

THE STATE AS AN ESSENTIAL VALUE (*DARŪRIYYĀT*) OF THE *MAQĀSID AL-SHARĪ'AH*

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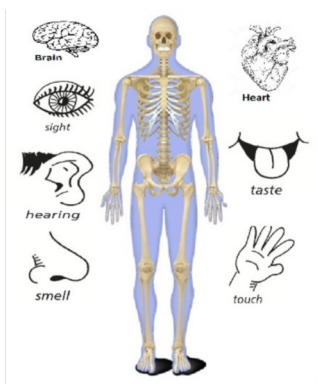
Abstract: Muslim scholars have mainly considered the *maqāsid al-sharī'ah* within three categories: *darūriyyāt* (the essentials), *ḥājīyyāt* (the complementaries) and *tahsīniyyāt* (the desirables or the embellishments). The concept of *maṣlaḥah* is meant to protect the *maqāsid al-sharī'ah* (the higher objectives of *sharī'ah*), which consist of seven essential values, namely religion, life, intellect, lineage, wealth, honour and state, all of which promote the people's welfare and prevent all kind of evils. They are considered essentials because neglecting them would cause total social disruption and anarchy. Even though classical scholars considered the *darūriyyāt* to be six in number, this article suggests that the value of "state" be added to this list. The values in the *darūriyyāt* category must be upheld and protected from any real or unexpected threats either by maintaining the essentials or removing the disruption. The concept of state is just as essential as the other six values, for without it, all of them would be endangered and considered incomplete. Therefore, the "state" value guarantees the continued existence of other values. In this paper, the author argues that this value should be regarded as a seventh essential value will be elaborated through a "skeleton metaphor".

Keywords: The state; *maqāsid al-sharī'ah*; essential values; *darūriyyāt*; *maṣlaḥah*.

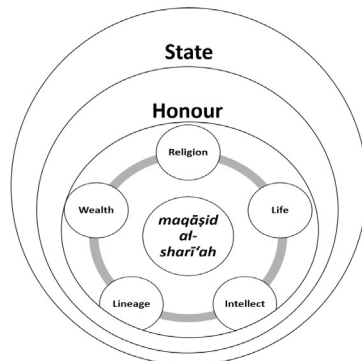
Introduction

While describing the “state” as a seventh value to be protected by the *sharī'ah* in terms of a “skeleton metaphor”, it may be useful to consider human as an entity. First of all, if a human is regarded as a living being or as having a bodily structure, its most basic physical parts are the eyes, ears, hands, nose and tongue. Two organs, the heart and the brain, help these parts provide perception and awareness. Other organs can be added to complete the body; however, for the time being, we limit our theories to these body parts and organs.

As these are the basic stones of our theory, we will build our thoughts upon them. When handled individually, each of these body parts and organs is a separate service provider that performs important functions on its own. If they do not act together (i.e., if they are not functioning in a body), then they lose the ability to become a part of the human body. In order to be kept together, they must somehow be linked together via a skeleton if the human body is to exist as a human being. In the absence of a skeleton, it can neither stand upright nor be considered a complete human. If the skeleton’s function is considered, then one can understand why it is vital to the human body.



Human body with organs “skeleton metaphor”



The seven values of *maqāṣid al-sharī'ah*

Just as the skeleton keeps all of the human body’s parts and organs together and makes the person humankind, Islam needs a skeleton-like institution to protect its values. The skeleton resembles the state in terms of its function vis-à-vis the *maqāṣid al-sharī'ah*. This seventh value is also an essential (*darūriyyāt*) value of Islam because it keeps the other values together (i.e., religion, life, intellect, lineage, wealth and honour)

and guarantees their continued existence. But more importantly, its absence causes other values to be lost.

