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The Maqāṣid of Uṣūl al-Fiqh: An Analytical and Critical Study of Aḥmad al-Raysūnī's Attempt

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Abstract

The science of uṣūl al-fiqh (principles of Islamic jurisprudence) occupies a unique position in the intellectual heritage of Islam, serving as the methodological foundation for deriving legal rulings and structuring Sharīʿa reasoning. While its detailed discussions have enriched Islamic scholarship across centuries, its inherent maqāṣid (objectives) have rarely been examined as a distinct subject. They were often mentioned briefly in the prefaces of classical works, but never developed into an independent framework. In modern times, however, new attempts have been made to articulate these objectives, the most prominent being the work of Aḥmad al-Raysūnī, particularly in his book *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (*The Science of Uṣūl al-Fiqh in Light of Its Objectives*). This article undertakes an analytical and critical study of al-Raysūnī's attempt. Using inductive and analytical-critical methods, it surveys the classical heritage, highlights scattered references to the objectives of uṣūl al-fiqh, and evaluates the contribution of al-Raysūnī's formulation. The study emphasizes both the originality and the limitations of his approach, showing how his effort opens the way for a broader and more systematic investigation of maqāṣid al-uṣūl. The findings indicate that treating the objectives of uṣūl al-fiqh as an independent subject can significantly enhance the discipline's relevance. It enables the science not only to regulate the derivation of legal rulings but also to contribute to the renewal of Islamic thought, the integration of methodological coherence, and the advancement of Sharīʿa's intellectual and civilizational mission. This research thus calls for further elaboration of maqāṣid al-uṣūl as a central axis for rethinking, evaluating, and reformulating the discipline in contemporary contexts.

Keywords

Uṣūl al-Fiqh, Maqāṣid, Aḥmad al-Raysūnī, Islamic Legal Theory, Ijtihād, Tajdīd.

Highlights

- The study examines the concept of maqāṣid in uṣūl al-fiqh, tracing its roots and modern attempts at systematization.
- It highlights Aḥmad al-Raysūnī's effort to frame maqāṣid as a distinct field and critiques his approach.
- The research shows the epistemological role of uṣūl al-fiqh as a framework for Islamic and human sciences.
- It stresses the need to study specific maqāṣid of chapters and issues, beyond general aims.
- The paper proposes renewing uṣūl al-fiqh by activating maqāṣid as guiding principles for reform and practice.

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Fıkıh Usûlü İlminin Makâsıdı: Ahmed er-Raysûnî'nin Teşebbüsüne Dair Analitik ve Eleştirel Bir İnceleme

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Atıf

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Öz

Bu çalışma, İslâm düşünce tarihinde yeterince müstakil olarak ele alınmamış bir konuya, yani fıkıh usulünün maksatlarına odaklanmaktadır. Klasik dönem ulemâsı, eserlerinin mukaddimelerinde ve bazı münferit bahislerde bu konuya işaret etmiş olsalar da, bunu sistematik bir araştırma alanı hâline getirmemişlerdir. Bu açıdan bakıldığında, modern dönemde Ahmet Hilmi Harb'in Fıkıh Usûlünün Makāsıdları ve Temelleri adlı eseri ve Ahmed er-Raysûnî'nin Usûl-i Fıkıh İlmi: Makāsıdları Işığında isimli çalışması, bu sahada ilk müstakil denemeler olarak öne çıkmaktadır. Makale, öncelikle klasik literatürde maqāṣid al-uṣūl'e yönelik dağınık işaretleri derlemekte, ardından Ahmed er-Raysûnî'nin yaklaşımını tahlil ve tenkit etmektedir. Er-Raysûnî'nin eserinde öne çıkardığı beş genel maksat; ihtilafın yönetilmesi, şer'î nassların doğru anlaşılması, ictihad metodolojisinin inşası, mezhep usullerinin temellendirilmesi ve ilmî-düşünsel metodolojinin teşekkülüdür. Bununla birlikte, onun "dakhān ve wahn" (karışıklık ve zayıflık) kavramsallaştırması ile kelâm ve mantık etkilerine yönelttiği eleştiriler tartışmaya açılmış; bu noktada klasik ilimlerin katkısının tümden reddedilmesinin isabetli olmadığı savunulmuştur. Araştırmanın ulaştığı sonuçlardan biri, maqāṣid al-uṣūl'ün yalnızca genel maksatlarla sınırlı kalmaması gerektiği; bilakis her babın ve her meselenin kendine özgü maksatlarının bulunduğudur. Bu tespit, usûl ilminin daha işlevsel hâle gelmesi için yeni bir araştırma sahasının açılmasına işaret etmektedir. Ayrıca çalışmada, usûl kaidelerinin sadece fıkhî meselelerde değil, bütün İslâmî ilimlerde ve hatta beşerî ilimlerde metodolojik bir değer taşıdığı vurgulanmaktadır. Böylece maqāṣid yaklaşımının, İslâmî ilimlerde metodolojik bütünlüğü sağlama, çağdaş problemleri daha kuşatıcı bir şekilde çözme ve ilmî üretkenliği artırma açısından ufuk açıcı bir rol oynayabileceği belirtilmektedir. Sonuç olarak, maqāṣid al-uṣūl fikrinin hem ilmin seyrini değerlendirmede hem de usûlün yenilenmesi ve çağdaş meselelerle irtibatının güçlendirilmesinde temel bir kriter ve hareket noktası olarak işlev görebileceği ortaya konmuştur.

Anahtar Kelimeler

Usûl-i Fıkıh, Makāsıd, İctihad, Metodoloji, Tecdit, Ahmed er-Raysûnî.

Öne Çıkanlar

- Çalışma, usûl-i fıkıhtaki makāsıd kavramını tarihsel kökenleri ve çağdaş sistemleştirme girişimleriyle birlikte eleştirel biçimde incelemektedir.
- Aḥmad al-Raysūnī'nin usûl-i fıkhın makāsıdını bağımsız bir araştırma alanı olarak kurma çabasını ve yöntemini değerlendirmektedir.
- Usûl-i fıkhın epistemolojik önemini vurgulayarak İslami ilimlere ve beşerî bilimlere metodolojik katkılarını ortaya koymaktadır.
- Genel makāsıdla sınırlı kalmanın yetersizliğini belirterek, bölümlere ve meselelere ait özel makāsıdın incelenmesini önermektedir.
- Makāsıdın içsel ıslah ve çağdaş uygulamalar için yol gösterici ilke olarak kullanılmasını, usûl-i fıkhın yenilenmesinin temeli saymaktadır.

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Etik Kurul İzni	Bu çalışma, etik kurul izni gerektirmeyen nitelikte olup kullanılan veriler literatür taraması/yayınlanmış kaynaklar üzerinden elde edilmiştir. Çalışmanın hazırlanma sürecinde bilimsel ve etik ilkelere uyulduğu ve yararlanılan tüm çalışmaların kaynakçada belirtildiği beyan olunur.
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Introduction

The maqāṣid of uṣūl al-fiqh, despite their significance, have rarely been studied independently in Islamic scholarship. Classical uṣūlīs mentioned them only briefly in introductions or scattered remarks, without developing them into a distinct subject. Modern scholarship has produced two notable attempts: that of Aḥmad Ḥilmī Ḥarb in *Maqāṣid Uṣūl al-Fiqh wa Mabānīh* and Aḥmad al-Raysūnī in *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*. This study seeks to collect the scattered classical references, analyze al-Raysūnī's formulation, and critically assess its contributions and limitations, with the more modest aim of clarifying the conceptual foundations of *maqāṣid al-uṣūl* and highlighting its potential relevance for renewed engagement with the discipline**.**

This study also aims to make a modest and focused contribution to this emerging topic by outlining its conceptual basis and clarifying its relevance for the discipline of uṣūl al-fiqh, without claiming to open or expand the entire field.

Within uṣūl al-fiqh scholarship. Although this discipline forms the backbone of ijtihād, its purposes have never been clearly articulated, and identifying its maqāṣid is therefore a methodological necessity for restoring the science to its proper function. Building on this premise, the study analyzes the methodological foundations of maqāṣid al-uṣūl through a critical examination of Aḥmad al-Raysūnī's modern formulation, assessing both its strengths and its limitations.

