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Ṭāhā ʿAbd al-Raḥmān's Philosophical Contribution to Theorize Ethical *Maqāṣid*

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Abstract

The ethical values of *maqāṣid* have been buried by the *ḥarfiyyah*-linguistic approach (*taʿlīlī-bayānī*). The ethical paradigm of *maqāṣid* must be constructed to balance the *taʿlīlī-bayānī* approach. This paper examines the philosophy of Ṭāhā ʿAbd al-Raḥmān in theorizing ethical *maqāṣid*. This paper focuses on two aspects. First, how does ʿAbd al-Raḥmān theorize the ethical *maqāṣid*? Second, how does ʿAbd al-Raḥmān conceptualize the relationship between Islamic law and ethics? This article is a literary research referring to some important books of ʿAbd al-Raḥmān. Using a moral philosophy approach, the writer concludes: first, ʿAbd al-Raḥmān's ethical theorization of *maqāṣid* is a synthesis between ethics and *uṣūl al-fiqh*. This synthesis outlines the new pillars of *maqāṣid*. ʿAbd al-Raḥmān theoretically shifted legal reasoning from *al-taʿlīl al-sababī* (attribute causality) to *al-taʿlīl al-ghāʾi* (*maṣlaḥah* causality). According to him, the only rationalization of Islamic law is *maṣlaḥah*, that is *khuluq* (ethics). Based on that premise, ʿAbd al-Raḥmān asserts that moderation is the accommodation of legal and ethical aspects of Islamic law. This paper recommends the importance of a moral philosophy approach to Islamic law. This approach is an effort to ground the *maqāṣid* in many legal cases loaded with morality.

Keywords: ethic; ethical *maqāṣid*; *maqāṣid*; philosophical contribution

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Nilai etik *maqāṣid* telah terkubur oleh pendekatan yang bersifat harfiyah dan kebahasaan (*taʿlīlī-bayānī*). Paradigma etik *maqāṣid* harus dikonstruksikan untuk mengimbangi dominasi pendekatan *taʿlīlī-bayānī*. Tulisan ini mengulik filsafat Ṭāhā ʿAbd al-Raḥmān tentang teorisasi etik *maqāṣid*. Tulisan ini fokus terhadap dua hal. Pertama, bagaimana ʿAbd al-Raḥmān menteorisasikan etik *maqāṣid*? Kedua, bagaimana ʿAbd al-Raḥmān meng-konseptualisasikan hubungan antara etika dan hukum Islam? Artikel ini merupakan riset literatur ini merujuk pada beberapa buku penting ʿAbd al-Raḥmān. Dengan pendekatan Filsafat Moral, tulisan ini menyimpulkan bahwa teorisasi etik filsafat ʿAbd al-Raḥmān adalah bentuk sintesis antara pendekatan filsafat etika dengan *uṣūl al-fiqh*. Sintesa ini mengusulkan pilar-pilar baru *maqāṣid*. ʿAbd al-Raḥmān menggeser penalaran hukum dari *al-taʿlīl al-sababī* ke *al-taʿlīl al-ghāʾi* yang intinya adalah kemaslahatan. Menurutnya, satu-satunya rasionalisasi hukum Islam adalah *maṣlaḥah*, yakni *khuluq* (akhlaq/etik). Berdasar premis ini ʿAbd al-Raḥmān menegaskan bahwa moderasi adalah akomodasi terhadap aspek legal dan aspek etik sekaligus. Tulisan ini merekomendasikan pentingnya kajian hukum Islam berperspektif filsafat moral sebagai upaya membumikan maslahat dalam kasus-kasus hukum sarat dengan moralitas.

Kata Kunci: etik; etik *maqāṣid*; *maqāṣid*; kontribusi filosofis

Introduction

Elaboration of *maqāṣid* on a universal value become a contemporary need.[1] The universal value of *maqāṣid* such as justice, welfare, tolerance and others, could be a premise for the reasoning of Islamic law. According to Abou el Fadl, all that is moral, ethical, good and trustworthy is the Divine representation. Therefore, the presence of the Divine as an objective reality means the existence of ethical values such as justice and goodness as objective realities.[2] From Islamic legal philosophy's perspective, al-Ṭūfī asserts that the sources of law are representations of the public interest.[3] Law emphasizes ethical values and the context of application rather than mere epistemology. al-Qarāḍawī articulated the vital position of ethics according to his understanding, affirming the importance of ethical values in a comprehensive understanding of Shariah.[4] According to Jasser Auda, *maqāṣid* should be a crucial methodological basis for Islamic ethics. Thus, the *maqāṣid* approach elevates juridical decisions and policies to a higher philosophical level.[5]

But, the ethical values of *maqāṣid* have been buried by the *ḥarfiyyah*-linguistic approach (*taʾlīlī-bayānī*). Islamic legal reasoning, following its early development era, is still influenced by the mindset of the principle of causality. Implications of the expression or term used text/*naṣṣ* does not include a purpose implication (*dilālah al-maqāṣid*). It demands a methodological reconstruction based on interest and the purpose of justice. Jhering, as quoted by Abdullah, called for a change from the 'mechanical law of causality' to law of

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[1] M. Noor Harisudin and Muhammad Choriri, "On the Legal Sanction against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid al-Shariah Perspective," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 1 (2021): 471–95, https://doi.org/10.22373/sjhk.v5i1.9159.

[2] Khaled Abou el Fadl, "Qurʾanic Ethics and Islamic Law," *Journal of Islamic Ethics* 1, no. 1–2 (2017): 7–28, https://doi.org/10.1163/24685542-12340002.

[3] Azmat Hayat, Muhammad Shafiai, and Muhammad Hakimi, "The Nature of Public Interest in Muslim and Non-Muslim Writers," *MPRA - Munich Personal RePEc Archive*, 2019, https://mpra.ub.uni-muenchen.de/94153/.

[4] Adis Duderija, ed., *Maqasid al-Shariʿa and Contemporary Reformist Muslim Thought: An Examination* (London: Palgrave Macmillan, 2014), https://doi.org/10.1057/9781137319418.

