

مناهج مركز فقهاء (المذهب المالكية)

Fiqh (Islamic Jurisprudence)

Definition

Linguistically

Understanding

Shar'i (legally)

Knowledge of the matters of the religion

Technically

Knowledge of the subsidiary rulings of the Shariah

Main topic

The actions of the slaves in terms of how the Shariah rulings apply to them

Its merit

Merit of Shariah knowledge in general

Merit of Fiqh knowledge in particular

Ibn Al-Jawzi said: "The greatest proof of something's merit is to look at its fruit, and whoever contemplates the fruit of learning Fiqh, knows that it is the best of all branches of knowledge."

Its sources

Ruling on learning it

What is obligatory to learn on each individual

What is obligatory to learn on a communal basis

Researchers and authors adopted various approaches to classify the stages and phases that Fiqh has gone through. Some have divided it into six stages, while others have added more. However, I have found the quadruple division to be the most

suitable for mental organization and for achieving the objectives of this course, with further subdivisions:

Stages of Fiqh

Stage of Legislation (up to 11 AH)

Pre-Schools of Thought (Madh'habs) Stage (up to approximately 100 AH)

Stage of Schools of Thought (up to approximately 1300 AH)

The Present Era (from 1300 AH approximately)

With the beginning of the mission of the Prophet (ﷺ), the Islamic legislation started and continued until he (ﷺ) passed away. The features of this stage are clarified through the following:

Stage of Legislation

Date

Starting from the mission of the Prophet (ﷺ) up to his demise

The Makkan era

Focus on the fundamentals of religion

Few detailed legislations

Madinan era

Continued emphasis on the fundamentals of religion

Legislation of detailed rulings

Legislation sources

The Qur'an

The Sunnah

Initialia

Due to a question
Due to a reason
Features
Legislation specific to this stage
Limited scope of differences
Gradualness of legislation
in legislating rulings
in legislating a single ruling
Training the Companions on personal reasoning
(Ijtihād)

After the demise of the Prophet (ﷺ), legislation ceased, but Fiqh did not. The Companions (may Allah be pleased with them) inferred rulings from the Qur'an and the Sunnah and issued fatwas to the people. Among the Companions were several jurists from whom Fiqh and Fatwa were transmitted, albeit with different amounts in abundance. Subsequently, a group of jurists from among the Tābi'īs emerged, who had acquired Fiqh knowledge from the Companions (may Allah be pleased with them). The category of the Companions and the Tābi'īs formed a stage preceding the development of the Fiqh Madh'habs:

Pre-schools of thought (Madh'habs) stage

The era of the Companions

The era of the Tābi'īs

Sources of Fiqh in this stage

Narrated traditions

Musannaf 'Abdur-Razzāq

Musannaf Ibn Abi Shaybah
Al-Awsat by Ibn Al-Mundhir
Non-narrated traditions
Books on comparative Fiqh

Those from whom Fatwas were transmitted among the Companions of the Messenger of Allah (ﷺ) were 130 individuals.

Those with an abundant record

The Fatwas of each one of them could form a massive volume.

'Umar, 'Ali, Ibn Mas'ūd, 'Ā'ishah, Zayd, Ibn 'Abbās and Ibn 'Umar (may Allah be pleased with them).

Those with a medium record

The Fatwas of each one of them could form a very small volume.

Abu Bakr, 'Uthmān, 'Umm Salamah, Anas, Abu Sa'īd, Abu Hurayrah, 'Abdullah ibn 'Amr, Ibn Az-Zubayr, Abu Mūsa, Jābir, Mu'ādh, Sa'd ibn Abi Waqqās, and Salmān (may Allah be pleased with them).

Those with a small record

After thorough investigation and research, all of their Fatwas could only be compiled into a small volume.

They include: Abu Ad-Dardā', Al-Hasan and Al-Husayn, 'Ubayy ibn Ka'b, Abu Ayyūb, Asmā', Zayd ibn Arqam, Thawbān, Buraydah...(may Allah be pleased with them)

(Fiqh and knowledge has spread among the Muslim nation through the companions of Ibn Mas‘ud, the companions of Zayd ibn Thābit, the companions of ‘Abdullah ibn ‘Umar, and the companions of ‘Abdullah ibn ‘Abbās.) Ibn Al-Qayyim

Fiqh Schools of the Companions

Madīnah

Zayd ibn Thābit

Ibn ‘Umar

Makkah

Ibn ‘Abbās

Iraq

Ibn Mas‘ūd

‘Ali ibn Al-Madīni said: None of the Companions had students who memorized his tradition and widely spread his opinions in Fiqh except three: Zayd, ‘Abdullah, and Ibn ‘Abbās. (As-Siyar by Adh-Dhahabi 4/55, in the biography of ‘Alqamah ibn Qays.)

Muhammad ibn Jarīr said: None had well-known companions who wrote down his Fatwas and chosen opinions in Fiqh except Ibn Mas‘ūd. He used to give up his chosen opinion for the opinion of ‘Umar, hardly disagreeing with him in any of his adopted opinions, and he would give up his own opinion to his opinion.

Ash-Sha‘bi said: ‘Abdullah would not observe Qunūt (supplication in prayer). He said: If ‘Umar

had observed it, ‘Abdullah would have observed it. (I’lām Al-Muwaqqi’īn 1/16)

Religion, Fiqh, and knowledge spread throughout the Muslim nation through the companions of Ibn Mas‘ūd, the companions of Zayd ibn Thābit, the companions of ‘Abdullah ibn ‘Umar, and the companions of ‘Abdullah ibn ‘Abbās. The knowledge that the people learned was mostly transmitted by the companions of these four. As for the people of Madīnah, they acquired their knowledge from the companions of Zayd ibn Thābit and ‘Abdullah ibn ‘Umar. The people of Makkah learned from the companions of ‘Abdullah ibn ‘Abbās, and the people of Iraq learned from the companions of ‘Abdullah ibn Mas‘ūd.

Ibn Jarīr said: It has been said that Ibn ‘Umar and a group of the Companions of the Messenger of Allah (ﷺ) who lived in Madīnah after him (Ibn ‘Umar) used to issue Fatwas based on the opinions of Zayd ibn Thābit, and what they had learned directly from him, concerning issues about which they had not memorized a statement from the Prophet (ﷺ). (I’lām Al-Muwaqqi’īn 1/17)

Jurisprudence during the era of the Tābi’īs

Madīnah

The Seven Jurists

Sālim

Nāfi’

Az-Zuhri

Makkah
'Atā'
Tāwūs
Mujāhid
'Ikrimah
Basra
Al-Hasan Al-Basri
Ibn Sīrīn
Abu Qilābah
Qatādah
Kūfa
'Alqamah then his student Ibrāhīm
Masrūq
'Ubaydah
Shurayh Al-Qādi
The Four Imams
Abu Hanīfah
80 AH
150 AH
Mālik
93 AH
179 AH
Ash-Shāfi'i
150 AH
204 AH
Ahmad
164 AH
241 AH

Fiqh Schools of the Companions and their extensions

Madīnah

Zayd ibn Thābit 45 AH

Ibn 'Umar 73 AH

Nāfi' 117 AH

Sālim 106 AH

Az-Zuhri 124 AH

Mālik 179 AH

Ash-Shāfi'i 204 AH

Ahmad ibn Hanbal 241 AH

Makkah

Ibn 'Abbās 68 AH

'Amr ibn Dīnār 126 AH

Sufyān ibn 'Uyaynah 198 AH

Iraq

Ibn Mas'ūd 32 AH

'Alqamah 62 AH

Ibrāhīm 96 AH

Hammād 120 AH

Abu Hanīfah 150 AH

Muhammad ibn Al-Hasan 189 AH

Some of the imams of extinct Madh'habs

What does extinction mean? What are its reasons?

Al-Hasan Al-Basri 110 AH

Sufyān Ath-Thawri 161 AH

Al-Awzā'i 157 AH

Al-Layth ibn Sa'd 175 AH

Sufyān ibn 'Uyaynah 198 AH

Is'hāq ibn Rāhawayh 238 AH

Abu Thawr 246 AH

Ibn Jarīr At-Tabari 310 AH

Abu Hanīfah

Name and lineage

An-Nu'mān ibn Thābit. His origin was disputed, some said he was Persian and others said he was an Arab.

Date of Birth and Death

80 AH-150 AH. He met Anas ibn Mālīk.

Worship and piety

It is reported through two ways (of transmission) that Abu Hanīfah read the entire Qur'an in one Rak'ah.

Abu 'Āsim An-Nabīl said: Abu Hanīfah used to be called "Al-Watad", i.e., the stake, because he was very frequently seen standing in prayer.

Once, a man said to Abu Hanīfah: "Fear Allah!" He stood up abruptly, turned pale, lowered his head and said: "May Allah reward you! People are always in need of someone to say to them such things."

Knowledge and Intelligence

Mālīk was asked: "Did you see Abu Hanīfah?" He replied: "Yes, I saw a man who, if he were to argue with you about this pillar being gold, he would provide evidence for it."

Ibn Al-Mubārak said: "Abu Hanīfah is the most knowledgeable of people in Fiqh."

Ash-Shāfi'i said: "All people are dependent on Abu Hanīfah in Fiqh."

