



The
Sacred
PATH

Quenching the Thirst for
Sacred Knowledge



In the name of Allah, The Most Merciful The Most Compassionate

Fiqh of a Muslim

Semester One: Purification

فقه المسلم: الطهارة

Lesson One:

- Introduction
- Four Schools (al-Madhahib al-Arba')
- al-Imam al-A'azam Abu Hanifa
- Sources of Fiqh

Definition: In literal terms, fiqh means to understand. Technically, however, the term refers to the knowledge of rulings and stipulations of the Sacred Islamic Law. According to the Gnostics fiqh is the combination between knowledge and practice.

Subject: The actions of a responsible believer in respect of their fulfilment. This includes the performance of certain actions and abstinence from others.

Establisher: Allah the Most High revealed this knowledge to His Messenger (Upon him be eternal blessings). The salaf codified this discipline and preserved it through their writings.

Importance: Fiqh is an integral part of one's Islam. It is a compulsory knowledge for every responsible believer.

Names/Titles: This discipline is called *Fiqh*. Each division of fiqh has its own name.

Sources & Benefits: Derived from al-Qur'an, al-Sunna, al-'Ijma and al-Qiyas. The benefit is the fulfilment of one's obligations correctly and triumph in both worlds.

Schools of Thought

In Islam, there are four schools of thought (المذاهب الأربعة); al-Hanafiyya (الحنفية), al-Shafiiyya (الشافعية), al-Malikiyya (المالكية) and al-Hanbaliyya (الحنبلية).

These four schools are different in their understandings of certain aspects of fiqh but are not sects. All four schools are part of Ahl al-Sunna wa al-Jama'a.

School	Founder
al-Hanafiyya	Nu'man bin Thabit Abu Hanifa (d.150)
al-Malikiyya	Malik bin Anas (d.179)
al-Shafiiyya	Muhammad bin Idris al-Shafi'i (d.204)
al-Hanbaliyya	Ahmad bin Hanbal (d.241)

Why restrict the schools of fiqh to these four?

- During the period of the *salaf* there were many Imams of fiqh who had their own schools.
- However their schools have not been ***mass transmitted*** to us, that is, we do not know their schools' opinion on every issue related to fiqh. There are also many ambiguities; their schools have areas that require clarification but of course that is impossible now.
- The aforementioned four schools have reached us through so many narrators that counting them or even trying to enumerate them is impossible.
- Every aspect of fiqh is covered by these four schools and there are no 'grey areas.'
- The Ummah has agreed upon following one of these four schools.
- The Prophetic Traditions infer that this Blessed Ummah will never agree upon misguidance.

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً ۚ فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا
فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

Nor should the Believers all go forth together: if a contingent from every expedition remained behind, they could devote themselves to studies in religion, and admonish the people when they return to them,- that thus they (may learn) to guard themselves (against evil). (Surah al-Tawba V.122)

1. Studies in religion, *al-Tafaqquh*, is compulsory.
2. The lay man is pardoned from this and he merely refers to those, i.e. The Imams, who perform tafaqquh.

The Divine Laws apply to everyone and no-one is exempt. Yet deriving rulings directly from al-Qur'an and al-Sunna is not for everyone. Rather certain people from each nation are specified for this task and the masses are to take their rulings, i.e. their guidance, from these people. This is known as **Taqlid**.

The Messenger of Allah ﷺ said:

خير الناس قرني ثم الذين يلونهم ثم الذين يلونهم

The best of generations is my generation, then those that follow them, then those that follow them

(Narrated by al-Bukhari)

- al-Imam Nu'man bin Thabit Abu Hanifa ﷺ was amongst those noble people who met the companions of the Messenger ﷺ
- His complete name is al-Nu'man bin Thabit bin Zawta bin Mah. However he is most famously known by his *kunya* (الكنية), Abu Hanifa.
- Thabit (father of al-Imam) visited Sayyiduna Ali ﷺ who made supplication for Thabit and his offspring. Thereafter Imam Abu Hanifa ﷺ was born.
- Imam Abu Hanifa ﷺ was born in the year 80AH during the reign of 'Abd al-Malik bin Marwan in Kufa, Iraq.

