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Emergence of Maqāsid al-Sharī'ah in Early Islamic Legal Thought

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Abstract

This article investigates the historical underpinnings of maqāṣid al-sharī'ah by following their development in early Islamic legal thought from the Qur'ānic context to the jurisprudential contributions of religious scholars. Although subsequent thinkers like al-Ghazālī and al-Shāṭibī are frequently linked to the systematic theory of maqāṣid. This study contends that purpose-oriented legal reasoning was already present, however subtly, in the fundamental texts of Islam and the early years of Islamic jurisprudence. The normative foundation for maqāṣid-based reasoning was established by the Prophetic Sunnah's consideration of context and public interest, as well as the emphasis on justice, mercy, welfare, and the eradication of hardship. The paper also looks at how early jurists and uṣūl scholars approached ideas like legal causation (‘illah), maṣlaḥah, and ḥikmah al-tashrī'. This leads to Imām al-Shāfi'ī's methodological consolidation of legal principles in al-Risālah. The eventual development of maqāṣid theory was greatly inspired by al-Shāfi'ī's structure of legal reasoning and balance between scriptural authority and logical inference, even though he did not explicitly express maqāṣid as an independent concept. This study challenges the idea that maqāṣid is a solely post-classical invention and emphasizes its deep roots in the early stages of Islamic law by placing it within its early historical and philosophical background.

Keywords: *Maqāṣid al-Sharī'ah, Islamic Jurisprudence, Qur'ānic Objectives, Maṣlaḥah, Uṣūl al-Fiqh, Legal Reasoning.*

Introduction

The evolution of Islamic law has always been influenced by a deep concern for human welfare, justice, and moral order. The juristic reasoning has grown in intimate contact with social realities and ethical considerations from the beginning of Islam. Muslim scholars have attempted to maintain the integrity and relevance of *sharī'ah* while adapting to changing times. This intellectual trajectory gradually led to a reflective knowledge of the higher goals that guide legal decisions. Islam has established numerous rules for the benefit of humanity. These specific goals, regulations and objectives of *sharī'ah* are for the assistance of people and have not left any provisions unwarranted. Therefore, all interests and benefits for humanity are included in the commandments of Allah *سُبْحَانَكَ وَبِحَمْدِكَ*.¹ The notion of *maqāṣid al-sharī'ah* has its roots deeply engraved in the *sharī'ah* itself. The universal *sharī'ah* has a

great deal of room for contemplation and logic. It has thus been a major motivating factor in addressing problems and situations of Muslims since early Islamic tradition.² Muslim jurists developed *maqāṣid* within a framework of intellectual and practical development tailored with the demands of existing time. This field of knowledge encompasses *maqāṣid* itself that evolved at the ideal moment.³ The objectives of the *sharī'ah* derived from it are influenced by significant shifts in the societal customs. The specifics of *fiqh* writings occasionally prioritized specific situations over the purposes of the *sharī'ah* have had a significant impact on the developments. It pertains to the *aḥkam* (legal rules), *ijtihād* and *fatāwā*. Similarly, the legal theory of *uṣūl al-fiqh* reflects textualist orientations of *fiqh* to explore overarching purpose and objective of *sharī'ah*.⁴

1.1 *Maqāṣid Al-Sharī'ah* in the Classical Islamic Thought

Maqāṣid al-sharī'ah refers to the teachings that underpin laws such as 'developing consciousness of Allah *سُبْحَانَهُ وَتَعَالَى*' and 'enhancing social welfare.'⁵

They are constructive goals that the laws seek to accomplish by opening or closing specific means. The set of divine intentions and moral principles include 'justice', 'human dignity', 'free choice', 'charity', 'facilitation' and 'social cooperation' which is also the foundation of Islamic law.⁶ They serve as a bridge in connecting Islamic law with modern concepts of civility, development and human rights. The term *māqāṣid* can be used to refer as the objectives and aims of the *sharī'ah* in general (*al-māqāṣid al-āmmah*) and specifically to its topics and subjects (*al-māqāṣid al-khāṣṣah*). The Arabic terms that are used in the pertinent literature of *uṣūl al-fiqh* have meanings comparable to *māqāṣid* are *maṣlahah* (interest, benefit), *'illah* (effective cause/ratio legis) and *ḥikmah* (wisdom). According to Muslim jurists, it typically refers to the wisdom and outcome of legislation and the achievement of a desired benefit or its perfection. However, *ḥikmah* refers to a positive outcome of a specific *sharī'ah* rule or to the *sharī'ah* as a whole. It also denotes the purpose of legislation in which *maqṣad* and *ḥikmah* are interchangeable. Muslim jurists typically use *māqāṣid al-sharī'ah* as the goals of the Law-Giver.⁷ Whereas, *'illah* is referred to cause as in cause and effect and secondly more precisely is attribute and effective cause of a *sharī'ah* ruling (*ḥukm*) for which legislation was passed. Al-Āmidī defines *'illah* as the effective cause or else the *ḥikmah* and consideration of an advantage while creating a law.⁸

