



## *The Ten Principles of the Science of “Maqasid of Sharia”: Purposes of Islamic Law*

المبادئ العشرة لعلم مقاصد الشريعة الإسلامية

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**Abstract:** This research aims to write an introduction to the science of “Maqasid of Sharia”: Purposes of Islamic Law, in the manner of the ten principles followed by our ancient scholars, because of its venerable methodology, which gives a comprehensive picture of the science studied. It also seeks to explain the content of these principles, and build them on precise scientific premises, seeking to prove the independence of “the science of Maqasid” in studying and learning about the science of “Fundamentals of Islamic Jurisprudence”, because when these ten principles of an art are fulfilled; this science stands stands firmly and becomes independent in its own right.

**Key words:** The Ten Principles; Maqasid of Sharia; Islamic Jurisprudence

ملخص:

هذا البحث يستهدف تحرير مدخلٍ لعلم المقاصد على طريقة المبادئ العشرة التي سار عليها علماؤنا الأقدمون، لما فيها من منهجية جلية، تعطي صورةً وافيةً عن العلم المدروس، كما يتعيّن بيان مضمون هذه المبادئ، وبناءً على مقدّمات علمية دقيقة، متشوّفاً بذلك إلى إثبات استقلالية علم المقاصد في الدرس والتحصيل عن علم أصول الفقه، لأنّه متى تمتّ هذه المبادئ العشرة لفنّ من الفنون؛ كان قائماً برأسه، مستقلاً بذاته.

الكلمات المفتاحية: المبادئ العشرة؛ مقاصد الشريعة؛ الفقه الإسلامي.



## Introduction

The science of “Maqasid of Sharia” is considered one of the new emerging sciences, after it became independent in studying and teaching from the science of the “Fundamentals of Islamic Jurisprudence”.

Although this independence is still a matter of debate among some scholars and researchers, besides of the books and studies have been written in the science of “Maqasid” numbered in hundreds of publications, and with this great momentum; I have not consulted a comprehensive study that deals with entering this science using the ancient method that our scholars used, which is: introducing the ten principles of science, also called: the introductions, which are: the name, the definition, the subject, the issues, the benefit, the importance, ruling, deriving, ratio, and origin <sup>(1)</sup>.

There are still discussions among researchers about some of these introductions, such as: the subject of “the science of Maqasid”, its deriving, its origin, its founder, and even its definition, in a way that makes a lot of writings about these principles inaccurate, lack of editing, and contain inconsistencies and confusion, causing the fear of students getting lost, or adopting incorrect information.

### 1. Section One: The Name of this Science

The common name for this science is “The Science of Maqasid”.

However, in view of the possibility of confusion for the novice student and common people, with the titles of some of works in which the word (Maqasid) is mentioned, such as: “ Sharh Al-Maqasid” (Explanation of the Purposes) by Saad al-Din al-Taftazani, which is in theology, and “Maqasid al-Ri’aya” (The Purposes of Care) by Izz al-Din Abd al-Aziz bin Abd al-Salam, In which, he summarized the book “Al-Ri’aya” by Al-Harith Al-Muhasibi, about behavior, “Al-Maqasid Al-Hasanah” (The Good Intentions) by Al-Sakhawi in hadith, and “Al-Maqasid Al-Shafi’a” (The Healing Purposes) by Al-Shatibi, in grammar, in which he explained “Alfiyyat Ibn Malik”, and other works, as every science has its Purposes, and the use of the term Purposes in science is not denied. So, we add to the phrase (Maqasid) (Purposes) what eliminates that confusion, such as: the Purposes of Sharia, the Purposes of Sharia, the Purposes of the Law, the Purposes of Legislation.

Concerning what is synonymous with “the science of Maqasid”, they used many terms, including: the spirit of Sharia, its secrets, its goals, the advantages of Sharia, its virtues, the philosophy of legislation, its essence, its wisdom, and other terms.

