

## **An Examination of the Influence of Traditionalism on the Role of ‘Aql in Contemporary Islamic Legal Thought**

**By**

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### **Abstract**

*In the contemporary period, the emergence of unprecedented pressures from science, human rights, nation-state codification, and artificial intelligence-related issues would ordinarily expand the scope for the application of reason (‘aql) in Islamic law. However, in practice, the role of ‘aql remains largely subservient in the order of Islamic legal authority. While classical and reformist literature on ‘aql is extensive, there is a gap in systematically examining how traditionalism actively shapes the application of ‘aql in contemporary Islamic legal thought. Adopting doctrinal methodology, the paper examines the classical understanding of the role of ‘aql as defined by major Muslim theorists and the implications of this influence for ijtihād and reason. The paper finds that the application of ‘aql remains tightly restricted due to the sustained influence of traditionalism in contemporary Islamic legal thought. Some traditionalist scholars and institutions continue to interpret classical jurisprudence in ways that limit ijtihād, restrict qiyās, and subordinate maqāṣid to literalism. Consequently, despite new challenges, contemporary traditionalist discourse continues to confine ‘aql to an explanatory and subservient role rather than an independent source of legislation. It is recommended that a re-evaluation is needed within traditionalist circles to distinguish between essential methodological controls and rigid literalism. There should be a disciplined framework for applying maqāṣid-based reasoning that remains grounded in naṣṣ but allows for broader engagement with new challenges.*

**Keywords:** ‘Aql, Wahy, Contemporary Issues, Traditionalism Influence

### **1.0 INTRODUCTION**

One of the most debated aspects of Islamic legal philosophy is the interaction between reason (‘aql) and divine revelation (wahy).<sup>1</sup> Scholars of both ancient and modern eras debated the concept of ‘aql and wahy and their implications in Islamic legal philosophy.<sup>2</sup> Both mechanisms

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<sup>1</sup> Mukarram ‘Abd al-‘Āl Salām, *al-Fikr al-Islāmī bayna al-‘Aql wa al-Wahy* (1st edn, Dār al-Shurūq 1982) 6.

<sup>2</sup> ‘Abd al-‘Āl Salām (n 1).

establish the foundational framework for interpreting Islamic law, yesterday and today. However, the rapid emergence and unprecedented nature of bioethical, financial, and technological cases demand active legal reasoning and proactive engagements. Yet in contemporary Islamic legal thought, the role of reason (*'aql*), which is supposed to complement the revealed sources, remains largely subservient and ineffective in the order of legal authority. This paper examines how traditionalism<sup>3</sup> shapes this outcome. By analysing classical Islamic principles alongside arguments of major traditionalist *fiqh* scholarship, the paper seeks an answer to whether traditionalism does influence *'aql* in such a way that prevents its effective application to resolve modern demands.

## 2.0 METHODOLOGY

This research uses a normative legal research methodology to examine and analyse the literature relevant to the role of reason (*'aql*) in Islamic legal philosophy and the traditionalist scholarship related to the research. Normative analysis is undertaken through doctrinal examination of primary legal sources, including the Qur'an, Hadith, classical and contemporary Islamic jurisprudence texts, and reliable scientific journal articles, aimed at clarifying their normative foundations and purposes on the subject matter at hand. The methodology thus connects textual and conceptual analyses to construct a normative argument on how reason and traditional jurisprudence can be merged to strengthen modern demands. By grounding its analysis in legal reasoning and normative interpretation, the study argues for prescriptive insights on the role of reason (*'aql*) in Islamic legal philosophy without having the possibility of distorting the jealously guarded traditional jurisprudence.

## 3.0 ANALYSIS AND DISCUSSIONS

### 3.1 Concept of 'Aql in Islamic Legal Thought

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<sup>3</sup> Traditionalism, in this paper, refers to a methodological approach that prioritises textual authority and continuity with classical scholarship over independent rational reasoning. Its key features include adhering to textualism, taqlid precedent, restrictive ijtihad, and exercising caution in new phenomena. Consequently, a traditionalist is a scholar who adheres to the traditionalist methodology. For more discussion on traditionalism, see Kurt Rasim Güner, 'The Origins of Islamic Legal Theory: The Traditionalist and Western Perspectives' (2014) 4 Utah Historical Review 205.

Literally, reason (*al-'aql*) means restraint (*al-hijr*) or prohibition (*al-nahy*).<sup>4</sup> It is defined in “*Qaṭr al-Muḥīṭ*” that ‘*aql* means to contemplate something (*tadabbur*) and comprehend it (*fahm*).<sup>5</sup> Thus, other synonymous terms include: preservation (*al-hifẓ*), control (*al-ḍabt*), and prevention (*al-manī*).<sup>6</sup> All of these are present in the ‘*aql*, by which a human being is distinguished from other creatures. It preserves its owners and prevents them from harm or injury. Through it, a human being can also control his affairs, distinguish between truth and falsehood, and between good and evil.

In technical terms, there are many definitions of the ‘*aql*. Ibn Taymīyah argues that ‘*aql* encompasses both necessary knowledge (*al-‘ulūm al-ḍarūrīyah*) and the process of acting according to that knowledge.<sup>7</sup> Thus, all rational beings share this knowledge, such as knowing that two opposites cannot coexist and that a creature must have been created. This knowledge is known intuitively to the soul and does not require evidence to prove it. Indeed, any evidence, no matter how certain it is, relies on this primary, necessary knowledge; if it were absent, nothing would be valid at all.

Moreover, Ibn Taymīyah further argued that the definition of ‘*aql* can also include perceptive instinct (*al-ghazīrah al-mudrikah*), which is referred to as the very instinct within a human being by which they know, distinguish, and seek benefits rather than harms.<sup>8</sup> This definition aligns with that of Aḥmad ibn Ḥanbal and al-Ḥārith al-Muḥāsibī, wherein they argued that the intellect is an instinct acknowledged by the majority of rational beings.<sup>9</sup>

On the other hand, Ibn Qayyim al-Jawzīyah noted that ‘*aql* is of two types: an innate reason (‘*aql ghazīrah*), which is the founder, nurturer, and cultivator of knowledge; and an acquired reason (‘*aql muktasab*), which is the fruit and result of knowledge.<sup>10</sup> Both co-exist in a human

<sup>4</sup> Muḥammad Jamāl al-Dīn Ibn Manẓūr, *Lisān al-‘Arab*, vol 11 (2nd edn, Dār al-Kutub al-‘Ilmīyah 2003) 845–846.

<sup>5</sup> Buṭrus al-Bustānī, *Qaṭr al-Muḥīṭ*, vol 2 (1st edn, Maktabat Lubnān 1869) 1411.

<sup>6</sup> Fakhr al-Dīn Muḥammad al-Rāzī, *Mukhtār al-Ṣiḥāḥ* (2nd edn, Maktabat Lubnān 1989) 424–425.

<sup>7</sup> Taqīy al-Dīn Aḥmad Ibn Taymīyah, *Majmū‘ Fatāwā*, vol 9 (2nd edn, Wizārat al-Awqāf wa-al-Shu‘ūn al-Islāmīyah 2004) 287.

<sup>8</sup> Ibn Taymīyah, *Majmū‘ Fatāwā* (n 7).

<sup>9</sup> *ibid.*: Taqīy al-Dīn Aḥmad Ibn Taymīyah, *al-Radd ‘alā al-Manṭiqīn*, vol 1 (1st edn, Mu’assasat al-Rayyān 2005) 276.

