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AL-JUWAINI'S IDEAS AND THE DEVELOPMENT OF ISLAMIC LAW: A Shifting Paradigm from the Inadequacy of Qiyas as a Method of Ijtihad to Mashlahah

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Abstract: This article examines the emergence of *maslahah* in the legal thought of Imām al-Haramayn al-Juwaynī and argues that it constitutes a critical methodological intervention in the development of Shāfiʿī legal theory. While remaining committed to textual universalism and the supremacy of revelation, al-Juwaynī identified structural limitations in conventional *qiyās* in addressing increasingly complex socio-political realities. Employing a philosophical-historical hermeneutic approach and drawing on Thomas Kuhn's theory of paradigm shift, this study interprets *maslahah* as an instance of extraordinary science that recalibrates established methods to address epistemic anomalies. Focusing on *al-Burhān fī Uṣūl al-Fiqh*, the article shows how *qiyās maʿnā* and *munāsabah* reformulated *ʿillah* as an intelligible indicator of divine legislative intent, enabling purposive legal expansion without endorsing autonomous ethical rationalism. The study positions al-Juwaynī as a decisive methodological link between al-Shāfiʿī and the later systematization of *maqāṣid al-sharīʿah*, contributing to contemporary debates on legal change in Islamic law.

Keywords: *maslahah*, *qiyas*, *ijtihad*, shifting paradigm, al-Juwaini.

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Introduction

THE CONCEPT of *Maqāṣid Al-Sharīʿah* developed through a long genealogical process. It cannot be separated from cross-disciplinary debates involving theology, philosophy, linguistics,

and the dynamics of social reality.[1] This complexity, as noted by historians and several scholars of Islamic law, is closely connected to the expansion of Islam during its period of ascendancy, which brought normative teachings into contact with increasingly diverse and complex social configurations.[2] At the same time, while the Qurʾān and the Sunnah, as the foundations of *ijtihād* (independent legal reasoning), remain fixed, social reality continues to change.[3] Within this context, legal questions in Islamic law persistently arise, yet not all receive explicit answers in the available normative texts. Consequently, one of the fundamental problems in Islamic law—as articulated in *fiqh* (Islamic jurisprudence)—lies in the tension between the source texts (*naṣṣ*) and the continually evolving social occurrences (*ḥawādith*).

From an early period, Muslim scholars proposed diverse approaches to the issues outlined above. Nevertheless, efforts to bridge the gap between normative texts and social reality in Islamic law have always been shaped by theological assumptions

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[1] Felicitas Opwis, "Preliminary Material," dalam *Maṣlaḥa and the Purpose of the Law: Islamic Discourse on Legal Change from the 4th/10th to 8th/14th Century*, ed. Ruud Peters and A. Kevin Reinhart (Leiden: Brill, 2010), i–xiv, https://doi.org/10.1163/ej.9789004184169.i-370.2.

[2] Scholars frequently associate the complexity of the development of Islamic law and maqāṣid theory with the expansion of Islam during the formative and classical periods, which brought normative texts into engagement with increasingly diverse social realities. See Wael B. Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Uṣūl al-Fiqh* (Cambridge: Cambridge University Press, 1997), 3–20; Marshall G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization*, vol. 1 (Chicago: University of Chicago Press, 1974), 280–310. This argument is more specifically linked to the emergence of purposive approaches in *maqāṣid al-sharīʿah* studies; see Muhammad Khalid Masud, "Shāṭibī's Philosophy of Islamic Law: An Analytical Study of Shāṭibī's Concept of Maslahah in Relation to His Doctrine of Maqāṣid al-Sharīʿah" (PhD diss., McGill University, 1973), 1–15; Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, rev. ed. (Cambridge: Islamic Texts Society, 2003), 393–402; Jasser Auda, *Maqāsid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), 3–30.

[3] Hijrian Angga Prihantoro, "Hasan Hanafī and Islamic Legal Theory: From Phenomenology to Critique of the Slogan 'Going Back to the Qur'an and Sunna'," *Mazahib: Jurnal Pemikiran Hukum Islam* 20, no. 2 (2021): 192–223, https://doi.org/10.21093/mj.v20i2.3750.

that directly inform the practice of *ijtihād* and, consequently, produce divergent legal constructions.[4] As a result, disagreements frequently arise even within a single *madhhab*, since theological doctrines form an integral part of the framework for legal reasoning.[5] In certain instances, specific elements of theological doctrine undergo conceptual adjustment in response to the demands of legal argumentation, without abandoning their underlying theological foundations.[6] This condition illustrates the close and reciprocal relationship between theology and *fiqh*.

This relationship is evident, for example, in the cases of Abū Bakr al-Jaṣṣāṣ (d. 950) and his student Abū al-Ḥusayn al-Baṣrī (d. 1044), both associated with the Muʿtazilī tradition, who aligned themselves with the Hanafī school because its legal reasoning accorded with their commitment to the authority of reason in *tahsīn* and *taqbīh* through *istishān*.[7] They maintained that new cases not explicitly addressed by revelation and the Sunnah could be resolved through reason and analogical judgment (*raʾy*). By contrast, Abū al-Maʿālī al-Juwaynī (d. 1085), an Ashʿarī polymath of the Shāfiʿī school, asserted that all human experience falls within the scope of divine law. For al-Juwaynī, the incorporation of legal events into religious values is achieved through *maʿnā* and *maslahah* derived from *naṣṣ*.[8] These contrasting positions highlight the diversity of the Islamic intellectual tradition and, at the same time, frame the focus of this study on al-Juwaynī's contribution to the development of Islamic law, particularly through his conceptualization of *maslahah* (public interest) as a method of *ijtihād*.

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[4] Muhammad Khalid Masud, "Shātibi's Philosophy of Islamic Law: An Analytical Study of Shātibi's Concept of Maslaha in Relation to His Doctrine of Maqāsid al-Sharīʿah with Particular Reference to the Problem of the Adaptability of Islamic Legal Theory to Social Change" (*PhD Dissertation*, McGill University, 1973), https://escholarship.mcgill.ca/concern/theses/ht24wp29h.

[5] Mohamed Abdelrahman Eissa, *The Jurist and the Theologian: Speculative Theology in Shāfiʿī Legal Theory* (Piscataway, NJ: Gorgias Press, 2017).

[6] Al-ʿAlamah al-Muḥaqqiq Abū Isḥāq Ibrāhīm bin Mūsā Muḥammad al-Lakhmī al-Syāṭibī, *al-Muwāfaqāt fī Uṣūl al-Sharīʿah*, vol. 5 (Riyadh: Dār Ibn ʿAffān, 1997).