However The name “Science of Maqasid” is sufficient and convincing for those who have studied the sciences of Sharia law and know it in general or in detail.

### 2. Section Two: Defining the science of “Maqasid of Sharia”

After examining the definitions of the terms that constitute this compound phrase, namely “science”, “objectives”, and “Sharia”, (Alttahānawī, 1996, p. 1/3; Albarakatī, 1986, p. 151; Ibn Taymīyah, 2004, p. 19/306; Khallāf, p. 7; Ibn Ashur, 2004, p. 251) which cannot all be fully elaborated

within the scope of this brief paper, we have arrived at the following definition of the Science of Maqasid of Islamic Sharia:

knowing the general methods of reasoning, and the objectives of general, specific, and partial rulings, with certainty or probable suspicion, with the intention of investing them in deriving rulings and conveying them.

### 3. Section Three: The subject of “The Science of Maqasid of Sharia”<sup>(2)</sup>

The subject of every science is: what is investigated in order to reveal its intrinsic symptoms (Alttahānawī, 1996, p. 1/7).

intrinsic symptoms are those that attach a thing as it is, such as subsequent admiration of a person’s self, or of a part of him, or the movement by the subsequent will of a person because he is an animal, or through something external that is equal to it, such as the occasional human laughter through exclamation.

And their counterpart are the strange symptoms: which are more general, such as the subsequent movement of “white” because it is a body, which is more general than “white” and other things, and the outside symptom that is more specific than it, such as the “laughter of an animal” because it is a human, which is more specific than an animal, and the symptom because of contrasts, such as the heat of water because fire, which is different from water (Al-Jurjani, 1983, p. 159).

Example: The subject of “Fikh (Islamic jurisprudence)” are the actions of charged Muslims and what is presented to them from the divine discourse of status and obligation by necessity and choice, Ie: obligation, prohibition, dislike, recommendation, permissibility, validity ...

The subject of the principles of jurisprudence: the comprehensive evidence, and the methods and rules presented for indicating rulings.

Accordingly; The subject of “the science of Maqasid” is: legal evidence; both overall and detailed. for the overall ones: they are useful for intentional approaches, but the detailed ones are useful in reasons and meanings.

In this way, “the science of Maqasid” is distinguished from “the science of Islamic Jurisprudence” in that it examines both general and detailed evidence, whereas “Islamic Jurisprudence” is concerned with general evidence only. Additionally, its research into the evidence is not in its absolute significance, but in its significance to the methods of reasoning.

“The science of Maqasid” is also distinguished from “the Science of Jurisprudence” by examining general evidence, such as the validity of analogy, reasoning, approval, etc..., and it examines rulings in terms of their relation to the purposes, not in terms of their relation to the action of the charged muslim.

Therefore, Fakih (Islamic Jurist) refers to what The scholar of “Maqasid” extracted from the reasons of islamic legislation, so that his deductions become clear and correct.

#### 4. Section Four: Issues of “The Science of Maqasid of Sharia” (Topics)

The issues of “the science of Maqasid” are many and in-depth, but they are gathered into ten basic topics, which are:

1. Definition of “Maqasid of Sharia” (the Purposes of Sharia).
2. Sections of “Maqasid” and their levels.
3. The validity of “Maqasid of Sharia”.
4. The history of “the science of Maqasid”: its origins and development.
5. Methods of discovering the objectives of Sharia.
6. The need to know the objectives (their importance).
7. Employing Purposes (methods and rules for investing them).
8. The relationship of “Maqasid” to the comparative sciences: jurisprudence, principles, language ...
9. The relationship of “Maqasid of Sharia” with “Sharia Evidence”.
10. The objectives of the “Charged Person” and their relationship to the Purposes of legislation.

#### 5. Section Five: The benefit of Knowledge of “the science of Maqasid of Sharia”

The benefit of “the science of Maqasid” is:

1. Arriving at deducing practical legal rulings, in infinite new facts, with a deduction that conceals the reason for the ruling and its purpose, and makes it one of the most important criteria guiding the fulfillment of the will of Allah the Almighty.

