of this unusual work. However, it also has the effect of shrinking the global phenomenon of the English Qur'an to a post-9/11 American dimension.

In conclusion, this book is a first step towards charting the field of English Qur'an translation. The quest for a global perspective on the field will most likely continue. Further steps will require systematic thinking about the role of imperial languages in scholarship, colonies, Muslim diasporas, and globalised media, as well as the interpretive dimensions of Qur'an translation.

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NOTES

1 Zadeh, Travis, *The Vernacular Qur'an: Translation and the Rise of Persian Exegesis* (Oxford: Oxford University Press, 2012).

2 For an informative account of the Ottoman and Egyptian debate, see M. Brett Wilson, *Translating the Qur'an in an Age of Nationalism: Print Culture and Modern Islam in Turkey* (Oxford: Oxford University Press, 2014), pp. 116–156, pp. 184–220.

3 See Devin Stewart, 'Rhyming Translations of Qurʾānic Surahs', *IQSA Blog*, February 23, 2015, https://iqsaweb.wordpress.com/2015/02/23/stewart-rhyming-translations/, retrieved August 7, 2018.

4 See https://www.muslim-library.com/category/arabic/ترجماتـمعانيـالقرآن/, retrieved August 7, 2018. More information on the King Fahd Complex, including the print run of English translations which Lawrence considers unavailable, are available in Stefan Wild, 'Muslim Translators and Translations of the Qur'an into English', *Journal of Qur'anic Studies* 15:3 (2015), pp. 158–182, which the author does not quote.

5 Again, this is discussed in Wild, 'Muslim Translators and Translations'.

Sharia and the Concept of Benefit: The Use and Function of *maslaha* in Islamic Jurisprudence. By Abdul Aziz bin Sattam. London: I.B. Tauris 2015. HB £70.00, $115.00. ISBN 9781784530242.

The juridical concept of *maṣlaḥa* forms one of the integrated elements of the theoretical discourses associated with the study of the principles of Islamic law.[1] Providing a conceptual basis and framework for the synthesis of law, in its developed sense *maṣlaḥa* encapsulated the notion of promoting public interest and benefit. It was based on the premise that in given instances the law can be judiciously adapted in ways which are consistent with the ultimate purpose and objectives of the divine will (*maqāṣid al-sharīᶜa*).[2] Although, historically, the notion of *maṣlaḥa* occupies a subsidiary place within the hierarchy of legal sources (*uṣūl*) or bases for the interpretation law, a rich vein of scholarship was cultivated around its exposition.[3] It was the subject of extensive analysis in the works of cynosures such as Abū Bakr al-Jaṣṣāṣ (d. 370/981),

Abū al-Ḥusayn al-Baṣrī (d. 436/1044), Imām al-Ḥaramayn al-Juwaynī (d. 478/1085), Abū Ḥāmid al-Ghazālī (d. 555/1111), Fahkr al-Dīn al-Rāzī (d. 606/1209), al-ᶜIzz b. ᶜAbd al-Salām (d. 660/1261), Aḥmad b. Idrīs al-Qarāfī (d. 684/1285), Najm al-Dīn al-Ṭūfī (d. 716/1316), and ᶜAbd al-Ḥalīm b. Taymiyya (d. 728/1328).[4] Indeed, in his celebrated *Kitāb al-Muwāfaqāt*, a treatise on the principles of Islamic law, the Andalusian scholar Ibrāhīm b. Mūsā al-Shāṭibī (d. 790/1388) dedicated substantial parts of his work to its explication, even intimating that the idea of promoting *maṣlaḥa* and averting *mafsada* ('harm') was universally embedded in all Islamic legal rulings.[5] The flurry of attention the topic of *maṣlaḥa* has attracted in recent years confirms its increasing relevance within discussions germane to Islamic reform and modernity. In the book under review Abdul Aziz bin Sattam reviews key aspects of the theoretical bases of the concept of *maṣlaḥa*, highlighting its effectiveness as an instrument for the discovery of the divine law.[6] To this end, Sattam's text is not concerned with offering a causal history of the concept of *maṣlaḥa* with reference to the academic discussions and debates about its crystallisation as a concept, but rather his purpose is to shed light on its applied usage as a source and basis for interpreting the law.[7] Given his authoritative marshalling of the classical sources, this approach makes the text unique in that it presents such an impressive range of materials on *maṣlaḥa*.