[7] Felicitas Opwis, "Preliminary Material," p. 25-41

[8] Felicitas Opwis, "Preliminary Material," p. 48

Subsequently, modern studies on Imām al-Haramayn al-Juwaynī can be broadly grouped into two main clusters. First, a substantial body of prominent scholarship situates al-Juwaynī within the broader horizon of Islamic intellectual development in the fifth/eleventh Century, particularly as an evolving Ashʿarī theologian who also functioned as a political thinker and adviser.[9] For example, Wael Hallaq's seminal study criticizes the tendency of modern scholarship on medieval Islamic political thought to marginalize and underestimate al-Juwaynī's political ideas,[10] even though, through *Ghiyāth al-Umam fī Iltiyāth al-Zulam*, al-Juwaynī formulated an original and unprecedented political theory within the Sunnī tradition, one that stands in sharp contrast to those of al-Māwardī and al-Ghazālī.[11] Likewise, Hassan D. Sulaiman and his colleagues argue that al-Juwaynī's *Ghiyāth al-Umam* represents a distinctive conceptual contribution to the theory of Islamic governance,[12] as it is rich in political vocabulary and metaphors,

[9] Ahmed Abdel Meguid, "Reversing Schmitt: The Sovereign as a Guardian of Rational Pluralism and the Peculiarity of the Islamic State of Exception in Al-Juwayni's Dialectical Theology," *European Journal of Political Theory* 19, no. 4 (2020): 489–511, https://doi.org/10.1177/1474885117730672.

[10] The reductive reading of Imām al-Ḥaramayn al-Juwaynī's political thought has long been evident in modern scholarship. E. I. Rosenthal, for instance, mentions al-Juwaynī only briefly in footnotes, and even then solely when his positions are aligned with those of al-Māwardī (d. 450/1058) or al-Ghazālī (d. 505/1111). A similar pattern appears in A. K. S. Lambton's *State and Government in Medieval Islam* (1981), where merely two pages are devoted to al-Juwaynī (based on *al-Irshād*), in contrast to twenty pages on al-Māwardī and twenty-two on al-Ghazālī. In light of the sparse evidence, Lambton concluded that al-Juwaynī, following al-Māwardī, was primarily concerned with articulating the supremacy of the caliphate. The French orientalist Henri Laoust similarly interpreted al-Juwaynī's political thought as derivative of al-Māwardī's *al-Aḥkām al-Sulṭāniyyah*. It is precisely against this reductive trend that Wael B. Hallaq mounts a substantive critique, demonstrating that, grounded in *Ghiyāth al-Umam fī Iltiyāth al-Ẓulam*, al-Juwaynī formulated an original and unprecedented Sunnī political theory, one that cannot be reduced to a variation of al-Māwardī nor simply a precursor to al-Ghazālī. See: Wael B. Hallaq, "Caliphs, Jurists and the Saljūqs in the Political Thought of Juwaynī," *Muslim World* 74, no. 1 (1984): 26–41, https://doi.org/10.1111/j.1478-1913.1984.tb03447.x

[11] Hallaq, "Caliphs, Jurists and the Saljūqs, 26-41.

[12] Hassan D. Sulaiman et al., "The Objectives and Principles of Islamic Governance: Perspective of Imām Al-Juwaynī (Tujuan dan Prinsip Tadbir Urus

and provides a foundation for pre-modern Islamic political traditions,[13] even the implications in the modern era according to Bustami Khir can be applied to minority Muslim communities living in non-Muslim countries.[14] On the other hand, al-Juwaynī's position as an evolving Ashʿarī theologian is discussed in several important works. As Claude Gilliot explains, Tilman Nagel was the first modern scholar to examine al-Juwaynī's theological and legal thought comprehensively.[15] Similarly, Ernest Walker's translation of al-Juwaynī's *al-Irshād* reflects the culmination of methodological and doctrinal maturity in Islamic *kalām* prior to the subsequent phase of transformation.[16] In several other notable studies, Tsuraya Kiswati regards al-Juwaynī as a foundational figure of rational theology, pointing to aspects of his *kalām* thought that combine Ashʿarī and Muʿtazilī elements.[17] M. Mensia likewise shows that although Ibn Rushd rejected Ashʿarism, he implicitly acknowledged the significance of the intellectual evolution

Islam: Perspektif Imām Al-Juwaynī)," *Journal of Islamic Administration* 17, no. 1 (July 2020): 222–48, https://doi.org/10.31436/JIA.V17I1.924.

[13] Ovamir Anjum, "Political Metaphors and Concepts in the Writings of an Eleventh-Century Sunnī Scholar, Abū al-Maʿālī al-Juwaynī (419–478/1028–1085)," *Journal of the Royal Asiatic Society* 26, no. 1–2 (2016): 7–18, https://doi.org/10.1017/S1356186315000711.

[14] Bustami Khir, "Who Applies Islamic Law in Non-Muslim Countries? A Study of the Sunnī Principle of the Governance of the Scholars (wilāyat al-ʿulamā')," *Journal of Muslim Minority Affairs* 27, no. 1 (2007): 79–91, https://doi.org/10.1080/13602000701308897.

[15] Claude Gilliot, "Quand la théologie s'allie à l'histoire: triomphe et échec du rationalisme musulman à travers l'œuvre d'al-Ǧuwaynī," *Arabica* 39 (1992): 241–60, https://hal.science/halshs-00644625/; for a detailed discussion of Tilman Nagel's analysis, see Tilman Nagel, *Die Festung des Glaubens: Triumph und Scheitern des islamischen Rationalismus im 11. Jahrhundert* (Munich: C.H. Beck, 1988), 422 pp.

[16] ʻAbd al-Malik ibn ʻAbd Allāh Imām al-Ḥaramayn al-Juwaynī, *A Guide to Conclusive Proofs for the Principles of Belief* (English translation of *Kitāb al-Irshād ilā Qawāṭiʿ al-Adilla fī Uṣūl al-Iʿtiqād*), trans. Paul Ernest Walker, *Great Books of Islamic Civilisation* (Reading, UK: Garnet / Centre for Muslim Contribution to Civilization, 2000), https://search.worldcat.org/title/50336967

[17] Tsuroya Kiswati, *Al-Juwaini: Peletak Dasar Teologi Rasional dalam Islam* (Jakarta: Erlangga, 2014).

initiated by al-Juwaynī.[18] Another noteworthy point is presented in the study by Abdullah Ömer Yavuz, which shows that the *ʿaqāʾid* texts in al-Juwaynī's *al-ʿAqīda al-Nizāmiyya* became primary references in Seljuk and Ottoman *madrasas*,[19] even the intellectual mobility, coupled with al-Juwaynī's geographical situation, became key factors in shaping his position within the Saljūq political project of Sunnī unification.[20] In addition, studies examine al-Juwaynī's *al-Kāfiya fī al-jadal* and characterize it as a work that not only teaches the art of debate but also presents a scholastic method oriented toward the pursuit of truth.[21] Taken together, these studies demonstrate the richness of al-Juwaynī's thought in the domains of politics and theology.

