

OCCASIONAL PAPERS SERIES 15

*The Islamic Vision of Development
in the Light of Maqāṣid al-Sharīḥ*

MUHAMMAD UMER CHAPRA

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

LONDON • WASHINGTON

OCCASIONAL PAPERS SERIES 15

THE ISLAMIC VISION
OF DEVELOPMENT
IN THE LIGHT OF
Maqāṣid al-Sharīʿah

MUHAMMAD UMER CHAPRA



THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT
LONDON • WASHINGTON

© The International Institute of Islamic Thought, 1429AH/2008CE

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT

LONDON OFFICE

P.O. BOX 126, RICHMOND, SURREY TW9 2UD, UK

WWW.IIITUK.COM

USA OFFICE

P.O. BOX 669, HERNDON, VA 20172, USA

WWW.IIIT.ORG

*This book is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without
the written permission of the publishers.*

ISBN 978-1-56564-441-0

Typesetting and diagrams by Shiraz Khan
Printed in the United Kingdom by Cromwell Press

SERIES EDITORS

DR. ANAS S. AL SHAIKH-ALI
SHIRAZ KHAN

CONTENTS

<i>Foreword</i>	v
• Introduction	1
• <i>Maqāṣid</i> (Objectives) of al-Shari‘ah (<i>Figure 1</i>)	3
• Invigorating the Human Self (<i>Nafs</i>) (<i>Figure 2</i>)	6
• Enriching Faith, Intellect, Posterity and Wealth	19
• Strengthening Faith (<i>Dīn</i>) (<i>Figure 3</i>)	19
• The Role of the State	25
• Enrichment of Intellect (‘ <i>Aql</i>) (<i>Figure 4</i>)	27
• Enrichment of Posterity (<i>Nasl</i>) (<i>Figure 5</i>)	31
• Development and Expansion of Wealth (<i>Figure 6</i>)	34
• Conclusion	38
<i>Notes</i>	40
<i>Bibliography</i>	47

Dr. Chapra is grateful to Shaikh Muhammad Rashid for the efficient secretarial assistance provided by him in the preparation of this paper. He deserves credit for preparing all the seven figures in this paper. Off and on, brothers M. Rasul-ul-Haque, Noman Sharif, M. Farooq Moinuddin, Muhammad Ayub and M. Sajjad also provided valuable assistance. He is also grateful to Professors Ahmad Khan, 'Abdul Wahab Abu Sulaiman, Mohammed Boudjellal, and Dr. Jasser Auda, two anonymous referees, and Drs. Sami AlSuwailem, Salman Syed Ali and other participants in a staff seminar on this paper, for their valuable comments on an earlier draft. The views expressed in this paper are, however, the author's own and do not necessarily reflect those of IRTI/IDB, the organization where he works.

FOREWORD

THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT (IIIT) has great pleasure in presenting this Occasional Paper on *The Islamic Vision of Development in the Light of Maqāṣid al-Sharī'ah* (the higher objectives and intents of Islamic Law). The author Dr. Muhammad Umer Chapra is a well-known specialist and scholar in the field of economics.

Since few works in the English language have been available on the subject of *Maqāṣid al-Sharī'ah*, the IIIT decided to fill the vacuum by initiating the translation and publication of a series of books on *al-Maqāṣid* to introduce this important and difficult area of thought to English readers. These include to date, *Ibn Ashur Treatise on Maqāṣid al-Sharī'ah*, *Imam al-Shāṭibī's Theory of the Higher Objectives and Intents of Islamic Law* by Ahmad al-Raysuni, *Towards Realization of the Higher Intents of Islamic Law: Maqāṣid al-Sharī'ah a Functional Approach* by Gamal Eldin Attia, and *Maqāṣid al-Sharī'ah as Philosophy of Islamic Law: A Systems Approach* by Jasser Auda.

As the topic is complex and intellectually challenging, with most books appearing on the subject written mainly for specialists, scholars and intellectuals alone, the IIIT London Office is also producing other simple introductory guides to the subject as part of its Occasional Papers series with a view to providing easy accessible material for the general reader. These include *Maqāṣid al-Sharī'ah Made Simple* by Muhammad Hashim Kamali, and *Maqāṣid al-Sharī'ah: A Beginner's Guide* by Jasser Auda.

ANAS S. AL SHAIKH-ALI
Academic Advisor, IIIT London Office

The Islamic Vision of Development in the Light of Maqāṣid al-Sharīʿah

INTRODUCTION

The ultimate goal of all Islamic teachings is to be a blessing for mankind. This is the primary purpose for which the Prophet (ṢAAS)* was sent to this world (Qur'an, 21:107).¹ One of the indispensable ways to realize this goal is to promote the *falāḥ* or real well-being of all the people living on earth, irrespective of their race, color, age, sex or nationality.² The word *falāḥ* and its derivatives have been used 40 times in the Qur'an. Another word, *fawz*, which is a synonym of *falāḥ*, has also been used 29 times along with its derivatives. This is also the goal towards which the muezzin calls the faithful five times a day, showing thereby the importance of *falāḥ* in the Islamic worldview.

