

**CONCEPTUALIZING *MAQĀṢID*  
THROUGH AN ETHICAL FRAMEWORK:  
THEORETICAL EXPLORATION OF TAHA  
ABDURRAHMAN'S PHILOSOPHY**

**A Thesis**

**Submitted to the Master's Study Program of Islamic Studies at the  
Faculty of Islamic Studies in partial fulfillment of the requirements for  
the degree of**

**Master of Arts (M.A.)**



by:

**Naura Safira Salsabila Zain**

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UNIVERSITAS ISLAM INTERNASIONAL INDONESIA

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## ABSTRACT

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The study of *maqāṣid al-sharīʿa* gained significant attention from the scholars from West to the East as an approach to bridging various fields of study with the Islamic legal discourse. Historically, the concept of *maqāṣid* can be traced back to the era of the Prophet Muḥammad PBUH, which was then analyzed by scholars as a coherent discourse with the *Uṣūl al-Fiqh*. The discourse is developed and applied with various approaches such as classical, traditional, reformist, secular, and postmodernist approaches. The development of the *maqāṣid* concept has transformed it from a coherent discourse with *uṣūl al-fiqh* into a specific field of study, recognized as an approach to modernizing Islamic law. This phenomenon has invited Taha Abdurrahman, a prominent Muslim philosopher to conceptualize *maqāṣid*, as he argued that the previous *maqāṣid* approaches have yet to sufficiently appreciate ethical considerations. Taha's conceptualization of *maqāṣid* serves as his effort to renew Traditional Islamic literature (*turāth*). Taha's *maqāṣid* concept is framed by his ethical philosophy, the Trusteeship paradigm, emphasizing the relationship of humans with God that occurred since the testimony prior to their existence. Hence, this study aims to examine the significance of Taha's conceptualization of *maqāṣid* by situating his thought among the *maqāṣid* approaches from classical to modern. To examine this, I employ a qualitative methodology with data collection through primary and secondary sources. The primary sources are the original books of the discussed scholars especially Taha Abdurrahman and the secondary sources are from related books, journals, and articles to enrich the discussion. The data will be analyzed through content and textual analysis by engaging with all the sources. This study will also focus on intellectual analysis framed by Fuzzy Set Theory (FST), a mathematical theory that aims to identify that certain things cannot be categorized entirely in a specific group. In this context, the framework is applied to situate Taha Abdurrahman's concept of *maqāṣid* among other *maqāṣid* approaches, placing him in dialogue with classical, traditional, reformist, secular, and postmodernist scholars. The findings affirm that Taha's *maqāṣid* concept tends to be Sufi-inspired, making it difficult to implement practically. Positioning Taha's *maqāṣid* concept as a legal discourse is deemed overly idealistic, resulting in utopian and imaginary expectations. Consequently, Taha's *maqāṣid* concept cannot be simply classified under a specific group rather it fits into several groups simultaneously. It is traditional in terms of its reliance on textual proof in understanding law and reformist in terms of its new and innovative methodology, aiming to address current issues where ethics is considered a central concern.

Keywords: *Taha Abdurrahman, ethical philosophy, trusteeship paradigm, testimony, maqāṣid.*

## ملخص

حظيت دراسة مقاصد الشريعة باهتمام كبير من علماء الغرب والشرق باعتبارها نَحْجاً لربط مختلف مجالات الدراسة بالخطاب الشرعي الإسلامي. تاريخياً، يمكن إرجاع مفهوم المقاصد إلى عهد النبي محمد صلى الله عليه وسلم، الذي حلله العلماء فيما بعد كخطاب متماسك مع أصول الفقه. تم تطوير هذا الخطاب وتطبيقه بطرق متنوعة منها ماهو كلاسيكي، تقليدي، إصلاحي، علماني، وحدائثية كذلك. هذا التطور الذي يخص مفهوم المقاصد تحول من خطاب منسجم مع أصول الفقه إلى مجال للدراسة في حد ذاته، والذي عُدّ كنهج لتحديث القانون الإسلامي. هذه الظاهرة دفعت طه عبد الرحمن، الفيلسوف المسلم البارز، إلى تصور المقاصد، لأنه يعتقد أن النهج المقاصدي السابق لم يقدر الاعتبارات الأخلاقية بشكل كاف. يعتبر تصور طه للمقاصد جهداً منه لتحديث الأدب الإسلامي التقليدي (التراث). إن مفهوم المقاصد لدى طه مؤطر من خلال الفلسفة الأخلاقية، وهو النموذج الائتماني، الذي يركز على علاقة الإنسان بالله والتي نشأت منذ الشهادة قبل وجودهم. لذلك، تهدف هذه الدراسة إلى فحص أهمية تصور طه للمقاصد من خلال وضع أفكاره بين النهج المقاصدي الكلاسيكي إلى النهج الحديث. لتحقيق ذلك، سأستخدم المنهجية النوعية مع جمع البيانات من خلال المصادر الأولية والثانوية. المصادر الأولية هي الكتب الأصلية للعلماء المذكورين وخصوصاً طه عبد الرحمن، والمصادر الثانوية تأتي من الكتب المتعلقة بالقضية، المجلات، والمقالات ذات الصلة لإثراء المناقشة. سيتم تحليل البيانات من خلال التحليل المحتوى والتحليل النصوي الخاص بجميع المصادر. ستركز هذه الدراسة أيضاً على التحليل الفكري المؤطر بنظرية المجموعات الضبابية (Fuzzy Set Theory)، وهي نظرية رياضية تهدف إلى التحديد بأن بعض الأمور لا يمكن تصنيفها بالكامل ضمن فئة معينة. في هذا السياق، يتم تطبيق الإطار لتحديد مفهوم المقاصد لدى طه عبد الرحمن بالنظر إلى مناهج المقاصد الأخرى، ووضعه في حوار مع العلماء الكلاسيكيين، والتقليديين، والإصلاحيين، والعلمانيين، وما بعد الحدائثيين. تؤكد النتائج أن مفهوم طه للمقاصد يميل إلى أن يكون مستوحى من الصوفية، مما يجعله صعب التطبيق عملياً. يعتبر مفهوم المقاصد لدى طه كخطاب قانوني مثالياً للغاية، مما ينتج عنه توقعات طوباوية وخيالية. بالتالي، لا يمكن تصنيف مفهوم المقاصد لدى طه ببساطة تحت مجموعة محددة، بل يتناسب مع عدة مجموعات في آن واحد. فهو تقليدي من حيث اعتماده على الأدلة النصية في فهم القانون وإصلاحي من حيث منهجيته الجديدة والمبتكرة، التي تهدف إلى معالجة القضايا الحالية حيث تعتبر الأخلاق موضوعاً مركزياً.

الكلمات المفتاحية: طه عبد الرحمن، الفلسفة الأخلاقية، الائتمانية، الشهادة، مقاصد الشريعة.

## TRANSLITERATION GUIDE

Arabic	Roman	Arabic	Roman	Arabic	Roman
ا	a	س	s	ل	l
ب	b	ش	sh	م	m
ت	t	ص	ṣ	ن	n
ث	th	ض	ḍ	و	w
ج	j	ط	ṭ	هـ	h
ح	ḥ	ظ	ẓ	ء	'
خ	kh	ع	'	ي	y
د	d	غ	gh		
ذ	dh	ف	f		
ر	r	ق	q		
ز	z	ك	k		

### Short Vocal

Arab Alphabet	Roman Alphabet	Arabic Example	Transliteration
اَ	a	فَتَحَ	<i>fataḥa</i>
اِ	i	عَلِمَ	<i>'alima</i>
اُ	u	حَسُنَ	<i>ḥasuna</i>

### Long Vocal

Arab Alphabet	Roman Alphabet	Arabic Example	Transliteration
اِي/اِي	ā	رَضِيَ/رَامَ	<i>riḍā/qāma</i>
يِي	ī	قَرِيبٌ	<i>qarīb</i>
وِي	ū	جُلُوسٌ	<i>julūs</i>

### Diphthong

Arab Alphabet	Roman Alphabet	Arabic Example	Transliteration
اُو	aw	قَوْمٌ	<i>qawm</i>
يِي	ay	رَيْبٌ	<i>rayb</i>

Notes:

1. Consonant with shaddah (◌◌) for instance, سُلَّم is written as *sullam* (double letters).
2. The Arabic letter *hamzah* (ء) at the beginning of a word is transliterated into “a” not into “’a”. For instance, أَكْبَرُ is written as *akbar* not *’akbar*, except in the middle of a term after a consonant. For example, مَرَأَةٌ is written as *mar’a*.
3. The Arabic script of *alif-lām qamariyah* and *alif-lām shamsiyya* (ال) is written as “al” at the beginning of words. For instance, الْمَجْلِسُ is written *al-majlis* and الرَّجُلُ is written *al-rajul*.
4. The Arabic letter *ta’ marbūṭa* (ة) is unwritten/invisible when it is located at the end of the words, such as سُورَةٌ is written as *sūra*. When located in the middle of a sentence is written as “t”, such as صَلَاةُ الْمَغْرِبِ is written as *salāt al-maghrib*.

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## GENERAL INTRODUCTION

### 1. Introduction

*Maqāṣid al-sharīʿa* is one of the important concepts in the study of Islamic law, serving as a method to explore the divine law's purpose. It is also the way to uncover the wisdom behind God's rulings in Islamic law.<sup>1</sup> Hence, in recent years, Muslim legal scholars have engaged in discussions surrounding *Maqāṣid al-sharīʿa* as a means to modernize Islamic law to fit the dynamic societies, evident in the emergence of works dedicated to *Maqāṣid al-sharīʿa* in various forms, including books, theses, journals, and other publications.<sup>2</sup>

Initially part of the *uṣūl al-fiqh* discourse and implicitly discussed among classical Muslim scholars, the study of *Maqāṣid al-sharīʿa* evolved into a distinguished field after the publication of al-Shāṭibī's (d.1388) seminal work, "*al-Muwāfaqāt*." For al-Shāṭibī, *sharīʿa* (divine law) was created for the benefit of human beings which were divided into three levels; *ḍarūriyyāt* (necessities) is a set of five principles that must be upheld by human beings and the failure to maintain any one of these principles can result in great loss in both earthly life and the hereafter, *ḥājjiyyāt* (requirements) is a set of secondary needs to make life easier, and *taḥṣīniyyāt* (beautification) a set of needs for human beings to beautify life which are embodied in noble characters (*makārim al-akhlāq*).<sup>3</sup>

Since the methodical establishment of *maqāṣid*, it continues to evolve alongside a growing number of legal scholars who focus on discussing the *maqāṣid* discourse with different approaches and backgrounds, ranging from textual, contextual, and moderate, in formulating it.<sup>4</sup> The theory of the *maqāṣid al-sharīʿa* that has been developed is deemed important for the mujtahid to produce *ijtihād* as it gives the understanding to obtain the benefits (*manfaʿa*) and prevent the harms (*ḍarar*) in reaching the goods (*maṣlaha*).

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<sup>1</sup> Jasser Auda, *Maqasid Al-Shari'ah as Philosophy of Islamic Law* (International Institute of Islamic Thought (IIIT), 2022), xxi.

<sup>2</sup> Jasser Auda, *Maqasid Al-Shariah: A Beginner's Guide* (International Institute of Islamic Thought (IIIT), 2008); Mohammad Hashim Kamali, *Maqasid Al-Shariah Made Simple* (International Institute of Islamic Thought (IIIT), 2008); Ibnu Akbar Maliki et al., "A Gender-Based Maqashid Sharia Study of Penghulu in Indonesia (A Study of Jasser Auda's Views)," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 23, no. 1 (June 14, 2023): 51–68, <https://doi.org/10.19109/nurani.v23i1.16447>; Aouidad Rachid, "Arab Modernists and Maqasid Shariah: A Critical Analysis," *BALAGH - Journal of Islamic and Humanities Studies* 1, no. 2 (October 14, 2021): 330–52; Muhammad Al-Tahir Ibn Ashur, *Ibn Ashur: Treatise on Maqasid Al-Shariah* (IIIT, 2006).

<sup>3</sup> Al-Shatibi, *Al-Muwāfaqat*, vol. 2 (Dar Ibn Affan, 2008), 17.

<sup>4</sup> Paryadi Paryadi, "MAQASHID SYARIAH: DEFINISI DAN PENDAPAT PARA ULAMA," *Cross-Border* 4, no. 2 (July 19, 2021): 215.

Therefore, the *Maqāṣid al-sharīʿa* is recognized as the way to answer the question of “why” at all levels of Islamic legal issues.<sup>5</sup> Hence, *Maqāṣid al-sharīʿa* is claimed to be the panacea for all legal issues in the modern era, and discussions have extended to various fields such as banking, gender equality, and environmental issues.<sup>6</sup>

In this regard, the *maqāṣid* methodology is expected to revive the insights of early legal theorists and scholars in the current context. The contemporary trend of *Maqāṣid al-sharīʿa* is believed to establish a norm in Islamic law that aligns with the goods and interests intended by God in creating the law, rather than merely conforming to religious texts. Simultaneously, the use of the concept *Maqāṣid al-sharīʿa* requires a deep understanding of the fundamentals (*uṣūl*) or branches (*furūʿ*) of the *sharīʿa*. Conversely, the neglect of the *sharīʿa* will lead to misconceptions about the concept of *maqāṣid al-sharīʿa*, an issue that undeniably occurs in the contemporary era where *maqāṣid* is utilized based on pragmatism.<sup>7</sup>

Despite the various scholarly discussions on the *maqāṣid al-sharīʿa*, there remains a gap in discussing the *maqāṣid* approach that places more attention on ethical consideration. Taha Abdurrahman, a prominent Moroccan Muslim philosopher in the contemporary era, has developed a theory on *maqāṣid* intricately linked with his ethical philosophy, the trusteeship paradigm. Taha considers that the core of the Islamic message lies in ethics, making it essential in both philosophical and religious reasoning.<sup>8</sup> The ethical *maqāṣid* of Taha Abdurrahman highlighted the importance of metaphysical analysis. For him, no ethics without metaphysical, just as no religion without the metaphysical.<sup>9</sup> Hence, the ethical

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<sup>5</sup> Jasser Auda, *Maqasid Al-Sharīʿah: A Beginner’s Guide* (International Institute of Islamic Thought (IIIT), 2008), 2.

<sup>6</sup> Royan Utsany, Afrizal Tw, and Khamim, “Women’s Rights and Gender Equality: An Analysis of Jasser Auda’s Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia,” *Journal of Islamic Law (JIL)* 3 (2022): 54; Mohammad M.o and Shahwan S, “The Objective of Islamic Economic and Islamic Banking in Light of Maqasid Al-Sharīʿah: A Critical Review,” *Scopus*, 2013, <https://doi.org/10.5829/idosi.mejsr.2013.13.1885>; Sabariyah Yaakub and Nik Ab Halim Nik Abdullah, “TOWARDS MAQASID SHARĪAH IN SUSTAINING THE ENVIRONMENT THROUGH IMPACTFUL STRATEGIES,” *International Journal of Islamic Business* 5, no. 1 (June 30, 2020): 36–45, <https://doi.org/10.32890/ijib2020.5.1.2>.

<sup>7</sup> Abdessamad Belhaj, “Abū Yaʿrub Al-Marzūqī and His Critique of the Maqāṣid Theory,” *Religions* 14, no. 9 (September 2023): 7, <https://doi.org/10.3390/rel14091212>.

<sup>8</sup> Mohammed Hashas, “The Trusteeship Paradigm: The Formation and Reception of a Philosophy,” in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives* (Brill, 2020), 41, [https://doi.org/10.1163/9789004438354\\_004](https://doi.org/10.1163/9789004438354_004).

<sup>9</sup> Taha Abdurrahman, *Suʿāl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya* (al-Markaz al-Thaqāfī al-ʿArabī, 2000), 25.

approach of *maqāṣid* according to Taha primarily relies on a deep understanding of his concept of religion.

Through his conceptualization of *maqāṣid*, Taha criticized *maqāṣid* discourse by classical scholars, especially al-Shāṭibī.<sup>10</sup> Instead, he proposed his own *maqāṣid* concept as a renewal of the traditional Islamic literature (al-turāth). His complex theory distinguishes itself from both classical and modern *maqāṣid* discourses, with only a few scholars delving into his *maqāṣid* thought. Therefore, the goal of this research is to engage with Abdurrahman's concept of *maqāṣid*, as a novel contribution to the contemporary *maqāṣid* discourse. This research will examine the ethical philosophy of Taha Abdurrahman which later influenced his conceptualization of *maqāṣid al-sharī'a* and situate his arguments within the *maqāṣid* scholarly approaches.

## 2. Literature Review

The study of the *maqāṣid al-sharī'a* in the contemporary era must be critical to avoid misconceptions about understanding the divine law. Taha Abdurrahman is one of the contemporary philosophers whose ideas are very critical to the contemporary *maqāṣid* concept. I, therefore, divide the literature review into two parts; exploring the contemporary *maqāṣid* discourse to highlight the current context of *maqāṣid* discourse and defining *Maqāṣid al-sharī'a* from the perspective of Taha Abdurrahman to highlight his main ideas on *maqāṣid* and discover the knowledge gap on his concept on *maqāṣid*.

### 2.1 Exploring the Contemporary *Maqāṣid* Discourse

Understanding the importance of the *maqāṣid al-sharī'a* and the complexities of contemporary issues, modern scholars redefine the study of the *maqāṣid al-sharī'a* to provide solution from Islamic perspectives across a variety of fields.<sup>11</sup> Through the idea of *maqāṣid al-sharī'a*, the *sharī'a* should not solely be understood as rules that are deduced from the religious texts based on the classical methodology of *uṣūl fiqh*. It also implies the idea that divine law has a deeper purpose behind its revelation, which serves as a panacea

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<sup>10</sup> Taha Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt* (Al-Dār al-Bayḍā': al-Markaz al-Thaqāfī al-'Arabī, 1994), 93.

<sup>11</sup> M. Khalid Mas'ud, "Recent Studies of Shāṭibī's Al-Muwāfaqāt," *Islamic Studies* 14, no. 1 (1975): 65–75; Mohammad Hashim Kamali, "Maqāṣid Al-Sharī'ah': The Objectives of Islamic Law," *Islamic Studies* 38, no. 2 (1999): 193–208; Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Rowman & Littlefield, 2014); Adis Duderija, "Contemporary Muslim Reformist Thought and Maqāṣid Cum Maṣlaḥa Approaches to Islamic Law: An Introduction," in *Maqāṣid Al-Sharī'a and Contemporary Reformist Muslim Thought: An Examination*, ed. Adis Duderija (New York: Palgrave Macmillan US, 2014), 1–11, [https://doi.org/10.1057/9781137319418\\_1](https://doi.org/10.1057/9781137319418_1).

for modernists and pragmatists in seeking their practical solution.<sup>12</sup> Hence, compared to the study of *uṣūl al-fiqh*, the *maqāsid al-sharīʿa* is believed as a specific topic on the Islamic legal discourse that does not require a methodological technicality and literalist reading of the religious texts.<sup>13</sup>

The attractiveness of the study on *maqāsid al-sharīʿa* is particularly considered beneficial for the communities in the context of Muslim minority countries to resolve the various contemporary problems and challenges in Islamic thought.<sup>14</sup> According to Auda, the study of *Maqāsid al-sharīʿa* is crucial as the methodology of Islamic reformation. It is introduced as the project for development and human rights, the basis of new *ijtihād*, the common grounds between Islamic law and different systems of faith.<sup>15</sup> Regarding this, Sardar argued that in the twentieth century, serious *ijtihād* occurred as an attempt to modernize Islam in terms of Western modes of thought and social organization, where the *maṣāliḥ* (interests) became the main concern.<sup>16</sup> Neal Robinson, however, argued that the massive *ijtihād* by modernists may disregard the existing school of laws.<sup>17</sup>

The attention to the *maqāsid al-sharīʿa* is not only from Muslim scholars, it attracts some non-Muslim scholars to discuss deeply about the *sharīʿa* and its objectives. Joseph Schacht authored two books “An Introduction to Islamic Law” and “The Origins of Muhammadan jurisprudence” to underscore the discussion on the *sharīʿa*.<sup>18</sup> Although he did not explicitly discuss *maqāsid al-sharīʿa*, his deep analysis of understanding Islamic law and jurisprudence shows the significance of understanding *maqāsid al-sharīʿa* in this contemporary era. Noel Coulson, on the other hand, asserted that public interest (*maṣlaḥa*) and justice are crucial for solving legal issues.<sup>19</sup> This point is understood as the attempt of Coulson to find the correlation in the conflict between reason and revelation. Similarly,

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<sup>12</sup> Andrew F March, “The Maqṣad of Hifz Al-Din Is Liberal Religious Freedom Sufficient for the Shariʿah? | ICR Journal,” October 18, 2020, 358, <https://icrjournal.org/index.php/icr/article/view/653>.

<sup>13</sup> Kamali, *Maqasid Al-Shārīʿah Made Simple*, 24.

<sup>14</sup> March, “The Maqṣad of Hifz Al-Din Is Liberal Religious Freedom Sufficient for the Shariʿah?,” 359.

<sup>15</sup> Auda, *Maqasid Al-Shārīʿah*, 27.

<sup>16</sup> Sohail Inayatullah and Gail Boxwell, *Islam, Postmodernism and Other Futures: A Ziauddin Sardar Reader* (Sterling, Va: Pluto Press, 2003), 69.

<sup>17</sup> Neal Robinson, *Islam: A Concise Introduction* (London: Routledge, 2013), 161, <https://doi.org/10.4324/9781315027562>.

<sup>18</sup> Joseph Schacht, *An Introduction to Islamic Law* (Oxford, New York: Oxford University Press, 1983); Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Clarendon Press, 1950).

<sup>19</sup> Noel Coulson, *Conflicts and Tensions in Islamic Jurisprudence*, First Edition (Chicago: Univ of Chicago Pr, 1969); Landy Trisna Abdurrahman, “Conflict in Islamic Jurisprudence: Noel J. Coulson’s Historical Approach and His Contribution to the Study of Islamic Law,” *Journal of Islamic Law* 3, no. 1 (February 9, 2022): 82, <https://doi.org/10.24260/jil.v3i1.495>.

John Esposito and Delong-Bas published a specific book about the understanding of *shārīʿa* to be applicable in the modern context by emphasizing justice, governance, rights, war and peace.<sup>20</sup>

For that reason, the trend of *maqāṣid al-sharīʿa* in the contemporary era seeks to explore more in reason rather than texts as an attempt to contextualize Islamic law to fit modernity. In this context, Abou El Fadl also argues that God has created laws about right and wrong according to human epistemology, so he created the intellect for humans to have choices.<sup>21</sup> There are at least two approaches in the notion of *maqāṣid al-sharīʿa* in the contemporary era that differ from the classical approach of it; rationalizing the *shārīʿa* (*ʿaqḷanat al-sharīʿa*) and re-envisioning the five principles of *maqāṣid al-sharīʿa* (*iʿādat taʿyīn al-maqāṣid wa taʿrīfihā*).<sup>22</sup>

First, the approach to rationalizing the *shārīʿa* is to seek the reason beyond the Islamic law revealed by God, whether the devotional object (*taʿabbudī*) or reasonable object (*maʿqūl al-maʿnā*). For example, they criticize the obligation of *ʿiddat* for the woman whose husband left in the modern context. Second, the re-envisioning of five principles of *maqāṣid al-sharīʿa* seeks to explore the interpretation of the five principles of *maqāṣid*, the protection of faith, self, posterity, property, and intellect. For instance, al-Qarḍāwī proposed additional points of human dignity and rights in his theory of *maqāṣid*.<sup>23</sup>

On the other hand, the context of the contemporary era requires a methodology that reflects the universality and flexibility of the *shārīʿa*, highlighting the importance of the *shārīʿa* as the human welfare in worldly life and hereafter.<sup>24</sup> The concept of *shārīʿa* is flexible (*murūna*) and indelible (*thabāt*) at the same time. It is universally applicable under all circumstances and in all places as long as it does not exceed its fundamental boundaries.<sup>25</sup>

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<sup>20</sup> John L. Esposito and Natana J. DeLong-Bas, *Shariah: What Everyone Needs to Know*® (New York, NY: Oxford University Press, 2018).

<sup>21</sup> Abou El Fadl, *Reasoning with God*, 359.

<sup>22</sup> al-Marakeby, “Modernity and the Transformations of the Maqāṣidī Discourse,” 15-19.

<sup>23</sup> Auda, *Maqāṣid Al-Sharīʿah as Philosophy of Islamic Law*, 5.

<sup>24</sup> Jasser Auda, “A Maqāṣid-Based Approach for New Independent Legal Reasoning (Ijtihād),” in *Islamic Perspectives on the Principles of Biomedical Ethics*, vol. Volume 1, Intercultural Dialogue in Bioethics, Volume 1 (WORLD SCIENTIFIC (EUROPE)/IMPERIAL COLLEGE PRESS, 2015), 70, [https://doi.org/10.1142/9781786340481\\_0003](https://doi.org/10.1142/9781786340481_0003).

<sup>25</sup> Ali Ahmad Muhammad Bakir, *Kitab Dirasat Fi Usul Al-Fiqh* (Madinah: Majallat al-Jamia al-Islamiyyah bi al-Madinah al-Munawwarah, 1981), 174.

These studies introduce the dynamics of *maqāṣid* discourse in the contemporary era, showing that the trend of *Maqāṣid al-sharī'a* in the contemporary era appears to be a mechanism for legitimizing diverse ideas proposed by scholars, viewed through the lens of fiqh. The implementation of the *Maqāṣid al-sharī'a* without concerning the fundamental principle of the *sharī'a* will lead to the liquidity of the *maqāṣid* which will transform its concept from the divine purpose (*maqāṣid al-shāri'a*) into human purpose (*maqāṣid al-mukallaf*). However, there has been no research placing the contemporary trends of the *maqāṣid* concept into the various approaches to *maqāṣid* discourse, classical, reformist, secular, postmodernist, and traditionalist. Thus, this research is expected to bridge the gap by mapping the discussion of contemporary *maqāṣid* trends within these approaches.

## 2.2 Defining *Maqāṣid al-sharī'a* according to Taha Abdurrahman

The study of *maqāṣid al-sharī'a* was not a distinctive discourse in the early stage of the development of Islamic legal discourse.<sup>26</sup> It was initially part of *uṣūl al-fiqh* studies until the work of *al-Shāṭibī, al-muwāfaqāt*, was published and significantly recognized.<sup>27</sup> Before al-Shāṭibī, various legal theorists (*uṣūliyyūn*), such as Abu Bakr al-Baqillani (d. 403), Imam al-Haramain al-Juwayni (d. 410), Abu Hamid al-Ghazali (d. 505), and ) and so on, continued by the legal scholars (*fuqahā'*) such as Abu al-Hasan al-Karkhi (d. 340), Abu Zayd al-Dabusi (d. 430), Al-Izz bin Abd al-Salam (d. 660), and many others have also contributed to the development of the study of *maqāṣid al-sharī'a*, signed that the study of the *maqāṣid al-sharī'a* is inseparable from the development of the *uṣūl al-fiqh* studies.<sup>28</sup>

Al-Shāṭibī (d. 790) asserted that *maqāṣid* is the essence of everything (*rūh al-a'māl*), emphasizing that the fiqh without *maqāṣid* would remain incomplete.<sup>29</sup> In similar, al-Raysūnī, a contemporary scholar argued that fiqh requires grasping the truth of the things (*al-ḥaqīqa*), which will be achievable only through the understanding of *maqāṣid* to discern the purpose of the *sharī'a*.<sup>30</sup> Since the first publication of *al-muwāfaqāt*, various prominent scholars have engaged in discussions and accorded al-Shāṭibī a prominent position alongside al-Shafī'ī. This recognition stems from al-Shāṭibī's exploration of the goals and objectives of divine law, providing a means to escape from the perceived rigidity of Islamic law introduced by al-Shafī'ī through his idea of *uṣūl al-fiqh*.<sup>31</sup>

<sup>26</sup> Kamali, *Maqasid Al-Sharī'ah Made Simple*, 8.

<sup>27</sup> Muhammad al-Habib Ibn Al-Khuja, *Muhammad Al-Tahir Bin 'Ashur Wa Kitabuhu Maqasid al-Shari'a*, vol. 1 (Qatar: Wizarat al-Awqaf wa al-Shu'un al-Islamiyyah, 2004), 412.

<sup>28</sup> Ibn Al-Khuja, 1:413–14.

<sup>29</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:344.

<sup>30</sup> Ahmad al-Raysuni, *Madkhal Ila Maqasid Al-Sharī'a* (Cairo: Dar al-Kalimah, 2010), 18.

<sup>31</sup> Mas'ud, "Recent Studies of Shāṭibī's Al-Muwāfaqāt," 66.

Taha Abdurrahman first discussed his conceptualization of *maqāṣid al-sharī‘a* in 1994 as a specific commentary on al-Shāṭibī in his book “*Tajdīd al-Manhaj fī Taqwīm al-Turāth*”, serving as his argument to the renewal of the tradition of Islamic literature (*turāth*).<sup>32</sup> This book has been a subject of lectures before he further developed his ideas in another book *Su‘āl al-Tajdīd al-Fikrī*, where he explored his conceptualization of *maqāṣid* with a strong emphasis on ethics (*akhlāq*).<sup>33</sup> *Maqāṣid* has been one of Taha’s central focus in Taha’s works, serving as a model for his trusteeship paradigm in application to Islamic scholarly discourse. In 2022, Taha published a new book entitled “*Al-Ta’sīs al-I’timānī li ‘Ilm al-Maqāṣid*”, offering a more specific elaboration on the *maqāṣid* concept.<sup>34</sup> This book expands his discussion on *maqāṣid*, enriching it with his critiques and engagement with other *maqāṣid* scholars.

Furthermore, the discussion on Taha Abdurrahman’s concept of *maqāṣid* contributes to the ongoing scholarly discussion with his unique approach, intertwining philosophy, and Islamic law. Kepplinger observed that, in general, *al-Shāṭibī* and Abdurrahman share a classical understanding of religion. However, Abdurrahman places more emphasis on the systemization of ethics compared to al-Shāṭibī.<sup>35</sup> Consequently, Taha Abdurrahman proposes a new classification where ethics plays a crucial part in *maqāṣid*. This differs from al-Shāṭibī who only considers ethics as a form of beautification (*taḥsīniyyāt*).<sup>36</sup> In this context, Rohmanu and Rofiah highlighted that there are three concepts of Islamic ethics proposed under the ethical philosophy of Taha Abdurrahman; value, intention, and action. This study argues that the intertwining of Islamic law and ethical philosophy becomes a bridge to connect Islamic law to various branches of Islamic knowledge such as tawḥīd, morals, and Sufism.<sup>37</sup>

<sup>32</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 93–110.

<sup>33</sup> Taha Abdurrahman, *Su‘āl Al-Manhaj Fī Ufuq al-Ta’sīs Li Anmūdḥaj Fikrī Jadīd* (Beirūt: Al-Mu’assasa al-‘Arabiyya li al-Fikr wa al-Ibdā’, 2015), 71–86.

<sup>34</sup> Taha Abdurrahman, *Al-Ta’sīs al-I’timānī Li ‘Ilm al-Maqāṣid* (Kuwait: Markaz Nuhud li al-Dirasat wa al-Buhuth, 2022).

<sup>35</sup> Eva Kepplinger, “Taha Abderrahmane and Abū Ishāq Al-Shāṭibī: Comparative Reflections on Legal Thought and Ethics,” in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives* (Brill, 2020), 76, [https://doi.org/10.1163/9789004438354\\_005](https://doi.org/10.1163/9789004438354_005).

<sup>36</sup> Muhammad Iqbal, “KONSEP I’TIMANIYA DALAM PANDANGAN TAHA ABDURRAHMAN,” *JURNAL YAQZHAN: Analisis Filsafat, Agama Dan Kemanusiaan* 9, no. 1 (June 1, 2023): 67, <https://doi.org/10.24235/jy.v9i1.12891>.

<sup>37</sup> Abid Rohmanu and Khusniati Rofiah, “Ṭāhā ‘Abd al-Raḥmān’s Philosophical Contribution to Theorize Ethical Maqāṣid,” *Al-Ahkam* 33, no. 2 (October 31, 2023): 201, <https://doi.org/10.21580/ahkam.2023.33.2.17527>.

Hallaq, on the other hand, discussed Taha's *maqāṣid* concept to highlight the idea of rethinking the Islamic tradition, which he argued that the *maqāṣid* discourse has not sufficiently highlighted the ethical consideration.<sup>38</sup> In terms of Taha's understanding of *maqāṣid al-sharī'a* as a legal understanding of Islam, Taha emphasized more on the relationship between jurist-theologians and Sufi thought in criticizing the rational thinkers, highlighting the superiority of Sufi knowledge over rationalist knowledge.<sup>39</sup> Viersen found that Taha aims to reform the understanding of Islam by emphasizing the moral deficit associated with Western modernity through his interpretation of Islamic law. Advocating for the Islamic awakening merely as striving to live in accordance with God's commands will lead to a jurisprudential approach (*fiqhī*) which highlights only superficiality (*taẓāhur*) in performing religious responsibilities and blind following of the authority (*taqlīd*).<sup>40</sup>

Previous works highlighted that the conceptualization of *maqāṣid* according to Taha Abdurrahman is deemed important to discuss in the modern context. However, current literature on Abdurrahman's ideas on *maqāṣid* discourse offers only broad conclusions through descriptive discussions focused on a limited aspect of his intricate concept of *maqāṣid*. Knowing that Taha recently published a specific book on *maqāṣid* entitled "*al-Ta'sīs al-I'timānī li 'Ilm al-Maqāṣid*" and no research engaging with it in discussing his *maqāṣid* concept, this study, therefore, aims to fill the gap on discussing Taha's ideas about that specific book. Additionally, this study attempts to undertake a critical and comprehensive exploration of Taha's ethical paradigm and its relation to the formulation of *Maqāṣid al-sharī'a* within the scholarly *maqāṣid* discussion. As a result, this study assumes significance by addressing these gaps and providing valuable insights into the ongoing contemporary scholarly discussion.

### 3. Research Question and Hypothesis

This research argues that Taha Abdurrahman's *maqāṣid* concept, derived from his trusteeship paradigm, cannot be categorized under a single specific approach, whether classical, traditional, reformist, secular, or postmodernist approaches, but is rather a synthesis of various *maqāṣid* approaches. It results that Taha's concept of *maqāṣid* appears overly idealistic and challenging to implement in practice, primarily due to his emphasis

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<sup>38</sup> Wael Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha* (Columbia University Press, 2019), 47.

<sup>39</sup> Abdessamad Belhaj, "'The Fall of The Western Family' Tāhā 'Abd al-Raḥmān's Critical Islamic Ethics," *ReOrient* 4, no. 1 (September 1, 2018): 33–34, <https://doi.org/10.13169/reorient.4.1.0024>.

<sup>40</sup> Harald Viersen, "Rethinking Reform: 'Abd al-Raḥmān Tāhā and the Temporal Reconceptualization of the Authenticity–Modernity Paradigm," *Religions* 14, no. 2 (February 2023): 6, <https://doi.org/10.3390/rel14020225>.

on a Sufi-inclined interpretation of *maqāṣid* rather than a legalistic one. To prove this argument, the study seeks to address the following questions:

1. What is the typology of *maqāṣid* approaches within the history of *maqāṣid* discourse?
2. To what extent do Taha Abdurrahman's perspectives on ethical philosophy manifest in his concept of *maqāṣid*?
3. How does Taha Abdurrahman's thought on *maqāṣid* contribute to the scholarly dialogue regarding the *maqāṣid* discourse within Islamic jurisprudence, and how is it practically implemented in the contemporary era?

#### **4. Research Limitation and Expected Result**

This study has potential limitations that may impact its final results. The primary constraint lies in the limited time available and the challenges associated with data accessibility, which can affect the observational aspects of the study. Specifically, in the comprehensive exploration of scholarly approaches to *maqāṣid* and Taha Abdurrahman's concept of *maqāṣid* based on his ethical philosophy, both of which require extensive time and data. To mitigate these potential limitations, the study will narrow its focus, drawing primarily from selected scholarly works. Moreover, the examination of Taha Abdurrahman's philosophical thought will be focused specifically on elements that are pertinent to his conceptualization of *maqāṣid*.

The discourse on Taha Abdurrahman's legal thought is notably limited in scholarly works, particularly in Indonesia. Despite its infrequent discussion, this study is expected to result in a substantial contribution to the ongoing scholarly dialogue about Taha Abdurrahman, providing a new notion on the ongoing debates within the classical to contemporary discourse on *maqāṣid*. Taha Abdurrahman's theory on *maqāṣid* holds a critical analysis of the tradition of Islamic literature, placing a stronger emphasis on ethical philosophy.

#### **5. Theoretical Framework**

The theoretical framework for this study of Taha Abdurrahman's conceptualization of *maqāṣid al-sharī'a* will be grounded by a comprehensive intellectual analysis, using the Fuzzy Set Theory (FST). This is a mathematical-based theory proposed by Zadeh to identify the ambiguous subject that fits into several groups, rather than a single group.<sup>41</sup>

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<sup>41</sup> L. A. Zadeh, "Fuzzy Sets," *Information and Control* 8, no. 3 (June 1, 1965): 338, [https://doi.org/10.1016/S0019-9958\(65\)90241-X](https://doi.org/10.1016/S0019-9958(65)90241-X).

This theory applies to the various social sciences with the mathematical formula.<sup>42</sup> However, this study borrows this framework to analyze the intellectual discourse where one's thought cannot simply be categorized in any single group, as it also can be a synthesis of several groups. Based on this theory, this study seeks to situate Taha's *maqāṣid* concept within the scholarly *maqāṣid* approaches from classical, traditional, reformist, secular, and postmodernist approaches. I observe that Taha's thought is unique and cannot be confined to any single group; rather, it shares similarities with multiple groups.

