

MAQĀSĪD AL-SHARĪ‘AH

Explorations and Implications

Edited and with Introduction by
MOHAMED EL-TAHIR EL-MESAWI



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Islamic Book Trust
Kuala Lumpur

103119

Cu-553158

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

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Published by
Islamic Book Trust
607 Mutiara Majestic
Jalan Othman
46000 Petaling Jaya
Selangor, Malaysia
www.ibtbooks.com

Islamic Book Trust is affiliated with The Other Press.

Perpustakaan Negara Malaysia

Cataloguing-in-Publication Data

Maqasid al-Shari'ah: Exploration and Implications / Edited and with an Introduction by: Mohamed El-Tahir El-Mesawi

ISBN 978-967-0526-55-3

eISBN 978-967-0526-56-0

- 1. Maqasid (Islamic law).
 - 2. Islamic law.
 - I. El-Mesawi, Mohamed El-Tahir.
- 340.5911

Copy No: 11100396631
Initial Date: A25 28/12/2018
Location: Gombak

This book is published in collaboration with International Institute for Muslim Unity, IIMU, International Islamic University Malaysia, IIUM.

Printed by
SS Graphic Printers (M) Sdn. Bhd.
Lot 7 & 8, Jalan TIB 3
Taman Industri Bolton
68100 Batu Caves, Selangor

FP
BPK
93
E46
2018

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Bernard G. Weiss was professor of languages and literature at the University of Utah. He has an extensive publication record and is recognized as one of the foremost scholars in Islamic law, Islamic theology, Islamic philosophy, Islamic political thought, Arab history and Muslim discussions of linguistics and the origin of language. Weiss received his PhD from Princeton University in 1966 for his dissertation on "Language in Orthodox Muslim Thought: A Study of *wad' al-lughab* and its Development". In addition to scores of articles and conference and seminar papers, Prof. Weiss has authored and co-authored a large number of books. They include *Studies in Islamic Law and Society; Religion and Law: Biblical-judaic and Islamic Perspectives; Studies in Islamic Legal Theory; A Survey of Arab History; The Spirit of Islamic Law; The Law Applied: Contextualizing the Islamic Shari'a; The Search for God's Law: Islamic Jurisprudence in the Writings of Sayf al-Din al-Amidi*. Dr. Weiss died in February 2018.

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Robert Dickson Crane started his professional career at Harvard Law School in 1956, where he received a Doctorate of Laws (J.D.) in comparative jurisprudence. This lifelong interest originated in the culture was passed on to him by his great-grandmother, who spoke Cherokee as her native language and helped to raise him as a custodian of the Cherokee Nation's indigenous religion borrowed in 1310 A.C. from the Mali Empire in Africa. At the age of 20 in 1949, in order to study the concept of justice and the practice of injustice, he joined the underground resistance movement in Eastern Europe and was perhaps the only person to have escaped twice from Stalin's Gulag Archipelago. In September, 1962, he was one of the four co-founders of the Center for Strategic and International Studies, Washington's most influential think-tank, as an expert on totalitarianism. In January, 1963, as a result of his publications there, Richard Nixon appointed him as his principal advisor on foreign policy and on Islam and interfaith cooperation. In January 1969, Nixon appointed him as Henry Kissinger's Deputy for Planning in the National Security Council, but this resulted in an existential clash of civilizations between Kissinger's paradigm of power as the ultimate foreign policy goal and Dr. Crane's indigenous paradigm of compassionate justice. Later in 1981, Dr. Crane was appointed by President

Reagan as the U.S. Ambassador to the United Arab Emirates. In 1982, Dr. Crane became a full-time Islamic activist as Director of Da'wa at the Islamic Center in Washington, D.C., and Director of the Dialogue Commission in the Interfaith Conference of Metropolitan Washington. Since 1985, Dr. Crane has been associated in various capacities with the International Institute of Islamic Thought (IIIT) and has published books, monographs, and almost monthly articles as head of his own think-tanks, beginning in 1992 with The Center for Civilizational Renewal and its book, *Shaping the Future: Challenge and Response*. In the late 1990s he was Managing Editor of the *Middle East Affairs Journal* at the United Association for Studies and Research. From 2011 to 2015 he was a professor at Qatar Faculty of Islamic Studies and Director of its Center for the Study of Islamic Thought and Muslim Societies. He is currently the Editor-in-Chief of *Armonia* (www.armoniajournal.org), and Chairman of its sponsor, the Holistic Education Center for Civilizational Renewal.

