



## A GLOBAL OUTLOOK ON PERMISSIBILITY (*ḤALĀL*) AND IMPERMISSIBILITY (*ḤARĀM*) ACCORDING TO *TAWḤĪD* AND SHARIAH\*

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### ABSTRACT

*This paper presents a critical outlook of Shariah in contrast to the upholding of tawḥīd as the foundational law of unity of knowledge in the whole of Islamic study of the socio-scientific details and generality. Such a study leads us to widen the scope of Shariah, explained in accordance with the Qur'an, as the way arising from tawḥīd and returning back to tawḥīd as law in an analytical erudition of the ontological and epistemological nature of the world-system ('ālamīn). Thereby, the treatment of permissibility (ḥalāl) and impermissibility (ḥarām), so often clamored in Shariah, is given a wide conceptual and applied meaning within the ontological and epistemological nature of this study. Several of the Shariah implications in economy, science and society are thereby critically examined by the methodological worldview of tawḥīd as law of unity of knowledge and the pervasively complementary nature of the socio-scientific world-system this builds.*

**Keywords:** *tawḥīd, Shariah, maqāṣid al-sharī'ah, complementarity, ontology,*

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*epistemology, methodolog*

## INTRODUCTION

The objective and purpose of this paper is to establish the nature and application of the unequivocal law of monotheism (*tawhīd*) in explaining its universality concerning permissibility and impermissibility (*ḥalāl* and *ḥarām* resp.) in Islamic moral choices. Towards addressing this objective, the methodology of this paper is based on a discursive approach that is reinforced by example and diagrammatic explanation of the underlying ontological and epistemological thought derived from the Qur'an. The result is an analytical way of explaining the monotheistic (*tawhīdī*) methodological worldview in contrast to the subsumed idea of Shariah. Incorrectly by tradition, Shariah is incorrectly given the status of Islamic law. Thereby, the meanings of permissibility (*ḥalāl*) and impermissibility (*ḥarām*) given by Shariah are contested by the unique and universal law of monotheism in the Qur'an (*tawhīd* as law). Shariah and its congruence with fiqh and fatawa are simply treated as jurisprudence in their present-days usage. Nonetheless, there is the pure and intrinsic meaning of Shariah in the light of *tawhīd* as declared by the Qur'an (45:18).<sup>2</sup>

This is an original research paper in provoking thoughtful presentation of the analytical outlook of monotheism (*tawhīd*) contra Shariah, as the universal and ultimate law of 'everything'. This vista of intellection is particularized in this paper to the concept of '*ḥalāl*' (permissible) and '*ḥarām*' (impermissible) taken up in their wide sense of their analytical meanings.

## **TAWHĪD FIRST AND THEN THE REST IN CREATION CONCERNING HALĀL AND HARĀM**

The yardstick of authenticity in Islamic thought, action, and its potentiality towards moral and material sustainability is based on the understanding and application of *tawhīd* as law as the strict monotheism in the Qur'an and transmitted by the teaching of the Prophet Muhammad, the sunnah. Thus, from the very beginning one needs to understand *tawhīd* as the universal and unique

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<sup>2</sup> Mohsin Khan wrote on *tawhīd* as universal law [*Tafsir At-Tabari* Vol. 25, Page 146]: "Then We have put you (O Muhammad SAW) on a plain way of (Our) commandment [like the one which We commanded Our Messengers before you (i.e. legal ways and laws of the Islamic Monotheism). So, follow you that (Islamic Monotheism and its laws), and follow not the desires of those who know not." (Qur'an 45:18).

law and its distinctive application to ‘everything’. Thereby, the extended meaning of *ḥalāl* (permissible) and *ḥarām* (prohibited) in Islam must be understood in reference to the universal and unique precept of *tawhīd* as law.

There is a distinct difference in premising such a determination of *ḥalāl* and *ḥarām* in the jurisdictional declarations of the Shariah with its fiqh and fatawa composition by the Islamic scholars and theologians, from that of *tawhīd* as the ultimate foundation of the true law of ‘everything’. This worldview of *tawhīd* as law is proved by its methodological continuity<sup>3</sup> across the generality and details of knowledge, space, time dimensions. The final legacy of *tawhīd* as the only legitimate law of the Qur’an governing ‘everything’ in Islam, contrary to Shariah as a way to understand *tawhīd* as law, cannot be debated. In fact, when the Qur’an refers to ‘*shari’athan*’ as the right straight path of truth to the revealed law it is only to *tawhīd* alone that the Qur’an refers.<sup>4</sup>

In the final affirmation of this work, we note unequivocally that the straight path, which the Qur’an refers to in the verse (45:18), is to the universal and unique embodiment of the Qur’an in its entirety. This is *tawhīd* as law. Truth and Falsehood, and thus *ḥalāl* and *ḥarām*, respectively, as fully opposing two realities arise from this ultimate ontology of unity of knowledge. This is explained by the qur’anic principle of pairing (Qur’an, 36:36). *Tawhīd* then explicates this contrasting worldview in the entire order of being and becoming. The law of the straight path and its completeness in explaining total reality is therefore not the human-concocted Shariah that has plagued Muslim mind and actions. Contrarily, ‘*shari’atan*’ as the straight path of *tawhīd* as law is derived *from* and *leads* to the explication of *tawhīd* as law through continuous processes of evolutionary learning in consciousness (unity of knowledge). This cognition is premised in *tawhīdī* unity of knowledge, as this comprehends and unravels organic unity in the totality and particularity of the world-system. The human-concocted, opinionated part of Shariah does not share in such attributes of the total reality. Yet this is not the domain of Shariah that is in compliance with the qur’anic injunction. It is confusing why the gurus of Shariah did not recognize this fact of the great difference.<sup>5</sup>

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<sup>3</sup> Choudhury, M.A., *Meta-Science of Tawhid, a Theory of Oneness* (New York, NY: New Palgrave, 2019).

<sup>4</sup> Qur’an (45:18): “Thus we put you on the right way (*shari’atan*) of religion. So, follow it and follow not the whimsical desire (*hawa*) of those who have no knowledge.” Refer also to the footnote to this verse in A. Yusuf Ali’s commentary of the Qur’an.

<sup>5</sup> Kamali, M.H., *Shari’ah Law: An Introduction* (Oxford: Oneworld Publications, 2011).