This study aims to investigate the conceptual emergence of maqāṣid within the classical uṣūl heritage and to offer a critical analysis of Aḥmad al-Raysūnī's modern formulation of maqāṣid al-uṣūl. By doing so, the article seeks to clarify the methodological value of this emerging field and to highlight its potential contribution to contemporary uṣūlī renewal. The central research problem of this study is to determine whether the concept of maqāṣid al-uṣūl can be coherently defined and treated as a structured field within uṣūl al-fiqh. This requires examining its indicators in the classical heritage and evaluating one representative contemporary formulation to clarify its methodological potential and limitations. The study adopts an inductive and analytical methodology, combined with a methodological-critical approach that evaluates concepts, arguments, and assumptions within the relevant literature. This critical component focuses on clarifying definitions, assessing coherence, and identifying methodological strengths and limitations in the formulations under examination. In addition, the research surveys classical sources for implicit references to maqāṣid, compares them with al-Raysūnī's formulation, and employs a historical method to trace the evolution of these ideas. Through this integrated approach, the study assesses al-Raysūnī's contribution and outlines the prospective role of *maqāṣid al-uṣūl* in the renewal of the discipline.

1. Defining the Research Terminology and the Roots of Maqṣad-Oriented Uṣūl in the Classical Heritage

1.1. Defining the Key Terms

This study revolves around two central terms: maqāṣid and uṣūl al-fiqh. We shall not attempt here a detailed lexicographical treatment of every component word, Especially in compound expressions, this study will suffice with presenting a general definition of each.

The term maqāṣid is the plural of maqṣad (objective). Ibn Fāris (d. 395/1004) explains:

> "The letters qāf, ṣād, and dāl form three fundamental roots. One of them denotes the coming toward a thing and aiming at it; another denotes accumulation within a thing; and the first basic meaning is:

qaṣadtu-hu qaṣdan wa-maqṣadan ('I directed myself toward it intentionally'). From this comes the expression: aqṣadahu al-sahmu ('the arrow struck him and killed him on the spot'), as if it was said because it did not deviate from him. The second root: qaṣadtu al-shayʾ meaning 'I broke it.' The third root: al-nāqah al-qaṣīd refers to a she-camel that is well-fleshed and plump."1

According to *al-Muʿjam al-Wasīṭ*:

"Qaṣada al-ṭarīq means 'the road became straight'; the poet composed qaṣāʾid (odes); qaṣada-hu wa-ilayhi means 'he deliberately turned toward him'; in action, he adopted moderation, neither excessive nor deficient; in judgment, he was just and did not incline to a side; in spending, he was neither extravagant nor miserly; in walking, he maintained balance; and to cut something directly." [2]

In its technical usage as an uṣūlī term, *maqāṣid* refers to the intended ends, fruits, and benefits that the discipline seeks to realize.

As for uṣūl al-fiqh, al-Bayḍāwī (d. 685/1286) defined it as:

"Knowledge of the general proofs of fiqh, the manner of deriving benefit from them, and the state of the one who derives (the rulings)." [3]

This definition encompasses the principal divisions of uṣūl al-fiqh: the proofs of fiqh (adilla al-fiqh), which constitute the chapter of evidences; the manner of deriving benefit from them, which pertains to the chapter on modes of indication (dalālāt); and the state of the one who derives rulings, which relates to the chapters of ijtihād, taqlīd, and the roles of the muftī and the mustaftī. All of these are directed toward attaining the legal ruling (ḥukm sharʿī), which is the subject matter of the chapter on rulings.

What I mean by the maqāṣid of uṣūl al-fiqh are the objectives for which the discipline was originally established, as well as the benefits and fruits it yields.

1.2. The Roots of Maqāṣid al-Uṣūl in the Classical Uṣūl Tradition

Modern discussions on the maqāṣid of uṣūl al-fiqh did not arise independently; rather, they build upon and extend earlier conceptual seeds found throughout the classical uṣūl tradition. To clarify this continuity, this section presents selected statements from pre-modern uṣūl scholars that implicitly point toward what is now termed maqāṣid al-uṣūl.

Among them is al-Ghazālī (d. 505/1111), who affirmed that once it is understood that the uṣūlī's concern lies with examining the modes of indication of transmitted evidences, it becomes evident that the ultimate aim is to clarify the method by which legal rulings are derived from these evidences, and how to make correct use of them.[4]

al-Sarakhsī (d. 483/1090) stated in the introduction to *his Uṣūl* that once the exposition of legal questions was complete, he deemed it appropriate to disclose to students the principles upon which his commentary on the juristic texts was based, so that grasping these principles might assist them in perceiving the truth in subsidiary issues and guide them in identifying flaws in presentation. For, he explained, the uṣūl are finite and delimited, whereas incidents and

1 Aḥmad ibn Fāris, *Muʿjam Maqāyīs al-Lugha*, ed. ʿAbd al-Salām Muḥammad Hārūn (Beirut: Dār al-Fikr, 1979), vol. 5, p. 95.

2 Ibrāhīm Muṣṭafā, Aḥmad al-Zayyāt, Ḥāmid ʿAbd al-Qādir, and Muḥammad al-Najjār, *al-Muʿjam al-Wasīṭ* (Cairo: Dār al-Daʿwa, n.d.), vol. 2, p. 738.

3 ʿAbd Allāh ibn ʿUmar al-Bayḍāwī, *Minhāj al-Wuṣūl ilā ʿIlm al-Uṣūl*, eds. Muṣṭafā Shaykh Muṣṭafā and Muhannad Ismāʿīl (Istanbul: al-Maktaba al-Hāshimiyya, 1st ed., 2015), p. 38.

4 Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *al-Mustaṣfā min ʿIlm al-Uṣūl,* ed. ʿAbd al-Fattāḥ Muḥammad Kibbāra (Riyadh: Waqf Saʿd ibn Muḥammad al-Munīfī, 1st ed., 2017), vol. 1, p. 62.

particulars are endless due to their constant renewal. Numerous earlier and later scholars composed works in this field, producing a vast body of literature.[5]

al-Āmidī (d. 631/1233) emphasized that the ultimate aim of uṣūl al-fiqh is to enable the scholar to perceive the rulings of Sharīʿa that constitute the foundation of human felicity in this world and the hereafter.[6]

In the ninth/fifteenth century, Aḥmad b. ʿAlī al-Wazīr (d. 840/1436) held that:

> "The aim of uṣūl is among the noblest aims, of the highest rank and greatest significance: its aim is knowledge of God's rulings, which is the cause of success in both abodes. Its aim is that the scholar should derive the laws of religion through research and ijtihād, based on correct understanding and independent reasoning."7

Among later writers, Muḥammad al-Khuḍarī (d. 1345/1927) stated:

> "The objective of this science is to reach the proper derivation of rulings from the evidences."[8]

This is essentially the same as what al-Ghazālī had expressed in *al-Mustaṣfā*. These definitions, despite being formulated in different periods, all point toward a central idea: uṣūl al-fiqh functions as a methodological discipline that regulates reasoning and prevents deviation in juristic inference.

Muḥammad Abū Zahra (d. 1974) considered uṣūl al-fiqh to be a balance for the jurist: "it disciplines him, prevents error in derivation, and enables him to distinguish sound inference from unsound"[9]

ʿAlī Ḥasab Allāh (d. 1978) affirmed that the purpose of establishing and studying this science is to define the foundations upon which legal rulings are built, to disclose the maqāṣid that the Sharīʿa intends to realize, and to develop the capacity to derive rulings for new acts of the legally responsible that lack explicit textual reference—derivations that are correct and harmonize different perspectives.[10]

Finally, Muḥammad Abū al-Nūr Zuhayr noted that uṣūl al-fiqh provides two benefits: the first for the mujtahid, by equipping him with the ability to derive rulings; and the second for the muqallid, by enabling him to grasp his Imām's methodology in derivation, thereby reassuring him, fostering obedience, and equipping him to defend his Imām's conclusions.[11]

Among contemporary scholars, Dr. Maḥmūd ʿAbd al-Raḥmān ʿAbd al-Munʿim identified fourteen general objectives of uṣūl al-fiqh. In essence, these include: cultivating the juristic faculty (malaka) to derive rulings from detailed evidences; distinguishing valid reasoning from fallacy; facilitating ijtihād through established principles; addressing novel issues as they arise; affirming the universality of Sharīʿa; clarifying the causes of juristic disagreement; guiding the muqallid in matters of taqlīd and fatwā; preparing students for ijtihād; rationalizing thought and method; regulating scholarly debate; enumerating and ranking legal sources; demonstrating the coherence

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5 Abū Bakr Muḥammad ibn Aḥmad ibn Abī Sahl al-Sarakhsī, *Uṣūl al-Sarakhsī*, ed. Abū al-Wafāʾ al-Afghānī (Beirut: Dār al-Kutub al-ʿIlmiyya, 1st ed., 1993), vol. 1, p. 10.

