

TERMINOLOGIES OF CLASSICAL *UŞŪLĪ*TEXTS: A STUDY OF AL-SUBKĪ'S *JAM' AL-JAWĀMI'*

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Abstract: Classical literature in various Islamic disciplines has a tremendous treasury of knowledge that are very relevant to contemporary discourse in each subject. Their wider availability has attracted many researchers to study their content and style. One should comprehend their language, structure, style, and terminologies, which are entirely different from the present practice, to have a comprehensive understanding of such texts. The present study attempts to analyse the terminologies employed by *mutakallimūn* scholars in *uṣūl al-fiqh* texts based on Tāj al-Dīn al-Subkī's *Jam' al-Jawāmi'*. The text represents the genre of *uṣūl al-fiqh* literature as it has summarised the quintessence of early discussions and greatly influenced the later development of the discipline. It focussed on the jargon denoting the validity of opinions and scholars. It found that the author has used about twenty terminologies, each one of which has a unique meaning, such as categorically denoting the preferred opinion, clearly invalidating an opinion and merely reporting a disagreement. He usually mentions scholars with short names, some of which are standard usage in the *madhhab* while few are unique.

Keywords: Terminology, *uṣūl al-fiqh*, *Jam' al-Jawāmi'*, classical texts, *al-Subkī*

Introduction

Interest in classical Islamic works, including *uṣūl al-fiqh* has intensified in the recent past, especially in western academia. There are many efforts to study the structure and content of such works to understand their arguments and even to translate them into various languages, especially English. Many classical *uṣūlī* manuscripts which were hitherto unreachable were edited and published making them widely

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accessible. Any attempts to engage with these classical texts, particularly in *fiqh* and *uṣūl al-fiqh* require a careful understanding of each author's jargon. Since the medieval period was the time of concise works that tries to abridge an earlier text, authors competed with each other to produce the maximum succinct works by employing abbreviations, short names, eponyms, and special terms to denote various meanings. In the later period of commentaries and glosses, this trend further escalated by using even letters to denote works and scholars. Likewise, one of the major expectations from the later scholars was to state their preferred opinion after comparing the various opinions of earlier scholars. Thus, they required perfect terms to denote the exact validity of these opinions and to express their approval or disapproval of them. These terminologies vary from discipline to discipline and according to various schools of thought. In *fiqh*, each *madhhab* has gradually developed some standard terminology, while in *uṣūl al-fiqh*, it is according to the two writing styles known as *tariqatal-matakallimīn* (the style of theologians) which was followed by the majority, particularly Shafi'īs and *tariqatal-fuqahā'* (the style of jurists) which was followed mainly by Ḥanafīes. However, irrespective of some kind of standardisation in the terminology at least within a school, each scholar has some unique jargon which needs to be studied exclusively by examining the entire work and its historical background with the help of commentaries. The terminologies in *uṣūl al-fiqh* writings are less complicated in comparison to Islamic law which produced a great amount of literature including multi-volume encyclopaedic works.

The present study tries to understand the important terminologies of *uṣūl al-fiqh* texts in the *matakallimūn* school based on Tāj al-Dīn al-Subkī's¹ magnum opus *Jam' al-Jawāmi'*. The

¹ Tāj al-Dīn al-Subkī (728-771/1328-1370) was born in Cairo, Egypt and migrated to Damascus with his father, Taqī al-Dīn al-Subkī. He occupies an important position in the analysis of eighth/fourteenth-century Muslim scholarship. He belongs to the Subkī lineage, a distinguished family of scholars and high officials during the Mamluk period. The biographers unanimously acknowledge his extraordinary ability in compiling scholarly

relevance of the work stems from the fact that it is one of the last original *matn* works in the discipline that attracted about one hundred commentary works of various forms and lengths from all *madhhabs* (Hudawi, 2013). The author has earlier written two commentaries on the most popular *matns* in *uṣūlal-fiqh*; 1) *al-Ibhāj* on *al-Minhāj* of Qāḍī al-Bayḍāwī (d. 719/1319)¹ which is considered as an abridgement of *al-Maḥṣūl* by Fakhr al-Dīn al-Rāzī (d. 606/1209)² and 2) *Rafʿ al-Ḥājib* on *Mukhtaṣar* of Ibn al-Ḥājib (d. 646/1249)³, a synopsis of Sayf al-Dīn al-Āmidī (d. 631/1233).⁴ They were considered two prominent styles within the *mutakallimūn*, known as *madrasah* of al-Rāzī and *madrasah* of al-Āmidī respectively and produced more than a hundred works in *uṣūlal-fiqh* (Hudawi, 2013). *Jamʿ al-Jawāmiʿ* was the major attempt to merge these two schools, thus, a study of its terminologies will help to understand the earlier *matn* works as well as the later *sharḥ* works. The study focuses on the terminologies of acceptance of an opinion and the

works whose contributions to Islamic studies are still held in esteem by men of erudition. For his biography see, Al-ʿAsqalānī, 1997, 2: 258; Al-Shawkānī, 1998, 1: 283; Hudawi, 2013.

¹ AbdAllāh ibn ʿUmar ibn Muḥammad, Abū al-Khayr Nāṣir al-Dīn al-Bayḍāwī was the *qāḍī* of Shīrāz for a short period. Some of his works are *Sharḥ Mukhtaṣar Ibn al-Ḥājib*, *Anwār al-Tanzīl wa Asrār al-Taʿwīl* and *al-Īdāḥfi ʿUṣūl al-Dīn* (al-Marāghī, 1974, 2: 89). His *al-Minhāj* has a great impact on *Jamʿ al-Jawāmiʿ*, though he has been named only once, as there are many similarities among them in respect of their contents and arrangements.

² Muḥammad ibn ʿUmar ibn al-Ḥusayn ibn al-Ḥasan ibn al-ʿAlī, Fakhr al-Dīn Abū AbdAllāh al-Rāzī was born in 544. As a commentator of *al-Minhāj*, an indirect abridgement of *al-Maḥṣūl*, al-Subkī knows the works and thoughts of al-Rāzī better. *Jamʿ al-Jawāmiʿ* mainly cite him from *al-Maḥṣūl* (al-Subkī, 1992, 8: 81-96; al-Marāghī, 1974, 2: 47-49).

³ Uthmān ibn ʿUmar ibn Abī Bakr, Jalāl al-Dīn Abū Amr Ibn al-Ḥājib, born in 570, has works in many areas, for example: *al-Kāfiyahfi al-Naḥw*, *al-Maqṣad al-Jalīlfi al-ʿArūḍ* and *Sharḥ al-Mufaṣṣal* (al-Marāghī, 1974, 2: 65-66). His work, *Mukhtaṣar* has a great impact on *Jamʿ al-Jawāmiʿ* wherein he has been directly quoted seven times.

