



**Methodology of Classical *Uṣūlī* Texts: A Critical Appraisal of
Tāj al-Subkī's *Jam' Al-Jawāmi'***

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Abstract

Classical contributions are said to be the major source for contemporary studies of *uṣūl al-fiqh*. However, their linguistic nuances and stylistic methodologies are foreign to many contemporary researchers which make any meaningful discourse an onerous and often arduous task. In this article an attempt is made to explain the methodology employed by Tāj al-Dīn al-Subkī, an eminent 8th/14th Century jurist, in his *uṣūlī* text *Jam' al-Jawāmi'*. The text has been selected, for its wide reception and great impact on later development of *uṣūl al-fiqh*, as a model for the *uṣūlī* *matn* genre. It is hoped that the article will generate more interest in understanding juristic jargon and their usages in elucidating the principles of Islamic Jurisprudence. By offering a comprehensive analysis of the methodology intrinsic to classical *uṣūlī* works, with "*Jam' Al-Jawāmi'*" as the primary focus, this article endeavors to enhance comprehension of how classical scholars tackled and elucidated matters of Islamic law. The study not only sheds light on the intellectual heritage of Islamic jurisprudence but also serves as a valuable resource for understanding the evolving nature of legal thought within the Islamic tradition.

Keywords: Tāj al-Dīn al-Subkī, *Jam' al-Jawāmi'*, Islamic Jurisprudence, *uṣūl al-fiqh*, Methodology.

Introduction

The study of methodology in classical uṣūlī texts is a crucial step in understanding the scholarly heritage of Islam and the development of Islamic jurisprudential thought.¹ This article focuses on one of the classical works, "Jam' al-Jawāmi'," authored by Tāj al-Subkī, a prominent scholar in the field of uṣūl al-fiqh. *Jam' al-Jawāmi'* is one of the popular classical texts in uṣūl al-fiqh which is considered as the *magnum opus* of Tāj al-Dīn 'Abd al-Wahhāb al-Subkī (728-771 A.H.),² who registered his mark on a number of disciplines. He is one of the greatest figures of 'al-Subk' family which flourished during the period of Mamlūk dynasty.³ He was born in 728/1327 in Cairo and later migrated to Damascus in 739 A.H., where he pursued his early education under the tutelage of his father Taqī al-Dīn 'Abd al-Kāfī al-Subkī (683-756 A.H.),⁴ and a number of eminent scholars of his time. The author held many eminent positions, such as Professor, judge, chief judge

¹ Mohammed Ali Ismail, "A Comparative Study of Islamic Feminist and Traditional Shi'i Approaches to Qur'anic Exegesis." *Journal of Shi'a Islamic Studies* 9, no. 2 (2016): 166-195. Zackery Mirza Heern, "Three Sources of Shi'i Knowledge and Authority: Texts, Reason, and Mysticism in Islamic Intellectual History." *Journal of Shi'a Islamic Studies* 11, no. 1 (2018): 43-78. Adis Duderija, "Contemporary Muslim male reformist thought and gender equality affirmative interpretations of Islam." *Feminist Theology* 28, no. 2 (2020): 161-181.

² For his biography see (a) Abū Bakr ibn Aḥmad Ibn Qādī Shuhbah, *Ṭabaqāt al-Shāfi'iyyah* (Bayrūt: 'Ālam al-Kutub, 1987), Vol. 3, p. 104-106; (b) Aḥmad ibn 'Alī Ibn Hajar al-'Asqalānī, *Al-Durar al-Kāminah fī A'yān al-Mi'ah al-Thāminah* (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1997), Vol. 2, p. 258-260; (c) Muḥammad ibn 'Alī al-Shawkānī, *Al-Badr al-Ṭālī 'bi Maḥāsini man ba'da al-Qarn al-Sābi'*. Khalīl al-Manṣūr, ed. (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1998), Vol. 1, p. 283; (d) Muhammad Jabir Ali Hudawi, *Al-Subkī's Jam' al-Jawāmi': A conceptual critical analysis of its significance, methodology and terminology*, Master thesis, Department of Fiqh and Usul al-Fiqh (Malaysia: International Islamic University, 2013).

³ For the Subk family and their role during the Mamlūk rulers refer to (a) Muḥammad al-Ṣādiq Ḥusayn, *Al-Bayt al-Subkī: Bayt 'Ilmin fī Dawlatay al-Mamālīk* (Al-Qāhirah: Dār al-Kātib al-Miṣriyyah, 1948); (b) David W. Myhrman, "Introduction and notes" in Tāj al-Dīn 'Abd al-Wahhāb al-Subkī, *Mu'īd al-Ni'am wa Mubīd al-Niqam* (London: Luzac & Co., 1978) and (c) J. Schacht, "al-Subkī" in *The Encyclopaedia of Islam (new edition)*, ed. C. E. Bosworth et al., (Leiden: Brill, 1997), Vol. 9, p. 743-745; Supra note 1d, p. 25-29.

⁴ For his biography see (a) Tāj al-Dīn 'Abd al-Wahhāb al-Subkī, *Ṭabaqāt al-Shāfi'iyyah al-Kubrā*, Maḥmūd Muḥammad al-Ṭanāhī and 'Abd al-Fattāḥ, ed. (Bayrūt: Dār Iḥyā' al-Kutub al-'Arabiyyah, 1992), Vol. 10, p. 139-338; (b) supra note 1c, Vol. 1, p. 320-321; supra note 1d, p. 26-27; (c) supra note 2a, p. 50-60 and supra note 2c, Vol. 9, p. 744.

(*qāḍī al-quḍāt*) and *muftī*, which none of his predecessors had attained.⁵ He was a prolific writer, who has about fifty works of different length on various subjects, despite his short life-span of 44 years. Though his *Jam' al-Jawāmi'* is very familiar to the Arab readers, unfortunately, it has been given scant attention in other languages.

The scholarly value of other classical contributions to the field of *uṣūl* can be critically assessed by utilizing this work as a criterion. The language and style of classical *uṣūlī* works are entirely different from the contemporary trend, which tends to put it outside the ambit of many current researchers. A thorough examination of the methodologies employed in *Jam' al-Jawāmi'* will hopefully draw contemporary scholars closer to the original sources.

This article will delve deeper into the methodology employed by al-Subkī in "Jam' Al-Jawāmi'," including how he addresses specific issues within his text, his use of evidence and examples, and the approach he uses to detail various scholarly opinions. Furthermore, we will also examine the relevance of this work in the contemporary context and how an understanding of classical methodologies, such as those employed by Tāj al-Subkī, can provide deeper insights into comprehending the principles of Islamic jurisprudence. Therefore, this article aims to present a comprehensive analysis of the methodology within classical *uṣūlī* works, with a primary focus on "Jam' Al-Jawāmi'" as a central case study.

This study will also uncover several key characteristics of the methodology employed by Tāj al-Subkī in "Jam' Al-Jawāmi'." One significant aspect that will be highlighted is his selective approach in determining the material to be included in the work. Constraints of time and the need to facilitate memorization by students have driven him to carefully choose the points to be included. Furthermore, the concise and compact presentation of information will also be a focus in understanding this classical methodology.

⁵ Supra note 1b, Vol. 2, p. 260; 'Abd al-Qādir ibn Muḥammad al-Nu'aymī, *Al-Dāris fī Tārīkh al-Madāris* (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1990), Vol. 1, p. 29.

Next, the article will delve into Tāj al-Subkī's approach to the technical definitions of key terms in *uṣūl al-fiqh*. How he defines these terms, whether by adhering literally to predecessors' definitions, making modifications, or even introducing his own, will be one of the aspects under consideration. Subsequently, we will examine how al-Subkī deals with various opinions of scholars on specific legal issues. Whether he records these opinions anonymously, conceals certain viewpoints, or elaborates on them within the appropriate context will reveal more about his analytical approach.

