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Defining Legal Rulings (Al-Aḥkām Al-Taklīfiyyah) and Their Juridical Applications in Al-Jāmi‘ Al-Ṣaḥīḥ

A Fundamentalist Juridical Study (Dirāsah Uṣūliyyah Fiqhiyyah)

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ABSTRACT

This study presents an analytical investigation within legal theory (Uṣūl al-Fiqh) examining the doctrinal school of Imām Abū ‘Abd Allāh Muḥammad ibn Ismā‘īl al-Bukhārī (may Allāh have mercy upon him) regarding the defining legal rulings (al-aḥkām al-taklīfiyyah), specifically through the chapter headings (tarājim al-abwāb) of his masterwork, Al-Jāmi‘ al-Ṣaḥīḥ. The scope of this research is strictly confined to those chapter headings wherein al-Bukhārī explicitly declared a legal ruling (ḥukm shar‘ī) or articulated a fundamentalist legal maxim (qā‘idah uṣūliyyah), excluding ambiguous headings in order to deduce his rigorous methodology based on conclusive evidence. The inquiry adopts a dual methodological framework: the inductive approach (al-manhaj al-istiqrā‘ī), conducting an exhaustive survey of the entirety of the Ṣaḥīḥ, coupled with an analytical-deductive approach (al-manhaj al-taḥlīlī al-istinbāṭī). Key findings establish that al-Bukhārī considered farḍ (obligation) and wujūb (duty) entirely synonymous in accordance with the majority of jurists (Jumhūr), utilized terms such as al-maktūbah and ḥaqq to express obligatory duties, and traditionally employed the term karāhah (dislike) to denote absolute prohibition (taḥrīm) in line with early Salaf usage out of scrupulous religious caution (wara‘).

Keywords: *Al-Bukhārī; Uṣūl al-Fiqh; Chapter Headings (Tarājim); Defining Rulings (Al-Aḥkām al-Taklīfiyyah); Farḍ and Wājib; Karāhah; Legal Hermeneutics.*



1. INTRODUCTION

All Praise is due to Allāh, who legislated for His servants the most upright of religions, and charged them with the most distinguished of divine codes. May blessings and peace be abundantly bestowed upon His Messenger, the guide to the best of prophetic paths, and upon his family, his companions, and all those who preserve and transmit his noble Sunnah.

Among the most paramount avenues for comprehending and systematizing the rules of Islamic Legal Theory (Uṣūl al-Fiqh) is examining these maxims through the classical works of prophetic tradition (ḥadīth) narration—both by demonstrating their practical legal application (tanzīl) and by deducing them systematically from the legal pronouncements of leading traditionists (muḥaddithūn).

From this premise arises the core impetus of this research: to extrapolate the foundational juristic views of Imām al-Bukhārī (may Allāh have mercy upon him) concerning the five defining legal rulings (al-aḥkām al-taklīfiyyah al-khamsah) through the chapter headings of his Ṣaḥīḥ. By conducting a comprehensive and exhaustive survey across all chapter rubrics, this study provides a definitive, inductive synthesis.

1.1 Significance of the Study

The paramount importance of this research lies in casting light upon the fundamentalist legal theorization (al-taq'īd al-uṣūlī) of Imām al-Bukhārī—a profound dimension of his scholarly corpus that frequently remains eclipsed by his widespread fame among religious scholars as a transcendent master of ḥadīth transmission and narratorial criticism rather than a pioneering theorist in jurisprudence (Al-Shatrī, 2004). Moreover, al-Bukhārī's supreme stature in Islamic scholarship imparts profound significance and immense academic value to any rigorous analysis of his methodological precepts.

1.2 Research Problem (Problematic)

This study seeks to resolve the following core academic problems:

1. Did Imām al-Bukhārī consistently employ specific theoretical maxims (qawā'id uṣūliyyah) governing defining legal rulings to construct the jurisprudence of his chapter rubrics?
2. What was al-Bukhārī's methodological stance regarding classical juristic disagreements within defining legal categories—such as the debated distinction between the decisive obligation (farḍ) and presumptive duty (wājib), or the legal scope of reprobated dislike (karāhah)?

1.3 Methodology

This study implements a rigorous two-fold methodological approach:

1. **The Inductive Method (Al-Manhaj al-Istiqrā'ī):** An exhaustive examination was conducted of every single chapter heading (tarjamah) across the entire corpus of Al-Jāmi' al-Ṣaḥīḥ from beginning to end. From this comprehensive pool, only headings wherein al-Bukhārī explicitly

declared or decisively settled an uṣūlī rule or a fiqh verdict were isolated for analysis (Al-Bukhārī, 2001).

2. The Analytical-Deductive Method (Al-Manhaj al-Taḥlīlī al-Istinbāṭī): Following the extraction of targeted rubrics, the research analyzes al-Bukhārī's juristic craftsmanship. Each heading is scrutinized individually to deduce his precise intent from technical legal terms and evaluate his hermeneutical derivation from accompanying proof-texts. Headings addressing congruent legal questions are then comparatively synthesized to unveil his coherent doctrinal school (madhhab).

1.4 Research Outline

The research is organized into an introduction, three main sections, a conclusion synthesizing primary findings, and a bibliography:

- Section 1: Definition of the Defining Legal Ruling (Al-Ḥukm al-Taklīfī) and Its Classifications.
- Section 2: Obligation (Ijāb), Recommendation (Nadb), and Permissibility (Ibāḥah).
- Section 3: Dislike (Karāḥah) and Absolute Prohibition (Taḥrīm).
- Conclusion and Academic References.

