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# EXPLORING THE ETHICAL DIMENSIONS OF *FIQH*: THE ROLE OF THE SOUL IN ACHIEVING *MAQĀṢID AL-SHARĪʿAH*

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**Abstract**

*This study delves into the ethical intricacies within Islamic jurisprudence (fiqh), with a particular focus on the integral role of the soul in realising the higher objectives of Islamic law, known as maqāṣid al-sharīʿah. Drawing from classical Islamic jurisprudence and ethical philosophy, the research explores how fiqh goes beyond legal compliance to emphasise the cultivation of moral excellence, with the soul (nafs) serving as a fundamental element in this ethical pursuit. Through alignment with divine purpose, individuals contribute to justice, compassion, and societal well-being. The study offers a concise exploration of fiqh's ethical dimensions, highlighting the profound significance of the soul in the pursuit of maqāṣid al-sharīʿah, which encompass the preservation of religion, life, intellect, progeny, and property. By shedding light on the ethical dimensions of fiqh and the centrality of the soul in Islamic ethical thought, this study aims to contribute to a deeper understanding of the moral foundations of Islamic law and jurisprudence, enriching contemporary discourses on ethics and jurisprudence within the Islamic tradition.*

**Keywords:** *Fiqh*, ethical dimensions, soul (*nafs*), *maqāṣid al-sharīʿah*, Islamic law.

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## 1. Introduction

The quest for ethical conduct occupies a paramount position in the intricate tapestry of Islamic jurisprudence (*fiqh*). Rooted deeply in Islamic law principles, the pursuit of righteousness extends beyond mere legalistic compliance to encompass the holistic development of the human soul. At the heart of this ethical journey lies the concept of *maqāṣid al-sharīʿah*, which delineates the higher objectives of Islamic law. However, to attain these lofty aims, one must delve into the human psyche's inner dimensions, recognising the soul's pivotal role. Through this research, one can gain a deeper understanding of the critical role of the soul's development in pursuing *maqāṣid al-sharīʿah*. This understanding can help create a more comprehensive approach to Islamic law that considers both the legal and ethical dimensions of *fiqh*, leading to a more balanced and holistic understanding of Islamic jurisprudence.

Some critics argue that traditional *fiqh* literature tends to prioritise individual needs over communal welfare, often focusing on personal rituals and individualistic practices.[3] In contrast, *Sharīʿah* principles are designed to serve both the community and individuals, seeking to safeguard the collective well-being while upholding individual rights. This reflects the perspective that while *fiqh* often addresses specific legal rulings applicable to individuals, *maqāṣid al-sharīʿah* emphasises broader objectives that include communal welfare and ethical considerations.[4]

The primary goal of Islamic law is to govern the affairs of the Muslim community, ensuring its protection and advancement, thereby fostering its overall prosperity and unity[5]. Thus, in the light of these debates, a balanced approach would involve integrating

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[3] Ahmed Gad Makhlouf, "The doctrinal development of contemporary Islamic law: Fiqh Academies as an institutional framework", *Oxford Journal of Law and Religion* 10, no 3, (October 2021): 464–486, https://doi.org/10.1093/ ojlr/rwac005

[4] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (Herndon, VA: International Institute of Islamic Thought, 2008), https://doi.org/10.2307/j.ctvkc67tg.

[5] Sulaiman Lebbe Rifai, "Maqāsid al-Sharīʿah: Origins and definitions of the general philosophy of Islamic Law," *SSRN Electronic Journal* Feb (2021): 1–18, https://doi.org/10.2139/ssrn.3786041.

traditional *fiqh* principles with *sharīʿah* principles, prioritising both individual needs and communal welfare to ensure the overall prosperity and unity of the Muslim community.

The *maqāṣid al-shari'ah* comprises tools that can tackle societal issues. It is believed that these tools can offer solutions to contemporary economic, political, and cultural challenges by aligning the moral vision of Islam with modernity. Compared to *fiqh*-based strategies, *maqāṣidī* models offer a more nuanced approach that extends beyond strict adherence to scriptural and legal interpretations.[6] This broader perspective avoids solely focusing on individual actions and addresses the evolving dynamics of social life.

To illustrate the practical application of *maqāṣidī* thinking, consider the field of medical ethics. Eminent scholars such as Profs. Gamal Eldin Attia, Tariq Ramadan, Omar Hasan Kasule, and others have crafted *maqāṣidi* frameworks for medical ethics[7], expanding upon Imam Abū Ishāq Al-Shāṭibī's *maqāṣid al-sharīʿah* theory.[8] These frameworks offer innovative approaches to ethical deliberation, beyond traditional *fiqh*-based strategies. For instance, there are three notable approaches in the realm of medical ethics: field-based redefinition, conceptual extension, and text-based postulation. Each approach provides a specific method of ethical deliberation, addressing complex scenarios such as the moral responsibilities of clinicians and families in end-of-life care decisions. However, while these frameworks offer valuable insights, there remains a need for further development to ensure their practical applicability and effectiveness in addressing contemporary biomedical challenge.[9]

By integrating *maqāṣidī* thinking into fields such as medical ethics etc., scholars aim to enrich ethical discourse and provide holistic solutions that uphold both individual rights and communal

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[6] Auda, *Maqasid Al-Shariah*.

[7] Aasim I. Padela, "Maqāṣidī models for an 'Islamic' medical ethics: Problem-solving or confusing at the bedside?" *American Journal of Islam and Society* 39, no. 1–2 (2022): 72–114, https://doi.org/10.35632/ajis.v39i1-2.3069.

[8] Abu Ishaq al-Shatibi, *Al-Muwafaqat fi usul al-shari'ah* (The Reconciliation of the Fundamentals of Islamic Law), ed., Muhammad Abu al-Ajfan and Shakir Muhammad Makhluf (Beirut: Dar al-Ma'rifah, 1997).

[9] Ibid.

welfare, in alignment with the overarching principles of Islamic law. This comprehensive approach to the texts of the *Sharīʿah* has resulted in a renewed focus on the communal perspective, as the aim of the *Sharīʿah* is to maintain social function and order. Contemporary scholarship in the field of *maqāṣid al-sharīʿah* has significantly changed this approach and shifted towards the realm of the community, proposing new goals that focus on society's well-being. For example, the concept of *hifz al-'aql* illustrates this vital shift, demonstrating how the social dimension of *Islamic Sharīʿah* has re-emerged alongside the rebirth of *maqāṣid al-sharīʿah* in the twentieth century.[10]

Islamic jurisprudence, or *fiqh*, has been the subject of extensive scholarly discourse due to its significance in Islamic law. While there has been considerable research on *fiqh* and its ethical foundations, there remains a notable gap in understanding the nuanced role of the soul in pursuing *maqāṣid al-sharīʿah*, which refers to the objectives of Islamic law. Existing research often emphasises legal rulings and procedural aspects but frequently overlooks the profound ethical dimensions rooted in the spiritual realm. Addressing this gap, the work on the concept of the soul enriches the discourse on *maqāṣid* by integrating spiritual and ethical considerations, thus offering a more holistic understanding of Islamic ethics and its application to contemporary issues. This approach underscores the interconnectedness between individual moral development and the broader objectives of the *Sharīʿah*, enhancing the ethical framework within Islamic jurisprudence.

