

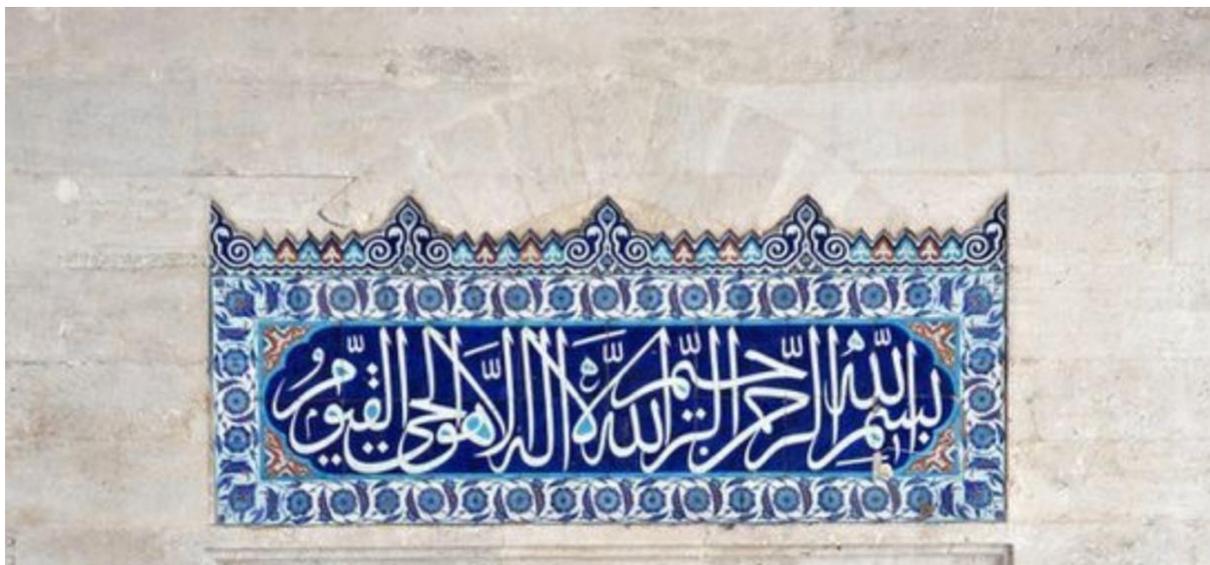


SHAYKHA IMAN BADAWI

Revitalizing the Sharī'a:  
The Role of Female Juristic Scholarship and  
Metafiqh in Contemporary Islamic Reform

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## ABSTRACT

Given the salience of women's issues, shaped by modern dysfunctions, traditional stagnation, and social media-driven religious entrepreneurship, high-caliber female scholarship is crucial for reform.

Historically, women's focus on transmission-based sciences limited their juristic engagement, resulting in educational disparities and stunted scholarly growth, contributing to the scarcity of erudite female leadership.

Sayyida Nafisa Seminary addresses these challenges through advanced education, innovative research, and communal reform. Its targeted pedagogy fosters academic excellence, ensures economic sustainability, and empowers women as agents of shari'a revitalization.

The seminary pioneers metafiqh, a spiritual technology that redefines legal intervention to drive social and cultural reform. This approach views the classical legal corpus as a dynamic knowledge system, employing methodological constructs to align legal rulings with contemporary contexts.



## AUTHOR

Iman Badawi, an American-born scholar of Egyptian descent, traces her lineage to the Messenger of Allah ﷺ through Imām Husayn. She is specialized in Hanafi fiqh and uṣūl, family law, and sufism. Initially pursuing a career in medicine, she later reoriented her trajectory to the sacred sciences, dedicating nearly two decades to their study. During this time, she engaged with over 100 classical texts under the tutelage of more than 30 scholars across the United States, Egypt, Jordan, Saudi Arabia, and Turkey, earning multiple scholarly authorizations (ijāzahs). She was granted formal license to teach at the age of 21.

Her research focuses on the evolution of Islamic law, with particular focus on issues affecting women, minority communities in the West, and climate change. To address the underrepresentation of women in jurisprudence, she founded Sayyida Nafisa Seminary in 2023.



## DEDICATION

I dedicate this paper to my three beloved children, for whom I have devoted the greater part of my life to provide a home filled with safety, care, learning, and love. As they now grow and venture into a world vastly different than the haven I created for them, this work is my humble attempt to make the world a little closer to home.

Above all, I dedicate this paper to he whom I love even more than my children—the master of creation, the Messenger of God, Sayyiduna **Muhammad** ﷺ.



IN HONOR OF THE TEACHER

وإذا النساء نشأن في أمية  
رضع الرجال جهالةً وخمولا

When women are raised in ignorance's shade,  
Men nurse on darkness, their strength will fade.

Ahmad Shawqi (d. 1932)



IN PRAISE OF SAYF AD-DAWLA

إذا غامرت في شرفٍ مرومٍ  
فلا تقنّع بما دونَ النجومِ  
فطعمُ الموتِ في أمرٍ حقيرٍ  
كطعمِ الموتِ في أمرٍ عظيمٍ

If for noble honor you dare to strive,  
Then aim for the stars, let your dreams thrive.

The taste of death in a trivial quest  
Is the same as death in pursuit of the best.

Mutanabbi (d. 965 CE)



## AS-SALAWAT AL-BADAWIYYA

اللهم صل على سيدنا محمد نور الأنوار وسر الأسرار وترياق الأغيار ومفتاح باب  
اليسار، سيدنا محمد المختار وآله الأطهار وأصحابه الأخيار عدد نعم الله وفضاله

O Allah, bless our master Muhammad,  
The Light of all lights, the Secret Divine,  
The cure for all hearts, the Remedy sublime,  
The Key to ease, by Your sacred design.  
Bless the Chosen One, so radiant, so pure,  
His family noble, his companions sure,  
In measure of Your grace, boundless and grand,  
A blessing unending by Your perfect Hand.

**Revitalizing the Sharī'a: The Role of Female Juristic Scholarship and  
Metafiqh in Contemporary Islamic Reform**

Iman Badawi

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## Abstract

Given the salience of women's issues, shaped by modern dysfunctions, traditional stagnation, and social media-driven religious entrepreneurship, high-caliber female scholarship is crucial for reform. Historically, women's focus on transmission-based sciences limited their juristic engagement, resulting in educational disparities and stunted scholarly growth, contributing to the scarcity of erudite female leadership. Sayyida Nafisa Seminary addresses these challenges through advanced education, innovative research, and communal reform. Its targeted pedagogy fosters academic excellence, ensures economic sustainability, and empowers women as agents of *sharī'a* revitalization. The seminary pioneers *metafiqh*, a spiritual technology that redefines legal intervention to drive social and cultural reform. This approach views the classical legal corpus as a dynamic knowledge system, employing methodological constructs to align legal rulings with contemporary contexts.

## About the Author

Iman Badawi, an American-born scholar of Egyptian descent, traces her lineage to the Messenger of Allah ﷺ through Imām Husayn. She is specialized in Hanafī fiqh and *uṣūl*, family law, and sufism. Initially pursuing a career in medicine, she later reoriented her trajectory to the sacred sciences, dedicating nearly two decades to their study. During this time, she engaged with over 100 classical texts under the tutelage of more than 30 scholars across the United States, Egypt, Jordan, Saudi Arabia, and Turkey, earning multiple scholarly authorizations (*ijāzahs*). She was granted formal license to teach at the age of 21. Her research focuses on the evolution of Islamic law, with particular focus on issues affecting women, minority communities in the West, and climate change. To address the underrepresentation of women in jurisprudence, she founded Sayyida Nafīsa Seminary in 2023.

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## Section 1

### 1.1 Hadith Jibril | Rooted in Reality

The Hadith of Jibril, widely regarded as a cornerstone of Islamic tradition, encapsulates the essential elements of faith, practice, and spiritual excellence. Its systematic presentation of Islamic teachings highlights its profound pedagogical and theological significance, establishing it as one of the most essential narrations for understanding the religion in its entirety.

Additionally, the Hadith addresses eschatological themes, particularly the signs of the Day of Judgment. What might initially seem like cryptic riddles are, in reality, prophetic insights and timeless guidance, relevant to the contemporary state of the world.

He then asked, “Tell me about the Hour (the Day of Judgment).” The Prophet replied, “The one being asked knows no more about it than the one asking.”

He further inquired, “Then tell me about its signs.” The Prophet responded, “That the servant-girl will give birth to her mistress, and that you will see barefoot, destitute shepherds competing in constructing tall buildings.”<sup>i</sup>

### 1.2 Prophecy | Reality Reversals

The Prophet was endowed with miraculous eloquence, possessing the ability to convey profound meanings in succinct expressions. In this short phrase “the servant-girl will give birth to her mistress” there is a simultaneous reverse juxtaposition of authority, biology, and chronology. The Hadith poignantly captures the dilemmas of the postmodern world, signifying a

reversal of social and existential realities and encapsulating the perpetuation of systemic oppression and slavery through a paradoxical inversion of roles.

### 1.3 Neocolonialism | Slave and Master

In this metaphor, the “slave-girl” represents the first *ummic* generation subjected to the bondage of colonial rule. The “mistress” to whom she gives birth symbolizes the internalized mindset of the succeeding generations shaped by foreign ideologies and structures, perpetuating the colonial legacy. Just as the slave-girl, once the embodiment of domination, gives rise to a new figure, the neocolonized individual unwittingly becomes the perpetrator of her own subjugation.

### 1.4 Biology | Fitra and Faith

The reversal of biology, symbolized by the child giving birth to its parent, offers insights into the postmodern paradox. This imagery may allude to the phenomenon of intergenerational trauma, manifesting through parentification — a dynamic where an adult-child effectively “gives birth” to a child-adult. This inversion arises in two critical contexts: first, as a prophecy of the countless children orphaned by imperial violence, forced to mature rapidly, and second, as a warning of the loss of the divine trust of guardianship (*amāna*), in both the worldly and spiritual realms, as the vital roles designed to protect the *fitra* and faith — parental and scholarly — are systematically dismantled. Parents imbue *fitra*. Scholar imbue *fiqh*. In both cases, this distortion of natural and spiritual developmental roles perpetuates a cycle of human regression, whereby

the very foundations of individual and collective prosperity are eroded over successive generations.

This realization served as the driving force behind the establishment of **Fitra Foundation**, particularly its communal studies division. Metafiqh engages in a detailed examination of the spiritual intergenerational dynamics that continue to perpetuate *ummatic* decline.

In recognition of the multi-faceted elements that contribute to communal health, **Fitra Foundation** aims to identify the key components of individual and collective religious vitality. Furthermore, this research is an important component of applied *fiqh* which necessitates an intricate understanding of the subject of the law (legal psychology), the context of the law (legal sociology), and the spiritual reciprocal of the law (*tarbiya*).

### 1.5 Interconnectedness | Physical and Spiritual

Furthermore, the reversal of biological roles presented in this report carries profound implications. According to the established principles of interpreting revelatory texts, passages that present a rational conflict (*mutashabihat*) are often understood through figurative interpretation or by appending a *haqīqa shar'īyya*. Since the imagery in this report generates such a conflict, traditional scholarly methods would necessitate recourse to metaphorical interpretation.

However, while metaphor typically moves from the physical to the figurative, this report creates a bidirectional link between the figurative and physical. The loss of parental guardianship

over the family is expressed through both a physical and figurative reversal, while the loss of scholarly guardianship over the Umma is likewise conveyed through both.<sup>ii</sup>

Consequently, the Hadith's weaving of figurative and literal role reversals becomes deeply meaningful, highlighting the interconnectedness of the physical and spiritual realms and the profound influence they exert on one another. Moreover, it illustrates the cyclical relationship between *fitra* and faith: familial disintegration, over generations, contributes to the spiritual erosion of the Umma. Conversely, it also suggests an ongoing continuum of human degradation, wherein the loss of spiritual truths—at its most severe—culminates in distortions of the intrinsic order.

#### **1.6 First Maxim of Metafiqh**

This reality highlights that the *shari'a*, as the tangible manifestation of Islam's deeply rooted spiritual truths, was established to preserve the primordial human nature. This principle forms the foundational maxim of metafiqh, derived directly from the Hadith of Jibril.

Moreover, it emphasizes the stark contrast between the divinely anchored worldview of Islām and the perspectives of those whose understanding of reality is devoid of revelatory guidance. The intrinsic connection between the physical and spiritual realms lies at the heart of the Islamic creed and serves as the cornerstone of the *shari'a*.

Thus, the correlation between the physical and spiritual reveals a profound truth: the outward calamities of the *Umma* — and by extension, the world — are but reflections of its inner turmoil.<sup>iii</sup>

In this light, the Hadith points toward the solution: the urgent task of mending the reality reversals inflicted upon the *Umma* by the tides of postmodernism. It calls for the reclamation of our sacred legacy—a heritage that, if not for the steadfast endurance of true scholarship, might have been entirely lost, buried beneath the crumbled ruins of colonial devastation.

This imagery resonates profoundly with the contemporary plight of the *Umma*, particularly in the wake of ongoing genocide and systemic erasure, offering both a diagnosis of the present condition and a roadmap for renewal.

### **1.7 Authority | Parental and Scholarly**

Beginning with the erosion of sovereignty, the pervasive influence of imperialism has infiltrated every dimension of Muslim society. This intrusion is most evident in the undermining of two foundational pillars of Islamic civilization.

First, the disruption of familial structures, deeply rooted in the natural order (*fitra*), has weakened the traditional bonds that uphold Muslim identity. Second, the decline of religious scholarship, particularly in the realm of jurisprudence (*fiqh*), has led to the fragmentation of time-honored traditions that once guided societal norms and practices.

These two key institutions—parental and scholarly authority—serve as the cornerstones of Muslim identity. Their breakdown marks a devastating disintegration of the cultural and spiritual fabric of the *Umma* on a global scale.

### **1.8 Women | Problem and Solution**

Upon deeper reflection, the deliberate focus on women in the Hadith yields additional layers of prophetic guidance. The Hadith explicitly mentions a female slave and her female mistress. This specific reference is significant, highlighting the pivotal role women play in social, cultural, and intellectual reform. Such a focus is neither incidental nor peripheral but underscores the profound influence women hold within societal structures, both as catalysts for progress and as targets of ideological manipulation.

This interpretation aligns with another *hadīth* that asserts that the majority of the followers of the *Dajjāl* would be women<sup>iv</sup> and further resonates with the prophetic tradition in which Satan's crowning achievement is described as the breaking of family bonds.<sup>v</sup> These interconnected narrations suggest a systemic reality: the destabilization of familial and religious structures as a deliberate strategy for societal disintegration.<sup>vi</sup>

The prophetic guidance encapsulated in the Hadith of Jibril mirrors the current predicament of the *Umma*: women and children are primary targets. Why is this so? The answer lies in the pivotal role women play as markers of civilizational vitality.

Women serve as the natural vessels of life, making their destruction a calculated strategy for civilizational annihilation. Beyond their physical role, women are the spiritual conduits of generational inheritance and the archetypal symbols of divine mercy on earth.<sup>vii</sup> War and genocide physically target women to dismantle societies, while feminism—as an ideological construct—spiritually targets women to erode the moral and cultural foundations of Islamic civilization.

The expectation that Western feminist movements might champion the plight of Palestinian or other indigenous women reflects a profound spiritual misjudgment, as it seeks justice from the very structures that sustain and perpetuate oppression. Moreover, it highlights

the inevitable consequences of neglecting the interconnectedness of the physical and spiritual realms, as poignantly emphasized in the Hadith—namely, a complicity with the oppressor that ultimately facilitates *ummatic* enslavement.

By sidelining the importance of seasoned scholarship, neglecting the contemporary cultivation of the sacred sciences, and, ultimately, failing to revitalize the *shari'a*, we — as an *Umma* — inadvertently replicate the materialist philosophy of modernity and undermine the foundational belief in the unseen realm that lies at the very heart of our faith.

On the other hand, the fixation on exposing the obvious moral hypocrisy of Western cultural hegemony also plays into its destructive agenda by serving to distract the *Umma* from its true path of rectification—namely, the cultivation and revival of its own tradition.

This challenge is further exacerbated by the tendency of Muslim organizations, influencers, and celebrity preachers—both male and female—to conform to prevailing systems of power rather than resist them. This is the status quo of social media entrepreneurship, which commodifies the sacred for personal gain. In doing so, it reinforces the worldly metrics that foster acquiescence to hegemonic structures while sidelining scholarship grounded in prophetic inheritance.

