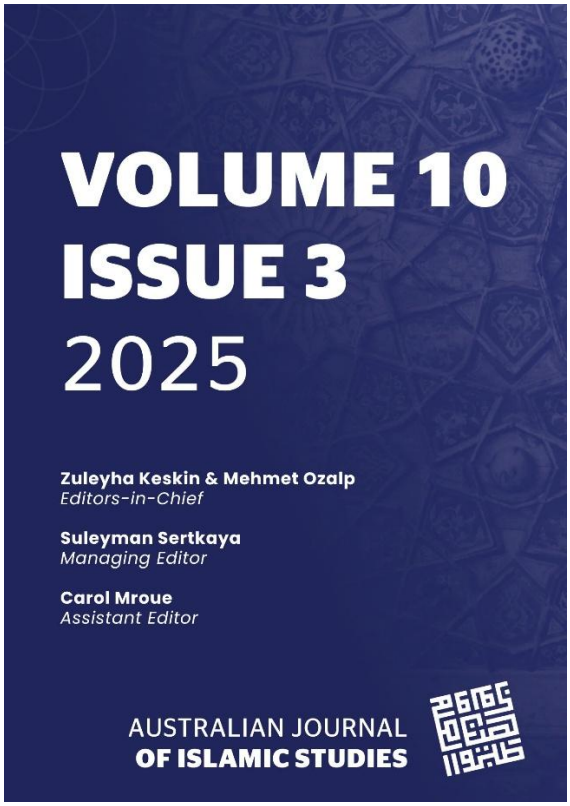

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CONTEMPORARY DEBATES ON RENEWAL OF ISLAMIC LEGAL THEORY (*TAJDĪD UṢŪL AL-FIQH*): THE CONTRIBUTIONS OF AḤMED AL-RAYSŪNĪ

Afifhadi Marjohan[*], Muhammad Safwan Harun[**] and Ariyanti Mustapha[***]

Abstract: This article examines Aḥmed al-Raysūnī's (b. 1953) contributions to the renewal (*tajdīd*) of Islamic legal theory (*uṣūl al-fiqh*) in his work, *al-Tajdīd al-Uṣūlī*. It engages with the broader debate on the reform of legal theory, in which al-Raysūnī proposes incorporation of new, beneficial elements and refinement of established principles. Unlike some modern scholars who remain confined to imitation (*taqlīd*) without offering substantive innovation or, conversely, seek to dismantle the entire edifice of Islamic law under the pretext of renewal, al-Raysūnī advances a balanced reform agenda rooted in constructive critique. His vision of renewal is articulated in four principal areas: (1) relaxing the stringent conditions of legal reasoning (*ijtihād*), (2) applying the framework of objectives of Islamic law (*maqāṣid al-sharī'ah*) within legal reasoning, (3) developing jurisprudence of contemporary realities (*fiqh al-wāqi'*), and (4) promoting the institutionalisation of collective legal reasoning (*ijtihād jamā'ī*). To examine his views in these four areas, the article employs a textual approach, analysing al-Raysūnī's writings alongside relevant secondary literature. Overall, al-Raysūnī occupies a centrist (*wasaṭī*)-modernist position, as reflected in his projects focused on the methodology of legal reasoning. He rejects blind adherence to imitation and radical efforts to overhaul Islamic law in the name of renewal. For him, the principles and methodologies of legal theory must be revised selectively while remaining grounded in their foundational sources, allowing the tradition to stay faithful to its roots and responsive to the needs of the modern era.

Keywords: *Al-Raysūnī*, *reform*, *renewal*, *tajdīd*, *uṣūl al-fiqh*

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INTRODUCTION

Traditionally, trained scholars of Islamic law today are required to master texts in Islamic legal theory that date back centuries. However, various contemporary scholars criticise the classical methodology and put forth multiple agendas for reform. The need for renewal in legal theory is justified on the grounds that adhering to the inherited forms of legal reasoning will not equip Muslim jurists (*mujtahid*) to provide complete answers to current issues.

The call for reforming legal theory first emerged within the spirit of Islamic revival, which began to gain momentum in the early 19th century. Since then, the stagnation of Islamic legal thought due to imitation has been invoked as the primary reason for the need to promote the renewal of Islamic law.[1] Emulation of the legal legacy of earlier jurists significantly increased after the golden age of Islamic jurisprudence, which negatively impacted the intellectual engagement of Muslim scholars with contemporary issues. The practice of imitation was considered a significant reason for the closure of the gate of legal reasoning (*insidād bāb al-ijtihād*), which marked the decline of legal reasoning activity among scholars of Islam.[2] Despite their fear of mistakes and the caution exercised while performing legal reasoning, many scholars of Islamic jurisprudence relied comfortably on the legal opinion (*fatwā*) established by their predecessors. Conversely, the rejection of calls for renewal is premised on the understanding that all existing rules and teachings are complete and binding. So, they cannot be changed or elaborated.[3]

In fact, the discourse of renewal emerged in response to the dynamic needs of changing times and social realities, which continue to shape the reconstruction and re-articulation of Islamic intellectual disciplines,[4] including legal theory. However, it must be ensured that the reforms carried out are within the permitted framework; that is, not against matters that are conclusive (*qaṭ'ī*) and fixed (*thābiṭ*). Yūsuf al-Qaraḍāwī (d. 2022) has highlighted the importance of renewing legal theory to align with current realities and serve the benefits of the Muslim community. It is imperative to understand that the science of legal theory encompasses inconclusive (*ẓannī*) and conclusive (*qaṭ'ī*) principles, necessitating the exercise of legal reasoning by Muslim scholars to address contemporary issues effectively.[5] Similarly, scholars like Ḥasan al-Turābī (d. 2016) have emphasised the significance of renewal in legal theory, advocating for the integration of revealed sources with legal reasoning to analyse contemporary

1 M. Arfan Mu'ammar, "Islam Progresif dan Ijtihad Progresif Membaca Gagasan Abdullah Saeed" [Progressive Islam and Progressive Ijtihad: Reading the Ideas of Abdullah Saeed], in *Studi Islam Perspektif Insider/Outsider*, ed. M. Arfan Mu'ammar et al. (IRCisoD, 2012), 349.

2 Ahmet Temel, "The Missing Link in the History of Islamic Legal Theory: The Development of Usul al-Fiqh between al-Shafi'i and al-Jassas during the 3rd/9th and Early 4th/10th Centuries" (PhD diss., University of California, Santa Barbara, 2014), 261.

3 Mun'im Sirry, *Tradisi Intelektual Islam: Rekonfigurasi Sumber Otoritas Agama* [Islamic Intellectual Tradition: Reconfiguring the Sources of Religious Authority] (Pustaka Madani, 2015), 139.

4 Abdullah Ahmed al-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse University Press, 1996), 48.

5 Abdul Muthalib, "Perkembangan Ilmu Ushul Fiqh Pasca Imam Madzhab hingga Abad Modern (Kajian terhadap Metode Ijtihad dan Penerapannya)" [The Development of Islamic Legal Theory from the Post–Madhhab Imams Period to the Modern Era: A Study of Ijtihad Methods and their Application], *Hikmah* 16, no. 2 (2019).

issues. This approach focuses on developing new principles that can provide benefits (*maṣlaḥah*) to society.[6]

According to Sa'īd Ramaḍān al-Būṭī (d. 2013), renewal in legal theory can be understood in two distinct forms. The first form refers to strengthening the existing methodology and its foundations by addressing internal weaknesses and presenting legal theory in a renewed and more appropriate manner, without altering its established principles.[7] The second form, by contrast, involves replacing or changing foundational rules to the extent that it results in dismantling the legal framework.[8] Al-Būṭī maintains that renewal undertaken in the first sense is praiseworthy and encouraged, as it aligns with the Prophetic tradition (*ḥadīth*) narrated by Abū Hurayrah: "Indeed, Allah sends to this ummah at the beginning of every hundred years someone who renews its religion (from all deviations)."[9]

Within this framework, the idea of renewing legal theory has been further advanced by Aḥmed al-Raysūnī, a Moroccan scholar renowned for his expertise in objectives of Islamic law and Islamic legal theory. He studied at the Faculty of Sharī'ah, University of al-Qarawiyyīn, graduating with a bachelor's degree in 1978 and later pursued postgraduate studies at Mohammed V University, where he obtained a master's degree in objectives of Islamic law (1989) and a doctorate in legal theory (1992).[10] He subsequently taught at Mohammed V University and Dār al-Ḥadīth al-Ḥasaniyyah (1986–2006), before serving in international scholarly projects and institutions such as the International Union of Muslim Scholars (IUMS), where he succeeded al-Qaraḍāwī as President (2018–2022).[11] His career also includes leadership roles at the Maqasid Center for Studies and Research, contributions to *Ma'lamah Zāyed li al-Qawā'id al-Fiqhiyyah wa al-Uṣūliyyah* (Zayed Encyclopedia of Juristic and Legal Maxims), visiting professorships in Qatar and the UAE, and extensive supervision of postgraduate research in Islamic law.[12] Through his teaching, writing and organisational leadership, al-Raysūnī has become a central figure in contemporary debates on Islamic legal theory.

In his work *al-Tajdīd al-Uṣūlī*,[13] al-Raysūnī differentiates between legal theory as a set of Divine legal foundations and the "science of legal theory" as a humanly constructed discipline

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6 Ḥasan al-Turābī, *Pembaharuan Ushul Fiqh* [Renewal of Islamic Legal Theory], trans. Muhammad Afif et al. (Pustaka, 1986), 15.

