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Maqāṣid al-Sharīʿah and the Protection of Human Dignity: Reassessing Islamic Legal Objectives in Contemporary Society

Dr. Tanveer Qasim
Associate Professor
Department of Islamic Studies
University of Engineering and Technology (UET), Lahore, Pakistan
Dr. Usman Shafiq
Teaching Fellow Department of Islamic Studies
University of Engineering and Technology (UET), Lahore, Pakistan

Abstract
The objectives of Islamic law, commonly known as Maqāṣid al-Sharīʿah, provide an important framework for understanding the purposes, ethical foundations, and social implications of Islamic jurisprudence. Classical Muslim jurists developed the theory of maqāṣid to explain how legal rulings serve essential human interests and prevent harm. Contemporary scholarship has expanded discussion of these objectives to include questions of human dignity, justice, governance, social welfare, minority protection, and institutional accountability. This study examines the relationship between Maqāṣid al-Sharīʿah and the protection of human dignity, with particular attention to the classical framework of essential interests and its contemporary interpretive applications. Using a qualitative, normative, and document-based methodology, the research analyses selected Qur'anic passages and engages with the scholarship of Islamic legal theorists, particularly contemporary discussions of maqāṣid and public welfare. The study argues that human dignity can be explored as a central ethical concern within maqāṣid-oriented reasoning, while recognizing that its precise classification and legal implications remain subjects of scholarly debate. It further argues that the application of maqāṣid requires methodological discipline, contextual awareness, and engagement with established legal sources rather than reliance on broad appeals to public interest alone. The study concludes that maqāṣid-oriented analysis can contribute to contemporary debates on rights, justice, and social welfare when it combines fidelity to Islamic legal methodology with careful assessment of human needs and institutional consequences.
Keywords: *Maqāṣid al-Sharīʿah, Islamic jurisprudence, human dignity, public welfare, Islamic legal theory, justice, human rights, contemporary ijtihād.*

1. Introduction

Islamic jurisprudence is concerned not only with identifying legal rulings but also with understanding their purposes, ethical implications, and relationship to human welfare. Within this intellectual tradition, the theory of *Maqāṣid al-Sharīʿah* examines the objectives and underlying purposes of Islamic law.

Classical jurists developed different approaches to explaining these objectives. A widely discussed framework identifies the protection of religion, life, intellect, lineage or family, and property as essential interests. These categories have played a major role in Islamic legal theory and continue to inform contemporary discussions of public welfare and legal reasoning.

However, modern societies face complex challenges that cannot always be addressed adequately through narrow or fragmented analysis. Questions concerning human dignity, access to justice, public health, education, minority protection, technological change, and institutional accountability require legal and ethical reasoning that considers both individual cases and wider social consequences.

Contemporary scholars have therefore revisited the scope and application of *maqāṣid*. Auda (2008), for example, explores a systems-oriented approach to Islamic law that emphasizes interrelationships and broader purposes. Kamali's work also examines the application of maqāṣid to human dignity, justice, governance, and other contemporary concerns (Kamali, 2025).

Human dignity is especially important because it concerns the manner in which people are treated within families, communities, legal systems, and public institutions. Qur'an 17:70 states that the children of Adam have been honoured, while Qur'an 4:135 emphasizes the obligation to uphold justice even when doing so conflicts with personal interests. These passages provide important ethical foundations for examining dignity and fairness within Islamic thought.

Nevertheless, the relationship between human dignity and *Maqāṣid al-Sharīʿah* requires careful analysis. Contemporary ethical aspirations should not simply be attributed to classical jurists without historical evidence, nor should the theory of *maqāṣid* be used as an unrestricted justification for preferred policy outcomes.

This study examines how *Maqāṣid al-Sharīʿah* can inform the protection of human dignity in contemporary society while preserving methodological clarity and engagement with the Islamic legal tradition.

2. Statement of the Problem

The theory of *Maqāṣid al-Sharīʿah* is frequently invoked in contemporary discussions of legal reform, human rights, social justice, and public welfare. However, its practical application raises important methodological questions.

One challenge concerns the relationship between the objectives of Islamic law and its established sources and methods of interpretation. If *maqāṣid* are invoked without adequate textual, juristic, and contextual analysis, the theory may become a general label for policy preferences rather than a disciplined method of legal reasoning.