⁴ Alī ibn Abī Alī ibn Muḥammad ibn Sālim, Abū al-Ḥasan Sayf al-Dīn al-Āmidī, born in 551, was a Ḥanbalī scholar who later became a Shāfiʿī. As a dialectician, he is known for scholarly debates. Mostly *Jamʿ al-Jawāmiʿ* quote him from [a] *al-Muntahā* and [b] *al-Iḥkām*, which is abridged by Ibn Ḥājib in his *al-Muntahā* and then to *al-Mukhtaṣar* (al-Subkī, 1992, 8: 306-307; al-Marāghī, 2: 57-58).

terms used to denote earlier scholars. It does not cover the jargon related to the subject matter of *uṣūl al-fiqh*.

Opinions, Disagreements and Preference

The *ijtihād* culture of Islam encourages scholars to express their views on any subject matter through proper research that is done in accordance with valid reasons. This has given rise to a multiplicity of scholarly opinions on one and the same topic. The issues on which there is consensus among scholars are restricted to a handful of fundamental ones. One may misunderstand that since the *uṣūl al-fiqh* is the science of basic principles of *ijtihād*, there would be hardly any disagreement, unlike the *fiqh*, which deals with the subsidiary issues that necessitate disagreements and multiple opinions. The *Jam' al-Jawāmi'* proves the contrary as there are hardly any issues of consensus when comes to the details and application. Al-Subkī tries to squeeze in as many opinions as possible in concise and terse language without compromising the essential details of the discussion. Along with his preferred opinion, he brings to light other weaker and rare opinions. He (2003) records, for example, twelve opinions on a single issue while discussing the meaning of the '*if'āl*' form as to whether it means obligation or not (p. 40-41). In the third chapter on *al-ijmā'*, while discussing the scale of agreement among the *mujtahids*, he records seven opinions as shown in the passage below:

And the [consensus of] entire [*mujtahids*] is a must, which is the majority [opinion]. But, according to the second opinion [the disagreement of] two, and according to the third [disagreement of] three, and according to the fourth [disagreement of] that which reached the number of *tawātur* will harm [the consensus]. Yet, according to the fifth opinion [the disagreement of anyone] if the *ijtihād* is permissible in respect of his opinion, and according to the sixth in respect of issues of theology (*uṣūl al-dīn*) [will harm the consensus]. Moreover, the seventh opinion is that it [i.e., the opinion which is opposed by any *mujtahid*] will not be a consensus rather [it will be regarded as a] *hujjah* (p. 76).

It was the primary responsibility of later scholars to weigh all these opinions and give preponderance to the most appropriate supported by strong evidence. One of the main benefits of *Jam' al-Jawāmi'* is that it adumbrates the valid or preferred one among the various opinions in respect of all important issues discussed in *uṣūl al-fiqh* to the extent that, according to al-ʿAṭṭār¹ (1999), a topic or opinion not recorded in the text was rejected by later scholars (2: 247). However, as an author strongly committed to producing the most succinct work, he was avoiding all related details, such as his justification for the preference, evidence of each opinion, arguments, counterarguments, etc as seen in other works (Hudawi, 2013). He was simply recording all opinions by hinting at their level of acceptance through carefully selected terms, as discussed below. One who fails to understand this will reject *Jam' al-Jawāmi'* as a useless text which records contradicting opinions only. It is in this sense that Muḥammad al-Khuḍrī (1969) describes *Jam' al-Jawāmi'* as “a mere collection of various opinions in such a way that will neither benefit the reader nor the listener. And it lacks any proof that supports the principles he establishes (12).” Thus, to have any sense of the classical works, especially the *matns*, one should be well aware of their particular style and terminology. Al-Subkī employs a few terms in *Jam' al-Jawāmi'*, the understanding of which is very important to comprehend the text.

Terminology to Denote the Authenticity of Opinions

Al-Subkī follows distinct styles in designating his preferred opinion. Sometimes, he begins the discussion with the preferred opinion without using any terms, while in some cases, the number of scholars who support an opinion may signify its strength. Besides, there are some issues where he remains indecisive as he lacks enough proof to validate an opinion over another (Hudawi, 2013, pp. 121-123). Mostly he describes the authenticity of an opinion by special terms each of which has different connotations. They can be broadly classified into four; 1)

¹ Ḥasan ibn Muḥammad ibn Maḥmūd al-ʿAṭṭār was born in 1190, Cairo. He became the Shaykh al-Azhar in 1246 (al-Ziriklī, 1986, 2: 220). His *Ḥāshiyatis* is one of the extensive commentaries on *Jam' al-Jawāmi'*.

Terms clearly denoting preponderance, 2) Terms designating the preferred opinion, 3) Terms denoting the weak opinion and 4) Terms denoting the disagreements.

Terms Clearly Denoting Preponderance

Some terms are used to apparently denote the preponderant opinions indicating that the opposite views are weak. There are ten such terms (their number of occurrences in the text is given in round brackets); 1. *al-ḥaqq*(8), 2. *al-ṣawāb*(3), 3. *al-ṣaḥīḥ*(24+), 4. *al-aṣaḥḥ*(37+), 5. *al-mukhtār*(40), 6. *al-arjaḥ*(1), 7. *al-aẓhar*(7), 8. *al-madḥhab*(1), 9. *al-taḥqīq*(2), and finally, 10. *al-wajḥ*(1). All these terms are used by other authors in *fiqh* and *uṣūl al-fiqh* writings, specifically by Shāfi'ī scholars, for the similar meaning with some variations. They generally benefit that there is no consensus on the topic, but the author has identified one of the opinions as valid or more acceptable. Let us decode them in detail:

Al-Ḥaqq (The Truth): This is the most emphatic term among its genre as it is employed to denote the truth whose opposite is untruth upon which none can depend. As the truth question does not arise in the subsidiary issues of *ijtihād*, this term is generally relevant to such issues on which there is no room for disagreement. Thus, this term benefits the certainty of al-Subkī in his order of preference that all other non-preferred opinions can be described as false. He has used this term eight times, five of which are in the first chapter,¹ whereas the rest occur in each of the Introduction,² the fifth chapter on *Istidlāl*,³ and finally in

¹ They are: [a] transmitted evidence may convey certainty (p. 22), [b] Spatio-temporal limit (*ghāyah*) is an implied meaning (*mafhūm*) (p. 24), [c] the *tābi'* (subsequent) [term] gives strength [to the precedent] like in Ḥasan-basan (p.28), [d] it can be particularised up to one, if the general term is not a plural form (p. 47), and [e] the abrogation of Qur'ān didn't occur except by *mutawātirḥadūth*(p.58).

² About the issue of imposing (*taklīf*) an impossible thing (*muḥāl*), the author (p. 19) held that the truth is the occurrence [of *taklīf*] which is made impossible by other [factor] and not [that which is impossible] as such.

³ It is about considering *ishtishāb* of the original status (p.108).

the *kalām*-related discussion of the last chapter.¹ For example, he says: “The truth (*al-ḥaqq*) is that the transmitted evidence (*al-adillah al-naqliyyah*) perchance gives rise to certainty with the support of *tawātur* or other than it (p. 22).” Here he rejects those who denied the possibility of certainty for transmitted evidence by which the *bona fide* sources of Islam have passed generations.

