



## HIGHER OBJECTIVES OF ISLAM IN PUBLIC POLICY AND GOVERNANCE: ANALYSIS FROM FETHULLAH GÜLEN'S PERSPECTIVE

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**Abstract:** The Qur'ān and Sunnah often justify their rulings that reference the benefits to be achieved from them. Islamic rulings serve to achieve certain objectives and purposes, and it is duty of a Muslim jurist to determine these rulings in consideration of the conditions of his time. Recognizing the rulings in Islam are to achieve certain objectives and purposes contemporary scholar Fethullah Gülen focused on higher objectives of Islam (*maqāsid al-shariah*) to find solutions of Muslims in his time. In this essay, I tried to analyse higher objectives of Islam in relevance to governance, the state, democracy, public policy and the place of women in family and society. The essay aimed to provide the perspective of Gülen on these issues and analysed his effort in renaissance in the Islamic world.

**Keywords:** higher objectives of Islam; *maqāsid sharia*; Fethullah Gülen; Islamic governance; Islamic state; woman in Islam; public policy of Islam..

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### A. Introduction

Fethullah Gülen is a contemporary Muslim scholar who utilize his knowledge to raise educated religious generations. He emphasizes to dialogue and mutual respect amongst different cultures and religions to promote world peace and universal human values. He was named as one of Time Magazine's 100 most influential people in the world in 2013 and was also recognized as a scholar who preaches a message of tolerance in global scale. He has published more than 70 books of which many of them are translated into English and other languages.

Gülen emphasized on higher objectives of Islam (*maqāsid sharia*) from different perspectives to show their importance for modern Muslims. For him, Islam provides rulings that are most suitable for human nature and it can be understood better through *maqāsid al-sharia*. Thus, he proposes that in order to meet the needs of modern people, Muslims jurists are required to understand the general principles of Islam and its higher objectives. He believes that this aim can be achieved in two steps; first, all previous works that Muslim scholars have produced so far must be examined thoroughly from the perspective of *maqāsid sharia* regardless of which legal school they are affiliated with due to reasoning that every legal school has share in truth regarding its juristic opinions, and modern jurists should benefit from all. Second step; issuing fatwa or *ijtihād* should be done by a committee that consists of scholars who are experts in every Islamic discipline, as well as in social and modern sciences. Because, he argues that the problems that modernity has introduced are very complex and they cannot be answered by a single jurist, therefore Muslim jurists and scholars from different fields should address them collectively.<sup>1</sup>

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<sup>1</sup> Fethullah Gulen, *Fasildan Fasila*, (Istanbul: Nil Yayinlari, 2008), 1/288.

Gülen believes that the door of *ijtihād* is always open but there are some prerequisites to enter it.<sup>2</sup> *Ijtihād* is relate to Islamic Law and its basis is understanding the philosophy of rulings (*ahkām*) in Islamic Legislation. Many rulings were established gradually such as the prohibition of usury and alcohol in consideration of human nature and its education. Gülen argues that modern jurists do not have adequate knowledge about the history of Islamic Jurisprudence with regards to determining the effective causes (*tanqih al-manat*) for the rulings.<sup>3</sup> He believes that modern jurists should work hard regarding how early scholars extracted the rulings, what were their evidences and how they followed *maqāsid* in their *ijtibāds*. He maintains that the first duty that Muslims jurists should do is examining all the *ijtibāds* of early scholars regardless of which legal school they belonged. He also points out that the essentials of Islamic belief (*uṣūl al-dīn*) and their teaching methodology in the life of the Prophet should be scrutinized and then the same philosophy should be applied when teaching/implementing Islam in modern times.<sup>4</sup>

## B. Definition and Scope of Maqāsid al-Sharia

*Maqāsid al-Sharia* are the goals and objectives of Islamic Law. Although the goals and objectives of Islam are an important theme it is not examined by Muslim scholars adequately. According to this concept, religious rulings are established to provide benefits to human beings and protect them from harm. In order to perfect the conditions of human life on earth, God revealed the Qur'an to Prophet Muhammad to instruct Muslims regarding their individual, familial, social and governmental lives.

Ibn Ashur (d. 1973) holds that general objectives of the sharia are the deeper meanings and inner wisdom that God has placed in the sharia ordinances.<sup>5</sup> *Maqāsid al-sharia* is defined by Allal al-Fasi as the hidden meanings and wisdom that God considered in the enactment of all religious rulings.<sup>6</sup> Muhammad al-Zuhayli defined it as the ultimate goals, aims, consequences and meanings which the Sharia has upheld and established through its laws, and consistently seeks to realise, materialise and achieve them at all times and places.<sup>7</sup> Another definition of *maqāsid* is the goals for which the sharia has been promulgated in order to realise benefit for servants.<sup>8</sup>

For Gülen, *uṣūl al-dīn* (pillars of Islamic belief) is the highest objective in Islam and before establishing it in the minds of Muslims Islamic Law cannot be applied properly. Even the validity and acceptability of *ijtibāds* depends on the soundness and firmness of *uṣūl al-dīn* in the hearts of Muslims. If *uṣūl al-dīn* is not taught well any *ijtihād* would be baseless and subject to change according to the conditions of modern Muslims. Therefore, Gülen insists that there is strong relationship between *maqāsid al-sharia* and *uṣūl al-dīn* and the latter is the foundation of the former.

<sup>2</sup> Ismail Unal, *Fethullah Gulen'le Amerika'da Bir Ay*, (Istanbul: Nil Yayinlari, 2001), 125.

<sup>3</sup> Unal, *Fethullah Gulen'le Amerika'da Bir Ay*, 126.

<sup>4</sup> Unal, *Fethullah Gulen'le Amerika'da Bir Ay*, 126.

<sup>5</sup> Muhammad Tahir ibn Ashur, *Maqāsid al-Shari'a al-Islamiyah*, (Amman: al-Basair Li'l-Intaj al-Ilmi, 1998), 171.

<sup>6</sup> Allal al-Fasi, *Maqāsid al-shari'a al-Islamiyya wa Makarimuha*, (Casablanca: Maktaba al-Wahdat al-Arabiyya, n.d.), 3.

