

The Criterion of Prioritizing Public Interest over Textual Evidence in Najm al-Din al-Tufi and Modernists: A Comparative Critical Study

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Abstract:

This study examines the concept of prioritizing public interest over textual evidence as presented by Imam Najm al-Din al-Tufi and modernists. It elucidates al-Tufi's perspective on prioritizing public interest over textual evidence and consensus, while also addressing some critiques of this theory. The study further explores modernist views on prioritizing public interest over textual evidence, highlighting the differences between these views and al-Tufi's approach. The research concludes that the modernists' prioritization of public interest over textual evidence diverges significantly from al-Tufi's theory in terms of scientific foundations, methodological dimensions, and theological implications. Additionally, the rationale behind this prioritization differs between traditional jurists and modernists: while modernists base their reasoning on public interest as reflecting the intent and wisdom of the Lawgiver, traditional jurists rely on causality, defined as the observable, consistent attribute upon which legal rulings are based.

Keywords: Textual evidence - Public interest - Imam al-Tufi - Modernists

Introduction:

In the name of Allah, the Most Gracious, the Most Merciful. Peace and blessings be upon the most honorable of messengers, his family, and companions.

Imam al-Tufi (1) hypothesized a conflict between public interests and Islamic textual evidence. This theory has become a comforting premise for the modernist current, which found it an easy gateway to propagate its ideas. It represents one of the most prominent and widespread arguments

used to challenge textual evidence. This notion has gained significant traction in our time and has been adopted by many. Arguably, the first to articulate this concept in such a manner was the Usuli scholar al-Tufi, may Allah have mercy on him. His proposition has gained increased prominence and impact in contemporary writings, where it is now employed as a foundational principle for deriving Islamic legal rulings, justifying reinterpretation, or negating certain Sharia provisions (2).

1. Objectives of the Study

To expose the deviations advanced by many contemporary researchers in prioritizing public interest over textual evidence under the pretext of renewal and modernity, and to present a scholarly critique refuting their claims.

To deepen researchers' understanding by unveiling these claims in the context of Islamic legislative sources.

To demonstrate the inconsistency of modernist interpretations and their lack of a scientifically viable alternative to Usul al-Fiqh.

To clarify the fundamental differences between Imam al-Tufi's approach to prioritizing public interest over textual evidence and that of the modernist methodology.

2. Research Problem

The research problem revolves around the extent to which modernists prioritize public interest over textual evidence and how this differs from al-Tufi's proposition. What is the reality of al-Tufi's view on this theory? And what are the key critiques of his theory?

3. Research Structure

The study comprises an introduction, four sections, and a conclusion organized as follows:

Introduction:

The introduction includes the significance of the study, its problem, and its structure.

Section One: Definitions of the Terms in the Title.

Section Two: Clarifying al-Tufi's perspective on prioritizing public interest over textual evidence and consensus.

Section Three: Presenting some critiques of al-Tufi's theory.

Section Four: Modernist views on prioritizing public interest over textual evidence and the differences between these views and al-Tufi's approach.

Conclusion: Contains the most important findings.

Section One: Definitions of the Terms in the Title

First: Modernity

Linguistic Definition:

Modernity derives from the trilateral verb *ḥadaṭa* (حَدَّثَ), meaning the opposite of old, referring to the beginning of something or its initiation. It also implies youth or early stages of life (3).

Terminological Definition:

Modernity represents a novel approach to freedom, behavior, ethics, and thought. It embodies a global revolt against the past, a rebellion against established forms, a rejection of entrenched traditions, a transformation of existing realities, and the creation of a new order and societal framework. Modernity is characterized by its aim to dismantle traditional boundaries and cater to unrestrained human desires (4).

Al-Nahwi defines modernity as: *"The deviant manifestation of humanity's pursuit of the new, an unrestrained quest detached from faith and monotheism... It is a rebellion against life and the divine laws of the universe, marked by the anxiety of doubt, the arrogance of pride, and moral degeneration."* (5)

Some scholars have linked modernity with secularism, asserting: *"They are two sides of the same coin. A careful examination of the objectives and ideas of modernists reveals their alignment with the goals and ideologies of secularists. The distinction lies in form: modernists often cloak their ideas in religious legitimacy, whereas secularists do not. Ultimately, both groups converge on shared objectives such as interfaith rapprochement, advocacy of Western-style democracy, trivialization of divine rulings, and attempts to*

undermine Sharia, particularly its penal laws."
(6)