2. DEFINITION OF THE DEFINING LEGAL RULING AND ITS CLASSIFICATIONS

2.1 Definition of the Legal Ruling (Al-Ḥukm al-Sharʿī)

Etymological Signification

In Arabic lexicology, the trilateral root ḥ-k-m (ح-ك-م) denotes prevention or restraint (al-manʿ). From this root is derived authority or governance (al-wilāyah), designated as ḥukm because it restrains injustice; judicial sentencing (al-qaḍāʾ) is termed ḥukm because it prevents actions contrary to the decree (Ibn Fāris, 1979; Ibn Manẓūr, 1993). Lexicographers note that reigning an animal with a bridle is described as ḥakamtu al-dābbah (i.e., restrained it from breaking away). This lexical meaning is exemplified in the verse of the classical poet Jarīr:

"إِنِّي أَخَافُ عَلَيْنِكُمْ مَا نَأْغِضُ بَنَاتِ... أَتَبِيحُ خَيْقَةَ أَحْكُمُوا سَقَهَا عَظْمٌ" (Jarīr)

Meaning: "O sons of Ḥanīfah, restrain your foolish ones from us so they cause us no harm."

Technical Signification in Legal Theory

Among theorists of Uṣūl al-Fiqh, ḥukm in its absolute ontological sense is defined as:

"The affirmative predication of an attribute to a subject, or its negative negation therefrom (lthbāt amr li-amr aw nafyuhu ʿanhu)." (Al-Āmidī, 1984; Al-Rāzī, 1980)

This overarching definition encompasses three distinct categories of judgments (Al-Bājī, 1998; Al-Juwaynī, 1997):

1. Rational Judgment (Al-Ḥukm al-‘Aqlī): That which the intellect establishes directly without reliance on empirical observation or revelation (e.g., “The whole is greater than its part”).
2. Empirical Judgment (Al-Ḥukm al-‘Ādī): That which is known through customary sensory observation and physical causality (e.g., “Fire causes burning”).
3. Divinely Revealed Judgment (Al-Ḥukm al-Shar‘ī): That whose correlation is established solely through Revelation; namely, through the Communication of Allāh Almighty.

Consequently, the revealed legal ruling (Al-Ḥukm al-Shar‘ī) is technically defined as: “The Communication of Allāh addressing the legally accountable person (mukallaf) in respect of their accountability” (Al-Ghazālī, 1983; Al-Zarkashī, 1988).

This comprehensive definition encapsulates both defining rulings (taklīfī) and declaratory rulings (waḍ‘ī). Divine communication regarding the conduct of the mukallaf invariably manifests in one of three modalities:

- A demand or requisition (iqṭidā’), encompassing obligatory commands (wājib), recommended acts (mandūb), strictly prohibited acts (muḥarram), and reprehensible acts (makrūh).
- An option of indifference (takhyīr), which designates the permissible (mubāḥ) and completes the five defining legal categories.
- Neither demand nor option, but a declaration setting a legal cause (sabab), condition (shart), impediment (māni’), strict validity (‘azīmah), or legal concession (rukḥṣah). This represents Declaratory Law (Al-Ḥukm al-Waḍ‘ī) (Al-Qarāfī, 1973).

2.2 Defining the Receptive Ruling (Al-Ḥukm al-Taklīfī)

Jurists define the defining legal ruling as:

“The Communication of Allāh the Exalted relating to the acts of legally accountable persons by way of requisition (iqṭidā’) or option (takhyīr).” (Khallāf, n.d., p. 100; Al-Zuhaylī, 1986)

Alternatively, theorists define it as that which requires the performance of an act, forbearance from an act, or grants discretion between action and inaction (Al-Namlah, 1996; Al-Shawkānī, n.d.).

2.3 Classifications of the Defining Ruling

Legal theorists divide defining rulings into five normative categories: Obligation (Ījāb), Commendation (Istiḥbāb/Nadb), Reprobation (Karāḥah), Prohibition (Taḥrīm), and Indifference/Permissibility (Ibāḥah) (Al-Subkī, 1984; Al-Tūfī, 1987). Their operative mechanics are demarcated as follows:

- If the divine address demands an act decisively and bindingly (ḥatm wa-ilzām), it constitutes Ījāb; its juridical effect is Wujūb (duty), and the required act is Wājib.

- If the demand is non-binding, it constitutes Nadb; its effect is Nadb, and the requested act is Mandūb.
- If the divine address demands cessation of an act bindingly, it constitutes Taḥrīm; its effect is Ḥurmah (sanctity/prohibition), and the proscribed act is Muḥarram.
- If the demand for cessation is non-binding, it constitutes Karāhah, and the act is Makrūh.
- If the address confers equal option between action and forbearance, it constitutes Ibāḥah, and the act is Mubāḥ.

Note on Terminology: Grouping all five categories under the term taklīf (imposition of burdensome obligation) is a terminological trope of predominance (taghlīb); strictly speaking, there is no burden or legal imposition in permissibility (ibāḥah), nor in recommendation (nadb), nor in minor dislike (karāhah tanzīhiyyah) according to the majority of theorists (Al-Āmidī, 1984; Ibn Qudāmah, 1979).

