



Maqāṣid al-Sharī'ah and the Modern Muslim World: Revisiting the Framework for Legal and Ethical Guidance

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Abstract

This study explores the dynamic application of Maqāṣid al-Sharī'ah (objectives of Islamic law) in addressing the multifaceted challenges of the modern world. While classical jurists articulated these objectives within the framework of al-ḍarūriyyāt al-khamsah the five essentials: religion (dīn), life (nafs), intellect ('aql), lineage (nasl), and property (māl) contemporary realities demand a broader, more responsive understanding. Drawing upon the contributions of Muhammad Naguib al-Siddiqi and other modern scholars, the paper argues for the recognition of additional objectives such as human dignity, fundamental freedoms, social justice, poverty alleviation, environmental protection, and global peace. Through critical engagement with classical sources and modern challenges, this article proposes an evolved framework for Maqāṣid al-Sharī'ah, emphasizing its role in guiding ethical governance, socio-economic development, and intercultural cooperation in a globalized world.

Keywords: sunnah, globalized world, Qur'an, Maqāṣid al-Sharī'ah (objectives of Islamic law), jurisprudence

Introduction

Islam as a Natural Religion and the Role of Reason and Revelation

Islam is a religion of nature (dīn al-fiṭrah - دين الفطرة); none of its commands are harmful to human intellect or body. However, it is important to note that Allah (ﷻ) has not left man entirely to his own devices, such that he may determine the complete framework of life based solely on his intellect ('aql - عقل). Rather, revelation (waḥy - وحي) has been given primacy for this purpose. Yet, this does not mean that the use of reason has been prohibited. On the contrary, the Qur'an (القرآن) repeatedly invites mankind to reflect (tafakkur - تفكر) and ponder ('aql - عقل), so that through reason, man may comprehend the beauty and wisdom of revelation, and thus, follow the commands of Allah (ﷻ) with full conviction and contentment of heart.

Every command of Allah contains divine wisdom (ḥikmah - حكمة). Sometimes, this wisdom is apparent to the human mind, and at other times, it remains beyond comprehension. The scholars of Uṣūl al-Fiqh (أصول الفقه) have discussed these matters in both general and detailed manners in their writings. For instance:

- 'Izz ad-Dīn 'Abd as-Salām in *Qawā'id al-Aḥkām fī Maṣāliḥ al-Anām* (قواعد الأحكام في مصالح الأنعام),
- Shaykh Muḥammad Ṭāhir ibn 'Āshūr in *Maqāṣid ash-Sharī'ah al-Islāmiyyah* (مقاصد الشريعة الإسلامية),

- Dr. Muḥammad Sa'īd al-Būṭī in *Ḍawābiṭ fī ash-Sharī'ah al-Islāmiyyah* (ضوابط في الشريعة الإسلامية),
- Shaykh Muḥammad Abū Zahrah in *Falsafat al-'Uqūbah fī al-Fiqh al-Islāmī* (فلسفة العقوبة في الفقه الإسلامي),
- Muḥammad Muṣṭafā ash-Shalabī in *Ta'līl al-Aḥkām* (تعليل الأحكام),
- Shaykh Muḥammad Anīs 'Ubādah in *Maqāṣid ash-Sharī'ah al-Islāmiyyah* (مقاصد الشريعة الإسلامية),
- 'Allāl al-Fāsī in *Maqāṣid ash-Sharī'ah wa Makārimuhā* (مقاصد الشريعة ومكارمها),
- Imām al-Ghazālī in *Iḥyā' 'Ulūm ad-Dīn* (إحياء علوم الدين),
- Ibn al-Qayyim al-Jawziyyah in *I'lām al-Muwaqqi'īn* (إعلام الموقعين),
- Ṣubḥī Maḥmaṣānī in *Falsafat at-Tashrī' fī al-Islām* (فلسفة التشريع في الإسلام),
- Muṣṭafā Zayd in *al-Maṣlaḥah fī at-Tashrī' al-Islāmī* (المصلحة في التشريع الإسلامي),
- Abū al-Qāsim Rāghib al-Ḥusaynī al-Aṣfahānī in *adh-Dharī'ah ilā Makārim ash-Sharī'ah* (الدريعة إلى مكارم الشريعة),
- 'Afīf 'Abd al-Fattāḥ Ṭabārah in *Rūḥ ad-Dīn al-Islāmī* (روح الدين الإسلامي)

have all engaged in significant discussions on these themes.¹

According to Muḥammad Najātullāh Ṣiddīqī, the term *Maqāṣid ash-Sharī'ah* (مقاصد الشريعة) was first coined by Imām al-Ḥaramayn al-Juwaynī. In his seminal work on Uṣūl al-Fiqh, *al-Burhān* (البرهان), he used expressions such as *maqṣad* (مقصد), *maqāṣid* (مقاصد), and *qaṣd* (قصد) to explain the underlying objectives of Islamic law.² Imām ash-Shāṭibī and the Comprehensive Understanding of Maqāṣid al-Sharī'ah Imām ash-Shāṭibī (رحمه الله) elaborated extensively on the objectives of Islamic law (Maqāṣid al-Sharī'ah – مقاصد الشريعة) in his renowned work *al-Muwāfaqāt* (الموافقات).³

He states:

The first and foremost principle that must be understood is that the ultimate goal of all Divine laws (Sharā'i' / شرائع) is to secure the welfare (maṣāliḥ / مصالح) of human beings, whether worldly or related to the Hereafter.