6 Abū al-Ḥusayn Sayf al-Dīn ʿAlī al-Āmidī, *al-Iḥkām fī Uṣūl al-Aḥkām*, ed. ʿAbd al-Razzāq ʿAfīfī (Beirut: al-Maktab al-Islāmī, n.d.), vol. 1, p. 7.

7 Aḥmad ibn Muḥammad ibn ʿAlī al-Wazīr, *al-Muṣaffā fī Uṣūl al-Fiqh* (Beirut: Dār al-Fikr al-Muʿāṣir, 1st ed., 1996), p. 76.

8 Muḥammad al-Khuḍarī, *Uṣūl al-Fiqh* (Cairo: al-Maktaba al-Tijāriyya al-Kubrā, 6th ed., 1969), p. 7.

9 Muḥammad Abū Zahra, *Uṣūl al-Fiqh* (Cairo: Dār al-Fikr al-ʿArabī, n.d.), p. 7.

10 ʿAlī Ḥasb Allāh, *Uṣūl al-Tashrīʿ al-Islāmī* (Cairo: Dār al-Maʿārif, 5th ed., 1976), p. 16.

11 Muḥammad Abū al-Nūr Zuhayr, *Uṣūl al-Fiqh* (Cairo: Dār al-Baṣāʾir, 1st ed., 2007), vol. 1, p. 30.

and mercy of Sharīʿa; acknowledging the legacy of the Imams; and upholding evidence over partisanship. Together, these maqāṣid show that uṣūl al-fiqh functions as both a methodological science and a safeguard for the vitality and authenticity of Islamic jurisprudence.12

Taken together, these statements reveal a recurring conceptual pattern: classical and post-classical uṣūlī scholars consistently viewed uṣūl al-fiqh as a discipline with functions, purposes, and intellectual aims that guide juristic reasoning. Although they did not formulate these insights under the explicit label of *maqāṣid al-uṣūl*, their discussions point to an implicit awareness of the discipline's intended goals, such as regulating inference, preserving methodological soundness, and ensuring fidelity to revelation.

Building on this historically layered foundation, only two scholars—Aḥmad Hilmī Ḥarb and Aḥmad al-Raysūnī—have attempted to articulate these ideas in the form of independent and systematic studies. This is what necessitates a dedicated analysis and critical evaluation of their contributions.

2. Aḥmad al-Raysūnī's Attempt: Analysis and Critique

Dr. Aḥmad al-Raysūnī articulated his most systematic treatment of this topic in *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, which represents his principal contribution to formulating the maqāṣid of uṣūl al-fiqh. The work develops a coherent framework that identifies the overarching purposes of the discipline and proposes their activation as a basis for renewal. Our analysis focuses on these conceptual foundations, rather than the descriptive features of the book, in order to assess the strengths and limitations of his formulation.

A related earlier project supervised by al-Raysūnī also explored the functional dimensions of uṣūl al-fiqh and highlighted the need to articulate its purposes as a basis for renewal. While that work offered valuable preliminary insights, the present study focuses specifically on al-Raysūnī's later and more systematic formulation in order to evaluate its methodological coherence and contribution to defining maqāṣid al-uṣūl.

Although al-Raysūnī's broader scholarship on maqāṣid al-sharīʿa - such as *Maqāṣid al-Maqāṣid*- reflects his long-standing interest in purposive thinking, these works do not contribute directly to the formulation of *maqāṣid al-uṣūl* as an independent field. Their relevance lies only in showing the intellectual background from which his later uṣūl-focused attempt emerged. Therefore, in this study his earlier and later writings are considered only insofar as they illuminate the methodological premises underlying his dedicated work on the maqāṣid of uṣūl al-fiqh.

2.1. The Main Ideas Advanced by Aḥmad al-Raysūnī on the Maqāṣid of Uṣūl al-Fiqh

Al-Raysūnī's book *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (The Science of Uṣūl al-Fiqh in Light of Its Maqāṣid), though concise, is structured into three chapters. In the introduction, he presents the general premise of re-orienting uṣūl al-fiqh around its underlying purposes and clarifies the aim of his work. The chapters then address three central themes: the rationale behind studying uṣūl al-fiqh, the methodological functions of the discipline, and the general maqāṣid that guide its structure and application.

12 Maḥmūd ʿAbd al-Raḥmān ʿAbd al-Munʿim, *al-Asās fī Uṣūl al-Fiqh* (Cairo: Dār al-Yusr, 1st ed., 2017), vol. 1, pp. 30–32.

The first chapter examines the foundational purposes for which uṣūl al-fiqh emerged and developed during the formative centuries of Islamic scholarship. Al-Raysūnī identifies five overarching objectives—later detailed in this study—and argues that they represent the most comprehensive articulation of the discipline's maqāṣid to date. His point is that these objectives are not merely descriptive but constitutive: they shaped the methodological architecture of uṣūl al-fiqh and provided the intellectual framework upon which other Islamic sciences - such as fiqh, ḥadīth, tafsīr, and legal maxims - were built and refined. [13]

This discussion appears in the second section of the first chapter, which follows an introductory section that outlines the historical emergence of uṣūl al-fiqh, the factors that necessitated its formulation, and the scholarly conditions that influenced its early development. [14]

The second chapter presents al-Raysūnī's second thesis, entitled "*Uṣūl al-Fiqh in the Stage of Decline and Weakness.*" In this section, he argues that the discipline became increasingly entangled with kalām and related fields—such as logic, philosophical disputation, and speculative theology—resulting in a blending between these sciences and the core subject matter of uṣūl al-fiqh. According to al-Raysūnī, this overlap introduced methods and discussions that were not essential to the discipline and contributed to a weakening of its clarity and purpose. He maintains that this influence of kalām and logic affected the later structure of uṣūl works, their approaches, and their style of argumentation.[15]

He argued that this shift weakened the discipline's original connection with fiqh, juristic ijtihād, and the practical legal mindset. As a result, it became dominated by abstract and theoretical reasoning. According to al-Raysūnī, this change is evident in several manifestations—for example, the insertion of *kalām*-based discussions on epistemology and divine attributes at the opening of many uṣūl works, the widespread use of logical definitions (*ḥadd*, *rasm*) and technical classifications borrowed from Aristotelian logic, and the expansion of dialectical debates and jadal-oriented argumentation within uṣūl literature. These elements, he maintains, became especially prominent among later uṣūlīs, most of whom were scholastic theologians (*mutakallimūn*).

These debates - largely unproductive in advancing either uṣūl or fiqh - absorbed the efforts of many eminent scholars. Al-Raysūnī points, for example, to protracted discussions on epistemological classifications inherited from kalām (such as the distinctions between *qaṭʿī* and *ẓannī* knowledge), intricate logical definitions and typologies that contributed little to juristic reasoning, and extended dialectical disputes (*jadal*) that overshadowed the discipline's practical aims. Such engagements, he argues, diverted both authors and readers from the fundamental purposes for which uṣūl al-fiqh was originally established.

This tendency was reinforced by the growing partisanship toward particular legal schools and the rise of rigid forms of *taqlīd*. These developments gradually weakened juristic creativity and contributed to the widespread notion—held by many later scholars—that the "gate of ijtihād" had been closed. According to al-Raysūnī, this atmosphere of stagnation diminished the vitality of uṣūl al-fiqh, for the discipline can only thrive when accompanied by active juristic reasoning and a dynamic fiqh practice.

The discussion presented in this chapter is not merely introductory; it directly supports the core argument of this study. Al-Raysūnī's diagnosis of the methodological stagnation affecting

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[13] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), pp. 27–47.
[14] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), pp. 21–26.
[15] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), pp. 50–78.

uṣūl al-fiqh serves as the foundation for his proposal to revive the discipline through activating its *maqāṣid*. His conclusion - shared by several reform-minded scholars - that uṣūl al-fiqh requires renewal and a return to its underlying purposes is therefore essential for understanding his formulation of *maqāṣid al-uṣūl*. This connection forms the basis of the third and final chapter of his book, where he outlines how these *maqāṣid* can restore the discipline's vitality and function.[16]

Al-Raysūnī emphasizes in this chapter that uṣūl al-fiqh possesses noble, guiding functions upon which the formation and disciplining of juristic minds depend. It is through these functions that scholars are prepared to understand the divine message, to receive knowledge from God and His Messenger, and to extract the ever-renewed treasures of the Sharīʿa from their sources. Yet, such potential will only be realized through the renewal and revitalization of this discipline, carried out by those convinced of its significance and enduring mission.