[5] Jasser Auda, "A Maqāṣid - Based Approach for New Independent Legal Reasoning (Ijtihād)," in *Islamic Perspectives on the Principles of Biomedical Ethics*, 2016, 69–87, https://doi.org/10.1142/9781786340481_0003.

purpose’.[6] On the other hand, *dilālah maqṣid* has the potential to develop and contextualize *maqāṣid* in line with contemporary need.

It is necessary to extend the elaboration of *maqāṣid* as a universal value of humanity to respond to humanity’s problems such as gender inequality, unequal welfare distribution, and intolerant practices. The *maqāṣid* as an ethical value of humanity need to be constructed in theoritical form to balance the normative approach of *maqāṣid*.

For that purpose, this paper examines the philosophy of Ṭāhā ‘Abd al-Raḥmān in theorizing ethical *maqāṣid*. ‘Abd al-Raḥmān is a Moroccan philosopher committed to studying Islamic ethics. Not many writings have elaborate on ‘Abd al-Raḥmān’s philosophy for developing Islamic law and ethics. The elaboration of Abdurahman’s thought is classified into: first, his idea of the paradigm of trusteeship and its relation to the foundations of Islamic ethics;[7] second, ‘Abd al-Raḥmān’s opposition to Western ethical concepts;[8] third, the application of ‘Abd al-Raḥmān’s ethical thought in certain fields.[9]

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[6] M. Amin Abdullah, “Bangunan Baru Epistemologi Keilmuan Studi Hukum Islam dalam Merespon Globalisasi,” *Asy-Syir’ah: Jurnal Ilmu Syari’ah dan Hukum* 46, no. 2 (2012): 315–68, https://doi.org/10.14421/ajish.v46i2.42.

[7] Mohammed Hashas and Mutaz al-Khatib, eds., *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives* (Netherlands: Brill, 2020), https://doi.org/10.1163/9789004438354; Ahmad Farid Saifuddin and Boma Panji Astha Tulung, “al-’Aql wa ’Alaqatuhu bi al-Din inda Thoha Abdurrahman,” *Tasfiyah: Jurnal Pemikiran Islam* 5, no. 1 (2021): 137–64, https://doi.org/10.21111/tasfiyah.v5i1.5693; Muhammad Iqbal, “Konsep I’timaniya dalam Pandangan Taha Abdurrahman,” *Jurnal Yaqzhan: Analisis Filsafat, Agama dan Kemanusiaan* 9, no. 1 (2023): 55–72, https://doi.org/10.24235/jy.v9i1.12891.

[8] Fadi Zatari, “Entrustment Ethics and Secularism: Taha Abdurrahman’s Perspective,” *Darulfunun Ilahiyat* 33, no. 1 (2022): 303–10, https://doi.org/10.26650/di.2022.33.1.1077851; Nurul Ihsannudin, “Hadis Akhlak dan Filsafat Etika Taha Abdurrahman: Kritik Modernitas dan Tawaran Alternatif,” *Refleksi Jurnal Filsafat dan Pemikiran Islam* 23, no. 1 (2023): 28–52, https://doi.org/10.14421/ref.v23i1.3968; Ramon Harvey, “Qur’anic Values and Modernity in Contemporary Islamic Ethics,” in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives*, ed. Mohammed Hashas and Mutaz al-Khatib (Netherlands: Brill, 2020), 150–69, https://doi.org/10.1163/9789004438354_009.

[9] Mohammed Hashas, “Taha Abderrahman’s Trusteeship Paradigm: Spiritual Modernity and the Islamic Contribution to the Formation of a Renewed Universal Civilization of Ethos,” *Oriente Moderno* 95, no. 1–2 (2015): 67–105, https://doi.org/10.1163/22138617-12340077; Mohamed Amine Brahimi, “The Trusteeship Paradigm in the Social Sciences,” in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives*, ed. Mohammed Hashas and Mutaz al-Khatib (Netherlands: Brill, 2020), 218–31, https://doi.org/10.1163/9789004438354_012; Amin el-Yousfi, “The Anthropology of Islam in Light of the Trusteeship Paradigm,” in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane’s Philosophy in Comparative Perspectives*, ed.

This paper continues and deepens Ebrahim Moosa's writing, "On Reading Shatibi in Rabat and Tunis".[10] Ebrahim Moosa's writings compare 'Abd al-Raḥmān (Moroccan philosopher) and Abu Ya'rab al-Marzūqī (Tunisian philosopher) in re-reading al-Shatibi's thought. Both assess the importance of innovation and creativity and the social context in understanding al-Shatibi's *maqāṣid*. Al-Marzūqī criticized the dominance of the hermeneutical tradition. This tradition is considered to override morality as a God's purpose approach.

In comparison, 'Abd al-Raḥmān saw methodological intervention's importance in securing ethical substance in Islamic law. Unlike Moosa's comparative writings, this paper focuses on 'Abd al-Raḥmān's ideas about the relationship of Islamic law and ethics. For this reason, this paper will deepen two aspects: first, How does 'Abd al-Raḥmān theorize the ethical *maqāṣid*? Second, how does 'Abd al-Raḥmān conceptualize the relationship between Islamic law and ethics?

This library research uses documentation techniques to collect data. The documentation refers to 'Abd al-Raḥmān's work, among them are *Su`āl al-Akhlāq: Musāhamah fī al-Naqdi al-Akhlāqi li al-Ḥadāthah al-Gharbiyyah*,[11] *Tajdīd al-Manhaj fī Taqwīm al-Turāth*,[12] *Mashrū' Tajdīd al-'Ilmi li Mabḥath Maqāṣid al-Sharī'ah"*.[13] While the secondary source is another work that discusses 'Abd al-Raḥmān's thought in the same topic. Moral philosophy would be an approach to answer the research question.

