzz al-Dīn al-Tanūkhī and published in 1962 in Damascus by al-Majmaʿ al-ʿilmī al-ʿArabī.

this phenomenon of substitution as a custom of the Arabs.⁶⁸

Books which are dedicated to this subject are replete with examples of this type of derivation, such as *qaḥma* and *qaḥba* (old woman),⁶⁹ *tala^cthama* (falter) and *tala^cdhama*,⁷⁰ *ba^cthara* (to scatter) *baghtara*,⁷¹ *mihdhār* (loquacious) *mibdhār* ⁷² or *ḥuthāla* (dregs) and *ḥuṣāla*.⁷³

This phenomenon is due either to phonological developments as, perhaps, in the case of *Jibra'īl* and *Jibrīl*,⁷⁴ which facilitates pronunciation, or to dialectical variants which Abū al-Ṭayyib suggested.⁷⁵ Al-Aṣma^cī relates that “two men have argued about the word ‘falcon’: one of them pronounced it ‘ṣaqr’ and the other pronounced it ‘saqr’. So they resorted to a bedouin as an arbitrator who said ‘I would say *zaqr*.’”⁷⁶ This account indicates that those variants are the result of differences in pronunciation among the

⁶⁸ Aḥmad ibn Fāris, *Al-Ṣāḥibī*, ed. M. al-Shuwaymī (Beirut: Mu'assasat A. Badrān, 1382/1963), 203.

⁶⁹ Ibn al-Sikkīt, *Kitāb al-Ibdāl*, ed. H.M.M. Sharaf (Cairo: al-Hay'a al-^cAmma li-Shu'ūn al-Maṭābi^c al-Amīriyya, 1398/1978), 71.

⁷⁰ *Ibid.*, 108.

⁷¹ *Ibid.*, 112.

⁷² Abū al-Ṭayyib al-Lughawī, *Kitāb al-Ibdāl*, ed. I. D. al-Tanūkhī. 2 vols. (Damascus: al-Majma^c al-^cIlmī al-^cArabī, 1379/1960), 1:87.

⁷³ *Ibid.*, 178.

⁷⁴ The name of the angel who communicated the Divine message to Muḥammad.

⁷⁵ Al-Suyūṭī, *Al-Muzhir*, 2:460.

⁷⁶ *Ibid.*, 1:475.

various dialects, as Ibn Khālawayh (d.369/980) points out.⁷⁷ However, substitution is not measurable in the language nor can its relation to derivation be confirmed.⁷⁸

Naḥt (Word Formation)⁷⁹

Naḥt is the formation of a single new word out of two or more⁸⁰ different words. The meaning of the newly formed word and of those original words remains the same. *Naḥt* is said to have been practiced in the pre-Islamic period. This practice was mainly concerned with names, such as ʿAbshamī related to the name ʿAbd Shams, ʿAbdarī to ʿAbd al-Dār, and ʿAbqasī to ʿAbd al-Qays. *Naḥt* was also widely practiced immediately after the emergence of Islam within the purview of Islamic expression, such as *al-basmala* from *bismi Allāh*, *al-haylala* from *lā ilāha illā Allāh*, or *al-ḥayʿala* from *ḥayya ʿalā al-ṣalā* and the like.⁸¹ Just as the formed word (*manḥūt*) can be a noun, it can also be a verb, such as *basmala* (to say *bismi Allāh*), *hayʿala* and the like. Furthermore, it can be a particle, such as *allā* (from *an + lā*),⁸²

⁷⁷Ibid.

⁷⁸Tarazī, *Al-Ishtiqāq*, 345.

⁷⁹The verb is *naḥata* (to chisel out or sculpture).

⁸⁰According to some definitions those original words are restricted to only two words. However, that is inaccurate since many words are formed from sentences or more than two words, such as *al-haylala* or *al-ḥayʿala* as mentioned in the text.

⁸¹Al-Suyūṭī, *Al-Muzhir*, I:483-484.

⁸²It seems to me that what happened here is a kind of incorporation (*idghām*) not *naḥt*. That is because the equiscent *nūn* was incorporated into the first

laysa (from *lā + aysa*), *lan* (from *lā + an*) and so forth. This phenomenon of *naḥt* could be attached to that of haplology, the tendency to shorten words, which is, as O. Jespersen suggests, a tendency of all languages.⁸³

It seems that Ibn Faris was an important figure in expanding the exposition of *al-naḥt*. He considers most words which consist of more than three words to be formed (*manḥūt*). For example, *ḍibaṭr* (an adjective for a strong man) is formed from *ḍabaṭa* (to keep something with prudence) and *ḍabara* (to be rotund); or *al-ṣildam* (an adjective for a strong hoof), which is formed from *al-ṣald* and *al-ṣadm*.⁸⁴ This expansion of the theory of *al-naḥt* was supported by Abū ʿAlī al-Ḥaḥīr al-ʿUmānī (d.598/1202) in his book *Tanbīh al-Bāriʿīn ʿalā al-Manḥūt min Kalām al-ʿArab*.⁸⁵ Another supporter of Ibn Fāris's theory is a modern philologist, ʿAbd al-Qādir al-Maghribī.⁸⁶

Some scholars, however, oppose the applicability of *al-naḥt*. The ʿIrāqī philologist Muṣṭafá Jawād is of the opinion that *al-naḥt* is rarely used in Arabic and it gives Arabic words incorrect form. He gives, as an example, the term *al-naḥsajī* or *al-*

letter from the second word according to the principle of pronouncing an equiscent *nūn*. This incorporation in writing, however, was developed from that of pronunciation. In fact, I would not consider what happened in *Allāh* as *naḥt* because we have all letters in the original words and not even a single letter is eliminated in the formed word.

⁸³Otto Jespersen, *Language, its Nature, Development and Origin* (London: George Allen & Unwin, LTD, 1969),330.

⁸⁴Aḥmad ibn Fāris, *Al-Ṣāḥibī fī fiqh al-Luḡa*, 271.

⁸⁵Al-Suyūṭī, *Al-Muzhir*, I:482.

⁸⁶Al-Maghribī, *Al-Ishtiqāq* ..., 15.

nafsajismī, which are vague and confusing if one wants to convey the meaning of the English term 'psychosomatic'. Hence, he seldom allows its modern usage and mentions that the ʿIrāqī linguist Anastās Mārī al-Karmilī (1866–1947) shares the same opinion.⁸⁷

It was ʿAbd Allāh Amīn who first attached *al-naḥt* to derivation and called it “the most superior derivation” (*al-ishtiḳāq al-kubbār*). Some modern philologists⁸⁸ follow him in this, while others⁸⁹ oppose it because *al-naḥt* is a kind of reduction in speech like haplology while derivation is not so.

The introduction of modern technical terminology at the beginning of this century rendered the application of *al-naḥt* inevitable. Most terms which have been introduced are related to the sciences, such as chemistry and medicine. For instance, among the terms suggested in chemistry are: *shibghirāʾ* for semi-glue, *nazjana* or *ladraja* for deriving hydrogen, *faḥmaʾiyyāt* for water and coal (hydrocarbon). Some of the terms suggested in medicine are: *ṣalkala* for uprooting the kidney, *ṣalaḥada* for uprooting part of the stomach, *ṣalmaḥa* for uprooting the intestines, *wajḥada* for pain in the stomach, *wajmaḥa* for pain in

⁸⁷Muṣṭafá Jawād, *Al-Mabāḥith al-Lughawiyya fil-ʿIrāq*, (Maṭbaʿat Lajnat al-Bayān al-ʿArabī, 1955), 85–86.

⁸⁸ʿAbd al-Qādir al-Maghribī, *Al-Ishtiḳāq*, 13. See also, Subḥī al-Ṣāliḥ, *Fiqh al-Lugha*, 277.

⁸⁹F. Tarazī, *Al-Ishtiḳāq*, 363. See also Ibrāhīm Anīs, *Min Asrār al-Lugha*, 86.

the intestines, *wajbada* for pain in the liver, *qaṭrasa* for cutting off the head of an embryo and *qaṭjara* for cutting of the larynx.⁹⁰

In this chapter, we have introduced the relationship between the study of grammar and *uṣūl al-fiqh* and noted that *uṣūlists* focus primarily upon semantics within the grammatical studies related to *uṣūl al-fiqh* while grammarians account primarily for vocalization. In addition, we have outlined throughout the present chapter, the concept of derivation, its nature and various types. We also noted that to the exclusion of the other types of derivation, minor derivation is the focal point of the *uṣūlistic* studies of derivation. However, we shall see in the following chapter how derivation has been introduced into *uṣūl al-fiqh*, paying particular attention to the circumstances and motivations of such introduction. The preoccupation of *uṣūlists* with semantics will be evident in their treatment of the origin (*aṣl*) of derivatives.

⁹⁰F.H.Tarazī, *Al-Ishtiqāq*, 356-357.

CHAPTER TWO

THE EVOLUTION OF DERIVATION AND THE ORIGIN OF DERIVATIVES

The Introduction of Derivation into *Uṣūl al-Fiqh*

In the preceding chapter, it was demonstrated that of all the types of derivation, *uṣūl al-fiqh* treats only minor derivation. It seems that the subject of derivation entered the discipline of *uṣūl al-fiqh* in the sixth/twelfth century. According to the extant *uṣūlistic* sources, Fakhr al-Dīn al-Rāzī (d. 606/1209) was the first *uṣūlist* to have introduced the subject of derivation in *uṣūl al-fiqh*. His work, *al-Maḥṣūl* which he completed in 575/1179, contains a developed discussion of the subject.¹ Earlier *uṣūlistic* works, such as *al-Burhān* of Imām al-Ḥaramayn al-Juwaynī (d.478/1085), *lḥkām al-Fuṣūl* of Abū al-Walīd al-Bājī (d.474/1081) and *al-Mustaṣḥa* and *al-Mankhūl* of al-Ghazālī (d.505/1111) do not deal with such a topic. However, with the exception of the works of al-Ghazālī, these books discuss a topic which approximates derivation, namely linguistic analogy or, as it is occasionally called, *ishtiḳāq*.² An example of this point is the word *sāriq* (thief) which is derived from the action of discretely taking the possessions of others. The question

¹Fakhr al-Dīn al-Rāzī, *al-Maḥṣūl*, ed. Ṭāha J.F. al-CAIwānī, 2 vols. in 6 parts (al-Riyāḍ: Maṭābiʿ al-Farazdaq, 1399/1979), 325-344.

²Imām al-Ḥaramayn al-Juwaynī, *Al-Burhān fī uṣūl al-fiqh*, ed. ʿAbd al-ʿAẓīm al-Dīb, 2nd ed., 2 vols. (Cairo: Dār al-Anṣār, 1400/1979), 1:172-73. See also Abū al-Walīd al-Bājī, *lḥkām al-Fuṣūl*, ed. ʿAbd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1986), 298-301.

that poses itself here is whether or not it is possible to call a graverobber a thief because he also unlawfully appropriates someone else's property? Another example is the word "adulterer" which is applied to a person who commits an unlawful sexual intercourse. *Uṣūlists* dispute whether or not, "adulterer", is applicable to a homosexual who performs the same act. This is a linguistic analogy consisting of an *aṣl*, (adulterer), *farʿ*, (homosexual), and a common cause (sexual intercourse). But, in terms of *uṣūl al-fiqh*, the nature of this is completely different from the derivation under investigation here.³ Accordingly, it cannot be assumed that the discussion of derivation was developed from that of analogy in the language. In fact, linguistic analogy was not changed when the subject of derivation was introduced, nor did any *uṣūlist* treat them as overlapping issues in his discussion of them.

It is noteworthy that al-Qāḍī Abū Yaʿlā al-Farrā' (d.458/1065) makes a passing remark about derivatives when he discusses whether the parts of speech for Arabic words are derivatives or not. However, such a subject cannot be considered a starting point for introducing derivation into *uṣūl al-fiqh*, because the two have nothing in common whatsoever. Furthermore, the context in which derivatives are treated in *uṣūl al-fiqh* is different. While *uṣūlists* focus on the semantic aspect

³Ibid.

of derivatives, al-Farrā' focuses on the morphological aspect of which *uṣūlists* show no concern.⁴

However, there is a slight possibility that derivation had been introduced into *uṣūl al-fiqh* before al-Rāzī. This possibility arises on account of two reasons. The first reason is that al-Rāzī has a fairly thorough and developed discussion about the subject, a fact which leads us to think that his could not have been a pioneering attempt. The second reason is the historical gap between al-Rāzī's *al-Maḥṣūl* and the immediately preceding *uṣūlistic* work which is available to us, namely, al-Ghazālī's *al-Mustaṣfā*. Between these two *uṣūlists*, there was approximately a century during which the subject might have been introduced into the discipline of *uṣūl al-fiqh*. This problem cannot be solved unless *uṣūlistic* works from this period become available. However, the possibility of the subject being introduced then could be excluded by the fact that there is no reference in the available works to any *uṣūlist* dealing with the subject matter during this period. On the other hand, the developed discussion of derivation expounded by al-Rāzī does not invalidate at all the claim that he was the first to deal with derivation in *uṣūl al-fiqh* because he did not develop this issue in a vacuum; rather, he culled diverse material from various disciplines, particularly theology, grammar and rhetoric, and systematized them into a full-fledged exposition.

⁴Abū Yaḥyā Muḥammad Ibn al-Ḥusayn al-Farrā', *Al-ʿUdda fī Uṣūl al-Fiqh*, ed. Aḥmad A. al-Mubārak, 3 vols. (Beirut: Mu'assasat al-Risāla, 1980), 1:188.

In theology, derivation is of vital importance since it is intimately related to divine attributes which represent, after all, the backbone of theology. It is said that theology is called *kalām* (speech) in Arabic because the first issue to have been discussed was the speech of God, since God tells us that he speaks and describes the Qur'ān as *kalām Allāh* (speech of God).⁵ However, derivation is linked with divine attributes because, insofar as language is concerned, divine attributes are derivatives, such as, *ʿAlīm* (Omniscient), *Baṣīr* (All-seeing), *Samīʿ* (All-hearing), *Wadūd* (Amicable) and so on. Therefore, no comprehensive apprehension of the divine attributes could be reached without a thorough understanding of the derivative itself, because attributes are ultimately derivatives. In fact, these derived attributes pose numerous problematic questions, such as whether they are distinct from, or identical with the Divine essence. Are they compound or simple? Take for example, God is Omniscient. Is "Omniscient" compound of the essence and Omniscience, or simple as the Essence without additional substances? If it is compound, does this not contradict the nature of His being a God, who has to be perceived as simple? Does it not threaten the Unity of God? Does it not entail anthropomorphism? These and other similar questions⁶ were dealt with in theology by former

⁵Muḥammad Farīd Wajdī, *Dā'irat Maʿārif al-Qarn al-ʿIshrīn*, 10 vols. (Cairo: Maṭbaʿat Dā'irat Maʿārif al-Qarn al-ʿIshrīn, n.d.), 8:173.

⁶Aḥmad al-Bahādilī, "Ṣifāt Allāh fī ʿAqīdat al-Ṣifātiyya," *Majallat Kulliyat al-Fiqh* (Najaf: Maṭbaʿat al-Ādāb, 1979), 1:149-156. See also Marshall G.S. Hodgson, *The Venture of Islam*, 3 vols. (Chicago: University of Chicago Press, 1974), 1:439.

theologians, such as Abū ʿAlī al-Jubbāʾī (d.303/915) and his son Abū Hāshim al-Jubbāʾī (d.321/933), Abū al-Ḥasan al-Ashʿarī (d.330/941), al-Bāqillānī (d.403/1013), Imām al-Ḥaramayn al-Juwaynī, al-Ghazālī, ʿAyn al-Quḍāt al-Hamadānī (525/1130) and others. A rudimentary discussion of divine attributes seems to have started as early as the first/seventh century. Imām ʿAlī is reported to have said:

One should realize that there is no difference between His person and His attributes, and His attributes should not be differentiated or distinguished from His person. Whoever accepts His attributes to be other than His person, then he actually forsakes the idea of Unity and believes in duality (He and His attributes). Such a person in fact believes Him to exist in parts.⁷

Undoubtedly, the divine attributes were not discussed in light of their relation to the concept of the derivative at least until the end of the eighth century. A close look at theological works shows that even later scholars, such as al-Juwaynī in his books *al-Irshād* and *Lumaʿ al-Adilla*, did not concern themselves with formulating a complete derivational theory. Rather, they dealt with some points which were practically applicable to the attributes. Furthermore, some of them did not indulge in such an analysis of derivation but based their discussion of the subject matter primarily upon textual evidence or, as in the case of al-Ghazālī, on mysticism and theodicy. Al-Ghazālī even claims that

⁷Imām ʿAlī, *Nahj al-Balāgha*, Trans. Syed M.A. Jafery, 2nd ed. (Karachi: Ideal Printers, 1971), 102.

such a philosophical discussion is irrelevant within the purview of his book⁸ which is devoted to divine attributes. He preferred to speak of divine "names" instead of "attributes," perhaps in order to avoid some critical questions which the term "attribute" entails.

The subject of divine attributes constitutes an extremely delicate problem in Islamic scholastic theology. It is a point of disagreement between Sunnism and Shi'ism⁹ as well as among various groups within Sunnism. It is also a means of determining whether one is a disbeliever or heretic when holding a non-orthodox viewpoint on it.¹⁰ It was on the basis of divine attributes that major theological schools appeared, such as the *Şifātiyya*, which predicates attributes upon God, and the *Mu'atṭila*, which denies such attributes to God.¹¹ Keeping in mind the importance of the divine attributes and the fact that the theologians had not studied the theory of derivation thoroughly and systematically, it is clear that the *uṣūlists* of the sixth/twelfth century took the initiative to attempt to construct a theory along with its application to the divine attributes. But

⁸Abū Ḥāmid al-Ghazālī, *Al-Maqṣad al-Asnā fī Sharḥ Asmā' Allāh al-Ḥusnā* (Cairo: Maṭba'at Ḥijāzī, n.d.), 102-3.

⁹Al-ʿAllāma al-Ḥillī, *Iḥqāq al-Ḥaqq* (Cairo: Maṭba'at al-Sa'āda, 1326/1908), 60.

¹⁰ʿAyn al-Quḍāt al-Hamadānī, *Zubdat al-ḥaqā'iq*, ed. ʿAfīf ʿUsayrān (Tehran: Maṭba'at Jāmi'at Ṭahrān, n.d.), 40.

¹¹ʿAbd al-Karīm al-Shahrastānī, *Al-Milal wal-Niḥal*, ed. A. al-Wakīl (Cairo: Mu'assasat al-Ḥalabī, 1968), 1:92.

why was it *uṣūl al-fiqh* which undertook such a task and not another discipline? This can be explained by the fact that all *uṣūlists* had a scholarly interest in theology and some of them were even professional theologians, such as Fakhr al-Dīn al-Rāzī, who, in all likelihood, was the first to have introduced “derivation” into *uṣūl al-fiqh*. Moreover, the nature of *uṣūl al-fiqh* as a religious discipline, has more affinity to theology than other disciplines, such as grammar, rhetoric or philosophy.