He took knowledge from many of the great Imams of the Salaf such as:

- Ibrahim bin al-Nakhi'
- 'Ikrima
- al-Nafi'
- Imam Ja'far al-Sadiq

The number of people who received knowledge from the Imam is immense. His most famous student are:

- Imam Abu Yusuf
- Imam Muhammad bin al-Hasan al-Shaybani
- Imam Zufar
- Dawud al-Tai
- al-Hasan bin Zayyad

Sentiments from the Scholars & The Noble Traits of al-Imam

People are dependent upon Abu Hanifa in fiqh - **Imam al-Shafi'i**

I have never met anyone greater in fiqh than Abu Hanifa nor anyone more who offers a prayer more beautiful than him - **Waqi' bin al-Jarrah**

During the day he would be occupied with juristic issues and teaching...During the night he would be immersed in worship, prayers and recitation of al-Qur'an. This was his practice up till his death - **Imam Zufar**

The Imam used to recite the whole of al-Qur'an in a single unit of prayer during the night - **Hafs bin Abd al-Rahman, Asad bin 'Amr**

For forty years he prayed Fajr with the wudu of 'Esha - **Asad bin 'Amr**

You have already learnt in the introduction that fiqh is derived from four sources. The following is a famous statement of Imam Abu Hanifa which lists them.

Imam Abu Hanifa said:

I take from the book of Allah. If I do not find it therein, I look at the Sunna of the Prophet of Allah ﷺ. If I do not find it therein, I take a position from the companions. I prefer one position of a companion over another but I do not take a position of someone else over theirs. Until the matter ends with the followers. They exerted their efforts (ijtihad) and I exert mine.

Sources of Rulings

The four sources and examples of rulings derived from each one:

Qur'an

- e.g. The prohibition of alcohol, adultery & consumption of swine

Sunna

- e.g. Praying in congregation, prohibition of gold for men

Ijma (consensus)

- e.g. Sayyiduna Abu Bakr's rank as the greatest man after the Prophets

Qiyas (analogy)

- Cannabis for its similarity to alcohol

Lesson Two:

- Divisions of Fiqh
- Key Fiqh Terminology
- Legal Rulings

Divisions of Fiqh

Purification	<ul style="list-style-type: none">• Wudu, ghusl, impurities etc
Worship	<ul style="list-style-type: none">• Salah, fasting, hajj etc
Social Matters	<ul style="list-style-type: none">• Marriage, divorce, inheritance etc
Transactions	<ul style="list-style-type: none">• Trade, loans, partnerships etc
Torts	<ul style="list-style-type: none">• Crimes, penal code, legal punishments etc
Foreign Relations	<ul style="list-style-type: none">• Treaties, alliances etc
Expeditions	<ul style="list-style-type: none">• Wars & Battles
Etiquettes	<ul style="list-style-type: none">• Manners, morals, rightouness etc

Key Terminology

al-Imam

- Term used to refer to Imam Abu Hanifa

al-Sahibayn

- Refers to the two main students of Imam Abu Hanifa; Imam Abu Yusuf and Imam Muhammad al-Shaybani

al-Tarafayn

- Refers to Imam Abu Hanifa and Imam Muhammad collectively

al-Shaykhayn

- Collective term used to refer to Imam Abu Hanifa and Imam Abu Yusuf

al-Zahir al-Riwaya

- Six books of Imam Muhammad; (1) Mabsut; (2) Ziadat; (3) al-Si'ar al Kabir; (4) al-Si'ar al-Saghir; (5) al-Jami' al-Kabir; (6) al-Jami' al-Saghir

al-Fatwa

- Authoritative Opinion; a legal edict

al-Mufta Bihi

- The preferred opinion from a number of opinions regarding a particular issue. The edict is given in accordance with this opinion

Compulsory

- Source:
 - Established through decisive evidences
- Rulings:
 - Obligatory to perform
 - Leaving it out is a major sin
 - Denial of the obligation leads to kufr
- Examples:
 - Salah, Fasts of Ramadan

