

The Objectives (Maqasid) of Shari'ah in the Thought of Imam Khomeini and Sadr

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Abstract

In the wake of the social and scientific developments of the modern era in Europe, Muslim thinkers have been seeking a new method of *ijtihad* (independent reasoning) in order to adapt Islam to the changes of the time or to produce new Islamic jurisprudential rulings for the emerging social transformations. Attention to the objectives (*Maqasid*) of Shari'ah in *ijtihad* has been a way for the flourishing and dynamism of jurisprudence and providing appropriate responses to new issues. Attention to the objectives (*Maqasid*) of Shari'ah is more prominent in the views of jurists who have had a social and governmental approach to the religion of Islam. Imam Khomeini and Sayyid Muhammad Baqir Sadr are among these jurists. In this research, using the descriptive method and library data collection, the following questions have been addressed: 'What position the objectives (*Maqasid*) of Shari'ah have in the thought of Imam Khomeini and Sadr?' and 'What are the differences and similarities with the views of Sunni jurists?' The result indicated that Imam Khomeini has presented novel views with regard to the objectives (*Maqasid*) of Shari'ah, and his attention to the objectives of Shari'ah in the process of inference has been effective both in the expansion and deepening of jurisprudence. Sadr, too, based on definitive rational methods, seeks to find and uncover the ultimate goals of Shari'ah, and for this purpose, he distinguishes the objectives of Shari'ah from its aims. The common point between the views of Sunni jurists and Imam Khomeini and Sadr in enumerating the objectives of Shari'ah is the establishment of social justice and the preservation of the social system, and the difference is in the attention to the preservation of religion as one of the objectives of Shari'ah in the view of Shi'a jurists.

Keywords: Objectives (*Maqasid*) of Shari'ah, Shari'ah, Shari', Commandment, Shi'a, Mohammad Baqir Sadr, Imam Khomeini.

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Introduction

The social and scientific transformations of the modern era in Europe not only led to various social changes in the West, but also had an impact on the Islamic world and shaped different social and political issues in Islamic countries. These rapid social changes caused some Muslim intellectuals to seek different solutions to adapt Islam to the new conditions. Initially, the Muslim intellectuals, especially in North Africa, when they realized that the Islamic jurisprudential laws were not compatible with modern developments, tried to incorporate various laws from France, Germany, and Switzerland into the legal structure of Islamic countries. Another solution was to pay attention to the jurisprudential schools of the Islamic world and to select and combine the jurisprudential teachings. These solutions, especially the replacement of Islamic rulings with European laws, faced opposition from many thinkers. Therefore, Muslim scholars were seeking a new method and way of *ijtihad* (independent reasoning) in order to adapt Islam to the changes of the time or to derive new Islamic jurisprudential rulings for the emerging social transformations.

This trend continued until Muhammad ‘Abduh in the second half of the nineteenth century, during his trip to Tunisia, became acquainted with Shaṭibi's book "*al-Muwafiqat*" and recommended Shaṭibi's jurisprudential method to his students as a way to reconcile Islam with new developments and derive rulings for the society. After Muhammad ‘Abduh, individuals such as Ibn ‘Ashur in the book "*Maqāṣid al-Shari‘ah al-Islamiyyah*" and ‘Allal Fasi in the book "*Maqāṣid al-Shari‘ah al-Islamiyyah wa Makarimaha*" and Aḥmad Raysuni and others such as Yusuf Qarḍawi, paid attention to the issue of Maqāṣid al-Shari‘ah (the Objectives of Shari‘ah) as a way to reconcile and adapt Islam to the new social conditions and derive social rulings for the Islamic society. Of course, attention to the Objectives of Shari‘ah and the method of social legislation based on the purposes of the Shari‘ah has previously been the concern of Sunni jurists.

Juwayni and Ghazali are among the first who categorized the objectives of Shari‘ah. After them, Najm al-Din Ṭufi and Qarafi also dealt with the objectives of Shari‘ah in their works. But it was Shaṭibi (d. 790 AH) who for the first time elaborated on the objectives of Shari‘ah and the method of *ijtihad* based on them. He focused on the objectives of Shari‘ah in his two books "*al-Muwafiqat*" and "*al-I‘tiṣam*". However, Shaṭibi's views were not given attention until the time of Muhammad ‘Abduh and his emphasis on using Shaṭibi's jurisprudential method.

However, in the Shia jurisprudential tradition, regarding the deep-rooted foundation of the *ijtihad* (independent reasoning) method derived

from the teachings of the Ahl al-Bayt (AS), the jurisprudence of objectives (*Fiqh Maqasidi*) has not received much attention. It can be said that the crucial reason for the lack of attention to the jurisprudence of objectives among Shia jurists is the richness of the *ijtihad* method and the deduction of jurisprudential rulings in the Shia tradition. The tradition of *ijtihad* in Shia jurisprudence, considering its comprehensiveness and universality, has always been able to keep pace with new conditions and emerging issues, and to resolve impasses.

However, in the recent century, some Shia jurists, with a view towards the jurisprudence of society (*Fiqh al-Ijtima'*) and the jurisprudence of the system (*Fiqh al-Nizam*), have paid attention to the potentials that exist in the objectives of the Shari'ah (*Maqasid al-Shari'ah*) for the administration of society. Among them, one can refer to Imam Khomeini and Sayyid Muhammad Baqir Sadr, who, alongside their *ijtihad* method, have also paid attention to the objectives of the Shari'ah.

With this explanation, the research question is: 'What is the status of the objectives of the Shari'ah in the thought of Imam Khomeini and al-Sadr?' and 'What are the differences and similarities with the view of Sunni jurists?'

