

Course syllabus

Subject: Objectives of Islamic Law

Study program: Islamic Studies

Number of ECTS credits: 4

Course status: Elective

Course code: 412

Hour fund: 2 + 0

Academic year: 2021/2022

Semesters: VIII

Professor: Dr. Valon Myrta, tel: 045980084, e-mail: valonmyrta@hotmail.com

Short course description

This course will give an introductory overview of the Objectives of Sharia, from the origin of the idea and its theoretical development, to the current reality of the independence of this field as a science in itself, separated from Usuli.

It will also present a comprehensive picture of the importance of thought based on a methodological intent to rationalize contemporary ijtiḥād and reduce the circle of disagreement among scholars of Islamic law on partial issues of fiqh. The course sheds light on the historical stages of the purpose of Sharia and explores the impact of intellectual, social and political developments of Muslim peoples in the development of this field.

We will learn about the theory, practice, history and leading figures in this field, as well as methods of objective discovery, investigating the possibility of benefiting from research methods in contemporary social sciences to discover objectives and verify their fulfillment.

The main topics of Al-Mekasid science will be examined, from the origin of the idea of legal intent to the role of objectives in the contemporary fatwa and the challenges of this new spirit of law in the modern world.

Topics in this course include definitions, methods of discovery and processes of developing the objectives of Sharia, from the presentation of the idea to the present day, as well as the relationship of this field with other sciences by addressing the similarities and differences between them, and in particular we focus in the ratio of purpose to means in terms of variability.

Course Aims

- Equipping students with basic knowledge on the purposes of Sharia. The student will explore the concept, origin and stages of development, its structure, the relationship it maintains with other sciences and the different worldviews that resemble it.
 - Developing skills to analyze the reasons for the increased interest in the objectives of Sharia in contemporary Islamic thought.
 - Advancing the critical sense in terms of evaluating arguments based on relevant facts from Islamic sources. Because the development of legal thought is an unstoppable issue, it requires the attention of each generation to achieve the soundest possible knowledge.
 - The ability to write essays or to discuss various topics in the field of Fiqh and Usul in a pure style of reasoning, persuasive in expression and writing.
 - Familiarity of the student with the methods of discovering the objectives of Sharia and their connection with the methods of research in contemporary social sciences, as well as familiarity with the ways of verifying how the objectives have been achieved.
- Recognizing the importance of the objectives of Shari'a in contemporary ijthad thought.
- Analyzing and criticizing the relationship of the goal with its tools in terms of sustainability and change.

Expected learning outcomes:

Upon completion of the course, students will be able to:

- Demonstrate an understanding of the main topics of Sharia Objectives;
- Describe the development processes, methods of discovering objectives and perspectives;
- Identify the characteristics of the field, prominent figures and personalities, as well as the impact that the field has on other disciplines.
- Compare between different thoughts which they study during the course.
- Discuss the topics of the field based on their arguments, reaching the clearest and most objective conclusions.
- Defend the attitudes of Sharia intentionality, as conceived by the founders.
- Present critical thinking on each topic debated by scholars in the field, concluding with conclusions with sounder arguments.
- Apply the acquired knowledge in their religious and social relation.

Teaching methodology:

The lesson will take place in the form of lectures, through the projector, which helps students to understand even more clearly the lecture, stimulating them in interactive discussions, asking questions and analyzing within the lecture. Various seminars and essays will also be held, which will be presented individually but also in groups, and self-assessment tests. Students also have the opportunity to contact the professor during the preparation of the course and receive instructions in order to achieve the best quality and results.

Table of contents:

Week 1: Introduction, Introduction to syllabus, methods, organization and general considerations: Purpose as a whole human phenomenon, not just divine.

Week 2: What do the "objectives of Sharia" mean? Is this term different from similar ones?

Interactive conversation, comparing these concepts with each other. Literature: Ahmed Ar-Rejsuni, Objectives of Islamic Law, (pp. 25-45).

Valon Myrta, Conceptual Introduction to the Purposes of Sharia, Bulletin.

Week 3: Historical Development of Shari'a Objectives: The Notion Before Shatibi.

Discussion about the need for shariah objectives.

Literature: Ahmed Ar-Raisuni, Objectives of Islamic Law, (pp. 49-98)

Jasir Avde, Intentions of Sharia as the Philosophy of Islamic Law, (pp. 30-63).

Week 4: Analysis of Shari'ah based on ta'lil and teabbud

Proposal of seminar topics.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 191 & 279-351).

Week 5: Categorization of objectives.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 193-228).

Week 6: Ways to Discover the Objectives of Sharia.

Debate: the benefit of research methods in the social sciences.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp.228-230 & 409-428).

Intermediate tests.

Week 7: Identifying interests through human reason.

Analysis of test results held.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 353-408).

Week 8: Integration of deductive and inductive legal approaches.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 429-438).

T. Ramadan, Radical Reform, (pp. 190-230).

Week 9: Innovative Aspects in Shatibi's Theory on the Objectives of Shari'ah.

Debate about different views on the topic.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 466-486).

Week 10: Approaches to ijtiḥad based on the objectives of sharia.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 504-539).

Week 11: Objectives and Prerequisites of Ijtiḥad.

Conversation about ijtiḥad.

Literature: A. Ar-Rejsuni, Objectives of Islamic law, (pp. 487-504).

Week 12: Relation of goal to its means: sustainability and change.

Repetition from previous hours.

Literature: Valon Myrta, Unpublished work.

Week 13: "Objectives of Sharia" as a field independent of Usuli: Analysis

Literature: Valon Myrta, Unpublished work.

Week 14: The Relationship between the Objectives of Shari'a and the Fields of Islam.

Review of seminar papers.

Literature: Valon Myrta, Unpublished work.

Week 15: Positives and Criticisms About the Objectives of Sharia.

Literature: Valon Myrta, Unpublished work.

Final exam.

Evaluation criteria and components:

Participation and engagement in the lecture 10%

Seminar paper 20%

Intermediate tests 30%

Final exam 40%

Total 100%

Mandatory literature

1. Ahmed Ar-Reysuni, Objectives of Islamic Law. Bujar Hoxha (trans.), Skopje: Logos-A, 2015.
2. Jasir Avde, Jasir Avde, The Intentions of Sharia as the Philosophy of Islamic Law. Shaban Sulejmani (trans.), Skopje, 2015.

Consultative literature:

1. Esh-Shatibi. *El-Muvafekatë*. Abdullah Deraz (red.), Beirut: Darul-kutubil-ilmijje.
2. Muhamedtahir bin Ashurë. *Mekasidush-Sheria*. Muhamed El Misavi (redakt.).
3. Ismail El Haseni. *Nadharijetul Mekasid inde Muhamedtahir bin Ashurë*. Washington: El Ma'hedul Alemlil fikril Islami, b.1, 1995.
4. Numan Xhugajm, *El-Muharrer fi mekasidish-sheria*, Amman: Darun-nefais, 2019.