<sup>10</sup> al-Jawzīyah Ibn Qayyim, *Miftāḥ Dār al-Sa‘ādah wa-Manshūr Wilāyat al-‘Ilm wa-al-Irādah*, vol 1 (1st edn, Dār ‘Ālam al-Fawā'id 1432) 117.

being; otherwise, such a being becomes incomplete if either is missing. This instinct is what distinguishes man from other animals; through it, he learns, reasons, distinguishes, and chooses good over evil.

al-Muḥāsibī noted that this latter meaning is the true meaning of the *'aql*, and anything outside this original meaning, *'aql* is applied to those concepts metaphorically. According to al-Muḥāsibī, it is also a prerequisite for rational understanding and knowledge (and is the basis of religious obligation). If it is absent in a person, religious obligations are waived.<sup>11</sup>

The reason in this sense is the locus of religious obligation (*taklīf*), and its loss waives this obligation. That is why Ibn Taymīyah posits that the intellect is a prerequisite for acquiring knowledge and perfecting deeds; through it, knowledge is perfected.<sup>12</sup> However, it is not sufficient on its own; rather, it is an instinct and a power within the soul, akin to the power of sight in the eye. He concluded that if the light of faith and the Qur'an connect with it, it becomes like the light of the eye when it connects with the light of the sun and other light.<sup>13</sup>

Again, Abū Bakr Ibn Arabī and Ibn Rushd agreed that *'aql* means knowledge, which is a quality whereby the perception of science is achieved.<sup>14</sup> However, Ibn Rushd, the Arab philosopher, further argued that intellect does not operate at a single level of perception, classifying it as demonstrative (*burhānīyah*), logical (*manṭiqīyah*), and intellect or reason that responds to preaching and rhetorical arguments.<sup>15</sup>

al-Ghazālī views reason as the strongest proof for achieving firm faith in religious matters and a tool for dispelling doubts and conjectures, yet he does not deny that reason has limits beyond which it cannot go, because it is in its nature to be unable to know the truth about metaphysical matters.<sup>16</sup> In such cases, it must remain silent and defer knowledge to a higher source because there are matters hidden from reason in general. He noted that what reason falls short of

<sup>11</sup> al-Hārith ibn Asad al-Muḥāsibī, *al-'Aql wa-Fahm al-Qur'ān*, vol 1 (1st edn, Dār al-Fikr 1971) 201.

<sup>12</sup> Ibn Taymīyah, *Majmū' Fatāwā* (n 7) 338–339.

<sup>13</sup> Ibn Taymīyah, *Majmū' Fatāwā* (n 7).

<sup>14</sup> 'Abd al-'Āl Salām (n 1) 6.

<sup>15</sup> Abū al-Walīd Ibn Rushd, *Faṣl al-Maqāl Fīmā bayna al-Ḥikmah wa-al-Sharī'ah min al-Ittiṣāl* (3rd edn, Dār al-Ma'ārif 2002).

<sup>16</sup> Al-Ghazālī Abū Ḥāmid Muḥammad, *al-Maqṣad al-Asnā fī Sharḥ Ma'ānī Asmā' Allāh al-Ḥusnā* (1st edn, Maktabat al-Qur'ān 2003) 84.

understanding is divided into what some minds can comprehend, even if most cannot, and to that whose essence the mind cannot possibly comprehend at all (i.e., the Creator).<sup>17</sup>

Furthermore, *'aql* also means theoretical knowledge (*al-'ulūm al-naẓarīyah*), acquired by its possessor through reflection and inference, guiding them to do what benefits them and avoid what harms them. It is derived from experience and acquired through the intellect.<sup>18</sup> The seat of this knowledge is the heart, and the more a person experiences, the more their intellect grows due to the increase in their knowledge.

al-Māwardī pointed out in his book that acquired reason (*'aql muktasab*) is inseparable from innate intellect (*'aql ghazīrah*), as it is a product of it.<sup>19</sup> However, innate intellect can exist without acquired reason, leaving its possessor devoid of virtues and full of vices. Scholars use the term *'ilm* (knowledge) to refer to this aspect of the *'aql*. One who lacks this knowledge is called ignorant and foolish, yet they are not absolved of responsibility, for they comprehend what they have learned and do not let it slip away. Perception has levels, some stronger than others: first comes sensation, then understanding, then acquaintance, then knowledge, and finally reason (*'aql*).<sup>20</sup>

Additionally, acting according to knowledge is also included in the definition of reason; indeed, it is one of the most specific things included in praiseworthy reason.<sup>21</sup> Thus, among the actions necessitated by knowledge are belief in Allah Almighty, acceptance of His books and messengers, adherence to His commands, and abstention from what He has forbidden, such as restraining the self to acts of obedience and holding it back from acts of disobedience. Thus, action is a necessary consequence of reason, for if a person of reason does not act according to their knowledge, it is said that they have no reason.

Reason entails necessary, certain knowledge, the greatest of which, innate to human nature, is the acknowledgment of the Creator.<sup>22</sup> The situation of one who does not act according to their

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<sup>17</sup> Abū Hāmid Muḥammad, *al-Maqṣad al-Asnā fī Sharḥ Ma'ānī Asmā' Allāh al-Ḥusnā* (n 16).

<sup>18</sup> Abū al-Ḥasan al-Māwardī, *Adab al-Dunyā wa-al-Dīn* (1st edn, Dār al-Kutub al-'Ilmīyah 1978) 4.

<sup>19</sup> *ibid* 5.

<sup>20</sup> Ibn Qayyim (n 10) 125.

<sup>21</sup> Taqīy al-Dīn Aḥmad Ibn Taymīyah, *Dar' Ta'arūḍ al-'Aql wa-al-Naql*, vol 1 (2nd edn, Dār al-Kutub al-'Ilmīyah 1990) 88.

<sup>22</sup> Ibn Taymīyah, *Majmū' Fatawā* (n 7) 336.

knowledge is that of a person of reason who possesses innate, necessary knowledge by which they know their Lord Almighty but whose desires have prevented them from following the dictates of reason, rendering them, in this respect, devoid of reason. This is the state of the disbelievers whom God Almighty spoke of when He states: “And they will say, ‘If only we had been listening or reasoning, we would not be among the companions of the Blaze.’” (al-Mulk 67:10) In this sense, reason can also be called comprehension (*ma‘rifah*) and insight (*baṣīrah*).<sup>23</sup>

Lack of reason is not limited to a lack of faith because it also extends to the commission of sins. Whoever commits a sin has failed to comprehend the magnitude of God's majesty and awe, as well as the magnitude of His reward and punishment regarding the fulfillment of His obligations and the commission of sins. A rational person is one whose faith overcomes his desires and whose forbearance overcomes his ignorance; rational people vary in their level of reason in this sense. Ibn Taymīyah contended that reason, according to Muslims and the majority of rational people, is merely an attribute, subsisting in a rational being.<sup>24</sup> The Quran indicates this in the words of the Almighty: “...perhaps you will understand,” (al-Hadid 57:17) and similar expressions. This indicates that reason cannot be applied merely to knowledge that its possessor has not acted upon, nor to action without knowledge, rather, it is true that the term 'reason' encompasses both.

It becomes clear to us that the intellect is applied to all these four meanings combined: scientific, necessary, instinctive, acquired, and acting upon knowledge. Thus, the terminological meaning does not depart from the linguistic meaning, in the sense that the intellect is a quality that distinguishes man from other animals, because its possessor comprehends what he has learned, distinguishes between good and evil, and between truth and falsehood.

### 3.2 Legal Justification of ‘Aql in Islamic Legal Thought

Islam has accorded a high status to reason because the Quran addresses the human being as a distinct entity, distinguished from others by the possession of reason, which enables him to

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<sup>23</sup> al-Muḥāsibī (n 11) 218.