Therefore, in order to clarify how Imam Khomeini and Muhammad Baqir Sadr have used the objectives of the Shari'ah to derive social and political laws appropriate for the present time, and how they have sought to find a jurisprudential method for social issues suitable for the modern era, it is first necessary to explain the general principles of the jurisprudence of objectives, and then to conduct a comparative methodology between the Sunnis and these two Shia jurists.

1. Conceptual Framework

1.1. Definition of the Objectives of the Shari'ah

The objectives (*Maqasid*), in the linguistic sense, are the plural of "Maqсад" and the infinitive noun derived from the verb "Qasada Yaqsidu" (to intend, to aim) (Ibn Faris, 1983 AD/1404 AH: 5, 95). According to this possibility, the objectives (*Maqasid*) mean intending and paying attention to something. Another possibility is that the objectives (*Maqasid*) are the plural of "Maqсад" as a place noun (Fayyumi, 1993 AD/1414 AH: 2, 504).

In this case, the meaning of the objectives (*Maqasid*) would be the places and locations that are paid attention to; therefore, the compound (*Maqasid al-Shari'ah*) according to the first possibility means the matters that are the concern and intention of the Lawgiver, and according to the

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second possibility, it means the places and positions that are the concern and goal of the Lawgiver.

In the terminology of the Maqāṣid al-Shari‘ah, various definitions have been given. Ibn ‘Ashur has written about the definition of the general objectives of the legislation: "The general objectives of legislation are the meanings and wisdoms that the Lawgiver has considered in most or all of his legislations, in such a way that they are not specific to a particular type of Shari‘ah rulings; therefore, the attributes of the Shari‘ah, its overall goal, and the meanings that were intended by the Lawgiver when legislating the rulings, and even the meanings that are not evident in some of the Shari‘ah commandments, but exist in most of the rulings, are included in this definition." (Ibn ‘Ashur, 2011: 82)

‘Allal Fasi, another thinker on the objectives, has written in the definition of the Objectives of the Shari‘ah: "The objective of the Shari‘ah is its ultimate goal and the secrets that the Lawgiver has established when legislating each of its commandments." (Fasi, 1993: 7)

According to this definition, the Lawgiver and the legislator of Shari‘ah commandments, in their capacity as rational beings, perform every action for a specific cause and intention. The Shari‘ah rulings, in that they are established by that rational Lawgiver, also possess intention and goal, like other actions.

However, to clarify the precise meaning of the objectives of the Shari‘ah and its difference from other terms, Shaṭibi has explained the two terms "Cause" (Sabab) and "Reason" (‘Illa). The outward attributes and signs that the Lawgiver has stated for the obligation or negation of a ruling are called the cause; for example, the ability (Istiṭā‘ah) for the obligation of pilgrimage (Ḥajj); the rising or setting of the sun for the obligation of prayer (Ṣalat); theft for the commandment of amputation of the hand and reaching the minimum threshold (Niṣab) for the payment of Zakat (Shaṭibi, 1996 AD/1417 AH: 1, 410).

In fact, the cause is those signs and indications that the Lawgiver has established for the implementation of Shar‘i commandments, but the reason is the wisdom and benefits of each Shar‘i commandment, due to which a ruling has been established for a subject. Shaṭibi, in defining the reason, has explained the distinction between it and the cause as follows: "By reason, we mean the wisdoms and benefits, commands or permissibility, and corruption to which the prohibitions are related. So hardship is the reason for the permissibility of shortening (Qaṣr and Iftar) the prayer and breaking the fast during travel, and travel is the cause that has been established for this permissibility. The result is that the reason is the very benefit and corruption - not the signs - whether they are

apparent or hidden, definite or indefinite." (Shaṭibi, 1996 AD/1417 AH: 1, 411)

Although the cause of the wisdom and benefit (Maṣlaḥat) of a commandment indicates its purpose and goal, and in this sense is synonymous with the meaning of intended objectives, the cause of wisdom and benefit is considered in the specific and detailed judgments related to a particular subject, such as the shortening of prayers while traveling to avoid hardship. However, the objectives refer to the general wisdoms and benefits from which other commandments are derived to reach those objectives. For instance, the establishment of "Justice and Fairness" can be regarded as a general aim and objective of the Lawgiver. To realize this aim, the Lawgiver enacts laws in various areas. In fact, to achieve the "Establishment of Justice," there is a need for the legislation and enactment of laws in areas of commercial, economic, political, and social relationships.

If we consider the preservation of religion as one of the general goals and objectives of the Shari'ah, the lawgiver establishes laws regarding innovations (Bid'ah), commanding good, forbidding bad, and rebellion against the faith, apostasy, defense, and jihad, all of which can lead to various other specifics. With these clarifications, it must be said that the objectives of the Shari'ah are the same general aims and interests that the Lawgiver sought to achieve through the formulation and regulation of Islamic laws and rulings.

1.2. Objectives of the Shari'ah in the Quran

Those who believe that Islamic Shari'ah has been enacted to achieve specific objectives have elaborated their viewpoints based on Quranic verses. Among the verses that proponents of the objectives reference to substantiate their viewpoint is the verse: "Indeed, We have sent Our messengers with clear signs and sent down with them the Scripture and the Balance that the people may maintain [thereby] justice." (al-Hadid: 25) According to this verse, the aim of Shari'ah commandments, particularly in the area of transactional laws, is to establish justice and fairness, which is essential for maintaining the social order necessary for the continuation of human life (Ibn 'Ashur, 2011: 16).