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Islam in the modern world. Additionally, Dr. Jackson is a former member of the Fiqh Council of North America, former President of the Shari'ah Scholars Association of North America (SSANA) and a past trustee of the North American Islamic Trust (NAIT). He has contributed to several publications including the *Washington Post-Newsweek* blog, *On Faith*, and the *Huffington Post*. Professor Jackson is listed by the Religion Newswriters Foundation's ReligionLink as among the top ten experts on Islam in America and was named among the 500 most influential Muslims in the world by the Royal Islamic Strategic Studies Center in Amman, Jordan and the Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding. His works include *Islamic Law and the State: The Constitutional Jurisprudence of Shihab al-Din al-Qaraḥī*, *On the Boundaries of Theological Tolerance in Islam: Abū Hāmid al-Ghazālī's Fayṣal al-Tafrīqa*, *Islam and the Blackamerican: Looking Toward the Third Resurrection*, *Islam and the Problem of Black Suffering*, *Sufism for Non-Sufis? Ibn Ata' Allāh's Tāj al-'Arūs*, *Initiative to Stop the Violence: Sadat's Assassins* and the *Renunciation of Political Violence*.

Wael B. Hallaq is a renowned scholar of Islamic law, with numerous contributions to the field of Islamic legal studies and intellectual history. He is currently Avalon Foundation Professor in the Humanities at Columbia University, USA which he joined in 2009. His primary interests include the epistemic institutional ruptures created by the onset of modernity and the many socio-politico-historical forces that come with it, and the intellectual history and development of Orientalism. Hallaq is also concerned with the development of Islamic traditions of logic, legal theory, and substantive law along with the interdependent systems within these traditions. Hallaq's writings have explained the structural dynamics of legal change in pre-modern law and have recently been moving in the direction of asserting the centrality of moral theory to understanding Islamic law, past and

present. He is the author of a dozen books, including *The Origins and Evolution of Islamic Law* (2005), *Shari'a: Theory, Practice, Transformations* (2009), *An Introduction to Islamic Law* (2009), *The Impossible State* (2013), and most recently *Restating Orientalism*, published in July 2018 by Columbia University Press. He's also edited or co-edited many books and has published numerous articles. His works have been translated into several languages including Arabic, Hebrew, Indonesian, Italian, Japanese, Persian, and Turkish. He joined McGill University as an assistant professor in Islamic law in 1985, after receiving his Ph.D. from the University of Washington in 1983. He became a full professor in 1994 and was named a James McGill Professor in Islamic law in 2005.

A 'maqāṣid awakening' (*ṣaḥwab maqāṣidiyyah*) has resulted in an increasingly large body of literature covering different aspects in the study of the goals and intents of Islamic law or *maqāṣid al-sharī'ah*: conceptual, methodological, historical and practical. This surge involves not only students of Islamic jurisprudence and Sharī'ah scholars, but also different categories of researchers and writers from the various disciplines of the humanities and social sciences to the natural and hard sciences. We could thus speak of the emergence of a new area of study bearing the name of 'Maqāṣid studies', in the same manner we talk of language studies, Qur'anic studies, Ḥadīth studies, etc.

The present volume is an attempt to offer both a comprehensive and diversified view of *maqāṣid al-sharī'ah* as a crucial and at the same time understudied subject in the English language, covering historical, theoretical and practical aspects thereof. The contributors' sense of intellectual commitment, academic soundness and moral responsibility are certainly what accounts for its quality.

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ISBN 978-967-0526-55-3



9 789670 526553

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