History of the Hanafi school of Fiqh

and its well-known men

Emergence and formation phase

(Until 204 AH)

Abu Hanīfah

Abu Yūsuf

Muhammad ibn Al-Hasan

In principle

Zufar ibn Al-Hudhayl

Al-Hasan ibn Ziyād

Expansion, growth, and spreading phase (until 710 AH)

At-Tahāwi

Mukhtasar At-Tahāwi

As-Sarakhsi

Al-Mabsūt

Al-Kāsāni

Badā'i' As-Sanā'i'

Al-Karkhi

Mukhtasar Al-Karkhi

Al-Qudūri

Mukhtasar Al-Qudūri

Al-Marghināni

Bidāyat Al-Mubtadi

An-Nasafi

Kanz Ad-Daqā'iq

Stability phase

Ibn Nujaym
Al-Bahr Ar-Rā'iq
Ibn 'Ābidīn
Radd Al-Muhtār
Mālik

Name and lineage

Mālik ibn Anas ibn Mālik ibn Abi 'Āmir Al-Asbahi. His ancestry was disputed after what is mentioned thereof, with agreement that he belonged to Qahtān tribe.

Date of Birth and Death

93 AH - 179 AH. At the time of his death, he uttered the Testimony of Faith, then said: To Allah belongs the command before and after.

Worship and piety

Mālik's sister was asked: "What was Mālik occupied with at home?" She replied: "The Qur'an, and its recitation."

Ibn Wahb said: "If I wanted to fill my scrolls with Mālik's statements of 'I do not know,' I could."

Ibn Mahdi said: "I have never seen anyone more awe-inspiring, more complete in reason, or more pious than Mālik."

Knowledge and Intelligence

Regarding the Hadīth that reads: "Indeed, people will travel so far in pursuit of knowledge, but they will find no one more knowledgeable than the scholar of Madīnah," Ibn 'Uyaynah said: "That is Malik... and no one like him has been left on earth."

He qualified to issue Fatwas and began teaching at the age of 21, saying, "I did not issue a Fatwa until seventy people testified that I was qualified for itt."

Ash-Shāfi'i said: "When scholars are mentioned, Mālik is the star."

History of the Māliki School of Fiqh and its prominent features

Emergence phase

The inception of the school began with its founder, Imām Mālik, and culminated with the brilliance of the Iraqi scholar, Qādi Ismā'īl (d. 282 AH), the author of "Al-Mabsūt," the last of the compilations that appeared.

Development phase

From: The start of the fourth Hijri century until the end of the sixth century

Stability phase

From: the beginning of the seventh century AH, or with the appearance of Ibn Al-Hājib's Mukhtasar Al-Far'i, to: our present era.

Emergence phase

The key features of the main schools began to emerge

The Madinan School

The Iraqi school

The Egyptian School

The Maghrib School

Emergence phase

The major books of the Madh'hab that compiled the sayings of Imam Mālik

Al-Mudawwanah by Suhnūn

Al-Mawwāziyyah by Muhammad ibn Al-Mawwāz

Al-'Utbiyyah by Al-'Utbi.

Al-Wādiḥah by Ibn Ḥabīb

The four main books authored on the Māliki Fiqh

Al-Majmū'ah by Ibn 'Abdūs

Al-Mabsūt by Al-Qādi Ismā'īl

Series of books in the first phase

Imām Mālik (may Allah have mercy upon him)

His disciples

Al-Muwatta'

(179 AH)

Al-Mudawwanah

240 AH

Al-Mukhtasarāt by Ibn 'Abd Al-Hakam

(214 AH)

Al-Wādiḥah

(238 AH)

The main books (known as Al-'Ummahāt)

Complementary sections of Hadīth compilations

Al-Mabsūt

(282 AH)

Al-Mawwāziyyah

(269 AH)

Al-Majmū'ah

(260 AH)

Al-'Utbiyyah.

(255 AH)

Development phase (writing down phase)

In this phase, the following processes emerged:

Branching

Takhrīj (It refers to the process of pinpointing the Hadīth's position within its primary, chain-narrated sources, followed by an assessment of its reliability when necessary.)

Giving preponderance

His most notable works focused primarily on serving the 'Ummahāt' in the first place.

(Al-Muwatta', Al-Mudawwanah, Al-Wādiḥah, Al-'Utbiyyah, Al-Mawwāziyyah, Al-Majmū'ah, and Al-Mabsūtah)

The works that served Al-Muwatta'

At-Tamhīd, and Al-Istidhkār by Ibn 'Abd Al-Barr, Al-Muntaqa by Al-Bāji, Al-Masālik, and Al-Qabas by Ibn Al-'Arabi.

The works that served Al-Mudawwanah

Al-Mukhtasar by Ibn Abi Zayd, Al-Tahdhīb by Al-Barādhī'i, Al-Tabsirah by Al-Khummi, Al-Jāmi' by Ibn Yūnus, At-Tanbīhāt by 'Iyād, At-Ta'līqah by Al-Māzari, At-Tabsirah by Ibn Muhriz, At-Tirāz by Sanad, and Al-Nukat wa At-Tahdhīb by 'Abd Al-Haqq.

The works that served the 'Utbiyyah

Tahdhīb Al-'Utbiyyah by Ibn Abi Zayd, and Al-Bayān wa At-Tahsīl

The works that relied upon Al-Mabsūt
Books of Al-Abhari, At-Tafrī', At-Talqīn, and their
commentaries

The works that contained the summary of the
Ummahāt

An-Nawādir Wa Az-Ziyādāt

Series of the development of writings in the
second phase

First phase

Imām Mālik (may Allah have mercy upon him)

His disciples

Al-Muwatta'

(179 AH)

Al-Mudawwanah

(240 AH)

Al-Wādiḥah

(238 AH)

Al-'Utbiyyah

(255 AH)

Al-Majmū'ah

(260 AH)

Al-Mawwāziyyah

(269 AH)

Al-Mabsūt

(282 AH)

The second phase

Commentaries on Al-Muwatta'

Commentaries on Al-Mudawwanah and its
abridgments

An-Nawādir Wa Az-Ziyādāt

Al-Bayān Wa At-Tahsīl

Stability phase

The concept of the fatwas within the school of thought, or the "adopted opinion," and what falls under it, were established.

The agreed upon opinion

The well-known and the preponderant opinion

Equally weighed opinions

Ash-Shādh (odd opinion)

Ma Jara Bihi Al-‘Amal (adopting a weak or odd opinion instead of the preponderant or well-known opinion, for a benefit, necessity, custom, or other such bases.)

Stability phase

This includes the distinction in the reliance on renowned opinions among the schools of Fiqh when they differ.

(Relative priority)

The Egyptian School

then, the Maghribi School

then, the Iraqi School

then, the Medinan School

Series of the development of writings in the third phase

Imām Mālik (may Allah have mercy upon him)

His disciples

The first stage

Al-Muwatta’

(179 AH)
 Al-Mudawwanah
 240 AH
 Al-Wādhah
 (238 AH)
 Al-'Utbiyyah
 (255 AH)
 Al-Majmū'ah
 (260 AH)
 Al-Mawwāziyyah
 (269 AH)
 The second phase
 Commentaries on Al-Muwatta'
 Commentaries on Al-Mudawwanah
 Al-Bayān wa At-Tahsīl
 An-Nawādir wa Az-Ziyādāt
 The third phase
 'Iqd Al-Jawāhir Ath-Thamīnah
 by Ibn Shās
 Jāmi' Al-Ummahāt
 by Ibn Al-Hājib and its commentaries
 Mukhtasar Khalīl and its commentaries
 Some Terminologies in the Māliki School of Fiqh
 The Madīnans
 Ibn Kinānah, Ibn Al-Mājishūn, Mutarrif, Ibn Nāfi',
 Ibn Maslamah, and their peers
 The Egyptians
 Ibn Al-Qāsim, Ash'hab, Ibn Wahb, Asbagh ibn Al-
 Faraj, Ibn 'Abd Al-Hakam and their peers

The Iraqis

Al-Qādi Ismā'īl, Ibn Al-Qassār, Ibn al-Jallāb,
'Abdul-Wahhāb, Abu Al-Faraj, and Al-Abhari

The Maghribis

Ibn Abi Zayd, Ibn Al-Qābisi, Ibn Al-Labbād, Al-
Lakhmi, Al-Bāji, Ibn Muhriz, Ibn Al-'Arabi, Ibn 'Abd
Al-Barr, Ibn Rushd, Al-Qādi Sanad, Ibn Shablūn, and
Ibn Sha'bān

Some Terminologies in the Māliki School of Fiqh

The early jurists

Those who preceded Ibn Abi Zayd Al-Qayrawāni
among the jurists, from the disciples of Mūlik and
those who followed them.

Later jurists

Ibn Abi Zayd and those jurists who followed him

Terminology of the Imam

By Al-Māzari

Some terminologies of the Māliki school

Al-Qarīnān (the two close associates)

Ash'hab and Ibn Nāfi'

Al-Akhawān (the two brothers)

Mutarraf and Ibn Al-Mājishūn

Al-Qādiyān (the two judges)

Ibn Al-Qassār and 'Abdul-Wahhāb

Al-Muhammadān (the two Muhammads)

Ibn Al-Mawwāz and Ibn Sahnūn

According to Ibn 'Arafah, they are: Ibn Al-
Mawwāz and Ibn 'Abd Al-Hakam

Al-Muhammadūn (the Muhammads)

Two from Al-Qayrawān: Ibn ‘Abdūs and Ibn Sahnūn

Two Egyptians: Ibn ‘Abd Al-Hakam and Ibn Al-Mawwāz

Ash-Shaykhān (the two Shaykhs)

Ibn Abi Zayd and Abu Al-Hasan Al-Qābisi

The Shaykh: Ibn Abi Zayd

As-Siqiliyyān (the two Sicilians)

Ibn Yūnus and ‘Abdul-Haqq

“The notion widely spread about the people of Iraq not having a sufficient corpus of Hadīth is inaccurate and rebutted by reality.” Dr. ‘Abdul Majīd Mahmūd in Al-Ittijāhāt Al-Fiqhiyyah ‘Inda As’hāb Al-Hadīth Fi Al-Qarn Ath-Thālith Al-Hijri

Al-Hajawi said: “There is no doubt that every imam among them conducted personal reasoning, and every imam among them followed the traditions. Although the disagreement may seem fundamental, but in reality, it is only in some details where traditions are accepted as authentic by the people of Hijāz but not by the people of Iraq. Thus, the former (the people of Hijāz) act upon them while the latter (the people of Iraq) ignore them either because they had no knowledge of them, or because they did not accept them as authentic.” Al-Fikr As-Sāmi 1/383.

