

# **Maqāṣid al-Sharī'ah and Effects of Their Negligence on Religious Extremism: A Case Study of Boko Haram of Nigeria**

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## **Abstract**

It is imperative to know that Allah didn't create man except for specific goals and aims, nor did He send down His prophets except for performing special duties and functions. Likewise, for the rulings of the Shariah, there are aimed objectives and noble goals. Knowing these objectives will certainly aid the human beings to understand and implement the Shariah rulings, while being ignorant of them will cause the misunderstanding and violation of them. Maqāṣid al-Sharī'ah, are the aims and objectives behind the legislation of Islamic rulings. Scholars in the past and present discussed these objectives in their books, which will always remain as an important heritage for Islamic Shariah. It has also been proven that religious extremism and worldwide terrorism, which mankind observes in the present times could be linked to the ignorance or negligence of the higher objectives of Islamic law. The Boko Harām sect in Nigeria suffices as a case study on this claim. This paper discusses the concept, kinds, areas and examples of the Maqāṣid as discussed by classical and modern scholars of the field. And at the end, it will discuss the effects of neglecting these objectives that have been occurring in the sect of Boko Haram. The research methods employed in this research are historical and analytical. Some recommendations are given in concluding the work.

**Keywords:** Maqāṣid al- Sharī'ah, Al-Ḍaruriyyāt, Al-Ḥajiyyāt, Al-Taḥsiniyyāt, Boko-Haram.

## **مقاصد الشريعة وآثار إبعادها على التطرف الديني: بوكو حرام في نيجيريا نموذجاً**

### **ملخص البحث**

من الضروري وبالغ الأهمية الإدراك بأن الله تعالى لم يخلق بشراً إلا لأهداف وغايات معينة، ولم يرسل أنبياءه إلا لأداء واجبات ومهمات خاصة، كما أن للأحكام الشرعية مقاصد هادفة وغايات نبيلة، والإلمام بهذه المقاصد يساعد الإنسان على فهم الأحكام الشرعية ويعينه على تطبيقها، وإن إهمال هذه المقاصد قد يسبب سوء فهمها ومخالفتها. والمقاصد الشرعية تعني الأهداف والغايات التي من شأنها وضع الشارع الحكيم الأحكام الشرعية، وقد تحدث العلماء قديماً وحديثاً عن هذه المقاصد وبينوها في كتبهم التي تبقى دائماً تراثاً مهماً في الشريعة الإسلامية. وقد ثبت أيضاً أن التطرف الديني والإرهاب العالمي الذين يشهدهما البشر في زمننا الحاضر يعود سببهما إلى إهمال المقاصد الشرعية. وجماعة بوكو حرام في نيجيريا تكفي كنموذج لهذا الادعاء. فتناقش هذه المقالة مفهوم المقاصد الشرعية وأقسامها ومجالاتها وأمثلتها كما ناقشها العلماء القدماء والمحدثون، وتحدث في نهايتها عن آثار إهمال جماعة بوكو حرام لهذه المقاصد. والمناهج المستخدمة في هذا البحث المنهج التاريخي والتحليلي. وفي نهاية المقالة قدم الباحث بعض التوصيات. كلمات مفتاحية: مقاصد الشريعة، الضروريات، الحاجيات، التحسينيات، بوكو حرام.

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## **1. Introduction**

The introduction outlines the pattern on which the work is planned. Section one discusses the meaning of Maqāṣid al-Sharī'ah (Objectives of Sharī'ah) and their classifications, section two deals with the pivotal concept of Maqāṣid al-Sharī'ah, while section three studies the Boko Haram extremists and their deviation from Maqāṣid al-Sharī'ah.

### **1.1 Meaning of Maqāṣid al-Sharī'ah:**

The word “مقاصد” is plural of “مقصد” which is taken from “القصد”. In the Arabic Language, القصد has different meanings depending on its usages, among which are:

- i. **Straightness of a path and its easiness:** it is with this usage that Allah says in (al-Nahl: 9):  
(وَعَلَى اللَّهِ قَصْدُ السَّبِيلِ وَمِنْهَا جَانِبٌ وَلَوْ شَاءَ لَهْدَاكُمْ أَجْمَعِينَ)  
“And unto God leads straight the Way but there are ways that turn aside: if God had willed, He could have guided all of you.”. A straight way means, ‘an easy way to tread’, while a straight journey means ‘the easy one’. (Ibn Manẓūr, 1990, 3/354).
- ii. **Balance and equilibrium:** it is with this meaning that Allah says in (Luqmān: 19):  
(وَاقْصِدْ فِي مَشْيِكَ وَاعْضُضْ مِنْ صَوْتِكَ إِنَّ أَنْكَرَ الْأَصْوَاتِ لَصَوْتُ الْحَمِيرِ)  
“And be moderate in thy pace and lower thy voice; for the harshest of sounds without doubt is the braying of the ass”. This usage is also found in the Prophetic Ḥadīth when he says ((الْقَصْدُ الْقَصْدُ تَبْلُغُوا)). (al-Bukhārī, 1999, p. 987). This is also provisioned in the book *al-Misbāhul-Munīr* (al-Fayyūmī, n.d), and also in *Lisān al-‘Arab*. (Ibn Manẓūr, 1990, 3/351).

