

## AI and Islamic Jurisprudence: Re-reading Contemporary Fatwās for Ethical Possibilities in Techno-Social Forms of Life

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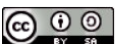
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### Abstract

This study examines contemporary Islamic legal responses to Artificial Intelligence (AI) within the broader discourse on Islam's engagement with modern science and technology. Historically, Muslim jurists (*fuqahā'*) and *muftīs* have responded to technological innovations through context-specific juristic reasoning rather than through simple acceptance or rejection. However, AI presents a qualitatively distinct challenge, raising questions about human reasoning, moral agency, religious authority, and knowledge production. Focusing on the 10th Annual Dār al-Iftā' al-Miṣrīyah Conference, "The Making of the Competent *Muftī* in the Age of Artificial Intelligence," and the 26th session of the Majma' al-Fiqh al-Islāmī al-Duwalī, this study analyzes how contemporary *muftīs* conceptualize the relationship between human expertise and machine-generated *fatwās*. Through textual analysis of conference papers, resolutions, and juristic discussions, it explores how Islamic legal thought defines the role of the *muftī* and distinguishes human juristic reasoning from AI-generated outputs. This study argues that AI differs from earlier technological innovations because it not only facilitates communication and calculation but also reshapes the conditions of knowledge production, social life, and ethical responsibility. This development exposes the limitations of positivist approaches that reduce *fatwās* to codified legal rulings or reactive, religious pronouncements. By recovering the *fatwā* as a historically situated mode of ethical and juristic reasoning, this study demonstrates that Islamic legal thought retains the capacity to generate new normative possibilities in the age of AI. While contemporary juristic discussions often remain constrained by positivist categories, the *fatwā* tradition offers conceptual resources for addressing the ethical challenges of increasingly AI-mediated forms of life and contributes to broader debates on Islamic law, technology, and the future of human moral agency.

**Keywords:** *Fatwā*, Artificial Intelligence, Islamic Legal Reasoning



## Introduction

The emergence and rapid development of Artificial Intelligence (AI) have introduced a series of unprecedented and challenging questions for all theological and intellectual traditions. Artificial Intelligence has been characterized by some prominent thinkers as humanity's "biggest existential threat" (Gibbs, 2014). When viewed through a Marxist framework, AI has been conceptualized as enabling "a more utopian existence" (Goertzel et al., 2017). Moreover, AI has been defined by some researchers as a reason for pursuing "a transformative vision for a new society" (AI World Society, 2020). Historically, the unparalleled challenges and questions posed by AI have been thoughtfully examined by scholars through their respective traditional frameworks and methodologies.

This study examines how *fuqahā'* (jurists) rooted in traditional Islamic methods engage with questions arising from AI, focusing on the analysis of their interpretive methods, reasoning styles, and core jurisprudential concepts. One of the most foundational questions that contemporary *mufṭīs* have been compelled to respond in the wake of Artificial Intelligence's emergence is: What constitutes a *fatwā* within the Islamic legal tradition, and can an AI-generated output be considered a legitimate *fatwā*? It also analyzes the reasoning methods and interpretive frameworks contemporary *fuqahā'* employ to engage with the challenges posed by Artificial Intelligence.

In its early stages, technology was largely understood as an instrument that assisted and extended human actions. However, technological development has increasingly shifted toward the substitution of human labor with machines. Even within this transition, human agency was generally regarded as irreducible and supreme, grounded in humanity's presumed rational uniqueness and creative and imaginative capacities. Artificial Intelligence now challenges these assumptions by questioning whether such capacities remain exclusively human. Consequently, human-centered secular frameworks struggle to articulate convincing grounds for preserving human autonomy and addressing the ethical dilemmas generated by increasingly machine-mediated forms of life.

In this context, the interventions of *mufṭīs* and *sharīʿa* scholars acquire particular significance. Through God-centered jurisprudential categorizations and philosophical reasoning, they seek to reaffirm the distinctiveness and moral

centrality of human agency. Their responses emerge from a long and dynamic tradition of Islamic legal reasoning that has historically engaged with the intellectual and ethical challenges posed by modernity and technological change. Rather than treating technological developments as merely technical matters, this tradition situates them within broader questions concerning moral responsibility, epistemic authority, and the proper ordering of human existence.

### **Fuqahā’'s engagements with modern technological inventions**

The Historical trajectory of Muslim societies throughout the 20<sup>th</sup> century includes a series of struggles to respond to the transformative impact of modern technologies within their faith and tradition. As Junaid Quadri notes in his book, *Transformation of Tradition: Islamic Law in Colonial Modernity*, “How to grapple with the consequences of new technologies was but one of a series of challenges that confronted everyday Muslims in the opening decade of the twentieth century” (Quadri, 2021). For instance, Quadri’s case study in the book illustrates one clear example. The book offers a close reading of Muḥammad Bakhīt al-Muṭī’ī’s works, then head of the sharī’a court in Alexandria and later *Muftī* of Egypt, especially the *Irshād Ahl al- Milla ilā Ithbāt al- Ahilla* a treatise on the evidentiary status of religious reports transmitted via telegraph (Quadri, 2021).

The Telegraph, a novel technology that disrupted the established epistemic norms about communication, which is new to traditions like Islam that prioritizes oral testimony and in-person transmission, compelled the *fuqahā’* to reconsider “how to interpret a technology that fundamentally redefined modes of communication.” Quadri observes that the telegraph raised the question for jurists: “how ought Muslims understand the emergence of the telegraph and the set of procedures and protocols specific to it?” (Quadri, 2021). Crescent sighting disagreements were longstanding, but the telegraph’s near-instant transmission of sighting reports created urgent new legal questions for the *fuqahā’*. The *fuqahā’*’s engagement with telegraphs provides a historical case showing Muslim tensions with emerging technology and Islamic legal methods, resembling the contemporary *fuqahā’*’s engagement with Artificial Intelligence.

