

## *Fiqh al-Ikhtilāf* and *Maqāṣid al-Sharī'ah*: Ibn 'Āshūr's Contribution to Contemporary Islamic Thought

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### A B S T R A C T

Studies on *Fiqh al-Ikhtilāf* (the jurisprudence of juristic disagreement) remain relatively scarce within the field of Qur'anic exegesis, even though issues of disagreement (*ikhtilāf*) often serve as a source of division within Muslim communities. This article seeks to analyze the concept of *Fiqh al-Ikhtilāf* from the exegetical perspective of Ibn 'Āshūr through his seminal work *At-Tahrir wa At-Tanwir*. Employing a qualitative approach with a library-based method, this research draws upon *At-Tahrir wa At-Tanwir* and Ibn 'Āshūr's writings on *Maqāṣid al-Sharī'ah* as primary sources, supplemented by relevant secondary literature, including books and scholarly articles. The data were examined using content analysis and thematic exegesis (*tafsīr mawḍū'ī*) of verses pertaining to disagreement. The findings reveal that Ibn 'Āshūr views *ikhtilāf* as an unavoidable reality – an inherent aspect of divine will (*sunnat Allāh*) in human creation. Nonetheless, he argues that disagreements must be managed constructively through principles of unity, tolerance, and the pursuit of common ground rooted in *Maqāṣid al-Sharī'ah*. Ibn 'Āshūr emphasizes the importance of sound evidence, moderation, and respect for legitimate *ijtihād*-based differences while firmly rejecting sectarian fanaticism or conflict. Thus, his conceptualization of *Fiqh al-Ikhtilāf* is not only relevant to exegetical studies but also offers practical contributions to nurturing communal harmony, preventing polarization, and fostering a moderate and solution-oriented Islamic discourse. This study concludes that Ibn 'Āshūr's *maqāṣid*-based approach provides a normative and ethical foundation for addressing disagreements in both academic scholarship and socio-religious practice.

## 1. Introduction

Disagreement (*ikhtilāf*) has been an inherent phenomenon in Islamic history since the time of the Prophet Muhammad and his Companions. This tradition developed across various disciplines, particularly jurisprudence (*fiqh*) and Qur'anic exegesis (*tafsīr*), and has long been regarded as a hallmark of Islamic intellectual dynamism. On the one hand, *ikhtilāf* reflects the breadth of Islamic scholarship and the space for interpretive plurality in engaging with scriptural texts. On the other hand, it also carries the potential to generate polarization, conflict, and fragmentation within the Muslim community if not managed properly. In contemporary contexts, where Qur'anic interpretation is often intertwined with social, political, and sectarian identity issues, *ikhtilāf* emerges as a sensitive point that requires management grounded in ethics, *maqāṣid*, and moderation. Understanding how major scholars respond to exegetical differences and emphasize the ethics of disagreement is therefore crucial for strengthening socio-religious harmony (Chalik et al., 2025).

One of the most prominent figures in modern Qur'anic exegesis is Ibn 'Āshūr, whose monumental work *At-Tahrīr wa At-Tanwīr* embodies a thematic, contextual, and *maqāṣid*-oriented approach. Unlike classical exegetical traditions that often lean toward textual literalism, Ibn 'Āshūr foregrounds *Maqāṣid al-Sharī'ah* (the higher objectives of Islamic law) as the guiding framework for interpreting scripture and addressing socio-political issues. His approach highlights balance, tolerance, and respect for diversity, making it highly relevant in the modern era marked by pluralism and interpretive challenges. Accordingly, Ibn 'Āshūr's exegetical project can be situated as a conceptual foundation for understanding *Fiqh al-Ikhtilāf* in contemporary contexts.

Nevertheless, although *At-Tahrīr wa At-Tanwīr* has been widely examined from the perspectives of *maqāṣid* and exegetical methodology, studies that specifically connect it to the jurisprudence of disagreement remain limited. Most research highlights Ibn 'Āshūr's general *maqāṣid* framework or compares him with other scholars, without delving into how he positions exegetical and juristic disagreements within an ethical and socially meaningful framework. This study seeks to fill this gap by systematically analyzing how Ibn 'Āshūr formulates principles of ethical disagreement in his exegesis and by exploring their relevance for contemporary socio-religious life.

Previous scholarship has established Ibn 'Āshūr as a key reference in *maqāṣid* studies. Sholikah (2019), Aziz et al. (2019), and Fauzan & Imawan (2023) emphasize the contextual and applicative dimensions of his thought, positioning it as a foundation for Islamic legal reform. Firdaus (2021) and Wahid et al. (2025) highlight its role as a basis for contemporary *ijtihād*, while Citaningati (2024) and Güney (2024) explore its application in sustainable development and Islamic finance. A growing trend of *maqāṣid*-related research is further evidenced by Mohammed's (2024) bibliometric analysis and Dasmadi's et al. (2024) systematic review of its implications for organizational performance. These studies confirm Ibn 'Āshūr's centrality in the discourse on *maqāṣid* (Anjaludin et al., 2024).