It may be argued here that this is the goal of all societies and not just of Islam. This is certainly true. There seems to be hardly any difference of opinion among all societies around the world that the primary purpose of development is to promote human well-being. There is, however, considerable difference of opinion in the vision of what constitutes real well-being and the strategy to be employed for realizing and sustaining it. The difference may not have been there if the pristine vision of all religions had continued to dominate the worldviews of their respective societies.³ However, this vision has been distorted over the ages. Moreover, the Enlightenment Movement of the 17th and 18th centuries has

* (ṢAAS) – *Ṣallā Allāhu ʿalayhi wa sallam*. May the peace and blessings of God be upon him. Said whenever the name of Prophet Muhammad is mentioned.

influenced almost all societies around the world in different degrees by its secular and materialist worldview. Consequently the primary measure of development has become a rise in income and wealth. This raises the question of whether *real* human well-being can be realized and sustained by merely a rise in income and wealth and the satisfaction of just the material needs of the human personality. Religious scholars as well as moral philosophers and a number of modern academics have questioned the identification of well-being with a rise in income and wealth.⁴ They have also emphasized the spiritual and non-material contents of well-being.

Empirical research has also provided a negative answer to the undue emphasis on material ingredients of well-being at the cost of the spiritual and non-material. This is because, even though real income has dramatically risen in several countries since World War II, the self-reported subjective well-being of their populations has not only failed to increase, it has in fact declined.⁵ The reason is that happiness is positively associated with higher income only up to the level where all basic biological needs get fulfilled.⁶ Beyond that, it remains more or less unchanged unless some other needs, which are considered indispensable for increasing well-being, are also satisfied.

What are these other needs? Most of them are spiritual and non-material in character and need not necessarily become satisfied as a result of increase in income. Single-minded preoccupation with wealth may in fact hurt the satisfaction of these needs. Economists have, however, generally tended to abstain from a discussion of these. The primary reason given for this is that spiritual and non-material needs involve value judgements and are not quantifiable. They are, nevertheless, important and cannot be ignored.

One of the most important of these spiritual or non-material needs for realizing human well-being is mental peace and happiness, which may not necessarily be attained by a rise in income and wealth. Mental peace and happiness requires, in turn, the satisfaction of a number of other needs. Among the most important of these are justice and human brotherhood, which demand that *all* individuals be dealt with as equals and treated with

dignity and respect, irrespective of their race, color, age, sex or nationality, and that the fruits of development be also shared equitably by *all*. Equally important is spiritual and moral upliftment which serves as a springboard for the realization of not only justice but also the fulfilment of all other needs. Some of the other equally important and generally recognized requirements for sustained well-being are security of life, property and honor, individual freedom, moral as well as material education, marriage and proper upbringing of children, family and social solidarity, and minimization of crime, tension and anomie. Even though some of these have now become recognized in the new development paradigm, the spiritual foundation needed for the realization of these does not get the emphasis that it needs. It may not be possible to sustain long-term development of a society without ensuring adequate satisfaction of all these needs.

While Islam considers a rise in income and wealth through development to be necessary for the fulfilment of basic needs as well as the realization of equitable distribution of income and wealth, its comprehensive vision of human well-being cannot be realized by just this. It is also necessary to satisfy the spiritual as well as the non-material needs, not only to ensure true well-being but also to sustain economic development over the longer term. If all these needs are not taken care of, there will be a lapse in well-being, leading ultimately to a decline of the society itself and its civilization. The satisfaction of all these needs is a basic human right and has been addressed in Islamic literature under the generic term *maqāṣid al-sharīʿah* (goals of the Shariʿah) referred to hereafter as the *maqāṣid* (sing. *maqṣid*). This paper will try to explain what these *maqāṣid* or goals are, how they are all mutually interrelated, what their implications are, and in what way they can together help promote *real* human well-being.

Maqāṣid (Objectives) of al-Shariʿah (Figure 1)

The *maqāṣid al-sharīʿah* have been either directly stated in the Qurʿan and the Sunnah or inferred from these by a number of

scholars.⁷ All of these address the *raison d'être* of the Shari'ah which, as recognized by almost all the jurists, is to serve the interests (*jalb al-maṣāliḥ* of all human beings and to save them from harm (*daf' al-mafāsid*).⁸ Imam Abū Ḥāmid al-Ghazālī (d. 505/1111),⁹ a prominent and highly respected reformer in the fifth century Hijrah, classified the *maqāṣid* into five major categories by stating that:

The very objective of the Shari'ah is to promote the well-being of the people, which lies in safeguarding their faith (*dīn*), their self (*nafs*), their intellect (*ʿaql*), their posterity (*nasl*), and their wealth (*māl*). Whatever ensures the safeguard of these five serves public interest and is desirable, and whatever hurts them is against public interest and its removal is desirable.¹⁰

