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Foundations of Maqasid-Based Ijtihad and the Logic of Renewal in Islamic Thought : An Inductive Study of the Contents of the Kitab al-Ummah Series

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Abstract:

Renewal in method and Shari'ah thought is essential to affirming the meaning of the final divine message and realizing the concept of an enduring Shari'ah. It also requires vitality in ijthad and sustained intellectual inquiry. A close examination of the system of Islamic jurisprudential reasoning shows that such renewal and vitality are best achieved through ijthad imbued with the spirit of the maqasid and governed by a purposive outlook. This form of ijthad is therefore an intellectual and methodological priority for launching the Ummah's civilizational and intellectual renewal. A number of leading scholars of Islamic jurisprudence and Islamic thought recognized this reality. They devoted substantial effort to exploring its meanings and articulating its foundations. Among them were scholars and thinkers who enriched the Kitab al-Ummah series with such perspectives. Their works engaged in deep grounding and analysis in order to develop an authentic maqasid-based method and an integrated, renewal-oriented jurisprudential vision. This vision moves beyond fragmented subsidiary rulings toward a holistic outlook and makes maqasid-based reasoning a foundation of ijthad. Its aim is to secure human welfare in this life and the Hereafter and to embody that aim across the different spheres of human life, thereby enabling an Islamic civilizational witness. This study seeks to demonstrate this importance and to reinforce the value of maqasid-based ijthad. It regards this approach as a major intellectual priority and as a path through which the Ummah may advance among civilizations. By tracing these scholarly efforts and inductively examining these writings, the study seeks to identify the civilizational thread that runs through the Kitab al-Ummah series. It also aims to infer the intellectual pattern that unites the studies shaped by a maqasid-based outlook. The study addresses the following central questions: What contribution has the Kitab al-Ummah series made to adopting maqasid-based ijthad as a logic of intellectual and civilizational renewal in Islam? Why should this mode of ijthad be regarded as a leading priority for the Ummah? The research uses tracing and induction to identify works in the series that are informed by a maqasid perspective. It also employs analytical reading to examine these contributions in depth. The intended outcome is to show that the Kitab al-Ummah series has made a major contribution to the revival and civilization of the Ummah through its deep engagement with the inner meanings and objectives of the Shari'ah, and by treating them as a starting point for growth and renewal and as a basis for construction and development.

Keywords: maqasid-based ijthad; renewal; Islamic thought; induction; Kitab al-Ummah.

Introduction:

Praise be to God, who made His infallible revelation a foundation and source for understanding; who decreed that the universal laws of creation should guide human reason; and who chose His final Shari'ah as a practical and regulating path for humankind. It is a comprehensive method that accompanies people through their needs and challenges and anticipates their future aspirations. Blessings and peace be upon the Prophet of guidance and mercy, the leader of sound judgment and wisdom, and upon his family, his Companions, and all who accept his guidance. To proceed: The Kitab al-Ummah series is a pioneering intellectual project. It has offered the Muslim Ummah clear and serious thought and enriched the field of knowledge with distinctive scholarly contributions. These works provided Islamic thought with substantial intellectual material and careful perspectives on "diagnosing the crisis" and explaining its causes, "proposing solutions" and clarifying the laws that govern them, and "defining objectives" and identifying their pathways. Building on this series, the present study focuses on the features, foundations, starting points, and principles of maqasid-based ijthad. It examines its trajectories, manifestations, and aspirations. The study seeks to determine

the extent to which the series has contributed to making maqasid-based ijihad a logic of intellectual and civilizational renewal in Islam, a method of reasoning, and a consistent intellectual orientation of the series. This orientation is treated as a major priority within the Ummah's intellectual agenda. Accordingly, the study asks: What are the methodological foundations of maqasid-based ijihad in the Kitab al-Ummah series? What historical models and practical applications in the series embody this maqasid-based method? The importance of the study lies in identifying the methodological foundations of this distinctive intellectual orientation and in presenting examples from the series that clarify those foundations and reveal their historical and practical applications. The broader aim is to establish the disciplined maqasid-based methodology that characterizes the intellectual trajectory of the Kitab al-Ummah series. The study also seeks to enrich research by presenting applied models that cover diverse aspects of life and integrate different fields in an unusually comprehensive manner. Indeed, there is scarcely a field for which the series does not offer models, applications, studies, or analyses. To answer the questions raised and meet the objectives of the paper, I use a method of tracing and induction across the volumes of the series in order to identify the features and pathways of maqasid-based ijihad. I then employ analytical examination to derive its methodological foundations and its Shari'ah-based principles. The ultimate purpose is to demonstrate that the Kitab al-Ummah series represents a major contribution to the revival and civilization of the Ummah through its deep intellectual engagement with the inner meanings and objectives of the Shari'ah and through its distinctive efforts to apply those meanings across different domains of life.

The main structure of the study and its principal sections are organized as follows:

- Introduction.
- Preliminary Section: Maqasid-Based Ijihad (Form and Meaning).
- Section One: Maqasid-Based Ijihad (Methodological Foundations)
Firm Principles for Confronting a Turbulent World
- Section Two: Maqasid-Based Ijihad: Historical Models and Practical Applications
Prominent Evidence and Clear Prospects for Confronting a Turbulent World
- Conclusion (Findings and Recommendations).
- Sources and References.

Preliminary Section: Maqasid-Based Ijihad (Form and Meaning):

Any precise definition of a scholarly term seeks to establish its boundaries and specify what it includes. It also aims to exclude what falls outside it and to clarify its fields of use and ranges of meaning. In light of these purposes, this preliminary section defines "maqasid-based ijihad" neither through conventional formulaic definitions nor through familiar synthetic formulations. Instead, I derive its meaning by tracing the expressions used by the authors and scholars of the Kitab al-Ummah series and by examining how the concept appears across its issues and volumes. This approach helps orient unsettled forms of ijihad and shows the value of maqasid-based reasoning in confronting a turbulent world. The discussion proceeds as follows.

First: Structure of the Term:

The expression "maqasid-based ijihad" combines the two terms "ijihad" and "maqasid." The following brief discussion defines each term in order to clarify the compound expression that forms the subject of this study.

Meaning of the Term "Ijihad":

"Ijihad" is an intellectual effort that begins with the revealed text and aims at applying it correctly to reality. It operates through human reasoning and through the fullest possible exertion of the mind, while maintaining sincerity of intention and purity of purpose¹.

Ijihad is the generative force behind the Islamic jurisprudential system. That system begins from Qur'anic and Prophetic guidance and relies on reasoned interpretation supported by the universal principles of revelation. It employs a wide range of methods, including consensus, analogy, consideration of public interest, juristic preference, presumption of continuity, induction, blocking or opening the means, contextual reasoning, maqasid-based reasoning, legal maxims, inference, and interpretation. Together, these methods seek to identify rulings concerning human actions, questions of existence, and newly arising issues of life².

In this sense, ijihad is, on the one hand, a liberation of thought that allows the mind to use its capacities for innovation, creativity, and the generation of new understanding. On the other hand, it is an exercise of reasoning that transcends the limits of time and place and continues as long as human life continues. In this way it affirms the enduring character of the divine Shari'ah in human life at the levels of theory and grounding, jurisprudential understanding and application, and practical implementation³.

This intellectual liberation within ijihad is achieved by freeing the text from restrictive assumptions tied to a particular time and place, while carefully examining the circumstances and conditions that surround it. It also requires freeing

¹ See Umar Ubayd Hasnah, introduction to *Al-Ijihad al-Maqasidi: Hujjiyyatuhu, Dawabituhu, Majalatuhu* [Maqasid-Based Ijihad: Its Authority, Controls, and Fields], 1/13-14.

² Umar Ubayd Hasnah and Nur al-Din ibn Mukhtar al-Khadimi, *Zahirat al-Tatarruf wa al-'Unf min Muwajahat al-Athar ila Mu'alajat al-Asbab* [The Phenomenon of Extremism and Violence: From Confronting Effects to Addressing Causes], 2/21.

³ See Umar Ubayd Hasnah, previously cited work, introduction, 2/9.

interpretation from mere familiarity, inherited convention, and ungrounded imitation. The text can then be examined deeply in relation to a changing and renewed reality and can generate effective Shari'ah-based solutions to new problems in every time and place. Such reasoning also maintains a clear view of the future and draws guidance from effective models of the past. Through this process, the final Shari'ah retains its enduring relevance and its texts and rulings remain present within the changing life of humankind¹.

Ijtihad in this sense is a comprehensive process that extends to every aspect of human life². It is not restricted to ritual worship or to practical jurisprudence. Rather, it encompasses all human activity, reaches every branch of knowledge and science, and addresses the various domains of human life. It seeks to develop systems, theories, and intellectual frameworks whose starting point is infallible revelation and whose reference is the authoritative text³.

Meaning of the Adjective "Maqasid-Based":

"Maqasid-based" derives from maqasid, meaning the interests and wisdoms intended by the revelation of the Shari'ah. Such an interest may consist in securing a benefit or preventing a harm. It may also be a comprehensive interest that includes many benefits, or a specific interest concerning one or a limited number of benefits⁴.

Al-Izz ibn Abd al-Salam expressed this meaning with particular clarity: "The whole of the Shari'ah consists of interests: it either prevents harms or secures benefits. When you hear God say, 'O you who believe' [al-Baqarah 2:104], consider the instruction that follows His address. You will find either a good that He urges you to pursue, an evil from which He restrains you, or a combination of encouragement and restraint"⁵. Religion as a whole is therefore founded on interests and wisdoms that regulate its rulings and organize its guidance. These seek to realize human welfare and to secure goodness and happiness in this life and the Hereafter⁶.

The maqasid, understood as "securing interests and realizing wisdoms," are the purposes and objectives for which the Shari'ah was revealed. Revelation affirms their value, while ijtihad recognizes and observes them with justice. Ibn al-Qayyim summarized this principle as follows: "The Shari'ah is founded and built upon wisdom and the welfare of people in this life and the Hereafter. It is entirely justice, entirely mercy, entirely benefit, and entirely wisdom. Any matter that moves from justice to injustice, from mercy to its opposite, from benefit to harm, or from wisdom to futility does not belong to the Shari'ah, even if it is introduced into it through interpretation"⁷.

Al-Khadimi gave a more formal definition: "The maqasid are the meanings observed in, and resulting from, Shari'ah rulings, whether those meanings are particular wisdoms, universal interests, or general characteristics. They converge within a single objective: affirming servitude to God and securing human welfare in both abodes"⁸. He also stated that "the central concern and essence of the maqasid is the realization of Shari'ah-recognized interests by securing benefits for people and preventing harms and destruction from befalling them"⁹. Al-Khazandar further elaborated this meaning, describing the maqasid in terms of "cooperation for righteousness, benefit, and the good of humanity; reforming the world; developing human society; promoting human coexistence; and establishing justice on earth"¹⁰.

The preceding discussion shows that purposiveness is a fundamental principle of legislation and that divine revelation is free from futility. Every divine ruling has a purpose, objective, and end that is either established by an explicit text or discovered through sound ijtihad and proper reasoning¹¹.

Second: Meaning of the Term "Maqasid-Based Ijtihad":

¹ See Umar Ubayd Hasnah, introduction to *Al-Ijtihad al-Jama'i fi al-Tashri'* [Collective Ijtihad in Legislation], 13.

² On the comprehensiveness of Islam, see Abd al-Rahman al-Tariri, *Al-'Aql al-Arabi wa l'adat al-Tashkil* [The Arab Mind and Reshaping], 136-138.

³ See Umar Ubayd Hasnah, introduction to *Al-Ijtihad al-Jama'i* [Collective Ijtihad], 24; and Imad al-Din Khalil, *Hawla l'adat Tashkil al-'Aql al-Muslim* [On Reshaping the Muslim Mind], 104.

⁴ Nur al-Din ibn Mukhtar al-Khadimi, *Al-Ijtihad al-Maqasidi: Hujjiyyatuhu, Dawabituhu, Majalatuhu* [Maqasid-Based Ijtihad: Its Authority, Controls, and Fields], 1/48.

⁵ Abu Muhammad Izz al-Din Ibn Abd al-Salam, *Qawa'id al-Ahkam fi Masalih al-Anam* [Rules of Legal Judgments concerning Human Interests], 1/11.

⁶ See Abd al-Majid al-Najjar, *Fiqh al-Tadayyun Fahman wa Tanzilan* [The Jurisprudence of Religiosity: Understanding and Application], 51.

⁷ Muhammad ibn Abi Bakr Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin* [Informing Those Who Sign on Behalf of the Lord of the Worlds], 1/41.

⁸ *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 1/52-53.

⁹ *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 2/19. See also Taha Jabir Fayyad al-Alwani, *Adab al-Ikhtilaf fi al-Islam* [The Ethics of Disagreement in Islam], 160-162; Abd al-Aziz ibn Mubarak Barghuth, *Al-Manhaj al-Nabawi wa al-Taghyir al-Hadari* [The Prophetic Method and Civilizational Change], 46; and Muhammad Uthman Shubayr, *Takwin al-Malakah al-Fiqhiyyah* [Developing Juristic Competence], 118.

¹⁰ Sami Ibrahim Jum'ah al-Khazindar, *Fi al-Manzur al-Hadari, al-Munazzamat al-Duwalliyyah: Ru'yah Ta'siliyyah* [International Organizations from a Civilizational Perspective: A Foundational View], 50.

¹¹ See al-Najjar, *Fiqh al-Tadayyun* [The Jurisprudence of Religiosity], 51-52.

Having clarified the meanings of "ijtihad" and "maqasid," we can now define the compound term "maqasid-based ijtihad." As stated earlier, its features and boundaries will be explained by drawing on the scholarly contributions of authors in the Kitab al-Ummah series.

Umar Ubayd Hasnah discussed the meaning of maqasid-based ijtihad at length and made it a recurring intellectual theme in his substantial introductions. He described the "Islamic mind" formed by revelation as a mind characterized by purposive, causal, analytical, demonstrative, inductive, inferential, analogical, and maqasid-based reasoning¹.

He further explained that the "Islamic mind" is purposeful and critical. It is capable of complex intellectual operations such as analysis, induction, inference, review, evaluation², and foresight. It can penetrate deeply into a phenomenon, gather its relationships and interconnections, observe its indicators and signs, and thereby move toward the truth being sought³.

On this basis, Hasnah argued that a mind capable of perceiving purposes, understanding consequences, and properly assessing outcomes provides a precise Shari'ah and ijtihad-based criterion for testing the sound application of rulings to their proper contexts. It also offers an objective and disciplined measure of jurisprudential ijtihad⁴.

He reinforced the same principle elsewhere. He emphasized that keeping the maqasid present throughout the process of ijtihad is necessary because they provide its methodological discipline⁵. They regulate its practical operation "so as to prevent defects and the loss of interests in the process of Shari'ah-based ijtihad"⁶. They also serve as a reliable standard for assessing the soundness of the entire process of ijtihad⁷. Barghuth likewise states: "Understanding the maqasid is a methodological framework and a governing standard for the process of ijtihad in general"⁸.

