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"The *Maqāṣid* Are the *Qibla* of the Jurists": A Critical Analysis of Contemporary References to and Usages of Abū Ḥāmid Al-Ghazālī's Dictum

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Abstract: Modernity reveals an intense preoccupation with the Intentions of the Sharia (*maqāṣid al-sharīʿa*) and reflections of premodern scholars on this legal concept. Within contemporary research in this field, the famous scholar Abū Ḥāmid al-Ghazālī (d. 505/1111), who is counted among the pioneers of premodern contributions to the *maqāṣid*, occupies a special position. In addition to his general treatment of the *maqāṣid*, one dictum of his in particular is often referred to in the modern literature on the *maqāṣid*. The quotation reads: "The *maqāṣid* are the *qibla* of the jurists", which he mentioned in his book *Kitāb Ḥaqīqat al-qawlayn* and is indicative of the central position of the *maqāṣid* in al-Ghazālī's (legal) thought. My investigation of the contemporary, primarily Arabic, literature on the *maqāṣid* which cites this popular dictum reveals that the quote is used for many reasons and in various contexts; however, a fuller engagement with the quote itself and in the context of al-Ghazālī's thought, as well as in his book, takes place very rarely, if at all, and even then, it is cursory. In order to embed al-Ghazālī's dictum in the wider frame of his thought, this article first presents his general *maqāṣid*-related thought and consequently expounds on it in the context of his book. To better understand the usage of the quote in modern scholarship, the current *maqāṣid* literature that refers to the dictum is analyzed and categorized, showing how authors deploy it and to what end.

Keywords: Abū Ḥāmid al-Ghazālī; *maqāṣid*; *Kitāb Ḥaqīqat al-qawlayn*; modern legal literature; modern references to al-Ghazālī´s dictum

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1. Introduction

The sheer volume of literature that has been produced on Abū Ḥāmid al-Ghazālī (d. 505/1111), whether on his life and works in general (see for instance Ormsby 2007; Watt 1963), in the domain of philosophy (see for instance Griffel 2009),or on how he has influenced Muslim thought (see Özervarlı 2016, pp. 253–82; Garden 2016, pp. 310–34), clearly demonstrates that his wide-ranging contributions to diverse scholarly themes are still relevant for modern scholarship and that they are of great interest. Moreover, among the recent preoccupation with the *maqāṣid al-sharīʿa*, this field also represents a domain within al-Ghazālī's contributions that is the subject of research. Among others, these studies range from whole monographs that describe al-Ghazālī's contributions to the *maqāṣid* (see for instance, al-Kīlānī 2009; ʿAbdū 2002), to treatises on premodern developments in *maqāṣid*-oriented legal thought, in which al-Ghazālī's work, in addition to that of other renowned scholars—such as Abū l-Maʿālī al-Juwaynī (d. 477/1085), Ibn Taymiyya (d. 728/1328), and Abū Isḥāq al-Shāṭibī (d. 790/1388)—is mentioned (see for instance Opwis 2010, pp. 65–87), to critical discussions on his *maqāṣid* concept.[1] Overall, it may be said that hardly any publication on the *maqāṣid* exists that does not mention al-Ghazālī. The reason for this is that with his so-called *maqāṣid* concept, which he mentioned in his famous oeuvre *al-Mustaṣfā*, he is said to have laid the foundation for Muslim legal thought. This contribution, which is used as a basis by contemporary reformers and thinkers (Hallaq 1997, p. 132),

renders him a pioneer in Islamic legal thought and the "architect of the *maqāṣid* theory" (Nassery 2018, p. 78).

Within the current literature on the *maqāṣid*, an incisive and expressive dictum of al-Ghazālī is mentioned. Translated literally into English it reads: "The objectives of legal legislation are the prayer direction of the jurist", which in the Arabic original is "*qiblat al-mujtahid maqāṣid al-shar'*" (al-Ghazālī 2007, p. 91), and is found in his work *Kitāb Ḥaqīqat al-qawlayn*. Because this dictum is often repeated in the modern and particularly Arabic literature on the *maqāṣid*, it raises several questions of interest: In which works of literature and in which context do authors refer to this quotation? What might be the intended usage of this reference, or what message is it supposed to underscore? Significantly, is the quotation referred to in a way that corresponds to al-Ghazālī's original *maqāṣid* understanding or is it used only to bolster the opinions of modern authors on the *maqāṣid*, even at the expense of contradicting al-Ghazālī's legal thought? This latter question is of particular interest because critics of certain modern interpretations of classical *maqāṣid* concepts argue that the *maqāṣid* today are understood and used completely differently to how they were by premodern scholars, including al-Ghazālī himself. Therefore, some authors fear that classical Islamic juristic theories are in danger of destruction through modern interpretations.[2]

In order to address these questions, this article begins with a general overview of al-Ghazālī's legal understanding and the role of reason, which he views as correct in the process of legal reasoning or *ijtihād*, is discussed. In so doing, it offers a general overview of further discussion on how he understands the *maqāṣid* and the public interest (*maṣlaḥa*) and which role he regards as legitimate for reason in *ijtihād*. Furthermore, this discussion is developed to better locate al-Ghazālī's *K. Ḥaqīqat al-qawlayn* chronologically in his stage of life and thought. Following the discussion on *ijtihād* and reason, al-Ghazālī's *maqāṣid* understanding is examined, for which especially his discussion of the *maqāṣid* in his famous *al-Mustaṣfā* is used. Because al-Ghazālī expresses his dictum in *K. Ḥaqīqat al-qawlayn*, this book and the context of the quotation are analyzed and discussed. Consequently, modern references by contemporary authors to this dictum are studied and analyzed critically. The results of this research are finally summarized in the conclusion. Besides other findings, the present study shows that modern authors refer to al-Ghazālī's quotation for different reasons; however, a complete survey has been missing in the literature, a lacuna which this article aims to fill.

1.1. Al-Ghazālī's Understanding of the Role of Reason in the Process of Ijtihād

In reference to al-Ghazālī's intense occupation with the law, Ormsby (2007, p. 35) states, "Whatever his various excursions into almost every intellectual current of his time, it was with law that he began and with law that he ended." What becomes evident is that throughout al-Ghazālī's life, changes in his personal views had an immediate impact on the development of his legal thought. Thus, about the beginnings of his juridical pursuits, when he was still a student of al-Juwaynī (Moosa 2013, p. 271), it can be said that his publications were of little originality and that he rather focused on the defense of the *shāfiʿī* legal school, of which he was a staunch follower (ibid.).[3] Over the course of time, his scholarly interests became more developed and elaborated, and it is also noticeable that the role which he had regarded as legitimate for the usage of reason in *ijtihād* changed. Discussing the role of reason in the legal process, Rayyān (2021, p. 16) observes that over the years, developments of the centrality of reason in al-Ghazālī's thought can be noticed.

