forms this function, and be able to detect the same process occurring in the novel case. The knowledge of how prayer performs this function is, however, unavailable through reason; it is only available through another revelatory text which decrees that the action in the novel case wards off evil. *Qiyās*, then, is based on a knowledge which is unobtainable with respect to *sharʿī* rules.[36]

Murtaḍā expands on this example to produce a general theory of the nature of God's rules. God gives his law to humanity in the form of rules. These rules may be simple demands, which appear to have no rational basis (Murtaḍā terms these *dawāʿī*). An example of this is the command to pray. It is obeyed simply because the Lawgiver has commanded it. Other rules are provided with additional reasons. An example of this is the verse just quoted (ʿAnkabūt: 29.45). There is, in these commands, an indication of the benefit (*maṣlaḥah*) for the people in performing the action prescribed. However, one only knows that this benefit accrues to the people because God has revealed that it does: knowledge of the benefit is entirely dependent upon God's grace (*luṭf*) in revealing it to humanity. Without this text (and ones like it), prayer would have remained a simple command from God (i.e. one of the *dawāʿī*).

Now, although a ruling may be known (through revelation) and although the reason for the ruling may also be known (through revelation), the believer is not justified in making an analogy from the known case to an unknown, novel, case where the reason is also present. God, when he revealed the reason for a ruling in the known case, was declaring a specific benefit coming from a specific action. In the novel case, it is not known whether the benefit will arise as it has done in the first case. It is possible that there may be a "difference in benefits" (*khilāf al-maṣāliḥ*) between the cases. Suppose, for example, that it is known that grape-wine is forbidden (through revelation). Suppose also that it is known that the reason why it is forbidden is because it is intoxicating (also through revelation). Some benefit accrues to the people through avoiding grape-wine because it is intoxicating. For Murtaḍā, a person cannot, from this case,

[36] This argument, however, does not necessarily commit Murtaḍā to the theistic subjectivism of the Ashʿarites. Even Muʿtazilīs recognised that certain elements of the law (prayer is obligatory, fasting during Ramaḍān, for example) are not available to reason directly. They are known to be obligatory because God and the Prophet has commanded them directly. See my discussion of these matters in a Shīʿī context in *Inevitable Doubt*, 183–219.

deduce that this benefit will also accrue from avoiding some other intoxicant (say, date-wine). God could have particularised the benefit gained by the people in avoiding grape-wine such that the benefit is not gained by avoiding date-wine, even though they both share the same quality of "being intoxicating":

> The reason (*ʿillah*) for the prohibition [of grape-wine] may be its intoxicating quality. But we have shown that this does not necessitate the prohibition of all intoxicating things . . . because it is not impossible that [the novel case] will diverge from [the known case] in terms of *maṣlaḥah*, even though it may coincide in [its having the quality of] intoxication.[37]

For this reason, Murtaḍā argues that even when the *ʿillah* (the ratio, reason or "occasioning factor") of a particular ruling (*ḥukm*) is explicitly mentioned in a text, one cannot then transfer the ruling to cases unmentioned in the texts because God may have designated that a different benefit, or no benefit at all, will result from the actions described in the unmentioned cases.[38]

I have described Murtaḍā's refutation of *qiyās* in some detail because it is, I believe, the most sophisticated of the early Shīʿī discussions of *qiyās*. As intimated earlier, Ṭūsī's chapter on *qiyās* displays signs of being a redaction of Murtaḍā's work, though this may not be true of his work as a whole. I will not trouble the reader with the evidence for this assertion,[39] but in the context of the Shīʿī discus-

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[37] Murtaḍā, *Dharīʿah*, 2:704. This argument could be seen as a more sophisticated expression of the argument found in the *akhbār*; for both there, and in Murtaḍā's analysis, *qiyās* is rejected because the law simply does not work in a manner which is amenable to analogical reasoning.

