

# Exploring Nejatullah Siddiqi's Contribution to the *Maqāṣid al-Sharī'ah* in Urdu Literature

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## Abstract

This paper examines the *maqāṣid al-Sharī'ah* discourse with special reference to the contribution of Muhammad Nejatullah Siddiqi (b. 1931), India's renowned Islamic economist and scholar. It describes and analyzes his approach and methodology in debating, discussing, and addressing this discourse, especially its applications and understanding as well as its position and perspective vis-à-vis the contemporary issues facing the global Muslim community. The primary focus is his stance on the modern-day concerns related to and discussed within the paradigm of the *maqāṣid al-Sharī'ah* discourse (e.g., *ijtihād*'s importance and scope, Muslim minorities, and issues ranging from globalization to weapons of mass destruction) within the context of Urdu literature.

## Introduction: Setting the Context

Since the mid-nineteenth century, many South Asian Muslim modernist and reformist thinkers have helped develop and disseminate what is commonly termed the "Islamic modernist and reformist discourse."<sup>1</sup> The critical and dy-

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namic Islamic legal concept of *ijtihād* has, along with *maṣlaḥah* within the context of *maqāṣid al-Sharī'ah* (hereinafter *maqāṣid*), been of particular interest to them. Many well-known scholars have produced Arabic- and original and/or translated English-works on the *maqāṣid*, such as Mohammad Hashim Kamali, Ahmad al-Raysuni, Muhammad Tahir ibn Ashur, Gamal Eldin Attia, Tariq Ramadan, David L. Johnston, Jasser Auda, and Adis Duderija. Most of these books have been published by the International Institute of Islamic Thought (IIIT).<sup>2</sup>

Many Indian and Pakistani scholars sought to contribute to the *maqāṣid* discourse during the twentieth century. These efforts have become more numerous during the past decade or so. In the South Asian context, it started with Shah Wali Allah Dehalwi (1703-62), who combined rationalism and traditionalism, especially in his *Hujjat Allāh al-Bāligha*. Although there were no direct references to this term, this trend was carried on by scholars like Sir Sayyid Ahmad Khan (1818-98), Muhammad Iqbal (1877-1938), and Fazlur Rahman (1919-88); Muhammad Khalid Mas'ud (b.1939), Dr Mohammad Tahir Mansoori, and Ahmad Khalid (all from Pakistan); and Mawlana Khalid Saifullah Rehmani and Mawlana Ateeq Ahmad Bastawi (of the Islamic Fiqh Academy, New Delhi). The most significant Urdu-language contribution comes from India's Muhammad Nejatullah Siddiqi (b. 1931), who has authored a comprehensively book on the *maqāṣid*.

This paper focuses on how modern Indian Muslim intellectuals, notably Siddiqi, deal with the concept of the *maqāṣid al-Sharī'ah*, especially as regards the contemporary challenges facing minority and majority Muslim populations. Of primary interest are Siddiqi's stances on such issues as *ijtihād*, minorities (e.g., citizenship, participating in governmental affairs, and serving in the military), and global issues (e.g., globalization, global warming, the environment, terrorism, and weapons of mass destruction). This explorative attempt seeks to assess the *maqāṣid* discourse, its interrelated and interconnected themes, and its scope and significance in Urdu-language literature, especially those socio-political, economic-financial, jurisprudential, and scientific issues highlighted within the *maqāṣid* paradigm.

## **South Asian Muslim Thinkers on Islamic Reform: A Brief Historical Development**

Since about the 1970s, the Muslim world has exhibited an increased consciousness of Islam and its values, as well as a more active and assertive reflection as to what the concrete social, legal, and political implications of this

new consciousness should be. Revivalist movements and reformist thinkers have arisen throughout history, both in the Middle East and North Africa (MENA) region and among the Muslims of Asia. Since the early nineteenth century, two intellectual strands (viz., “fundamentalist” [now “Islamist”] and “modernist”/“reformist” [now “progressive”]) have evolved and called for *tajdīd* (revival) and *iṣlāḥ* (reform) against the status-quo traditionalists (i.e., the ulama’ and western-style secularists). Neither strand, as such, advocates the “reform of Islamic dogma” itself, for “Islamic reformism” is limited to correcting the interpretations and practices of Muslims allegedly in order to better understand “true” Islam.<sup>3</sup>

In postcolonial India and Pakistan, the concept of reform acquired two, at times contradictory, meanings and objectives: (1) the modernist emancipating tendencies that encompass a rational, scientific, and “enlightened” orientation to Islam and (2) traditionalist movements that seek to restore Islam to its more orthodox, pristine, and “original” form. The former focused on ensuring worldly progress and was forward looking, whereas the latter one sought to revive the glorious past. Some of the main figures representing the first trend were Muhammad ibn Abd al-Wahhab, Jamal al-Din al-Afghani, Muhammad Abduh, Rashid Rida, Hasan al-Banna, Abu al-Ala Mawdudi, Amin Ahsan Islahi, and Israr Ahmad. Among the second trend were Rifa‘ah Badawi Rafi’ al-Ṭahtawi, Khayr al-Din al-Tunisi, Abd al-Rahman al-Kawakibi, Abul Kalam Azad, Allama Muhammad Iqbal, Syed Ameer Ali, Fazlur Rehman (Malik), and Muhammad Khalid Mas‘ud.<sup>4</sup>

Shah Wali Allah Delhawi, an Indian theologian widely considered to be founder of “modern” Islamic reformist/modernist thought in India,<sup>5</sup> represents a combination of rationalism and traditionalism. He suggested that Muslims should practice *ijtihād* (i.e., deriving rulings based on analogical reasoning from textual indications) to reach conclusions relevant to the times. A revolutionary thinker, he attempted the “reintegration of the socio-economic and religio-ethical structure of Islam.”<sup>6</sup> The reform movement that he outlined, as Bazmee Ansari puts it, “revolved round his concept of *maṣlaha*, i.e., the establishment of a kind of welfare state based on the ‘relationship of man’s development with the creative forces of the Universe.’”<sup>7</sup> He believed that *ijtihād* was a legitimate tool in certain circumstances, provided that it was used with caution.

Shah Wali Allah dealt with the *maqāṣid* discourse from a reformist point of view. Especially in his magnum opus *Hujjat Allāh al-Bāligha*, he analyzed the secrets of religion (*asrār al-dīn*) and other subjects ranging from metaphysics and politics to finance and political economy. He interpreted almost

all aspects of the *dīn* – the '*aqā'id*, '*ibādāt*, *mu'āmulāt*, '*aqūbāt*, and *ikhilāq-īyāt* – from the rational point of view and discussed in detail and in a broader way the religious rulings from the perspective of the *maṣāliḥ* (beneficial purposes) and the *maqāṣid*.<sup>8</sup>

For him, the ideas that the divine law's rulings encompass no aspect of the *maṣāliḥ* and that there is no relationship between human actions and divine reward and punishment are false.<sup>9</sup> He also does not appreciate those scholars – he mentions no individuals or school of thought by name – who know in a general way that the rulings have their rationale in human interests. In addition, he is not convinced of the argument that the preceding generations did not record the beneficial purposes and human interests and that therefore any effort to clarify this discipline was unnecessary. He enumerates various benefits to codifying this discipline of *maqāṣid*,<sup>10</sup> as seen from the two quotations below, taken from his *Hujjat Allāh al-Bāligha*.