<sup>7</sup> Muhammad al-Zuhayli, *Maqāsid al-Shari'a: Asas li-Huquq al-Insan*, (Doha: Ministry of Awqaf and Islamic Affairs of Qatar, 2003), 70.

<sup>8</sup> Ahmad al-Raysuni, *Naẓariyyat al-Maqāsid 'ind al-Imam al-Shātibi*, (Imam al-Shātibi's Theory of the of the Higher Objectives and Intents of Islamic law) tr: Nancy Roberts (Herndon VA: International Institute of Islamic Thought, 2006), 19.

The ultimate goal and objective of Islamic Law is happiness of humankind in this world and the next. God wants to educate, train and maturate His servants by establishing principles, guidelines and objectives for them. The purpose of Islamic Law, especially in the spheres of devotional matters and moral teachings, is to train Muslims and make them beneficial to others.<sup>9</sup> Realisation of benefits for all human beings is the main theme in the notion of *maqāsid*. When examining the Qur'an one can see that it often justifies its rulings by explaining their rationale, purpose and benefits. For example;

O you who believe! When you rise up for the Prayer, (if you have no ablution) wash your faces and your hands up to (and including) the elbows, God does not will to impose any hardship upon you, but wills to purify you (of any kind of material and spiritual filth), and to complete His favour upon you, so that you may give thanks.<sup>10</sup>

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## CONTEXTUALIZATION OF PERSPECTIVE ISLAMIC MODERATION KH. ILYAS KALIPAING IN EDUCATIONAL INSTITUTION

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though devotional matters are done purely for the pleasure and contentment of God their benefits are solely for human beings. For example, the following verse indicates one of the benefits of prescribed daily prayers; “Establish the Prayer in conformity with its conditions. Surely, the Prayer restrains from all that is indecent and shameful, and all that is evil.”<sup>11</sup>

The Qur'an and Sunnah often explain the goals, benefits and rationale in their rulings so Muslim jurists can understand the mentality and follow the same criteria in their *ijtihāds*. In the area of commerce and *mu'āmalāt* (relations and transactions among human beings), the Qur'an forbids exploitation, usury, boarding and gambling to achieve the objective of fair dealing in the market-place.<sup>12</sup> According to the Qur'an, the purpose for establishing these rulings is to prevent harm from servants.

Islamic Law and its rulings can be studied under the three main categories; *daruriyyāt* (essentials), *hājīyyāt* (necessities) and *tahsiniyyāt* (the embellishments).<sup>13</sup> According to level of importance all Islamic rulings can be evaluated under one of these categories. If the rulings are related to the protection of religion, life, lineage, intellect and property they are considered in the category of *daruriyyāt* (essentials). The rulings that are established to complete and strength *daruriyyāt* can be considered in the category of *hājīyyāt* (necessities). The rest is related to *tahsiniyyāt*

<sup>9</sup> Wahba Zuhayli, *Nazariyyat al-Darurah al-Shar'iyyah*, (Beirut: Mussasat al-Risalah, 1985), 50.

<sup>10</sup> Qur'an 5: 6.

<sup>11</sup> Qur'an 29: 45.

<sup>12</sup> Mohammad Hashim Kamali, “The Objectives of Islamic Law,” *Islamic Studies*, 38(1999): 193-208.

<sup>13</sup> Abu Hamid Muhammad al-Ghazālī, *al-Muṣtaṣfā min 'Ilm Uṣūl*, (Cairo: al-Maktaba al-Tijariyya, 1937),

(the embellishments) which seeks to improve the conditions of human life to attain perfection for people at all levels.

Shātibī holds that religious obligations are established to protect the benefits of human beings.<sup>14</sup> Their level of importance determines a category (*daruriyyāt*, *hājīyyāt* and *taḥsiniyyāt*) which they belong. In Qur'anic revelation, God sent the verses gradually during 23 years. The most important themes were revealed during Makkan period. They were mostly belief system and essentials of religion. The rulings that pertained to the law came in the Medinan period. The Sunnah (the practice of Prophet Muhammad) followed the same philosophy when establishing the sharia. In this regard, Gülen gives an example to explain how Islamic legislation follows certain methodology and higher objectives. The Prophet Muhammad wanted to construct the Ka'ba on its original foundations when he conquered Makkah but he did not do it due to fear that the Quraysh would deny such act and leave Islam for this reason.<sup>15</sup> Gülen argues that the Prophet followed higher objectives (*maqāsid*) and aimed to achieve them first. He states that helping to the new Muslims to learn Islam and internalize it is a higher objective, and demolishing the Ka'ba and constructing it on its original foundation is a lesser objective.<sup>16</sup> The Prophet preferred the higher objective and acted accordingly.

Gülen believes that there is a strong relationship between the Qur'an and Sirah (biography of the Prophet) for the latter instructs Muslims how to understand the former.<sup>17</sup> Sirah is a source in Qur'anic exegesis, as the Prophet presented the best example with his words, deeds and tacit approvals with regards to understanding the Qur'an and applying it in the lives of Muslims.<sup>18</sup> Gülen points out that the events that took place during the life time of the Prophet contains some hints, allusions or clear messages for all cases that will happen until the end of times in spite they are specific and historical.<sup>19</sup> He believes that understanding the philosophy of Sirah is understanding the *maqāsid al-sharia* for all the objectives of Islam were actualized according to their level of importance in the life of the Prophet. Therefore, if modern jurists understand the philosophy of Sirah correctly and constitutes their *ijtihāds* on this basis in response to the problems of their time they will be able to provide solutions for all cases. However, he argues that in order to achieve this, modern scholars must read and analyse Sirah well and then connect it to their own time. Otherwise, Sirah will be nothing more than a bulk of stories from the life of the Prophet. Thus, Muslim jurists should read the conditions of their time and understand the level of Muslims, and not offer something that the society cannot accept.<sup>20</sup> In order to do this, Muslim scholars must know higher objectives in the sharia first and then do not jeopardise them for the lesser benefits.

