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## An Exposition of the Relationship between the Theory of *Maqāsid al-Sharī'ah* (Objectives of Islamic Law) and the Concept of *Tajdīd* (Renewal)

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### Abstract

*The evolution of the theory of maqāsid al-Sharī'ah was connected with the desire of many classical jurists to revive and reform (islāh and tajdīd) the existing legal theories (i.e. qiyās, maṣlaḥah and istiḥsān) which were considered inadequate in addressing unprecedented legal problems. And in their quest to ensure reform in the process of legal derivation, they developed the theory of maqāsid al-Sharī'ah as a formidable legal theory by which legal rules can be derived from the primary sources (i.e. Qur'ān and Sunnah). Their ultimate objective in this regard was to arrive at legal rules that promote the legitimate benefit (maṣlaḥah) of the religiously accountable person (al-mukallaḥ). The symbiotic relation that exists between the theory of maqāsid al-Sharī'ah and the concept of tajdīd (renewal/revival) is the focus of this paper. It will show how classical and modern scholars (e.g. al-Juwaynī, al-Shāfi'ī, Muhammad Abduh, Rashid Rida, Ibn Ashur etc.) conceived of the theory as a tool for the overall reform in their respective societies. For this purpose, an analytical method is employed.*

occupied their thoughts as a theoretical tool of reform. They were all convinced that it was through the means of theoretical and practical exploitations of *maqāṣid al-sharīah* that the required holistic reform of the Ummah could take place in all facets of human endeavors.

To understand the theory of *maqāṣid al-sharīah* as a reform tool, it is necessary to cast a look at the efforts of different scholars across the ages. For instance, al-Juwaynī's (d.478 AH) pioneering contributions to the theory of *maqāṣid* were spurred by the prevailing social, political and religious conditions of his time, the fifth century of Hijrah calendar. In his book *Ghayyāth al-Umam fī Iltiyāth al-Zulam*, he described the status-quo during his time in the following words:

Oppression and deviation of rulers have become widespread; self-restraint and precaution of scholars has receded. Their confusion in the bugs of ruins and their muddling therein have become crystal clear; both religious leaders and lay people have jettisoned piety; many cities have been embroiled in injustice in a large proportion.<sup>14</sup>

It was this alarming level of corruption among rulers and scholars that provoked al-Juwaynī to come up with a "vacuum hypothesis". He imagined what would become of the masses in a situation whereby the society is devoid of rulers and scholars who are supposed to guide and direct affairs of the people? In other words, how would such a society go about its socio-religious affairs in the absence of political and religious authorities? In his own words, he put it thoughtfully:

I wonder what would be the way out for people when corruption is spread; when people embrace excess and negligence instead of moderation; when believers are left at the mercy of a scholar who cannot be relied on because of his immorality, and an ascetic who cannot be emulated due to his propensity to act outside the limit of law? Would there ever be a

path towards guidance then? Or would people be left stumbling and crumbling unattended to?<sup>15</sup>

For al-Juwaynī, the way out of this malady should be sought within the framework of *maqāṣid al-sharīah*, because its principles provide an effective guideline for laymen and learned scholars alike.<sup>16</sup> In his view, the theory of *maqāṣid* would be more required especially when the society becomes engrossed in stark ignorance and utter injustice, where an ordinary person is left with neither political direction nor religious guidance. Under such abnormal circumstances, he believed that, the science of *uṣūl* would no longer be of any help, as its value and relevance was only limited to the period of founders of the schools of law as well as that of their successors.<sup>17</sup>

In this sense, al-Juwaynī conceived of the theory of *maqāṣid* as an alternative point of reference when things have fallen apart, when people have become confused with neither political nor religious leadership to direct their affairs. The role of the theory of *maqāṣid al-sharīah* in such a chaotic moment would be to guide ordinary people when positive laws (*furū*) have become subject of constant disagreement among scholars. This would be possible especially because the theory embodies timeless values, principles and objective all of which constitute a clear-cut framework. Those principles and objectives which include the necessity of attainment of human benefit and prevention of harm, easiness and leniency, etc. are definitive and, hence, are not subject of controversy or disagreement.<sup>18</sup> So by making recourse to those definitive principles of *maqasid al-shari'ah*, the spate of difference in legal issues would likely be reduced. As such, socio-religious affairs of Muslim community would be stable.

