

# *Uşül-ul-fiqh*

*A monograph by*

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## 1. *Usül-ul-fiqh*

### 1.1 Definition of the science

*Aşl* (a principle) is the Arabic singular for *Uşül*. *Fiqh* is literally a noun referring to an understanding but is technically used to refer to rulings in Islamic law immaterial whether such rulings refer to aspects of worship or deals with contracts, rights, penalties and obligations. *Uşül-ul-fiqh* are the principles of deduction that are applied to the sources of Islamic Law to establish Islamic legal rulings. However, a study of the very same primary sources of Islamic Law is necessary for the formulation of these principles of deduction. Sciences developed to understand and interpret the *Qur'ān* have been classified as the *Uşül-ut-Tafser*. Sciences developed to understand and interpret the *aḥādith* have been classified as the *Uşül-ul-ḥādith*. The science of *Uşül-ul-fiqh* thus not only includes *Uşül-ut-Tafser* and *Uşül-ul-ḥādith* as sub domains, but also relates to the methodologies applied for the formulation of the principles of deduction and the evolving paradigms that were theoretically formed for the understanding and development of *Fiqh* as well as to the diversity of the various principles that have been formed since all these *uşül* are cohesively applied in the deduction of a ruling that ought to express the Divine will on the matter under consideration.

The principles of *Fiqh*, as exposed in the science of *Usül-ul-fiqh*, are not uniform. This is because scholars have followed and adopted diverse approaches in the formulation of such principles due to diverse linguistic implications of certain texts within the primary sources of Islamic Law, the format and nature of the prophetic traditions and individual reasoning and inferences relating to these primary sources. A historical pattern also simultaneously developed where many scholars in generations, which followed the earliest of Islamic jurists, have opted to adopt particular sets of *Usül-ul-fiqh* which led to the creation of the *mazāhib*, i.e. the juridical schools of Islamic Law. The application of such diverse principles by scholars of different juridical schools, to given cases and issues, for various reasons, led to various conflicting conclusions, diverse juridical resolutions and differing opinions in certain issues. Yet, the intellectual debate among these jurists never ceased in their quest to pursue, what, in the opinion of each scholar or group of scholars, was a quest to interpret the Divine law.

Although, this ramification diversifies Islamic opinion, yet it has, for centuries, cohesively held Islamic communities to common Islamic teachings within particular local or national boundaries. The shift in global economic advancement, ease in the availability of international Islamic literature and opinions and the creation of the global village has led to a new cultural and intellectual breed of Muslims which often re-question some of the opinions and views of some of the early Islamic jurists immaterial whether these jurists are those who developed the schools of Islamic law to which they hold allegiance or whether it be jurists of other schools of Islamic Law.

Kamali says "The methodology of *usül al-fiqh* really refers to methods of reasoning such as analogy (*qiyās*), juristic preference (*istiḥsan*), presumption of continuity (*istishāb*) and

the rules of interpretation and deduction."<sup>1</sup> Though he is true in forwarding these theoretical concepts of Islamic Law as the embodiment of the *usūl al-fiqh*, yet, as stated in the introductory definition, the very concepts of *istihsān* and *istishāb*, and others, were the very by products of reasoning and analyses of the sources of Islamic Law.

## 1.2 The contents of the science and associated sciences

The principles of *Uṣūl-ul-fiqh* have already, by the end of the second century following the demise of the prophet Muhammad S.A.W., gained prominence and have been classed and categorized but did not find expression as a separate science with its own manuals except in the case of Imam Shafi's *Risālah*. Rather, the application of the *usūl* was manifest in the legal arguments of the *fuqahā* and profoundly applied. This enabled subsequent generations of followers to methodically follow the earlier precepts relating to legal analysis and inferential methods.

*Uṣūl-ul-fiqh* have subsequently been elucidated by independent works from scholars of the various *Mazāhib* and by other works external to the strict framework of these schools. However, this independent format was a latter development that arose through the need for scholars to find and adhere to cohesive inferential patterns. The *Uṣūl* formulated and adopted by the earliest of the *Hanaḥī* legal school finds exposition, not as independent writings, but as a fully applied science that is manifestly visible when comparing the opinions and legal arguments within the legal school of the *Hanaḥī* masters. *Imām* Shāfi, though not the first to develop *usūl*, was the first to compile an independent treatise on the subject.