Although the skeleton, which consists of different types of bones, seems to be unimportant, without it, the other values that cause human beings to act together could not function. This skeleton metaphor also applies to the state because, despite its apparent unimportance for the other six values, only it can maintain or protect them. Therefore, the author strongly emphasises that instituting a state or a government, in a general sense, is a vital necessity for communities to protect and sustain the essential values as well as to regulate the peoples' affairs in terms of the social, economic, cultural, psychological and religious values that create unity against internal and external threats. In this context, Ibn Taymīyyah stresses the state's indispensable nature: "It should be noted that regulating the people's affairs is one of the most important requirements (*wājibāt*) of the religion (*al-dīn*)" (Taymīyyah, n.d:150-151).

The religion of Allah (SWT) cannot be well established without a state. As history shows, its essential values (i.e., the *maqāṣid al-sharī'ah*), were destroyed whenever a Muslim state collapsed. We can see this in terms of the situation of Muslims in Iraq, Syria, Libya, East Turkistan (Xinjiang) and, most recently, Myanmar's Arakan state. But in addition to protecting these essential values, the state is also required to preserve the Muslims' economic and financial activities.

To emphasize its importance, Ibn Taymīyyah says: "Sixty years of an unjust *imām* (ruler) are better than one night without a *sulṭān*" (Taymīyyah, n.d:185). Clearly, from the experience of many contemporary Muslims, any type of authority is better than anarchy and chaos. This opinion is supported by Al-Ghazālī and Ibn Jamā'ah, who opine that any effort to overthrow rulers, even a tyrannical *sulṭān*, is liable to create chaos and lawlessness (J. Rosentha, 1962:200). Therefore, removing an established but unjust ruler may cause serious disaster and chaos to society.

Background of the study

In the *Qur'ān*, Allah (SWT) revealed His orders and prohibitions for protecting each of these values. For example, He prohibited retaliation (*qisās*) to protect life (*Qur'ān* 2:178); alcohol to protect the

intellect (*Qur'ān* 2:178); adultery to preserve one's lineage (*Qur'ān* 17:32); theft to protect one's property (*Qur'ān* 5:38) and accusation to protect one's honour (*Qur'ān* 24:4). In addition, *jihād* (struggling for the sake of Allah) was prescribed (*Qur'ān* 2:216) to protect Islam and, accordingly, the honour of Muslims. Protecting one's honour becomes a vital element for the dignity of Muslims, who were created in the best manner and are Allah's (SWT) representatives on Earth as caliph (*khalīfah*). *Jihād* indirectly protects the Muslims' life and honour, because without honour life would be incomplete and thus have no value in terms of human dignity. A question may arise here: How can a humiliated or enslaved Muslim represent the law of Allah (SWT) on Earth? The answer is that such a person cannot. Therefore, honour is just as essential as the other six values. For this reason, protecting the state becomes the most essential one in terms of protecting the other values.

In addition to these values, Allah (SWT) enjoins justice by saying "And of those whom We have created are a people who guide with the truth, and thereby they do justice (*Qur'ān* 7:181) and advises the Muslim community (*ummah*) to conduct consultation (*shūrā*) by saying "their affairs by mutual consultation (*Qur'ān* 42:38). All of these above values are dealt with by the state's authority, for its absence means that these values and obligations cannot be realized. Allah (SWT) has decreed orders and prohibitions as regards the values that make up the state. Since human was created as a thinking entity, Allah (SWT) did not directly order him to establish the state so that he could use his intellect. The Prophet's (PBUH) life is an excellent example of this and many other regards. The fact that the Qur'an contains no such direct injunction does not mean that establishing and protecting the state is unnecessary. One can ask how the five senses become assets with a human concept. All of the values, including justice, consultation, *jihād*, and so on, are established and enacted by the state. Therefore, the Prophet's (PBUH) life must become part of our agenda so we can comprehend life in its entirety. The struggle's first phase involved establishing Islam in the Muslims' heart. The second phase began after they migrated to Medina: the Prophet (PBUH) immediately established a state via the well-known Medina constitution. After that, Allah (SWT) imposed obligations and prohibitions that only the state could materialize.