Allamah Tabatabai, referring to the meanings of "Balance" and "Justice," explains their impact on social life as follows: The phrase "That the people may maintain [thereby] justice" is considered the purpose and objective of the revelation of the balance. It has been said that the meaning of this phrase is that We have sent down the scale to habituate people to justice in their transactions, so they would not experience loss or harm, and there would be no disruption in weights, thus preserving the proportions among things. The integrity of human

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life is dependent on society, and the cohesion of that society relies on the transactions that occur among them or the exchanges made through the giving and receiving of goods and it is well understood that the integrity of these transactions and exchanges, particularly concerning goods that must be weighed, depends on maintaining the ratios among them, and this is achieved through scales." (Tabatabai, 1995 AD/1374 SH: 19, 301)

In addition to this verse, there are other verses that articulate the purpose and objective of certain legal commandments. From the perspective of those who focus on objectives (Maqāṣid), such verses serve as evidence of the existence of goals and purposes in the establishment of legal commandments. Among these is verse 6 of Surah al-Ma‘idah, in which, following the description of how to perform ablution (Wuḍu) and dry ablution (Tayammum), the goal of enacting this ruling on purity is articulated.

There are various other verses that, from the viewpoint of those emphasizing objectives, reveal different aspects of the goals and purposes of Islamic law. The multiplicity of these verses has led each of the thinkers who focus on objectives to articulate various purposes for Shari‘ah, which will be mentioned later in relation to the different types of objectives based on various perspectives.

1.3. Types of Objectives (Maqāṣid) of Shari‘ah

The Legislator (Shari‘) has enacted legal rulings in two forms—affirmative and prohibitive—to preserve the objectives of Shari‘ah. Sometimes, the rulings issued by the Legislator have a positive existence, meaning the ruling pertains to actions that lead to achieving the objectives of Shari‘ah. These rulings have an affirmative character. At other times, to maintain the objectives of the law, the Legislator enacts rulings that facilitate the path to achieving these objectives by avoiding certain actions. These rulings are prohibitive; hence, the rulings established by the Legislator are either aimed at reaching the objectives of the law or at prohibiting actions that contradict those objectives.

To preserve religion, as one of the objectives of Shari‘ah, the Legislator has enacted rulings in an affirmative and constructive manner, such as: Adherence to the religion, ordaining acts of worship, ruling for the establishment of religion in the form of forming a religious government, and inviting people to the faith. There are also non-positive rulings such as: Warning against polytheism and hypocrisy, ruling against those who wage war on apostates and heretics, and ruling against those who introduce innovations in religion and sorcerers; enforcing limits for sinners, and ruling on jihad.

Additionally, among the affirmative rulings established by the Legislator to preserve human life, the following can be noted: Permitting

eating and drinking, allowing some prohibitions in emergencies, and protecting human freedom. In the realm of prohibitive commandments, examples include:

The ruling of Qīṣaṣ (retribution) and Diyat (blood money); prohibiting suicide and self-harm. The affirmative rulings that the Legislator has declared for the preservation of intellect include:

The obligation of education and the importance of knowledge, and the related prohibitive rulings such as the prohibition of wine and intoxicants (cf. Ghazali, 2011 AD/1390 SH: 159-162; Ibn 'Ashur, 2011: 134; Raysuni, 1997 AD/1376 SH: 171-175; Raysuni, 2009 AD/1431 AH: 80-92; Khadimi, 2000 AD/1421 AH: 79-86).

In Shaṭībī's view, all the legal rulings established by the Legislator are for the purpose of securing benefit and interest or for warding off harm and corruption. In fact, all the legal rulings of the Shari'ah are established with regard to the interests and corruptions of the human species. Rather these interests and corruptions are divided into various categories. Some interests are related to a specific ruling and form specific objectives, while the scope of other interests and corruptions is broader and encompasses all the legal rulings, forming general objectives. In fact, those interests and corruptions that are somehow prevalent and pervasive in all the legal rulings are called the general objectives of the Shari'ah. These general objectives have been divided into three categories: the essential, the needs and the embellishments (Shaṭībī, 1996 AD/1417 AH: 1, 411).

2. Research Background

Although traces of the use of the objectives of Shari'ah can be found in the hadith, the scholarly origins of the objectives of Shari'ah date back to the time of Ghazali. Abu Hamid Muhammad Ghazali (d. 505 AH) addressed the categories of the objectives of the Shari'ah in his books "Shifa' al-Ghalil" and "al-Mustaṣfi" under the discussion of "Analogical reasoning based on suitability (Qiyas al-Munasibah)."

Abu al-Ma'ali Al-Juwayni (d. 478 AH) was also a thinker who categorized the objectives of the Shari'ah during the same period. However, the first independent and detailed work on the objectives of the Shari'ah was written by Abu Ishaq Shaṭībī (d. 790 AH). In his book al-Muwafiqat, he elaborated on the categorization of the objectives of the Shari'ah in a different manner.

Other works on the objectives of the Shari'ah have also been written within the Sunni jurisprudential tradition, and have seen significant growth in the last 200 years. Shi'i jurists, with the view that the existing interests (Maṣaliḥ) of the rulings are hidden and the intellect cannot

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comprehend them, have been less inclined to explore the discovery of the interests and rationales behind the rulings. Nevertheless, in the last two decades, research works on the objectives of the Shari‘ah have been written by Shi‘i scholars. Ali Ilahi Khurasani (2020 AD/1399 SH) in his book "Reflections on the Objectives of the Shari‘ah" has attempted to examine the historical background of the objectives of the Shari‘ah and discuss the reasons for its lack of growth among the Shi‘a.