[38] This is not to say that Murtaḍā rejects any type of anaological reasoning: it is merely *qiyās*, even when the *ʿillah* is known with certainty, which he rejects. However, when the Prophet has allowed analogy to be used in a specific area, it is permissible. For example, the Prophet is reported to have said, "In matters of *qaḍāʾ*, pilgrimage follows debt" (*al-ḥajj yajrā majrā al-dayn fi wujūb al-qaḍāʾ*). By this he meant that the rules governing penance for failure to perform pilgrimage in all its details mimic the rules for imperfections in the fulfilment of the repaying of a debt. This is a permitted type of reasoning (but is certainly not *qiyās*) because the Prophet has permitted the process for the two areas of legal doctrine.

[39] The evidence consists of (1) large potions of text common to both Murtaḍā's and Ṭūsī's analyses, and where there are differences, Ṭūsī's expression is more technical and consistent in terminology; (2) Ṭūsī's chapter has a clearer structure (for example, whilst Murtaḍā lists the six arguments from revelation and then discusses them, Ṭūsī recounts each point and its refutation, one by one); (3) Ṭūsī omits the theological and ontological discussions which underpin much of Murtaḍā's discussion, and instead concentrates on the purely legal substance of Murtaḍā's argument. This list could be expanded further.

sion of *qiyās*, both Murtaḍā and Ṭūsī base their rejection on the lack of revelatory evidence for its status as an indicator of the law.

Muḥaqqiq's rejection of *qiyās*, written two hundred years after Murtaḍā and Ṭūsī, is a return to, and elaboration of, Mufīd's epistemological refutation of *qiyās*. Jaʿfar al-Muḥaqqiq (d.676/1277) means by *qiyās*, not analogy *per se*, but a certain type of analogy where the identity of the *ʿillah* is not known, but supposed by the jurist:

> If the *ʿillah* is known, and it is known to be the cause of the *ḥukm*, then, since the result is certain when the *ʿillah* is present, there is no dispute that this is a *dalīl*. If the *ʿillah* is *ẓannī*, or it is known, but not known to be the cause of the *ḥukm* in all cases, then the result is *ẓannī*. Whether this is a *dalīl* is disputed.[40]

The *ʿillah* can be known (*ʿulima*) when it is recorded in the text:

> A text which establishes the *ʿillah* of a *ḥukm*, and mentions it unconditionally, necessitates that the *ḥukm* is established as long as the *ʿillah* is established . . . If God rules on an issue, and then gives textual evidence for the *ʿillah* of the *ḥukm*, then, if there is also textual evidence that the *ḥukm* should be transferred *(taʿdīyah)*, it is obligatory to transfer it.[41]

This, then, is not a case of *qiyās*, here defined as referring to cases where the *ʿillah* is assumed rather than known. It is instead a case of *taʿdīyat al-ḥukm*, the transference of the ruling. There are, however, two conditions on the acceptability of this procedure: firstly, the *ʿillah* must be recorded (*manṣūṣah*), and secondly, it must also be recorded that this is a *ḥukm* which can be transferred.

It is immediately apparent that this conception of acceptable analogy would not have met with Murtaḍā's approval (or, probably, that of Ṭūsī). For Murtaḍā, the epistemological status of the *ʿillah* was irrelevant: the benefit which God has designated as proceeding from the performance of a duty may be specific to that duty, whether or not the *ʿillah* which gave rise to the command is known. For Murtaḍā, even the recording of the ratio (*manṣūṣ al-ʿillah*) does not lead to transference.[42]

Muḥaqqiq gives some examples of how one might recognise a recorded *ʿillah*. These consist of circumstantial evidence (*shawāhid al-ḥāl*):

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[40] Jaʿfar b. al-Ḥasan al-Muḥaqqiq al-Ḥillī, *Maʿārij al-uṣūl* (Qum: Mu'assasat Āl al Bayt, 1403), 183.

