

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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Introduction to Uṣūl al-Fiqh Lesson 1 Overview

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Introduction to *Usūl al-Fiqh*: Summary

Definition and Scope of *Usūl al-Fiqh*

Linguistic Definition

The term (a compound of **mudāf** and **mudāf ilayh**). Here, **أصل** (*Usūl*) is the **mudāf** and **الفقه** (*al-Fiqh*) is the **mudāf ilayh**. Linguistically, the word **أصل** (*Asl*) means:

ما يُبنى عليه الشيء من حيث إنه يُبنى عليه

“That upon which something else is founded.”

Different linguists have provided slight variations in definitions:

- **Al-Rāzī:** *المحتاج إليه* (*al-muhtāju ilayh*) – “that which is needed.”
- **Al-Armawī:** *ما منه الشيء* – “from which the thing originates.”

The common idea is that **أصل** denotes a **foundation or base**, whether for knowledge, law, or principle.

Technical Usages in Sharia

In Sharia, **أصل** has multiple meanings depending on context:

1. **الرجحان** (*al-rajhān*) – the dominant meaning when a term has both literal and figurative senses.
Example: *الأصل في الاستعمال الحقيقة* – “the default or preferred meaning is the literal one.”
2. **القاعدة الكلية** (*al-qā‘idah al-kulliyah*) – a general principle, such as in grammar:

رفع – الأصل في الفاعل أن يكون مرفوعاً – “the default state of the subject is (nominative).”

3. **الدليل (ad-dalil)** – the evidence for a ruling:

Example: أصل وجوب الزكاة قوله تعالى: وآتُوا الزكاة – “the evidence for the obligation of zakat is the verse ‘Wa ātu az-zakāh.’”

4. **الاستصحاب (al-istishāb)** – the presumption of continuity: what is originally valid remains so until proven otherwise.
5. **الصورة المقيس عليها (al-ṣūrah al-muqayyas ‘alayh)** – in qiyās, the original case from which analogy is drawn.
6. **التعبد (at-ta‘abbud)** – rulings based on divine command without human reasoning.

Conclusion: In the context of **Usūl al-Fiqh**, the meaning of **أصل** generally refers to **adillah al-fiqh** – the evidences or sources of jurisprudential rulings.

Fiqh: Linguistic and Technical Definition

Linguistic Meaning

Linguistically, the root letters ف-ق-ه give rise to two forms:

1. **فقه (faqaha) with a kasra** – meaning understanding, comprehension, or knowledge (علم أو فهم).
2. **فقه (faqaha) with a ḍamma** – meaning to become a scholar or a jurist, i.e., to attain mastery (امتلاك الفهم بشكل ثابت).

Three linguistic perspectives of **fiqh**:

1. **Mutlaq al-fahm (المطلق الفهم)** – general understanding.
2. **Fahm al-ashyā' al-daqīqah (فهُمُ الأَشْيَاءِ الدَّقِيقَةِ)** – understanding of precise matters.
3. **Fahm għard al-mutakallim (فهُمْ غَرَضِ الْمُتَكَلِّمِ مِنْ كَلَامِهِ)** – understanding the purpose of the speaker's speech.

Important distinction: Knowledge of Allah (عز وجل) is termed ‘ilm, not fiqh, since Allah's knowledge is absolute and not acquired.

Technical Definition in Sharia

Technically, **fiqh** refers to:

الْعِلْمُ بِالْأَحْكَامِ الشَّرْعِيَّةِ الْفَرْعَانِيَّةِ الْعَمَلِيَّةِ الْمُكْتَسَبَةِ مِنْ أَدَلَّةِ هَا التَّفَصِيلِيَّةِ

“The knowledge of detailed Sharia rulings derived from their specific evidences.”

Key points:

1. **Knowledge, not rulings themselves** – fiqh is about knowing **ahkām** (حُكُم) from **adillah**, not the textual rulings themselves.

2. **Practical rulings (amaliyya)** – the focus is on practical implementation, not theoretical or speculative knowledge.
3. **Sources (adillah tafsiliyya)** – detailed texts from Qur'an, Sunnah, ijmā', and qiyās.

Conditions to Become a Faqīh

According to **Al-Imām al-Bazdawī**, there are **three conditions**:

‘Ilm al-Mashrū‘ī Binafsihi (علم المشروع بنفسه)

Knowledge of the ruling itself: knowing whether an act is **wājib**, **ḥarām**, **mustahabb**, or **makrūh**.

Itqān al-Ma‘rifah (إتقان المعرفة)

Mastery of the knowledge, which has two aspects:

1. **Ma‘rifat al-nuṣūṣ bima‘ānihā** (معرفة النصوص بمعانيها) – understanding both linguistic meanings (**ma‘ānī lughawiyya**) and Sharia meanings (**ma‘ānī shar‘iyya**).
 - Example of **linguistic meaning**: اشتريت الفرس بلجامه in باء means “with” (**ma‘iyyah**), not opposition (**muqābala**).
 - Example of **Sharia meaning**: identifying the ‘illa (reason) for a ruling.

2. **Dabṭ al-uṣūl bifurū‘ihā** (ضبط الأصول بفروعها) – connecting principles to rulings, understanding the application of general rules to specific cases.

al-‘Amal (العمل به)

Practical implementation: applying the knowledge in real-life situations. Without action, one cannot be considered a complete **faqīh**.

Summary: A faqīh must know the law, master the evidences, understand connections, and act upon them.

Usūl al-Fiqh as a Science

Meaning of the Term

Technically, **Usūl al-Fiqh** is:

عِلْمٌ يَدْلُعُ عَلَى أَدِلَّةِ الْفِقْهِ الْإِجْمَالِيَّةِ وَطُرُقِ الِاسْتِفَادَةِ وَالْمُسْتَفِيدُ

“The science indicating the general evidences of fiqh, methods of derivation, and the one who benefits from it.”

Components:

1. **Adillah al-fiqh al-ijmāliyah** (أدلة الفقه الإجمالية) – general evidences, not detailed rulings.
2. **Turuq al-istifādah** (طرق الاستفادة) – methods to derive rulings from texts.
3. **Al-mustafid** (المستفيد) – the jurist or student applying these rules.

Adillah Ijmaliyya vs. Tafsiliyya

All **adillah** are ultimately the same text but have two approaches:

- **Tafsīlī (detailed):** looking at the text itself to derive specific rulings.

- **Ijmālī (general):** understanding the overarching proof or principle.

Example: The verse أَقِيمُوا الصَّلَاةَ is a general proof (**dalīl ijmālī**) for the obligation of Salah. The detailed derivation comes when explaining why it indicates obligation (**amr lil-wujūb**).

Importance of Usūl al-Fiqh

1. **Understanding the Sources** – enables jurists to identify **which texts constitute evidence**.
2. **Resolving Conflicts** – by learning طرق الاستفادة, one can prioritize conflicting evidence (e.g., **khabar al-wāḥid** vs. **al-asl al-‘ām**).
3. **Ensuring Accuracy in Deriving Rulings** – prevents mistakes in practical fiqh by relying on established principles.
4. **Foundation for Scholarly Ijtihād** – only those well-versed in Usūl can perform ijtihād reliably.

Conclusion: Usūl al-Fiqh provides the **methodology for extracting Sharia rulings** from divine texts while ensuring comprehension, mastery, and application. It is the backbone of Islamic jurisprudence and the prerequisite for every serious student of fiqh.