This method employs in-depth analysis and critical examination of the theoretical and philosophical thought of conceptualizing *maqāṣid* discourse in a broader discussion. Thus, this study seeks to map the diverse approach of *maqāṣid* discourse from classical to the present day, highlighting the diverse contributions of scholars to conceptualizing *maqāṣid* discourse. This intellectual mapping aims to fill the gaps in the literature by situating Taha's *maqāṣid* concept within the *maqāṣid* trends, enhancing the understanding of his thought and its contribution to Islamic contemporary thought.

## **6. Methods**

This study applies qualitative methodology through intellectual analysis framed by Fuzzy Set Theory (FST). This study seeks to underscore the typology of *maqāṣid al-sharī'a* discussed by scholars ranging from classical, reformist, secular, postmodernist, and traditionalist approaches. Taha Abdurrahman's ethical philosophy and *maqāṣid* before placing his arguments within the *maqāṣid* approaches. The data is collected from the primary and secondary sources. The primary sources are the original works of the scholars especially Taha Abdurrahman, and the secondary sources are related books, journals, and articles to enrich the discussion. The data is interpreted through content analysis by systematically examining the primary and secondary sources to create themes in presenting the data, and textual analysis by engaging with the primary text of scholars to be interpreted and presented. However, this methodology does not ignore the critical analysis in evaluating the arguments among the scholars.

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<sup>42</sup> Lazim Abdullah et al., "Fuzzy Sets in the Social Sciences: An Overview of Related Researches," *Jurnal Teknologi* 41 (February 25, 2012): 52, <https://doi.org/10.11113/jt.v41.726>.

## CHAPTER I

### TYPOLOGY OF *MAQĀṢID* DISCOURSE

As social beings, humans must deal with various issues related to individual, social, and communal life to achieve harmony among them. This highlights the importance of the law in organizing and managing these issues. In this sense, *sharī'a* presents a set of laws and ethics derived from the Quran and Hadith, respectively understood as the words of Allah (*kalām Allāh*) and the teachings and practices of the Prophet Muhammad. Therefore, *Sharī'a* is defined as Islamic law created by Allah for the benefit and welfare of human beings.

On the other hand, *sharī'ā* is not viewed only as a static legal code but rather as a comprehensive system of law.<sup>43</sup> Thus, it is a dynamic, and adaptable set of rules that are universally applicable to all human beings in different places and contexts. Consequently, interpretations of the *sharī'a* can vary among scholars according to their schools of thought (*madhhab*). In majority Muslim countries such as Indonesia, elements of the *sharī'a* are integrated into its positive or national law.<sup>44</sup> This presents the significance of Islamic law for Muslims around the world.

Knowing that *sharī'a* plays a pivotal role in guiding Muslims throughout life, it is understood that all the prohibitions (*nawāhī*) and orders (*awāmir*) within the Islamic teachings are intended for the benefit of individuals and society as a whole. The art of understanding the deeper purposes beyond the *sharī'a*, seeking the “why” behind each rule, is known as *maqāṣid al-sharī'ā*.<sup>45</sup> This involves going beyond the literal text of the Quran and Hadith to understand the wisdom (*ḥikmah*) and the reason behind it. By understanding the deeper objectives of the *sharī'a*, scholars construct new rulings and adapt them to the contextual circumstances while still maintaining Islamic principles. Thus, in this context, *maqāṣid al-sharī'a* means a system of values that could contribute to a sound application of the *sharī'a*.<sup>46</sup>

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<sup>43</sup> Muneer Kuttiyani Muhammed and Mohd Mumtaz Ali, “The Shariah and Law : An Analysis,” *International Journal of Law, Government and Communication* 2, no. 5 (September 2017): 48.

<sup>44</sup> M. Sulthon, “INTEGRATION OF ISLAMIC SHARIA IN NATIONAL LEGAL SYSTEM,” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 7 (September 30, 2020): 96, <https://doi.org/10.29300/mzn.v7i2.3425>.

<sup>45</sup> Jasser Auda, *Re-envisioning Islamic Scholarship: Maqasid Methodology as a New Approach* (Claritas Books, 2022), 29.

<sup>46</sup> Jasser Auda, “A Maqasid Approach to Contemporary Application of the Sharī'ah,” *Intellectual Discourse* 19 (December 1, 2011): 193.

*Maqāṣid al-sharī'a* is an art that demands a comprehensive understanding of Islamic law, ethics, and theology. *Maqāṣid al-sharī'a* considered crucial for addressing the complexity of dynamic societies in this modern life. *Maqāṣid al-sharī'a* has been utilized as a hermeneutical tool in pre-modern Islamic law, recognized as part of *uṣūl al-fiqh* since the third century of Hijri.<sup>47</sup> The concept of *Maqāṣid al-sharī'a* evolved from being an inseparable concept within *uṣūl al-fiqh* in early Islamic history to becoming a distinguished field of knowledge and an approach to many fields of studies.

In the early twentieth century, *maqāṣid al-sharī'a* not only significantly attracted the interest of jurists but also of those considered to be liberals and reformists. Hence, this concept has become a discourse for not only Muslim scholars in the East but also Muslim scholars in the West who also have a strong *maqāṣid* tendency. In this context, both Eastern Muslim scholars and Western Muslim intellectuals have shaped the current *maqāṣid* discourse. Scholars assumed that the reason behind its revival in the late century is modernity together with the fall of the caliphate that has demanded the fundamental changes to the Muslim communities.<sup>48</sup>

Thus, the study of *maqāṣid al-sharī'a*, prior to its emergence as a distinguished field in the modern era, which has attracted various scholars and is deemed important among them, developed gradually over the centuries. Thus, this chapter will analyze the significance of the *maqāṣid al-sharī'a* and its classification to understand its key figures and discussions from the pre-modern period to the present day.

### **1.1 The Modern Landscape and the Relevance of *Maqāṣid al-sharī'a*: Understanding its Significance in Islamic Thought**

The modern era is remarked by the Renaissance period with its development in arts, politics, and society. The idea of modernity is often linked with the West due to the historical context of its emergence, where Western Europe dominated the global force in the seventeenth century.<sup>49</sup> It continuously evolves to the present day, giving numerous changes in many aspects such as economics, culture, tradition, and environment under the Western hegemony. This idea characterized by individualism,

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<sup>47</sup> A. Duderija, *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination* (Springer, 2014), 1.

<sup>48</sup> Hasan J E H M Beloushi, "The Theory of Maqāṣid Al-Sharī'a in Shī'ī Jurisprudence: Muḥammad Taqī al-Mudarrisī as a Model" (doctoral, University of Exeter, 2014), 15.

<sup>49</sup> Gerard Delanty, "Europe in the Age of Modernity," in *Inventing Europe: Idea, Identity, Reality*, ed. Gerard Delanty (London: Palgrave Macmillan UK, 1995), 65, [https://doi.org/10.1057/9780230379657\\_5](https://doi.org/10.1057/9780230379657_5).

secularism, and rationalism, had a major impact on traditional Islamic worldview and practice.

In response, Muslim scholars attempt to reevaluate Islamic law (*sharī'a*) to be compatible with the changing situation in the modern era. Rooted in the revelation, the *sharī'a* consists of ethical behavior, social interaction, prohibitions, and orders that are applicable to be implemented in any place and time. It is, therefore, understood that acknowledging the higher objectives of Islamic law is deemed important to contextualize the law in dealing with modern issues.

Understanding the Islamic law can be observed through the study of *fiqh*. Derived from the Quran, *fiqh* as a concept means to deeply understand the religion (*dīn*), the signs of quranic verses, a high capacity for sound judgment and leadership, the ability to share knowledge, and realize knowledge for the benefit of human beings in this life and hereafter.<sup>50</sup> Hence, the *maqāṣid* discourse was initially inseparable from the *uṣūl al-fiqh*, as understanding the *maqāṣid* requires a comprehensive understanding of *fiqh*. One cannot solely conclude the higher objective of the *sharī'a* without understanding the *sharī'a*.

The higher objective of God creating law is for the benefit of human beings, and thus, the *uṣūlī* scholars used the words *maqāṣid* and *maṣlaḥa* (benefits) interchangeably.<sup>51</sup> Simultaneously, the emerging issues in various aspects such as gender, politics, economics, humanity, and justice in the modern era need a responsive solution from the Islamic perspective. Hence bringing the idea of human welfare through the *maqāṣid* discourse will be relevant as the answer to those problems.

Auda claimed that *maqāṣid* demonstrates features that are future-oriented, critical, and comprehensive, which make it able to shift from a methodology to a mainstream discipline in the current era.<sup>52</sup> However, some scholars applied the *maqāṣid* discourse with a different approach, which resulted in various interpretations in understanding texts. The quick changes in modernity demand the use of *maqāṣid*, emphasizing more reason while overlooking the texts. This has brought the *maqāṣid* discourse, which is supposed to endorse the ethical value of Islam, to the utilitarian-

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<sup>50</sup> Auda, *Re-envisioning Islamic Scholarship*, 10.

<sup>51</sup> Mohammad Hashim Kamali, "Maqasid Al-Shari'ah and Ijtihad as Instruments of Civilisational Renewal: A Methodological Perspective | ICR Journal," October 18, 2020, 248, <https://icrjournal.org/index.php/icr/article/view/647>.

<sup>52</sup> Auda, *Re-envisioning Islamic Scholarship*, 25.

based method to make Islamic law compatible with the various developments in the modern era.

Therefore, notable figures such as Imam al-Haramain al-Juwayni (d. 410), Abu Hamid al-Ghazali (d. 505), Al-Izz bin Abd al-Salam (d. 660), Abū Ishāq Al-Shāṭibī (d. 790), Rashīd Riḍā (d. 1935), ‘Allāl Al-Fāsī (d. 1974), Ṭāhīr Ibn ‘Āshūr (d. 1973), Taha Abdurrahman (b. 1944), and Ahmad Raissouni (b. 1953), as well as Fazlur Rahman (d. 1988), Jesser Auda (b. 1966), and many others in the West have contributed unique perspective into the understanding and implementation of *maqāṣid al-sharī‘a*. enriching the discourse on this pivotal concept in Islamic jurisprudence. However, despite the diversity, they share a common commitment to explore the objectives and higher purposes of the *sharī‘a* to address contemporary legal issues.

## **1.2 Classification of *Maqāṣid* Discourse: Examining the *Maqāṣid* Approaches and Scholarship Throughout History**

### **1.2.1 Classical Approaches on *Maqāṣid al-sharī‘a***

The concept of *maqāṣid al-sharī‘a* during the classical era, which extends from the time of the Prophet Muhammad PBUH received the call to the fall of the Abbasid caliphate in 1258 A.D, is theoretically rooted in the practices of the Prophet Muhammad PBUH himself. During his lifetime, every action of the Prophet could be analyzed and understood within the framework of *maqāṣid al-sharī‘ā*. After the death of the Prophet, the companions (*ṣaḥāba*), as well as the generation that followed them (*tābi‘īn*), and the subsequent generation (*tābi‘u tābi‘īn*), sought to comprehend the significance of the *maqāṣid* values by engaging in the careful and philosophical reading of the Islamic text, Quran and hadith.

During the development of *Maqāṣid al-sharī‘a* in the classical era, two phases can be identified. Firstly, there was the phase before *Maqāṣid* was a distinguished terminology from the broader discussion of *uṣūl al-fiqh*, but has not yet developed as a specific legal discussion, this phase is also known as the pre-codification phase. In this phase, the term of *maqāṣid al-sharī‘a* has not been deeply elaborated or classified. Secondly, there was the phase after *maqāṣid* was a distinguished terminology of *maqāṣid* as a legal concept within the broad discussion on *uṣūl al-fiqh*, this phase is also known as the codification phase when *maqāṣid* is a coherent section with *uṣūl al-fiqh* but still within it. In this phase, the

term *maqāṣid* was mentioned several times and classified.<sup>53</sup> Although scholars such as Imām al-Haramayn al-Juwayni (d. 478/1085), Abu Hamid al-Ghazali (d. 505), and Al-Izz bin Abd al-Salam (d. 660), and Abū Ishāq Al-Shāṭibī (d. 790) did not discuss *maqāṣid* as a distinguished field from the *uṣūl al-fiqh*, they nonetheless inspired and influenced subsequent generations of *maqāṣid* scholars. These scholars, such as Muḥammad Ṭāhir Ibn ‘Ashūr, al-Raysūnī, ‘Allāl al-Fāsī, and many others, have continued to develop and expand the discourse into the contemporary era.

Therefore, to understand the current *maqāṣid* discourse, it is important to trace back the concept of *maqāṣid* in the classical era. Al-Ḥakīm al-Tirmīdhī (d. 318) discussed what is beyond the *sharī‘a* in his book “*Al-Ṣalāh wa Maqāṣidihā*”. Abu Bakr al-Qaffāl al-Shāshī (d. 365,) in his book *Maḥāsīn al-Sharī‘a*, mentioned the existence of mercy (*raḥma*), goodness (*maṣlaḥa*), ease (*yusr*), and benefits (*naʿ*) for human beings, which are fundamental principles of the existing concept on *maqāṣid al-sharī‘a*.<sup>54</sup> Abū Hasan Al-Āmirī in his book “*al-I‘lām bi Manāqib al-Islām*” indirectly emphasized the importance of the protection of life, protection of property, protection of health, protection of intellect, and protection of the family, which are currently recognized as the primary needs in *maqāṣid al-sharī‘a*.<sup>55</sup>

If al-Ḥakīm al-Tirmīdhī discussed his *maqāṣid* entitled *al-Ṣalā wa Maqāṣidihā*, emphasizing the wisdom behind the obligation of the prayer as a ritual. His *maqāṣid* derived from the Sufī-inclined understanding rather than the legal one, and thus, he emphasized the signs (*ishāra*), rather than reason.<sup>56</sup> The usage of *maqāṣid* was later followed by Imām al-Haramayn Abu al-Ma‘ālī al-Juwayni who wrote an important work in the field of *Uṣūl al-fiqh*, al-Burhān fī *Uṣūl al-fiqh* with clearer interpretation about *Maqāṣid* concept in a juristic approach. Although he did not explicitly explain the terminology of *Maqāṣid al-sharī‘a*, he stated “*qaṣd*” or “*maqṣūd*” several times to explain the divine

<sup>53</sup> Hannan Sari and Mohammed Abullais al-Khayrabadi, “Taṭawwur ‘Ilm Maqāṣid al-Sharī‘a ‘abr al-Tārīkh al-Islāmī,” *International Journal of Fiqh and Usul al-Fiqh Studies* 2, no. 2 (December 30, 2018): 39–41, <https://doi.org/10.31436/ijfus.v2i2.90>; Mohamad Firdaus, “The Maqasid Thought of Ibn ‘Ashur and Development of Interdisciplinary Islamic Studies: Searching for the Correlation of the Concept,” 2021, 3, <https://eudl.eu/doi/10.4108/eai.11-11-2020.2308298>.

<sup>54</sup> Sari and al-Khayrabadi, “Taṭawwur ‘Ilm Maqāṣid al-Sharī‘a ‘abr al-Tārīkh al-Islāmī,” 40.

<sup>55</sup> Abū al-Ḥasan Al-Āmirī, *Kitāb Al-I‘lām Bi Manāqib al-Islām* (Riyadh: Dār al-Asāla li al-Thaqāfa wa al-Nashr wa -al-I‘lām, 1988), 123.

<sup>56</sup> Sari and al-Khayrabadi, “Taṭawwur ‘Ilm Maqāṣid al-Sharī‘a ‘abr al-Tārīkh al-Islāmī,” 39.

purposes. For example, he wrote “Those who cannot understand the purposes (*Maqāṣid*) of orders and prohibitions, cannot truly comprehend the stipulation of the *sharī‘a*” in the context of criticizing al-Ka‘bi, who said that no permissibility (*ibāḥa*) in the *sharī‘a*, as for al-Juwayni, every form of orders (*awāmir*) and prohibitions (*nawāhī*) has its secret and purposes which determine its legal status, whether it is obligatory, permissible, or prohibited.<sup>57</sup>

Abu Hamid al-Ghazali (d. 505) as the disciple of Imām al-Haramayn Al-Juwayni also contributed to the development of the concept of *maqāṣid al-sharī‘a*. His contributions to developing the concept of *Maqāṣid al-sharī‘a* have made him a recognized figure among *maqāṣid* scholars. As a prolific scholar, he mentioned his concept of *maqāṣid* in his several works such as *Shifā’ al-Ghalīl fī Bayān al-Shubh wa al-Mukhayyal wa Masālik al-Ta’līl, Ihyā’ ‘Ulūm al-Dīn* and *al-Mustasfā min ‘Ilm al-Uṣūl*, and the different elaborations on his *maqāṣid* concept in each book reflect the development of *maqāṣid* that he constructed.

According to Al-Ghazali, in his book *Shifā’ al-Ghalīl*, *maqāṣid* or *maqṣūd* consists of two; religious values (*dīnī*) and human interest (*dunyawī*), with two important principles; attainment (*taḥṣīl*) and preservation (*ibqā’*).<sup>58</sup> It means that what is religiously valuable will bring goodness (*maṣlaḥa*) to human beings. For example, drinking *khamr* is prohibited in Islamic law as stated in the Quran because it causes a loss of consciousness and veils the intellect. Hence, preventing harm to the intellect is among the divine purposes.

Influenced by al-Juwayni, Al-Ghazali also divided *Maqāṣid* into three levels; First, *maḥal al-ḍarūrāt* (level of necessity), this concept refers to the essential needs that must be fulfilled by human beings to survive in life. These are the protection of life (*hiḍz al-naḥs*), intellect (*hiḍz al-‘aql*), and property (*hiḍz al-māl*). Second, *Rutbatal-ḥājāt* (level of needs), this concept refers to secondary needs that must be fulfilled to alleviate the difficulties in life. Third, *Rutbat al-tawṣī‘a and al-taysīr* (level of expansion and facilitation), refer to the needs that do not belong to the other two levels of needs but still benefit human beings by providing them with welfare and prosperity.<sup>59</sup> In this context, al-Ghazali emphasized that human beings

<sup>57</sup> Abū al-Ma‘ālī Imām al-Haramayn Al-Juwāynī, *Al-Burhān Fī Uṣūl al-Fiqh*, ed. ‘Abd al-‘Azīm al-Dīb, 1st ed., vol. 1 (Dawla al-Qaṭr, 1399), 249.

<sup>58</sup> Abū Ḥāmid al-Ghazālī, *Shifā’ al-Ghalīl Fī Bayān al-Shubah Wa al-Mukhayyal Wa Masālik al-Ta’līl*, ed. Muḥammad Al-Kabīr (Al-Irshād, 1971), 159.

<sup>59</sup> al-Ghazālī, 161–62.

are set to be aware of the harm and to seek benefits and goodness, just as the messengers were commanded to uphold the goodness (*maṣlaḥa*) of the umma, both in worldly matters and spiritually.

Al-Ghazali later provided a more detailed explanation of *maqāṣid* by dedicating a specific chapter to it in his book “*al-Mustaṣfā*.” This chapter entitled “*fi al-maqāṣid*” introduces the method of understanding the purposes of the *sharī‘a*. This method consists of philosophical and logical explanations for finding the legal values behind the text.<sup>60</sup> Meanwhile, in another chapter, Al-Ghazali comprehended the meaning of divine purpose (*maqṣūd al-shar‘*) under the discussion of the *maṣlaḥa*, defining *maṣlaḥa* as divine purposes for humans to preserve benefits and prevent harm.<sup>61</sup>

In this book, Al-Ghazālī added two important principles from the earliest classification: protection of religion, and family. This makes a total of five principles, and preserving all of these principles leads to goodness (*maṣlaḥa*) while neglecting them results in harmfulness (*mafsada*). Those five key principles are, then, categorized under the highest level of *maṣlaḥa*, known as *al-dārūriyyāt al-khams*. This later became the core of *maqāṣid* discussion until the present day. Although the discussion of *maqāṣid* became a distinguished field after al-Shāṭibī’s work, al-Muwāfaqāt, Al-Ghazali has contributed significantly to the formulation of *maqāṣid* discourse.

*Al-Muwāfaqāt*, a masterpiece of Abū Ishāq al-Shāṭibī (d. 790) in *maqāṣid al-sharī‘a*, was also inspired by *al-Mustaṣfā* written by al-Ghazali. This is evident by the significant mention of Al-Ghazali in the content of books compared to other scholars such as Al-Juwaynī, Al-Rāzī, Al-Qarāfī, Al-‘Izz bin ‘Abd Al-Salām, Al-Shāfi’ī and Ibn Ḥazm.<sup>62</sup> This book is deemed important in the field of *maqāṣid al-sharī‘a* as it presents a unique approach from previous scholars because the juridical and social circumstances during his period urged the new approach to solve many questions during that time.<sup>63</sup> It was also smoothly written in Arabic and

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<sup>60</sup> Deri Wanto, Rahmad Hidayat, and R. Repelita, “Maqasid Shariah’s Change as Theory: From Classical to Cotemporary Maqasid Shariah,” *Al-Istinbath: Jurnal Hukum Islam* 6, no. 2 November (November 11, 2021): 433, <https://doi.org/10.29240/jhi.v6i2.3122>.

<sup>61</sup> Abū Ḥamid al-Ghazālī, *Al-Mustaṣfā Min ‘Ilm al-Uṣūl*, ed. Ḥamza bin Zuhayr Hāfiẓ (Madīna Munawwara, 1413), 481.

<sup>62</sup> Abū Ishāq Al-Shatibi, *Al-Muwafaqat*, ed. Mashhūr bin Ḥasan Āli Salmān, 1st ed., vol. 1 (Dar Ibn Affan, 2008), 23–24.

<sup>63</sup> Kepplinger, “Taha Abderrahmane and Abū Ishāq Al-Shāṭibī,” 65.

offers a more comprehensive explanation, as Al-Shāṭibī wrote it after mastering the sunna, Quranic exegesis, science of theology (*‘ilm al-Kalām*), and Sufism.<sup>64</sup>

The main idea of the *maqāṣid* according to al-Shāṭibī is the classification *maqāṣid al-Shāri‘* (divine purposes) and *maqāṣid al-Mukallaḥ* (human purposes). By this classification, Al-Shāṭibī insisted that the divine purposes were intended to bring the welfare of human beings in the world and hereafter and it cannot be done by merely following human desires. There are two important reflections in understanding the *maqāṣid* according to al-Shāṭibī; what is Allah’s intention in creating the *sharī‘a*? can human beings recognize what *sharī‘a* wants from them? Only by acknowledging the divine purposes, further *ijtihād* could be formulated in accordance to them.<sup>65</sup>

*Maqāṣid al-shāri‘* is divided into three; necessities (*darūriyyāt*), needs (*hājjiyyāt*), and luxuries (*taḥsīniyyāt*). This classification does not differ from what was earlier constructed by Al-Ghazali, yet Al-Shāṭibī emphasized that the *al-dārūriyyāt al-khams* should be implemented in two ways: in terms of presence, by preserving and maintaining things that can sustain its existence, and in terms of absence, by preventing things that cause its non-existence.<sup>66</sup> The first way can be classified into the jurisprudence of worship (*fiqh ‘ibādāt*) such as praying and fasting, which are included in the protection of religion (*ḥifẓ al-dīn*); the jurisprudence of customs (*fiqh al-‘adāt*) such as eating, drinking, and wearing clothes, which are included in the protection of life (*ḥifẓ al-naḥs*) and intellect (*ḥifẓ al-‘aql*); the jurisprudence of transaction (*fiqh al-mu‘āmalāt*) such as getting married, and earning money, which are included in the protection of family (*ḥifẓ al-nasl*) and prosperity (*ḥifẓ al-māl*).<sup>67</sup> The second way can be classified into the jurisprudence of criminal law (*fiqh al-jināyāt*) which must be prevented to implement those five key principles in *Maqāṣid*.<sup>68</sup>

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<sup>64</sup> Ibrahim Ibn Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law: Al-Muwafaqat Fi Usul al-Shari‘a, Volume I*, trans. Imran Ahsan Khan Nyazee (Reading, UK: Garnet Publishing, 2012), xxiv.

<sup>65</sup> Kepplinger, “Taha Abderrahmane and Abū Ishāq Al-Shāṭibī,” 65.

<sup>66</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:18.

<sup>67</sup> Abū Ishāq Al-Shatibi, *Al-Muwafaqat*, ed. Mashhūr bin Ḥasan Āli Salmān, 1st ed., vol. 2 (Dar Ibn Affan, 2008), 18–19.

<sup>68</sup> Al-Shatibi, 2:20.

Meanwhile, *maqāṣid al-mukallaḥ* can be interpreted through the intention (*niyyāt*) of actions, worship, and habits.<sup>69</sup> So that every action which is followed by the intention can reveal its legal ruling. For example, prostration (*sujūd*) if it is intended for worshipping Allah, will increase the faith (*imān*), but if it is intended for other than Allah, it will lead to the kufr. Hence, the *maqāṣid al-mukallaḥ* should be in line with the *maqāṣid al-sharīʿ* because human beings are created to worship Allah and only by doing so, they can achieve welfare in this world and hereafter.<sup>70</sup>

Overall, there was no specific definition of *maqāṣid al-sharīʿa* in the classical era, yet it is always related to the broad discussion of *maṣlaḥa*. It is because *maqāṣid al-sharīʿa* was regarded as a clear concept that required no detailed explanation.<sup>71</sup> The discussion of *Maqāṣid al-sharīʿa* in the classical era was primarily led by scholars from the shafiʿi's school of law, a pioneer of the *uṣūl al-fiqh*. In contrast, the works of al-Shāṭibī, which bridged the two madhhabs; ḥanafī and mālikī, had a significant impact on later scholars in *maqāṣid* discourse. However, the classical *maqāṣid al-sharīʿa* is not limited to these three scholars as this concept gradually evolved. Other classical scholars who contributed to the discourse on *maqāṣid al-sharīʿa* are Al-ʿIzz bin ʿAbd al-Salām (d. 684/1285), Shihāb al-Dīn al-Qarāfī (684/1285), Shams al-Dīn bin al-Qayyim (748/1347).

### 1.2.2 Traditionalist Approaches on *Maqāṣid al-sharīʿa*

The contemporary *maqāṣid* trend which demonstrates a significant change from the classical interpretation to utilitarian-based reasoning has attracted criticism from some scholars who align themselves with the traditionalist approach, believing that the *maqāṣid* discourse that has been formulated by classical scholars is flexible and dynamic in terms of adapting to social changes, and thus, any attempts to reform it are regarded as a challenge to its sustainability.<sup>72</sup> Thus, these traditionalist *maqāṣid* scholars aim to preserve the classical understanding of *maqāṣid* while adapting it to the modern context, reflecting social dynamics. This approach reflects a nuanced understanding of the nature of Islamic legal thought

<sup>69</sup> Abū Ishāq Al-Shatibi, *Al-Muwafaqat*, ed. Mashhūr bin Ḥasan ʿAlī Salmān, 1st ed., vol. 3 (Dar Ibn Affan, 2008), 7.

<sup>70</sup> Al-Shatibi, 3:24.

<sup>71</sup> Farook Salami, "The Maqasid Theory in Imam Ghazali's View: Textual Analytical Study," *QURANICA - International Journal of Quranic Research* 3, no. 2 (December 1, 2012): 64.

<sup>72</sup> Aydogan Kars, "Maqāṣid or Sharīʿa? Secularism, Islamic Reform, and Ethics in Modern Turkey," in *Maqāṣid Al-Sharīʿa and Contemporary Reformist Muslim Thought: An Examination*, ed. Adis Duderija (New York: Palgrave Macmillan US, 2014), 140, [https://doi.org/10.1057/9781137319418\\_6](https://doi.org/10.1057/9781137319418_6).

and the necessity of balancing traditional with modern context. Some traditionalist scholars are, Sa‘īd Ramaḍān al-Būṭī (d. 2013) and Abū Ya‘rub al-Marzūqī (b. 1947), they both were very critical of the evolving *maqāṣid* discourse.

Al-Būṭī asserted that *maṣlahā*, citing from the Muslim legal scholars, is *manfa‘a*, which signifies God’s intention for His creatures to protect their religion, self, intellect, family, and property. In this definition, al-Būṭī explained that the *manfa‘a* encompasses a pleasure or anything that brings to it, as well as the prevention of harm or anything that brings to the prevention of harm.<sup>73</sup> However, al-Būṭī emphasized the *maṣlahā* cannot be separated from *sharī‘a*, highlighting their integration under the concept of *‘ubūdiyya*.<sup>74</sup>

There have been issues in the ethical parameter of understanding *al-sharī‘a* among ethical scholars and philosophers as they believe that, first, the *maṣlahā* is based on contextual analysis and worldly affairs. Second, the *maṣlahā* is limited to materialistic values only whether for individual or public interests. Third, religion is regarded as a branch of the *maṣlahā*, meaning that religion is only a way to achieve the *maṣlahā*.<sup>75</sup> This contradicts the understanding of the *maṣlahā* according to Islam where *maṣlahā* should encompass both worldly pleasure and hereafter. Second, *maṣlahā* is not limited to materialistic pleasures, yet it still can be achieved after the fulfillment of physical and spiritual needs. Third, religious benefits (*maṣlahā al-dīn*) should be the fundamental parameter of other kinds of *maṣlahā*.<sup>76</sup>

Al-Būṭī’s elaboration on *maṣlahā* reflects his criticism of the current *maqāṣid* framework, which prioritizes human benefits over the *sharī‘a* itself. Since the goal of the *sharī‘a* is to bring benefits to human beings, it must be believed that what is legally determined by Allah will bring benefits, regardless of the reason (*‘illat*) behind it. This contradicts the idea that the legal ruling is interdependent with rationale. From this perspective, al-Būṭī sought to revive the classical understanding of the *maqāṣid al-sharī‘ā* within the modern trend among legal Muslim scholars, which has largely influenced by modernity. Hence, al-Būṭī’s concept of *maqāṣid* perceived the classical understanding which was divided into

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<sup>73</sup> Muḥammad Sa‘īd Ramaḍān al-Būṭī, *Ḍawābiḥ Al-Maṣlahā Fī al-Sharī‘a al-Islāmiyya* (Mu‘assasa al-Risāla, 1973), 23.

<sup>74</sup> al-Būṭī, 74.

<sup>75</sup> al-Būṭī, 31–40.

<sup>76</sup> al-Būṭī, 35–58.

three levels; necessities (*ḍarūriyyāt*), needs (*ḥājjiyyāt*), complementaries (*taḥsīniyyāt*). In this view, anything that leads to the fulfillment of those needs is considered *maṣlaḥa*, while anything that contradicts them is *maḥsada*.<sup>77</sup>

Having said that, al-Būṭī wrote a book criticizing the reformation of *uṣūl al-fiqh* in collaboration with a prominent scholar Abū Ya‘ub al-Marzūqī. This book investigates the current legal issues that affected the misled understanding of the *maqṣid*. In this book, they are very critical of the utilitarian-based approach to the *maqāṣid* due to its immorality in determining the law which was based on pragmatism. *Qiyās* (analogy), and public interest (*maṣlaḥa*) are not sufficient to determine a legal ruling because, in fact, there were scholars who ignored the textual analysis and consensus (*ijmā‘*) by only relying upon rationalism.<sup>78</sup>

However, interpretation (*ijtihād*) can be conducted as long as the theory of *qiyās*, *maṣlaḥa*, and consensus are approved. In addition, they explained that the *maṣlaḥa*, including the five necessities (*ḍarūriyyāt al-khams*), could not just be perceived as absolute but should acknowledge its specific characteristics. For example, the protection of religion cannot be interpreted solely as protection of any religion but must refer to the protection of the true religion, as otherwise it would imply the acceptance of the pluralism idea. Another example is that protecting the property does not mean protecting any property but rather protecting the permissible (*ḥalāl*) property. Thus, every aspect of the *maṣlaḥa* should not contradict each other and should be accordant with the texts and acknowledge the context.<sup>79</sup>

Moreover, al-Marzūqī elaborated his ideas on *maqāṣid* in another work, *Shukūk ‘alā Naẓariyyat al-Maqāṣid*. He asserted that the *maqāṣid* trend is now transformed into the modification of existing law that is considered inappropriate in the modern era and creating non-existing law. The modification of the existing law (*ta’dīl al-mawjūd*) will develop into the *fiqh* of realty (*fiqh al-wāqi‘*) and the creation of non-existing law (*ijād al-ma’dūm*) will lead to the manipulation of religion to legitimize the political actions.<sup>80</sup> For him, the common interest can still be achieved without reforming the *maqāṣid* using the utilitarian-based approach as

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<sup>77</sup> al-Būṭī, 119–21.

<sup>78</sup> al-Būṭī, 88.

<sup>79</sup> Abū Ya‘rub al-Marzūqī and Muḥammad Sa‘īd Ramaḍān al-Būṭī, *Ishkālīyyat Tajdīd Uṣūl Al-Fiqh* (Dār al-Fikr, 2006), 78.

<sup>80</sup> Abū Ya‘rub al-Marzūqī, *Shukūk ‘Alā Naẓariyyat Al-Maqāṣid* (Al-Asmā’ wa al-Bayān, 2017), 11.

the Quran stated clearly the responsibility of human beings to save the earth and be khalifa, which by then the common welfare is achieved.

Thus current issues of *maqāṣid* are also political, not only ethical, because the *maqāṣid* concept could be easily used by jurists to legitimize politics. Conversely, politicians can force the jurist to generate *maqāṣid* to restrict the policies that are no longer beneficial for their common interest.<sup>81</sup> Al-Marzūqī and al-Būfī shared similar ideas on the importance of reviving the classical understanding of the *maqāṣid* as an ethical urgency in this modern era. As for them, *maqāṣid al-sharī'a* is Allah's intention where irreplaceable with the human reason (*ta'ālil*) just to adapt to the current situation, potentially leading to pragmatism.

### 1.2.3 Reformist Approaches on *Maqāṣid al-sharī'a*

The evolving legal issues in the modern era have prompted scholars to reform the *maqāṣid* to adapt to the modern context. The dynamic changes in social life have presented numerous new challenges that require answers from the Islamic legal perspective, especially in the twentieth century.

It is emphasized that the classical approaches to the *maqāṣid al-sharī'a* were criticized for several reasons.<sup>82</sup> One criticism is their lack of universality as they often focused on individual considerations rather than broader societal concerns. In addition, classical approaches have been argued for their limited exploration of underlying purposes behind legal rulings, as well as their insufficient emphasis on the universal values (i.e social justice and freedom) in its necessities, which both of them are central to many contemporary legal challenges. Finally, the traditional approaches to the *maqāṣid* were argued to have overly relied on interpretations of the Islamic school of law, rather than directly referring to the primary sources of *sharī'a*, the Quran and Sunna, as its conceptual basis.

In response to the limitation of classical approaches to *maqāṣid al-sharī'a*, a new trend emerged among scholars who seek to renew and reform the existing *maqāṣid* concept, adapting to the modern context such as Rashīd Ridhā (d. 1935), Muḥammad Ṭāhir ibn 'Āshūr (d. 1973), Muhammad Yusuf al-Qarḍāwī (d. 2022), and 'Allāl al-Fāsī (d. 1994). This adaptation is expected to better align with contemporary legal issues.

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<sup>81</sup> Belhaj, "Abū Ya'rub Al-Marzūqī and His Critique of the Maqāṣid Theory," 10.

<sup>82</sup> Auda, *Maqasid Al-Shariah*, 6–7.

Muhammad Ṭāhīr ibn ‘Ashūr, a Tunisian scholar, holds a significant place in the history of *maqāṣid* discourse. His work on *maqāṣid* awakened the interest influenced by al-Shāṭibī. Conceptually, *maqāṣid* was systematically recognized in the era of Al-Shāṭibī through *al-Muwāfāqāt*, giving him the title of the father of the *maqāṣid* discourse. However, the *maqāṣid* discourse would have not reached its recognition without the hands of Ṭāhīr ibn ‘Ashūr.<sup>83</sup>

Ibn ‘Ashūr introduced the *Maqāṣid* discourse, completing the al-Shāṭibī’s foundation on the concept in response to contemporary issues. He authored a specific book on *maqāṣid*, which later became known as a distinct field of study, attracting various scholars to be involved in this discussion. Ibn ‘Ashūr, therefore, was labeled as the second teacher (*al-mu‘āllim al-thānī*) in *Maqāṣid* after, al-Shāṭibī, the first teacher (*al-mu‘āllim al-awwal*).<sup>84</sup> The renewal of *Maqāṣid* discourse by his hand, *maqāṣid al-sharī‘a* is more recognized universally. His developed theory on *Maqāṣid* takes a central position between two extreme positions in the modern era; literalist, those who refused rationales and reinterpretation of legal rulings for the sake of literal views from the religious scripts, Quran and Sunna, and liberalist, those who ignore the religious values in finding modernity and rationality.<sup>85</sup> Taking a central position in understanding the *maqāṣid* is very important because understanding the divine purposes requires rationale while preserving the understanding of the scriptures as primary sources for the basis of its concept.

Ibn ‘Ashūr emphasized at the beginning of his book that *maqāṣid al-sharī‘a* is crucial for the jurist (*al-faqīh*) as a solution to legal issues that evolve from generation to generation. This is especially because there will always be new cases that have no existing legal ruling and cannot be deduced through analogy (*qiyās*).<sup>86</sup> The general purpose of *maqāṣid* is to protect the social order which can bring the welfare of human beings, including the welfare of the intellect action and everything they hold in the world.<sup>87</sup>

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<sup>83</sup> Muḥammad al-Ṭāhīr Ibn al-‘Ashūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, ed. Muḥammad Ṭāhīr al-Misāwī (Dār al-Nafā’is, 2001), 150.

<sup>84</sup> Firdaus, “The Maqasid Thought of Ibn ‘Ashur and Development of Interdisciplinary Islamic Studies,” 5.