The article will also underscore how Tāj al-Subkī organizes the scholars' opinions in his work chronologically, thereby showcasing the historical development of disagreements in *uṣūl al-fiqh*. This will help us understand the evolution of thought in this field over specific time periods. Finally, we will explore how Tāj al-Subkī places emphasis on the definitions of technical terms, even while employing various methods, and how he uses different terms or methods to indicate the level of acceptance of various scholars' opinions. By critically assessing the methodology in Tāj al-Subkī's "*Jam' Al-Jawāmi'*," this article aims to provide deeper insights into how classical scholars approached and dealt with issues of Islamic law. This understanding is not only valuable for comprehending their intellectual legacy but can also offer valuable perspectives on a broader understanding of the principles of Islamic jurisprudence.

Al-Subkī's Methodology in *Jam' al-Jawāmi'*

Unlike his other two works in *uṣūl*, namely, *al-Ibhāj fī Sharḥ al-Minhāj*⁶ and *Raf' al-Ḥāḥib 'an Mukhtaṣar Ibn al-Ḥāḥib*⁷ which are his commentaries of other scholars' works, *Jam' al-Jawāmi'* is an "original" *matn* work on which he later wrote an auto-commentary named as *Man' al-Mawāni*⁸. The work

⁶ Taqī al-Dīn al-Subkī and Tāj al-Dīn 'Abd al-Wahhāb al-Subkī, *Al-Ibhāj fī Sharḥ al-Minhāj*, Maḥmūd Amīn al-Sayyid, ed. (Bayrūt: Dār al-Kutub al- Ilmiyyah, 2004).

⁷ Tāj al-Dīn 'Abd al-Wahhāb al-Subkī. *Raf' al-Ḥāḥib 'an Mukhtaṣar Ibn al-Ḥāḥib*. 'Alī Muḥammad Iwaḍ and 'Ādil Aḥmad 'Abd al-Mawjūd, ed. (Bayrūt: 'Ālam al-Kutub, 1999).

⁸ Tāj al-Dīn 'Abd al-Wahhāb al-Subkī, *Man' al-Mawāni 'an Jam' al-Jawāmi'*, Sa'īd ibn 'Alī Muḥammad al-Ḥumayrī, ed. (Bayrūt: Dār al-Bashā'ir, 1999).

discusses all major themes of *uṣūl al-fiqh* in an adequately concise manner. He completed the work in 760 A.H.⁹ at the age of 33 when his *uṣūlī* personality was well-grounded and publicly accepted. The importance of the work stems from the facts that it combines all major topics discussed in *uṣūl al-fiqh*¹⁰ while meticulously recording the significant scholarly opinions. It preserves many scholarly opinions, especially that of his father, which otherwise would not have reached the present generation. Also it is devoid of dialectical argumentations as found in other works of its genre. It has great impact on later scholars as more than hundred works have been written on it and it has been the *uṣūlī* text book in many institutions of higher learning throughout the world.

The work is divided into an introduction, seven chapters and a conclusion. The introduction discusses a few terms and concepts the understanding of which is necessary for comprehending the *uṣūlī* theories whereas the conclusion is devoted to ethics, which in turn makes the work unique in its structure and content. The seven chapters are as follows:

Table 1: Chapters and their contents in *Jam' al-Jawāmi'*

No	Chapter Title	Content Details
1	<i>Al-Kitāb wa mabāḥith al-aqwāl</i> (The Book and the discussions of the discourses)	Qur'ān, linguistic issues, and abrogation
2	<i>Al-Sunnah</i> (Prophetic tradition)	Prophetic <i>ḥadīth</i> , speech, benefits of a report, and issues of transmission
3	<i>Al-Ijmā'</i> (Scholarly consensus)	Consensus, its types, plausibility and authority.

⁹ Tāj al-Dīn 'Abd al-Wahhāb al-Subkī, *Jam' al-Jawāmi'* in *Majmū' Muḥimmāt al-Mutūn* (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1994), 130.

¹⁰ Al-'Aṭṭār, one of the commentators of the work, records the custom of scholars of his time that any *uṣūlī* issue which is not discussed in *Jam' al-Jawāmi'* was considered as baseless. Al-'Allāmah Ḥasan al-'Aṭṭār, *Hāshiyat al-'Aṭṭār 'alā Jam' al-Jawāmi'* (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1999), Vol. 2, p. 247.

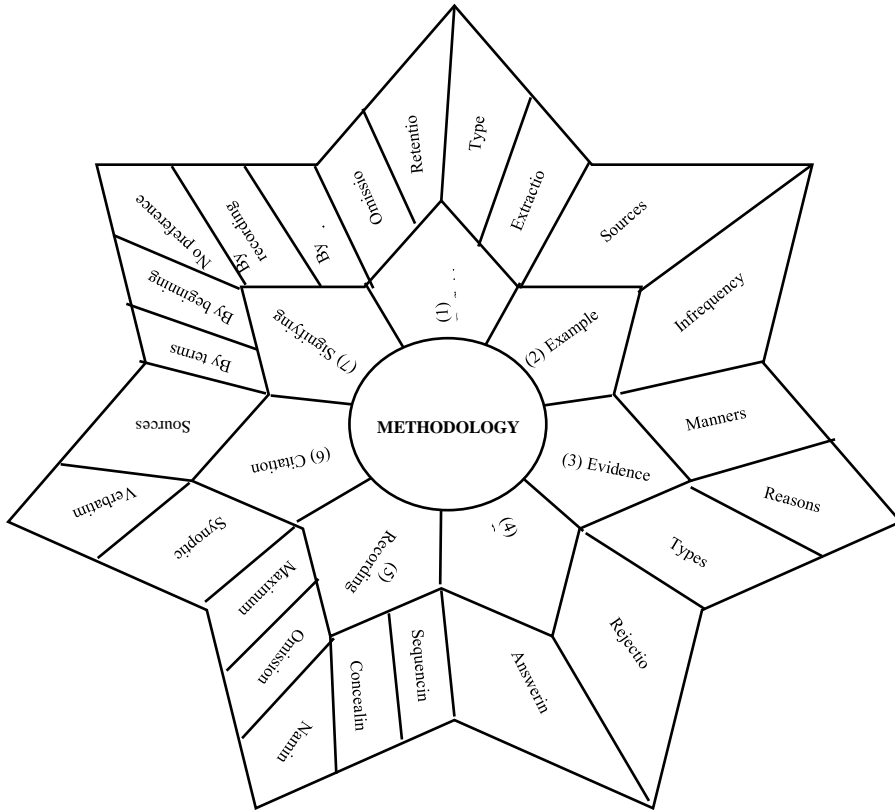
4	<i>Al-Qiyās</i> (analogy)	<i>Qiyās</i> , its constituents, <i>masālik al-‘illah</i> (the manners of identifying the effective cause), <i>qawādiḥ al-‘illah</i> (objections to the ‘illah) and authenticity and types of <i>qiyās</i>
5	<i>Al-Istidlāl</i> (inference)	The disagreed forms of evidences
6	<i>Al-Ta‘ādul wa al-Tarājīḥ</i> (contradictions and preferences)	Possibilities of contradiction between evidence and the method of giving preponderance.
7	<i>Al-Ijtihād</i> (intellectual exertion)	<i>Ijtihād</i> , <i>mujtahid</i> , <i>taqlīd</i> , <i>muftī</i> and theology

A clear idea about the unique methodology of a scholar will help better understand his work. Most of the classical scholars, following the then prevailing style of *matn* writing, did not explicitly disclose their methodologies. Instead, the task was left to the readers and commentators. As far as *Jam‘ al-Jawāmi‘* is concerned, however, the author’s own commentary, *Man‘ al-Mawāni‘*, reveals many of his methods. Though there are many commentaries on the work, they are primarily concerned with elucidating the meaning of the terms and explaining the terminologies of the text, albeit, in a traditional manner.

However, some recent studies have concentrated on the methodology of al-Subkī. For example, Aḥmad Ibrāhīm Ḥasan Ḥasanāt studies author’s methodology in *uṣūl al-fiqh* by referring to all his four major *uṣūlī* works.¹¹ Šālīḥ al-Zankī did further contribution in this regard by focusing on *Jam‘ al-Jawāmi‘*.¹² Both these studies were done independently without benefiting each other. Thus, a further study based on their current findings may complete this endeavour. The methodology has been elaborated as illustrated in the following Figure.