A 'purpose', 'objective', 'principle', 'end',⁹ 'intent', 'goal', 'finalité' (French), 'telos' (Greek) and 'Zweck'¹⁰ (German) is referred to as '*māqāṣid*' (plural of *maqṣad*). These guiding principles of Islamic law are known as *māqāṣid*.¹¹ Many Islamic legal theorists view it as a different way for people to interconnect with their 'interests' (*maṣāliḥ*). One of the first proponents of *al-māqāṣid* doctrine' Abd al-Malik al-Juwaynī used the terms *al-māqāṣid* and public interests (*al-maṣāliḥ al-āmmāh*) interchangeably.¹² In detailed classification of *māqāṣid*, Abu Ḥāmid al-Ghazālī categorized it as 'unrestricted interests' (*al-maṣāliḥ al-mursalah*).¹³ His terminology was also adopted by Fakhr al-Dīn al-Rāzī and Al-Āmidī. Al-Shāṭibī highlights the epistemological (*'aqīdah*) dimension while describing *maqāṣid al-sharī'ah*.

It states that the main objective of *sharī'ah* is to liberate man from his own desires and allowing him to be the servant of Allah سُبْحَانَهُ وَتَعَالَى.¹⁴

Najm al-Dīn al-Ṭūfī describes *maṣāliḥ* as 'something that fulfills the purpose of the Legislator'. In cooperation, *maṣlahah* and *māqāṣid* were connected by Al-Qarāfī through the 'fundamental rule' of 'if it results in the accomplishment of some good (*maṣlahah*) or the avoidance of some mischief (*mafsadah*) unless a purpose (*māqāṣid*) is not valid'.¹⁵ Thus, the 'interest of humanity' is the reason behind *māqāṣid* in Islamic law. The number of scholars made an effort to clarify the goals and purposes of *sharī'ah*. The most prominent of them includes Ibn Qayyim al-Jawzīyah, Al-'Izz Ibn 'Abd al-Salām, Abu Ishāq al-Shāḥibī and Muḥammad al-Ṭāhir Ibn Ashūr. The principle of compassion and guidance aims to establish justice, eradicate prejudice and alleviate hardship which is the foundation of the highest goals of *sharī'ah*.¹⁶

1.1.1 Hoy Qur'ān as the Foundation of *Māqāṣid Al-Sharī'ah*

The Holy Qur'ān expresses the advantages, objectives and purposes of its teachings in many different verses. In it, the prophetic role of the Holy Prophet Muḥammad (ﷺ) is described as 'a mercy to the worlds'.¹⁷ The Holy Qur'ān is defined as 'guidance and mercy'.¹⁸ The most beloved names of Allah سُبْحَانَهُ وَتَعَالَى, *al-Raḥmān* and *al-Raḥīm* (Most Merciful and Most Compassionate) are characterized by mercy and *raḥmah*. These names indicate that compassion (*raḥmah*) is a fundamental objective of Islam. It encompasses kindness, generosity, compassion and benevolence. In the Holy Qur'ān, the law of retaliation (*qiṣaṣ*) is specifically meant to protect life,¹⁹ *jihād* is destined to combat injustice,²⁰ prayer ward off immorality and evil²¹ and alms tax is meant to keep wealth out of the hands of the wealthy.²² The prohibitive injunctions of the text aim to shield people from injury, discrimination and injustice.²³

The realization of benefit to the people with regard to their concerns in this world and the next is the main goal of *māqāṣid al-sharī'ah*. It is widely believed that the goal of *sharī'ah* in all of its components is to preserve the well-being of the people against evil and corruption. The primary goal of *sharī'ah* was clarified by the Holy Qur'ān as, "We sent thee not, but as a mercy for all creatures."²⁴ This verse clearly explains that all obstacles that separate people must be removed in order to fulfill kindness and beneficence among them. Ibn Qayyim al-Jawzīyah clarifies that *sharī'ah* seeks to protect the rights of people and are intended to advance humankind. Furthermore, the precepts of *ibādah*, *mu'āmalāt*, *jināyah* and others were revealed to protect and benefit people as a component of benevolence of Allah سُبْحَانَهُ وَتَعَالَى.²⁵