Meanwhile, studies on *Fiqh al-Ikhtilāf* underscore the ethical and methodological significance of managing legal disagreements. Jayusman & Dermawan (2018) discuss lunar calculation disputes, while Yaakub, Fikry, and Ruskam (2022) analyze its application during the COVID-19 pandemic. Laabdi (2024) and Farahat (2021) critically examine how both

Western and Muslim scholars conceptualize juristic disagreement and its institutional implications. Habib (2019) and Sarmini (2022) stress the value of tolerance in handling differences, whereas Mazro (2012) provides historical and jurisprudential perspectives on dispute resolution. Collectively, these studies reveal that *ikhtilāf* is not merely an academic concern but also a social challenge requiring a strong ethical framework.

Research on contextual exegesis also affirms the urgency of reinterpreting scripture in light of social and cultural contexts. Annaprimadonita (2024) and Saefulloh (2024) document methodological transformations in modern Islamic studies, while Tazul Islam (2018) and Hitomi Ono (2021) specifically explore Ibn 'Āshūr's *maqāṣid*-based hermeneutics. Setyarama (2025) illustrates how contextual interpretations of Qur'anic verses on warfare yield substantive insights for contemporary issues, and Howe (2016) emphasizes the role of pluralism in Qur'anic interpretation in Western contexts. Together, these studies highlight the enduring relevance of Ibn 'Āshūr's *maqāṣid*-oriented approach for both exegetical scholarship and socio-religious praxis.

The state of the art reviewed above reveals a significant research gap. First, most studies examine Ibn 'Āshūr's *maqāṣid* or exegetical methodology in general, while few have focused specifically on *Fiqh al-Ikhtilāf* in *At-Tahrīr wa At-Tanwīr*. Second, existing works often treat *maqāṣid*, contextual exegesis, and *Fiqh al-Ikhtilāf* separately, even though the three are interrelated. Third, the socio-religious implications of Ibn 'Āshūr's thought on disagreement remain underexplored, especially in relation to Islamic moderation. This study offers novelty by systematically integrating these three dimensions – textual exegesis, *maqāṣid* framework, and the theory of juristic disagreement – into a single analysis.

Against this background, the present article seeks to answer three key questions: How does Ibn 'Āshūr conceptualize and define *Fiqh al-Ikhtilāf* in *At-Tahrīr wa At-Tanwīr*? What ethical and *maqāṣid*-based principles does he employ in addressing exegetical disagreements? And what are the socio-religious implications of his thought for contemporary Muslim life?

Accordingly, the objectives of this study are threefold: to describe Ibn 'Āshūr's concept of *Fiqh al-Ikhtilāf* as articulated in *At-Tahrīr wa At-Tanwīr*; to identify the ethical and *Maqāṣid al-Sharī'ah* principles underlying his management of disagreement; and to analyze the relevance of his thought for promoting Islamic moderation and mitigating contemporary religious conflicts. The expected outcome is to develop a more comprehensive understanding of Ibn 'Āshūr's *Fiqh al-Ikhtilāf* while offering practical contributions to fostering unity and harmony among Muslims in the face of diverse exegetical and juristic interpretations.

## 2. Method

This study employs a qualitative approach with the design of a library-based inquiry. The primary source of data is Ibn 'Āshūr's exegesis *At-Tahrīr wa At-Tanwīr*, which is examined in depth to identify his conceptualization of *fiqh al-ikhtilāf*, his application of *Maqāṣid al-Sharī'ah*, and the socio-religious implications embedded within his interpretations. Secondary data are drawn from relevant academic literature, including journal articles, monographs, and prior research on *Maqāṣid al-Sharī'ah*, *fiqh al-ikhtilāf*, and contextual exegesis (Bustamam, 2025; Laabdi, 2024; Saefulloh, 2024; Sholikah, 2019). A library-based method is deemed appropriate as it allows for a critical engagement with classical texts while simultaneously linking them with contemporary discourses (Bowen, 2009).

Data analysis follows a thematic content analysis framework. First, verses and exegetical passages in *At-Tahrir wa At-Tanwir* that address juristic disagreement are categorized. Second, these materials are interpreted through the lens of *Maqāṣid al-Sharī'ah* to explore the underlying ethical values and principles informing Ibn 'Āshūr's responses to *ikhtilāf*. Third, the findings are contextualized by comparing Ibn 'Āshūr's insights with contemporary scholarship on the ethics of disagreement and Islamic moderation (Farahat, 2021; Habib, 2019). This three-tiered process ensures that the analysis not only captures textual dimensions but also connects to practical concerns relevant to modern Muslim societies.

To enhance validity, the study applies source triangulation by engaging literature across multiple disciplines, including Qur'anic exegesis, Islamic jurisprudence, law, and socio-religious studies. Furthermore, the discussion of findings is enriched by critical engagement with recent works on Ibn 'Āshūr's *maqāṣid* (Fauzan & Imawan, 2023; Wahid et al., 2025) as well as contemporary studies on *Fiqh al-Ikhtilāf* (Yaakub et al., 2022). In this way, the research seeks not only to present a normative description of Ibn 'Āshūr's thought but also to offer a comprehensive analysis of its practical relevance for addressing disagreement in contemporary socio-religious contexts.