Abdul Hamid Wasiti (2009 AD/1388 SH) in his book "A Systemic Approach to Religion" from the perspective of the necessity of a macro view of religion, discusses the objectives of Shari‘ah and believes that the first condition of ijtihad is a complete understanding of the objectives of Shari‘ah, and the second condition is the ability to deduce from the sources based on this understanding (Wasiti, 2009 AD/1388 SH: 129).

In addition to these works, there have also been articles written about the objectives of Shari‘ah, particularly with a focus on its practical aspects in the legal and criminal fields. However, based on the author's search, there was no independent work found that examines the objectives of Shari‘ah in the thoughts of Imam Khomeini and Sadr and compares them with the thoughts of Sunni scholars, and in this regard, the innovation of the current research lies.

3. The Objectives and Goals of Shari‘ah from the Perspective of Sunni Jurists

In the modern era, regarding the encounter of Muslims with modernity and the efforts to adapt Islam to new social developments, the discussion of the objectives of Shari‘ah has once again come to the forefront in legislation and ijtihad by jurists. However, the jurists who focus on objectives did not limit themselves to the classifications of Muhammad Ghazali and Shaṭibi regarding the types of Shari‘ah objectives but advocated for broader objectives. One of these jurists is Ibn ‘Ashur. In his view, adherence to human nature, equality, leniency, freedom, maintaining order, reform, and the removal of corruption are among the objectives of the Shari‘ah and the goals of the prophets. He argues that Shari‘ah rulings have been established and enacted based on these objectives (Ibn ‘Ashur, n.d.: 143-190).

‘Allal Fasi has identified maintaining order, developing the land, equality and justice, preserving the right to life, dignity, freedom, and property rights as the objectives of the Legislator (Fasi, 1993: 225, 235, and 266).

Another thinker who has articulated the various types of Shari‘ah objectives or the general goals of Shari‘ah is Fazlul Rahman, a Pakistani scholar. He mentions social justice, cooperation, brotherhood or mutual

assistance, and selflessness as key principles (Fazlul Rahman, 1967: 103). Among these, he considers social justice to be the most fundamental principle and emphasizes that establishing social justice is the most important goal of Islam (Fazlul Rahman, 1970: 4-5).

Fazlul Rahman concludes, based on various verses and prophetic traditions, that the Qur'an and the teachings of the Prophet do not recognize any virtue or spiritual perfection without an equitable economic and social basis.

In the same way, he cites the verses from Surah al-Asr and verses that emphasize the principle of cooperation, as well as verses and traditions that indicate the principles of brotherhood and selflessness, presenting these principles as the foundational elements of the Islamic community and the general value principles. Consequently, any legal ruling at any time and in any form that disregards one of these principles must necessarily be reconsidered (Elmi, 2007 AD/1386 SH: 92- 93).

Sayyid Quṭb is another thinker who has paid attention to the objectives of Shari'ah. In fact, Sayyid Quṭb, in order to expand and detail the theory of social justice in Islam, has drawn upon the general spirit and ultimate objectives of the Shari'ah. He identifies "Universal equality and equality among all" as one of the objectives of Islamic Shari'ah: "The establishment of absolute equality and universal equality among all humans, along with absolute freedom of conscience from all values and all considerations that compromise this equality, was the mission of Islam." (Quṭb, 2013 AD/1392 SH: 239)

Additionally, "The freedom of the human conscience" or "The inner freedom of man" is another objective that Sayyid Quṭb considers the legislator aims to achieve through the establishment of rulings. He refers to verse 24 of Surah al-Tawbah and believes that the freedom of man from various pleasures and weaknesses and liberation from the constraints of the self is fully pursued by Islam. "The spirit that is freed from all constraints is what Islam desires and calls for the creation of that spirit." (Quṭb, 2013 AD/1392 SH: 81) Obviously, this ultimate objective cannot be realized without justice and equality, and justice and equality will only be achieved when an Islamic government is established to enact the Shari'ah rulings, thereby providing the grounds for justice and ultimately the spiritual growth and perfection of humanity (Quṭb, 2013 AD/1392 SH: 85).

It should be noted that when Sayyid Quṭb refers to law, he is specifically referring to Islamic laws, not any other laws. Sayyid Quṭb believes that by utilizing the barriers of means and the principles of public good, and adopting laws from other nations, as long as they are consistent with the spirit and objectives of Islam, one can establish laws

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to achieve social justice and, consequently, the perfection of humanity (Quṭb, 2013 AD/1392 SH: 365). Furthermore, Sayyid Quṭb has termed the jurisprudence that considers the objectives of Shari‘ah as "Dynamic jurisprudence" or "Movement-based jurisprudence," in contrast to "Static jurisprudence." (cf. Quṭb, 2008 AD/1387 SH: 4: 15-26 and 191-193)

4. The Objectives (Maqaṣid) of Shari‘ah from the Perspective of Shi‘a Jurists

The fact that religious rulings are established for specific interests and purposes has been a focus of esteemed Shia scholars. This is regarding the belief among Shi'a that actions possess inherent moral values (good and evil) and that justice is a fundamental principle of their faith (Hakim, 1997 AD/1418 AH: 278). One important piece of evidence is the Fadakiyyah sermon delivered by Lady Fatimah Zahra (AS), in which she refers to the existence of objectives and aims for certain religious rulings (Marwzi, 1908 AD/1326 AH: 14). Such narrations, along with numerous other traditions, prompted Shaykh Saduq to write a book titled "‘Ilal al-Shara‘i‘." The significance of this book in the history of Shi‘ism and the Islamic world is such that Ahmed Rissouni considers Shaykh Saduq one of the early thinkers to pay attention to the objectives and goals of Shari‘ah (cf. Yamani, 2006: 194).