A study of the science, also reflects that it includes, to a great extent; linguistic, lexicographical and other language related sciences. These sciences exposed the diversity of textual implications and were necessary to restrict foreign interpretations as well as provided for rhetorical and figurative implications that are intrinsic to pure classical Arabic and the dialects within Arabian communities. Often, regional linguistic differences and shades in the dialects within the early Islamic regions of Egypt, Arabia and Iraq also gave prominence to the localized usage of grammar rules in the inferential process of legal development.

"Among intellectual traditions that left an indelible mark on a number of *uṣūl* works are theology, philology, dialectic, logic, and, to a lesser degree, mysticism."<sup>2</sup>

Individual reasoning abilities and scholastic levels of erudition also influenced the formulation, development and application of its principles.

## 1.3 The importance of the science

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<sup>1</sup> *Principles of Islamic Jurisprudence*. (p1). By Kamali, Mohammed Hashim. Cambridge: The Islamic Texts Society, 1991.

<sup>2</sup>(Hallaq 183-4) Hallaḥ, Wael B. "Usul Al-Fiqh: Beyond Tradition." *Journal of Islamic Studies* 3.2 (1992): 172-202

*Uşül-ul-fiqh* is studied, in each generation, to resolve contemporary issues for which no juridical precedents were found. Some of these issues may relate to individual needs only while others relate to socio-political, legal and economic matters. Those related to the latter class, of course, demand serious consideration and settlement. This results in the development of *fiqh*. However, it also expounds the legal reasoning behind many of the codified opinions of Islamic jurists. Thus, the *usül-ul-fiqh* primarily allows a comprehensive focus upon legal interpretation but simultaneously becomes a tool for the evaluation for codification and inferred law. Thus, through governing legal interpretation application and allowing for the evaluation of the works of *fiqh*, it places an architectural framework for application.

Jurists within a given school of Islamic legal thought, as well as jurists from different *Mazāhib* have often differed and continue to differ in their reasoning and inferring of a ruling. A comparative study and evaluation of all the *uşül* of the various *Mazāhib* as well as those formulated by scholars who have not restricted their *uşül* to the frameworks of these schools is thus indispensable to evaluate Islamic verdicts, opinions and views, especially those issues upon which the jurists differ. This would also have utility in International law.

#### **1.4 The objectives of *Usül-ul-fiqh***

Professor Tan Sri Datuk Ahmed Ibrahim<sup>3</sup> says in his forward to Kamali's work, "... *usul al-fiqh* provides a set of criteria for the correct evaluation and understanding of almost any branch of Islamic learning (vii)." This statement broadly expounds one of the objectives of *Uşül-ul-fiqh*. However, the attainment of a correct evaluation can only be possible if the very principles of *Uşül-ul-fiqh* are subjected to a correct evaluation. This entails the comparing and contrasting of factors within each class of principles that have been formulated by the various schools of thought and by dissenting jurists within each school. Even if the latter study is adopted, the legal possibilities and rationalities behind some of the arguments in the development of the *uşül* are strong enough to allow another view or principle to be an acceptable alternative.

The *uşül* also form a legal mechanism to evaluate all legal reasoning and resultant inferences and is also the system through which certain *Shari'ah* issues are re-analyzed.

The broad usage of *Uşül-ul-fiqh* has, within orthodox juridical sources of Islamic Law, been generally limited to matters that strictly related to the interpretation and solving of issues in *fiqh*.

Hallaq states, "Like any system of interpretation, *usul al-fiqh* starts from given or self-evident premises.....This basic but crucial fact restricts, on the one hand, the range of

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<sup>3</sup>Ibrahim, Tan Sri Datuk Ahmed (A former Dean or Sheikh at the "Kulliyah of Laws" at the International Islamic University in Malaysia). Foreword. Principles of Islamic Jurisprudence. By Kamali, Mohammed Hashim. Cambridge: The Islamic Texts Society, 1991. vii.

possible interpretations, yet allows, on the other, a wide spectrum of interpretative possibilities within the divine limitations of the law.<sup>4</sup>

*Ijtihād* (mental exertion for juridical purposes) has been applied, to the primary sources of Islamic Law, through the use of *Qiyās* (analysis) to form sets of *Uṣūl-ul-fiqh* in order that these *uṣūl* (principles) govern any subsequent *Ijtihād* that is exercised to reach a juridical ruling. Thus, for any set of *Uṣūl-ul-fiqh* to be a valid basis and framework to infer other rulings, the jurist is firstly expected to have accepted the very validity of that set of *Uṣūl-ul-fiqh* or the particular principles of any division of these sets. However, the latter is generally limited to those jurists who follow the *mazāhib* and, thus, adopt and follow earlier formulations and sets of *uṣūl*.