<sup>24</sup> Ibn Taymīyah, *Majmū‘ Fatawā* (n 7) 286–287.

differentiate between truth and falsehood, good and evil, right and wrong, and to recognize what is harmful and what is beneficial.

Consequently, the role of reason in understanding and interpreting these primary sources cannot be underrated. Citing instances in the primary sources, the Quran states that: “Then do they not reflect upon the Qur’ān? [1] If it had been from [any] other than Allāh, they would have found within it much contradiction.” (An-Nisa' 4:82)

Another verse says: “[We sent them] with clear proofs and written ordinances. And We revealed to you the message [i.e., the Qur’ān] that you may make clear to the people what was sent down to them and that they might give thought.” (An-Nahl 16:44)

Another verse says: “Then do they not reflect upon the Qur’ān, or are there locks upon [their] hearts?” (Muhammad 47:24)

To further buttress this point, it has been narrated on the authority of Abdullah, who said:

On the day he returned from the Battle of Ahzab, the Messenger of Allah (ﷺ) made for us an announcement that nobody would say his Zuhr prayer but in the quarters of Banu Quraiza. (Some) people, being afraid that the time for prayer would expire, said their prayers before reaching the street of Banu Quraiza. The others said: We will not say our prayer except where the Messenger of Allah (ﷺ) has ordered us to say it, even if the time expires. When he learned of the difference in the view of the two groups of the people, the Messenger of Allah (may peace be upon him) did not blame anyone from the two groups.” (No. 1770: Book 32, Hadith 83)<sup>25</sup>

Interestingly, this hadith indicates that there are two divergent interpretations of the prophetic instruction: a traditionalist or literalist approach and a rationalist or purpose-oriented approach to interpretation. The former approach took it upon itself to follow the Prophet's (pbuh) literal command, after which he predicted reaching Banū Quraiza at that time. On the other hand, the latter approach adopted the *maqāṣidī* approach, which is based on reason and the purpose of what the Prophet instructed, namely to pray at its allotted time if it's convenient. However, the vital aspect of the hadith is that the Prophet approved both actions without apportioning blame

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<sup>25</sup> Muslim Abū al-Ḥusayn, *Ṣaḥīḥ Muslim* (Bayt al-Afkār al-Dawlīyah 1997) 735.

to either party. This laid a firm foundation for a rationalistic approach and affirmed the undeniable role of reason in Sharia. This indispensability led to the evolution of Islamic legal thought and its adaptation to contemporary issues.

Similarly, Allah Almighty has made reason the basis for religious obligation and a condition for the establishment of proof against the individual. Thus, the Messenger (peace and blessings be upon him) said: “The pen has been lifted from three: From the sleeper until he wakes up, from the minor until he grows up, and from the insane until he comes back to his senses or recovers.” (No. 3432: Book 27, Hadith 44).<sup>26</sup> Reason here refers to that normative cognitive faculty in the human being, on the basis of which he bore the trust of vicegerency, and on the basis of which he was addressed by revelation to understand and apply it.

Moreover, Ibn al-Jawzī noted that the greatest blessing bestowed upon man is the intellect, because it is the instrument for knowing the Deity and the means by which one comes to believe in the messengers.<sup>27</sup> However, since it did not suffice for all that is required of the servant, messengers were sent and [scriptures] were revealed. According to Ibn al-Jawzī, the example of revelation is the sun, and the example of reason is the eye. If it is opened and is sound, it sees the sun. When the truthful words of the prophets were established in the mind through the evidence of miracles, it submitted to them and relied on them in matters that were exempted for them.<sup>28</sup>

Evidence of Islam's great concern for the intellect and its keenness to keep it sound so that it can perform the tasks assigned to it by Sharia is that it fought against and forbade anything that assaults the mind. It forbade intoxicants in all their forms and types, because they lead to the loss of the mind and the goals associated with it.<sup>29</sup> It also condemned blind imitation, fanaticism for an opinion, and following whims, because this leads to the nullification of the mind and its function, and deviates it from its purpose.<sup>30</sup>

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<sup>26</sup> al-Nasā'ī Abū 'Abd al-Raḥmān, *Sunan al-Nasā'ī* (1st edn, Maktabat al-Malik Fahd al-Waṭanīyah 2008) 463.

<sup>27</sup> Ibn al-Jawzī 'Abd al-Raḥmān, *Talbīs Iblīs* (1st edn, Dār al-Fikr 2001) 2.

<sup>28</sup> 'Abd al-Raḥmān (n 27).

<sup>29</sup> al-Ma'idah 5:90

<sup>30</sup> al-Baqarah 2:170-171

All of this confirms that the intellect is subordinate to revelation. They are compatible and do not conflict. The intellect is like sight, and revelation is like light. If there is no sight, light is of no use in seeing, and if there is no light, sight cannot perceive, even if it is extremely strong. Just as vision is achieved through the light of the sun, insight is achieved through the light of the intellect and the light of revelation. This does not mean restricting the intellect, rather, it has a role in all sciences, but within the scope defined by Sharia. This will be explained and detailed in the coming discussions.

### 3.3 Interaction between Reason and Revelation in Islamic Legal Thought

Islamic law has mandated the pursuit of knowledge, making it an obligation for every Muslim man and woman and not merely a human right. This distinguishes Islam's stance, as its teachings are founded on principles that call for liberating minds from illusions and superstitions. Thus, Sa'adatu and Elesin rightly describe the interaction between reason and revelation when analysing the purpose of *ijtihād*, stating that: "...the essential unity of the Sharī'ah lies in the degree of harmony that is achieved between revelation and reason, while 'ijtihād is the principal instrument of maintaining this harmony."<sup>31</sup> Therefore, three trends emerged regarding the interaction between revelation and reason:

The first trend: Its proponents assert that reason takes precedence over revelation, and that all knowledge is acquired through reason.

The second trend: Its proponents believe that absolute authority belongs to revelation, and reason has no role in what revealed sources have brought.

The third trend: A middle ground between the previous two. Its proponents attempted to resolve the perceived conflict, arguing that there is no contradiction between reason and revealed sources.<sup>32</sup>

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<sup>31</sup> Hassan Sa'adatu Liman and Elesin Abdulwahāb Muhammad Jāmi'u, *Basic Principles of Sharī'ah (Islamic Law)* (Ahmadu Bello University Press Limited 2019) 86.

<sup>32</sup> Al-Zaidi Amina Abdul-Salam, 'al-Ṣilah bayna al-'Aql wa-al-Shar' fī al-Fikr al-Islāmī "al-Imām al-Ghazālī Anmūdhan" [2017] Faculty of Arts Journal 257, 4 <<https://doi.org/10.36602/faj.2017.n09.08>>.

The tension in the relationship between rational inquiry and the revealed texts started long ago, but gained prevalence with the medieval Islamic thinkers such as al-Ghazālī and Ibn Rushd.<sup>33</sup> Researchers argue that al-Ghazālī's defence of orthodoxy and divine omnipotence is not a rejection of logic, but is instead built upon a sophisticated philosophical foundation that uses reason to define its own limits.<sup>34</sup> So, by contrasting al-Ghazālī with the rationalist *falāsifa* and modern interpretations of someone like Leo Strauss, one would still note al-Ghazālī's occasionalism and mysticism, providing a coherent framework for understanding human agency (grounded in logic but slightly superior to mere syllogistic reasoning due to mystical knowledge) and the role of law in a world governed by an unconstrained divine will.<sup>35</sup>

In al-Ghazālī's view, the sound method of knowledge is limited to combining the light of revelation and the light of reason, and not stopping at the apparent meaning of reason or the apparent meaning of revelation, or separating one from the other, or turning them into two opposing entities, since they are, in fact, inseparable, each in need of the other.<sup>36</sup> Therefore, it is natural to notice the interaction metamorphosing into the use of reason for interpreting sacred scripture and facilitating the development of legal doctrines of any kind of socio-cultural issues of their times.