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Mohammed Hashas and Mutaz al-Khatib (Netherlands: Brill, 2020), 197–217, https://doi.org/10.1163/9789004438354_011; Muhammad Rizky HK., "Membaca Pemikiran Taha Abdurrahman tentang Etika Politik Islam," *Politea: Jurnal Politik Islam* 3, no. 2 (2020): 273–86, https://doi.org/10.20414/politea.v3i2.2339; Abdessamad Belhaj, ""The Fall of the Western Family' Ṭāhā 'Abd al-Raḥmān's Critical Islamic Ethics," *ReOrient* 4, no. 1 (2018): 24–43, https://doi.org/10.13169/reorient.4.1.0024; Eva Kepplinger, "Taha Abderrahmane and Abū Isḥāq al-Shāṭibī," in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, ed. Mohammed Hashas and Mutaz al-Khatib (Netherlands: Brill, 2020), 62–77, https://doi.org/10.1163/9789004438354_005.

[10] Ebrahim Moosa, "On Reading Shatibi in Rabat and Tunis," *The Muslim World Journal* 104 (2014): 451–464.; Duderija, *Maqasid al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*.

[11] Ṭāhā 'Abd. al-Raḥmān, *Su`āl al-Akhlāq: Musāhamah fī al-Naqdi al-Akhlāqi li al-Ḥadāthah al-Gharbiyyah* (Maghrib: al-Markaz al-Thaqāfī al-'Arabī, 2000).

[12] Ṭāhā 'Abd. al-Raḥmān, *Tajdīd al-Manhaj fī Taqwīm al-Turāth* (Beirut: al-Markaz al-Thaqāfī al-'Arabī, 1993).

[13] Ṭāhā 'Abd. al-Raḥmān, "Mashrū' Tajdīd 'Ilmi li Mabḥath Maqāṣid al-Sharī'ah," al-Muslim al-Mu'aṣhir, 2002, https://almuslimalmuaser.org/2002/03/01/-مشروع-تجديد-علميٍ-مبحث-مقاصد-الشريعة/أبحاث/.

Ṭāhā ʻAbd al-Raḥmān Biographical Sketch

Ṭāhā ʻAbd al-Raḥmān was born in 1944 in the coastal city of El-Jadida, Morocco. His father was a "*faqīh*," and a religious teacher. He received his primary religious education through his father. He earned a Baccalaureate in Sciences degree in Casablanca. After that, he enrolled in the Department of Philosophy at Mohammed V University in Rabat. In this high school, he received his BA. After that ʻAbd al-Raḥmān pursued a doctorate at the Sorbonne in 1972 with the research title *An Assay on Linguistic Structures of Ontology*, and a Ph.D. (Doctorat D'État) in 1985, *An Essay on the Logic of Argumentative and Natural Reasoning*. ʻAbd al-Raḥmān studied language, logic, and philosophy. In the 1970s, ʻAbd al-Raḥmān became a lecturer at Rabat University with an academic position as a professor in 2005. At the College where he taught, ʻAbd al-Raḥmān introduced the study of modern logic. In addition to Arabic, he has an excellent command of French, and he also learns English, German, Latin, and ancient Greece for direct access to philosophical works. He began publishing in Arabic in 1985.[14]

ʻAbd al-Raḥmān joined the university after two formidable scholars in academic publications, namely Abdellah Laroui (born 1933) and Mohammed Abed al-Jabiri (1935–2010). He developed his philosophical project against the background of the events of 1967. His philosophical thought was also intended to contend with these two scholars. As a young professor at the university, ʻAbd al-Raḥmān had a critical inclination coupled with his religious and philosophical study orientation. His thinking proved less attractive in a context dominated by Marxists and neo-Marxists.[15]

Among ʻAbd al-Raḥmān works are: *Fī Uṣūl al-Ḥiwār wa Tajdīd ʻIlm al-Kalām, Tajdīd al-Manhaj fī Taqwīm al-Turāth, Suʼāl al-Akhlāq: Musāhamah fi Naqd al-Akhlāq li al-Ḥadāthah al-Gharbiyah, Rūḥ al-Ḥadāthah: al-Madkhal ilā Taʼsīs al-Ḥadāthah al-Islāmiyyah*, and *Rūḥ al-Dīn min Ḍayyiq al-ʻAlmaniyyah ilā Saʼat al-Iʼtimāniyyah*. The message of his various works is a critique of the

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[14] Mohammed Hashas, "The Trusteeship Paradigm: The Formation and Reception of a Philosophy," in *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*, ed. Mohammed Hashas and Mutaz al-Khatib (Netherlands: Brill, 2020), 37–61, https://doi.org/10.1163/9789004438354_004.

[15] Hashas.

domination of Western modernity. The keywords of his criticism are religion, ethics (morals), and rationality.[16]

'Abd al-Raḥmān was not only critical of the West but also critical of internal Muslim traditions. His criticism of most classical Muslim philosophers for one main reason: they mainly stop at the achievements of Greek philosophy, and their reading of it is not innovative enough. He regarded Ibn Rushd, for example, only as an "imitator" of Aristotle. The future of Arab thought should, therefore, not be Averroest, as requested by al-Jabri and many other modern Arab scholars.[17] He was also critical of *fuqahā'*, both past and present. He argued that they had excavated Islamic law by marginalizing the moral and spiritual ethos. 'Abd al-Raḥmān is in the position of pulling the Rabat School of Philosophy, which aims to develop a productive-innovative, critical, and ethical philosophy.