It is therefore predominantly important to understand the vast implication of the meaning of *tawhīd* as monotheistic law. We can refer to selectively few verses of the Qur'an toward discovering the implication of *tawhīd* as the Oneness of Allah in the cognitive and manifest order of the universe (*ayat Allah*). An explanation from the extended viewpoint of the law of the universal 'everything'<sup>6</sup> is provided therein.<sup>7</sup>

The creation of the heavens and the earth and all that is in between, below and above the worlds (*'ālamīn*) is inclusive of the monotheistic law of oneness. This is *tawhīd* as law that covers the entirety of the non-physical abstraction and the physical phenomena. The Qur'an further declares this event to be of the primal origin. Non-physicalism marks the essential 'belief' (*iman*) and the hidden subtleties of *tawhīd* (*al-qadr, sifat*). According to a hadith of the Prophet Muhammad (PBUH) the monotheistic law encompasses ninety-nine percentage of the total Mercy that Allah has kept with Him. The remaining one percentage is bestowed on the material world-system of matter and mind.

We cannot know fully the domain of non-physical abstraction. Yet we can learn progressively a little at a time about the profound belief-induced knowledge that comprises the knowledge of the created world-system. *Tawhīd* as law pertaining to the cognitive order is the belief-embedded knowledge that explains the interactive and integrative and thus inter-causal relationship between non-physicalism and physicalism. This implies unity of being and becoming. It comprises the all-comprehensive totality of the knowledge-induced universal order. *Tawhīd* as law determines them all in generality and details of soul, mind, and matter inter-relations comprising the world-system.

As human beings we cannot calibrate 'belief'. Yet 'belief' remains intrinsic in knowledge and its relations with the world-system. In the combination of the physicalist order (cognitive) endowed by non-physical essence (belief) we can calibrate knowledge as the measured moral-material unified output. Knowledge is progressively acquired by evolutionary learning by using the methodology and the inner properties and consistency of *tawhīd* as law in

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<sup>6</sup> Barrow, J.D., 'Laws', in *Theories of Everything, the Quest for Ultimate Explanation* (Oxford: Oxford University Press, Eng., 1991), 12-30.

<sup>7</sup> Qur'an (6:73): "And He is the One (Allah) Who has created the heavens and the earth (in accordance with His decreed celestial order based) on truth. And the Day when He will say: 'Be,' then that (Day of Judgment) will come into being. His Word is the truth. And His will be the sovereignty on the Day when the Trumpet will be blown (by Israfil). He (is the One Who) has the knowledge of the unseen and the seen, and He is All-Wise, All-Aware." Qur'an (16:40): "Our command for a thing is but only this much that when We intend (to bring) it (into existence), We say to it: 'Be,' and it becomes."

its embedding of ‘everything’ as primal ontology. This command explains the verse, ‘Be and it becomes’– *kun fa-yakun*. This explains accumulating knowledge of the *tawhīdī* episteme and its application to the world-system (*‘ālamīn*). Such an evolutionary learning process in unity of knowledge sustains from the Beginning of creation to the End in the Hereafter.

### **ḤALĀL AND ḤARĀM IN TERMS OF TAWHĪD AS LAW OF ‘EVERYTHING’**

The extended meaning of *ḥalāl* and *ḥarām* is to be understood in the light of the primacy of *tawhīd* as the ontological law of Being (Creation and Existence of the *Tawhīdī* Law) and the evolutionary progression of knowledge from and towards the organic meaning of oneness as symbiotic unity in and between ‘everything’. This sustainability of inter-causal relations continues until the Judgment Day and the Hereafter. In regards to the organic, that is creative nature of evolutionary learning in unity of knowledge between the concrescence of consciousness and materiality, the Qur’an declares this to be the universal phenomenon of inter-causal pairing (Qur’an, 36: 36). This pairing attribute of creation as organic (symbiotic and participatory) is an essential component of *tawhīd* as the comprehensive law of divine oneness of and in ‘everything’. The edicts of Shariah has not incorporated this attribute, which is a critical analytical requirement in explaining ssocio-scientific relations in the world-system.

The full significance of the true reality of *tawhīd* as the complete embodiment of the Qur’an and transmitted by the sunnah, is the embedding between the abstraction of ‘belief’ and the material becoming of knowledge. Here belief is the hidden unseen component of knowledge. Knowledge is evident and configured. ‘Belief’ is intrinsic but not measurable. It is thus the unity of knowledge with the essence of ‘belief’ that is the cause and effect in continuity of circular causation between entities that unravels a comprehensive understanding of the functional implication of *tawhīd* in respect of ‘everything’.

Within this incessant domain of absolute reality of *tawhīd* in the Qur’an the comprehensive meaning and significance of *ḥalāl* and *ḥarām* need to be understood and applied in continuity of being and becoming. The Qur’an explains the meaning of *ḥalāl al-tayyibah* (life-sustaining) by referring to the goodly tree of knowledge. The Qur’an refers to the evil tree as *khabeesa* (evil word of the tree of ignorance) (Qur’an 14:24-27),

The extended and generalized idea of *ḥalāl* seeks its substantive meaning and significance of application to ‘everything’ in accordance with the nearness

and in abundance with belief embedded in the worldview of unity of knowledge according to the Qur'anic total explanation of *tawhīd* as law. On the other hand, the extended meaning of *ḥarām* is sought in reference to the distancing and contrariness of belief that is induced in knowledge of and arising from *tawhīd* as law. Within such generalized meaning the meaning of truth and falsehood and the evanescence of undecidability between truth and falsehood are determined. Thus, in the universal context, the creative evidences are explained fully by the extended meaning of *ḥalāl* and *ḥarām*. In other words, *ḥalāl* and *ḥarām* as Truth and Falsehood, respectively, encompass the reality of events in the *'ālamīn* (universal world-system).

The traditional Islamic scholars and the traditionalists today have a narrow understanding of the meaning of *ḥalāl* and *ḥarām*.<sup>8</sup> Those meanings refer to the casual limit of determination of *ḥalāl* and *ḥarām* categories of choices in their meanings arising from the Qur'an and sunnah. They were oblivious of centering the ultimate determination of *ḥalāl* and *ḥarām* categories in *tawhīd* as the foundation of assigning truth against falsehood in human choices and actions. The *tawhīdī* methodology of monotheistic determination remains unknown to the scholars and theologians of Islamic thought today.