Yahya ibn Yahya said: “I used to visit Ibn Al-Qāsim, and he would ask me, ‘From where did you get these?’ I would say, ‘From Ibn Wahb.’ He would

say, 'Fear Allah, because most of these Hadīths are not acted upon.' Then I would visit Ibn Wahb, and he would ask me, 'From where did you get these?' I would say, 'From Ibn Al-Qāsim.' He would say, 'Fear Allah, because most of these matters are based on personal reasoning.'" Jāmi' Bayan Al-'Ilm wa Fadlih p. 1112.

For further reference on the Rationalist School, see Ibn Qutaybah's introduction to Mukhtalif Al-Hadīth refuting the theologians, including An-Nazhzhām.

Ad-Dihlawi stated in Al-Insāf fi Bayān Asbāb Al-Ikhtilāf p. 93

I found some of them claiming that there are two groups with no third: the Zhāhiriyyah and Ahl Ar-Ra'y. They argue that whoever uses analogy or deduces rulings belongs to Ahl Ar-Ra'y (lit. People of opinion). No, rather what is meant by opinion is not understanding and reason; this is intrinsic for any scholar. Also, a Muslim can never attribute to himself an opinion that relies on the Sunnah as its basis. The ability for deduction and analogy does not apply to opinion either, for Ahmad, Is'hāq, and even Ash-Shāfi'i are not counted among Ahl Ar-Ra'y unanimously; although they engaged in deduction and analogy. Actually, what is meant by Ahl Ar-Ra'y are those who, after consensus has been reached among Muslims or a majority of them on certain issues, resort to deducing rulings based on the

principles established by one of the earlier scholars. They mostly followed an approach of applying cases to similar ones and refer to a general principle without thoroughly investigating Hadīths and traditions. A Zhāhiri scholar does not depend on analogy or the traditions of the Companions, like Dāwūd and Ibn Hazm. Between these two extremes are the competent researching scholars of Ahl As-Sunnah, such as Ahmad and Is'hāq.

Meanwhile, Abu Hanīfah was considered a follower of Ibrāhīm An-Nakha'i, and derived rulings based upon his opinions.

Abbreviated symbols for books and jurists in the Māliki school of Fiqh

Symbol

Kāf letter

Indication

Al-Kharashi's Ash-Sharh Al-Kabīr

Hash

Hāshiyat Al-'Adawi 'Ala Al-Kharashi

Khash

Al-Kharashi

Maj

Al-Majmū, by the erudite scholar Al-Amīr

Dīh

At-Tawdīh, by Shaykh Khalīl

Ha' letter

Al-Hattāb

'Aj

'Ali Al-Ajhūri
Tat
At-Tatā'i
Zāy letter
Az-Zurqāni
Bann
Muhammad Bannani
Tukh
At-Tukhaykhi
Ghayn letter
Ibn Ghāzi
Jīm letter
Al-Jinwi
Qāf letter
Al-Mawwāq.
Jas
Muhammad Jassūs
Mas
Al-Masnāwi
Sīn Letter
Sālim As-Sanhūri
Sir
Nāsir Al-Laqqāni
Maq
Ibn Marzūq
Naf
An-Nafarāwi
'Af
Ibn 'Arafah

Dāl letter

Ahmad Az-Zurqāni

Biyy

Al-Abiyy

Taw

At-Tāwudi ibn Sawdah

Shab

Ash-Shabrakhīti

Sa

As-Sāwi

Li

At-Tusūli

Ni

Ar-Rahūni

Zi

Hijāzi, commentator of Al-Amīr's book

Sha

The explainer of the text

Some symbols vary according to the divergence
of interpretations and time.

Ash-Shāfi'i

Name and lineage

Muhammad ibn Idrīs Ash-Shāfi'i. His lineage
meets that of the Prophet (ﷺ) in his grandfather,
'Abd-Manāf.

Date of birth and death

150 AH in Gaza-204 in Egypt. He traveled to
Makkah, Madīnah, and Baghdad

Worship and piety

Ar-Rabī' ibn Sulaymān said: Ash-Shāfi'i used to recite the entire Qur'an sixty times in Ramadan.

Al-Husayn Al-Karābīsi said: I stayed overnight once at Ash-Shāfi'i's house. He prayed for about a third of the night, and he did not recite more than fifty verses, if he recited more, he would recite one hundred verses.

Ar-Rabī' ibn Sulaymān said: Ash-Shāfi'i divided his night as follows: he would spend the first third writing, the second third praying, and the last third sleeping.

Knowledge and Intelligence

He memorized the Qur'an at the age of seven and Mālik's Muwatta' at ten. His Shaykh, Muslim ibn Khālid Az-Zanji, authorized him to issue Fatwas at the age of fifteen.

Ibn 'Uyaynah said: Ash-Shāfi'i was the best of his time.

Ahmad said: No one has ever touched ink and pen without owing a gratitude to Ash-Shāfi'i.

What do you know about the old and new Madh'hab?

The Shāfi'i School of Fiqh (Madh'hab)

Establishment phase

Ash-Shāfi'i

Al-'Umm

Al-Buwayti

Al-Mukhtasar

Ar-Rabī' Al-Murādi

Al-Muzani
Al-Mukhtasar
Emergence and spread phase
Ibn Surayj
Al-Qaffāl
Al-Kabīr Ash-Shāshi
As-Shaghīr Al-Marwazi
Khurasan scholars' style
Al-Isfarāyīni
Iraq scholars' style
Al-Māwardi
Al-Hāwi
Al-Juwayni
Nihāyat Al-Matlab
Ash-Shīrāzi
Al-Muhadhdhab
Al-Ghazzālī
Al-Wasīt
Authentication phase
Ar-Rāfi'ī
Al-Muharrar
An-Nawawi
Minhāj At-Tālibīn
Second authentication phase
Ar-Ramli
Nihāyat Al-Muhtāj
Ibn Hajar Al-Haytami
Tuhfat Al-Muhtāj
Ahmad

Name and lineage

Ahmad ibn Muhammad ibn Hanbal Ash-Shaybāni

Date of birth and death

164 AH - 241 AH. Ibn Al-Jawzi said: Ahmad traveled around the world twice for compiling the Musnad.

Worship and piety

‘Abdullah ibn Ahmad said: My father used to pray three hundred Rak’ahs every day and night. When he became ill from those whips, he grew weak, so he would pray one hundred and fifty Rak’ahs every day and night.

Ahmad said: Never have I written a Hadīth except that I acted upon it. I happened to know that the Prophet (ﷺ) got himself cupped and gave Abu Taybah a dinar, so I gave the cupper a dinar when I got myself cupped.

Ar-Rabī’ said: Ash-Shāfi’i said to us that Ahmad is an imam in eight qualities: an imam in Hadīth, an imam in Fiqh, an imam in language, an imam in the Qur’an, an imam in poverty, an imam in asceticism, an imam in religious prudence, and an imam in the Sunnah.

Knowledge and Intelligence

‘Abdullah ibn Ahmad said: Abu Zur’ah said to me: Your father memorizes a million Hadīths. He was asked: How do you know? He said: I studied with him and learnt the chapters from him.

‘Abdur-Razzāq said: I have never seen anyone with deeper understanding or more piety than Ahmad ibn Hanbal.

Ash-Shāfi‘i said: I left Baghdad, and I did not leave behind anyone that was better, more knowledgeable, had better understanding, or more pious than Ahmad ibn Hanbal.

Ash-Shāfi‘i said: O Abu ‘Abdullah, when you judge a Hadīth as authentic, inform us so that we may refer to it. You are more knowledgeable about authentic reports than we are.

Who are they?

Imam Ahmad

Establishment

Compilers of Al-Masā’il

Transmission

Al-Khallāl

Al-Jam‘ (compilation/collection)

Al-Khiraqi

Al-Ikhtisār (abridgment)

Ibn Hāmid

At-Taqlīd (establishment of rules)

Some of these names may refer to more than one individual. What are these names?

The Hanbali school of Fiqh

Establishment phase

Until 403 AH

Imam Ahmad

He did not write down his Madh'hab.

Compilers of Al-Masā'il
Abu Dāwūd, Ahmad's two sons, and Al-Kawsaj
Al-Khallāl
Al-Jāmi'
Al-Khallāl's boy
Zād Al-Musāfir
Al-Khiraqi
Al-Mukhtasar
Al-Hasan ibn Hāmid
Tahdhīb Al-Ajwibah
Authentication and the revision phase
Until 885 AH
Al-Qādi Abu Ya'la
Kitāb Ar-Riwāyatayn wa Al-Wajhayn
Ibn Qudāmah
Al-Muqni'
Ibn Taymiyyah
Al-Muharrar
Ibn Muflih
Al-Furū'
Al-Mardāwi
Al-Insāf
Stability phase
Al-Hajjāwi
Al-Iqnā'
Ibn An-Najjār
Al-Muntaha
Mar'i Al-Karmi
Ghāyat Al-Muntaha

Al-Buhūti

Kashshāf Al-Qinā'

Areas of agreement on the issue of Tamadh'ub (following a particular Madh'hab, i.e., school of Fiqh) (*)

Condemnation of fanaticism, which is showing loyalty towards those who follow one's own Madh'hab and hostility towards followers of other Madh'habs

Acceptance of the existence of the four schools of Fiqh, without calling to abolish them or neglect their authored books

A follower of a certain Madh'hab who, upon reaching the level of independent reasoning, holds an opinion different from the opinion of his imam due to the preponderance of another opinion, has acted correctly.

