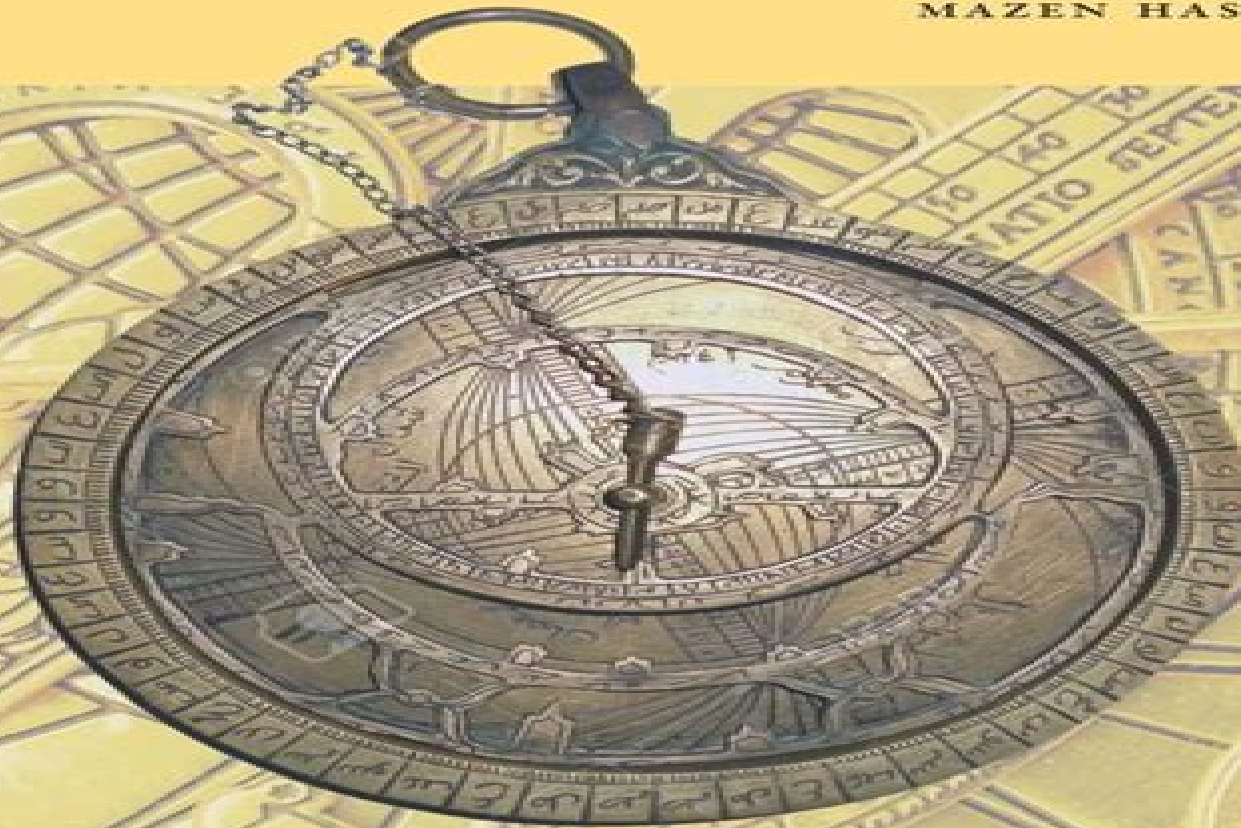


MAQĀSID AL-SHARĪAH

A CIVILIZATIONAL PERSPECTIVE

MAZEN HASHEM



Al Maqasid Al Shariah

Jasser Auda



Al Maqasid Al Shariah:

Maqasid Al-Shari'ah as Philosophy of Islamic Law Jasser Auda, 2022-08-30 In this path breaking study Jasser Auda presents a systems approach to the philosophy and juridical theory of Islamic law based on its purposes intents and higher objectives maqasid For Islamic rulings to fulfill their original purposes of justice freedom rights common good and tolerance in today s context Auda presents maqasid as the heart and the very philosophy of Islamic law He also introduces a novel method for analysis and critique one that utilizes relevant features from systems theory such as wholeness multidimensionality openness and especially purposefulness of systems This book will benefit all those interested in the relationship between Islam and a wide variety of subjects such as philosophy of law morality human rights interfaith commonality civil society integration development feminism modernism postmodernism systems theory and culture