Second, many scholars have also discussed al-Juwaynī's legal thought. Siddiqui, for instance, examines al-Juwaynī's *uṣūl al-fiqh* within a framework that emphasizes interconnections among disciplines.[22] Siddiqui revisits the debate between al-Juwaynī and al-Shīrāzī, presenting it as a fundamental difference in their approaches to *qiyās*. Beneath what appear to be technical juridical issues, al-Juwaynī tends to accept meaning-based analogy and non-textual forms of argumentation, whereas al-Shīrāzī maintains

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[18] Mokdad Arfa Mensia, "*Regards d'Ibn Rushd sur al-Juwaynī: Questions de méthode*," *Arabic Sciences and Philosophy*22, no. 2 (2012): 199–216, https://doi.org/10.1017/S0957423912000021

[19] Abdullah Ömer Yavuz, "Eşarî Akāid Literatüründe Selçuklu ve Osmanlı Medreseleriyle Özdeşleşen İki Eserin Karşılaştırılması (Cüveynî ve Îcî'nin Akāid Metinleri Üzerine Bir Tahlil)," *Tasavvur – Tekirdağ İlahiyat Dergisi* 8, no. 1(Haziran 2022): 387-412, https://doi.org/10.47424/tasavvur.1092916.

[20] M. Syifa Amin Widigdo, "Imām al-Ḥaramayn al-Juwaynī's Mobility and the Saljūq's Project of Sunnī Political Unity," dalam *Professional Mobility in Islamic Societies (700–1750): New Concepts and Approaches*, ed. Mohamad El-Merheb and Mehdi Berriah (Leiden: Brill, 2021), 159–81, https://doi.org/10.1163/9789004467637_009.

[21] Mohammad Syifa Amin Widigdo, "Imām al-Ḥaramayn al-Juwaynī and Jadal Theory in the Eleventh Century: A Critical Analysis of Imām al-Ḥaramayn's al-Kāfiya fī al-jadal," *Qudus International Journal of Islamic Studies* 6, no. 2 (2018): 306–7, https://doi.org/10.21043/qijis.v6i2.3695.

[22] Sohaira Siddiqui, *Law and Politics under the Abbasids: An Intellectual Portrait of Juwaynī* (Cambridge: Cambridge University Press, 2019), https://doi.org/10.1017/9781108654784.

a more stringent approach.[23] These findings intersect with the analyses of Mehmet Sevgili and Felicitas Opwis. Sevgili positions al-Juwaynī as an early foundational figure in the development of *maqāṣid* through the integration of meaning-based qiyās (*taʿlīl maʿnawī*), *maslahah*, and the objectives of the Sharīʿah, even though this framework was not yet formulated systematically.[24] Opwis, from the perspective of legal theology, demonstrates how al-Juwaynī understood *ʿilla* as an indicator of God's legislative will, identifiable through *munāsabah* and an analysis of the language of the Sharīʿah, while revelation remained the ultimate source of normative judgment.[25] At the level of practice, Bunyamin, Tanjung, and Ali show that this methodological construction functioned operationally in *Ghiyāth al-Umam*, particularly in the formulation of the legitimacy of tax policies under non-ideal political conditions, without abandoning the normative framework of the Sharīʿah.[26] Based on this mapping of the literature, it can be shown that al-Juwaynī may be categorized as a key methodological figure in the development of Islamic law in the fifth/eleventh Century.

In response to the mapping outlined above, existing studies on al-Juwaynī appear to be fragmented mainly among theological, *uṣūlī*, and political readings, with a dominant focus on al-Juwaynī's position either as a representative of rational Ashʿarism or as a transitional link toward the systematization of classical *uṣūl al-fiqh*. Several studies portray him as a formulator of the methodology of debate (*jadal*), a consolidator of Sunnī theological rationality, or a precursor to al-Ghazālī in the articulation of

[23] Sohaira Siddiqui, "Jadal and Qiyās in the Fifth/Eleventh Century: Two Debates between al-Juwaynī and al-Shīrāzī," *Journal of the American Oriental Society* 139, no. 4 (2022): 923, https://doi.org/10.7817/jameroriesoci.139.4.0923.

[24] Mehmet Macit Sevgili, "Al-Juwaynī's Understanding of Maqāsid," *ULUM* 4, no. 1 (Juli 2021): 25–49, https://doi.org/10.54659/ulum.974354.

[25] Felicitas Opwis, "The Ethical Turn in Legal Analogy: Imbuing the Ratio Legis with Maṣlaḥa," *Journal of Arabic and Islamic Studies* 21, no. 2 (31 Desember 2021): 159–82, https://journals.uio.no/JAIS/article/view/9374.

[26] Muhammad Taufik Bunyamin, Hendri Tanjung, and Mahbuby Ali, "Pajak Menurut Imām Al-Juwaynī: Studi Literatur Kitab Ghiyâthi al-Umam fi Iltiyāth al-Ẓulam," *Reslaj: Religion Education Social Laa Roiba Journal* 6, no. 3 (2023): 2057–68, https://doi.org/10.47467/reslaj.v6i3.5941.

Islamic legal reasoning. However, such readings often remain at the level of doctrinal description and do not fully explain the epistemic tensions that emerge within the construction of his legal rationality. Within this context, the emergence of the concept of *maslahah* in al-Juwaynī's works, particularly *al-Burhān fī Uṣūl al-Fiqh*, is still frequently understood as a linear continuation of *ʿilla* theory or as an additional element within the mechanism of *qiyās*, rather than as an indication of a conceptual shift that reflects internal problems within the *uṣūl al-fiqh* paradigm itself. This analytical gap opens space for reading al-Juwaynī's thought not merely as a consolidation of tradition, but as a theoretical response to the limits of established legal reasoning in his time.

Therefore, this study analyzes the emergence of the concept of *maslahah* in the thought of Imām al-Haramayn al-Juwaynī through the paradigm-shift framework of Thomas Kuhn, [27] by understanding Islamic law as an intellectual discipline that undergoes theoretical dynamics at the conceptual level. A similar approach has previously been applied in the study of Islamic law, among others, by Fadel in his analysis of the system of *istihsān*,

[27] Regarding paradigm shifts, Thomas S. Kuhn conceives the development of science not as a cumulative process advancing linearly toward truth, but as a sequence of revolutionary conceptual transformations. During the phase of *normal science*, a scientific community operates within a paradigm that provides a shared set of assumptions, methods, and standards for problem-solving. This paradigm is maintained despite the emergence of anomalies, as long as such anomalies are regarded as resolvable within the existing conceptual framework. A crisis arises when anomalies accumulate to the point of undermining the paradigm's foundational assumptions, giving rise to a phase of *extraordinary science* marked by the relaxation of methodological constraints and the proliferation of alternative theories. Scientific revolutions culminate in paradigm shifts when a new framework is adopted by the scientific community, not solely on the basis of decisive logical proof, but through a process of consensus shaped by historical, psychological, and sociological factors. Such shifts are characterized by *incommensurability*, insofar as the old and new paradigms operate with different criteria of rationality and address fundamentally different sets of problems. For a detailed discussion, see Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 3rd ed. (Chicago: University of Chicago Press, 1996), 3–9, 23–34, 66–76, 92–110.

although with a different focus.[28] From a Kuhnian perspective, *maslahah* is read as a manifestation of internal tension within *uṣūl al-fiqh* when established modes of legal reasoning are no longer fully adequate to explain the complexity of legal reality, thereby generating conditions of anomaly and paradigmatic crisis.