3. OBLIGATION, RECOMMENDATION, AND PERMISSIBILITY IN AL-BUKHĀRĪ'S DISCOURSE

3.1 Obligation (Al-Ījāb)

Linguistic and Juridical Definition of Wājib

Linguistically, wājib denotes that which has fallen down, become established, or is binding. It is said saqaṭa al-shakhṣu mayyitan (the individual fell dead) when motion ceases permanently (Ibn Fāris, 1979). This meaning appears in the Holy Qur'ān:

[Qur'ānic Ayah] « قَدْ أَتَوْا بِجُنُودِهِمْ وَأَمْنُهُمْ »
 "And when their flanks have fallen [lifeless on the earth after slaughter], eat thereof." —
 (Qur'ān, Al-Ḥajj 22:36)

In technical legal theory, definitions vary depending on whether theorists focus on the address itself or its legal consequence:

"The legally obligatory (al-wājib shar'an) is that whose performance the Lawgiver has demanded from the accountable agent by way of decisive obligation." (Khallāf, n.d., p. 102)

"That whose deliberate omission is unconditionally rebuked in Sacred Law." (Al-Bayḍāwī; Al-Subkī, 1984)

"That whose doer is praised and whose abandoner is blamed in certain respects." (Al-Shawkānī, n.d., p. 28)

The Equivalence of Wujūb (Duty) and Farḍ (Obligation) According to Al-Bukhārī

A profound theoretical schism exists among Muslim jurists regarding whether farḍ and wājib are synonymous:

- The Majority of Jurists (Al-Jumhūr—Mālikīs, Shāfiʿīs, and Ḥanbalīs): Hold that farḍ and wājib are absolute synonyms referring to that whose performance is decisively demanded, whether established by definitive transmission (dalīl qaṭʿī) or probabilistic evidence (dalīl ḡannī) (Al-Juwaynī, 1997; Al-Shīrāzī, 1988).
- The Ḥanafī Jurists: Differentiate hierarchically. Farḍ designates that which is established by definitive, indisputable proof (dalīl qaṭʿī al-thubūt wa-l-dalālah), requiring dogmatic belief under pain of heresy/disbelief (kufr). Wājib designates that which is established by probabilistic textual evidence (dalīl ḡannī like āḥād narrations); it necessitates compliance in practice but not dogmatic certitude (Al-Bazdawī, n.d.; Al-Sarakhsī, 1993).

As Najm al-Dīn al-Ṭūfī concisely documented: "It—meaning the wājib—is synonymous with farḍ according to the most authentic position, which is the doctrine of al-Shāfiʿī; whereas according to the Ḥanafīs, farḍ is that which is definitively established, and wājib is that which is presumptively established" (Al-Ṭūfī, 1987, Vol. 1, p. 242).

Textual evidence demonstrates conclusively that Imām al-Bukhārī embraced the majority doctrine (madhhab al-jumhūr), treating farḍ and wājib as fully synonymous and interchangeable across his chapter rubrics:

1. Negation of Night Prayer's Obligation: Al-Bukhārī titled a chapter: «Bāb Tahṛīd al-Nabī ṣallā Allāhu ʿalayhi wa-sallam ʿalā Ṣalāt al-Layl wa-l-Nawāfil min ghayr Ṭjāb» (Chapter: The Prophet's Encouragement of the Night Vigil and Supererogatory Prayers Without Imposing Duty). Under this rubric, he adduced the ḥadīth of ʿĀʾishah (may Allāh be pleased with her):

[Prophetic Tradition (Ḥadīth)] «
 إِنَّا كُنَّا نَسْأَلُ اللَّهَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِيَدْعَا الْعَمَلُ وَهُوَ حُجْبٌ أَنْ يَغْمَلِيَهُ خَشْيَةً أَنْ يَغْمَلِيَهَا النَّاسُ فَيُفْرَضَ عَلَيْهِمْ
 "Indeed, the Messenger of Allāh (ﷺ) would abstain from a practice while loving to perform it, out of apprehension that people would emulate it and it would be made an obligation (yufrada) upon them." — (Ṣaḥīḥ al-Bukhārī, Ḥadīth 1128)

While ʿĀʾishah explicitly utilized the term farḍ, al-Bukhārī formulated the chapter heading using ṭjāb (min ghayr ṭjāb), demonstrating absolute synonymy.

2. Taraweeh Congregational Prayers: In the same chapter, he cited ʿĀʾishah's narration concerning the Prophet's (ﷺ) cessation of congregational night vigils in Ramaḍān:

[Prophetic Tradition (Ḥadīth)] « قَدْ رَأَيْتُ النَّبِيَّ ﷺ يَتَعَمَّقُ لَمْ يَتَغَيِّمْ مَتَا خَرُوجِ الْكُفْمَا لَا أَيْ خَشْيَتُنَا أَنْ تُفْرَضَ عَلَيْهِمْ »

"I witnessed what you did, and nothing prevented me from coming out to you except that I feared it would be made an obligation (turfada) upon you." — (Ṣaḥīḥ al-Bukhārī, Ḥadīth 1129)

Al-Bukhārī deduced the negation of the duty (wujūb) of night prayer directly from the Prophet's negation of farḍ.