Scholars have undertaken many serious studies of the *maqāṣid al-sharī'ah*. For example, Imām Abū Manṣūr al-Māturīdī (d.333/944), al-Juwaynī (d.478/1085), Fakhr al-Dīn al-Rāzī (d. 606/1209), Sayf al-Dīn al-Āmidī (d.631/1233), Ibn al-Ḥāḥib (d.646/1249), 'Izz b. 'Abd al-Salām (d.660/1262), Shihāb al-Dīn al-Qarāfī (d.685/1286), Najm al-Dīn al-Tūfī (d.716/1316), Ibn Taymiyyah (d.728/1328), Ibn Qayyim al-Jawziyyah (d.751/1350), Ibrāhīm al-Shāṭibī (d.790/1388), Shāh Walīyyullah Dihlawī (d.1176/1762), Ṭāhīr bin 'Āshūr (d.1293/1973), 'Allāl Fāsī (d.1974), Aḥmad al-Raysūnī and so on.

Imām al-Shāṭibī's magnificent work has to be emphasised when studying the *maqāṣid al-sharī'ah*, as does Aḥmad al-Raysūnī's *Imam al-Shāṭibī's Theory of the Higher Objectives and Intents of Islamic Law* (al-Raysūnī, 2006). In his *al-Muwāfaqāt*, Shāṭibī made great efforts to ensure that the door was open for everyone to understand the wisdom and subtlety of Islamic law (al-Raysūnī, 2006:351). Muḥammad Fāḍil b. 'Āshūr comments that "with this book, Shāṭibī actually constructed a pyramid erected to the sky in terms of Islamic culture. He succeeded in something that his ancestors simply did not bother to deal with, and thereby discovered evidence and methods that guaranteed the religion's everlasting permanence and purity. Those who made an effort to uncover the religion's subtlety became key personalities. The importance of Shāṭibī's work had found more resonance during the reawakening of the Islamic world from its long sleep, when religious rulings contradicted the requirements of contemporary life, especially in current and previous centuries. In this context, Shāṭibī's *Muwāfaqāt* is a real savior (Ibn 'Āshūr, 76). Therefore, he deserves to be called "the father" of the *maqāṣid*.

The Rationale of the Study and Statement of the Research Problem

As mentioned above, many serious works have been produced on the *maqāṣid al-sharī'ah* and scholars have reached a consensus that there are six essential values. The author contends that the concept of "state", which has not been mentioned as one of them, be considered the missing point in this regard. Although our scholars have written books on its existence and protection, they never thought of it as an independent value of the *maqāṣid al-sharī'ah*.

However, if one considers that the legislative, executive and judicial powers are realized under the state's umbrella, then clearly these six values must also be considered as protected and preserved under the state's security. Just as eliminating evils require state power, so do disseminating goodness and establishing justice. We can see this clearly in the case of the very secular and anti-religion Republic of Turkey that arose after the collapse of the Ottoman Empire.

Until recently, the inability to educate children who wore a headscarf or other religious attire, the state also removed religious values from life, closed important religious institutions, turned mosques into barns and imprisoned innocent religious people because its authority was in the hands of the wrong people. Fortunately, since 2002, with the arrival of a new government that has not turned its back on Islamic values, the people were able to sigh with relief and relax. Muslims in Turkey began to practice their religious values fearlessly, for religious freedom began to infuse every part of the life, including education, politics, the military and trade. Therefore, the state's authority plays an indispensable role in religion, which then becomes a part of life, even it is an indispensable necessity. That is why the value of "state" is at least as important as the other values.

The Significance of the Study and its Contribution

This paper's objective is to help people realize the state's significance in realizing the higher objectives of the Lawgiver, who has created life and death to test who is doing better and has made certain tests in regards to achieving life's objectives. As Allah (SWT) says "He created death and life that He may try you, which of you is best in deeds. He is the Mighty, the Forgiving (*Qur'ān* 67: 2).

A person's ability to pass these exams depends upon his/her sound understanding, implementation and sustainability of the Lawgiver's subordinate aims. The following verse clearly states that no person created as a perfect being can be created in vain and without purpose "What! Did you think that We created you in vain and that you shall not be returned to Us? (*Qur'ān* 23:115).

