Maqasid Al-Qur'an and Maqasid Al-Shari’ah:
An Analytical Presentation

Tazul Islam
Centre of Qur’anic Research, Academic of Islamic Studies
Universiti Malaya, Malaysia

Abstract
The phrases Maqasid al-Qur’an (objectives of the Qur’an) and Maqasid al-Shari’ah (objectives of the Islamic law) are two popular terms in the disciplines of Islamic revealed knowledge. While the latter is derived from the former, however, there are cases where the two terms are used interchangeably. This study aims to present an analytical account of these two concepts; it commences to examine the semantic meaning of the Qur’anic use of the term “Qur’an” and “Shari’ah”, then the definition of the terms Maqasid al-Qur’an and Maqāṣīd al-Sharī‘ah. The paper then illustrates the function and the scope of Maqāṣīd (objectives) of al-Shari‘ah and Maqasid of al-Qur’an. This paper argues that though Maqasid al-Qur’an and Maqāṣīd al-Sharī‘ah eventually lead to the same end, and thus cannot be separated from each other, however, in the operational level there are number of semantic and functional differences between these two terms.

Keywords: The Qur’an, Islamic shari’ah, objectives, analytical study

Introduction
Maqāṣīd al-Qur’ān and Maqāṣīd al-Sharī‘ah are two popular phrases, which were used since the early centuries of the Muslim calendar; both of these terms represent an important aspect of the studies of Islamic revealed knowledge. This is because, while the former concerns understanding of the objectives of the Qur’ānic discourse as well as its exegesis, the latter is confined within understanding the objectives of Islamic law and exploring the legal rulings of the sharī‘ah. Some of the recent studies on Maqāṣīd al-Qur’ān, such as Maqāṣīd al-Qur’ān al-Karīm by xanān Lahhīm (2004) and Maqāṣīd al-Qur’ān al-Karīm min Tashrī‘ al-Alkām by Abd al-Karīm xEmīdī (2009), profoundly colored the concept of Maqāṣīd al-Qur’ān by the concept of Maqāṣīd al-sharī‘ah. However, some Muslim scholars, from the past and contemporary, like Abī xEmīd al-Ghazālī (d.1111C.E.), Nīzz al-Dīn ibn Nābd al-Salīm (d.1261C.E.), Ibn al-Qayyīm (d.751A.H.), Al-Shīlībī (d.1388C.E.), Rashīd Riłī
Semantic Distinction Between the “Qur’on” and the “Sharâ’ah” in the Qur’anic Use

The word “qur’an” is a verbal noun which literally means “reading” or “recitation”. There are many verses in the Qur’ân that speak about its identity which is exposed through its various names and attributes. These could be a better source for understanding what the Qur’ân is such as Al-Furqân (the Criterion), Tâzah (the Reminder), Al-Dhikr (the Reminder), and Al-Kitâb (the Scripture). The attributes of the Qur’ân are more expressive than its names and they occur in the Qur’ân with a notable frequency and with a number of different phrases revealing a comprehensive introduction of the broad range of its own domain such as Al-Nâhî (the Light), Huda (Guidance), Raïmah (Mercy), Bashar (Bearer of Good Tidings), Nadhîr (Warner), Ñâdîl (Justice), ñaqq (True), Amr (Commandment), etc. All these terms expose a wider generality of the Qur’ân which is far off any kind of particularity. However, the word “sharâ’ah” or “shir’ah” and its root “shara’îna” occur in several places in the Qur’ân as follows:

“Then We have put you (O Muhammad s.a.w.) on a plain way (sharâ’îna) of (Our) commandment [like the one which We commanded Our Messengers before you (i.e. legal ways and laws of the Islamic Monotheism)]. So follow you that (Islamic Monotheism and its laws), and follow not the desires of those who know not.”

[Al-Qur’ân, 45: 18]

The term “sharâ’ah” in this verse is often interpreted by the interpreters of the Qur’ân as “tradition” and way, “doctrine and religion,” “revelation,” and “dîn.” Interpreting this term, Al-Mawaridî (d.450 A.H) states four probable meanings as follows: (1) dîn, because it is the way of success; (2) farri’d, penal codes, command and prohibition, because these are the means for dîn; (3) proof (bayyinah), because it is the way to know the right path; (4) way (sunnah), because the way of previous Prophets are followed. Apparently, “sharâ’ah” in this verse is taken by some scholars in a broader perspective as a whole dîn on the basis that this verse had been revealed in Makkah long before revealing its formal rites and legal provisions, which mostly came in the Madinah period. In this sense, “sharâ’ah” is best translated the “right Way of Religion”, which is wider than formal rites and legal provisions. However, it should be noted that “sharâ’ah” is not merely restricted to legal provisions. In Qur’ânic term, it is broader than this as it includes all kinds of normative directives of the Qur’ân. Based on this broadness of “sharâ’ah”, the Makkah chapter of the Qur’ân is not totally devoid of “sharâ’ah” directives. In fact, the main focus of “sharâ’âh” in Makkah was on the reformation of belief, its preservation and strengthening of its roots. In this phase, according to Al-Shâhîbî, the fundamentals of the lawful and the prohibited are prescribed which were fully completed during the Madînah phase. For example, the killing of female infants, unlawful killing of human beings, adultery, injustice, misappropriating orphan’s wealth, eating the animals slaughtered in the name other than Allah’s were prohibited during the Makkah period.

