

Maqasid al-Shari'ah as a Framework for Economic Development Theorization

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Abstract

Development studies has so far created a huge intellectual resource, including theories, models and policy prescriptions that have been implemented in most developing economies. However, development theorization has been generally dominated by the western materialist paradigm which is antithetical to the very philosophical foundations of Islam. Muslims, constituting at least a quarter of the world population, mostly live in the less developed economies and are therefore among the largest consumers of these materialist theories. Based on the premises that the Muslim world cannot address its multifarious development challenges by relying only on imported theories and models, and that as important stakeholders in the world, Muslims need to contribute to the global development discourse; this paper presents an Islamic alternative approach to the analysis of development based on the theory of maqasid al-Shari'ah. The paper proposes a maqasid-based development approach which sees development from the perspective of drawing benefit and removing harm, which require promoting things that make life easy, meaningful and prosperous and blocking all means to harm, socio-economic difficulty and underdevelopment. The three-stages development approach focuses on promoting wellbeing through the preservation and enhancement of five essential components; faith, life, intellect, offspring and wealth. The paper submits that maqasid al-Shari'ah is a veritable framework for, inter alia, formulating development policies and prioritizing development projects. The strength of the approach lies in the proper place it accords to faith, spirituality, and moral ethics as trigger mechanisms for sustained moderate development in addition to its emphasis on all-encompassing but moderate material progress. The paper calls for an extensive study of the science of maqasid al-Shari'ah as it pertains to economic development discourse.

Keywords: Maqasid al-Shari'ah, Economic Development, Theorization

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Introduction

It is now well over five decades since the birth of development economics as a distinct field of economic research. Following the devastations that resulted from World War II and the apparent resultant consequences of same on the economies of the world, some economists started to invest huge intellectual efforts to particularly study the factors related to, and the dynamics of economic growth and development in new, specific ways, leading to a new discipline called development economics. The focus of development economics has been to study the factors that militate against growth and its transformational impact on the people's standards of living with a view to formulating theories, models and propositions that can promote human wellbeing and prosperity especially in the third world countries of Africa, Latin America and Asia. So far, a body of scholarly literature has been built as the discipline runs through different evolutionary stages.

One major criticism against development economics has to do with its domination by scholars and experts whose views of development are largely shaped by the philosophy and experiences of the developed nations. Development theorization in the last five and a half decades has been championed by scholars who have less touch with the socio-economic and environmental realities of the underdeveloped communities. A lot of their views are alien and detached from the very underdeveloped nations they are prescribing the policies for. It is based on this observation that Myrdal, cited in Jhingan (2008), admonished that "the underdeveloped countries should not accept our inherited economic theory uncritically but remould it to fit their own problems and interests". If development economics is concerned with the "problems of the third world" (Jhingan, 2008) then development models have to be rooted in tools and instruments that suit the peculiarities of the people of the third world. It can be argued in the same line also that since Muslims constitute a large portion of the poor nations despite their endowment in human and material resources, then the need for Islam-based development propositions becomes strategically imperative. This has been stressed by Ahmad (2006) who maintains that as it is developed in the western capitalist and socialist paradigms, development theory has been "conditioned by the unique characteristics, specific problems and explicit and implicit values and socio-political infrastructure of western economies" and

can therefore not be applied indiscriminately to Muslim economies. He further argues that:

...we must reject the archetype of capitalism and socialism. Both these models of development are incompatible with our value system; both are exploitative and unjust, and fail to treat man as man, as God's vicegerent (khalifah) on earth. Both have been unable to meet in their own realms the basic economic, social, political and moral challenges of our time and the real needs of a humane society and a just economy. Both are irrelevant to our situation, not merely because of the differences in ideological and moral attitudes and in socio-political frameworks, but also for a host of more mundane and economic reasons; differences in resource bases, changed international economic situation, benchmark differences in levels of the respective economies, socio-economic costs of development and above all for the fundamental fact that the crucial developmental strategy of both the systems - industrialization through maximization of investible surplus- is unsuited to the conditions of the Muslim world and the demands of the Islamic social ideals.

Similarly, one reality of the modern world is that humanity has been witnessing rapid technological advancement in knowledge, science and technology with remarkable impact on the way the life of man is conducted. The exponential changes and complexities brought by globalization and information and communications technology have had influence in reshaping socio-cultural, political and economic life of man. As an important stakeholder in the world, the Muslim world has the responsibility of not only organizing and redirecting its future progress within the context of this global realities, but importantly also, it has the moral responsibility to contribute to the global development debate and present new approaches that would enhance human life and make it more rewarding and more prosperous.