After examining the practical applications of *maqāṣid al-sharīʿah*, it is imperative to delve into the theoretical underpinnings of Islamic ethics. While the integration of *maqāṣid al-sharīʿah* into fields such as bioethics, law and civilisation have provided valuable insights into contemporary ethical challenges, it is equally important to understand the philosophical framework that underpins Islamic ethical thought. At the heart of Islamic ethics lies a

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[10] Shihan et al., "The examination of the social dimension of Shari'ah from the viewpoint of *Maqasid al-Shariah*: A case study of the preservation of intellect," *International Journal of Social Science and Human Research* 6, no. 2 (2023): 1038–1046, https://doi.org/10.47191/ijsshr/v6-i2-36.

profound understanding of the human soul (*nafs*) and its role in guiding moral conduct and decision-making. Throughout Islamic history, scholars have explored the intricate relationship between the soul, ethics, and the broader objectives of Islamic law. This exploration not only sheds light on the spiritual dimensions of ethical discourse but also provides valuable insights into addressing contemporary moral dilemmas. Therefore, this research not only examines the ethical implications of *fiqh* but also aims to explore the soul's significance in achieving *maqāṣid al-sharīʿah's* objectives. By delving into the relationship between the spiritual essence of the human soul and the broader objectives outlined by Islamic law, the study seeks to understand how the ethical development of the soul influences adherence to the principles of *maqāṣid al-sharīʿah*. Through this exploration, the research endeavours to shed light on the intricate relationship between Islamic ethics, spirituality, and legal principles, contributing to a deeper understanding of ethical conduct within the Islamic tradition.[11]

Exploring the ethical dimensions of *fiqh* and the role of the soul in achieving *maqāṣid al-sharīʿah* is of paramount significance as it offers profound insights into Islamic jurisprudence and spirituality. By delving into *fiqh*'s ethical framework, scholars gain a deeper understanding of how Islamic law shapes individual conduct and communal welfare. Additionally, examining the soul's role in realising *maqāṣid al-sharīʿah* elucidates the spiritual dimension of ethical decision-making within the Islamic tradition, highlighting the interconnectedness between individual moral development and the broader objectives of the *Shari'ah*. This exploration contributes to a holistic comprehension of Islamic ethics and jurisprudence, informing ethical discourse and guiding practical applications within Muslim communities.[12]

## 2. Research Questions

This article explores *fiqh*'s ethical dimensions, elucidating the soul's indispensable role in realising *maqāṣid al-sharīʿah*. The author

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[11] Auda, *Maqasid Al-Shari'ah*.
[12] Shihan et al., "The examination of the social dimension".

examines the study according to two research questions, which are as follows:

    A. How do different interpretations of the concept of the soul within Islamic jurisprudence (*fiqh*) influence the understanding and prioritisation of *maqāṣid al-sharīʿah*, particularly in contemporary ethical dilemmas?

    B. What are the ethical implications of prioritising the spiritual development of the soul in the context of *maqāṣid al-sharīʿah*, and how do these implications shape ethical decision-making frameworks within Islamic jurisprudence?

## 3. Objectives

This article examines *fiqh*'s ethical dimensions and the soul's vital role in achieving *maqāṣid al-sharīʿah*. It has two objectives:

    A. To investigate the concept of the soul in Islamic jurisprudence and how it influences ethical priorities. It also analyses how different interpretations of the soul within *fiqh* affect approaches to resolving ethical dilemmas in Islamic societies.

    B. To explore the significance and role of spiritual development in the context of *maqāṣid al-sharīʿah* and its ethical implications. It also analyses how prioritising spiritual development affects decision-making frameworks within Islamic jurisprudence.

## 4. Method

This study uses a descriptive qualitative approach with meta-analysis and descriptive statistical literature studies based on the critical focus of the study journal publications that discuss the theme[13] "ethical dimensions of *fiqh* and role of the soul in achieving *maqāṣid al-sharīʿah*. Meta-analysis integrates previous research related to a particular topic to evaluate the results of existing studies. The research process used a qualitative method known as the constructive

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[13] Saifurrahman Firdausi, "Ethical dimensions of fiqh and role of the soul in achieving *maqasid al-shari'ah*," *Journal of Islamic Studies and Humanities* 4, no. 1 (2023): 20-31. https://doi.org/10.22452/afkar.vol24no2.4.

method. This method involves collecting and constructing data from a comprehensive review of scholarly articles and books into a more understandable and meaningful theme.[14]

## 5. Understanding *Fiqh* and *Maqāṣid al-Sharīʿah*

Islamic jurisprudence, known as *fiqh*, is an extensive legal framework rooted in primary sources such as the Qur'an, the Sunnah, and the consensus of Islamic scholars. This system governs various aspects of a Muslim's life, including acts of worship, personal behaviour, family matters, and social interactions. By deriving principles from these foundational texts, *fiqh* aims to provide comprehensive guidance on living in accordance with Islamic values and laws.[15]

Embedded within *fiqh* is the concept of *maqāṣid al-sharīʿah* (purposes of Islamic law). These *Maqāṣid* are guiding principles to preserve and promote essential human values such as faith, life, intellect, progeny, and property. Additionally, they endeavour to uphold justice, mercy, and equity, thereby ensuring the welfare and flourishing of society.[16] *Maqāṣid al-sharīʿah* delves deep into the underlying objectives and purposes of Islamic jurisprudence, offering a comprehensive framework to comprehend the goals and aims of Islamic law. At its pinnacle, *maqāṣid al-sharīʿah* revolves around protection, safeguarding the interests and well-being of individuals and communities. Categorised into three main areas – *daruriyyat*, addressing the necessities of human life; *hajjiyyat*, fulfilling complementary needs; and *tahsiniyyat*, promoting aesthetic and excellence-related pursuits – these objectives delineate the essence

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[14] Mohammad Eisa Ruhullah and Taufiq Ushama, "Islamic epistemology in the Bangladesh Government system (1996–2022): An analysis of political ideologies," *Jurnal Bina Praja* 15, no. 3 (2023): 479–493, https://doi.org/10.21787/jbp.15.2023.479-493.

[15] Sohaira Zahra, "What is fiqh? Role, applications and principles," *Muslim and Quran*, 2023, https://blog.muslimandquran.com/what-is-fiqh-role-applications-principles/.

[16] Ibrahim H. Usman, "Macroeconomic determinants of home financing in Malaysia: A comparative analysis of conventional and Islamic banks," *Universiti Utara Malaysia* (2014), https://etd.uum.edu.my/4644/1/s814580.pdf.

and aspirations of Islamic law for human excellence.[17] This holistic framework not only enriches our understanding of Islamic jurisprudence but also serves as a compass for ethical decision-making, grounded in principles of justice and human well-being.

For example, the formation of *fiqh al-siyāsah*, which incorporates both legal and political aspects. Understanding the evolution of *fiqh al-siyāsah* within the framework of *maqāṣid al-sharīʿah* enriches comprehension of Islamic jurisprudence and its ethical underpinnings, providing valuable insights into how legal and political domains intersect to safeguard the welfare and prosperity of individuals and communities. The term *al-fiqh*, linguistically denoting comprehension (*al-fahm*), and terminologically referring to the understanding of practical *Shari'ah* laws derived from meticulous evidential proofs (*dalil*), emerges from the process of *ijtihad*.[18] Moreover, the incorporation of *al-siyāsah*, signifying governance, expands the purview of *fiqh* beyond legal matters to encompass matters of political governance and societal administration. This fusion of legal and political dimensions resonates with the broader objectives of *maqāṣid al-sharīʿah*, which strive to advance principles of justice, mercy, and equity within society.[19]

Another example, delving deeper into the application of ethical dimensions, is the utilisation of *fiqh* and *maqāṣid al-sharīʿah* in the realm of medical ethics. In medical practice, Islamic ethical principles play a crucial role in guiding decisions regarding patient care, treatment, and end-of-life issues. For instance, the preservation of life (*hifz al-nafs*) is an integral component of *maqasid al-shari'ah*, emphasising the sanctity of human life. This principle guides medical professionals in prioritising patient well-being and making ethically sound decisions. Understanding *fiqh* and *maqāṣid al-sharīʿah,* as stated by Padela, enables practitioners to navigate complex ethical

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[17] Tariq Ramadan, *Islam, the West, and the Challenges of Modernity* (Leicester: The Islamic Foundation, 2009).

[18] S. Bahri, "The construction of Indonesian political fiqh: *Maqasid Al-Shariah* perspective and Ahmad Ar-Raisuni's thoughts," *Justicia Islamica* 17, no. 1 (2020), 35. https://doi.org/10.21154/justicia.v16i1.1671.

[19] S. Bahri, "The construction of Indonesian political fiqh."

dilemmas in healthcare while upholding Islamic ethical values and principles. Medical professionals rely on these principles to ensure that their decisions align with the overarching objectives of Islamic law, such as preserving life, promoting justice, and fostering mercy. By integrating *fiqh* and *maqāṣid al-sharīʿah* into medical ethics, practitioners can provide holistic care that respects patients' rights and upholds ethical standards grounded in Islamic tradition.[20] This approach not only enhances patient care but also reinforces the ethical framework within which medical practice operates. This approach not only enhances patient care but also reinforces the ethical framework within which medical practice operates.

