

Sisters in Law – Using Maqāṣid al-Shari‘ah to Advance the Conversation between Islamic and Secular Legal Thinking

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The conversation between Islamic and secular scholars of law has been going on for a long time. Publications in European languages are flooding the market on almost any conceivable topic related to Islam. Yet, there is still little evidence of a proper dialogue, but merely of an exchange of monologues. Both sides are wary of engaging in open-ended discussion. For the Muslims, the divine origins of their religion and consequently their attitude to the foundations of law-making would seem non-negotiable; any addition based on secular thinking is likely to be viewed as forbidden innovation and watering-down of Islam, and in extreme cases as an attack on the very identity of Islam. The secularists will consider some core Muslim teachings as being in breach of the fundamental freedoms for which people in the ‘West’ have fought for generations and with great sacrifice. The paper advocates the use of the maqāṣid al-shari‘ah as a tool for advancing the debate.