Another historical instance that clearly demonstrates this struggle is the debates generated by the invention of the loudspeaker among *fuqahā’*. As a particularly relevant case, the South Asian *Ḥanafī* scholars’ debate on the use of microphones

and loudspeakers in ritual prayer (*ṣalāh*) can be cited. In his thoughtful reflection on the complexity of the debates that unfolded among the Deobandī *fuqahā'*, Ali Altaf Mian aptly characterized the loudspeaker as a “troubling technology” (Mian, 2017). Through his study, Mian offers a thorough and historically contextualized close reading of a twentieth-century South Asian *Ḥanafī* that specifically addresses the use of loudspeakers in the context of ritual prayer. In this treatise, the *muftī* clearly explains his interpretive methods and proofs for revising his *fatwā* concerning the use of loudspeakers in rituals: initially holding that it invalidated prayer, he later revised his view to allow its use while discouraging it. Mian carefully traces this interpretive shift to the *muftī*'s deep-rooted methodological commitments within the established and distinctive *Ḥanafī* modes of legal reasoning. This particular case demonstrates how the introduction of novel technology forced the *fuqahā'*, in this instance, specifically the *Ḥanafī fuqahā'*, into new interpretation and reasoning within their tradition, thereby producing new conceptualizations and methodological developments.

Among these historical struggles, another significant and distinct instance was the multifaceted challenges posed by the rapid development of modern biomedical advancements, which raised crucial ethical and epistemological questions regarding *fiqh* reasoning. Many contemporary *fuqahā'* classified these biomedical dilemmas as “*nawāzil*” (نوازل), a technical term denoting newly arising issues that require *ijtihād*. The late Saudi scholar Bakr Abū Zayd, in his seminal book *Fiqh al-Nawāzil*, discussed a number of biomedical issues. In his treatment of the topic of resuscitation and its influence on determining death, Abū Zayd characterizes the matter as *nāzilāt al-injāz al-ṭibbī al-ḥadīth* (the novel issue raised by modern medical advancement) (Abū Zayd, 1997). Another closely related term, *al-nawāzil al-ṭibbiyya* (novel issues of medical character), appears in the titles of some works on Islam and biomedical ethics (Ghaly, 2015).

Mohammed Ghaly has introduced the term “*co-muftīs*” to characterize the unprecedented condition that has emerged within the Islamic legal thought generated by new biomedical issues. In front of Islamic legal thought as a result of confronting novel biomedical issues, a situation he regards as unique in the history of Islamic legal thought (Ghaly, 2015). By employing “*co-muftīs*,” Ghaly highlights the challenges that biomedical issues such as organ transplantation, cloning, and stem cell research present to the traditional process of *ijtihād*. One of the core requirements for sound *ijtihād* is the formulation of the right and

precise perception (*taṣawwur ṣaḥīḥ*). Another similar term is understanding the reality (*fahm al-wāqīʿ*). This foundational principle of *taṣawwur ṣaḥīḥ* and *fahm al-wāqīʿ* necessitates consulting specialists from domains external to the traditional religious sciences (*al-ʿulūm al-sharʿiyya*), including experts across various knowledge streams.

In the context of contemporary biomedical issues, Muslim biomedical scientists are significant as informants for *muftī* to formulate correct perceptions and issue a ruling (*al-ḥukm al-sharʿī*), because these biomedical issues have manifold impacts that extend to the most basic concepts in our lives, such as health and sickness, life and death, and even the very notion of humanity (Ghaly, 2015). The formal training of *muftīs* remains strictly confined to the theological and religious sciences, thus lacking any grounding in biomedical sciences and mastery of the English language, through which one can access biomedical knowledge.

In addition, biomedical scientists have infringed upon the normative role of *muftīs*. This transformative shift in the clearly defined boundaries between the normative role of *muftī* and the informative role of biomedical scientists has been analytically framed by Dr Ghaly through the term “co-*muftī*.” A key point is that modern biomedical advancements accompanied by various technologies have created unprecedented challenges to the longstanding traditional process of *ijtihād*, thus requiring traditional Islamic legal reasoning methods to practice collective *ijtihād* (*al-ijtihād al-jamāʿī*) and to consult systematically non-legal experts in the *iftāʿ* process.

Although these historical debates, together with the growing body of scholarly studies that analyze them, show us the *fuqahāʿ*'s engagements with various modern technological inventions, highlighting differences in juristic conceptualization and interpretation of specific technologies, and underscoring deficiencies and gaps in contemporary *fuqahāʿ*'s legal reasoning approaches. The aforementioned debates stand as historical analogs with distinct features while laying the groundwork for this paper's central inquiry: a detailed examination of contemporary Islamic legal thought's encounter with Artificial Intelligence.

Traditionally, jurists have addressed new and unprecedented issues through the practice of *iftāʿ*. As Junaid Quadri notes, “*Fatwā* responses often address new and unprecedented situations (*nawāzil*)” (Quadri, 2021). One such *nawāzil* that

contemporary *muftīs* and contemporary *fuqahā'* deal with or an area requiring legal consultation is the nature of *fatwā* itself: can a human *muftī* be replaced by a non-human, machine-based *muftī*? What is a *fatwā* in the Islamic tradition, and how does it differ from an algorithmic template produced by Artificial Intelligence?

Addressing these questions requires *muftīs* to first develop a clear conception of artificial intelligence within the Islamic intellectual and legal tradition before considering the question of replacing human *muftīs*. Accordingly, the issue of machine *muftīs* and the interpretive approaches of contemporary *fuqahā'* toward them serve as a case study for a broader inquiry into how Islamic legal thought engages with modern technological advancements.

### **Fatwās: The Negotiation between Divine Command and Historical Contingency**

Before engaging in further debates on artificial intelligence and the *fatwās* that address it, it is necessary to provide an overview of the *muftī's* function as a juriconsult and the potential impact of *fatwās*. In this regard, the discussion draws on the writings of the distinguished Mālikī jurist Shihāb al-Dīn al-Qarāfī. According to al-Qarāfī, the *muftī's* function is analogous to that of a translator who translates the meaning of his patron's speech to those who do not understand it (فَالْمُفْتِي مَعَ اللَّهِ تَعَالَى كَالْمُرْجِمِ) (al-Qarāfī, 2003). This implies that the god who is the patron and certain aspects of his speech are translated to Muslims by the *muftī*.