### 3. Results and Discussion

#### 3.1. The Concept of *Fiqh al-Ikhtilāf* in Ibn 'Āshūr's *At-Tahrir wa At-Tanwir*

The phenomenon of *ikhtilāf* (juristic disagreement) has been an integral feature of Islamic intellectual history from the era of the Companions to the present. Ibn 'Āshūr, through his monumental exegesis *At-Tahrir wa At-Tanwir*, devoted serious attention to this issue. For him, *ikhtilāf* is an inevitable reality in the interpretation of religious texts due to the limitations of human understanding of revelation and the diverse socio-cultural contexts that shape interpretation (Sholikah, 2019). Nevertheless, he stressed the importance of distinguishing between constructive *ikhtilāf*, which enriches Islamic scholarship, and destructive *ikhtilāf*, which generates division and conflict. This perspective demonstrates that Ibn 'Āshūr did not reject disagreement per se but instead outlined ethical principles for managing it.

In *At-Tahrir wa At-Tanwir*, Ibn 'Āshūr regarded *ikhtilāf* as a form of divine mercy, provided that differences are grounded in valid scholarly reasoning and do not contravene the objectives of the *Sharī'ah* (*Maqāṣid al-Sharī'ah*). He classified *ikhtilāf* into two principal categories. First, acceptable disagreement (*ikhtilāf maḥmūd*), which is rooted in the sincere pursuit of truth, adherence to linguistic principles of Arabic, and consideration of *Sharī'ah* objectives. Second, blameworthy disagreement (*ikhtilāf madhmūm*), which arises from ego-driven motives, sectarian fanaticism, or interpretations that disregard *maqāṣid* (Habib, 2019). This classification highlights Ibn 'Āshūr's attempt to integrate normative and ethical dimensions in addressing exegetical differences.

Concrete examples of Ibn 'Āshūr's stance toward *ikhtilāf* can be observed in his interpretation of legal verses. In Qur'an 2:222 regarding menstruation laws, Ibn 'Āshūr presented the diverse views of jurists on marital relations during menstruation. Instead of dismissing any single opinion outright, he cited various schools of thought and emphasized that the underlying *maqṣad* of the ruling is the preservation of cleanliness and health (Fauzan

& Imawan, 2023). This approach demonstrates his respect for plurality while directing readers toward the higher objectives of *Sharī'ah*.

Similarly, in his commentary on Qur'an 4:34 concerning marital relations, Ibn 'Āshūr highlighted the juristic *ikhtilāf* over the meaning of *qawwāmūn*. Some interpreted it as men's absolute authority over women, while others emphasized responsibility. Ibn 'Āshūr adopted a *maqāṣidī* approach, underscoring that the verse aims at ensuring familial harmony rather than legitimizing oppression (Islam, 2018). This reflects his commitment to framing *ikhtilāf* within the parameters of justice and welfare.

Disagreements over verses on jihad also attracted Ibn 'Āshūr's attention. In Qur'an 8:17, he discussed debates about whether military victory results from divine will or human effort. After presenting divergent opinions, he stressed the principle of balance between divine providence and human agency, thereby avoiding deterministic or fatalistic interpretations that could harm the community (Setyarama, 2025). Such a reconciliatory method reveals his effort to defuse interpretive conflicts while preserving the spirit of *maqāṣid*.

When compared with classical tradition, Ibn 'Āshūr's conceptualization of *Fiqh al-Ikhtilāf* reflects both continuity and renewal. Classical scholars such as al-Shāfi'ī underscored the role of *uṣūl al-fiqh* in managing juristic differences, while Ibn Ḥazm often adopted a literalist stance that rejected interpretive flexibility. In contrast, Ibn 'Āshūr expanded the scope by incorporating *Maqāṣid al-Sharī'ah* as an ethical foundation for handling disagreements (Farahat, 2021). Thus, he not only inherited but also reformulated the classical legacy with a broader *maqāṣid*-oriented perspective.

From a jurisprudential standpoint, Ibn 'Āshūr also insisted that *ikhtilāf* should never be used as a pretext for hostility among Muslims. He rejected *takfīr* (excommunication) against those who held different opinions, provided that such differences remained within the boundaries of *Sharī'ah* (Laabdi, 2024). While this view aligns with earlier ethical discourses on disagreement, Ibn 'Āshūr contextualized it further by adapting interpretive methods to the demands of modernity.

Accordingly, Ibn 'Āshūr's conception of *Fiqh al-Ikhtilāf* in *At-Tahrir wa At-Tanwir* can be defined as an integrative approach that brings together textual analysis, *maqāṣid*-based reasoning, and socio-historical realities. Differences of opinion are not to be perceived as threats but as intellectual wealth that must be managed ethically. This contribution is particularly significant for advancing Islamic moderation and fostering social harmony amidst the pluralism of contemporary Muslim societies. Ibn 'Āshūr's distinctive contribution lies in his ability to bridge classical exegetical traditions with modern challenges, thereby producing a model of *Fiqh al-Ikhtilāf* that is both relevant and practical.