The human being was created as Allah's (SWT) representative (caliph) on Earth and thus must not neglect this great task, for Allah

(SWT) did not leave politics aside. Rather, the Qur'an teaches that worldly and religious affairs are to work together and simultaneously, for their separation is not acceptable and, in fact, is rejected completely. In the context of the Islamic state, Muslim scholars have considered three important dimensions: the *ummah*, the Islamic law (*shari'ah*) and the leadership of the Muslim community (*khilāfah*). The last one is just as essential as the other two, since neglecting any one of them renders Islamic government meaningless.

In order to convey Allah's (SWT) message, Muslim leadership is an inescapable duty for the whole *ummah* – and this leadership is only possible under a state. Allah (SWT) enjoins the believers to promote good and prevent evil “From among you there should be a party who invites to good, enjoins what is right and forbids the wrong. These are the ones who will be successful (*Qur'an* 3:104 and see more about *Qur'an* 9:71). Al-Mawārdī (d. 450/1058) mentions the ten essential duties of a Muslim leader in his “*Kitāb al-Aḥkām al-Sultāniyyah* (al-Mawārdī, 2006: 40-41), none of which has ever been achieved without establishing an Islamic state. This leader's first duty is to protect the religion of Allah (SWT) in its original form; the second one is to establish justice, the third one is to protect the territory of Islam and so on (al-Mawārdī, 2006: 27-28).

Establishing and protecting the state can be inferred from the following verses: “*Surely Allah commands you to make over trusts to their owners and that when you judge between people, you judge with justice. Surely Allah admonishes you with what is excellent. Surely Allah is Seeing, Hearing. O you who believe! Obey Allah, the Messenger and those in authority from among you. If you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. This is better and very good in the end*” (*Qur'an* 4:58-59). These verses indicate that establishing a just society and obeying Allah (SWT), the Messenger and those Muslims placed in authority are natural duties, the outcome of the concept of *siyāsah shari'ah* (Kayadibi, 2015:171-180).

In addition to the Prophet's (PBUH) practical life, his sayings affirm the exigency of establishing a legitimate government: “When three persons set out on a journey, they should appoint one of them as their leader (Abū Dāwūd, Book 8, *ḥadīth* no: 960). It has been narrated on Abu Hurairah's authority that the Prophet (PBUH) emphasised this

point: “Whoever defected from obedience (to the leader) and separated from the main body of the Muslim – and then died in that state – would die the death of one belonging to the days of *Jāhiliyyah* (Ṣaḥīḥ Muslim, book 020, *ḥadīth* No: 4557). Another narration on Abu Hurairah’s authority is that the Messenger of Allah (PBUH) said: “It is obligatory for you to listen to the ruler and obey him in adversity and prosperity, in pleasure and displeasure, and even when another person is given (rather undue) preference over you” (Ṣaḥīḥ Muslim, Book 020, *ḥadīth* no: 4524).

Likewise, Allah (SWT) says “And hold fast to the covenant of Allah all together and be not disunited”(Qur’ān 3:103). For the sake of “enjoining what is good and forbidding what is evil”, Allah (SWT) ordains that a group of people, like an institution, organization or a state, be established to undertake this holy task, as indicated by “From among you there should be a party who invites to good, enjoins what is right and forbids the wrong. These are the ones who will be successful”(Qur’ān 3:104). The ultimate objectives of Islam’s social message are the prevention of injustice and the establishment of justice “You are the best of the nations raised for (the benefit of) men. You enjoin what is right; forbid what is wrong and believe in Allah” (Qur’ān 3:110). Given this eternal value of enjoining the right and forbidding the evil, the state rises and collapses based upon the actions of its people, regardless of whether they are Muslim or non-Muslim (Asad, 1981:33).

Let’s look at the following verses, in which Allah (SWT) says “O you who believe! Take your precautions and then go forth in detachments or go forth in a body” (Qur’ān 4:71) and “Prepare against them what force you can and horses tied at the frontier, to frighten thereby the enemy of Allah and your enemy and others besides them, whom you do not know (but) Allah knows them. Whatever you spend in Allah’s way, it will be paid back to you fully, and you shall not be dealt with unjustly” (Qur’ān 8:60). Two questions may arise here: What precautions should be taken, and who is to prepare against the enemies? The answers are very simple: Only a strong government can defend the community and its territories from internal and external attackers, for both of these are among the state’s responsibilities.

