

NOTES

INTRODUCTION

1. Shams al-Dīn ibn al-Qayyim, *I'lām al-Muwaqqi'im*, ed. Taha Abdul Rauf Saad (Beirut: Dar al-Jil, 1973), vol. 3, p. 3.
2. Based on: CIA, *The World Factbook*; available from <http://www.cia.gov/cia/publications/factbook>.
3. John L. Esposito, ed., *The Oxford History of Islam* (Oxford: University Press, 1999), p. 690.
4. United Nation Development Programme UNDP, Annual Report (2005 [cited Jan. 2006]); available from <http://www.undp.org/annualreports/>.
5. (ŞAAS) – *Şallā Allāhu 'alayhi wa sallam*. May the peace and blessings of God be upon him. Said whenever the name of Prophet Muhammad is mentioned.
6. Stephen Reed, *Cognition: Theory and Applications*, 4th ed. (USA: Brooks/Cole, 1996), p. 220.
7. Al-Tahir ibn Ashur, *Maqāşid al-Sharī'ah al-Islāmiyyah*, ed. el-Tahir el-Mesawi (Kuala Lumpur: al-Fajr, 1999), p. 2.
8. Refer to Section 2.5.
9. This was a theme in: Conference: Purposes of Islamic Law and Means of Achieving them in Muslim Societies, International Islamic University of Malaysia: Malaysia, August, 2006.

CHAPTER ONE

1. Mohammad al-Tahir ibn Ashur, *Ibn Ashur, Treatise on Maqāşid al-Sharī'ah*, trans. Muhammad el-Tahir el-Mesawi (London, Washington: International Institute of Islamic Thought (IIIT), 2006), p. 2.
2. Rudolf von Jhering, *Law as a Means to an End* (Der Zweck im Recht), trans. Isaac Husik, 2nd reprint ed. (New Jersey: The Lawbook Exchange (Originally published 1913 by Boston Book Co.), 2001) p. 35.
3. Ibn Ashur, *Maqāşid al-Sharī'ah al-Islāmiyyah*, p. 183.
4. Abdul-Malik al-Juwaynī, *Ghīath al-Umam fī Iltiyāth al-Zulam*, ed. Abdul-Azim al-Deeb (Qatar: Wazarah al-Shu'ūn al-Dīniyyah, 1400 AH) p. 253.
5. Al-Ghazālī, *al-Mustaşfā*, vol. 1, p. 172.
6. Abū Bakr al-Mālikī ibn al-'Arabī, *Al-Mahşul fī Uşul al-Fiqh*, ed. Hussain Ali

- Alyadri and Saeed Foda, 1st ed. (Amman: Dār al-Bayāriq, 1999), vol. 5, p.222. Al-Āmidī, *al-Iḥkām*, vol. 4, p.286.
7. Najm al-Dīn al-Ṭūfī, *al-Ta'yīn fī Sharḥ al-Arba'in* (Beirut: al-Rayyān, 1419 AH), p.239.
 8. Shihāb al-Dīn al-Qarāfī, *al-Dhakhīrah* (Beirut: Dār al-ʿArab, 1994), vol. 5, p.478.
 9. Al-Ghazālī, *al-Mustaṣfā*, vol. 1, p.172, Ibn al-ʿArabī, *al-Maḥṣūl fī Uṣūl al-Fiqh*, vol. 5, p.222, al-Āmidī, *al-Iḥkām*, vol. 4, p.287.
 10. Al-Ghazālī, *al-Mustaṣfā*, vol. 1, p.172, al-Shātibī, *al-Muwāfaqāt*, vol. 3, p.47.
 11. Al-Shātibī, *al-Muwāfaqāt*, vol. 3, p.5.
 12. Ibid., vol. 3, p.17.
 13. Ibid., vol. 1, p.151.
 14. Gamal Attia, *Naḥwa Tafīl Maqāṣid al-Sharīʿah* (Amman: al-Maʿhad al-ʿĀlamī li al-Fikr al-Islāmī, 2001) p.45.
 15. A. H. Maslow, "A Theory of Human Motivation," *Psychological Review*, no. 50 (1943): 50, p.370–96.
 16. A. H. Maslow, *Motivation and Personality*, 2nd ed. (New York: Harper and Row, 1970), Maslow, "A Theory of Human Motivation."
 17. According to a discussion with Shaykh Hasan al-Turabi (Oral Discussion, Khartoum, Sudan, August 2006).
 18. Numan Jughaim, *Ṭuruq al-Kashf ʿan Maqāṣid al-Shārīʿ* (International Islamic University, Malaysia. Published by Dār al-Nafāʿis, 2002), p.26–35.
 19. Mohammad Rashid Rida, *al-Waḥī al-Moḥammadī: Thubūt al-Nubuwwah bi al-Qurʾān* (Cairo: Muʿasasah ʿIzz al-dīn, no date) p.100.
 20. Ibn Ashur, *Maqāṣid al-Sharīʿah al-Islāmiyyah*, p.183.
 21. As in, for example, Kamāl al-Dīn al-Siwāsī, *Sharḥ Faṭḥ al-Qādir*, 2nd ed. (Beirut: Dar al-Fikr, no date), vol.4, p.513.
 22. For example, Surah *al-Kahf*, 18:29.
 23. Mohammad al-Tahir ibn Ashur, *Uṣūl Al-Niẓām Al-Ijtīmāʿī fī al-Islām*, ed. Mohammad el-Tahir el-Mesawi (Amman: Dār al-Nafāʿis, 2001) p.256, 268.
 24. Ibid, p.270–281.
 25. Gamal Attia, *Naḥwa Tafīl Maqāṣid al-Sharīʿah*, p.49.
 26. Yusuf al-Qaradawi, *Kayf Nataʿamal Maʿa al-Qurʾān al-ʿAẓīm?*, 1st ed. (Cairo: Dār al-Shorūq, 1999).
 27. Oral Discussions, London, UK, March, 2005, and Sarajevo, Bosnia, May, 2007.
 28. Taha Jabir al-Alwani, *Maqāṣid Al-Sharīʿah*, 1st ed. (Beirut: IIIT and Dār al-Hādī, 2001), p.25.
 29. Oral Discussion, Cairo, Egypt, April, 2007.

30. Around the seventh Islamic year 4H. The location was a few miles away from Madinah.
31. Moḥammad al-Bukhārī, *al-Ṣaḥīḥ*, ed. Mustafa al-Bagha, 3rd ed. (Beirut: Dār ibn Kathīr, 1986) vol. 1, p. 321, Abū al-Ḥussain Muslim, *Ṣaḥīḥ Muslim*, ed. Mohammad Fouad Abdul-Baqi (Beirut: Dār Iḥyā' al-Turāth al-ʿArabī, no date) vol. 3, p. 1391.
32. Narrated by Abdullāh ibn ʿUmar, according to al-Bukhārī, vol. 1, p. 321, and Muslim, vol. 3, p. 1391.
33. ʿAlī ibn Ḥazm, *al-Muḥallā*, ed. Lajnah Iḥyā' al-Turāth al-ʿArabī, 1st ed. (Beirut: Dār al-Āfāq, no date), *al-Muḥallā*, vol. 3, p. 291.
34. Yaʿqub Abū Yūsuf, *al-Kharāj* (Cairo: al-Maṭbaʿah al-Amīriyyah, 1303 AH) p. 14, 81, Yaḥyā ibn Ādam, *al-Kharāj* (Lahore, Pakistan: al-Maktabah al-ʿIlmiyyah, 1974) p. 110.
35. The Qurʿan, Surah *al-Ḥaṣhr*, 59:7. I preferred 'domination of wealth' to express '*dūlatan bayn al-ghaniyyā' i minkom*,' rather than 'a circuit between the wealthy' (as in Yusuf Ali's translation) or 'commodity between the rich' (as in Picktall's translation).
36. Mohammad Biltaji, *Manhaj ʿUmar Ibn al-Khaṭṭāb fī al-Tashrīʿ*, 1st ed. (Cairo: Dār al-Salām, 2002) p. 190.
37. Al-Walīd ibn Rushd (Averroës), *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid* (Beirut: Dār al-Fikr, no date), vol. 1, p. 291.
38. Al-Siwāsī, *Sharḥ Faṭḥ al-Qādir*, vol. 2, p. 192, Abū ʿUmar ibn ʿAbd al-Barr, *al-Tamhīd*, ed. Mohammad al-Alawi and Mohammad al-Bakri (Morocco: Wazārah ʿUmūm al-Awqāf, 1387 AH), vol. 4, p. 216.
39. Yusuf al-Qaradawi, "Fiqh al-Zakah" (Ph.D. diss, al-Azhar University, Egypt, Published by *al-Risālah*, 15th ed, 1985), vol. 1, p. 229.
40. Opinion strongly expressed in: ʿAlī ibn Ḥazm, *al-Muḥallā*, ed. Lajnah Iḥyā' al-Turāth al-ʿArabī, 1st ed. (Beirut: Dār al-Āfāq, no date) *al-Muḥallā*, p. 209.
41. Al-Qaradawi, "Fiqh Al-Zakah", vol. 1, p. 146–148.
42. Al-Bukhārī, *al-Ṣaḥīḥ*, Kitāb al-Ḥajj, Bāb al-Raml.
43. Al-Shāṭibī, *al-Muwāfaqāt*, vol. 2, p. 6.
44. A proposed classification of the contemporary schools of Islamic law is provided in Chapter 5.
45. M. Said Ramadan al-Bouti, *Ḍawābiṭ al-Maṣlaḥah fī al-Sharʿ al-Islāmiyyah*, 6th ed. (Damascus: al-Risālah Foundation, 2001) p. 129–43.
46. *Ibid.*, p. 143.
47. This is Mālik's opinion, but all other schools disagreed with ʿUmar on this issue. Refer to: Ibn Rushd, *Bidāyah al-Mujtahid*, p. 290–91.
48. According to: Ahmad al-Raysuni, *Naẓariyyat al-Maqāṣid ʿind al-Imām al-Shāṭibī*, 1st ed. (Herndon, VA: IIIT, 1992).

49. Also according to Ahmad al-Raysuni, in: Mohamed Saleem el-Awa, ed., *Maqāshid al-Sharī'ah Al-Islāmiyyah: Dirāsāt fī Qaḍāyā Al-Manhaj wa Qaḍāyā al-Taṭbīq* (Cairo: al-Furqān Islamic Heritage Foundation, al-Maqāshid Research Centre, 2006), p. 181.
50. Mohammad Kamal Imam, *al-Dalīl al-Irshādī Ilā Maqāshid al-Sharī'ah al-Islāmiyyah* (London: al-Maqāshid Research Centre, 2007), Introduction, p. 3.
51. I learnt about the book from Professor Ahmad al-Raysuni of the Organization of Islamic Conference (OIC), Fiqh Council, in Jeddah (Oral Conversation, Jeddah, Saudi Arabia, April 2006). I obtained a microfilm of the manuscript with the help of Professor Ayman Fouad, who edits manuscripts for Al-Furqan Islamic Heritage Foundation, London, UK (Cairo, July 2006). Al-Qaffāl al-Shāshī, “Maḥāsin al-Sharā'ī',” in *Fiqh Shāfi'ī*, Manuscript No. 263 (Cairo, Dār al-Kutub: 358 AH/969 CE).
52. Hasan Jabir, “al-Maqāshid fī al-Madrasah al-Shī'īyyah,” in: El-Awa, Mohamed Saleem, ed. *Maqāshid al-Sharī'ah al-Islāmiyyah: Dirāsāt fī Qaḍāyā al-Manhaj wa Qaḍāyā al-Taṭbīq* (Studies in the Philosophy of Islamic Law: Theory and Applications). 1st ed. (Cairo: al-Furqān Islamic Heritage Foundation, Al-Maqāshid Research Centre, 2006) p. 325. Also: Oral Discussion over the issue in Alexandria, Egypt, August, 2006.
53. According to Prof. Mohammad Kamal Imam of Alexandria University's Faculty of Law (Oral Discussion, Cairo, Egypt, August, 2006).
54. Ibn Bābawayh al-Ṣadūq al-Qummī, *Ilal Al-Sharā'ī'*, ed. Mohammad Sadiq Bahr al-Ulum (Najaf: Dār al-Balāghah, 1966).
55. According to Prof. Ahmad al-Raysuni, Oral Discussion, Jeddah, November 2006. He referred me to: Abū al-Ḥasan al-Faylašūf al-Āmirī, *al-I'lām bi-Manāqib al-Islām*, ed. Ahmad Ghurab (Cairo: Dār al-Kitāb al-Ārabī, 1967).
56. Oral discussion with Shaykh Bin Bayyah in Makkah, Saudi Arabia, April 2006.
57. Gasser Auda, “Dawarān al-Aḥkām al-Sharī'īyyah Ma'a Maqāshidihā Wujūdan wa 'Adaman: Dirāsah 'Uṣūliyyah Nāqdiyah Taṭbīqiyyah (Change of Statutes According to Their Purposes: A Methodological, Critical and Applied Study)” (Master of Jurisprudence diss., Islamic American University, 2004).
58. Al-Juwaynī, *al-Burhān*, 4th ed, vol. 2, p. 621, 22, 747.
59. Ibid.
60. Al-Juwaynī, *al-Ghayyathī*, p. 434.
61. Ibid., p. 490.
62. Ibid., p. 446, 73, 94.
63. Refer to the introduction of *Giath al-Umam*, written by Abdul-Azim al-Deeb, which outlines the historical and political context of the book.

