

The Objectives and intents of Islamic Law As a paradigm of Development Strategies and Policies

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Abstract

The paper presents the theory of objectives and intents of Islamic law termed as *Maqasid al-Shari'ah al-Islamiyyah* as a vision through which present and future changes and development of the *Ummah* can be defined, negotiated, led and persuaded. The theme presented in the paper is that the knowledge of the Objectives of Islamic Law can play an important role as a universal paradigm in enhancing the abilities and qualities of the *Ummah* to reach a positive change and development out of the present situation. But there is a need to review the framework based on the knowledge of the Objectives of Islamic Law in order to ensure its effectiveness in providing the necessary principles, methods and guidelines required in the processes of development strategy. Thus the paper suggests the ways of restoring back the sense of dynamism to the objective approach of Islamic law in creating the methodological, social, educational and epistemological and cultural frameworks as a paradigm of development strategies, policies and processes for the betterment of the contemporary Muslim *Ummah*.

Keyword: *Maqasid Shari'ah, paradigm, development, strategies, Ummah*

Abstrak

Karya ini mengemukakan teori Objektif dan Tujuan Undang-Undang Islam, yang diistilahkan sebagai *Maqasid al-Shari'ah al-Islamiyyah*, boleh memberikan satu visi di mana perubahan dan pembangunan manusia masa kini dan masa depan boleh ditakrifkan, dirunding, diketuai dan dipujuk secara proaktif. Ia menangani isu Objektif Undang-Undang Islam bukan sahaja sebagai alat untuk pembangunan rangka kerja tradisional dari sudut undang-undang pemikiran dan amalan, tetapi dalam spektrum pemikiran yang membawa konsep objektif undang-undang Islam kepada pembangunan keseluruhan serta pembinaan semula pemikiran, ciri-ciri, budaya dan tamadun umat Islam. Tema yang dikemukakan di karya ini adalah bahawa pengetahuan Objektif Undang-Undang Islam boleh memainkan peranan yang penting sebagai paradigma sejagat dalam meningkatkan keupayaan dan kualiti umat Islam untuk mencapai perubahan dan pembangunan yang positif dari keadaan masa kini. Tetapi terdapat keperluan untuk mengkaji semula rangka kerja yang berdasarkan pengetahuan Objektif Undang-Undang Islam bagi memastikan keberkesanannya dalam menyediakan prinsip-prinsip kaedah dan garis panduan yang dikehendaki dalam proses strategi

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pembangunan. Oleh itu, karya ini mencadangkan cara mengembalikan semangat dinamisme kepada pendekatan Objektif Undang-Undang Islam dalam mewujudkan metodologi, sosial, pendidikan dan epistemologi dan kebudayaan rangka kerja sebagai paradigma strategi pembangunan, polisi dan proses untuk kebaikan umat Islam kontemporari.

Introduction

Islam provides a complete code of life, which encompasses all dimensions of human life. The Islamic *sharī'ah* as a complete way of life has specific objectives and aims. These objectives revolve mainly around the interest and well-being of human kind in this world and also in the hereafter. In fact, removing hardship and mischief from human life is the core interest of Islamic law which also attempts to bring ease and benefits to human lives.¹

The Islamic laws aspire towards establishing and preserving human interests, and the entire teachings of Islamic law are meant to provide the necessary guidelines, principles, values and ways which are suitable and capable of achieving what is in the best interest and benefit of all mankind.² As a practical manifestation and response to the appeals and aspirations of Islamic law, a comprehensive and rich legal system had been introduced and developed by Muslim scholars and jurists, particularly in the days of glory. In later stages, this legal system came to be known as *al-Fiqh al-Islāmī* or what we term today as Islamic law. This legal system, guided by the principles and teachings of Islamic *Sharī'ah* reached the stage of completion and enriched its legal legacy throughout the course of Islamic history. In its development and maturation process, Islamic law has consumed huge efforts and long stages of systematic and gradual accumulation of legal knowledge and wisdom.³

In fact, the theory of the objectives of Islamic law or the *maqāsid* paradigm was not only an approach for legal system and *ijtihād*, but also to

¹ Abdelaziz Berghout, "Maqasid Shari'ah as an approach for intellectual reform and civilizational renewal", paper presented at the International Conference on Islamic Jurisprudence and the Challenges of the 21st Century, (IIUM, Malaysia, 8-10th August, 2006), 44.