Similarly, ruling of prayer and expending wealth in way of Allah (s.w.t) also ordained during this era. The ruling about unlawful killing, mistreating of orphan’s wealth and slaughtering of animals in the name of Allah (s.w.t) are mentioned in Sîrah al-An’âm in verses 151, 152, 118; and this is a Makkah sîrah revealed at once and before Sîrah al-Jâshîmah in which the above mentioned verses fall in. Thus, restricting the meaning of the term “sharâ’ah” to the normative directions of
the Qur’Én might be inappropiate. The Qur’Én says, “And We have sent down to you (O Muhammad (s. a. w.)) the Book (this Qur’an) in truth, confirming the Scripture that came before it and Mohayminan (trustworthy in highness and a witness) over it (old Scriptures). So judge between them by what Allah has revealed, and follow not their vain desires, diverging away from the truth that has come to you. To each among you, We have prescribed a law (shirÑah) and a clear way. If Allah willed, He would have made you one nation, but that (He) may test you in what He has given you; so strive as in a race in good deeds. The return of you (all) is to Allah; then He will inform you about that in which you used to differ.” (Al-Qur’Én, 5: 48)

Al-shir‘ah has two etymological aspects. Firstly, the verb “shara’” refers to clarification and secondly, “sharaÑa” is derived from the verbal noun “sharÊN” which means entering into. xxvi “Al-shir‘ah” is the same as “Al-sharÊ‘ah” which means clear way. xxvii “shir‘ah” probably refers to laws (alÊÉÉm) and “minhÊj” refers to beliefs. xxviii Ibn ÑAbbâs says, “shir‘ah” and “minhÊj” mean tradition (sunnah) and way (sabÈÉl). xxix To Ibn KathÊr (d. 774 A.H), the most suitable meaning of it is tradition (sunnah). xxx

According to Ibn ÑAbbÊs (d.64), the terms “shir‘ah” and “minhÊj” in this verse refer to the endorsement of tawhÈÉd and to a particular portion of lawsxxx in which the revealed religions are not unanimous. QatÈdah argues that this verse addresses the communities of MÈsá, Ñûsá and MuÈammad (Peace be upon them) with an indication that the sharÊ‘ahs of TawrÈÉh, InjÊÉl and Qur’Én though their respective dÈÉn is one and identical which is tawhÈÉd. xxxv Ibn Ñâtiyyah al-AndalÊsÈÉ (d.542) asserts that the verse eighteen in sÈÈrÈh al-JÈÈhÈÈh (45:18) refers to an artistic resumption for describing the reasons behind prescribing the commandments and prohibitions before this sharÊ‘ah. Moreover, it directs Prophet MuÈammad (pbuh) that “Judge among the People of the Book according to laws and codes that Allah (s.w.t.) sent to you, and judge not according to what had been sent to them” because their laws are abrogated by the laws revealed to you. In fact, the applied laws and the methods of moral purification are subject to change according to social context and human psychology. Unlike the fundamentals of the revealed religions (dÈÉn) such as tawlÈÉd, submission to Him with sincerity and îÎsÈÉn, xxxiv resurrection, certifying the prophets etc. remain the same. xxxv For example, in the case of punishment for willful killing the Torah prescribes only qîlÈÉ leaving no option of blood money, the Gospel offers pardon leaving no room for qîlÈÉ and blood money while the Qur’Én offers all three options: qîlÈÉ, blood money and pardon. xxxvi Similarly, what is prohibited in one sharÊ‘ah, could be allowed in another or vice versa. Similarly, if something is flexible in one, the same thing could be very strict in another.xxxvii As the context, content and coherence of this verse with its surrounding verses clearly indicate its relation with law, hence with a normative sense, interpreting the term shir‘ah in it as the legal code should be logically considered an appropriate denotation.

SharaÑa, the verbal form of sharÊ‘ah occurs twice in the Qur’Én which also carry an obvious normative nature. The verses are as follows:

“He (Allah) has ordained (sharaÑa) for you the same religion (Islam) which He ordained for Nûh (Noah), and that which We have inspired in you (O Muhammad s.w.t.), and that which We ordained for Ibrahim (Abraham), Musa (Moses) and Òsî (Jesus) saying you should establish religion (i.e. to do what it orders you to do practically), and make no divisions in it (religion) (i.e. various sects in religion). Intolerable for the Mushriks to that to which you (O Muhammad s.a.w) call them. Allah chooses for Himself whom He wills, and guides unto Himself who turns to Him in repentance and in obedience.”