In the technical sense, it’s not easy to get a sententious definition for the term “Maqāṣid” from the classical jurists and Usūlīs, especially from the likes of Al-Ghazālī, Ibn al-Taymiyyah, Al-Āmidī, Al-Qarāfī, Ibn al-Ḥājjib, Al-‘Izz Ibnu ‘Abd al-Salām, Al-Shāṭibi and others. However, modern scholars who wrote on areas of Maqāṣid tried to coin out sententious definitions for the term. Among them are Muḥammad bin ‘Ashūr, ‘Allāl al-Fāsī, Muḥammad al-Zuhaylī, Nur al-Dīn al-Khādimī, among others. Their definitions generally point out that “Maqāṣid stands for the objectives, goals and purposes behind Islamic rulings which the law giver seeks to preserve in order to achieve the human interest and guard them from chaos and pandemonium. (Ibn ‘Ashūr, 1978, p. 251; Al-Mīsāwī, (n.d.); Al-Khādimī, 2001; Al-Fasī, 1979).

## 1.2 Classifications of Maqāṣid al-Sharī‘ah:

There is no doubt that for any decreed law there must be certain objectives and goals because the Wise and Sagacious Law Giver would not do things in vain and futility. Allah the Almighty says in (al-Dukhān: 38-39):  
(وَمَا خَلَقْنَا السَّمَاوَاتِ وَالْأَرْضَ وَمَا بَيْنَهُمَا لَاعِبِينَ مَا خَلَقْنَاهُمَا إِلَّا بِالْحَقِّ وَلَكِنْ أَكْثَرُهُمْ لَا يَعْلَمُونَ)

“We created not the heavens the earth and all between them merely in (idle) sport. We created them not except for just ends: but most of them do not understand”.

Scholars like Al-Ghazālī, Al-Qarāfī, Ibn al-Ḥājjib, Al-Shāṭibi, and others have discussed classifications of المقاصد الشرعية but in different forms. Al-Shāṭibi may be considered the best discussant in the field due to his book “الموافقات” (*Al-Muwāfaqāt*) where he lengthily discussed it and classified it in a unique way. He classified *Maqāṣid* into three, namely:

**1.2.1 المقاصد الضرورية (The Necessities):** It is defined as “things upon which human religious and mundane welfare are secured and, in its absence, worldly benefits are chaotic and life-ruining, which will necessitate displeasure and total loss on the Resurrection Day”. (Al-Shāṭibi, n.d.).

Scholars have confined the Necessities to five categories which are:

1. Protection of Religion,
2. Protection of Life,
3. Protection of Intellect,
4. Protection of Family,
5. Protection of Wealth.

Al-Qarāfī added protection of honor in his book “*Sharḥ Tanqīh al-Fusūl*” (p. 391). Likewise, Tāj al-Dīn Al-Subkī did the same in his “*Jam‘ al-Jawāmīc*” (p. 280, n.d) while discussing the Necessities.

As for adding protection of honor, Ibn ‘Ashūr (1978, p. 81-82) commented: “mentioning protection of honor among the necessities is incorrect. The correct opinion is that it is within the الحاجيات {the Needs}”. He submits that Tāj al-Dīn Al-Subkī and others only considered it as a necessity based on the *Shar‘ah* provision on the offence of defamation, although we do not agree that there is any relationship between what a necessity is and what is punishable in the *Sharī‘ah* through a legal punishment. This is the reason why Al-Ghazālī and Ibn al-Ḥājjib did not consider it a necessity. Scholars have mentioned numerous examples for each of these objectives in areas of worships, habitual practices, interpersonal relationships, and in criminal cases, some of which are mentioned below.

- i. **Protection of Religion:** this means that every Muslim protects his religion from anything that can nullify its principles, and this is the reason why *Zakāh* and *Hajj* are legislated.
- ii. **Protection of Life:** this means protecting souls from being wasted either individually or communally, and this is the reason why the law of retaliation is legislated for protecting the souls.
- iii. **Protection of Intellect:** this means protecting it from any defect and that is the reason why Islam prohibits intoxicants, to protect the intellect from any defect and imperfection.
- iv. **Protection of Wealth:** this means protecting it from wastage and transgression. It is for this reason that Islam legislates for trading, renting and other permissible sales. Islam also legislates for the punishment of theft in order to make sure that properties are sanctified from illegal transgression.
- v. **Protection of Family:** this means protecting it from extinction. It is on this note that Islam prohibits emasculation and enervation in order to give room for reproduction. (Ibn al-Subkī, n.d, 2/280-281)

Scholars have also evidently proved these principles through Allah's sayings in (al-Mumtaḥanah: 12):

(يَا أَيُّهَا النَّبِيُّ إِذَا جَاءَكَ الْمُؤْمِنَاتُ يَبَايِعُكَ عَلَى أَنْ لَا يُشْرِكْنَ بِاللَّهِ شَيْئًا وَلَا يَسْرِقْنَ وَلَا يَزْنِينَ وَلَا يَقْتُلْنَ أَوْلَادَهُنَّ وَلَا يَأْتِينَ بِبُهْتَانٍ يَفْتَرِينَهُ بَيْنَ أَيْدِيهِنَّ وَأَرْجُلِهِنَّ وَلَا يَعْصِينَكَ فِي مَعْرُوفٍ فَبَايِعْهُنَّ وَاسْتَغْفِرْ لَهُنَّ اللَّهُ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ)

*“O Prophet! when believing women come to thee to take the oath of fealty to thee that they will not associate in worship any other thing whatever with God that they will not steal that they will not commit adultery (or fornication) that they will not kill their children that they will not utter slander intentionally forging falsehood and that they will not disobey thee in any just matter then do thou receive their fealty and pray to God for the forgiveness (of their sins): for God is Oft-Forgiving Most Merciful”*

The five necessities are evidently pointed out here. The statement "أن لا يشركن" {they will not associate any partner with Allah} points to protection of religion. His statement "ولا يسرقن" {and will not steal} points to

the protection of wealth. His statement "ولا يزني" {and will not commit fornication} points to the protection of family. His statement "ولا يقتلن" {and will not kill} points to the protection of lives, and His statement: "ولا يأتين ببهتان" {and will not bring a calumny} points to the protection of honor. (Ibn ʿĀshūr, 1978, p.80).