The starting principle of uṣūlī renewal, in his view, is to anchor scholarship in the *maqāṣid* of uṣūl al-fiqh and to use them as a criterion for evaluating the tradition: reviewing the inherited corpus, discarding elements that do not serve the discipline, and eliminating those that harm it. Al-Raysūnī offers concrete illustrations of this evaluative function of *maqāṣid*, such as reconsidering overly abstract kalām-based definitions that obscure the practical purpose of uṣūl al-fiqh, questioning the inclusion of highly technical logical classifications that add little to legal reasoning, and critiquing excessive preoccupation with dialectical debates that divert the discipline from its functional goals. For him, these examples demonstrate how *maqāṣid* operate both as a foundation and as a standard for renewal.

On this basis, contemporary uṣūlīs are called upon to develop new *ijtihādāt uṣūliyya* that address the concrete intellectual, social, and legal questions arising in their own historical context. Although uṣūl al-fiqh is an established and venerable discipline, it must remain a living and responsive science capable of guiding juristic reasoning in changing circumstances. Its guiding maxim may be expressed as: "They planted so we could eat; we plant so others may eat." Al-Raysūnī highlights several recent uṣūlī contributions that seek to fulfill this role, while also offering his own proposals for renewal.[17]

He concludes his book with a forward-looking vision, arguing that the renewal of uṣūl al-fiqh will come primarily from within the community of its teachers and students. For al-Raysūnī, they are best positioned to restore the discipline to its function because they directly confront the methodological challenges of contemporary ijtihād. He gives several examples of areas requiring renewal—such as revisiting the treatment of *taʿāruḍ al-adilla*, refining uṣūlī terminology, and reconnecting theoretical discussions with the practical needs of fatwā and applied fiqh. Through such efforts, he hopes the discipline will regain its vitality and its central role in guiding Islamic legal thought.[18]

Beyond his independent monograph, al-Raysūnī's broader corpus contains scattered discussions that indirectly contribute to shaping the idea of *maqāṣid al-uṣūl*. In the collective volume *al-Tajdīd al-Uṣūlī*, the chapter "The Functions of Uṣūl al-Fiqh"—authored within a project

[16] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), pp. 80–115.

[17] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), pp. 112–114.

[18] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), p. 117.

he supervised—identified the practical and rational-guiding roles of the discipline.[19] Although not formulated explicitly as *maqāṣid*, these functions reveal an early attempt to articulate the purposes that uṣūl al-fiqh is meant to serve.

Similarly, in *Maqāṣid al-Maqāṣid*, his analysis of the maqāṣid of the Qurʾān and Sunnah reflects the methodological lens through which he approaches the sources of law. While the work does not address *maqāṣid al-uṣūl* directly, it demonstrates his commitment to grounding Islamic sciences in their overarching purposes, a principle he later applies to uṣūl al-fiqh.[20]

His *al-Mukhtaṣar al-Uṣūlī* includes a brief section on the maqāṣid of the discipline, but a close reading shows that it largely reproduces the content of his earlier, more focused monograph. Its value lies not in originality, but in confirming the methodological framework he seeks to systematize across his writings.[21]

2.2. Al-Raysūnī's Definition of the Maqāṣid of Uṣūl al-Fiqh

Dr. Aḥmad al-Raysūnī clarified what he intends by the maqāṣid of uṣūl al-fiqh, writing:

> "Some uṣūlīs—like other authors—use the term maqāṣid to mean the subjects and issues they intend to treat in a given book. According to this usage, the maqāṣid of uṣūl al-fiqh, or of a particular book in the field, would be its principal chapters and themes. This, however, is not what I mean by the maqāṣid of uṣūl al-fiqh. What I mean are the purposes, benefits, and functions for which the discipline was founded and for which it is studied and taught."[22]

Thus, in his usage, the maqāṣid of uṣūl al-fiqh are not merely the book's chapters or its thematic contents, but rather the ends, benefits, and functions for which.

In his uṣūlī writings, whenever he addressed the question of *maqāṣid al-uṣūl*—or the project of aligning the discipline with its objectives *(taqṣīd al-uṣūl)*—his reflections unfolded across multiple dimensions and at various levels, which may be outlined as follows:

2.2.1. The General Maqāṣid of Uṣūl al-Fiqh

This idea is most clearly articulated in al-Raysūnī's *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, where he enumerates five overarching maqāṣid—or general functions and benefits—for which the discipline of uṣūl al-fiqh was established, studied, and transmitted. According to him, these may be summarized as follows:

Addressing juristic and intellectual disagreement: which had intensified in the second century AH, through providing methodological rules and reference criteria that limited discord and rationalized debate.

Al-Raysūnī identifies several key objectives for which the discipline of uṣūl al-fiqh was founded, each of which reflects a practical function grounded in the earliest uṣūlī scholarship:

(1) Regulating the principles of interpretation and understanding.

This refers to establishing reliable criteria for approaching the Qurʾān and Sunnah—such as distinguishing literal from metaphorical meaning, clarifying indications of generality and

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[19] Aḥmad al-Raysūnī (ed.), *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalimah & International Institute of Islamic Thought, 1st ed., 2015), pp. 61–83.

[20] Aḥmad al-Raysūnī, *Maqāṣid al-Maqāṣid: al-Ghāyāt al-ʿIlmiyya wa-al-ʿAmaliyya li-Maqāṣid al-Sharīʿa* (Istanbul: Dār al-Nidāʾ, 1st ed., 2014), p. 21 ff.

[21] Aḥmad al-Raysūnī, *al-Mukhtaṣar al-Uṣūlī* (Cairo: Dār al-Kalimah, 1st ed., 2019), pp. 17–35.

[22] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), p. 27.

specificity, and determining the implications of commands and prohibitions. For example, al-Raysūnī highlights how al-Shāfiʿī in *al-Risāla* formulates rules for interpreting imperative forms and resolving apparent contradictions.

(2) Structuring a methodology for juristic ijtihād.

This objective concerns providing a systematic framework for deriving rulings in cases without explicit texts. Examples include principles such as istiṣḥāb (presumption of continuity) and qiyās (analogical reasoning), which early jurists used to resolve unprecedented questions. Al-Raysūnī stresses that these tools were among the earliest motives for formulating uṣūl.

(3) Clarifying and justifying the foundations of the legal schools.

Classical uṣūl works typically explained why a madhhab adopts certain principles—such as the Ḥanafī doctrine of istiḥsān or the Mālikī reliance on ʿamal ahl al-Madīna. By examining these justifications, uṣūl al-fiqh served to defend the coherence and authority of the schools. Al-Raysūnī notes that this function is evident in works like al-Sarakhsī's *Uṣūl* and al-Qarāfī's *al-Furūq*.

(4) Laying down an organized intellectual methodology.

Beyond legal reasoning, uṣūl al-fiqh also provides general principles of disciplined thinking—such as defining terms accurately, constructing valid arguments, and evaluating evidence. Al-Raysūnī argues that these intellectual foundations enabled the development of other Islamic sciences, and even touch upon broader epistemic processes. [23]

Across these objectives, al-Raysūnī illustrates their significance using examples drawn from both classical and later uṣūlī literature, with particular emphasis on al-Shāfiʿī's *al-Risāla*, which he considers the earliest coherent expression of the formative purposes of uṣūl al-fiqh.

