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Hanafi Usul 101 Lesson 4 Overview

Instructor: Shaikh Omer Khurshid

Further inquiries: Info@talweehacademy.com

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The Methodologies of Uṣūl al-Fiqh

Introduction

Following the foundational development of Uṣūl al-Fiqh and its intellectual roots, Islamic scholarship eventually produced distinct methodologies for codifying legal theory. While Imām al-Shāfi‘ī is unanimously regarded as the first to author an independent treatise on Uṣūl al-Fiqh, the fourth century represents a turning point in which uṣūlī scholars diverged into two major methodological schools. These approaches differed not only in presentation, but more fundamentally in *how* legal principles were derived, justified, and applied.

This lesson explores these two pathways:

- (1) **Manhaj al-Jumhūr (the methodology of the majority)** and
- (2) **Manhaj al-Ḥanafīyyah (the methodology of the Ḥanafī jurists).**

After outlining both systems, we turn to the preliminary philosophical discussions (al-muqaddimāt) that the uṣūlī tradition often opens with—particularly the analysis of knowledge, perception, and the types of rulings. These muqaddimāt form the intellectual scaffolding on which the juristic enterprise rests.

The Two Methodologies of Uṣūl al-Fiqh

In the fourth century, uṣūlī authors adopted two distinct organizational and epistemological paths:

1. Manhaj al-Jumhūr

2. Manhaj al-Ḥanafīyyah

Although both aim at articulating the principles of legal reasoning, they differ fundamentally in structure, sources of authority, and pedagogical goals.

Manhaj al-Jumhūr (Methodology of the Majority)

Names and Affiliations

This methodology is also known as:

- **Manhaj al-Shāfiʿīyyah**, due to the early dominance of Shāfiʿī theorists.
- **Manhaj al-Mutakallimīn**, because many of its architects were mutakallimūn (scholastic theologians).

It was adopted by scholars from:

- the Shāfiʿī school,
- the Mālikī school,



- the Ḥanbalī school,
- the Imāmī Shī‘ah,
- the Zaydiyyah,
- the Ibāḍiyyah.

Core Philosophy

The defining characteristic of this methodology is that it focuses on abstract principles and universal legal theory **without tying itself to any one madhhab or its jurisprudential outcomes.**

Imām al-Ḥaramayn al-Juwaynī states:

«وحق الأصولي ألا يعرج على مذهب، ولا يلتزم الذب عن مسلك واحد، ولكن يجري مسلك»
«القطع غير ملتفت إلى مذاهب الفقهاء في الفروع»

“It is the right of the uṣūlī to not incline toward a particular madhhab, nor commit to defending one trajectory. Rather, he should follow the path of certainty, without paying attention to the madhāhib of the jurists regarding the furū’.”

Thus, the jumhūr methodology:

- prioritizes **theoretical purity**
- emphasizes **definition, classification, and logical refinement**
- often avoids detailed fiqh applications

- aims to articulate *universal rules* of legal reasoning

Major Foundational Works

Its structure derives from four seminal texts:

1. **al-Taqrīb wa-al-Irshād** – al-Bāqillānī
2. **al-‘Umad** – al-Qāḍī ‘Abd al-Jabbār
3. **al-Mu‘tamad**
4. **al-Burhān**

In the subsequent period, a major synthesis appeared:

5. **al-Mustaṣfā** – al-Ghazālī

These works became the backbone of later uṣūlī scholarship.

Manhaj al-Ḥanafīyyah (The Ḥanafī Methodology)

Alternative Name

This approach is also known as:

- **Manhaj al-Fuqahā’** — “the methodology of the jurists”

Core Philosophy

The hallmark of the Ḥanafī method is its *organic connection to fiqh*. The Ḥanafīs developed their uṣūl as reflections of, and extrapolations from, the actual rulings transmitted from their founding imāms. Thus:

- **the furūʿ precede the uṣūl,**
- **and the uṣūl are constructed from the furūʿ,**
not the other way around.

This contrasts sharply with the methodology of the mutakallimīn.

Ibn Khaldūn writes:

ثم كتب فقهاء الحنفية فيه، وحققوا تلك القواعد، وأوسعوا القول فيه... إلا أن كتابة الفقهاء فيه
«أمسّ بالفقّه، وألّيق بالفروع، لكثرة الأمثلة فيها والشواهد وبناء المسائل فيها على النكت الفقهيّة

“Then the Ḥanafī jurists wrote on it, perfected those principles, and expanded upon them... The writings of the fuqahāʾ, however, are more connected to fiqh and more suitable for the furūʿ, due to the abundance of examples, evidences, and the structuring of issues upon fiqh-based nuances.”