64. Al-Ghazālī, *Al-Mustaṣfā* p.258.
65. Ibid., p.172.
66. Ibid., p.174.
67. Ibid., p.265.
68. Al-‘Izz ibn ‘Abd al-Salām, *Maqāṣid al-Ṣawm*, ed. Iyad al-Tabba, 2nd ed. (Beirut: Dār al-Fikr, 1995),
69. Al-‘Izz ibn ‘Abd al-Salām, *Qawā‘id al-Aḥkām fī Maṣāliḥ al-Anām* (Beirut: Dār al-Nashr, no date), vol. 2, p.221.
70. Ibid., vol. 2, p.160.
71. Imam, *al-Dalīl al-Irshādī*, p.54–60.
72. Shihāb al-Dīn al-Qarāfī, *al-Furūq* (Ma‘a Hawāmishihi), ed. Khalil Mansour (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1998), vol. 1, p.357.
73. Ibn Ashur, *Maqāṣid al-Sharī‘ah al-Islāmiyyah*, p.100.
74. Al-Qarāfī, *al-Dhakhīrah*, vol. 1, p.153. Al-Qarāfī, *al-Furūq* (Ma‘a Hawāmishihi), vol. 2, p.60.
75. Shams al-Dīn ibn al-Qayyim, *‘Ilām al-Muwaqqi‘īn*, ed. Taha Abdul Rauf Saad (Beirut: Dār al-Jīl, 1973), vol. 1, p.333.
76. Al-Shāṭibī, *al-Muwāfaqāt*, vol. 2, p.6.
77. Ibid., vol. 2, p.25.
78. Ibid., vol. 2, p.61.
79. Al-Raysuni, *Naẓariyyah al-Maqāṣid*, p.169.
80. Al-Shāṭibī, *al-Muwāfaqāt*, vol. 4, p.229.
81. Ibid., vol. 2, p.6.
82. For example, Shaykh Ali Jumah, Mufti of Egypt (Oral Discussion, Cairo, Egypt, December 2005).
83. Al-‘Āmirī, *al-‘Ilām*, p.125.
84. Al-Juwaynī, *al-Burbān*, vol. 2, p.747.
85. Al-Ghazālī, *al-Mustaṣfā*, p.258.
86. Ibn Ashur, *‘Uṣūl al-Niẓām al-‘Ijtimā‘ī fī al-Islām*, p.206.
87. For example, Shaykh Ali Jumah, Mufti of Egypt (Oral Discussion, Cairo, Egypt, December 2005).
88. Auda, *Fiqh al-Maqāṣid*, p.20.
89. Al-Bukhārī, *al-Ṣaḥīḥ*, vol. 1, p.37.
90. Yusuf al-Qaradawi, *Madkhal li-Dirāsah al-Sharī‘ah al-Islāmiyyah* (Cairo: Wahba, 1997) p.101, Attia, *Naḥwa Tafīl Maqāṣid al-Sharī‘ah*, p.170, Ahmad al-Raysuni, Mohammad al-Zuhaili, and Mohammad O. Shabeer, “Ḥuqūq al-Insān Miḥwar Maqāṣid al-Sharī‘ah,” Kitāb al-Ummah, no. 87 (2002), Mohamed el-Awa, *al-Fiqh al-Islāmī fī Tarīq al-Tajdīd* (Cairo: al-Maktab al-Islāmī, 1998) p.195.
91. Mohammed Osman Salih, “al-Islām Huwa Niẓām Shāmil Liḥimāyah wa

- Ta'zīz Ḥuqūq al-Insān" (paper presented at the International Conference on Islam and Human Rights, Khartoum, 2006).
92. University of Toronto Bora Laskin Law Library, *International Protection of Human Rights* (2004 [cited Jan. 15th, 2005]); available from <http://www.law-lib.utoronto.ca/resguide/humrtsgu.htm>.
 93. United Nations High Commission for Human Rights UNHCHR, *Specific Human Rights Issues* (July, 2003 [cited Feb. 1st, 2005]); available from [http://www.unhchr.ca/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.2003.NGO.15.En](http://www.unhchr.ca/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.Sub.2.2003.NGO.15.En).
 94. Ibid.
 95. Salih, "al-Islām Huwa Niẓām Shāmil Liḥimāyat wa Ta'zīz Ḥuqūq al-Insān." Murad Hoffman, *al-Islām ʿĀm Alfayn* (Islam in the Year Two Thousand), 1st ed. (Cairo: Maktabah al-Shurūq, 1995) p.56.
 96. Al-ʿĀmirī, *al-I'lām*, p.125.
 97. Ibn Ashur, *Maqāṣid al-Sharī'ah al-Islāmiyyah*, p.292.
 98. Attia, *Naḥwa Tafīl Maqāṣid al-Sharī'ah*, p.171, al-Raysuni, al-Zuhaili, and Shabeer, "*Ḥuqūq al-Insān Miḥwar Maqāṣid al-Sharī'ah*."
 99. The Qur'an, Surah *al-Baqarah*, 2:256. This is my translation for 'lā ikrāha fī al-dīn.' I understand that it means that there is no compulsion in any matter of the religion, rather than merely 'in religion,' as in other translations (for example, Yusuf Ali's and Picktall's).
 100. Quttub Sano, *Qirā'ah Ma'rifiyyah fī al-Fikr al-'Uṣūlī*, 1st ed. (Kuala Lumpur: Dār al-Tajdīd, 2005) p.157.
 101. United Nation Development Programme UNDP, *Annual Report 2004* (2004 [cited Feb. 5th, 2005]); available from <http://www.undp.org/annualreports/2004/english>.
 102. Mohammad Shakir al-Sharif, *Ḥaḳīqah al-Dīmuqrāṭiyyah* (Riyadh: Dār al-Waṭan, 1992), p.3, Mohammad Ali Mufti, *Naqd al-Judhūr al-Fikriyyah li al-Dīmuqrāṭiyyah al-Gharbiyyah* (Riyadh: al-Muntadā al-Islāmī and Majallah al-Bayān, 2002), p.91.

CHAPTER TWO

1. Robert Flood and Ewart Carson, *Dealing with Complexity: An Introduction to the Theory and Application of Systems Science*, vol. 2 (New York and London: Plenum Press, 1993), 2nd ed. p.247.
2. E. Laszlo, *The World System* (New York: George Braziller Inc, 1972), p.151.
3. Ibid.
4. E. von Glaserfeld, *The Construction of Knowledge: Contributions to Conceptual Semantics* (California: Intersystems Seaside, 1987).
5. Konrad Z. Lorenz, "The Fashionable Fallacy of Dispensing with

- Description” (paper presented at the 25th International Congress of Physiological Sciences, Munich, July 25–31, 1971).
6. Lars Skyttner, *General Systems Theory: Ideas and Applications* (Singapore: World Scientific, 2002), p.7.
 7. John Laszlo, *The Systems View of the World: A Holistic Vision for Our Time* (Hampton Press, 1996), p.197.
 8. Michael Beany, “Analysis”, *Stanford Encyclopedia of Philosophy* (2003 [cited Jan. 5th, 2007]); available from <http://plato.stanford.edu/entries/analysis/>.
 9. Refer, for example, to the entries on ‘analysis’ in: *The Routledge Encyclopedia of Philosophy*, ed. Edward Craig (London: Routledge, 1998), Robert Audi, *The Cambridge Dictionary of Philosophy*, 2nd ed., vol. 1 (Cambridge: Cambridge University Press, 1999), Simon Blackburn, *The Oxford Dictionary of Philosophy* (Oxford: Oxford University Press, 1996).
 10. Beany, “Analysis”, *Stanford Encyclopedia of Philosophy*.
 11. John Ongley, “What Is Analysis? Review of Michael Beany’s ‘Analysis’,” *Bertrand Russell Society Quarterly*, no. 127 (2005): No.27.
 12. This is the translators’ depiction of the Greek word ‘akolouthôn.’ According to *The American Heritage Dictionary of the English Language*, Fourth Edition, it is, ‘one that occurs or exists concurrently with another.’
 13. Jaakko and Remes Hintikka, *The Method of Analysis*, ed. D. Reidel (Dordrecht: 1974), p.9–10.
 14. Eileen C Sweeney, “Three Notions of Resolution and the Structure of Reasoning in Aquinas,” *The Thomist* 58 (1994): vol. 58, p.197–243.
 15. Al-Walīd ibn Rushd (Averröes), *Mukhtaṣar Manṭiq Aristū*, ed. Jirar Jahami (Beirut: Dār al-Fikr al-Lubnānī, 1992), p. 5.
 16. Aristotle, *The Works of Aristotle*, vol. 1, Great Books of the Western World (London: Encyclopaedia Britannica INC, 1990), vol. 1.
 17. Ibn Rushd. *Mukhtaṣar Manṭiq Aristū*, p. 5.
 18. Sweeney, “Three Notions of Resolution”, p.197.
 19. René Descartes, *Rules for the Direction of the Mind: The Philosophical Writings of Descartes*, ed. J. Cottingham et al. (Cambridge: Cambridge University Press, 1684).
 20. John Locke, *An Essay Concerning Human Understanding*, ed. P. H. Nidditch, 4 ed. (Oxford: Oxford University Press, 1975), 4th ed.
 21. Ongley, “What Is Analysis?”
 22. Beany, “Analysis”, *Stanford Encyclopedia of Philosophy*.
 23. Skyttner, *General Systems Theory*.
 24. Beany, “Analysis”, *Stanford Encyclopedia of Philosophy*.
 25. Peter A. Corning, “Synergy: Another Idea Whose Time Has Come?” *Journal*

- of Social and Evolutionary Systems*, vol. 1, no. 21 (1998): 21.
26. Skyttner, *General Systems Theory*.
 27. Kenneth E. Kendall and Julie E. Kendall, *Systems Analysis and Design*, 4th ed. (New Jersey: Prentice-Hall, 1999), p.27.
 28. Skyttner, *General Systems Theory*, p.5.
 29. Kendall, *Systems Analysis and Design*, 4th ed, p.27.
 30. Hugh R. King, "A. N. Whitehead and the Concept of Metaphysics," *Philosophy of Science* (1947): vol. 14, no. 2, p.132.
 31. Beany, "Analysis," *Stanford Encyclopedia of Philosophy*.
 32. Skyttner, *General Systems Theory*, p.5.
 33. G. Auda, "Cooperative Modular Neural Network Classifiers," Ph. D. Thesis (University of Waterloo, 1996), pp.32, 34, 91, 105, 111.
 34. Von Bertalanffy, "General Systems Theory: Foundations, Development, Applications" (New York: George Braziller, 1969).
 35. J. Smuts, *Holism and Evolution*, reprint ed. (Westport, Connecticut: Greenwood Press, 1973).
 36. J. Litterer, *Organizations: Systems, Control and Adaptation* (New York: John Wiley, 1969).
 37. Skyttner, *General Systems Theory*.
 38. D. Hitchens, *Putting Systems to Work* (New York: John Wiley, 1992).
 39. D. Katz and L. Kahn, *The Social Psychology of Organizations* (London: John Wiley, 1966).
 40. R. Ackoff, *Creating the Corporate Future* (New York: John Wiley, 1981).
 41. W. Churchman, *The Design of Inquiring Systems: Basic Concepts of Systems and Organizations* (New York: Basic Books, 1979).
 42. K. Boulding, "General Systems as a Point of View," in *Views on General Systems Theory*, ed. A. Mesarovic (New York: John Wiley, 1964).
 43. D. Bowler, *General Systems Thinking* (New York: North Holland, 1981).
 44. H. Maturana and V. Varela, *The Tree of Knowledge* (London: Shambala, 1992).
 45. Niklas Luhmann, *Law as a Social System*, trans. Klaus Ziegert. Introduction by Richard Nobles and David Schiff (Oxford: Oxford University Press, 2004) p.10.
 46. Jamshid Gharajedaghi, *Systems Thinking: Managing Chaos and Complexity. A Platform for Designing Business Architecture* (Boston: Butterworth-Heinemann, 1999).
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 48. A. Koestler, *The Ghost in the Machine* (London: Arkana, 1967).
 49. G. Auda, Ph.D. Thesis (University of Waterloo, 1996), p.60.