This is affirmed by the saying of Allah (ﷻ):

"رُسُلًا مُبَشِّرِينَ وَمُنْذِرِينَ لِئَلَّا يَكُونَ لِلنَّاسِ عَلَى اللَّهِ حُجَّةٌ بَعْدَ الرُّسُلِ"

We sent messengers as bringers of glad tidings and as warmers, so that mankind may have no argument against Allah after the messengers."

And in another verse:

"وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ"

"And We have not sent you [O Prophet] except as a mercy to all the worlds." (Sūrat al-Anbiyā' 21:107)

As for the purpose of creation, Allah (ﷻ) says:

"وَهُوَ الَّذِي خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ فِي سِتَّةِ أَيَّامٍ وَكَانَ عَرْشُهُ عَلَى الْمَاءِ لِيَبْلُوَكُمْ أَيُّكُمْ أَحْسَنُ" "عَمَلًا"

¹ Aṭīyyah, Jamāl al-Dīn. The General Concept of Islamic Sharī'ah (Trans. Mawlānā Ḥabīb al-Raḥmān), p. 123, Islamabad: International Islamic University, 2002.

² Ṣiddīqī, Najātullāh. Maqāṣid al-Sharī'ah, p. 3, Islamabad: Islamic Research Institute, 2009.

³ Al-Shāṭibī, Ibrāhīm ibn Mūsā al-Lakhmī al-Gharnāṭī. *Al-Muwāfaqāt*, vol. 2, p. 13, Cairo: Dār Ibn 'Affān, 1997.

⁴ (Sūrat an-Nisā' 4:165)

⁵ Al-Anbiyā': 107

⁶ Hūd: 7

"And He is the One who created the heavens and the earth in six days, and His Throne was upon the water, that He might test you as to which of you is best in deed." (Sūrat Hūd 11:7)

And also:

"وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ" ⁷

And I did not create the jinn and mankind except to worship Me." (Sūrat adh-Dhāriyāt 51:56)

"الَّذِي خَلَقَ الْمَوْتَ وَالْحَيَاةَ لِيَبْلُوَكُمْ أَيُّكُمْ أَحْسَنُ عَمَلًا" ⁸

"He who created death and life to test you as to which of you is best in deed." (Sūrat al-Mulk 67:2)

Similarly, the wisdom behind specific legal rulings (ahkām shar'īyah / أحكام شرعية) is clearly explained in various verses of the Qur'an.

Regarding wuḍū' (وضوء) (ablution):

"مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ وَلِيُنِمْذِرَكُمْ لَعَلَّكُمْ تَشْكُرُونَ" ⁹

"Allah does not intend to make difficulty for you, but He intends to purify you and complete His favor upon you that you may be grateful." (Sūrat al-Mā'idah 5:6)

About ṣawm (صوم) (fasting):

"يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ" ¹⁰

"O you who believe! Fasting is prescribed for you as it was prescribed for those before you, that you may attain taqwā." (Sūrat al-Baqarah 2:183)

Regarding ṣalāh (صلاة) (prayer):

"إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ" ¹¹

"Indeed, prayer restrains from indecency and wrongdoing." (Sūrat al-'Ankabūt 29:45)

On the qiblah (قبلة):

"وَلَوْلَا يَكُونُ لِلنَّاسِ عَلَيْكُمْ حُجَّةٌ" ¹²

"So that people will have no argument against you."

On jihād (جهاد):

"أُذِنَ لِلَّذِينَ يُقَاتِلُونَ بِأَنَّهُمْ ظَلِمُوا" ¹³

"Permission [to fight] has been given to those who are being fought, because they were wronged And about qīṣāṣ (قصاص) (retaliation):

"وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ" ¹⁴

"And there is for you in retribution(qīṣāṣ) life, O people of reason."

Through istiqrā' (استقراء) inductive reasoning – scholars have concluded that every command of Allah ﷻ holds a wisdom (ḥikmah), even if not explicitly mentioned¹⁵. When such wisdom is not clearly

stated, it can often be inferred through qiyās (قياس) (analogy) and ijtihād (اجتهاد) (independent reasoning). Upon reflecting on the objectives of Islamic rulings, they can be broadly categorized into three types:

1. Ḍarūriyyāt (ضروريات) Essentials: These are the fundamental interests upon which both religious and worldly well-being depend. If neglected, disorder and chaos prevail in life, and one risks ruin in both worlds¹⁶.