[41] *Maʿārij*, 183.

[42] That this is linked to Mufīd's argument in his lost *uṣūl* work is clear from Muḥaqqiq's references to that work. See e.g. *Maʿārij*, 184.

> [The Prophet] was asked about the purchase of fresh dates with dried dates, like amount for like amount. [He said,] "Do they decrease in weight when they are dried?", and it was said, "Yes". He then said, "It is not permitted". Hence he made it clear that the reason for the prohibition was the loss in weight during drying. The *shāhid al-ḥāl* necessitates that there is no possible intervening *ʿillah* amongst the qualities (*awṣāf*) of the case. It is as if it was recorded that [the exchange of] anything which reduces in weight during drying counts as usury and it is not to be sold, like amount for like amount.[43]

It is unclear whether this is an example of a recorded *ʿillah* or a record that the *ʿillah* might be transferred, or both. Muḥaqqiq gives other examples but his exposition is hardly systematic. He lists the revelatory arguments against action on the basis of supposition (*al-ʿamal bi'l-zann*), which Murtaḍā specifically mentioned as inadequate. In addition to this, he examines some, though not all, of the textual arguments for *qiyās* used by the Sunnīs (for example, the *ijmāʿ* of the companions and the report of Muʿādh), but adds nothing significant to Murtaḍā's account.

Muḥaqqiq's major advance is the restriction of *qiyās* to analogy when the *ʿillah* is not known (*maʿlūm*), but supposed (*maẓnūn*), and it was this line of argument which was to dominate later Shiʿite discussions. ʿAllāmah Ḥasan b. Yūsuf al-Ḥillī (d.726/1325), Muḥaqqiq's pupil, writes in his *Mabādiʾ al-wuṣūl*:

> The best position, in my view, is that rulings where the *ʿillah* has been recorded are transferred to all cases in which the *ʿillah* is known to be present, but by *naṣṣ*, not by *qiyās*.[44]

Though his discussion of *qiyās* is brief, he finds space to list additional means of recognising the *ʿillah* in a text. They consist of phrases like "on account of" (*li-ajl*), or "because of" (*li-sabab*), which when they appear signify the introduction of the *ʿillah*. The tradition, then, amasses means whereby the *ʿilal* might be known from texts. It should be noticed that one of the conditions whereby a ruling might be transferred from a known to a novel case, found in Muḥaqqiq, has been dropped. ʿAllāmah does not consider it necessary to impose a condition that it be recorded that the ruling is transferable. The very mention of the *ʿillah* seems sufficient for him to dispose of this con-

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[43] *Maʿārij*, 185–186.

[44] al-Ḥasan b. Yūsuf al-ʿAllāmah al-Ḥillī, *Mabādiʾ al-wuṣūl* (Qum: Muʾassasah, 1404/1982–3), 218.

dition. The scope of the non-*qiyās* analogy is, then, considerably widened under ʿAllāmah's scheme.

ʿAllāmah lists the familiar Qurʾānic verses and prophetic and companion reports used to refute *qiyās*. He also, interestingly, explicitly states that *mafhūm al-muwāfaqa* is not *qiyās*, but a simple linguistic implication. In fact, all that remains of *qiyās* is analogy in which the *ʿillah* is derived (*mustanbaṭa*) by one of the six (Sunnī) means (*munāsaba, muʾaththir, shabah, dawrān, al-ṣabr waʾl-taqsīm* and *ṭard*). These are rejected because they do not guarantee an accurate isolation of the *ʿillah*. What is noticeable as missing from this account is the vehement rejection of *ẓann* found in Muḥaqqiq's account (and earlier in what we have of Mufīd's work). The *ẓann*/*ʿilm* distinction underlies ʿAllāmah's criticism (which leads to his promotion of *manṣūṣ al-ʿillah*), though he does not dwell on it.[45] The reason for this is not difficult to trace. ʿAllāmah is famed for his incorporation of *ijtihād* into Shīʿī *uṣūl al-fiqh*, and *ẓann* was the accepted result of a jurist's *ijtihād*, hence the polemic against *ẓann*, which had been a part of Shīʿī tradition from the earliest times, was now discarded.[46]