Such a crisis opens space for a phase of "extraordinary science," namely, a situation in which the boundaries of the paradigm become fluid and methodological rules are loosened,[29] allowing conceptual expansion as an effort to maintain the rational coherence of the legal system. In this context, the renewal undertaken by al-Juwaynī does not operate at the procedural level of *furūʿ al-fiqh*,[30] However, instead reaches the foundations of legal rationality, particularly in the formulation of *ʿillah* as systematically articulated in *al-Burhān fī Uṣūl al-Fiqh*.[31] Placing Islamic law within this framework simultaneously challenges assumptions regarding the immutability of *uṣūl al-fiqh* and *fiqh*, which are often understood as fixed due to their association with divine sources, while opening space for the evolution of Islamic legal theory without presupposing the abandonment of revelation as its normative foundation. On this basis, al-Juwaynī's renewal is understood as a form of theoretical revolution that differs from the pattern of legal scaffolding,[32] which emphasizes change at the level of legal application while maintaining the theoretical structure and generally operates on the micro level of *furūʿ al-fiqh*,[33] as seen in the

[28] Mohammad Fadel, "'Istihsan Is Nine-Tenths of the Law': The Puzzling Relationship of Usūl to Furu in the Mālikī Madhhab," dalam *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden: Brill, 2002), 161–76

[29] James A. Marcum, *Thomas Kuhn's Revolution: An Historical Philosophy of Science* (London: Continuum, 2005), 64–68.

[30] Masud, "Shātibi's Philosophy of Islamic Law," 46.

[31] Jasser Auda, *Maqasid Asy-Syari'ah Wa Al-Falsafah Li at-Tasyri' Al-Islami*, cet. ke-1 (USA: al-Ma'had al-Alami li al-Fikr al-Islami, 2012), 52–53.

[32] Alan Watson, *Society and Legal Change* (Philadelphia: Temple University Press, 2001), 89.

[33] Ahmad and Ahmad Alif, *Structural Interrelation of Theory and Practice in Islamic Law: A Study of Six Works of Medieval Islamic Jurisprudence* (t.t.p.: t.p., t.t.), 15–18.

work of A. F. Ibrahim.[34] This study adopts a philosophical-historical hermeneutic approach to provide a descriptive-analytical mapping of the transformation of legal rationality in al-Juwaynī's thought, highlighting the epistemological tensions between Ashʿarī theology and juridical reasoning.

This article is structured into three main sub-sections to guide readers in understanding the dynamics of *maslahah* in al-Juwaynī's thought through Kuhn's paradigm-shift framework. The first sub-section, *textual universalism and qiyās: paradigm and anomalies*, situates al-Juwaynī within the Ashʿarī–Shāfiʿī tradition and explains the paradigm of textual universalism and the emergence of anomalies in the practice of *qiyās*. The second sub-section, *from text to meaning: anomaly and its systematization*, discusses how al-Juwaynī identified the limitations of *qiyās*, developed *qiyās maʿnā* and *istidlāl* to respond to these anomalies, and constructed a systematic methodology of legal reasoning. The third sub-section, *maslahah as extraordinary science: al-Juwaynī as the missing link*, analyzes how the application of *maslahah* constitutes a phase of "extraordinary science" in Kuhn's sense, enabling the conceptual evolution of *uṣūl al-fiqh* and opening the way for subsequent generations, including its influence on al-Ghazālī's thought. This structure integrates historical, theoretical, and methodological dimensions in order to underscore al-Juwaynī's contribution to the epistemic reform of Islamic law.

Textual Universalism and *Qiyās*: Paradigm and Anomalies

The core of al-Juwaynī's legal thought lies in the principle of textual universalism, in which *qiyās* (analogical reasoning) serves as a tool to achieve universality within Islamic law. The legal paradigm assumes that textual sources—the Qur'an and Sunnah—guide the derivation of rulings across diverse contexts. An anomaly arises, however, when conventional *qiyās* proves insufficient to address complex cases generated by social, political, and economic transformations. This limitation reveals gaps in the

[34] Ahmed Fekry, *Pragmatism in Islamic Law: A Social and Intellectual History* (Syracuse, NY: Syracuse University Press, 2015).

existing methodology, necessitating an innovative approach that reconciles fidelity to the text with practical adaptability.

Al-Juwaynī lived during a period of political turbulence under the Seljuk dynasty, particularly during the reign of Tughril Beg (died 1063), who conquered Nishapur. This instability was compounded by the Seljuk rulers' opposition to Shafi'i jurisprudence and Ash'arī theology. Consequently, al-Juwaynī, as a Shafi'i and Ash'arī scholar, was compelled to leave Nishapur. During his exile, he settled in the Hijaz, teaching in Mecca and Medina for four years. His scholarship gradually gained recognition, culminating in the title *Imām al-Ḥaramayn*. The political landscape shifted significantly under Wazir Nizam al-Mulk (died 1092), who succeeded al-Kunduri during the reign of Alp Arslan (died 1072). Nizam al-Mulk actively promoted Ash'arī theology and founded the Nizamiyyah Madrasah in Nishapur specifically for al-Juwaynī, facilitating his return to the city.[35] These political and intellectual changes not only shaped al-Juwaynī's personal trajectory but also laid the groundwork for a broader transformation in Shafi'i jurisprudence.

The political and intellectual context of al-Juwaynī's era marked a crisis stage in the history of Shafi'i jurisprudence. The literal and analogical methods of *qiyās* proved unable to address the complex legal cases arising from social, political, and economic transformations during the Seljuk period, thereby revealing the limitations of the traditional approach. This anomaly indicated an urgent need for methodological innovation, opening a space for al-Juwaynī to develop a more flexible approach, including the integration of the concept of *maṣlaḥah* to address the deficiencies of conventional *qiyās*. In responding to this crisis, al-Juwaynī employed the epistemological latitude offered by the Ash'arī tradition, particularly through the concept of *jāʾizāt* (permissible possibilities), to justify a more adaptive development of law. In doing so, he established a theological mechanism that allowed Islamic law to evolve without contravening divine ordinances.

[35] Jan Thiele, "Al-Juwayni," dalam *Encyclopedia of Medieval Philosophy: Philosophy between 500 and 1500*, ed. Henrik Lagerlund (Dordrecht: Springer Netherlands, 2018), 1–5.