***Al-Ṣawāb* (Correct Opinion):** As the meaning of *al-ṣawāb* signifies, it is the correct opinion whose opposite is wrong for the author. Hence, this can be regarded as one of the stronger terms to denote the preponderance of one opinion over the others. Only three opinions are described as the correct opinion in *Jam‘ al-Jawāmi‘*. One of them² is in respect of the *ijtihād* of the Prophet, peace be upon him, “The correct opinion (*al-ṣawāb*) is that the Prophet’s *ijtihād* will never be mistaken (p. 119)”. It was to reject the opinion held by a few like Ibn al-Ḥājjib that the *ijtihād* of the Prophet may be mistaken, but sooner he would be corrected by revelation. However, the author considers it a wrong opinion for it does not suit the infallibility of prophets, which is upheld by the *ahl al-sunnah* (al-Maḥallī, 2005, 2: 386).

***Al-Ṣaḥīḥ* & *al-Aṣaḥḥ* (The Valid & Most Valid Opinion):** These are two commonly used terms in both *fiqh* and *uṣūl al-fiqh* works to signify the valid opinion. The *Ṣaḥīḥ* means that it is the only valid opinion against which there would be weak opinions, whereas *al-aṣaḥḥ*, which is in the relative form, is used to denote the most valid opinion among both the valid and weak opinions. Thus, *ṣaḥīḥ* is more categorical in denoting the validity than *al-aṣaḥḥ* (Saqqāf, 1997, 40).

In *fiqh* works of later Shāfi‘ī scholars, both terms are reserved for giving preponderance to one of the opinions (*wajh*) of the companions (*aṣḥāb*) who deduce it from the words (*qawl*) of al-Imām al-Shāfi‘ī (al-Nawawī 2005, p. 65; al-Ḥafnāwī 2007). However, some scholars like al-Bayḍāwī have used *al-aṣaḥḥ* in respect of the

¹ In respect of the definition of joy (*ladhdhah*) (p.130).

² The other two issues are: [a] the prevention of *taklīf* (imposition) one who is inadvertent (*ghāfil*), coerced (*mulja‘*) (p. 13), and [b] discussion on the first objection to the ‘illah (p. 96).

opinions of al-Shāfi'ī as well (Saqqāf, 1997, 11). Like other *uṣūlī* scholars, al-Subkī seems to be pointing at the validity of opinions without considering the opinion holder. For example, he says:

The *'āmm* (general term) is a word which comprises all that is fitting to it without any limitation. And the valid opinion (*al-ṣahīh*) is the inclusiveness of the rare and unintended [things] under it. And [the valid opinion is] that it may occur as a *majāz* [expression] and [the valid opinion is] that it is one of the attributes of the word [not of the meaning] (p. 44).

The other opinions say respectively that rare and unintended things are not included under the general term, it never becomes a *majāz*, and it is the attributes of the meaning which according to al-Subkī are invalid opinions (al-Maḥallī, 2005, 1:335-337). In the following example, he uses *al-aṣaḥḥ* for the most valid opinion:

The most valid opinion (*al-asahh*) is the permissibility to specify (*takhsīs*) the Qur'ān by [Qur'ān] itself, and the *Sunnah* by itself and by the Qur'ān, whereas the Qur'ān [can be specified] by *mutawātir* [tradition] and likewise, according to the majority, by the solitary report as well (p. 51).

All opinions recorded here are the most valid opinions, whereas there are some who opine on their opposites which are also acceptable (al-Maḥallī, 2005, 1: 391-393).

Both *ṣahīḥ* and *aṣaḥḥ* are the most frequent terms for denoting preponderant opinion in *Jam' al-Jawāmi'* though the first is expressly stated twenty-four times and the latter thirty-seven times. Because, numerous other opinions are also given the same validity using letters of conjunction as shown in the aforementioned example of *ṣahīḥ*, where the term is stated only once and three opinions are given the same validity.

Al-Mukhtār (Chosen Opinion): In *Jam' al-Jawāmi'*, the term *al-mukhtār* is used about forty times to denote the preponderant opinion. The term signifies that such an opinion is chosen by the author himself for the strength of its evidence over other opinions. Thus, unlike *ṣahīḥ*

and *aṣaḥḥ*, its usage is limited to the aforesaid forty issues. For instance, in respect of *naskh* (abrogation), he says:

There is disagreement as to whether it [i.e., *naskh*] refers to lifting (*rafʿ*) [of the *ḥukm*] or explication (*bayān*) [of the *ḥukm* having expired]. The chosen view (*al-mukhtār*) is that [it refers to the] lifting of a *sharʿī* ruling by an address [from the *shāriʿ*] (p. 57).

Al-Nawawī explains that he uses the term *al-mukhtār* when he has chosen it for strong evidence, although it is supported by only a few scholars. Thus, the term signifies that *mukhtar* is the opinion supported by evidence, but the opposite is more accepted among others (al-Zafīrī, 2002, 276, Saqqāf, 1997, pp. 76, 77).

***Al-Arjaḥ* (Most Preferred Opinion):** Though the term *al-arjaḥ* is one of the familiar terms to denote a preponderant opinion among the authors in Islamic law, al-Subkī has used it only once, whereas he never employed the term *al-rājih* (the preferred opinion) which is very common in the legal works. Since the term *al-arjaḥ* is also an elative noun, it means that its opposite may also be a preferred opinion (al-Zafīrī, 2002, 274). *Al-arjaḥ* denotes that it has more reasons to be preferred than the opposite which may also be acceptable. It is one of the subject matters of *uṣūl al-fiqh* to explain various reasons to prefer one piece of evidence over others as the author explained in the sixth chapter, *al-taʿādulwa al-tarājih* (pp.112-117). For example, while enumerating the specification (*takhṣīṣ*) of the Qurʾān, he says:

... And [Qurʾān can be specified] by intended superior meaning (*faḥwā*) [also]. Likewise, according to the most preferred opinion (*al-arjaḥ*), [it can be specified by] *dalīl al-khiṭāb* (i.e. *maṣhūmmukhālafah*, counter implication) (p.52).

Here, al-Subkī gives preponderance to the opinion that allows Qurʾān to be specified by the *maṣhūmmukhālafah* (counter implication), against those who oppose it (al-Maḥallī, 2005, 1: 397; al-Zarkashī, 2000, 1: 388, 389.).

***Al-Aẓhar* (Most Apparent Opinion):** The author has used the term *al-aẓhar* about seven times to denote a preponderant opinion. In *fiqh* works of Shāfiʿī scholars, this term is employed to denote the preferred one

from the opinions of al-Imām al-Shāfi‘ī when both are supported by evidence (al-Nawawī 2005, 65; al-Ḥafnāwī, 2011, 171-172; al-Zafīrī, 2002, 269, Saqqāf, 1997, 13). However, as an *uṣūlī*, al-Subkī may not strictly follow it. Since *al-azharis* an elative noun, its opposite would also be a valid opinion. For example, while discussing that an absolute *nahy* of prohibition benefits the irregularity of that action, he adds that:

Similarly, according to the most apparent view (*al-azhar*), that [i.e., an absolute *nahy*] which [indicate the *karāhah*] bordering the permission is for the irregularity (*fasād*) [of that prohibited act], according to the *shar‘* (p. 44; al-Maḥallī, 2005, 1: 328-329).