A strategically significant instrument of the Islamic sciences which would provide a solid base for the analysis of development is the science of maqasid al-Shari'ah. Currently, there is a growing level of agreement among Muslim scholars, thinkers and reformers regarding the potential of the maqasid al-Shari'ah in redirecting the Muslim ummah towards deep-rooted reforms and engendering development in all facets of life. In fact some studies have particularly been carried out on the facilitative link between

maqasid al-Shari'ah and development. This link is demonstrated by the stabilizing role it plays regarding all reform packages that are rooted in the Islamic paradigm. Auda (2010) describes maqasid as one of the “most important intellectual means and methodologies for Islamic reform” in the contemporary world. Being a “methodology from ‘within the Islamic scholarship’” maqasid as Auda argues further, is essentially different from all the reform methodologies borrowed from outside the Islamic scholarship and terminology.

Maqasid connects between the spirit and philosophy of the Shari'ah on one hand, and social, economic, historical, political and general environmental contexts of society on the other. It also serves as a yardstick for measuring the appropriateness of reform programmes and their conformity with the universal objectives, principles and values of the Shari'ah. It is a bridge that connects between texts and contexts, between ends and means, between goals and methodologies, between the latter and the spirit of the Islamic law as well as between the universal goals of Islam and the practical means to their actualization.

It is within the context of the strategic significance of the maqasid as highlighted above that this paper explores maqasid al-Shari'ah as an agenda for the study of economic development. It first presents the theory of maqasid and the concept of economic development and then dwells into the analysis of what it calls the maqasid-based development approach. The paper ends with a conclusion and some recommendations.

1. The Theory of Maqasid al-Shari'ah

The term maqasid al-Shari'ah is a compound word formed from two words, maqasid (sing. maqsid or maqsad) and al-Shari'ah. The word maqsid in the Arabic wordlist means purpose, intent, objective or wisdom. The second word, al-Shari'ah or Shari'ah in its restricted usage refers to the Islamic Law. In its broad sense, however, it encompasses according to Bello (2001), “all aspects of human endeavour be it economic, political, social, or theological and it's a complete way of life of a Muslim from cradle to the grave”.

Although early theorists of maqasid did not pay any attention to defining the term maqasid al-Sharia due largely to the fact that there was no need to do so as they were specifically writing for scholars (al-Raysuni, 2011, al-Yubi, 1433) later writers have provided various definitions for the subject.

Allal al-Fasi (d.1974) cited in al-Raysuni (2011) states that “What is meant by maqasid al-Shari’ah is its purpose or goal, and the underlying reasons which the Lawgiver has placed within each of its rulings”. Ibn Ashur (2006) presents what can be described as a comprehensive definition of maqasid al-Shari’ah. He says:

The general objectives of Islamic legislation consist of the deeper meanings and inner aspects of wisdom considered by the Lawgiver in all or most of the areas and circumstances of legislation. They are not confined to a particular type of the Shari’ah commands. Thus, they include the general characteristics of the Shari’ah, its general purpose and whatever notions contemplated by the legislation. They also include certain meanings and notions that are present in many, though not all, of the Shari’ah commands (p. 67).

After reviewing various definitions of the term, including those given by Ibn Ashur and Allal al-Fasi, al-Raysuni (2011) defines maqasid al-Shari’ah as simply “the purposes which the law was established to fulfill for the benefit of mankind” (p. xxiii).

It can be seen from the definitions above that there is a unanimity regarding the fact that maqasid al Shari’ah is concerned with the universal objectives of Islam and the divine secrets and wise purposes behind the instructions of the Qur’an and Sunnah. It is an appealing science that speaks to the conscience of the receiver of the message of the Qur’an and Sunnah by presenting reasons and proofs about the secrets behind the directives of the lawgiver whether those commanding for actions or demanding restraining from some deeds.

1.1. Evolution of the Maqasid Theory

The theory of maqasid al-Shari’ah developed gradually over centuries from mere scattered statements in the books of *usul al-fiqh* to an organized, well formulated theory of Islamic Law. From the period of Imam al-Shafi’i who is generally regarded as the founder of the science of *usul al-fiqh*, and even before, reference was often made in *usul al-fiqh* writings about the underlying wisdom and intents of Shari’ah legislation. For instance, Imam al-Shafi’i discussed the objectives of Shari’ah injunctions such as *zakah*, just as he talked about the necessity of preserving the five necessities which later came to be the hallmark of the science of maqasid al-Shari’ah. It was

however, not until the time of Abu al-Ma'ali al-Juwaini (d.476 AH) that a conscious attempt was made to start formulating what came to be known as the theory of maqasid al-Shari'ah. What al-Juwaini first wrote about the five basic necessities in a sketchy and not-well-constructed way, his student Abu-Hamid al-Ghazali (d.505 AH) systematized, rearranged and developed them in a manner that came to be accepted by nearly all those who came after him (Al-Yubi, 1433 AH).