<sup>85</sup> Muhammad Al-Tahir Ibn Ashur, *Ibn Ashur: Treatise on Maqasid Al-Shariah* (International Institute of Islamic Thought, 2016), iv.

<sup>86</sup> Ibn al-‘Ashūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2001, 183.

<sup>87</sup> Ibn al-‘Ashūr, 149.

In his effort to contextualize the *maqāṣid* discourse, he classified the *maqāṣid al-sharī'a* into two parts: general *maqāṣid* (*al-Maqāṣid al-‘amma*) and particular *maqāṣid* (*al-maqāṣid al-khāṣṣa*). General *maqāṣid* is the divine purpose that is observed throughout all aspects of Islamic law, and preserving it will bring the common interest and prevent harm. Meanwhile, the particular *maqāṣid* is an applicative form of general *maqāṣid* which deals with particular actions such as social *interactions* (*mu‘āmalāt*) and rituals (*‘ibādāt*).

The general *Maqāṣid* includes the *fiṭra*, tolerance (*samāḥa*), equality (*al-musāwā*), and freedom (*al-ḥurriyya*). He argued that *fiṭra* is the human nature that Allah has created for all human beings and this *fiṭra* manifests in the perfect form of the human mind which will lead to good actions (*al-a‘māl al-ṣāliḥa*) and protect the earth from harm.<sup>88</sup> As human beings are created with *fiṭra*, Ibn ‘Āshūr further highlighted that the highest character and purpose of the *sharī'a* is tolerance (*samāḥa*), which includes justice and moderation.<sup>89</sup>

Ibn ‘Āshūr also emphasized that equality (*al-musāwā*) is an important aspect of the *sharī'a* as it is equally intended for the umma.<sup>90</sup> The equality itself means that every individual has their own purpose in *maqāṣid al-sharī'a* which can only be achieved through freedom. Freedom includes freedom of beliefs, speech, and action; First, freedom of belief is achieved by countering the heretical group through the call to truth, engaging in debate with wisdom and hood manner, and eliminating compulsion in religion. Second, freedom of speech is achieved by expressing opinions and beliefs within the area of legal permission. Last, freedom of action is achieved when individuals can carry out their affairs without being subordinate to others.<sup>91</sup> Those principles can be implemented through the particular *maqāṣid*.

The reformation of *maqāṣid* initiated by Ibn ‘Āshūr can be seen through his highlight in terms of humanity, justice, equality, tolerance, and freedom which is suitable to the current legal issues. His methodological reform on *maqāṣid* was also elaborated in his exegesis (*tafsīr*), *al-tahrīr wa al-tanwīr*, in which he interpreted

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<sup>88</sup> Ibn al-‘Āshūr, 263–64.

<sup>89</sup> Ibn al-‘Āshūr, 268.

<sup>90</sup> Ibn al-‘Āshūr, 229.

<sup>91</sup> Ibn al-‘Āshūr, 395–98.

the Quran by contextualizing it to the current social challenges.<sup>92</sup> According to him, the Quran was revealed to enhance human affairs (*li ṣalāḥ amr al-nās kāffa*), which requires three aspects; individual prosperity (*ṣalāḥ al-aḥwāl al-fardiyya*), community welfare (*ṣalāḥ al-aḥwāl al-jamā'iyya*), and civilizational welfare (*ṣalāḥ al-aḥwāl al-'umrāniyya*).<sup>93</sup> This approach gave more attention to the universality of the *sharī'ah* which no previous scholars emphasized it before.

Ibn 'Āshūr, with his contribution to the *maqāṣid* discourse, influenced scholars to reform the *maqāṣid* discourse in the twentieth century as the world faced numerous challenges in welcoming modernity. For instance, another reformist *maqāṣid* scholar, 'Allāl al-Fāsī (d. 1994), also highlighted the importance of justice (*'adl*) and spreading truth (*nashr al-ḥaqq*) as the important principles that should be upheld by Muslims. However, he did not agree with including equality (*musāwā*) as part of these principles, arguing that it is influenced by Western methodology which applies all rulings uniformly across society.<sup>94</sup> This approach, he argued, differs significantly from the concept of justice in Islam, which emphasizes the achievement of its objectives rather than merely imposing rules uniformly on society.

From the exploration of both Ibn 'Āshūr and 'Allāl al-Fāsī as reformist *maqāṣid* scholars, it is concluded that the reformist *maqāṣid* approaches put more attention to modern issues such as humanity, justice, freedom, and equality. This is because they tried to give a solution to the current issues in society such as politics, human rights, economics, education, and gender equality by reinterpreting the text to be more adapted to social dynamics, rather than just following what has been constructed a hundred years ago by classical *maqāṣid* scholars. Based on this, the reformist *maqāṣid* scholars were so critical to the classical *maqāṣid* scholars as they believed that social changes evolve which require a responsive solution. This perspective made them seemingly prioritize reason over texts, in the sense that the texts remain fundamental, yet they must be interpreted in light of contemporary context.

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<sup>92</sup> Lalu Supriadi B. Mujib and Khairul Hamim, "Religious Freedom and Riddah through the Maqāṣidī Interpretation of Ibn 'Āshūr," *HTS Theologiese Studies / Theological Studies* 77, no. 4 (November 12, 2021): 1.

<sup>93</sup> Fathi Malkawi, *Al-Shaykh Muḥammad al-Ṭāhīr Ibn 'Āshūr Wa Qadāyā al-Iṣlāh Wa al-Tajdīd Fī al-Fikr al-Islāmī al-Mu'āṣir* (Al-Ma'had al-'Ālamī li al-Fikr al-Islāmī, 2011), 85.

<sup>94</sup> 'Allāl Al-Fāsī, *Maqāṣid Al-Sharī'a al-Islāmiyya Wa Makārimihā* (Dār al-Gharb al-Islāmī, 1993), 12.

Other scholars who brought the idea of reformist *maqāṣid* discourse are Rashid Rida (d. 1935) with his *maqāṣid* concept on reason, independence, economic freedom, and women's rights, Muhammad al-Ghazali (d. 1996) with his concept on justice and equality, Yusuf al-Qardawi (d. 2022), and scholars who inspired by them such as Jasser Auda (b. 1966), Wahba al-Zuhayli, Ahmad Al-Raisuni (1953), Mohammad Hashim Kamali.

#### 1.2.4 Secular Approaches on *Maqāṣid al-sharī'a*

After significant reformation done by the scholars in *maqāṣid al-sharī'a*, the study of *maqāṣid sharī'a* has become a trend in both Western and Eastern academic worlds, as evidenced by the increasing number of publications in books, journals, and theses. These academic studies delve into the conceptual elaboration of the *maqāṣid al-sharī'a*, its classical construction, and modern implementation in the middle of the social dynamics. It underscores the contemporary significance and demand for understanding the *maqāṣid* concept in the contemporary context.

The current challenges to the *maqāṣid* can be observed in the phenomenon of Muslim thinkers attempting to make sense of *sharī'a* in the modern paradigm. This trend was initially started during the Islamic Reformation period in the twentieth century when a reformist scholar, particularly Rashid Rida, started the abandonment of textual analysis for the utilitarian construction of positive law. This reformist trend has reconciled Western and Islamic law in the Arab world. Consequently, the *maqāṣid* discourse has been seen as more fluid, flexible, and adaptable to the current context based on rational reasoning.

However, the *maqāṣid* discussion does not stop evolving and thereby emerges a new approach, the secular *maqāṣid* approach. Secular, often defined as the separation of politics from religion or the separation of life from religion, is derived from the word *saeculum*. This concept is known for its dual connotation; time and location. Time refers to the “contemporary” or “present”, while the location refers to this world (*dunya*). This concept implies a situation that continuously and logically develops along with the dynamic changing of the world in which there occurs the relativity of human values, bounded to distract the human consciousness of their final destination (*akhīra*).<sup>95</sup>

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<sup>95</sup> Syed Muhammad Naquib al-Attas, “Islamic Philosophy: An Introduction,” *Journal of Islamic Philosophy* 1, no. 1 (July 1, 2005): 28–30, <https://doi.org/10.5840/islamicphil2005113>.

As a framework in Islamic law, *maqāṣid al-sharīʿa* should ideally be derived from a comprehensive analysis of texts before being interpreted in the contextual circumstance. However, ignoring it has led to what can be termed the secular *maqāṣid* approach. Although this approach was not meant to secularize the law, the reconceptualization of *maqāṣid* without necessary qualifications may lead to multi-understanding of *maqāṣid al-sharīʿa*.

The secular *maqāṣid* approach, therefore, can be defined as the interpretation of Islamic law that only prioritizes the materialistic aspect over the spiritual one. This view claims that every legal ruling of *sharīʿa* has its own rationale and should be determined based on this rationale. According to this view, Quranic exegesis is not sufficient to determine the legal rulings, as fully accepting the beauty of the *sharīʿa* does not provide the rationale behind them. *maqāṣid* is, therefore, necessarily interdependent with reasoning to make it adaptable for implementation. This understanding led to the implementation of *maqāṣid* in unlimited aspects, which no classical scholars have done before.<sup>96</sup>

As the sharia was derived from the Quran, the methodological understanding of the Quran is considered important in determining *maqāṣid al-sharīʿa*. Hallaq argued that the main instructive point in *maqāṣid* is the *taʿlīl* paradigm, a theory to identify the reason behind certain rulings. This rationale manifests in various forms based on how the current cases relate to the language of revelation, whether it is the Quran or Sunna.<sup>97</sup> It is, therefore, the secular interpretation of the Quran potentially leads to the secular approaches to the *maqāṣid al-sharīʿa*. Some of the scholars who attempted to reinterpret the Quran through rational reasoning are Naṣr Hamid Abū Zayd (d. 2010), Muhammad Shahrur (d. 2021), Hassan Hanafī (d.2021), and Fazlur Rahman Malik (d. 1988).

Hassan Hanafī (d. 2021), in his book *Min al-Naṣ ilā al-Wāqiʿ*, stated that the legal ruling revolves around the presence of the *ʿillah* (reason). When the *ʿillat* is present, the ruling can be determined, conversely, when it is absent, the ruling cannot be determined. He expanded his explanation by asserting that there are no absolutes in Islamic law. For him, legal rulings depend on the contextual

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<sup>96</sup> al-Marakeby, “Al-Ḥadātha Wa Taḥawwulāt al-Khitāb al-Maqāṣidī,” 18–19.

<sup>97</sup> Wael B. Hallaq, “Maqasid and the Challenges of Modernity,” *Al-Jamiʿah: Journal of Islamic Studies* 49, no. 1 (June 29, 2011): 4, <https://doi.org/10.14421/ajis.2011.491.1-31>.

circumstance and can be deemed right if it contribute to development.<sup>98</sup> By this view, he asserted that the provisions in the *uṣūl al-fiqh* were sometimes formulated in favor of political interest. He illustrated this by the example of equating the authority of God with the King in the era of al-Ghazālī. Hence, the *uṣūl al-fiqh* should be more inclined to reason for summarizing the legal ruling.

Furthermore, Muhammad Shahrur argued that the transactional law in the period of the Prophet PBUH cannot be considered Islamic law, but rather a civil law. For him, the Prophet, at that time, dealt with his political strategy in an attempt to build a society to be the Arabic state.<sup>99</sup> A related argument was also made by Fazlur Rahman in his critique of Islamic orthodoxy's failure to distinguish between the Quran as words of God and the words of the Prophet. This typical historical criticism aligns with the approach of modernist scholars, who similarly criticized the Bible in the nineteenth century.<sup>100</sup>

To see the significance of interpreting the Quran and *maqāṣid* conceptualization, Nasr Hamid Abu Zayd proposed a new reading (*qirā'a jadīda*) to the text for conceptualizing his *maqāṣid maqāṣid* concept. This new interpretation is expected to be more contextualized with the current issues, as he stated:

This new interpretation is guided by the methodology of the *uṣūl* scholars, but within the framework of the concerns of the era we live in and to address the problems that represent obstacles to achieving a new Islamic awareness.<sup>101</sup>

Abu Zayd's reading on *maqāṣid* can be summarized into some points. Abu Zayd emphasized the necessity of linking texts to the reality and culture in which they are interpreted, transforming the interpretation from divine to human-centered perspectives, and thus, he argued that texts are inherently changeable and relative due to their reliance on human perspectives. Abu Zayd also advocated for historical methodology in reading texts, removing their sanctity and understanding them within their historical context. He asserted using purpose and meaning as variables, viewing purpose as dynamic which results in the limitless nature of meaning. He

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<sup>98</sup> Hassan Hanafī, *Min Al-Naṣ Ilā al-Wāqi'*, 2003, 69–70.

<sup>99</sup> Muḥammad Shahrūr, *Naḥwa Uṣūl Al-Jadīda Li al-Fiqh al-Islāmī: Fiqh al-Mar'a* (Al-Ahālī, 2000), 125.

<sup>100</sup> David Johnston, "Maqāṣid Al-Sharī'a: Epistemology and Hermeneutics of Muslim Theologies of Human Rights," *Die Welt Des Islams* 47, no. 2 (January 1, 2007): 181, <https://doi.org/10.1163/157006007781569936>.

<sup>101</sup> Naṣr Ḥāmid Abū Zayd, *Al-Khitāb Wa al-Ta'wīl* (al-Markaz al-Thaqāfī al-'Arabī, 2008), 202.

further stressed engaging more in linguistic consideration within the cultural context of the reader, transcending the dichotomy between particular and universal principles in determining the universal *maqāṣid*, while considering the social and historical context.<sup>102</sup> Due to this contextual interpretation, the *maqāṣid* discourse, which was initially part of the *uṣūl al-fiqh* and only scholars with specific qualifications could interpret the discourse, has now become a topic open for discussion by a wider audience, potentially leading to multi-understandings.<sup>103</sup>

Therefore, the focus of the secular *maqāṣid* discourse is modernizing Islamic law, while modernity with its liquidity will bring the endless changes that the Quranic hermeneutics try to reach. This *maqāṣid* transformation has proven the loss of ethics which is supposed to be the central value of implementing Islamic law. If the universal values of *maqāṣid* are claimed to be authentically Islamic, they should be situated in moral-based communities, where morality within the societies serves as the driving force of the law. The loss of ethics in the implementation of law reflects the triumph of modernity.<sup>104</sup> Therefore, ethical reformation is deemed crucial within the *maqāṣid* discourse.

### 1.2.5 Post-modern Approaches on *Maqāṣid al-sharīʿa*

The Western hegemony in the modern era has influenced *maqāṣid* approaches to be reformative and secular which were eventually criticized by the traditionalist scholars, who mainstreamed the classical thought nowadays. However, the critics also come from the Western-influenced thought, called post-modernism. Postmodernism is claimed to be a responsive paradigm to modernism. If modernism gained its supremacy after the Enlightenment, which claimed that its paradigm was universal and objective, postmodernism came to criticize such claims. This perspective implies that postmodernism emphasizes human relativity and subjectivity.

Although no certain definition of postmodernism, it can still be recognized from its characteristic to be beyond modernism. This paradigm is problematic because it is understood differently from various angles. Some scholars said that it

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<sup>102</sup> Najwā Mannāʿ, “Al-Mashrūʿ al-Maqāṣidī ʿinda Naṣr Ḥāmid Ābū Zayd,” *social and human sciences review* 24, no. 1 (June 30, 2023): 222.

<sup>103</sup> Not everyone who is religiously responsible (*mukallaf*) could seek for the divine purposes behind the sharia because *maqāṣid al-sharīʿa* is a complex knowledge that only those who deepen their knowledge in religion (*ʿulamāʿ*) can understand. Ibn al-ʿĀshūr, *Maqāṣid Al-Sharīʿa al-Islāmiyya*, 2001, 118.

<sup>104</sup> Hallaq, “Maqasid and the Challenges of Modernity,” 27.

was a paradigm that portrayed the disappearance of religion and some others thought it as a paradigm of the possibility of reviving religious ideas. Thus modernism cannot be simply understood as a chronological timeline after modernism, but it is regarded as a critical reaction to modernism. It means that the postmodernist paradigm exists within the modern period.<sup>105</sup>

In postmodernist philosophy, religion, and metaphysical considerations do not hold a pivotal role, as postmodernists assume that the world consists of nothing but a constant motion that has no origin and purpose. They believe that there is no certainty, truth, or essence because such concepts are unfounded in the nature of the universe. Consequently, the postmodernist approach rejects the notion of absolute values that must be respected. Instead, they advocate for temporary legitimations contextualized based on the needs of society.<sup>106</sup>

This perspective has significantly influenced Arab and Muslim thought, leading to a reconstruction and reinterpretation of the Quran based on individual perspectives.<sup>107</sup> Similarly, they argue that the hadith only based on the words or actions of an individual, lacks relevance to the contemporary era. In academic discourse, some scholars engage with the *maqāṣid* concept with the postmodernist approach, considering both texts and reality are pivotal and sacred. This perspective potentially leads to relativism and human subjectivism in interpreting the text.

One of the scholars whose ideas fit to the postmodernist *maqāṣid* approach is Ṭaha Jābir al-Alwānī (d. 2016). He is an Irāqī scholar who elaborated his methodological reform on *maqāṣid* through his interpretation of the Quran. Unlike classical scholars who placed the *kulliyāt al-khams* at the highest *maqāṣid* classification, al-Alwānī constructed his idea on it called *al-maqāṣid al-shar‘iyya al-‘ulyā al-ḥākima*. He asserted that this highest level of *maqāṣid* can only be grasped through a comprehensive reading and understanding of the Quran

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<sup>105</sup> Adibah Sulaiman et al., “Islamic Spiritual Ethics and Postmodernist Moral Thought: Can There Be A Reconciliation?,” *International Journal of Academic Research in Business and Social Sciences* 9, no. 1 (February 15, 2019): 675, <https://doi.org/10.6007/IJARBS/v9-i1/5466>.

<sup>106</sup> Musfir bin Ali al-Qahtani, *Books-in-Brief: Understanding Maqasid Al-Shari’ah: A Contemporary Perspective* (International Institute of Islamic Thought (IIIT), 2015), 17.

<sup>107</sup> al-Qahtani, 18.

(*tadabbur*).<sup>108</sup> These ideas on *maqāṣid* al-Quran became his framework for *maqāṣid* discourse.

In his book, *al-Jam‘u Bayna al-Qirā‘atayn*, he asserted that the first command in the Quran is to read, as emphasized in the al-‘Alaḳ chapter. He categorized reading into two forms; (1) reading the revelation (*qirā‘at al-wahy*), and (2) reading the existing universe (*qirā‘at al-kawn*). First, reading the revelations or scriptures means understanding the wisdom and guidance derived from the scriptures for self-purification to be a responsible leader (*khalīfa*) in this world. On the other hand, reading the existing universe involves understanding the creatures and everything that exists in this world.<sup>109</sup> The ability to comprehend both scriptures and the universe leads to the textual and contextual understanding of the *sharī‘a*, ultimately fostering humanity and unity.

The idea of categorizing reading, as proposed by *Al-Alwānī*, is interconnected to his work entitled “*Silsilat Qaḍāyā Islāmiyya Mu‘āṣira al-Tawḥīd wa al-Tazkiyya wa al-‘Umrān*”. In this work, he outlined three fundamental values of the Quran; belief in the oneness of Allah (*al-tawḥīd*), purification (*tazkiya*), and prosperity (*‘umrān*). First, the tawhid concept becomes the most valuable thing in the Quran because only through this concept someone can receive the prophetic call comprehensively.<sup>110</sup> *Tazkiya*, on the other hand, refers to a person fulfilling his responsibilities in life and adhering to religious command, leading to the achievement of prosperity (*‘umrān*). As a result, *al-Alwānī* in his concept of *Maqāṣid* emphasized the common interest through unity, humanity, and public welfare which shows the universality of the *maqāṣid al-sharī‘a*.

In addition to *al-‘Alwānī*, Ramadan also has a similar idea, making the Quran and Universe two revelations. He interprets that both text and universe are signs for human beings to understand and find the answer to all their questions, as he said:

The written Revelation calls on the mind to set out on a quest as well, freely, with all the resources of its intelligence, and to study the Revelation spread out in front of its eyes, the Universe, which will reveal its secrets and truths,

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<sup>108</sup> Ṭaha Jābir Al-‘Alwānī, *Maqāṣid Al-Sharī‘a* (Dār al-Hādī, 2007), 135.

<sup>109</sup> Ṭaha Jābir Al-‘Alwānī, *Al-Jam‘u Bayna al-Qirā‘atayn* (Maktaba al-Shurūq al-Dawliyya, 2006), 18–19.

<sup>110</sup> Ṭaha Jābir Al-‘Alwānī, *Silsilat Qaḍāyā Islāmiyya Mu‘āṣira Al-Tawḥīd Wa al-Tazkiyya Wa al-‘Umrān* (Dār al-Hādī, 2003), 16.

and confirm the essence of the message. The two Revelations will echo each other and be unveiled to each other through this union of the two horizons: at the heart of this basically confident approach, the order of the “how” will harmoniously encounter the order of the “why” and reason will confirm faith.<sup>111</sup>

Ramadan then emphasized that the primary and higher objectives of the revelations are to bring welfare for humans and prevent harm. He argued that the universe is created for humans to achieve their physical and intellectual welfare.<sup>112</sup> Therefore, he asserted that *maqāṣid al-sharī‘a* represents higher objectives of the Way (*al-sharī‘a*) that should be identified by investigating both text and context. This *maqāṣid* understanding extends beyond the necessities proposed by the scholars, encompassing values such as integrity, dignity, personal development, health, and many more.<sup>113</sup>

By taking this position, he also criticized those who overly justify the legal ruling not explicitly written in the text, following the progressiveness of modernism under the name of *maṣlaḥa*.<sup>114</sup> For instance, he questioned the claims of Islamic banking and investment to preserve the public interest. This stance reflects his effort to bring the essence of the traditional legal understanding to integrate it with modernity.<sup>115</sup>

Therefore, the reformation methodology used by the postmodernists differs from any other approach but emphasizes recontextualizing the text based on the needs of society. This approach is influenced by their rejection of metanarratives and emphasizing the idea of human subjectivism. Similar ideas are also present in the works of several scholars such as Khaled Abou Fadel (1963), Ebrahim Moosa, Muhammad Arkoun, and Ziauddin Sardar (b. 1951).

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<sup>111</sup> Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation*, 1st edition (Oxford ; New York: Oxford University Press, 2008).

<sup>112</sup> Ramadan.

<sup>113</sup> Andrew March, “Law as a Vanishing Mediator in the Theological Ethics of Tariq Ramadan,” *European Journal of Political Theory* 10 (September 26, 2009): 29, <https://doi.org/10.1177/1474885111395475>.

<sup>114</sup> Tariq Ramadan, *To Be a European Muslim* (Leicester: The Islamic Foundation, 2015), 82.

<sup>115</sup> David Warren, “Doha—The Center of Reformist Islam? Considering Radical Reform in the Qatar Context: Tariq Ramadan and the Research Center for Islamic Legislation and Ethics (CILE),” in *Maqāṣid Al-Sharī‘a and Contemporary Reformist Muslim Thought: An Examination*, ed. Adis Duderija (New York: Palgrave Macmillan US, 2014), 89, [https://doi.org/10.1057/9781137319418\\_4](https://doi.org/10.1057/9781137319418_4).

The postmodernist approach to understanding Islam in general and the law in specific is indeed deemed relative. In their attempts to draw from Islamic sources while escaping the modern paradigm, postmodernist scholars demonstrate ambiguity. One of the ambiguous notions is the concept of relativism itself. If the postmodernist approach is applied in Islamic law, the idea suggests that there is no more authentic Islam, as all interpretations are considered relative throughout history.<sup>116</sup> This highlights the ambiguous and problematic methodology of postmodernism, wherein scholars only focus primarily on criticizing modernist thought, often ignoring the essence of the concepts under discussion.

### 1.3 Conclusion

The study of *maqāṣid al-sharīʿa*, the higher objectives and purposes of Islamic law, has evolved significantly over the centuries and continues to be a pivotal concept in contemporary Islamic thought. It is evident from various publications such as books, journals, theses, fatwa, and articles discussing the *maqāṣid* discourse as an approach to answering the current legal issues. Diverse perspectives and contemporary relevance of *maqāṣid al-sharīʿa* are reflected in its classical, reformist, traditionalist, secular, and post-modern interpretations. The exploration of various scholars' contributions, from classical figures such as Imam al-Haramain al-Juwayni and Abu Hamid al-Ghazali to modern thinkers like Ṭahā Jābir al-ʿAlwānī and Tariq Ramadan, has enriched the discourse on *maqāṣid al-sharīʿa* and its application in Islamic jurisprudence.

The classical approaches to *maqāṣid al-sharīʿa* emphasized the classification of its objectives and the historical context in which Islamic law was formulated. It is emphasized that for the classical approach, *maqāṣid* discussion was still part of the *Uṣūl al-fiqh*. Scholars such as Imām al-Juwaynī, Abū Ḥāmid al-Ghazālī, and al-Shāṭibī were the pioneers of the classical *Maqāṣid* discourse, which has become references for the modern *maqāṣid* discourse.

After the stagnation period from the era of al-Shāṭibī to the twentieth century. Some reformist scholars initiated the reinterpretation of Islamic law to respond the modern Islamic legal issues. From this period, the idea of distinction of *maqāṣid al-sharīʿa* as a specific field of study apart from the *uṣūl al-fiqh* was started. Ibn ʿAshūr

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<sup>116</sup> Muhammad Yusra Ahmad Hulaimi, "EBRAHIM MOOSA AND POSTMODERNISM: SOME CLOSE RESEMBLANCES AND IMPLICATIONS," *TAFHIM: IKIM Journal of Islam and the Contemporary World* 14, no. 1 (June 28, 2021): 16, <https://doi.org/10.56389/tafhim.vol14no1.1>.

was one of the initiators in the reformist *maqāṣid* approach by balancing the textual and contextual interpretation of the text to be implemented in the current era. Some central problems within the century such as humanity, equality, freedom, and tolerance were discussed as part of the *maqāṣid al-sharīʿa*. This approach differs from the classical one in terms of its response to the issues by making universal values the main consideration of the *sharīʿa*. However, for them, textual interpretation remains fundamental in determining a legal ruling.

Since the reformation of the *maqāṣid* discourse, *maqāṣid al-sharīʿa* has often been discussed in various publications such as books, journals, theses, and articles. *maqāṣid al-sharīʿa* became a mainstream discussion among the scholars from West and East, as it is regarded as a rational way to establish legal rulings from the Islamic perspective. The new approach, secular *maqāṣid* discourse, has also become the attention of scholars around the world. This approach started by criticizing the Quranic exegesis that is not suitable to be applied in the modern era. Thus, some scholars such as Fazlur Rahman Malik, Hassan Hanafī, and Mohammad Shahrur utilized the new approach to understanding the Quran through hermeneutics methodology to make it applicable in the modern era.

However, this approach has become a main concern of the traditionalist *maqāṣid* scholars. The traditionalist *maqāṣid* scholars are those who attempt to revive the idea of classical *maqāṣid* discourse to be implemented in the current era, as for them, the Quran and *maqāṣid* discourse formulated by early scholars are dynamic and applicable in various eras and places. Otherwise, constructing the new idea in *maqāṣid* discourse will lead to misunderstanding in Islamic law and eventually lead to the utilitarian-based approach that is only concerned with human reason for human welfare in this world. Hence, scholars such as Ramaḍān al-Būṭī and Abū Yaʿrub al-Marzūqī wrote critical arguments in countering the current trend of the *maqāṣid*, which was against the classical methodology of *maqāṣid* discourse.

Furthermore, this study continuously develops where the new approach has also come into discussion. The modern *maqāṣid* approach consists of two approaches; reformation and secular, which have become the attention of postmodernist scholars due to the claim that the use of reason in modern *maqāṣid* discourse is deemed universally suitable and important for solving the current issues. Instead, the postmodernist scholars emphasized human relativity and understanding the *maqāṣid al-sharīʿa* uniquely different from both classical and modern approaches. This approach still pays attention

to the religious messages and interprets them differently. For them, religious messages are created for human beings, and thus, human beings are given the ability to grasp the messages to be applied based on their situational context. Ethical values, therefore, are determined by rationality in understanding the text, diverging from the idea that God is the One who determines the right and wrong in things.

For this reason, some *maqāṣid* discourse is currently facing challenges and critiques, especially in the context of modernity and utilitarian-based methods in addressing contemporary legal issues, making it applicable to current human interests. The debates among the scholars between preserving the classical understanding of *maqāṣid* while adapting it to the modern context has become the major discussion in this era, demonstrating the dynamic evolution of Islamic legal thought. Therefore, the ethical emphasis on *maqāṣid* discourse is crucial to preserve the authenticity of Islamic law while attempting to adapt the law to the modern context.

## CHAPTER II

### TAHA ABDURRAHMAN'S ETHICAL PHILOSOPHY: A FRAMEWORK TO THE *MAQĀṢID* CONCEPT

The discussion in the previous chapter underscores the *maqāṣid* discourse in contemporary Islamic thought and the classification of *maqāṣid al-sharī'a* approaches, from classical to the postmodernist approach. Based on that, it is crucial to understand the evolving *maqāṣid* discourse within the scholars' discussion from when it was integrated into the *uṣūl al-fiqh* to become an approach in modern Islamic thought, which mostly utilized the utilitarian understanding. Consequently, the *maqāṣid al-sharī'a* has become a trend within the Eastern and Western Scholars. One of the most prominent scholars in discussing *maqāṣid* discourse is Taha Abdurrahman.

Taha, in his books, asserted that his ethical philosophy is integrated with the concepts of religion and man. For him, no man without ethics, and no ethics without religion, and thus no man without religion.<sup>117</sup> This aims to awaken the Muslims within the modern challenges that have been happening to focus on their obligation, obeying Allah, and achieving the highest place in the *akhīra*.

For this reason, this chapter will specifically analyze the ethical philosophy, called the trusteeship paradigm, proposed by Taha Abdurrahman, as his concept of *maqāṣid* is framed by his philosophical thought. Understanding this ethical philosophy is a pivotal scope of this thesis in discussing before digging into Taha's concept of *maqāṣid*. Initially, this chapter will present the biographical sketch of Taha Abdurrahman to provide the context of his background. Following that discussion, it will also delve deeply into examining his concept of religion as a framework of morals and ethics and the concept of humans, as the ontological exploration of his ethical philosophy, as well as the trusteeship paradigm for his epistemological stance. Therefore, this chapter will elaborate on Taha's philosophical thought to bridge the discussion into Taha's *maqāṣid* concept which will be discussed in the next chapter.

#### **2.1 Biographical Sketch of Taha Abdurrahman**

Taha Abdurrahman is a prominent Moroccan scholar in the 21<sup>st</sup> century. Taha was born on May 28, 1994, in the coastal city, *al-Jadīda*. He was raised in a religious family, where his father is a recognized scholar, called *kuttāb* or *faqīh* (jurist) in Morocco who

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<sup>117</sup> Taha Abdurrahman, *Al-Ḥiwār Ufuqan Li al-Fikr* (al-Shabaka al-'Arabiyya li al-Abḥāth wa al-Nashr, 2013), 52.

spent his life educating children about classical Islamic literature, Quranic memorization, and fundamental principles in Islam. Despite experiencing a delay in developing his reading skills, an important moment occurred when Taha's father took him to a *zawiyya*, seeking the prayers of a Sufi Syaikh for his improvement in reading skills and Quranic memorization. This short moment became his initial introduction to Sufism, a path that later influenced his spiritual and intellectual enrichment.

Taha grew up as one who loved poetry and it led him to become the youngest contributor to the Moroccan Writers Union in 1960. However, the war in 1967 gave him a lot of questions and it made him interested in philosophy for the first time.<sup>118</sup> To enhance his philosophical thought, he learned German, French, English, Latin, and Greek to allow him access the philosophical works from their original sources.<sup>119</sup>

Taha decided to start his academic journey for his bachelor's degree at Mohamed V University, Rabat, majoring in philosophy. Due to the postgraduate educational system in France before the 1984 reform, it is required to obtain two degrees; a postgraduate doctorate (*troisième cycle*) as the first doctoral and a state doctorate (*Doctorat d'État*) as the second doctoral. Taha obtained his postgraduate degrees at the Sorbonne University in 1974 and 1985 respectively, specializing in logic, language, and philosophy. He spent his academic journey in the era while the works of Abū 'Ābid al-Jābirī (d. 210) and Abdellah Laroui (b. 1933) were massively published in Morocco. It then motivated him to develop his philosophical ideas, to be able to criticize both scholars.<sup>120</sup> In 2005, Taha was officially recruited as a lecturer in the Logic Science course and a professor in Language and Logic at Mohamed V University, Rabat.

In addition to his philosophical thought, Taha is also affiliated with the *Budshīshīyya* Sufi order, a branch of *Qādiriyya ṭarīqa*, which is structurally and politically powerful in Morocco due to its association with intellectuals and elites in the country.<sup>121</sup> Hence, he was recognized as a Sufi and philosopher simultaneously. Influenced by both Sufi and philosophy, Taha was very critical of both, traditional and modern scholars, as for him, none of those groups produced a novelty in their contribution. The Muslim scholars have

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<sup>118</sup> Mohammed Hashas, "1 The Trusteeship Paradigm," in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, ed. Mohammed Hashas and Mutaz al-Khatib (Brill, 2020), 47.

<sup>119</sup> Hashas, 16.

<sup>120</sup> Hashas, 47.

<sup>121</sup> Aspandi Aspandi et al., "Epistemology of Maqasid Taha Abdurrahman; New Paradigm and Classification of Maqasid al-Shari'ah Values," *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 1 (February 28, 2024): 100, <https://doi.org/10.33367/tribakti.v35i1.4642>.

uncritically imitated the Western tradition, he called them imitators of the later non-Muslim scholars (*muqallidat al-mutaakhhirīn*). Similarly, the non-Muslim scholars failed to produce innovative contributions to the current discussion, and thus, they imitated earlier Muslim scholars (*muqallidat al-mutaqaddimīn*).<sup>122</sup>

Taha's expertise in philosophy, language, and logic was evident from his significant publication on theorizing ethical philosophy in this modern age. Hence, the works of Taha's publication are framed with his ethical philosophy concept, the trusteeship paradigm (*al-i'timāniyya*). In this context, Taha's works contributed significantly to the current issues, inviting significant attention from scholars from the East to the West. Wael Hallaq, for instance, published a book analyzing his thoughts on modernity, proving the significance of his works within Western academia.

## 2.2 Concept of Religion: Moral and Ethical Framework

One of the enduring challenges in our days is how to live and practice religion in this modern era, which is distant from the revelation, without merely imitating the past or abandoning the religion to fit modernity.<sup>123</sup> Taha is one of the scholars who proposed an ethical philosophy to address the issue. He emphasized that modernity has led to the separation of life from religion, called "*dunyāwiyya*."<sup>124</sup> *Dunyāwiyya* has varied versions, separation of knowledge from religion (*al-'ilmāniyya*) and politics from religion (*al-'almāniyya*). This separation expands to ethics from religion, known as *al-dahrāniyya*.<sup>125</sup>

In this context, Taha stated that there will be no man without ethics and no ethics without religion, and thus no man without religion.<sup>126</sup> This statement implies that the connection between man, ethics, and religion is timeless and inseparable. Otherwise, it will lead to injustice in life. In addition, ethics, for Taha, refers to the good practices that not only have to be theorized and preached rather they have to be comprehensively implemented in living this world.<sup>127</sup> For the concept of religion, Taha elaborated it in his

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<sup>122</sup> Taha Abdurrahman, *Rūḥ Al-Ḥadātha Al-Madkhal Ilā Ta'sīs Al-Ḥadātha Al-Islāmiyya* (al-Markaz al-Thaqāfi al-'Arabī, 2006), 11–12.

<sup>123</sup> Ramon Harvey, "6 Qur'anic Values and Modernity in Contemporary Islamic Ethics," in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, 2020, 150, [https://doi.org/10.1163/9789004438354\\_009](https://doi.org/10.1163/9789004438354_009).

<sup>124</sup> Taha Abdurrahman, *Bu's Al-Dahrāniyya: Al-Naqd al-I'timānī Li Faṣl al-Akhlāq 'an al-Dīn* (al-Shabaka al-'Arabiyya li al-Abḥāth wa al-Nashr, 2014), 11.

<sup>125</sup> Abdurrahman, 12.

<sup>126</sup> Abdurrahman, *Su'āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*, 147–48; Abdurrahman, *Al-Ḥiwār Ufuqan Li al-Fikr*, 52.

<sup>127</sup> Taha Abdurrahman, *Al-'Amal al-Dīnī Wa Tajdīd al-'Aql* (al-Markaz al-Thaqāfi al-'Arabī, 1997), 176.

book, *Spirit of Religion*, in which Hashas and al-Khatib stated that his philosophy of religion aims to revive and renew the new understanding of religion in the modern context.<sup>128</sup>

Taha started by elaborating on the meaning of religion according to Western modernity and Islam. Within the perspective of Western modernity, religion is perceived as a set of beliefs and rituals that are considered illogical, and thus, they reject religion due to its claim to be flawed and illogical. Meanwhile, for Muslims, religion is understood as the forms of belief (*al-aḥwāl al-‘aqadiyya*) and legal rulings (*al-‘aḥkām al-shar‘iyya*). Based on this, contrary to the definition proposed by Western modernity in defining religion, Muslims argue that not all aspects of religion are illogical, as most of its rulings are based on logic and subject to interpretation (*ijtihād*).<sup>129</sup> Therefore, religion, for Muslims, is incoherent to the common sense and rationality.

