

# The Engineering of Islamic Legal Opinion (*IJTIHAD*) on the *Maqasid Al-Shari'Ah* Development in the Assessment of Islamic Financial Products

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## Abstract

The fundamental objectives of the *Shari'ah* or *Maqasid al-Shari'ah* are to ensure the well-being and welfare of mankind (*maslahah*; Pl. *masalih*), both in this world and the hereafter. *Maqasid* are the key to better understand the *Shari'ah* in its true perspective. Significantly, *Maqasid al-Shari'ah* can be seen as a comprehensive legal framework to unify the divergence of Islamic Islamic legal opinion (*ijtihad*) among the Muslim juristconsults (*Usuliyyun*) of different schools of law. Hence, in order to obtain the clarity and visibility on the objectives of *Shari'ah* (*Maqasid al-Shari'ah*), this journal attempts to analyse the engineering of the theory of *Maqasid-cum-Masalih* (*the objectives of Shari'ah for the public interests*) as guidelines to be used in the assessment and evaluation of Islamic financial products and services, so that those developed products are in conformity with the *Maqasid al-Shari'ah*.

**Keywords:** *Maqasid al-Shari'ah*, *Maslahah*, *Maqasid-cum-Masalih*, Islamic financial products, engineering, Islamic legal opinion (*ijtihad*)

## 1. Introduction

In fact, Islamic financial industry constitutes one important area of Islamic financial transactions (*fiqh al-mu'amalat*). Since its formation in early 1970s, Islamic financial practice has been demonstrating its tremendous progress in offering *Shari'ah* compliant products which eventually becomes a new banking alternative in Malaysian financial system. Today, Islamic financial has spread to all corners of the globe and received wide acceptance by all everybody concern of Muslims and non-Muslims. Even though the Islamic financial practice is compliant with Islamic law (*Shari'ah*), but it is not immune from any controversies and issues. One of these was the divergence of Islamic Islamic legal opinion (*ijtihad*) and interpretations of *Shari'ah* among Muslim jurists in assessing *Shari'ah* compliant products.<sup>1</sup>For example, the practice of *bay' al-'Inah*<sup>2</sup> contract has gained overwhelming popularity in the South-East Asian

<sup>1</sup> Dusuki, A. W. et al. (2011). *Islamic Financial System: Principles & Operations*. Kuala Lumpur: International Shari'ah Research Academy for Islamic Finance (ISRA). pp. 837

<sup>2</sup> Bay' al-'Inah can be defined as a contract which involves sale with immediate repurchase transactions of an asset by the seller. In this transaction, the seller sells the asset to the buyer at a deferred price and subsequently buys back the asset on cash basis at a lower price. It may also be conducted where the seller sells an asset to the buyer on cash basis and then buys back the asset at

region based on Shafi'is School of law, but not for Hanafis, Malikis and Hanbalis Schools. The question may be raised here with respect to the Muslim jurists' justification in validating certain Islamic financial products.

Due to different interpretations and incoherent Islamic legal methodology on a products development issues among *Shari'ah* advisors, may create confusion among the general public as well as practitioners of Islamic financial industry.<sup>3</sup> As a resulted, it leads another hindrance to the development of the Islamic financial Institutions.<sup>4</sup> Hence, Islamic financial industry needs to find the ways in which explore the objectives of *Shari'ah* (*Maqasid al-Shari'ah*) through the theory of *Maqasid-cum-Masalih* (the objectives of *Shari'ah* for the public interests), towards strengthening the *Shari'ah* compliant products in order to bring the social welfare and justice, among others.<sup>5</sup>

Therefore, a study of the engineering of *Maqasid-cum-Masalih* (the objectives of *Shari'ah* for the public interests) theory, as well as *maqasid al-Shari'ah* development is of great significant particularly as a source of reference by the *Shari'ah* scholars in deducing appropriate Islamic legal opinion (*ijtihad*) in assessing Islamic financial products for the future growth and strength of the Islamic financial industry.