Subsequently, in the eighth century Andalusia, al-Shāṭibī also found himself in a disintegrating society which echoed what al-Juwaynī had envisaged centuries earlier. His hometown, Granada served as a sanctuary to where people fled mostly from Andalusia in the wake of political upheaval that took place there.<sup>19</sup>

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As a melting pot harboring different people from all walks of life, Granada later descended into chaos. The last Muslim dynasty in the Muslim Spain, Banū al-Aḥmar (635-897 AH)<sup>20</sup>, was fraught with leadership struggles which led to incessant assassinations and overthrows. The level of corruption had reached a higher degree in the society that al-Shāṭibī almost thought that his time would be the end of Islam! To him, widespread of corruption, bigotry regarding School of law, and excessive veneration of other than Allah were major reasons for decadence in his society.<sup>21</sup> He held scholars that the time vicariously responsible for social and moral malaises that permeated Granada, because of their failure to sensitize people.<sup>22</sup>

Furthermore, the religious aspect of the society was deeply engrossed in various acts of innovation (*bid'ah*). At the expense of Islamic Jurisprudence (*fiqhah*), Sufism (Islamic Mysticism) flourished as the devotees of various *ṭarīqah* (suī orders) enjoyed patronage of the political authorities of the day. Al-Shāṭibī regarded common practices in the circle of Sufism such as total submission to *shaykh* (spiritual leaders of *ṭarīqah*), and complete abstinence from worldly affairs constitute a main hindrance to intellectual and socio-economic development of the society. Amid this scenario, not only was al-Shāṭibī steadfast with his pure religious teachings, he also felt the need to reform the society. Thus he rose up to the challenge with his twin books *al-ḥiṣm* and *al-Muwāfaqāt*, and firmly based his reform agenda on the theory of *maqāṣid al-sharīah*.<sup>23</sup>

From a theoretical perspective, the all-important work of al-Shāṭibī i.e. *al-Muwāfaqāt* was borne out of the felt need to reform the science of *uṣūl al-fiqh* and make it a more functional and productive embodiment of principles that would guide the jurists in the derivation of legal rules. Against the established system, al-Shāṭibī posited that the process of *ijtihad* should be undertaken within the framework of *maqāṣid al-sharīah* for legal problems to

be properly addressed.<sup>24</sup> Accordingly, he considered the knowledge of *maqāṣid al-sharīah* a core requirement for the *mujaḥid* who seeks to derive rulings from the sources of the *sharīah* (i.e. *ijtihad*).<sup>25</sup> With this, the *mujaḥid* is better equipped to "be a deputy of the Prophet (SAW) in his duties of *ta'lim* (as a teacher), *fuṭyā* (as a mufti), and *ḥukm* (as a judge)".<sup>26</sup> To a larger extent, the pivotal role assigned to the theory of *maqāṣid al-sharīah* by al-Shāṭibī in the process of *ijtihad* was but a radical reform in the science of *uṣūl al-fiqh*.

A study of al-Shāṭibī's *fatāwā* (legal verdicts) on different socio-political issues practically reveals how he utilized the theory of *maqāṣid al-sharīah* as a conceptual basis in his reform mission. He based most of his verdicts on the public interest (*maṣlaḥah āmmah*) which is one of the juristic foundations of the theory of *maqāṣid al-sharīah*. Two instances may be highlighted here. Firstly, when the public treasure ran out of fund, the government of the day decided to impose extra taxes on the rich so that it could use the money to mobilize the military in defense of the territory. While the vast majority of scholars gave verdicts opposing the move, al-Shāṭibī issued a verdict allowing the government to impose such extra taxes in order to protect the public interest. In fact, he added that a just leader could use his discretion to impose taxes on farm produce rather than on the farmers per se so that no harm is caused to anyone. This verdict, according to him, was in the best interest of the public (*maṣlaḥah āmmah*), namely, the security of Muslim territory.<sup>27</sup>

Secondly, when people were short of food and clothing materials, they wanted to know whether it was allowed for them to sell arms to Christians in exchange of food and clothing materials which the latter had in abundance. Al-Shāṭibī's verdict on this issue was that such transaction was not allowed. To him, it is rather

better for a segment of the people in the society to be starved than to compromise the security of the Muslim territory.<sup>28</sup>

In both verdicts, al-Shatibi anchored his legal verdicts on the protection of public interest. He took into consideration the larger interest of the people (*maṣlaḥah āmmah*) which was to be achieved in the fortification and security of the Muslim entity.