Higher objectives can be protected in two steps; first, establishing the foundations of essential objectives strongly and actualizing their existence in real life and the second step is avoiding any cause that will prevent *daruriyyāt* or more likely will harm them.<sup>21</sup> For this reason, the Lawgiver made some exemptions (*rukhsah*) from initial rulings (*azīmah*) whenever their practise becomes difficult or creates hardship because of some external conditions. For example, a person

<sup>14</sup> Abu Ishāq Ibrahim al-Shātibī, *al-Muwafaqāt fi Uṣūl al-Sharia*, (Cairo: al-Maktaba al-Tijariyya, n.d.) 1/7.

<sup>15</sup> Bukhari, *Ṣaḥīḥ*, Hajj, 25.

<sup>16</sup> Gülen, *Fasildan Fasila*, 1/218.

<sup>17</sup> Fethullah Gülen, *Yenilenme Cehdi/Kırık Testi 12*, (Izmir: Nil Yayınları, 2012), 131.

<sup>18</sup> Gülen, *Yenilenme Cehdi*, 131.

<sup>19</sup> Gülen, *Yenilenme Cehdi*, 132.

<sup>20</sup> Gülen, *Fasildan Fasila*, 1/219.

<sup>21</sup> al-Shātibī, *al-Muwafaqāt*, 1/7.

who is about to die if he/she does not consume a prohibited food/drink is permitted consume it and there will be no sin upon him/her. Because, saving one's life is superior to observing a religious ruling.

*Hājīyyāt* (the necessities) is not an essential part of Islamic Law but it provides ease for Muslims therefore they are needed.<sup>22</sup> Muslims may experience some difficulties and hardship in its absence. However, the difficulty and hardship that is caused from the absence of *hājīyyāt* is not at the same level when essential objectives are missing. Gülen argues that if a person does not want to pray behind an imam who is not pious he should go another mosque but not cause *fitnah* (sedition, disunity and dispute) among people because protecting the unity of society is more important and it should not be sacrificed for a lesser benefit.<sup>23</sup> If achieving a smaller benefit is at the expense of losing a higher objective, then it should be avoided, for Islam aims to secure the greater benefits first.

The rulings in the category of *tahsinīyyāt* are related to good manners and morality.<sup>24</sup> With these regulations, a person achieves a noble character and protects himself from improper acts. Cleaning body and environment, wearing clean and nice dresses are considered in this category. Shātībī argues that each category from essentials, necessities and embellishments has completing elements. With completing rulings each category can be protected better and its benefits is secured more. According to this approach, *hājīyyāt* completes *darurīyyāt* and *tahsinīyyāt* completes *hājīyyāt*.

Gülen states that each religious ruling contains hundreds of wisdoms and a jurist should not restrict it to one.<sup>25</sup> Gülen holds that in order to protect Islam from personal and extreme interpretation the jurists must resort to higher objectives all the time and examine their opinions in their light. In this regard, Gülen gave a fatwa on *hijab* (head cover) that Muslim girls can continue on their university education if they are forced to uncover their head by secular system.<sup>26</sup> During those years, military power imposed their secular view and banned *hijab* in universities and governmental institutions. Their aim was to prevent religious people to complete their education. There were two options for practising Muslim girls in that time; uncovering their head and completing their education or dropping out from universities and going back to their homes. Recognizing the real threat for the future of Muslims, Gülen explained *hijab* according to the classification of *uṣūl* (essentials) and *furu'* (detailed rulings). He stated that the essentials of Islamic belief are *uṣūl* while its practical aspect is *furu'*.<sup>27</sup> He said that *hijab* is obligatory upon Muslims women and it was commanded by God in the twentieth years of the prophethood. Muslim women did not cover their head for twenty years during the beginning of Islam. It is not one of the matters of *uṣūl* and it is not true to see it more important than the matters of belief. He concluded that if a girl takes off the veil and completes her education to be beneficial for people by attaining a high status in governmental institutions no one can accuse her because of her choice.<sup>28</sup> Indeed, she would be rewarded for her sacrifice in the service of society. Gülen benefited from Shātībī greatly when he issued his opinion on this matter for Shātībī deems *hijab* in the category of *tahsinīyyāt* in spite it is a religious duty.

<sup>22</sup> al-Shātībī, *al-Muwafaqāt*, 2/9.

<sup>23</sup> Gülen, *Fasıldan Fasıla*, 1/283.

<sup>24</sup> al-Shātībī, *al-Muwafaqāt*, 2/10.

<sup>25</sup> Gülen, *Fasıldan Fasıla*, 1/283.

<sup>26</sup> Fethullah Gülen, *Prizma*, (Izmir: Nil Yayınları, 2008), 2/162

<sup>27</sup> Gülen, *Prizma*, 2/163.

<sup>28</sup> Gülen, *Prizma*, 2/164.

During the first three centuries of Islam, Muslim jurists who interpreted religious texts literally and did not try to understand the mentality behind the injunctions were not interested in *maqāsid al-sharia*. Starting with Imam Ghazālī (d. 1111) and then Shātibī *maqāsid al-sharia* received its due right and thereafter significant developments were made in this field.

Whilst the Zāhiri School of thought tend to limit the purpose of sharia to the obvious text, the majority of jurists seeks it in the text and rationale of the text.<sup>29</sup> Shātibī argues that jurists must adhere to obvious text but it should not be so rigid as to alienate the rationale and purpose of the text from its words and sentences.<sup>30</sup> Literalist approach limits the application of Islamic Law therefore it is contrary to the purpose of the sharia. He maintains that reading and interpreting the religious text with its objective and rationale in the light of *maqāsid al-sharia* is in greater harmony with the purpose of Shāri' (the Lawgiver).<sup>31</sup> Most of the rulings in the Qur'an and Sunnah are easily understood regarding their objectives, therefore whatever is necessary to fulfil a command or avoid a prohibition is also considered as part of such ruling.