This interplay is also noticed easily every time in the divergence of argument established in the notable schools of thought (*madhab*) within Sunnī and sometimes Shī'ah tradition. Divergence naturally happens among scholars at the point when reason and logic seek to prevail in an interpretational process, thereby placing heavy reliance on '*aql*' as a complementary source of authority to the Quran and Sunnah.<sup>37</sup> For example, the Mutazilites, who followed a theological path, promote a rationalist approach, arguing that reason allows jurists to deduce rules through systematic frameworks when explicit textual evidence is absent.<sup>38</sup> For this reason, they limited

<sup>33</sup> Al-Ghazālī Abū Hāmid Muḥammad, *al-Munqidh min al-Dalāl* (2nd edn, Dār al-Minhāj 2021) 87.: See also Ibn Rushd (n 15): See also Schacht Joseph and Bosworth Clifford, *Turāth al-Islām* (3rd edn, 'Ālam al-Ma'rifah 1978).

<sup>34</sup> Mohamad Ghossein, 'Reason and Revelation in Islamic Political Theology: The Epistemological Foundations of Al-Ghazālī's Theocracy' (Doctoral Thesis, University of Ottawa 2021) <<https://doi.org/10.20381/ruor-26351>>.

<sup>35</sup> *ibid*.

<sup>36</sup> Amina Abdul-Salam (n 32).

<sup>37</sup> Mawil Izzi Dien, *Islamic Law: From Historical Foundations to Contemporary Practice* (Edinburgh University Press 2022) <<https://doi.org/10.1515/9781474469494>>.

<sup>38</sup> al-Dhīb Najāt bint Mūsā, 'al-'Aql: Makānatuhu wa-Dilālatuhu al-Shar'iyah 'alā al-Uṣūl al-I'tiqādīyah' (Markaz Buḥūth Kullīyat al-Tarbiyah) Academic 20.

transmitted evidence to the realm of auditory matters (*al-sam'iyāt*) and forbade rational matters (*al-'aqlīyāt*) from being known through transmission. The reason for this was their view of them as auditory evidence, the significance of which depends on knowing the truthfulness of the one who conveys it. Among their statements testifying to this is the argument of al-Qāḍī 'Abd al-Jabbār al-Mu'tazilī. He noted that evidence is either rational with the combination of its premises (*'aqlī*), or transmitted with the combination of its premises (*naqlī*). The first is rational, and the second is inconceivable; if the informant is truthful, it is indispensable, and it is not established except by reason.<sup>39</sup>

As for the philosophers, they are those who love and prefer wisdom. In the custom of many people, this name has come to be restricted to those who have departed from the religions of the prophets and follow only what reason dictates, according to their claims. Some philosophies believe that religious laws are binding on the common people, not the elite. When a man becomes one of their knowers, verifiers, and monotheists, they lift the obligations from him and permit him the forbidden things.<sup>40</sup>

That is why they say that the Messenger (pbuh) addressed people with what suits them and benefits them in their livelihood, such as the belief in the oneness of Lordship, resurrection, recompense, and other fundamentals of belief, without himself believing or knowing the truth of what he brought them, rather, he imagined it for them and deluded them with it.<sup>41</sup> They believe that this is a form of lying for the sake of the public interest, which is desirable and praiseworthy. Therefore, they believe that it is not correct to rely on the reports of the prophets. This is the reason why they do not pay attention to the interpretation of the Qur'an and Hadith, and if they do engage in it, it is out of necessity. They exaggerated the role of reason and delved into it, relying on what they had taken from Greek philosophy. They transferred the Greek definitions and classifications of reason into Islamic sciences, and they differed on the classification of minds, their number, and the function of each mind.<sup>42</sup>

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<sup>39</sup> al-Ījī Aḥmad, *al-Mawāqif fī 'Ilm al-Kalām*, vol 1 (1st edn, 'Ālam al-Kutub 2012) 28.

<sup>40</sup> Najāt bint Mūsá (n 38) 23.

<sup>41</sup> Najāt bint Mūsá (n 38).

<sup>42</sup> *ibid.*

On the other hand, some traditionalists (including Ahl al-Ḥadīth, al-Zāhirī, and some adherents of the Ḥanbalī schools) are apprehensive regarding the use of reason to interpret law due to the potential for human error to supersede divine authority.<sup>43</sup> Rather, reason must accompany revelation to understand its validity and the meaning it conveys, which can only be achieved through reason. The apprehension of traditionalists was not about rejecting reason completely. It was about not letting human reason create new rulings when there is no clear text.<sup>44</sup> For example, using the *qiyās* approach, *khamr* is *ḥarām* because it intoxicates, and so is any drink that intoxicates. However, some traditionalist scholars stop at the *naṣṣ* and argue that the hadith specifically mention *khamr min al-‘inab* (i.e., wine from grapes), and therefore we only have a text prohibiting wine, and we do not extend it by *qiyās* to other drinks unless there is a text. To them, other fermented drinks like nabīdh can be at best *makrūh* unless it reaches the level of intoxication and there’s a specific report.<sup>45</sup> They feared expanding the prohibition beyond what the Prophet (pbuh) explicitly proscribes because reason can only be used to understand the text, not to create new rulings beyond it. Therefore, the principles to be proven or inferred by reason must be established by the Qur'an and Sunnah, and their rational evidence must also be derived from revealed texts.

Moreover, Ibn Taymīyah firmly rejects the idea that reason (*‘aql*) can hold any superiority over revelation.<sup>46</sup> He explained the clear dominance of revelation and asserts the essential belief in both the Qur'an and Sunnah. He contends that reason is fundamentally reliant on revelatory knowledge, whether it aligns with or opposes it. His argument centres around the principle that the Prophet Muhammad never conveys or teaches anything that is untrue.<sup>47</sup> Also, Imam Abū al-Ḥasan al-Ash‘arī noted that once the Prophet’s truthfulness is established through the verses, the validity of everything he reported is known. The evidence derived from his reports (pbuh) is clearer than the evidence derived from reason upon which philosophers relied, including the al-Qadārīyah who followed them, and innovators who deviated from the Messengers (pbuh).<sup>48</sup>

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<sup>43</sup> Izzi Dien (n 37).

<sup>44</sup> al-Jawziyah Ibn Qayyim, *I‘lām al-Muwaqqi‘īn ‘an Rabb al-‘Ālamīn*, vol 1 (2nd edn, Dār Ibn Ḥazm 2019) 347.

<sup>45</sup> Ibn Qayyim (n 44): al-Turky ‘Abd Allāh Ibn ‘Abd al-Muḥsin (ed.) and al-Ḥulwī ‘Abd al-Fattāḥ Muḥammad, *Al-Mughnī li-Ibn Qudāmah Abū Muḥammad*, vol 11 (3rd edn, Dār ‘Ālam al-Kutub 2010) 509.

<sup>46</sup> Ibn Taymīyah, *Dar’ Ta‘ārūḍ al-‘Aql wa-al-Naql* (n 21) 296.

<sup>47</sup> Ibn Taymīyah, *Dar’ Ta‘ārūḍ al-‘Aql wa-al-Naql* (n 21).