50. W. Weaver, "Science and Complexity," *American Scientist* 36, no. 194 (1948).
51. H. Simon, *The Sciences of the Artificial* (London: MIT Press, 1969).
52. R. Ackoff, "Towards a System of Systems Concepts," *Management Science* 17, no. 11 (1971).
53. J. Jordan, *Themes in Speculative Psychology* (London: Tavistock Publications, 1968).
54. S. Beer, *Brain of the Firm* (London: Penguin Press, 1972).
55. Skyttner, *General Systems Theory*. In this book, Skyttner also presented a survey and bibliography on systems theory, which I found helpful.
56. R. Fivaz, *L'ordre Et La Volupte* (Lausanne: Presses Polytechniques Romandes, 1989).
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58. J. Miller, *Living Systems* (New York: McGraw-Hill, 1978).
59. Ibid.
60. J. Lovelock, *The Ages of Gaia* (New York: Norton and Co, 1988).
61. J.W. Kirchner, "The Gaia Hypothesis: Are They Testable? Are They Useful?" in *Scientists on Gaia*, ed. S. Schneider (Cambridge, New York: MIT Press, 1991).
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68. W.T. Powers, *Behaviour: The Control of Perception* (New York: Aldine de Gruyter, 1973).
69. Aḥmad ibn Taymiyah, *Kutub wa Rasā'il wa Fatwā*, ed. Abdul-Rahman al-Najdi, 2nd ed. (Riyadh: Maktabah ibn Taymiyah, no date), vol. 19, p. 131.
70. Abd al-Rahman Shaikhi-Zadah, *Majma' al-Anhur* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1998), vol. 1, p. 11.
71. Ibn Amir al-Haj, *Al-Taqrīr wa al-Taḥbīr fī 'Ilm Uṣūl al-Fiqh* (Beirut: Dār al-Fikr, 1996), vol. 1, p. 26.
72. Ibn Taymiyah, *Kutub wa Rasā'il wa Fatwā*, vol. 13, p. 113.

73. Bar al-Din Al-Eini, *Umdah al-Qārī Sharḥ Ṣaḥīḥ al-Bukhārī* (Beirut: Dār Iḥyā' al-Turāth al-ʿArabī, no date), vol. 2, p. 52.
74. ʿAlī al-Subkī, *Al-ʿIbbāḥ fī Sharḥ al-Minhāj* (Beirut: Dār al-Nashr, 1983), vol. 1, p. 39.
75. Laszlo, *The Systems View of the World: A Holistic Vision for Our Time*, p. 4. Smuts, *Holism and Evolution*, pp. 1–3.
76. Alfred Korzybski, *An Introduction to Non-Aristotelian Systems and General Semantics*, Fourth ed. (Lakeville, Connecticut: The International Non-Aristotelian Library Publishing Company, 1958) p. xxxviii.
77. Refer, for example, to: Abd al-Malik al-Juwaynī, *Al-Burhān fī ʿUṣūl al-Fiqh*, ed. Abdul-Azim al-Deeb, 4th ed. (Maṣūrah: al-Wafāʾ, 1418 AH/1998 CE), vol. 2, p. 590, Ibrāhīm al-Ghīrnāṭī al-Shāṭībī, *Al-Muwāfaqāt fī ʿUṣūl al-Sharīʿah*, ed. Abdullah Diraz (Beirut: Dār al-Maʿrifah, no date), vol. 1, p. 29.
78. Al-Shāṭībī, *Al-Muwāfaqāt*, vol. 2, p. 61.
79. Maturana, *The Tree of Knowledge*, p. v.
80. Von Bertalanffy, “General Systems Theory.”
81. Jamʿiyah al-Majalah, *Majallah al-Aḥkām al-ʿAdliyyah*, ed. Najib Hawawini (Karkhaneh Tijarah Kutub, no date), p. 100.
82. Abū Muzafar al-Samaani, *Qawāṭiʿ al-ʿAdillah fī al-ʿUṣūl*, ed. Ismail al-Shafie (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), vol. 2, p. 84, Abū Ḥāmid al-Ghazālī, *Al-Mustasfā fī ʿIlm al-ʿUṣūl*, ed. Mohammed Abdul-Salam Abdul Shafi, 1st ed. (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1413 AH), vol. 1, p. 296, Shams al-Dīn ibn al-Qayyim, *Iʿlām al-Muwaqqiʿīn*, ed. Taha Abdul Rauf Saad (Beirut: Dār al-Jīl, 1973), vol. 1, p. 333.
83. Gasser Auda, Ph. D Thesis (University of Waterloo, 1996), p. 19.
84. *Ibid.*, p. 6.
85. Robert A. Wilson and Frank C. Keil, ed., *The MIT Encyclopedia of the Cognitive Sciences* (London: The MIT Press, 1999), pp. 104–05.
86. Auda, Ph.D. Thesis, p. 32.
87. Features could be visual, functional, numerical, or a combination of factors. For example, a few objects could be categorised according to the features of color, weight, volume, price, shape, and so on. Each of these characteristics could produce a number of categorisations. For example, color categorisation, which is how humans define color sensations in terms of words, varies across languages and cultures and is affected by a number of psychophysical and neurophysiological factors.
88. G. Auda and M. Kamel. “A Modular Neural Network for Vague Classification.” Lecture notes in *Computer Science* vol. 2005: *Lecture notes in Artificial Intelligence* (2000), p. 584.
89. In the example given above, the same objects could be categorised in terms of a

concept, such as ‘utility.’ ‘Utility’ of an object is not a simple true-or-false feature, i.e, an object ‘has utility’ or ‘has no utility.’ Utility could be a complex combination of the object’s price, aesthetic value, historic value, usefulness to a certain society, and other dimensions. The ‘vague’ line between the categories of, for example, high, medium, and low utility, is not a clear number or measure.

90. Jamshid Gharajedaghi, “Systems Methodology: A Holistic Language of Interaction and Design. Seeing through Chaos and Understanding Complexities,” in *systemsthinkingpress.com* (2004), p. 38.
91. *Ibid.*, p. 12.
92. Refer, for example, to: al-Shāṭibī, *Al-Muwāfaqāt*, vol. 1, p. 173, vol. 3, p. 1.
93. Gasser Auda, *Fiqh al-Maqāṣid: Ināṭah al-Aḥkām al-Shar‘iyyah bi-Maqāṣidihā* (Virginia, III: al-Ma‘had al-‘Ālamī li al-Fikr al-Islāmī, 2006), p. 51.
94. Aḥmad ibn Taymiyah, *Daqā’iq al-Tafsīr*, ed. Mohammad al-Julainid (Damascus: Mu‘asasah ‘Ulūm al-Qur‘ān, 1404 AH), vol. 2, p. 110.
95. Moḥammad al-Ṭayyib al-Baṣrī, *Al-Mu‘tamad fi ‘Uṣūl al-Fiqh*, ed. Khalil al-Mees, 1st ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1983 CE/1403 AH), vol. 2, p. 184. Also, refer to: Aḥmad al-Tayyib, “Naẓariyyah al-Maqāṣid ‘Ind al-Shāṭibī wa Madā Irtibāṭihā bi al-‘Uṣūl al-Kalāmiyyah,” *Al-Muslim al-Mu‘āṣir*, no. 103 (2002), p. 39, Taha Jabir al-Alwani, “Maqāṣid al-Sharī‘ah,” in *Maqāṣid al-Sharī‘ah*, ed. Abdul-Jabbar al-Rifaie (Damascus: Dār al-Fikr, 2001), p. 75, Hasan al-Shafie, *Al-Āmidī wa Ārā’uhu al-Kalāmiyyah*, 1st ed. (Cairo: Dār al-Salām, 1998), p. 441.
96. Al-Tayyib, “Naẓariyyah al-Maqāṣid.”
97. *Ibid.*
98. Taha Jabir al-Alwani, *Maqāṣid al-Sharī‘ah*, 1st ed. (Beirut: IIII and Dār al-Hādī, 2001), p. 75.
99. Abū Ḥāmid al-Ghazālī, *Tahāfut al-Falāsifah* (Incoherence of the Philosophers). Translated by M. S. Kamali (Pakistan Philosophical Congress, 1963 [cited January 18th 2005]); available from <http://www.muslimphilosophy.com>.
100. Shihāb al-Dīn al-Ālūsī, *Rūḥ al-Ma‘ānī fi Tafsīr al-Qur‘ān al-‘Azīm* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, no date), vol. 15, p. 39.
101. ‘Alī abū al-Ḥasan al-Āmidī, *Al-Iḥkām fi ‘Uṣūl al-Aḥkām*, ed. Sayid al-Jumaili, 1st ed. (Beirut: Dār al-kitāb al-‘Arabī, 1404 AH), vol. 3, p. 249.
102. Al-Shāṭibī, *Al-Muwāfaqāt*, vol. 2, p. 6.
103. Al-Tayyib, “Naẓariyyah Al-Maqāṣid.”
104. Ibn al-Qayyim, *I‘lām Al-Muwaqqi‘in*, vol. 3, p. 3.
105. Al-Ghazālī, *Tahāfut*.

106. Ibid.

107. Al-Shāṭibī, *Al-Muwāfaqāt*, vol. 2, p.25.

CHAPTER THREE

1. For example: Mohammad Abdul-Khaliq Omar, *Reasoning in Islamic Law*, 3rd ed. (Cairo: M. Omar, 1999), Tariq Ramadan, “Stop in the Name of Humanity,” *Globe and Mail* (London) Wednesday, March 30, 2005, p.28, WLUML, Women Living under Muslim Laws [cited Jan 5th, 2006]; available from <http://www.wluml.org/english>, Haideh Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* (New York: Zed Books, 1999), p.141, Aharon Layish, “Interplay between Tribal and Shari Law: A Case of Tibbawi Blood Money in the Sharia Court of Kufra,” *Islamic Law and Society* 13, no. 1 (2006): p.63.
2. For example, The Qur’an Surah *al-Nisā’*, 4:78, Surah *al-An‘ām*, 6:25, Surah *al-Tawbah*, 9:122, respectively (as trans. by Yusuf Ali, Picktall, and Irving).
3. For example: Mohammad Abū Zahra, *Uṣūl Al-Fiqh* (Cairo: Dār al-Fikr al-‘Arabī, 1958), p.5.
4. Ramadan, “Stop in the Name of Humanity.”
5. Tariq Ramadan, *To Be a European Muslim* (Leicester: Islamic Foundation, 1999), p.28. The verses are: The Quran, Surah *al-Mā’idah*, 5:48, and Surah *al-Jāthiyah*, 45:18.
6. Ibn Taymiyah, *Kutub wa Rasā’il wa Fatwā (Books, Letters and Legal Opinions)*, vol. 13, p.113.
7. Al-Subkī, *Al-Ibhāj fī Sharḥ al-Minhāj*, vol. 1, p.39.
8. Al-Haj, *Al-Taqrīr*, vol. 1, p.26.
9. For example, Shaikhi-Zadah, *Majma‘ Al-Anhur*, vol. 1, p.11.
10. For example, Ibid.
11. Ibn Ashur, *Maqāṣid al-Shar‘ah al-Islāmiyyah*, Chapter 6.
12. Moḥammad ibn Manzūr, *Lisān al-‘Arab* (Beirut: Dār Ṣādir, no date), vol. 13, p.350.
13. Rashid Rida, “Mujmal al-Aḥwāl al-Siyāsiyyah,” *Al-‘Urwah al-Wuthqā*, Feb. 29th, 1898 CE.
14. al-Sayed Sabiq, *Fiqh al-Sunnah* (Cairo: Dār al-Fatḥ li al-‘Ilām al-‘Arabī, 1994), vol. 2, p.227.
15. Ibid.
16. Al-Mubarak al-Jazri, *Al-Nihāyah fī Gharīb al-Ḥadīth wa al-Athar* (Beirut: Al-Maktabah al-‘Ilmiyyah, 1979), vol. 3, p.216.
17. Aharon Layish, “Interplay between Tribal and Shari Law”, p.63.
18. Refer to *Women Living under Muslim Laws* website, www.wluml.org.
19. Salah al-Din Sultan, “Ḥujjiyyah al-‘Adillah al-Mukhtalaf ‘Alayhā fī al-