In the collective work *al-Tajdīd al-Uṣūlī*, Dr. Muḥammad ʿAwwām (under al-Raysūnī's supervision) distinguished between two types of functions of uṣūl al-fiqh:

practical functions, including (a) the exegetical function of interpreting and clarifying texts, and (b) the derivational function of extracting legal rulings from their evidences—the most essential role of the discipline; and guiding functions, including (a) the methodological function of establishing sound reasoning, and (b) the unifying function of narrowing divisions and preserving a shared referential framework.[24]

Al-Raysūnī's fifth maqṣad—the construction of a systematic methodology for sound reasoning—is especially significant, as it extends beyond fiqh to other sciences. Many contemporary scholars have emphasized this, including Dr. Nāṣir al-Sulamī, who argued that it is a misconception to restrict the benefit of uṣūl al-fiqh to jurisprudence alone. In reality, it is indispensable for exegetes, ḥadīth scholars, theologians, and researchers in creed, for the discipline provides rules for sound understanding, valid inference, and the reconciliation of texts that appear to conflict, thereby ensuring coherence and completeness.[25]

He further noted that naming the discipline uṣūl al-fiqh does not imply limiting its benefit to fiqh alone. Indeed, many Imams titled their works simply al-Uṣūl, reflecting this broader scope—such as al-Ghazālī's al-Mustaṣfā min ʿIlm al-Uṣūl, al-Rāzī's *al-Maḥṣūl min ʿIlm al-Uṣūl*, al-Bayḍāwī's *Minhāj al-Uṣūl fī ʿIlm al-Uṣūl*, and al-Shawkānī's *Irshād al-Fuḥūl ilā Taḥqīq al-Ḥaqq min*

[23] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-al-Nashr wa-al-Tawzīʿ, 1st ed., 2017), pp. 27–47.

[24] Aḥmad al-Raysūnī, *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalima; Herndon, VA: International Institute of Islamic Thought, 1st ed., 2015), pp. 64–69.

[25] ʿIyāḍ b. Nāmī al-Sulamī, *Uṣūl al-Fiqh alladhī Lā Yasʿu al-Faqīh Jahluh* (Riyadh: Dār al-Tadmuriyya, 1st ed., 2005), p. 20.

ʿIlm al-Uṣūl. Their choice of titles reflects an awareness of the universality and expansiveness of the discipline.[26]

Dr. Maḥmūd ʿAbd al-Raḥmān ʿAbd al-Munʿim also contributed to this discussion in his work Manhajiyyat al-Tafkīr al-ʿIlmī fī Ḍawʾ al-Qawāʿid al-Uṣūliyya, where he highlighted how uṣūlī principles cultivate scientific reasoning and methodological thinkin.[27] Similarly, Dr. Muḥammad ʿAbd al-Salām ʿAwwām, in his profound study *al-Fikr al-Manhajī al-ʿIlmī ʿinda al-Uṣūliyyīn*, analyzed two major theories: the theory of evidence (al-dalīl) and the theory of ordering and balancing (*al-tartīb wa-l-muwāzana*). He presented eighteen principles concerning proof and inference as developed by uṣūlīs, proposing their application across broader intellectual and human sciences.[28]

Among the earlier articulations of this idea is the statement of al-Ghazālī (d. 505/1111), followed by Ibn Rushd al-Ḥafīd (d. 595/1198), who emphasized had noted that human knowledge is divided into three categories, one of which is knowledge that provides the mind with rules and principles guiding it toward correctness in reasoning and understanding—such as knowledge of the types and divisions of evidences and the methods of deriving rulings from them.[29]

Thus, the methodological dimension of uṣūl al-fiqh—its role in cultivating structured methodological reasoning and guiding disciplined, value-aware analysis—holds profound significance. It provides a framework for coherent and principled inquiry within the Sharīʿa sciences, and it offers transferable methodological insights to the broader human sciences. In this lies the civilizational vitality of uṣūl al-fiqh.

2.2.2. Making the Maqāṣid of Uṣūl al-Fiqh the Criterion for Diagnosing "Dukhan" and "Wahn"

Among the perspectives through which al-Raysūnī articulates the maqāṣid of uṣūl al-fiqh is his contention that what afflicted this discipline with what he calls *dukhān* (turbidity) and *wahn* (enfeeblement) was its gradual abandonment of its core purposes—and, at times, its movement in the opposite direction. He argues that this occurred when uṣūl works became increasingly preoccupied with speculative kalām debates and abstract logical formulations. Such discussions, for example, diverted the discipline away from its principal function of enabling sound interpretation of the revealed texts, and instead centered on issues such as the universals of logic, metaphysical definitions, and prolonged disputations over purely theoretical problems that had little or no juristic application. Likewise, excessive partisanship to legal schools and rigid patterns of taqlīd undermined the maqṣad of cultivating competent ijtihād, replacing methodological rigor with uncritical imitation. These developments, in al-Raysūnī's assessment, represent instances where the discipline turned against its own maqāṣid, weakening its ability to guide juristic reasoning and to serve the practical needs of fiqh. After enumerating the purposes of uṣūl al-fiqh, he states:

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[26] ʿIyāḍ b. Nāmī al-Sulamī, *Uṣūl al-Fiqh alladhī Lā Yasʿ al-Faqīh Jahluh*, p. 20.

[27] Maḥmūd ʿAbd al-Raḥmān ʿAbd al-Munʿim, *Manhajiyyat al-Tafkīr al-ʿIlmī fī Ḍawʾ al-Qawāʿid al-Uṣūliyya*. Cairo: Mufakkirūn International Publishing, 2020.

[28] Muḥammad ʿAbd al-Salām ʿAwwām, *al-Fikr al-Manhajī al-ʿIlmī ʿinda al-Uṣūliyyīn*. Virginia: International Institute of Islamic Thought (IIIT), 2014 [1435 AH].

[29] Abū al-Walīd Muḥammad b. Aḥmad Ibn Rushd al-Ḥafīd, *al-Ḍarūrī fī Uṣūl al-Fiqh*. Ed. Jamāl al-Dīn al-ʿAlawī. Beirut: Dār al-Gharb al-Islāmī, 1994, 35.

> "Within the scope of these maqāṣid and functions, uṣūl al-fiqh was born and came into being; in their service it grew and flourished. This was its condition and trajectory through the second, third, fourth, and fifth centuries. Yet it did not continue upon its original path, nor did its vitality or its purposes remain in the pristine state upon which they were first established. Rather, they were touched by what befell many aspects of the intellectual and civilizational condition of Muslims: dukhan crept in, wahn spread within, until at times the discipline was turned against its own purposes and original course."[30]

Al-Raysūnī holds that the early signs of this wahn and dukhan began in the fourth century AH, with the growing entanglement of uṣūl al-fiqh and kalām (theological dialectic). Although in that period its bond with fiqh remained stronger, in subsequent centuries this entanglement deepened through new associations with logic, philosophy, and dialectics. This, he argues, weakened the discipline's connection to its fiqhī roots and ushered it into the stage he labels as that of dukhan and wahn.[31]

Al-Raysūnī makes the maqāṣid of uṣūl al-fiqh the very criterion for diagnosing this state. The sign of wahn, he states, is the discipline's diminished capacity to fulfill its purposes and functions. He defines dukhan as whatever impurities and obfuscations creep into truth and goodness, clouding their clarity and staining their purity, though without altering their essence or effacing their origin. It manifests in various degrees of deviation, imbalance, and decline.[32] He then defines wahn as weakness and the withering of vitality.[33] "There is no doubt," he writes, "that uṣūl al-fiqh has been afflicted by considerable weakness and a withering of its vitality, and that this weakness has come as a consequence of the dukhan that penetrated it. The dukhan was among the foremost and most damaging causes of wahn. While dukhan began to spread into uṣūl al-fiqh from the third and fourth centuries, wahn followed afterward, becoming manifest by the seventh century and beyond. By dukhan I mean the many extraneous elements that infiltrated uṣūl al-fiqh and spread within it, though they neither belong to its essence nor to its natural constitution. Their abundance weakened it and deflected it from its true function and intended purpose. The greater part of this traces back to the theological orientation adopted by many later uṣūlīs."[34]

Al-Ra ysūnī, when discussing the intrusion of issues of a purely kalāmī nature into uṣūl al-fiqh, remarks:

"The mutakallimūn among the uṣūlīs devised issues and debates on a theological pattern that have no proper place within the nature, functions, or maqāṣid of uṣūl al-fiqh."[35]

He further identifies "preoccupation with what lies outside the intended purpose as a diversion from the purpose itself" as one of the most telling symptoms of kalām's impact upon uṣūl al-fiqh. On this he writes:

"When the uṣūlīs occupy themselves with matters that are not intrinsic to their discipline, that are not from its maqāṣid and do not serve its maqāṣid, this, in reality and in effect, is a diversion away from the maqāṣid of uṣūl al-fiqh and a squandering of them. These barren, non-uṣūlī preoccupations consumed the energies of the most brilliant minds and sharpest intellects

[30] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 47.
[31] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 50.
[32] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 52.
[33] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 53.
[34] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 53.
[35] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*,, p. 62.