## 2. Theory and Prior Research

Based on the earlier writers on the engineering of public interest (*maslahah*) and the objectives of *Shari'ah* (*maqasid al-Shari'ah*), such as Abu al-Husayn al-Basri's (d. 436 AH/1045 AC) *al-Mu'tamad fi usul al-fiqh*, Imam al-Juwayni's (d. 478 AH/1085 AC) *al-Burhan*, Abu Hamid al-Ghazali's (d. 505 AH/1111 AC) *al-Mustasfa min 'Ilm al-Usul*, Fakr al-Din al-Razi (d. 606 AH/1209 AC)<sup>6</sup> *al-Mahsul*, Sayf al-Din al-Amidi's (d. 631 AH/ 1233 AC) *al-Ihkam fi Usul al-Ahkam*, 'Izz al-Din ibn 'Abd al-Salam's (d. 660 AH/ 1261 AC) *Qawa'id al-Ahkam fi Masalih al-Anam* and Abu Ishaq al-Shatibi's (d. 790 AH/ 1388 AC) *al-Muwafaqat*, the term "public interest (*maslahah*)" and the "objectives of *Shari'ah*" have used and discussed the term "*Maslahah*" and the "*Maqasid al-Shari'ah*" almost interchangeably in their writings. But the main objective is to secure of benefit and preventing of harm for public interests.<sup>7</sup> For example, al-Ghazali's *al-Mustasfa* defined *al-maslahah* as seeking of benefit or the repelling of harm (*jalb manfa'ah wa daf' madarrah*).<sup>8</sup> What he meant by *maslahah* is the preservation of the ends of the *Shari'ah*. Al-Shatibi in his book *al-Muwafaqat fi Usul al-Shari'ah* characterized *maslahah* as being the only

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a deferred price which is higher than the cash sale price. For example, in the standard BBA facilities offered in Malaysia, the client sells the asset to the bank through Property Purchase Agreement (PPA) on cash basis of \$100,000.00 and then the client buys back the asset immediately through Property Sale Agreement (PSA) from the bank at deferred price of \$200,000.00.

<sup>3</sup> Shahrudin, A. (2010). *Maslahah-Mafsadah Approach in Assessing the Shari'ah Compliance of Islamic Banking Products*. International Journal of Business and Social Science. Vol. 1 No. 1.

<sup>4</sup> Dusuki, A. W. et al. (2011). *Islamic Financial System: Principles & Operations*. Kuala Lumpur: International Shari'ah Research Academy for Islamic Finance (ISRA). pp. 843

<sup>5</sup> Ibid

<sup>6</sup> In his book entitled, *al-Mahsul*, is simply a summarization of the books *al-Mu'tamad* by Abu al-Husayn al-Basri, *al-Burhan* by al-Juwayni and *al-Mustasfa* by al-Ghazali. He also refers to 'progeny' with the word *al-nasab* rather than the word *nasl*.

<sup>7</sup> Sarakhsi al-Hanafis (1993). *Usul al-Sarakhsi*. Beirut: Dar al-Kutub al-'Ilmiyyah. Vol. 2. pp. 120

<sup>8</sup> Al-Ghazali, M. (1998). *al-Mustasfa min 'ilm al-usul*. Beirut: Dar al-Kutub al-'Islamiyyah. Vol. 1. pp. 174

principal objective of *Shari'ah* which is broad enough to comprise all measures that are beneficial to the human being.<sup>9</sup>

The theory of *maslahah* has left significant impact on a number of all the rational sources, such as analogical reasoning (*qiyas*), juristic preference (*istihsan*), presumption of continuity (*istishab*), unrestricted public interest (*maslahah mursalah*), blocking the means (*sadd al-dharai'*) and custom (*'urf*).

An example is regarding the permissibility of the *bay' al-tawarruq* among the Muslim jurists. *bay' al-tawarruq* is the transaction where a person buys a commodity with a deferred payment, then sells it to a third party (other than the original seller) for an immediate cash price.<sup>10</sup> It is also known as the *tawarruq* on an individual basis (*al-tawarruq al-fardi*) and the classical *tawarruq*. This transaction is called *tawarruq* because when the purchaser bought the commodity with deferred payment, he has no intention of using or getting benefit from it, but merely to facilitate him to obtain cash. In the current practices of Islamic financial institutions (IFIs), *bay' al-tawarruq* is also termed as the banking *tawarruq* (*Al-tawarruq al-masrafi*) or the organised *tawarruq* (*Al-tawarruq al-munazzam*). It is a process where the IFIs formally organises the sale of commodity (other than gold or silver) between an (international commodity market or others market) and the client (*al-mutawarriq*). For example the client buys a commodity on deferred payment from the IFI. The IFI will represent the *mutawarriq* in selling it to another buyer (International commodity market or others market) for cash, whereupon the bank will deliver its payment to the *mutawarriq*.<sup>11</sup>