A second challenge concerns the relationship between classical categories and contemporary concepts such as human dignity and human rights. Although these concepts can be explored within Islamic ethical and legal thought, their historical development and precise relationship to established maqāṣid classifications require careful scholarly explanation.

The central problem addressed by this study is how *Maqāṣid al-Sharīʿah* can provide a rigorous framework for protecting human dignity and promoting public welfare without disregarding the sources, interpretive methods, and intellectual diversity of Islamic jurisprudence.

3. Research Objectives

1. To explain the conceptual foundations and historical significance of *Maqāṣid al-Sharīʿah*.
2. To examine the relationship between maqāṣid-oriented reasoning and human dignity.
3. To analyse the relevance of the classical essential interests to contemporary social challenges.
4. To assess the role of justice, public welfare, and harm prevention in maqāṣid-oriented legal reasoning.
5. To identify methodological risks associated with the uncritical application of *maqāṣid*.
6. To propose a disciplined framework for applying maqāṣid-oriented analysis to contemporary questions of dignity and social welfare.

4. Research Questions

1. What are the principal foundations of *Maqāṣid al-Sharīʿah* in Islamic legal theory?

2. How can human dignity be examined within the framework of Islamic legal objectives?
3. How do the classical essential interests relate to contemporary social and legal challenges?
4. What methodological safeguards are necessary when applying *maqāṣid* to contemporary legal questions?
5. How can maqāṣid-oriented reasoning contribute to justice and public welfare while remaining grounded in Islamic legal methodology?

5. Research Methodology

This study employs a qualitative, normative, and document-based methodology. Its primary sources are selected Qur'anic passages relevant to human dignity, justice, and the prevention of harm. Secondary sources include established works on Islamic legal theory and contemporary scholarship on *Maqāṣid al-Sharīʿah*.

The analysis follows four stages: identifying relevant textual foundations, examining the classical maqāṣid framework, reviewing contemporary scholarly developments, and constructing an analytical framework for assessing human dignity and public welfare.

The study distinguishes between classical legal categories, contemporary scholarly interpretations, and the author's own analytical proposals. This distinction is necessary because not every modern application of *maqāṣid* represents an uncontested position in the Islamic legal tradition.

The research is conceptual and normative. It does not claim to establish empirical outcomes or to represent the views of all Muslim jurists. Its purpose is to clarify principles and propose a framework for further scholarly discussion.

6. Conceptual Foundations of Maqāṣid al-Sharīʿah

6.1 Meaning and Significance of Maqāṣid

The Arabic term *maqāṣid* refers to purposes or objectives. In Islamic legal theory, *Maqāṣid al-Sharīʿah* concerns the purposes and interests that Islamic law seeks to protect or promote.

The theory is connected with broader questions concerning the relationship between legal rules, moral purposes, and human welfare. It encourages jurists to consider how legal reasoning relates to the objectives of the law while remaining attentive to authoritative sources and established methods of interpretation.

The significance of *maqāṣid* lies partly in its capacity to connect individual rulings with broader ethical and social considerations. However, it does not eliminate the need for detailed legal analysis. The identification of a beneficial outcome does not, by itself, settle every question concerning the permissibility or legal status of a proposed action.

6.2 The Classical Essential Interests

A widely recognized classification of essential interests identifies five areas:

1. **Protection of religion (*ḥifẓ al-dīn*):** Safeguarding the conditions necessary for religious life and practice within the relevant legal and ethical framework.
2. **Protection of life (*ḥifẓ al-nafs*):** Preserving human life and addressing threats to physical safety and survival.
3. **Protection of intellect (*ḥifẓ al-ʿaql*):** Safeguarding the capacities associated with reason, understanding, and responsible judgment.

4. **Protection of lineage or family (*ḥifẓ al-nasl*):** Addressing matters associated with family relationships, descent, and the continuity of social life.
5. **Protection of property (*ḥifẓ al-māl*):** Safeguarding legitimate property interests and regulating transactions and economic conduct.

The precise formulation and application of these categories vary across juristic discussions. They should therefore be understood as a major framework within Islamic legal theory rather than as a complete or universally exhaustive list of every possible objective.