Moreover, those who separate ethics from religion (*dahrāniyyūn*) argue that the relationship between God and men is reflected in four perceptions; first portraying God as the external entity (*al-taṣawwur al-khārījī*), second, believing in only several attributes of God (*al-taṣawwur al-tajzī‘ī*) as they believe that God creates the world and when it was settled, God does not interfere to the worldly affairs, and thus, humans have the absolute freedom to control the world, third, asserting the superiority of man that challenges the God’s sovereignty (*al-taṣawwur al-tasayyudī*), and assimilating God to humans as His creatures (*al-taṣawwur al-tajsīdī*).<sup>130</sup> This claim implies that humans do not need God, as they control everything on their own, leading them to separate ethics from religion.

In response to this, Taha argued that the argument from the secularists regarding the relationship between God and man is a result of their incomprehensive and unjust view of God. Acknowledging that God is The Only Creator of the universe, He must be omnipotent, powerful, and incomparable to humans. It is clear that the relationship between God and man is inseparable (*al-‘alāqa al-ma‘iyya*), just as the soul is inseparable from living creatures because human existence is impossible without His existence.<sup>131</sup> The strong relationship between God and human beings reflects the interconnection between ethics and religion, and thus denying this relationship is illogical.

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<sup>128</sup> Mohammed Hashas and Mutaz al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives*, 2021, 17.

<sup>129</sup> Abdurrahman, *Rūḥ Al-Ḥadātha Al-Madkhal Ilā Ta’āsīs Al-Ḥadātha Al-Islāmiyya*, 52.

<sup>130</sup> Abdurrahman, *Bu’s Al-Dahrāniyya: Al-Naqd al-‘Imānī Li Faṣl al-Akhlāq ‘an al-Dīn*, 71–83.

<sup>131</sup> Abdurrahman, 95.

The ethical principles (*al-qiyam al-akhlāqiyya*) derived from the religious teachings are embedded in the *fiṭra* (human nature). Meanwhile, the absence of the religious *fiṭra* leads to the death of the heart (*qalb*) and it signs the death of the whole *body* (*insān mayyit*). This is equal to a hadith, as the Prophet PBUH said: *Beware! There is a piece of flesh in the body if it becomes good (reformed) the whole body becomes good but if it gets spoilt the whole body gets spoilt and that is the heart.*<sup>132</sup> Thus, the dead body from the death of the heart caused by the absence of *fiṭra* prevents one from receiving the light of the religion (*nūr al-dīn*).<sup>133</sup>

This *fiṭra* is the natural state of human beings that retains memories from the metaphysical world (*‘ālam al-ghayb*) and is brought into the physical world (*al-‘ālam al-mar’ī*) by the soul (*rūh*).<sup>134</sup> These sacred memories in the metaphysical pertain to the testimony between God and human beings before their existence in the physical world. The testimony consists of three witnesses; witnessing only the existence of God (*al-shahāda bi al-ulūhiyya*), witnessing the oneness of God (*al-shahāda bi al-waḥdāniyya*), and promising to worship only a God (*al-‘ahd bi al-ta‘abbud li al-ilāh al-wāhid*).<sup>135</sup> This testimony is stated in the Quran:

And (mention) when your Lord took from the children of Adam - from their loins - their descendants and made them testify of themselves, (saying to them), "Am I not your Lord?" They said, "Yes, we have testified." (This) - lest you should say on the Day of Resurrection, "Indeed, we were of this unaware."

Therefore, it is impossible for man to live without a religious *fiṭra*, validating the argument that religion serves as the ethical and moral framework and that there can be no ethics without religion. Taha’s concept of religion implies that his philosophical thought is grounded in religion, manifested in the concept of humans, and implemented in his ethical paradigm.

### 2.3 Concept of Human: An Ontological Basis

The concept of humans in Taha’s ethical philosophy describes its ontological basics in a way that human beings are inherently given divine trust (*amāna*). This *amāna* has been interpreted in various ways, including as intellect (*‘aql*), responsibility (*taklīf*), and freedom (*al-ḥurriyya*). Those interpretations are linked to each other, as there can be no responsibility

<sup>132</sup> Imām Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī*, 1st ed., vol. 1 (Dār al-Ta’šīl, 2012), 227.

<sup>133</sup> Taha Abdurrahman, *Dīn Al-Ḥayā’: Min al-Fiḥ al-I’timārī Ilā al-Fiḥ al-I’timānī*, vol. 1 (Al-Mu’assasa al-‘Arabiyya li al-Fikr wa al-Ibdā’, 2017), 14.

<sup>134</sup> Taha Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-‘Almāniyya Ilā Sa‘at al-I’timāniyya* (al-Markaz al-Thaqāfī al-‘Arabī, 2012), 52.

<sup>135</sup> Abdurrahman, 53.

without intellect, no freedom without responsibility, and thus, no freedom without intellect.<sup>136</sup> This ontological basis clarifies that human beings are not only existing creatures in the world, but they also have spiritual responsibilities that connect them with God.

Taha defines human, *al-insān* in Arabic terminology, as a word that is derived from the word *al-nisyān* (forgetfulness). This reflects human behavior, as people often forget to be grateful for what they have and frequently overlook their tendencies toward injustice. This forgetfulness has become the first challenge for human beings living in this world, making them view God unfairly.<sup>137</sup> Many people forget who they are, and whom they belong to. In this context, Taha attempted to underscore the urgency of preserving the *amāna* for human beings, as it can control human behavior and keep them in the right way to be ethical and just to each other. This implies that merely seeing modern man is insufficient to comprehend human beings. Hallaq, therefore, argued that there must be a new concept of humans that embraces humility or modesty (*hayā'*), gratitude, and rejection of superiority and control.<sup>138</sup>

Understanding the complexity of human beings is crucial for differentiating them from other creations. The argument that the distinction between human beings and animals lies solely in the intellect is invalid, as both humans and animals possess intellect to some degree. For instance, animals need several attempts to find the correct solution, making mistakes along the way, and may still err even after finding the right one. Although human intellect is more advanced, both humans and animals share this trial-and-error approach.

Therefore, the intellect alone (*al-'aqlāniyya al-mujarrada min al-akhlāqiyya*), as argued by the modernists, is not sufficient to distinguish humans from animals. The only distinction is that only humans have the ambition to be righteous in the present and successful in the hereafter.<sup>139</sup> This ambition to achieve a good life in the world and hereafter describes the definition of ethics. In this context, Taha clarified that the intellect linked to ethics (*al-'aqlāniyya al-musaddada bi al-akhlāq*) is the best way to define a unique characteristic of human beings. As Taha stated:

If rationality is no longer the dividing line between humanity and animality, then this dividing line must be found in something that does not turn into harm for humans when seeking good in the present and success in the future, and there should be no

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<sup>136</sup> Abdurrahman, *Bu's Al-Dahrāniyya: Al-Naqd al-I'timānī Li Faṣl al-Akhlāq 'an al-Dīn*, 16.

<sup>137</sup> Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-'Almāniyya Ilā Sa'at al-I'timāniyya*, 14–15.

<sup>138</sup> Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*, 267.

<sup>139</sup> Abdurrahman, *Su'āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*, 14.

doubt about its benefit once it is adopted, nor about the harm when it is abandoned. This thing is nothing other than the principle of seeking good itself, which we call morality (*akhlāqīyya*).<sup>140</sup>

Furthermore, human beings are considered vertical creatures (*al-insān al-‘amūdī*), meaning that they exist in more than a world.<sup>141</sup> Taha Abdurrahman divided the world into two: physical (*al-‘ālam al-mar‘ī*) and metaphysical (*al-‘alam al-ghaybī*). The physical world is defined as a realm that connects between the soul (*rūh*) and physique (*jism*). The physical manifestation of the soul is the heart (*qalb*), and the form of physique is called the body (*badan*).<sup>142</sup> Meanwhile, the metaphysical world pertains to living solely with the soul.

Taha asserted that good is obtained not only in the physical world but also in the metaphysical world. Taha distinguished the translation of existence in physical and metaphysical worlds, using *wujūd* or *inwijād* and *tawājjud* respectively.<sup>143</sup> In this context, a human can be living in a physical world (*munwajid*) and the metaphysical world (*mutawājid*) simultaneously.<sup>144</sup> While they physically exist in this world, their *rūh* can elevate to the metaphysical world, thereby improving their existence in the physical world. This understanding can be reflected in the concept of Sufism, the more one comprehends life beyond the physical world, the better their life will be (*kamāl*).

Referring to the Quranic verses al-an‘ām 75 and al-a‘rāf 185, a terminology *malakūt* defined as the realm of the heavens and the earth (*malakūt al-samāwāt wa al-arḍ*), Taha emphasized that the awareness of a physical world is called *al-idrāk al-mulukī* and the metaphysical world is *al-idrāk al-malakūtī*. Living in both worlds, humans can move from place to place with different spaces. With physical awareness, human movement is horizontal (*al-intiqāl al-‘ufuqī*), implying its limitation to the physical movement (*al-jism al-ḥayy*) in geographical locations, called al-isrā’. Meanwhile, in the metaphysical awareness, the human movement is vertical (*al-intiqāl al-‘amūdī*), referring to the stages of the soul movement (*al-mi‘rāj*).<sup>145</sup>

Terminologically, the *al-mulukī* derived from the word *milk*, meaning the ownership. It implies that with solely aware of the physical world, humans think that they gain control as they wish. Meanwhile, the metaphysical awareness (*al-malakūtī*) leads humans to think

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<sup>140</sup> Abdurrahman, 14.

<sup>141</sup> Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-‘Almāniyya Ilā Sa‘at al-I‘timāniyya*, 31.

<sup>142</sup> Abdurrahman, *Dīn Al-Ḥayā’*: *Min al-Fiḥ al-I‘timārī Ilā al-Fiḥ al-I‘timānī*, 1:33.

<sup>143</sup> Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-‘Almāniyya Ilā Sa‘at al-I‘timāniyya*, 36; Abdurrahman, *Dīn Al-Ḥayā’*: *Min al-Fiḥ al-I‘timārī Ilā al-Fiḥ al-I‘timānī*, 1:33.

<sup>144</sup> Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-‘Almāniyya Ilā Sa‘at al-I‘timāniyya*, 36.

<sup>145</sup> Abdurrahman, *Dīn Al-Ḥayā’*: *Min al-Fiḥ al-I‘timārī Ilā al-Fiḥ al-I‘timānī*, 1:38.

that the world ultimately belongs to God, and that, human beings should be responsible in this world to distinguish themselves from other creatures.

The existence of humans in the metaphysical world is earlier and more significant than in the physical world. The metaphysical world is the realm of divine order, existing before the soul is bestowed upon the human in the physical world. In the metaphysical world, human souls have received a testimony to believe in the oneness of God, obey divine laws, and uphold religious values with responsibility (*amāna*). Consequently, humans were born with the *fiṭra* brought by the soul from the metaphysical world which has to be preserved, so that, it will be reflected in their physical actions.<sup>146</sup> Therefore, the soul, despite the physical existence of humans, can go to higher stages through metaphysical awareness by maintaining the *amāna*. Based on this, Taha emphasized that the metaphysical world is more important than the physical one because one cannot truly control oneself without having a metaphysical awareness.

A human who solely lives in the physical awareness while ignoring the metaphysical one is referred to as *al-idrāk al-mulukī al-mayyit*. Such a person may be lower than animals because they, despite all their privileges, chose to betray the testimony they had previously accepted in the metaphysical world. Meanwhile, the man who lives with the awareness of both physical and metaphysical worlds is called *al-idrāk al-mulukī al-ḥayy*, and such a person can perceive what is beyond this physical world with the heart open.<sup>147</sup> As a result, for humans, the awareness of both physical and metaphysical realms is inseparable, as they are interconnected and manifested in ethics. Through this way of thought, it is understood that Taha placed ethics at the core of his philosophical thought, as ethics is inseparable from human beings, and even defines humans in comparison to other creatures.

The understanding of the existence of being in Taha's ethical philosophy will lead to grasping his epistemic paradigm, called the trusteeship paradigm (*al-i'timāniyya*), which is based on the concept of *amāna*. This is because humans are involved in the testimony (*al-shahāda*) with God. Ethics has become inherent to humans themselves, and separating it would lead to imperfections. Hence, the more ethical humanity the more human it is, and the less ethical it is the less human it is. This paradigm forms the foundation of Taha's approach to addressing contemporary issues, distinguishing him from other scholars.

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<sup>146</sup> Abdurrahman, 1:39.

<sup>147</sup> Abdurrahman, 1:42.

## 2.4 Trusteeship Paradigm: An Epistemic Concept

The comprehensive exploration of the metaphysical and physical worlds to explain the concept of religion and human details Taha's trusteeship paradigm, which forms his epistemological stance. The trusteeship paradigm (*al-i'timāniyya*) is derived from the *amāna* signifying that human beings were bestowed with a soul that has witnessed the divine order in the metaphysical world. Terminologically, Taha defines *al-i'timān* as not having a sense of ownership over something but being responsible for it. Hence, the trustee (*al-mu'taman*) owns nothing but is fully accountable.<sup>148</sup> Therefore, mindful humans live in this world with a sense of full responsibility without feeling superior.

Based on that, it is clear that for Taha, knowledge (*ma'rifa*) encompasses both the physical and metaphysical world. Without integrating both, one would stray from the *fiṭra* entrusted by God, consequently leading to harm (*al-fasād*). This implies that the ethics of humans, the discernment of right and wrong, are derived from divine order testified in the metaphysical world. Therefore, Taha is critical of the claim of separation of knowledge from religion, politics from religion, ethics from religion, and many more, as knowledge, politics, and ethics are part of the religion itself entrusted by God. Humans in the physical world should focus on fulfilling the *amāna* and all their actions are accountable in the hereafter.

Furthermore, it is also important to grasp the position of Taha's trusteeship paradigm in criticizing any contemporary issues and both Muslim and Western scholars, as he translated it into *al-naqd al-i'timānī*. He often used the term *al-dahrāniyya*, those who separate ethics from religion, to refer to Western modernist thoughts, and the term *al-i'timārī* to refer to Muslim thoughts. If the *al-dahrāniyya*, as previously explained, means the separation of ethics from religion. *Al-i'timārī* is derived from the word *amr*, meaning order/commandment. It implies that *i'timārī* is the command-oriented paradigm that recognizes God as the One who commands and prohibits, instead of comprehensively discerning His attributes in *asmā' al-ḥusnā*.<sup>149</sup> Taha argued that this kind of paradigm is commonly used by Muslim jurists (*faqīh*), making him critical to their thoughts. Consequently, this command-oriented paradigm may reduce the meaning of religion itself

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<sup>148</sup> Taha Abdurrahman, *Su'āl Al-Sīra al-Falsafiyya: Baḥth Fī Ḥaqīqat al-Tafalsuf al-I'timāniyya* (Kuwait wa Libnān: Markaz Nuhuḍ li al-Dirāsāt wa al-Buḥūth, 2023), 55.

<sup>149</sup> Abdurrahman, *Dīn Al-Ḥayā'*: *Min al-Fiqh al-I'timārī Ilā al-Fiqh al-I'timānī*, 1:82.

in the sense that they consider the Quran only as a book of the law (*kitāb al-tashrīʿ/kitāb al-qanūn*).<sup>150</sup>

In comparison to the command-oriented paradigm (*al-iʿtimārī*), the trusteeship paradigm (*al-iʿtimānī*) considers the Quran as the book of creation (*kitāb al-takhlīq*), as there will be no creation (*takhlīq*) without law (*tashrīʿ*). The level of law (*tashrīʿ*) is limited in the physical world (*al-mulukī*). Meanwhile, the level of creation (*takhlīq*) is in the metaphysical world (*al-malakūtī*).<sup>151</sup> The trusteeship paradigm is, therefore, a way of thinking that brings a person to not cease in this physical world because both realms are the moving space of human beings to gain welfare in this world and hereafter.

The trusteeship paradigm encompasses the obligation towards divine order that should not only be done outwardly as a commandment (*awāmīr*) but also inwardly as a testimony (*shawāhid*).<sup>152</sup> For Taha, the significance of the trusteeship paradigm is crucial for advising contemporary individuals, often referred to as *insān mayyit*, who rely solely on abstract reasoning. These individuals, whose sense of freedom often leads them to prefer wrongdoing over righteousness, are acting unjustly towards their own intellect (*ʿaql*).<sup>153</sup> Regarding this, Taha argued that the *faqīh al-iʿtimārī*, with their strong reliance on legalistic interpretations, focus primarily on the *fiqh* aspect, emphasizing solely what is commanded and prohibited by God, along with the associated punishment and sanctions. This approach, however, fails to impact the *insān mayyit*, who are characterized by their selfishness and detachment.<sup>154</sup> As a result, these individuals remain indifferent to the admonitions of the *faqīh*.

Meanwhile, *al-faqīh al-iʿtimānī* emphasized moral values, aiming to bring *insān mayyit* to the awareness that human beings ultimately have nothing but God and that life in this world is only temporary. This realization instills modesty (*hayāʿ*) in one's heart, leading to a more peaceful life with a sense of responsibility.<sup>155</sup> Three things were emphasized in the trusteeship paradigm to link human beings from the physical into the metaphysical world based on the trusteeship paradigm; *shahāda* (testimony), *amāna* (trust), and *tazkiya* (purification).

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<sup>150</sup> Abdurrahman, 1:83.

<sup>151</sup> Abdurrahman, 1:85.

<sup>152</sup> Abdurrahman, 1:249.

<sup>153</sup> Abdurrahman, 1:245–46.

<sup>154</sup> Abdurrahman, 1:255–61.

<sup>155</sup> Abdurrahman, 1:272–73.

First, *shahāda* means anything that recovers the *fiṭra*, starting with the testimony of humans (*shahādat al-insān*) in both physical and metaphysical worlds, witnessing the oneness of God, and it also includes God's testimony (*shahādat al-khāliq*) towards human testimony, emphasizing the importance of humans in remembering this testimony while living in the physical world. However, this *shahāda*, which may also literally refer to sight, extends to anything seen in this world. Second, *amāna* means eliminating the sense of ownership because everything absolutely belongs to God, and humans are responsible for it. Meanwhile, last, *tazkiya* refers to the efforts done by humans to realize the ethical values and spirit entrusted to them by God. It is, therefore, understood as an action to combine both *shahāda* and *amāna* simultaneously.

Based on the understanding of Taha's trusteeship paradigm, *amāna* that is given to humans are sign of their mindful freedom (*ikhtiyār*), having choices to decide anything with the responsibility. This concept is reflected in the Quran, al-Baqāra: 30:

And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority." They said, "Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?" Allah said, "Indeed, I know that which you do not know."

The responsibility of human beings to act mindfully is inherent since their existence in this physical world. In other words, this physical world is entrustment from God to human beings, and remembering Him will keep them on the right path. The interconnection between faith (*īmān*) with ethics is obvious. Eventually, the Trusteeship paradigm aims to bring humans to the truth (*ḥaqīqa*) behind their creation, worshipping Allah.<sup>156</sup>

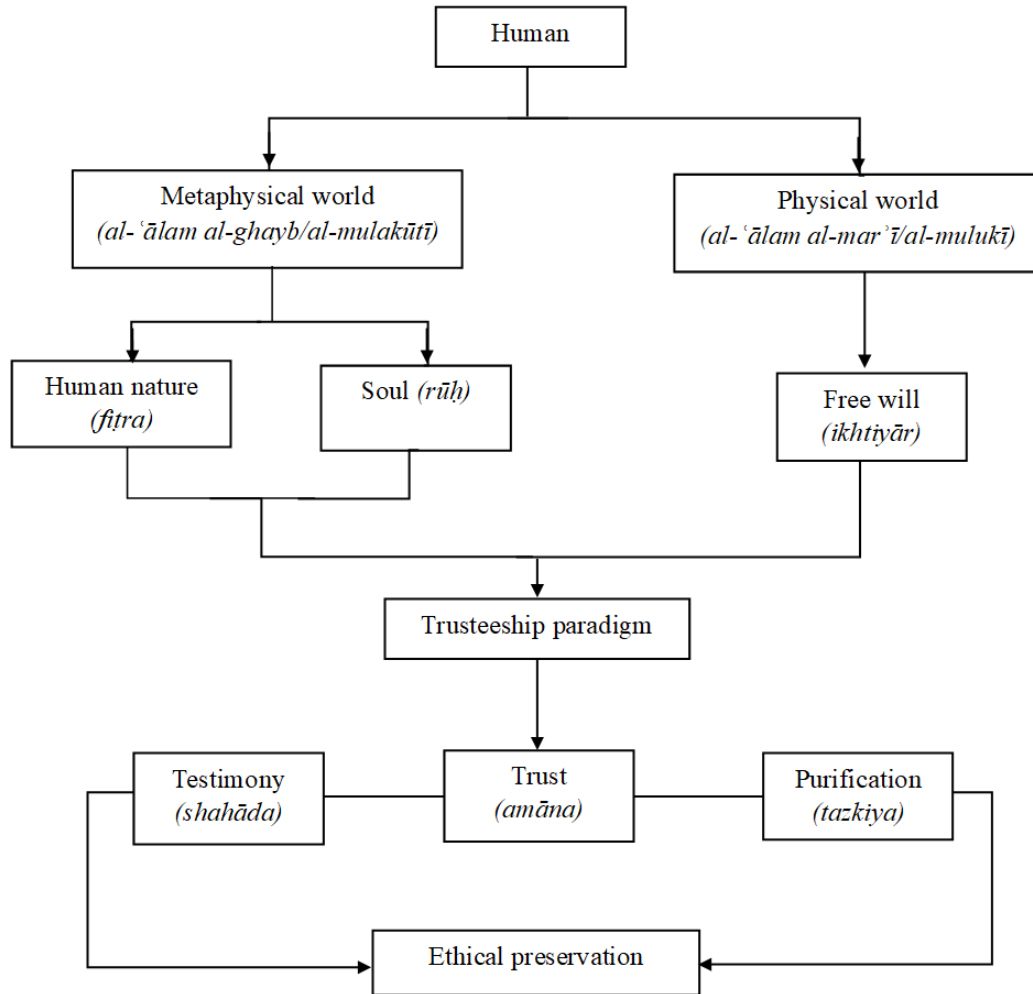
Hashas asserted that the involvement of the outward self (*zāhir*) and inward self (*bāṭin*), orderly referring to body and soul that indicates Sufism has influenced his paradigmatic thought, trusteeship paradigm.<sup>157</sup> Despite Sufi's influence in Taha's paradigm, the presentation of his ideas is logically elaborated, demonstrating that Taha is not merely a Sufi dervish focused solely on spiritual responsibilities. Instead, his spiritual awareness shapes his intellectual framework, making him unique compared to other scholars. The trusteeship paradigm becomes his framework in response to various issues, including the concept of *maqāṣid al-sharī'a*. This ethical philosophy of Taha will eventually contribute to both Western and Muslim traditions, especially knowing that ethics have been one of the

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<sup>156</sup> Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-'Almāniyya Ilā Sa'at al-I'timāniyya*, 497.

<sup>157</sup> Hashas and al-Khatib, *Islamic Ethics and the Trusteeship Paradigm*, 22.

vital issues in the modern era. The illustration of the ethical philosophy of Taha Abdurrahman can be seen in the figure (see Figure 1).



**Figure 1. The concept of ethical philosophical thought of Taha Abdurrahman.**

## 2.5 Taha’s Ideological Stance in Contemporary Thought

To situate Taha Abdurrahman’s thought and philosophy, it is crucial to underscore his ideological stance in contemporary thought. Most of his works are criticisms of several ideologies and approaches, highlighting his epistemological framework that focuses on ethics. He stands against any separation that emerges in nowadays era, either separation of politics from religion (*al-ʿalmāniyya*), knowledge from religion (*al-ʿilmāniyya*), ethics from religion (*al-dahrāniyya*), or life from religion (*al-dunyāwiyya*).<sup>158</sup> However, he does not stand for the dependence of religion on ethics or ethics to religion (*al-diyāniyya*).<sup>159</sup>

<sup>158</sup> Abdurrahman, *Bu’s Al-Dahrāniyya: Al-Naqd al-ʿitimānī Li Faṣl al-Akhlāq ʿan al-Dīn*, 11–12.

<sup>159</sup> Abdurrahman, *Rūh Al-Dīn Min Ḍayq al-ʿAlmāniyya Ilā Saʿat al-ʿitimāniyya*, 325.

Instead, he developed his trusteeship paradigm as his philosophical work to clarify his ideological thought among others.

The historical separation of religious and political praxis, which emerged in the sixteenth century, started from the history of the West, marked by the conflicts between the Church and state, as well as between Church and scientists, remains to nowadays.<sup>160</sup> While humans exist in both the physical and metaphysical worlds, *'Almānī* focuses merely on the physical world, neglecting the metaphysical, and hence, *'Almāniyya* narrows the scope of human beings rather than broadening it.<sup>161</sup> Taha asserted that since Immanuel Kant incorporated ethics into law, a separation between the internal law (*qānūn al-dhāt*), and external law (*qānūn al-ghayr*) emerged.<sup>162</sup> In the perspective of *'almāniyya*, religion is seen as external and politics is internal, leading people to believe they can live adequately with only internal law, neglecting the external.

Having said that, Taha Abdurrahman also contradicts those who insist on the connection between politics and religion (*diyāniyyūn*). This group is divided into four; *ahl al-tasyīs*, who believe in the integration of religion into politics. *Ahl al-tadyīn*, who believe in the integration of politics into religion. *Ahl al-tahkīm* and *Ahl al-tafqīh*, who believe that religion and politics are identical.<sup>163</sup> Among them, *ahl al-tasyīs*, Taha argued, represents the regime of some Islamic countries that make religion a tool to win their political matters. Meanwhile, the other three groups claim that they manage their community based on political considerations in a manner that does not politics which does not contradict religion.<sup>164</sup>

The focus on either politics or religion has limited the comprehensive understanding of the religion itself. This ultimately narrows the scope into two separate domains: God's matter and human matter, treating them as equal. Religion, Taha argued, should be understood as a comprehensive system, with its rulings encompassing all aspects of life, either politics (Taha refers to as *tadbīr*) or religion (*ta'ābbud*).<sup>165</sup>

This dual criticism shows that Taha has his own paradigm, the trusteeship paradigm, for responding the contemporary issues. Taha argued that the relationship between God and

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<sup>160</sup> Abdurrahman, 203.

<sup>161</sup> Abdurrahman, 183.

<sup>162</sup> Abdurrahman, 184.

<sup>163</sup> Abdurrahman, 319.

<sup>164</sup> Abdurrahman, 320.

<sup>165</sup> Abdurrahman, 202.

humans should be emphasized by the human consciousness on the primordial testimony, as he stated:

“In dealing with divine command, it is necessary for the person commanded to receive it not only with his physical faculties but also with his soul. The basic principle in this process is that he first receives the divine command in his soul so that when he is properly aware of it and understands its purpose, his physical faculties are stimulated to bring it about.”<sup>166</sup>

This implies that the relationship of God and human beings is manifested in the human soul that is brought since the primordial testimony. By the full awareness of the responsibilities trusted by God, human actions in this world represent both a witness and God’s order simultaneously. In other words, Islam from the perspective of the trusteeship paradigm should be understood as upholding the *amāna*.<sup>167</sup>

Furthermore, besides being critical of both *dunyāwiyyūn* and *diyāniyyūn*, Taha with his trusteeship paradigm criticized Western modernity as lacking ethics.<sup>168</sup> Simultaneously, he appraised Muslims for lacking theorization, as he said:

“Contemporary religious resurgence, which the Islamic world has entered in the last two decades, has invoked different reactions either within its proponents or within its opponents. However, such a religious resurgence, despite its widespread in the horizons and its effect on the people, lacks the required theoretical basis that fulfills strict rational methodology and newly introduced scientific norms. For, we do not find at its founders neither a complete methodological framework, a productive scientific theorization, nor a founded philosophical vision.”<sup>169</sup>

As a response, he proposed his theory of reason, characterized based on both outward and inward acknowledgment, to perceive things as they truly are (*hawīyya*).<sup>170</sup> This reason, therefore, allows one to comprehensively acknowledge and be ethical at the same time.

Highlighting the ethics, Taha argued that ethics and morals should not be differentiated as done by some Western philosophers. However, ethics has some stages where the lowest is considering ethics as compliance of duties by force and the highest is compliance of duties by natural awareness (*fiṭra*).<sup>171</sup> By this interpretation, Taha’s attention to the inward action might suggest a strong Sufi influence on Taha’s paradigm, he remains

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<sup>166</sup> Abdurrahman, 321.

<sup>167</sup> Abdurrahman, *Dīn Al-Ḥayā’*: *Min al-Fiqh al-I’timārī Ilā al-Fiqh al-I’timānī*, 1:82.

<sup>168</sup> Abdurrahman, *Rūḥ Al-Ḥadātha Al-Madkhal Ilā Ta’sīs Al-Ḥadātha Al-Islāmiyya*, 75.

<sup>169</sup> Abdurrahman, *Al-‘Amal al-Dīnī Wa Tajdīd al-‘Aql*, 9.

<sup>170</sup> Abdurrahman, 121.

<sup>171</sup> Abdurrahman, *Su’āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*, 19–20.

critical of Sufism that abandoning livelihood (*kasb*) and reform.<sup>172</sup> This represents that Taha's understanding of Sufi represents modern Sufi understanding that does not passively submit their life to God.

## 2.6 Conclusion

Taha's ethical philosophy is grounded in the interconnection between religion, man, and ethics. This relationship is reflected in religion as the ethical and moral framework, man as the ontological basis, and the trusteeship paradigm as the epistemological stance of his philosophy. Due to this strong relationship, ethics becomes the core of Taha's philosophical thought. Based on his philosophical thought, Taha appraised the fiqh approach of using a command-oriented paradigm (*al-ta'sīs al-i'timārī*), advocating his intellectual framework, trusteeship paradigm (*al-ta'sīs al-i'timānī*) which highlights the importance of *amāna*.

Taha defines human beings as creatures who live in two realms simultaneously, physical and metaphysical worlds. The physical world is a body movement in this world, and the metaphysical world is a soul movement in what so called beyond this physical world. This metaphysical world is even more significant to human life because soul improvement will lead humans into perfectness (*al-kamāl*). Meanwhile, ignoring the metaphysical world by solely focusing on living in this world will lead to harm (*fasād*). The awareness of both realms is important to preserve the *amāna* trusted by God before human existence to control the behavior and gain life welfare.

For that reason, no human is free from responsibility as this world ultimately belongs to God and humans are there as the successors who must fulfill the *amāna*. This paradigm is based on three principles; testimony (*shahāda*), trust (*amāna*), and purification (*tazkiya*) that must be done outwardly and inwardly. Taha's presentation of his philosophical thought demonstrates his ideological stance which differs from *dunyāwiyyūn*, *diyāniyyūn*, Western modernity, and Muslim contemporary thought. The trusteeship paradigm, emphasizing the relationship between God and humans through witnessing the testimony, has sharpened Taha's position among the contemporary ideologies that appear to be challenging. While having a strong emphasis on the Sufi aspect that spiritual values and inward actions, he remains critical of the Sufi who passively rely on God without any action.

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<sup>172</sup> Abdurrahman, *Al-ʿAmal al-Dīnī Wa Tajdīd al-ʿAql*, 175.

### CHAPTER III

#### TAHA ABDURRAHMAN'S CONCEPT OF *MAQĀṢID AL-SHARĪ'A*

The previous chapter discussed the ethical philosophy of Taha Abdurrahman, demonstrating the concept of religion as his ethical framework, the concept of man as his ontological basis, and the trusteeship paradigm as the epistemological concept. Through the elaboration of ethics, Taha shapes his unique paradigm as a way to promote escaping from Western hegemony and renewing Islamic thought in this contemporary. This renewal can be achieved by rethinking the *maqāṣid al-sharī'a*, a divine purpose of creating the law. Hence, this chapter will focus on Taha's conceptualization of the *maqāṣid al-sharī'a*.

While the previous chapter explored the ethical philosophy of Taha Abdurrahman and his critical stance on both Western modernity as lacking ethics and Islamic contemporary thought as lacking qualified methods and theory, this chapter explores the theory of *maqāṣid al-sharī'a* by emphasizing the trusteeship paradigm as a framework to propose the ideal and innovative Islamic contemporary thought according to Taha. This chapter will mainly be explored through three discussions. First, it will contextualize the discussion of *maqāṣid al-sharī'a* according to Taha Abdurrahman. Second, it will delve into the concept of the *maqāṣid* discourse, consisting of the discussion on Taha's *maqāṣid* concept framed by the trusteeship paradigm. Last, it will elaborate on Taha's critics of the other *maqāṣid* scholars.

*Maqāṣid al-sharī'ā*, Taha argued, is commonly seen solely as a compilation of epistemology, theory, methodology, and terminologies without concern for the internal interpenetration (*al-tadākhul al-dākhilī*) with and other Islamic knowledge such as hadīth, tafsīr, and kalam as its framework.<sup>173</sup> Taha's conceptualization of the *maqāṣid* concept is an attempt to renew Traditional Islamic sciences (*al-turāth*) and emphasize being within the discussion of *uṣūl al-fiqh* through internal interpenetration (*al-tadākhul al-dākhilī*), as he considers *maqāṣid* discourse as an Islamic ethical discourse (*'ilm al-akhlāq al-islāmī*).<sup>174</sup> Taha has paid attention to the *maqāṣid* discourse since the late 20<sup>th</sup> century due to his critics of al-Shātībī in the conceptualization of *maqāṣid al-sharī'a*.

Recognizing that *maqāṣid al-sharī'a* in the modern era has become an approach to address various contemporary legal issues, it is significant to discuss the *maqāṣid* discourse from one of the prominent contemporary Muslim scholars like Taha Abdurrahman. Taha's

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<sup>173</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 93.

<sup>174</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufūq al-Ta'sīs Li Anmūdḥaj Fikrī Jadīd*, 71, 93.

idea contributes to the *maqāṣid* discussion among the scholars who are mostly influenced by al-Shāṭibī. Therefore, this chapter is expected to present the concept of *maqāṣid al-sharīʿa* framed by Taha's ethical philosophy as an attempt to create an innovative understanding of *maqāṣid* in this contemporary context.

### 3.1 Contextualizing *Maqāṣid al-sharīʿa*: Between *Uṣūl al-Fiqh* and Ethics

The attention to the *maqāṣid* discourse has become prominent since the 20<sup>th</sup> century. Several reformists, such as Rāshid Riḍā, Muḥammad Ṭāhir bin ʿAshūr, Muhammad ʿAllāl al-Fāsi, and many more, have formulated their conceptualization of *maqāṣid al-sharīʿa* to address the contemporary issues. The shift of *maqāṣid al-sharīʿa* from being part of *uṣūl al-fiqh* to a separate concept developed in this modern era has prompted Taha Abdurrahman to also criticize the *maqāṣid* concept within Islamic thought.

In expressing his views, Taha insisted that the traditional Islamic sciences should have interconnection with other disciplines, either internal interpenetration (*al-tadākhul al-dākhilī*), interconnecting among Islamic sciences such as hadīth, tafsīr, fiqh or external interpenetration (*al-tadākhul al-khārijī*), interconnecting with non-Islamic sciences, such as Greek philosophy. With this, *maqāṣid al-sharīʿa* is classified under *al-tadākhul al-dākhilī* in terms of its connection with *uṣūl al-fiqh*.<sup>175</sup> The separation of a specific discipline from other disciplines may lead to an incomplete understanding of it.

In proofing the internal interpenetration of *maqāṣid*, Taha asserted that the *maqāṣid* concept is a bridge to connect the knowledge of *uṣūl* and ethics.<sup>176</sup> Taha classified the meaning of *maqāṣid al-sharīʿa* into three; the theory of *maqṣūd*, *qaṣd*, and *maqāṣid*. The detailed attention to the usage of the *maqāṣid* terminology, although they were derived from the same Arabic terminology, shows Taha's complexity in *maqāṣid* understanding from the perspective of ethics.

First, the theory of *maqṣūd* (singular) or *maqṣūdāt* (plural) refers to the implication of the speech (*dalālāt al-kalām*) and is characterized by the moral description (*al-waṣf al-maʿnawī*) and innate description (*al-waṣf al-fiṭrī*).<sup>177</sup> In this context, Taha emphasized that *al-maqṣūd al-sharīʿī* is not limited to the textual appearance (*ẓāhir al-naṣ*), as it also arises from the implementation of ethical values through moral practices. For instance, the Maliki school of law chose the behavior of the Madina people (*ʿamal ahl madīna*) to be part of the

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<sup>175</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 92.

<sup>176</sup> Abdurrahman, *Suʿāl Al-Manhaj Fī Ufūq al-Taʿsīs Li Anmūdḥaj Fikrī Jadīd*, 65.

<sup>177</sup> Abdurrahman, 65.

legal source, implying that such ethical values can also become legally accepted. Therefore, *maqṣūd*, in terms of *al-waṣf al-ma'nawī*, means the content of evidence that exists and is implemented, reflecting its link to the *akhlāq*.<sup>178</sup> On the other hand, *maqṣūd*, in terms of *al-waṣf al-fitrī*, means the ethical guidelines that bring humans to the true knowledge of God, it is evident from several verses in the Quran which emphasize ethics.<sup>179</sup> For example the verse about the obligation of prayer.

Recite, (O Muḥammad), what has been revealed to you of the Book and establish prayer. Indeed, prayer prohibits immorality and wrongdoing, and the remembrance of Allāh is greater. And Allāh knows that which you do

The elaboration of the perspective of *al-maqṣūd* has been elaborated by *al-shāṭibī* in his book, at the chapter of *maqāṣid* aims to make the *sharī'a* understandable (*maqāṣid waḍa'a al-sharī'a li al-īfhām*).