The rejection of *qiyās*, but the acceptance of *manṣūṣ al-ʿillah*, became the standard Shīʿī position from ʿAllāmah onwards. Early works of Shīʿī *uṣūl al-fiqh*, as already pointed out, utilised a minimum of exclusively Shīʿī material in their proofs (ʿAllāmah even quotes the first three *rāshidūn* as proof of the *ijmāʿ* against *qiyās*!).[47] As the tradition became more established, Shīʿī writers increasingly referred to Shīʿī sources in their refutations of *qiyās*. This trend represents a shift from a tradition geared towards anti-Sunnī polemic, to a legal theory

[45] The apparent contradiction in ʿAllāmah's rejection of *qiyās* (i.e. *qiyās* is *ẓannī* and yet he accepts *ẓann*) was solved by later jurists who argued on two counts. Firstly, the procedure of *qiyās* was not known to lead to *dalīls* with certainty (the old revelatory argument). Secondly, and more interestingly, it was not the *ẓann* of a ruling which was problematic (for a *mujtahid's* decision was accepted as *ẓannī*, and likewise a *muftī's fatwā*), but the *ẓann* of the cause of the ruling. To propose a *ẓannī ḥukm* was not an issue for later jurists (*mujtahids* did this on a *de rigeur* basis). However, to propose that the means whereby that *ẓann* was reached (that is, the means of isolating the *ʿillah*) was *ẓannī* was controversial. A rule could be applied, and the result might be *ẓannī*, but the rule itself should never be so. See Muḥammad Bāqir al-Bihbanānī, *al-Rasāʾil al-uṣūlīyah* (Qum: Muʾassasah, 1417/1996),309–318; al-Sayyid Muḥammad al-Ṭabaṭabāʾī, *Mafatīh al-uṣūl* (Qum: lithograph, n.d.), 657–679.

[46] On this issue see N. Calder, "Doubt and Prerogative: The Emergence of an Imāmī Shīʿī theory of *ijtihād*", *Studia Islamica* 70 (1989), 57–78 and A. Zyzow, "ejtehād", *EIr*, vol. 8, 281–286.

[47] ʿAllāmah, *Mabādiʾ*, 215–216.

aimed at catering to the needs of a Shīʿī juristic milieu. Ḥasan b. Shahīd II (d.1011/1602), for example, in his *Maʿālim al-dīn* refers to the "*tawātur* of the reports from the *ahl al-bayt* (upon whom be peace) concerning the denial" of *qiyās*.

His examination of *qiyās* is brief, recognising the dispute between the early thinkers (particularly Murtaḍā) and ʿAllāmah. ʿAllāmah is cited as arguing that the *ʿillah* is the Lawgiver revealing the *maṣlaḥa* to the people, and hence Murtaḍā's objection that a recorded *ʿillah* does not necessarily bear any relation to the *maṣlaḥa* holds no water.[48] He proclaims, in line with ʿAllāmah, that an analogy with a recorded *ʿillah* is perfectly acceptable, though by this time the doctrine is standard and he perceives no need for an explanatory justification.

This is also the case with Mullā ʿAbd Allāh al-Tūnī (d.1071/1660–1661), who briefly lists the diverse opinions on *manṣūṣ al-ʿillah* (Murtaḍā and ʿAllāmah) and then states:

> The truth is that when certainty is obtained that such and such a thing is the *ʿillah* of a particular ruling, without another thing entering into the causality (*ʿillīyat*) [of the ruling], and it is known that the *ʿillah* is to be found in another place, not by *ẓann* but by *ʿilm*, then, at that point, it must be said that the *ḥukm* is also present in the new case.[49]

Tūnī goes on to expand the means of recognising the recorded *ʿillah* to include various procedures normally considered purely linguistic considerations in Sunnī *uṣūl al-fiqh* (such as, *tanbīh wa īmāʾ*). These are all certain (*qaṭʿī*) means of recognising the *ʿillah*.