Acceptance of Tamadh'hub in the sense of studying under a particular fundamental school of Fiqh, while paying attention to the proof and seeking the preponderant one

It is permissible for a follower of a particular Madh'hab to adopt the opinion of his imam, attributing it to him and being personally convinced of its preponderance after examining the evidence supporting the opinions.

(*) Discussion on Tamadh'hub summarized from a PhD thesis at Imam Muhammad ibn Saud

University entitled (Tamadh'hub) by Dr. Khālid Ar-Ruwayti'

Stance on Tamadh'hub (sticking to a certain Madh'hab)

The view advocating the obligation of Tamadh'hub

Shaykh Muhammad Al-Amīn Ash-Shinqīti said: (Later scholars of 'Usūl (fundamentals of Fiqh) from all Madh'habs unanimously agree on it being an obligation).

The view advocating permissibility of Tamadh'hub (majority view)

Al-Qādi 'Iyād said: (There is a consensus among Muslims to follow these imams and study their Madh'habs).

Ibn Hubayrah said describing the Four Madh'habs: (The Muslim nation unanimously agrees that it is permissible to follow any of them).

Ibn Farhūn said: (People have unanimously agreed to imitate them... and scholars have agreed on the permissibility to follow them, emulate their Madh'habs, study their books, and learn from their mistakes).

The view advocating banning Tamadh'hub

Ibn Hazm said: (Let it be known to anyone who adopts all the opinions of Abu Hanīfah, or all the opinions of Mālik, or all the opinions of Ash-Shāfi'i, or all the opinions of Ahmad, though having the

ability to analyze and examine them... that he has gone against the consensus of the Ummah).

Key features of Fiqh in the present time

Printing of Fiqh books

Establishment of Fiqh councils

Organization of Islamic Cooperation (OIC)

Muslim World League

Emergence of Fiqh encyclopedias

Printed: The Kuwaiti Encyclopedia

Electronic: Jāmi' Al-Fiqh

Emergence of Fiqh magazines

Establishment of Fiqh websites

Emergence of calls for renewal in the fundamentals of Fiqh

Increase in contemporary controversial Fiqh issues

Shariah faculties and Fiqh departments

Increase in academic theses on Fiqh

Overview of Fiqh Approaches

Undoubtedly, the Prophetic Hadīth is a main source of legislation and Fiqh according to all Islamic jurists, but the scholars' share of memorizing and knowing of Hadīth varies. During the era of the Tābi'ūn, the school of Hijāz stood out due to the abundance of Companions residing there. The abundance of Hadīths with authentic and good chains of narration reduced their reliance on analogy relatively. They only rejected analogy in the absence of textual proof. This situation

contrasted with that of the school of Kūfa or Iraq, where Hadīths were fewer, the residing Companions were fewer, and their scholars had fewer authentic chains of narration compared to the scholars of Hijāz. They received many narrated Hadīths with weak chains of narration, which they did not act upon, instead, they preferred analogical reasoning.

This led to their Fiqh being based on the Qur'an and the Hadīths that they judged as authentic, along with analogy and independent reasoning (Ra'y) that they frequently used until it became their distinguishing feature, resulting in juristic opinions that disagreed with the authentic Hadīths that were not famous among them. This resulted in some distinction between the Fiqh of these two schools. The school of Ahl Ar-Ra'y and the school of Ahl Al-Hadīth emerged. Subsequently, a school emerged that vehemently rejected the use of analogy, known as the school of Ahl Azh-Zhāhir (apparent approach). When the Mu'tazilah concept entered the Muslim world, a rational approach emerged that prioritized reason over Āhād reports and took an antagonistic stance towards the approach of Ahl Al-Hadīth. The key features of each of these schools or approaches appear through the following:

Fiqh Schools and Approaches

Ahl Al-Hadīth

Strong emphasis on Hadīth and traditions, whereas Qiyās (analogical reasoning) comes in the second place.

Prioritizing Hadīth over Qiyās, whether it is an Āhād or profusely transmitted, and whether the issue is uncontrollably widespread or not.

Ahl-Ar-Ra'y (people of opinions)

Less emphasis on Hadīth compared to Ahl-Al-Hadīth, with a strong emphasis on analogical reasoning.

Prioritizing analogical reasoning over Āhād reports in certain cases, such as widespread issues.

The Zhāhiriyyah

They only focus on the apparent meaning of the text, rejecting the use of analogical reasoning and the traditions of the Companions.

Opting for Istis'hāb (presumption of continuity) in matters lacking explicit textual evidence

The Rationalist School

Neglecting Āhād narrations and minimizing their importance and authenticity

Emphasis on interest-based considerations, prioritizing reason and interest over Shariah texts

Not considered a major school of Fiqh, but mentioned for its existence in reality and to highlight its disagreement with the other schools.

The notion widely spread about the people of Iraq not having a sufficient corpus of Hadīth is inaccurate and contradicted by reality." Dr. 'Abdul

Majīd Mahmūd in Al-Ittijāhāt Al-Fiqhiyyah 'Inda As'hāb Al-Hadīth Fi Al-Qarn Ath-Thālith Al-Hijri

Al-Hajawi said: There is no doubt that every imam among them conducted personal reasoning, and every imam among them followed the traditions. Although the disagreement may seem fundamental, in reality, it is only in some details where traditions are accepted as authentic by the people of Hijāz but not by the people of Iraq. Thus, the former (the people of Hijāz) act upon them while the latter (the people of Iraq) ignore them either because they had no knowledge of them, or because they did not accept them as authentic." Al-Fikr As-Sāmi 1/383.

Yahya ibn Yahya said: I used to visit Ibn Al-Qāsim, and he would ask me, 'From where did you get these?' I would say, 'From Ibn Wahb.' He would say, 'Fear Allah, because most of these Hadīths are not acted upon.' Then I would visit Ibn Wahb, and he would ask me, 'From where did you get these?' I would say, 'From Ibn Al-Qāsim.' He would say, 'Fear Allah, because most of these matters are based on personal opinion.' Jāmi' Bayan Al-'Ilm Wa Fadlih p. 1112.

For further reference on the Rationalist School, see Ibn Qutaybah's introduction to Mukhtalif Al-Hadīth refuting the scholastic theologians, including An-Nazhzhām.

Ad-Dihlawi stated in *Al-Insāf fi Bayān Asbāb Al-Ikhtilāf* p. 93

I found some of them claiming that there are two groups with no third: the Zhāhiriyyah and Ahl Ar-Ra'y. They argue that whoever uses analogy or deduces rulings belongs to Ahl Ar-Ra'y (lit. People of opinion). No, rather what is meant by opinion is not understanding and reason; this is intrinsic for any scholar. Also, a Muslim can never attribute to himself an opinion that relies on the Sunnah as its basis. The ability for deduction and analogy does not apply to opinion either, for Ahmad, Is'hāq, and even Ash-Shāfi'i are not counted among Ahl Ar-Ra'y unanimously; although they engaged in deduction and analogy. Actually, what is meant by Ahl Ar-Ra'y are those who, after consensus has been reached among Muslims or a majority of them on certain issues, resort to deducing rulings based on the principles established by one of the earlier scholars. They mostly followed an approach of applying cases to similar ones and referred to a general principle without thoroughly investigating Hadīths and traditions. A Zhāhiri scholar does not depend on analogy or the traditions of the Companions, like Dāwūd and Ibn Hazm. Between these two extremes are the competent researching scholars of Ahl As-Sunnah, such as Ahmad and Is'hāq.

Meanwhile, Abu Hanīfah was considered a follower of Ibrāhīm An-Nakha'i, and derived rulings based upon his opinions.

It is known that Ahl Ar-Ra'y do not reject Hadīth, but the difference between the school of Ahl Al-Hadīth and Ahl Ar-Ra'y appears in the status they give to Āhād reports and Qiyās, especially when they conflict.

On the other hand, the difference between Ahl Al-Hadīth and the Zhāhiriyyah manifests in their consideration of Qiyās, for the Zhāhiriyyah reject Qiyās with varying degrees among them.

As for the Rationalist School, they prioritize rational considerations of public interest over the apparent meaning of the text.

Ahl-Ar-Ra'y

Āhād report

Analogy (Qiyās)

The Zhāhiriyyah

Analogy (Qiyās)

Istishāb (presumption of continuity)

Apparent meaning of the text

Ahl Al-Hadīth (People of Hadīth)

Āhād report

Analogy (Qiyās)

The Rationalist School:

Text

Public interest

Differences among scholars

Beginning

The era of the Companions

Its reasons

The difference in establishing the authenticity of evidence and the validity of using it

The scholar did not have access to the relevant evidence.

The scholar was not sure of the authenticity of the evidence.

The scholar did not consider the evidence to be valid proof for a ruling.

The difference in understanding the meaning and implications of the evidence

Factors that might affect the interpretation of evidence, such as other related evidence

The difference in understanding the implications of words

The difference in determining the underlying reason for a particular ruling

Stance towards it

The difference should not lead to alienation and disputes

In matters of Ijtihād, a scholar who holds a different opinion should be considered to have a valid reason or justification for his stance.

Refraining from pursuing concessions

Ultimately, only one opinion is correct

What are the main sections of Fiqh?

This includes purification, prayer, Zakah, fasting, Hajj, and Jihad.....

This includes marriage, divorce, Khul', alimony, child custody.....