## 1.9 Postmodernism

Postmodernism subverts the divine order, placing the transient whims of the temporal above the timeless truths of the eternal. It distorts the natural order, lauding the tattered remnants of human dignity as emblems of luxurious empowerment, rather than recognizing them as the shrouds of the deeply impoverished human soul.

Meanwhile, the “modern *Umma*” is engulfed in confusion, entrapped by the false dichotomies of a crumbling civilization. Yet, rather than constructing the ark of salvation, it clings to a sinking ship in the face of the modern existential deluge.

This encapsulates the paradoxical dilemma of neocolonialism, a phenomenon poignantly illuminated in the Hadith: a time in which Muslims are not subjugated by external aggressors but by their own defeated will— a lack of direction rooted in scholarly tradition and grounded in prophetic purpose.

In practicality, those who are viewed as exemplars, those in whom we entrust leadership, the priorities we establish, and the allocation of our resources hold the power to either perpetuate our subjugation or pave the way for our liberation. Conversely, if we allow the tides of the monoculture to aimlessly dictate our direction, what destination can we reasonably expect to reach?

If anyone capable of gaining a following is considered worthy of leadership, then let us candidly admit our allegiance to the gospel of social media rather than to divine revelation and spare the religion the contamination of our self-contradictions.

Social media influencers are mere mirrors, reflecting the desires and delusions of the audiences that sustain their renown. In a proper understanding of reality, they are not leaders of the masses but are, instead, willfully influenced by the contrived collective that sustains their worldly ambitions. Guided by the virtual version of “might makes right,” they contribute to the creation of a digital dystopia.

Juristic scholarship, on the other hand, reflects the divine legislative will, a merit that leads to true power. In our religion, the ends do not justify the means; rather, they define them.<sup>viii</sup>

Moreover, if Muslims perceive their strength in imitating the practices of their oppressors—proudly adopting these as if they were their own—they risk uncritically embracing symbols of imperial subjugation while remaining blind to their deeper implications. Bereft of the divine metrics of *fiṭra*, faith, and *fiqh*, such actions signify a profound estrangement from the very principles that define and empower the *Umma*.

The solution, then, lies in reclaiming the foundational pillars of Islamic civilization as outlined in the Hadith of Jibril. Yet, before this can be achieved, there is an urgent need for a divine metric capable of discerning the true essence of the religion, untainted by distortions—be they due to the inversions of postmodernism, the reductionism of religious rhetoric, the co-opting of academia, the immaturity of a digitally-reared generation, or the spiritual treason of commodifying the sacred for worldly gain.

Irrespective of gender, this reclamation is rooted in traditional erudition. While the *shari'a* is divinely equipped to address the needs of all times and places, its practical application to contemporary challenges requires rigorous and informed scholarship to bridge the gap between theoretical principles and actionable solutions.

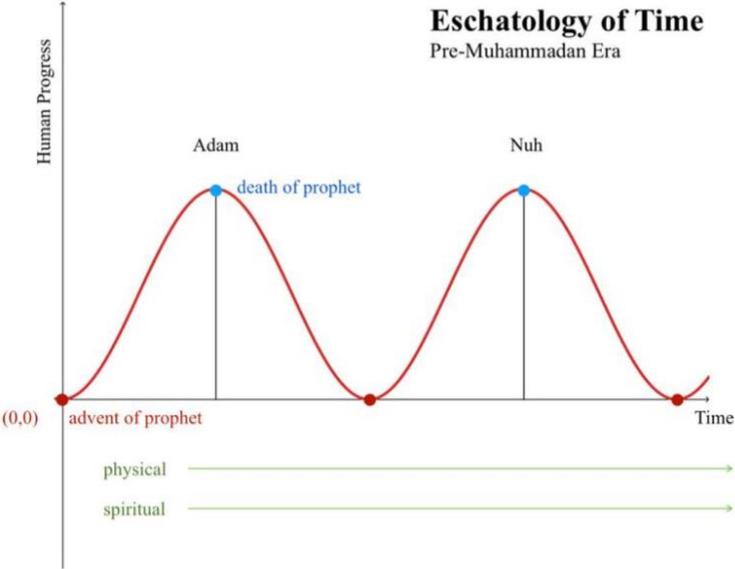
## Section 2

### 2.1 The Eschatology of Time

Postmodernism is both a sign of the times and a time of signs. A critical element in understanding the Signs of the Hour lies in grasping the concept of time itself. Recognizing time

as a dimension of reality requires a shift in how we perceive reform and progress. Reducing time to a strictly linear construct distorts our understanding of human development and history.

The physical conception of time is linear and unidirectional, whereas the spiritual dimension of time is distinct. In Islamic eschatology, human progress and civilization are viewed as cyclical, reaching their zenith with the arrival of prophets and revelation, only to gradually decline until the next prophetic cycle begins.

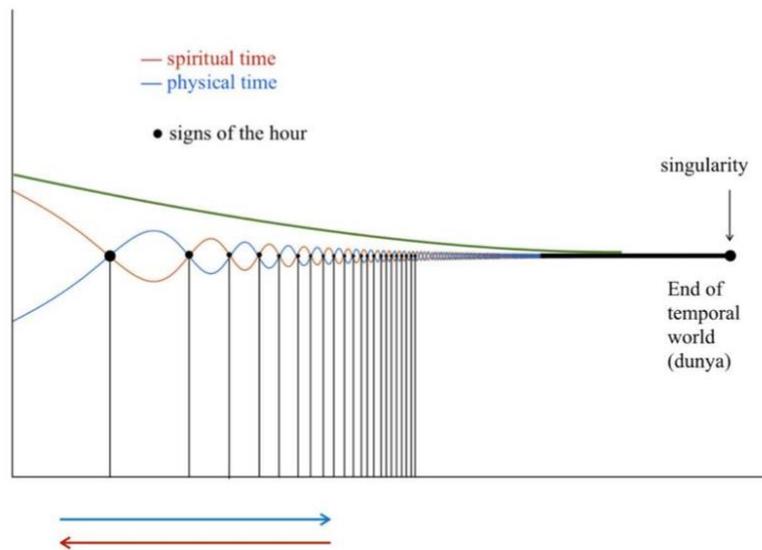


**Figure 1.** *Eschatology of Time: Pre-Muhammadan Period.* Fitra Foundation, 2025

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However, with the advent of the Prophet Muhammad ﷺ — the final messenger and pinnacle of human existence <sup>ix</sup> — this cyclical pattern was fundamentally altered. After the prophetic era, the spiritual trajectory of time diverged from its physical counterpart, marked by a progressive decoupling of the physical and spiritual realms.

This dissonance, in which time reverses its course — spiritually moving further away from the guidance of the prophetic era and physically as the universe gradually returns to its cataclysmic cosmic origin — gives rise to the Signs of the Hour. In fact, the earliest portents were recorded shortly after the Prophet’s death.<sup>x</sup>



**Figure 2.** *Signs of the Hour*: Fitra Foundation, 2025.

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After the culmination of the Muhammadan message, the momentum of spiritual time persisted during the era of the four Rightly Guided Caliphs. The conclusion of their reign represents a significant eschatological milestone, signaling the decoupling of scholarship and statesmanship.

More broadly, the momentum of spiritual time was preserved through the three succeeding generations following the prophetic era, known as *as-Salaf al-Salih* (the righteous

predecessors). These generations are venerated due to their exemplary intellectual and spiritual integrity, as highlighted in the *hadīth*: “The best of my nation are my generation, then those who follow them, then those who follow them.”<sup>xi</sup> The conclusion of this era, marked by the loss of direct contact with those who lived contemporaneous to the Prophet ﷺ or his companions (God be well pleased with them), represents another significant eschatological milestone, signaling the end of the pious era.

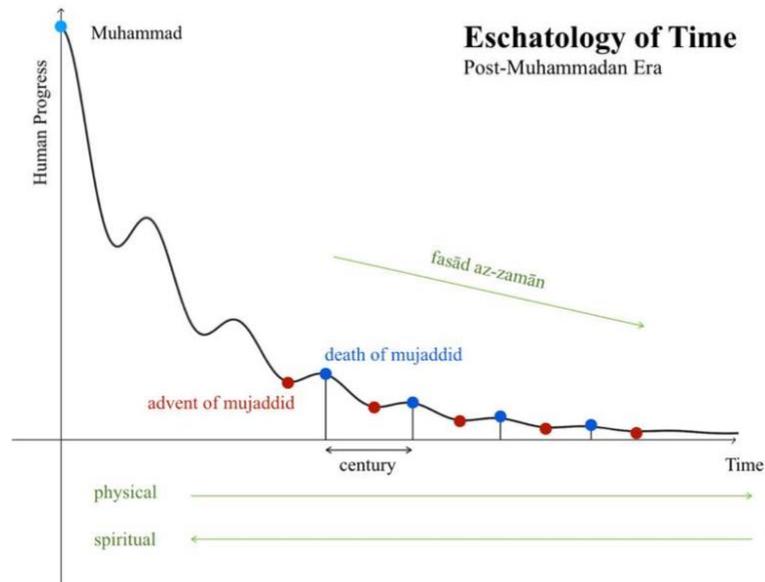
In response to this decoupling, the unifying identifier of the *Umma* emerged as *Ahl al-Sunna wa'l-Jama'a*. This term signified Sunni scholarship as the custodians of the forward momentum of spiritual time, ensuring the preservation of prophetic teachings amidst the fragmentation of the post-prophetic era.<sup>xii</sup>

The *Sunna*, then, describes the emergence of *mujaddids* (renewers) who would appear at the beginning of each century to revive the religion, much like prophets were sent in the pre-Muhammadan era. This is supported by the *hadīth*: “Allah will raise for this *Umma* at the beginning of every century someone who will renew its religion.”<sup>xiii</sup>

Thus, tradition is not merely an adherence to antiquated practices but represents the **forward** motion of spiritual time. Scholarship, then, serves as the vehicle for this progression, enabling the *Umma* to move forward spiritually even as physical time deteriorates toward the Last Day. This understanding is underscored by the *hadīth*: “A group of my *Umma* will always remain steadfast upon the truth, unharmed by those who oppose them, until Allah’s command comes to pass”<sup>xiv</sup>

Conversely, postmodernism represents the **backward** motion of spiritual time. It disrupts longstanding cultural and moral frameworks by challenging the foundations of tradition through

relativism and the deconstruction of unifying meta-narratives. In doing so, postmodernism profoundly alters paradigms of authority within both social and religious contexts.



**Figure 3.** *Eschatology of Time: Post-Muhammadan Era.* Fitra Foundation, 2025.

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In the Islamic eschatological sense of time, for the “modern *Umma*” to achieve prosperity, it must move in a direction counter to these trends, breaking free from the shackles that have bound it to the vestiges of a collapsing civilization.

The Hadith of Jibril, as if revealing successive layers of societal and existential decline, suggests that reversals in authority and biology will ultimately culminate in the reversal of time itself and a regression of the human species as a whole. However, far from being merely an apocalyptic theory, the Hadith of Jibril offers a roadmap for navigating the End Times through prophetic foresight.

## 2.2 The Principle of Foresight

The guidance embedded in the Hadith of Jibril and other prophetic narratives concerning the Signs of the Hour extends beyond mere predictions of future events. Prophetic insight is not meant for passive observation but for preparation. This proactive approach can be succinctly encapsulated in another prophetic report: “A true believer is not stung from the same hole twice.”<sup>xv</sup>

This *hadīth* underscores the importance of foresight—the ability to anticipate and address potential challenges before they materialize. The principle of foresight is foundational to the *shari’a*, permeating every aspect of the sacred law. The *shari’a* is not solely concerned with an individual’s current state but is equally attentive to the potential consequences of actions, considering various external contextual factors (ECFs).

## 2.3 Fiqh at-Tahawwulāt

Attempting applied *fiqh* without a clear understanding of the eschatology of time is a profound error. This eschatological awareness is central to metafiqh.

Scholarly efforts to interpret Islamic texts in ways that equip the *Umma* to navigate contemporary challenges with foresight— such as the development of *Fiqh at-Tahawwulāt* — represent pioneering advancements in modern Islamic thought.<sup>xvi</sup> These efforts are gaining increasing relevance as the *Umma* critically assesses the failures of modernity, a realization that has come at a tremendous human cost.

*Fiqh at-Tahawwulāt* examines the causes and mechanisms of historical change through a revelatory lens, emerging as an essential tool for navigating contemporary complexities. It provides strategic insights that empower the *Umma* to respond dynamically to evolving circumstances. The study of *Fiqh at-Tahawwulāt* categorizes revelatory texts into three types:

1. Deductive texts (*nass istidlālī*) – that establish legal principles through direct reasoning.
2. Inductive texts (*nass istiqrā'ī*) – that derive broader meanings from patterns within the revelatory corpus.
3. Anticipatory texts (*nass istibāqī*) – that pertain to events unfolding after the Prophet's time, extending until the Day of Judgment.

Anticipatory texts foretell specific events and conditions, whether derived from the Qur'an or the *Sunna*. These texts often await their full interpretation, as their meanings become clearer when aligned with the unfolding realities of history.

Metafiqh is a time-based approach to *fiqh*, emphasizing proactive measures to address communal issues. Guided by the principle of foresight, metafiqh uses *Fiqh at-Tahawwulāt* to form strategies that anticipate and counteract harmful *ummatic* trends, whether global, regional or local. This approach ensures that the *Umma* avoids replicating patterns of colonial domination and instead forges a new path rooted in divine guidance. Through this lens, the sacred law becomes a living framework, capable of guiding the *Umma* toward justice and resilience in the face of contemporary challenges.

## 2.4 Macrofiqh

The field of *Fiqh at-Tahawwulāt* operates as a subset of the broader domain of macrofiqh. In contrast to microfiqh, which is characteristic of classical juristic literature and focuses on individual legal issues (*masā'il*), macrofiqh provides the metric-forming mechanism for the emerging discipline of metafiqh.

Despite the evident need for macrofiqh, however, most contemporary *muftis* (jurisconsults) lack both the training and institutional infrastructure to engage in such research. Sayyida Nafīsa Seminary seeks to address this gap, functioning as a *fiqh* think tank dedicated to advancing scholarship in this field. When fully realized, this research has the potential to reclaim the intellectual sovereignty of Islamic thought by establishing a unified scholarly paradigm.

## 2.5 Metafiqh Tools

While *usūl al-fiqh* provides the hermeneutical framework for deriving rulings from revelatory texts, macrofiqh offers a broader perspective—a comprehensive view of the *shari'a* itself.

Metafiqh develops methodological tools (MTs) to conceptualize the internal structure of the *shari'a*, integrating them into its legal research. These include neologism, classification, interface modules, methodological frameworks, and metric frameworks.

These methodological tools are then used to produce metric tools (RTs). Together, MTs and RTs enable the expansive perspective of macrofiqh, a framework essential for ensuring that the sacred law evolves in harmony with its creedal and spiritual foundations.

Finally, metafiqh develops unique pedagogical tools (PTs) to systematically impart its approach to students, training a new generation of expert jurists equipped to revitalize the *shari'a*. The visual aids included here are examples of PTs employed by metafiqh. However, the seminary's primary PT is the Tarbawī Tafsīr, a new genre of quranic exegesis.

## 2.6 Neologism

Neologism is a primary MT employed by metafiqh, involving the creation of new terminologies. These *mustalahāt* define the epistemological frameworks of their respective fields. Historically, seminal scholarship used neologism to clarify, expand, and codify the sacred sciences. In a similar vein, metafiqh utilizes neologism to extract and operationalize core concepts embedded within the legal tradition, particularly the Hanafī school of thought.

Early scholars possessed an intuitive mastery of their subject domains, embodying what is known today as *fiqh an-nafs*—an innate understanding of legal and spiritual principles. This intrinsic “metric” guided their expertise. To ensure their methods could be replicated and expanded upon by future scholars, however, they deliberately codified their approaches to formalize their intuitive practices.

Both *usūl al-fiqh* and *mustalah al-hadīth* exemplify methodology-based sciences rooted in the operational mode (*malaka*) of the pious pioneers within their respective metric-based disciplines. In keeping with the traditional intellectual ethos, metafiqh employs MTs to rediscover the embedded RTs of the formative Imams. This process mirrors the trajectory of spiritual time—a defining feature of traditional scholarship that distinguishes it from modern academia. Rather than analyzing the classical legal corpus through the subjective lens of modernity, metafiqh applies the metrics of the *shari'a* to address the Umma's postmodern

dysfunctions. In doing so, metafiqh’s metric-forming mode makes a significant contribution to contemporary scholarship.

## 2.7 Interface Modules

Metafiqh identifies four interface modes, listed in descending order of abstraction: theological, ghazālian, *shar’i*, and legal. The legal interface is the most basic metafiqh MT, enabling the determination of the foundation-to-derivative (*asl-far’*) connection.