- Sharī‘ah al-Islāmiyyah” (Ph.D. diss, Cairo University, 1992), p.620.
20. Refer to: Ismā‘īl ibn Kathīr, *Al-Bidāyah wa al-Nihāyah*, (no date), vols. 11 and 12, Ali al-Shaybani, *Al-Kāmil fī al-Tārīkh*, 2nd ed. (Beirut: Dār al-Nashr, 1994), vols. 2, 8, 10.
 21. For details, refer to Bukhārī’s collection: al-Bukhārī, *Al-Ṣaḥīḥ*, vol.4, p.1638, vol. 6, p.2666, and to Mohammad ibn ‘Umar al-Rāzī, *Al-Maḥsūl fī ‘Ilm al-‘Uṣūl*, ed. Taha Jabir al-Alwani, 1st ed. (Riyadh: Mohammad ibn Saud Islamic University, 1400 AH), vol. 5, p.529.
 22. Abd al-Raḥmān ibn Khaldūn, *Muqaddimah ibn Khaldūn*, 5th ed. (Dār al-Qalam, 1984), vol.2, p.608.
 23. Moḥammad Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah* (Cairo: Dār al-Fikr al-‘Arabī, no date), p.48.
 24. Abu Zahrah, ‘*Uṣūl Al-Fiqh*, p 42.
 25. Ibn Khaldūn, *Al-Muqaddimah*, vol. 7, p.683.
 26. Badr al-Dīn al-Zarkashī, *Al-Ijābah li ‘irād mā Istadrakathu ‘Ā ‘isha ‘Alā al-Ṣaḥābah*, ed. Saīd Al-Afghani, 2nd ed. (Beirut: Al-Maktab al-Islāmī, 1970).
 27. Refer, for some *fiqhī* examples, to: Zayn al-Dīn ibn Nujaym, *Al-Baḥr al-Rā‘iq*, 2nd ed. (Beirut: Dār al-Ma‘rifah, no date), vol. 3, p.117, Ali al-Mirghiyānī, *Al-Hidāyah Sharḥ Bidāyah al-Mubtadi’* (Al-Maktabah al-Islāmiyyah, no date), vol. 1, p.196, Moḥammad Amin ibn Abidin, Ḥāshiyah Radd al-Muḥtār (Beirut: Dār al-Fikr, 2000), vol.3, p.55.
 28. I extracted the above migration patterns from ibn Khaldūn’s second half of volume 2 of his history ‘*al-Mubtada’ wa al-Khabar*,’ in which he mentioned the companions’ conflicts after the Prophet’s death. Ibn Khaldūn’s account of these controversial events is, in my view, the most balanced.
 29. Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah*, p.458.
 30. Ibid.
 31. Ibid., p 33.
 32. For example, Nasr Hamed Abu-Zaid, *Al-Imām al-Shāfi‘ī wa Ta’sīs al-Ādiyūlūjiyyah al-Waṣāṭiyyah*, 3rd ed. (Cairo: Madbūlī, 2003), p.98.
 33. According to the Shia school, the Twelve Imams start with ‘Alī ibn Abī-Ṭālib and include his two sons, al-Ḥasan and al-Ḥusayn, and nine other consequent Imams from al-Husayn’s offspring: ‘Alī Zayn al-‘Ābidīn ibn al-Ḥusayn, Moḥammad al-Bāqir, Ja‘far al-Ṣādiq, Mūsā al-Kāzim, ‘Alī al-Riḍā, Moḥammad al-Jawād, ‘Alī al-Hādī, al-Ḥasan al-‘Askarī, and Moḥammad ibn al-Ḥasan al-‘Askarī.
 34. Refer to: ‘Abd al-Raḥmān Abū al-Faraj, *Ṣifah Al-Ṣafwah*, ed. Mahmoud Fakhouri and M. R. Qalaji, 2nd ed. (Beirut: Dār al-Ma‘rifah, 1979), Abū Nu‘aym al-Aṣbahānī, *Ḥilyah al-Awliyā’ wa Ṭabaqah Al-Aṣfiyā’*, 4th ed. (Beirut: Dār al-Nashr al-‘Arabī, 1985), Aḥmad ibn Khalkān, *Wafiyāt al-*

- A‘yān wa ‘Anbā’ al-Zamān*, ed. Ihsan Abbas (Beirut: Dār al-Thaqāfah, no date).
35. Moḥammad ibn Idrīs al-Shāfi‘ī, *Al-Risālah*, ed. Ahmad Shakir, (Cairo: al-Madanī, 1939).
 36. Abu Zahrah, *Tārīkh Al-Mathāhib al-Islāmiyyah*, p.378.
 37. Ibid.
 38. Ibid.
 39. Ibid.
 40. Abū Yūsuf, *Al-Kharāj*.
 41. Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah*, p.420.
 42. Ibid.
 43. Moḥammad ibn Aḥmad al-Sarkhasī, ‘*Uṣūl al-Sarkhasī*’ (Beirut: Dār Al-Ma‘rifah, no date). ‘Alī ibn Moḥammad al-Bazdawī, ‘*Uṣūl Al-Bazdawī- Kanz Al-Wuṣūl Ilā Ma‘rifah al-‘Uṣūl*’ (Karachi: Jāwid Press, no date).
 44. Al-Sarkhasī, ‘*Uṣūl al-Sarkhasī*, vol. 1, p.10.
 45. Mālik, *Muwatta’ al-Imām Mālik*, ed. M. Fouad Abdul Baqi (Cairo: Dār Iḥyā’ al-Turāth al-‘Arabī, no date).
 46. Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah*, p.420.
 47. Ibid.
 48. Al-Qarafī, *Al-Dhakhīrah*.
 49. Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah*, p.524.
 50. Aḥmad ibn Taymiyah, *Kutub wa Rasā’il wa Fatwā*, ed. Abdul-Rahman al-Najdi, 2nd ed. (Riyadh: Maktabah ibn Taymiyah, no date). Aḥmad ibn Taymiyah, *Al-Musawadah*, ed. M. Mohieldin Abdulhameed (Cairo: al-Madanī, no date). Ibn al-Qayyim, *I‘lām Al-Muwaqqi‘īn*.
 51. Abu Zahrah, ‘*Uṣūl Al-Fiqh*, p.495.
 52. Moḥammad Abu Zahrah, *Al-Imām Zayd* (Cairo: Dār al-Fikr al-‘Arabī, 1965), p.267.
 53. Ibid., p.270.
 54. Amr K. al-Nami, “Studies in Ibadhism,” (www.Islamfact.com, 2006), Ch.1.
 55. Ibid., Ch.2.
 56. Ibid.
 57. Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah*, p.700.
 58. Ibid.
 59. Adnan Farhan, *Ḥarakah al-Ijtihād ‘Ind al-Shī‘ah al-Imāmiyyah*, 1st. ed. (Beirut: Dār al-Hādī, 2004), p.111, Abu Zahrah, ‘*Uṣūl Al-Fiqh*, p.15.
 60. Farhan, *Ḥarakah al-Ijtihād ‘Ind al-Shī‘ah*, p.111.
 61. Abu Zahrah, ‘*Uṣūl Al-Fiqh* p.10.
 62. Mahmoud Mohammad Ali, *Al-‘Alāqah Bayn al-Mantiq wa al-Fiqh ‘Ind Mufakkirī al-Islām* (Cairo: Ein for Human and Social Studies, 2000).

63. Rafiq al-Ajam, *Al-Mantiq 'Ind al-Ghazālī fī Ab'ādih al-Aristawīyyah wa Khusūṣiyātihi al-Islāmiyyah* (Beirut: Dār al-Mashriq, 1989), Abdul-Azim al-Deeb, "Imam Al-Haramain," in *Ghiāth al-'Umam fī Iltiyāth al-Zulam* (Doha: al-Shu'ūn al-Dīniyyah, 1400 AH).
64. Refer, for a comprehensive source, to: Keil, ed., *The MIT Encyclopedia of the Cognitive Sciences*.
65. Abū al-Farag, *Ṣifāh al-Ṣafwah*, Ḥamad al-Dimashqī, *Al-Kāshif fī Ma'rifah Man Lahū Rīwāyah fī al-Kutub al-Sittah*, ed. Mohammad Awama, 1st ed. (Jeddah: Dār al-Qiblah li al-Thaqafah al-Islāmiyyah, 1992). Aḥmad ibn Ḥajar, *Taqrīb al-Taḥṭīb*, ed. Mohammad Awama (Damascus: Dār al-Rashīd, 1986). Aḥmad ibn Ḥajar, *Lisān al-Mīzān*, ed. Dā'irah al-Ma'ārif al-Niẓāmiyyah, 3rd ed. (Beirut: Mu'asasah al-A'lāmī li al-Maṭbū'āt, 1986), Mohammad al-Thahabi, *Siyar A'lām al-Nubalā'*, ed. Shoaib and al-Arquṣi al-Aarna'ut, *Moḥammad*, 9th ed. (Beirut: Risālah Foundation, 1993), Moḥammad al-Bukhārī, *Al-Tārīkh al-Kabīr*, ed. Mohammad Hashim al-Nadawi (Dār al-Fikr, no date), Al-Aṣbahānī, *Ḥīlyah al-Awlīyā'*, Abu Zahrah, *Tārīkh al-Mathāhib al-Islāmiyyah*.
66. Omar Sulaiman al-Ashqar, *Tārīkh al-Fiqh al-Islāmī*, 1st ed. (Kuwait: Maktabah al-Falāh, 1982), p. 119.
67. Al-Majalah, *Majallah al-Aḥkām al-'Adliyyah* (Journal of Justice Rulings), p. 100.
68. Wael B. Hallaq, "Was the Gate of Ijtihad Closed," *Int. Journal Middle Eastern Studies* 16, no. 1 (1984).
69. I visited some of these mosques where four places of prayer had been assigned to the four Sunni schools – Shāfi'ī, Mālikī, Ḥanafīs, and Ḥanbalīs, such as al-Sulṭān Ḥasan Mosque in Cairo. Nineteenth and early twentieth century pictures of the grand mosque of Mecca show a similar arrangement. On the other hand, Shia mosques were always and still remain separate from Sunni mosques.
70. Section 2.2 accounted for some of the hanafi/shāfi'ī disputes over courts.

CHAPTER FOUR

1. Refer to: Moḥammad ibn Moḥammad ibn al-Jazrī, *Al-Nashr fī al-Qirā'āt al-'Ashr* (Cairo: Maktabah al-Qāhirah, no date).
2. Mohamed El-Awa, *Al-'Alāqah Bayn al-Sunnah wa al-Shī'ah*, 1st ed. (Cairo: Safir International Press, 2006).
3. Ibn al-Jazrī, *Al-Nashr fī al-Qirā'āt al-'Ashr*.
4. Mohammad al-Zurqani, *Manābil al-'Irfān fī 'Ulūm al-Qur'ān*, 1st ed. (Beirut: Dār al-Fikr, 1996), p. 182, Ali Hasaballah, *'Uṣūl Al-Tashrī' al-Islāmī* (Cairo: Dār al-Ma'ārif, no date), p. 22.

5. For example: Hasaballah, *‘Uṣūl Al-Tashrīḥ*, p.23.
6. Abdul-Jabbar, *Al-Mughnī*, vol. 4, p.174, Abdul-Jabbar, *Faḍl al-‘Iṭizāl*, p.139.
7. Moḥammad ibn ‘Alī al-Shawkānī, *Irshād al-Fuḥūl Ilā Tahqīq ‘Ilm al-‘Uṣūl*, ed. Mohammed Said al-Badri, 1st ed. (Beirut: Dār al-Fikr, 1992) vol. 1, p.426.
8. ‘Alī ibn Ḥazm, *Al-Iḥkām fī ‘Uṣūl Al-Aḥkām*, 1st ed. (Cairo: Dār al-Ḥadīth, 1983), vol. 5, p.124.
9. Al-Ghazālī, *Al-Mustasfā*, vol. 1, p.346. The Authentic Collection of Bukhārī, Hadith No. 2.
10. “He does not speak from some whim; it is merely inspiration that is revealed to him” (Qur’an Surah *al-Najm*, 53:3–4), “Say: It is not up to me to change it of my own accord” (Qur’an Surah *Yūnus*, 10:15), and “If he had mouthed some false statements about Us, We would have seized him by the right hand” (Quran Surah *al-Hāqqah*, 69:44). (Irving’s translations).
11. Abdul-Khaliq, *Ḥujjiyyah al-Sunnah*, p.166, Dār al-Wafā’, Cairo, 1981; Conference of Islamic Jurisprudence held by Imam Mohammad bin Saud Islamic University in Riyadh, “*Al-Ijtihād fī al-Sharī‘ah al-Islāmiyyah wa Buhūth Ukhrā*” – Ijtihad in the Islamic law and other subjects, p.34, Department of Culture and Publications, Riyadh, 1984.
12. For example, Qur’an verses: Surah *al-Anfāl*, 8:67, Surah *al-Tawbah*, 9:43, and Surah *‘Abasa*, 80:1–3.
13. Al-Āmidī, ‘Alī. *Al-Iḥkām fī Uṣūl Al-Aḥkām*. Edited by Sayid al-Jumaili. 1st ed. (Beirut: Dār al-Kitāb al-‘Arabī, 1404 AH), vol. 4, p.99.
14. *Ḥujjiyyah al-Sunnah*, p.231; *Al-Ijtihād fī al-Sharī‘ah al-Islāmiyyah wa Buhūth Ukhrā* – Ijtihad in the Islamic law and other subjects, p.44.
15. Several narrations. Refer to Abdul-Jalil Issa, *Ijtihād al-Rasūl*, p.132, Dār Al-Bayān, Kuwait, 1948.
16. *Ghīlah* is intercourse during the period of nursing a child. Arabs, before Islam, used to think that it was harmful for the nursing baby if his mother were to be pregnant.
17. Mālik, *Al-Muwatta’*, p.418, and Muslim, *Ṣaḥīḥ Muslim*, p.542.
18. Abū ‘Amr ibn al-Ṣalāḥ, *Al-Muqaddimah fī ‘Ulūm al-Ḥadīth* (Beirut: Dār al-Fikr, 1977).
19. Al-Khoshoui A. M. al-Khoshoui, *Ghāyah al-‘Iddah fī ‘Ulūm al-Iṣṭilāḥ* (Cairo: al-Azhar University, 1992), p.74.
20. I had previously carried out a survey on related opinions in: Auda, *Fiqh al-Maqāsid*, pp.64–67.
21. El-Awa, *Al-‘Alāqah Bayn al-Sunnah wa al-Sharī‘ah*, pp.34–48.
22. Moḥammad al-Baṣrī, *Al-Mu‘tamad fī ‘Uṣūl Al-Fiqh*, ed. Khalil al-Mees, 1st ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1983), vol. 2, p.153.

