

Introduction to Maxims

And conclusion of Maqasid

Maqasid Summary

- ▶ The laws of Islam revolve around higher objectives.
- ▶ These objectives are the attainment of benefit and the prevention of harm.
- ▶ The benefits are divided into Dhururiyaat, Hajiyaat and Tahsiniyaat.
- ▶ The Religion revolve around the protection of faith, life, wealth, intellect and family.

The Needs and Luxuries

- ▶ The Dhururiyaat are the base level necessary for maintaining a functional society.
- ▶ Hajiyaat are the things that are needed to preserve the Dhururiyaat.
- ▶ Tahsiniyaat are things that are not needed but allow humanity to reach a state of excellence and a higher quality of life.

The Needs and Luxuries

- ▶ Faith: Salah (Dhururi), Wudhu (Hajiyat), Qiyam al-Layl (Tahsiniyat)
- ▶ Life: Safety (Dhururi), Hudud (Hajiyat), High Quality of Life (Tahsiniyat)
- ▶ Intellect: Sound Mind (Dhururi), Avoiding Intoxicants (Hajiyat), Continuous Learning (Tahsiniyat)
- ▶ Wealth: Ownership (Dhururi), Business (Hajiyaat), Savings (Tahsiniyat)
- ▶ Family: Avoiding Zina (Dhururi), Marriage (Hajiyat), a happy marriage (Tahsiniyat)
- ▶ Always aim for Ihsan (tahsiniyat) in every aspect of one's life.

The Maxims of Fiqh

- ▶ Qawa'id al-Fiqhiyyah (Legal Fiqh Maxims)
- ▶ Short formulae for Ijtihad and Qiyas
- ▶ Every madhhab has produced books on Qawa'id.
- ▶ The four madh'habs agree upon the five primary Qawa'id but differ in their application.
- ▶ There are dozens of secondary maxims, some of which are madh'hab specific.

القواعد الفقهية الكبرى

- ▶ الأمور بمقاصدها
- ▶ اليقين لا يزول بالشك
- ▶ الضرر يزال
- ▶ المشقة تجلب التيسير
- ▶ العادة محكمة

The Five Major Maxims

1. Matters are judged by their intentions
2. Certainty is not overruled by doubt
3. Harm must be eliminated
4. Difficulty facilitates ease
5. Local culture is the basis of judgment

Matters are judged by their Intentions

- ▶ “Indeed actions are judged by their intentions...”
(Saheeh Bukhari 1:1)
- ▶ Imam Shafi’ee said that this Hadith is used in over 70 Fiqh chapters.
- ▶ Plays both a moral and legal role in Fiqh.
- ▶ Moral role: importance of ikhlas.
- ▶ Legal role: validity of actions.
- ▶ For an action to be accepted, it must be done by a believer with ikhlas in accordance to the Shariah.

Matters are judged by their Intentions

- ▶ Intention separates mundane act from act of worship, eg: Bathing and Ghusl.
- ▶ Intention distinguishes one good deed from another, eg: Zakah and Sadaqa.
- ▶ Wrong intention can make a good deed a sin, eg: Salah for showing off.
- ▶ Intention can separate a good deed from a sin, eg: gifting and bribing.
- ▶ Hanafi exception: ghusl and wudhu don't require intention.

Q & A