Although Shia jurists see religious rulings as contingent upon public interests (Maṣaliḥ) and harms (Mafasid), and sometimes they take the spirit and essence of the Shari‘ah into account in their fatwas, they have not used the term "Objectives of Shari‘ah" in the same way as Shaṭibi. Some jurists, like the first martyr (Shahid Awwal) in his book "al-Qawa‘id wa al-Fawa‘id" and Muhammad Hasan al-Najafi in "Jawahir al-Kalam," have referred to the general spirit of Shari‘ah (cf. Reza, 2014: 43-36). Among Shia jurists, Sayyid Muhammad Baqir Sadr and Imam Khomeini have paid more attention than others to the general objectives of Shari‘ah and their use for issuing religious rulings. This research will explain the views of Sayyid Muhammad Baqir Sadr and Imam Khomeini regarding the objectives of Shari‘ah.

4.1. The Objectives (Maqaṣid) of Shari‘ah from the Perspective of Sayyid Muhammad Baqir Sadr

Sayyid Muhammad Baqir Sadr did not use the term "Objectives of Shari‘ah" in his works. However, the model and framework he employed for the production and discovery of Islamic economic perspectives and the method of developing social jurisprudence essentially reflect attention to the objectives and purposes of Shari‘ah. Sadr believed that in religious texts and the fixed rulings of Shari‘ah, objectives are

articulated, which should be considered for delineating economic policy and legislation (Sadr, 2015 AD/1394 SH: 71).

In his book "Iqtisaduna," he asserts that to uncover the Islamic economic school, one must move from specific rulings to fundamental ideas. By investigating specific rulings, one can reach the essence and ultimate aims of the rulings, and this essence and ultimate aim will, in fact, represent the principles of the Islamic economic school (Sadr, 2014 AD/1393 SH: 2, 31).

He has written in this regard: "Islam has prohibited both usury and deception in transactions; however, the prohibition of usury and the prevention of loans with interest play a role in the process of discovery because they stem from a part of the theoretical framework of wealth distribution. Therefore, it reflects a general principle regarding distribution in Islam." (Sadr, 2014 AD/1393 SH: 2, 35)

Of course, some writers believe that the path Sadr has taken in his theories, while resembling Shaṭibi's theory of the objectives of Shari'ah, and cannot be considered identical to Shaṭibi's objectives (Reza, 2014: 50). This group has used the term "Objectives of Shari'ah" instead of "Objectives of Shari'ah" to highlight the distinction between Sadr's theory and Shaṭibi's theory. In other words, in their view, Sadr's perspective represents the objectives of Shari'ah, not its intended purposes. This distinction aims to demonstrate that the objectives of Shari'ah are broader than just its purposes. For the scholars who support the purposes of Shari'ah, the purposes are synonymous with terms such as wisdom and public interest, while objectives refer to the ultimate principles of Shari'ah. On the other hand, Sadr, relying on definitive rational methods, sought to identify and discover ultimate objectives; therefore, since his method is definitive, his objectives are even more certain. However, proponent of purposes often resort to the opinions of the companions and analogical reasoning, as well as public interests, to uncover the purposes of Shari'ah, most of which are speculative methods that do not precisely reveal the ultimate purposes of Shari'ah. Shias focus on the Prophet, the Ahl al-Bayt, and Shia sources, and even when employing reason, it is based on the rational concepts of good and evil.

From what becomes clear through studying the works of Sayyid Muhammad Baqir Sadr, limiting the objectives of Shari'ah to the preservation of religion, life, intellect, lineage, and property is not endorsed. He does not consider such goals as the ultimate objectives and purposes of Shari'ah. In general, Sadr identifies three fundamental objectives for Shari'ah: First, the connection with the unseen and the worship and satisfaction of God; second, caliphate; third, purification (Reza, 2014: 284).

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In light of the fact that God has created all worlds and, according to verse 2 of Surah al-Dhariyat, this creation is for worship and submission to Him, belief in God-which is considered faith in the unseen and the knowledge of the unseen-along with submission to His commandments is among the ultimate goals of Shari‘ah (Sadr, 2014 AD/1393 SH: 56).

According to this objective, all laws and regulations established in Islamic society should aim for the pleasure of God and submission to Him. When this is the case, a person is freed from laws and regulations that are tyrannical and non-divine. In other words, by turning to God, a person is liberated from the bondage of other humans and their laws, achieving true freedom. Thus, the social consequence of focusing on God is the attainment of freedom for humanity.

Sadr considers another purpose of Shari‘ah, based on multiple verses from the Quran, particularly verse 30 of Surah al-Baqarah, to be humanity's caliphate over the earth and other creatures. However, in his view, this caliphate is not solely exclusive to "Prophet Adam;" rather, all of humanity on earth is God's caliph (Sadr, 1974 AD/1394 AH: 149); being God's caliph on earth means that the attributes and qualities of God should be manifested through the caliph. In other words, God's commandments, instructions, and orders should come to fruition on earth through His caliph. "The human community must judge justly and fulfill God's trust by implementing divine commandments among God's servants and lands." (Sadr, 1974 AD/1394 AH: 152) However, the status of caliphate and the ultimate goal of caliphate that humanity should pursue will not be realized except through other subsidiary objectives related to caliphate. Martyr Sadr outlines additional objectives for Shari‘ah under the ultimate goal of caliphate, the most significant of which is governance.