2. Ḥājiyyāt (حاجيات) Needs: These are considerations that alleviate hardship and difficulty in religion, such as the concession for a sick or traveling person to break their fast, or for a traveler to shorten their prayer. In transactions, the permissibility of bay'al-salam falls under this category.¹⁷

3. Taḥsīniyyāt (تحسينيات) Embellishments: These involve matters that refine and elevate habits, promoting cleanliness and moral conduct. Examples include maintaining purity in prayer, adorning one's dress and residence, and avoiding distasteful transactions like selling impure water.¹⁸

Preservation of Religion as a Fundamental Necessity

As for the ḍarūriyyāt (essential objectives) of the Sharī'ah, scholars have identified five primary categories:

1. Ḥifẓ al-Dīn (Preservation of Religion)
2. Ḥifẓ al-Nafs (Preservation of Life)
3. Ḥifẓ al-'Aql (Preservation of Intellect)
4. Ḥifẓ al-Nasl (Preservation of Lineage)
5. Ḥifẓ al-Māl (Preservation of Wealth)

Any principle that contributes to these objectives is considered a maṣlaḥah (benefit), and any harm to these goals results in fasād (corruption), which the Sharī'ah seeks to eliminate. ¹⁹

1. Preservation of Religion Ḥifẓ al-Dīn

The Qur'anic texts make it abundantly clear that preserving religion should be the most fundamental concern of humanity. This is because Allah ﷻ created mankind for the sole purpose of worship:

"وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ" ²⁰

"And I did not create the jinn and mankind except to worship me."

Worship is not confined to a set of rituals; rather, in Islam, worship encompasses every aspect of life. In other words, if a person lives in accordance with the commandments of Islam, their entire life is considered an act of worship. The Qur'an declares:

"إِنَّ الدِّينَ عِنْدَ اللَّهِ الْإِسْلَامُ" ²¹

"Indeed, the religion in the sight of Allah is Islam."

Also:

"وَمَنْ يَبْتَغِ غَيْرَ الْإِسْلَامِ دِينًا فَلَنْ يُقْبَلَ مِنْهُ وَهُوَ فِي الْآخِرَةِ مِنَ الْخَاسِرِينَ" ²²

⁷ Al-Dhāriyāt: 56

⁸ Al-Mulk: 2

⁹ Al-Mā'idah: 6

¹⁰ Al-Baqarah: 183

¹¹ Al-'Ankabūt: 45

¹² Al-Baqarah: 150

¹³ (Sūrat al-Baqarah 2:150)

¹⁴ ." (Sūrat al-Hajj 22:39)

¹⁵ Al-Shāṭibī, Al-Muwāfaqāt, vol. 2, p. 13

¹⁶ ibid.

¹⁷ Ibid., vol. 2, p. 21

¹⁸ Ibid.

¹⁹ The General Concept of Islamic Sharī'ah, p. 125

²⁰ (Surah al-Dhāriyāt 51:56)

²¹ (Surah Āl 'Imrān 3:19)

²² Ibid.: 85

"And spend in the cause of Allah and do not throw yourselves into destruction with your own hands. And do good; indeed, Allah loves the doers of good."

One interpretation of this verse is:

"وَقِيلَ: أَرَادَ بِهِ قَتْلَ الْمُسْلِمِ نَفْسًا"³⁷

"It is said that this verse refers to a Muslim intending to kill himself."

Muftī Muḥammad Shafī (رحمه الله), in his Tafsīr Ma'ārif al-Qur'ān, writes:

"The outward meaning of the verse clearly prohibits a person from knowingly leading themselves to destruction. There are various interpretations among the scholars regarding what constitutes 'destruction' in this context. Imām al-Jaṣṣāṣ al-Rāzī mentioned that all interpretations may be valid and complementary. Some scholars said: when one launches an attack in war despite knowing that it would be futile and lead to certain death, this too constitutes self-destruction, and is thus impermissible based on this verse."³⁸ The prohibition of suicide is reinforced through several aḥādīth. For example, Abū Hurayrah (رضي الله عنه) narrated that the Prophet ﷺ said:

"Whoever throws himself from a mountain and kills himself will be in the Hellfire, falling therein forever. Whoever drinks poison and kills himself will have the poison in his hand, sipping it in Hell eternally. And whoever kills himself with an iron weapon will carry that weapon in his hand, stabbing his belly with it in Hell forever."³⁹

In another narration:

"Whoever strikes himself with an object and dies, he will continue to strike himself in the Hellfire. Whoever throws himself into a pit, he will continue to fall into the Fire. And whoever strangles himself, he will go on strangling himself in the Fire."⁴⁰

It is thus categorically clear that taking one's own life, as well as unjustly taking the life of another, is ḥarām (forbidden).

However, Islam recognizes exceptions in extraordinary circumstances such as when one's dīn (faith) is under threat. In such cases, sacrificing one's life to protect Islam becomes a noble act. For this reason, jihād has been permitted in the Shari'ah but with strict conditions. It must solely be for the sake of i'lā' kalimat Allāh (elevating the Word of Allah)

Just as acts of worship like prayer and fasting have rules and prerequisites, so too does jihād. If it is not conducted according to its legal conditions, it is not considered an act of worship, but rather fasād fī al-arḍ (corruption in the land).

3. *Hifẓ al-'Aql – Preservation of Intellect*

The intellect ('aql) is among the greatest gifts bestowed by Allah upon mankind. It is through this faculty that man has been honored above other creatures. It is well established that there are three principal sources of acquiring knowledge: the five senses, the intellect, and divine revelation (waḥy). Among these, the five senses operate within a limited scope, the intellect functions in a wider domain, while revelation transcends both in reach and authority.

