

Rethinking *Maqasid Shari'ah*:
An Analysis of Taha
AbdurRahman's Thought

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Introduction

- The development of *maqasid* theories and the way forward of *Maqasid* is not only limited to deducing juridical rulings (*ahkam fiqhiyyah*) but as a project of development and Human Rights, New Ijtihad, Thematic interpretation of the Qur'an and the Prophetic traditions.
 - However, it is not without problem.
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- **Taha Abderrahmane**, (1944) is a Moroccan philosopher, and one of the leading philosophers and thinkers in the Arab-Islamic world.
 - Graduated from the Mohammed V University (Rabat, Morocco) and the university of Sorbonne



- *“Taha Abdurrahman is a Moroccan philosopher famous for his work on the creation of an ethical humanistic modernism on the basis of the ethics and values of Islam. Abdurrahman has won the Moroccan Book Prize twice, and was awarded the ASESCO Prize for Islamic Philosophy in 2006. He is the president of the Wisdom Circle of Thinkers, Morocco, and a member of the International Union of Muslim Scholars.” The Muslim 500, 2021*

- **The philosophical project of professor Abdurrahman may be divided into three elements.**
- **First, unfolding the presumed identity relation between philosophy, in general, and modernism, in particular, and Western thought.**
- **Second, establishing the relation between 'Ethics', a living experience, and theoretical thought, in general, and the concept of modernism, in particular.**
- **Third, founding the concept of the 'Ethical experience' on the basics and values of the Islamic religion and on a new reading of the 'Holy Qur'an' (considering that the message of the Islamic religion is a humanistic one in the first place).**

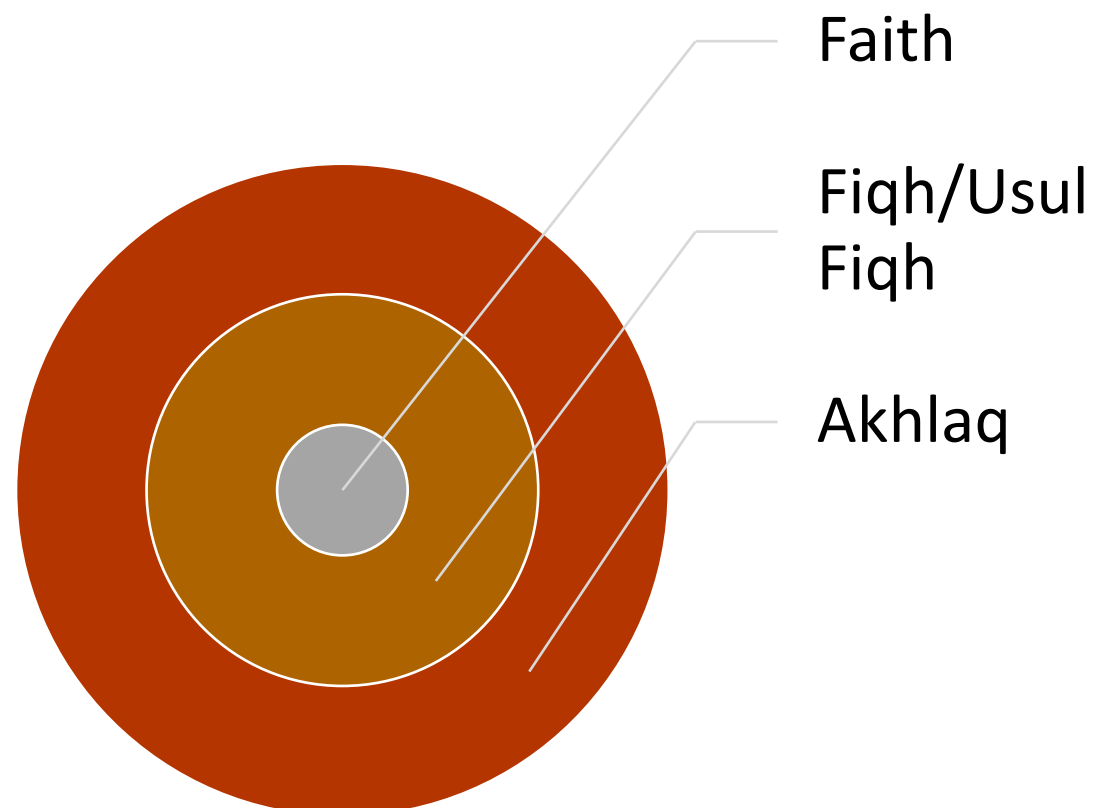
(arabphilosophers.com)