## MEANINGS CONTRA SHARIAH

An indeterminate meaning was assigned in the choices of *ḥalāl* and *ḥarām*, truth and falsehood relating to specific issues according to Shariah as humanly concocted deliberation. For instance, the Shariah scholars recommend acceptance of 'all choices' that the Shariah does not explicitly forbid. Yet on the contrary, there are many examples of human concocted decisions following this rule of Shariah that do not comply with *tawhīd* as law. How can these be accepted?

The sharees (Shariah practitioners) say, "Whatever Allah has legislated through the Shariah is lawful for all human beings and whatever He has prohibited is prohibited to all human beings until the Day of Resurrection."<sup>9</sup> Far from this fact, mathematical argument states that, the complementation of the universal set,  $\Omega$  is the null set,  $\Phi$ . Let  $\Omega$  be the super-cardinal topology of the universal set of *tawhīd* as knowledge and law.  $\Omega$  is denumerable in respect

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<sup>8</sup> Al-Qaradawi, Y., *The Lawful and the Prohibited in Islam (al-Halal wa al-Haram fi al-Islam)* (Washington D.C. USA: American Trust Publications, n.d.).

<sup>9</sup> Al-Qaradawi, Y., *The Lawful and the Prohibited in Islam (al-Halal wa al-Haram fi al-Islam)*, 34.

of its uncountability. But it is complete in terms of explaining ‘everything’, that is truth and falsehood. Thereby, for ‘every’ set  $S \in \Omega$  as topology, the oppositely complementation sets  $S^c \in \Omega$ . The inference is that, there are as many equivalents do as are don’t kinds of denumerable super-cardinal sets in the universal scale of ‘everything’ in  $\Omega$ . Therefore, in all that Shariah is silent about, yet they have opposite complementation in reality. Shariah cannot identify these complementation sets to declare their moral validity or otherwise.

An example of the above case is the commentary on the qur’anic verse (Qur’an 36:36) in respect of universal complementarities of being and becoming as representation of unity of knowledge in the whole order and scheme of ‘everything’.<sup>10</sup> Shariah has remained silent on such an exegesis of this qur’anic verse. Does that mean the exegesis of the verse in terms of universal complementarities as pairs and thus complementing entities, is void and thereby forbidden? Contrarily, this particular exegesis of the verse (Qur’an 36: 36) deeply explains the functional ontology of socio-scientific creative reality in the context of the inter-relational details and generality of all issues and problems. The contrary Shariah rule when applied to this exegesis dispels the rich explanatory *tawhīdī* tapestry.

There are many anomalies in the above-stated Shariah rule of acceptance and rejection of facts of reality. Firstly, unless Shariah by this statement complies with the Qur’an as the way extracted from and leading to *tawhīd* (Qur’an, 45:18) and its extended implications in the world-system as explained above, the sheer use of the term Shariah would mean jurisprudence based on fiqh and fatawa (juristic dictum). Such a meaning of Shariah as jurisprudence does not mean the *tawhīdī* equivalence of ‘*shari’atan*’ in the Qur’an. Jurisprudence as the exclusive meaning assigned to Shariah as the qur’anic truth by the scholars is thereby incorrect.<sup>11</sup> Shariah and its proclamation of *halāl* and *harām* have

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<sup>10</sup> “[The verse refers] to the polarity evident in all creation, both animate and inanimate, which expresses itself in the existence of antithetic and yet *complementary forces*.....” See Asad, M., *The Message of the Qur’an* (reprinted) (Gibraltar: Dar al-Andalus, 1993). “With the awakening of Islam therefore, it is necessary to examine, in an independent spirit, what Europe has thought and how far the conclusions reached by her can help us in the revision and if necessary, reconstruction, of theological thought in Islam.” See Iqbal, M., *Reconstruction of Religious Thought in Islam* (Oxford, UK: Oxford University Press, 1934).

<sup>11</sup> A. Yusuf Ali’s tafseer of Qur’an (45:18): Yusuf Ali 4756 Shari’at is best translated the “right Way of Religion”, which is wider than the mere formal rites and legal provisions, which mostly came in the Madinah period, long after this Makkan verse had been revealed.

thereby resulted in human concocted sectarian invocations and utterances (*madhhabs*).

### **EXAMPLES REGARDING *ḤALĀL* AND *ḤARĀM*: *TAWḤĪD* AS LAW CONTRA SHARIAH AS JURISPRUDENCE**

Take the example of financial interest, *riba* in the Qur'an. *Riba* is categorically declared *ḥarām* by the Qur'an. The *tawḥīdī* meaning of organically paired functioning between finance and trade in *ḥalāl al-ṭayyibah* choices, along with the moral induction of belief in the irrevocable denouncement of *riba* in the Qur'an, is not understood. Rather, Islamic scholars have continued on to legitimize the acceptance of mainstream theories of financial economics as legitimate to Shariah in the derivation of Islamic socio-scientific thought.<sup>12</sup> This Shariah-based approval is far from the truth of the Islamic methodological worldview according to the Qur'an and *sunnah*.<sup>13</sup>

Great caveats have thus emerged contradicting the true Islamic worldview in financial economics, banking, and the related incorrect institutional functioning and ideas in Islamic theory and practices. They remain distanced from the *tawḥīdī* grand design in these fields.<sup>14</sup> A significant example in this regard is Shariah's failure to provide a comprehensive meaning of 'riba' in its atemporal and intertemporal contexts in asset valuation. The consequence then is simply a treatment of the 'riba' issue against the permissibility of trade in simply an atemporal sense and in discrete enumeration of events at specific time-periods. This kind of constraint in understanding *riba* misses out the intertemporal valuation idea concerning assets. The consequential missing intertemporal asset-valuation theory without 'riba' and the missing formulation of a robust alternative valuation model is shown to pervade in all asset-valuation problems in so-called 'Islamic' financial economics.

Takaful valuation is another example in problem of valuation. Takaful as insurance does not have a formula for calculating insurance premium. Waqf is yet another problem. Under its Shariah concocted meaning of endowment waqf does not have a grassroots wellbeing objective criterion of asset-valuation. A comprehensive socially inclusive model of asset-valuation in terms of future

<sup>12</sup> Tag el-Din, S.I., *Maqasid Foundations of Market Economics* (Edinburgh, Scotland: Edinburgh University Press, 2013).