¹¹ Aḥmad Ibrāhīm Ḥasan al-Ḥasanāt. *Al-Imām Tāj al-Dīn al-Subkī wa Manhajuhu fī Uṣūl al-Fiqh*, Master thesis, Department of Shari‘ah, (Amman: University of Jordan, 2002).

¹² Šālīḥ al-Zankī, *Ma‘ālim al-Turāthī al-Uṣūlī: Kitāb Jam‘ al-Jawāmi‘ li al-Imām Ibn al-Subkī Namūdhanjan* (Kuala Lumpur: Dār al-Tajdīd, 2007).

Figure 1: An overview of al-Subkī's methodology in *Jam' al-Jawāmi'*.

Methodology of Defining Technical Terms

Definitions are of great importance for a scholar of *kalām* like al-Subkī who adhere to the logic in his methodology. This is borne out by the fact that at the very beginning of the text he provides the definition of *uṣūl al-fiqh* and other related terms. But, as to what constitutes a valid definition, the opinions of the jurists differ from that of the logicians. Al-Subkī records two definitions for the term “*ḥadd*” (definition):¹³ [1] “That which encompasses [the entire particulars of the definiendum] (*al-jāmi'*) and precludes [all other than it] (*al-māni'*),”¹⁴ and [2] “that which is coexistent (*al-muṭṭarid*) and

¹³ Supra note 8, p. 87.

¹⁴ The term *al-jāmi'* means that which is extensive of all the members of the definiendum such that none of them is excluded from it, whereas *al-māni'* means that which prevents the inclusion of anything other than the definiendum such that none other than it

inversely coexistent (*al-mun'akis*)."¹⁵ Al-Subkī has a whole array of different and varying methods which are illustrated as follows:

As a concise work, the author avoids many definitions presuming that they are either, [a] well known or, [b] understood from the context or, [c] not pertinent to the *uṣūlī* discussions. His methods in omitting definitions are noted below:

a) *Linguistic Definition (al-Ta'rīf al-Lughawī)*: It means to explain the linguistic meaning and root of a term. Generally scholars begin their discussions by defining the terms in a linguistic sense before moving onto the technical sense peculiar to their field. Al-Subkī follows the same pattern in his other works where he elaborately discusses the terminological issues. Surprisingly, in *Jam' al-Jawāmi'* he avoids such discussion altogether.

b) *Definition of Some Terms*: The author seems to have overlooked the definition of some terms, like *al-mutarādif* (synonym), *al-mushtarak* (homonym), *al-istiqrā'* (induction) and *al-ta'ādul* (contradiction)¹⁶, presumably because they are well-known or their definitions are unanimously accepted.

will enter in it. For example, the definition of 'man' as 'rational animal' is perfect, because it includes all individuals of men and does not include anything other than man. If the definition is not *jāmi'*, it will miss some of its definiendum like if 'man' is defined as 'male' then females are not included, whereas if it is not *māni'*, some other than the definiendum will enter it, like if 'man' is defined as 'an animal'. See (a) Badr al-Dīn Muḥammad ibn Bahādūr al-Zarkashī, *Tashnīf al-Masāmi' bi Jam' al-Jawāmi'*. Abū 'Amr al-Ḥusayn, ed. (Bayrūt: Dār al-Kutub al-Ilmiyyah, 2000), Vol. 1, p. 87 and (b) Jalāl al-Dīn Abū 'Abd Allāh Muḥammad ibn Aḥmad al-Maḥallī, *Al-Badr al-Ṭālī fi Ḥall Jam' al-Jawāmi'*. Abū al-Fidā' Murtaḍā 'Alī, ed. (Bayrūt: Mu'assasat al-Risālah Nāshirūn, 2005), Vol.1, p. 119.

¹⁵ This definition has the same sense of the first. *Al-muṭṭarid* represents the complete equivalence of definition with the definiendum such that whenever the definition exists, the definiendum also must exist. Thus, it becomes *al-māni'* that nothing other than it will enter in it. The import of *al-mun'akis* is just the opposite; whenever the definiendum exists, the definition must also exist. Thus, it becomes *jāmi'* that none of its member units (*afrād*) will be taken out of it. This is the interpretation given by the majority including al-Ghazālī and Ibn al-Ḥājib. However, scholars like al-Qarāfi equate between *jāmi'* and *muṭṭarid* and *māni'* with *mun'akis* by taking into consideration their literal sense. See supra note 13a, Vol. 1, p. 88; Supra note 13b, Vol.1, p. 120.

¹⁶ For al-Subkī's discussion of these terms see supra note 8, p. 92, 119, and 121 respectively.

c) *One of the Antonyms*: In some cases, al-Subkī only defines one of the two opposite concepts as he did in the definition of *ṣiḥḥah* (validity) and *buṭlān* (invalidity) by saying: “*Ṣiḥḥah* is the agreement [of an act], having two probabilities [of either being in agreement or disagreement], with *sharaʿ* ... and its opposite is *buṭlān*.”¹⁷ He did not define *buṭlān* explicitly as it is evident that it is the disagreement [of an act], having two probabilities, with the *sharaʿ*. Similarly, he only defines *al-qiyās al-jalī* (obvious analogy) after which he said that *al-khafi* (obscure analogy) is its opposite,¹⁸ whereas among the *muṭlaq* (unqualified) and *muqayyad* (qualified) he only defines the first without indicating the other.¹⁹ Nevertheless, at times, he defines both the opposite terms like *nadb* (encouraged) and *karāhah* (discouraged) and *ḥaqīqah* (real) and *majāz* (trope).²⁰

As a later scholar, al-Subkī readily accepted the previous definitions if it complied with his conditions, though he might not have attributed them to the originators. His approaches to the established definitions are as follows:

Fist, verbatim Acceptance: Some definitions found in *Jamʿ al-Jawāmiʿ* are verbatimly culled from previous ones. For instance, he defines *fiqh* as: “the knowledge about *sharaʿī* (legal) rules pertaining to conduct which are deduced from their detailed (*tafṣīliyyah*) evidences.”²¹ The same definition is found in *Minhāj*.²² Likewise, Imām al-Ḥaramayn has preceded²³ him in defining *taklīf* as “the imposition (*ilzām*) of that in which there is difficulty.”²⁴

Acceptance with Modifications: In most cases, the author accepts the existing definitions with slight or minor modifications in order to secure the

¹⁷ *Ibid.*, 87.

¹⁸ *Ibid.*, 118. Another example is the author’s description of *alam* (pain) as the opposite of *ladhdhah* (pleasure) whose definition is provided. *Ibid.*, 128.

¹⁹ *Ibid.*, 100.

²⁰ *Ibid.*, 87 and 93.

²¹ *Ibid.*, 86.

²² *Supra* note 5, Vol. 1, p. 27.

²³ Abū al-Maʿālī ʿAbd al-Malik ibn ʿAbd Allāh Imām al-Ḥaramayn, *Al-Burhān fī Uṣūl al-Fiqh*. ʿAbd al-ʿAzīm al-Dayb, ed. (Qaṭar: n.p., 2007), Vol. 1, p. 101.

²⁴ *Supra* note 8, p. 88.

definitions from objections (*i' tirādāt*). For example, his definition of *farḍ al-kifāyah* (collective obligation)²⁵ is a slightly modified definition from that of al-Ghazālī. Let us compare both:

	12	11	10	9	8	7	6	5	4	3	2	1
Al-Ghazālī	فاعله	إلى		نظر	غير	من	حصوله	الشرع	يُقصدُ	ديني	مهم	كل
Al-Subkī	فاعله	إلى	بالذات	نظر	غير	من	حصوله		يُقصدُ		مهم	
Al-Ghazālī: "Every religiously (<i>dīnī</i>) important thing whose acquirement is intended by the <i>shara'</i> without looking at the performer."												
Al-Subkī: "An important thing (<i>muhimm</i>) whose acquirement is intended without looking essentially (<i>bi al-dhāt</i>) at the performer."												