The Successors and after them the religious scholars who used independent reasoning (*ijtihād*) continued to explain the rationale of the legislation of rulings according to their beneficial purposes, to make their meanings understood, and to derive for the textually based ruling an anchoring point related to its preventing a harm or bringing about a benefit, as is set out in their books and their legal schools.<sup>11</sup>

Moreover, he argues that the Sunnah required that

the revelation of the decree making compulsory or forbidden be a great cause in its own right—regardless of those beneficial purposes—for the remedy of the obedient and punishment of the disobedient. Therefore, the matter is not as has been thought—i.e., that the goodness of the acts or their repugnance in the sense of entitling the door to reward and punishment can both be completely arrived at through reason.<sup>12</sup>

After this leading figure came Sir Sayyid Ahmad Khan (1818-98), another pioneer of Islamic modernism and the nineteenth century's chief organizer of the modernist Islamic movement in South Asia. He insisted that *ijtihād* should be exercised freely and without limitation, because doing so was a fundamental right for all Muslims. Drawing inspiration from the writings of Shah Wali Allah, he spent his life promoting Islamic modernism, stressing a rational approach to Islam, and undertaking social reforms. His life-long passion was modernizing the life of the Subcontinent's Muslims.<sup>13</sup>

In keeping with his rationalist mindset, Sir Sayyid stressed the importance of *ijtihād* and a rational interpretation of Islamic religious sources and thought.

He believed that both of these were necessary to make Islam acceptable to the new age, and that Muslims would not understand Islam and others would not appreciate it unless it was presented in such a way. He also proclaimed the importance of relying on the Qur'an, separating the false hadiths from the reliable ones, and removing "the corrosive elements" and accretions that he believed were seriously harming Islam in his day.<sup>14</sup>

After Sir Sayyid came Allama Muhammad Iqbal (1877-1938), the Subcontinent's poet-philosopher and Muslim reformer who placed such importance upon *ijmā'* and *ijtihād*. Iqbal saw *ijtihād* as the catalyst for Islam's intellectual resurgence, the "principle of movement" of Islam and of its legal advance. He desired to reconstruct Islamic law according to the modern era's needs and requirements. Seeking the reevaluation and recodification of *fiqh*, he stressed the critical need for *ijtihād* and considered it the only way out of the cul-de-sac of traditionalist Islam. The Subcontinent's westernized Muslims quickly accepted these views, which soon came to be equated with public opinion and parliamentary institutions. Iqbal's special contributions to the development of Muslim legal thought were establishing *ijtihād* as the principle of movement and legal advance in Islam and reestablishing of *ijmā'* with an enlarged scope and authority.<sup>15</sup>

This legacy was carried on, critically but successfully, by Fazlur Rahman (1919-88), one of the most important and influential Muslim modernist thinkers and scholars of Islamic philosophy during the second half of the twentieth century. In his writings we come across such concepts as *ijtihād* and *maṣlahah* vis-à-vis Islamic modernism and reformism, for much of his work focuses on modernist thought and classical Islamic philosophy. Overall, his thought is characterized as being in the tradition of Shah Wali Allah and Sir Sayyid. Rahman preferred an approach that sought to recover the spirit behind the Qur'anic injunctions while contextualizing the traditions' historical development. He considered the intellectual element in both fundamentalism and modernism as *ijtihād*, which he defined as "the effort to understand the meaning of a relevant text or precedent in the past, containing a rule, and to alter that rule by extending or restricting or otherwise modifying it in such a manner that a new situation can be subsumed under it by a new solution."<sup>16</sup>

Equipped with new analytical tools, he developed these ideas into a theory articulated in contemporary terms. In his *Major Themes of the Qur'an*, he refers to the *maqāṣid*, without using that term as such, as:

With perfect justification have the lawyers of Islam emphasized four fundamental freedoms or rights—life, religion, earning and owning property,

and personal human honor and dignity (*'ird*), all of which it is the duty of the state to protect [as in Q. 5:32; 2: 256; and 2:30] . . . Any large-scale violation of these, including, of course, demeaning man through sheer poverty, would constitute "corruption on the earth."<sup>17</sup>

Although the Muslim modernist intellectuals of the eighteenth and nineteenth centuries did not directly use the *maqāṣid* paradigm as such in the context of reform and reformation, they did use the concepts of *ijtihād* and *ijmā'* that, along with the *maṣlaḥah*, are the key concepts and co-ordinal principles of the *maqāṣid* discourse. That paradigm appeared for the first time in the writings of South Asian scholars and thinkers, and thus this discourse was debated, discussed, and applied. One such example is Muhammad Khalid Mas'ud (b. 1939), a Pakistani scholar whose methodology, notably in its emphasis on context, is in many respects similar to that of Rahman. Having completed his doctoral thesis on Shatibi's philosophy of Islamic law, with a special focus on his contribution to the *maṣlaḥah* (a main sources of the *maqāṣid*), he has spent his career writing extensively on Islamic law, pluralism, Muslim minorities, and related subjects.<sup>18</sup>

Many other South Asian Muslim thinkers and writers have contributed to this discourse in recent years, such as Mohammad Tahir Mansoori, Khalid Ahmad, Abdul Ghafar, and Muhammad Abdullah (all from Pakistan)<sup>19</sup>; and a collection of essays by many ulama' (traditionalist religious scholars) like Mawlana Ateeq Ahmad Bastawi and Mawlana Khalid Saifullah Rehmani (both from India's Islamic Fiqh Academy) in the proceedings of the academy's book on the *maqāṣid*, a collection of essays and lectures presented during a workshop on the same theme.<sup>20</sup>

Here, it is pertinent to give a brief description of Urdu writings on this discourse. Mawlana Rehmani (b. 1956, India) is presently general secretary of the Islamic Fiqh Academy, a founder-member of the All India Muslim Personal Law Board (both located in Delhi), and a specialist in jurisprudence who guides the country's Muslim community. In his essay, he points out that moral degradation, changed political situations and customs (*'urf*), as well as the emergence of new resources, raise new issues and thus demand more comprehension of those issues related to *ijtihād* and the *maṣlaḥah*.<sup>21</sup> He mentions, for example, voting, government employment, and joining the political parties, in addition to such modern medical issues as DNA testing and organ transplantation.<sup>22</sup>

Mawlana Bastawi, presently IFA's secretary (academic affairs), argues that all of the divine rulings and teachings are based on the *maqāṣid* and

*maṣāliḥ* and that there is *ḥikmah* and *maṣlaḥah* in every Shari‘ah ruling.<sup>23</sup> For him, although the Qur’an and Sunnah, the Companions’ examples, and the jurists’ *ijtihād* contain many examples and instances about the *maqāṣid*, it is equally unquestionable that Islamic literature, especially in Urdu, contains “neither any comprehensive works nor any detailed explanations on the theme of *maqāṣid al-sharī‘ah*.”<sup>24</sup> At the same time, however, he points out that a meticulous study of the Islamic literature produced by nineteenth- and twentieth-century Muslim scholars and thinkers to refute the rationalists’ views of Islamic beliefs and teachings will reveal the existence of a great deal of scattered material related to the *maqāṣid* and *maṣāliḥ*. In fact, he asserts that if this material were gathered together, a voluminous book could be produced on various aspects of the *maqāṣid*.<sup>25</sup>