The discipline of *usūl al-fiqh* is the hermeneutical system through which rulings are derived from the source texts. In the formative period, however, *usūl* essentially functioned as a form of juristic meta-cognition, akin to a mujtahid “thinking about his thinking.” For the pious pioneers, the foundation-to-derivative interface was an intuitive process, but truly understanding this operational reality today requires retracing their intellectual footsteps. By justifying the madhhab’s already established legal doctrine, classical jurists cultivated the *malaka fihiyya* (legal intuition), a skill that at its peak signifies intellectual perfection—a prophetic aptitude fully realized.

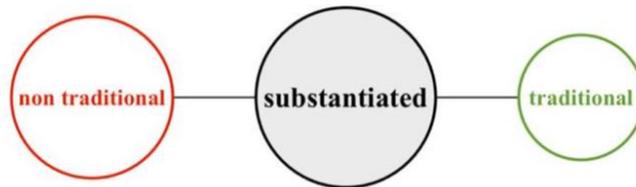
Metafiqh is a rediscovery of the cognitive processes of the mujtahid imams, spanning from the highest theological interfaces to the intricate *usūlī-fiqhī* synapses of the Hanafī thought system. Metafiqh attempts to reconstruct the “brain” of the madhhab.

## 2.8 Traditional Innovation

Transmission, however, is the backbone of tradition. Thus, the primary focus of the generations following the formative imams was to convey their rulings, verbatim. This is the foundation of the *taqlīdī* legacy, or what metafiqh terms the “context-static” approach to *fiqh*.

The ethos of traditionalism lies in making the intellect subservient to revelation, refining it as an impartial tool for extracting divine guidance. The enduring torch of tradition was, thus, a chain of continuous guidance that remained steadfast in its interpretation of the revelatory texts, untainted by ego, intellect, or transient changes. By preserving the purity of both mind and heart, tradition ensured that divine guidance was interpreted through a prophetic lens rather than a personal one—a key distinction between traditional scholarship and modern academia. <sup>xvii</sup>

True intellectual skill, then, was not the invention of new ideas but the ability to substantiate the positions of earlier imams. By deeply engaging with the methodologies and reasoning of the mujtahids, each generation developed an intricate understanding of their intellectual frameworks. This cumulative process established the robust scholarly institution known as the *madhhab*. The hallmark of excellent scholarship is not originality but the intellectual ingenuity with which later generations absorbed and expanded upon the work of their predecessors. This is the enduring legacy of metafiqh.



**Figure 4.** *Metafiqh: Tradition-based.* Fitra Foundation, 2025.

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## 2.9 From Maqṣad to Mas’ala

The foundation-to-derivative approach stands in stark contrast to the *maqāṣidī* method, or what metafiqh terms a “loose interface”, due to its reliance on overarching principles to derive new rulings. The *maqāṣidī* approach bypasses the metafiqh processes meticulously cultivated by the *madhhabs* over centuries. By leaping directly from *maqṣad* (objective) to *mas’ala* (specific issue), it creates a significant gap—one invariably filled with individual partiality and subjective interpretation.

Worse than subjective interpretation, though, is the adoption of Western secular paradigms. Still, while such deviations are unjustifiable, they are undeniably a consequence of neglecting the cultivation of the sacred sciences, particularly *fiqh*, which provides the practical

framework for applying the *shari'a* to contemporary challenges. In the absence of a viable alternative, Muslims inevitably conform to the globalized status quo, despite its contradictions with Islamic principles and its destructive impact on the *Umma* and the world. Therefore, metafiqh, in its full dimensionality — from the development of evaluative metrics to precise diagnoses and the formulation of targeted solutions — emerges as one of the most urgent scholarly imperatives of our time.

## Section 3

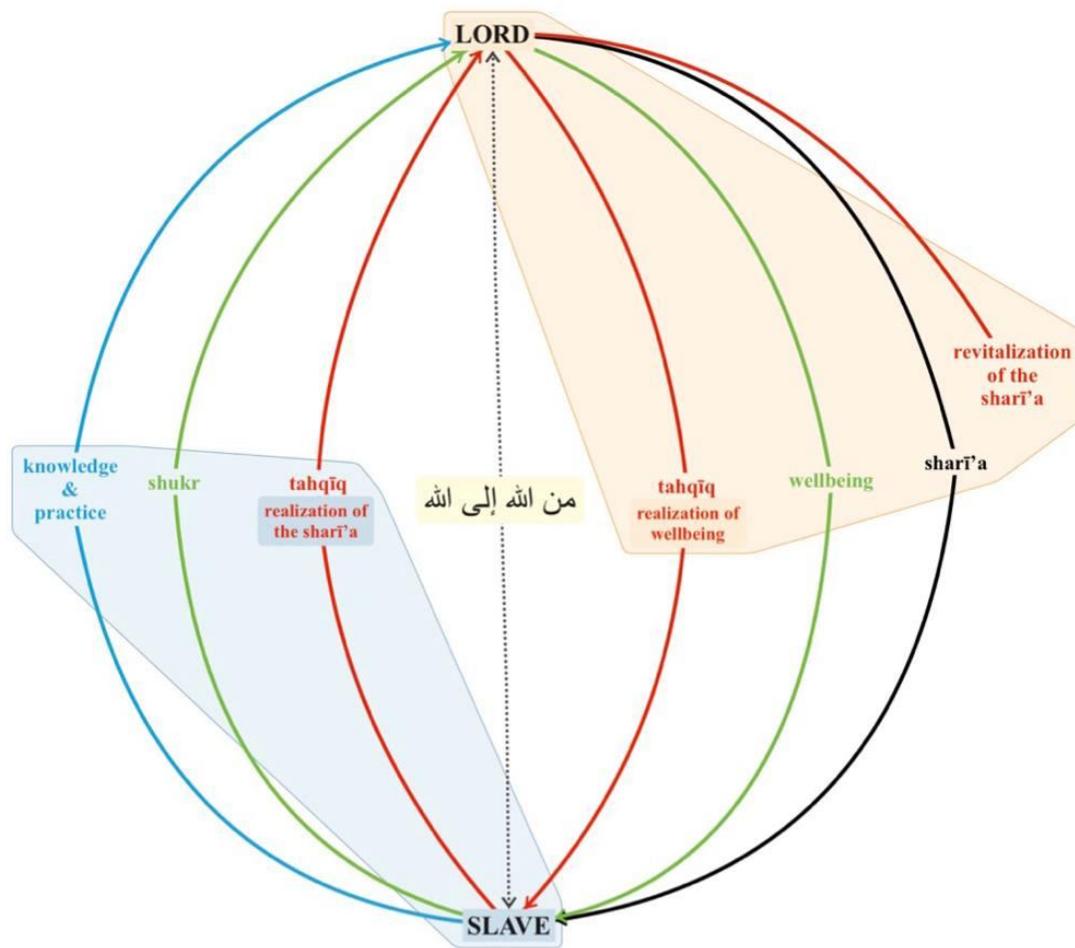
### 3.1 Why Revitalize the Shari'a?

The impetus behind the revitalization of the *shari'a* is, in fact, a manifestation of the highest interface level of metafiqh, the theological.

The *shari'a* begins with the *shahada*. The *tariqa* represents the requisite path undertaken as a consequence of the *shahada*, while the *haqiqa* signifies its actualization. These three elements are inseparable, distinguished only by the necessity of their classification.

The impetus to revitalize the *shari'a* stems directly from faith. It is a manifestation of the slave-Lord orientation. Revelation is a unilateral act of divine mercy, transmitted from the Lord to the slave (L-S). In contrast, the cultivation of revelation through scholarship and practice serves as the reciprocal response of the slave to the Lord (S-L). This bidirectional exchange forms a complete cycle, embodying a divine feedback loop—one that begins and ends with God. This cyclical reciprocity lies at the heart of the metafiqh framework.

## The Theology of Metafiqh Revitalization of the Sharī'a



**Figure.** *The Theology of Metafiqh: Revitalization of the Sharī'a.* Fitra Foundation, 2025.

© Fitra Foundation, 2025.

### 3.2 From God to God

The next phase of this divine interface requires a belief in the justice, mercy, and prosperity inherent in following the *shari'a* (L-S). Central to this understanding is the principle

of *'afiya*—the belief that the *shari'a* was revealed not as an arbitrary test of devotion but as a divine mechanism for the well-being of humanity. Consequently, a foundational tenet of Islamic theology is the recognition of the *shari'a* as the sole path to both worldly and otherworldly felicity.

Metafiqh reconstructs the methodological networks that emerge from the interdisciplinary connections between creed, spirituality, and law. By identifying these intersections, metafiqh defines the meaning-form interfaces of the *shari'a* and employs these methodological constructs to create new “legal synapses”. Metafiqh could be described as the ‘neuroplasticity’ of the sacred law.

### 3.3 The Ghazālian Interface

At the core of this effort is the task of identifying the elemental meanings that underpin the sacred law. Without a comprehensive understanding of this foundational “undergrid,” the sacred law cannot be effectively applied to novel contexts. Imām al-Ghazālī emphasized the significance of the meaning-form interface, stating:

Know that whoever seeks meanings solely from words will be lost and perish, like one who turns their back on the very direction they seek. However, whoever establishes the meanings first in their mind and then aligns the words to those meanings will be rightly guided.<sup>xviii</sup>

This ghazālian principle captures the essence of true knowledge: the ability to distill meaning to its essence, enabling recognition regardless of its external form. It underpins what might be termed “water traditionalism,” emphasizing the fluidity of meanings underlying the *shari'a* and their channels into the sacred law.

Amid the stagnation in various facets of Islamic civilization, juristic expertise has become largely fossilized. While “stone traditionalism” symbolizes reverence and preservation, it must not obstruct the necessary processes of revitalization and renewal.<sup>xix</sup> Thus, in the profound confusion of postmodernity, *metafiqh*—the skill of distilling meaning to its essence and reshaping it to address contemporary needs—is not an intellectual luxury but an unequivocal necessity.

### 3.4 The Tarbawī Tafsīr

While *usūl* primarily aims at deriving legal rulings, it forms a holistic thought system that informs all dimensions of the *shari’*a. Thus, each juristic school is inherently linked to an orthodox theological tradition, reflecting the integrated nature of the *shari’*a. As the schools of law and theology evolved, their areas of inquiry (*mabāhith*) increasingly overlapped, underscoring the indivisibility of law and creed. Notably, many imams who excelled in *usūl al-fiqh* (foundations of law) also achieved prominence in *usūl al-dīn* (foundations of theology).

Spiritual tenets also hold a vital, though often understated, place within *usūl*. During the formative period, the Imāms of *fiqh* were not merely legal scholars but spiritual exemplars. While they shared a common spiritual ethos, their jurisprudential works reflected subtle ethical distinctions, demonstrating how spiritual ethics influence legal thought. This dynamic underscores the importance of spirituality in understanding the sacred law.<sup>xx</sup>

This overlap also reveals the nature of methodology-based sciences, which — though theoretical — directly inform their practical counterparts. *Tasawwuf* is *‘aqīda* in action, just as *fiqh* is the practical manifestation of its *usūl*. The ultimate nexus, however — the triple interface of faith, *fiqh* and *tasawwuf* — the complete embodied essence of the *shari’*a actualized (*tahqīq*)

in its full dimensionality, is none other than the Messenger of Allāh ﷺ. This ultimate reality, known as *al-Ḥaqīqa al-Muḥammadiyya*, is the basis of metafiqh’s premier pedagogical tool (PT), the Tarbawī Tafsīr, a new mode of exegesis conceived to impart an appreciation of the holistic and integrated nature of the *shari’a*.

From the highest theological interface between Lord and slave, to the ghazālian interplay of fluid meanings reified for revitalization, to the divine metric at the law-ethics interface, and finally to the foundation-derivative synapse, the Tarbawī Tafsīr introduces a new integrative genre of quranic exegesis. The Tarbawī Tafsīr applies metafiqh to the source texts of the *shari’a*, fully integrating its creedal, spiritual, and legal dimensions. In doing so, it addresses the fragmentation inflicted by modernity and restores the holistic nature of Islamic jurisprudence and its sacred underpinnings.

### **3.5 The Law-Ethics Interface**

The law-ethics interface is another primary methodological tool (MT) employed by metafiqh. The identification of these interfaces contributes to the internal conceptualization of the *shari’a*, yielding a deeper and more detailed understanding of the interdisciplinary connections between law, ethics, and creed. Through the construction of the *shari’a* “undergrid”, metafiqh gains an enhanced capacity to apply the law to evolving contexts.

The study of how external contextual factors (ECFs) shape the tangible applications and ethical judgments of the sacred law is a core focus of metafiqh. It explores how varying contexts influence the ethical and legal dimensions of rulings, highlighting the sacred law’s adaptability to diverse circumstances.

Several precedents in the sacred law illustrate the impact of contextual factors on the ethical valuation of actions. The legal distinction between fornication and adultery is a clear example. While the act itself is essentially the same in both cases, adultery incurs stronger legal consequences due to the higher ethical concern associated with illicit relations involving a currently or previously married person (*muhsan*). This distinction underscores the role of ECFs in shaping both the legal and ethical dimensions of a ruling.

Conversely, in the case of the “elderly adulterer,” while the legal classification of the act remains unchanged, the ethical evaluation becomes more severe due to the presumed physical deterrent associated with advanced age.<sup>xxi</sup> This demonstrates how contextual factors can influence ethical considerations without altering the legal status of the act.

Similarly, it can be argued that crimes committed by religious authorities carry greater ethical weight, given the spiritual deterrent expected within contexts of divine trust. This heightened ethical concern is central to defining spiritual abuse.

### **3.6 External Contextual Factors (ECFs)**

ECFs are metafiqh methodological tools (MTs) developed as an application of the principle of foresight. These factors encompass the *fitra*, the laws governing the universe, the dictates of logic, the customs of a given polity (*urf*), and the eschatology of time.

Within the metafiqh system, ECFs can be categorized into three types:

- i. ECFs with effects on both legality and ethics
- ii. ECFs with ethical, but no legal effects
- iii. ECFs with neither ethical nor legal effects

Each ECF functions to promote positive outcomes in both the short and long term while maintaining a balance between individual and communal rights. These factors are integral to the metafiqh process of metric-formation, ensuring that ethical and legal rulings are informed by both the immediate and far-reaching implications of a given context.

By situating the sacred law within the broader ethical framework of the *shari'a* and analyzing the systematic interplay between legal and ethical considerations, metafiqh provides a robust methodology for addressing contemporary challenges. Unlike the process of *qiyās* (analogical reasoning), however, this approach extracts underlying patterns from the revelatory texts directly while reconciling them with the established *usūl* (legal principles) and *furū* (derivative rulings) of the *madhhab*. This allows metafiqh to offer guidance that is both contextually relevant and deeply rooted in classical precedents.

### 3.7 Case Study: Moral Timestamps

A significant example of a time-based ECF is the principle of *fasād az-zamān* (the corruption of the times) in Hanafi jurisprudence. This principle exemplifies the application of macrofiqh metrics, enabling legal rulings to adapt to contemporary deviations from default ethical norms. Rooted in an eschatological framework, the principle of *fasād az-zamān* synthesizes creed, law, and fitra. In accordance with this ECF, metafiqh introduces the concept of “moral timestamping,” which serves to preserve Islamic values amidst cultural shifts.

Metafiqh moves beyond viewing classical rulings as context-static legal injunctions. Instead, it identifies “timestamps” in the legal corpus—ethical benchmarks that ensure the continuity of Islamic principles while navigating shifting social paradigms. Thus, metafiqh

employs methodological tools (MTs) to transform the classical legal corpus into a contemporary metric tool (RT). In an era dominated by social constructionism and rapid technological change, this ethical anchoring is indispensable.

### **3.8 Legal Sociology: Bridging Past and Future Fiqh**

Through this MT-to-RT synthesis, metafiqh initiates the sub-field of legal sociology, creating a bridge between the *fiqh* of the past and the *fiqh* of the future. Its goal is to reestablish the *shari'a* as the unifying meta-narrative of the *Umma*, reinforcing its cohesion across time and place. It provides a robust framework for preserving the integrity of the sacred law amidst cultural transformations, ensuring that the *shari'a* remains an enduring guide as the *Umma* navigates modern challenges.

## **Section 4**

### **4.1 The Sting of Disillusionment**

The *shari'a* system stands in sharp contrast to the Enlightenment ideals of modernity, which prioritize empirical evidence, logical analysis, and rational thought as the primary means for improving society, solving problems, and advancing human knowledge. While science may diagnose issues post facto, the *shari'a* is deliberately designed to preempt harm and protect humanity from suffering. This is a central maxim of metafiqh that dictates its proactive approach.