### C. Induction (Istiqrā)

The most significant principle with regards to establishing higher objectives in Islam is the general reading of religious texts (the Qur'an and Sunnah) by way of induction. Induction is a reading method which collecting all the evidences regarding to a subject to obtain definite knowledge. There may be various piece of evidences which does not remove the possibility of error on a subject in regards to its ruling when taken individually, but their collective usage can give a decisive conclusion. For example, there is no specific evidence in the Qur'an that Islam is established for the benefit of people but it is a definitive conclusion which is induced from the collective readings of the Qur'anic verses.<sup>32</sup> Shātibī uses benefits in a broad sense which contain the benefits of this world and the next, as well as avoiding harm to servants in both worlds. He argues that although human intellect is capable to extract benefits it cannot detect all the benefits without the guidance of revelation.<sup>33</sup>

Achieving objectives of sharia through inductive method (istiqrā) have a higher order of importance than specific rulings. Therefore, a jurist must understand the spirit and meaning of Islam before attempting to extract religious rulings on the basis of a specific text. For this reason, in order to be a jurist (mujtahid) one must possess the knowledge of *maqāsid al-sharia*, otherwise he would easily fall into error in his ijtihāds.<sup>34</sup> For example, the sect of Kharijite announced Ali and Mu'āwiya as infidels when both accepted the offer of arbitrator to solve the conflict between them. When excommunicating them they used one Qur'anic verse while ignoring others and more importantly being oblivious of *maqāsid*. They had partial approach to the reading of the Qur'an and as a result, they failed to connect the relevant parts of the texts together and reached a wrong conclusion.

Gülen emphasizes to understanding the religion in its totality. He states that some people living in Islamic countries are not moderate Muslims with a balanced way of thinking and sufficient knowledge of their own sources. He argues that if one lacks of sound knowledge along with

<sup>29</sup> al-Shātibī, *al-Muwafaqāt*, 2/393.

<sup>30</sup> al-Shātibī, *al-Muwafaqāt*, 2/394.

<sup>31</sup> al-Shātibī, *al-Muwafaqāt*, 2/394.

<sup>32</sup> al-Shātibī, *al-Muwafaqāt*, 2/6.

<sup>33</sup> al-Shātibī, *al-Muwafaqāt*, 1/243.

<sup>34</sup> al-Shātibī, *al-Muwafaqāt*, 4/179.

bravery, the bravery can lead these ignorant people to such insanity and terrorist acts that it will not be possible to rectify the mistakes they make. He states that no period of Islam witnessed the like of today's atrocities, committed so-called in the name of religion by committing suicide attacks, resulting in mass murders of women, elderly, children, and all.<sup>35</sup> He severely condemns terrorist people who use vehicles loaded with bombs and kill innocent people in the name of Islam. For him, this is completely against the message of the Qur'an and the tradition of the Prophet and such events truly embarrasses and grieves Muslims.<sup>36</sup> Because, Islam aims to protect the right of religion, life, property, progeny, and intellect. In any terrorist activity, these essential rights are greatly harmed therefore Muslims must always act in compliance with the principles of Islam, no matter what the circumstances are and never forget that lawful ends must only be sought through lawful means.<sup>37</sup>

In order to know a ruling for a specific case a jurist must know the *sharia* in its entirety and read the detailed rulings in the light of *maqāsid*. Because, knowledge of the *maqāsid* is indispensable to *ijtihād* in all of its manifestations.<sup>38</sup> If a jurist does not know *maqāsid* he is out of the spirit and purpose of the sharia. Abu Ḥanīfa (d. 767) was criticised by literalist jurists and scholars of hadith with the argument that he gives priority to intellect over the words of hadith. However, on closer examination, one can notice that he understood the spirit and purpose of Islam better, and interpreted individual hadiths in the light of *maqāsid*. In order to obtain a ruling that is more in harmony with the objectives and purpose of the sharia Abu Ḥanīfa made juristic preference (*istiḥsān*) where a rigid adherence to analogy (*qiyās*) would impose hardship and difficulty upon Muslims.<sup>39</sup> Similar to this, Shātibī made distinction between the normal *'illah* (effective cause) that invokes a particular ruling in a given case and the *'illah* of *maqāsid* which can give better result at the end of *ijtihād*. He holds that mujtahids must know specific evidences but also be able to give judgment that is more in harmony with the objectives of the Islam.<sup>40</sup>

Shātibī evaluates benefits (*maslaḥah*) from two perspectives; first, their nature and existence in the world and second, how religious rulings are related to them.<sup>41</sup> According to the first perspective, not all the benefits are pure and free from the struggle of human beings. For example, the benefits for the maintenance of human life, the benefits that are related to carnal desires or intellect are mixed with hardship and difficulties, therefore human beings have to spend some effort to obtain them. Similarly, harms (*mafsadah*) are not pure and free from any benefit. Since there is no pure *maslaḥah* or pure *mafsadah*, the ruling is given according to predominant side in each object.<sup>42</sup> When evaluating benefits from the perspective of religious rulings, if a benefit is

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<sup>35</sup> Fethullah Gülen, "The Grave Consequence of Murders Committed under the Guise of Religion 2," last modified November 25 2013, <http://www.herkul.org/weekly-sermons/the-grave-consequence-of-murders-committed-under-the-guise-of-religion-2/>

<sup>36</sup> Fethullah Gülen, "The Grave Consequence of Murders Committed under the Guise of Religion 1," last modified November 18 2013, <http://www.herkul.org/weekly-sermons/the-grave-consequence-of-murders-committed-under-the-guise-of-religion-1/>

<sup>37</sup> Fethullah Gülen, "The Grave Consequence of Murders Committed under the Guise of Religion 1," last modified November 18 2013, <http://www.herkul.org/weekly-sermons/the-grave-consequence-of-murders-committed-under-the-guise-of-religion-1/>

<sup>38</sup> Muhammad Tahir ibn Ashur, *Maqāsid al-Sharī'a al-Islamiyah*, (Tunis: Matbaat al-Istiqama, 1966), 15.

<sup>39</sup> Recep Dogan, *Usul al-Fiqh Methodology of Islamic Jurisprudence*, (New Jersey: Tughra Books, 2014), 155.

<sup>40</sup> al-Shātibī, *al-Muwafaqāt*, 4/97.