In his other essay, Bastawi opines that the ulama’ are responsible for interpreting religion in every era as per its conditions and situations, and that their interpretations must be fully aware of the *maṣāliḥ* and *asrār* (benefits and secrets) of the divine rulings. Therefore, the religious scholars should not only be fully aware of the Shari‘ah’s *maṣāliḥ* and *asrār*, but also be mindful of contemporary conditions and situations and of the disposition and psyche of the addressee(s). Thus they should do their best to become aware of all these secrets as well as of the benefits of religious rulings, because these are very essential and important as well.<sup>26</sup> In their article, Abdul Ghafar (the Islamia University of Bahawalpur) and Muhammad Abdullah (the Punjab University of Lahore) seek “to highlight the contribution of some Muslim scholars in the contemporary period to the application of *maqāṣid al-sharī‘ah* as a principle of *ijtihād*.”<sup>27</sup>

Except for these few writings, this discourse has not been of much interest to the Subcontinent’s Muslim scholars, and thus there is a corresponding lack of literature on the *maqāṣid*. Therefore, one can argue that there no comprehensive Urdu-language work on this discourse except for that of Nejatullah Siddiqi, wherein one finds “deep thinking, serious discussions, innovative methodology, serious issues, and strong argumentation.”<sup>28</sup> Some of the issues discussed within this book’s *maqāṣid* paradigm are highlighted below.

### **An Assessment of Siddiqi’s Contribution to the *maqāṣid al-Sharī‘ah* Discourse**

Muhammad Nejatullah Siddiqi (b. 1931) received his education from Rampur and Saraymir (India) in Shari‘ah studies (1950-54) and earned his M.A. (1960) and Ph.D. (1966) in economics from Aligarh Muslim University (AMU). He has authored 17 books in English, 15 in Urdu, 7 in Arabic, several of which

have been translated into various Islamic and other languages. For his contributions to Islamic economics and Islamic studies, he has been awarded the King Faisal International Prize for Islamic Studies (1982); the American Finance House Award (1993); the Award for Life-long Contributions to Islamic Insurance and Banking, Takaful Forum, New York (2000); and the Shah Waliullah Award, New Delhi (2003). Since 2010 he has served as professor emeritus, Department of Business Administration at AMU and presently divides his time between California and Aligarh.

His book on the *maqāṣid* consists of eight chapters, four of which will be discussed here: “The Role of Reasoning and Human Nature in Understanding and Applying the Shari‘ah’s Objectives” (chapter 3); “Recent Efforts in Exercising *Ijtihād* in Light of the Shari‘ah’s Objectives” (chapter 5); “The Shari‘ah’s Objectives and the Future of Humanity” (chapter 7); and “The Shari‘ah’s Objectives: Understanding and Application” (chapter 8).<sup>29</sup> Among the main issues analyzed are establishing justice and abolishing tyranny and corruption; maintaining peace and security; problems faced by Muslims living in the West (e.g., citizenship, participating in government, and joining the armed forces); global warming, environmental pollution, and weapons of mass destruction; and ending poverty and starvation. These crucial issues have occupied the minds of countless contemporary scholars.

For Siddiqi, the *maqāṣid* discourse came into the limelight with the issue of applying the Shari‘ah, although terms and phrases like *maṣlaḥah mursalah*, *asrār-i-Sharī‘ah*, *ma‘āni*, and *ḥikm* have existed for centuries. By “objectives” he means the objectives of Islam as a whole in which every aspect of life is included, as opposed to being confined to *fiqhī* rulings only.<sup>30</sup> He does not agree with those scholars who insist that all of the other objectives can be placed in the five (or six) categories mentioned by al-Ghazali (d. 1111) and others, namely, preserving and protecting the individual’s faith, life, intellect, progeny and material wealth. He contends, along with such scholars as Ibn Ashur, Gamal Eldin Attia, Yusuf al-Qaradawi, Ahmad al-Raysuni, and Jasser Auda, that many new ones can be added: the honor and dignity of humanity, basic freedom, justice and equity, poverty alleviation, sustenance for all, social equality, bridging the gap between the rich and the poor, peace and security, preservation of peace, security, order/discipline, and the administrative system; and global cooperation. He supports his stand with Qur’anic verses and hadiths, especially when dealing with non-Muslims, the role of women in society, and the challenges of globalization.<sup>31</sup>

Throughout his book, Siddiqi focuses on methodology: to exercise and apply an understanding of the *maqāṣid* supported by reason and intuition to



those matters not covered by the text and analogy. For him, the teachings of the Qur'an and Sunnah encourage Muslims to undertake *ijtihad* based upon the *maqāṣid* to deal with modern life. He states that they should (1) change their (past) strategy, as the past several decades have witnessed a great deal of change and because several decades from now the world will be a totally different place in many aspects and (2) reorganize their priorities to face future challenges via such *maqāṣid* as justice, equality, equity, freedom of thought and action, and human dignity. He asks them to forget what is lost and to plan afresh for the future.

Among the major issues and themes he discusses are the role of reason (*ʿaql*) and human nature (*fiṭrah*), *ijtihad* and issues faced by Muslims minorities, and global issues vis-à-vis the *maqāṣid* discourse. He also relates his views on how to understand and apply, as well as the future prospects of, the *maqāṣid*.

## The Role of Reasoning and Human Nature

Siddiqi emphasizes the importance of reasoning and human nature in “finding out the Shari‘ah objectives and application thereof.”<sup>32</sup> Basing himself upon Q. 43:26-27; 30:30; 91:7-8, and other verses, he argues that in the Qur'an and the Hadith “reason and perception have been made foundations” of guidance for Muslims.<sup>33</sup> He contends that the concept of human nature is more comprehensive than reason, because the latter is just a part of and integrated into human nature. Reason is for understanding, and the five senses are interlinked with it. Thinking, pondering, deliberating, and similar activities are universal ways of utilizing and applying reason, whereas travelling, observing, experimenting, and discussing support the use of human nature. The ability to distinguish between right and wrong, as well as between good and evil, and to differentiate them from iniquity and fabrication is part of an individual's human nature (e.g., Q. 43:26-27, 30:30, and 91:7-8).<sup>34</sup> Being integral to human nature, truthfulness and ethical beauty become objective common qualities and hence the route for divine guidance (Q. 7:199 and 3:110).<sup>35</sup> Reason, which is important for recognizing self and identifying God, is crucial to identifying and understanding truth, beauty, goodness, justice, righteousness, virtue, and equity – all of which are the fundamental elements around which the whole *maqāṣid* paradigm revolves.<sup>36</sup>

He argues that the theme of discernment and detection of Shari‘ah rulings in the light of the *maqāṣid* encompasses all aspects of human life.<sup>37</sup> His engagement with the *maqāṣid* discourse is directed toward establishing justice (*ʿadl*) and peace and eliminating oppression worldwide. Therefore, his writ-

ings on the *maqāsid* focus more on these issues; however, Siddiqi also closely links justice with truth, beauty, and goodness. According to him, the Qur'an discusses justice primarily in the context of the specific social, political, and economic circumstances prevalent in the revelational milieu rather than in form of abstract statements. It also includes maintaining just familial relationships and paying attention to issues of national and international importance (Q. 16:90, 6:152, 5:8, and 4:57).<sup>38</sup>

He asserts that establishing justice requires the elimination of oppression, because the Qur'an denounces it in the strongest possible terms (Q. 4:10, 29, and 30; 38:21 and 24).<sup>39</sup> For example, "Behold, those who sinfully devour the possessions of orphans but fill their bellies with fire" (Q. 4:10) and "give up all outstanding gains from usury" (Q. 2:278-79). In terms of human relations, Siddiqi cites verses like Q 2:114; 22:39 and 40; and 4:75<sup>40</sup> to show that the major type of oppression is depriving people of their freedom of conscience, freedom of movement, and other basic freedoms, all of which are restrictions and limitations that force them to renounce and abandon life and wealth.<sup>41</sup>

Siddiqi opines that eliminating oppression, establishing peace, and taking steps to reform society are among the *maqāsid*'s core concerns. Importantly, he contends that both reason and human nature can help identify and then eliminate *fasād* (corruption), as well as establish peace and security.<sup>42</sup> Justice can only flourish when all forms of corruption have been wiped out, at which time "the requisition and application for establishing justice and peace become one and the same: a peaceful and just society will be one in which its members will keep everything at its apt level and position."<sup>43</sup> He cites Q. 6:82: "Those who have attained to faith, and who have not obscured their faith by wrongdoing—it is they who shall be secure, since it is they who have found the right path!" on the grounds that it makes clear that people should be fully committed to achieving these objectives.