**1.2.2. المقاصد الحاجية (The Needs):** This category refers to the area of Sharī'ah legislation that seeks to facilitate livelihood, and remove hardships which, if not attended to, will create suffering and distress to mankind and bring about a loss in the performance of social functions. However, this would be below the expected hardship that would arise if the necessities were neglected. (Al-Shāṭibī, *Al-Muwāfaqāt*, n.d, 2/10-11). There are copious examples for this in the areas of devotional worships, habitual practices, interpersonal relationships, and in the area of criminal cases, some of which include:

- i. **Examples of worship:** legislation of concessions which serves as commutation and relief for the sick and the traveller from their usual burdens.
- ii. **Example of habitual practices:** permission to hunt and enjoy all pure permissible things.
- iii. **Examples of interpersonal relationships:** permissibility of sharecropping, forward sales and other permissible transactions, as there is a communal need for that.
- iv. **Examples of criminal cases:** legislation of mutual testimony in the allegation of killing others because if all these provisions were not legally provided for, the state of social welfare for mankind would be chaotic and disorganized. (Al-Shāṭibī, n.d, 2/11).

**1.2.3. “المقاصد التحسينية” (The Luxurious):** This comprises accepting and accommodating all moral norms and disregarding detestable habits which are always rejected by the wise ones. (Al-Shāṭibī, n.d, 2/11). All the areas mentioned in the first two categories are also applicable in this category.

- i. **Examples of devotional worships:** removal of dirt, becoming close to Allah the Almighty through recommended prayers, giving gifts and the like.

- ii. **Examples of habitual practices:** etiquettes of eating, drinking and staying off filthy consumptions.
- iii. **Examples of interpersonal relationships:** impermissibility of selling dirty and filthy goods.
- iv. **Examples of criminal cases:** impropriety of killing women and children during war. (Al-Shāṭibī, *n.d.*, 2/ 11).

It is noteworthy that all these categories are interrelated and interwoven in such a way that the “الحاجيات” {the Needs} are supportive of the “الضروريات” {the Necessities}, and likewise the “التحسينيات” {the luxurious} support the “الحاجيات” {the Needs}. For instance, the law of retaliation is a necessary goal meant for protecting lives, which is one of the five necessary principles. Meanwhile, picking a judge for carrying out judicial verdicts is a required goal that supports that necessary goal and complements it, since it is through the judiciary that a law can be implemented in Islamic Law. Also, equity before justice is a luxurious goal through which the Sharī‘ah’s higher intents regarding retaliation can be achieved. Because if a superior is killed for killing an inferior there would be cause for chaos, which would jeopardize the goals and motives of retaliation, which are the protection of lives and creation of peace. (Darrāz, *n.d.*, 2/ 12).

Al-Shāṭibī writes that:

The necessary goals are the basis for the needing of the luxurious goals in Islamic law. In a case where the necessary goals are not regulated, both the needs and the luxurious goals will consequently be affected, although their defects may not necessarily affect the necessary goals. Yes, there may be a kind of flaw in the necessary goal because of a flaw in the luxurious goals. Likewise, there may be a kind of flaw in the necessary goals because of a flaw in the needs goals. Hence, it is required that when the necessary goals are protected, the needs goals should be protected also and if the needs goals are protected the luxurious goals should be protected as well. Therefore, if it is established that the luxurious goals support the needs goals and that the needs goals support the necessary goals, it is then clear that the necessary goals are required. (Al-Shāṭibī, *n.d.*, 2/ 16).

## 2. The Pivotal Concept of Maqāṣid al-Sharī‘ah

There are some bases and objectives on which the Wise Law Giver founded Islamic Law. These bases and objectives could be achieved by referring to the reasons of legislation and causes of obligation that are found in both the *Qur’ān* and *Sunnah*. Islamic higher intents and goals revolve on many bases, the most important of which are the following:

### 2.1 Lifting of Hardship:

One of the most important and apparent intents of Islamic Law is the lifting of burdens and hardships. It is also notable that many rulings in Islamic Law are built on this motive and that is why the jurists were courageous enough to make a general juristic maxim that says: “المشقة تجلب التيسير” {hardship calls for commutation}.

Etymological information suggests that *Mashaqqah* means hardship and distress. As for the word “*taysīr*”, which is the opposite meaning of “*Mashaqqah*”, the meaning is simplicity and softness. (Ibn Manẓūr, 1990, 5/395; Al-Fayūmī, *n.d.*, 2/937; Ibn al-Fāris, 1366, 6/155; Al-Fayrūz-Ābādī, *n.d.*, 2, /169).

The meaning of this maxim is that whenever a servant meets hardship in any religious obligation, there is always a simple solution by his side because simplicity and flexibility are among the motives and intents on which the Islamic Law is built, and not hardship, distress and sorrow.

**2.1.1. Types of Hardship:** Scholars have different instruments in determining and classifying hardship. Some classify it according to its relationship to worship, while others classify it according to its general nature. These are the two major methods of classification that will be discussed as follows.