The theory of *qaṣd* (singular) or *quṣūd* (plural) deals with feelings and is characterized by the volitional description (*al-waṣf al-irādī*) and abstract description (*al-waṣf al-tajarrudī*).<sup>180</sup> Through *al-waṣf al-irādī*, Taha emphasized that the *qaṣd al-Sharī'a* implies both the volition of God and humans, as God created the law based on his will (*irāda*) as well as humans have their will to follow what is commanded and prohibited by God. Ideally, humans should align their will with God's will by obeying Islamic law. On the other hand, *qaṣd*, in terms of *al-waṣf al-tajarrudī*, highlights the importance of the abstract state of mind, called intention (*niyya*), which affects the implementation of the law. Consequently, if the intention is good, the action will be ethically and legally accepted.

The theory of *maqṣad* (singular) and *maqāṣid* (plural) pertains to the content of values in terms of their characteristics to the rational description (*al-waṣf al-ḥikmī*) and the beneficial description (*al-waṣf al-maṣlahī*).<sup>181</sup> For the *maqṣad* in terms of *al-waṣf al-ḥikmī*, Taha insisted that understanding the essence of the law goes beyond mere causal reasoning (*al-ta'līl al-sababī*), as it requires grasping a higher purpose than just technical causality.<sup>182</sup> For instance, the verse allowing the breaking of the fast during Ramaḍān is technically permitted due to sickness. However, the underlying reason for this permissibility is to provide ease (*taysīr*). Therefore, the primary rationale behind this legal text is that breakfasting the fast while sick is meant to facilitate ease. Consequently, if an action fulfills

<sup>178</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 99.

<sup>179</sup> Abdurrahman, 100.

<sup>180</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufuq al-Ta'sīs Li Anmūdḥaj Fikrī Jadīd*, 65.

<sup>181</sup> Abdurrahman, 65.

<sup>182</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 102.

this higher rationale, it is considered both legally and ethically accepted. This approach of seeking reasons beyond the technical causality is referred to as teleological reasoning (*al-ta'īl al-ilghā'ī*).

Regarding *maqṣad* in terms of *al-waṣf al-maṣlahī*, Taha emphasized that the realization of *maṣlahā* is inherently ethical, as it is literally derived from *ṣaluḥa* or *salaha*, which means moral correctness.<sup>183</sup> Therefore, the *maṣlahā* should align with the ethical preservation. This understanding prevents the utilitarian-based interpretation of *maṣlahā* that focuses solely on the materialistic benefits.

For that reason, *maqāṣid al-sharī'a* consists of both ethical and legal principles simultaneously, leading Taha to renew the *maqāṣid* concept without separating it from *uṣūl al-fiqh*, as is commonly done by other contemporary scholars.<sup>184</sup> As a philosopher influenced by Sufism, Taha's view on the *maqāṣid al-sharī'a* uniquely differs from most *maqāṣidiyyūn*, who are jurists and typically approach the concept solely from the perspective of legal interpretation. Taha's understanding of *maqāṣid* discourse places ethics as the core of the legal discussion. He insisted that *maqāṣid al-sharī'a* is the knowledge of Islamic ethics, and the knowledge of ethics also consists of the three theories of *maqāṣid* (*maqṣūd*, *qaṣd*, and *quṣūd*). Ultimately, Taha insisted that the *maqāṣid* discourse is part of *fiqh* studies that are integral to ethics within the context of legal science, and so *fiqh* should be part of *maqāṣid* discourse within the fields of ethics.<sup>185</sup> In other words, it is important to balance between *akhlāq* and legal considerations in discussing *maqāṣid al-sharī'a*.

### 3.2 Revisiting the Concept of *Maqāṣid al-Sharī'a*

The inseparable ethics from *maqāṣid* has been explored in Taha's books under the renewal of the traditional Islamic sciences (*tajdīd al-turāth*). The attempt to revisit the concept of *maqāṣid al-sharī'a* demonstrates his concern for the phenomenon of separation of *maqāṣid* from *uṣūl al-fiqh* as a distinguished concept, which potentially ignores the ethical aspect and may lead to the utilitarian based *maqāṣid*. Taha then detailed his concept in his specific book on *maqāṣid*, "*al-ta'sīs al-i'timānī li 'ilm al-maqāṣid*" (trusteeship paradigm for *maqāṣid* discourse). Thus, in this section, I will focus on Taha's conceptualization of *maqāṣid al-sharī'a*, derived from his epistemological stance as outlined in his specific work. Taha's innovation in the *maqāṣid* discourse will significantly enrich the *maqāṣid* discussion and address contemporary legal issues. The trusteeship

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<sup>183</sup> Abdurrahman, 103.

<sup>184</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufūq al-Ta'sīs Li Anmūdḥaj Fikrī Jadīd*, 71.

<sup>185</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 93.

*maqāṣid*, influenced by Sufism, enables a different perspective on *maqāṣid*, integrating deeper ethical consideration into the legal framework.

### 3.2.1 Understanding law: Between *sharʿī* (lawful) and *Mashrūʿ* (legitimate)

The *maqāṣid al-sharʿī* as an established knowledge of divine purposes requires careful attention to what actually God's intention is in understanding the law. Claiming law as God's intention involves both God's ruling (*ḥukm al-shāriʿ*) and the ruling on God's ruling (*ḥukm ʿalā ḥukm al-shāriʿ*).<sup>186</sup> The first one is independent, reflecting God's omnipotent and free will, while the second one is dependent on God's ruling. Jurists cannot determine any law without first understanding God's ruling. The reasoning behind God's ruling is termed *al-taqṣīd*, and the ruling on God's ruling is called *al-taʿsīs*.

Taha differentiates the words *sharʿī* and *mashrūʿ*, although both terms are derived from the same root. This distinction affects the interpretation of any ruling, as seeking the reason behind the text and claiming it as the divine purpose is considered crucial in determining a law. *Taqṣīd*, therefore, results in a valid law (*al-ḥukm al-sharʿī*) whereas *taʿsīs* discovers a legitimate law (*al-ḥukm al-mashrūʿ*). Understanding the divine law should always involve human understanding of the divine law itself, and thus, every valid law (*ḥukm al-sharʿī*) requires legitimation (*mashrūʿiyya*).<sup>187</sup> However, Taha argued that no *maqāṣid* scholars have actually paid attention to the *mashrūʿiyyat al-aḥkām*, as they solely ceased on the *sharʿiyyat al-aḥkām*, including al-Shāṭibī

Despite al-Shāṭibī being a highly recognized *maqāṣid* scholar with the label of *ḥākimiyyat al-faqīh al-maqāṣidī* (the sovereign *maqāṣid* scholar), Taha remains critical. Taha insisted that the claim about al-Shāṭibī to be the highest respected *maqāṣid* scholar, who has sovereignty in conveyance (*tablīgh*), determining laws (*inshāʿ al-aḥkām*) and whose decrees are obligatory to follow, needs to caution against placing him on the same level as the Prophet. It is because the Prophet conveys the message directly from God. Meanwhile, the *faqīh* should convey the messages conveyed by the Prophet through the understanding of divine speech (*al-khiṭāb al-ilāhī*) that humans have received before their existence in the world.<sup>188</sup> The preservation of the Prophet's conveyance results in *al-aḥkām al-sharʿiyya*, and the preservation of divine speech results in *al-aḥkām al-mashrūʿiyya*.

Taha identified two periods; the period of Prophetic conveyance (*tawr al-tablīgh al-nabawī*) and the period of divine speech (*tawr al-khiṭāb al-ilāhī*). Since the divine speech

<sup>186</sup> Abdurrahman, *Al-Taʿsīs al-ʿImānī Li ʿIlm al-Maqāṣid*, 14.

<sup>187</sup> Abdurrahman, 16.

<sup>188</sup> Abdurrahman, 18.

happened before human existence, the *mashrū‘iyya* came earlier than the *shar‘iyya*. In that dimension, humans have been committed to worshipping God and obeying him, and this testimony is termed *al-mawāthiq*. Due to this testimony, humans should obey the law as the action of keeping the *amāna*. There are two kinds of relationship between God and humans; *ḥālat al-muwāthāqa* in terms of receiving divine speech, and *ḥālat al-mu‘āmala* in terms of receiving prophetic conveyance.

In conclusion, to fully comprehend *maqāṣid al-sharī‘a* is ethical in its implementation, it is important to see the law from two perspectives; *al-shar‘iyya* and *al-mashrū‘iyya*. Recognizing God as sovereign, omnipotent, and the ultimate lawgiver, the divine law is conveyed to His messenger to be delivered to human beings. It is crucial for human beings to interpret the law beyond its textual form, grounding their understanding in the awareness of the responsibilities in this world, which happened during primordial testimony with God.

### 3.2.2 Perspective of Law Establishment through Trusteeship Paradigm (*Al-Ta’sīs al-I‘timānī*)

The trusteeship *maqāṣid* proposed by Taha is a framework of his *maqāṣid* concept and also a form of Taha’s critiques of the *maqāṣid* scholars who often overlook the ethics. Scholars such as al-Shāṭibī, Muḥammad al-Ṭāhir ibn ‘Āshūr, and ‘Izz al-Dīn bin ‘Abd al-Salām were mentioned and criticized in his work while discussing the concept of *maqāṣid*. However, Taha clarified that his critical view of the *maqāṣid* scholars does not deny his respect for these scholars, as whenever he criticized any of their thoughts, he also praised them in some other aspects. This balanced appraisal of the *maqāṣid* scholars aims to strengthen the *maqāṣid* concept, ensuring it is universally and comprehensively accepted across different times and places.

The key concept of the trusteeship paradigm in understanding the *maqāṣid* is the human consciousness of their existence in two worlds; physical and metaphysical. The metaphysical one is the period of bearing in testimony and the physical one refers to the period of implementing that has been witnessed in the testimony, guided by the law revealed to the Prophet Muḥammad PBUH. The former revealed *al-aḥkām al-shar‘iyya* and the latter revealed *al-aḥkām al-mashrū‘iyya*, implying the needs of *al-mashrū‘iyya* earlier than *al-shar‘iyya*.<sup>189</sup>

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<sup>189</sup> Abdurrahman, 22.

The *maqāṣid al-sharī‘a* that has been done by *maqāṣid* scholars can be understood from three linking values (al-mawṣūlāt); First, the relation between sharī‘a and the *fiṭra*, in the sense that the law is established based on human nature (*fiṭra*). Second, the relation between sharī‘a and *irāda*, where the law is created by God's intention (*maqāṣid al-shārī‘*) and human intention (*maqāṣid al-mukallaḡ*). Third, the *sharī‘a* and the *tazkiya*, where *tazkiya* refers to *maṣlaḡa* according to Taha.<sup>190</sup> Focusing their relation without linking it to the *mawāthiq rubūbiyya* is called *al-ta‘ṣīs al-i‘timārī* which only results in *al-aḡkām al-shar‘iyya*.

Meanwhile, for *al-ta‘ṣīs al-i‘timārī*, Taha stated that each of those perspectives has to be linked with *mawāthiq al-rubūbiyya*, those are; the establishment of *fiṭra* is on *mīthāq al-ishhād*, the establishment of *irāda* is on *mīthāq al-isti‘mān*, and the establishment of *tazkiya* on *mīthāq al-irsāl* termed al-muwāthaqa al-rubūbiyya. These perspectives were initiated by Taha, criticizing some *maqāṣid* scholars and proposing a new concept of the *maqāṣid*.

First, the establishment of *fiṭra* under the *mīthāq al-ishhād*. The concept of *ishhād* can be understood from the primordial testimony, where humans bear witness to the oneness of God. This testimony inherently results in the *fiṭra*. The relationship between *ishhād* and *fiṭra* can be analogized to the foundation and the structure built upon it, respectively.<sup>191</sup>

During this testimony, divine speech (*al-khitāb al-ilāhī*) was delivered, thereby implying *sharī‘a* conveyed in the revelation through the prophet as a reminder of this original covenant. Additionally, God also introduced all aspects of existence, including His name (*asmā‘ al-ḡusnā*), from which values (*qiyam*) are derived. For example, the value of knowledge (*‘ilm*) mandates learning, and the value of justice (*‘adl*) mandates upholding justice. This highlights that *sharī‘a* is linked to these values.

Therefore, *fiṭra* is a form of testimony in which everything was delivered by God prior to human existence. Consequently, *sharī‘a* should be based on *fiṭra* values which emphasize a more spiritual one (*al-ma‘nawī*) rather than the materialistic one (*al-māddī*), and hence, *sharī‘a* proves the existence of *fiṭra*, *fiṭra* proves the existence of testimony, and the testimony proves the perfection of God.

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<sup>190</sup> Abdurrahman, 23.

<sup>191</sup> Abdurrahman, 128.

Second, the volition (*al-irāda*) under *mithāq al-isti'mān* refers to human volition (*al-irāda al-bashariyya*), which represents the inherent right of individuals to make choices within the encompassing framework of God's volition (*al-irāda al-ilāhiyya*). This perspective, influenced by Ash'arī thought, asserted that humans' free will is not absolute. This concept is related to the primordial testimony, where humans were introduced to divine realities and God's names. This realization leads to the understanding that humans do not own anything inherently, as the universe ultimately belongs to God. Consequently, everything bestowed upon humans is regarded as a divine trust (*amāna*).

Irāda, therefore, serves as evidence of obedience (*al-tā'a*) and that the values derived from God's name should be upheld through this will.<sup>192</sup> Those who fail to regard human volition as a trust, and instead misuse it, are considered uncivilized (*sū' al-adab*).<sup>193</sup> This kind of misuse constitutes a betrayal of divine trust, characterized by ignorance (*jahl*) and injustice (*al-zulm*).

From this explanation, Taha attempted to link the *mīthāq al-ishhād* (covenant of witnessing or testimony) and *mīthāq al-isti'mān* (the covenant of trusteeship), highlighting the interconnection between *fiṭra* and human volition. Taha seemed to assert that the divine speech manifested in *fiṭra* should be actualized through human volition. This is because the human awareness of values holds no significance without responsible actions. It is analogized to the concept that while faith (*īmān*) resides in the heart, it needs to be actualized through responsible action and practice. Based on this understanding, the *maqāṣid*, as a divine purpose, can be achieved perfectly through the concept of *irāda*.

Third, Tazkiya under *mīthāq al-irsāl*. Taha redefined *tazkiya* to encompass both inward and outward self-purification for achieving human welfare, distinguishing him from other scholars who limit the definition of *tazkiya* to inward welfare. Regarding this, Taha argued that the essence of necessities is purification. For instance, the essence of protecting religion is to purify the belief, and the essence of protecting life is to purify the self. Thus the implementation of *al-sharī'a* aligns with *fiṭra*, *maqāṣid* is realized through *irāda*, and *maṣlaḥa* is actualized through *tazkiya*.

The relationship between *tazkiya* and *mīthāq al-irsāl* is reflected in the prophetic conveyance of *tazkiya*. In this context, *mīthāq al-ishhād* is divine to individuals for believing in a God, *mīthāq al-isti'mān* applies to the entire human beings, *mīthāq al-irsāl*

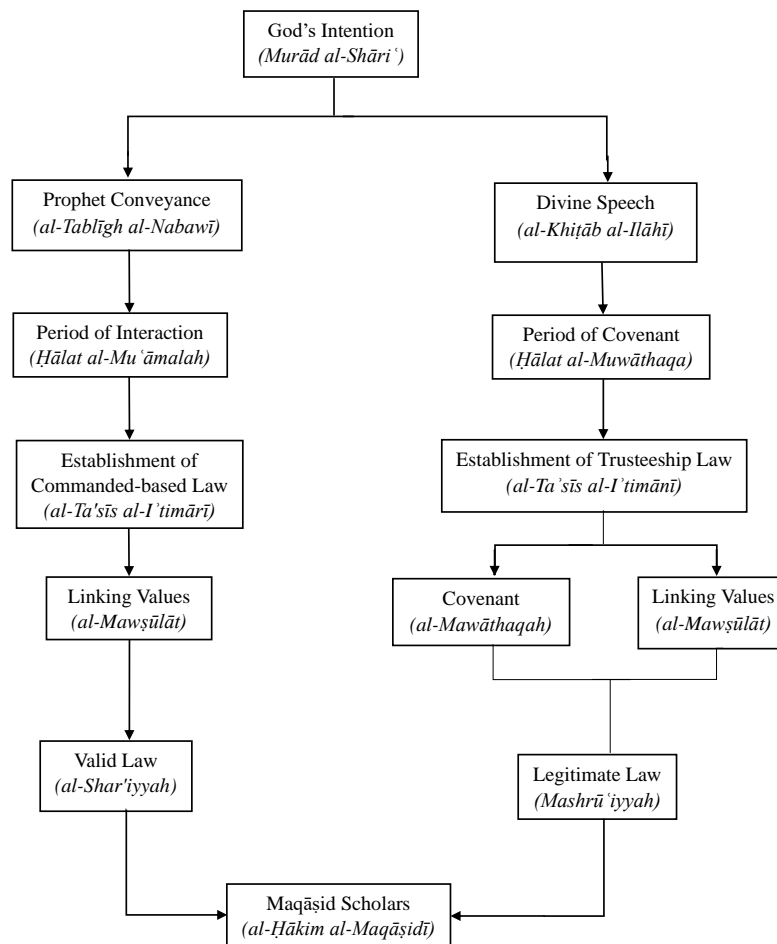
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<sup>192</sup> Abdurrahman, 204.

<sup>193</sup> Abdurrahman, 205.

specifically pertains to the Prophets' promise to deliver the divine for the welfare of humanity by fulfilling the necessities.<sup>194</sup>

After all, Taha's trusteeship paradigm aims to not only consider the ethical values in the *maqāṣid* concept, which has been pragmatist in this contemporary era, despite some criticism to some *maqāṣid* scholars, as previously mentioned, Taha also showed his inclination toward scholars such as Al-Ghazālī, 'Allāl al-Fāsī and Ibn Taymiyyah due to their emphasis on ethics in their *maqāṣid* concept. Taha asserted that *maqāṣid al-sharī'a* does not only require the *shar'īyyat al-aḥkām* but also *mashrū'īyyat al-aḥkām* which can be understood by referring to the divine speech in primordial testimony. Through his critical consideration of *maqāṣid*, Taha also redefined the *maṣlaḥa* and its values, offering a new perspective from other scholars. Taha's framework of the *maqāṣid* discourse can be seen in Figure 2.



**Figure 2. Taha's framework to the *maqāṣid* discourse.**

<sup>194</sup> Abdurrahman, 245.

### 3.2.3 Defining *Maṣlaḥa*

Al-Ghazālī argued that *maṣlaḥa* is preserving benefit (*manfaʿa*) and preventing harm (*al-darar*) are the divine purposes (*maqṣad al-shāriʿ*) that must be fulfilled by human beings. This equally means preserving good (*khayr*) and preventing evil (*sharr*) because *maṣlaḥa* is the terminology to define the righteous/welfare (*al-ṣalāḥ*), which the antonym is corruption (*fasād*). Hence, *fasād* is preserving evil and preventing good (*khayr*).<sup>195</sup> However, the words good and evil are general and they risk being defined based on human desire (*hawā*). For this reason, al-Ghazali specified what is good and evil based on God's intention which is compiled into those five principles. Hence, they become the standard definition of *maṣlaḥa*, implying that preserving good involves protecting these principles, and preventing evil means avoiding the loss of any of these principles.

Taha agreed with al-Ghazālī's definition of *maṣlaḥa* which implicitly characterized it as a ruling that controls actions that inherit ethical rationality. In other words, *maṣlaḥa* represents a law guiding all actions to align with any *maqāṣid*, without differentiating it into general and particular *maqāṣid* as proposed by some contemporary *maqāṣid* scholars.<sup>196</sup> Thus, Taha redefined *maṣlaḥa* as the preservation of legally legitimized benefits and the prevention of legally nullified harms. This detailed definition is called *qānūn al-maṣlaḥa al-musaddada*, and thought derived from it is "*al-ʿaqlāniyya al-musaddada*" contrasting with "*al-ʿaqlāniyya al-musayyaba*".<sup>197</sup>

For this reason, Taha preferred the term *tazkiya* over *maṣlaḥa* because, for him, *tazkiya* refers exclusively to *al-maṣlaḥa al-musaddada*, insisting that *maṣlaḥa* should not be based on human desire. By this definition, two aspects are identified: preserving the five principles (*tanmiya*) and preventing their loss (*taṣfiya*).<sup>198</sup> For example, *taṣfiya* involves not becoming an apostate (*kufr*), not killing, not stealing, not committing adultery, and not getting drunk. Through the trusteeship paradigm, preserving *taṣfiya*, literally means purification, and *tanmiya*, literally means improvement, should be done with a sense of responsibility. The concept of *tazkiya*, derived from the covenant, is understood as legitimate welfare (*al-maṣāliḥ al-sharʿiyya*) inherent in *fiṭra*. Hence, it requires the innate

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<sup>195</sup> Abdurrahman, 352.

<sup>196</sup> Abdurrahman, 355.

<sup>197</sup> Abdurrahman, 355–56.

<sup>198</sup> Abdurrahman, 385.

cognition (al-idrāk al-fitriyya). This leads Taha to criticize the istiqrā' theory of *maqāṣid* scholars, as it implicitly denies al-idrāk al-fitriyya.<sup>199</sup>

Taha argued that maṣlaḥa cannot be interpreted as mere human convenience, as some scholars suggest, because this leads to a pragmatist approach that follows human desire in defining maṣlaḥa. Maṣlaḥa is strongly linked to values (qīma). For example, compassion, justice, and kindness towards others result from preserving maṣlaḥa. This implies that maṣlaḥa cannot exist without values, and vice versa. Ultimately, Taha's construction of *maqāṣid al-sharī'a* is generally in line with classical scholars, but his trusteeship paradigm prioritizes ethics. This is evident in Taha's refutation of the istiqrā' methodology, which *maqāṣid* scholars use to determine the law. Taha prefers to follow the law revealed by God, as everything commanded is a divine mandate given to humans before their existence.

Nevertheless, Taha's philosophical analysis is rich in terminology and knowledge, and offers sharp criticism of *maqāṣid* scholars' arguments, making his perspectives unique and providing a new understanding of *maqāṣid* in the modern era. While Taha generally agrees with classical *maqāṣid* scholars, certain points, especially in theorizing maṣlaḥa values, require consideration. Maṣlaḥa consists of three stages: necessities (al-ḍarūriyya), needs (al-ḥājjiyya), and complementaries (al-taḥsīniyya). The loss of necessities endangers life, the loss of needs causes damage, and the loss of complementaries narrows life. Taha argued that these three stages overlap, as necessities cannot be achieved without addressing the other two. For example, preventing adultery (necessity) involves covering the 'awra (need) and avoiding excessive makeup (complementary).<sup>200</sup> Therefore, Taha suggested renaming these stages of maṣlaḥa values to *al-i'tibār*, *al-iḥtiyāt*, and *al-takrīm*.

Taha emphasized the traditional concept of necessities (ḍarūriyyāt al-khams), as advocated by *maqāṣid* scholars, poses challenges due to their continued reliance on istiqrā' methodology. This approach sustains ongoing textual interpretations concerning the necessities such as justice and freedom, similar to efforts by reformist scholars. This framework may inadequately address the issues. In addition, each aspect of the formed necessities appears redundant, as they are interconnected and collectively contribute to the protection of religion (ḥifẓ al-dīn).<sup>201</sup> Consequently, protecting any of the necessities inherently means protecting the religion itself, as Taha argued that protecting the religion

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<sup>199</sup> Abdurrahman, 378.

<sup>200</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufuq al-Ta'sīs Li Anmūdḥaj Fikrī Jadīd*, 82.

<sup>201</sup> Abdurrahman, 82–83.

defines the sharī‘a as a whole, encompassing all values within it. Otherwise, the definition of protecting the religion is narrowed solely to beliefs and rituals without underlying evidence (dalīl) from the texts to support such limited interpretation.

Conversely, aspects not explicitly covered by the necessities are categorized as either needs or complementaries. Taha criticized *maqāsid* scholars for paying less attention to ethics, placing them solely under the complementaries. However, ethics were the core of the Prophet's conveyance, as he said: “*I was sent to perfect good character.*” Additionally, some needs are crucial for human life such as purifying the body (ṭahāra) from impurities (najāsa) which is mandatory to ensure the validity of prayers. Ignoring such requirements will obviously endanger life.<sup>202</sup>

In contrast to previous necessities, Taha introduced a novel framework of maṣlaḥa consisting of six hierarchically structured values; spiritual values (al-qiyam al-rūhiyya), doctrinal values (al-qiyam al-‘aqdiyya), practical values (al-qiyam al-‘amaliyya), intellectual (al-qiyam al-‘aqliyya), life values (al-qiyam al-ḥayawiyya), and materialistic values (al-qiyam al-māddiyya).<sup>203</sup> The prioritization of these values is based on the derived meaning, placing spiritual (al-ma‘nawī) over materialistic (al-māddī) aspects. This hierarchy underscores the belief that ethics, considered spiritual in nature, form the core identity of humanity and affirm servitude towards God.

Spiritual values consist of values of intention (qiyam al-niyya), values of sincerity (qiyam al-ikhḷāṣ), and values of kindness (qiyam al-iḥsān). The doctrinal values contain values of faith (qiyam al-īmān) and values of commitment (qiyam al-iḥsān).<sup>204</sup> Both values are rooted in the values of testimony to the oneness of God (qiyam al-tawḥīd al-ishḥādī).

Intellectual values consist of values of theory (qiyam al-naẓr) knowledge (qiyam al-‘ilm and al-ma‘rifa), and practical values encompass values of tools (qiyam al-adā‘āt), judgements (qiyam al-qaḍā‘āt), skills (qiyam al-mahārāt), and activities (qiyam al-fa‘āliyyāt).<sup>205</sup> In this case, intellectual values are not based on abstract reason (al-‘aql al-mujarrad) but ethical reason (al-‘aql al-musaddad). Both values are rooted in the values of trusteeship responsibility (qiyam al-mas’ūliyya al-i’timāniyya).

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<sup>202</sup> Abdurrahman, 82–83.

<sup>203</sup> Abdurrahman, *Al-Ta’sis al-I’timāni Li ‘Ilm al-Maqasid*, 475.

<sup>204</sup> Abdurrahman, 475.

<sup>205</sup> Abdurrahman, 476.

Life values pertain to the keeping physical well-being and materialistic values consist of keeping the existing needs surrounding human beings such as preserving property, and asset.<sup>206</sup> Both values are rooted under the instinctive values (*al-qiyam al-ghazīriyya*). Meanwhile, the innate and instinctive values are derived from *ḥālat al-muwāthaqa* and *ḥālat al-mu‘āmala* respectively.

Other than that, functionally, the values are divided into two, teleological values (*qiyam ghā’iyya*) and instrumental values (*qiyam wasalayya*). The teleological values are considered to be the original goal values, and the instrumental values act as the mediator to achieve the original values. In this context, *qiyam fiṭriyya* represents the original goal value, while *ghazīriyya* serves as the mediator to achieve *qiyam fiṭriyya*. For this reason, the latter follows the former values in the hierarchy. This redefinition by Taha aims to replace the traditional concept of *maṣlaḥa* with one rooted in ethical consideration. Both values, *qiyam al-tawḥīd al-ishhādī* and *qiyam al-mas’ūliyya al-i’timānī* are compiled under innate values (*al-qiyam al-fiṭriyya*), derived from the period of covenant (*ḥālat al-muwāthaqa*). Meanwhile the instinctive values are derived from the period of interaction (*ḥālat al-mu‘āmala*). The illustration of *maṣlaḥa* proposed by Taha can be seen in figure 3.

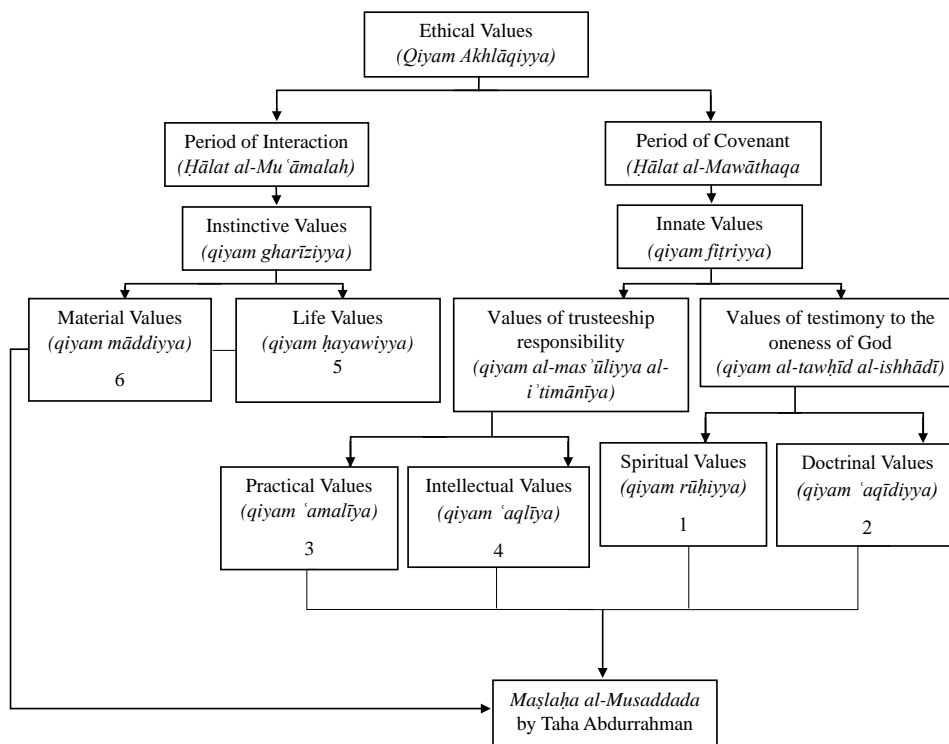


Figure 3. The illustration of *maṣlaḥa* proposed by Taha Abdurrahman.

<sup>206</sup> Abdurrahman, 474.

In terms of practical implementation, Taha further argued that producing the *maqāṣid* concept which is integral to ethics requires two aspects simultaneously while grasping the divine law; *fiqhī* and *akhlāqī*. The *fiqhī* aspect provides binding obligation through materialistic supervision through the sanction or punishment by legal authorities. It regulates human behavior by focusing only on the outward actions or practices that bring benefits (*naḥ*) and harm (*ḍarar*) to oneself or others and employs causal reasoning in legal determination. Conversely, *akhlāqī* aspects provide binding obligation from the spiritual supervision through the sanction or punishment by self-consciousness, regulates the individual behavior by more on inward actions that lead to the righteous (*ṣalāh*) or corruption (*fasād*) to oneself or another, and employs the teleological reasoning (*al-taʿlīl al-ghāʾī*) in legal determination.<sup>207</sup>

Upon the combination of those two important aspects, three principles are identified in terms of the *fiqhī* aspect, three important aspects to consider are legal cause (*ʿilla*), legal direction (*jiha*), and legal case (*qaḍiyya*). In terms of *akhlāqī* aspect, three important elements are intention (*niyya*), action (*fiʿl*), and values (*qīma*). Therefore, the combination of both aspects aligns *niyya* with *ʿilla* since *niyya* is considered the cause of *fiʿl*. *Fiʿl* corresponds to *qaḍiyya*, and *qīma* aligns with *jiha* as they serve as criteria for judgment based on a specific description.<sup>208</sup> From here, Taha emphasizes that every action should comprehend these three elements in its implication.

### 3.3 Conclusion

Taha Abdurrahman's conceptualization of *maqāṣid al-sharīʿa* aims to renew Islamic thoughts. He criticized the separation of *maqāṣid* discourse from *uṣūl al-fiqh*, highlighting its interconnection with ethics. His unique approach and detailed analysis of *maqāṣid* discourse are demonstrated through his classification of *maqāṣid* theories, where every particular theory is imbued with ethical consideration; *maqṣūd*, *qaṣd*, and *maqṣad*.

Taha's concept of *maqāṣid al-sharīʿa* presents to be integral to ethics, as he argued that ethics must be seen to be central to legal discourse. This novel concept of *maqāṣid al-sharīʿa* is an effort to contribute to the *maqāṣid* discourse which he claimed that most previous *maqāṣid* scholars, including al-shāṭibī, is yet to be sufficiently appreciated as it deserves. In doing so, he criticized scholars such as Muḥammad al-Ṭāhir ibn ʿĀshūr, al-Shāṭibī, ʿIzz al-Dīn bin ʿAbd al-Salām, while expressing greater appreciation to al-Ghazālī,

<sup>207</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 106.

<sup>208</sup> Abdurrahman, *Suʿāl Al-Manhaj Fī Ufūq al-Taʿsīs Li Anmūdḥaj Fikrī Jadīd*, 88.

Ibn Taymiyya, and ‘Allāl al-Fāsī who have briefly highlighted the ethics in their ethical concept.

Taha’s concept of *maqāṣid al-sharī‘a* is driven by his ontological basis in which humans live in two worlds; physical and metaphysical. In the metaphysical world, humans have committed to God to obey all His orders during the primordial testimony. It leads to the distinguishing between *al-aḥkām al-shar‘iyya* and *al-aḥkām al-mashrū‘iyya*, the former is the law revealed through the prophet, and the latter is the commitment to uphold the law from the divine speech prior to human existence.

Through the trusteeship paradigm, he insisted on the relationship *sharī‘a* and *fiṭra*, volition (*irāda*), and good (*tazkiya*) under the *mawāṭhiq al-rubūbiyya*. He also redefined the *maṣlaḥa* to avoid it being defined based on human desire, which leads to a pragmatic approach. He divided *maṣlaḥa* into six values; spiritual values (*al-qiyam al-rūhiyya*), doctrinal values (*al-qiyam al-‘aqdiyya*), practical values (*al-qiyam al-‘amaliyya*), intellectual (*al-qiyam al-‘aqliyya*), life values (*al-qiyam al-ḥayawīyya*), and materialistic values (*al-qiyam al-māddiyya*). Therefore, Taha Abdurrahman's contribution to *maqāṣid* discourse presents significant and ethically based-oriented appraisal to the *maqāṣid* scholars to provide the integration between law and ethics within Islamic jurisprudence. His work enriches the dynamic evolution of Islamic thought and provides insights into the contemporary legal and ethical dilemma.

## CHAPTER IV

### ANALYSIS OF TAHA ABDURRAHMAN'S CONCEPT OF *MAQĀṢID AL-SHARĪ'A*

In the previous chapter, Taha's *maqāṣid* concept was discussed about the connection between *uṣūl al-fiqh* and ethics, highlighting the urgency of renewing the *maqāṣid* discourse to maintain its essence as a part of traditional Islamic sciences (*turāth*). The chapter also differentiated between *shar'ī* and *mashrū'* and explained Taha's *maqāṣid* through the trusteeship paradigm as his primary concept. In addition, Taha's views on *maṣlaḥa* were explored, particularly his disagreements with other *maqāṣid* scholars regarding its definition and categorization.

In this chapter, I will focus on analyzing Taha's *maqāṣid* concept within the broader context of *maqāṣid* among scholars from classical, reformist, secular, traditional, and postmodern approaches and put them in dialogue. It aims to situate Taha's arguments within this scholarly dialogue to understand his position and the significance of his novel work on *maqāṣid al-sharī'a* in Islamic thought. Furthermore, this chapter will examine the legal application of Taha's *maqāṣid* concept in comparison to other scholars, highlighting his critiques of both Western and Traditional Muslim scholars.

In his criticism of the jurists in legal determination, Taha labeled the legal approach as merely controlling human beings from the outside and failing to restore modesty (*al-ḥayā'*) in modern humans as *al-fiqh al-i'timārī*.<sup>209</sup> Therefore, examining Taha's critics of al-Shāṭibī and other *maqāṣid* scholars is expected to address the gap in the study of Taha's arguments on the intersection of ethics and law within the context of *maqāṣid al-sharī'a*. This examination will also contribute to the contemporary discourse on *maqāṣid*, which is increasingly viewed as a form of modernization of Islamic law through different fields of study.

#### **4.1 Taha's Dialogue with Classical Approach of *Maqāṣid* Discourse**

The discussion on the classical approach of *maqāṣid* scholars encompasses the intersection between ethics and law, the methodology of *ta'līl, istiqrā'*, and the definition of *maṣlaḥa* and its categorization. Taha criticized the traditional *maqāṣid* approach in his several books, writing a specific chapter on his critics of al-Shāṭibī. However, Taha also placed more arguments within the dialogue of other traditional *maqāṣid* scholars, making them some of his references such as al-Ghazālī, al-Tūfī (d. 716 H/1326 AD), al-Qarāfī (d.

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<sup>209</sup> Abdurrahman, *Dīn Al-Ḥayā'*: *Min al-Fiqh al-I'timārī Ilā al-Fiqh al-I'timānī*, 1:254.

1285 AD), Ibn Taymiyya (d. 728 H/1328 AD), and Ibn Qayyim al-Jawziyya (d. 751 H/1349 AD).

In this section, I will commonly focus on examining Taha's critiques of al-Shāṭibī, as a prominent classical *maqāṣid* scholar. In certain contexts, Taha does not only specify his critics of al-Shāṭibī but refers to them (majority of *maqāṣid* scholars) as *maqāṣidiyyūn*. Al-Shāṭibī, Taha elaborated, has attempted to show the relation between ethics and *uṣūl al-fiqh* that is important to the discussion on *maqāṣid* concept from the implicit discussion of *maqṣūd*, *quṣūd*, and *maqāṣid* throughout his book.<sup>210</sup> Yet, he still argued that ethics has yet to be fully appreciated within the *maqāṣid* discourse. In this case, Hallaq asserted that Taha, with his renewal of the *maqāṣid* concept, aimed to go beyond the classical tradition to achieve and appreciate what has not yet been addressed in the *maqāṣid* concept.<sup>211</sup>

While emphasizing the importance of comprehension of *fiqhī* and *akhlāqī* aspect in the conceptualization of *maqāṣid*, Taha implicitly argued that the classical *maqāṣid* scholars placed more attention on the *fiqhī* aspect rather than *akhlāqī*. For example, Taha argued that al-Shāṭibī and *maqāṣid* scholars, in general, did not pay attention to the ethical values behind the meaning of *maqāṣid al-sharī'a* by elaborating the meaning of intent (*qaṣd*), intended (*maqṣūd*), and objective (*maqṣad*) in *maqāṣid al-sharī'a*, thereby neglecting the interconnection between *akhlāq* and *uṣūl*.<sup>212</sup> However, it is challenging to accept this claim directly, as al-Shāṭibī clearly stated that *maqāṣid* is inseparable from ethics, as the *sharī'a* is entirely aimed at preserving *maṣlaḥa*.<sup>213</sup> In this matter, Hallaq critically argued that Taha's emphasis on *tadākhul al-dākhilī* between ethics and *uṣūl al-fiqh* in terms of *maqāṣid* is unclear because the conceptualization of *maqāṣid* has been formulated since the era of al-Ghazali. Taha might have wanted to emphasize every religious practice is well-preserved and understood.<sup>214</sup>

However, I believe that it is difficult to take Taha's critique of al-Shāṭibī for granted. Al-Shāṭibī himself emphasized that the stages of *maṣlaḥa* are derived from the divine purpose (*maqṣad al-Shāri'*), ranging from *ḍarūriyyāt* to *taḥsīniyyāt*, that rely on the definitive evidence (*dalīl qaṭ'i*).<sup>215</sup> He further added that following desires contradicts the

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<sup>210</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 98–99.

