

INTRODUCTION TO PRINCIPLES OF ISLAMIC JURISPRUDENCE



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Introduction to Principles of Islamic Jurisprudence

- Islamic jurisprudence is typically referred to as fiqh, the rulings by which we live our lives. Usul-ul-fiqh refers to the principles of the Islamic jurisprudence. Is it the foundation by which those rulings are sourced from. By analogy, fiqh is the branches while usul is the source. Scholars traditionally and today did not simply give out their own opinions, they had to be trained within the Islamic sciences to do so. Similarly, a doctor must go to medical school to be considered or recognized for practicing medicine.

The Foundation of All Rulings

- The Qu'ran is the foundation text that all Muslims, regardless of sect, go to for their rulings. You may ask, "why are there differences of opinion, then?" This is because that there are different types of verses, such as, but not limited to, matters of belief, encouragement to ponder about the universe Allah SWT created, prior prophets, devotional acts, family laws, financial guidelines, etc.

- Some of these verses have general meanings, but some are technical and have a deeper meaning to them. Not everyone has the information to give the context behind certain verses.

The Two Types of Verses

- The two types of verses in the Qur'an are referred to as 'qattee' and 'dhanee' verses. 'Qattee' verses refer to those verses with a specific meaning. For example, in Surah Al-Ikhlās, it is stated that there is only One God. This verse is taken at face value, there is no interpretation here. Similarly as in different ayat, Allah SWT tells us to establish the prayer.
- 'Dhanee' refers to the apparent meaning of the verse, but not what it intends. It needs further deliberation. For example, in Surah Al-Mā'idah, Allah SWT tells us not to eat dead animals, which at face value leads us to think that all dead animals are haram. This does not apply to seafood, however, as the Prophet SAW stated the food dead on the sea is halal.
- When one reads the Qur'an, it may have more than one meaning, which is why it is important to understand everything. For example, if someone says "this is hard," it can either refer to a difficulty understanding or whether it is physically hard. That is why differences of opinion exist.

- However, the verses related to creed ('aqida) are not debated, such as tawheed, messengers, or the books. Generally, most people can understand these concepts, but a specialist can go deeper than the basics of 'aqida.
- Also, there are verses related to character, as Allah SWT commands us to be good to your parents. People generally understand what it means to be good to your parents, but a specialist can tell you specifically what your obligations to your parents are. You can generally understand the concept but cannot get into the depths of it without proper training.
- Just like with devotional acts, such as hajj or fasting. Allah SWT tells us that it is mandatory but does not express of the scope of it within the Qur'an. How does one derive when the hajj is obligatory, how to make it, what invalidates it and what are the minimal requirements?

The Second Source – the Sunnah

- The second source ends up being the sunnah, the sayings, actions, or the approval of the Prophet SAW. The approval refers to if he praised someone, which would mean his acceptance, like Muadh Ibn Jabal (RA) was asked by the Prophet SAW how he would judge, to which Muadh (RA) responded the Qur'an, sunnah and then ijtihaad. The Prophet SAW praised him for his answer.

Why is the sunnah a proof?

- Within the Qur'an, Allah SWT mentions that the sunnah of the Prophet SAW is a part of the faith. There are five verses indicating this. Unfortunately, there are modern detractors that deny the sunnah, which is effectively ignoring the command of Allah SWT.
- Including Allah SWT telling us to obey the Messenger of Allah SAW, the Companions would actively follow his commands by thinking about what the Prophet SAW would say or do. The Qur'an itself has commands for people, but many times has no details. One is told to pay zakat, but how and how much? That is described with the sunnah.
- The three functions of the Sunnah:
 1. It emphasizes the Quranic commands, such as fasting and prayer
 2. It explains Quranic concepts, such as the rules of fasting
 3. It gives a new command not found within the Qur'an.
- When we want an answer we go to the Qur'an and then the sunnah afterwards. It is not possible to reject the sunnah.

Secondary Sources of Rulings

Al-Ijma' (consensus)

- The consensus of ummah is considered an agreed upon form of rulings, as the Prophet SAW stated that the ummah will never gather upon misguidance. There is a difference of opinion of what constitutes a consensus, as it may not be possible that every single scholar agrees on one thing, but you can find 99% do.
- Strange opinions come about here and there, but they are not the majority of the ummah. By itself, ijma' is not a source of law, but it is based on the primary sources of the Qur'an and Sunnah.
- It gives the absoluteness of a ruling, which prevents someone coming later and changing it. For example, Abu Bakr (RA) became khalifah based on the consensus of the ummah, it was not stated within the Qur'an neither did the Prophet SAW directly state it. It was ijma'. The same also applies to women marrying non-Muslim men. This was decided by consensus early on and is not able to be changed.

Qiyas (analogical deduction)

- The concept of Qiyas goes back to the hadith where the Prophet SAW talked to Muadh ibn Jabal (RA) and spoke about ijtihaad, deducing something.

- The process starts with the fundamental issue being brought into question, such as wine, which the Qur'an and Sunnah speak about. Then a secondary issue is brought in that the Qur'an and Sunnah do not directly speak about, such as heroin.
- After identifying the two, the ruling on the fundamental issue is brought into question. Then, the shared reason between the two is identified (such as drunkenness, losing state of mind).
- We do not need to reset Islam or fundamentally change it, as there is a framework for modernity. Qiyas, however, can become complicated as there are different sources that are accepted to differing degrees, such as previous scriptures, or the sayings of the Companions, or the customs and more.

Why are there different rulings?

- Some scholars prefer some sources of the other. For example, Imam Abu Hanifa states that you cannot recite behind the imam, while Imam Shafi' says that you should recite behind the imam.
- Imam Shafi' bases it off the fact that a hadith states that there is no prayer without Surah Al-Fatihah, so he believes one should read. However, Imam Abu Hanifa bases his ruling off the fact that in the Qur'an it states that one should listen and sit quietly as the Qur'an is recited.

- These are both valid differences of opinion that are respected. It is important to learn the proper principles of Islamic Jurisprudence, so we can learn for ourselves and understand that not everyone can speak on behalf of the faith on news channels, if they are not learned.

FAQs

- Why are different rulings derived for the same issue?
- What sources are rulings derived from in Usool ul Fiqh?
- What is the foundation of rulings for Muslims?
- What are the two types of verses in the Qur'an? What is the difference?
- Why is the sunnah necessary in conjunction with the Qur'an?
- What are the three functions of the sunnah?
- Give an example where hadith is used to further understand/expand upon a commandment from Allah SWT in the quran.
- Why is 'ijma considered a secondary source?
- What are the fundamentals of qiyas?