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HIGHLIGHTED HANDOUT

ISL4866

Introduction to Objectives of Shari'ah

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Introduction to Objectives of Shari'ah

STUDY HANDOUT

A complete topic-wise study handout for ISL4866 Introduction to Objectives of Shari'ah (Maqasid al-Shari'ah), prepared from Islamic legal-theory lecture series. Covers the meaning and history of maqasid, the five essential protections, the three levels of objectives, classical and modern  scholars, and the application of maqasid in contemporary ijtiḥād - with definitions, classifications and exam pointers.

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Lecture 1: Meaning of Maqasid al-Shari'ah

Key terms: maqasid, shari'ah, objectives, wisdom of legislation

Maqasid al-Shari'ah means the objectives or purposes of Islamic law - the wisdoms and benefits the Lawgiver intended in prescribing rulings. While fiqh studies what the ruling is, maqasid studies why: every command and prohibition serves human welfare (maslahah) in this world and the next. The field turns legal study from memorising rulings into understanding divine purpose.

- Maqasid (singular): purpose, objective, intended goal.
- Shari'ah aims at human benefit - 'We sent you only as a mercy to the worlds' (21:107).
- Knowing the why protects against rigid literalism and careless liberalism alike.

EXAM POINTER: Define maqasid al-shari'ah and explain why the 'why' of rulings matters. 

Lecture 2: Historical Development I: Early Seeds

Key terms: al-Juwaini, al-Ghazali, early maqasid thought

Maqasid thinking began early: Companions like Umar suspended the hadd for theft during famine, reasoning from the law's purpose. Al-Juwaini (d. 1085) first classified objectives into necessities, needs and refinements. His student al-Ghazali (d. 1111) systematised the famous five essentials - religion, life, intellect, lineage, property - in al-Mustasfa, giving the science its classical skeleton.

- Umar's famine decision: purpose-based reasoning in the earliest generation.
- Al-Juwaini's three levels: daruriyyat, hajiyyat, tahsiniyyat.
- Al-Ghazali fixed the five universals every law must protect.

Lecture 3: Historical Development II: Al-Shatibi

Key terms: al-Shatibi, al-Muwafaqat, maqasid theory

Al-Shatibi (d. 1388) of Granada wrote al-Muwafaqat, the first complete theory of maqasid. He argued the entire Shari'ah is purposeful: induction over countless rulings proves the Lawgiver intends human welfare. He detailed how objectives validate rulings, how purposes resolve apparent conflicts, and how maslahah must be disciplined - genuine, general, and not contradicting clear texts. After him the field slept for centuries until modern revival.

- Al-Muwafaqat: the founding classic of maqasid as an independent science.
- Shatibi's method: exhaustive induction (istiqla) over the texts proves purposefulness.
- Maslahah must be real, public, and text-compatible - not mere opinion.

Lecture 4: Modern Revival: Ibn Ashur and Beyond

Key terms: Ibn Ashur, modern maqasid, contemporary scholars

Tahir ibn Ashur (d. 1973) revived maqasid with Maqasid al-Shari'ah al-Islamiyyah, adding objectives like freedom, equality and human dignity, and applying them to modern governance. Later scholars - al-Raysuni, al-Qaradawi, Kamali - extended maqasid to economics, bioethics and human rights, making it the bridge between classical fiqh and contemporary issues.

- Ibn Ashur: from five protections to broader civilisational objectives.
- Maqasid became the language of modern ijihad and reform.
- Caution: expansion must stay anchored in the classical framework.

Lecture 5: The Five Essentials: Overview

Key terms: daruriyyat al-khamsah, five universals

The five essentials (al-daruriyyat al-khamsah) are the indispensable interests the Shari'ah protects: din (religion), nafs (life), aql (intellect), nasl (lineage/progeny), and mal (property). Their order reflects priority: religion first, then life, then intellect, lineage, property. Every hadd punishment, every obligation, maps onto defending one of these five.

- Hifz al-din: jihad, punishment of apostasy, commanding worship.
- Hifz al-nafs: prohibition of murder, qisas, preserving health.
- Hifz al-aql: prohibition of intoxicants; hifz al-nasl: marriage laws, hadd of zina; hifz al-mal: prohibition of theft, riba.

