

Maqaasidism (المقاصدية “Objectives Ideology”): Is It a Methodology for Creating a New Shariah?

(Translated)

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All praise is due to Allah, and may prayers and peace be upon the Messenger of Allah (saw), his family (ra), his Companions (ra), and all those who follow him. To proceed:

Many of those who today seek to free themselves from the detailed evidence of the Shariah explicitly set forth in the Book of Allah (swt) and the Sunnah of His Messenger (saw), as well as from the Ijmaa' and Qiyas to which the Quran and Sunnah direct, wish to devise new legislation. Indeed, they seek to borrow laws from those who formulate man-made legislation—particularly the laws of the West—and then cloak them in Islamic garb. To accomplish this, they have falsely and deceitfully invoked the banner of “the Objectives of Shariah (مقاصد الشريعة Maqaasid Ash-Shariah),” claiming that they formulate their rulings in accordance with the objectives of the Shariah and that, consequently, these rulings are themselves Shariah rulings. Anyone who follows and observes this trend will find that most of those who have become known in our time for deviant fatwas. for distorting the Shariah Law of Allah (swt) and for accepting man-made legislation and laws, are among those who have raised the banner of “the Objectives of Shariah” and made it their point of entry, thereby committing a blatant fabrication against the objectives of the Shariah. Hence, it is important to examine the Objectives of Shariah in terms of their substance, historical development, and function.

The Ulema of the Ummah Agree That the Shariah Was Legislated for the Interest (مصلحة Muslahah) of the Servant

The ulema agree that the Islamic Shariah was revealed to secure the interests (مصالح masaalih) of the servants. There is no disagreement among Muslims that when the Islamic Shariah is properly understood, firmly adhered to, and correctly implemented, it ultimately secures the interests of the servants in this world, in addition to success in the Hereafter for those who follow the Shariah Law of Allah (swt).

Allah (swt) says, ﴿وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ﴾ **“We have not sent you except as a mercy to all creation.”** [TMQ Surah Al-Anbiyaa': 107]. The meaning of mercy cannot be complete unless this Shariah serves the interest of the servant in the life of this world. Allah (swt) also says: ﴿وَنُنَزِّلُ مِنَ الْقُرْآنِ مَا هُوَ شِفَاءٌ وَرَحْمَةٌ لِّلْمُؤْمِنِينَ وَلَا يَزِيدُ الظَّالِمِينَ إِلَّا خَسَارًا﴾ **“We send down from the Quran that which is healing and mercy for the believers, but it only increases the wrongdoers in loss.”** [TMQ Surah Al-Israa': 82]. These and many other Quranic verses and mutually reinforcing hadiths transmitted from the Messenger of Allah (saw) confirm that adhering to and implementing the Shariah Law of Allah (swt) serves the interests of the servants in both this world and the Hereafter. Conversely, whoever turns away from the Shariah Law of Allah and adopts something else will ultimately meet misery and wretchedness. Allah (swt) says, ﴿وَمَنْ أَعْرَضَ عَن ذِكْرِي فَإِنَّ لَهُ مَعِيشَةً ضَنْكًا وَنَحْشُرُهُ يَوْمَ الْقِيَمَةِ أَعْمَى﴾ **“Whoever turns away from My remembrance will have a life of hardship, and We will raise him blind on the Day of Resurrection.”** [TMQ Surah Taha: 124].

The Methodology of the Early Generations in Deducing Shariah Rulings

The earliest generations of Muslims—the Companions (ra), followed by the Successors (Taabi'oon) and then the Successors of the Successors (Taabi'oo Taabi'een)—were certain that if they adhered to the Shariah Law of Allah (swt), it would be a mercy to them in this world, in addition to bringing them success in the Hereafter. Nevertheless, when we return to