### 1.5 The difference between *Fiqh* and *Usul-ul-fiqh*

Each rule of *fiqh* must have a basis, proof or evidence in the *Qur'an* or in the authentic *ahādith*. If no clear rule is found in these sources, then a rule is inferred from the very same sources. Each process of such inference is termed as *Qiyās*. The latter concept is also termed as *Istinbaat* and *Ijtihad* although each of these terms have more specific shades of meaning and technically differ. *Qiyās* refers to an analysis whether that is between two objects or concepts, or whether multiple concepts are compared and contrasted against each other or against other concepts, etc. Thus *qiyās* is an analysis upon rulings in the *Qur'ān* and *sunnah*, or upon principles derived from such sources in relation to another legal case which finds no clear expression in the primary sources of Islamic law. However, *Istinbāt* is the analytical processes of individual and multiple analysis to infer and conclude upon a ruling. Although *Ijtihād* literally means “the exertion of effort” whether mental or physical, it has been figuratively used to refer to *Istinbāt* since the latter process truly demands mental and scholastic effort.

*Fiqh* is thus the end product of the application of the science of *Usul-ul-fiqh*. Thus the latter is therefore the legal theory and inferential methodology to formulate *fiqh* and to perpetuate its framework within the evolutionary changes of time and political, economic and social conditions. The development of *Fiqh* is therefore dependent upon methodical and defined sets of *uṣūl*.

### 1.6 The relationship of *Usul-ul-fiqh* to *Ijtihad*

The entire structure of *Usul-ul-fiqh* thus has a fundamental importance to the process of *Ijtihād*. This is natural since *Uṣūl-ul-fiqh* governs the exercise and application of *Ijtihād*.

"Mawardi allocates about 350 out of a total of 1400 pages for a comprehensive exposition of *uṣūl al-fiqh*, for he thought it necessary for *qādis*, and *muftis* to be able to practise *ijtihād*, which cannot be carried out without a proficient knowledge of *uṣūl*."<sup>5</sup>

<sup>4</sup>(p178) Hallaq, Wael B. "Usul Al-Fiqh: Beyond Tradition." *Journal of Islamic Studies* 3.2 (1992): 172-202

<sup>5</sup>(Hallaq p183) Hallaq, Wael B. "Usul Al-Fiqh: Beyond Tradition." *Journal of Islamic Studies* 3.2 (1992): 172-202. He quotes from Mawardi (1: 636-7)

### 1.7 The importance of studying the historical development of the Islamic *Shari'ah* and Fiqh

It is necessary to be acquainted with the era of revelation, the society that was initially addressed by the *Qur'anic* message and the manner in which the *Shari'ah* developed.

This knowledge cannot be neglected since it is essential to the interpretation of many *Qur'anic* verses and to the understanding of hundreds of *ahādith*. It likewise provides a documented evidence of people, occasions, achievements and the development of the Islamic society. Most importantly it creates a distinction between earlier rulings and later instructions which either cancelled the earlier applications or altered an earlier application of the law.

### 1.8 The formulation of *Usul-ul-fiqh*

Primarily, the *Usul-ul-fiqh* are inferred from the Qur'an and the *Sunnah* through *Tahliel* (an analysis) of its rules, the primary target audience of the rules in the prophetic era, the application of the rules in the prophetic era, the reason for the legislation of the rules; the linguistic, textual and lexical implications of the wordings of the rules and the authentic *ahādith* that relate to these rules. Thus, Qiyas (analogy), as a legal tool, has been applied in the *Tahliel* of the Qur'anic rules and the rules found in the authentic *ahādith* to formulate a set of principles that would govern a broad set of issues or specific matters that relate to Islamic Law. The formulated set of principles have been termed as "*Uṣūl-ul-fiqh*."