This includes sale transactions, leasing, lending.....

This includes legal retribution, blood money, the judiciary.....

Chapters on Fiqh of the acts of worship

A set of specific statements and actions that starts with Takbīr and ends with Taslīm.

Prayer

Conditions

Obligatory acts

Sunnah acts

Virtuous acts

Disliked acts

Invalidators of prayer

Errors in prayer

Types of prayer

Exceptional rulings

What is the difference between the condition for the obligation and the condition for the validity?

Conditions of prayer

Obligation

Puberty

Validity

Islam

Covering the 'Awrah

Facing the Qiblah
Purity from Hadath (ritual impurity)
Purity from Khabath (filth and dirt)
Condition for both obligation and validity
The Islamic call has reached the person
Commencement of due time
Sanity
The ability to use pure water
Not being in a state of sleep or
unawareness/inattentiveness
Absence of menstrual and postpartum blood
What are the differences between the two types?
The first condition: Purification
Purification from Hadath
Purification from Khabath (filth)
Purification
Two categories
Related to Hadath
Two categories
Minor
With water
With dust
Major
With water
With dust
Khabathiyyah (impure substances)
It affects
Body
Clothes

Place

Purification from Hadath

Categories of water

Tahūr (purifying): That to which the name 'water' applies without any restriction

Permissible to use it unconditionally

Retaining its natural qualities

Changed by something that does not affect it, such as its resting place or passage, or due to prolonged stay, or by what is generated from it.

Disliked to use it when alternatives exist.

Used to eliminate ritual impurity.

A little that has not been changed by impurity.

A small amount that a dog licked from it.

Sun-heated in a hot region

Non-purifying:

One of its three characteristics has changed due to something that is usually separated from it.

Changed by a pure substance

It is permissible to use it in habits but not in acts of worship.

Changed by an impure substance

It is not permissible to use it in habits or acts of worship.

Purification from Khabath (filth)

Pure and impure entities

Inanimate objects

Animal

Parts of the animal that are separate from it.

Animal discharge

Pure and impure entities

Animal

A living animal

Totally pure

A dead animal

Impure: that which died without being slaughtered (except for sea creatures and those that have no flowing blood)

Pure: the human being, and what has died through proper slaughtering from what is permissible and disliked to eat

Animal discharge

What is discharged from the eye, mouth, nose, and skin: if it is from a living or slaughtered animal, it is pure.

The bile that comes out of the stomach is pure, while the black bile and changed vomit are impure.

Discharge from the two passages

Pre-ejaculatory fluid, semen, and post-urinary fluid are impure

Urine and feces

Impure: when discharged by animals whose meat is disliked or prohibited to eat

Pure: of those animals whose meat is permissible to eat (not Al-Jallālah)

Milk

Pure: The milk of a woman and animals whose meat is permissible to eat

Impure: milk of an animal prohibited to consume
Egg: pure if it is from a living creature, properly slaughtered, or from one whose carcass is pure.

Blood

Spilled blood is impure

Non-spilled blood is pure

Inanimate things

Pure except for intoxicants from among liquids

Parts of the animal that are detached from it.

When alive: impure except for wool, hair, fur, and down feathers (provided they are sheared).

When dead: what is deemed pure, its parts are pure, and vice versa.

What is made from gold and silver

Utensils

It is not permissible for men and women to use them at all

It is unlawful to use items plated (covered) or lined (filled) with any of them.

It is permissible to use utensils guised as either of them.

Jewelery

Men

It is impermissible for them to adorn themselves with gold and silver. The exceptions are:

A silver ring is a condition: it must be only one ring and not exceed two Dirhams.

Tying a tooth with a strip from either of them or replacing an extracted tooth with one made of either of them.

Adorning a sword or a Mus'haf with them

Acquiring a nose from either of them

Women

It is permissible for them to adorn themselves with what is made of gold and silver.

Excluded are items not worn, such as the kohl container and the comb.

It is permissible to keep a vessel of jewels and use it.

What is the ruling on removing impurity outside of the prayer?

Issues related to Najāsah (impurity)

Purification from impurity for prayer

Its obligation is conditional

Awareness/Mindfulness of it

Ability

There is enough time

Not among those types excused

The places from which removal is obligatory

Garment

Body

Place

Cases where impurities are excusable

When it is difficult or entails hardship to remove

When there is a trace of its scent or color without its taste

The garment of the butcher and the nursing woman and the like

Wetness due to hemorrhoid and the like

Mud splashed up and the rain

Persistent Hadath (ritual impurity)

An unpressed boil

What flows on the passerby

Due to the small amount

The size of a Baghli Dirham (equivalent to the black spot on a mule's forearm) or less of blood, pus, or discharge

The traces of flies and fleas

Utilization of objects attributed to impurity

Inherent impurities: It is totally impermissible to utilize them.

The pure but stained: It is permissible to use it outside the mosque and for non-human use.

Impure substances that cannot be purified

The olive that is salted with an impure substance

Eggs boiled or meat cooked in something impure

Oil or liquid food mixed with impurity

When impurity spreads in solid food or penetrates into pottery.

Removing what comes out of the private parts

Issues

Ruling

Obligatory

Manners of performing it

By stones, then water

The optimum manner
By water alone (Istinjā')
Next in degree
By stones or the like alone (Istijmār)
Conditions
The substance used for cleaning must be pure
Purifying
Solid
Non-monetary
Non-edible
Not religiously honored
Not so sharp or rough that causes injury
The excretions not crossing the usual exit spot
The excretions must not be of a type that
requires removal with water
Urine of the female and the eunuch.
Semen and pre-seminal fluid
Menstrual blood and post-natal bleeding
If the discharge has spread beyond the opening
of the passage
Etiquette of Answering the Call of Nature
Mandatory act
Istinjā'
Emptying the discharge from both outlets
Recommended act
Dhikr of entering and leaving the lavatory
Sitting and not looking around while doing so
Entering with the left foot and exiting with the
right foot

The appropriate posture
Prioritizing the urethra during Istinjā'
Istijmār with an odd number
Going far from people and concealing oneself
and preparing the cleansing tool
Avoiding relevant prohibited acts
Facing the Qiblah or turning one's back towards
it in an open space if there is no barrier
Bringing the Qur'an into the lavatory
Avoiding disliked acts
Speaking while answering the call of nature
Answering the call of nature in prohibited
locations
Shady spots
Windy spots
On solid surfaces
Roads
Holes
Places frequented by people
Wudū' (Ablution)
Its obligatory acts
Seven
Intention
Washing the face
Washing the hands up to the elbows
Wiping the head
Washing the feet
Rubbing the parts being washed

Immediateness (with the condition of remembering and capability)

Sunnah acts

Eight

Washing the hands up to the elbows

Rinsing the mouth

Making Istinshāq (sniffing water into the nose)

Blowing the water out of the nose

Wiping over the head back and forth

Wiping the ears

Renewing the water for wiping the ears

Observing the sequence of obligatory acts

Favorable acts

Ten

Clean place

Tasmiyah (mentioning Allah's name)

Using the Siwāk (tooth-stick)

Vessel to the right side

Washing the parts twice and thrice

Minimization of water while ensuring thoroughness

Starting with the right side parts

Observing the sequence of the Sunnah acts

Observing the sequence of Sunnah acts with the obligatory acts

Starting by wiping the head from the front

What is the difference between the Sunnah act and favorable act?

Invalidators of ablution

Ritual impurity

Urine

Defecation

Passing wind

Pre-seminal fluid

Wady (a thick white secretion discharged after urinating and sometimes before it, but not associated with sexual desire)

Semen

If it is discharged without pleasure, or with unusual pleasure

Al-Hādi (the fluid that exits from a pregnant woman just before childbirth)

Reason

Loss of consciousness

Due to fainting

Insanity

Heavy sleep

Intoxication

Touching someone with whom one typically finds pleasure, either with the intention of feeling pleasure or if pleasure is actually felt

Touching the male reproductive organ (with the palm, side of the hand, or fingers)

Other than that

Doubt in

Ritual purity

Ritual impurity (Hadath)

Whichever of them occurred first

Apostasy

What is the ruling regarding someone who doubts his state of ritual purity after prayer?

Ritual bath

Causes of Obligation

Menstruation

Postpartum bleeding

The discharge of semen with customary pleasure

Disappearance of the head of penis or its equivalent in the private part of a party that can withstand intercourse

Sunnah acts

Washing the hands up to the wrists first

Rinsing the mouth

Sniffing water into the nose

Blowing the water out of the nose

Wiping the ear canal

Obligations

Intention

Washing the entire body with water

Rubbing the body

Consecutiveness in case of remembering and capability

Running wet fingers through the hair

Favorable acts

Commencing with washing away filth

Tasmiyah (mentioning Allah's name)

Pouring water over the head thrice

Giving precedence to the organs of ablution and washing them only once

Reducing water while ensuring the thoroughness of the ritual bath

Starting with the top of the body

Starting with the right body parts first

A clean place

What is prohibited for a person in the state of ritual impurity

Prayer

Tawāf

Touching the Mus'haf (bound copy of the Qur'an)

What is prohibited for a person in a state of Janābah (major ritual impurity)

What is prohibited for a person in the state of Hadath: (prayer, Tawāf, and touching the Mus'haf)

Entering the mosque (even if merely passing through)

Recitation and writing of the Qur'an

Except for the little for seeking refuge, making Ruqyah, or inference

Purification with earth

Tayammum (dry ablution)

Who is permitted to perform Tayammum

An ill person

He performs Tayammum for obligatory and supererogatory acts of worship

The traveler who does not find water

He performs Tayammum for obligatory and supererogatory prayers

The resident who does not find water

He performs Tayammum for the obligatory prayer and for a funeral prayer that is already due

