

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْحَمْدُ لِلَّهِ وَالصَّلَاةُ وَالسَّلَامُ عَلَى رَسُولِ اللَّهِ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ



Hanafi Usul 101 Lesson 3 Overview

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The Historical Development and Foundational Sources of Uṣūl al-Fiqh

Introduction

Lesson 3 shifts from conceptual definitions to a historical and civilizational overview of **how Uṣūl al-Fiqh emerged, evolved, and was shaped by various intellectual influences** in the early centuries of Islam. Drawing from the testimony of major historians—especially Ibn Khaldūn—and synthesizing the contributions of the earliest generations, this lesson situates Uṣūl al-Fiqh within the broader development of Islamic scholarship.

The lesson also explores the **principal sciences that serve as the foundations** of Uṣūl al-Fiqh—Arabic language, logic, and kalām—and explains why mastery of these disciplines is indispensable for understanding the legal methodology of the jurists.

The Historical Development of Uṣūl al-Fiqh

Ibn Khaldūn's Foundational Account

One of the most authoritative descriptions of the origins of Uṣūl al-Fiqh is given by Ibn Khaldūn, who emphasizes that this discipline did not initially exist as an independent science:

«...واعلم أنّ هذا الفنّ من الفنون المستحدثة في الملة»

“Know that this discipline is one of the newly introduced sciences in the religion...”

According to Ibn Khaldūn, the early Muslims did not require a formal, codified discipline for two primary reasons:

Their mastery of the Arabic language

He states:

«استفادة المعاني من الألفاظ لا يحتاج فيها إلى أزيد مما عندهم من الملكة اللسانية...»

“Deriving meanings from words required nothing beyond their natural linguistic competence.”

The Companions and early successors possessed intuitive and native command of Arabic, rendering formal linguistic analysis unnecessary.

Their direct access to the transmitters

Ibn Khaldūn explains:

«وأما الأسانيد فلم يكونوا يحتاجون إلى النظر فيها لقرب العصر وممارسة النقلة وخبرتهم بهم...»

“They did not need to critically examine chains of transmission due to the closeness of the era and their familiarity with the transmitters.”

Thus, the early generations relied on:

- proximity to the Prophet ﷺ
- strong internal linguistic and cultural cohesion
- direct personal knowledge of narrators

When these factors changed, the needs of the Ummah changed.

The Rise of Uṣūl al-Fiqh as an Independent Science

Ibn Khaldūn continues:

فلما انقرض السلف... احتاج الفقهاء والمجتهدون إلى تحصيل هذه القوانين والقواعد... فكتبوها فنا
قائماً برأسه سموه أصول الفقه

*When the early generations passed away, the jurists and mujtahids needed to“
acquire these legal principles, so they wrote them as an independent science which
”they named Uṣūl al-Fiqh*

This marks the moment when:

- the **organic practice** of derivation turned into a **systemized discipline**
- legal reasoning required formal tools
- scholarly work became more technical and codified

The Prophet ﷺ and the Foundations of Legal Method

The lesson clarifies that although the *institutional science* emerged later, its *substance* originates with the Prophet ﷺ.

“...اعلم أن النبي ﷺ لم يبعث مبلِّغاً فحسب، بل بُعث معلِّماً كذلك”

“Know that the Prophet ﷺ was sent not only as a conveyor but as a teacher...”

The Prophet ﷺ:

- modeled legal reasoning (ijtihād)
- taught Companions how to derive rulings
- trained them to apply principles
- oversaw their judgments and corrected them
- established the foundational methods later used in Uṣūl al-Fiqh

The Companions thus became:

«هداة بعده ﷺ، فنشروا الدين، وبينوا الصراط المستقيم»

“Guides after him ﷺ, spreading the religion and clarifying the straight path.”

This practical training laid the ground for:

- derivative reasoning
- analogical thinking
- evaluation of evidence
- dealing with novel cases

The Golden Age of Islamic Legislation

The third generation (after the death of the Tābi‘īn) witnessed what the lesson calls:

«العهد الذهبي للتشريع الإسلامي»

“the golden age of Islamic legislation.”

This era produced:

- major schools of jurisprudence
- robust legal debates
- sophisticated reasoning
- codification of legal maxims
- extensive hadith and linguistic scholarship

Great jurists arose across the Muslim world:

In Iraq

- Abū Ḥanīfa
- Ibn Abī Laylā
- Sufyān al-Thawrī
- Abū Yūsuf
- Muḥammad ibn al-Ḥasan

In the Levant

- al-Awzā'ī

In Madinah

- Rabī'ah al-Ra'y
- Mālik ibn Anas
- Ibn Abī Dhī'b

In Egypt

- al-Layth ibn Sa‘d

In Makkah

- Sufyān ibn ‘Uyaynah

Later

- Imām al-Shāfi‘ī
- Imām Aḥmad ibn Ḥanbal

The proliferation of scholarship during this period necessitated a formalization of the underlying methods.

