The Examination of the Social Dimension of *Shari`ah* from the Viewpoint of *Maqasid al-Shari`ah*: A Case Study of the Preservation of Intellect

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ABSTRACT: Some people criticize that the classic Fiqh literature mostly focuses on generating ruling to meet the requirements of individuals rather than the community. This drives the society toward individual sense and turns their attention towards the perfection of personal rituals. On the contrary, the *ShariÑah* generally aims at both the community and individuals, when it requests the application of SharÊÑah rulings and commands. Because the fundamental intent of Islamic law is to regulate the Muslim community's affairs by achieving benefit to it and averting harm from it. Accordingly, an objective approach to the texts of *SharÊÑah* has given rebirth to the communal perspective since the ultimate objective of *SharÊÑah* is to preserve social function and order and perpetuate its well-being and integrity. Therefore, this article aims to scrutinize the social dimension of *ShariÑah* and how it vanished from Islamic scholarship, and chiefly how it was re-emerged with the rebirth of *MaqÉsid al-ShariÑah* in the twentieth century. Hence, the research has taken the example of the *hifz al-aql* to illustrate further this vital subject. Accordingly, this article follows the qualitative method of data collection and analysis. Consequently, the research anticipates that the social dimension of Islamic *ShariÑah* vanished, and the juristic realm's focus was on individual and family matters. Thus, the contemporary scholarship in the field of *MaqÉsid al-ShariÑah* significantly brought changes and turned into the realm of community, where it has proposed new objectives concerned with society.

KEYWORDS: Islamic *ShariÑah*, Social dimension, *MaqÉsid al-ShariÑah*, and preservation of intellect

INTRODUCTION

The science of *maqāṣid al-Sharīʿah* is not the invention of modern scholars; rather, it is a traditional science rooted firmly in the Islamic legal tradition. However, it was first conceptualized by Imam al-Shatibi who is known as the father of *maqāṣid al-Sharīʿah* and who added this dimension to the Islamic legal theory in response to the needs of his time. A few centuries later, Ibn Ashur reformed the *maqāṣid al-Sharīʿah* and opened many new ways to its further development which allowed it to emerge as a new science that is linked with other disciplines. Accordingly, many contemporary scholars have proposed the *maqāṣid al-Sharīʿah* as a new way of thinking and innovative methodology to solve novel and complex issues. Thus, it allows Muslims today to move from a narrow perspective of Islamic law to a broader perspective or from ruling-based thinking to objective-based thinking. Consequently, the researchers aim to examine the Social Dimension of *Shari`ah* from the Viewpoint of *Maqasid al-Shari`ah.* Because there some people criticize that Fiqh literature has been written on individual-based where rulings are developed based on the consideration of the individual. This drives the society toward individual sense and turns their attention towards the perfection of individual rituals such as prayer, fasting, Haj, Zakath, Nikah, and other conducts. The general perception is that they focus on generating ruling to meet the requirements of individuals. Thus, this article aims to examine that the Islamic *SharÊÑah* is not only restricted to individual matters but it relates to communal matters and social conducts too. Further, it elaborates that the fundamental intent of Islamic law is to regulate the Muslim community's affairs through achieving benefit to it and averting harm from it. Moreover, the article discusses that the objective approach to the texts of *SharÊÑah* has given rebirth to the communal perspective since the ultimate objective of *SharÊÑah* is to preserve social function and order and perpetuate its well-being and integrity. Hence, the researchers have taken the example of the preservation of intellect to elucidate this very subject further.

LITERATURE REVIEW

A significant amount of research articles has been published on the topic of the *maqāṣid al-Sharīʿah* mainly in the last few decades. Thus, in the realm of the *maqāṣid al-Sharīʿah* several new ideas and notions have emerged. For instance, Ibn Ashur opens a new way for contemporary scholars to develop the theory of the *maqāṣid al-Sharīʿah* following different approaches. (Auda, 2007). Moreover, he introduces the principles of freedom of belief, orderliness, preservation of pure natural disposition (*fiṭrah*), civility, human rights, equality, and preservation of the family institution as the higher objectives of Islamic law. He also introduces specific

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principles and distinguished between communal priorities and individual priorities. (Ibn Ashur, 2006). Notably, his development opened opportunities for Islamic law to address the current challenges for Muslim societies and minorities. Indeed, the *maqāṣid* philosophy took a turning point with the emergence of Ibn Ashur who has redirected the attention to focus on the affairs of the community