Governance, as it serves as a prerequisite for implementing God's commandments and as humanity's role as caliph on earth, is regarded as another objective of Shari‘ah. "Caliphate serves as the basis for governance and ruling over people, which is a branch of humanity becoming caliph." (Sadr, 1974 AD/1394 AH: 150) Martyr Sadr considers the entire human community to be capable of governance and views the governance of people over people, as well as the legitimacy of the people's leadership by acting as God's representative on earth, to be based on this foundation (Sadr, 1974 AD/1394 AH: 150).

A person cannot be God's caliph except in the context of a government that allows for the implementation of God's commandments and instructions. However, God's commandments and instructions are realized in a government where justice prevails. In fact, without the presence of justice in human society, governance cannot be sustained,

and without stable governance, humanity's caliphate on earth cannot be realized (Sadr, 1974 AD/1394 AH: 157). Therefore, in Sadr's perspective, justice and the establishment of social justice are among the duties and goals of Shari'ah and Islamic governance, and the ruler of the Islamic society must consider justice as one of the objectives of Shari'ah when formulating laws and regulations.

So, since one of the goals of religion is the establishment of social justice and the fight against poverty, equalizing the living conditions of society, and purifying and refining the wealthy, Imam Ali (AS), during his rule, considered not only the obligatory cases of Zakat but also the items that were deemed wealth during that time to be subject to Zakat obligations (Sadr, 1974 AD/1394 AH: 70).

In addition to these goals, Sadr considers the establishment of social order and balance, providing welfare and comfort, the development of society, alleviating poverty, utilizing knowledge and its achievements, fostering unity, respecting human dignity, and enhancing social power and security as other objectives of the Shari'ah that should be taken into account in social legislation (Sadr, 1974 AD/1394 AH: 72-117).

In summarizing the views of Sayyid Muhammad Baqir Sadr, it can be said that his attention to Shia sources and the definitive texts of the Ahl al-Bayt has resulted in a different perspective on various objectives compared to figures like Shaṭibi and other Sunni jurists. However, the emphasis on justice, equality, order and security, and unity are aspects that align Sadr's views with those of later proponents of Maqaṣid in Sunni thought, such as Ibn 'Ashur and 'Allal Fasi.

4.2. The Objectives (Maqaṣid) of Shari'ah According to Imam Khomeini

Imam Khomeini can be considered another prominent Shi'a jurist who has paid attention to the objectives of Shari'ah. Although he did not explicitly use the term "Maqaṣid al-Shari'ah," in some of the fatwas attributed to him, he has clearly considered the spirit and purpose of Shari'ah in deriving rulings. By examining his fatwas, one can ascertain the objectives of Shari'ah according to his perspective.

One of the matters that Imam Khomeini deems incompatible with the objectives of Shari'ah is the use of legal stratagems (Hiyal). Legal stratagems are "Hidden ways employed to achieve a prohibited goal or destination," or "Legal stratagems present a prohibited action in a way that seems permissible, or present an action that is not valid in the eyes of Shari'ah as a valid practice..." (Hosseini Zharfa, 2009 AD/1388 SH: 105). For instance, where the legislator has declared usurious transactions to be forbidden and some jurists, in order to circumvent this prohibition through formal and superficial means, allow an action to take place in such a way that the transaction does not appear to be usurious.

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However, Imam Khomeini believes that this transaction contradicts the objective of Shari‘ah, which is justice and the fight against oppression; therefore, it is not correct. In his book "Bay‘ (Sales)," while discussing the possibility of escaping from usury, he writes:

"How can it be possible to consider usury permissible through legal stratagems, given all the strict prohibitions and deterrent requests present in the Quran and the narrations from both Shia and Sunni sources, especially since such severity is not present regarding other sins, despite the numerous economic, social, and political harms that economists have addressed? From the verses and narrations, it is understood that what causes the prohibition of usury is the oppression and injustice that occurs within usury." (Khomeini, 2008 AD/1430 AH: 2, 540)

The preservation of the religion and the propagation of Shari‘ah are other objectives and purposes that can be inferred from Imam Khomeini's fatwas. He has issued a ruling permitting the dissemination and distribution of the Quran to non-Muslims, considering that one of the goals of Shari‘ah is the spread of the religion. In his view, the Prophet of Islam wrote letters to non-Muslims containing verses from the Quran based on this goal (ibid: 725).

Therefore, he believes that refraining from publishing and distributing the Quran to non-Muslims, on the grounds that the Quran must be preserved, contradicts the spirit and purpose of Shari‘ah, which is the promotion and dissemination of the religion.

Additionally, regarding the preservation of statues and the veneration of idols, he contends that since during the time of the Prophet, the possession and creation of idols were considered a form of polytheism and disbelief, the legislator ruled the prohibition of statues and their preservation in order to protect the religion. However, in contemporary times, having and creating statues does not fall under the definitions of polytheism and idol worship. There are also narrations that indicate its disapproval or lack of prohibition. Here, Imam Khomeini refers to the preservation of religion as one of the objectives and purposes of Shari‘ah (Khomeini, 2006 AD/1427 AH: 1, 258-269).

Another objective of Shari‘ah in Imam Khomeini's view is the establishment and stabilization of an Islamic government. While expounding on the theory of the guardianship of the jurist, which forms the foundation for the establishment of an Islamic government during the occultation, he states that this principle is self-evident (ibid: 188). He believes that the preservation of the religion and the implementation of Shari‘ah laws can only be achieved through the establishment of an Islamic government and the enforcement of divine laws. Therefore, this issue of stabilizing Islamic governance is fundamental in Imam

Khomeini's perspective, allowing the Islamic ruler to intervene in both primary and secondary rulings and to change them (Khomeini, 1999 AD/1378 SH: 20, 452).

