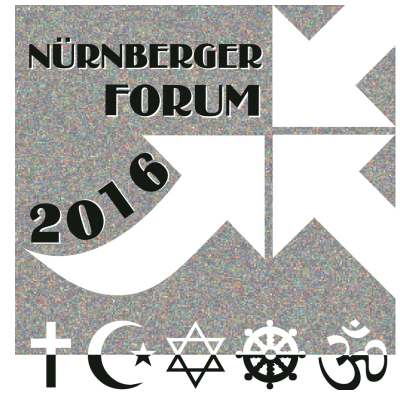Mohammed Nekroumi

Islamic Contributions to the Common Good in multi-confessional Societies. Hermeneutical Foundations

ABSTRACT

A recent theoretical and methodological development within Hermeneutical Studies has hitherto been neglected with regards to the strong normative strands of ethical studies in Islamic tradition. This paper examines the origins and the significance of the rational argumentation in Šāṭibī's concept of Common Good from a hermeneutical perspective. From ʾImām al-Ḥaramayn (d. 478/1085) we may infer that the first substantial point of conflict between rational and textual tendencies in legal tradition was analogical argumentation to deduce Maṣlaḥa. Zahirit's decision to eliminate analogical deduction from legal reasoning contributed to the elaboration of a singular and unique conception of Maṣlaḥa in Maqāṣid legal tradition, more specifically in Šāṭibī's theory of ethics. Based on a brief chronology of the process of rational argumentation in legal tradition, the paper considers some general reasons why the Maqāṣid concepts of rationality were appropriate to exhaustive Definition of Maṣlaḥa within the framework of Islamic moral theory.