[Al-Qur’Én, 42: 13]

“Or have they partners (of Allah) who have made lawful for them (sharaÑÈ) in religion which Allah allowed not? And but for a decisive word (gone forth already), it would have been judged between them. Lo! for wrong-doers is a painful doom.”

[Al-Qur’Én, 42: 21]

The majority of the exegetes of the Qur’Én interpret the verb “sharaÑa” by the verb “sanna” which is translated as “to enact or pass (a law), to legislate, to make laws, to establish, to prescribe etc.” xxxviii However, several other meanings could also be found in the Qur’Énic literature such as “biyyana (to illustrate), ikhtÈÈra (to choose) and ‘awjaba (to obligate)”. xxxix “Which He ordained for Nuh (Noah)” refers to the lawful and prohibitions prescribed by Allah (swt) to Noah. xxxv This internal relation of this verse proves the normative nature of this term.

To sum up, as MuÈammad Asad (d.1992) notes, “the term sharÊ‘ah (or shir‘ah) signifies, literally, “the way
to a watering-place” (from which men and animals derive the element indispensable to their life), and is used in the Qur’Én to denote a system of law necessary for a community’s social and spiritual welfare. The term shirÉ‘ah is more restricted in meaning than the term dÉn, which comprises not merely the laws relating to a particular religion but also the basic, unchanging spiritual truths which, according to the Qur’Én, have been preached by every one of God’s apostles, while the particular body of laws (sharÉ‘ah or shir‘ah) promulgated through them, and the way of life (minhÉJ) recommended by them, varied in accordance with the exigencies of the time and of each community’s cultural development.”xxxvi The following verses and the prophetic tradition could be satisfying instances for the argument presented above.

“And We sent no messenger before thee but We inspired him, (saying): There is no Allah save Me (Allah), so worship Me.”

(Al-Qur’Én, 21: 25)

“And verily We have raised in every nation a messenger, (proclaiming): Serve Allah and shun false gods.”

(Al-Qur’Én, 16: 36)

“Narrated by Abu Hurairah, I heard Allah’s Apostle saying “I am the nearest of all the people to Jesus, the son of Mary. The prophets are paternal brothers; their mothers are different, but their religion is one.”

(ØalÈh al-BukhÉrÈ, hadith No. 3147)

Furthermore, the argument that the Qur’Én, instead of presenting the sharÉ‘ah as a whole of dÉn, presents the sharÉ‘ah as part of the whole dÉn or part of the whole Qur’Énic teachings; a grammatical analysis of the verses containing the term sharÉ‘ah or its derivatives could be more discerning tool for this outlook. It is notable in the above mentioned verses that almost every mention of sharÉ‘ah and its derivatives there is either “min al-Ém” (Qur’Én, 42:13, 42:21) or “min al-dÉn” (Qur’Én, 45:18). The term “Ém” refers to “dÉn”xxxvii or “commandments and prohibitions.”xxxviii Grammatically, the particle min, according to Ibn Êoshur (1393 A.H), is used in these two verses for portioning and pertaining (tab‘Èl and tafrÈl).xxix Having interpreted lexically, the phrase shara‘Na in “shara‘Na la kum min-al-dÉn”, as MawdÈdÈ (d. 1979) points out, implies “the way appointed by Allah (s.w.t.) is legislation pertaining to dÉn. There can be no difficulty in understanding that dÉn means nothing but acknowledging the sovereignty and leadership of someone and obeying his commands. And when this word is used in the meaning of “the way”, it implies the way which man must regard as obligatory for him to follow and the one appointing it as the one whom he ought to obey. On this basis, calling God-appointed Way as legislation pertaining to dÉn clearly means that it is not merely recommendatory in nature or a mere counsel, but it is a law enjoined by the Master.” He further defines the Arabic words “tsharÉ‘, sharÈNah and shÈri‘N respectively signify legislation, law and law giver.”xl The scholars further pay attention in defining the extent of sharÉ‘ah. Quoting QatÈdah, RiÈ (d. 1354 A.H) states that sharÉ‘ah is more particular from dÉn and traditionally the term sharÉ‘ah is used exclusively to denote the applied laws, legislations and ruling polices. xb However, in general, sharÉ‘ah is something that Allah (s.w.t.) obligates to an entrusted person to follow.”xli Thus, all normative contents of the Qur’Én should be considered as sharÉ‘ah irrespective of belief system, ethical norms or legal codes.