Importantly, none of the divine commands contradict human reason, even if some transcend it. Hence, the Qur'an frequently encourages contemplation and intellectual engagement.

"Do they not then ponder over the Qur'an, or are there locks upon their hearts?"

"أَفَلَا يَتَدَبَّرُونَ الْقُرْآنَ أَمْ عَلَى قُلُوبٍ أَقْفَالُهَا"⁴¹

"Thus Allah makes clear His revelations to you so that you may use reason."

"كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَعْقِلُونَ"⁴²

"We set forth these parables for mankind, but none will understand them except those of knowledge."

"وَتِلْكَ الْأَمْثَالُ نَضْرِبُهَا لِلنَّاسِ وَمَا يَعْقِلُهَا إِلَّا الْعَالِمُونَ"⁴³

"He grants wisdom to whom He wills, and whoever has been granted wisdom has certainly been given much good. But none will remember except those of understanding."

"يُؤْتِي الْحِكْمَةَ مَنْ يَشَاءُ ۚ وَمَنْ يُؤْتَ الْحِكْمَةَ فَقَدْ أُوتِيَ خَيْرًا كَثِيرًا ۚ وَمَا يَذَّكَّرُ إِلَّا أُولُو الْأَلْبَابِ"⁴⁴

"Has it not become clear to them how many generations we destroyed before them—whom they walk among today? Surely in this are signs for people of reason."

"أَفَلَمْ يَهْدِ لَهُمْ كَمْ أَهْلَكْنَا مِنْ قَبْلِهِمْ مِنَ الْقُرُونِ يَمْشُونَ فِي مَسَاكِينِهِمْ ۚ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّأُولِي النُّعْيِ"⁴⁵

"Is this not an oath sufficient for one of reason?"

"هَلْ فِي ذَلِكَ قَسَمٌ لِّذِي حِجْرٍ"⁴⁶

"Say, O Prophet, 'I only advise you to do one thing: stand up for Allah—whether in pairs or alone—then reflect. There is no madness in your companion. He is only a warner to you before the coming of a severe punishment.'"

"فَلْ إِنَّمَا أُعْطِكُمْ بِوَاحِدَةٍ أَنْ تَقُومُوا لِلَّهِ مِثْلِي مِثْلِي وَفَرَادَىٰ ثُمَّ تَتَفَكَّرُوا ۚ مَا بِصَاحِبِكُمْ مِنْ حِجَّةٍ ۚ إِنَّ هُوَ إِلَّا نَذِيرٌ لِّكُم بَيْنَ يَدَيْ عَذَابٍ شَدِيدٍ"⁴⁷

"Have they not reflected within themselves? Allah created the heavens and the earth and everything in between for a purpose and for an appointed term. Yet many people deny they will meet their Lord."

"أَوَلَمْ يَتَفَكَّرُوا فِي أَنْفُسِهِمْ مَّا خَلَقَ اللَّهُ السَّمَاوَاتِ وَالْأَرْضَ وَمَا بَيْنَهُمَا إِلَّا بِالْحَقِّ وَأَجَلٍ ۚ"⁴⁸

Allah has made accountability (taklīf) contingent upon the presence of sound intellect, and this is a well-established principle in Islamic law: the insane are not morally accountable. If one ponders over the commands of Shari'ah, it becomes evident that each directive carries intrinsic wisdom. Understanding this wisdom and seeking it out aligns with fulfilling the higher objectives of Shari'ah (maqāṣid al-shari'ah).

Imām Shāh Walīullāh al-Dihlawī (رحمه الله), while discussing the benefits of understanding the divine wisdom behind the law, writes:

³⁷ 'Abd Allāh ibn Aḥmad al-Zayd, Mukhtaṣar Tafsīr al-Baghawī, vol. 1, p. 176, Riyadh: Dār al-Salām, 1416 AH.

³⁸ . Muftī Muḥammad Shafī, Ma'ārif al-Qur'ān, vol. 1, p. 474, Karachi: Dār al-Ma'ārif, 1992.

³⁹ Al-Bukhārī, Kitāb al-Ṭibb, Bāb Shurb al-Summ wa al-Dawā' bihi.

⁴⁰ Aḥmad ibn Ḥanbal, Musnad, vol. 15, p. 380, Beirut: Mu'assasat al-Risālah, 2001.

⁴¹ (Muḥammad 47:24)

⁴² (al-Baqarah 2:242)

⁴³ (al-Ankabūt 29:43)

⁴⁴ (al-Baqarah 2:269)

⁴⁵ (Tā Hā 20:128)

⁴⁶ (al-Fajr 89:5)

⁴⁷ (Saba' 34:46)

⁴⁸ (al-Rūm 30:8)

"The knowledge of the secrets of religion and the divine wisdom (ḥikmah shar'īyyah) is, by Allah, more deserving of one's pursuit and time than any other science. After fulfilling the essential acts of worship, one should strive to acquire this knowledge as a provision for the Hereafter.