This approach underscores that the transition from strict *qiyās* to the application of *maṣlaḥah* was not merely a minor adjustment but a significant methodological step, subsequently laying the groundwork for the *Maqāṣid al-Sharī'ah* framework in later generations.

Al-Juwaynī's scholarly career was remarkable. Evident from his productivity, he produced thirty-three works across various fields, detailed as follows: eleven in theology (*ʿaqīdah*), six each in *uṣūl al-fiqh* and *fiqh*, four on differences of opinion (*khilāf*) and comparative *fiqh*, one in the field of dialectics (*jadal*), and five in other disciplines.[36] The majority of these works were composed after he had established his position at the Nizamiyyah, including *al-Burhān* and *al-Ghiyāth*,[37] which represent a combination of *uṣūl al-fiqh* and *fiqh*. *Al-Burhān* addresses several topics, including *bayān* (clarification), *imā* (indication), *qiyās* (analogy), *istidlāl* (deductive reasoning), *naskh* (abrogation), *mujtahid* (jurist), and rebuttals of Mu'tazilite influence in law.[38] *Al-Ghiyāth* resembles the standard subject matter of political *fiqh* (*fiqh siyasah*), beginning with discussions on *imāmah* (leadership), its religious responsibilities, and a pragmatic approach to achieving state objectives.[39] These two works map al-Juwaynī's position within the framework of *uṣūl al-fiqh* theory under the Ash'arī-Shafi'i paradigm (*ṭarīqat al-mutakallimīn*).

The field of *uṣūl al-fiqh*, within the conceptual division of the Islamic sciences (*mabādiʾ ʿashrah*), exhibits several variations. The Shafi'i school defines it as knowledge of the general principles of fiqh, their technical application, and the criteria for their application. In this definition, the term "general" contrasts with specific (*tafsīlī*) principles, which are regarded as justifications for case-specific rulings. Other schools, meanwhile, understand it as "knowledge of the principles for deriving law from specific

[36] Muhammad Al-Zuhaili, *Al-Imam Al-Juwayni*, cet. ke-2 (Damaskus: Dar al-Qalam, 1986), 79–80

[37] Siddiqui, *Law and Politics under the Abbasids*, 110–274.

[38] Al-Juwaynī, *Al-Burhān fī Uṣūl al-Fiqh*, ed. Abd al-ʿAzim Deib, vol. 1, cet. ke-1 (Qatar: Khalifah Ibnu Hamdal at-Tsani, 1978), 45–50.

[39] Siddiqui, *Law and Politics under the Abbasids*, 235.

proofs."[40] Its subject matter encompasses universal legal proofs, including general rulings (*ahkām kulliyyah*), and the laws that emerge from them. Therefore, the task of *uṣūl al-fiqh* can be stated as (i) formulating general proofs and (ii) deriving laws from these proofs. This definition is somewhat ambiguous and requires further clarification, as it appears to blur the distinction between the roles of a *uṣūlī (*theorist of Islamic law) and a *faqīh* (jurist).

According to Wael B. Hallaq, there are five prerequisites for a field of knowledge to be considered *uṣūl al-fiqh*; (i) establishing the Qur'an, Sunnah, consensus (*ijmaʿ*), and analogy (*qiyās*) as sources of law, despite their differing logical and hermeneutical systems in practice; (ii) structured material, guided by logic, ontological levels, and specific categorizations; (iii) emphasis on the articulation of universal principles derived from legal methodology; (iv) scholarly self-awareness (*self-consciousness*), also known as reflection and field inquiry; and (v) constituting a genre that fosters a community of legal theorists.[41] From where does this scholarly rationality emerge? Classical scholars note that it derives from *kalām* (theology) for the reception of revelation and certain traditions, as well as from Arabic for hermeneutical approaches.[42] For al-Juwaynī, *fiqh* is one of these sources, in the sense of its indicated subject matter.[43] Its significance may not be evident, as it is often regarded as a product of modern Islamic legal scholarship.[44] In this context, Hallaq adds another source: human intellect, which functions in defining, categorizing, classifying, and systematizing subject matter. [45] Thus, logical determination becomes a crucial bridge between sciences.

In relation to *kalām*, besides serving as an entryway to the reception of revelation, it is sometimes employed as a conceptual

[40] Wahbah al-Zuhaili, *Uṣūl al-Fiqh al-Islami*, vol. 2 (Damaskus: Dar al-Fikr, 1986), 23–24.

[41] Wael B. Hallaq, "Uṣūl Al-Fiqh and Shafi'i's Risala Revisited," *Journal of Arabic and Islamic Studies* 19, no. 1 (2019): 134–48, https://doi.org/10.561/jais.7749.

[42] Abdul Hamid Hakim, *Al-Bayan*, vol. 3 (Jakarta: Maktabah al-Sa'adiyyah Putra, t.t.), 6.

[43] Al-Juwaynī, *Al-Burhān*, vol. 1, 84.

[44] Ahmad and Alif, *Structural Interrelation*, 3.

[45] Hallaq, *A History of Islamic Legal Theories*, 38–40.

boundary for rationality or, conversely, as justification for legal decisions or theories. At this level, certain schools of *kalām* exert significant influence on *uṣūl al-fiqh*. Conversely, language can be considered the most important factor shaping Islamic intellectualism from the outset. According to Glave's survey of linguistic analysis methods in *uṣūl al-fiqh*, four styles emerged. First, the canonical (text-by-text), aimed at uncovering the meaning of the text itself, as exemplified in al-Shafi'i's *al-Risālah*. Second, a populist approach, interpreting texts based on typical usage rather than technical meaning, is prevalent among the Hanafī and Mu'tazilī schools. Third, grammatical, distancing analysis from social life and relying on the interpretation of language experts, as upheld by Ash'arī theologians such as al-Baqillani. Fourth, legal hermeneutics, applied by the majority of the Malikiyyah, where meaning is determined by the original speech context, focusing on sixth-century Arabic.[46]

The interaction within this scholarly ecosystem generates diverse claims, such that a *uṣūlī* may at times experience internal contradictions—one aspect aligning with theological doctrine, while another conflicts with legal doctrine. This explains the differing decisions and systematizations within a single madhhab that follows various schools of *kalām*. Such divergence stems from the competition between traditionalism and rationalism, a competition deeply rooted in the Abbasid era. Hence, a 'middle meeting' emerges, pursued individually by each legal theorist. In this context, rationality plays a role in the fifth prerequisite of *uṣūl al-fiqh*, namely self-reflection to resolve contradictions, ultimately leading to systematization and the effort to create a consistent flow between *kalām* and *uṣūl al-fiqh*.