This encouragement is also mentioned at the beginning of *Sūrah al-Ādiyāt*, when Allah (SWT) points out the importance of preparing

warhorses by mentioning them in a vow. These acts refer to whatever kinds of strengths, such as one's intellectual, physical, material and spiritual aspects, are necessary. Even the Prophet (PBUH) praises these horses qualities in a hadith narrated on Anas b. Malik's authority: "There is a blessing in the forelocks of warhorses." (*Saḥīḥ Muslim*, book 33, *ḥadīth* 150). Today, these "warhorses" are the most advanced weapons, armed combats, warplanes, and so on.

The Prophet (PBUH) encouraged Muslims to learn the art of war: "Allah will cause three persons to enter Paradise for one arrow: the maker who has a good motive for making it, the one who shoots it and the one who hands it [to the archer]" (Abu Dāwūd, *Jihād*, :23; Tirmidhī, *Faḍāilu-Jihād* \:11). 'Amr bin Absah said: "When we were besieging al-Ṭā'if, I heard the Messenger of Allah say: 'Whoever shoots an arrow for the sake of Allah will be rewarded like one who has freed a slave.' 'Amr said: 'I shot 16 arrows on that day" (*Saḥīḥ Muslim*, Book 33, *ḥadīth* 150).

An important point here is that only the caliph, as opposed to just any person, has the authority to declare a military *jihād* and the duty to lead it until there is no longer a need for it (al-Būṭī, 1995:109). In other words, fulfilling this essential duty requires the existence of a state. Ibn Qudāmah (d. 620/1223) stressed this point: "Declaring *jihād* is the caliph's (*imām*) responsibility and [the result of] his independent legal judgement. He has the authority to force people to obey him in whatever matters he regards as appropriate" (Ibn Qudāmah, :184). Al-Sarakhsī (d. 483/1090), in his *al-Mabsūt*, said: "The *imām* of the Muslims must almost always exert all efforts to lead an army himself or to dispatch a military detachment of Muslims, and must trust Allah (SWT) to help him achieve victory" (Al-Sarakhsī, :3). In his *al-Aḥkām*, Qarāfi highlighted that the "*imām* is the leader entrusted by the people to conduct the state's common affairs, sign treaties, forbid wrong deeds, suppress criminals, fight aggressors, settle people down in their homes peacefully and the like..." (al-Qarāfi, 2009: 24).

The *Maqāṣid* and *Siyāsah al-Sharī'ah* in the Context of the State

The religion's most important objectives are to ensure the protection of benefit (*maṣlaḥah*) and prevent evil (*mafsadah*) both in this world and the hereafter. The *maṣlaḥah* serves as a proper basis for legislation in the absence of an explicit ruling within the Qur'an and *Sunnah*, as

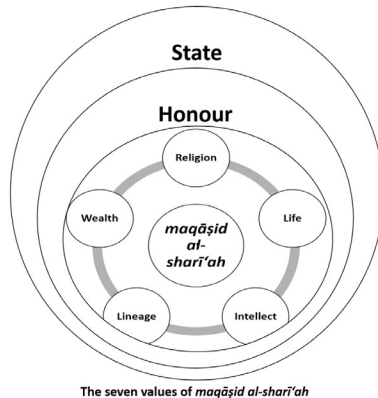
well as within *ijmā'* and *qiyās*. If this is the case, then the *mujtahid* can resort to it to protect humanity's benefit and prevent corruption on Earth (Hāshim Kamali, 1997:268) for, as Shāṭibī (d.790/1388) indicated, "in the religious context, the aim of obtaining benefits (*jalb al-ṣalāh*) and avoiding evils (*daf' al-fasād*) is to provide the needs of this world for the sake of the hereafter, not for personal desires or avoiding personal hatreds. Religion prevents people from following their desires and guides them to be a servant of Allah (SWT) (Shāṭibī, : 29-30). It is, however, required that no *maṣlahah* contradict the Sharī'ah's spirit and general principles (Kayadibi, 2015:171-180).

