

these three usages, which can hardly be unrelated to each other, would be in need of further research. While these school traditions continued, there was a marked resurgence of interest in the concept of *qawā'id* from the 8th century A.H. onward, which led to a search for further general rules by explicit induction from the great legal handbooks of the schools.³⁶

(3) *Qawā'id kullīyah* vs. *qawā'id aghlabīyah*.

It strikes the modern observer as distinctly odd that the majority of the *qawā'id* are not generally valid (the maxim form) but only preponderantly so (the double-question form). Since from a logical and structural point of view generally valid principles are preferable, their counterparts must reflect legal practice. They take necessary exceptions into account. Of course, a rule does not cease to be a rule in the presence of exceptions to the rule. But the logical structure of these principles has been disturbing to classical and modern Arab scholars alike.

(4) Theoretical reduction vs. practical multiplicity.

From the time of the legend about Abū Ṭāhir al-Dabbās onward, there has been an endeavor to reduce the number of principles from which "all" cases could be derived to the lowest number possible, the extreme being the ONE principle that Tāj al-Dīn al-Subkī attributes to 'Izz al-Dīn Ibn 'Abd al-Salām. Again, this seems to be a theoretical effort of structuring the law, and more of a game than serious legal work. For practical purposes the lengthy lists of the likes of al-Wansharīsī and Ibn Rajab are indispensable.

(5) The continuum *dābiṭ*—*qā'idah*—*maqṣad al-Sharī'ah*.

The master principle of 'Izz al-Dīn (*jalb al-maṣāliḥ wa-dar' al-mafāsid*, "bringing about beneficial circumstances and warding off harmful ones") is really a statement about a certain goal that the Law is set up to accomplish. As such it belongs to the most general category of principles, the *maqāṣid al-Sharī'ah*, which try to determine God's

³⁶ It is interesting to note that there are also modern examples of this procedure, such as 'Alī Aḥmad al-Nadwī, *al-Qawā'id wa 'l-qawābiṭ al-mustakhlṣa min al-Taḥrīr li 'l-imām Jamāl al-Dīn al-Ḥaṣīrī* (546-636 h), *sharḥ al-Jāmi' al-kabīr li 'l-imām Muḥammad b. al-Ḥasan al-Shaybānī*; see Bibliography C. For this trend in modern *qawā'id* literature see al-Bāḥusayn, *Qawā'id*, 406-409.

ḥikma in legislating a specific *ḥukm*. The *maqāṣid* have been made the subject of a separate genre of legal-ethical literature, but it is clear that they shade into the *qawā'id*, especially those that are applicable across the board. Those that are not form a group on the other side of the spectrum, the *dawābiṭ*, rules that apply only to a specific segment of the Law.

(6) *Qawā'id fiqhīyah* vs. *qawā'id uṣūlīyah*.

Although a number of *qawā'id* works offer a mixture of these two types, they need to be kept apart. The *qawā'id uṣūlīyah* are hermeneutical principles, distilled from the activities of the *uṣūlī* who tries to interpret the legal contents and implications of Scripture. They are language-oriented, not about immediate legal substance. It is not clear whether they were formulated under the influence of the *qawā'id fiqhīyah*, since there is, of course, the most general sense of *qawā'id*, "rules", as in *qawā'id al-naḥw* and *qawā'id al-tafsīr*. Thus it is quite possible that the *qawā'id uṣūlīyah* were abstracted from the hermeneutical enterprise of the *uṣūlī* without any input from the *qawā'id fiqhīyah*. That said, it is certainly true that they did end up in close proximity. It may be that this closeness made some legal scholars realise that, if you take "*uṣūl al-fiqh*" literally, you may want to assign this term to the *qawā'id fiqhīyah*, as Ibn Nujaym did.

In any case, it seems clear that, in the discussion of the relationship between *uṣūl* and *furū'*, the *qawā'id* should be considered an important third player. A close study of the relevant literature, which is by the way less homogeneous than would appear from this article, would be a prerequisite for a comprehensive description of the structure of Islamic law. Here only the basic framework and terminology of the *qawā'id* literature have been laid out.

