



Vol. 3, No. 1, 2024, p. i-viii
journal.maqasid.org
ISSN 2831-5049

The Need for A Maqasid-Based Critique: Beyond Obscuration

In the name of Allah,

Researchers always need to explore a new area in the field of knowledge that is worthy of research and study, and the more time the researcher spends in the process of investigating and researching, the more new issues and problems will arise. Therefore, in this Issue and the one before it, we sought to shed light on a new area of research that focused on the “about” the maqasid instead of “in” the maqasid.

In the previous issue, we tried to focus on some of the maqasid’s problems and dilemmas, and we do not claim that we have covered all the topics, it requires creating an accumulation of the subject matter through time. So, an intellectual discourse is created around a topic through different periods, but from different approaches. Hence this issue upholds the same purpose, except that we maintained the compass and changed the subject matter. Instead of directing the research towards the maqasid theory, we decided to make the matter more specific to maqasid projects and scholars. There exist a variety of perspectives on maqasid studies, but studies “about” maqasid are still a few. The first type focuses on the theoretical level and application, while the second type stresses the analysis, criticism, and evaluation. Therefore, this issue and the previous one need researchers who can write about the maqasid, even from a different discipline. I think that departing from subjectivity is crucial for further discoveries and reflections.

Perhaps the work of Dr. Taha Abd al-Rahman falls into this context. We published in this issue the second part of the review of his notable book, “*A-ttaasis Al-Itimani li Ilm alMaqasid*” where Taha Abd al-Rahman tried to read the contemporary maqasid project from the perspective of a philosopher who investigates “about” the maqasid. Dr. Taha’s approach is also known to be intertwined with heritage in various instances inside his famous book “*Renewing the Method in Evaluating the Heritage*” in which he devoted a section to critiquing Al-Shatibi. We have recently conducted research on Taha’s theory in our book “*Ethics and Maqasid*”, in an initial attempt to identify a group of research problems that arise outside the maqasid-based and usul-based system and to examine them from within the same system. Therefore, amid this scientific research, we need someone to show us the compass and set signs on the path, so that we can safely reach the desired destination. The absence of a direction in thought, as well as its vagueness, causes the researcher to thrash like a blind camel in a dark night. (Arabic proverb)

In this context, I always remember al-Shatibi's experience in the eighth century AH. If we put Abu Ishaq's attempt in its historical and scientific context, we will find it methodologically inspiring, as he developed a critical approach to the science of Usul al-Fiqh, recalling the intellectual crises and its most important historical turning points, to reveal his maqasid thesis theoretically, and combining maqasid and usul al-fiqh practically in every aspect of his book. It was truly an unusual attempt, but it brilliantly preserved the tradition that usul al-fiqh had accumulated over centuries, achieving innovation from within the scientific paradigm itself. Hence, we are trying to draw inspiration from such innovative moments in our intellectual history. It is certainly not an easy task to do, because it requires daring knowledge, as it alone can imagine problems that may make the researcher struggle to resolve, on the other hand, shy knowledge cannot go against the norm for fear of criticism and denial.

However, our critical perspective during these two successive issues aims to establish the approach of constructive criticism from two sides; from within the epistemological system and from outside it as well, so that we carry out the process of scientific criticism, even if it contains some responsible daring that attempts to build a maqasid methodology that draws from the highest source, the Holy Qur'an. Thus, we combine consideration of the book with a consideration of souls and horizons and establish the inseparable maqasid-based civilizational perspective that is rooted in our culture and value system.

As a result, we require an integrated maqasid-based strategy that allows us to discern between history and the present, static and changing, special and public, theoretical and practical. It is difficult to develop historical awareness, which requires the researcher to conjure a discipline in its historical process while also recognizing problems that are solely historical and do not extend to the present, thereby validating the use of maqasid-based criticism. I feel that the first step in critique is to clarify the maqasid as a science in terms of definition and essence, and what is maqasid history in terms of issues and questions that research and context had overlooked.