Al-Qaradawi explained that failing to relate rulings to their effective causes, purposes, and objectives can lead to jurisprudential ijtihad into serious contradictions and deprive it of the justice upon which God's law is founded⁹.

Al-Najjar considered the connection between a ruling and its purpose to be a necessary "relationship of inseparability" at the level of theory and abstraction. Every Shari'ah ruling has a purpose toward which it is directed, and interpretive ijtihad is the means by which that purpose is discovered¹⁰. Al-Ani reinforced this understanding by stressing the importance of knowing the maqasid, understanding matters in their light, and deriving rulings in accordance with them¹¹. Al-Qaradawi similarly explained that once the interests and purposes attached to rulings are identified, the ruling must be connected to them both in affirmation and negation¹².

Hasnah expressed this principle with notable clarity: "This jurisprudential awareness of the maqasid developed into a form of certainty about the precise relationship between purposes and actions. An action becomes a kind of futility when it lacks a purpose and an end. An action cannot be realized unless its causes and prerequisites are present. Matters are connected to their ends in terms of fruitfulness and production, and to their prerequisites and causes in terms of existence and realization"¹³.

A reflective reading of the works published in the Kitab al-Ummah series confirms that maqasid-based ijtihad is a thread that organizes its ideas and a unifying pattern across its intellectual trajectory. Its publications repeatedly converge around this principle. Yet this was neither an unprecedented idea nor a departure from established foundations. It is an authentic principle of Islamic thought and a firmly rooted method of jurisprudential ijtihad.

Al-Khadimi articulated this principle by stating: "Rulings, together with their different purposes, form the comprehensive system of the coherent fabric of legal theory that the mujtahid must keep in view and apply during the process of deduction"¹⁴. Al-Ani supported this view and argued that the mujtahid must take the maqasid as a comprehensive framework and a broad field within which new questions and emerging issues are grounded, assessed, and derived¹⁵.

¹ See Hasnah, introduction to *Al-Ijtihad al-Maqasidi [Maqasid-Based Ijtihad]*, 1/12.

² See Hasnah, same work, introduction, 2/10.

³ See Imad al-Din Khalil, *Hawla l'adat Tashkil al-'Aql al-Muslim [On Reshaping the Muslim Mind]*, 48.

⁴ See Umar Ubayd Hasnah, introduction to *Al-Nass al-Shar'i wa Ta'wiluhu: al-Shatibi Anmudhajan [The Shari'ah Text and Its Interpretation: Al-Shatibi as a Model]*, 14.

⁵ See Umar Ubayd Hasnah, *Maqasid al-Qada' fi al-Islam [The Objectives of the Judiciary in Islam]*, 1/20.

⁶ Hasnah, *Al-Nass al-Shar'i wa Ta'wiluhu [The Shari'ah Text and Its Interpretation]*, 15.

⁷ See Hasnah, *Maqasid al-Qada' [The Objectives of the Judiciary]*, 1/20.

⁸ Barghuth, *Al-Manhaj al-Nabawi [The Prophetic Method]*, 46.

⁹ See Yusuf ibn Abd Allah al-Qaradawi, *Al-Sahwah al-Islamiyyah bayna al-Jumud wa al-Tatarruf [The Islamic Awakening between Stagnation and Extremism]*, 70.

¹⁰ See al-Najjar, *Fiqh al-Tadayyun [The Jurisprudence of Religiosity]*, 130.

¹¹ See Usamah Abd al-Majid al-Ani, *Ihya' Dawr al-Waqf li-Tahqiq al-Tanmiyah [Reviving the Role of Waqf in Achieving Development]*, 101.

¹² See al-Qaradawi, *Al-Sahwah al-Islamiyyah [The Islamic Awakening]*, 65.

¹³ Umar Ubayd Hasnah, introduction to *Al-Ijtihad al-Maqasidi [Maqasid-Based Ijtihad]*, 21.

¹⁴ Al-Khadimi, *Al-Ijtihad al-Maqasidi [Maqasid-Based Ijtihad]*, 1/57.

¹⁵ See al-Ani, *Ihya' Dawr al-Waqf [Reviving the Role of Waqf]*, 101.

Al-Alwani affirmed the same meaning. He argued that the Ummah urgently needs sound thought grounded in an understanding of the spirit of Islam and an awareness of its aims, purposes, and universals¹. Such thought moves the "Islamic mind" from passive reception to active thinking, and from rigid imitation to intellectual generation and *ijtihad*. It equips the mind with understanding, analysis, review, criticism, inference, foresight, and purposive reasoning². The *maqasid*-based *ijtihad* sought by the Islamic mind is a civilizational jurisprudence. Through it, the human being realizes the objective of *tawhid*, pursues the purpose of moral and spiritual purification, and contributes to development and the construction of civilization. It is a jurisprudence that comprehends the text and its purposes, draws guidance from history and its manifestations, engages with reality and its challenges, and anticipates the future and its consequences.

At the level of a formal operational definition, al-Khadimi states that *maqasid*-based *ijtihad* is "taking the purpose into consideration and observing it in the process of deriving rulings"³. Shubayr describes it as an aid to understanding the texts of the Islamic *Shari'ah*. It enables the *mujtahid* to derive and weigh rulings and to apply them correctly in light of reality and its circumstances. It also gives the jurist a holistic perspective that prevents detailed engagement with subsidiary rulings from obscuring the universal principles of jurisprudence⁴.

Sabu'i notes that purposive thought, which rests on understanding the Lawgiver's objectives, must govern the reading of legislative language. No legal text is without a purpose, and no text is formulated in a particular way except to realize a specific objective. Legislative texts were revealed to secure a benefit or prevent a harm⁵.

Section One: Maqasid-Based Ijtihad (Methodological Foundations): Firm Principles for Confronting a Turbulent World

The preceding discussion clarified the meaning, dimensions, and scope of *maqasid*-based *ijtihad*. It also confirms that realizing its benefits requires firm foundations and that anyone undertaking it must observe clear controls. The following discussion therefore identifies its "methodological foundations." Meaning cannot be sustained without defining its boundaries, restrictions, standards, characteristics, and supports. In presenting these methodological constants, the study relies on the work of scholars who contributed to the *Kitab al-Ummah* series. Their formulations and indications will be traced and examined below.

The Centrality of Revelation:

Any serious attempt to investigate meaning requires a governing reference point and a clearly defined source of authority. Without this, both the source and the intended purpose are lost. The first methodological foundation of *maqasid*-based *ijtihad* is therefore to establish the reference to which it returns and the central foundation upon which it rests.

Revelation as the Foundation of Maqasid-Based Ijtihad:

As established above, *maqasid*-based *ijtihad* is an effort to identify the purposes of the Lawgiver, to explore the objectives of legislation, and to investigate its inner meanings and wisdoms. It therefore requires firm recognition that the Lawgiver determines these purposes and that divine revelation validates the relevant meanings and wisdoms. Al-Najjar states: "One of the foundations of the Islamic creed is that revelation is the sole source of religion"⁶. Divine revelation is therefore the primary source for defining the meanings, structures, purposes, and objectives of religion. It is the scale by which purposes are identified and the standard by which values are clarified.

Al-Khadimi emphasizes that one of the most important principles governing *maqasid*-based *ijtihad*, and one that serves as "the general reference and comprehensive framework for considering and observing the *maqasid* in the process of *ijtihad*"⁷, is that the governing criterion for *maqasid* is divine revelation together with the religious vision of cosmic existence and human presence. Any departure from this standard, or any violation of its governing authority, constitutes a departure from *Shari'ah* truth and a deviation from the divine purposes and intentions⁸.

Hasnah explains that the wisdom of the Lawgiver lay in sending humanity an enduring revelation and a text that supplies values, purposes, objectives, and goals. God made it a living standard by which people can regulate their course and understand their destiny. Through the values and principles it carries, and through the purposes and objectives it embodies, revelation becomes a standard for correcting and evaluating reality however times may change. It is also a scale of guidance that directs human motivations so that they do not depart from the straight path or deviate from sound purposes⁹.

The values of revelation possess divine authority. They give human beings the certainty needed to determine their direction and govern their intellectual compass. As a source of reference, revelation also provides truths and constants

¹ See al-Alwani, *Adab al-Ikhtilaf fi al-Islam* [The Ethics of Disagreement in Islam], 156-158.

² See Hasnah, introduction to *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 1/16 and 2/11.

³ Al-Khadimi, previously cited work, 2/19.

⁴ Shubayr, *Takwin al-Malakah al-Fiqhiyyah* [Developing Juristic Competence], 117-118.

⁵ Salih Belqasem Saboui, *Al-Nass al-Shar'i wa Ta'wiluhu: al-Shatibi Anmudhajan* [The *Shari'ah* Text and Its Interpretation: Al-Shatibi as a Model], 157.

⁶ *Fiqh al-Tadayyun* [The Jurisprudence of Religiosity], 17.

⁷ *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 25.

⁸ See *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 28.

⁹ See introduction to *Al-Ijtihad al-Jama'i* [Collective Ijtihad], 12.

that orient thought toward revelation and the Qur'an and guide the human view of the universe, life, and the human being.

Revelation as a Regulating Standard for Maqasid-Based Ijtihad:

Grounding the maqasid in this principle protects them from disorder and uncontrolled expansion. Without a single authoritative reference, it becomes difficult to identify purposes and impossible to delimit objectives. Speculation and subjective assumptions can then enter the process, because there is no stable reference by which the intended purpose or desired goal can be defined. For this reason, belief in the centrality of revelation and the authority of the divine text liberates the mind from dependence on competing philosophies and from confusion among conflicting systems of reference. It marks a decisive conceptual and doctrinal shift from multiple and unstable orientations to a single and stable source of authority. It also frees the human being from dispersed forms of servitude to created beings and directs that servitude toward the Lord of all beings¹. Belief that the One God is the source of legislation and the author of the laws governing existence, and that His revealed guidance is the criterion of good and evil, benefit and harm, principles and values, truth and moral conduct², thus becomes the surest foundation for intellectual stability. It provides the security required for civilizational renewal. By contrast, movement between competing references and ideologies produces only disorientation and the loss of direction³. The Qur'an states: "This is My path, straight, so follow it; and do not follow other paths, lest they separate you from His path. This He has instructed you so that you may be mindful" [al-An'am 6:153]. It also states: "Such is God, your Lord, the Truth. What is there after truth except error? How then are you turned away?" [Yunus 10:32].

Taking this principle as the reference and criterion for the maqasid also gives the human mind access to a unique source of knowledge. Realities of the unseen cannot be known by human reason independently of divine revelation, and the mind remains limited in this domain unless it is guided by revelation⁴. Revelation also gives the mind an "integrative vision" of the universe, life, the human being, and existence. It further provides a "prospective outlook" that enables the mind to understand laws and causes, connect phenomena with outcomes, and discover relationships and interconnections⁵. This produces a deeper awareness of the regular laws that govern existence and prevents reliance on extraordinary occurrences or mere coincidence.

The centrality and authority of revelation shape our understanding of the unseen and the visible, and of life, the universe, and the human being. This higher philosophy of revelation requires that the Qur'an and the Sunnah be viewed together as divinely grounded sources. Their teachings and guidance exercise normative authority over both the material and unseen dimensions of human existence and are not subject to human rejection or revision. The human task is to derive their universal visions and governing principles. It also requires firm belief that the Prophet "does not speak from his own desire. It is only a revelation revealed" [al-Najm 53:3-4], and full acceptance that "it is not for a believing man or woman, when God and His Messenger have decided a matter, to have any choice in their affair. Whoever disobeys God and His Messenger has clearly gone far astray" [al-Ahzab 33:36]⁶.

Prophetic Guidance as a Complement to Divine Revelation in Maqasid-Based Ijtihad:

Prophetic guidance is a reliable key to understanding divine revelation and a precise standard for determining how it should be applied to human reality. It provides access to a deep understanding of Qur'anic concepts and to the proper method of engaging with the Qur'an. Without it, the understanding of Qur'anic teachings may deviate and knowledge of its explanations and clarifications may become distorted⁷.

Prophetic guidance explains the Qur'an, clarifies its meanings, discloses its rulings, and reveals its wisdoms and purposes. It is the practical system through which the theoretical concepts and abstract meanings of Qur'anic revelation were embodied. The Prophet, peace be upon him, expressed them in words, enacted them in practical situations, and affirmed them through his approvals. His guidance addressed both the unseen and the visible and encompassed creed, values, ethics, reality, daily life, the individual, the family, the community, and the state. All of these remained governed by revelation and regulated by the authority of the Qur'an⁸.

After establishing the supreme authority of revelation in the Qur'an and Sunnah and affirming its centrality, it is important to stress that the desired civilizational construction and the emergence of a strong Muslim Ummah begin with the interaction of the Muslim mind with revelation as its reference in the processes of ijtihad and deduction. Its maqasid-based and purposive reasoning must remain anchored in this central source: the Qur'an and the Sunnah.

¹ See Imad al-Din Khalil, *Hawla l'adat Tashkil al-'Aql al-Muslim* [On Reshaping the Muslim Mind], 35.

² See Mansur Zuwayd al-Mutayri, *Al-Siyaghah al-Islamiyyah li-'Ilm al-Ijtima': al-Dawa'i wa al-Imkan* [An Islamic Formulation of Sociology: Rationale and Possibility], 105.

³ See Hasnah, introduction to *Tatwir al-'Ilm al-Shar'i: Hajah am Darurah* [Developing Shari'ah Knowledge: A Need or a Necessity?], 18; Barghuth, *Al-Manhaj al-Nabawi* [The Prophetic Method], 67; and Imad al-Din Khalil, *Hawla l'adat Tashkil al-'Aql al-Muslim* [On Reshaping the Muslim Mind], 36.

⁴ See al-Mutayri, *Al-Siyaghah al-Islamiyyah li-'Ilm al-Ijtima'* [An Islamic Formulation of Sociology], 105.

⁵ See Imad al-Din Khalil, previously cited work, 48-49; and al-Mutayri, previously cited work, 103.

⁶ See al-Najjar, *Fiqh al-Tadayyun* [The Jurisprudence of Religiosity], 17-18.

⁷ See Barghuth, previously cited work, 67.

⁸ See Barghuth, *Al-Manhaj al-Nabawi* [The Prophetic Method], 55 and 66-67.

Without such interaction, maqasid-based ijihad is emptied of its substance and the Islamic mind loses its proper formation¹.

The Inevitability of Divine Laws (Sunan):

At the beginning are the law, the cause, and the prerequisite. Results require premises; effects require causes; and goals require governing laws through which they can be attained. This follows from the existence of stable and recurring laws in the universe. Their consistency and generality across events make them enduring realities. God says: "This was God's way with those who passed before, and you will never find any change in God's way" [al-Ahzab 33:62]. He also says: "This is God's way that has passed before, and you will never find any change in God's way" [al-Fath 48:23]. The laws established by God are therefore stable and do not fail.