Given the above, Siddiqi clearly holds that human nature and reason play a key role in accomplishing, understanding, recognizing, identifying, and achieving the *maqāsid*. The Qur'an's declaration of such higher objectives is not random, arbitrary, or accidental, for it is presented in a very principled manner.<sup>44</sup>

## Citizenship and Serving in the Armed Forces

Each era witnesses the rise of intellectuals to deal with new issues and challenges. During the classical and medieval periods, *fiqh* was a fully developed science that had answered all relevant questions. But the needs of modern

Muslims, regardless of where they live, are different. Thus the *maqāṣid* paradigm needs to provide practical answers to entirely new situations. One of the most pressing issues concerns whether Muslims living in the West can become citizens, participate in governmental affairs, and join the armed forces. Siddiqi highlights these and other “controversial” and “hotly debated” issues within *maqāṣid* paradigm, and calls upon Muslims to learn “lessons” from these efforts and adaptation of a correct methodology vis-à-vis the *maqāṣid*.<sup>45</sup> He supports his arguments with fatwas issued by the European Council for Fatwa and Research (ECFR) and the views of such prominent Muslim intellectuals as Yusuf Qaradawi, Rachid Ghannouchi, Tariq Ramadan, Ahmad Sidqi Dajjani, and Salim al-Sheikhy.

### *Citizenship*

During the early centuries of Islam, Muslims neither migrated nor settled permanently in non-Muslim countries. This changed during the twentieth century, when large numbers of Muslims migrated – and continue to do so – to the West to pursue their education, find jobs, and for other personal reasons. Religious scholars used to issue fatwas against this trend; however, this is no longer the case. The issue of citizenship first came to their attention in 1992 at a conference in France in which a number of globally reputed scholars (e.g., Shaykh Mustafa Zarqa’, Shaykh Abd al-Fattah Abu Gaddah, and al-Qaradawi) participated and adopted an “assertive stand” and/or “innovative nature.”<sup>46</sup>

For Siddiqi, this issue emerged during the second half of the twentieth century, because earlier Muslim “migrations” had been temporary. However, now many of these countries had huge Muslim minority populations. In earlier times, many scholars had issued fatwas to stop, or at least create barriers to, huge migrations. But after a while there was “silence” on such issues, for these on-going large-scale migrations were due to (1) the atrocities that those in power inflicted upon politically “active” Muslims who demanded an “Islamic” system, state, and rule and all that these entailed, and (2) the freedom, liberty, and fair approach toward all religions provided by these western “secular” governments, which allowed them to settle and even proselytize.<sup>47</sup>

Today, many new Muslim intellectuals argue that Muslims should not only become citizens of non-Muslim countries and societies, but that they should also take full advantage of the rights and duties that come with citizenship. Siddiqi suggests that “this [citizenship] is the custom (*urf*) of present, as was affiliation to a tribe the custom of past.”<sup>48</sup> As earlier Muslims used pre-Islamic tribal customs in the service of Islam, in the same way contemporary

Muslims can use the customs of today's nation-states for the same purpose. This opinion is also held by al-Qaradawi, al-Ghannouchi, Ramadan, and the ECFR.

Siddiqi, who quotes extensively from Ghannouchi's *Civil Liberties in Islam*,<sup>49</sup> adds these remarks to his (Ghannouchi's) statements:

[T]hese views [of Rachid Ghanouchi] are a lesson-oriented statement, in the application of *maqāsid al-sharī'ah*, as far as the solution-seeking procedures in the collective matters of Muslims, related to material and welfare aspects, in new circumstances, as well as in pursuing clarifications for the general and prolonged challenges faced by humanity in general are concerned.<sup>50</sup>

Regarding citizenship, Ramadan opines that the “concept of ‘citizenship’ (*muwāṭānah*) is now a commonly accepted reference, although some literalist or traditionalist *fuqahā'* hesitate to use it or reject it altogether” and the “promotion of citizenship,” as a legal status, “is fundamental but it remains incomplete if it does not integrate a broader, more thorough approach to all the social dynamics and symbolic, structural and institutional processes that cause discrimination.” For Ramadan, the “ethics of citizenship” must guarantee, along with equality, “the possible sharing of power according to laws and rules while remaining respectful about outcomes.”<sup>51</sup>

### *Serving in the Armed Forces*

One crucial issue faced by Muslim minorities is whether they can serve in their adopted country's armed forces. This question gained momentum and significance after 9/11, when they were deployed to Muslim-majority Afghanistan and Iraq. Siddiqi relies upon the fatwa of Qaradawi and other members, issued on September 27, 2001, in reply to a (religious) inquiry from Muhammad Abdur-Rashid, a senior Muslim chaplain in the American armed forces.

Here it is pertinent to mention some of the fatwa's statements: “This question presents,” for Qaradawi and others, “a very complicated issue and a highly sensitive situation” for Muslims serving in the American and other armed forces. The “source of the uneasiness that American Muslim military men and women may have in fighting other Muslims, is because it's often difficult—if not impossible—to differentiate between the real perpetrators who are being pursued, and the innocents who have committed no crime at all.” A Muslim American soldier, as a citizen and a member of the armed forces, “has no choice but to follow orders, otherwise his allegiance and loyalty to his country could be in doubt. This would subject him to much harm since he would not enjoy

the privileges of citizenship without performing its obligations.” The fatwa concluded: “To sum up, it is acceptable—God willing—for the Muslim American military personnel to partake in the fighting in the upcoming battles, against whoever their country decides has perpetrated terrorism against them.”<sup>52</sup>

According to Siddiqi, from the *maqāṣid* viewpoint Muslims soldiers cannot be blamed and accused of being “guilty” or “sinful” for killing fellow Muslims, because in such circumstances this is “not a question of permissibility or impermissibility,” justification or otherwise, but rather an issue of “demands, requirements, and of adventurism.” He argues that serving in the American armed forces is interconnected with the rights and duties of citizenship. In the case of India, such service takes a different trend and context, for the Muslims’ presence in the Indian army and police force is seen as a “representation of Muslims” and, in the background, of “safeguarding [their] self-interest and welfare.”<sup>53</sup>

Siddiqi also finds it remarkable that various opinions have been provided, in light of the *maqāṣid* approach, to solve the same issue while keeping in mind different contexts, situations, perspectives, and states of affairs.<sup>54</sup>

## The Use of Weapons of Mass Destruction

Siddiqi views the use of “arms and weapons of mass destruction [WMDs]”<sup>55</sup> as a global issue and urges Muslims to work with non-Muslims to find a solution to it, for the Qur’an and Sunnah enjoin goodness toward humanity as a whole. The need to remain fully informed about all of the efforts being made to solve these problems cannot be overemphasized. Muslims also must take clear stands, present realistic proposals in this regard, and make them fully known to the world community.<sup>56</sup> To make his point clear, he presents the use of WMDs as an example.