<sup>41</sup> al-Shātibī, *al-Muwafaqāt*, 2/24.

<sup>42</sup> al-Shātibī, *al-Muwafaqāt*, 2/25.

more dominant than a harm in an object, it is the purpose of the Sharia to achieve it.<sup>43</sup> The Lawgiver established rulings to secure benefits and asked servants to achieve them through following the Sharia. Even if there is some hardship or harm in the way actualizing benefits the Lawgiver disregarded it for the sake of greater benefit in them. Similarly, if *mafsadah* (harms) side outweighs in an object it is prohibited even if servants can obtain some pleasure and benefit in it.

#### D. The Relationship between Individuals and the State

In contemporary systems of thought, scholars argue that individuals should be free from old traditions and make their own decisions. Modernity proposes that living life according to traditions, dogmas and illogical belief systems imprison human thought and intellect. As we already know, in the majority of cases, the group attitude in a certain community is deemed as the norm for all individuals and it is not possible to change it. Therefore, the established norms in a communal life determines the destiny of individuals. Gülen maintains that it is impossible to accept unrestricted individualism because humans are either both free with no acceptance of any moral values and rebellious with no moral criteria, or they are servants who are dependent on God and seriously obedient to His commands.<sup>44</sup> In this regard, general objectives of Islam plays pivotal role for Mujtahids to find the right answer for the problems of their time, via analysing the deeper meanings and inner wisdom that God has placed in Islamic ordinances.<sup>45</sup>

According to Gülen's mentality the education of individuals has priority to fixing society or the state. Because, if they are not ready to accept and actualize the rulings that the state proposes, any attempt to change society will fail. Gülen holds that Prophet Muhammad received the verses related to rulings in Medina and not Mecca, as the society was ready to implement these rulings at this time. For this reason, any jurist that wants to be successful in his *ijtihad* should know well the mentality and development of the sharia during the periods of Makkah and Medina. The gradual implication of Islamic rulings indicate that God took into consideration the human nature before commanding them any religious obligation. There is strong connection between gradual revelation and the notion of *maqāsid* at governance, therefore God considered it in the enactment of all religious rulings.<sup>46</sup>

Gülen argues that while Islam asks individuals to be free and independent from any power except for God, it also accepts individuals as members of a family, society and nation based on their needs.<sup>47</sup> For him, human being is a social, civilized being that needs to live together with other humans in a society, similar to an organism which has parts that are interrelated to one another. The notion of togetherness in Islam helps individuals to meet their needs and assists others in their personal and social development. Gülen emphasizes on this point for it is the point where Islam differs from those systems which claim absolute freedom for individuals. He believes that unrestricted individualism has emerged in the scene of human history under the tyranny of

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<sup>43</sup> al-Shātībī, *al-Muwafaqāt*, 2: 26.

<sup>44</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

<sup>45</sup> Muhammad Tahir ibn Ashur, *Maqāsid al-Shari'a al-Islamiyah*, (Amman: al-Basair Li'l-Intaj al-Ilmi, 1998), 171.

<sup>46</sup> Allal al-Fasi, *Maqāsid al-shari'a al-Islamiyya wa Makarimuba*, (Casablanca: Maktaba al-Wahdat al-Arabiyya, n.d.), 3.

<sup>47</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.



dictators or even social oppression, and many people lost their freedom and honour in the name of individuality.

### E. The Islamic Perspective of State

Islam is different than its interpretation by people in certain time according to their conditions and needs. More often people are confused with the opinions concerning the Islamic perspective of state and politics. Islam is a religion established by the Qur'an and the Sunnah of the Prophet, and interpreted by Muslims on the basis of objectives and purposes of Islam. Gülen holds that it is difficult to accept all of these interpretations, because they come up with controversial ideas in the name of Islam by using certain Qur'anic verses or hadiths that are in line with their personal understanding or can be interpreted in such way. For example, if the interpretation of Islam in the field of administration and politics is not comprehensive, then the state understanding would be deficient or contrary to Islamic teachings.

. In this regard, Gülen states that Islam does not allow any person to put his or her own thoughts, ideas, fantasies or desires at the level of guidance for people, and does not allow them to say "this is the religion," but rather considers such attempts as being misguided.<sup>48</sup> He argues that if the thoughts proposed in the name of religion are not originating from the Qur'an and Sunnah, then it will result in a crisis of legitimacy. At this point, he deems the consensus of early Muslims as guidance for contemporary scholars because modern jurists do not have adequate knowledge in the history of Islamic Jurisprudence in regards to determining the effective causes (*tanqih al-manat*) for the rulings.<sup>49</sup>

The question "what is the Islamic understanding of state?" is related to who is the absolute ruler. Gülen states that in Islam, rule and sovereignty belong to God alone. He bases his argument with Qur'anic verses such as; "Female and male believers, when God and His Messenger made a decision, they have no other choice anymore."<sup>50</sup> Gülen believes that rule does not belong to holy and infallible spiritual leaders, as in theocracies, nor to any religious institutions under their supervision, nor to any other religious institution organized in any other way.<sup>51</sup> Islam established universal rulings to secure the benefits of servants and prevent them from harm,<sup>52</sup> therefore the state understanding should be shaped on the basis of notion of *maqāsid*.

God says; "the noblest of you in the sight of God is the one who is the most righteous"<sup>53</sup> and by this, the Lawgiver does not allow any privilege based on family, class, race etc., instead He established the principle of justice and righteousness as a criterion. Gülen states that in Islam, ruling means a mutual contract between the ruler and the subject, and it takes its legitimacy from the rule of law, and from the principle of the superiority of the law.<sup>54</sup> Therefore, the understanding of Islamic State is not absolute monarchy nor classical democracy as known in the West; neither dictatorship, nor totalitarianism. God is the Lawgiver and Islamic Law in real sense belongs to

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<sup>48</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

<sup>49</sup> Ünal, *Fethullah Gülen'le Amerika'da Bir Ay*, 126.

<sup>50</sup> Qur'an 33: 36.