As an Ash'arī, al-Juwaynī firmly believed in the role of reason in the reception of knowledge and the interpretation of texts. Epistemologically, al-Baqillani's dichotomy of knowledge into 'epistemically necessary' and 'acquired' (*muktasab*) exerted significant influence upon him. However, he added a third qualification, namely *ʿādiyyāt* (habitual knowledge). Al-Juwaynī

[46] Robert Gleave, *Islam and Literalism: Literal Meaning and Interpretation in Islamic Legal Theory* (Edinburgh: Edinburgh University Press, 2012), 96–97.

emphasized that, in the pursuit of knowledge, one cannot start from empty rationality but must build on interconnected concepts to form new perspectives. He further elaborated on the role of reason in classifying events, particularly in assessing the reality of rational obligations—possibility and impossibility (*tajwīz al-jāʾizāt wa istiḥālat al-mustahīlāt*). This also pertains to the realm of revelation, which establishes and limits the *jāʾizāt*. Knowledge about events may derive from both sources, such as the discovery of existence by reason, but is bounded by revelation. This epistemological principle is applied in al-Juwaynī's concept of *uṣūl al-fiqh*, which he states can be apprehended through three techniques, namely *maʻqūlāt* (rational proofs), *samʿiyyāt* (textual proofs), [47] *burhān* (demonstrative reasoning), and *ʿādah* (combination). [48] Al-Juwaynī thus modified al-Baqillani's strict boundaries between these two types of knowledge, maintaining that reason can produce necessary knowledge.

From Text to Meaning: Anomaly and Its Systematization

Most *faqīh* (Islamic jurists) acknowledge that *qiyās* is a method for deriving legal rulings. Al-Shafi'i first introduced *ʿillah* as a core component, which serves as the parallel factor between the meaning and the original case.[49] *Qiyās* consists of four elements: (a) *farʿ* (the branch or the case whose ruling is unknown), (b) *aṣl* (the original case that is covered by the text), (c) *hukm* (the known ruling), and (d) *ʿillah* (the ratio legis).[50] The application of *qiyās* generally covers nine areas, including (i) rational matters (*ʿaqliyāt*), (ii) language (*lugāt*), (iii) causes and conditions (*asbāb wa shurūṭ*), (iv) absence of a precedent (*ʿadam al-aṣl*), (v) fundamentals of worship (*usūl al-ʿibādāt*), (vi) measured obligations (*muqaddarāt*), (vii) dispensations (*rukhṣah*), (viii) natural dispositions (*khilqah*), and (ix) all aspects of Sharia law.[51]

[47] Al-Juwaynī, *Al-Burhān fī Uṣūl al-Fiqh*, vol. 1, 136-37

[48] Siddiqui, *Law and Politics under the Abbasids*, 130–31.

[49] Ahmad Hasan, "The Principle of Qiyas in Islamic Law: An Historical Perspective," *Islamic Studies* 15, no. 3 (1976): 201–19.

[50] Hallaq, *A History of Islamic Legal Theories*.

[51] Ahmad Hasan, "Subject Matter of Qiyas," *Islamic Studies* 21 (1982).

Al-Juwayni divided *aṣl* into two categories: definite and indefinite sources. According to the Shafi'i school and others, definite sources include the Qur'an, Sunnah, and *Ijma'* (consensus), while *qiyās* fall into the second category—it is not definite but can be relied upon. According to Al-Juwayni, there are several hierarchical levels of *qiyās*: (1) *qiyās fahwa* (argumentum a fortiori), (2) rulings whose *ʿillah* is explicitly mentioned in the *naṣṣ* (text), which cannot be interpreted otherwise, (3) *qiyās* based on derived meaning, (4) *qiyās maʿnā* (meaning-based analogy), (5) *qiyās shabah* (analogy by resemblance), and (6) *qiyās dalālah* (indirect analogy). The first type involves ruling branches not mentioned in the texts but considered more significant. The second type is similar to the first but with equal significance. The third involves *qiyās* between texts with similar meanings. The fourth is deriving a ruling from a ruling perceived to have a close semantic relation, requiring the presence of *munāsabah* (appropriateness). The fifth type deals with cases that share similarities with two or more entities of differing qualities, and the one with the most similarities is designated as *aṣl*. It closely resembles *qiyās maʿnā*, but the distinguishing factor is *munāsabah*. The final type is an analogy based on *ʿillah* rather than on the ratio legis. It seems that Al-Juwayni did not support the last type, as he did not elaborate as much as he did on the previous five types of *qiyās*.[52]

What needs to be noted here is the fourth point, a crucial aspect of Al-Juwayni's proposal: *Qiyās maʿnā* (meaning-based analogy), which relies on *munāsabah* (appropriateness). He assumes a harmony between the case and the meaning within the text (*naṣṣ*) that has vital significance. According to him, this criterion is a verification technique that produces *ʿillah* (legal reasoning) for valid legal conclusions.[53] Some researchers suggest that this method slightly deviates from the text's rigid lexical principle, as is typically observed among proponents of *qiyās*. According to Zyzow, the method of verifying *ʿillah* can be categorized into two typologies: formal and material methods. The

[52] Al-Juwaynī, *Al-Burhān fī Uṣūl al-Fiqh*, vol. 2.

[53] Aron Zyzow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory* (Atlanta: Lockwood Press, 2013).

former requires only *ʿillah* and *ḥukm* (ruling), which manifest in the techniques of *ṭard* (elimination) and *sabr wa taqsīm* (analysis and categorization). The latter consists of *munāsabah* and *taʾthīr* (effectiveness), which demand a relationship between *ʿillah* and *aṣl* (the original case). Thus, we can assume that *munāsabah* plays a vital role in revolutionizing the previous *masālik* (paths). In *al-Burhān*, he mentions two figures, Al-Shafi'i and Al-Baqillani; the former is known to be very textual, including only a few elements of *dalālah wa aʿlām* (indications and signs), while the latter uses *ikhālah* (reference) within it. Thus, the search for *ʿillah* becomes very broad, as far as human reason can reach the meanings and directions (*mawārid*) within the principles of Sharia.

The attributes contained in the text hold meanings that can expand the law without limits. This meaning is what Al-Juwayni refers to as *munāsabah bi maṣlaḥah* (considered appropriateness).[54] However, once again, is it sufficient for every event to rely on *maṣlaḥah muʿtabarah* (considered public interest)? To answer this, Al-Juwayni uses the same argument: a comparison between events (*jāʾizāt*) and the availability of legal sources.

> *"Even if the legal sources are limited only to the* naṣṣ *and the meaning directed by it (*mustashārah bih*), the scope of* ijtihād *(independent reasoning) would be very narrow. Indeed, the established law and its meaning are just a drop in the ocean of Sharia..."*[55]

Faced with this anomaly, we are forced to delve deeply into another chapter of his book, *istidlāl* (deductive reasoning), where he elaborates deeply on the chapter of *maslahah*. In his terminology, *istidlāl* is a rational inference that appears to yield a legal norm without any agreed-upon foundation or *ʿillah* derived from its *masālik*. In addition to *maslahah muʿtabarah*, there are several other types mentioned here, such as *maslahah mustanadah ilā ahkam thābitat al-uṣūl* or *maslahah qarībah* (proximate interest),[56] and *maṣlaḥah mursalah* (unrestricted public interest). (As far as the

[54] Al-Juwaynī, *Al-Burhān fī Uṣūl al-Fiqh*, vol. 2, 802-4.
[55] Al-Juwaynī, 1116-17.
[56] Al-Juwaynī, 1113

author's research shows, Al-Juwayni used the term "istirsāl," which has a different form but the same meaning.