Another prominent legal scholar, Gamal Attia (2007), has contributed to this effort of expanding the scope of the *maqāṣid*. His book *Towards Realizing the Intents of Islamic Law* identifies five universal legal principles that cover four life domains: individual, family, community, and humanity. These five basic principles can be further expanded into twenty-three principles. Most importantly, Attia's new approach encourages Muslim scholarship to address all socio-political realms, from the individual realm to all of humanity. This expansion opens new doors to think beyond the individual level where the majority of classic *fiqh* literature is concentrated. His new conceptualization of Islamic law and its basic principles offers a new opportunity to the Muslim minorities who can use it to address their concerns and accommodate their specific needs.

In his book entitled *The Community is the Basis* of the prominent Islamic scholar Ahmad Rysuni (2012) calls upon the Muslim community to think about Muslim society as giving evidence to us fulfilling the commands as stated in the Qurʾan. The Islamic injunctions are addressed to the general public who has to see to their practical application and not the community leaders alone. He emphasizes the fact that Muslim society has to think at the level of the community rather than the individual level. The place and role of the *maqāṣid al-Sharīʿah* in the twenty-first century have become the focal point of the discourse on Islamic legal theory. Hence, Osman Bakar (n.d) tries to provide *maqāṣid al-Sharīʿah* as an alternative path to development, progress, and civilization in the modern world. He raises an important question, namely whether the path followed by the West in the last four centuries is the only path to development, progress, and civilization. Further, he argues that Islam can play a vital role in offering practical solutions to the ever-changing problems of humanity.

THE MEANING OF MAQÉÎID AL-SHARÊÑAH

First, it is worth noting here the deference phrase used by the legal scholars and jurists to refer to this discipline like *maqāṣid al-shāriʿ* (Al-Shathibi, 1997) (the intents of the Lawgiver), *maqāṣid al-shari'* (Ridha, 1990) (the objectives of Islamic law) and *al-maqāṣid al-sharʿīyah* (legal intents), (Ibn Ashur, 1997) and *maqāṣid al-Qurʾān* (purposes of the Qurʾan). (Rysuni, 2014) Thus, the idea of *maqāṣid al-Sharīʿah* has been widely studied and expanded by modern scholars of Islamic legal theory, for example Muhammad al-Tahir Ibn Ashur, Muhammad Allal al-Fasi, and more recently Youssef al-Qaradawi, Abdul Majed al-Najjar, Gamal Eldin Attia, Ahmad al-Rysuni, and Jasser Auda. The latter firmly asserts that the *maqāṣid al-Sharīʿah* constitutes the most important intellectual means and methodologies for Islamic reform today. (Auda, 2007)

Indeed, it is widely accepted that there is no anonymously accepted definition for *maqāṣid al-Sharīʿah* among the scholars, in early and contemporary times. But the definition of the *maqāṣid al-Sharīʿah* is subject to independent reasoning of scholars. Scholars of SharÊÑah have given numerous definitions to *MaqÉsid*. Hence, Auda (2007) defines *maqāṣid* as a "group of divine intents and moral concepts upon which the Islamic law is based such as justice, human dignity, free will, magnanimity, facilitation, and social cooperation." The *maqāṣid al-Sharīʿah* also means "the secrets which were set by the Lawgiver behind every ruling of *Sharīʿah*." (Bin Bayyah, 2006)

Accordingly, the definition of Ibn Ashur, who is known as the second teacher of MaqÉsid after Imam al ShÉatibi (Rysuni, 2006) for the general objective of *ShariÑah*, opens ways for the well-being and welfare of the humanity. Thus, he defines the all-purposes principle *'maqsad Émm'* of ShariÑah as 'preservation of the community's social order and ensuring its healthy progress as its all-purposes principle *'maqsad Émm'* by promoting the well-being and righteousness (salah) of the human beings (Ibn Ashur, 2006). It is interesting to note here what Ibn Ashur means by righteousness. Accordingly, he elucidates that two-fold duties were given to all messengers of Allah; first removing the corruption from the earth and second calling people to obey Almighty Allah.