**Definitional Difference between Maqasid Al-Qur’Én and Maqasid Al-Shari‘ah**

A comparison between the general coverage of both MaqÉ‘id al-Qur’Én and MaqÉ‘id al-SharÈNah could be a facilitating tool to understand the dimensional difference between them. However, the term “MaqÉ‘id al-SharÈNah” has been conspicuously used by Islamic jurists since the early development of Islamic jurisprudence. Very likely, al-JuwaynÈ.xxii (d.1045 C.E.) and al-GhazÈÈ.xxiii (d.1111 C.E.) are the pioneers in wording this exact term. Since then, it has been a popular term in contemporary times and even a specialized field of study in Islamic discipline has been named by it.xb With this development, the scholars in this field channel their efforts to pinpoint its definition. Consequently, at least several scholarly definitions are now at hand. Though none of them is universally recognized, looking at the commonly referred to could be helpful in understanding the general coverage of this term. Some oft-referred definitions by certain scholars are discussed next.

Ibn ÊoshÈr (d. 1973): By definition, “the maqÆ‘id of the sharÈNah generally are the meanings and instances of wise purposes on the part of the Lawgiver (Allah SWT). It can be discerned in all cases of legislation or in the majority of them to which the Law applies so that
they can be seen not to apply excessively to a particular type of ruling. Included here are the occasions for the Law’s establishment, its overall aim, and the meanings which can be discerned throughout the Law. It likewise includes objectives which are not observable in all types of rulings, although they are observable in many of them.” According to the logic of this idea, the aims are all the meanings and instances of wisdom foreseen by the Lawgiver in all cases of legislation or most of them. The act of legislation is not devoid of these meanings and instances of wisdom.

NAFÎ al-FÊsÊ: Al-FÊsÊ defines “MaqÊlîd al-SharÊNah as “the purpose of sharÊNah and the underlying reasons that the Lawgiver attached with each of its rulings (al-kÊm),” Almad RaysÊnÊ (b.1953): According to RaysÊnÊ MaqÊlîd al-SharÊNah is “the purposes that put forth for actualization in order to bring about welfare for humankind.” All these definitions commonly reflect the normative nature of sharÊah. Thus, according to them, sharÊah in the Islamic legal term that refers to the rulings (al-kÊm) which Allah (s.w.t) has legislated for His servants, no matter whether it is by the QurÊN or by the Sunnah of Prophet Muhamad (s. a. w.) derived from his word or action or determination. So, the Islamic SharÊah is a “body of laws” and code of behavior explained in the QurÊN and commented upon in every detail by the model of the Prophet’s life.

However, the broadness of QurÊnic coverage includes mainly divine unity, the universe which indicates to its Creator, stories of past nations, resurrection and recompense, education (tarbiyah) and legislation. As far as MaqÊlîd al-QurÊN is concerned, it is the intents of Allah (s. w. t.) which are aimed from the QurÊnic texts due to the fact that those texts consist of sentences and phrases which have connotations of meanings and substances which revolve around an objective or some objectives that form that objective or those objectives. However, scholars’ views and portrayals of MaqÊlîd al-QurÊN reveal some considerable salient features of the subject that could be facilitating in constituting a definition for it. MaqÊlîd al-QurÊN is presented as a science and the loftiest core of the QurÊN by al-GhazÊlÊ, as a kind of fiqh by RashÊd RiÊ, as a unity of maqÊlîd and wasÊlîl (means) representing the whole QurÊN by NÎzzat Darwazah, as a method of understanding the intents of Allah (s. w. t.) and a criteria and principle of QurÊnic exegesis by Ibn NÎshÊr. In light of these aforementioned clues, “MaqÊlîd al-QurÊN is a science of understanding the QurÊnic discourse in light of its purposes (maqÊlîd) which represent the core of the QurÊN and corroborated by their means (wasÊlîl) and distributed upon the understandable (muÊkam) verses of the QurÊN.”

Although the QurÊN is primarily a holistic scripture which addresses theology, morality, rite and rituals, etc., and not merely a legal code, it however contains about five hundred verses, which are normative in nature. These, in much detail, mainly deal with family affairs, civil laws, norms concerning state, economics, and penal laws. Only these, a few QurÊnic norms and the clear and ambiguous normative rules of the authentic Sunnah as a direct and eternal divine guidance (sharÊallah) deserve the name of sharÊah. Moreover, since sharÊah, in its legal sense, does not necessarily represent the totality of the QurÊN but only its legal portion MaqÊlîd al-SharÊah is confined only within the legal domain. However, the QurÊN which goes beyond the legal aspects and contains many other issues have no connection with laws such as stories of past nations or historical events, ethos, portrayal of the hereafter, natural phenomena, scientific indications, description of Allah’s attributes, etc. In fact, MaqÊlîd al-QurÊN is generally concerned with the intents of Allah (s. w. t.) distributed over the whole of His speech. In addition, MaqÊlîd al-SharÊah, in terms of its sources, transcendences the QurÊnic boundary when it includes the Prophetic traditions (hadîth), consensus (ijmÊ), analogy (qiyÊs) and other sources. However, MaqÊlîd al-QurÊN remains restricted only within QurÊN’s textual limits.