² Al-Shāṭibī, Abū Ishāq, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, ed. Sheikh Abdullah Darraz, vol. 2, (Cairo: al-Maktabah al-Tijariyyah al-Kubra, n.d.), 166-8.

³ Abdelaziz Berghout, 45.

show its ability to be a mature and well structured system for socio-cultural development of the Muslim community to achieve its goal as a balanced *ummah* that works for the pleasure of Allah (swt) through serving humankind.

Definition of the Objectives of Islamic Law

The theory of the objectives and intents of Islamic law is termed as *maqāṣid al-sharīʿah*. The singular form of *maqāṣid* is *maqṣad* whose literal meaning is ‘destination’. Its trilateral root word is *qaṣada* with various meanings as to intend, to mean. *qaṣada ilā* means to go to, to head for (*tawajjuh*), to take to and to be bound for. Another derivative from *qasada* is *qasd* which means intention (*nīyyah*), purpose, aim, end, intent, goal and objective (*ghāyah*).⁴ The term *Sharīʿah* is also an Arabic word derived from *sharaʿa*, which means to begin, to start, to commence, to go into, to enter upon.⁵ But *sharraʿa* has an elementary meaning of ‘creating’ similar to ‘enactment’. Thus, the word *Sharīʿah* is understood as law or code. Hence, *al-sharīʿah al-Islāmīyyah* is translated as Islamic law or law of Islam. Its literal meaning however is ‘path’ or ‘street’.

The use of *sharīʿah* in the context of Islam always refers to *Islamic sharīʿah* either in the sense of Islamic law or Islamic path which is in essence the same as the former i.e. Islam itself. In fact, even *Islamic sharīʿah* has its general and specific meanings. Generally, it refers to the entire system of life revealed by Allah to mankind. When the two words are combined, they form *maqāṣid al-sharīʿah* which is translated as the objectives and intents of Islamic law, purposes and goals of Islam and so on. The phrase itself has been regarded variously as a subject, a theory, a set of principles, etc. It is defined as the purpose and wisdom behind the enactment of all or most of the *sharīʿah* rulings.⁶ Some scholars defined it as “The end sought behind the enactment of each of the ruling of *sharīʿah*

⁴ Ismāʿīl bin Ḥamad al-Jawharī, *Al-Ṣiḥah fī al-Lughah*, (Beirut: Dar al-ʿIlm li al-Malaʿeen, 1998) 2/79; Ibn Manzūr al-Afrīqī, *Lisān al-ʿArab*, (Beirut: Dar al-Fikr, 1970) 3/353.

⁵ *Al-Ṣiḥah fī al-Lughah*, 1/353.

⁶ Ibn ʿĀshūr, Muhammad al-Ṭāhir, *Maqāṣid al-Sharīʿah al-Islāmīyyah*, (Amman: Dar al-Nafais Publications, 2001), 188.

and the secrets involved”.⁷ These definitions explain that the objectives of the Islamic law are the ultimate intentions behind the enactment of each of the rulings of the *sharī‘ah* and secrets involved in these rulings.

In essence, *maqāṣid al-sharī‘ah* contains teachings about matters related to the translation of Islamic teachings into practice either at individual or societal level. As a broad framework, it mainly provides a set of general principles, maxims (*qawā‘id*), methodologies and criteria needed for the construction of specific prescriptions for implementing Islam in changing and fluctuating circumstances and contexts. From another perspective, *maqāṣid al-sharī‘ah* is regarded as a major component in *uṣūl al-fiqh* or principles of Islamic jurisprudence. Depending on how one sees it, the position of *maqāṣid al-sharī‘ah* in *uṣūl al-fiqh*, although not always uniform, it is nonetheless very important.