3. Obligation of Zakat: Al-Bukhārī titled his chapter «Bāb Wujūb al-Zakāh» (Chapter: The Duty of Zakat), yet substantiated it via the dispatch of Mu'ādh ibn Jabal (may Allāh be pleased with him) to Yemen:

[Prophetic	Tradition	(Ḥadīth)]	«
فَأَعْلَمَهُمُ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ، تَأْخُذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ عَلَى فُقَرَائِهِمْ			
»			
<i>"Inform them that Allāh has obligated upon them (iftaraḍa 'alayhim) a charity in their wealth, to be taken from their rich and rendered unto their poor." — (Ṣaḥīḥ al-Bukhārī, Ḥadīth 1395)</i>			

Al-Bukhārī seamlessly transposed the textual term iftaraḍa into wujūb in his juristic rubric.

4. The Obligation of Fasting Ramaḍān: In the narration of the Bedouin through Ṭalḥah ibn 'Ubayd Allāh inquiring: "Inform me what Allāh has made obligatory upon me regarding fasting (mā faraḍa Allāhu 'alayya min al-ṣiyām)," the Prophet (ﷺ) responded: "The month of Ramaḍān, unless you volunteer additional fasts." Al-Bukhārī formulated the heading as «Bāb Wujūb al-Ṣawm» (Chapter: The Obligation of Fasting) using wujūb instead of farḍ. He corroborated this in subsequent narrations reporting: "When [the fast of] Ramaḍān was made obligatory (furida ramaḍān), the fast of 'Āshūrā' was left voluntary" (Ṣaḥīḥ al-Bukhārī, Ḥadīth 1891–1893).

Furthermore, al-Bukhārī directly utilized the noun farḍ in five distinct chapter rubrics across his Ṣaḥīḥ:

1. Book of Friday Prayer: «Bāb Farḍ al-Jumu'ah» (Chapter: The Obligation of Friday Prayer).
2. Book of Inadvertence: «Bāb al-Sahw fī al-Farḍ wa-l-Taṭawwu'» (Chapter: Inadvertence in Obligatory and Voluntary Prayers).
3. Book of Zakat: «Bāb Farḍ Ṣadaqat al-Fiṭr» (Chapter: The Obligation of the Fast-Breaking Charity).
4. Book of Pilgrimage: «Bāb Farḍ Mawāqīt al-Ḥajj wa-l-'Umrah» (Chapter: The Obligation of Pilgrimage Stations).
5. Book of the Fifth (Khums): «Bāb Farḍ al-Khums» (Chapter: The Obligation of the Fifth).

Synonymous Expressions for Obligation in Al-Bukhārī's Methodology

Beyond farḍ and wājib, al-Bukhārī employed alternative technical terms denoting binding duty:

1. Al-Maktūbah (The Prescribed): In three locations within the Book of Shortening Prayer and Tahajjud: «Bāb yanzilu li-l-maktūbah» (Chapter: Disembarking for the Prescribed Prayer), «Bāb al-taṭawwu' ba'da al-maktūbah» (Chapter: Voluntary Prayer Following the Prescribed Prayer), and «Bāb man lam yataṭawwa' ba'da al-maktūbah». As legal theorist al-Qāḍī Abū Ya'lā observed, maktūbah originates from divine prescription in the Preserved Tablet and operates as a decisive scriptural synonym for wājib (Abū Ya'lā, 1990; Ibn Qudāmah, 1979), derived from verses such as: «كُنِبَعْلَيْكُمْ الْفِصَاصُ» (Qur'ān 2:178) and «كُنِبَعْلَيْكُمْ الصِّيَامُ» (Qur'ān 2:183).

2. Ḥaqq (Binding Right/Due): Al-Bukhārī titled in the Book of Marriage: «Bāb Ḥaqq Ijābat al-Walimah wa-l-Da'wah» (Chapter: The Binding Duty of Responding to Wedding Banquets and Invitations). Al-Ḥāfiẓ Ibn Ḥajar clarified that ḥaqq signifies that which Allāh has rendered an unavoidable, mandatory duty upon His servants (Ibn Ḥajar, 1959, Vol. 9, p. 244), identical to the scriptural usage in: «وَالَّذِينَ تَقُولُ لَهُمْ خُفُّهُمْ» (Qur'ān 70:24), which al-Qurṭubī noted denotes the obligatory Zakat (Al-Qurṭubī, 1964).

Lexical Usage of Wājib in Al-Bukhārī

Al-Bukhārī utilized wājib in its strictly literal linguistic sense in the Book of Commercial Transactions: «Bāb idhā khayyara aḥaduhumā šāhibahu ba'da al-bay' fa-qad wajaba al-bay'» (Chapter: If One Party Gives the Other Option to Confirm After the Sale, the Sale Has Fallen Due/Become Irrevocably Binding), signifying the lapse of cancellation rights (Ibn Baṭṭāl, 2003).

