

THE OBJECTIVES OF ISLAMIC LAW (*MAQASID AL-SHARI'AH*)

- Definition and *Maqasid al-Shari'ah* in general
- The significant of *maqasid* in Ijtihad
- Classification and the hierarchy of *maqasid al-shari'ah*

Definition

- *Maqasid al-Shari'ah* is the aims or goals intended by Islamic law for the realization of benefit to mankind.
- The primary objective of Islamic law is the realization of benefit to mankind, concerning their affairs both in this world and the hereafter.
- It is generally held that Islamic law in all its branches aims at securing benefit for the people and protecting them against corruption and evil.

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- The Qur'an clearly states,
- “And we have sent you (O Muhammad) not but as a mercy for the universe” (al-Anbiya':107)
- The word mercy (*rahmah*) in the verse includes compassion, kindness, goodwill and beneficence. In explaining the above verse, Ibn Qayyum states that the *Shari'ah* aims at safeguarding the people's interest and preventing them from harm in this world and the next: this is a necessity that is needed by all mankind.
- Thus the main objective of Islamic law is to bring benefits to mankind and to prevent them from harm (*jalb manfa'ah wa dar' al-mafsadah*).

The significant of *maqasid* in *Ijtihad*

- Knowledge on *maqasid* is necessary in *ijtihad*.
- It helps the jurists to rightly understand the legal texts i.e. the *Qur'an* and the *Sunnah*.
- It also helps the jurists, in their *ijtihad*, in arriving at a sound and reasonable rules and brings benefits to the people.

Classification and the hierarchy of *maqasid al-shari'ah*

- The Muslim jurists have classified *maqasid* with respect to their need and strength into three categories.

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- 1) The essential *maqasid* (*al-maqasid al-daruriyyah*). These are indispensable *maqasid* for the survival and well being of mankind in this world and their success in the hereafter. Their neglect will lead to disruption and disorder and could lead to undesirable end.
- These *maqasid* are the preservation and protection of five fundamental values: religion (*din*), life (*nafs*), lineage (*nasl*), intellect (*aql*) and property (*mal*).
- These are the primary *maqasid*. The *shari'ah*, on the whole, seeks primarily, to protect and promote these essential values, and validate all measures necessary for their preservation and advancement.

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E.g.

- Prayer, fasting, payment of *zakat* and performing hajj are laid down for the protection of religion.
- Prohibition of killing and imposition of *qisas* (retaliation) for the protection of life.
- Validation of marriage and prohibition of adultery for the protection of lineage.
- Validation of education and prohibition of drinking alcohol for the protection of intellect
- Validation of investment and prohibition of stealing for the protection of property.

Classification of *maqasid* continue...

- 2) The complementary *maqasid* (*al-maqasid al-hajiyyah*). They seek to establish ease and facility; and to remove hardship and difficulty.
- Their neglect could lead to hardship to the individual or community although it does not lead to the disruption of normal life.
 - E.g. the validation of combining and shortening of prayer for traveler, the consideration of equality in status (*kafa'ah*) in marriage, the validation of forward sale (*salam*) and *ijarah* (lease and hire).

Classification of *maqasid* continue...

- 3) The desirable or embellishment *maqasid* (*al-maqasid al-tahsiniyyah*).
- They seek to attain refinement and perfection in all areas of human conduct.
 - Their neglect does not interrupt the normal life and cause hardship to the people but it might lead to lack of comfort of life.
 - E.g. encourage of cleanliness, giving charity, covering *aurah*; prohibition of consuming non *halal* food, extravagance in expend, stingy.

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- All of these three categories of *maqasid*, the essential *maqasid* have priority over complementary *maqasid* which in turn have priority over the embellishment.
- And among the five essential values, the preservation and protection of religion has preference over the preservation and protection of life: life has higher priority than lineage; lineage is prior to intellect and intellect is preferred over property.