Away from the classical period to the modern time, it is on record that, Muhammad Abduh, one of the modern reformers, promoted al-Shāṭibī's book i.e. *al-Muwāfaqāt* by directing his students to study it. Obviously, Abduh was fascinated by the theory of *maqāṣid* as he regarded it as a solid foundation upon which a real reform agenda could be based. Thus his students took up the challenge and contributed to the theory in their peculiar ways. Some of them decided to study and edit the book<sup>29</sup>, while some others produced books on the theory of *maqāṣid al-sharī'ah* as expounded in *al-Muwāfaqāt*.<sup>30</sup>

Abduh's impact on Rashid Riḍa who was his notable disciple was especially great. Riḍa, himself a modern reformer, was highly motivated by the theory of *maqāṣid al-sharī'ah*. This can be observed in his many writings including his famous journal *Majallah al-Manār* as well as legal verdicts he gave on different socio-political issues.<sup>31</sup> In his writings, he referred to the *maqāṣid* and envisions Islam as aiming to achieve certain goals and purposes.<sup>32</sup> Like al-Shāṭibī, Riḍa also identified the proper understanding of *maqāṣid al-sharī'ah* as an important and a decisive factor in the process of *ijtihād* activities arguing that "the rules of the *sharī'ah*, especially in *mu'āmalāt*, depend on achieving what is good for the people in this life and in the hereafter based on the following principle 'preventing harm and bringing benefit'"<sup>33</sup>

However, it must be noted that Riḍa's understanding of and belief in the theory of *maqāṣid al-sharī'ah* saw him introducing a

new set of *maqāṣid* which is specifically based on his study of the Qur'ān. He itemized and discussed ten principles which he regarded as *maqāṣid al-Qur'ān* i.e. the objectives of the Qur'ān.

According to him, "the *maqāṣid* or aims of the Qur'ān are intended to reform individuals and social behaviors, achieve brotherhood and unity among people, and purify souls through spirituality."<sup>34</sup> In the last five of that set of *maqāṣid al-Qur'ān*, Riḍa sought to articulate his reform thoughts pertaining "to specific fields of legal activity, namely, political and international, financial, warfare and peacemaking, the status of women and their rights, and slavery."<sup>35</sup>

Thus, Riḍa's *maqāṣid al-Qur'ān* in particular and his reform ideas in general were clearly shaped by the notion of *maqāṣid al-sharī'ah*, seeing it as a tool necessary for meaningful reform of Islamic civilization.

Also, in the modern period, both Ibn Ashur and Allal Fasi highlighted the important role of the theory of *maqāṣid al-sharī'ah* in the reform process. The period in which these two scholars from the North Africa lived was characterized by aggressive colonization of almost all Muslim countries by the European nations, following the fall of the Ottoman Empire in the beginning of the twentieth century.

Ibn Ashur's reform efforts focused on schools' curriculum as well as well-being of a civil society. His fruitful and active teaching role in Zaytuna University afforded him a great opportunity to witness systematic decline in Islamic education and learning. He was concerned about the unproductive archaic traditional methods being used in teaching Islamic sciences especially *uṣūl al-fiqh*. Added to this concern was the obsession of majority of scholars in his days with pure linguistic and theological arguments which yielded no consensus legal solutions. These concerns together with the overall disintegration of the Muslim community in all spheres of life made Ibn Ashur resolute and keen

on a comprehensive reform, making the theory of *maqāṣid al-sharī'ah* a conceptual basis.<sup>36</sup>

Therefore, Ibn Ashur was particularly concerned with the reform of education sector.<sup>37</sup> The necessity of the reform of Islamic education and learning occupied his thought as both student and teacher. He was so passionate about this reform that he wrote a book in which he detailed all his reform thoughts and strategies for the much needed reform of Islamic education and learning in the Zaytuna during his time as rector.<sup>38</sup> His mission to reform Islamic education and learning was based on his conviction that nations flourish based on their achievements in customs and languages which are no more than instructions that evolved from teachings propounded by humanity.<sup>39</sup> While trying to undertake a critical evaluation of Islamic learning, Ibn Ashur laid down his fundamental base on which he proceeded: "we work to attain happiness in all our undertakings by acquiring what is beneficial and preventing what is harmful (*jalbal-manāfi' wa daf' al-maḍarr*). As a matter of necessity, this requires our knowledge of the aspects of soundness of [our] actions, and this is what learning and education is all about".<sup>40</sup>

