

Chapter list

Principles of Jurisprudence (Usul al-Fiqh – أصول الفقه)

Definition:

Usul al-Fiqh (أصول الفقه) refers to the foundational rules and methodologies by which practical Shariah rulings (*Ahkam Shariyyah Amaliyyah* – أحكام شرعية عملية) are derived from the recognized sources of Islamic law (*Adillah al-Shar'iyah* – أدلة الشرعية).

Subject Matter of Usul al-Fiqh:

The primary subject of *Usul al-Fiqh* (أصول الفقه) encompasses both:

- The evidences of Shariah (*Adillah al-Shar'iyah* – أدلة الشرعية) — that is, the textual and rational proofs from which detailed legal rulings are deduced.
 - The Shariah rulings (*Ahkam al-Shar'iyah* – أحكام الشرعية) — meaning the legal conclusions and injunctions derived from these evidences.
-

Purpose of Usul al-Fiqh:

The essential purpose of *Usul al-Fiqh* (أصول الفقه) is to establish a sound and systematic methodology that protects jurists from error when deducing legal rulings from Shariah sources. It provides a disciplined framework for interpreting the divine law.

Major Divisions of Usul al-Fiqh:

The science of *Usul al-Fiqh* (أصول الفقه) is generally divided into four key areas:

1. Sources of Shariah (*Adillah al-Shar'iyah* – أدلة الشرعية):

These include the Qur'an (القرآن), Sunnah (السنة), Ijma' (إجماع – consensus), Qiyas (قياس – analogical reasoning), and other recognized sources.

2. Shariah Rulings (*Ahkam al-Shar'iyah* – أحكام الشرعية):

This section deals with the classification, types, and categories of legal rulings — such as obligatory (*wajib* – واجب), forbidden (*haram* – حرام), recommended (*mandub* – مندوب), disliked (*makruh* – مكروه), and permissible (*mubah* – مباح).

3. **Methods of Derivation (Turuq al-Istinbat – طرق الاستنباط):**

These are the rules and principles governing how rulings are extracted from sources, including linguistic, grammatical, and logical tools used by jurists.

4. **Maqasid al-Shariah (مقاصد الشريعة – Objectives of Shariah):**

This area addresses the higher aims and interests which Shariah seeks to protect, such as life (*nafs* – نفس), religion (*din* – دين), intellect (*'aql* – عقل), lineage (*nasl* – نسل), and property (*mal* – مال).

Argument (Dalil – دليل)

An *argument* (*dalil* – دليل) is that by which a ruling can be understood through correct reflection and thought (*nazar sahih* – نظر صحيح).

Shariah Ruling (Hukm Shar‘i – حكم شرعي)

A *Shariah ruling* (*hukm shar‘i* – حكم شرعي) is that which describes the Shariah classification of the actions of the obligated person (*mukallaf* – مكلف), i.e.:

- Obligatory (*wajib* – واجب)
- Recommended (*mandub* – مندوب)
- Forbidden (*haram* – حرام)
- Disliked (*makruh* – مكروه)
- Permissible (*mubah* – مباح)

Examples:

- From the Hadith: the ruling on the **obligation** (*wujub* – وجوب) of prayer (*salah* – الصلاة) upon the servants is derived.
 - From the prohibition of *riba* (interest – الربا): the ruling on the **forbiddance** (*tahrim* – تحريم) of interest for the servants is derived.
-

Types of Shariah Rulings

Shariah rulings are of two types:

1. Agreed Upon (Muttafaq ‘alayh – متفق عليه):

These are the rulings on which the *mujtahids* (مجتهدون – qualified jurists) are in agreement.

2. Differed Upon (Mukhtalaf fih – مختلف فيه):

This refers to those *arguments* (دلائل) whose authority or applicability is disputed among the *mujtahids*.

Agreed Upon Sources of Shariah Rulings

There are four sources (*usul* – أصول) of Shariah rulings on which there is consensus:

1. **Kitab Allah** (كتاب الله) – The Book of Allah (the Qur’an).
2. **Sunnah** (سنة النبي ﷺ) – The Sunnah of the Prophet (peace and blessings be upon him).

3. **Ijma'** (إجماع) – Consensus of the scholars.
 4. **Qiyas** (قياس) – Analogical reasoning.
-

Differed Upon Sources of Shariah Rulings

There are seven sources of rulings whose status is disputed among scholars:

1. **Istihsan** (استحسان) – Juristic preference.
2. **Masalih Mursalah** (مصالح مرسلّة) – Public interest (unrestricted benefits).
3. **'Urf** (عرف) – Custom or prevailing practice.
4. **Shar' man qablana** (شرع من قبلنا) – Laws of previous nations.
5. **Qawl al-Sahabi** (قول الصحابي) – The statement of a Companion.
6. **Istishab** (استصحاب) – Presumption of continuity.
7. **Sad al-Dhara'i** (سد الذرائع) – Blocking the means to harm.

Practice Questions (أسئلة تطبيقية)

(1) What is called an argument?

(2) Define the Shariah law.

(3) Explain in the following verses what is the evidence (*dalīl* – دليل) and what is the Shariah ruling (*ḥukm shar'ī* – حكم شرعي)?

a. *The Book of Fasting* – Surah Al-Baqarah: 183

"O you who believe! Fasting is prescribed for you as it was prescribed for those before you..."

b. *Al-Baqarah*: 275

"Allah has permitted trade and forbidden interest (riba)."

(4) How many are the agreed-upon evidences (*adillah muttafaq 'alayh* – أدلة متفق عليها) and what are they?

(5) How many and what are the differed-upon evidences (*adillah mukhtalaf fiha* – أدلة مختلف فيها)?