### 3.2 Ethical Principles and *Maqāṣid* in Managing *Ikhtilāf*

One of Ibn 'Āshūr's most significant contributions in *At-Tahrir wa At-Tanwir* lies in his emphasis on *Maqāṣid al-Sharī'ah* as the foundation for addressing juristic disagreements. For him, *maqāṣid* is not only a theoretical framework for understanding the law but also an ethical criterion for evaluating the validity of *ikhtilāf*. By grounding interpretive differences in *maqāṣid*, Ibn 'Āshūr avoided sectarian fanaticism while promoting interpretations oriented toward *maṣlaḥah* (welfare), justice, and balance (Fauzan & Imawan, 2023; Hardivizon et al., 2023;

Sholikah, 2019). This approach contrasts with certain classical exegetical traditions that prioritized literal readings of the text without adequately considering the teleological dimensions of the *Sharī'ah*.

The principles of *maqāṣid* employed by Ibn 'Āshūr in managing *ikhtilāf* include the protection of the five essential objectives of the law (*al-kulliyāt al-khams*): religion, life, intellect, progeny, and property (Aziz et al., 2019). In his exegesis, he expanded this framework by emphasizing the preservation of human dignity and communal unity as broader objectives of *Sharī'ah*. For instance, when addressing verses that could provoke interpretive conflicts, Ibn 'Āshūr consistently highlighted that the ultimate aim of the law is to secure social harmony and prevent harm (*mafsadah*) (Wahid et al., 2025). Thus, *maqāṣid* functions not merely as a theoretical construct but as an ethical compass guiding the management of disagreement.

Beyond *maqāṣid*, Ibn 'Āshūr's ethics of disagreement rests on the values of tolerance, moderation, and respect for diversity of opinion. In *At-Tahrir wa At-Tanwir*, he frequently cited views from different schools of thought without disparaging any particular opinion. He emphasized that every divergence arising from legitimate *ijtihād* holds validity and therefore must not become a pretext for delegitimization or accusations of heresy (Habib, 2019). This methodology aligns with the principle of Islamic moderation (*wasatiyyah*), which rejects extremism while advocating a balanced, proportional stance in religious practice.

Ibn 'Āshūr's emphasis on tolerance is clearly reflected in his interpretation of Qur'an 3:103, which commands Muslims to hold fast to the rope of God and avoid division. He underscored that the verse does not categorically reject differences of opinion but instead instructs believers to manage them within the framework of Islamic brotherhood (*ukhūwah islāmiyyah*). Legitimate disagreements that do not contravene *Sharī'ah* must be respected, while divisions born of sectarian fanaticism must be resisted (Laabdi, 2024). Hence, tolerance in Ibn 'Āshūr's view is not absolute relativism but the constructive recognition of pluralism.

Moderation (*i'tidāl* or *wasatiyyah*) also constitutes a central value in Ibn 'Āshūr's ethics of *ikhtilāf*. In his exegesis of Qur'an 2:143 on the notion of the Muslim community as a "middle nation" (*ummataṅ wasaṭan*), he argued that moderation is the foundation for managing interpretive diversity. For him, moderation is not merely a political or social posture but a hermeneutical method that avoids both excessive literalism and unrestrained liberalism. Thus, Muslims are directed to maintain a balanced relationship between text, *maqāṣid*, and context (Citaningati, 2024).

Respect for diversity also emerges as a hallmark of Ibn 'Āshūr's exegesis. In Qur'an 5:48, which highlights that God revealed different scriptures with varying laws as a means of testing humanity, Ibn 'Āshūr interpreted this as evidence that legal and exegetical diversity is part of the divine design (*sunnat Allāh*). Therefore, *ikhtilāf* should not be viewed as an anomaly but as an opportunity for mutual enrichment (Islam, 2018). This perspective rejects absolutist interpretations and frames pluralism as a manifestation of divine mercy.

A thematic analysis of *At-Tahrir wa At-Tanwir* reveals Ibn 'Āshūr's consistent reliance on *maqāṣid* in verses with high potential for disagreement. In Qur'an 4:59, which commands obedience to those in authority (*ulī al-amr*), he emphasized that political differences should ultimately serve the principles of justice and social stability. Similarly, in Qur'an 5:90 regarding the prohibition of intoxicants, he argued that disputes over interpretive nuance must be

resolved by appealing to the *maqāṣid* of protecting intellect and health (Fauzan & Imawan, 2023). This demonstrates that his ethics of *ikhtilāf* were always anchored in a *maqāṣidī* and contextual approach.