In the last century alone, modern science has contributed to environmental destruction, ethical dilemmas in biotechnology, nuclear risks, technological alienation, and prioritization of

profit over sustainability, all of which have compounded global challenges like climate change and social instability.

Consequently, postmodernism arose from a profound disillusionment with modernism's promises of progress and universal truths, replacing the pursuit of objective knowledge with an emphasis on relativism, fragmentation, and skepticism.

Modernism's utopian ideals led to disillusionment when progress failed to deliver a just society, while postmodernism's rejection of truth and grand narratives has eroded coherent social structures, fostering division and undermining trust in shared values. In all three cases, disillusionment arose from the failure of these movements to deliver on their promises: Enlightenment's utopian rationality, Modernity's progress and prosperity, and Postmodernism's liberation from grand narratives. Each movement fell victim to its contradictions, unintended consequences, and inability to fully address human complexity.

#### **4.2 Post-shari'a Disillusionment**

The postmodern paradigm prioritizes individual experience and subjectivity over collective norms, fostering skepticism toward institutions that claim universal applicability, such as legal systems and bureaucracies. These institutions are increasingly regarded as culturally contingent rather than inherently just.

When applied to Muslim societies, this paradigm induces a profound shift from the God-centric axis of Islamic tradition to the egocentric axis of imperial hegemony — a shift fundamentally antithetical to Islamic civilizational values. Even base biological realities, such as gender, have been reframed through the lens of social constructionism. This not only disrupts the

essential cohesion of human relationships but also erodes the authority of traditional scholarship, which lies at the heart of the Islamic identity and ethos.

Moreover, by projecting the inherent issues of Western civilization onto the Muslim world, the illusion of a need for intervention is propagated. This narrative serves to dissolve the critical foundations of Islamic societies, rendering them increasingly susceptible to Western prescriptive “solutions” for problems that are uniquely indigenous to Western contexts.

The undeniable reality is that without a revitalization of the *shari’a*, the resulting ideological vacuum is inevitably filled by neocolonial blindness. This, in turn, leads to the self-fulfillment of the prophetic prophecy, manifesting in the uncritical adoption of the misguided paths of previous civilizations.<sup>xxii</sup>

Without such revitalization, the sacred law will fail to address the needs of the *Umma* — both individually and collectively. This neglect erodes trust in the *shari’a*’s integrity and its inherent capacity, culminating in the current era of “post-*shari’a*” disillusionment.

Thus, while it is the duty of expert jurists to spearhead the revitalization of the *shari’a*, it is equally the responsibility of the *Umma* to support, rather than obstruct, this critical endeavor. Restoring impartial expertise and authoritative integrity to the sacred law is imperative. To achieve this, we must approach the sacred law within its socio-historical context, striving to understand how and why it was applied in various circumstances. This necessitates a commitment to studying our legal tradition as it truly is, free from the distortions of postmodern judgments or defensive reactions to external critiques.

The Hadith of Jibril carries a warning, foretelling of the inevitable consequences of neglecting the revitalization of the *shari’a*: a descent into an era of *ummatic* disillusionment.<sup>xxiii</sup>

### 4.3 Case Study: The ‘Malignant’ Mufti

One of the most egregious and telling examples of the compromised integrity of the *shari’a* is seen in the all-too-common scenario of a stereotypical mufti addressing a woman seeking a divorce from a demonstrably abusive marriage. Rather than educating her about the *shari’a* objectives of marriage, informing her of her rights, or working toward a resolution to alleviate her plight, the mufti often advises her to endure the hardship in silence as a means of seeking divine favor. This approach constitutes a violation of *shari’a* principles, undermining the very theology upon which the legal system is based.

The mufti’s actions represent a metafiqh breach — an infraction that transcends mere errors in issuing verdicts. It involves a direct violation of the *shari’a* by someone entrusted with its guardianship, thereby compromising the integrity of its legal and theological framework. These breaches are graver than isolated mistakes in legal reasoning, as they erode the foundational trust that Muslims place in their faith and its institutions.

A critical distinction must be drawn between the theology of law (*fiqh*) and the theology of spirituality (*tasawwuf*). Conflating these two domains undermines the structural foundations of the *shari’a* and causes profound disruptions to the collective Muslim consciousness.

The theology of law emphasizes that the primary objective of the *shari’a* is ‘*āfiya* (well-being), while the theology of spirituality focuses on *tazkiya* (purification). The theology of spirituality reflects the Lord-slave orientation — what issues from God to the believer — and constitutes the essence of *tasawwuf*.

This orientation shapes how believers perceive God's relationship with His creation and primarily pertains to matters beyond human volition, such as trials and tribulations decreed by divine will or the challenges of adhering to the sacred law. Misinterpreting such decrees as unequivocally punitive, for example, distorts spiritual theology, just as denying the guiding divine hand in trials represents a parallel violation.

Conversely, the slave-Lord orientation pertains to volitional acts, defining how believers engage with God through the legal choices He has provided. The theology of law centers on what issues from the believer to God.

This orientation is rooted in the divine trust of life itself, recognizing that the sacred law, at minimum, seeks to ensure healthy functionality and, at best, to render life pleasurable and productive. Importantly, this is not an end in itself but a means to a greater purpose.

The ultimate objective of the *shari'a*'s promotion of well-being is to cultivate healthy, resilient believers who contribute meaningfully to the betterment of humanity in a manner consistent with the pursuit of success in the hereafter. This is achieved by enabling individuals to realize their highest potential of prophetic perfection, aligning themselves with the greater divine purpose.

In the case at hand, the woman approaches the mufti in the slave-Lord orientation of the theology of law, seeking to understand her legal options in order to determine the best course of action for herself and her children. This is the purview of *fiqh*.

By advising her to willfully endure worldly harm as a means of securing paradise, the mufti fundamentally misapplies both the theology of law and the theology of spirituality. Legally, he imposes upon her the Lord-slave orientation of enduring trials, effectively urging her to relinquish her rights. Spiritually, he invokes the slave-Lord orientation, expecting her to aspire

to the highest spiritual station while ignoring the *shari'a*'s provisions designed to support her in this pursuit.

This approach demands that she forgo her life and agency—a form of spiritual and emotional suicide. It creates a lose-lose scenario in which she is destined to fail in both the worldly and spiritual realms. Such advice not only contravenes the objectives of the *shari'a* but also undermines its credibility as a system of divine guidance designed to promote well-being and justice.

Despite the devastating consequences of such ignorance, in my 25 years of sacred study, I have yet to encounter a detailed and erudite analysis or refutation by any scholar — male or female — addressing these profound breaches. This glaring omission raises troubling questions: If a mufti can so egregiously misunderstand the foundational tenets of the theology of law, and if other scholars remain willfully or unwittingly blind to such violations, what deeper deficiencies underlie the flawed pedagogy that has allowed such outcomes to emerge?

Much like the spiritual contradictions and intellectual inconsistencies that Imām al-Ghazālī highlighted centuries ago, we are in dire need of a revitalization of the *shari'a* to restore its integrity, methodology, and purpose.

#### **4.4 The Postmodern Prey**

Metafiqh breaches undermine the very integrity of the *shari'a*, shaking the faith of the common Muslim and compromising trust in the sacred law. If this harm were not enough, though, lurking in the shadows are many wolves in sheep's clothing, ready to exploit these breaches for their own agendas.

Social media influencers seize such opportunities to undermine legitimate scholarship, not out of genuine concern for the community, but to performatively pander to the masses that fuel their fame. Likewise, many Muslim academics relish the chance to scoff at the perceived ignorance of scholars, using these breaches to elevate themselves above the authority of traditional erudition. Meanwhile, a third camp emerges in the form of so-called Muslim psychologists, who emphasize “raising awareness” and highlight the symptoms of spiritual maladies for which they do not have the skills to assess and address the root causes. “Science describes the disease after the fact; religion precludes the problem before it begins.”<sup>xxiv</sup>

By prioritizing personal gain and worldly opportunism over the *shari'a*, and by refusing to defer to expert jurists, these critics inflict harm equal to, if not greater than, that of the ‘malignant’ mufti who merely planted the seed, a carcinogen which the laity nurtured into a full-blown tumor. Not unlike the detractors of Islām who hastily attribute terrorist activity to the religion and unjustly generalize its criminality to all Muslims, these naysayers perpetuate the very problems they claim to alleviate.

Thus, metafiqh — while charged with identifying breaches **against** the *shari'a* — also asserts that only qualified experts are equipped to address and rectify these violations **through** the *shari'a*. This foundational respect for the authority and scope of expert scholarship is crucial to the revitalization and preservation of the *shari'a*, which cannot function effectively without its skilled practitioners.

Without such deference, neocolonial blindness threatens to render the coming generations of this *umma* vulnerable, postmodern prey, in propagation of the prevailing skepticism toward the *shari'a*'s ability to confront contemporary challenges.

Sayyida Nafisa Seminary seeks to address these challenges through a transformative approach to Islamic scholarship. Metafiqh confronts the philosophical ambiguities of our time, purging the *shari'a* of the distortions that have emerged from the internal stagnation of tradition. In parallel, metafiqh articulates the distinctiveness of the Islamic worldview, purging it of the distortions introduced by the newly incepted generation of “entry-level experts.”

#### 4.5 Existentially Empowered

Perhaps the most profound insight derived from the Hadīth of Jibril is the realization that, while the first proverbial sting may have come from an external aggressor, the second one is, in fact, self-inflicted. Liberation, therefore, is not an external reality to be pursued, but an intrinsic potential to be actualized within ourselves. It is the true believer who is not stung twice, as the hadīth states, which serves as a further warning: the disillusionment of the post-*shari'a* era will inevitably lead many Muslims to lose their faith.<sup>xxv</sup>

By design, the post-colonial era has deliberately positioned the Umma in a perpetually defensive stance, leaving little room for constructive growth or progress, for how can one build anything of substance while constantly engaged in a battle for survival? The true offensive, therefore, is not the overt military aggression of past and present but the insidious erosion of the most essential aspects of our existence—our souls, our families, and our religion.

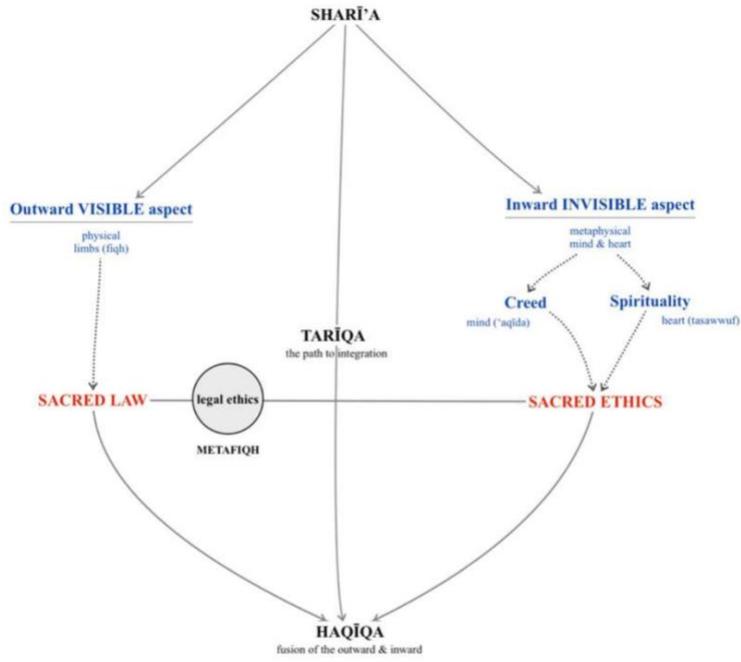
Defeat, in its truest sense, is not defined by death but by a hollow victory devoid of meaningful purpose. If we — as believers — find solace in this conviction in grappling with the devastating toll of imperialism upon the *Umma*, then — as Muslims — does it not apply even more profoundly to ourselves in relation to our ongoing struggle against the second sting of neocolonialism? If we no longer understand what we are fighting for, then we have already lost.

Metafiqh is about repositioning the Umma in an empowered stance — neither as the oppressed nor the oppressor, but as the rightful inheritor and progenitor of the Muhammadan legacy. This is the true purpose of authentic scholarship, and — by the purport of the Hadith of Jibril — not only includes but necessitates the contribution of female scholars.

## Section 5

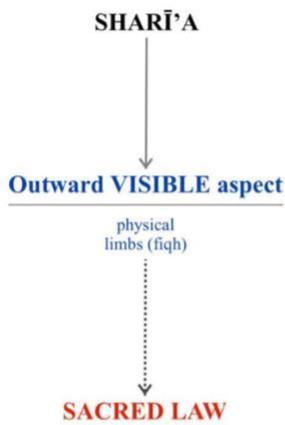
### 5.1 The Dual-Realms of the Shari'a

The *shari'a* is comprised of two overarching realms: the visible outer and the invisible inner. The visible outer realm (*'ālam ash-shahāda*) pertains to the physical and the actions of the outward faculties. It is governed by the sacred law. The discipline that studies this realm is *fiqh*, a metric-based science rooted in the methodology of *usūl*. The invisible inner realm (*'ālam al-ghayb*) pertains to the metaphysical. It is governed by creed (*'aqīda*) and spirituality (*tasawwuf*), which regulate the inward facilities. *'Aqīda* is a methodology-based science, while *tasawwuf* employs metric-based systems to cultivate spiritual refinement. Metafiqh transcends disciplinary boundaries by integrating both methodological and metric-based sciences to revitalize the *shari'a*.



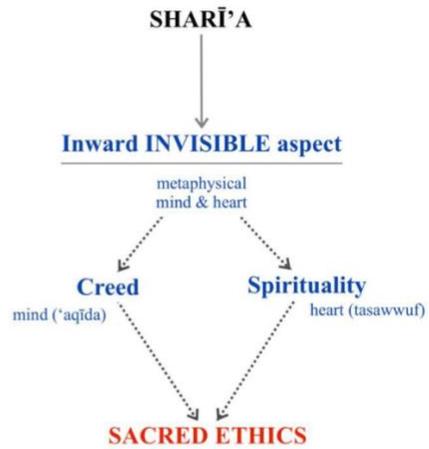
**Figure.** *Legal Ethics.* Fitra Foundation, 2025.

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**Figure 6.** *Sharia and the Sacred Law.* Fitra Foundation, 2025.

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**Figure 7.** *Sharia and Sacred Ethics.* Fitra Foundation, 2025.

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## 5.2 The Ethics of the Shari'a

Imām al-Ghazālī was a theologian, jurist, Sufi, scientist, philosopher, and ethicist. While he is highly regarded in both the East and West for his intellectual contributions, his greatest influence is arguably in the realm of theoretical and practical *tasawwuf*. His magnum opus, *Ihyā' 'Ulūm ad-Dīn*, is an interdisciplinary fusion of sufism and the sacred law—a synthesis that inspired both the name and the mission of our institution, **Fitra Foundation**. Rooted in the works of Imām al-Ghazālī and other luminaries of the Islamic tradition who excelled in interdisciplinary scholarship, *metafiqh* elaborates on the theory of legal ethics within the *shari'a*.

Ethics, often referred to as *akhlāq* or good character, represent the moral tenets of Islām. *Khalq* is our outer image, which is governed by outward obedience to the law of the *shari'a*. *Khuluq*, on the other hand, is our inner image, which pertains to the inward obedience encapsulated in sacred ethics.

Unlike all other ethical philosophies, however, the ethics of the *shari'a* are formed through the convergence of both creed and spirituality. Thus, the Prophet ﷺ said, “The main objective of my prophethood is to perfect ethics.”<sup>xxvi</sup> The correct understanding of this statement is not limited to mere interpersonal niceties, however; rather it signifies the integration of both the outward and inward elements of the *shari'a*—sacred law and sacred ethics, a complete ethos grounded in the creedal, spiritual, and legal tenants of the Religion.

This is the conceptualization from which *metafiqh* derives its theological interfaces — creed meets law (the theology of law), and creed meets *tasawwuf* (the theology of spirituality). Recognition of this interface reveals a critical reality. Due to the inherent cohesion of the elements of the sharia, the *Umma's* drifting away from its law or its spirit will inevitably lead to breaches of creed.<sup>xxvii</sup>

### 5.3 Fitra and Shari'a

When we obey the laws of the *shari'a*, we fulfill our duty to God. However, if we fail to uphold the ethics of the *shari'a*, we fail in our dealings with His creation. For example, if a man refrains from all prohibited interactions with *non-mahram* women and restricts romantic engagement to his wife, he has fulfilled the law of the *shari'a*. Still, if his interactions with his wife do not align with the ethics of the *shari'a*, he has breached the spousal covenant.