The preservation of the system, the protection of the lives and dignity of Muslims are among the other objectives and purposes that Imam Khomeini has mentioned for legislation (ibid: 227). Imam Khomeini believes that to achieve the goal of safeguarding the lives of Muslims, it is permissible to provide weapons to a group of non-believers for the defense of Muslims, even free of charge, in order to maintain the integrity of the Islamic community (ibid.).

According to Imam Khomeini, neglecting the objectives of Shari'ah in jurisprudence leads to a situation where the jurist does not account for changes in topics—which arise due to evolving conditions and societal progress—in their legal rulings. As a result, their fatwas may not align with the developments in society and the temporal and spatial conditions in at least some cases. Taking all aspects of this thought into account, he wrote the following in response to one of his students:

"I must express my regret regarding your interpretation of divine laws and commandments. According to your writing, Zakat is only for the needs of the poor and other specified purposes, and now that these needs have reached hundreds, there is no way forward. The "Rihan" in racing (Sabq) and archery (Rimayah) is limited to bows, arrows, and horse racing, which were used in previous wars and is now applied only in those specific contexts.

Additionally, "Anfal," which has been deemed permissible for the Shi'as, means that today Shi'as can destroy forests with those deceptive machines, annihilating whatever contributes to the preservation and safety of the environment and endangering the lives of millions, without anyone having the right to prevent them.

Houses and mosques that are needed for resolving traffic issues and preserving the lives of thousands should not be demolished, and so on. In short, based on your interpretation of the narrations and reports, modern civilization should be completely destroyed, and people should either live in huts or remain forever in the deserts." (Khomeini, 1999 AD/1378 SH: 21, 149-150)

Here, Imam Khomeini explicitly considers "The preservation of social justice" through the distribution of Zakat, as well as "Environmental protection" and "The maintenance of the social order," to be objectives of Shari'ah that should be taken into account in the approach and methodology of social jurisprudence.

From Imam Khomeini's perspective, a jurist must always base their jurisprudence on the texts of Shari'ah that express legal rulings.

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However, when interpreting these texts and analyzing them, they should consider the purposes of Shari‘ah and the general principles of religion, and interpret the texts accordingly. This method of social jurisprudence places primary importance on the Quran and Sunnah in deriving rulings and adhering to the texts of Shari‘ah in jurisprudence. By taking the purposes of Shari‘ah into account in the process of deriving rulings, it helps to keep jurisprudence dynamic, aligning legal rulings with social developments and responding to contemporary issues (Hajiyān Foroushani et al., 2020 AD/1399 SH: 38).

In general, regarding the significance of the Maqāṣid of Shari‘ah in Imam Khomeini's view and the way he utilizes these Maqāṣid of Shari‘ah, it can be stated that his perspective on the purposes of Shari‘ah in the development of jurisprudence has sometimes led to the discovery of new rulings. Unlike many jurists, he did not accept the prohibition of non-believers accessing the Quran and other sacred texts, considering it incompatible with the spirit of spreading Islam and its teachings.

He deems their access to the Quran, mosques, and Islamic sanctities permissible. At times, he also used the Maqāṣid of Shari‘ah to counteract legal loopholes and rejected usury tricks, despite numerous texts permissible for them. This method of interpretation transcends the letter of the law, which is seen as a result of paying attention to the Maqāṣid of Shari‘ah. Critics of the focus on the Maqāṣid of Shari‘ah have noted many harmful effects, whereas the aforementioned example supports the theory that attention to the Maqāṣid of Shari‘ah can be a solution to many issues.

Imam Khomeini sometimes also used the Maqāṣid of Shari‘ah to deepen the understanding of the texts, such as when he highlighted justice-one of the Maqāṣid of Shari‘ah -to promote a correct understanding of the texts, or when he considered the protection of religion as one of the Maqāṣid of Shari‘ah and framed the texts accordingly, or when he regarded a focus on purposes as a criterion for accepting or rejecting narrations (Shushtari and Haydari, 2017 AD/1396 SH: 141).

5. Research Findings

By conducting a detailed examination of the views of contemporary jurists from both Sunni and Shia traditions regarding the Maqāṣid of Shari‘ah, it can be generally categorized as follows:

Jurist	Shari'ah's Maqasid and Goals
Ibn 'Ashur	Observance of human nature, equality, leniency, freedom, and maintaining the system and reforming and eliminating corruption
'Allal Fasi	Maintaining the system, developing the land, equality and justice, protecting the right to life, the right to dignity, freedom, and the right to property
Faḍl al-Rahman	Social justice, cooperation, brotherhood or mutual support and selflessness (cooperation)
Sayyid Qutb	Justice and equality, freedom of the human conscience, forming a divine government

Table no.1. Maqasid of Shari'ah according to Sunni Jurists

Jurist	Shari'ah's Maqasid and Goals	
Sayyid Muhammad Baqir Sadr	Shari'ah's goals	Connection with the unseen, servitude, and pleasing God, caliphate, purification
	Maqasid of Shari'ah	Governance, social justice and alleviating poverty, establishing order and social balance, ensuring welfare and comfort in society, utilizing knowledge and its achievements, preserving unity, respecting human dignity, enhancing social power and security (maintaining social order)
Imam Khomeini	Social justice, fighting against oppression, preserving religion and promoting Shari'ah, maintaining social system, safeguarding the lives and dignity of Muslims, protecting the environment, establishing and solidifying the Islamic government	

Table no.2: Maqasid of Shari'ah from the perspective of Shia jurists (Sadr and Imam Khomeini)

From the comparative analysis of the two above tables, common objectives in the views of the Sunni jurists, Imam Khomeini, and Muhammad Baqir Sadr can be identified as social justice and the preservation of social system. Consequently, it can be concluded that both social and governmental approaches in the jurisprudence of the objectives of Sharia feature prominently in both thoughts. Furthermore, one of the points of commonality between the two contemporary Shia and Sunni jurists in addressing the objectives of Sharia is that the reinterpretation of these objectives in both perspectives is conducted through the lens of the Holy Quran, leading to a more pronounced return and reference of Islamic jurisprudence to the Quran, with most scholars of the objectives researching the Quranic verses from this perspective.