23. Al-Ghazālī, *Al-Mustaṣfā*, vol. 1, p.142.
24. Abu Zahrah, 'Uṣūl al-Fiqh, p.109.
25. Ibid., p.112. More analysis of abrogation is provided later.
26. Ibid., p.114.
27. Ibid., p.110.
28. Hasaballah, 'Uṣūl al-Tashrīḥ, p.112.
29. Abu Zahrah, 'Uṣūl al-Fiqh, pp.115–17.
30. Ibid., p.116.
31. Ibid., p.119.
32. Ibid., pp.121–25.
33. Ibid.
34. Ibid.
35. Hasaballah, 'Uṣūl al-Tashrīḥ, p.275.
36. Qur'an, Surah *al-Mā'idah*, 5:3 (trans. Irving).
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CHAPTER FIVE

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- 422, 31, Al-Subkī, *Al-‘Ibhāj fī Sharḥ al-Minhāj*, vol. 1, p.216, Abū Ḥāmid al-Ghazālī, *Al-Mankhūl fī Ta‘līqāt al-‘Uṣūl*, ed. Mohamed Hasan Hito, 2nd ed. (Damascus: Dār al-Fikr, 1400 AH), p.286, Al-Sarkhasī, *‘Uṣūl Al-Sarkhasī*, vol. 1, p.369, Al-Zarkashī, *Al-Baḥr Al-Muḥīt*, vol. 4, p.473, Sa‘ad al-Dīn al-Taftazānī al-Shāfi‘ī, *Sharḥ al-Talwīḥ ‘Alā al-Tawḍīḥ li matn al-Tanqīḥ fī ‘Uṣūl Al-Fiqh*, ed. Zakariya Umairat (Beirut: Dār al-Kutub Al-‘Ilmiyyah, 1996), vol. 1, p.126, Amir Badshah, *Taysīr al-Taḥrīr* (Beirut: Dār al-Fikr, no date), vol. 1, p.233, Al-Bukhārī, *Kashf al-Asrār*, vol. 4, p.469.
27. Al-Zarkashī, *Al-Baḥr al-Muḥīt*, vol. 3, p.32.
28. A-Shāshī, *‘Uṣūl Al-Shāshī*, vol. 1, p.76.
29. Al-Zarkashī, *Al-Baḥr al-Muḥīt*, vol. 4, p.582.
30. Mohammad Abdul-Hayy al-Laknawī, *Al-Ajwibah al-Fāḍilah li al-As‘ilah al-‘Asharah al-Kāmilah*, ed. Abdul-Fattah Abu Ghuddah (Halab: Maktab al-Maṭbū‘āt al-Islāmiyyah, 1384 AH), p.183.
31. Muslehuddin, *Philosophy of the Islamic Law and the Orientalists*, 1st ed. (Delhi: Markazi Maktaba Islami, 1985), p.217.
32. Mentioned in: Bernard, RAND 2004 Report.
33. Shahrour, *Naḥwa ‘Uṣūl Jadīdah*, p.278.
34. El-Affendi, ed, *Rethinking Islam and Modernity: Essays in Honour of Fathi Osman* (London: Islamic Foundation, 2001), p.45.
35. Shahrour, *Naḥwa ‘Uṣūl Jadīdah*, p.323.
36. For a comprehensive and up-to-date online resource on ‘Islamic websites,’ refer to: Gary Bunt. Virtually Islamic: Research and News About Islam in the Digital Age, 2000 [last visited Mar. 15th, 2007], <http://www.virtuallyislamic.com/>
37. I am using this term after Tariq Ramadan even though my definition is slightly different. I restrict scholastic traditionalism to one classic school only, but he does not. His ‘scholastic traditionalism’ is similar to my ‘scholastic neo-traditionalism.’ Refer to: Ramadan, *Western Muslims and the Future of Islam*, p.24.
38. For example, Ahmad al-Zarqa, *Sharḥ al-Qawā‘id al-Fiqhiyyah*, 2nd ed. (Damascus: Dār al-Qalam, 1998), p.150, Shaykh al-Zarqa is from the Ḥanafī school. For an example of the same approach in the Shia schools, refer to literature on *taqlīd* (imitation), for example: L. Clarke, “The Shi‘ī Construction of Taqlīd,” *Journal of Islamic Studies* 12, no. 1 (2001).
39. Refer to examples from various schools in: Mohammed ibn Ismail al-Sanaani, *Irshād al-Nuqad ‘Ilā Taysīr al-Ijtihād*, ed. Salah al-Din Maqbool Ahmad, 1st ed. (Kuwait: Al-Dār al-Salafiyyah, 1405 AH), vol. 1, p.17.
40. Hafiz Anwar, “Wilāyah Al-Mar‘ah fī al-Fiqh al-Islāmi” (Masters, Imam Saud Islamic University, Published by Dār Balansiyyah, 1999), p.107.
41. Al-Bukhārī, *Al-Ṣaḥīḥ*, No.7099.

42. Refer to Mohammad al-Ghazaly, who interpreted the Hadith in the context of the Prophet talking about a specific woman, who was at war with Muslims at that time (the daughter of Kisra who ruled Persia after her father's death): Mohammad Al-Ghazaly (Al-Saqqa), *Al-Sunnah al-Nabawiyyah Bayna Ahl al-Fiqh wa Ahl al-Ḥadīth*, 11th ed. (Cairo: Dār al-Shurūq, 1996). Fatima Mernissi presented a more detailed analysis of the political context of the narration of this Hadith and the relevance of its narrator (Abū Bakrah): Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, trans. Mary Jo Lakeland (Cambridge, Mass.: Perseus Books, 1991). Al-Ghazaly's and Mernissi's views represent typical 'modern' and 'postmodern' approaches, respectively.
43. The term 'neo-traditionalism' is used in: Ebrahim Moosa, "The Poetics and Politics of Law after Empire: Reading Women's Rights in the Contestations of Law," *UCLA Journal of Islamic and Near Eastern Law*, no. 1 (Fall/Winter) (2002), and elsewhere, without specific differentiation between traditionalism and neo-traditionalism. Muslih argued that 'when the traditionalist starts to understand more of the Western challenge then he becomes a "neo-traditionalist."' Refer to: Muslih, *A Project of Islamic Revivalism* (Leiden: University of Leiden, 2006).
44. For example: M. B. Arifin, "The Principles of *Umum* and *Takhsis* in Islamic Jurisprudence" (Ph. D. diss, University of Edinburgh, 1988), Mir Mohammad Sadeghi, "Islamic Criminal Law and the Challenge of Change: A Comparative Study" (Ph. D. diss, London, School of Oriental and African Studies, 1986).
45. A. K. al-Nami, "Studies in Ibadhism (Al-Ibādīyyah)" (Ph.D. diss, University of Cambridge, 1971), R. A. A. Rahim, "Certain Aspects of Ijtihad in Islamic Jurisprudence, with Special Reference to the Comparative Study between Sunni and Shi'i Principles" (M. Phil. diss, University of St. Andrews, 1991), Sham al-Din, *Al-Ijtihād wa al-Tajdīd fī al-Fiqh al-Islāmī*, p.137.
46. Mohammad Nasir al-Din al-Albani, *Wujūb al-Akhdh bi Ḥadīth al-Āḥād fī al-ʿAqīdah wa al-Rad ʿalā Shubah al-Mukhālifīn* (Banhā and Kuwait: Dār al-ʿIlm and al-Dār al-Salafiyyah, no date).
47. For example, Usama Khayyat, *Mukhtalaf al-Ḥadīth*, pp. 271–73, Anwar, Wilāyah, *Al-Mar'ah*, pp. 50–120.
48. For example, al-Qaradawi, *Al-Ijtihād al-Muʿāṣir*, p. 24.
49. Al-Qaradawi, *Madkhal*, p.277.
50. Abu Zahrah, 'Uṣūl al-Fiqh, p. 377, Al-Qaradawi, *Fiqh al-Zakāh*, vol. 1, p.30, Al-Qaradawi, *Madkhal*, p.277, Abdul-Karim Zaidan, *Al-Wajīz fī ʿUṣūl al-Fiqh*, 7th ed. (Beirut: Al-Risālah, 1998), p.411.
51. Wahba al-Zuhaili, *Tajdīd al-Fiqh al-Islāmī, Ḥiwārāt li Qurʾān Jadīd*

- (Damascus: Dār al-Fikr, 2000), p. 165, Ali Jumah, *Al-Muṣṭalah al-Uṣūlī wa Mushkilah al-Mafāhīm* (Cairo: Al-Maʿhad al-ʿĀlamī li al-Fikr al-Islāmī, 1996), p. 64.
52. For some examples, refer to: A. A. M. al-Marzouqi, “Human Rights in Islamic Law” (Ph.D. diss, University of Exeter, 1990).
 53. ECFR, vol. 1, p. 10, June 2002.
 54. Ali al-Mawardi, *Al-Aḥkām al-Sulṭāniyyah* (Cairo: al-Maktabah al-Tawfiqiyyah, no date), p. 5, Sham al-Dīn ibn al-Qayyim, *Aḥkām Ahl al-Dhimmah*, ed. Abu Bara’ and Abu Hamid (Riyadh: Ramadī, 1997), vol. 2, p. 728. Recently, some researchers recalled from the *Fiqhī* literature the concept of ‘*Dār al-ʿAhd*’ (the land of truce) as an additional third category. However, even a three-category classification does not account for the contemporary complexity in international relations. Refer to: N. A. A. al-Yahya, “Ibn Qudamah’s Methodology and His Approach to Certain Aspects of the Islamic Law of International Relations in the Hanbali Juristic Tradition” (Ph.D. diss, University of Manchester, 1992), A. M. Asmal, “Muslims under Non-Muslim Rule: The Fight (Legal) Views of Ibn Nujaym and Al-Wansharisi” (Ph.D. diss, University of Manchester, 1998).
 55. European Council for Fatwa and Research, Scientific Review of the European Council for Fatwa and Research, vol. 2, Jan. 2003 issue.
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 57. See for example, Abū Bakr al-Jaṣṣaṣ, *Aḥkām Al-Qurʾān*, ed. Mohammad al-Sadiq Qamhawi (Beirut: Dār Ihyā’ al-Turāth, 1984), vol. 2, p. 101, Zayn al-Dīn ibn Nujaym, *Al-Baḥr al-Rāʾiq*, 2nd ed. (Beirut: Dār al-Maʿrifah, no date), vol. 3, p. 117.
 58. Al-Mirghiyānī, *Al-Hidāyah Sharḥ Bidāyah al-Mubtadiʾ*, vol. 1, p. 196, Ibn ʿĀbidīn, *Hāshiyah Radd al-Muḥtār*, vol. 3, p. 55, Al-Siwāsī, *Sharḥ Fatḥ al-Qadīr*, vol. 3, p. 258.
 59. Abū Dawūd, Tirmidhī, and Ibn Mājah collections, the chapters on marriage.
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 62. For example, Usama Khayyat, “Mukhtalaf al-Ḥadīth” (Masters, ‘Umm al-Qurā, Published by Dār al-Faḍīlah, 2001), pp. 271–73.
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 64. Ibn Ḥazm, *Al-Iḥkām*, vol. 2, p. 229.