The first type refers to a meaning derived from a known *ʿillah*, as established by an existing law. From here, Al-Juwayni adopts Al-Shafi'i's idea of accepting *istidlāl* as long as it adheres to meaning rather than law and form.[57] At this point, his claim that *fiqh* (Islamic jurisprudence) is a source of *usṭūl al-fiqh* becomes plausible. The meaning of an existing law with a specific proof is absorbed and becomes "like" the original itself. That means that meaning holds a more fundamental position than law and origin. The next type is what the Companions of the Prophet Muhammad (PBUH) practiced, in which they seemingly determined cases based on customary practices related to those cases. At this level,[58] The third epistemology, *ʿādah*, works in the discovery of the law. However, Al-Juwayni repeatedly warns that this principle must not be divorced from its meaning.

The meaning that constitutes *ʿillah,* according to Al-Juwayni is compressed into five types. First, (i) *maʿnā maʿqūl* (intelligible meaning), which contains a primary element. That refers to the basic needs that form the core and prerequisite for public order (*gāyah al-iyālah wa siyāsah ʿāmmāh*). According to him, this criterion includes protecting the lives of those entitled. Second, (ii) *maʿnā* related to general needs, which are concerned with general needs that risk complicating life and could potentially escalate to the primary level. Next, (iii) *makramah* (virtue), which is not as significant as the previous two types, but is beneficial for bringing about virtues or preventing threats (*destructor*). Fourth, (iv) *mandūb* (recommended) refers to seeking recommended actions. That is derived from the reflective meanings of legal sources that scholars have identified as sources of recommended law. Lastly, (v) other meanings derived from the particular and contemplated as [becoming] general. Thus, we can assume that (i-iii) are general *qiyās*, while the last two are particular.[59]

[57] Al-Juwaynī, 1121
[58] Al-Juwaynī, 1116
[59] Al-Juwaynī, 923-28

For the first criterion, he explains that it can be identified by reflecting on the relationship between the particulars mentioned in the text, making them significant meanings or universal proofs. At this level, he transcends the power of analogy *a fortiori*. However, in point (iii), the scope of *qiyās* narrows because *makrūmah* usually relates to considerations of *ḥikmah* (wisdom) and the virtues of Sharia. The second type, particularly co-particular analogy, is, according to Al-Juwayni, more potent than the first. That is evident because he equates it with the legal cases in *aṣl*. In this second context, Al-Juwayni seems confused: he rejects it on the one hand, yet claims it is the strongest on the other.[60] He considers them to be different. On a more fundamental level, *qiyās maʿnā* is an alternative, but it is also more potent. The author assumes that he is discussing two types of qiyās in a single context: case-based *qiyās* and meaning-based *qiyās*. The case-based *qiyās* fall under the classification of formal *ʿillah* derivation, while the latter is material. The author identifies this difference by referring to it as *qiyās maʿnā juzʾī* (particular meaning-based analogy), meaning that the meaning is particular and does not reach the level of universality (*ḍarūriyy* and *ḥājiyy*). However, like other Shafi'is, Al-Juwayni confirmed that the law's 'expansion' must pass through the mechanism of legal analogy based on *aṣl* (the original case). However, the anomaly he felt regarding the limitations of this method prompted him to elaborate on *qiyās* (analogical reasoning), drawing it toward a more fundamental level of meaning and conceptualizing it as *aṣl*. That was done to ensure it could address entirely new cases that had never been considered or imagined, and to ensure it remained tied to the text's meaning. We refer to the concept of *maslahah* (public interest) based on *maʿnā kulliyyah* (universal meaning) as extraordinary science.

[60] Al-Juwaynī, 126-62.

Maslahah as Extraordinary Science: Al-Juwaynī as the Missing Link

The transition from normal science to extraordinary science[61] In Islamic legal reasoning, it does not occur through a discontinuous methodological revolution, but rather through a transitional phase marked by epistemic tension and limited conceptual experimentation. Within the framework of Thomas Kuhn, as developed in contemporary philosophy of science, a methodological crisis does not immediately give rise to a new paradigm. Instead, it first produces a phase of puzzling, understood as an effort to stabilize the existing paradigm by loosening its non-essential rules without dismantling its fundamental foundations.[62] This pattern underscores that scientific change, and by analogy change in legal science, is historical, gradual, and oriented toward the restoration of internal coherence within a scholarly tradition.

This understanding aligns with Tomas Sundnes Drønen's critique of rigid notions of incommensurability. Drønen demonstrates that paradigm change, both in science and in religion, more often unfolds as a transitional process with a hybrid character, in which old and new paradigms are not fully separated but share language, problems, and conceptual tools for a period.[63]

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[61] *Extraordinary science* explains al-Juwaynī's methodological position at the point where classical *qiyās* could no longer guarantee legal universalism. According to Adam Timmins, a scholar of Thomas Kuhn's thought, *extraordinary science* is characterized by three main features. First, an awareness of epistemic crisis, namely the recognition that normal methods are no longer sufficient to account for the reality being confronted. Second, limited conceptual experimentation, that is, innovative efforts that are internal and controlled in nature, rather than a total rejection of the existing paradigm. Third, an orientation toward stabilization, namely the aim of restoring the rational functioning of the intellectual system so that it remains operative under pressure, rather than replacing it through a revolutionary break. For further discussion, see Adam Timmins, "Normal and Extraordinary History? Thomas Kuhn and Historiography," *Eras* 12, no. 1 (December 2010): 1–20.

[62] Gopesh Anand, Eric C. Larson, and Joseph T. Mahoney, "*Thomas Kuhn on Paradigms*," *Production and Operations Management* 29, no. 7 (2020): 1650–1657, https://doi.org/10.1111/poms.13188.

[63] Tomas Sundnes Drønen, "Scientific Revolution and Religious Conversion: A Closer Look at Thomas Kuhn's Theory of Paradigm-Shift," *Method & Theory in*

Epistemic transformation, therefore, does not take the form of total replacement, but rather of gradual reorientation that allows for both continuity and innovation.

We argue that it is within this horizon that the position of Imām al-Haramayn al-Juwaynī becomes significant. He cannot be understood merely as a continuation of al-Shāfiʿī's paradigmatic textualism in *al-Risālah*, nor can he yet be equated with the mature systematization of *maqāṣid al-sharīʿah* found in al-Shātibī. Instead, al-Juwaynī occupies a decisive intermediate position, in that his role constitutes a methodological node that enables the transition from formal *qiyās* to goal-oriented rationality without severing the continuity of the *usūl al-fiqh* tradition. Without the phase of puzzling that he represents, *maqāṣid* would appear as an ahistorical epistemological leap and would therefore be methodologically fragile.