Formulas and Hermeneutical Maxims Signifying Duty in Al-Bukhārī

Al-Bukhārī derived wujūb from ten fundamental textual mechanisms (Ibn al-Qayyim, 1973; Ibn Taymiyyah, 1980):

1. Direct Imperative Verb (Ṣiḡhat Amr): Operating on the principle that an unqualified command denotes binding obligation (al-amr li-l-wujūb).
2. Explicit Declarations of Obligation (Farḍ): As established in the ḥadīth of Mu'ādh.
3. The Formula of Scriptural Prescription (Kutiba): In «Bāb Wujūb al-Ṣawm», citing Qur'ān 2:183: «بِأَنَّهُمُ اتَّيَمَّوْا كُنِبَعْلَيْكُمْ الصِّيَامُ» where consensus establishes that kutiba denotes mandatory imposition (Al-Qurṭubī, 1964).
4. Warning and Penal Threat for Non-Performance: In «Bāb Wujūb Ṣalāt al-Jamā'ah» (The Obligation of Congregational Prayer), citing the ḥadīth where the Prophet (ﷺ) threatened to burn down the houses of those who abandon congregational prayer. As Ibn Ḥajar noted, penal threats demonstrate that an act is an individual obligation (farḍ 'ayn), for a supererogatory sunnah is never enforced with physical destruction (Ibn Ḥajar, 1959). He also

applied this principle in «Bāb Wujūb al-Nafīr» regarding jihad, citing Qurʾān 9:39: «إِن تَنفِرُوا يُعَذِّبْكُمْ عَذَابًا أَلِيمًا» (If you turn not out, He will punish you with a painful doom).

5. Clarification of an Obligatory Norm: In «Bāb Tjāb al-Takbīr wa-Iftitāḥ al-Ṣalāh» (The Obligation of Takbīr and Opening the Prayer), citing the ḥadīth: «إِنَّمَا جُعِلَ الْإِمَامُ يُؤْتَمُّ بِهِ فَإِذَا كَبَّرَ فَكَبِّرُوا» (The Imām is appointed to be followed; so when he says Takbīr, say Takbīr). Al-Bukhārī anchored this on the celebrated uṣūlī maxim: “The elaboration of an obligatory act is itself obligatory” (Bayān al-wājib wājib) (Ibn Ḥajar, 1959).

6. The Requisite for Fulfilling an Obligation: In «Bāb Wujūb al-Qirāʾah li-l-Imām wa-l-Maʾmūm» (The Obligation of Recitation for Imām and Follower), citing «لَا صَلَاةَ لِمَنْ لَمْ يَقْرَأْ بِأَيِّهَا الْكِتَابُ» (No prayer exists for one who recites not the Opening of the Book). Here al-Bukhārī enacted the foundational maxim: “That without which an obligation cannot be completed is itself an obligation” (Mā lā yatimmu al-wājib illā bihi fa-huwa wājib).

7. The Formula “Alā al-Nās” (Incumbent Upon People): In «Bāb Wujūb al-Ḥajj wa-Faḍlihi», deriving obligation from Qurʾān 3:97: «وَلِلَّهِ عَلَى النَّاسِ حُجُّ الْبَيْتِ».

8. Designation as a Divine Emblem (Shaʿāʾir Allāh): In «Bāb Wujūb al-Ṣafā wa-l-Marwah wa-juʿila min Shaʿāʾir Allāh», deducing duty from Qurʾān 2:158: «إِنَّا لَصَقَّاوَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ» via the lexicographical authority of al-Azharī (Ibn Ḥajar, 1959).

9. Disjunctive Conjunction “Aw” Denoting Choice: In «Bāb Qawlihi Taʾālā: Fa-Fidyatun min Ṣiyāmin aw Ṣadaqatin aw Nusuk wa-huwa Mukhayyar» (Qurʾān 2:196), citing Kaʿb ibn ʿUjrah’s hadith to establish that “aw” indicates an obligatory duty with alternative choices (wājib mukhayyar).

3.2 Recommendation (Al-Nadb)

Etymologically, nadb denotes summoning people eagerly to an affair, assistance, or mobilization (Ibn Fāris, 1979). In the prophetic tradition: «أَنْتَدَبَ اللَّهُ لِهَيْمَنْ حُزْجُفَيْسَ بَنِيهِ» signifies that Allāh responds promptly with His forgiveness.

Technically, theorists define mandūb as synonymous with mustaḥabb:

“Al-Mustaḥabb is the name for that which has been legislated beyond obligations and duties; it is that which the Lawgiver encouraged without rendering mandatory.” (Al-Jurjānī, 1985, p. 219)

“The most sound definition is that it is the commanded act whose abandonment incurs no blame in and of itself, without need for a substitute.” (Al-Ghazālī, 1983, Vol. 1, p. 65)

Jurists designate it variably as nafl (supererogatory), taṭawwuʿ (voluntary), and sunnah (Al-Shawkānī, n.d.).

Al-Bukhārī's Nomenclature for Recommended Acts

Al-Bukhārī articulated recommendation through three principal terms:

1. **Taṭawwuʿ (Voluntary Compliance):** In «Bāb Taṭawwuʿ Qiyām Ramaḍān min al-Īmān» (Voluntary Night Vigils in Ramaḍān), and «Bāb mā Jāʿa fī al-Taṭawwuʿ Mathnā Mathnā» where Jābir (may Allāh be pleased with him) narrated the Istikhārah prayer: «قُلْتُ زَكَّرْتُكَ غَيْرَ تَعْنِيْمُنْغَيْرِ الْقَرِيْبَةِ» (Let him pray two rakʿahs other than the obligatory prayer). By categorizing prayers outside the farḍ as taṭawwuʿ, al-Bukhārī systematically designated non-binding recommendation.