The critical point here is that both the laws and ethics of the *shari'a* fall under divine accountability. Neglecting either constitutes a serious flaw in one's devotion and undermines the holistic nature of the *shari'a*. To address this, *metafiqh* adopts an integrative approach that harmonizes the sacred law with sacred ethics, ensuring a balanced and comprehensive application of divine guidance.<sup>xxviii</sup>

The shared foundation of law and ethics is rooted in natural law (*fitra*). This is the purport of God's words, "So, direct your face [O Prophet] toward the religion, inclining to truth—the *fitra* of Allah upon which He has created [all] people" (Quran 30:30).

Furthermore, God commands in another verse, "Indeed, Allah commands justice and beautiful conduct" (Quran 16:90). The *Tarbawī Tafsīr* of this verse emphasizes the dual dimensions of the *shari'a*: justice, achieved through the sacred law and beautiful conduct, cultivated through sacred ethics. Both elements are divinely mandated and neglecting either constitutes a breach of the *shari'a*.

In the modern era, however, *metafiqh* identifies a more rudimentary and pervasive distortion: the complete separation of law from ethics—the decoupling of *fitra* and *shari'a*. This

schism marks the era of disillusionment, an inversion of reality that echoes the warning in the Hadith of Jibrīl, underscoring a profound rupture that threatens the holistic vision of Islām.<sup>xxix</sup>

#### 5.4 The Maxims of Metafiqh

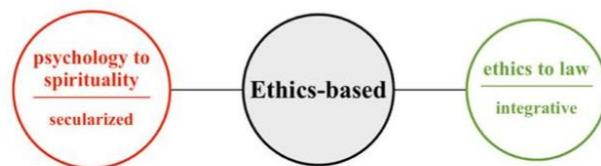
The foundational maxim of metafiqh asserts that the essence of the *shari'a* lies in the preservation of the *fitra*. This principle is rooted in the Tarbawī Tafsīr of the adamic address, which establishes that any interpretation or application of the sacred law that compromises the *fitra* is inherently invalid.

As a corollary, the second maxim of metafiqh functions to rectify such breaches. It posits that the foundation of *mu'āmalāt* (interpersonal transactions) within the sacred law — particularly family law — is based on the principle that the *fitra* seeks, and the *shari'a* responds. Should any misalignment arise between the *fitra* and the *shari'a*, the sacred law is divinely designed to restore equilibrium.

This maxim is evident in various human relationships. In early childhood, a child seeks, and a parent gives. The parent occupies a biological role in the child's life, while the child, through dependency, occupies a *shari'* role in the parent's life. This reflects the second maxim of metafiqh. In adulthood, this dynamic reverses: the grown child occupies a biological role in the life of their elderly parent, while the parent assumes a *shari'* role in the child's life. This, too, exemplifies the second maxim of metafiqh. The spousal relationship also embodies this principle, albeit with a simultaneous exchange of needs rather than a deferred one. The wife seeks, and the husband gives; the husband seeks, and the wife gives.<sup>xxx</sup>

In each of these relationships, the sacred law delineates the strict rights and duties of the involved parties. However, it is sacred ethics that nurtures and refines these interactions, transforming them into the highest expressions of human character. The prophetic character serves as the ultimate blueprint for the ethics of the *shari'a*. While God stands as the mediator between a Muslim and the sacred law, it is the Messenger of Allāh ﷺ who exemplifies how a Muslim should interact with all of creation, both animate and inanimate. This dual mediation underscores the seamless integration of law and ethics within the Islamic framework.

### 5.5 Contractual and Universal Ethics



**Figure 8.** *Metafiqh: Ethics-based.* Fitra Foundation, 2025.

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Metafiqh categorizes the ethics of the *shari'a* into two distinct types: contractual and universal. Contractual ethics encompass rights that humans are not entitled to except through

specific legal processes. These rights are characterized by legal scarcity and specificity. For example, marital rights do not exist until they are formalized through a contract and associated with a specific, legally recognized locus (*maḥall*). Thus, conjugal relations outside of marriage are strictly prohibited as they are an unwarranted generalization of the locus of legal scarcity, violating the principle of entitlement. Moreover, such relations result in uncertain parentage, leading to ambiguity regarding the legal duties related to the resulting legal locus, the child born out of wedlock.

Contractual ethics form the overarching *shari'* framework governing relational law (*mu'āmalāt*). A notable illustration is the law of dissolution, which, distinct from *ṭalāq* or *khul'*, allows a judge to annul a marriage with due ethical cause, such as abuse, neglect, or inherent defects.<sup>xxx</sup>

Contractual ethics deal with the human resource and the social institutions designed to preserve and protect it. Accordingly, contractual ethics extend to include all individual and collective interventions aimed at developing and promoting human potential in accordance with the paradigm of prophetic perfection. While such interventions may not always be strictly legal, they must be initiated and guided by juristic experts deeply versed in the broader framework of the sacred law. This policymaking strategy is *metafiqh*.

Universal ethics, on the other hand, pertain to matters that humans are collectively entitled to.<sup>xxxii</sup> These are characterized by abundance and generality, such as water. Unlike contractual ethics, no legal action is required to establish the right to access water, nor is this right restricted to specific individuals.

The sacred law's framework for addressing such matters is rooted in conservation and sustainability. A central tenet of universal ethics, as emphasized in the *Sunna*, is the prohibition of waste, underscoring the importance of responsible stewardship over shared resources.<sup>xxxiii</sup>

Whether in the domains of contractual or universal ethics, *metafiqh* can employ educational, cultural, social, or even governmental interventions, all with the overarching goal of remediating and revitalizing Muslim communities.

The critical distinction, however, lies in the fact that these streamlined strategies must be developed by *metafiqh* experts. Without this specialized expertise, the absence of a clear metric inevitably results in the ideological vacuum being filled by the prevailing maladies of the modern status quo. In theory, the *shari'a* is what makes a Muslim distinct from followers of other faith traditions. In practice, jurists define the various ways in which the *shari'a* should shape Muslim societies.

## 5.6 Case Study: Medinan Intervention

Contractual ethics represent the alignment of the sacred law and the *fitra*. Upon emigrating to Medina, the Prophet ﷺ established a kinship of faith that mimicked the kinship of blood. This was a direct response to the reality faced by the early Muslims who, upon embracing Islām and leaving Mecca, were compelled to sever familial ties in favor of fidelity to their faith.

This unique legal intervention, rooted in contractual ethics, exemplifies the second maxim of *metafiqh*. It demonstrates how the sacred law was employed to realign the *fitra* with the *shari'a* under circumstances where the “contractual” reality had been distorted.<sup>xxxiv</sup>

Furthermore, once the misalignment was resolved, this intervention was abrogated, allowing a return to the default state of harmony between the connections of kinship (*fitra*) and

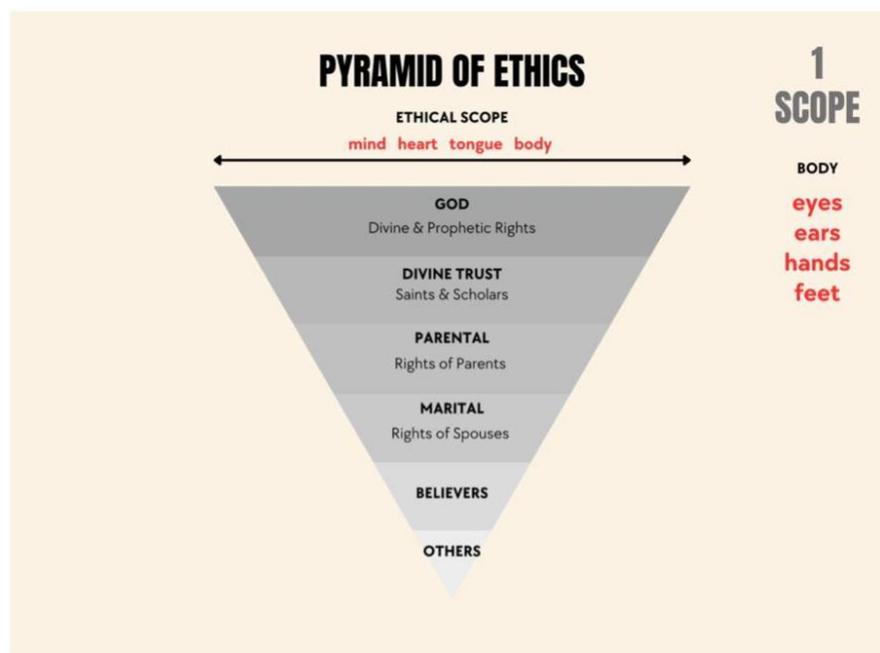
the rights of kinship (*shari'a*). This example illustrates the role of the sacred law in relation to the *shari'a*. It also elucidates the distinction between the timeless elements of the religion, which preserve its essential identity, and those aspects that are adaptive and responsive to circumstances. Still, such adaptations, whether temporary or precedent-forming, are not meant to conform to the societal distortions of any given era. Rather, their purpose is to recalibrate these distortions, restoring them to the original state of legal equilibrium.

### **5.7 The Pyramid of Ethics**

Practically, contractual ethics are embodied through the framework of the pyramid of ethics. While the sacred law establishes the principle of non-entitlement, sacred ethics create a hierarchy of priorities to navigate legal scarcity. Human relationships inherently demand investments of time, energy, and presence. When contractual ethics are distributed over the various spheres of community, they form a stratified structure designed to organize and balance society.

### **5.8 Hierarchy of Rights**

The horizontal axis of the pyramid represents the scope of Islamic ethics, focusing on the human faculties (represented in red) that are subject to divine accountability. These faculties act as gateways to the heart, highlighting the intrinsic connection and dynamic interaction between outer actions and inward spiritual states. The breadth of each tier reflects the magnitude of the rights entailed, with divine and prophetic rights occupying the highest position in the hierarchy.



**Figure 9.** *Pyramid of Ethics.* Fitra Foundation, 2025.

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## 5.9 Threshold of Ethics

The vertical axis illustrates relative rights, emphasizing the hierarchy of human relationships. For example, the rights of a neighbor, as outlined in the *Sunna*, include goodwill, refraining from harm, and acts of generosity. A priori, the ethical obligations in higher relational tiers, such as those between family members or spouses, must exceed this baseline. The *Sunna* thus establishes a “threshold of ethics” that informs progressively elevated standards of conduct.

If the ethical conduct required among believers entails sincerity, love, and constructive counsel (*nasīha*), then between spouses, the required ethics must surpass this, incorporating greater refinement and depth.

## 5.10 A Moral Life

The intensity of color within the pyramid signifies the gravity of ethical breaches at each level, with darker shades indicating more severe violations. This visual framework provides clear guidelines for living a morally upright life, emphasizing both the practical and spiritual dimensions of ethics.

## Section 6

### 6.1 Spheres & Scopes of Fiqh | Micro vs. Macro

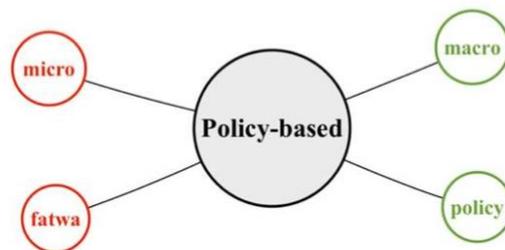


Figure 10. *Metafiqh: Policy-based*. Fitra Foundation, 2025.

© Fitra Foundation, 2025.

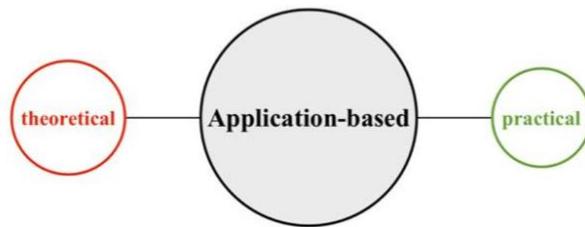
The domain of *fiqh* encompasses a vast arena, including spheres of responsibility, scopes of rulings, modes of operation, and time orientations.

Traditionally, *fiqh* is divided into two primary spheres of responsibility: individual (*‘ayni*) and communal (*kifāya*). These spheres form the basis of microfiqh, as they focus on the **subject** of the law (*mukallaf*), the individual to which legal rulings apply, while extending to the collective only in cases requiring specialized expertise or advanced jurisdiction. Metafiqh is the fulfillment of a *kifāya* obligation.

In contrast, macrofiqh shifts focus to the **object** of the law—the issues it adjudicates. While microfiqh addresses the *mukallaf-mas’ala* interface, macrofiqh classifies and prioritizes the issues themselves into broader clusters based on ethical and social scope.

Additionally, while microfiqh is limited to the purview of individual legal responsibility (*taklīf*), macrofiqh considers the cumulative effect of individual rulings when generalized, exploited, or misapplied. In its engagement with the broader interfaces of theology, ethics, and spirituality, the “bird’s eye view” of macrofiqh is crucial for aligning the priorities, directives, and leadership of the Umma toward the revitalization of the *shari’a*.

## 6.2 Modes of Fiqh | Theoretical vs. Applied



**Figure 11.** *Metafiqh: Application-based.* Fitra Foundation, 2025.

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*Fiqh* operates in two primary modes: theoretical and applied. One of the most pressing challenges facing the *Umma*, particularly its ‘*ulemā*, is the need for a revitalization of the *shari’*a that transcends the confines of theoretical discourse and actively engages with the applied dimensions of the sacred law. This imperative lies at the heart of *metafiqh*, whose central aim is to develop a comprehensive legal framework through which applied *fiqh* can be effectively realized. Bridging the gap between the theoretical and applied dimensions of the sacred law is undoubtedly a formidable task. However, it is a pivotal step toward overcoming modern stagnation and moving toward traditional growth.

Theoretical *fiqh* addresses legal rulings abstracted from specific contexts, often referred to as “textbook *fiqh*.” In this mode, rulings are conceived as universal and timeless. For instance, the principles governing ritual purity, as articulated by any of the four canonical schools of jurisprudence (*madhāhib*), remain consistent across time and place.

In contrast, the applied mode of *fiqh* engages with contemporary scenarios as they arise. This approach considers the evolving realities of the modern world, where new technologies and customs reshape legal questions. For example, with the advent of the washing machine, the classical rulings regarding the purification of garments stained with filth require reconsideration in light of modern washing methods. Thus, while theoretical *fiqh* preserves the universality of the law, its applied counterpart ensures its relevance to contemporary circumstances.

### **Theoretical Fiqh: Devotional-Intrinsic**

Ritual acts of worship encompass both intrinsic and extrinsic elements. The intrinsic aspects are non-rational and purely devotional, such as the obligation to fast upon sighting the new moon. In these cases, there is no rationally discernible connection between the legal cause (*‘illa*) and its effect. This does not imply an absence of divine wisdom, but rather that such wisdom resides beyond the limits of human intellect.

### **Applied Fiqh: Devotional-Extrinsic**

While the intrinsic components of ritual worship are immutable and universal, their extrinsic qualities, such as the logistical considerations surrounding them, are subject to change. For example, questions arise regarding how to determine the new moon, how to pray and fast in regions where day and night alternate over 24-hour cycles, or how to perform ritual prayer

during a flight. These considerations pertain to the extrinsic dimensions of devotional law, which evolve in response to contextual shifts. Thus, if a segment of devotional law operates within the applied mode, despite its primary focus being on supra-rational aspects of ritual worship, then it follows a priori, that revisiting rulings of relational law — which are rooted in natural, ethical, and rational principles — is both valid and necessary.

### **Applied Fiqh: Relational**

In exploring the different modes of *fiqh*, the methodological discrepancy in the unequivocal and uncritical replication of classical views in relational law becomes evident. As the essence of relational law lies in its applied form, the imposition of classical rulings onto contemporary contexts often results in a mismatch. This not only reflects juristic stagnation but, more critically, poses a threat to both the sacred law and its adherents. The case of the “malignant mufti” serves as a clear illustration of this reality.

The purpose of the sacred law is to realize the interests of humanity, both individually and collectively. When it is functionally disjointed from its underlying principles, spiritual dissonance befalls the *Umma*. Thus, failing to adapt and extend the Islamic legal tradition to meet contemporary needs will inevitably lead to harm, which stands in direct opposition to the *shari'a*'s ultimate objective. Therefore, the revitalization of the *shari'a* stands as the most urgent need of our time and constitutes a collective obligation upon the Muslim community, falling squarely upon the *fuqahā'*.

