

Concise Usul: Hanafi Usul in 8 parts

Part 1: Taklif

Section 1: Defining Usul al-Fiqh

What is Usul al-Fiqh?

When a person speaks of the science of Usul al-Fiqh, he is speaking about a science of principles, through which one is able to derive *rulings*¹ from a set of defined legislation.

Memorize the Arabic
Definition of Usul al-Fiqh

هي قواعد يتوصل بها لاستنباط الأحكام
الشرعية من ادلتها التفصيلية

What is the subject matter of Usul al-Fiqh?

Usul al-Fiqh concerns itself with deriving legislation from the four defined sources of legislation:

1. The Qur'an, Allah's Speech.
2. The Sunnah, Our Prophetic Example
3. The Consensus, Our Scholarly Inheritance
4. The Diligence, Of Our Learned People

These four source of legislation are alluded to in the ayah of Surah Nisa, "*O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger.*"

The Quran is representative of Allah, The sunnah is representative of the prophet, Ijma' of those in authority, and reference back to Allah and his messenger is referenced through the process of Ijtihad.

The four sources are mention in the Hadith of Mu'adh, Mu'adh ibn Jabal narrates that the prophet asked him when he sent him as a leader in yemen, "**According to what will you judge?**" "**According to the Book of God,**" replied Muadh. "**And if you find nothing**

¹ Rulings here refers to Ahkam and what we refer to as masail, the author of mujaz quotes this definition from Fawatih al-Rahamut bi sharh al-Musallam al-Thubut, mujaz uses the Arabic word Ahkam, while Fawatih uses the word masail.

therein?" "According to the Sunnah of the Prophet of God." "And if you find nothing therein?" "Then I will exert myself to form my own judgement." The Prophet was pleased with this reply and said: "Praise be to God Who has guided the messenger of the Prophet to that which pleases the Prophet."

Logically one can assume, that the basis of every single thing a Muslim does or believes is of course by divine decree. Sometimes however specific divine decree isn't available.

When one investigates, he finds that divine decree is of two types:

1. Recited² Revelation
2. Non-Recited Revelation

When revelation is considered *recited*, this means its meaning and words both come from Allah and are divine. This is Quran.

When revelation is not *recited*, this means that revelation's meaning is from Allah, but its words are not divine in and of itself. This is Sunnah.

When one investigates, he finds that anything not regulated by direct divine decree is decided by a persons logical facilities, these are also of two types.

1. The Opinion of a group
2. The Opinion of an individual

When the majority of educated and learned scholars agree on a particular way of interpreting Quran and Sunnah for those things that are not directly mentioned in Quran or Sunnah, this is Ijma'.

When a single learned person or small group of learned people come up with a way of interpreting Quran and Sunnah in something Quran or Sunnah doesn't speak about clearly this is Qiyas and Ijtihad.

What is the point of Usul al-Fiqh?

The aim of the student of Usul al-Fiqh is to recognize the importance of legal verdicts in light of where they were derived. To recognize the use of the 4 proofs, and how they lead to everlasting success. Knowing the sources of our legislation, knowing how our actions relate to the sources encourages action on them, which in turn is the goal of this worldly life.

What is the ruling on Usul al-Fiqh? The benefit of knowing it?

² Recited here refers to both the Quran being Allah's kalam, and also the fact that the believers are religiously obligated to recite Quran, unlike hadith. Hadith are honored and also recited, but not under religious obligation.

Learning usul al-fiqh is wajib kifayah. A community must produce some people who are knowledgeable of this science, lest they become sinful. Usul al-Fiqh has many benefits and fruits, the most important of which is the clarity in which an usuli sees details, in the light of Allah's guidance and the prophet's tradition.

What are the sources of Usul al-Fiqh? How is it related to other sciences?

Usul al-Fiqh is established on, and related to three sciences in particular:

1. 'Ilm al-Kalam
2. The Arabic Language
3. Shar'i Ahkam

There is no Fiqh without Iman, Ilm al-Kalam is the science of Iman, it has a similar process and at one point was the same science.

The sources of legislation are in Arabic, one must know the rules of proper Arabic usage, before engaging in Usul al-Fiqh.

The Usuli must first have a well grounded understanding of fiqh, and shari' ahkam and rulings before trying to understand their inner workings. Just as a muslim must know what to believe he must also know what to do.

What is the history of Usul al-Fiqh? Who created this science?

Usul al-Fiqh, as discussed above, was a concept as early as the time of the prophet and his companions. These rules and principles were passed down just like the Quran and Hadith. There is no originator, no wadi', no father of usul al-fiqh, even the first ever book written about usul al-fiqh by Imam Shaf'i is only the oldest surviving book of usul. Evidence points to the existence of books in usul prior to his.

Section 2: Rulings [The Hukm]

What is a Hukm?

