

Ilm Essentials

Tahārah Lesson 1

Introduction to Fiqh

Islāmic Jurisprudence

Understanding the Term Fiqh

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- Fiqh literally means to understand or comprehend
 - ▣ “Nor should the believers all go forth together. If a contingent from every expedition remained behind, they could devote themselves to acquiring fiqh in religion, and admonish the people when they return to them, that thus they (may learn) to guard themselves (against evil)” (Quran 9:122)
 - “When Allah desires good for someone, He gives him understanding (fiqh) in the dīn. Knowledge is gained by learning” (Bukhārī)
- Within the Islāmic context, fiqh refers to the science of the extraction and explanation of Islāmic law

Sources of Fiqh

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- There are 4 main sources of fiqh
 - ▣ Quran (primary source)
 - ▣ Sunnah (primary source)
 - Mutawātir
 - Sahīh
 - Hasan
 - Da'īf
 - Mawdū'
 - ▣ Ijmā (scholarly consensus)
 - ▣ Qiyās (juristic analogy)

Masters of Fiqh

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- A faqīh is an expert in the science of fiqh
 - ▣ Plural is fuqahā
- “The faqīh is the one who is frugal in this world, desirous of the Hereafter, a person who has insight into his religion, who is constant in the worship of his Lord, who keeps himself well away from violating the character of and property of Muslims, and who is an advisor to them” (Hasan al-Basrī)
 - ▣ Goes beyond simply learning rules and proofs

Branches of Fiqh

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- Initially, these 5 were all included under the term fiqh
 - ▣ Aqīdah
 - ▣ Ibādah
 - ▣ Mu'āmalāt
 - ▣ Mu'āsharāt
 - ▣ Akhlāq

Branches of Fiqh

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- Today only 3 of these are included in the books of fiqh
 - ▣ Ibādah
 - ▣ Mu'āmalāt
 - ▣ Mu'āsharāt
 - ▣ Aqīdah
 - ▣ Akhlāq

Branches of Fiqh: Ibādah

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- Tahārah - Purification
- Salāh - 5 daily prayers
- Sawm - Fasting in Ramadān
- Zakāh - Annual alms-giving
- Hajj - Pilgrimage

Branches of Fiqh: Mu'āmalāt

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- Buying and selling
- Gifts and endowments
- Lost items
- Contracts and partnerships
- Agriculture
- Manufacturing, leasing and hiring
- Loans, collateral and interest

Branches of Fiqh: Mu'āsharāt

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- Marriage and divorce
- Custody and support
- Inheritance
- Slavery

Understanding the Term Sharīah

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- Sharīah literally means a never-ending source of water
- In the Islāmic context it refers to those doctrines and regulations which Allah has legislated through one of His Messengers
 - ▣ Fiqh is then our understanding of those rulings
 - As well as the objectives of those rulings

Evolution of Fiqh

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- Fiqh during the time of the Prophet (sallallahu alaihi wa sallam)
 - ▣ Focus on obedience and good action
 - Less focus on technical distinctions (Ibn Umar and witr)
 - ▣ Direct recourse to the Prophet (sallallahu alaihi wa sallam)
 - Didn't matter what others said after that (Abū Dharr and extravagance)
 - Still left room for differing opinions (talbiyah for Hajj)
- Fiqh during the time of the sahābah
 - ▣ Islām spread to distant lands
 - Direct recourse to the scholars among the sahābah**
 - Followed whichever was available
- Fiqh during the time of the salaf/khalaf
 - ▣ Imām Abū Hanīfah Nu'mān ibn Thābit al-Kūfī (80-150 AH)
 - ▣ Imām Mālik ibn Anas al-Yahsūbī (93-179 AH)
 - ▣ Imām Muhammad ibn Idrīs ash-Shāfi'ī (150-204 AH)
 - ▣ Imām Ahmad ibn Muhammad ibn Hanbal (164-241 AH)

Imām Abū Hanīfah

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- He is Nu'mān ibn Thābit
 - ▣ Better known as Abū Hanīfah or al-Imām al-A'zam (the Greatest Imām)
- Born in Kūfa, which was one of the centers of learning
 - ▣ Ibn Masūd was sent there by Umar
 - Uthmān had dispatched a mushaf there
 - Alī had established his khilāfah there
- He was a tābi'ī, having met
 - ▣ Anas ibn Mālik (d 93/711)
 - ▣ Sahl ibn Sa'd (d 91/709)
 - ▣ Abū Tufayl (d 100/718)