<sup>13</sup> Choudhury, M.A., *Methodological Dimension of Islamic Economics* (Singapore: World Scientific Publications, 2018).

<sup>14</sup> Choudhury, M.A., *Islamic Financial Economics and Islamic Banking* (London, Eng: Routledge, 2016).



events remains unknown within Shariah orientation of Islamic financial economics. Precise formulations of the pooled funds model of participatory financing that would center on a robust formulation of money-real economy inter-causal relationship remains absent in Shariah knowledge.

Thus, all Islamic financing instruments have remained to be debt-instruments. This causes accumulation of debt in the inter-generational and intertemporal sense.<sup>15</sup> The Shariah financial instruments do not form inter-causal financing according to the substantive meaning of *tawhīdī* unity of knowledge. Thus, this remiss points to the absence of the great knowledge of pairing as complementarities by inter-causal relations that is brought out in the Qur'an (36: 36). Countless many such significant crevices lie with the Shariah approach contrary to the ontological principle of oneness as unity of knowledge by symbiotic inter-causal complementarities between representative variables according to the *tawhīdī* law pertaining to specific issues and problems.

In the end, Muslim scholars and practitioners have misunderstood the equivalent meanings of *riba* (*harām*) and discount rates (*harām*) of asset-valuation and financial capital flows. Shariah scholars have legitimated contrary financial instruments (undecidable) like *murabaha*, *tawarruq*, *sukuk*, and allowed the nature of social exclusiveness of shareholder property rights in the valuation of firms and corporations. Trade as *halāl* and *riba* as *harām* in a multivariate function have thereby not been understood in the light of *tawhīdī* unity of knowledge to establish the uniqueness of the true qur'anic worldview and its meaning of *shari'atan* in the Qur'an concerning trade versus *riba* in the multivariate setting of the wellbeing objective criterion.

'*Shari'atan*' means the way from and towards *tawhīd* as law. The jurisprudential understanding by the *fiqh* and *fatawa* of Shariah has failed to ground the qur'anic worldview in the ontological law of *tawhīd* and its implication regarding the unity of knowledge by complementarities (pairing) between entities of the world-systems. Shariah thereby, does not originate and sustain the be-all and end-all of the qur'anic worldview, namely *tawhīd* as law, centered on unity of knowledge in and between the sets of 'everything' under inquiry.

There is also the example of Hanafī *fiqh* and *fatawa* in Shariah that legitimates imposing of *riba* on the commerce of a country that is at war with the Muslim countries (*Dar al-harb* vs. *Dar al-Islam*). Acceptance of this

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<sup>15</sup> Shakespeare, R. (2019, online visited July 29, 2014). "The Prophet vindicated", paper presented at the Ahlulbayt World Assembly of Islamic Republic of Iran, Tehran, May 27-30, 2014.

Hanafi fatawa is equivalent to the Jewish law that permits riba on others as gentile. A gross inconsistency thereby arises in respect of the generalized field of global consequences arising from the Hanafite idea of riba in respect of Islamic political economy. How can such a Shariah ruling be an abiding law until the Hereafter as otherwise claimed by the gurus of Shariah?

Take the example of property rights according to Shariah that unquestionably legitimates the shareholder's model of interpersonal property ownership, distribution, and valuation. Then there is the mainstream objective criterion of maximization of the welfare function based on this *fiqhi* rule of property rights (*ahkām*). Such a rule was earlier concocted by Imam Shatibi<sup>16</sup> and subsequently was legitimated by *maqāṣid al-sharī'ah*. Such a perspective on the production of wealth has no legitimacy according to the evolutionary learning outlook of the *tawhīdī* law.

The Qur'an (4:29) declares: "O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you traffic and trade *by mutual good-will*: Nor kill (or destroy) yourselves: *for verily Allah hath been to you Most Merciful!*" This moral law stands out even in the face of *zakāh* payments for the needy. Therefore, it is to be emphasized that *zakāh* and other forms of asset distribution charities ought to be aimed at the attainment of *maṣlahah* (divinely ordained social wellbeing) to enhance ability by interdependent functioning. *Zakāh* and productive functioning together lubricating social participation by asset holding assume the social form of the stakeholders' model of the *tawhīdī* law of unity of knowledge in the production and wider field of valuation of wealth. The stakeholders' model has grand implications for global ethics.<sup>17</sup> The Shariah-legitimizes shareholders' model by its narrowed focus on property rights alone. There is no obviated implication in this institutional form of social inclusiveness by wellbeing by the enviroing outlook of stakeholders' model.

On the broader scope of thought regarding *halāl* and *harām* within the *tawhīdī* law of unity of knowledge comprehending 'everything', the moral imperative of oneness is signified by participation and complementarities between the good choices and their proactive functioning in the world-system at large.<sup>18</sup> The emergent scholarship and institutional and wider fields of valuation now assume the property of balance and linkage between all choices and their enabling resource-mobilizing instruments. Such is the consequential outlook emerging from *tawhīd* as law of unity of knowledge.

<sup>16</sup> Al-Shāṭibī, *al-Muwāfaqāt fī al-Uṣūl al-Sharī'ah*, trans. Abd Allah Draz (Qāhirah: al-Maktabah al-Tijāriyah al-Kubrā, n.d.).

<sup>17</sup> Commission on Global Governance, 1995.

<sup>18</sup> Sen, A., *Commodities and Capabilities* (Oxford: Oxford University Press, 2010).

Unity of knowledge is reflected by the circular causal nature of participation and complementarities between the *halāl* at the rejection of *harām* categories. The same pairing outlook does not hold a mandatory stance in Shariah by its underlying fiqh and fatawa based shareholder model.

