

## **A BRIEF INTRODUCTION TO FIQH**

**THE MEANING OF FIQH:** The word 'Fiqh' means 'to know' when it is from the and to become a faqeeh (i.e. one who is well versed in the line of fiqh) when it is from the.

**THE DEFINITION OF FIQH:** Fiqh (according to the terminology of the Shariah) is defined as 'to recognize those regulations of Islamic Law which have been derived from the Quran, Hadith, Consensus and Analogy through the means of independent reasoning (i.e. Ijtihad).

**THE TOPIC OF FIQH:** The affirmative and negative actions of a mature, sane person.

**THE PURPOSE OF FIQH:** To attain success in two worlds.

**THE TOOLS OF FIQH:** Quran, Hadith, Consensus and Analogy.

**THE ISLAMIC RULING ON LEARNING FIQH:** To learn the secondary regulations of Islam is (i.e. an obligation that if observed by some members of a community the remainder of the community will be absolved of the obligation.)

**THE VIRTUE OF LEARNING FIQH:** Ibn Abbas (R.A.) reported, "The messenger of Allah stated, "One 'Faqeeh' is harder upon Shaytan than a thousand (Islamically uneducated) worshippers. (Narrated by Tirmidhi and Ibn Majah.)

**THE ORIGIN OF FIQH:** The author of 'Durul-Mukhtar' has written, "Fiqh was planted by Ibn Mas'ood (R.A.), watered by Alqama, harvested by Ibrahim an-Nakha'ee, trampled down by Hammad, grinded by Abu Hanifa, kneaded by Abu Yusuf and made into bread by Muhammad. Thus all the people are now eating from his bread."

**THE IMAMS OF FIQH:** there are a total of 4 accepted Imams of Fiqh:

### **1) IMAM ABU HANIFA:**

The Imam's full name is No'man Ibn Thabit bin Zuta. He was born in the year of 80 hijri in the city of Kufa, Iraq during the reign of Abdul Malik bin Marwan. He had the privilege of seeing Anas Bin Malik which in his early years had earned him the rank of being a Tabi'ee. He had begun his career as a merchant but was later inspired by Imam Sha'bi to devote his time to acquiring religious knowledge. He therefore became engaged in learning the science of Islamic Creed and mastered this field within a short period of time. He then wrote a book on this topic titled 'Al-Fiqhul-Akbar' and moved to Basra where he became involved in a series of debates with the deviated sects of Islam. After a while he decided to give up this mode of life and moved back to Kufa. There he adopted the company of the renowned Islamic Jurist, Hammad bin Abi Sulaiman and learnt 'fiqh' from him for 10 years. After Hammad had passed away in 120 hijri the public appointed Imam

Abu Hanifah as a teacher of this field in Kufa due to which he began his own classes.

In 130 hijri the Imam traveled to Makkah where he stayed for approximately seven years. There he had the opportunity to meet countless eminent and renowned scholars and benefited from their knowledge. In 138 hijri, Imam Abu Hanifah returned to Kufa and began to compile fiqh. The method he had adopted was in reaching a verdict pertaining to a specific issue was that he would first refer to the Quran for an answer. If it was not found there, he would study the ahadeeth of Allah's messenger. If he didn't find any answers there he would then refer to the statement of the Sahabah (R.A.). If he came across any differences in their opinions regarding the matter, he would adopt that opinion which was more in compliance to the Quran and Hadith. If no answer was found within their statements he would then resort to independent reasoning (i.e. Ijtihad) and finally reach a verdict. According to Imam Malik, Imam Abu Hanifah had drawn out 60 thousand Islamic injunctions. Later he compiled a book of narrations related to Islamic regulations which was named Kitabu'l Athar. This book was unique in the sense that it was the first book of narrations in which the chapters of fiqh were devised for the first time.

In 150 hijri, the Imam was imprisoned for refusing to take up the post of Chief Justice which was offered to by Mansoor. While in prison the Imam was whipped 10 times a day. After 10-11 days had elapsed the Imam was fed poison due to which he breathed his last and left this world in the state of 'Sajdah'.

Throughout his life, Imam Abu Hanifah had acquired Islamic Knowledge from 4000 teachers. Many of his teachers were distinguished Tabieen such as Amir As-Sha'bi (who met 500 sahabah), Simak Bin Harb (who met 80 Sahabah), Abu Ishaq As-Subai'ee (who met 38 Sahabah), Taus (who met 50 sahabah), Ibn Shihab Az-Zuhri (who related from a large group of Sahabah), Rabeelah bin Abi Abder-Rahman, Nafe, Muhammad bin Ali bin Hussain al-baqir, Qatadah, Hisham bin Urwah and Yahya bin Sa'eed al-Ansari.