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- Ibn al-Mulaqqin, Abū Ḥafṣ 'Umar b. 'Alī Sirāj al-Dīn al-Anṣārī al-Andalusī (d. 804/1401). *Al-Ashbāḥ wa 'l-naẓā'ir*. Ms. Istanbul, Ahmed III, no. 752 [al-Nadwī, 236ff.]. [Based on Ibn al-Wakīl and al-'Alā'i]. *GAL* ii, 92–93; *S* ii, 109–110.
- Bulqīnī, Abū Ḥafṣ 'Umar b. Raslān Sirāj al-Dīn al-Kinānī al-'Asqalānī al- (d. 805/1403). *Fawā'id al-ḥusām 'alā qawā'id Ibn 'Abd al-Salām*. Not extant. *GAL* ii, 93; *S* ii, 110 (*Fawā'id* not listed).
- Muḥammad b. Muḥammad Shams al-Dīn al-Zubayrī al-'Ayzarī al-Ghazzī (d. 808/1405–6). *Asnā al-maqāṣid fi taḥrīr al-qawā'id*. Not extant. Al-Bāḥusayn, 337–38 [referring to *Kashf al-zunūn*].
- Ibn al-Hā'im, Abū 'l-'Abbās Aḥmad b. Muḥammad Shihāb al-Dīn al-Maqdisī (d. 810/1412). *Taḥrīr al-qawā'id al-'Alā'iyah wa-tamhīd al-masālik al-fiqhiyah* and *al-Qawā'id al-manẓūmah*. Not extant. *GAL* ii, 125–26; *S* ii, 154–55 (*Taḥrīr* not listed; the other work appears as *Nazm al-qawā'id* in the Suppl.).
- Firūzābādī, Abū 'l-Tāhir Muḥammad b. Ya'qūb Majd al-Dīn al-Shīrāzī al- (d. 817/1415). *Qawā'id al-ahkām*. Miṣr: Mu'assasat Fann al-Ṭibā'ah, n.d. *GAL* ii, 181–83; *S* ii, 234–36 (*Qawā'id* not mentioned).
- Ḥiṣnī, Abū Bakr b. Muḥammad b. 'Abd al-Mu'min Taqīy al-Dīn al- (d. 829/1426). *Al-Qawā'id*. Ms. Chester Beatty, no. 3226. Vol. 1 edited by 'Abd al-Raḥmān al-Sha'lān, vol. 2 by Jibrīl al-Buṣaylī (?), typewritten ed. [al-Bāḥusayn]. *GAL* ii, 95; *S* ii, 112 (*Qawā'id* not listed).
- Ibn Khaṭīb al-Dahsha, Abū 'l-Thana' Maḥmūd b. Aḥmad Nūr al-Dīn (d. 834/1431). *Mukhtaṣar Qqawā'id al-'Alā'i wa-tamhīd al-Asnawī*. Edited by Muṣṭafa Maḥmūd al-Binjuwaynī. Mosul: Maṭābi' al-Jumhūr, 1984. *GAL* ii, 66; *S* ii, 70–71 (*Mukhtaṣar* not listed).
- Shuqayr, 'Abd al-Raḥmān b. 'Alī Sharaf al-Dīn al-Khalilī al-Maqdisī (d. 876/1471–72). *Nazm al-ahkām 'ir fi 'l-ashbāḥ wa 'l-naẓā'ir*. Not extant. Al-Bāḥusayn, 340 [referring to *Hadīyat al-'arīfīn*].
- Suyūṭī, 'Abd al-Raḥmān b. Abī Bakr Jalāl al-Dīn al- (d. 911/1505). *Al-Ashbāḥ wa 'l-naẓā'ir fi qawā'id wa-furū' fiqh al-Shāfi'iyah*. Edited by Muḥammad al-Mu'taṣim bi-llāh al-Baghdādī. Beirut: Dār al-Kitāb al-'Arabī, 1407/1987. *GAL* ii, 143–58; *S* ii, 178–98 (no. 170).
- Ibn al-Ahdal, Abū Bakr b. Abī 'l-Qāsim al-Yamanī al-Tihāmī al-Ḥusaynī (d. 1035/1625). *Al-Fawā'id al-bahīyah fi 'l-qawā'id al-fiqhiyah*. Extant in cmt.s. [*mukhtaṣar* versification of the three chapters on *qawā'id*; the variant *Fawā'id* seems to be faulty]. *GAL* *S* ii, 544 (*Fawā'id* not listed).
- Jarhazī, 'Abd Allāh b. Sulaymān al-Yamanī al- (d. 1201/1786–87). *Al-Mawāhib al-saniyah [sharḥ al-Fawā'id al-bahīyah]*. Extant in cmt. Al-Bāḥusayn, 353.