He lists such global problems and declares that Muslims, who were created by God as “the best community that has ever been brought forth for [the good of] mankind: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God” (Q. 3:110), can solve their problems only by thinking and acting in ways that may help achieve this objective. He divides these problems into those that (1) can be solved by a group of people and those that (2) concern humanity as a whole and can only be solved by worldwide collective efforts (e.g., global warming, pollution, WMDs, maintaining global peace and security, eliminating poverty and food scarcity, and guaranteeing basic human rights).<sup>57</sup>

Siddiqi emphasizes that the Muslims’ very existence and survival depends upon solving these problems, which means that they have now become ob-

jectives and intents. In addition, he notes that so far the Muslims' role has been negative or indifferent and thus, for all practical purposes, against the mission of the prophets, who addressed humanity as a whole. He restates that the guidance to solving such problems will be available through the *maqāṣid*, as opposed to parochial *fiqh* literature, as these issues did not exist when jurisprudence was being developed. He stresses that in the current situation, this is the demand and requisition of the *maqāṣid*.<sup>58</sup>

For Siddiqi, the use of WMDs impacts all those against whom they are used, as well as their descendants, and thus can be considered *fasād fi al-arḍ*.<sup>59</sup> Thus, getting rid of them comes within the purview of the *maqāṣid*. As such, their manufacture, trade, or use is prohibited in all cases.<sup>60</sup> In this respect, he notes the hypocrisy and hidden attempts by various nations to acquire them and emphasizes that the Islamic stand should not be based on the stands of others because this is a question of principle and values.<sup>61</sup> He cites the narration of Adam and Eve's two sons (5: 27-32)<sup>62</sup> and Q. 41:34: "But [since] good and evil cannot be equal, repel thou [evil] with something that is better,"<sup>63</sup> that, for him, shows that this is not an "individual problem," but a "principle-based issue" that gradually wins over people's hearts.<sup>64</sup>

Siddiqi takes a distinctive stand on this issue: The Muslims' non-possession of such weapons, despite their possession by various powerful countries, will not cause Islam or the Muslims to disappear from the world. Here, it may be said that the real issue is not the elimination of WMDs, but rather the powerful countries' attempt to keep the Muslim world weak, dependent, and subordinate so that they can continue to deprive its inhabitants of justice and interfere in their affairs.<sup>65</sup> He has been criticized and opposed in light of Q. 8:60, "And make ready against them all you can of power ... Hence, make ready against them whatever force and war mounts you,"<sup>66</sup> in which *quwwah* is common for all kinds of power designed to deter one's enemies. His position invites further discussion, and yet it is necessary to stress that he looks at this issue from a different angle and stresses that "there is need to compare between merits and demerits, advantages and disadvantages of acquisition of such mass destruction weapons."<sup>67</sup> In his opinion, the possession of WMDs far outweighs their potential benefits.

Understanding the texts on the basis of the *maqāṣid* is a "highly demanding spiritual and intellectual exercise," one that Siddiqi has successfully and skillfully accomplished. His tackling of these issues is a form of "radical internal reform" that, along with "the liberation of hearts and minds," in Ramadan's terminology, makes it "possible to reconcile the substance of the texts and to meet the challenges of our time."<sup>68</sup> It is apt here to quote this insightful statement: "Those difficult questions involve far-reaching debates,

but they are only marginally approached in Islamic circles. Knowledge and experience exist, as do theoretical and practical expertise, but what is lacking today is awareness of the issues and the concrete will to deal with their complexity.”<sup>69</sup>

These are only a few of the examples, ranging from the social, political, economic and financial to medical, ethical, and legal issues that Siddiqi addresses in the light of the *maqāsid*. He further breaks these down into Muslim-specific issues: Shari‘ah rules about paper money,<sup>70</sup> *tawarruq* (a person who buys a commodity at a deferred price in order to sell it for cash at a lower price),<sup>71</sup> women travelling without a close relative/cognizant (*muḥarram*),<sup>72</sup> fixing fasting and prayer times at the North and South poles,<sup>73</sup> the probability and permissibility of women marrying Jews or Christians,<sup>74</sup> the leadership of women and their social roles and responsibilities,<sup>75</sup> non-Muslim citizens in a Muslim country,<sup>76</sup> and universal human issues.<sup>77</sup>

He opines that today’s global problems require humanity to look critically at the present situation, analyze past experiences and experiments critically, and think and deliberate future prospects.<sup>78</sup> Siddiqi concludes that reconstructing the Islamic way of life necessitates that intellectuals of various ideological bents familiarize themselves with their existing disagreements and discrepancies in terms of understanding, applying, and implementing the *maqāsid* and to interact and exchange ideas with each other in order to maintain the standards of Islam’s universal message, as well as for humanity’s sanctity and inviolability.<sup>79</sup>

## Understanding, Application, and Future Prospects

Siddiqi ends his discussion of these issues by summing it up in the following ten points:

1. One can identify and recognize the Shari‘ah’s objectives, in light of the Qur’an and Sunnah, with the help of reason, a rational approach, logic, and perception. In addition, newly upcoming and emerging issues can be understood by analyzing them properly.
2. Disagreement and discrepancies have always existed in the understanding and perception of the *maqāsid*, as well as in analyzing the circumstances.<sup>80</sup>
3. There is no specific method for solving, resolving, and answering contemporary issues, for sometimes we comprehend the right way of approaching the problem, and other times, after becoming aware of the verdict, the issue is solved by thinking it through with the help of logic and reasoning and on the basis of strong argumentation.

4. The individual perception and comprehension becomes, after consultation, the deciding factor, verdict, and ruling in collective matters.
5. Every Muslim should participate in identifying the Shari'ah's objectives; analyzing new situations and circumstances; learning about decisions, verdicts; and rulings, and engaging in mutual consultation.
6. In some newly emerging issues there is a possibility of reaching more than one verdict. But this should not be a concern, for any decision may change over time and due to new research, arguments, and proofs.
7. In matters related to humanity at large, Muslims should actively, vigorously, and enthusiastically participate in and contribute to discussions and reaching decisions.<sup>81</sup> As Ramadan writes, "specialists must examine those issues, become more involved, and give us the benefit of their skills about matters that are often complex and highly specialized."<sup>82</sup>
8. In crucial international matters, Muslims should make positive contributions by adopting the methodology and procedures of the *maqāṣid*.
9. Calling people to God and serving as witnesses, an essential objective of Islam, demands that Muslims constantly seek to guide non-Muslims' minds and hearts toward Islam. Thus they must avoid causing doubt, distrust, hatred, or animosity in the minds of non-Muslims.
10. In those affairs needing juridical reasoning, attaining consensus is less important than respecting and accepting difference. In other words, intellectuals must learn and practice the ethics of disagreement so that differences do not become barriers to mutual interaction and co-operation.<sup>83</sup>