7 Sa'īd Ramaḍān al-Būṭī, *Ishkāliyyāt Tajdīd Uṣūl al-Fiqh* [Problems of Renewing Islamic Legal Theory] (Dār al-Fikr, 2006), 156.

8 Ibid.

9 Abu Dāwūd Sulaymān Ibn al-Ash`ath, *Sunan Abī Dāwud*, vol. 6, Kitāb al-Malāhim, hadith no. 4291 (Dār al-Risālah al-`Ālamiyyah, 2009), 348. This is a well-known authentic hadith.

10 Al-Mauqi' al-Rasmī li al-Ustādh Aḥmed al-Raysūnī, "Al-Sīrah al-Dhātiyyah" [Biography], accessed December 20, 2024, https://raissouni.com/%d8%a7%d9%84%d8%b3%d9%8a%d8%b1%d8%a9%d8%a7%d9%84%d8%b0%d8%a7%d8%aa%d9%8a%d8%a9.

11 International Union of Muslim Scholars, "Al-'Ūḍwiyyah" [Membership], accessed December 20, 2024, https://iumsonline.org/ar/Members.aspx#.

12 Research Centre for Islamic Legislation and Ethics, "Sheikh Dr. Ahmed Raissouni," accessed December 20, 2024, https://www.cilecenter.org/about-us/our-team/sheikh-dr-ahmed-raissouni.

13 This group consists of 13 Islamic legal theory experts from Morocco: al-Raysūnī, Aḥmed al-Sanūnī, Aminah Sa'dī, al-Jaylānī al-Mūrīnī, al-Ḥusayn al-Ḥayyān, al-Ḥusayn Ayāt Sa'īd, Humayd al-Wāfī, 'Abd al-Ḥamīd 'Ashāq, 'Abd al-Salām Balajī, al-'Arabī al-Buhālī, Muḥammad 'Awwām, Muṣṭafā Ḥasanayn

comprising issues, concepts and methodologies. Accordingly, the project of reform concerns the latter "renewal of the science of legal theory." Al-Raysūnī explains that the renewal of legal theory is connected to theoretical enquiry, since it is a humanly developed discipline of knowledge. As such, it can evolve over time, allowing religious scholars and Muslim intellectuals to contribute ideas according to their expertise. Thus, al-Raysūnī's project in renewing legal theory centres on methodology of legal reasoning in four interrelated areas: relaxing the stringent classical conditions of legal reasoning to broaden scholarly participation, systematically applying the framework of objectives of Islamic law as a guiding principle in legal reasoning, advancing jurisprudence of contemporary realities to ensure that legal theory addresses current social contexts, and promoting the institutionalisation of collective legal reasoning as a safeguard against individual error and a means of tackling complex modern issues. These proposals are important because they enable Islamic legal theory to remain dynamic, relevant and preserved, while maintaining continuity with its classical foundations.[14]

Hence, this study aims to fill a gap in understanding al-Raysūnī's perspectives on reforming legal theory.[15] Although his work on the objectives of Islamic law has received considerable attention, his broader ideas on renewing legal theory, including methodological innovations and adaptations to contemporary challenges, have not been fully explored. Meanwhile, in

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'Abd al-Ḥādī and al-Nājī Lamīn. Each wrote chapters about *uṣūl al-fiqh* based on their respective expertise directed at the methodology of renewing *uṣūl al-fiqh* that had been agreed.

14 Aḥmed al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī: Naḥw Ṣiyāghah Tajdīdiah li 'Ilm Uṣūl al-Fiqh* [Foundational Renewal: Toward a Renewed Framework of Islamic Legal Theory] (International Institute of Islamic Thought, 2014), 13–14.

15 See Muhammad Said, "Rekontekstualisasi Pemikiran Islam dalam Manhaj Ushul Fiqh Hassan Hanafi" [Recontextualizing Islamic Thought in Hassan Hanafi's Methodology of Islamic Legal Theory], *Muharrik: Jurnal Dakwah dan Sosial* 2, no. 1 (2019), https://doi.org/10.5281/zenodo.3544708; Syamsul Falah, "Rekonstruksi Usul Fiqih Perspektif Maqoshid Syari'ah sebagai Iktiyar Pelestarian Lingkungan" [Reconstructing Islamic Legal Theory from a Purposive Law Perspective as an Effort toward Environmental Preservation], *Syariati* 5, no. 1 (2019), https://doi.org/10.32699/syariati.v5i01.1183; Ahmad Gazali, "Maqasid al-Syariah dan Reformulasi Ijtihad sebagai Sumber Hukum Islam" [The Objectives of Islamic Law and the Reformulation of Ijtihad as a Source of Islamic Law], *Alhadarah: Jurnal Ilmu Dakwah* 18, no. 2 (2019), https://doi.org/10.18592/alhadharah.v18i2.3133; Abdel Razek Khidr, "Ittijāhāt al-Tajdīd fī 'Ilm Uṣūl al-Fiqh baina al-Tabdīd wa al-Tandīd: Dirāsah Taḥlīliyah Naqdiyah" [Trends of Renewal in Islamic Legal Theory between Distortion and Rigidity: A Critical Analytical Study], *Majallah Kulliyyah al-Adāb wa al-'Ulūm al-Insāniyyah* 35, no. 1 (2020), https://dx.doi.org/10.21608/jfhsc.2020.135461; Awat Mohamed Agha Baba, Arif Ali Arif and Ihsan Abdulmonem Abdulhadi Samara, "Tajdīd 'Ilm Uṣūl al-Fiqh baina al-Aṣālah wa al-Ḥadāthah: Dirāsah Taḥlīliyah Muqāranah" [Renewing Islamic Legal Theory between Authenticity and Modernity: A Comparative Analytical Study], *Al-Hikmah International Journal of Islamic Studies and Human Sciences* 5, no. 1 (2022), https://doi.org/10.46722/hikmah.v5i1.225; Muhammad Syarif Hidayat, "Argumentasi Pembaharuan Ushul al-Fiqh: Problematika dan Tantangannya" [Arguments for the Renewal of Islamic Legal Theory: Problems and Challenges], *Journal of Islamic Studies and Humanities* 6, no. 1 (2021), https://doi.org/10.21580/jish.v6i1.8175; Muṣṭafā Ibrāhīm, "Tajdīd Uṣūl al-Fiqh wa Aulawiyyāt al-Baḥth fīh" [Renewing Islamic Legal Theory and Research Priorities], *Majallah Kulliyyah al-Adāb bi Qinā'* 56, no. 1 (2022), https://doi.org/10.21580/jish.v6i1.8175; Rezart Beka, "Maqāṣid and the Renewal of Islamic Legal Theory in Abdullah Bin Bayyah's Discourse," *American Journal of Islam and Society* 38, no. 3–4 (2022), https://doi.org/10.35632/ajis.v38i3-4.2987; Muhammad Zainuddin Sunarto, Tutik Hamidah and Abbas Arfan, "Pembaharuan Ushul Fiqh Ali Jum'ah Muhammad" [The Renewal of Islamic Legal Theory according to Ali Jum'ah Muhammad], *Hakam: Jurnal Kajian Hukum Islam* 6, no. 1 (2022), https://doi.org/10.33650/jhi.v6i1.3878; 'Amir Abdul al-Hākim, "Ḍarūrah al-Tajdīd fī 'Ilm Uṣūl al-Fiqh" [The Necessity of Renewal in Islamic Legal Theory], *Majallah Asyuṭ li Buḥūth al-Dirāsāt al-Islāmiyyah* 7, no. 1 (2020), https://doi.org/10.21608/mabda.2020.277749.

today's rapidly changing world, where Muslim societies face new social, legal and ethical challenges, understanding how Islamic legal theory can adapt is more important than ever. This research fills that gap by offering a comprehensive analysis of al-Raysūnī's contributions to contemporary legal theory, demonstrating his authority and recognition by prominent scholars such as al-Qaraḍāwī and Ibn Bayyah, as well as the international reach of his works.[16]

THE CONCEPT OF RENEWAL LEGAL THEORY

Etymologically, renewal (*tajdīd*) is a verbal noun that originates from the word *jaddada*, which means renewing.[17] Renewal (*tajdīd*) has two main meanings: the thing became new by itself/passively (*tajaddada al-shayʾu*) and someone actively made it new (*ṣayyara-hu jadīdan*).[18] Many other words have a similar meaning to renewal (*tajdīd*). Among them are revival (*iḥyāʾ*), rectification (*iṣlāḥ*), modernisation (*taḥdīth*), restoration (*inʿāsh*), reinitiation (*istiʾnāf*), establishment (*irsāʾ*) and repetition (*iʿādah*).[19]

Scholars have different opinions regarding the definition of renewal. However, their uses of the term are confined to three meanings.[20] First, to restore lost religious values by re-examining