Besides theology, grammar is another discipline upon which the theory of derivation in *uṣūl al-fiqh* is based. In fact, the grammatical aspects of derivation, i.e. the definition and origin of derivatives, is not significant in the *uṣūlistic* discussion of the subject although *uṣūlists*, especially modern ones, place a great deal of emphasis upon it, as we shall see. For example, the origin of derivatives, be it a verb, verbal noun, or other, has obviously had no effect upon the divine attributes or upon positive law (*fiqh*). It is noteworthy that grammarians have not been generally influenced by the theological aspect of derivatives as they discuss them,¹² save for Ibn Yacīsh (d.643/1245), who makes a passing remark about divine attributes without providing a profound analysis of derivatives.¹³

¹²Abd al-Qāhir al-Jurjānī, *Kitāb al-Muqtaṣad*, 2 vols., ed. Kāzim Baḥr al-Marjān (Baghdad: Dār al-Rashīd, 1982), 1:505-531. See also Maḥmūd al-Zamakhsharī, *Al-Mufaṣṣal* (Cairo: Maṭbaʿat al-Taḳaddum, 1323/1905), 226-231.

¹³Yacīsh Ibn Yacīsh, *Sharḥ al-Mufaṣṣal*, 10 vols. (Cairo: Idārat al-Ṭibāʿa al-Munīriyya, n.d.), 6:68-80.

Rhetoric was also a fertile source for the theory of derivation in *uṣūl al-fiqh*. Rhetoricians analyze derivatives when they deal with restricting (*qaṣr*) a subject by use of some adjectives which are derivatives.¹⁴ Such a discussion seemed to have developed during the sixth/twelfth century with the rise of pre-eminent rhetoricians, such as al-Zamakhsharī (d.538/1143), Rashīd al-Dīn al-Waṭwāṭ (d. 573/1177), Abū al-Makārim al-Muṭarrizī (d.610/1213), Fakhr al-Dīn al-Rāzī and al-Sakkākī (d.626/1228). There were two schools of rhetoric: the literal school and the theological school or, as al-Suyūṭī characterized them, "the approach of Arabs and eloquents and the approach of non-Arabs and philosophers."¹⁵ A subtle treatment of derivatives can, of course, be found in the theological school¹⁶ which tends to base its conceptions on intellectual speculations. Among its masters are: ʿAbd al-Qāhir al-Jurjānī (d.471/1078), al-Zamakhsharī, al-Rāzī and al-Sakkākī. Being an active member of this school, al-Rāzī must have employed his rhetorical skills in *uṣūl al-fiqh*. In short, rhetoric has a close affinity with philosophy and theology; this affinity was further reinforced under al-Sakkākī and al-Qazwīnī (d.739/1338). The impact of

¹⁴It must be noted that rhetoricians deal with a pure rhetorical matter called *ishtiqaq* but it has no link whatsoever with our subject matter. Maytham al-Baḥrānī, *Uṣūl al-Balāgha*, ed. ʿAbd al-Qādir Ḥusayn (Qatar: Dār al-Thaqāfa, 1986), 48.

¹⁵Aḥmad Maṭlūb, *Al-Qazwīnī wa-Sharḥ al-Talkhīṣ*, (Baghdad: Dār al-Taḍāmun, 1967), 35.

¹⁶ʿAbd al-Dīn al-Taftāzānī, *Shurūḥ al-Talkhīṣ*, 4 vols. (Cairo: Maṭbaʿat Būlāq, 1318/1900), 2:169.

these rhetoricians is evident in the exposition of derivation in *uṣūl al-fiqh* wherein *uṣūlists* considerably receive their views regarding the subject matter.

Philosophy has also been a source for the derivational theory although it was a minor source for derivation in *uṣūl al-fiqh*. Almost all *uṣūlists* discuss Ibn Sīnā's (d.428/1037) viewpoint because divine attributes constitute a subject which has been studied exhaustively in philosophy.¹⁷ Indeed, philosophy has touched every Islamic and linguistic discipline, especially during the ʿAbbasid period when books of philosophy and other relevant sciences have been translated into Arabic from Greek, Indian, Persian and Syriac.¹⁸ Philosophy has permeated every single Islamic science, such as theology, *uṣūl al-fiqh*, rhetoric, grammar and morphology. In the case of grammar, for instance, philosophy had an influence upon the early grammarians of Baṣra, where "the influence of philosophic doctrines first appeared, and among its grammarians were to be found many Shiʿites and Muʿtazilites, who readily permitted foreign wisdom to influence their doctrinal teaching."¹⁹ Regarding our subject matter, the

¹⁷ Ibn Sīnā, *Al-Ishārāt wal-Tanbīhāt*, with commentary of Naṣīr al-Dīn al-Ṭūsī and Quṭb al-Dīn al-Rāzī. 3 vols. (Tehran: Maṭbaʿat al-Ḥaydarī, 1379/1959), 3:247-248, 311-317.

¹⁸ Aḥmad Maṭlūb, *Al-Balāgha ʿind al-Sakkākī* (Baghdad: Maṭābiʿ al-Taḍāmun, 1964), 102. See also W. Montgomery Watt, *The Formative Period of Islamic Thought* (Bristol: Western Printing Services Ltd. 1973), 183-85.

¹⁹ T.J. de Boer, *The History of Philosophy in Islam*, trans. Edward R. Jones (London: Lowe and Brydone printers Ltd., 1933), 33.

philosophical influence will be seen in the discussion of derivatives in the third chapter.

On the basis of what we have seen so far, it is most likely that Fakhr al-Dīn al-Rāzī was the first *uṣūlist* to have introduced the issue of derivation into *uṣūl al-fiqh*. His developed discussion of the issue is, in fact, an accumulation of relevant elements from extraneous disciplines, as we have pointed out. In addition, the fact that al-Rāzī himself is a professional theologian, grammarian and rhetorician definitely makes him rather familiar with the derivational literature in other disciplines. This point further supports the argument that he inaugurated derivation in *uṣūl al-fiqh*. Nevertheless, at least a modicum of reticence must be preserved until *uṣūlistic* manuscripts of the period between al-Ghazālī and al-Rāzī come to light.

But the question that poses itself here is why has such an issue been introduced into *uṣūl al-fiqh*? In the Sunnī schools, it seems that there are two reasons for including derivation. The first is linguistic. It can be seen primarily in the discussion of the definition and origin of derivatives wherein the *uṣūlists* confine themselves to repeating the arguments developed by grammarians of the two rival schools of Baṣra and Kūfa, as we shall soon see. The second reason is theological; it pertains to divine attributes and is, perhaps, the most important reason for the introduction of derivation into Sunnī *uṣūl al-fiqh*. This issue is a focal point in the *uṣūlistic* discussion of derivation, i.e. derivatives which represent divine attributes about which a

bitter disagreement arises among theologians. However, whatever the reason for its introduction into *uṣūl al-fiqh*, it remains certain that there was no purely juridical or legal motivation for it.

In Shīʿī *uṣūl al-fiqh*, derivation has had a checkered history. Chronologically, it entered Shīʿī *uṣūl al-fiqh* over a century after it had entered Sunnī *uṣūl*. Al-ʿAllāma al-Ḥillī (d.726/1325) seems to have been the first to incorporate it in his *uṣūlistic* work, *Tahdhīb al-Wuṣūl*. The subject did not exist in the preceding *uṣūlistic* works, such as *ʿUddat al-Uṣūl* of Shaykh al-Ṭāʾifa al-Ṭūsī (d.459/1067), *al-Dharīʿa* of al-Sharīf al-Murtaḍā, known as ʿAlam al-Hudā (d.436/1044) and *Maʿārij al-Uṣūl* of al-Muḥaqqiq al-Ḥillī (d.676/1277). Furthermore, al-ʿAllāma's earlier *uṣūlistic* work, *Mabādiʾ al-Wuṣūl*, gives no discussion of the subject.

Derivation in Shīʿī *uṣūl al-fiqh* seems to have been promoted not only on theological and linguistic grounds but also by legal considerations pertaining to positive law. This relation between derivation and positive law is based on a discussion of whether, the derivative is applied metaphorically (*majaz*) or in its real sense (*ḥaqīqa*) to a subject which was in relation to the meaning of the origin of this derivative but this relation no longer exists. In order to illustrate this point, let us take the example given by some *uṣūlists* in reference to positive law: It is considered disapproved (*makrūh*) to perform ablution with water which has been heated by the sun. The derivative “heated” (*musakhkhan*) can really be applied to this water in a real sense

if it is actually hot; therefore, it falls within the category of disapproved acts when employed for ablution. Later, when the heated water has cooled, *uṣūlists* dispute whether or not the derivative “heated” can be applied to it in a real sense (*ḥaqīqa*) but they agree that it can be metaphorically applied. If it is a real application then the water can be employed for ablution and if it is metaphorical then the water cannot be used.²⁰ This will prove to be a particularly serious problem with regard to positive law, as we shall see.

Although such a relation between derivation and positive law is assumed to be applicable to the Sunnī legal schools, Sunnī *uṣūlists*, to the exception of some, such as Jamāl al-Dīn al-Asnawī (d.772/1370), have not generally acknowledged this relation. Al-Asnawī tries to relate the subject to a prophetic tradition which is not a suitable example for this case. Therefore, Sunnī *uṣūlists* might have neglected the relation between the derivative and positive law because they do not encounter legal questions linked to the derivative. What strengthens this assumption is that the major questions dealt with in the Shīʿī legal school are attributed to traditions of Imāms whose traditions are not authoritative in the Sunnī legal school.

The issue of derivation seems to have appeared in positive law just after its introduction into *uṣūl al-fiqh* by al-ʿAllāma

²⁰Muḥammad R. al-Muḥaffar, *Uṣūl al-Fiqh*, 3 vols. (Najaf: al-Maṭbaʿa al-ʿIlmiyya, 1959), 1:46.

al-Ḥillī. The first *mujtahid* to have dealt with it in positive law was Fakhr al-Muhaqqiqīn, the son of al-ʿAllāma al-Ḥillī (d. 771/1369). The question that he dealt with is similar to the aforementioned case of the “heated water” although it involves a more complex conclusion. It concerns a man having three wives: one is an infant and the other two are of full age and the marriage of one of these two wives is consummated. The consummated wife fostered the infant then the other major wife fostered the infant. With regard to the legal consequence of the contract, the marriage of the infant wife becomes null and void because she has become the foster daughter of his consummated wife. The marriage of the consummated wife, who first fostered the infant wife, also becomes null and void because she has become a mother of his foster child. The problem is the legal status of the major non-consummated wife who fostered the infant second. In this case, the issue of the application of derivatives comes into play. If the derivative, which is “wife”(zawja)²¹ in this example, can be applied in a real sense to the infant after her marriage was terminated by the first fosterage, the marriage of the non-consummated wife becomes null because she became a foster mother of her husband’s infant wife. But if, in this case, the derivative “wife” is not applicable to the infant wife, whose marriage became invalid by the fostering of the consummated wife, then the marriage of the non-consummated wife is valid

²¹The word *zawja* (wife), is not considered as derivative in Arabic but it is considered so by modern Shīʿī *uṣūlists*, who develop their own conception of the derivative, as will become evident in the third chapter of this thesis.

because she fostered the infant wife who had no conjugal relation with her husband.²²

Such an issue which can render a valid marriage null and void could not possibly have been overlooked. It seems that derivation has been the subject of intense discussion after Fakhr al-Muḥaqqiqīn demonstrated the vital instrumentality of derivation in positive law, even though the origin of the aforementioned question on the wives existed for centuries and was attributed as a tradition to al-Imām al-Ṣādiq (d.148/765). In fact, the nature of the relation of derivation to positive law made its employment inevitable in the Shīʿī positive law. Even the Ikhbārīs, who discredited *uṣūl al-fiqh*, employed it.²³ As a

²²M. al-Fayyād, *Muḥāḍarāt fī Uṣūl al-Fiqh*, 5 vols. (Najaf: Maṭbaʿat al-Najaf, 1382/1962), 1:218-227. See also Abū Qāsim al-Khūʾī, *Ajwad al-Taqrīrat fī Uṣūl al-Fiqh*, 2nd ed. (Tehran: Chāpkhāna Sharikat Sahāmi Ṭabʿ Kitāb, 1367/1947), 54-56.

²³*Ikhbarism* is a twelver Shīʿī sect. It holds the viewpoint that the sources of the *sharīʿa* are only the Qurʾān and the Sunna; as opposed to its counterpart sect, *Uṣūlism*, which adds to these sources reason and consensus. N. Keddie defines *Ikhbaris* as those “who believed that each Shiʿī could rely on and interpret the traditions (*akhbar*), of the prophet and Imāms, and hence ulama were not needed to interpret doctrine.” *Roots of Revolution* (Binghamton: Vail-Balou Press, 1981), 21. However, this statement is completely wrong because Ikhbaris do believe in the role of *ijtihād*; thus no one can rely directly on traditions except *mujtahids*, whom they call *faqīh*. Among the prominent Shiʿī *mujtahids* is Shaykh Yūsuf al-Baḥrānī. See ʿIzz al-Dīn Baḥr al-ʿUlūm, *Al-Taqlīd fīl-Sharīʿa al-Islāmiyya* (Beirut: Dār al-Zahra, 1978), 105-109. This term is found in Western sources as *Akhbārī* with a *fatḥa* on the initial *alif*. However, it is usually impossible to determine whether the vowel is “a” or “i” in Arabic sources. If this word begins with an “a”, the word would be a compound of *akhbār*, a plural of *khbar* (report, tradition), and the *yāʾ* of *nisba* (ascription). Since it is incorrect to add the *nisba* to a plural in the Arabic language, I suggest the term should be *Ikhbārī*. The term would then consist of a compound of *ikhbār* (informing), and the *ya* of *nisba* (ascription). However, it would not be surprising if jurist used the term *akhbār* since they often violate the rules of the language, such as the *uṣūlistic* expression *al-sīra al-ʿuqalāʾiyya* (custom

case in point, the Ikḥbārī propagandist Shaykh Yūsuf al-Baḥrānī (d. 1186/1772) wrote a terse study of derivation.²⁴ In fact, it can be said that derivation has attracted the attention of Shīʿī *mujtahids* before its incorporation in *uṣūl al-fiqh*, as seen in the case of Kamāl al-Dīn Maytham al-Baḥrānī (679/1280?).²⁵

Al-Baḥrānī introduces his famous work *Sharḥ Nahj al-Balāgha*, with a linguistic exposition in which he treats the issue of derivation. Remarkably, he closely follows al-Rāzī in reference to the framework of the discussion although they differ in their own outlooks. However, it is noteworthy that al-ʿAllāma al-Ḥillī seems to be influenced by his teacher, al-Baḥrānī, when he includes the subject matter in *uṣūl al-fiqh*. This is because the points mentioned by al-ʿAllāma are more similar to those of al-Baḥrānī than to any other *uṣūlist*. Moreover, al-ʿAllāma is undoubtedly aware of al-Baḥrānī's book which he abbreviated in a book entitled *Mukhtaṣar Sharḥ Nahj al-Balāgha*.²⁶

Derivation has received a great deal of attention in the modern Shīʿī school. Indeed, it has been refined by modern Shīʿī *uṣūlists* to such an extent that it has become distinct from the Sunnī concept of derivation. For example, whereas Sunnī *uṣūlists*

(custom of the rational beings). Here they add the *nisba* to the plural (i.e. *ʿuqalāʾ*).

²⁴Yūsuf al-Baḥrānī, *Al-Durar al-Najafiyya* (Tehran (?): Muʿassasat Āl al-Bayt li-lḥyāʾ al-Turāth, n.d.), 19–22.

²⁵Maytham al-Baḥrānī, *Sharḥ Nahj al-Balāgha*, 5 vols. (Tehran: al-Maṭbaʿa al-Ḥaydariyya, 1378/1958), 1:11–13.

²⁶Yūsuf al-Baḥrānī, *Luʾluʾat al-Baḥrayn*, ed. M.S. Baḥr al-ʿUlūm (Najaf: Maṭbaʿat al-Naʿmān, n.d.), 217.

repeat what grammarians decided regarding whether the origin of derivatives is a verb or a verbal noun, Shīʿī *uṣūlists* have refuted what the grammarians say and have introduced novel views. Moreover, they differ from grammarians and Sunnī *uṣūlists* in their conception of the derivatives since Shīʿī *uṣūlists* consider some non-derivative nouns as derivatives, such as the case of “wife” (*zawja*), which we have examined.

However, it is noteworthy that some contemporary Shīʿī *uṣūlists*, such as Abū al-Qāsim al-Khūʿī (b.1317/1899) and his student Muḥammad Bāqir al-Ṣadr, point out that from a logical viewpoint, the subject of derivation is irrelevant to *uṣūl al-fiqh*. Nevertheless, al-Khūʿī and al-Ṣadr do include it in their advanced *uṣūlistic* lectures but the latter excludes it from his *uṣūlistic* curriculum, *Durūs fī ʿilm al-Uṣūl*.²⁷ In fact, this is also a serious question for some Sunnī *uṣūlists*, such as Abū Ishāq al-Shāṭibī, Ḥāfiẓ al-Dīn al-Nasafī and the commentators on his book *al-Manār fī Uṣūl al-Fiqh*. These authors avoid treating derivation perhaps because they deem it irrelevant to *uṣūl al-fiqh*. Al-Shāṭibī distinctly points out that “many questions must not be considered as part of *uṣūl al-fiqh* even if positive law could be based on them... such as many grammatical questions like...derivation.”²⁸

²⁷This was published after his advanced *uṣūlistic* lectures, *Mabāḥith al-Dalīl al-Lafẓī*, which was edited by his student Maḥmūd al-Hāshimī.

²⁸Abū Ishāq al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharīʿa*, ed. ʿAbd Allāh Darrāz, 4 vols. (Cairo: al-Maṭbaʿa al-Raḥmāniyya, n.d.), 1: 43-44.

The Conception of Derivation in *Uṣūl al-Fiqh*

Uṣūlists perceive derivation in the same manner as it is perceived by grammarians. Like the grammarian al-Maydānī (d.518/1124) al-Rāzī defines it “to find a proportion (*tanāsub*) in the meaning and the composition between two words so that you could ascribe one of them to the other.”²⁹ For instance, the words *ḍarb* (beating), *ḍārib* (beater) and *maḍrūb* (beaten) share basic letters (*ḍ r b*) but the last two indicate a meaning relating to someone who beats or who is beaten while the first word indicates a meaning in relation to no object. Hence, it can be concluded that *ḍārib* and *maḍrūb*, having additional indications, are derived from *ḍarb*, which has the basic meaning that exists in all of these words. This definition is quite similar to that of al-Zajjāj (d.316/928).³⁰ Indeed, some *uṣūlists*, such as al-Bayḍāwī (d.6858/1286)³¹ and Tāj al-Dīn Ibn al-Subkī (d.755/1354),³² follow this type of definition which considers *ishtiqaq* as etymology, a discipline which observes existing words, analyzes the similarity among them, and concludes that some of them are derived from others. Therefore, this definition focuses on the scientific aspect of the subject. On the basis of this definition,

²⁹Fakhr al-Dīn al-Rāzī, *Al-Maḥṣūl*, 1, i:325.