As one can see, the author modifies al-Ghazālī's definition, by incorporating some addition and elision. He discarded the term *dīnī* as it excludes some collective obligations, such as manufacturing and profession, which are not *dīnī per se*. By contrast, the term '*bi al-dhāt*' should be added, to emphasize the non-specification of the 'performer', even though he is liable for reward or punishment in the collective obligation as well. Therefore, the purpose is to emphasize on the activity, rather than the individual; just like the performance of *salāt al-janāzah*, which is a collective obligation on the Muslim community.²⁶

Second, accommodating Disagreements: The author attempts to indicate the scholarly disagreements in respect of defining a term by compiling them into a single definition. He defines, for example, the *istithnā'* (exception) as: "It is the exclusion [of something from a general statement] with [the exceptive particle] '*illā'* or any of its sisters [a] by the same speaker, [b] whereas it is said that [it is the exclusion by *illā*] unconditionally [i.e., be it from the same speaker or not]."²⁷

Here the author compiles two contradictory opinions: [a] the exception should be from the same speaker and [b] it can be from anyone.

²⁵ *Ibid.*, 88.

²⁶ *Ibid.*, 128-131.

²⁷ *Ibid.*, 98.

The author gives preponderance to the first opinion after which he indicates the other opinion. At times, he brings the weak opinion within the preferred one, like his definition of the *adā'* (timely performance) when he says: "It is the execution of a part - or, it is said, the whole - of that whose time has entered, before its departure."²⁸ In this example, the author inserts the other opinion, "the execution of the whole", before he concludes the first one. The term *qaḍā'* is also defined in the same style. In some other occasions, the author just indicates the different opinions without preferring any of them. For example, he defines *i'ādah* (repetition) as: "The execution of a conduct in its [due] time of performance, [a] it is said that due to shortcoming [in the earlier performance], or [b] it is said that for any reason [like anticipation of reward]."²⁹

The author follows different methods while defining the terms. They are: *Real Definition (al-Ḥadd al-Ḥaqīqī)*: It is to define by that which signifies the essential nature of something.³⁰ According to the logician, this is composed of a *jins* (genus) and *faṣl* (distinguishing trait),³¹ which form the real and most powerful definition. Majority of his definitions come under this category. To cite an example, he defines *al-ḥaqīqah* (the real) as: A word used in its ab initio assigned meaning.³²

Here the term 'a word' is the genus in which every type of words are included, whereas the rest of the sentence is the *faṣl* (Discriminant) that distinguish *ḥaqīqah* from others such as *majāz*. Thus, it forms as a valid logical definition. *Literal Definition (al-Ta'rīf al-Lafzī)*: It is to explain a term by its

²⁸ *Ibid*, 87. If one *raka'ah* of a *salah* is executed within the time it is regarded as timely performance according to the valid opinion. Al-Subkī intends to include this particular case in the definition of *adā'*. Thus, he defines it as 'execution of the part...' and he also wants to accommodate the opposite view that it is not regarded as timely performance, thus he adds the phrase 'or it is said that the whole' in the definition. But, this is criticized on the ground that the definition should be general and clear. See supra note 13a, Vol.1, p. 73-75.

²⁹ Supra note 8, p. 87.

³⁰ Abū Ḥāmid Muḥammad ibn Muḥammad al-Ghazālī, *Al-Muṣtaṣfā min 'Ilm al-Uṣūl*, ed. Ḥamzah ibn Zuhayr al-Ḥāfiẓ (Jiddah: Sharikat al-Madīnah al-Munawwarah li al-Ṭabā'ah, 1413 A.H), Vol. 1, p. 37.

³¹ See the conditions of a real logical definition in, *Ibid.*, Vol. 1, p. 35 onwards.

³² Supra note 8, p. 93.

synonym in the same sense, but clearer and more apparent than the term defined.³³ It was the common style of defining the terms before the field of *uṣūl* was influenced by logic. For example, in *al-Risālah*, al-Shāfi'ī simply defines *ijtihād* as *qiyās* thereby synonymizing the two words to mean the same purport.³⁴ The author rarely applies this approach to definition³⁵ since logicians considered it as the weakest form of definition. To cite an example, he defines *al-Kitāb* as *Qur'ān*, and *mujtahid* as *faqīh*.³⁶

Through Classification (al-Ta'rif bi al-Taqsīm): A concept can be defined by mentioning its categories without bringing out the real definition. The author adopts this method on many occasions such as in this passage:

[1] If the word and the meaning are one and the same,³⁷ then if the conception (*taṣawwur*) of its meaning prevents the [possibility of] participation, then [it is termed as] *juz'ī* (particular),³⁸ and [2] if not, then [it is called as] *kullī* (universal)³⁹ [which in turn is categorized into: a] *mutawāṭi'* (corresponding equivalence) if [the meaning is] equivalent [in respect of all its member units], and [b] *mushakkik* (confusing) if it is variant,⁴⁰ [3] and if they two differ, then it is *mutabāyin*

³³ Abū al-Ḥasan 'Alī ibn Muḥammad al-Jurjānī, *Al-Ta'rifāt*, ed. Muḥammad Bāsīl 'Uyūn (Bayrūt: Dār al-Kutub al-'Ilmiyyah, 2000), 66.

³⁴ Muḥammad ibn Idrīs al-Shāfi'ī, *Al-Risālah* (Bayrūt, Dār al-Kutub al-'Ilmiyyah, 2006), 477.

³⁵ Al-Zankī (p. 71) wrongly observes that the author used this type of definition only once to define *al-Kitāb* as *al-Qur'an*.

³⁶ Supra note 8, p. 90, 124.

³⁷ The relation between the word and its meaning are in four types: [a] both are one and the same, which can be either *juz'ī* or *kullī*, [b] both are different which is known as *mutabāyin*, [c] the meaning is same but the words are different then it is *mutarādif*, and [d] the word is one but the meanings are different then it may be *musharak* or *ḥaqīqah* and *majāz*.

³⁸ For example, the name of a person or place which is a single word denoting only one thing.

³⁹ For example, the terms such as star, sea, sun and god can denote many particulars, though some of them have only one particular in existence.

⁴⁰ Like the term 'human' can equally applied on any of its individual in contrast to the term white which may be different in respect of its particulars. Some are strong, while some others are weak.

(mutually exclusive),⁴¹ [4] whereas if the meaning is same but not the word, then it is *mutarādif* (synonym), while its reverse [i.e., the same word with different meanings] is [5] *mushtarak* (homonym) if the word is real with respect to both [these meanings] and if not [i.e., if not real for both meaning, then one is termed as 6] *haqīqah* (the real), while [the other as 7] *majāz* (the trope).⁴²

Through Examples (al-Ta'rif bi al-Mithāl): At times, a concept can be comprehended without being defined in the logical sense by understanding any element of the definiendum. The author defines the three types of *munāsib* (suitable)⁴³ in this way.⁴⁴ For instance, while defining the term *ḥājī* (necessity) he says that it is like sale (*bay'*) and lease (*ijārah*).⁴⁵

In defining the terms, al-Subkī extracts the definition by either of the following two ways: *From Definition to Discussion*: The author, as a logician and an *uṣūlī* among the *mutakallimūn*, was very conscious in defining the term so that it can be accurately understood. Each word and even letter of the definitions was constructed in such a way that the related issues can be deciphered from the definition itself. The author considers this fact as one of his salient methodologies in *Jam' al-Jawāmi'*, which has no precedence.⁴⁶ The best example for this is the definition of *ijmā'*, on which he erects the whole narrative of the chapter. He defines *ijmā'* as: "It is the agreement of the *mujtahids* of the *ummah* after the demise of Muḥammad, on whom be the regard and salutation of Allāh, at any time upon any issue."⁴⁷ Then he

⁴¹ For example the terms such as male and female or human and horse, both are different terms with different purports.

⁴² Supra note 8, p. 92; supra note 13b, Vol. 1, p. 223-224.