**2.1.1.1. Classification according to its relation to worship:** Ibn ‘Abd al-Salām classified hardship in accordance with how it relates to worship into two types and Al-Suyūtī (1959, p.80-81), Ibn al-Nujaym (p.82) and Al-Maqqarī (1/326) adopted this

classification in their “*Al-Ashbāh*” and “*Al-Qawā'id*” respectively. The classifications are:

- i. **Hardships that are correlated with religion:** the likes of these are hardship of ablution and bath in a very cold weather. These hardships do not have any consequential effect on the legislation of worship because if such hardships were to be considered, benefits or rewards and all promised worldly and heavenly gains for carrying out these religious obligations would be missed.
- ii. **Hardships that do not correlate with religion:** this type of hardship is of different kinds:
  - a. Severe and ruinous hardships: the likes of these are hardships that may cause the loss of life or part of the body. This kind of hardship must be confronted because protection of life and parts of the body is more important than pushing it to extinction for the reason that if carrying out a religious obligation would cause life and the body parts to be destroyed there would not be scope for carrying out such religious obligations.
  - b. Light hardships: the likes of these are hardships that cannot cause the loss of life or any part of the body. These kinds of hardships do not require any commutation; it is only required that such worships be carried out accordingly because attaining the allocated rewards for such worships is more important than seeking relief from such light hardships.
  - c. Hardships that are between the severe and the light: scholars have disagreement with regards to these kinds of hardships. Among them are those who count these hardships among the severe kind, while others count them among the light kind. However, the more correct view is that whatever kind of hardship it is close to, should be considered in giving its ruling.

Examples of these are:

- i. **Light Malaria:** scholars differ on the kind of hardships it brings.
- ii. **Swallowing water while rinsing the mouth during fasting:** scholars disagree on the kind of hardship in this case. Ibn ‘Abd al-Salām, (1980, 2/ 9-11), after explaining kinds of hardships, concludes thus:

Hardships vary according to their variation in the religion and according to how important they are in the law. If the religious obligation is very important, the law giver gives the conditions for relieving its hardship that they must be general or severe, and if the religious obligation is less important there may be no relief for its light hardships. Although hardships may be relieved according to nobility, highness and repeated nature of such hardships in order not to get to the general and the frequently occurring hardship.

**2.1.2. Classifying hardship according to its unrestricted nature:** Al-Shāṭibī classified hardship according to its unrestricted nature into four divisions:

- a. Hardships that are general either in the (commandments to do the) possibilities and/or the impossibilities: this is what is called making an obligation of an impossible situation such as commanding the crippled to stand. This commandment is a kind of hardship which is useless, and thus cannot be given a place in the *Sharī'ah*. The *Usūlīs* have taken their time in discussing this kind of hardship.
- b. Hardships that are in commandment of what are within the possible but are uncommon activities, which if carried out, will disturb a healthy implementation. This kind is of two divisions:
  - i. That the hardship is found in individual applications of such obligations in such a way that if applied, even once, the hardship will surface, like fasting during sickness; the hardship here is the kind of hardship upon which commutation is decreed and such commutation must be taken.
  - ii. That the hardship may not be found in the application of such obligation but will be noticed in the repeated applications of such obligation. This kind of hardship is always available only in supererogatory worships. If someone prays two hundred rak'ahs of prayer he will be upset and tired and will experience the like of the hardship of the first kind, and thus the law giver has warned against carrying this kind of hardship and this is the reason

why fasting day-and-night has been prohibited: {"Do (good) deeds which are within your capacity (without being overtaxed) as Allah does not get tired (of giving rewards) but (surely) you will get tired"}". (al-Bukhārī, n.d, 1/101).

- c. Hardships that are in commandment of what are within the possible and common activities even though its commandment is beyond the common norms because the commandment itself logically carries a kind of hardship, even though such hardship does not require commutation and relief.
- d. Hardships that occur particularly when going against personal whims and caprices that are very hard and tough to bear in such a way that a person feels upset and troubled. This kind of hardship is not among the hardships upon which commutation is legislated, even though it is also hard to bear according to the general norms. The reason for not considering commutation in this kind of hardship is because the Law Giver intends by His commandments to free man from relying on his whims so that he becomes a righteous servant. If he were to be relieved from such hardships, the higher intents of the Law Giver in these commandments would be jeopardized. (Al-Shātibī, n.d, 2/ 119-121)

**2.1.3. Proofs for lifting hardships:** lifting hardships and burdens is an established principle throughout the *Qur'ān*, *Sunnah* and rational proofs.

**2.1.3.1. As from the Qur'ān:** All verses that discuss the absence of burdens and the objectives of easiness and simplicity for mankind are proofs of lifting burdens and hardships, among which are the following;

- i. Allah's saying in (al-Hajj: 78):

﴿وَمَا جَعَلْ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ مِّلَّةَ أَبِيكُمْ إِبْرَاهِيمَ﴾

“and (He) has not laid upon you any hardship in religion; the faith of your father Ibrahim”.

It means that “there is no burden and affliction on you in practicing religion but rather simplicity and comfortability”. Abu Bakr al-Jassās wrote in his exegesis that “since Allah has informed us that He did not make His commandments for hardship and burden, it is then required to make reference to that in every area

where there is disagreement of opinions in relation to the presence of hardships and to make anybody whose opinion brings about hardship as less correct based on the understanding of this verse.” (Abridged Exegesis of Al-Ṭabarī, n.d, Ahkām al-Qurān, n.d).

**2.1.3.2. As from the Sunnah:** There are many prophetic sayings that establish the fact that simplicity and lifting of burdens are fundamental goals of Islamic Law and are among the prophetic methodologies. These proofs include, but are not restricted to:

- i. What Jābir narrated that the Prophet (ﷺ) said: “بُعِثْتُ بِالْحَنِيفَةِ السَّمِيعَةِ” {I was sent with a simple religion}. The Prophet (ﷺ) has informed us that the religion is built upon simplicity and ease, and his information will surely be in existence. Consequently, there is no hardship in the *Shari'ah* because if there were hardship, the Prophet (ﷺ) wouldn't have informed us that there is no hardship and this assumption will necessitate denying the Prophetic information, which is not permitted.