The *fatwā* is depicted as *khbar* (report), which clearly shows the infallible nature of *fatwās*, and like all *akhbār* (reports), *fatwās* are subject to acceptance or rejection by their recipients (al-Qarāfī, 2003). Thus, the kind of legality and the legal implication by *fatwā* corresponds to what Sherman Jackson describes as “voluntary assent:” “a *fatwā* itself is not binding, the Muslim recipient can accept or reject it, in this sense it can be understood as a “legal opinion “ (Jackson, 1997).

In another sense, a *fatwā* transcends a mere legal opinion, as the *muftī*, by interpreting the scripture, conveys conclusions on behalf of God, thereby holding a significant role in guiding individual actions. The role of a *muftī* is to inform

individuals of what the law is, and, as Sherman Jackson observes, “Once it is deemed that a *muftī*’s pronouncement is a faithful representation of the divine will, it becomes the right of any individual to act on the basis thereof, independent of any supervision or intervention by the state” (Jackson, 1997).

Historically, the premodern roots of issuing *fatwās* can be traced back to the Qur’ān and hadith literatures (S. Powers, 2017). When a believer approached the prophet Muḥammad and asked about some matters, some of these inquiries were answered by God through revelation. The pattern is exemplified in the Qur’ān: “When they ask you (*yas’alūnaka*) concerning . . . , say. . . .” (al-Baqarah 2:189), Verbal forms derived from the root *f-t-y* are used in the Qur’an in connection with questions and answers. As (S. Powers, 2017) notes: “From the Quranic linguistic forms, it was only a short step to the terminology that came to associated with the activity of legal consultation: *mustaftī*, *istiftā’*, *mufti*, *fatwā*, *futyā* and *iftā’*.” In the *Ḥadīth* literature, there are numerous instances of the Companions asking questions and the Prophet Muḥammad responding directly.

Key terminologies associated to *fatwā* are: the person who poses the question is the *mustaftī*, and the request itself is called the *istiftā’*, the respondent is the *muftī*, and the activity is called *futyā* or *iftā’* (S. Powers, 2017). The basic identity of the *mufti* or the requirements and characteristics of the position are provided in the *uṣūl al-fiqh* literature. Another major part of the literature that discusses the features of the *muftī* and his interpretative methods is *adab al-muftī* treatises. These treatises can be relied upon to better understand the *muftī* and the *iftā* procedure. In these texts, the *muftī* is described as “the heir of the prophets,” “the signatory for God Almighty,” and as standing “between God Almighty and His creatures” (Masud et al., 1996). Imām al-Shāṭibī goes further, regarding the *muftī* as a legislator (*shāri’*) which is a term typically reserved for Prophet Muḥammad himself.

*Fatwās* function as a mirror through which the practical dimensions of Islamic *sharī’a* are reflected. As Khalid Masud notes, “While the more theoretical aspect of the *sharī’a* is embodied in the literatures dealing with the “branches” of substantive law and with the “roots” of legal methodology and jurisprudence, its more practical aspect is embodied in *fatwās* issued by *muftis* in response to questions posed by individuals in connection with ongoing human affairs” (Masud et al., 1996).

Islamic legal historians have pointed out that *fatwās* are a genre of legal writing that is closely connected to social change (Hallaq, 1994). Prominent Islamic legal historian Wael B. Hallaq elaborates on the “worldliness” of *fatwās*, by which he means that the origin of *fatwās* was not from hypothetical cases, but from a particular social reality involving real people with real problems (Hallaq, 1994). The famous Anthropologist Hussein Ali Agrama noted that one of the earlier and prevailing understandings of the nature of Islamic traditions held that Islamic tradition began to exhibit a growing gap between doctrine and practice very early on in its development. While critiquing these understandings, he elaborates on the insufficiencies of approaching *fatwās* primarily as an instrument that bridges the constant gap between a settled doctrinal past and a future of continual novelty (Agrama, 2010). The key point here is that approaches that treat *fatwās* as detached from social reality have been critiqued.

In light of the foregoing, it becomes evident that *fatwās* represent jurists’ efforts to translate divine will into specific historical contexts. The insights of prominent anthropologist Brinkley Messick help clarify this point. While the term *sharī‘a* fundamentally refers to the divine design for the Muslim community, Messick observes that it also denotes “a corpus of humanly authored legal thought elaborated at the meeting points of divine revelation and prophetic practice with human reason” (Messick, 2020).” This vast corpus, known as *fiqh*, embodies the cumulative human reception and interpretation of *sharī‘a*, developed over centuries. Historically, jurists have sought to understand and adapt to divine revelations and the Prophet’s example. As Messick further notes, *sharī‘a* is “divine in origin and human in interpretation, comprising a character both transcendent and immanent, a reality at once timeless and historical” (Messick, 2020). Accordingly, *fatwās* and the process of *iftā’* should be understood as mediating between the historical and transcendent dimensions of *sharī‘a*, representing an ongoing negotiation between the divine command and historical contingency.

### **Why the *Fatwās* as “Texts” to Re-read**

In this study, contemporary *fatwās* and observations of *fatwā* councils regarding Artificial Intelligence are approached as texts to be re-read. Since this study

follows the method of textual analysis, the notion of “text” is not confined here to its narrow literary sense; rather, it draws upon a long and complex debate across semiotics, linguistics, anthropology, and cultural theory. Texts, as discussed within these traditions, are not merely linguistic artifacts but are understood as representations, products, and even enactments of broader social, cultural, and economic realities. In this sense, *fatwās* are dealt with here not purely based on the classical definitions and interpretations but as an interpretative exercise considering their institutional settings and structural location in the socio-political process.

