

# Diverging Paths: Transoxanian and Irāqī Approaches to *Takhsīs al-‘illa* in the Hanafī Legal Theory

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## Abstract

This study delves into the intricate problem of *takhsīs al-‘illa* (the specification of the rationale) in Islamic legal theory, with particular focus on the Hanafi school. It explores how this issue reflects broader relationship between theology (*kalām*) and Islamic legal theory (*uṣūl al-fiqh*), revealing the interplay of theological concerns in shaping theoretical principles. The problem is analyzed through the lens of the two major Hanafi schools: the Irāqī and Transoxanian Hanafis. By examining the evolving discourse among Hanafi jurists in Irāq and Transoxiana, this research elucidates the influence of regional theological differences on legal theories. The work traces the historical development of *takhsīs al-‘illa*, highlighting key figures, such as al-Jaṣṣāṣ, al-Dabūsī, al-Sarakhsī, and al-Bazdawī and their respective contributions to its interpretation. It situates the debate within the broader intellectual contest between Mu‘tazilite and Sunni theological frameworks, offering insights into the doctrinal and methodological diversity within the Hanafī tradition. The findings reveal how theological concerns informed theoretical principles and contributed to the divergence between these two prominent Hanafī traditions.

**Keywords:** *Uṣūl al-fiqh*, Hanafī, Mu‘tazilite, Rationale, *Takhsīs al-‘illa*.

## Ayrışan Yollar: Hanefi Fıkıh Usulünde Mâverâünnehir ve Iraklı Hanefiler’in İletin Tahsisine Yaklaşımları

### Öz

Bu çalışma, fıkıh usulünün en karmaşık konularından biri olan illetin tahsisini, Hanefi mezhebi özelinde derinlemesine incelemektedir. Çalışma illetin tahsisi meselesinin, kelam ile fıkıh usulü arasındaki derin ilişkiyi yansıtmaya ve usulî ilkelerin şekillenmesinde kelamî mülahazaların oynadığı rolü ortaya koymada ne kadar işlevsel

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olduğunu gözler önüne sermektedir. Söz konusu mesele, Hanefî mezhebinin iki ana ekolü olan Irak ve Mâverâünnehir Hanefîliği perspektifinden analiz edilmektedir. Irak ve Mâverâünnehir'deki Hanefî fukaha arasındaki söylem farklılığını inceleyen bu çalışma, farklı kelâmî anlayışların mezhep içindeki farklı usulî anlayışlar üzerindeki belirleyici etkisini izah etmektedir. Eser Cessâs, Debûsî, Serahsî ve Pezdevî gibi kilit isimlerin illetin tahsisi ilkesinin yorumlanmasına/yeniden yorumlanmasına yönelik katkılarına dikkat çekerek, meselenin tarihsel gelişimini izlemektedir. Tartışmayı Mu'tezilî ve Sünnî kelâm çerçeveleri arasındaki entelektüel rekabet bağlamına yerleştiren bu çalışma, Hanefî geleneği içerisindeki doktrinel ve metodolojik çeşitliliğe dair çıkarımlar sunmaktadır. Araştırma bulguları, kelâmî endişelerin usulî prensipleri nasıl beslediğini ve bu iki önemli Hanefî gelenek arasındaki ayrışmaya nasıl katkıda bulunduğunu gözler önüne sermektedir.

**Anahtar Kelimeler:** Fıkıh usulü, Hanefî, Mu'tezilî, İlet, İletin tahsisi.

## 1. Introduction<sup>1</sup>

The concept of the specification of the rationale (*takhsîş al-'illa*) represents a multifaceted issue in Islamic legal theory. It provides a unique lens through which to observe the interplay between law and theological premises within juristic doctrines. This concept offers valuable insights into how *kalâm*-based theological concerns influenced the formulation and justification of theoretical principles in Islamic jurisprudence, particularly within the Hanafî school. The historical trajectory of this issue, when traced chronologically through the Hanafî *uṣūl al-fiqh* (legal theory) literature, reveals the complex and, at times, contentious relationship between theology and legal theory.

The specification of the rationale has been the subject of various studies to date. For example, in their studies, Zysow, Yılmaz and Arvas examine the subject in relation to its theological premises, while Yıldırım explores it within the context of Hanafî literature on legal theory.<sup>2</sup> A study that also deserves mention is that of Karakuş, who, in a manner similar to

1 I am deeply grateful to my esteemed professor, Bilal Aybakan, whose encouragement during my doctoral studies inspired me to write this article, and to my dear advisor, Murteza Bedir, for his meticulous reading and insightful critique of an early draft. This article's English translation was prepared with the assistance of artificial intelligence.

2 Zysow, "Mu'tazilism and Maturidism", 235-266; Yıldırım, "İletin Tahsisi Meselesi", 1-99; Yılmaz, "İletin Tahsisine Cevaz Vermek", 53-71; Arvas, "Fıkıh Usulü Kelâm İlişkisi", 201-214. In addition, the descriptive studies of Haniyah and Sulamî should also be mentioned here. Haniyah, "Takhsîs al-'illa", 343-366; Sulamî, "*Takhsîs al-'illa al-shar'iyyah*", 14-117. There also exist several studies focusing on the writings of specific theorists on the specification of the rationale. See, for example: Rababah, "Takhsîs al-'illah indah al-Bazdawî", 195-218; Aydın, "İletin Tahsisi", 43-63; Candan, "İlet Tespit Yöntemleri (Ta'lil)", 241-252; Güner, "el-Cessâs ve es-Semerkindî", 140-158; Algül - Bölükbaş, "Cessâs'a Göre İletin Tahsisi", 1-30.

Zysow, examines the influence of the Mu'tazila on Hanafi legal theory works composed between the second and sixth Hijri centuries. Karakuş's work is noteworthy not only for this analytical perspective but also for its inclusion of several Mu'tazilî figures previously unmentioned in the existing literature.<sup>3</sup> Khaznah, for his part, draws attention to the emergence of sub-schools within the Hanafi tradition by devoting considerable space to the issue of the specification of the rationale, discussed in the context of the different conceptions of rationale held by the Irâqî and Samarqandî Hanafis.<sup>4</sup> Başoğlu, meanwhile, approaches the same problem within the framework of *ṭard* or *iṭtirād* a method for determining the rationale based on the consistent concurrence between the rationale and the legal ruling (*ḥukm*) and mostly from the perspective of non-Hanafî uşûl writers.<sup>5</sup>

Unlike these previous studies, this article will chronologically present the impact of theological premises in the Hanafî *uşûl al-fiqh* literature. Moreover, rather than providing an exhaustive account of the *uşûlî* and *kalâmî* dimensions of the debate, this article aims to present a case study in discourse analysis. It seeks to illustrate the dialogue between the texts produced by Hanafî theorists on *takhşîş al-'illa* and the social and political dynamics behind them. It will also explore, following the approach taken by Öncel,<sup>6</sup> the connection between *takhşîş al-'illa* and *istihsân* (juristic preference or departure from analogy), in order to reveal how Hanafi scholars conceptualized the internal coherence of the body of legal rulings and how they understood the relationship between legal theory (*uşûl*) and substantive law (*furû*).

In the context of *takhşîş al-'illa*,<sup>7</sup> the issue arises when a legal ruling (*ḥukm*) ceases to apply despite the continued existence of the quality (*waşf*) or rationale ('illa, pl. 'ilal) due to a certain impediment in some cases.<sup>8</sup> This discrepancy becomes problematic when a *ḥukm* is absent even though the underlying 'illa persists. To clarify, consider the example of fasting in the case of unintentional eating or drinking. In principle, the legal requirement

3 Karakuş, *Mu'tezile Fıkah Usûlünün Hanefî Usûlüne Etkisi*, 138-144.

4 Khaznah, *Tatawwur*, 415-443.

5 Başoğlu, "İllet Tartışmaları", 137-153.

6 Öncel, "İstihsân", 124-136. Öncel presents a broader framework that encompasses other legal schools.

7 Regarding the specification of the rationale, numerous opinions distinguish between reasons determined through *ijtihād* (*mustanbat*) and those established by scriptural text (*manşûs*). However, since this distinction is not clearly maintained in the Hanafi works examined, the term "reason ('illa)" will be used in an absolute sense throughout the article. It should nevertheless be kept in mind that the 'illa discussed in this context most often refers to a *mustanbat* 'illa.

8 Lāmishî, *Uşûl al-fiqh*, 134; Bukhârî, *Kashf al-asrâr*, IV, 46.

of fasting entails abstaining from eating, drinking, and sexual intercourse. By analogy, the act of violating this requirement—whether intentionally or unintentionally—should nullify the fast. However, within the Hanafi school, based on a specific hadith,<sup>9</sup> the fast of someone who unintentionally eats or drinks is deemed to remain valid. This apparent contradiction prompts two potential explanations: either the act of unintentional eating or drinking loses its status as a valid *'illa*, or despite the continued presence of the underlying *'illa*, the legal ruling does not come into effect, due to a legal impediment (*mānī'*). In either scenario, without a coherent explanation, the validity of these underlying *'ilal*—often rooted in the general principles of the legal school, which serve as foundational elements shaping the substantive law—may be called into question, thereby undermining the coherence and integrity of the school's jurisprudential framework.