Reason and Limitation of Reason

According to 'Abd al-Raḥmān, reason (*al-'aqlāniyyah*) is not the fundamental distinction between humans and animals. There must be another ultimate distinction. Reason alone does not guarantee that man will not fall into bestiality behavior. The reason is only a means to ethical ends. 'Abd al-Raḥmān divided reason into two: reason without moral (*al-'aqlāniyyah al-mujarradah min al-akhlāq*) and reason that stands with morals (*al-'aqlāniyyah al-musaddadah bi al-akhlāq*). The latter distinguishes man from animals. This reason is also called practical (*al-'aqlāniyyah al-'amaliyyah*), not theoretical (*al-'aqlāniyyah al-naẓariyyah*)—practical reason built on ethics foundation.[18]

In his study of logic, 'Abd al-Raḥmān developed a categorization of three levels of reason: "abstract reason" (*al-'aql-mujarrad*), "guided reason" (*al-'aql al-musaddad*), and "supported reason" (*al-'aql al-mu'ayyad*). Pure reason is an action like any other action, such as seeing, hearing, moving performed by the limbs. The abstract reason is a person's act to explain and justify the act based on specific evidence. Guided reason is a rational capacity that considers three

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[16] The classification of the themes of 'Abdurrahman's work can be seen at Belhaj, "'The Fall of the Western Family' Ṭāhā 'Abd al-Raḥmān's Critical Islamic Ethics," 29.

[17] Hashas and al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives,* 15.

[18] al-Raḥmān, *Su`āl al-Akhlāq: Musāhamah fī al-Naqdi al-Akhlāqi li al-Ḥadāthah al-Gharbiyyah.*

conditions in the activation process: it must comply with Sharia law, bring benefits and prevent harm, be practical and practiced, and not remain a mere thought or call to action.[19] As for the reasons supported, it explores the capacity to know the internal identity and meaning of something, action, or form.

Based on the preposition above, ʿAbd al-Raḥmān considers that human reason is one of the activities (act among acts; human reason is not an independent entity or essence). Western civilization, according to him, is built on theoretical reason. According to him, Western modernity has done the desacralization of the Holy. Surprisingly, Muslim philosophers and modern Muslim intellectuals follow this desacralization paradigm. As a result, they make oppositions between reason and revelation, religion and politics, individuals and society. ʿAbd al-Raḥmān views secularism (*dahraniyyah*) and materialism as the separation between religion and politics, a problem of Western history. He sees secularism more as a philosophical project that separates ethics from religion. The marginalization of religion for him is the result of secularism. Western ethical philosophers are driven only by human interest, relativism and have no central source or authority as a guideline. This ethic without religion has created the sadist man, the superman, the sovereign man, the Oedipus man, and the neurotic-obsessionist man. His references to ethical philosophy are the Marquis de Sade, Nietzsche, Georges Bataille, Sigmund Freud, and Jacques Lacan.[20]

ʿAbd al-Raḥmān acknowledges the significance of the Western philo-sophical contributions, which put a premium on ethics. Still, he *judges* them as inadequate and disproportionate regarding *the* massive and profound crises in the modern world. Secular philosophical ethics, he thinks, are less capable to fully addressing and dealing with the robust and psychological base that drives the human self.[21]

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[19] Ṭāhā ʾAbd. al-Raḥmān, *al-ʾAmal al-Dīn wa Tajdīd al-ʾAql* (Beirut: al-Markaz al-Thaqāfi al-ʾArabī, 1997), 67.

[20] Hashas and al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives.*

[21] Munir Birouk, "Taha Abderrahman's Moral and Spiritual Foundations of Dialogue," *Global Media Journal* 9, no. 2 (2016): 868–74.

In the context of a critique of Western ethics, 'Abd al-Raḥmān questioned the universality of reason and philosophy. In a global era with a predominance of one form of philosophy, universality must pass through local (i.e., geographical) and cultural filters. Philosophy, according to him, should be local first. Taking into account local needs and questions, the universal becomes clear. The claim to universality is a form of disregarding local traditions and approving hegemonic traditions supported by economic and military means. In the Arab context, he says, "We, the Arabs, want to be free in our philosophy."[22]

Ethic: The Essence of Islam

'Abd al-Raḥmān believed religion was an authoritative source of ethics. He constructs a syllogistical reason: no man without ethics, ethics without religion, and no man without religion. Ethics is the essence of man and humanity, without which he is not human, just as Greek philosophy defines man as a rational or political being. Ethics is the identity of man to seek good. For him, the core message of Islam is ethics. Reason is not a means to realize this elan vital. Philosophy and reasoning must make morality the center. Islam is a religion par excellence that fights for this value of priority for the welfare of humanity. He referred to it as the civilization of ethos.[23]

Furthermore, 'Abd al-Raḥmān divides the levels of ethics (like the categorization of reason above) into abstract, guided, and supported ethics. Abstract ethics is functional to man as a gift of God. Guided ethics is synonymous with religious law without considering the spirit of law which supported ethics aim at. Supported ethics is valuable for yourself and others, even the environment. This type of ethics demands a fusion between spiritual and practical aspects.

'Abd al-Raḥmān's critical thought on ethics is his categorization of *mabda' al-ījāb*, *mabda' al-takhyīr*, *mabda' al-tartīb,* and *mabda' al-ittisā'. Mabda' al-ījāb* is a principle of obligation, i.e. ethics in this stage is not optional. The principle of obligation is that it should not be abandoned because it will damage the individual and the pilgrims at once. Consequently, sanctions or *'iqāb* are

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[22] Hashas, "The Trusteeship Paradigm: The Formation and Reception of a Philosophy," 44.