1.1.1.1 Thematic Exegesis as a Tool of *Māqāṣid Al-Sharī'ah*

The emergence of the genre of Qur'ānic interpretation known as *tafsīr mawḍū'ī* (theme interpretation) aims to group contrasting verses into thematic clusters. It is predicated on the idea that several verses on the same theme are fundamentally united throughout the text. The thematic and *māqāṣid*-based techniques can be combined by incorporating unity of purpose into thematic unity. It advances the *māqāṣidi* content of *mawḍū'ī* as a new genre of *tafsīr*. The thematic *tafsīr* is a relatively new genre in comparison to existing *tafsīr*. The reason in identifying the goal and purpose

can only be accomplished with a thorough understanding of theme and subject matter. *Tafsīr māqāṣidi* can be viewed as supporting and enhancement of existing works.²⁶

1.1.1.2 *Maṣlaḥah* as a Derivative of the Qur'ānic Principles

The terms *maqāṣid* and *maṣāliḥ* (interests, advantages) are frequently used interchangeably. *Maqāṣid* are objectives that imply a certain level of permanence and finality. Al-Shāṭibī described them as 'the universals of belief', 'the fundamentals of religion' and 'the basic rules of the revealed law'.²⁷ In a same way, Ibn 'Āshūr defined *maqāṣid* as 'certain', 'unsure' or 'close to certainty'.²⁸ However, *maṣāliḥ* are primarily based on conjecture and subject to modification. Therefore, the *maqāṣid* tends to be ranking higher than the *maṣāliḥ* and serves as a criterion of validity in many aspects. In addition to being convergent, *maqāṣid* and *maṣāliḥ* may also be related to one another in their roles of means and ends. The legal theory of *uṣūl al-fiqh* marginalized *maqāṣid* and the mechanism for identifying them remained inadequate. According to the classical scholars, the primary sources of *maqāṣid* are unambiguous text of the Holy Qur'ān and *ḥadīth*. The fundamental *maqāṣid* (*darūriyyāt*) also includes protection of mind ('*aql*). However, Muslim scholars disagree on whether '*aql* can support *maqāṣid* without the support of a scriptural evidence, or *naql*.

Abu Ishāq al-Shāṭibī in his well-known '*al-Muwāfaqāt fī Uṣūl al-Sharī'ah*' described *maṣlaḥah* as one of the main goals of *sharī'ah*. It is sufficiently inclusive of all actions that are advantageous to the common people. He emphasized that the *sharī'ah* was revealed by Allah سبحانه وتعالى for the betterment of humanity. This is the main goal of the Lawgiver and a common element seen in all of the intricate judgments of *sharī'ah*. The majority of Muslim scholars concur that the directives of *sharī'ah* were revealed with specific goals and justifications.²⁹ Muḥammad Hāshim Kamālī emphasized that the *māqāṣid* are based on the textual injunctions of the Holy Qur'ān and *Sunnah*. They are based on the principle that '*the general philosophy and objectives of these injunctions are often beyond the particularities of the text*'.³⁰ He argues that the *māqāṣid* make the *sharī'ah* more approachable by avoiding the conditions and criterion connected to the *uṣūl* methodology.³¹ Ibn Taymiyyah is of the view that *maṣlaḥah* and *māqāṣid*-based interpretation are not superseded by the textual directives of *sharī'ah*. Allah سبحانه وتعالى has revealed the Holy Qur'ān to bring ease and ward off adversity, corruption and discrimination. The justice in Islamic law is regulated and systematized by the principles and ideals established by these goals and resolutions.³²

Maqāṣid offers a level of permanence and objectivity and employed as standard to confirm the legitimacy and merit of *maṣlaḥah*. This reflects the stance held by Fakhr al-Dīn al-Rāzī and Al-Ghazālī who expresses the legitimacy of *maṣlaḥah* as a source of law and ensures it as the *maqāṣid* of *sharī'ah*. However, the *maqāṣid* are likely to have a more expansive perspective that frequently transcends utilitarian considerations. Furthermore, *maṣlaḥah* also has a tendency to be arbitrary and subject to vary on the basis of location and time. Thus, according to Al-Shāṭibī, *maṣlaḥah* is mostly relative and contextual (*nisabī, idāfī*). It is advantageous in certain situations.³³ This condition is different for the unrestricted *maṣlaḥah* (*maṣlaḥah mursalah*) which is one of the most widespread varieties of *maṣlaḥah*. On the other hand, permitted *maṣlaḥah*

(*maṣlahah mu'tabarāh*) is grounded in the text and does not rely on personal choice. Its legitimacy is ultimately anchored with the established principles of *sharī'ah*. It guarantees that the pursuit of advantage stays in line with the will of Allah *سُبْحَانَكَ وَبِحَمْدِكَ*. This alignment is accomplished by working within the framework of revealed texts. This operation can be carried out either using broad aims obtained from the sources or explicit textual evidence. This prevents contradiction with authoritative scriptural guidance.³⁴

