

Text, Authority, and Authoritarianism: Decolonizing Uṣūl al-Fiqh through the Integration of Khaled Abou El Fadl's Authoritative Hermeneutics into Islamic Legal Methodology

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Abstract

Contemporary studies of uṣūl al-fiqh continue to encounter epistemological challenges due to interpretive models that position the relationship between texts, interpreters, and religious authority in a hierarchical manner, potentially leading to authoritarian tendencies in Islamic legal reasoning. Khaled Abou El-Fadl's authoritative hermeneutics emerges as a critique of the monopoly of religious authority by proposing an interpretive framework that is dialogical, ethical, and accountable. However, the contribution of Abou El-Fadl's thought to reconstructing the methodology of uṣūl al-fiqh has not been systematically examined. This article aims to analyze the concept of authoritative hermeneutics and formulate its integration into the development of contemporary uṣūl al-fiqh. Employing a qualitative library-based approach with a descriptive-analytical method, this study examines Abou El-Fadl's works alongside classical and contemporary uṣūl al-fiqh literature through comparative-interpretative analysis. The findings reveal that authoritative hermeneutics contributes to four methodological dimensions of uṣūl al-fiqh. First, regarding Islamic legal rulings (ḥukm shar'ī), it distinguishes divine authority from human interpretation, positioning law as an ongoing interpretive process. Second, concerning legal sources and evidence (adillah), it strengthens textual verification mechanisms to prevent selective and ideological use of religious texts. Third, within legal reasoning methods (istinbāt), it expands interpretation by incorporating moral considerations, social contexts, and the ethical objectives of Islamic law. Fourth, regarding the qualification of mujtahid, Abou El-Fadl reformulates interpretive authority through five principles: honesty, diligence, self-restraint, comprehensiveness, and rationality. This article argues that authoritative hermeneutics does not replace the classical tradition of uṣūl al-fiqh but reconstructs its epistemological foundation toward a more inclusive, critical, and socially responsive Islamic legal methodology.

Keywords: *Authoritative Hermeneutics; Decolonizing of Uṣūl al-Fiqh; Khaled Abou El Fadl; Islamic Legal Methodology.*

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Introduction

The study of texts, authority, and authoritarian interpretation within the fields of *fiqh* and *uṣūl al-fiqh* is certainly not an entirely new issue. These problems have long been among the central concerns and discourses of Islamic thought since the classical and medieval periods. Discussions concerning texts, for instance, address fundamental questions such as: which texts are qualified to serve as sources of Islamic law? If these texts are the Qur'an and Hadith, how should their validity (authenticity) be examined? How should they be interpreted, apparent contradictions reconciled, and the distance between textual meanings and changing realities bridged? These themes constitute some of the core issues developed within *fiqh* and *uṣūl al-fiqh* (Islamic legal methodology) since the formative period of Islam in the second and third centuries AH. As argued by 'Abid Al-Jabiri, the paradigm of Islamic thought has largely been dominated by a text-oriented mode of reasoning, which he conceptualizes as "Bayānī reason."¹

Similarly, questions surrounding authority and authoritarianism have also occupied a significant position in Islamic legal discourse. These include questions such as: who possesses the qualifications to derive and formulate Islamic legal rulings (*ijtihād*)? What is the epistemological status of legal opinions produced through a mujtahid's reasoning? Are Muslims obligated to follow such interpretations? How should differences among legal schools (*madhāhib*) be addressed without falling into the two extremes of relativism on the one hand and exclusive truth claims on the other? These issues were examined, developed, and systematized by classical Muslim scholars until they became an established discourse, eventually forming standardized criteria and intellectual doctrines that became almost "unthinkable," particularly within the field of Islamic legal studies.²

Khaled Abou El-Fadl reintroduces the issues mentioned above, namely the problems of text, authority, and authoritarianism. Employing hermeneutics as an analytical framework, Khaled deconstructs established narratives concerning texts and authority, reveals the underlying problems that give rise to authoritarian practices, and proposes a new perspective that is more egalitarian and dynamic. Khaled illustrates this through the religious fatwas issued by the CRLO (Council for Scientific Research and Legal Opinions), an official institution in Saudi Arabia authorized to issue religious legal opinions, which he considers problematic when examined from a hermeneutical perspective. Among the legal fatwas that Khaled identifies as highly problematic are those concerning women, such as the prohibition against visiting a husband's grave, the ban on women driving cars, and the requirement for women to be accompanied by a male guardian (*mahram*). According to Khaled, the paradigmatic problem lies in the treatment of texts (the ways they are classified, positioned, and interpreted) and authority (the legitimacy to interpret), which subsequently produces authoritarian practices, not only within the CRLO or similar fatwa institutions but also within the broader tradition of Islamic legal studies.³ This intellectual proposal, according to Amin Abdullah, is both interesting and relatively novel, not merely because the hermeneutical approach itself remains controversial, but also because the form of hermeneutics developed by Khaled differs from those employed by other Muslim intellectuals such as Fazlur

¹ Muhammad Abid Al-Jabiri, *Bunyat al-Aql al-'Arabi: Dirasah Tablīyah li Nuzūm al-Ma'rifah fi as-Tsaqafah al-Arabiyyah* (Beirut: Markaz Dirasah al-Wihdah al-Arabiyyah, 1992).

² Mohammed Arkoun, "Menuju Pendekatan Baru Islam," *Ulumul Qur'an* 2, no. 7 (1990): 82–83.

³ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women* (Oxford: Oneworld Publications, 2003).

Rahman, Mohammed Arkoun, Hassan Hanafi, Mohammad Syahrur, Muhammad Sa'id al 'Ashmawi, and Nasr Hamid Abu Zayd.⁴

As an Islamic thinker with a broad scholarly reputation, Khaled Abou El Fadl's thought, particularly his concept of authoritative hermeneutics, has been widely examined. In general, studies on this subject can be classified into four main tendencies. First, there are studies that focus on exploring Khaled's ideas on authoritative hermeneutics and their contribution to Islamic legal thought. Khaled's ideas are considered capable of offering a new breakthrough in Islamic legal discourse, which has often been characterized as absolutist, stagnant, and rigid. This tendency can be found in the works of Mohammad Fadel,⁵ Clark B. Lombardi,⁶ Ahmad Badi',⁷ Syaddad,⁸ Mohammad Muslih,⁹ Kadi,¹⁰ Labib Muttaqin,¹¹ Burhanuddin,¹² Khabibi Muhammad Luthfi,¹³ Nur Kholis dan Qaem Aulassyahied.¹⁴ Second, there are studies that attempt to connect Khaled's works with feminist discourse. This is a field in which Khaled himself has made a significant contribution, particularly through his critique of misogynistic tendencies within Islamic tradition. Among the works representing this category are those by Kecia Ali,¹⁵ Muhammad Fauzinudin Faiz,¹⁶ Ihab

⁴ M. Amin Abdullah, "Pendekatan Hermeneutik dalam Studi Fatwa-Fatwa Keagamaan," dalam *Atas Nama Tuhan; Dari fikih otoriter ke fikih otoritatif* (Jakarta: Serambi, 2004), xvii; Muhammad Sofyan, "Konsep Hermeneutika Otoritatif Khaled Abou El-Fadl," *Kalam* 9, no. 2 (2017): 207–30, <https://doi.org/10.24042/klm.v9i2.337>.

⁵ Mohammad Fadel, "The True, the Good and the Holy," *Journal of Islamic Studies (Oxford)* 6, no. 1 (2002): 1–26, <https://doi.org/10.1093/jis/eti001>.

⁶ Clark B. Lombardi, "Islamic Law, Western Law and Contemporary Arab Thought," *The American Journal of Comparative Law* 52, no. 4 (2004): 835–54, <https://doi.org/10.1093/ajcl/52.4.835>.

⁷ Ahmad Badi', "Kritik Otoritarianisme Hukum Islam (Kajian Pemikiran Khaled M. Abou Al Fadl)," *Tribakti: Jurnal Pemikiran Keislaman* 27, no. 1 (Januari 2016): 84–112, <https://doi.org/10.33367/tribakti.v27i1.260>.

⁸ Irza Anwar Syaddad, "Negotiative Hermeneutics of Khaled Abou El Fadl: Truth Postponement and Negotiating The Meaning of Text in Speaking In God's Name," *Jurnal Ushuluddin* 28, no. 2 (Desember 2020): 140, <https://doi.org/10.24014/jush.v28i2.10189>.

⁹ Mohammad Muslih, "Book Review: Membongkar Logika Penafsir Agama," *Tsaqafah* 5, no. 2 (2009): 435, <https://doi.org/10.21111/tsaqafah.v5i2.135>.

¹⁰ Kadi, "Menjadi Wakil Tuhan (Memahami Pemikiran Khalid M. Abou El Fadl tentang Konsep Otoritas Penafsir Pesan Tuhan)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 7, no. 1 (2013): 1–16, <https://doi.org/10.19105/al-lhkam.v7i1.316>.

¹¹ Labib Muttaqin, "Positifisasi Hukum Islam Dan Formalisasi Syari'ah Ditinjau Dari Teori Otoritarianisme Khaled Abou El-Fadl," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 11, no. 1 (2016): 67–92, <https://doi.org/10.19105/al-lhkam.v11i1.859>.

¹² Burhanuddin, *Syari'at Islam Pandangan Muslim Liberal* (Jakarta: The Asia Fondation, 2003).

¹³ Khabibi Muhammad Luthfi, "Aktivasi Makna-Makna Teks Dengan Pendekatan Kontemporer: Epistemologi Hermeneutika Subjektif-Fiqhiyyah El-Fadl," *Jurnal Theologia* 28, no. 1 (September 2017): 207–30, <https://doi.org/10.21580/teo.2017.28.1.1195>.

