bridges. Finally, the conference urged the organizers to establish a committee to coordinate and monitor the implementation of the above resolutions and to promote these ideas on regional and global bases through networking.

Abdulai M. Kaba
Ph.D candidate in Islamic Science, ISTAC
International Islamic University Malaysia
E-mail: abkaba@gmail.com.

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Islamic Jurisprudence and the Challenges of the 21ˢᵗ Century: *Maqāṣid al-Sharīʿah* and its Realization in Contemporary Societies

The international conference on Islamic Jurisprudence and the Challenges of the 21ˢᵗ Century was organized by the Department of Fiqh and Usūl al-Fiqh and the International Institute for Muslim Unity (IIMU), International Islamic University Malaysia (IIUM), with *Maqāṣid al-Sharīʿah* as the main theme. It was held, with the exception of the closing session, in the Cultural Activities Centre of the IIUM on 14-16 Rajab 1427/8-10 August 2006. The Conference aimed at achieving the following objectives:

1. To explore the theoretical and practical dimensions of the doctrine of *Maqāṣid* and its use as a framework for developing an integrated approach to the human and social sciences in particular and to the question of knowledge in general.

2. To rejuvenate *ijtihād* in research particularly in Muslim intellectual and academic life.

3. To examine the practical implications of the *Maqāṣid*-based understanding of the *sharīʿah* for *fatwā*, policy-making and legal reform in contemporary Muslim societies.

The Participants and Presentations

The Conference commissioned a group of eminent scholars to contribute papers on various subjects. These who accepted the invitation include Sheikh Dr. Muhammad al-Habib Ibn al-Khuja, Prof. Abdelamajid al-Najjar, Prof. Wael Hallaq, Prof. Monzer Kahf, Dr. Louay Safi, Prof. Sherman Jackson, Bernard Weiss, and Dr. Amin Hassan Omar. Over 240 participants took part in the discussion of a total of 93 papers presented by scholars from 20 countries all over the world. There were three main sessions (for commissioned papers) and twenty-four parallel sessions. Fifty-seven papers were in Arabic, twenty-eight in English, and eight in Malay.

The Inaugural Session

The Conference was officiated by the Minister in the Prime Minister's Department of Malaysia, Dato' Dr. Abdullah bin Md Zin. The Minister emphasized the need for systematic studies educating the people on the objectives and ideals of Islamic teachings as embodied in the doctrine of *Maqāṣid al-Sharī'ah*. He called for sustained research to show how the *Maqāṣid* provide an essential framework for policy making and the renaissance of Islamic civilization. He also stressed the importance of *Maqāṣid* as a means to promoting civilizational dialogue and better understanding of Islam among non-Muslims.

In his keynote address, Muhammad al-Habib Ibn al-Khujah, the Conference guest of honour, delineated the historical development of the study of Maqāṣid *al-Sharī'ah* tracing it from Imam al-Haramayn al-Juwaynī through Ibn Qayyim al-Jawziyyah, Shāh Walī Allah al-Dihlawī, up to Muhammad al-Ṭāhir Ibn 'Āshur. He also pointed out the increasing interest in *Maqāṣid* over the last few decades and highlighted the vital importance of this pursuit to the revitalization of *ijtihād* in order to come up with viable answers and consistent solutions to the challenges and problems facing the Muslims at present.

The Papers

The 93 papers presented in the Conference covered a variety of themes. A total of thirty-three papers revolved around issues related to the epistemology, methodology and history of the study of

Maqāṣid. Professor al-Najjar stressed the need for more theoretical elucidation of the meaning, essence and scope of *Maqāṣid al-Sharī'ah*. He also pointed out that the scheme of the *Maqāṣid* formulated by classical Muslim jurists was not final and needed to be revised. Likewise, Gasser Auda called for a serious reconsideration of the *Maqāṣid* in terms of methodology, scope and terminology. Motaz al-Khateeb, Mohamed Ben Nasr and Layla Rami raised critical questions about the reasons behind the increasing interest among Muslim intellectuals from different backgrounds in the doctrine of *Maqāṣid* over the last one hundred or so years. In their view, such interest reflects a sense of unease, if not crisis, vis-a-vis the inherited status of Islamic jurisprudence and calls for a comprehensive approach to the question of social reform and cultural renaissance in Muslim societies. Wael Hallaq, Louay Safi, Sherman Jackson and Necmittin Gokhir saw in the doctrine of *Maqāṣid* a way to come to terms with modernity.