Maqasid Al-Shariah Jasser Auda, 2008-01-01 Current applications or rather misapplications of Islamic law are reductionist rather than holistic literal rather than moral one dimensional rather than multidimensional binary rather than multi valued deconstructionist rather than reconstructionist and causal rather than teleological There is lack of consideration and functionality of the overall purposes and underlying principles of the Islamic law as a whole Further exaggerated claims of rational certainty or else irrationality and consensus of the infallible or else historicity of the scripts add to lack of spirituality intolerance violent ideologies suppressed freedoms and authoritarianism Thus a maqasidi approach takes juridical issues to a higher philosophical ground and hence overcomes historical differences over politics between Islamic schools of law and encourages a much needed culture of conciliation and peaceful coexistence Moreover the realization of purposes should be the core objective of all fundamental linguistic and rational methodologies of ijtihad regardless of their various names and approaches Thus the validity of any ijtihad should be determined based on its level of achieving purposefulness or realizing maqasid al shari ah

Books-in-Brief: Understanding Maqasid Al-Shari'ah Musfir bin Ali al-Qahtani, 2015-01-01 Dr Musfir bin Ali al Qahtani s work contributes to the ever growing body of scholarly literature in the field of maqasid al Shari ah higher objectives of Islamic law Understanding Maqasid al Shari ah calls for the development of a juridical sense that is finely tuned to the higher objectives and purposes of Islamic rulings the aims of which are the formulation of a new methodology in understanding the revealed texts and the reform of Muslim thought and its application The author draws attention to the importance of understanding various levels of maqasid including distinguishing between primary aims al maqasid al asliyyah and secondary aims al maqasid al tabi ah Al Qahtani asserts that a positive understanding of the objectives of the Shari ah should produce affirming human and cultural developments in Muslim societies The real strength of this work however is in the author s application of higher objectives and aims to different areas of jurisprudence such as in deriving and issuing religious rulings ifta and to important social issues and problems present in Muslim societies such as extremism jihad commanding right and forbidding wrong social change crisis of Muslim thought

countering religious excessiveness the need for recreation and leisure citizenship and nation belonging spreading beauty and harmony in Islam and the role of Muslim women in society Maqasid Al-Shariah as Philosophy of Islamic Law (Bosnian Language) Jasser Auda,2017-01-01 In this path breaking study Jasser Auda presents a systems approach to the philosophy and juridical theory of Islamic law based on its purposes intents and higher objectives maqasid For Islamic rulings to fulfill their original purposes of justice freedom rights common good and tolerance in today s context Auda presents maqasid as the heart and the very philosophy of Islamic law He also introduces a novel method for analysis and critique one that utilizes relevant features from systems theory such as wholeness multidimensionality openness and especially purposefulness of systems This book will benefit all those interested in the relationship between Islam and a wide variety of subjects such as philosophy of law morality human rights interfaith commonality civil society integration development feminism modernism postmodernism systems theory and culture **(Ukrainian Language) Maqasid Al-Shariah : A Beginner's Guide** Jasser Auda,2020-05-25 Current applications or rather misapplications of Islamic law are reductionist rather than holistic literal rather than moral one dimensional rather than multidimensional binary rather than multi valued deconstructionist rather than reconstructionist and causal rather than teleological There is lack of consideration and functionality of the overall purposes and underlying principles of the Islamic law as a whole Further exaggerated claims of rational certainty or else irrationality and consensus of the infallible or else historicity of the scripts add to lack of spirituality intolerance violent ideologies suppressed freedoms and authoritarianism Thus a maqasidi approach takes juridical issues to a higher philosophical ground and hence overcomes historical differences over politics between Islamic schools of law and encourages a much needed culture of conciliation and peaceful coexistence Moreover the realization of purposes should be the core objective of all fundamental linguistic and rational methodologies of ijtiḥād regardless of their various names and approaches Thus the validity of any ijtiḥād should be determined based on its level of achieving purposefulness or realizing maqasid al shari ah **Albanian: Maqasid Al-Shariah: A Beginner's Guide** Jasser Auda,2020-01-01 Current applications or rather misapplications of Islamic law are reductionist rather than holistic literal rather than moral one dimensional rather than multidimensional binary rather than multi valued deconstructionist rather than reconstructionist and causal rather than teleological There is lack of consideration and functionality of the overall purposes and underlying principles of the Islamic law as a whole Further exaggerated claims of rational certainty or else irrationality and consensus of the infallible or else historicity of the scripts add to lack of spirituality intolerance violent ideologies suppressed freedoms and authoritarianism Thus a maqasidi approach takes juridical issues to a higher philosophical ground and hence overcomes historical differences over politics between Islamic schools of law and encourages a much needed culture of conciliation and peaceful coexistence Moreover the realization of purposes should be the core objective of all fundamental linguistic and rational methodologies of ijtiḥād regardless of their various names and approaches Thus the validity of any ijtiḥād should be determined based on its