among the masters of uṣūl, engrossing both them and their readers in what was not the intended aim, and thereby diverting them from what was intended."[36]

He devotes an entire section to analyzing these theological intrusions into uṣūl al-fiqh, enumerating among them: the introduction of questions of a kalāmī rather than an uṣūlī nature; the coloring of uṣūlī discussions with theological disputation; excessive attention to issues devoid of real existence or impact, thereby multiplying differences and fueling polemical debate; the inflation of purely verbal disputes; and, more broadly, a preoccupation with what is not intended at the expense of what is intended.[37]

To illustrate the negative consequences of this kalāmī influence, al-Raysūnī offers a striking analogy, developed at length in a dedicated chapter: "To grasp the problem, to correct the situation, and to distinguish the points of convergence and divergence, one must clearly differentiate between the nature of uṣūl al-fiqh on the one hand, and the nature of kalām, with its philosophical and logical extensions, on the other. Put simply, uṣūl al-fiqh is 'of the sciences of the earth'—sciences of walking upon the earth and engaging with its realities. It is therefore bound up with fiqh and complements it: uṣūl concerns itself with principles, generalities, and universals, while its sibling fiqh deals with particulars, applications, and concrete rulings. By contrast, kalām is 'of the sciences of the heavens'—sciences of soaring above, of abstraction, speculation, and imaginative theorizing.

In short: uṣūl al-fiqh was created to walk on two legs, while kalām is fashioned to fly with two wings. What the mutakallimūn among the uṣūlīs did was to fasten wings onto uṣūl al-fiqh and propel it skyward. But it could not fly, for it was not made to do so; nor could it continue its natural gait, for that too was disrupted. This, then, is a corruption of its very condition.[38]

Such foreign elements, he concludes, rendered most uses of uṣūl al-fiqh confined to secondary and incidental purposes:

1.studying it merely to understand the positions of the ancients and their uṣūlī-legal heritage;

2.employing it as a tool for mental gymnastics and juristic exercises;

3.deploying it in sectarian polemics and denominational disputations.[39]

And he comments on the outcome of this state of affairs:

"This is, in truth, nothing but an expression of the loss of the maqāṣid-consciousness, and the absence of the maqāṣid-based criterion."[40]

Al-Raysūnī presents maqāṣid al-uṣūl as the criterion for evaluating the discipline, describing certain periods as marked by "turbidity" and "feebleness" when it no longer fulfilled its intended purposes due to extraneous intrusions. He further argues that these maqāṣid not only expose such decline but also indicate the proper sources of vitality and the consequences of their neglect.

2.2.3. Maqāṣid al-uṣūl as the Basis for Renewal and Revitalization

Al-Raysūnī argues that uṣūl al-fiqh must be renewed on two complementary fronts, both measured by its maqāṣid. The first is the heritage of the discipline, which requires verification,

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[36] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 70.
[37] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, pp. 62–71.
[38] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 74.
[39] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 76.
[40] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 77.

critical review, and reformulation to restore its vitality. The second is engagement with contemporary needs, through developing new tools, resolving pending issues, and addressing current challenges. Only by combining these two avenues can uṣūl al-fiqh reclaim its role as a leading force in Islamic thought and communal life.[41]

Among the foundational principles of renewal, al-Raysūnī identifies "holding fast to the maqāṣid and their achievements, while avoiding the pitfalls," a phrase that he makes the title of the opening section of the third chapter:

> "Uṣūl al-fiqh in the Stage of Renewal and Revitalization."[42]

While al-Raysūnī's call to anchor renewal in the maqāṣid of uṣūl al-fiqh is insightful and intellectually stimulating, its practical implementation requires further methodological refinement. His critique of kalām and later scholastic influences is valuable in highlighting historical imbalances, yet some of his assessments tend to generalize complex developments. A more calibrated approach—distinguishing harmful excesses from beneficial conceptual contributions—may offer a stronger foundation for the renewal he envisions.

2.2.4. Maqāṣid al-uṣūl as a Criterion for Sources of Derivation

It is a well-established principle that the sciences draw upon one another, depend upon one another, and sometimes give rise to one another. Knowledge forms a single, interconnected family, such that no discipline emerges ex nihilo, nor independently of others. Each science has drawn upon a constellation of other disciplines and intellectual fields, assimilating their resources and building upon them, until it eventually matures and establishes its own identity.

The issue here is not the mere act of borrowing (istimdād) from other sciences, but rather the excess and overindulgence in such borrowing. Some later uṣūlīs, for instance, went so far as to consider mastery of logic a prerequisite for ijtihād.[43] If, however, we return to the maqāṣid of the discipline, they provide the true criterion for discerning what ought to be taken and what ought to be left aside, as well as the permissible scope and limits of such borrowing. According to al-Raysūnī, these exaggerations and excesses represent a type of borrowing that either brings no benefit or, worse, proves harmful, all at the expense of the genuine nature and core functions of uṣūl al-fiqh itself.[44]

In reality, every discipline draws upon other fields of knowledge only to the extent that such borrowing enhances its function, strengthens its mission, and fulfills its maqāṣid. Scholars of a given field may also build upon what they borrow, innovating in ways that even surpass the original discipline from which they drew. This was exemplified by the uṣūlīs in their engagement with language, which served as a principal source for uṣūl al-fiqh—particularly in the domain of dalālāt (indications), one of the foundational pillars of the discipline.[45]

He cited under each maqṣad a set of Qurʾānic verses attesting to it, classifying them within one of the recognized masālik (pathways) for uncovering the Qurʾān's purposes—namely, that the

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41 Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 81.

42 Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 85.

43 Wāʾil b. Sulṭān al-Ḥārithī. *ʿAlāqat ʿIlm Uṣūl al-Fiqh bi-ʿIlm al-Manṭiq: Muqāraba Jidaliyya fī al-Tārīkh wa-l-Taʾthīr*. Beirut: Markaz Namāʾ li-l-Dirāsāt wa-l-Buḥūth, 2012, p. 250–253.

44 Aḥmad al-Raysūnī. *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*. Cairo: Dār al-Maqāṣid li-l-Nashr wa-l-Tawzīʿ, 2017, p. 72.

45 Aḥmad al-Raysūnī. *Maqāṣid al-Maqāṣid: al-Ghāyāt al-ʿIlmiyya wa-l-ʿAmaliyya li-Maqāṣid al-Sharīʿa*. Istanbul: Dār al-Nidāʾ, 2014, p. 22.

Qurʾān itself speaks of its own maqāṣid.[1] In contrast stands the second pathway, which rests upon the efforts and experiential insights of scholars such as al-Ghazālī, al-ʿIzz b. ʿAbd al-Salām, al-Biqāʿī, Rashīd Riḍā, Saʿīd al-Nūrsī, and al-Ṭāhir b. ʿĀshūr, who through inductive reasoning and sustained contemplation sought to derive the comprehensive maqāṣid of the Qurʾān.[46]

Whoever reflects upon this category of maqāṣid will find the horizon open to deducing further objectives and multiple legal demands. The Qurʾān calls for the abandonment of crimes and sins, whether individual or collective; it exhorts to righteous deeds and the spread of goodness; it commands mutual compassion and the building of society upon the foundations of virtue and piety. It likewise urges the dissemination of divine guidance throughout the earth, the invitation of humanity to it, and the repelling of those who resist it, so that goodness may prevail universally and empowerment be secured for its adherents. Indeed, the Qurʾān charges the ummah to labor for the welfare, salvation, and prosperity of humankind, for it has been described as the community of khayriyya (excellence) and shahāda (witness) over all peoples.[47]

He also addressed the maqāṣid of the Sunnah, clarifying that, in their entirety, they are inseparable from the maqāṣid of the Qurʾān. For the Sunnah, in its primary role, serves as an exposition and elaboration of what the Qurʾān has conveyed,

> "a reaffirmation of its principles, and an application of its objectives. Hence, any discussion of the general maqāṣid of the Sunnah can be nothing more than a reinforcement and elucidation of those already established in the Qurʾān."[48]

At the same time, al-Raysūnī emphasized the significance of the partial maqāṣid (maqāṣid juzʾiyya) embedded in specific ḥadīth texts. Grasping these, he argued, is essential for constructing a sound fiqh and cultivating correct religious practice. Such discernment, he explained, rests on two conditions: first, situating each ḥadīth in its proper context in accordance with the specific maqāṣid intended by the Sharīʿa in that case; and second, steering clear of interpretations or applications that conflict with, or unduly restrict, the maqāṣid of the Lawgiver, for such distortions inevitably lead to corruption and misrepresentation of religion.[49] To realize this deeper understanding, he further called for attention to the situational quality (ṣifat al-ḥāl) in which the Prophet's words and actions were issued, as well as to the reasons for their occurrence and the circumstances of their transmission.[50]

In sum, the maqāṣid of the Sunnah converge with those of the Qurʾān. Yet attaining them requires adherence to particular conditions and methodological considerations that ensure the Sunnah's objectives are faithfully discerned and applied.

