The fourth Islamic century (roughly the tenth of the Common Era) opened with scattered arguments about the destiny of the Shari‘a. By the end of the fifth century (eleventh CE), three distinct positions on the subject have been formed. These same three positions will dominate the debate until its virtual end (in its traditional phase) in the 1250/1830s [As I said, I am thinking here of Hasan al-‘Attar’s (d. 1250/1835) supercommentary on Mahalli’s (d. 856/1453) commentary on Subki’s (d. 771/1369) Jam‘ al-Jawami‘], and a new debate, or a new phase of the debate, slightly overlapping with the old one, championed by Shawkani (d. 1250/1834) began. What happened between the beginning of the fourth/tenth and the end of the fifth/eleventh centuries that caused the fatigue of the Shari‘a debate to evolve in this way?

In the beginning, there were two views on the subject. One, later to be systematized and stated as the view of Ash‘ari theologians and legal theorists, held that there was neither a rational nor a textual basis for asserting the Shari‘a’s eternal vigor. In other words, on this view, the Shari‘a could indeed experience fatigue. This view may arguably be called the anti-Mu‘tazili view, if one considers Mu‘tazili thinking responsible for raising the question of the beginning and end of the Shari‘a first [although there are many good reasons to be unsure about the exact starting point; and a perusal of (the Shafii‘i Mu‘tazili) Abu al-Husayn al-Basri’s (d. 436/1044) Mu‘tamad raises questions about any assertion that this was an issue Mu‘tazili theologians and legal theorists strongly emphasized). Shi‘i (especially Isma‘ili) thinking in the fourth/tenth century may have exerted some influence on bringing the issue of the “end of time” to the fore. But it was Abu al-Ma‘ali al-Juwayni (d. 478/1085) who provided the most influential articulation of the Ash‘ari (or anti-Mu‘tazili) view. Somewhat
contemporaneously with that, a Hanbali view, ultimately embracing the Mu'tazili conclusion with something like the opposite of its theological foundation, came to be articulated. This was provided by authors such as Abu al-Khattab al-Kalwadhani (d. 511/1116) in his *Tamhid*.

Juwayni’s choice of Ka’bi (d. 319/931) as an interlocutor—Ka’bi being a Mu’tazili who argued against the fatigue idea—should not detain us for long. Ka’bi is credited with the extreme view that God, being bound to do what is best for His creation (*wujub al-aslah*), will not allow the fatigue of the Shari’a, just as he never allowed the fatigue of previous shara’i’ (revelations and divine laws) before He revealed His last message. This view denies that human history has ever experienced a lapse of God’s revelation and laws. It bears reflection whether this view, in this form, may be traced back to an earlier generation of Mu’tazilis. But this could also take us further afield and would generate more controversy than would be helpful in illuminating the concrete debate on the life and destiny of the Shari’a. A few remarks will, therefore, suffice.

Khayyat’s (d. 299/912) *Intisar* suggests connections between the question of the fatigue of the Shari’a and other issues, which shows the Shi‘i relevance to this debate from an early date. These issues include the question of “who conveys the divine law” and “whether this conveyer must be infallible.” The Rafida (Shi‘is), Khayyat reports, insist that the conveyer of God’s message must be an infallible *imam* (thus lowly *mujtabids* are not sufficient), while Hisham al-Fuwati (d. 217/833) and Abu al-Hudhayl al-‘Allaf (d. 235/849) held that God will not deprive the world of pious conveyers of His guidance. These pious individuals’ conveyance of God’s message is a sufficient basis for their contemporaries’ responsibility to follow His guidance—regardless of whether these pious conveyers are identifiable to all (people) to be such conveyers.¹

The same Abu al-Hudhayl al-‘Allaf (d. 235/849) is credited with what was (later) considered by Ash‘aris a standard Mu'tazili view—that before revelation, the unaided human reason is sufficient basis for ethical and religious responsibility. Shahrastani (d. 547/1153) lists this in his *Milal* as the seventh of ten principles or doctrines, which distinguished ‘Allaf from other fellow theologians. This involves his insistence that reflection before revelation leads to knowledge of God, that those who fail to reach that recognition deserve punishment, and that through the same unaided human reason, one should be able to (independently of any revelation) identify good and evil actions and qualities, such as lying and injustice.²

If one considers the question of God’s guidance and temporal authority over the human population in a society, one may consider the Shi‘i position as lying at the center amid multiple possible extremes. The Shi‘is insisted on an infallible imam to solve the problem of the availability of