the early generations at the beginning of Islam—from the first century through the second and third, and even into the fourth and fifth—we find that the ulema, particularly the qualified Shariah jurists (fuqahaa') who undertook the task of clarifying the rulings of the Shariah so that people could act upon them and implement them in their lives, did not devote their attention to identifying, enumerating, investigating, analyzing, arranging, or classifying these interests despite their conviction that the Shariah had been revealed for the interests of the servants. Their attention was instead directed toward identifying the sources of legislation. They agreed that the Quran and the Sunnah were the two sources of legislation. The majority also agreed that the Unanimous Consensus (Ijmaa') of the Companions (ra) constituted evidence for Shariah rulings—not because the Companions (ra) were themselves legislators but because their Unanimous Consensus disclosed a Shariah evidence from the Sunnah of the Messenger of Allah (saw) that had otherwise remained hidden from us. The majority likewise agreed on the validity of Qiyas (Shariah analogy). This analogy is not evidence that rivals the Quran and Sunnah. Instead, it also expresses the revelation contained in the Book of Allah (swt) and the Sunnah of His Prophet (saw). Qiyas is not rational analogy based on human reason. It is a Shariah-based analogy centered on an effective Shariah reason (علة 'illah) established by the revealed evidence found in the Quran, the Sunnah and the Unanimous Consensus of the Companions (ra). Consequently, relying on the Ijmaa' of the Companions and on Qiyas ultimately amounts to relying on the Quran and the Sunnah. The Quran and Sunnah therefore remain the fundamental and exclusive sources of legislation. Even if we were to say that the evidences of legislation are the Quran, the Sunnah, the Ijmaa' of the Companions, and Qiyas, and even if we were to add the other legislative evidences over which the ulema differed, all the ulema who accepted those additional evidences ultimately traced them back to the Book of Allah and the Sunnah of His Prophet (saw). This applies to those who accepted istislah (استصلاح juristic consideration of recognized interests), istihsan (استحسان juristic preference), "the Shariah of the previous Prophets where no abrogating text exists in our Shariah" (شرع من قبلنا ما لم يرد له ناسخ في شريعتنا), the Ijmaa' of the People of Madinah, or istishab (استصحاب the presumption of continuity), and so forth. If we examine closely the forms of evidence accepted by various groups of scholars, despite their differences, we find that they all ultimately derive, in one way or another, from the Quran and the Sunnah. Their concern was therefore focused on examining the revealed legal evidence and identifying the rules through which Shariah rulings could be derived from the Book of Allah (swt), the Sunnah of His Messenger (saw), and the evidences to which they directed. What mattered to them was deriving these rulings so that they could be acted upon and so that an Islamic way of life could be established through them.

The Objectives Are Realized as a Consequence, Not Through Prior Intent

When we examine the major Islamic schools of jurisprudence that emerged between the second and third centuries AH, the most prominent of which remain authoritative to this day, we find that, during their initial formation and for nearly three centuries thereafter, they gave no attention whatsoever to anything called the Objectives of Shariah. They neither analyzed nor classified them, nor did they make them a distinct subject of consideration. In practice, however, when these jurists skillfully derived Shariah rulings from the Quran and the Sunnah, and Muslims adhered to those Shariah rulings in their lives and relationships, their tremendous scholarly effort gave rise to an Islamic way of life. As a result, the Objectives of Shariah were realized within Islamic society whether people were aware of them or not, whether they consciously intended them or not, and whether they monitored their realization or not. By simply applying the rulings of the Shariah Law of Allah (swt), conducting their affairs according to them, and shaping their lives through them, Muslims realized the Objectives of the Islamic Shariah among themselves. This is because those objectives arise from adherence to the Shariah Law of Allah (swt).

What we have stated constitutes evidence that the Objectives of Shariah are not sources of Shariah rulings, nor are they the foundations or proofs upon which such rulings are based. Instead, the evidences of Shariah rulings are the detailed textual evidences found in the Book of Allah (swt) and the Sunnah of His Messenger (saw). The pure spring from which

those Shariah rulings flowed is none other than the Quran and the Sunnah. For this reason, Allah (swt) called the Islamic law a Shariah, **لَا تَتَّبِعْ أَهْوَاءَ الَّذِينَ لَا يَعْلَمُونَ** “Then We placed you upon a clear way of the command, so follow it and do not follow the desires of those who do not know.” [TMQ Surah Al-Jaathiyah: 18].

In its original linguistic sense, Shariah refers to something open and extending onward. It is also used for a watering place to which people come to drink. From this usage arose the terms shir‘ah (شِرْعَة) and Shariah (شَرِيعَة) in relation to religion. Among the Arabs, water was not called a Shariah unless it was flowing and uninterrupted. The word Shariah is also used to mean a straight path. Accordingly, in its original sense, the Shariah is a source of water for drinking and use, while Ash-Shar‘a (الشَّرْع) is the path leading to it. Ibn al-A‘rabi and al-Azhari stated that shara‘a means to make something manifest, clear, and evident. Al-Tabari, al-Qurtubi, and Ibn Kathir stated that, linguistically, the Shariah is the great and broad path. Thus, whoever establishes a matter, clarifies it, and makes it evident has legislated it.