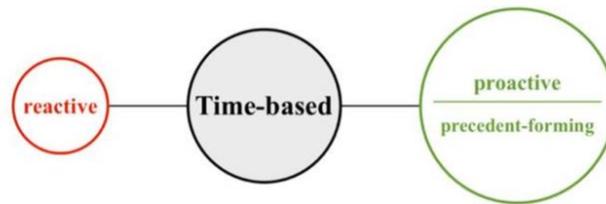
### 6.3 Ummatic Priorities

Yet, despite this reality — apparent to any *faqih* worthy of his title — perhaps no less than 98% of the discourse and research done in the realm of *fiqh* is focused on the theoretical aspect of devotional law, rehashing centuries-old intellectual pursuits. In both traditional and academic settings, pedagogy and research are almost wholly directed to the theoretical, producing an illusion of progress and a pretentious claim to *ummatic* service. In such a time as ours, of unprecedented *ummatic* upheaval, it is not only wise to prioritize but, arguably, a matter of survival.

While communal knowledge levels have significantly declined compared to past generations, and the urgent need to educate the Muslim laity in the basics of religion looms over the *Umma*, it would hardly be wise for all of our learned legions to focus their efforts on the same task. Despite the proliferation of diverse pedagogies in both the Muslim East and West, their efforts often resemble a vehicle spinning its wheels in the mud—rapid movement with little tangible progress.

### 6.4 Time Orientations of Fiqh

Classical *fiqh* has traditionally oriented itself toward the past, adhering to a reflexive and self-referential approach rooted in the movement of spiritual time. This backward gaze ensures continuity with the foundational principles of Islamic law and preserves its spiritual and intellectual legacy.



**Figure 12.** *Metafiqh: Time-based.* Fitra Foundation, 2025.

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From our present vantage point, however, *fiqh* cannot function effectively without simultaneously engaging the past and addressing the present. A *fiqh* that exclusively looks to the past is inherently incomplete, akin to operating with only one eye. Extending this metaphor, without also focusing on future forecasts, the *Umma* risks navigating the complexities of time on “one-eyed” terms.

*Fatwa*, for instance, pertains to individual cases and addresses specific issues in the immediate present. By its nature, it is both case-specific and transient. In contrast, *metafiqh* engages with communal, macro-level concerns and orients itself toward both contemporary challenges and future trajectories. This dual focus makes *metafiqh* a whole-sighted approach, aligning with the flow of spiritual time while mitigating the maladies of physical time.

The tension between spiritual time, rooted in divine alignment, and physical time, shaped by worldly vicissitudes, will ultimately culminate in the emergence of the *Dajjāl*, representing the pinnacle of deception and misdirection. Against this backdrop, macrofiqh emerges as a critical mechanism for guiding the *Umma*. It serves as a metric-forming framework, enabling the community to navigate the illusions of modernity and resist patterns of colonial domination.

Rather than perpetuating systems of oppression or adopting the disoriented paradigms of contemporary thought, metafiqh seeks to forge a new path grounded in divine guidance. By addressing both temporal realities and eternal principles, it provides the *Umma* with the tools to confront challenges with clarity, purpose, and faith.

## Section 7

### 7.1 The “Modern” Umma

The subject domain of *fiqh* primarily focuses on the rulings governing the actions of those accountable under Islamic law (*mukallaḥīn*). In contrast, metafiqh takes a broader perspective, addressing the philosophical ambiguities of our time that hinder the proper conceptualization of the sacred law, both within its internal framework and in its application to external contexts.

A critical task in this endeavor is articulating the distinctiveness of the Islamic worldview. This distinction is crucial, as it shapes the unique approach of the *shari’a* in addressing questions of human stewardship and moral responsibility. By reasserting the clarity

and coherence of Islamic thought, we can restore its role as a dynamic and comprehensive system of guidance for the modern world.

The *Umma* today finds itself at a crossroads, trapped between the deviant ideologies of postmodernism and the compound ignorance of religious rhetoric. This gridlock reflects a tension between a dysfunctional modernity and a stagnated tradition.

Thus, conceptualizing a “modern *Umma*” must be undertaken on our own terms, free from the false dichotomies imposed by the intellectual disillusionment and moral distortions of modernity. Without a deliberate return to the theory and praxis of the *shari’a*, we risk becoming complicit in its existential decline.

## 7.2 The Secularization of Knowledge

One of the false binaries the *Umma* has internalized is the secularization of knowledge. Emerging from the Enlightenment, this process separates knowledge from its metaphysical foundations, prioritizes reason and materialism over divine principles, and restructures disciplines to function independently of theology, thereby marginalizing religious perspectives.

In response, formulations of religion that claim to “Islamicize” knowledge have emerged, but, in reality, serve only to perpetuate the very framework they seek to oppose. This occurs because they uncritically accept the secular premise that separates knowledge from its spiritual foundations. Then, rather than addressing the issue through the epistemological foundations of the Islamic tradition, they attempt to align Islamic principles with secular structures and methodologies.



**Figure 13.** *Metafiqh: Methodology-based.* Fitra Foundation, 2025.

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For instance, in fields like psychology or sociology, proponents of “Islamization” frequently seek parallels between secular theories and Islamic concepts, framing religious knowledge within secular paradigms. This approach, however, reinforces the dominance of secular frameworks by implicitly validating their legitimacy as the default structure for organizing knowledge. Consequently, their approach undermines the potential for an authentic Islamic solution rooted in the comprehensive, divine epistemology of the Islamic tradition.

Moreover, in isolating sufism from the broader framework of the *shari’a*, in an attempt to merge it with modern psychology, they separate it from its legal and creedal dimensions. In this way, proponents of this model are not “islamicizing” psychology but rather secularizing

spirituality. This approach reinforces the fragmentation of knowledge and marginalizes the holistic, divine framework of the *shari'a*.

In reality, the alleged “islamization” of secular fields often exists only in name, severed from the core tenets of the *shari'a*, lacking a true grounding in the integrative approach that is central to the Islamic tradition. Claims by “Islamic psychologists” to identify concordant data points between modern psychology and Islamic teachings are, at best, a subjective assertion based on personal interpretation, as the vast majority of its practitioners are not experts in the sacred sciences.

Furthermore, there exists no trend in Islamic intellectual history that approaches the texts of the Quran and Sunna through a “psychology hermeneutic,” or any other framework besides the *usūli* principles codified by the mujtahid Imams of the formative period. The attempt to wield revelatory texts for this purpose is not, then, an interdisciplinary endeavor but rather an individualistic projection onto the *shari'a*, legitimized by modern academia and popularized by social media. Thus, when uninformed by scholarly mastery, *fiqh* in particular, such interpretations lack a foundation in the *shari'a* and can be reduced to arbitrary readings.

Metafiqh has developed an overarching evaluative metric to ensure that its **own** functioning is true to the intellectual and spiritual integrity of tradition, thus enabling it to assess the validity of other theories in accordance with the epistemology of the *shari'a*, identifying methodological inconsistencies, breaches of intellectual integrity, and interdisciplinary mismatches.

### 7.3 The “Gather and Guide” Model

Metafiqh addresses these dilemmas by classifying knowledge into two overarching domains: those that gather knowledge and those that guide its application. This Islamic epistemological framework, the “gather and guide” model, uniquely reflects the cohesion of knowledge within the *shari’a* and situates it firmly within divine purpose.

Within this paradigm, all knowledge is understood as subservient to the divine will. The natural sciences represent an attempt at understanding the observable workings of the universal divine will, while the sacred sciences are a systemization of the legislative divine will. Consequently, the *shari’a* organizes knowledge into an epistemological hierarchy. In this classification, knowledge of the universal divine will, found — in part — through the natural sciences, is directed and utilized to fulfill the imperatives of the legislative divine will, as embodied in the sacred sciences.

By ensuring a seamless integration between the empirical and sacred, the *shari’a* harmonizes the temporal and eternal dimensions of human progress. This harmonization is the fundamental objective of the *shari’a*, as all revelatory texts collectively guide toward this alignment when comprehended holistically.

However, this theoretical framework remains purely abstract when divorced from its authentic progenitors: traditional scholarship. It is, therefore, *fiqhi* expertise that serves as the guiding force, channeling the gathering of scientific knowledge into alignment with the divine directive.

Data-oriented domains contribute to the **content** of knowledge, but divine-oriented domains contribute to the **value** of knowledge. Consequently, sacred knowledge holds intrinsic

and unparalleled value, whereas empirical knowledge remains of latent benefit, its true utility realized only when paired with the guiding principles of the *shari'a*. This integration is the essence of *metafiqh*.

Yet, Muslims today often approach sacred knowledge in a manner entirely misaligned with its intended orientation, treating the divine domain as a dormant force to be exploited indiscriminately, regardless of scholarly authority, and often for personal or political gain. Conversely, the pursuit of data domains is frequently framed within the context of material acquisition, which has contributed to a neglect of scientific and technological advancement as an *ummatic* imperative.

By denying the supremacy of the *shari'a* over all other domains of knowledge, Muslims unwittingly succumb to the neocolonialist agenda—a calculated effort to infect the *Umma* with ideological maladies that, over generations, were intended to become endemic. It takes expert scholarship to diagnose, vaccinate, and oversee the healing of the *Umma* back to spiritual and intellectual health.

This analysis highlights the dual fronts of the epistemological battleground: in confronting the godless philosophy of postmodernism and in addressing the more insidious encroachment of “neocolonial Islām,” of which the Hadith of Jibril warned over 1,400 years ago. If we are to realign the *Umma* on the path to true liberation, any attempt to merge the data and divine domains must be structured with the latter as the hierarchical superior, guiding and shaping the former.

## Section 8

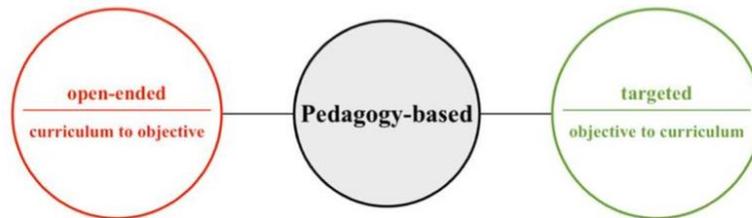
### 8.1 Pedagogy

To address the comprehensive needs of religious communities, it is essential that both men and women have access to the highest standards of Islamic education. The scholarly human resource is the most valuable collective asset of the *Umma*. Replenishing this reservoir and prioritizing resources toward this goal must remain among the Muslim community's foremost objectives.

Globally, Islamic curricula have experienced a notable decline in both quality and duration. This decline is most evident in the sphere of women's Islamic education, reflecting a critical gap that must be addressed to ensure the intellectual and spiritual vitality of the *Umma*. Despite excelling in numerous secular fields, women continue to lag significantly in the realm of traditional Islamic scholarship, and particularly in *fiqh*, which remains the most urgent area of need.

Sayyida Nafīsa Seminary was established to confront these challenges by providing women access to rigorous Islamic education. The seminary focuses on the theoretical foundations of the sacred law and their practical application in family law, aiming to cultivate a new generation of female scholars equipped to lead and serve the *Umma*.

## 8.2 Objective to Curriculum



**Figure 14.** *Metafiqh: Pedagogy-based.* Fitra Foundation, 2025.

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Education is a tool for progress. When pedagogy is misaligned with *ummatic* priorities, it becomes little more than a stone monument, symbolizing the glorification of a bygone era by those bound to a stagnant future. While traditional modes of teaching often adopt an open-ended approach, where completing the curriculum is the primary objective, Sayyida Nafisa Seminary reimagines this framework. It adopts an objective-to-curriculum model, designed to directly address the pressing dilemmas of the *Umma*'s present and future.

Sayyida Nafisa Seminary is built on a pioneering pedagogical framework. At its core lies metafiqh, an innovative approach to Islamic jurisprudence that harmonizes legal tradition with its sacred ethos and socio-historical context.

Furthermore, the seminary teaches the sacred law from the perspective of women, making this the first curriculum in Islamic scholarly history to reframe classical legal texts specifically for women’s understanding and needs. Historically, the sacred law was predominantly written from a male perspective, not to exclude women, but because men were primarily responsible for upholding its rulings and guiding their households, including women, in its observance. Today, a widespread lack of education in the sacred law, regardless of gender, underscores the critical need for this distinctive approach.

### 8.3 Case Study: A Women’s Intellect

The following case study highlights the seminary’s curriculum features.

### 8.4 Mawsilī on Women and Marriage <sup>xxxv</sup>

The legal statements of a woman hold legal effect in marriage, such that if a free woman (*hurra*), of age (*bāligha*) and normal cognitive development (*‘āqila*) marries herself off, it is a valid [contract]. The same holds if she were to marry off another woman through guardianship (*wilāya*) or representation (*wikāla*). Likewise, if she were to appoint a representative (*wakīl*) to marry her off, or a third-party acted in her stead and she consented, [in both cases the contract is valid].

### 8.5 Summary of Commentary from al-Ikhtiyār <sup>xxxvi</sup>

This is the position of Abū Hanīfa, Zufar, al-Hasan, and *dhāhir ar-riwāya* from Abū Yusuf. Muhammad does not permit it except by consent of the [official male] guardian (*walī*). Even still, Tahāwī and Hishām report from Muhammad that, in such case that the *walī* refuses to concede, the Muslim magistrate may intervene to reinstate the contract. Thus, there are two

reports from Muhammad. Further, it has also been reported that Muhammad retracted his position and aligned with that of Abū Hanīfa just nine days before his death. While in a report from Abū Yusuf, not in the transmission of the books of *Usūl*, he concurred with Muhammad's earlier position. God's mercy be upon them all.

## 8.6 Pioneering Perspectives: The First Female Marginalia

The author proceeds to explain the arguments for and against the vesting of full legal agency in women for marriage. Among the legal arguments employed for the position of partial legal agency is the case of lady 'Āisha, in that she was married off by her guardian, master Abū Bakr, as a minor, pending puberty. As such, she was the full ward of her father (*walī*) before puberty as pertains to contracting (*'aqd*) and executing marriage (*naḥdh*). May God be well pleased with them both.

As legal agency is a direct result of normal cognitive development upon puberty, some Hanafī jurists posited that women reach legal majority with "*aql nāqis*," literally "partial intellect." What is vastly misunderstood is that *fiqh* is a language all to its own. The term "*aql nāqis*" here is not, in fact, making any judgment on the intellect of women, but meant to indicate partial legal agency as it pertains to marriage, and marriage alone. In practicality this means that the two stages of the contract are divided between her and her guardian. The female ward, of legal minority or majority, is permitted to contract marriage on her own, but the execution of the contract is conditional upon the consent of the guardian (*walī*).

## 8.7 The Sunna on “Aql Naqis” xxxvii

The term “*aql nāqis*” has been taken directly from the prophetic report.<sup>xxxviii</sup> In this report, the Prophet ﷺ makes an association between the “*aql nāqis*” of women and the sacred law. In full alignment with the prophetic expression, Hanafī jurists did the same, using the term to denote partial legal agency when relevant, namely in contracting marriage.

It is important to note that there is no other capacity in which the legal agency of women is restricted. For example, women, like men, command complete legal agency in contracting financial transactions. It is plainly evident from a comprehensive understanding of both the prophetic usage and that of Hanafī jurists that the intent behind the term “*aql nāqis*” is purely technical.

As for the position of Abū Hanīfa in which full legal agency is vested in a woman of legal majority as it pertains to marriage, it is based upon God’s Words, “When they have completed this set time [post-widow waiting period], you [guardians] will not be blamed for the decisions they [women] make so long as they do well with themselves” (Quran 2:234).

In this verse, the legal ruling is inferred from the grammatical construction, namely, the use of the possessive form in associating the action of contracting marriage to her. Thus, Abū Hanīfa deduces that the legal statements of women are both valid and executable, since the verse appends the possessive attribution exclusively, indicating independent agency.

He further defines the meaning of “*ma’rūf*” or “treating herself well”, as choosing a man of compatible status and upon a dower commensurate with it (*mahr al-mithl*).

The intended technical meaning of “*aql nāqis*” is further substantiated by the words of Imām Mawlisī (d. 673), himself,

As for the argument that a woman is of partial intellect upon reaching puberty, [it is untenable], in that legal agency (in all other matters) is predicated upon normal cognitive development, and there is no case in which an assessment of intelligence effects legal consequence. [It is obvious] that people vary in their level of intelligence by huge margins, yet this is never considered in cases of legal agency (*wilāya*). Full legal agency is commanded by one of higher and lower intelligence alike. Further, how many women are of higher intellect and insight than a great many men. <sup>xxxix</sup>

In summary, the term “*aql nāqis*” in the usage of Hanafi jurists is purely technical, not intended as a judgement upon the intellect of women, which, by their own acknowledgment, holds the potential to exceed men in many a case.