Williams expanded the understanding of “text” beyond its literary domain, proposing that cultural forms themselves could be read as texts that mediate social relations and structures of power (Williams, 1977). Similarly, Bruno Latour problematizes the boundaries between texts, things, and networks of mediation, suggesting that textuality is part of an assemblage of human and non-human actants (Latour, 1993). Derrida’s deconstructive intervention further shifted the focus from the internal coherence of the text to its contextual and intertextual dimensions—the “pre-texts” and “contexts” that destabilize meaning (Derrida, 2022). Drawing on these critical traditions, *fatwās* are not treated here as independent or self-contained domains of religious reasoning but as discursive and institutional practices deeply embedded in the socio-political formations of capitalism, the neoliberal state, and the technological present.

This approach resonates closely with Brinkley Messick’s anthropological reading of *sharī’a* texts (Messick, 2018) (Messick, 2012). In ‘The Calligraphic State’ and ‘*Sharī’a* Scripts’, Messick develops a method for reading *sharī’a* as a textual and discursive tradition, deeply contextualized within Talal Asad’s conceptualization of the discursive tradition (Asad, 2017). According to Messick, a mature historical anthropology of *sharī’a* must attend to its complex textual manifestations and their material, institutional, and epistemic conditions of production in their historical context. Building on Asad’s genealogical sensibility, Messick emphasizes the temporal situatedness of texts and their emergence within particular historical and power-laden contexts. This allows us to understand a discursive tradition not as static or uniform but as a historically composite formation, continuously reconstituted through practice, interpretation, and institutional mediation.

This study extends Messick's historically grounded textual anthropology into a contemporary domain by analyzing *fatwās* on Artificial Intelligence. The aim is not to treat these *fatwās* as isolated theological judgments but as discursive events that reveal how the epistemic repertoires and conceptual frameworks of the *fiqh* tradition are being rearticulated under modern regimes of knowledge and power. Such a reading foregrounds how *fatwās* reasoning is shaped by and responds to the transformations of neoliberal governance, capitalist markets, and technoscientific rationalities. Methodologically, this approach follows Messick's (2018) proposition that texts should be understood as ongoing historical processes rather than as finished intellectual products. This perspective brings together discrete elements and voices across genres, departing from philological or linguistic models that traditionally treat religious texts as closed monuments. Messick's intertextual and processual reading is indebted to M.M. Bakhtin's critique of monologic textuality, which emphasizes the dialogic, relational, and historically situated character of all texts (Bakhtin, 1981).

Thus, to "re-read" contemporary *fatwās* anthropologically is to treat them as living documents of a discursive tradition that is historically layered, contextually contingent, and continuously negotiated. Such an approach allows for a more nuanced and complex understanding of *fatwās* in the age of Artificial Intelligence, moving beyond abstract theological or ethical judgments toward an analysis of how religious reasoning itself is reconstituted within modern formations of knowledge, technology, and power.

### **Contemporary Muftī's Responses on AI**

The following section provides an overview of the selected responses, focusing on the central questions addressed by the muftīs during these conferences. This explains the various interpretations, conceptual frameworks, and legal reasoning employed in their discussions. For the purposes of this analytical inquiry, I selected two contemporary *muftīs* responses, which were presented at two major conferences conducted by prominent *fatwā* councils that were held recently.

The first of these conferences was convened under the authority of the most recognized *fatwā* council, *Dār al-Iftā' al-Miṣrīyah*, which is widely regarded as a leading authority in the Muslim world. In August 2025, it held its 10th International Conference under the theme "The Making of the Competent *Muftī* in the Age of Artificial Intelligence" (تكوين المفتي الرشيد في العصر الذكاء الاصطناعي) which took place on August 12 and 13. The second conference was organized by International Fiqh Academy (*Majma' al-Fiqh al-Islāmī al-Duwalī*) (مجمع الفقه الإسلامي الدولي). In addition to these collective discussions at these conferences, numerous individual *muftīs* and Islamic Jurists have also responded to questions regarding Artificial Intelligence.

The significance of *Dār al-Iftā' al-Miṣrīyah*'s 10th International Conference is outlined in its concept note, which sets out the guiding logic and objectives of the event. This section first focuses on the perspectives and responses emerging from this conference, emphasizing the evolving role and responsibilities of *muftīs* in contemporary contexts, particularly in response to the rapid technological advancements of the modern era. It observes: "In an age of rapid technological advancement and the widespread integration of Artificial Intelligence into all aspects of life, the need to develop the role of the *muftī* and to strengthen the Islamic legal framework in addressing contemporary challenges has become increasingly urgent. In response, the General Secretariat for *Fatwā* Authorities Worldwide convened its 10<sup>th</sup> international conference under the theme "The Making of the Competent *Muftī* in the Age of Artificial Intelligence" (*Dār al-Iftā' al-Miṣrīyah*, 2025).

The primary focus of the conference was to define the concept of a *muftī* and the nature of a *fatwā*, particularly in light of the growing discussions surrounding the emergence of artificially generated *muftīs* and the process of *iftā'* (*issuing fatwās*). Each session examined different aspects of *fatwā* issuance, with particular emphasis on distinguishing between *fatwās* rooted in the Islamic tradition and those that are machine-generated or automated. The conference was organized into five sessions, each dedicated to a major subtheme:

1. تكوين المفتي العصري – The Formation of the Contemporary *Muftī*
2. الإفتاء في عصر الذكاء الاصطناعي – *Iftā'* in the Age of Artificial Intelligence
3. المفتي الرشيد في مواجهة تحديات الذكاء الاصطناعي – The Righteous *Muftī* Confronting the Challenges of Artificial Intelligence
4. الذكاء الاصطناعي وتطوير العمل المؤسسي – Artificial Intelligence and Institutional Development
5. تجارب مؤسسات الفتوى في صناعة المفتي الرشيد في عصر الذكاء الاصطناعي – Experiences of *Fatwā* Institutions in Shaping the Righteous *Muftī* in the Age of Artificial Intelligence

In his inaugural speech at the conference, Nazeer Ayyad, the Grand *Muftī* of Egypt, highlighted one of the major challenges facing the institution of *iftā'* in the contemporary world: “the rise of algorithmically programmed *muftīs*, which threatens to replace the authority of the ‘*ulamā*’ with rigid computational algorithms. In response to this challenge, the conference emphasized the need for contemporary *muftīs* to embody the quality of *rushd*, a central concept in Islamic tradition, and defined the *muftī* as *al-muftī al-rashīd* (المفتي الرشيد)”.