It is important to recognize that the highest level of juristic production—the magnificent edifice of Islamic legislation—was achieved between the second and third centuries AH. It continued to grow thereafter with the passage of time because new questions continued to arise and unprecedented cases followed one after another. Qualified Shariah jurists (فقهاء fuqahaa’) therefore derived rulings for these cases or applied previously derived rulings to them when those rulings properly addressed their legal circumstances. Islamic jurisprudence naturally expands as new cases and questions arise that require Shariah rulings. Yet, the breadth of Islamic jurisprudence is one matter, while what is called the “evolution,” “flexibility,” or “change” of fiqh (فقه Islamic jurisprudence) is another. Islamic jurisprudence is broad by its very nature, but it does not change or evolve in the manner of human-made legislation, as many of those who intrude upon the field of jurisprudence today claim. The first, greatest, most impressive, and exemplary edifice of Islamic jurisprudence therefore remains the fiqh developed by the founders of the major schools of fiqh (مذاهب madhaahib), such as al-Shafi‘i, Malik, Abu Hanifah, and others whose schools were not transmitted to us in complete form, including al-Awza‘i, al-Thawri, and many other ulema of that era. Those who later expanded Islamic jurisprudence and its Usool in subsequent centuries followed their methodology. It was during the time of these ulema that the magnificent and towering structure of Islamic jurisprudence and usul al-fiqh was established. Yet, that structure contained no chapter whatsoever devoted to the Objectives of Shariah. No one should understand from this statement that the author approves of the grave error of closing the gate of ijtihad, which many jurists of the established schools later adopted.

The Emergence and Development of the Study of Maqasid

Centuries passed before the term Objectives of Shariah (مقاصد الشريعة Maqasid Ash-Shariah) appeared in works of usul al-fiqh. It first emerged in the fifth century AH through Imam al-Haramayn Abu al-Ma‘ali Al-Juwayni (rh). His most significant treatment of the subject appeared in his book al-Burhan fi Usul al-Fiqh (البرهان في أصول الفقه The Clear Evidence in Foundations of Jurisprudence). Al-Juwayni was therefore the first to open this chapter of study. His student Abu Hamid al-Ghazali, may Allah have mercy on him, then developed, elaborated, and organized the subject further. Those who came after them and belonged to the same school of legal theory followed this approach. That school became known as the methodology of the Mutakallimīn in usul al-fiqh. Nevertheless, the addition of this new chapter produced no significant change in the methodology of usul al-fiqh established by Imam al-Shafi‘i, may Allah have mercy on him. By introducing a chapter on the Objectives of Shariah, Imam al-Haramayn al-Juwayni, Abu Hamid al-Ghazali, and those who followed their approach did not alter the methodology of usul al-fiqh in any way. The inclusion of the study of the Objectives of Shariah brought about no substantial modification to that methodology.

Clarifying the Objectives, their Classifications, and the Five Essential Necessities

What was examined under the heading of the Objectives of Shariah?

The ulema stated that the Shariah was revealed to secure the welfare of the people in this world and the Hereafter. As for the interests it came to secure in this world, they divided them into three levels according to their importance. At the highest level are the Essential Interests (المصالح الضرورية Al-Masaalih Ad-Darooriyah), followed by the Necessitated Interests (المصالح الحاجية Al-Masaalih Ad-Darooriyah) and then the Complementary Interests (المصالح التحسينية Al-Masaalih At-Tahsaniyah). After establishing this classification, they proceeded to identify the Essential Interests. They stated that a comprehensive examination of the rulings of the Shariah demonstrates that, through their combined operation, these rulings ultimately secure five essential interests: preservation of the Deen, preservation of life, preservation of lineage, preservation of property, and preservation of the intellect. They therefore concluded that the Shariah rulings, taken collectively, secure these five essential necessities. Some rulings occupy the level of necessity in realizing these objectives, while others occupy the level of needs, and still others the level of complementary refinements. The latter two categories also contribute to realizing the five objectives, though not at the level of absolute necessity.

Naturally, they reached these conclusions through a comprehensive examination of the Shariah, not by relying on specific revealed legal evidence. In other words, the evidence from the Book of Allah (swt) and the Sunnah of His Messenger (saw) did not directly enumerate and identify these five objectives. Instead, through an examination of the Shariah as a whole, the scholars found that it ultimately secured these objectives. It is also noteworthy that punishments—whether prescribed legal punishments or legal retaliation—were legislated for the protection of these five essential objectives, indicating their immense importance and gravity. To preserve the intellect, the Hudood punishment of flogging was legislated for one who drinks intoxicants. To preserve the Deen, the Hudood punishment for apostasy was legislated. To preserve lineage, the Hudood punishment for Zina was legislated. To preserve property, the Hudood punishment for flagrant theft (سرقة sirqah) was legislated. To preserve life, Shariah retaliation (قصاص Qisas)—life for life—was legislated. They therefore regarded these punishments as further indications that these five matters are among the essential objectives of the Shariah.