- Fādhānī, Abū 'l-Fayḍ Muḥammad Yāsīn b. 'Isā al-Makkī al- (d. 1410/1989–90). *Al-Fawā'id al-janīyah, ḥāshiyah 'alā 'l-Mawāhib al-sanīyah, sharḥ al-Farā'id al-bahīyah fī naẓm al-qawā'id al-fiqhīyah*. Edited by Ramzī Sa'd al-Dīn Dimashqīyah. Beirut: Dār al-Bashā'ir al-Islāmīyah, 1411/1991.
- Yūsuf b. Muḥammad al-Baṭṭāḥ al-Ahdal (d. 1246/1830–31). *Al-Mawāhib al-'alīyah, sharḥ al-Fawā'id al-bahīyah fī 'l-qawā'id al-fiqhīyah*. Jadda [sic]: Maktabat Jadda [sic], 1407/1986.
- Lahjī, 'Abd Allāh b. Sa'īd Muḥammad 'Ibādī al- (d. 1410/1989–90). *Idāḥ al-qawā'id al-fiqhīyah li-ṭullāb al-madrasah al-ṣawlatīyah*, 3rd printing. Jiddah: Maṭābī' al-Haramayn, 1410 h. [a *ḥall* of the *manzūma*; al-Madrasah al-Ṣawlatīyah was founded in Mecca in 1290/1873 with funds provided by an Indian lady by the name of Ṣawlat un-Nisā', see al-Bāḥusayn, 354, n. 1].
- Ahdal, 'Abd al-Hādī b. Ibrāhīm al-. *Al-Aqmār al-muḍīyah, sharḥ al-Qawā'id al-fiqhīyah*. Jiddah: Maktabat Jiddah, 1407/1986.
- Fāsī, Abū Zayd 'Abd al-Raḥmān b. 'Abd al-Qādir al-Mālikī [?] al- (d. 1096/1685). *Al-Bāhīr fī 'khtisār al-Ashbāh wa 'l-nazā'ir*. Extant? *GAL* ii, 460; *S* ii, 694–95 (*Bāhīr* not listed).
- Bahā' al-Dīn Muḥammad b. Muḥammad Bāqir al-Ḥusaynī al-Sabzāwārī al-Nā'inī al-Imāmī [?] (d. 1133/1720–21). *Ḥāshiyah 'alā 'l-Ashbāh wa 'l-nazā'ir*. Extant? Al-Bāḥusayn, 355–56 (the reference to Kaḥḥāla, xi, 196, should be 197, n. 1, but the author of the *Hāshiyat al-Ashbāh wa 'l-nazā'ir* mentioned there has a different string of nisbans and the reference to 'Alī Maḥfūz is presently unverifiable).
- Damlījī, 'Abd Allāh b. 'Alī Suwaydān (d. 1234/1819) al-. *Sharḥ al-qawā'id al-khams*. Extant. Al-Bāḥusayn, 356 (small *risālah* of 13 folios, thus an *ikhtisār*, whereabouts of ms. not indicated). *GAL* ii, 485; *S* ii, 736 (*Sharḥ al-qawā'id* not mentioned).
- Faṣīḥ al-Dīn al-Baghdādī, Ibrāhīm b. al-Sayyid Ṣibghat Allāh al-Ḥaydarī (d. 1299/1881–82). *Hāshiyah 'alā 'l-Ashbāh wa 'l-nazā'ir*. Extant? Al-Bāḥusayn, 356–57.
- Saqqāf, al-Sayyid 'Alawī b. Aḥmad al- (d. 1335/1916–17). *Al-Fawā'id al-makkīyah fīmā yaḥtājūhū ṭalabat al-Shāfi'īyah min al-masā'id wa 'l-dawābiṭ wa 'l-qawā'id al-kullīyah*. In: *Sab'at kutub muḥīdah*. Cairo: Muṣṭafā al-Bābī al-Ḥalabī [date?]. He also did a *Mukhtaṣar* on his own work. Al-Bāḥusayn, 357; *GAL S* ii, 743 (work finished in 1286/1869, printed Cairo 1309 h, Mecca 1317 h; the *Mukhtaṣar* printed Cairo 1313 h, 1316 h, Mecca 1313 h).
- Marbūbnajar (?), Muḥammad Nūr al-Dīn al-Makkī. *Al-Durar al-bahīyah fī idāḥ al-qawā'id al-fiqhīyah*. 2nd ed. Cairo: al-Maktab al-Fannī li 'l-Di'āyah wa 'l-I'lān, 1415/1994. [Based on al-Suyūṭī and Ibn Nujaym]
- . *Shawārid al-fawā'id fī 'l-dawābiṭ wa 'l-qawā'id*. Not extant. [Mentioned in *Ashbāh*, 28]
4. *Hanbalī*
- Tūfī, Abū 'l-Rabī' Sulaymān b. 'Abd al-Qawīy Najm al-Dīn al-Ṣarṣarī al-Baghdādī al- (d. 716/1316). *Al-Qawā'id al-kubrā* and *al-Qawā'id al-ṣuḡhrā*. Not extant. Al-Būrnū, 28, mentions only the former, saying that it is still in ms.; no details. *GAL* ii, 108–9; *S* ii, 133–34 (*Qawā'id* works not mentioned).
- Ibn Qādir 'l-Jabal, Abū 'l-'Abbās Aḥmad b. al-Ḥasan Sharaf al-Dīn al-Maqdisī al-Dimashqī al-Hanbalī (d. 771/1370). *Al-Qawā'id al-fiqhīyah*. Ms. Damascus, Zāhirīyah 2754 (incomplete; attribution correct? See Yūsuf Ibn 'Abd al-Hādī, *K. al-Qawā'id al-kullīyah wa 'l-dawābiṭ al-fiqhīyah*, ed. al-Dawsarī, p. 6 [intro]). *GAL S* ii, 129.
- Ibn Rajab, 'Abd al-Raḥmān b. Aḥmad Zayn al-Dīn (d. 795/1393). *Taqrīr al-qawā'id wa-tahrīr al-fawā'id*. 4 vols. Edited by Abū 'Ubayda Mashhūr b. Hasan Al Salmān. Khubar: Dār Ibn 'Affān, 1419/1998 [contains also the *Fihrist Kitāb Taqrīr ilkh.* by Jalāl al-Dīn Abū 'l-Faraj Naṣr al-Dīn al-Baghdādī]. *GAL* ii, 107; *S* ii, 129–30.
- Ibn al-Lahḥām, Abū 'l-Ḥasan 'Alī b. 'Abbās 'Alā' l-Dīn al-Ba'ī (d. 803/1401). *Al-*

