

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



***Hanafi Usul 101 Lesson 5 Overview***

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## الأحكام الشرعية (*Legal Rulings in Islamic Legal Theory*)

### *Introduction to al-Ḥukm al-Sharʿī*

The scholars of Uṣūl al-Fiḥ define **al-ḥukm al-sharʿī** (the legal ruling) as:

خَطَابُ اللَّهِ الْمُتَعَلِّقُ بِأَفْعَالِ الْمُكَلَّفِينَ اقْتِضَاءً أَوْ تَخْيِيراً أَوْ بَوْضُوحَ أَعْمٍ

**Al-ḥukm al-sharʿī** is therefore the **speech of Allah**—His eternal kalām—connected to the actions of those who are legally responsible (al-mukallaḫūn). This connection may take the form of *iqtidāʿ* (demand), *takhyīr* (permission/choice), or *waḍʿ* (legal placement, such as causation or conditions).

### *Explanation of Key Components*

#### 1. “خطاب الله” — The Speech of Allah

Al-khiṭāb refers to directed speech, and here it refers specifically to **Allah’s eternal speech**, not created indications or human interpretations.

#### 2. “المتعلق بأفعال المكلفين” — Connected to the Actions of Moral Agents

A **mukallaḫ** is one who is:

- Bāligh (legally mature)
- ʿĀqil (possessing intellect)
- In possession of hearing or sight

- One to whom the divine message has reached

The definition *excludes* Allah's speech regarding:

- His own essence and attributes
- The essences of human beings
- Inanimate entities

Only rulings addressing *actions* fall under this category.

### *The Two Categories of Legal Rulings*

#### **Al-Ḥukm al-Taklifi**

These are rulings that impose a **burden or responsibility** on the mukallaf.

They correspond to the phrase:

اقتضاء أو تحييراً

Meaning: a demand to act or to abstain, or a choice between action and abstention.

#### **Al-Ḥukm al-Waḍ'ī**

These refer to Allah's legal placement of causes, conditions, preventatives, validity, and invalidity. (These were explained in Lesson 5 and are not repeated here.)

## *The Taklifi Rulings According to the Schools*

The uşūliyyūn differed on how to categorize the taklīfī rulings.

### **A. The Majority (Mutakallimūn)**

They categorize them into **five**:

1. الإيجاب (Obligation)
2. الحظر (Prohibition)
3. الندب (Recommendation)
4. الكراهة (Disapproval)
5. الإباحة (Permissibility)

### **B. The Ḥanafī School**

They categorize them into **seven**:

1. الفرض
2. الواجب
3. السنة / المستحب
4. المباح
5. مكروه تنزيها
6. مكروه تحريما
7. حرام

Each category is treated as distinct with its own evidentiary requirements and legal consequences.

### *Before Defining the Categories: al-Qaṭī and al-Zannī*

Before entering the definitions, one must understand that every scriptural text has:

- ثبوت (authenticity)
- دلالة (indication/meaning)

Each of these may be:

- قَطِّيّ (definitive)
- ظَنِّيّ (probabilistic)

Thus, evidences fall into four types:

#### 1. قطعي الثبوت قطعي الدلالة

Example:

فَاعْلَمْ أَنَّهُ لَا إِلَهَ إِلَّا اللَّهُ

Meaning agreed upon by the Ummah.

#### 2. قطعي الثبوت ظني الدلالة

Example:

ثَلَاثَةٌ قُرُوءٌ

A verse whose meaning (qurū' = menses or purity?) is disputed.

#### 3. ظني الثبوت قطعي الدلالة

Authenticity probabilistic, meaning certain.

#### 4. ظني الثبوت ظني الدلالة

Understanding these categories is essential because **the strength of evidence determines whether a ruling is farḍ, wājib, makrūh taḥrīmī, etc.**

### *The Seven Taklīfī Rulings (Hanafi Method)*

#### 1. الفرض (Obligatory Duty)

##### A. Definition

شرعاً: ما طُلبَ فعله حتماً بِدليلٍ قطعيّ الثبوت والدلالة

##### B. Ruling

- Must be believed in and performed
- Denial = kufr
- Abandonment without excuse = fisq
- Example:

أَقِيمُوا الصَّلَاةَ

and the unanimous agreement on the five daily prayers.

#### 2. الواجب (Mandatory Duty)

##### A. Definition

مَا طُلِبَ فِعْلُهُ حَتْمًا بِدَلِيلٍ فِيهِ شُبْهَةٌ (ظَنِّي).

## B. Ruling

- Obligatory to perform with strong assumption
- Denial without interpretation = ḍalāl
- Abandonment without excuse = fisq
- Example: **Ṣalāt al-Witr**

The farḍ–wājib distinction is central to the Hanafi school.

## 3. السُّنَّةُ / الْمُسْتَحَبُّ

### A. Definition

مَا طُلِبَ فِعْلُهُ بِدُونِ لُزُومٍ مَعَ تَأْكِيدِ الْفِعْلِ.

### B. Divisions

1. السنة المؤكدة (Sunnah al-Hudā)
2. السنة غير المؤكدة (Mustahabb / Mandūb / Nafil)

### C. Example (Sunnah Mu'akkadah)

- Adhān
- Iqāmah
- Congregational prayer

### D. Legal Consequences



- Doing it: praise & reward
- Leaving it habitually: blame, punishment
- If abandoned by all: Muslims may be fought (e.g., abandoning adhān)

### E. Mustahabb

- Reward for performing
- No sin for leaving
- Examples: eating, sleeping habits of the Prophet ﷺ

### Important Note

If one begins a Sunnah/mustahabb act, one must complete it; leaving it requires *qadā'*.

## 4. المباح (Permissible)

### A. Definition

ما خَيْرَ العبدِ فيه فعلاً وتركاً.

### B. Ruling

- No reward or sin either way
- Represents the *takhyir* in taklīf
- Example: choosing foods, clothing types (within ḥalāl limits)

## 5. المَكْرُوه تَنْزِيهًا

### A. Definition

مَا طُلِبَ تَرْكُهُ بِدُونِ لُزُومٍ.

### B. Ruling

- Leaving: reward
- Doing: blame (but no sin)
- Example: calling the adhān without wuḍūʾ

### Note

Ibn ʿĀbidīn writes that tanzīhiyyah varies in intensity depending on how strong the Sunnah is.

## 6. المَكْرُوه تَحْرِيْمًا

### A. Definition

مَا طُلِبَ تَرْكُهُ حَتْمًا بِدَلِيلٍ فِيهِ شَبَهَةٌ.

### B. Ruling

- Must be avoided
- Doing it = sin
- Denying it without interpretation = misguidance

### Differences Among Hanafīs

- **Imām Muḥammad:** considered it identical to ḥarām
- **Abū Ḥanīfah & Abū Yūsuf:** separate category; close to ḥarām but not equal

### Consequence

- Sin but not kufr
- Punishment less severe than ḥarām
- Some described the punishment as deprivation from shafā'ah (though disputed)

## 7. الحَرَام (Forbidden)

### A. Definition

ما طُلِبَ تَرْكُهُ حَتْمًا بِدَلِيلٍ قَطْعِيٍّ.

### B. Ruling

- Belief in its prohibition is obligatory
- Denial = kufr
- Doing it = sin & punishment
- Example:
  - Zina
  - Theft
  - Murder

### Summary (الحاصل)

The taklīfī rulings in the Hanafī system form a seven-part structure governed by:



- the **certainty of evidence**,
- the **strength of demand**, and
- the **legal consequences** assigned to action or omission.

Understanding these categories is foundational for deriving rulings and evaluating actions in fiqh.