The book is divided into six chapters and in the first of which Sattam briefly discusses references to the concept of *maṣlaḥa* as presented in classical legal literature. It commences with the views of al-Ghazālī who sought to draw a correlation between *maṣlaḥa* and the divine purpose of the law (*maqāṣid*). He formulated the thesis that the Shariᶜa was predicated on preserving five overarching objectives: religion, life, intellect, offspring, and property.[8] As Sattam observes, al-Ghazālī posited that *maṣlaḥa* too served to safeguard these objectives by way of securing general benefits and preventing harm.[9] Al-Ghazālī divided *maṣlaḥa* into three sub-categories: *ḍarūriyyāt* ('necessities'), *ḥājiyyāt* ('needs'), and *taḥsīniyyāt* ('complements').[10] Quoting from al-Ghazālī, Sattam explains that 'whatever assures the preservation of these five represents a *maṣlaḥa* and whatever fails to preserve them is a *mafsada*, the removal of which is a *maṣlaḥa* in itself' (p. 4). The wider theological implications of arguments as to whether it was possible to identify the confluence of effective causes (*taᶜlīl*) which lay behind the imposition of the divine law and the role that *munāsaba* ('suitability') plays in the synthesis of *maṣlaḥa* are discussed by Sattam with reference to the conspectus of views on this subject presented in the introduction to al-Shāṭibī's *Muwāfaqāt*.[11] Therein it is noted that the divine law 'is established to secure people's *maṣlaḥa*' (p. 7). To buttress this point, Sattam also refers to discussions of the Ashᶜarī theologian and jurist Sayf al-Dīn al-Āmidī (d. 631/1233) who countenanced the thesis that even the 'effective causes of God's injunctions' are informed by the dynamic of promoting *maṣlaḥa*, a view which, Sattam shows, was complemented by Ibn Taymiyya's assertion that no *maṣlaḥa* is neglected by the Sharīᶜa (pp. 8–9).

Emphasising the importance that rational arguments play in the explication of *maṣāliḥ*, Sattam concludes the chapter by pointing out that the 'perfect operation of *maṣlaḥa* requires a combination of clear reason and decisive revelation' (p. 27).[12]

The various types of *maṣlaḥa* are examined in Chapter Two and here the intricate strands of theoretical arguments and postulates which are used to classify *maṣlaḥa* are carefully pored over. The chapter begins with a measured assessment of the differences between *al-maṣlaḥa al-muᶜtabara* ('relevant benefits') and *al-maṣlaḥa mursala* ('unrestricted benefits'). The former relates to categories of *maṣlaḥa* which are supported by textual evidence (*naṣṣ*) or consensus (*ijmāᶜ*). In the words of Sattam 'it is based on pondering the rulings of the Sharīᶜa and understanding the purpose for which the Divine Legislator has ordained them, and applying that purpose to the new case for which a ruling is sought' (p. 30). Sattam also provides a definition of *maṣlaḥa al-mulghāha* ('nullified benefits'), which the divine law has disavowed. With regards to *al-maṣlaḥa mursala*, these are essentially 'benefits' which lack the requisite textual proofs for their substantiation in the qualified sense that the perceived *maṣlaḥa* has 'neither been acknowledged nor rejected by the Sharīᶜa' (p. 31).[13] It is this class of materials that Sattam explores in depth, assessing the role that *munāsaba* plays in the evaluation of their legal efficacy. Included in the chapter is a convenient selection of tables and illustrative charts which list areas of disagreement and agreement among scholars concerning the types of *maṣlaḥa* and the relationship between them. In Chapter Three an examination is offered of the regulators (*ḍawābiṭ*) which are used to determine not only the soundness of forms of *maṣlaḥa* arguments, but also their appositeness within the broader edifices of Islamic law. Sattam clarifies the fact that 'regulators' work to ensure that *maṣlaḥa*s are conducive to the accomplishment of justice and moderation.[14] Regulators discussed in this chapter include the rule that 'the *maṣlaḥa* must not contradict the texts of the Sharīᶜa'; 'the *maṣlaḥa* must not exclude a better *maṣlaḥa*'; 'securing a *maṣlaḥa* must not lead to an equal or larger *mafsada* (something conducive to harm)'. Sattam posits the view that 'the enforcement of these regulators provides the tools necessary to estimate the benefits of the *maṣlaḥa*s', confirming their importance to the concomitant processes associated with *istiṣlāḥ* (the synthesis of *maṣlaḥa*) (p. 81).