For Irāqī Hanafis, as well as their representative in Transoxiana, Abū Zayd 'Ubayd Allah b. 'Umar al-Dabūsī (d. 430/1039), the explanation is as follows: despite the presence of the *'illa* (violation of abstinence), the *ḥukm* (nullification of the fast) does not come into effect due to the legal impediment, in this case, the mentioned hadith. They argue that the scope of the *'illa* has been restricted or it is specified due to this impediment (*takhṣiṣ al-'illa*). In contrast, most Transoxanian Hanafis (the Samarqand Hanafis and the Bukhāran Hanafis with the exception of al-Dabūsī) offer a different interpretation while arriving at the same conclusion (i.e., the validity of the fast). According to them, the absence of the legal ruling is attributed to the absence of the effective quality that constitutes the *'illa*.<sup>10</sup> In other words, the *ḥukm* is not void despite the *'illa*'s presence but rather because the *'illa* itself is incomplete or invalid in this specific scenario. As such, proponents of *takhṣiṣ al-'illa* focus on the scope and limitations of the *'illa*, whereas its opponents question the validity of the *'illa* itself. Despite their differences, both groups agree on the basic point that unintentional eating or drinking does not invalidate the fast. The divergence lies in their attempts to rationalize this outcome within the framework of the *'illa-ḥukm* relationship. According to the understanding of *'illa* shared by Irāqī Hanafis and similar to that of the Mu'tazila, *shar'ī* rationales (*'ilal shar'iyya*)—unlike rational ones (*'ilal 'aqliyya*)—serve merely as indicators (*amārāt*) of the ruling, and there is no necessary causal relationship between the *shar'ī 'illa* and the ruling itself. By contrast, according to the

9 The ḥadith in question is the Prophet's declaration that one who eats or drinks forgetfully while fasting must continue and complete the fast, as it is considered that Allah has provided the food and drink.

10 Dabūsī, *Taqwīm*, II, 241; Bazdawī, *Ma'rifat*, 45; Ibn al-Sā'atī, *Badi' al-nizām*, 600; Ibn Nujaym, *Fatḥ al-ghaffār*, III, 44. For more information on al-Dabūsī's legal thought, see Yetkin, *Debusi ve Usul Anlayışı*, 1-344.

Samarqand Hanafis, both rational and *shar'ī ilal*, without distinction, must entail the ruling wherever they are found.<sup>11</sup> The subsequent sections explore the various facets of this issue in greater detail.

## 2. The Framework of Juristic Views on *Takhṣiṣ al-illa*

An analysis of the discussions among the Hanafi legal theorists reveals that the concept of *takhṣiṣ al-illa* has been the subject of extensive debate and varying interpretations over time. To explore the evolution of this concept, it is pertinent to begin with the foundational contributions of Abū Bakr Ahmad b. 'Alī al-Rāzī al-Jaṣṣāṣ (d. 370/980), the earliest known author in Hanafi legal theory.<sup>12</sup> Al-Jaṣṣāṣ, representing the Hanafi *uṣūl al-fiqh* tradition that had developed over the two centuries following the establishment of the school, aligned himself with those who advocated for *takhṣiṣ al-illa*. He argued that this position represented a consistent and continuous tradition within the Hanafi school, tracing back to its founders, including the eponym Abū Hanīfa and his immediate disciples in Baghdad.<sup>13</sup>

Al-Jaṣṣāṣ substantiated his position by analyzing numerous examples from Hanafi substantive law, demonstrating how these cases could be interpreted only through the framework of *takhṣiṣ al-illa*. Despite his robust defense of this principle, al-Jaṣṣāṣ acknowledged the presence of dissent within the Hanafi school, noting that at least one prominent scholar, referred to as a *shaykh* in Baghdad, disputed the application of *takhṣiṣ al-illa* in certain cases. This scholar reinterpreted instances identified as examples of *takhṣiṣ al-illa* within the substantive law, rejecting the necessity of the concept. Nevertheless, al-Jaṣṣāṣ dismissed these alternative interpretations, asserting that a comprehensive understanding of Hanafi substantive law would inevitably validate the principle of *takhṣiṣ al-illa*. Apparently, in al-Jaṣṣāṣ's view, it was those who opposed *takhṣiṣ al-illa* who represented the minority opinion in the school. He argued that opposition to the concept either stemmed from a fundamental misunderstanding of Hanafi legal reasoning or reflected an implicit acceptance of the principle despite outward disagreement. Al-Jaṣṣāṣ further emphasized that no scholar explicitly denied the validity of *takhṣiṣ al-illa*, claiming that even those who appeared to oppose it in theory ultimately acknowledged its applicability in practice.<sup>14</sup> Instead of employing explicit statements asserting that the earlier authorities accepted the specification of the rationale, al-Jaṣṣāṣ's

11 Khaznah, *Tatawwur*, 415-429.

12 Bedir, *Fıkh*, 127-128.

13 Jaṣṣāṣ, *al-Fuṣūl*, IV, 255.

14 Jaṣṣāṣ, *al-Fuṣūl*, IV, 255-256.

use of substantive legal issues (*masā'il*) to support his view indicates that his argument is grounded in *takhrīj*-based reasoning.<sup>15</sup>

In his work, al-Jaṣṣāṣ cited Bishr b. Ghiyāth al-Marīsī (d. 218/833) and al-Shāfi'ī (d. 204/819), notable figures outside the Hanafi tradition who rejected *takhṣiṣ al-'illa*. Noteworthy in mentioning these names is the effort to align the intra-school opponents of the specification with the Shāfi'ī position. Conversely, he referenced Mālīk b. Anas (d. 179/795) as a proponent. Although al-Jaṣṣāṣ did not explicitly mention his mentor Abū al-Ḥasan al-Karkhī (d. 340/952), it is evident from other sources that al-Karkhī held a similar position.<sup>16</sup> Al-Saymarī (d. 436/1045), another Irāqī Hanafi jurist whose work survives, also supported *takhṣiṣ al-'illa*.<sup>17</sup> Al-Jaṣṣāṣ not only embodied a pivotal strand of Hanafi legal thought but also served as a custodian of the Hanafi tradition rooted in Baghdad, the birthplace and early intellectual nucleus of the school, which shaped the Hanafi school during its formative period up to the fourth century.

Historically, the fifth century marked the emergence of alternative Hanafi formations outside Baghdad, influenced by a confluence of intellectual, political, and social factors. Among these, the Transoxanian Hanafi tradition emerged as the most prominent, eventually gaining sufficient prominence to significantly diminish Baghdad's influence within the Sunnī community.<sup>18</sup> This tradition also became the center of activity for distinguished scholars who left an enduring impact on Hanafi jurisprudence. To understand the Transoxanian response to *takhṣiṣ al-'illa*, it is essential to consider their theological orientations. Samarkand, a major intellectual center in the region, developed a distinctive *kalām* tradition under the influence of Imām al-Māturidī (d. 333/944), the eponym of the Sunnī-Māturidī theological school, initially referred to as the Samarkand school but later recognized as the Māturidī school, becoming the post-classical Hanafi theological school.<sup>19</sup> It should be noted that Māturidism is not a uniform understanding and has undergone changes over time. While it initially presented a middle ground between Mu'tazilite and Ash'arite thought, its approach evolved over time, adapting to the broader Sunnī framework.<sup>20</sup> Correa argues that scholars of this period in Samarkand should not be labeled "Māturidī" but rather "Ḥanafi-Samarqandī," as their theological and legal-theoretical orientations are shaped more by

15 Güner, *el-Cessās ve es-Semerkandī*, 142.

16 See, for example: Bābartī, *et-Taqrīr*, VI, 296; Amir Padishāh, *Taysīr al-Taḥrīr*, III, 177.

17 Saymarī, *Masā'il al-khilāf*, 353-358.

18 Madelung, "The Westward Migration of Hanafi Scholars", 42-43.

19 Bedir, *Fīkh*, 153; Correa, "Theological Turn", 111-12, 122-23.

20 Bedir, *Fīkh*, 152-153.

regional affiliation than by direct identification with al-Māturīdī himself. She points out that figures such as al-Nasafī and al-Lāmishī refer to the *mashāyikh* of Samarqand and to al-Māturīdī as “their head,” not to claim a personal or doctrinal allegiance to him as an eponym, but to highlight their belonging to a regional intellectual tradition. According to Correa, while al-Māturīdī remains the master articulator of this theology, it is the broader Samarqandī Ḥanafī framework that grounds their legal theory.<sup>21</sup> By contrast, Bukhāra, another significant center in Transoxania, hosted scholars with diverse theological inclinations, including those more aligned with Ash‘arism. This theological diversity played a crucial role in shaping the later structure of Māturīdism.<sup>22</sup>

Al-Dabūsī, who played a pivotal role in the development of Hanafi legal theory, by means of his impact on Abu Bakr al-Sarakhsī (d. 483/1090) and Fakhr al-Islām al-Bazdawī (d. 482/1089), who wrote the canonical texts of the Hanafi legal theory, is a Bukhāran who lived during the late fourth and early fifth centuries. Al-Dabūsī served as a bridge between the intellectual traditions of Irāqī Hanafīs, such as al-Jaṣṣāṣ, and the later Transoxanian scholars, including al-Sarakhsī and al-Bazdawī. Although influenced by the Irāqī Hanafī tradition, al-Dabūsī’s contributions exhibit a distinct intellectual perspective. Notably, despite the dominant anti-Mu‘tazilite sentiment prevalent in Transoxania, al-Dabūsī in Bukhāra refrained from adopting an overtly oppositional stance toward Mu‘tazilite thought.<sup>23</sup> On the matter of *takhsis al-'illa*, he aligned with the Irāqī Hanafī tradition, endorsing its validity.