Hallaq goes further to explain that al-Ghazālī in his early work *al-Shifā al-ghalīl* assigned reason still more room than in later works and that he regarded the usage of *maṣlaḥa* as a legitimate basis for juridical norms of the *sharīʿa*. Hallaq (1992, p. 189) says that in his approach, al-Ghazālī displayed a "bold tendency towards reason" and that al-Ghazālī on more than one occasion even had to distance himself from the Muʿtazila. In contrast to that, in his last legal work, *al-Mustaṣfā*, he clearly describes restrictions on the usage of reason, and Hallaq speaks of a conservative stance in such usage in *ijtihād*, and that in

that phase, al-Ghazālī no longer understood reason as a major source in the work with *maṣlaḥa* but clearly limits its usage and role during *ijtihād* (ibid., pp. 189–90). Moosa (2013, p. 261) suggests that a possible reason for this change of opinion is that al-Ghazālī during his different phases of life was embedded differently in the changing contexts of his time and that he was involved in them intensely. As for the already mentioned change in the role of reason in the process of *ijtihād*, Hallaq explains that al-Ghazālī wrote his *al-Shifā* when he was deeply involved in so-called worldly occupations. He was then teaching in Baghdad, issued fatwas, and was essentially interested in a variety of rational disciplines. Therefore, while in *al-Shifā* his approaches display pragmatism that can be detected from the great attention he pays to the *maṣlaḥa*, certain reflections on the *maṣlaḥa* are completely missing in *al-Mustaṣfā* (Hallaq 1992, p. 190).[4] As a possible reason for al-Ghazālī's change in approach, Hallaq points out that the scholar wrote his *al-Mustaṣfā* during his far-reaching spiritual crisis and therefore in a phase that "marked retreat to fearsome piety" (ibid.)[5]. Thus, according to Hallaq, *al-Mustaṣfā* is not more than a teaching manual of Islamic law, in which he ascribed for reason a certain legitimate realm "without risking what might be taken as daring, innovative, or controversial" (ibid.). Therefore, when Emon considers al-Ghazālī among those premodern Muslim jurists who were wary of "reason holding an unchecked ontological authority as a source of Shari'a", then, according to Emon, al-Ghazālī found with the *maṣlaḥa* as described in *al-Mustaṣfā* an approach that accepted the role of reason in *ijtihād* but in a restricted fashion (Emon 2010, p. 152).

Since al-Ghazālī expressed his ideas and definitions of the *maqāṣid* and the *maṣlaḥa* in his *al-Mustaṣfā* in detail, I will present these passages subsequently.

1.2. Al-Ghazālī's Conceptualization of the Maqāṣid *in Al-Mustaṣfā*

Al-Ghazālī discussed what is today called his "*maqāṣid*-concept" within the context of his debate of the *maṣlaḥa*. The *maṣlaḥa* again he addresses within a group of those sources of the law that he defines as "speculative sources" (*al-uṣūl al-mawhūma*) (al-Ghazālī 1997, p. 390), which stresses—at least in this phase of his life and as mentioned above—his skepticism toward reason as an unrestricted source of the law. The "speculative sources" are preceded in *al-Mustaṣfā* by indubitable sources, among which he counts the Quran and the Prophetic tradition (*ḥadīth*).

As for the "speculative sources" of Islamic law, he first mentions a general, linguistic definition, namely, *maṣlaḥa*, as an expression of acquiring a benefit or warding off harm (*jalb maṣlaḥa wa-daf mafsada*). However, he immediately makes it clear that this is not the definition that he, as a jurist, works with. Al-Ghazālī instead defines the *maṣlaḥa* as "the protection of what was intended by the divine lawgiver" (*al-muḥāfaẓa ʿalā maqṣūd al-sharʿ*) (ibid., pp. 416–17).[6] He explains further that Muslim jurists differ regarding the usage of the *maṣlaḥa* and its juridical legitimacy as a source of the law, and that principally they differentiate between three of its categories. The first is that which is recognized by the *sharīa* as a legitimate source (ibid., pp. 414–15). This category receives its legitimacy through conclusion by analogy (*qiyās*). In this case, a textual example exists in either the Quran or the Prophetic tradition, and when a new case or question arises that displays certain characteristics similar to the textual example, an analogy from the text can be drawn for the new question. For example, he mentions that everything that intoxicates, be that from beverages or foods, is prohibited, because an analogy is drawn with wine, which is mentioned in the Quran as prohibited, since, as al-Ghazālī explains, this prohibition serves to protect the faculty of reason, which makes humans accountable before God and creation (ibid., p. 415).

A second category of *maṣlaḥa* is not approved by the text and is rejected as a source of law (ibid., pp. 414–15). The example al-Ghazālī provides is when a ruler has sexual intercourse during the fasting day of Ramadan and thus violates the law. For this sin, certain forms of atonement are mentioned in a particular sequence in the Islamic sources.[7] Al-Ghazālī says that if this ruler is told by jurists that the king has to fast two continuous months as a punishment for his sin, and this decision is argued as being a *maṣlaḥa* because

this sort of punishment would prevent the king from committing this sin again in the future, al-Ghazālī argues that this argument is wrong for it contradicts the textual sources and the order or punishments mentioned therein. He further states that the above proposal by scholars without considering the order of atonement mentioned in the Prophetic narrations contradicts Islam and opens the door to a change in all the restrictions of the *sharīʿa* and its sources and such an approach is therefore illegitimate (ibid., p. 415).

The third category is neither approved nor rejected by the text (ibid., pp. 414–15). This type of *maṣlaḥa* is the only form in which reason can be deployed so that new legal decisions can be reached (Emon 2010, p. 155). Regarding this category, al-Ghazālī suggests that the *maṣlaḥa*, in order to guarantee its legitimacy as a source, should be judged by its strength. He argues that the strength of the *maṣlaḥa* should be defined within three levels, the strongest being one of necessities (*ḍarūrāt*). The second and weaker level is that of needs (*ḥājāt*) and the weakest is that of supplements (*taḥsīnāt* or *tazyīnāt*) (al-Ghazālī 1997, p. 416). For the formation of new legal decisions, according to al-Ghazālī, only the strongest level of *maṣlaḥa* provides enough strength as a legitimate basis (ibid., p. 420).