¹⁴ Nur Kholis dan Qaem Aulassyahied, "Reconstruction of Sharia Understanding with the Humanistic Paradigm: Formulating Khaled Abou El Fadl's Idea of Sharia with the Norm Leveling Theory," *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies* 19, no. 2 (Desember 2023): 172–84, <https://doi.org/10.18196/afkaruna.v19i2.17814>.

¹⁵ Kecia Ali, *The Woman Question in Islamic Studies*, ed. oleh Fred Appel James Collier And (Princeton, NJ: Princeton University Press, 2024).

¹⁶ Muhammad Fauzinudin Faiz, Dawam Multazamy Rohmatulloh, dan Muhammad Solikhudin, "Challenging the Status Quo: Khaled M. Abou El Fadl's Perspectives on Islamic Legal Authority and the Restrictive Fatwa on Women's Solo Travel," *JIL: Journal of Islamic Law* 4, no. 1 (Februari 2023): 47–66, <https://doi.org/10.24260/jil.v4i1.1071>.

Habudin,¹⁷ and Lis Yulianti Syafrida Siregar.¹⁸ Third, several studies employ Khaled's thought as a critical framework for examining Islamic fundamentalist groups. In some of his works, Khaled strongly criticizes these groups for invoking God to justify their ideological preferences. Studies within this scope include the works of Robert Gleave,¹⁹ N. M. Adiong,²⁰ C. Wahyudi,²¹ Nasrullah,²² Muhammad Nur,²³ dan Parjiman.²⁴ Fourth, there are studies that utilize Khaled's authoritative hermeneutics as a methodological framework for analyzing Qur'anic verses, Hadith texts, or particular social phenomena. This approach can be found, for example, in the works of Akrimi Matswah,²⁵ Muhammad Sofyan,²⁶ Abid Rohmanu,²⁷ dan Yusriandi.²⁸

Compared to the aforementioned studies, this article employs a new perspective in analyzing Khaled Abou El Fadl's thought by attempting to integrate his authoritative hermeneutics with the discipline of *uṣūl al fiqh*. Based on the author's review of existing literature, only a limited number of studies, or perhaps none, have specifically connected Khaled's thought with traditional *uṣūl al fiqh* scholarship. One possible reason is that Khaled himself has not written specifically within this particular discipline and is more widely recognized as a scholar of Islamic law, human rights, and democracy. Therefore, this article further explores two main issues: first, Khaled Abou El Fadl's concept of authoritative hermeneutics and its position within the broader development of modern hermeneutical thought; and second, the potential contribution of this concept to enriching contemporary discourse in *uṣūl al fiqh* studies.

Method

This study employs a qualitative approach based on library research using a descriptive interpretative analysis method.²⁹ This method was selected because the study does not merely

¹⁷ Ihab Habudin, "Konstruksi Gagasan Feminisme Islam Khaled M. Abou El-Fadl Relevansinya Dengan Posisi Perempuan Dalam Keluarga to reconstruct Muslim "s understanding position of women inferiority and tries to," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 5, no. 2 (2012): 1–30.

¹⁸ Lis Yulianti Syafrida Siregar, "Konstruksi Hermeneutika Dalam Studi Islam Tentang Hadis-Hadis Misoginis (Studi Pemikiran Khaled Abou El Fadl)," *TAZKIR: Jurnal Penelitian Ilmu-ilmu Sosial dan Keislaman* 2, no. 2 (Desember 2016): 123, <https://doi.org/10.24952/tazkir.v2i2.514>.

¹⁹ Robert Gleave, "Speaking in God's Name: Islamic Law, Authority and Women," *Bulletin of the School of Oriental and African Studies* 66, no. 2 (2003): 247–51, <https://doi.org/10.1017/S0041977X0323015X>.

²⁰ Nassef Manabilang Adiong, "Book Review on Khaled Abou El Fadl's the Great Theft: Wrestling Islam from the Extremists," *SSRN Electronic Journal*, advance online publication, 2008, <https://doi.org/10.2139/ssrn.1936379>.

²¹ Chafid Wahyudi, "Tipologi Islam Moderat dan Puritan: Pemikiran Khaled M. Abou el-Fadl," *Teosofi: Jurnal Tasawuf dan Pemikiran Islam* 1, no. 1 (Oktober 2015): 75, <https://doi.org/10.15642/teosofi.2011.1.1.75-92>.

²² Nasrullah Nasrullah, "Hermeneutika Otoritatif Khaled M. Abou El Fadl: Metode Kritik Atas Penafsiran Otoritarianisme Dalam Pemikiran Islam," *HUNAF: Jurnal Studia Islamika* 5, no. 2 (2008): 137, <https://doi.org/10.24239/jsi.v5i2.160.137-150>.

²³ Muhammad Nur, "Problem Terminologi Moderat Dan Puritan Dalam Pemikiran Khaled Abou El-Fadl," *Kalimah* 11, no. 1 (2012): 84, <https://doi.org/10.21111/klm.v11i1.485>.

²⁴ Parjiman Lathif, "Khaled Aboe el-Fadl: Against Authoritarianism Teachers Talk to God," *IJISH (International Journal of Islamic Studies and Humanities)* 2, no. 1 (2019): 22–31, <https://doi.org/10.26555/ijish.v2i1.1048>.

²⁵ Akrimi Matswah, "Hermeneutika Negosiatif Khaled M. Abou El Fadl Terhadap Hadis Nabi," *Addin* 7, no. 2 (2013): 249–72.

²⁶ Sofyan, "Konsep Hermeneutika Otoritatif Khaled Abou El-Fadl."

²⁷ Abid Rohmanu, *Konsepsi Jihad Khaled M. Abou El Fadl dalam Perspektif Relasi Fikih, Akhlak dan Tauhid*, Disertasi (Surabaya, 2010).

²⁸ Yusriandi, "Hermeneutika Hadis Khaled Abou El-Fadl," dalam *Hermeneutika al-Qur'an dan Hadis*, ed. oleh Sahiron Syamsuddin (Yogyakarta: el-SAQ Press, 2010).

²⁹ Barry Glassner dan Jay Corzine, "Library research as fieldwork: A strategy for qualitative content analysis," *Sociology & Social Research* 66, no. 3 (1982): 305–19; Miza Nina Adlini dkk., "Metode Penelitian Kualitatif Studi Pustaka," *Edumaspul: Jurnal Pendidikan* 6, no. 1 (Maret 2022): 1, <https://doi.org/10.33487/edumaspul.v6i1.3394>.

describe Khaled Abou El Fadl's concept of authoritative hermeneutics but also critically examines its possible integration with the epistemology and methodology of *uṣūl al fiqh*. Descriptive interpretative analysis is used to identify the structure of thought, epistemological assumptions, and relevance of this concept for the development of contemporary Islamic legal studies.

The research data were collected through an examination of 20 academic documents divided into two main categories. The first category consists of five primary works by Khaled Abou El Fadl that represent his ideas on texts, authority, hermeneutics, and Islamic law, particularly *Speaking in God's Name: Islamic Law, Authority and Women*, *And God Knows the Soldiers*, *The Great Theft*, *Reasoning with God*, and *The Search for Beauty in Islam*.³⁰ The second category consists of fifteen classical and contemporary *uṣūl al fiqh* works selected through purposive sampling based on three criteria: historical representation, scholarly influence, and relevance to discussions of legal sources, methods of legal reasoning, and the theory of *ijtihād*. These sources include classical works such as *Al Risālah* by Al Shāfiʿī, *Al Mustasfā* by Al Ghazālī, *Al Ihkām fī Uṣūl al Ahkām* by Al Āmidī, as well as contemporary works representing the development of modern Islamic legal methodology.³¹

The data analysis was conducted through three stages. The first stage was data reduction, involving the selection and extraction of textual materials directly related to three main categories: the concept of text, the construction of authority, and mechanisms of legal interpretation.³² Materials that did not directly contribute to the discussion of the integration between authoritative hermeneutics and *uṣūl al fiqh* were excluded. The second stage was thematic categorization, in which the selected data were organized according to four major domains of *uṣūl al fiqh*: *ḥukm sharʿī* (legal rulings), *adillah al ahkām* (legal sources and evidence), methods of *istinbāṭ* (legal derivation), and the qualifications of the *mujtahid*. The third stage involved comparative interpretative analysis by examining the epistemological structure of Khaled's authoritative hermeneutics in relation to the methodological framework of *uṣūl al fiqh* in order to identify points of convergence, differences, and possibilities for methodological development. Through these analytical stages, this study does not position authoritative hermeneutics as a replacement for the classical tradition of *uṣūl al fiqh*, but rather as an epistemological critique to reinterpret the relationship between text, interpreter, and legal authority. The final analysis aims to formulate a conceptual integration as a methodological breakthrough in developing a more dialogical, reflective, and responsive model of *uṣūl al fiqh* within contemporary Islamic scholarship.

Result and Discussion

Khaled Abou El Fadl: Biography and Works

Khaled Abou El Fadl is one of the most prominent contemporary Islamic thinkers, particularly in the field of Islamic legal studies. Nevertheless, he is also widely recognized as a prolific author whose works address a broad range of issues, including morality, gender, and human

³⁰ Marilyn Annells, "Triangulation of Qualitative Approaches: Hermeneutical Phenomenology and Grounded Theory," *Journal of Advanced Nursing* 56, no. 1 (2006): 55–61, <https://doi.org/10.1111/j.1365-2648.2006.03979.x>.

³¹ Untung Khoiruddin, "Insider/Outsider Perspective In Religions And Islamic Studies," *Tribakti: Jurnal Pemikiran Keislaman* 24, no. 2 (Juli 2013), <https://doi.org/10.33367/tribakti.v24i2.175>; Ali Imron dan Mubaidi Sulaeman, "Kim Knott's Methodological Rapprochement: From Complete Participant to Complete Observer in Islamic Studies," *FALASIFA: Jurnal Studi Keislaman* 17, no. 01 (April 2026): 33–47, <https://doi.org/10.62097/falasifa.v17i01.2901>.