Between Maqasid Al-Shari‘ah and Maqasid Al-Qur’an Based on their Objectives

Looking into the objectives (maqÊlîd) of al-SharÊah and the objectives (maqÊlîd) of al-QurÊN could be another distinguishing element for visualizing the distinction between these two terms. According to famous jurists, MaqÊlîd al-SharÊah refers to issues which aim to legislate the legal laws and execution of juristic rules. For example the five principles that protect life, religion, honor, intellect and asset whereas, with regard to MaqÊlîd al-QurÊN, none of these five issues is defined as QurÊN’s objective by the same scholars who agreed upon these five MaqÊlîd of al-SharÊah.

According to AbÊ xÊmid al-GhazÊlÊ (d. 1111 A.D), maqÊlîd of the QurÊN, are six: to introduce Allah (s.w.t.), to introduce the Straight Path, to describe the situation in the Hereafter, to describe the state of respondents to the call to Allah (swt), to describe of the
condition of the deniers, and to teach the way-stations on the journey to Allah (swt). Whereas, maqālid of the sharā‘ah are five: to preserve religion, to preserve life, to preserve the faculty of reason, to preserve chastity, and to preserve material possession.

One can easily discern the various dimensions of difference in Ghazālī’s views of maqālid al-Qur’ān and Maqālid al-Sharā‘ah. In terms of nature, according to him, the five objectives of al-Sharā‘ah are solely normative as they are concerned with legal cases. While he exemplifies all these five objectives, he relates them respectively to the Qur’ānic Laws which serve that very Maqālid. For example, the Maqālad of preserving human life is exemplified in his writing by the law of retribution in the event of a murder; preserving the faculty of reason is evidenced by the prohibition against partaking of alcoholic beverages. In contrast, in the case of Maqālid al-Qur’ān, his views manifest a broader theological nature rather than the legal one such as the first Maqālad of the Qur’ān which he categorizes into three as “knowledge of Divine Being (ma‘rifah al-dhāt), knowledge of His attributes (ma‘rifah al-a‘fā‘il) and knowledge of His works (ma‘rifah al-af‘ā‘il). These three are generally the core meaning and fundamentals of tawḥīd. Tawḥīd is the first and paramount constituent of the Islamic worldview, as it is the fundamental truth of the Islamic belief system (Naqīdah). It includes all aspects of the Islamic faith and practice. It permeates concepts, morals, manners, and all types of dealings of mankind. The scopes as well as happenings of the Qur’ānic verses regarding these three issues are considerably large and they are mostly theological narrations in nature. Some instances of this argument are:

“(He is) the Creator of the heavens and the earth: He has made for you pairs from among yourselves, and pairs among cattle: by this means does He multiply you: there is nothing whatever like unto Him, and He is the One that hears and sees all things.”

[Al-Qur’ān, 42:11]

“Allah! There is no god but He, the Living, the Self-subsisting, Eternal. No slumber can seize Him nor sleep. His are all things in the heavens and on earth. Who is there can intercede in His presence except as He permitteth? He knoweth what (appeareth to His creatures as) before or after or behind them. Nor shall they compass aught of His knowledge except as He willeth. His Throne doth extend over the heavens and the earth, and He feeleth no fatigue in guarding and preserving them for He is the Most High, the Supreme (in glory).”

[Al-Qur’ān, 2:255]

“All that is on earth will perish” “But will abide (for ever) the Face of thy Lord, - full of Majesty, Bounty and Honour”.

[Al-Qur’ān, 55:26-27]

“Allah doth wish to Turn to you, but the wish of those who follow their lusts is that ye should turn away (from Him), —far, far away.”

[Al-Qur’ān, 4:26]

The thesis of these verses is the illustration of various aspects of tawḥīd and they do not refer to any law or legal content. Rather, they solely imply the theological concept of the Divine Being, Allah’s virtues and His works. The rest of al-Ghazālī’s classifications of Maqālid, unlike the sixth objective (maqālad), are also concerned with metaphysical issues - Hereafter, Angels, Haven, Hell – and the Qur’ānic dialectics which are totally devoid of normative nature. Yet unlikely, according to al-Ghazali, the “sixth objective [of the Qur’ānic verses] includes those which are termed lawful, unlawful, and the bounds of God. Furthermore, in this section he mentions the theory of preservation (īfā‘D), invoking well-being (jalā‘ al-ma‘fā‘alā) and repealing the corruptive means (dar’ al-ma‘fā‘alā) which are the core theory of Maqālid al-Sharā‘ah.