The adverse situation of Islamic banking today is found to lie in its focus on acquiring global market shares by competition rather than by participatory organization of its resource use. The so-called Islamic development organizations are empty in establishing multidimensional poverty reduction programs. *Halāl* versus *harām* development financing practices by Islamic banks and Islamic financial development organizations by entrepreneurial productivity remains weak. Thus, *zakāh* along with other forms of charities as *halāl* are not helping out in poverty alleviation in the absence of the precept of organic unity (participation) across the social economy at large between the privileged and under-privileged.<sup>19</sup>

#### ***HALĀL AND HARĀM AS MULTIDIMENSIONAL CATEGORIES IN MAŞLAĤAH AND MAFĀSID FUNCTIONS, RESPECTIVELY***

*Halāl* and *harām* are multidimensional categories of belief. It is true that, Allah has permitted all the good things of life and sustenance – “which then of the bounties of your Lord can you deny?” (Surah al-Rahman). Yet with every positive choice there are oppositely forbidden ones of falsehood and undecidables. The undecidables though become evanescent with the progress of evolutionary learning along the path of *tawhīd* and its conscious application in the attenuating issues and problems under study. It is for this reason that, the *maşlahah* and *mafāsīd* functions (wellbeing and regrettable) are equally multidimensional ones. One is reverse of the other in the *maşlahah* and *mafāsīd* functions, respectively.<sup>20</sup> This way of opposite complementation between truth and falsehood is stated in the Qur’an. That is, the opposite complementation cases negate the Shariah rule that, all that is not forbidden by the declarations of scholars and traditionalists of Shariah, and yet to be found in the *mafāsīd* function, remain permissible. An example of this case is the legitimation of discount rate in asset-valuation model, which otherwise is

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<sup>19</sup> Choudhury, M.A. & Malik, U.A., *The Foundations of Islamic Political Economy* (London: Macmillan, Eng. & St. Martin’s Press, New York, 1992).

<sup>20</sup> Qur’an (91:7-10): “And [by] the soul and He who proportioned it; And inspired it [with discernment of] its wickedness and its righteousness, He has succeeded who purifies it, and he has failed who instills it [with corruption]”. See for commentary A. Abdullah Yusuf (1946), footnote.

simply an expression of time value of money. The result is tantamount to riba-based valuation of assets.

Yet, according to the Qur'an contrarily, for every good thought and action there is an oppositely forbidden or undecidable one. All these categories of Truth, Falsehood, and Undecidable together can enter as multivariables of the *maṣlahah* function in their appropriate forms. Such reorganized variables can then enter the quantitative measurements of a multidimensional objective criterion of opposites that follow in the empirical evaluation of the *maṣlahah* function.

In a generalized expression, a *maṣlahah* function with the variable, (truth/false), takes the vector form (symbols in bold) of multivariable, such as,  $\mathbf{x}(\theta) = f(\mathbf{T}/\mathbf{F}, \mathbf{y})[\theta]$ , as an inter-causal vector expression. These comprise the multidimensional variables in Truth relative to corresponding Falsehood. There is also the vector of enabling instruments,  $\mathbf{y}(\theta)$ , for improving Truth against Falsehood. Such a relative as variable and the transforming instruments of Truth versus Falsehood are subject to *tawhīdī* improvement by the induction of  $\{\theta\}$  as unity of knowledge between the good things of life ( $\mathbf{T}(\theta)$ ) and the progressive avoidance of Falsehood ( $\mathbf{F}(\theta)$ ) via evolutionary learning by knowledge formation of complementarities, ' $\theta$ '. Thereby the critical knowledge-induced multivariables of the *maṣlahah* function in Truth versus Falsehood is ( $\mathbf{T}/\mathbf{F}, \mathbf{y}$ ) [ $\theta$ ]. The interdependency of unity of knowledge is established by degrees of organic pairing. This comprises unity by participation, complementarities between progressively attained ( $\mathbf{T}/\mathbf{F}, \mathbf{y}$ ) [ $\theta$ ]-vector under the impact of *tawhīdī* unity of knowledge as the ontological premise. The quantitative measurement of unity of knowledge by inter-causal pairing is denoted by interrelations between the components of the vector  $\mathbf{x}(\theta)$ . There now exist the circular causation relations between all the variables of the *maṣlahah* function. The *maṣlahah* function both in formalism and quantitative evaluation is denoted by  $W(\mathbf{T}/\mathbf{F}, \mathbf{y})[\theta]$ . This form of the *maṣlahah* function is measurement of the intensity of *ḥalāl* against *ḥarām* in evaluating unity of knowledge between the good things while avoiding the unwanted ones. The result is tantamount to evaluating the wellbeing function by the *tawhīdī* evolutionary learning in the good things of life (*ḥalāl*) while avoiding the *maḥāsīd* ones (*ḥarām*).

### **REQUIRED ADVANCEMENT TOWARDS THE THEORY OF MAQĀṢID AL-SHARĪ'AH AL-TAWHĪD**

*Maqāṣid al-sharī'ah* as the objective and purpose of the Shariah suffers of the same limitations and formal errors as does Shariah regarding the over-arching worldview of world-system that the law ought to address to be comprehensive

and abiding. This section argues this issue of limitation of *maqāṣid al-sharī'ah* as long as its enunciations are not emergent from the qur'anic law. That is *tawhīd*. The broad meanings of *tawhīd* convey firstly, the monotheistic oneness of Allah. But it also conveys the meaning of unity of knowledge and the organic interrelations between entities (complementarities) in the fullness of the generality and details of issues and problems of the world-system under investigation. Thus in regards to extensively interpreting the meaning of *tawhīd* in respect of the Signs of Allah in the scheme and order of things we note here the qur'anic explanation of the substantive verses (Qur'an, 36:36).

Classical theocratic commentary of universal pairing in the Qur'an (*aswaja kullaha*) (36:36) by A. Yusuf Ali<sup>21</sup> is this:

*“Limitless in His glory is He who has created opposites in whatever the earth produces, and in men's own selves, and in that of which [as yet] they have no knowledge.”*

*“..... The constitution of matter itself is thus referred to pairs of opposite energies.....”*

The pervasively monotheistic ta'wil-based commentary of universal pairing in the Qur'an (36:36) is more recently extended to the following exegesis: “[the verse refers] to the polarity evident in all of creation, both animate and inanimate, which expresses itself in the existence of antithetic and yet *complementary forces*.....”<sup>22</sup>

The qur'anic evolutionary learning gateway to knowing Reality is ever vaster without end within our finitude of mental and cognitive faculties. The concept of ‘complementarities’ given by Asad in regards to organistic meaning of continuity, and change by evolution of unity of knowledge further opens up as the explanatory basis of educational philosophy in respect of knowledge. On the evolutionary nature of history, events and nature, all that are inclusive in their inter-relational form of symbiosis, purpose and meaning as essences of complementarity writes<sup>23</sup> to objectively unify religion and modernity: “With the awakening of Islam therefore, it is necessary to examine, in an independent spirit, what Europe has thought and how far the conclusions reached by her can help us in the revision and if necessary, reconstruction, of theological thought in Islam.”