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16 These include works such as *Naẓariyyah al-Maqāṣid 'inda al-Imām al-Shāṭibī* (The Theory of Objectives according to Imām al-Shāṭibī), *Naẓariyyah al-Taqrīb wa al-Taghlīb wa Taṭbīqātihā fī al-'Ulūm al-Islāmiyyah* (The Theory of Approximation and Preponderance and its Applications in the Islamic Sciences), *Min A'lām al-Fikr al-Maqāṣidī* (Figures of Maqāṣidī Thought), *Madkhal ilā Maqāṣid al-Sharī'ah* (Introduction to the Objectives of Sharī'ah), *Al-Fikr al-Maqāṣidī Qawā'iduh wa Fawā'iduh* (Maqāṣidī Thought: Its Principles and Benefits), *Al-Ijtihād: al-Naṣ wa al-Maṣlaḥah wa al-Wāqi'* (Ijtihād: Text, Interest, and Reality), *Al-Ummah Hiya al-Aṣl* (The Ummah is the Foundation), *Al-Ta'addud al-Tanzīmī lil-Ḥarakah al-Islāmiyyah: Mā Lahu wa Mā 'Alayh* (Organisational Pluralism in the Islamic Movement: Pros and Cons), *Mā Qalla wa Dalla wa Maḍātun wa Nabaḍātun* (Brief yet Meaningful: Essays and Reflections), *Al-Waqf al-Islāmī Majālātuh wa Ab'āduh* (Islamic Endowments: Their Fields and Dimensions), *Al-Shūrā fī Mu'rikah al-Binā'* (Shūrā in the Struggle for Nation-Building), *Al-Kulliyyāt al-Asāsiyyah li al-Sharī'ah al-Islāmiyyah* (The Fundamental Universals of the Islamic Sharī'ah), *Muḥāḍarāt fī Maqāṣid al-Sharī'ah* (Lectures on the Objectives of Sharī'ah), *Al-Fikr al-Islāmī wa Qaḍāyānā al-Siyāsah al-Mu'āṣirah* (Islamic Thought and our Contemporary Political Issues), *Abḥāth fī al-Mīdān* (Field Studies), *Murāji'āt wa Mudāfi'āt* (Reviews and Defenses), *'Allāl al-Fāsī 'Āliman wa Mufakkiran* ('Allāl al-Fāsī: Scholar and Thinker), *Fiqh al-Thawrah: Murāji'āt fī al-Fiqh al-Siyāsī al-Islāmī* (The Jurisprudence of Revolution: Reflections in Islamic Political Jurisprudence), *Ma'lamah Zāyed li al-Qawā'id al-Fiqhiyyah wa al-Uṣūliyyah* (Zayed Encyclopedia of Juristic and Legal Maxims), *Al-Tajdīd wa al-Tajwīd* (Renewal and Refinement), *Al-Tajdīd al-Uṣūlī* (Renewal of Legal Theory), *Al-Qawā'id al-Asās li 'Ilm Maqāṣid al-Sharī'ah* (Foundational Principles of the Science of Maqāṣid al-Sharī'ah), *Al-Jam' wa al-Taṣnīf li Maqāṣid al-Shar' al-Ḥanīf* (Compiling and Classifying the Objectives of the Noble Sharī'ah), *Dirāsāt fī al-Akhlāq* (Studies in Ethics), *Mu'jam al-Muṣṭalaḥāt al-Maqāṣidiyyah* (Dictionary of Maqāṣid Terminology), *'Ilm Uṣūl al-Fiqh fī Ḍaw' Maqāṣidih* (The Science of Legal Theory in Light of its Objectives), *Al-Mukhtaṣar al-Uṣūlī* (A Concise Manual of Legal Theory), *Al-Ikhtiyārāt al-Maghribiyyah fī al-Tadayyun wa al-Tamadhhub* (Moroccan Choices in Religiosity and Madhhab Affiliation), *Maqṣad al-Salām fī Sharī'ah al-Islām* (The Objective of Peace in Islamic Sharī'ah), and *Qawā'id al-Maqāṣid* (Principles of the Objectives).

17 Aḥmad ibn Manẓūr, *Lisān al-'Arab* [The Language of the Arabs], vol. 3 (Nashr Adāb al-Ḥauzah, 1985), 110.

18 Aḥmad ibn Manẓūr, *Lisān al-Lisān: Tahzīb Lisān al-'Arab* [The Language of the Language: A Refinement of the Language of the Arabs] (Dār al-Kutub al-'Ilmiyyah, 1993), 170.

19 Busṭāmī Muhammad Sa'īd, *Mafhūm Tajdīd al-Dīn* [The Concept of Religious Renewal] (Markaz al-Ta'sīl li al-Dirāsāt wa al-Buhūth, 2015), 12.

20 'Adnān Muḥammad Amāmah, *Tajdīd fī Fikr al-Islāmī* [Renewal in Islamic Thought] (Dār Ibn al-Jauzī, 2004), 16.

the sciences related to the Qur'an and Sunnah, and subsequently disseminating them so they may be applied in daily life.[21] Second, to prevent and eliminate heretical practices and doctrines of ignorance (*jāhiliyyah*) that contradict Islamic teachings.[22] Third, to ensure that contemporary realities remain in harmony with Sharī'ah laws and to reorganise the knowledge framework so it aligns with the spirit of legislation (*rūḥ al-tashrī'*).[23]

To understand what renewal of Islamic legal theory could mean, it is first necessary to clarify the meaning of legal theory. In its technical sense, legal theory is defined by scholars as the discipline that studies the sources and proofs of Islamic law, the methods of deriving legal rulings from them and the conditions of the jurist who undertakes this task.[24] It encompasses theoretical discussions on the nature and hierarchy of evidences such as the Qur'an, Sunnah, consensus (*ijmā'*) and analogy (*qiyās*), as well as the principles governing preference (*jam'u/tarjīḥ/nasakh*) when evidences appear to conflict (*ta'āruḍ*).[25] At its core, legal theory regulates and directs the exercise of legal reasoning, which is understood as a qualified intellectual exertion aimed at extracting legal rulings from the revealed texts.[26] Thus, legal theory functions primarily as a methodological and epistemological science, focused on the frameworks and procedural tools for deducing rulings.

In Islamic legal literature, reasoning is governed by strict conditions and stages. First, the jurist must master Arabic to accurately interpret the Qur'an, Sunnah and classical texts with their linguistic and contextual nuances. Second, they should have deep knowledge of primary sources and secondary evidence like consensus (*ijmā'*) and analogy (*qiyās*). Moreover, mastery of legal theory principles, including methods for resolving conflicting texts through reconciliation (*jam'u*), preference (*tarjīḥ*), abrogation (*nasakh*), legal reasoning methods such as juristic preference (*istihsān*) and consideration of public interest (*istiṣlāḥ*), is essential. Other than that, ethical integrity and intellectual honesty are required to avoid bias. Additionally, the jurist must understand social and historical contexts, thereby ensuring rulings align with Sharī'ah's overarching objectives and maintain legal coherence without contradicting definitive texts.[27]

Al-Raysūnī's contribution to the methodology of legal reasoning represents a comprehensive reconfiguration that goes beyond the objectives-based prioritisation often highlighted. While he elevates the objectives of Islamic law as crucial to the process of legal reasoning, his renewal engages the entire methodological framework in a dynamic and contextualised manner. He expands the qualifications of the jurist, advocating for

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21 'Abd al-Ra'ūf Munāwī, *Fayḍ al-Qadīr: Sharḥ al-Jāmi' al-Ṣaghīr* [The Abundant Emanation: A Commentary on al-Jāmi' al-Ṣaghīr], vol. 1 (Dār al-Ḥadīth, 2010), 14.

22 Ibid., vol. 3, 357.

23 'Umar 'Ubayd Ḥasanah, *Al-Ijtihād li al-Tajdīd Sabīl al-Wārithah al-Ḥaḍāriyyah* [Ijtihad for Renewal as the Path to Civilizational Continuity] (Dār al-'Arabiyyah li al-'Ulūm, 1998), 20.

24 Nāṣir al-Dīn al-Baiḍāwī, *Minhāj al-Wuṣūl ilā 'Ilm al-Uṣūl* [The Methodology of Attainment in the Science of Legal Theory], vol. 1 (Dār Ibn Ḥazm, 2008), 51.

25 Muḥammad al-Shawkānī, *Irshād al-Fuḥūl ilā Taḥqīq al-Ḥaqq min ʿIlm al-Uṣūl* [Guidance for the Disciplined in Verifying Truth in Islamic Legal Theory], vol. 1 (Dār al-Faḍīlah, 2000), 59.

26 Ibid.

27 Wahbah al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī* [Islamic Legal Theory] (Dār al-Fikr, 1986), 1043–51.

interdisciplinary expertise that includes mastery in social sciences, economics and political theory, alongside traditional religious sciences.[28]

Against this background, the discourse of renewing legal theory has gained prominence in contemporary scholarship. The aim is neither to abolish nor replace the inherited structure of legal theory, but to revitalise it so that it continues to serve as a living methodology. Several modern scholars have offered influential definitions and conceptualisations of this process of renewal. For example, Sa'īd Ramaḍān al-Būṭī defines renewal of legal theory as the reform of its rules and regulations by repairing structural and conceptual gaps, strengthening weakened evidence and presenting the content in more accessible and systematic ways. In his view, renewal involves development and reorganisation, without severing ties with the foundational heritage.[29]

Similarly, 'Abd Allāh al-Jabbūrī frames renewal as a restorative enterprise, which is to return legal theory to its original state by repairing what has worn out, patching what has torn apart and reinforcing what has weakened, thereby reviving it "as close as possible" to its pristine form.[30] His emphasis also is on authenticity and preservation, with renewal conceived as restoration rather than innovation.

By contrast, Mawlūd al-Sarīrī articulates a more expansive notion of renewal. He associates it with reforming the structures of debate, refining interpretive tools, enhancing awareness of latent benefits, introducing new methodological principles when necessary and devising innovative approaches for deriving rulings that address contemporary realities.[31] For him, renewal does not merely patch the existing system. Rather, the action of reform actively expands the framework, reorganises its categories and ensures its relevance to the demands of modern life.