**2.1.3.3. As from the rational proof:** Logically, hardship is either lifted or reinstated, and there is no other possibility. If either of the two above possibilities is lifted, the other side is logically available, and since the Islamic rulings have been known for simplicity, ease and for lifting hardships and burdens, it will be correct to claim that they preach the lifting of burdens and hardships instead of reinstating them. Additionally, the jurists are unanimous that there is no hardship in the nature of *Shari'ah* rulings; hence, the summative information is that “there is no hardship in *Shari'ah* rulings”. (Al-Shātibī, n.d, 2/128-129.).

From the above proofs, it is clear that the biggest motives of *Shari'ah* and the most apparent of its features are lifting burdens and hardships from mankind. Al-Shātibī said that “if a servant intends hardship and burden (for himself) he would actually have worked against the higher intent of the *Shari'ah*, because the Law Giver's prohibitions against severity and commandments of simplicity are very popular in the *Shari'ah*, which is the reason why it is one of the basic unopposed principles.” (Al-Ghazālī, 1322, 1/ 421).

## 2.2 Consideration of Interests and its Realization:

A critical look into Islamic legal rulings establishes that they are built on realizing interests for mankind. Benefits are plentiful and are of different levels between weak and powerful, and general and special interests.

**2.2.1. Classifications of interests:** Due to the different kinds of interests, they are divided into different classifications, namely:

**First classification:** Al-Ghazālī classified interests according to being powerful or weak into three types:

- **المصالح الضرورية {Necessary Interests}:** These are the kind of interests whose realization is compulsory on the whole *Ummah* (Muslim nation), individually and in groups, whereby lives will not be bearable if there is any defect in these interests in such a way that they are malfunctioning as the social welfare of mankind will become chaotic and rowdy. The examples of these are protection of religion, life, intellect, wealth and family. Al-Ghazālī added that “to prohibit abandoning these five bases must be established in every religion and legislation that wants good for the populace...” (Al-Ghazālī, 1322, n.d, Ibn ‘Āshūr, 978, p. 300-305).
- **Protection of Religion** means protecting each Muslim from what can spoil his belief and actions.
- **Protection of Life** means protecting life from destruction either individually or in a group. An example of this is when dealing with infectious diseases, like how ‘Umar bn Khatāb prohibited the Muslim army from entering Syria because of ‘*Amwās* cholera. (Al-Ghazālī, 1322, 1/139-140; Ibn ‘Āshūr, 1978, p. 306).
- **Protection of Intellect** means protecting human intellect from inactiveness or bareness, because this leads to the major destruction and imbalance of activity. An example of this is the prohibition of intoxicants.
- **Protection of Wealth** means protecting social properties from wastage, illegal possession and usurpation.
- **Protection of Family** means to protect the family from discontinuity or reduction. An example of

this is the prohibition of castration or the removal of the testicles of a male person. (Al-Ghazālī, 1322; Ibn ‘Āshūr, 1978, p., 308).

- **المصالح الحاجية {Needing interests}:** These are the interests demanded for the better running of society in such a way that if they were not catered for, the social livelihood of mankind would be unruly and rowdy. The likes of these are trading and legal marriage. (Ibn ‘Āshūr, 1978 p. 314-315).
- **المصالح التحسينية {Luxurious interests}:** These are interests that serve as luxuries and enable people to live in comfort in matters related to norms and inter-personal relationships. An example of these interests is denying a slave from giving a testimony. (Ibn ‘Āshūr, 1978, p. 315).

**Second classification:** Interests according to their relation to the generality of the society or to the individuals, and these are of two types:

- i. **المصلحة الكلية العامة {Broad and general interests}:** These are interests that relate to the generality of the *Ummah*. Examples of these include protecting the religion from disappearance and protecting the two holy mosques from invasion.
- ii. **المصلحة الجزئية الخاصة {Special and specific interests}:** These are the kinds of interests that can only be achieved individually, yet the *Sharī'ah* has provisioned for the protection of these kinds of benefits, especially in inter-personal transactions.

**Third classification:** These are dividing interests according to the nature of the establishment, and this is of three kinds:

- **المصلحة القطعية {clear-cut interests}:** These are interests that are established through clear-cut proofs either from the Qur’ān, from the *Sunnah* or from the consensus of scholars. An example of this is Allah’s statement in (Āl ‘Imrān: 97)

(وَلِلّٰهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ اِلَيْهِ سَبِيْلًا)

“and pilgrimage to the House is incumbent upon men for the sake of Allah, (upon) everyone who can undertake the journey to it”.

This verse and other related proofs in the *Sunnah* that establish the obligatory nature of Hajj

show clear-cut logical evidence that there is benefit in performing Hajj and, likewise, a severe harm in not performing it.

- **المصلحة الظنية {presumptive interests}**: These are interests that are logically presumed or established through presumptive proof. According to Ibn ʿĀshūr, one such example is keeping dogs for security purposes for a settled person because of fear in city of Qayrawan (Al-Khādimī, 2001, p. 23).
- **المصلحة الوهمية {Suppositional interests}**: These are ordinary thoughtful interests. Someone thinks there is good or benefit in a particular matter even though it is, in the real sense, harmful and destructive. An example of these are taking intoxicants, as their takers suppose that there are benefits in taking them even though taking them is ruinous. (Al-Sayūṭī, 1959, p. 106; Ibn Nujaym, 1980, p. 111-112; Al-Subkī, 1991, 118/57; Al-Zarkashī, 1985, 1/126-127).

## 2.3 Prevention of Evil and Blocking Its Possible Means

All prohibitive matters in *Sharʿah* are meant to prevent evil and block harms in society. The prevention of evil is more important than realizing and considering interests (Ibn ʿĀshūr, 1978, p. 367-368; Ibn al-Qayyim, 1977, n.d, 3/148). There is a popular fundamental maxim in this respect among the *Malikīs* and *Hanbalīs*, which is "سد الذرائع" {blocking unlawful means}, which means stalling all means that lead to harm and evil.