Regarding the juridical definition of *maṣlaḥa* discussed above, namely, that *maṣlaḥa* means the protection of what has been intended by the divine lawgiver, al-Ghazālī explains further that God intends the protections of five values: religion (*dīn*), life (*nafs*), reason (*ʿaql*), progeny (*nasl*), and property (*māl*). Everything that helps to protect these five is a *maṣlaḥa* and everything that fails them is a harm (*mafsada*) and warding it off is again a *maṣlaḥa* (ibid., p. 417).[8] Those values are not derived from the Islamic primary sources, but because of their centrality and their indirect mentioning in the sources, they must be considered during the process of legal reasoning and the derivation of legal decisions from the texts. Thus, they must be considered by the jurist in his juridical work (ibid.). Al-Ghazālī elucidates that those values or *maqāṣid* are so essential that it is impossible for a human community to not agree upon them and each legislation that wants good for people must consider them necessarily (ibid.).[9]

Different from the level of necessities, the levels of *ḥājāt* and the *taḥsīnāt* must not be used as a basis for legislation, because this would entail law based on personal opinion and convenience (ibid., p. 420). However, they still need to be considered during *ijtihād* as well as the interim stages between the three main levels, which al-Ghazālī calls complementing levels (*takmila*, *tatimma*) (ibid., p. 416). As an example of a complement of the highest level, the *ḍarūrāt*, al-Ghazālī mentions the prohibition of consuming even a slight amount of alcohol, because this might lead to more of its consumption (ibid., p. 417).

1.3. Al-Ghazālī's Kitāb Ḥaqīqat Al-Qawlayn and the Context of His Maqāṣid*-Dictum*

According to Ḥammād, al-Ghazālī's book *K. Ḥaqīqat al-qawlayn* represents his third contribution to the field of *uṣūl al-fiqh* (Ḥammād 1987, p. 175) and, as the full title indicates (*Kitāb Ḥaqīqat al-qawlayn fī tawjīh takhrīj al-Imām al-Shāfiʿī li-baʿḍ al-masāʾil ʿalā qawlayn*), it is a written defense of the eponymous founder of the *shāfiʿī* legal school, Imam Idrīs al-Shāfiʿī. As mentioned, al-Ghazālī's works must be read in light of the different phases of his life when attempting to reconstruct his thought. This naturally leads one to ask, how can this book be situated in the stages and scholarly writings of al-Ghazālī?

There are indeed several circumstances that indicate that this book is an early work from al-Ghazālī's career. Besides Ḥammād's observation above, al-Ghazālī strongly defends Imam al-Shāfiʿī's legal methodology, which, according to Moosa (2013, p. 271), is indicative of the early juridical phase in al-Ghazālī's life. Its style is reminiscent of another early work, *al-Mankhūl*, in which he also defends al-Shāfiʿī's legal views (Zyzow 2013, pp. 73–74). That al-Ghazālī does not discuss complex juridical issues in the *K. Ḥaqīqat al-qawlayn*, which can be seen in later works, suggests that this work was written in an early stage of his juridical career.

The book itself should perhaps be called a booklet, considering its modest size. Its editor, Abū ʿAbdullāh al-Dānī b. Munīr Āl Zahwī, says that the original manuscript consisted of 23 sheets, written on both sides, and on each page of about 16 lines (Āl

Zahwī 2007, p. 6). Āl Zahwī mentions in the introduction that, after the booklet had been kept in drawers and storages (*ḥabīs al-adrāj aw al-khazāʾin*) for a long time, according to his knowledge it has now been printed for the first time, which includes his editing and commentary (ibid., p. 5). He says that there is no doubt that the author of the booklet is al-Ghazālī because his name is inscribed at the beginning. Moreover, many of al-Ghazālī's classical biographers, among them Ibn Khallikān (d. 680/1282), Ibn al-Subkī (d. 771/1370), and others, have ascribed this book to him (ibid., p. 6). Furthermore, Āl Zahwī confirms that a certain *fiqh* style that is typical of al-Ghazālī can be clearly discerned in the work (ibid.).

As for the structure of the book, the editor's introduction (ibid., pp. 5–7) is followed by a biographical sketch of al-Ghazālī (ibid., pp. 9–19) and finally by the main text itself (al-Ghazālī 2007, pp. 23–78). Al-Ghazālī starts his oeuvre with an introduction of sorts (ibid., pp. 23–35), comprising several sections that seem to have different aims. First, it seems that a person has approached the scholar and complained that certain statements are ascribed to al-Shāfiʿī that appear to be contradictory, as claimed by certain critics of the Imam (ibid., p. 23). This person asked al-Ghazālī to explain which of al-Shāfiʿī's statements are correct, especially when there seem to be two contradictory statements on one single question or topic (ibid., p. 24). Al-Ghazālī explains that with his booklet he intends to explain the reasons for the existence of two seemingly contractionary statements and to elucidate their different branches (*aqsām*) and states that al-Shāfiʿī's opinion are correct and according to the truth and that therefore he was on the straight path (ibid., p. 25). In the following sections, headed "notification" (*tanbīh*) (ibid., pp. 26–28), "advice" (*naṣīḥa*) (ibid., pp. 29–32), and "warning" (*taḥdhīr*) (ibid., pp. 33–35), al-Ghazālī informs the reader one should not believe that when there is a seeming contradiction in al-Shāfiʿī's opinions, that he was not aware of this circumstance. Therefore, when judging al-Shāfiʿī, and generally any scholar, one should recognize one's own limits and instead remain humble, because it may well be that it is one's own shortcomings in character, such as arrogance and pride, that make one think that one is better than others. In addition, al-Ghazālī warns the follower of a legal school different from the *shāfiʿī* one that this person should not attack the founder of another school, lest this attack be followed by a counter-attack and cause unpleasant things to be said about one's own school. Moreover, should questions and ambiguities arise, scholars should be approached respectfully, especially al-Shāfiʿī, whose grandeur and position can only be comprehended by someone close to the Imam's rank.