Generally, the majority of Muslim jurists of the Hanafis, the Shafi'is, the Malikis and the Hanbalis consider *bay' al-tawarruq* as a valid and acceptable contract of Financial transactions in Islamic jurisprudence. Their argument is based on a Qura'nic verse in which "*Allah has permitted sale and forbidden usury (riba)*".<sup>12</sup> Hence, in their views, *tawarruq* is a form of a valid 'sale contract' which fulfill all necessary requirements of a sale contract and there was no specific evidence to prove otherwise. In the form of reasoning method, the permissibility is required to fulfill the needs of people (*hajiyyat*) and provide sufficient liquidity (cash money) through lawful means as approved by the *Shari'ah*, and it is extremely effective in realising the objectives of *Shari'ah* (*maqasid al-Shari'ah*).

However, the Ibn Qayyim and his teacher Ibn Taimiyyah of the Hanbalis School have prohibited the *bay' al-tawarruq* because it is a means which lead to usury (*riba*) transaction and evil act (*mafsadah*). In a *tawarruq* contract, in their view, the transaction involves the exchange of immediate cash (less amount) for deferred payment (larger amount) of money.

<sup>9</sup>Al-Shatibi (1997). *Al-Muwafaqat*, ed. Abu 'Ubaidah Mashur bin Hasan. Dar Ibn Affan. Vol. 1. pp.395

<sup>10</sup> Zuhaili, W. (1997). *al-Fiqh al-Islami wa Adillatuhu*, 4<sup>th</sup> ed, (Vol. 5), p. 3457; Al-Zuhayli, W. (2007). *Financial Transactions in Islamic Jurisprudence*, ed. Al-Gamal, M. & Eissa, M. 2<sup>nd</sup> ed., Dar al-Fikri, Dimashq, Syria, p. 117

<sup>11</sup> Dusuki, A. W. & et al. (2011). *Islamic Financial System: Principles & Operations*. Malaysia: International *Shari'ah* Research Academy for Islamic Finance (ISRA). pp. 227

<sup>12</sup> The Quran, 2: 275

The issue becomes more complicated when the Islamic bank applied banking *tawarruq* (*Al-tawarruq al-masrafi*) which also known as organised *Tawarruq* (*Al-Tawarruq al-Munazzam*). The practice of this product has been declared invalid and unacceptable by a recent declaration of the Organisation of Islamic Conference (OIC) *Fiqh* Academy, in April 2009.<sup>13</sup> In the real practise of Islamic financial institution, the financier arranges the sale agreement either himself or through his agent. Simultaneously, the *mutawarriq* and the financier execute the transactions, usually at a lower spot price. In this case, the (*mutawarriq*) is the financial institution, and it acts as a client. Hence, according to the resolution 179 (19/5) by the *Fiqh* Academy, it is not permissible because simultaneous transactions occur between the financier and the *mutawarriq*, whether it is done explicitly or implicitly or based on common practice, in exchange for a financial obligation. This is considered a deception, i.e. in order to get the additional quick cash from the contract. As indicated earlier, this transaction is a quick similar to *bay' al-'inah* and containing *riba*, whereas the majority of Hanafis and Malikis scholars have prohibited *bay' al-'inah*.

Based on the above resolution, the Islamic financial institutions are required to avoid all dubious and prohibited financial techniques, in order to conform to *Shari'ah* rules so that the techniques are in conformity with the objectives of the *Shari'ah* (*maqasid al-Shari'ah*). In analyzing the used of the objectives of *Shari'ah* (*maqasid al-Shari'ah*) on *bay' al-tawarruq* contract in Islamic banking, Siddiqi applied the approach of *maslahah-mafsadah* calculus.<sup>14</sup> In his analysis, he discovered that the harmful consequences of *bay' al-tawarruq* are much greater than the benefits.<sup>15</sup>