[23] Iqbal, "Konsep I'timaniya dalam Pandangan Taha Abdurrahman," 59.

imposed on those who ignore. *Mabda' al-takhyīr* is the principle of reproduction. Ethics in this stage does not have only one form or one place. Ethics in this stage changes according to the changes in time, space, and the consequences it entails. 'Abd al-Raḥmān gives an example of intention. A person may have several intentions in one job, as a job has its factors according to place, time, and conditions. *Mabda' al-tartīb* is an ethics that is not limited in its scope. *Mabda' al-tartīb* is like a sincerity that has different degrees. *Mabda' al-ittisā'* is the principle of expansion. This principle teaches that ethics is inherent in every job. Ethical obligations must be fulfilled either in blatant or confidential conditions. The expansion of ethics regulates the relationship between vertically with God, horizontally with others, and man's relationship with animals, plants, and the environment.[24]

'Abd al-Raḥmān's Construction of Ethical *Maqāṣid*

'Abd al-Raḥmān used semiotic analysis for ethical construction. His analysis refers to the word "purpose" (*maqṣad*). First, the word "purpose" (*maqṣad*) means "result" (*maqṣūd*), as it says: "the result of a statement." Here 'Abd al-Raḥmān saw "result" as a necessary "action". Therefore moral knowledge must also deepen one's reflection on the theory of action. Second, "purpose" can also mean "intention" (*qaṣd al-qā'il* or *al-niyyah*). Intention points to emotional content. Without emotional or intentional content, a statement can be considered nonsense. For this, 'Abd al-Raḥmān said that moral theory must have a complicated theoretical exploration of intention so that the intention and sincerity of the moral agent, in other words, the normative aspect, can be subject to adjudication. Third, *maqṣad* can also mean *al-ghāyah* (desired "end"). *Maqṣad al-qawl* mean statements to be realized by the speaker. *Maqṣad al-qawl* refers to the statement value (*qīmah*). Therefore, if someone says the purpose of *sharī'ah* (*maqāṣid al-sharī'ah*), it could be the value of *sharī'ah*.[25]

From the reason above, according to 'Abd al-Raḥmān, the qualification of ethical action has three concepts: action (*al-'amal*), intention (*al-niyyah*), and value (*al-qīmah*). These 'Abd al-Raḥmān's three concepts are interrelated. Action correlates with intention, there can be no action without intention.

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24 al-Raḥmān, *Su'āl al-Akhlāq: Musāhamah fī al-Naqdi al-Akhlāqi li al-Ḥadāthah al-Gharbiyyah*, 81–83.

25 al-Raḥmān, "Mashrū' Tajdīd 'Ilmi li Mabḥath Maqāṣid al-Sharī'ah."

Intention correlates with value; there would be no intention without the presence of value. Value is the priority among these three concepts, followed by intention and action. Three concepts of Islamic ethics can be seen in Figure 1.

According to ʿAbd al-Raḥmān, ethics equals good action. Ethics that stop at the theoretical and abstract level are useless. Ethics are intended for this world, to be lived and practiced, not only preached or theorized. Ethics in the construction of ʿAbd al-Raḥmān is derived from the concept of *al-ʿaql al-musaddad* (guided reason). *Al-ʿaql al-musaddad* is *al-ʿaql al-mujarrad* (pure reason), which the Shari'ah actions have entered. Limiting reason with the *Sharīʿah* is not for restriction but so that reason can benefit the world and the hereafter.[26] *Al-ʿaql al-musaddad* is like an orientation to discover benefits and to avoid harm (*jalb al-maṣāliḥ wa dafʿ al-maḍarrah*). Then, reason in the logic of the *Sharīʿah* is *manāṭ al-ḥukm*.[27]

Figure 1
Three Concepts of Islamic Ethics

In ʿAbd al-Raḥmān's view, not every action become a part of *al-ʿaql al-musaddad*. *Al-ʿaql al-musaddad* has three qualifications. First, it must follow the *Sharīʿah* (*muwāfaqah li al-sharʿi*). Because not all orientation givers are worthy of being guided to reason. Revelation as the source of knowledge and the orientation of human life becomes the proper guidance of reason for action of *shāriʿi* value (*al-ʿamaliyyah al-shariʿiyyah*). The second is utility or acquisition of benefits (*ijtilāb al-manfaʿah*), namely with knowledge and practical knowledge

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26 Hashas and al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspectives*.

27 al-Raḥmān, "Mashrūʿ Tajdīd ʿIlmi li Mabḥath Maqāṣid al-Sharīʿah."

that makes the actor knows what is being done so that it can attract benefits and avoid *mafsadah*. The knowledge above is the knowledge of *sharī'ah* that does not marginalize *'amaliyyah*. Third, involvement in the act of *sharī'ah* (*dukhūl fī al-'ishtighāl al-shar'iyyah*) to realize good act. Three qualifications will increase the value of knowledge, expand achievements, and correct actions. The validity of rationality is determined by the practical experience, not just theoretical qualities.[28]

To establish rationality in the context of law, 'Abd al-Raḥmān shifted the legal reasoning from *al-ta'līl al-sababī* (causality) or *ta'līl al-awṣāf* to *al-ta'līl al-ghā'ī*. Seeing the moon (*shuhūd al-shahr*) is an essential factor in the start of fasting. *Al-Shāri'* (the lawmaker) made the nature of *shuhūd* the cause of the obligation of fasting. It is called *al-ta'līl al-sababī*. In this context of reasoning, laws, and statutes are determined by relating causation. But, legal reasoning with *al-ta'līl al-ghā'ī* is teleological. This reasoning is more based on legal wisdom. An example, in this case, is that the ability to break the fast (*ifṭār*) for the sick is to eliminate difficulties (*daf'u al-mashaqqah*) or for ease (*al-taysīr*). Convenience becomes a teleological causa (*illat ghā'iyah*), making breaking the fast legally permissible (*mubāḥ*). In this context, the law deduces from a meaningful value (*aḥkām qīmiyyah*) by associating the cause with the actor.[29]

'Abd al-Raḥmān affirms that Islamic law is *mu'allalah*. Islamic law contains certain benefits. The benefit according to 'Abd al-Raḥmān is *khuluq* (ethics). The word *al-maṣlaḥah* taken from the words *ṣalaḥa* and *ṣaluḥa* is principally intended as something meaningful that contains the goodness of *mukallaf*. It can be said simply that *maṣlaḥah* is the place of truth and goodness (*al-ṣalāḥ*). The various benefits of Islamic law are meaningful conditions that can realize human goodness. His main task is morality, because the essence of *al-ṣalāḥ* is the value of morality, but *al-ṣalāḥ* is the primary value of morality.[30]

The Relationship between Islamic Law and Ethics

'Abd al-Raḥmān takes the view that Islamic law has two faces: the face of law (*al-wajh al-qanūnī*) and the face of ethics (*al-wajh al-akhlāqī*). The face of

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[28] al-Raḥmān, *al-'Amal al-Dīn wa Tajdīd al-'Aql*.

