

Aasim I. Padela, Islamic Studies and Medicine

Project Title: Beyond Preservation: The Higher Objectives of Islamic Law and the Enhancement of Life

Shāṭibī, Ibrāhīm ibn Mūsá, Imran Ahsan Khan Nyazee, Raji M. Rammuny, 2011. *The reconciliation of the fundamentals of Islamic law*. 1st ed, *Great books of Islamic civilization*. Reading, UK: Garnet Pub

This book is a English translation (which sticks close to the original Arabic) of the path-breaking exposition of the Islamic ethico-legal theory of the higher objectives of Islamic law, *maqāṣid al-Sharī‘ah*, by the 14th century Sunni legal theorist and Maliki scholar Abū Ishāq al-Shāṭibī. In the book he lays out his journey into understanding the intents of the Lawgiver, details the methodology by which he discerned the overarching objectives of the Law, and lays out the elements of the framework so that future theorists can build upon it. Of import for the enhancing life project it is important to note that al-Shāṭibī surmises that the Lawgiver’s intent in legislating is to protect and serve human interests in this life and the hereafter. He divides the *maqāṣid*, the higher objectives of Islamic law into 3 categories: essential, necessary, and enhancing (*ḍarūrī*, *hājī*, and *taḥsīnī* respectively), and enumerates the 5 essential higher objectives of Islamic law to be the preservation of religion (*dīn*), human life (*naḥs*), progeny (*naṣl*), material wealth (*māl*), and intellect (*‘aql*).

Raysūnī, A. 2005. *Imam al-Shatibi's theory of the higher objectives and intents of Islamic law*. London ; Washington: International Institute of Islamic Thought

This abridgement and critical commentary of the text noted above is a must read for those researching the *maqāṣid al-Sharī‘ah*. Raysūnī details the historical development of, and main theorists contributing to, the genre and provides a fairly comprehensive outline of al-Shāṭibī’s theory. The text is particularly useful for the non-specialist as terms are defined and the tangents and field-specific polemical dialogue contained in al-Shāṭibī’s tome are left out.

Attia, Gamal Eldin 2007. *Towards Realization of the Higher Intents of Islamic Law*. Herndon, VA: The International Institute of Islamic Thought.

This text builds upon al-Shāṭibī’s theory and updates the theory so that it incorporates data from contemporary science. Attia revises al-Shāṭibī’s framework by considering the categories of essential, necessary, and enhancing (*ḍarūrī*, *hājī*, and *taḥsīnī*) to refer to the means by which the higher objectives, *maqāṣid*, are accomplished rather than classifications of *maqāṣid* themselves. He also redefines the classical *maqāṣid* and enumerates new ones so that his theoretical model contains twenty-four essential *maqāṣid* that pertain to 4 areas or levels of human existence: (i) the individual, (ii) the family, (iii) the Muslim community, and (iv) the level of humanity in general. Not only does the text explicate Attia’s theory, but it also draws in the writings of other Islamic legists to resolve critical questions within the field of *maqāṣid al-Sharī‘ah* itself.

Kamali, Mohammed Hashim. 2012. *Maqāṣid al-Sharī‘ah, Ijtihad and Civilisational Renewal*. Occasional Papers Series: The International Institute of Islamic Thought and the International Institute of Advanced Islamic Studies.

This fairly short text offers a brief introduction to *maqāṣid al-Sharī‘ah* and is helpful in that it clarifies terminology and provides an overview of the debates surrounding how to adapt the theory so that it can fund Islamic law and ethics today.

Auda, Jasser. 2008. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: The International Institute of Islamic Thought.

Written from the perspective of a modern thinker who is dually trained in systems theory and Islamic law this text critically analyzes the classical methods of deriving Islamic law- *uṣūl al-fiqh* and offers a commentary of more modern approaches to Islamic law. The text then describes how *maqāṣid al-Sharī‘ah* might allow for harmonization between different systems of generating Islamic law and a theory that can bridge tradition and modernity.