However, the proponents of *bay' al-tawarruq* argue that the contract of *bay' al-tawarruq* is important modes of transaction in resolving their basic needs (i.e. to purchase houses, vehicles and other needs). They claimed that the *bay' al-tawarruq* contract could be applied as an alternative sale needed contracts (*al-hajjiyyah*) without resorting to *riba*-based transaction. The acceptable of *bay' al-tawarruq* contract is also seen as the act of choosing between the lesser of two evils: between *riba* which is explicitly prohibited and *bay' al-tawarruq* which is disputed. The decision to take a lesser harm action is supported by a *fiqh* maxims (*qawa'id al-fiqhiyyah*) which states "a greater harm is eliminated by means of a lesser harm" (*yuzal al-darar al-ashaddu bid-darar al-akhaf*). Therefore, this argument is rationally acceptable and in conformity with the objectives of *Shari'ah* (*maqasid al-Shari'ah*).

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<sup>13</sup> The International Council of *Fiqh* Academy, which is an initiative of the Organization of Islamic Conferences (OIC), in its 19th session which was held in Sharjah, United Arab Emirates, from 1 - 5 of Jamadil awwal 1430 AH, corresponding to 26 – 30 April 2009. [The resolution in English translation](http://www.isra.my) is available at [www.isra.my](http://www.isra.my).

<sup>14</sup> Siddiqi, M. N. (2007). *Economics of Tawarruq, how its mafasid overwhelm the masalih*. Paper presented in Workshop on *Tawarruq* and its methodological issues, London: London School of Economics.

<sup>15</sup> *Ibid*. This is based on the fact that *Bay'al-Tawarruq* is manipulated by Islamic banks to create debt instruments. Siddiqi opposes the excessive of debt creation instruments in governing Muslim financial affairs. He warns the creation of debt market instruments under the banner of Islam. This is because the market of debt instruments created through the application of *Bay'al-Tawarruq* will inherit similar problems of the capitalist economic system (i.e. speculation activity, inefficient allocation of funds and inequitable wealth distribution). He contends that the application of *Bay'al-Tawarruq* will broaden the dichotomy between the theory and practice of Islamic economic, therefore should not be pursued.

### 3. Methodology

As a mode of Islamic Islamic legal opinion (*ijtihad*), *maslahah* provides a determinant factor for the development of comprehensive the objectives of *Shari'ah* (*maqasid al-Shari'ah*). This has been proved by al-Amidi (d. 631 AH/ 1233 AC) in his writing's *al-Ihkam fi Usul al-Ahkam*, when he defined *maqasid al-Shari'ah* as seeking the benefit or repelling the harm (*jalb al-maslahah 'aw daf' al-madarrah*).<sup>16</sup> It demonstrated that the *maslahah* and *maqasid* are two connected discipline of study on the objectives of *Shari'ah* (*maqasid al-Shari'ah*). Hence, Kamali in his book, entitled "*Principles of Islamic Jurisprudence*", has integrated the two terms into what he calls as *Maqasid-cum-Masalih* (the objectives of *Shari'ah* for the public interests) to represent the subject of the *maqasid al-Shari'ah*.<sup>17</sup> The objectives of *Shari'ah* (*maqasid al-Shari'ah*) are generally interpreted as reflecting *maslahah* to individual and the community as well, and the whole purpose of their laws and legal principles are for the protection of public interest (*maslahah*) and the improvement and perfection of the conditions of human life on earth.

From literal meaning, the word *maslahah* is contrast with the word *mafsadah*.<sup>18</sup> In another meaning, the word *maslahah* and *manfa'ah* are treated as synonyms. *Manfa'ah* means benefit or utility, that is, it leads to some kind of benefit or interest. Imam al-Ghazali's (d. 505 AH/1111 AC) in his, *al-Mustasfa min 'Ilm al-Usul*,<sup>19</sup> defined its technical meaning as seeking the benefit or repelling the harm (*jalb al-manfa'ah 'aw daf' al-madarrah*).