The relevance of Ibn 'Āshūr's ethical principles to contemporary theories of *Fiqh al-Ikhtilāf* is profound. In today's context – marked by polarization across sectarian, political, and ideological lines – his *maqāṣidī* approach provides an integrative framework. Modern scholarship on *Fiqh al-Ikhtilāf* underscores the necessity of tolerance and recognition of legitimate *ijtihād* (Jayusman & Dermawan, 2018; Yaakub et al., 2022). Ibn 'Āshūr advances this discussion further by grounding disagreement not merely in procedural fairness but in teleological ethics aimed at producing *maṣlahah*.

Ibn 'Āshūr's principles of ethics and *maqāṣid* in managing *ikhtilāf* can be synthesized into three key points. First, legitimate differences are part of divine mercy and must be respected so long as they are grounded in *Maqāṣid al-Sharī'ah*. Second, ethical values such as tolerance, moderation, and respect for diversity must guide both scholarly debates and social interactions. Third, *maqāṣid* serves as the principal filter for assessing whether a given *ikhtilāf* is constructive or destructive. These principles are not only relevant to classical exegesis but also highly applicable to addressing contemporary socio-religious challenges.

### 3.3 Analysis of *Fiqh al-Ikhtilāf* in *At-Tahrir wa At-Tanwir*

#### 3.3.1 Case Studies of Verses Generating Interpretive Disagreement

The dynamics of *Fiqh al-Ikhtilāf* in Ibn 'Āshūr's exegesis become particularly evident when he interprets legal verses that have long been debated among scholars. For example, in Qur'an 2:222 regarding menstruation and women's purity, many classical exegetes emphasized strict prohibitions. In contrast, Ibn 'Āshūr argued that the prohibition applies only to sexual intercourse, not to social interaction. By highlighting the *maqāṣid* of safeguarding women's health and dignity, he avoided interpretations that could foster discrimination (Fauzan & Imawan, 2023). Another example is Qur'an 5:38 on the amputation penalty for theft. While affirming the validity of the ruling, Ibn 'Āshūr stressed its underlying *maqāṣid* – the protection of property and deterrence – thus opening space for *ijtihād* in adapting its application to changing social conditions (Aziz et al., 2019).

Differences also appear in his interpretation of social verses, such as Qur'an 49:13 on human equality. Ibn 'Āshūr understood this verse as the foundation of Islamic social ethics, rejecting tribalism, racism, and sectarian partisanship. He linked the verse to social *ikhtilāf*, emphasizing that diversity should not lead to conflict but must instead be managed within the framework of universal brotherhood (Habib, 2019). This approach illustrates that exegetical disagreement is not merely an academic issue but one directly tied to social life.

#### 3.3.2 Balancing Text, *Maqāṣid*, and Social Reality

Ibn 'Āshūr was renowned for balancing Qur'anic text, *Maqāṣid al-Sharī'ah*, and social reality. In his interpretation of Qur'an 4:3 on polygamy, he did not simply reiterate the classical position permitting four wives. Instead, he emphasized the *maqāṣid* of justice toward women and protection of orphans, arguing that polygamy cannot be viewed as an unrestricted license but must be conditioned by social circumstances (Sholikah, 2019). Similarly, in Qur'an 2:282 on debt documentation, whereas classical exegesis focused on formal requirements, Ibn

‘Āshūr highlighted that the primary objective of the verse is to uphold economic justice and prevent disputes. Consequently, he opened the door to modern innovations in documentation, such as written contracts and official records (Firdaus, 2021). This integrative method underscores his originality in managing interpretive disagreement.

### 3.3.3 Applying the *Maqāṣidī* Approach to Mitigate *Tafsīr* Conflicts

Ibn ‘Āshūr’s *maqāṣidī* approach played a critical role in defusing exegetical conflicts that could otherwise fracture the community. In Qur’an 3:7 on *muḥkamāt* and *mutashābihāt*, he stressed that differences in interpreting ambiguous verses must not become a source of enmity. Disagreement, he argued, is inevitable due to human limitations, but it should be oriented toward the pursuit of wisdom rather than exclusive claims to truth (Laabdi, 2024; Mahmud et al., 2025). Here, the *maqāṣid* of unity supersedes detailed interpretive disputes.

Another example is Qur’an 5:51, often politically contested in modern contexts concerning leadership by People of the Book. Ibn ‘Āshūr contextualized the verse as addressing specific historical conditions rather than imposing a timeless prohibition. From a *maqāṣid* perspective, he asserted that the main objective is safeguarding Muslim independence, not rejecting cooperation with non-Muslims in social or humanitarian matters (Wahid et al., 2025). This interpretation avoids exclusivist readings that could divide the community.

### 3.3.5 Comparison with Other Contemporary Exegetes

Compared with other modern exegetes, Ibn ‘Āshūr occupies a distinctive position. Fazlur Rahman, for instance, emphasized his “double movement” hermeneutic linking text and context, whereas Ibn ‘Āshūr placed *maqāṣid* as an explicit methodological principle for assessing interpretation (Rahman, 1982). Similarly, Nasr Hamid Abu Zayd viewed *tafsīr* as a cultural product always open to reinterpretation, but Ibn ‘Āshūr maintained closer ties to classical exegetical tradition while also opening it to modern realities (Zayd, 2004). His approach thus balances continuity with methodological innovation.