<sup>211</sup> Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*, 47.

<sup>212</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 103.

<sup>213</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:124.

<sup>214</sup> Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*, 48.

<sup>215</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:79.

main purpose of the *sharī‘a*, and ultimately leads to corruption (*fasād*).<sup>216</sup> The division of *maṣlaḥa* into common and particular is intended to facilitate understanding from a legal perspective to be easily implemented without eliminating the ethics. Hallaq, in this case, insisted that *maqāṣid* scholars aim to form or theorize an ethical subject for easier implementation.<sup>217</sup> Therefore, Taha’s claim that al-Shāṭibī focused solely on *gharīza* instead of *fiṭra* is invalid.

In terms of placing ethics in the hierarchal principles of *maṣlaḥa*, Taha argued that the al-Shāṭibī has neglected ethics due to its classification as complementaries (*taḥsīniyyāt*). By this classification, al-Shāṭibī argued that neglecting complementaries can cause discomfort without posing danger or harm to oneself<sup>218</sup> Taha, however, argued that some aspects of *ṭahārāt* should be included among the primary values of *maṣlaḥa*, as neglecting them can invalidate prayers, thus, preventing one from achieving *maṣlaḥa*. Al-Shāṭibī, on the other hand, acknowledged that ethical requirements closely related to necessities should be considered parts of necessities as he stated: “The combination of needs and complementaries can rise to a level where each becomes similar to the type of necessities (*ḍarūriyyāt*).<sup>219</sup> Thus, obligatory *ṭahārāt* which can invalidate *ṣalā* is automatically considered a necessity due to the relationship between the condition (*sharṭ*) and the conditioned (*mashrūt*).

Moreover, it is not accurate that al-Shāṭibī placed ethics as a whole at the level of complementaries. For example, al-Shāṭibī classified abstaining from adultery, a part of ethics, under necessities. On the other hand, charity is also an ethical act but neglecting it does not compromise one’s religious integrity. Thus, al-Shāṭibī’s categorization highlights that the level of ethics varies according to the context to prevent human beings from difficulties.<sup>220</sup> For instance, performing *ṣalā* on time is obligatory, but in certain contexts, such as illness or travel, one can combine two times of *ṣalā*. This flexibility does not indicate unethical behavior; rather, it illustrates that *sharī‘a* is adaptable, comprehensive, and considerate of individual circumstances. Otherwise, the law will be understood as a

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<sup>216</sup> Al-Shatibi, 2:298.

<sup>217</sup> Hallaq, *Reforming Modernity : Ethics and the New Human in the Philosophy of Abdurrahman Taha*, 48.

<sup>218</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:22.

<sup>219</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:40.

<sup>220</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 2:41.

rigid system. This shows that Taha Abdurrahman did not consider that not all ethics are typical in terms of their obligation from the perspective of the *sharīʿa*.<sup>221</sup>

The conceptualization and framework established by al-Shāṭibī and other classical scholars do not disregard consideration. Instead, their efforts aim to make Islamic law more systematic, understandable, and achievable, recognizing that law is determined by God to facilitate ease for people. This careful understanding of *sharīʿa* is reflected in the division of *maṣlaḥa* into two categories; *maṣlaḥa*, supported by the legal basis based on *maqṣad al-Shāriʿ*, and *maṣlaḥa mursala*, not explicitly supported by legal basis, but does not contradict it.<sup>222</sup>

On the other hand, Taha also argued that the methodology of *istiqrāʿ* done by al-Shāṭibī reveals regulations based on the instinctive nature (*gharīza*) of human beings rather than their innate nature (*fiṭra*).<sup>223</sup> He considered that misleading categorization of *maṣlaḥa* is proof of the invalidity of the *istiqrāʿ* methodology. In asserting this argument, Taha was referring to other classical scholars such as ʿIzz al-Din bin ʿAbd al-Salām and Ibn Taymiyya, who also contradicted the *istiqrāʿ* and emphasized the values (*qīma*).<sup>224</sup> The invalidity of *istiqrāʿ* stems from two factors. First, its natural characteristic (*al-ṣifa al-tabiʿiyya*) is derived from natural science and limited to the laws of causality (*qānūn al-sababiyya*) and uniformity (*qānūn al-iṭṭirād*). Second, its worldly characteristic (*al-ṣifa al-dunyāwiyya*) restricts its scope to physical matters, making its application to metaphysical subjects problematic.<sup>225</sup>

As the impact of *istiqrāʿ* methodology, Taha strictly criticized al-Shāṭibī's *taʿlīl* methodology, where he mentioned that the *maqāṣidiyyūn* commonly ceased in the causal reasoning (*al-taʿlīl al-sababī*) rather than teleological reasoning that represents ethical values.<sup>226</sup> For Taha, causal reasoning is merely an intermediary stage (*wasīla*) and does not reach the ultimate purpose (*ghāya*). For instance, sickness or travel is a condition that allows one to break the fast during Ramaḍān. Sickness or travel alone, according to Taha, is not a sufficient standard of permissibility (*ibāḥa*) for breaking the fast. Instead, it must be considered in the context of easiness (*al-taysīr*).<sup>227</sup> Thus, easiness, which is called al-

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<sup>221</sup> Muhammad al-Marakeby, "The Unaddressed by *Sharīʿa* and the Ethicalization of Islamic Law," in *Routledge Handbook of Islamic Ethics*, ed. Mohammad Ghaly (London: Routledge, 2024), 20.

<sup>222</sup> Al-Shatibi, *Al-Muwafaqat*, 2008, 1:32.

<sup>223</sup> Abdurrahman, *Al-Taʿsis al-ʿImani Li ʿIlm al-Maqasid*, 395.

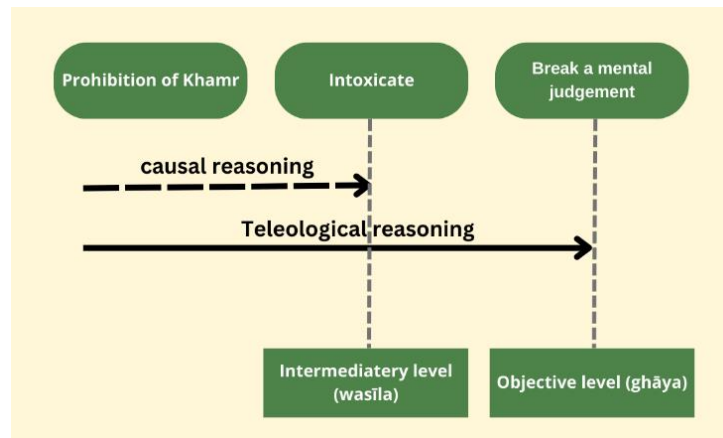
<sup>224</sup> Abdurrahman, 486.

<sup>225</sup> Abdurrahman, 416–17.

<sup>226</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 119.

<sup>227</sup> Abdurrahman, 102.

munāsba by uṣūliyyun, is actually a standard of permissibility through teleological reasoning. (For another example illustration, see Figure 4).



**Figure 4. Illustration of *Ta'īl* methodology according to Taha Abdurrahman.**

However, the implementation of this principle is paradoxical and ambiguous, raising questions about the extent to which easiness can be considered a valid reason. For example, if someone is traveling with sufficient facilitation due to technological advancements, where one can travel to another place easily, does it mean that fasting is no longer exempted because the objective of “easiness” is not met? If so, what is the exact limit that defines when someone truly needs that easiness? This ambiguity highlights a methodological challenge, as the law should be clear and firm. Taha emphasizes that humans cannot undermine any law when considering *rukḥṣa* (legal concessions). However, it cannot be universally validated as a standard for *rukḥṣa*, since these concessions are given by God as a mercy. The ruling of *rukḥṣa* varies, from mandatory (*wājib*) to detestable (*makrūh*) according to the context to provide ease for humans in specific conditions.<sup>228</sup>

In this context, the scholars have differentiated *‘illa* (legal cause) and *ḥikma* (wisdom), acknowledging that not everything can be considered as *‘illa*, some elements are only categorized as *ḥikma*, as every God’s ruling is imbued with profound *ḥikma*.<sup>229</sup> Taha recognized that his teleological reasoning was similar to *munāsaba* (appropriateness) according to *uṣūliyyūn*, yet he still emphasized that the essence of ruling is to reach the *ḥikma*.<sup>230</sup> This thought is inspired by Ibn Taymiyyah who emphasized *munāsaba* as *‘illa* to

<sup>228</sup> Abū Bakr Ibn Abū al-Qāsim al-Ahdal, *Al-Farā'id al-Bahiyya: Naẓm al-Qawā'id al-Fiqhiyya* (Damascus: Dār al-Maymana, 2016), 23.

<sup>229</sup> al-Marakeby, “Al-Ḥadātha Wa Taḥawwulāt al-Khitāb al-Maqāṣidī,” 16.

<sup>230</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 102.

preserve human welfare and prevent harm.<sup>231</sup> Taha further argued that causal reasoning is a result of Western influence, which neglects the determination of law based solely on causality. However, negating the causal reasoning will make the law difficult to understand and implement, making it achievable only to certain individuals.

While recognizing that the critiques of Taha Abdurrahman stem from his careful attention to ethical consideration, it is important to highlight al-Ghazālī's distinction between the higher level of ascetic ethics for pious (*wara'*) and legal rules that must be upheld by the public.<sup>232</sup> According to al-Ghazālī, *wara'* can only be achieved by a select few, whereas *fiqh* serves a broader audience.<sup>233</sup> Therefore, *wara'* and *fiqh* each have their distinct domains and should be approached accordingly. This ambiguity might be why Hallaq, in commenting on Taha's *maqāṣid* concept, argued that labeling it as *maqāṣid* is less appropriate because Taha's approach is highly ethical. However, Hallaq acknowledged that a true scholarship is ultimately based on moral values rather than purely intellectual-theoretical positions. He also admitted that the highest level of knowledge involves psychological practice, suggesting that Taha's ideas may have validity, but naming it simply as *maqāṣid* is not the best option.<sup>234</sup>

Generally, Taha and other classical *maqāṣid* scholars, particularly al-Shāṭibī, shared a similar focus on ethics. While classical *maqāṣid* scholars emphasized juristic legal determination for implementation, making ethics its basis. Meanwhile, Taha is more concerned with the paradigm and way of thought, and his ethical consideration is placed more systematically compared to al-Shāṭibī.<sup>235</sup> However, Taha's systematization of ethics is still looking more complicated compared to al-Shāṭibī's legal construction of *maqāṣid*, impacting the effectiveness of its implementation. This might be because al-Shāṭibī and other classical *maqāṣid* scholars were jurists, while Taha was mostly influenced by Sufism. Despite their differences, both aim to emphasize that *maṣlaḥa* is part of *maqṣd al-Shāri'* and should be implemented. This is evident from Taha's understanding that *maqāṣid* was initially driven by *al-taṣawwuf*, initiated by *al-ḥakīm al-tirmīdhi*, rather than by *uṣūliyyūn*, theologian (*mutakallimūn*), or philosopher.<sup>236</sup> Thus, for Taha, the true

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<sup>231</sup> Taqī al-Dīn Ibn Taymiyya, *Majmū' Al-Fatāwā*, ed. Farīd 'Abd al-'Azīz al-Jundī and Ashraf Jalāl Al-Sharqawī, vol. 32 (Cairo: Dār al-Ḥadīth, 2006), 343; Abdurrahman, *Al-Ta'sis al-'Itimani Li 'Ilm al-Maqasid*, 482.

<sup>232</sup> al-Marakeby, "The Unaddressed by Sharī'a and the Ethicalization of Islamic Law," 10.

<sup>233</sup> Abū Ḥāmid al-Ghazālī, *Ihyā' 'Ulūm al-Dīn* (Beirut: Dār Ibn Ḥazm, 2005), 556.

<sup>234</sup> Hallaq, *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*, 48.

<sup>235</sup> Kepplinger, "Taha Abderrahmane and Abū Ishāq Al-Shāṭibī," 76.

<sup>236</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 121.

understanding of *maqāṣid* should be discussed by highlighting the ethical values as done before.

Nevertheless, placing ethics on an equal level with legal rulings may make it difficult for people while Islam aims to ease people's lives. Nevertheless, this does not negate the significance of Taha's *maqāṣid* concept for self-purification or improvement, as it emphasizes the imposition of spiritual values rather than materialistic ones according to Taha himself. This approach may also be influenced by Taha's ideological position whose ideas are unique, allowing him to shape criticism towards both Western and Muslim scholars.

#### 4.2 Taha's Dialogue with Traditionalist Approach of *Maqāṣid* Discourse

For the traditional approach, Taha often criticized traditional in general meaning as imitating others and he completely criticized it. Taha's stance on creativity (*al-ibdā'*) has influenced him to advocate the renewal of Traditional or in this context classical, Islamic sciences, including *maqāṣid*. This is the reason for Taha's distinguished ideas from the traditional scholars who reemphasize the classical *maqāṣid* understanding within the contemporary *maqāṣid* trend. Due to this emphasis on the classical *maqāṣid* scholars, the critics of Taha Abdurrahman to the *maqāṣid* traditional approach tend to be similar to his critics of the classical scholars.

Sa'īd Ramaḍān al-Būṭī, for example, emphasized that God intended the welfare of human beings, which brings them happiness, and therefore, all rulings in Islam aim to bring *maṣlaḥa* for humans.<sup>237</sup> Despite defining *maṣlaḥa* as benefits which literally means comfort,<sup>238</sup> al-Būṭī asserted that, in this context, *maṣlaḥa* means using life in this world as an intermediary to achieve joy in the hereafter.<sup>239</sup> Al-Būṭī's classification of *maṣlaḥa* aligns with the classical scholars, consisting of *ḍarūriyyāt*, *hājjiyyāt*, and *taḥsīniyyāt*.<sup>240</sup> These *maṣlaḥa* principles were determined by the methodology of *istiqrā'*. In this context, *maṣlaḥa* values ultimately extend beyond materialistic welfare, as fulfilling these necessities inherently encompasses all values, thereby ensuring holistic well-being.<sup>241</sup>

Regarding this, Taha argued that emphasizing on *maṣlaḥa* classification proposed by the classical scholars is only limited to the law establishment based on a command-oriented

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<sup>237</sup> al-Būṭī, *Dawābiṭ Al-Maṣlaḥa Fī al-Sharī'a al-Islāmiyya*, 66.

<sup>238</sup> al-Būṭī, 23.

<sup>239</sup> al-Būṭī, 59.

<sup>240</sup> al-Būṭī, 119.

<sup>241</sup> al-Būṭī, 54–55.

paradigm (*al-ta'sīs al-i'timārī*), which only produces *al-shar'iyya* without achieving *mashrū'iyya*.<sup>242</sup> *Al-ta'sīs al-i'timārī* only considers *al-sharī'a*, or religion in general, as a relationship between divine attributes (*af'āl ilāhiyya*) and human actions (*af'āl bashariyya*).<sup>243</sup> Thus, Taha reconstructs new values of *maṣlaḥa* based on the methodology that eliminated the *istiqrā'* method based on *mawāthiq rubūbiyya*, as for him, *istiqrā'* methodology limits the scope of the God's ruling.

However, in this matter, labeling traditional *maqāṣid* scholars, and indirectly *maqāṣid* classical scholars as well, as materialistic cannot be accepted without careful consideration. Al-Būṭī emphasized that *maṣlaḥa* should implement a balance between the physical and spiritual because without fulfilling the physical needs, one cannot achieve the spiritual needs.<sup>244</sup> This is also an argument that stands in contrast to those who claimed that the *maṣlaḥa* merely for human convenience based on human feelings (*al-wijdān al-basharī*), which relies on the materialistic perspective.<sup>245</sup>

Those arguments target scholars of ethics and philosophy who conceptualized their ideas on *maṣlaḥa* without a deeper analysis of divine purpose (*maqāṣid al-shāri'*). This perspective arises from various worldly factors that distance human beings from the *fiṭra*, as *fiṭra* is the purest state of human minds that God created free from any foolishness and corruption.<sup>246</sup> Consequently, those who keep their minds free from factors that may corrupt them will lead to a true understanding of *maqāṣid*. Therefore, considering traditional *maqāṣid* scholars as materialistic is invalid because they also oppose materialism.

Furthermore, Taha argued that eliminating this *istiqrā'* methodology should not only revert to God's decision on the rulings but also consider the underlying reason for the existence of the *sharī'a*. Without understanding this reason, the rulings themselves cannot be fully acknowledged. This approach emphasizes the relationship between God and the universe He created.<sup>247</sup> Therefore, Taha constructed his own methodology as a substitute for the *istiqrā'* methodology by understanding *mawāthiq rubūbiyya*. *Mawāthiq rubūbiyya* refers to various forms of the divine covenant with human prior to their existence. First, *mīthāq al-ishhād* is the covenant between humans and God to believe in His oneness and worship him. Second, *mīthāq al-isti'mān* involves a commitment to obey all His rulings.

<sup>242</sup> Abdurrahman, *Al-Ta'sīs al-I'timārī Li 'Ilm al-Maqāsid*, 23.

<sup>243</sup> Abdurrahman, 109.

<sup>244</sup> al-Būṭī, *Dawābiṭ Al-Maṣlaḥa Fī al-Sharī'a al-Islāmiyya*, 56–57.

<sup>245</sup> al-Būṭī, 25.

<sup>246</sup> al-Būṭī, 33.

<sup>247</sup> Abdurrahman, *Al-Ta'sīs al-I'timārī Li 'Ilm al-Maqāsid*, 421.

Meanwhile, *mīthāq al-irsāl* is the covenant between selected individuals (prophets) to convey divine messages to the entire world.

Therefore, through the concept of *mawāthiq rubūbiyyah*, it is recognized that there will be God (*ilāh*) as characterized in *mīthāq al-ishhād*, and Owner (*mālik*) as characterized in *mīthāq al-isti'mān*, and a Nurturer in *mīthāq al-irsāl*. This recognition places God in the highest respect and results in the legitimation of the *sharī'a* (*mashrū' al-sharī'a*), consisting of *al-ḥāla al-tawāthuqiyya* and *al-ḥāla al-ta'āmulīyya*.<sup>248</sup> *Hāla tawāthuqiyya* is later manifested in ethical values that should be followed by humans as their guidance to understand *sharī'a*. The *ḥāla al-tawāthuqiyya* consists of three 'illa: 'aqdiyya, *taklīfiyya*, and *tablīghīyya*, which lead to the *kullīyāt al-fīriyya* that encompass *al-tawḥīd al-ishhādī*, *al-mas'ūliyya al-i'timāniyya*, and *al-tazkiyyā al-'ālamīyya*. For illustration, see figure 5.

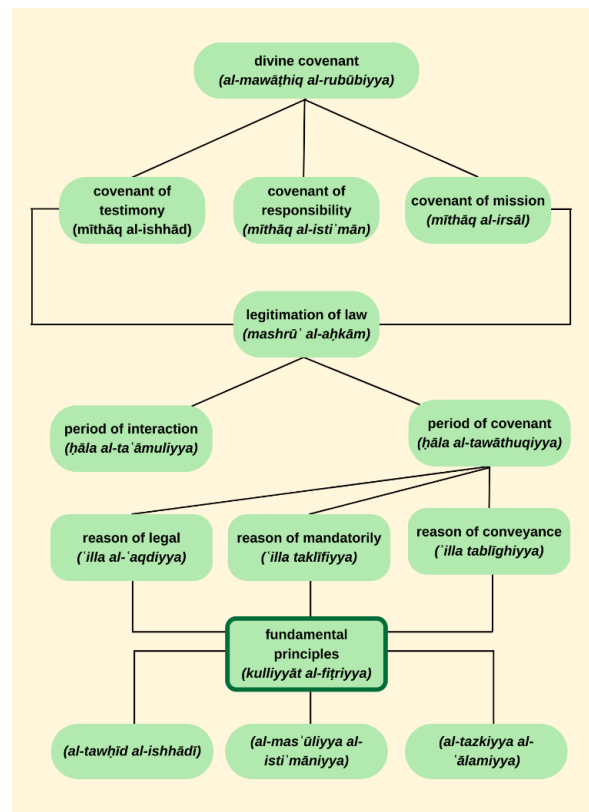


Figure 5. *Al-muwāthāqa al-rubūbiyya* as a substitute for *istiqrā'* methodology.

Understanding through *muwāthāqa rubūbiyya* extends beyond the mere determination of the law; it involves comprehending the revelation of the law to humans, obligating them to treat the law as an *amāna*. This methodology ensures that the law is not only understood intellectually but also ethically, and those who grasp it will ultimately

<sup>248</sup> Abdurrahman, 423.

understand the profound meaning of the law. This critique, Abdelnour argued, can be challenged and debatable because scholars who rely on the *istiqrā'* methodology do not use it arbitrarily or without deep understanding and consideration.<sup>249</sup>

However, I believe that *muwāthaqa rubūbiyya* is still achievable only to certain individuals (*wara'*). In other words, according to Taha, *maqāṣid* is not to be seen solely as laws to be implemented by human beings as divine orders. Instead, they are divine trust, a responsibility to be upheld by humans through their spiritual consciousness. This is what Taha referred to as '*alāqāt dhawātiyya*, the intrinsic relationship between God and human beings. This paradigm encourages humans to expand their understanding of themselves and the world, encompassing both the seen and unseen world.<sup>250</sup> In this context, Abdelnour added that despite the admiration of the sophisticated Taha's theory, it remains fluid and speculative.<sup>251</sup>

Both al-Būṭī and Taha share the goal of achieving welfare in the hereafter, with the highest aim of worshipping God (*'ubudiyya*). However, Taha implicitly argued that the understanding of *maqāṣid* is still insufficiently comprehensive. He advocates for values based on his trusteeship paradigm, following his methodology on elaborating *muwāthaqa rubūbiyya*. In this context, Taha emphasizes that relying solely on traditional classifications without highlighting values might lead to multiunderstandings, broadening the *maqāṣid* concept, and eventually resulting in a pragmatic understanding of *maqāṣid*. Therefore, Taha's approach to renewing the *maqāṣid* concept differs from the traditional approach, which tends to return to the classical *maqāṣid* framework.

### 4.3 Taha's Dialogue with Reformist Approach of *Maqāṣid* Discourse

Taha's dialogue with the reformist *maqāṣid* scholars is evident in his reference to figures such as Ibn Ashūr and 'Allāl al-Fāsī in some aspects, especially the meaning of *fiṭra* that affects the understanding of *maṣlaḥa*. In this discussion, Taha divided the meaning of *fiṭra* into two categories; *al-biniyya al-khilqiyya* or *gharīza*, pertaining to the outward actions embodied in the inclinations and characteristics, and *al-biniyya al-khuluqiyya*, pertaining to inward actions embodied in the human values (*qiyam*).

*Fiṭra* according to Ibn 'Āshūr the nature that God created in every creature. He further exemplified *fiṭra* as the physical instinct where humans walk with their feet and

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<sup>249</sup> Mohammed Gamal Abdelnour, "Al-Ta' sīs al-I'timānī Li-'Ilm al-Maqāṣid, Written by Ṭāhā 'Abd al-Raḥmān," June 7, 2023, 5, <https://doi.org/10.1163/24685542-20230088>.

<sup>250</sup> Kepplinger, "Taha Abderrahmane and Abū Ishāq Al-Shāṭibī," 67.

<sup>251</sup> Abdelnour, "Al-Ta' sīs al-I'timānī Li-'Ilm al-Maqāṣid, Written by Ṭāhā 'Abd al-Raḥmān," 6.

work with their hands. Hence, walking with hands means contradicting their *fiṭra*.<sup>252</sup> Taha is dissatisfied with this definition because it is similar to what he called *al-‘aqlāniyya al-mujarrada*, which is distancing from ethical values.<sup>253</sup> Through the incomprehensive understanding of *fiṭra*, *maqāṣidiyyūn* (*maqāṣid* scholars in general) considered three necessities incorporated into the instinctive nature of humans. Protecting the self is meant to preserve the survival instinct, protecting lineage is to preserve the sexual instinct, and protecting the property is to preserve the possessive instinct. For example, protecting the property from this perspective may lead to an obsession with wealth.<sup>254</sup> This is because *gharīza* is characterized by the feeling of ownership (*al-tamalluk*), prioritizing wealth preservation over other necessities.

Taha criticized Ibn ‘Ashūr for focusing more on the *al-biniyya al-khalqiyya* due to him paying more attention to principles other than *fiṭra*. Moreover, Taha also criticized the way of placing *fiṭra* only as complementary, as Ibn ‘Ashūr argued that the first aspect of *sharī‘a* is tolerance (*samāḥa*).<sup>255</sup> Instead, he put *fiṭra* as the highest aspect of *sharī‘a* (*a‘zam*), which Taha argued that *fiṭra* should be considered the first aspect of *sharī‘a* rather than the highest one, as certain things may not encompass the highest level, but everything always embodies its first aspect.<sup>256</sup> This implies that *fiṭra*, for Ibn ‘Ashūr only is not a necessary aspect of the *sharī‘a*.

This conceptualization, Taha asserted, risks developing a *maqāṣid al-sharī‘a* that does not prioritize the ethics itself. The actual definition of *fiṭra*, Taha emphasized, should be in one meaning, which is sincere and pure (*ṣādiqa*), and should be the core aspect of the *sharī‘a* due to its reliance on the *fiṭrat* Allah.<sup>257</sup> Taha further criticized that the understanding of *fiṭra* by Ibn ‘Ashūr has misled the definition of modesty (*ḥayā‘*) for human beings to merely as the slogan of Islam (*shi‘ār al-Islām*), which actually should be the main characteristic of Islam manifested in *fiṭra*.<sup>258</sup> This argument is supported by the hadith: *‘Every dīn has an innate character. The character of Islam is modesty.’*<sup>259</sup> Taha asserted that

<sup>252</sup> Ibn al-‘Āshūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2001, 261–62.

<sup>253</sup> Abdurrahman, *Su‘āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*, 14.

<sup>254</sup> Abdurrahman, *Al-Ta‘sis al-‘Imani Li ‘Ilm al-Maqasid*, 62–64.

<sup>255</sup> Muḥammad al-Ṭāhir Ibn al-‘Āshūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya* (Cairo: Dār al-Kitāb al-Miṣrī, 2011), 99.

<sup>256</sup> Ibn al-‘Āshūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2001, 261–62.

<sup>257</sup> Abdurrahman, *Al-Ta‘sis al-‘Imani Li ‘Ilm al-Maqasid*, 36.

<sup>258</sup> Abdurrahman, 40.

<sup>259</sup> Malik Ibn Anas, *Al-Muwatta‘*, vol. 2 (Dār Iḥyā‘ al-Turāth al-‘Arabī, 1985), 905.

Ibn ‘Ashūr’s definition of *maqāṣid al-shāri‘* only relies on the abstract reason (*al-‘aql al-mujarrad*), reasoning without involving ethical values.

Taha asserted that the way of defining *fiṭra* according to Ibn ‘Ashūr making his proposing principles such as tolerance (*samāḥa*), justice (*i‘tidāl*), and equality (*musāwa*), were determined by abstract justification, simply because they looked good.<sup>260</sup> Meanwhile, ethical values according to Taha must be derived from the good names of God (*asmā’ al-ḥusnā*) introduced by God in the primordial testimony.<sup>261</sup> Taha’s critique of the ethical values in reference to the *asmā’ al-ḥusnā* is unique and has not been widely discussed by other scholars. This was driven by his trusteeship paradigm that everything in this world is part of the *amāna* that has to be kept responsibly, implying that ethical values should not only be derived from textual sources but should also resonate deeply with the *fiṭra*, the natural disposition that aligns with the divine order.

Furthermore, recognizing that Ibn ‘Ashūr did not elaborate on the aspects of values of each proposing principle, he still emphasized that any principles should be based on *maqṣūd al-Shāri‘* to bring human welfare in the world and hereafter.<sup>262</sup> This emphasis is clear enough to prove that despite Ibn ‘Ashūr’s efforts in reforming *maqāṣid* principles, he still relied on the objective of the *shāri‘a*. For instance, Ibn ‘Ashūr stated that equality (*musāwa*) is important because Islam is *fiṭra* based religion (*dīn al-fiṭra*) and *fiṭra* sees everything equally, and thus, the law should support equality among the *umma*.<sup>263</sup> Ibn ‘Ashūr added that *fiṭra* is central to Islam, encompassing virtuous habits inherent in humans that are derived from good purposes and are free from harm.<sup>264</sup> Therefore, Taha’s criticism of Ibn ‘Ashūr for focusing more on logical reasoning without sufficient incorporation of the deeper ethical values is debatable.

In addition, Ibn ‘Ashūr emphasized that financial control is also part of the *maqāṣid* based on the methodology of *istiqrā’* of various Quranic verses and hadith. For example the verse about giving zakat (*al-mā’ida*: 55), and zakat is recognized as a slogan of Islam (*shī‘ār al-Islām*). Financial control in this context refers to either personal or public wealth and both are important for preserving benefits and preventing harm.<sup>265</sup> Two ways to preserve the benefits of financial control; owning (*al-tamalluk*) and gaining profit (*al-*

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<sup>260</sup> Abdurrahman, *Al-Ta’asis al-‘Ilmiyya Li ‘Ilm al-Maqasid*, 41.

<sup>261</sup> Abdurrahman, 24.

<sup>262</sup> Ibn al-‘Ashūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2011, 133.

<sup>263</sup> Ibn al-‘Ashūr, 164.

<sup>264</sup> Ibn al-‘Ashūr, 264.

<sup>265</sup> Ibn al-‘Ashūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2001, 299.

*takassub*). Ownership refers to fulfilling the needs, such as eating, building a house, and many more. Meanwhile, *takassub* means earning what is necessary to fulfill these needs.<sup>266</sup> This principle is the extensive interpretation of protecting the property which is considered relevant to the current issue to be emphasized. However, the use of the term *tamalluk* may trigger Taha Abdurrahman to criticize Ibn ‘Āshūr.

The reformation by contemporary *maqāṣid* scholars has shown that the principles of *maqāṣid* concepts can be reenvisioned along with societal changes, implying that the *maqāṣid* is not considered universal, but rather contextual.<sup>267</sup> Consequently, this may invite new values that fit modernity and are legitimized by legal text that may emerge in the future as part of the modernization of Islamic law, making the *maqāṣid* pragmatically understood. This attempt will influence other scholars to interpret the *maqāṣid* principles to be contextually responsive. In this case, somehow, Taha’s ideas are useful for triggering the importance of ethical consideration for contemporary *maqāṣid* scholars

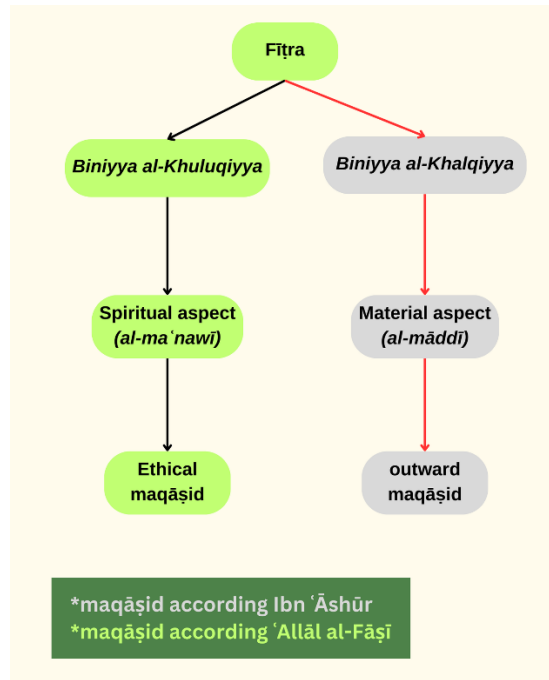
On the other hand, it is also clear that Ibn ‘Āshūr, in conceptualizing his new principles of *maṣlaḥa*, referred to the Quran and hadith in elaborating this principle and he emphasized that wealth should be obtained justly.<sup>268</sup> Taha’s critics are good for the ethical considerations. However, in practice, the financial control emphasized by Ibn ‘Ashūr is important to be implemented, spending property justly is part of the *maṣlaḥa*. Unlike Taha’s claim, Ibn ‘Āshūr elaboration of financial control does not merely prioritize it over other necessities. Taha’s criticism of Ibn ‘Ashūr can be seen in figure 6.

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<sup>266</sup> Ibn al-‘Āshūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2011, 303–4.

<sup>267</sup> al-Marakeby, “Al-Ḥadātha Wa Taḥawwulāt al-Khitāb al-Maqāṣidī,” 21.

<sup>268</sup> Ibn al-‘Āshūr, *Maqāṣid Al-Sharī‘a al-Islāmiyya*, 2011, 318.



**Figure 6. Illustration of Taha's Argument on Ibn 'Ashūr and al-Fāsi.**

Conversely, another *maqāṣid* scholar, 'Allāl al-Fāsi, entitled his works by *maqāṣid al-sharī'a al-islāmiyya wa makārimihā*. This implies that the *maqāṣid* was defined as the ethics (*akhlāq*) for using the term *makārim* in referring to its characteristics. While the common *maqāṣid* scholars understand *makārim* as the complementaries (*mukammil/nawāfil*), Al-Fāsi stated: “*makārim al-akhlāq* is a measuring standard of general maṣlaḥa and a foundation of every maqṣad (purpose) in *maqāṣid al-Islām*.”<sup>269</sup>

Based on this, Taha argued that al-Fāsi is a contemporary scholar who deserves to be appreciated for his attention to the ethical consideration in his *maqāṣid* concept. Al-Fāsi, Taha added, explained that *makārim al-akhlāq* is the core of the ethics<sup>270</sup> Hence, the ignorance of the *makārim* leads to corruption (*fasād*). This implied that the knowledge of God is attained by the realization of *al-akhlāq al-fiṭriyya* as it is a reflection of the attributes of God (*akhlāq al-bāri' ta'ālā*) which was exemplified in the characters of his messengers. Thus, deeper knowledge of God enhances comprehension of *maqāṣid*.<sup>271</sup>

'Allāl al-Fāsi is one of the reformist scholars concerned with ethical values. In contrast to Taha Abdurrahman's claim on Ibn 'Ashūr argument that adding values such as justice (*i'tidāl*), freedom (*ḥurriyya*), and others without clear elaboration on values leads to

<sup>269</sup> Al-Fāsi, *Maqāṣid Al-Sharī'a al-Islāmiyya Wa Makārimihā*, 191.

<sup>270</sup> Abdurrahman, *Al-Ta'sis al-I'timani Li 'Ilm al-Maqasid*, 45.

<sup>271</sup> Abdurrahman, 46.

the al-biniyya al-khalqiyya based on logical reasoning, al-Fāsī mentioned that the justification of something either good or bad is derived from the innate feeling (*hāssa fitriyya*) that has been present for generations, characterized by al-insāniyya al-fitrā. For example, one can recognize that honesty, sincerity, keeping the promise, and being kind to others are good, seeing them from the eyes of respect. Meanwhile, dishonesty, hypocrisy, cheating, and hurting others are bad, seeing them from the eyes of contempt and rejection.<sup>272</sup> Like other *maqāṣid* scholars, al-Fāsī from this argument is understood that he also emphasized the reformation of *maqāṣid al-sharī'a* based on contextual conditions.

While Taha appreciated al-Fāsī in terms of his specific attention to ethical consideration, he does not fully agree with the conceptualization of *maqāṣid* according to al-Fāsī. As previously mentioned, al-Fāsī also highlighted new principles of *maṣlaḥa* that must be upheld by humans; justice (*ʿadl*) and spreading truth (*nashr al-ḥaqq*).<sup>273</sup> Also, the hierarchal *maṣlaḥa* necessities according to al-Fāsī is the same as what classical *maqāṣid* scholars insisted, which are *darūriyyāt*, *ḥājjiyyāt*, and *taḥsīniyyāt*.<sup>274</sup> Al-Fāsī, in his elaboration of *maṣlaḥa*, referred to al-Shātibī, and this specification is criticized by Taha Abdurrahman.

In conclusion, Taha's concept on the *maqāṣid* concept cannot simply placed among the reformist scholars as he adopts a critical stance towards them where he placed major critics of Ibn ʿAshūr. On the other hand, recognizing ʿAllāl al-Fāsī, among the reformist scholars concerned with the ethical *maqāṣid*, Taha's thought is not entirely new but is more philosophical and detailed compared to ʿAllāl al-Fāsī. Additionally, the dialogue between Taha's and Ibn ʿAshūr arguments in grasping the meaning of *fiṭra*, which influences the understanding of *maqāṣid al-sharī'a*, highlights that Taha's ideas are distinctive and perhaps overly idealistic, potentially resulting in the imaginary perfection of Islamic legal principles. Consequently, Taha's concept of *maqāṣid* cannot be simply applicable as an approach to the contemporary fields of studies such as banking, sociology, anthropology, and many more, just as the contemporary trend of *maqāṣid*.