The construct of preferability (*tafāḍul*), which serves as a rigorous standard for gauging the 'balance between *maṣlaḥa*s and *mafsada*s', forms the focus of three extended chapters in the book, reflecting its effective importance to process of *istiṣlāḥ* (p. 83). Thus, Chapter Four offers a detailed discussion of the importance of '*maṣlaḥa* preferability'; Chapter Five analyses 'types of *maṣlaḥa* preferability', pondering at length the incisive range of factors which impinge upon choosing between *maṣlaḥa*s and *mafsada*s. While, finally, in Chapter Six, Sattam turns his attention to the 'criteria of *maṣlaḥa* preferability', providing a copious set of examples which illustrate the interface which defines *tafāḍul* and the formulation of *maṣlaḥa*s.

It is worth drawing attention to the fact that the book is published in IB Tauris' London Islamic Series which aims to 'bring exceptional academic scholarship from the Arab and Islamic lands to the wider attention of an English-speaking readership'. Observing that the subject of *maṣlaḥa* 'forms a major area of Islamic jurisprudence, in his foreword to the book the series editor, Muhammad Abdel Haleem, suggests that the concept of *maṣlaḥa* shows the 'dynamic nature of Islamic law', and that Sattam's study of the subject affords the English language reader with an expertly informed overview of its relevance. Indeed, he has not only successfully managed to offer a distillation of the classical theoretical discusssions on *maṣlaḥa*, but he has also shed light on their applied context and relevance. Accordingly, there is every indication that this book will be of immense interest to students of Islamic law.

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NOTES

1 For example in his *Rawḍa*, Ibn Qudāma classified *maṣlaḥa* under the heading 'sources concerning which there are disagreements'. He goes on to mention three other topics, beginning with the status of 'religious laws (*shar*ᶜ) of communities who preceded us', posing the question 'are we bound by them if our *shar*ᶜ makes no mention of their being revoked'; the authority of the statements of the Companions in instances where no conflicting views exist; the device of '*istiḥsān* ('juristic preference')'; and finally, *maṣlaḥa* or *iṣṭiṣlāḥ*. (Muwaffaq al-Dīn Ibn Qudāma, *Rawḍat al-nāẓir wa-junnat al-manāẓir*, ed. Sayf al-Dīn al-Kātib [Beirut: Dār al-Kitāb al-ᶜArabī, 1987], pp. 142–150). See also other key *uṣūl* works including Sayf al-Dīn al-Āmidī, *al-Iḥkām fī uṣūl al-aḥkām*, ed. Ibrāhīm al-ᶜAjūz (4 vols, Beirut: Dār al-Kutub al-ᶜIlmiyya, n.d.); Badr al-Dīn al-Zarkashī, *al-Baḥr al-muḥīṭ fī uṣūl al-fiqh*, ed. ᶜAbd al-Qādir al-ᶜĀnī (7 vols, Kuwait: Wizārat al-Awqāf wa'l-Shuʾūn al-Islāmiyya, 1992); Sirāj al-Dīn Maḥmūd, al-Urmawī, *al-Taḥṣīl min al-maḥṣūl*, ed. ᶜAbd al-Ḥamīd and Abū Zunayd (2 vols, Beirut: Muʾassasat al-Risāla, 1988). Note the discussion in Muḥammad Abū Zahra's, *al-Shāfiᶜī: ḥayātuhu wa-aṣruhu wa-arāʾuhu al-fiqhiyya* (Cairo: Dār al-Fikr al-ᶜArabī, n.d.), pp. 255 ff; and Muḥammad al-Shawkānī, *Irshād al-fuḥūl ilā al-taḥqīq min ᶜilm al-uṣūl* (Beirut: Dār al-Fikr, n.d).