³⁰Fu’ād Tarazī, *Al-Ishtiqaq* (Beirut: Maṭba‘at Dār al-Kutub, 1968), 12.

³¹Jamāl al-Dīn al-Asnawī, *Nihāyat al-Su’ūl*, with *Al-Taqrīr wal-Taḥbīr* of Ibn Amīr al-Ḥājj. 3 vols. (Cairo: al-Maṭba‘a al-Kubrā al-Amīriyya, 1316/1898), 1:161.

³²Abd al-Raḥmān al-Bannānī, *Ḥāshiyat al-‘Allāma al-Bannānī*, 2 vols. (Cairo: Maṭba‘at Dār Iḥya’ al-Kutub al-‘Arabiyya, n.d.), 1:280-281.

al-Rāzī enumerates the fundamental components of *ishtiqaq* as follows:³³

- 1--A noun which is established in order to indicate a certain meaning.
- 2--Another noun which has a relation with this meaning.
- 3--A similarity between the basic letters of these two nouns.
- 4--A change which occurs to one of the two nouns in either one of its letters, one of its vowels or in both of them. Al-Rāzī asserts that the possible changes are nine. However, some *uṣūlists* and linguists raise the number of possible changes to fifteen.³⁴

In contrast, some *uṣūlists* define *ishtiqaq* as derivation, indicating the practice of coining a word from another. The first definition of this type seems to be that of the grammarian, Abū al-Ḥasan al-Rummānī (d. 384/994).³⁵ As mentioned previously, it was followed by the definition of al-Sharīf al-Jurjānī,³⁶ and the Shīʿī *uṣūlist* al-ʿAllāma al-Ḥillī.³⁷ On the basis of a manuscript which he studied, M. Jamāl al-Dīn claims that al-Sayyid al-ʿAmīdī

³³Al-Rāzī, *Al-Maḥṣūl*, 1, i, 325-326.

³⁴Ibid., 327. Muḥibb Allāh al-Bahārī, *Fawātiḥ al-Raḥamūt*, Printed with *Al-Mustaṣfā* of al-Ghazālī, 2 vols., 2nd. ed. (Baghdad: Maṭbaʿat al-Muthannā, 1970) 1:191. See also Maytham al-Baḥrānī, *Sharḥ Nahj al-Balāgha*, 1:11.

³⁵Muṣṭafā Jamāl al-Dīn, *Al-Baḥṭh al-Naḥwī ʿind al-Uṣūliyyīn*, (Baghdad: Dār al-Rashīd, 1980), 84.

³⁶See chapt. 1, 23.

³⁷Al-ʿAllāma al-Ḥillī, *Tahdhīb al-Wuṣūl ilā ʿIlm al-Uṣūl*, (Tehran: n.p. 1208/1890 A.H.), 9-10.

(d.754/1353) follows this type of definition as well.³⁸ However, one cannot rely on such a claim because Jamāl al-Dīn does not appreciate the distinction between the two different types of definitions since he regards al-Bayḍāwī's definition as similar to al-Rummānī's.³⁹ According to this type of definition, derivation is not a study of existing words in order to discover the etymological relations between them; rather, it is a process of creating neologisms. Such a distinction is made perfectly clear by Ibn Amīr al-Ḥājj (d. 879/1474).⁴⁰

It must be noted that some *uṣūlists*, such as al-Āmidī and Kamāl al-Dīn Ibn al-Humām (d.861/1456), do not concern themselves with defining derivation but they define the derivative instead. The outstanding contemporary Shīʿī *uṣūlists*, such as al-Khūʾī, al-Ṣadr and al-Sabzawārī, do not define derivation or the derivative, although they place great emphasis upon analyzing the *uṣūlistic* identification of derivatives. This identification is different from the linguistic identification which had been well-received by early *uṣūlists*, as we shall see later.

In addition to dealing with the definition of derivation, *uṣūlists* also deal with the origin of derivatives. They also grapple with other issues, all of which are related to derivatives

³⁸Jamāl al-Dīn, *Al-Baḥth al-Naḥwī*, 84.

³⁹*Ibid.*, 84-85.

⁴⁰Ibn Amīr al-Ḥājj, *Al-Taqrīr wal-Taḥbīr*, 1:89.

and represent the goal in discussing the subject of derivation in *uṣūl al-fiqh*.

The Origin of Derivatives

Although the issue does not fall into the scope of grammar because of its association with the disciplinary interest of philology, grammarians were the first to deal with derivation. It has become one of the major areas of dispute between the two rival grammatical schools of Baṣra and Kūfa. Baṣran grammarians hold that the verbal noun (*maṣḍar*) is the origin (*aṣl*) of derivatives; while Kūfan grammarians assert that the verb is the origin. However, the Baṣran viewpoint is the prevalent one among grammarians as well as *uṣūlists* to the exception of the modern *uṣūlistic* school of al-Najaf.

On this issue Baṣran grammarians argue⁴¹ that the verbal noun indicates an absolute time, such as *qiyām* (standing) which indicates an action relating to no specific time, while the verb indicates specific time, such as *qāma* (stood up) in the past, *yaqūmu* (is standing) in the present and the imperative *qum* in the future. Therefore, the verbal noun is absolute (*muṭlaq*) but the verb is limited (*muqayyad*). Since any absolute thing is an origin (*aṣl*) for a limited thing, the verbal noun, which is absolute, is an origin to the verb. They illustrate this point

⁴¹ Abū al-Barakāt Ibn al-Anbārī, *Al-Inṣāf fī Masā'il al-Khilāf*, ed. M. ʿAbd al-Ḥamīd (Cairo: Maṭbaʿat al-Saʿāda, 1955), part 1:131-133. See also Abū al-Qāsim al-Zajjājī, *Al-Ṭdāḥ fī ʿIlal al-Naḥw*, ed. Māzin al-Mubārak, 3rd. ed. (Beirut: Dār al-Nafā'is, 1979), 56-63; Abū al-Baqā' al-ʿUkbarī, *Masā'il al-Khilāfiyya fīl-Naḥw*, ed. M.K. al-Ḥulwānī (Damascus: Maṭbaʿat Zayd Ibn Thābit, n.d.), 68-76.

further by claiming that Arabs used only the verbal noun when they first spoke the language, then, they derived from it the verb which possesses various tenses for specific times.

Some Baṣran grammarians also argue that the verbal noun is the origin of derivatives because it is a noun and a noun may stand alone and does not need to be joined to the verb; while the verb always needs to be connected to a noun. In other words, no verb can be used in a syntactic structure without having a noun. Accordingly, that which stands alone and dispenses with others is most likely to be the origin.⁴²

In addition, the verb semantically indicates two things: an action and a tense; while the verbal noun only indicates an action. Hence, since the number 'one' is an origin of 'two', the verbal noun, which indicates one thing, is an origin of the verb, which indicates two.

One of the Baṣran arguments is that if the verbal noun is derived from the verb, it must indicate not only the basic meanings of the verb, i.e. action and tense, but another additional meaning just as in the case of derivatives like the active and passive participles. These two, for instance, are derived from the verbal noun. Therefore they indicate the basic meaning of it, which is mere action and an additional meaning which is the doer (the subject) or the object. For example, the active participle

⁴²It appears that this argument is based upon a fallacy because the alleged dependence of the verb upon the noun is merely a grammatical assumption. In fact, when a verb joins a noun, they can construct a meaningful sentence; while the noun alone cannot do so unless it is attached to another noun or verb. Therefore, both noun and verb are dependent when used as part of speech.

ḡārib (beater) indicates the action of beating as well as someone who performs this action. Likewise, the passive participle, such as *maḡrūb* (beaten), which signifies the action of beating as well as an object of this action, i.e., the one who is beaten. However, some grammarians who hold that the verbal noun is an origin, such as Abū ʿAlī al-Fārisī and ʿAbd al-Qāhir al-Jurjānī,⁴³ seem to contradict this argument since they believe that verbs are derived from the verbal noun and the rest of derivatives are derived from the verb, not the verbal noun. Obviously, this view contradicts the Baṣran argument because derivatives, such as active and passive participles, do not indicate the tense which is a basic indicant of the verb.

Baṣran grammarians also argue that if the verbal noun is derived from the verb, there must be a verb for every existing verbal noun; but there are many verbal nouns without verbs. In fact, the weakness of the argument is evidenced in the refutation of the Kūfan grammarians.⁴⁴ They declare that it is difficult to ascertain what the Baṣran grammarian would declare to be the origin of verbs, such as *bi'sa* (how bad is), *niʿma* (how excellent is), *ʿasā* (perhaps) and *laysa* (not), which do not have verbal nouns.

⁴³Jamāl al-Dīn, *Al-Baḥth al-Naḥwī*, 86. However, such an attribution to Abū ʿAlī is doubtful because his disciple states that Abū ʿAlī holds his own theory about the origin of derivatives which differs from that of the Baṣran school, which will become evident in the later discussion.

⁴⁴Ibn al-Anbārī, *Al-Inṣāf*, part 1:130.

On the other hand, Kūfan grammarians⁴⁵ developed arguments which establish that the verb is the origin by saying that the verbal noun follows the verb in being sound or defective (*muṭtall*). For example, one says “*qāwama* (to resist) *qiwāman*”; both are sound but “*qāma* (to stand up) *qiyāman*” are defective because the second radical in *qāma*, namely the *ā* is one of the weak letters in Arabic. Accordingly, since the verbal noun is morphologically based on the verb, the latter must be considered as an origin of the verbal noun and other derivatives. The Kūfans also argue that the verb is the origin because it has a grammatical influence on verbal nouns, such as in the example “*ḍarabtu ḍarban*”. Here, the verb *ḍarabtu* causes the verbal noun, *ḍarban*, to be in the accusative case. Since the verbal noun is affected, it cannot be perceived as an origin of its cause, the verb, because rationally, the cause precedes the effect. Kūfan grammarians further argue that the verbal noun confirms the verb, such as in the previous example. This means that the verb is the origin (*aṣl*) because the position of what confirms precedes that of what is confirmed.

These arguments of the two rival schools reveal the intrinsic involvement of certain philosophical elements, especially in regard to the Baṣran school. The Kūfan school tends to depend primarily upon grammatical and morphological arguments to establish its viewpoint. However, it seems that the discussion of the two schools is a matter of “historical origin,”

⁴⁵Ibid., 130–131.

i.e., a form which had existed before other forms of derivatives have been derived from it. In other words, according to the Baṣran grammarians, the verbal noun was the only thing employed by Arabs before they derived other forms from it. For the Kūfan grammarians, the verb was the element from which other forms were derived. However, Abū ʿAlī al-Fārisī seems to dispute the idea of establishing historical origins of derivatives. He does not believe that the language was established gradually, for example, first verbs and then other forms, such as nouns and particles. He argues that the language was established all at once because all these morphological units are equally important for speech. He continues the argument as follows:

What grammarians mean by saying that the noun precedes the verb is that it is intellectually more powerful and theoretically prior to the verb. However, in regard to time, it is possible that they (sc. Arabs) have given precedence, at the formative stage of the language, to the noun over the verb or to the verb over the noun, and the same could be said for the particle.⁴⁶

It is obvious that grammarians do not mean a “theoretical origin” which is isolated from the historical evolution of the language, as Abū ʿAlī claims. Al-Farrāʾ (d.757/822) clearly states that “the verbal noun is taken from the verb and the verb

⁴⁶ʿUthmān Ibn Jinnī, *Al-Khaṣāʾiṣ*, 3 vols. ed. Muḥammad A. al-Najjār (Cairo: Dār al-Kutub al-Miṣriyya, 1374/1955), 2:30.

is precedent to it (the verbal noun).”⁴⁷ In fact, many of the foregoing arguments of the two schools dispel any doubt that grammarians might have meant a “theoretical origin.” However, Abū ʿAlī, on the basis of what we have seen, erects a novel theory about the origin of derivatives. This theory attracted a great deal of attention and is adopted by some grammarians, such as his disciple, Ibn Jinnī,⁴⁸ as shall be noted. In fact, Ibn Jinnī is in agreement with another view which considers *ism al-ṣawt* (the noun of sound), such as *ḥāḥā*,⁴⁹ *ʿāʿā*⁵⁰ and *hāhā*,⁵¹ as an origin of derivatives.⁵²

Al-Akhfash, a Baṣran grammarian, is definitely influenced by the theory of Abū ʿAlī in being reluctant to determine an origin of derivatives. He says “with regard to which one of the three types --noun, verb and particle-- was established first, it is unknown. It is probable that anyone of these three was established first, as Abū ʿAlī points out.”⁵³ The problem confronting these grammarians is to determine an “historical

⁴⁷Abū al-Qāsim al-Zajjājī, *Al-Ṭḍāḥ*, 56.

⁴⁸Ibn Jinnī, *Al-Khaṣāʾiṣ*, 2:33-34.

⁴⁹A sign used to drive camels. The verb which is derived from this sign is *ḥāḥaytu*.

⁵⁰A sign used to drive sheep. The verb which is derived from it is *ʿāʿaytu*.

⁵¹A sign used to drive rams and the verb which is derived from it is *hāʾhaʾtu*.

⁵²Ibn Jinnī, *Al-Khaṣāʾiṣ*, 2:40.

⁵³Jalāl al-Dīn al-Suyūṭī, *Al-Muzhir*, ed. M. Bīk, M. Ibrāhīm, A. al-Bajjāwī, 3rd ed., 2 vols. (Cairo: Dār Ihyāʾ al-Kutub al-ʿArabiyya, n.d.), 1:56.

origin” i.e. which part of speech was employed first? This very problem seems to have instigated Muḥammad Ibn Ṭalḥa al-Ishbīlī (d.618/1221) to introduce a new solution in order to remedy the problem. He suggests that both verbal nouns and verbs are origins and neither one of them has been derived from the other.⁵⁴ Although this view has not been completely elucidated by grammarians, one can grasp a certain link between it and that of Abū ʿAlī.

The theory of Abū ʿAlī is adopted by the jurist Ibn Qayyim al-Jawziya (d.751/1350) as a solution to a theological problem raised by al-Suhaylī (d. 581/1185) and his master Abū Bakr Ibn al-ʿArabī (d.543/1148). They claim that the name of God, *Allāh*, cannot be considered as derivative because derivation entails an origin or a source from which it is derived. Since His name is eternal and every eternal cannot be imagined as derived from any source, then no derivation can be attached to His name. This question is in fact accepted by Ibn Qayyim but he avoids its corollary by innovating a different conception of derivation. He perceives derivation as a convenient relationship between the derivative and its origin. In other words, the derivative is not really derived from an origin. He claims that the grammarians have this perception of derivation as well. By making such a claim he, in fact, abrogates the whole notion of derivation in order to solve his theological predicament. He says,

⁵⁴Abd Allāh Ibn ʿAqīl, *Sharḥ Ibn ʿAqīl*, ed. Muḥammad Muḥyi al-Dīn ʿAbd al-Ḥamīd, 6th ed, 2 vols. (Cairo: Maṭbaʿat al-Saʿāda, 1951), 1:474.

We do not mean by derivation except that they (derivatives) have semantic and literal similarity with their origins but they are not generated from them as a branch is generated from its source. The grammarians' expressions of the verbal noun and the derivatives as an origin and a branch do not mean that one of them is generated from the other but because one of them contains (the indication of) the other and an additional indication. The statement of Sībawayh that 'the verbs are forms which are taken from the expressions of verbal nouns' is (understood) in this sense and not that Arabs had first used only nouns then they derived verbs from them. This is because communicating by verbs is as necessary as communicating by nouns. There is no difference between the two. Therefore, derivation here is not a material one; rather it is a derivation of correlation (*talāzum*)."⁵⁵

Undoubtedly, Ibn Qayyim is influenced by Abū ʿAlī although he still denies the notion of derivation as a practical means of generating neologisms in the language. His view resembles that of those who deny derivation and claim that there are no derived words in the language at all, as al-Suyūṭī points out.⁵⁶ It is worth noting that Ibn Ḥazm (d.456/1064) restricts the sphere of derivatives to include only the active participle, passive

⁵⁵Ibn Qayyim al-Jawziyya, *Badā'iʿ al-Fawā'id*, 2 vols. (Cairo: Idārat al-Ṭibāʿa al-Muniriyya, n.d.), 1:22-23.

⁵⁶Jalāl al-Dīn al-Suyūṭī, *Hamʿ al-Hawāmiʿ*, ed. Muḥammad al-Naʿsānī (Beirut: Dār al-Maʿrifā, n.d.), 2:213.

participle and certain adjectives.⁵⁷ In fact, he mocks al-Zajjājī (d.337/948), who is said to hold that all Arabic words are derived.⁵⁸ Al-Zajjājī claims that the word *ʿāshiq* (lover) is derived from the word *ʿishqa*, a plant which becomes green then turns yellow and finally it blooms (*yahīj*). Ibn Ḥazm sarcastically comments upon this farfetched analysis by saying “does this man (al-Zajjājī) not know that every plant on earth has this property? Why is that ‘lover’ not called *bāqil*; being derived from *baql* (vegetable), which becomes green then turns yellow and finally it blooms.”⁵⁹

In fact, the hypothesis of Abū ʿAlī bears a considerable impact even on modern grammarians, such as ʿAbd Allāh Amīn, who thinks that the origin of derivatives is the verb which is also derived from primary origins. These origins consist of all nouns except verbal nouns, indicating meanings (*asmāʾ al-maʿānī*), and nouns which indicate substances and sounds.⁶⁰ Abū ʿAlī's theory had a greater impact on the hypothesis of Fuʾād Tarzī, who believes that there are numerous origins for derivatives. These origins could be verbs, nouns or particles although derivatives are, in general, derived from verbs.⁶¹

⁵⁷Ibn Ḥazm, *Al-Iḥkām fī Uṣūl al-Aḥkām*, 8 vols. (Cairo: Maṭbaʿat al-Imām, n.d.), 1:400.

⁵⁸Al-Suyūṭī, *Hamʿ al-Hawāmiʿ*, 2:213.

⁵⁹Ibn Ḥazm, *Al-Iḥkām*, 1:400.

⁶⁰Tarazī, *Al-Ishtiqāq*, 66.

⁶¹*Ibid.*, 72.

It is noteworthy that, with regard to the modern grammatical school, there is also the view of Tammām Ḥassān, which is very similar to the view of the modern *uṣūlistic* school of al-Najaf. Other than this viewpoint, the positions of the Baṣran and Kūfan schools are still alive among the majority of contemporary grammarians. Some of them, such as Saʿīd al-Afghānī⁶² and ʿAbbās Ḥasan,⁶³ approve of the Baṣran view; while others, such as Maḥdī al-Makhzūmī,⁶⁴ ʿAlī al-Jārim⁶⁵ and Muṣṭafā Jawād,⁶⁶ advocate the Kūfan view. In general, the modern grammatical school deals with the issue of “historical origin” and pays no attention to the theoretical question, which is not associated with the disciplinary interest of grammar.