Another contemporary scholar Sheikh Allal Fasi's definition for *MaqÉsid*, expands the realm of *MaqÉsid* to some extent, giving a broad perspective about the notion. First, he defines *maqāṣid al-Sharīʿah* as purposes, goals, and underlying reasons behind each ruling of *SharÊÑah* placed by the Lawgiver'. (Al-Fasi, 1973) Further, he outlines "General *maqāṣid al-Sharīʿah* means to populating and developing the earth, preservation social order, and peaceful harmony, a continuation of the goodness of world by the goodness of vicegerents, the establishment of justice and firmness, protection of intellect and work, elimination of evil from the world, bring out all goodness planning for the betterment of all". (Faasi, 1973)

Accordingly, the numerous texts of *ShariÑah* confirm that the overall objective of *ShariÑah* is to set things to rights and remove corruption in all kinds of human activities. (Ibn Ashur, 2006) Further, Ibn Ashur's definition for objectives *ShariÑah* is not limited to individuals' well-being, but it considers the community's well-being as an objective of *ShariÑah* too. Therefore, he notes, Prophet Moses went to rescue the children of Israel from Pharaoh's corruption. Indeed, corruption is not his disbelief (kufr) but evil deeds on earth because the Israelites did not follow Pharaoh in his belief (Ibn Ashur, 2006).

Indeed, the objectives of Islamic law have emerged as a conceptual framework for many scholarly disciplines other than philosophy and social sciences. These new developments in the study of universal *maqāṣid* have greatly contributed to the revival

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of Islamic thought and have opened a wider space for the application of Islamic law. Accordingly, the classic objectives of the *Sharīʿah* are protection of faith, life, property, intellect, and progeny. Imam al-Qarafi added the preservation of honor as the sixth objective (Ibn Ashur, 1997).

IMPORTANCE OF KNOWLEDGE ABOUT *MAQÉSID*

It is worth noting here that Imam al-Shatibi (d.790AH) dubbed as the father of the *maqāṣid al-Sharīʿah* has described the qualifications for a *mujtahid*. First, the *mujtahid* must have a solid understanding of the objectives of the *Sharīʿah*. Second, he must be able to generate a ruling based on his or her understanding of the objectives of the *Sharīʿah*[1] (Shatibi, n.d). Centuries earlier Imam al-Juwayni, (d.478/1085), the first teacher of the *maqāṣid* (Rysuni, 2013) according to Rysuni, had highlighted the importance of understanding the objectives of the law: "Our foremost attention goes to denote to their end goals and objectives because the person who fails to comprehend the end goals from our practices might dismiss the understanding of the totality of the Islamic *Sharīʿah*" (Al-Juwaini, n.d). Further, his disciple al-Gazali said, "For a *mujtahid*, he must have a thorough grasp of the higher objectives of the *Sharīʿah* and be skilled in raising and reflecting on relevant questions and issues and ordering them in terms of their relative degrees of importance" (Shabbar Said, 2018). Therefore, earlier scholars wrote, "When a person comprehends the objective of something, then the way for its achievement becomes easy for him. For example, a person who does not understand the objective of *zakāt* then becomes stingy and tries to find ways for the evasion of it and to fraud to drop it. On the contrary, who comprehends the objectives and benefits of *zakāt* is unlike the former, and he pay it with full of satisfaction" (Rysuni, 2014).

In this connection, it is worth mentioning here that the *maqāṣid al-Sharī`ah* do not only reflect the objectives of Islamic law. Its scope can be expanded and used a tool to formulate the fundamental principles and cardinal values related to human welfare in line with the descending order of human needs. Further, it helps articulate the systematic understanding of Islamic teachings (Mesawi, 2009).

Al-Qaradhawi (1981) clarifies that the ultimate role of the *maqāṣid al-Sharīʿah* is to arrive at a proper understanding of the *Sharīʿah*. He writes:

If one takes a text of Shariʿah, Qurʾan, or Sunnah, without knowing other hadith or to the practice of Prophet (pbuh) and without relating it to the objectives of the *Sharīʿah*, then, it is possible to misunderstand and misinterpret the *Sharīʿah*. Therefore, insist of Imam al-Shatibi is worth to be noted here that the comprehension of the end goals of *Sharīʿah* is a vital prerequisite for understanding the *Sharīʿah*. This is possible for those who are knowledgeable about the verses of the Quran and the traditions of the Prophet (PBUH); why, how, and when they were revealed and the reason behind the revelation which Prophetic traditions are eternal, and which are temporal.