***Al-Madhhab* (Chosen Opinion in the school):** Since al-Subkī is a Shāfi‘ī scholar, the opinion attributed to the *madhhab* is the preponderant opinion in the school. The only such instance is the following:

[Al-Imām] Mālik and some of our followers maintained that ‘bearing witness that *fulānibnfulān* (son of someone) authorises so and so is [considered as] a testimony in respect of the authorisation [alone]. However, the [chosen opinion in the] *madhhab* [regards it as testimony] in respect of the lineage implicitly, and [in respect of] the authorisation primarily (p. 64; al-Maḥallī, 2005, 2:29).

In *fiqh* works, the *madhhabis* to denote the best among two or more ways (*turuq*) of transmitting the opinion of Shāfi‘ī for his companions (al-Zafīrī, 2002, 273, al-Nawawī, 2005, p. 65).

***Al-Taḥqīq* (verified opinion):** The term *al-taḥqīq* has been used twice in the text to describe the sharpness of some opinions in a hair-splitting discussion. For example, the scholars disagreed as to when a command is coming to action; he explains:

The command (*amr*), according to the majority, is connected with the act before carrying [it] out after the entry of its time as compulsorily (*ilzām*), and before it as a notification (*i‘lām*). And most [among them considered that] it [i.e., compulsion] will continue in the state of its being carried out. But, Imām al-Ḥaramayn and al-Ghazālī are of the opinion that it will be detached [once he starts to

perform]. Whereas, some people said that it [i.e., the command] will not direct [him] except when carrying [it] out. This is the verified opinion (*tahqīq*) (p. 20).

***Al-Wajh* (Reasonable Opinion):** The term *al-wajh* has been used only once in the following example. The first condition of a transmitter is being just. Thus, a *ḥadīth* transmitted by one whose personality is unknown is rejected. Al-Subkī adds that:

And similarly, one whose identity is unknown (*majhūl al-ʿayn*) [is rejected]. But if one like al-Shāfiʿī described him as trustworthy (*thiqah*), then the right opinion (*al-wajh*) is to accept him, and it is the opinion of Imām al-Ḥaramayn, as opposed to al-Ṣayrafī and al-Khaṭīb (p. 69).

Terms Designating the Preferred Opinion

In addition to the aforesaid terms that categorically state the preferred opinion, there are some terms which point out the acceptance of that opinion without guaranteeing the author's endorsement of it. They are; 1.*al-jumhūr* (17), 2.*al-akthar* (40), 3.*al-ashbah* (1), 4.*al-ra'y* (1) and 5. *ʿindī* (3). These terms signify that there is a disagreement among scholars on the topic discussed, among which one is more probable to be preferred. We can now elucidate each one of them:

***Al-Jumhūr* (The Majority):** The term *al-jumhūr* essentially means the opinion of the majority of scholars. This larger or wider support, however, does not guarantee the preponderance of an opinion, though in most cases, the opinion accepted by a larger group of scholars would be the most acceptable one too. This term is closer to the term *al-akthar* in its meaning and application. However, it seems that the number of scholars in *al-jumhūr* would be more than that of *al-akthar*. Generally, *al-jumhūr* considers the majority among the four *madhhabs* or various theological schools. Thus, the term *al-jumhūr* is used unconditionally, whereas, at times, the term *al-akthar* is conditioned by any particular group of scholars, say the Mu'tazilite. Out of seventeen opinions attributed to the majority, al-Subkī stood with them in most of the cases, as in the following example:

[The report is] not accepted from a mad person, non-believer, and similarly, according to the most valid opinion,

the child. However, if he stored [it], and thereafter he reported it when he attained puberty, it will be accepted according to the majority (*al-jumhūr*) (p. 69).

However, in a few cases, his preferred opinion is against the majority. In a discussion on *farḍkiḥāyah* (community obligation), he opposes the opinion that it is obligatory upon everybody which is held by the majority and his father Taqī al-Dīn al-Subkī and endorses the opinion held by al-Rāzī that it is only obligatory upon someone (al-Subkī, 17; al-Maḥallī, 2005, 1: 141). This also suggests that al-Subkī was taking his opinion independently based on his reasoning.

Al-Akthar (Most of the Scholars): The employment of the term *akthar* is similar to that of *al-jumhūr*. It only means the opinion of most scholars and, thus, does not guarantee the preponderance of that opinion. Al-Subkī uses this term more than forty times most of which are preponderant opinions,¹ like his comment on the Companions of the Prophet:

Most of the scholars (*al-akthar*) are [of the opinion] that all Companions are just, whereas it is said that [they are] like others, while it is [also] held that until the assassination of ‘Uthmān, whilst it is opined that except those who battled against ‘Alī (p. 73).

Nevertheless, in many cases, al-Subkī gives preponderance to opinions other than that of the *akthar*. For instance, he held that the solitary *hadīth* may signify certainty according to the context, which is contrary to the opinion of *akthar*, he says: “The solitary *Khabar* will not benefit certainty without contextual evidence, whereas most of the scholars (*al-akthar*) held that [it] never [benefits knowledge] in any respect (p. 66).”

As *Jam‘ al-Jawāmi‘* is an *uṣūlī* text, the scholars concerned here are the *uṣūlist* unless the context suggests otherwise, like: “Most of the scholars (*al-akthar*) [are of the opinion] that the entire permissible time for *ṣalāt al-ḥuḥr* and the likes is [considered as] the duration for its

¹ Some assume (Al-Zankī, 2007, 151) that the term *al-akthar* is used only for the preponderant opinion. A careful reading of *Jam‘ al-Jawāmi‘* gives several examples to prove otherwise.

timely performance (p. 17).” Here the scholars include the *fuqahā*’ along with the *uṣūlist* as it is a subsidiary issue (al-Maḥallī, 2005, 1: 144). On the other hand, if the scholars belong to any particular group only, he specifies the term to that group alone as in the following two examples:

[1] Most Mu‘tazilates [held that the languages are] technical (*iṣṭilāḥī*), the knowledge of which is obtained through [evidence of] allusion and context just as a baby [learning the language] (p.26).

[2] Most [of the scholars held that] the acquiring *shar‘ī* condition is not a prerequisite for the validity of *taklīf*. This [issue] is incumbent in respect of compelling a non-believer with subsidiary rules (*furū‘*). However, the valid view is its occurrence as opposed to the [view held by] AbūḤāmid al-Isfarāyīnī and most (*akthar*) of the Hanafites (p. 19).

In the first example, *akthar* is among the Mu‘tazilites alone, whereas in the second it is restricted to the Ḥanafites.