Al-Dabūsī’s justification for *takhsis al-'illa* rested on the premise that the existential association (*iṭṭirād*) between a qualification (*waṣf*) and its consequent ruling (*ḥukm*) does not necessarily render that qualification the effective rationale (*'illa mu'aththir*). In other words, the absence of a *ḥukm* does not inherently invalidate the *'illa*. According to al-Dabūsī, legal rationales require nominal (*isman*), spiritual (*ma'nan*), and consequential (*ḥukman*) validation, which together define the effective scope of the *'illa*. Notably, al-Dabūsī described those who opposed *takhsis al-'illa* as *ahl al-tard* (those who overemphasize correlation between the rationale and the ruling without causation).<sup>24</sup>

Unlike al-Jaṣṣāṣ, who framed *takhsis al-'illa* within the context of *istihsān* (juristic preference or departure from analogy), al-Dabūsī addressed the

21 Correa, “Theological Turn”, 111-12, 122-123.

22 Bedir, *Fıkıh*, 152-153.

23 Bedir, *Fıkıh*, 153.

24 Dabūsī, *Taqwīm*, II, 241.

concept through its functional implications, focusing on its theoretical underpinnings. Both jurists identified Shāfi'i scholars as their primary opponents.<sup>25</sup> However, al-Dabūsī, perhaps reflecting his Bukhāran context, portrayed the Irāqī Hanafi stance on *takhṣiṣ al-'illa* as a unique perspective rooted in their regional intellectual tradition without mentioning any opponent within his school. His contemporary, the Mu'tazilī-Zaydī theorist al-Hārūnī (d. 424/1033), notes that the majority of Abū Ḥanifa's followers accepted the specification of the rationale, while adding that some of the later Ḥanafis opposed this view.<sup>26</sup> On the other hand, another Mu'tazilī-Zaydī theorist and theologian, Abū Yūsuf al-Qazwīnī (d. 488/1095), like al-Dabūsī, states explicitly that all Abū Ḥanifa's followers accepted *takhṣiṣ al-'illa*.<sup>27</sup>

Al-Sarakhsī and al-Bazdawī, both prominent Hanafi theorists, made significant contributions to the maturation of the Samarkand Hanafi school. These two conscious followers of the Bukhāran Dabūsī went beyond merely repeating his work and succeeded both in systematizing Hanafi legal theory, ensuring the transformation required by the various currents of their period. They aimed to establish a Hanafi legal theory that was relatively purified of Mu'tazilite thoughts and assumptions. The most significant contribution to the completion of the maturation of Hanafi legal theory, which experienced major developments under al-Dabūsī, was indisputably made by al-Sarakhsī and al-Bazdawī. However, although this maturation advanced toward a preeminent legal theory, the idea of purifying the theory from the influences of Mu'tazilite assumptions and premises sometimes led to a tendency to disregard earlier initiatives.<sup>28</sup> The effect of this tendency can also be observed in discussions surrounding the specification of the rationale. Al-Sarakhsī, from the outset, demonstrates that he intends to advocate a different approach from al-Dabūsī. He examines *takhṣiṣ al-'illa* under the title "Corruption (*Fasād*) of the Opinion Permitting Specification for Lawful Rationales."

Al-Sarakhsī addresses *takhṣiṣ al-'illa* on two levels: The first level includes those who accept *tard* (*ahl al-ṭard*) as a principle and do not consider *ta'thīr* (effection) as a fundamental criterion for identifying the rationale. At this level, the Hanafis are among the group that accepts *ta'thīr*. The second level involves a division within the Hanafis, centered on whether the conception of *ahl al-sunnah* contradicts the acceptance of *takhṣiṣ al-'illa*. At the first level, al-Sarakhsī critiques the position of the *ahl al-ṭard*, who

25 Dabūsī, *Taqwīm*, II, 249.

26 Hārūnī, *el-Mujzī*, IV, 32-33.

27 Qazwīnī, *al-Wādiḥ*, 335.

28 Bedir, *Fıkah*, 168.

assert that accepting *ta'thîr* as a true determinant of the 'illa necessarily compels acceptance of the specification of the rationale. At the second level, he rejects the claim that *takhsîş al-'illa* represents an uninterrupted Hanafî opinion passed down from predecessors, as previously declared by al-Jaṣṣâs and al-Dabûsî.<sup>29</sup>

Unlike al-Jaṣṣâs and al-Dabûsî, al-Sarakhsî's primary opponents include certain Hanafî scholars, likely the Irâqî Hanafîs, along with the Bukhârân al-Dabûsî, who advocate the permissibility of the specification in *shar'î* rationales. These scholars argue that this practice aligns with the principles of *ahl al-sunnah* and the methodology of the early predecessors, grounding their stance in the interpretations of foundational Imâms. However, al-Sarakhsî firmly rejects this position, deeming it a significant error.<sup>30</sup> He asserts that the authentic stance upheld by the early predecessors unequivocally denies the permissibility (*'adam al-jawâz*) of the specification in *shar'î* rationales. Al-Sarakhsî warns that accepting specification risks inclining toward Mu'tazilite theological frameworks, thereby deviating from the principles of *ahl al-sunnah*.<sup>31</sup> He explicitly labels the acceptance of such specification as tantamount to expulsion from *ahl al-sunnah* and accuses proponents of adopting Mu'tazilite tendencies.<sup>32</sup> This perspective aligns with the broader intellectual efforts of certain fifth and sixth-century scholars, such as al-Samarkandî, who sought to integrate the theological tenets of Mâtûrîdism into the Samarkand Hanafî school.<sup>33</sup>

Al-Sarakhsî's contemporary, Fakhr al-Islâm al-Bazdawî, also critiques the concept of specification, categorizing it under "The illegitimacy (*fasâd*) of the specification of the rationale." Al-Bazdawî identifies certain figures whom he claims to be among Hanafîs, likely the Irâqî Hanafîs, al-Dabûsî, and their followers, as proponents of the specification in *mu'aththir* rationales. However, al-Bazdawî strongly rejects this position, highlighting its potential alignment with Mu'tazilite theology.<sup>34</sup> As these critiques suggest, al-Dabûsî, while continuing the intellectual trajectory established by al-Jaṣṣâs, faces significant opposition from both al-Sarakhsî and al-Bazdawî. Although al-Sarakhsî and al-Bazdawî generally adhere to al-Dabûsî's broader framework, they find his view on *takhsîş al-'illa* indefensible.<sup>35</sup>

29 Sarakhsî, *Uṣûl*, II, 208.

30 Sarakhsî, *Uṣûl*, II, 208.

31 Sarakhsî, *Uṣûl*, II, 208.

32 Sarakhsî, *Uṣûl*, II, 208.

33 For a study examining the manifestation of this attitude within Samarkandî's framework, see Bedir, "Mâtûrîdî Fıkıh Usûlü", 412-420.

34 Bazdawî, *Usûl*, IV, 46-53.

35 Bedir, "The Early Development of Hanafî Uṣûl al-Fıqh", 29.

Sadr al-Islām al-Bazdawī, who is a staunch opponent of the specification of the rationale, adopts even harsher language than his brother Fakhr al-Islām al-Bazdawī. He considers those who assert a rationale without a legal ruling (*ḥukm*) to be acting irrationally. According to him, such individuals fail to distinguish between general and specific circumstances, despite claiming intellectual sophistication. To illustrate this, he references the example of “unintentional eating,” which does not invalidate fasting, in contrast to the general action of “intentional eating,” which does.<sup>36</sup> Sadr al-Islām explains that the absence of a legal ruling in exceptional circumstances stems from the lack of specific qualifications of the rationale, rather than from *takhṣīṣ al-‘illa*.

Sadr al-Islām al-Bazdawī, unlike the legal theorists mentioned thus far, refers to a group he describes as “a group from among our companions” (*jamā‘ah min aṣḥābunā*) and explicitly identifies their leader as Shaykh al-Imām Zāhid Abū Maṣṣūr al-Māturidī. He notes that this group, which opposed the specification of the *mu‘aththir* rationale, regarded acceptance of such a notion as a mark of foolishness.<sup>37</sup> Sadr al-Islām’s laudatory references to Imām al-Māturidī and the commendatory remarks regarding his opinions strongly suggest that the Māturidī school, proposed by al-Samarkandī as an alternative to the Irāqī school, is not a mere retrospectively constructed narrative. It is also noteworthy that referring to the relevant group with the designation “a group from among our companions” and mentioning Imām al-Māturidī as “their imam” rather than “our imam” can be interpreted as an indication that the construction of the narrative had only just begun and was not yet complete. Indeed, approximately 150-200 years later, Māturidism would evolve into a school representing all Hanafis through the contributions of al-Bazdawī, al-Makhūl, al-Nasafī, al-Samarkandī, and al-Lāmishī.<sup>38</sup>

‘Alā’ al-Dīn al-Samarkandī (d. 539/1144), who aimed to establish an alternative identity for the Hanafī school by marginalizing the Irāqī tradition, which represented the school intellectually until his time, directly attributed a new framework to the founder Imāms of the school. The divergence between the Irāqī and Samarkandī Hanafis is evident in his classification of opinions regarding the specification of the rationale. Al-Samarkandī explicitly associates the Irāqī scholars with the Mu‘tazilites, while mentioning al-Dabūsī separately and distinctly from the Irāqīs. Al-Samarkandī explicitly lists al-Dabūsī together with the Irāqī scholars as

36 Bazdawī, *Ma‘rifat*, 46-47.

37 Bazdawī, *Ma‘rifat*, 45.

38 I would like to extend my gratitude to my esteemed professor, Murteza Bedir, for this final remark.

part of the faction that includes Mu‘tazilis.<sup>39</sup> He presents the Samarkandi tradition, led by Imām al-Māturidī, which asserts that *takhṣiṣ al-‘illa* is impermissible as an alternative approach within theological discourse.<sup>40</sup> As observed, the opposition to the specification of the rationale is rearticulated as the position held by the Samarkandi Hanafis under the leadership of Imām al-Māturidī.