Even Akhbārī thinkers (amongst whom Tūnī is occasionally counted) consider *manṣūṣ al-ʿillah* to be a valid indicator of the law. Akhbārīs fulminated against *ẓann*, and accused ʿAllāmah of incorporating *qiyās* in all but name. However, one finds in, for example, Yūsuf al-Baḥrānī's (d.1186/1772) discussion of *qiyās*, a defence of *manṣūṣ al-ʿillah*, though with an interesting twist. He does not consider the text to be recording an *ʿillah* which can then be analogised to novel situations. Rather, the text indicates a general ruling under which all novel cases with certain characteristics are categorised. So the puta-

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[48] Ḥasan b. Shahīd al-Thānī, *Maʿālim al-uṣūl* (Qum: Dār al Fikr,1374/1953–4), 314–315. The citation is from ʿAllāmah's *Nihāyat al-uṣūl* (to the best of my knowledge, not yet published). Ḥasan associates ʿAllāmah with an opinion that *mafhūm al-muwāfaqah* was a type of legitimate *qiyās*. It seems clear that if ʿAllāmah did hold this opinion, he did not express it in his *Mabādiʾ*, where he states *mafhūm al-muwāfaqah* "is not part of *qiyās*" (*laysa min bāb al-qiyās*). See ʿAllāmah, *Mabādiʾ*, 217.

[49] ʿAbd Allāh al-Tūnī, *al-Wāfiyah* (Qum: Majmaʿ al-Fikr al-Islāmī, 1413/1992), 237.

tive text "grape-wine is forbidden because it is intoxicating" does not, for Baḥrānī, record an *ʿillah* causing a *ḥukm* to be transferred to other cases. Instead it is an indicator (*dalīl*) of a general ruling, "all intoxicating substances are forbidden". Baḥrānī, in order to distance himself further from the analogical process, expresses the *manṣūṣ al-ʿillah* as an indicator of a general ruling which forms the second term of a syllogism. This, of course, does not affect the outcome, but Baḥrānī clearly aims to destigmatise the obvious *qiyās* connotations of *manṣūṣ al-ʿillah*.[50]

To what extent these arguments were restricted to matters of legal theory, and whether they impinged on matters of substantive legal doctrine is the subject of another study.[51] The Shīʿī polemic against *qiyās* was sustained through many centuries and in many works of legal theory. However, Shīʿī writers seemed to recognise that a legal system based on (limited) texts, as the Islamic system claimed to be (notwithstanding the more expansive corpus of material available to Shīʿī jurists, including as it did the reports from the Imāms), had to incorporate some means of transferring rulings from known to novel cases. From Muḥaqqiq onwards this requirement was fulfilled by a theory of analogy (*manṣūṣ al-ʿillah, taʿdīyat al-ḥukm*) which was not *qiyās*. The exegetical procedures normally included under the term *qiyās* were reclaimed by Shīʿī authors as valid means of deducing (or discovering) rulings. The definition of *qiyās* was stripped to an analogy based on an uncertain *ʿillah*. Anything else was classified under the other rubrics of legal theory. In this manner, the polemic against *qiyās*, found in the earliest texts of Imāmī *akhbār*, could be maintained without the sacrifice of that most valuable of legal tools, analogy.

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[50] Yūsuf b. Aḥmad al-Baḥrānī, *al-Ḥadāʾiq al-nāḍira*, 25 vols. (Qum, 1364/1945), 1:63–65. He cites Murtaḍā, Muḥaqqiq, ʿAllāmah, Ḥasan b. Shahīd II and Tūnī (uncredited but approved). I failed to mention this point in my *Inevitable Doubt*, 103–105.