level of achieving purposefulness or realizing maqasid al shari ah *Understanding Maqasid Al-Shariah* Musfir bin Ali Al-Qahtani,2015 Dr Musafir bin Ali al Qahtani s work contributes to the ever growing body of scholarly literature in the field of maqasid al Shari ah higher objectives of Islamic law Understanding Maqasid al Shari ah calls for the development of a juridical sense that is finely tuned to the higher objectives and purposes of Islamic rulings the aims of which are the formulation of a new methodology in understanding the revealed texts and the reform of Muslim thought and its application The author draws attention to the importance of understanding various levels of maqasid including distinguishing between primary aims al maqasid al asliyyah and secondary aims al maqasid al tabi ah Al Qahtani asserts that a positive understanding of the objectives of the Shari ah should produce affirming human and cultural developments in Muslim societies The real strength of this work however is in the author s application of higher objectives and aims to different areas of jurisprudence such as in deriving and issuing religious rulings ifta and to important social issues and problems present in Muslim societies such as extremism jihad commanding right and forbidding wrong social change crisis of Muslim thought countering religious excessiveness the need for recreation and leisure citizenship and nation belonging spreading beauty and harmony in Islam and the role of Muslim women in society **Understanding Maqasid al-Shari’ah** Musfir bin Ali al-Qahtani,2015-01-01 Dr Musafir bin Ali al Qahtani s work contributes to the ever growing body of scholarly literature in the field of maqasid al Shari ah higher objectives of Islamic law Understanding Maqasid al Shari ah calls for the development of a juridical sense that is finely tuned to the higher objectives and purposes of Islamic rulings the aims of which are the formulation of a new methodology in understanding the revealed texts and the reform of Muslim thought and its application The author draws attention to the importance of understanding various levels of maqasid including distinguishing between primary aims al maqasid al asliyyah and secondary aims al maqasid al tabi ah Al Qahtani asserts that a positive understanding of the objectives of the Shari ah should produce affirming human and cultural developments in Muslim societies The real strength of this work however is in the author s application of higher objectives and aims to different areas of jurisprudence such as in deriving and issuing religious rulings ifta and to important social issues and problems present in Muslim societies such as extremism jihad commanding right and forbidding wrong social change crisis of Muslim thought countering religious excessiveness the need for recreation and leisure citizenship and nation belonging spreading beauty and harmony in Islam and the role of Muslim women in society *Maqasid Al-Shari’ah, Ijtihad and Civilization Renewal* Mohammad Hashim Kamali,2012-01-01 This paper develops the idea of a maqasid based framework for ijti had and civilizational renewal tajdid hadari a broad and engaging prospect that also involves a review and reappraisal of the methodology of Islamic jurisprudence relating to both the maqasid and ijti had The author argues that this would enable Muslims to widen the scope and horizon of the maqasid or objectives of Islamic law from their currently legalistic leanings towards the wider perspective of civilisational renaissance The nexus that needs to be developed between the maqasid and

ijtihad also needs to be supported by a credible methodology which is what the author has attempted in this paper