I think that we have accumulated enough scientific Literature to talk about historical ideas in maqasid, which are less needed today. However, we are trying to make the maqasid a knowledge that is intertwined with the scientific and human reality in its various dimensions. To achieve this intertwining, it was necessary to call for a systematic critical pause that does not seek to demolish, but rather to build and move forward. Thus, we follow the example of our scholars from various fields such as Al-Juwayni, Al-Harrali, Al-ghazali, Ibn Rushd, Ibn Al-Salam, Al-Qarāfi, Al-Shatibi, Al-Wansharisi, and Ibn Khaldun. Therefore, we attempt to invoke the recited revelation, Fitrah or the spirit of Allah in human being and the universe, as it was the custom of the predecessors to invoke customs in the maqasid theory.

In this context, Al-Ghazali said:

“One of the secrets of the wisdom of Shari’ah is that any time nature requires an extreme in a certain context that may bring corruption, the Shari’ah extends itself extremely to contain and prohibit it. This seems to the ignorant that what is required is the opposite of what nature entails for permissibility, however, men of knowledge realize that what is meant is the middle and the right purpose, because if nature seeks the utmost satiety, then the Shari’ah should praise the purpose of hunger. So, if nature is the incentive and the stimulus, the Shari’ah checks and resists it to achieve moderation and the middle path.” (Revival of Religious Sciences, Al-Ghazali)

In this context, many researchers today may wonder whether we have achieved enough knowledge accumulation to talk about maqasid-based criticism. It is a legitimate question, but when we read the encyclopedic work of Muhammad Kamal al-Din Imam, we become certain of the extent of the accumulation achieved in the maqasid literature in a relatively short period thanks to the significant efforts of several scholars and centers who conducted maqasid research. Additionally, there were new master’s and doctoral programs that encouraged seminars, conferences, and curriculums in the maqasid thought, all of which were important for making a wide network of researchers. I personally have benefited a lot from these initiatives and I was introduced to renowned maqasid researchers with whom I engaged in endless discussions on maqasid issues. This tradition was performing its purpose, but it also was in dire need of guidance and framework.

Accordingly, we do not deny the importance of every scientific effort that accelerates the pace of maqasid research. However, this acceleration process is not without drawbacks. We note that a number of studies and research are redundant due to the absence of research coordination, in addition to the absence of problematic research and the dominance of the descriptive approach, which aims investigate maqasid in particular scholars’ thought or book without specifying the research problem and its framework. These attempts also do not rise to the level of maqasid theory in the scientific sense.

This type of research, despite its importance in collecting scientific material, and giving us an idea about the development of the maqasid in a certain field, it is an important matter, even if it is overshadowed by the jurisprudential and fundamentalist dimension, which has led to the dominance of the legislative dimension over the maqasid thought. This is what takes us to one of the crises in maqasid research today, which is the failure to achieve expansion of reference. This is due to the lack of investment in books of At-tafsir, Sufism, Nawazil, history, and Umran in tracking the maqasid rules within various jurisprudential, legislative, religious, historical, and anthropological fields, as the maqasid in the text aims to achieve the development of Umran in man and horizons.

Therefore, it is crucial to develop a maqasid approach in other disciplines, such as ‘Aqidah’ or doctrine for instance, in which some specialists who may focus on historicity detached from context of the present or future. Accordingly, some researchers in the field of ‘Aqidah’ began to devote the same historical problems

today, even if these foundations do not exist in reality. Thus, the field of Aqidah needs contemporary maqasid-based renewal.

Expanding the referential research by reviewing literature would create a noticeable diversity in the maqasid field that encapsulates the beliefs, worship, jurisprudence, Sufism, sociology, Ummah, and everything related to human civilization. Perhaps our confinement to specific disciplines and fields of knowledge obscured the brilliant contributions we find in the writings of others. In this context, I can recall the saying of Imam Al-Ghazali: “The purpose in diving, investigating, and delving into the secrets of meanings to the utmost ends is to avoid contempt and mockery of investigators” (Fada’ih Al-Battiniya, p. 7). Although he said these words in another context, this investigation and depth in various fields would lead us to the highest purposes and objectives.