In light of the above definition, the concept of *maslahah* or *manfa'ah* will definitely lead to something similar to the principle of utilitarianism expounded by Jeremy Bentham, which means securing the maximum human happiness or utility.<sup>20</sup> However, the term *maslahah* as defined by the Muslim scholars (*fuqaha'*), such as al-Ghazali, al-Razi and others are more comprehensive compared to Jeremy Bentham utilities. *Maslahah*, according to Muslim scholars (*fuqaha'*) referred to an effort by seeking of benefits or repelling of harm as directed by the Lawgiver. This is what al-Ghazali means by *maslahah* as the seeking of benefit or the repelling of harm in order to preserve the objectives of *Shari'ah* (*maqasid al-Shari'ah*).<sup>21</sup> The preservation of the objectives of the *Shari'ah* including the protection of religion, life, progeny, intellect and wealth constitute the fundamental meaning of *maslahah*.<sup>22</sup> It is coincides with Zuhaili definition of the *maqasid al-Shari'ah*, which he says: "The *maqasid al-Shari'ah* are the law's meanings and objectives as manifested in most or all of its rulings, or they may be said to be the objectives of the *Shari'ah* and the hidden wisdom which the Lawgiver has placed within each of its rulings".<sup>23</sup>

<sup>16</sup> Sayf al-Din al-Amidi (1984) *al-Ihkam fi Usul al-Ahkam*, ed. Syed al-Jamili. Beirut: Dar al-Kutub. Vol. 3. pp. 296 ( من جلب مصلحة أو دفع مضرة )

<sup>17</sup> Kamali, M. H (1991). *The Principles of Islamic Jurisprudence*. Kuala Lumpur: Pelanduk. pp. 397

<sup>18</sup> 'Ayyubi, A. J. J. (2011). *Maqasid al- Shari'ah: fi Takhsis al-Nass bi al-Maslahah wa Tatbiqatiha fi al-Fiqh al-Islami*. Jordan: Dar al-Nafais. pp. 44

<sup>19</sup> Abu Hamid al-Ghazali's (d. 505 AH/1111 AC) *al-Mustasfa min 'Ilm al-Usul*, Vol. 1. pp. 174; Fakr al-Din al-Razi's (d. 606 AH/1209 AC) *al-Mahsul*, Vol. 5. pp. 232; Abu Ishaq al-Shatibi's (d. 790 AH/ 1388 AC) *al-Muwafaqat*. Vol. 2. pp. 197

<sup>20</sup> Daniel Read (2004). *Utility theory from Jeremy Bentham to Daniel Kahneman*. Working Paper No: LSEOR 04-64. ISBN No: 07530 1689 9. Copyright © The London School of Economics and Political Science.

<sup>21</sup> Al-Ghazali, M. (1998). *al-Mustasfa min 'ilm al-usul*. Beirut: Dar al-Kutub al-'Islamiyyah. Vol. 1. pp. 179

<sup>22</sup> Ibid

<sup>23</sup> Zuhaili, W. (1996). *Usul al-Fiqh al-Islami*, Vol.2, Damascus: Dar al-Fikr, pp.1017



It is generally held that the *Shari'ah* in all of its parts aims of seeking a benefit for the people or protecting them against corruption and evil. For example, the Qur'an explained the main objective of the prophethood of Muhammad is a mercy (*rahmah*) for the mankind (*'alamin*).<sup>24</sup> Elsewhere, Allah (swt) describes His purpose in the revelation of religion is not a means of imposing hardship, as He says: "*God never intends to impose hardship upon people*".<sup>25</sup> Here the Lawgiver wishes to make things easy and to avoid imposing hardships on people and thus not obligate anyone more than his or her capacity, which Allah (swt) says: "*No one is charged with more than his capacity*".<sup>26</sup> The Qur'an also stated clearly the rational objective with regard to *zakat* obligation (wealth tax): "*In order that wealth may not circulate only among the rich*".<sup>27</sup> Hence, the Qur'an prescribed the eight groups of those who are entitled "*al-asnaf*" to receive *zakat* funds. Allah (swt) says: "*The offerings given for the sake of God (zakat) are meant only for the poor (al-fuqara') and the needy (al-masakin), and those who are in charge thereof (al-'amilin 'alaiha), and those whose hearts are to be won over (al-muallafati qulubuhum), and for the freeing of human beings from bondage (al-riqab), and for those who are overburdened with debts (al-qharimin), and for every struggle in God's cause (fi-sabilillah), and for the wayfarer (ibn al-sabil): this is an ordinance from God-and God is all-knowing, wise*".<sup>28</sup> One of the objectives (*maqasid*) behind this text is to eliminate hardship of poor and needy people as well as narrowing the gap between rich and poor society for socio-economic equilibrium. The wisdom (*hikmah*) from *Zakat* obligation also described as a method of *dakwah* to those whose hearts are to be won over to embrace Islam.