Apart from his concern with Islamic education, the realization of the Muslim unity in the modern world is another aspect where Ibn Ashur utilized the theory of *maqāṣid al-sharī'ah*. He was particularly anxious about bridging the gaps between different Schools of Islamic jurisprudence. He clearly spelt out this concern in the introduction of his book *Maqāṣid al-Sharī'ah al-Islāmiyyah*.<sup>41</sup>

The fact that Ibn Ashur's articulation of the theory of *maqāṣid al-sharī'ah* was informed by the concept of reform becomes clearer when we consider his submission that "the all-purpose principle (*maqṣad al-āmm*) of Islamic legislation is to preserve the social order of the community and insure its healthy progress by promoting the wellbeing and righteousness (*ṣalāh*) of that which prevails in it, namely, the human species".<sup>42</sup>

Ibn Ashur's contemporary, Allal Fasi also regarded the theory of *maqāṣid al-sharī'ah* as a conceptual basis for reform. Like Ibn Ashur, he witnessed both pre and post-colonial periods. This made him ever conversant and aware of the degeneration and weakness of the Muslim world. His reform efforts took both educational and political dimensions. On the one hand, he engaged in teaching activities in the University of Qarawiyyin, Colleges of Law in Fez, Rabat, and Casablanca- all in Morocco. On the other hand, he was a prominent political figure, a member of parliament during the post-colonial period.<sup>43</sup> Having noticed, with dismay, the negative effects of colonization on the Muslim lands in the aspects of education, law, language, and culture, he strove for reform of the Ummah. This desire for reform informed his writing of a book which he entitled: *Maqāṣid al-Sharī'ah al-Islāmiyyah wa Makārimuhā* which is the culmination of many lectures he delivered in the above mentioned colleges. For Allal al-Fasi, the theory of *maqāṣid al-sharī'ah* is not an ordinary subsidiary or an external source of legislation but as a very important main source of the *sharī'ah*.<sup>44</sup>

## Conclusion

In conclusion, the conception of the theory of *maqāṣid al-sharī'ah* as a reform basis is not peculiar to individual scholars as discussed above. Rather, this is also true of some reform movements and organizations. The Islamization of knowledge<sup>45</sup> as a reform movement has also exhibited a great interest in the theory of *maqāṣid al-sharī'ah*. The exponents of this movement consider the understanding and operationalization of *maqāṣid al-sharī'ah* as part of their civilizational reform agenda. The establishment of the movement was borne out of concerns and thoughts of Muslims about the revival of Islamic civilization. While probing into the root cause of the current socio-political malaise in the Muslim world, which has been worsening over time, "Muslim scholars of the 1970s identified the problem as lying in the secularized



educational system and called for the Islamization of contemporary knowledge<sup>46</sup> The uncritical and imitative adoption of Western way of life and worldview has been identified as a major cause of internal weakness of the Ummah in the contemporary time. Therefore, as a necessary prelude to holistic reform of the Ummah, all sciences that were developed in the West must be Islamized. Essentially, in need of the Islamization process are Human and behavioral sciences through which Western thoughts and worldview have crept into the Muslim mind and land. This is because purging the Muslim mind of secular-materialist theories, postulates and values is a major step towards self-realization and real civilizational independence of the Ummah.<sup>47</sup>

The relation of this reform movement with the theory of *maqāṣid al-sharī'ah* is manifested in the writings of a number of scholars associated with the movement. Al-Alwani is especially noted for his works and thoughts on the theory.

The International Institute of Islamic Thought (IIIT), which is "the mouthpiece and most popular organization in the world of Islamization",<sup>48</sup> has been publishing works on the theory of *maqāṣid al-sharī'ah*. A number of works on *maqāṣid*, originally written in Arabic, have also been translated into English language, "since few works, if any, are available in the English language on this important subject, *al-maqāṣid*".<sup>49</sup>

Thus the Islamization of knowledge as a reform movement regards the theory of *maqāṣid al-sharī'ah* as a very important conceptual basis in the process of reforming and remolding social, behavioral, and human sciences within Islamic worldview.

#### Notes and References

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2. Lane, *Arabic-English Lexicon*, part 2, pp.201, 384; Usman Muhammad Bugaje, "The Tradition of Tajdīd in Western Bilad al-Sudan: A Study of the Genesis, Development, and

Patterns of Islamic Revivalism in the Region 900-1900 AD" (PhD Thesis, University of Khartoum, Sudan, 1991), p. 31.