Strengths and Limitations

Strength:

This methodology is highly effective for *training students in practical application*, since every principle is anchored in examples from actual fatwā and qāḍāʾ practice.

Limitation:

Its theoretical structure is less philosophically systematic compared to the jumhūr method.

Major Works

Key foundational texts include:

- **Uṣūl al-Jaṣṣāṣ**
- **Kanz al-Wuṣūl** by al-Bazdawī
- **Uṣūl al-Sarakhsī**
- **Manār al-Anwār** by al-Nasafī and its commentaries
- **Mir'āt al-Uṣūl** by Mullā Khusraw

The Muqaddimāt (Foundational Introductions)

A distinguishing feature of the jumhūr methodology is its inclusion of extensive muqaddimāt on logic, epistemology, and philosophical foundations. Al-Bāqillānī, for example, begins *al-Taqrīb wa-al-Irshād* with discussions on:

- the definitions of fiqh and uṣūl
- ḥadd (formal definition)
- ʿilm (knowledge)
- ʿaql (reason)
- categories of sciences
- methods of acquiring knowledge
- the obligation of naẓar (rational investigation)

Because many Ḥanafī works lack these philosophical preliminaries, later scholars often incorporated condensed versions for their students.

Levels of Perception and Epistemology

Knowledge (‘ilm) is central to uṣūl al-fiqh, yet its definition has been debated more than perhaps any other technical term.

Is Knowledge Definable?

Scholars differed:

Opinion 1 (Jumhūr):

‘Ilm is definable.

Opinion 2 (al-Rāzī):

‘Ilm is a necessary category and cannot be defined.

Opinion 3 (al-Ghazālī):

Its definition is obscure; it can only be known through categorization.

Two Major Definitions of Knowledge

Definition 1:



“Ḥukm al-dhihn al-jāzim al-muṭābiq li-al-wāqi‘ li-mūjib.”

“The decisive judgment of the mind that corresponds to reality, due to a necessary cause.”

Implications:

- *al-jāzim* excludes ḡann, shakk, and wahm
- *al-muṭābiq* excludes jahl
- *li-mūjib* excludes taqlīd

Definition 2 (al-Māturīdī):

“Ṣifatun yatajalā bihā al-madhkūr liman qāmat bihi.”

“An attribute through which the object becomes fully manifest to the one who possesses it.”

Tajalli here means complete unveiling or disclosure.

Ignorance (al-Jahl)

Two categories:

1. Jahl Basīṭ

Simple ignorance: not knowing something at all.

2. Jahl Murakkab

Compound ignorance: believing something contrary to reality.

Levels of Belief (Marātib al-Taṣdīq)

Between knowledge and ignorance lie three intermediate states:

1. **Ẓann** — one possibility outweighs the other
2. **Shakk** — two possibilities are equal
3. **Wahm** — the weaker of two possibilities

The Concept of Ḥukm (Assertion)

A ḥukm is:

“Isnād amrin ilā ākhara ijāban aw salban.”

“The attribution of one matter to another, affirmatively or negatively.”

Saying ‘*Zayd is standing*’ is a ḥukm; saying ‘*Zayd*’ alone is not.

Types of Ḥukm

1. Shar‘ī

Derived from revelation (e.g., “Ṣalāh is obligatory.”)

2. ‘Aqlī

Derived from reason. Its divisions are:

- **Wujūb** — cannot be conceived otherwise
- **Istihālah** — cannot be conceived as existing
- **Jawāz** — both existence and non-existence are conceivable

Al-Dardīr summarizes:

أقسام حكم العقل لا محالة ... هي الوجوب ثم الاستحالة»
«. ثم الجواز ثالث الأقسام

3. ‘Ādī

Derived from experience and custom

(e.g., fever indicates illness)

Glossary of Key Terms

- **Manhaj al-Jumhūr:** Methodology of majority legal theorists
- **Manhaj al-Fuqahā’:** Hanafi methodology derived from fiqh
- **Muqaddimāt:** Philosophical and epistemological introductions
- **‘Ilm:** Knowledge
- **Jahl Basīṭ / Murakkab:** Simple / compound ignorance
- **Zann / Shakk / Wahm:** Levels of belief below certainty
- **Ḥukm:** Attribution-based assertion
- **Shar‘ī / ‘Aqlī / ‘Ādī:** Types of rulings (legal, rational, customary)