Examples of the Objectives of Islamic Law

The Qur’an is expressive, in numerous places and in a variety of contexts, of the purpose, rationale and benefit of its laws, to the extent that the texts stipulating these laws are characteristically goal-oriented. This feature of the Qur’an is common to its laws relating to both *‘ibādah* (ritual worship) and *mu‘āmalah*. Thus, when the text expounds on the ritual of *wuḍū’*, or ablution for *ṣalāh* (prayer), it adds: “Allah does not wish to inflict hardship on you but to make you clean and to complete His favour upon you”.⁸ With regard to the prayer itself, it declares: “Truly, *ṣalāh* restrains promiscuity and evil”.⁹ With reference to *jihād* the Qur’an similarly proclaims its rationale: “Permission is granted to those who fight because they have been wronged”.¹⁰ The purpose, in other words, of granting *jihād* is to fight *ẓulm* (injustice), and of *ṣalāh*, to attain spiritual purity and excellence, which is accomplished together with physical cleanliness through ablution before the prayer. With reference to the law of *qiṣāṣ* (just retaliation), the text similarly adds: “And in the Law of *qiṣāṣ* there is life for

⁷ ‘Allal al-Fāṣī, *Maqāṣid al-Sharī‘ah al-Islāmīyyah wa Makārimuhā*, (Morocco: Dar al-Gharb al-Islāmī, 1991), 7.

⁸ Al-Qur’an, Al-Mā‘idah 5 : 6

⁹ Al-Qur’an, Al-‘Ankabūt 29 : 45

¹⁰ Al-Qur’an, Al-Ḥajj 22 : 39

you, O people of understanding".¹¹ And finally, with regard to *zakāh* (wealth Tax), the rationale is cited in the following: "*In order that wealth may not circulate only amongst the rich*".¹²

One can add many more examples to demonstrate how the Qur'an and Sunnah are expressive of the goal, justification and benefit of their laws. In addition to the above, which require or sanction the undertaking of some positive action, one may also refer to the *aḥkām* (laws) of Islamic *sharī'ah* which prohibit or discourage certain actions that are or may be harmful and that may result in prejudice, corruption and injustice. In all cases, whatever the aim or justification of the individual laws, however, it is to be noted that the underlying objective is the realization of some *maṣlaḥah* (benefit) for the community and the society.

Introducing Development

Development is a major concern of the time. It has been one of the most popular and widely used terms in the different branches of Social Sciences in the post World War II period.¹³ Theorists both in the tradition of Western Liberalism and those who have opposed it have dwelt at length on the wide dimensions of the concept as well as the nature and scope of the term. According to Joseph E. Stiglitz "Development represents a transformation of society, a movement from traditional relations, traditional ways of thinking, traditional ways of dealing with health and education, traditional methods of production, to more "modern" ways."¹⁴ Change in his opinion is not an end in itself, but a means to other objectives. The changes that are associated with development provide individuals and societies more control over their own destiny. Development enriches the lives of individuals by widening their horizons and reducing their sense of isolation. It reduces the afflictions brought on by disease and poverty, not only increasing life-spans, but improving the vitality of life. Given this definition of development, it is clear that a development strategy must be

¹¹ Al-Qur'an, Al-Baqarah 2 : 179

¹² Al-Qur'an, Al-Hashr 59 : 7

¹³ Muhammad Ruhul Amin, *Development Issues and Strategies of Bangladesh: Lessons from Malaysia*, (Dhaka: Center for International Development and Security, 2006), 36.

¹⁴ Stiglitz, J. E., "Towards a New Paradigm for Development: Strategies, Policies, and Processes", (Prebisch Lecture delivered at UNCTAD, Geneva, 1998), 3.

aimed at facilitating the transformation of society, in identifying the barriers to, as well as potential catalysts for, change.¹⁵

Islamic Concept of Development

In Islam, development means all kinds of positive changes. The Islamic conception of human development can easily be derived from the following verses of the Qur'an:

"Verily, God does not change men's condition unless they change their inner selves." (Al-Qur'an, al-Ra'd 13 : 11)
"And among them he who says, 'our Lord, give us in this world (that which is) good and in the hereafter (that which is) good and protect us from the punishment of the fire.' Those will have a share of what they have earned." (Al-Qur'an, Al-Baqarah 2 : 201)

Islam and Islamic values stand for development, both morally and materially, so much so that one is commanded to disperse in the world after prayers to seek the bounty of Allah,¹⁶ and ordained to explore, develop and make use of all the resources available fully and optimally.