In terms of scope and extent, Maqālid al-Qur’ān, according to al-Ghazālī’s view, comprehends both normative and non-normative coverage of the whole Qur’ān such as knowledge of Allah (s.w.t). His attributes and works man's condition in the Hereafter, the mention of the preceding conditions of deniers and believers [i.e. the people of Paradise and the people of Hell], humiliation and punishment, resurrection, raising of the dead, reckoning, the balance, and the bridge, the arguments of the infidels against the
truth, clear explanation of their humiliation by obvious proofs, and the striking disclosure of their falsehood and self-deceit, morals, lawful and unlawful injunctions, etc. Meanwhile, Maqāṣīd al-Sharīʿah covers only the Qurʾān’s normative portion. It should be noted that though al-Ghazālī includes the dimensions of Maqāṣīd al-Sharīʿah in Maqāṣīd al-Qurʾān, he puts it in a secondary category in his classification of Maqāṣīd al-Qurʾān. Thus, its scope is narrower than that of Maqāṣīd al-Qurʾān.

Ibn ʿOshār (1879-1973 C.E) is one of the pioneers of Maqāṣīd al-Sharīʿah whose treatise is frequently referred to as one of the main source books in this discipline. He is also one of the scholars who has considerably contributed to the study of Maqāṣīd al-Qurʾān. His views of Maqāṣīd on both sides have no consistency in their classifications, scopes and manners. This inconsistency in the views of well-aware scholars may raise questions as to why there are differences between these two if they are identical. His identification of both subjects is as follows. Maqāṣīd al-Qurʾān, according to him are eight: reforming the belief system and educating the correct contract; purification of morals; legislation, consisting of general and particular rulings; ummatic polity to reform the Umma and to preserve its order; stories and the safeguarding of the Holy Qurʾān. He completely relates this art of knowledge to the technical functionaries of determining a legal ruling with giving rulings (ṣafīq) in analogical issues and knowing the reason (ṣilāh) and wise purpose (ikmāh) behind the legislation of any law by the Lawgiver. While discussing Maqāṣīd al-Sharīʿah, no where does he deal with any moral, theological, historical or metaphysical issues as he did for Maqāṣīd al-Qurʾān. He completely relates this art of knowledge to the technical functionaries of determining a legal ruling whose legal status is vague, undermined, unknown, or incompatible with time and space. He concerns his theory of Maqāṣīd al-Qurʾān with the interpretation of Qurʾānic verses where Allah’s (swt) intents should be exposed and the instances of such interpretation can be seen in his ʿafsīr work, al-Taḥrīr wa al-Tawādīr.

Many other such distinctions between Maqāṣīd al-Sharīʿah and Maqāṣīd al-Qurʾān could be found in other prominent Muslim scholars’ writings like al-Shāfīʿī (d.1388 C.E.), Badr ʿuzzamān Saʿīd Nāṣrī (1873-1960C.E.), Rashīd Riḍā (1865-1935 A.D) and ʿYūsūf al-Qaradāwī (b.1926), who have contributed to both subjects. Thus, in their views, both subjects are respectively distinctive and differ from each other in their classifications, functional scopes, implications and nature; it should therefore, be logical to argue that they are not identical.

Between Maqāṣīd Al-Shariʿah and Maqāṣīd Al-Qurʾān based on their Functional Scopes

The necessity of Maqāṣīd al-Sharīʿah rests on understanding the rulings (al-kāmil) derived from the Qurʾān and the authentic Sunnah of the Prophet (pbuh) as well as pursuing juristic ijtiḥād in pursuit of bringing about public welfare and deterring the deterrents towards it. In terms of functional scope, Maqāṣīd al-Sharīʿah is a philosophy of Islamic legislation as it presents answers to the three fundamental questions which every legislation encounters. The questions are: (1) what is the dimension of Islamic legislation in responding to the newly raised human affairs? (2) What is the dimension of legislative compatibility to the public welfare and vitals of life? And (3) what is the recognized status of human ijtiḥād? In descriptive
terms, it is strictly conditioned that *Maqālid al-Sharī‘ah* must not be conflicting to any recognized principles or reliable sources of *sharī‘ah*. Thus the scopes of *Maqālid al-Sharī‘ah* fundamentally remain within the field of *ijtihād* where no clear-cut ruling (*iḥkām*) from any recognized sources is available. For example, regarding human cloning, the main sources of *sharī‘ah* namely the Qur’ān, Sunnah, Ijmā‘ and Qiyās are silent. Hence, the role of *Maqālid al-Sharī‘ah* comes in to formulate a legal ruling on the matter from the Islamic perspective. The Muslim jurists, however, formulate a ruling of prohibition on human cloning based on the theory of *Maqālid al-Sharī‘ah* arguing that it goes against the fundamental maqālid (purposes) of *sharī‘ah*, specifically the Preservation of Life and Honor.\(^{iii}\) It further works in determining the preferable ruling from several rulings given by Muslim jurists on any issue. These functional scopes again show that *Maqālid al-Sharī‘ah* does not go beyond the legal dimensions of Islam. However, *Maqālid al-Qur’ānic* could function more widely in exploring and understanding the maqālid of the whole Qur’ānic discourse no matter whether it is legal and non-legal. Its prime concern lies in interpreting the verses of the Qur’ān in the light of their objectives and shows the ways by which these objectives could be achieved. For example, gaining *taqwa* is one of the objectives of the Qur’ān as Allāh (swt) says:

“We have revealed the Qur’ān in Arabic wherein there is no deviation from rectitude, that they may become righteous.”

