Praise be to Allah that is due from all grateful believers, a fullness of praise for all his favours: a praise that is abundantly sincere and blessed. May the blessings of Allah be upon our beloved Master Muhammad, the chosen one, the Apostle of mercy and the seal of all Prophets (peace and blessings of Allah be upon them all); and upon his descendants who are upright and pure: a blessing lasting to the Day of Judgment, like the blessing bestowed upon the Prophet Ibrahim (alaihis salam) and his descendants. May Allah be pleased with all of the Prophetic Companions (Ashab al-Kiram). Indeed, Allah is most worthy of praise and supreme glorification!

SHARI'A

Shari'a literally means “the way to a watering place”, but in Usul al-Fiqh (Principles of Islamic Jurisprudence) it means the Path to be followed. The path to be followed for salvation in the Hereafter is to adhere to the Qur’an and the Sunna.

The sources of Islamic Law are as follows:

• Qur’an – the uncreated Speech of Allah Almighty sent via the intermediary Angel Jibril (alaihi-salam) to the last of the Messengers of Allah – Prophet Muhammad – sallallahu alaihi wa sallam.

• The Sunna of the Messenger of Allah (sallallahu alaihi wa sallam) –

The Sunna is recorded in the Hadith (see later) collections like Sahih al-Bukhari, Sahih Muslim, Sunan Abu Dawud, Sunan ibn Majah, Sunan al-Nasa'i, Jami al-Tirmidhi (these 6 books are known as the Sihah Sitta), Muwatta Malik, Musnad Ahmad ibn Hanbal, Jami al-Masanid of Imam Abu Hanifa, Sunan al-Shafi‘i, Sunan al-Daraqutni, Sunan al-Kubra of al-Bayhaqi, Musannaf ibn Abi Shaybah, Musannaf Abdur Razzaq, Sahih ibn Khuzayma, Sahih ibn Hibban – and many other books.

• Ijma us-Sahaba: − This is the consensus or agreement of the Companions of Allah’s Messenger (sallallahu alaihi wa sallam). There are other types of
Ijma, e.g: The Ijma of the Scholars known as Mujtahids in a given time frame.

- **Qiyas:** This is the application of analogical deduction or reasoning based on some or all of the above sources. It is usually carried out in the absence of an evidence from the above three sources.

The Holy Qur’an is used to derive the foundations of the Shari’a.

Allah said: “But remember the goodness which Allah has shown you and how much of the Book and the Wisdom (hikma) He has sent down to you to admonish you thereby.” [Qur’an, Surah al-Baqara, 2: 231]

Here the Book refers to the Holy Qur’an and Wisdom (al-Hikma) refers to the Sunna.

Similar verses about the Book (Qur’an) and the Sunna (al-Hikma) are mentioned in the Qur’an as follows: 4:113, 33:34, 62:2

**Fiqh:**

The 4 sources listed above encode Islamic Jurisprudence. The application of these sources of jurisprudence or the Shari’a is known as Fiqh.

- **Faqih:** The scholar who is an expert in Fiqh is known as a Jurisprudent or in Arabic a Faqih. The plural of a Faqih is: **Fuqaha**.

- **Usul:** The Fundamentals or Principles. Hence, Usul al-Fiqh is the branch of Islamic Law that sets out to define the terminology needed to extract a ruling from the sources of the Shari’a. Usul al-Fiqh may be translated as: Fundamentals or Principles of Islamic Law.

- **Ijtihad:** This is the process by which the highest-ranking scholars derive a judgement (Hukm) from the sources of the Shari’a listed above by exerting their intellects. Ijtihad is usually carried out when an answer is not self-evident from the sources of the Shari’a. There is generally no room for Ijtihad on points of Islamic belief (Aqida).

- **Taqlid:** This is the opposite of Ijtihad. This is the following of qualified scholarship without knowing or asking for the detailed proofs used by the following type of scholar:

  - **Mujtahid** (plural – Mujtahidun): The scholar who performs Ijtihad is known as a Mujtahid. The Mujtahid scholars are very few and include Imams like: Abu Hanifa (80-150 AH), Malik ibn Anas (93-179 AH), his pupil: Muhammad ibn Idris al-Shafi’i (150-204 AH), and the latter’s pupil: Ahmed ibn Hanbal (164-241 AH).

    - These 4 Imams are known as **Mujtahid Mutlaq**, i.e. - Absolutely independent Mujtahids who derived the Shari’a from its sources individually and without following others blindly in the process. Mujtahid scholars are divided into 2 other lower ranking categories. The latter are all affiliated to the schools of the Mujtahid Mutlaq.
• The 4 Imams agree on some 70% of fiqhi questions. Their differences stem from understanding and applying the sources of the Shari’a in different ways using their own Usul.