In addition to the field of beliefs and faith, perhaps the most important field that has not received the largest share of research despite its importance is the maqasid of al-Qur’an which we devoted the second issue of this journal to it. It requires knowledge that goes beyond the jurisprudential and legislative perspective to broader and comprehensive approaches that invoke the Qur’anic method in the epistemological, purposeful, social, humanistic, and tafsir approaches without falling into arbitrary application.

I believe that intensifying interest in the Holy Qur’an as the primary source of thinking, legislation, and knowledge would achieve temporal, spatial, and even human righteousness, achieved by the extent to which a person achieves the Qur’anic-based righteousness. Imam Al-Harali said in his book entitled al-Urwah: “You should know that the Qur’an was revealed at the end of morals and the completion of the matter from its beginning, so the one who practices Qur’anic morals accumulates complete morals and perfect matters, and for this reason, Prophet Mohamad (SAAW) was the perfect example and last messenger and his book was the seal. So, he represented the righteousness that ended with the predecessors, and its purposes were fulfilled with him. And they are the righteousness of religion, the world, and hereafter, which he combined in his saying, may God bless him and grant him peace: “O Allah, make my religion easy for me by virtue of which my affairs are protected, set right for me my world where my life exists, make good for me my Hereafter which is my resort to which I have to return.” [The Legacy of Abu Al-Hasan Al-Harali]

The foundational thoughts of Imam Al-Harali who is one of the commentators on whom we have not studied systematically and adequately. He is the one who dealt with the contexts of the Qur’an in its letters, as well as other notables who practiced the maqasid approach practically, even if they did not declare it theoretically.

Our preoccupation with specific literature has obscured maqasid insights and theoretical and epistemological issues. For example, the researchers in the maqasid of tafsir rarely turn to the writings of Al-Harali and Al-Biqā’i, knowing that

their writings are foundational in the field, and should not be ignored. If we compare the studies on *“Tahrir wa Attanwir”* by Ibn Ashour with the studies on Al-Harali or Al-Buqa’i, the vast difference becomes clear to us. This is only because Ibn Ashour announced his maqasid approach and wrote his book entitled *“Maqasid al-Shari’ah al-Islamiyyah”*, and the others did not.!

Therefore, the research trend is predominantly focusing on literature that is characterized by clear objectives and direct contents indicated by its title that simplify the extraction of maqasid-related ideas. However, we turn away from the literature that does not declare this for reasons either conceptual, as the concept of maqasid was not widespread, for historical reasons, as the writings were written early, or for disciplinary reasons where books did not fall within the disciplines of usul, fiqh, or maqasid and beyond.

Recently, I was assigned to write a commentary on a paper in maqasid of Aqidah, and upon researching, I found important literature in the behavioural and ethical fields. For instance, al-Ghazali’s book *“Thya’ Ulum al-Din”* is full of maqasid-based views on several foundations of the Islamic doctrine. I even found that the encyclopedic work of Risalaat al-Nur, By Badi’ al-Zaman Nursi is full of illumination that we have not seen in the classical theological literature.

At that time, I wondered why we have to deprive scientific research of such enlightenments and illuminations simply because it was mentioned outside the discipline. What we need today is to reconsider the epistemic limits of our disciplines and show the true meanings, even if they are dispersed and exist outside the imagined disciplinary limits. How long shall we remain captive to a limited literature and topics, without trying to expand our maqasid perspective in connection with the Qur’anic maqasid methodology from which every maqasid theorist examines the maqasid thought, and given the scientific knowledge left by Islamic scholars in various fields?