Speaking of the "necessity of the sunan" does not mean that necessity is imposed upon God. He is the Creator of the universe and the One who established the order of causes, so it is neither rationally nor logically conceivable that the One who determines the causal order should Himself be subject to its necessity. Rather, the expression refers to the stable relationship between cause and effect, and between premise and result. Divine wisdom has established these relationships as laws governing the created world and human life so that existence proceeds according to order rather than conjecture and illusion.

The Principle of Sunan and Its Relationship to Maqasid-Based Ijtihad:

Recognizing that God did not create human beings without purpose, that His testing of them is not arbitrary, and that Shari'ah rulings are legislated for causes and reasons leads to a clear conclusion. Obligations are imposed to secure a benefit or prevent a harm. God's will has also made sound prerequisites lead to their results and proper causes produce their effects. The human being should therefore understand religious responsibility as including the careful observance of these causes and reasons, and worship as including mastery of the means through which intended results and benefits are achieved².

Mobilizing the intellect to examine prerequisites, trace causes, observe their requirements, and follow their proper course in order to attain objectives is itself a form of ijihad concerned with purposes and underlying meanings. Hasnah explains that the maqasid-based mind is critical and investigative. It explores causes and prerequisites, studies consequences and outcomes, and deals with them within a framework of regular laws. It seeks to understand and employ those laws in a disciplined manner³.

The Duty of Ijtihad in Understanding the Sunan:

If divine wisdom has established a system and law for every matter, and if every affair proceeds according to a regular pattern, then the legally responsible person must exert serious effort to understand that pattern and discover its law. Once reliable inquiry establishes such a law with certainty, the mujtahid and the responsible person must observe it and avoid violating it. This serves the Shari'ah purposes of securing benefit and preventing harm, while avoiding the ignorance and failure that result from neglecting established laws. Zaydan explains that studying and understanding the laws of God is a religious duty: "The laws of God that God has explained in the Noble Qur'an, or that the Messenger has explained, deserve study and understanding. Indeed, studying and understanding them are among the most important matters and are religiously obligatory, because knowing them is knowing part of the religion. God says: 'We have sent down to you the Book as an explanation of all things, and as guidance, mercy, and good news for those who submit' [al-Nahl 16:89]"⁴. The same principle extends to every law or regularity established by scientific research and confirmed by practical application. Once reliably demonstrated, such laws should be applied rather than ignored or violated. Repeatedly reopening questions that have reached certainty wastes the Ummah's time and dissipates its energies⁵.

Understanding the Sunan as a Starting Point for Achieving Objectives:

Efforts to achieve objectives and realize maqasid are governed by attention to starting points and control over prerequisites. Obtaining a desired result depends on correctly identifying the point of departure and managing the conditions that lead to it. Every matter in existence has a particular law and an established pattern through which it develops. Its structure cannot be completed, nor its reality properly understood, outside that framework. When human will is directed toward achieving a goal, it must therefore understand the law governing the relevant prerequisites, the principle regulating its starting conditions, and the causes through which its path unfolds⁶.

Addressing Reality Begins with Understanding the Sunan:

¹ See Barghuth, same work, 67.

² See Hasnah, introduction to *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 1/12-13.

³ See Hasnah, same work, 1/16.

⁴ Abd al-Karim Zaydan, *Al-Sunan al-Ilahiyyah fi al-Umam wa al-Jama'at wa al-Afrad fi al-Shari'ah al-Islamiyyah* [Divine Laws Governing Nations, Groups, and Individuals in Islamic Shari'ah], 16. See also Ilyas Belka, *Istishraf al-Mustaqbal fi al-Hadith al-Nabawi* [Foresight of the Future in the Prophetic Hadith], 59; and Ahmad Muhammad Kanaan, *Azmatuna al-Hadariyyah fi Daw' Sunnat Allah fi al-Khalq* [Our Civilizational Crisis in Light of God's Laws in Creation], 104 and 106.

⁵ See Kanaan, same work, 106.

⁶ See Kanaan, *Azmatuna al-Hadariyyah* [Our Civilizational Crisis], 104.

The principle of regular laws governs human society and lived reality. Any search for solutions to social problems or ways out of crises must therefore take account of cosmic, human, and social laws. Reality cannot be treated independently of the logic by which these laws operate, nor can its governing patterns be ignored. Otherwise, proposed solutions and alternative remedies will remain detached from the logic of reality and disconnected from the movement of life.

Kanaan states: "We believe that this approach [considering the sunan and laws] to our questions of *ijtihad* will be more useful than abstract theoretical inquiry that treats problems in isolation from the realities of life and the findings of knowledge. Reality is subject to firm laws that cannot be ignored under any circumstances. Ignoring them places some of our *ijtihad*-based judgments in one sphere and the realities of life and society in another. We then become detached from the movement of history, life, and decision-making"¹.

On this basis, Kanaan argues that studying contemporary problems and issues imposed by reality and life in light of God's laws in creation "must constitute a foundation and a starting point for overcoming our civilizational crisis"². These laws govern the movement of life and regulate human society. They neither fail nor favor one group over another³.

Revelation's Establishment of the Principle of Sunan in the Movement of History:

Divine revelation was the first to awaken the human mind to the principle that history moves according to ordered laws and regularities. It affirms that human history and human action do not proceed aimlessly or without purpose. Rather, they are governed by firm patterns in a manner comparable to the physical universe, whose movement is described through ordered mathematical relations. These patterns arise from the structure of the human being: human nature, innate drives, values, ethics, emotions, and feelings, together with the interaction of all these elements with the surrounding world in which the human being acts⁴.

Accordingly, the interaction of human feelings, drives, values, and ethics with the surrounding world is more than a temporary response to immediate conditions. It may be understood as a recurring historical action rooted in enduring features of human existence. These features transcend geography and economic circumstance and are recorded as stable historical patterns as long as human beings continue to interact with the world and the universe. They "extend and continue, flexible, open, and comprehensive, so as to include the greatest possible number of events and touch the largest number of details and particulars"⁵.

Recognizing this recurring result of human interaction with history, the universe, and the surrounding world makes historical judgment subject to reason and logic. Outcomes correspond to actions, and the human being receives the consequences of the historical role performed or the practical action undertaken. This reinforces responsibility for action and allows human beings to be held accountable for the development and civilization they contribute to the world, or for the destruction and loss they cause.

By establishing this principle, the Qur'an alerts human beings that the continuity, recurrence, and stability of the sunan make it possible to anticipate specific results when the same premises and starting conditions recur. Human beings can therefore infer the laws and patterns that govern human, social, and historical phenomena. They can organize the present by following those patterns and anticipate the future in their light⁶.

The Muslim Mind's Failure to Understand the Laws of Vicegerency:

The Qur'an's establishment of regular laws and causal reasoning in history, life, reality, and the universe makes the Muslim mind's neglect of these laws particularly striking. Failure to understand the requirements of empowerment and vicegerency on earth has long impeded civilizational advancement and intellectual liberation⁷.

A careful reading of the Prophet's Sunnah, which serves believers as a reference for building civilization and achieving advancement, provides clear evidence that Prophetic civilization was a civilization of laws and that its rise depended on disciplined patterns. Every law of human life and every regularity of society and history established by the Creator as a path to vicegerency, dignity, and empowerment was observed by the Prophet in building the Muslim community and launching its civilizational development, "whether in his individual or social life, and whether in peace or war"⁸. Should the Muslim mind not therefore take the Prophet's Sunnah as a guide in following these laws so that it can overcome confusion, disorder, trials, and crises?

¹ Azmatuna al-Hadariyyah [Our Civilizational Crisis], 108-109.

² Ibid., 111.

³ See Hasnah, introduction to Azmatuna al-Hadariyyah [Our Civilizational Crisis], 8.

⁴ See Imad al-Din Khalil, Hawla l'adat Tashkil al-'Aql al-Muslim [On Reshaping the Muslim Mind], 51-53.

⁵ Imad al-Din Khalil, same work, 53.

⁶ See Imad al-Din Khalil, same work, 51-53.

⁷ See Abd al-Baqi Abd al-Kabir, Ihya' al-Furud al-Kifa'iyah Sabil Tanmiyat al-Mujtama' [Reviving Collective Obligations as a Path to Social Development], 91.

⁸ Muhsin Abd al-Aziz, Al-Madhabiyah al-Islamiyyah wa al-Taghyir al-Hadari [Islamic Doctrinal Orientation and Civilizational Change], 64. See also Muhammad al-Ghazali, Fiqh al-Da'wah: Malamih wa Afaq (Fiqh al-Da'wah wa Mushkilat al-Du'ah) [Jurisprudence of Da'wah: Features and Horizons - The Jurisprudence of Da'wah and the Problem of Preachers], 1/123.

Neglecting the Acquisition of Knowledge and the Sciences Means Neglecting the Sunan:

One clear reason for the Muslim mind's failure to grasp the laws of vicegerency is the marginalization of the natural sciences and vital forms of knowledge and the reluctance to benefit from human civilizational experience. This has produced a serious inability to identify the laws needed to achieve civilizational purposes and to adopt the causes that lead to renewal and advancement. As a result, the Muslim Ummah has often remained outside the central movement of events and has failed to acquire the sciences and knowledge needed to harness available possibilities and energies¹. Al-Qurashi states: "The principle of the unity of knowledge is an Islamic principle par excellence. On the basis of this principle, the different sciences must be treated as a holistic system"² and an integrated method. Knowledge should not be fragmented into isolated domains. "Literature, philosophy, religion, and nature are all fields belonging to an interconnected and integrated unity of knowledge"³. This distinctively Islamic perspective holds that truth has a unified character across the human and social sciences and the natural and cosmic sciences because all truth ultimately derives from the One God. The laws governing nature and the universe therefore do not conflict with the laws governing human existence. Islam views them within a unified and holistic framework⁴.

Understanding the Sunan as a Motive for Human Achievement:

Islam's affirmation of stable laws yields an important consequence of believing in regularity and causality. Their stability, continuity, and reliability become a source of human energy and turn the individual into an active participant in work and achievement. They strengthen the capacity for effort, contribution, construction, and development because the path becomes clearer and objectives become more attainable. This results from harmony with the laws of the universe and from acting in accordance with the patterns operating in nature and existence⁵.

This motivating force extends from the individual Muslim to the believing community. It guides collective action, mobilizes energy, and enables the community to avoid the errors that led earlier peoples to ruin. It helps identify weaknesses that produced loss and disorientation and recognize the strengths through which nations achieved dignity, victory, and empowerment. It also encourages sound engagement with the laws of the universe and nature and the careful use of their forces, while drawing lessons from the movement of history and the course of life⁶.

The Finality of the Message:

Maqasid-Based Ijtihad as a Realization of the Finality of the Message:

Belief in the finality, enduring character, universality, and comprehensiveness of the Islamic message necessarily entails the continuation of ijtihad and renewal, as well as ongoing review, criticism, and evaluation. A final message and an enduring Shari'ah must be capable of generating solutions and renewing means and alternatives for a continually changing human life and for emerging issues. They must also remain productive across different fields, valid for every time and place, and relevant for as long as human life continues.

Continuous review, criticism, and evaluation are therefore essential. The means used to realize the maqasid must be reconsidered, and intellectual stagnation and rigid jurisprudential imitation must be avoided. This is necessary to sustain the finality and enduring presence of the Islamic Shari'ah in human life. Hasnah states: "Belief in finality and permanence entails the continuation of ijtihad, renewal, and correction, and rejects intellectual rigidity and cessation"⁷. He also writes: "The realization and demonstration of this permanence can only occur through ijtihad and renewal, which are among its necessary implications and requirements"⁸. Hasnah further argues that preserving the enduring and effective presence of the Shari'ah in every time and place requires freeing the Shari'ah text from restrictive ties to one historical time or location. Interpretation must continue in response to new realities, contemporary issues, and problems that change with time, place, and human circumstances. Renewal, change, development, and reform are therefore required in order to anticipate and prepare for the future⁹.

The permanence of the Shari'ah text does not imply the permanence of human understanding or of a particular jurisprudential application of that text. Likewise, affirming the infallibility and sacred character of religion does not make human forms of religiosity or social religious practice infallible and unchanging. Permanence belongs to the revealed text itself, to the method by which it is studied, and to the standard by which social conditions are assessed so that suitable rulings and appropriate solutions can be identified¹⁰. This normative standard is stable and enduring, even though the range of its application may expand or contract. It does not disappear or cease¹¹.

¹ See Abd al-Baqi, previously cited work, 92.

² Ali al-Qurayshi, *Tawtin al-'Ulum fi al-Jami'at al-Arabiyyah wa al-Islamiyyah: Ru'yat Mashru'* [Localizing the Sciences in Arab and Islamic Universities: A Project Vision], 200.

³ Al-Qurayshi, *Tawtin al-'Ulum* [Localizing the Sciences], 200.

⁴ See al-Qurayshi, same work, 200; and al-Qaradawi, *Al-Sahwah al-Islamiyyah* [The Islamic Awakening], 102.

⁵ See Imad al-Din Khalil, *Hawla l'adat Tashkil al-'Aql al-Muslim* [On Reshaping the Muslim Mind], 33.

⁶ See Imad al-Din Khalil, same work, 54-55.

⁷ Introduction to *Al-Ijtihad al-Jama'i* [Collective Ijtihad], 13.

⁸ *Ibid.*, introduction, 13.

⁹ See *ibid.*, introduction, 13.

¹⁰ See *ibid.*, introduction, 13.

¹¹ See Hasnah, introduction to *Al-Tafkir al-Mawdu'i fi al-Islam* [Objective Thinking in Islam], 13.

Finality and permanence also mean that an *ijtihad* that is sound for a particular time, place, and society, with its specific aspirations, challenges, characteristics, and problems, is not necessarily sound for every time, place, and person. To claim otherwise would undermine the enduring character of the Shari'ah and contradict the finality of the message, because it would leave no meaningful role for *ijtihad* or renewal¹. Criticism, review, evaluation, and correction are therefore essential to maintaining both permanence and finality. Hasnah stresses that "criticism and review are among the means by which this religion is preserved, sustained, and kept enduring. Their cessation carries many dangers and defects that fundamentally contradict the permanence, finality, and normative authority of this religion"².

The Relevance of the Religious Text to Every Time and Place as a Realization of the Finality of the Shari'ah:

We have established that the religious text is enduring, and that this endurance requires relevance to every time and place. It is an absolute divine revelation and a final message to humankind. It is not confined by temporal or spatial limits. It encompasses past, present, and future: reflecting on the past, examining the present, anticipating the future, and identifying rulings suited to each time and place. This ongoing movement of change and renewal enables the Shari'ah to remain effectively present, to offer sound solutions, and to fulfill the great responsibility of human vicegerency on earth by developing it for the good and benefit of creation³.