THE LOSS OF COMMUNAL PERSPECTIVE FROM THE SCHOLARS' MINDS

It stands very clear from the thematic survey of the texts of the *Sharīʿah* that the laws are aimed to protect the welfare of the community rather than that of the individual alone. Indeed, Islamic law first covered the affairs of the community before attending to the affairs of the individual. Abu Suleiman (2011) explains how this transition was made in Islamic history when Muslim scholars and jurists moved from the communal perspective to the individual realm. When the political affairs of the Umayyad caliphate became more and more determined by tribal and dynastic considerations, the original Qurʾanic spirit became muted and hardly visible. The consultative and egalitarian approach of the early caliphs vanished, and the power was passed on through heredity. Furthermore, schools of thought lost their influence on political affairs; consequently, mosques were isolated from the public and political affairs, and the role of the *tābiʿūn* (the generation following the companions) was limited to the matters of worship and family. Thus, the communal spirit of the *Sharīʿah* vanished from the academic discourse and the jurists produced a series of works that were filled with individual and family matters rather than social and communal themes.

Ibn Ashur (2006) tries to redirect the direction of the scholarly discourse and explains that public interest involves what is beneficial to most of the community or whole community, and private interests consist of that which only benefits the individual. Hence, he explains that part of the Qurʾan and most of the Sunnah are indeed concerned with personal interest. However, he emphasizes, the Qurʾan is mostly concerned with the principles and fundamental values related to society. In this respect Abu Suleiman observes that early Muslim scholars had become isolated from public affairs and relegated private worship and personal affairs. Consequently, the communal perspective disappeared from the scholars' minds when they ignored the social concerns and focused on private matters.

Furthermore, Abu Suleyman (2011) deliberates how social concern vanished from the Muslim community due to lose of influence of the Islamic worldview. Mainly, the influence of Bedouin tribes on Islamic politics caused the collapse of rightly guided caliphs and the establishment of the family dynasty. During this time Quranic spirit was remarkably muted, the consultative approach of caliphs has vanished, and the power was passed based on heredity. Furthermore, the school of thought which served as the basis

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[1] Al-ShÉtibÊ, MuwÉfaqÉt, (n.d), Book 2, Vol -4, p -76.

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for rightly guided caliphs was eliminated and the mosque was isolated from political affairs, companions' successors' role was restricted for most of the realm of worship and affairs related to individuals and family. Consequently, religion came gradually into the service of political rulers and their fans. This led to a greater distortion in the Islamic worldview and the weakening of the Muslim community's spiritual condition.

Consequently, Ibrahim Ghanim's (2014) argument is worth noting here. Thus, he deplores the overall state of stagnation and isolation of Islamic jurisprudence in general, and in particular that of the *maqāṣid al-Sharīʿah* and its tendency to ignore social and communal issues. Typically, he criticized that in Islamic jurisprudence, the scholars have repeated the same examples for many centuries, and even modern scholars fail to produce new examples to reflect the realities of modern life. Thus, the influence of the same examples to explain the essential objectives, century after century, has not paved the way for new developments in the field of legal study. This has also made this field irrelevant and redundant in the public discourse (Ghanim, 2014).

Maqasid thought and reinstate of social concern in modern time

Certainly, Imam al-Shatibi conceptualized the notion of *maqāṣid al-Sharīʿah* in to the realm of Islamic legal theory in response to the needs of his time. A few centuries later, Ibn ʿAshur reformed the *maqāṣid al-Sharīʿah* to emerge as a new science that is linked with other disciplines and to face modern challenges and needs.

Accordingly, an objective approach to the texts of the *Sharīʿah* has reinstated the original position of the communal perspective. In this respect, Ibn Ashur pays close attention to develop the *maqāṣid* based on the communal level rather than the individual level. Thus, for example, when he writes about the protection of wealth, he means protecting the wealth of the whole community. (Selamah, 2018) Furthermore, he outlined the role of the general objective (*maqsad ʿāmm*) as "preserving the community's social order and ensuring its healthy progress by promoting the wellbeing and righteousness (*ṣalāḥ*) of humans' (Ibn Ashur, 2006).