Through inductive reading of the instructions of the Qur'an and Sunnah, jurists deduced that there are wise purposes in all the rulings of the Shari'ah and that all of these purposes can be summed up in two statements; drawing benefit to, and preventing harm from humanity. It is in line with this that Ibn al-Qayyim (2009) states that:

The Shari'ah is built on the foundation of wisdom and people's welfare in this world and the afterlife. It is all about justice, mercy, wellbeing and wisdom. Whatever departs from justice to oppression, from mercy to its opposite, from wellbeing to depression and from wisdom to foolishness, has nothing to do with the Shari'ah even if it is claimed to be part of it based on some manipulations.

1.2. Classification of the Maqasid

The maqasid are conventionally classified based on the hierarchy of necessities and inner strength of the purposes they represent. This classification which is the first, most famous and most important categorization of the maqasid al-Shari'ah, divides them into three hierarchical levels of daruriyyat (necessities), hajjiyyat (complementaries) and tahsiniyyat (luxuries). Often referred to as the classical or traditional classification of maqasid (Auda 2008) this classification is the most developed and most referred to among all the classifications of the maqasid so much so that whenever a mention is made of maqasid, what immediately comes to mind is these three concepts, especially those related to the necessities. After being first propounded by Imam al-Haramain al-Juwaini and then refined, reorganized and systematized by Imam al-Ghazali, other scholars such as Imam al-Shatibi adopted the classification and continued to develop the earlier theory as propounded by the duo of al-Juwaini and al-Ghazali. Al-Shatibi's contribution was so tremendous that he is generally regarded as the father of the maqasid theory or Imam of Maqasid Theorists (Imam al-Maqasidiyyin). Worthy of special mention also is that the entire

theory was to be latter greatly expanded by Imam Ibn Ashur (d. 1973) who, after elaborately discussing various aspects and dimensions of the maqasid made far reaching recommendations on how to engage in a holistic study of the maqasid and even called for the consideration of maqasid al-Shari'ah as a distinct discipline independent of usul al-fiqh.

Al-Juwaini, the first scholar to pay particular attention to developing principles related to the maqasid, was also the first to classify them into necessities, complementaries and luxuries (al-Yubi (1433)). In his book *al-Burhan fi Usul al-Fiqh*, he introduced the theory of "levels of necessities" in a manner similar to today's familiar theory (Auda 2010 p17). Later, scholars extensively elaborated what forms each of the levels of necessities, complementaries and the luxuries, the connection between them and the means through which they can be actualized.

There is agreement among experts on the fact that the necessities are the topmost of the levels of the maqasid and that they form the basis for the complementaries and luxuries. The complementaries and the luxuries are supportive of and dependent on the necessities; they are auxiliary and subservient to the necessities. The necessities are the utmost human requirements which occupy the highest position on the hierarchical levels of the maqasid. They represent the minimum essential human requirements indispensably needed for the survival of man, his wellbeing and meaningful living. The continuous survival of man as a living being on earth as well as his prosperity in the Otherworld depends on the availability/provision of the requirements that fall within the pressing necessities, and their absence shall always cause severe hardship and difficulty which shall lead to loss of lives, chaos and complete disorder in human society while in the afterlife, felicity would not be attained.

The necessities involve those fundamental things that make human life on earth possible, establish for man a decent living in this world and ensure for him Allah's pleasure in the next world. They are the pillars of life of which missing one is enough to spoil human life and generally cause anarchy in human society. A pressing necessity, according to Attia (2010) is a "situation in which, unless one partakes of what would otherwise be forbidden, one will perish or be on the verge of perishing. This situation then renders it permissible to partake of what would otherwise be forbidden."

Ibn Abdussalam (2003) has enumerated what constitutes the necessities. They include food, water, clothing, shelter and means of transportation. He explains that what should be considered as a necessity here is only the quantity necessarily needed for survival. What goes beyond the basic minimum such as balanced diet, sufficient house, etc., can only be considered at the level of the complementaries. It can be observed that the above list only emphasizes material aspects of the necessities. A more encompassing list of the necessities would have to include the enhancement of faith, education and morality or general spiritual, intellectual and moral development of the society at both micro and macro levels. Faith, spirituality and moral ethics serve as motivation for doing what is right and avoiding what is evil just as they serve as filter mechanisms that check the excesses that are associated with man's innate wickedness and selfishness. Provision of food, shelter and other materialities can at best guarantee a partial prosperity in this world. It cannot lead to felicity in the next world. Hence, the necessities have been enumerated to be the preservation of faith, life, intellect, posterity and wealth. Man can attain felicity in the two worlds without adequate provision for these five essentials all together.