In his speech, Ayyad further elaborated on the meaning of *al-muftī al-rashīd*, emphasizing its relevance in light of recent technological advancements. He stated: “Thus, *al-muftī al-rashīd* is the one who combines deep knowledge of the *sharī‘a* with an understanding of changing realities, and equips himself with the sciences of the contemporary era.” Ayyad stressed that, in today’s rapidly transforming world, it is essential for *muftīs* to be deeply aware of the radical changes taking place globally. He also emphasized that it is the responsibility of *fatwā* councils to oversee AI-generated *fatwā* systems, ensuring that these systems function under their supervision rather than being controlled by tech companies.

Before entering the papers presented at the conferences, one more point raised by the grand *muftī* deserves mention, as it depicts the tension of contemporary *fuqahā'* regarding AI. After mentioning the benefits AI offers, he cautioned: “However, this development (AI), despite the benefit it contains, raises questions concerning the essence of human beings and their moral responsibility (التكليف), and calls upon scholars to give a decisive ruling on them: Is it permissible for a

machine to independently issue *fatwā*? Is *fiqh* merely a set of deductive mechanisms that can be programmed?”

One of the papers presented at the conference was by Aḥmad al-Nūr Muḥammad al-Ḥallū), *Muftī* of the Republic of Chad (*Muftī Jumhūriyyat Tshād*). His paper, titled *Takwīn al-Muftī al-Rashīd fī ‘Aṣr al-Dhakā’ al-Iṣṭinā’ī* (تكوين المفتي الرشيد في عصر (الذكاء الاصطناعي), explores the formation of the *muftī al-rashīd* in the age of Artificial Intelligence. The basic premise of his argument can be stated as follows: the invention of AI has ushered in a vast technological revolution that impacts all fields of life, inevitably including the institutions of *Iftā’*. This digital revolution (*al-infitāḥ al-raqamī al-kabīr* – الانفتاح الرقمي الكبير – *wa‘yan jadīdan wa naṭman muḥaddathan min al-ijtihād* – وعيا جديدا ونمطا محدثا من الاجتهاد – (2025), the *muftī al-rashīd* is conceptualized as a reinterpretation of the *muftī*, designed to address the challenges posed by AI (الشيخ أحمد النور الحلو).

He begins with the concept of *al-muftī al-rashīd*, noting that the definition of *muftīs* has varied historically. However, in the present day, it is understood as an officially state-appointed jurist (*faqīh*). He interprets *al-muftī al-rashīd* as follows: “The *muftī al-rashīd* is the jurist, or one who takes their place, proficient in the tools of *iftā’*, including knowledge of the Qur’an, sunna, and analogy (*qiyās*), and is capable of applying legal rulings to real-world situations in accordance with the *maqāṣid* of the *shari’ah*. It has now become essential for the *muftī al-rashīd* to engage with contemporary events and keep up with the times by utilizing the tools and methods of Artificial Intelligence, so that they are not disconnected from the needs of the present age” (الشيخ أحمد النور الحلو). The major challenges facing *iftā’* in the age of AI, according to this *muftī*, are: 1) Loss of human context (فقدان السياق الإنساني), 2) Bias in algorithms (الانحياز في الخوارزميات), 3) Absence of *maqāṣid*-based *ijtihād* (غياب الاجتهاد المقاصدي), 4) Loss of religious/legal responsibility (فقدان المسؤولية الشرعية) (الشيخ أحمد النور الحلو).

He then outlines a set of guidelines for the *al-muftī al-rāshid*. The rationale behind proposing these guidelines, he argues, lies in the nature of the contemporary world, which is saturated with diverse and often conflicting beliefs, opinions and intellectual currents. Because of this complex environment, *muftīs* need clear principles to serve as a compass when issuing legal opinions. Guidelines he proposed are: Authentic Juristic Competence (التمكّن الشرعي الأصيل),

Technological Awareness (الوعي التّقني), Capacity for Discernment (القدرة على التّمييز), Commitment to Ethics and Regulatory Principles (الالتزام بالأخلاق والضوابط), Openness to Institutional Work (الانفتاح على العمل المؤسّسي), Ability to Apply Rulings to Contemporary Realities (القدرة على تنزيل الأحكام على الواقع), Critical Evaluation of Intelligent Content (النقد والتحليل للمحتوى الذّكي), Commitment to Continuous Learning (التّعلم المستمر).

The other response analyzed in this study comes from the 26th session of the International Fiqh Academy, held in Doha, Qatar. The International Fiqh Academy serves as a global scholarly body and functions as a subsidiary organ of the Organization of Islamic Cooperation (International Fiqh Academy n.d.). The OIC is an intergovernmental organization established to enhance cooperation among Muslim-majority states within the geopolitical framework of the post-colonial nation-state system (Awass, 2014). Unlike the conference hosted by Dār al-Iftā' al-Miṣrīyah, this conference addressed two other topics, with Artificial Intelligence being the second issue discussed.

At this conference, Shawqī Ibrāhīm 'Allām, the former Grand *Muftī* of Egypt, presented a paper titled *al-Dhākā' al-Iṣṭinā'ī: Aḥkāmuḥu wa-Ḍawābiṭuḥu wa-Akhlāqiyyātuhu* (Artificial Intelligence: Its Rulings, Regulations, and Ethics) (Majma' al-Fiqh al-Islāmī al-Duwalī, 2025). A central legal method he employs in approaching this emerging technology is *al-ijtihād al-maqāṣidī* (الاجتهاد المقاصدي), or objectives-based reasoning (International Fiqh Academy, 2025).