In addition to this, the definition of Ibn Ashur for the general objective of *Sharīʿah* opens ways for the Muslim community to ensure its wellbeing and welfare. Thus, he defines the all-purposes principle (*maqsad ʿāmm*) as "a comprehensive thematic analysis of the texts of *Sharīʿah* related to its objectives shows that Islamic legislation aims the preservation of the social order of the community and ensuring its healthy progress as its all-purposes principle by promoting the wellbeing and righteousness (*maṣlaḥah*) of all human beings. (Ibn Ashur, 2006) Ibn Ashur then explains the role of all the messengers of Allah as having a two-fold duty: first, to remove the corruption from the earth, and second, to call people to obey Allah. He establishes his argument by stating the duties of the Prophets Shu'ayb, Musa, and Salih from the Qurʾan. Allah said to the community of Shu'ayb, "Do not spread corruption on earth after it has been so well ordered." (Quran 7:85). In respect to Banu Israel, it was revealed, "(and Moses said) 'Eat and drink from the sustenance provided by God, and do not act wickedly on earth by spreading corruption" (Quran 2:60). In connection with the community of Prophet Salih it was revealed, "And do not act wickedly on earth by spreading corruption" (Quran 7:74). Allah addresses the Muslim community, too, by saying, "Verily, He does not love those who transgress the bounds of what is right: hence, do not spread corruption on earth after it has been so well ordered" (Quran 7:55-56). Accordingly, all the above-mentioned explicit texts of the *Sharīʿah* confirm that the overall objective of Islamic law is to set things right and remove all kinds of corruption on earth (Ibn Ahsur, 2006). Hence, Ibn Ashur's definition of the objectives of the *Sharīʿah* is not limited to individual wellbeing, but it considers the wellbeing of the whole community and indeed all of humanity as the basic objective of the *Sharīʿah*.

Generally, *fiqh* literature has been written from the perspective of the individual. This drives the society toward increased individualism and turns their attention towards the perfection of individual rituals rather than the conduct of the community as a whole. Al-Qaradawi (2002) notes here that when the jurists discuss maxims such as "necessity renders the prohibited as legal" or "need is given the status of necessity," they confine their application to individuals and their needs, rather than to the needs and necessities of the whole community.

The *maqāṣid* philosophy took a turning point with the emergence of Ibn Ashur who has redirected the attention to focus on the affairs of the community. For example, he defines the essentials, exigencies, and embellishments from the communal perspective. In his eyes indispensable objectives sin the form of essentials are mattering whose realization is essential for the community, both collectively and individually; without them the social will be dysfunctional (Ibn Ahsur, 2006). The same applies to the exigencies that are also needed for the proper functioning of society. In the same way the enhancements ensure the perfection of the community's condition and social order which allows the Muslims to lead a peaceful and prosperous life and renders the Muslim community as an attractive model to follow and seek friendship (Ibn Ashur, 2006). Indeed, this novel perspective of Ibn Ashur in defining those notions has helped develop a new focus on communal thinking in the Islamic legal discourse.

An important fact to note is that some scholars argue that the five universal essentials already include all matters and that there is no need to expand the current framework. For example, preservation of life already includes eradication of poverty and social cooperation. However, Nejatullah (2016) rejects this argument and affirms that there is indeed a need to expand the *maqāṣid*. In particular, the science needs to introduce new terms that have not already been formulated in traditional *fiqh* to meet the

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requirements of modern developments and changes. In his opinion, keeping the old *maqāṣid* classification and terminology and not adopting a novel classification will not move the field away from the old and outdated individual perspective. He thus calls for developing new *maqāṣid* classification and framework that reflects today's social, economic, political, environmental, health, and technological issues and challenges.

Baltaji (2006) uses Umar ibn al-Khattab's temporary prohibition for Muslim men to marry non-Muslim women to explain the wisdom behind it and apply it to the modern context. Umar reasoned that the sacrifice of a few would prevent the Muslim community from experiencing all sorts of economic and social evils. Thus Umar's decision was based on his 'communal thinking' where he gave preference to the community's interest over individual interest and preference. However, when this kind of social security disappears from the communal life of the Muslim *ummah* it will have many harmful consequences. The individual members will lose the connection with their own community and their focus will be their integration into non-Muslim society rather than the welfare of their own community. Thus, to preserve the communal interest, certain injunctions have to be re-examined and re-evaluated.

In the view of Ibn Ashur, the social aspect must be the dominant feature of modern *maqāṣid* theory because the ultimate objective of the *Sharīʿah* is to preserve the social order and the function of those public institutions that perpetuate the wellbeing and integrity of the community. Thus, he argues, the preservation of universal objectives relate to the individual members of the *ummah* and more importantly to the *ummah* as a whole. Accordingly, each legal objective has two aspects; one is related to the individual, and the other is related to the Muslim community Ibn Ashur, 1997). He reminds that the fundamental intent of Islamic law is to regulate the affairs of the community by facilitating benefit to it and averting harm from it. Unfortunately, Muslim jurists have ignored this important aspect of the wellbeing and uprightness of the *ummah*; instead, their focus has been on the wellbeing and uprightness of the individual (Ibn Ashur, 1997).