2. **Afḍal / Afḍaliyyah (Superior Merit):** In the Book of Bathing: «Bāb man ighatasala ʿuryānan waḥdahū fī al-khalwah, wa-man tastara fa-l-tasturu afḍal» (Chapter: Whosoever Bathes Naked Alone in Seclusion; Yet Covering Oneself is Better/Afḍal). Deducing from the narrative of Prophet Job (peace be upon him) that Allāh did not admonish him for bathing unclad, al-Bukhārī used afḍal to denote that modesty is recommended and praised, but its omission incurs no sin.

3. **Targhīb (Inducement / Encouragement):** Opening the Book of Marriage: «Bāb al-Targhīb fī al-Nikāḥ» (Chapter: Incitement to Marriage), citing Qurʾān 4:3. While Ibn Ḥajar argued that the imperative indicates recommendation as the baseline (Ibn Ḥajar, 1959), al-Bukhārī specifically selected targhīb because classical jurists disputed whether marriage is obligatory, recommended, or permissible. Targhīb constitutes a masterfully nuanced uṣūlī category encompassing encouragement across categories without taking a dogmatic side.

3.3 Permissibility (Al-Ibāḥah)

Linguistically derived from bawḥ (openness, disclosure, and absence of restriction). Technically, the mubāḥ is that act which the Lawgiver has permitted either to perform or abandon without associated praise or blame (Al-Āmidī, 1984; Al-Rāzī, 1980).

Al-Bukhārī expressed permissibility through distinct expressions across his rubrics:

1. **Jawāz (Validity / Permissibility):** His predominant expression, occurring in over twenty chapter headings across commercial transactions, endowments, proxies, and family law (e.g., «Bāb idhā wakala al-Muslimu ḥarbiyyan... jāza», «Bāb idhā waqafa shayʿan... fa-huwa jāʿiz»).

2. **Lā Baʿsa (No Harm):** Employed in three chapters: in prayer («Bāb idhā qīla li-l-muṣallī taqaddam... fa-lā baʿs»), zakat («Bāb hal yashtarī ṣadaqatahu wa-lā baʿsa an yashtariya ṣadaqatahu ghayruhu»), and social etiquette («Bāb idhā kānū akthara min thalāthah fa-lā baʿsa bi-l-musārah»).

3. **Yahillu (It is Lawful):** In the Book of Marriage: «Bāb mā yahillu min al-dukhūl wa-l-naẓar ilā al-nisāʾ fī al-raḍāʾ».

4. **Yatakhyyaru (Exercising Discretion):** In the Book of the Call to Prayer: «Bāb mā yatakhyyaru min al-duʿāʾ baʿda al-tashahhud».

5. Wāsi' (Spacious / Unrestricted): Appearing twice: «Bāb dhikr al-'ishā' wa-l-'atamah wa-man ra'āhu wāsi'an» and «Bāb man lam yuṣalli al-ḍuḥā wa-ra'āhu wāsi'an».

4. REPROBATION (KARĀHAH) AND ABSOLUTE PROHIBITION (TAHRĪM)

4.1 Reprobation (Al-Karāhah)

Definition and Historical Evolution of the Concept

Linguistically, kariha indicates detestation and offensive ugliness. Later classical jurists defined the makrūh strictly as that which the Lawgiver demands cessation from in a non-binding manner—that whose abandonment is praised and whose commission is not penalized (Al-Subkī, 1984).

Crucially, however, the early authorities (Al-Salaf al-Ṣāliḥ) routinely applied the word karāhah directly to categorical prohibitions (muḥarramāt) out of intense piety and scrupulous religious caution (wara'), fearing to proclaim unilaterally "this is ḥalāl and this is ḥarām" without explicit revelation (Ibn al-Qayyim, 1973). This devotional posture directly reflected the Qur'ānic warning:

[Qur'ānic Ayah] «
وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ لِتَفْتَرُوا عَلَى اللَّهِ الْكَذِبَ إِنَّ الَّذِينَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ لَا يُفْلِحُونَ
"And say not concerning that which your tongues put forth falsely: 'This is lawful and this is forbidden,' so as to invent a lie against Allāh. Verily, those who invent a lie against Allāh will never prosper." — (Qur'ān, Al-Naḥl 16:116)

As Imām Ibn al-Qayyim incisively observed:

"Many later followers fell into grievous error regarding the pronouncements of their imāms because of this; for the early imāms exercised deep scrupulousness in uttering the word 'prohibition' (taḥrīm), employing instead the term 'dislike' (karāhah). Later commentators mistakenly construed these statements as denoting mere discouragement (tanzīh), thereby causing monumental distortions against both the Sacred Law and the early imāms." (Ibn al-Qayyim, 1973, Vol. 1, p. 32)

The Operational Meaning of Karāhah in Al-Bukhārī's Methodology

Al-Bukhārī laid down his theoretical baseline in the Book of Holding Fast to the Qur'ān and Sunnah: «Bāb Nahy al-Nabī ṣallā Allāhu 'alayhi wa-sallam 'alā al-Taḥrīm illā mā tu'lafu ibāḥatuhu wa-kadhālika amruhu» (Chapter: The Prophet's Prohibitions Signify Absolute Prohibition Unless Their Permissibility is Known, and Likewise His Commands Signify Obligation).