Islam guides human development on correct lines and deals with all dimensions of economic development in the framework of total human development. Abul Hasan Sadeq defines economic development in Islam as balanced and sustained improvement in material and non-material well-being of man that is not complete without a high moral standard resulting from Islamic values and it is a factor in the welfare of human beings in the life hereafter as in this worldly life.¹⁷ Thus the development in Islam is featured by: (1) a comprehensive character, including moral, spiritual and material aspects of human life; (2) the development of man and his physical and socio-cultural environment; (3) a balance between factors and forces; (4) a number of changes, quantitative as well as qualitative, with due emphasis to qualitative changes; and (5) the optimal utilization of resources and their equitable utilization and distribution on the basis of right and justice.¹⁸

¹⁵ Ibid.

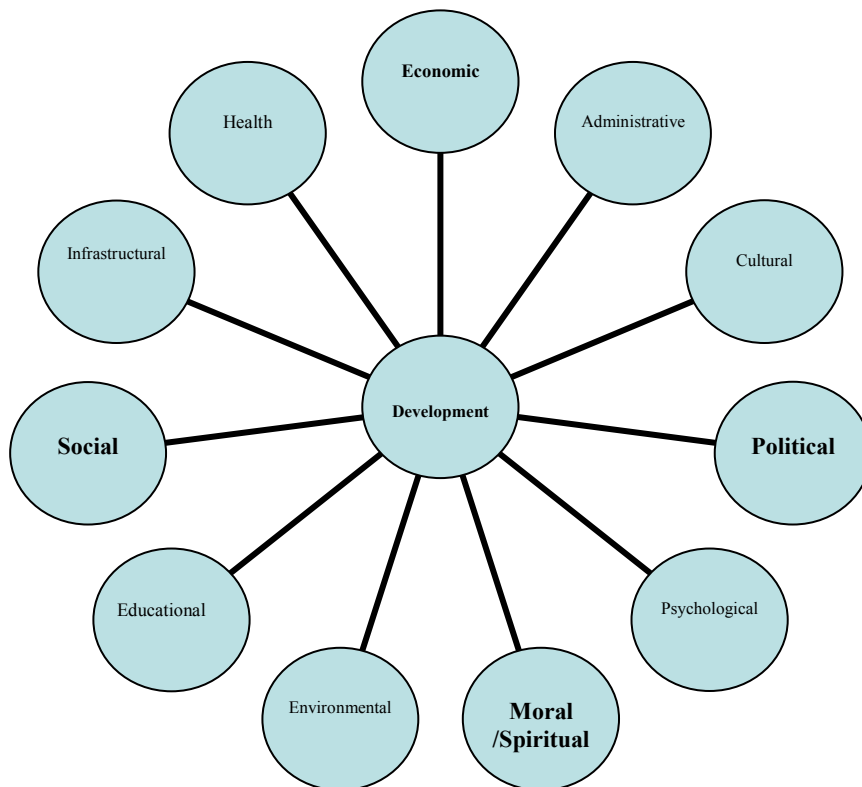
¹⁶ Al-Qur'an, Al-Jumu'ah 62 : 10

¹⁷ Abul Hasan M Sadeq, *Development Issues in Islam*, (Kuala Lumpur: IIUM Research Centre, 2006), 3.

¹⁸ Ibid.

The objectives and priorities of development in Islam include growth, fulfillment of the basic human needs –material and spiritual, educational and civilizational – human resource development, distributive justice and preservation of life, intellect, honour, rights and environment etc.

In Islam, Development needs to be understood as a multidimensional approach that satisfies the socio-economic and politico-security indicators. Because the economic success alone cannot be considered as a phenomenon of development in Islam, rather we should understand the dynamics of development by concentrating on a holistic approach of development, which is illustrated in the following diagram:



Development Issues in the Objectives of Islamic Law

Islamic discourses and practice have advanced with non-uniform realisation in recent years in the fields of Economics, Education, Environment and Science. This shows that Muslim thinkers and scholars are indeed consciously seeking intellectual insight, meaning and practical advancement through studying Islamic concepts, and the Muslim worldview in the present social context. Given that *maqāṣid al-sharīʿah* are attracting increased attention in the epistemic community of *fiqh*, is it appropriate to envision a *Maqāṣid* based Development as a framework for the holistic development of Muslim societies that is inspired by discerning understandings of the objectives of Islam?