Disagreement over Limiting the Necessities to Five

The restriction of the essential necessities to five was neither conclusively settled nor unanimously accepted by all ulema. Some ulema added a sixth necessity to the five already mentioned: preservation of honor, meaning human dignity. This was the position adopted by Imam Ibn al-Subki, who stated in Jama' al-Jawami'a (جمع الجوامع) that, (والضروري: كحفظ الدين، (The essential includes such matters as preservation of the Deen, followed by life, the intellect, lineage, property, and honor." Imam al-Shawkani defended this addition in Irshad al-Fuhul (إرشاد الفحول), stating, (الضروري: وهو المتضمن لحفظ مقصود من المقاصد الخمسة التي لم تختلف فيها الشرائع، بل هي مطبقة على حفظها، وهي خمسة، أحدها: حفظ النفس.. ثانيها: حفظ المال.. ثالثها: حفظ النسل.. رابعها: حفظ الدين.. خامسها: حفظ العقل..، وقد زاد بعض المتأخرين سادساً، وهو حفظ الأعراض، فإن عادة العقلاء بذل نفوسهم وأموالهم دون أعراضهم، وما فُدي بالضروري فهو بالضروري أولى، وقد شرع في الجناية عليه بالقذف الحد، وهو أحق بالحفظ من غيره، فإن الإنسان قد يتجاوز عمن جنى على نفسه أو ماله، ولا يكاد أحد يتجاوز عمن جنى على عرضه. "The essential is that which entails preserving one of the five objectives over which the revealed laws have not differed, but have unanimously sought to preserve. They are five: first, preservation of life; second, preservation of property; third, preservation of lineage; fourth, preservation of the religion; and fifth, preservation of the intellect. Some later ulema added a sixth: preservation of honor. It is customary for rational people to sacrifice their lives and property in defense of their honor. That for which necessities are sacrificed is itself even more deserving of being regarded as a necessity. A prescribed punishment has been legislated for violating it through false accusations. Honor is more deserving of preservation than other things, for a person may pardon someone who has harmed his body or property, but hardly anyone pardons one who has violated his honor. Hence the poet said, 'يَهُونُ عَلَيْنَا أَنْ تُصَابَ جُسُومُنَا وَتَسْلَمَ أَعْرَاضُ لَنَا وَعُقُولُ' 'It matters little to us that our bodies should be harmed, and our minds remain unharmed.'

Some ulema also held that preservation of security could be added to these objectives, which constitutes the highest aims for safeguarding the Islamic society. For this purpose, Allah (swt) legislated the Hudood punishment for hirabah—armed banditry and highway robbery—as evidenced by His statement, **﴿إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خَلْفٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ﴾** **“The recompense of those who wage war against Allah and His Messenger and strive to spread corruption throughout the land is that they be executed, crucified, have their hands and feet cut off on opposite sides, or be banished from the land.”** [TMQ Surah Al-Maa'idah: 33]. Preservation of the state may likewise be regarded as an objective in its own right within Islam. Rulings were legislated for its existence, preservation, and unity, some of which require measures concerning life and death. The Messenger of Allah (saw) said, **«إِذَا بُويعَ لَخَلِيفَتَيْنِ فَاقْتُلُوا الْآخَرَ مِنْهُمَا»** **“If Bayah (allegiance) is pledged to two Khaleefahs at one time, then put the latter of the two to death.”** He (saw) also said, **«مَنْ أَتَاكُمْ وَأَمَرَكُمْ جَمِيعٌ عَلَى رَجُلٍ وَاحِدٍ، يُرِيدُ أَنْ يَشُقَّ عَصَاكُمْ أَوْ يُفَرِّقَ»** **“Whoever comes to you while you are united under one man, seeking to break your unity or divide your community, put him to death.”** And he (saw) said, **«مَنْ بَايَعَ إِمَامًا فَأَعْطَاهُ صَفْقَةَ يَدِهِ وَثَمَرَةَ قَلْبِهِ، فَلْيُطِغْهُ مَا اسْتَطَاعَ، فَإِنْ جَاءَ آخَرُ يُتَارِغُهُ فَاضْرِبُوا عُنُقَ الْآخَرِ»** **“Whoever pledges allegiance to an imam, giving him the clasp of his hand and the sincerity of his heart, must obey him to the extent of his ability. If another comes to challenge his authority, strike the neck of the latter.”**

Imam Taqi al-Din al-Nabhani (ra) states in the third volume of his book al-Shakhsiyyah al-Islamiyyah (The Islamic Personality Vol 3), which he devoted to usul al-fiqh, (المقاصد الخمسة) التي يقولون إنها لم تخل من رعايتها ملة من الممل، ولا شريعة من الشرائع وهي حفظ الدين، والنفس، والعقل، والنسل، والمال، ليست كل ما هو ضروري للمجتمع من حيث هو مجتمع، فإن حفظ الدولة وحفظ الأمن وحفظ الكرامة الإنسانية هي أيضًا من The five objectives which they say no community of Deen or revealed Shariah Law has failed to preserve—namely, preservation of the Deen, life, the intellect, lineage, and property—do not encompass everything essential to society as a society. Preservation of the state, preservation of security, and preservation of human dignity are also among the necessities of society. In reality, therefore, the necessities are not five, but eight.”