<sup>48</sup> Najāt bint Mūsá (n 38) 14.

In this regard, Imam Ibn al-Wazīr al-Yamānī described the traditionalist approach that their book is the Qur'an and their interpretation is the Hadith and the traditions of the early Muslims. They hardly have any books on creed. If one is found, it is merely a recommendation to refer back to the Qur'an and Sunnah.<sup>49</sup> He noted that by referring back to them, they do not mean to deny rational inquiry or to abandon reason and inference altogether. They only reject two things regarding rational inquiry:

First: The claim that rational inquiry into what Allah has commanded us to reflect upon, and which was the practice of the early Muslims, and does not yield knowledge unless it follows the methods innovated by the theologians. In their view, it is sufficient and satisfying, even if it differs from the methods of the theologians.

Second: They reject the claim that the methods of logicians and theologians are the only way to knowledge, and that those who do not know them are ignorant or disbelievers.

This is to buttress a historical dialectic between *'aql* and *wahy*, which has been shaping Islamic jurisprudence and delineating the boundaries of permissible interpretation.<sup>50</sup>

This phenomenon did not stop in the past but finds its way into the contemporary context, whereby the challenges facing the role of reason in Islamic law remain those of the literalist interpretation, resisting rationalist approaches. This has resulted in controversies bordering on the legitimacy and applicability of reasoning in modern Islamic jurisprudence. Moreover, traditional methods found in the classical frameworks cannot adequately address issues like human rights, gender equality, and bioethics without appealing to a new form of rational interpretation.

### **3.4 Influence of Traditionalism on the Role of 'Aql in Contemporary Islamic Legal Thought**

It is important to generally note that this paper is not about the argument on whether *'aql* is necessarily related to revelation or not. The most reliable argument has shown that neither can be separated, as argued by the majority of traditionalist scholars. However, this research

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<sup>49</sup> Muḥammad ibn al-Wazīr al-Yamānī, *al-'Awāṣim wa al-Qawāṣim fī al-dhabb 'an Sunnat abī al-Qāsim*, vol 3 (2nd edn, Mu'assasat al-Risālah 1992) 333–334.

<sup>50</sup> al-Yamānī (n 49).

focuses on the practicality of this moderate position about the inseparability of reason and revelation in real-life contemporary issues. In the contemporary period, the emergence of unprecedented pressures from science, human rights, nation-state codification, and fintech-related issues would ordinarily expand the scope for the application of reason (*'aql*) in Islamic law. However, in practice, the role of *'aql* is not only subservient to textual authority but also curtailed by traditionalism influence. While classical and reformist literature on *'aql* is extensive, there is a gap in systematically examining how traditionalism actively shapes the application of *'aql* in contemporary Islamic legal thought. This subheading will describe some contemporary issues, the need for active reasoning, and the influence of traditionalism on the role of *'aql* in contemporary legal thought.

### 3.5 Contemporary Issues and the Role of Reason

One of the modern challenges identified is the problem introduced to Islamic jurisprudence by the colonial encounter and the ensuing socio-political transformation. This led to perpetual re-evaluation of Islamic legal principles due to the perpetual struggle for identity amidst modern legal systems.<sup>51</sup> Scholars argue that colonialism acted as a catalyst for a profound identity crisis by imposing a framework of modernity characterized by “progress,” “power,” “science,” and “reason” upon traditional Muslim societies.<sup>52</sup> This meeting point created a strong link between Western positive law and Islamic jurisprudence, which basically complicated the role of *'aql* (reason) and *ijtihād* in legal issues.

The introduction of Western legal frameworks by colonial powers (such as the British in India and Egypt, the French in North Africa, and the Dutch in Indonesia) challenged the well-established authority of Sharia.<sup>53</sup> This led to a conflict of source and authority in the sense that it forced a debate over whether traditional institutions like the *Shūrā* (consultation) could be replaced by Western democratic institutions. Another instance is the administrative

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<sup>51</sup> Wetenschappelijke Raad Voor Het Reg and Nasr Abû Zayd, *Reformation of Islamic Thought: A Critical Historical Analysis* (Amsterdam University Press 2006) <<https://doi.org/10.5117/9789053568286>> accessed 7 February 2026.

<sup>52</sup> *ibid.*

<sup>53</sup> *ibid.*

displacement in Egypt, whereby the modern courts were created, and the adoption of legal codes based on European models led to the marginalization of traditional Sharia judges.<sup>54</sup>

Similarly, *fiqh* has become increasingly complex due to globalization and transnationalism because *fiqh* is all about human attempts at translating Sharia into concrete norms and rules.<sup>55</sup> After all, in Islamic legal theory, *fiqh* is the product of human reasoning (*'aql*) applied to divine revelation, but this process is now facing challenges of contextualisation (for instance, contextualising *fiqh* in new technologies, science, and secular environments). The rise of globalization has shifted Islamic legal narratives away from a single “central core”. Instead, these narratives are increasingly shaped by nation-states, demographics, and diasporic communities.<sup>56</sup> This has led to the emergence of localized expressions such as “American, European, British, Asian, and Arab Islam,” each of which requires the application of human reasoning (*'aql*) to interpret Sharia within vastly different cultural and legal frameworks. Transnational movements have not been left behind because they have added layers of complexity by creating a tension between territorial nation-states and globalized religious identities.<sup>57</sup> There is no doubt that the interconnected world has moved the exercise of Islamic legal reasoning from a localized scholarly tradition into a broken and connected space where it controls the competing demands of state codification, different cultural identities, and extremist transnational ideologies. To the reformists, there should be a reassessment of cultural norms and societal values through the application of reason, in light of contemporary ethical theories. So, it is not sustainable to still be short-changing the application of *'aql* at this point of multicultural and legal realities.

Moreover, Islamic feminism's growth, how digital religious discussions affect patriarchal standards, and how cultures negotiate mourning show how reason can deal with gender, justice, and human rights within Islamic law.<sup>58</sup> Thinkers such as Fatma Mernissi, Khaled Abou El Fadl, Amina Wadud, and Asma Barlas keep pushing these logical narratives and an Islamic feminist

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<sup>54</sup> *ibid.*

<sup>55</sup> Akbar Faizan, ‘Islamic State as a Legal Order: To Have No Law but Islam, Between Shari’a and Globalisation’ (2023) 19 Manchester Journal of Transnational Islamic Law and Practice 331.

<sup>56</sup> *ibid.*

<sup>57</sup> *ibid.*

<sup>58</sup> Moussa Mohammed, ‘Gendering a Critical Islamic Idiom’ (2021) 56 Orient 47 <<https://doi.org/10.5356/orient.56.47>>.

framework for interpretations that challenge patriarchal traditions and ask for the inclusion of those often left out.<sup>59</sup> This paper agrees with Moussa in the sense that the emergence of ‘third-gender identities,’ and the impact of ‘postcolonial politics’ on women's status have drastically changed the default setting of what women used to be.<sup>60</sup> So, Islamic law will also have to rise to the contextual and social activism challenges by bridging the gap between religious authenticity and universal human rights. Thus, in the era of Human rights movements, it is no longer sustainable to argue that only God has rights, and humans have only duties; in this view, human-designed concepts like universal human rights are seen as a “collection of corrupt norms” that conflict with God's will.<sup>61</sup>

When there is a proposal to reform Islamic law for the modern world, a look into the progressive *ijtihad* of people like Abdullah Aḥmad al-Na‘īm is worthy of note. People like al-Na‘īm are trying to solve the controversial puzzle of how to take a sacred legal tradition and make it work with today’s values, such as universal human rights, modern governance, and so on.<sup>62</sup> Al-Na‘īm tries to preserve his teacher’s legacy, which is based on ‘*naskh* theory’, to argue that the Quran has two distinctive messages informing reform (i.e., by breaking down the import of revelation phases; Makkan and Madinan messages). To him, a reversing abrogation is needed for reform in the sense that Makkan messages should be prioritised over Madinan messages for modern reform, because, unlike specific-oriented Madinan messages, they contain more universal principles that address all mankind in terms of allowing total freedom of religion and equality for everyone.<sup>63</sup>

Similarly, it is also important to note that ‘*aql*’ within the context of Islamic philosophy and education can adapt to unprecedented socio-legal dilemmas. This is due to its achievement in balancing growth in a changing environment through Islamic education that concentrates on

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<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*

<sup>61</sup> Wetenschappelijke Raad Voor Het Reg and Zayd (n 51).