1.1.2 Sunnah as the Foundation of Maqāṣid Al-Sharī'ah

The *Sunnah* serves as the foundation for *maqāṣid al-sharī'ah* by articulating the Qur'ānic message in practice. It explains the sayings, acts, and approvals of the Holy Prophet Muḥammad (ﷺ) that help in achieving key objectives such as preserving religion, life, intelligence, lineage, and property. It exhibits priority, adaptability, and awareness of repercussions, providing an interpretive guidance for understanding and applying higher purposes of *sharī'ah*. The *māqāṣidi* approach to the Qur'ānic rules can be widened by including *āyat al-aḥkām* to their *ḥadīth* equivalents as *aḥādīth al-aḥkām*. These *aḥādīth* establish actionable rules (*aḥkām 'amaliyah*) of the *Sunnah* by ascertaining practical rulings, commands and prohibitions that need fulfillment. The legal verses of the Holy Qur'ān are supported and supplemented by a large number of *aḥādīth* that elaborate, specify and qualify the Qur'ānic injunctions. These may include matters of worship (*'ibādāt*) and civil transactions (*mu'āmalāt*).³⁵

1.1.2.1 Āyāt Al-Aḥkām in the Context of Ḥadīth

The employment of methodology of thematic *tafsīr* (*tafsīr mawḍū'ī*) to *āyat al-aḥkām* has achieved widespread recognition in the genres of the Holy Qur'ān hermeneutics. It is similar to the *Sunan* category of *ḥadīth* that compiles only legal *ḥadīth*. It is an overall attempt to achieve thematic uniformity in the chapterization of existing collection of *ḥadīth*. Furthermore, attempts to uncover thematic consistency are likely to discover support in the *ḥadīth* corpus because a large number of legal *ḥadīth* repeat or elaborate upon the *āyāt al-aḥkām*. The criteria for choosing *ḥadīth* for the *aḥkām* category is same as those suggested for the *āyāt al-aḥkām*. It integrates overall determination, spirit and reasoning of *ḥadīth* in accordance with the Holy Qur'ān. The circumstantial element in *ḥadīth* is also greater than in the Holy Qur'ān. Ibn Ashūr said '*clinging to a literalist interpretation of Sunnah may prevent one from putting its spirit and purpose into reality, and even worse, one may unknowingly go against the grain while appearing sticking to its content.*'³⁶ He also agreed that a large portion of *Sunnah* deals with specific instances and circumstances and cannot be easily regarded as the foundation for general laws. This could mean that its rulings are frequently qualified (*taqyīd*), generalized (*ta'mīm*) and particularized (*takḥṣīs*).³⁷

A definite text of the Holy Qur'ān and *ḥadīth* is the best proof that can prove the legitimacy of *maqāṣid*. Izz al-Dīn ibn 'Abd al-Salām has referred sound reasoning (*istidalāl*) in different ways as reason (*al-'aql*), experience (*al-tajribah*) and inherent perception (*al-fiṭrah*). These concepts are similar to inductive reasoning (*al-istiqrā*) of Al-Shātibī. In it, *maqāṣid* is validated by a clear text and no additional text adds a degree of doubt or uncertainty. *Maqāṣid* satisfies exclusivity (*ḥaṣriyyah*), constancy (*inḍibāt*), clarity (*zuhūr*)

and certainty (*thubūt*) about its existence. The credibility is increased by using multiple approaches to identify and know a *maqṣid* but using just one approach does not lessen the significance of the final conclusion. The rules of interpretation concerning conflict and preference may be used if there is a disagreement between the evidential bases of two *maqāṣid*.³⁸

Istiqrā or inductive reasoning was proposed by Al-Shāṭibī as a trustworthy way to identify *maqāṣid* adjacent to the unambiguous text. A clear text may indicate a *sharī'ah* objective and a generic interpretation of the text. The five important *maqāṣid* are also identified through induction and general reading of the Holy Qur'ān which does not explicitly list them. The basic evidence on *maqāṣid* that can reduce the likelihood of error is also revealed by the inductive method. At times, in the absence of convincing proof, strong opinions are adopted on the basis of unstable evidence. In such situation, clear language for proof should be consulted in order to determine its meaning. Therefore, the primary goals of *sharī'ah* such as justice (*'adl*), equality (*musāwah*), human dignity (*karāmah*) and fair treatment (*ihsān*) have been achieved in this context.