• These 4 Imams founded their own Schools of Islamic Jurisprudence, which are known universally as the 4 Sunni Madhhabs. There were other Madhhabs in Islam, but they lost popularity or had weak positions on Islamic jurisprudence that led to their eventual demise. One such near extinct school is the Zahiri or literal school founded by Dawud ibn Ali al-Zahiri, Sufyan at-Thawri, Abu Thawr, at-Tabari, al-Awza’i and Layth bin Sa’d.

• **Madhhab** (plural: Madha-hib) – This is in essence an Islamic school of jurisprudence (fiqh). It represents the written and verbal positions of the Mujtahid Imams within a school of fiqh.

Those who deny or refuse to follow Mujtahid scholars are in reality followers of a group of their own trusted scholars. The latter group are not recognised by the 4 Schools as being Mujtahidun – but mere claimants who lack many of the qualities and knowledge of true Mujtahidun.

• **Muqallid** (plural: Muqallidun): The Muslim who is not a Mujtahid and follows one of the 4 Schools (Madhhabs) without knowing the detailed proofs. Thus he makes Taqlīd of the Mujtahidun. This applies to virtually every true Sunni Muslim today except a few elite scholars.

• **Dalil** (plural: Dala’il or Adilla) – This means evidence from the sources of the Shari’a (viz: Qur’an, Sunna, Ijma or Qiyas). Dalil is divided in to 2 types:

  - **Dalil Qat’ie**: Evidence which is definite and free of any further speculation in its understanding and application

  - **Dalil Zanni**: Evidence which has some type of doubt or speculation in its understanding and application

• **Mukallaf** – This is anyone who is in full possession of his mental faculties. Such a person has no choice but to follow the Shari’a without excuse once the age of maturity has been reached.

• To know whether something is Haram (forbidden) or Halal (permissible), the Mujtahid Imams and those who came after them strove hard to clarify and codify it, as well as collect it in written form throughout the ages.

• The Fiqhi rulings (**Ahkam**) have been collated in many famous books.

  - For example in the Hanafi Madhhhab there are the 6 books of Imam Muhammad ibn Hasan al-Shaybani (d. 189 AH), al-Mabsut of Imam al-Sarakhsi in some 30 volumes, al-Hidaya of Imam Burhanud-Din al-Marghinani (there are many commentaries on this book alone). A famous Indian Muhaddith by the name of Shaykh Zafar Ahmed al-Uthmani 9d. 1974 CE) has gathered the Hadith evidences of the Hanafi Madhhhab in his 21 volume Arabic work known as I’la al-Sunan.
• The Maliki Madhhab has the book: al-Mudawwana al-Kubra compiled by Qadi Sahnun.
• The Shafi’i Madhhab has Kitab al-Umm by Imam al-Shafi’i himself and the works of Imam al-Nawawi like: Sharh al-Muhadhhab.
• The Hanbali Madhhab had the Mukhtasar of Shaykh al-Khiraqi – which received many lengthy commentaries of which the most famous is al-Mughni by Imam Ibn Qudama al-Maqdisi (d. 620 AH). There are literally dozens of similar books across the 4 recognised Madhhabs.

• **Hadith** – This is a narrated record of the sayings and actions of the Prophet (sallallahu alaihi wa sallam). Hadith today is the written record of the Sunna.

• **Muhaddith** – This is a recognised expert in the field of Hadith scholarship.

• **Tafsir** – This is the branch of Islam which deals with the extensive commentary of the Holy Qur’an.

• **Mufassir** – This is a scholar who is qualified to make Tafsir – that is a commentator of the Qur’an.

**DIVISIONS OF THE SUNNA:**

Allah said: “*When Allah and his Messenger have decreed a matter, it is not for a believing man or a woman to exercise a choice in a matter affecting them; whoever opposes Allah and His Messenger has deviated into manifest error.*” (Sura al-Ahzab, 33:36)

Allah said: “*O you who believe, obey Allah and His Messenger and those in authority amongst you. Should you dispute over something, then refer it to Allah and the Messenger. That is better and fairer in the issue.*” (Sura al-Nisa: 4:59)

Allah said: “*And whatever the Messenger gives you, take it, and whatever he forbids you, abstain from it.*” (Sura al-Hashr, 59:7)

The Sunna of Allah’s Messenger (sallallahu alaihi wa sallam) is divided into 3 types:

• **Qawli** – This is a verbal or spoken saying that emanated from the precious lips of Allah’s Messenger (sallallahu alaihi wa sallam)

• **Fi’li** - These are the actual bodily actions that the Messenger of Allah (sallallahu alaihi wa sallam) carried out in his life as a Prophet

• **Taqriri** – This is an action that was tacitly approved by Allah’s Messenger (sallallahu alaihi wa sallam), though he may not have carried it out himself. This approval may come from the Prophet’s (sallallahu alaihi wa sallam) mere silence on a point that arose in front of him. An Example: Once two
Companions of Allah’s Messenger (sallallahu alaihi wa sallam) went on a journey, the time for prayer arrived and they found no water, so they both performed Tayammum with sand. Later on they found water and one of them decided to repeat his prayer by making ablution (wudu) with water. The incident was related to the Prophet (sallallahu alaihi wa sallam) – who is said to have approved both actions (see Mishkat al-Masabih of Imam al-Tabrizi, no. 533)