Islamic law started with the advent of Islam. The overall goal of the Islamic law is to promote welfare (*maṣāliḥ*) of mankind. This goal in broad general terms implies, among others, to ensure development and justice and in specific terms relates to the objectives of Islamic *Sharīʿah* (*maqāṣid al-sharīʿah*) implying the protection of religion, life, reason, progeny and property.

Undoubtedly, all objectives of Islamic law revolve around man's interest in this world and in the hereafter. In this respect, the most important thing that needs to be clarified is the role of objectives (*maqāṣid*) in any new legal, intellectual and civilizational renewal of the *ummah*. Surveying the legal texts in the context of the objectives of Islamic law it is known that one of the main goals of the *sharīʿah* is to serve and protect the interests of entire mankind. Indeed, in the framework and spirit of the divine law of Islam, public interest and the well being of humanity, be it in this world or in the hereafter becomes one of the most vital issues of more merit and value. No doubt that the entire law of Islam runs through the vein of 'human interest' which can be expressed in another word as human development. In fact, whatever thing that is for the benefit and success of humanity in this world and in the hereafter, the law of Islam always supports it and provides the necessary means, principles and values to establish and preserve it. For instance, if man in this world strives to achieve justice, equality, dignity, honor, freedom, tolerance, mercy, peace, security, stability, moderation, co-existence and balance in human life, the

law of Islam does not only speak of these values but also sets the necessary guidelines, principles and ways that can ensure their realization in human context and reality. To support this claim, we quote a few selected verses from the Qur'an which will serve the purpose. Allah SWT says:

"Indeed, Allah commands you to render back the trusts to whom they are due; and when ye judge between people, to judge with justice" (Al-Qur'an, Al--Nisā' 4 : 58.)

"And we have not sent you, except as a mercy to the worlds"
(Al-Qur'an, Al-Anbiyā' 21 : 107)

"If any one slew a person-unless it be for murder or for spreading corruption in the land- it would be as if he slew the whole mankind and if anyone saved a life, it would be as if he saved the life of the whole mankind"(Al-Qur'an, Al-Mā'idah 5 : 32)

"O ye who believe' Enter into peace wholeheartedly; and follow not the footsteps of the Evil one" (Al-Qur'an, Al-Baqarah 2 : 208.)

"And We have certainly honored the children of Adam; provided them with transport on land and sea; Given them for sustenance things good and pure; and conferred on them special favors, above a great part of our creation"(Al-Qur'an, Al-Isrā' 17 : 70.)

"Allah forbids you not, with regard to those who fight you not for (your) fight nor drive you out of your homes, from dealing kindly and justly with them: for Allah loves those who are just".(Al-Qur'an, Al-Mumtahinah 60 : 8)

"Yet there be no compulsion in religion: Truth stands out clear from error" (Al-Qur'an, Al-Baqarah 2 : 256)

"O mankind' Indeed We created you from a male and a female, and made you into nations and tribes, that you may know one another. Indeed, the most honored of you in the sight of Allah is (he who is) the most righteous of you".(Al-Qur'an, Al-Hujurat 49 : 13)

"But seek, through that which Allah has given you, the Home of the hereafter; and do not forget your portion in this world. And do good as Allah has done good to you. And desire no

corruption in the land. Indeed, Allah does not like corrupters”(
Al-Qur’an, Al-Qaṣaṣ 28 : 77).

These verses of the Glorious Qur’an showed that the law of Islam aims at the development of the whole world in a just, proper and righteous way. On the other hand, it should be clear that the law of Islam has not only made man’s interest as its main objectives, but also it provided us with the core characteristics of its vision and way and procedure of establishing the development and applying it to the human context.