Anyone who reflects on the nature of the religious text and the logic of divine revelation finds a comprehensive message addressed to all people and to humanity as a whole. It extends across every time and place. The Islamic message is complete and universal. It is not tied to a specific period or reduced to a limited sphere. It presents a comprehensive order for existence and a governing framework for the universe⁴.

Al-Najjar states: "The religious text itself contains meanings suitable for all people in every place and time because revelation is final. This means that the corpus of texts contains treasures of meaning that cannot be exhausted by the understanding of a single generation of Muslims. Each generation may discover in it what the preceding generation did not discover"⁵.

Al-Najjar thus confirms the point made above: the Shari'ah text is enduring, while human understanding of it is renewed. Its meanings remain open for as long as human life continues and can address reality despite changes in time and place. The text does not cease to generate solutions or to provide human beings with alternatives and means for achieving legitimate interests and avoiding harms.

Reality-Based Ijtihad:

The Concept of Reality-Based Ijtihad:

Reality-based *ijtihad* means carefully examining Shari'ah texts, deeply studying the reality of life and people, and applying the text in a manner suited to lived circumstances. The application must realize the purposes of the Lawgiver and address the harms present in reality. This requires moving beyond the text's immediate historical circumstance so that it can generate effective Shari'ah rulings for people's actual lives⁶. It also requires renewed understanding and sound derivation from the Shari'ah text in the light of divine revelation. The resulting rulings should provide Muslims with solutions appropriate to their problems and contemporary challenges without contradicting the constants of revelation or the realities of lived experience⁷.

Reality-Based Ijtihad in Prophetic Guidance and the Ijtihad of the Companions:

The philosophy, methods, means, aims, and purposes of Prophetic guidance are shaped by the Qur'anic vision, which offers a comprehensive and integrated approach to the universe, life, and existence. The Prophet's efforts can therefore be understood as a comprehensive and integrated method employing practical and effective means for building Islamic life and human civilization⁸.

It is a method attentive to reality. It understands individual human needs and social relationships in depth, possesses the tools required to engage with people's circumstances, evaluates their situations carefully, and addresses them in light of their conditions and likely consequences. Al-Manhaj al-Nabawi, 59.

The Prophetic message brings revelation and reality together. It integrates the Lawgiver's text with the continually emerging events of life. It connects the wording and meanings of the Qur'an and the universal purpose of creation at the level of abstraction, *ijtihad*, and reflection with the practical reality of human existence. Barghuth describes this synthesis as "connecting human life and human events to the original reference, namely the complete and comprehensive monotheistic order"⁹.

The noble Companions followed the method of Prophetic guidance in their own *ijtihad*. They reasoned about the events of life through a deep understanding of the texts of infallible revelation. They confronted changing problems

¹ See Hasnah, introduction to *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 1/15.

² Hasnah, introduction to *Al-Tafkir al-Mawdu'i* [Objective Thinking], 14.

³ See Muhsin Abd al-Hamid, *Al-Madhabbiyyah al-Islamiyyah* [Islamic Doctrinal Orientation], 14.

⁴ See Muhsin Abd al-Hamid, same work, 50; and al-Mutayri, *Al-Siyaghah al-Islamiyyah li-'Ilm al-Ijtima'* [An Islamic Formulation of Sociology], 106.

⁵ *Fiqh al-Tadayyun* [The Jurisprudence of Religiosity], 38.

⁶ See Hasnah, introduction to *Al-Ijtihad al-Jama'i* [Collective Ijtihad], 16.

⁷ See Hasnah, same work, introduction, 18.

⁸ See Barghuth, *Al-Manhaj al-Nabawi* [The Prophetic Method], 53 and 59.

⁹ *Al-Manhaj al-Nabawi* [The Prophetic Method], 68.

with practical and effective Islamic solutions that were realistic and deeply informed by the maqasid, drawing them from the texts and guidance of Islam¹.

Reality-Based Ijtihad and Contextual Appropriateness in Every Age:

Human reality in every age is shaped by particular balances and relationships, surrounded by obstacles and complexities, and burdened by problems, challenges, deficiencies, and forms of weakness. Shari'ah texts must therefore be examined in light of the realities of a given age, and jurisprudential reasoning must interact with people's actual lives. Otherwise, life itself is obstructed. The texts of the Shari'ah were revealed to sustain life and provide solutions to human reality, not to stop, suspend, or freeze it.

Hasnah considers jurisprudential rigidity and the failure of ijtihad to apply texts correctly to people's reality to be "a suspension of both life and Islamic values, a resistance to the laws of life and living beings, and a denial of the realities of insight, development, and growth, which constitute the spirit of life and the secret of its growth and continuity"². Bu'ud supports this position. He argues that studying the reality of societies, examining their history, understanding their culture, and grasping their social relationships provide the only sound method for engaging with them and addressing their issues. This makes it possible to correct conduct and reform distortions in accordance with God's law. Any neglect of this principle in processes of change will lead to delay or failure and may ultimately produce conflict, violence, and extremism³.

Barghuth endorses the same position. He states that taking account of people's reality and circumstances, and remaining attentive to new questions and emerging issues in their lives, are necessary for the soundest application of Shari'ah rulings and the proper implementation of the Islamic Shari'ah. He describes this as "one of the laws of sound civilizational construction and one of God's laws in creation. Whoever violates it violates the interests of people that the Shari'ah came to establish, clarify, and preserve"⁴.

Attention to Reality as an Essential Condition of Ijtihad:

Among the established conditions of ijtihad, the requirements for developing jurisprudential competence, and the qualities expected of the reasoning Muslim mind is a sound knowledge of people and their circumstances. The mujtahid must understand their lives and affairs, their problems and challenges, and the major cultural concepts and scientific realities of the age. This includes familiarity with contemporary sciences, the humanities and social sciences, political culture, and practical realities. The mujtahid should also be aware of the ideas and trends operating within society, the visible and hidden practices that shape it, and the risks that threaten it. A jurist cannot remain isolated from reality and issue rulings drawn mechanically from earlier ages or apply judgments developed for conditions that have changed. Fatwas may change with time, place, circumstances, conditions, and customs. As noted earlier, an ijtihad that is suitable for a particular society, time, and place is not necessarily suitable for every society, time, place, or individual⁵.

The true mujtahid studies the evidence and texts deeply and examines reality and events carefully. The jurist exerts full effort to apply the legal ruling correctly to reality while remaining disciplined by the meanings, maqasid, and universal principles established by the Shari'ah text. Al-Qaradawi states: "The true mujtahid looks at the texts and evidence with one eye and at reality and the age with the other, so that he may reconcile what ought to be with what exists and give each event the ruling appropriate to its place, time, and circumstances"⁶.

Al-Turabi develops this principle further: "We have not fully incorporated the element of reality into our assessments. Religion is nothing other than an effort to bring together the ideal Shari'ah model and the existing material and social environment. Understanding religion cannot be complete unless transmitted knowledge of the Shari'ah is integrated with knowledge of social reality, whether local or international and whether material or social. The final form of religious practice is affected by this reality, which God places before the servant as a test. Religion can therefore only be understood as the outcome of interaction between Shari'ah values and standards and the different forces of reality.

¹ See Yusuf ibn Abd Allah al-Qaradawi, *Al-Ijtihad wa al-Tajdid bayna al-Dawabit al-Shar'iyyah wa al-Hajat al-Mu'asirah* [Ijtihad and Renewal between Shari'ah Controls and Contemporary Needs], in *Fiqh al-Da'wah: Malamih wa Afaq* [Jurisprudence of Da'wah: Features and Horizons], 2/153.

² Umar Ubayd Hasnah, *Ulum Hadarat al-Islam wa Dawruha fi al-Hadarah al-Insaniyyah* [The Sciences of Islamic Civilization and Their Role in Human Civilization], 7.

³ Ahmad Bououd, *Zahirat al-Tatarruf wa al-Unf min Muwajahat al-Athar ila Mu'alajat al-Asbab: al-Tatarruf wa Azmat al-'Aql al-Muslim* [The Phenomenon of Extremism and Violence: From Confronting Effects to Addressing Causes - Extremism and the Crisis of the Muslim Mind], 1/112.

⁴ Al-Manhaj al-Nabawi [The Prophetic Method], 71.

⁵ See Shubayr, *Takwin al-Malakah al-Fiqhiyyah* [Developing Juristic Competence], 123; al-Qaradawi, *Fiqh al-Da'wah* (Al-Ijtihad wa al-Tajdid) [Jurisprudence of Da'wah: Ijtihad and Renewal], 2/160 and 182; and Hasnah, introduction to *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 1/15.

⁶ *Fiqh al-Da'wah* (Al-Ijtihad wa al-Tajdid) [Jurisprudence of Da'wah: Ijtihad and Renewal], 2/160.

The jurisprudence of religious people must thus integrate close knowledge of their social and international reality and the material problems of life with their knowledge of the transmitted Shari'ah"¹.

Al-Turabi's statement reaches the core of the issue. Understanding religion is not complete unless text and reality are integrated within the process of *ijtihad*. The final form of religious practice appears only when jurisprudential understanding interacts with lived reality, through which the individual is tested. Without this interaction between religion and reality, the understanding of religion remains incomplete. Religious practice cannot assume its full form unless it is exercised across the different levels of actual life.

Al-Qaradawi likewise holds that authentic jurisprudence and authentic *ijtihad* begin from people's reality: living among them, knowing their circumstances, observing their conditions, witnessing their suffering, and understanding their challenges. The true jurist is a "jurist of life" and a "jurist of the field and the struggle." Such a jurist brings norm and reality together, enters the arena of life, experiences its trials, and develops *ijtihad* by connecting Qur'anic texts to one another, organizing God's rulings into comprehensive universals, and relating God's laws in the world to one another. This differs from the "jurist of papers" or the narrowly literal jurist who reads texts while remaining unaware of what is actually occurring in people's lives².

Al-Qaradawi summarizes the point succinctly: "Understanding religion cannot be separated from understanding life. This is the Qur'anic conception of *fiqh*. In the Qur'an, *fiqh* includes understanding God's command and law, and it also includes understanding His laws in creation"³.

Bu'ud argues that whoever is blind to reality and neglects it in *ijtihad* "does not worship God, Mighty and Majestic, with complete worship and does not give worship its full due"⁴. He also maintains that a person who restricts study to the texts of the Qur'an and authentic *hadith* without a deep and genuine understanding of reality, its processes, and its circumstances "is incapable of *ijtihad* and change"⁵.

The Comprehensiveness of the Shari'ah:

Religion as a Comprehensive Method and an Integrated Constitution for Life:

Scholars have broadly agreed that the Islamic Shari'ah is a comprehensive method and an integrated order for life. Like the earlier divine laws, it came to establish servitude to God: "We certainly sent into every community a messenger, saying: Worship God and avoid false gods" [al-Nahl 16:36]. The Islamic Shari'ah is also characterized by finality, continuity, universality, and permanence. It addresses the conditions of existence and the varied dimensions of life in order to realize worship of God, affirm His oneness, and devote worship sincerely to Him alone: "They were commanded only to worship God, devoting religion sincerely to Him" [al-Bayyinah 98:5]⁶.

This monotheistic religion was sent to all human beings and is founded on worship of the One God. It is therefore a universal human call and an enduring message addressed to all creation. Its unifying invitation seeks to bring humanity together upon truth. Its discourse is moral and rational and addresses different levels of human experience. It extends across conceptual, doctrinal, epistemological, methodological, practical, and civilizational fields. Its purpose is to direct human beings toward construction and development, to promote growth and civilization, and to establish the principle of vicegerency on earth⁷.

The Constitution of Medina illustrates that the Islamic call is founded on unity of thought, worldview, reason, and belief rather than on blood or biological difference. It is not confined by language, sex, or homeland, and it does not erase other ideas or beliefs. Rather, it is a universal human call that can encompass everyone without exclusion and extend as widely as human horizons and ethical relations allow⁸.

The Islamic message is therefore a human and civilizational message and a universal call addressed to all humanity⁹. It seeks to make people constructive elements in a shared human civilization and foundations for moral and social advancement. It mobilizes human capacities and directs conduct and ethics.

¹ Hasan ibn Abd Allah al-Turabi, *Fiqh al-Da'wah: Malamih wa Afaq* (Fiqh al-Marhalah wa al-Intiqal min al-Mabadi' ila al-Baramij) [Jurisprudence of Da'wah: Features and Horizons - The Jurisprudence of the Stage and the Transition from Principles to Programs], 2/22.

² See al-Qaradawi, *Fiqh al-Da'wah* (Al-Ijtihad wa al-Tajdid) [Jurisprudence of Da'wah: Ijtihad and Renewal], 160, 182, and 188.

³ Ibid., 188.

⁴ Bououd, *Zahirat al-Tatarruf wa al-'Unf: al-Tatarruf wa Azmat al-'Aql al-Muslim* [The Phenomenon of Extremism and Violence: Extremism and the Crisis of the Muslim Mind], 1/112.

⁵ Bououd, same work, 1/112.

⁶ See al-Khadimi, *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 2/26.

⁷ Imad al-Din Khalil, *Hawla l'adat Tashkil al-'Aql al-Muslim* [On Reshaping the Muslim Mind], 28; Barghuth, *Al-Manhaj al-Nabawi* [The Prophetic Method], 45 and 83; and al-Turabi, *Fiqh al-Da'wah* (Fiqh al-Marhalah) [Jurisprudence of Da'wah: The Jurisprudence of the Stage], 2/21.

⁸ See Ahmad Qa'id al-Shu'aybi, *Wathiqat al-Madinah: al-Madmun wa al-Dalalah* [The Charter of Medina: Content and Significance], 84-85.

⁹ See al-Khazindar, *Fi al-Manzur al-Hadari* [From a Civilizational Perspective], 68.

Imad al-Din Khalil likewise emphasizes that, from an Islamic perspective, religion is a comprehensive and integrated method for life, the universe, and existence. Human beings act within the conditions of existence under its guidance and regulations, seek to realize its purposes and objectives, and exercise their civilizational vicegerency in nature and in the universe made available to them while remaining committed to its teachings¹.

Worship in Religion Encompasses the Fields of Human Life:

From the Islamic perspective, worship is a comprehensive concept that extends across all areas of human life and even reaches toward the Hereafter through the understanding that worldly life is a field cultivated for the life to come². Worldly actions are closely connected with reward in the Hereafter. Developing the earth and fulfilling the responsibility of vicegerency are themselves forms of worship and means of drawing near to God. The spiritual and unseen dimensions are therefore not separated from material and practical life. All fall within the concept of worship and the effort to attain reward in the Hereafter.

Reducing worship to ritual acts alone is therefore mistaken. It encourages withdrawal from life, neglects the duty of developing the earth, disregards Prophetic encouragement to fulfill that duty, and creates an artificial separation between this world and the Hereafter. This contradicts the comprehensive concept of worship. Abd al-Baqi explains that comprehensive and sustainable development and productive advancement in the different fields of life should be understood by the believer as acts of worship through which one draws nearer to God, earns reward, develops the country and society, and contributes to civilization³.