DIVISIONS OF THE AHKAM AL-SHARI’A (LEGAL RULINGS CONNECTED TO THE SHARI’A)

The different categories of aḥkām:

FARD (obligatory):

• This is an act that is obligatory to follow. An act that is declared a Fard is based on Dalil Qat’ie (definite proof with a clear meaning)

• One who omits a Fard is sinful (Fasiq) and liable to punishment in a true Islamic state and in the Hereafter

• Examples include: The 5 daily prayers, Zakah (charity), Saum (Fasting in Ramadan), Hajj, women wearing the Hijab

• To deny the obligation of acting on a Fard leads to Kufr (rejection of Faith which can take one out of Islam)

• One gets reward for acting upon a Fard

Fard is classified into 2 sub-categories:

• Fard al-Ayn: This is an obligation on every mature and sane individual, like the 5 daily prayers, fasting in Ramadan etc

• Fard al-Kifaya: This is what is known as a communal obligation. So long as a certain number of Muslims from one’s local community fulfil this act – it lifts the need and blame on the rest of the Muslim community from performing it. A classic example is Salatul-Janaza (Prayer for the deceased), others include: enjoining good and forbidding evil, teaching the Shari’a etc.

WAJIB (Hanafi school)

• This is also an obligation of a lesser degree than a Fard

• A Wajib is based on Dalil Zanni (speculative/unclear evidence)

• To omit a Wajib one is sinful and one can be punished in this world or the hereafter

• One is rewarded for carrying it out (i.e. one gets Thawab)
Examples in the Hanafi School include: 3 Rak’ahs of Witr, reciting Surah Fatiha in Salah and growing a beard

**HARAM**
- This is something that is absolutely forbidden to carry out or consume
- Something is declared Haram if there is a definite text to back it (Dalil Qat’ie)
- Examples of Haram: Eating pork, drinking alcohol, dealing in Interest based transactions (usury), killing a Muslim, Adultery, prohibited types of marriage...

**MAKRUGH TAHRIMI**
- This is something that is highly disliked (abominable) to the degree that it is nearly prohibited
- It is classified as near-Haram because the Dalil used to classify it is of the Zanni type
- If one acts upon something which is Makruh-Tahrimi then there is no liability of punishment
- One who carries it out is blameworthy without a justifiable reason
- To avoid it is praiseworthy
- Examples: To pray at Zawwal (when the sun is at its highest point around mid-day), to face the Qibla while urinating or defecating.

**MAKRUGH TANZIHI** (Hanafi School)
- This is a disliked action in order to keep oneself pure
- Omitting it is rewarded
- There is no punishment for carrying it out
- Examples include: Avoiding the eating of onion and garlic before congregational prayer (Salat al-Jama’a)

**MUBAH**
- This is anything that is permissible to act upon (Ja’iz)
- This must usually have a Dalil to support it
- Anything Mubah is thus recognised to be Halal

**MANDUB**
- This is an act that is recommended to do
- One obtains reward for carrying it out (Thawab)
- There is no sin for omitting it
• Nor punishment for avoiding it

Examples: Fasting outside Ramadan, giving non-obligatory charity (sadaqa), visiting the sick, taking a bath before Jumu’a Salah, praying Nafl Salah (supererogatory prayer) after the Sunna prayers, Tahajjud prayers.

Mandub is basically the Sunna. The Sunna is divided into 2 types also:

**SUNNA AL-MU’AKKADA**

• This is an emphatic Sunna that has a Dalil to establish it
• The Prophet (sallallahu alaihi wa sallam) would perpetually perform such an action
  • One receives reward for carrying it out
  • Leaving it out is blameworthy
  • But not punishable
• Examples include: Congregational prayer, the 2 Sunna’s before Fajr, 4 before Zuhr and 2 after it, 2 after Maghrib, 2 after Isha, 20 rak’ats of Taraweeh in Ramadan (as established by the Sahaba in the time of the Caliph Umar)...

**SUNNA GHAYR MU’AKKADA**

• Non-emphatic Sunna which also has a Dalil to establish it
• One is rewarded for carrying it out
• No blame for avoiding it
• No punishment for leaving it out

Examples: 4 rak’ats of Sunna before Asr, 4 rak’ats before the Fard of Isha, voluntary charity

**MUSTAHAB**

• This refers to a praiseworthy action
• One is rewarded for carrying it out
• It is similar to Sunna Ghayr Mu’akkada
• Example’s include Nafl prayers, performing Wudu before going to bed

Peace and blessings be upon Muhammad

Compiled by
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