Ahmad al-Raysūnī, one of the contemporary leading proponents of objectives of Islamic law, also contributes a distinctive definition, which will be analysed in detail in the last section. Broadly, he views renewal of legal theory as inseparable from a purposive orientation, where the objectives of Islamic law are given methodological priority and integrated into the structure of legal reasoning.[32]

Taken together, these perspectives underscore that renewal of legal theory does not entail wholesale replacement or radical innovation. In fact, it preserves the discipline's original essence while adapting, reorganising or expanding its methods to maintain fidelity to revelation and responsiveness to reality. Renewal thus becomes a dialectical process, safeguarding the inherited character of legal theory while allowing for its creative evolution.

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28 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 736.

29 Al-Būṭī, *Ishkāliyyāt Tajdīd Uṣūl al-Fiqh*, 156.

30 'Abd Allāh al-Jabbūrī, *Al-Fiqh al-Islāmī baina al-Aṣālah wa al-Tajdīd* [Islamic Jurisprudence between Tradition and Renewal] (Dār al-Nafāʾis, 2005), 94.

31 Mawlūd al-Sarīrī, *Tajdīd ʿIlm Uṣūl al-Fiqh* [Renewal of Islamic Legal Theory] (Dār al-Kutub al-ʿIlmiyyah, 2000), 118.

32 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 17.

THE DEVELOPMENT OF ISLAMIC LEGAL THEORY AND HISTORY OF ISLAMIC LAW: A REVIEW

To begin, a brief engagement with the history of Islamic legal theory is necessary, not for the sake of providing an exhaustive survey, but to clarify the conceptual background of the key terms that al-Raysūnī employs. Since his reform proposals centre on legal reasoning, this historical grounding situates al-Raysūnī's ideas within their proper intellectual context, highlighting the tradition from which he departs and to which he contributes. With this foundation, the following discussion will trace the development of Islamic legal theory and law from the era of the school (*madhhab*) imams, post-classical (*muta'akhkhirīn*) scholars and then to contemporary period, setting the stage for closer analysis of al-Raysūnī's project of renewal.

The Era of School (Madhhab) Imams

During the time of the school imams, method of legal derivation (*istinbāṭ*) and method of legal reasoning used to find legal conclusions have developed into a clearer and more specific debate compared to previous eras. This is because in that era, the discourse of Islamic law has undergone significant development due to the emergence of those four authoritative schools of jurisprudence.[33] Moreover, this era is considered a triumph in the development of legal theory, as various principles of legal theory were introduced by the schools of thought as methodologies for resolving issues in Islamic law.[34] The establishment of the four major schools marked the intellectual capabilities of Muslim scholars in analysing issues through diverse legal methodologies. The period of the four school imams was known as the golden age of Islamic jurisprudence and successfully marked the systematic establishment of legal theory methodologies.[35]

In the early days of Islamic law, the jurists belonged to two schools of thought: jurists of reasoned opinion (*ahl al-ra'y*) and traditionists (a*hl al-ḥadīth*). *Ahl al-ra'y* refers to the reasoning movement pioneered by Ibrahim al-Nakha'ī (d. 714 CE/96 AH) in Iraq. Differences in lifestyle, politics and social conditions, along with the significant distance from the sources of prophetic tradition (*ḥadīth*) in Hijaz, were primary reasons for the people of Iraq to rely on reasoning as a source of law.[36] Meanwhile, *ahl al-ḥadīth* refers to the movement established by the people of Hijaz, driven by concerns over the methodologies of legal reasoning widely practiced by laypersons. Additionally, the improper narration and fabrication of Sunnah in

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33 'Umar Sulaymān al-Ashqar, *Tārīkh al-Fiqh al-Islāmī* [History of Islamic Jurisprudence] (Maktabah al-Falāḥ, 1982), 93.

34 Ahmad Hasan, "Al-Shafi'i Role in the Development of Islamic Jurisprudence," *Islamic Studies* 5, no. 3 (1966).

35 Ahmad Hasan, *Analogical Reasoning in Islamic Jurisprudence: A Study of the Juridical Principle of Qiyas* (Islamic Research Institute, 2007), 13.

36 Muḥammad Sallām Madhkūr, *Al-Madkhal li al-Fiqh al-Islāmī* [An Introduction to Islamic Jurisprudence] (Dār al-Qaumiyyah lil Maṭbaʿah, 1964), 37–38.

society further motivated this movement. In response to these challenges, *ahl al-ḥadīth* prioritised the Qur'an and Sunnah as the primary sources for analysing issues.[37]

From these two streams, prominent figures emerged who later became the founders of the main schools of jurisprudence. Through *ahl al-raʾy* appeared Imām Abū Ḥanīfah (d. 767 CE/150 AH), who became the forerunner of the Ḥanafī school. While through *ahl al-ḥadīth* figures such as Imām Mālik bin Anas (d. 795 CE/179 AH) emerged, who later became the founder of the Mālikī school. In the second century of Hijri, the *madrasah al-wusṭā*, which is a school that tries to combine both methods used by *ahl al-raʾy* and *ahl al-ḥadīth*, was founded by Imām al-Shāfi'ī (d. 820 CE/204 AH) as the Shāfi'ī school. Later, the Ḥanbalī school appeared, which was founded by Imām Aḥmad bin Ḥanbal (d. 855 CE/241 AH).[38]

In deriving legal rulings, Imām Abū Ḥanīfah relied first on the Qurʾan as the primary source, followed by the Sunnah, then consensus of the Companions (*ijmā' al-ṣaḥābah*), analogical reasoning (*qiyās*), juristic preference (*istiḥsān*) and custom (*ʿurf*). Notably, he often gave precedence to analogical reasoning (*qiyas*) over solitary reports (*khabar āḥād*), on the grounds that adhering to the general guidance of explicit texts (*naṣṣ*) is more reliable than depending on narrations whose authenticity remained uncertain.[39]

The method of legal reasoning employed by Imām Mālik, in addition to the agreed-on sources, included the practice of the people of Madinah (*ʿamal ahl al-madīnah*), consideration of public interest (*maṣlaḥah mursalah*), the opinion of a Companion (*qawl al-ṣaḥābī*), solitary reports (*khabar āḥād*), juristic preference (*istiḥsān*), blocking the means to harm (*sadd al-dharā'i'*), presumption of continuity (*istiṣḥāb*) and the laws of previous communities (*shar' man qablanā*). Among these, the practice of the people of Madinah was of particular importance to him. In cases where a solitary report conflicted with the established practice of the people of Madinah, he prioritised the latter, reasoning that the living tradition of Madinah was a direct continuation of the Prophet's legacy.[40]

As a jurist who sought to synthesise the methods of *ahl al-raʾy* and *ahl al-ḥadīth*, Imām al-Shāfi'ī developed an approach to legal reasoning that differed from Imām Abū Ḥanīfah and Imām Mālik. He recognised the four agreed-on sources of law but emphasised that the Qur'an and Sunnah stand on the same level, since the function of the Sunnah is to clarify and elaborate on the Qur'an. In addition, he used the opinion of a Companion (*qawl al-ṣaḥābī*), presumption of continuity (*istiṣḥāb*) and custom (*'urf*).[41]

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37 Mahmood Zuhdi, *Sejarah Pembinaan Hukum Islam* [The History of the Development of Islamic Law] (Penerbit Universiti Malaya, 1992), 122.

38 'Umar Sulaymān al-Ashqar, *Al-Madkhal ilā Dirāsah al-Madāris wa al-Madhāhib al-Fiqhiyyah* [An Introduction to the Study of Juristic Schools and Legal Madhhabs] (Dār al-Nafā'is, 1998), 169.

39 Muḥammad Abū Zahrah, *Abū Ḥanīfah: Ḥayātuhu wa 'Aṣruhu wa Ārāʾuhu wa Fiqhuhu* [Abū Ḥanīfah: His Life, his Era, his Views, and his Jurisprudence] (Dār al-Fikr, 1978), 368.

40 Askar Saputra, "Metode Ijtihad Imam Hanafi dan Imam Malik" [The Methods of Ijtihad of Imam Abū Ḥanīfah and Imām Mālik], *Jurnal Syariah Hukum Islam* 1, no. 1 (2018), https://doi.org/10.5281/zenodo.1242560.

41 Khoirul Anam, "Dasar-Dasar Istinbath Hukum Imam Syafi'i" [The Foundations of Legal Reasoning of Imām al-Shāfi'ī], *Jurnal Pendidikan dan Pemikiran* 14, no. 1 (2019), https://doi.org/10.55558/alihda.v14i1.25.

The principles employed by Imām Aḥmad ibn Ḥanbal included the Qur'an, Sunnah, opinion of a Companion (*qawl al-ṣaḥābī*), *mursal* report (*ḥadīth mursal*), weak report (*ḥadīth ḍa'īf*), consensus (*ijmā'*), analogical reasoning (*qiyās*), presumption of continuity (*istiṣḥāb*), consideration of public interest (*maṣlaḥah mursalah*) and blocking the means to harm (*sadd al-dharā'i'*). In general, Imām Aḥmad followed the methodology of *ahl al-ḥadīth* in deriving rulings, as reflected in his preference for *mursal* and weak reports over analogical reasoning.[42] Thus, the era of the school imams may be regarded as the peak in the development of legal theory, given the diversity of methods employed in legal reasoning. It was also during this period that the first significant work in the discipline was produced, which is *al-Risālah* by Imām al-Shāfi'ī, whose contribution had a profound impact on the understanding and development of Islamic legal theory. Grounded in the classical foundations of the schools, al-Raysūnī's project remains engaged with inherited methodologies, adapting them to address contemporary legal and social challenges while maintaining scholarly rigour.