Abu al-Mahāmīd al-Lāmishī (d. 522/1128),<sup>41</sup> a Samarkandi-Hanafi theorist representing the sixth century Maturidī tradition, along with the Bukhāran Hanafis Abū al-Barakāt al-Nasafī (d. 710/1310), Abdulaziz al-Bukhārī (d. 730/1330),<sup>42</sup> as well as al-Nasafī’s Irāqī student Ibn al-Sā’atī (d. 694/1295) and Ibn al-Sā’atī’s student Rukn al-Dīn al-Samarkandī (d. 701/1301) express similar views.<sup>43</sup> Notably, Ibn al-Sā’atī’s emphasis on associating the concept of specification with the majority of Hanafis distinguishes his perspective.<sup>44</sup> This approach resonates in numerous subsequent *mamzūj uṣūlī* works.<sup>45</sup> Another striking aspect in these works is their assertion that the Shāfi‘is also hold this view.<sup>46</sup>

The alignment of al-Sarakhsī and al-Bazdawī — who were frequently criticized for adhering to the Irāqī Hanafī tradition epitomized by al-Dabūsī — with the Samarkandi Hanafīs on the matter of specification underscores the increasing influence of the Samarkand-Maturidī movement.<sup>47</sup> This influence persisted for many years, and the opinions of the Samarkandi Hanafis were widely adopted in the works of subsequent Hanafī theorists, even as the discussion itself came to be regarded as literal and redundant. Within the socio-political context of al-Jaṣṣāṣ, opposition to *takhṣiṣ al-‘illa* — originally the heretical view of a single dissenter — came to represent the school’s dominant position. By the fifteenth century, however, exceptions emerge, such as Ibn al-Humām (d. 861/1456) and his follower Muhibb Allah b. ‘Abd al-Shakūr (d. 1119/1707), who revisited and accepted *takhṣiṣ al-‘illa* under constrained theological frameworks.

39 Samarqandī, *Mizān*, II, 898.

40 Samarqandī, *Mizān*, II, 899.

41 Lāmishī, *Uṣūl al-fiqh*, 134.

42 Nasafī, *Kashf al-asrār*, II, 311.

43 Nasafī, *Kashf al-asrār*, II, 312-313; Samarkandī, *Jāmi‘ al-uṣūl*, II, 235-36.

44 Ibn al-Sā’atī, *Badī‘ al-nizām*, 597.

45 Such as Taftāzānī, *al-Talwih*, II, 194-195; Ibn Nujaym, *Fatḥ al-ghaffār*, III, 42; Baḥr al-‘Ulum al-Lakhnawī, *Fawātiḥ al-raḥamūt*, II, 328.

46 Samarkandī, *Jāmi‘ al-uṣūl*, II, 236.

47 Bedir, “The Early Development of Ḥanafi Uṣūl al-Fiqh”, 2.

### 3. From Irāq to Transoxiana, Hanafis' Engagement with Mu'tazilite Principles

The early Hanafi school exhibited a cosmopolitan character, particularly in its formative period, when scholars from diverse theological backgrounds, including Mu'tazilite and Murji'ite circles, participated in Abū Hanīfa's scholarly network. Notably, al-Karkhī and al-Jaṣṣāṣ — key figures in the development of the Hanafi legal theory — are widely recognized for their Mu'tazilite tendencies, a fact highlighted by numerous scholars.<sup>48</sup> As a result, early Hanafi theorists from Irāq, such as al-Karkhī, al-Jaṣṣāṣ, Abū Abdullah al-Jurjānī, Abū al-Husayn al-Qudūri (d. 428/1037) and al-Saymarī, do not exhibit a clear departure from Mu'tazilite views, particularly in their endorsement of *takhṣiṣ al-'illa*. For the principal argument employed by both al-Jaṣṣāṣ and al-Saymarī is the distinction between *shar'ī* and rational *'ilal*, a distinction characteristic of the Mu'tazilite tradition.<sup>49</sup> The absence of resistance to Mu'tazilite influences likely reflects a deeper commitment to preserving the integrity of the Hanafī legal tradition, despite its theological implications.<sup>50</sup>

During the fourth century, the Irāqī Hanafī school was the preeminent representative of Hanafi legal theory. However, the initiation of the *Mihnah* targeting Mu'tazilites marked a decline in its influence. Hanafī scholars in Irāq were closely monitored, compelled to disavow Mu'tazilite views, and threatened with severe consequences for disseminating such ideas.<sup>51</sup> This suppression led to a shift in Hanafi scholarship, with its intellectual center moving to Transoxiana, where it experienced a resurgence.

A Bukhāran Hanafī theorist, al-Dabūsi, while not overtly anti-Mu'tazilite, demonstrated indifference toward Mu'tazilite assumptions regarding *takhṣiṣ al-'illa*. He often operated within the framework of the Irāqī Hanafi tradition, aligning with its controversial positions, including the acceptance of the specification of the rationale, despite efforts by later Samarkandi scholars to marginalize such views.<sup>52</sup> Indeed, unlike al-Jaṣṣāṣ, who did not shy away from drawing an implicit connection between the Mu'tazilite theory of *aṣlah* and *takhṣiṣ al-'illa*, al-Dabūsi's silence regarding

48 For example Bedir, "Klasik Hanefi Fıkıh Teorisinin Hikayesi", 81; Karakuş, "Cessās'ın Usûl Düşüncesi", 142-169.

49 Jaṣṣāṣ, *al-Fuṣûl*, IV, 255; Saymarī, *Masā'il al-khilāf*, 353; Erzincānī, *el-Taḳmil*, V, 2120; Karakuş, *Mu'tezile Fıkıh Usûlünün Hanefî Usûlüne Etkisi*, 140.

50 Bedir, "Klasik Hanefi Fıkıh Teorisinin Hikayesi," 85. For Irāqī Hanafi school's tendency to Mu'tazila, see also Madelung, "The Spread of Māturidism", 112.

51 Madelung, "The Spread of Māturidism", 112.

52 Dabūsi, *Taqwim*, II, 242-244, 249.

Mu'tazilite assumptions must itself be seen as meaningful. However, in Transoxiana, figures like al-Sarakhsī and Fakhr al-Islām al-Bazdawī adopted an explicit anti-Mu'tazilite stance while elevating the Hanafi legal tradition inherited from the Irāqī school. These scholars distanced themselves from Mu'tazilite extensions within that heritage, reflecting the prevailing intellectual climate. Consequently, discussions on *takhṣiṣ al-'illa* took on a theological dimension, as accepting it implied alignment with Mu'tazilite doctrines such as *taṣwīb* (the belief that all mujtahids reach correct conclusions).

For Fakhr al-Islām al-Bazdawī, the theological implications of *taṣwīb* were deeply troubling. He associated *takhṣiṣ al-'illa* with *taṣwīb*, framing it as a marker of theological orthodoxy or unorthodoxy. In his *Uṣūl's* introduction, al-Bazdawī rigorously defended Abū Hanifa's orthodoxy by attributing to him views that contradicted Mu'tazilite doctrines, such as the following:

- Affirmation of the Lawgiver's attributes,
- The belief that benefaction (*khayr*) and harm (*sharr*) occur by the Lawgiver's will,
- The precedence of capacity (*istiṭā'ah*) over action,
- Rejection of the eternal punishment of grave sinners,
- Divine creation of human actions,
- Denial that the Lawgiver is obligated to act in the best interest (*aṣlah*),
- Belief in the vision of God (*ru'yat Allah*), punishment in the grave, and the reality of heaven and hell,
- Denial of the createdness of the Qur'an (*khalq al-Qur'an*).<sup>53</sup>

Al-Bazdawī connected several of these doctrines to the issue of *takhṣiṣ al-'illa*, which he examined following his discussion of *taṣwīb*, asserting a close relationship between the two.<sup>54</sup> In his view, the validity of *ijtihād* in determining the effective rationale of rulings is undermined when *naqd* (the invalidation or corruption of the connection between the rationale and the ruling) occurs. According to al-Bazdawī, *naqd* indicates the rationale fails to function as intended. If the effective rationale is considered specified (*takhṣiṣ*) due to specific evidence (*māni'*), the disruption introduced by *naqd* can be nullified, thereby safeguarding the validity of *ijtihād*.<sup>55</sup> In other words, whenever the effective rationale identified by a jurist fails to yield the expected ruling, he can claim that the rationale was subject to specification (*takhṣiṣ*), thereby shielding himself from admitting error in his *ijtihād*. This mechanism allows the rationale to be restored from

53 Bazdawī, *Uṣūl*, I, 17-22.

54 Bazdawī, *Uṣūl*, IV, 44.

55 Bukhārī, *Kaṣḥf al-asrār*, IV, 44-53.

invalidity. As a result, the *ijtihad* of all *mujtahids* is effectively protected from error and *naqd*, ultimately supporting the conclusion that all *mujtahids* are correct in their *ijtihad* on the issue at hand.<sup>56</sup>

The theological debate over the belief that “every *mujtahid* is correct” originates in discussions concerning the nature of truth -specifically, whether there exists a single truth (*ḥaqq*) or multiple truths (*ta‘addud al-ḥuqūq*) in the sight of the Lawgiver.<sup>57</sup> Furthermore, the concepts of the specification of the rationale and felicity (*‘iṣāba*) in *ijtihad* are tied to further theological difficulties. These issues arise from the perception that both concepts are extensions of the Mu‘tazilite doctrine of the “necessity of *aṣlah*” (i.e., that the Lawgiver always acts in the most optimal or beneficial way). Within this framework, what is considered *aṣlah* for a *mujtahid* is equated with felicity. Thus, the second dimension of the problem, as articulated by al-Bazdawī, concerns the necessity of aligning *aṣlah* with what is deemed felicitous in *ijtihad*, situated within the broader discourse surrounding the specification of the rationale.<sup>58</sup>

Al-Sarakhsī, likewise, explicitly asserts that accepting the concept of *takḥṣīṣ al-‘illa* reflects an inclination toward Mu‘tazilite thought. He contends that such acceptance entails agreement with core Mu‘tazilite doctrines, including the eternity of grave sinners’ punishment, the doctrine of *al-manzilah bayn al-manzilatayn* (a state between belief and unbelief for grave sinners), the notion of felicity in *ijtihad*, and the principle of *aṣlah*.<sup>59</sup> While al-Sarakhsī clearly articulates this position, he does not engage deeply with the theological underpinnings of these doctrines. Notably, he underscores that neither *al-manzilah bayn al-manzilatayn* nor the condition of grave sinners leads to *īmān* (correct faith) without eternal bliss in the afterlife.<sup>60</sup> In other words, the rationale, which is faith here, does not necessarily lead to eternal bliss and, in a sense, undergoes specification. What is particularly striking in his discussion is his apparent reluctance to engage extensively in theological debates to refute the concept of *takḥṣīṣ al-‘illa*, even though he makes nominal references to the Mu‘tazilite ideas associated with it.<sup>61</sup>