A notable work on the ethical dimensions of *Maqāṣid* is Jasser Auda's "*Maqāṣid al-Sharīʿah* as Philosophy of Islamic Law: A Systems Approach," which explores how these principles are integrated into Islamic jurisprudence to ensure justice and human well-being. This comprehensive approach enriches our understanding of Islamic law and serves as a compass for ethical decision-making grounded in principles of justice and mercy.[21]

Tariq Ramadan highlights the importance of integrating spiritual and ethical dimensions within the broader framework of *maqāṣid*, emphasising the need for a holistic approach to Islamic ethics and governance.[22] Berghout's significant contribution lies in adding the broader objectives of *maqāṣid al-istikhlaf* (preservation of vicegerency) and *maqāṣid al-kawn* (purposes of creation), innovatively expanding the traditional framework of *maqāṣid* to address comprehensive and contemporary human and environmental concerns.[23] These additions relate to the concept of the soul and ethics by emphasising the holistic development of individuals, integrating spiritual and ethical dimensions within the broader framework of Islamic governance and civilisation. In another work, Berghout emphasises the importance of ethical governance in

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[20] Padela, "Maqāṣidī models for an 'Islamic' medical ethics."

[21] Auda, *Maqasid Al-Shariah.*

[22] Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation* (Oxford: Oxford University Press, 2009).

[23] Abdel Aziz Berghout, *Al-Manhaj al-nabawi waʼl-taghyeer al-hadari* (The Prophetic Methodology and Civilisational Change) (Kuwait: Ministry of Awqaf and Islamic Affairs, 2007), 46-47.

building civilisation, highlighting that one of the criteria for *ummah wasatiyah* (the middle nation) is *i'tidal* (moderation) and *samahah* (tolerance). He discusses the integration of ethical considerations within the *maqāṣid* framework, particularly emphasising that these elements fall within the broader objectives of *fifz al-nafs* (preservation of life) and *hifz al-ʿaql* (preservation of intellect), stressing their importance in fostering a just and dignified society.[24] This underscores the interconnectedness of individual moral development and the broader objectives of the *Sharīʿah*, enriching contemporary discourses on ethics and jurisprudence within the Islamic tradition.

## 6. The Ethical Imperative of *Fiqh*

While *fiqh* delineates the legal injunctions governing human behaviour, the ethical imperative infuses these laws with moral significance. Ethical conduct transcends the mere observance of rules; it entails embodying virtuous qualities and internalising noble values. In Islamic custom, the Prophet Muhammad (ﷺ) exemplified the highest ethical standards, emphasising compassion, honesty, humility, and integrity.[25] Hence, ethical considerations permeate every facet of *fiqh*, guiding individuals toward righteous conduct and moral excellence.

Imam Al-Ghazali, in his seminal work *Ihya' 'Ulum al-Din* (Revival of the Religious Sciences), emphasised the ultimate purpose of *fiqh* as bringing individuals closer to God through ethical and spiritual refinement. He highlighted the importance of purifying the soul (*tazkiyah al-nafs*) and aligning one's actions with divine intentions.[26] Al-Ghazali's focus on the spiritual and ethical development of individuals indirectly supports the preservation of

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[24] Abdelaziz Berghout, *al-Shuhud al-hadari li-l-ummah al-wasat fi 'asr al-awlama* (The Civilisational Witnessing of the Middle Nation in the Era of Globalisation) (Kuwait: Ministry of Awqaf and Islamic Affairs, 2007), 63-64 ff. https://archive.org/details/YacineB00361BibliothqueApcHamma/page/n67/mode/2up?view=theater.

[25] Muslim ibn al-Hajjaj, *Sahih Muslim*, Book 43, Hadith 6223.

[26] Abu Hamid Al-Ghazali, *Ihya' 'Ulum al-Din* (The Revival of the Religious Sciences) (Cairo: Dar al-Taqwa, 1993).

fundamental values such as religion, life, intellect, lineage, and property.

These values, while not explicitly labelled as *maqāṣid al-sharīʿah* by Al-Ghazali, align with the higher ethical goals that *fiqh* aims to achieve. Al-Shatibi later formalised these objectives in his work *Al-Muwafaqat*, emphasising that legal rulings should aim to protect and promote these essential values, thus ensuring that *fiqh* aligns with the broader moral and spiritual objectives of Islam.[27]

Ibn Qayyim al-Jawziyya, in his seminal work *Iʿlām al-muwaqqiʿīn ʿan rabb al-ʿalamīn*, emphasises that the purpose of the *Sharīʿah* is not only to enforce legal norms but also to cultivate ethical and moral virtues within the individual and society. He asserts that the primary objectives of the *Sharīʿah* include the promotion of justice, mercy, and wisdom, aligning legal rulings with higher moral goals. This approach reflects a holistic understanding of Islamic jurisprudence, where the final aim is to harmonise legal rulings with the overarching ethical and spiritual principles of Islam.[28]

Furthermore, Jasser Auda highlights the importance of a *maqāṣid*-based approach in modern contexts. He argues that the higher objectives of the *Sharīʿah* serve as a system of values contributing to the sound application of Islamic law, emphasising justice, mercy, wisdom, and the common good. Auda suggests differentiating between scriptural texts as means to higher ends and those as ends in themselves, proposing that this understanding allows for greater flexibility and relevance in contemporary settings.[29]

Hasan Chamsi-Pasha in "Islamic perspectives on the principles of biomedical ethics" used the rapid spread of Islam as evidence that autonomy is compatible with Islam, as it protects individual freedom. He argued that the Qur'anic concepts of divine lordship (*rubūbīyah*) and human vicegerency (*khilāfa*) also support autonomy as being "Islam-friendly". According to Hasan, the Qur'an states that the

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[27] al-Shatibi, *Al-Muwafaqat.*

[28] Ibn Qayyim al-Jawziyya, *Iʿlām al-muwaqqiʿīn ʿan rabb al-ʿalamīn* (Cairo: Maktabat al-Kulliyyat al-Azhariyya, 1968) 1, 31-32.

[29] Jasser Auda, "A maqāṣid-based approach for new independent legal reasoning (*ijtihad*)," in *Islamic Perspectives on the Principles of Biomedical Ethics*, edited by M. Ghaly (World Scientific Publishing, 2016), 69-86.

human spirit is divine and that as God's vicegerent on earth, man shares in God's essential attribute of freedom. Therefore, he possesses delegated freedom. Furthermore, Hasan maintained that since divine revelation ended with the death of the Prophet of Islam and the legal system is left to be determined by people in the light of their reasoning, individual autonomy is not foreign to the Islamic tradition.[30]

Bedoui and Mansour introduce a novel approach that links organisational performance to the ethical vision of Islam, based on *maqāṣid al-sharīʿah*. The approach involves a pentagon-shaped performance scheme structure via five pillars: wealth, posterity, intellect, faith, and human self. This scheme enables organisations to ethically contribute to promoting human welfare, preventing corruption, and enhancing social and economic stability rather than solely focusing on maximising financial returns. The paper also presents a quantitative measure of ethical performance, which surprisingly shows that firms or organisations prioritising financial gains at the expense of other pillars perform poorly. Further, the paper presents practical examples of quantitatively measuring ethical aspects of the design at an aggregate rank.[31]

Imran Ahsan Khan Nyazee enhances the discussion by alluding to values that might be preserved and protected in different jurisdictions among Muslim jurists and Western law. He points out that the purposes by recent community and society, either in the name of *maqāṣid al-sharīʿah* or justice (with references to the Western), would come together and intersect on issues such as equality, security, civilisation, and independence. Regardless of how they differentiate, it should be borne in mind that the engagement of those values might be changeable from time to time, from one person to another, from one regime to another, or from one circumstance to another.[32]

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[30] Hassan Chamsi-Pasha, "Response to Raissouni's paper," in *Islamic Perspectives on the Principles of Biomedical Ethics*, edited by Mohammed Ghaly, (World Scientific Publishing, 2016), 233-234. https://doi.org/10.1142/p9781786341007.