He does not perform Tayammum for Friday prayer nor for Sunnah prayers

Reasons that permit Tayammum

Unavailability of water, actually or considered so under the Shariah

Illness (known by custom or through a knowledgeable physician)

Fearing its occurrence

Fear of its increase

Fear of the delay in recovery

Excessive increase in the price of water

Fear

For life or property

From the expiry of the optional time while seeking or using the water

From the rulings of Tayammum

Obligations

Pure surface of the earth

Not processed that changes its nature

Intention

The first strike

Immediateness

Wiping the face

Wiping both palms

Its favorable acts
Tasmiyah (saying Bismillāh)
Dust
Starting with the right side
Starting with the outer part of the forearm then
the inner part
Sunnah acts
Wiping the hands up to the elbows
The second strike
Observing the prescribed order
Moving the dust attached to the hand to the place
of wiping
Invalidators
Seeing water before commencing the prayer, or
remembering that he had it in his luggage
Invalidators of ablution
The long interval between it and the prayer
Conditions
Commencement of due time
Its connection with what it was performed for,
such as prayer and the like
He should not perform more than one obligatory
prayer with it
One who lacks both forms of purification
He is exempt from prayer and not obliged to
make it up
Organs of ablution
Two cases
Uncovered: should be washed

(except the head)

Covered by something that is permissible to wipe over: should be wiped over

Khuff (leather socks)

Splint

(And what falls under the same ruling)

Wiping over Khuffs (Leather socks)

Its Ruling

Permissible in residence and travel

Duration: There is no limit to the wiping, and it is recommended to remove them every Friday or week

Conditions of wiping

Conditions of the wiped object

To be made of leather

Pure

Stitched

Covering the area that must be washed in ablution

Has no barrier on it

That it can be walked in customarily

Conditions of the wiper

To wear it while being in a state of ritual purity

Purification must be with water, not with earth

To wear it after completing ablution or ritual bath

Not to be worn for luxury

Wearing it does not involve disobedience

It is recommended to wipe both the topside and the bottomside of the leather socks; if the topside is missed, the prayer is invalid, and if the bottomside is missed, the prayer should be repeated within the preferred time.

Invalidators of wiping

Invalidators of the ritual bath

The occurrence of a tear the size of one-third of a foot

The entire foot coming out of the Khuff, or the foot coming out up to the ankle

Conditions of an injured limb

1. If it is possible to wash it without harm, it is obligatory

2. If one fears harm, he may resort to wiping over it

3. If one fears harm from washing or wiping, he may resort to wiping over the splint

Rulings on wiping over a splint

It is not a condition for wiping over the splint

To be in a state of minor ritual purity when it is applied

That it is preceded by a Tuhr (a state of ritual purity)

It is permissible to wipe over the splint whether it is just enough to cover the affected area or extended due to necessity

The one who has performed ablution transitions to Tayammum

In two cases
If one is harmed by wiping over the splint
That the sound limbs are very few, for example:
a hand and a leg only

Causes of the Obligatory Ghusl

Menstruation and postpartum bleeding

Blood discharge from the vagina

Types

Menstruation

Postpartum bleeding

Istihādah (vaginal bleeding outside of menstruation)

Is there a difference between the blood of illness and bad blood and the blood of Istihādah?

Menstruation

Its essence

Blood, yellowish discharge, or brownish discharge that naturally emits from the private area of one who typically gets pregnant

Duration

Minimum limit

For acts of worship, one gush of blood

In the 'Iddah: bleeding that lasts for a day or part of a day

Maximum limit

15 days (except for the pregnant)

Purity period

Minimum period: 15 days

Maximum period: no limit

Its signs

White post-menses discharge

Dryness of the vagina

Categories of women

(Regarding the maximum duration of menstruation)

Mubtadi'ah (Initial stage)

A woman who has never menstruated

Maximum period

Fifteen days

A pregnant woman

In the first and second months:

Her ruling is the same as a woman experiencing menstruation regularly

From third to fifth:

The maximum period for her is twenty days

From the sixth to the end of pregnancy:

The maximum period for her is thirty days

Mu'tādah (woman experiencing menstruation regularly)

Definition: she is the one who has previously experienced menstruation and for whom a regular cycle has been established.

Her ruling: she should adhere to her usual cycle, and if the bleeding persists, she may extend it by three days, provided it does not exceed 15 days, in which case, she is considered to be in a state of Istihādah.

Mulaffiqah

Definition: it is when her state of Tuhr (ritual purity) is interrupted by menstruation.

Her ruling: she combines the days of her menstruation without the days of purity until she completes her regular cycle

Postpartum bleeding

Definition

It is the blood that comes out from the woman's vagina during childbirth or after it

Its rulings

The rulings of post-partum bleeding entail the same rulings as those of menstruation

regarding the minimum period of purity being (15 days)

Counting the time of intermittent bleeding and combining these periods to determine the total duration

It differs from menstruation in that it does not require a verifying period

Regarding the entailed rulings of prohibition

Duration

The minimum is a single gush, same as menstruation

Maximum period: 60 days

A woman experiencing Istihādah

Definition

She is the woman who experiences an incessant flow of blood after her menstrual period is over

Relevant ruling

It is divided into two sections

Mumayyizah (a woman who can distinguish between her menstrual blood and other types of blood based on its characteristics)

After the completion of the minimum period of Tuhr (ritual purity), she is menstruating

Before the completion of the minimum period of Tuhr, she is ritually pure

Ghayr Mumayyizah (a woman who cannot tell the difference between her types of blood)

Always ritually pure

What is forbidden due to menstruation

Prayer

Fasting

Tawāf

I'tikāf (seclusion for worship)

Divorce

Enjoyment of what is between the navel and the knees

Entering the mosque, even for passing through

Touching the Mus'haf (bound copy of the Qur'an) not reciting the Qur'an

Comprehensive questions on the section of purification

List the categories of Tahārah (ritual purification).

List the categories of water, explaining the difference between "Tāhir" (pure) and "Tahūr" (purifying), and what are the categories of each?

What is the ruling on using vessels made of gold and silver, and is it permissible to possess them for decoration? Is there any exception to this ruling?

What is the original ruling regarding men adorning themselves with silver, and what are the circumstances where the original ruling is not applied?

List the obligatory and Sunnah acts in ablution.

What are the favorable acts of ablution? Mention six of them.

Enumerate the categories of invalidators of ablution, and what falls under each category?

List the things prohibited for a person in a state of minor Hadath.

Mention the types of removing what comes out of bodily passages, and what are the conditions of Istijmār?

In which places is it disliked to answer the call of nature?

What are the cases of the injured limb, and what is obligatory on the one purifying himself in each case?

When should one with a splint shift from ablution to Tayammum, and what is the situation in which both are combined?

State the conditions for wiping over the leather socks, what is its duration, and what is the ruling on the prayer of one who wipes the bottom side of the leather sock?

What necessitates a ritual bath? Mention three of its obligatory acts.

Mention three of the Sunnah acts of the ritual bath and four of its favorable acts.

What are the rulings that a person in a state of major impurity (janābah) is prohibited from?

What are the types of blood discharged from a woman's vagina?

What is the minimum duration of menstruation, what is the minimum period of purity, and what are its signs?

Clarify the ruling for each of the following: a woman experiencing her first menstruation, a pregnant woman, and a woman with a regular cycle, in case the blood does not cease.

What is the ruling concerning a woman whose state of ritual purity is intermittent?

What is the minimum and maximum duration of post-natal bleeding?

Mention five matters that are forbidden on account of menstruation.

Who is permitted to perform Tayammum and what are the reasons that make it permissible?

List the obligatory acts, Sunnah acts, and favorable acts of Tayammum.

State the conditions and invalidators of Tayammum, and what is the ruling in the absence of both purifying materials?

List the categories of substances in general, and what is the original state of both living animals and inanimate objects?

What is the ruling on removing impurities during prayer, from what must they be removed, and when does the prayer of one who is contaminated with impurity become invalid?

Mention five excused impurities.

State the ruling on benefiting from impure objects and objects affected by impurity, and mention three objects affected by impurity that cannot be purified.

Trees of prayer

Among the conditions of the validity of prayer are:

Commencement of due time

Prayer time

On-time performance

Necessary

Optional

Making up

Performing prayer within the prescribed time

Prayer times

Zhuhr

Optional

From the time when the sun declines from its zenith until the shadow of everything is as its exact length

Darūri (time of necessity)

From the time when the shadow of everything is as its exact length until shortly before sunset

‘Asr

The end of the optional time for Zhuhr is shared between it and ‘Asr

Ikhtyāri (optional time)

From the time when the length of the shadow of an object is the same as the object itself until the sun turns yellow

Darūri (time of necessity)

From when the sun turns yellow until sunset

Maghrib

Optional time

From sunset and extends for the duration required to perform it after fulfilling its conditions.

Time of necessity

From the end of the proper time for prayer after its conditions are met until just the break of dawn

‘Ishā’

Optional time

From the disappearance of the twilight until the first third of the night

Time of necessity

From the first third of the night until the break of dawn

Fajr

Optional time

From the break of true dawn until clear daylight

Time of necessity

From clear daylight until sunrise

What is the difference between the true dawn and the false dawn?