Spanish (European): Maqasid Al-Shariah: A Beginner's Guide (Occasional Paper) Jasser Auda, 2014-01-01 Current applications or rather misapplications of Islamic law are reductionist rather than holistic literal rather than moral one dimensional rather than multidimensional binary rather than multi valued deconstructionist rather than reconstructionist and causal rather than teleological There is lack of consideration and functionality of the overall purposes and underlying principles of the Islamic law as a whole Further exaggerated claims of rational certainty or else irrationality and consensus of the infallible or else historicity of the scripts add to lack of spirituality intolerance violent ideologies suppressed freedoms and authoritarianism Thus a maqasidi approach takes juridical issues to a higher philosophical ground and hence overcomes historical differences over politics between Islamic schools of law and encourages a much needed culture of conciliation and peaceful coexistence Moreover the realization of purposes should be the core objective of all fundamental linguistic and rational methodologies of ijtihad regardless of their various names and approaches Thus the validity of any ijtihad should be determined based on its level of achieving purposefulness or realizing maqasid al shari ah Understanding Maqasid Al-Shari'ah Musfir bin Ali al-Qahtani, Musfir ibn 'Alī ibn Muḥammad Qaḥṭānī, 2015 Dr Musafir bin Ali al Qahtani's work contributes to the ever growing body of scholarly literature in the field of maqasid al Shari ah higher objectives of Islamic law Understanding Maqasid al Shari ah calls for the development of a juridical sense that is finely tuned to the higher objectives and purposes of Islamic rulings the aims of which are the formulation of a new methodology in understanding the revealed texts and the reform of Muslim thought and its application The author draws attention to the importance of understanding various levels of maqasid including distinguishing between primary aims al maqasid al asliyyah and secondary aims al maqasid al tabi ah Al Qahtani asserts that a positive understanding of the objectives of the Shari ah should produce affirming human and cultural developments in Muslim societies The real strength of this work however is in the author's application of higher objectives and aims to different areas of jurisprudence such as in deriving and issuing religious rulings ifta and to important social issues and problems present in Muslim societies such as extremism jihad commanding right and forbidding wrong social change crisis of Muslim thought countering religious excessiveness the need for recreation and leisure citizenship and nation belonging spreading beauty and harmony in Islam and the role of Muslim women in society

Towards Realization of the Higher Intent of Islamic Law Gamal Eldin Attia, 2007-01-01 This book takes an important step towards the realization of the higher intents of the Islamic law First it opens the door towards the integration of contemporary values and worldview into the maqasid terminology This is carried out via the sections on the role of reason and experience in identifying maqasid Secondly the book gives answers to the complex theoretical questions on the role of maqasid in ijtihad juristic theorization usul and the Islamization of the human social and physical sciences Last but not least the book highlights the role and the necessity of a maqasid informed mindset on the intellectual and communal levels and

takes a pioneering futuristic look into this very important branch of Islamic knowledge Maqasid al Shariah Higher Intents of the Islamic Law is the most promising tool for the contemporization of Islamic law and its philosophical foundations It is also as this book reveals a promising tool for the realization of Islamic values and principles in the realms of judiciary society and even science Book-in-Brief: Understanding Maqasid al-Shari'ah (Romanian Language) Musfir bin Ali

Al-Qahtani,2019-01-01 Dr Musfir bin Ali al Qahtani s work contributes to the ever growing body of scholarly literature in the field of maqasid al Shari ah higher objectives of Islamic law Understanding Maqasid al Shari ah calls for the development of a juridical sense that is finely tuned to the higher objectives and purposes of Islamic rulings the aims of which are the formulation of a new methodology in understanding the revealed texts and the reform of Muslim thought and its application The author draws attention to the importance of understanding various levels of maqasid including distinguishing between primary aims al maqasid al asliyyah and secondary aims al maqasid al tabi ah Al Qahtani asserts that a positive understanding of the objectives of the Shari ah should produce affirming human and cultural developments in Muslim societies The real strength of this work however is in the author s application of higher objectives and aims to different areas of jurisprudence such as in deriving and issuing religious rulings ifta and to important social issues and problems present in Muslim societies such as extremism jihad commanding right and forbidding wrong social change crisis of Muslim thought countering religious excessiveness the need for recreation and leisure citizenship and nation belonging spreading beauty and harmony in Islam and the role of Muslim women in society **Islamic Capital Markets** Kabir Hassan,Michael