In addressing the question of *maṣlaḥa mursala*, al-Raysūnī offered substantial and original insights in the collective volume al-Tajdīd al-Uṣūlī. What led him to this discussion was precisely

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[46] Aḥmad al-Raysūnī, *Maqāṣid al-Maqāṣid: al-Ghāyāt al-ʿIlmiyya wa-l-ʿAmaliyya li-Maqāṣid al-Sharīʿa* (Istanbul: Dār al-Nidāʾ, 2014), 21–30.

[47] Waṣfī ʿĀshūr Abū Zayd, *Naḥwa Tafsīr Maqāṣidī li-l-Qurʾān al-Karīm: Ruʾya Taʾsīsiyya li-Manhaj Jadīd fī Tafsīr al-Qurʾān* (Cairo: Muʾassasat Mufakkirūn, 2019), 23.

[48] Aḥmad al-Raysūnī, *Maqāṣid al-Maqāṣid: al-Ghāyāt al-ʿIlmiyya wa-l-ʿAmaliyya li-Maqāṣid al-Sharīʿa* (Istanbul: Dār al-Nidāʾ, 2014), 31ff.

[49] Aḥmad al-Raysūnī, *Maqāṣid al-Maqāṣid: al-Ghāyāt al-ʿIlmiyya wa-l-ʿAmaliyya li-Maqāṣid al-Sharīʿa* (Istanbul: Dār al-Nidāʾ, 2014), 32.

[50] Aḥmad al-Raysūnī, *Maqāṣid al-Maqāṣid: al-Ghāyāt al-ʿIlmiyya wa-l-ʿAmaliyya li-Maqāṣid al-Sharīʿa* (Istanbul: Dār al-Nidāʾ, 2014), 35.

the objective (maqṣūd) of maṣlaḥa, namely that it must remain effective in serving its higher purpose. Among his contributions:

He redefined the so-called maṣlaḥa mulghā (abrogated interest) and maṣlaḥa mursala (unrestricted interest).

According to him, the former is not a genuine interest in reality or in its ultimate consequences, but rather a disguised harm; for the Sharīʿa does not abrogate a true benefit for people—its designation as "abrogated" refers only to its superficial or partial appearance.[51]

As for maṣlaḥa mursala, he argued that it is not simply a case with no scriptural text at all, for while there may be no specific text concerning a given incident, there are always universal texts and overarching legal principles that encompass all true benefits. Thus, it is not "unrestricted" in an absolute sense, but rather "unrestricted" from one angle while duly recognized from another.[52]

He further clarified that the essence of maṣlaḥa is the realization and preservation of the purposes of the Lawgiver. Hence, among its conditions—as transmitted from al-Ghazālī, al-Shāṭibī, and others—is that it must accord with the maqāṣid of the Sharīʿa, that it be grounded in rationally intelligible considerations, and that it ultimately serve to preserve a necessary interest or to remove undue hardship in religion.[53]

He also broadened the scope of maṣlaḥa to encompass both religious and worldly concerns, both the present life and the Hereafter, both material and spiritual dimensions, and to include its opposite—mafsada (harm)—within the same framework.[54]

Finally, he gave maṣlaḥa a practical and juristic orientation, distancing it from abstract theorizing and endless dialectics. He illustrated his point with contemporary examples to make the concept tangible and to fulfill its intended purpose. He emphasized the inherent harmony between naṣṣ (text) and maṣlaḥa, stating that maṣlaḥa is the twin of the text and its other face:

> "maṣlaḥa is text, and text is maṣlaḥa." They can never truly conflict, nor can one cancel out the other; rather, each supports the other in perfect coherence.[55]

Among his contributions, al-Raysūnī highlighted the harmony and complementarity between the revealed text (al-naṣṣ) and maṣlaḥa, affirming that maṣlaḥa is the offspring of the text and its other face. In his words, maṣlaḥa is text, and the text is maṣlaḥa; they can never contradict, cancel, or override one another in cases of apparent conflict. He provided illustrative examples of this concord and coherence.[56]

In the chapter on ijtihād and the qualifications of the mujtahid, he reviewed the conditions set forth by earlier uṣūlīs and categorized them under three headings: epistemic, intellectual, and ethical. He then added, by way of clarification, the requirement of independence for mujtahids and

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[51] Aḥmad al-Raysūnī, *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalima and International Institute of Islamic Thought, 2015), p. 410.

[52] Aḥmad al-Raysūnī, *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalima and International Institute of Islamic Thought, 2015), p. 411.

[53] Aḥmad al-Raysūnī, *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalima and International Institute of Islamic Thought, 2015), p. 423.

[54] Aḥmad al-Raysūnī, *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalima and International Institute of Islamic Thought, 2015), pp. 412–413

[55] Aḥmad al-Raysūnī, *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh* (Cairo: Dār al-Kalima and International Institute of Islamic Thought, 2015), pp. 409, 438–440

[56] Aḥmad al-Raysūnī. *al-Tajdīd al-Uṣūlī: Naḥwa Ṣiyāgha Tajdīdiyya li-ʿIlm Uṣūl al-Fiqh*. Cairo: Dār al-Kalima; International Institute of Islamic Thought, 2015, p. 441ff. See also: Aḥmad al-Raysūnī and Muḥammad Jamāl Bārūt. *al-Ijtihād: al-Wāqiʿ, al-Naṣṣ, al-Maṣlaḥa*. Damascus: Dār al-Fikr, 2000, pp. 28–72.

muftīs. While this could be subsumed under the condition of uprightness (ʿadāla), the contemporary realities of the relationship between religious authorities and political power necessitate that independence be articulated as a distinct condition.[57] He writes:

> "In short, and to put it in quasi-uṣūlī terms: whoever is not independent in his thought, judgment, and positions is not to be trusted in his ijtihād. It has become necessary to stipulate and emphasize that one of the essential conditions of the mujtahid is independence in his juristic reasoning — unbound, unbent, and unbiased — save for the authority of knowledge and its proofs."[58]

Al-Raysūnī maintains that the purpose of ijtihād and fatwā is for the jurist to act as a signatory on behalf of God, not a tool of power. Accordingly, he interprets every proof and domain of uṣūl al-fiqh in light of their teleological function, aiming at practical service to reality rather than sterile polemics. He further distinguishes between two levels: the general link between evidences and maqāṣid, highlighted by al-Shāṭibī, and the specific maqāṣid of each proof or issue, which must be examined in its own right.

2.3. Analytical and Critical Reflections on Aḥmad al-Raysūnī's Attempt

From the foregoing discussion of al-Raysūnī's maqāṣid-oriented approach, the following observations can be made:

1. He employed maqāṣid al-uṣūl as evaluative criteria: to judge past phases of the discipline as weakened and to frame a vision for renewal, showing their dual role of critique and reorientation.

2. His review of earlier uṣūlīs—through clarification, elaboration, or critique—was consistently guided by maqāṣid, aiming to revive the discipline's vitality.

3. He treated chapters and issues of uṣūl as having implicit purposes that render the science more practical and useful for legal reasoning.

4. To clarify this distinction more explicitly: the causes of emergence (asbāb al-nashʾa) refer to the historical and intellectual circumstances that necessitated the formulation of uṣūl al-fiqh—such as resolving juristic disagreements, systematizing inference, and articulating authoritative methods of reasoning. The enduring objectives (maqāṣid), however, denote the stable purposes for which the discipline continues to function across different eras, including ensuring sound interpretation, guiding ijtihād, and maintaining methodological coherence. Several contemporary scholars—such as Maḥmūd ʿAbd al-Raḥmān—have highlighted this distinction, emphasizing that the historical factors that triggered the emergence of the discipline should not be conflated with its timeless purposes.

5. Some maqāṣid he proposed are debatable. For example, treating the resolution of disagreement as a central objective is problematic, since ikhtilāf predated uṣūl and persists. At most, the discipline moderated disputes without removing them. Defining its purpose this way risks undermining its value, which partly explains Ibn ʿĀshūr's call to establish maqāṣid al-sharīʿa as a separate discipline, leaving uṣūl for legal derivation.