1- Through it, a person becomes insightful in Shari'ah, just as a prosodist understands the poets, or a grammarian grasps eloquent speech, or a jurist understands legal subtleties.

2- It saves one from groping in the dark like someone collecting firewood at night, or one who jumps blindly into a torrent, or like an ignorant man who mistakes colocynth for an apple.

3- It builds true conviction, like someone who is told by a trustworthy person that poison is deadly and then, through reflection, realizes it is extremely hot and dry, which contradicts the human temperament thus his faith strengthens even more."⁴⁹

Within the hierarchy of the five essentials (al-ḍarūriyyāt al-khamsah), preservation of intellect occupies the third position, following life and religion. The rationale is simple: one cannot properly practice religion unless life is secure, and sound intellect is present.

Therefore, anything that impairs the intellect like intoxicants is categorically prohibited in Islam.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ " فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ"⁵⁰

"O you who believe! Intoxicants, gambling, idols, and divining arrows are abominations of Satan's handiwork. So avoid them, that you may be successful."

Additionally, the Prophet ﷺ declared:

"كُلُّ مُسْكِرٍ حَرَامٌ"⁵¹

"Every intoxicant is unlawful."

4. Preservation of Lineage (Ḥifẓ al-Nasab)

When one reflects upon the aforementioned sequence of the five necessities, it becomes evident that matters like religion, life, and intellect pertain primarily to the individual. However, if a person upholds these values in their own life but neglects the continuity and integrity of the human lineage, then such negligence stands in contradiction to the comprehensive fulfillment of the objectives of Shari'ah (مقاصد الشريعة). It is for this very reason that Islam enjoined marriage.

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

"Marry those among you who are single and the righteous among your male and female servants. If they are poor, Allah will enrich them out of His bounty. And Allah is all-Encompassing, All-Knowing."⁵²

Marriage is not only a social contract but also a prophetic tradition. The Qur'an states:

⁴⁹ . S'īd Aḥmad Pālanpūrī, Raḥmat Allāh al-Wāsi'ah Sharḥ Hujjat Allāh al-Bālighah by Shāh Walī Allāh, vol. 1, p. 177, Karachi: Zamzam Publishers, 2005.

⁵⁰ (al-Mā'idah 5:90)

⁵¹ Al-Bukhārī, Kitāb al-Maghāzī, Bāb Ba'th Abī Mūsā wa Mu'adh ilā al-Yaman.

⁵² (Surah al-Nūr, 24:32)

⁵³ (Surah al-Ra'd, 13:38)

⁵⁴ (Sahih al-Bukhari, Hadith 5066)

وَلَقَدْ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً⁵³

"And indeed, We sent messengers before you and appointed for them wives and descendants..."

The Prophet ﷺ encouraged marriage for young people, as narrated by 'Abdullah ibn Mas'ūd (رضي الله عنه):

"O young men! Whoever among you can afford marriage, let him marry, for it is more effective in lowering the gaze and guarding chastity. And whoever is unable, let him fast, for it will diminish his desire."⁵⁴

Similarly, 'Abdullah ibn 'Amr (رضي الله عنهما) reported that the Messenger of Allah ﷺ said:

"The world is but a provision, and the best provision of the world is a righteous woman."⁵⁵

And Abu Hurayrah (رضي الله عنه) narrated:

"A woman is married for four things: her wealth, her lineage, her beauty, and her religion. So choose the one who is religious—may your hands be rubbed with dust (i.e., may you prosper)."⁵⁶

Anas ibn Mālik (رضي الله عنه) reported that the Prophet ﷺ said:

"Whoever wishes to meet Allah in a state of purity, let him marry free (non-slave) women."⁵⁷

On one hand, Islam promotes marriage, while on the other, it forbids fornication, which undermines chastity an essential objective of Shari'ah.

وَلَا تَقْرُبُوا الزَّانِيَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا⁵⁸

"Do not come near to fornication. Indeed, it is an abomination and an evil way."

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقُولُونَ النِّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ⁵⁹

"And those who do not invoke any deity along with Allah, nor take a life which Allah has made sacred except by right, nor commit fornication..."

Ibn 'Abbās (رضي الله عنهما) narrated that the Prophet ﷺ said:

"O youth of Quraysh! Guard your private parts, do not commit fornication. Verily, whoever protects his chastity, Paradise is guaranteed for him."⁶⁰

The Prophet ﷺ used to recite this supplication frequently:

اللَّهُمَّ إِنِّي أَسْأَلُكَ الْهُدَىٰ وَالتَّقَىٰ، وَالْعَقَافَ وَالْغِنَى⁶¹

"O Allah! I ask You for guidance, piety, chastity, and contentment."

Marriage is also a source of love and mercy between spouses.

⁵⁵ (Sahih Muslim, Hadith 1467)

⁵⁶ (Sahih al-Bukhari, Hadith 5090)

⁵⁷ (Sunan al-Bayhaqī, Shu'ab al-īmān)

⁵⁸ (Surah al-Isrā', 17:32)

⁵⁹ (Surah al-Furqān, 25:68)

⁶⁰ Ṣaḥīḥ Muslim, Kitāb al-Dhikr wa al-Du'ā' wa al-Tawbah wa al-Istighfār, Bāb al-Ta'awwudh min Sharri Mā 'umila wa min Sharri Mā Lam Yu'mal

⁶¹ (Sahih Muslim, Hadith 2721)

⁶² وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And among His signs is that He created for you from yourselves spouses that you may find tranquility in them; and He placed between you affection and mercy.”