- Qawā'id wa 'l-fawā'id al-uṣūliyah wa-mā yata'allaq bihā min al-aḥkām al-shar'iyah*. Edited by Muḥammad Ḥāmid al-Fiḳī. Beirut: Dār al-Kutub al-'Ilmiyah, 1402/1983. *GAL S i*, 697 (he and his *Qawā'id* mentioned under al-Kalwadhānī).
- Muḥibb al-Dīn al-Baghādāfī, Aḥmad b. Naṣr Allāh (d. 844/1440–41). *Hawāshī al-qawā'id al-fiqhiyah*. Not extant. And: *Mukhtaṣar qawā'id Ibn Rajab*. Not extant. Al-Bāḥusayn, 340.
- Aḥmad b. 'Abd Allāh al-Qārī al-Ḥanafī [!] (d. 1359/1940). *Majallat al-aḥkām al-shar'iyah 'alā madhhab al-imām Aḥmad b. Ḥanbal*. Edited by 'Abd al-Wahhāb Abū Sulaymān and Muḥammad Ibrāhīm Aḥmad 'Alī. Riyadh [?]: Maṭbū'at Tihāmah, 1401/1981. [contains a section on *qawā'id*].
- Sa'dī, 'Abd al-Raḥmān b. Nāṣir al- (d. 1376/1956–57). *Risālah fi 'l-qawā'id al-fiqhiyah*. Al-Aḥsā': Maktabat Ibn al-Jawzī, 1410/1989.
- . *Al-Qawā'id wa 'l-uṣūl al-jāmi'ah wa 'l-furūq wa 'l-taqāsim al-bad'ah al-nāfi'ah*. Riyadh: Maktabat al-Ma'ārif, 1406/1985.
- . *Tariq al-wuṣūl ilā 'l-ilm al-ma'mūl bi-ma'rīfat al-dawābiḥ wa 'l-qawā'id wa 'l-uṣūl*. N.p.: Dār Ramādī li 'l-Nashr, 1416/1995.