Eight papers dealt with the idea of *Maqāṣid* as a framework for *iṣlāḥ* and *tajdīd* in the Muslim world as well as a basis for Muslim unity. On the theme of *iṣlāḥ* and *tajdid* and Muslim unity, Amin Hassan Omar suggested that the doctrine of *Maqāṣid al-Sharī'ah* should be liberated from the narrow-minded legalistic conception that has dominated it so far in Islamic scholarly circles. He argues that a different view of social reform and cultural renewal emerges from this understanding of *Maqāṣid* according to which economic, social and political development will have to be looked at based on a new paradigm. According to Musfir al-Qahtani, *Maqāṣid al-Sharī'ah* is not a mere legal doctrine. It rather provides a fundamental framework whereby a new cultural and civilizational consciousness can emerge among the Muslims. Omar Ben Saleh Ben Omar talked about what he called a *Maqāṣid*-culture as a means for peaceful coexistence between Muslims and other communities. This culture, he maintained, is inherently capable of promoting human universal values and mutual understanding that will enhance reciprocal appreciation between the Muslim and the Other.

Fifteen papers covered issues pertaining to economic and financial matters and dealings (*mu'āmalāt*). Monzer Kahf addressed the implications of *Maqāṣid al-Sharī'ah* in the prohibition of *ribā* (interest or usury) for modern Islamic finance. He argued that *ribā*-

based financing is purely personal as it solely depends on the integrity of the borrower and obtained collaterals. Likewise, it is not target-oriented and is therefore detached from the objective for which the financial means will be used.

Abdulazim Abu Zayd criticized the position of a number of Muslim writers who attempted in the modern era to explain the interdiction of interest in financial transactions. This position is, according to Abu Zayd, seriously flawed as it is based on a wrong understanding of the concept of *Maṣlaḥah* and its criteria and conditions in the *Sharīʿah*. Wael Arabiyyat, Mohamad Ibrahim Nagashi and Asmadi Mohamad Naim argued for *Maqāṣid al-Sharīʿah* as a framework for developing Islamic financial instruments and products.

Seven papers dealt with issues concerning *Siyāsah Sharʿiyyah*, governance and international relations. The concept of *Siyāsah Sharʿiyyah* was dealt with in a number of papers by Umm Nael Burkani, Khaled al-Husayn and Nor Naemah and her colleagues. The three presentations were concerned about establishing the conceptual link between *Maqāṣid al-Sharīʿah* as an embodiment of the Islamic values and the concept of *Siyāsah Sharʿiyyah,* which refers to the prerogatives of the rulers in devising policies and making decisions. For them, the doctrine of *Maqāṣid al-Sharīʿah* is crucial as a reference for deciding priorities and making preferences in the face of conflicting interests.

Ibrahim M. Zein, Muhammad Amanullah and Hassan Hendaoui dealt with issues pertaining to Islamic penal law. Hendaoui attempted to outline the main objectives of the Islamic penal code, Amanullah looked into how just retribution (*Qiṣāṣ*) and its alternatives serve to preserve the higher objectives of the *Sharīʿah* and Ibrahim Zein evaluated the Sudanese experiment of codifying a modern Islamic penal system in the light of *Maqāṣid al-Sharīʿah*. In the field of Islamic Law and the family, Sayed Sikandar Shah, Mek Wok Mahmud, Saupi bin Man and Abdul Karim Ali addressed a number of pertinent issues and called for serious reconsideration of modern state-enacted Islamic family laws. Ali and his colleagues examined the law of *Hibah* as introduced and practiced in Malaysia.

Seven papers addressed family and legal-related issues. Hazizan bin Md. Noon and Jilani ben Touhami Meftah looked into the

possible interplay between *Maqāṣid al-Sharī'ah* and sociology. Noon argued that since sociology aims at understanding society as a universal phenomenon in such a way as to grasp its constitution and dynamics, it concerns part and parcel of any truly *Maqāṣid*-based methodology. Meftah made the case for Ibn Khaldūn as a pioneer whose analysis of human society was clearly grounded in the doctrine of *Maqāṣid al-Sharī'ah*. Nor Saleha and her colleagues explained the approach followed by the great philosopher al-Kindī in managing stress, with special focus on the importance of preventive measures to avoid stress as well as treatment of stress.