<sup>62</sup> Ahmad Rosyadi and Adang Djumhur Salikin, ‘An Analysis of the Ijtihad and Thought of Abdullah Ahmed An-Na‘īm’ (2025) 2 Multidiscience: Journal of Multidisciplinary Science 1 <<https://journals.stratapersada.com/index.php/multidiscience/article/view/215>> accessed 1 February 2026.

<sup>63</sup> *ibid.*

training rational self-intelligence alongside the human soul, feelings, and bodily senses.<sup>64</sup> *'Aql* tries to meet societal needs and promote positive change through equitable distribution of benefits and social solidarity.<sup>65</sup> *'Aql* equally allows the Islamic generation to account for digital transformation by integrating technology with tradition, developing digital literacy, and responding to fashions and trends.<sup>66</sup>

It also allows an account for the perpetual need to reconcile international law and humanitarian standards with Islamic law principles in terms of things like war crimes and genocide going on in the world. Some researchers, in this regard, discuss the prosecution of war crimes and crimes against humanity in a critical, rational way that promotes integration of traditional Sharia principles with contemporary standards.<sup>67</sup> They believe that foundational principles in the Quran and hadith can address modern governance, social justice, and ethical conduct of state affairs. Al-Dafrawi and Yahya also followed the same trend of integration, and did so by introducing the concept of *maṣlaḥah*, or public interest, which reinforces the rule of distinction in international humanitarian law and mandates the protection of human life and vital infrastructure in conflict.<sup>68</sup>

Another important area of inquiry showcasing the undeniable role of *'aql* and its utility is the impact of technology and artificial intelligence, specifically on Islamic law. There is an urgent need to integrate these drastic advancements with the Islamic traditional framework on the ground. It is undeniable that rational effort is needed due to the drastic evolution of technology, which has raised several challenges and opportunities for the application of Islamic legal principles. Getman and others explore how artificial intelligence is changing the legal parlance, looking at automated decision-making and research. They study how countries such as the United States, Canada, and the United Kingdom use Artificial Intelligence to make courts run

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<sup>64</sup> Amat Suroso and others, 'Challenges and Opportunities towards Islamic Cultured Generation: Socio-Cultural Analysis' (2021) 5 Linguistics and Culture Review 180 <<https://doi.org/10.21744/lingcure.v5n1.1203>> accessed 10 February 2026.

<sup>65</sup> *ibid.*

<sup>66</sup> *ibid.*

<sup>67</sup> Ahmad Nehaluddin, Rahim Faizah and Ariffin Danish Iqbal, 'Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law' (2024) 20 Manchester Journal of Transnational Islamic Law & Practice 216.

<sup>68</sup> Al-Dafrawi Ahmad Saad Ahmad and Yahya Muhammad Tahir, 'Reconciling Maṣlaḥah and the Rule of Distinction in the Yemen Conflict' (2025) 7 Prophetic Law Review 199 <<https://doi.org/10.20885/PLR.vol7.iss2.art3>>.

better, forecast what might happen in cases, and handle large amounts of data.<sup>69</sup> So, the point is, how ready are Muslim scholars to handle the ethical problems that come up with this algorithmic bias, data privacy, and the obscurity surrounding neural networks?

This kind of issue is discussed by Kausar and co-authors when examining the interaction of Islamic law and the rise of Artificial Intelligence within the modern global village.<sup>70</sup> They also argue for an Islamic ethical framework to balance the current dominance of Western philosophical theories in Artificial Intelligence development. They believe that some of the mentioned challenges, such as algorithmic bias, data privacy, and human autonomy, can only be managed with a commitment to *'aql*.<sup>71</sup> It serves as an important tool for fruitful engagement with these technologies and also maintains a balance between reliance on technology. This necessitates the inherent need for human judgment built on ethical considerations aligned with Islamic principles. Moreover, there are also instances in the economic sector where AI-driven Islamic Fintech streamlines banking through Shariah-compliant tools that eliminate prohibited interests and improve social welfare through digital zakat distribution.<sup>72</sup> However, due to how these technologies influence religious, social, and economic life in Muslim-majority countries, Hemmet stated an important point that while AI can assist in scholarly analysis, it cannot replace human reasoning or the deep wisdom of Islamic jurists.<sup>73</sup>

Therefore, the interaction between reason and Islamic Jurisprudence cannot be overemphasized, especially after analysing the rich connections that underscore the importance of human intellect in legal reasoning. One can safely conclude that reliance on reason (*'aql*) can always yield innovative interpretations that reflect contemporary realities after looking at

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<sup>69</sup> Getman Anatolii and others, 'The Impact of Artificial Intelligence on Legal Decision-Making' (2023) 9 International Comparative Jurisprudence 155 <<https://doi.org/10.13165/j.icj.2023.12.001>> accessed 16 February 2026.

<sup>70</sup> Kausar Shabana, Leghari Ali Raza and Soomro Abdul Salam, 'Analysis of the Islamic Law and Its Compatibility with Artificial Intelligence as an Emerging Challenge of the Modern World' (2024) 5 Annals of Human and Social Sciences 94 <[https://doi.org/10.35484/ahss.2024\(5-I\)10](https://doi.org/10.35484/ahss.2024(5-I)10)> accessed 16 February 2026.

<sup>71</sup> *ibid*.

<sup>72</sup> Abdullah Hemmet, 'Harmonizing Artificial Intelligence with Islamic Values: A Thoughtful Analysis of Religious, Social, and Economic Impacts of Technological Advancements' (2023) 2 American Journal of Smart Technology and Solutions 65 <<https://doi.org/10.54536/ajsts.v2i2.2239>> accessed 16 February 2026.

<sup>73</sup> *ibid*.

the scholarly works of people like al-Ghazālī and other scholars, who believed in the impossible separation of revelation from reason and vice versa.