[31] H. E. Bedoui and W. Mansour, "Performance and maqasid al-shari'ah's pentagon-shaped ethical measurement," *Science and Engineering Ethics* 21, no. 3 (2015): 555-576.

[32] Imran Ahsan Khan Nyazee, *Islamic Jurisprudence: Usul al-Fiqh* (Petaling Jaya,

In conclusion, the ethical dimension of *fiqh* is fundamentally connected to the concept of the soul (*nafs*) in Islamic thought. The ethical and spiritual journey within *fiqh* involves continually striving against the lower self's desires, aiming to elevate the soul towards its higher, virtuous state. This interaction between ethical behaviour and spiritual growth highlights the comprehensive nature of Islamic jurisprudence, where legal rulings are not just about adherence but also about cultivating moral excellence and spiritual development in accordance with the higher objectives of the *Sharīʿah*.

## 7. The Role of the Soul in Achieving *Maqāṣid al-Sharīʿah*

Achieving *maqāṣid al-sharīʿah* requires integrating ethical principles with legal rulings. The development of the soul fosters ethical decision-making that goes beyond mere legal compliance to embody virtues like compassion, honesty, and integrity. Islamic legal theory emphasises that ethical conduct is not merely about following rules but embodying virtuous qualities.[33] The ethical imperative infuses legal injunctions with moral significance, guiding individuals towards righteous conduct. This perspective is supported by the Qur'an, which states, "He has succeeded who purifies it, and he has failed who corrupts it."[34]

Ibn Sina provides a comprehensive framework for the soul's development towards achieving human perfection. According to Ibn Sina, the soul progresses through several stages to reach the state of the Active Intellect, characterised by a process of knowledge acquisition. The soul's journey begins with sensory perceptions through the five senses, which produce images that feed into the imagination. These images can be good or bad, and the quality of imagination influences the way of thinking. This process involves not just rationality but also the ethical and moral conduct (*adab*) that

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Selangor: The Other Press, 2003), Malaysian edition.

[33] Mohammad Hashim Kamali, *Maqasid al-Shariah: The Objectives of Islamic Law* (London: Islamic Texts Society, 2008), 105-110; Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), 147-158; Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 219-225.

[34] *The Qur'an* 91:9-10.

affects actions. Proper nurturing of the soul through knowledge and ethical behaviour leads to higher phases of the intellect, ultimately bringing the soul closer to God.[35]

The concept of the soul, or *nafs* in Islamic terminology, plays a crucial role in the ethical dimension of *fiqh*. In Islamic psychology, the soul is not an abstract entity but a dynamic force that influences human behaviour and spiritual development.[36] Syed Muhammad Naquib al-Attas emphasises the purification of the soul (*tazkiyah al-nafs*) as essential for achieving true knowledge and ethical conduct. He argues that education and ethical training should aim to develop the soul's virtues, leading to intellectual and spiritual refinement. According to al-Attas, the soul's ethical and intellectual development is crucial for realising the holistic objectives of Islamic law, including justice, wisdom, and societal harmony.[37]

The concept of *tazkiyah al-nafs*, which means the purification of the soul, is fundamental in this ethical journey. However, in the context of this article, *tazkiyah* does not refer to Sufi or mystical practices, but rather to the purification of our intentions and actions to align with Islamic ethical standards. *Tazkiyah* involves cleansing the soul of immoral qualities and nurturing virtues such as sincerity, patience, and humility.[38] Without this inner purification, adherence to the *Sharīʿah* may become superficial, lacking the moral and spiritual essence necessary for achieving *maqāṣid al-sharīʿah*.[39] The

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[35] Ibn Sina, *The Metaphysics of Healing*, trans. Michael E. Marmura (Provo, UT: Brigham Young University Press, 2005), 85-90.

[36] Malik Badri, *Islamic Psychology: Human Behavior and Experience from an Islamic Perspective* (London: International Institute of Islamic Thought, 2013).

[37] Syed Muhammad Naquib al-Attas, *The Concept of Education in Islam: A Framework for an Islamic Philosophy of Education* (Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1999).

[38] Faysal Burhan, "*Al-tazkiyah* (inner-self purification) – the gate to prosperity," *Center for Islamic Studies*, 2002, https://islamic-study.org/al-tazkiyah-inner-self-purification/.

[39] Ibn al-Qayyim al-Jawziyya, *Madarij al-salikin bayna manazil iyyaka na'budu wa-iyyaka nasta'in*, tahqiq Muhammad Hamid al-Fiqi (Cairo: Maktabat Dar al-Turath, 1980); Al-Ghazālī. *Iḥyāʾ ʿUlūm al-Dīn*; Mulla Sadra Shirazi, *al-Hikmat al-muta'aliyah fi al-asfar al-arba'ah*, tahqiq Muhammad Khwansari (Tehran: Mu'assasah-yi Mutali'at va Tahqiqat-i Farhangi, 1981); Mohammad Hashim Kamali, "Maqasid al-Shariah: the objectives of Islamic Law," *Islam*, 2022,

ethical journey within *fiqh* entails a continual struggle against the lower self's impulses, aiming to elevate the soul towards virtuous manifestations, thereby fulfilling the higher objectives of Islamic law. As Norman suggests, this process is integral to achieving both intellectual and spiritual capacities in modern Islamic education.[40]

The Qur'an underscores the importance of purifying the soul as means to achieve righteousness and divine approval. Verses such as "And do not mix the truth with falsehood or conceal the truth while you know [it]" (Qur'an 2:42) provide ethical guidance that aligns with *maqāṣid al-sharīʿah*, promoting values like justice, compassion, and intellectual pursuit.

Contemporary psychological theories, such as Kohlberg's stages of moral development, emphasise the progression from basic obedience to advanced ethical reasoning. This parallels the Islamic concept of developing the soul through stages of moral and intellectual growth. Modern psychospiritual frameworks highlight the importance of integrating psychological well-being with spiritual growth, aligning with Islamic teachings on *tazkiyah al-nafs*. Research shows that spiritual practices enhance ethical behaviour and mental health, supporting the holistic objectives of *maqāṣid al-sharīʿah*.[41]

The application of *maqāṣid al-sharīʿah* in medical ethics demonstrates how ethical frameworks based on the soul's purification can address complex moral dilemmas. For example, the principle of preserving life (*hifz al-nafs*) guides medical professionals in prioritising patient well-being while making ethically sound decisions. Scholars like Jasser Auda and Tariq Ramadan have expanded on the traditional *maqāṣid al-sharīʿah* theory to develop frameworks that integrate ethical considerations into modern contexts. These frameworks emphasise the need for a holistic approach that includes the soul's spiritual and ethical development[42].

Islamic           psychospirituality           combines           spiritual           and

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https://islam101.net/index.php/shariah/141-maqasidalshariah.

[40] Nurul Ain Norman, "Ibn Sina's Theory".

[41] Lawrence Kohlberg, *The Philosophy of Moral Development: Moral Stages and the Idea of Justice* (San Francisco: Harper & Row, 1981).

[42] Jasser Auda, *Maqasid Al-Shariah as Philosophy*; Tariq Ramadan, *Radical Reform.*

psychological components based on Islamic principles, emphasising the purification of the soul for well-being and happiness. This approach aligns with *maqāṣid al-sharīʿah*'s goal of promoting the greater good of humanity. Research by M. A. Abd Razak et al. (2023) on Islamic psychospiritual theory highlights the significant role of psycho-spirituality in developing *insaniah*, leading to the preservation of al-*kulliyat al-khams* (the core of *maqāṣid al-sharīʿah*).[43]

Ethics is fundamental to achieving *maqāṣid al-sharīʿah* as it ensures that actions align with higher moral objectives. Ethical behaviour rooted in the purification of the soul leads to a just and compassionate society. Ethical frameworks that incorporate the soul's purification guide individuals and institutions in making decisions that uphold justice, equity, and societal well-being. This holistic approach is essential for addressing modern challenges while staying true to Islamic principles.