Based on these insights, Siddiqi suggests that Muslims approach qualified religious intellectuals ('ulama), especially those affiliated or working collaboratively with *fiqh* academies or organizations, and submit questions to them after holding their own discussions and deliberations, along with the relevant situations, circumstances, and contexts. More importantly, most of these issues are related to social relations, as opposed to matters of creed and worship. Moreover, as many of them are new, the traditional *fiqh* literature contains no guidelines or solutions.<sup>84</sup> Therefore, as Ramadan says, what is needed is "a general awakening and critical evaluation of all consciences and all skills, those of ordinary Muslims as well as of intellectuals, scientists, and 'ulama."<sup>85</sup>

## Conclusion

The above discussion reveals that even though the Subcontinents' early modernist Muslim intellectuals did not use the term *maqāṣid al-Sharī'ah* to refer to reform and reformation, they did use the concepts of *ijtihād*, *ijmā'*, *maṣ-*



*lahah*, and others, all of which form the key concepts and co-ordinal principles of the *maqāṣid* discourse. The *maqāṣid* paradigm appeared for the first time in the writings of late twentieth-century South Asian scholars and thinkers, who debated, discussed, as well as applied this discourse. With Muhammad Khalid Mas‘ud’s *Shātībī’s Philosophy of Islamic Law* (1995), the *maqāṣid* discourse emerged into the limelight.

Many Muslim Indian and Pakistani religious thinkers and intellectuals, both secular and religious, have contributed to this discourse in recent years both in English and Urdu. The main contributor, however, has been Siddiqi, who was brought up in Muslim-minority India, spent two decades of his academic life in Saudi Arabia, and has lived in the United States. Thus he has observed and experienced at first hand the problems faced by Muslims. After five continuous years of research and examination, he wrote a book that contains a diverse range of topics discussed within the purview and paradigm of the *maqāṣid al-Sharī‘ah*. He believes that one needs to differentiate between the objectives of Islam as a way of life and the objectives of Islamic jurisprudence. Given this fact, one can say that his work is a clear call for all Muslims to do what they can to tackle contemporary problems and initiate an in-depth reflection on day-to-day realities. In Ramadan’s terminology, Muslims must do this “by questioning the contemporary Muslim conscience about a number of issues or by contributing with their skills to the possible resolution of some scientific and/or ethical issues.”<sup>86</sup>

The uniqueness of his contribution can be summarized as follows: (1) the number of Shari‘ah objectives should be expanded beyond the traditional five (or six) categories; (2) reason, reasoning, human nature, and perception have an important role in discovering, implementing, and applying them; (3) a fatwa on a similar issue changes from place to place, as per the time, context, situation, and on the basis of *maṣlaḥah*; (4) his emphasis upon learning lessons from *ijtihādī* efforts and adopting the correct methodology; (5) the importance of a methodology that can be exercised and applied to entirely new issues in understanding of the *maqāṣid* supported by reason and intuition; (6) the role of Muslims as individuals, groups, and a global community, and his highlighting of those verses that address humanity as a whole; (7) his provision of guidelines for solving global issues; (8) his belief that global issues should be solved through mutual co-operation and contribution among specialists and experts of different fields, irrespective of their religion, region, race, and so on; and (9) new challenges need to be tackled by new strategies, which requires those involved to be knowledgeable of both the traditional and contemporary sciences, as well as have personal experience of practical life.

For Siddiqi, an accurate understanding and consideration of the *maqāṣid* requires a discourse that includes every aspect of life, for traditional *fiqh* cannot answer all of the social and other issues facing contemporary Muslims. He is aware of the fact that writings on the subject have increased considerably in recent years, as well as the existence of scholarly contributions on “radical reform” through the *maqāṣid* discourse (e.g., works by Ramadan and Auda). But in his opinion, most of the scholars and writers have not gone beyond traditional *fiqh* despite the pressing need to benefit from the *maqāṣid* in other matters like preaching, training, and reforming society. Siddiqi maintains that reconstructing Islamic thought, reforming the global Muslim community, and restoring Islamic civilization's former honor and dignity requires recognition of the *maqāṣid*, ascertaining the differences in their understanding and application, and discussing and deliberating upon them.

His contribution, in his own words, is an initiative and a call. He never insists upon his own stand, but always invites his readers to a dialogue and exchange of ideas so that Muslims, especially experts and specialists, can advance this initiative, examine the issues, become more involved, and utilize their skills and experiences about complex matters that are of concern to humanity as a whole. They should come forward and offer an ethical contribution, more soul and positive creativity, to societies, the sciences, and human progress for the sake of maintaining and advancing humanity through peace, progress, and prosperity. In this, he sees the success and realization of his efforts and contribution.

## Endnotes

1. I am here relying upon the definition/terminology used by Charles Kurzman in his *Modernist Islam: A Sourcebook* (New York: Oxford University Press, 2002). For Kurzman, the early “modernist” Muslims (e.g., Afghani, Abduh, Rida, and Sir Sayyid), distinguished themselves by distancing themselves from the “secularists,” like Ali Abd al-Raziq (d. 1966), who “downplayed the importance of Islam in the modern world, and differentiating themselves from the ‘religious revivalists,’ like Hasan al-Banna (d. 1949), Syed Qutb (d. 1966), and Abul Ala Mawdudi (d. 1979) ‘who espoused modern values (such as social equality, codified law, and mass education) but downplayed their modernity, privileging authenticity and divine mandates.’” Late in the twentieth century, the “combination of modernist and Islamic discourses was revived in a subset of modernist Islam,” labeled by Kurzman as “liberal Islam,” which sought “to resuscitate the reputation and accomplishments of earlier modernists.” See Charles Kurzman, “Introduction: The Modernist Islamic Movements” in his *Modernist Islam*, 4. See also, Charles Kurzman, ed., *Liberal Islam: A Sourcebook* (New York: Oxford Uni-

versity Press, 1998). Herein, Kurzman regards the second wave of reform as “subset of modernist Islam” or “neo-modernist.” It includes, among others, figures like Iqbal and Fazlur Rahman, who revived and extended the modernist Islamic discourse by providing new methodological frameworks of interpretation concerning Islamic scripture and law. In this context, in this paper, I have used “modernist” and “reformist” alternatively, for scholars/thinkers of both eras (e.g., Shah Wali Allah and Sir Sayyid, or Fazlur Rahman and Khalid Masud).