Necessary

- Source:
 - Established through speculative evidences
- Ruling:
 - Necessary to perform
 - Leaving it out is a sin
 - Denial of the wajib is not kufr but misguidance
- Examples: Sadaqat al fitr, witr salah

Emphasised Sunna

- Source:
 - A regular practice of Rasul Allah ﷺ
- Ruling:
 - Performing it is rewardable
 - Leaving it out occasionally without reason is worthy of blame and reprimand
 - Customarily leaving it out is a sin
- Example: The congregational prayer, adhan, iqama

Recommended

- Source:
 - Something that may have been occasionally practiced by the Messenger ﷺ or the ulema may have considered it praiseworthy
- Ruling:
 - Reward for performance of it
 - No sin nor blame for omission
- Example: Fasting on Monday and Thursday, four raka' before isha prayer

Permissible

- The Shariah has not requested for it to be carried out or left out
- Rulings:
 - There is no reward or punishment for the one who performs or leaves the action
 - A person is rewarded for the good intention he holds for carrying out a mubah action
- Example: Wearing good clothes, driving a car

Forbidden

- Source:
 - Established through a decisive text
- Ruling:
 - Opposite of fard
 - Leaving it out is obligatory and of great reward
 - Performing the haram is a major sin
 - Denial of its prohibition leads to kufr
- Example: Drinking alcohol

Prohibitively disliked

- Source:
 - Established through a speculative text
- Ruling
 - Opposite of wajib in the hanafi school
 - Leaving it is necessary and rewardable
 - Performing it is sin
 - Denial of it is not kufr but misguidance
- Example: Placing the forearms on the ground during sajda

Isaa'a

- The shariah prohibits the practice but not as strongly as haram or makruh tahriman
- Ruling:
 - Opposite of sunna mu'akkada
 - Term used by some and more recent jurists
 - Leaving it is rewarded
 - Occasional practice of it is blameworthy whilst a habitual practice is a sin
- Example: Omitting the Sunan of Dhuhr salah

Somewhat Disliked

- The shariah dislikes the action
- Ruling:
 - Leaving it is rewardable
 - Performing it is not a sin
- Example: Drinking whilst standing

Lesson Three:

- Wudu:
 - Fara'id
 - Sunan
 - Adab
 - Makruhat
 - Nawaqid
 - Categories of Wudu

Washing the face

- From the hairline to the bottom of the chin

Washing both arms

- From the fingertips up to and including the elbows

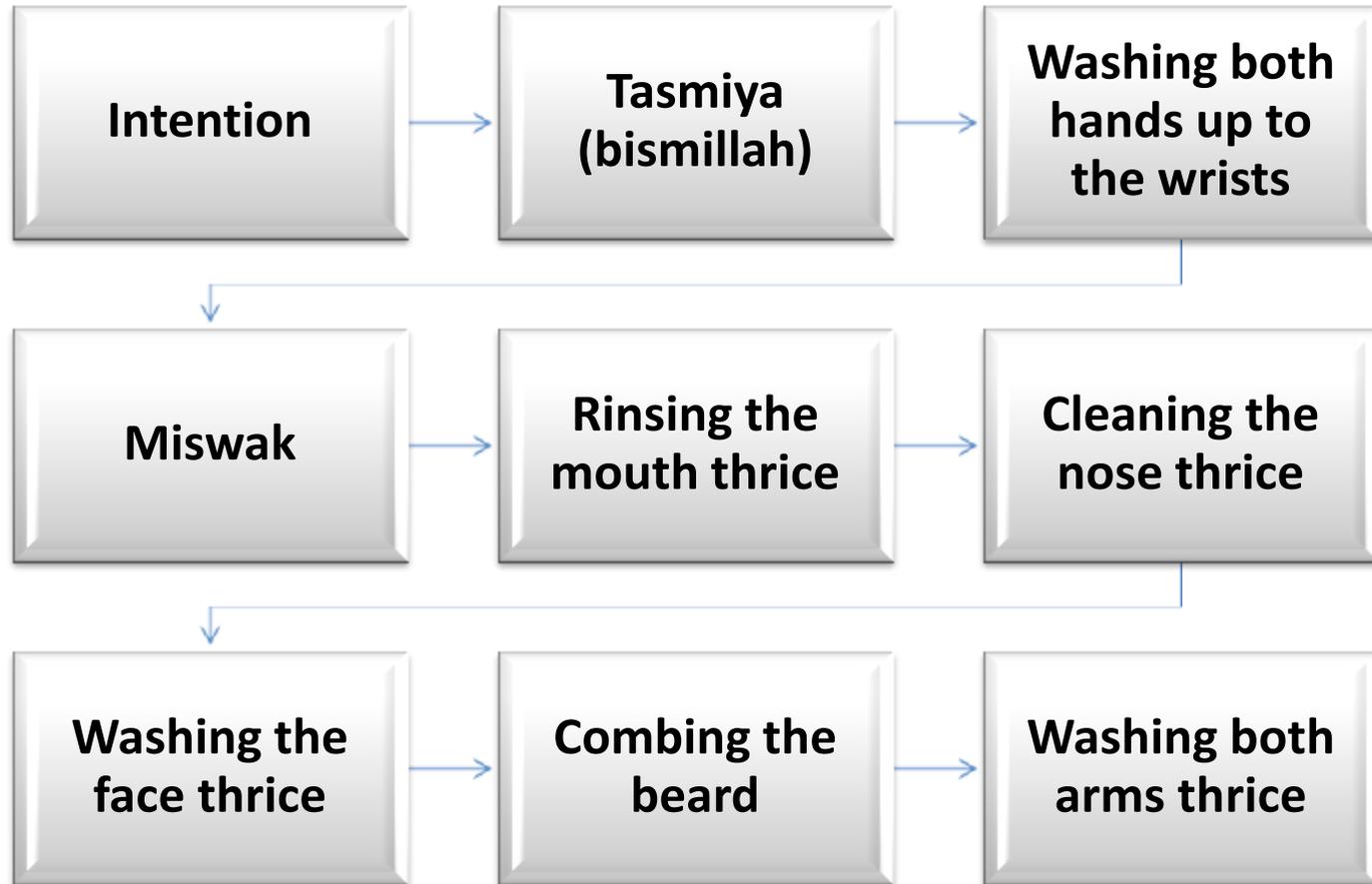
Wiping $\frac{1}{4}$ of the head

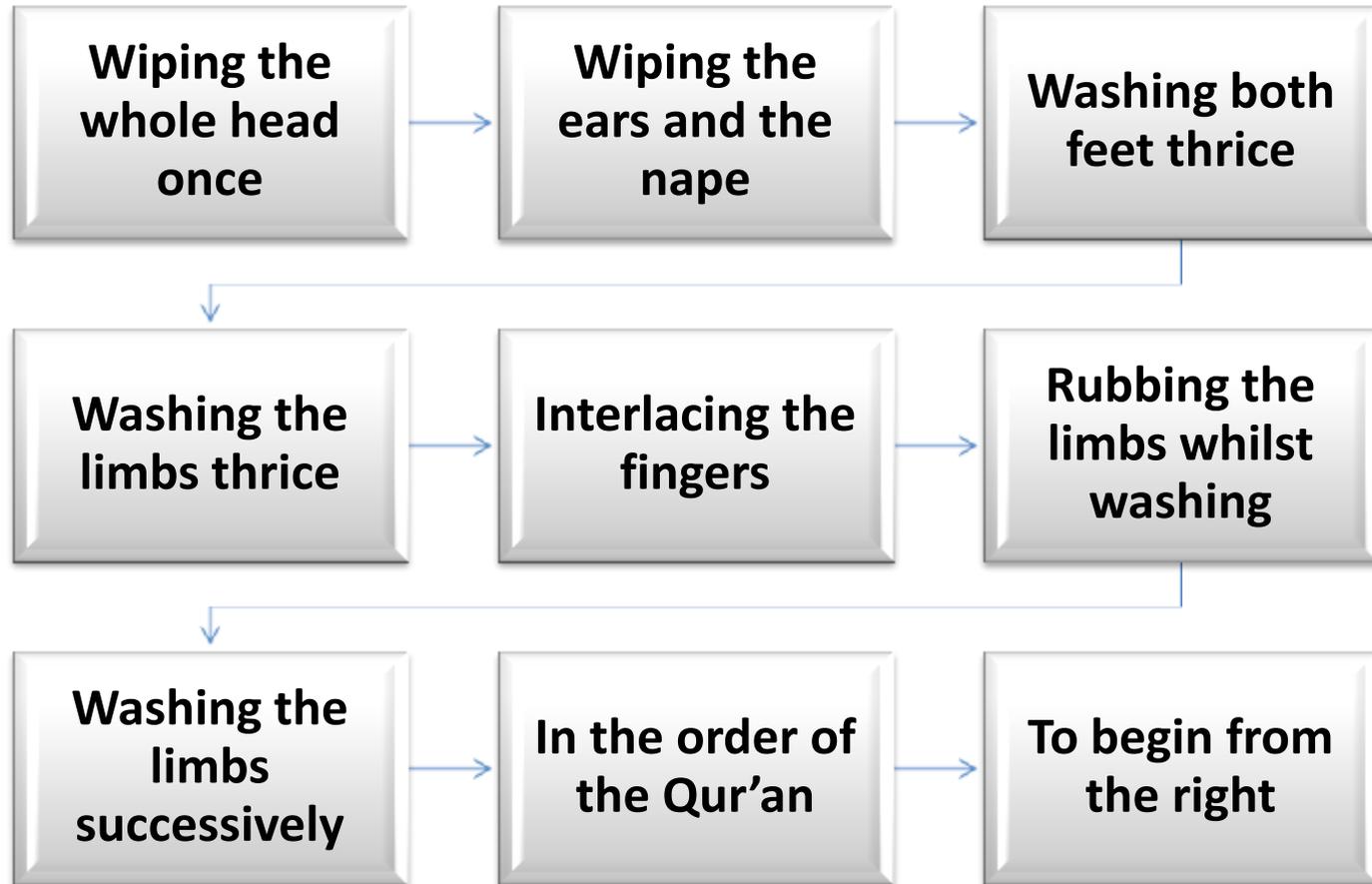
- The palm of your hand equals a quarter of your head

Washing both feet

- Up to and including the ankles

Wudu: Sunna Acts





Some of the etiquettes (آداب) to be observed when making wudu:

1. Sitting down on a raised platform
2. Facing qibla
3. Recitation of tasmiyya when washing each limb
4. Cleaning the inside of the ear with the small finger
5. Placing water in the mouth and nose with the right hand
6. Reciting the *shahada* and the following dua at the end:

اللَّهُمَّ اجْعَلْنِي مِنَ التَّوَّابِينَ وَاجْعَلْنِي مِنَ الْمُتَطَهِّرِينَ

O Allah! Make me from amongst the ones who repent and are purified

1. **Wastage of water:** Using more water than is required. This may include washing the limbs more than thrice.
2. **To use insufficient amounts of water:** Such a less amount of water is used that *washing* each limb becomes difficult or impossible.
3. **Slapping water onto the face**
4. **Worldly speech:** Talking about non-religious affairs. It is best to recite certain invocations or salawat during wudu.
5. **Seeking assistance without reason:** Requesting someone to support you, for example, when there is no need.

Wudu: Nawaqid/Nullifications of Wudu

Emission of anything from the genitalia

Menstrual periods and post natal bleeding

Flowing of blood or pus

Vomiting a mouthful

Sleep*

Unconsciousness, insanity, intoxication

Audible laughing in prayer

Contact between the genitals of two people without a barrier and without penetration

*There are two conditions, if found together, will nullify wudu: (1) Rear not firmly grounded. (2) To sleep in such a manner that is not a prevention to complete negligence