Taha AbdurRahman on Maqasid

- Taha AbdurRahman, mainly argues that the Maqāṣid science consists of principles and theories whose ethical constitution has yet to be appreciated. Not only it affects the understanding of its theory (*maqasid*), but it also diverted Uṣūl al-Fiqh from the course of theoretical abstraction, represented, for instance, in its insistence on, and penchant for, causal reasoning. (Wael Hallaq)

1. the current discourse of maqasid comes to a rigid understanding of religion

- the Usuliyyun has made *maqasid* as confined in *ahkam* (ahkam).
- misunderstanding with the role of akhlaq, as an aspect which is segregated part of Islam.
 - Akhlaq as only in certain numbers of action.
 - Akhlaq in a surface layer of good and bad
 - On the contrary akhlaq is about the aim of religion (I'timani)



Faith

Fiqh/Usul
Fiqh

Akhlaq

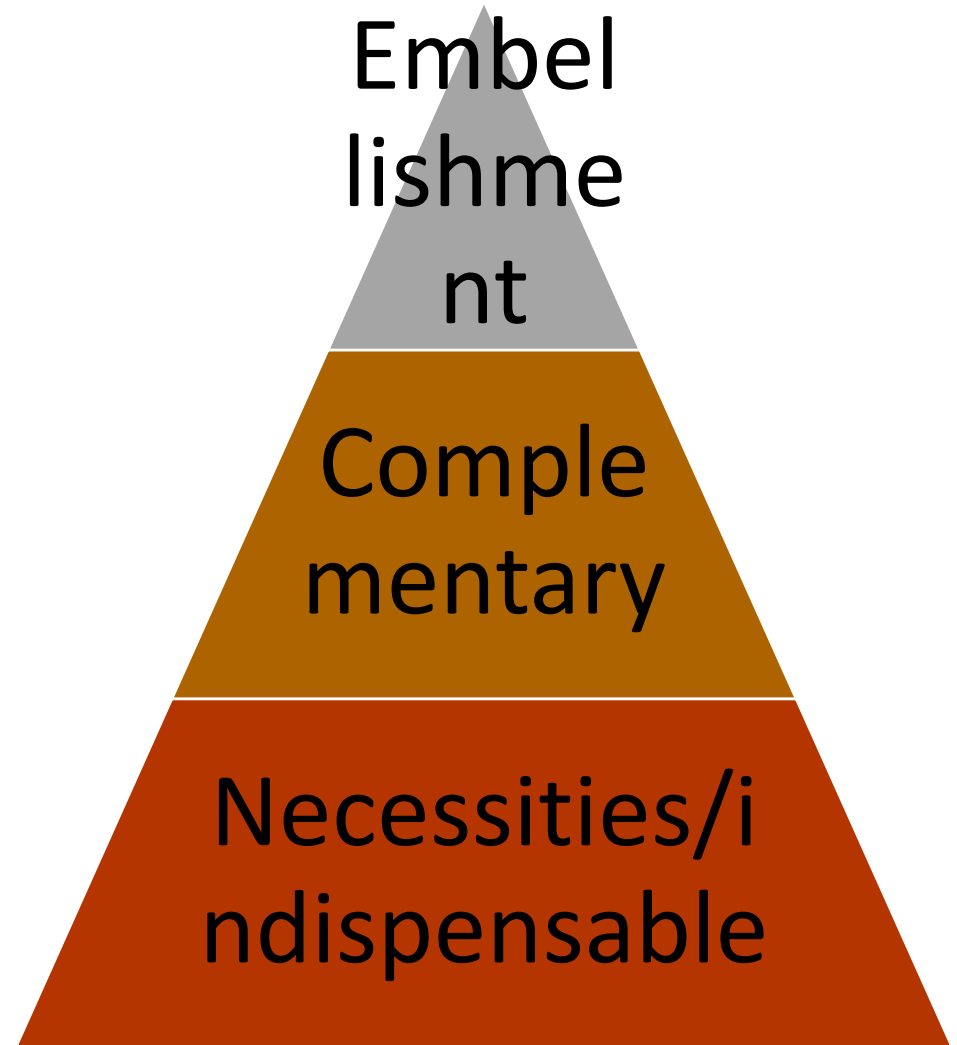
2. the position of *maslahah* as a value not a goal or objective