65. Robert Gleave, "Introduction," in *Islamic Law: Theory and Practice*, ed. R. Gleave and E. Kermeli (London: I.B. Tauris, 1997).
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67. Ibn Ḥazm, *al-Muḥallā*.
68. Ahmad Idris al-Ta'an, *Al-Maqāṣid wa al-Munāwarah al-‘Ilmāniyyah*, Muntadā al-Tawḥīd, 2005 [cited Mar. 10th, 2007]. Available from: <http://www.elthwed.com/vb/showthread.php?t=2456>, Mohammad Ali Mufti, *Naqd al-Judhūr al-Fikriyyah li al-Dimocrāṭiyyah al-Gharbiyyah* (Riyadh: al-Muntadā al-Islāmī and Majallah al-Bayān, 2002), pp.167–190.
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- (Oxford: Oxford University Press, 1998), Heba Ra'uf Ezzat, "Al-Mar'ah wa al-Dīn wa al-Akhlaq," in *Hiwārāt li Qarn Jadīd* (Dār al-Fikr: Damascus, 2000), Fatima Mernissi, "A Feminist Interpretation of Women's Rights," in *Liberal Islam: A Sourcebook*. Oxford, ed. Charles Kurzman (Oxford: University Press, 1998), A. B. Mukhtar, "Human Rights and Islamic Law: The Development of the Rights of Slaves, Women and Aliens in Two Cultures" (Ph.D. diss, University of Manchester, 1996), S. Saad, "The Legal and Social Status of Women in the Hadith Literature" (Ph.D. diss, University of Leeds, 1990), S. F. Saifi, "A Study of the Status of Women in Islamic Law and Society, with Special Reference to Pakistan" (Ph.D. diss, University of Durham, 1980), F. A. A. Sulaimani, "The Changing Position of Women in Arabia under Islam During the Early Seventh Century" (M. Phil. diss, University of Salford, 1986), Amina Wadud-Muhsin, "Qur'an and Woman," in *Liberal Islam: A Sourcebook*, ed. Charles Kurzman (Oxford: Oxford University Press, 1998).
122. For a non-apologetic opinion, refer to: Seyyed Hossein Nasr, *Ideals and Realities of Islam* (Boston, Mass.: George Allen and Unwin, 2000), pp. 112–13. However, the view that men and women, '[e]ach has certain duties and functions in accordance with his or her nature and constitution,' poses the complex question on the difference between 'nature' and 'culture.'
123. Al-Māwardī, *Al-Aḥkām*, p. 108.
124. *Ibid.*, p. 10.
125. *Ibid.*, p. 229.
126. *Ibid.*, p. 25.
127. Mohammad Shakir al-Sharif, *Ḥaqīqah al-Dīmuqrāṭiyyah*, p. 3, Mohammad Ali Mufti, *Naqd al-Judhūr al-Fikriyyah li al-Dīmuqrāṭiyyah*, p. 91.
128. Mesawi, M. al-Tahir, "Al-Shaykh ibn Ashur wa al-Mashrū' Alladhī Lam Yaktamil" in *Maqāṣid al-Sharī'ah al-Islāmiyyah* (Kuala Lumpur: al-Fajr, 1999), p. 72.
129. Ibn Ashur, *Al-Taḥrīr*, p. 115.
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135. Mesawi, "Al-Shaykh ibn 'Āshūr," p. 15.
136. For example, al-Zuhaili, *Tajdīd al-Fiqh al-Islāmī*, p. 165, Jumah, *Al-Muṣṭalah al-'Uṣūlī*, p. 64.

137. For example, the execution of Mahmoud Taha and the banishment of Fazlur Rahman for their non-mainstream ideas. More examples in: Piscatori, *Islamic Countries: Politics and Government*, p. 53–54.
138. Sano, *Qirā'at Ma'rifiyyah fī al-Fikr al-'Uṣūlī*, p. 180.
139. Abduh, *Al-A'māl al-Kāmilah*, vol. 1, p. 187 and vol. 3, p. 215.
140. Ibid., vol. 3, p. 301.
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142. Ibid., vol. 4, p. 9.
143. Ibid., vol. 2, pp. 199, 329, 663–69.
144. Al-Sadir, *Durūs fī 'Ilm al-'Uṣūl*, p. 243.
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146. Ibid., p. 427.
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148. Jamal al-Banna, *Tajdīd al-Fiqh al-Islāmī, Hiwārāt li-Qarn Jadīd* (Damascus: Dār al-Fikr, 2000), vol. 2, 251, Mohammad Al-Ghazaly, *Nazarāt fī al-Qur'ān* (Cairo: Nahḍah Miṣr, 2002), p. 194, Mohammad Nada, *Al-Nāskh fī al-Qur'ān* (Cairo: al-Dār al-'Arabiyyah li al-Kutub, 1996), p. 9.
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150. Ali al-Khateef, “Al-Sunnah al-Tashrī'iyah,” in *Al-Sunnah al-Tashrī'iyah wa Ghair al-Tashrī'iyah*, ed. Mohammad Emara (Cairo: Nahḍah Miṣr, 2001), Hasan al-Turabi, *Qaḍāyā al-Tajdīd: Naḥwa Manhaj 'Uṣūlī* (Beirut: Dār al-Hādī, 2000), p. 168, al-Zuhaili, *Tajdīd al-Fiqh al-Islāmī*, vol. 2, p. 255, Al-Tahir Ashur, *Al-Tahrīr wa al-Tanwīr* (Tunis: Dār Ṣaḥnūn, 1997), Mohammad Emara, “Al-Sunnah al-Tashrī'iyah wa Ghair al-Tashrī'iyah,” in *Al-Sunnah al-Tashrī'iyah wa Ghair al-Tashrī'iyah*, ed. Mohammad Emara (Cairo: Nahḍah Miṣr, 2001), Safi, *I'māl al-'Aql*, p. 153, Shams al-Din, *Al-Ijtihād wa al-Tajdīd fī al-Fiqh al-Islāmī*, p. 137.
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177. A common deconstructionists’ theme. Refer to: Ellis, *Against Deconstruction*, pp. 8–13. Also endorsed by Abu Zaid in Nasr Hamed Abu Zaid, “Divine Attributes in the Qur’an,” in *Islam and Modernity: Muslim Intellectuals Respond*, ed. John Cooper, Ronald L. Nettler and Mohamed Mahmoud (London: I.B. Tauris, 1998), p. 194.
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202. Al-Ghazaly, *Al-Sunnah al-Nabawiyyah*, p.161.
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213. Ibid.
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215. Taylor, ed, *Encyclopedia of Postmodernism*, pp. 148–49.
216. Shahrour, *Naḥwa ‘Uṣūl Jadīdah*, p.359, Keven A. Reinhart, “When Women Went to Mosques: Al-Aydini on the Duration of Assessments,” in *Islamic Legal Interpretation: Muftis and Their Fatwas*, ed. Brinkley Messick, Mohammad Khalid Masud, and David S. Power (Cambridge, Mass.: Harvard University Press, 1996).
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218. Fatima Mernissi, *Mā Warā’ al-Hijāb*, 1st ed.(Damascus: Dār Ḥawrān, 1997), p.170.
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CHAPTER SIX

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9. Shahrour, *Naḥwa ʿUṣūl Jadīdah*, p.207.
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11. El-Fadl, *Speaking in God’s Name*, p.275.
12. Garaudy, *Al-Islam*, p.103.
13. Al-Haj, *Al-Taqrīr*, vol. 3, p.412, Al-Shawkānī, *Irshād Al-Fuḥūl*, vol. 1, p.140.
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18. Ibid.
19. Auda, Ph.D. thesis, p. 70.
20. Moḥammad ibn ʿUmar al-Rāzī, *Al-Maḥṣūl*, ed. Taha Jabir al-Alwani (Riyadh: Imam Mohammad University Press, 1400 AH), vol. 1, pp. 547–73.
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22. Al-Juwaynī, *Al-Burhān*, vol. 2, p.590.
23. Al-Shāṭibī, *Al-Muwāfaqāt*, vol. 1, p.29.
24. Ibid., vol. 2, p.61.
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32. Gerard Jahami, *Mafhūm al-Sababiyyah Bayn al-Mutakallimīn wa al-Falāsifah: Bayn al-Ghazālī wa Ibn Rushd*, 2nd ed. (Beirut: Dār al-Mashriq, 1992), pp. 78–79.
33. Refer, for example, to: Al-Āmidī, *Al-Iḥkām*, vol. 3, p.249. Ibn Rushd (Averroës), al-Walīd, *Tabāfut al-Tabāfut*. Edited by Sulaiman Donya. 1st ed. (Cairo: Dār al-Ma‘ārif, 1964), p.785, Ibn al-Qayyim, *I‘lām al-Muwaqqi‘īn*, vol. 3, p.3, al-Tayyib, “Nazariyyah al-Maqāṣid,” al-Shāṭibī, *Al-Muwāfaqāt*, vol. 2, p.6.
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38. O. B. Jenkins, *What Is Worldview?* (1999 [cited Jan. 2006]); available from <http://orvillejenkins.com/worldview/worldvwhat.html>.
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42. Jenkins, *What Is Worldview?*
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44. Abdul-Fattah, Saif. “On Imam Mohamed Abdu’s Worldview” Paper presented at the Centennial of Shaykh Mohamed Abdu (Bibliotheca Alexandrina, Alexandria, Egypt Dec. 2005), p.7.
45. Sire, *Naming*, p.28, Naugle, *Worldview: The History of a Concept*, p. 29.
46. For example: Al-Majala, *Majallah al-Aḥkām al-‘Adliyyah* (Journal of Justice Rulings) item 43, 45. Also: Ibn ‘Ābdīn, *Al-Ḥashbiyah* (Side Notes), vol. 4, p.556.
47. Soltan, “Ḥujjiyyah” , p.620.
48. Masoud ibn Musa Flousi, *Madrasah al-Mutakallimīn* (Riyadh: Maktabah al-Rushd, 2004), p.354.
49. Such as ‘*walad*’ and ‘*lahm*,’ could mean ‘children’ or ‘boys’ and ‘beef’ or ‘beef

and birds,' respectively, depending on one's region and dialect.

50. The hadith also mentioned 'aqiṭ,' which is a kind of food that is unknown in nowadays' Arabic cuisine. According to al-Zubaydī (sixteenth century CE): *Aqiṭ* is goat or camel milk that is cooked and left to dry in order to use in cooking – Moḥammad al-Zubaydī, *Tāj al-ʿArūs fī Jawāhir al-Qāmūs* (Beirut: Dār al-Nashr, no date). Many 'modernist' scholars, usually citing the Ḥanafī school, allow paying an equivalent amount of money instead. However, the literal application of this charity is still dominant in countries like nowadays Saudi Arabia.
51. Ibn al-Qayyim, *Aḥkām Ahl al-Dhimmah*, vol. 2, p. 728.
52. Sabiq, *Fiqh al-Sunnah*, vol. 3, p. 29.
53. Peters, Rudolph. "Murder in Khaybar: Some Thoughts on the Origins of the Qasama Procedure in Islamic Law," *Islamic Law and Society* 9, no. 2 (2002), p. 133.
54. Aḥmad ibn Taymiyah, *Iqtidā' al-Ṣirāṭ al-Mustaqīm Mukhbālafah Aṣḥāb al-Jahīm*, ed. Mohammad Hamid, 2nd ed. (Cairo: Maṭba'ah al-Sunnah, 1369 AH), pp. 148–50.
55. *Ibid.*, pp. 158, 59, 60, 37, respectively.
56. This is also the opinion of the majority of schools of law. For a comparative survey, refer to Ibn Rushd: Ibn Rushd (Averroës), *Bidāyah al-Mujtahid wa Nihāyah al-Muqtaṣid* (the Starting Point of the Deliberator and the Ending Point of the Conservative), vol. 2, p. 12.
57. Ibn al-Qayyim, *Al-Ṭuruq al-Ḥukmiyyah*, vol. 1, p. 5.
58. Ibn Ḥajar, *Fathḥ al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī*, p. 375.
59. Jordan is an example, according to personal experiences of some Jordanian friends.
60. This is the case in most of the mosques that I have been to in the UK, to my surprise.
61. DeWitt, *Worldviews: An Introduction to the History and Philosophy of Science*, p. 5.
62. Such as the philosophers' claim of the eternity of the universe (*qidam al-ʿĀlam*). In the famous Ghazālī-Averroës *tabāfut* (Incoherence) debate, Averroës argued that saying that the universe is eternal in the sense that it has no end (Arabic: *abadī*), as al-Ghazālī believes, is not different from saying that the universe is eternal in the sense that it has no beginning (Arabic: *azalī, qadīm*), as the Greeks and other philosophers had said.
63. Aḥmad ibn Taymiyah, *Dār' Ta'arruḍ al-ʿAql wa al-Naql* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1997), vol. 3, p. 218.
64. Al-Suyūṭī, *Al-Dur al-Manthūr*, vol. 3, p. 86, Abū ʿAmr ibn al-Ṣalāḥ, *Fatāwa ibn al-Ṣalāḥ*, 2005.