³² Douglas Ezzy, *Qualitative Analysis* (London: Routledge, 2013), <https://doi.org/10.4324/9781315015484>.

rights. Among his most influential works, which serves as an intellectual milestone in Khaled's contribution to Islamic thought; especially regarding his concept of authoritative hermeneutics; is *Speaking in God's Name: Islamic Law, Authority and Women*, published in 2001.³³ The concept of authoritative hermeneutics was subsequently developed further in several of his other books and articles, including *Islam and the Challenge of Democracy* (2004);³⁴ *The Great Theft: Wrestling Islam from the Extremists* (2005);³⁵ *The Centrality of Shari'ah to Government and Constitutionalism in Islam* (2012);³⁶ and *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (2014).³⁷ Khaled's thought has since been widely examined and discussed both internationally and in Indonesia through books, academic journals, dissertations, theses, undergraduate research, and scholarly forums. Many of his other works have also been translated into Indonesian, including *Melawan Tentara Tuhan* (Serambi, 2003); *Atas Nama Tuhan: Dari Fiqih Otoriter ke Fiqih Otoritatif* (Serambi, 2003); *Musyawarah Buku* (Serambi, 2002); *Selamatkan Islam dari Muslim Puritan* (Serambi, 2006); *Cita dan Fakta Toleransi Islam: Puritanisme versus Pluralisme* ('Arsy-Mizan, 2003); and *Islam dan Tantangan Demokrasi* (Ufuk Press, 2004).³⁸

Currently, Khaled serves as a professor and distinguished scholar of Islamic Law at the *UCLA School of Law* in the United States, where he teaches courses on Islamic Law, Human Rights Law, Immigration Law, and National Security Law. In addition to UCLA, Khaled has also taught Islamic law at the University of Texas and Yale University. Beyond his active teaching career at several prestigious universities around the world, he has dedicated himself to advocacy and the defense of human rights, immigrant rights, and has led a human rights organization in the United States. From 2003 to 2005, Khaled was appointed by George Walker Bush, the President of the United States, as a member of the United States Commission on International Religious Freedom. In addition, Khaled has frequently been invited as a guest speaker on various radio and television programs, including CNN; NBC; PBS; NPR; and VOA.

Khaled Abou El Fadl was born in Kuwait in 1963. His father was Medhat Abou El Fadl, and his mother was Afaf El-Nimr. Like many Arab societies in general, Khaled was introduced to Islamic sciences from an early age. He became familiar with the Qur'an; Hadith; Arabic language; Qur'anic exegesis (*tafsir*); and Sufism (*tasawwuf*) since his primary education. During his youth, he was known as an intelligent child. At the age of twelve, he had memorized the entire Qur'an. During his childhood, in addition to actively attending Qur'an and Shari'ah classes at a local mosque in his area, al-Azhar, he also studied his parents' entire collection of books, as they were professional lawyers.

In his youth, Khaled was an activist in the Wahhabi movement, which represented the dominant religious school of thought in Kuwait. However, he later decided to settle in Egypt after becoming aware of the contradictions and serious problems within the ideological construction of Wahhabi thought. Khaled earned his B.A. (Bachelor of Arts) degree from Yale University, United States, in 1986. He then continued his studies at the University of Pennsylvania and completed

³³ Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

³⁴ Khaled Abou El Fadl, *Islam and the Challenge of Democracy*, ed. oleh Joshua Cohen and Deborah Chasman (Princeton, NJ: Princeton University Press, 2004).

³⁵ Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (San Francisco: HarperSanFrancisco, 2005).

³⁶ El Fadl Khaled Abou, "The Centrality of Shari'ah to Government and Constitutionalism in Islam," dalam *Constitutionalism in Islamic Countries: Between Upheaval and Continuity*, vol. 1, ed. oleh Rainer Grote and Tilmann J. Röder (Oxford: Oxford University Press, 2012), 35–62, <https://doi.org/10.1093/acprof:osobl/9780199759880.003.0003>.

³⁷ Khaled Abou El Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Lanham: Rowman & Littlefield, 2014).

³⁸ Nur, "Problem Terminologi Moderat Dan Puritan Dalam Pemikiran Khaled Abou El-Fadl."

them in 1989. In 1999, he pursued further studies at Princeton University, specializing in Islamic Studies, while at the same time undertaking legal studies at the University of California, Los Angeles (UCLA).

Among Khaled's works are: 1) *The Search for Beauty in Islam: A Conference of the Books* (Lanham, MD: Rowman & Littlefield, 2006); 2) *The Great Theft: Wrestling Islam from the Extremists* (San Francisco, CA: Harper San Francisco, 2005); 3) *Islam and the Challenge of Democracy* (Princeton University Press, 2004); 4) *The Place of Tolerance in Islam* (Cambridge University, 2001); 5) *Rebellion and Violence in Islamic Law* (Cambridge University, 2001); 6) *Speaking in God's Name: Islamic Law, Authority, and Women* (Oneworld Publications, 2001); 7) *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourse* (2001); 8) *The Authoritative and Authoritarian in Islamic Discourse: A Contemporary Case Study* (Washington: Al-Saadawi Publisher, 2002); and 9) *Reasoning with God: Reclaiming Shari'ah in the Modern Age* (Lanham: Rowman & Littlefield, 2014).³⁹

In line with contemporary Muslim thinkers such as Nashr Hamid Abu Zaid⁴⁰; Hassan Hanafi⁴¹; Abdullah Saeed⁴²; Mohammed Arkoun⁴³; Mohammed Abed al-Jabiri⁴⁴; and Ali Ahmad Said (Adonis),⁴⁵ Khaled appreciates hermeneutics as a new interpretive instrument for the recontextualization of Islamic doctrines. These thinkers emphasize the necessity of reconstructing Islamic teachings that have become rigidly institutionalized within various forms of orthodoxy into a more progressive and dynamic "Islamic reasoning."⁴⁶ Therefore, a new methodological framework originating from outside the classical Islamic tradition, such as hermeneutics, is required and subsequently integrated into Islamic scholarship.

However, unlike the aforementioned Muslim thinkers; whether in terms of methodology, paradigmatic foundations, scope of inquiry, or appreciation of tradition; Khaled critically examines the existence of power relations within the production of Islamic legal thought that transform it into an authoritarian discourse. This phenomenon, which has developed from the classical period to the contemporary era, has contributed to making Islamic legal thought stagnant, arbitrary, misogynistic, and absolutist.⁴⁷ Therefore, a process of deconstruction is required at the methodological level, particularly concerning the authority and competence of interpreters, the position of the text, and the orientation toward public benefit (*maṣlaḥah*). This is what distinguishes Khaled from Nashr Hamid Abu Zaid and Abdullah Saeed, whose intellectual projects primarily focus on the Qur'anic text; Hassan Hanafi, who concentrates on philosophy and Islamic theology

³⁹ Angus M. Slater, *Khaled Abou El Fadl's Methodology of Reform*, 10 September 2016, <https://doi.org/10.1163/22124810-00403003>.

⁴⁰ Nasr Hamid Abu-Zaid, "Den Koran neu denken: für eine humanistische Hermeneutik," *Streit um den Koran*, 2007, 171.

⁴¹ Hassan Hanafi, *Method of Thematic Interpretation of the Qur'an* (Brill, 1996), https://doi.org/10.1163/9789004452169_014.

⁴² Abdullah Saeed, *Reading the Qur'an in the Twenty-First Century: A Contextualist Approach* (Taylor & Francis, 2014), <https://doi.org/10.4324/9781315870922>.

⁴³ Mohammed Arkoun dan Robert D. Lee, *Rethinking Islam: Common Questions, Uncommon Answers* (Routledge, 2019).

⁴⁴ Al-Jabiri, *Bunyat al-Aql al-'Arabi: Dirasah Tablilyah li Nuzum al-Ma'rifah fi as-Tsaqafah al-Arabiyyah*.

⁴⁵ Adonis, "Dans la société arabe," *Sociologie, Lignes* 36, no. 3 (2011): 133–35, <https://doi.org/10.3917/lignes.036.0133>.

⁴⁶ Ansori Ansori, "The Hermeneutics of Khaled M. Abou El-Fadl and Its Relevance With Religious Moderation In Indonesia," *Khazanah: Jurnal Studi Islam Dan Humaniora* 20, no. 2 (Desember 2022): 263–78, <https://doi.org/10.18592/khazanah.v20i2.7462>.

⁴⁷ Faiz, Rohmatulloh, dan Solikhudin, "Challenging the Status Quo: Khaled M. Abou El Fadl's Perspectives on Islamic Legal Authority and the Restrictive Fatwa on Women's Solo Travel."

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(*kalām*); as well as Mohammed Arkoun; Mohammed Abed al-Jabiri; and Ali Ahmad Said (Adonis), who extensively examine the formation of "Islamic reasoning."