It brings inner peace:

هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا⁶³

“He is the One who created you from a single soul, and from it He made its spouse that he might find comfort in her.”

And it serves as a garment of dignity and honor:

هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ⁶⁴

“They (your wives) are a garment for you, and you are a garment for them.”

Since Islam aims to establish a pure and moral society where every individual knows their lineage and moral values are preserved, it prohibits not just fornication but even the pathways that lead to it.

... وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ⁶⁵

“And tell the believing women to lower their gaze and guard their chastity...”

To curb fornication, Islam prescribes severe punishments for those proven guilty.

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ⁶⁶

“The woman and the man guilty of fornication, flog each one of them with a hundred lashes...”

And in the case of married offenders, the punishment is stoning (rajm):

As narrated by Jābir (رضي الله عنه): A man from the tribe of Aslam came and confessed to fornication four times. He was married, so the Prophet ﷺ ordered that he be stoned⁶⁷.

However, Islamic law also safeguards individual dignity. If someone accuses another of fornication without proof, the penalty of false accusation (qadf) is applied:

وَالَّذِينَ يَزْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً⁶⁸

“And those who accuse chaste women but do not bring four witnesses lash them with eighty lashes...”

Hifz al-Māl (Preservation of Wealth)

The importance of wealth in the sustenance of human life is undeniable. That is why the Qur’ān and the Sunnah emphasize the acquisition of wealth through lawful means while strictly prohibiting all illegitimate methods. Allah says:

⁶⁹ هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا ثُمَّ أَسْتَوَىٰ إِلَى السَّمَاءِ فَسَوَّاهُنَّ سَبْعَ سَمَاوَاتٍ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ

⁶² (Surah al-Rūm, 30:21)

⁶³ (Surah al-A’rāf, 7:189)

⁶⁴ (Surah al-Baqarah, 2:187)

⁶⁵ (Surah al-Nūr, 24:31)

⁶⁶ (Surah al-Nūr, 24:2)

⁶⁷ Al-Bukhārī, Kitāb al-Hudūd, Bāb Rajm al-Muḥṣan

⁶⁸ (Surah al-Nūr, 24:4)

⁶⁹ (Qur’ān 2:29)

“It is He who created for you all that is on earth. Then He turned to the heaven and fashioned it into seven heavens. And He is All-Knowing of all things.”

قُلْ لِّلْعِبَادِي الَّذِينَ ءَامَنُوا يُقِيمُوا الصَّلَاةَ وَيُؤْتُوا مِمَّا رَزَقْنَاهُمْ سِرًّا وَعَلَانِيَةً مِّن قَبْلِ أَن يَأْتِيَ يَوْمٌ لَا بَتَّعَ فِيهِ وَلَا خِلَالٌ⁷⁰...

“Tell My believing servants to establish prayer and give (in charity) from what We have provided them, secretly and openly, before a Day comes wherein there will be no trade nor any friendship.”

Allah has further stated:

⁷¹ وَلَقَدْ مَكَّنَّاكُمْ فِي الْأَرْضِ وَجَعَلْنَا لَكُمْ فِيهَا مَعِيشَةً قَلِيلًا مَا تَشْكُرُونَ

“Indeed, We established you on the earth and provided for you means of livelihood therein, but little is it that you give thanks.”

Islam forbids unjust appropriation of others’ wealth:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا⁷²

“O you who believe! Do not consume one another’s wealth unjustly, unless it be a trade based on mutual consent. And do not kill yourselves. Indeed, Allah is ever Merciful to you.”

And concerning usury:

... الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ⁷³

“Those who consume usury will not stand (on Judgment Day) except like the one driven to madness by the touch of Satan. That is because they say: ‘Trade is like usury’, but Allah has made trade lawful and forbidden usury...”

Islam strongly encourages written documentation of debt:

⁷⁴ يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَآكْتُبُوهُ

“O you who believe! When you contract a debt for a fixed term, write it down...”

And prescribes a strict penalty for theft to preserve others’ property:

⁷⁵ وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ

“As for the thief, male or female, cut off their hands as a punishment for what they have done – an exemplary punishment from Allah. And Allah is Mighty, Wise.”