A Hukm is the opinion of Allah about the action of his slaves (mukallif) in how his slaves perform, in what they choose, and in their circumstances.

Who is involved in a Hukm?

There are 4 elements to every Hukm, they are:

1. Hakim – Allah, the lawgiver
2. Mahkum 'alayhi – Those that receive the command, Allah's slaves among men and jinn
3. Mahkum fihi – The actions of the slaves that Allah has an opinion about

4. Mahkum bihi – This is what is commonly referred to as a Hukm, the opinion given about that action

There Are two types of Hukm

1. Hukm of Taklif
2. Hukm of Circumstance

Section 3

What is taklif?

Linguistically Taklif is simply requesting that one undergo hardship or difficulty.

What is its purpose?

In Usul al-Fiqh, Taklif is the process through which Allah corrects the human condition in this world and the hereafter.

What are its conditions?

There are actually 2 types of conditions of taklif.

1. Conditions related to the Mukallaf, the Mahkum Alayhi
2. Conditions related Mukallaf bihi, the actions, the mahkum fihi

Conditions related to the Mukallaf are numerous and related to whether or not the person is eligible for taklif. This is also divided into two parts.

1. Ahliyah Wujub, Eligibility to be responsible
2. Ahliyah Ada, Eligibility to complete the action

Both of these types are broken into two categories, Incomplete (Naqis) and Complete (Kamil).

Ahliyah al-Wujub is a person's eligibility to be held accountable, and to hold others accountable.

Ahliyah al-Ada is a person's eligibility to complete any action.

The most important conditions of the Mukallaf's Taklif are 3, that a person is:

1. Sane
2. Of age
3. Knows that he is mukallaf

Conditions related to mukallaf bihi are also 3

1. Knowing what we should be doing(mukallaf bihi)
2. He is able to perform the action(mukallaf bihi)
3. He is without any excuse to perform the action(mukallaf bihi)

What are those things that prevent taklif?

Preventers of Taklif are those things that affect a person's eligibility to perform actions or be held responsible for them. They are of two types:

1. Ikhtiyari, the Abnormal Negators
2. Ghayr Ikhtiyari (Smawiyah) Natural Negators

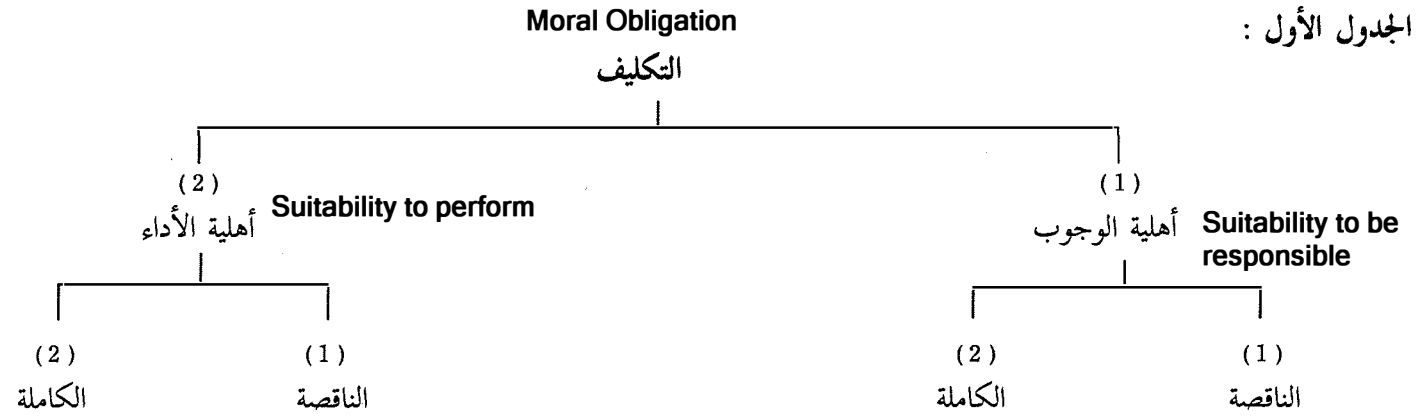
The Abnormal or Ikhtiyari Negators are those qualities that affect the mukallaf by his own choice. Choice meaning this is something brought about by a person. Not a natural phenomenon. There are 7 of these Abnormal Negators:

1. Drunkenness
2. Idiocy
3. Ignorance
4. Joking
5. Mistakes
6. Compulsion
7. Traveling

The Natural or Samawiyah Negators are those that happen without any regard to the wants of a person, and are uninfluenceable by people. There are 10 of these Natural Negators:

1. Clinical Insanity
2. Mental illness
3. Unconsciousness
4. Physical Immaturity
5. Being in the throes of death
6. Being dead
7. Being enslaved
8. Forgetfulness
9. Menstrual Cycles
10. Postnatal Bleeding

الجدول الأول :



الجدول الثاني :