The *uṣūlists*, al-ʿAllāma al-Ḥillī,⁶⁷ al-Kamāl Ibn al-Humām⁶⁸ and Ibn Amīr al-Ḥājj⁶⁹ promote the Baṣran viewpoint on the subject; whereas the Kūfan opinion seems to have no supporters. In fact, this phenomenon is to be expected, and is

⁶²Ṣāliḥ al-Ẓālimī, “Al-Aṣl al-Nazarī aw al-Tārīkhī lil-Mushtaqqāt wal-Afʿāl, *Majallāt Kulīyyat al-Fiqh* (1), 1979, 478.

⁶³ʿAbbās Ḥasan, *Al-Naḥw al-Wāfī*, 4 vols. (Cairo: Dār al-Maʿārif, 1961), 3:145.

⁶⁴Al-Ẓālimī, *Al-Aṣl al-Nazarī*, 480.

⁶⁵*Ibid.*, 480.

⁶⁶Muṣṭafā Jawād, *Al-Mabāḥith al-Lughawiyya fil-ʿIrāq*, (Baghdad: Maṭbaʿat Lajnat al-Bayān al-ʿArabī, 1955), 14.

⁶⁷Al-ʿAllāma al-Ḥillī, *Tahdhīb al-Wuṣūl ilā ʿIlm al-Uṣūl*, 9–10.

⁶⁸Ibn Amīr al-Ḥājj, *Al-Taqrīr wal-Taḥbīr*, 1:89.

⁶⁹*Ibid.*

fully congruous with the *uṣūlistic* thinking which submits to rational speculation. Accordingly, *uṣūlists* support the Baṣran view because it is primarily based upon logic while the Kūfan view is based upon grammar and morphology. Some other *uṣūlists* hold different views about the subject, such as Ibn Ḥazm, who not only restricts the scope of derivation but also suspends judgement in determining its origin. Another *uṣūlist*⁷⁰ goes even further than this by supposing that all words are established originally in order to indicate their meanings and none of them are derived from the other. In other words, he abolishes the whole subject of derivation. Ironically, he treats the subject by implementing a juridical discursive methodology as if he is dealing with a legal matter. He claims that, according to the rational principle, one assumes that words are not derived; in order to say the opposite, a proof must be provided. Since such a proof is not available, the fundamental principle remains in force. Therefore, words are not derived and each one of them is an origin in itself.

A new era in the study of the subject was inaugurated with the rise of the modern Shīʿī school. This school arose around the middle of the 18th century after the demise of *Ikḥbārism* in Iran and Iraq and the emergence of *uṣūlism* in Iraq propagated by the extensive efforts of Muḥammad Bāqir, known as al-Wahīd al-Bihbahānī (d.1205/1791). This school is still pursuing its missionary objective in revising the discipline of *uṣūl al-fiqh*

⁷⁰Jamāl al-Dīn, *Al-Baḥth al-Naḥwī*, 92.

under the professorial leadership of Abū al-Qāsim al-Khū'ī in al-Najaf. The most outstanding feature in the methodological structure of this school is its philosophical approach to *uṣūl al-fiqh*. Reason is generally of vital consideration in manipulating all of the integral parts of *uṣūl al-fiqh*, including linguistic matters. As a modern school, it incorporates the accumulated experience of the *uṣūlistic* literature in erecting a comprehensive construction for all matters with which they deal, as in the case of derivation. The *uṣūlists* of this school have developed the discussion about the origin of derivatives and subjected it to their philosophic method. Consequently, they refuted the prevalent views about the subject and instituted new ones. They propose two opinions about the origin (*aṣl*) of derivatives⁷¹: *ism al-maṣḍar* (substantive or quasi-verbal noun) and the common basic letters which exist in each family of derivatives.

Ism al-Maṣḍar

The available sources do not furnish information regarding the first *uṣūlist* to introduces *ism al-maṣḍar* as an origin of derivatives. However, the sequence of the intellectual development of the subject shows that *ism al-maṣḍar* had been introduced before that of the “common basic letters” which was introduced by Muḥammad Sharīf al-Ḥā'irī (d. 1245/1829).⁷²

⁷¹The origin of derivatives is the primitive word or the basic material from which all derivatives branch.

⁷²Ṣāliḥ al-Ẓālimī (b.1926), seems to imply such a hypothesis in his work, *Al-Aṣl al-Naẓarī*, 481-482. Ḥā'irī was the teacher of the architect of the modern

The philosophical orientation of the modern *uṣūlistic* school does not accept the infinitive as the origin of the derivative. This is because the origin is assumed to represent the raw material which can be formulated into meaningful forms. To further illustrate the point, the example employed by the Baṣran school for the verbal noun is the simile of gold or silver.⁷³ Gold, in its raw state, represents the verbal noun, while its various forms, such as gold rings, earrings, bracelets or necklaces represent derivatives. In this example, the melted gold has the potentiality of being molded and shaped into many forms, and in this sense it is the original material which exists in each form. However, none of these forms can be an origin of another form because rationally, it is impossible for one form to exist in another form. For example, a ring cannot be an origin of an earring unless the ring is first melted, thus reducing it to its primary form which is melted gold. This image can be transferred to the subject of derivation so that a derivative cannot be perceived as an origin of another derivative.

Modern *uṣūlists* reject the verbal noun as an origin of derivatives simply because it has form (*hay'a*), which means that it, itself, is a derivative. For example, the verbal noun *ḍarb* (beating) has a substance (*mādda*), which is the basic letters indicating the mere act of beating. It also has a form which constructs these letters together and which is given the paradigm

Shīʿī *uṣūlistic* school, Shaykh Murtaḍā al-Anṣārī, known as al-Shaykh al-Aḥẓam (d.1281/1864).

⁷³ Abū al-Baqā' al-ʿUkbarī, *Masā'il Khilāfiyya*, 71.

of *faʿl* in Arabic. As the substance indicates the mere act, the form indicates certain ascription (*nisba*) between this act and an unknown agent. Therefore, the *uṣūlists* think of the verbal noun as a noun which consists of a substance indicating an act and a form revealing a restrictively incomplete ascription (*nisba taqyīdiyya nāqīṣa*) between the act and an essence. Having concluded that the verbal noun is a derivative, the *uṣūlists* sought the *ism al-maṣḍar* as an origin of derivatives. They regarded the *ism al-maṣḍar* as a mere substance indicating only an act and involving no ascription whatsoever. In other words, grammarians and these modern Shīʿī *uṣūlists* have different conceptions of the verbal noun and the *ism al-maṣḍar*.

Grammarians understand the verbal noun as a noun which only indicates an act and agrees with its verb by the fact that it contains the basic letters of this verb, such as the verbal noun *ḍarb* and its verb *ḍaraba*. But when the noun indicates an act without containing the basic letters of its verb, it is considered as an *ism al-maṣḍar*. Thus both the verbal noun and the *ism al-maṣḍar* give the same indicant but they differ from each other with respect to their morphological structures.⁷⁴ However, some grammarians hold other viewpoints in demarcating the verbal noun and *ism al-maṣḍar*.⁷⁵ In Arabic, almost all verbs have verbal

⁷⁴ Ibn Hishām, *Sharḥ Shudhūr al-Dhahab*, ed. ʿAbd al-Ghanī al-Dīqir (N.P.: Dār al-Kitāb, n.d.), 526. See also, ʿAbd Allāh Ibn ʿAqīl, *Sharḥ Ibn ʿAqīl*, ed. M.M.D. ʿAbd al-Ḥamīd, 6th ed., 2 vols. (Cairo: Maṭbaʿat al-Saʿāda, 1951), 2:79-80.

⁷⁵ Ḥasan, *Al-Naḥw al-Wāfī*, 3:162-163.

nouns but only some of them have *ism al-maṣḍars* along with verbal nouns.

In fact, grammarians draw no decisive distinction between the verbal noun and the *ism al-maṣḍar*, which accordingly overlap in some cases, such as *al-maṣḍar al-mīmī*, the verbal noun which begins with the letter 'm'.⁷⁶ Furthermore, Sībawayh reveals that no distinction was drawn between them by early grammarians.⁷⁷ Nevertheless, grammarians, even early ones, such as Sībawayh, specify certain forms for verbal nouns, which vary according to the variation of their verbs. For example, the verbal paradigm *faʿala*, like the verb *ḡaraba*, has the paradigm *faʿl* as a verbal noun, but the verbal paradigm *faʿala* like the word *kafara* takes *fuʿl* as a verbal noun. However, no, such forms are given for the *ism al-maṣḍar* whose forms are rather limited to that which has been employed by the authoritative speech of the Arabs. In other words, unlike the verbal noun which can be created whenever there is a need, there can be no creation of new *ism al-maṣḍars* in addition to those which actually exist in Arabic lexicography. In short, the grammatical distinction between the verbal noun and the *ism al-maṣḍar* refers only to the morphological structure. This structure draws a distinction between them because semantically, they share the

⁷⁶ Ibn Hishām, *Sharḥ Shudhūr al-Dhahab*, 526–528.

⁷⁷ Sībawayh, *Al-Kitāb*, 2 vols. (Cairo: al-Maṭbaʿa al-Kubrā al-Amīriyya, 1317/1899), 2:244.

same indicant, namely, the act in its absolute form. Thus, the verbal noun and the *ism al-maṣḍar* of one verb are synonymous.

However, modern Shīʿī *uṣūlists* differentiate between them by focusing upon the semantic aspect and neglecting the literal one; it is the opposite of the practice of the grammarians. They perceive the verbal noun, as previously stated, as a noun which contains a substance indicating an act and an incomplete ascription; but the *ism al-maṣḍar* is considered a noun containing only a substance which indicates an act. As the morphological construction is concerned, they do not see any serious literal difference between them and thus they share the same forms. The distinction depends upon whether by employing them the user intends the mere act or both the act and the ascription. For example, in a sentence, such as ‘sale is forbidden on Friday’ the word sale (*bayʿ*) could be interpreted as a verbal noun or an *ism al-maṣḍar* and each interpretation yields a different legal ruling in positive law. For example, if the law-giver says “sale is forbidden on Friday,” the word “sale” could be understood as a verbal noun or an *ism al-maṣḍar*. If an ascription is taken into consideration, “sale” is a verbal noun; otherwise, it is an *ism al-maṣḍar*. In the former case, what is legally disapproved is the ascription, viz. the embarkment in the transaction of sale, which means that the transaction as such is valid. However, in the case of the *ism al-maṣḍar*, the disapproved is the transaction itself not its performance because what is considered here is the action of transferring the ownership of objects through the

contract of sale.⁷⁸ However, what is considered as the *ism al-maṣḍar* by grammarians is also regarded as the *ism al-maṣḍar* by *uṣūlists*, but the latter treat it as an exception because of the principle that there is no literal distinction between the verbal noun and the *ism al-maṣḍar*. Abū al-Qāsim al-Khū'ī says:

In the Arabic language, it is rarely that a variation occurs between the two forms (of the verbal noun and the *ism al-maṣḍar*) but they are always indicated by one form, such as *ḍarb* by which the indicant of the verbal noun or the mere act are meant. So both of them share one form. However, in Persian, it is most likely that each one of them has a specific form, such as *kutak-zadan* (beating), *gardish-gardīdan* (tour) and so on.⁷⁹

In other words, the intention of the speaker determines whether he uses the form to indicate the verbal noun or the *ism al-maṣḍar*. But when such a form is adjunct (*muḍāf*) to its subject or, as rarely is the case in Arabic, to its object, it must be considered as verbal noun because there is an obvious ascription between the act and a certain essence. For example, “the beating of Zayd is severe”; the word beating (*ḍarb*) has to be considered a verbal noun because it indicates the act of beating as well as the relation between this act and an agent.⁸⁰ However,

⁷⁸Ṣāliḥ al-Ẓālimī, *Al-Aṣl al-Nazarī...*, 484.

⁷⁹The first of the forms in the example are *ism al-maṣḍars* and the others are verbal nouns. Muḥammad al-Fayyāḍ, *Muḥāḍarāt fī Uṣūl al-Fiqh*, 1:278.

⁸⁰Such an example is questionable because the infinitive, *ḍarb*, as such is ascribed, according to some *uṣūlists*, to an unknown essence and here it is also ascribed to Zayd. It means that the act of the infinitive is ascribed twice and

when we say “beating is severe,” it could be interpreted as a verbal noun or the *ism al-maṣḍar*, taking into account the subtle difference between both interpretations. In other words, the form of the verbal noun and the *ism al-maṣḍar* is versatile as in the Arabic words *yazīd* and *maḥmūd*. They can be used as proper nouns, as in “I have met Yazīd and Maḥmūd”. The former can also be employed as a verb as in the case of *al-mā’u yazīdu* (the water is increasing), and the latter can be used as an adjective, such as *laqītu rajulan maḥmūdan khuluquhu* (I have met a man whose manners are praised). All of these usages are common in Arabic and the context is the decisive factor of the indicants. It is the same in the case of our subject matter, where context can decide whether the form is for the verbal noun or the *ism al-maṣḍar*. However, in most usages, context does not help to determine which one of them is being employed; it is only consideration of the intention of the user which is the deciding factor, such as in the case of the previous example “sale is forbidden on Friday.”

Having provided such an analysis of the *ism al-maṣḍar*, some *uṣūlists* believe that it, *ism al-maṣḍar*, is the origin of both derivatives and the verbal noun. Because the *ism al-maṣḍar* has no meaningful form (*hay’a*), it can be molded into any form of derivatives. Although there is no morphological difference between the form of the verbal noun and that of the *ism al-maṣḍar*, these *uṣūlists* maintain that the form of the *ism al-*

therefore the infinitive has two conceptions inherent in it: the act ascribed to unrecognized essence and the act ascribed to a recognized essence, i.e. *Zayd*. Such a complex indicant of the infinitive is questionable. See M. al-Hāshimī, *Mabāḥith al-Dalīl al-Lafẓī*, (Najaf: Maṭba‘at al-Ādāb, 1977), 349.

maṣḍar indicates no meaning unlike the form of the verbal noun which indicates incomplete ascription, as noted before. The role of the form of the *ism al-maṣḍar* is only to bind its substance (the basic letters), which cannot be articulated as a word without being in a form.⁸¹

However, the *uṣūlist* Mīrzā Ḥusayn al-Nā'inī (d.1936) asserts that the form of the verbal noun does not produce any sort of indicant. But he admits that the verbal noun, unlike the *ism al-maṣḍar*, indicates potentially an incomplete ascription. This indication is not due to its form but to its substance which is coined by Arabs on the grounds that it has a potentiality of being ascribed, unlike the substance of the *ism al-maṣḍar* which is coined provided that such a potentiality is not regarded. Therefore, the verbal noun can be ascribed to its subject, such as *ḍarbu Zaydin Bakran shadīdun* (Zayd's beating of Bakr is severe), or as rarely, it can be ascribed to its object, such as *ḍarbu Bakrin Zaydun shadīdun* which has the same meaning as the previous example but with a different structure. But the *ism al-maṣḍar* cannot be ascribed to its subject nor its object.⁸²

Al-Nā'inī's view has become a subject of attacks leveled by some *uṣūlists*, such as his student al-Khū'ī⁸³ and M.B. al-Ṣadr.⁸⁴ It seems that al-Nā'inī is influenced in this view by grammarians

⁸¹Al-Ẓālimī, *Al-Aṣl al-Nazarī*, 481-482.

⁸²Abū al-Qāsim al-Khū'ī, *Ajwad al-Taqrīrāt*, 1:62-63.

⁸³Al-Fayyād, *Muḥāḍarāt*, 1:276-277.

⁸⁴Maḥmūd al-Hāshimī, *Mabāḥith al-Dalīl al-Lafẓī*, 350-351.

who say that the verbal noun, when ascribed, grammatically affects its subject or object; unlike the *ism al-maṣḍar* which has no such effect upon the subject and object, with the exception of a few cases.⁸⁵ According to grammarians, the *ism al-maṣḍar* can be ascribed, as in the case of *karamu Zaydin* (the generosity of Zayd), but al-Nā'inī's view is somewhat enigmatic because he claims that the *ism al-maṣḍar* is unascrivable.

In his rebuttal of al-Nā'inī's view that the form of the *ism al-maṣḍar* indicates an incomplete ascription, M. B. al-Ṣadr resorts to a unique strategy for distinguishing the verbal noun from the *ism al-maṣḍar*. He believes that the form of the verbal noun is established in order to indicate a certain property for the substance of the verbal noun itself. This property is not an ascription nor does the form indicate an essence. The form of the *ism al-maṣḍar* is coined to indicate absolutely nothing; therefore, the indicant of the *ism al-maṣḍar* is a mere act. Thus, the *ism al-maṣḍar* has a priority over the verbal noun because the former simply indicates a mere act while the latter is a compound of an act and a certain property. Theoretically, that which is simple has priority over that which is compound. Likewise, the verbal noun has priority over verbs and complete sentences have priority over any incomplete sentences (clauses).⁸⁶ Although al-Ṣadr places immense emphasis on the

⁸⁵Ibn Hishām, *Sharḥ Shudhūr al-Dhahab*, 526-530. See also ʿAbbās Ḥasan, *Al-Naḥw al-Wāfī*, 3:171-173.

⁸⁶Al-Hāshimī, *Mabāḥith al-Dalīl al-Lafẓī*, 351-354.

ism al-maṣḍar, elsewhere, he declares that the *ism al-maṣḍar* is derivative.⁸⁷ This fact, however, leads us to believe that he considers the “basic common letters” as the origin of derivatives--although he does not explicitly say this--since there is no other alternative.

Despite the sophisticated interpolations these *uṣūlists* might have given the subject, other *uṣūlists* radically reject the *ism al-maṣḍar* as the origin of derivatives. They focus their criticism on the fact that the *ism al-maṣḍar* comprises a form just as any derivative. It seems that this question has led to the other subject, namely, the common basic letters among derivatives.

The Letters Common to Derivatives

The term “linguistic substance” (*al-mādda al-lughawiyya*) is used to describe the common, basic letters found in derivatives, such as the letters *ḍ r b* which represent a common denominator in the verbal noun *ḍarb*, the various tenses of verbs *ḍaraba-yaḍribu-iḍrib*, the active participle *ḍārib*, the passive participle *maḍrūb*, the noun of place *maḍrab* and so forth. It seems that the first *uṣūlist* to have introduced such a view was Muḥammad Sharīf al-Ḥā'irī (d.1245/1829), as conveyed by his student Ibrāhīm al-Qazwīnī, who wrote his advanced lectures on *uṣūl al-fiqh*.⁸⁸ Later, this view has been adopted by many

⁸⁷Ibid., 407.