Next to the necessities are the complementaries (hajiyyat), which represent "benefits which seek to remove severity and hardship that do not pose a threat to the very survival of normal order" (Kamali, 2008) while also improving the quality of life (Ahmad 1991). The complementaries are lesser in terms of the severity of the demand for them compared to the necessities in that their absence may not lead to loss of lives even though it would make life difficult and hard. The complementaries are also very important given that their loss may sometimes lead to the loss of the necessities. This is perhaps why some of the requirements that are placed under the complementaries are often proposed to be raised to the level of the pressing necessities.

The third level of the maqasid involves the luxuries (tahsiniyyat) which are the "beautifying purposes" (Auda, 2008) that represent "desirabilities" which pursue the achievement of "refinement and perfection in the customs and conduct of people at levels of achievements" (Kamali, 2008). They add beauty and elegance to life without transgressing the limits of moderation (Ahmad 1999).

2. The Concept of Economic Development

Economic Development entails a general, all-encompassing and sustained progress in the quantitative and qualitative aspects of the lives of human individuals and communities. It is seen as sustained increase in the production of goods and services (or simply growth in GDP) associated with increase in the general standards of living of the populace. The discourse on development has undergone various transformations since the beginning of research on the economics of development.

Studying development from 1950 to around 1975, the “old generation” of development economists viewed development as aiming at per capita real income (or in a purchasing power parity index of per capita income) realized through GDP growth. The thought however shifted in favour of “growth plus change” with the change encompassing broader objectives than mere GDP growth (Meier, 2002b.) Sustained growth in GDP, general human development, improvement in the quality of live as well as improvement in freedom (Sen 1999) and people’s capability to effectively function in society (Sen 1984) have all been variously identified as important components of development.

At the close of the 20th century and from the beginning of the 21st century, there has been the realization that “ideas are fundamental to the future progress of development” (Meier 2002). Based on the realization of this fact, as Meier further explains, the World Bank dedicated its World Development Report 1998/1999 to the theme of “Knowledge for Development” and in line of which Joseph Stiglitz maintained that:

Today the World Bank has shifted much of its emphasis to the intangibles of knowledge, institutions, and culture in an attempt to forge a more comprehensive New Development Framework for our work. We want, for instance, to be a knowledge Bank, not just a bank for infrastructure finance. We now see economic development as less like the construction business and more like education in the broad and comprehensive sense that covers knowledge, institutions, and culture (See Meier 2002).

It can be stated therefore that even though there is no universal formula for defining what actually constitutes development, the concept represents a favorable state in which human beings enjoy a rewarding life with unhindered access to their life needs, rights and freedoms. It is a

situation where by people have access to life requirements and are free from hunger, disease, aggression and all forms of undesirable socio-economic inequities while they also enjoy the independence and freedom to participate in economic, social, political and other aspects of life.

3. Maqasid and Economic Development

Given its comprehensiveness and strategic connection with all the Islamic sciences, the theory of maqasid al-Shari'ah has become a veritable framework for developing theories, models, policies and programmes of reform in various aspects of life. It is being applied in researches related to Islamic reform, Islamic Law, political thought, business and economics, social researches, medicine, psychology and other academic disciplines. Importantly, economic development has also received some maqasid- based interventions in recent times, one of the most important of this being Chapra's (2008) work, *The Islamic Vision of Development in the Light of Maqasid al-Shari'ah*. And it is in line with this progress that this paper would proceed to analyze development in line with the maqasid.

Two important questions need to be addressed regarding the implications of the maqasid in economic discourse and especially as it pertains to economic development; what role can the maqasid play in understanding economic issues, analyzing economic phenomena and formulating economic policies? What relevance does the theory of maqasid, as presented above, have in the study of economic development in the Islamic perspective?