3. Yusuf Al-Qaradawi, *Min Ajl Ṣaḥwah Rāshidah: Tujaddid al-Dīn wa tanhad bi al-Dunyā*, (Beirut: Mu'assasat al-Risālah, 1<sup>st</sup> edn., 1422/2001), p.34; Muhammad al-Tahir Ibn Ashur, *Taḥqīqāt wa Anzār fī al-Kitāb wa al-Sunnah*, (Tunis: Dār Ṣaḥnūn li al-Nashr wa al-Tawzī', 1<sup>st</sup> edn., 1428/2007), p. 115.
4. Adnan Muhammad Hammam, *al-Tajdīd fī al-Fikr al-Islāmī*, (Dar al-Fikr, 1<sup>st</sup> edn, 1424 AH), p.19
5. Tarik Ramadan, *Radical Reform: Islamic Ethics and Liberation*, (Oxford: University Press, 2009), p. 13.
6. The Qur'ānic verse reads thus: We have, without doubt, sent down the Message; and We will assuredly guard it (from corruption)" (15:9). See Ibn Ashur, *Taḥqīqāt wa Anzār fī al-Kitāb wa al-Sunnah*, p. 112.
7. Hasan al-Turabi, *Qaḍāyā al-Tajdīd: Naḥwa Manhaj Uṣūlī*, (Khartoun: Ma'ahad al-Buḥūth wa al-Dirāsāt al-Ijtīmā'iyyah, 1<sup>st</sup> edn., 1411-1990), p. 53.
8. Ibn Ashur posits that depending on the milieus it is possible that two or more individuals undertake the task of *tajdīd*. More so, the Prophethood which is much more challenging had been assigned to both Musa and Harun. Also, in Q.36: 13-14, Allah tells us that he initially sent two messengers to the village before they were later reinforced by the third person. Ibn Ashur, *Taḥqīqāt wa Anzār fī al-Kitāb wa al-Sunnah*, pp. 123-124. Also, al-Qaradawi submits that the *tajdīd* task could be undertaken by groups and movements which can be intellectual, educational or combatant in nature, each making efforts based on its peculiar field of specialization or interest; while a particular group takes care of education and spiritual and moral well-being of the

- Ummah, some can operate in the domain of social services. See al-Qaradawi, *Min Ajl Ṣaḥwah Rāshidah: Tujaddid al-Dīn wa tanhad bi al-Dunyā*, (Beirut: Mu'assasat al-Risalah, 1<sup>st</sup> edn, 1422 AH/2001 CE) p. 24.
9. Ibn Ashur, *Taḥqīqāt wa Anzār fī al-Kitāb wa al-Sunnah*, p. 122
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  11. Taha Jabir Al-Alwani, *Issues in Contemporary Islamic Thought*, (Herndon: International Institute of Islamic Thought, 1426/2005), p. 66.
  12. Muhammad Asad, *This Law of Ours and Other Essays*, (Kuala Lumpur: Islamic Book Trust, 2001), p. 57.
  13. Al-Alwani, *Issues in Contemporary Islamic Thought*, p. 72.
  14. Al-Juwaynī, *Ghayyāth al-Umamfī Itiyāth al-Zulam*, ABdulAzim al-Deeb, ed (n.d.p, 1<sup>st</sup> edn, 1400 AH) p. 17.
  15. Al-Juwaynī, *Ghayyāth al-Umamfī Itiyāth al-Zulam*, p. 16.
  16. AbdelMajid Al-Sagir, *al-Fikr al-Uṣūlī wa Ishkāliyyat al-Sulṭah al-Ilmiyyah fī al-Islām: Qirā'ah fī Nash'at Ilm al-Uṣūl wa Maqāṣid al-Sharī'ah*, (Beirut: Dār al-Muntakhab, 1415 /1994), pp. 347-433.
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- Islamic University Malaysia, 14-16 Rajab-1427 / 8-10 August-2006, p. 183.
18. Mu'tazz al-Khaṭīb, "al-Waṣīfah al-Maqāṣidiyyah: Mashrū'iyyatuhā wa Gāyātuhā", International Conference Proceeding, p. 98.
  19. Abū al-'Abbās Aḥmad Al-Maqrī, *Nafḥ al-Ṭīb Fī Guṣn al-Andalus al-Raḥīb*, ed. Ihsan Abbas, (Beirut: Dār Ṣādir, 1<sup>st</sup> edn., p.1968), vol.1, p. 148; Ammad al-Abidi, *al-Shāṭibī wa Maqāṣid al-Sharī'ah* (Beirut-Damascus: Dār Qutaybah, 1<sup>st</sup> edn., 1412/1992), p. 28.
  20. Reigning for two centuries and sixty two years, the *Banū al-Aḥmar* dynasty was established by Muḥammad Ibn Yūsuf Ibn Naṣr, making Granada the seat of power. See al-Abidi, *al-Shāṭibī wa Maqāṣid al-Sharī'ah*, p. 28.
  21. Abū Ishāq Ibrāhīm Ibn Mūsā Al-Shāṭibī, *al-Itiṣām*, (Beirut: Dār al-Ma'rifah, 1<sup>st</sup> edn.), vol. 1, p. 258.
  22. Al-Shāṭibī, vol. 2, p.354.
  23. On his experiences as regards curbing the innovative acts in his society, see his introduction to the first book i.e. *Al-Itiṣām* see Masud, *Shāṭibī's Philosophy of Islamic Law*, pp. 41-47; Lyala, "Matā Yalja'u al-Nās ilā al-Maqāṣid", p.186.
  24. Al-Shāṭibī, *al-Muwāfaqāt*, vol. 1, p. 6.
  25. Al-Shāṭibī vol. 4, p. 105.
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  27. Al-Shāṭibī, *al-Itiṣām*, vol. 2, p. 121.