The distinguished work of Dr. Jasser Auda entitled *“The Maqasid Methodology”* needs to be complemented, so that we can expand the maqasid perspective to go beyond legislation to other fields, and also broaden the disciplinary field of maqasid to integrate it with other disciplines and fields of knowledge. Therefore, I believe that we need to know ourselves and expand our perceptions by considering the Qur’an and reflecting upon it, and moving out of the limits of specialization to a multidisciplinary that sees the maqasid in light of the Qur’an conceptually, epistemologically, outwardly, and inwardly.

What we previously talked about falls within the conceptual and methodological problems, but we should not ignore the issue of technicality and coordination. There are dozens of important manuscripts that are verified annually without extracting the maqasid material from it. In addition to the lack of networking between efforts to avoid duplicate topics, the lack of coordination between researchers from different countries and writers from different languages is also an evident challenge, as maqasid research is dominated by Arabic and English

languages. However, the reality is that researchers in maqasid come from the five continents and write in their local languages.

So, to what extent have we been able to establish a maqasid dialogue with all nationalities, and do we know what is written in the maqasid in all languages? In this context, one of the professors once surprised me by translating my article on necessities into the Sri Lankan language, I was surprised later that they were translating some important articles in maqasid. Here I was surprised that they knew us and read our works, but what about us: Did we know the way they dealt with maqasid and its theory? What methodological additions did they make? What issues did they focus on? What is their perspective and vision on the maqasid? Perhaps, we need here intermediaries who can create bridges of communication between researchers from different languages.

This was indeed one of the aims of this journal, Dr. Jasser Auda, in the first issue, insisted on the necessity of openness towards different languages, as it is one of pillars of JCMS. Thus, we shall aspire to achieve that and also publish different maqasid articles in other languages such as Hindi, Malay, Russian, Sri Lankan, and beyond.

Our goal is to gather in the journal, think along different minds, and communicate with different tongues, adhering to the divine gift of diversity in accordance with qur'anic verse: "And among His signs are the creation of the heavens and the earth and the variation in your tongues and colors. Truly in that are signs for those who know." (al-Rum: 22). So, our intention is to create a real dialogue, not an imaginary one, a dialogue based on establishing and building a renewed maqasid methodology that is open to all human contexts and epistemological systems.

We started in this issue and the one before it from the necessity of taking a scholarly stand by a group of specialists in the field, as we cannot move forward without evaluating the accumulation of maqasid-related writings qualitatively and quantitatively. This was demonstrated by the descriptive statistical and voluminous work carried out by the late Dr. Muhammad Kamal al-Din Imam entitled: "*al-Dalīl al-irshādī ilā maqasid al-shari'ah al-Islamiyah*". This work is considered one of the most important and comprehensive books documenting what has been written in the field of maqasid.

There had also been several research centers and institutions that dedicated themselves to "maqasid" within the Muslim and Western worlds. They provided significant epistemological and methodological maqasid works in terms of quality and quantity through multiple mechanisms, research books, national symposiums, international conferences, or training sessions, as well as published works of scholarly value. Among these establishments, one can recall the Centre for Maqasid al-Shari'ah Studies, established by Al-Furqan Islamic Heritage Foundation in London, which is considered one of the earliest centers producing maqasid-based knowledge, as well as the Maqasid Institute in Washington, and the Maqasid Centre for Studies and Research in Rabat.

In addition to the aforementioned research institutions and centers, we can adjoin other maqasid projects in public research institutions such as the “Maqasid Project” at the International Institute of Islamic Thought, and the maqasid project at the Journal of Al-Muslim Al-Mu’asir, and the Centre for Civilizational Renewal, Legal & Future Studies.

Accordingly, the Fifth Issue of the Journal of Contemporary Maqasid Studies sheds some light on the maqasid-based knowledge produced by these research centers and institutions, examines their maqasid-based outputs, and evaluates their methodologies according to an approach based on the description, comparison, constructive criticism, and effective development.