Religion as a System of Comprehensive Universal Principles:

One established principle of the Shari'ah is that religious realities must be viewed holistically by bringing particulars together rather than fragmenting them into isolated subsidiary matters. The study of any Shari'ah principle or the derivation of any jurisprudential ruling should take place within the wider Shari'ah framework. Particulars should be connected with one another so that the overall picture can emerge. A fragmented approach that isolates one detail from related details⁴ means that "treating a particular matter in isolation from the universal principles and foundations connected with it violates one of the established constants of the Shari'ah and leads to a form of imbalance and disorder"⁵ in the understanding of Shari'ah realities and the coherence of jurisprudential rulings.

As established above, the Shari'ah is "a method founded on interconnected and balanced comprehensiveness, in which the inner dimension is closely related to the outward dimension within a coherent unity that does not allow one part to be separated from another"⁶. The mujtahid must therefore adopt a holistic approach to Shari'ah realities. A partial view of a jurisprudential question or religious principle produces incomplete understanding and limited perception, with greater potential for harm than benefit and greater likelihood of error than correctness⁷.

Religion as Encompassing All Sciences and Forms of Knowledge:

The Islamic philosophy of knowledge is comprehensive and does not establish an absolute separation among the sciences. It regards the acquisition of sciences and forms of knowledge as necessary for fulfilling the duty of vicegerency. Muslims are therefore required to master knowledge in order to achieve progress and development and to build Islamic civilization.

Zaghlul al-Najjar explains this principle by emphasizing that scientific progress in Islam includes "economic, urban, political, and military progress ... together with the associated activities of industrialization, agriculture, increased production, control of the land, use of its resources, and attempts to manage its environments"⁸. Yet progress is not limited to these material dimensions, as may occur in materialist civilizations and human philosophies. It also includes "all dimensions of human development, for individuals, families, and societies, through an integrated development of different talents and capacities. This begins with the ability to provide material needs, which enables the human being to perform the duty of vicegerency on earth and to develop life upon it, and extends to spiritual, intellectual, moral, behavioral, and doctrinal aspirations, which connect the human being to the Creator, help the individual realize the self as a servant of that great Creator, and clarify the true nature of the human mission in this life"⁹.

This illustrates Islam's holistic outlook. It brings the sciences together and calls Muslims to acquire diverse forms of knowledge in fulfillment of the duty to build a comprehensive Islamic civilization. It also encourages scientific specialization and intellectual excellence across fields of knowledge. Fu'ad al-Banna argues that a close and dynamic reading of many Qur'anic verses reveals broad expressions from which meanings relevant to human life and

¹ Hawla I'adat Tashkil al-'Aql al-Muslim [On Reshaping the Muslim Mind], 104.

² See Abd al-Baqi, *Ihya' al-Furud al-Kifa'iyyah* [Reviving Collective Obligations], 91.

³ See *ibid.*, 97.

⁴ See al-Khadimi, *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 2/148-149; and Saboui, *Al-Nass al-Shar'i wa Ta'wiluhu* [The Shari'ah Text and Its Interpretation], 156.

⁵ Al-Khadimi, previously cited work, 149.

⁶ Muhsin Abd al-Aziz, *Al-Madhabiyah al-Islamiyyah* [Islamic Doctrinal Orientation], 76.

⁷ See Muhsin Abd al-Aziz, *Al-Madhabiyah al-Islamiyyah* [Islamic Doctrinal Orientation], 76.

⁸ Zaghlul al-Najjar, *Qadiyyat al-Takhalluf al-'Ilmi wa al-Ta'qni fi al-'Alam al-Islami al-Mu'asir* [The Problem of Scientific and Technological Underdevelopment in the Contemporary Islamic World], 84.

⁹ Zaghlul al-Najjar, same work, 84.

civilization can be derived. This reflects the finality of the message, the enduring character of the Shari'ah, and the Qur'an's relevance to every time, place, and domain of human life¹.

God says: "For each there is a direction toward which he turns, so compete in good deeds. Wherever you may be, God will bring you all together. Surely God has power over all things" [al-Baqarah 2:148]. Fu'ad al-Banna comments: "If we bring together the apparent meanings of the texts, the purposes of religion, the needs of the Ummah today, and the established practice of our predecessors regarding the development of life, all of this leads us to regard this verse as one of the Islamic foundations for recognizing and establishing areas of specialization: 'For each there is a direction toward which he turns'"².

If we also consider the general Qur'anic verses "related to knowledge, thought, and the activation of human awareness," we find repeated encouragement to enter deeply into knowledge through hearing, sight, reason, and reflection. The Qur'an asks: "Are they not listening?" [al-Sajdah 32:26]; "And in yourselves; will you not then see?" [al-Dhariyat 51:21]; "Will you not then understand?" [al-Mu'minun 23:80]; "Will you not then reflect?" [al-An'am 6:50]; and "Will you not then take heed?" [Yunus 10:3]. It also brings together the faculties of human awareness in one verse and calls people to gratitude for these gifts: "God brought you out of your mothers' wombs knowing nothing, and He gave you hearing, sight, and hearts so that you might give thanks" [al-Nahl 16:78]. The fullest gratitude for these gifts lies in using them for the noble purpose for which they were created: reflecting on God's signs through knowledge and inquiry, investigating their meanings, contemplating their structures, understanding their purposes, and learning from their narratives and events³. In the same spirit, God says: "We shall show them Our signs in the horizons and within themselves until it becomes clear to them that it is the Truth" [Fussilat 41:53].

Reflection on the foundations of Islam and on Muslim history shows that the intellectual, scientific, and material civilization achieved by Muslims, through which they distinguished themselves among other nations, was a fruit of faith. Revelation cultivated the conviction that sciences and knowledge are a shared wealth of humanity and that acquiring, mastering, preserving, developing, and employing them for human welfare and civilizational progress is a religious duty. In this way, Islamic civilization sought to place knowledge in the service of benefit and goodness and to combine the sciences of spirit and matter, as well as the realities of this world with the virtues of the Hereafter⁴.

Gradualism in Change:

Gradualism as a Universal Principle:

The creative order of the Almighty in bringing things into existence, giving life, and bringing life to an end proceeds through wise stages. The heavens and the earth were created gradually, the human creature is formed through successive stages, and the decline and end of created beings also unfold in stages.

God says concerning the creation of the heavens and the earth: "Say: Do you truly disbelieve in the One who created the earth in two days and set up equals to Him? That is the Lord of all worlds. He placed firm mountains upon it, blessed it, and apportioned its sustenance in four days, equally for those who ask. Then He turned to the heaven while it was smoke and said to it and to the earth, 'Come willingly or unwillingly.' They said, 'We come willingly.' He then completed them as seven heavens in two days and assigned to each heaven its command" [Fussilat 41:9-12].

Concerning human formation, He says: "O people, if you are in doubt about the Resurrection, then We created you from dust, then from a drop, then from a clinging substance, then from a lump of flesh, formed and unformed, so that We may make matters clear to you. We cause whatever We will to remain in the wombs for an appointed term, then We bring you out as infants, then you grow to maturity. Some of you die, while others are returned to the weakest stage of life so that, after having knowledge, they know nothing. You see the earth lifeless, but when We send water down upon it, it stirs, swells, and produces every delightful kind" [al-Hajj 22:5].

These verses clearly show that the creation of the universe and the formation of the human being occurred through periods and stages, even though God in His wisdom is fully capable of creating and bringing things into existence at once. This gradual process therefore serves purposes of clarification, instruction, and the manifestation of divine power and wisdom⁵.

Abd Allah al-Zubayr comments on God's law of gradualism in creation and on the wisdom of bringing things into existence through stages: "This teaches those engaged in da'wah that God, whom nothing in the earth or the heavens

¹ See Fu'ad ibn Abd al-Rahman al-Banna, *Al-Tafkir al-Mawdu'i fi al-Islam* [Objective Thinking in Islam], 158.

² Fu'ad al-Banna, same work, 159.

³ See Fu'ad al-Banna, same work, 158.

⁴ See Abbas Mahjub, *Mushkilat al-Shabab: al-Hulul al-Matruhah wa al-Hall al-Islami* [Youth Problems: Proposed Solutions and the Islamic Solution], 110-111; and Zaghul al-Najjar, *Qadiyyat al-Takhalluf al-'Ilmi wa al-Ta'qni* [The Problem of Scientific and Technological Underdevelopment], 63-64.

⁵ See Abd Allah al-Zubayr, *Abd al-Rahman, Min Murtakazat al-Khitab al-Da'awi fi al-Tabligh wa al-Tatbiq* [Foundations of Da'wah Discourse in Communication and Application], 117; and Muhammad al-Tahir Ibn Ashur, *Tahrir al-Ma'na al-Sadid wa Tanwir al-'Aql al-Jadid min Tafsir al-Kitab al-Majid* (al-Tahrir wa al-Tanwir) [Liberating Sound Meaning and Enlightening the New Mind in the Exegesis of the Glorious Book], 17/199.

can render incapable, proceeds gradually in creation, origination, and formation. They are therefore even more obliged to follow this pattern, adopt it, and rely upon it"¹.

Legislative Gradualism as a Shari'ah Method:

Anyone who reflects on the Lawgiver's method of legislation, obligation, revelation of rulings, and establishment of what is lawful and unlawful will recognize that legislation proceeds through gradualism and stages. The Shari'ah itself adopts this method as an established pattern and law².

The principle of gradualism is evident in the general philosophy of legislation. Meccan revelation focused on building the individual, including belief, worldview, thought, and tawhid, whereas Medinan revelation shifted attention toward the establishment of society, the state, and the Ummah³. Gradualism was also evident in practical rulings related to worship, which were revealed in response to events and adopted progressively by Muslims. Even a single ruling could move from a lighter stage to a stricter one, as occurred in the prohibition of usury and intoxicants.

With respect to usury, the following verse was revealed at an early stage: "Whatever you give as usury to increase through people's wealth does not increase with God; but whatever you give in charity, seeking God's pleasure, it is they who receive manifold increase" [al-Rum 30:39]. The verse indicates that usury is a disapproved transaction and morally inferior form of exchange. This verse belongs to the Meccan Qur'an, whereas the definitive prohibition of usury, the declaration of war against it, the removal of its effects, and the liberation of people from its burdens came in the Medinan Qur'an⁴.

Regarding intoxicants, God says: "From the fruits of date palms and grapes you produce intoxicants and good provision. Surely in that is a sign for people who understand" [al-Nahl 16:67]. Al-Nabulsi comments: "This is the first verse containing an indication that wine is not a good drink. The phrase 'good provision' shows that wine itself is not good provision"⁵.

This gradual method in the revelation of rulings and in establishing what is lawful and unlawful was neither futile nor arbitrary. It provides guidance for Muslims, preachers, reformers, scholars, and mujtahids, directing them to follow the same path⁶. Human beings become attached to what is familiar and habitual, and they often find it difficult to abandon established habits all at once⁷.

Legislative Gradualism as a Shari'ah Objective:

As shown above, gradualism and staged development are not purposeless. They contain important wisdoms and significant maqasid. One of these is gentleness toward human beings. Gradualism allows them to move step by step from one condition to another that may be very different, especially when long familiarity and habit make sudden change difficult. Gradual transition therefore removes hardship⁸.

Gradualism also supports sound preparation and readiness. It builds experience, improves implementation, and promotes wise application in real contexts. Any new and unfamiliar idea intended for wider acceptance requires sustained preparation, careful development of the receiving environment, and serious attention to preparing the people responsible for carrying it forward⁹.

Gradualism is also an expression of mercy because it prevents people from recoiling from obligations, duties, and acts of worship that might be imposed all at once. It takes account of human nature and habitual dispositions¹⁰. In addition, gradual application can encourage people to join a reform process once they see its benefits and recognize the good that emerges from its early stages¹¹.

Gradualism in Change and Reform as a Shari'ah Requirement:

The wisdom, logic, and methodology of legislation indicate that sound reform and change should proceed gradually. Movement from weakness to strength, from falsehood to truth, and from confusion to sound guidance requires stages,

¹ Abd Allah al-Zubayr, previously cited work, 118.

² See Abd Allah al-Zubayr, *Min Murtakazat al-Khitab al-Da'awi* [Foundations of Da'wah Discourse], 117.

³ See al-Najjar, *Fiqh al-Tadaiyyun* [The Jurisprudence of Religiosity], 149.

⁴ See Muhammad al-Ghazali, *Fiqh al-Da'wah: Malamih wa Afaq (Fiqh al-Da'wah wa Mushkilat al-Du'ah)* [Jurisprudence of Da'wah: Features and Horizons - The Jurisprudence of Da'wah and the Problem of Preachers], 1/127.

⁵ Muhammad Ratib al-Nabulsi, *Mukhtasar Tafsir al-Nabulsi: Tadabbur Ayat Allah fi al-Nafs wa al-Kawn wa al-Hayah* [Abridged Tafsir al-Nabulsi: Contemplating God's Signs in the Self, the Universe, and Life], 274.

⁶ See al-Najjar, *Fiqh al-Tadaiyyun* [The Jurisprudence of Religiosity], 149.

⁷ See Abd Allah al-Zubayr, previously cited work, 119.

⁸ See al-Najjar, *Fiqh al-Tadaiyyun* [The Jurisprudence of Religiosity], 150.

⁹ See al-Najjar, same work, 150; Abd Allah al-Zubayr, *Min Murtakazat al-Khitab al-Da'awi* [Foundations of Da'wah Discourse], 121; and al-Khadimi, *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], 1/75.

¹⁰ See Abd Allah al-Zubayr, previously cited work, 122; and al-Khadimi, previously cited work, 1/75-76.

¹¹ See al-Najjar, previously cited work, 150.

serious preparation, and careful formation of people's dispositions. People should be guided through change with wisdom and gradualism. This is the appropriate method and the sound logic of reform¹.

Major social changes and powerful transformations within nations require time and substantial preparation. An idea must mature and people must become ready to receive it before its benefits can be fully realized. Hastily imposing sudden changes without ensuring that the necessary conditions and foundations are in place can cause the project of change to collapse and accelerate the failure of reform².

Even extensive preparation, sustained effort to prepare people, implementation of an idea, and mobilization around it do not mean that the process is complete. Time must still be allowed for the idea to mature. Social change and civilizational reform may sometimes become established in a relatively short period, but in other cases several generations may pass through a difficult process before the full form and effects of reform become visible³.

This logic applies to reform and change at every level: from the family to the state, from society to the Ummah, and from the tribe to humanity. A society that has lived with a condition for centuries cannot be reformed within days or even a few years; the process may require generations. Al-Ghazali explains that "building the state after spreading the call ... must proceed gradually, because a structure that collapsed over several centuries cannot be rebuilt within weeks or a few years. For this reason, major reformers used to say: time is part of the treatment"⁴. Gradual reform and staged change are therefore necessary and are often imposed by the conditions themselves. Al-Ghazali adds: "This is what our unavoidable circumstances require. The medicine that a patient must take in order to recover is given dose by dose"⁵.