Authority, Text, and Authoritarianism

To enter the discussion of these three key concepts, Khaled begins with an interesting rhetorical illustration. He refers to Qur'an Surah al-Muddaththir verse 31; *wa mā ya'lamu junūda rabbika illā huwa* ("None knows the soldiers of your Lord except Him"); and then describes the complex hermeneutical problem it presents. According to him, this verse contains a high degree of ambiguity. Who exactly are the "soldiers of God" referred to in this verse? What is the rationale behind the statement that only God knows them, and yet why is such a statement revealed? Does it mean that God possesses knowledge that human beings do not have? Or does it imply that readers should not attempt to identify who His soldiers are, or that no one should claim themselves to be the soldiers of God?⁴⁸

According to Khaled, this verse allows several possible interpretations. The first possibility is that the verse functions as a *mathal* (symbol or parable), as commonly understood within Sufi traditions, and at the end of the verse it is stated that this message serves as a reminder for humankind; although this raises a further question of whether human beings can truly be reminded through an esoteric reality that they themselves do not understand. The second possibility is that the verse cannot be interpreted because it merely represents an affirmation of God's absolute authority and the inability of human beings to comprehend such knowledge. What is required from believers is faith in that reality. The third possibility is that knowledge concerning the soldiers of God does exist, but only God possesses complete and certain knowledge of it. Human beings may conduct inquiries and interpretations; however, such knowledge can never be fully confirmed or entirely grasped.⁴⁹

This leads to an understanding that the meaning of a text is complex; it can be closed or open, absolute or relative, depending on the interpretive process involved. According to Khaled, it is essential to recognize from the outset that authoritarianism in interpretation is an arbitrary practice that must be rejected. Authoritarianism occurs when a reader "locks" God's will, or the will of the text, into a particular static determination and presents that interpretation as something certain, absolute, and definitive. It is as if the reader declares; "I know what the Author intends, and I know what the text desires. My knowledge is decisive and certain." Such a statement simultaneously functions as an act of determination; however, in essence, it ends the role of the Author and "restricts" the dynamic process of deriving understanding from a text. The authoritarianism referred to by Khaled is not political authoritarianism as experienced in many Muslim countries, although interpretive authoritarianism may serve as the foundation, trigger, or ammunition for political authoritarianism. Furthermore, he emphasizes that;

"At this stage, I need to emphasize that authoritarianism, as used here, refers to a hermeneutical methodology that appropriates and subordinates the mechanism of searching for meaning within a text to a highly subjective and selective reading. Later, I will explain that the selective subjectivity of this authoritarian hermeneutic involves

⁴⁸ Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁴⁹ Khaled Abou El Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* (Lanham: University Press of America, 2001).

equating the author's intention with the reader's intention, while regarding textual intent and the autonomy of the text as secondary."⁵⁰

Authoritarianism, as understood by Khaled above, frequently occurs among religious scholars, particularly in the religious fatwas they issue. They no longer speak "about God," but rather speak "in God's name," or even position themselves as the "mouthpiece of God" itself. When this phenomenon merges with despotic political power, two highly dangerous forms of authoritarianism converge; namely interpretive authoritarianism and political authoritarianism. In developing his intellectual project, which he refers to as authoritative hermeneutics, Khaled examines a number of legal fatwas (*responsa*) issued by the CRLO (*Council for Scientific Research and Legal Opinions*), an official institution in Saudi Arabia mandated to issue religious fatwas.⁵¹ The legal fatwas that Khaled considers highly problematic are primarily those concerning women, including the prohibition against visiting a husband's grave; the prohibition against driving cars; the claim that women constitute the majority of the inhabitants of Hell; the prohibition of women visiting graves; the requirement for women to be accompanied by a male guardian (*mahram*); and various other fatwas.⁵²

Another phenomenon highlighted by Khaled is the rise of Wahhabi Islamic puritanism. This movement, based in Saudi Arabia, has received governmental support as a political force and tends to restrict the dynamic movement of the text, leaving only a singular conception of truth. The genealogy of fundamentalism within theological movements and schools of Islamic jurisprudence that demonstrate intolerance toward pluralism can be traced to this tendency. Both individually and collectively, they claim to possess a monopoly over truth, while the opinions of others are considered unacceptable. They position themselves as the sole holders of truth and therefore assume the authority to make value judgments against other groups by labeling them as "un-Islamic," deviant, unbelievers (*kāfir*), and so forth.⁵³

The two cases presented by Khaled do not imply that interpretive authoritarianism is exclusively monopolized by Wahhabi groups in Saudi Arabia; authoritarianism can be practiced by any group, individual, or institution. In fact, in the modern era, such tendencies can easily be found. There are two underlying reasons why Khaled uses Wahhabi fatwas as the subject of his hermeneutical analysis. First, the intellectual products of the jurists from this school represent a form of interpretive authoritarianism; and second, this school of thought (or fundamentalism) has become one of the dominant currents within the contemporary Muslim world. In brief, it can be concluded that authoritarianism is an act of closing the text and confining God's will, or the will of the text, within a fixed determination of meaning, and subsequently presenting that determination as something certain, absolute, and definitive. In other words, it neglects the ontological reality of God by appropriating God's will, leading interpreters to claim absolute correctness in interpreting Qur'anic verses and Hadith, while imposing their interpretations on others without acknowledging the diversity of possible interpretations. To explain how such an act becomes authoritarian, as well as how the interpretive process generally operates, Khaled elaborates on this issue through the framework of the hermeneutical triangle.

⁵⁰ Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁵¹ Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge University Press, 2001).

⁵² Khaled Abou El Fadl, "Islam and the Challenge of Democratic Commitment," *Oriente Moderno* 87, no. 2 (2007): 247–300.

⁵³ Fadl, *The Great Theft: Wrestling Islam from the Extremists*.

The hermeneutical triangle referred to consists of the author, the text, and the reader. In this context, the author is God, who created the Qur'an and, in essence, the Hadith as well. However, the fundamental question is how to understand God's will as represented by the text, while God Himself is an inaccessible reality. How can the meaning produced through the interpretive process be considered consistent with God's will? In response to this question, Khaled emphasizes the importance of understanding the background, historical context of a text, and the community that first received it in order to identify its original meaning.

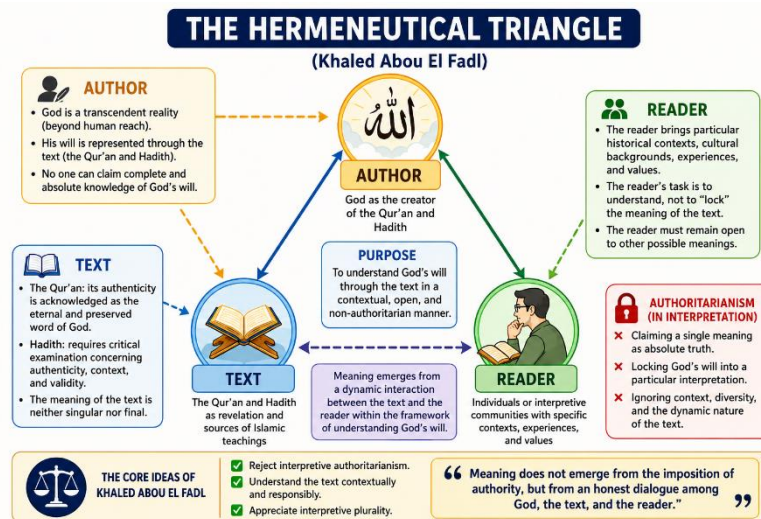


Figure 1. Khaled Abou El Fadl's Hermeneutical Triangle: The Dynamic Relationship between Author, Text, and Reader in Constructing Authoritative Interpretation

This meaning, however, is not the only meaning nor a final truth that closes the possibility of further interpretation; rather, it serves as a means to understand the dynamic relationship between the text and its original community. Regarding the text itself, it refers to the Qur'an and Hadith. Concerning these two primary sources, Khaled adopts different positions. Khaled argues that the authenticity of the Qur'an should not be questioned. The authenticity of the Qur'an must be acknowledged as the eternal words of God, whose purity has been preserved. Khaled appears to adopt a traditional stance by avoiding speculation, unlike some Qur'anic scholars who engage in extensive debates concerning the purity and authenticity of the Qur'an. For him, the more relevant issue is not questioning the authenticity of the Qur'an, but determining how its meaning should be understood.⁵⁴

Regarding Hadith, however, the question of authenticity becomes crucial. The authenticity of Hadith needs to be critically examined and questioned in order to ensure that it can authoritatively represent the "voice" of the Prophet as a source of authority after the Qur'an. This authenticity assessment is conducted through the methodology of Hadith studies (*muṣṭalah al-ḥadīth*). According to Khaled, one aspect that is often overlooked is understanding the role of the Prophet in relation to a Hadith narration; the issue is not merely whether the Prophet actually stated a particular Hadith, but rather what role the Prophet played within that specific narration.

⁵⁴ Sahiron Syamsuddin, "Pendekatan Orientalis dalam Studi Al-qur 'an," dalam *Islam, Agama-agama, dan Nilai Kemanusiaan: Festschrift untuk M. Amin Abdullah*, 1 ed., ed. oleh Moch Nur Ichwan dan Ahmad Muttaqin (Yogyakarta: CISForm (Center for the Study of Islam and Social Transformation) UIN Sunan Kalijaga, 2013), 95–110.

The third element in the hermeneutical triad is the reader. The reader, as understood by Khaled, refers to individuals, institutions (such as the CRLO; MUI; NU; Muhammadiyah; and others), and groups (such as Sunnis; Shi'ites; Wahhabis; and others), which he describes as interpretive communities. In principle, every interpretive community possesses its own horizon that shapes its reading of the text. For example, Qur'anic verses that praise those who "guard what is between their thighs" (*al-ḥāfiẓin li furūjihim*) may, within certain contemporary interpretive communities, produce meanings such as maintaining the cleanliness of one's private parts, prohibiting birth control, or using protective devices for the genitals. However, based on the historical dynamics of the period in which the text emerged, the intended meaning was related to masturbation, which was regarded as a violation concerning what lies between the thighs.⁵⁵

In this context, Khaled rejects interpretive schools that place the determination of meaning exclusively on one element of the hermeneutical triad; whether meaning is monopolized by the author, the text, or the reader. The dominance of any single element will result in an authoritarian form of interpretation. Therefore, according to Khaled, a balance of power must exist among the author's intention, the text, and the reader. This is what he refers to as a negotiation-based hermeneutics among the three elements of the triad. The determination of meaning emerges from a complex, interactive, dynamic, and dialectical process among these three elements without allowing any one of them to dominate the others. In essence, the text remains open to various forms of interpretation. Therefore, there is no absolute or final meaning, and no interpreter has the right to claim themselves as the most authoritative reader of the text. Khaled's hermeneutics is, in fact, influenced by Gadamer's thought, which views textual meaning as relative; therefore, meaning always exists within a space of uncertainty.⁵⁶ However, Khaled further elaborates on this issue through his concept of authority.