Sadr al-Islām al-Bazdawī highlights a connection between action and capacity (*istiṭā‘ah*), which emerged as a distinct theological problem linked

56 Bukhārī, *Kaṣḥf al-asrār*, IV, 53.

57 Bazdawī, *Uṣūl*, IV, 25-28.

58 Bazdawī, *Uṣūl*, IV, 53.

59 Sarakhsī, *Uṣūl*, II, 211-212.

60 Zysow, “Mu‘tazilism and Maturidism”, 250.

61 Bedir, “The Early Development of Ḥanafī Uṣūl al-Fiqh”, 237.

to the specification of the rationale in his brother's writings. According to Samarkandi-Mâtürîdî scholars, proponents of this view equate the defence of *takhṣiṣ al-'illa* with advocating the precedence of capacity over action (*al-istiṭā'ah qabl al-fi'l*), a Mu'tazilite position.<sup>62</sup> This equivalence stems from both positions' theoretical objection to the effectiveness of God's will. In contrast, Sunnî theology maintains that capacity and action coexist simultaneously (*al-istiṭā'ah ma'a al-fi'l*).

It is noteworthy that all these issues appear in Fakhr al-Islâm al-Bazdawî's list as part of his effort to demonstrate that Abû Hanîfa cannot be classified as a Mu'tazilite. The depiction of two key doctrines -the necessity of *aṣlah* and the status of grave sinners- as the beliefs of *ahl al-hawâ wa'l-bid'a* in the *Declaration of Ahl al-Sunnah* issued by Abu Bakr al-Iyâdî suggests that, in the fourth century Transoxania, these ideas were perceived as heretical. These doctrines, possessing significant representative potential, were deemed sufficient grounds for exclusion from *ahl al-sunnah*.<sup>63</sup> Notably, their association with the concept of specifying the rationale is particularly important. This association implies that *takhṣiṣ al-'illa* was regarded at the time as an integral characteristic of Mu'tazilite identity. Whether or not this association is coherent, what stands out is the effort of post-Dabûsî Ḥanafî theorists to establish this link. This, by itself, reflects the prevailing theological sensitivity to Mu'tazilite implications. As Sadr al-Islâm al-Bazdawî explicitly states:

I do not consider those who accept *takhṣiṣ al-'illa* to be Mu'tazilites because they may fail to recognize the association between this issue and *istiṭā'ah*. Nevertheless, since this doctrine has become a marker (*shî'âr*) of the Mu'tazilah in these regions, it must be avoided, just as one avoids wearing a signet ring on the right hand, as practiced by the Râfidites, or dressing in the manner of unbelievers (*kuffâr*), for these are their distinct markers.<sup>64</sup>

To better understand the validity of the connection -whether direct or indirect- between *takhṣiṣ al-'illa* and the theological issues mentioned above, several figures serve as illustrative examples. The first example is the Hanafî theologian Bishr b. Giyâs al-Marîsî (d. 218/833),<sup>65</sup> often considered a Mu'tazilite.<sup>66</sup> Living during the transitional period of the third century, Bishr was classified by al-Jaṣṣâs among those who did not

62 Bazdawî, *Ma'rîfat al-hujaj al-shar'iyah*, 45.

63 Özen, "Bir Ehl-i Sünnet Beyannamesi", 69.

64 Bukhârî, *Kashf al-asrâr*, IV, 55.

65 Jaṣṣâs, *al-Fuṣûl*, IV, 255.

66 Özen, *Ebû Mansûr el-Mâtürîdî*, 178.

accept *takhṣiṣ al-‘illa*. He evaluated the uncertain (*ẓanni*) aspects of *fiqh* as definitive, asserted that the correct view (*haqq*) on such matters is singular, and regarded a *mujtahid* who errs as sinful.<sup>67</sup> However, in line with the *ahl al-sunnah* perspective, he accepted that *istiṭā‘ah* (the capacity underlying moral responsibility) exists simultaneously with action. Thus, the assumed necessary relationship between the specification of the rationale, *taṣwīb* (the notion that every qualified jurist is correct), *istiṭā‘ah* and adoption of the Mu‘tazilite position is reversed in al-Bishr’s case, provided that al-Jaṣṣāṣ’s narration is accurate.<sup>68</sup>

Another example is the Irāqī Hanafī scholar al-Karkhī (d. 340/952), who lived at the beginning of the fourth century and is also suspected of Mu‘tazilite leanings,<sup>69</sup> along with his student al-Jaṣṣāṣ. Many scholars claim that al-Karkhī endorsed *takhṣiṣ al-‘illa*.<sup>70</sup> According to Qādi Abd al-Jabbār (d. 415/1025) and Abū al-Husayn al-Baṣrī (d. 436/1044), al-Karkhī also supported the notion that every *mujtahid* is correct.<sup>71</sup> Al-Jaṣṣāṣ, who likewise accepted *takhṣiṣ al-‘illa*, used expressions that seemingly link this view with the necessity of *aṣlah*. For instance, he endorsed the idea that *istiṭā‘ah* precedes action and defended the notion of multiple truths for *mujtahids*, as noted by many contemporary scholars. While the precise nature of these views remains debated, if the attributions to al-Karkhī and al-Jaṣṣāṣ are accurate, their acceptance of *takhṣiṣ al-‘illa* aligns with the theological implications ascribed to it.<sup>72</sup>

According to al-Jaṣṣāṣ, the fundamental premise that allows for the specification of the rationale is the understanding that *shar‘i* rationale do not entail legal rulings with real or inherent necessity (*ijāb*). Rather, rationales are indicators (*amārāt*) designated by the Lawgiver to necessitate rulings in particular contexts. However, in these very passages — where he acknowledges that the rationale does in fact entail the ruling — al-Jaṣṣāṣ emphasizes the metaphorical nature of causality in *shar‘i* discourse. He does so to prevent a misunderstanding: that the term

67 Bukhārī, *Kaṣh al-asrār*, IV, 26.

68 Kılavuz, “Biṣr b. Gıyās”, *DİA*, 1992, VI, 220.

69 Apaydın, “Kerhī”, *DİA*, 2022, XXV, 285-286; Özen, *Ebū Mansūr*, 165-168.

70 Amir Padishāh, *Taysīr al-Taḥrīr*, III, 177.

71 Qādi Abd al-Jabbār, *al-Mugnī* (Cairo, 1963), XVII, 377; Baṣrī, *Sharḥ al-Umad*, II, 238.

72 Özen, *Ebū Mansūr*, 121, 132-136. Çil argues in his work that al-Jaṣṣāṣ exhibits varying tendencies regarding the issue of error and correctness in *ijtihād* within his *al-Fuṣūl*. However, based on his analysis, he concludes that al-Jaṣṣāṣ held the view that there exists a determinate truth in the sight of the Lawgiver, while at the same time adopting the *muṣawwiba* position in its *ashbah* form. Çil, *İctihadda Hata-İsabet*, 142-173.

*'illa*, in its legal usage, implies the same kind of intrinsic and necessary connection between the rationale and the ruling as it does in rational and naturalistic frameworks.<sup>73</sup> At a broader theoretical level, al-Jaṣṣāṣ is here concerned with establishing the legitimacy of specifying legal rationales. By emphasizing the fundamentally indicative nature of the *Shari'a* as a whole, he highlights that the rationales leading to legal rulings -though they may have existed prior to the advent of the divine law- only become operative through the intervention of the Lawgiver. Accordingly, he suggests that even those rationales explicitly stated or implicitly conveyed in the scriptural sources may, in certain cases, be rendered inoperative. This underscores the idea that legal causality in *Shari'a* is not absolute but contingent upon the Lawgiver's assignment.<sup>74</sup> This, too, is an explanation that accords closely with the Mu'tazili distinction between the rational and *shar'i ilal*. However, it should be noted here that al-Jaṣṣāṣ himself never established an explicit connection between *takhsis al-'illa* and these theological doctrines. It should also be noted that certain evaluations regarding *ijtihād*, the views of al-Karkhi and al-Jaṣṣāṣ, particularly the attribution of the doctrine of *taṣwīb* to both of them by contemporary scholars, as well as the attribution of the doctrine of *istiṭā'ah* before action to al-Jaṣṣāṣ, require critical examination to ascertain their validity.