The Prophetic Teachings on Lawful Earnings the Prophet ﷺ said:

“Seeking lawful sustenance is an obligation after the (ritual) obligations.”⁷⁶

And he ﷺ also stated:

⁷⁰ (Qur’ān 14:31)

⁷¹ (Qur’ān 7:10)

⁷² (Qur’ān 4:29)

⁷³ (Qur’ān 2:275)

⁷⁴ Al-Baqarah: 282

⁷⁵ (Qur’ān 5:38)

⁷⁶ Al-Bayhaqī, Al-Sunan al-Kubrā, Kitāb al-Ijārah, Beirut: Dār al-Kutub al-‘Ilmiyyah, 2003

"Indeed, there are some sins which cannot be forgiven except through the effort and striving for sustenance."⁷⁷

Narrations of the Companions and Scholars

Sayyidunā 'Umar ibn al-Khaṭṭāb رضى الله عنه advised:

"Let none of you sit idle and say: 'O Allah, provide for me', for you know that the heavens do not rain down gold and silver."⁷⁸

Luqmān the Wise said to his son:

"My son, seek self-sufficiency through lawful earnings, for whoever is afflicted with poverty is stricken with three things: weakness in religion, loss of intellect, and loss of dignity. And the greatest of these is the loss of dignity."⁷⁹

Abū Qilābah رحمه الله said:

"I prefer to see you earning your livelihood than sitting idle in the mosque⁸⁰."

According to Mawlānā Siwahrwī رحمه الله:

"Islamic economic teachings revolve around three essential questions: What should be earned? How should it be spent? And on whom should it be spent? Islam addresses all three by dividing individual economy into four parts. The first is the call to strive for lawful earnings through one's own efforts, for idleness is akin to death. He further elaborates:⁸¹"The first step in economic life is the pursuit of lawful earnings. The Qur'ān enjoins every individual to strive according to their capacity, for the world is a field of labor, and inactivity equates to lifelessness."⁸²

Allah says:

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ وَادْكُرُوا اللَّهَ كَثِيرًا لَعَلَّكُمْ تُفْلِحُونَ⁸³

"When prayer is concluded, disperse in the land and seek the bounty of Allah, and remember Allah often so that you may succeed."

And:

وَأَخْرُوجُونَ فِي الْأَرْضِ يَبْتَغُونَ مِنْ فَضْلِ اللَّهِ⁸⁴

"And others travel through the land seeking the bounty of Allah..."

Sayyidah 'Ā'ishah رضى الله عنها narrates that the Prophet ﷺ said:

"Seek your sustenance in the hidden treasures of the earth."⁸⁵

Ethical Boundaries in Economic Pursuits

Mawlānā Siwahrwī writes:

"Even in individual pursuit of wealth, one is bound by certain principles to safeguard the economic system from corruption. Two

principles must be observed that the wealth must be ḥalāl (lawful) and that the method of acquiring it must be ṭayyib (pure).⁸⁶"

The Qur'ān commands:

يَتَأْتِيهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ⁸⁷

"O mankind, eat of what is lawful and pure on the earth, and do not follow the footsteps of Satan And:

يَتَأْتِيهَا الرُّسُلُ كُلُّوا مِنَ الطَّيِّبَاتِ وَاعْمَلُوا صَالِحًا إِنِّي بِمَا تَعْمَلُونَ عَلِيمٌ⁸⁸

"O Messengers, eat of the good things and act righteously. Indeed, I am well aware of what you do."

Expenditure: On Whom and How Much?

Allah commands:

وَمَا أَتَى ذَا الْقُرْبَىٰ حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ وَلَا تَبْذُرْ تَبْذِيرًا⁸⁹

"Give the relative his due, and also to the poor and the traveler, and do not squander (your wealth) wastefully."

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُ مِنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ⁹⁰

"They ask you what they should spend. Say: Whatever you spend of good is for parents, relatives, orphans, the needy, and the traveler."

On moderation in spending:

وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ⁹¹

"Eat and drink, but do not be excessive. Indeed, He does not like the extravagant."

وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا⁹²

and when they spend, they are neither extravagant nor miserly, but maintain a moderate course between the two."

وَالَّذِينَ إِذَا أَنْفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَلِكَ قَوَامًا⁹³

"And those who, when they spend, are neither wasteful nor stingy, but follow a moderate path in between."

The Prophet ﷺ said:

"Moderation in earning and spending is half of the sweetness of a prosperous life."⁹⁴

And:

"Leaving your heirs well-off is better than leaving them poor and begging from people."⁹⁵

Thus, Islamic law encourages the pursuit of lawful earnings while prohibiting unjust interference in others' wealth. The severe penalty

⁷⁷ Al-Ṭabarānī, Al-Mu'jam al-Awsaṭ, vol. 1, p. 38, Cairo: Dār al-Ḥaramayn.

⁷⁸ Al-Ghazālī, Iḥyā' 'Ulūm al-Dīn, Kitāb Ādāb al-Kasb wa al-Ma'āsh, vol. 2, p. 62, Beirut: Dār al-Ma'rifah.

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ Siwahrwī, n.p., p. 61–64

⁸² Ibid

⁸³ (Qur'ān 62:10)

⁸⁴ (Qur'ān 73:20)

⁸⁵ Abū Ya'lā, Musnad, vol. 7, p. 347, Damascus: Dār al-Ma'mūn lil-Turāth, 1984

⁸⁶ Siwahrwī, p. 64

⁸⁷ (Qur'ān 2:168)

⁸⁸ (Qur'ān 23:51)

⁸⁹ (Qur'ān 17:26)

⁹⁰ (Qur'ān 2:215)

⁹¹ (Qur'ān 7:31)

⁹² Qur'ān 25:67

⁹³ (Qur'ān 25:67)

⁹⁴ Al-Mu'jam al-Awsaṭ, vol. 7, p. 25

⁹⁵ Al-Bukhārī, Kitāb al-Janā'iz, Bāb Rithā' al-Nabī ﷺ Sa'd ibn Khawlah

for theft is a testament to the Shariah's commitment to protecting people's property.