6.3 Levels of Human Interests

Classical maqāṣid literature also discusses levels of interests commonly described as necessities, needs, and refinements: *ḍarūriyyāt*, *ḥājiyyāt*, and *taḥsīniyyāt*.

Necessities concern interests whose serious disruption threatens essential aspects of human and social life. Needs address hardships that may not destroy the basic order but create significant difficulty. Refinements concern improvements associated with ethical conduct, dignity, and the quality of social life.

This classification helps jurists consider priorities and consequences. Nevertheless, the classification of a particular contemporary issue requires careful argument rather than automatic assignment to one category.

7. Human Dignity in Islamic Ethical and Legal Thought

7.1 The Qur'anic Foundation of Human Dignity

Qur'an 17:70 states that God has honoured the children of Adam. This verse provides a significant theological foundation for discussing human dignity in Islam.

The precise legal implications of the verse have been interpreted in different ways, and its meaning should not be reduced to a single contemporary legal formula. Nevertheless, it offers a basis for considering human beings as deserving serious moral regard.

Human dignity has practical implications for how people are treated within legal institutions, families, workplaces, and public services. Humiliation, arbitrary treatment, exploitation, and unjust discrimination raise questions about whether social practices are consistent with ethical commitments to human worth.

7.2 Dignity and Justice

Human dignity cannot be adequately protected without fair treatment. Qur'an 4:135 commands believers to uphold justice even when doing so conflicts with their own interests or those of their relatives. Qur'an 5:8 similarly warns against allowing hostility to lead to injustice.

These passages are relevant to the development of a dignity-oriented understanding of Islamic ethics. They emphasize that justice should not depend exclusively on personal loyalty, economic status, or group identity.

In contemporary institutions, this concern can be reflected in impartial procedures, protection against abuse, access to remedies, and fair consideration of individual circumstances.

7.3 Is Human Dignity a Maqṣad?

Whether human dignity should be classified as an independent objective of Islamic law, incorporated within existing objectives, or treated as a broader ethical principle has been the subject of contemporary scholarly discussion.

Kamali (2025) addresses this question directly, examining the classification of dignity within the maqāṣid framework and emphasizing the importance of context.

This debate illustrates that contemporary applications of *maqāṣid* require conceptual precision. It is possible to argue that human dignity has major ethical significance without claiming that every jurist historically classified it as a separate essential objective.

For the purposes of this study, human dignity is treated as a central ethical concern that can inform the interpretation and application of established objectives, while its status as an independent maqṣad remains open to further scholarly examination.

8. Reassessing the Classical Objectives in Contemporary Society

8.1 Protection of Life and Public Health

The protection of life is relevant to questions involving healthcare, public safety, access to essential services, and responses to serious threats to human survival.

A maqāṣid-oriented analysis can encourage policymakers to assess the foreseeable consequences of decisions for human life and well-being. However, specific policies require evidence about their effectiveness, costs, risks, and distributional effects.

The principle should therefore guide ethical assessment without replacing medical, scientific, and legal expertise.

8.2 Protection of Intellect and Education

The protection of intellect can be explored in relation to education, intellectual development, access to reliable information, and the conditions necessary for responsible judgment.

Contemporary societies face challenges involving misinformation, unequal educational opportunities, and the misuse of technology. A maqāṣid-oriented approach may encourage policies that support learning and protect people from harmful practices.

The precise relationship between classical discussions of *ḥifẓ al-ʿaql* and modern concepts of educational rights requires careful historical and legal analysis. Nevertheless, education provides an important contemporary field for examining the protection and development of human capacities.

8.3 Protection of Family and Social Welfare

The protection of lineage and family has historically been associated with marriage, descent, family responsibilities, and related legal questions.

Contemporary application may involve questions of child welfare, family support, protection from abuse, and the social conditions necessary for family stability. Such questions require attention to the rights and welfare of individual family members rather than a narrow assumption that institutional continuity alone guarantees well-being.

Maqāṣid-oriented reasoning should therefore consider both family structures and the people whose lives are shaped by them.

8.4 Protection of Property and Economic Justice

The protection of property is relevant to ownership, contractual obligations, commercial fairness, and the prevention of unlawful appropriation.