1.1.3 *Maqāṣid al-Sharī'ah* in the Light of the Holy Qur'ān and *Sunnah*

The first attribute of *maqāṣid al-sharī'ah* is to serve as the foundation for laws which protect people from harm (*daf' al-mafāṣid*) and serve the interests of all people (*jalb al-maṣāliḥ*). The identification of this attribute is predicated on an inductive reading (*istiqrā*) of the texts of the Holy Qur'ān and *Sunnah*. According to Ibn Qayyim al-Jawzīyah, the foundation of *sharī'ah* is wisdom which is attained by the well-being of individuals both here on Earth and in the hereafter. Therefore, the main tenets of the *sharī'ah* are justice, mercy, wisdom and goodness.³⁹ The second feature is of the universality of *maqāṣid al-sharī'ah* which demands the allegiance of all people and seeks further interests of humanity. This is due to the fact that it is the final revelation and will apply to all people till the Last Day of Judgment. The Holy Qur'ān and *Sunnah* include supporting evidences that amounts to a thematic recurrence (*tawātur ma'nawī*). The third feature is of the inclusiveness (absoluteness) of *maqāṣid al-sharī'ah*. It includes all human actions whether they are connected to *mu'āmalah* or *'ibādah*. The last feature of *maqāṣid al-sharī'ah* is that it is conclusive and it has been developed from a variety of texts and evidences rather than from a single text or piece of evidence.⁴⁰

1.2 Dimensions of *Maqāṣid al-Sharī'ah*

The purpose or *maqṣid* of Islamic law is categorized in a number of ways based on several dimensions. It has been classified on the basis of specific aim and objectives. They foster improved knowledge although they are not always devoid of overlap and a margin of uncertainty. An extraction of these categories into which *maqāṣid* is divided and will aid in the advancement of a deeper comprehension is as follows:

- I. Traditional classification of levels of necessity
- II. Extent of the decisions intended to accomplish goals
- III. Range of individuals covered by it and
- IV. Degree to which the objectives are universal⁴¹

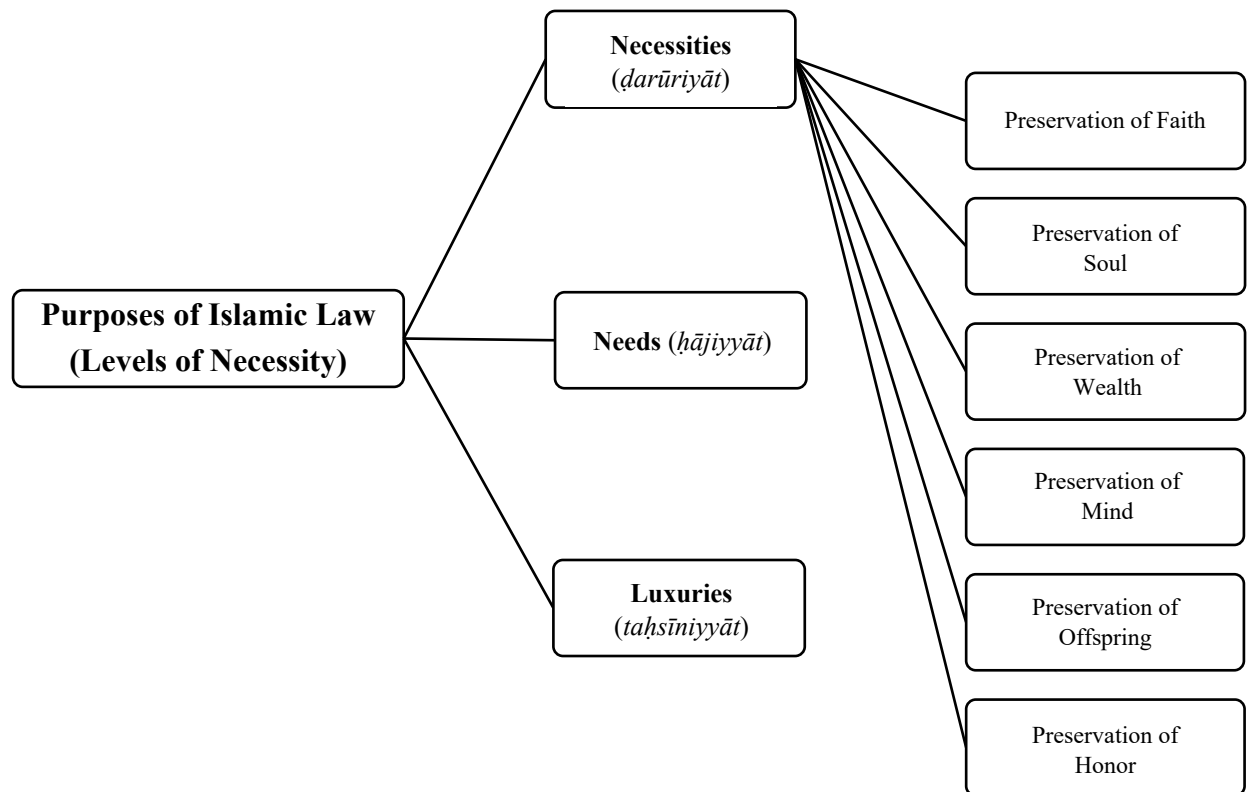


Chart 1.1 Purposes of the Islamic Law (Dimension of Levels of Necessity)