In contrast, Sayyid Qutb’s *Fi Zilal al-Qur’an* tends to be ideologically driven, emphasizing the spirit of Islamic revival. Ibn ‘Āshūr, by comparison, is more academic, rational, and objective, orienting his *tafsīr* toward *maṣlaḥah* and social justice (Güney, 2024). Meanwhile, Indonesian exegete Quraish Shihab’s *Tafsir al-Mishbah* also underscores moderation and contextual interpretation, but Ibn ‘Āshūr is more systematic in consistently grounding his methodology in *maqāṣid* (Citaningati, 2024).

The analysis demonstrates that Ibn ‘Āshūr employed a *maqāṣidī* approach to navigate *Fiqh al-Ikhtilāf* in his *tafsīr*. By balancing text, *maqāṣid*, and social reality, his exegesis transcended normative boundaries and addressed practical concerns. His method effectively mitigated interpretive conflicts by prioritizing unity, tolerance, and *maṣlaḥah*. In comparison with other contemporary exegetes, Ibn ‘Āshūr occupies a unique position that bridges classical tradition with modern exigencies. Accordingly, his thought makes a vital contribution to the development of *Fiqh al-Ikhtilāf* that remains highly relevant for addressing the needs of the contemporary Muslim community.

### 3.4 Key Aspects of Ibn 'Āshūr's Thought on *Fiqh al-Ikhtilāf*

#### 3.4.1 Synthesis of Ibn 'Āshūr's Thought on the Ethics of Disagreement

Ibn 'Āshūr regarded *ikhtilāf* as a natural phenomenon within the intellectual heritage of Islam that must be managed through ethics. For him, disagreement should not be eradicated but rather directed toward wisdom and prevented from becoming a source of division. In *At-Tahrir wa At-Tanwir*, he repeatedly emphasized that diversity of interpretation is a logical consequence of human limitations in understanding the divine text, and thus should not be perceived as a weakness of religion itself (Sholikah, 2019). Ibn 'Āshūr's ethics of disagreement rests on three fundamental principles: respect for the opinions of earlier scholars, openness to diverse interpretations, and rejection of blind fanaticism (*ta'aṣṣub*). Through this approach, he sought to foster a healthy, inclusive, and productive intellectual culture within Islam.

Ibn 'Āshūr further connected the ethics of disagreement with *Maqāṣid al-Sharī'ah*. In his view, disagreement must always be evaluated against the higher objectives of *Sharī'ah*—promoting benefit and preventing harm (*jalb al-maṣāliḥ wa dar' al-mafāsid*). Consequently, *ikhtilāf* should be understood not as a competition of theological or legal arguments, but as a pursuit of public welfare. This perspective distinguishes him from certain classical exegetes who tended to restrict *ikhtilāf* to purely textual debates (Fauzan & Imawan, 2023).

#### 3.4.2 Contribution to the Development of the Theory of *Fiqh al-Ikhtilāf*

Ibn 'Āshūr's thought significantly advanced the theory of *Fiqh al-Ikhtilāf* by introducing a comprehensive *maqāṣidī* approach. Whereas classical theories of disagreement primarily focused on categorizing types of *ikhtilāf*, Ibn 'Āshūr extended the discussion to include its social and ethical functions. He underscored that the purpose of *Fiqh al-Ikhtilāf* is not merely to classify differences but to guide the community in managing them constructively (Laabdi, 2024).

He also enriched the methodology of *ikhtilāf* by linking it to contemporary realities. For instance, in his commentary on Qur'an 2:275 concerning *ribā*, he did not merely reproduce classical debates but highlighted the *maqāṣid* of ensuring economic justice. This opened avenues for contemporary discussions on Islamic banking and financial ethics (Aziz et al., 2019). In this way, he expanded the scope of *Fiqh al-Ikhtilāf* beyond traditional jurisprudence to encompass global issues. His integration of *tafsīr*, *fiqh*, and *maqāṣid* within a single analytical framework offered a methodological alternative for contemporary scholars, bridging the gap between textual normativity and practical societal needs (Firdaus, 2021).

#### 3.4.3 Significance for Strengthening Islamic Moderation

Ibn 'Āshūr's perspective on *Fiqh al-Ikhtilāf* carries profound significance for strengthening Islamic moderation. Amid increasing polarization among Muslims over political, sectarian, and exegetical issues, his ethical framework provides a remedy against exclusivism and intolerance. By emphasizing the *maqāṣid* of unity (*ḥifẓ al-umma*) and justice, he proposed that disagreement should not generate hostility but instead enrich Islamic discourse (Habib, 2019).

In the Indonesian context, Ibn 'Āshūr's concept is highly relevant for addressing tensions among traditionalist, modernist, and transnational Islamic groups. His principles of tolerance and moderation can serve as an epistemological foundation for Indonesia's state-

endorsed religious moderation agenda (Yaakub et al., 2022). On a broader scale, his thought contributes to global discussions on moderate Islam. By grounding *tafsīr* and *fiqh* in *maqāṣid*, he supported sustainable development, social justice, and interreligious harmony (Citiningati, 2024; Güney, 2024). Thus, his approach transcends the boundaries of Muslim societies and informs intercivilizational dialogue.