Contemporary economic challenges include poverty, financial exploitation, unequal access to resources, and the effects of economic decisions on vulnerable populations. A maqāṣid-oriented approach can help evaluate how legal and institutional arrangements affect legitimate property interests and broader public welfare.

However, property protection should not be interpreted in isolation from other objectives. Economic decisions may also affect life, dignity, family welfare, and social stability.

8.5 Protection of Religion and Religious Life

The protection of religion is a central category in classical maqāṣid literature. Its precise interpretation and legal implications have been debated across Islamic intellectual traditions.

Contemporary discussions may examine the conditions necessary for religious practice, ethical commitment, and peaceful participation in society. Questions involving religious diversity and public institutions require careful engagement with Qur'anic interpretation, jurisprudence, constitutional arrangements, and relevant legal frameworks.

A responsible analysis should distinguish the classical formulations of *ḥifẓ al-dīn* from modern interpretations and avoid presenting contested legal questions as universally settled.

9. Maqāṣid, Public Welfare, and the Prevention of Harm

9.1 The Concept of Maṣlaḥah

The concept of *maṣlaḥah*, often translated as public interest or welfare, is closely associated with maqāṣid-oriented reasoning. It concerns the recognition of benefits and the prevention of harm within the framework of Islamic legal methodology.

Public welfare cannot simply be equated with whatever a majority or powerful institution considers beneficial. A proposed benefit may impose serious costs on a vulnerable group or conflict with other relevant legal and ethical principles.

Consequently, the assessment of *maṣlaḥah* requires attention to evidence, distributional consequences, competing interests, and the authoritative sources of Islamic law.

9.2 Balancing Competing Interests

Contemporary policy decisions frequently involve competing interests. A public health measure, for example, may offer collective benefits while creating financial or practical burdens for particular communities.

Maqāṣid-oriented analysis can help structure such questions by identifying the interests at stake, assessing the seriousness of potential harm, and considering whether less harmful alternatives are available.

This approach does not automatically produce a single answer. Rather, it clarifies the questions that require legal, ethical, and empirical evaluation.

9.3 Preventing the Misuse of Public Interest

Broad appeals to public welfare can be misused to justify arbitrary authority or suppress legitimate rights. A disciplined maqāṣid methodology must therefore include safeguards against unsupported claims of benefit.

Such safeguards include consistency with relevant textual evidence, transparent reasoning, careful assessment of consequences, recognition of affected parties, and independent legal scrutiny.

The objective is not to make public welfare irrelevant, but to ensure that it is assessed through a credible and accountable method.

10. Maqāṣid and Contemporary Human Rights Discourse

10.1 Areas of Conceptual Convergence

Islamic maqāṣid discussions and contemporary human-rights discourse address several overlapping concerns, including protection of life, access to justice, property, family welfare, and human dignity.

These areas of convergence can provide a basis for comparative scholarship. However, the two frameworks developed through different intellectual and institutional histories and should not be treated as identical.

A meaningful comparison should identify both shared concerns and differences in legal foundations, concepts, and interpretive methods.

10.2 Human Rights and the Islamic Legal Tradition

Contemporary Muslim scholars have explored how Islamic legal reasoning can engage with human rights while remaining grounded in Islamic sources. This work includes discussions of dignity, justice, governance, minority protection, and the objectives of law.

The relationship is neither adequately described as complete equivalence nor as inevitable opposition. It requires detailed examination of specific rights, legal doctrines, historical contexts, and institutional arrangements.

Maqāṣid-oriented reasoning can contribute to this discussion by directing attention to the purposes of legal rules and the effects of legal arrangements on human welfare.

10.3 Minority Protection and Equal Treatment

Questions concerning religious minorities and equal citizenship are particularly important in contemporary legal and political contexts. They require careful examination of classical legal categories, historical conditions, contemporary constitutional arrangements, and relevant human-rights norms.

A maqāṣid-oriented analysis may consider dignity, justice, public welfare, and social stability when evaluating models of minority protection. However, the conclusions must be established through explicit legal and interpretive argument rather than inferred from broad principles alone.

11. Maqāṣid and Institutional Governance

11.1 Beyond Individual Legal Rulings

The application of *maqāṣid* is not limited to individual cases. Contemporary scholarship also considers its relevance to public institutions, governance, and legal reform.