1.2.1 Traditional Classification of *Maqāṣid al-Sharī'ah*

These are the objectives intended for individual in all their actions, beliefs, and general behavior. They relate to various aspects of a human life, such as the validity or invalidity of actions, religious practices, judicial matters, and moral personal aims.⁴² The three categories that are used to classify the goals of *sharī'ah* are the needs (*hājīyyāt*), the requirements (*darūriyyāt*) and the complimentary (*taḥsīniyyāt*). Each one of the aforementioned goals is intended to be achieved through the various injunctions of *sharī'ah*. An essential component of Islam is *maqāṣid al-sharī'ah* that clarifies right from wrong, refrain well from evil and rationalizes all activities of day-to-day lives. Hence, the theory of *maqāṣid* is based on the methodology which encompasses 'purpose' or 'objective'.⁴³

1.2.1.1 The Necessities or Essentials (الضروريات)

The religion and worldly activities of whole humanity rely on the necessities. However, if they are neglected, there will be complete chaos and disturbance and maybe an unintended consequence. These essentials should be safeguarded while both individual and governmental entities need to take all necessary precautions. This is necessary to make things easier and remove restrictions that could cause harm and take focus away from the intended goal. If *maqāṣid* are not honored, the *mukallaḥ* as a whole will suffer, albeit not as much as the usual harm that the public good aims to prevent.⁴⁴ Another category of the basics (*darūriyyāt*) is the maintenance of these fundamental

ideals, which are important to human survival.⁴⁵ The protection of these principles entails taking all the required steps to guarantee their realization. They also make sure that they provide every kind of assistance despite having potential barriers. The *sharī'ah* has established these guiding principles in order to guarantee the aforementioned ideals.⁴⁶

1.2.1.1.1 Preservation of Religion (حفظ الدين)

Maqāṣid al-sharī'ah focuses on *ḥifẓ al-dīn*, which serves as the foundation for moral and legal framework of Islam. It protects faith at both individual and social levels by ensuring the freedom to believe, worship, and practice religion without coercion. This goal is achieved through requirements that promote religious consciousness, such as acts of worship and moral accountability, as well as prohibitions that prevent corruption, misdirection, and compulsion in issues of faith. It encourages sincerity, intellectual conviction, and social peace, assuring the continuity and integrity of religion in both worldly life and the hereafter. The realization of religion has been made at ease by Allah سبحانه وتعالى as an inspiration in accordance with the creation of humanity.⁴⁷ The Holy Qur'ān states that praying protects a person from evil as it is mentioned in the following verse,

إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَلَذِكْرُ اللَّهِ أَكْبَرُ وَاللَّهُ يَعْلَمُ مَا تَصْنَعُونَ.⁴⁸

‘...for Prayer restrains from shameful and unjust deeds; and remembrance of Allah is the greatest (thing in life) without doubt. And God knows the (deeds) that ye do.’⁴⁹

The concept of *ḥifẓ al-dīn* encompasses not only the preservation of rites, but also the moral and ethical development of individuals. The religious practice promotes spiritual discipline and moral consciousness by protecting faith against corruption and hypocrisy. This reinforces the importance of *sharī'ah* in maintaining religious purity and upright behavior in both personal and social life.⁵⁰

1.2.1.1.2 Protection of Soul (حفظ النفس)

The protection of individuals and humanity is the central aim of *maqāṣid al-sharī'ah*. It prioritizes the preservation of life by reflecting belief in the sacredness and inviolability of human life. The *sharī'ah* highlights protecting life by requiring basic necessities and medical care, as well as prohibiting murder, suicide, and other unjust acts. This goal includes protecting human dignity and security, recognizing life as a protected trust (*amānah*) that must be kept at both individual and societal levels. Every human being possesses rights such as freedom to explore, right to equality, life, lawful commerce and right to liberty. The additional rights that people have earned on their own are known as ‘vested rights.’⁵¹ The life is globally vital and inherently valuable, and Islam emphasizes that it must be protected at all costs. The *sharī'ah* does not distinguish between the lives of the wealthy and the poor, or between people of other faiths. Every life is equally valuable and important to the well-being and stability of society, whether the individual is Muslim or not. The protection of life is a fundamental goal of *maqāṣid al-sharī'ah* by safeguarding individual security and collective wellbeing of the community.⁵² This point is also emphasized in the Holy Qur'ān as:

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيهِ سُلْطَانًا فَلَا يَسْرِفُ فِي الْقَتْلِ
إِنَّهُ كَانَ مَنصُورًا.⁵³

*'nor take life - which God has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand qisas or to forgive); but neither let him nor exceed bounds in the matter of taking life; for he is helped (by the Law).'*⁵⁴

It is critical to acknowledge that every individual life must be preserved, and such protection must never come at the expense of the lives of others. This principle highlights the emphasis of *sharī'ah* on justice and the sanctity of human life, guaranteeing that no life is treasured at the expense of another.