There are various reasons to maintain that the maqasid are central to all economic analysis, especially as they relate to the question of poverty, wealth distribution and economic development. As seen above, in all their discussions concerning the maqasid, all scholars, jurists and usul experts, from the time of al-Juwaini (476 AH) and his student al-Ghazali (d.505 AH), are unanimous on the fact that preserving and developing wealth (or the economy in general) is among the fundamental objectives of the Shari'ah alongside the protection of religion, life, progeny and intellect. Islam sees wealth as an indispensable ingredient for human survival on earth (Qur'an 4:5). Wealth stands as a central requirement for the fulfillment of many of the fundamental obligations of Islam. For instance, zakah, which is the third pillar of Islam, can only be implemented by those who possess wealth in excess of what they require for their needs within a stipulated period. The

same thing applies to hajj, another pillar of Islam, which as a condition, can only be performed by those who have the financial means. In view of the fact that the life of people is intrinsically linked to wealth at all times and that man is naturally inclined to loving wealth because all his dealings in life depend, to a considerable degree, on wealth, Islam as a practical religion makes it part of its higher objectives to preserve wealth and ensure its growth and equitable distribution. As Qasmi (2009) observes, Islam's economic objective is to circulate wealth and make it accessible to all such that it would not stay in the satchels of the rich alone.

The entire objectives of the Shari'ah can be summed up in the statement "the achievement of benefits (interests) and the prevention of harm" (Ibn Abdussalam, 2003; al-Raysuni, 2011). In the economic sense therefore, what the Shari'ah stands to achieve is to eliminate all forms of economic evils such as poverty, unemployment, underemployment etc. from the society and on the other hand to provide adequate and accessible incentives for all members of the society to enjoy the available resources in the society and achieve a prosperous living. The Shari'ah wants to create a conducive economic atmosphere that would guarantee the attainment of the wellbeing of man and prevent him from harm. That is why in relation to wealth distribution and the ownership of the means of production, the Shari'ah tries to ensure a level playing ground for all members of the society to equally participate without an individual or group of individuals blocking the chances of others to also pursue their legitimate material interests. It is to ensure this that Islam prohibits any form of cheating, fraud and unfairness in financial dealings such as *riba* and gambling just as it also sanctions some socio-economic rights and privileges to which all members of society are entitled. It is also in the same vein that the Shari'ah makes it an obligation for all members of the society to work hard and earn a living just as it also unequivocally prohibits indolence, begging and other unproductive endeavors. As Kamali (2008) states, "the Shari'ah encourages work and trading activity in order to enable the individual to earn a living, and it takes elaborate measures to ensure the smooth flow of commercial transactions in the marketplace". The Shari'ah has permitted all legitimate things and processes that are needed for growth and improved prosperity to people and provides various incentives for their exploitation, development and effective utilization while all things that can serve as hindrance to human prosperity have been declared unlawful. Economic development, as a term that

represents all processes that would ensure the sustained growth of resources and their proper utilization for the betterment of human life, is therefore essentially linked to the maqasid.

It is in line with all the above that al-Qaradawi (2010) identifies six different Maqasid that are related to wealth and the economy. These are maqasid related to the virtues of wealth; those establishing a connection between wealth, faith and morals; those related to the creation/production of wealth; those pertaining to the consumption of wealth; those concerned with the circulation of wealth and those related to wealth distribution. In another dimension, Chapra (1979) submits that the objectives (maqasid) of the Islamic economic order are a) economic well-being within the framework of the moral norms of Islam; b) universal brotherhood and justice; c) equitable distribution of income; and d) freedom of the individual within the context of social welfare. Faridi (1983), cited in Mustafa (2013), presents that the goals of the Islamic economic system are justice and equity; provision of the socio-economic needs of the community or socio-economic welfare; enhancement of the community's economic resources or economic growth; and improvement in the cultural milieu of the community.

What all the above suggests is that the basic goal of Islam in relation to human beings is to ensure their wellbeing through an integrated, all-encompassing process of development. It is in line with this that this paper would proceed to discuss what might be called the maqasid-based approach to development.

5. The Maqasid-Based Development Approach

The maqasid form a strong foundation for the analysis of developmental issues, formulating models and articulating strategic policies and programs of growth grounded in the spirit and philosophy of the Islamic Shari'ah. The fact that the maqasid are concerned with the preservation and improvement of human life, faith, intellect, posterity, integrity, and wealth indicates that the maqasid can be seen as essentially a comprehensive Shari'ah-based development framework. This is because the five essential maqasid represent the most important themes and dimensions of development as discussed in both classical and contemporary development discourse. The provision of the basic needs of food, clothing and shelter with the aim of ensuring a decent living has always dominated economic and development discourse, even though with continuous studies in development, the scope of what

constitutes basic needs has gradually been expanded to include education and healthcare. In fact, provision of those basic needs has always been considered as the starting point of not only poverty alleviation but also the process of economic development. Adam Smith for instance has discussed what he calls the “necessaries” which he describes as “not only the commodities which are indispensably necessary for the support of life, but whatever the custom of the country renders it indecent for credible people, even the lowest order to be without”. As Jhingan has stressed, the provision of basic needs leads to increased productivity and higher income “through human development in the form of educated and healthy people”. Even the UNDP’s Human Development Index can be said to be built in some way in keeping with the basic needs mindset, as it is based on three indicators: longevity as measured by life expectancy at birth; educational attainment as measured by a combination of adult literacy and combined primary, secondary and tertiary enrolment ratios; and standard of living, as measured by real GDP per capita. All these are effectively captured by, and properly situated in the maqasid-based development strategy.