In any event, whether these essential objectives number five, six, or eight, the issue does not lie in counting them. There is agreement that the Shariah was revealed to secure human interests, regardless of how these interests are classified.

Approximately three centuries after the time of al-Juwayni and al-Ghazali, an alim would expand the discussion of the Objectives of Shariah and assign them a major role within usul al-fiqh. This was Imam Abu Ishaq al-Shatibi (rh), who died in 790 AH. He devoted the second volume of his book al-Muwafaqat to the subject of the objectives and gave them an exceptionally broad role within legal theory. Yet, however extensively Imam al-Shatibi and many later ulema throughout Islamic history treated the subject within usul al-fiqh, their expansion of it never led to what many contemporary “Maqasidists” have reached today: diverting the study of the Objectives of Shariah so that it becomes an additional source of Shariah rulings in place of the detailed evidence from the Book of Allah (swt) and the Sunnah of His Messenger (saw). In other words, they seek to set the Quran and Sunnah aside and install the Objectives of Shariah in their place as a source of legislation.

The Contemporary Maqasidist Deviation

A group of contemporary thinkers who have followed the path of distorting the Shariah—indeed, replacing it after stripping it of its substance—have relied on the claim that, since the Shariah was revealed to realize those objectives, we may now adopt a new methodology to replace the traditional science of usul al-fiqh followed by Muslim ulema for hundreds of years. Rather than closely examining the detailed evidence contained in Quranic verses and Prophetic hadiths in order to deduce Shariah rulings from them, weighing one piece of evidence against another, and studying the generality (عموم umoom) and the specification (مخصوص khusoos), the absolute (مطلق mutlaq) and the restricted (مقيّد muqayyid), the abrogating (ناسخ naasikh) and the abrogated (منسوخ mansookh), the summarised (مجل)

mujmal) and clarification (مبين mubayyin), the understood implication of the text, its evidencing, and so forth, they claim that we may dispense with all of this and instead adopt the Objectives of Shariah as foundations upon which a new body of jurisprudence may be built. This is the most dangerous aspect of the matter. In our time, this reliance on what is called the maqasid-based methodology has led to fatwas unsupported by any Shariah revealed by Allah (swt). Through it, many man-made laws legislated by the lawmakers of disbelieving nations have been justified. The division of the Muslim World into separate territorial nation-states has been justified. The public freedoms characteristic of Western life has been justified. Adoption of the international order and the laws of the United Nations, as well as Muslim participation in them, has been justified. Many sins and grave transgressions have been defended on the pretext that they ultimately realize the Objectives of the Islamic Shariah. Such positions have been issued by people who raised the banner of the maqasid-based methodology, maqasid-oriented thinking, and similar labels.

Clarifying the Terms Effective Legal Cause, Objective, and Wisdom

Some researchers in usul al-fiqh fall into a confusion that requires us to return to the precise clarification of several concepts and terms. The fact that the Shariah objectives are the general purposes and highest ends for which rulings were legislated does not mean in any way that they occupy the position of the effective legal cause with which a ruling applies when present and ceases to apply when absent, nor does it mean that they can serve as evidence from which rulings may be independently derived in the first instance. The difference between the two is immense. Anyone wishing to pursue this subject further and examine its finer details should consult Imam al-Amidi's al-Ihkam fi Usul al-Ahkam (الإحكام في أصول الأحكام), who died in 631 AH. This work, together with comparable foundational texts in the discipline, contains a rigorous explanation of the distinctions among the terms sabab (سبب Shariah cause), 'illah (علة Shariah reason) and hikmah (حكمة revealed wisdom,) the last of which constitutes the objective intended by the All-Wise Lawgiver.

From Universal Objectives to the Specific Objectives

If ulema of usul al-fiqh and maqasid have established that the universal necessities of the Shariah—whether five, six, or eight—are the general objectives of legislation, then these higher objectives can be realized only through the realization of the particular objectives of all individual rulings. These are what ulema call the hikmah, or wisdom, of a ruling. Quranic texts and Prophetic hadiths repeatedly explain the intended wisdoms behind many individual Shariah rulings. Examples include the following:

The prohibition of intoxicants and gambling. Allah (swt) says, ﴿إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقِعَ بَيْنَكُمُ الْعَدُوَّةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ﴾ **“Satan seeks only to sow hostility and hatred among you through intoxicants and gambling.”** [TMQ Surah Al-Maa'idah: 91]. The verse explains the objective and wisdom behind the prohibition: preserving harmony and eliminating the causes of hatred.