65. Ibid.
66. Hasan Bashir Salih, *Alāqah al-Mantiq bi al-Lughah Ind Falāsifah al-Muslimīn* (Alexandria: Al-Wafā', 2003), p.86.
67. Al-Deeb, "Imam al-Haramayn," p.39.
68. Essmat Nassar, *Al-Khiṭāb al-Falsafī Ind ibn Rushd wa Atharuhu fī Kitābāt Moḥammad Abduh wa Zakī Najīb Maḥmūd* (Cairo: Dār al-Hidāyah, 2003), pp. 16–21.
69. Wadie Mustafa, "Ibn Ḥazm wa Mauqifuhu Min al-Falsafah wa al-Mantiq wa al-Akhlāq" (M.A. Thesis, Alexandria University, Published by al-Majma' al-Thaqāfi, 2000).
70. Ibn Taymiyah, *Dār Ta'aruḍ al-ʿAql wa al-Naql*.
71. Mustafa, "Ibn Ḥazm," p.203.
72. Al-Ghazālī, *Al-Mustasfā fī Uṣūl al-Fiqh*.
73. Refer to: ʿAli ibn Ḥazm, *Taqrīb al-Mantiq*, ed. Ihsan Abbas, 1st ed. (Beirut: no date).
74. Refer to: G.H. Von Wright, "Deontic Logic," *Mind*, New Series 60, no. 237 (1951).
75. Anwar al-Zaabi, *Zāhiriyyah ibn Ḥazm al-Andalusī: Naẓariyyah al-Maʿrifah wa Manāḥij al-Baḥṭh* (Amman: International Institute of Islamic Thought, 1996), p.49.
76. Ibid., pp.100–03.
77. John F. Sowa, *Knowledge Representation: Logical, Philosophical, and Computational Foundations* (Pacific Grove: Brooks, 2000), p.359.
78. W. Hallaq, *Ibn Taymiyya against the Greek Logicians* (Oxford: Clarendon Press, 1993).
79. Ibid.
80. Quoted in: Abu-Yarub al-Marzuqi, "Iṣlāḥ al-ʿAql fī al-Falsafah al-ʿArabiyyah" (Ph.D. diss, Published by The Centre of Arabic Unity Studies, 1994), p.176.
81. Ibn Taymiyah, *Dār Ta'aruḍ al-ʿAql wa al-Naql*, vol.1, p.203.
82. Al-Marzuqi, "Iṣlāḥ al-ʿAql fī al-Falsafah al-ʿArabiyyah", p.177, Al-Ajam, *Al-Mantiq Inda al-Ghazālī*.
83. Ibn Taymiyah, *Dār Ta'aruḍ al-ʿAql wa al-Naql*, vol. 3, p.218.
84. Abū Ḥamid al-Ghazālī, *Tahāfut al-Falāsifah (Incoherence of the Philosophers)*. Translated by M. S. Kamali (Pakistan Philosophical Congress, 1963 [cited January 18th 2005]); available from <http://www.muslimphilosophy.com>.
85. Al-Ghazālī, *Al-Mustasfā fī Uṣūl al-Fiqh*, p.3.
86. Rosalind Ward Gwynne, *Logic, Rhetoric, and Legal Reasoning in the Qur'an* (London and New York: Routledge, 2004), p.156. Also, al-Ajam, *Al-Mantiq*

‘*Inda al-Ghazālī*, pp. 163–65. The two inferences mentioned here could be formally explained as follows: Modus Ponens: If it is true that “if P is true, then Q is true,” then if P is true, then Q will be true. Modus Tollens: If it is true that “if P then Q is true,” then if Q is not true, then it means that P is not true.

87. Qur’an, Surah *al-Anbiyā’*, 21:21.
88. Abū Ḥāmid al-Ghazālī, *Al-Qistās al-Mustaqīm* (Beirut: Catholic Publishing House, 1959), p.62.
89. Al-Ajam, *Al-Mantiq ‘Inda al-Ghazālī*, p.65.
90. Ibid.
91. Disjunctive syllogism: Either one side or the other is true (or maybe both). They are not both false. So if you know that one side is false, then it must be the case that the other side is the true side. Formally, if $p \vee q$ and $\sim p$. Therefore, q (is true).
92. Abū Ḥāmid al-Ghazālī, *Maḥakk al-Nazar* (Cairo: al-Maṭba‘ah al-Adabiyyah, no date), p.43.
93. Hypothetical Syllogism: If we have two implication statements, where the first side of one is the same as the second side of the other. Then we can eliminate this common component and connect the remaining sides together with another. For example, if $p \implies q$ (p implies q) and $q \implies r$. Therefore, $p \implies r$. Al-Ghazālī used q for the ‘*illah* (cause) in this example.
94. Al-Ghazālī, *Maḥakk al-Nazar*, p.31.
95. For example, Ibn Taymiyah and Ibn Ḥazm. Refer to: Al-Ajam, *Al-Mantiq ‘Inda al-Ghazālī*.
96. ‘Alī al-Subkī, *Legal Opinions* (Lebanon: Dār al-Ma‘rifah), vol. 2, p.644.
97. Von Wright, “Deontic Logic.”
98. Ibid.
99. For a few examples of the application of this ruling, refer to: Al-Subkī, *Al-Ibhāj fī Sharḥ al-Minhāj*, vol. 1, p.118., Al-Rāzī, *Al-Maḥṣūl*, vol. 2, p.322, Al-Ghazālī, *Al-Mustaṣfā fī ‘Uṣūl al-Fiqh* (the Purified Source on the Fundamentals of Law), vol. 1, p.57, Aḥmad ibn Taymiyah, *Al-Musawwadah fī ‘Uṣūl al-Fiqh*, 2nd ed. (Cairo: Maktabah al-Madanī, no date), p.58, Al-Shāṭibī, *Al-Muwāfaqāt*, vol. 1, p.125.
100. C. W. DeMarco, “Deontic Legal Logic,” in *The Philosophy of Law: An Encyclopedia*, ed. Christopher Gray (New York and London: Garland Publishing, 1999).
101. Ibid.
102. Rescher, *Arabic Logic*, vol. 4, p.526.
103. Ibid., vol. 4, p.527.
104. Majid Fakhry, *A History of Islamic Philosophy*, 2nd ed. (London, New York: Longman, Columbia University Press, 1983), p.353.

105. Ibn Rushd, *Faṣl al-Maqāl*.
106. Ibid.
107. Nassar, *Al-Khiṭāb al-Falsafī*, Al-Turabi, *Qaḍāyā al-Tajdīd*, p.193.
108. Atif al-Iraqī, *Al-Nazʿah al-ʿAqliyyah fī Falsafah ibn Rushd*, 5th ed. (Cairo: Dār al-Maʿārif, 1993), p.369.
109. Gray, ed, *The Philosophy of Law Encyclopedia*, p.439.
110. Al-Iraqī, *Al-Nazʿah al-ʿAqliyyah fī Falsafah ibn Rushd*, p.70.
111. Flousi, *Madrasah al-Mutakallimīn*, p.332.
112. Ali, *Al-Mantiq wa al-Fiqh*, p.150.
113. Ibn Taymiyah, *Dār Taʿarūḍ al-ʿAql wa al-Naql*, vol. 1, p.14.
114. Ibid., vol. 1, pp. 15–23.
115. Abdallah Rabi, *Al-Qaṭʿiyyah wa al-Zanniyah fī ʿUṣūl al-Fiqh al-Islāmī* (Cairo: Dār al-Nahar, no date), pp. 24–27.
116. Abū Ḥāmid al-Ghazālī, *Maqāṣid Al-Falāsifah* (Cairo: Dār al-Maʿārif, 1961), p.3.
117. Ali Jumah, *ʿIlm ʿUṣūl al-Fiqh wa ʿAlaqtuhu bi al-Falsafah al-Islāmiyyah* (Cairo: Al-Maʿhad al-ʿĀlamī li al-Fikr al-Islāmī, 1996), p.29.
118. Sulaymān Abū Dāwūd, *Al-Sunan* (Damascus: Dār al-Fikr), vol. 3, p.257.
119. Al-Ḥākim al-Nīsābūrī, *Al-Mustadrak ʿAlā al-Ṣaḥīḥayn* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1990), vol. 2, p.255.
120. Al-Bukhārī, *Al-Ṣaḥīḥ*, vol. 5, p.2216.
121. Al-Nīsābūrī, *Al-Mustadrak ʿAlā al-Ṣaḥīḥayn*, vol. 1, p.553.
122. Al-Bukhārī, *Al-Ṣaḥīḥ*, vol. 2, p.532.
123. Ibn Rushd, *Bidāyah Al-Mujtahid*, vol. 2, p.43.
124. Al-Swāsī, *Sharḥ Fath al-Qādir*, vol. 2, p.192, Ibn Abdul-Barr, *Al-Tamhīd*, vol. 4, p.216.
125. Ibn Ḥajar, *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī*, vol. 10, p.375.
126. For example: ʿAlī al-Āmidī, *Al-Iḥkām fī ʿUṣūl al-Aḥkām* (Beirut: Dār al-Kitāb al-ʿArabī, 1404 AH), vol. 4, p.249.
127. Mentioned and not supported by: Abū Bakr al-Bayhaqī, *Al-Sunan* (Madinah: Al-Dār, 1989), vol. 6, p.124.
128. Mentioned and not supported in: Moḥammad al-Ṣanʿānī, *Subul Al-Salām* (Beirut: Dār Ihyāʾ al-Turāth al-ʿArabī, 1379 AH), vol. 3, p.227.
129. Biltaji, *Manhaj ʿUmar*, p.190.
130. Ibid., p.190.
131. Jalāl al-Dīn al-Suyūṭī, *Tadrīb al-Rāwī* (Riyadh: Maktabah al-Riyadh al-Ḥadīthah, no date), vol. 2, p.180.
132. For example, Ibn al-Jazrī (d. 1429 CE), in his book on the narrations of the Qurʾan, counted 80 parallel ʿchains of narratorsʾ for the Qurʾan and elaborated on their variations. Refer to: Ibn al-Jazrī, *Al-Nashr fī al-Qirāʾat al-ʿAshr*, pp. 117–280.

133. Ibn al-Ṣalāh, *Al-Muqaddimah fī ‘Ulūm al-Ḥadīth*, p.28.
134. Ibn Taymiyah, *Al-Musawwadah fī ‘Uṣūl al-Fiqh*, p.223.
135. Ibn Taymiyah, *Kutub wa Rasā’il wa Fatwā*, pp. 78–83.
136. El-Fadl, *Speaking in God’s Name*, p.238.
137. For example: Al-Suyūṭī, *Al-Dur al-Manthūr*, vol. 3, p.86.
138. Their reason is the ‘uncertainty’ in these methods. Refer to: Soltan, “Ḥujjiyyah”, Ch.3.
139. Al-Ghazālī, *Al-Mustasfā*, p.304.
140. This is according to al-Ghazālī’s Ash‘arite school, which believes that God ‘does not have to have’ causes/purposes behind His actions, as explained in Section 1.3.
141. Al-Ghazālī, *Al-Mustasfā fī ‘Uṣūl al-Fiqh*, p.279, Al-Shāṭibī, *Al-Muwāfaqāt*, vol. 4, p.129, Ibn Taymiyah, *Kutub wa Rasā’il wa Fatwā*, vol. 19, p.131.
142. Al-Ghazālī, *Maqāsid Al-Falāsifah*, p.62.
143. Ibn Taymiyah, *Kutub wa Rasā’il wa Fatwā*, vol. 19, p.131.
144. Abdul-Aziz al-Bukhari, *Kashf Al-Asrār* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1997), vol. 3, p.77.
145. For examples, refer to: Auda, *Fiqh Al-Maqāsid*, pp. 65–68.
146. Al-Subkī, *Al-Ibhāj fī Sharḥ al-Minhāj*, vol. 3, p.218.
147. Al-Bukhārī, *Al-Ṣaḥīḥ*, p. 69.
148. Ibid.
149. Auda, *Fiqh Al-Maqāsid*, p.106.
150. Abū Bakr al-Mālikī ibn al-‘Arabī, *‘Āriḍah al-Aḥwadhī* (Cairo: Dār al-Wahy al-Moḥammadī, no date), vol. 10, p.264.
151. For example, refer to: Badran Badran, *Adillah al-Tarjih al-Muta‘aridah wa Wujub al-Tarjih Baynahā* (Alexandria: Mu’assasah Shabāb al-Jāmi‘ah, 1974).
152. Auda, *Fiqh Al-Maqāsid*, p.64.
153. Al-Suyūṭī, *Al-Ashbāh wa al-Naza’ir*, vol. 1, p.192.
154. Ayatollah Mohammad Baqir al-Sadir, *Durūs fī ‘Ilm Al-‘Uṣūl*, 2nd ed. (Beirut: Dār al-Kitāb al-Lubnānī, 1986), vol. 2, p.222.
155. For example, refer to: Al-Rāzī, *Al-Tafsīr Al-Kabīr*, vol. 3, p.204, al-Faḍl ibn al-Hussain al-Tubrūsī, *Majma‘ Al-Bayān fī Tafsīr al-Qur’ān* (Beirut: Dār al-‘Ulūm, 2005), vol. 1, p.406, Nada, *Al-Naskh Fi Al-Qur’an* p. 25.
156. Badran, *Adillah Al-Tarjih*, ch. 4.
157. Al-Haj, *Al-Taqrīr*, vol. 3, p.4.
158. Auda, *Fiqh al-Maqāsid*, pp. 105–10.
159. Abdul Majeed al-Sousarah, *Manhaj Al-Tawfiq wa al Tarjih Bayn Mukhtalaf al-Ḥadīth wa Atharuhu fī al-Fiqh al-Islāmī*, 1st ed. (Amman: Dār al-Nafā’is, 1997), p.395.