The Era of Post-Classical (Muta'akhkhirīn) Scholars

The era of post-classical scholars largely inherited the methodologies of the school imams with a spirit of preservation and reinforcement. Their writings systematised earlier approaches, blending rationalist and juristic methods to ensure the schools' continuity.[43] While this synthesis reinforced the schools' authority, it also narrowed the scope of independent reasoning, as much of the effort was directed toward harmonising existing principles with established rulings. In this sense, their contribution was more about consolidation than reform, embedding the imams' methods into a scholastic framework that emphasised consistency and internal coherence.[44]

Yet within this consolidation, certain currents hint at reformist impulses. The development of objectives-centred approaches, most notably in al-Shāṭibī's work, mark a shift from strict adherence to precedent toward a more purposive vision of law that foregrounded human welfare.[45] This orientation did not dismantle the school structures but introduced a methodological lens that allowed for responsiveness to changing contexts. Thus, while most post-classical authors reinforce tradition, figures like al-Shāṭibī opened a path for later reformers such as al-Raysūnī to re-engage legal theory with contemporary realities through the objective's paradigm.[46]

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42 Adriyani, M. Ihya Ayudiya and Nabil Mahasin. "Perkembangan Pemikiran Fiqih Imam Ahmad bin Hanbal: Konstruksi Metode Ijtihad" [The Development of the Jurisprudential Thought of Imām Aḥmad ibn Ḥanbal: Constructing a Methodology of Ijtihad], *Journal Islamic Education* 1, no. 2 (2023).

43 Al-Bayḍāwī, *Minhāj al-Wuṣūl*, 29.

44 Ahmad Yani Anshori and Landy Trisna Abdurrahman, "History of the Development of Mażhab, Fiqh and Uṣūl al-Fiqh: Reasoning Methodology in Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 1 (2025).

45 Al-Bayḍāwī, *Minhāj al-Wuṣūl*, 33.

46 Muhammad Harfin Zuhdi and Mohamad Abdun Nasir, "Al-Mashlahah and Reinterpretation of Islamic Law in Contemporary Context," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024).

Contemporary Era

The ideas proposed by al-Shāṭibī have been revitalised by modern scholars such as Ibn ʻĀshur (d. 1973), ʻAbd al-Wahhāb Khallāf (d. 1956), ʻAllāl al-Fāsī (d. 1974), Yūsuf al-Qaraḍāwī, Ḥasan al-Turābī, Jasser Auda (b. 1966) and al-Raysūnī.

Yūsuf al-Qaraḍāwī adds new legal reasoning approaches through two forms, namely selective legal reasoning (*ijtihād intiqā'ī*) and creative legal reasoning (*ijtihād inshā'ī*).[47] *Ijtihād intiqā'ī* is the selection of one of the opinions that have been highlighted by previous scholars in their works. It is a form of legal reasoning that ranks among several opinions of jurists by examining the arguments that are used as a basis, then choosing the opinion that is felt to have the strongest arguments. Meanwhile, *ijtihād inshā'ī* is a form of legal reasoning that aims to find new legal conclusions on problems that have never been discussed by previous scholars and are not found in their works.[48]

On the other hand, Ḥasan al-Turābī aims at making legal reasoning more responsive to public interest and contemporary needs. In this regard, he broadens the concept for analogy (*qiyas*) and presumption of continuity (*istiṣhab*), namely *qiyās al-wāsi'* and *istiṣḥāb al-wāsi'*. *Qiyās al-wāsi*' is a form of analogy based on consideration of public interest (*maṣlaḥah mursalah*). Al-Turābī thinks that, if analogy is still used in the old form, which emphasises effective cause (*'illah*) between legal principles (*uṣūl*) and substantive rulings (*furū'*), then it cannot meet the current needs. This is because the reach of that analogy is limited.[49] Meanwhile, *istiṣḥāb al-wāsi'* is a form of presumption of continuity that is based on customs (*'urf*); which is, all approved traditions can continue if there is no evidence to prohibit it.[50]

Jasser Auda tried to highlight the usage of objective-based legal reasoning through the systems approach that he initiated. According to Auda, legal theory compiled by previous scholars focuses too much on the literal and textual. Auda also thinks the classic theory of objectives is narrow and unable to answer the new problems that arise. Therefore, he highlights a new method that uses objectives as the main approach, which is based on six characteristics: cognitive nature, wholeness, openness, interrelated, multi-dimensionality and purposefulness.[51]

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47 Yūsuf al-Qaraḍāwī, *Al-Ijtihād fī al-Sharīʿah al-Islāmiyyah* [Ijtihad in Islamic Law] (Dār al-Salām, 1996), 151.

48 Ibid.

49 Ḥasan al-Turābī, *Tajdīd al-Fikr al-Islāmī* [Renewal of Islamic Thought] (Dār al-Qarāfī, 1993), 42.

50 Ibid., 43.

51 Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A System Approach* (International Institute of Islamic Thought, 2007), 45.

Table 1: Development of Islamic legal theory

Area	Schools imams era	Post-classical scholars era	Contemporary era
Form of renewal	Sources of law	Method of writing Islamic legal theory works	Adding new legal reasoning approaches, broadening concept of legal methodology and objective-based legal reasoning
Figures/streams and their method	**Imām Abū Ḥanīfah:** Uses the Qurʾan, Sunnah, consensus of the Companions (*ijmā' al-ṣaḥābah*), analogical reasoning (*qiyās*), juristic preference (*istiḥsān*) and custom (*ʿurf*) **Imām Mālik:** Uses theQurʾan, Sunnah, consensus (*ijmā'*), analogical reasoning (*qiyās*), the practice of the people of Madinah (*ʿamal ahl al-madīnah*), consideration of public interest (*maṣlaḥah mursalah*), the opinion of a Companion (*qawl al-ṣaḥābī*), solitary reports (*khabar āḥād*), juristic preference (*istiḥsān*), blocking the means to harm (*sadd al-dharā'i'*), presumption of continuity (*istiṣḥāb*) and the laws of previous communities (*shar' man qablanā*) **Imām al-Shāfi'ī:** Uses the Qur'an and Sunnah, consensus (*ijmā'*), analogical reasoning (*qiyās*), the opinion of a Companion (*qawl al-ṣaḥābī*), presumption of continuity (*istiṣḥāb*) and custom (*'urf*) **Imām Aḥmad:** Uses the Qur'an, Sunnah, the opinion of a Companion (*qawl al-ṣaḥābī*), mursal report (*ḥadīth mursal*), weak report (*ḥadīth ḍa'īf*), consensus (*ijmā'*), analogical reasoning (*qiyās*), presumption of continuity (*istiṣḥāb*), consideration of public interest (*maṣlaḥah mursalah*) and blocking the means to harm (*sadd al-dharā'i'*)	***Ṭarīqah al-mutakallimīn*:** Combines the principles of legal theory (*uṣūl al-fiqh*) and scholastic theology (*kalām*) ***Ṭarīqah al-fuqahā'*:** Compiles the methods of legal-theoretical (*uṣūliyyah*) based on the legal reasoning of schools' jurists ***Ṭarīqah al-muta'akkhirīn*:** Combines the methodology used by *ṭarīqah al-mutakallimīn* and *ṭarīqah al-fuqahā*' ***Takhrīj al-furū' 'alā al-uṣūl*:** Combines and compares methodologies used by several schools ***Ṭarīqah al-maqāṣidiyyah*:** Combines the principles *of* legal theory and objectives of Islamic law	**Yūsuf al-Qaraḍāwī:** Initiates two forms of contemporary legal reasoning: *ijtihād intiqā'ī* (selective legal reasoning) and *ijtihād inshā'ī* (creative legal reasoning) **Ḥasan al-Turābī:** Offers a new broad concept for analogy (*qiyas*) and presumption of continuity (*istiṣhab*): *qiyās al-wāsi'* and *istiṣḥāb al-wāsi'* **Jasser Auda:** Uses *maqāṣid* as the main approach (centre-point) in legal reasoning, which is based on six characteristics: cognitive nature, wholeness, openness, interrelated, multi-dimensionality and purposefulness

Source: Authors' summary

Te developments of the classical, post-classical and modern eras reveal persistent effort to make Islamic legal theory relevant to society's changing needs. In this context, al-Raysūnī

builds on this trajectory by situating his reforms within the classical heritage of the *madhhab* and the post-classical insights of the *ṭarīqah al-maqāṣidiyyah*. His approach goes beyond theoretical reflection, seeking to inject renewed practicality into the process of legal reasoning. By incorporating contemporary realities into the process of legal reasoning and emphasising the objectives of Islamic law, al-Raysūnī demonstrates that renewal in legal theory is not rejection of tradition but a thoughtful extension that equips Islamic jurisprudence to address the complex challenges of modern life.