6. The purpose of "regulating ijtihād in religion" overlaps with the preceding aim, namely "formulating principles for interpreting the revealed texts." The former concerns matters where no specific text exists, while the latter deals with interpreting the texts themselves. Al-Raysūnī

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[57] Aḥmad al-Raysūnī. *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*. Cairo: Dār al-Maqāṣid, 2017, p. 114.

[58] Aḥmad al-Raysūnī. *al-Mukhtaṣar al-Uṣūlī*. Cairo: Dār al-Kalima, 2019, p. 247ff.

regarded this as the foremost purpose of uṣūl al-fiqh.[59] He cites Muḥammad Ḥasanayn Makhlūf: "The very ijtihād for which the science of uṣūl al-fiqh was established."[60] In reality, however, the regulation of ijtihād necessarily encompasses and subsumes the codification of interpretive rules, since establishing principles for textual interpretation is itself part of regulating ijtihād in religion.

7. In identifying "the elucidation and defense of the legal schools" as one of the purposes of uṣūl al-fiqh, al-Raysūnī appears to conflate a *topic* of the discipline with its *overarching objectives*. In this article, I clarify this distinction: subject-matters of uṣūl al-fiqh refer to the analytical tools with which jurists examine evidences, infer rulings, and understand methodological debates within and across madhāhib. Maqāṣid al-uṣūl, by contrast, denote the higher purposes for which the discipline itself exists—such as ensuring sound interpretation, guiding ijtihād, preserving methodological rigor, and maintaining coherence between legal reasoning and revealed texts. While defending the Sharīʿa as a whole can be considered an uṣūlī purpose, restricting this aim to the defense of individual legal schools does not rise to the level of a genuine maqṣad. Thus, the article distinguishes between the *functional objectives* of the discipline and the *internal topics* it happens to discuss.

8. Al-Raysūnī limits his analysis to the *general* maqāṣid of uṣūl al-fiqh, without extending the discussion to the purposes embedded within its individual chapters and technical issues. This article argues that such specificity is essential: each chapter—whether dealing with evidences, linguistic principles, juristic reasoning, or methodological maxims—embodies distinct intellectual functions and produces particular methodological fruits that influence substantive fiqh. Contemporary scholarship has highlighted this layered structure of uṣūl al-fiqh; for example, Maḥmūd ʿAbd al-Raḥmān emphasizes that the discipline yields insights not only at the level of overarching objectives but also through the purposes inherent in its detailed components. Recognizing this multi-level architecture of maqāṣid is therefore crucial for any attempt to articulate a comprehensive framework for maqāṣid al-uṣūl.[61]

9. Al-Raysūnī harshly criticized the incorporation of kalām and logic into uṣūl al-fiqh. Yet the discipline undeniably benefited from both, adopting logical terminology—such as ʿāmm, khāṣṣ, contradiction, genus, differentia, subject, and predicate—and even opening some works with logical preliminaries. Al-Ghazālī and Ibn al-Ḥājib, for instance, prefaced their uṣūl writings with summaries of logic, while the "mutakallimūn method" employed rigorous logical structuring and demonstrative proofs. Although logic did not produce new substantive knowledge, it ordered thought and protected the mind from error. Al-Raysūnī acknowledged the treasures of uṣūl yet condemned its engagement with logic and kalām too severely. [62] True, some borrowings were excessive and not always aligned with the maqāṣid of uṣūl, but these were historically contextual and do not justify rejecting such sciences altogether.

10. Al-Raysūnī's characterization of uṣūl al-fiqh as suffering from *dakhān* and *wahn* warrants reconsideration within the context of his broader argument. While it is true that later centuries witnessed increased engagement with kalām and logical disputation, describing the discipline as "plagued" by decline overstates the case. The historical record shows that uṣūl al-fiqh

[59] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-l-Nashr wa-l-Tawzīʿ, 2017), 37.

[60] Muḥammad Ḥasanayn Makhlūf. *Bulūgh al-Sūl fī Madkhal ʿIlm al-Uṣūl*. Cairo: Maṭbaʿat al-Maʿāhid, 1933, p. 2. He was mistakenly attributed by Aḥmad al-Raysūnī to Muḥammad Bakhīt al-Muṭīʿī in his bibliography; see Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih*, p. 120.

[61] Maḥmūd ʿAbd al-Raḥmān ʿAbd al-Munʿim, *al-Asās fī Uṣūl al-Fiqh*, vol. 1 (Cairo: Dār al-Yusr, 2017), 32.

[62] Aḥmad al-Raysūnī, *ʿIlm Uṣūl al-Fiqh fī Ḍawʾ Maqāṣidih* (Cairo: Dār al-Maqāṣid li-l-Nashr wa-l-Tawzīʿ, 2017), 83.

continued to generate substantial scholarly output, with successive generations producing refinements, commentaries, glosses, pedagogical compendia, and methodological elaborations that built upon earlier foundations. Such activity reflects not enfeeblement but a shift in scholarly energy from foundational construction to systematic consolidation—an expected trajectory in mature disciplines.

Furthermore, al-Raysūnī's invocation of *dakhān* is problematic. The term, as used in the Prophetic ḥadīth, refers to doctrinal distortions and ritual innovations, not to methodological sciences such as uṣūl al-fiqh. Extending it to describe the discipline risks conflating very different categories. A more precise analysis would distinguish between areas where uṣūl al-fiqh benefited from engagement with ancillary disciplines and areas where such engagement obscured its functional aims, without resorting to an overarching narrative of decline.

3. Analytical and Forward-Looking Conclusions on Aḥmad al-Raysūnī's Attempt

A comprehensive examination of al-Raysūnī's contribution reveals a number of interconnected analytical insights. His discussion of the *general* maqāṣid of uṣūl al-fiqh echoes earlier uṣūlīs who emphasized the discipline's intellectual function and methodological value. He further foregrounds its epistemological significance, arguing that uṣūl al-fiqh provides a foundational mode of reasoning capable of guiding not only Islamic legal inquiry but also wider fields of knowledge, including the human sciences. Throughout his writings, he employs the maqāṣid framework as both a critical lens for assessing historical phases—some of which he characterizes as marked by *dakhān* and *wahn*—and as a constructive basis for envisioning renewal.

Despite these strengths, several limitations emerge. Al-Raysūnī does not articulate maqāṣid specific to individual chapters or issues, even though each part of the discipline carries its own teleology and intellectual function—an area that remains largely unexplored. At points, he blurs the line between the historical causes that led to the emergence of uṣūl al-fiqh and its enduring purposes, resulting in some conceptual overlap. His critique of the discipline also includes a strong rejection of the influence of kalām and logic, although these fields historically furnished uṣūl with valuable analytical tools. Nevertheless, his deep appreciation for the uṣūlī heritage and the intellectual contributions of its masters remains evident, as does his consistent emphasis on renewal, a theme that runs prominently through his works. Ultimately, his proposal to anchor the revival of uṣūl al-fiqh in its maqāṣid presents a forward-looking vision—one that aims to reinvigorate juristic reasoning, strengthen the Islamic sciences, and enhance the broader epistemic role of the discipline.

Conclusion

This study examined the purposive orientation (taqṣīd) of uṣūl al-fiqh through the contributions of Aḥmad al-Raysūnī and Aḥmad Ḥarb. Its main findings are as follows:

First, earlier scholars hinted at the maqāṣid of uṣūl in their introductions, though only in general terms without systematic exposition.

Second, explicit articulation of these maqāṣid is significant, yet no independent works on the subject appeared until modern times.

Third, the principles of uṣūl should be invested in constructing an epistemological methodology that benefits all Sharīʿa sciences and even the human sciences.

Fourth, the maqāṣid of uṣūl must serve as the framework governing its issues, providing a criterion for assessing its historical development and a foundation for its revival and renewal.

On this basis, the study recommends the following:

First, further independent works should continue to explore the maqāṣid of uṣūl al-fiqh, clarifying their scholarly and practical benefits.

Second, specialists and students should investigate the maqāṣid of individual chapters and issues, as these directly shape how the discipline is studied and taught.

Third, an international council for uṣūl al-fiqh should be established to produce encyclopedic works, reassess its history, document renewal efforts, and propose ways its methodology can serve both Islamic and human sciences. Such a body would also defend the discipline and address misconceptions.

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