[29] al-Raḥmān, *Tajdīd al-Manhaj fī Taqwīm al-Turāth*, 102.

[30] al-Raḥmān, *Tajdīd al-Manhaj fī Taqwīm al-Turāth*.

the ethics of Islamic law, as explained above, consists of three elements: value (*al-qīmah*), intentions (*al-niyyah*), and action (*al-fi'l*). This structure of Islamic legal ethics is different from secular ethics. The value aspect in Islamic law has a deep meaning because of its connection to the nature of human creation (*fiṭrah*). The intention is closely related to the concept of sincerity (*ikhlāṣ*) in Islamic teachings, and the action aspect strongly emphasized in the concept of *al-'amal*.[31]

Meanwhile the face of law (*al-wajh al-qanūnī*) is represented by three aspects also: legal aspect (*jihat al-ḥukm*), ratio legis (*'illat al-ḥukm*), legal action (*al-maḍmūn, al-maḥkūm' alayh*). *Jihat al-ḥukm* is the legal value included in *khiṭābullāh,* consisting of *ījāb, taḥrīm, ibāḥah,* and others. The aspect' *illat al-ḥukm* is the atribute (*al-waṣf*) on which *jihat al-ḥukm* is based and caused. *Al-Maḥkūm' alayh* is an act subject to law. According to 'Abd al-Raḥmān, this act is unoriented and abstract (*fi'l mujarrad min al-jihat*). Therefore 'Abd al-Raḥmān called the substance *al-maḥkūm alayh* with *al-qaḍiyyah,* which is different from *al-fi'l* concept.

Act in an ethical structure are substances that contain a purpose (*al-maḍmūn al-maqṣūd*) that qualifies *'amaliyyah* and refers to the time and events (*zamān al-ḥadath*). While the legal act (*al-fi'l al-qanūnī*) is *al-maḍmūn al-maḥkūm' alayh,* which refers to the effect of the action (*athar al-'amaliyyah*) or the result of certain events (*natījah al-ḥadath*). The comparison between the face of law and the face of ethics of Islamic law can be seen in Table 1.

Table 1
The Comparison between Law and Ethics

The Face of Ethics	The Face of Law
al-qīmah (value)	*Jihat al-ḥukm* (status of law)
al-niyyah (intention)	*al-'illat*
al-fi'l (action)	*al-qaḍiyyah*

According to 'Abd al-Raḥmān, the face of law is the outward determinant of Islamic law', while the face of ethics is an internal determinant. The

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[31] al-Raḥmān, "Mashrū' Tajdīd 'Ilmi li Mabḥath Maqāṣid al-Sharī'ah."

explanation, according to ʻAbd al-Raḥmān, is as follows:[32] 1) The value aspect (*al-qīmah*) on the face of ethics is equal to the *jihat al-ḥukm* on the face of the law. If *jihat al-ḥukm* is a parameter described under a particular attribute as the basis for the establishment of law, then the value is an implicit ethics criterion used in regulating legal judgment based on a particular attribute; 2) The aspect of intention in the face of morality is equal to the aspect of *ʻillat* in the face of the law. If *ʻillat* becomes ratio legis of the law existence, then the intention is the invisible impetus (*al-bāʻith al-khafiy*) for the realization of action; 3) The aspect of "act" (*al-fiʻl*) on the face of ethics is equal to *qadīyyah* on the face of the law. If the *qaḍiyyah* is an outward act granted legal status, then the act in the context of ethics is essentially a mental act.

According to ʻAbd al-Raḥmān, the importance of ethics (*akhlāq*) in Islam is no less than the importance of Islamic law (*fiqh*). Both exist on the same level (*martabah wāḥidah*). In essence, legal acts are acts of moral value (*fiʻl khuluqī*). The purpose of the law is the moral goal (*akhlāq*), that is, the realization of humanity by way of servitude to Allah (*al-ʻubūdiyyah lillāh*). On the contrary, asserted ʻAbd al-Raḥmān, moral actions are essentially legal acts, whether they explicitly contain *dalīl* (evidence) or not. In conclusion, in one action, the outward side is the law aspect, and the inner side is ethics.[33]

An external and internal action (*ẓāhir wa bāṭin*) sides can be distinguished but not separated. The necessity of two sides of action shows that Islamic law is built on the principle of moderation (*wasaṭiyyah*). According to ʻAbd al-Raḥmān, moderation of *Shariʻah (al-wasaṭiyyah al-sharʻiyyah)* can only be manifested by balancing legal and ethical demands. The attachment of these two faces (legal and moral) becomes the value and purpose of law in Islam. Moderation in this context, according to ʻAbd al-Raḥmān cannot be enforced unless two things are conducted simultaneously: first, it provides a legal foundation with morality (*taʻsīs al-qanūn ʻalā al-akhlāq*), meaning that there is no legal consideration without a basis of moral values. Second, strengthening morality with the law (*tashdīd al-akhlāq bi al-qanūn*). No action should be considered moral without legal orientation or causa legis (*ʻillat*). Therefore, according to ʻAbd al-Raḥmān, moderation in this context is a broad structure

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[32] al-Raḥmān.

[33] al-Raḥmān.

with four pillars (*rukn*): intention, act, value, and *'illat*. There is no act without intention, no action without legal orientation (*jihat*), no legal orientation without *'illat*, and no *'illat* without value (*lā fi'la bi ghyr niyyah, wa lā fi'la bi ghayr jihah, wa la jihah bi ghayr 'illah, wa la 'illah bi ghayr qīmah*).[34]

'Abd al-Raḥmān's Contribution of Ethical *Maqāṣid* Theorization

'Abd al-Raḥmān has a philosophical background that greatly influences his paradigm and his mode of thinking. Philosophy has become the umbrella under which 'Abd al-Raḥmān's understanding of Islamic law is produced. The philosophical (ethical) approach aims to improve the "moral knowledge" of Islamic law. For this reason, 'Abd al-Raḥmān tried to examine continuously the assumptions and methods of Islamic law. The ethical theorization of *maqāṣid* is 'Abd al-Raḥmān's new way of reading *maqāṣid* treasures methodologically.