1.2.1.1.3 Protection of Wealth (حفظ المال)

Allah سبحانه وتعالى bestows mankind with wealth and property as a way to enhance their quality of life. All of the resources that are available to humanity including all rights and benefits of ownership are collectively referred as *al-mal* in Islam. The concept of *khilāfah* maintains that Allah سبحانه وتعالى is the only Owner of wealth and remaining are His vicegerents and custodians that only regulates asset ownership. The humanity must protect and manage resources wisely in order to avoid any negative impact by advancing *adl* (socio-economic fairness) and *ihsān* (mutual charity). The acquiring of property is a fundamental human urge. All individuals who possess their own property have a desire to ensure that it is adequately protected and secure. Islam forbids attaining another person property without a valid justification and a valid contract. This point is emphasized in the Holy Qur'an as:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْءُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ.⁵⁵
*'and do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property.'*⁵⁶

One of the main goals of *maqāṣid al-sharī'ah* is *hifẓ al-māl* which aims to protect financial interests of society. In addition to combating injustice, exploitation, and corruption, it guarantees the legitimate acquisition, protection, and distribution of wealth. This goal is promoted by Islamic law, which forbids theft, fraud, *ribā*, and *gharar* and promotes fair trade, charity, and ethical business practices.⁵⁷

1.2.1.1.4 Protection of Intellect (حفظ العقل)

Intellect is a wonderful gift from Allah سبحانه وتعالى to humanity. It is among the abilities that set humans apart from other creatures. He has commanded everyone to preserve this priceless gift by consuming it for the betterment of mankind and not for evil or anything that might cause devastation. Islam has allowed its adherents to freely express their viewpoints. It has ordained them to accept differences of opinion in order to accomplish this aim. However, opinions and differences of opinion must be expressed in a way that upholds the moral principles established by the Holy Qur'an and *Sunnah*. *Maqāṣid al-sharī'ah* is centered on the maintenance of intellect because human

responsibility, moral judgment, and the understanding of revelation all depend on a sound mind. Therefore, in order to preserve balanced personal conduct and a stable, just society, *sharī'ah* positively fosters learning, introspection, and intellectual integrity.⁵⁸ It is essential to protect mind both intellectually and physically. From this perspective, the harmony of mind and body with the spirit maintain the balance of life.⁵⁹

1.2.1.1.5 Preservation of Offspring (حفظ النسل)

One of the main goals of the *sharī'ah* is to protect human continuity, ancestry, and societal stability through the preservation of progeny. Islam establishes marriage as the legal basis for procreation, guaranteeing the protection of family rights and the clarity of ancestry. The protection of children rights, including care, upbringing, and moral education, is likewise emphasized by the *sharī'ah*. The legal measures that ban false or fraudulent ancestry claims serve to further maintain social justice and mutual trust. Furthermore, Islamic law recognizes the importance of parents in raising future generations and respects their dignity. The *sharī'ah* aims to maintain both ethical order and biological continuity by upholding family relationships. *Hifẓ al-nasl* guarantees the continuation and stability of society through ethically sound and legally protected family arrangements.⁶⁰

1.2.1.1.6 Preservation of Honor (حفظ العرض)

A key goal of the *sharī'ah* is the preservation of honor because mutual respect and social concord depends on moral standing and sense of dignity. Slander, false accusations, and public humiliation are among the acts that Islam vehemently condemns as violations of individual honor. The *sharī'ah* mandates rigorous evidentiary requirements in matters affecting reputation, especially in circumstances of accusation, in order to protect dignity. In order to combat moral corruption, it also encourages humility, ethical discourse, and respect for private. The Islamic law shields people from psychological suffering and social harm by forbidding the wrongful exposure of flaws. Thus, the goal of *hifẓ al-'ird* is to maintain moral order and strengthen community trust. It guarantees a respectable social setting where people can live without worrying about unfair stigma or slander. '*Evidence is for the person who claims (accuse) the oath for the person who denies (the accusation)*'⁶¹ serves as the overall rule that governs all accusations made against another individual. This concept states that every charge must be supported by evidence and the false accusation will result in punishment. Islam cautiously controlled the interactions between men and women in order to preserve their dignity. It urges its adherents to safeguard their dignity and defend themselves from evildoing.⁶²

1.2.1.2 The Requirements (الحاجيات)

Hājīyyāt are those *sharī'ah* goals that seek to alleviate suffering and make life easier for people without going to the point of absolute need. The abandoning of them causes problems, stress, and an excessive load on people and society, even when their absence does not endanger survival. In order to accommodate necessities, the *sharī'ah* makes concessions including reducing prayers when traveling and allowing certain transactions.⁶³ The concern for human capacity, balance, and practicality is reflected in these rules of Islam.