This rule serves as the analytical key to al-Bukhārī's corpus: any prophetic prohibition devoid of a mitigating contextual indicator (ṣārif) denotes strict prohibition (taḥrīm), even if al-Bukhārī

formulates the chapter title using the term *karāhah*. An exhaustive analysis reveals this across multiple chapters:

1. Nudity in Prayer: «Bāb Karāhiyat al-Ta‘arrī fī al-Ṣalāh wa-Ghayrihā». Covering the nakedness (‘awrah) is unanimously obligatory; deliberate exposure invalidates prayer by juristic consensus. Al-Bukhārī’s phrasing of *karāhiyah* is therefore a deliberate synonym for *taḥrīm* (Ibn Ḥajar, 1959).
2. Performing Prayer in Cemeteries: «Bāb Karāhiyat al-Ṣalāh fī al-Maqābir», citing the hadith: «اجْعَلُوا فِي بُيُوتِكُمْ مِمَّنْ صَلَاةً تَتَّخِذُوهَا قُبُورًا». Ibn Baṭṭāl cited Ibn al-Mundhir noting that authorities who prohibited praying in graveyards relied precisely on this prohibition (Ibn Baṭṭāl, 2003; Ibn al-Mundhir, 2004).
3. Bearing Weapons in the Sacred Precinct: «Bāb mā Yukrahu min Ḥaml al-Silāḥ fī al-‘Īd wa-l-Ḥaram», citing Ibn ‘Umar’s rebuke to al-Ḥajjāj: “You ordered bearing arms on a day when it is unlawful (lā yaḥillu) to bear them.” The scriptural term *lā yaḥillu* is decisive for *taḥrīm*.
4. Condemnation of Blameworthy Poetry: «Bāb mā Yajūzu min al-Shi‘r wa-l-Rajaz wa-l-Ḥudā’ wa-mā Yukrahu minhu». Al-Bukhārī juxtaposed permissibility (*jawāz*) directly against *karāhah*, establishing that *karāhah* here signifies the impermissible. He supported this with Qur’ān 26:224–226 and the severest prophetic censure: «لَا تَيْمَلِ بَبْخُوفًا حَذِ كُمْ قَيْحًا خِزْلَهُمْ نَأْتِيْمَةً لِّسَيْعَرًا» (That the belly of one of you be filled with pus is better than being filled with poetry) (Ṣaḥīḥ al-Bukhārī, Ḥadīth 6154).
5. Excessive Burden in Worship: «Bāb mā Yukrahu min al-Tashdīd fī al-‘Ibādah», citing the rope suspended for Zaynab and the woman from Banū Asad who fasted continuously, both met with strict prophetic rebuke: «عَلَيْكُمْ مَاتُ طَيْفُوتٍ مَتَا لَا عَمَالَ! مَهْ» (Ṣaḥīḥ al-Bukhārī, Ḥadīth 1150–1151).
6. Lamentation over the Deceased (Niyāḥah): «Bāb mā Yukrahu min al-Niyāḥah ‘alā al-Mayyit», citing: «الْمَيِّتُ يُعَذِّبُ فِي قَبْرِهِ بِمَا يَحْزَنُ عَلَيْهِ» (The deceased is punished in his grave by reason of lamentation over him). Torment in the afterlife is incurred only through mortal sins, confirming absolute prohibition.
7. Erecting Places of Worship over Graves: «Bāb mā Yukrahu min Ittikhādh al-Masājid ‘alā al-Qubūr», citing the prophetic curse uttered upon his deathbed: «لَعَنَ اللَّهُ الْيَهُودَ وَالنَّصَارَةَ تَتَّخِذُوا قُبُورَ أَنْبِيَائِهِمْ مَسَاجِدَ» (May Allāh curse the Jews and Christians who took the graves of their prophets as places of worship). Curse (*la‘n*) is the most definitive scriptural marker of severe prohibition.
8. Pictorial Depictions of Animate Life: «Bāb Bay‘ al-Taṣāwīr allatī laysa fihā Rūḥ wa-mā Yukrahu min dhālik», citing the warning that picture-makers will be tormented until they breathe a soul into their images.

9. Funeral Prayers for Hypocrites: «Bāb mā Yukrahu min al-Ṣalāh ‘alā al-Munāfiqīn wa-l-Istighfār li-l-Mushrikīn», citing the revelation of Qur’ān 9:84: «وَلَا تُصَلِّ عَلَىٰ خَدِمِهِمْ مَّا تَابَدُوا» which permanently prohibits praying over apostates.

10. Additional Manifestations: Similar applications occur in false oaths («Bāb mā yukrahu min al-ḥalif fī al-bay’», Qur’ān 3:77), deception in commerce («Bāb mā yukrahu min al-khidā’»), mutilation of animals («Bāb mā yukrahu min al-muthlah wa-l-maṣbūrah»), excessive praise («Bāb mā yukrahu min al-iṭnāb fī al-madh’»), monastic castration («Bāb mā yukrahu min al-tabattul wa-l-khiṣā’»), false market bidding («Bāb mā yukrahu min al-tanājush»), and malicious tale-bearing («Bāb mā yukrahu min al-namīmah», Qur’ān 68:11, 104:1).