AL-RAYSŪNĪ'S VIEWS ON RENEWING LEGAL THEORY

Al-Raysūnī maintains that renewing Islamic legal theory should not be limited to a few revisions, summaries and new examples based on classical legal theory methodologies. On the contrary, it must respond fundamentally to the development of the times, its challenges, needs and opportunities. As noted earlier, al-Raysūnī makes a crucial distinction between legal theory, as the set of Divine legal foundations, and the science of legal theory, which is a humanly constructed discipline encompassing its concepts, issues and methodologies. The renewal discussed here pertains specifically to the science of legal theory, as it is open to intellectual enquiry and capable of evolving over time. This allows religious scholars and Muslim intellectuals to contribute insights according to their expertise.[52]

Building on the developments of legal theory in classical and post-classical times, al-Raysūnī emphasises that the evolution of legal theory, which has been ongoing for centuries, cannot be halted, particularly in an era marked by rapid social, intellectual and technological change. Accordingly, this process should be approached rationally rather than emotionally.[53] He critiques the claim that all issues and rules of legal theory are fully settled, noting that such a stance reflects the viewpoint of memorisers and imitators rather than examiners and scholars.[54] At the same time, he cautions that entirely abandoning or replacing the existing methodology would be futile and counterproductive, as it would entail the loss of a rich intellectual heritage refined over centuries.[55]

In articulating his vision of reform, al-Raysūnī emphasises that the renewal of legal theory must be guided by clear objectives that ensure continuity with the Islamic intellectual heritage and responsiveness to contemporary challenges. He argues that renewal is a necessary endeavour to restore the discipline's vitality, extend its relevance to new contexts and equip it to address the complex realities faced by Muslims today. To this end, he outlines five major objectives that frame his project of reform:[56]

1. Empowering the discipline of legal theory with the capacity to respond effectively to the intellectual, jurisprudential and methodological issues facing by Muslims in the

52 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 13.
53 Aḥmed al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* [Islamic Legal Theory in Light of its Objectives] (Dār al-Kalimah, 2017), 64.
54 Ibid.
55 Ibid., 74.
56 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 16–17.

contemporary world. This represents the foremost objective to ensure the discipline remains dynamic and relevant through processes of critique, amendment and reformulation where necessary.

2. Restoring the referential function of legal theory so it is an instrument of methodological unity, intellectual rapprochement and scholarly guidance for the Muslim community. This does not mean denying the natural and beneficial diversity of opinions, but rejecting excessive, artificial or unproductive disagreement that weakens scholarship. Instead, disagreement should remain framed by references, the objectives of Islamic law and methodological principles, thereby reducing conflict and its limiting effects.
3. Strengthening the legal reasoning efforts of contemporary scholars in juristic derivation and the wider domains of Islamic thought. This requires supporting them with methodological principles and pathways that facilitate their independent reasoning. Although renewal initiatives have continued for more than a century, often in fragmented or hesitant forms, they must increase and expand, accompanied by methodological refinement and development. In this sense, al-Raysūnī hopes his project will contribute an effective and meaningful addition.
4. Enhancing the competitiveness of the Islamic methodological framework in relation to other prevailing methodologies and contemporary challenges. Legal theory, as the central incubator of Islamic methodology, has historically played a vital role in shaping the intellectual and practical life of Muslims. It should once again assume this role by reviving and disseminating its principles, while laying the foundations for intellectual production in the modern world and reasserting its relevance.
5. Benefitting a broad audience across multiple fields. Beyond scholars, teachers and researchers in Sharī'ah, this renewal project is intended to serve specialists in diverse disciplines such as law, political science and intellectual studies, hence widening its impact and utility.

Returning to the main focus, this discourse highlights four key ideas by al-Raysūnī: relaxing the conditions of legal reasoning, applying the objectives of Islamic law in legal reasoning, incorporating the jurisprudence of contemporary realities (*fiqh al-wāqi'*) and implementing collective legal reasoning (*ijtihād jamā'ī*).

Relaxing the Conditions of Legal Reasoning

The conditions for becoming a jurist are strict. Among the conditions required to attain this status are: mastery of the Arabic language, knowledge of the Qur'an and Sunnah, familiarity with the science of legal theory, awareness of issues on which consensus has been reached, understanding of the objectives of Islamic law, and a natural aptitude for engaging in independent legal reasoning.[57] This is because a jurist is responsible for issuing Islamic laws based on their arguments through study, research and observation. Therefore, to avoid the

[57] Al-Zuhaylī, *Uṣūl al-Fiqh al-Islāmī*, 1043.

absence of a jurist in one era due to the strict conditions set, scholars have adhered to two approaches. Both approaches lead to the necessity of specialising in legal reasoning, which is a need in this era.

First, legal theorists have articulated the notion of partial legal reasoning (*tajazzu' al-ijtihād*), which describes a jurist's engagement in independent reasoning confined to specific areas or legal issues, rather than across the entirety of Islamic jurisprudence.[58] According to al-Shawkānī (d. 1834 CE/1250 AH) in *Irshād al-Fuḥūl*, a person may be deemed a jurist if they possess the requisite qualifications in certain areas of Islamic law, even if they lack mastery in others.[59]

There are two streams that conclude the law for this issue. The first group says that partial legal reasoning is obligatory. Among the scholars who put forth this view is al-Ghazālī.[60] He said a jurist who is an expert in a certain field can only practice legal reasoning in that field, but not in others. This opinion is supported by al-Rāfi'ī (d. 1226 CE/623 AH).[61] Their argument is that, if a jurist is preoccupied with one Islamic law theme, then their understanding is more comprehensive because they thoroughly know the sources and angles of the law.[62]

The second group says that partial legal reasoning is not allowed. For instance, al-Shawkānī argues that every theme in Islamic law is interconnected. Therefore, a jurist's ignorance in a certain theme will affect another theme as a whole. Furthermore, every problem that exists supports and proves each other. Thus, according to this group, the division of legal reasoning into parts will break Islamic law, which comes in a comprehensive form.[63]

As for al-Raysūnī, he adheres to the popular opinion, which is the necessity of partial legal reasoning because it is more in line with the current situation. Excessive fragmentation of knowledge has caused difficulty in mastering all the knowledge and skills required to become a jurist, as determined by previous scholars. Therefore, anyone who meets some of the designated conditions and considered problem is sufficient with this criteria, then it is required for them to practice reasoning in that problem. However, it must be ensured that their ignorance of other problems will not affect it.[64]

Second, acknowledgement of the specialised jurist (*mujtahid mutakhaṣṣiṣ*). Classical legal theorists have divided those qualified to give legal opinions (*ahl al-fatwā*) into three categories: absolute jurist (*mujtahid mutlāq*), school-bound jurist (*mujtahid madhhab*) and preferential jurist (*mujtahid tarjīḥ*). *Mujtahid mutlāq* is the highest level among the jurists who are

58 'Ayyāḍ al-Salamī, *Uṣūl al-Fiqh Alladhī Lā Yasa' al-Faqīh Jahlahu* [Islamic Legal Theory that a Jurist Cannot Afford to Ignore], vol. 1 (Dār al-Tadmīriyyah, 2005), 455.

59 Al-Shawkānī, *Irshād al-Fuḥūl ilā Taḥqīq al-Ḥaqq min ʿIlm al-Uṣūl*, vol. 2, 216.

60 Abū Ḥāmid al-Ghazālī, *Al-Mustaṣfā min ʿIlm al-Uṣūl* [The Essentials of Islamic Legal Theory] (Dār al-Kutub, n.d.), vol. 1, 345.

61 Muḥammad al-Zarkashī, *Baḥr al-Muḥīṭ fī Uṣūl al-Fiqh* [The Encompassing Ocean in Islamic Legal Theory], vol. 8 (Dār al-Kutub, 1994), 242.

62 Ibid., 498.

63 Najm al-Dīn al-Ṭūfī, *Sharḥ Mukhtaṣar al-Rawḍah* [A Commentary on the Abridged Rawḍah], vol. 3 (Muʾassasah al-Risālah, 1989), 586.

64 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 723.

responsible for drafting the methods and proposals of the school and performing legal reasoning without being bound by the reasoning of other jurists. *Mujtahid madhhab*, on the other hand, is a jurist who practices legal reasoning based on the methods and suggestions of their imam's school. While *mujtahid tarjīḥ* is a jurist who can comment on the opinions that exist in the school they follow whether the opinion is strong or weak.[65]

However, some scholars such as al-Nawāwī (d. 1277 CE/676 AH) add a fourth category, which is *mujtahid futyā*, who has extensive knowledge of the school's laws but cannot establish proofs and directly apply analogy from the texts. In addition, they were only able to present arguments and views deemed strong within their school through autoritative books and could not weigh opinions. In such cases, the jurist could only offer legal opinions on matters that had already been prescribed within the school.[66]

Hence, al-Raysūnī affirms recognition of the *mujtahid mutakhaṣṣiṣ* through his endorsement of partial legal reasoning. He views it as a critical mechanism for enabling specialisation and contextual responsiveness within Islamic legal reasoning. By legitimising the role of specialised jurists who engage with specific domains or issues, al-Raysūnī advances a vision of legal reasoning that is attuned to the evolving needs of Muslim societies.[67] Even so, a specialised jurist must remain firmly grounded in the foundational disciplines of Islamic knowledge. This includes nuanced understanding of the objectives of Islamic law and the intellectual capacity to engage in inferencing and deriving rulings. The issues of legal reasoning must be approached through rigorous academic enquiry, examined from all its dimensions, including established evidence, counterarguments and interpretive responses, so one may be genuinely equipped to perform reasoning within its proper framework.[68]

Applying the Objectives of Islamic Law in Legal Reasoning

According to al-Raysūnī, there are several methods to apply objectives in legal reasoning. Among these is placing objectives as an overarching (*kullī*) principle that governs all aspects of legal reasoning, whether in terms of methodology, procedure or approach. In addition, objectives are criterion in the formulation of legal opinions and legal rulings, such that an argument may be rejected if it contradicts objectives, whether in its specific or general sense. At the same time, the objective functions as the main reference for jurists when addressing novel issues that lack explicit scriptural texts and cannot be resolved through analogy.[69]