Our hope was that the issue would cover a group of centres, projects, and scholars, but we were unable to realize that, perhaps we will complete it in later issues. However, we received a number of articles that were reviewed, revised and prepared for publication.

Among the contributions in this fifth issue, we have an article by Dr. Al-Hassan Shahid entitled: *The Maqasid Project of the International Institute of Islamic Thought: A Reading and Evaluation*, where the highlighted the maqasid presence in the work of the Institute in a noted inductive attempt, this is regarding the evaluation of institutes and centers. As for the evaluation of scholars, we received an important article by Dr. Youssef Atya entitled: *The Question of Renewal in the Contemporary Maqasid Research*, where the author delved into the contributions and critique of the thoughts of Jamal al-Din Attia, Taha Jaber al-Alwani, Taha Abd al-Rahman, And Abdel Majeed Al-Najjar. We have also in this issue a remarkable work by Dr. Noura Bouhannache entitled: *Three-dimensional Natural Combination, Covenant, Fitrah, and Maqasid: towards the Current Legitimacy of the Science of Jurisprudence*, where the researcher has tried to engage with a group of opinions “in” the maqasid, while presenting a constructive, critical attempt worth reading.

Like all our previous issues, we also have English articles, most notably an article by Dr. Halim Rani from Australia entitled “*Covenants in the Qur’an: Reflections on Seven Elements of the Maqāṣid Framework*”. Professor Halim applied the Maqāṣid Methodology and Framework developed by Jasser Auda to examine the concepts, objectives, values, commands, universal laws, groups, and proofs associated with covenants in the Qur’ān. The article also highlights the centrality and significance of covenants in the Qur’ān and contends that the study of covenants in the Qur’ān and sunnah ought to be integrated into Islamic studies curricula. the second English article is entitled: “*A Critical Analysis of The Existing: Maqasid-Based Welfare Indices*” by Muhammad Sri Wahyudi Suliswanto, Mohd Mahyudi , Mohd. Nizam Barom. This research aims to measure the area of welfare, which finds a place in the maqasid scale as part of luxuries, in a worthwhile attempt to review the maqasid perspective regarding welfare.

Furthermore, this issue also includes the second part of the book review that was graciously carried out by Dr. Ismail Al-Hassani of Dr. Taha Abd al-Rahman

book “*al-Ta’assis al-Itimani li Ilm al-Maqasid*”, after we published the first part o in the third issue. The Fifth Issue also contains a valuable translation of Dr. Muhammad Hashim Kamali’s article entitled “*In Focus Maqāsid Al-Sharī‘ah and Ijtihād as Instruments of Civilisational Renewal: A Methodological Perspective*”. It was translated by Dr. Mohammed Erriouache, a researcher in jurisprudential and legislative studies, in addition to his valuable contributions to translation. This article was also translated and reviewed by Dr. Mawloud Mohadi, the deputy editor-in-chief and researcher in civilisational and maqasid studies.

In conclusion, I have to thank the editorial team, headed by Dr. Mawloud Mohadi, for his unconditional and adroit work and devotion, and Dr. Zaid, who does not hesitate to organize and facilitate all possible ways for the success of this project in general. Additionally, I want to extend my thanks to Dr. Yasser Tarshany, Dr. Aulia, Dr. Syukran, Dr Addi, and other deserving researchers and professors who helped with the refereeing and reviewing of articles in this Issue.

This issue is yet another brick laid for the foundation of realizing the maqasid of Umran from the Qur’anic perspective. We are inspired by the wisdom of our scholars in various fields of Islamic culture to explore the hidden and visible gaps in knowledge so that we can overcome and fill them with research prospects and knowledge according to constructive approaches.

We threw a stone into a stagnant pond to contemplate the outcomes of the movement for initiative and diligence are inseparable. The logic of initiative is the basis of all creativity in human history. Therefore, we chose to be initiators, shooting towards humanity and the heavens, guided by Allah (SWT).

Jamila Tilout
Editor-in-Chief