### 3.6 Traditionalism and its Mechanisms of Influence on the Role of Reason

There are strict methodological positions upheld by contemporary traditionalism which look like recognising the complementary role of reason in Islamic legal thought, but are not in the real sense. Traditionalism influences the role of *‘aql* through three key mechanisms:

First is the restrictive interpretation of *Qiyās*: In classical Islamic jurisprudence, it is agreed that *qiyās* is a primary rational tool for extending new cases based on comprehending the cause (*‘illah*) binding the new case (*far‘*) with the old (*aṣl*).<sup>74</sup> However, some traditionalist scholars often limit valid *qiyās* to cases where the *‘illah* is explicitly stated in the *naṣṣ* or established by *ijmā‘*. They are known as anti-*qiyās* because they treat *qiyās* with suspicion when the *‘illah* is originally formed by rational thought or juristic speculation.<sup>75</sup>

Traditionalists, in this case, are mostly represented by the Ahl al-Ḥadīth and literalist schools like the Zāhirī school. In fact, most Zāhirī scholars rejected the concepts of *qiyās* (analogy) and *ra’y* (independent opinion), arguing that the texts are self-explanatory and all-encompassing without the need for human reasoning. Also, Ahl al-Ḥadīth and some strict adherents of the Ḥanbalī school may not be as blunt as the Zāhirī, but are always reluctant to accept rational analogy (*qiyās ‘aqlī*) except when it is used as a tool to uncover the cause (*‘illah*) in the scripture but not as an independent source of law.<sup>76</sup>

For example, while some reformist scholars employed *qiyās* to classify digital currency as *thaman* based on its function as a medium of exchange, some traditionalist scholars and bodies of *iftā‘* rejected such analogy.<sup>77</sup> One of the justifications cited was the absence of a textual basis

<sup>74</sup> Al-Ghazālī Abū Ḥāmid Muḥammad, *Al-Mustasfā min ‘Ilm al-Uṣūl*, vol 2 (2nd edn, Dār al-Kutub al-‘Ilmiyyah 1993).: Fakhr al-Dīn Muḥammad al-Rāzī, *al-Maḥṣūl fī Uṣūl al-Fiqh*, vol 5 (3rd edn, Mu’assasat al-Risālah 1997) 5.

<sup>75</sup> Sa’adatu Liman and Jāmi’u (n 31) 97.: See also ‘Abd al-Malik ibn Muḥammad al-Juwaynī, *al-Burhān fī Uṣūl al-Fiqh*, vol 2 (1st edn, Dār al-Kutub al-‘Ilmiyyah 1997) 791.: Abū Ḥāmid Muḥammad, *Al-Mustasfā min ‘Ilm al-Uṣūl* (n 74) 140.

<sup>76</sup> al-Juwaynī (n 75).: Abū Ḥāmid Muḥammad, *Al-Mustasfā min ‘Ilm al-Uṣūl* (n 74).

<sup>77</sup> Andika Prawira Buana and others, ‘Polarisation of Islamic Scholars on the Legality of Cryptocurrency Usage as Currency’ (2024) 17 Arena Hukum 448 <<https://doi.org/10.21776/ub.arenahukum2024.01702.12>> accessed 14 July 2026.

for the *'illah* of currency. Consequently, *'aql* is denied the capacity to independently identify operative causes and extend the law to new financial instruments with functional utility, confining it instead to applying established analogies. Even though scholars like al-Ghazālī permitted *ijtihād* so far as the *'illah* is identified, scholars like Ibn Taymīyah and Ibn 'Uthaymīn rejected it based on a further condition that such independent reasoning must be supported by textual evidence.<sup>78</sup>

This shows the reluctance to recognise reason as a source in jurisprudence, as they often restrict it to a limited aspect of analogy (*qiyās*) and nothing more. In this regard, Ibn Qudāmah noted how a group from Ahl al-Zāhir and Ahl al-Ḥadīth rejected *qiyās*, arguing that it is not permissible to establish rulings through *qiyās*.<sup>79</sup> Rather, rulings are only established by *naṣṣ* and *ijmā'*. They also argued that the Sharia came commanding us to adhere to the *naṣṣ*, so it is not permissible to turn away from it to personal opinion. They even cited evidence that the Ṣaḥābah differed among themselves, and if *qiyās* were a proof, they would not have differed.<sup>80</sup>

Secondly, some traditionalist also curtails the use of *maṣlaḥah* and *maqāṣid*-based reasoning. Classical scholars like al-Shāṭibī placed *maqāṣid* at the center of legal philosophy and accepted *maṣlaḥah mursalah* as a valid basis for legislation in the absence of *naṣṣ*.<sup>81</sup> In contrast, some traditionalist methodology requires that any consideration of public interest must be *mu'tabarah*, that is, supported by specific textual evidence. Scholars like Ibn Taymīyah and Ibn Qudāmah accept an unrestricted *maṣlaḥah* merely in principle but make it restrictive and contingent on textual support for subjective legislation.<sup>82</sup> This mechanism is visible in the discourse on brain death and organ transplantation. Those in favour of donation use the *maqṣad* of *ḥifẓ al-naḥs* in permitting the procedure even though there is no direct *naṣṣ*. Other scholars, however, did not approve because there is no explicit textual support, and no broad consensus

<sup>78</sup> Al-Ghazālī Abū Ḥāmid Muḥammad, *Asās al-Qiyās* (Maktabat al-'Ubaykān 1993) 43.: Ibn Taymīyah, *Majmū' Fatāwā* (n 7).: Ibn 'Uthaymīn Muḥammad Ṣāliḥ, *Sharḥ al-Uṣūl min 'ilm al-Uṣūl* (12th edn, Maktabat al-Malik Fahd al-Waṭanīyah 1444) 83.

<sup>79</sup> Aḥmad Ibn Qudāmah, *Rawḍat al-Nāẓir wa-Junnat al-Munāẓir fī Uṣūl al-Fiqh*, vol 2 (9th edn, Sharikat Ithra' al-Mutūn 2022) 89–92.

<sup>80</sup> Ibn Qudāmah (n 79).

<sup>81</sup> al-Shāṭibī Ibrāhīm Mūsā, *al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, vol 3 (1st edn, Dār al-Kutub al-'Ilmīyah 2004) 37.

<sup>82</sup> Ibn Taymīyah, *Majmū' Fatāwā* (n 7) 342–346.: Ibn Qudāmah (n 79) 195–198.

could be established.<sup>83</sup> By subordinating *maqāṣid* to literalism, this approach reduces ‘*aql*’ from a tool of legislation to a tool of textual explanation.

In this regard, scholars like al-Ghazālī and al-Shāṭibī navigated the transition from strict analogical deduction toward more utilitarian frameworks.<sup>84</sup> They place much reliance on ‘*aql*’ in deducing the rationale (*ma‘ānī*) behind specific legal rulings. They often connect legal reasoning to societal welfare by integrating *maqāṣid al-Sharī‘ah* (the objectives of Islamic law) with the practice of *ijtihād* (independent legal reasoning).<sup>85</sup> This creates an avenue to establish a unified model for legal interpretation that balances historical tradition with the foundational goals of the faith. So, a broader philosophical outlook is always created when these scholars synthesize ‘*aql*’ (which accommodates human intellect) and textual authority.

Thirdly, traditionalism prioritizes *sadd al-dharā‘i‘* and adherence to precedent over contextual *ijtihād*. Faced with new challenges, some default traditionalist response is often to block the means to potential harm and to follow earlier fatwas rather than engage in fresh rational analysis.<sup>86</sup> This was apparent in the controversy over *tawarruq* in Islamic finance. While some councils approved it based on contextual need and *maṣlaḥah*, some traditionalist scholars rejected it as a legal stratagem (*ḥīlah*) that contradicted the spirit of earlier rulings.<sup>87</sup> Thus, precedent and caution replace ‘*aql*’ as the primary guide for legal decision-making.

According to Mahmood Zuhdi, there are examples of how Islamic thinkers caused backwardness and the fall of Islamic civilization as a result of the *taqlīd* symptoms that happened after Islamic thought had reached its pinnacle of glory. The symptom of *taqlīd* has

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<sup>83</sup> Hassan Chamsi-Pasha and Mohammed Ali Albar, ‘Do Not Resuscitate, Brain Death, and Organ Transplantation: Islamic Perspective’ (2017) 7 *Avicenna Journal of Medicine* 35 <<https://doi.org/10.4103/2231-0770.203608>>.