The *muftī's* starting point is the unprecedented technological advancements of the contemporary era, with AI emerging as the most prominent manifestation of rapid development. The central idea of this *muftī's* response is that the domains shaped by Artificial Intelligence require regulation and guidance to ensure they remain within the framework of Islamic legal rulings and ethical principles, preventing them from operating outside the bounds of *sharī'a* and moral values (International Fiqh Academy, 2025).

The central focus of this response is the use of AI technology. The *muftī* employs the term *الاستخدام* (usage), signaling that a utility-based approach is key to his reasoning. In outlining the purpose of his response, the author identifies the major domains in which this technology can be applied and then considers how legal rulings can be issued based on its usage. Thus, his approach is primarily oriented toward the practical application of AI. In the second chapter, he

elaborates on its applications across numerous fields, including medical, financial and economic, industrial, service, and educational sectors, and subsequently provides legal rulings for each domain.

According to this *muftī*, the use of AI in *iftā'* processes represents another instance of its application within the domain of *sharī'a*, analogous to its use in other fields of life. He addresses this question in two ways: The first is the use of AI as an aid in the preparation of *fatwās*. His response to this is *mubāḥ* (permissible) (International Fiqh Academy, 2025), as it saves time and effort for both the *mufti* and the petitioner. In this case, the AI's role is limited to assisting in researching the issue and its evidence, without issuing the *fatwā* itself.

He then discusses the use of AI as a *muftī*, stating: "It is established that delegating the role of *iftā'* to a robot programmed to issue *fatwās* is not permissible." Notably, he uses the terms "robot" and "AI" interchangeably, referring to AI as a robot when highlighting the limitations of its role as a *muftī*. He identifies several key problems: First, issuing a *fatwā* requires a correct understanding of the particular case (*nāzilah*) and precise comprehension, a level of understanding that a robot cannot achieve independently. Second, the juristic classification of legal issues (*al-takyyīf al-fiqhī*) requires relating the case (*al-ṣūra al-mas'ūl 'anhā*) to the appropriate chapters and categories of *fiqh*, which a robot cannot perform. Third, a *fatwā* may be general and applicable to all, but a robot cannot grasp its universal applicability. Finally, a *fatwā* varies according to time, place, circumstances, and local customs, which robots cannot perceive or properly assess.

He further examined the benefits and harms of using this technology employing a *maṣlaḥah-mafsadah* or *maqāṣid*-based approach. In this framework, he outlines several positive aspects, potential harms, and possible aftereffects of AI application. He then introduces major *fiqh* concepts that provide a framework through which engagement with AI becomes possible. In the introduction, he states, "*fiqh* is founded on several major legal theories that provide comprehensive systems organizing the branches of *fiqh*. Drawing upon these theories to address contemporary and forward-looking issues offers the *muftī* a framework and structured basis to regulate his legal rulings across different cases" (International Fiqh Academy, 2025).

The major *fiqhī* concepts he identifies as foundational for the jurisprudence of AI and its applications include *naḥariyyat al-ahliyya* (the theory of legal capacity), *naḥariyyat al-ḍamān* (the theory of liability), *naḥariyyat aḍ-ḍarūra* (the theory of necessity), *naḥariyyat sadd al-dharāʾiʿ* (the theory of blocking means), and *naḥariyyat al-istihāla* (the theory of impossibility). For each concept, he explores its relevance to AI. In relation to *ahliyya*, he asks whether a nonhuman entity, such as a machine, can possess legal capacity. In connection with *ḍamān*, he examines the mistakes and harms caused by AI and questions who bears the responsibility. Regarding *aḍ-ḍarūra*, he considers the use of AI in critical health matters and urgent financial needs of the people. With *sadd al-dharāʾiʿ*, he reflects on the potential for digital harm and crime in virtual spaces generated by AI.

Finally, he offers a set of ethical guidelines for the use of AI, which he directly adapts from the ethical principles provided by UNESCO.

### **Who is a Muftī?**

From the preceding discussion, it becomes clear that one of the significant questions raised by AI towards Islamic Jurisprudence is: who is a *muftī* and what essential qualifications define their role? What are the characteristics of a *fatwā* that distinguish it from one generated by AI? To evaluate whether a nonhuman, AI-driven system could serve as a *muftī*, a historical analysis of the *muftī*'s role and qualifications is necessary. This involves tracing how *muftī* has been defined and understood within Islamic legal thought. How did pre-modern jurists conceptualize the qualifications and authority of *muftī*? Is there any precedent in classical legal theory for a nonhuman or machine-based interpreter? Does Islamic legal theory necessarily presuppose a human *muftī*, or is there conceptual space for a nonhuman actor to participate in legal interpretation?

This discussion opens with the period of al-Imām al-Shāfiʿī and the Sunni tradition of Islamic legal thought, with the aim of tracing how the role of the *muftī* has been historically defined and how scholars have interpreted the question, “Who is a *muftī*?” Since the formative period of Islamic legal theory, extensive juristic discussions have emerged concerning who qualifies as a *muftī*, that is, who possesses the authority and necessary qualifications to issue legal opinions and who does not. The question of how to define the *muftī* and the process of *iftāʾ* remained a subject of debate throughout the development of Islamic legal

thought. During the early centuries of Islamic legal thought, muftīs were required to be *mujtahid* (Hallaq, 1996).

While al-Imām al-Shāfi‘ī does not explicitly state that a *muftī* must be capable of *ijtihād*, he maintains that he must be proficient in the knowledge necessary to become a *mujtahid* (Hallaq, 1996). This requirement remained largely unchanged for the next two centuries. Al-Imām Abū al-Ḥusayn al-Baṣrī, who lived in the late tenth century and in the early 11<sup>th</sup> period, explicitly held that a jurist must be a *mujtahid* to qualify as a *muftī*. Similarly, prominent eleventh-century *fuqahā’*, including al-Shīrāzī, al-Bājī, al-Māwardī, al-Juwaynī, al-Ḥaramayn al-Juwaynī, and al-Ghazālī, maintained, either explicitly or implicitly, that *ijtihād* was necessary to serve as a *mufti* (Hallaq, 1996).