Khaled then proposes a conceptual framework for developing the idea of authority within Islamic law. Borrowing R.B. Friedman's concept of authority⁵⁷ and also referring to Hannah Arendt,⁵⁸ Khaled explains the notion of authority in a systematic and analytical manner. He subsequently formulates a concept of authority in Islamic law that must fulfill five criteria, which he argues are necessary for anyone who claims to possess authority. This framework is established for at least three reasons; to prevent authoritarian practices, to reject tendencies toward relativism in interpretation, and to ensure that the resulting legal products obtain strong legitimacy. According to Khaled, the discussion of authority begins by distinguishing between coercive authority and persuasive authority. Coercive authority is defined as the ability to direct the behavior of others through persuasion, manipulation, threats, or punishment, leaving them with no alternative except compliance. In contrast, persuasive authority refers to the ability to guide the beliefs or actions of others on the basis of trust.

Borrowing Friedman's terminology, there is another concept similar to the classification of authority mentioned above; namely, first, a person who occupies a position of authority (*being in authority*), and second, a person who possesses authority (*being an authority*). A person who occupies a position of authority refers to someone who holds an official or structural position and, by virtue

⁵⁵ Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁵⁶ F. Budi Hardiman, *Seni Memahami Hermeneutik dari Schleiermacher sampai Derrida*. (Yogyakarta: Kanisius, 2015)
Richard E. Palmer, *Hermeneutika: Teori Baru Mengenai Interpretasi* (Yogyakarta: Pustaka Pelajar, 2003).

⁵⁷ Richard B. Friedman, "Oakeshott on the Authority of Law," *Ratio Juris* 2, no. 1 (1989): 27–40, <https://doi.org/10.1111/j.1467-9337.1989.tb00024.x>.

⁵⁸ Hannah Arendt, *Antisemitism: Part One of The Origins of Totalitarianism* (Houghton Mifflin Harcourt, 2012).

of that position, possesses the power to issue commands and directives that must be obeyed by others. Others have no alternative but to comply with the authority holder because they have acknowledged the authority possessed by those in such positions, even though they may actually hold different opinions. Meanwhile, a person who possesses authority refers to someone whose knowledge, wisdom, or understanding leads others to follow their views, even when those followers may not fully understand the arguments constructed by the authority holder. However, Khaled prefers the term coercive authority rather than “being in authority,” because the official position held by an individual does not always necessarily generate obedience.⁵⁹ In certain regions or countries, the opinions of an officially appointed state authority may simply be ignored or bypassed, either secretly or openly.

The authority or authoritativeness referred to by Khaled in his analysis is constructed through a dynamic and dialectical process. Several key concepts that are important to understand in relation to this analysis of authority include “epistemological presupposition,” “exclusionary reasons,” *taqlid*, and persuasion. “Epistemological presupposition” refers to a shared epistemological framework between a person who possesses authority and those who submit to that authority. Although these two parties occupy different positions, they essentially share a common body of knowledge and understanding, which enables mutual comprehension, even though those who submit to authority may not possess the same level of knowledge and wisdom as the authority holder. This shared belief in a particular intellectual heritage or tradition generates obedience, trust, and submission.⁶⁰

Submission and adherence to an authority are based on strong reasons that provide individuals with motivation and justification for their actions. In principle, whenever someone performs a particular action, whether consciously or unconsciously, it is grounded in a specific reason that encourages them to set aside other possible considerations. This is what is referred to as “exclusionary reasons.” A reason is considered to possess exclusionary force for at least two reasons; first, when that reason becomes the primary motive for someone to submit to, or at least trust, that authority. Second, when the reason influences the individual, overrides various alternative reasons known to them, and subsequently motivates them to perform a particular action. The absence of “exclusionary reasons” would lead a person to make different decisions and take different actions.⁶¹

In the following discussion, Khaled revises Friedman's and Arendt's analysis, which distinguishes authority from persuasion. According to both thinkers, authority refers to submission to a decision that a person obeys without investigating or understanding the truth behind that command, whereas when someone understands, reflects upon, and decides on a particular action, it has already transformed into persuasion. When an argument is required as the basis for an action, it is no longer considered authority. Khaled criticizes this perspective, arguing that it is restrictive and blurs the distinction between authority and *taqlid*, which refers to total submission without the need for justification or reasoning. *Taqlid* is clearly different from authority, particularly from

⁵⁹ Richard B. Friedman, *On the concept of authority in political philosophy*, Concepts in social [and] political philosophy. - New York: Macmillan u.a., ISBN 0-02-338230-9. - 1973, p. 121-146 (New York: Macmillan u.a, 1973).

⁶⁰ Alfred Moore, ed., “Political and Epistemic Authority,” dalam *Critical Elitism: Deliberation, Democracy, and the Problem of Expertise*, Theories of Institutional Design (Cambridge: Cambridge University Press, 2017), 59–75, <https://doi.org/10.1017/9781108159906.004>.

⁶¹ Richard B. Friedman, “An Introduction to Mill's Theory of Authority,” dalam *Mill: A Collection of Critical Essays*, ed. oleh J. B. Schneewind (London: Palgrave Macmillan UK, 1968), 379–425, https://doi.org/10.1007/978-1-349-15313-8_18.

persuasive authority as understood by Khaled. Providing arguments does not diminish the meaning or undermine the legitimacy of an authority. Rather, argumentation functions to preserve and strengthen authority. Khaled explains;

“Persuasive authority does not necessarily involve the complete surrender of judgment or the unconditional surrender of autonomy. In fact, the total surrender of judgment and autonomy often transforms into a form of coercive authority..... If, in reality, I truly feel that my will and judgment have become irrelevant, that I must submit completely, and that I must surrender my entire sense of responsibility to someone who possesses authority, all of this sounds more like a form of domination rather than a form of authority.”⁶²

In the history of the formation and development of classical Islamic law, argumentation, explanation, and criticism of a fatwa or legal thought contributed significantly to the establishment of a scholar's authority. The richness and dynamism of classical Islamic legal thought developed precisely because it was sustained by such an intellectual spirit. The credibility of a jurist was recognized not because of an official position within the state, but because of their ability to persuade their school of thought (*madhhab*) or interpretive community. Therefore, a person entrusted with authority in Islamic law must possess specific qualifications, which Khaled formulates into five main prerequisites. These five prerequisites that serve as the foundation for the delegation of authority are as follows:⁶³

Table: Core Prerequisites for Authority Holders in Divine Command Interpretation

Prerequisite of Authority	Explanation
Honesty	This prerequisite requires two essential aspects. First, an authority holder must not conceal or hide divine messages that they have understood. Second, they must not pretend to understand matters beyond their knowledge; instead, they must demonstrate transparency regarding their competence and limitations in understanding God's commands.
Diligence	This means that an authority holder must possess the necessary competence and maximize rational efforts in investigating, examining, and analyzing divine commands, particularly those relevant to specific issues.
Comprehensiveness	This prerequisite requires consideration of all relevant divine commands, continuous efforts to discover relevant evidence, and a refusal to abandon the responsibility of investigating and establishing a coherent process of justification.
Reasonableness	This prerequisite means that the formulation of meaning must be based on an awareness of the interpretive community and the community of meaning, so that a particular interpretation can be understood within a specific context. Closing the range of textual meanings or opening the text without any limitations represents an arbitrary act and violates the principle of reasonableness.
Self-Restraint	A representative of God (an authority holder) must recognize the limits of their role and make necessary statements to remind themselves and others of the nature of that role. They must refrain from drawing conclusions on an issue when the available evidence is insufficient in order to avoid possible distortions committed in the name of God.

Toward an Authoritative Hermeneutics

⁶² Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁶³ Gleave, “Speaking in God's Name: Islamic Law, Authority and Women.”

Khaled's discussion of the three central themes; text, authority, and authoritarianism; provides the key to understanding his principal intellectual project: dismantling the authoritarian hermeneutics that have long dominated the paradigms, methodologies, and legal products of Islamic law, and replacing them with what he terms authoritative hermeneutics. By authoritative hermeneutics, Khaled refers to an interpretive approach that positions the text as open to multiple legitimate interpretations while avoiding arbitrary and authoritarian claims to exclusive meaning. At the same time, it seeks to establish a credible form of authority within Islamic law in order to prevent interpretive relativism. In essence, no interpretation is absolute or final, and no interpreter is entitled to claim the status of the sole or ultimate authority over the text. Nevertheless, the interpretive process must still recognize legitimate boundaries of authority.

Khaled develops his conception of authoritative hermeneutics through three interrelated conceptual frameworks: competence, determination, and representation. First, competence concerns the sources of authority. In Islam, ultimate authority belongs to God, whose will is conveyed to humanity primarily through the Qur'an and the Sunnah (hadith). Although other epistemological sources; such as reason, intuition, historical inquiry, and empirical evidence; are also acknowledged within Islamic legal discourse, they remain secondary to these two foundational sources. As discussed above, Khaled distinguishes the Qur'an from the hadith in important respects. The Qur'an is the eternal Word of God whose authenticity is fully preserved; therefore, the principal challenge lies in determining its meaning. In contrast, the study of hadith requires not only verification of its authenticity but also an understanding of the context and role in which the Prophet delivered a particular tradition. As will be discussed later, Khaled's treatment of textual authority and his respective approaches to the Qur'an and the Sunnah reveal certain ambiguities.

Second, determination addresses the question of how the meaning of a text is established. Who determines that a particular interpretation reflects the authentic meaning of the text? Khaled answers this question through what he calls the hermeneutical triangle, consisting of the author, the text, and the reader. Meaning emerges through a process of negotiation among these three elements, none of which should dominate the interpretive process. Consequently, meaning remains dynamic and contingent, allowing readers the freedom to engage with the text from different interpretive perspectives. However, interpretive freedom does not imply unrestricted subjectivism. Rather, interpretation must always be situated within an interpretive community that evaluates the rationality and plausibility of particular readings while simultaneously grounding them in legitimate authority.

