

Abstract of the Thesis

In the Name of Allah, The Most Beneficent, The Most Merciful

All praise belongs to Allah and enough is that for praise, and peace upon His slaves that He has chosen.

Thereafter, it is not hidden to one who studies the sciences of the shariah that fiqh holds in them a position of esteem. Enough to indicate its excellence is the fact that the Prophet (peace be upon him) said, "Whoever Allah wishes good for, He instructs him in the detailed knowledge of the religion." And of the most significant things that improve juridical mindedness is the knowledge of the general tenets and principles of fiqh, for al-Suyuti said: "It is a great art, by means of it one learns the realities of fiqh, its bases and its secrets, and becomes skilled in understanding it and in remembering it, and one is able to associate the issues under their proper rules and recognize the reason behind the rules and to know the rules behind the issues of fiqh that are not mentioned in the books and to know the rules for new issues that will never cease to arise till the end of time". This along with whatever else is mentioned about the importance of this art was the main motive for choosing to research the topic of the rules and tenets of fiqh for my thesis.

Then, the reason I chose the Hanafi Madhhab to be the area of my research was because I observed the exceeding importance that the Hanafi Madhhab attached to this art, given that the Hanafi imams were the first to articulate the universal juridical fundamentals according to rules and tenets, and to reason on their basis in their works, as becomes very clear upon studying the book *Kitab al-Kharaj* by Imam Abu Yusuf and the book *Kitab al-Asl* by Imam Muhammad ; furthermore, the *fuqaha* of this *madhhab* were also the first to single out and compile these tenets and principles in special books, as in the book *Risalah Abi al-Hasan al-Karkhi*.

Then, the reason I chose to work on the book *al-Hidayah* in particular is that this book and its author hold an exalted rank in the Hanafi Madhhab, *al-Hidayah* actually being a commentary on one of the basic resources of the Hanafis; namely, the book *al-Jami al-Saghir* by Imam Muhammad. Furthermore, the author of *al-Hidayah*, to put it in the words of Shaikh Abu Zahrah, belongs to the generation which distinguished the world of Hanafi fiqh by supplying the bases for development and the methodology of choosing the stronger opinion. Apart from this, the book *al-Hidayah* is recognized to be the most adroit of the abridged works of fiqh in associating the scattered issues of fiqh under general principles, and in gathering those issues under one category by virtue of the common reasons at play behind the individual rules.

My research consists in an introduction, two chapters and a conclusion. In the introduction, I mention the importance of the topic and the reasons for choosing it, while in the first chapter I discuss some preliminary matters and I divided it into two sections: the first presents a study on Imam al-Marghinani and his book *al-Hidayah*, in which I mention some biographical information about him and some information about *al-Hidayah* and the endeavors of the ulama with it, whereas the second section discusses juridical tenets, the participation of Hanafi ulama in this area, the definition of a juridical tenet and other terms that are related to it. Likewise, I discussed the complete history of the various states which the universal rules and juridical tenets in the Hanafi Madhhab went through, and I revealed what was the methodology of Imam al-Marghinani in treating this topic in his book *al-Hidayah*. In the second chapter of my research I devoted myself to eliciting the tenets that are employed in the chapters on family law in the book *al-Hidayah* beginning with the chapter on marriage till the end of family support payments. Finally, I closed my research by mentioning the most important realizations and suggestions I came to as a result of my investigations.