⁴³ *Munāsib* falls it to three categories: [a] *darūrī* (inevitability), [b] *ḥājī* (necessity), and [c] *tahsīnī* (embellishment). See supra note 8, p. 113.

⁴⁴ Al-Zankī (p. 71), however, says that he found only one such definition; *ilghā' al-fāriq* (cancellation of the difference) by giving the example of counting the slave girl as slave in respect of *sirāyah* (prisoners of war).

⁴⁵ Supra note 8, p. 113.

⁴⁶ Supra note 7, p. 331.

⁴⁷ Supra note 8, p. 108.

extracts the issues from the definitions by saying that *fa'ulima* (therefore, it is understood from this definition that ...) and he counts at least 18 such issues including:

1. *Ijmā'* is particular to the *mujtahid* and Muslims only.
2. The issue should be agreed by all *mujtahids*
3. It is not particular to the Companions.
4. There is no scope for *ijmā'* during the time of the Prophet.
5. The *ijmā'* of the following groups is not valid: [a] the people of Madinah, [b] kinsfolk of the Prophet (*ahl al-bayt*), [c] the four caliphs, [d] the two *shaykhs* [i.e., Abū Bakar and 'Umar], [e] the people of the two *ḥarams* [i.e., Makkah and Madīnah], and [f] the people of the two towns: Basarah and Kūfah.

From Discussion to Definition: The *de-facto* function of the definition is to comprehend the concepts and thus it should be mentioned before discussing the concept. As we noticed, it is the general practice in the *Jam' al-Jawāmi'*. Nonetheless, at times the author may discuss the concept and issues related to it, and then arrive at its definition. For example, after discussing the forms of *al-istiṣhāb* (presumption of continuity) and its validity, he deduced its definition by saying: "So, it is known (*fa'urifa*) that the *istiṣhāb* is the establishment of something in the second [case] because of its presence in the first [case] due to the absence of that which is capable of changing [that rule]."48

Methodology of Explaining Evidences

In elucidating the "evidences" for the arguments, the author adheres to the following methodologies: A reader can rarely find evidences in *Jam' al-Jawāmi'*. This is one of the features that distinguish the text from other works of this genre such as *Ibhāj* and *Mukhtaṣar* where most of the arguments are substantiated by evidences and logical explanations. Another feature to be noted here is the briefness of the evidences. The author never goes into details of evidences or their explanations.

⁴⁸ *Ibid.*, 119.

In this the author elaborates his methodology thus: “perchance we may mention the evidences in some occasions either [a] due to it being deliberated in popular books in an unclear manner, or [b] due to strangeness, or [c] for other reasons which a sound reflection can discover.”⁴⁹ This statement shows that the author does not intent to provide evidence for every argument except for the aforementioned valid reasons which he deems necessary. The following passage concerning the *qawādiḥ* (objections) against *‘illah* can be an example:

“*Jumu‘ah* is an obligatory prayer, thus it does not require the permission of the ruler (*imām*) like the *Zuhr* prayer. Indeed the term ‘obligatory’ is redundant because even if it was omitted [from the argument] it will not be nullified by anything. However, it is mentioned as such to proximate the new case (*far‘*) with the principal case (*aṣl*) due to strong resemblance between them. For (*idh*) one obligation resembles another obligation”.⁵⁰

In the above example, the principle that ‘the obligation is similar to another obligation’ stands as evidence to his argument that the term ‘obligatory’, which has no necessary function in the causation of the *Jumu‘ah* prayer, is mentioned only by way of proximating the new case with the principal case due to their resemblance. Since this argument seems to be very strange, the author provides the above passage as the proof.

Most of his evidences are rational, whereas some linguistic and transmitted evidences, from Qur’ān or *ḥadīth*, are also found in the text. For example, he records three opinions on the relation between two *mutawātir* evidences from Qur’ān and *Sunnah*. The most valid opinion is their equivalence, whilst the second preponderates Qur’ān over the *Sunnah*. The third opined that a *mutawātir sunnah* is given preponderance over that of the Qur’ān because of His statement (*li qawlihi*)⁵¹ that *{li tubayyina}* (so that you explain).⁵² This evidence is from Qur’ān, whereas in supporting his father Taqī al-Subkī’s position that the property of another Muslims is *ḥarām*, he

⁴⁹ *Ibid.*, 129.

⁵⁰ *Supra* note 8, p. 116.

⁵¹ This is a part of Qur’anic verse (Sūrat al-Naḥal: 44) which means that: “We have revealed to you the reminder (Qur’ān) so that you explain to mankind what has been revealed to them”.

⁵² *Supra* note 8, p. 122.

brings evidence through the saying of the Prophet (*li qawlihi*)⁵³: “Indeed your blood and properties are prohibited to each other”.⁵⁴ Generally, for denoting the rational evidence he uses the particles such as *idh* (since), *li anna* (because), *wa illā* (otherwise) whereas the transmitted evidences are followed by *li qawlihi* (for his word).

Methodology of Citing Examples

Examples are the easy way to understand the issue under consideration, especially the theoretical discussion such as in *uṣūl al-fiqh*. However, the structure of a *matn* cannot accommodate more examples and explanations which are found in larger works. Thus, the author generally does not cite examples except for some particular reasons. For example, in the following passage he defines different concepts without citing any examples.

“Furthermore, the vocable (*lafẓ*) if its part indicates on a portion of [its] meaning, then it is [termed as: a] *murakkab* (compound), if not then [it is known as: b] *mufrad* (simple). And the signification of a word on its [complete] meaning is [called as: a] *muṭābaqah* (complete inclusion), while [the signification] upon its part is [considered as: b] *taḍammun* (partial inclusion), whereas [the signification] on its rationally attached [thing] (*lāzim dhimī*) is [known as: c] *iltizām* (indispensable)”.⁵⁵

Though this is the general style that the author follows in *Jam‘ al-Jawāmi‘*, at times, however, he cites examples the frequency of which is larger than that of the evidences. Naturally, most of the examples are from *fiqh*, whereas he also cites Qur’ānic verses, and *ḥadīth* among other things. He explains: “If my examples are found in the Book or the *Sunnah* or among the sayings of Arabs or religious scholars, I used to express it generally,

⁵³ This is part of a *ḥadīth*. See Muslim ibn al-Ḥajjāj al-Qushayrī, *Sahīḥ Muslim bi Sharḥ al-Nawawī*, ed. Muḥammad Fu‘ād ‘Abd al-Bāqī, (Bayrūt: Dār al-Kutub al-‘Ilmiyyah, 2003), *Kitāb al-qasāmah, bāb taḡhlīzī taḥrīmi al-dīmā’ wa al-a’rāḍi wa al-amwāl*, Vol. 11, p. 139-141.

⁵⁴ *Supra* note 8, p. 120.

⁵⁵ *Ibid.*, 90.

whereas if it is not found I would say ‘like your sayings’ (*ka qawlika*) or ‘as it can be said’ (*kamā yuqāl*) and their likes.”⁵⁶

This can be illustrated by the following example. While explaining meaning of the particle *law* (if), al-Subkī says:

“However, the valid opinion which agrees with al-Shaykh al-Imām [Taqī al-Dīn], is that [*law* is a particle for] the denial of that which follows it, while it being necessary for [the occurrence of] its subsequent [as a response to the condition]. Then, it may deny the subsequent [statement also] if it is suitable and nothing else can substitute the previous, like [the Qur’anic phrase] *law kāna fīhimā ālihatun illā Allāh la fasadatā* (if there had been in either of them [i.e., the heavens and the earth] any deity other than Allah, both would have perished). But not [so] if [anything] substitute it [i.e., the first statement leading to the second] like your statement *law kāna insānan la kāna ḥayawānan* (if he is a man, he must be an animal). However, the succeeding [statement] is affirmed if [its presence] does not contradict [the absence of the first], but suitable [a] in superior sense, like *law lam yakhaf lam ya ‘sī* (hadn’t (*law*) he feared [the Almighty] he wouldn’t be a sinner), or [b] in equal sense, like “even if (*law*) she was not a step daughter, she would not be permissible [for me to marry] because of the fosterage”, or [c] in inferior sense, like your reply (*ka qawlika*) [to a woman who proposed to you] “even if (*law*) the blood relationship does not exist [between us], she is not permitted [to marry me] because of the fosterage”.⁵⁷

In this passage the first example, *law kāna ...* is a Qur’anic verse (*sūrat al-Anbiyā’*: 22). Another example, ‘*law lam ...*’ is a known example widely used by grammarians, whereas ‘even if she was not ...’ is part of a *ḥadīth* in which the Prophet rejects the possibility of his marriage with Durrah bint Umm Salamah.⁵⁸ In all these instances he did not explain their sources, whereas in other two examples which are not found in any sources he adds the phrase ‘*ka qawlika*’ (like your saying).