In the period after al-Ghazālī, spanning the twelfth to mid-thirteenth centuries, notable shifts emerged in the qualifications of *muftī*. A prominent scholar of this period, al-Āmidī, discussed this concept in detail. He examined the question of “whether a non-*mujtahid* is permitted to issue *fatwās* according to the school of a *mujtahid*” (Al-Amidi, 1967). During this period, a new category emerged: *mujtahid fī al-madhab*, referring to a jurist who is well-versed in the methodology of an independent *mujtahid* and capable of deriving rulings according to that methodology, and is thereby entitled to practice *iftā’*. Although al-Āmidī recognized a shift in the requirements for *ijtihād*, he maintained that, at a minimum, one should be a *mujtahid fī al-madhab*. Therefore, the major shift was that jurists had begun to debate the permissibility of issuing *fatwās* by those who were not fully qualified *mujtahids*.

Ibn al-Ḥājib, a younger contemporary of al-Āmidī in his work *Muntaḥā al-Wuṣūl*, also discussed the position of the *muftī* but allowed who is not a *mujtahid fī al-madhab*. One of his contemporaries, Ibn Ṣalāḥ al-Shahrazūrī, contributed a complete treatise on the institution and practice of *fatwā* from a different perspective. A significant change in his interpretation was the allowance for a mere *muqallid* (a jurist who follows the opinions of others) to issue *fatwās* in cases where no *muftī*, neither *mujtahid mustaqill* (independent *mujtahid*) nor *mujtahid fī al-madhab*, was available.

By the mid-thirteenth century, the practice of permitting *muqallids* to issue *fatwās* became widespread. This development was extensively analyzed by scholars such as Ibn ‘Abd al-Salām and Ibn Daqīq al-‘Īd in their respective works.

Ibn Daqīq al-‘īd’s interpretation marked a departure from earlier theorization: he argued that strict *ijtihād* qualifications could create significant difficulties. Accordingly, a *muftī* who is ‘*adl* and knowledgeable in the school of the *mujtahid* is permitted to issue a *fatwā*. He also asserted that this view was consensual.

Although the Sunni legal tradition encompasses a large corpus of scholarship, this section only traces how the *mufti* was defined among premodern jurists. These discussions addressed human concerns and were not oriented toward the question of a non-human *muftī*, which raises modern challenges regarding the role of intelligent machines in the process of *iftā*. In addition to *uṣūl al-fiqh* texts, the *adab al-muftī* literature provides another avenue where the qualifications and conditions of the *muftī* are systematically examined in detail. These texts did not consider the possibility of a non-human *muftī*; consequently, the conditions they outline assume a human subject. For instance, al-Nawāwī lists the following qualifications: “be an adult, Muslim, trusted, reliable, free of the causes of sin and defects of character, a jurist in identity, sound of mind, firm in thought, correct in behavior and derivation, alert” (al-Nawawī, 1925).

With the emergence of AI, the prospect of non-human agents issuing *fatwās* foregrounds critical questions regarding the inherently human and social character of the *iftā* process. Classical understandings of *fatwā* show that it is not merely an instrumental answer to narrow questions arising in a believer’s daily life. Rather, it represents a continuous dialogue aimed at bridging divine revelation and historical contingencies within legal and ethical frameworks to promote moral, ethical, and social good. The tensions and concerns inherent in the classical conception of *iftā* are largely absent in contemporary juristic responses, which frequently reduce *iftā* to an instrumental logic shaped by capitalist imperatives and state interests in development, falling into mere calculative reasoning, which I will detail in the last section.

### **The Issue of the “Machine Muftī”**

As discussed in the *muftī*’s responses section, one of the questions among contemporary *muftīs* and a discussion that emerged after the advent of AI within the Muslim world is whether a thinking machine can be relied upon to issue *fatwās*. In his article, *Muftī* Sa’eid Farhan discusses this question by examining whether Artificial Intelligence functions merely as an assistant to a *muftī* or can

itself act as a *muftī* (Farhan, 2025). Farhan's analysis categorizes AI in the *iftā'* process into two types: one serving as a tool for the *muftī* and the other attempting to replace the human *muftī*. He counters the argument for a machine *muftī* by referencing the conditions established by *fuqahā'* throughout history, demonstrating that being human is inherently required by these conditions, and that a lifeless machine can never fulfill the role of a *muftī* grounded in the Islamic tradition (Farhan, 2025).

Another article, also written from a jurisprudential perspective, is authored by Mousa Za'atreh and discusses the impact of AI on *fatwās* (Mousa Za'atreh, 2024). He analyzes the technology, highlighting both its advantages and disadvantages in the context of *fatwās* and emphasizing the key benefits and limitations. Za'atreh frames this technology as a tool, clarifying its potential roles as both an assistant in the *iftā'* process and a contributor to contemporary discourse. In summary, contemporary discussions regarding the machine *muftī* and the integration of AI into Islamic jurisprudence center on whether AI can replace human scholars or merely assist in issuing *fatwās*. The dominant view, grounded in Islamic intellectual and legal traditions, maintains that no non-human entity can replace the human *muftī*.

The question of the "AI *Muftī*," actually the question about the machine *muftī*, forms part of a larger inquiry into the nature of religious authority and how it is challenged or redefined by emerging technological developments. Across different religious traditions, the question of how technological tools and digital systems challenge or disrupt established forms of authority has become a major field of research, including Islam, in which many religious studies scholars are currently engaging. Researchers of religion and media in the context of Islam have long anticipated the need for increasing multi-disciplinary approaches to unpack the historical and contemporary import of religious content online (Campbell & Cheong, 2022). Gary R. Bunt has conducted extensive research in this field.