*The Quran*:30:28

There are several methods described in the Qur’ān on how to achieve this objective such as fasting (al-Baqarah: 183), doing *Nībah* (al-Baqarah: 21), following the straight path (al-An‘ām: 153), warning of resurrection (al-An‘ām: 51), and fearing to give the detailed account of actions in the hereafter (al-An‘ām: 69 and Taha: 113). Moreover, *Maqālid al-Sharī‘ah* can function in an issue in which there is no clear textual evidence from the Qur’ān, but the functions of *Maqālid al-Qur’ānic* remain within its textual orbits.

**Conclusion**

According to the above discussion, evidently the *Maqālid al-Qur’ānic* and *Maqālid al-Sharī‘ah* are strongly connected to each other, but at the same time two distinctive themes of Islamic revealed sciences. The distinction between them could be primarily understood from the semantic sense of the very terms Qur’ānic and sharī‘ah in the Qur’ānic use. In the Qur’ānic, the term sharī‘ah and its verbal form are used in normative sense. Thus, it represents only the normative contents of the Qur’ānic. Whereas, the word Qur’ānic is used for dīn which transcends the normative boundary and includes all the divine discourses that were revealed to the Prophet Muhammad (pbuh). While *Maqālid al-Sharī‘ah* is defined as the purpose of sharī‘ah and the underlying reasons that the Lawgiver attached with each of its rulings (*ahkām*) and *Maqālid al-Qur’ānic* as a science of understanding the Qur’ānic discourse in light of its purposes (*maqālid*), the particularity and comprehensiveness of both further demarcate the spectrum of distinction between the two. Moreover, in determining the higher objectives (*maqālid*) of both the Qur’ānic and sharī‘ah, the prominent Muslim scholars who pioneered in both disciplines never used them interchangeably. They rather maintained an explicit distinction between them in number of the objectives as well as in the concepts. In addition, functionally, *Maqālid al-Sharī‘ah* basically remain within the field of *ijtihād* where no clear-cut ruling (*iḥkām*) from any recognized sources is available or to determine a preferable ruling in any case where several possible rulings are given by Muslim jurists. However, the prime concern of *Maqālid al-Qur’ānic* remains within interpreting the verses of the Qur’ānic in the light of their objectives and shows the ways by which these objectives could be achieved. Again, *Maqālid al-Sharī‘ah* can transcend the boundary of the Qur’ānic text and can consult with the sources other than Qur’ānic such as Sunnah (traditions of the Prophet Muhammad), Ijmā‘(Juristic consensus) and Qiyās (legal analogy), but the functions of *Maqālid al-Qur’ānic* remain strictly within the Qur’ānic textual orbits. Apparently, the spectrum of *Maqālid al-Qur’ānic* appears broader than *Maqālid al-Sharī‘ah* because of its functional scope, subject matters and objectives are wider than the Sharī‘ah’s. Thus, these two phrases are different and distinctive in terms of their concepts and contents. It is expected that the findings of this study would encourage further researches on other scholars’ views of the topic.

---

**REFERENCES**


*Revelation and Science* | Vol. 03, No.01 (1434H/2013) | 57
Al-BaghabÊ, AbÊ Muâmmad Husain, M’Élím al-Tanâr al-Qur’Ên (DÉr Taybah, 1997).

Al-FÉrÊ, NâlÊ, MaqÊlid al-SharÊ‘ah wa Makérimuha (DÉr al-Ghurb al-IslâmÊ, 1993).


Al-ÎhâzÊ, AbÊ xÊMÊd, Al-Mustafa (Beirut: DÉr al-Kutub al-Înlamiyyah, 1413 A.H.).

Al-ÎhâzÊ, AbÊ xÊMÊd, JawÊhir al-Qur’Ên (Beirut: DÉr TÉya al-NUÎÊm, 1985).


Al-ÎhâzÊ, AbÊ xÊMÊd, TashrÊ‘t al-KashÊf Ñan al-MaqÊlid al-SharÊ‘ah (N.D., Mua’ssasah al-ÎbÊ ÑUbaidah (N.P., DÉr ibn ÑâfÉn, 1997).


Ibn KathÊr, KathÊr, IsmÉNÊl bin ÑAmr, TafsÊr al-Qur’Ên al-ÎNâdÊm (DÉr Taybah, N.P., 1999).

Ibn ÑabbÊs, Abd Allah, TanwÊr al-MiqbÊs min TafsÊr ibn ÑabbÊs (Beirut: DÉr al-Kutub Înlamiyyah. (N.Y.).

Ibn NÄbîd al-SalÊm, TafsÊr Ibn ÑAbb al-SalÊm, ed. NÄbîd Allah bin IbriÊhÊm (Beirut: DÉr ibn xâzam, 1996).