2. After knowing the ruling in light of the reasons and Purposes of the legislation; If it applies to the external context, ie: the specific fact for which the ruling is sought; The Purposes should also be made a criterion for this revelation, so the subject should be tested and the purposes investigated and seen whether they are achieved. Wherever the Purpose falls short of its place; it must be reversed through legislative methods and plans that ensure this goal applied in reality.

We can also notice other functions of “Makasid”, such as weighing between conflicting evidence. However “Makasid” are the ammunition of the diligent person who confronts new facts and problems with the sword of understanding and diligence.

3. Among the benefits of the knowledge of “the science of Maqasid” for the sheikh of the doctrine; enabling him extracting the branches based on fundamentals, in light of the reasons and objectives considered by the imam, and the **mujtahid** (a qualified jurist who exercises independent reasoning (ijtihad) in deriving legal rulings from Islamic sources) may rise to give preference to statements from the opposing school of thought if it appears to him a legitimate intention in it. This has been influenced by many of the schools of thought, and it does not contradict the fact that they are followers of their schools...which is usually few.

There is an increasing need to consider different sectarian sayings, especially when the self sectarian opinions are hard, regarding the difference customs, conditions, and requirements of time and place, so choosing from outside the sect is for the sake of removing hardship, not for the sake of pursuing concessions, or synthesising between islamic sects.

4. One of the benefits of the knowledge of “the science of Maqasid” is enabling the legally accountable person to well comply with assignments, from two aspects:

a. Compliance comes by knowing the limit to which compliance occurs, or by knowing its purpose. The limit is known by the meaning of the word that came with the obligation, and the purpose is known by that and by the total evidence of legislation related to the issue. Whoever rises to know the purpose of legislation regarding the obligation, there is no doubt that his compliance will be more meritorious and meaningful than the first.

b. Knowing the Purposes of the rulings gives the legally accountable person the conviction of the feasibility of the obligation, and makes his compliance voluntary. (Al-Ghazali, 1993, p.339; Al-Ghazali, 1971, p. 541).

5. Explaining the objectives of the sharia is sufficient to refute the suspicions raised by the Orientalists and their followers with malicious purposes regarding the provisions of Sharia, such as punishments, polygamy, Islamic veil, guardianship over the woman in marriage or of the wife, halving woman’s testimony, the waiting period for a divorced woman and whose husband has died, and the provisions of inheritance. And the rulings on male and female slaves ... and many others.

6. Knowing the Purposes of sharia enables the caller to ALLAH to preach with guidance and insight, and with knowledge of the goals, objectives, and levels of Islamic speech, so he takes them into account in his call: speech, method, immediately, and eventually. Thus, he would be in compliance with the Almighty’s saying: “Say This is my way. I call to Allah with clear evidence I and those who follow me” [Yūsuf: 108], and His saying: “Call to the way of your Lord with wisdom and goodly exhortation, and reason with them in the best manner” [An-Nahl: 125].

## 6. Section Six: The Virtue of Knowing “the science of Maqasid” and its Importance

The virtue of knowing “Maqasid” falls within what the Sharia stipulates, namely the virtue of contemplating the Noble Qur’an, wisdom of its Sunnahs, and having a good understanding of ALLAH the Almighty, as in His saying: “This is a blessed Book that We have sent down to you [O Prophet] so that they may reflect upon its verses, and that those of understanding would be reminded.” [Sād: 28], and saying of prophet PBUH: (Whoever ALLAH desires good for, He grants him understanding of religion) [Al-Bukhari: 71; Muslim: 1037].

This is because examining the legal texts of the Quran and the Sunnah is not necessary to have good understanding, if it is not accompanied by a deepening pursuit of the objectives. The Prophet PBUH, informed of this, saying: (May God bless someone who heard my words, understood them, and then conveyed them to those who did not hear them. Perhaps a holder of Fikh (Jurisprudence) has no Fikh, but perhaps he will convey his Fikh to someone who is more knowledgeable than him.” [Ahmad: 16738; Ibn Majah: 236; Al-Tirmidhi: 2658].