To go one step further in our discussion about human interest and development as the main purpose of the law of Islam it is important to refer to the views of some classical Muslim scholars. Indeed, anything that falls within the framework of protecting human public interest and development constitutes the core of the *sharī‘ah* objectives (*maqāṣid al-sharī‘ah*).¹⁹

Imam al-Ghazālī explains that:

“*Maṣlaḥah* (public interest) is the protection of the objectives of the Law, which consists of five values: preservation of religion, of life, of intellect, of progeny and of wealth. What assures the protection of these five values is *maṣlaḥah* (public interest), and whatever leads to its loss is considered *mafsadah* (mischief) and its prevention and removal is *maṣlaḥah*”.²⁰

The purpose of law as proposed by al-Ghazālī, and agreed upon by most jurists including al-Shāṭibī are of two types: ‘*dīnī*’ or purposes of the hereafter and ‘*dunyawī*’ or purposes pertaining to this world. The worldly purposes are further divided into four types: the preservation of life, the preservation of posterity, the preservation of intellect and the preservation of wealth. These different types taken together yield five ultimate purposes of the law: the religion, life, posterity, intellect, and wealth. All five purposes are called *al-ḍarūrāt* (necessities) and are the primary purposes of the law. The *ḍarūrāt* are followed by the *ḥājāt* (needs), which are additional

¹⁹ See for details, Al-Juwaynī, Abū al-Ma‘ālī, Imam al-Ḥaramayn, *Al-Burhān fī ‘Uṣūl Al-Fiqh* (Doha: Jami‘at Qatar, 1399); Allal Fasi, *Maqāṣid Al-Sharī‘ah Al-Islāmiyyah Wa Makārimuhā* (Casablanca: Al- Najah, 1956).

²⁰ Al-Ghazālī, Abū Ḥāmid, *Al-Muṣṭafā min ‘Ilm al-‘Uṣūl*, Vol. 1 (Baghdad: Matba‘at Muthanna, 1870), 286-287.

purposes needed by the primary purposes. The third category is the purposes that seek to establish ease and facility. These are referred to as *taḥṣīnīyyāt* or complementary purposes.²¹

The Objectives of Islamic Law (Maqāṣid) as a Paradigm of Development

With ineffectiveness of the existing development paradigms and in quest for a new paradigm of development, we can propose a more holistic paradigm of development based on the objectives and intents of Islamic law, as they are the potent Islamic values that provide a vision broadening and common conceptual language through which present and future development can be proactively defined, negotiated, led and pursued. At the same time, the whole humanity is in a period of non-uniform dysfunction, restlessness and hardship. Conventional development paradigms and the interests and values that they carry and impose have been practically and theoretically discredited and there is a global search for superior alternatives.²² In the quest for advancement, the objectives of law (*maqāṣid*) are important values that individuals and institutions can interpret and act upon. The translation of such theory into reality could be termed as ‘*maqāṣid* based development’.

Maqāṣid and the Overall Development of the Contemporary Muslim Society

Maqāṣid based development could be classified into three distinct

²¹ See for details, al-Shāṭibī, Abū Iṣḥāq, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, 2/8-13.

²² Joseph E Stiglitz criticized the existing conventional development paradigms, because they could not bring the desired results as expected and needed a drastic change in approaches and policies. He says, "I want to go beyond these by now well-documented failures of the Washington consensus to begin providing the foundations of an alternative paradigm, especially one relevant to the least developing country. It is based on a broad conception of development, with a concomitantly broader vision of development strategies and a quite different perspective on the role of international assistance and the ways in which it should be delivered." (Towards a New Paradigm for Development, p.2) He suggested a framework for his new paradigm of development strategies that focuses on five levels: (a) Private sector development, (b) Public Sector Development, (c) Community development, (d) Family development, and (e) Individual development, pp.24-27.

categories. These are the political-administrative structure, the Muslim knowledge culture and the general Muslims.²³