Like al-Jaṣṣāṣ, al-Dabūsi adopts a comparable stance by distinguishing between two distinct planes with respect to *shar'i* rationales: one from the perspective of the Lawgiver, and the other from the perspective of the *mujtahid*. While the connection between legal rulings and their rationales may appear necessary (*wujūb*) on the surface, this necessity does not imply that the same kind of intrinsic, binding relationship exists in the divine realm. However, on the second plane — that of the *mujtahid* — the obligation to act upon a determined reason introduces a functional proximity to rational causality, insofar as the reason becomes operative and binding in legal reasoning.<sup>75</sup>

Another theorist examined in this context is Shāfi Qādi Abd al-Jabbār (d. 415/1025), a renowned theologian of the Basra Mu'tazilite school.<sup>76</sup> Qādi Abd al-Jabbār, who upholds *takhsis al-'illa*, argues that it is obligatory (*wājib*) for God to act in the best interest (*ṣalāh*). In his view, individuals who commit grave sins lose their status as believers but do not become disbelievers; instead, they occupy an intermediate position and are classified as *fāsiq* (sinners). He further asserts that *istiṭā'ah* exists both

73 Jaṣṣāṣ, *al-Fuṣūl*, IV, 259.

74 Jaṣṣāṣ, *al-Fuṣūl*, IV, 260.

75 Dabūsi, *Taqwīm*, I, 16.

76 Metin Yurdagür, "Kādi Abdülcebbār", *DİA*, XXIV, 103.

prior to and concurrent with an action, thereby enabling humans to create their own actions.<sup>77</sup> This perspective underscores his defense of the view that *istiṭā'ah* is present before the action takes place. By adopting these positions, Qādī affirms the conceptual link between these ideas, as previously articulated by al-Sarakhsī and al-Bazdawī, and endorses the principle that “each *mujtahid* is correct.”<sup>78</sup> Not only these figures, but also scholars such as al-Hārūnī, al-Qazwīnī and al-Jushamī (d. 494/1101), who, in Karakuş’s words, constitute the backbone of Mu‘tazilite *usūl* thought, accepted *takhṣīṣ al-‘illa*.<sup>79</sup>

This perspective warrants careful consideration, despite the impression of internal coherence presented by the collection of views surrounding *takhṣīṣ al-‘illa* among the theorists discussed thus far. Notably, al-Dabūsī and al-Saymarī, who frequently assert in their works that a *mujtahid* may err, acknowledge the concept of *takhṣīṣ al-‘illa*. Similarly, Mu‘tazili theorist Abū al-Husayn al-Baṣrī is among those who oppose the specification of the rationale. He conceives of rationales as either direct instances of benefit (*maṣlaḥa*) or as indicators (*amāra*) that imply such benefit. However, the connection between rulings and their rationales can only be known if the Prophet explicitly established this link, either through a scriptural text (*nass*) or an instructive hint (*tanbīh*). According to al-Baṣrī, the causal relationship between a ruling and its rationale does not stem from the divine will of the Lawgiver alone, but rather from the fact that the rationale entails a real benefit that, by its very nature, necessitates the ruling. Because of this approach, he rejects the possibility that the causal relationship could be disrupted by the revelation of the Sharī‘a and thus denies the legitimacy of specifying the rationale.<sup>80</sup> The Hanafi-Mu‘tazili legal theorist ‘Alā’ al-Dīn al-Asmandī (d. 552/1157) likewise rejects *takhṣīṣ al-‘illa*, due to his conception of the rationale, which closely resembles that of al-Baṣrī.<sup>81</sup>

The primary motivation behind our detailed engagement with the accounts of al-Jaṣṣāṣ and al-Dabūsī regarding the nature of rationale is to challenge the widespread perception that accepting *takhṣīṣ al-‘illa* necessarily entails equating *shar‘ī* rationales with rational ones, a claim that lacks firm foundation. The premise that “*shar‘ī* rationale ≠ rational rationale” is not

77 İlyas Çelebi, “Kâdî Abdülcebbâr”, *DİA*, XXIV, 106-107.

78 Qādī Abd al-Jabbār, *al-Muḡnī* (Cairo, 1963), XVII, 356. Also see, Tahsin Görgün, “Kâdî Abdülcebbâr”, *DİA*, XXIV, 111.

79 Hārūnī, *el-Mujzī*, IV, 32-61; Karakuş, *Mu‘tezile Fıkh Usûlünün Hanefî Usûlüne Etkisi*, 139.

80 Türcan, *Norm-Amaç*, 49-50.

81 Türcan, *Norm-Amaç*, 51.

only unfounded, but its presentation as a Mu'tazilī axiom is a serious misconception. The Mu'tazilīs themselves, far from being a monolithic school, display considerable variation on this issue. Indeed, among Mu'tazilī theorists, one can find scholars who reject both the notion that the rationale is inherently determinative (*mūjib*) and *takhsīṣ al-'illa*.

Furthermore, no Hanafī theorist who links *takhsīṣ al-'illa* with doctrines considered heretical due to Mu'tazilite associations claims that proponents of specification necessarily endorse those Mu'tazilite views. Rather, they underscore the importance of rejecting specification, suggesting that its acceptance may imply an affinity with such doctrines, even if not explicitly adopted. Theorists like al-Sarakhsī and the al-Bazdawī brothers arguably imply that acceptance of the specification by figures such as al-Karkhī, al-Jaṣṣāṣ, and al-Dabūsī (to whom al-Saymarī may also be added) reflects a broader intellectual proximity to Mu'tazilite thought. In their historical context - marked by heightened anti-Mu'tazilite sentiment - the adoption of views associated with Mu'tazilite circles naturally provoked opposition. As such, their objections may not have been aimed directly at these early figures, but rather at later adherents who, in their own time, continued to defend the notion of specification.

In the context of the rivalry between the Irāqī and Transoxanian Hanafīs for representing the school, the latter appear to leverage the specification of the rationale to marginalize their Irāqī counterparts by associating them with Mu'tazilism. This positioning enables the Transoxanians — who were more closely aligned with Māturīdī theology, itself recognized as part of *ahl al-sunnah* — to assert their legitimacy as a more orthodox expression of the tradition. This dynamic becomes particularly significant in the works of al-Samarkandī (d. 539/1144), who, while underscoring the distinction between the Samarkandī and Irāqī traditions and associating the latter with Mu'tazilism, avoids engaging in extensive theological argumentation when addressing these issues.<sup>82</sup>

In contrast, Abd al-'Azīz al-Bukhārī (d. 730/1330), writing during a period when Ash'arism was widely accepted as the true theological school within

82 Samarqandī, *Mizān al-uṣūl*, II, 899. However, the prevailing view on the issue of correctness in ijtihād within the madhhab differs from that of Imām Māturīdī. This is because he does not adopt the opinion, which is preferred in the madhhab, that a mujtahid is initially correct (*ibtidā'an*) regarding action (*'amalan*) but ultimately mistaken (*intiḥā'an*) in attaining the intended ruling. Instead, he holds that a mujtahid may err both at the outset and in conclusion. *Nūr al-Anwār*, II, 303. In other words, even in matters they consider directly related to the specification of the rationale, they do not fully agree with their imām.

*ahl al-sunnah*, challenges any intrinsic connection between *takhsīṣ al-‘illa*, *taṣwīb*, and *istiṭā‘ah*. He contends that while specification may lead to the conclusion that all *mujtahids* are correct, it does not necessarily entail the principle of *aṣlah*. Many Sunni scholars, though endorsing *taṣwīb*, reject the necessity of *aṣlah*, instead grounding their positions in the impossibility of *taklīf mā lā yuṭāq* (the obligation of the unachievable) rather than in *istiṭā‘ah* prior to action.<sup>83</sup> Thus, *taṣwīb* emerges from two distinct premises: the necessity of *aṣlah* and the impossibility of *taklīf mā lā yuṭāq*.

The influence of Imām Abū al-Hasan al-Ash‘arī (d. 324/935-36), who supported *taṣwīb*, played a significant role in severing the link between *aṣlah* and *istiṭā‘ah* prior to action. Consequently, the notion that every *mujtahid* is correct shifted from being an exclusively Mu‘tazilite position to becoming an acceptable view within *ahl al-sunnah*. However, some Transoxanian Ḥanafis, such as Abū al-Barakāt al-Nasafī, continued to assert an essential link between *taṣwīb* and *aṣlah*.<sup>84</sup> His student, Ibn al-Sā‘atī, emphasized the link between ruling and *istiṭā‘ah*, maintaining that nominal, moral, and causal prerequisites must coincide with ruling itself; any delay in ruling was deemed untenable. However, according to his statement, some legal theorists (*mashāyikh*) distinguished the issue of the rationale (‘*illa*) from the problem of the simultaneous presence of *istiṭā‘ah* and action, thereby accepting that the rationale can precede the ruling. The reasoning behind their claim that *istiṭā‘ah* and the rationale are distinct lies in the following argument: *Istiṭā‘ah* is an accident (‘*arad*), and accidents lack continuity of existence across two successive moments; therefore, for an act to occur, *istiṭā‘ah* must be contiguous with the act. In contrast, *shar‘ī* rationales possess continuity by legal decree, making their precedence (*taqaddum*) over the ruling conceivable. As observed, Ibn al-Sā‘atī acknowledges that both groups agree on the simultaneity of *istiṭā‘ah* with the action, differing only in their understanding of the relationship between the rationale and *istiṭā‘ah*. He does not, however, link this discussion to *takhsīṣ al-‘illa*, making only a passing reference to *taṣwīb*.<sup>85</sup> Even Omar al-Erzincānī, who strongly opposed the specification of the rationale, presents it as a subsidiary of a Mu‘tazilite principle and relates it to *taṣwīb*; yet he also explicitly notes that only some scholars actually make this connection in regard to *istiṭā‘ah*.<sup>86</sup>

83 Bukhārī, *Kashf al-asrār*, IV, 43-44.

84 Nasafī, *Kashf*, II, 313.

85 Ibn al-Sā‘atī, *Badi‘ al-nizām*, 661-662.

86 Erzincānī, *el-Taqmīl*, V, 2119. There are differing opinions regarding whether al-Erzincānī’s date of death corresponds to the eighth or ninth century AH. Çolak, “Erzincānī”, 276.