The First Written Works of Uṣūl al-Fiqh

Scholars differed on who first authored works in this discipline:

1. The view that Ja‘far al-Ṣādiq was first

Some claimed:

«أن الإمام جعفر الصادق هو واضع هذا العلم»

But little textual evidence survives.

2. The view that Abū Yūsuf was first

Others held that:

«أول من دوّن في أصول الفقه هو أبو يوسف... ولكن لم يصل إلينا شيء من كتبه»

His works are lost, leaving the claim difficult to verify.

3. The famous, widely accepted view

The mainstream scholarly position is that:

«أول من صنّف في هذا العلم تصنيفاً مستقلاً هو الإمام محمد بن إدريس الشافعي»

Al-Shāfi‘ī’s **al-Risālah** is considered the first systematic and fully articulated work on Uṣūl al-Fiqh.

Close to him was ‘Īsā ibn Abān, who authored:

- Al-Ḥujjah
- Khabar al-Wāḥid
- Al-Jāmi‘
- Ithbāt al-Qiyās
- Ijtihād al-Ra’y

These represent early attempts to organize the principles of legal reasoning.

The Foundational Sources of Uṣūl al-Fiqh

Uṣūl al-Fiqh is not an isolated discipline. It draws heavily from three major sciences:

Arabic Language (‘Ilm al-‘Arabiyyah)

Understanding the Qur’ān and Sunnah requires mastery of Arabic. Because revelation is linguistic, every legal indication is mediated through Arabic words, structures, and rhetorical principles.

Al-Juwaynī writes:

«...ومن مواد أصول الفقه: العربية»

“Among the building blocks of Uṣūl al-Fiqh is the Arabic language...”

The jurist must be:

«محققاً مستقلاً باللغة»

“fully proficient and independent in the language.”

Al-Āmidī elaborates:

«معرفة دلالات الأدلة اللفظية... من جهة الحقيقة والمجاز والعموم والخصوص والإطلاق»

«...والتقييد... والمنطوق والمفهوم»

Thus, Arabic supplies:

- literal and figurative meanings
- generality and specificity
- implication, omission, ellipsis
- linguistic indicators and rhetorical cues

Without profound linguistic expertise, derivation becomes impossible.

Logic (al-Mantīq)

By the third century, Greek logic had entered the Islamic world. Ibn Khaldūn gives a long account of how:

- the works of Euclid and others were translated
- interest in philosophical sciences grew
- Muslim thinkers mastered, critiqued, and expanded these fields

He writes:

«وعكف عليها النظار من أهل الإسلام... ودوّنوا في ذلك الدواوين... وأربوا على من تقدّمهم»

While originally foreign, logic became a tool for organizing argumentation.

Uṣūl al-Fiqh is a **rational science**, reliant on:

- structured reasoning
- consistent inference
- classification of concepts
- identifying premises and conclusions

Thus:

«احتاج إلى المنطق لترتيب هذه المقدمات»

“Uṣūl al-Fiqh needed logic to organize its theoretical premises.”

Not for theology, but for clarity of legal reasoning.

Theology (‘Ilm al-Kalām)

Kalām also played a formative role in shaping Uṣūl al-Fiqh. It addresses:

- God’s attributes
- prophecy
- moral epistemology
- possibility and impossibility
- rational proofs

«علم أصول الدين... من أهم العلوم الإسلامية... وله أثر في ترتيب الأدلة»

Since Uṣūl al-Fiqh deals with:

- epistemic validity,
- evidence hierarchies,
- certainty vs. probability,
- and the nature of divine commands,

it naturally intersected with kalām.

Most major Uṣūl authors were also theologians:

- al-Juwaynī
- al-Ghazālī
- al-Āmidī

- al-Rāzī
- al-Bāqillānī

Their kalām background shaped:

- definitions
- classifications
- rational arguments
- distinctions between types of commands and meanings

Thus, kalām served as an intellectual scaffold for the methodological structure of Uṣūl al-Fiqh.

Glossary of Key Terms (Lesson 3)

- **Uṣūl al-Fiqh** – The methodological principles for deriving legal rulings.
- **Asānīd** – Chains of hadith transmission.
- **Ijtihād** – Independent legal reasoning.
- **Istinbāt** – Extraction of rulings from evidence.
- **Kalām** – Theology and rational defense of doctrine.
- **Manṭiq** – Logic, the discipline of correct reasoning.
- **‘Arabiyyah** – Arabic linguistics and rhetoric
- **al-Risālah** – The first book on Uṣūl al-Fiqh, authored by al-Shāfi‘ī.