Al-Ashbah (Most Resembling Opinion): The author has used this term only once in *Jam‘ al-Jawāmi‘*, though it was a well-established jargon among Shāfi‘ī jurists to denote a valid opinion. Al-Ghazālī clarifies that the term *al-ashbah* is used when a single issue has two possible rulings based on two contradicting analogies, one of which is stronger in respect of the underlying cause (*‘illah*) (al-Zafīrī, 2002, 275). Thus, unlike other terms such as *asṣaḥīḥ*, here the author does not categorically express the validity of this opinion. For example, when discussing the specified general term (*al-‘amm al-makhṣūs*), he says:

... [The specified general term] is more resembles (*al-ashbah*) the *ḥaqīqah* expression [with respect to the remaining things] in accordance with the [opinion of] al-Shayk al-Imām [Taḳī al-Dīn] and the *fuqahā*’ (al-Maḥallī, 2005, 1: 367).¹

With regard to a specified general term being *majāz* or *ḥaqīqah* in respect of the remaining things, al-Subkī records seven different

¹ Unfortunately, this term has been missed from the edition (p. 47) on which I depend in this article, though it is found in other editions.

opinions. However, he concludes that it resembles more to be a *ḥaqīqah*, because the term includes the remaining things after the specification (*takhṣīs*) as it was included before the specification. Since that inclusion is *ḥaqīqah*, this inclusion should also be *ḥaqīqah*. Because of this comparison, he used the term *al-ashbah*. However, most scholars maintained that it is a *majāz* usage (al-Maḥallī, 2005, 1: 366-367).

***Al-Ra'y* (Best Opinion):** It is not a generally used technical term to denote the validity of an opinion. Rather, it is employed to express the best option in an issue of disagreement as evident from the only one case where the author has used this term. On the definition of knowledge (*ilm*), he records the opinion of al-Rāzī that it needed not to be defined and of Imām al-Ḥaramayn (d. 478/1085) that it is difficult to define it. Then he concludes that: “Therefore, the [best] opinion (*al-ra'y*) is to refrain from defining it (p. 16).”

The commentators have disagreed on whether this phrase is an original statement of the author or if he has quoted it. According to al-Maḥallī (2005), it is attributable to Imām al-Ḥaramayn whose opinion is followed by al-Ghazālī (1: 126 and al-Aṭṭār, Vol. 1, p. 207). However, this is not the exact statement of Imām al-Ḥaramayn though his explanation in *al-Burhān* is in that direction.¹

***Indī* (My Opinion):** Though this term is used to express his views on a particular issue, it does not always imply that it is the preferred opinion he upholds or that it is only opined by him.² Among the three usages of this term, the first is not to denote his chosen opinion. About the specification of the Qur’ānic verse by a solitary *hadīth*, he records that the majority held that Qur’ānic verse can be particularised by a solitary report, whereas some absolutely opposed this. The third

¹ In *al-Burhān* (1: 115-122) after discussing many definitions of knowledge and refuting all of them, al-Juwaynī states that the correct opinion is to understand the knowledge by differentiating it from other related concepts.

² However, al-Zankī (2007, p. 145) views that it is the most apparent term to express the opinion he holdsthrough personal investigation, but the examples suggest otherwise.

opinion held by Ibn Abān¹(d. 221/836) differentiated between the general term which is particularised by a definite proof and that which is not particularised at all or particularised but by a hypothetical proof. The first can be particularised by the solitary report, unlike the second. However, al-Subkī rejects this differentiation by saying that: “but, to me (*‘indī*) [it seems to be] just the reverse [of his opinion]” - i.e., that which is particularised by hypothetical proof can be particularised by a solitary report unlike the first (p. 51). Al-Zarkashī² (2000) says that only the author has noticed this possibility (1: 386). However, this is not his preferred opinion as he is with the majority (al-Maḥallī, 2005, 1: 394; al-‘Aṭṭār, 1999, 2: 64; al-Bannānī, 1998, 2: 41-43; al-Sharbīnī, 1999, 2: 41-42; al-Zankī, 2007, 146-147).

In the remaining two cases, nevertheless, he used this term to denote his choice of opinion (p. 51), though, in the third example, he has a predecessor. In the sixth chapter, while counting that which can be preferred, he says: “... And according to them [i.e., *uṣūlī* scholars] that which is not particularised [is preferred on that which is particularised] but, to me (*‘indī*) it is just the opposite of it (p. 15).” Al-Subkī rejects the majority position and prefers its opposite view that a general which is particularised should be preferred over that which is not particularised. Al-Maḥallī (2005) says that this is the position of al-Ṣafī al-Hindī³ (d. 715/1315) as well (2: 360).

¹ ‘Īsā ibn Abān ibn Ṣadaqaḥ, AbūMūsā was a *qāḍī* of Baṣrah for many years. He worked with the ‘Abbāsīd Caliph al-Manṣūr. His works include *Ithbāt al-Qiyās*, *al-Jāmi‘* and *Ijtihād al-Ra’y* (al-Ziriklī, Vol. 5, p. 100).

² Muḥammad ibn Bahādur ibn ‘AbdAllāh al-Turkī, Badr al-DīnAbū ‘AbdAllāh al-Zarkashī, born in 745, is a contemporary of al-Subkī who studied from al-Bulqīnī. He has a commentary on *Jam‘ al-Jawāmi‘* titled *Tashnīf al-Masāmi‘ bi Jam‘ al-Jawāmi‘*. Some of his works are *al-Baḥr al-Muḥīṭ al-Uṣūl* and *al-DībājjīTawḍīḥ al-Minhāj* (al-Marāghī 1974, 2: 211-212).

³ Muḥammad ibn ‘Abd al-Raḥīm, Ṣafī al-Dīn al-Hindī was born in 644 at Delhi, India. He had some debates with Ibn Taymiyyah (al-Marāghī, 1974, 2: 115-116). Al-Subkī (1999b) lists two of his works, *al-Nihāya* and *al-Fā’iq*, among his sources.

Terms Denoting the Weak Opinion:

Even though there is a variety of a term to denote the preponderant opinion, few are used to denote the opposite. Generally, the author will select one of the many opinions as the valid one and the rest is treated as weak by adding the term *qīla* (it is said). The other terms are found in a few instances, as shown below:

Za ‘ama (It is claimed): Al-Subkī employed the term *za ‘ama* four times to denote that he is not convinced by that opinion. Among the four such usages, two are anonymous by saying ‘as opposed to those who claimed so (*za ‘amū*)’ (p. 38& 87), whereas in the other two, he named the scholars. For example, he says:

The *muṭlaq* is that which indicates the quiddity without any qualification. But al-Āmidī and Ibn al-Ḥājj claimed (*za ‘amā*) that it indicates the universal unit (*al-waḥdah al-shā’i’ah*) [because] they presume it as a *nakirah* (indefinite particle) (p. 53).

The other opinion which he describes as *za ‘ama* is the issue of *farḍ kifāyah* (collective obligation) being superior to the *farḍ al-‘ayn* (individual obligation) as claimed (*za ‘ama*) by al-Ustādh [al-Isfarāyīnī], Imām al-Ḥaramayn and his father (p.17). It is noteworthy that he is rejecting here the opinion held by his favourite scholar Imām al-Ḥaramayn and his own father.