Many prominent scholars of religion and anthropologists have addressed the issue of religious authority in relation to digital technologies. Thus, the "Machine *Muftī*" serves as a case study within a broader interdisciplinary examination of how computational technologies shape Muslim understandings of religious authority. For instance, Ibrahim et al. and Abusharif have explored how authority

in the production of religious knowledge is affected by digital media. Abusharif argues that the Islamic tradition relies on embodied forms of knowledge and that the affordances of digital media have contributed to their decline, fostering more disembodied modes of religious learning and authority (Abusharif, 2024). He views the emergence of AI systems that answer Islamic questions as further complicating this development, noting that “AI systems, however, approach these questions through algorithmic processes, often lacking the contextual sensitivity and embodied wisdom that human scholars bring” (Abusharif, 2024).

Similar questions and inquiries have emerged within other faith traditions since the rise of Artificial Intelligence. For instance, within the Christian context, questions such as “How should Christians respond to the emerging world of AI from a biblical worldview?” are widely debated, often addressing concerns about chatbots that can take on the role of spiritual leadership, whether believers might neglect personal scripture study, or whether AI could replace face-to-face pastoral care (Engler, 2023). Furthermore, the broader implications of AI have been addressed from the perspective of Christian theology. For instance, Marius Dorobantu, a leading researcher on AI from a Christian theological perspective, observes that the development of artificial intelligent agents that exhibit human-like capabilities and behaviors raises profound questions for Christian theology (Dorobantu, 2024).

## Conclusion

From the responses examined, it becomes evident that contemporary *fuqahā* think about AI technology primarily through three dominant patterns: first, by treating technology as a purely instrumental tool; second, by adopting a utilitarian logic that focuses primarily on its uses; and third, by evaluating it through established legal paradigms within the Islamic tradition, particularly *maṣlaḥa–mafsada* deliberations and *maqāṣid* reasoning. The questions and tensions in the reasoning of these *fatwās* have productive potential in the highly techno-centered world where calculative reasoning has hegemonic power. It seeks to build an ethical frame where ethical rationality gets prominence over techno-calculative reasoning and hopes for a just and humane future. However, even though the reasoning of contemporary *mufṭī* has such a possibility of critique towards algorithmic systems, it simply falls into the positivist kind of

categories and classifications which lack the understanding of the socio-cultural system where technology is anchored. Such an epistemological lack moves into a conceptual lack of comprehension of the problem of AI. *Mufti's* understanding is more concentrated on the moralistic dimensions of humane life and lacks the ethical dimensions that need to be related to the larger sociocultural systems of technology.

In light of the *mufti's* responses, which follow distinct internal logics, two critical questions arise: How should we *not* think about Islam and AI? and, conversely, how should we think about Islam and AI? First, approaching this technology as a neutral tool is deeply problematic. A widespread instrumentalist presumption runs through much of contemporary Muslim scholarly discourse: technologies, it is often said, are neither good nor bad in themselves; rather, their moral valence depends solely on how they are used. On this basis, it is argued that ethics, law, theology, *kalām*, metaphysics, or philosophy provide the means to define the right questions at the interface of Islam and AI. However, engagements that rely on such frameworks alone are far from adequate. The preceding responses and broader Muslim ethical and legal approaches to AI must be critically examined in this light.

Melvin Kranzberg's law of technology states that technologies are neither good nor bad nor neutral (Kranzberg, 1986), which is usefully explored in relation to political scientist Langdon Winner's important essay, *Do Artifacts Have Politics?* (Winner, 2017) Therefore, the prevailing assumptions adopted by many Islamic scholars regarding the nature of technology must be brought into conversation with these kinds of studies and thinkers to develop a clearer and more informed conceptualization of AI from the outset.

Another problem is that contemporary *fuqahā'* often fail to account for the larger civilizational and political changes shaping today's world. Although their legal and ethical frameworks are rooted in tradition, they seem disconnected from the broader geopolitical realities and power structures in which contemporary technologies, such as AI, are being developed and implemented. As Hallaq notes, the dominant patterns of modern reasoning are oriented immediately toward physical comfort and material welfare (Hallaq, 2009), a tendency that is not accidental but rooted in broader political and civilizational conditions. Thus, thinking within the dominant logics of capitalism, orienting oneself toward a

progressive worldview, and producing citizens loyal to the modern nation-state must all be recognized as underlying logical problems that shape our modes of reasoning. These factors must be critically addressed when reflecting on AI in the Islamic tradition.

The central conceptual limitation of contemporary *fatwā* discussions on Artificial Intelligence may be understood through the distinction between ‘form’ and ‘content.’ The juristic engagements, which I have detailed here, with AI focus primarily on questions of ‘content,’ that is, whether the information produced by AI is accurate, permissible, or potentially harmful. However, far less attention has been given to the form of reasoning itself. However, the prospect of a non-human *muftī* raises a fundamentally ‘formal’ question: what constitutes the process of juristic reasoning, and why must it remain an embodied, situated, and communally grounded human practice?

By insisting on the indispensability of the human *muftī*, classical Islamic legal thought underscores that *iftā*’ is not merely the mechanical application of codified rules. Rather, it is a lived ethical practice that integrates moral discernment, interpretive judgment, and social responsibility within a concrete scholarly community. This understanding has significant implications for a highly mediatized and individualistic world in which calculative, standardized, and algorithmic reasoning is increasingly privileged.

However, when contemporary *fatwā* discussions reduce the question of AI to concerns about the ‘content’ it generates, they remain confined to moralistic assessments of behavior and permissibility. This approach limits their ability to articulate broader ethical critiques and normative possibilities rooted in the Islamic discursive tradition. Equally absent is sustained engagement with the material and political-economic conditions of AI, including the platform economy, techno-capitalism, and the forms of life constituted by digital infrastructures. Without attending to both the form of *iftā*’ and the socio-technical systems within which AI operates, contemporary *muftī* discourses risk overlooking the deeper intellectual and ethical resources of Islamic jurisprudence that could offer meaningful alternatives for navigating the challenges of the present age of technology.

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