Strategic Thinking:

Foresight as a Religious Duty and a Shari'ah Requirement:

As established earlier under the principle of the necessity of the sunan, human beings must recognize that God did not create them without purpose and that His testing of them is not arbitrary. Shari'ah rulings were legislated for causes and reasons and obligations were imposed to secure benefit or prevent harm. God's will has made sound prerequisites lead to their results and proper causes produce their effects. Human responsibility therefore includes careful observance of these causes, and worship includes mastering the means by which intended results are attained. This is not merely useful; it is a necessity that the believer is required to observe⁶.

If life proceeds according to laws and order rather than conjecture and illusion, then anticipating outcomes from their premises and foreseeing results from their beginnings is an exercise of reason and a religious responsibility. Neglecting consequences and failing to consider likely outcomes contradicts the divine laws and the regularities of the universe. Such neglect also undermines the responsibility of vicegerency on earth and represents a failure to fulfill the duties of worship, obedience, and submission to God⁷.

Hasnah states: "Our engagement with causes and our commitment to observing them belong to God's will and to the responsibility He has placed upon us; they are not opposed to His will. He is the One who charged us with responsibility, willed that we should exercise will, guided us to these causes, and connected change to our action and will within the regular laws that govern existence"⁸. Proper engagement with causes and using them as guidance for the future are thus integral to trust in God, taking the means He has provided, believing in His decree, and submitting to His laws in the universe.

Foresight as a Prophetic Method:

A central principle of Prophetic conduct is that the Prophet, peace be upon him, managed the events of his life, the affairs of his Ummah, and the matters of the state in peace and war, governance and adjudication, on the basis of the outward evidence available to him. He took causes in order to reach their effects and established the necessary premises in order to attain their results. God disclosed the unseen to him only exceptionally. The Qur'an states: "Say: None in the heavens and the earth knows the unseen except God, and they do not know when they will be resurrected" [al-Naml 27:65]. It also says: "He is the Knower of the unseen, and He does not disclose His unseen to anyone" [al-Jinn 72:26]⁹.

The Prophet, peace be upon him, also made clear that in managing the affairs of his community he acted within the conditions of his humanity, according to his understanding and *ijtihad*, and that he did not possess independent

¹ See al-Najjar, same work, 149.

² See Kanaan, Azmatuna al-Hadariyyah [Our Civilizational Crisis], 119.

³ See Kanaan, same work, 119.

⁴ Al-Ghazali, *Fiqh al-Da'wah* (*Fiqh al-Da'wah wa Mushkilat al-Du'ah*) [Jurisprudence of Da'wah: The Jurisprudence of Da'wah and the Problem of Preachers], 1/127-128.

⁵ Al-Ghazali, same work, 1/127-128.

⁶ See Belka, *Istishraf al-Mustaqbal* [Foresight of the Future], 26.

⁷ Hasnah explains that reflecting on established laws and regularities, studying the history of nations and peoples, and learning from the causes behind the rise and fall of civilizations are acts of worship and obedience to God and constitute a duty for the legally responsible person. See the introduction to *Istishraf al-Mustaqbal fi al-Hadith al-Nabawi* [Foresight of the Future in the Prophetic Hadith], 5-6.

⁸ *Al-Ijtihad al-Maqasidi* [Maqasid-Based Ijtihad], introduction, 1/13.

⁹ See Belka, previously cited work, 43 and 47.

knowledge of the unseen or of hidden intentions. Umm Salamah reported that the Messenger of God said: "I am only a human being, and you bring your disputes to me. Perhaps some of you are more eloquent in presenting an argument than others, so I judge according to what I hear. If I award someone something that rightfully belongs to his brother, he must not take it, for I am only cutting for him a piece of the Fire"¹. The hadith draws attention to the Prophet's human status and to the fact that he did not independently know the unseen. His judgments proceeded according to *ijtihad*, examination, and consideration of available causes and evidence².

A careful reading of the Prophet's *Sunnah*, in light of the foregoing discussion, shows that he was informed of the unseen only in exceptional cases. He normally acted through available means, observed established laws, and anticipated the future on the basis of reality and its patterns, regularities, and governing principles. The Prophetic method gave particular weight to this principle. It taught the Muslim community to recognize the order of causality in existence, established the principle in the *Sunnah*, and made it a major civilizational value. It places the individual, the community, and the state on a sound path toward fulfilling the duty of stewardship. It also guides them toward building civilization, engaging other nations, and striving for excellence (³).

Foresight as a Principle of Ijtihad:

Foresight is a fundamental principle of *maqasid*-based *ijtihad*. The juristic effort to identify a ruling that secures benefit for the legally responsible person, brings advantage, prevents harm, and averts ruin is, in essence, a consideration of the future. It is an attempt to anticipate the consequences and outcomes to which a ruling may lead.

Hasnah maintains that *maqasid*-based *ijtihad* reshaped and rebuilt the Muslim mind. It established strategic thinking, foresight, and consideration of consequences as essential intellectual habits. The result was a shift from a mentality of passive reception and repetition to one that examines causes, considers premises, studies beginnings, and subjects them to analysis. It then proceeds to critique, inference, future-oriented thinking, and anticipation of consequences on the basis of facts, established patterns, laws, and regularities. In this sense, *maqasid*-based *ijtihad* provides a foundation for programming and planning before action begins (⁴).

Belka likewise considers this principle - the principle of considering consequences - to be one of the most important foundations of *ijtihad* in the Prophetic *Sunnah*. It requires reflection on outcomes and anticipation of future effects. It therefore affirms both the legitimacy of *ijtihad* and the obligation to act through appropriate causes and means (⁵).

Section Two: Maqasid-Based Ijtihad: Historical Models and Practical Applications

In the first section, our analytical inquiry sought to identify the methodological foundations developed throughout the *Kitab al-Ummah* series. We traced its publications and examined its writings to a degree that, in our view, was sufficient to clarify these foundations. Together, they define a specific intellectual and methodological path for a logic of renewal grounded in *maqasid*-based *ijtihad*.

Having established these foundations, the present section turns to selected historical models and practical applications that demonstrate their depth and stability. The discussion is based on the principles identified above and is limited to representative examples from the *Kitab al-Ummah* series. It does not separate the foundations rigidly because they overlap and reinforce one another. The centrality of revelation is present in every legitimate *ijtihad* that observes the objectives of the *Shari'ah* and does not neglect consequences. The finality of the *Shari'ah* is reflected in every reality-based *ijtihad* that takes circumstances and outcomes seriously and recognizes that conditions change over time. Likewise, any *ijtihad* grounded in the principle of recurring laws and regularities shares in the continuity of those laws. For this reason, the following discussion is illustrative rather than exhaustive.

First: Historical Models - Prominent Evidence for Confronting a Turbulent World

The Centrality of Revelation:

The Companions' Concern for a Sound Understanding of Revelation:

The Companions were deeply concerned that their understanding of the *Qur'an* remain free from distortion and that they receive its guidance without conjecture or corruption. One example is reported from Umar ibn al-Khattab. As the conquests expanded during his caliphate, the Islamic state reached peoples with different religious, intellectual, and civilizational backgrounds. Umar recognized that this new environment could affect Muslim thought. He therefore sought to preserve the clarity and integrity of revelation. It is reported that he sent Sabigh ibn Isl to Basra and prohibited people from sitting with him after Sabigh began raising doubts and contentious questions about matters of religion.

Umar also warned against opinion that was detached from the principles and purposes of revelation. He is reported to have said: "People, the partisans of opinion are the enemies of the *Sunnah*. The hadiths proved too difficult for them to preserve, and they failed to retain them. They were embarrassed, when asked, to say, 'We do not know,' so they

¹ Muhammad ibn Isma'il al-Bukhari, *Al-Jami' al-Musnad al-Sahih*, Book of "Legal Judgments," chapter "The Imam's Admonition to Litigants," hadith no. 6748; Muslim ibn al-Hajjaj, *Al-Jami' al-Sahih*, Book of "Judgments," chapter "Judgment According to Apparent Evidence and Eloquence in Argument," hadith no. 1713. The wording quoted is that of al-Bukhari.

² See Belka, *Istishraf al-Mustaqbal [Foresight of the Future]*, 46.

³ See Belka, same work, 183.

⁴ *Al-Ijtihad al-Maqasidi [Maqasid-Based Ijtihad]*, introduction, 1/16.

⁵ *Istishraf al-Mustaqbal [Foresight of the Future]*, 62.

opposed the transmitted guidance with their own opinions. They went astray and led many others astray" (¹). His objection here was directed at opinion that operated independently of revelation and without discipline by its purposes (²).

Reality-Based Ijtihad:

Umar ibn al-Khattab's Context-Sensitive Application of Legal Rulings:

It is reported that a pregnant woman was brought before Umar during the pilgrimage season while she was crying. People said that she had committed adultery. Umar asked, "Why are you crying? A woman may be forced against her will." In doing so, he was prompting her to explain the possibility of coercion. She then stated that a man had assaulted her while she was asleep. Umar said, "Had this woman been killed, I would have feared that everyone between these two mountains would enter the Fire," and he released her (³).

It is also reported that a Black woman accused of theft was brought before him. He asked her, "Did you steal? Say: no." Those present said, "Are you prompting her?" He replied, "You have brought me a person who does not understand what is being asked of her, whether for good or ill, and you want her to confess so that I may cut off her hand" (⁴).

These and similar incidents reveal the depth of Umar's jurisprudence. He considered each case in light of its circumstances, investigated its surrounding conditions, and examined possible constraints. Nuri writes: "The Shari'ah is not a body of closed, rigid texts ready to be applied in exactly the same manner in every situation. Even if the legal rule is one, applying it to reality requires understanding the circumstances of each case, because fatwas change with changing conditions, times, and places" (⁵).

The Comprehensiveness of the Shari'ah:

Establishing Institutions for the Care of Persons with Special Needs:

Islamic rulings addressed all social groups and did not leave any group without attention and care. Special provisions were developed in accordance with particular circumstances and needs. Islamic history also witnessed the creation of institutions and administrative registers that embodied this concern. Umar ibn al-Khattab, for example, established registers to identify persons in need, determine where they lived, assess their needs, and provide assistance. Some registers allocated additional payments from the public treasury to weaned children, older persons, the sick, and persons with disabilities. This approach continued in later Islamic history. Umar ibn Abd al-Aziz created an office to combat begging and destitution. The Abbasid caliph al-Mahdi allocated stipends to people affected by leprosy and to persons unable to work. Abd al-Malik ibn Marwan established an institution in Damascus for people with disabilities and those suffering from contagious diseases. These and other initiatives embodied the Shari'ah's emphasis on special care for vulnerable groups (⁶).

Muslim Care for the Environment and Its Protection:

The Muslim relationship with the environment is not one of domination, control, subjugation, or conflict. It is a relationship of trust and stewardship. Human beings are entrusted with the environment, "with all that this entails in terms of harmony, balance, and integration with it ... and all the ecological conduct that follows from that" (⁷). This conception moves beyond the model of conflict with and domination over nature, along with the abuses, anxiety, and destructive consequences produced by such a model. In the Islamic perspective, the human being is entrusted with protecting the environment and avoiding corruption within it. The Qur'an states: "Do not act corruptly in the land, spreading disorder" [al-Shu'ara' 26:183]. Many Qur'anic verses prohibit corruption on earth. The practice of the Prophet's Companions also confirms this principle. Abu Bakr al-Siddiq is reported to have instructed his troops before battle to protect the environment and its resources. He said: "Do not kill a woman, a child, or an elderly person. Do not cut down a fruit-bearing tree. Do not destroy an inhabited place. Do not slaughter a sheep or camel except for

¹ Isma'il ibn al-Fadl al-Isbahani, *Al-Hujjah fi Bayan al-Mahajjah wa Sharh Aqidat Ahl al-Sunnah* [The Proof in Clarifying the Right Path and Explaining the Creed of Ahl al-Sunnah], section "Strong Warning against Opposing Hadith by Opinion and Rational Speculation," 1/221; Jalal al-Din Abd al-Rahman ibn Abi Bakr al-Suyuti, *Jami' al-Ahadith* [Collection of Hadiths], Musnad "The Ten," Musnad "Umar ibn al-Khattab," hadith no. 30563.

² See Muwaffaq Salim Nuri, *Al-Akhlaq wa al-Siyasah: Qira'ah fi Khilafat Umar ibn al-Khattab* [Ethics and Politics: A Reading of the Caliphate of Umar ibn al-Khattab], 60-62.

³ Yusuf ibn Abd Allah Ibn Abd al-Barr, *Al-Istidhkar*, 7/510.

⁴ Ali al-Muttaqi ibn Husam al-Hindi, *Kanz al-'Ummal fi Sunan al-Aqwal wa al-Af'al* [Treasure of the Workers in the Traditions of Sayings and Deeds], Book of "Hudud in the Section on Actions," chapter "Types of Prescribed Punishments," hadith no. 13886.

⁵ Nuri, previously cited work, 77.

⁶ See Muhammad ibn Abd al-Karim Marah, *Ashab al-Ihtiyajat al-Khassah: Ru'yah Tanmawiyah* [Persons with Special Needs: A Developmental Perspective], 31 ff. and 65-66.

⁷ Abd al-Qadir al-Trabulsi, *Adwa' 'ala Mushkilat al-Ghidha' bi al-Mintaqah al-Arabiyyah al-Islamiyyah* [Perspectives on the Food Problem in the Arab-Islamic Region], 124-125.

food. Do not burn palm trees or drown them. Do not steal from the spoils, and do not act cowardly" ⁽¹⁾. If such instructions applied during war, they are even more compelling in times of peace ⁽²⁾.

Awqaf and Their Historical Contribution to Comprehensive Development:

Throughout Islamic history, awqaf contributed to development across many fields and responded to diverse social needs. They supported health care, for example. The Well of Rumah, endowed by Uthman ibn Affan, supplied Muslims with drinking water across a wide area. The aflaj irrigation systems in Oman provided water for crops, livestock, and communities throughout the country. Salah al-Din al-Ayyubi established the Milk Point Endowment, which supplied mothers and their infants with milk and sugar and met essential nutritional needs. Hospitals were also endowed for treatment and for the teaching of medicine and nursing. Examples include al-Adudi Hospital in Baghdad, al-Mansuri Hospital in Cairo, al-Mansuri Hospital in Makkah, and the hospital of Ahmad ibn Tulun. Ibn Jubayr records in his travel account that he found an entire quarter in Baghdad, known as Suq al-Maristan, whose houses had been endowed for the care of patients.