5. Imāmī

- Ibn al-Muṭahhar al-Ḥillī, Abū Ṭālib Muḥammad b. al-Ḥasan Fakhr al-Dīn (d. 771/1369). *Al-Qawā'id*. Not extant. Al-Bāḥusayn, 331. (*GAL ii*, 164; *S ii*, 207, lists *Qawā'id al-aḥkām fi ma'rīfat al-ḥalāl wa 'l-ḥarām* as a work of his father, al-'Allāmah al-Ḥillī, but no *Qawā'id* under his own name; see *GAL ii*, 164; *S ii*, 209).
- . *Idāḥ al-fawā'id fi ḥall mushkilāt al-Qawā'id*. Mss. (*GAL S ii*, 207, lists this as a commentary to his father's *Qawā'id al-aḥkām*).
- Shahīd al-Awwal, Abū 'Abd Allāh Muḥammad b. Makkī Shams al-Dīn al-'Āmilī, (d. 782/1389). *Al-Qawā'id wa 'l-fawā'id*. 2 vols. Edited by al-Sayyid 'Abd al-Ḥādī al-Hakīm. Al-Najaf: Maṭba'at al-Ādāb, 1980. [This has a strong component of definitions and divisions.] *GAL ii*, 108; *S ii*, 131–32 (*Qawā'id* not mentioned). Nine *hawāshī*. See Intro.
- Suyūrī, al-Miqdād b. 'Abd Allāh al-Ḥillī al- (d. 826/1423). *Naḍd al-qawā'id al-fiqhiyah 'alā madhhab al-imāmīyah and Jāmi' al-fawā'id fi talkhīṣ al-Qawā'id* [of al-'Allāmah al-Ḥillī, see above under Ibn al-Muṭahhar]. Both in ms. *GAL S ii*, 209, 207.
- Shahīd al-Thānī, 'Alī b. Aḥmad Zayn al-Dīn al-'Āmilī al-Jubba'ī, al- (d. 966/1558). *Tamhīd al-qawā'id al-uṣūliyah wa 'l-'arabiyyah li-tafrīḥ fawā'id al-aḥkām al-shar'iyah*. Mss. Allegedly printed. *GAL ii*, 325; *S ii*, 449–50.
- Anonymous Imāmī. *Kashf al-fawā'id min Tamhīd al-qawā'id*. Ms. [from al-Zanjānī: *Takhrīj*, ed. Ṣāliḥ, intro, p. 20].