From another perspective, making objectives as the basis of Islamic law yields several benefits. It helps avoid contradictions between substantive rulings and the higher objectives of Sharī'ah, which often arises when the element of objectives is overlooked, as can be observed

65 Muḥammad Tāmir, *Muqaddimah al-Imām al-Nawāwī li Kitāb al-Majmūʿ Sharḥ al-Muḥaddhab* [The Introduction of Imām al-Nawawī to *The Compendium*, a Commentary on *al-Muhadhdhab*] (Maktabah al-Balad al-Amīn, 1999), 108.
66 Ibid., 109.
67 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 723.
68 Ibid., 724.
69 Ibid., 725.

in classical and contemporary legal opinion. Furthermore, legal derivation gains strength when integrating universal and partial proofs. This approach also ensures the realisation of human welfare in worldly and spiritual dimensions while eliminating undue hardship and difficulty. Other than that, it narrows the intellectual gap among jurists, facilitating consensus on various issues by grounding discussions in the shared framework of objectives.[70] Consequently, numerous fields within Islamic jurisprudence demonstrate the practical application of objectives in their methodologies.[71]

First, derivation of legal rulings from scriptural texts is carried out by examining the Qur'an and Sunnah to establish rulings directly. There are two primary methods employed in interpreting and deriving rulings from scriptural texts: the linguistic approach (*lughawī*) and the contextual approach (*siyāqī*). The linguistic approach entails understanding the evidence of Sharī'ah, whether from the Qur'an or Sunnah, based on their apparent meaning. In other words, it focuses on the wording and emphasises linguistic analysis. By contrast, the contextual approach seeks to understand Sharī'ah texts by considering the circumstances, situations and conditions surrounding the revelation.[72] This method may involve sociological, psychological, anthropological and historical considerations.[73]

With this in view, al-Raysūnī maintains that the revealed texts are the primary references a jurist must examine when resolving legal issues. In his perspective, the derivation of rulings requires balance between the linguistic and contextual dimensions, neither of which can be overlooked. He points out that relying solely on the linguistic method cannot fully capture the guidance intended by Sharī'ah and stresses the necessity of considering the contextual dimension as well. On this basis, he affirms that the meaning of a text is best understood with regard to the objectives and purposes sought by Sharī'ah.[74]

Second, analogical reasoning is employed by extending established rulings to new cases that share the same effective cause. In al-Raysūnī's view, analogy is fundamentally constructed on the principle of legal causation (*ta'līl al-aḥkām*).[75] Consequently, reasoning that does not correspond with the objectives and purposes of Sharī'ah is invalid. For this reason, identification of the operative cause in legal determinations must rest on sound understanding of objectives.[76]

Al-Raysūnī further explains that the legal theorists stipulated as a condition of analogy that it must not contradict the objectives of Sharī'ah. This standard, in his view, protects the jurist from employing analogies that deviate from the higher aims of Islami law, as has sometimes

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70 Ibid., 726.
71 Ibid., 727.
72 Ibid., 728.
73 Fadlan Fahamsyah, "Fikih Pemahaman Tekstual dan Kontekstual" [Jurisprudence of Textual and Contextual Understanding], *Jurnal al-Fawaid* 9, no. 1 (2019), https://doi.org/10.54214/alfawaid.vol9.iss1.38.
74 Aḥmed al-Raysūnī. *Al-Dharī'ah Ilā Maqāṣid al-Sharī'ah* [Means Leading to the Objectives of Islamic Law] (Dār al-Kalimah, 2016), 105.
75 Revealing the reason or purpose of a law. It is the act of establishing a conviction that affects what is convicted.
76 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 728.

occurred when the broader purposes of Sharī'ah were neglected. Thus, every analogy must be applied in proper sequence, with its conditions fulfilled to ensure alignment with the objectives of Islamic law.[77]

In support of his position, al-Raysūnī highlights the approach of the classical imams and jurists, who applied objectives when engaging in analogy. This is evident in their rejection of partial analogies (*qiyās juz'ī*) whenever these conflicted with the general objectives (*maqāṣid 'āmmah*).[78] For this reason, Imām Abū Ḥanīfah and Imām Mālik, as he notes, frequently employed juristic preference when the results of analogy produced outcomes that were less consistent with the purposes of Sharī'ah.[79]

Third, interest-based legal reasoning (*ijtihād maṣlaḥī*). According to al-Raysūnī, this form of legal reasoning applies to cases where no explicit text exists.[80] He explains that it involves deriving rulings by collecting several textual evidence to formulate overarching principles aimed at bringing benefit (*maṣlaḥah*) and repelling harm (*mafsadah*). This reflects the essence of Sharī'ah, whose purpose is the realisation of human welfare. The scope of interest-based legal reasoning thus extends to issues that are neither directly addressed in the texts nor suitable for analogy, whether new problems or earlier ones that have developed into novel forms. In applying this method, al-Raysūnī emphasises weighing benefits and considering the essentials (*ḍarūriyyāt*), needs (*ḥājiyyāt*) and enhancements (*taḥsīniyyāt*).[81]

He also insists that identification of benefit is not the product of mere human opinion but must be rooted in what he terms *maṣlaḥah shar'iyyah*, which is benefits acknowledged and validated by Sharī'ah. Hence, it necessarily includes preservation of the five universal necessities (*kulliyyāt khams*) comprising religion, life, intellect, lineage and property. Moreover, as he stresses, *maṣlaḥah shar'iyyah* encompasses this-worldly and otherworldly concerns, material (*māddiyyah*) and spiritual (*ma'nawiyyah*), general and specific, immediate and future-oriented.[82] In this way, al-Raysūnī's emphasis on structuring legal reasoning around objective represents a clear form of renewal, since it re-centres the methodology of legal reasoning on the higher objectives of Sharī'ah, overcomes rigid literalism and provides jurists with methodological tools to respond effectively to contemporary issues.

Incorporating the Jurisprudence of Contemporary Realities

Al-Raysūnī observed that earlier scholars gave insufficient attention to the aspect of a ruling's application to current reality (*tanzīl al-aḥkām 'alā al-wāqi'*). As a result, many legal opinions have emerged that, in his view, are not in line with the objectives Sharī'ah seeks to

77 Ibid., 729.
78 Al-Raysūnī, *Al-Dharī'ah Ilā Maqāṣid al-Sharī'ah*, 116.
79 Muḥammad ibn Ḥazm, *Al-Iḥkām fī Uṣūl al-Aḥkām* [Precision in the Principles of Legal Rulings], vol. 6 (Dār al-Jīl, 1987), 757.
80 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 731.
81 Al-Raysūnī, *Al-Dharī'ah Ilā Maqāṣid al-Sharī'ah*, 118.
82 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 731.

realise. He stresses that a *fatwā* is deficient if it fails to consider the circumstances surrounding it.[83]

Directed toward this end, he argues that reality should be a principle that every jurist must observe when undertaking legal reasoning and derivation to establish rulings. In doing so, the law produced will reflect the actual conditions and welfare of the community, while also corresponding with the higher objectives of Sharī'ah. Accordingly, he identifies three ways to reinforce the focus on the jurisprudence of reality.[84]

First, concentrating on specific determination of the effective cause (*tahqīq al-manāṭ al-khāṣ*) alongside general determination of the effective cause (*tahqīq al-manāṭ al-'ām*). In performing *tahqīq al-manāṭ*, a jurist must examine its form, type and context, which leads to more accurate understanding of the effective cause in terms of its position, components, characteristics, purposes and effects. Without such consideration, the ruling issued may fail to correspond with current reality and risk being misplaced.[85]

Classical scholars had already distinguished between *tahqīq al-manāṭ al-'ām* and *tahqīq al-manāṭ al-khāṣ*. The former entails recognising a universal effective cause ('*illah kullī*) that applies to all legally responsible individuals (*mukallaf*), while the latter entails identifying a particular effective cause (*'illah juz'ī*) that applies only to specific individuals or cases in view of additional evidence.[86]

Al-Raysūnī's contribution lies in drawing greater attention to this division and stressing the importance of *tahqīq al-manāṭ al-khāṣ* for contemporary legal reasoning. By focusing on the specific cause in real-life cases, he demonstrates that rulings can better reflect changing contexts while remaining aligned with the objectives of Sharī'ah. For example, his discussion of boycotting public sinners illustrates that application may vary depending on circumstances, relationships and outcomes, thereby ensuring rulings remain faithful to the objectives.[87]

Second, a jurist must possess sound understanding of current knowledge. To properly grasp ongoing realities and their various dimensions, a jurist needs familiarity with contemporary sciences such as social, economic, psychological, political and legal studies, whether in the local or international context.[88] Such knowledge enables the formulation of rulings that recognise existing benefits and provide greater ease for the community.

With that aim, al-Raysūnī highlights the crucial need for integrating contemporary knowledge and sciences into the methodology of modern legal reasoning. He stresses that renewal in Islamic legal theory extends beyond mere mastery of the classical texts. It also demands active engagement with the intellectual disciplines that shape present realities.[89] By

83 Ibid., 734.
84 Ibid.
85 Ibid., 735.
86 Abū Isḥāq al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah* [The Reconciliations in the Principles of Islamic Law] (Dār al-Kutub al-`Ilmiyyah, 2004), 720.
87 Al-Raysūnī, *Al-Dharī'ah Ilā Maqāṣid al-Sharī'ah*, 121.
88 Ibid., 735.
89 Ibid., 736.

doing so, al-Raysūnī broadens jurists' intellectual scope to ensure that legal rulings are not only grounded in the textual sources but also socially relevant and practically implementable. Hence, this approach preserves the authenticity of Sharī'ah while enabling Islamic law to effectively address evolving challenges in contemporary contexts.