Issues related to time

The two prayers that share a time are caught after a person's excuse is removed and there is enough time remaining to perform at least one Rak'ah after performing the first

If an excuse arises during the necessary time of the prayer and there is only enough time remaining to perform one Rak'ah with its two prostrations, the obligation to perform that prayer is dropped

If the time is too short for the two prayers that share a time, the remaining time is allocated exclusively to the latter (or second) prayer

The time for purification is estimated after the removal of the excuse, except in the case of disbelief

What entails the commencement of prayer due time:

Adhān

Adhān

Ruling

A confirmed Sunnah for a time-bound obligatory prayer during its preferred (optional) time

In mosques without exceptions

For a congregation expecting others to join the prayer, whether during residence or travel

It is obligatory in the city on a communal basis

It is recommended during travel for an individual and a congregation that does not seek others to join

Disliked for a missed prayer, during the necessary time, for an individual in a settled area, and for a supererogatory prayer

It is unlawful to pray before the due time, except in Fajr prayer

Manner of performing it

Seventeen sentences - with Tarjī' -

Conditions of its validity

Islam

Sanity

Masculinity

Commencement of due time

Acts recommended in the Adhān

Standing

Being in an elevated place

Purification

Facing the Qiblah

Qadā' (making up)

Making up for missed prayers

Observing the prescribed order of prayers

Condition for the obligation

Between two prayers that share a time, with a condition

To remember before performing the second prayer or during its performance

That his remembering must not be after completing most of the current one

Unconditional obligation

The missed prayers among themselves

Between the present prayer and a few missed prayers

(even if the time of the present prayer has passed)

A few number of missed prayers is five prayers or less

Ruling

Obligatory on an immediate basis

Manner of performing it

It must be made up according to the manner in which it was missed

Prohibited times for supererogatory prayer

Tahrīm (Prohibition)

What is meant by the supererogatory prayer that is impermissible in this context?

When the time left for performing the obligatory prayer becomes too short

During sunrise

During sunset

During the preacher's coming out for the sermon and throughout it

Upon remembering a missed obligatory prayer

Upon calling Iqāmah for a current prayer

Karāhah (Being disliked)

After the morning prayer and until the first light of the sun appears

Except for the funeral prayer and the prostration of recitation before the brightening of dawn

After the break of dawn

Except for the Fajr Sunnah prayer and the habitual voluntary prayer

From the appearance of the sun's disk until it rises as high as the length of a spear

Immediately after Jumu'ah (Friday) prayer in the place of prayer

After the 'Asr obligatory prayer until the beginning of sunset

Except the funeral prayer and prostration of recitation before the sun turns yellow

From sunset until the Maghrib prayer

Obligatory acts of prayer

Intention for a specific prayer

Takbīrat Al-Ihrām (opening Takbīr) and standing for it

Recitation of Al-Fātihah and standing for it

Ar-Rukū' (bowing) and rising from it

Prostration on the forehead

Sitting between the two prostrations

Making Taslīm and sitting for it

Straightness

Tranquility

Observing the prescribed order among the obligations

Sunnah acts of prayer

Reciting a portion of the Qur'an after Al-Fātihah, and standing for it

Silent recitation in prayers where recitation should be silent

Recitation aloud in what is to be recited aloud

Takbīr upon moving from one act to another

Tasmī' (saying: Allah hears whoever praises Him) for the Imam and the one praying alone

The two Tashahhuds

Sitting for the Tashahhud

The second and third Taslīms for the one led in prayer

Raising the voice for the obligatory Taslīm (salutation of peace ending the prayer)

Adding to the obligatory level of tranquility

Favorable acts in prayer

Raising the hands in the Takbīr of Ihrām

Ta'mīn (saying Ameen)

Prolonging the recitation in the Fajr and Zhuhr prayers, shortening it in the 'Asr and Maghrib prayers, and making it moderate in the 'Ishā' prayer

The recitation of the one praying behind the Imam in the inaudible prayer

Saying: "Rabbanā wa Lakal Hamd" (Our Lord, to You belongs all praise)

Saying Tasbeeh during Rukū' (bowing) and Sujūd (prostration)

The known manner of bowing, prostration, sitting, and Tashahhud

Al-Qunūt in the morning prayer

Supplication during Sujūd (prostration)

Supplication after the second Tashahhud

Starting with the right side in Taslīm

Sutrah (barrier) for other than the one led in prayer

Things disliked during prayer

Basmalah (saying: Bismillah Ar-Rahmān Ar-Rahīm) and Isti'ādhah (saying: A'udhu billah...) in the obligatory prayer

Supplication outside the prescribed places for supplication

Prostration on luxurious garments and carpets

Prostration on the turban's fold, the sleeve's edge, or the garment

Recitation in Rukū' and Sujūd

Supplicating in a non-Arabic language by one who is capable of Arabic

Turning sight without need

Interlacing and cracking the fingers

Placing the hands on the waist

Al-Iq'ā' sitting posture

Closing the eyes

Placing one foot over the other

Contemplation of the matters of worldly life

Carrying something in the sleeve or the mouth

Nullifiers of prayer

Intentionally skipping a condition or a pillar
 Deliberately adding a pillar of action
 Intentionally speaking for purposes other than
 rectifying the prayer
 Deliberate blowing with the mouth
 Intentionally eating or drinking
 Deliberate vomiting
 Saying As-salām (The greeting of peace)
 deliberately
 The worshipper correcting someone other than
 his imam
 Hadath (invalidating purity)
 Laughing intentionally or forgetfully
 Excessive movement
 Adding four Rak'ahs by mistake in a four-Rak'ah
 or three-Rak'ah prayer, and two Rak'ahs in a two-
 Rak'ah prayer
 Error in prayer
 Prostration of forgetfulness
 Ruling
 A confirmed act of Sunnah
 Manner of performing it
 Two prostrations with Tashahhud and Taslīm -
 without supplication -
 Its types
 Before Taslīm (and its cause)
 Omission
 A confirmed act of Sunnah, like reciting Al-
 Fātiḥah aloud in the obligatory prayer

Two mild Sunnah acts like two Takkbīrs
When there are both omission and addition
After Taslīm (and its cause)
Addition

Actions relevant to prayer
Like adding a pillar or a Rak'ah
Actions irrelevant to the prayer
Like little eating and drinking
Doubt

In completing or counting (one should follow
what he is certain of and perform the prostration)

Ruling regarding the latecomer

If the imam experiences forgetfulness

If he has not caught up with a Rak'ah with him,
he does not prostrate

If he catches up with one Rak'ah or more

He should offer the prostration to be offered
before Taslīm with him and delay the one to be
offered after Taslīm

If the latecomer forgets

In the state of Iqtidā' (following the imam), the
imam bears the responsibility for it

After separating from the imam, he should offer
the prostration

Two Sīns, Two Shīns, Two Jīms ***

And Two Tā's; such is the enumeration of the
eight Sunnahs

The Sunnah acts that require prostration are
eight:

Two Sīns
 Surah
 Sirr (secret recitation)
 Two Shīns
 The first Tashahhud
 The final Tashahhud
 Two Jīms
 Julūs (Sitting for the Tashahhud)
 Jahr (loud recitation)
 Two Tā's
 Takbīr (other than the opening Takbīr)
 Tasmi' (Sami'allāhu li-man hamidah) (Allah
 hears the one who praises Him)
 He who forgot the Prostration of forgetfulness
 Post Taslīm prostration
 He should perform it even after a year
 Pre-Taslīm prostration
 A long time did not pass
 After Taslīm, he should offer the prostration
 A long time has passed, or he left the mosque
 If it involves omitting three or more Sunnah acts,
 the prayer becomes invalid
 If it is concerning less than three Sunnahs, it is
 not invalidated
 Types of prayer
 Based on its ruling
 Obligatory
 Not obligatory
 The obligatory prayers

Individual obligation
The five daily prayers
Friday prayer
Communal obligation
Funeral prayer
Non-obligatory prayers
Supererogatory
Confirmed supererogatory prayer
Raghībah (highly recommended)
A confirmed Sunnah prayer
Examples of individual obligatory prayers
Friday prayer
Ruling: Individual obligation
Its time is like the time of Zhuhr; begins from
Zawāl time
Disliked actions on Friday
Not working on that day
Ritual impurity during the Khutbah (sermon)
Travel from after Fajr until before Zawāl
The young woman who is not a source of
temptation attending the prayer
Its confirmed Sunnah acts
Ritual bath
The sitting of the preacher at the beginning of
each sermon
Facing the person of the imam
Recommended acts

Beforehand: - Cleaning oneself, wearing perfume, and keeping a good appearance - Going early and walking to it

In the two sermons

Making them short, with the second one shorter than the first

Beginning with praising Allah and invoking Allah's peace and blessings upon the Messenger of Allah

Reciting something of the Qur'an

Concluding the second with seeking Allah's forgiveness

The leaning of the preacher on a staff

To raise the voice with both of them

In the prayer, reciting Surat al-Jumu'ah in the first Rak'ah and either Surat al-A'la or Surat al-Ghāshiyah in the second Rak'ah

Prohibited actions on Friday

Travel at Zawāl time

Sale from the second Adhān to the end of the prayer

During the sermon

Stepping over necks

Eating and drinking

Talking

Performing supererogatory prayers

Conditions of Friday Prayer

For the obligation

Being a male

Freedom
 Residence
 Closeness to the mosque
 Freedom from the excuses that waive its obligation
 Validity
 Congregation
 Twelve men other than the imam
 Being settled
 What is the difference between residence and settlement?
 The resident imam
 Two sermons
 Al-Jāmi' (the mosque for holding the congregation)
 Congregational prayer
 Its ruling
 A confirmed act of Sunnah in obligatory prayers and in the confirmed Sunnah prayers, excluding Witr
 Communal obligation in the entirety of the land
 Recommended in the Tarāweih prayer
 Condition for the validity of Friday Prayer
 Conditions for the follower to follow the imam
 The intention to follow the imam before Takbīrat al-Ihrām
 Following him in Takbīrat al-Ihrām and Taslīm
 To fully align with him in the prayer itself, its manner, and its time

How does the latecomer complete his prayer?

