

fall in dangers. This is because he might think of a matter to be maslahah, then it appears to be maf-sadah. In such a case he decided the maf-sadah (bad) for man as being maslahah, thus causing harm to him. A matter could also appear to be maf-sadah, then it is discovered to be maslahah. So he would remove a maslahah from man, thinking it is maf-sadah, thus causing harm to him by depriving him of a maslahah.

Moreover, 'aql might judge on a matter to be maslahah, today, then man himself discovers tomorrow that thing is maf-sadah, so he judges on it to be maf-sadah. The same thing could occur to the maf-sadah also, where he says about a thing to be maf-sadah today, then he himself discovers tomorrow that it is maslahah and thus says it is maslahah. Thus, the thing itself becomes maslahah and maf-sadah, a matter that is not allowed, nor it can be so. For, a matter is either maslahah or maf-sadah in the same case. Leaving the decision to the 'aql, the maslahah becomes relative

and not real.

Therefore, 'aql must not be left to decide what is the maslahah. This must rather be left to the Shar' alone to decide, for it is the one that decides the real maslahah and the real maf-sadah. The 'aql only understands the reality (*waaqi'*) of the matter in a perfect way, the divine text that came about that matter, then it applies the text on the reality. If it is applied to it, then it would be a maslahah or a maf-sadah, according to the text of the Shar'. If it did not apply to it, then the meaning that applies to the reality has to be sought for, so as the maslahah that Shar' decided can be known, through the knowledge of the hukm of Allah (swt) in that matter.

Thus, maslahah is a shar'i one and not 'aqli. It goes along with the Shar'. Thus, the maslahah exists wherever the Shar' exists, because the Shar' decides masalih of men. □

[Source: Islamic Thought by Hizb ut Tahrir p. 68-71]



Maslaha "interest" Exists Wherever Shar'i Exists



Maslaha (interest) Exists Wherever Shar'i Exists

Allah (swt) says in His Book addressing the Rasool (saw):

((وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ))

“And We have not sent you but as a mercy to the worlds.” [TMQ 21: 107]

The fact that he came as a mercy for them means that he brought what is of their interest (*maslahah*). He (swt) says:

((يَا أَيُّهَا النَّاسُ قَدْ جَاءتْكُمْ مَوْعِظَةٌ مِّن رَّبِّكُمْ
وَشِفَاءٌ لِّمَا فِي الصُّدُورِ وَهُدًى وَرَحْمَةٌ
لِّلْمُؤْمِنِينَ))

“O Mankind! There has come to you an exhortation from your Lord, a cure for that which is in the breasts, a guidance and a mercy, for believers.” [TMQ 10: 57]

And He (swt) says:

((فَقَدْ جَاءكُمْ بَيِّنَةٌ مِّن رَّبِّكُمْ وَهُدًى وَرَحْمَةٌ))

“Now has there come to you a clear proof from your Lord, a guidance and a mercy.” [TMQ 6: 157]

The guidance and mercy are either for bringing about a benefit (*manfa'ah*) to the people or for removing away harm (*mafsadah*) from them. This is the interest (*maslahah*). This is because the *maslahah* is bringing about the *manafi'* (benefits) and removing away the *mafasid* (evils). The function of determining that a (certain) matter is *maslahah* or not is for the Shar' only; for it is the one that came with the *maslahah*, and it is the one which defines this *maslahah* for mankind. This is because what is meant by the *maslahah* is the *maslahah* of



man as a human being. Even what is meant by the *maslahah* of the individual is his *maslahah* as a human being and not only as a particular individual. However, the *maslahah* is either decided by the mind (*'aql*) or the Shar'.

If its consideration was left to the *'aql*, the people will be unable to define the true *maslahah*. This is because the *'aql* is limited, so it can't encompass the nature and reality of man, so it would not be able to decide what is of *maslahah* to him, for it did not comprehend the reality of man in order to decide whether this matter is of *maslahah* or *mafsadah* (evil) to him. It is only the Creator of man who understands the reality of man. Thus, no one other than the Creator of man, Allah (swt), that can certainly decide what is *maslahah* and what is *mafsadah* (evil) for him. It is true that man can think that matter is good or bad (*maslahah* or *mafsadah*) for him, but he can't be sure of that. So leaving the decision of the *maslahah* to the speculation (*dhann*) would lead to