<sup>51</sup> Fethullah Gülen, *Essays Perspectives Opinions* (New Jersey: Light, 2006) p. 121.

<sup>52</sup> Mohammad Hashim Kamali, *The Objectives of Islamic Law*, *Islamic Studies*, Vol. 38, No. 2 (Summer 1999), pp. 193-208.

<sup>53</sup> Qur'an 49: 13.

<sup>54</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

Him therefore it is above any human being whether they are ruler or public. The sharia cannot be changed (its essentials) and usurped; rather it is applied as it was applied by Prophet Muhammad. Any type of tyranny is against Islam for the sharia does not approve any kind of dictatorship. In the notion of state, the ruler and public are equal in regards to obeying the law. Religious obligations are established to protect the benefits of human beings<sup>55</sup> and cannot be violated for they are under the protection of the Lawgiver (God).

In order to protect the essentials (*ḍaruriyyāt*), necessities (*ḥājīyyāt*) and embellishments (*taḥsīniyyāt*)<sup>56</sup> in the sharia the legislative and executive institutions are allowed to make laws. Without *ijtihād* and making new laws it is impossible to meet the needs of society and serve for their welfare. Having this responsibility in mind, Muslim jurists have developed laws in many areas such as economy, politics, domestic issues and international affairs. Gülen holds that community members are required to obey the law as long as it is derived from the *maqāsid al-sharia* and is not against the Islamic principles. He states that the understanding of Islamic law should be free from ethnic prejudice and aim to promote the development of human rights, political participation, protection of minority rights, and the participation of individuals and society in decision-making institutions.<sup>57</sup> Freedom of expression of thought should be provided so everybody expresses themselves without fearing the consequences of their speech.

The essential objectives can be protected in two steps; establishing the foundations of main objectives strongly and actualizing their existence in real life, and avoiding any cause that will harm them.<sup>58</sup> If a state does an act that the society will deny it, then the state does not know the notion of *maqāsid*. Gülen maintains that the jurists should read the conditions of their time and understand the level of Muslims, and not offer something that the society cannot accept.<sup>59</sup> For example, the Prophet Muhammad wanted to construct the Ka'ba on its original foundations but did not do it due to fear that the Quraysh would deny such act and leave Islam for this reason.<sup>60</sup>

According to the notion of *maqāsid*, members of minority communities should be allowed to practise their beliefs. Indeed, protecting the rights of minority groups is among the universal values. Islamic teachings are in harmony with universal values therefore it does not oppose any ruling system that aims to achieve them. He suggests that the rights of minority groups should be protected by international law and Muslims should not hesitate to take part in these international agreements. The state should give the opportunity to its citizens to practice their religion without any discrimination. It should also support them in their learning and practice. This approach is not against Islamic teachings. At this point, Gülen suggest that executive institutions should review their law if it protects human rights enough. He also suggests that in order to make such ideal laws, lawmakers should reform, renew, and organize the system according to the universal norms of law.<sup>61</sup>

<sup>55</sup> Abu Isḥāq Ibrahim al-Shātībī, *al-Muwafaqāt fi Uṣūl al-Shari'a*, (Cairo: al-Maktaba al-Tijariyya, n.d.) 1/7.

<sup>56</sup> Abu Hamid Muhammad al-Ghazālī, *al-Muṣtaṣfā min 'Ilm Uṣūl*, (Cairo: al-Maktaba al-Tijariyya, 1937), 1/287.

<sup>57</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

<sup>58</sup> al-Shātībī, *al-Muwafaqāt*, 1/7.

<sup>59</sup> Gülen, *Fasildan Fasıla*, 1/219.

<sup>60</sup> Bukhari, *Saḥīḥ*, Hajj, 25.

<sup>61</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

Gülen opposes scholars who think that sharia rule would necessitate a state system based on religious rules. He argues that they display an attitude opposing the meaning of the sharia because this word, in certain way, is a synonym of religion (din). It is a religious way of life supported by the Qur'an and Sunnah. The statistics of a religious life supports Gülen's view since the principles that are related to the state administration are only 5% while the remaining 95% are related to the articles of faith, the pillars of Islam, and the moral principles of religion.

## F. Islam and Democracy

Gülen states that Islam is a divine religion while democracy is a form of government developed by human beings. He argues that democracy has many forms such as social, liberal, Christian and radical. Some scholars try to reconcile Islam and democracy, but evidently, they are different in important ways. Gülen maintains that Islam is both a religion and a political system, as it addresses all fields of life, including the individual, family, social, economical and political spheres.<sup>62</sup>

Islam and democracy are not opposite to each other as long as the values of later are universal and not opposite to Islamic principles. However, Islam does not offer any specific governmental system; rather it gives authority to human beings to develop their own systems on the basis of Qur'anic principles and the notion of *maqāsid al-sharia*. Gülen thinks that it would be much better to introduce Islam as a complement to democracy so the Muslim world can develop their own democracy which reconcile the relationship between the spiritual and material world in a balanced way. He also states that Islam would enrich democracy in answering the deep needs of humans.<sup>63</sup>

Gülen opposes those scholars who claim that Islam and democracy cannot be reconciled because the former is based on the rule of God, while the latter is based on the view of humans. On the contrary, he argues that sovereignty and rulership is entrusted to humans by God for they are vicegerents of God on earth. Therefore, sovereignty belongs to the nation rather than individual oppressors and dictators.<sup>64</sup> He states that Muslims witnessed the application of this norm of democracy during time of Rightly-Guided Caliphs.<sup>65</sup>

There is no doubt that God is the sovereign of everything in the universe, but He gave free will to human beings so they can make free chooses in their personal, social and political lives. Lawmakers and executives can be chosen with different methods for there is not only way to choose them. Gülen believes that democracy is not an immutable form of governing system for humanity may find a better system which addresses their physical and spiritual aspects in more comprehensive way.