EXAM POINTER: List the five essentials in order and give one ruling protecting each. 

Lecture 6: Hifz al-Din: Protection of Religion

Key terms: hifz al-din, tawhid, worship, apostasy

Religion is protected first because the Hereafter outweighs the world. Positively: the Shari'ah commands tawhid, prayer, fasting, zakah, hajj - the infrastructure of faith. Negatively: it forbids shirk, punishes public apostasy that undermines the community, and commands jihad against aggression toward the faith. Da'wah itself serves hifz al-din by keeping the call alive.

- Positive protection: obligations that build and sustain faith.
- Negative protection: prohibitions and penalties against its corruption.
- Priority of din justifies sacrifice of lesser interests for faith.

Lecture 7: Hifz al-Nafs: Protection of Life

Key terms: hifz al-nafs, sanctity of life, qisas, health

'Whoever kills a soul... it is as if he killed all mankind' (5:32) - life's sanctity is absolute. The Shari'ah protects life by prohibiting murder and suicide, prescribing qisas (just retribution) as deterrence, permitting self-defence, commanding medical treatment, and prohibiting what destroys health. Necessity even permits the prohibited to save life - the starving may eat the forbidden.

- Qisas: deterrent that protects the community's lives.
- Suicide forbidden: life is a trust, not personal property.
- Public health measures (quarantine - 'flee from the leper') serve this objective.

Lecture 8: Hifz al-Aql: Protection of Intellect

Key terms: hifz al-aql, intoxicants, knowledge, education

The intellect distinguishes humans and is the basis of moral responsibility - so the Shari'ah guards it. Khamr and drugs are prohibited because they cloud reason; the hadd for drinking defends the mind of the community. Positively, seeking knowledge is an obligation, and education is a communal duty - a society that neglects learning betrays this maqsad.

- 'Every intoxicant is khamr' - the prohibition covers all mind-clouding substances.
- Knowledge-seeking as worship: the first revealed word was 'Read'.
- Media and curricula that corrupt young minds violate hifz al-aql.

Lecture 9: Hifz al-Nasl: Protection of Lineage

Key terms: hifz al-nasl, family, marriage, zina

Lineage is protected through the institution of marriage: the Shari'ah channels reproduction into families, assigns rights to spouses and children, and punishes zina and false accusation (qadhf) severely because they destroy family honour and children's identity. Children's rights - to lineage, maintenance, upbringing - are part of this objective.

- Marriage: the lawful framework for progeny and family stability.
- Hadd of zina and qadhf: deterrents guarding honour and lineage.
- Adoption's naming rules preserve true lineage - wisdom often missed.

Lecture 10: Hifz al-Mal: Protection of Property

Key terms: hifz al-mal, property rights, theft, riba

Property is protected as the material basis of life: theft is punished, contracts are enforced, riba is forbidden because it devours wealth unjustly, and squandering is condemned. Zakah purifies wealth while funding the needy - protection of property includes its circulation, not

hoarding. Modern applications: fraud laws, consumer protection, and Islamic finance all serve hifz al-mal.

- Hadd of theft: deterrent protecting everyone's earnings.
- Riba prohibition: wealth must grow through real enterprise, not exploitation.
- Zakah: property rights balanced with social obligation.

Lecture 11: The Three Levels: Daruriyyat

Key terms: daruriyyat, necessities, indispensable interests

Daruriyyat are necessities - interests whose absence destroys life or religion. The five essentials at their core level are daruri: the minimum of faith, life, reason, family and property without which human existence collapses. Rulings at this level are the strictest: obligations like prayer, prohibitions like murder, and hadd punishments.

- Test: if lost, life/religion itself is lost - that is daruri.
- Examples: the five daily prayers, prohibition of killing, marriage framework.
- Daruri rulings admit almost no exception.

Lecture 12: The Three Levels: Hajiyyat and Tahsiniyyat

Key terms: hajiyyat, tahsiniyyat, needs, refinements

Hajiyyat (needs) remove hardship though life continues without them: concessions for travellers and the sick, permission of contracts like salam and ijara. Tahsiniyyat (refinements) beautify life: etiquette of dress and eating, recommended charity, noble manners. The levels interact: a haji need can outweigh a tahsini refinement, and daruri always outranks both.