Mahlknecht,2011-04-04 Islamic Finance has experienced rapid growth in recent years showing significant innovation and sophistication and producing a broad range of investment products which are not limited to the complete replication of conventional fixed income instruments derivatives and fund structures Islamic Finance represents an elemental departure from traditional interest based and speculative practices relying instead on real economic transactions such as trade investment based on profit sharing and other solidary ways of doing business and aims to incorporate Islamic principles such as social justice ecology and kindness to create investment products and financial markets which are both ethical and sustainable Products created according to Islamic principles have shown a low correlation to other market segments and are relatively independent even from market turbulences like the subprime crisis Therefore they have become increasingly popular with secular Muslims and non Muslim investors as highly useful alternative investments for the diversification of portfolios In Islamic Capital Markets Products and Strategies international experts on Islamic Finance and Sharia a Law focus on the most imminent issues surrounding the evolution of Islamic capital markets and the development of Sharia a compliant products The book is separated into four parts covering General concepts and legal issues including Rahn concepts in Saudi Arabia the Sharia a process in product development and the integration of social responsibility in financial communities Global Islamic capital market trends such as the evolution of Takaful products and the past present and future

of Islamic derivatives National and regional experiences from the world s largest Islamic financial market Malaysia to Islamic finance in other countries including Germany France and the US Learning from Islamic finance after the global financial crisis analysis of the risks and strengths of Islamic capital markets compared to the conventional system financial engineering from an Islamic perspective Sharia a compliant equity investments and Islamic microfinance Islamic Capital Markets Products and Strategies is the complete investors guide to Islamic finance Maqasid Al-shariah as Philosophy of Islamic Law Jasser Auda,2010 **Bosnian: Introduction to the Theory of al-Shariah Objectives** Mohammad Hashim Kamali, Jasser Auda,2017-01-01 Maqasid Al Shariah Made simple Maqasid al Shari ah or the higher goals and objectives of Islamic law is an important and yet somewhat neglected theme of the Shari ah Generally the Shari ah is predicated on the benefits of the individual and that of the community and its laws are designed so as to protect these benefits and facilitate improvement and perfection of the conditions of human life on earth This easy to read guide gives a bird s eye view of the subject simplifying its main principles to help readers understand the subject of maqasid al shari ah and how it explains the wisdoms behind rulings The paper focuses on a general characterisation of maqasid al shari ah and its origins in the Quran the classification of maqasid historical developments and the contributions of some of the leading ulama to the theory of maqasid the differential approaches the ulama have taken toward the identification of maqasid and finally the relevance of maqasid to ijti had and the ways in which maqasid can enhance the scope and caliber of ijti had Maqasid Al Shariah A Beginner s Guide Current applications or rather misapplications of Islamic law are reductionist rather than holistic literal rather than moral one dimensional rather than multidimensional binary rather than multi valued deconstructionist rather than reconstructionist and causal rather than teleological There is lack of consideration and functionality of the overall purposes and underlying principles of the Islamic law as a whole Further exaggerated claims of rational certainty or else irrationality and consensus of the infallible or else historicity of the scripts add to lack of spirituality intolerance violent ideologies suppressed freedoms and authoritarianism Thus a maqasidi approach takes juridical issues to a higher philosophical ground and hence overcomes historical differences over politics between Islamic schools of law and encourages a much needed culture of conciliation and peaceful coexistence Moreover the realization of purposes should be the core objective of all fundamental linguistic and rational methodologies of ijti had regardless of their various names and approaches Thus the validity of any ijti had should be determined based on its level of achieving purposefulness or realizing maqasid al shari ah **American Journal of Islam and Society (AJIS) - Volume 39 Issues 1-2** Ali Altaf Mian,Emily Goshey,Aasim Padela,Thahir Jamal Kiliyamannil,Suheil Laher,Ismail Hashim Abubakar,Martin Jiajun He,Ali Cebeci,Max Dugan,Abdallah Rothman,Alisha Ahmed,Rania Awaad,2022-08-01 The four articles two review essays various book reviews and obituary contained in this issue all revolve around contestations of Islamic authority Notably two of these articles are drawn from the AJIS symposium on Maq id whose first set of essays were featured in the previous issue 38 3 4 dedicated to the topic In the