**2.3.1. Scholars' methodologies in classifying means:** Scholars devised different methods in classifying means. Some of them classified them according to the possible good or evil effects of the means, while others classified it according to the nature of its resulting harm or its anticipated evil.

**2.3.1.1 Classification of means according to their good or evil results:** Among those who used this method was Ibn al-Qayyim who classified means into four types and gave rulings for each class. The types are:

**i. Means that lead only to plain evil:** Examples of these are drinking alcohol that leads to the evil of

intoxication, and slandering, which leads to the evil of falsehood. These means are originally meant for evil and this type of means is unlawful or disliked depending on the level of evil.

**ii. Means that are permissible but intentionally used for evil:** An example of this is marriage for the sake of legalizing the marriage of a woman to her first husband; this is also unlawful.

**iii. Means that are permissible and not intentionally used for evil, although they may lead to evil, and their evil outweigh their interests:** An example of this is abusing idols in the presence of their worshipers. This type of means is also unlawful.

**iv. Means that are permissible but are not intentionally used for evil, and although they may lead to evil, their interests outweigh their evil:** An example of this is gazing at one's fiancée. (Ibn al-Qayyim 1977, 3/148).

**2.3.1.2. Classification of means according to the nature of its anticipated evil:** Al-Shāṭibī used this method to divide means according to their meaning into four categories based on his conviction that means can only lead to evil, unlike Ibn al-Qayyim who opined that means might lead to either evil or interest. The categories according to him are:

- i. **Means whose application will surely and habitually lead to evil:** An example of this is digging a well behind a house in the darkness. This kind of means must be blocked because it leads to a definite harm, and if one does it, one will be a transgressor who will be held responsible for this transgression.
- ii. **Means whose application occasionally leads to evil:** An example of this is digging a well in a place where no one passes ordinarily. This kind of harm should not be blocked because its interests outweigh its evils and thus it will be viewed according to its original permissibility. (Al-Shāṭibī, n.d, 2/ 358-359).
- iii. **Means whose application leads to evil occasionally and could be assumed to lead to evil:** An example of this is selling weapons to a warring party, and other similar actions. There is controversy as to whether this should



be likened to the second category considering its original permissibility or likened to the first category since its anticipated evil is presumptive and since presumption is often considered to be factual knowledge. Al-Shāṭibī preferred the latter opinion over the former.

- iv. Means whose application leads to evil not occasionally nor frequently, but greatly:** Examples of this are issues related to forward sales and 'Inah' sales. Imam Mālik and his disciples believe that this means should be blocked, while Imam Shafi'ī and others believe it should be viewed based on its original nature, which is such contracts are permissible.

### 2.3.2. Areas of blocking the means in the *Qur'ān*, *Sunnah* and the companions' judgments:

There are clear areas where the *Qur'ān* and *Sunnah* apply the basis of blocking the means, some of which will be discussed below:

#### 2.3.2.1. From the *Qur'ān*:

##### 1. Allah's statement in (al-Baraqaḥ: 104):

(يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقُولُوا رَاعِنَا وَقُولُوا انظُرْنَا وَاسْمَعُوا)

*"O ye of Faith! say not (to the Apostle) words of ambiguous import but words of respect; and hearken (to him)".*

The proof area from this verse was explained by Ibn al-Qayyim that "He prohibited them from saying this word-even though they meant no harm, in order not to be a means of copying the Jews in their statements because they used to abuse the Prophet (ﷺ) with this word. The Muslims are consequently prohibited from using this word to block the means of resembling the Jews and in order not to make the Jews use that in copying the Muslims, even though their intention is different from that of the Muslims". (Ibn al-Qayyim 1977, n.d, 3/149).

##### 2. Allah's statement in (al-An'ām: 108):

(وَلَا تَسُبُّوا الَّذِينَ يَدْعُونَ مِنْ دُونِ اللَّهِ فَيَسُبُّوا اللَّهَ عَدْوًا بِغَيْرِ عِلْمٍ)

*"Reville not ye those whom they call upon besides God lest they out of spite revile God in their ignorance".*

Ibn al-Qayyim (1977), n.d, 3/149) commented as:

"Allah prohibits abusing the idols of idol-worshippers, even though abusing them could be defending Allah's course and in hatred of the idols, because it leads to abusing Allah, which makes the interest of not abusing their idols more requiring than abusing them. This is like cautioning or even enunciating the prohibition of what is apparently permissible in order not to lead to what is not permissible".

**2.3.2.2. From the *Sunnah*:** Scholars (Al-Shawkānī, p. 247; Ibn al-Qayyim, 1977, 3/150-152; Al-Shāṭibī, 2/ 348; Al-Qurtubī, 1966, 2\58-59) make reference to some Prophetic traditions which establish this concept, among which are:

1. The narrations stating that the Prophet (ﷺ) would not kill hypocrites even though there is an interest in killing them, in order not to cause the creation of a means of staying away from him by uninformed Muslims who might have started saying that the Prophet Muhammad (ﷺ) was killing his disciples. If they had said this, people might have stayed away from Islam, especially the new comers. The evil consequence of people running away from the religion is worse than the interest of killing hypocrites; likewise, the interest of being familiarized with them is of more interest than killing (Sahīh Muslim, n.d, 2/740; Ibn al-Qayyim, 1977, 3/105).

**2.3.2.3. From the Companions' judgments:** There are some judgments from the Companions (may Allah be pleased with them) which emanate from the basis of blocking the means, among which is:

The companions' agreement on killing a group for killing one person because the absence of this kind of retaliation may lead to a group of people's killing a person without facing any retaliation afterwards, and that is the reason why the Companions had this consensus. Although the general principle of retaliation dictates that there must be equity for retaliation that there is no equity between a group and a single person.