2 Felicitas Opwis makes the point that although *masḷaḥa* 'is sometimes translated as "public interest" or "social good", its semantic compass is much more extensive' (Felicitas Opwis, *Maṣlaḥa and the Purpose of the Law: Islamic Discourse On Legal Change From the 4th/10th to 8th/14th Century* [Leiden—Boston: Brill, 2010], p. 1. Cf. Felicitas Opwis, '*Maṣlaḥa* in Contemporary Islamic Legal Theory', *Islamic Law and Society* 12.2 [2005], pp. 182–223).

3 It was the medieval scholar Najm al-Dīn al-Ṭūfī (d. 716/1316) who envisaged a much more extensive relevance for the theory of *maṣlaḥa*, arguing that its epistemic force was equal to other principal textual sources such as the Qur'an and the *ḥadīth*.

4 Abū Bakr Aḥmad b. ᶜAlī al-Rāzī al-Jaṣṣāṣ, *al-Fuṣūl fī al-uṣūl*, ed. ᶜAjīl Jāsim al-Nashmī (4 vols, Kuwait: Wizārat al-Awqāf wa'l-Shuʾūn al-Islāmiyya, 1994); Muḥammad b. ᶜAlī Abū al-Ḥusayn al-Baṣrī, *al-Muᶜtamad fī uṣūl al-fiqh*, ed. Khalīl al-Mays (2 vols, Beirut: Dār al-Kutub al-ᶜIlmiyya, n.d.); ᶜAbd al-Malik b. ᶜAbd Allāh al-Juwaynī, *al-Burhān fī uṣūl al-fiqh*, ed. Ṣalāḥ ᶜUwayḍa (Beirut: Dār al-Kutub al-ᶜIlmiyya, 1997); Fakhr al-Dīn al-Rāzī, *al-Maḥṣūl fī ᶜilm al-uṣūl* (2 vols, Beirut: Dār al-Kutub al-ᶜIlmiyya, 1988); Shihāb al-Dīn Abū al-ᶜAbbās, *al-Musawwada fī uṣūl al-fiqh*, ed. Muḥammad Muḥyīddīn ᶜAbd al-Ḥamīd (Cairo: Maṭbaᶜat al-Madanī, 1969).

5 al-Shāṭibī's work is not solely concerned with *maqāṣid* and *maṣlaḥa*; but rather *uṣūl al-fiqh* and key passages from the work have been meticulously translated in Sattam's work. See Ibrāhīm b. Mūsā al-Shāṭibī, *al-Muwāfaqāt*, ed. Bakr b. ᶜAbd Allāh Abū Zayd (8 vols, Khobar: Dār Ibn ᶜAffān, 1997). Zayd's introduction to the *Muwāfaqāt* offers a treasure trove of information about the classical works which shaped the study of *maqāṣid*. For more on *maqāṣid* see Idris Nassery, Ahmed Rumee, and Muna Tatari (eds) *The Objectives of Islamic Law: The Promises and Challenges of the Maqasid al-Sharīᶜa* (Maryland: Lexington Books, 2018).