Rare Instances of Karāhah in the Sense of Mere Discouragement (Tanzīh)

Significantly, across his entire monumental compendium, al-Bukhārī employed karāhah in the technical sense of minor discouragement (karāhah tanzīhiyyah) in only two specific chapters:

1. **Clamour in Marketplaces:** In «Bāb Karāhiyat al-Sakhab fī al-Sūq» (The Reprobation of Clamour in the Market), extracting the ruling from the prophetic description in the Torah: «لَيْسَ بَشَرٌ وَلَا غَلِيظٌ وَلَا سَخَّافٌ وَلَا سَوَاقٍ» (Neither harsh, nor rude, nor clamorous in the marketplaces). An exemplary character trait of prophetic nobility does not establish legal illegality unless coupled with explicit censure (Al-‘Aynī, n.d.).

2. **Calling Slaves ‘My Servant’:** In the Book of Emancipation: «Bāb Karāhiyat al-Taṭāwul ‘alā al-Raqīq wa-qawlihi ‘abdi aw amatī» (Dislike of Haughtiness Over Slaves and Saying ‘My Slave Boy’ or ‘My Slave Girl’). Jurists concur that contextual evidence dispels absolute prohibition, including Qur’ān 24:32: «وَالصَّالِحِينَ مَنَعْتَ إِذَا كُفُّوا مَائِكُمْ» (Al-Kirmānī, 1981).

4.2 Absolute Prohibition (Al-Taḥrīm)

Linguistically, ḥ-r-m denotes prevention and strict interdiction. Technically, the ḥarām is that which the Lawgiver has commanded accountable agents to forsake by way of decisive obligation, such that compliance yields reward and violation warrants divine chastisement (Al-Āmidī, 1984; Al-Qarāfī, 1973).

Al-Bukhārī’s Use of Taḥrīm and Its Substitutes

Reflecting extreme piety and reluctance to assert taḥrīm directly, al-Bukhārī explicitly used the lexical form taḥrīm in only two chapter rubrics:

1. In the Book of Prayer: «Bāb Taḥrīm Tijārat al-Khamr fī al-Masjid» (The Prohibition of Trading in Wine in the Mosque).
2. In the Book of Commercial Sales: «Bāb Taḥrīm al-Tijārah fī al-Khamr» (The Prohibition of Trading in Wine).

Instead, he substituted alternative expressions:

- “Lā Yajūzu” (It is Not Permissible): Used twice: in ritual purification («Bāb lā yajūzu al-wuḍū’ bi-l-nabīdh wa-lā al-muskir») and marital conditions («Bāb mā lā yajūzu min al-shurūṭ fī al-nikāḥ»).
- “Lā Yaḥillu” (It is Unlawful): Used in three chapters: in sacred territory («Bāb lā yaḥillu al-qitāl bi-Makkah»), reclaiming gifts («Bāb lā yaḥillu li-aḥadin an yarji’a fī hibatihi wa-ṣadaqatihi»), and unlawful stipulations («Bāb al-mukātab wa-mā lā yaḥillu min al-shurūṭ allatī tukhālifu kitāb Allāh»).

5. CONCLUSION AND PRIMARY FINDINGS

All Praise is due to Allāh, through Whose divine favor righteous deeds are completed, and Who granted sustenance to accomplish this treatise. This analytical investigation reaches several fundamental conclusions regarding Imām al-Bukhārī’s legal theory:

1. Complete Synonymy of Obligation (Farḍ and Wājib): Imām al-Bukhārī doctrinally aligned with the majority of jurists (Al-Jumhūr—Shāfi’īs, Mālikīs, and Ḥanbalīs) in considering farḍ and wājib fully synonymous, rejecting the rigid hierarchical stratification upheld by Abū Ḥanīfah and his disciples.
2. Diverse Scriptural Expressions for Obligation: Al-Bukhārī systematically adopted alternative scriptural terminology to articulate mandatory obligations, prominently featuring al-maktūbah and ḥaqq.
3. Polycentric Uṣūlī Derivation of Duty: Al-Bukhārī demonstrated an expansive hermeneutical framework for establishing duty, deriving wujūb from: imperative verbs, the formula farḍ, scriptural prescription (kutiba), penal warnings and threats for omission, the maxim that clarifying an obligation shares its obligatory nature (bayān al-wājib wājib), the principle that what is indispensable to an obligation is obligatory (mā lā yatimmu al-wājib illā bihi fa-huwa wājib), the phrase ‘alā al-nās, and designation as divine emblems (sha’ā’ir Allāh).
4. Multifaceted Categorization of Recommendation: He categorized recommended acts under the rubrics of taṭawwu’ (voluntary devotion), afdāliyyah (superior virtue), and targhīb (encouragement), skillfully employing the latter to avoid premature bias in areas of historic disagreement.
5. Classical Salaf Paradigm in Reprobation (Karāhah): Al-Bukhārī aligned with early Salaf practice by using karāhah to denote categorical prohibition (taḥrīm) out of pious caution (wara’). Across his entire compendium, only two chapters employ karāhah in the later classical sense of mere discouragement (karāhah tanzīhiyyah).
6. Extreme Reserve with Explicit Taḥrīm: Exercising extraordinary reverence before the Divine text, al-Bukhārī restricted the literal word taḥrīm to two rubrics, substituting precise functional equivalents such as lā yajūzu and lā yaḥillu.

7. Core Canonical Hermeneutic: Al-Bukhārī explicitly decreed that commands inherently denote binding duty (al-amr li-l-wujūb) and prohibitions denote absolute prohibition (al-nahy li-l-tahṛīm) unless definitive textual evidence redirects them.

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