B. Works on qawā'id in a different sense and works in related fields

- Zanjānī, Abū 'l-Manāqib Maḥmūd b. Aḥmad Shihāb al-Dīn al-Shāfi'ī al- (d. 656/1258). *Takhrīj al-furūc 'alā 'l-uṣūl*. Edited by Muḥammad Adīb Ṣāliḥ. Damascus: Jāmi'at Dimashq/Kulliyat al-Sharī'ah, 1382/1962.
- 'Izz al-Dīn Ibn 'Abd al-Salām al-Sulamī, Abū Muḥammad 'Abd al-'Azīz al-Shāfi'ī (d. 660/1262). *Qawā'id al-aḥkām fi maṣāliḥ al-anām*. Edited by 'Abd al-Ghanī al-Daqr, Damascus: Dār al-Ṭabbā' 1413/1992. *GAL i*, 430–31; *S i*, 766–68. [This might be described as an ethical work in a legal framework, which obviously does contain certain *qawā'id*].
- Ibn Taymīyah, Abū 'l-'Abbās Aḥmad b. 'Abd al-Halīm Taqīy al-Dīn al-Ḥarrānī al-Ḥanbalī (d. 729/1328). *Al-Qawā'id al-nūrāniyyah al-fiqhiyah*. Edited by Muḥammad Ḥāmid al-Fiḳī. Beirut: Dār al-Nadwah al-Jadīdah, n.d. [al-Nadwī, 251–53]. *GAL ii*, 100–5; *S ii*, 119–26 (*Qawā'id* not mentioned) [more of a *furūc* work].

- Zarīrānī,³⁷ Abū Bakr 'Abd Allāh b. Muḥammad Taqīy al-Dīn al-Baghdādī al-Hanbalī al- (d. 729/1329). *Idāh al-dalā'il fi 'l-farq bayn al-masā'il*. Edited by 'Umar b. Muḥammad al-Sabīl. Mecca: Markaz Iḥyā' al-Turāth al-Islāmī, 1414 h.
- Ibn Juzayy, Abū 'l-Qāsim Muḥammad b. Aḥmad al-Kalbī al-Gharnāṭī al-Mālikī (d. 741/1340). *Qawānīn al-aḥkām al-shar'īyah wa-masā'il al-furū' al-fiqhīyah*. Beirut: Dār al-'Ilm li 'l-Malāyīn, 1968. And: *al-Qawānīn al-fiqhīyah*. N.p. [Maghreb]: n.publ., n.d. [before 1974]. *GAL* ii, 264–65; *S* ii, 377.
- Tilimsānī al-Mālikī, Abū 'Abd Allāh Muḥammad b. Aḥmad al-Mālikī al-Sharīf al- (d. 771/1368). *Miftāh al-wuṣūl ilā binā' al-furū' alā 'l-uṣūl*. Edited by 'Abd al-Wahhāb 'Abd al-Laṭīf. Beirut: Dār al-Kutub al-'Ilmīyah, 1983. *GAL* i, 463; *S* i, 838 (under al-Ḥūnaḡī; *Miftāh* not mentioned).
- Ibn al-'Imād, Muḥammad b. Muḥammad al-Miṣrī al-Shāfi'ī (d. 887/1482). *Kaṣhḥ al-sarā'ir fi ma'nā al-wujūh wa 'l-ashbāh wa 'l-nazā'ir*. Edited by Fu'ād 'Abd al-Mun'im Aḥmad and Muḥammad Sulaymān Dāwūd. Alexandria: Mu'assasat Shabāb al-Jāmi'ah, n.d. [deals with various meanings of Koranic words in exegesis in the way inaugurated by Muqāṭil b. Sulaymān].
- Ibn 'Abd al-Hādī, Abū 'l-Maḥāsīn Yūsuf b. al-Ḥasan Jamāl al-Dīn al-Dimashqī al-Hanbalī Ibn al-Mibrad (d. 909/1503). *K. al-Qawā'id al-kullīyah wa 'l-dawābiṭ al-fiqhīyah*. Edited by Jāsim b. Sulaymān al-Fuhayd al-Dawsarī. Beirut. Dār al-Bashā'ir al-Islāmīyah, 1415/1994. [Deals with legal classifications and disjunctions.] *GAL* ii, 107–8; *S* ii, 130–31 (*Qawā'id* not mentioned).