2. The details of these works are as follows. Mohammad Hashim Kamali, “*Maqāṣid Al-Sharī‘ah: The Objectives of Islamic Law*,” *Islamic Studies* 38, no. 2 (summer 1999): 193-208; Mohammad Hashim Kamali, “Issues in the Legal Theory of *Uṣūl* and Prospects for Reform,” *Islamic Studies* 40, no. 1 (spring 2001): 5-23; Ahmad al-Raysuni, *Imam al-Shatibi’s Theory of the Higher Objectives and Intents of Islamic Law* (London and Washington: International Institute of Islamic Thought [IIIT], 2005); Muhammad Tahir Ibn Ashur, *Ibn Ashur’s Treatise on the Higher Objectives and Intents of Islamic Law*, trans. and ann. Mohamed El-Tahir El-Mesawi (London and Washington: IIIT, 2006); Gamal Eldin Attia, *Towards Realization of the Higher Intents of Islamic Law: Maqāṣid Al-Sharī‘ah: A Functional Approach*, trans. Nancy Roberts (London and Washington: IIIT, 2007); Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation* (New York: Oxford University Press, 2009); David L. Johnston, “*Maqasid al-Shari‘a: Epistemology and Hermeneutics of Muslim Theologies of Human Rights*,” *Die Welt des Islams* 47 (2007): 149-87; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London and Washington: IIIT, 2007); Jasser Auda, “A *Maqasidi* Approach to Contemporary Application of the Shariah,” *Intellectual Discourse* 19, no. 2 (2011): 193-217; Adis Duderija, ed., *Maqāṣid al-Sharī‘a and Contemporary Reformist Muslim Thought: An Examination* (New York: Palgrave Macmillan, 2014).
3. See, among others, Sohail Hashemi, “Reform: Arab Middle East and North Africa” and Ahhrar Ahmad, “Reform: South Asia” (both in Richard C. Martin, ed., *Encyclopedia of Islam and the Modern World* (New York: Macmillan, 2004) 2:575-77, 580-82).
4. For an assessment of the life, legacies, and thought of these thinkers, see Albert Hourani, *Arabic Thought in the Liberal Age, 1798-1939* (Cambridge: Cambridge University Press, 1962; reissued 1983); Aziz Ahmad, *Islamic Modernism in India and Pakistan: 1857-1964* (London: Oxford University Press, 1967); and Kurzman, *Liberal Islam and Modernist Islam*.
5. A. S. Bazmee Ansari, “Al-Dihlawi, Shah Wali Allah,” in C. E. Bosworth, et. al. (eds.) *The Encyclopedia of Islam [EI<sup>2</sup>]*, New Edition (Leiden: Brill, 1960-2001), 2:254-55.
6. Ibid.
7. Ibid.
8. Shah Wali Allah, *Hujjat Allah al-Baligha*, ed., Al-Sayyid Sabiq (Cairo: Dar al-Kutub al-Hadithah, n.d.). For its English translation, see Marcia K. Hermansen,

*The Conclusive Argument from God: Shah Wali Allah of Delhi's Hujjat Allah al-Baligha* (Leiden: E. J. Brill, 1996). Hereafter all references are cited from Harmensen's English translation.

9. Harmensen, *Conclusive Argument*, 11.
10. *Ibid.*, 15, 18, and 19.
11. *Ibid.*, 15.
12. *Ibid.*, 16.
13. For details on Sir Sayyid's religious ideas and approach to *'ijmā*, *ijtihād*, and reform in general, see Sayyid Ahmad Khan, "Lecture on Islam" (Lecture delivered at Anjuman-i-Himayat-i-Islam, Lahore on 2 Feb, 1884), Trans. Christian W. Troll; Rpt. in Kurzman, *Modernist Islam*, 291-303; Bashir Ahmad Dar, *Religious Thought of Sayyid Ahmad Khan* (Lahore: Institute of Islamic Culture, 1957); Christian W. Troll, *Sayyid Ahmad Khan: A Reinterpretation of Muslim Theology* (New Delhi: Vikas Publishing House, 1978); Ahmad, *Islamic Modernism*; Riffat Hassan, "Islamic Modernist and Reformist Discourse in South Asia," in Shireen T. Hunter, ed., *Reformist Voices of Islam: Meditating Islam and Modernity* (New Delhi: Pentagon Press, 2009), 159-86.
14. Khan, as cited in Hassan, "Islamic Modernist and Reformist Discourse," 163.
15. Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (London: Oxford University Press, 1934).
16. Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition* (Chicago: University of Chicago Press, 1982), 8.
17. Fazlur Rahman, *Major Themes of the Qur'an* (Chicago: Bibliotheca Islamica, 1980), 31.
18. Muhammad Khalid Masud, *Shatibi's Philosophy of Islamic Law*, rev. ed. (Islamabad: Islamic Research Institute, 1995). Originally submitted to McGill University for PhD, under the supervision of Charles J. Adams, as "Islamic Legal Theory and Social Change: An Analytical Study of Abu Ishaq al-Shatibi's Concept of Maslaha with Reference to His Doctrine of Maqasid al-Shari'a."
19. For details, see Mohammad Tahir Mansoori, "Maqasid al-Shariah: A New Paradigm for *Ijtihād* in Contemporary Islamic Legal Issues," in *Islamabad Law Review: A Journal of the Faculty of Shariah & Law (IIUI)* 2, no. 1 (spring 2004): 39-54; Ahmad Khalid, "New Dimensions of *Maqasid al-Shariah*: A Critical Analysis." Lecture delivered at Islamic Research Institute (IRI), International Islamic University, Islamabad, (IIUI), Pakistan in 2011; Abdul Ghafar and Muhammad Abdullah, "Contemporary Contributions towards *Ijtihad* and the Role of *Maqasid al-Shari'ah*: An Analysis," *Al-Idha* 26, no. 2 (June 2013): 202-26.
20. For details, see Mawlana Ateeq Ahmad Bastawi, "Maqasid-i-Shari'ah: 'Asri Tannazurr Main" ("Sprouting Shari'ah Objectives in Contemporary Perspective"), 38-55 Mawlana Ateeq Ahmad Bastawi, "Maqasid al-Shari'ah: 'Ahd ba 'Ahd Tarikhi Jayiza" ("Shari'ah Objectives: A Historical Analysis, Era by Era"), 201-30; Mawlana Khalid Saifullah Rehmani, "Maqasid-i-Shari'ah aur Naye

- Masa'il" (Maqasid al-Shari'ah and New Issues), 275-320, all in *Maqasid al-Shariah: Ta'aruf wa Tatbeeq (Objectives of the Shari'ah: Introduction and Application)* (New Delhi: IFA Publications, 2010)—Proceedings of a Workshop on Maqasid al-Shariah, held in 2003.
21. Rehmani, *Objectives of the Shari'ah*, 276-77.
  22. *Ibid.*, 289, 296-97.
  23. Bastawi, *Sprouting Shari'ah Objectives*, 35.
  24. *Ibid.*, 46.
  25. *Ibid.*, 48.
  26. Bastawi, *Shari'ah Objectives*, 206.
  27. Ghafar and Abdullah, "Contemporary Contributions towards *Ijtihad*," 202.
  28. Muhammad Nejatullah Siddiqi, *Maqāṣid al-Sharī'ah* (Urdu) (Objectives of the Shari'ah) (New Delhi: Markazi Maktabah-e-Islami Publishers, 2009). Siddiqi's present work was first published from Pakistan by the Islamic Research Academy, Islamabad. Some of its parts were first published as journal articles in such Urdu-language journals as *Fikr-o-Nazr* (Islamabad) and *Tarjumān Dāru'l 'Ulūm* (New Delhi) during 2004-06, and others were presented at conferences and seminars. This book was reviewed by Abdul Azeem Islahi in the *Journal of King Abdulaziz University: Islamic Economics* 23, no. 2 (2010): 235-44, [http://iei.kau.edu.sa/Files/121/Researches/58972\\_29268.pdf](http://iei.kau.edu.sa/Files/121/Researches/58972_29268.pdf) and by Mohi-Ud-Din Ghazi, as "Maqāṣid al-Sharī'ah: An Analysis," in *Zindgi-E-Nau* 38, no. 2 (Feb. 2012): 65-72, [www.zindgienau.com/Issues/2012/february2012/unicode\\_article8.asp](http://www.zindgienau.com/Issues/2012/february2012/unicode_article8.asp) (last accessed on 15 June 2013).
  29. The remaining chapters of Siddiqi's *Maqāṣid al-Sharī'ah* are "Shari'ah Objectives: A Contemporary Study" (chap.1); "Shari'ah Objectives and the Contemporary Islamic Thought: Problems and Prospects" (chap. 2); "How to Solve Differences Arising in Understanding and Application of Shari'ah Objectives" (chap. 4); and "An Investigation into Modern Islamic Finance in the Light of Shari'ah Objectives" (chap. 6).
  30. Siddiqi, *Maqāṣid al-Sharī'ah*, 20.
  31. *Ibid.*, 36-39.
  32. *Ibid.*, 102.
  33. *Ibid.*
  34. "And when Abraham spoke to his father and his people, [he had this very truth in mind:] 'Verily, far be it from me to worship what you worship! None [do I worship] but Him who has brought me into being: and, behold, it is He who will guide me!'" (43:26-27); "And so, set thy face steadfastly towards the [one ever-true] faith, turning away from all that is false, in accordance with the natural disposition which God has instilled into man: [for,] not to allow any change to corrupt what God has thus created this is the [purpose of the one] ever-true faith; but most people know it not" (30:30); and "Consider the human self, and how it is formed in accordance with what it is meant to be, and how it is imbued with moral failings as well as with consciousness of God!" (91:7-8). All English trans-