28. Abū Ishāq al-Shāṭibī, *Fatāwā al-Shāṭibī*, ed. Muhammad Abu al-Ajfan, (Tunisi: Maṭba'at al-Ittiḥād al-'Ām al-Tūnīsī li al-Shuḡl, 1<sup>st</sup> edn., 1984), p.144.
29. Based on the encouragement of Shaykh Muhammad Abduh Abdullah Draz edited the book (*al-Muwāfaqāt*) and made substantial commentaries on it. See his introduction in al-Shāṭibī, *al-Muwāfaqāt*, vol.1, pp.-12-13.
30. For instance, Shaykh Muhammad al-Khidr Bik, a prominent scholar from Egypt, narrated his encounter with Shaykh Muhammad Abduh and how the latter encouraged him to consult *al-Muwāfaqāt* to enrich his ongoing work in *uṣūl al-fiqh*. See Muhammad al-Khidr Bik, *Uṣūl al-Fiqh*, (Cairo: al-Maktabah al-Tijāriyyah al-Kubrā, 6<sup>th</sup> edn., 1389/1969), p.13.
31. For some details on how Rashid Rida employed the spirit of *maqāṣid* in his *fatāwā* in particular and reform mission generally, see AbdulRahman al-Kaylani, "Ma'ālim Fiqh al-Maqāṣid 'inda al-Shaykh Muhammad Rashid Rida" in *Muhammad Rashid Rida: Juhūdhu al-Iṣlāḥiyyah wa Manhajuhu al-Ilmī*, edited by Ra'id Jamil 'Ukashah (Amman: Jāmi'ah Āl al-Bayt, 1<sup>st</sup> edn., 1428 /2007), pp. 121-134.
32. Yasir S. Ibrahim, "Rashīd Riḍā and Maqāṣid al-Sharī'ah", *Studia Islamica*, v.102/103 (2006), p. 169
33. Muhammad Rashid Rida, *Muḥāwarāt al-Muṣliḥ wa al-Muqallid* (Cairo: Maṭba'at al-Manār, 1906), p.134 cited in in ibid. Yasir, S. Ibrahim.
34. Yasir, "Rashīd Riḍā and Maqāṣid al-Sharī'ah", p. 170.
35. Yasir, "Rashīd Riḍā and Maqāṣid al-Sharī'ah", p.173