The concept of *maṣlahah* has a very close relationship with the *maqāṣid al-sharī'ah*. Even more, this term is used interchangeably with *maqāṣid* and is briefly maximized as obtaining benefit and preventing evil. The first significant work in this regard was done by Ghazālī (d.505/1111), for, according to him, his master al-Juwaynī held that the direct relation between the two could be realized: "In a real sense the *maṣlahah* consists of obtaining *manfā'ah* (benefit) and preventing *maḍarrāt* (evils). However, we do not use that meaning ... by the term of *maṣlahah*, we mean to protect the *sharī'ah*'s objectives (*maṣlahah al-sharī'ah*), which consist of five essential values, namely, religion, life, intellect, lineage and property" (Ghazālī, 174-179).

In regards to *siyāsah sharī'ah*, Ibn Qayyīm (d.1350) broadly considers *siyāsah* to mean "any measure that actually brings the people closest to beneficence (*ṣalāh*) and furthest away from corruption (*fasād*) partakes in just *siyāsah* even if it has not been approved by the Prophet (PBUH) or regulated by divine revelation. Anyone who says that there is no *siyāsah sharī'ah* when the Sharī'ah itself is silent is mistaken and has misunderstood the Companions" (al- Jawziyyah, n.d:16). Despite its different understandings and interpretations, *siyāsah sharī'ah* is strongly connected with the Sharī'ah's spirit and objectives. In fact, it can only be considered if both of them are in harmony. Kamali briefly defines *siyāsah al-sharī'ah* as "a broad doctrine of Islamic law which authorizes the ruler to determine the manner in which the *sharī'ah* should be administered" (Hāshim Kamali, :59). In other words, the concept's fundamental basis is Islamic law, which allows the ruler to implement Allah's (SWT) rules throughout society.

As mentioned earlier, the Sharī'ah intends to protect certain values

in order to maintain the people's existence and the state's constituents in peace and security. These values, according to Imām al-Ghazzālī, are five in number (Ghazālī, : 174-179). According to Imām al-Qarāfi (d.685/1286), they are six (Ibn ʿĀshūr, :123) and according to contemporary jurists, they are seven. Almost all Muslim scholars agree on the duty to protect them, especially the first five, for doing so is essential in Islamic law (Şātībī, :10). In addition to these five values, Qarāfi added the protection of honour (*sharaff*), which guarantees the other five because they will indirectly fall into danger if it is missing. It is highly desirable to mention the value of “state” as the seventh value, for it indirectly guarantees the others in the same way as does the value of honour. In this respect, preserving and sustaining the state's existence is an indispensable task, for only it can fulfil these obligations at the social and individual levels.



In general, our glorious Muslim scholars have divided the *maqāṣid al-sharī'ah* into three categories: *darūriyyāt* (the essentials), *ḥājjiyyāt* (the complementaries) and *tahsīniyyāt* (the desirable or the embellishments). In my perception, the *darūriyyāt* are now seven in number: religion, life, intellect, lineage, wealth, honour and state. They are considered essential because neglecting them would cause total social disruption and anarchy. Ibn al-Ḥājjib (d.646/1249), Qarāfi, Ghazālī and Ibrāhim al-Shāṭībī (d.790/1388) considered these values, the second from the last of which was added by Qarāfi, as protecting each Muslim's honour (attributed to Ṭūfi) (Ibn ʿĀshūr, :139). I have added the last one, the state, on the grounds that it is one of the essential values. Not only

must they be upheld, but they must also be protected from any real or unexpected threat.

According to Ghazālī, destroying even one of them is *ḥarām* (Ghazālī, :288). These values can be protected either by maintaining the essentials or removing the disruption (Shāṭibī, :8). In an affirmative sense, the Sharī'ah encourages the protection of human life and offers alternatives to all prohibited acts: non-alcoholic drinks to alcohol, education to illiteracy, polygamy to adultery, work and trade to theft and so on. It does this because it seeks to protect and promote the aforementioned essentials in order to protect human in accordance with his nature.