The development of the soul plays a pivotal role in achieving *maqāṣid al-sharīʿah* by fostering ethical virtues and intellectual excellence. Ibn Sina's theory of the soul, al-Attas's perspectives, Qur'anic guidance, and contemporary psychological insights collectively underscore the necessity of ethical and spiritual refinement. This holistic approach ensures that individuals and communities align their actions with divine objectives, promoting justice, compassion, and societal well-being. Through this integration, the soul not only adheres to legal injunctions but also embodies the higher ethical and moral principles that underpin Islamic jurisprudence. While the role of the soul emphasises the theoretical foundation and principles necessary for achieving *maqāṣid al-sharīʿah,* soulful transformation focuses on the practical and transformative processes required to actualise these principles in individuals and society which will be discussed below.

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[43] M. A Abd Razak, S. A. Rahman, M. I. Ismail, and A. R. Zainal, "Islamic psychospiritual theory according to the perspective of Maqasid al-Sharia," *Islamiyyat* 45, no. 1 (2023): 69-79.

## 8. Realising *Maqāṣid al-Sharīʿah* through Soulful Transformation

Building on the discussion of the soul's crucial role in achieving *maqāṣid al-sharīʿah*, the concept of soulful transformation is essential. Realising *maqāṣid al-sharīʿah* through soulful transformation embodies a fundamental principle deeply entrenched in Islamic ethics and jurisprudence. This approach emphasises the holistic nature of Islamic law, which not only seeks to regulate external actions but also aims to nurture the inner spiritual state of individuals. By aligning one's soul with the higher objectives of Islamic law—such as justice, compassion, and wisdom—believers can achieve a profound transformation that transcends mere legal compliance. The soulful transformation can lead to the realisation of *maqāṣid al-sharīʿah*, fostering a more ethical, harmonious, and spiritually enriched Muslim community.

Islamic psychology illuminates the intricate dynamics of the soul, distinguishing between its primal inclinations and its tranquil, submissive state. Al-Ghazali, in his *Iḥyāʾ* expounds upon this, elucidating the perpetual struggle against base desires and the pursuit of spiritual serenity. He delves into the purification of the soul (*tazkiyah al-nafs*) as a transformative process essential for spiritual growth and moral excellence,[44] which lies at the heart of Islamic psycho-spirituality. This issue is extensively discussed by al-Ghazali in his works such as "*Madarij al-Salikin*" (The Pathways of the Seekers). Ibn Qayyim emphasises the necessity of inner refinement for achieving spiritual elevation and ethical excellence[45].

Furthermore, the objectives of *maqāṣid al-sharīʿah* converge with the ethos of soulful transformation, aiming to foster societal welfare and individual well-being. Ibn Ashur's monumental work "*Maqasid al-Shari'ah al-Islamiyyah*" delves into these objectives, emphasising justice, mercy, and the preservation of human dignity as central tenets of Islamic law. He elucidates how the pursuit of *maqāṣid al-sharīʿah* necessitates soulful transformation as means to achieve these noble objectives.[46]

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[44] Al-Ghazālī, *Iḥyāʾ ʿUlūm al-Dīn*.

[45] I. Q. al-Jawziyya, *Madarij al-Salikin (The Paths of the Seekers): A Parallel English-Arabic*, trans., O. Anjum (Brill, 2020).

[46] M. T. Ibn 'Ashur, *Maqasid al-Shari'ah al-Islamiyyah*, ed., M.T. al-Misawi (Kuala

The synergy between Islamic psycho-spirituality and *maqāṣid al-sharīʿah* underscores their complementary roles in shaping a just and harmonious society. Scholars like Nasr, although primarily focused on the spiritual aspects in "Islamic Spirituality: Foundations," highlight concepts of soulful transformation that can be related to the realisation of *maqāṣid al-sharīʿah* by demonstrating how spiritual refinement fosters the attainment of higher objectives, ultimately promoting the greater good of humanity[47]. Similarly, while Kamali's "Principles of Islamic Jurisprudence" does not directly address the soul and ethics, his thorough discussion of *maqāṣid al-sharīʿah* provides a framework that can be connected to these aspects, underscoring the importance of integrating ethical dimensions with legal principles to achieve comprehensive justice and societal welfare.[48] Additionally, Al-Faruqi's *Al-Tawḥīd: Its Implications for Thought and Life* emphasises the holistic nature of Islamic thought, advocating for a balance between spiritual development and legal obligations to create a cohesive society.[49]

The integration of *maqāṣid al-sharīʿah* with contemporary ethical frameworks demonstrates the enduring relevance and adaptability of Islamic jurisprudence to modern challenges. Contemporary studies, such as those by Mergaliyev et al., illustrate how *maqāṣid al-sharīʿah* can be applied to assess and enhance the ethical performance of Islamic financial institutions. By proposing a multidimensional framework that links business performance to the ethical vision of Islam, these studies emphasise the importance of ensuring that firms contribute to human welfare, social stability, and economic justice, rather than solely focusing on financial returns. This approach highlights five pillars: wealth, posterity, intellect, faith, and the human self, each contributing to a holistic and ethically sound business model.[50]

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Lumpur: al-Basa'ir, 1998).

[47] S. H. Nasr, *Islamic Spirituality: Foundations* (London: Routledge, 1987).

[48] M. H. Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 1991).

[49] I. R. Al-Faruqi, *Al-Tawḥīd: Its Implications for Thought and Life* (Herndon: International Institute of Islamic Thought, 1992.) Accessed May 2, 2024. https://archive.org/details/altawhiditsimpli0000alfa.

[50] A. Mergaliyev et al., "Higher ethical objective (maqasid al-shari'ah) augmented

Similarly, Mohadi and Tarshany explore the application of *maqāṣid al-sharīʿah* to the ethical challenges posed by artificial intelligence (AI). They argue that the rapid advancements in AI technology necessitate a re-evaluation of ethical standards, particularly concerning issues of privacy and manipulation. Their study suggests that application of *maqāṣid al-sharīʿah* to AI development can help address these concerns by prioritising fundamental human values such as fairness and the protection of privacy. This perspective advocates for a comprehensive Islamic ethics-based approach, ensuring that technological advancements align with the ethical principles of Islam, thereby contributing positively to the global discourse on AI ethics.[51]

Nurul Ain Norman's work on Ibn Sina's theory of the soul highlights how his logical-metaphysical framework can be applied to modern Islamic education, integrating Islamic monotheistic principles with Aristotle's classifications. She describes the soul's progression from sensory perception to imagination, rational thinking, and intuition, culminating in the Active Intellect. This progression supports educational curricula that enhance intellectual and spiritual capacities. Norman's taxonomy, inspired by Ibn Sina, addresses contemporary educational needs while retaining religious and ethical values. Norman also developed the Children Soul Development Model (CSD) to instil ethical and intellectual virtues in early childhood education, aligning with Islamic principles to address modern educational challenges.[52] This approach aligns with *maqāṣid al-sharīʿah* by promoting the preservation of intellect (*ʿaql*) and

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framework for Islamic banks: assessing ethical performance and exploring its determinants," *Journal of Business Ethics* 170 (2021): 797–834. Accessed May 2, 2024. https://link.springer.com/article/10.1007/s10551-019-04331-4.

[51] M. Mohadi and Y. Tarshany, "Maqasid Al-Shari'ah and the ethics of Artificial Intelligence," *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023). https://doi.org/10.

[52] Nurul Ain Norman, "Ibn Sina's theory of the soul: A taxonomy of Islamic education," *ICR Journal* 12, no. 2 (2021): 275-289; Nurul Ain Norman, Ahmad Zuhdi Ismail, and Zaharah Hussin, "Evaluation of the Children Soul Development Model (CSD) based on Ibnu Sina Theory of Soul," *ATTARBAWIY: Malaysian Online Journal of Education* 3, no. 1 (2019): 20-33.; Nurul Ain Norman, "Implementing the CSD Model in early childhood education," *O-JiE: Online Journal of Islamic Education* 4, no. 2 (2021): 88-102.

fostering moral and ethical development in accordance with Islamic teachings.

In essence, the pursuit of *maqāṣid al-sharīʿah* through soulful transformation represents a holistic approach to individual and societal flourishing. This approach calls for deep introspection and a commitment to ethical refinement, guided by Islamic principles and spiritual insights as expounded upon by renowned scholars throughout Islamic history. By aligning personal and communal actions with the higher objectives of the *Sharīʿah*, individuals and institutions can achieve a profound transformation that upholds justice, fosters ethical integrity, and contributes to the overall well-being of society. This integrated approach highlights the timeless nature of Islamic ethical principles and their capacity to adapt to and address contemporary issues, ensuring that progress and innovation are balanced with moral integrity and the greater good of humanity.