- Ambiguity of the meaning and status of the word ‘*maslahah*’.
- i. *Maslahah* is noun for place, a neutral term is thought to be a directive but actually, “to see aspects of human good”
- and has been used in a wrong manner in ‘acquire interest/goodness’ (جلب رعاية المصلحة) or maintain goodness (رعاية المصلحة)
- ii. Scope of the meaning is expanded by the later *usuliyyun*. As if *maslahah* is the objective (gharad) in the phrases of تحقيق المصلحة العامة "طلب المصلحة الخاصة"
- *Maslahah* is not goal but way or route to something. the real meaning is *maslak* “looks at ways to achieve the attribute of servitude to God”

- Major mistakes in studying *maqasid*:
- i. Confusion in the ranks of means (*wasa'il*), tricks (*hiyal*), and excuses (*dhara'ir*)
- ii. Confusion between cause in causation and cause in objective
- iii. Confusion between exegesis and directive rationality

Taha's criticism

The variance shown by the hierarchy cannot be independent from one to another. E.g. the ruling of prohibited can be found in the three layers, e.g. hifz al-nasl- in prohibition of adultery (necessities), look at the women's 'aurah (hajiyyat) and prohibition of tabarruj (tahsiniyyat)



Criticism on necessities/indispensable good

- Addition to the necessities/indispensable is always expected, e.g. preserving justice, freedom etc.
- The valuation among them are the same, all elements in the necessities are interrelated.
- preservation of religion covers other values, and it will be not acceptable to break the religion into faith or ritual issues because the judgment on value is the same judgment of religion.

Criticism on embellishment (tahsiniyyat)

- Placing issues related to moral to be in embellishment will lead to the understanding that morality is just the third importance in religion.
- Neglect the ranking of rulings: purification (taharah) as embellishment whereas it is compulsory.
- Neglect morality whereas it is clearly mentioned in many traditions to be the most important aspect of man's life.

Guiding principles in the science of maqasid

Maqasid as:

Maqsad:

Al-Qasd:

Al-ghayah:

Theory of action (af'al)

Theory of intention (niyat)

Theory of Value (qiyam)

