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An Analysis of *Ayāt al-aḥkām* (regulative verses) from an Existential Perspective

Orthodox Uṣūlī jurists classify the regulative verses of the Quran as the primary source from which shari'a can be known. In light of these regulative verses, they interpret and derive further shari'a regulations from hadith literature. Their classification of presenting the regulative verses of the Quran as the primary source of shari'a is based on the theological assumption the Quran is the word of God, and that its regulative verses are therefore eternal, immutable, and reflective of the actuality (*wāqī'i*) which is an expression of the values derived through the relation of things to human beings and forms the basis for the shari'a regulations.

This paper critically analyses the theological assumption upheld by orthodox jurists. It is argued that their assumption is based on an underlying notion of a fixed ontology, which does not allow for dynamism in relation of things to human beings and thus leads to an unchanging actuality. Instead, based on Sadrian theory of substantive motion (*ḥaraka al-jawhariyya*), it is demonstrated that existence in essence is in a process of growth and self-actualisation of its inherent potential. Therefore, ontology is dynamic and evolutionary with the implication that actuality is also in state of constant evolutionary flux. Considering this, the regulative verses of the Quran ought to be understood as formulations of values entailed within actuality for the context in which they were originally disclosed. Actuality being existentially based it follows that beyond their initial context of revelation, regulations serve as indicators for reason to assess the initial values being espoused through them and approximate newer forms to accommodate the same values. The problem of un-authorised addition within the shari'a (*tashrī'*) and lack of certitude (*qaṭ'*) that arise in relation to the novel regulations will be addressed through the uṣūlī understanding of the fallibilistic nature (*takhṭī'a*) of the apparent regulation (*al-ḥukm al-ẓāhirī*).



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Shaykh Arif Abdulhussain founded the Al-Mahdi Institute in 1993, and currently serves as its Director and Senior Lecturer in *Uṣūl al-fiqh* and Muslim Philosophy. For over twenty years, Shaykh Arif has been at the forefront of developing and delivering advanced Islamic studies, tailored toward training students capable of addressing the needs of contemporary societies. He is Senior Lecturer, and Researcher at Al-Mahdi, Institute Birmingham, Co-director of CIMS (Centre for Intra Muslim Studies), Active contributor in Interfaith dialogue. He is the author and translator of many academic articles on various Islamic topics.