The resultant differences in the products of the analysis was resultant due to, not only the diversity in the formulated principles, but also because of natural differences of intellectual levels of the jurists, their diverse educational backgrounds and the dissimilar environments and geographic areas that they lived in. Since the analysis was made by diverse jurists or groups of jurists, the resultant analytical products or sets of "*Uṣūl-ul-fiqh*" were not equivalent to each other in many respects. In the absence of dialogue to resolve the differences, or when such a dialogue fails to bring a consensus of opinion, the logical result would be the existence of diverse sets of *Uṣūl-ul-fiqh*. This was the exact situation in regard to the *Usul-ul-fiqh*.

This primary difference had a major impact upon the subsequent development of *fiqh* since each of the jurists or groups of jurists utilised their unique set of *Usul-ul-fiqh* to further extend the body of Islamic Law by formulating rulings for subsequent and new issues through *Qiyās* that was governed by the framework of their set of *Usul-ul-fiqh*. This led to the ever increasing diversity of opinions on specific issues. Each school formed its own ruling to an issue and a diversity of opinion relating to that issue was, in some cases, inevitable because of the earlier formulated set of *Uṣūl-ul-fiqh*. Neither was such a diversity always because of the diverse sets of *Usul-ul-fiqh*.

It was at this stage, that the core structure of the Islamic Legal Schools (*Mazāhib*) began taking shape. Some the jurists accepted these primary sets of *Usul-ul-fiqh* and, in accordance with their judgement, adopted one of these sets of *Usul-ul-fiqh* as the basis for their inferential requirements for juridical analysis. It was because of the diverse geographic areas in which these *Usul-ul-fiqh* were developed, and also because of the diverse time periods in which these were formulated, that most of the jurists were not faced with the option of selecting any set of *Usul-ul-fiqh*. Rather, external factors bound them to comply and accept these legal theories that were readily available since the task of developing an independent set of the *Usul-ul-fiqh* was gigantic and beyond the intellectual reach of most of the jurists. They, of course, made their own alterations whenever further research and information allowed them such liberty.

Likewise, the progression of time and the gradual availability of these sets of *Usul-ul-fiqh* to scholars in all parts of the Islamic world, also led to comparative studies related to these *usul*. This led to the emergence of scholars who accepted specific *usul* (principles) from the various sets of *Usul-ul-fiqh*, and, in some cases, developed their own *Usul-ul-fiqh* that they amalgamated to the theories of legal interpretation that they had previously accepted.

### **1.9 *Usul-ul-fiqh* and the four major schools of *Fiqh***

Each of the major schools of *Fiqh* has a diverse set of *Usul-ul-fiqh* that it adopts for the development of jurisprudence within its school. It is only rarely that scholars, especially orthodox scholars, who strictly adhere to a given school would apply the *usul* of another *Mazhab* for deducing a ruling in its own school or for a member of its own school. The negative result of such a trend was that many or most of the latter scholars of each of these juristic schools had thereafter abandoned the study of the juridical works of those who were not of their school. They therefore failed to adequately assess their opinions against those of other schools. Where such evaluations were made, it was, in the absence of understanding the *usul*, of the other school, often incorrect since each jurist applied the set of *Usul-ul-fiqh* that was used by the school, to which he belonged, to refute the juridical opinion of another without firstly evaluating the various sets of *Usul-ul-fiqh* against each other. This type of assessment was purely done on the prior belief that the *Usul-ul-fiqh* of the school to which he was attributed was correct and better than the *Usul-ul-fiqh* of the other school, although the original basis of each legal theory was a single set of sources and despite the fact that the *Shari'ah* allowed no basis for regarding the *Usul-ul-fiqh* of any *mazhab* to be considered as that which had been revealed or pure in every regard against any blemish.

Unfortunately, this incorrect belief is indoctrinated into the adherents, students and jurists of some schools. Any attempt to refute it, is considered, by those who engage in such indoctrination, as blasphemy. Resultantly, very little or no attempt is made to evaluate the various categories and types of *usul* by comparing the same not only to the *usul* of other *Mazahib*, but also when the application of such *usul* leads to a conclusion that stands in conflict to an established primary text of the *Shari'ah*, e.g., an authentic *hadith* which was unknown at the time of inferring the rule.

"Shafi, Sarakhsi, Ghazali, and Shatibi, among others, present us with equally divergent legal theories that assume the common denominator of a divine command."<sup>6</sup>

Those who strictly conform to any one of the four major schools of *Fiqh* would also limit their inferential methodology to the Qur'anic text and prophetic *ahadith*, but differ in their approach. They view the necessity of following the principles that were pre-drawn from these sources by the early jurists of their schools. They do not, except rarely, see the benefit of any other development of such principles by jurists of other schools.