After this preamble and preparing readers for the work's content, al-Ghazālī turns to the actual aim of the booklet, namely, to explain how it might be that seemingly contradictory opinions of al-Shāfiʿī can be found on one single legal question or topic (ibid., pp. 35–78) and he enumerates five possible reasons. One of them is that situations appear in which two different solutions (*istiṣḥābān*) are possible and correct and the more correct is not obvious to the jurist (ibid., p. 50). Under the designation of "*qiyās al-maṣlaḥa*", he clarifies what he means by citing an example of the two Companions of the Prophet Muḥammad, Abū Bakr (d. 12/634) and ʿUmar b. al-Khaṭṭāb (d. 24/644), when they were presented with the question of how financial assets (*aṭā*) should be distributed among the Muslims. While Abū Bakr, following a particular logic, argued for an equal distribution among the Muslims, ʿUmar reasoned differently and argued for a distribution that considered a person's sacrifices for Islam. However, after some time, ʿUmar changed his opinion due to the change in certain circumstances and he followed Abū Bakr. Therefore, in their *ijtihād*, the two Companions at first, and under particular circumstances, had considered different *maṣlaḥa*s in one question; however, when those circumstances changed, ʿUmar changed his opinion and then agreed with Abū Bakr's reasoning (ibid., pp. 61–63). Al-Ghazālī continues to state that under this circumstance (i.e., the potential existence of different *ijtihād*s on one single question), it might indeed occur that one single scholar holds one opinion and considers certain *maqāṣid*, but when circumstances change, certain other *maqāṣid* are considered and thus his legal opinion alters. Al-Ghazālī says that when one or several scholars come to different conclusions and the strongest solution is not evident, it might be possible that all those solutions are according to God's intentions and "the objectives of legal legislation

are the prayer direction of the jurist" (*qiblat al-mujtahid* maqāṣid *al-sharʿ*) and therefore, no matter what the scholar decides in his *ijtihād* process, he should consider what the divine legislation has intended (*maqṣūd al-sharʿ*) (ibid., p. 63). After mentioning this dictum, he does not delve further into a discussion of the *maqāṣid* but continues with his narrative of a real (or fictive) person to whom he explains the reasons for the existence of different opinions of al-Shāfiʿī.

2. Modern Preoccupations with Al-Ghazālī's Dictum

For the discussion of the modern preoccupation with al-Ghazālī's *maqāṣid* dictum, it is important to note that this quote was already referred to by classical scholars. One of the most prominent among them is Jalāl al-Dīn al-Suyūṭī (d. 910/1505). He mentions the quote in his *K. al-Radd ʿalā man akhlada ilā al-arḍ wa-jahila anna al-ijtihād fī kull ʿaṣr farḍ*, in which he argues for the necessity of a permanent *ijtihād*. He raises different aspects to strengthen his argument and enumerates them. Thus, his mentioning of al-Ghazālī's dictum is situated in the general context of his defense of *ijtihād*, although it should be noted that the contents before and after his citation are not related to the *maqāṣid*. Under the number heading "42" and referring to al-Ghazālī's *K. Ḥaqīqat al-qawlayn*, he brings up the quotation with the following words: "the intentions of the divine legislation are the prayer direction of the jurists" (*maqāṣid al-sharʿ qiblat al-mujtahidīn*), and he also cites al-Ghazālī's example of Abū Bakr and ʿUmar b. al-Khaṭṭāb to explain the reason for the existence of different legal opinions (al-Suyūṭī 1907, pp. 91–92). Consequently, al-Suyūṭī neither discusses nor explains the quotation, nor indeed the *maqāṣid* in general,[10] probably only citing it to stress his own argument for the necessity of continuous *ijtihad*, along with his example that undertaking *ijtihād* was the norm already among the Companions of the Prophet.

My study of modern publications that reference al-Ghazālī's dictum revealed various points of interest, which I will summarize below.

2.1. Al-Ghazālī's Dictum in the Different Types of Literature on the Maqāṣid

Modern contributions that mention al-Ghazālī's dictum can be divided into two different types of literature. One type describes classical, premodern concepts of the *maqāṣid*. In such publications, when al-Ghazālī's *maqāṣid* ideas are described, his quotation is cited in order to stress or explain his understanding of the *maqāṣid*. Examples include *Maqāṣid al-sharīʿa ʿinda Ibn Taymiyya* (al-Badawī 2000, p. 107); *al-Fikr al-maqāṣīdī ʿinda al-Imām al-Ghazālī* (ʿAbdū 2009, p. 130), where al-Ghazālī's *maqāṣid* thought is described and the dictum is cited in answering the question of how, according to al-Ghazālī, the *maqāṣid* can be identified; *al-Uṣūl al-ʿaqliyya fī fiqh al-sāda al-mālikiyya* (al-Ramīlī 2021, p. 167), though in the context of discussing the Mālikīs and their understanding of the importance of *maqāṣid al-sharʿ* and which legal principles they followed in their *ijtihad* (without any reference to al-Ghazālī); and *Maqāṣid al-ʿaqāʾid ʿinda al-Imām al-Ghazālī*, where the dictum is mentioned in a *kalām* context where the author describes some medieval scholars at times accusing each other of *takfīr* (excommunication) and argues that one needs to consider the *maqāṣid*, at which point he refers to al-Ghazālī's statement (ʿAbdū 2016, p. 68).

The second type of literature argues mostly for the importance of *ijtihād* and the consideration of the *maqāṣid* in that process. For instance, in the book al-*Ijtihād*, the author underlines the significance of the *maqāṣid* and stresses the central role they played in the legal thought of premodern scholars. To emphasize his argument for a *maqāṣid*-oriented, contemporary *ijtihād*, he enumerates certain scholars, such as al-Shāfiʿī and al-Juwaynī, before he mentions al-Ghazālī's quote (al-Indūnīsī 2013, p. 503). The famous Moroccan theologian Aḥmad al-Raysūnī (2014, p. 92) also refers to al-Ghazālī's dictum in his work *al-Fikr al-*maqāṣidī. Under the heading "*al-Maqāṣid qiblat al-mujtahidīn*", he says that scholars strive to elaborate the *maqāṣid* from the Islamic primary sources in order to then be guided by them in their *ijtihād*. In this context, al-Ghazālī's quote is mentioned to support al-Raysūnī's argument. The quotation is further used in the same vein for a contemporary, timely *ijtihād* in the book *al-Fikr al-manhajī al-ʿilmī ʿinda al-uṣūliyyīn* (ʿAwwām 2014, p. 223),

where the author proposes that the *mujtahid* in his legal work and in the process of *ijtihād* must take the *maqāṣid* as his *qibla* (*an yajʿal al-*maqāṣ*id qiblatahu*). A similar line of thought can be found in *Muʾassasat al-ijtihād* (Ḥafyān 2015, p. 79) and in an online article written by Ayyād Kāmil al-Zībārī.[11] Likewise, it is argued in other works, such as *Min al-ijtihād fī al-naṣṣ ilā al-ijtihād fī al-wāqiʿ*, that jurists agree that knowledge of the *maqāṣid* and their consideration is undoubtedly necessary in the legal process, and most probably with the intention to underline this opinion, al-Ghazālī is then quoted (Binʿomar 2009, p. 124).

2.2. References Not to Al-Ghazālī's Original Work but to Al-Suyūṭī's

What I noticed during this study is that most authors who refer to al-Ghazālī's dictum do not quote from the original source but primarily cite al-Suyūṭī's book (the few exceptions will be discussed shortly). Examples of such authors include Ḥafyān (2015, p. 79); Binʿomar (2009, p. 124); ʿAbdū (2002, p. 75ff.); al-Raysūnī (2014, p. 92); al-Indūnīsī (2013, p. 503); and al-Badawī (2000, p. 107).