Abdurrahman's new way of reading the *maqāṣid* treasures from an ethical point of view can not separate from his paradigm in understanding the core of religion, the nature of humanity, and the moral decadence of contemporary life. The core message of religion is morality as the purpose of the Prophet (peace be upon him) to perfect noble ethic. On the other hand, the essence of humanity is ethic (*khuluq*), not reason (*'aqlāniyyah*). Ethic or *khuluq* is a primary characteristic of humanity (*ḍarūriyyah*). According to him, rationality as an ideology of modernity has marginalized ethics and will slowly lead to human tragedy.

The ethical theorization of 'Abd al-Raḥmān's *maqāṣid* begins with redefining *maqāṣid* from an ethical perspective. The word *maqāṣid* or *maqṣad* based on his study, can mean "act" (the sense of outcome, *maqṣūd*), intention (*al-niyyah*), and value (*al-qīmah*). These three meanings become the foundation of ethical *maqāṣid*. According to 'Abd al-Raḥmān, the ethical theorization of *maqāṣid* demands a profound elaboration of these three pillars of ethics. The three pillars of *maqāṣid* (value, intention, act) are relevant to ethical action in moral philosophy (ethics). Moral philosophy states that the fundamental purpose of human action is value. Value is the abstract quality that underlies action. Values can vary according to the type of action. According

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[34] al-Raḥmān.

to the perspective of moral philosophy, goodness and truth are the central values. In addition, other values deserve to be fought for, such as the value of happiness, honor, wisdom, and brotherhood.[35]

Furthermore, *niyyah* (intention) is related to legal aspects and ethics. The state of the agent determines the act. Acts outside of consciousness or not based on specific values cannot qualify as moral acts. Therefore, the Muʿtazilite school of theology requires that the actor be *kāmil al-ʿaql*. *Kāmil al-ʿaql* is perfect in reason; there is intention, awareness, and purpose. Therefore, the actions of people who are insane or in a sleeping state cannot be held morally accountable.[36]

Meanwhile, action has ethical qualifications that, according to the Muʿtazilites, are strengthened by legal aspects. The obligation value for a particular act assumes that the act is morally good. The Muʿtazilite School speaks of it as *wujūb al-fiʿl yataḍamman ḥusnahu* (obligatory act pointing to his goodness).[37]

Values, intentions, and actions are three inseparable pillars. These three form the basis of the discourse of Islamic ethics. These three pillars in the legal context are perfected with the 4th pillar, namely *ʿillat*. *ʿIllat* is like ʿAbd al-Raḥmān's belief that Islamic law is *muʿallalah* which is determined by values and intention, as mentioned earlier.

In the above context, ʿAbd al-Raḥmān has shifted the *maqāṣid* paradigm from a normative approach to an ethical one. *Maṣlaḥah* for ʿAbd al-Raḥmān is not the goal but the model of right/good action (*maslak/masālik*). Abd al-Rahman pursued the *maqāṣid* on the question of the right action. He says serving God can only be done with the proper conduct. Seeking knowledge of the moral purpose of the law asserts ʿAbd al-Raḥmān, is seeking knowledge of truth/virtue. *ʿIllat* is about the moral purpose of the law. The moral purpose of the law is *al-ṣalāḥ*. *Al-ṣalāḥ* is the primary value of *maqāṣid*, which can mean

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[35] M. Nuryono Prabowo and Albar Adetary Hasibuan, *Pengantar Studi Etika Kontemporer: Teoritis dan Terapan* (Malang: UB Press, 2017).

[36] Mariam al-Attar, "Meta-Ethics: A Quest for an Epistemological Basis of Morality in Classical Islamic Thought," *Journal of Islamic Ethics* 1, no. 1–2 (2017): 29–50, https://doi.org/10.1163/24685542-12340003.

[37] Mariam al-Attar, *Islamic Ethics: Divine Command Theory in Arabo-Islamic Thought* (London: Routledge, 2010), 103.

goodness (the good or *al-khayr*) and happiness (happiness or *al-sa'ādah*). Only the concept of righteousness (*al-ṣalāḥ*) goes beyond the meaning of goodness because the first term is always related to behavior.

The above explanation confirms that *maqāṣid* can be interpreted as the theory of morality whose material object is the truth of action (proper conduct). ʿAbd al-Raḥmān said *'ilm al-maqāṣid' ilm akhlāqi mawdu'uh al-ṣalāḥ al-insāni* (*maqāṣid* is the knowledge of Morals whose material object is the benefit of humanity). ʿAbd al-Raḥmān expressly defined *maqāṣid* as a theoretical moral of knowledge (ethics in the language of philosophy) that examines human benefit from the point of morality values.

The above explanation shows ʿAbd al-Raḥmān's genuine contribution to the ethical discourse of *maqāṣid*. He did not merely elaborate and develop *maqāṣid* into ethical values but intended to theorize ethically. His theorization in this field goes into what is called a normative theory. The normative theory elaborates on ethical statements derived from religious values and messages. Isn't religion the entity with the most right to speak out loudly on ethics? At the same time, it is a counter to those who separate between religion and ethics, Islamic law and ethics.

Unity of Islamic Law and Ethics

Based on the idea of ʿAbd al-Raḥmān above, Islamic Law is Islamic ethics. Among the reasons, Islamic law deals with the behavior of Muslims. Such behavior can be judged as ethically good or bad. Islamic law is a by-product, which is the process of determining which behavior is considered religious or ethical and which is not; What are the sources and arguments, and what are the consequences? Islamic law is not "legislation" in the positive sense but "understanding" as the linguistic meaning of *al-fiqh* (Islamic law). Islamic law is the practical knowledge of *sharīʿah* law extracted from detailed *dalīl*. The object of Islamic law is acts and behavior. An act is a practical manifestation of the intentions and values espoused by the actor. Integration of value, intention, and act is the meaning of ʿAbd al-Raḥmān's statement that ethics in Islam is not merely theoretical, just as Islamic law is not merely an act and behavioral.