<sup>21</sup> Yusuf Ali, *The Holy Qur'an, Text, Translation and Commentary* (New York: McGregor & Werner, 1946).

<sup>22</sup> Asad, M., *The Message of the Qur'an* (reprinted).

<sup>23</sup> Iqbal, M., *Reconstruction of Religious Thought in Islam*.

In our analytical articulation of such extension in thought we derived from the ontological premise of the Qur'an and sunnah and the epistemological investigations of the learned scholars over time, our extended conception of unity of knowledge (*tawhīd*). This precept is explained by the primal ontology of organic inter-relations as pervasive 'complementarities' that are embedded in its empirical possibility in the evaluation of the wellbeing objective criterion. In this extension of understanding of qur'anic commentary of the above verses are included the choices of the good and the multivariate possibilities of transforming the bad into acceptable, or treating the permanently bad into rejectable in such segregated wellbeing (*maṣlahah*) and 'de-knowledge' (*mafāsīd*) oppositely complemented criteria.

It is to the *ta'wil*-based understanding of the theory of knowledge in the light of the qur'anic monotheistic worldview of unity of knowledge that we refer to in this paper. This approach yields the specific theme of educational planning and its influence on the socioeconomics of development sustainability within the methodology of unity of knowledge explained by the evaluation of wellbeing.

To embrace this same latitude has not been afforded by the approach of Shariah. Consequently, we have used the term *maqāṣid al-sharī'ah al-tawhīd* to contain the fullness of the meaning of the monotheistic law that *maqāṣid* must embrace. This methodological extension and its conceptual, quantitative, empirical and inferential themes are of a substantive nature that has not been incorporated by Shariah in any form.<sup>24</sup> It is not meaningful by the qur'anic worldview to leave Shariah narrowly to the social system (*mu'āmalah*) and the other world-system to science independently arched by its absence of God and monotheism. That would be to "Give unto God what is God's; and unto Caesar what is Caesar's".

### LIMITED SCOPE OF *MAQĀṢID AL-SHARĪ'AH*

The *maṣlahah* function ( $W(X)$ ) exists in the linear additive form in classical theory of *maqāṣid al-sharī'ah*. This form of expression and the underlying

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<sup>24</sup> Ashur, M.T.I., *Treatise on Maqasid as-Shari'ah* (Herndon, VA. U.S.A.: International Institute of Islamic Thought, 2013); Attia, G.E., *Towards Realization of the Higher Intents of Islamic Law: A Functional Approach of Maqasid as-Shari'ah* (Herndon, VA: International Institute of Islamic Thought, 2008); Auda, J., *Maqasid as Shari'ah as Philosophy of Islamic Law* (Herndon, VA: The International Institute of Islamic Thought, 2008).

understanding of wellbeing in  $W(\mathbf{X})$  thus analytically denies the inter-causality, and thereby, holism by complementarities between the elements,

$$\text{Let, } \mathbf{X} = \{X_1, X_2, X_3, X_4, X_5\} \leftrightarrow W(\mathbf{X}) = \sum_{i=1}^5 a_i X_i. \quad (1)$$

$X_1$  denotes protection of Islam as religion. No explicit explanation of *tawḥīd* as law in establishing *maqāṣid al-sharī'ah al-tawḥīd* is evident since its inception to the present times of human innovation in Shariah:<sup>25</sup>

$X_2$  denotes protection of life.

$X_3$  denotes protection of reason.

$X_4$  denotes protection of progeny.

$X_5$  denotes protection of property rights.

$a_i$  ( $i=1,2,3,4,5$ ) denotes weights assigned to each of the  $X$ -variables. This assignment has also been in a linear form. Linearity in terms of  $\mathbf{X}$ -goals,  $a_i$ -weights and the resulting  $W(\mathbf{X})$ -*maṣlahah* (wellbeing) function, all together establish linear additivity, and thereby, the absence of inter-causality between the  $\mathbf{X}$ -goals.

### THE EPISTEME AND ANALYTICAL FORM OF WELLBEING (*MAṢLAHAH*) AND GOALS IN *MAQĀṢID AL-SHARĪ'AH AL-TAWḤĪD*

While an analytical and encompassing methodological worldview of creative interaction cannot be found in the case of the linear perspective of *maqāṣid al-sharī'ah*, in the *tawḥīdī* context of *maqāṣid al-sharī'ah al-tawḥīd* the inherent interaction, integrating, and evolutionary learning worldview are permanent in reference to *tawḥīd* as law. We thereby write analytically,

$$X(\theta) = \cup^{\text{interaction}} \cap^{\text{integration}} \{X_i(\theta)\} \leftrightarrow W(\mathbf{X}(\theta)) = A(\theta) * \prod_{i=1}^n X_i(\theta)^{a_i(\theta)}. \quad (2)$$

$$dW(\mathbf{X}(\theta))/d\theta > 0 \text{ over } \{\theta, \mathbf{X}(\theta), t(\theta)\} \quad (3)$$

The compounding nature of the variables in the wellbeing function implies continuous complementarities between the variables in the light of the epistemological roots of *tawḥīdī* unity of knowledge, 'θ' denotes the

<sup>25</sup> Mohammed, M.O. & Taib, F. M., 'The Performance Measures of Islamic Banking based on the Maqasid Framework', in *Islamic Financial Economy and Islamic Banking*, ed. Choudhury, M.A. (London, Eng: Routledge, 2016).

permanent and embedding consciousness of the generality and details of the socio-scientific world-system. ‘ $\theta$ ’ thereby induces all the variables as interrelated endogenous variables, as shown. The complete evaluation of the generalized wellbeing objective criterion of *maqāṣid al-sharī‘ah al-tawhīd* is now represented as follows:

$$\text{Evaluate}_{\{\theta\}} W(\mathbf{X}(\theta)) = A(\theta) * \prod_{i=1}^n X_i(\theta)^{a_i(\theta)}, \quad (4)$$

$$\text{Subject to, } X_i(\theta) = f_i(\mathbf{X}_j(\theta)), \quad i, j=1, 2, \dots, n; \quad i \neq j, \quad (5)$$