Awqaf also contributed substantially to education and its development. Endowments financed Qur'anic schools, centers of learning, zawiyas, schools, libraries, universities, and research centers. Ibn Hawqal reported counting three hundred elementary schools in a single Sicilian city, with each school able to accommodate hundreds of students. Ibn Battuta noted that Egypt, Iraq, and Baghdad were filled with endowed institutions of learning. He also described twenty major schools in Damascus whose construction, maintenance, income, and expenditures were funded through charity and endowments. Similar endowments supported libraries and other centers of knowledge ⁽³⁾.

Strategic Thinking:

The Prophet and Models of Future Planning:

The Economic Model:

Abd Allah ibn Abbas reported that when the verse concerning "those who hoard" gold and silver was revealed, it weighed heavily on the Muslims. They said that no one would then be able to leave wealth for his children. Umar ibn al-Khattab said, "I will relieve you of this concern." Umar went with Thawban to the Prophet, peace be upon him, and said, "Prophet of God, this verse has weighed heavily on your Companions." The Messenger of God replied: "God prescribed zakat only to purify what remains of your wealth, and He prescribed inheritance only for wealth that remains after you" ⁽⁴⁾. The expressions "what remains of your wealth" and "wealth that remains after you" clearly indicate the legitimacy of saving for the future. The entire system of zakat also encourages Muslims to pursue financial sufficiency and prosperity so that they can pay zakat to the poor and give charity to those in need. This is an essential dimension of future economic planning.

The Prophet's instruction on saving also indicates that Muslims should plan for the future in various fields and at different levels. This includes saving for the family, the community, and the state, and investing savings to achieve food, social, and security sufficiency as well as other strategic needs of the Muslim community ⁽⁵⁾.

The Social Model:

The Prophet, peace be upon him, led society, managed its affairs, and planned for its future. One example of his social planning was the principle of quarantine and spatial separation between healthy and sick individuals. Abu Hurayrah reported that the Prophet said: "The owner of sick animals should not bring them among healthy ones" ⁽⁶⁾.

This separation of the sick from the healthy represents planning for public health in both the present and the future. It establishes the precautionary principle in protecting health at both individual and collective levels ⁽⁷⁾.

The Statistical Model:

Hudhayfah reported: "We were with the Messenger of God when he said, 'Count for me those who profess Islam.' We said, 'Messenger of God, do you fear for us when we are between six hundred and seven hundred?' He replied, 'You do not know; you may be put to trial.' Hudhayfah said, 'We were indeed put to trial, until a man among us could pray only in secret'" ⁽⁸⁾.

¹ Malik ibn Anas, Al-Muwatta', Book of "Jihad," chapter "The Prohibition of Killing Women and Children during Military Expeditions," hadith no. 1627.

² Al-Trabulsi, previously cited work, 127-129.

³ See al-Ani, Ihya' Dawr al-Waqf [Reviving the Role of Waqf], 163-184.

⁴ Muhammad ibn Abd Allah al-Hakim, Al-Mustadrak 'ala al-Sahihayn [Supplement to the Two Sahih Collections], Book of "Tafsir," chapter "Surat Bara'ah," hadith no. 3320. The hadith is cited in connection with the verse on hoarding wealth: "Believers, many rabbis and monks wrongfully consume people's wealth and turn others away from the path of God. Those who hoard gold and silver and do not spend it in the way of God - give them news of a painful punishment" [al-Tawbah 9:34].

⁵ See Belka, Istishraf al-Mustaqbal [Foresight of the Future], 126-130.

⁶ Al-Bukhari, Al-Jami', Book of "Medicine," chapter "There Is No Hama," hadith no. 5436.

⁷ See Belka, Istishraf al-Mustaqbal [Foresight of the Future], 131-140.

⁸ Muslim, Al-Jami', Book of "Faith," chapter "Permissibility of Concealing Faith for One Who Fears Harm," hadith no. 235; al-Bukhari, Al-Jami', Book of "Jihad and Military Expeditions," chapter "The Imam's Registration of the People," hadith no. 2895. The wording quoted is that of Muslim.

This report provides a clear example of anticipatory thinking in the Prophetic Sunnah. Counting and statistical assessment are tools for measuring reality accurately and identifying available capacities and preparedness. They enable planning for future developments on a sound evidentiary basis and help anticipate challenges with informed awareness. This reflects the depth of strategic thinking and foresight in the Sunnah of the Prophet Muhammad, peace be upon him ⁽¹⁾.

The Administrative Model:

Effective administration requires that the mission be made clear to the whole team and that the objective of collective effort be defined. It also requires the generation of ideas, consultation, and comparison among alternatives in order to select the soundest option for achieving the intended benefit. This pattern is evident in the Sunnah of the Messenger of God. During the Battle of the Trench, he gathered his Companions and consulted them. Salman al-Farisi proposed digging a trench. The Prophet accepted Salman's proposal because he saw that it best served the intended interest. In this way, he planned effectively by using the human resources available to him and consulting the team that supported him ⁽²⁾.

The Companions and Foresight:

It is reported that Umar ibn al-Khattab advised Abu Bakr al-Siddiq to compile the Qur'an in a single collection after the large number of Qur'an reciters who were killed in the Battle of al-Yamamah caused him serious concern. Umar feared for the future preservation of the revelation if similar events were repeated and more memorizers were lost. Abu Bakr accepted Umar's advice and instructed Zayd ibn Thabit to collect the Qur'an from written materials and from what had been preserved in people's memories. The compilation was entrusted first to Abu Bakr, then to Umar, and afterward to Hafsa, Mother of the Believers. In this way, the Qur'anic text was preserved ⁽³⁾.

Second: Practical Applications - Clear Signs for Confronting a Turbulent World

The Inevitability of Divine Laws (Sunan):

Determining the Maximum Duration of Pregnancy:

Modern medicine has established that a normal pregnancy lasts about 280 days from the first day of a woman's last menstrual period. On this basis, a fetus cannot remain viable in the womb indefinitely beyond this period. The placenta, which supplies nourishment and oxygen, begins to deteriorate after the expected term and gradually loses its ability to meet fetal needs. If delivery does not occur within an appropriate period, placental failure can threaten fetal survival. This is one of the regular patterns embedded by God in creation and one of the empirically established facts of medical science ⁽⁴⁾.

Legal Determination of the Beginnings of Lunar Months:

Astronomical calculations have reached a very high degree of precision because they are scientifically grounded in the exact regularities and natural laws governing the movements of the earth, sun, and moon. Human knowledge can now determine the moment of the moon's birth with great accuracy years and even decades in advance. In this context, the author argues that there is no longer sufficient justification for a jurisprudence that insists exclusively on naked-eye sighting of the crescent while rejecting astronomical calculation. Earlier jurists relied on the apparent wording of texts and on the scientific understanding of cosmic patterns available in their own periods ⁽⁵⁾.

Reality-Based Ijtihad:

Restricting Young Women from Going to the Mosque:

Some juristic opinions prohibited young women from attending the mosque and held that prayer at home was better for them. They also placed responsibility on the woman's guardian - her father or husband - to teach her the principles of religion and provide her with religious instruction.

Shubayr explains that such a fatwa may have been understandable in periods when women were largely confined to the home, but it cannot simply be repeated under contemporary conditions. Women are now present in administration, universities, markets, and workplaces as a consequence of current social reality. It is therefore more appropriate to keep the mosque open to them for prayer, learning, and acquiring religious knowledge. In earlier settings, the duty of teaching a woman her religion could be assigned to her guardian. Today, however, fathers and husbands may spend much of their time outside the home earning a livelihood, and they may not themselves possess adequate religious knowledge or be able to provide systematic instruction to their families. Allowing women access to mosques for

¹ See Belka, previously cited work, 143 and 147.

² See Abd Allah ibn Ibrahim al-Kilani, *Idarat al-Azmah: Muqarabah - al-Turath wa al-Akhar* [Crisis Management: An Approach to Heritage and the Other], 126-127.

³ See Nuri, *Al-Akhlaq wa al-Siyasah* [Ethics and Politics], 64.

⁴ See Kanaan, *Azmatuna al-Hadariyyah* [Our Civilizational Crisis], 107-108; and Shubayr, *Takwin al-Malakah al-Fiqhiyyah* [Developing Juristic Competence], 125-126.

⁵ See Kanaan, *Azmatuna al-Hadariyyah* [Our Civilizational Crisis], 108.

learning and religious education thus becomes a significant and, in this argument, necessary religious measure. The authentic hadith states: "Do not prevent the female servants of God from the mosques of God" ⁽¹⁾ ⁽²⁾.

Introducing Additional Levels for Tawaf, Sa'y, and the Stoning Ritual:

Saudi Arabia introduced additional levels for tawaf, allowing the circumambulation ritual to be performed at greater distances from the Ka'bah. Additional levels were also designated for sa'y, so that the rite was no longer limited to the original path between al-Safa and al-Marwah. Similar arrangements were introduced for the stoning ritual. These measures illustrate maqasid-based and reality-sensitive jurisprudence. They preserve the essential meaning of the rites while achieving the objectives of facilitation, reducing hardship, and preventing serious harm. Extreme crowding can lead to death, injury, conflict, or disruption of the pilgrimage. These arrangements also reflect the Prophetic principle: "Do it, and there is no blame" ⁽³⁾.

A number of jurists have also expanded the permissible time for the stoning ritual. They allow those with valid excuses, those performing necessary services for pilgrims, or those unable to perform the rite after noon - the preferred time - to do so at night. This view is based on the principles of facilitation, removal of hardship, and prevention of harm ⁽⁴⁾.

Abortion in Cases of Rape:

Among the gravest violations a woman may suffer is sexual assault resulting in pregnancy. Such an experience may cause severe psychological distress. In some social settings, it may also expose the woman to violence or killing in the name of family honor, or to suicide as an attempt to escape social stigma. The child may likewise face serious harm in a conservative community that rejects children born outside marriage and subjects them to exclusion and humiliation. On the basis of these anticipated harms, the argument presented here holds that terminating the pregnancy in such a case may constitute the lesser harm when compared with the grave harms that may befall both the woman who was raped and the child ⁽⁵⁾.

Waqf Funds and Practical Solutions:

Waqf funds are defined as "the pooling of monetary contributions from a number of persons, through donations or shares, for the purpose of investing those funds and then spending either the capital or its proceeds and returns on a public interest that benefits individuals and society. Their purpose is to revive the institution of waqf and realize its charitable objectives for the benefit of the community, society, and individuals. A management body is established to administer the fund, protect it, supervise the investment of its assets, and distribute returns according to the approved plan" ⁽⁶⁾.

Several Muslim countries have formally established waqf funds to contribute practical solutions to contemporary social needs and to adapt juristic reasoning in ways that address real conditions. Examples include the following:

The General Secretariat of Awqaf in Kuwait issued a number of decisions establishing specialized waqf funds designed to provide practical solutions for society. These include:

the Waqf Fund for the Care of Persons with Disabilities and Special Groups, the Waqf Fund for Environmental Protection, the Waqf Fund for Health Development, and the Waqf Fund for Mosque Care, along with other funds developed in response to changing needs, requirements, and challenges. These funds have implemented significant projects that have provided effective assistance to different segments of society. Examples include the Sacrificial Animals Project, the Iftar for a Muslim Project, the Orphan Sponsorship Project, support for financially vulnerable families, assistance for people in need, orphan care, and Qur'an memorization circles ⁽⁷⁾.

The Emirate of Sharjah offers another important experience in establishing waqf funds. It created several funds to meet the growing needs of society and provide practical solutions for individuals. These funds, described as designated expenditure channels, include the Waqf Fund for the Care and Maintenance of Mosques, the Waqf Fund for the Service of the Qur'an and Religious Sciences, and the Waqf Fund for Meeting the Needs of the Poor, among other channels designed to respond to actual social needs ⁽⁸⁾.

Ruling that Shura Is Binding on the Ruler in Order to Prevent the Harm of Despotism:

¹ Al-Bukhari, Al-Jami', Book of "Friday Prayer," chapter "Is Ritual Bathing Required of Those Who Do Not Attend Friday Prayer, Including Women, Children, and Others?," hadith no. 910; Muslim, Al-Jami', Book of "Prayer," chapter "Women Going to Mosques When No Temptation Results, and That They Should Not Go Out Perfumed," hadith no. 442.

² See Shubayr, Takwin al-Malakah al-Fiqhiyyah [Developing Juristic Competence], 128-129.

³ Al-Bukhari, Al-Jami', Book of "Knowledge," chapter "Giving a Legal Opinion While Standing on a Riding Animal or Otherwise," hadith no. 83.

⁴ See al-Khadimi, Al-Ijtihad al-Maqasidi [Maqasid-Based Ijtihad], 2/121.

⁵ Al-Khadimi, same work, 2/132.

⁶ Muhammad ibn Mustafa al-Zuhayli, Al-Sanadiq al-Waqfiyyah al-Mu'asirah: Takyifuha, Ashkaluha, Hukmuha, Mushkilatuha [Contemporary Waqf Funds: Their Legal Characterization, Forms, Rulings, and Problems], 44.

⁷ See al-Ani, Ihya' Dawr al-Waqf [Reviving the Role of Waqf], 147-149.

⁸ See al-Ani, same work, 150-151.

Despotism has damaged many nations and societies, and its continuation has produced severe political and social consequences. The Muslim community therefore needs to examine the experiences of peoples who have adopted the right to choose rulers, supervise governing institutions, hold rulers accountable, limit their authority, and remove them when they betray the country or violate people's rights. A jurisprudence concerned with public welfare and the interests of the community may therefore give preference to the view that shura is binding upon the ruler. Under this view, a ruler may not consult qualified experts and representatives of the community on a matter of public interest and then simply disregard their considered advice in favor of an individual opinion ⁽¹⁾.

Applying Shari'ah Rulings within the State in Light of Contemporary Reality:

Changes in the international order, the emergence of international organizations, and the adoption of treaties and conventions in political, cultural, and economic fields have reshaped relations among states and the regulation of human society. These developments invite Islamic jurisprudence to support the principle of treaties that preserve rights and define reciprocal duties among states. They also support the view that peaceful relations, rather than warfare, constitute the basic rule in relations with non-Muslims ⁽²⁾.

At the domestic level, al-Turabi draws attention to the experience of the Islamic movement in Sudan. At the theoretical level, the movement sought to realize what it considered the most complete model of Islam. Once it reached the stage of governing, however, it discovered that detailed and subsidiary rulings had to be applied within a complex social reality. Problems and challenges appeared that had received little attention at the theoretical stage. The movement therefore found that implementation required ordering priorities and giving precedence to necessities. Applying some rulings immediately could cause the loss of greater interests or generate conflict that might harm the future of Islam in the state. A careful jurisprudence was therefore needed to rank priorities in implementation so as to protect the interests attributed to Islam without harming the interests of the population ⁽³⁾.