#### 3.4.4 Position in the Landscape of Modern *Fiqh* Thought

Within the landscape of modern *fiqh*, Ibn ‘Āshūr occupies a unique position as a bridge between classical tradition and contemporary needs. Unlike classical jurists such as al-Shāfi‘ī or Ibn Taymiyyah, who leaned toward textualism, Ibn ‘Āshūr was more progressive in integrating *maqāṣid* with exegesis. Yet, unlike radical modernists such as Nasr Hamid Abu Zayd, who emphasized deconstruction of the text, Ibn ‘Āshūr maintained fidelity to tradition while simultaneously advancing renewal (Zayd, 2004).

His position also differs from ideologically driven exegetes like Sayyid Qutb, whose *Fi Zilal al-Qur’an* framed the Qur’an within the struggle for Islamic revival. Ibn ‘Āshūr, by contrast, was more rational, academic, and systematic in constructing a *maqāṣidī* hermeneutic and theory of *fiqh al-ikhtilāf*. Consequently, he is often regarded as one of the pioneers of modern *maqāṣid*-based exegesis (Wahid et al., 2025). His work thus represents a transitional paradigm that paved the way for contemporary scholars seeking to harmonize text, *maqāṣid*, and social reality.

Moreover, his influence extends into global scholarly discourse. As Mohammed (2024) demonstrates, research on *maqāṣid* has grown substantially in recent years, with Ibn ‘Āshūr emerging as one of the most frequently cited figures. This reflects his significance not only in the history of *tafsīr* but also in shaping modern *fiqh* thought more broadly.

In sum, Ibn ‘Āshūr’s reflections on *Fiqh al-Ikhtilāf* revolve around ethics, *maqāṣid*, and moderation. He not only inherited the classical tradition but also developed a renewed approach attuned to modern challenges. His contributions to the theory of *fiqh al-ikhtilāf*, his role in advancing Islamic moderation, and his place in the intellectual map of modern *fiqh* establish him as a central figure in contemporary Islamic studies. Accordingly, examining his thought is not only vital for academic scholarship but also essential for guiding contemporary Muslim societies in navigating religious and social diversity.

### 3.5 Contextualizing *Fiqh al-Ikhtilāf* in Social Life

#### 3.5.1 The Relevance of Ibn ‘Āshūr’s Thought to Contemporary Issues

Ibn ‘Āshūr’s reflections on *Fiqh al-Ikhtilāf* hold profound relevance for contemporary challenges, particularly those related to pluralism, identity politics, and intra-Muslim conflicts. In the age of globalization, Muslim societies encounter not only internal sectarian differences but also an increasingly intense diversity of religions, cultures, and ideologies. Ibn ‘Āshūr underscored that disagreement (*ikhtilāf*) should be viewed as part of *sunnat Allāh*, necessitating tolerance and moderation (Fauzan & Imawan, 2023). This principle is particularly pertinent in responding to pluralism, where diversity of identity must be managed inclusively rather than exclusively.

With respect to identity politics, Ibn ‘Āshūr emphasized the danger of instrumentalizing religion for partisan objectives. For instance, his interpretation of Qur’an

49:13 stresses that human dignity is measured by *taqwā* rather than ethnic or group affiliation (Habib, 2019). Such a reading provides a theological foundation to resist the politicization of religious identity, which often escalates into conflict. Similarly, in the context of intra-Muslim disputes – whether related to jurisprudential or ideological differences – he highlighted the *maqāṣid* of communal unity as a supreme value that must be preserved (Laabdi, 2024).

### 3.5.2 Practical Applications of *Ikhtilāf* for Strengthening Social Harmony

Ibn 'Āshūr's *Fiqh al-Ikhtilāf* offers practical applications for fostering social harmony at both local and global levels. In plural societies such as Indonesia, sectarian or interpretive differences frequently generate tension. His *maqāṣid*-based approach, which privileges public welfare and justice, provides a basis for inter-sectarian and interreligious dialogue. For instance, in disputes over ritual practices such as determining the beginning of Ramadan, the principle of respecting divergent *ijtihād* can prevent social polarization (Yaakub et al., 2022).

His thought can also inform equitable public policy. In education, his principle of tolerance may be integrated into religious curricula to cultivate moderation from an early age (Sarmini, 2022). In legal contexts, his emphasis on *maqāṣid* can guide the drafting of regulations that remain faithful to *Sharī'ah*'s objectives while adapting to social change (Aziz et al., 2019). Thus, Ibn 'Āshūr's concept of *ikhtilāf* extends beyond theoretical discourse to practical implementation in national and communal life.