Ayyād Kāmil al-Zībārī goes into more detail in his online contribution. After discussing the linguistic meaning of the *maqāṣid*, providing a technical definition, and explaining their importance for *ijtihād*, he cites al-Ghazālī's dictum, for which he first mentions as his source the work by Aḥmad al-Raysūnī, called *al-Fikr al-*maqāṣ*idī*.[12] However, he immediately clarifies that this is a quotation that al-Suyūṭī has cited in his own book and that it originally comes from al-Ghazālī's *K. Ḥaqīqat al-qawlayn*. This is the case when, without any direct reference to al-Ghazālī or to al-Suyūṭī, al-Ghazālī's quote is mentioned (al-Ramīlī 2021, p. 167). In another work, *al-Nawāzil al-jadīda* (ʿUthmān 2014, p. 76), where the qualifications for a *mujtahid* are listed by classical scholars and knowledge of the *maqāṣid* is raised as being among these requisites, the quote is mentioned and the source is given as al-Suyūṭī, but then it is said that the "quote originally comes from . . ." followed by an omission of the name; thus, we can only assume that the non-mentioning of al-Ghazālī was due to a copyist's (or some other) error. However, regarding the al-Suyūṭī citation, only his name is given, but not his book and no further source details are provided.

Another variant is when, for instance, in *Sijāsat al-tadarruj* (al-Zībārī 2017, p. 2010), the quote is provided but as its source, al-Raysūnī's *al-Fikr al-*maqāṣ*idī*, is given without mentioning either al-Ghazālī or al-Suyūṭī; thus, the reader is led to believe that al-Raysūnī is the originator of the quote.

In an online article, the quote is mentioned as well as al-Ghazālī's name, but no source is provided.[13]

In *al-Fikr al-maqāṣidī ʿinda al-Imām al-Ghazālī* by Muḥammad ʿAbdū (2009, p. 130), the author says that al-Ghazālī understood the *maqāṣid al-sharīʿa* as a *qibla* of the jurists, but he does not provide a source for the paraphrased quote.

In his online article "*al-Maqāṣid qiblat al-mujtahidīn*", ʿUthmān Kaḍwār mentions that this is a quote which al-Suyūṭī "and other scholars" (without mentioning their names) transmitted from al-Ghazālī, though no sources are provided. He argues that the *maqāṣid* are needed in diverse fields for the production of law during *ijtihād* and that the Companions of the Prophet Muḥammad already considered the *maqāṣid*, even though at that time they did not represent a distinguished, autonomous discipline, and that consequently, when scholars in their different situations and circumstances considered the *maqāṣid*, they arrived at solutions that were suitable for their respective needs and situations.[14]

Beyond the Arab publications that refer to this quote, the German jurist Mathias Rohe picks up on the statement in his *Islamic Law in Past and Present*. He refers to the quote when he speaks about Islamic law in the modern age and says that in contemporary works on *ijtihād* and the *maqāṣid*, the dictum is often cited by classical scholars. In this context, Rohe mentions al-Ghazālī's quote, which he calls a "pithy statement" (Rohe 2014, p. 250), though he does not reference the original source but an article by the Moroccan scholar Muḥammad ʿAbdū (which I will discuss below).

2.3. Few Cases with Direct Reference to the Original Al-Ghazālī Source and Engagement with It

Despite the frequent references to al-Ghazālī's dictum in the contemporary literature, in my research I could only find very few instances in which there is a concrete engagement with the original quote itself and its context. One such example is to be found in *al-Fikr al-manhajī al-ʿilmī ʿinda al-uṣūliyyīn* by Muḥammad ʿAbd al-Salām ʿAwwām, who argues that the *mujtahid* in his legal reflections is obliged to take the *maqāṣid* as his *qibla* (*an yajʿal al-*maqāṣid *qiblatahu*). In the footnote to this statement, ʿAwwām directly cites *K. Ḥaqīqat al-qawlayn*, the version edited by Āl Zahwī. ʿAwwām explains that although al-Suyūṭī has mentioned this quote, a change in the expression does not result in a change in the meaning. Furthermore, ʿAwwām says that it is not clear which of the two versions of al-Ghazālī's statement is the original, the one which is mentioned in *K. Ḥaqīqat al-qawlayn* edited by Āl Zahwī or the one that can be found in al-Suyūṭī's book (ʿAwwām 2014, pp. 222–23).

A detailed engagement with the quote is eventually found in the collected volume *Maqāṣid al-sharīʿa wa-l-ijtihād*, edited by Yāsir ʿAwda. In his chapter, "*Maqāṣid al-sharīʿa qiblat al-mujtahidīn: Abū Ḥāmid al-Ghazālī namūdhajan*", Muḥammad ʿAbdū discusses the quote, where he deals with three big issues that are preceded by an introduction. In the introduction, he mentions al-Ghazālī's quote, but at this point, he does not mention a source (ʿAbdū 2008, p. 102). Later, he says that his intention with his article is to demonstrate that in al-Ghazālī's thought the *maqāṣid al-sharʿ* represent the *qibla* of the *mujtahid* (ibid.); however, this statement is made without a direct reference to the original source. In the first section of his chapter, ʿAbdū again mentions the quote, this time with a direct reference to al-Ghazālī's *K. Ḥaqīqat al-qawlayn*, and he even provides the page number (ibid., p. 112); however, complete publication or edition details are not provided anywhere. As for the quote's context, ʿAbdū explains it in a similar manner to al-Suyūtī and points to the example of Abū Bakr and ʿUmar b. al-Khaṭṭāb (ibid., pp. 109–10) and says that al-Ghazālī's citing the story of the two Companions explains his own *maqāṣid*-oriented thought. ʿAbdū's intention is to analyze this very thought of al-Ghazālī, and in order to explain it to the reader, he quotes from al-Ghazālī's presumably much later written work, *al-Mustaṣfā*. The second section of the chapter is dedicated to answering the question of how, according to al-Ghazālī, the *maqāṣid* can be determined (*ithbāt al-*maqāṣid). This is followed by the third and last section, in which al-Ghazālī's understanding of the *maṣlaḥa* and examples for his *maṣlaḥa*-oriented *ijtihād* are discussed. As for ʿAbdū's discussion of the famous dictum, he mentions its original wording and embeds it in al-Ghazālī's general *maqāṣid* thought, which, as mentioned, he elucidates by referring to *al-Mustaṣfā*. This means that he discusses the quote in order to demonstrate al-Ghazālī's general *maqāṣid*-thought but without embedding the quote in its own context, that is, by merely citing the *K. Ḥaqīqat al-qawlayn* and not discussing the book or its overall content. Thus, ʿAbdū is a valuable source for understanding al-Ghazālī's general *maqāṣid* understanding, although the complete source of the quote is not provided. This is a shame because without these essential publication details, further research becomes difficult. Moreover, since ʿAbdū lists all the other al-Ghazālī sources that he consulted in his bibliography, it is probable that this single source has been omitted by mistake.