In summary, modernity can be defined as:
A term denoting a specific ideology rooted in intellectual principles that contradict and reject the divine religion and its laws. (7)

Second: Public Interest (Maslahah)

Al-Ghazali defines public interest as follows:
"Public interest originally refers to acquiring benefits or averting harm. However, this is not the intended meaning here, as seeking benefits and avoiding harm pertains to human purposes. Instead, public interest, in this context, denotes safeguarding the objectives of the Sharia. The objectives of the Sharia concerning humanity are five: preserving their religion, life, intellect, lineage, and wealth. Anything that ensures the preservation of these five essentials is considered a public interest, while anything that compromises them constitutes corruption, and its prevention is also a public interest." (8)

Al-Shatibi defined public interest (maslahah) as:
"By public interest, we mean what is understood as its observance for the benefit of creation, in terms of bringing benefits and averting harms, in a manner that the intellect alone cannot independently comprehend." (9)

From these definitions, it becomes evident that public interest must align with the intent of the Lawgiver. It cannot be based on the whims and desires of the individual nor determined solely by intellect, as this would undermine its stability. Public interest is categorized into:

Recognized Interest (Maslahah Mu'tabarah):

An interest supported by explicit Sharia evidence affirming its validity.

Disregarded Interest (Maslahah Mulghat):

Any interest that Sharia explicitly deems invalid and nullifies due to the harm it entails, even if individuals mistakenly perceive it as beneficial.

This harm may be apparent, lead to future harm, or require reflection and analysis to discern.(10)

Unrestricted Interest (Maslahah Mursalah):

Any interest about which Sharia remains silent, without specific evidence in the Qur'an or Sunnah affirming or rejecting it, and without consensus from jurists and scholars (11).

Third: Textual Evidence (Nass)

1. Linguistic Definition:

The root (ن ص ن) in Arabic conveys meanings of elevation, clarity, thorough examination, movement, specification, and bringing something to its ultimate conclusion. It can also refer to attributing or raising something, as in the phrase *"The gazelle raised its neck"* (نَصَّتْ الظَّبْيَةُ جِيدَهَا). It also implies positioning someone in a prominent place, like "he ascended the platform" (نَصَّ فُلَانٌ) (على المنصة), symbolizing ultimate renown (12).

2. Terminological Definition:

The term "textual evidence" (*nass*) in Islamic jurisprudence is used to signify multiple meanings depending on the context, reflecting the dynamic and flexible nature of widely used scholarly terms.

Tracing its evolution in *Usul al-Fiqh* terminology, the term *nass* has undergone various phases and applications, eventually becoming a polysemous term. The first known usage of *nass* was by Imam al-Shafi'i, may Allah have mercy on him, in his foundational work *Al-Risala*, which is widely recognized as the cornerstone of *Usul al-Fiqh*. Imam al-Shafi'i used the term *nass* to refer to the texts of the Qur'an and Sunnah, contrasting it with the process of inference and reasoning (13).

In *Usul al-Fiqh*, the term "text" (*nass*) is used with various general and specific applications:

According to Abdul Aziz al-Bukhari, *nass* refers to:

"Any articulated statement with a comprehensible meaning from the Qur'an or Sunnah, whether explicit or interpreted, literal or metaphorical, specific or general." (14)

Ibn Taymiyyah defines *nass* as: "The terms of the Qur'an and Sunnah, whether their indication is definitive or probabilistic." (15)

Scholars have noted that the term *nass* is polysemous, encompassing three main meanings:

First Meaning:

A term whose meaning is predominantly understood without certainty. This is the usage adopted by Imam al-Shafi'i, based on the equivalence of *nass* and *zahir* in his terminology. This definition aligns with linguistic norms and is acceptable in Sharia (16).

Second Meaning (Most Common):

A term that admits no possibility of alternative meanings, whether near or remote. For instance, the number five is definitive in its meaning and cannot imply six or four. Similarly, the term *horse* cannot refer to a donkey or camel, as it is definitive and unequivocal in its meaning (17).

This interpretation represents the specific application of *nass* in *Usul al-Fiqh* thought. It refers to a term whose meaning is definitive and exclusive, incapable of bearing any alternative interpretations (18). Some definitions by jurists include:

Imam Fakhr al-Din al-Razi in his *Mahsul*: "Nass is a term that cannot be used for any meaning other than its single, intended meaning." (19)

Imam al-Qarafi in his *Tanqih*: "Nass refers to what indicates a definitive meaning, without any possibility of alternative meanings." (20)

More precisely, al-Qarafi adds: "It is a term to which no probability applies, neither near nor distant."