Hājiyyāt ensures that religious responsibilities are sustainable and manageable by adapting to different situations. While staying within moral bounds, they also support economic viability and societal adaptability. Therefore, *hājiyyāt* are essential in balancing compassion and legal strictness.⁶⁴ They support basic needs and maintain general wellbeing by easing daily challenges.⁶⁵

1.2.1.3 The Complementary Interests (التحسينيات)

Tahsīniyyāt emphasizes on moral refinement, propriety, and achieving excellence in human conduct. They seek to make life more beautiful by encouraging moral behavior, ethical manners, and socially admirable norms. *Tahsīniyyāt* is encouraged by the *sharī'ah* through behaviors including keeping oneself clean, dressing modestly, interacting politely, and performing recommended acts of worship. The concern for respect, harmony, and aesthetic order in both individual and communal life is reflected in these goals. It elevates human behavior beyond basic obligation by cultivating good character and sophisticated conduct. They perfect the realization of demands and necessities by balancing moral excellence with legal conformity.⁶⁶ The ideal of noble character includes upholding moral and proper customs as well as abstaining from actions that can damage others reputation.⁶⁷ In contrast to *darūriyyāt*, human existence is not destroyed or annihilated when *tahsīniyyāt* is absent. In contrast to *hājiyyāt*, its absence will only cause problems with good customs and high morals rather than problems with human existence.

Maqāṣid can also be evaluated in terms of judicial rules that aim to attain it. Some laws are explicitly instrumental, such as the prohibition on murder to save lives, while others are indirect, acting as preventive or facilitative measures. *Sadd al-dharā'i'* (stopping harmful ways) and *fath al-dharā'i'* (creating channels for advantage) are examples of legal processes that indirectly secure objectives.⁶⁸ The regulation of contracts and trade practices helps avoid fraud and safeguard property thereby preserving wealth. This concept emphasizes that *maqāṣid* is attained through a linked legal system that includes primary obligations and auxiliary measures to safeguard benefits and prevent harm.⁶⁹

Maqāṣid encompasses a diverse range of individuals. They prioritize individual well-being, safeguarding personal rights, spiritual development, and moral growth. While others work collectively to promote social justice, public order, and community well-being (*maṣlahah 'āmm*). The classical historians emphasize that *sharī'ah* attempts a balance between individual and societal goals, ensuring that neither personal benefit undermines the public neither good nor societal advantage unfairly damages people. This notion is especially important in public law, social policy, and economic regulation, where individual and collective interests must be balanced.⁷⁰

Maqāṣid varies in their amount of universality. Justice, mercy, and human dignity are examples of universal objectives that apply to all humans throughout time and space. The specific objectives apply to specific legal domains, social situations, or communities. It helps in adjusting verdicts to changing conditions without sacrificing the fundamental goals of *sharī'ah*. They ensure that *sharī'ah* stays principled, balanced, and adaptive, allowing jurists to sustain key aims while addressing societal, individual, and

contextual difficulties. These classifications combine classical theory and modern application and continue to shape ethical governance, jurisprudential reasoning, and social welfare in Muslim communities.⁷¹

Conclusion

This study has shown that *maqāṣid al-sharī'ah* is a notion that has its roots in the earliest texts and practices of Islamic law, rather than being a late or disconnected development in Islamic legal theory. The early legal reasoning was driven by a normative and ethical framework that was provided by the Holy Qur'ān and the *Sunnah*, which consistently define overarching aims including justice, kindness, public welfare, and the prevention of damage. Even in the absence of a clearly stated *maqāṣid* theory, these goals influenced the juristic activity of the Companions, the Successors, and early *fuqahā'*, who regularly took social circumstances and the public good into account when determining legal verdicts. For the later conceptualization of *maqāṣid*, the research also shows that the early *uṣūl al-fiqh* talks on '*illah*, *ḥikmah al-tashrī'*, and *maṣlahah* served as fundamental building blocks. The concept of purpose-oriented reasoning was in use during the early stages of Islamic jurisprudence, even though the nomenclature and systematic classification of *maqāṣid* became more apparent in later centuries. This continuity emphasizes that rather than being a theoretical invention thrust upon Islamic legal philosophy, *maqāṣid* should be viewed as an organic development within it. This article explores the historical underpinnings of *maqāṣid al-sharī'ah*, providing a more nuanced understanding of Islamic legal practice. It also supports the call for *maqāṣid*-based *ijtihād* rooted in tradition. The recognition of the historical foundations of *maqāṣid* boosts its methodological validity and enhances its potential to handle present legal and societal difficulties while being committed to *sharī'ah* objectives.

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