Lastly, the approximated empirical form of the Wellbeing Function using the data table in  $\{\mathbf{X}(\theta), \theta\}$ , constructed over time series and/or questionnaire survey<sup>26</sup> is given by,

$$\theta = A(\theta) * \prod_{i=1}^n X_i(\theta)^{a_i(\theta)} \quad (6)$$

The log-linear form of the equations (2)-(6) are in non-Cartesian dynamic forms because of the evolutionary learning property of ‘ $\theta$ ’ inducing all the variables including the coefficients as shown. The analytical dynamic nature of the wellbeing criterion objectifying pervasive complementarities of the variables in their interactive, integrative and evolutionary learning properties is thus established in the case of *maqāṣid al-sharī‘ah al-tawhīd* in a well-explained analytical form embracing conception, empirical possibility, and inferences over the continuity of  $\{\theta, \mathbf{X}(\theta), t(\theta)\}$  in both time-series and survey data. Such a continuity of the wellbeing objective criterion presenting the endogenous relationship of all the variables in respect of their pervasive complementarities by the episteme of *tawhīdī* unity of knowledge conveys the meaning of moral/ethical sustainability.

The meaning of ‘ $n$ ’ number of variables of the wellbeing function and its endogenous inter-relational equations in the expressions (2)-(5) is a substantive one. The ‘ $n$ ’ number of variables, even after grouping into the five categories of *maqāṣid al-sharī‘ah* can represent many extended groupings that do not presently exist in the classical concept of *maqāṣid* index and its linear approximation into additive form. The ‘ $n$ ’ number of variables grouped into such large sets of goals clearly then point out several important unfinished natures of *maqāṣid* goals. One such omitted goal is how the *maqāṣid* index would embed their functioning role into the creational wholeness.

<sup>26</sup> Choudhury, M.A., ‘The Methodology of Islamic economic and socio-scientific Inquiry,’ *Research in the History of Economic Thought and Methodology*, vol. 30 (2012).



According to the multitude of goals transcending the five goals of *maqāṣid al-sharī'ah*, and building upon this extension, the prolific meanings of creational connectivity leads into a profound though different analytical structure of the emergent index. These are *maqāṣid* index in the classical sense and its linear transformed consideration of mutual independence lately; and pervasive complementarities reflecting unity of knowledge conveyed by the organic meaning of  $\theta$ -embedded entities (Qur'an 36:36). Figure 1 brings out the substantive implication of wellbeing as index in the context of *maqāṣid al-sharī'ah al-tawḥīd*. This is equivalent to the extended completeness of expressions (2)-(6) and is contrary to expression (1) in linear and mutually independent relationship of variables in the additive form of welfare. Welfare conception is therefore unlike wellbeing as the *tawḥīdī* complementarity index in the *maqāṣid* goals.

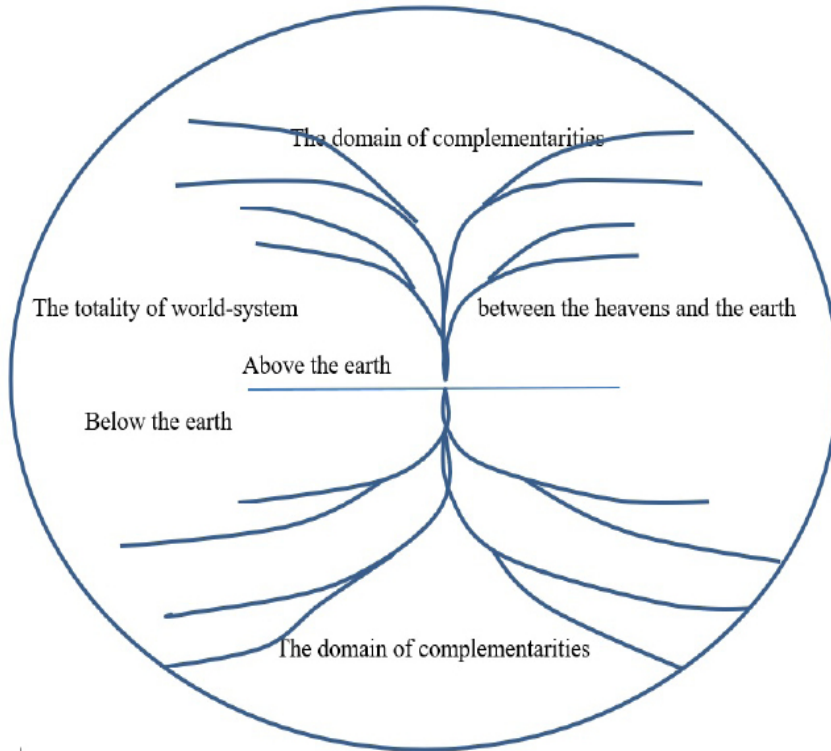
The Qur'an declares in respect of the above two contrasting cases:

*The fecund complex form of evolutionary learning worldview:* (Qur'an, 14:24) Have you not considered how Allah presents an example, [making] a good word like a good tree, whose root is firmly fixed and its branches [high] in the sky?

(Qur'an, 14:25): It produces its fruit all the time, by permission of its Lord. And Allah presents examples for the people that perhaps they will be reminded.

*The decadent form of the linear way of description of reality:* (Qur'an, 14:26): And the example of a bad word is like a bad tree, uprooted from the surface of the earth, not having any stability.

**Figure 1: The organic overarching unity of knowledge by the law of *Tawhīd* across the entire world-system (*‘ālamīn*)**



In reference to the formalization given in this section and to Figure 1, it is clear that, despite any convoluted reference to *tawhīd* in *maqāṣid al-sharī‘ah*, this field of jurisprudence is distinct from the holistic worldview and analytical methodology of *maqāṣid al-sharī‘ah al-tawhīd*. One particular example will substantiate this argument that, only *tawhīd* is the ultimate law upon which the qur’anic world-system rests and is explained in its details and generality. It is therefore, to *tawhīd* and to the unfolding discursive elements of Shariah as the way arising from and converging to *tawhīd* as the worldview, that all matters must refer: (Qur’an 57:5) “To Him belongs the dominion of the heavens and the earth: and all affairs are referred back to Allah.”