## 8.8 The Language of Fiqh

*Fiqh* is a language all to its own. Only a juristic expert is equipped to read and understand it. Lack of respect for the legal tradition of Islām and its expertise is cause for great confusion regarding the status of women, both on the level of theory and praxis. The gross ignorance that pervades Muslim communities at present, and particularly in the English-speaking world, through deconstruction of scholarly authority, casts aspersions on classical scholarship as well as blurs the lines of normative Islām. When the ignorant speak on religion without knowledge, they spread the contagion of their spiritual diseases. As for the religious figures who do the same, lacking juristic expertise and wielding religion for their personal aims, their spiritual pathology reaches even the well-intentioned believer.

So, as mass confusion reaches all-time communal highs, bordering on faith crisis for many, there has never been a more dire need for in-depth female religious education administered by juristic experts. Our curriculum dispels all myths and misinformation regarding

the praxis of the sacred law as it pertains to women and further contextualizes classical rulings in light of the contemporary context.

## 8.9 Fiqh Literacy

The field of jurisprudence is traditionally pursued for one of three objectives: personal practice, sacred instruction, or legal research. Sayyida Nafisa Seminary integrates all these objectives, ultimately shaping students who understand *fiqh* as the language of *shari'a* and equipping them with the skills to engage with it fluently.

The curriculum emphasizes the importance of legal ethics, as the sacred law is only a subset of the *shari'a*. When divorced from its ethical foundations, the sacred law can be misapplied, deviating from its divine aims. Metafiqh ensures a comprehensive understanding of the sacred law by staying true to its centuries-old tradition, integrating its sacred ethos, and placing it within the broader schema of the *shari'a*.

Understanding the socio-historical context of the sacred law is another unique feature of the seminary's pedagogy. Law cannot be applied in a vacuum. The Islamic legal tradition must be viewed through the civilizational context that shaped it. The contemporary Muslim reality differs significantly from that of earlier generations, necessitating a deep engagement with the past as a foundation for reimagining the future.

The seminary also teaches the sacred law systematically, with a focus on the juristic schools (*madhāhib*) as complete intellectual systems. While rulings are finite, thought systems are timeless. Any meaningful extension of the Islamic legal tradition into contemporary contexts must draw from its foundational principles (*usūl*). Metafiqh creates a bridge between classical scholarship and modern needs, ensuring intellectual and legal continuity.

Finally, the mode of instruction emphasizes that sacred knowledge must be accompanied by *adab*—the requisite ethos for true scholarship. Knowledge without spiritual intelligence reduces religion to the constraints of the mind.

Books transmit words; scholars transmit tradition. True understanding is not learned in abstraction but through the living example of the spiritually refined. In cultivating *adab*, *metafiqh* transcends rationality to reach the highest tiers of spiritual cognition.

By uniting these elements, our curriculum redefines Islamic education. It integrates the sacred, ethical, and intellectual into a harmonious pursuit of truth, equipping students with the tools to navigate the past, present, and future with wisdom and integrity.

### **8.10 The Motherly School**

In framing the tension between postmodern individualism and traditional scholarship, Ḥabīb Abū Bakr al-Mashhūr aptly characterizes the former as “the school of I” and the latter as “the fatherly school.”<sup>xl</sup>

The “fatherly school,” in light of the Hadith of Jibril, represents the mechanism by which the reality reversals of our times can be corrected. It signifies the restoration of authority—both parental and scholarly—to its rightful custodians, re-establishing the hierarchy that sustains these civilizational institutions.<sup>xli</sup>

Sayyida Nafīsa Seminary exemplifies the complementary concept of the “motherly school” — a reclamation of spiritual time and the inauguration of a new generation of authentic female scholarship. It represents a place in which women of true faith are given the opportunity to aspire to the heights of their intellectual and spiritual potential under the care of prophetic

parentage. Through this model, the balance of familial and scholarly hierarchies is reclaimed, restoring the integrity of these intertwined systems.

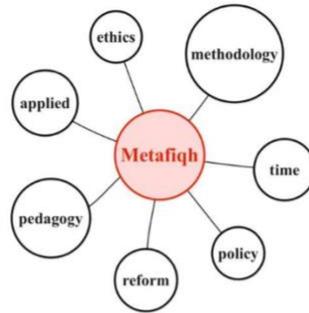
Regrettably, the current scholarly generation bears the weight of decades of deferred renovation within the *Umma*. For this generation to give rise to its liberator, rather than its master, it is essential to undertake a pioneering initiative that serves as both the diagnosis and the cure. Such an initiative is crucial to extricate the *Umma* from the stagnation in which it presently finds itself. This is the work of Fitra Foundation and Sayyida Nafisa Seminary.

As Sh. Muhammad ‘Awwāmah poignantly states:

We do not fully grasp the tragedy that follows the death of a scholar, a loss far greater than the death itself. Not only do we fail to reflect on this matter, but we also neglect to cultivate pious succession. Islam is a great fortress, and when scholars pass away, brick by brick, this fortress crumbles, leaving gaps that remain unfilled. Worse still, we do not even consider how to produce the pious successors who could fill this role.

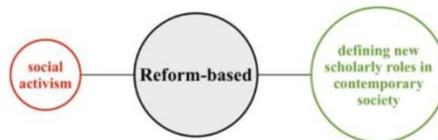
Metafiqh embodies the realization of pious scholarly succession through a renewed understanding of the inner workings of the *shari’a*. It serves to fill the growing gaps in the “fortress of Islām” by reinventing pedagogy to train a new generation of scholars.

This process culminates in the reconstruction of the City of Knowledge—an independent, traditional framework of cohesive legal thought equipped to reify the fluidity of divine meanings into solid contemporary solutions.



**Figure 16.** *Metafiqh Overview.* Fitra Foundation, 2025.

© Fitra Foundation, 2025.



**Figure 15.** *Metafiqh: Reform-based.* Fitra Foundation, 2025.

© Fitra Foundation, 2025.

**Interventional Fiqh**



**Figure 17.** *Interventional Fiqh A.* Fitra Foundation, 2025.

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**Figure 18.** *Interventional Fiqh B.* Fitra Foundation, 2025.

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## Section 9

### 9.1 Scholarly Reform

Imām al-Ghazālī famously said: “Knowledge without action is madness, and action without knowledge is impossible”.<sup>xliii</sup> Divinely oriented knowledge that does not lead to action is no more than a frivolous theoretical exercise. Conversely, action without guidance is inevitably misplaced. True scholarly reform lies at the intersection of the two, standing distinct from all other forms of activism—whether social, political, or religious.

Through rigorous legal research, metafiqh provides the methodological framework necessary for sound guidance. In its ethical dimension, metafiqh assumes a stewardship role by collaborating with experts in various fields to devise applied solutions that remain faithful to the principles of *shari’a*. Subsequently, metafiqh takes a leadership role by engaging with institutional and governmental actors to formulate public policies aimed at educational, social, and cultural transformation. Completing this iterative process, metafiqh refines its research to codify its findings, creating a continuous cycle of renewal to benefit the *Umma*.

Human stewardship requires prophetic guardianship—whether it involves the cultivation of the soul or the care of the Earth. At every level of intervention, metafiqh makes its contribution. This forms the basis of our interventional *fiqh* model. Through the creation of new scholarly roles and a pedagogy tailored to train experts for these positions, our seminary seeks to empower female juristic specialists to engage directly at each level of intervention.

Imām al-Ghazālī was known as *Hujjat al-Islām* (The Proof of Islam) because his scholarship left no room for those who sought to justify their wrongful actions through rational,

egotistical, or even spiritual arguments. In the present day, if it were claimed that the *shari'a* is unnecessary for positive intervention and that scholars are obsolete in the modern world of technological advancement — as is the creed of the post-*shari'a* disillusionment era — then metafiqh stands as the *hujjah*.

## 9.2 The Hamlet Verdict

On August 18, 2023, Fitra Foundation unveiled the first “mock” model of interventional *fiqh*.<sup>xliii</sup> With acute awareness of the warning in the Hadith of Jibril, however, and the diverse elements within the Muslim community that embody it, the model was cloaked in a spiritually strategic guise. Its purpose was to vividly illustrate the destructive realities of the current status quo and highlight the stark contrast between a true scholar—one shaped by the prophetic mind, heart, and soul—and the so-called “learned” individuals whose superficial engagement with the sacred sciences leaves them oblivious to its deeper meanings. In this way, metafiqh was simultaneously employed as a metric, a diagnostic tool, and a framework for action.

The model underscored several critical issues within the Muslim community, such as the significant obstacles women face in the field of *fiqh*, where the very idea of a female jurist is often dismissed or frowned upon. It also brought to light the challenges to traditional innovation within contemporary legal thought, particularly in a climate of stagnation and resistance to change. Additionally, the model addressed the negative reception of the post-*shari'a* disillusionment generation and the social media dynamics that inexplicably align the allegedly learned with the ignorant masses who propel their popularity, thereby exposing the digital dystopia that currently defines much of Western Muslim “leadership.”

All of this is further compounded by the egregious breach of intellectual integrity inherent in the quid-pro-quo dynamics that predominantly govern the Muslim *da'wa* sphere, sidelining any objective, metric-based standard. Under the pretense of unity and avoidance of *ummatic* polemics, too many claimants to religious custodianship are often more willing to sacrifice sound methodology than jeopardize their online alliances, a dynamic not so different than the geopolitical paralysis that enables genocide.

Perhaps the most significant issue, though, was the complete disregard for the spiritual and intellectual reciprocal of the sacred law upon believing women who still have faith and trust in the *shari'a*. This neglect, compounded by the despondency of both male and female scholarship in addressing their needs, represents a glaring failure that eerily mirrors the haunting silence amidst a battlefield, where a war against women and children rages on, ghosted and unchallenged.

These obstacles, compounded by the difficulties of conducting innovative research and seeking sustainability for the seminary, serve as a poignant metaphor for the broader struggles facing the *shari'a* itself in its quest to be reinstated as the meta-narrative of the *Umma*. The Hadith of Jibril is not a self-fulfilling prophecy until we fulfill it ourselves.

The Hamlet Verdict is broadly structured upon the metafiqh system, which categorizes contemporary issues into two primary domains: contractual ethics and universal ethics. Each domain addresses its respective issues using a distinct framework. For instance, family law operates within the realm of contractual processes, whereas matters involving the sale, acquisition, and ownership of natural resources fall under the purview of universal ethics. A mismatch within the realm of legal ethics constitutes a metafiqh breach, a violation of the *shari'a* itself.

### 9.3 The Science of Intervention

As an innovative spiritual technology, the elucidation of the methodological mechanics of metafiqh presents its own challenges. To illustrate the far-reaching implications of macrofiqh and its direct relevance to global issues, the Climate Change Knowledge Portal (CCKP) serves as an apt scientific analogy for interventional *fiqh*. Developed by the World Bank, the CCKP provides climate-related data to inform development practitioners and policymakers.<sup>xliv</sup>

The metric-formation phase of interventional *fiqh* involves two core processes: clarity of measurement and systematic classification. The CCKP embodies this by categorizing climate zones using the Köppen-Geiger system. Metric-forming modes of scientific inquiry use data to generate metadata. Similarly, metafiqh operates as a reflexive mode of legal research, drawing upon the sacred law to deepen its self-understanding. This internal feedback cycle exemplifies traditional scholarship. However, metafiqh is also transitive, utilizing legal methodology to achieve tangible outcomes. This duality elucidates the role of interventional *fiqh* as a critical link between scholarship and reform, theory and praxis.

In its application phase, the metric yields data-driven insights by tracking climate changes over time. Similarly, metafiqh employs the principle of foresight, integrating the macrofiqh metric to cultivate a predictive capacity. However, unlike secular systems, often tainted by personal or worldly interests, the *shari'a* employs such knowledge for ethical imperatives rooted in the divine law.

Scientific knowledge is frequently distorted for private profit and political agendas. Profit-driven enterprises may suppress beneficial research, while political powers manipulate or

restrict access to advance harmful policies or military interests. This results in monopolized and discriminatory access to science, limiting its potential to address societal challenges and exacerbating global inequalities. The World Bank itself plays a role in global power dynamics, but it is only one component of a larger system that perpetuates wealth inequalities. These systems are shaped by policy decisions, corporate lobbying, and economic structures that disproportionately benefit the already wealthy.

The *shari'a*'s ethical integration is a cornerstone distinguishing it from other systems of law and governance. Its ultimate aim is the well-being of all people, ensuring that knowledge and action align with moral and societal harmony. A critical difference between microfiqh and macrofiqh lies in their schemes of prioritization. Microfiqh focuses on individual concerns (*fatwa*) or the preferred interests of jurists, which are often influenced by personal or political agendas. In times of *ummatic* crisis, this narrow focus is comparable to the compartmentalized approach of bureaucracy, where specialized concerns can overshadow collective or systemic considerations.

Macrofiqh, on the other hand, offers interventional guidance on a global or regional scale, prioritizing the most pressing issues. This is where the *maqāṣidī* (objectives-based) approach finds its proper application, embedded within the broader framework of interventional *fiqh*. Coupled with the stratification of societal needs as defined by the *shari'a*'s overarching objectives, this prioritization liberates decision-making from the influence of private enterprise and political manipulation. When legal ethics serve as the mediating interface between metrics and application, the *shari'a* emerges as a distinct interventional model of scholarly reform, grounded in divine trust.

## 9.4 Entitlement

This is *metafiqh* in its prophetic stewardship capacity, encapsulated by the maxim:

الاسباب للتوقي لا للترقي

“Causes are for public protection, not individual elevation.”

The *shari'a* employs worldly means to safeguard human societies. This stands in stark contrast to the dictates of politics and social media, where means are most often pursued for individual advancement rather than the spiritual preservation of the collective.

As an *Umma*, we must choose: do we want policies rooted in politics, or interventions grounded in the *shari'a*? Do we aspire to be the *Umma* of prophetic stewardship or one of worldly exploitation and negligence?

No one possesses divine entitlement except those whom God authorizes. If we allow resources or power to be used selfishly, prioritizing personal gain at the expense of others, how are we different from the oppressors we condemn? If we neglect our collective responsibility, allowing individual interests to overshadow the broader well-being, how can we claim to deserve divine providence?

If we fail to safeguard the intellectual and spiritual integrity of our tradition, what right do we have to carry the Muhammadan flag? If we are too blind to identify the machinations of satanic forces within ourselves, how can we possibly combat them in others? Have we become so indistinguishable from our imperial oppressors such that, severed from divine guidance, we cling instead to notions of ethnic and cultural superiority? Worse, has our faith been so diminished that oppression itself has come to define the essence of our religious identity?

The systemic injustices and atrocities we witness today are clear evidence of the *Umma*'s failure at both micro and macro levels. If the *Umma* cannot even preserve its most basic vehicle of civilizational inheritance — the family — how can it hope to lead the world?

Until the *Umma* exemplifies both natural and moral law through the *shari'a*, it will remain, in the sight of God, indistinguishable from other oppressive systems of governance.

Divine metrics require scholarly methodology. Human stewardship requires prophetic guardianship. *Shari'a* revitalization requires *ummic* leadership. This is *metafiqh*.

## 9.5 Why Women?

The question, then, is not, “Why women?” but rather, “Why not?”

The feminist doctrine erroneously asserts that as the success of man revolves around the lowly pursuits of the inferior material world, then — for women — why not the same? But if the Islamic doctrine asserts that the success of man is rooted in the loftiest pursuits of prophetic perfection, on Earth and in Paradise, then — for women — why not the same?

The answer to this question lies in the many obstacles that ignorance, arrogance, avarice, desire, and malice breed in both men and women. We must be cautious of establishing women-only spaces that replicate the same negative patterns we lament in male-dominated spaces.

It lies in the flattery of foreign ideologies, a fandom of imitation, more sincere in its complicit pursuit of worldly acquisition than in the fraternity of faith, bonded by divine purpose. It lies in the vying for the ephemeral instead of striving for the eternal.

It lies in the loss of divine trust by those who claim to be custodians of the *shari'a*, whose pursuit of personal advancement derails them from their responsibility to communal progress. It

lies in the scorched heart of the common Muslim, burned too many times by injustice and cruelty, wondering why the *shari'a* didn't come to their aid.

It lies in complaining about the status quo without recognition of our role in it — a community that equates accessibility with literacy, trades substance for superficiality, honors the dollar more than the scholar, rises and falls with every popular tide, and diverts all attention to the disdainful eyes of onlookers, rather than looking with love into its own homes.

It lies in an orphaned *Umma* that fails to realize that the more it disowns its spiritual parents — its true scholars — the more it will be abandoned by the world. The connection between the disavowal of the sacred hierarchy of the *shari'a* and the thousands of children orphaned by genocide is no coincidence. <sup>xlv</sup>

It lies in a culture of post-*shari'a* disillusionment where Muslims take their religion from ignoramus eager to frame the true *'ulemā* — and by extension the *shari'a* — as enemies of women.