### 3.5.3 Potential Contributions to the Advancement of Religious Moderation

Ibn 'Āshūr's *Fiqh al-Ikhtilāf* also holds significant potential for advancing religious moderation (*wasatiyyah*), both in Indonesia and across the Muslim world. Religious moderation requires robust theological and methodological underpinnings, and his *maqāṣid*-oriented hermeneutic provides precisely such a normative framework, ensuring that moderation functions not as a slogan but as an actionable principle (Wahid et al., 2025).

On the international stage, his thought can support interfaith and intercivilizational dialogue. For instance, in Middle Eastern contexts where conflicts are frequently exacerbated by divergent political and religious interpretations, a *maqāṣid*-centered approach can help establish common ground based on collective benefit. Thus, Ibn 'Āshūr's *Fiqh al-Ikhtilāf* is not only instrumental for intra-Muslim harmony but also extends to global relations (Güney, 2024).

### 3.5.4 Limitations and Challenges of Implementation

Despite its promise, Ibn 'Āshūr's framework is not without limitations and challenges. First, a *maqāṣidī* approach often requires advanced scholarly expertise, making it less accessible to lay audiences and creating a gap between ideal theory and social practice (Firdaus, 2021). Second, in the political arena, efforts to apply *Fiqh al-Ikhtilāf* frequently clash with the pragmatic interests of groups that instrumentalize religion for power.

Moreover, globalization introduces new challenges through the proliferation of transnational ideologies that often reject moderation. Extremist movements, for instance, tend to dismiss *maqāṣid* in favor of rigid textual literalism, thereby obstructing the wider application of Ibn 'Āshūr's ideas (Laabdi, 2024). Nevertheless, such limitations present opportunities for further development through education, academic discourse, and public policies that reinforce moderation.

The contextualization of Ibn 'Āshūr's *Fiqh al-Ikhtilāf* within social life demonstrates its strong relevance for addressing contemporary challenges. By emphasizing tolerance, justice, and the *maqāṣid* of unity, he offers an alternative paradigm for managing differences within plural Muslim societies. Its practical applications can strengthen social harmony, support the advancement of religious moderation, and even contribute to global dialogue. Despite certain limitations, Ibn 'Āshūr's thought continues to provide a solid foundation for the development of an inclusive and just Islamic society.

#### 4. Conclusion

This study affirms that Ibn 'Āshūr's thought in *At-Tahrīr wa al-Tanwīr* makes a substantial contribution to the development of the concept of *fiqh al-ikhtilāf*. From the analysis of both legal and social verses, it is evident that he regarded juristic disagreement as a divinely ordained reality (*sunnat Allāh*) that cannot be eliminated but must be managed through an ethics oriented toward public welfare. The ethics of disagreement he proposed – grounded in respect for diverse opinions, openness, and the rejection of blind fanaticism – provides a methodological foundation for mitigating potential conflicts within the Muslim community. By integrating *Maqāṣid al-Sharī'ah* into his exegesis, Ibn 'Āshūr presents a form of Qur'anic interpretation that is rational, contextual, and yet firmly rooted in the classical tradition.

Furthermore, this research finds that Ibn 'Āshūr did not merely reproduce the classical classifications of *ikhtilāf*, but instead developed a more applicable framework. He consistently sought to balance the text, the *maqāṣid*, and social realities, thereby producing an exegetical approach that addresses not only legal issues but also the moral and social needs of society. This orientation is particularly evident in his interpretations of verses concerning menstruation, polygamy, and economic transactions, where he rejected narrow textualist readings in favor of an emphasis on the objectives of the *Sharī'ah* – namely justice, equality, and the protection of human rights. His contribution to *Fiqh al-Ikhtilāf* thus lies in expanding its scope from a purely normative classification toward an ethical framework that safeguards communal harmony.

The relevance of Ibn 'Āshūr's thought is also apparent in contemporary contexts. His conception of *Fiqh al-Ikhtilāf* resonates with current agendas of Islamic moderation at both national and global levels. The principles of unity and justice emphasized in his work can serve as a foundation for countering political polarization, managing pluralism, and strengthening social cohesion. In the Indonesian context, for instance, Ibn 'Āshūr's approach offers a pathway for reconciling differences among traditionalist, modernist, and transnational Islamic groups by locating common ground in the pursuit of collective welfare. At the global level, his methodology supports interfaith and intercivilizational dialogue, while simultaneously offering a counter-narrative to extremist discourses that reject diversity.

Nevertheless, the implementation of Ibn 'Āshūr's thought faces several challenges. First, the complexity of his methodology makes it difficult to be fully grasped by lay audiences. Second, in political contexts, the moderate paradigm of *ikhtilāf* often clashes with pragmatic interests that exploit religion for partisan purposes. Third, the rise of transnational movements that reject *maqāṣid* as a valid interpretive tool has narrowed the space for his approach to gain wider acceptance. Yet these limitations do not diminish the significance of his contributions.

On the contrary, they highlight the need for further development through education, academic research, and public policy initiatives aimed at reinforcing Islamic moderation.

In conclusion, Ibn 'Āshūr's thought on *Fiqh al-Ikhtilāf* offers not only academic enrichment but also practical solutions to the socio-religious challenges faced by Muslims in the modern era.

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