There are many concepts in the Qur'an and practises of Prophet Muhammad that help Muslims to develop their own governing system. For example, the Qur'anic terms "*ulu al-amr*" (those are invested with authority), obedience to the rulers, consultation, the affairs of war and peace can be inspiring for Muslim rulers with regards to their political and legal decisions. However, Gülen argues that in Islam it is not possible to limit the concept of governance and politics into a single paradigm. There have been many types of states in the Islamic world since

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<sup>62</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

<sup>63</sup> Fethullah Gülen, *Toward a Global Civilization of Love and Tolerance*, (New Jersey: Light, 2006), pp. 219-224.

<sup>64</sup> Fethullah Gülen, *Essays Perspectives Opinions*, p. 121.

<sup>65</sup> Gülen, *Toward a Global Civilization of Love and Tolerance*, pp. 219-224.

the time of the Prophet due to methodological differences on governance. These differences indicate that God left great area for Muslims with regards to interpretation of religion and its appliance.

Gülen states that the Qur'an and Sunnah hint at some wisdom, betterment and benefits through their brief ending statements such as the verses on justice, respect for rights, truthfulness, being compassionate and merciful, carrying out actions based on consultation, living a chaste life, and not deceiving anyone.<sup>66</sup> If they are read carefully and correctly mujtahids will discover some hints about how to solve their problems. However, if achieving a smaller benefit is at the expense of losing a higher objective, then it should be avoided, because, the sharia aims to secure the greater benefits first.<sup>67</sup>

According to Gülen, the Qur'an has addressed all people from Bedouins to civilized people, undeveloped communities to very developed nations considering their own understandings. Universality of the Qur'an and Sunnah should be investigated in its general principles, higher objectives and main purposes. These principles and *maqāsid* have been interpreted in various ways in accordance with the conditions of time and the situations. Naturally, the methodology in their interpretation resulted in differences in the judicial and administrative institutions. Gülen opposes to scholars who think the problems of Islamic communities can be solved more easily through politics and governance. He argues that while some Qur'anic verses are related to politics, the structure of the state, and the forms of ruling it is not right to limit the Qur'anic message to politics and governance. The effects of ruling and administration in regulating communal relationships between individuals, families and societies is undeniable but they are in the secondary category according to Qur'anic principles. Due to his definition of the Qur'an, Gülen does not accept the understanding which reduces the Qur'an to the level of political discourse, political theories or forms of state. He believes that considering the Qur'an as an instrument of political discourse is a great insult to it for this approach is an obstacle that prevents people from its infinite guidance and wisdom. Although the Qur'an is not an instrument of political discourse, it provides *maqāsid* to inspire wise politicians to establish a just governance and prevent them from injustice.

### G. The Place of Women in Family and Society

One of the essentials of Islam (*ḍaruriyyāt*) is protecting lineage in a proper family environment. God established the institution of marriage to protect lineage as well as the mutual satisfaction of sexual desires through a lawful means.<sup>68</sup> Marriage is a serious commitment and a covenant between man and woman.<sup>69</sup> The Qur'an emphasizes on the principle of following what is good, and treating women kindly.<sup>70</sup> Men have more responsibility to protect and strength the ties of marriage. Divorce is last resort to solve the problems between the spouses when reconciliation becomes impossible.<sup>71</sup>

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<sup>66</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), The Muslim World, 95 (July 2005) pp. 447-467.

<sup>67</sup> Gülen, *Fasıldan Fasıla*, 1/283.

<sup>68</sup> Qur'an 16: 72.

<sup>69</sup> Qur'an 4: 20-21.

<sup>70</sup> Qur'an 4: 19.

<sup>71</sup> Qur'an 65: 1-2, 7.

Gülen states that protection of lineage cannot be provided through legal rulings if individuals do not possess strong faith and respect to each other.<sup>72</sup> For this reason, the Qur'an reminds spouses about their duties towards one another and emphasizes on the main principles of human morality. Respect between spouses is necessary for the continuation of humane and legal relations because marriage with a unique aspect of privacy can hardly be controlled by outsiders. Although the dispute between them can be referred to a judge or arbitrator, yet the most important thing is to prevent the problems from the very beginning. This is related to the personality, characters, and morality of spouses. Without faith of God it is very difficult to protect marriage life through various philosophical and legal orders. Therefore, instilling faith, moral values and mutual respect regarding their rights in the hearts of couples has priority and is higher object.

Islam addresses women and men equally.<sup>73</sup> Before Islam, women were considered as sexual objects for men but Islam elevated their position to the level that paradise lay under their feet. According to the Qur'an, Adam and Eve is created from the same substance,<sup>74</sup> thus men and women are equal.<sup>75</sup> Gülen holds that the difference between them is not ontological, and the Qur'anic verses that give the impression of the superiority of men over women are expressions with regard to certain capacities.<sup>76</sup> According to Qur'an, being from a certain gender is not reason of superiority or inferiority. Gülen argues that they are equals concerning their rights and responsibilities:

Woman is equal to man in the rights of freedom of religion, freedom of expression, freedom to live a decent life, and freedom of finance. Equality before the law, just treatment, marriage and founding a family life, personal life, privacy and protection are all among the rights of women. Her possessions, life and dignity are assured like that of men. Violation of any of these rights results in legal punishment.<sup>77</sup>

A woman is free and independent before the law and if any of her rights are violated, she can seek justice just as men can. Indeed, Islam gave some privileges to women which men do not have. Considering some qualities of women Islam exempted women from certain responsibilities such as military services and taking care of the financial obligations of a family. Gülen opposes to scholars who understand the superiority of men on the basis of a verse that states "when you cannot find two men to testify, find one trustworthy man and two women, for if one forgets the other, the other will remind her."<sup>78</sup> He argues that it is not acceptable to deduce any meaning from this verse to indicate the superiority of men over women in humanity, for which the value for the essential meaning and main theme in the verse is the realization of justice. For this reason, the testimony of some male Bedouins has been rejected when the matter is related to the rights and realization of justice. Gülen maintains that the issue of testimony in the Qur'an relates to oral testimony with regards to financial matters and loans. Otherwise, the testimony of women in writing is equal to men's testimony.

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<sup>72</sup> Gülen, *Essays*, p. 122.

<sup>73</sup> Qur'an 30: 21.

<sup>74</sup> Qur'an 2: 187.