### **1.10 The obligation upon jurists to conform to the *Usul-ul-fiqh***

All the *Usul-ul-fiqh*, that were derived, were products of human reasoning and not divine revelation. It is therefore that capable and erudite jurists are not strictly bound to each an every principle thereof. They thus retain the option of selecting from the various principles and, if necessary, even the right to formulate their own principles.

### **1.11 The relation of the sciences of *Usul-ul-hadith* and *Usul-ut-tafsir* to *Usul-ul-fiqh***

The Qur'an is also a source of Islamic Legislation. It has its own legal history and textual implications. There exists a diversity of interpretations to its verses. The science of *Usul-ut-Tafsir* was developed to govern Qur'anic interpretation.

Similarly, the authentic *ahādith* (prophetic traditions) are also a source of legislation and, in some cases, even provide interpretations to the Qur'an's rules. There exists a wide variety of classifications of the *ahādith* due to historical factors, the nature of the text, the form of transmission, the number of times that it was narrated through diverse narrators, etc. Thus, each category has been granted its unique level of juridical authority. On the contrary, and obviously, fabricated *ahādith* were rejected and denied any legal authority. Some scholars differed on the validity or authenticity of some of the *ahādith*. Likewise, many differences arose in many Islamic juridical matters due to the different interpretations that were made to the various *ahādith*. Principles were specifically developed to ensure the correct grading & classification of each narration of the *ahādith*. These classifications facilitate the proper use of the *ahādith* in the analysis of Islamic rulings. As in the *Usul-ul-fiqh*, there are many differing opinions relating to the various types and classes of the *ahādith* and there also exist differences relating to the veracity, scholarship and reliability of those who narrated the *ahadith*.

The sciences of *Usul-ul-hadith* and *Usul-ut-tafsir* are separate sciences that specifically and respectively deal with the subjects of *hadith* and *tafsir*. The science of *Usul-ul-fiqh* embodies these sciences, not only generally, but also in the absolute concept of deduction and is, thus, indirectly related to the analytical processes applied in the classification of the various types of *hadith*. *Usul-ul-fiqh* does not strictly confine the interpretation of Qur'anic verses and *Ahadith*, to the interpretations forwarded in Qur'anic commentaries

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<sup>6</sup>(Hallaq p179) Hallaq, Wael B. "Usul Al-Fiqh: Beyond Tradition." *Journal of Islamic Studies* 3.2 (1992): 172-202

and in the commentaries of *ahādith* works. Rather, it also provides methods of evaluating these interpretations and using the same for juridical purposes. The classifications of *hadith*, (e.g. the subject of *hadith* would be a major division and each type of *hadith* would be a sub-division that is related to specific levels of legal authority) and interpretations of Qur'anic verses nevertheless have a significant impact in the juridical inferential process through the application of *Usul-ul-fiqh*.

Since the formulation of Islamic Legal opinion is dependent upon the Qur'anic rules and the directives of the *ahadith*, it is therefore that the sciences of *Usul-ut-Tafsir* and *Usul-ul-Hadith* have to be considered when interpreting a Qur'anic verse or a particular *hadith*, even before the texts of these primary sources are utilised as a premise upon which other rulings are inferred. It is only at this point that any subsequent legal deduction, through the *Usul-ul-fiqh*, can gain juridical validity.

### **1.12 The Shari'ah's extension through *Ijtihad***

Some Muslim jurists, because of their wide learning, achieved positions as interpreters of Islamic Law. They made decisions, as circumstances demanded, through their understanding of the Qur'an, the number of *ahadith* which they memorized and upon the extent of knowledge that they had concerning the interpretations and meanings of the Prophetic *ahadith*. Their decisions were also influenced by personal linguistic and intellectual abilities and, at times, by the decisions of other scholars. The latter types of decisions were either accepted with proof from the two primary sources of Islamic law, i.e. the Qur'an and Prophetic teachings or inferences there from.

Alternatively, in subsequent generations and times, some of the decisions and rulings of Islamic scholars were accepted amidst the lay public solely on the general acceptability of certain famed scholars who pronounced or wrote such decisions. Such scholars were credited to be knowledgeable and to be of worthy repute.