As Felicitas Opwis also shows, al-Juwaynī's key intervention lies in the internal reformulation of *qiyās* through *qiyās maʿnā*. Within the framework of Ashʿarī theology, al-Juwaynī consistently rejects the autonomy of reason in determining good and evil independently of revelation. The ethical value of actions is entirely determined by divine communication through commands, prohibitions, promises of reward, and threats of punishment. At the same time, however, al-Juwaynī expands the function of reason as a hermeneutic instrument, not to assess morality autonomously, but to uncover divine intent (*maqṣūd al-khitāb*) through the analysis of meaning (*maʿnā*) and context (*qarāʾin al-ahwāl*).[64] Al-Juwaynī's acknowledgment of the limitations of *qiyās al-shabah* constitutes a critical point within this configuration. When the text remains silent, and a co-particular analogy fails to yield a legal determination, al-Juwaynī identifies a methodological anomaly within the paradigm of traditional *qiyās*. His response is not a rejection of the Shāfiʿī paradigm, but a controlled reorientation from within, through which law is linked to a universal and rational *ʿillah* (*maʿqūl al-maʿnā*). At the same time,

the Study of Religion 18, no. 3 (2006): 232–53, https://doi.org/10.1163/157006806778553561.

[64] Opwis, "The Ethical Turn in Legal Analogy," 159–82.

maslahah and *istidlāl* are operationalized as supporting epistemic principles. Within this framework, *ʿillah* is not understood as an ontological cause that binds the will of God, but rather as a normative sign (*ʿalam*) that enables the generalization of divine legislative will to situations not explicitly regulated by the *naṣṣ*. It is at this stage that *maslahah* functions as extraordinary science.

Its extraordinary character does not lie in a claim to autonomous rational ethics, but in a conscious loosening of the boundaries of the old paradigm to preserve the law's operability. Legal validity no longer depends exclusively on narrow textual correspondence, but is extended to the law's intentionality as grasped through meaning and context. This move does not dismantle the Shāfiʿī paradigm, but instead stabilizes it in crisis while simultaneously opening space for further conceptual transformation. To clarify al-Juwaynī's position within this paradigmatic trajectory, the following comparison illustrates how he functions as a transitional phase between classical *qiyās* and normalized *maqāṣid*:

Table 1. Paradigm Shift in Legal Reasoning: from *Qiyās* to *Maqāṣid*

Dimension	Normal Science (Classical Shāfiʿī *Qiyās*)	Transitional Phase or Extraordinary Science (al-Juwaynī)	New Normal Science (*Maqāṣid*)
Paradigmatic status	Established paradigm	Phase of puzzling due to anomalies	Consolidated paradigm
Primary instrument	*Qiyās al-shabah*	*Qiyās maʿnā*	*Maqāṣid al-sharīʿah*
Function of *ʿillah*	Formal marker	Normative indicator of divine legislative will	Purpose-based *ratio legis*
Role of *maslahah*	Not operational	Implicit criterion for legal validation	Explicit and systematic principle
Role of reason	Instrumental and passive	Hermeneutic and limited evaluative	Structured goal-oriented rationality
Text–context relation	Supremacy of the text	Negotiation between meaning and context	Integration of text and objectives

Source: authors compilation

This table underscores that al-Juwaynī's contribution does not end with a technical refinement of *qiyās*, since he reconfigures the epistemic role of reason within the boundaries of Ashʿarī theology. Reason is not granted moral autonomy, but is assigned an evaluative function to apprehend divine intent and to extend the law in a controlled manner. It is this configuration that allows *maslahah* to operate as an epistemic mechanism between two paradigms, rather than as an autonomous doctrine. The significance of this transitional position is clearly reflected in its influence on al-Ghazālī, who later formalized *maslahah* through the doctrine of *hifz* and systematized *munāsabah* as a method for verifying universal illah. Over time, *maslahah* was reintegrated into *uṣūl al-fiqh* as a new form of normal science. However, this process of normalization should not obscure its original function as an extraordinary intervention. It is precisely this intermediate phase, systematically articulated by al-Juwaynī, that enabled the *maqāṣid* paradigm to stand on a methodological footing without causing epistemic disruption.

This approach resonates with Jasser Auda's systems approach, which positions *maqāṣid* as a holistic epistemic principle for bridging text, context, and the objectives of law.[65] Both al-Juwaynī and Jasser Auda implicitly reject an atomistic approach to the *naṣṣ* and propose a methodological expansion rooted in the authority of revelation, so that legal renewal is understood as an internal transformation of the paradigm rather than a revolution that breaks with tradition. Put simply, al-Juwaynī laid the internal epistemic foundations for *maqāṣid*, while Jasser Auda articulated them in the language of modern systems theory. Accordingly, al-Juwaynī is not merely a precursor to al-Ghazālī, but a genuinely decisive link, a *fuqahāʾ* who shifted qiyās from an instrument of formal analogy into a goal-oriented legal epistemology, while simultaneously providing an Ashʿarī theological justification for the expansion of law based on meaning and *maslahah.*

[65] Auda, *Maqāṣid al-Sharīʿah*, 52–53.

Conclusion

This study argues that al-Juwaynī's legal thought represents a critical transitional moment in the development of Shāfiʿī legal theory, functioning as a paradigm-stabilizing intervention rather than a methodological rupture. While remaining committed to textual universalism and the supremacy of revelation, he identified a structural anomaly in conventional *qiyās*, namely its limited capacity to address novel and complex contingencies. He responded by recalibrating the epistemic architecture of legal reasoning through *qiyās maʿnā*, *munāsabah*, *istidlāl*, and graded forms of *maslahah*. Through this reformulation, *ʿillah* was transformed from a purely formal marker into a normatively intelligible indicator of legislative intent, allowing legal expansion through meaning and purpose without endorsing autonomous ethical rationalism. *Maslahah* thus operated as an extraordinary methodological phase that stabilized the Shāfiʿī paradigm under pressure and rendered subsequent doctrinal developments intelligible.

By repositioning al-Juwaynī as the missing methodological link between al-Shāfiʿī's textual-analogical framework and the later formalization of *maqāṣid al-sharīʿa*, this study challenges views that treat *maqāṣid* as a late ethical overlay or sudden innovation. It further underscores that purposive reasoning in Islamic law gains legitimacy through internal negotiation within established paradigms, a finding with implications for contemporary *maqāṣid* discourse, including systems-oriented approaches. Conceptually, the study demonstrates the utility of a Kuhnian framework for capturing transitional phases between stability and revolution in Islamic legal thought, while remaining limited to al-Juwaynī's *uṣūl al-fiqh* within the Ashʿarī–Shāfiʿī tradition and leaving comparative analysis across *madhāhib* and post-Juwaynian reception as avenues for future research.

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