On the other hand, it lies in the pretentiously learned who contribute to this distortion by equating erudite women with religious fashionistas who ride every faux trend. It sits upon the throne in the delusional kingdom of their ego, where the queen consort is but a pawn in their pursuit of lucrative popularity.

They do not call Queen Sheba to faith; they gladly accept her bribes. Her wise, quranic words echo through the ages, a testament to the reversal of realities in an age where the outer calamities of the *Umma* ominously mirror its inner turmoil — “Indeed, when kings enter a village, they destroy it.” (Quran 27:34) <sup>xlvi</sup>

## 9.6 Why Wait?

The recurrent pattern in the revelatory texts concerning the signs of the Hour highlights destruction, both physical and spiritual. War will become rampant. Misguidance and confusion will pervade.

The question, then, is not, “Why women?” but rather, “Why wait?” Why wait for war when we can work for peace? Why wait for famine when we can cultivate food? Why wait for thirst when we can quench it? Why wait for discrimination when we can build systems of justice? Why wait for disbelief when we can fortify faith from childhood? Why wait for death when we can save lives?

This is the essence of the *shari'a*: a comprehensive, real, functional, and forward-looking application of divine guidance. The *shari'a* doesn't wait for problems to arise; it sets humanity up for success, from the very beginning. The *shari'a* is the shining light of the unseen world projected into the observable universe.<sup>xlvii</sup> The *shari'a* is the preemptive power of change.

The question is not, “Why women?” Metafiqh is not “female”; it is the movement of spiritual time. We must be the change our Prophet wants to see in the world. ﷺ



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<sup>ix</sup> Fitra Foundation, “3. The Soul,” *YouTube Video*, published September 12, 2024, <https://youtu.be/-yAPsPjgukI> “Rasūlullāh is the fitra. Rasūlullāh is the *sharī’a*. Rasūlullāh is the axis of the universe. Alignment with him is the essence of existence. ﷺ”

<sup>x</sup> Imam al-Bukhari. *Sahih al-Bukhari*. Reported by Abdullah ibn Umar: The Messenger of Allah ﷺ said, “I was sent and the Hour is like these two (gesturing with his fingers).”  
”وَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: إِنِّي بُعِثْتُ وَالسَّاعَةُ كَهَاتَيْنِ“

<sup>xi</sup> Bukhari and Muslim. *Sahih al-Bukhari; Sahih Muslim*. Reported by Abdullah ibn Mas’ud: The Prophet ﷺ said, “The best people are those of my generation, then those who come after them...”  
”... عَنْ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ خَيْرُ النَّاسِ قَرْنِي“

<sup>xii</sup> Ibrāhīm ibn ‘Abd al-Raḥmān al-‘Udhri. Reported by Imām Aḥmad. *Tārīkh Dimashq*, vol. 7, p. 39. Also in *al-Du‘afā’ al-Kabīr*, vol. 4, p. 256; *Ma‘rifat al-Ṣaḥāba*, no. 732; *al-Bayhaqī*, no. 21439.  
”...يَحْمِلُ هَذَا الْعِلْمَ مِنْ كُلِّ خَلْفٍ عَدُوْلُهُ يَنْفَوْنَ عَنْهُ تَحْرِيفُ الْجَاهِلِينَ“

<sup>xiii</sup> Abu Dawud. *Sunan Abi Dawud*. Reported by Abu Hurayra: The Messenger of Allah ﷺ said, “Verily, Allah will raise up in this nation at the beginning of every century someone who will renew their religion.”  
”... عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِنَّ اللَّهَ يَبْعَثُ لِهَذِهِ الْأُمَّةِ“

<sup>xiv</sup> Al-Tirmidhi. *Jami` at-Tirmidhi, Kitab al-Fitan*. Reported by Thawban: The Messenger of Allah ﷺ said, “There will never cease to be a group from my Umma manifest upon the truth...”  
”لَا تَزَالُ طَائِفَةٌ مِنْ أُمَّتِي“

<sup>xv</sup> Ibn Majah. *Sunan Ibn Majah*. Reported by Ibn ‘Umar: The Messenger of Allah ﷺ said, “The believer should not be stung from the same hole twice.”  
”لَا يُلْدَعُ الْمُؤْمِنُ مِنْ جُحْرٍ وَاجِدٍ مَرَّتَيْنِ“

<sup>xvi</sup> Fiqh at-Tahawwulāt (The Jurisprudence of Transformations), developed by al-Habīb Abū Bakr al-Mashhūr, addresses modern societal changes through an Islamic lens. It links contemporary challenges to the signs of the End Times, offering practical guidance to balance tradition and modernity while maintaining Islamic values.

<sup>xvii</sup> Muhyi al-Dīn Abu al-Abbas Ahmad al-Sha’rānī. *Dhamm al-Ra’y wa-Bayan Tabarrī al-A’immah al-Mujtahidīn Minhu* (Censure of Personal Opinion and Exoneration of the Mujtahid Imams). Section: Averting Doubts Concerning the Madhhab of Abu Hanīfa. “Especially Abu Hanīfa’s school [is far removed from ra’y], but the dimensions to his extraction of rulings from the Qurān and Sunna surpass most intellects, scarcely grasped by any besides those of divine unveilings from among the saints privy to the intricacies of the shari’a.”

<sup>xviii</sup> Al-Ghazali, Abu Hamid. *Al-Mustasfa min ‘Ilm al-Usul*. Edited by Muhammad Abdul Salam Abdul Shafi. Dar al-Kutub al-‘Ilmiyya, 1993, p. 18.  
”...اعلم أن كل من طلب المعاني من الألفاظ ضاع وهلك“

<sup>xix</sup> Iman Badawi, “The Real Metafiqh,” Fitra Foundation, 2023\_ <https://fitrafoundation.org/3d-flip-book/the-real-metafiqh/>

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<sup>xx</sup> In an upcoming publication, Fitra Foundation examines case studies in the law-ethics interfaces of the *mujtahid* imams, particularly contrasting Hanafī and Shafī'i' underpinnings.

<sup>xxi</sup> Muslim. *Sahih Muslim*. Reported by Abu Hurayra: The Prophet ﷺ said, “There are three people whom Allah will neither speak to on the Day of Resurrection, nor purify, nor look upon, and they will have a painful punishment: an elderly man who commits fornication, a king who is a liar, and a poor man who is proud.”  
”عَنْ أَبِي هُرَيْرَةَ ... قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ثَلَاثَةٌ لَا يَكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ...“

<sup>xxii</sup> Abū Ya‘lā al-Mawṣilī. *Musnad Abī Ya‘lā*. Edited by Ḥusayn Salīm Asad. Damascus: Dār al-Ma‘mūn li-al-Turāth, 1984. 1404 AH. Vol. 11, p. 304. The Messenger of Allah ﷺ said: “How will you be, O people, when your women become rebellious, and your youth become corrupt?” They asked, “O Messenger of Allah, will this really happen?” He replied: “Yes, and worse than that: how will you be when you abandon enjoining what is right and forbidding what is wrong?” They asked, “O Messenger of Allah, will this really happen?” He replied: “Yes, and worse than that: how will you be when you see what is evil as good, and what is good as evil?”  
”...كَيْفَ بِكُمْ أَيُّهَا النَّاسُ إِذَا طَعَى نِسَاؤُكُمْ، وَفَسَقَ فِتْيَانُكُمْ“

<sup>xxiii</sup> Abu Dawud. *Sunan Abi Dawud*. Reported by Thawban: The Messenger of Allah ﷺ said, “The nations will soon summon one another to attack you as people invite others to share their dish.” Someone asked, “Will that be because of our small numbers at that time?” He replied, “No, you will be numerous, but you will be like the froth on the torrent...”  
”...يُوشِكُ الْأُمَمُ أَنْ تَدَاعَى عَلَيْكُمْ كَمَا تَدَاعَى الْأَكْلَةُ إِلَى قَصْعَتِهَا“

<sup>xxiv</sup> Fitra Foundation, “6b. The Divine Metric,” *YouTube Video*, published August 9, 2024, <https://www.youtube.com/watch?v=o7Tfw0eOc1o&t=772s>

<sup>xxv</sup> Muslim ibn al-Hajjaj. *Sahih Muslim*, Book 1. Reported by Abu Hurayra: The Messenger of Allah ﷺ said, “Be prompt in doing good deeds (before you are overtaken) by turbulence which would be like a part of the dark night...”  
”بَادِرُوا بِالْأَعْمَالِ فِتْنًا كَقَطْعِ اللَّيْلِ الْمُظْلِمِ...“

<sup>xxvi</sup> Al-Bayhaqi. *Sunan al-Bayhaqi*. Reported by Abu Hurayra: The Messenger of Allah ﷺ said, “I was sent to perfect good character.”  
”إِنَّمَا بُعِثْتُ لِأَتَمِّمَ مَكَارِمَ الْأَخْلَاقِ“

<sup>xxvii</sup> Aḥmad Zarrūq al-Fāsī, *Qawā'id al-Taṣawwuf*, vol. 1 (Beirut: Dār al-Kutub al-'Ilmiyyah, 2005), 175. The quote reads: “قَالَ الْإِمَامُ مَالِكٌ: مَنْ تَقَفَّهَ وَلَمْ يَتَّصِفْ فَقَدْ تَفَسَّقَ، وَمَنْ تَصَوَّفَ وَلَمْ يَتَّقَفْهُ فَقَدْ تَزَنَّجَ، وَمَنْ جَمَعَ بَيْنَهُمَا فَقَدْ تَحَقَّقَ.” (Imam Malik said: “Whoever practices jurisprudence without practicing Sufism will be corrupted; and whoever practices Sufism without practicing jurisprudence will become a heretic; and whoever combines both will attain the truth.”). Note that this statement is frequently attributed to Imam Malik; however, its authenticity is debated, and it is not definitively established as his statement.

<sup>xxviii</sup> In an upcoming publication, Fitra Foundation expounds upon the law-ethics interface of the ‘verse of qiwāma’ (Quran 4:34) as part of its *Tarbawī Tafsīr* series.

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<sup>xxxix</sup> Fitra Foundation, “6a. The Divine Metric,” *YouTube Video*, published August 9, 2024, <https://www.youtube.com/watch?v=o7Tfw0eOc1o&t=772s>

<sup>xxx</sup> *Ibid.*

<sup>xxxix</sup> *Al-Mawsu‘ah al-Fiqhiyyah al-Kuwaitiyyah*. Vol. 1. Accessed January 2, 2025. <https://shamela.ws/book/11430/18143#p1>. See discussion on “Causes of judicial annulment” beginning on p. 57.

<sup>xxxii</sup> Abu Dawood, *Sunan Abu Dawood*, Kitab al-Kharaj. Ibn Majah, *Sunan Ibn Majah*, Kitab al-Ahkam. Reported by Abu Hurayra: The Messenger of Allah ﷺ said, “People share in three things: water, pasture, and fire.”  
"الناس شركاء في ثلاث: الماء والكلأ والنار"

<sup>xxxiii</sup> Ibn Majah, *Sunan Ibn Majah*, Kitab al-Taharah wa Sunanuha. Reported by: Abdullah ibn Amr ibn al-As. The Messenger of Allah ﷺ said, “Do not waste water, even if you perform your ablution on the banks of an abundantly flowing river.”  
"لا تسرف في الماء ولو كنت على نهر جار"

<sup>xxxiv</sup> A similar scenario is presented in *sura al-Mumtahanah* (60:10), where the verse addresses women who embraced Islam and migrated from Mecca to Medina. The ruling prohibits returning these women to their disbelieving husbands, as they are no longer lawful for them. When the fitri and sharia realities diverged, the sacred law intervened to realign the situation. The women were required to return the dowries received from their disbelieving husbands and could, if they chose, enter new marriages with Muslim men, who would provide them with new dowries. Ismail Ibn Kathir, *Tafsir al-Qur’an al-‘Azim*, trans. Safi-ur-Rahman al-Mubarakpuri (Riyadh: Darussalam, 2000).

<sup>xxxv</sup> Abdullah ibn Mahmoud ibn Mawdūd al-Mawṣilī al-Hanafī, *Al-Ikhtiyār li-Ta‘līl al-Mukhtār*, annotated by Mahmoud Abu Diqah, (Cairo: Al-Halabi Press, 1356 AH/1937 CE; reprinted by Dar al-Kutub al-‘Ilmiyyah, Beirut).

<sup>xxxvi</sup> *Ibid.*

<sup>xxxvii</sup> Fitra Foundation, *Hadith Commentary: Principles and Applications* (January 2023), PDF, <https://fitrafoundation.org/wp-content/uploads/2023/01/hadith-commentary.pdf>.

<sup>xxxviii</sup> Al-Bukhārī, Muḥammad ibn Ismā‘īl. *Ṣaḥīḥ al-Bukhārī*. Sulṭānīyah Edition. Printed at the Amīriyah Grand Press in Būlāq, Egypt, 1311 AH, under the order of Sultan ‘Abd al-Ḥamīd II. Reprinted with annotations by Muḥammad Zuhayr Nāṣir and first published in 1422 AH by Dār Ṭawq al-Najāh, Beirut. The Messenger of Allah ﷺ went out to the prayer place on the Day of Eid al-Adha or Eid al-Fitr. He passed by some women and said: “O women, give in charity, for I have seen that you form the majority of the inhabitants of Hell.” They asked, “Why is that, O Messenger of Allah?” He replied: “Because you curse frequently and are ungrateful to your husbands. I have not seen anyone more deficient in intellect and religion who can sway the mind of a resolute man than one of you.” They asked, “O Messenger of Allah, what is the deficiency in our intellect and religion?” He said: “Is it not true that the testimony of a woman is equal to half the testimony of a man?” They replied, “Yes.” He said: “This is the deficiency in her intellect. And is it not true that when she menstruates, she does not pray or fast?” They replied, “Yes.” He said: “This is the deficiency in her religion.”  
"...خَرَجَ رَسُولُ اللَّهِ ﷺ فِي أَصْحَىٰ أَوْ فِطْرٍ إِلَى الْمُصَلَّىٰ"

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<sup>xxxix</sup> Abdullah ibn Mahmūd ibn Mawdūd al-Mawṣilī al-Hanafī, *Al-Ikhtiyār li-Taʿlīl al-Mukhtār*, annotated by Mahmūd Abu Dīqah, (Cairo: Al-Halabi Press, 1356 AH/1937 CE; reprinted by Dar al-Kutub al-ʿIlmiyyah, Beirut).

<sup>xi</sup> Ḥabīb Abū Bakr al-Mashhūr (d. 2022) a prominent Yemeni Islamic scholar, author, and spiritual leader of the BāʿAlawī Sufi tradition, is renowned for his deep understanding of contemporary challenges. He pioneered the concept of *Fiqh at-Tahawwulāt* (The Jurisprudence of Transformations), offering an Islamic framework to address modern societal changes. Respected globally, he is celebrated for bridging classical Islamic teachings with the complexities of the modern age.

<sup>xli</sup> Fitra Foundation, “1. Sacred Hierarchy,” *YouTube Video*, published May 16, 2024, <https://www.youtube.com/watch?v=UyeXc8L5P5w>

<sup>xlii</sup> Imām al-Ghazālī, *Ayyuhā al-Walad* (The Treatise on Knowledge for the Young), trans. Muhammad Fuwad Abdul-Baqi (Beirut: Dar al-Mashriq, 1960)

<sup>xliii</sup> Iman Badawi, “The Hamlet Verdict,” Fitra Foundation, 2023, <https://fitrafoundation.org/3d-flip-book/hamlet-verdict/>

<sup>xliv</sup> World Bank, Climate Knowledge Portal, accessed January 3, 2025, <https://climateknowledgeportal.worldbank.org/>.

<sup>xlv</sup> Fitra Foundation, “5. The Prophetic Proxy,” *YouTube Video*, published August 9, 2024, <https://www.youtube.com/watch?v=o7Tfw0eOc1o&t=772s>

<sup>xlvi</sup> Tafsir al-Jalalayn explains that the Queen’s intention behind sending the gifts was to test Sulayman’s prophethood. Sulayman’s rejection of the gifts and his subsequent response demonstrated his commitment to divine guidance over worldly possessions. See Tafsir al-Jalalayn, commentary on Surat An-Naml, 27:35-36.

<sup>xlvii</sup> Fitra Foundation, “3. The Soul,” *YouTube Video*, 13 September 2024, <https://youtu.be/-yAPsPjgukI>



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