Third Meaning:

Nass refers to a term that admits no acceptable probability supported by evidence. However, a probability that lacks evidential support does not exclude the term from being considered *nass*. According to this meaning, a *nass* under the second usage is one that admits no probability at all, while under the third usage, it excludes probabilities not backed by evidence (21).

While the term *nass* can be used for all three meanings, the second usage is more prevalent, clearer, and less likely to be confused with the concept of *zahir*.

Based on the above, the term *nass* may refer to the terms of the Qur'an and Sunnah, whether their indications are definitive or apparent. It may also refer specifically to a term that provides a definitive meaning, excluding contradictions, or to one with an apparent meaning open to interpretation.

Section Two: Clarifying al-Tufi's Perspective on Prioritizing Public Interest Over Textual Evidence and Consensus

First: Al-Tufi's Theory and Its Treatment in Research

Al-Tufi did not dedicate an independent book or treatise to the theory of prioritizing public interest over textual evidence. Instead, he mentioned it in his work *Al-Tayyin fi Sharh al-Arba'in*, a commentary on the *Arba'in Nawawiyyah* (Forty Hadith of al-Nawawi). The theory appears under his explanation of the hadith of Abu Sa'id al-Khudri (may Allah be pleased with him): "There should be no harm or reciprocating harm" (la darar wa la dirar) (22).

Second: The Essence of the Theory and Its Source

Najm al-Din al-Tufi held the view that public interest should be prioritized over textual evidence. He considered public interest to be the strongest of evidences when there is a conflict between Sharia texts, particularly in matters related to financial transactions.

Al-Tufi argued that: *"Transactions and similar matters are intended to serve the public interest. When public interest aligns with other Sharia evidences, it is accepted without issue. However, if a conflict arises and reconciliation is possible, then reconciliation should be sought. If reconciliation is not possible, public interest should take precedence over other considerations. This is based on the hadith: 'There should be no harm or reciprocating harm', which specifically negates harm and necessitates the consideration of public interest."* (23)(24)

He further explained that harm is negated except where explicitly permitted by definitive texts, such as in the cases of prescribed punishments and legal penalties. Although these constitute harm for those affected, they are legislated by consensus because of specific evidence supporting them. Al-Tufi supported his view by stating that harm is universally negated unless there is specific evidence to the contrary. In cases where harm is indicated in evidence, such evidence should be qualified and explained through the hadith, allowing for reconciliation between the evidence and the principle of negating harm without nullifying or invalidating either (25).

Al-Tufi defined public interest as follows: *"In customary terms, it refers to a cause that leads to improvement and benefit, such as trade leading to profit. In Sharia terms, it is a cause that leads to the objectives of the Lawgiver, whether in worship or customary matters. It is further divided into what the Lawgiver intends for His*

own right, such as acts of worship, and what He intends for the benefit of creation and the regulation of their affairs, such as customary practices."(26)

Section Three: Presenting Critiques of Al-Tufi's Theory

Numerous studies have addressed Al-Tufi's theory, ranging from detailed explanations to critical evaluations and outright rejection. This section summarizes key critiques of his theory.

First: Al-Tufi's Use of the Hadith on Harm

Al-Tufi relied on the hadith *"There should be no harm or reciprocating harm"* as a basis for his theory. This reliance has been critiqued as follows:

The Nature of the Hadith:

The hadith is classified as *khobar ahad* (a single-chain report) and has some weakness, though it is strengthened by supporting evidence. Critics argue that such a hadith cannot be given precedence over all other Sharia evidences, including those mentioned by Al-Tufi, which are more authoritative, such as those based on *mutawatir* (mass-transmitted) reports. It is unreasonable to prioritize *khobar ahad* over *mutawatir* evidence.

The Assumption of Conflict:

Al-Tufi's argument presumes that public interest can conflict with Sharia texts, an assumption deemed fundamentally flawed. He hypothesizes that some Sharia evidences may involve harm. However, this basis for prioritizing public interest over textual evidence is considered speculative and lacks real-world foundation (27).

Second: Muhammad Zahid al-Kawthari's Critique of Al-Tufi

Al-Kawthari strongly criticized Al-Tufi's theory, asserting that it was the first step toward opening

the door to misguidance. He argued that no Muslim before Al-Tufi made such a claim, and only those less credible followed him in this regard. Al-Kawthari dismissed Al-Tufi's differentiation between financial transactions and acts of worship as baseless, asserting that God, the All-Wise, can legislate as He wills. He likened Al-Tufi's argument to suggesting that God does not fully comprehend the best interests of His creation, implying that Al-Tufi believed he had greater insight into human welfare than the All-Knowing Creator (28).