وَالسَّارِقُ وَالسَّارِقَةُ⁹⁶

Application of Maqāṣid al-Sharī'ah in the Contemporary Era

When we examine the challenges faced by Muslims in the contemporary world, we find a wide range of pressing issues. These include matters such as citizenship, participation in government and military services for Muslims in non-Muslim majority countries and vice versa, emerging trends in Islamic finance, and modern bioethical concerns.

Upon closer inspection, we observe that classical Muslim jurists did discuss the concept of Maqāṣid al-Sharī'ah under different terminologies, such as istiḥsān, maṣāliḥ mursalah, and others. However, it was particularly Imām al-Shāṭibī who elaborated these objectives comprehensively under the categories of ḍarūriyyāt (necessities), ḥājiyyāt (needs), and taḥsīniyyāt (embellishments).

As time progressed and circumstances changed, new challenges emerged that required fresh insights guided by the principles of maqāṣid. Scholars of the contemporary age have not remained indifferent; in fact, many have made substantial contributions in this field. Among them, Muhammad Naguib al-Siddiqi's work stands out. In his book *Maqāṣid al-Sharī'ah*, he eloquently underscores their importance:

The concept that is referred to by terms such as maqāṣid al-sharī'ah, maṣāliḥ mursalah, asrār al-sharī'ah, ma'ānī, and aḥkām has existed from the very beginning. It reflects the understanding that the commands of Allah (سُبْحَانَهُ وَتَعَالَى) are fundamentally meant for the benefit of humankind. Allah, being self-sufficient, requires nothing from human beings. Rather, His commands serve to fulfill the worldly and spiritual well-being of people. In some cases, the Qur'an and Sunnah explicitly mention the wisdom and benefits behind certain rulings, especially those related to worldly matters. At other times, one can infer the benefits through reflection. The effort to articulate these benefits and objectives that the Lawgiver (al-Shāri') has intended is significant for two reasons. First, if we liken the rulings of Sharī'ah to pearls, then maqāṣid are the string that turns them into a coherent necklace. In other words, understanding maqāṣid allows us to view the Sharī'ah as a system of interconnected and goal-oriented rulings. Second, and more importantly in our time, they help us address new issues for which no explicit rulings are found."

When it comes to the incorporation of new emerging issues within the classical categorization of maqāṣid, particularly the five essentials (al-ḍarūriyyāt al-khamsah) namely, preservation of dīn (religion), nafs (life), 'aql (intellect), nasl (progeny), and māl (wealth) Siddiqi diverges from those scholars who believe that all modern concerns can be subsumed within these five.

He writes:

There is a view that the traditional five-fold list of maqāṣid dīn, nafs, 'aql, nasl, and māl is broad enough to encompass many new objectives. For example, justice can be included under dīn, and poverty alleviation or public welfare under ḥifẓ al-nafs. However, we disagree with this approach for two key reasons. Firstly, as Ibn Taymiyyah rightly pointed out, the articulation of maqāṣid must go beyond mere preservation (daf' al-maḍarrah) and include development and advancement (jalb al-maṣlaḥah). The traditional list emphasizes harm prevention while downplaying benefit enhancement. Secondly, considering the global and national challenges of today such as environmental degradation, protection

of natural resources, prohibition of weapons of mass destruction (including nuclear, chemical, and biological arms), and the necessity for peaceful coexistence among nations it is more suitable to highlight the Islamic teachings related to these concerns in a prominent and direct way. The question is not merely what can logically be inferred from the classical list, but rather: what approach best enables Islam and Muslims to provide guidance on today's political, economic, and social issues⁹⁷" He continues:

"We believe that expanding the list of maqāṣid especially when such additions are substantiated by the Qur'an and Sunnah can greatly help Muslims in responding to the challenges of globalization. The following maqāṣid should now be emphasized as independent and essential objectives of the Sharī'ah:

1. Human dignity (karāmat al-insān)
2. Fundamental freedoms
3. Justice and fairness ('adl wa inṣāf)
4. Poverty alleviation and public welfare
5. Social equity and prevention of economic disparity
6. Peace, order, and governance
7. International cooperation and mutual understanding"⁹⁸

There is no doubt that Muhammad Naguib al-Siddiqi's propositions are valuable and thought-provoking. His view that such matters should be discussed as distinct and independent maqāṣid rather than being restricted within the traditional five—opens new avenues for intellectual development. The time has now come for Muslim scholars to engage thoroughly with these issues, through rigorous discussion, investigation, and scholarship. Indeed, it is their responsibility to carry forward this task.

⁹⁶ (Qur'an 5:38)

⁹⁷ . Siddiqi, Najātullāh, *Maqāṣid al-Sharī'ah*, p. 21

⁹⁸ ibid