Along with being the great theologian, the Imam was a great worshipper. He had performed 55 pilgrimages, he would complete the recital of the entire Quran twice a day (once in the morning and once in the evening), and performed his Fajr prayer with the wudhu he had made for the previous Isha prayer for 40 years.

Imam Abu Hanifah had many students to the extent that their true number is not known. Some of his prominent students were as follows:

### **1) Imam Abu Yusuf**

Imam Abu Yusuf's full name is Ya'qub bin Ibrahim bin Habib. He is from the progeny of the Sahabi Sa'd al-Ansari and was born in the year 93 hijri within the city of Kufa, Iraq. His family was poor and therefore Imam Abu Hanifah used to provide them with financial assistance. He became inclined towards seeking Islamic Knowledge and thus adopted the company of Imam Abu Hanifah for 17 years. Within 17 years he never parted from the Imam regardless of whether it was Eid-ul-Fitr or Eid-ul-Adha except if he became ill. Once one of his sons had passed away and he did not even take part in his funeral out of the fear that he might miss

something from the Imam due to which he'd have to regret it for the remainder of his life.

Along with being a great faqeeh, Imam Abu Yusuf was a great scholar of hadith. He had narrated hadith from people like Hisham bin Urwa, Abu Ishaq as-Shaybani and Ata bin Saib. His students include great figures such as Imam Muhammad, Imam Ahmad bin Humble, Yahya bin Ma'een, Bishr bin Waleed and others. Imam Ahmad bin Humble has stated, "when I first began to study hadith, I went to Justice Abu Yusuf. Thereafter I began seeking it and writing it from other people."

Imam Abu Yusuf was appointed as Chief Justice later in his life. After reaching this position he used to observe 200 raka'at of optional prayer daily and fast excessively. He was the first person to write books on the rules of fiqh according to madhab of Imam Abu Hanifah and wrote many injunctions spreading the knowledge of his great teacher far and wide. He later passed away on the 5<sup>th</sup> of Rabi-ul- Awal, 152 hijri at the age of 89.

## **2)Imam Muhammad**

Imam Muhammad's full name is Muhammad bin Hasan bin al-Farqad as-Shaybani. He was born in Wasit in the year 132 hijri and was raised in Kufa. He began his quest for knowledge at a very young age and had adopted the company of Imam Abu Hanifah. When Imam Abu Hanifah passed away, he went to complete his studies by Imam Abu Yusuf. He later traveled to Madinah where he learnt hadith from Imam Malik and memorized the Imam's 'Muatta' from beginning to end. Thereafter he moved to Baghdad and there many people began to turn towards him for Islamic Knowledge.

Once Imam Muhammad became engaged in the seeking of teaching Islamic Knowledge he became absolutely devoted to it. He would rest very little at night and thereafter he would spend the entire night studying different books. Once his mother after seeing his state inquired, "why are you torturing yourself?" he replied, "O Mother, people have relied on me for knowledge. They have gone to sleep thinking that if they have to inquire about a particular injunction they will inquire from me, therefore I cannot go to sleep."

Imam Shafi'ee has praised the Imam excessively. In one place he has been recorded to have said, "I sat in his company for 10 years and I have lifted a camel load of his words. If he was to speak to us according to his intellect, we would never understand his words, therefore he used to speak to us according to our intellect." In another place he has said, "Allah helped me in the line of knowledge through two men, in hadith by Ibn Uyainah and in fiqh by Muhammad bin Hasan." His also recorded to have said, "the most gracious person to me in fiqh is Muhammad bin Hasan." Ibrahim al-Harbi states, "I asked Ahmad bin Humble, "where do you get all these fine injunctions from?" he answered, "From the books of Muhammad bin Hasan!"

Throughout his life, Imam Muhammad wrote approximately 1000 books. Within these books he recorded the injunctions of his teacher, Imam Abu Hanifah, and it is through them that the teachings of Imam Abu Hanifah became popular. Later he was appointed as the Chief Justice by Haroon Rashid but only served this

post for a mere 6 months. In 189 hijri, the Imam accompanied Haroon Rashid in a huge army that was headed for a place named Rai for Jihad. Upon reaching there Imam Muhammad passed away. Coincidentally, Imam Kisai (Imam Muhammads cousin and an Imam in lexicology) also passed away on the same day. Upon this Haroon Rashid exclaimed, “Today I have buried lexicology and jurisprudence.

### **3) Imam Zufar**

Imam Zufar’s full name is Zufar bin Huzhail bin Qais. He was born in 110 hijri in Asfahan. He had a brother who lived in Basra. When he passed away Imam Zufar traveled there to collect his share of his deceased brothers inheritance. Once he reached there the residents of Basra did not allow him to return home due to which he decided to settle there. He is regarded as one of the brightest students of Imam Abu Hanifah and Imam Abu Hanifah had great respect for him. He is also considered to be more pious than Imam Abu Yusuf. He was offered the post of being a judge however he turned it down. He would never sit in a gathering in which worldly issues were being discussed.