The *ḥājīyyāt* are not completely independent within themselves; for a while, neglecting them might cause hardship to the community; it will not cause the community to collapse. However, the Sharī'ah still seeks to protect and promote these essential values at the secondary stage. Shāṭibī defines *ḥājīyyāt* as that which is needed for *tawassī* (widening) and *raf' al-ḥaraj* (avoiding hardship). If they were ignored, people would face harm and difficulty, but not to the same extent that they would if the essentials were neglected (Shāṭibī, :8).

In the context of *'ibādāt*, the concessions (*rukhaṣ*) granted to the sick and travellers in terms of suspending the fast and shortening the obligatory daily prayers (*ṣalāt*) are designed to prevent hardship. This is the objective of all such concessions; however, they are not considered essential because the affected people could survive without them. In the area of criminal law, the prophetic *ḥadīth* of “suspend the prescribed penalties (*ḥudūd*) in all cases of doubt (*Adraū al-ḥudūd bi-shubuhāt*)” can be seen as providing a complementary *maṣlahah* because the burden of proof for crimes with prescribed penalties (*ḥudūd*) is very severe (Hāshim Kamali, :2). In the area of *mu'āmalāt*, the Sharī'ah's allowance of certain contracts (e.g., the sale of a *salām* contract [deferred delivery] and *ijārah* [lease and hire]) is not absolutely essential to maintain a normal life. Thus they are classified as *ḥājīyyāt* (complimentary).

The *taḥsīniyyāt* or *kamāliyyāt* (embellishments) complete the first two by representing the *mukallaf's* (subject) interests and awareness in all areas and at all levels. Shāṭibī indicated that these embellishments

might be summarized as part of the moral constitution of *‘ibādāt* (e.g., eliminating that which is dirty and considering all types of cleanness), customary matters (e.g., good conduct in eating and avoiding wastefulness in consumption), transactions (e.g., preventing others from selling that which is impure) and *jināyāt* (i.e., criminal offences, among them killing women, children and religious people during *jihād*) (Shāṭibī, :327). Therefore *sadd al-darā‘i* (blocking the means) is considered as a type of *tahsīniyyāt*. The Shari‘ah encourages gentleness (*rifq*), good manners and conduct (*ḥusn al-khulq*) and fair dealing (*iḥsān*), as well as being a devoted person (*‘ābid*) in terms of performing the supererogatory prayers, voluntary fasting, generosity to the poor and those in need in regard to all kind of customary matters, interpersonal relations, family matters, religious duties and so on. The purpose of performing all of these acts in the best possible manner is to improve one’s self and quality in all areas related to human behaviour. Therefore, this third type of *maqāṣid* is vital for gaining Allah’s (SWT) blessings.

In addition to these, serious studies have been done on *siyāsah shari‘ah*. In fact, as we mentioned above, the Prophet’s (PBUH) first self-assigned task after arriving in Medina was to set up a state in order to protect and maintain the Shari‘ah’s essential values. After the state’s construction, we can see practical examples of the *siyāsah shari‘ah*. According to the general definition, although *siyāsah shari‘ah* is intended to provide solutions to those cases that the main sources do not discuss, I think it should be regarded as a function within the state system because it will enable us to meet very precious experiences that will serve as a model for the Prophet’s (PBUH) time until the end of the world. Therefore, this is a comprehensive concept to be considered in terms of seeking the *ummah*’s benefit.

Since the concept of *siyāsah shari‘ah* seeks to secure the people’s benefit and the effective administration of their affairs, its seeds can be found right from the first days of the revelation until the demise of the Prophet (PBUH) and onward under the four Rightly Guided Caliphs. From the *siyāsah shari‘ah* perspective, ‘Umar Ibn al-Khaṭṭāb (d.644) preserved the Shari‘ah’s spirit by applying the *siyāsah* in many of his policy decisions, which ‘Alī ibn Abī Ṭālib (d.661) inherited (Ibn Farḥūn, 1986: 144-145).