The institution of Salah (Shariah prayer). Allah (swt) says, ﴿الصَّلَاةُ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ﴾ **“Indeed, Salah restrains from indecency and wrongdoing.”** [TMQ Surah Al-Ankaboot: 45]. The text thus explains that one of the objectives and purposes of Salah is to restrain people from indecency and wrongdoing.

The obligation of Siyyam (Shariah fasting). Allah (swt) says: ﴿كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ﴾ **“Fasting has been prescribed for you as it was prescribed for those before you, so that you may attain taqwa.”** [TMQ Surah Al-Baqarah: 183]. The verse therefore identifies taqwa as an objective of this act of worship.

If we were to examine many other Shariah rulings, we would find that the All-Wise Lawgiver has drawn attention in numerous places to their wisdoms and purposes. These wisdoms are themselves the objectives of the rulings.

The Distinction between the Shariah Reason (العلة ‘illah) and the Objective (المقصد Maqsad) or “Wisdom”

Relating the particular objectives of individual rulings to the higher universal necessities is an established matter. The error into which many who have engaged in *usul al-fiqh* have fallen, however, lies in conflating the objective—the wisdom behind the legislation—with the ‘illah and treating the two as one and the same, even though they differ fundamentally in several respects.

In the terminology of *usul al-fiqh*, the ‘illah is an evident and precisely defined attribute to which the Shariah ruling is attached, and with whose presence or absence the Shariah ruling correspondingly applies or ceases to apply. It is also the basis upon which Qiyas is constructed. Accordingly, the following must be established:

The ‘illah is not a rational basis for the ruling. Some Shariah rulings are based on ‘illah, while others are not. It is impermissible to contrive an ‘illah for every ruling rationally. ‘Illah is only when Shariah textual evidence from the Quran or Sunnah establishes through a sound process of *istinbat* (استنباط Shariah deduction) in accordance with the recognized methods of identifying ‘illah. Where the Lawgiver has linked a ruling to an ‘illah, the scholars apply the principles of Shariah reasoning (تعليل ta’leel) and Qiyas to it. Where the Lawgiver has not based a ruling on an ‘illah—whether in acts of individual worship or in transactions and social dealings—the Shariah ruling must remain confined to the evidencing of the text, without contriving in ‘illah for it rationally. Such rulings may therefore not be made into original cases upon which other cases are analogically based, whether they belong to the field of worship or to that of transactions.

Regarding the classification of rulings as either ‘illah based (معلّل mu’alil) or textually fixed (توقيفي tawqeefi), it is true that the vast majority of rulings concerning acts of worship are not based on identifiable illah, while most effective ‘illahs are found in rulings of transactions. This does not mean, however, that every Shariah ruling within the field of transactions is ‘illah based. An alim of *usul al-fiqh* is not entitled to regard every individual ruling concerning transactions as ‘illah based merely because it falls within that field. Many Shariah rulings in the *fiqh* (فقه Shariah jurisprudence) of transactions have been transmitted without any ‘illah being established for them. It should also be noted that the division of Shariah rulings into acts of worship, transactions, morals, punishments, and other categories is not a textually fixed (توقيفي tawqeefi) classification established by specific Shariah evidence. Instead, it is a terminological and organizational classification adopted by Shariah jurists (فقهاء fuqaha) and the *usooliyyoon* (أصوليون jurists of foundations of jurisprudence) to facilitate categorization and consultation of Shariah works. It is, of course, a sound and necessary classification that assists juristic analysis. It would be difficult to examine the branches of jurisprudence and deduce rulings for its various questions without observing this conventional arrangement. Nevertheless, this organizational classification does not negate the existence of Shariah rulings that stand between two categories—namely, acts of worship and transactions—and bear similarities to both. Zakat, for example, is classified under acts of worship. Yet, when we consider its consequences and the details of its rulings, we find that it is a fundamental pillar of Islam’s economic and financial system, which lies at the heart of the rulings governing transactions. Similarly, a group of jurists classified the rulings of Jihad in the Path of Allah (swt) under acts of worship. In its essence, however, Jihad is a fundamental component of Shariah governance, the system of government, and the foreign policy of the Islamic state. In this respect, it also falls within the field of transactions and social dealings.

Accordingly, this classification is not textually fixed (توقيفي tawqeefi) in a manner that would entail different methodologies of *istinbaat* (استنباط Shariah deduction). The methodology for deduction of rulings in the Shariah is one, and the Shariah principles (قواعد qawwa'id) governing evidence and the recognized methods of identifying ‘illah apply consistently across all rulings. The matter amounts only to this: inductive analysis (استقراء istiqlaa’) within *usul al-fiqh* has shown that Shariah rulings concerning acts of worship are generally not based on ‘illahs, while most ‘illah-based rulings are found in the field of transactions.