Imam Zufar is renowned for his power of analogy. Whenever he would differ from Imam Abu Hanifah it would mainly be based on analogy. He is recorded to have said, “I have never differed with Imam Abu Hanifah in any issue except that Imam Abu Hanifah used to agree (to the controversial point before changing his decision)”. He has also mentioned, “We do not adopt an opinion so long as there is a narration. When a narration is found we abandon all opinions”. One of his prized students is Imam Waki’ (the teacher of Imam Shafi’ee) who has said, “No persons company has benefited me the way the company of Zufar has benefited me!”

Imam Zufar lived for only 48 years and passed away in the year 158 hijri.

4) Other great students of Imam Abu Hanifah are Hasan bin Ziyad, Dawood Naseer at-Taiee, Abdullah bin Mubarak and Waki’ bin Jarrah.

### **IMPORTANT TERMS AND WHO THEY REFER TO:**

- 1) = **Imam Abu Hanifah, Imam Abu Yusuf and Imam Muhammad**
- 2) = **Imam Abu Hanifah & Imam Abu Yusuf**
- 3) = **Imam Abu Yusuf & Imam Muhammad**
- 4) = **Imam Abu Hanifah & Imam Muhammad**
- 5) = **Imam Abu Hanifah, Imam Malik, Imam Shafi’ee & Imam Ahmad bin Humble.**

### **2) IMAM MALIK:**

Imam Malik’s full name is Malik bin Anas bin Malik bin Abi Amir. His grandfather, Malik, was a great scholar and Tabi’ee. He was one of those 4 people

who had carried out the funeral of Uthman after he had been martyred. Imam Malik was born in the year 93 hijri and lived for approximately 90 years. He began to seek knowledge at a very young age and acquired it from great scholars such as Nafe, Muhammad bin Shihab az-Zuhri, Yahya bin Saeed, Hisham bin Urwa, Zaib bin Aslam, Saeed al-Maqburi, Rabeeah bin Abi Abder Rahman, Abdur Rahman bin Qasim etc. At the age of 17 he began classes on hadith and fiqh in Masjid un-Nabawi and within a short span of time he earned great fame. His classes on hadith and fiqh would be in separate lessons. When his students would approach him he would send a little girl who would ask them, "Your Sheikh is asking whether you would like to learn hadith or injunctions?" If they would reply injunctions, he would simply exit his home, sit with them and begin to teach them different verdicts. On the other hand if they were to reply hadith, he would send a message to them to remain seated and would take a bath, apply some perfume, wear new clothes, put on a long topee and tie a turban on top of it. He would then go to the gathering, sit with the utmost respect and then he would begin narrating. When someone inquired about the reason behind this conduct he replied, "I like to honor the hadith of Allah's Messenger.

Abdullah bin Mubarak has related, "Once I was reading a hadith by Imam Malik, while he was narrating, a scorpion stung him 16 times, due to which his face changed colours yet he continued to teach. When it was asked why he did not stop the lessons he answered, "I didn't pay any attention to it out of respect for that hadith"

Imam Malik had great love for the Prophet and his city. While in Madina he never wore shoes or rode an animal out of respect. He used to witness the Messenger of Allah in his dreams every night. Regarding his authority in knowledge Imam Malik has stated, "I did not begin to give fatwa until 70 Imams gave testimony that I am eligible for it."

Just like Imam Abu Hanifa, Imam Malik, and many students. Some of his prominent students were Imam Muhammad, Imam Shafi'ee, Imam Ahmad bin Humble and other scholars who later went on to become the teachers of Imam Bukhari, Imam Muslim, Imam Abu Dawood and Imam Tirmidhi.

Unfortunately the king at that time Ja'fer Mansoor became jealous of Imam Malik and gave him many hardships. He would be whipped often and eventually his hands were amputated in order to prevent him from writing and compiling, yet the Imam never gave up narrating hadith.

Allama Suyooti has stated, "One Sunday Imam Malik fell ill and remained in the state of illness for 22 days. Then on the 10<sup>th</sup> or the 14<sup>th</sup> of Rabiul Awwal, 179 hijri, he passed away."

### **3)IMAM SHAFI'EE**

Imam Shafi'ees full name is Muhammad bin Idrees bin Abbas. He is from the Quraish clan of Banu Hashim and was born in the year 150 hijri. His mother had brought him to Makkah when he was only 2 years of age. In his primary years he committed the entire Muatta to memory and later went on to become one of the

prominent students of Imam Malik. He learnt hadith from Imam Malik and Sufyan Ibn Uyainah and became a master in fiqh by studying Imam Muhammad.