Yet killing this group was considered in order to block the means of spilling the blood of innocent people. (Ibn Qudāmah, 1983, 7/218; Ibn al-Qayyim 1977, 3/185; Ibn Rushd, n.d, 2/82).

From the above discussion, it can be said that preventing evil and blocking the means are among the peculiarities and characteristics of Islamic Law and of its pronounced motives.

## 2.4 Contradicting Personal Whims:

The basic motive of Islamic rulings and teachings is to establish total servitude to Allah, the most high, by emancipating souls from their personal whims and caprices. Personal whims, as put by Ibn al-Jawzī in his book, “*Dispraising the whim*” is an “inclination of nature to what it is suitable for it. This inclination is created in man for his necessary being, for if he does not incline to eating he will not eat, neither will he drink if he does not have an inclination to drinking, and likewise nor will he marry if he does not have an inclination to marriage and every other desire. Whims always introduce man to what benefits him, while hatred prevents him from what harms him. So, it is not okay to dispraise whims unrestrictedly, or engage in extremism when dealing with whims in such a way that transgresses the boundaries of realizing benefits and preventing evils, and this should be condemned. It is because those with such personal whims would always transgress the required boundaries and always bring themselves harm due to their unregulated desires that whims are dispraised. (*Dhamm al-Hawā, n.d, p.,12*).

The Law Giver slammed the following desires and there are many proofs about this, which include the following:

Allah says in (al-Mā'idah: 49):

﴿وَأَنْ أَحْكُمُ بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ﴾

“and that you should judge between them by what Allah has revealed, and do not follow their low desires”.

Al-Shāṭibī writes that: “these are all clear proofs that the intent of the Law Giver is to take us away from our desires to have total submission to Allah, the Highest. (Al-Shāṭibī, *Al-Muwāfaqāt*, n.d). Following desires is a dangerous evil that leads to hell fire and it is even the root of greed and ambiguity and the key to straying and every wrong innovation.

## 2.5 Moderation and Equilibrium:

Moderation and equilibrium are parts of the motives of Islamic Law. Moderations encompasses justice, honor, the best choice and balance. These are good and praiseworthy qualities found in human intellect through sound instinct, and they prevent man from imbalance between extremism and being lackadaisical. (*Al-Haqil 1996, p.52*). Allah has eulogized this nation with balance and has specifically extolled it through placing witnesses for mankind in this nation. Allah says in (al-Baqarh: 14):

﴿وَكَذَلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا لِتَكُونُوا شُهَدَاءَ عَلَى النَّاسِ﴾

“And thus, We have made you a moderate (just) nation that you may be the bearers of witness to the people”.

Abu al-Ḥasan Al-Nadawī writes that:

“This testimony makes a witness feel honored, privileged and responsible at the same time. In it there are meanings of tutorship and guidance over the world, safeguarding and supervising over them.” (*Al-Ummah al-Islāmiyyah Waḥdatuhā Wa Wasatiyyatuhā, n.d, p.12*).

Islam preaches about being in the middle in all matters: in spending, in religious practices and even in walking. Numerous proofs exist about this.

Equilibrium is a methodology of the Prophet's (ﷺ) propagation, and it is likewise the methodology of the rightly guided Khaliphahs (vicegerents) and even, in general, of his Companions. It is the path that Allah mentioned in the *Qur'ān* and commanded us to tread when he says in (al-An'ām; 153):

﴿وَأَنَّ هَذَا صِرَاطِي مُسْتَقِيمًا فَاتَّبِعُوهُ﴾

“Verily, this is My way, leading straight: follow it”.

## 3. Religious Extremism

### 3.1 Definition:

Extremism, according to Wikipedia (2019), literally means, “the quality or state of being extreme” or “the advocacy of extreme measures or views. The term is primarily used in a political or religious sense, to refer to an ideology that is considered (by the speaker or by some implied shared social consensus) to be far outside the mainstream attitudes of society. According to a study (Human religions, 2019): “religious extremism” describes faith-based actions that are deliberate

attempts to cause harm to other people. It includes violent religious movements, routine asceticism that is extreme enough to cause medical concern and beliefs that cause harm through denial of medicine or mental harm through abusive family behaviours.

The books of Arabic etymology state that the word “تطرف” revolves around two meanings:

- i. **Boundary, extreme and end.**
- ii. **Movement in some time** (Ibn Manẓūr, 1990, 9/217,313).

Of the two available meanings, the first meaning conforms to our area of discussion, and hence, religious extremism means transgressing set principles of religion and going beyond its boundaries. An extremist is “someone who is not balanced and moderate” (Alluwayhiq, 1992, p.59). The root word “تطرف” is neither used in the *Qur’ān* nor the *Sunnah* to mean extremism, rather the word “غلو” and “تنطع” are both used. As such, *Sulayman Alhaqīl* (Alhaqīl, 1996, p.21-22) opined that the word “تطرف” should not be used to mean extremism and immoderation because the Israelites introduced its usage in retaliation to the Palestinian rebellion to Jewish invasion. Since then, the Israel media have used the words “إرهاب and تطرف” in referencing the Palestinian jihadists, while the enemies of Islam and Muslims used the word extremism to mean an Arabian-Islamic phenomenon, and whoever propagates Islam and *Shari‘āh*, practices its teachings and/or stays away from religious prohibitions is tagged an extremist. However, the researcher still prefers the term “تطرف” to other related terms because it has been recently used and employed in the modern-day media and by academics.