Institutional decisions affect the distribution of resources, access to justice, public safety, and the protection of rights. A maqāṣid-oriented framework can encourage policymakers to examine these effects in a systematic way.

Nevertheless, institutional reform requires more than identifying desirable objectives. It also requires workable rules, transparent procedures, effective oversight, and assessment of actual outcomes.

11.2 Accountability and Good Governance

The protection of human dignity depends partly on the conduct of public institutions. Arbitrary decisions, corruption, unequal treatment, and inadequate complaint mechanisms can undermine trust and produce serious harm.

A maqāṣid-oriented approach can provide an ethical basis for examining whether institutions serve legitimate public interests and protect vulnerable people. Qur'anic principles of justice are particularly relevant to this assessment.

Good governance should therefore include transparent decision-making, impartial procedures, accessible remedies, and accountability for misconduct.

11.3 Evidence and Policy Evaluation

Ethical objectives cannot establish the effectiveness of a policy by themselves. Claims about public health, education, economic welfare, or social outcomes require reliable evidence.

A disciplined contemporary application of *maqāṣid* should combine normative reasoning with relevant empirical research. This allows scholars and policymakers to examine both whether a goal is ethically defensible and whether a proposed measure is likely to achieve it.

12. Methodological Challenges in Contemporary Maqāṣid Reasoning

12.1 Avoiding Selective Use of Texts

A major challenge is the selective use of Qur'anic passages or legal principles to support a predetermined conclusion. Reliable analysis requires attention to textual context, relevant sources, and the range of established interpretations.

Maqāṣid should not become a substitute for close reading or detailed legal reasoning.

12.2 Distinguishing Ethical Aspirations from Established Doctrine

Contemporary scholars may propose new applications or expansions of the maqāṣid framework. Such proposals can be valuable, but they should be identified as interpretive developments rather than attributed automatically to all classical jurists.

Clear distinctions between established doctrine, scholarly disagreement, and new proposals improve the transparency and credibility of research.

12.3 Recognizing Intellectual Diversity

Islamic jurisprudence includes multiple schools, methods, and historical approaches. A contemporary maqāṣid analysis should acknowledge relevant differences rather than presenting a single interpretation as universally accepted without evidence.

This is especially important in debates concerning dignity, human rights, governance, and legal reform.

12.4 Balancing Purpose and Legal Method

The objectives of law are important, but legal reasoning also requires attention to textual evidence, interpretive principles, precedent, and the competence of the person or institution making a decision.

A disciplined framework should therefore integrate purposive analysis with established methods of Islamic jurisprudence rather than treating the two as competing alternatives.

13. A Proposed Framework for Maqāṣid-Oriented Analysis

On the basis of the preceding discussion, this study proposes a six-stage framework for examining contemporary questions involving human dignity and public welfare.

Stage 1: Define the problem. Identify the legal, ethical, or institutional issue and distinguish established facts from assumptions.

Stage 2: Identify relevant sources. Examine the Qur'an, relevant Prophetic traditions, recognized juristic discussions, and applicable legal provisions.

Stage 3: Identify the objectives at stake. Consider the relevant essential interests and any broader ethical concerns supported by scholarly argument.

Stage 4: Assess consequences and affected groups. Examine likely benefits, foreseeable harms, distributional effects, and the circumstances of vulnerable people.

Stage 5: Evaluate alternatives. Compare feasible options, consider less harmful alternatives, and explain how competing interests are addressed.

Stage 6: Review and accountability. Provide transparent reasoning, identify uncertainties, and establish appropriate procedures for evaluating the results.

This framework is a proposed analytical tool, not a universally established method of Islamic law. Its purpose is to encourage transparent, contextual, and evidence-informed reasoning.

14. Findings and Discussion

The analysis produces seven principal findings.

First, maqāṣid provides a framework for connecting legal rulings with broader purposes. Its value lies in examining the relationship between legal rules, human interests, and the prevention of harm without eliminating the need for established legal methods.

Second, human dignity has significant relevance to maqāṣid-oriented analysis. Qur'an 17:70 and Qur'anic commands concerning justice provide important ethical foundations. Whether dignity is classified as an independent maqṣad or integrated within existing objectives remains a question requiring scholarly argument.