Islamic law contains not only legal aspects (*al-wajh al-qanūnī*) but also aspects of morality (*al-wajh al-akhlāqī*). Legal and moral aspects are inseparable from Islamic law. As the source of Islamic law, the al-Qur'ān is

never called a book of law by Muslim scholars but a book of instructions (*hudan*) that contains moral and law principles. Therefore, Islamic law, which derives from God's revelation to regulate human life, automatically contains a principle of ethics.[38]

Therefore *uṣūl al-fiqh* is equal to the epistemology of Islamic ethics. In this context, the epistemology of Islamic ethics is represented by *maqāṣid* theory. *Maqāṣid* needs to be shifted from a mere legal paradigm to a paradigm of ethics. Moving closer to Islamic law to ethics requires an ethical theorization of *maqāṣid*. The ethical theorization of *maqāṣid* is expected to be a methodological leap to respond to contemporary humanitarian issues that are both local and universal. Islam as a religion is undoubtedly believed to be universal and perfect. But, the methodological aspect to reveal the perfection of Islam needs to be continuously developed because Islam cannot be separated from its interaction with the changing context.

The discourse on the unity of Islamic law and ethics attempts to reconnect Islamic law with other branches of Islamic knowledge (*tawḥīd*, morals, and Sufism). In historical development, knowledge differentiation occurred after the massive classification of Islamic knowledge. Islamic law became identical to the rule of law, which is purely practical. As a result, Islamic law is less in touch with ethics. Fazlur Rahman asserts that the inorganic relationship between Islamic law and morality is due to the "sinking" of ethics. It became a significant problem in Islamic history.[39]

The reason behind the "sinking" of ethics is the development of the theological principle that the determination of good and evil is the authority of God alone (*jabbariyyah*). In this theological discourse, good and evil are based solely on the *sharī'ah*'s commandments without considering the act's nature and context. Good and evil become God's exclusive domain. The concentration of Islamic law became limited to God's commandments, obligations and obedience.[40]

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[38] Abdullah Saeed, *The Qur'an: An Introduction* (London: Routledge, 2008).

[39] Abid Rohmanu, *Reinterpretasi Jihad: Relasi Fikih dan Akhlak* (Ponorogo: STAIN Po. Press, 2012).

[40] Rohmanu.

Here is the crucial point of 'Abd al-Raḥmān's ideas in establishing the interdependence of Islamic law and ethics. Ethics (*akhlāq* and *taṣawwuf*) should not be separated from Islamic law; it becomes the foundation and pillar of Islamic law. Islamic law regulates religious, social, political and economic institutions, but it should not be forgotten that such regulations must be based on ethical values. This prophetic ethical value is extracted from the prophetic statemen, "*Innamā bu'ithtu li utammima makārim al-akhlāq* (I was only sent to perfect excellence moral character)." *Makārim al-akhlāq* definitely is not at the *taḥsinī* (complementary) level, but *ḍarūrī* (necessary).[41]

Makārim al-akhlāq is universal. *Makārim al-akhlāq* is supported ethics. Supported ethics fuses spiritual teachings with practices and benefits the whole world (*raḥmah li al-ʿālamīn*).[42] It is why Islamic ethics is universal. It aligns with normative ethical judgments: knowledge of good and evil, necessary ethical knowledge, human autonomy, responsibility, purposefulness, will (*al-irādah*), universality, impartiality, objectivity, and rationality. What is interesting about the terms and conditions is purposefulness with a universal, impartial, objective, and rational value scope orientation. In the ethical theory of the Mu'tazilites, the value of morality must be transferred across cultures, ideologies, and civilizational boundaries. That means that moral values that are not cross-cultural, ideological, and civilizational moral values are not actual moral values. Transferable moral values may not meet some of the requirements of universality, impartiality, rationality, and objectivity.[43]

Conclusion

From the above discussion, it can be concluded the following points: first, 'Abd al-Raḥmān's ethical theorization of *maqāṣid* is a synthesis between ethics and the logic of Islamic law. This synthesis outlines the new pillars of *maqāṣid*, which include: values (*al-qīmah*), intentions (*al-niyyah*), causa legis (*'illat*), and actions (*al-fiʻl*). Ethical *maqāṣid* should discuss in depth these four pillars of the philosophical approach. This paper also confirms that the ethical theorization

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[41] Rizky HK., "Membaca Pemikiran Taha Abdurrahman tentang Etika Politik Islam."

[42] Hashas and al-Khatib, *Islamic Ethics and the Trusteeship Paradigm: Taha Abderrahmane's Philosophy in Comparative Perspective.*

[43] al-Attar, *Islamic Ethics: Divine Command Theory in Arabo-Islamic Thought.*

of *maqāṣid* philosophically is necessarily before applied ethics. Islamic law is a locomotive of applied ethics that needs to be designed for its theoretical foundation. Second, Islamic law and ethics are inseparable but distinguishable. The two confirmed each other. Islamic law and ethics represent the external and mental aspects. The accommodation of both is also a form of moderation to not fall to the pole of *ahl al-ẓāhir* or *ahl al-bāṭin.*

The discourse on the ethical *maqāsid* of ‘Abd al-Raḥmān has not received much attention from Islamic legal scholars, especially in Indonesia. The study of Islamic law usually moves away from the philosophical approach considered abstract and complex. In contrast, philosophy drives knowledge development, including Islamic law. Therefore, a deeper study of the legal aspects of ‘Abd al-Raḥmān's thought needs to be done, be it ‘Abd al-Raḥmān's thought as a material object or a formal object. This study is significant as the problem of contemporary Islamic law is loaded with ethical nuances.[a]

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