160. Trans. M. Asad.
161. Verses 2:256, 6:13, 23:96, 30:60, 41:46, 109:6, respectively. (trans. M. Asad).
162. Burhan Zuraiq, *Al-Şahīfah: Mīthāq al-Rasūl*, 1st ed. (Damascus: Dār al-Numayr and Dār Ma‘ad, 1996), p.353.
163. *Ibid.*, p.216.
164. Based on the same survey of the books of hadith that I carried out, as mentioned above.
165. Al-Alwani, “Maqāşid al-Sharī‘ah,” p.89.
166. As suggested by a number of jurists. For example: al-Shāf‘ī, *Al-Risālah*, pp. 272–75, Mohammad al-Zurqani, *Sharḥ al-Zurqānī‘ Alā Muwaţţat’ al-Imām Mālik*. 1st ed. (Beirut: Dār al-Kutub al-‘Ilmiyyah, no date), vol. 1, p.229.
167. Al-Siwāsī, *Sharḥ Faḥ al-Qādir*, vol. 1, p.311, al-Sarkhasī, ‘*Uşūl al-Sarkhasī*, vol. 1, p.12, Al-Kasānī, *Badā’i‘ al-Şanā’i‘*, vol. 1, p.207.
168. Al-Shāf‘ī, *Al-Risālah*, pp. 272–75.
169. Moḥammad ibn ‘İssā al-Tirmidhī, *Al-Jāmi‘ al-Şahīḥ Sunan al-Tirmidhī*, ed. Ahmad M. Shakir (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, no date), vol. 2, p.275.
170. Al-Nawawī, *Al-Majmū‘*, vol. 4, p.145.
171. Al-Ghazālī, *Al-Mustaşfā*, vol. 1, pp.172–74.
172. Ibn Ashur, *Maqāşid al-Sharī‘ah al-Islāmiyyah*, p. 236.
173. Ibn Nujaym, *Al-Baḥr al-Rā‘iq*, vol. 3, p.117, al-Mirghiyānī, *Al-Hidāyah Sharḥ Bidāyah al-Mubtadi‘*, vol. 1, p.197.
174. Al-Siwāsī, *Sharḥ Faḥ al-Qādir*, vol. 3, p.258.
175. Ibn ‘Abidīn, *Hāşhiyat Radd al-Muḥtār*, vol. 3, p.55.
176. Mohammad al-Ghazaly, *Naẓarāt fī Al-Qur‘ān* (Cairo: Nahḍah Mişr, 2002), p.194.
177. Al-Nīsābūrī, *Al-Mustadrak ‘Alā al-Şahīḥayn*, vol. 2, p.255.
178. Ibn Rushd, *Bidāyah al-Mujtahid*, vol. 2, p.43.
179. Moḥammad ibn Ismā‘īl al-Şan‘ānī, *Subul al-Salām Sharḥ Bulūgh al-Marām Min Adilah al-Aḥkām*, ed. Mohammad Abdul Aziz Al-Khouli (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1379 AH), vol. 3, p.227.
180. *Ibid.*
181. *Ibid.*
182. Ibn Ashur, *Maqāşid al-Sharī‘ah al-Islāmiyyah*, p.234.
183. Von Jhering, *Law as a Means to an End (Der Zwick Im Recht)*, p.xxii.
184. *Ibid.*, p. lvii.
185. Geny, *Methode D’interpretation Et Sources En Droit Prive Positif*, vol. 2, p.142.
186. Von Jhering, *Law as a Means to an End*, p.lix, Geny, *Methode D’interpretation*, vol. 2, p.142.

187. Italics are his. Von Jhering, *Law as a Means to an End*, pp. 7–9.
188. Geny, *Methode D'interpretation*, vol. 2, p.190.
189. Von Jhering, *Law as a Means to an End*, “Introduction”, p.xxii.
190. For example, Abdullah bin Bayah, *Āmālī al-Dilālāt wa Majālī al-Ikhtilāfāt*, 1st ed. (Jeddah: Dār al-Minhāj, 2007), p.361, and Al-Turabi, *Qadāyā al-Tajdīd*, p.157.
191. Al-Shāṭibī, *Al-Muwāfaqāt*, vol. 2, p.25.
192. Ibn Ashur, *Maqāṣid al-Sharīah al-Islāmiyyah*, p.225.
193. Moghissi, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis*, p.140.
194. Arkoun, “Rethinking Islam Today,” p.221.
195. Al-Marzuqī, “Iṣlāh al-‘Aql fī al-Falsafah al-‘Arabiyyah,” p.12.
196. Moosa, “Poetics.”
197. Abu Zahrah, *‘Uṣūl al-Fiqh*, p.139.
198. Al-Turabi, *Al-Tafsīr al-Tawhīdī*, p.20, Jabir, *Al-Maqāṣid Alkuliyyah*, p.35.
199. For example: Al-Alwani, “Madkhal Ilā Fiqh al-Aqalliyāt”, p.36, Al-Ghazaly, *Al-Sunnah al-Nabawiyyah*, pp. 19, 125, 61, Al-Ghazaly, *Nazarāt fī al-Qur’ān*, p. 36, al-Nimr, *Al-Ijtihād*, p.147, al-Turabi, *Qadāyā al-Tajdīd*, p.157, Yassin Dutton, *The Origins of Islamic Law: The Qur’an, the Muwaṭṭa’ and Madinan’ Amal* (Surrey: Curzon, 1999) p.1, John Makdisi, “A Reality Check on Istihsan as a Method of Islamic Legal Reasoning,” *UCLA Journal of Islamic and Near Eastern Law*, no. 99 (fall/winter) (2003), A. Omotosho, “The Problem of al-Amr in Usul al-Fiqh” (Ph.D. diss, University of Edinburgh, 1984), Safi, *I’ṣāl al-‘Aql*, p.130, Shams al-Din, *Al-Ijtihād wa al-Tajdīd fī al-Fiqh al-Islāmī*, p.21.
200. Ibn Ashur, *Maqāṣid al-Sharīah al-Islāmiyyah*, Chapter 6.
201. I referred here to Mohamed al-Tahir Mesawi’s translation of Ibn Ashur’s book on *Maqāṣid*: Mohammad al-Tahir ibn Ashur, *Ibn Ashur Treatise on Maqāṣid al-Sharīah*, trans. Mohamed El-Tahir El-Mesawi (London-Washington: International Institute of Islamic Thought (IIIT), 2006).
202. Al-Āmidī, *Al-Iḥkām*, vol. 5, p.391.
203. Ibn Qudāmah, *Al-Mughnī*, vol. 3, p.42.
204. Ibid.
205. Aristotle, *The Works of Aristotle*.
206. For example: Al-Ghazālī, *Al-Mustashfā*, al-Rāzī, *Al-Tafsīr al-Kabīr*, vol. 3, p.133, al-Suyūṭī, Jalāl al-Dīn, *Tadrīb al-Rāwī fī Sharḥ Taqrīb al-Nawawī*. Ed. by Abdul Wahab Abdul Latif (Riyadh: Maktabah al-Riyādh al-Ḥadīthah, no date), vol. 1, p.277, al-Haj, *Al-Taqrīr*, vol. 1, p.86, al-Shāf‘ī, al-Āmidī, p.149.
207. Hassaan, *Nazariyyat al-Maṣlahah fī al-Fiqh al-Islāmī*.
208. Gray, ed, *The Philosophy of Law Encyclopedia*, p.428.

209. Al-Juwaynī, *Al-Ghayyāthī*, p.253, al-Ghazālī, *Al-Mustaşfā*, vol. 1, p.172, al-Rāzī, *Al-Maḥşūl fī ‘Ilm al-‘Uşūl*, vol. 5, p.222, al-Āmidī, *Al-Iḥkām* vol. 4, p.286, al-Ṭūfī, *Al-Ta‘yīn*, p.239.
210. Ibn Qudāmāh, *Al-Mughnī*, vol. 5, p.148.
211. Al-Sarkhasī, *‘Uşūl al-Sarkhasī*, vol. 9, p.205.
212. *Ibid.*, vol. 5, p.117.
213. *Ibid.*
214. *Ibid.*, vol. 16, p.25.
215. *Ibid.*, vol. 5, p.62.
216. *Ibid.*, vol. 5, p.181.
217. *Ibid.*, vol. 1, p.50.
218. *Ibid.*, vol. 3, p.53.
219. Al-Qarāfī, *Al-Dhakhīrah*, vol. 1, p.153. Al-Qarāfī, *Al-Furūq (Ma‘a Hawāmishih)*, vol. 2, p.60, Burhān al-Dīn ibn Farḥūn, *Tabşīrah al-Hukkām fī ‘Uşūl al-Aqđīyah wa Manāhij al-Aḥkām*, ed. Jamal Marshli (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1995), vol. 2, p.270.
220. Al-Qarāfī, *Al-Dhakhīrah*, vol. 1, p.153. Al-Qarāfī, *Al-Furūq (Ma‘a Hawāmishih)*, vol. 2, p.60.
221. Ibn Farḥūn, *Tabşīrah al-Hukkām*, vol. 2, p.27off.
222. Ibn Ashur, *Maqāşid al-Sharī‘ah al-Islāmiyyah*, p.234.
223. Ibn Ashur mentioned, for example: ‘Now [as for you, O Mohammad,] We have not sent you otherwise than to mankind at large’ (34:28), ‘Say [O Mohammad]: “O mankind! Verily, I am an Apostle to all of you”’ (7:158), and the hadith: ‘An apostle used to be sent specifically to his own people, while I have been sent to all of mankind’ (Muslim).
224. Ibn Ashur, *Maqāşid al-Sharī‘ah al-Islāmiyyah*, p.236.
225. Al-Qarāfī, *Al-Furūq (Ma‘a Hawāmishih)*, vol. 4, p.49. Abu Zahrah, *‘Uşūl al-Fiqh*, p.278.
226. Al-Qarāfī, *Al-Dhakhīrah*, vol. 1, p.151, Ibn Abdul-Salām, *Qawā‘id al-Aḥkām fī Maşliḥ al-Ānām*, vol. 1 p.23.
227. Ibn Taymiyah, *Kutub wa Rasā’il aa Fatwā*, vol. 2, p.214.
228. *Ibid.*, vol. 1, p.56.
229. Al-Turabi, *Qađāyā al-Tajdīd*, p.167.
230. For example, refer to Mohammad Mehdi Shamsuddin, “Maqāşid al-Sharī‘ah,” Mohammad Hussain Fadlullah, “Maqāşid al-Sharī‘ah,” al-Alwani, “Maqāşid al-Sharī‘ah,” and Abdulhadi al-Fadli, “Maqāşid al-Sharī‘ah,” in *Maqāşid al-Sharī‘ah*, ed. Abduljabar al-Rufa‘ī (Damascus: Dār al-Fikr, 2001). Also refer to Qaradawi’s *Madkhal*.
231. Shamsuddin, “Maqāşid al-Sharī‘ah,” p.26.