Imām Abū Hanīfah

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- He was a merchant by profession
- Passed by Imām Sha'bī one day
 - ▣ “I see signs of intelligence in you. You ought to sit in the company of learned men”
- Initially focused on aqīdah
 - ▣ Visited Basrah more than 27 times to debate and remove doubts raised by the deviant sects

Imām Abū Hanīfah

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- Then moved on to jurisprudence
 - ▣ Studied under Hammād ibn Abī Sulaymān
 - “Nobody should sit at the head of the circle in front of me other than Abū Hanīfah”
 - Spent 10+ years studying from him
 - Begs the question, if we can take directly from Quran and hadīth, why would anyone spend a decade with a teacher
 - ▣ Hammād studied under Ibrāhīm an-Nakhā’i, who studied under Alqamah ibn Qays, who studied under Ibn Masūd
- Studied hadīth under
 - ▣ Salamah ibn Kuhayl, Sha’bī, Awn ibn Abdillāh, Qatādah
 - ▣ A’mash
 - “Verily we are the pharmacists, you are the doctors”

Imām Abū Hanīfah

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- Poisoned to death by the prison guards under the command of the Abbāsīd khalīfah Mansūr
- ▣ Funeral prayer was performed 6 times
 - 50,000 took part in each prayer

Imām Abū Hanīfah

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- “I have not seen anyone like him, by Allah if he said that this pillar was made of gold, he would have brought a rational proof proving the validity of his case” (Imām Mālik)
- “Whoever intends to become an ocean in jurisprudence, then he should venture to Abū Hanīfah. I have not known a faqīh like him” (Imām Shāfi’ī)
 - ▣ “All people are dependent on Abū Hanīfah in fiqh”

Imām Abū Hanīfah

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- “If in any matter there is agreement between three people, then one pays no attention to the verdict of anyone who disagrees with them”
 - ▣ Someone asked him, “Who are they?”
 - He answered, “Abū Hanīfah, Abū Yūsuf and Muhammad ibn al-Hasan” (Imām Ahmad)
- “Indeed, you have come from the company (i.e. Abū Hanīfah) of the best faqīh from the inhabitants of earth” (Sufyān ath-Thawrī)
- “I saw the most pious of people, the most scrupulous of people, the most learned of people and the best faqīh of people...”
 - ▣ As for the best faqīh of people, he is Abū Hanīfah”
 - Then he said, “I have not seen the like of him in fiqh” (Abdullāh ibn al-Mubārak)
 - ▣ Both Abdullāh and Sufyān are narrators found in all six of the famous collections of hadīth

Following the School

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- Not merely the opinions of one man
 - ▣ 40 scholars would sit together and decide
 - Reviewed and amended for 1000+ years
- Benefit of madhhab is that it allows us to focus on what is most important

The Chapter on Purification

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- Most fiqh books begin with the chapter on purification
 - ▣ Imām Mālik began his *Muwattā* with the times of the prayer

Recommended Reading

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- The Virtues of Imam Abu Hanifa and His Two Companions Abu Yusuf and Muhammad Ibn Al-Hasan
 - ▣ Imam al-Dhahabi
 - <https://www.meccabooks.com/962-the-virtues-of-imam-abu-hanifa-and-his-two-companions-abu-yusuf-and-muhammad-ibn-al-hasan-978190946005.html>
- Abu Hanifah: His Life, Legal Method and Legacy
 - ▣ Mohammed Akram Nadwi
 - <https://www.meccabooks.com/634-abu-hanifah-his-life-legal-method-and-legacy-9781847740175.html>

Recommended Reading

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- Ascent to Felicity (Marāqi ‘l-Sa’ādāt)
 - ▣ Imām Hasan ibn Ammār Abū ‘l-Ikhlās al-Misrī Shurunbulālī (d 1069 AH)
 - Translation, Notes and Appendices by Farāz A. Khan
 - ▣ Available from Al-Rashad and Mecca Books
 - http://www.al-rashad.com/Ascent-to-Felicity-Maraqi-l-Saadat_p_2324.html
 - <http://www.meccabooks.com/508-ascent-to-felicity-maraqi-lsa-adat-9781933764092.html>

Questions and Discussion

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