He was the first person to write a book on the general principles of fiqh which he named 'Ar-Risala'. He later passed away at the time of Isha on a **Thursday night, which happened to be the last day of Rajab in the year 204 hijri at the age of 59. He was then buried the next day after Asr.**

#### **4) IMAM AHMAD BIN HUMBLE**

The Imam's full name is Ahmad bin Muhammad bin Humble as-Shaybani al-Mirwazi. He was born in the year 164 hijri within the city of Baghdad and was brought up there. He began his quest for knowledge in the year 179 hijri at the age of 16. He adopted the company of Hushaim bin Abi Sasan for 4 years who then passed away while the Imam was only 20 years old. He traveled to Kufa, Basra, Makkah, Madinah, Yemen, Syria and Jazeera in order to seek knowledge and had the opportunity to learn from great scholars such as Imam Malik, Imam Abu Yusuf, Imam Shafi'ee, Sufyan Ibn Uyainah and Abdur Razzaq bin Hammam (the author of Al-Musannaf). Imam Shafi'ee said, "I left Baghdad and I did not leave anyone behind who is more pious, a greater faqeeh and more knowledgeable than Ahmad bin Humble.

One of his greatest achievements in life is that he relentlessly defended the correct notion of the Quran being the word of Allah and not his creation and bore all hardships in the course of doing so. Imam Ahmad had many notable students such as Imam Bukhari, Imam Muslim, Imam Abu Dawood and his son Abdullah. He used to observe 300 raka'at of optional prayer and recite 1/7 of the Quran on the daily basis. He passed away in the morning of Jum'ah on the 12<sup>th</sup> of Rabi ul Akhir 241 hijri at the age of 77. 800,000 men and 60,000 women had attended his Janazah due to which 30,000 Jews embraced Islam. He was then buried after Asr.

#### **TERMS USED IN FIQH:**

- 1) **FARDH:** A fardh is a ruling which has been established through such evidence which cannot be doubted such as the Quran and Mutawatir Ahadith. No additions can be made to it nor can anything be decreased from it. One who does not observe it without any excuse will be rendered a transgressor and it's rejector will be classified as a disbeliever.

**Fardh is then split in two categories:**

- a) **Fardh ul Ain-** This is a ruling which is imposed upon every responsible person. Its obligation is not absolved from all the people just by a few individuals observing it such as Iman, Salah, etc.
- b) **Fardh ul Kifayah-** This is a ruling that if observed by some responsible people the remainder of the community will be excused from observing it, for example, commanding the good, forbidding the evil, Salaatul Janazah, memorizing the whole Quran etc.

- 2) **WAJIB-** This is a ruling which has been established through such evidence which has room for doubt. He who does not observe it without any reasonable excuse will be classified as a transgressor while its rejector will not be rendered a disbeliever, ex. Salatul Witr.
- 3) **SUNNAH-** Sunnah is an action which was conducted by the Prophet or anyone of his companions. If this action was conducted due to it being a religious affair then it is categorized as Sunnatul Huda. On the other hand if it was to be carried out habitually then it will be labeled as SunanuZuwaid.  
**Sunnah is then split in two categories:**
  - a) **Sunnatul Muakkada:** this is an action which was continuously observed by the Prophet Muhammad and his rightly guided successors and was never abandoned without a reasonable excuse. Likewise one who did not observe it during their era was never admonished, ex. I'tikaaf in the last 10 days of Ramadhan. Its ruling is that whoever makes a habit of neglecting it, he will be rendered a transgressor and will be deprived of the Prophet (S.A.W.) intercession.
  - b) **Sunnatu-Ghairi-Muakkada:** This is an action which was not regularly observed by the Prophet (S.A.W.) or his companions, rather they would at times forgo it. Whoever practices it will be rewarded while that person will not be admonished who does not observe it.
- 4) **MUSTAHAB-** This is an action which was practiced only once or twice by the Prophet (S.A.W.) during his life and was not regularly observed. It's ruling is the same as Sunnatu-Ghari-Muakkada.
- 5) **HARAM-** this is a prohibition which has been established through undoubtable evidence. Its rejector is a disbeliever while it's violater will be rendered a transgressor.
- 6) **MAKROOH-UT-TAHREEM-** this is a prohibition which has been established through a source which has room for doubt. He who rejects it will be classified as a transgressor.
- 7) **MAKROOH-UT-TANZEEM-** this is a prohibition in which if observed one will be rewarded and if neglected one will not be admonished.
- 8) **MUBAH-** A practice in which one is neither rewarded by adopting it nor punished by neglecting it.
- 9) **BIDAH-** A practice which was not observed by the Prophet nor the Sahabah and Tabieen and has been innovated with the intention of seeking reward.