Third, representation concerns the relationship between divine authority and human agency. Although absolute authority belongs exclusively to God, Islam also embraces the concept of *khilāfah* (vicegerency), whereby human beings serve as God's representatives on earth. As vicegerents, humans bear the responsibility of implementing God's commands. The central question, however, is how those commands should be understood. To address this issue, Khaled distinguishes between general representatives (*wakīl 'āmm*) and special representatives (*wakīl khaṣṣ*). General representatives include all human beings, who share the obligation to fulfill God's commands. Special representatives, by contrast, are individuals endowed with the authority and expertise to interpret and articulate the divine message; in other words, those entrusted with a specific interpretive mandate. Yet the delegation of such authority inevitably creates the possibility of either authoritarianism or interpretive relativism if left unchecked. To guard against these risks,

Khaled formulates five ethical prerequisites that must govern the legitimate exercise of interpretive authority, as discussed in the preceding section.⁶⁴

The next question is how the validity of an *ijtihād* should be assessed. Is objective truth attainable, essential, and the ultimate goal of *ijtihād*? Khaled argues unequivocally that, within the framework of authoritative hermeneutics, ultimate truth lies beyond the reach of human certainty because it remains God's exclusive prerogative. Accordingly, the emphasis of *ijtihād* is placed not on its final outcome but on the integrity of the interpretive process itself. A jurist is required to exert every intellectual effort available, in accordance with established principles, methodologies, and legal maxims, when undertaking *ijtihād*. Whatever conclusion emerges from this process deserves respect, in line with the well-known prophetic tradition frequently cited in Islamic jurisprudence: "Whoever exercises *ijtihād* diligently and reaches the correct conclusion will receive two rewards, and if mistaken, will receive one reward." In this way, Khaled does not regard truth as the ultimate objective of *ijtihād*, since ultimate truth belongs to the divine realm and cannot be fully grasped or definitively determined by human beings.⁶⁵

Another important issue to consider is Khaled's understanding of the nature of the text. According to him, a text is a configuration of letters and symbols governed by the rules of language. Language itself possesses an objective reality whose meaning cannot be determined independently by either the author or the reader. It has its own autonomy; consequently, both the author and the reader are subject to the autonomous reality of the text. Language establishes its own rules and boundaries, thereby constraining, to a certain extent, the meanings that may legitimately be conveyed. For example, the word *firāsh*, which appears in a prophetic tradition, may denote a bed, a bedding, or sexual relations. These multiple lexical meanings delimit the range of interpretations available to an interpreter, who must determine the intended meaning according to the specific context without departing excessively from the semantic boundaries of the term. Khaled employs this ontological and epistemological conception of language as the basis for his treatment of both the Qur'an and the hadith.

With regard to the hadith, Khaled maintains that its authenticity occupies a different epistemological status from that of the Qur'an. On the basis of narrations considered reliable and verified through the established methods of hadith criticism, a tradition may reasonably be attributed to the Prophet. Nevertheless, he observes that the processes of authentication, documentation, compilation, and transmission of reports attributed to the Prophet and his Companions inevitably involve a considerable degree of human subjectivity. Consequently, Khaled concludes that while every authentic hadith presupposes the Prophet as its historical author, the Prophet's words have been transmitted through a negotiable historical process that has selected, preserved, and ultimately produced the text in its received form. Therefore, the interpretation of hadith requires attention not only to the interpretive community but also to the long and complex process through which prophetic authorship has been historically mediated.

Regarding the Qur'an, however, Khaled argues that the central issue is not its authenticity but the determination of its meaning. The interpretive process may involve engagement with interpretive communities, yet the authorship of the Qur'an belongs exclusively to God, and its authenticity has been preserved throughout its long historical transmission. Consequently,

⁶⁴ Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*; Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age*.

⁶⁵ Fadl, *Islam and the Challenge of Democracy*.

questioning the authenticity of the Qur'an constitutes what Khaled describes as *qillat adab*, an act of irreverence or disrespect that is incompatible with the proper ethical attitude toward the divine revelation.

Up to this point, Khaled's project may be understood as one of sacralizing the Qur'an while desacralizing the hadith. It is therefore unsurprising that he does not engage with the critical debates surrounding the Qur'anic text, nor does he address the extensive scholarship on this issue developed by Orientalist and Muslim scholars alike, including Abraham Geiger, Günter Lüling, Alphonse Mingana, John Wansbrough, Christoph Luxenberg, and the contemporary Muslim scholar Mun'im A. Sirry.⁶⁶ Indeed, if Khaled were to apply consistently the philosophy of language that underpins his own theoretical framework, the Qur'anic text and its authorship would likewise have to be understood within a historical process.

This point is articulated more explicitly by Nasr Hamid Abu Zayd, who argues that the Qur'an is first a product of culture (*muntaj al-thaqāfi*) before subsequently becoming a producer of culture (*muntij al-thaqāfi*). Nasr grounds this argument in a philosophy of language that closely parallels Khaled's own. According to him, language is a human product governed by linguistic conventions, expressions, referential meanings, objective realities, and inherent limitations. The revelation of the Qur'an, therefore, occurred in two distinct stages. The first is *tanzīl*, in which the Qur'an was conveyed to the Angel Gabriel in the form of divine meanings or messages. The second is *ta'wīl*, in which those divine meanings were expressed as a textual revelation through the medium of seventh-century Arabic. In this sense, the Qur'an can be regarded as a product of culture (*muntaj al-thaqāfi*), because regardless of the sacredness of the divine message, it is ultimately articulated through human language, which is itself a culturally conditioned and inherently limited medium. At the same time, the Qur'an becomes a producer of culture (*muntij al-thaqāfi*) insofar as its interpretation shapes the beliefs, institutions, and civilization of Muslim societies.

Undoubtedly, Nasr's thesis has generated extensive scholarly debate and sustained controversy. Nevertheless, the point most relevant to Khaled's thought is that the question of the Qur'an's authenticity occupies no comparable place within his framework of authoritative hermeneutics, unlike the critical scrutiny he directs toward the hadith tradition. This asymmetry suggests that while Khaled subject hadith to rigorous historical and epistemological examination, he exempts the Qur'an from a similar level of critical inquiry, thereby leaving the issue of Qur'anic authenticity largely outside the scope of his hermeneutical project.

The Contribution of Authoritative Hermeneutics to Uṣūl al-Fiqh: Toward the Decolonization of Islamic Law

Leading scholars, such as 'Abd al-Karim Zaydan, define *uṣūl al-fiqh* as "the science of the general principles and evidences that serve as the means for deriving legal rulings (*istinbāt al-fiqh*)."⁶⁷ Likewise, other prominent jurists and legal theorists, including 'Abdul Wahhab Khallaf,⁶⁸ Al-Amidi,⁶⁹ and Wahbah al-Zuhaili.⁷⁰ offer broadly similar definitions, describing *uṣūl al-fiqh* as a body of methodological principles employed in the formulation and derivation of Islamic legal rulings. The subject matter of *uṣūl al-fiqh* encompasses at least four principal components: the Shari'ah rulings (*ahkām*

⁶⁶ Mun'im Sirry, *Rekonstruksi Islam Historis; Pergumulan Kesarjanaan Mutakhir* (Yogyakarta: Suka Press, 2021).

⁶⁷ Abdul Karim Zaidan, *al-Wajiz fi Usul al-Fiqh* (Beirut: Muassasat al-Risalah Nasyirun, 2019).

⁶⁸ Abdul Wahhab Khallaf, *Ilm Usul al-Fiqh* (Surabaya: Haramain, 2004).

⁶⁹ Saif al-Din Al-Amidi, *al-Ihkam fi Usul al-ahkam* (Kairo: Muassasah al-Halabi, 1967).

⁷⁰ Wahbah Al-Zuhaili, *Al-Wajiz fi Usul al-Fiqh* (Damaskus: Dar al-Fikr, 1999).

al-shari'ah), legal proofs and sources, methods of legal derivation (*istinbāṭ*), and the qualifications required of a *mujtahid*. Al-Ghazālī presents an illuminating metaphor to describe this structure. He likens *uṣūl al-fiqh* to a tree composed of its fruit (*al-thamarah*), the tree itself (*al-muthmir*), the methods of cultivation and harvesting (*ṭuruq al-istithmār*), and the cultivator who possesses the knowledge and ability to plant and harvest (*al-mustathmir*). In this analogy, the fruit represents the Sharī'ah rulings, the tree symbolizes the legal proofs and sources, the methods of cultivation and harvesting correspond to the methodologies of legal derivation (*istinbāṭ al-aḥkām*), while the cultivator signifies the qualifications of the *mujtahid*.⁷¹ This analogy clearly illustrates the fundamental domains that constitute the discipline of *uṣūl al-fiqh*.

If the four principal domains of *uṣūl al-fiqh* are examined across its formative,⁷² classical,⁷³ and contemporary periods,⁷⁴ Khaled Abou El Fadl's conception of authoritative hermeneutics offers significant contributions to the discipline at the ontological, epistemological, and axiological levels.