Unlike the conceptual-quantitative application of *tawhīd* as the universal law of unity of knowledge across the knowledge, space, and time dimensions, Shariah is incapable of formalizing the morally inclusive model of science,

economy and society in the qur'anic monotheistic fold<sup>27</sup> in universal entirety. The methodological independence of the various goals of *maqāṣid al-sharī'ah* by its linear additive outlook of indexing does not enable formalism of such an overarching inclusiveness by pervasive complementarities. On the other hand, the moral inclusiveness is indispensable in the formalism of *tawhīd* as law of unity of knowledge in its organistic complementary holism.

In this regard, Shariah concurs with the edict on the abolition of *riba* (interest) in investment and asset valuation. Yet it fails to recognize the nature of the time-structure of interest rate in a complementary portfolio of short-, medium- and long-term investments that are complemented according to the formal application of unity of knowledge in *tawhīd* as law. Likewise, in asset valuation of short-, medium- and long-term investments, the method of rate-setting for capitalization of returns has remained a perennially problematique under Shariah. The most worrisome cases are of setting bond rate in *sukuk*; setting the *murabaha* debt-financing rate; setting *ijara*-rate; and setting *takaful* premiums.

The concept of value in asset valuation remains undefined in Shariah. Contrarily, in terms of *tawhīd* as law the embedding of moral/ethical values in all good complementary choices of transformations represented by their inter-related endogenous variables, defines value as the wellbeing function (*maṣlahah*). This is comparable to the use of expression (3).

All variables (thereby rates-of-return) determine their endogenous complementary circular relations within the wellbeing evaluation. Similar inter-causal relations between inter-variables as degrees of complementarities are absent in the Shariah context. Contrarily, this nature of complementary relations remains pervasive and continuous, and thereby, morally inclusive conveyed by the endogenous ethical embedding of all variables in the wellbeing function as the objective criterion of all forms of valuation.

Yet other classes of Shariah approved financing outlets are *sukuk*, *murabaha*, and cryptocurrencies.<sup>28</sup> In everyone of these cases, only the justification of interest-free, real-economy, and profit-orientation are legitimized for their acceptance under Shariah. Yet in recent times, the cryptocurrencies, *sukuk*, and over-concentration of *murabaha* financing instruments have been highly volatile.

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<sup>27</sup> Choudhury, M.A., *Islamic Economics and Covid-19, The Economic, Social and Scientific Consequences of A Global Pandemic* (UK: Routledge, Abingdon, 2021).

<sup>28</sup> Islamic Finance Guru, 'Sharia-Certified Halal Cryptocurrencies - IslamicFinanceGuru', accessed on 22 May 2021.

## CONCLUSION

It is time now, as we march into new vistas of socio-scientific thought and new areas of epistemology underlying fresh intellectual search, to revert back the study, understanding and application of Shariah to its essential qur'anic meaning (Qur'an, 45:18). Such a reversal from its juristic nature presently is expected to open the entire Islamic intellectual space to the wide vista of *tawhīdī* methodological worldview. In the ensuing new age and its maturing faculty, such a methodology is equivalent to returning back to the holistic nature, that which, the Qur'an declares: Allah is the Lord of the heavens and the earth and all that is between.

Thereby, the study of *mu'āmalah* and the physical reality ought to be studied along the same line of complemented unity of knowledge (qur'anic pairing). A prominent example at the present time is the technical study of biological symbiosis and pervasive complementarities of the socio-scientific world-system and its issues and problems. In such a widening field of inquiry the co-determined methodology unraveling the God, mind, matter universal inter-relations prevail. In the *tawhīdī* worldview such a deepening inquiry is instilled in the systems of studies by the cognitive consciousness that is now explicated by the ontology of unity of knowledge and the specifics and generality of the attenuating issues.

If Shariah is to be made capable to contribute to the building of the *tawhīdī* vista of thought rather than being limited to the study of household and *mu'āmalah*, then it ought to be treated as a medium that arises from, then formalizes, applies and sustains the pathway *from* and *towards* *tawhīd* as the law of unity of knowledge. While this is the pedestal of Qur'an regarding Shariah and *maqāṣid al-sharī'ah al-tawhīdī*, this is not the way that latter generation understood them. This generation must understand and apply the study and practice Shariah in the *tawhīdī* context. Along with such an essential reversion of Shariah and *maqāṣid al-sharī'ah al-tawhīdī* to their ontological and epistemological roots in the Qur'an and sunnah, much of the traditional views on matters of permissibility (*ḥalāl*) and impermissibility (*ḥarām*) that cannot be ratified in accordance with the Qur'an and sunnah in the human concocted version of Shariah will change.

A grand example of this case is the requisite need in *maqāṣid al-sharī'ah* to extend its limited five injunctions. Firstly, this extension ought to give primacy, along with the cardinal point of protection of deen (religion), to the foundational ontological (*usul*) study of unity of knowledge and the learning world-system in unity of knowledge. This must rest on the *tawhīdī* ontology

of unity of being and becoming of all inquiries. The emanating evolutionary learning would be simultaneously explained by the phenomenology of pervasive complementarities between the good things of life (*ḥalāl al-ṭayyibah*) and the repelling of the rejected ones.

Such revolutionary transformation would naturally result in criticism of much of the present-days concepts, formalism, and applications of non-*tawhīdī* socio-scientific orientations. Shariah today is not ready for this challenge. Nonetheless such a change is necessary for the understanding of the *tawhīdī* methodological worldview. Along with all such new visions of challenge, search, discovery and change, the educational institutions, primarily the Islamic ones, must embrace the rigorous pursuit of the *tawhīdī* methodological worldview as the essential law of unity of knowledge in the order and scheme of the generality and specifics of the world-system (*‘ālamīn*).

A precious quote regarding the conscious integration between the physical and non-physical domains governed by the unique and universal law is by Kant:<sup>29</sup> “*Two things fill the mind with ever new and increasing awe and admiration the more frequently and continuously reflection is occupied with them; the starred heaven above me and the moral law within me. I ought not to seek either outside my field of vision, as though they were either shrouded in obscurity or were visionary. I see them confronting me and link them immediately with the consciousness of my existence.*”

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<sup>29</sup> Kant, I., ‘Critique of Pure Reason. Friedrich,’ C. J. (ed.). *The Philosophy of Kant* (New York, NY: Modern Library, 1949).

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