However, al-Kawthari's critique has been reproached for its harshness. His use of inflammatory language and accusations of heresy against Al-Tufi are viewed as unbecoming of a scholar. Critics argue that such a tone undermines the principles of respectful scholarly debate, particularly when addressing a qualified scholar like Al-Tufi.

Third: Muhammad Abu Zahra's Response

Sheikh Muhammad Abu Zahra analyzed and critiqued Al-Tufi's views in his works on *Imam Malik* and *Imam Ahmad ibn Hanbal*. He described Al-Tufi as an extremist in prioritizing public interest over textual evidence and linked his methodology to that of the Shi'a Imami school. Abu Zahra outlined the points of contention between Al-Tufi and other jurists regarding public interest as an independent source of jurisprudence.

Abu Zahra argued that Al-Tufi's evidences contradicted his conclusions. He asserted that if public interest were genuinely at odds with textual evidence, such texts could not be described as guidance, mercy, or healing. The assumption of a conflict between texts and public interest is inherently invalid, as there is no instance where a definitive text contradicts a well-established public interest. Abu Zahra emphasized that Al-Tufi failed to provide a single

example supporting his theory, even after extensive investigation (29).

Fourth: Muhammad Sa'id Ramadan al-Bouti's Critique

Sheikh Muhammad Sa'id Ramadan al-Bouti provided a constructive critique of Al-Tufi's theory. He argued that the premise of a conflict between public interest and Sharia texts or consensus is baseless. Paradoxically, Al-Tufi himself provided evidence that negated the possibility of such a conflict by demonstrating that the Qur'an inherently promotes the welfare of humanity.

Al-Bouti reasoned that if one were to hypothesize such a conflict, it would undermine Al-Tufi's foundational claim that Sharia exists solely to protect public interests. He concluded that public interest, as a criterion, falls short of comprehending the rulings of Sharia (30).

Rejection of Exceptions:

Al-Bouti also refuted the claim that Al-Tufi's approach to prioritizing public interest was akin to applying exceptions (*takhsis*). Consensus (*ijma*) is a definitive source of evidence and cannot be subject to exceptions. Similarly, textual evidence cannot be overridden by claims of public interest, as this would open the door to arbitrary invalidation of divine law. The early generations of Muslims, particularly the Companions and their successors, clarified the meanings of texts open to exceptions, leaving no room for uncertainty or revision. To argue otherwise would imply ignorance on the part of the Companions regarding Sharia or the abrogation of established rulings, which is untenable.

Al-Tufi argued that public interest (*maslahah*) takes precedence over consensus (*ijma'*), claiming that consensus is weaker than safeguarding public interest. He justified this by stating that the observance of public interest is

unanimously agreed upon, whereas consensus itself is not. This argument has been widely criticized as a logical fallacy, evident to anyone with even basic exposure to scholarly works.

Disagreements among jurists in various branches of Islamic law are differences in understanding textual evidence and determining its true implications due to varying interpretations. Such disagreements do not reflect inherent contradictions within the texts themselves. These differences are a natural consequence of juristic reasoning and do not imply that the texts themselves are contradictory. Islamic law absolves scholars of blame for such errors in their *ijtihad* (31).

Discussion and Evaluation

Public interest is a fundamental basis of Islamic legislation. Any law that eliminates harm or brings benefit does not lead to disbelief (*kufur*). Suspending certain texts in the realm of financial transactions to prevent harm or achieve benefit does not lead a society or its rulers to disbelief under any circumstances. Such suspension is permissible in cases of necessity, as expressed by the principle: "*Necessity permits the prohibited.*" (32)(33)

Interestingly, Al-Tufi's contemporaries, such as Ibn Taymiyyah and Ibn al-Qayyim, who were also Hanbali scholars, held differing views on public interest. Despite their reputation for boldness in expressing opinions, they did not endorse or respond to Al-Tufi's theory (34).

The explicit or definitive texts, meaning those that possess certainty in both their transmission and indication (35).