C. Contemporary Works on Qawā'id

- 'Abbās, 'Abbās Ḥusnī. *Uṣūl al-qānūn wa 'l-qawā'id al-fiqhīyah*. Riyadh: Jāmi'at al-Malik Su'ūd.
- 'Ajlān, 'Abdallāh b. 'Abd al-'Azīz al-. *Al-Qawā'id al-kubrā fi 'l-fiqh al-islāmī*. Riyadh: Dār Taybah, 1416 h.
- . "Aḥammīyat al-qawā'id al-fiqhīyah fi 'l-fiqh al-islāmī", in: *Majallat al-dirāsāt al-diblūmāsīyah* 11 (1415/1995).
- Bāḥusayn, Ya'qūb b. 'Abd al-Wahhāb al-. *Al-Qawā'id al-fiqhīyah: al-Mabādī', al-muqawwimāt, al-masādir, al-dalīliyah, al-taṭawwūr. Dirāsah nazariyah taḥliṭīyah ta'sīliyah tārikhiyah*. Riyadh: Maktabat al-Rushd, Shirkat al-Riyāḍ 1418/1998.
- . *Qā'idat "al-yaqīn lā yazūlu bi 'l-shakk", dirāsah nazariyah ta'sīliyah wa-taḥbiqīyah*. Riyadh: Maktabat al-Rushd, 1417/1996.
- . *Al-Takhrīj 'ind al-fuqahā' wa 'l-uṣūliyyīn*. Riyadh: Maktabat al-Rushd, 1414 h.
- Barakatī al-Hanafī al-. *Qawā'id al-fiqh*. Dacca, Bangladesh: n.publ., n.d.
- Bujnūrdī, al-. *Al-Qawā'id al-fiqhīyah*. 6 vols. Najaf: Maṭba'at al-Ādāb, n.d.
- Būrnū, Muḥammad Ṣidqī b. Aḥmad al-. *Al-Wajīz fi idāh qawā'id al-fiqh al-kullīyah*. Beirut: Mu'assasat al-Risālah, 1404/1983, and Riyadh: Maktabat al-Ma'arif, 1410/1990.
- . *Maṣū'at al-qawā'id al-fiqhīyah*. 7 vols. Beirut: n.p., 1416/1995ff.
- Hurmūsh, Maḥmūd Muṣṭafā. *Al-Qā'idah al-kullīyah "imāl al-kalām awlā min ihmālīh" wa-atharuhā fi 'l-uṣūl*. Libya [?]: al-Mu'assasah al-Jāmi'īyah li 'l-Nashr wa 'l-Tawzī', 1406/1987.
- Mujaddidī, Muḥammad 'Amīn al-Iḥsān al-. *Qawā'id al-fiqh*. Karachi: al-Ṣadaf Publishers, 1407/1986. [Author from Bangladesh]
- Nadwī, 'Alī Aḥmad al-. *Al-Qawā'id al-fiqhīyah, maḥmūmah, nash'atuhā, taṭawwuruḥā, dirāsāt mu'allafātuhā, adillatuhā, muḥimmatuhā, taḥbiqāuhā*. 4th ed., revised and enlarged. Damascus: Dār al-Qalam, 1418/1998.

³⁷ The reading "al-Zarīrānī" is apparently incorrect.