The Comprehensiveness of the Shari'ah:

Waqf Funds and Their Multiple Areas of Expenditure:

The examples of waqf funds discussed above show their capacity to respond to social needs and meet obligations generated by contemporary life. Examining the fields they serve also illustrates the comprehensiveness of the Shari'ah across different areas of human activity. The Shari'ah is not confined to ritual matters or individual obligations. It also encompasses collective duties and broader dimensions of social life. The General Secretariat of Awqaf in Kuwait, for example, created funds supporting thought and culture, health, education, the environment, social welfare, research, and development. The Sharjah experience similarly includes expenditure channels for mosques, schools and universities, environmental protection, health, development, and da'wah. Such initiatives provide a clear example of the breadth of Shari'ah-based responses to diverse human needs ⁽⁴⁾.

Proposal to Establish Institutions of Advice and Critique ⁽⁵⁾:

Giving due attention to collective obligations and performing them with a high degree of competence can contribute to the progress of the Muslim community and to civilizational advancement in different fields. It also broadens the presence of Shari'ah-based solutions across the community's needs. In this context, Abd al-Baqi proposes practical mechanisms for fulfilling collective duties. These include establishing an institution devoted to advice and critique and creating professional and craft unions that provide workers and artisans with guidance, advice, training, and skills development. Such institutions would also defend rights, resist wrongdoing, and create effective channels through which professional groups could contribute to public decision-making.

In addition, representative councils should be strengthened so that the community is represented by trustworthy, qualified, and active members. These councils should enact measures that serve the public interest and supervise the executive authority in implementing policies, plans, and programs intended to improve life in the state. Establishing and activating such institutions is, in this perspective, part of fulfilling collective obligations and should not be neglected.

The existence of such institutions is particularly necessary in the contemporary period. Through them, "advice, consultation, and assistance can be translated into practical mechanisms that preserve law and order, protect society from submission to despotism and its control over the people's destiny, and safeguard public interests from disorder and abuse whenever necessity and need arise" ⁽⁶⁾.

The Alliance of Industry, Trade, and Agriculture in Support of Religion:

A distinctive example of cooperation among industry, trade, and agriculture in sustaining religious life can be found in Algeria during French colonial rule. When the French authorities severely restricted Arabic-Islamic education and sought to weaken its financial foundations by confiscating Islamic awqaf, local communities from different social

¹ See Shubayr, Takwin al-Malakah al-Fiqhiyyah [Developing Juristic Competence], 129.

² See Shubayr, same work, 130.

³ See Shubayr, Takwin al-Malakah al-Fiqhiyyah [Developing Juristic Competence], 130.

⁴ See al-Turabi, Fiqh al-Da'wah (Fiqh al-Marhalah wa al-Intiqal min al-Mabadi' ila al-Baramij) [Jurisprudence of Da'wah: The Jurisprudence of the Stage and the Transition from Principles to Programs], 2/20.

⁵ See Abd al-Baqi, Ihya' al-Furud al-Kifa'iyyah [Reviving Collective Obligations], 124-125.

⁶ Abd al-Baqi, Ihya' al-Furud al-Kifa'iyyah [Reviving Collective Obligations], 125.

groups mobilized to support Islamic education. Their response represented a notable form of cooperation among trade, agriculture, other economic sectors, and education for the preservation of religion and religious learning. The principal categories of contributors were as follows:

merchants provided approximately 17 percent of students' needs; farmers covered around 11 percent; and relatively well-off members of the general population, working in different fields, contributed approximately 61 percent of total support. Each group covered part of the students' needs according to its means and area of activity ⁽¹⁾.

Proposal for an Islamic Media System to Develop Human Resources and Present Islam in International Arenas:

Global media polarization and the strong Western influence over media systems have helped disseminate Western cultural models while marginalizing competing models, especially the Islamic model. Those concerned with Islam are therefore called upon to give greater attention to media, allocate resources to it, and develop its capacities. This includes investment in satellite networks, direct and indirect broadcasting, dedicated digital platforms, and innovative networked systems. Internally, such structures could support education and development in pedagogical, economic, agricultural, cultural, and other fields ⁽²⁾. Internationally, they could operate through well-designed strategies and programs that introduce Islam to wider audiences, build communication with other peoples and nations, open channels for dialogue, and convey the Islamic message globally ⁽³⁾.

The Prophet, peace be upon him, also practiced what may be described as international communication. He sent envoys to the rulers of major political powers in order to inform them about Islam and invite them to it - in contemporary terms, to present the final message beyond the immediate Muslim community. Envoys were sent to the Byzantine emperor, the Persian ruler, the ruler of Egypt, and the Negus of Abyssinia, among others ⁽⁴⁾.

Gradualism in Change:

Gradual Application of Rulings as a Means of Preparing People and Strengthening Their Commitment to Islam:

Countries that have been dominated for long periods by colonial ideas, Western philosophies, or non-Islamic social models cannot be expected to adopt all Islamic principles, norms, jurisprudential rules, and legal provisions at once. Preparing society and applying change gradually are therefore necessary.

Al-Turabi explains that when the Islamic experience in Sudan began its work, it encountered deeply rooted poverty, deprivation, and economic underdevelopment. Addressing this problem was therefore urgent and, in his view, prior to a number of subsidiary legal issues. Many rulings could not be applied meaningfully without first responding to poverty and material need. He states that economic underdevelopment could expose Sudanese society collectively to abandoning commitment to the Shari'ah or make it vulnerable to ideologies associated with those from whom economic assistance was sought. At the individual level, poverty could similarly absorb people's attention in urgent subsistence needs and prevent them from reflecting on religious orientation, higher human concerns, and the civilizational development of Sudan ⁽⁵⁾.

In such difficult conditions, the application of religious rulings cannot occur all at once. Al-Turabi argues that this comprehensive monotheistic religion encompasses the whole of life and that human effort and *ijtihad* can absorb it only through a prolonged process in which people cooperate across time and place. It is therefore necessary to begin with foundational issues and devote the limited religious and social energy available at the initial stage to establishing the basic foundations of the religious order ⁽⁶⁾.

Strategic Thinking:

Activating Institutions for Comprehensive Planning:

Anticipating the future and developing comprehensive plans for different areas of the community's development are essential collective obligations. Specialized planning institutions may form part of the state apparatus and assume responsibility for social development at multiple levels. Civil-society organizations should also undertake planning and programming within the limits of their capacities, "either to organize their own work according to the resources available to them or to support state institutions and provide advice in the determination of priorities" ⁽⁷⁾.

Strategic Uses of Waqf Funds:

The previous discussion addressed the experience of waqf funds in several Muslim countries, their broad areas of activity, and their contribution to meeting social needs. The focus here shifts to strategic projects for which waqf funds were created with a future-oriented perspective and with the expectation of long-term returns. Examples include the following:

¹ Mustafa Muhammad Humaydatou, Abd al-Hamid ibn Badis wa Juhuduhu al-Tarbawiyah [Abd al-Hamid ibn Badis and His Educational Efforts], 157-158.

² See Muhyi al-Din Abd al-Halim, Ishkaliyyat al-'Amal al-I'lami bayna al-Thawabit wa al-Mu'tayat al-'Asriyyah [Problems of Media Practice between Constants and Contemporary Conditions], 104-105.

³ See Muhyi al-Din Abd al-Halim, same work, 104-105.

⁴ See Muhyi al-Din Abd al-Halim, same work, 159.

⁵ Al-Turabi, Fiqh al-Da'wah (Fiqh al-Marhalah wa al-Intiqal min al-Mabadi' ila al-Baramij) [Jurisprudence of Da'wah: The Jurisprudence of the Stage and the Transition from Principles to Programs], 2/22.

⁶ Al-Turabi, same work, 2/20-21.

⁷ Abd al-Baqi, Ihya' al-Furud al-Kifa'iyyah [Reviving Collective Obligations], 136-140.

the Project for the Development of Waqf Studies and Research, the Project for Supporting Graduate Students from different Muslim countries, and the Kuwait Waqf Project for Islamic Development Studies. These projects are supervised by the General Secretariat of Awqaf in Kuwait. Their strategic and anticipatory character is evident in their orientation toward the future needs of the Muslim community ⁽¹⁾.

The General Secretariat of Awqaf in Sharjah also developed distinctive future-oriented projects. Among them is the Waqf Investment Fund, which is intended to strengthen and sustain waqf assets, invest available capital, and develop endowed properties. According to the source cited in this study, the value of funds invested through this channel had reached two hundred UAE dirhams by 2004.

This represents a notable experience in the management, development, and investment of waqf assets through a future-oriented strategy. It serves the interests of the waqf and advances its objectives by supporting social development, civilizational progress, and scientific, intellectual, cultural, and social advancement ⁽²⁾.

Spending from Surplus and Its Role in Fulfilling Collective Obligations:

The Qur'an states: "They ask you what they should spend. Say: what is beyond your needs" [al-Baqarah 2:219]. Classical and modern exegetes have generally understood the term al-'afw in this verse as referring to "what exceeds one's needs and may therefore be spent" ⁽³⁾.

The obligation to spend from surplus need not be confined to excess wealth. It may also be understood as extending to human capacities, skills, and available potential. Mobilizing such surplus resources can have an important effect on social development and civilizational advancement ⁽⁴⁾.

When properly directed, spending from surplus can make a substantial contribution to economic development. The concept cultivates an ethic of giving and encourages work and production. Directing this surplus effectively is a collective social responsibility involving institutions, organizations, and associations. The state has a leading role because it can establish legislation and implement policies. Its efforts can be supported by financial institutions, professional unions, political parties, student organizations, charitable associations, sports groups, and community clubs. Their roles and fields differ, but they can complement one another in realizing this civilizational principle and fulfilling a collective religious duty ⁽⁵⁾.

The state is responsible for developing policies and promoting a social orientation that values work, production, giving, and contribution. It should also create opportunities for generating surplus resources and identify effective ways of directing them toward social development. Its role extends to supporting other organizations, removing obstacles to their work, providing enabling resources, and helping them perform their functions effectively ⁽⁶⁾.

Advancing Educational Institutions and Supporting Scientific Research:

The Qur'an states: "It is not necessary for the believers to go forth all together. If only a group from each community would remain behind to gain a deeper understanding of religion and then warn their people when they return, so that they may remain mindful" [al-Tawbah 9:122]. Developing a deep understanding of religion through mastery of different sciences and through the preparation of specialists and qualified professionals is among the most important collective social obligations. The community as a whole should support this task by strengthening educational institutions, developing them, identifying talented and high-achieving individuals, directing human capacities, and providing the necessary resources.

The community must likewise give serious attention to scientific research, raise its quality, and plan productive research that responds to real problems and helps guide societal development. No nation can achieve sustained progress without investing in research, preparing qualified researchers, and providing the resources required for their work ⁽⁷⁾.

These brief examples of historical models and practical applications provide an indication of the methodological foundations developed throughout the Kitab al-Ummah series. Each example confirms the relevance of these foundations to the logic of renewal in Islamic thought. The examples also show that the foundations are interconnected and mutually reinforcing. Anyone seeking to practice maqasid-based ijtihad should therefore be deeply familiar with these principles and keep them present when addressing new juristic questions and emerging issues. None should be neglected, because their value lies partly in their interaction and integration. With this discussion, the study reaches its conclusion, which summarizes its principal findings and recommendations.

Conclusion:

After examining a number of works in the Kitab al-Ummah series and exploring the logic of renewal in Islamic thought through maqasid-based ijtihad, the study arrives at several findings. Seven principal findings are presented below, followed by three recommendations.

¹ See al-Ani, *Ihya' Dawr al-Waqf* [Reviving the Role of Waqf], 148-150.

² See al-Ani, same work, 150-152.

³ Yusuf Ibrahim Yusuf, *Infaq al-'Afw fi al-Islam bayna al-Nazariyyah wa al-Tatbiq* [Spending from Surplus in Islam: Between Theory and Practice], 48.

⁴ See Yusuf Ibrahim, same work, 48.

⁵ See Yusuf Ibrahim, *Infaq al-'Afw* [Spending from Surplus], 101.

⁶ Yusuf Ibrahim, same work, 102-103 and 109-110.

⁷ Abd al-Baqi, *Ihya' al-Furud al-Kifa'iyyah* [Reviving Collective Obligations], 136-140.

Findings:

1. The attempts within the Kitab al-Ummah series to define and conceptualize maqasid-based ijtiḥad are marked by conceptual richness and substantial intellectual depth. In the researcher's view, these approaches could themselves form the basis of a detailed study aimed at developing an integrated account of the meaning, characteristics, and scope of maqasid-based ijtiḥad.
2. Commitment to maqasid-based ijtiḥad emerges as a prominent feature, a unifying logic, and an organizing intellectual thread throughout the Kitab al-Ummah series. A sustained reading of the introductions written by Umar Ubayd Hasnah strongly supports this conclusion.
3. Renewal through maqasid-based ijtiḥad requires strict adherence to the methodological foundations that regulate it. Renewal cannot rest on fluid concepts that lack governing principles or stable reference points. Mastery of these foundations is therefore a necessary condition for sound ijtiḥad.
4. Mastering the foundations of maqasid-based ijtiḥad requires the mujtahid to acquire the appropriate tools and methods. This includes deeper study of revelation, sustained engagement with different branches of knowledge, familiarity with the realities of life, and a developed capacity to understand contemporary conditions. It also requires recognition of the regular laws governing the universe and society, together with a culture of planning, programming, and foresight for the community.
5. The final Shari'ah of Islam is comprehensive and enduring. The Muslim mind must recognize this reality, understand what its realization requires, and be capable of embodying it in ijtiḥad on new and emerging issues. The task is to develop solutions that allow life to proceed under divine guidance rather than to suspend social life in the name of the Shari'ah.
6. The Prophetic Sunnah and Islamic history contain abundant material capable of providing the mujtahid with insight and practical models for renewal and the development of rulings. These models rest on stable methodological foundations, such as the centrality of revelation and recognition of established laws and regularities. They illuminate the mind and stimulate intellectual effort.
7. The practical applications presented in the Kitab al-Ummah series demonstrate that the complexity of contemporary life does not prevent the Shari'ah from offering meaningful responses and workable alternatives. Juristic thought must therefore make a serious effort to practice ijtiḥad and maintain an effective presence in social reality through constructive Islamic solutions. It should also contribute to the shared human task of building civilization and engaging responsibly with the dynamics of interaction among societies.

Recommendations:

1. A systematic inductive study should be devoted to the introductions written by Umar Ubayd Hasnah. They reveal a distinctive intellectual trajectory and a recognizable scholarly style. Because many of these introductions are extensive and detailed, they may provide a useful basis for identifying the overarching principles of the Kitab al-Ummah series.
2. In-depth studies should be conducted on each of the methodological foundations of maqasid-based ijtiḥad identified through the inductive reading of the Kitab al-Ummah series. Further foundations may also be added where the evidence supports them, thereby extending the field of inquiry.
3. The projects proposed in various books of the series should be examined and, where appropriate, translated into practical initiatives in Muslim societies. Many of these proposals have significant civilizational potential. Successful practical experiences documented in the series should also be studied for possible adaptation and wider application across Muslim countries in order to extend their benefits and reduce hardship.

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