## 9. Analytical Findings

### 9.1. Interpretations of the Soul in *Fiqh*

Table 1.0: Comparative Analysis of Traditionalist and Modernist Perspectives on the Soul in Islamic Jurisprudence

| Aspect | Traditionalist Views | Modernist Perspectives |
|---|---|---|
| Nature of the Soul | Inherently inclined towards virtue and righteousness. | Emphasises psychological and emotional dimensions. |
| | Divine origin and potential for good. | Susceptible to growth and corruption based on external influences. |
| Purpose of the Soul | Attaining spiritual perfection and closeness to God. | Balancing worldly duties and spiritual obligations. |
| | Preservation of faith and spiritual growth. | Prioritising social justice, intellectual development, and life. |
| Ethical Dilemmas | Emphasis on religious rituals and moral principles. | Considers psychological and social well-being. |

| Aspect | Traditionalist Views | Modernist Perspectives |
|---|---|---|
|  | Preservation of life and adherence to divine commands. | Balancing life-preserving measures with quality of life. |
| Balancing Objectives | Prioritising personal piety and moral integrity. | Promoting social equity, human rights, and environmental sustainability. |
|  | Focus on individual ethical conduct and religious adherence. | Balancing individual and collective objectives. |
| Dynamic Interpretive Tradition | Continuous reinterpretation in the light of contemporary challenges. | Ensuring relevance and responsiveness to new ethical dilemmas |
|  | Evolving interpretive tradition. | Ongoing dialogue between classical principles and modern realities. |

The analysis of various interpretations of the concept of the soul within Islamic jurisprudence reveals diverse perspectives on its nature, function, and significance. Through a meta-analysis of primary and secondary sources, it is evident that interpretations range from traditionalist views emphasising the soul's role in spiritual development to modernist perspectives focusing on its psychological dimensions. Descriptive statistical analysis based on Table 1.0 indicates a prevalence of traditionalist interpretations among classical scholars, while contemporary scholars exhibit a more nuanced understanding that incorporates psychological and sociological aspects. This nuanced understanding further explores the nature and purpose of the soul, ethical dilemmas, balancing objectives and dynamic interpretive description:

a) Nature of the Soul: Traditionalist views often consider the soul as inherently inclined towards virtue and righteousness. This perspective emphasises the soul's divine origin and its inherent potential for good, aligning ethical priorities with spiritual purity and moral rectitude. Modernist perspectives may highlight the soul's psychological and emotional dimensions, viewing it as susceptible to both growth and corruption based on external influences and internal choices. This approach integrates

contemporary psychological insights, affecting how ethical objectives are formulated to support mental and emotional well-being.

b) Purpose of the Soul: In traditionalist interpretations, the soul's primary purpose is seen as attaining spiritual perfection and achieving closeness to God. This view prioritises objectives like the preservation of faith (*hifẓ al-dīn*) and the promotion of spiritual growth, ensuring that ethical decisions enhance one's spiritual journey. Modernist interpretations might stress the soul's role in fulfilling both worldly duties and spiritual obligations. This dual focus leads to a broader prioritisation of objectives, including social justice, intellectual development, and the preservation of life, reflecting a more integrated approach to human welfare.

c) Ethical Dilemmas: Traditional interpretations often guide responses to ethical dilemmas by emphasising adherence to religious rituals and moral principles that safeguard the soul's purity. For instance, in medical ethics, decisions might prioritise preserving life and adhering to divine commands. Contemporary interpretations may navigate ethical dilemmas by considering the soul's psychological and social well-being. In issues like end-of-life care, this could mean balancing life-preserving measures with the quality of life and the dignity of the dying process.

d) Balancing Objectives: Traditionalist approaches might prioritise objectives that ensure personal piety and moral integrity, sometimes at the expense of broader social or material interests. This often results in a focus on individual ethical conduct and religious adherence. Modernist approaches seek to balance individual and collective objectives, promoting social equity, human rights, and environmental sustainability. This balance ensures that ethical decisions contribute to both personal development and societal welfare, aligning with a holistic view of *maqāṣid al-sharīʿah*.

e) Dynamic Interpretive Tradition: The dynamic nature of Islamic jurisprudence allows for continuous reinterpretation of the soul's role in the light of contemporary challenges. This evolving interpretive tradition ensures that *maqāṣid al-sharīʿah* remains

relevant and responsive to new ethical dilemmas, such as those posed by technological advancements and social changes. This adaptability fosters an ongoing dialogue between classical principles and modern realities, ensuring that ethical frameworks remain robust and applicable across different contexts and times.
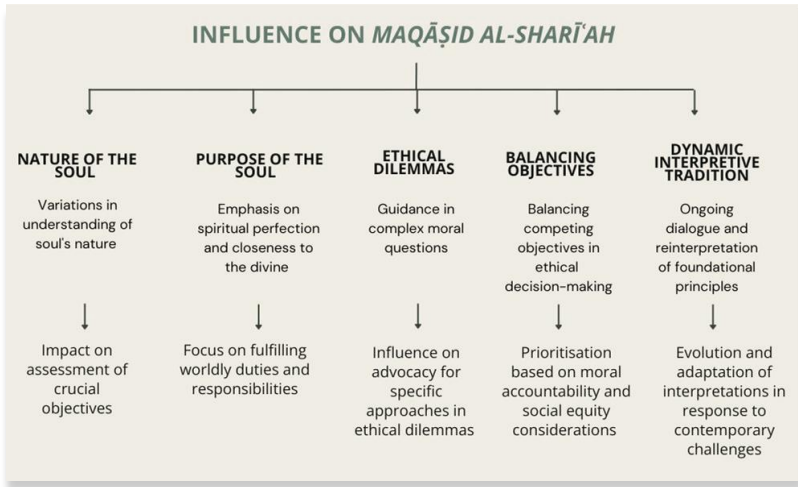
## 9.2. Influence on *Maqāṣid al-Sharīʿah*



Figure 1.0: Interplay of Interpretations: Influence of the Soul on *Maqāṣid al-Sharīʿah*

Based on a meta-analysis of Figure 1.0, it is revealed that different interpretations of the soul significantly influence the understanding and prioritisation of *maqāṣid al-sharīʿah*, especially in contemporary ethical dilemmas. These interpretations influence ethical reasoning and decision-making by providing varying perspectives on the human soul's nature, purpose, and significance. Here are how these interpretations impact the understanding and prioritisation of *maqāṣid al-sharīʿah*:

a)  **Nature of the Soul:** Different interpretations of the soul within *fiqh* may vary in their understanding of its nature. For instance, some interpretations may view the soul as inherently inclined towards virtue and righteousness, while others may emphasise its susceptibility to corruption and deviation. This understanding

affects how scholars prioritise *maqāṣid al-sharīʿah's* objectives, shaping their assessment of which objectives are most crucial for safeguarding the soul's well-being.

b) **Purpose of the Soul:** Interpretations of the soul also influence perceptions of its purpose and ultimate destination. Some interpretations emphasise the soul's journey towards spiritual perfection and closeness to the divine, prioritising objectives such as preserving faith and promoting spiritual growth. Others may focus more on the soul's role in fulfilling worldly duties and responsibilities, prioritising objectives related to social justice, preservation of life, and the protection of intellect.

c) **Ethical Dilemmas:** In contemporary ethical dilemmas, varying interpretations of the soul within *fiqh* guide scholars and practitioners in navigating complex moral questions. For example, in issues related to medical ethics, such as end-of-life care or organ donation, interpretations that prioritise preserving life may advocate for more aggressive medical interventions, while interpretations emphasising the spiritual development of the soul may prioritise the quality of life and the dignity of the dying process.

d) **Balancing Objectives:** The interplay between interpretations of the soul and *maqāṣid al-sharīʿah* equires scholars to balance competing objectives in ethical decision-making. For instance, in cases involving the pursuit of justice, interpretations emphasising the soul's moral accountability may prioritise objectives related to social equity and protecting individual rights, even if it means sacrificing specific material interests.

e) **Dynamic Interpretive Tradition:** Islamic jurisprudence is characterised by a dynamic interpretive tradition, allowing for ongoing dialogue and reinterpretation of foundational principles in the light of contemporary challenges. Therefore, different interpretations of the soul within *fiqh* continue to evolve and adapt, shaping new perspectives on the prioritisation of *maqāṣid al-sharīʿah* in response to changing ethical dilemmas.