In reality, Al-Ṭūfī's discussion closely aligns with the general consensus among the principles of jurisprudence scholars (*uṣūliyyūn*) on the well-known topic of "specifying texts." The *uṣūliyyūn* maintain that the generality of a text may be weak

or subject to certain individual exceptions, and thus may be specified based on another text, analogy, necessary interest, or a need consistent with Islamic law. However, they differ in how this principle is applied and the terminologies they use for this concept. Ultimately, it boils down to specifying a text with another text, applying all texts comprehensively, and following a methodology aimed at resolving apparent conflicts among texts (36).

Al-Ṭūfī specified the generality of the *Hadith* on harm (*lā ḍarar wa lā ḍirār*) in the context of transactions, approaching it from the perspective of specification and clarification rather than by infringing upon or nullifying its authority (37). Specification does not entail altering or amending rulings; rather, it clarifies the intent of the Lawgiver when applying a specific text would result in greater harm than the benefit derived from its application. When a jurist prioritizes an interest over analogy, or specifies the generality of a text based on an interest, that interest becomes grounded in general, definitive principles validated by Islamic jurisprudence, such as the principle of alleviating hardship.

In conclusion, the criticism directed at Al-Ṭūfī pertains to his failure to explicitly clarify whether the text over which interest takes precedence is one that is speculative in its indication or authenticity, or if it also includes definitive texts in both indication and authenticity. This ambiguity has led to problematic interpretations of his stance.

Section Four: Modernist Views on Prioritizing Public Interest Over Texts and the Differences with Al-Tufi's Theory

The modernist discourse on public interest often draws upon precedents from the practices of Umar ibn al-Khattab (may Allah be pleased with him). Modernists frequently cite his actions as evidence (38), such as:

Suspending the allocation for those whose hearts were to be reconciled (*mu'allafatu qulubuhum*).

Increasing the punishment for alcohol consumption.

Executing nine individuals for the murder of one person.

Suspending the hadd punishment for theft during the Year of the Famine.

Modernists argue that these actions demonstrate Umar's consideration of changing times and circumstances, suggesting that rulings should adapt to new contexts and public interests. They view punishments like amputation for theft as not inherently necessary and advocate for their replacement with alternatives more suitable for contemporary society.

This interpretation has been celebrated by modernists, who perceive it as liberation from the constraints of texts and a prioritization of public interest over definitive evidence. They advocate for assigning the determination of public interest and harm solely to human reasoning (*'aql*), even when such judgments contradict textual rulings.

First: The Views of Modernists on Prioritizing Public Interest over Texts

Fahmi Huwaidi states: "If there is a conflict between texts and any of the changing interests of people, the former cannot be applied, and the interest takes precedence over the text in such cases" (39). This principle forms the foundation of this discourse. Among those who advocated for this approach are:

Nasr Hamid Abu Zayd:

He relied on the jurisprudential efforts of Umar ibn al-Khattab in prioritizing public interest over the text. Abu Zayd concluded that religious beliefs evolve and are subject to change, being contingent upon reality. He argued that contemporary religious discourse cannot ignore these juristic precedents, asserting that Umar

understood the wisdom of the legislation through the broader context of the text. By applying the same understanding, Umar recognized the rationale behind implementing the prescribed punishment. Had he treated the text literally and failed to consider its context, he would not have been able to discern its underlying reason—such as granting the 'Mu'allafatu Qulubuhum' (those whose hearts are to be reconciled) their share of alms, as prescribed in the text. Hence, Umar ibn al-Khattab did not treat the text as an immutable authority but rather contextualized it (40).

Mohammed Abed al-Jabri:

Al-Jabri asserted that, for the Companions, public interest took precedence over everything, even over definitive texts. He claimed that the Companions consistently prioritized public interest, often acting based on its demands while disregarding the text, even if the text was explicit and definitive, when specific circumstances required such postponement (41). He further stated: "The consideration of public interest is what establishes the rationality of Islamic rulings, and thus, it is the fundamental principle upon which all other principles are based" (42).

Tayeb Tizini:

Tizini's perspective centers on what Umar ibn al-Khattab established in terms of reinforcing juristic movement in relation to the text. He emphasized the necessity for religion to adapt to new contexts by integrating and transforming itself into a dimension of these contexts. This adaptation requires religion to detach from the circumstances in which the text originated. Tizini believed that the text conforms to the lived reality and its conditions, making it subordinate to the realities of the time (43).

Hassan Hanafi:

Hanafi asserted in his hierarchy of evidence that reason is the primary and foundational source of legislation. He argued that the legislative process begins with reason, then moves to the text.