Accordingly, the need to expand these essential objectives is acknowledged because the law has to address the changes in modern society. Islamic law cannot be limited to the individual sphere since new social, economic, political, and educational circumstances and related issues require new developments in this area.

The argument for the expansion beyond the five essential relies is due to several factors. One such factor is that these five necessities established by the earlier scholars hardly address communal matters and are limited to the individual realm. In this respect Attia notes from the quotation of al-Qaradawi which he stated in a seminar:

I accept as true that the *Maqāṣid* those which have to do with society at large has not been given its due. Most of the *Maqāṣid* is related to the individual rather than the community, such as protecting an individual's religion, faculty of reason, life, wealth, and progeny. Then, where are freedom, equality, justice, and of what value are they? This, too, urges for review and reassessment (Attia, 2007).

Hence, following Ibn Ashur, more and more scholars decided to develop the *maqāṣid al-Sharīʿah* in line with its social dimension. Today, Ahmad al-Khamlishi, Youssef al-Qaradawi, Ahmad al-Rysuni, Ismail al-Hasani, and others see justice, equality, freedom, social, economic, and political rights as the higher intents of Islamic law. However, they acknowledge that the decision to limit the higher objectives to the five essentials (Attia, 2007) only reflects the opinion of Imam al-Gazali and thus open to discussion.

In the expansion process of the *maqāṣid al-Sharīʿah*, the contribution of Attia must not be understated. His new conceptualization 'from the five universals to four realms' enables Muslims broaden their minds, and open new ways to collaborate with other. He divides the five universals into the four realms of individual, family, community, and humanity. In the realm of the Muslim community, he added notions such as the institutional organization of the *ummah*, the establishment of justice, preservation of morals, cooperation, solidarity, and responsibility, and dissemination of knowledge. Also, he introduces new objectives in the realm of humanity such as mutual understanding, cooperation and integration, realizing human stewardship of the earth, creating a new world order based on justice, global protection of human rights, and dissemination of the message of Islam (Attia, 2007). Siddiqi (2016) also adds new objectives to the five universal objectives such as justice and equality, honor and dignity of humanity, basic freedom, eradication of poverty and sustenance for all, bridging the gap between rich and poor, and social justice equality, global peace, preservation of system and order. Consequently, the expansion of the scope of the *maqāṣid* beyond the five universal objectives paves the way for new thinking and broadens the views beyond individual limitation to catch communal concern.

Preserving intellect & promoting free and independent thinking

Simply said, if there is no reason, then there is no religion because having a healthy mind is not only a prerequisite for worship but also for the correct understanding of religion. According to al-Gazali, intellect is the basis of all knowledge. Knowledge proceeds like fruit from a tree, light from the sun, and vision from the eye. If so, then why should it not honored as the source of success in this world and hereafter? (al Gazali, n.d) The faculty of reason is not a part of the body; rather, it is an activity related to the brain and the senses that supply it with information, including hearing, sight, taste, smell, touch, and the nervous system. Attia (2007) explains that the preservation of the mind is achieved in three ways: the development of the mind, the preservation of the mind, and the utilization of the mind.

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First, on the surface of Islamic law, the preservation of reason is confirmed through the prohibition of consuming intoxicants that harm the mind. Ibn Ashur (2006) explains that 'the preservation of intellect is the protection of people's minds from being affected by anything putting their disorder. Any disorder in the human mind and reason causes serious corruption consisting of unfitting and depraved human conduct. Thus, the Qurʾan forbids the consumption of all forms of intoxicants: "O you who believe! Intoxicant and gambling, (dedication of) stones, and (divination) arrows, are an abomination, of Satan's handwork: avoid such (abomination), that you may prosper" (Quran 7:90). Accordingly, Islamic law calls for flogging as a punishment for those who consume alcohol. The application of this punishment is critical now, not only in a non-Muslim environment but in a Muslim majority country. This is because international public opinion no longer considers this punishment as civilized (Bernard, 2003). Accordingly, the following discussion depicts how *maqāṣid* thought has opened up new areas for the protection of reason.