#### 4.4 Taha's Dialogue with Secular Approach of *Maqāṣid* Discourse

Taha Abdurrahman in discussing the *maqāṣid* concept has never mentioned explicitly the secular *maqāṣid* nor referred to one of them. However, in this subsection, I attempt to scrutinize Taha's ideas that are relevant to the secular *maqāṣid* approach. The

<sup>272</sup> Al-Fāsī, *Maqāṣid Al-Sharī'a al-Islāmiyya Wa Makārimihā*, 194.

<sup>273</sup> Al-Fāsī, 12.

<sup>274</sup> Al-Fāsī, 21.

discussion encompasses the rationalization of ethics and reason before delving into the discussion of the rationalization of *maqāṣid*.

Discussing the secular approach, it is important to note the classification of separation proposed by Taha Abdurrahman; separation of knowledge from religion (*al-‘ilmāniyya*) and politics from religion (*al-‘almāniyya*). This separation expands to life from religion, called “*dunyāwiyya*”,<sup>275</sup> and ethics from religion, known as *al-dahrāniyya*.<sup>276</sup> In the *maqāṣid* concept, the secular approach is interpreted as the separation of law from ethics, emphasizing more legal consideration based on positive law than Islamic ethical values.

Knowing that the *maqāṣid* concept is also considered a rationalization of Islamic law, it is important to initially understand the reason. Taha divided reason into three: abstract reason (*al-‘aqlāniyya al-mujarrada*), guided reason (*al-‘aqlāniyya al-musaddada*), and supported reason (*al-‘aqlāniyya al-muayyada*). The abstract reason is a reason for common acts such as seeing with eyes open, and many others, and this reason is not only owned by humans but also for animals. The supported reason is a reason that leads a person to recognize the beneficial purpose (*al-maqāṣid al-nāfi‘a*).<sup>277</sup> Meanwhile, the supported reason is the ability to recognize the effective intermediary (*al-waṣīla al-nāji‘a*) before recognizing the purpose. Relying on *al-‘aql al-mujarrad* means relying solely on instinctive reason. On the other hand, relying on *al-‘aql al-musaddad* does not guarantee perfection as it merely directs towards goodness without providing a definitive pathway. A good intermediary, however, facilitates the achievement of noble *maqāṣid* which can only be acquired by *al-‘aql al-muayyad*.

For that reason, the combination of both reasons, guided and supported reasons, will lead to a step when obedience in worship (*al-ṭā‘a fī al-‘ibāda*) turns into being occupied with God (*al-ishtighāl billāh*) and obedience in conduct (*al-ṭā‘a fī al-mu‘āmalā*) turns into interacting for the sake of God (*al-mu‘āmalā fī Allāh*). For example, the feeling of being occupied with God is when a person only thinks of God in every matter he does.<sup>278</sup> For the illustration, see figure 7.

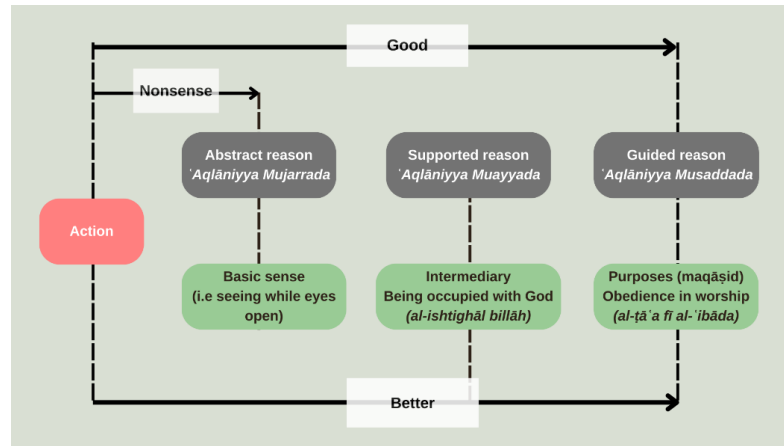
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<sup>275</sup> Abdurrahman, *Bu’s Al-Dahrāniyya: Al-Naqd al-I’timānī Li Faṣl al-Akhlāq ‘an al-Dīn*, 11.

<sup>276</sup> Abdurrahman, 12.

<sup>277</sup> Abdurrahman, *Su’āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*, 70.

<sup>278</sup> Abdurrahman, 74.



**Figure 7. Illustration of reason according to Taha Abdurrahman.**

Taha's concept of reason captures the interplay of reason, ethics, and *sharī'a*, which shapes his understanding of *maqāṣid al-sharī'a*. Regarding this, the jurists (*fuqahā'*) asserted: "no obligation in the *sharī'a* contradicts reason or cannot be rationally understood." According to Taha, the reason in that context is best defined as supported reason because it comprehends spiritual (*qiyam ma'nawīyya*) and ethical values (*qiyam akhlaqīyya*).<sup>279</sup> Meanwhile, relying on the abstract reason will only lead to the materialistic values (*qiyam māddiya*), and guided reason represents only the bare minimum of obtaining the *maqāṣid* which cannot be ensured in its process. It, therefore can be understood that Taha's concept of thought emphasizes the combination of spiritual, ethical, and materialistic values. Otherwise, it cannot reach its ultimate purpose.

In terms of rationalization of law, Nasr Hamid Abu Zayd proposed a new reading (*qirā'a jadīda*) to the text which resulted in three principles of *maqāṣid*. Those three proposing necessities are (*al-kulliyāt al-darūriyyāt*); reason (*'aql*), freedom (*ḥurriyya*), and justice (*'adl*), while placing the five necessities proposed by classical scholars as particular principles.<sup>280</sup> Abu Zayd emphasized that reason is fundamental in Islam, representing a concept that contrasts with ignorance (*jāhiliyya*), which Islam aims to save people from. This reason consists of behavior, understanding, and human relations.<sup>281</sup> Freedom, another principle, is defined as in contrast to slavery, emphasizing equality among human beings.<sup>282</sup> The final principle is justice, which is not only about eliminating

<sup>279</sup> Abdurrahman, 74.

<sup>280</sup> Abū Zayd, *Al-Khitāb Wa al-Ta'wīl*, 207.

<sup>281</sup> Abū Zayd, 204.

<sup>282</sup> Abū Zayd, 204–5.

injustice but also upholding the universal principle of human existence derived from divine justice.<sup>283</sup>

These newly interpreted *maqāṣid* principles illustrate the dynamic of social changes. Relying on the classical understanding of *maqāṣid* principles, rooted in historical contexts when they were formulated, leads to the perspective of the outdated paradigm.<sup>284</sup> Abu Zayd added that this new interpretation is claimed to mitigate stagnation and blind imitation by formulating a more adaptable and contextually responsive approach to *maqāṣid*.

Assessing through Taha's division of reason, Abu Zayd's approach relies primarily on abstract reason, focusing on the materialistic aspect (*al-māddiyya*). Abu Zayd interprets the Quran as a historical product that can vary in meaning depending on the reader's context. Consequently, this perspective suggests that there can be no exact standard for understanding *maqāṣid*, potentially leading to interpretations that legitimize human desire. For instance, Abū Zayd constructed his reading based on human-centered interpretation. This approach emphasizes that human interest is involved in the conceptualization of *maqāṣid*.<sup>285</sup> This interpretation aligns closely with the concept of *maṣlaḥa* that emphasizes comfort (*al-ladhdha*), as named by Taha in the concept of *al-taladhdhudh al-musaddada*. *Al-laddha* is defined as whatever brings benefit and joy, suggesting *maqāṣid* orientation inclined toward *gharīza*.

While discussing the interpretation of textual sources, Taha asserted that similar issues had occurred in the past that is called *al-fitna al-naṣṣiyya al-kubrā* (the great textual fitna), advocating the separation between ahl al-dhāhir and ahl al-bāṭin. The approach ahl al-dhāhir are those that emphasize the legal consideration (*qānūnī*) without looking at what values behind the text (*akhlāqī*) in legal determination.<sup>286</sup> Meanwhile, ahl al-bāṭin's approach are those that emphasize more in ethical aspects without looking at the legal consideration. Each of them has various stages; the highest stage, characterized by strict adherence to either legal or ethical consideration, is referred to as *al-dhāhiriyya al-ghāliyya* and *al-bāṭiniyya al-ghāliyya* respectively. Otherwise, they can exist at a stage or stages lower than it.

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<sup>283</sup> Abū Zayd, 206.

<sup>284</sup> Abū Zayd, 207.

<sup>285</sup> Mannā', "Al-Mashrū' al-Maqāṣidī 'inda Naṣr Ḥāmid Ābū Zayd," 222.

<sup>286</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufuq al-Ta'sīs Li Anmūdḥaj Fikrī Jadīd*, 90.

For example, those who strictly adhere to qiyās but are not satisfied with the legal considerations of the text may decide to go beyond its apparent meaning to find the hidden meaning. If they find that the apparent meaning contradicts the intended meaning of God, they will interpret the meaning based on the rules of the Arabic language (*qawā'id al-lisān al-'arabī*). However, it cannot be said that they combine both *qānūnī* and *akhlāqī* considerations, as they only take account into ethical considerations just for the sake of legitimizing them.<sup>287</sup> This stance indicates that they are ahl al-dhāhir who take accounts into the *akhlāqī* aspect, making them at a lower level *ahl al-dhāhir*.

This approach is similar to what secular *maqāṣid* scholars do, as they attempt to interpret texts based on the rules of Arabic hermeneutics or other methodologies in order to legitimize their ethical consideration. Although Taha did not specifically refer his criticism to secular *maqāṣid* scholars, it is understood that Taha's concept of *maqāṣid* contradicts the secular *maqāṣid* approach. It is because of Taha's attention to the ethical values in conceptualizing *maqāṣid*, combining both *akhlāqī* and *qanūnī* aspects in understanding legal determination.<sup>288</sup> Taha with his *maqāṣid* concept clearly considered that every law has its objective without constructing new interpretations while neglecting ethical considerations. Therefore, Taha's thought prevents ethics from being separated in any form. His main concern is to highlight the often overlooked aspect of *maqāṣid*, ensuring that ethical considerations are adequately appreciated. This approach aims to understand the essence of *maqāṣid*, fulfilling God's intention, with humans acting as His trustees.

#### 4.5 Taha's Dialogue with Postmodern Approach of *Maqāṣid* Discourse

Taha Abdurrahman also did not specifically discuss *maqāṣid* from the perspective of a postmodern approach. He discussed it in the context of explaining the spirit of modernity. Taha termed postmodernism as al-mā ba'da al-ḥadātha, characterizing it as an ideology that contradicts modernism. However, he acknowledged other viewpoints that consider postmodernism as either a later phase of modernism, a departure from modernism, or a continuation of modernism.<sup>289</sup>

Postmodern ethics, within its philosophical framework, is not governed by absolute value-based considerations or fixed standards that are upheld and respected based on cultural or religious consensus.<sup>290</sup> In other words, postmodernism demonstrates the human

<sup>287</sup> Abdurrahman, 91–92.

<sup>288</sup> Abdurrahman, *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*, 90.

<sup>289</sup> Abdurrahman, *Rūḥ Al-Ḥadātha Al-Madkhal Ilā Ta'sīs Al-Ḥadātha Al-Islāmiyya*, 113.

<sup>290</sup> al-Qahtani, *Books-in-Brief*, 17.

subjectivity and relativism. In this context, Taha Abdurrahman discussed relativism as a consequence of defining reason based on Descartes' view that rationality exists in the implementation of the rational methodology established by modern sciences, especially mathematics. Taha argued that the varied methodologies of modern sciences may lead to relativism, and thus, no thought can be considered universal within the framework of modern sciences.<sup>291</sup>

One of the postmodernist scholars is Tariq Ramadan whose ideas are placing the Quran and universe as the two revelations from God, suggesting intertextuality. He interprets that both text and universe are signs for human beings to understand and find the answer to all their questions. Consequently, he argued that *maqāṣid al-sharī'a* should be identified by investigating both text and context, seeing them as a collective effort to establish applied ethics. This *maqāṣid* understanding extends beyond the necessities proposed by the scholars, encompassing values such as integrity, dignity, personal development, health, and many more.<sup>292</sup> Simultaneously, he criticized those who overly justify the legal ruling not explicitly written in the text, following the progressiveness of modernism under the name of *maṣlaḥa*.<sup>293</sup> This is what Andrew March argued that Ramadan's understanding neither merely abandons Islamic law, nor simply reforms it, but rather dissolves the framework of law through its own devices.<sup>294</sup>

Furthermore, Ramadan called the jurists and physicians to work and overcome the universal issue with a practical solution to implement the higher objectives of the Way (*maqāṣid al-sharī'a*) that aims to protect the individual's life, personal development, health, inner balance, and dignity.<sup>295</sup> Ramadan's understanding shows that he put more concern to the human welfare in the world while selecting the necessities of his *maqāṣid* concept. However, he still suggested the reconsideration of rules of the maxims of fundamentals (*qawā'id uṣūliyya*) to choose the lesser of two evils (*akḥaff al-ḍararayn*), and thus, the necessity can allow what is previously prohibited (*al-ḍarūrāt tubīḥ al-maḥzūrāt*). The emphasis on both the current issues, particularly the medical aspect, while still reconsidering the fundamental principles shows Ramadan's effort in his attempt to balance religion and public welfare.

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<sup>291</sup> Abdurrahman, *Su'āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*, 64–65.

<sup>292</sup> Warren, "Doha—The Center of Reformist Islam?," 80.

<sup>293</sup> Ramadan, *To Be a European Muslim*, 82.

<sup>294</sup> March, "Law as a Vanishing Mediator in the Theological Ethics of Tariq Ramadan," 177.

<sup>295</sup> Ramadan, *Radical Reform*.

Ramadan's approach by considering both the Quran and reality as the same books of revelation highlights the relativism of postmodernist thought, which at the same time criticizes both progressiveness and stagnation. As previously explained, relativism is a product of understanding rationality from the perspective of the Western paradigm, Descartes. This rationality is retrieved from *aqlāniyya mujarrada*, which is flawed due to the lack of clear beneficial purposes and effective intermediaries.<sup>296</sup> Consequently, good and bad might be seen from the materialistic aspect, leading to the pragmatic *maqāsid* based on the *gharīza*.

Regarding this, the definition of *maqāsid* according to Ramadan emphasizes more on worldly *maṣlaḥa*. Such understanding from the perspective of Taha's *maqāsid* concept is classified under life values (*al-qiyam al-ḥayawiyya*), highlighting human well-being in life.<sup>297</sup> Taha argued that such an approach originated from the unclear *istiqrā'* methodology. Drawing on the arguments of 'Ibn 'Abd al-Salām, this kind of *maṣlaḥa* is in a blurred position between *shar'īyya* and *ghazīriyya*, claiming adherence to *sharī'a* principles while implementing them in a way influenced by instinctive impulses.<sup>298</sup> Consequently, this approach may struggle to differentiate between what is lawful and what is instinctively preferred. For instance, cutting the hand of a thief as either morally reprehensible or legally justified depends on a true understanding of *maṣlaḥa*.

Having said that, the postmodernists claimed to pay attention to both the text and reality as an effort to emerge the applied ethics. This approach differs from what Taha understood of combining legal consideration (*qānūnī*) and ethical consideration (*akhlāqī*) that can ensure the *maqāsid* is well preserved based on God's attention. As for Taha, balancing *qānūnī* and *akhlāqī* aspects, *maqāsid al-sharī'a* should be regarded as a science of ethics (*'ilm al-akhlāq*) that encompass three principles; values, intention, and action. Any action cannot be deemed ethical without placing values at the highest level, as the ultimate objective of *maqāsid* is worshipping God (*al-'ubudiyya lillāh*). The moderation between *akhlāqī* and *qānūnī* is not to undermine the legitimized law (*al-aḥkam al-shar'īyya*) but to justify law based on the relationship between *fiqh* and *akhlāq*, resulting in the balanced morality for both community and individuals.<sup>299</sup>

<sup>296</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufuq al-Ta'sīs Li Anmūdhaj Fikrī Jadīd*, 68.

<sup>297</sup> Abdurrahman, *Al-Ta'sīs al-'Imānī Li 'Ilm al-Maqasid*, 474.

<sup>298</sup> Abū Zayd, *Al-Khitāb Wa al-Ta'wīl*, 447–52.

<sup>299</sup> Abdurrahman, *Su'āl Al-Manhaj Fī Ufuq al-Ta'sīs Li Anmūdhaj Fikrī Jadīd*, 94–95.

Meanwhile, postmodernists' interpretations of *maqāṣid* tend to lean towards neglecting ethical consideration (*tasāhul*) in their understanding of the *maqāṣid* concept. Postmodernist scholars appear to have a double standard in their understanding of *sharī'a*. They prioritize ethical values over textual evidence, which allows for the reinterpretation of *sharī'a* according to their preferences. Principles such as justice, ethics, and freedom are interpreted with flexibility, potentially leading to interpretations that align with their own interest.<sup>300</sup> Therefore, Taha Abdurrahman's *maqāṣid al-sharī'a* cannot be categorized among the postmodernist *maqāṣid* approach as his criticism towards the postmodernist paradigm, imposing the relativism and human objectivism in grasping the *maqāṣid* concept.

#### 4.6 Conclusion

Taha Abdurrahman's concept of *Maqāṣid al-sharī'a* is analyzed within the broader context of Islamic thought, situating his views within those of classical, reformist, secular, traditional, and postmodern scholars. Taha highlighted the ethical dimension of *Maqāṣid*, criticizing classical *maqāṣid* scholars like al-Shāṭibī for their insufficient integration of ethics into legal determinations. He argued that the classical *maqāṣid* scholar focused solely on outward aspects compared to the inward spiritual aspects, which is pivotal for a comprehensive understanding of *maqāṣid al-sharī'a*. Furthermore, Taha also criticized traditional *maqāṣid* scholars whose attention to contextualizing the classical *maqāṣid* concept in the contemporary era. Additionally, in a dialogue among the reformist *maqāṣid* scholars, Taha focused on highlighting two figures such as Ibn 'Ashūr and 'Allāl al-Fāsī. He criticized Ibn 'Ashūr for only relying on instinctive reasoning (*gharīza*) instead of *fiṭra*, which is the core of religion. Meanwhile, Taha referred to 'Allāl al-Fāsī as a reformist scholar who appreciated ethics in his concept of *maqāṣid*.

Although there have been no direct arguments to the secular *maqāṣid* scholars, Taha's *maqāṣid* concept is still can be grasped in his disagreement with such an approach. Taha highlighted the rationalization of ethics and law, dividing the concept of reason into three; abstract, guided, and supported. In this context, the secular approach relies more on an abstract reason, which is proven by the human-centered paradigm in understanding God's ruling. This approach, therefore, highlights more the materialistic aspect, which can lead to the separation between *akhlāq* and *qānūnī* aspects in understanding the *maqāṣid* concept. Similar to the postmodernist *maqāṣid* approach, Taha also criticized it in terms of its relativism, imposing human subjectivism in understanding *maqāṣid*. This approach may

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<sup>300</sup> al-Marakeby, "The Unaddressed by *Sharī'a* and the Ethicalization of Islamic Law," 16.

cause a lack of ethical considerations ultimately leading to the pragmatic-based *maṣlaḥa* derived from the instinctive reason.

Through the discussion of Taha Abdurrahman in various *maqāṣid* approach, it proves that Taha's concept of *maqāṣid al-sharī'a* is distinguished from any scholars from classical, reformist, secular, postmodernist, and classical scholars. His concept relied on his epistemological framework, the trusteeship paradigm. This paradigm puts more attention on the ethical approach, inclining to the Sufi-inspired thought. This concept is challenging to implement and may seem overly idealistic compared to other scholars' approaches, yet it seeks to redefine *maqāṣid* as a divine trust and responsibility that transcends mere legalism.

However, while Taha emphasized ethical consideration in his conceptualization of *maqāṣid*, he is not the sole scholar to adopt such an approach. Scholars like al-Fāṣī also appreciate ethical concerns, although Taha may not fully align with their interpretations. Therefore, I will call Taha's approach a trusteeship *maqāṣid* concept instead of an ethical *maqāṣid* concept. Yet, given that *maqāṣid* stems from *uṣūl al-fiqh*, its manifestation should ideally be in the form of legal principles rather than solely Sufi-inclined principles to ensure its applicability to all individuals. Otherwise, the *maqāṣid* concept according to Taha may only apply to certain individuals.

## CHAPTER V

### CONCLUSION

The study of *maqāṣid al-sharīʿa* continuously evolves to the present day, gaining attention from various scholars from West to East. Maqāṣid discourse is deemed important in the contemporary era due to its transformation from one field of study that was part of uṣūl fiqh to a distinguished field of studies that has become an approach for various fields of studies, such as economics, education, politics, and many more, to engage them with Islamic perspectives. This study elaborated on the typology of *maqāṣid* approaches since its establishment which ranged from classical, traditional, reformist, secular, and postmodernist approaches where each approach has its own characteristics that form some ulama with similar characteristics in a group of approaches.

The classical scholars are those who formulated *maqāṣid* in the pre-modern era of Islam. Although the *maqāṣid* can be analyzed by tracing back to the era of the Prophet Muḥammad PBUH, the formulation of the *maqāṣid* to be discussed as terminology emerged in tābiʿīn and tābiʿu tābiʿīn before it is developed as a specific legal discourse within the uṣūl al-fiqh by Imām al-Ḥaramayn al-Juwaynī, al-Ghazālī, and al-Shāṭibī. One specific discussion of *maqāṣid* that is marked as the classical *maqāṣid* approach is the emphasis on *al-ḍarūriyyāt al-khams* (five necessities) that should be preserved based on God's purposes for human public interest. In addition, in the nineteenth century, the Islamic Reformation insisted on reconciling the Islamic understanding with modernity, impacting the reformation of the *maqāṣid* concept. Such figures like Muḥammad al-Ṭāhir bin ʿĀshūr, Rashīd Ridhā, and many others, attempted to highlight some other principles than *ḍarūriyyāt al-khams* to be upheld as necessities by looking at the current issues such as tolerance (*samāḥa*), freedom (*ḥuriyya*), justice (*iʿtidāl*), and many others. However, the development of new principles of maṣlaḥa influenced other scholars, making it more liquid to the context. Consequently, the principles that was characterized by its universality transformed to be more contextual to certain places and periods. This approach has been considered by the secular *maqāṣid* for rationalizing the law while neglecting the ethical aspects. Some of the secular *maqāṣid* scholars are Naṣr Abū Zayd and Hassan Hanafī. In contrast, the postmodernist approach also insisted new conceptualization of *maqāṣid*, emphasizing relativism and human subjectivism. This approach goes beyond modernism by viewing both the Quran and the Universe are two revelations that should be equally respected.

In response to the dynamic discussion of *maqāṣid al-sharī‘a*, Taha Abdurrahman is one of the prominent scholars and contemporary Muslim philosopher (b. 1944) who appraised *maqāṣid* approaches by proposing a new conceptualization of *maqāṣid* based on his ethical philosophical thought. In this study, I highlight that the main principles of his ethical philosophy are derived from his statement “No man without ethics, and no ethics without religion, so no man without religion”. This statement implies that religion according to Taha is a source of ethics from the *fiṭra* that is manifested in the human soul. Meanwhile, the concept of human is his ontological basis, emphasizing that human beings are God’s creation to bring the *amāna* given since the testimony before their existence in the world. During the testimony, God introduced everything, and humans committed to believe in the oneness of God and follow all His orders. The memory of this testimony remains as a *fiṭra* of human beings that is brought by the human soul to come to existence. Therefore, humans for Taha live in two dimensions simultaneously, physical and metaphysical. Living in a physical world in terms of his physical motions in this world, and living in a metaphysical world in upholding his commitment to God to be faithful.

For that reason, humans are unique and distinguished from other existence, especially animals not only because of their intellect but also because of their ethics to always keep their commitment to God, considering everything they have in this world is *amāna*. This concept of *amāna* is then characterized as the epistemology of Taha’s philosophy, namely the trusteeship paradigm. The trusteeship paradigm is a framework used by Taha Abdurrahman to encounter any ideological thought, making his thoughts distinguished from others. For example, Taha appraised the separation of life from religion (he refers to as *dunyāwiyya*), consisting of the separation of ethics from religion (*dahrāniyya*), politics from religion (*‘almāniyya*), and knowledge from religion (*‘ilmāniyya*). However, Taha also contradicts the idea of dependence of politics to religion or religion to ethics (*diyāniyya*) as its emphasis may narrow the understanding of religion itself to be limited only between God and human orders. For Taha, religion is a comprehensive system that its ruling encompasses everything including politics and religious matters.

This study finds that the conceptualization of *maqāṣid al-sharī‘a* according to Taha is derived from his trusteeship paradigm. Taha’s *maqāṣid* concept is argued to be a renewal of the traditional Islamic literature (*turāth*), insisting that the *maqāṣid* should be understood as the interconnection between *uṣūl al-fiqh* and ethics (*tadākhul al-dākhilī*). Taha argued that *maqāṣid* should be integral to ethics, thereby becoming central in legal discourse. In

understanding God's ruling, Taha emphasized viewing it from two perspectives, *shar'iyya*, and *mashrū'iyya*, where most scholars only rely on *shar'iyya* which potentially implies to pragmatic *maqāṣid* approach. In order to acknowledge the *mashrū'iyya* of the law, Taha stressed the relationship of *mawṣūlāt* (*fiṭra*, *irāda*, and *tazkiya*) and *muwāthaqa rubūbiyya* (*mīthāq al-ishhād*, *mīthāq al-isti'mān*, and *mīthāq al-irsāl*). This relationship aims to connect the obligation of humans to fulfil the divine law and the commitment of human beings to God in the primordial testimony. The emphasis on this relationship will achieve the conceptualization of *maqāṣid* to be more ethical.

In this matter, Taha argued that the conceptualization of *maqāṣid* has not yet sufficiently appreciated the ethics. He insisted that a comprehensive understanding of the *maqāṣid* concept consists of *fiqhī* or *qānūnī* (legal) and *akhlāqī* (ethical) aspects. Otherwise, it will only highlight either legal aspects or ethical aspects, concerning the outward or inward actions respectively. Highlighting only the outward action means concerning only the materialistic matter which is potentially inclined to instinctive impulses rather than *fiṭra*. According to Taha, all *maqāṣid* approaches are potentially leading to the *gharīza* instead of *fiṭra* due to their inclination to the legal aspect instead of combining them with the ethical aspect. Taha's criticism towards all the *maqāṣid* approaches has situated his thought nowhere in those approaches. Some highlighted arguments for classical to postmodernist scholars are the hierarchical principles of *maṣlaḥa* that place ethics as complementaries, the usage of causal reasoning instead of teleological reasoning in determining a law derived from the Quran, the application of *istiqrā'* methodology in *maqāṣid al-sharī'a*, unclear understanding of the *sharī'a*, reliance on abstract reason (*al-'aql al-mujarrad*) in understanding law which brings to the multi-understanding and relative interpretation of the law.

In this context, I agree that the secular and postmodernist approaches neglect ethics due to their new interpretation of the law which potentially leads to relativism. For example, Abu Zayd as a secular *maqāṣid* scholar argued that the Quran should be viewed as a historical product, and thereby, the classical *maqāṣid al-sharī'a* is irrelevant to the contemporary era. Another example is Ramadan, a postmodernist scholar, who emphasized that the Quran and the Universe are two revelations that should be respected in conceptualizing *maqāṣid*. This approach may lead to blindly following the dynamic social changes and legitimizing them by the Quran, implying no universal or absolute legal principles. However, I argue that we cannot simply take Taha's argument for granted in terms of appraising three other approaches; classical, traditional, and reformist scholars due

to the hierarchal structure of *maṣlaḥa* principles, the reliance on methodology of *istiqrā'*, causal reasoning, and the unclear understanding of *fiṭra*. Those scholars attempted to formulate ethical subjects to be easily implemented by Muslims, producing more systematic regulation as they formulated it from the perspective of jurists.

Although Taha clarified the understanding of *fiṭra* and its significance, created distinguished *maṣlaḥa* values, established a new methodology as a substitute for *istiqrā'* methodology based on *muwāthaqa rubūbiyya*, and initiated teleological reasoning in determining a law, this study argues that the implementation of his theory is difficult to achieve. For example, placing ethics at all equal levels may pose practical challenges to balancing ethical ideals with the societal context. *Maqāṣid* concept of Taha, therefore, is inclined to the Sufi paradigm, regulating all aspects that are seen as unseen. This is equivalent to *wara'* according to al-Ghazali that has to be distinguished from the legal discussion as only certain people can bear. Otherwise, imposing it will be an overly idealistic concept that remains in imaginary expectation of fulfilling the *maqāṣid al-sharī'a*. Taha's conceptualization of *maqāṣid*, therefore, cannot be easily integrated with the contemporary fields of study as an approach, such as sociology, economics, politics, anthropology, and many more. While Taha's concept of *maqāṣid* might still be considered relevant in the contemporary era where ethics are often being neglected, naming it as a concept is not the best option due to grasping his whole concept is utopian.

Recognizing Taha's engagement with various *maqāṣid* scholars from different approaches, it is undeniable that he has also been influenced by some of them. For instance, he referred to some classical scholars such as al-Ghazālī and 'Izz al-Dīn bin 'Abd al-Salām, as well as reformist scholars like 'Allāl al-Fāsī and those who emphasize more ethical considerations. In addition, Taha also demonstrated alignment with the traditional approaches that critically appraised modernist perspectives. Through the application of Fuzzy Set Theory (FST), Taha's *maqāṣid* concept which crosses the border of several *maqāṣid* approaches simultaneously, suggests that his *maqāṣid* concept cannot be easily categorized into one group. Instead, it incorporates elements from multiple groups, especially traditional and reformist. Taha's *maqāṣid* concept aligns with traditionalists in its reliance on textual proof for understanding the law and its critical stance against modernist approaches to avoid pragmatic and utilitarian interpretation of *maqāṣid*. Simultaneously, it resonates with the reformist approach due to its new and innovative methodology aimed at responsively addressing contemporary issues, where ethics is considered a central concern.

Finding Taha's complexities in his formulation of the *maqāṣid* concept, this study remains significant for those studying Islamic law to highlight the significance of ethical considerations in legal concepts. This study also offers a brief elaboration of Taha's philosophical ethics that have influenced his conceptualization. The engagement between Taha and various *maqāṣid* approaches significantly illustrates how Taha's theory is being implemented in the current context. However, this study also possesses some limitations. Due to time constrain and references, this study may only capture a part of Taha Abdurrahman's comprehensive conceptualization of ethical philosophy specifically in *maqāṣid*. Additionally, the engagement with Taha's *maqāṣid* concept involves discussion with only a few selected scholars from each *maqāṣid* approach. Consequently, further research on this topic is still deemed important to enrich discussion on contemporary issues in Islamic thought especially in the field of Islamic law.

## REFERENCES

- Abdelnour, Mohammed Gamal. "Al-Ta'sīs al-I'timānī Li- 'Ilm al-Maqāṣid, Written by Ṭāhā 'Abd al-Raḥmān," June 7, 2023. <https://doi.org/10.1163/24685542-20230088>.
- Abdullah, Lazim, WAN SALIHIN, WONG ABDULLAH, and Abu Osman. "Fuzzy Sets in the Social Sciences: An Overview of Related Researches." *Jurnal Teknologi* 41 (February 25, 2012). <https://doi.org/10.11113/jt.v41.726>.
- Abdurrahman, Landy Trisna. "Conflict in Islamic Jurisprudence: Noel J. Coulson's Historical Approach and His Contribution to the Study of Islamic Law." *Journal of Islamic Law* 3, no. 1 (February 9, 2022): 74–93. <https://doi.org/10.24260/jil.v3i1.495>.
- Abdurrahman, Taha. *Al-Ḥiwār Ufuqan Li al-Fikr*. al-Shabaka al-'Arabiyya li al-Abḥāth wa al-Nashr, 2013.
- . *Al-Ta'sīs al-I'timānī Li 'Ilm al-Maqāṣid*. Kuwait: Markaz Nuhud li al-Dirasat wa al-Buhuth, 2022.
- . *Al-'Amal al-Dīnī Wa Tajdīd al-'Aql*. al-Markaz al-Thaqāfī al-'Arabī, 1997.
- . *Bu's Al-Dahrāniyya: Al-Naqd al-I'timānī Li Faṣl al-Akhlāq 'an al-Dīn*. al-Shabaka al-'Arabiyya li al-Abḥāth wa al-Nashr, 2014.
- . *Dīn Al-Ḥayā': Min al-Fiqh al-I'timānī Ilā al-Fiqh al-I'timānī*. Vol. 1. Al-Mu'assasa al-'Arabiyya li al-Fikr wa al-Ibdā', 2017.
- . *Rūḥ Al-Dīn Min Ḍayq al-'Almāniyya Ilā Sa'at al-I'timāniyya*. al-Markaz al-Thaqāfī al-'Arabī, 2012.
- . *Rūḥ Al-Ḥadātha Al-Madkhal Ilā Ta'sīs Al-Ḥadātha Al-Islāmiyya*. al-Markaz al-Thaqāfī al-'Arabī, 2006.
- . *Su'āl Al-Akhlāq: Musāhama Fī al-Naqd al-Akhlāqī Li al-Ḥadātha al-Gharbiyya*. al-Markaz al-Thaqāfī al-'Arabī, 2000.
- . *Su'āl Al-Manhaj Fī Ufuq al-Ta'sīs Li Anmūdḥaj Fikrī Jadīd*. Beirut: Al-Mu'assasa al-'Arabiyya li al-Fikr wa al-Ibdā', 2015.
- . *Su'āl Al-Sīra al-Falsafiyya: Baḥth Fī Ḥaqīqat al-Tafalsuf al-I'timāniyya*. Kuwait wa Libnān: Markaz Nuhud li al-Dirāsāt wa al-Buhūth, 2023.
- . *Tajdīd Al-Manhaj Fī Taqwīm al-Turāt*. Al-Dār al-Bayḍā': al-Markaz al-Thaqāfī al-'Arabī, 1994.
- Abou El Fadl, Khaled. *Reasoning with God: Reclaiming Shari'ah in the Modern Age*. Rowman & Littlefield, 2014.
- Abū Zayd, Naṣr Ḥāmid. *Al-Khitāb Wa al-Ta'wīl*. al-Markaz al-Thaqāfī al-'Arabī, 2008.
- Al-Bukhārī, Imām. *Ṣaḥīḥ Al-Bukhārī*. 1st ed. Vol. 1. Dār al-Ta'ṣīl, 2012.

