

ANALYSIS OF JUSTICE THROUGH *MAQĀSID* THEORY

ZAHOOR AHMAD WANI

Research Scholar, Department of Islamic Studies, Jamia Hamdard, New Delhi, India

ABSTRACT

The notion of Justice (al-'Adl) is one of the basic objectives (maqāsid) of Islam and an inherent right of all human beings under the Sharī'ah to establish a just society. It exists in Islamic resources from all perspectives even in Shia theology of Islam it has been given a separate place under the basic tenets and principles of Islam (uṣūl al-dīn).

There are various Qur'ānic verses and aḥādīth explaining this very essential principle of Islam and it has been asserted that one of the basic purposes of the Divine revelation is to achieve Justice and welfare of mankind and other creatures.

It is also certain that this very essence of Sharī'ah-which is justice and welfare of earthly beings-cannot be achieved without a sincere attempt to follow the Sharī'ah in accordance with the Divine will and wisdom.

This is the reason why Maqāsid al-Sharī'ah (higher objectives of Sharī'ah) and the notion of justice have been elaborated side by side by innumerable scholars since just after the time of the Prophet ﷺ. Maqāsid al-Sharī'ah aims to promote the Sharī'ah in accordance with the Divine will of Allah and develop a strong sense of justice and society among all human beings.

In the proposed paper an attempt will be made to study the notion of justice in the light of Holy Quran and the Prophetic traditions and illustrate its relationship with the Maqāsid theory. It will also focus on analyzing the contemporary literalist groups who insist on reference to the Texts but oppose interpretations based on the objectives (maqāsid). In this analysis, the paper will highlight how these contemporary literalist approaches lack the very spirit and essence of Sharī'ah in their elicitations and references and will emphasis on the need to interpret the Sharī'ah in the light of Maqāsid in order to establish an intrinsic sense of justice and equality in the society.

Focusing on textual and material resources, this study will apply the exploratory and descriptive design using the content analysis method.

KEYWORDS: Objectives (Maqāsid), Islamic Resources, Various Qur'ānic