Hanafi-Māturīdī theorist and theologian Sadr al-Sharī‘ah (d. 747/1346) remains indifferent to the theological dimensions of these issues. Even Sa‘d al-Dīn al-Taftāzānī (d. 792/1390), who interprets Sadr al-Sharī‘ah, avoids delving into this aspect, agreeing with al-Bukhārī that the debate on *takhṣīs al-‘illa* is of limited significance. While each of them specifically focused on the theological dimension of the issues they examined, their disregard for the theological implications of these matters remains a noteworthy concern. Kamāl al-Dīn Ibn al-Humām (d. 861/1456) marked a turning point in the Hanafi discourse on *takhṣīs al-‘illa*. After centuries of rejection, he revisited the concept and argued for its acceptance, emphasizing its practical utility in legal reasoning. While acknowledging its potential connection to *taṣwīb*, Ibn al-Humām distinguished between practical correctness in juristic reasoning and ultimate correctness before the Lawgiver. This distinction aligned with Abu Hanifa’s statement, “Every mujtahid is correct, but the truth before the Lawgiver is one.” Ibn al-Humām rejected the notion that accepting *takhṣīs al-‘illa* necessitated adopting Mu‘tazilite principles, such as the principle of felicity in *ijtihād*. He argued that the stance of those who reject *takhṣīs al-‘illa* may also lead to the conclusion of *taṣwīb*. Accordingly, instead of asserting that there is specific evidence (*māni‘*) preventing the legal ruling from taking effect, a jurist who identifies the rationale can claim its absence due to the addition or omission of a particular quality of it. In this way, both the validity of the rationale and the *ijtihād* are preserved, and the jurist does not err.<sup>87</sup> As a result of such a perception of correctness, the *wujūb al-aṣlah* does not necessarily follow, since what is primarily intended here is the occurrence (*wuqū‘*) of *aṣlah*. In the same passage, Ibn al-Ḥumām reiterates his rejection of *aṣlah*’s existence; however, he clarifies that this does not entail the falsity of *aṣlah*’s occurrence. He justifies this position by appealing to the consensus among jurists regarding the notion that the acts of the servants (*af‘āl al-‘ibād*) and God’s divine rulings (*aḥkām*) are characterized by being conditioned by consideration of the welfare of the servants.<sup>88</sup> It should be noted here that the influence of Ash‘arism on Ibn al-Ḥumām’s intellectual stance, particularly from al-Ghazālī, is undeniable.<sup>89</sup> His student, Muhibbullah b. Abd al-Shakūr, expanded on this approach, asserting that *takhṣīs al-‘illa* did not entail *taṣwīb* or other Mu‘tazilite doctrines.<sup>90</sup>

As observed, a view that was indisputably accepted during the early period, as stated by al-Jaṣṣās, was later rejected due to various theological

87 Ibn Humām, *al-Taḥrīr*, with the commentary of Ibn Amīr al-Hajj, *al-Taqrīr*, III, 176.

88 Ibn Humām, *al-Taḥrīr*, III, 176.

89 Bedir, *Fīkh*, 251-52.

90 Muhibbullah b. Abd al-Shakūr, *al-Musallam al-thubūt*, II, 328-329.

concerns or political circumstances. Subsequently, its association with heretic theological doctrines was initially met with scepticism, and later, this connection was entirely severed. While Fakhr al-Islām al-Bazdawī suggests this implicitly, Abd al-'Azīz al-Bukhārī, al-Taftāzānī, and many other Hanafi legal theorists explicitly argue that the debate on *takhṣīṣ al-'illa* is purely linguistic without any legal ruling.<sup>91</sup> Consequently, *takhṣīṣ al-'illa* re-emerged as an acceptable theoretical principle in the discourse of Ibn al-Ḥumām and Muhibbullah b. Abd al-Shakūr.

#### 4. Is *Takhṣīṣ al-'illa* Considered *Istiḥsān*?

Discussions about whether the specification of the rationale behind rulings is valid are fundamentally rooted in the intention of preserving the former. Theorists who either accept or reject *takhṣīṣ al-'illa* are expected to provide a coherent explanation for this apparent inconsistency, that is, a situation where a rationale does not yield its expected ruling due to stronger evidence. Failure to address this inconsistency would render the rationale invalid. This, in turn, threatens the integrity of the theoretical frameworks underpinning legal schools, as the universal principles represented by rationales trace back to the early Islamic period. In such cases of contradiction, one key explanatory tool used is *takhṣīṣ al-'illa*. However, within the Hanafi school, this concept remains contentious, with intra-school factions unable to reach consensus on its validity. Therefore, presenting the specification of the rationale as an extension of an agreed-upon principle, namely, *istiḥsān* (juristic preference), may provide a more robust internal justification.

In *uṣūl al-fiqh*, *istiḥsān* refers to the method whereby a *mujtahid*, relying on a stronger evidence — such as consensus (*ijma*), necessity (*ḍarūra*), custom (*'urf*), public interest (*maṣlaḥa*), or hidden analogy (*qiyās khafī*) — deviates from the general rule or the initially apparent solution followed in analogous cases, and instead issues a ruling that he deems more consistent with the higher objectives of the *Sharī'a*.<sup>92</sup> Al-Karkhī attributed the founding Hanafi imāms' acceptance of the specification of the rationale to their recognition of *istiḥsān*. Al-Jaṣṣāṣ went further, equating specification with *istiḥsān* by categorizing it as a subset of *istiḥsān*. He explained that

<sup>91</sup> Shalabī, *Ta'līl al-aḥkām*, 176-178.

<sup>92</sup> Bardakoğlu, "İstihsan", *DİA*, 2001, XXIII, 339. In fact, there are significant differences between the highly flexible definition of *istiḥsān* proposed by al-Karkhī and the later, more restrictive definitions framed predominantly in terms of *khafī qiyās* or based on textual evidence. However, for the purposes of the present article, it suffices to understand in broad terms what *istiḥsān* signifies within the Hanafi school. For the early application and conceptual transformation of *istiḥsān*, see Öncel, *İstihsan*, 1-524; Öncel, "İstihsan Kelimesi ve Türevleri", 1-30.

*istihsān* involves setting aside analogical reasoning (*qiyās*) in the face of more substantial evidence. Specifically, cases where a rationale is identified yet a ruling is absent due to countervailing evidence are deemed *istihsān*.<sup>93</sup> Similarly, al-Dabūsi displayed reservations, indicating an alignment with al-Jaṣṣāṣ's views on the equation of the specification with *istihsān*, albeit less explicitly.<sup>94</sup> The Mu'tazili-Zaydi theorist al-Qazwīnī, who endorses *istihsān*, likewise acknowledges *takhṣiṣ al-'illa*, yet counts among those who regard it as equivalent to *istihsān*.<sup>95</sup> This equation is likely based on the following premise: Everything, once the *Shari'a* has been brought to completion, must have a ruling grounded in an effective rationale, since the rationale is the only channel through which legal rulings can be conveyed. Denying the existence of a rationale, even in some instances, in effect, means to concede that there exists a domain in which the *Shari'a* remains silent. This approach thus extends the *nass-ḥukm* model into a more general *'illa-ḥukm* framework. Equating *takhṣiṣ al-'illa* with *istihsān* implies that the framework of deriving general principles and exceptions from revealed texts is likewise operative in the domain of rulings based on effective rationales.

Hanafi scholars critical of *takhṣiṣ al-'illa*, such as al-Sarakhsi, argued that equating it with *istihsān* is erroneous. Al-Sarakhsi emphasized that analogical reasoning becomes void in the presence of stronger evidence, such as textual proofs, consensus, or necessity. For him, the absence of a ruling where a rationale exists does not imply specification but the rationale's invalidation in light of more substantial evidence. This perspective reflects a broader stance against the conflation of specification and *istihsān*, asserting that causality itself loses its validity under such circumstances.<sup>96</sup> Al-Sarakhsi illustrated this through the example of water remnants consumed by predatory birds. Unlike other predators, their remnants are not deemed impure because their beaks lack the properties — beaked and non-slobbery — deemed effective for impurity. While this appears to be a case of *takhṣiṣ al-'illa*, al-Sarakhsi argued instead for the absence of causality.<sup>97</sup>

Other scholars, such as Fakhr al-Islām al-Bazdawī, took a less definitive stance. While rejecting *takhṣiṣ al-'illa*, he conceded that many cases labelled as *istihsān* could be understood as instances of the specification of the rationale. For each instance of *istihsān*, it constitutes the nullification of

93 Jaṣṣāṣ, *al-Fuṣūl*, IV, 233-234, 243.

94 Dabūsi, *Taqwīm*, II, 242.

95 Qazwīnī, *al-Wādiḥ*, 336-37.

96 Sarakhsi, *Uṣūl*, II, 203-204.

97 Sarakhsi, *Uṣūl*, II, 204.

the rationale through a textual source, while in the terms of its opponents, the specification of the rationale.<sup>98</sup> The explanations of al-Samarkandī, al-Lamishī, al-Nasafī, and al-Taftazānī, which align with the words of al-Sarakhsi and al-Bazdawī, also firmly deny the equivalence between *istihsān* and the specification of the rationale.<sup>99</sup> Shāfi'ī legal theorists such as Fakhr al-Dīn al-Rāzī (d. 606/1210) and Sirāj al-Dīn al-Urmawī (d. 682/1283) appear to have accepted this equivalence as well, since he explicitly states that the very arguments he employs to demonstrate the invalidity of the specification of the rationale would also entail the invalidity of *istihsān*.<sup>100</sup>

In his commentary on Ibn al-Humām, who considers the specification of the rationale to be an instance of *istihsān*, Ibn Amīr al-Hajj, citing Fadl al-Kā'ānī (d. 775/1373),<sup>101</sup> points out that this issue can be resolved by distinguishing between the types of *istihsān*. According to him, all examples of *istihsān* justified by textual evidence, consensus, or necessity also serve as examples of *takhṣīṣ al-'illa*. Otherwise, it would be contradictory to condition the validity of reasoning (*ta'līl*) on its non-contradiction with *qiyās* while simultaneously rejecting *takhṣīṣ al-'illa* and explaining instances of specification as the invalidation (*fasād*) or annulment (*buṭlān*) of the rationale. This is because interpreting the disruption of the rationale-ruling connection as the absence of the rationale would render the designation of these *istihsān*-based rulings as contrary to *qiyās* (*ma'dūl bihī 'an al-qiyās*) meaningless. When the rationale is nullified, it becomes nonsensical to speak of abandoning *qiyās*. Consequently, it would no longer be meaningful to describe the Prophet's prohibition of the sale of non-existent goods (*bay' al-ma'dūm*) as being followed by a concession (*rukhsa*), such as “and he permitted *salam*.” This is because *rukhsa* occurs when a ruling deviates from its rationale due to an excuse or necessity. However, in the case of *istihsān* by implicit *qiyās* (*qiyās khafī*), *takhṣīṣ al-'illa* is not applicable. This is because *istihsān* by implicit *qiyās* involves the realization that a quality initially assumed to be the rationale is, in fact, not the rationale. Instead, the rationale is something else entirely. As a result, there is no necessity to explain the disruption of the rationale-ruling connection by invoking an impediment. For this very reason, the solution achieved through *istihsān* by implicit *qiyās* cannot be said to contradict *qiyās*. To clarify this,

98 Bazdawī, *Uṣūl*, IV, 56.

99 Samarkandī, *Mizān*, II, 903; Lamishī, *Uṣūl al-fiqh*, 137; Nasafī, *Kashf al-asrār*, II, 314-315; Taftazānī, *al-Talwīḥ*, II, 196-197.