⁸⁸Ibrāhīm al-Qazwīnī, *Ḍawābiṭ al-Uṣūl*, ed. M. Mahdī (Tehran (?) :n.p., 1275/1858), 9.

uṣūlists, such as Muḥammad Kāẓim al-Khurāsānī, known as al-Akhund (d.1329/1911),⁸⁹ M.Ḥ. al-Nā'inī,⁹⁰ Ẹiyā' al-Dīn al-Ḥirāqī (d.1361/1942),⁹¹ Shaykh Ḥusayn al-Ḥillī,⁹² Abū al-Qāsim al-Khū'ī,⁹³ M.Bāqir al-Ṣadr and ḤAbd al-AḤlā al-Sabzawārī.⁹⁴ In fact, this view is more current among *uṣūlists* than that of the *ism al-maṣḍar*.

These *uṣūlists* seek an origin (*aṣl*) of derivatives which is not confined within a form so that they can formulate it in any shape. They reject the *ism al-maṣḍar* as an origin because it possesses a form. Its linguistic substance is not completely absolute and non-conditioned (*lā biṣharṭ*); on the contrary, it is conditioned so that it is not (*biṣharṭ lā*) ascribed to an essence.⁹⁵ In other words, the origin has to be a mere substance which can be a subject of different accidental forms of derivatives, just as melted gold can be molded into various kinds of jewelry. The origin consists of a substance which indicates a potential general meaning while the derivative consists of a substance and a form which modifies the meaning. Consequently,

⁸⁹M. Jamāl al-Dīn, *Al-Baḥṭh al-Naḥwī*, 94.

⁹⁰Al-Khū'ī, *Ajwad al-Taqrīrāt*, 60-61.

⁹¹Jamāl al-Dīn, *Al-Baḥṭh al-Naḥwī*, 94

⁹²Al-Ẓālimī, *Al-Aṣl al-Nazarī*, 283.

⁹³Al-Fayyāḍ, *Muḥāḍarāt*, 1:278.

⁹⁴ḤAbd al-AḤlā al-Sabzawārī, *Tahdhīb al-Uṣūl*, 2 vols. (Najaf: MaṭbaḤat al-Ādāb, 1979), 1:36.

⁹⁵Jamāl al-Dīn, *Al-Baḥṭh al-Naḥwī*, 97.

the various meanings of derivatives in indicating, for example the agent, place, time, etc. are due to their different forms. Al-Khū'ī says,

The origin (of derivatives) is like a primary matter (*hayūlā*) which is devoid of any property because otherwise it would not be receptive to other forms nor would it be the substance for other things. This is unlike the verbal noun or the *ism al-maṣḍar* because each of them contains an additional property ...⁹⁶

The influence of his teacher al-Nā'inī⁹⁷ is evident when he draws an analogy between the origin and primordial matter, which was an Aristotelian notion adopted by Islamic scholastic philosophy.

At this point, one must recall that modern *uṣūlists* of the Shī'ī legal school deal with theoretical not historical origin. They do not trace historically the origin of derivatives back to a certain primitive stage in the emergence of language. Rather, their objective is to explore a well-established theoretical origin based on a philosophy which has become the object of pride among modern *uṣūlists*. They are not eager to determine the historical origin even if they were able to do so, as al-Ẓālimī says,

Even if it is established for the *uṣūlist* that the verbal noun is the first to have been pronounced by Arabs, he will undoubtedly reject it even if the first

⁹⁶Al-Fayyāḍ, *Muḥāḍarāt*, 1:278.

⁹⁷Al-Khū'ī, *Ajwad al-Taqrīrāt*, 60.

speaker (of the Arabic language) is present in front of him and testify to confirm this (verbal noun was the first to be spoken) as long as the question of "the form" is above any consideration."⁹⁸

Undoubtedly, the *uṣūlists* mean a theoretical origin although some of their expressions, such as *yu'khadhu min* (to be taken from)⁹⁹ give the impression that they are dealing with an historical origin. Otherwise, their discussion is nonsensical because it is inconceivable that one assume that the primitive people who first spoke the language had such a complex and succinct conception of derivation. This means that before they expressed any meaning they established an unutterable abstract linguistic substance, such as *ḍ r b*, then they systematically derived the words which they needed. Such a hypothesis is thoroughly is not supported by derivatives existing in Arabic, such as those which originate from particles. Nevertheless, it could be that the distinction between the theoretical and historical origins is not completely clear to some *uṣūlists*.

Although al-Ḍālimī distinguishes between the theoretical and historical origins and believes that *uṣūlists* only grapple with the theoretical issue, he questions the practicability of their views in considering the linguistic substance as an origin. This is because it is impossible for the establisher (*wāḍiʿ*) of the language to imagine disjoined letters which indicate meaning

⁹⁸Al-Ḍālimī, *Al-Aṣl al-Naẓarī*, 484.

⁹⁹Jamāl al-Dīn, *Al-Baḥth al-Naḥwī*, 94

before deriving meaningful words from them.¹⁰⁰ However, it seems that this criticism is not accurate because it involves an historical event regarding the historical establishment of the language. Al-Ẓālimī's criticism concerning the theoretical origin, as opposed to the historical origin, is irrelevant to the *uṣūlists*. In terms of linguistics, it is admissible to say that unlike grammarians, *uṣūlists* concern themselves with a prescriptive not a descriptive notion about the origin of derivatives.

It is noteworthy that some contemporary grammarians, such as ʿAbd Allāh Darwīsh and Tammām Ḥassān, think that the origin of derivatives is the linguistic substance. Although their view is analogous to that of some *uṣūlists*, their approach to it is radically different from that of *uṣūlists*. Accordingly, no *uṣūlistic* influence upon these grammarians can be claimed despite the fact the *uṣūlists* adopted this view long before them. Thus, grammarians did not take the idea from *uṣūlists*, for such a communication between Shīʿī *uṣūlists* and Egyptian Sunnī grammarians is indeed unlikely to occur.

Darwīsh bases his theory upon the common idea of *jidhr* (root) in Arabic lexicography. This refers to the common letters in words which are believed to share a derivational tie with each other. After *jidhr* comes the closest word to it, the base or stem which is represented by the verb in the Kūfan school and the verbal noun in the Baṣran school. Above the stem are the derivatives and other similar words. This whole idea can be

¹⁰⁰Al-Ẓālimī, *Al-Aṣl al-Nazarī*, 484-485.

visualized as a tree having *jidhr* as roots, stem as the trunk and derivatives along with other associated words as branches.¹⁰¹ However, the idea of *jidhr* serves as a systematic methodology for Arabic lexicons. The first to have introduced the idea is al-Khalīl Ibn Aḥmad al-Farāhīdī (d.170 or 176/786–791), the teacher of Sībawayh and the author of the famous lexicon *al-ʿAyn*. It is assumed that he was influenced by Sanskrit, in which the idea of *jidhr* had already existed.¹⁰² Darwīsh rejects such an assumption and emphasizes the originality of al-Khalīl in this respect.¹⁰³ In fact, Darwīsh is extremely impressed by the scholarly endeavors of al-Khalīl, to whom he devotes most of his book, *al-Maʿājim al-ʿArabiyya*. Accordingly, one can positively deduce that his admiration of al-Khalīl has led him to adopt the idea of *jidhr* as an origin of derivatives. Darwīsh is quoted as saying,

‘The origin is an abstract thing not used in the language, which is (for example) k t b (for *kataba*, to write, and other related words). By changing vowels and placing additional letters in accordance with a certain system, we obtain derivatives, among which are verbal nouns. This is what Arabic lexicons depend upon.’¹⁰⁴

¹⁰¹Tarazī, *Al-Ishtiqāq*, 76–77.

¹⁰²Ibid., 79.

¹⁰³ʿAbd Allāh Darwīsh, *Al-Maʿājim al-ʿArabiyya* (Cairo: Maṭbaʿat al-Risāla, 1956), 4.

¹⁰⁴Al-ẓālimī, *Al-Aṣl al Naẓarī*, 485.

Tammām Ḥassān is also influenced by Arabic lexicography but presumably through Darwīsh who adopted the idea before him, although Ḥassān does not acknowledge such an influence.¹⁰⁵

Ḥassān says,

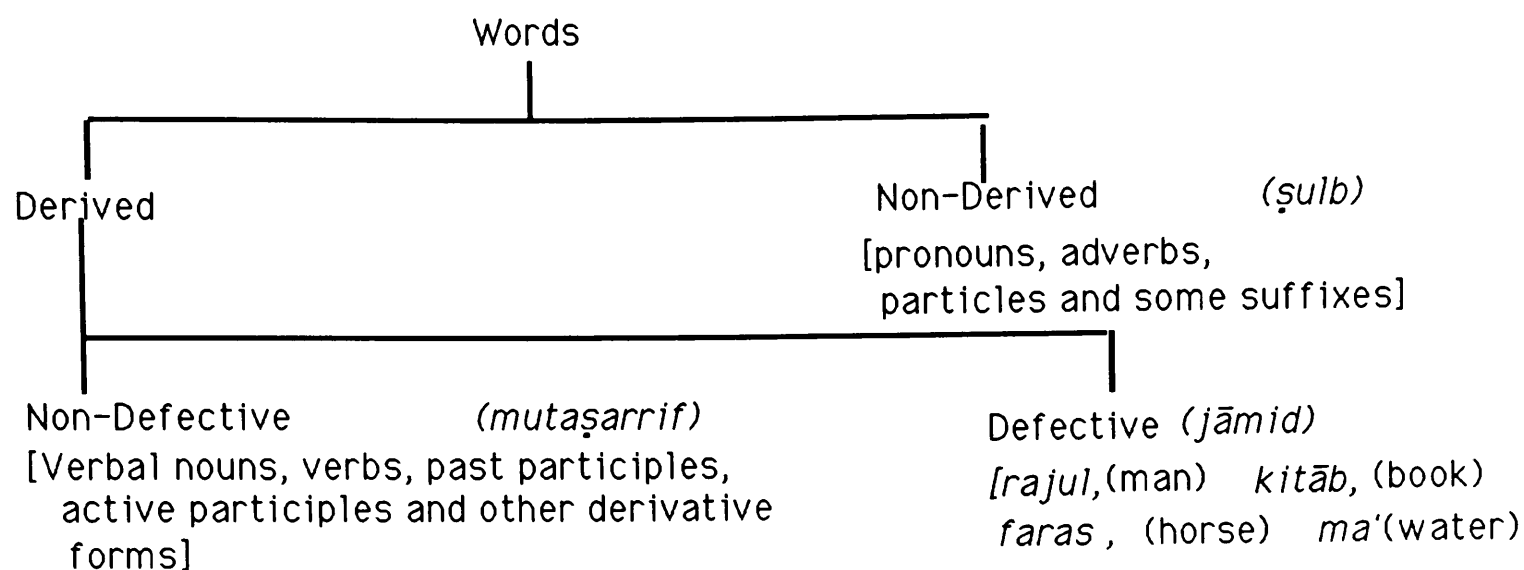
If we are to find a connection between words, we must not consider one of them as an origin for others. But we must refer to the method of lexicographers who bind words by the roots of the (linguistic) substance (of these words) in order to make this ...the basis of our methodology in the study of derivation. Accordingly, we consider the three roots¹⁰⁶ as an origin of derivatives so that the verbal noun is derived from it and the past tense is derived from it as well.¹⁰⁷

In fact, such an attempt to consider *jidhr* as an origin affects the construction of the whole theory of derivation. All Arabic words are either defective (*jāmid*) or non-defective (*mutaṣarrif*), but according to Ḥassān's hypothesis, Arabic words are divided as follows:

¹⁰⁵The second edition of Darwīsh's book, *Dirāsāt fil-Ṣarf*, appeared in the early 1960's while Tammām Ḥassān published his book, *Al-Lughā al-ʿArabiyya: Maʿnāhā wa-Mabnāhā*, for the first time in 1973. He also edited the famous lexicon of al-Khalīl, i.e. *al-ʿAyn*.

¹⁰⁶Most Arabic words are based upon three consonant (*ṣāmit*), letters. These letters are called *jidhr*, *māddat al-kalima* (the substance of the word), or *al-ḥurūf al-uṣūl* (the basic letters).

¹⁰⁷Tammām Ḥassān, *Al-Lughā al-ʿArabiyya: Maʿnāhā wa-Mabnāhā*, 2nd ed. (Cairo: Maṭābiʿ al-Hayʾa al-Miṣriyya al-ʿĀmma lil-Kitāb, 1979), 169.



It seems that this attempt is not genuine; rather, it is a means of eluding the acute controversial question of appointing an origin of derivatives.

It must be noted that despite the apparent similarity between this view and that of some *uṣūlists* who regard the linguistic substance as an origin, there is a vast gulf between them. These grammarians borrow the idea from lexicography when they fail to determine its origin. They adopt the idea without even modifying it to solve the problem tactfully. They complicate the problem by enlarging the sphere of derivation to assimilate almost all Arabic vocabulary. The major difference between *uṣūlists* and grammarians is that *uṣūlists* apprehend the linguistic substance as the common basic letters among derivatives while the grammarians grasp it as the common basic letters among derivatives and other pertinent words. Moreover, *uṣūlists* erect a theoretical origin which has no effect upon the fundamental features of the derivational theory. This view, indeed, can be adopted by grammarians and morphologists as a

suitable solution to the problem in order to bring an end to their oscillation between views. In the case of an historical origin, one must note the appealing theory of Abū ʿAlī al-Fārisī because it is the most likely to reflect reality.

In this chapter, the historical introduction of derivation in *uṣūl al-fiqh* has been investigated. It has been suggested that the subject is extraneous to the discipline of *uṣūl al-fiqh* and that Fakhr al-Dīn al-Rāzī, motivated by theological concerns, was the first *uṣūlist* to have introduced the subject into *uṣūl al-fiqh*. However, in Shīʿī *uṣūl al-fiqh*, the subject matter was introduced at a later period by al-ʿAllāma al-Ḥillī and soon afterwards it was regarded as an integral part of *uṣūl al-fiqh* by virtue of its tie with legal problems in positive law. The preceding discussion has shown that early *uṣūlists* adhered to the grammatical school of Baṣra with regard to the origin of derivatives. However, modern Shīʿī *uṣūlists* have established independent views, rendering the grammatical views about the subject obsolete. The main target of *uṣūlists* in treating the subject matter is analyzing derivatives, as will be seen in the following chapter.

CHAPTER THREE

THE ANALYTICAL APPROACH TO THE DERIVATIVE

The Conception of the Derivative

Unlike grammarians and morphologists, *uṣūlists* are interested primarily in the theological aspect of derivatives, as noted above, and not in the linguistic one. Therefore, they restrict the domain of derivatives in order to exclude from their discussion irrelevant material such as nouns of place, time and instrument which have no bearing on theology or positive law.

Such exclusions, called semantic narrowings,¹ seem to have occurred arbitrarily because there was no *uṣūlistic* conception of derivatives in the mind of previous *uṣūlists*. Their conception was somewhere between the linguistic identity and what it should have been in *uṣūl al-fiqh*. Such confusion can be clearly seen in their definition of the derivative. They define it differently from the way they actually perceive it. For example, al-Kamāl Ibn al-Humām (d.861/1456) defines it as "that which agrees with its verbal noun in its basic letters and meaning having something additional."² This definition agrees with the Baṣrī conception of the derivative. But unlike the Baṣrī grammarians, al-Kamāl does not consider the verb as derivative. Restricting this broad definition, he then excludes the nouns of

¹This is a linguistic term indicating a process whereby the meaning of a word becomes less general or inclusive. The counterpart of this term is "semantic broadening".

²Ibn Amīr al-Ḥājj, *Al-Taqrīr wal-Taḥbīr*, 3 vols. (Cairo: al-Maṭbaʿa al-Kubrā al-Amīriyya, 1316/1898), I:89.

place and time from the scope of the derivative investigated in *uṣūl al-fiqh*.³

In fact, such confusion is not avoided by other *uṣūlists*, such as Ibn al-Ḥājib (d.646/1248) and his commentators, al-Qāḍī ʿAḍud al-Milla wal-Dīn, known as al-Ṭijī (d.756/1355) and al-Sharīf al-Jurjānī (d.791/1388).⁴ This confusion in identifying the derivative may refer to the question of whether or not the subject is relevant to *uṣūl al-fiqh*. As we have seen in the previous chapter, some *uṣūlists* find it irrelevant to deal with this subject; thus, they repudiate it.

In the modern Shīʿī school of *uṣūl al-fiqh*, the conception of derivatives has undergone several semantic narrowings and broadenings. There are derivatives which have been excluded and some non-derivatives have been included, for example, the non-derivative word *zawja* (wife) is considered a derivative. These changes are not arbitrary but implemented according to a highly structural perspective which bestows upon derivatives a unique *uṣūlistic* identity.

Rudimentary efforts towards a clear *uṣūlistic* conception of derivatives seemed to have been promoted by Muḥammad Kāẓim al-Khurāsānī (d.1329/1911).⁵ These efforts have been further reinforced by later *uṣūlists*, such as Muḥammad Ḥ. al-Nāʾinī (d.

³Ibid., 90.

⁴Ṣaḥīḥ al-Dīn al-Taftāzānī, *Ḥāshiyat al-Taftāzānī*, 2 vols. (Cairo: al-Maṭbaʿa al-Kubrā al-Amīriyya, 1316/1898), 1:171-172.

⁵Muḥammad K. al-Khurāsānī, *Kifāyat al-Uṣūl*, ed. Mīrza M.A. al-Ṭahrānī, 2 ed., 2 vols. (Tehran: Kitābfurūshī Islāmiyya, 1367), 1:58-61.

1335/1938)⁶ and his student Abū al-Qāsim al-Khū'ī, who, along with his student Muḥammad Bāqir al-Ṣadr (d.1980), presents an elaborated discussion of the subject matter.