Of course, other objectives of Sharia, as viewed by the mentioned jurists, also contain social and governmental dimensions. Objectives such as preserving unity, human dignity, establishing governance, freedom, and eliminating corruption all reflect the social and governmental aspects of Islamic commandments.

The points of divergence in the examined views and the differences in enumerating the objectives of Sharia include the emphasis on the

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preservation of religion as one of the objectives of Sharia in the perspectives of Imam Khomeini and Muhammad Baqir Sadr. In this regard, it can be said that regarding the commitment of these two Shia jurists to the ijtiḥad method derived from the practices of the Prophet and his household, the preservation of religion and Islamic rulings has received greater attention. In contrast, by studying the works of Sunni jurists, particularly someone like Sayyid Quṭb, it can be observed that they do not strongly oppose the introduction of human laws into the domain of divine laws. Meanwhile, Imam Khomeini and Sadr, while considering the objectives of Sharia, distinguish between the realms of human laws and divine laws, emphasizing the preservation of religion as one of the principal objectives and aims of Sharia.

Moreover, from the conducted analysis, it becomes clear that Sunni jurists, in their attention to the objectives of Sharia and their application in deriving legal commandments, first enumerate and articulate the goals and purposes of Sharia, and then utilize them in deriving Islamic commandments. The most significant method used by Sunni jurists is the application of general arguments such as *Saddi Ḍarayi‘* (preventing harmful avenues) and *Maṣaliḥ Mursalah* (general welfare).

In contrast, Sayyid Muhammad Baqir Sadr and Imam Khomeini, after examining the ijtiḥad proofs derived from the Quran, Sunnah, and reason, address the objectives of Sharia. Sadr and Imam Khomeini do not alter their ijtiḥad method and jurisprudential tradition; rather, they engage in principled ijtiḥad based on the same jurisprudential tradition and established interpretative method in Shia jurisprudence, subsequently articulating the objectives and aims of Sharia.

However, there is a notable methodological and systemic difference in enumerating the objectives of Sharia. Sadr, relying on definitive rational methods, seeks to uncover and discover the ultimate goals of Sharia and, for this purpose, distinguishes the objectives of Sharia from its purposes. Therefore, since his method is definitive, his goals are deemed even more definitive. In contrast, the proponents of purposes among Sunni scholars often resort to the views of the companions, analogy, and *Maṣaliḥ Mursalah* (general welfare) to uncover the objectives of Sharia, most of which are probabilistic methods and do not precisely reflect the ultimate objectives of Sharia. Unlike other jurists who introduce matters such as the preservation of religion, the preservation of life, the preservation of property, etc., as the objectives of Sharia, Muhammad Baqir Sadr considers three additional fundamental objectives for Sharia, which are: Connection to the unseen, worship, and divine pleasure, as well as caliphate and purification. This indicates that he presents a different interpretation of the objectives of Sharia based on

the verses of the Holy Quran. Of course, after articulating the objectives of Sharia, Sayyid Muhammad Baqir Sadr also mentions some of its purposes, but it can be concluded that Sadr has an ethical interpretation of the objectives of Sharia, which also has social implications.

In addition to this, the methodological differences in Imam Khomeini's attention to the objectives of Sharia are also evident in his works. Imam Khomeini, with his emphasis on establishing and solidifying an Islamic government based on the practices of the Ahl al-Bayt (AS), broadens the scope of the Islamic ruler's authority to the point that even the ruling jurist in the Islamic community can intervene in the primary and secondary rulings of Islam and change them to preserve the objectives of Sharia.

Conclusion

The objectives of Sharia point to the overarching wisdoms and general interests that other rulings are established to achieve. This comprehensive perspective on the legal commandments of Islam has led to increased attention towards the efficacy of the Islamic program in governing society and people's lives, influencing Islamic studies.

Although the roots of the renewed focus on the objectives of Sharia in the Islamic world began considering the social and scientific transformations of the modern era, led by Sunni Muslim thinkers, the discourse surrounding this topic has continued in Shia jurisprudence to the present day.

From what has been discussed in this article, it can be concluded that attention to the objectives of Sharia is more pronounced in the views of jurists who have a social approach to Islam and strive for the complete implementation of the religion, such as Imam Khomeini and Sadr. This attention has been particularly salient as one of the methods for deducing legal rulings, especially in contemporary and relevant issues.

The presence of such frameworks and methodologies in the thoughts of these two Shia jurists has not only increased dynamism and flexibility in legislation and the derivation of Islamic rulings compatible with current needs but has also maintained fidelity to the traditional method of *ijtihad* in Shia jurisprudence.

The objectives of Sharia and the jurisprudence of purposes represent a common jurisprudential approach among Sunni jurists and Imam Khomeini and Muhammad Baqir Sadr, which can be considered relevant in comparative jurisprudence research and can address Islamic sect alignment and its social implications through a problem-oriented approach. Furthermore, it can lead to greater utilization of jurisprudential

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principles and foundational jurisprudence as social theories for governing society.

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