“The science of Maqasid” is of utmost importance in understanding the texts of Sharia law, mastering them, properly deriving rulings from them, and implementing them in the complex reality of life. The discussion on that is long and complex, but we will summarize the most important ones in the following points without expanding them; due to the limited number of pages allowed for publication:

1. The science of “Maqasid” preserves the system and structure of Sharia law.
2. Knowing the objectives of Sharia is one of the reasons for preserving the immortality of Sharia and its validity for all times and places.
3. Avoid the Zahiri heresy in understanding Sharia law.
4. “The science of Makasid” preserves the realism and flexibility of Sharia.

### 7. Section Seven: The Ruling on “The Science of Maqasid”

Since “the science of Maqasid” is closely linked to **ijtihad** (independent juristic reasoning in Islamic law); The ruling on learning is related to the ruling on ijtihad, just as the condition is related to the conditional.

Al-Shatibi said (Al-Shatibi, p. 4/76): (The degree of ijtihad is attained only by those who are characterized by two qualities: **one**: understanding the objectives of Sharia in its completeness, and the **second**: being able to make deductions based on his understanding of them).

Regarding the condition with the conditional; Abdul Aziz Al-Bukhari said (Al-Bukhari, 1980, p. 2/356): (And whatever is a condition for a thing, its obligation is based on its origin necessity, such as facing the Qiblah, covering the private parts, and the purity of the garment during prayer, it is related to the obligation of prayer, and like testimony in marriage, it is proven by the proof of the marriage, and this is because the condition is subordinate to the conditional, so it is related to it).

Diligence is sometimes an individual obligation, and sometimes it is a collective imposing, and it may also be recommended or prohibited, and the explanation for that is as follows:

1- It is an individual obligation in two cases:

a- the judgment of the diligent person in his own right regarding what was revealed to him; because the diligent person is not permitted to imitate others in his own right.

b- The judgment of the diligent person regarding the right of someone else if he must rule in the matter, especially when there is no one except him, or the time of the incident is limited, then it is obligatory immediately, because lack of diligence requires delaying the statement until the time of need, and this is not permissible.

2- Ijtihad becomes a collective imposing when an incident happens to someone, and he asks scholars for a **fatwa** (a formal legal opinion or ruling given by a qualified Islamic), or appoints one of them or a group, then the obligation becomes upon all of them. If one of them answers about it, the obligation is dropped from all of them, and if they hold back even though the truth appears to them, they are sinning. If they are confused, they will be excused (Al-Namlah, 1999, p. 5/2327).

The ruling of collective imposing of Ijtihad is derived from the Almighty's saying: (a group should go forth to acquire deeper knowledge of the religion, in order to admonish their people when they return to them, so that they may be cautious) [At-Tawbah:123].

Al-Qurtubi said (Al-Qurtubi, 1964, p. 8/293-294): (This verse is the basis for the obligation of seeking knowledge... and in this is the obligation to understand the Qur'an and Sunnah, a collective imposing in its ruling).

Accordingly, knowing "Maqasid" is one of the rules of ijtihad, so learning is an individual obligation, and it is a collective imposing; wherever ijtihad is such.

### **The Ruling on Learning "The Science of Maqasid" for the Lay person:**

Ibn Ashour said (Ibn Ashur, 2004, p. 3/51): (Not every the legally accountable person needs to know the objectives of Sharia, because it is a precise type of knowledge. The right of the lay person is to receive Sharia without knowing its purpose, because he is not good at controlling or fulfilling it. Then the people's knowledge of "Maqasid" will be expanded to their mastery of the Islamic sciences increases, lest they misplace it, and it comes back to the opposite of what was intended).