In essence, different interpretations of the concept of the soul within Islamic jurisprudence profoundly influence the understanding and

prioritisation of *maqāṣid al-sharīʿah*, guiding ethical reasoning and decision-making in response to contemporary challenges Muslim communities worldwide face.

## 9.3. Ethical Implications

Table 2.0: Comparison of Ethical Implications in Traditionalist and Modernist Frameworks within Islamic Jurisprudence.

|   | Ethical Implications | Traditionalist Framework | Modernist Framework |
|---|---|---|---|
| 1 | Emphasis on Moral Virtue | High | Moderate |
| 2 | Focus on Inner Transformation | High | Moderate |
| 3 | Integration of Ethics and Law | High | Moderate |
| 4 | Commitment to Social Justice | Moderate | High |
| 5 | Promotion of Compassion and Mercy | Moderate | High |
| 6 | Balancing Material and Spiritual Needs | Moderate | High |

Based on Table 2.0, the descriptive statistical analysis provides a comparative overview of how traditionalist and modernist frameworks within Islamic jurisprudence emphasise various ethical implications related to prioritising the spiritual development of the soul within the context of *maqāṣid al-sharīʿah*. These differences are reflected in their approaches to emphasise on moral virtue, inner transformation, integration of ethics and law, commitment to social justice, promotion of compassion and mercy, or balancing material and spiritual needs within Islamic jurisprudence.

1. **Emphasis on Moral Virtue:** Prioritising spiritual development underscores the importance of cultivating moral virtues such as compassion, integrity, and humility. Traditionalist frameworks often consider the soul as inherently inclined towards virtue and righteousness, emphasising personal piety and moral rectitude. Ethical decision-making in this context is guided by divine command theory, aligning actions with religious duties and spiritual purity. Conversely, modernist frameworks incorporate a nuanced understanding of the soul, integrating psychological and sociological aspects. This perspective acknowledges the soul's susceptibility to both growth and corruption based on internal and external influences, leading to ethical imperatives that extend

beyond religious obligations to include psychological and emotional well-being. This perspective aligns with findings from the paper "Ethical dimension of *maqāṣid al-sharīʿah* and its implication to human capital development", which explores how the *Sharīʿah* objectives refine conduct, inspire morality, and shape human capital development.[53]

2. **Focus on Inner Transformation:** Spiritual development prioritisation highlights the significance of inner transformation and character refinement. Ethical decision-making frameworks within Islamic jurisprudence emphasize the importance of intentions (*niyah*) and the purification of the heart (*tazkiyah*), guiding individuals to act sincerely and with integrity in their interactions with others. Traditionalist interpretations often prioritise religious rituals and moral principles that safeguard the soul's purity, such as favouring aggressive treatments in medical ethics to preserve life. Modernist interpretations navigate ethical dilemmas by considering the soul's psychological and social well-being, balancing life-preserving measures with considerations of quality of life and dignity in the dying process. Ethical decisions in this context also consider broader social implications, promoting actions that enhance communal well-being and social justice. For instance, the development of an Islamic Psychospiritual Scale for drug addicts, as discussed by Che Zarrina Sa'ari et al. illustrates how inner transformation and spiritual well-being are addressed in modern contexts, integrating psychological and spiritual aspects to guide individuals towards recovery and holistic wellness.[54]

3. **Integration of Ethics and Law:** Prioritising spiritual development encourages the integration of ethical principles with legal rulings. Islamic jurisprudence recognises that ethical conduct cannot be reduced to mere adherence to legal prescriptions; instead, it demands a holistic strategy that considers the broader ethical

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[53] M. A. Nasir, "Ethical dimension of maqāṣid al-sharīʿah and its implication to human capital development." *International Journal of Islamic Studies and Humanities* 4, no. 1 (2021): 20-31. Accessed May 5, 2024. http://journal2.uad.ac.id/index.php/ijish/index.

[54] Che Zarrina Sa'ari et al., "The development of Islamic Psychospiritual Scale for drug addicts," *Afkar* 22, no. 2 (2020): 279-312. Universiti Malaya. https://doi.org/10.22452/afkar.vol24no2.4.

implications of one's actions on individuals and society. This integration is evident in the dynamic interpretive tradition of Islamic jurisprudence, which allows for continuous reinterpretation of the soul's role in the light of contemporary challenges. Traditionalist frameworks maintain a steady adherence to classical interpretations, ensuring ethical decisions remain rooted in long-standing religious principles. Modernist frameworks embrace an evolving interpretive tradition, ensuring that *maqāṣid al-sharīʿah* remains relevant and responsive to new ethical dilemmas. For instance, the article "Maqāṣidī Models for an 'Islamic' Medical Ethics", Padela critically analyses how leading thinkers expand upon traditional *maqāṣid al-sharīʿah* theory to develop frameworks for medical ethics, illustrating the integration of ethics and law within Islamic jurisprudence.[55]

4. **Commitment to Social Justice:** Spiritual development prioritisation fosters a commitment to social justice and equity. Ethical decision-making frameworks within Islamic jurisprudence advocate for the fair treatment of all individuals, regardless of their social status or background, and emphasise the importance of addressing systemic injustices that undermine human dignity and well-being. In this regard, traditionalist approaches often prioritise objectives that ensure personal piety and moral integrity, sometimes at the expense of broader social or material interests. Modernist approaches seek to balance individual and collective objectives, promoting social equity, human rights, and environmental sustainability. Ethical decision-making here involves a holistic view, ensuring that actions contribute to both personal spiritual development and societal welfare. The "*Maqāṣid al-Sharīʿah* Guidance for Islamic Capital Market Malaysia" by Securities Commission Malaysia exemplifies how prioritising spiritual development fosters a commitment to social justice and equity. It emphasises addressing social equity and promoting ethical conduct in Islamic Capital Market activities. This aligns with *maqāṣid al-sharīʿah*'s ethical principles, advocating for fair treatment regardless of social status.[56] For further insight into the

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[55] Padela, *Islamic Bioethics.*
[56] Securities Commission Malaysia, *Maqāṣid al-Sharīʿah Guidance for Islamic*

integration of spirituality and morality within Islamic economic education and training, consider exploring the work of M. J. Tavakoli, in Chapter 5: The Role of Spirituality and Morality in the Islamic Model of Economic Education and Training' found in the *Handbook of Ethics of Islamic Economics and Finance*.[57]

5. **Promotion of Compassion and Mercy:** Prioritising spiritual development promotes values of compassion and mercy towards others. Ethical decision-making within Islamic jurisprudence is guided by the principle of *rahmah* (mercy), encouraging individuals to extend kindness and empathy to those in need and to strive for the well-being of the broader community. This approach, aligning with both traditionalist and modernist interpretations that emphasise ethical imperatives through the lens of divine command theory and contemporary psychological insights, finds support in studies like Bahri, which delve into the intersection of ethical soul development and *maqāṣid al-sharīʿah* attainment.[58]

6. **Balancing Material and Spiritual Needs:** Prioritising spiritual development entails balancing material and spiritual needs in ethical decision-making. Islamic jurisprudence recognises the importance of attending to both the material welfare and the spiritual growth of individuals and communities, guiding individuals to pursue worldly objectives that align with higher spiritual ideals. In traditionalist interpretations, the soul's primary purpose is to attain spiritual perfection and closeness to God, prioritising objectives such as the preservation of faith (*hifẓ al-dīn*) and the promotion of spiritual growth. Modernist interpretations stress a dual purpose for the soul: fulfilling both worldly duties and spiritual obligations. This leads to a broader prioritisation of ethical objectives, including social justice, intellectual development, and

*Capital Market Malaysia*. 2023. Accessed May 13, 2024. https://www.sc.com.my/api/documentms/download.ashx?id=3e10c1d3-823e-4dc3-b 7ae-c3652104d2cf.