[51] I have indicated elsewhere that the effect of such discussions on *furūʿ* works was minimal within the Uṣūlī tradition, though perhaps less so for the Akhbārīs. My conclusions are, however, tentative (see my "Marrying Fatimid Women: Legal theory and Substantive Law in Shīʿī jurisprudence", *Islamic Law and Society* 6.1 (1999), 38–68). The fact that there is a Shīʿī tradition, which is not merely lists of revelatory texts, and is as comprehensive as that of the Sunnīs, is evidence that the rejection of analogy in theory, did not hinder the development of substantive legal doctrine (or indeed judicial practice).

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UṢŪL-RELATED *MADHHAB* DIFFERENCES REFLECTED IN ĀMIDĪ'S *IḤKĀM*

BERNARD G. WEISS (University of Utah)

When I first gave thought to writing a paper on *uṣūl*-related *madhhab* differences, I did so with Āmidī's *al-Iḥkām fī uṣūl al-aḥkām* in mind. It was, to begin with, a text I had come to know quite well. But furthermore it seemed to lend itself to this kind of study. The *Iḥkām* is a great dialectical masterpiece. It proceeds *mas'alah* by *mas'alah*,[1] and for each *mas'alah* it indicates the different positions taken, usually naming the parties taking them. And I knew that within this dialectical format references to schools or their eponyms were fairly frequent. Given these features, the *Iḥkām* seemed to me to be a suitable source for the study of *madhhab* differences and for the assessment of their intrinsic significance as well as their importance within the genre of scholarly literature that the *Iḥkām* represents. Anyone wishing to determine the extent to which this literature was a venue for the hammering out of *madhhab* differences and perhaps also for the articulating of *madhhab* identities in the language of theory and methodology could hardly do better than to turn to the *Iḥkām*, given its celebrated comprehensiveness and profound impact on the subsequent development of the genre.

Āmidī's biography suggests that he must have given considerable thought to what school identity entailed. He had been schooled in Ḥanbalī *fiqh* as a young man in his home town of Āmid and had gone to Baghdad to continue his study with Ḥanbalī teachers there but came

[1] Although the word *mas'alah* means "question" in Arabic and retains that as its core meaning in the literature of *uṣūl al-fiqh*, it also has overtones of a literary unit in that literature, which I will call in the following pages "an account of a controversy". These accounts display a high degree of autonomy, and it is my belief that they developed transgenerationally. They are, in other words, not wholly creations of Amidi; he inherited them from his teachers, adding to them new elements over the course of his career. His role in producing the *Iḥkān* was thus to a large extent compilatory. His own stamp upon the accounts is reflected in his adoption of a certain position or stance toward established positions and in his evaluation of arguments, as well as his structuring of the general framework within which the accounts are placed.

under the influence of Shāfiʿī teachers and while still relatively young joined the Shāfiʿī *madhhab* in Baghdad. From Baghdad he moved to Damascus where he lived for some time, then moved to Cairo and after some years there returned to Syria, remaining in all these places a Shāfiʿī and no doubt establishing relations with the Shāfiʿī *madhhab* in each place, relations that were not always harmonious.

On looking over the vast panorama of dialectic presented to us in the *Iḥkām*, I was immediately faced with the question: what precisely am I looking for in my search for significant *uṣūl*-related *madhhab* differences. The *Iḥkām* presents us with a maze of different kinds of dialectic, of controveries involving different kinds of parties. These parties are sometimes individuals and sometimes groups. The individuals may be legists of either mainstream or non-mainstream schools or theologians either Ashʿarī or Muʿtazilī, or they may be traditionists, or Companions of the Prophet, or Successors to the Companions or eponymous Imams of the schools. These individuals need not have lived at the same time and usually haven't, meaning that a controversy usually is extended over time requiring scholars across generations to take a position, and if they are famous their names will appear in works such as the *Iḥkām*. It is not as though the parties necessarily had face-to-face encounters.