Methodology of Responding to the Opposite Views

As an expert of *uṣūl*, al-Subkī has his own opinions or choice of opinions on various issues. Perchance he wants to refute or reply to the

⁵⁶ Supra note 7, p. 154.

⁵⁷ Supra note 8, p. 95.

⁵⁸ For the *ḥadīth* see Muslim, *Saḥīḥ Muslim, Kitāb al-Riḍā’*, *bāb tahrīm al-rabībati wa ukhti al-mar’ah*, Vol. 8, p. 22-23.

opposite opinions in a scholarly manner. As we noted, in *Jam' al-Jawāmi'*, he is not interested in hair-splitting arguments or debate as seen in other works. In dealing with his opponents, al-Subkī follows the following features:

In some occasions, the author's refutation of other opinions are very clear and open as he uses some words or phrases to state that the other view is unacceptable. For examples, [1] after defining the term *al-naskh* he refutes its application by al-Rāzī in other than the technical sense by saying: "And the words of al-Imām [al-Rāzī] that 'one who lost his two legs, their washing [as part of taking ablution] is abrogated' is a defective [opinion] (*madkhūl*)."⁵⁹ [2] During the discussion on *majāz*, the author refutes Ibn Jinnī's and Abū Ḥanīfah's opinions by saying: "The *majāz* neither represents the greater portion of the languages, as opposed to [the view held by] Ibn Jinnī, nor is it [taken as] a reliable [meaning] whenever the [consideration of] the real meaning becomes impossible, as opposed to [the position of] Abū Ḥanīfah".⁶⁰

He rejects the opinion of Ibn Jinnī that the *majāz* represents the greater portion of any language and that all words are more used in its *majāzī* sense than in the *ḥaqīqī* sense. He also refutes the opinion of Imām Abū Ḥanīfah that the *majāzī* meaning of a term is considered if its *ḥaqīqī* meaning is not suitable in a particular context.⁶¹

It is one of the typical methodologies of most of the Islamic literature in Arabic whereby a reader can come across the phrase such as '*fa in qīla..., qultu...*' (if it is said..., I will answer...) which is used to state the presumptive questions or objections by the opponents and the likely responses of the author. As an abridgment, the author does not use such phrases, though it is not free from such kind of imaginary discourses. Only a serious reader can understand that some sentences are to reject others arguments or to answer some possible objections or questions. It can be explained by the following examples. In the Introduction, he says:

⁵⁹ Supra note 8, p. 101.

⁶⁰ *Ibid.*, 93.

⁶¹ Supra note 13b, Vol. 1, p. 252-253, 'Abd al-Raḥmān al-Sharbīnī, *Taqrīrāt al-Sharbīnī*, printed in the margin of *Hāshiyat al-Attār* (Supra Note 9), Vol. 1, p. 490.

It [i.e., the recommended act], because of starting, will not become obligatory, as opposed to [the position of] Abū Ḥanīfah,⁶² whereas completing *Ḥajj* is obligatory because its *nafl* is like its *fard* with respect to the intention (*niyyah*) and expiation (*kaffārah*), etc.⁶³

Here the author, being a Shāfi ī scholar, prefers the opinion that the completion of a recommended act is not obligatory whereas Abū Ḥanīfah says that once it is started it is obligatory to complete it. In that case, why the performance of a recommended *Ḥajj* becomes obligatory once it is started? He gives answer to this imaginary question by equating *fard* *Ḥajj* with *nafl* *Ḥajj*.

Methodology of Recording the Opinions of Scholars

Jam' al-Jawāmi', as its very name suggests, is known for being a compendium of scholarly opinions on important issues in *uṣūl al-fiqh*. In many occasions, we have noted that the author was so determined to keep the text short and brief, that he avoids additional details, proofs and examples. By contrast, while recording the different opinions on any issue, the author tries to squeeze in as many opinions as possible in concise language without compromising the essential details of the discussion. Along with the preferred opinion, he brings to light other weaker and rare opinions. For example, he brings twelve opinions on a single issue while discussing the meaning of 'if'al' form, when he says:

[1] The majority [held that the *if'al* form is] a *haqīqah* [term], in the sense of [imposition of] an obligation (*wujūb*), [either] [a] linguistically, or [b] legally (*shar'an*), or [c] rationally [according to different] opinions. But, [2] it is said that [in the sense of] recommendation (*nadb*), whereas [3] al-Māturīdī opined that [it is assigned] for the common denomination (*qadr al-mushtarak*) between them [i.e. calling for an action], while [4] it is [also] opined that [it is] a

⁶² All scholars agree that a recommended act is optional that none will be punished on its avoidance though he gets rewarded for its performance. However, if one began to perform a recommended act, say a *nafl* prayer, is it compulsory to complete it or can he discontinue it? Scholars disagree. Shāfi ī scholars permit it, whereas Abū Ḥanīfah disapprove it and held that he should compensate its performance. See supra note 13a, Vol. 1, p. 63-66; supra note 13b, Vol. 1, p. 101.

⁶³ Supra note 8, p. 87.

homonym for both [meanings]. However, [5] al-Qaḍī [al-Bāqillānī], al-Ghazālī and al-Āmidī remained indecisive (*tawaqqafa*) on this matter....⁶⁴

At times the author records the valid opinion only and avoids the weaker opinions altogether, as in the following example:

“The most valid opinion is that [1] the execution of a commanded thing necessitates its sufficiency. And that [2] commanding [anyone] to command [another person] to [do] something is not [regarded] as a command [in respect of the other person] to do [that thing thus commanded]. And [3] one who commands by a word in which he [also] partakes, falls under that [command]. And that [4] the substitution [to perform it] is taken into consideration in the thing thus commanded unless there is an explicit impediment”.⁶⁵

At times, he avoids some of the opinions while mentioning the rest, as in the following example, where al-Subkī explains which of the meaning is considered from the different usages of a term:

“It is always applied according to the usage of the speaker. Therefore, [it] has legal implication in *shar‘*, as it is its custom (‘*urf*). [But, if it is not suitable], then [it is according to] the general custom [prevalent at that time] and then the linguistic sense. However, [both] al-Ghazālī and al-Āmidī stated that in respect of the affirmation (*ithbāt*) it is [considered as] *shar‘ī* [usage], whereas in respect of the negation [they differed and] al-Ghazālī held that it is [considered as] a *mujmal* (equivocal), while al-Āmidī maintained that it is [understood in] the linguistic [sense]”.⁶⁶

The author only mentions three opinions here, whereas, al-Sharbīnī⁶⁷ says, there is a fourth opinion reported by Ibn al-Ḥājjib that it is carried on its both legal and linguistic meanings. Perhaps the author might have avoided it as he did not notice this from anyone other than Ibn al-Ḥājjib. Then al-Sharbīnī concludes that it is the style of the author to avoid such opinion since it is recorded by one scholar alone.⁶⁸ Al-Maḥallī also noticed this methodology in his commentary.⁶⁹

⁶⁴ *Ibid.*, 95-96.

⁶⁵ *Ibid.*, 96.

⁶⁶ *Ibid.*, 93.