1. Methods of *Istinbāṭ al-Aḥkām* (Legal Derivation)

Within *uṣūl al-fiqh*, the methods of legal derivation (*istinbāṭ al-aḥkām*) are generally classified into three broad categories: the *bayānī* method (textual interpretation), the *qiyāsī* method (analogical reasoning), and the *istiṣlāḥī* method (public interest-oriented reasoning), which in contemporary legal theory is more commonly discussed under the framework of *maqāṣid al-shari'ah*. The *bayānī* method derives legal rulings by examining the linguistic meaning of the scriptural texts (the Qur'an and the Sunnah), their historical context, and their relationship to other scriptural passages. The *qiyāsī* method extends the legal meaning of a scriptural text to new cases through analogy by identifying a shared effective cause (*'illah*). Meanwhile, the *istiṣlāḥī* method establishes legal rulings by prioritizing the objectives and public benefits (*maṣlaḥah*) intended by the Sharī'ah. Beginning with al-Juwaynī (d. 478 AH/1085 CE) and later systematized by al-Ghazālī (d. 505 AH/1111 CE), this approach evolved into a more coherent methodological framework that is now widely known as the theory of *maqāṣid al-shari'ah*.⁷⁵

Despite their methodological differences, all three approaches ultimately depend upon the interpretation of scriptural texts. Within the dominant discourse of *uṣūl al-fiqh*, textual interpretation is generally understood as the process through which a reader interprets a text in order to discover the intention of its author. Consequently, the primary objective of interpretation is to recover what hermeneutics refers to as the original meaning; namely, the meaning originally intended by the author and presumed to be embedded within the text. Once an interpreter believes that this original meaning has been identified, it is often regarded as the very meaning intended by God through revelation. According to Khaled, however, this model of interpretation can easily develop into

⁷¹ Abu Hamid Al-Gazali, *al-Mustasfa min 'Ilm al-Usul* (Mesir: Syirkah al-Talabiyah al-Fanniyah al-Muttahidah, 1971).

⁷² Muhammad bin Idris Al-Shafi'i, *Al-Risalah li al-Imam al-Shafi'i*, ed. oleh Ahmad Muhammad Syakir (Beirut: Dar al-Kutub al-Ilmiyah, 2005).

⁷³ Imam Al-Mahalli, *Syarh al-Mahalli "ala Jam'il Jawami"* (Beirut: Dar al-Kutub al-Ilmiyah, 2003).

⁷⁴ Zaidan, *al-Wajiz fi Usul al-Fiqh*.

⁷⁵ Jasser Auda, "Maqasid Methodology for Re-Envisioning Islamic Higher Education," *Journal of Contemporary Maqasid Studies* 1, no. 1 (Desember 2021): 31–58, <https://doi.org/10.52100/jcms.v1i1.58>.

authoritarianism when an interpreter claims that his or her interpretation exclusively represents God's intended meaning.⁷⁶

Within *uṣūl al-fiqh*, the notion of original meaning occupies a particularly dominant position and appears to constitute one of the discipline's foundational methodological assumptions. For example, the opening chapters of most classical works on *uṣūl al-fiqh* discuss the concepts of the *Shārī'* (the Divine Lawgiver) and the *maqāṣid al-Shārī'* (the objectives of the Lawgiver). The *Shārī'* refers to God as the ultimate author of Islamic law, while the *maqāṣid al-Shārī'* denote the divine purposes underlying legal legislation. These objectives function as the original meaning toward which every act of legal reasoning by a *mujtahid* is directed. Accordingly, the *maqāṣid al-sharī'ah* become the primary orientation of all methods of legal derivation, whether through *bayānī*, *qiyāsī*, or *istiṣlāḥī* reasoning. The reader; or, in the context of *uṣūl al-fiqh*, the *mujtahid*; is therefore expected to position himself both objectively and subjectively within the "world" of the text's author, namely God. By doing so, the *mujtahid* is believed to gain access to the divine meaning and intention embodied in the Qur'an and the Sunnah.⁷⁷ Within the triadic framework of hermeneutics, this model assumes that the meaning of the text resides entirely with its author. In many respects, it resembles the early stage of modern hermeneutics articulated by Friedrich Schleiermacher (1768–1834), who viewed interpretation primarily as the reconstruction of the author's original intention.

As discussed previously, Khaled rejects interpretive models that assign exclusive authority to any one element of the hermeneutical triad; whether the author, the text, or the interpreter. The dominance of any single element inevitably produces an authoritarian mode of interpretation. Instead, Khaled argues that interpretation requires a fusion of the horizons of the author, the text, and the interpreter, or what he describes as a hermeneutics based upon negotiation among these three constituent elements. In this respect, Khaled is clearly influenced by the philosophical hermeneutics of Hans-Georg Gadamer (1900–2002), whose work represents the mature phase of modern hermeneutical theory. Meaning, therefore, emerges through a complex, interactive, dynamic, and dialectical process involving all three elements, none of which should exercise absolute dominance over the others.

Therefore, although Khaled does not explicitly discuss this issue within the framework of *uṣūl al-fiqh*, his concept of authoritative hermeneutics implicitly encourages the discipline to move beyond grounding meaning exclusively in the *maqāṣid al-sharī'ah*. Instead, meaning should also be understood as emerging from the *maqāṣid al-naṣṣ* (the objectives embedded within the text) and the *maqāṣid al-mujtahid* (the objectives and interpretive orientation of the jurist). Admittedly, the term *maqāṣid* is not fully equivalent to the concept of "horizon" in English, or *Horizont* in German, which would literally be translated into Arabic as *ufuq*. However, the term *ufuq* is virtually absent from the discourse of *uṣūl al-fiqh* and would therefore appear historically disconnected and difficult to integrate into its established conceptual vocabulary. By contrast, *maqāṣid* encompasses not only intended objectives but also broader dimensions of meaning, making it a familiar and well-established concept within the discipline.

⁷⁶ Fadl, *Speaking in God's Name: Islamic Law, Authority, and Women*.

⁷⁷ Nadirsyah Hosen, "Natural law in Islam from theological and legal perspectives," dalam *Research Handbook on Natural Law Theory*, ed. oleh Jonathan Crowe dan Constance Youngwon Lee (Cheltenham: Edward Elgar Publishing, 2019), 148–63, <https://doi.org/10.4337/9781788110044.00016>; Nadirsyah Hosen, "Collective ijtihad on health issues in Indonesia," dalam *Research Handbook on Islamic Law and Society*, ed. oleh Nadirsyah Hosen (Cheltenham: Edward Elgar Publishing, 2018), 289–306, <https://doi.org/10.4337/9781781003060.00022>.

Within this framework, *maqāṣid al-shārī'* may be understood as referring to the intellectual horizon, historical and cultural background, meaning, objectives, and intentions (*intentio*) of the author at the time the text was revealed. Since the author of the Qur'anic text is God, this concept more specifically encompasses divine knowledge, will, and attributes, as well as both the micro and macro contexts of revelation and the historical circumstances of its first audience. *Maqāṣid al-naṣṣ*, on the other hand, refers to the range of meanings embedded within the linguistic structure and internal context of the text itself; namely, the Qur'an and the Sunnah; meanings that may at times extend beyond the author's explicit intention. Finally, *maqāṣid al-mujtabid* denotes the knowledge, experience, intentions, socio-historical context, and normative commitments that the *mujtabid* brings to the interpretive process.

According to Khaled, these three horizons must be integrated through an equal, dynamic, and dialectical process of fusion of horizons in the formulation of Islamic legal rulings, thereby generating fresh and contextually meaningful interpretations. The implications of Khaled's hermeneutics are therefore substantial, as they challenge and potentially transform the prevailing paradigms, foundational assumptions, and methodological framework that have long shaped the discipline of *uṣūl al-fiqh*.

2. Legal Evidence and Sources of Law

Most Muslim jurists use the terms *adillat al-aḥkām* (legal evidence) and *maṣādir al-aḥkām* (sources of law) interchangeably. Wahbah al-Zuhaylī, for example, defines both as the sources or origins from which Islamic legal rulings are derived.⁷⁸ In classical works of *uṣūl al-fiqh*, legal evidence or sources of law are generally divided into two categories: *naqlī* sources, namely revelation in the form of the Qur'an and the Sunnah, and *'aqlī* sources, namely products of human reasoning. The latter include *ijmā'*, *qiyās*, *istiṣlāḥ*, *istiḥṣān*, *sadd al-dharā'i'*, *istiḥṣāb*, *al-'urf*, *qawl al-ṣaḥābī*, and *shar' man qablana*. Nevertheless, although the Qur'an and the Sunnah belong to the category of revealed sources, their interpretation requires a highly sophisticated and multilayered hermeneutical methodology, which constitutes the largest portion of discussion in *uṣūl al-fiqh*.

Agus Moh. Najib proposes a more precise and operational reconceptualization of *adillat al-aḥkām* (legal evidence) and *maṣādir al-aḥkām* (sources of law). According to him, these two concepts should be distinguished because they differ both conceptually and operationally. Legal evidence refers to anything that indicates the existence of an Islamic legal ruling, whether derived from revelation or human reasoning. Sources of law, by contrast, refer specifically to the origins from which Islamic law is formulated. Consequently, the eleven categories traditionally classified as legal evidence—the Qur'an, the Sunnah, *ijmā'*, *qiyās*, *istiṣlāḥ*, *istiḥṣān*, *sadd al-dharā'i'*, *istiḥṣāb*, *al-'urf*, *qawl al-ṣaḥābī*, and *shar' man qablana*—should not all be regarded as sources of law. Some are more accurately understood as methods of legal reasoning, while others are better classified as legal products.⁷⁹

According to Najib, legal evidence may therefore be classified into three principal categories: sources of law, methods of legal reasoning, and legal products that function as legal evidence. Conceptually and operationally, the sources of law consist of the Qur'an, the Sunnah, *shar' man qablana*, and *al-'urf*. Methods of legal reasoning include *qiyās*, *istiṣlāḥ*, *istiḥṣān*, *sadd al-dharā'i'*, and

⁷⁸ Al-Zuhaili, *Al-Wajīz fi Uṣul al-Fiqh*.

⁷⁹ Agus Moh Najib, *Urgensi Redesain Ushul Fikih bagi Pengembangan Ilmu Hukum Islam Kontemporer*, Pidato Pengukuhan Guru Besar (Yogyakarta, 2021).

istiḥāb. Moreover, the primary methodological concern of *uṣūl al-fiqh* remains the linguistic principles and interpretive methods employed to understand the Qur'an and the Sunnah. Finally, *ijmā'* and *qawl al-ṣaḥābī* are more appropriately classified as legal products that simultaneously function as legal evidence.

