

with the order, but both governments continued to issue them at a favorable exchange rate and to increase minting. In 1743, the central government ordered all provincial governments to adopt an official exchange rate: 1 *kuping tael* silver: 1,000 copper coins. As a result, Jiangsu and Zhejiang lost their profits and stopped increasing their minting, although their high value was felt in Jiangnan for more than 30 years thereafter.

The Germination of the Concept of Public Interest or Public Good in Mu'tazili' Legal Theory: The Ideas of Abū al-Ḥusayn al-Baṣrī

by IYAMA Akari

Maṣlaḥa, which is translated as public interest or common good, has been one of the major topics in the study of Islamic legal theory since the beginning of the 20th century, and today, is attracting the attention of scholars interested in "publicness," or the nature of a community of people as a whole. However, the original meaning of *maṣlaḥa* is merely "interest" or "good," and how it developed into the term for "public interest" or "public good" has not been clearly investigated. The present article discusses the legal theory of Abū al-Ḥusayn al-Baṣrī (d. 1044), a Mu'tazili theologian and attempts to show that in his ideas we can see the germination of the usage of *maṣlaḥa* in the sense of public interest or public good in the Islamic world.

In al-Baṣrī's ideas, *maṣlaḥa* is principally used merely in its original sense of "interest," but he divides the meaning into two types: one that receives praise from God as one of His followers, the other that does not involve praise nor blame from God. The former is almost synonymous with the legal rules derived from revealed sources of law, such as *Qur'ān*, *Sunna*, *Ijmā'* and *Qiyās*, and regarding them, he argues vehemently against the use of *maṣlaḥa* as *ratio legis*, for this *maṣlaḥa* is what we can gain

through speculation and is not determined by human reason. This *maṣlaḥa* can be interpreted as *shari'a*, which God revealed to men as their public interest or common good.

The latter meaning is used interchangeably with other Arabic words, such as *naf'* and *manfa'a*, which also mean "interest" principally. He says that we are able to understand this *maṣlaḥa* through reason and can use it as the basis for judging something or some action to be good and permissible. The significance of his ideas about *maṣlaḥa* lies in these two separate usages; and the author concludes from this that this double meaning paved the way for *maṣlaḥa* to play a prominent role in legal theory, by providing later scholars with a hint to use *maṣlaḥa* as the basis of their own legal speculations.