The traditional classification of the maqasid into necessities, complementaries and luxuries and the five-point necessities are both crucial to the understanding of the maqasid-based development approach. Al-Shatibi has already offered that the preservation of the necessities can be attained through two basic ways; the positive dimension, promoting the means to their enrichment (min janib al-wujud) and the preventive dimension, by blocking the means to their destruction (min Janib al-‘adam). The maqasid development model draws from this significant proposition. The approach is therefore essentially built on two pillars which are both necessary but none of which is sufficient in itself to ensure development. It sees development from the dimension of blocking all means to harm, difficulty and underdevelopment on one hand and promoting all that makes life easy, meaningful and prosperous on the other, that is, from the perspective of drawing benefit and preventing harm. While promoting welfare therefore, all attempts have to be made to ensure the prevention of all hindrances to wellbeing. For instance, a society that tries to promote human capital development as an indispensable locomotive of development must at the same time invest sufficiently in the prevention of conflicts and violence which are always a clear threat to the development of human capital. This would also necessitate the prevention of all factors that trigger

violence such as poverty, ignorance, the consumption of intoxicants, among others. Promoting life-enhancing packages alone, although necessary, would not be sufficient in preserving human life except when effective mechanisms are put in place to prevent life from being destroyed.

The maqasid-based framework provides a holistic and integrated approach to development with focus on five universally acknowledged requirements of human beings. It is a normative model that presents development as a process that can be actualized through a systematic, step-by-step progressive movement along the three interrelated levels of necessities, needs and luxuries, within the context of the positive and preventive measures described above. These five mutually re-enforcing elements are:

(i) Faith: This can be enhanced by among others, facilitating the practice of religion, calling to it, teaching it, providing freedom of religion and other incentives for proper spiritual development on one hand, and on the other, blocking all the means to the weakening of religion, which would often require engaging in jihad for its safeguard. All acts that deny people freedom of religion including extremist views and terrorist tendencies must be properly tackled in order to allow for the smooth running of religious activities and for exploring it as a motivator for being trustworthy and selflessly magnanimous towards others. At the core of the maqasid therefore lies the question of religious moderation and pluralism as well as constructive debates and dialogue which promote mutual understanding between various religious communities in addition to fostering mutual tolerance and productive interfaith engagements.

From the perspective of the maqasid, preservation and enhancement of faith would require seeking to understand the religions of the “others” in order to avoid disrespecting the sensitivities of the belief systems of the members of other faith communities. Proper understanding of religion can prevent interfaith tension and conflicts and the destruction of lives and property that is usually attached to them. It would also reduce unnecessary expenditure on security and its opportunity costs, thereby reserving resources for more investments in social amenities and critical infrastructure.

(ii) Human life: This is to be enhanced by promoting all that makes life possible and rewarding, and preventing all that hinders life or causes misery in it. In order to ensure the preservation and enhancement of human

life, Islam prescribes procreation through marriage, permits eating and drinking all that is beautiful and healthy, and also allows in conditions of necessity the consumption of even what originally is rendered prohibited. It also prohibits the destruction of human life and prescribes punishments for those who violate people's right to life. As far as Islam is concerned, one cannot deny others the right to live and enjoy same.

To achieve development, therefore, investment has to be made in not only preserving human lives but also establishing what ensures the dignity of man such as human rights and freedom and also blocking whatever is detrimental to the honour, respect and dignity of man. Islam sees human beings as the source and focal point of development. It sees human population as originally a blessing rather than being a curse.

(iii) Human Intellect: The enhancement of intellect is to be actualized through providing education and other incentives that develop the functioning, effectiveness and creativity of the mind and also preventing things that spoil it and hinder its proper functioning such as intoxicants and superstitious believes. The intellect is what distinguishes humans from animals and makes human beings think reasonably and act properly. That is why all revealed religions are unanimous on the necessity of its preservation and enhancement. For a society to grow therefore it has to invest adequately in both safeguarding the intellect from corruption and also enhancing it and making it creatively productive.