36. See detailed accounts on his educational reform in Zaytuna University in Mesawi's introduction to Ibn Ashur, *Maqāṣid al-Sharī'ah*, p. 27 and beyond.
37. For details on Ibn Ashur's ideas and thoughts on educational reform in the Zaytūna Grand Mosque see: Mohamad El-Tahir El-Mesawi, "Naqd and Iṣlāḥ: Ibn Ashur's Comprehensive Critique and Reform Efforts Regarding Islamic Learning and Education". *Al-Shajarah*, vol. 17, no. 2, (2012).
38. The book is *Alaysa al-Subḥ bi Qarīb? Al-Ta'līm al-'Arabī al-Islāmī: Dirāsah Tārīkhīyyah wa Ārā' Iṣlāḥiyyah*, which he started writing in 1312/1902 at the age of twenty-three years and completed towards 1318 /1910 at the age of thirty one. See Muhammad al-Tahir Ibn Ashur, *Alaysa al-Subḥ bi Qarīb, Al-Ta'līm al-'Arabī al-Islāmī: Dirāsah Tārīkhīyyah wa Ārā' Iṣlāḥiyyah*, (Cairo: Dār al-Salām li al-Ṭibā'ah wa al-Nashr wa al-Tawzī' wa al-Tarjumah, 1<sup>st</sup> edn., 1427/2006), pp. 7; El-Mesawi, "Maqāṣid al-Sharī'ah and human Socio-Ethical Order", p. 134.
39. Ibn Ashur, *Alaysa al-Subḥ bi Qarīb*, p. 10.
40. Ibn Ashur, p.9; El-Mesawi, "Maqāṣid al-Sharī'ah And human Socio-Ethical Order", pp. 135-136.
41. Ibn Ashur, *Treatise on Maqāṣid al-Sharī'ah*, pp.xvi-xvii; Ibn Ashur, *Maqāṣid al-Sharī'ah*, p. 165.
42. Ibn Ashur, *Treatise on Maqāṣid al-Sharī'ah*, p. 87; Ibn Ashur, *Maqāṣid al-Sharī'ah*, p. 273.
43. AbdulSalam Bulaji, *Taṭawwur Ilm Uṣūl al-Fiqh wa Tajadduduh*, (Dār al-Wafā', 1428/2007), p. 158.



44. Allal al-Fasi, *Maqāṣid al-Sharī'ah al-Islāmiyyah wa Makārimuhā*, (Dār al-Garb al-Islāmī, 5<sup>th</sup> edn, 1993), pp.55-56; al-Raysuni, *Muḥāḍarāt fī maqāṣid al-Sharī'ah*, (Cairo: Dar al-Salam li al-Tiba'ah wa al-Nashr wa al-Tawzi' wa al-Tarjumah, 1<sup>st</sup> edn, 1430/2009), pp. 102-103.
45. According to al-Fārūqī, Islamization of knowledge seeks "to redefine, and reorder the data, to rethink the reasoning and relating of the data, to re-evaluate the conclusions, to re-project the goals and to do so in such a way as to make the disciplines enrich the vision and serve the cause of Islam. *Islamization of Knowledge: General Principles and Work Plan*, (Herndon: International Institute of Islamic Thought, 1989), no. 1, p. 13.
46. Rosnani Hashim, "Rethinking Islamic Education in Facing the Challenges of the Twenty-First Century", *The American Journal of Islamic Social Science*, vol. 22, no. 4, (2005): p. 136.
47. *Islamization of Knowledge: General Principles and Work Plan*, p.1; Ali Muhammad Mumtaz, *The History and Philosophy of Islamization of Knowledge: A Preliminary Study of Pioneers' Thought*, (Kuala Lumpur: International Islamic University Malaysia Press, 2010), p. 124.
48. Adebayo Rafiu Ibrahim, *Islamization of knowledge: Global Developments, Individual Efforts and Institutional Contributions*, (Nigeria: International Institute of Islamic Thought, 1429-2008), p. 96.
49. See Anas S. Al-Shaikh-Ali's forward to al-Raysuni's *Imam al-Shatibi's Theory of Higher Objectives*, p.i

## The Imperative of Incorporating the Islamic Media Operational Paradigm in the Curricula of Mass Communication Departments of Islamic Universities

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### Abstract

*The quest for the revival of comprehensive Islamic-based knowledge championed by the Islamic Universities in the world requires the Islamization of the gamut upon which pedagogy and knowledge acquisition is based. The provision of a serene and luminous academic atmosphere for accomplishing such a meritorious task calls for the incorporation of Islamic model(s) in various ramifications of the curricula of the institutions. The ability to explore human potential in understanding the divinely-ordained sources of knowledge remains the fulcrum upon which the process of the Islamization undertaking revolves. Using qualitative data analysis of secondary sources, the paper is an expedition that traces the origin of the foundation of modern communication principles and practice back in the Qur'an and Hadith. Considering the media role in shaping the society, it is the view of the paper that proper understanding and application of media performance in the Islamized context necessitates the inclusion of the Islamic Communication Model in the curricula of Mass Communication Departments of Islamic Universities as an essential ingredient for the attainment of an ideal Mass Communication practice and stable society.*