100 Urmawī, *et-Taḥṣīl*, II, 319; Başoğlu, *Rāzī Mektebi*, 92.

101 Abū Muḥammad Manṣūr b. Aḥmad b. Mu'ayyad al-Khwārazmī al-Kā'ānī a Hanafi legal theorist, who wrote a commentary on al-Ḥabbāzī's work *al-Mughnī*. Öncel, *İstihsān*, 135 (footnote).

he employs al-Sarāḥsī's example of predatory birds.<sup>102</sup> It may, in fact, be said that al-Jaṣṣāṣ shared the same view as al-Kā'ānī. For in the passages where he examines the relationship between *takhṣiṣ al-'illa* and *istiḥsān*, he explicitly states that *takhṣiṣ al-'illa* is not involved in the case of *istiḥsān* based on *qiyās khafī*.<sup>103</sup> Another point worthy of attention here is al-Kā'ānī himself. As a Hanafi-Mu'tazilī living in Irāq during the later period, he demonstrates that the Mu'tazilite influence on Hanafism in Irāq persisted to some extent even in the eighth century AH.<sup>104</sup>

The claim in this explanation is striking for those who oppose the specification of the rationale. For the Ḥanafī scholars, who prefer to reason within systems resembling a network of general principles, the exemplars of these principles are the rationales themselves. Each rationale essentially serves as the provider of the automatic solutions offered by this mechanism or pattern of rulings. Every exceptional disjunction in the network of rulings, however, is explained by a specific rationale. These rationales are precisely the forms of *istiḥsān*. Acknowledging the perception of inconsistency with analogy requires, in turn, acknowledging the existence of such a system in the background. This is because inconsistency can only be recognized in the context of an established system. The point emphasized in the mentioned explanation is that when the rationale is assigned exclusively, asserting its absence essentially implies the absence of either this system itself or any textual evidence contradicting it.

The intriguing aspect is that the claim in the passage had already been articulated by al-Samarqandī much earlier. He draws attention to the fact that the concept of "textual evidence contradicting analogy" is not accepted by the *mashāyikh* of Samarqand. To him, this rejection stems from the fact that it is only compatible with a system that acknowledges *takhṣiṣ al-'illa*. However, for those who do not accept *takhṣiṣ al-'illa*, the presence of a text contradicting analogy necessitates the invalidation of the analogy itself. This is because, in their framework, the rationale is inherently tied to the ruling; if the rationale does not lead to a ruling, it ceases to qualify as the rationale in the first place. According to the *mashāyikh* of Samarqand or al-Samarkandī himself, neither *qiyās* that contradicts a *nass* (textual evidence) nor a *nass* that contradicts *qiyās* can be posited. This is because, when both *qiyās* and *nass* are sound, the idea that one could contradict another is inconceivable. Consequently, the claim of incompatibility with *qiyās*, which leads to the acceptance of *takhṣiṣ al-'illa*, is untenable within

102 Ibn al-Humām, *al-Taḥrīr*, III, 177.

103 Öncel, *İstiḥsān*, 135.

104 Karakuş, *Mu'tezile Fıkah Usûlünün Hanefî Usûlüne Etkisi*, 87.

the framework of the Samarkandī scholars. In such exceptional cases, the factor that prevents the application of the rulings to specific cases lies in the fact that their meanings are unintelligible (*ghayr ma'qūl al-ma'nā*).<sup>105</sup>

Although it is not explicitly stated here, the primary target of al-Samarkandī's criticism appears to be al-Sarakhsī-al-Bazdawī and their followers, who are frequently subjected to his critiques. This is because they accept *qiyās* contradicting *nass* and, vice versa, while rejecting *takhṣīṣ al-'illa*. Al-Bukhārī, who addresses al-Samarkandī's claim in his work, attempts to explain the situation by arguing that those who reject the specification of the rationale are referring not to a genuine inconsistency with *qiyās* but rather to a superficial one. However, al-Bukhārī's explanations are not particularly convincing or satisfactory.<sup>106</sup>

As seen, the debate over the specification of the rationale reflects the intricate interplay between established principles of causality, analogical reasoning, and textual evidence within Islamic jurisprudence. While proponents like al-Jaṣṣāṣ and Ibn al-Humām align specification with *istiḥsān*, framing it as an adaptive mechanism for resolving inconsistencies, critics such as al-Samarkandī emphasize the fundamental incompatibility of causality with rulings that contradict stronger evidence. Moreover, those who accepted *takhṣīṣ al-'illa* often presented the specification of the general expression (*taḥṣīṣ al-'āmm*) as a legitimate basis for it, a position closely tied to their tendency to seek full synchronization between rulings derived from textual evidence and those derived from the rationale. According to this reasoning, just as the general expression of a *nass* can undergo specification, so too should the rationale be able to be specified. In essence, *takhṣīṣ al-'illa* represents an attempt to preserve consistency, for the general premises of the Irāqī Hanafi tradition make such an explanation possible. Since Irāqīs, contrary to their opponents, accepted the generality of meaning—and it should be noted here that the rationale is regarded as meaning—they were more inclined toward the notion of a specified rationale. For the Samarqand Hanafīs, however, such a conception was impossible. Since they denied the generality of the meaning, and consequently the generality of the rationale, they therefore rejected its specification.<sup>107</sup> These divergent views underscore the complexity of reconciling theoretical consistency with practical jurisprudence. Ultimately, the specification of the rationale serves as both a lens for interpreting exceptional cases and a point of contention

105 Samarqandī, *Mizān*, II, 913-916.

106 Bukhārī, *Kaṣḥf al-asrār*, III, 446.

107 Nasafī, *Kaṣḥf*, I, 176-77.

within the broader framework of Hanafi legal theory. By exploring these nuanced positions, it becomes evident that the integrity of legal reasoning hinges on a delicate balance between preserving universal principles and addressing particularities without undermining the system’s foundational coherence.

## Conclusion

The intricate and historical discourse surrounding the specification of the rationale reveals the nuanced interplay between theology and legal theory within the Hanafi school. This study has demonstrated how this concept became a focal point for divergent intellectual trajectories between the Irāqī and Transoxanian Hanafi traditions. Central to this divergence was the interaction of Mu‘tazilite and Sunnī theological frameworks, which shaped the methodological orientations of key Hanafi scholars over centuries. From the foundational contributions of figures like al-Jaṣṣāṣ, who emphasized the utility of *takhṣīs al-‘illa* in preserving the coherence of Hanafi jurisprudence, to the critical rejections by later Transoxanian scholars such as al-Sarakhsī and al-Bazdawī, the debate underscores the Hanafi school’s adaptability to theological and intellectual shifts. While Irāqī scholars were more accommodating of Mu‘tazilite-influenced methodologies, their Transoxanian counterparts sought to distance themselves from these associations, framing their stance as more aligned with Sunnī orthodoxy. In Correa’s words, they took a theological turn in legal theory.<sup>108</sup> A concept that was almost unanimously accepted by Hanafi theorists during the formative period of the Hanafi legal theory was later, quite cleverly, drawn into a controversial domain and presented as a point of divergence between the Irāqī and Transoxanian Hanafis. Moreover, proponents of *takhṣīs al-‘illa*, just as their opponents, argued that this approach was in fact consistent with the views of the founding imāms.

The enduring question of whether the specification of the rationale aligns with or diverges from the principles of *ahl al-sunnah* highlights the evolving nature of Islamic jurisprudence. Theological implications, such as the potential connection to the Mu‘tazilite doctrine of *aṣlah* and other central concepts, were pivotal in shaping the rejection or acceptance of the specification. These theological dimensions were not merely academic but were also deeply tied to the socio-political contexts in which these scholars operated, particularly during periods of heightened anti-Mu‘tazilite sentiment. Despite theoretical disagreements, the practical outcomes in Hanafi jurisprudence often remained consistent, reflecting

108 Correa, “Theological Turn”, 111-126.

a shared commitment to the foundational principles of the school. This consistency suggests that the discourse on *takhṣiṣ al-'illa* was as much about intellectual positioning and identity as it was about substantive legal differences. The retrospective justification of rulings, rather than the prescription of new ones, underscores the importance of this debate in shaping the methodological and theological boundaries of the Hanafi tradition.

In conclusion, the debate over *takhṣiṣ al-'illa* exemplifies the dynamic interaction between theology and legal theory in Islamic scholarship. It highlights the Hanafi school's capacity to navigate and integrate diverse intellectual influences while maintaining its coherence and integrity. The historical and theological nuances of this debate continue to offer valuable insights into the complexity of Islamic legal traditions and their evolution over time. The debate over whether the specification of the rationale constitutes *istiḥsān* remains a contentious issue in Hanafi jurisprudence. Proponents view it as a necessary mechanism to reconcile contradictions, while opponents argue that it undermines the integrity of causal reasoning. This unresolved tension reflects broader methodological differences within the Hanafi tradition and highlights the challenges of maintaining coherence in legal reasoning amidst competing evidential hierarchies.

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