(vi) Offspring: This is persevered basically by prescribing and facilitating marriage on one hand, and the prohibition of fornication and rape on the other. Islam is concerned about the future generations and how they are raised and trained. While fornication leads to giving birth to single parented children with all its attendant consequences and also causes various diseases that are dangerous to human life, rape causes similar problems in addition to the trauma that it inflicts on the victims. According to Islam, children have the right to be born through respectful means just as, as the future generations, they also have the right to be given proper upbringing, and these can only be ensured if they are products of the marriage institution. For this, anything that can lead to either voluntary illicit relations or involuntary sexual relations (such as rape) has to be prevented, including indecent dressing and lustful look at the opposite sex.

Since man is the means to, and the major beneficiary of growth and development, Islam places a great deal of importance on both the continuity of the human species as well as its dignified living. In addition therefore to the preservation and enhancement of human life, Islam sets as a major objective the preservation of progeny.

(v) Wealth: This is to be preserved and enriched through opening alternative sustainable ways for its generation, utilization, distribution and growth on one hand and also blocking means that hinder its generation, circulation, consumption and growth. It serves as an important ingredient for the fulfillment of all the other four necessities. The wellbeing of man in this world and his success in the next are to a reasonable extent connected to wealth. The Qur'an describes wealth as "a means of sustenance" (Qur'an 4:5). Development requires expenditure in the basic needs which are connected to the preservation of human life and honour, and also on education which is related to the maqsid of preserving both religion and intellect and so on. Wealth therefore has to be created and developed as an indispensable means to the attainment of development.

As a condition for development, all the above five elements must be given proper attention as neglecting anyone can negatively affect the others while safeguarding and developing any can positively impact on all the others. As Imam al-Ghazali states, whatever can help in preserving and enhancing these essentials is highly desirable and worthwhile whereas whatever would spoil them and render them useless is worthless.

Because Islam sees worship of God as the primary purpose of creation (Qur'an 51: 56), faith is given priority on the list of the maqasid. Human life is considered sacrosanct to the extent that killing a single human being is equated to killing the entire humanity (Qur'an 5: 32). This is why life is also considered to be on top of the maqasid, next only to religion. But even when he lives, man's life cannot be meaningful without the proper use of his mind which is what enables him to distinguish between the right and the wrong, between the beneficial and the harmful. The relevance of offspring is in the fact that it makes man feels comfortably social as he derives solace from associating with his genuine relatives and family members. And to support his life and that of his family, practice religion, and preserve and develop his intellect, man needs wealth as an indispensable supporting ingredient.

As it can be seen, the uniqueness and strength of the maqasid-based development approach rest in the proper place it accords to faith, spirituality, and moral ethics as trigger mechanisms for balanced and moderate development. This emphasis on faith and faith-based morality and ethics serves as a filter which enables the human society to achieve social solidarity and brotherhood which are significant ingredients of development. By focusing on faith, the maqasid approach ensures that attention is given to the spiritual – and also moral- growth and progress of man as ordained by the Creator. Chapra (2008) has argued in line with Toynbee and Durant that despite the strategic role of social solidarity and moral upliftment as trigger factors to development, throughout human history no society has ever attained the two without resorting to religion.

Faith prevents people from tilting towards their natural tendencies of weakness, selfishness, wickedness and injustice against others in their dealings with fellow human beings and in the pursuit of wealth and its utilization and distribution. Without religion, as al-Yubi submits, the world would get corrupted, and there would not be just dealings, while people would be left to their naturally conflicting caprices with all their attendant negative consequences.

The relationship between the three interconnected stages of development is therefore a sequential one in that the provision of the necessities is, as a condition, the foundational stage which must first be met. In the fulfillment of each of the five elements, attention is to be given first to the provision of what is a pressing necessity, then to complementaries and finally, depending on the availability of resources, the luxuries. This is because even when the necessities are being satisfied the society would still experience some hardship and inconveniences. The provision of the necessities is only the first stage of development where even if fulfilled people's life is still associated with some life difficulties and hardships which need to be eliminated in order to make their lives more rewarding and more productive. The complementaries are therefore required to remove the difficulties and inconveniences in the process of satisfying the necessities. At the second stage of development therefore, which is highly connected to, and reliant on the first stage, the society moves from providing the basics in relation to the five essentials, to a more proactive level of lifting all things that cause hardship and difficulty in the way people conduct their religious