- Hajiyyat: concessions, commercial contracts, ease in difficulty.
- Tahsiniyyat: adab, cleanliness, generosity - the polish of civilisation.
- Ranking resolves conflicts: necessity > need > refinement.

EXAM POINTER: Explain the three levels with two examples each and their ranking rule. 

Lecture 13: Maqasid and Ijtihad

Key terms: ijihad, maslahah, qiyas, contemporary rulings

Maqasid guide ijihad: when texts are silent, the mujtahid reasons from objectives - permitting organ donation to save life (hifz al-nafs), structuring Islamic finance around real trade (hifz al-mal), regulating new intoxicants (hifz al-aql). But maqasid never override clear texts; they illuminate them. The discipline's rules: the benefit must be genuine, general, and consistent with the Shari'ah's purposes.

- Valid: using maqasid where texts are silent or general.
- Invalid: cancelling a clear ruling in the name of 'objectives'.
- Collective ijtihad (fiqh councils) applies maqasid to modern issues.

Lecture 14: Maqasid in Contemporary Issues I: Finance and Economy

Key terms: Islamic finance, riba, economic justice

Maqasid reshape economic thinking: hifz al-mal demands wealth circulate productively, so Islamic finance replaces interest with trade and partnership; hifz al-din and social justice demand finance serve real needs, not speculation. Zakah and waqf institutionalise the social dimension of property - objectives turn dry contracts into an ethical economy.

- Riba-free finance: risk-sharing instead of guaranteed returns.
- Waqf: perpetual charity serving education, health, public goods.
- Maqasid critique: products that mimic interest violate the objective.

Lecture 15: Maqasid in Contemporary Issues II: Bioethics and Society

Key terms: bioethics, medical fiqh, environment

Modern medicine raises maqasid questions: organ transplantation (saving life vs bodily sanctity), contraception (family planning vs progeny), end-of-life care. The framework weighs competing essentials - e.g., hifz al-nafs may permit what bodily sanctity would forbid. Environmental protection emerges too: the earth is a trust, and polluting it harms life and property of generations.

- Competing maqsads are ranked: din > nafs > aql > nasl > mal.
- Scholars permit organ donation reasoning from hifz al-nafs.
- Environmental fiqh: 'do not corrupt the earth' (7:56) as a maqsad.

Lecture 16: Criticisms and Boundaries

Key terms: criticism, misuse, boundaries, textualism

Critics warn maqasid can become a tool for bypassing texts - 'the objective is welfare, so this prohibition is outdated.' The classical answer: maqasid are derived FROM the texts by induction, so they cannot contradict their source; they interpret, never abrogate. Legitimate use stays within scholarly method; slogans like 'maqasid justify everything' are misuse, not the science.

- Rule: objectives serve the texts; texts are not sacrificed to objectives.

- Maqasid reasoning requires mastery of usul al-fiqh, not enthusiasm.
- The science's revival succeeded where it stayed methodologically strict.

EXAM POINTER: How do scholars answer the charge that maqasid undermine textual authority? 

Lecture 17: Revision: Midterm Practice Set

1. Define maqasid al-shari'ah and explain its importance. (10 marks)
2. Describe the contributions of al-Juwaini, al-Ghazali and al-Shatibi. (10 marks)
3. List the five essentials in order with one protective ruling each. (10 marks)
4. Explain hifz al-nafs and hifz al-aql with Quranic evidence. (10 marks)
5. Distinguish daruriyyat, hajiyyat and tahsiniyyat with examples. (5 marks)

Lecture 18: Revision: Final-Term Practice Set

1. Explain the role of maqasid in ijtihad, with its conditions and limits. (10 marks)
2. Apply maqasid analysis to one contemporary issue (finance or bioethics). (10 marks)
3. How does hifz al-mal shape Islamic economic institutions? (10 marks)
4. Answer the criticism that maqasid override clear texts. (10 marks)
5. Write short notes on any two: Ibn Ashur, hifz al-nasl, tahsiniyyat. (10 marks)

End of Handout - Good luck with your exams!