Third, emphasis is placed on jurisprudence of consequences (*fiqh al-ma'ālāt*). Within the principle of jurisprudence of reality (*fiqh al-wāqi'*), one important method is the consideration of effects (*maʾālāt*), which refers to the outcomes or consequences of an action, whether good or bad, intended or unintended. *Fiqh al-ma'ālāt* therefore means considering the effects, implications or results that follow from a ruling derived through legal reasoning, legal opinion or legislation.[90]

While *taḥqīq al-manāṭ* (ascertainment of the effective cause) requires knowledge and assessment of the present situation, *fiqh al-maʾālāt* is concerned with anticipating and evaluating the potential outcomes of a ruling. By this means, recognising effects becomes a vital component of understanding realities.[91] Thus, al-Raysūnī advocates for a dynamic form of legal reasoning that goes beyond addressing immediate concerns to also foresee and consider future implications. In this way, he revitalises classical jurisprudential thought by emphasising a forward-thinking and results-focused method of Islamic legal reasoning.[92]

Implementing Collective Legal Reasoning

The forms of legal reasoning are divided into two categories: individual legal reasoning (*ijtihād fardī*) and collective legal reasoning (*ijtihād jamā'ī*). The first refers to the independent reasoning of a single jurist who possesses the requisite qualifications to derive rulings directly from the sources of the Islamic law, whether primary or secondary. In this form, the responsibility for legal conclusions rests entirely on the individual jurist, who relies on their understanding, interpretation and analysis of the matter at hand.[93]

By contrast, collective legal reasoning entails the joint efforts of scholars and jurists deliberating together on an issue to reach consensus or a collective ruling. This approach emphasises the value of scholarly dialogue, debate and consensus-building within the framework of Islamic law. It also harmonises diverse opinions and perspectives by drawing on the shared wisdom of experts to address legal complexity and uncertainty.[94]

In practice, individual legal reasoning, which was the norm among earlier jurists, has become difficult to apply in the modern era due to the highly demanding conditions required to attain the rank of jurist. While some have suggested revisiting or modifying the concept of

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90 Al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, 837.

91 Ibid., 737.

92 Aḥmed al-Raysūnī, *Naẓariyyah al-Maqāṣid 'Ind al-Imām al-Shāṭibī* [The Theory of Objectives of Islamic Law according to Imām al-Shāṭibī], 4th ed. (al-Ma'had al-'Ālamī li al-Fikr al-Islāmī, 1995), 381.

93 Achmad Alfian Mujaddid and Fatmawati, "Analisis Konsep dan Signifikansi Ijtihad Rasulullah SAW dalam Pembentukan Hukum Islam" [An Analysis of the Concept and Significance of the Prophet's Ijtihad in the Formation of Islamic Law], *Jurnal Penelitian Ilmu-Ilmu Sosial* 1, no. 4 (2023), https://doi.org/10.5281/zenodo.10182537.

94 Ibid.

legal reasoning, no substantial changes have yet taken root. In light of this, contemporary scholars such as Yūsuf al-Qaraḍāwī and Aḥmed al-Raysūnī, have advocated for the adoption of collective legal reasoning to ensure its continuity in addressing emerging challenges. Notably, this group-based model allows legal reasoning to be elevated and enriched even when its members do not individually meet all the conditions of individual legal reasoning.[95]

Thus, al-Raysūnī has given several suggestions regarding the discourse of collective legal reasoning in the contemporary era. He emphasises that the application of collective legal reasoning should not be confined to the establishment of Islamic law, but should also encompass efforts involving discussion, negotiation and debate across all fields, whether theoretical or practical. Furthermore, researchers in the field of Sharī'ah are encouraged to pay greater attention to this form of legal reasoning by conducting in-depth studies of its essence, underlying arguments, methodology and modes of implementation.[96]

In addition, al-Raysūnī advocates the formation of specialised committees based on collective legal reasoning within Islamic law research organisations or *fatwā* bodies. The composition of such committees should reflect the expertise of their members in specific areas. For instance, scholars with expertise in *mu'āmalāt* should serve on a *mu'āmalāt* committee, with similar arrangements for other fields. Moreover, these committees must consider the diversity of opinions across different legal schools rather than restricting themselves to a single school of thought. In practice, this means that collective legal reasoning conducted by a committee should incorporate the evaluative (*intiqā'ī*) and preferential (*tarjīḥī*) dimensions of reasoning.[97]

Meanwhile, coordination between jurisprudential and *fatwā* bodies is essential to achieve a unified voice and prevent conflicts in issuing legal rulings. This is because each organisation often follows its own methodology for reaching legal conclusions. Therefore, coordination should be undertaken in areas where consensus is possible, as a step toward achieving unity of the community (*wiḥdah al-ummah*).[98]

Therefore, in highlighting collective legal reasoning, al-Raysūnī not only advocates its implementation but also proposes practical measures to enhance its effectiveness. In essence, it is a mechanism for scholars to establish Islamic law and reach informed legal decisions on contemporary issues. In today's context, collective legal reasoning plays a crucial role in shaping Islamic law and provides a means for scholars to sustain the practice of legal reasoning.

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95 Asrizal Saiin, "Methodological and Applicative Ijtihad Yusuf Al-Qardhawi in Solving Contemporary Issues," *Tasamuh: Jurnal Studi Islam* 13, no. 2 (2021): 267; Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 748.

96 Ibid., 754.

97 The selection of one of the opinions that has been highlighted by previous scholars in their works. It is a form of *ijtihād* that ranks among several opinions of jurists by examining the arguments that are used as a basis, then choosing the opinion that is felt to have the strongest arguments.

98 Al-Raysūnī et al., *Al-Tajdīd al-Uṣūlī*, 756.

Table 2: Analysis of al-Raysūnī's ideas and suggestions

Relaxation of legal reasoning's condition	Application of objectives in legal reasoning	Incorporation of jurisprudence of contemporary realities	Implementation of collective legal reasoning
• Uses partial legal reasoning (*tajazzu' al-ijtihād*) • Acknowledges the specialised *mujtahid* (*mujtahid mutakhaṣṣiṣ*)	• Interprets and derives (*istinbāt*) rulings from the texts (*nuṣūṣ*), with greater attention to contextual (*siyāqī*) aspects • Emphasises reasoning through underlying wisdom (*ta'līl bil-ḥikmah*) when applying analogy (*qiyās*) based on established law • *Ijtihād al-maṣlaḥī*, evaluates the strength of benefits (*maṣlaḥah*) through the levels of *ḍarūriyyāt* (*necessities*), *hājiyyāt* (*needs*) *and taḥsīniyyāt* (*embellishments*)	• Concentrates on verification of the cause (*taḥqīq al-manāṭ al-khāṣ*) rather than general cause (*taḥqīq al-manāṭ al-'ām*) • Ensures the jurist engages with contemporary knowledge and current sciences • Emphasises jurisprudence consequences (*fiqh al-ma'ālāt*)	• Applies collective legal reasoning (*ijtihād jamā'ī*) in all fields and not only in Islamic law • Incorporates in-depth study of the concept of collective legal reasoning and related aspects • Establishes committees in Islamic law research organisations or *fatwā* bodies • Considers the aspects of evaluative and preferential • Coordinates between *fatwā* bodies to avoid conflict in establishing law

Source: Authors' summary

On the whole, al-Raysūnī exemplifies a centrist (*wasaṭī*)-modernist approach in renewal of Islamic legal theory. He avoids uncritical adherence to imitation while also rejecting radical reformers who seek to completely overhaul Islamic law in the name of renewal. He advocates a measured path in which the principles and methodologies of legal theory are preserved where foundational yet selectively revised to address contemporary challenges. This *wasaṭī* approach is evident in his efforts to enrich legal reasoning through the division of its process among jurists, emphasising the importance of objectives, engaging with modern and social knowledge, and promoting teamwork in deriving legal rulings that serve the broader community.

CONCLUSION

Al-Raysūnī is widely recognised as one of the leading contemporary scholars in the Islamic world, distinguished by his contributions to Islamic law, Islamic legal theory and objectives of Islamic law. He emphasises that renewal of legal theory pertains to the science of legal theory, as a humanly constructed discipline encompassing issues, concepts, theories and methodologies, rather than the immutable Divine foundations of law. As such, this renewal involves investigating, reviewing, revising and formulating methods to restore the discipline's effectiveness in line with its original objectives to ensure its continued relevance in an era of rapid social and intellectual change. The trajectory of Islamic legal theory across classical, post-classical and modern eras reflects a consistent effort to remain responsive to societal needs. Al-Raysūnī advances his continued effort by combining the classical heritage of the

schools imams with the objective-oriented insights of later scholarship. Positioned as a centrist (*wasaṭī*)-modernist, he neither adheres blindly to legal imitation nor endorses radical overhauls of Islamic law. Instead, he advocates selective revision of principles and methodologies to address contemporary realities while preserving core foundations. His approach to the methodology of legal reasoning exemplifies this balance through relaxing the stringent conditions of legal reasoning, applying objectives of Islamic law (*maqāṣid al-sharī'ah*), engaging with jurisprudence of contemporary realities (*fiqh al-wāqi'*) and promoting collective reasoning (*ijtihād jamā'ī*).

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