⁶⁷ He is ‘Abd al-Raḥmān ibn Muḥammad ibn Aḥmad al-Sharbīnī who became the Shaykh of al-Azhar. He has two works on *Jam‘ al-Jawāmi‘*. Khayr al-Dīn al-Ziriklī, *Al-A‘lām: Qāmūs Tarājim li Ashhur al-Rijāl wa al-Nisā‘*, (Bayrūt: Dār al-Kututb al-Ilmiyyah, 1986), Vol. 3, p. 334.

⁶⁸ *Supra* note 60, Vol. 1, p. 519.

⁶⁹ See for example al-Maḥallī’s (Vol. 1, p. 323) comments on al-Subkī’s omission of

All opinions recorded in *Jam‘ al-Jawāmi‘* are not attributed to its holders. In many cases he simply says ‘it is said’ (*qīla*) or ‘somebody said’ (*qāla qaḥm*) without naming anyone, which is the general style of *matn* works, whereas in some other instance he names those who held that opinions for some reasons. He explains it:

“Perchance we may clearly state the holders of opinions, lest an ignorant may assume it as prolongation that leads to boredom. And he may not know that we indeed did so for some purpose which is set in motion by higher aims. Since at times, the opinion may not be well known from those whom we have mentioned or other opinion may be wrongly attributed to him or for other reasons which can be demonstrated through reflection by one who utilizes his faculty”.⁷⁰

This passage gives us some of the reasons as to why al-Subkī names the opinion holders. In *Man‘ al-Mawāni‘*, while answering an objection on his methodology of naming the opinion holders, he again asserts, “there are some hidden secrets and significant benefits behind it”.⁷¹ Some examples discussed therein are as follows:

[1] After defining *farḍ al-kifāyah* (collective obligation), he says:

Al-Ustādh [al-Isfarāyīnī], Imām al-Ḥaramayn and his father claimed that it [i.e., *farḍ kifāyah*] is superior to the individual [obligation (*farḍ al-‘ayn*)]. And it is [binding] on some people (*ba‘ḍ*), in accordance with [the position of] al-Imām [al-Rāzī], not [on] all of them, as opposed to [the position of] al-Shaykh al-Imām [Taḳī al-Dīn] and the majority.⁷²

He identifies two reasons for naming those who claimed that the *farḍ al-kifāyah* is superior; [a] the opinion is very strange which can be strengthened by naming those who opined it in a way to show that their authority cannot be disproved nor challenged, and [b] this opinion, generally, has been attributed to only Imām al-Ḥaramayn, whereas he has some great predecessors.⁷³ And in the next issue, the author named his father in order to strengthen the position of the majority, whereas he denoted the

one opinion reported by Ibn al-Ḥājjib in respect of a *nahy* being a command of the opposite.

⁷⁰ Supra note 8, p. 129-130.

⁷¹ Supra note 7, p. 464.

⁷² Supra note 8, p. 88.

⁷³ Supra note 7, p. 464-466.

majority because otherwise it may be assumed that the author is with the majority like in most of the cases.⁷⁴

[2] He says about the issue of imposing (*taklīf*) on someone to do an impossible thing (*muḥāl*), the author says: "It is permitted to impose an impossible thing absolutely."⁷⁵ However, most of the Mu'tazilah, al-Shaykh Abū Ḥāmid, al-Ghazālī and Ibn Daqīq al-Īd forbid (*man 'a*) that which is not impossible due to the connection of [Allāh's] knowledge with its non occurrence ..."⁷⁶ Here he names three great *Sunnī* scholars to indicate that there are among the *Sunnī* scholars in every century who agreed with the opinions of Mu'tazilah on this issue.⁷⁷

[3] About the scope of analogy in language, the author says: "Al-Qādī [al-Bāqillānī], Imām al-Ḥaramayn, al-Ghazālī and al-Āmidī are of the opinion that language cannot be established through *qiyās*. But Ibn Surayj, Ibn Abī Hurayrah, Abū Ishāq al-Shīrāzī and al-Imām [al-Rāzī] opposed them."⁷⁸

He expressed these names here to signify the mistake of some authors who presume that most of the scholars maintain that the language cannot be established through *qiyās*, whereas both opinions are held by equal number of scholars. In addition, the name of al-Qādī al-Bāqillānī is mentioned to indicate the mistake of Ibn al-Ḥājib who wrongly counted him among those

⁷⁴ *Ibid.*, 466-467.

⁷⁵ Impossible things are of three kinds. [1] Intrinsically impossible (*muḥāl li dhātihī*), i.e., rationally (*'aql*) and naturally (*ādah*) impossible like simultaneous existence of two contradictory things, [2] extrinsically impossible (*muḥāl li ghayrihī*), i.e., naturally impossible but not rationally like flying of a human, and [3] rationally impossible (*muḥāl 'aqlan*) but not naturally, like occurrence of something that Allāh wishes not to occur. The scholars agree that the third can be imposed and there are such instances like Abū Jahl was commanded to believe, while Qur'an asserts that he would be in the hell. About the imposition of the first and the second, the author reports that the scholars disagreed. See supra note 13b, Vol. 1, p. 156.

⁷⁶ Supra note 8, p. 89. According to these scholars only the third category is possible which is in fact an agreed upon opinion, whereas the first and second is not possible. They argue that there is no benefit in imposing the impossible thing, since one cannot perform it. According to others its benefit is to test him as to whether he is ready to accept the command by attempting to perform it or not. See supra note 13b, Vol. 1, p. 156-157.

⁷⁷ Supra note 7, p. 467-468.

⁷⁸ Supra note 8, p. 92.

who permit it.⁷⁹ After explaining this, al-Subkī describes the *Jam‘ al-Jawāmi‘* with pride, when he says:

“This is the importance of this book; if you find therein anyone who has been quoted and you saw this quotation is other than what is quoted in other books of some author, then know that that which is quoted by us is the verified one which is well established from him. And we naming him were due to the occurrence of some mistakes in that respect”.⁸⁰

Methodology of Quoting Others

The style of quoting followed by the authors during al-Subkī’s period, differ greatly from the methods of contemporary authors. There was no standard method that was applied across the field. The method adopted by al-Subkī includes: In the classical period, generally most of the scholars do not mention the sources while quoting others. Al-Subkī also did the same, though in some cases he named the scholars whose opinions he records, which indeed help us to understand the sources. Similarly they quote from the secondary sources also as the primary sources were not widely available at that time. However, as we noted, al-Subkī was very keen to verify before attributing any opinion to others. As a result, al-Subkī corrected many mistakes done by his predecessors in attributing those opinions.⁸¹

Generally, he extract the content and expresses it in the most concise form which is carefully woven into the main body of the content. For example, al-Subkī quotes al-Āmidī while discussing the *qawādiḥ al-‘illah*:

“The opponent cannot, according to most of the scholars, seek to provide evidence for the presence of *‘illah*, since it is a digression (*intiqāl*), whereas al-Āmidī held that, [he can do it] as long as there is no other better evidence for its nullification”.⁸²

When we refer to *al-Iḥkām*, from where al-Subkī seems to have quoted him, we cannot find the exact text there; rather this is the essence of al-Āmidī’s arguments therein.⁸³

⁷⁹ Supra note 7, p. 468-469.

⁸⁰ *Ibid.*, 469.

⁸¹ See the discussion under 3.5.3. Naming the opinion holders.

⁸² *Ibid.*, 115.

⁸³ Sayf al-Dīn ‘Alī ibn Muḥammad al-Āmidī, *Al-Iḥkām fi Uṣūl al-Aḥkām*, ed. ‘Abd al-

Conclusion

The conclusion of this article is that in his work, "Jam' al-Jawāmi'," al-Subkī adopts a highly distinctive methodology within the field of uṣūl al-fiqh. He designs his work as a concise and easily memorizable mukhtaṣar, influencing an exceptionally selective approach in the choice of material included. This reflects his commitment to ensuring that his work can be readily memorized by students. One crucial aspect of al-Subkī's methodology pertains to his approach to defining technical terms key to uṣūl al-fiqh. He often meticulously elaborates on these definitions, either by adhering closely to his predecessors' definitions or by introducing his own interpretations. Furthermore, al-Subkī meticulously records the various opinions of scholars on specific legal issues, often arranging them chronologically to demonstrate the historical development of disagreements within uṣūl al-fiqh. This provides valuable insights into the evolution of thought in this field during specific time periods.