Today, the preservation of the intellect relates to proper thinking, education, and modern skills. Presently, education has a significant role on the individual and community level. Attia (2007) explains that earlier scholars limited the preservation of the faculty of reason in two points; first by focusing on the prohibition of intoxicants and second by restricting it to whatever religious learning is essential for the performance of obligatory acts of worship. This is due to the narrow view of the traditional legal interpretation. However, he asserts on the essential level, every Muslim individual must learn the fundamentals of the Arabic language, mathematics, history, geography, physics, chemistry, Islamic sciences, the English language, and computer technology. In this connection, Qaradawi (1991) warns of restricting the preservation of reason to prescribe punishment for consuming intoxicants that does not meet the current requirements. Instead, Muslim scholars should focus on developing the scientific mindset, the pursuit of knowledge, and by doing so affirm the universal value of knowledge. This view comes under the promotion of human reason.

Rysuni's broad explanation of the preservation of reason is worth noting here. This aspect is essential in a Muslim minority context where the Muslims intermingle with people from other religions and cultures, with people who think differently and have different views about life. Thus, the influence of other cultures is an important factor that needs to be taken into due consideration. Rysuni's overall view on the preservation of reason is illustrated in the excerpt below. He argues:

The preservation of the faculty of human reason can be not limited to outward measures such as prohibiting intoxicants and imposing penalties for partaking of them because people's minds have been lost without his or her ever having touched a drop of liquor. Indeed, people's minds are lost through ignorance, lethargy, idleness, and blind imitation. Consequently, putting the mind to use and giving it wide berth is not merely an aid toward the assessment and preservation of human interests, instead, itself, one of the most vital human interests, since the mind's proper use ensures its preservation, and its preservation is one of the agreed-upon essentials (Rysuni, 2005).

The preservation of sound thinking and the wellbeing of the Muslim community

Abu Suleiman (2011) explains the importance of preserving the right mindset and applying sound logic based on the story of the people of Israel. God destined the Israelites to wander in the Sinai desert for forty years. Their way of thinking had become corrupted and distorted in the many years they had spent as slaves. Being left to their own devices helped them to raise a generation of independent, confident, and free young men and women. There are valuable lessons to be learned from this story for the Muslim minority communities today who have also undergone forms of oppression. Besides, Attia draws attention to the importance of preserving the mind from systematic collective brainwashing operations, especially through modern mass media. The media play a decisive role in manipulating the news, reports, and information we consume on a daily basis and can be easily used to serve political interests. He likens this current situation to that of ancient Egypt and the Pharaoh's words, (Attia, 2007) "I but want to make you see what I see myself, and I would never make you follow any path but that of rectitude." (Quran, 40:29) Attia (2007) argues that the protection of the Muslim mind cannot be limited to preventing the consumption of intoxicants; it should go beyond this and protect the Muslim mind from the corruptive influence of mass media. This kind of protection is especially important in the context of Muslim minority communities who live in non-Muslim countries whose media are controlled by others. This makes diverting the attention of the Muslims and misinforming them through fake and manipulated news very easy. Rayees Musthafa (2017) uses a verse of the Qurʾan to illustrate this point: "Verily I am thy Lord! Therefore (in my presence) take off your shoes: you are in the sacred valley of Tuwa." (Quran, 20:12) Musthafa (2017) interprets this scene as God's way of 'decolonizing' Prophet Musa's mind from the Egyptian culture he had learned at the Pharao's court and open his mind to accept a new reality in which the place of Tuwa was sacred.

