

Contemporary *Fiqh* Trends

A Study of *Maqasid al-Shari'ah*, It's Relevance and Status in the Islamic Legal Theory

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Abstract

Maqasid al-Shari'ah has been a critical socio-legal concept to reorient manifestations of the Islamic jurisprudence. Although the concept occurred in the Islamic legal theory during 4th century A. H, but its relevance and social character could never be undervalued. Its application strives for the sustenance of the socio-legal spirit of Islam as well as to rediscover new dimensions of the Islamic legal theory. The primary evidences are prevalent in the Qur'anic text elaborated by the Prophet (SAW) and further elucidated by the Muslim jurists from time to time. Obviously, the objective of law is to comprehend and encompass the fundamentals upon which the entire structure of social activities could be affirmed. Islamic legal theory has evolved with the same character giving due cognizance to the text, context and the public good. The concept has been so much dynamic that its study and legal dimensions broadened the horizon of legal theory and made it relevant for the socio-legal matters. Since the beginning of the 4th century A.H, decisive writings of the renowned Muslim jurists have appeared to evaluate various dimensions of this legal component and application of the *Maqasid al-Shari'ah* as a special area of the Islamic legal theory. The present paper therefore is an attempt to envision the evolution of this concept, its assorted dimensions in the socio-legal context and workability for sustenance of the future discourse in Islamic jurisprudence.

Keywords: Shari'ah, Legal theory, *Maqasid* (Objectives), *Rukhsah* (Concessions), and *Tahzib al-Fard* (Educating the Individual).

Origin and Dimensions

The concept, *Maqasid al-Shari'ah* (Objectives of the Islamic Law), has been an imperative component of the Islamic legal theory. This socio-legal instrument has evolved to accommodate many socio-religious instincts as well as to make the law relevant for the emerging social needs (Auda, 2008).¹ Islam as a religion and social philosophy considers change (*Taghaur*) as a positive force, which indeed results in the social evolution and enables an individual to prepare for future exigencies. The *Shari'ah*, as observed in its social role, predicts on benefits (*Maqasid*) to be utilized for public welfare (Auda, 2008).² Thus, the law designed to identify and protect these benefits must strive for the perfection and should facilitate the improvement of the conditions of human life both in individual as well as in the collective spheres (Auda, 2008).³ This consideration is an ultimate truth with the Islamic legal

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