3. Conclusions

What conclusions may be drawn from the above analysis? First, al-Ghazālī's dictum itself was presented and discussed, and its context in his *K. Ḥaqīqat al-qawlayn* was analyzed. This discussion showed that the context was not, as one would assume, that of the *maqāṣid* but of al-Ghazālī's defense of Imam al-Shāfiʿī's legal methodology. After providing several reasons why in al-Shāfiʿī's approach to one single question several or different opinions can be found, al-Ghazālī explains that during *ijtihād* it might indeed happen that at different times and due to changing circumstances, and even if a scholar considers the *maqāṣid* in his *ijtihād*, he might arrive at different legal decisions. In the course of this argumentation, al-Ghazālī utters this quote and uses the example of the *ijtihād* of the Prophetic Companions to stress his statement.

As for other references to the famous quote, I cited al-Suyūṭī, who, if not the first to refer to it, was at least among the first premodern scholars to mention it in his own work *K. al-Radd ʿalā man akhlada ilā al-arḍ wa-jahila anna al-ijtihād fī kuli ʿaṣr farḍ*. I showed how al-Suyūṭī did not mention al-Ghazālī's quote in the context of an argumentation for the *maqāṣid* either, but that he cited the statement in his general call for the necessity of a permanent *ijtihād*. Perhaps al-Suyūṭī used the dictum to stress that for a true and effective *ijtihād* to take place, the *maqāṣid* need to be considered by the scholars. Analyzing al-Suyūṭī's reference of the quote was necessary for my subsequent engagement with the modern literature. Among other results, this study revealed that a direct reference to al-Ghazālī's original work by contemporary authors only took place in very few cases and is mostly referred to in al-Suyūṭī's book. This is surprising given that the original source, *K. Ḥaqīqat al-qawlayn*, has been more recently edited and in print since at least 2007. Furthermore, I demonstrated that within the modern literature, there are different ways in which al-Ghazālī's quote is used by contemporary authors. In one category of the literature, the dictum is utilized when, among other premodern scholars, al-Ghazālī's *maqāṣid* understanding is discussed and the quote is used to underline the centrality of the *maqāṣid* in his legal thought. Another category revealed that the quote is often used when authors emphasize the importance of the *maqāṣid* in order to guarantee an adequate *ijtihād* that meets today's needs. Within both categories, I observed that the referencing to the quote is merely performed to strengthen a particular argument and that a deeper, analytical engagement with the statement is lacking in most cases. Nor is the quote used, for instance, to reinforce controversial opinions, with the aid of a "pithy statement" (Rohe 2014, p. 250), of renowned classical scholars that perhaps would even contradict al-Ghazālī's *maqāṣid*-understanding. Thus, it can be concluded that in most cases, the dictum is cited to either explain al-Ghazālī's thought or to stress today's call for the necessity of a *maqāṣid*-oriented *ijtihād*.

Finally, it is apparent that hardly any textual engagement with the often-cited dictum can be found, besides the exception of the Moroccan scholar Muḥammad ʿAbdū, who, in his article, undertakes a rudimentary contextualization of the quote. Thus, due to the research gaps that I have identified, the present article serves, on the one hand, as an introduction to al-Ghazālī's *maqāṣid* thought, facilitating the analysis and the contextualization of his famous dictum in its original source, and on the other, to fill another lacuna, which is the study of modern engagement with al-Ghazālī's famous statement.

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Notes

1 In this domain, contributions have become numerous and, among others, consist of the critique of al-Ghazālī's restriction on the *maqāṣid* to the classical five values (Rayyān 2021, p. 24; Opwis 2017, p. 29). However, it is argued that it is not only in the modern age that such critique is mentioned but that already classical scholars such as Taqī al-Dīn al-Subkī (d. 756/1355), Shihāb al-Dīn al-Qarāfī (d. 683/1285), Ibn Taymiyya, ʿIzz al-Dīn b. ʿAbd al-Salām (d. 660/1262), and Ibn Qayyim al-Jawziyya (d. 751/1350) criticized his concept (Ademi 2018, p. 224). In the modern age, the American Egyptian jurist Khaled Abou El Fadl suggests that the classical five values mentioned by al-Ghazālī should be interpreted according to modern needs. Thus, for example, when al-Ghazālī mentions the necessity of protecting religion (*ḥifth al-dīn*), Abou El Fadl proposes that this value should be reinterpreted into the protection of religious freedom (Bassiouni 2014, p. 207). Another critique, expressed by the Moroccan philosopher ʿAbd al-Raḥmān Ṭāhā, reads that the five values mentioned by al-Ghazālī and others are merely materialistic and that ethics were disregarded when this early *maqāṣid* concept was formulated (Ṭāhā 2015, p. 111).

2 See, for instance, Ahmad (2012, p. 122); Emon (2021, pp. 152–53); Zaman (2012, p. 37); Hallaq (1997, p. 214; 2004, p. 46).

3 For al-Ghazālī's great admiration of Imam al-Shāfiʿī, see, for instance, Ormsby (2007, pp. 40–41).

[4] Hallaq explains that with his change in thought, al-Ghazālī was not an exception at all among Muslim scholars and he cites famous examples among them (Hallaq 1992, p. 191).

[5] Perhaps Moosa's assumption as to why al-Ghazālī addressed the *maṣlaḥa* in *al-Mustaṣfā* under the so-called suspect sources goes too far when he assumes that because al-Ghazālī was "cautious about venting this idea too loudly, he artfully discusses it in a section entitled 'suspect sources'" (Moosa 2013, p. 278).

[6] According to Nekroumi (2018, p. 177), al-Ghazālī's definitions of both the *maṣlaḥa* and the *maqāṣid* are today regarded as the first systematic attempts of their kind. Following Opwis (2010, p. 67), it can be added that al-Ghazālī's explanation of the *maṣlaḥa* since he first defined it became the standard definition in Islamic law.

[7] Several Prophetic narrations mention that in such a case, a slave should be freed. If the person is not capable to do so, he or she should fast for 60 consecutive days and if he or she is unable to do that, then feed 60 poor people.