It was necessary to resort to such decisions via *ijihād* in the earliest centuries of Islam. The large corpus of prophetic *ahadith* was unavailable to the jurists at that stage. Very often, *ahadith*, on the subject that the jurist was faced with, were unavailable to him since all the *ahadith* were not recorded in written form. Jurists who faced such predicaments were compelled to resort to external opinion. Often, such opinions were accepted because not every jurist had the intellectual ability to resolve every issue.

As time lapsed, each geographic area was faced by unique and different situations that demanded interpretations and solutions from Islamic law. The jurists of these areas then pronounced opinions, in the manner previously elucidated, on such cases. Resultantly, each area evolved with its own extension of the legal system. This also led to the arising of divergent rulings, in the various geographic areas, on the same type of cases because of the very factors that influenced the legal interpretation of Islamic law.

### 1.13 *Usul-ul-fiqh* and non-Islamic legal systems

*Usul-ul-fiqh* differs from the interpretation of legal statutes and case law within the framework of non-Islamic legal systems. This is because interpretation of the two latter aspects is in the free rein of human rationality and decision. However, in the case of *Usul-ul-fiqh*, such interpretation is governed by the Qur'an's text and by Nabi *Sallallaahu Alayhi Wa Sallam's* authentic *ahadith*. It is therefore that the ultimate authority of interpretation does not rest with the jurists, but rather with the actual Islamic legal framework. The latter comprises of the *Qur'an* and the authentic *ahadith* and is considered as a Divine code that was received by the Prophet *Sallallaahu Alayhi Wa Sallam* through a process of revelation and inspiration. Resultant decisions made through the application of the *usul* were collated in works of *fiqh* (Islamic jurisprudence) and as *fatawa* (juridical verdicts) on matters and cases. Therefore the *fatawa* that have been compiled do form texts of case law.

### Conclusion

1. The *Usul-ul-fiqh* are not a code of Islamic instructions or prohibitions. Rather, these principles represent the methodology to infer these rulings in the various new developments and issues that are generated by time.
2. The *Usul-ul-fiqh* were not formulated in the prophetic era. The sets of *Usul-ul-fiqh* were derived by human reasoning capabilities of Muslim jurists and therefore cannot be attributed to have total divine authority. The partial authority conferred to such principles is derived from the sanction of legal reasoning that is inherently found in the primary texts of Islamic Law.
3. The sets of *Usul-ul-fiqh* differed since these were formulated by diverse minds. Some scholars rejected some principles of other schools and therefore compiled their own set of *Usul-ul-fiqh* that also contained borrowings from the other sets and from other independently drawn principles.
4. The sets of *Usul-ul-fiqh* have become indispensable legal frameworks of principles that govern *Qiyas* (legal analysis). It is only through these *Usul* that *Ijtihad* can be applied to extend the body of the *Shari'ah's* rules whenever new cases present themselves. The negation of these legal theories is tantamount to allowing legislative chaos.
5. The historical development of the Islamic *Shari'ah* and *Fiqh* and the historical data relating to Qur'anic verses and the *hadith* have significant legal value in the interpretation and the analysis of juridical rulings.
6. A renewed outlook is needed to evaluate the various *usul* through comparisons that can be conducted of the various available sets of *Usul-ul-fiqh*. This will lead to closer legal certainty and reduce the levels of conflict that result through the application of the diverse sets of *Usul-ul-fiqh* (Theories of Islamic Law). There exist no Qur'anic evidence or prophetic prohibition against the formulation of any principle of *fiqh* in any period of time. The obligation upon jurists to strictly conform to any one set of the *Usul-ul-fiqh* that is accepted by any of the four major legal schools is therefore not due to divine instruction, but is rather to establish juridical uniformity. However, globalisation and inter-cultural integration of Muslims has brought forth legal tensions in social and economic areas. These conflicts are resultant due to following the

different schools of Islamic Law. Thus, an unbiased approach that would solve the differences in the *Usul* would lead to further Muslim unity.

7. The *Usul-ul-fiqh* are related to the sciences of *Usul-ul-hadith* and *Usul-ut-tafsir*.
8. The *Usul-ul-fiqh* differ from the legislative methodology of non-Islamic legal systems since it totally negates absolute human freedom in its formation and application.

**Written on the 15th January 2004**

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