[57] M. J. Tavakoli, "The role of spirituality and morality in the Islamic model of economic education and training," In *Handbook of Ethics of Islamic Economics and Finance*, ed., A. Mirakhor et al., 91-114 (Boston: De Gruyter Oldenbourg, 2020). https://doi.org/10.1515/9783110593419-005.

[58] A. Bahri, *Exploring Islamic Economics* (Kuala Lumpur: Islamic Research Publishing, 2022).

the preservation of life, ensuring a balance between spiritual development and worldly responsibilities as discussed in S. I. Tag el-Din's "Sustainable human development ethics: A Quranic perspective" from the book *Handbook of Ethics of Islamic Economics and Finance.*[59]

Both traditionalist and modernist approaches reflect a commitment to aligning ethical decisions with the overarching goals of *maqāṣid al-sharīʿah*, ensuring that spiritual and worldly objectives are harmoniously pursued. Studies illustrate how these principles can address modern challenges by emphasising holistic development. The ethical journey within Islamic jurisprudence involves the purification and elevation of the soul, aligning one's internal state with the *Sharīʿah*'s higher objectives. By nurturing the soul and fostering spiritual transformation, individuals and institutions can achieve profound ethical alignment, transcending mere legal compliance and leading to a more just, harmonious, and spiritually enriched society. This approach highlights the timeless nature of Islamic ethical principles and their adaptability to contemporary issues, ensuring that progress and innovation are balanced with moral integrity and the greater good of humanity. Further studies are warranted to explore the practical applications of these findings in developing ethical frameworks and policies within Islamic jurisprudence.

## 10. Conclusion

Islamic jurisprudence intricately integrates ethical dimensions, guiding individuals toward spiritual fulfilment and moral excellence. Central to this endeavour is *maqāṣid al-sharīʿah*, which signifies a transformative journey of the soul, requiring the transcendence of the lower self's limitations and the embrace of higher virtues. By internalising ethical principles and embodying noble values, individuals actively contribute to fostering justice, compassion, and human flourishing in society. Thus, within *fiqh*, the ethical

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[59] S. Tag el-Din, "Sustainable human development ethics: A Quranic perspective," In *Handbook of Ethics of Islamic Economics and Finance*, ed., A. Mirakhor et al. (Berlin: De Gruyter Oldenbourg, 2020), 115-131. https://doi.org/10.1515/9783110593419-006.

imperative serves as both a legal mandate and a moral compass, directing humanity towards the divine ideal.

The nuanced understanding of the soul's nature and purpose, as discussed in both traditionalist and modernist frameworks, highlights the dynamic and adaptable nature of Islamic jurisprudence. Traditionalist views focus on the soul's inherent inclination towards virtue and spiritual perfection, while modernist perspectives incorporate psychological and sociological dimensions, reflecting a broader approach to human welfare.

This alignment between ethical guidance and legal mandate is further explored in Bahri's research, which delves into the intersection of ethical soul development and *maqāṣid al-sharīʿah* attainment. Bahri's study sheds light on embedded ethical imperatives within Islamic jurisprudence and examines concepts such as *maṣlahah* and *mafsadah*, offering insights into discerning benefit and harm according to al-Ghazali's perspective.

The integration of *maqāṣid al-sharīʿah* into various fields, such as medical ethics and economic development, demonstrates its applicability in addressing contemporary ethical dilemmas. Scholars like Jasser Auda and Tariq Ramadan have expanded traditional *maqāṣid* theory to include frameworks that integrate ethical considerations into modern contexts, promoting holistic and ethically sound decision-making.

In summary, *maqāṣid al-sharīʿah* is a crucial component of Islamic law that provides a deeper understanding of the objectives and purposes of Islamic rules. It offers a comprehensive framework that can help interpret and apply Islamic law effectively to achieve desired outcomes while ensuring that the spirit of the law is maintained. Importantly, this analysis does not aim to differentiate between traditional and modern interpretations to identify the weaknesses of the former or the superiority of the latter. Instead, it seeks to explore how the *Maqāṣid* aligns with contemporary demands and plays a pivotal role in addressing modern challenges.

This evolving approach, exemplified in Jasser Auda's recent work, utilises *tafsir maqāṣidi* to derive contemporary solutions using the Qur'anic framework. Here, the soul, as per Islamic belief, serves as the ethical and spiritual cornerstone, facilitating the connection

between Qur'anic principles and modern realities. By nurturing the soul, individuals can ensure their interpretations and applications of the Qur'an are aligned with divine objectives, promoting justice, compassion, and holistic well-being in the modern world. Through this spiritual and ethical lens, encompassing considerations of the soul, *tafsir maqāṣidi* provides a dynamic and adaptable approach, ensuring that Islamic jurisprudence remains relevant and responsive to the changing contexts of our times.

The prioritisation of the soul's spiritual development fosters a commitment to social justice, compassion, and the balance of material and spiritual needs. This ethical imperative within *fiqh* ensures that actions align with higher moral objectives, contributing to a more just, harmonious, and spiritually enriched society.

In essence, the study underscores that achieving *maqāṣid al-sharīʿah* through soulful transformation represents a holistic approach to individual and societal flourishing. By nurturing the soul and fostering ethical and spiritual refinement, individuals and institutions can achieve profound transformation, upholding justice, fostering ethical integrity, and contributing to the overall well-being of society. This integrated approach highlights the timeless nature of Islamic ethical principles and their capacity to adapt to and address contemporary issues, ensuring that progress and innovation are balanced with moral integrity and the greater good of humanity.

# TRANSLITERATION TABLE

## CONSONANTS

Ar=Arabic, Pr=Persian, OT=Ottoman Turkish, Ur=Urdu

| | Ar | Pr | OT | UR | | Ar | Pr | OT | UR | | Ar | Pr | OT | UR |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ء | ' | ' | ' | ' | ز | z | z | z | z | گ | – | g | g | g |
| ب | b | b | b | b | ڑ | – | – | – | ṛ | ل | l | l | l | l |
| پ | – | p | p | p | ژ | – | zh | j | zh | م | m | m | m | m |
| ت | t | t | t | t | س | s | s | s | s | ن | n | n | n | n |
| ٹ | – | – | – | ṭ | ش | sh | sh | ş | sh | ه | h | h | h¹ | h¹ |
| ث | th | th | th | th | ص | ṣ | ṣ | ṣ | ṣ | و | w | v/u | v | v/u |
| ج | j | j | c | j | ض | ḍ | ẓ | ż | ż | ى | y | y | y | y |
| چ | – | ch | çh | ch | ط | ṭ | ṭ | ṭ | ṭ | ة | -ah | | | -a² |
| ح | ḥ | ḥ | ḥ | ḥ | ظ | ẓ | ẓ | ẓ | ẓ | ال | al³ | | | |
| خ | kh | kh | kh | kh | ع | ʿ | ʿ | ʿ | ʿ | | | | | |
| د | d | d | d | d | غ | gh | gh | ğ | gh | | | | | |
| ڈ | – | – | – | d | ف | f | f | f | f | | | | | |
| ذ | dh | dh | dh | dh | ق | q | q | k | q | | | | | |
| ر | r | r | r | r | ك | k | k/g | k/ñ | k | | | | | |

¹ – when not final
² – at in construct state
³ – (article) al - or 1-

## VOWELS

| | | Arabic and Persian | Urdu | Ottoman Turkish |
|---|---|---|---|---|
| Long | ا | ā | ā | ā |
| | آ | Ā | Ā | – |
| | و | ū | ū | ū |
| | ي | ī | ī | ī |
| Doubled | يّ | iyy (final form ī) | iy (final form ī) | iyy (final form ī) |
| | وّ | uww (final form ū) uvv (for Persian) | uv | uvv |
| Diphthongs | و | au or aw | au | ev |
| | ى | ai or ay | ay | ey |
| Short | ـَ | a | a | a or e |
| | ـُ | u | u | u or ü o or ö |
| | ـِ | i | i | i |

## URDU ASPIRATED SOUNDS

For aspirated sounds not used in Arabic, Persian, and Turkish add h after the letter and underline both the letters e.g. جﮭ jh  گﮭ gh

For Ottoman Turkish, modern Turkish orthography may be used.

# AL-SHAJARAH

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