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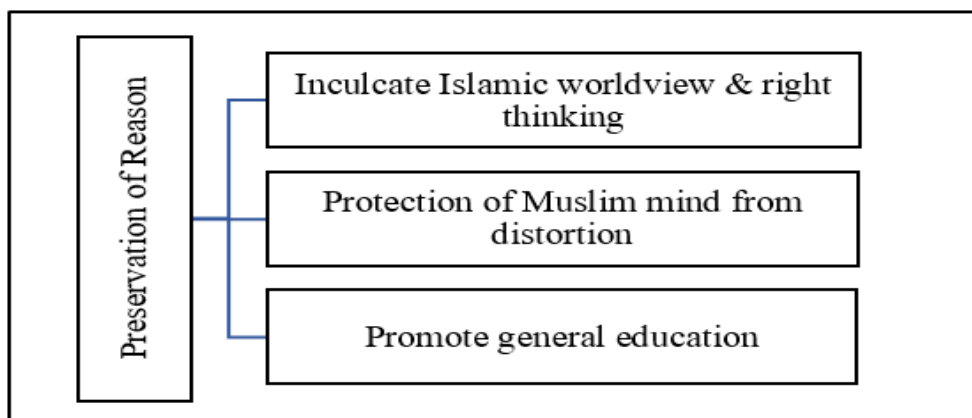
From another perspective, the preservation of sound thinking is important for the overall wellbeing of humanity. Indeed, the right belief that constitutes the foundation of sound and correct human thinking leads to proper human conduct. Therefore, Ibn Ashur stresses that Islamic *Sharīʿah* should focus on ways to purify the human soul and uplift the human psyche; this will motivate individuals to do righteous deeds. So, removing corruption from the world also means removing the corruption from the mind. In his view the role of Islam is to reform human society, in matters related to the heart and the mind, to instill faith and useful knowledge (Ibn Ashur, 2006). The preservation of human reason cannot be confined to individual interests and should be extended to the whole community. Notably, the survival of the Muslim minority community today largely depends on education, and it is the only way to overcome all kind of their challenges. Moreover, the role of educational in uplifting society is especially important for a community to be self-sufficient. Thus, the preservation of reason should be understood from the broad perspective of *maqāṣid* theory.

Indeed, the comprehensive meaning of the preservation of reason includes protecting human reason from distortion and the other hand, the promotion of it by enhancing 'human ability to know' (Sherman, 2018) by different means. In this connection, it is worth note Jackson's explanation, which is more appropriate for the present context of the minority community. He said that the preservation of reason would have to go beyond drugs and alcohol. So, in this context, the *'hifz Ñaql'* would have to take on a much more public and political dimension. It should also have to deal with individuals and political, social, educational, cultural, and economic institutions (Jackson, 2018). Indeed, the preservation of reason insists on education which trains the mind to make a sound judgment (Nidhal, 2010). In this respect, the broad idea of *'hifz Ñaql'* mainly consists of all educational enhancements, religious and general, in the modern education system. Thus, today general education is a more important factor that produces the next generation from the primary level to the university level.

CONCLUSION

First, the article examines the argument of some scholars that there is a perception that the classic *fiqh* literatures focus on generating ruling to meet the requirements of individuals and less attention paid towards communal sense. Further, this study elucidates that the state of stagnation and isolation of Islamic jurisprudence in general, and in particular that of the *maqāṣid al-Sharīʿah* and its tendency to ignore social and communal issues. Also, the researchers elaborate that the *maqāṣid* philosophy took a turning point with the emergence of Ibn Ashur who has redirected the attention to focus on the affairs of the community. Therefore, an objective approach to the texts of the *Sharīʿah* has reinstated the original position of the communal perspective. Indeed, the study expounds that the fundamental intent of Islamic law is to regulate the Muslim community's affairs where achieving benefit to it and averting harm from it. Moreover, the article discusses that the objective approach to the texts of *SharÊÑah* has given rebirth to the communal perspective since the ultimate objective of *SharÊÑah* is to preserve social function and order and perpetuate its well-being and integrity. Contemporary developments in the field of *maqāṣid* study have given more due attention to the community aspect of the *Sharīʿah*. Therefore, this objective-based approach helps reform the thought of the Muslim community. This article has mainly scrutinized the social dimension of *ShariÑah* and its reemergence with the rebirth of *maqāṣid al-Sharīʿah* in the twentieth century after its disappearance from the Islamic scholarship for some period. Hence, the example of the *hifz al-Ñaql* has been taken to illustrate further this vital subject. Accordingly, the article further elaborates the meaning of preservation of reason based on the broad perspective of *MaqÉsid* mainly with the arguments of contemporary scholars. The article has brought the wider discussion on the preservation of reason (*Hifz al-Ñaql*) since it is indispensable tool of promoting free and independent thinking. Because, the wellbeing of the Muslim community highly depends on the preservation of sound thinking. Indeed, the comprehensive meaning of the preservation of reason includes protecting human reason from distortion and the other hand, the promotion of it by enhancing 'human ability to know. In this respect that researchers find that the restriction of the preservation of reason to prescribe punishment for consuming intoxicants that does not help meeting the challenges and requirements of the present world. By doing this, the

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science of *maqāṣid al-Sharīʿah* plays a considerable role in shaping the healthy mindset of the Muslim community. In other words, it allows Muslims today to move from a narrow perspective of Islamic law to a broader perspective or from ruling-based thinking to objective-based thinking, form individual realm to communal thinking.

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