This does not contradict what we said above: The legally accountable person benefits from the knowledge of "Maqasid" from two aspects: achieving the fulfilling what was assigned to him based on his awareness of the purposes, and his conviction of its feasibility. The legally accountable person here will have progressed through the levels of knowledge of "Maqasid", otherwise he will be referred to the level of compliance if he has not progressed in this understanding, so he should not worry about it, lest he misplace it.

## **8. Section Eight: Derivations of "The Science of Maqasid of Sharia"**

Derivation of science means: what is brought from outside the science that is being reported from information and decisions in other sciences, which are received as a premise for results that are reconstructed, and from that a new science, or chapters of it, are formed.

"The science of the Purposes of Sharia" derives its subject matter, issues, rules, methodology, and other topics from the following matters:

### **1- Deriving "The Science of Maqasid" from the texts of the Qur'an and Sunnah**

Al-Shatibi said (Al-Shatibi, p. 2/294): (The texts of Sharia provide an understanding of its objectives. Rather, they are the first thing from which one receives an understanding of Sharia Purposes).

Deriving purposes from texts has several aspects, including the following:

#### **a. The Authority to Explain Rulings through Induction:**

The legal texts are the ones that initially established the validity of the reasoning, ie: the fact that the rulings were made taking into account the reasons, by extrapolation. Al-Shatibi said (Al-Shatibi, p. 2/4): (What is relied upon is that we have established from Sharia that it was established for the interests of the servants ...).

### b. Texts are the First Path of Reasoning:

One of the ways of deriving purposes is texts: the first source that reveals the objectives of sharia, deducting from them, and attaching to them.

The textual paths, as decided by Al-Shatibi, are:

- Merely the primary declarative command and prohibition.
- Considering the reasons for the command and prohibition, and why did He order this action? Why did He forbid the other one?
- Staying silent about the legitimacy of the action while the meaning required for its establishing (Al-Shatibi, p. 2/298).

The reasons for commands and prohibitions can either be in explicit forms, such as: **(min ajl)** (Because of that), **(kay)** (so that), **allām** (is a prepositional particle in Arabic that indicates the reason, purpose, or cause for an action. It is typically translated as 'so that', 'in order to', or 'for the purpose of'.), **albā'** (is a prepositional particle in Arabic that introduces the reason or cause of an action. It is commonly translated as 'because of', 'due to', or 'by reason of' in English.) ... or by gestures and warnings, in their various types, which are:

- Suspending the ruling on “the reason” with the letter **(Alfā')** (is a type of coordinating conjunction "fa" in Arabic that indicates causation or reasoning between two clauses. It connects a result to its reason, and is often translated in context as "so", "for", or sometimes "because", depending on the sentence structure.).
- Legislating the ruling upon Allah’s knowledge of the character of the convicted person.
- Mentioning a description, so that it would be of no benefit If it does not necessitate that ruling.
- when Sharia differentiates between two things in a ruling - mentioning a characteristic – it must be known that if that characteristic were not a Reason, mentioning it would be of no benefit.

Under each type there are many aspects and types (Al-Qarafi, 1995, p. 7/3225).

### c. Deriving the Method of Revelation from the Sunnah of the Prophet

One of the ways of deriving purposes from texts is: Extending the method of revealing rulings to the facts, and this is what the Prophetic Sunnah specializes in, while sharing the texts of the Holy Qur'an in the previous aspects, but the method of revelation is the most prominent function of the Prophetic Sunnah.

The Sunnah has defined the achievement of Purposes in real-life situations, by distinguishing between the original and the secondary requirement.

This consequential requirement is decisive in the ruling by amending it, suspending it, or postponing it (Al-Shatibi, p. 3/58).

### 2- Deriving “The Science of Maqasid” from the Fikh (Jurisprudence) of the Companions

After the first deriving of “The science of Maqasid” from the texts of the Qur'an and Sunnah, with the Sunnah specializing in the method of fulfillment of the ruling; The inference comes from the

jurisprudence of the Companions, jurists and muftis (A **Mufti** is a qualified Islamic scholar who is authorized to issue legal opinions (fatwas) based on Islamic law (Sharia).), especially the Rightly Guided Caliphs, and it is an extension of the Prophet's approach. Their aforementioned, intentional Ijtihad was not purely an opinion on their part, but it was based on following the approach of the Prophet PBUH.