Istinja

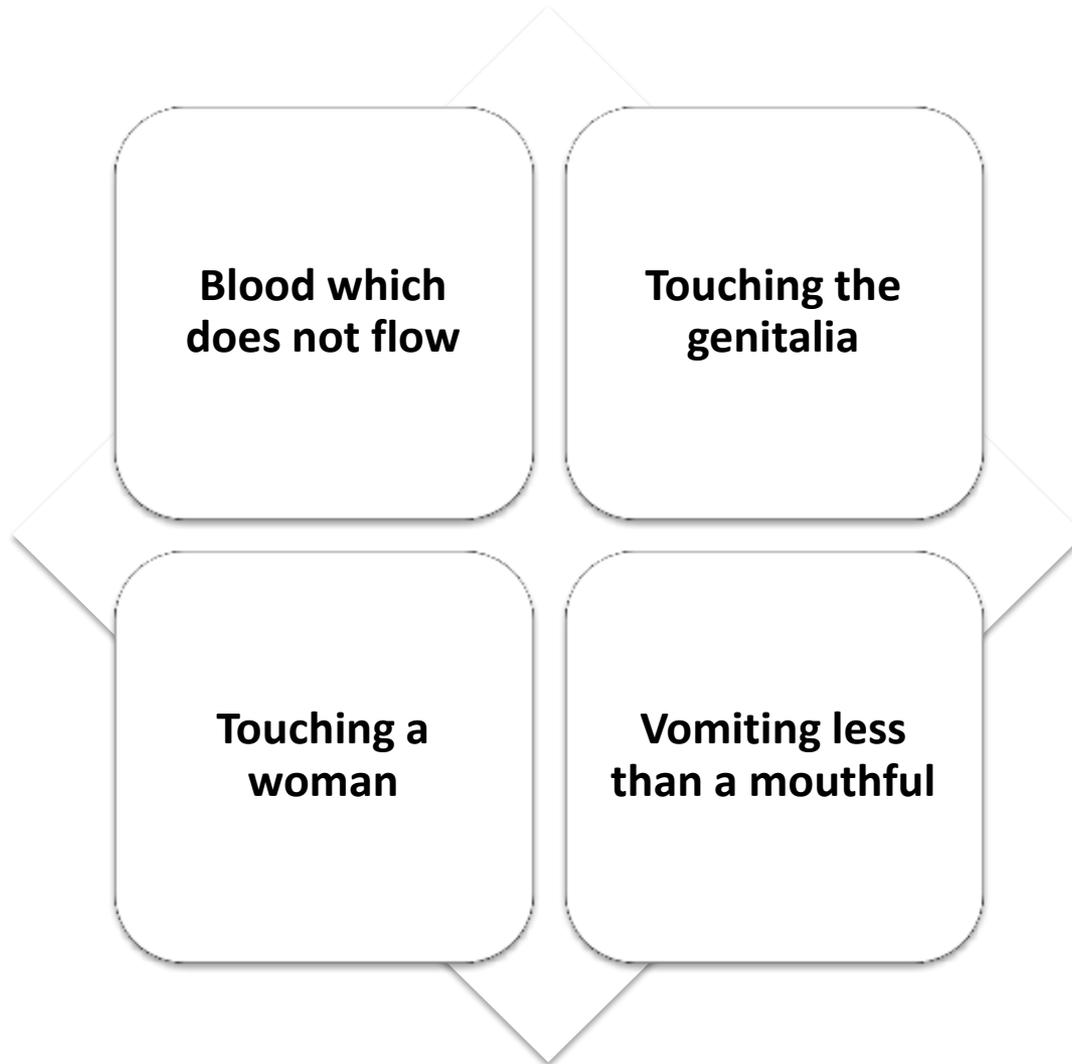
- Removal of faecal matter with water

Istibra

- Removal of traces of urine

You are not allowed to begin wudu until you are satisfied that you are pure

Things which do not nullify wudu



Categories of Wudu

Fard

- Prayer - fard, nafl, funeral
- Prostration of recital
- Touching the Quran
- Touching a verse

Wajib

- Circumambulation of al-Ka'ba

Mustahab

- Sleeping and waking up
- Wudu upon wudu
- After major and minor sins
- For every prayer
- Recitation of Quran, Hadith, study of Sacred knowledge
- Avoid disagreements between Ulema