Reason, with its capacity for inference, serves as the foremost basis for legislating in accordance with the realities of life. Accordingly, public interest aligns with what reason determines. Hanafi maintained that Islamic law inherently upholds public interest—not merely as a complementary factor, but as the very foundation of its existence, making public interest essential, not optional or supplementary (44).

Second: Fundamental Differences Between Al-Tufi's View and the Basis of the Modernists' Argument

Essential Difference in Understanding Public Interest:

Al-Tufi's perspective on public interests relies on the *Shari'ah* framework to define and determine those interests. For him, public interest encompasses benefits for people in both this world and the hereafter, preserving both religion and worldly matters. In contrast, modernists see public interest as purely worldly, disregarding rulings that conflict with their desires or current realities.

Modernist thought bases the rationality of Islamic rulings on reasoning entirely foreign to traditional jurisprudence. Classical jurists do not reason based on public interest as it pertains to the purposes and wisdom of the Lawgiver but rather on clear, well-defined causes (*'illah*) tied to rulings by the Lawgiver (45). This stems from their failure to distinguish between cause (*'illah*) and wisdom (*hikmah*) and their lack of understanding of the subtleties of Usul al-Fiqh (principles of Islamic jurisprudence). The modernist perspective on public interest is superficial, focusing on means rather than true purposes and objectives. When the Wise Legislator designs a ruling to achieve a specific goal, He establishes means that fulfill it based on His infinite knowledge and wisdom. However, advocates of this modernist approach mistrust the Legislator's wisdom, becoming obsessed with the means and fixated on their changes.

Essential Difference in Understanding Texts:

Al-Tufi does not prioritize public interest over definitive texts, nor does he limit its application to such cases. Instead, his prioritization applies only to non-definitive texts (*zanni*). In contrast, modernists make no distinction between definitive (*qat'i*) and non-definitive texts, asserting that public interest is the foundation of legislation and takes precedence over all texts. Their approach to interpreting texts in light of public interest is peculiar, disregarding the literal and legal meanings of words and diverting completely from the intended meaning of the Lawgiver under the pretext of adapting to contemporary realities. Furthermore, modernists fail to provide a clear and consistent definition of public interest that could serve as a standard for evaluation. A review of modernist writings yields no coherent concept of public interest or clear boundaries for it. It is perplexing how they treat unrestricted public interest as a definitive standard against which foundational texts and principles are judged, claiming that public interest is definitive while texts and analogical reasoning are non-definitive (46).

Difference in Identifying Areas of *Shari'ah* Application:

Al-Tufi explicitly excludes the domains of worship (*'ibadat*) and fixed rulings (*muqaddarat*) from the discussion of public interest, as they are determined by divine will. Modernists, however, make no distinction between worship and transactions (*mu'amalat*), even advocating for altering many rulings related to worship and fixed rulings to align with the demands of contemporary realities.

Difference in Methodology for Examining Texts:

Al-Tufi and other scholars seek to reconcile and implement all textual evidence collectively, adopting a holistic approach to integrate and apply all texts. In contrast, modernist methodology prioritizes worldly interests, contemporary adaptation, and alignment with

societal development, only engaging with textual evidence after identifying their preferred outcomes.

These differences, in my view, are not merely academic disagreements. Rather, they touch upon fundamental doctrinal implications—issues of belief and disbelief in the sanctity of divine revelation. This is not simply a matter of differing scholarly perspectives but a question of faith in the sacredness of the divine message itself.

Conclusion and Key Findings:

Misrepresentation of Al-Tufi's Theory: Critics of Imam Al-Tufi's theory have attributed to him claims he never made, taking his statements out of context to serve their own agendas and spread misinformation.

Differences in Modernist Interpretations: Modernist interpretations of Al-Tufi's theory, particularly his prioritization of public interest over textual evidence, differ significantly in their scientific foundations, methodological approaches, and theological perspectives. Modernists lack a consistent framework and fail to present clear concepts regarding their prioritization of public interest.

Variation in Reasoning Between Fundamentalists and Modernists: Modernists base their reasoning on the concept of "public interest," which they interpret as aligning with the objectives and wisdom of Sharia. In contrast, fundamentalists rely on the concept of "legal causation," defined as a clear and consistent attribute explicitly linked to legal rulings by Sharia, ensuring judgments are free from inconsistency.

Role of Reason in Assessing Public Interest: Modernists assign the assessment of public interest and harm solely to human reasoning, making reason the determining factor in

establishing public interest, even when its conclusions conflict with textual evidence.

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