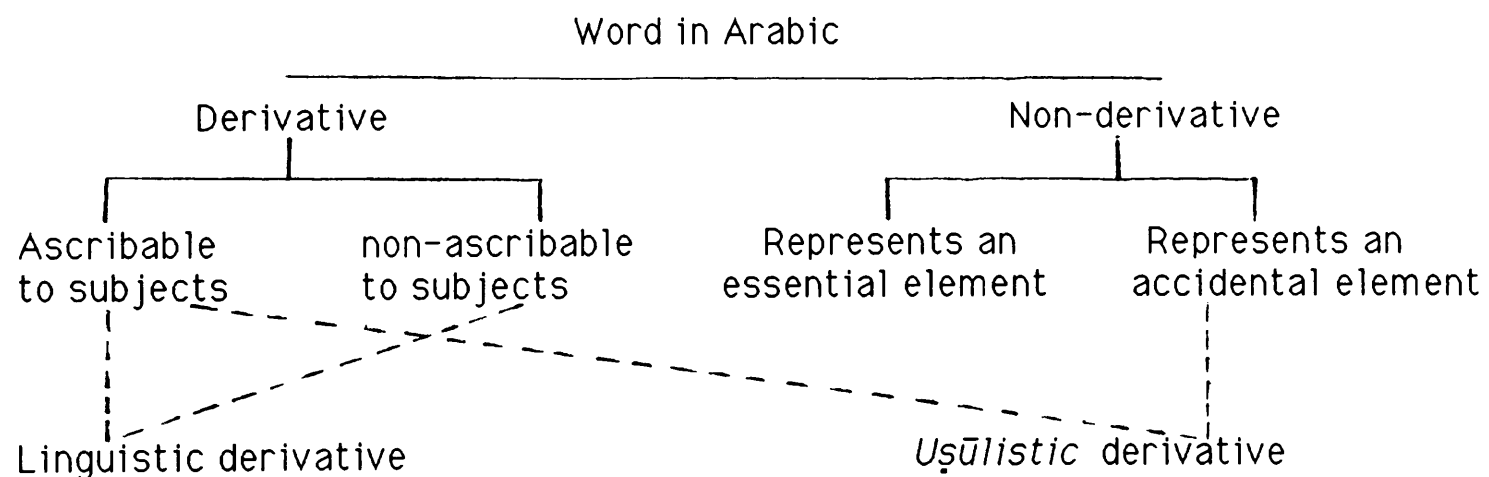
Al-Khū'ī indicates that the Arabic word is divided linguistically into two types: derivative and non-derivative (*jāmid*). Each of these two is further subdivided into two. The first division of the derivative is a derived word which may be ascribed to a subject having a link with the meaning of this word, such as active and passive participles and nouns of place and time. For example, when a person has acquired certain knowledge, we can derive the word knowledgeable and ascribe it to him. Therefore, it can be said, for example, 'John is knowledgeable'; this latter word being associated with the subject which acquires knowledge. The second division of the derivative is a derived word which is non-ascribable to a subject, such as verbs and verbal nouns. Accordingly, one cannot say that John is knows or he is knowledge.

With regard to the non-derivative, al-Khū'ī discusses two types: first, there are words whose meanings are taken from the basic components of their denotations, such as human, animal, tree, dust, etc... For instance, when it is said that John is human, it means that humanity is an essential element of John's essence. Thus, once he loses this element, he accordingly loses his essence as a human being. Therefore, John and human are basically the

⁶Abū al-Qāsim al-Khū'ī, *Ajwad al-Taqrīrāt fī Uṣūl al-Fiqh*, 2nd ed. (Tehran: Chāpkhāna Sharikat Sahāmī Tab^c Kitāb, 1367/1947), 52-54.

same. This is unlike the word knowledgeable which represents an accidental element of John when it is ascribed to him. Once he loses this element, he does not lose his essence as a human being. Secondly, there are words whose meanings are taken from accidental (*ʿaraḍī*) aspects of their denotations, such as husband, wife, slave and free.⁷ In the example, John is a husband, the word 'husband' obviously reveals no essential part of John's being; rather it is an accidental epithet for his marital status.

Among these four types of derivatives and non-derivatives, al-Khū'ī holds that the *uṣūlistic* derivative consists of the first type of derivative and the second type of the non-derivative.⁸ His view can be illustrated by the following chart:



In fact, this identification of the *uṣūlistic* derivative is actually based upon the conception that any word is considered

⁷M. Bāqir al-Ṣadr gives the word *minshār* (saw), as an example of this type. See Maḥmūd al-Hāshimī, *Mabāḥith al-Dalīl al-Lafẓī* (Najaf: Maṭbaʿat al-Ādāb, 1977), 409. However, this word does not belong to this type because, linguistically speaking, it is derivative. It is called a noun of instrument. See Aḥmad al-Ḥamalāwī, *Shadhā al-ʿArf fī Fann al-Ṣarf*, 16th ed. (Cairo: Maṭbaʿat Muṣṭafā al-Bābī, 1965), 86.

⁸Muḥammad I. al-Fayyād, *Muḥāḍarāt fī Uṣūl al-Fiqh*, 5 vols. (Najaf: Maṭbaʿat al-Najaf, 1962), 1:216.

derivative once it incorporates the following two fundamental bases:

1- The derivative must be ascribable, as noted above. Even if, for example, John obtains a sense of generosity, it cannot be said that John is generosity. The verbal noun, generosity, is actually different from John. However, it can be said that John is generous because the adjective, 'generous', is intended to be ascribed to a subject having the quality of 'generosity', a word from which 'generous' is derived.

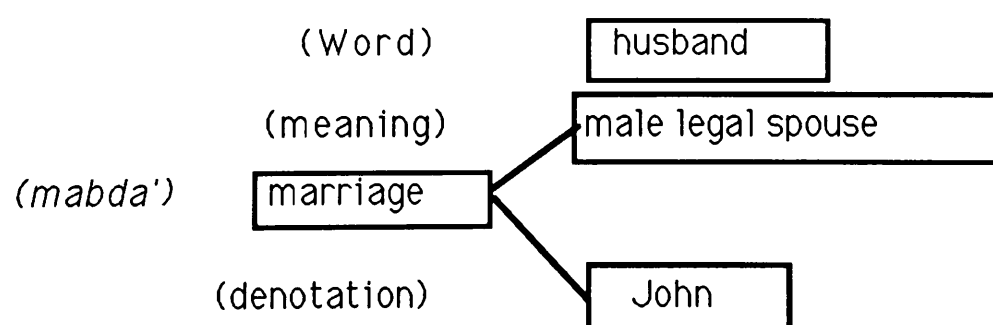
2-The derivative is assumed to consist of an essence and an origin (*mabda'*) upon which the meaning of the derivative is based. It is necessary that this essence exist when the origin is separated from it. Otherwise, it cannot be considered a derivative. An example of this is the word 'human' ascribed to John. The essence of John disappears as soon as the origin, humanity, is detached from him. This is unlike the word 'generous' where the essence remains eventhough the origin, generosity, is detached from it.⁹

It is noteworthy that modern Shī'ī *uṣūlists* draw their discussions of the subject from a philosophical perspective. M. Bāqir al-Ṣadr is a clear example of this phenomenon. He analyzes the subject according to a discursive logical and philosophical methodology. However, he claims that he does not rely upon such methodology in understanding the subject. He even points out that it is not accurate to subject linguistic matters to discursive

⁹Al-Fayyāḍ, *Muḥāḍarāt ...*, 1:217. See also al-Hāshimī, *Mabāḥith ...*, 407-408.

and subtle analysis; rather, the customary and spontaneous apprehension is to be considered as a criterion for diagnosing such matters.

It is very interesting to note that the *uṣūlists* use a semantic strategy in constructing their conception of the derivative. They base this conception upon the semantic aspect of words, i.e. their meanings. Nevertheless, *uṣūlists* are not interested in the meaning as such but in its rational relation to its denotation. To illustrate this point, we can examine the word 'husband' which is a derivative, according to the Shī'ī *uṣūlists*. These *uṣūlists* do not consider the morphological structure of the word nor do they consider its syntactic composition. They identify its lexical meaning and the relation between this meaning and its denotation. This relation is determined through an intermediary agent which is the origin (*mabda'*) of the word. The example, John is a husband, can be analyzed as follows:



Analyzing this example, the *uṣūlist* would concern himself with an inquiring approach to the rational affinity between marriage and John whether the former is accidental or essential in the latter. If it is essential, i.e. if it indicates a basic

component of John's essence, the word 'husband' is non-derivative; but if it is accidental, 'husband' would be derivative.

Although this theory seems to be sophisticated, some *uṣūlists* still dispute whether or not some words are derivative. This dispute was instigated by the fact that the mainstay of the theory is the affinity between the *mabda'* and the denotation. This affinity is fundamentally determined by intellectual speculation, which, being variable, gives rise to such disagreement.

The most disputable question is the noun of time, such as *maqta*, indicating a time of killing. This is because it consists of *mabda'* which is killing and an essence which is time. The problem is that it is inconceivable that this essence remain unchanged since time is naturally changeable. This is to say that *maqta* indicates the time during which the act of killing takes place; thus, once this act is completed, its time also elapses and another period of time starts. For example, when the act of killing takes place during the night, the following morning will be another time which is no longer linked with this act. In other words, once the *mabda'* terminates, the essence, time, elapses. Hence, this problem pertaining to the changeability of time renders the noun of time non-derivative because it lacks a fundamental basis: the essence must remain even when the *mabda'* is separated from it, as previously stated.

However, *uṣūlists* neglect this question and consider the noun of time as derivative. Muḥammad K. al-Khurāsānī justifies this view by conceiving the essence, time, as established in this

noun, in a universal sense which includes the time during which the *mabda'* takes place and an inconceivable time after the end of the *mabda'*. This means that the time is perceived theoretically as remaining but in reality it is impossible to find a time when the *mabda'* separates from it. Al-Khurāsānī illustrates this point by giving as an example the philosophical expression *wājib al-wujūd* (the Necessary Being). This expression is universal, i.e. includes anything whose existence is philosophically necessary. But actually it has no denotation except God alone and it is impossible to find another whose existence is necessary.¹⁰

Other *uṣūlists*, such as Muḥammad Ḥ. al-Nā'inī,¹¹ Muḥammad Ḥ. al-Iṣfahānī (d.1361/1942),¹² Diyā' al-Dīn al-ʿIrāqī (d.1361/1942),¹³ Abū al-Qāsim al-Khū'ī¹⁴ and M. Bāqir al-Ṣadr,¹⁵ give different justifications to the previous question. All of them base their discussion upon a developed philosophical approach paying no attention whatsoever to any linguistic consideration. They completely diverge from what Arabic-speaking people apprehend, and they indulge in pure intellectual speculation. In fact, this manner of treating linguistic matters

¹⁰Al-Khurāsānī, *Kifāyat* ..., 1:60-61.

¹¹Al-Khū'ī, *Ajwad al-Taqrīrāt*,

¹²Muḥammad Ḥusayn al-Iṣfahānī, *Nihāyat al-dirāya fī Sharḥ al-Kifāya* (Qum: al-Maṭbaʿa al-ʿilmiyya, 1379), 1:98-100.

¹³Al-Hāshimī, *Mabāḥith* ..., 413-414.

¹⁴Al-Fayyāḍ, *Muḥāḍarāt* ..., 1:230-33.

¹⁵Al-Hāshimī, *Mabāḥith* ..., 412-414.

should be marked as a serious feature of the *uṣūlistic* methodology. This phenomenon requires a studious investigation in the *uṣūlistic* literature if it is to be assessed within the whole *uṣūlistic* strategy in dealing with Arabic texts.

Beside the previous question about the noun of time, al-Mīrza Muḥammad Ḥ. al-Shīrāzī (d.1312/1894) excludes from the derivative the noun of instrument, such as *miftāḥ* (key), and the passive participle, such as *maḍrūb* (beaten). However, his view meets no acceptance among famous *uṣūlists*. M. Bāqir al-Ṣadr undertook the task of refuting his view.¹⁶

Analytical Aspects of the Derivative

The primary goal of the *uṣūlists* is the analysis of the derivative. The framework of such analysis was laid down by Fakhr al-Dīn al-Rāzī (d.606/1209). Other *uṣūlists* do not deviate dramatically from this framework although they emphasize different points according to their own interest in dealing with the subject matter.

The *uṣūlistic* analysis of the derivative is intended to address three different disciplinary aspects: grammatical, rhetorical and theological. It is interesting that these aspects reveal no objective unity which binds them together to serve a specific interest. This fact strengthens our hypothesis that al-Rāzī, the first *uṣūlist* thought to have introduced the subject matter in *uṣūl al-fiqh*, did no more than gather scattered

¹⁶Ibid.,411-412.

questions from various disciplines which had already flourished. The following discussion of the three aspects will highlight our hypothesis and provide us with a clear view of the *uṣūlistic* methodology in assimilating such a linguistic topic.

The Grammatical Aspect

This aspect is based upon the question of whether the derivative is simple or compound. For example, does the active participle *ʿālim* (knowledgeable) indicates an essence and a knowledge pertaining to this essence or does it suggest only one thing? This is a grammatical question because it deals with the indicant of the derivative. This indicant must be identified by grammarians since it is related to the semantic function of the derivative in the syntactic composition. However, grammarians neglect this aspect of the derivative, save some of them who deal with it in a rudimentary manner. They point out in positive terms that the derivative is a compound of the *mabda'*, which they refer to as *maʿnā* (meaning), and an essence related to this *mabda'*, or meaning.¹⁷

Uṣūlists, unlike grammarians, commit themselves to an exhaustive study of this particular aspect while they do not expend such effort upon other aspects. Early *uṣūlists* do not place considerable emphasis on this aspect and most, if not all,

¹⁷ʿAbd Allāh Ibn ʿAqīl, *Sharḥ Ibn ʿAqīl*, ed. Muḥammad M.D. ʿAbd al-Ḥamīd, 6th. ed. 2 vols. (Cairo: Maṭbaʿat al-Saʿāda, 1951), 2:154. See also ʿAbbās Ḥasan, *Al-Naḥw al-Wāfī*, 4 vols. (Cairo: Dār al-Maʿārif, 1961), 3:32, 144-145, 342.

of them follow the grammatical conception of the derivative as being compound. Al-Rāzī says:

The concept (*mafḥūm*) of 'black' (being derivative) is something having blackness. Concerning the reality of this thing, it is exterior to the meaning (of the derivative); so if it happens to be known, it is known by means of concomittance (*iltizām*).¹⁸

By the second sentence, he means that the quiddity of the essence ought to be inconceivable; however, it can be conceived in the context but still cannot be considered an integral part of the meaning of the derivative. He further illustrates his point by giving the example 'black is a body.' If, he says, the meaning of black is "a body having blackness," the meaning of the example would be that the body having blackness ought to be a body. It means that the sentence is redundant or, as called by some modern *uṣūlists*, a necessary proposition (*qaḍiyya ḍarūriyya*). It is a necessary proposition because the essential statement is that a body is a body. However, when the essence is not identified, i.e. as a body, the proposition would be probable-- meaning that the black thing is a body. It is probable in this case because the black thing might corresponds to something other than a body.

This view of the derivative as a compound is adopted by an influential group of *uṣūlists*. Among these *uṣūlists* are: Sayf al-

¹⁸Fakhr al-Dīn al-Rāzī, *Al-Maḥṣūl*, ed. Ṭāha J. F. al-ʿAlwānī, 2 vols. in 6 parts. (al-Riyāḍ: Maṭābiʿ al-Farazdaq, 1399/1979), I, i:344.

Dīn al-Āmidī (d.631/1233),¹⁹ Muḥammad Amīn, known as Amīr Bādshāh,²⁰ al-Qādī al-Bayḍāwī (d. 716/1316),²¹ Jamāl al-Dīn al-Asnawī (d.772/1370),²² al-Kamāl Ibn al-Humām (d.861/1457)²³ and many others.²⁴ In addition, this view also finds some supporters in the modern *uṣūlistic* school of al-Najaf, such as Muḥammad Ḥusayn al-Iṣfahānī,²⁵ the present leader of the school, Abū al-Qāsim al-Khū'ī²⁶ and his student M. Bāqir al-Ṣadr.²⁷ It must be noted that al-Khū'ī interprets what Muḥammad K. al-Khurāsānī says about the subject in favor of this view that the derivative is compound.²⁸

¹⁹Sayf al-Dīn al-Āmidī, *Al-Iḥkām fī Uṣūl al-Aḥkām*, 4 vols. (Cairo: Dār al-Ḥadīth, n.d.), 1: 73-74.

²⁰Amīr Bādshāh, *Taysīr al-Taḥrīr*, 4 vols. (Cairo: Maṭbaʿat Muṣṭafā al-Bābī, 1350), 1:67.

²¹Jamāl al-Dīn al-Asnawī, *Nihāyat al-Su'ūl fī Sharḥ Minhāj al-Wuṣūl*, 3 vols. (Cairo: Maṭbaʿat al-Tawfīq al-Adabiyya, n.d.), 147.

²²Ibid., 147

²³Badshāh, *Taysīr* ..., 67.

²⁴Saʿd al-Dīn al-Taftāzānī, *Ḥāshiyat al-Taftāzānī*, 2 vols. (Cairo: al-Maṭbaʿa al-Kubrā al-Amīriyya, 1316), 1:175-76.

²⁵Al-Iṣfahānī, *Nihāyat* ..., 129-129.

²⁶Al-Fayyāḍ, *Muḥāḍarāt* ..., 1:267. Since al-Iṣfahānī is known for holding the view that the derivative is compound, we conclude that he is a teacher of al-Khū'ī and he is the one to whom al-Khū'ī refers as "shaykhunā al-Muḥaqqiq" while he refers to his teacher al-Nā'inī as "Shaykhunā al-Ustādh." Ibid., 267. Accordingly, it might be said that al-Khū'ī is influenced by al-Iṣfahānī in this respect.

²⁷Al-Hāshimī, *Mabāḥith* ..., 372.

²⁸Al-Fayyāḍ, *Muḥāḍarāt* ..., 1:266-67.

This view incorporates a third element in addition to the essence and the *mabda'*. This third element is an ascription (*nisba*) between the other two elements which otherwise would not be related to each other. This ascription is incomplete (*nisba nāqiṣa*) unlike the ascription which constructs a sentence, such as John is knowledgeable. In this sentence, the ascription is complete because it builds a sentence from the subject and the predicate while the ascription in a derivative, such as knowledgeable (*ʿālim*), indicates a certain relation between the *mabda'*, knowledge, and the unidentifiable essence.

However, there is a serious question arises from this view: when *uṣūlists* argue about whether the derivative is simple or compound, are they analyzing the derivative from a philosophical standpoint or as it is understood by ordinary people? It seems that *uṣūlists* unanimously agree that what is understood from the derivative in the level of communication is a simple indicant. Therefore, when someone hears the derivative *ʿālim* (knowledgeable) he acquires immediate intuitive understanding of it. This simple indication of the derivative is called by some *uṣūlists* *al-basāṭa al-liḥāẓiyya* ²⁹ or *al-idrākiyya*. ³⁰ Each of these terms refer to the simplicity in the level of communication.

However, when the derivative is rationally analyzed, the disagreement takes place among *uṣūlists* on whether it is simple or compound. Hence, there are two levels of perceiving the

²⁹A1-Fayyāḍ, *Muḥāḍarāt ...*, 1:265.

³⁰Ibid., 265.

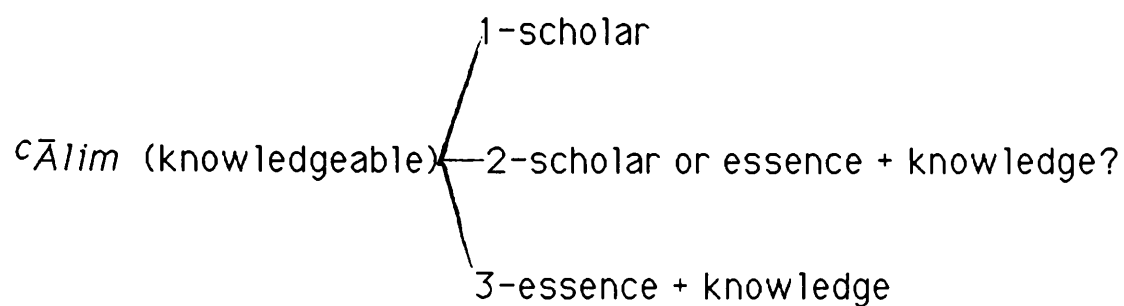
derivative: that which is grasped on an intuitive level and that which is grasped on a rational level. In fact, most words could be subjected to these levels, such as home, wall, book etc. Such words, when used in ordinary communication, indicate simple units but their indicants are actually compound. Home, for example, is understood as one unit but, in reality, it is compound of multiple materials, such as rocks, wood, cement etc....