Qīla (It is said): It is the most repeated (more than 250 times) terminology in *Jam‘ al-Jawāmi‘*, without which any important discussion is incomplete. At times, it is repeated many times in a single paragraph. However, it is not meant that all that is described as *qīla* is an unacceptable opinion. Generally, this term is used for three purposes; to denote the disagreement, unfamiliarity of the opinion holder, or for shortening (al-Ḥafnāwī, 2011, 164). Thus, in some cases, *qīla* may be an acceptable opinion as he used it to indicate the opposite of *al-aṣaḥḥ* which may be a valid opinion. For example, he says:

And [the most valid opinion is] that the *wujūb*, if it is abrogated, [there] remains the *jawāz* i.e., lack of difficulty [in performing or omitting], and it is said [by some] (*qīla*)

the permissibility (*ibāḥah*), and it is opined [by others] (*qīla*) the desirability (*istiḥbāb*) (p. 16, 17).¹

As an author of *matn* work, al-Subkī was obliged to avoid maximum details and explain an issue as shortly as possible. He was focussing on recording all opinions he noticed on an issue but anonymously by using the term *qīla*. To name an opinion holder was an exceptional case when there is some particular relevance that he has noticed and with a fear of criticism from readers as prolongation (*tatwīl*) which is contrary to the nature of the *matn* works. He elaborates on this methodology at the end of the text:

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 by those whom we have mentioned or another opinion may be wrongly attributed to him or for other reasons which can be demonstrated through reflection by one who utilises his faculty (p. 133).

Additionally, he uses *qālaqawm* (somebody said) for reporting a disagreement anonymously as in the following passage:

There is no *taklīf* except to do something (*fi 'l*). Accordingly, that which is compelled upon in a proscription is the abstention (*kaff*); i.e., staying away [from the prohibited thing] which is in accordance with [the position of] al-Shayk al-Imām [Taqī al-Dīn]. Whereas it is said that [it is] doing the opposite [of the prohibited thing], while some opined (*qāla qawm*) that it is the absence [of the prohibited thing]. Moreover, it is said that the intention of omission is a condition (p. 20).

¹If the Lawgiver abrogates the obligation of an act, the remaining *ḥukm* of that act, according to the most valid opinion, is the permissibility of its performance and omission which include it being either *sunnah* or *karāhah* or *ibāḥah* and there is no proof to identify one of these rules. However, some scholars identified it as *ibāḥah*, whereas some others as *sunnah*, while al-Ghazālī held that even the *jawāz* does not remain and the *ḥukm* would be accorded the previous status of it being an obligation (al-Maḥallī, 2005, 1: 134-135).

Terms Denoting Disagreement

Some terms are used to indicate disagreements on a particular issue. They as such do not indicate the preponderance of any opinion. But, from the context, each one of them is assigned to either the valid or the opposite opinion. Such terms are discussed below.

Wa-law (Even if): The term *wa-law* indicates disagreement as the author (1999a) explains: “By the term ‘*wa-law*’, we always indicate the disagreement. If it is strong or is realised, we will explicitly state it, otherwise, we will be contented with this indication (pp. 291-292).” Elsewhere he further elucidates this: “I usually indicate by it [i.e., *wa-law*] a weak disagreement which is not significant enough to quote directly, or to the possibility of disagreement even if it is not found (p. 369).”

However, the issue followed by *wa-law* would be the chosen opinion of the author on a disputed issue. For example, he defines the derivation:

Al-ishṭiqāq (etymological derivation) is [the process] of tracing a term back to another, even if (*wa-law*) [it is a] *majāz* [term], on account of the correlation between them in respect of the meaning and original letters (p. 27).

Regarding *ishṭiqāq* being possible from a *majāz* term as well, some scholars like al-Bāqillānī (d. 403/1013) and al-Ghazālī (d. 505/1111) are of the view that such derivation is only possible from *ḥaqīqah* and not from *majāz*, whereas al-Subkī maintains that it is possible from *majāz* as well. He (1999a) indicates this possibility by adding “even if it is *majāz*” into the definition of *ishṭiqāq*. Nevertheless, he did not express the opposite view because he was unsure as to whether they would adhere to this position (290-291; al-Zarkashī, 2000, 1: Vol.1, p. 204). However, al-Maḥallī (2005) criticizes the author for misunderstanding the words of al-Ghazālī and others that “lack of etymological derivation from a word is a sign of it being a *majāz*” to mean that they have disapproved the occurrence of such derivation in *majāz* (1: 228).

Wa-kadhā (Likewise): Though it is used to equate the subsequent sentence to the preceding and does not carry the meaning of giving preponderance, al-Subkī mostly uses it to equate with the preferred opinion. Thus, the opinion stated after *wa-kadhā* is the preponderant one. For example, al-Subkī details the context which necessitates the revision of an *ijtihād*:

If the same problem repeats and something that demands the revision is regenerated and likewise (*wa-kadhā*), even if it is not regenerated, while he does not remember the evidence of the first [reasoning], then it is obligatory, undoubtedly, to renew the reflection. But it is not [obligatory] if he does remember [the evidence] (p. 122).

It is obligatory upon *mujtahid* to exercise *ijtihād* again if the same issue recurs and there is something that necessitates the revision of his earlier *ijtihād* on that matter, and he does not remember the evidence. Al-Subkī says that it is the same rule even if there is nothing that requires revision, he has to exercise *ijtihād* again if he does not remember the proofs (al-Maḥallī, Vol. 2, p. 398).

Wifāqan-li (In Agreement with): At times, al-Subkī strengthens his position of preferring an opinion by stating those who hold similar views by saying ‘*wifāqan-li ...*’. This signifies that he prefers that opinion as a result of his *ijtihād* and that he concurs with those who preferred it before. This expression occurs in thirty-six issues in which he named those who agree with him, which varies from a single scholar to a group of scholars, including most of the scholars or even the majority. For example, he says: “And the abrogation [of something] by a more difficult alternative, or [even without] any substitute is permissible, yet it did not occur in accordance with (*wifāqan-li*) al-Shāfi‘ī (p. 59).”

Khilāfan-li (As Opposed to): This is just the opposite of the phrase *wifāqan-lī*, and it is used to denote the opposite of the author’s preferred opinion. The term *khilāfan-li* occurs more than ninety times in *Jam‘ al-Jawāmi‘*. Moreover, in many cases in which there is a disagreement among Shāfi‘ī scholars or *mutakallimūn* (theologians), with which he has affinities, his position may be opposed to eminent

scholars like al-Bāqillānī, al-Ghazālī, Imām al-Ḥaramayn, al-Rāzī and al-Āmidī. It suggests that he has not followed any scholar or *madrasah* blindly, but was taking his position according to independent reasoning.