Abu Zahra said (Abu Zahrah, 1990, p.22): (The Ijtihad of the Companions was a glimpse of the light of prophecy, because they were the most knowledgeable of people about the aims and objectives of Sharia law, so their opinion is not simple, but rather following and being guided, until Imam Malik said: "document the Imam malik saying"; this is not an attack on the truth, but it is restricted by what they knew about the message and the Sharia, and understood in terms of sayings, and witnessed in terms of deeds).

They also expanded its fields and paths. Al-Shatibi said, praying for the Messenger of God, his family, and his companions (Al-Shatibi, p. 1/15): (May ALLAH's prayers and peace be upon him, his family, and his companions who knew the purposes of Sharia and attained them, established its rules, whose thoughts delved into its verses, and worked diligently in achieving its principles and objectives). He said (Al-Shatibi, p. 1/18): (...Praise be to ALLAH, it is a matter established by verses and narrations, and the principles of which were strengthened by the good predecessors).

Ibn Ashour considered the method of the Companions to be one of the paths of identifying the purposes of Sharia, not in terms of the individuality of them in that method, but in terms of their consensus in considering it as indicated by their sayings and fatwas. He said (Ibn Ashur, 2004, p. 3/66): (The basis of the argument for us in their sayings is that they indicate that the objectives of Sharia in general are obligatory, and also when their statements multiplied, they informed us that they were investigating by extrapolation the purposes of Sharia law from legislation).

Examples and models of Ijtihad of the Companions, especially the Rightly-Guided Caliphs, as a summary without detail:

Compiling the Qur'an, gathering the people for Tarawih prayers, prohibiting marriage to women of the people of the Scripture, passing the bay into the lands of others, abandoning the division of Iraq's lands, killing the group for one, inflicting a three-way divorce, expanding the family of blood money, delaying the collection of zakat in the year of famine, discontinuing the zakat allocation for those whose hearts were to be reconciled (al-mu'allafatu qulubuhum), returning it from his opinion on dowries, his reversal of his opinion on pricing, bequeathing to a dead woman, picking camel strays, including craftsmen .etc ...

The Science of Maqasid al-Shariah also draws from other sources, namely the sciences of the Arabic language, the principles of Islamic jurisprudence (Usul al-Fiqh), reason, and tangible. Despite the significance of these sources, the scope of this paper does not permit a detailed exposition of them.

## 9. Section Nine: The Proportion of "the Science of Maqasid"

What is meant by proportion of the science? Its position in the classifications of sciences, which we can summarize with two considerations:

- Classifying them into mental sciences and narrational sciences.
- It is classified into purposeful sciences and sciences of means.

### 1- The Position of “The Science of Maqasid” in the Rational and Narrational Sciences.

In distinguishing these two sections Al Mazari said (Almāzary, 2001, p. 113): (It has been established that the principles of science are two things: the mind and the law, This is the scope of each one of them, whether specialized or common. And every known thing is not valid to know by hearing except after it has been proved, there is no way for narration in it, and every known thing is not valid to know except after narration, there is no way for reason in it, and even it is permissible to know it in advance of the true statement, and this is not necessary in it; it is known with mind and Sharia).

Based on this criterion, stating that knowledge whose premises are rational; ie: what the mind comprehends independently without Sharia; it is a rational science, and the science in which the mind is not independent in its perception, but rather lacks legal premises, is a narrational science, even if the mind in it has way to synthesize rational evidence on the narrational , in a way in which it is subordinate not followed.