[8] For an analysis of al-Ghazālī's *maqāṣid* understanding, see, for instance, al-Kīlānī (2009). The actual origin of the five *ḍarūrāt* is unclear but they seem to have first emerged among the Khurasanian branch of the *shāfiʿī* school of law. Zyzow argues that in al-Ghazālī's time, the doctrine was already well known (Zyzow 2013, p. 201).

[9] An example he provides for the protection of religion is the killing of the infidel and punishment of the innovator in religious affairs (*mubtadiʿ*) and whoever promotes this innovation among people. Al-Ghazālī explains those punishments because through the actions of these people, religion becomes in danger (al-Ghazālī 1997, p. 417). Another example for the protection of religion is offered a few pages onwards when al-Ghazālī argues that during war, when non-Muslims attack the Muslim community and have taken a group of Muslims as a human shield, even then Muslims should attack the non-Muslim army because otherwise they themselves will be attacked, the Muslim territory may be conquered, and the Muslim population killed as a result (ibid., p. 420). He also reasons that retaliation (*qiṣāṣ*) is intended to protect people's lives, as is the punishment for the consumption of alcohol, since the intellect is meant to be protected through the implementation of this prohibition. The ground for the punishment of adultery (*zina*) again is the intended protection of progeny, and for stealing to protect people's property (ibid., p. 417).

[10] One reason for the lack of deeper engagement with the *maqāṣid* might be, as argued by some contemporary authors, that a general understanding on their meaning and role in *ijtihād* was already clear to classical scholars, so that the provision of definitions and explanations was not regarded as necessary. See, for instance, Kamali (2012, p. 6).

[11] http://alhiwarmagazine.blogspot.com/2014/12/blog-post_69.html (accessed on 15 April 2023).

[12] مجلة الحوار: إدراك مقاصد الشريعة الإسلامية (alhiwarmagazine.blogspot.com) (accessed on 24 January 2024).

[13] https://lakhasly.com/ar/view-summary/44EPhV8pjB (accessed on 19 April 2023).

[14] https://islamanar.com/destinationsthe-diligent/ (accessed on 15 April 2023).

References

ʿAbdū, Muḥammad. 2002. *Maqāṣid al-ʿaqāʾid ʿinda al-Imām al-Ghazālī*. Beirut: Al-Shabaka al-ʿArabiya li-l-Abḥāth wa-l-Nashr.

ʿAbdū, Muḥammad. 2008. Maqāṣid al-sharīʿa qiblat al-mujtahidīn. In *Maqāṣid al-sharīʿa wa-l-ijtihād*. Edited by Yāsir ʿAwda. London: Al-Furqan Islamic Heritage Foundation, pp. 101–55.

ʿAbdū, Muḥammad. 2009. *al-Fikr al-maqāṣidī ʿinda al-Imām al-Ghazālī*. ʿAbdīn: Dār al-Kutub al-ʿIlmiyya.

ʿAbdū, Muḥammad. 2016. *Maqāṣid al-ʿaqāʾid ʿinda al-Imām al-Ghazālī*. Cairo: Al-Shabaka al-ʿArabiya li-l-Abḥāth wa-l-Nashr.

ʿAwwām, Muḥammad ʿAbd al-Salām. 2014. *Al-Fikr al-manhajī al-ʿilmī ʿinda al-uṣūliyyīn*. Herndon: Al-Maʿhad al-ʿĀlamī li-l-Fikr al-Islāmī.

Ademi, Cefli. 2018. The Relationship between Maqāṣid al-Sharīʿah and Uṣūl al-Fiqh. In *The Objectives of Islamic Law: The Promises and Challenges of the Maqāṣid al-Sharīʿa*. Edited by Idris Nassery, Rumee Ahmed and Muna Tatari. London: Lexington Books, pp. 213–38.

Ahmad, Atif Ahmad. 2012. *The Fatigue of the Sharīʿa*. New York: Palgrave Macmillan.

Āl Zahwī, Abū ʿAbdullāh al-Dānī b. Munīr. 2007. Muqaddima al-muhaqqiq. In *Kitāb Ḥaqīqat al-qawlayn fī tawjīh takhrīj al-Imām al-Shāfiʿī li-baʿḍ al-masāʾil ʿalā qawlayn*. Beirut: Muʾassasat al-Rayyān.

al-Badawī, Yūsuf. 2000. *Maqāṣid al-sharīʿa ʿinda Ibn Taymiyya*. Amman: Dār al-Nafāʾis.

al-Ghazālī, Abū Ḥāmid. 1997. *Al-Mustaṣfā min ʿilm al-uṣūl*. Beirut: Muʾassasat al-Risāla, vol. 1.

al-Ghazālī, Abū Ḥāmid. 2007. *Kitāb Ḥaqīqat al-qawlayn fī tawjīh takhrīj al-Imām al-Shāfiʿī li-baʿḍ al-masāʾil ʿalā qawlayn*. Edited by Abū ʿAbdullāh al-Dānī b. Munīr Āl Zahwī. Beirut: Muʾassasat al-Rayyān.

al-Indūnīsī, ʿAbd al-Raʾūf. 2013. *al-Ijtihād: Taʿathuruhu wa-taʿthīruhu fī fiqhay al-maqāṣid wa-l-wāqiʿ*. ʿAbdīn: Dār al-Kutub al-ʿIlmiyya.

al-Kīlānī, Aḥmad Ṣāliḥ. 2009. *Maqāṣid* al-sharīʿa ʿinda al-Imām Abī Ḥāmid al-Ghazālī. Available online: https://www.alukah.net/sharia/0/118309/%D9%85%D9%82%D8%A7%D8%B5%D8%AF-%D8%A7%D9%84%D8%B4%D8%B1%D9%8A%D8%B9%D8%A9-%D8%A7%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85%D9%8A%D8%A9-%D8%B9%D9%86%D8%AF-%D8%A7%D9%84%D8%A5%D9%85%D8%A7%D9%85-%D8%A7%D9%84%D8%BA%D8%B2%D8%A7%D9%84%D9%8A-pdf/ (accessed on 17 July 2017).

al-Ramīlī, ʿAbd al- Ḥakīm. 2021. *Al-Uṣūl al-ʿaqlīya fī fiqh al-sāda al-mālikīya*. Beirut: Dār al-Kutub al-ʿIlmiyya.

al-Raysūnī, Aḥmad. 2014. *Al-Fikr al-maqāṣidī: Qawāʿiduhu wa-fawāʿiduhu*, 3rd ed. Cairo: Dār al-Kalima li-l-Nashr wa-l-Tawzīʿ.

al-Suyūṭī, Jalāl al-Dīn. 1907. *Al-Radd ʿalā man akhlada ilā al-arḍ wa-jahila anna al-ijtihād fī kull ʿaṣr farḍ*. Algiers: Al-Maṭbaʿa al-Thaʿālabiyya.

al-Zībārī, Ayyād Kāmil Ibrāhīm. 2017. *Siyāsat al-tadarruj fī taṭbīq al-aḥkām al-sharʿiyya*. Beirut: Dār al-Kutub al-ʿIlmiyya.