- Al-Fāsī, ‘Allāl. *Maqāṣid Al-Sharī‘a al-Islāmiyya Wa Makārimihā*. Dār al-Gharb al-Islāmī, 1993.
- Al-Shatibi. *Al-Muwafaqat*. Vol. 2. 6 vols. Dar Ibn Affan, 2008.
- Al-Shatibi, Abū Ishāq. *Al-Muwafaqat*. Edited by Mashhūr bin Ḥasan Āli Salmān. 1st ed. Vol. 1. 6 vols. Dar Ibn Affan, 2008.
- . *Al-Muwafaqat*. Edited by Mashhūr bin Ḥasan Āli Salmān. 1st ed. Vol. 2. 6 vols. Dar Ibn Affan, 2008.
- . *Al-Muwafaqat*. Edited by Mashhūr bin Ḥasan Āli Salmān. 1st ed. Vol. 3. 6 vols. Dar Ibn Affan, 2008.
- Al-Shatibi, Ibrahim Ibn. *The Reconciliation of the Fundamentals of Islamic Law: Al-Muwafaqat Fi Usul al-Shari‘a, Volume I*. Translated by Imran Ahsan Khan Nyazee. Reading, UK: Garnet Publishing, 2012.
- Al-‘Alwānī, Ṭaha Jābir. *Al-Jam‘u Bayna al-Qirā‘atayn*. Maktaba al-Shurūq al-Dawliyya, 2006.
- . *Maqāṣid Al-Sharī‘a*. Dār al-Hādī, 2007.
- . *Silsilat Qadāyā Islāmiyya Mu‘āṣira Al-Tawḥīd Wa al-Tazkiyya Wa al-‘Umrān*. Dār al-Hādī, 2003.
- Al-‘Āmirī, Abū al-Ḥasan. *Kitāb Al-I‘lām Bi Manāqib al-Islām*. Riyadh: Dār al-Asāla li al-Thaqāfa wa al-Nashr wa -al-I‘lām, 1988.
- Ashur, Muhammad Al-Tahir Ibn. *Ibn Ashur: Treatise on Maqasid Al-Shariah*. IIIT, 2006.
- . *Ibn Ashur: Treatise on Maqasid Al-Shariah*. International Institute of Islamic Thought, 2016.
- Aspandi, Aspandi, Nurul Ma‘rifah, Ahmad Hidayat, Mochamad Abdul Ghofur, and Ahmad Dzulfikar. “Epistemology of Maqasid Taha Abdurrahman; New Paradigm and Classification of Maqasid al-Shari‘ah Values.” *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 1 (February 28, 2024): 95–108. <https://doi.org/10.33367/tribakti.v35i1.4642>.
- Attas, Syed Muhammad Naquib al-. “Islamic Philosophy: An Introduction.” *Journal of Islamic Philosophy* 1, no. 1 (July 1, 2005): 11–43. <https://doi.org/10.5840/islamicphil2005113>.
- Auda, Jasser. “A Maqasid Approach to Contemporary Application of the Sharī‘ah.” *Intellectual Discourse* 19 (December 1, 2011).
- . “A Maqasid-Based Approach for New Independent Legal Reasoning (Ijtihād).” In *Islamic Perspectives on the Principles of Biomedical Ethics*, Volume 1:69–87. Intercultural Dialogue in Bioethics, Volume 1. WORLD SCIENTIFIC

- (EUROPE)/IMPERIAL COLLEGE PRESS, 2015.  
[https://doi.org/10.1142/9781786340481\\_0003](https://doi.org/10.1142/9781786340481_0003).
- . *Maqasid Al-Shariah: A Beginner's Guide*. International Institute of Islamic Thought (IIIT), 2008.
- . *Maqasid Al-Shari'ah as Philosophy of Islamic Law*. International Institute of Islamic Thought (IIIT), 2022.
- . *Re-envisioning Islamic Scholarship: Maqasid Methodology as a New Approach*. Claritas Books, 2022.
- Bakir, Ali Ahmad Muhammad. *Kitab Dirasat Fi Usul Al-Fiqh*. Madinah: Majallat al-Jamia al-Islamiyyah bi al-Madinah al-Munawwarah, 1981.
- Belhaj, Abdessamad. “Abū Ya‘rub Al-Marzūqī and His Critique of the Maqāsid Theory.” *Religions* 14, no. 9 (September 2023): 1212. <https://doi.org/10.3390/rel14091212>.
- . “‘The Fall of The Western Family’ Tāhā ‘Abd al-Raḥmān’s Critical Islamic Ethics.” *ReOrient* 4, no. 1 (September 1, 2018): 24–43. <https://doi.org/10.13169/reorient.4.1.0024>.
- Beloushi, Hasan J E H M. “The Theory of Maqāsid Al-Sharī‘a in Shī‘ī Jurisprudence: Muḥammad Taqī al-Mudarrisī as a Model.” Doctoral, University of Exeter, 2014.
- Būṭī, Muḥammad Sa‘īd Ramaḍān al-. *Ḍawābiṭ Al-Maṣlaḥa Fī al-Sharī‘a al-Islāmiyya*. Mu‘assasa al-Risāla, 1973.
- Coulson, Noel. *Conflicts and Tensions in Islamic Jurisprudence*. First Edition. Chicago: Univ of Chicago Pr, 1969.
- Delanty, Gerard. “Europe in the Age of Modernity.” In *Inventing Europe: Idea, Identity, Reality*, edited by Gerard Delanty, 65–83. London: Palgrave Macmillan UK, 1995. [https://doi.org/10.1057/9780230379657\\_5](https://doi.org/10.1057/9780230379657_5).
- Duderija, A. *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*. Springer, 2014.
- Duderija, Adis. “Contemporary Muslim Reformist Thought and Maqāsid Cum Maṣlaḥa Approaches to Islamic Law: An Introduction.” In *Maqāsid Al-Sharī‘a and Contemporary Reformist Muslim Thought: An Examination*, edited by Adis Duderija, 1–11. New York: Palgrave Macmillan US, 2014. [https://doi.org/10.1057/9781137319418\\_1](https://doi.org/10.1057/9781137319418_1).
- Esposito, John L., and Natana J. DeLong-Bas. *Shariah: What Everyone Needs to Know®*. New York, NY: Oxford University Press, 2018.

- Firdaus, Mohamad. "The Maqasid Thought of Ibn 'Ashur and Development of Interdisciplinary Islamic Studies: Searching for the Correlation of the Concept," 2021. <https://eudl.eu/doi/10.4108/eai.11-11-2020.2308298>.
- Ghazālī, Abū Ḥāmid al-. *Al-Mustaṣfā Min 'Ilm al-Uṣūl*. Edited by Ḥamza bin Zuhayr Ḥāfīz. Madīna Munawwara, 1413.
- . *Iḥyā' 'Ulūm al-Dīn*. Beirut: Dār Ibn Ḥazm, 2005.
- . *Shifā' al-Ghalīl Fī Bayān al-Shabah Wa al-Mukhayyal Wa Masālik al-Ta'līl*. Edited by Muḥammad Al-Kabīr. Al-Irshād, 1971.
- Hallaq, Wael. *Reforming Modernity: Ethics and the New Human in the Philosophy of Abdurrahman Taha*. Columbia University Press, 2019.
- Hallaq, Wael B. "Maqasid and the Challenges of Modernity." *Al-Jami'ah: Journal of Islamic Studies* 49, no. 1 (June 29, 2011): 1–31. <https://doi.org/10.14421/ajis.2011.491.1-31>.
- Hanafī, Hassan. *Min Al-Naṣ Ilā al-Wāqī'*, 2003.
- Harvey, Ramon. "6 Qur'anic Values and Modernity in Contemporary Islamic Ethics." In *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, 2020. [https://doi.org/10.1163/9789004438354\\_009](https://doi.org/10.1163/9789004438354_009).
- Hashas, Mohammed. "1 The Trusteeship Paradigm." In *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, edited by Mohammed Hashas and Mutaz al-Khatib. Brill, 2020.
- . "The Trusteeship Paradigm: The Formation and Reception of a Philosophy." In *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, 37–61. Brill, 2020. [https://doi.org/10.1163/9789004438354\\_004](https://doi.org/10.1163/9789004438354_004).
- Hashas, Mohammed, and Mutaz al-Khatib. *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, 2021. [https://www.academia.edu/44173370/Islamic\\_Ethics\\_and\\_the\\_Trusteeship\\_Paradigm\\_Taha\\_Abderrahmanes\\_Philosophy\\_in\\_Comparative\\_Perspectives](https://www.academia.edu/44173370/Islamic_Ethics_and_the_Trusteeship_Paradigm_Taha_Abderrahmanes_Philosophy_in_Comparative_Perspectives).
- Hulaimi, Muhammad Yusra Ahmad. "EBRAHIM MOOSA AND POSTMODERNISM: SOME CLOSE RESEMBLANCES AND IMPLICATIONS." *TAFHIM: IKIM Journal of Islam and the Contemporary World* 14, no. 1 (June 28, 2021). <https://doi.org/10.56389/tafhim.vol14no1.1>.
- Ibn Abū al-Qāsim al-Ahdal, Abū Bakr. *Al-Farā'id al-Bahiyya: Naẓm al-Qawā'id al-Fiqhiyya*. Damascus: Dār al-Maymana, 2016.

- Ibn Al-Khuja, Muhammad al-Habib. *Muhammad Al-Tahir Bin 'Ashur Wa Kitabuhu Maqasid al-Shari'a*. Vol. 1. Qatar: Wizarat al-Awqaf wa al-Shu'un al-Islamiyyah, 2004.
- Ibn al-'Āshūr, Muḥammad al-Ṭāhir. *Maqāṣid Al-Sharī'a al-Islāmiyya*. Edited by Muḥammad Ṭāhir al-Misāwī. Dār al-Nafā'is, 2001.
- Ibn al-'Āshūr, Muḥammad al-Ṭāhir. *Maqāṣid Al-Sharī'a al-Islāmiyya*. Cairo: Dār al-Kitāb al-Miṣrī, 2011.
- Ibn Anas, Malik. *Al-Muwatta'*. Vol. 2. Dār Iḥyā' al-Turāth al-'Arabī, 1985.
- Ibn Taymiyya, Taqī al-Dīn. *Majmū' Al-Fatāwā*. Edited by Farīd 'Abd al-'Azīz al-Jundī and Ashraf Jalāl Al-Sharqawī. Vol. 32. Cairo: Dār al-Ḥadīth, 2006.
- Imām al-Ḥaramayn Al-Juwāynī, Abū al-Ma'ālī. *Al-Burhān Fī Uṣūl al-Fiqh*. Edited by 'Abd al-'Azīm al-Dīb. 1st ed. Vol. 1. 2 vols. Dawla al-Qaṭr, 1399.
- Inayatullah, Sohail, and Gail Boxwell. *Islam, Postmodernism and Other Futures: A Ziauddin Sardar Reader*. Sterling, Va: Pluto Press, 2003.
- Iqbal, Muhammad. "KONSEP I'TIMANIYA DALAM PANDANGAN TAHA ABDURRAHMAN." *JURNAL YAQZHAN: Analisis Filsafat, Agama Dan Kemanusiaan* 9, no. 1 (June 1, 2023): 55–72. <https://doi.org/10.24235/jy.v9i1.12891>.
- Johnston, David. "Maqāsid Al-Sharī'a: Epistemology and Hermeneutics of Muslim Theologies of Human Rights." *Die Welt Des Islams* 47, no. 2 (January 1, 2007): 149–87. <https://doi.org/10.1163/157006007781569936>.
- Kamali, Mohammad Hashim. "Maqasid Al-Shari'ah and Ijtihad as Instruments of Civilisational Renewal: A Methodological Perspective | ICR Journal," October 18, 2020. <https://icrjournal.org/index.php/icr/article/view/647>.
- . *Maqasid Al-Shariah Made Simple*. International Institute of Islamic Thought (IIIT), 2008.
- . "Maqāsid Al-Sharī'ah': The Objectives of Islamic Law." *Islamic Studies* 38, no. 2 (1999): 193–208.
- Kars, Aydogan. "Maqāṣid or Sharī'a? Secularism, Islamic Reform, and Ethics in Modern Turkey." In *Maqāṣid Al-Sharī'a and Contemporary Reformist Muslim Thought: An Examination*, edited by Adis Duderija, 127–50. New York: Palgrave Macmillan US, 2014. [https://doi.org/10.1057/9781137319418\\_6](https://doi.org/10.1057/9781137319418_6).
- Kepplinger, Eva. "Taha Abderrahmane and Abū Ishāq Al-Shāṭibī: Comparative Reflections on Legal Thought and Ethics." In *Islamic Ethics and the Trusteeship Paradigm*:

- Taha Abderrahmane's Philosophy in Comparative Perspectives*, 62–77. Brill, 2020. [https://doi.org/10.1163/9789004438354\\_005](https://doi.org/10.1163/9789004438354_005).
- Maliki, Ibnu Akbar, Abdul Qodir Zaelani, Muh Zaitun Ardi, and Shivi Mala Ghummiah. "A Gender-Based Maqashid Sharia Study of Penghulu in Indonesia (A Study of Jasser Auda's Views)." *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 23, no. 1 (June 14, 2023): 51–68. <https://doi.org/10.19109/nurani.v23i1.16447>.
- Malkawi, Fathi. *Al-Shaykh Muḥammad al-Ṭāhir Ibn 'Āshūr Wa Qadāyā al-Iṣlāh Wa al-Tajdīd Fī al-Fikr al-Islāmī al-Mu'āṣir*. Al-Ma'had al-'Ālamī li al-Fikr al-Islāmī, 2011.
- Mannā', Najwā. "Al-Mashrū' al-Maqāsidī 'inda Naṣr Ḥāmid Ābū Zayd." *social and human sciences review* 24, no. 1 (June 30, 2023): 217–30.
- Marakeby, Muhammad al-. "Al-Ḥadātha Wa Taḥawwulāt al-Khitāb al-Maqāsidī: Naḥw Fiqh Sā'il?" *Journal of Islamic Ethics*, March 13, 2021.
- . "The Unaddressed by Sharī'a and the Ethicalization of Islamic Law." In *Routledge Handbook of Islamic Ethics*, edited by Mohammad Ghaly. London: Routledge, 2024.
- March, Andrew. "Law as a Vanishing Mediator in the Theological Ethics of Tariq Ramadan." *European Journal of Political Theory* 10 (September 26, 2009). <https://doi.org/10.1177/1474885111395475>.
- March, Andrew F. "The Maqṣad of Hifz Al-Din Is Liberal Religious Freedom Sufficient for the Shari'ah? | ICR Journal," October 18, 2020. <https://icrjournal.org/index.php/icr/article/view/653>.
- Marzūqī, Abū Ya'rub al-. *Shukūk 'Alā Naẓariyyat Al-Maqāṣid*. Al-Asmā' wa al-Bayān, 2017.
- Marzūqī, Abū Ya'rub al-, and Muḥammad Sa'īd Ramaḍān al-Būṭī. *Ishkāliyyat Tajdīd Uṣūl Al-Fiqh*. Dār al-Fikr, 2006.
- Mas'Ud, M. Khalid. "Recent Studies of Shāṭibī's Al-Muwāfaqāt." *Islamic Studies* 14, no. 1 (1975): 65–75.
- M.o, Mohammad, and Shahwan S. "The Objective of Islamic Economic and Islamic Banking in Light of Maqasid Al-Shariah: A Critical Review." *Scopus*, 2013. <https://doi.org/10.5829/idosi.mejsr.2013.13.1885>.
- Muhammed, Muneer Kuttiani, and Mohd Mumtaz Ali. "The Shariah and Law: An Analysis." *International Journal of Law, Government and Communication* 2, no. 5 (September 2017): 48–64.

- Mujib, Lalu Supriadi B., and Khairul Hamim. "Religious Freedom and Riddah through the Maqāṣidī Interpretation of Ibn 'Āshūr." *HTS Teologiese Studies / Theological Studies* 77, no. 4 (November 12, 2021): 10.
- Paryadi, Paryadi. "MAQASHID SYARIAH: DEFINISI DAN PENDAPAT PARA ULAMA." *Cross-Border* 4, no. 2 (July 19, 2021): 201–16.
- Qahtani, Musfir bin Ali al-. *Books-in-Brief: Understanding Maqasid Al-Shari'ah: A Contemporary Perspective*. International Institute of Islamic Thought (IIIT), 2015.
- Rachid, Aouidad. "Arab Modernists and Maqasid Shariah: A Critical Analysis." *BALAGH - Journal of Islamic and Humanities Studies* 1, no. 2 (October 14, 2021): 330–52.
- Ramadan, Tariq. *Radical Reform: Islamic Ethics and Liberation*. 1st edition. Oxford ; New York: Oxford University Press, 2008.
- . *To Be a European Muslim*. Leicester: The Islamic Foundation, 2015.
- Raysuni, Ahmad al-. *Madkhal Ila Maqasid Al-Sharia*. Cairo: Dar al-Kalimah, 2010.
- Robinson, Neal. *Islam: A Concise Introduction*. London: Routledge, 2013. <https://doi.org/10.4324/9781315027562>.
- Rohmanu, Abid, and Khusniati Rofiah. "Ṭāhā 'Abd al-Raḥmān's Philosophical Contribution to Theorize Ethical Maqāṣid." *Al-Ahkam* 33, no. 2 (October 31, 2023): 185–206. <https://doi.org/10.21580/ahkam.2023.33.2.17527>.
- Salami, Farook. "The Maqasid Theory in Imam Ghazali's View: Textual Analytical Study." *QURANICA - International Journal of Quranic Research* 3, no. 2 (December 1, 2012): 178–214.
- Sari, Hannan, and Mohammed Abullais al-Khayrabadi. "Ṭaṭawwur 'Ilm Maqāṣid al-Sharī'a 'abr al-Tārīkh al-Islāmī." *International Journal of Fiqh and Usul al-Fiqh Studies* 2, no. 2 (December 30, 2018): 35–49. <https://doi.org/10.31436/ijfus.v2i2.90>.
- Schacht, Joseph. *An Introduction to Islamic Law*. Oxford, New York: Oxford University Press, 1983.
- . *The Origins of Muhammadan Jurisprudence*. Clarendon Press, 1950.
- Shaḥrūr, Muḥammad. *Naḥwa Uṣūl Al-Jadīda Li al-Fiqh al-Islāmī: Fiqh al-Mar'a*. Al-Ahālī, 2000.
- Sulaiman, Adibah, Hisham Muhammad Taky Eldin Kandil, Mohd. Azmir Mohd. Nizah, Ahmad Norsyafwan Norawavi, and Ezad Azraai Jamsari. "Islamic Spiritual Ethics and Postmodernist Moral Thought: Can There Be A Reconciliation?" *International Journal of Academic Research in Business and Social Sciences* 9, no. 1 (February 15, 2019): Pages 670-683. <https://doi.org/10.6007/IJARBS/v9-i1/5466>.

- Sulthon, M. "INTEGRATION OF ISLAMIC SHARIA IN NATIONAL LEGAL SYSTEM." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 7 (September 30, 2020): 95. <https://doi.org/10.29300/mzn.v7i2.3425>.
- Utsany, Royan, Afrizal Tw, and Khamim. "Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia." *Journal of Islamic Law (JIL)* 3 (2022): 54.
- Viersen, Harald. "Rethinking Reform: 'Abd al-Raḥmān Ṭāhā and the Temporal Reconceptualization of the Authenticity–Modernity Paradigm." *Religions* 14, no. 2 (February 2023): 225. <https://doi.org/10.3390/rel14020225>.
- Wanto, Deri, Rahmad Hidayat, and R. Repelita. "Maqasid Shariah's Change as Theory: From Classical to Cotemporary Maqasid Shariah." *Al-Istinbath: Jurnal Hukum Islam* 6, no. 2 November (November 11, 2021): 427–54. <https://doi.org/10.29240/jhi.v6i2.3122>.
- Warren, David. "Doha—The Center of Reformist Islam? Considering Radical Reform in the Qatar Context: Tariq Ramadan and the Research Center for Islamic Legislation and Ethics (CILE)." In *Maqāṣid Al-Sharī'a and Contemporary Reformist Muslim Thought: An Examination*, edited by Adis Duderija, 73–99. New York: Palgrave Macmillan US, 2014. [https://doi.org/10.1057/9781137319418\\_4](https://doi.org/10.1057/9781137319418_4).
- Yaakub, Sabariyah, and Nik Ab Halim Nik Abdullah. "TOWARDS MAQASID SHARIAH IN SUSTAINING THE ENVIRONMENT THROUGH IMPACTFUL STRATEGIES." *International Journal of Islamic Business* 5, no. 1 (June 30, 2020): 36–45. <https://doi.org/10.32890/ijib2020.5.1.2>.
- Zadeh, L. A. "Fuzzy Sets." *Information and Control* 8, no. 3 (June 1, 1965): 338–53. [https://doi.org/10.1016/S0019-9958\(65\)90241-X](https://doi.org/10.1016/S0019-9958(65)90241-X).

## GLOSSARY OF TERMS AND ABBREVIATIONS

<i>‘Adl / i ‘tidāl</i>	: Justice
<i>Af‘āl bashariyya</i>	: Human actions
<i>Af‘āl ilāhiyya</i>	: Divine attributes
<i>Akhaff al-ḍararayn</i>	: The lesser of two evils
<i>Akhīra</i>	: Final destination
<i>Akhlāq</i>	: Ethics
<i>Akhlāq al-bāri’ ta‘ālā</i>	: A reflection of the attributes of God
<i>Akhlāqī</i>	: The value consideration
<i>Akhlāqīyya</i>	: Morality
<i>Al- ḍarūrāt tubīḥ al-maḥzūrāt</i>	: The necessity can allow what is previously prohibited
<i>Al- ‘aḥkām al-shar‘iyya</i>	: Legal rulings
<i>Al-aḥwāl al- ‘aqadiyya</i>	: The forms of belief
<i>Al‘ālam al-ghayb</i>	: The metaphysical world
<i>Al- ‘ālam al-mar‘ī</i>	: The physical world
<i>Al- ‘alāqa al-ma‘iyya</i>	: The inseparable relationship between God and man
<i>Al- ‘almāniyya</i>	: The separation of politics from religion
<i>Al-a‘māl al-ṣāliḥa</i>	: Good actions
<i>Al- ‘aql al-mujarrad</i>	: Abstract reason
<i>Al- ‘aql al-musaddad</i>	: Ethical reason
<i>Al- ‘aqlāniyya al-musaddada</i>	: Guided reason
<i>Al-dahrāniyya / dahrāniyyūn</i>	: The separation of ethics from religion
<i>Al-diyāniyya / diyāniyyūn</i>	: The dependance of ethics to religion or religion to ethics
<i>Al-dunyāwiyya</i>	: The separation of life from religion
<i>Al-faqīh</i>	: The jurist
<i>Al-fasād</i>	: Harm
<i>Al-fitna al-naṣṣiyya al-kubrā</i>	: The great textual fitna
<i>Al-Ḥākim al-Maqāṣidī</i>	: Maqasid scholars
<i>Al-ḥaqīqa</i>	: The truth of the things
<i>Al-ḥukm al-shar‘ī</i>	: A valid law
<i>Al-ḥukum al-mashrū‘</i>	: Legitimate law
<i>Al-ḥurriyya</i>	: Freedom
<i>Al-i‘timāniyya</i>	: The trusteeship paradigm
<i>Al-ibdā‘</i>	: Creativity

<i>Al-idrāk al-fīṭriyya</i>	: The innate cognition
<i>Al-‘ilmāniyya</i>	: The separation of knowledge from religion
<i>Al-insān al-‘amūdī</i>	: Vertical creatures
<i>Al-intiqāl al-‘amūdī</i>	: Vertical human movement
<i>Al-intiqāl al-‘ufuqī</i>	: Horizontal human movement
<i>Al-irāda al-bashariyya</i>	: The human volition
<i>Al-irāda al-ilāhiyya</i>	: The God's divine volition
<i>Al-ishṭighāl billāh</i>	: Being occupied with God
<i>Al-i`timānī</i>	: The trusteeship paradigm
<i>Al-i`timārī</i>	: The command-oriented paradigm
<i>Al-jism al-ḥayy</i>	: The physical movement
<i>Al-kamāl</i>	: Perfectness
<i>Al-khiṭāb al-ilāhī</i>	: Divine speech
<i>Al-kulliyyāt al-ḍarūriyyāt</i>	: Three proposing necessities
<i>Al-ladhdha</i>	: The concept of maṣlaḥa that emphasizes comfort
<i>Al-māddī</i>	: The materialistic aspect
<i>Al-malakūtī</i>	: The metaphysical awareness
<i>Al-ma`nawī</i>	: The spiritual aspect
<i>Al-Maqāṣid al-‘amma</i>	: General <i>Maqāṣid</i>
<i>Al-Maqāṣid al-khāṣṣa</i>	: Particular <i>Maqāṣid</i>
<i>Al-maqāṣid al-nāfi`a</i>	: The beneficial purpose
<i>Al-maṣāliḥ al-shar`iyya</i>	: Legitimate welfare
<i>Al-Mawāthaqah</i>	: Covenant
<i>Al-Mawṣūlāt</i>	: Linking Values, consists of fīṭra , irāda, tazkiya
<i>Al-mi`rāj</i>	: The soul movement
<i>Al-mu`allim al-awwal</i>	: The first teacher
<i>Al-mu`allim al-thānī</i>	: The second teacher
<i>Al-mu`āmala fī Allāh</i>	: Interacting for the sake of God
<i>Al-mulukī</i>	: The physical world
<i>Al-musāwā</i>	: Equality
<i>Al-mu`taman</i>	: Al-mu`taman
<i>Al-nisyān</i>	: Forgetfulness
<i>Al-qiyam al-akhlāqīyya</i>	: The ethical principles
<i>Al-qiyam al-‘amaliyya</i>	: Practical values
<i>Al-qiyam al-‘aqdiyya</i>	: Doctrinal values

<i>Al-qiyam al-‘aqliyya</i>	: Intellectual values
<i>Al-qiyam al-fiṭriyya</i>	: Innate values
<i>Al-qiyam al-ghazīriyya</i>	: The instinctive values
<i>Al-qiyam al-ḥayawiyya</i>	: Life values
<i>Al-qiyam al-māddiyya</i>	: Materialistic values
<i>Al-qiyam al-rūḥiyya</i>	: Spiritual values
<i>Al-ṣalāḥ</i>	: The righteous/welfare
<i>Al-shahāda</i>	: The testimony
<i>Al-shahāda bi al-ulūhiyya</i>	: Witnessing only the existence of God
<i>Al-shahāda bi al-waḥdāniyya</i>	: Witnessing the oneness of God
<i>Al-Shar‘iyyah</i>	: Valid law
<i>Al-ṣifa al-dunyāwiyya</i>	: Worldly characteristic
<i>Al-ṣifa al-tabī‘iyya</i>	: Natural characteristic
<i>Al-ṭā‘a</i>	: Obedience
<i>Al-ṭā‘a fī al-‘ibāda</i>	: Obedience in worship
<i>Al-ṭā‘a fī al-mu‘āmalā</i>	: Obedience in conduct
<i>Al-Tablīgh al-Nabawī</i>	: Prophet conveyance
<i>Al-tadākhul al-dākhilī</i>	: The internal interpenetration
<i>Al-takassub</i>	: Gaining profit
<i>Al-ta‘līl al-ghā‘ī</i>	: The teleological reasoning
<i>Al-ta‘līl al-ilghā‘ī</i>	: Teleological reasoning
<i>Al-ta‘līl al-sababī</i>	: Causal reasoning
<i>Al-ta‘līl al-sababī</i>	: The causal reasoning
<i>Al-tamalluk</i>	: The feeling of ownership
<i>Al-taṣawwur al-khārījī</i>	: Portraying God as the external entity
<i>Al-taṣawwur al-tajsīdī</i>	: Assimilating God to humans as His creatures
<i>Al-taṣawwur al-tajzī‘ī</i>	: Believing in only several attributes of God
	Asserting the superiority of man that challenges the God’s
<i>Al-taṣawwur al-tasayyudī</i>	: sovereignty
<i>Al-ta‘ṣīs al-i‘timānī</i>	: Law Establishment through Trusteeship Paradigm
<i>Al-ta‘ṣīs al-i‘timānī</i>	: Trusteeship paradigm
<i>Al-ta‘ṣīs al-i‘timārī</i>	: Establishment
<i>Al-tawḥīd</i>	: The oneness of Allah
<i>Al-taysīr</i>	: Facilitation
<i>Al-turāth</i>	: The traditional Islamic literature

<i>Al-‘ubudiyya lillāh</i>	: Worshipping God
<i>Al-waṣf al-fiṭrī</i>	: The innate description
<i>Al-waṣf al-ḥikmī</i>	: The rational description
<i>Al-waṣf al-irādī</i>	: The volitional description
<i>Al-waṣf al-ma‘nawī</i>	: The moral description
<i>Al-waṣf al-maṣlahī</i>	: The beneficial description
<i>Al-waṣf al-tajarrudī</i>	: The abstract description
<i>Al-waṣīla al-nāji‘a</i>	: The effective intermediary
<i>Al-wijdān al-basharī</i>	: Human feelings
<i>Al-zulm</i>	: Injustice
<i>‘amal ahl madīna</i>	: The behavior of the Madina people
<i>Amāna</i>	: Divine trust
<i>‘aql</i>	: Intellect
<i>‘aqlanat al-sharī‘a</i>	: Rationalizing the <i>sharī‘a</i>
<i>Asmā’ al-ḥusnā</i>	: Good names of God
<i>Awāmir</i>	: The orders
<i>A‘zam</i>	: The highest aspect of <i>sharī‘a</i>
<i>Badan</i>	: The body
<i>Bāṭin</i>	: The inward self
<i>Dalālāt al-kalām</i>	: The implication of the speech
<i>Dalīl</i>	: Evidence
<i>Ḍarar</i>	: The harms
<i>Ḍarūriyyāt</i>	: Necessities
<i>Ḍarūriyyāt al-khams</i>	: The five necessities
<i>Dīn</i>	: The religion
<i>Dīn al-fiṭra</i>	: Nature based religion
<i>Dīnī</i>	: Religious values
<i>Dunya</i>	: World
<i>Dunyawī</i>	: Human interest
<i>Fi‘l</i>	: Action
<i>Fiqh al-‘adāt</i>	: The jurisprudence of customs
<i>Fiqh al-jināyāt</i>	: The jurisprudence of criminal law
<i>Fiqh al-mu‘āmalāt</i>	: The jurisprudence of transaction
<i>Fiqh al-wāqi‘</i>	: The fiqh of realty
<i>Fiqh ‘ibādāt</i>	: The jurisprudence of worship

<i>Fītra</i>	: The human nature
FST	: Fuzzy Set Theory
<i>Fuqahā'</i>	: Legal scholars
<i>Furū'</i>	: Branches
<i>Gharīza</i>	: The instinctive nature
<i>Ghāya</i>	: The ultimate purpose
<i>Ḥājjiyyāt</i>	: Requirements
<i>Ḥalāl</i>	: The permissible
<i>Ḥālat al-Mu'āmalah</i>	: Period of Interaction
<i>Ḥālat al-muwāthāqa</i>	: Period of covenant
<i>Ḥāssa fiṭriyya</i>	: The innate feeling
<i>Hawā</i>	: Human desire
<i>Hawiyya</i>	: Identity
<i>Ḥayā'</i>	: Humility or modesty
<i>Ḥifẓ al-'aql</i>	: The protection of intellect
<i>Ḥifẓ al-dīn</i>	: The protection of religion
<i>Ḥifẓ al-māl</i>	: The protection of property
<i>Ḥifẓ al-nafs</i>	: The protection of life
<i>Ḥifẓ al-nasl</i>	: The protection of family
<i>Ḥikmah</i>	: The wisdom
<i>Ḥukm 'alā ḥukm al-shāri'</i>	: The ruling on God's ruling
<i>Ḥukm al-shāri'</i>	: God's ruling
<i>I'ādat ta'yīn al-maqāṣid wa ta'rīfihā</i>	: Re-envisioning the five principles of <i>maqāṣid al-sharīa</i>
<i>'ibādāt</i>	: Rituals
<i>Ibāḥa</i>	: Permissibility
<i>Ibqā'</i>	: Preservation
<i>Ījād al-ma'dūm</i>	: The creation of non-existing law
<i>Ijmā'</i>	: The textual analysis and consensus
<i>Ijtihād</i>	: Interpretation
<i>Ikhtiyār</i>	: Mindful freedom
<i>Ilāh</i>	: God
<i>'illat</i>	: The reason
<i>'ilm</i>	: Knowledge
<i>'ilm al-akhlāq al-islāmī</i>	: Islamic ethical discourse

<i>‘ilm al-Kalām</i>	: Science of theology
<i>Imān</i>	: The faith
<i>Insān mayyit</i>	: The death of the whole <i>body</i>
<i>Inshā’ al-aḥkām</i>	: Determining laws
<i>Irāda</i>	: Will / the volition
<i>Ishāra</i>	: The signs
<i>Istiqrā’</i>	: Inductive
<i>Jahl</i>	: Ignorance
<i>Jiha</i>	: Side
<i>Jism</i>	: Physique
<i>Kalām Allah</i>	: The words of Allah
<i>Kamāl</i>	: Perfectibility
<i>Kasb</i>	: Livelihood
<i>Khalīfa</i>	: Responsible leader
<i>Khayr</i>	: Good
<i>Kitāb al-takhlīq</i>	: The book of creation
<i>Kitāb al-tashrī’/kitab al-qanūn</i>	: Book of the law
<i>Kufr</i>	: Apostate
<i>Li ṣalāḥ amr al-nās kāffa</i>	: To enhance human affairs
<i>Madhhab</i>	: Schools of thought
<i>Maḥsada</i>	: Harmfulness
<i>Maḥal al-ḍarūrāt</i>	: Level of necessity
<i>Makārim al-akhlāq</i>	: Noble characters
<i>Malakūt al-samāwāt wa al-ard</i>	: The realm of the heavens and the earth
<i>Mālik</i>	: Owner
<i>Manfa’a</i>	: Benefits
<i>Maqāṣid</i>	: The purposes
<i>Maqāṣid al-mukallaf</i>	: Human purpose
<i>Maqāṣid al-shārī’</i>	: God's intention
<i>Maqāṣid al-shāri’a</i>	: The divine purpose
<i>Maqṣūd al-shar’</i>	: Divine purpose
<i>Ma’qūl al-ma’nā</i>	: Reasonable object
<i>Ma’rifa</i>	: Knowledge
<i>Mashrū’</i>	: Legitimate

<i>Mashrū`iyya</i>	: Legitimation
<i>Mashrūṭ</i>	: The conditioned
<i>Maṣlahā</i>	: The goodness / the righteous / public interest
<i>Maṣlahā al-dīn</i>	: Religious benefits
<i>Mīthāq al-ishhād</i>	: The covenant of witnessing or testimony
<i>Mīthāq al-isti`mān</i>	: The covenant of trusteeship
<i>Mu`āmalāt</i>	: Social <i>interactions</i>
<i>Mukammil/nawāfil</i>	: The complementaries
<i>Munwajid</i>	: The physical world
<i>Muqallidat al-mutaakhhirīn</i>	: The imitators of the later non-Muslim scholars
<i>Muqallidat al-mutaqaddimīn</i>	: The imitators of the earlier Muslim scholars
<i>Murād al-Shāri`</i>	: God's intention
<i>Murūna</i>	: Flexible
<i>Mutakallimūn</i>	: Theologian
<i>Mutawājid</i>	: The metaphysical world
<i>Naf`</i>	: Benefits
<i>Najāsa</i>	: Impurities
<i>Nashr al-haqq</i>	: Spreading Truth
<i>Nawāhī</i>	: The prohibitions
<i>Niyya</i>	: Intention
<i>Niyyāt</i>	: The intention
<i>Nūr al-dīn</i>	: The light of the religion
<i>Qalb</i>	: The heart
<i>Qaḍiyya</i>	: Legal case
<i>Qānūn al-dhāt</i>	: The internal law
<i>Qānūn al-ghayr</i>	: The external law
<i>Qānūn al-iṭṭirād</i>	: Uniformity
<i>Qānūn al-sababiyya</i>	: Laws of causality
<i>Qānūnī</i>	: The legal consideration
<i>Qawā`id al-lisān al-`arabī</i>	: The rules of the Arabic language
<i>Qawā`id uṣūliyya</i>	: The maxims of fundamentals
<i>Qīma</i>	: Value
<i>Qirā`at al-kawn</i>	: Reading the existing universe
<i>Qirā`at al-wahy</i>	: Reading the revelation
<i>Qirā`a jadīda</i>	: New reading

<i>Qiyam / qīma</i>	: Values
<i>Qiyam al-adā'āt</i>	: Values of tools
<i>Qiyam al-fa'āliyyāt</i>	: Values of activities
<i>Qiyam al-ihsān</i>	: Values of kindness
<i>Qiyam al-ikhhlās</i>	: Values of sincerity
<i>Qiyam al-'ilm / al-ma'rifa</i>	: Values of knowledge
<i>Qiyam al-īmān</i>	: Values of faith
<i>Qiyam al-mahārāt</i>	: Values of skills
<i>Qiyam al-mas'ūliyya al-i'īmāniyya</i>	: Values of trusteeship responsibility
<i>Qiyam al-nazr</i>	: Values of theory
<i>Qiyam al-niyya</i>	: Values of intention
<i>Qiyam al-qaḍā'āt</i>	: Values of judgements
<i>Qiyam al-tawhīd al-ishhādī</i>	: The values of testimony to the oneness of God
<i>Qiyam ghā'iyya</i>	: Teleological values
<i>Qiyam wasalayya</i>	: Instrumental values
<i>Qiyās</i>	: Analogy
<i>Raḥma</i>	: Mercy
<i>Rūh</i>	: The soul
<i>Rūh al-a'māl</i>	: The essence of everything
<i>Rukḥṣa</i>	: Concession
<i>Rutbat al-tawsi'a</i>	: Level of expansion
<i>Rutbatal-ḥājāt</i>	: Level of needs
<i>Ṣādiqa</i>	: Sincere and pure
<i>Ṣaḥāba</i>	: The companions
<i>Ṣalāḥ al-aḥwāl al-fardiyya</i>	: Individual prosperity
<i>Ṣalāḥ al-aḥwāl al-jamā'iyya</i>	: Community welfare
<i>Ṣalāḥ al-aḥwāl al-'umrāniyya</i>	: Civilizational welfare
<i>Samāḥa</i>	: Tolerance
<i>Shahādat al-insān</i>	: The testimony of humans
<i>Shahādat al-khāliq</i>	: God's testimony
<i>Shar'ī</i>	: Lawful
<i>Sharī'a</i>	: Divine law
<i>Sharī'a</i>	: Islamic law
<i>Sharr</i>	: Evil

<i>Sharṭ</i>	: The condition
<i>Shawāhid</i>	: Witness
<i>Shi'ār al-Islām</i>	: Slogan of Islam
<i>Sū' al-adab</i>	: Uncivilized
<i>Sujūd</i>	: Prostration
<i>Ta'ābbud</i>	: Religion
<i>Ta'abbudī</i>	: The devotional object
<i>Tābi'īn</i>	: The generation that followed the companions
<i>Tābi'u tābi'īn</i>	: The subsequent generation
<i>Tablīgh</i>	: Conveyance
<i>Tadabbur</i>	: The understanding of the Quran
<i>Tafsīr</i>	: Exegesis
<i>Ṭahāra</i>	: Purifying the body from impurities
<i>Taḥṣīl</i>	: Attainment
<i>Taḥsīniyyāt</i>	: Beautification / complementary
<i>Tajdīd al-turāth</i>	: The renewal of the traditional Islamic sciences
<i>Takhlīq</i>	: Creation
<i>Taklīf</i>	: Responsibility
<i>Ta'līl</i>	: The human reason
<i>Tanmiya</i>	: Improvement
<i>Tasāhul</i>	: Indulgence
<i>Taṣfiya</i>	: Purification
<i>Tashrī'</i>	: Law
<i>Ṭawr al-khiṭāb al-ilāhī</i>	: The period of divine speech
<i>Ṭawr al-tablīgh al-nabawī</i>	: The period of Prophetic conveyance
<i>Tazkiya</i>	: Purification
<i>Thabāt</i>	: Indelible
<i>'ubudiyya</i>	: The highest aim of worshipping God
<i>'umrān</i>	: Prosperity
<i>Uṣūl</i>	: The fundamentals
<i>Uṣūl</i>	: The core of the ethics
<i>Uṣūliyyūn</i>	: Legal theorists
<i>Wājib</i>	: Mandatory
<i>Wara'</i>	: Pious
<i>Wasīla</i>	: An intermediary stage

*Yusr* : Ease  
*Zāhir* : The outward self  
*Zāhir al-naṣ* : The textual appearance