first article Agents of Grace Ali Altaf Mian develops a sophisticated and nuanced reading of intentionality in the work of the moral theologian al Ghazali Mian reads the latter's work to disclose ethical action as a site of contingency and ambivalence indeed of the subject's non-sovereignty He contributes this theorization of intentionality as a constructive critique of accounts of ethical agency in the anthropology of Islam In the second article No Scholars in the West Emily Goshey carefully unpacks the ostensible paradox by which Western Salafis who studied in the Muslim world are not seen as scholars by the very communities they lead What then comprises religious authority and scholarship within these models of knowledge transmission Goshey tracks the dynamics of scholarship and community leadership based on fieldwork with African American Salafi affiliate communities in Philadelphia In the third article Maq'idi Models for an Islamic Medical Ethics Aasim Padela presents a typology of maq'idi based approaches to medical ethics Whether requiring a field-based redefinition a conceptual extension or a text-based postulation of the classical maq'idi theory however Padela shows that these frameworks remain woefully underdeveloped to offer appropriate and sufficient guidance for pressing bedside cases In the fourth article Developing an Ethic of Justice Thahir Jamal Kiliyamanil offers a creative rereading of new Muslim movements in South India Rather than relying on old typologies about political Islam or secularized activists he considers the Solidarity Youth Movement to articulate an Islamic ethic of justice inspired by Abul A'la Maududi This case study shows not only how the maq'idi framework may inform discourses well beyond the domains of legal practice but also how this specific articulation of political justice is based in the praxis of the Indian Muslim minority These four articles and the remaining elements of the issue foreground contemporary contestations of Islamic authority Read together they also offer a set of terms for thinking productively about its contours limits affordances and possibilities

Defining Islamic Statehood

Imam Feisal Abdul Rauf, 2015-10-14 This groundbreaking book offers in-depth analysis of the modern Islamic state applying a quantitative measurement of how Muslim majority nations meet the definition Content for the book was developed through extensive debate among a panel of distinguished Sunni and Shia Muslim scholars over seven years

Treatise on Maqasid

Al-Shariah Muhammad Al-Tahir Ibn Ashur, 2023-08-16 Shaikh Muhammad al Tahir ibn Ashur is the most renowned Zaytuna Imam and one of the great Islamic scholars of the 20th century The publication of this translation of Shaikh Ibn Ashur's Treatise on Maqasid al Shari'ah is a breakthrough in studies on Islamic law in the English language In this book Ibn Ashur proposed Maqasid as a methodology for the renewal of the theory of Islamic law which has not undergone any serious development since the era of the great imams Ibn Ashur quite courageously also addressed the sensitive topic of the intents Maqasid of Prophet Muhammad SAAS behind his actions and decisions He introduced criteria to differentiate between the Prophetic traditions that were meant to be part of Islamic law and the Prophetic actions sayings that were meant to be for the sake of specific purposes such as political leadership court judgment friendly advice and conflict resolution But Ibn Ashur's most significant contribution in this book has been the development of new Maqasid by coining new contemporary

terminology that was never formulated in traditional *usul al fiqh*. For example, Ibn Ashur developed the theory of the preservation of lineage into the preservation of the family system, the protection of true belief into freedom of beliefs etc. He also introduced the concepts of orderliness, natural disposition, freedom, rights, civility and equality as *Maqasid* in their own right and upon which the whole Islamic law is based. This development opens excellent opportunities for Islamic law to address current and real challenges for Muslim societies and Muslim minorities.

Goals and Purposes of Shariah

Mohammad Hashim Kamali, 2025. This chapter expounds the preservation of wealth (*hifz al mal*) as one of the five essential *maqasid* in the category of *daruriyyat*. *Hifz al mal* is manifested in the existing *fiqh* literature under the four sub-headings of circulation, clarity, stability, proof and justice respectively and arguably also growth (*tanmiyah*) as the fifth. *Hifz al mal* is inclusive of preservation of the existing as well as creation of new wealth for the benefit of both the individual and the larger community. This may be realised through profitable trade, labour or both. Labour may consist of personal effort applied by someone without capital to someone else's capital to earn a profit. One who is capable of productive labour may lack sufficient capital to match his productive potential or else that the capital owner is unable to use it for productive purposes and needs to use labour and skill of another person or organisation. The shariah thus validates a variety of transactions and contracts, some labour-based, others capital-based and still others which combine both to ensure beneficial utilisation of labour and capital in a just manner. Shariah regulates them all such that the workers are protected and that the rules of equivalence in exchange transactions are duly observed.

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