The values conveyed in the *maqāṣid* of *sharīʿah* serve as a great starting point for Muslims today so that the values could be put into practice for the comprehensive development of Muslim society. It provides a common objective appeal constructed upon directions that we have been given in our primary textual sources. It will not be a panacea, but may act as a stimulant, a catalyst, or a detonation wave, for a genuinely participatory and qualitative advancement. The classification of *maqāṣid* into *al-darūrīyyāt* (absolute necessities), *al-hājīyyāt* (needs) and *al-taḥsīnīyyāt* (luxuries) can play a good role to fix theories and strategies of developments. According to Jasser Audah, 'human development' is a prime expression of *maṣlaḥah* (public interest) in our time, which *maqāṣid al-sharīʿah* should aim to realize through the Islamic law.²⁴ Thus, the realization of this *maqāṣid* could be empirically measured via the UN 'human development targets', according to current scientific standards. The evolution of 'human development' into objectives and intents of Islamic law gives human development targets a firm base in the Islamic world.²⁵

Maqāṣid and Social Development

Maqāṣid of Islamic law allows flexibility, dynamism and creativity in social policy. al-Ghazālī (d. 505H) highlights on *maqāṣid*:

"The objective of the Islamic law is to promote the well-being of all mankind, which lies in safeguarding their faith (*dīn*), their human self (*nafs*), their intellect (*ʿaql*), their posterity (*nasl*) and their wealth (*māl*). Whatever ensures the safeguard of these objectives serves public interest and is desirable."²⁶

²³ Fuad Mukarram Munawwar Ali, "Towards an Easily Accessible Framework for the Ummah's Advancement: Maqasid based Development," (paper presented at the International Conference on Islamic Jurisprudence and the Challenges of the 21st Century, IIUM, Malaysia, 8-10th August, 2006), 158-164.

²⁴ Jasser 'Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, (Virginia, USA: International Institute of Islamic Thought, (IIIT), 2008), p.25

²⁵ Mohammad Shākir al-sharīf, *Haqīqah al-Dimuqrāṭīyyah*, (Riyadh: Dar al-Watan, 1992), 3.

²⁶ al-Gazālī, Abū Ḥāmid, *al-Muṣṭasfā*, (Cairo: United Publications, n.d.), 251.

Al-Shāṭibī (d.1388) approves al-Ghazālī's list and sequence, thereby indicating that they are the most preferable in terms of their harmony with the essence of the law of Islam.²⁷

Generally, Islamic law safeguards the benefits of the individuals and the community, and facilitates improvement and perfection of human lives' conditions on earth. This perfection corresponds to the purpose of the Hereafter. In other words, each of the worldly purposes (preservation of faith, life, posterity, intellect and wealth) is meant to serve the single religious purpose of the Hereafter.

The uppermost objectives of *sharī'ah* rest within the concept of compassion and guidance, that seeks to establish justice, eliminate prejudice and alleviate hardship. It promotes cooperation and mutual support within the family and society at large. This is manifested in the realization of *maṣlahah* (public interest) which the Islamic scholars have generally considered to be the all-pervasive value and objective of the Islamic *Sharī'ah* and is to all intents and purposes synonymous with compassion.

In Islamic *sharī'ah*, social responsibility assumes a broader and more holistic significance to the Muslim workers, managers, corporations, customers and society as a whole. Obviously, the concept of social responsibility in Islam encompasses a broader meaning embracing the *taqwā* dimension (Allah-consciousness) by which corporations as groups of individuals, assume the roles and responsibilities as servants of Allah in all situations. By assuming such roles, they are ultimately responsible to Allah, the Owner of their very selves and the resources they are utilizing and managing. This responsibility to Allah is, in fact, a function of the intrinsic quality of the Muslims' lives as a trust from Allah.²⁸

A Muslim is, in fact, considered as a social being who cannot isolate or ignore his role and responsibility to the society or any of his fellow human being, even though that may be for the worship of Allah (SWT). The invocation of Islamic *sharī'ah* and the reflection of *taqwā* paradigm in all spheres of life imply that the people are no longer driven by the principle of self-interest alone, but by the pursuit of the ultimate happiness in this life

²⁷ al-Shāṭibī, Abū Ishāq, *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, vol. 3, 46-47.