The Profound Difference between the ‘illah and the Shariah Objective (مقصد Maqsad) or “Wisdom”

To clarify the true nature of the ‘illah and prevent its conflation with the objective, it must be explained that, in the terminology of usul al-fiqh, the ‘illah differs completely from the objective.

The ‘illah is the evident and precisely defined attribute associated with a ruling that the Lawgiver has made the basis prompting its legislation and an indication of its applicability. Accordingly, the ruling applies operatively when its ‘illah is present and ceases to apply when that ‘illah is absent. It is established when the cause is established and falls away when the ‘illah is absent. One consequence of establishing an ‘illah is that it becomes an essential component of Qiyas (قياس Shariah reason). Qiyas is the extension of the ruling of an original case addressed by a text to a subsidiary case not addressed by a text, because both share the same ‘illah. The ‘illah is therefore the basis of the Shariah ruling. In other words, the ruling arises from ‘illah and is consequent upon it. It precedes the ruling of the subsidiary case in existence: ‘illah is first present, and the ruling of the subsidiary case then follows from it.

The objective, or wisdom, is the end resulting from the legislation of the Shariah ruling. The ruling is not initially founded upon the objective. Instead, the objective is an effect produced by the ruling and consequent upon it. Thus, while an ‘illah-based ruling arises from its ‘illah, the objective arises from the ruling and follows from it. This is the fundamental distinction between the two in terms of their existence and legal function.

Practical Evidence that Objectives may Fail to Materialize while ‘Illahs Apply Consistently

To clarify this distinction, we present the following Shariah examples.

Regarding Salah, Allah (swt) says, ﴿إِنَّ الصَّلَاةَ تَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ﴾ **“Indeed, Salah restrains from indecency and wrongdoing.”** [TMQ Surah Al-Ankaboot: 45]. This effect—restraining indecency and wrongdoing—is the objective, purpose, and intended outcome of the Shariah ruling. From the perspective of usul al-fiqh, would it be valid to make this objective the ‘illah upon whose presence or absence the obligation of Salah depends? The answer is categorically no. Were it treated as the ‘illah, the obligation to pray Salah would cease to apply to a person whose Salah failed to restrain him from wrongdoing. This is invalid with consensus within the ulema. The objective may therefore fail to materialize in particular cases and for particular individuals. The Shariah ruling, however, remains in force because the command obligating it applies consistently and because the occasion giving rise to the obligation remains present—namely, the commencement of the Salah time and the general address imposing the Shariah obligation.

Regarding Siyyam (صيام Shariah fasting), Allah (swt) says, ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ﴾ **“O you who believe, fasting has been prescribed for you as it was prescribed for those before you, so that you may attain taqwa.”** [TMQ Surah Al-Baqarah: 183]. Taqwa is the objective. It is not, however, possible under any circumstances to make “the attainment of Taqwa” the ‘illah of the obligation to fast, such that the ruling would apply when it is attained and cease to apply when it is absent. This is unanimously established across the schools of Islamic jurisprudence. The obligation to Salah does not fall from one who fails to attain the level of Taqwa through his fasting.

Regarding women’s clothing, Allah (swt) says: ﴿يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلِيبِهِنَّ ذَلِكَ أَدْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ﴾ **“O Prophet, tell your wives, your daughters, and the women of the believers to draw their jilbabs closely over themselves. That is more likely to ensure that they are recognized and not harmed”** [TMQ Surah Al-Ahzab: 59]. The context indicates that the wisdom and objective here is to distinguish free women from slave women in order to protect them. If someone were to claim that this distinction is the

‘illah of the ruling, this would lead to the conclusion that the obligation of the jilbab no longer applies in the present age because slave women no longer exist in contemporary society. This is an invalid position that no Muslim jurist has adopted. Among the conditions of a ‘illah, according to ulema of usul al-fiqh, is that it must be legally operative and consistently applicable. The distinction between a free woman and a slave woman in this case is an objective and wisdom, not an ‘illah upon whose presence or absence the obligation of the jilbab depends.

Regarding the prohibition of intoxicants and gambling, Allah (swt) says, ﴿إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقَعَ بَيْنَكُمْ الْغَدَاةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ﴾ **“Satan seeks only to sow hostility and hatred among you through intoxicants and gambling.”** [TMQ Surah Al-Maa'idah: 91]. The verse explicitly states the wisdom and objective behind the prohibition: preventing hostility and hatred. If someone were to claim that this objective is the ‘illah, he could then say, “I will drink a small amount that does not intoxicate and therefore causes neither hostility nor hatred.” Such a consequence is legally invalid under the Shariah.