The groups that appear as parties in dialectic in the *Iḥkām* are multifarious indeed. These groups include the schools of law but also theological schools (Ashʿarī and Muʿtazilī in particular), sects (for example, Murjiʾīs, Khārijīs, Shīʿīs, even Rāfiḍah), and religions (Jews are prominent in controversies over abrogation). In addition, one finds the following as frequently appearing parties: *mutakallimūn, uṣūlīyūn*, and *fuqahāʾ*. The *mutakallimūn* apparently include both Muʿtazilīs and Ashʿarīs in encounters where these two groups have a common position. The *uṣūlīyūn* are of course the scholars whose primary expertise is in *uṣūl al-fiqh*, while the *fuqahāʾ* are the specialists in the positive law (*fiqh*). We must suppose that both categories cross *madhhab* lines and that they are seen as parties in dialectic when they share a common point of view that reflects their particular expertise rather than school affiliation, although they may ordinarily be supposed to have belonged to a school of law. When the law schools appear side by side with any of these three categories in Āmidī's accounts of the dialectical encounters, we may, it seems, assume some degree of overlap between categories.

Quite frequently the groups involved in dialectic are left unidentified and anonymous and are introduced by phrases such as *qāla qawm* or *minhum man qāla*. Where the opposing parties are also anonymous, they are either introduced by these same phrases or by phrases such as *qāla ākharūn, qāla al-bāqūn*, or *qāla ghayruhum*. Not infrequently explicit mention of anonymous parties is not made at all, and their existence must be inferred from the term *ikhtalafū*, used as an opener of an account of a given *mas'alah*, or from the dialectical format of the account (*in qīla . . . qulnā*).

When Āmidī wishes to indicate a quantitative relationship between parties (the majority against a minority), he employs terms such as *al-aktharūn, al-akthar, al-jumhūr, al-jamāhīr* or *al-kull* for the majority and terms such as *al-aqallūn, al-shudhūdh* or *al-shādhdhūn* for the minority. Frequently the terms connoting a majority are attached to the names of groups, as in *akthar aṣḥāb al-Shāfi'ī* or *jumhūr min al-Ḥanafiyah*, but often they appear alone, in which case we cannot be certain of what population the group thus designated is the majority. *Al-kull* is especially curious. Though seeming to be all-inclusive, it in fact is not, as is clear from the fact that it is generally followed by the phrase *khilafan li-*, which introduces an exception ("Everyone affirms such-and-such in disagreement with so-and-so"). But even without the stated exception, *al-kull* necessarily is limited to a field of discourse of some sort.

In our search for significant *uṣūl*-related *madhhab* differences, it is of course the dialectical encounters involving the four classical schools of law or their eponyms that will be of primary interest. The schools are designated in two different ways: by means of the familiar collectives (Shāfi'īyah, Ḥanafīyah, Ḥanābilah and Mālikīyah) and by means of construct phrases that combine *aṣḥāb* and the name of an eponym (Aṣḥāb al-Shāfi'ī, Aṣḥāb Abī Ḥanīfah, Aṣḥāb Aḥmad ibn Ḥanbal and Aṣḥāb Mālik). I shall call these latter "*aṣḥāb* phrases". One also encounters with great frequency the designation *aṣḥābunā*, which customarily appears in opposition to or alongside designations of the Ḥanafī, Mālikī or Ḥanbalī schools such as to render it synonymous with Aṣḥāb al-Shāfi'ī. The same seems to be true of *'indanā* ("according to us", meaning "us Shāfi'īs").

On the other hand, *aṣḥābunā* is on occasion juxtaposed with *Mu'tazilah*, in which case it seems to translate into *Ashā'irah*. The close affiliation of Ash'arism with the Shāfi'ī school has been well docu-