²⁸ Al-Attas, S. M. N., *Islam and the challenge of Modernity*, (Kuala Lumpur: International Institute of Islamic Thought and Civilization (ISTAC), Malaysia, 1996), 284.

and the Hereafter, whereby he acknowledged his social and moral responsibility for the well-being of his fellow human kind.

Maqāṣid and Muslim Intellectual Reform and Civilizational Renewal

The *maqāṣid* Framework can play an important role in enhancing the *ummah's* abilities and qualities of intellectual reform and civilizational renewal. It could become an approach for the orientation of the different activities pertaining to the civilizational reawakening of the *ummah*. It could form the epistemological and philosophical framework for directing the theories, sources and objectives of civilizational renewal. It could also constitute the ethical and educational reference for guiding the activities of social and civilizational transformation of the *ummah*. Moreover, it could assist in discovering the laws and pattern of civilizational transformation. In all these activities the *Maqāṣidī* framework can provide principles, guidelines and methods of discovering and implementation of the objectives of Islam in a real practical context.

Maqāṣid and Islamic Finance and Banking

Islamic finance was revived at institutional level with the establishment of Islamic banks during the last quarter of the 20th century. Along with the new institutions of Islamic banks, Islamic insurance companies and other Islamic finance companies came out on new “financing” practices of a few classical contracts like *muḍārabah*, *mushārakah*, *istisnā'* etc.

The objectives of the *sharī'ah* in financial transactions refer to the overall goals and meaning that the *sharī'ah* aims at achieving from its rulings. These objectives are not confined to one type of financial transaction, but include all aspects of financial activities and human life in general.

Though these objectives seem specific as they deal with finance, they can be considered as integral objectives when their universal goals are considered. This is because such objectives do not deal with specific types of rulings, but they are related to almost all types of financial transactions

and involve all activities of trading, profit making, spending and consumption. Allah says:

“There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then to their Lord they (all) shall be gathered”. (Al-Qur’an, Al-An‘ām 6 : 38)

Looking deeply and constantly into several texts or verses of the Qur’an and the Sunnah of the Prophet (PBUH) on financial activities, it can be stated that the *sharī‘ah* has observed specific objectives in the enactment of financial laws and principles.

These objectives include the circulation of wealth in the society, the continuity of the investment of the wealth, achieving the economic prosperity for the whole society by satisfying the basic needs of the people, transparency in financial activities to eliminate disputes and permissibility of private and public ownership of the wealth. These are the main objectives of *sharī‘ah* in financial transactions and contracts. All the above objectives fall under the general meaning of the following verses of al-Qur’an:

“Allah does not want to place you in difficulty, but He wants to purify you, and to complete His favour to you that you may be thankful” (Al-Qur’an, Al-Mā‘idah 5 : 6)

Allah also says in another ayah:

“...Allah intends for you ease, and He does not want to make things difficult for you....” (Al-Qur’an, Al-Baqarah 2 : 185.)

It is observed that, unfortunately, no serious effort has been made to fix the clear objectives of Islamic banking. What can be seen in many literatures are scanty and fragmented discussions about the objectives of Islamic Banks. It has been taken for granted that Islamic Banks are only about avoiding *ribā* (interest). There must be important objectives of Islamic Banking which should be identified. The ideal objectives of Islamic Banking can be developed from the theory of *maqāṣid al-sharī‘ah*. And based on those objectives a model of Islamic Banking performance can successfully be realized.

Conclusion

In the quest for development, the *maqāṣid* or objectives of Islamic law provide important values and principles that the individuals and institutions can interpret and act upon. The translation of such theories into reality could be termed as '*maqāṣid* based development'. *Maqāṣid* based development in Islam refers to a balanced and sustained improvement in material and non-material well-being of man that remains incomplete without high moral standards and values. It plays significant roles in the well-being of man in this world and also in the Hereafter. An adequate knowledge of the objectives of Islamic *sharī'ah* can equip the Muslims with insight and provide them with a theoretical framework in which the practical attempt to pursue the development work for the welfare of the contemporary society can be more meaningful and interesting. Thus the knowledge of the objectives of Islamic law (*maqāṣid*) can be an effective paradigm for development. It is still a necessity to transfuse the concept of *maqāṣid* into contemporary fields of action as development strategies and policies.