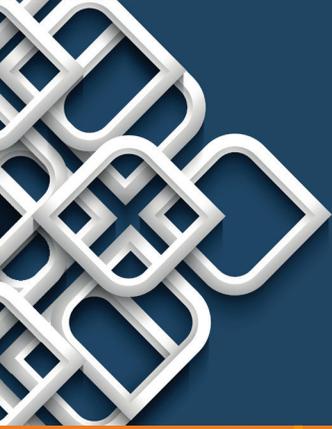




Fiqh

Hafs Academy
Sample



Contents

Lesson 1 – Introduction to Islamic law - Part 1	4
Lesson 2 – Introduction to Islamic law - Part 2	9
Lesson 3 – Introduction to Islamic law - Part 3	12
Lesson 4 – Islamic law nomenclature - Part 1	15
Lesson 5 – Islamic law nomenclature - Part 2	18
Lesson 6 – History of Fiqh Part 1: The prophetic era	20
Lesson 7 – History of Fiqh Part 2.1 The era of the Companions and the ones who came after them (Sahabah and Tabi`un Kibar)	24
Lesson 8 – History of Fiqh Part 2.2 The era of the Companions and the ones who came after them (Sahabah and Tabi`un Kibar)	27
Lesson 9 – History of Fiqh Part 3.1 The formulation of the Schools of Islamic law i. THE HANAFI SCHOOL	31
Lesson 10 – History of Fiqh Part 3.2 The formulation of the Schools of Islamic law ii. THE MALIKI SCHOOL	35

Contents

Lesson 11 – History of Fiqh Part 3.3	37
The formulation of the Schools of Islamic law	
iii. THE SHAFI`I SCHOOL	
Lesson 12 – History of Fiqh Part 3.4	40
The formulation of the Schools of Islamic law	
iv. THE HANBALI SCHOOL	
Lesson 13 – History of Fiqh Part 4	43
After the formulation of the Schools up to today	
Lesson 14 – Adolescence and puberty	47
Lesson 15 – Types of water	50
Lesson 16 – Real impurity – Part 1	54
Lesson 17 – Real impurity - Part 2	56
Lesson 18 – Washing the private parts (Istinja)	58
Lesson 19 – Animal derivatives	61

Lesson 1

Introduction to Islamic law (فقه) Part 1

What is Islamic law?

- Islam is a religion based on a belief in one God and the teaching of Muhammad. People who adhere to the religion of Islam are known as Muslims.
- Law means the system of rules that is used to order the way in which a society behaves.
- Islamic law is therefore the group of rules by which Muslims live their lives.
- Just like modern nation states and some other religions have their own legal systems, Islam as a religion has its own laws.

What topics do the Islamic rulings cover?

- Many Islamic rulings pertain to one's private and personal life. These include things like:
 - Worship rituals
 - Sales and commerce
 - Family and marriage
 - Food and drink
 - Inheritance
- Some rules are for Muslim governments. These cover items such as:
 - Laws about peace and war
 - Laws about state expenditure and taxation

- Laws about international relations, i.e. how to conduct diplomacy with non-Muslim countries
- Laws about setting up courts to settle disputes
- Laws about how to regulate the commercial market, and maintaining a fair trading landscape
- Some rules are discussed and debated by Muslim scholarly bodies, usually comprising of an international panel of scholars, on contemporary issues such as:
 - Islamic finance, insurance and new commercial models
 - Modern methods of slaughtering animals
 - New medicine discoveries and breakthroughs in medical procedures
 - Digital photography, video and technology
 - Depictions of the Prophets, Companions and ancient Muslim scholars through art and filmography
- Islamic law as a subject of Fiqh is not only about a discussion on rulings. It also entails a discussion on the evidences of those rulings, and where scholars may have disagreed.
- As a subject, Islamic law is known as Fiqh in Arabic.
- A person who is a specialist in this subject is a Muslim jurist. In Arabic, he/she would be referred to as Faqih.
 - A jurist is not merely a person who has memorised many rulings. A jurist would know where those rulings came from, and can formulate his/her own opinions after passing through higher education at an advanced Islamic institute and completing mandatory training.
- Many books have been written on the subject of Fiqh throughout the centuries of Islam. Most of these are in Arabic.

Where did scholars derive Islamic law from?