The Muslim jurists (*usuliyyun*) have quoted a number of *ahadith* which authorize acting upon *maslahah*, such as the Prophet (saw) *hadith* which provides that "*No harm shall be inflicted or reciprocated in Islam*" (*la darar wa la dirar fi al-Islam*).<sup>29</sup> For example, if the joint owner of a piece of agricultural land dies before the harvest has been collected, his partner is not obliged to sell or vacate the land on behalf of the dead partner's heirs, despite the general ruling<sup>30</sup> which deems the contract null and void. The objective (*maqasid*) behind this ruling (*hukm*) is to avoid any harm and protect the rights between two parties in the contract.

#### 4. Findings And Conclusions

The objectives of *Shari'ah* (*maqasid al-Shari'ah*) is viewed by the contemporary Muslim scholars as an alternative tool to emphasize on issues relating to the public interest (*maslahah*), especially with respect to Islamic financial transactions. The reorientation of Islamic banking and finance products based on the *maqasid al-Shari'ah* would contribute towards promoting justice and welfare of public interest (*maslahah*) as well as in promoting awareness of people's

<sup>24</sup> The Qur'an, 21:107

<sup>25</sup> The Qur'an, 5:6 ; 22:78

<sup>26</sup> The Qur'an, 2: 233

<sup>27</sup> The Qur'an, 59: 7

<sup>28</sup> The Qur'an, 9: 60

<sup>29</sup> Ibn Majjah. *Sunan*. Hadith no: 2340

<sup>30</sup> According to qiyas both contract of *mudarabah* (a contract of co-partnership) and the contract of lease are nullified when either one of partners dies. See: Al-Zuhayli, W. (1997). *Al-Fiqh al-Islami wa Adillatuhu*. 4<sup>th</sup> ed. Beirut: Dar-al-Fikr. Vol. 5.pp. 3807 & 3941

needs. It involves *maslahah* that can support the needs (*hajiyyah*) of worldly and hereafter, material and spiritual, individual and society. Hence, the *maslahah* has become a proper method to determine the objectives of *Shari'ah* (*maqasid al-Shari'ah*) in constructing Islamic laws, which have been mastered by every Muslim scholars (*fuqaha'*) before exercising their Islamic legal opinion (*ijtihad*). Their duty is to provide *Shari'ah*-inspired solutions to the community's problems, especially in contemporary issues of Islamic banking and finance products that have no specific evidence of rulings from al-Quran and al-Sunnah.

The *Maqasid-cum-Masalih* (the objectives of *Shari'ah* for the public interests), which has been identified as mediator (*wasilah*) to the fundamentals and features of the objectives of *Shari'ah* (*maqasid al-Shari'ah*). As a mode of Islamic legal opinion (*ijtihad*), *Maqasid-cum-Masalih* provides a determinant factor for the development of a comprehensive *Shari'ah* objectives (*maqasid al-Shari'ah*) in Islamic financial products. *Maqasid al-Shari'ah* is based on the three main categories, namely necessities (*daruriyyat*), needs (*hajiyyat*) and embellishment (*tahsiniyyah*). Furthermore, the five preservations in necessities (*daruriyyat*), namely the preservation of religion (*din*), the preservation of life (*nafs*), the preservation of intellect (*'aql*), the preservation of progeny (*nasl*) and the preservation of wealth (*mal*) should be considered collectively in developing and assessment of Islamic financial products. However, the preservation of religion (*din*) should be first upheld and safeguarded than the others. Generally, the *Shari'ah* has outlined general principles which included in the *Maqasid-cum-Masalih* theory such as for the removal of hardship (*raf' al-haraj*), and the fulfillment of contracts (*al-wafa' bi al-uqud*), fair and benevolent (*al-'adl wa ihsan*), prohibited from the destruction and damage (*al-nahy 'an al-fasad wa al-ifsad*), special concession (*rukhsah*) and others kind of facilitations (*tahfifat*). As conclusion, the primary purpose of *Maqasid-cum-Masalih* is to educate the individuals (*Tahdhib al-Fard*) to be a good servant of Allah (swt) and source of goodness to the society at large; establishing justice (*Iqamah al-'Adl*); and to preserving the public interest (*maslahah*) based on general principle of the text (the Qur'an and the Sunnah) and not by purely desire.

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