6 For more on this, see Felicitas Opwis, *Maṣlaḥa*, intro. and ch. 1. See also Sarah Albrecht, *Dar Al-Islam Revisited: Territoriality in Contemporary Islamic Legal Discourse On Muslims in the West* (Leiden—Boston: Brill, 2018); Wael Hallaq, *Sharīᶜa: Theory, Practice, Transformations* (Cambridge—New York: Cambridge University Press, 2009); and Wael Hallaq, *Law and Legal Theory in Classical and Medieval Islam* (Aldershot: Variorum, 1994). The *uṣūl* is dealt with at length in Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl al-Fiqh* (Cambridge: Cambridge University Press, 1997), especially, pp. 112–113; and Wael Hallaq, *The Gate of ijtihād: A Study in Islamic Legal History* (Unpublished PhD thesis, University of Washington, 1983).

7 Muhammad ᶜAbduh's attempts to ultilise the idea of *maṣlaḥa* were particularly influential. See Muhammad ᶜAbduh, *The Theology of Unity*, tr. Kenneth Cragg and Ishaq Musaᶜad (London: George Allen & Unwin, 1966). See also Mark Sedgwick, *Muḥammad Abduh* (Oxford: Oneworld, 2010).

8 Imran Ahsan Khan Nyazee, *Theories of Islamic Law: The Methodology of Ijtihād* (Islamabad: International Institute of Islamic Thought and Islamic Research Institute, 1994), pp. 199–220.

9 Wael B. Hallaq. *Authority, Continuity, and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001); Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History* (Cambridge: Cambridge University Press, 2013). See also Bernard Weiss, *The Search for God's Law*: *Islamic Jurisprudence in the Writings of Sayf al-Dīn al-Āmidī* (Utah: University of Utah Press, 1992); Bernard Weiss, *The Spirit of Islamic Law* (Athens GA: University of Georgia Press, 1998); Brannon Wheeler, *Applying the Canon in Islam: The Authorization and Maintenance of Interpretive Reasoning in Ḥanafī Scholarship* (Albany: State University of New York Press, 1996); J.E. Brockopp, *Early Mālikī Law: Ibn ᶜAbd al-Ḥakam and His Major Compendium of Jurisprudence* (Leiden: Brill, 2000).

10 Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā fī ᶜilm al-uṣūl*, (Beirut: Dār al-Kutub al-ᶜIlmiyya, 1993), pp. 173–175. He also discussed this in his *Shifāʾ al-ghalīl*.

11 Opwis refers to the significance of 'whether there is a causal relationship between God's rulings and how humans understand their purpose' (Opwis, *Maṣlaḥa*, p. 5). She also ruminates over the debates about the certain and probable epistemological basis of *maṣāliḥ* as discerned by jurists, noting that 'the quest for certainty in legal reasoning is a continuous thread woven through the writings on *masḷaḥa*' (Opwis, *Maṣlaḥa*, p. 5).

12 Opwis underlines the point that 'the extent to which a jurist employs deductive or inductive reasoning, for instance, affects how he employs *maṣlaḥa*' (Opwis, *Maṣlaḥa*, p. 6).

13 Hallaq does mention that the notion of *maṣlaḥa* being suitable (*munāsib*) and relevant (*muᶜtabara*) were necessary conditions for the validity of such *maṣlaḥā mursala*, although he also points out that al-Ghazālī placed them within the vector of *maqāṣid al-sharīᶜa* to justify their use (Hallaq, *A History of Islamic Legal Theories*, p. 112).

14 See also Muḥammad Saᶜīd Ramaḍān al-Būṭī, *Ḍawābiṭ al-maṣlaḥa fī'l-sharīᶜa al-Islāmiyya* 4th edn (Beirut: Muʾassasat al-Risāla, 1402/1982).