Iyās Ibn Mu'āwiyah (d.122/740) used *siyāsah al-sharī'ah* to adjudicate and determine the meaning of *istihsān* while serving as Basra's eminent jurist and judge (Kayadibi, 2010: 127). Under the later 'Abbāsids, 'Abd Allah Ibn al-Muqaffā' (d.137/756) interpreted *siyāsah sharī'ah* as discretion (*istiswāb*) (Ibn al-Muqaffā, 1954: 125-156). Nizām al-Mulk (d.1092), the well-known vizier to the Seljuq sultans Alp Arslan and Melik Shah as well as the founder of the Nizāmiyyah schools, wrote his *Siyāsatnāma* (*The Book of Government*) to advise sultans on the many tricks they could employ to fulfil this responsibility. Ibn Taymiyyah wrote his renowned *Al-Siyāsah al-Sharī'ah fī Iṣlāḥ al-Ra'y wa al-Ra'iyyah* for the same purpose. Ibn Khaldun's (d.1406) *Muqaddimah* mentioned two types of *siyāsah*, namely, *siyāsah 'aqliyyah* (rational policy) and *siyāsah dīniyyah* (religious policy) (Ibn Khaldūn, nd: 337). Ibn Qayyim al-Jawziyyah's (d.751/350) authored *Al-Ṭuruq al-Ḥukmiyyah fī al-Siyāsah al-Sharī'ah*, which spoke of bringing beneficence (*ṣalāḥ*) and preventing corruption (*fasād*) (al-Jawziyyah, 1961:pp). Shihāb al-Dīn al-Qarāfi (d.684/1285) used his *Kitāb Anwār al-Burūq fī Anwār al-Furūq* to join honour, the sixth *maqāsid al-sharī'ah* value, to the concept (al-Mālikī, 1285:pp). In line with good governance, Ibn Farḥūn (d.799/1396) posited that *siyāsah* is normative and part of the Sharī'ah, which is based firmly on the *Qur'ān* and *Sunnah* (Ibn Farḥūn, nd:138-139); 'Abd al-Wahhāb Khallāf discussed the practice of *maṣlahah* in his *Al-Siyāsah al-Sharī'ah* (Khallāf, 1931:pp); Abul Ḥasan al-Māwardī al Shāfi'i (d.450/1058) wrote *Kitāb al-Aḥkām al-Sultāniyyah*; and 'Abd al-Ḥamīd Mutawallī authored *Mabādī' Nizām al-Ḥukm fī al-Islām* (*The Principles of Government in Islam*). Surprisingly, Abū Yā'la al-Farrā (d.458/1066) authored a work that is very similar to that of Māwardī and even bears the identical title. This work, along with Zafir al-Qāsimi's *Nizām al-Ḥukm fī al-Sharī'ah wa al-Tārikh*, is considered a reputable work in this field. 'Abd al-Raḥmān Tāj, a prominent al-Azhar scholar, wrote *Al-Siyāsah al-Sharī'ah wa al-Fiqh al-Islāmī*, in which he spoke of *siyāsah sharī'ah* in the sense of implying flexibility and related it to *sadd al-darā'i'*. Wahbah al-Zuhaylī also does this in his *Al-Dharā'i' fī Siyāsah al-Sharī'ah wa al-Fiqh al-Islāmī*. A substantial number of works in this field remain unpublished, and a great deal of academic research is being carried out in terms of postgraduate academic studies and general studies.

Conclusion

This paper has maintained that the state, the seventh value of the Shari'ah, can be analysed through the "skeleton metaphor". As the *Shari'ah's* most important objective is to ensure the protection of benefit (*maṣlahah*) and prevent evil (*mafsadah*), both in this world and the hereafter, the author has included the state as an essential (*darūriyyāt*) value. This is because it keeps the six other ones (i.e., religion, life, intellect, lineage, wealth and honour) together and is a structure that guarantees their continued existence. This paper also stressed that its indispensability to the people's affairs is one of the *Shari'ah's* most important requirements and concluded that its collapse would cause all of the other essential values to be destroyed. Therefore, protecting the state becomes the most critical value of the Shari'ah because it protects all of the other values.

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