Finally, al-Subkī places a strong emphasis on defining technical terms, employing various methods and terminologies to indicate the level of acceptance of differing scholarly opinions. In conclusion, understanding the distinctive methodology employed by al-Subkī in "Jam' al-Jawāmi'" is of paramount importance for gaining a deeper insight into how classical scholars approached and dealt with issues of Islamic law. This methodology not only holds historical significance but also remains relevant in the contemporary context, offering valuable perspectives for a broader understanding of the principles of Islamic jurisprudence.

References

Al-Maḥallī, Jalāl al-Dīn Abū ' Abd Allāh Muḥammad ibn Aḥmad. *Al-Badr al-Tāli' fī Ḥall Jam' al-Jawāmi'*. Abū al-Fidā' Murtaḍā 'Alī, ed. Bayrūt:

Razāq 'Afīfī, (Al-Riyāḍ: Dār al-Ṣamī'ī, 2003), Vol. 4, p. 108.

- Mu'assasat al-Risālah Nāshirūn, 2005.
- Al-Āmidī, Sayf al-Dīn 'Alī ibn Muḥammad. *Al-Ihkām fī Uṣūl al-Ahkām*, ed. 'Abd al-Razāq 'Afīfī. Al-Riyāḍ: Dār al-Ṣamī'ī, 2003.
- Al-Ghazālī, Abū Ḥāmid Muḥammad ibn Muḥammad. *Al-Muṣtaṣfā min 'Ilm al-Uṣūl*, ed. Ḥamzah ibn Zuhayr al-Ḥāfiẓ. Jiddah: Sharikat al-Madīnah al-Munawwarah li al-Ṭabā'ah, 1413.
- Al-Ḥasanāt, Aḥmad Ibrāhīm Ḥasan. *Al-Imām Tāj al-Dīn al-Subkī wa Manḥajuhu fī Uṣūl al-Fiqh*, Master thesis. Amman: University of Jordan, 2002.
- Al-Jurjānī, Abū al-Ḥasan 'Alī ibn Muḥammad. *Al-Ta'rīfāt*, ed. Muḥammad Bāsīl 'Uyūn. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 2000.
- Al-Nu'aymī, 'Abd al-Qādir ibn Muḥammad. *Al-Dāris fī Tārīkh al-Madāris*. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1990.
- Al-Qāhirah: Dār al-Kātib al-Miṣriyyah, 1948.
- Al-Shawkānī, Muḥammad ibn 'Alī. *Al-Badr al-Ṭālī 'bi Maḥāsin man ba'da al-Qarn al-Sābi'*. Khalīl al-Mansūr, ed. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1998.
- Al-Subkī, Tāj al-Dīn 'Abd al-Wahhāb. *Jam' al-Jawāmi'* in *Majmū' Muḥimmāt al-Mutūn*. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1994.
- Al-Subkī, Tāj al-Dīn 'Abd al-Wahhāb. *Man' al-Mawānī 'an Jam' al-Jawāmi'*, Sa'īd ibn 'Alī Muḥammad al-Ḥumayrī, ed. Bayrūt: Dār al-Bashā'ir, 1999.
- Al-Subkī, Tāj al-Dīn 'Abd al-Wahhāb. *Raf' al-Ḥājib 'an Mukhtaṣar Ibn al-Ḥājib*. 'Alī Muḥammad 'Iwaḍ and 'Ādil Aḥmad 'Abd al-Mawjūd, ed. Bayrūt: 'Ālam al-Kutub, 1999.
- Al-Subkī, Tāj al-Dīn 'Abd al-Wahhāb. *Ṭabaqāt al-Shāfi'iyyah al-Kubrā*, Maḥmūd Muḥammad al-Ṭanāḥī and 'Abd al-Fattāḥ, ed. Bayrūt: Dār Iḥyā' al-Kutub al-'Arabiyyah, 1992.
- Al-Zankī, Ṣāliḥ. *Ma'ālim al-Turāthī al-Uṣūlī: Kitāb Jam' al-Jawāmi' li al-Imām Ibn al-Subkī Namūdhajan*. Kuala Lumpur: Dār al-Tajdīd, 2007.
- Al-Zarkashī, Badr al-Dīn Muḥammad ibn Bahādur. *Tashnīf al-Masāmi' bi Jam' al-Jawāmi'*. Abū 'Amr al-Ḥusayn, ed. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 2000.
- Al-Ziriklī, Khayr al-Dīn. *Al-A'lām: Qāmūs Tarājim li Ashhur al-Rijāl wa al-Nisā'*. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1986.
- Al-'Asqalānī, Aḥmad ibn 'Alī ibn Ḥajar. *Al-Durar al-Kāminah fī A'yān al-Mi'ah al-Thāminah*. Bayrūt: Dār al-Kutub al-'Ilmiyyah, 1997.

- Al-‘Aṭṭār, al-‘Allāmah Ḥasan. *Ḥāshiyat al-‘Aṭṭār ‘alā Jam‘ al-Jawāmi‘*. Bayrūt: Dār al-Kutub al-‘Ilmiyyah, 1999.
- Duderija, Adis. "Contemporary Muslim male reformist thought and gender equality affirmative interpretations of Islam." *Feminist Theology* 28, no. 2. 2020.
- Heern, Zackery Mirza. "Three Sources of Shi‘i Knowledge and Authority: Texts, Reason, and Mysticism in Islamic Intellectual History." *Journal of Shi‘a Islamic Studies* 11, no. 1. 2018.
- Ibn Qādī Shuhbah, Abū al-Ma‘ālī ‘Abd al-Malik ibn ‘Abd Allāh. Abū Bakr ibn Aḥmad. *Ṭabaqāt al-Shāfi‘iyyah*. Bayrūt: ‘Ālam al-Kutub, 1987.
- Imām al-Ḥaramayn, *Al-Burhān fī Uṣūl al-Fiqh*. ‘Abd al-‘Aẓīm al-Dayb, ed. Qaṭar: n.p., 2007.
- Ismail, Mohammed Ali. "A Comparative Study of Islamic Feminist and Traditional Shi‘i Approaches to Qur’anic Exegesis." *Journal of Shi‘a Islamic Studies* 9, no. 2. 2016.
- Muḥammad al-Šādiq Ḥusayn, *Al-Bayt al-Subkī: Bayt ‘Ilmin fī Dawlatay al-Mamālīk*.
- Muḥammad ibn Idrīs al-Shāfi‘ī, *Al-Risālah*. Bayrūt, Dār al-Kutub al-‘Ilmiyyah, 2006.
- Muhammad Jabir Ali Hudawi, *Al-Subkī’s Jam‘ al-Jawāmi‘ : A conceptual critical analysis of its significance, methodology and terminology*, Master thesis. Malaysia: International Islamic University, 2013.
- Muslim ibn al-Ḥajjāj al-Qushayrī, *Saḥīḥ Muslim bi Sharḥ al-Nawawī*, ed. Muḥammad Fu‘ād ‘Abd al-Bāqī. Bayrūt: Dār al-Kutub al-‘Ilmiyyah, 2003.
- Myhrman, David W. "Introduction and notes" in Tāj al-Dīn ‘Abd al-Wahhāb al-Subkī, *Mu‘īd al-Ni‘am wa Mubīd al-Niqam*. London: Luzac & Co., 1978.
- Schacht, Joseph. "al-Subkī" in *The Encyclopaedia of Islam (new edition)*, ed. C. E. Bosworth et al. Leiden: Brill, 1997.
- Taqī al-Dīn al-Subkī and Tāj al-Dīn ‘Abd al-Wahhāb al-Subkī, *Al-Ibhāj fī Sharḥ al-Minhāj*, Maḥmūd Amīn al-Sayyid, ed. (Bayrūt: Dār al-Kutub al-‘Ilmiyyah, 2004.