“The science of Maqasid” is a narrational science. Its subject, as previously explained: Sharia evidence, both overall and detailed. Overall: In terms of its benefit to intentional approaches, and detailed: in terms of its usefulness in reasons and meanings. Its benefit: arriving at the deduction of practical legal rulings, that contains the reason for the ruling and its purpose, with the proper application of it to the defining facts in a way that achieves its purpose.

This topic is narrational, and what leads to this benefit are the narrational premises from Sharia texts and evidence, on the basis of which the rational perceptions are composed, as we indicated above, and these rational premises cannot be worked except by following Sharia evidence.

### 2- The Position of “The Science of Mqasid” Among the Sciences of Purposes and the sciences of means.

Regarding this division, Ibn Khaldun said (Ibn Khaldūn, 1981, p. 1/738-739): (Know that the sciences known among the people of Imran are of two types: sciences intended for themselves, such as Interpretation, Hadith, Jurisprudence, Theological sciences from Philosophy, and means of these sciences such as Arabic, Arithmetics, for legalities, and Logic For Philosophy as for the science of Theology and “Usul Al-Fikh” in the manner of the later scholars).

We beleive the sciences that are the goals of Islamic Law are: Monotheism (belief), Jurisprudence (practical rulings), and the Science of Behavior. These sciences anticipate the establishment of religion in all aspects of life, by calling for it and resisting enemies and those who seek it.

Other than these sciences: Belief, Jurisprudence, and Behavior, They are means that lead to goals, and if that is the case, then “Maqasid” is the highest science of means leading to these objectives.

Therefore, it is an objective in comparison to the sciences of means below it, such as Language, Hadith, Usul Al-Fikh, Logic ... and others. These sciences lead to know and understand the purposes

of Sharia Law, so that “The Science of Maqasid” is a means to the objectives of sciences: Belief, Jurisprudence, and Behavior.

## 10. Section Ten: The Founder of “The Science of Maqasid”

researchers in “Maqasid” discuss and disagree about the originator of this science. Some of them say: It was created by al-Juwayni, some of them say: Al-Ghazali, or Al-Izz ibn Abd al-Salam, and others say: Al-Tahir ibn Ashour, just as most of them hold our view that the founder of “The Science of Maqasid” is Imam al-Shatibi; Therefore, we suggested to develop a definition that approximates the concept of “the founder” which is: (the first compiler, comprehensive, of the core issues of science, followed in that, and based on the adoption and inclination in the art).

It comes with these restrictions:

- The one about whom issues were narrated in art that were not recorded.
- Whoever did not collect his basic issues in a work, but rather dealt with separate issues from it, within what he classified in other sciences.
- Whose classification was not followed, and the basis for that was not considered the reference.

In light of this proposed definition; Neither Al-Juwayni, nor Al-Ghazali, nor Ibn Abd al-Salam were the founders of this art, because they dealt with separate sections and issues of it, some of which were at its core, and some of which were not, and it did not rise to be a complete or almost complete theory.

And the author is not Al-Tahir bin Ashour, because - despite the renewal he brought - he continued the work of Al-Shatibi, and it is clear that it would not have been possible without him.

There is no denying that the originator benefited from the scientific accumulations that were built before him, such as revealing, explaining, dividing, rooting, branching, and other things, for this is the nature of all sciences, and everyone who created a science is benefiting in that from those who preceded him, equally in that particular science, or in the sciences from which he draws, and from that is Al-Shatibi’s very clear benefit from Al-Juwayni, especially from Al-Ghazali, and from the fundamentalist Maliki school that is imbued with Maqasid principles. Among his scholars are: Abu Abdullah Al-MAqqari, the author of Al-Qawa’id, Ibn Marzuq Al-Jadd, Abu Sa’id bin Lubb, and Abu Al-Abbas Al-Qabbab, Abu Ali Mansour Ibn Muhammad Al-Zawawi, and others.

Accordingly, the founder of “The Science of Maqasid” is Imam al-Shatibi. He was the first to single out this science by classifying it, and to collect its basic and core issues. Rather, he came into it with an integrated theory, and he is the one who should incline to it, and it is to him that we should return, and from his book “Al-Muwafaqat” (The Reconciliations) most of the contemporary studies of “Maqasid” have branched out.