In the above quotation, al-Ghazālī has placed great emphasis on the safeguarding of five *maqāṣid*: faith (*dīn*), the human self (*nafs*), intellect (*ʿaql*), posterity (*nasl*) and wealth (*māl*). Imam Abū Ishāq al-Shāḥibī (d. 790/1388) also, writing a little less than three centuries after al-Ghazālī, put his stamp of approval on al-Ghazālī's list. These are, however, not the only *maqāṣid* aimed at ensuring human well-being by honoring human rights and fulfilling all human needs. There are many others indicated by the Qur'an and the Sunnah or inferred from these by different scholars. Therefore, while these five may be considered as primary (*al-aṣliyyah*), others may be referred to as their corollaries (*tābi'ah*). Realization of the corollary *maqāṣid* is also indispensable because realization of the primary *maqāṣid* may be difficult without this. The generally accepted *fiqhī* principle is that "means (*wasā'il*) enjoy the same legal status as that of the *maqāṣid*." Accordingly, a well-known legal maxim (*al-qā'idah al-fiqhiyyah*) stipulates that "something without which an obligation cannot be fulfilled is also obligatory."¹¹ Some of these corollaries may be less important than others in the short-run. However, in the long-run they are all important and their non-fulfilment is likely to lead to serious socio-economic and political problems. Moreover, the corollaries may keep on expanding and changing with the passage of time. The richness and

dynamism inherent in the teachings of the Qur'an and Sunnah should enable us to expand and refine the corollaries as needed to ensure that all human rights are duly honored and that all the different human needs are adequately satisfied.

Moreover, if we wish also to ensure the sustained development and well-being of a society, the word 'safeguarding' used by al-Ghazālī in the above quotation need not necessarily be taken to imply preservation of just the *status quo* with respect to the realization of the *maqāṣid*. We safeguard when we have reached the peak of achievement. However, this is not possible for human beings in this world. There is always room for improvement. The verdict of history is that unless there is a continuous progress in their realization through a movement in the positive direction, it may not be possible to safeguard them and to sustain the society's well-being in the long-run. Stagnation will ultimately set in and lead to decline. Dr. Muhammad Iqbal, poet-philosopher of the Indo-Pakistan sub-continent, has clearly stated this when he says in a couplet written in Persian: "I am, as long as I move; not moving, I am not."¹² It is, therefore, necessary to strive for the continued enrichment of the primary *maqāṣid* as well as their corollaries in such a way that well-being keeps on improving continuously in keeping with the changing needs and environment of not only the individuals but also their society and mankind, thereby enabling everyone to continue the march forward towards a better future. Such an enrichment may be difficult to attain if we stick to the framework of just the needs that were discussed by the classical *fuqahā'*. Times have changed and needs have also changed and multiplied. It is, therefore, important to discuss the *maqāṣid* within the context of our own times.

While the five primary *maqāṣid* have been generally endorsed by other scholars, all of them have not necessarily adhered to al-Ghazālī's sequence.¹³ Even al-Shāṭibī has not always followed al-Ghazālī's sequence.¹⁴ This is because sequence essentially depends on the nature of the discussion. For example, Fakhr al-Dīn al-Rāzī (d. 606/1209), a prominent jurist writing around a hundred years after al-Ghazālī, gives the first place to the human

The *maqāṣid al-sharīʿah* (higher intents and purposes of Islamic Law) have been either directly stated in the Qur'an and the Sunnah or inferred from these by a number of scholars. All of these address the *raison d'être* of the Shari'ah which, as recognized by almost all the jurists, is to serve the interests of all human beings and to save them from harm. In this paper Dr. Chapra explores the Islamic vision of development in relation to the *maqāṣid al-sharīʿah* arguing that Islam has emphasized *all* the ingredients of human well-being, including the human self, faith, intellect, posterity as well as wealth, for society to flourish. For the Muslim world to focus on economic development only may in the short term result in relatively higher rates of growth but in the long-run will lead to a rise in inequities, family disintegration, juvenile delinquency, crime, and social unrest.

MUHAMMAD UMER CHAPRA

M. Umer Chapra is Research Advisor at the Islamic Research and Training Institute (IRTI) of the Islamic Development Bank (IDB), Jeddah. Prior to this position, he worked at the Saudi Arabian Monetary Agency (SAMA), Riyadh, for nearly 35 years, retiring as Senior Economic Advisor. He has also taught as Assistant and Associate Professor of Economics at the University of Wisconsin (Platteville) and the University of Kentucky, Lexington; as Senior Economist and Associate Editor of the Pakistan Development Review at the Pakistan Institute of Development Economics; and as Reader (Associate Professor) at the Central Institute of Islamic Research (Pakistan). He is a prolific writer having authored 15 books and monographs, as well as many papers and book reviews.

ISBN 978-1-56564-441-0



£4.00

\$5.95