Ibn ÑosÊhÊr, Muâmmad al-Ûhir, al-TâlÊr wa al-TawÊr (Tunisia: DÉr SahnÊn, (1997).

Ibn ÑosÊhÊr, Muâmmad al-Ûhir, MaqÊlid al-SharÊ‘ah al-IslÊmÊyyah (Beirut: DÉr al-LubnÊn, 2004).


KhalÊl, Muâmmad, Al-MaQÊlid al-Qur’ÊnÊyyah Ñënda al-UstÊz al-ÎNâsÊ wa MaqÊlÊd al-RisÊlÊh ÑamÊzajÊn, in FiqÊh al-MaqÊlid wa al-×ikÊm Ñi BadÊ‘uzzamÊn al-ÎNâsÊ (Îstanbul: Yenibonas-Bahcelievler, 2009).


MawdÊdÊ, Abül NÄïÊ, TaEsÊm al-Qur’Ên, translated from Urdu by Zafar Ishaq al-AnsacrÊ (Maryland: Brentwood, Amana Corporation publications, 2008).


QuÊb, Sayyid, KhalÊîî al-Talawwur al-ÎslÊmÊ (Cairo: DÉr al-ShurÊq, 2002).

RaysÊnÊ, AlÊm, Imam al-ShÊlÊibÊ’s Theory of the Higher Objectives and Intents of Islamic Law, translated from Arabic by Nancy Roberts (Kuala Lumpur: Islamic Book Trust, 2006).

RaysÊnÊ, AlÊm, NaDriyÊyt al-maqÊlid Ñënda al-ImÊm al-ShÊlÊibÊ (USA: International Institute of Islamic Thought, 1995).

Footnotes

1 Genre refers to one of the categories, based on form, style, or subject matter, into which artistic works of all kinds can be divided. For example, the detective novel is a genre of fiction. Genotype is a genetic makeup: a group of organisms that share a similar genetic makeup. (Microsoft® Encarta® 2008. © 1993-2007 Microsoft Corporation.)

2 The Qur’ān transcends the scopes of sharī’ah when it includes issues other than normative directives like metaphysical issues. Whereas sharī’ah transcends the scope of the Qur’ān when it depends on some others functional sources such as Sunnah, Ijma, Qiyās and so on along with the Qur’ān.


4 Al-Qur’ān, 26: 192.


8 Al-Qur’ān, 10: 57.


10 Al-Qur’ān, 6:115.


12 Al-Qur’ān, 65: 5.


21 Darwazah, Nīzāz organized the sīaras of the Qur’ān according to the sequence of their revelation, and he placed Sīrah al-Ana‘am in serial 55 and sīrah al-Jusishā in 64. Darwazah, Nīzāz, al-Tafsīr al-xadīthī (Cairo: Dīr al-Hārī, al-Kutub Nīlamābīyāh), vol.1, p. 15.

22 Al-Rēzā, Fakhru al-Dīn, Mafīzīl al-Ghâib (Beirut: Dīr al-Kutub Nīmīyāh, 2000), vol.6, p. 73.


which is also called fiqh. (Laldin, Mohamad Akram, Introduction to Shari‘ah and Islamic Jurisprudence (Kuala Lumpur: CERT publications, 2008), 4.


Ibn Nâshîr, Al-Taṭârîr wa al-Tâwârîh, vol. 1, p. 36.


Ibid., p. 24.


“As to the divine attributes their scope is wider, and the girdle of speech concerning them is broader. This is the reason why the verses describing divine knowledge, power, life, speech, wisdom, hearing, seeing, and so on, are numerous.” “All that exists besides Him is His works; the Qur‘în, however, includes the obvious of them existing in the visible world such as the mention of the heavens, the stars, the earth, mountains, trees, animals, seas, plants, sending down of sweet water [from the clouds] and all other means of maintaining plants and [other forms of] life.” “These, then, constitute the sum total of the first division of Qur‘înic surahs and verses, and in them are present different types of corundrum. We shall soon recite to you the verses revealed concerning them especially, since they are the essence of the Qur‘în, its heart, its pith and secret.” [Abî xâmid al-Ghazîlî, The Jewels of the Qur‘în, translated from Arabic by Muhammad Abul Quasem (Kuala Lumpur: University of Malaya Press, 1977), p. 24.]


Ibid., p. 33.

Ibid., p. 30-32.

Their scope is wider, and the girdle of speech concerning them is broader. This is the reason why the verses describing divine knowledge, power, life, speech, wisdom, hearing, seeing, and so on, are numerous.

The Qur‘în, however, includes the obvious of them existing in the visible world such as the mention of the heavens, the stars, the earth, mountains, trees, animals, seas, plants, sending down of sweet water [from the clouds] and all other means of maintaining plants and [other forms of] life.


Received : 07/12/2012

Accepted : 15/06/2013