- lations are taken from Muhammad Asad, *The Message of the Quran* (Gibraltar: Dar al Andalus, 1980).
35. "Make due allowance for man's nature, and enjoin the doing of what is right; and leave alone all those who choose to remain ignorant" (7:199) and "You are indeed the best community that has ever been brought forth for [the good of] mankind: you enjoin the doing of what is right and forbid the doing of what is wrong, and you believe in God. Now if the followers of earlier revelation had attained to [this kind of] faith, it would have been for their own good; [but only few] among them are believers, while most of them are iniquitous" (3:110).
  36. Siddiqi, *Maqāṣid al-Sharī'ah*, 103-05.
  37. *Ibid.*, 106.
  38. *Ibid.*, 106-10. "Behold, God enjoins justice, and the doing of good, and generosity towards [one's] fellow men and He forbids all that is shameful and all that runs counter to reason, as well as envy; [and] He exhorts you [repeatedly] so that you might bear [all this] in mind" (16:90); "and do not touch the substance of an orphan—save to improve it—before he comes of age. And [in all your dealings] give full measure and weight, with equity: [however,] We do not burden any human being with more than he is well able to bear; and when you voice an opinion, be just, even though it be [against] one near of kin. And [always] observe your bond with God: this has He enjoined upon you, so that you might keep it in mind" (6:152); "O you who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of anyone lead you into the sin of deviating from justice. Be just: this is closest to being God-conscious. And remain conscious of God: verily, God is aware of all that you do" (5:8); and "But those who attain to faith and do righteous deeds. We shall bring into gardens through which running waters flow, therein to abide beyond the count of time; there shall they have spouses pure: and [thus] We shall bring them unto happiness abounding" (4:57).
  39. "O you who have attained to faith! Do not devour one another's possessions wrongfully—not even by way of trade based on mutual agreement and do not destroy one another: for behold, God is indeed a dispenser of grace unto you! And as for him who does this with malicious intent and a will to do wrong- him shall We, in time, cause to endure [suffering through] fire: for this is indeed easy for God" (4:29-30); "And yet, has the story of the litigants come within thy ken—[the story of the two] who surmounted the walls of the sanctuary [in which David prayed]?"; and "Said [David]: 'He has certainly wronged thee by demanding that thy ewe be added to his ewes! Thus, behold, do many kinsmen wrong one another—[all] save those who believe [in God] and do righteous deeds: but how few are they!' And [suddenly] David understood that We had tried him: and so he asked his Sustainer to forgive him his sin, and fell down in prostration, and turned unto Him in repentance" (38:21 and 24)
  40. "Hence, who could be wicked than those who bar the mention of God's name from [any of] His houses of worship and strive for their ruin, [although] they

have no right to enter them save in fear [of God]? For them, in this world, there is ignominy in store; and for them, in the life to come, awesome suffering” (2:114); “Permission [to fight] is given to those against whom war is being wrongfully waged and, verily, God has indeed the power to succour them (22:40); “those who have been driven from their homelands against all right for no other reason than their saying, ‘Our Sustainer is God’...” (22:39-40); and “And how could you refuse to fight in the cause of God and of the utterly helpless men and women and children who are crying, O our Sustainer! Lead us forth [to freedom] out of this land whose people are oppressors, and raise for us, out of Thy grace, a protector, and raise for us, out of Thy grace, one who will bring us succour!” (4:75).

41. Siddiqi, *Maqāshid al-Sharī‘ah*, 110-13.
42. Ibid., 115.
43. Ibid., 121.
44. Ibid., 121, 132.
45. Ibid., 172.
46. “Muslims in the West: A Fiqh Seminar,” 13-15 July 1992, France. Summary by Sayyid al-Darsh, London, 13-14, as cited in *ibid.*, 183.
47. Ibid., 180-83.
48. Ibid., 182.
49. Rachid Ghannouchi, *Al-Hurrīyat al-‘Āmmah fī al-Dawlah al-Islāmīyah (Public/Civil Liberties in the Islamic State)* (Beirut: Markaz Dirasat al-Wihda al-Arabiyyah, 1993), 360, 63.
50. Siddiqi, *Maqāshid al-Sharī‘ah*, 186.
51. Ramadan, *Radical Reform*, 270, 71; Tariq Ramadan, *Western Muslims and the Future of Islam* (New York: Oxford University Press, 2003), 165-71.
52. “Qaradawi et al. fatwa against 9/11,” retrieved from <http://kurzman.unc.edu/islamic-statements-against-terrorism/qaradawi> (last accessed on 12 December 2016).
53. Siddiqi, *Maqāshid al-Sharī‘ah*, 186.
54. Ibid., 189.
55. Ibid., 293-301.
56. Ibid., 269-70.
57. Ibid., 286.
58. Ibid., 292.
59. Ibid., 293-94.
60. Ibid., 294.
61. Ibid., 294-95.
62. Ibid., 295-97.
63. Ibid., 293-94. “But [since] good and evil cannot be equal, repel thou [evil] with something that is better and lo! He between whom and thyself was enmity [may then become] as though he had [always] been close [unto thee], a true friend!” (41:34).

64. Siddiqi, *Maqāṣid al-Sharī'ah*, 298, 299.
65. Ibid., 299-300.
66. "Hence, make ready against them whatever force and war mounts you are able to muster, so that you might deter thereby the enemies of God, who are your enemies as well, and others besides them of whom you may be unaware, [but] of whom God is aware; and whatever you may expend in God's cause shall be repaid to you in full, and you shall not be wronged" (8:60).
67. Siddiqi, *Maqāṣid al-Sharī'ah*, 301.
68. Ramadan, *Radical Reform*, 312.
69. Ibid., 271.
70. Siddiqi, *Maqāṣid al-Sharī'ah*, 76-78.
71. Ibid., 86-91.
72. Ibid., 78.
73. Ibid., 81-85.
74. Ibid., 173-80.
75. Ibid., 192-95.
76. Ibid., 190-92.
77. Ibid., 285-301.
78. Ibid., 332.
79. Ibid., 332.
80. Ibid., 304.
81. Ibid., 304-05.
82. Ramadan, *Radical Reform*, 5.
83. Siddiqi, *Maqāṣid al-Sharī'ah*, 306.
84. Ibid., 307 and 309.
85. Ramadan, *Radical Reform*, 6.
86. Ibid.