**Key Words:** Islamic Communication Model, Curricula, Mass Communication Departments, Islamic Universities

### Introduction

The importance of mass media communication in modern-day information society is palpable in social relations and interactions. Messages emanating from the media have the tendency to influence opinions and shape decisions. Conscious and careful

will ever creep into the Qur'ān, the sacred source of authority in Islam.<sup>6</sup> So Islam admits of no change or alteration regarding its fundamental aspects e.g. the concept of Oneness of Allah (*tawḥīd*) together with all its implications like the necessity of worshipping Him, doing good deeds and refraining from bad ones, etc. Rather, the subject of the concept of reform is the believer in the religion of Islam, with respect to his understanding and practice of the religion. As a human being living in time and space, man's correct understanding and application of Islam tends to diminish overtime due to many human factors such as forgetfulness and heedlessness. Due to this, people need to be constantly awakened, enlightened and reminded of the pristine teachings of Islam by the means of which to develop and improve their socio-religious life realities. By this, the ideal values of Islam are likely to be realized regarding the correct understanding and practice of Islam as revealed by Allah and practiced by the Prophet Muḥammad (SAW).<sup>7</sup>

To this end, according to the Tradition quoted above, Allah will raise from among the Muslim community, somebody who shall shoulder the responsibility of *tajdīd* at the beginning of every century. Though it is commonly believed that the task of *tajdīd* should be undertaken by an individual, the assignment may also be carried out by a group of two likeminded.<sup>8</sup> This is because the qualities of the *mujaddid* (the reformer) are determined by the prevalent issues or concerns in the Muslim community which require *iṣlāḥ*. The *mujaddid* could be a scholar if the issues in need of *iṣlāḥ* are socio-religious in nature whereby people require enlightenment about the correct understanding and practice of Islam. He also could be a ruler, a statesman, or a warrior especially when the issue that needs reform concerns international relations and territorial fortification of the Muslim community.<sup>9</sup> Needless to add, understanding of and commitment to Islam is a very important quality required of any individual or a group of people undertaking the task of *tajdīd*.

Moreover, the real *tajdīd* entails the renewal of understanding of Islam in the light of higher objectives and values

of the *sharī'ah* which would guarantee response of Islamic law to the needs and concerns of changing societies. It is a revival and reactivation of the role of Muslims as vicegerents of the Creator whose assignment it is to build the universe on solid ethical and moral foundations with a view to realizing ultimate benefits in this world and in the next.<sup>10</sup>

Furthermore, the concept of *tajdīd* is intimately connected with *ijtihād*, for the latter is a necessary step towards achieving the much desired *iṣlāḥ* in all endeavors of the Ummah. *Ijtihād* can be regarded as "the methodological means that allowed Muslims to confront ignorance, oppression, and deviation".<sup>11</sup> However, as an opposite of *ijtihād*, *taqlīd* (i.e. blind imitation) is antithetical to *tajdīd*. This is because it (*taqlīd*) negates the progressive and dynamic nature of Islam as a universal belief system. To say that *taqlīd* is responsible for the backwardness of the Ummah is to say the obvious. Because, "locked in habitual *taqlīd*, Muslim intellectual and social life fell, from the fourth century onwards A.H., into complete stagnation".<sup>12</sup> In every facet of life, Muslims have ceased to be productive and creative. Instead, this has inevitably led to uncritical borrowing from and imitation of western civilization despite its secular tendency and rejection of spirituality. As such, "for the Ummah, *taqlīd* represents a blameworthy innovation (*bid'ah*) as well as a deviation (*ḍalālāh*) from the straight path".<sup>13</sup> So *taqlīd* can be regarded as a stumbling block that stands in the way of *tajdīd*, while *ijtihād* can be seen as catalyst needed to realize *tajdīd*.

The current weaknesses of the Ummah in social, political, economic, intellectual, and military aspects are not peculiar to the contemporary period. The leading scholars who contributed to the development of the theory of *maqāṣid al-sharī'ah*, particularly al-Juwaynī, al-Shāṭibī and Ibn Ashur were also faced with such huge problems at their respective times. Their societies were engulfed in various malaises which contributed to miserable status of the Ummah. In their struggle to bring about meaningful reform in their respective corrupted societies, the theory of *maqāṣid al-sharī'ah*