However, he has used the term to simply record the opposite view on a particular issue, as in: “*Fard* and *wājib* are synonyms, as opposed to AbūḤanīfah (p. 14)” For this is a well-established debate among various *madhhabs*. In some cases, there may be many opinions against the position of the author. For example, on the particularisation of Qur’ān and Sunnah, he says:

Moreover, [the Qur’ān can be particularised (*takhṣīs*) even] by analogy (*qiyās*) as opposed to (*khilāfan-li*): [1] al-Imām [al-Rāzī who rejected it] absolutely, [2] al-Jubbā’ī [who rejected its role] if it is hidden (*khafīyy*), [3] Ibn Abān [who denied its role] in all respect if it is not particularised, [4] to some people [who opined that Qur’ān cannot be particularised by analogy] if its base is not particularised from a general [statement] and [5] al-Karkhī [who prevented it] if it is not particularised by a *munfaṣil* [*mukhaṣṣis*] (p. 51).

Al-Subkī’s position is that particularisation of the Qur’ānic verse by analogy is absolutely allowed, whereas there are five opposite views upheld by those who do not permit it absolutely and those who permit it with some conditions (al-Zarkashī, 2000, 1: 387-388).

Terminology to Denote the Names

Unlike the current trend of naming a person by his full title, classical authors used some short forms, abbreviations or even symbols. These forms vary from discipline to discipline and school to school. Occasionally, it may vary from author to author even in the same discipline and within a school. Moreover, it is not a rare case to have different terms for the same author in his different works or even in the same work, as we shall see in the case of al-Subkī. Therefore, it is very important to understand these terms and what the author means in each case. Interestingly al-Subkī does not make any confusion in his use of such terms in *Jam‘ al-Jawāmi‘*; rather he is very consistent

throughout the book, unlike his *uṣūlī* commentary works where he may have used the same terms denoting different scholars.

He intends Shafī'ī scholars by the term *al-Fuqahā'* or *'ulamā'unā*,¹ and Asha'arī scholars by the term *a'immatunā*² (al-Ḥafnāwī, 2011, 239). As the length of the work was always a concern, al-Subkī constantly refers to scholars by their short/last names like al-Karkhī for Abū al-Ḥasan 'Ubayd Allāh ibn al-Ḥasan (d. 340/952) and Ibn Surayj for Abū al-'Abbās Aḥmad ibn 'Umar (d. 306/918). Even the names of founders of *madhhabs* were simply mentioned like al-Shāfi'ī and Mālik without any other titles. He has quoted at least eighty-eight scholars from various schools and disciplines in this way with consistency (Hudawi, 2013). However, the term al-Baṣrī by which he usually refers to Abū 'Abd Allāh al-Ḥusayn ibn 'Alī (d. 369/980) has once, according to the commentary of al-Mahallī (2:175), used for Muḥammad ibn 'Alī (d. 436/1044) whom he denotes as Abū al-Ḥusayn (p. 81).³ Interestingly both are Mu'tazilī theologians and Ḥanafī scholars from Basra and many scholars use al-Baṣrī for the latter (see for example al-Ḥafnāwī,

¹ The first has been used thrice while the latter only once. See for example, in The Introduction where he says: "That which can be avoided is not a *wājib*. Most of the jurists (*al-Fuqahā'*) opined that fasting is obligatory on the menstruating, the sick and the traveller (p. 16)".

² It has been used twice; in The Introduction, where he records the difference among Asha'arī scholars (*a'immatunā*) as to whether the knowledge that emanates from the valid reflection (*nazar*) is acquired or not (p. 15). and the other in the final chapter while discussing the Asha'arī position on the obscure (*mushkil*) attributes of Allāh whether to give an interpretation or entrust [its explanations to Allāh] while we de-anthropomorphise (*tanzīh*) Him (p.124).

³ The term al-Baṣrī has been used four times (pp. 32, 68, 79, 113) referring to Abū 'Abd Allāh al-Baṣrī, known as al-Ju'al (the dung-beetle) as well as he mentioned Abū al-Ḥusayn four times (p. 29, 40, 43, 57) by this *kunyah*. Nevertheless, in the fourth chapter *al-qiyās*, he says: "The explicit textual implication on the underlying cause (*al-naṣṣ 'alā al-'illah*), even if it is in respect of omission, is not a command to do analogy [on it], as opposed to al-Baṣrī [who take it as a command in respect of both omission and action]. However, the third opinion is the elaborated statement [that it is a command in respect of the omission, but not so in respect of action]. Here al-Mahallī explains that Abū al-Ḥusayn means al-Baṣrī and the anonymous third is the opinion of Abū 'Abd Allāh al-Baṣrī (2:175). Al-Mahallī has once pointed at both as al-Baṣriyyāni (1: 432).

2011, 235). It should be noted here that even such names may cause confusion, and one has to be careful to decide who is intended according to each work. For example, Imām al-Ḥaramayn is famed for ‘Abd al-Malik ibn ‘AbdAllāh al-Juwaynī. At the same time, it is also used for Abū al-Qāsim ‘Abd al-Ramān al-Fūrānī in some Shāfi‘ī works itself (al-Saqqāf, n.d. 245). However, here we shall analyse honorific terms pointing at individual scholars that may significantly vary according to schools.

Al-Imām: Throughout *Jam‘ al-Jawāmi‘*, the term al-Imām refers to Fakhr al-Dīn al-Rāzī as was the usual practice of *uṣūlist* in Shāfi‘ī School as well as the *mantiq* works (al-Ḥafnāwī, 2011, 236). The eponym of al-Imām which means the leader shows the important position of al-Rāzī in the discipline. Moreover, he is the most cited, approximately forty-three times, scholar in *Jam‘ al-Jawāmi‘*. Generally, al-Subkī’s discussion of *uṣūlī* and theological issues is closer to the method of al-Rāzī with whom he agrees the most. The author uses the same term for al-Rāzī in his commentary *Ibhāj*, which is a prominent text in the *Madrasah* of al-Rāzī in *uṣūl al-fiqh*. However, in his *Raf‘ al-Ḥājjib*, the term mostly refers to Imām al-Ḥaramayn and sometimes to al-Rāzī, following the author of *Mukhtaṣar*, Ibn al-Ḥājjib who usually uses this term for Imām al-Ḥaramayn (Ḥasanāt 2002, 97). Moreover, in *fiqh* books, Shāfi‘ī scholars reserve the term al-Imām exclusively for Imām al-Ḥaramayn (al-Ḥafnāwī, 2011, 136). Al-Subkī uses the term in its dual form as al-Imāmāni (two *imams*) on four issues to denote both Imām al-Ḥaramayn and al-Imām al-Rāzī. But, wherever the name al-Rāzī is mentioned in *Jam‘ al-Jawāmi‘* it refers to the Ḥanafī scholar, Abū Bakr al-Rāzī (d. 370/981) who is popular as al-Jaṣṣāṣ. For Malikites al-Imām implies Muḥammad ibn ‘Ali al-Māzirī (d. 536/1141) (Zafīrī, 2002, 154).