or worldly affairs. This is called the stage of complementaries. The provision of the basic necessities or essentials does not mean ridding the society off all things that make life difficult and miserable. Some basic needs of food, clothing and shelter might be provided while, for instance, some people are not gainfully employed or are not completely safe from the challenge of insecurity. People might have access to education but not necessarily in a conducive atmosphere, or not with access to important facilities such as laboratories or other research facilities. The third stage of development would be needed so that the society goes beyond lifting difficulties and inconveniences to the provision of things that are required by way of fine-tuning and beautification in order to reflect Islam's encouragement for the pursuit of moderate beautification and excellence. Attia (2010) submits as examples of the luxuries things such as "building of sports clubs, parks and recreation areas, the holding of competitions, providing various types of beneficial amusement for workers during their free time, as well as other things which encourage wholesome habits and make life more enjoyable". Significantly, as far as this stage of development is concerned, in addition to giving it a lower priority on the levels of developmental expenditure, care must also be exercised to avoid dragging the society into excessive consumerism, extravagance and overindulgence. Any investment in requirements that fall within the luxuries has to be made within the context of Islam's teachings pertaining moderation.

According to that approach, a society cannot attain development by focusing on the provision of human requirements associated with the embellishments without first investing in the pressing necessities. At the core of the maqasid-based development model therefore is the question of prioritization. Maqasid serves as a guiding instrumental mechanism in prioritizing various developmental programmes. Programmes geared towards the provision of the necessities would receive priority over those related to the complimentary and luxurious objectives. Even among the five necessities, priority would be given to programmes that preserve and enhance human life over those related to wealth preservation and enhancement. As a priority, the society's match towards development would focus more on the provision of things that facilitate education and human development of the society as an important ingredient of economic development than, for instance, expenditure on amusements and recreation. In line with all this, Ahmad (1991) reports that the jurists hold the view that ensuring the fulfillment of

the necessities “in any case” and of the complementaries “if resources permit”, is a collective obligation upon the entire society.

One significant implication of the maqsid is that they serve as a suitable Shari’ah yardstick that can be used to measure and determine the worthiness and even viability of economic development propositions and initiatives. A development programme would be considered worthy and viable if in a way or another it can facilitate the attainment of all or some of the objectives of the Shari’ah in either short run or especially in the long term. If for instance a policy, programme or project can help in preserving human lives and improving the standards of living of all or majority of the populace by either enhancing their intellectual capacity, improving their welfare and integrity, developing their spiritual being or improving their income, or, on the other hand, it would lift off the people some life difficulties or hardship such as poverty, unemployment, insecurity and inadequacy of resources, then, within the context of the maqsid, that development programme can be considered viable and worthwhile. Resources, both human and material, can therefore be invested in the implementation of that programme. Also a developmental programme that is detrimental to religion or its spirit would be rejected in that it would serve as a hindrance to the actualization of some fundamental maqsid. Any attempt that would ensure the preservation, enhancement and sustainable development of the five necessities is considered an integral aspect of the development process.

Conclusion

This paper has discussed maqsid al-Shari’ah as a comprehensive and dynamic framework for developing an alternative theory of economic development. The paper argues that as a holistic theory, maqsid can serve as an Islamic framework for the analysis of development including initiating models and propositions for a new development agenda rooted in the Islamic paradigm as against the western development paradigm that focuses only on material prosperity. The maqsid-based approach to development discussed in the paper sees development from a holistic and multidimensional perspective. It makes development to be seen not only from the perspective of income adequacy but from the perspective of making human being a dignified living being with affordable and sustainable access to adequate opportunities to harness and develop all his potentials and achieve a

rewarding life in this world and the next. It ensures that all aspects of human life, including spiritual upliftment, intellectual enhancement and the preservation of offspring and honour are integrated into the analysis of development. Man in this approach is the source and focal point of development. Development is for him, and by him. Development depends on man while man benefits from the fruits of development.

An important thing about the maqasid is that while there are those objectives that are generally universal and timeless, their application, or at least the means to actualizing them, may vary from time to another, and from environment to another. Various communities therefore through their scholars, jurists, development workers and other professionals would need to initiate, through collective ijihad, effective ways of defining how to prioritize and actualize their development programmes and policies in the light of the maqasid based on their prevailing circumstances. Again, societies would need to devise means of prioritizing the aspects of the maqasid that need urgent attention in different contexts. This would imply that what is most important in a given community may not be so in another and that the priorities might vary from time to another.

There is need for further extensive research into the various aspects of the maqasid as they related to the question of development. The maqasid can in particular be useful in analyzing the various developmental challenges facing Muslim communities globally. Using maqasid as a framework for formulating and developing development models, policies and programmes would not only ensure conformity with the worldview of Islam and its Shari'ah but would also facilitate the acceptability of those propositions and programmes among the Muslim communities for which the development packages are proposed.

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