By contrast, as an example of a consistently applicable ‘illah, Allah (swt) says, ﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ﴾ **“O you who believe, when the call is made for prayer on Friday, hasten to the remembrance of Allah and leave off trade.”** [TMQ Surah Al-Jumu'ah: 9]. The ‘illah of the prohibition of trade in this case is “being occupied in a manner that prevents the performance of the obligatory Salah.” Since this is a legally valid ‘illah upon whose presence or absence the ruling depends, the prohibition does not apply to those upon whom the Friday prayer is not obligatory, such as women, travelers, and the sick, since the ‘illa is absent in their cases. Because it is a Shariah-based ‘illah, it may also serve as the basis for Qiyas. Thus, every occupation—whether agriculture, manufacturing, commerce, or teaching—is analogically included alongside trade because they share the same ‘illah: distraction from the obligatory Friday prayer at the time of the call.

Refuting the View that “Every Ruling Constitutes an Independent Benefit in Itself”

An objector may say that the Lawgiver’s attachment of rulings to these ‘illah means that He has based them on benefits, and that the ‘illah may therefore be called a benefit. Our response is as follows: if this designation is merely a matter of terminology based on the belief that the Shariah in its entirety constitutes benefit, then there is no dispute over terminology. However, even if we were to accept this terminology—and we do not—it must not be allowed to alter the methodologies of istinbaat and the extraction of rulings within usul al-fiqh. Rigorous application of usool requires that we not treat ‘illahs as vague and undefined benefits. Instead, we treat them as evident and precisely defined meanings that the Lawgiver has recognized as the bases prompting His rulings. They are therefore Shariah evidences derived from the address of the Lawgiver—that is, from the Quran and the Sunnah. The foundation is that a Shariah ruling is (خطابُ الشارع المتعلق بأفعال العباد) “the address of the Lawgiver concerning the actions of human beings.” Adherence must therefore be directed toward the divine address and the revealed text, not toward a term with no clearly defined meaning.

Moreover, the claim that every individual Shariah ruling, considered separately and in isolation, necessarily contains an independent benefit is an arbitrary and deficient assertion unsupported by Shariah evidence. What is conclusively and certainly established is that the Islamic Shariah, in its totality and through the combined operation of its Shariah rulings—each interconnected with the others—ultimately secures human interests in this world and the Hereafter through its comprehensive and integrated application. This does not mean that each of its rulings, taken in isolation, independently produces such a benefit.

Consider the jurisprudence of acts of worship. If each detailed Shariah ruling of Salah—such as bowing, prostration, recitation, and its prescribed forms—were isolated from all the other rulings, its independent benefit would not necessarily be apparent. Yet, when these rulings are combined and integrated, they constitute the act of worship that leads to its intended Shariah objective.

Consider also the economic system. If some of Islam's financial rulings were taken in isolation from the rest of the system, this might result in the loss of an immediate benefit. Yet, through their integration, these rulings construct the intended system that secures human interests.

In our contemporary reality, in which the Islamic economic system is entirely absent, a person who refrains from commercial insurance contracts or avoids interest-based transactions may suffer some individual harm. Nevertheless, he refrains from them as an act of worship and obedience to Allah (swt), in confirmation of the statement of the Messenger of Allah (saw) who said, «يأتي على الناس زمان الصابر فيهم على دينه كالقابض على الجمر» **“A time will come upon the people when the one who remains steadfast in his religion will be like one holding a burning coal.”**

Conclusion

In light of the foregoing, the claim that every Shariah ruling constitutes a benefit in and of itself, and the construction Shariah rulings and 'illah upon abstract benefit and objective, constitute a departure from the sound methodology of *usul al-fiqh* in understanding and applying Islam.

The authentic and properly grounded methodology is to adhere to the Shariah rulings as a binding divine address governing human actions. People are commanded to comply with that address and to conduct their affairs, their lives, and their transactional relationships in accordance with its commands and prohibitions.

When the Ummah consistently and comprehensively adheres to this divine address, the resulting implementation will inevitably—under the guarantee of the All-Wise Lawgiver—realize the Objectives of Shariah and secure human welfare.

A servant of Allah (swt) is neither obligated nor authorized to search for humanly devised means of realizing the objectives apart from the path of the revealed texts. If human beings were capable of securing their interests and necessities through reason alone, without the mediation of the Shariah, there would have been no need to send Messengers (saw), reveal divine Shariah laws, or provide detailed evidence leading to practical Shariah rulings.

The foundational aspect of Islam is adherence to the Shariah: following the transmitted revelation and the evidence, seeking the intention of the Lawgiver through the linguistic and Shariah principles governing His Address in the Quran and the Sunnah, and implementing that address in practice. This compliance is what guarantees that human interests will follow as a consequence—just as was established and realized during the earliest centuries of the Ummah's history, when life was properly ordered and lands were opened through the detailed implementation of the Shariah rulings before the discussions of the “Objectives of Shariah” were ever formally compiled.