Al-Qāḍī: Following the most common practice among the Ash‘arī *uṣūlist*, by al-Qāḍī (the judge), he means al-Qāḍī Abū Bakr al-Bāqillānī (al-Nawawī, 2006, 1: 406; al-Ḥafnāwī, 2011, 235). In respect of the Mu‘tazilah, the term al-Qāḍī refers to ‘Abd al-Jabbār (d. 415/1025), a contemporary of al-Bāqillānī (al-Subkī, 1999b, 2: 289);

whereas in *fiqh* books, the term is used varyingly according to their respective schools. For example, the term al-Qāḍī in the works of the later Shāfi'ī scholars of Khurāsān and al-Ghazālī, according to al-Nawawī, refers to al-Qāḍī al-Ḥusayn (d.462/1069), whereas in the works of the medieval Irāqī scholars, it represents al-Qāḍī Abū Ḥāmid al-Marwarrūdhī (also Marwadhī) (al-Nawawī, 2006, 1: 405; al-Saqqāf, n.d. 243; al-Ḥafnāwī, 2011, 136). In *Tafsīr* literature, it is al-Qāḍī al-Bayḍāwī (al-Saqqāf, n.d. 243). In *Jam' al-Jawāmi'*, al-Subkī adds the names of other scholars who are known as al-Qāḍī, like al-Qāḍī al-Ḥusayn and al-Qāḍī Abū al-Ṭayyib (p. 75). He also uses the dual form of the term al-Qāḍīyānī to denote both al-Qāḍī al-Bāqillānī and al-Qāḍī al-Ḥusayn as popular in *kalām* works (p. 18). At the same time, al-Qāḍīyānī represents al-Māwardī and al-Ruyānī in *fiqh* works of Shāfi'ī school (al-Saqqāf, n.d. 243) as well as al-Bāqillānī and 'Abd al-Jabbār among the *muatakalīmūn*.

Al-Shaykh al-Imām: This is a distinct title accorded by al-Subkī to his father, Taqī al-Dīn al-Subkī (d.756/1355). This signifies his immense affection and admiration towards his father who was undoubtedly one of the great scholars and the authority of Shāfi'ī School of his time. He truly believed in his scholarship and that he is a *mujtahid* in the Shāfi'ī *imadhab* and *Jam' al-Jawāmi'* has recorded his twenty-five opinions (Hudawi, 2013). It should be noted that Taqī al-Dīn al-Subkī was considered Shaykh al-Islām among the *ahl al-sunnah*, especially the Shāfi'ī-Ash'aites, against the attempt of Hanbalī-Salafites to portray the controversial reformist scholar Ibn Taymiyyah as the Shaykh al-Islām. Moreover, Taqī al-Dīn al-Subkī was considered one of the three authentic scholars known as al-Shuyūkh in the Shāfi'ī School along with al-Nawawī and al-Rāfi'ī (al-Ḥafnāwī, 2011, 136).

Al-Ustādh: In *Jam' al-Jawāmi'*, wherever the term al-Ustādh is mentioned it refers to Abū Ishāq Ibrāhīm ibn Muḥammad al-Isfarāyīnī (d. 418/1027). For example, while explaining the *ḥukm* of imitation he records his opinion: “al-Usthādh [Abū Ishāq al-Isfarāyīnī] prevented the *taqlīd* in respect of the definite matters (*qawā'ī'*) (p. 121).” For Ḥanafīes, the term represents Abdullāh ibn Muḥammad al-Sabdhāmūnī

(d. 340/951) and for Mālikīes it is Abū Bakr Muḥammadal-Turtūshī (d. 520/1126) (Zafīrī, 2002, 95, 154).

Al-Shaykh: The term al-Shaykh, not only in *Jam' al-Jawāmi'* but also in the works of Ash'arites in both fields of *kalām* and *uṣūl al-fiqh*, represents their master al-Imām Abū al-Ḥasan al-Ash'arī (d. 324/936). For example, he says:

The proponents of [*al-kalām*] *al-naḥsī* (Speech of the Self) disagreed on whether there is any exclusive form for the *amr* (command). The denial is [reported] from al-Shaykh [al-Ash'arī] (p. 40).

However, the dual form of the term, al-Shaykhān is used to denote the two caliphs Abū Bakr and Umar (p. 77), whereas it is in Shāfi'ī *fiqh* widely used for al-Nawawī and al-Rāfi'ī (al-Ḥafnāwī, 2011, 136) wherein al-Shaykh stand for Abū Ishāq al-Shrāzī (d. 475/1083) (al-Saqqāf, n.d. 244). The term Abū al-Shaykh is once used for 'Abd Allah ibn Muḥammad al-Iṣfahānī (p. 75; al-Maḥallī, 2005, 2: 128). For other scholars who are also known as al-Shaykh, he appends their name to it like al-Shaykh Abū Ḥamid, for Aḥmad ibn Muḥammadal-Isfarāyīnī (d. 406/1016). Nevertheless, al-Subkī is not constant in referring to al-Ash'arī by the term al-Shaykh, as in three places (see p. 26, 63 and 124) he uses the term al-Ash'arī, whereas in the last session (p. 128) his full name, Abū al-Ḥasan al-Ash'arī is mentioned while describing him as the reliable leader in theology.

Al-Khaṭīb: It refers to Abū Bakr Aḥmad ibn 'Alī ibn Thābit, who is familiar as al-Khaṭīb al-Baghdādī (d. 463/1071). He has been quoted only twice. In the second chapter, he says:

Most of the scholars are of the opinion that narrating the *ḥadīth* by the meaning is permitted for one who knows [the correct usages of Arabic], whereas al-Māwardī said that if he forgot the text, while it is held [by some] that if its signified is theoretical (*'ilm*) [and not practical], whilst it is opined [by others] that with the synonyms. And it is the view held by al-Khaṭīb [al-Baghdādī] (p. 74).

Conclusion

The study of terminologies employed by Tāj al-Dīn al-Subkī in his *Jam‘ al-Jawāmi‘* provides a brief sketch of the classical style of pointing at various scholars and the acceptance of their opinion. It shows that there is some type of standardisation in these terminologies among the scholars of the same school and within similar subjects, though each scholar has some distinct jargon. It found that the author has used about twenty terminologies for weighing the opinion of early scholars, each one of which has a unique meaning, such as categorically denoting the preferred opinion, clearly invalidating an opinion, and merely reporting a disagreement. He usually mentions scholars with short names, some of which are standard usage in the *madhhab*, while few are unique to him. Any attempt to understand any classical text, particularly *matns* without comprehending its terminology is useless and misleading. This study will also benefit to understand the nature of disagreement in *uṣūl al-fiqh* as many terms used for denoting the preponderant opinion like *al-aṣaḥḥ* were accommodative to the opposite opinion, whereas only a few terms like *al-ṣawāb* were denoting the falsehood of the other opinion. Considering the increasing interest in classical works of *fiqh* and *uṣūl al-fiqh* among western academia, it is recommended to study the terminologies of prominent jurists and their works to help the researchers comprehend their texts meaningfully.

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