- semantic- argument proves that science of maqasid is science of ethics and its subject matter is human good ('al-salah al-Insani)
- the root for the theory is the word *maslahah*, and can be called 'the science of salah' (goodness) which is a major value in akhlaq that shelter other values, so can be said as topic which is the focus subject of akhlaq which sometimes known with other names such as happiness' and 'khayr'. comes to answer the question 'how can man to be good/ or how man can bring good action?
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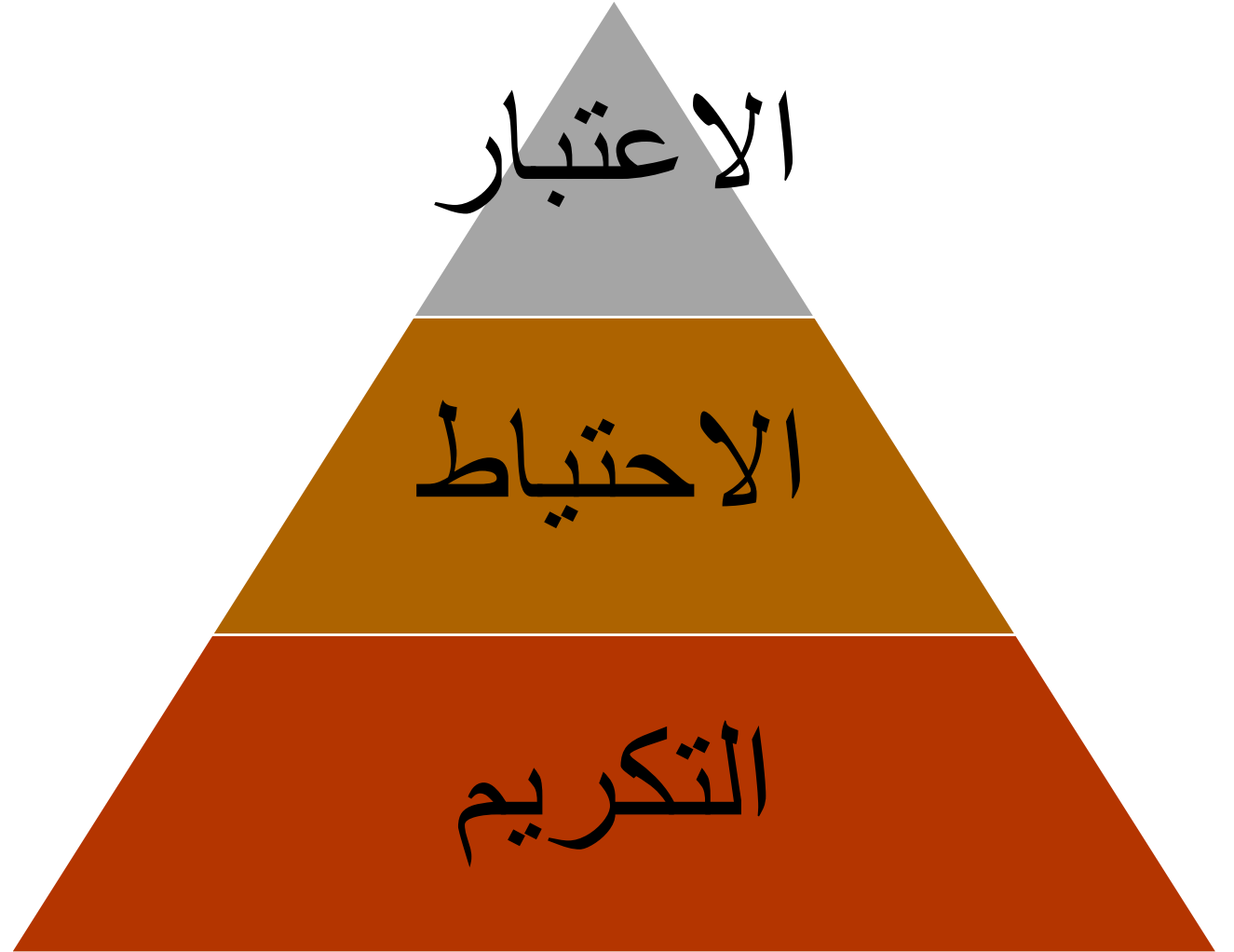
Framework of
maqasid suggested by
Taha

القيم الحيوية | النفع والضرر
(المنافع والمضار)

القيم العقلية | قيم الحسن
والقبح (الفرح والحزن)

القيم الروحية | قيم الخير
والشر (السعادة والشقاء)

Taha's suggestion
Instead of necessities/
indispensable,
complementary and
embellishment



CONCLUSION

- Taha AbdurRahman's idea transforms the understanding of maqasid and shari'ah
- It is indeed a new framework which can benefit the effort of Islamization of Knowledge.
- Taha's approach proves that Islam is a revealed religion yet a humanistic one and able to provide rich frameworks to the human problems and civilization.