Third, the classical essential interests remain useful for contemporary analysis. Their application to health, education, family welfare, property, and religious life requires contextual reasoning and recognition of the differences between classical and modern institutions.

Fourth, public welfare must be assessed through disciplined methods. Broad claims of benefit are insufficient without attention to evidence, competing interests, legal constraints, and the distribution of consequences.

Fifth, maqāṣid can contribute to human-rights discussions without being treated as identical to contemporary human-rights law. Comparative analysis should examine specific areas of convergence and disagreement.

Sixth, institutional accountability is essential to protecting dignity. Ethical objectives must be translated into transparent procedures, fair treatment, and effective mechanisms for addressing grievances.

Seventh, contemporary maqāṣid reasoning benefits from methodological clarity. Scholars should distinguish classical doctrine, contested interpretations, and proposed contemporary developments.

Together, these findings support an approach that connects Islamic legal tradition with contemporary concerns while preserving scholarly precision and interpretive responsibility.

15. Recommendations

1. **Strengthen the teaching of maqāṣid:** Islamic Studies programmes should examine both classical foundations and contemporary scholarly debates.
2. **Promote contextual interpretation:** Research should distinguish textual evidence, established legal doctrine, and contemporary interpretive proposals.
3. **Develop interdisciplinary scholarship:** Islamic legal scholars should engage with relevant evidence from public health, education, economics, governance, and social policy.
4. **Protect human dignity through institutions:** Public authorities should develop fair procedures, accessible remedies, and appropriate accountability mechanisms.
5. **Use public welfare carefully:** Maqāṣid-oriented policy analysis should consider competing interests, affected groups, and foreseeable harm.

6. **Encourage comparative legal research:** Studies should examine specific questions within Islamic jurisprudence and contemporary human-rights frameworks without assuming complete equivalence.
7. **Expand research on legal reform:** Further work should investigate how maqāṣid-oriented reasoning influences actual institutional outcomes.
8. **Maintain methodological transparency:** Researchers should clearly state the sources, interpretive approach, limitations, and contested questions underlying their conclusions.

16. Limitations and Future Research

This study is a conceptual analysis rather than a comprehensive history of maqāṣid theory or an empirical assessment of legal reform. It examines selected concepts and scholarly discussions but does not cover every juristic school or contemporary application.

Future research could investigate how classical jurists classified human dignity and how contemporary scholars justify its inclusion within or association with the maqāṣid framework. Comparative studies could also examine specific areas such as healthcare, minority protection, family law, access to justice, or public administration.

Empirical research could assess whether policies explicitly informed by maqāṣid reasoning improve measurable outcomes such as access to services, institutional fairness, or public trust. Such studies would help distinguish the normative appeal of a framework from its practical effectiveness.

17. Conclusion

Maqāṣid al-Sharīʿah provides an important framework for examining the purposes of Islamic law and its relationship to human welfare. The classical essential interests remain influential in Islamic legal theory, while contemporary scholarship has explored their relevance to human dignity, justice, governance, and public policy.

Human dignity is a particularly significant area of inquiry. Qur'anic teachings concerning the honouring of human beings and the obligation to uphold justice provide a basis for examining how legal and institutional arrangements affect people's lives. Nevertheless, the precise classification of dignity within the maqāṣid framework remains a subject for careful scholarly discussion.

The study has argued that maqāṣid-oriented reasoning can contribute to contemporary legal and ethical questions when it combines textual grounding, established juristic methods, contextual awareness, and assessment of consequences. Appeals to public welfare should be transparent and evidence-informed, particularly when decisions affect vulnerable populations or involve competing rights.

The framework proposed here seeks to connect Islamic legal objectives with contemporary concerns while avoiding two extremes: rigid application without consideration of context and unrestricted appeals to purpose without adequate legal justification.

The study concludes that *Maqāṣid al-Sharīʿah* can contribute meaningfully to discussions of human dignity and social welfare when employed as a disciplined method of analysis. Its contemporary relevance depends not only on the identification of desirable objectives but also on the quality of interpretation, institutional accountability, and the practical consequences of legal and policy decisions.

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Primary Qur'anic passages examined

- Qur'an 4:135 — The obligation to uphold justice.
- Qur'an 5:8 — Justice despite hostility.
- Qur'an 17:70 — The honouring of the children of Adam.