Where, then, does Khaled's thought fit within this framework? Authoritative hermeneutics maintains that the meaning of a legal text or legal evidence is fundamentally negotiative. Meaning emerges through a process of negotiation among the author, the text, and the reader; or, in more contextually relevant terms, among the *maqāṣid al-shārī'* (the objectives intended by God), the *maqāṣid al-naṣṣ* (the objectives embedded within the text), and the *maqāṣid al-mujtahid* (the objectives and interpretive orientation of the jurist). None of these three elements should dominate the determination of meaning.

Accordingly, the legal significance (*dalīl*) or meaning of a text is necessarily relative rather than absolute. This proposition prevents individuals or interpretive communities from adopting an authoritarian attitude by "locking" both the text and the divine will into a single interpretation and presenting that interpretation as definitive, absolute, and universally binding. In other words, it rejects the imposition of one's own interpretation upon others while disregarding the legitimacy of interpretive diversity. Khaled argues unequivocally that, within the framework of authoritative hermeneutics, ultimate truth lies beyond the reach of human certainty because it remains God's exclusive prerogative. Consequently, the authority of a legal text does not rest primarily on the final interpretive outcome but on the integrity of the interpretive process itself. A *mujtahid* is therefore obligated to exert the fullest possible intellectual effort in accordance with established principles, methodologies, and legal rules, while the conclusions reached through such a process deserve recognition and respect, even though they cannot claim absolute certainty.

3. The Qualifications of the *Mujtahid*

If the process of *istinbāṭ al-aḥkām* (legal derivation) is inherently open-ended and the legal rulings it produces are not absolutely binding, where, then, does the authority of the *mujtahid* lie, and upon what basis does the legitimacy of the resulting legal ruling rest? As discussed earlier, Khaled addresses this question by placing particular emphasis on the qualifications of the *mujtahid*. In both classical and contemporary *uṣūl al-fiqh* literature, the qualifications of a *mujtahid* are generally defined in terms of technical and operational competencies, such as mastery of Arabic linguistics, Qur'anic studies, hadith studies, *uṣūl al-fiqh*, knowledge of *ijmā'*, understanding of the objectives of Islamic legislation (*maqāṣid al-taṣhrī'*), and familiarity with the legal issues requiring resolution. For Khaled, however, these qualifications alone are insufficient. He supplements them with five additional ethical requirements: honesty, diligence, comprehensiveness, reasonableness, and self-restraint.⁸⁰

These five requirements constitute the moral and intellectual capacities necessary to establish what Khaled describes as persuasive authority; namely, the ability to influence the beliefs or conduct of others on the basis of trust through a dynamic and dialectical process of reasoning rather than coercion. The persuasive authority possessed by a *mujtahid* serves at least three important functions. First, it prevents the emergence of authoritarian modes of interpretation by discouraging exclusive claims to absolute truth. Second, it resists interpretive relativism by ensuring that legal reasoning remains grounded in ethical discipline and intellectual responsibility. Third, it

⁸⁰ Fadl, *Reasoning with God: Reclaiming Shari'ah in the Modern Age*.

provides the resulting legal rulings with a stronger degree of legitimacy, not because they are regarded as infallible, but because they emerge from an interpretive process that satisfies both rigorous methodological standards and demanding ethical qualifications.

4. Shari'ah Rulings

The next question concerns how the validity of a product of *ijtihad* should be evaluated. The majority of Muslim jurists maintain that an *ijtihad* is considered valid when it is grounded in the authoritative (*mu'tabar*) works of *fiqh* and *uṣūl al-fiqh* recognized within the established schools of Islamic jurisprudence. Legal opinions that fall outside the intellectual framework of the four major Sunni schools; Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī; are generally regarded as lacking sufficient legitimacy to function as authoritative religious rulings.⁸¹ Khaled, however, does not confine Islamic legal reasoning within the boundaries of any particular legal school.

Instead, Khaled argues that every product of *ijtihad* must be evaluated in terms of its authority and validity through what he calls the "interpretive community." According to him, the interpretive community consists of individuals, groups, and institutions; including religious scholars, academics, and critically engaged members of society; who actively participate in the dialogue, examination, and evaluation of legal interpretations. This interpretive community is open rather than restricted to any particular legal school. The relationship between the *mujtahid* and the interpretive community is fundamentally dialectical and evaluative, serving as an essential mechanism for preventing interpretation from degenerating into authoritarianism.

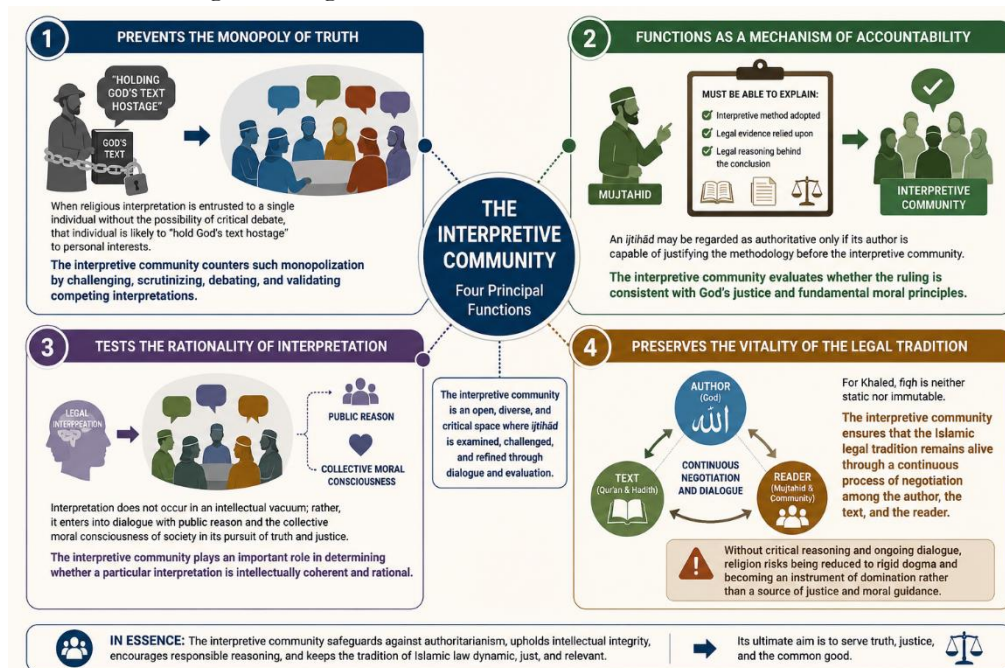


Figure 2 The Four Principal Functions of the Interpretive Community in Khaled Abou El Fadl's *Authoritative Hermeneutics*.

The interpretive community performs at least four principal functions. First, it prevents the monopoly of truth. Khaled argues that when religious interpretation is entrusted to a single individual without the possibility of critical debate, that individual is likely to "hold God's text

⁸¹ Nispul Khoiri, "the Mapping of Renewal of 'Usul Fiqh' Thoughts in Indonesia," *International Journal on Language, Research and Education Studies* 1, no. 1 (2017): 18–33, <https://doi.org/10.30575/2017081202>.

hostage" to personal interests. The interpretive community counters such monopolization by challenging, scrutinizing, debating, and validating competing interpretations. Second, it functions as a mechanism of accountability. An *ijtihad* may be regarded as authoritative only if its author is capable of justifying the methodology employed before the interpretive community. The *mujtahid* must be able to explain the interpretive method adopted, the legal evidence relied upon, and the legal reasoning that underlies the resulting conclusion. Equally important, the interpretive community evaluates whether the ruling is consistent with God's justice and fundamental moral principles.

Third, the interpretive community serves to test the rationality of legal interpretation. Interpretation does not occur in an intellectual vacuum; rather, it enters into dialogue with public reason and the collective moral consciousness of society in its pursuit of truth and justice. The interpretive community therefore plays an important role in determining whether a particular interpretation is intellectually coherent and rational. Fourth, it preserves the vitality of the legal tradition. For Khaled, *fiqh* is neither static nor immutable. The interpretive community ensures that the Islamic legal tradition remains alive through a continuous process of negotiation among the author, the text, and the reader. Without critical reasoning and ongoing dialogue, religion risks being reduced to rigid dogma and becoming an instrument of domination rather than a source of justice and moral guidance.

Conclusion

This article demonstrates that Khaled Abou El Fadl's authoritative hermeneutics offers a substantial epistemological contribution to the reconstruction of *uṣūl al-fiqh* by redefining the relationship between text, interpreter, and religious authority through a dialogical, ethical, and accountable interpretive framework. Rather than replacing the classical tradition of *uṣūl al-fiqh*, Khaled's approach reconstructs its methodological foundation by integrating the author, the text, and the reader into a continuous process of negotiation. This reconstruction contributes to the four principal domains of *uṣūl al-fiqh*: it reformulates *istinbāṭ al-aḥkām* through the interaction of *maqāṣid al-shārī'*, *maqāṣid al-naṣṣ*, and *maqāṣid al-mujtahid*; redefines legal evidence as the product of an accountable interpretive process; expands the qualifications of the *mujtahid* by incorporating five ethical principles; and strengthens the role of the interpretive community as a mechanism for accountability, rationality, and the preservation of a dynamic Islamic legal tradition.

At the same time, this study identifies an important limitation in Khaled's hermeneutical project. Although he applies rigorous historical criticism to the hadith tradition, he largely exempts the Qur'an from comparable epistemological scrutiny, resulting in an asymmetrical treatment of Islam's two primary legal sources. Nevertheless, this limitation does not diminish the significance of his broader intellectual contribution. The integration of authoritative hermeneutics into *uṣūl al-fiqh* represents an epistemological decolonization that challenges authoritarian patterns of interpretation while preserving the normative authority of Islamic law. Consequently, it provides a more dialogical, ethically grounded, and context-sensitive methodological framework capable of addressing the intellectual and social challenges of contemporary Islamic legal thought.

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