<sup>75</sup> Gülen, *Essays*, p. 122.

<sup>76</sup> Qur'an 4: 32.

<sup>77</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), *The Muslim World*, 95 (July 2005) pp. 447-467.

<sup>78</sup> Qur'an 2: 282.

## H. Renaissance in the Islamic World

Before answering the possibility of renaissance in the Islamic world Gülen tries to find out its definition and if there is a consensus on it. He mentions different views on its definition such as a movement reviving the formal and spiritual values of ancient times or a movement on the political, judicial, and moral values of ancient times through focusing on classical writings in the field of thought and focusing on legendary mystics.<sup>79</sup> Gülen argues that it is not right to accept this notion as it is, and apply it in the Islamic world before checking it according to Islamic principles and the notion of *maqāsid*. The purpose and objectives (*maqāsid*) of the sharia can be understood from clear and definite texts as well as from the rationale of the text.<sup>80</sup> After establishing the notion of *maqāsid* any thought or idea can be examined with it. Reading and interpreting the religious text with its objective and rationale in the light of *maqāsid al-shari'a* is in greater harmony with the purpose of Shāri' (the Lawgiver).<sup>81</sup>

Gülen states that if the Renaissance was a revolt against the dominance of religious authorities under the leadership of philosophers such as Jules Michelet, and if it is understood as pro-freedom, it is critically and totally anti-religion under the format of individualism.<sup>82</sup> However, he accepts the notion of a renaissance in the sense that would consist of the rediscovery of lost human values and the rapprochement of humanity with universal human morals. He supports the idea of a renaissance that allows the questioning of dictatorship and the end of dictators, and working towards a democratic society.<sup>83</sup> It would be a praiseworthy act if Muslims read the book of the universe and discover the names, attributes and essential qualities of God that are manifested in the universe. Gülen appreciates a renaissance understanding that creates a strong desire in the hearts of Muslims for research, knowledge and the articulation of religion according to conditions of modern time.<sup>84</sup>

Gülen expressed his thoughts in many articles which he authored regarding revival of Muslims in reason, heart, spirit and mind. He is very hopeful that in near future Muslims would experience a renaissance that is compatible with the principles of the Qur'an and Sunnah as well as competitive with the modern world. However, he believes that today Islamic world lacks intellectuals who are aware of the time in which they live and able to interpret primary and secondary Islamic sources according to needs of contemporary Muslims.

Gülen argues that there are three essential elements of Islamic thought that abandoning any of these would affect Muslims negatively. These essentials can be summarised as follows:

- Interpreting the Islamic sciences and their sources in accordance with the understanding of our time (it was the case in the early period of Islam).
- Reading the holy Qur'an that is derived from God's attribute of Kalam as well as reading the book of the Universe and the laws found in nature which come from God's attributes of Qudra (power) and Irada (will).

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<sup>79</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), The Muslim World, 95 (July 2005) pp. 447-467.

<sup>80</sup> al-Shātībī, *al-Muwafaqāt*, 2/393.

<sup>81</sup> al-Shātībī, *al-Muwafaqāt*, 2/394.

<sup>82</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), The Muslim World, 95 (July 2005) pp. 447-467.

<sup>83</sup> Gülen, *Toward a Global Civilization of Love and Tolerance*, pp. 219-224.

<sup>84</sup> Fethullah Gülen, *The Statue of Our Souls*, (New Jersey: Light, 2009) pp. 91-97

- A balance between matter and the immaterial, body and spirit, this world and the hereafter, and the physical and metaphysical.

He argues that in a world where reason is abandoned, the heart is ignored, and the love for truth and longing for knowledge is extinguished, it is not possible to even speak of elite or intellectual humans.<sup>85</sup> As a result, Muslim World should educate its citizens and make them competitive with modern world before attempting to modernize its governmental institutions. The universities and other educational institutions should be competitive with modern world and encourage its students to interpret Islamic disciplines or other sciences according to conditions of their time.

## I. Conclusion

Primarily, the state and its policies should aim to achieve wealth of its citizens. If the regulations or rulings do not provide benefit to citizens and prevent them from harm, then they need be modified on the basis of *maqāsid*.

The education of individuals has priority to fixing society or the state. The state should provide the freedom of thought and expressions. The state should give equal rights to all citizens in regards to election or to be elected as ruler.

The State should modernize its governmental institutions according to modern world, because in order to provide better services to citizens it is necessary to benefit from the experiences of all humanity as long as they do not contradict essentials of Islam.

In Islamic thought, sovereignty belongs to God, but it is given to rulers as a trust. The law and rights are superior; therefore, everyone should be equal before law. Any practice or privileges that violate this notion is against the *maqāsid al-sharia*.

The state should know the philosophy of Sirah well regarding legislation and check its law or regulations in the light of Sirah. Because understanding the philosophy of Sirah is understanding the *maqāsid al-sharia* for all the objectives of Islam were actualized gradually according to their level of importance in the life of the Prophet.

The State should aim to provide benefits to its citizens through its legal injunctions but when doing this, it should not ignore their metaphysical needs. The state should take into account worldly and other worldly benefits of people together when legislating.

Islam established universal rulings to secure the benefits of servants and prevent them from harm, therefore the state understanding should be shaped on these principles.

When devising a law, the state should be aware of its citizens and know if they are ready to accept such legislation. The state should protect the rights of minority groups and provide justice to all citizens equally. The state should provide freedom of religion to all citizens and let minority groups practice their religion freely. The State should deem man and woman equal in regards to their rights in every sphere of life and prevent any approach that wants to discriminate.

Muslim World should do their own renaissance in regards rediscovering lost human values by reading the book of the Qur'an and the universe together. The universities and other educational institutions should be competitive with modern world and encourage their students to interpret Islamic disciplines as well as social sciences according to conditions of their time. The

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<sup>85</sup> An Interview with Fethullah Gülen, (Translated from Turkish by Zeki Saritoprak and Ali Ünal), The Muslim World, 95 (July 2005) pp. 447-467.

task of ijtihād should be done by groups which is composed of specialists in their fields with an utmost sense of responsibility to undertake it.

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