- . *Al-Qawā'id wa 'l-ḍawābiḥ al-mustakhlṣah min al-Tahrīr li 'l-imām Jamāl al-Dīn al-Ḥaṣirī (546–636 h), sharḥ al-Jāmi' al-kabīr li 'l-imām Muḥammad b. al-Ḥasan al-Shaybānī*. Cairo: al-Mu'assasah al-Su'ūdīyah bi-Miṣr, 1411/1991.
- Rūkī, Muḥammad al-. *Nazarīyat al-taq'īd al-fiqhī wa-atharuhā fī 'khtilāf al-fuqahā'*. Riyadh: Maṭba'at al-Najāḥ bi 'l-Dār l-Bayḍā', 1414/1994.
- Sadlān, Ṣāliḥ b. Ghānim al-. *Al-Qawā'id al-fiqhīyah al-kubrā wa-mā tafarra'a 'anhā*. Al-Riyāḍ: Dār Balansiya, 1417 h.
- Zarqā', Aḥmad Muḥammad al-. *Sharḥ al-qawā'id al-fiqhīyah*. Edited by 'Abd al-Sattār Abū Ghudda. Beirut: Dār al-Gharb al-Islāmī, 1403/1983.
- Zarqā', Muṣṭafā Aḥmad al-. *Al-Madkhal al-fiqhī al-'āmm, Ikhrāj jadīd*. 2 vols. Damascus: Dār al-Qalam, 1418/1998. [The third part is devoted to *al-qawā'id al-kullīyah*, vol. ii, 965–1091.]

ALTA DISCUSSION

NOTE: What follows is a synthesis of discussions of the various papers presented at the Alta Symposium and the general discussion that took place during the last afternoon of the symposium.

BERNARD WEISS: I suggest that we begin with the subject of the early development of Muslim legal theory. Jon Brockopp has proposed, on the basis of his work on early Mālikī texts, that there were in the Mālikī school two competing theories of authority, one which anticipated classical *uṣūl* by locating authority in divine revelation as transmitted from the Prophet, and another which vested authority in a “Great Shaykh”. Does anyone wish to comment on this idea or raise a question?

SHERMAN JACKSON: I think there’s something intuitively powerful about the way Jon has dealt with the issue of authority. The question that comes to my mind is: What kinds of factors should we see as operative in the choice of an authority figure? For example, what would lead Ibn ‘Abd al-Ḥakam to embrace Mālik’s authority and not Shāfi‘ī’s. What might Ibn ‘Abd al-Ḥakam have seen Mālik as possessing in the way of special powers that would establish his authority?

JONATHAN BROCKOPP: The link between Shāfi‘ī and Ibn ‘Abd al-Ḥakam is very interesting and not yet fully known. Shāfi‘ī lived in Ibn ‘Abd al-Ḥakam’s house apparently while writing the *Risālah*. Why Mālik instead of Shāfi‘ī? It’s hard to say. The problem is that we don’t have explicit disquisitions on the “Great Shaykh” theory of authority that might indicate what factors were operative in such choices. Why is this so? That’s really my question. Why is the “Great Shaykh” theory so evidently there without being formally articulated?

KEVIN REINHART: I have a couple of points. Regarding the “Great Shaykh” concept, I think it is a very powerful explanation for the formation of the *madhāhib*. But as a theory of authority that is supposed to be implicit in *mukhtaṣarāt* and accounts for the absence of references to the Qur’ān and Sunnah and so on, it’s got some problems. Let me offer an analogy. If you read a book of popular science that explains chaos theory you will find that the explanation will contain no mathematical equations. Is this because chaos theory does not depend on mathematical equations? No. It is due to the nature of popular science. People think that if you’re going to sell a book on chaos theory to the unwashed masses you’d better not have any sigmas in it. So I think there may be a disciplining that goes on within the genre of popular science that dictates a lot of what we see in it. The same may be true of the *mukhtaṣar* genre. You don’t quote the Qur’ān and Sunnah extensively because this is not what’s done in this particular genre, but it *is* done in other kinds of writing. Now if you were to find actual contradictions, that would change the picture considerably—if, for example, a *mukhtaṣar* says the