Nevertheless, once again a legitimate question about the *uṣūlistic* methodology arises. Why do the *uṣūlists* neglect the ordinary way of understanding the language and plunge into pure intellectual speculation? The contemporary Shīʿī *uṣūlist*, ʿAbd al-Aʿlā al-Sabzawārī seems to be aware of this question. He asserts that intellectual subtleties have to be abandoned in favor of the customary apprehension of the language. Therefore, the derivative is rationally compound but it is not at the level of the established usage.³¹

Al-Sabzawārī claims that there are three, not two, levels of perceiving the derivative. He upholds the rational level and subdivides the intuitive into that which entails consideration of the subject and that which entails literal and immediate apprehension of the word. By the level which involves consideration, he means the intuitive level discussed by other *uṣūlists*, such as al-Khūʿī. By immediate literal apprehension (*al-tabādur al-lafẓī*) he means that which is conceptually

³¹ ʿAbd al-Aʿlā al-Sabzawārī, *Tahdhīb al-Uṣūl*, 2 vols. (Najaf: Maṭbaʿat al-Ādāb, 1979), 1:39-40.

understood from the expression not the actual object indicated by the expression. Al-Sabzawārī claims that the disagreement among *uṣūlists* pertains to this level and not the the rational one where the derivation can only be perceived as a compound.³² To him, the three levels could be elucidated by the primary example.



This tri-level theory emerged subsequent to the double-level theory. Although al-Sabzawārī maintains that the derivative is simple, one could classify him with those who think that it is compound. This is because both agree at the third rational level and admit the existence of composition (*tarkīb*) of the derivative. The difference between the two is that al-Sabzawārī does not admit that there is a problem at the third level as the others do. He sees the problem at the second level. Nevertheless, this classification could be far-fetched; therefore, he has to be treated in accordance with his tri-level theory.

In fact, al-Khū'ī refers to literal immediate apprehension as part of the first level, according to the double-level theory. Thus, he claims that it is self-evident that the derivative in this

³²Ibid., 39.

sort of apprehension is compound while al-Sabzawārī claims that it is simple.³³ Accordingly, one may conclude that this particular disagreement is a kind of verbal juggling caused by employing imprecise terminology.

The view of the composition of the derivative is based upon logic. This is because logicians stipulate that the ascription between the subject and its predicate is not correct unless the subject and predicate are different concepts in the mind and are the same subject outside the mind.³⁴ For example, it can be said that 'John is knowledgeable' because the subject and predicate reveal different concepts in the mind but they are the same object which is John. According to this example, it cannot be said that 'John is knowledge' because outside the mind John and knowledge are two different objects; knowledge is not John. Hence, the view that emphasizes composition is based on this logical ground because if the derivative, e.g. knowledgeable, is simple, what is the difference between it and its origin, knowledge, which is also simple? The fact that the derivative can be used as predicate while its origin cannot mean that the essence in the derivative, is taken into consideration. This essence corresponds to the subject of the sentence, therefore,

³³Al-Fayyāḍ, *Muḥāḍarāt* ..., 1:268.

³⁴Muḥammad R. al-Muẓaffar, *Al-Manṭiq*, 4th. ed. (Najaf: Maṭbaʿat al-Naʿmān, 1972), 91-92.

the subject and its predicate, which contains an essence, are the same in reality.³⁵

Despite this logical question, some *uṣūlists* believe that the derivative is simple. The most outstanding supporter of this view is the theologian Muḥammad Jalāl al-Dīn al-Dawwānī (d.907/1501). He seems to have been the first to have adopted this view since there is no mention of it by earlier scholars. He says:

The meaning of the derivative does not actually contain an ascription, for the meaning of white, black and the like is what is expressed in Persian by *safīd*, *siyāh* and the like. Their meanings have nothing to do with what is described, neither in a general sense nor in particular...So the meaning of the derivative is the adjectival meaning alone. Then, reason perceives by self-evident or discursive proofs that some of those meanings (of the derivative) do not exist unless they are describing other realities.³⁶

This view is followed by some *uṣūlists*, such as Muḥibb Allāh Ibn ʿAbd al-Shakūr al-Bihārī (d.1119/1707)³⁷ and, Muḥammad H. al-Nāʾinī from the Najafī school. They believe that the derivative indicates no more than an action in an absolute

³⁵Al-Fayyāḍ, *Muḥāḍarāt* ..., 1:268.

³⁶Al-Iṣfahānī, *Nihāyat* ..., 1:130.

³⁷Muḥibb Allāh al-Bihārī, *Fawātiḥ al-Raḥamūt bi-Sharḥ Musallam al-Thubūt*, 1:197.

sense. Hence it does not indicate an essence nor an ascription just as the verbal noun. But in order to eliminate the previous logical question, they draw a philosophical distinction between the derivative and the verbal noun. This distinction, established by philosophers, is that the verbal noun is established *bisharṭ lā* (with a condition that not) while the derivative is established *lā bisharṭ* (without condition). There are subtle differences in the way *uṣūlists* interpret this puzzling distinction. One of these interpretations is that the derivative and the verbal noun are basically the same but the verbal noun is established under the consideration that it is not to be used as a predicate (*maḥmūl*) while the derivative is considered when established without any consideration; therefore, it can be used as a predicate.³⁸

This view involves more philosophical elements than the first view. Furthermore, having been initiated by the theologian, al-Dawwānī, it seems to be intended to serve a theological purpose; this purpose being the divine attributes. Since these attributes are derivatives, it is appropriate to be conceived of as simple then the question of duality of God and the attributes can be somewhat avoided. This problematic situation forces the *uṣūlists* of the first view to render their view in harmony with this theological question. Consequently, we see al-Khū'ī, who takes the derivative as a compound, conceives the essence, which is indicated by the derivatives, in a very odd light, just, we suppose, to remedy this situation. He states that this essence is

³⁸Al-Fayyāḍ, *Muḥāḍarāt ...*, 1:283-285.

extremely obscure and deprived of any property except that it is a subject of the *mabda'*. It is even unknown whether it is different from, or identical with the *mabda'*.³⁹ However, by so doing, it seems that al-Khū'ī adjusts his perspective about the subject matter to meet his Shī'ī creed about the attributes, which are deemed to be the same as the essence of God.

Thus far, two views about the derivative have been presented. A third view, however, represents a synthesis of the two views and is adopted by Ḍiyā' al-Dīn al-ʿIrāqī and others, who believe that the derivative indicates an action (*mabda'*) and an ascription without indicating an essence. Since no ascription is maintained without an essence, they hold that the essence is indicated by concomitance but not immediately by the derivative itself. In terms of logic, the derivative, according to this third view, indicates the action and the ascription by signification *de pleine concordance* (*dalālat al-muṭābaqa*). But, the derivative indicates the essence by signification of *concomitance* (*dalālat al-iltizām*).⁴⁰

In short, this grammatical analysis of the derivative bears no legal consequence with regard to positive law. It is closely related to the divine attributes in theology. Therefore, *uṣūlists*, especially modern ones, attach to this analysis an elaborated discussion about divine attributes. Concerning the *uṣūlistic*

³⁹Ibid., 267-268

⁴⁰Al-Hāshimī, *Mabāḥith* ..., 264-265. See also M. Jamāl al-Dīn, *Al-Baḥth al-Naḥwī ʿind al-Uṣūliyyīn*, 122, 128-129.

methodology in treating this linguistic issue, *uṣūlists* operate their logical, philosophical speculations paying no attention to the customary way of understanding the language. They overload their discussion with intellectual, abstract analysis in such a way that it becomes impenetrable and extraordinary as far as the language is concerned. However, it must be mentioned that philosophers and logicians, even the Ancient Greeks, deal with the topic of derivatives but in a broader sense. This topic has a strong impact upon the *uṣūlistic* discussion of the subject matter; a discussion which, accordingly, becomes much closer to philosophy and logic than to language.

The Rhetorical Aspect

This aspect focuses upon the real (*ḥaqīqī*) and metaphorical usages of the derivative, as briefly illustrated in the second chapter. Obviously, this aspect is intrinsically associated with the disciplinary interest of rhetoric, although it plays an active role in Shīʿī positive law, as demonstrated in the question of "the heated water."

The rhetorical analysis addresses the question of whether or not, in a real sense and not simply metaphorically, the derivative is applied to a subject which had previously stood in relation to the meaning of the origin of this derivative but it no longer maintains this relationship. For example, when John beats someone, the derivative "beater" is applicable, in its real sense, to him while he is beating but it is not the case before he began beating except in a metaphorical sense. The usage of the

derivative in these two cases is indisputable among the *uṣūlists*. However, the issue concerns the application of the derivative, beater, to John after he finishes beating. Is this application metaphorical because John is not a beater at this time but he was? Or is it real because he has already beaten?

Uṣūlists pose three answers to this question. Some of them believe that the derivative in this case is applied in its real sense while others consider the application metaphorical. A third answer yields a more analytical solution to the problem. It bases its judgment upon the variable origins of the derivative. If the action of the origin is naturally performed at once, such as to stand up or to sit down, the usage of the derivative in this case is a metaphor. But, if it is performed gradually, such as to speak or to move, the usage is real (*ḥaqīqa*). In fact, this third answer is proposed to avoid a critical question about derivatives, such as speaker or informer, which cannot be used in a real sense according to the second answer. This is because “speaker”, for instance, cannot be applied before the speech ends. But when the speech ends, there will be no relation between the one who speaks and the origin of the derivative, ‘speaking’. Thus, the derivative, speaking, is always inapplicable in its real sense.⁴¹

According to the third answer, the derivative in this case is applicable in a real sense because its origin cannot be accomplished at once. Such origins are called *maṣādir sayyāla* (flowing origins). Muḥibb Allāh al-Bihārī, without drawing such a

⁴¹ Ibn Amīr al-Ḥājj, *Al-Taqrīr...*, 1:94.

distinction between origins, avoids the question by tolerating the concepts of present and future. He gives place to the customary apprehension of these concepts. Therefore, “speaker” can be applied in the real sense to the one who has just finished speaking but it cannot be applied in the same manner to the one who finished his speech one week ago, for example. This is because there is a considerable lapse of time in the latter case but not in the former one.⁴²

However, concerning the application of the derivative which is no longer related to its origin, Fakhr al-Dīn al-Rāzī considers it to be metaphorical. He states that there is a disagreement of whether the existence of the aspect of derivation is a condition for the derivative to be applied in the real sense. Then, he comments “*innahu laysa bishart*” --in two other manuscripts *la yushtara* --(it is not a condition) contrary to Abū ‘Alī Ibn Sīnā of the philosophers and Abū Hāshim of the Mu‘tazilites.”⁴³

This rhetorical aspect of the derivative has been given the lion’s share in the elaborate discussions of al-Rāzī as well as

⁴²Muḥibb Allāh al-Bihārī, *Fawātiḥ al-Raḥamūt...*, 1:195.

⁴³Al-Rāzī, *Al-Maḥsūl...*, 1:329. In fact, the statement *laysa bishart* seems to be a mistake and there must be no negation, i.e. without *laysa*. Otherwise, there is no contradiction between his opinion and that of Ibn Sīnā and Abū Hāshim, who thinks that the derivative is applicable even when the relation between it and its origin ends. Furthermore, the arguments advanced by al-Rāzī on this point would contradict his previous statement unless the *laysa* or the *lā* in other manuscripts is omitted. After all, he is among those whom al-Āmidī, calls *al-shāriṭūn* (the stipulators), as opposed to *al-nāfūn* (the negators). Furthermore, al-Rāzī himself, in his Qur’ān exegesis, cites his opponents as saying *laysa shart* (not a condition. See al-Rāzī, *Al-Tafsīr al-Kabīr*, 30 vols. (Cairo: al-Maṭba‘a al-Bahiyya, 1935), 4:46. Therefore, the words, *laysa* or *lā*, are printing mistakes. See al-Āmidī, *Al-Iḥkām ...*, 1:74,76.

other *uṣūlists*. In fact, al-Āmidī only deals with this aspect in his exposition of derivation. This fact gives rise to the question, why does this aspect attract so much attention? Unfortunately, despite this attention, no *uṣūlist* seems to indicate the main purpose of treating such an aspect, save for the Shīʿī *uṣūlists* who maintain a juridical purpose, as shall be seen. Also, among Sunnī *uṣūlists*, Jamāl al-Dīn al-Asnawī casually relates this aspect to a juridical purpose, as in the case of Shīʿī *uṣūlists*, by whom he might have been influenced.⁴⁴ Otherwise, there is in Sunnī *uṣūl al-fiqh* no particular interest which this rhetorical aspect addresses.

Muḥammad R. al-Muẓaffar seems to imply that the subject pertains to theology. Citing two views of whether the derivative is real (*ḥaqīqa*) while it is in relation with its origin and otherwise it is metaphorical or it is real in both cases, he says: “Muʿtazilites and a group of our recent fellows (sc. Shīʿīs) adopt the first view; while the Ashʿarites and a group of our early fellows adopt the second view.”⁴⁵ However, this claim is groundless because most Ashʿarites adopt the first view, as in the case of al-Rāzī, al-Bayḍāwī,⁴⁶ Kamāl al-Dīn Ibn al-Humām,⁴⁷

⁴⁴Jamāl al-Dīn al-Asnawī, *Sharḥ al-Asnawī*, (Cairo: Maṭbaʿat al-Tawfīq al-Adabiyya, n.d.), 1:148.

⁴⁵Muḥammad R. al-Muẓaffar, *Uṣūl al-Fiqh*, 3 vols. (Najaf: al-Maṭbaʿa al-ʿIlmiyya, 1959), I 46.

⁴⁶*Ibid.*, 1: 48.

⁴⁷Ibn Amīr al-Ḥājj, *Al-Taqrīr...*, 1:98.

Muḥibb Allāh al-Bihārī,⁴⁸ Ibn Niẓām al-Dīn al-Anṣārī⁴⁹ and others. Although al-Āmidī does not declare his position, one can conclude from his discussion that he is in favor of the orthodox view as well.⁵⁰

These *uṣūlists* provide elaborate discussions in order to prove their point. A close look at their arguments demonstrates that they are based upon linguistic, particularly grammatical, principles, while philosophy and logic find almost no place in their discussion. However, they do not take advantage of the social understanding of the usage of the derivative; further, they resort to farfetched justifications to twist this social understanding. For example, they are faced with the question of the derivative, *mu'min* (believer), being applied for the believer when he is not practicing belief, while he is sleeping or being distracted. They deny that "believer" can really be applied to someone when he is not practicing belief because of sleep or something else. They, accordingly, claim that such an application is metaphorical.⁵¹

Such treatment of this question is really far away from the social usage of the derivative. It also dictates that many derivatives are used metaphorically. For example, the derivative, *mujtahid*, cannot really be applied to the *mujtahid* when he is

⁴⁸Al-Bihārī, *Fawātiḥ al-Raḥamūt...*, 1:193.

⁴⁹Ibid., 193.

⁵⁰Al-Āmidī, *Al-Iḥkām ...*, 1:74-78.

⁵¹Al-Rāzī, *Al-Maḥṣūl...*, 1,i :340.

sleeping, eating or doing anything other than practicing legal reasoning. Undoubtedly, this view does not agree with the social usage of the derivative. Nevertheless, *uṣūlists* accept and insist upon such treatment, perhaps because it satisfies a religious interest, as shown by the current example among *uṣūlists*. For instance, al-Rāzī says:

It is not permissible to be said to the great companions (of the Prophet) that they are disbelievers--just because of disbelief which existed before their belief--or to him who is awake that he is asleep--just because of the sleep which existed before...⁵²

Furthermore, one can positively assume that this religious interest is taken into consideration, especially by al-Rāzī himself, who, in his Qur'ānic exegetical work, treats a similar issue raised by Shī'īs. They infer from the Qur'ānic verse (2:124)

And remember that Abraham was tried by his Lord with certain commands, which he fulfilled: He said: 'I will make you an Imām to the Nations.' He pleaded ' and also (Imāms) from my offspring!' He answered: 'but my promise is not within the reach of evil-doers.

that the first three caliphs were evil-doers for they had worshipped idols before they embraced Islam. Therefore, they were not capable of occupying a divine leadership in the Islamic society, according to the Shī'ī interpretation of this verse.⁵³

⁵²Ibid., 340.

⁵³Al-Fayyāḍ, *Muḥāḍarāt ...*, 1:262. See also al-Khū'ī, *Ajwad al-Taqrīrāt...*, 1:81-82; M. uḥammad H. al-Ṭabāṭabā'ī, *Al-Mīzān fī Tafsīr al-Qur'ān*, 20 vols. (Tehran:

In order to refute this question which bears a crucial theological consequence, al-Rāzī maintains that the caliphs had been evil-doers before accepting Islam but after Islam, the derivative *ẓālimīn* (evil-doers) was not really applicable to them. This is because the relation between the derivative *ẓālimīn* and its origin ceased when they professed Islam.⁵⁴ Accordingly, one may speculate that this religious interest plays an active role in persuading al-Rāzī to hold-- in this aspect of the derivative--a view that does not discord such religious interest. Likewise, such interest may motivate some Shī'īs, such as Maytham al-Bahrānī (d. 676/1280),⁵⁵ to hold an opposite view of al-Rāzī's in order to prove that the leadership of the three caliphs was illegitimate.

Another interesting example of the deviation of *uṣūlists* from the social understanding of the derivative is a juridical problem raised by the *uṣūlist*, Aḥmad Ibn Idrīs al-Qarāfī (d.684/1285). He claims that the real (*ḥaqīqī*) usage of the derivative acquires an actual relation between it and its origin at the very time when the derivative is pronounced (*ḥāl al-nuṭq*). Thus, legal rulings which involve derivatives, such as the punishment of *sāriq* (thief), *zānī* (adulterer), *zāniya* (adulteress) and the like, are not applicable after their

Maṭba'at al-Ḥaydarī, n.d.), 1:274-279 and Abū 'Alī al-Ṭabarsī, *Majma' al-Bayān fī Tafsīr al-Qur'ān*, 10 vols. (Tehran: Chāp Ufist Rushdiyya, 1379), 1:201-202.

⁵⁴Fakhr al-Dīn al-Rāzī, *Al-Tafsīr al-Kabīr*, 4:45-46.