<sup>84</sup> Ishfaq Amin Parrey, ‘The Interplay of Ijtihād and Maqāṣid Al-Sharī‘ah in Pre-Modern Legal Thought: Examining the Contributions of al-Ghazālī and al-Shāṭibī’ (2024) 47 *Hamdard Islamicus* 37 <<https://doi.org/10.57144/hi.v47i2.894>> accessed 1 February 2026.

<sup>85</sup> *ibid.*: Ibrāhīm Mūsā (n 81) 9.; Abū Ḥāmid Muḥammad, *Al-Mustaṣfā min ‘Ilm al-Uṣūl* (n 74) 286.

<sup>86</sup> Sayed Majhab Hasan Amiri, ‘The Role of Ijtihad in Addressing Modern Islamic Issues’ (2025) 11 <<https://doi.org/10.2139/ssrn.5778623>>.

<sup>87</sup> Traditionalists still prefer adopting Ibn Qayyim's rule of over 700 years ago, regardless of the new features of modern *tawarruq* that classical ones did not have. See Ibn Qayyim (n 44) 157.

led some Islamic scholars to cease innovative thinking. Instead, they tend to depend on previous ideas, believing that past thoughts were flawless and do not need updating.<sup>88</sup>

Consequently, Islamic scholarship has lost its vibrancy and has become disconnected from reality. This disconnect arises because, while the underlying framework is grounded in divine revelation, the human perspectives and contexts within it have become outdated and do not accurately reflect the present time and situation.<sup>89</sup> As a result, some scholars have become excessively loyal to their own schools of thought and perceive other schools as incorrect. This has led to intense conflicts between these schools of thought, as each presents its own set of arguments.<sup>90</sup>

The hardline traditionalists will have to stop a direct or indirect stifling of the dynamic interaction between *ijtihad* and reason, and always promote strict adherence to established precedent (*taqlīd*). Strict adherence to *taqlīd* and textual literalism restricts an innovative approach to legal studies because it narrows the scope and practical appeal suitable for resolving modern challenges.<sup>91</sup> Reason should be seen as a complementary mechanism in the process, rather than adversarial. On this premise, if we want to deal with modern demands, reforming Islamic principles this way can be very helpful.<sup>92</sup> According to Muhammad Nur, even though Sharia is seen as unchanging, constantly pushing for *ijtihād*, or dynamic interpretation, is needed to keep religious teachings relevant as technology and society change.<sup>93</sup> The author points out how morality and ethics are key to religious moderation, guiding us through problems that arise between traditional authority and current global values.

The reformists, on the other hand, are always of the view that a more dynamic role of '*aql*' should be adopted, especially when it comes to applying Islamic law to contemporary realities.

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<sup>88</sup> Haji Abd Majid Mahmood Zuhdi, 'Rejuvenating Islamic Thought' *Rejuvenating Islamic Thought and Civilisation* (1st edn, IIUM Press Gombak 2018) 9.

<sup>89</sup> Mahmood Zuhdi (n 88).

<sup>90</sup> *ibid.*

<sup>91</sup> Muhammad 'Abduh, *Risālat al-Tawhīd* (1st edn, Dār al-Shurūq 1994) 40.; Habib Widi Firdausi, 'Muhammad Abduh's Perspective on Taqlid' (2025) 3 *As-Salam: Journal of Islamic Social Sciences and Humanities* 12, 17 <<https://doi.org/10.66867>>.

<sup>92</sup> Faisal Muhammad Nur, 'Modern Challenges in Islamic Practice: The Role of Morality and Ethics' (2024) 4 *Abrahamic Religions: Jurnal Studi Agama-Agama* 98 <<https://doi.org/10.22373/arj.v4i1.23661>> accessed 16 February 2026.

<sup>93</sup> *ibid.*

In fact, there is this valuable argument canvassed by the ‘Jusiticia School’ which focuses on the Islamic Sufi approach to the philosophy of law.<sup>94</sup> This school argues that human reason and deliberation are fundamental to maintaining the relevance and ethical integrity of Islamic jurisprudence.<sup>95</sup> The argument for the essential role of reason includes legislation through deliberation, which often implies that the development of laws is not a static process but one that requires active intellectual engagement and reasoning. Secondly, in the aspects of social contract and social actions, law-making is considered obtainable based on the social contract in the areas permitted (*mubāḥ*), recommended (*mandūb*), and disliked (*makrūh*). Social conditions evolve, and new legislation must be crafted through human effort to address these changes, especially when law-making in the area of obligatory social actions is necessary. Thirdly, there must be an adaptation of duty to genesis and nature, which is crucial for distinguishing between legal and illegal domains, implying that jurisprudence must be grounded in an understanding of the natural world and human reality (an understanding achieved through reason).<sup>96</sup> So, for Sharia to assume its rightful space, there has to be such a ‘logical transformation’ opened to adapt and be inclusive of socio-cultural changes.

#### 4.0 FINDINGS

The study reveals the following:

- a. The role of reason (*‘aql*) in Islamic legal thought cannot be overemphasised because it complements divine revelation, making both inseparable and intertwined. Just as vision is achieved through the light of the sun, scholars argued that insight can only be achieved through the interconnected lights of both reason and revelation.
- b. The pressing demands of contemporary issues in fintech, technology, Islamic feminism's growth, artificial intelligence, and human rights have demonstrated the need for expanding the scope of reason and its application in Islamic legal thought.

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<sup>94</sup> The relationship between the "Justicia" School and Islamic law is characterized by a deep alignment between philosophical inquiry and religious principles, specifically through the lens of Sufism and theosophy. The concept of "Justicia" is in full agreement with Islamic law and serves as a framework for investigating the first causes of right, law, and legislation. See Bidabad Bijan, ‘Philosophy of Law: An Islamic Sufi Approach’ (2018) 60 International Journal of Law and Management 1179 –1195.

<sup>95</sup> *ibid.*

<sup>96</sup> *ibid.*

- c. The interaction between reason and traditional jurisprudence demonstrates the possibility of yielding innovative interpretations that reflect contemporary realities. However, the continued influence of traditionalist methodology, which emphasizes *taqlīd*, textual literalism, and suspicion of independent rationalism, reduces its complementary functionality to merely understanding *naṣṣ*, applying settled *qiyas*, and blocking harm.
- d. An advanced application of mechanisms such as *qiyās*, *ijtihād*, and *maṣlaḥah* will not only empower the methodology of reason but also balance traditional values with modernity, innovative and context-aware interpretations when facing new challenges.

## 5.0 CONCLUSION AND RECOMMENDATIONS

The role of reason (*‘aql*) in Islamic legal philosophy is very important because it serves as a basic tool through which Islamic jurists interpret the Quran and Hadith. This tool connects divine instruction with the complexities of human experience, especially when the development of jurisprudential methods is needed. However, traditionalism continues to define the boundaries of *‘aql* in contemporary *fiqh*. While this preserves methodological discipline, it risks constraining the Sharia’s responsiveness. Various scholarly views and interventions have shown the possibility of a balanced framework that retains traditionalist controls but allows disciplined *maqāṣid*-based *ijtihād* to address new challenges without departing from *naṣṣ*.

The paper recommends the following:

1. A critical re-evaluation within traditionalist circles to distinguish between essential methodological controls and rigid literalism.
2. The development of an effective and sophisticated framework for applying *maqāṣid*-based reasoning that remains grounded in *naṣṣ* but allows for broader engagement with new challenges.
3. Greater academic engagement between traditionalist and *maqāṣid*-oriented scholars to ensure methodological continuity without stifling necessary *ijtihād*.