- The first source from where Islamic law is derived from is the Book of Allah – the Quran.
 - Scholars have mentioned that there are about 500 verses directly talking about rulings. However, there are many other verses that indirectly refer to rulings.
 - The subjects of Tafsir (the explanation of the Quran) and Fiqh overlap a lot. That is why a Faqih would have knowledge of Tafsir, Arabic and many other subjects other than Fiqh.
- The second source is the Prophetic Tradition, also known as the Sunnah. The Sunnah is a body of statements, actions and approvals by the Prophet (peace be upon him) that were intended to be used in law.
 - The Sunnah explains many verses of the Quran.
 - Sometimes, the Sunnah has rulings that are not in the Quran.
 - The Sunnah is found in the books of Hadith. Scholars throughout the centuries have read the books of Hadith to derive rulings from them.
 - There are many, many books of Hadith.
 - Some scholars of Hadith wrote multiple books, of varying lengths.
 - Some books of Hadith focus solely on rulings, whereas others do not and have a variety of themes.
 - Since the Companions of the Prophet (peace be upon him) were the ones closest to him, many gaps in Islamic law are filled in by their statements and actions as well. Sometimes, the Companions and their students help explain the Sunnah.

- The third source is Consensus, or the agreement of the Muslim jurists, known in Arabic as Ijma`. Some things have a basis in the Quran and Sunnah but are not explicit enough. Here, Ijma` fills in that gap.
 - There are many examples of Ijma`. One example is the number of units in the Five Daily Prayers. There is no Quranic verse or narration from the Prophet (peace be upon him) that explicitly informs the Muslims about this.
 - Another example is the determining the exact location of the Ka`bah, Mina, Arafat, Muzdalifah, the Grave of the Prophet (peace be upon him) and all other physical infrastructure belonging to the Muslims, which that they are in need of in order to practice on Islam properly.
- The fourth source is Analogy, which in Arabic is known as Qiyas.
 - Qiyas is traditionally used to apply rulings on new situations that have never occurred before. Most rulings (sometimes in rulings related to worship, but this usually happens in non-worship law) have a logical reasoning behind them. If that reason is found elsewhere, the same rule would apply.
 - One example of Qiyas is the ruling on the prohibition of drugs. This is derived from the prohibition on alcohol. The reason is that both have the capacity to intoxicate the mind, which is Haram.
 - Another example is the grouping of animals not mentioned in the Quran and Sunnah with similar animals mentioned in the Quran and Sunnah, so the status of their meats are known – Halal and Haram.



DID YOU KNOW?

... that the longest verse in the Quran is known as The Verse of Debt? It is towards the end of Surat I-Baqarah, and discusses many rules about deferred payments, sales and witnesses.

KEY WORDS: QURAN, SUNNAH, IJMA', QIYAS, FIQH, FAQIH

Summary of lesson 1:

- It is important to learn about the rulings related to Islamic law along with their evidences
- Islamic rulings cover a vast range of topics such as personal life and family law, business and commercial law, international relations and human rights law, etc.
- There are four sources from which Islamic law is derived:
 1. Quran
 2. Sunnah
 3. Ijma'
 4. Qiyas



At Hafs we believe that the tarbiyah (development) of a child in a good environment is of utmost priority. Children are innocent and so it is during these days of innocence that tarbiyah is most effective. In the very beginning of the Quran Allah (swt) describes the people of taqwa as those who have faith in the ghayb (the unseen). But have we ever explained to our children what is meant by ghayb?

Without firm grounding in belief, we are lost, meaningless, prey to a host of forces and bound for the route of destruction. Sound belief is the only guarantee for our success and God's pleasure - it is the purpose behind our creation and the reason for which Prophets were sent. It is paramount/crucial, therefore, to realise the importance of sound upbringing and belief and to provide Muslim youth with good instruction from a young age. It is the only effective manner which helps them navigate through the ups and downs of life and face the challenges it throws at them.

To this end, Hafs Academy presents a revised syllabus on various Islamic sciences/subjects (Fiqh, in this case) with a bias towards student age/maturity, relevant topic selection and detail. In this compilation, emphasis is placed on iman-building over crude theological formulations by compounding elementary beliefs with exhortative and descriptive data found in the rich sources of Hadith literature, in addition to heart-softening anecdotes and parables of wisdom.

It is hoped this revised format will make the subject more engaging, pique further interest, provoke action and yield the much anticipated results. Wa ma dhalika 'ala Allah bi Ba'eed - and with Allah alone rests assistance.

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Hafs Academy
26 Maryland Road
Stratford
London, E15 1JW

www.hafsacademy.org.uk
info@hafsacademy.org.uk
020 8555 4260