Bassiouni, Mahmoud. 2014. *Menschenrechte Zwischen Universalität und Islamischer Legitimität*. Berlin: Suhrkamp.
Binʿomar, Muḥammad. 2009. *Min al-ijtihād fī al-naṣṣ ilā al-ijtihād fī al-wāqiʿ: Naḥw musāhama fī taʾṣīl fiqh al-wāqiʿ*. ʿAbdīn: Dār al-Kutub al-ʿIlmiyya.
Emon, Anver M. 2010. *Islamic Natural Law Theories*. Oxford: Oxford University Press.
Emon, Anver M. 2021. Epilogue: Critical Refections in Retrospect and Prospect. In *Reason, Revelation and Law in Islamic and Western Theory and History*. Edited by R. Charles Weller and Anver M. Emon. London: Palgrave Macmillan, pp. 135–56.
Garden, Kenneth. 2016. The Revival of the Religious Sciences in the Twenty-First Century: Suʿād al-Ḥakīm's Adaptation of al-Ghazālī's Revival. In *Islam and Rationality: The Impact of al-Ghazālī. Papers Collected on His 900th Anniversary*. Edited by Frank Griffel. Leiden: Brill, vol. 2, pp. 310–34.
Griffel, Frank. 2009. *Al-Ghazālī's Philosophical Theology*. Oxford: Oxford University Press.
Hallaq, Wael. 1992. *Uṣūl al-Fiqh*: Beyond Tradition. *Journal of Islamic Studies* 3: 172–202. [CrossRef]
Hallaq, Wael. 1997. *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl Al-Fiqh*. Cambridge: Cambridge University Press.
Hallaq, Wael. 2004. Can the Shariʿa Be Restored? In *Islamic Law and the Challenges of Modernity*. Edited by Yvonne Yazbeck Haddad and Barbara Freyer Stowasser. Walnut Creek: Altamira Press, pp. 21–53.
Ḥafyān, Ismāʿīl Ḥasan. 2015. *Muʿassasat al-ijtihād wa-wathīfat al-sulṭa al-tashrīʿiyya*. Herndon: Al-Maʿhad al-ʿĀlamī li-l-Fikr al-Islāmī.
Ḥammād, Aḥmad Zakī Manṣūr. 1987. Abū Ḥāmid al-Ghazālī's Juristic Doctrine in *al-Mustaṣfā min ʿilm al-uṣūl* with a Translation of Volume One of *al-Mustaṣfā min ʿilm al-uṣūl*. Ph.D. dissertation, University of Chicago, Chicago, IL, USA.
Kamali, Mohammad Hashim. 2012. *Maqāṣid al-Sharīʿah, Ijtihad and Civilisational Renewal*. London and Washington: The International Institute of Islamic Thought. Kuala Lumpur: International Institute of Advanced Islamic Studies (IAIS).
Moosa, Ebrahim. 2013. Abū Ḥāmid al-Ghazālī (d. 505/1111). In *Islamic Legal Thought. A Compendium of Muslim Jurists*. Edited by Oussama Arabi, David S. Powers and Susan A. Spectorsky. Leiden: Brill, pp. 261–94.
Nassery, Idris. 2018. The Inviolability of Human Dignity: A Maqṣidī Perspective. In *The Objectives of Islamic Law: The Promises and Challenges of the Maqāṣid al-Sharīʿa*. Edited by Idris Nassery, Rumee Ahmed and Muna Tatari. London: Lexington Books, pp. 75–88.
Nekroumi, Mohammed. 2018. The Hermeneutical Approach of Shāṭibī on the Basis of the Maqāṣid Definition of Reason: Fundamental Issues of a Modern Reinterpretation. In *The Objectives of Islamic Law: The Promises and Challenges of the Maqāṣid al-Sharīʿa*. Edited by Idris Nassery, Rumee Ahmed and Muna Tatari. London: Lexington Books, pp. 175–94.
Opwis, Felicitas. 2010. *Maṣlaḥa and the Purpose of the Law: Islamic Discourse on Legal Change from the 4th/10th to 8th/14th Century*. Studies in Islamic Law and Society 31. Leiden: Brill.
Opwis, Felicitas. 2017. New Trends in Islamic Legal Theory: *Maqāṣid al-Sharīʿa* as a New Source of Law? *Die Welt des Islams* 57: 7–32. [CrossRef]
Ormsby, Eric. 2007. *Ghazali*. Oxford: Oneworld Publications.
Özervarlı, Mehmet Sait. 2016. Ottoman Perceptions of al-Ghazālī's Works and Discussions on His Historical Role in Its Late Period. In *Islam and Rationality: The Impact of al-Ghazālī. Papers Collected on His 900th Anniversary*. Edited by Frank Griffel. Leiden: Brill, vol. 2, pp. 253–82.
Rayyān, Ṣubḥī. 2021. *Maqāṣid al-sharīʿa al-islāmiyya wa-taḥaddiyāt al-ʿaṣr*. Beirut: Dār al-Kutub al-ʿIlmiyya.
Rohe, Mathias. 2014. *Islamic Law in Past and Present*. Translated by Gwendolin Goldbloom. Leiden: Brill.
Ṭāhā, ʿAbd al-Raḥmān. 2015. *Suʾāl al-manhāj: Fī ufuq al-taʾsīs li-unmūdhaj fikrī jadīd*. Beirut: Al-Muʾassasa al-ʿArabiyya li-l-Fikr wa-l-Ibdāʿ.
ʿUthmān, Muḥammad al-Sayyid. 2014. Shurūṭ al-mutaṣaddir li-l-fatwā fī al-nawāzil. In *Al-Nawāzil al-jadīda al-kubrā*. Edited by Sīdī al-Mahdī al-Wizānī. Beirut: Dār al-Kutub al-ʿIlmiyya, pp. 74–81.
Watt, W. Montgomery. 1963. *Al-Ghazali: The Muslim Intellectual*. Edinburgh: Edinburgh University Press.
Zaman, Muhammad Qasim. 2012. *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism*. Cambridge: Cambridge University Press.
Zyzow, Aron. 2013. *The Economy of Certainty. An Introduction to the Typology of Islamic Legal Theory*. Atlanta: Lockwood Press.

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