Ten papers dealt with science, environment and technology issues. Anke Iman Bouzenita investigated the specific prospects and limits of the doctrine of *Maqāṣid* as a criterion for judging bioethical questions raised by modern science, Nizaita Omar addressed some particular issues in medical treatment. and Mumin Shuweydah suggested this doctrine as a framework for judging and orienting scientific advancement in general. Closely attached to science-related issues was the question of the environment. This was the focus of Muhammad Ridhwan Gallant, Mohamed Hamid al-Faqih (Kuwait) and Farida Zouzou (Algeria). The central and common idea in the three presentations is that the Islamic approach to the environment is an integral part of Islam's view of nature as God's creation that has been made subservient to human beings in order for them to be able to carry out their task as God's vicegerents on Earth and enjoy the bounties He has provided for them.

The remaining thirteen papers addressed issues related to the teaching of *Maqāṣid al-Sharī'ah* in institutions of higher learning in Muslim countries, the relationship between the study of *Maqāṣid* and other Islamic disciplines and language studies, etc., Ghalia Bouhedda surveyed the conflicting points of view concerning the epistemological possibility and methodological feasibility of turning *Maqāṣid* into an independent discipline without giving preference to any of them. Naamane Djeghim took al-Shāṭibī's work on *Maqāṣid* (*al-Muwāfaqāt*) as a model for the discussion. According to him, al-Shāṭibī renewed and restructured Islamic legal theory by making the idea of *Maqāṣid* its central and unifying theme. Mohamed El-Tahir El-Mesawi showed how the Tunisian scholar Muhammad Ibn 'Āshūr advocated the need for a new independent Islamic discipline

by the name of ʿ*Ilm Maqāṣid al-Sharīʿah,* managed to fulfill this task. All the papers are available in printed form as well as in CD. These can be obtained by writing to the conference organizer at fiqh@iiu.edu.my.

Recommendations

During the closing ceremony, the Conference recommendations, formulated by a special committee based on the participants' feedback, were read. It called upon the concerned authorities for immediate cessation of the Zionist aggression on the Palestinian and Lebanese peoples. The Conference expressed unqualified support for all forms of legitimate resistance against occupation and aggression, and strongly demanded recovery of all usurped rights to the victims of this aggression. Additionally, the Conference called for:

1. The establishment of a newsletter to follow up on new studies and research in the area of *Maqāṣid*; an encyclopedia, which covers all aspects of *Maqāṣid*, historically, biographically and conceptually; a bibliographical database, covering writings on *Maqāṣid*; and a periodical specialized in the study of *Maqāṣid*.

2. *Sharīʿah* and Law colleges and Islamic studies departments in the universities and higher institutions of learning to include in their curricular a course dedicated to *Maqāṣid*

3. Developing ways to benefit from research on *Maqāṣid* in social sciences and humanities.

4. Media and satellite channels to address issues related to *Maqāṣid* in their intellectual and educational programs.

5. Supporting research in the field of *Maqāṣid* in such a way as to enrich and develop this field, within the framework of *Sharīʿah*'s foundations and invariable principles.

6. Establishing a multi-disciplinary centre for the study of *Maqāṣid* at the International Islamic University Malaysia (IIUM).

7. Convening international conference on *Maqāṣid* on a regular basis.

8. Publishing the papers of the conference.

9. Creation of an International Award for outstanding studies in the field of *Maqāṣid*.

10. Administrative and academic coordination and cooperation amongst and between institutions and academic units that concern themselves with *Maqāṣid*.

11. Encouraging social and economic Islamic institutions to refer to *Maqāṣid al-Sharīʿah* in defining their objectives and devising their policies and programmes, through seeking the advice of scholars and experts.

12. The immediate creation of a special committee at IIUM to follow up and execute the abovementioned recommendations.

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Dr. Mohamed El-Tahir El-Mesawi
E-mail: mmesawi@hotmail.com
Dr. Akhtarzaite Binti Abdulaziz
E-mail: akhtarzaite@iiu.edu.my

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