### 3.2 Boko Harām Group in Nigeria:

The group is by name the “*Ahlu-Sunnah* group for propagation and Jihad”. As for the acronym “*Boko Harām*”, it is a compound word coined from two languages (Hausa and Arabic) meaning western education is unlawful or that the Western educational methodology is prohibited. This prohibition covers all Western educational levels, ranging from Nursery till University levels. It is said that the group first appeared and was founded by *Ustadh* Muhammad Yusuf after the September 11, 2001 incident. Physical combat

started between this group and the Federal Government of Nigeria in 2003, when policemen battled with the group in Gaidan. The consequence of this was his open letter to the Nigerian Government, which later led to the second battle between the group and the Nigerian Police. Muhammad was killed in this second battle, in the month of *Sha‘bān*, 1430 A.H, or July, 2009.

At the end of June 2010, the group shifted its meeting point to Maiduguri in the northern part of Nigeria. Abubakar Shekau became its new head and it was listed to be among the international terrorist groups in 2003, which claimed that it had a correlation with *Al-Qā'idah*. Also, by August 2014, Abubakar Shekau, the group’s head, announced an “Islamic Caliphate” over the cities they invaded, making *Guoza* its official base and capital. He also made non-recognizing remarks of the Nigerian states.

#### 3.2.1 Fundamental Doctrines of the group:

Some of the teachings of this group are summarized below:

- i. Making Allah only the absolute judge in all matters, while prohibiting all judgments coming from other places.
- ii. Believing that only the members of the group will be saved from Allah’s punishment because they apply and practice the real Jihad in Nigeria.
- iii. Prohibition of Western education and studying in government institutions from the elementary to tertiary levels because they are Christian institutions and in favor of colonization and orientalism.
- iv. Prohibition of working under any democratic government in any field and/or political parastatal.

#### 3.2.2 Aims and Objectives of the group:

The group is in pursuit of certain aims and objectives, including the following:

- a. Creation of an Islamic state that will be using an Imam for its head of state and the oath of allegiance was to be made to *Ustadh* Muhammad before he was assassinated. Their head will have the

jurisdiction of ruling the state, announcing Jihad where and when necessary, and to sign truce and agreement when due.

- b. Spiritual and Physical training.
- c. Educational training. It is very unfortunate that many of their referenced books are books of great scholars of the pious classical and modern eras, such as Shaykh Bakr Abu Zayd, and Shaykh Ahmad Shākir among others.

### 3.2.3 Causes behind the emergence of this group and its destructive activities:

Emergence of *Boko Harām* group and its rebellious activities could be linked to the following causes:

- 1) **Ignorance of the *Shari'ah*'s higher objectives:**  
An elementary view of the fundamental doctrines of this group and its damaging acts reveal that they do not really consider the objectives of Islamic legislation from different angles:
  - Killing of innocent people, especially women and children, contradicts the *Shari'ah* objective of protecting lives. (*Qur'ān* 4: 93 and 5: 32).
  - Their unrestricted prohibition of Western education also contradicts the general and public interests. It is not new that the Western world today is advanced in technology and applied sciences. The Islamic world is in dire need to acquire this knowledge from the Western countries.
  - Their prohibition of working under the democratic government in Nigeria is more dangerous than their prohibition of Western education because the former leads to greater evil.
  - Creation of an Islamic state in a country like Nigeria is never a bad idea, but this should not be done through coercion, duress and under unnecessary compulsion. There should be procedures for achieving such an aim.
- 2) **Poverty, Unemployment and Social Injustice:**  
The Boko Harām group used the problems of poverty, unemployment and social injustice as tools to lure youths to its group.
- 3) **The Nature of the North:** The north is a desert environment where houses are at a distance from each other. This has aided the group in terms of

easy movement and allowed them to hide inside the hills, which makes conquering them very difficult for the government.

4. **The propagation policy of the group:** The group's use of force and coercion has really led to committing in invading many cities because wherever they reached, they forced its dwellers to join them and to follow their instructions.
5. **Poor government Immigration Policy:** The immigration policy of the government is very poor.
6. **Low morale in the Nigerian Army:** This really reduced the confidence to fight in combat among the security personnel, especially when about 2.3 billion dollars were illegally remitted to the personal accounts of some political cabals in Nigeria.

### 3.2.4 Effects of the Group's negligence of *Maqāsid al-Shari'ah* and terrorist attacks:

The Nigerian media has stated that the group brought huge loss to the Nigerian nation in areas of its economy, politics and the social lives of its people. This can be summarized in the following points:

- a. This group's ignorance and negligence of *maqṣad* of protecting life has caused the huge loss of lives from among the group and the government. This was put to about twenty thousand killed, while hundreds of thousands sustained critical injuries.
- b. This group's ignorance and negligence of *maqṣad* of protecting life and wealth has caused displacement of people and loss of huge amount of wealth. According to Nigerian media, not less than two million, five hundred thousand (2.5 million) people were displaced, leaving their hard-earned properties and wealth in the north. According to a report published in April 2015, Adamawa State alone lost approximately 7.3 billion Naira.
- c. Likewise, this group's ignorance and negligence of *maqṣad* of protecting honor has led to different acts of abduction, especially of women and children. The Chibok school girls' abduction, that created wide local, national and international media coverage, is not unknown.

- d. The same negligence of *maqṣad* of protecting wealth has caused destruction of properties, such as government and non-government buildings and offices.

## 4. Conclusion

The researcher's main points are summarized as follows:

- The meaning and the importance of studying *Maqāṣid al-Sharī'ah*.
- The most important axes on which this revolves are the lifting of burdens and simplicity.
- Neglecting of Islamic legal objectives has apparent negative effects on religious extremism. The *Boko Harām* group of Nigeria and ISIS are living examples.
- The Islamic nation is in dire need of the application of the Islamic legal objectives in its policies and international relationships.

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