If it is said, rather, it is a book on “Usul Al-fikh” (Principles of Islamic Jurisprudence), we say: this book, in its plan, method, discussions and style, did not follow the usual books of jurisprudence, so it is with a new spirit, looking at this foundation of “the science of Maqasid”, in terms of Al-Shatibi’s intention for that, or He did not mean it.

We do not underestimate the effort of Al-Tahir bin Ashour in any way when we affirm that. Rather, we see that his explicit call for establishing “the science of Maqasid”, and what he dealt with in his book in terms of revealing the specific objectives in many sections of jurisprudence, and from the valuable editing of many topics; it is also something unprecedented, and it has great merit in this independent character that “the science of Maqasid” has come to enjoy, but this falls in relation to Al-Shatibi’s work in completion, not in foundation.

## Conclusion:

The most important summaries and findings I have reached to are:

1. The subject of “The Science of Maqasid”, legal evidence, the general and the detailed together, as for the general: from the aspect of its benefit to intentional methods, and as for the detailed: from the aspect of its benefit for reasons and meanings. In this way, “The Science of Maqasid” is distinguished from “The science of Usul Al-Fkh” in that it searches for general and detailed evidence together, while “Usul Al-Fkh” is concerned with general evidence only. Also, his research into the evidence is not in its absolute significance, but rather in its significance to the methods of reasoning. “The Science of Maqasid” is also distinguished from “the science of jurisprudence” by examining the general evidence, such as the validity of analogy, reasoning, interest, approval, ...etc. and in that it investigates rulings in terms of their relation by purpose, not in terms of its relation to the action of the person responsible for that.

2. The knowledge of “Maqasid” has many benefits; The most important of them are:

- Arriving at deducing practical legal rulings, in endless facts, with a deduction that is hidden in the reason for the ruling and its purpose, and makes it one of the most important criteria guiding the fulfillment of the will of ALLAH the Almighty.
- It is appropriate to apply the ruling to the external matter; i.e, the specific fact for which the ruling is requested.
- Enabling the assigned person to comply well with what he has been assigned to do, and achieving his conviction of the feasibility of the assignment.

3. The ruling on “The Science of Maqasid” is subordinate to the ruling of Ijtihad, which may be an individual obligation, a sufficiency collective imposition, or a recommended obligation, because knowledge of the “Maqasid” is one of the conditions of Ijtihad, wick is subordinate to the conditional in its ruling.

4. “The Science of Maqasid” is derived from many sciences, the most important of which are: the texts of the Qur’an and Sunnah, the jurisprudence of the Companions and imams of the sects, the rules of jurisprudence, the sciences of the Arabic language, Usul Al-Fikh, the intelligible and the tangible.

5. Based on the definition of (rational science) as that which does not lack narrational premises, and the definition of (narrational science) as that which lacks them. It has become clear that “The Science of Maqasid” is a narrational science, including a way for synthesising rational evidence on narrational premises, in a way that makes the mind a follower of the narration.

“The Science of Maqasid” is also considered the highest science of means, in that it is considered an objective in relation to the sciences of means that are lower than it, such as: the sciences of language, hadith, the principles of jurisprudence, logic...etc. , and it is considered a mean science in relation to the sciences that are objectives, which are: belief, jurisprudence and behaviour.

6. By adopting the definition of (Alwāḍi‘) (The founder) as: (the first compiler, comprehensive, of the core topics of science, followed in that, and based on the adoption and inclination in the art); The founder of “the science of Maqasid” is Imam Al-Shatibi who came with an integrated theory for this science, and who has the orbit and tendency in it, just as we consider Imam Al-Tahir bin Ashour as renewing and adding to Al-Shatibi’s work, but his addition falls within the scope of completion, not in the foundation to which Al-Shatibi preceded him.

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