⁵⁵Maytham al-Bahrānī, *Sharḥ Nahj al-Balāgha*, 5 vols. (Tehran: al-Maṭba'at al-Ḥaydariyya, 1378), 1:12.

revelation. These rulings were revealed in the Qur'ān; therefore, they were applicable to sinners at that time when they were pronounced by the Prophet. After this pronouncement, these rulings could not be applied to any sinner because the derivatives, such as *sāriq*, *zānī* and the like, have lost their real usage.⁵⁶

Since this claim renders an immense portion of the *sharī'a* null and void, al-Qarāfī provides a rather arbitrary justification of the question. He, and other *uṣūlists* who followed him, claim that the whole discussion of the derivative is only in the case when the derivative is used as a predicate (*maḥkūm bih*), such as John is a thief, not as a subject (*muta'alliq al-ḥukm*), such as the hand of the thief is to be cut off. Therefore, legal rulings of positive law are applicable anytime because they are used as subjects and not predicates.⁵⁷

Al-Qarāfī's justification is merely intended to solve this juridical dilemma. The distinction that he proposes between the derivative as a subject or a predicate is not based upon any linguistic or intellectual rationale. Further, it is clear that these legal rulings which have the derivative as a subject cannot be employed unless there is a corresponding proposition bearing the same derivative as predicate. For example, the inferential legal process should be in accordance with the following syllogism:

⁵⁶Al-Asnawī, *Nihāyat al-Su'ūl...*, 1: 149.

⁵⁷Ibid.

John is a thief.
 The thief is to be punished by cutting off his hand.

John is to be punished by cutting off his hand.

However, the rhetorical aspect of the derivative had entered into a new phase by the advent of the modern *uṣūlistic* school of al-Najaf. In this school, the whole aspect has been reconstructed in such a way that it has lost its rhetorical character. This is because modern *uṣūlists* do not deal with the issue of whether the usage of the derivative is real or metaphorical; rather, they deal with the indicant (*dalāla*) of the derivative. The early *uṣūlists* treat the real and metaphorical usages of the derivative but the modern *uṣūlists* consider such a treatment to be logically groundless because it lacks a prerequisite step, namely, the knowledge of the standard indicant of the derivative since one cannot determine the real and metaphorical usages without knowing this indicant. For instance, if someone says, while pointing to the moon, “this is a moon” then says about a ravishing woman “she is a moon”, how can the hearer who is not aware of the word “moon” determine which one of its usages is real and which is metaphorical? If the hearer knows the standard indicant of the word, he would simply decide that the first usage is real while the second is metaphorical.

For this reason, modern *uṣūlists*, especially contemporaries, concern themselves with analyzing the indicant of the derivative's form (*madlūl al-hay'a*). Their primary concern is whether the form indicates a universal meaning (*al-ʿamm*) or a particular (*al-khaṣṣ*). If what is established is “a particular

meaning,” the derivative is used when there is a relation between its essence and its origin; while in the case of “the universal meaning” the derivative is employed when such a relation exists and afterwards when the relation ends. Once the indicant is determined as universal or particular, there will be no disagreement upon whether its usage is real or metaphorical just as in the case of the word “lion” when used for the animal or a strong man. Therefore, these *uṣūlists* care less about the rhetorical aspect of the derivative because what they investigate is a grammatical aspect pertaining to semantics, i.e. the indicant of the derivative not its rhetorical usage.

One of the most appealing points addressed by modern *uṣūlists* is the analysis of the various origins of derivatives. Although this analysis is based upon a philosophical outlook, it is nevertheless designed to coincide with the understanding of the layman. In fact, *uṣūlists* provide different classifications of the origins but they are essentially the same. These classifications aim at clarifying the various ways by which origins can be perceived of as having no relation with their derivative's essences. Abū al-Qāsim al-Khū'ī classifies them into the following categories:

1 – Origins which represent external acts (*af'āl khārijiyya*), such as standing, sitting, prostrating, speaking, walking and the like. These origins separate from their derivative's essences whenever the essence leaves the origin. For example, the origin *qiyām* (standing) has a real relation with a person who is actually standing but once he sits down, the relation ends.

2- Origins which represent faculties (*malaka*) or capacities (*istiḍād*), such as the origins of *mujtahid*, *muhandis* (engineer), *miftāḥ* (key), *miknasa* (broom). Therefore, the relation between the essence and the origin is maintained if the capacity exists although it is not practiced. However, when the capacity vanishes, the relation ceases to exist. For instance, when the *mujtahid* maintains the faculty or capacity of *ijtihād*, there is an actual relation between him and the origin even if he is not practicing reasoning because he is eating, sleeping or doing anything else. But once the *mujtahid* loses his capacity of *ijtihād* due to a mental disease, or any other obstacle, then the relationship ends.

3-Origins which represent occupations, such as the origins of the derivatives *bannā'* (builder), *khayyāṭ* (tailor), *ḥaddād* (ironsmith), *bazzāz* (cloth merchant) and so forth. Here, the termination or the existence of the relation between the essence and the origin depends upon the termination or existence of the occupation. For example, the builder is still a builder during his one-month vacation but when he decides to abandon his job as a builder, his relationship with the origin, building, ends.⁵⁸ Had the early *uṣūlists* been aware of this distinction between the various origins, they would not have committed themselves to mistakes, such as that the teacher cannot be so called while sleeping because he is not practicing teaching.

⁵⁸A1-Fayyād, *Muḥāḍarāt ...*, 236-238.

The rhetorical aspect of the derivative, as we have seen, is of vital significance in *Shīcī uṣūl al-fiqh*.⁵⁹ Keeping this legal significance in mind, *Shīcī uṣūlists* relate this aspect of the derivative directly to other parts of *uṣūl al-fiqh*, such as to the principles of *barā'a* (discharge) and *istiḥāb* (presumption). Since this aspect is disputable and bears legal outcome; therefore, how should one legally behave in the case of doubt? For example, when the "heated water" becomes cool and we doubt whether it is, in a real sense, called heated or not, how should we act in the case of practice? Should we use it for ablution or avoid it?

Muḥammad K. al-Khurāsānī distinguishes between two cases. First, when doubt regarding the legal rulings appears after the relation between the derivative and its origin has terminated, the principle of *barā'a* is to be followed. In other words, the legal ruling has no effect upon this derivative. As a case in point, when A was a scholar, then he lost his scholarship, and later a legal command appears "honor every scholar", one may entertain doubt that the derivative *ʿālim* (scholar) could be established as universal in order to cover this case. This case is governed by *barā'a*, which means that a man is discharged from any doubted obligation (*taklīf*), such as in this case, unless a certain proof is provided. Since there is no such proof, one is free from obligation dictated by the legal command.

⁵⁹As for example, the legal questions of the "heated water" and the complex issue of "marriage and fosterage" which were noted in the previous chapter.

Secondly, when the legal ruling is performed and then the subject of this ruling is doubted, the principle of *istiṣḥāb* is to be implemented. This means that the legal ruling is to be performed. For example, when A was a scholar and the legal command to honor every scholar was executed, what would be the case if A lost his scholarship? Would the legal ruling concerning him remain in force? Al-Khurāsānī says yes because the previous state was certain while this new state is doubted; hence, certainty is given priority over doubt. This means that the previous certain obligation is to be presumed as valid.⁶⁰

ʿAbd al-Aʿlā al-Sabzawārī⁶¹ agrees with al-Khurāsānī in this judgment while al-Khūʾī does not. The latter holds that the principle of *barāʾa* must be applied to both cases. Therefore, the legal ruling does not remain in force in the second case let alone the first one. The first case is called *shubha mawḍūʿiyya* (denotative doubt) wherein the doubt pertains to the denotation (*mawḍūʿ*) of the legal ruling, for example whether “A” is a scholar or not. But the second case is called *shubha ḥukmiyya* (judgemental doubt) wherein the doubt concerns the legal ruling itself, for example, whether or not the previous obligation of honoring every scholar is still valid in the present case. Al-Khūʾī does not apply *istiṣḥāb* to any case of judgmental doubt as he does here in the second case. He also calls this latter case *shubha mafhūmiyya* (conceptual doubt) because the concept of the

⁶⁰Al-Khurāsānī, *Kifāyat* ..., 1: 68.

⁶¹Al-Sabzawārī, *Tahdhīb* ..., 1:38.

legal ruling's subject (i.e. the scholar) has not been determined as particular or universal.⁶²

In short, this aspect of the derivative is dealt with as a rhetorical issue by Sunnī *uṣūlists* and as a grammatical one by modern Shīʿī *uṣūlists*. It seems that the discussion of this aspect is not intended to meet a specific major interest in Sunnī *uṣūl al-fiqh*. It is intended to meet a juridical interest in Shīʿī *uṣūl al-fiqh*. In general, unlike the previous aspect, no remarkable philosophical elements are involved here.

The Theological Aspect

Postulating that the derivative is composed of an essence and an origin, Sunnī *uṣūlists* pose the following question: if something stands in direct relation with a certain concept (*maʿnā*), is it necessary to derive a name to it from this concept? For example, if someone teaches, is it necessary to derive the noun “teacher” for him? This question was debated by the Muʿtazilites and the Ashʿarites. Al-Rāzī responds:

What appears from the doctrine of our theologians (Ashʿarites) is that it is necessary. This is because when Muʿtazilites had said that the Exalted God creates His speech in a body, our colleagues pleaded that if it had been the case, it would have been necessary to derive for this body the name *mutakallim*

⁶²Al-Fayyāḍ, *Muḥāḍarāt ...*, 1:243-245. See also al-Hāshimī, *Mabāḥith ...*, 427-428.

(speaker) from this speech. but according to Muʿtazilites it is not necessary.⁶³

In fact, both parties are struggling with a particularly difficult issue pertaining to divine attributes, especially the issue of *mutakallim* (speaker) as an attribute of God. Although this attribute is not among the ninety-nine names narrated by Abū Hurayra (d. 57/676),⁶⁴ for instance, it is ascribed to God because He Himself calls the Qurʾān *Kalām Allāh* and it is mentioned more than once in the Qurʾān that He speaks.

By describing God as *mutakallim*, a sharp dispute arose within the theological schools concerning whether God Himself speaks or whether he enables others to speak. In other words, He creates speech in others and because of this creation he can be called *mutakallim*.⁶⁵ This debate is only part of a major theological dispute concerning the Speech of God, namely whether it is created (*makhḷūq*) or eternal (*qadīm*).⁶⁶ However, this *uṣūlistic* question about the derivative is introduced in order to deal with this theological problem.

Uṣūlists also pose another related question. If it is necessary to derive a name for anything having a relation to a certain meaning, is it permissible to derive a name from this

⁶³Al-Rāzī, *Al-Maḥṣūl*..., 1:341.

⁶⁴ Abū Ḥāmid al-Ghazālī, *Al-Maqṣad al-Asnā fī Sharḥ Asmāʾ Allāh al-Ḥusnā* (Cairo: Maṭbaʿat Ḥijāzī, n.d.), 33.

⁶⁵Abū Bakr al-Bāqillānī, *Al-Inṣāf*, ed. ʿIzzat al-Ḥusaynī (Damascus: Maktab Nashr al-Thaqāfa al-Islāmiyya, 1950), 23-24.

⁶⁶Abū Bakr al-Bāqillānī, *Al-Tamhīd*, ed. Richard McCarthy (Beirut: al-Maktaba al-Sharqiyya, 1957), 237-251.

meaning to another thing having no direct relation to this meaning? For instance, if God does not speak but He enables others to speak, is it permissible to derive the name "*mutakallim*" for Him? Ash'arites do not allow such derivation, while the Mu'tazilites do.⁶⁷ Al-Razī quotes the latter's arguments and it seems that he is in favor of the Mu'tazilite.⁶⁸

It must be noted that what is involved in the discussion here is only one type of the derivative, i.e. the active participle. Other types, such as nouns of place or time, are excluded because the discussion is fundamentally designed for divine attributes. Furthermore, the discussion is more specifically intended to deal with the attribute *mutakallim*, which is an active participle.

Some *uṣūlists*, such as al-Rāzī, al-Bayḍāwī and al-Asnawī, deal with a theo-linguistic issue about the relation of the derivative and its origin with regard to divine attributes. They refute the view of Abū 'Alī al-Jubbā'ī (d.303/915) and his son, Abū Hāshim (d.321/933) who deny that the attributes, such as *ʿalīm* (omniscient) or *qādir* (omnipotent) indicates omniscience or omnipotence. This view is refuted on the ground that the derivative is compound from essence and origin; therefore, these origins omniscience, omnipotence and the like, are to be taken into consideration.⁶⁹

⁶⁷Al-Rāzī, *Al-Maḥṣūl...*, 1, i:341-342. See also al-Bihārī, *Fawātiḥ al-Raḥamūt...*, 1: 195-196 and al-Asnawī, *Nihāyat al-Su'ūl...*, 1:152-154.

⁶⁸Al-Rāzī, *Al-Maḥṣūl...*, 1,i:342-344.

⁶⁹Al-Rāzī, *Al-Maḥṣūl...*, 1:327-328. See also al-Asnawī, *Nihāyat al-Su'ūl...*, 1:146-147.

However, it is noteworthy that modern Shīcī *uṣūlists* show no interest whatsoever in the theological aspect of the derivative, perhaps because the problem primarily involves the Muṭtazilites and Ashʿarites; yet it is not of vital significance to the Shīcī theological school. It is likely that the sole reason for this lack of interest on the part of the modern Shīcī *uṣūlists* is that they attempt to be precise and logical; therefore, how could they deal with a subject which shows no link to the domain of *uṣūl al-fiqh*? Accordingly, they do deal with some theological issues but they tactfully subsume them under linguistic aspects, as this chapter attempted to demonstrate.

Nevertheless, early Shīcī *uṣūlists*, such as Maytham al-Baḥrānī and al-ʿAllāma al-Ḥillī (d. 726/1325) follow Sunnī *uṣūlists* in providing a cursory analysis of this theological aspect. Generally speaking, they are in favor of the Muṭtazilites concerning the points they discuss.⁷⁰

To sum up: the early *uṣūlists* followed the grammarians with regard to the concept of the derivative. A unique *uṣūlistic* identity of the derivative has been revealed by modern Shīcī *uṣūlists*. The *uṣūlistic* analyses of the derivative have been dealt with from three distinct respects: grammatical, rhetorical and theological. These aspects are basically intended by the Sunnīs to deal with the theological question of the divine attributes. In Shīcī *uṣūl al-fiqh*, however, the discussion is

⁷⁰Maytham al-Baḥrānī, *Sharḥ Nahj al-Balāgha*, 5 vols. (Tehran: al-Maṭbaʿa al-Ḥaydariyya, 1378/1958), 1:11–13 and al-ʿAllāma al-Ḥillī, *Tahdhīb al-Wuṣūl ilā ʿilm al-Uṣūl* (Tehran: n.p., 1308/1890), 10.

directed towards questions pertaining to positive law, although the theological question is indirectly addressed. Because of the involvement of theology, *uṣūlists* draw their analyses upon philosophy, which, consequently, leaves many repercussions on the whole subject. It could be said that the subject of derivation is extraneous to *uṣūl al-fiqh* in Sunnī Islam, whereas it is an integral part of Shīʿī *uṣūl al-fiqh*.

CONCLUSION

Among the various types of derivation, *uṣūlists* concern themselves with minor derivation, which plays an active role in the disciplines of grammar, morphology, philology, *uṣūl al-fiqh*, rhetoric, philosophy, theology and logic. Although all of these disciplines deal with derivation, each of them approaches it from the perspective which is closely associated with its own disciplinary interest. Unlike the grammarians who focus on the literary aspect, modern *uṣūlists*, however, concern themselves with semantics which enables them to analyze the derivatives used in legal texts.

We have seen that Fakhr al-Dīn al-Rāzī (d. 606/1209) was the first *uṣūlist* to introduce derivation into *uṣūl al-fiqh*. This introduction of the subject was instigated primarily by theological reasons concerning the considerable affinity between the subject and divine attributes. Derivation is an extraneous question to the disciplinary nature of Sunnī *uṣūl al-fiqh*, but it represents an integral part of Shīʿī *uṣūl al-fiqh*. In the latter, the subject was introduced by al-ʿAllāma al-Ḥillī (d.726/1325) and soon after him it was related to questions of positive law.

Early *uṣūlists* exhibit no originality with regard to certain grammatical points, namely, the concept of derivation represented in its definition and the origin of derivatives. They follow grammarians concerning whether or not this origin is the verbal noun or the verb. However, most of them, if not all, adopt the Baṣran viewpoint that the verbal noun is the origin of

derivatives. This view appealed to *uṣūlists* because Baṣran grammarians base their view primarily upon philosophical and logical arguments which are rather familiar to the *uṣūlistic* thinking. However, modern Shīʿī *uṣūlists* abandon the grammatical views and create their own. They hold that the origin of derivatives is neither the *ism al-maṣḍar* nor the letters common to derivatives (*al-mādda al-lughawiyya*). Basing their argument upon philosophy, these modern *uṣūlists*, who are not unlike the grammarians and early *uṣūlists*, concern themselves with searching for the theoretical origin of derivatives rather than a historical one.

The same phenomenon repeats itself concerning the conception of the derivative where early *uṣūlists*, once again, follow grammarians. But since the grammatical conception is not fully applicable to their subject, they try to modify it by arbitrarily excluding some derivatives which are not in harmony with their *uṣūlistic* interest. Their conception of the derivative was not clear; it was a mixture of the linguistic conception and what their disciplinary goals dictated. It is the modern *uṣūlists* who repudiate this grammatical notion and introduce an *uṣūlistic* notion which maintains its distinct characteristics.

It must be noted that the *uṣūlistic* methodology applied to the subject matter is completely different from that of Arab linguists, especially grammarians. It is characterized by two salient features. First, it focuses on the semantic value of the derivative and neglects its literal aspect. The second feature is the philosophical orientation of the *uṣūlistic* approach to

analyzing such a linguistic issue. Most, if not all, *uṣūlists* depend on philosophy even when treating the semantic value of the derivative, paying no considerable attention to what Arabs understand from this derivative as far as language is concerned.

The primary aim of *uṣūlists* in dealing with derivation is the analysis of the derivative. They analyze three aspects of it: the grammatical, rhetorical and theological. The grammatical question of whether the derivative is simple or compound is seemingly intended to deal with a theological problem of divine attributes. The rhetorical aspect meets no major interest in Sunnī *uṣūl al-fiqh* except that it provides a comprehensive outlook of the derivative. In contrast, it is of paramount importance to Shīcīs because of its relation to positive law. With regard to the theological aspect, it deals directly with the different theological positions held by the Muʿtazilites and the Ashʿarites on the divine attributes. In fact, the whole subject in Sunnī and Shīcī *uṣūl al-fiqh* is intended to grapple with theological problems, but in the Shīcī context this is further overshadowed by legal considerations related to positive law. The basic dimensions of the subject matter have been thoroughly revised by modern Shīcī *uṣūlists* in order to integrate the subject into *uṣūl al-fiqh* as a congruous *uṣūlistic* exposition.

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