He builds upon (what was done) regarding the physical actions, and he makes up (what was missed) regarding the utterances

Catching up with the congregational prayer

This is achieved by catching up with a complete Rak'ah with the imam

Disliked acts

Repeating it after the appointed imam or performing it before him

Praying between the columns without necessity

The imam's elevation above the followers in prayer

The imam praying without an outer garment

Praying ahead of the imam or being level with him without necessity

A man's prayer among women or his alignment with them

Rulings of the imam

Conditions related to the imam

Verified maleness

Sanity

Puberty

Being a Muslim

Capability to perform the pillars

Knowledge of what validates the prayer

Not intentionally nullifying ablution

Not to be a follower

People whose leading prayer is disliked

A Fāsiq (practically defiantly disobedient)
 A Bedouin leading an urban-dweller in prayer
 The one afflicted with incontinence and sores
 leading a healthy one
 One who is affected by an impure substance that
 is excused leading those free from it
 The uncircumcised
 One of unknown status
 The eunuch
 The effeminate
 It is disliked for those categories to be in the
 position of an appointed imam
 The illegitimate child
 Someone of unknown lineage
 The slave
 Those whose leading of prayer is accepted
 without dislike
 The blind
 The one who disagrees in Al-Furū' (subsidiary
 issues)
 The amputee and the paralytic
 The impotent and the leper
 The inarticulate and the one who stutters or is
 restrained
 A child leading other children
 When the intention to lead the prayer is required
 Friday Prayer
 Combination of prayer
 Prayer of Fear

Appointing a successor

From the rulings of congregational prayer

Istikhlāf (appointing a successor)

Meaning

The imam appoints another to complete the prayer for the followers due to an excuse

Reasons for Istikhlāf

Fearing the loss of a property of significance

If something occurs that invalidates his prayer but not the followers'

An occurrence that prevents the imam from leading the prayer

Ruling

It is obligatory for the Friday prayer and recommended for other prayers

Communal obligations

Prayer necessitates the bath, so whenever prayer becomes obligatory, the bath becomes obligatory

The funeral prayer

Its ruling

Communal obligation

Conditions of the obligation of prayer over the dead

Being a Muslim

He lived normally after birth

He was not a martyr in fighting for the sake of making the word of Allah Almighty supreme

Was not prayed over before

Not more than one-third of his body is missing
 Pillars of the funeral prayer
 Intention
 Standing, for one who is capable of it
 Four Takbīrs including the Takbīrat al-Ihrām
 (opening Takbīr)
 Supplicating for the deceased after each Takbīr
 Making Taslīm
 The imam's position in relation to the deceased
 Parallel to the shoulder of the female
 Facing the waist of a man
 Among the obligations regarding the deceased
 also
 Washing
 Shrouding
 Carrying and burying the deceased
 Washing the deceased
 Who washes the deceased
 A man
 1. His wife
 2. The closest agnate relative
 3. A non-relative man
 4. A woman who is a Mahram
 5. If unavailable, Tayammum up to the elbow is
 to be performed for him
 It is permissible for a woman to wash a boy of
 eight years
 A woman
 1. Her husband or her master

2. The nearer in kinship among her female relatives

3. Non-relative woman

4. A man who is a Mahram of hers

5. If not available, Tayammum is to be performed for her up to the palm

It is permissible for a man to wash an infant girl and those close to her age

Manner of performing it

Same as the manner of performing Ghusl (ritual bath) from Janābah (major ritual impurity)

From its recommended acts

Placing the deceased on an elevated surface

Squeezing his abdomen and washing his private parts

Performing ablution for him at the beginning of washing

Using lotus leaves or soap in the first wash and camphor in the last wash

It should be in an odd number up to seven

Cleaning his teeth and his nose

Drying the body before shrouding and not delaying the shrouding after washing

Its ruling: a communal obligation

Washing is waived, and Tayammum must be performed

Unavailability of water, actually or considered so under the Shariah

The use of water leading to the disintegration or peeling of the body

Rubbing the body is not required
if the peeling of the skin is feared
When there are a lot of dead people

Shrouding

Ruling

Communal obligation, and the amount due thereof is what covers the body

Recommended acts

The shroud should be white

Perfumed

To be of linen or cotton

To be an odd number, more than one

To be in the recommended attire for men (five garments)

To be in the recommended attire for women (seven garments)

Who is responsible for providing the shroud (and the costs of preparation)

1. From the wealth of the deceased
2. Those who are obligated to provide for among his relatives

3. From the Treasury

4. The Muslim community

Burial and its related matters

Recommended acts

The Lahd

Placing the deceased on his right side with his face towards the Qiblah

Dhikr to be said upon placing him

Sealing the Lahd or the crevice with bricks, and raising the grave by a span

Its ruling: a communal obligation

What is Disliked regarding it

Plastering the grave with clay or whitening it and decorating it with red or yellow colors

Building over the grave or enclosing it

Walking over the grave if it is raised and the path is beyond it

Grave

The minimum requirement is to prevent the odor of the deceased and to protect it from carnivorous animals

It is recommended not to make it deep

Other recommended matters

The dying person should have good expectations of Allah Almighty

It is recommended for the present person to gently help him say the Two Testimonies of faith

Facing the Qiblah

Closing his eyes and tying his jaw with a bandage

Lifting him from the earth and placing him on a bed or the like

Covering him with a garment and hastening his preparation for burial

Offering condolences to the family of the deceased

Preparing food for them

What is the difference between these categories?

Recitation is recommended to be inaudible in the daytime prayers and audible in the nighttime prayers

The worshipper makes Taslīm after every two Rak'ahs

Non-Obligatory Prayers

Supererogatory

Confirmed supererogatory prayer

Raghībah (highly recommended)

A confirmed Sunnah prayer

Ar-Raghā'ib (highly recommended prayers)

It is specifically the Sunnah of Fajr

The confirmed Sunnah prayers

Witr prayer

Prayer of the Two Eids

Solar eclipse prayer

Rain-seeking prayer

Prostration of Recitation

Supererogatory prayers

Non-obligatory prayers other than those previously mentioned. They are recommended at any time except during the prohibited times

Confirmed supererogatory prayers

Regular voluntary prayers

Duha prayer

Tarāweih Prayer

Mosque-greeting prayer

Lunar eclipse prayer

Tahajjud prayer

Confirmed supererogatory prayers

Regular voluntary prayers

Their times: before and after Zhuhr, before 'Asr, after Maghrib, and after 'Ishā'

Their number: there is no specific number for them; two Rak'ahs suffice, and four are recommended

Duha prayer

Time: From the commencement of the time when supererogatory prayer is permissible until Zawāl

The minimum is two Rak'ahs and the maximum is eight

Tarāweih prayer

Number of Rak'ahs: Twenty Rak'ahs followed by the Shaf' and Witr

Its place: It is recommended to perform it at home

Mosque-greeting prayer

Its manner: Two Rak'ahs for the one who wishes to sit in the mosque

It is not waived by sitting, and performing the obligatory prayer suffices

Lunar eclipse prayer

Its time: From the disappearance of the moonlight until the break of dawn

Its manner: It is performed as two Rak'ahs at a time, aloud, individually, at homes

Tahajjud prayer

Its time: The best of it is the last third of the night

Number of Rak'ahs: There is no limit to its maximum, and it is preferable to pray ten Rak'ahs excluding the Shaf' and Witr

Raghībah of Fajr

Its time: After the break of dawn, and it is made up after the time when supererogatory prayers are permissible until Zawāl (the time when the sun passes its zenith)

With Al-Fātihah in the two Rak'ahs

Confirmed Sunnah prayers

Witr prayer

Prayer of the Two Eids

Solar eclipse prayer

Rain-Seeking prayer

Prostration of recitation

Witr prayer

Its ruling

A confirmed Sunnah

Prescribed time

Optional: From after the disappearance of the twilight and the performance of a valid 'Ishā' prayer, until the break of dawn

The time of necessity: from the break of dawn until the morning prayer

It is disliked to delay it to this time without an excuse

Manner of performing it

One Rak'ah in which al-Ikhlās and al-Mu'awwidhatayn are recited after al-Fātihah

Condition of perfection

To precede it with an even-number prayer, at least two Rak'ahs

Prayer of the Two Eids

Its ruling

A confirmed Sunnah for those obligated to attend the Friday Prayer

Prescribed time

From the time when supererogatory prayers become permissible until Zawāl time

Manner of performing it

Two Rak'ahs with six Takbīrs in the first Rak'ah after the opening Takbīr, and five in the second Rak'ah after the standing Takbīr

Recommended acts

Taking a bath, applying perfume, and adorning oneself

Walking to it and returning by another route

Eating before going to Eid al-Fitr prayer and delaying it until after the prayer in Eid al-Ad-ha

Reciting Takbīr when going to the place of prayer

Reviving the night of Eid with worship

The two sermons after the prayer

Reciting Takbīr at the beginning of the sermon and during it

Performing it in the prayer area, not the mosque, except in Makkah

It is disliked to perform voluntary prayers before or after it outside the mosque, and to perform it in the mosque without necessity

Solar eclipse prayer

It is the total or partial disappearance of the sun's light

Its ruling

A confirmed individual Sunnah prayer for everyone obligated to perform prayer

Prescribed time

From the time when supererogatory prayers become permissible until Zawāl time (the sun's decline)

Manner of performing it

Two Rak'ahs with two bowings in each Rak'ah

Recommended acts

Performing it in congregation at mosques

Inaudible recitation therein

Prolonging the recitation, bowing, and prostration

Offering admonition after the prayer

Rain-Seeking prayer

It is asking Allah Almighty for rain water due to a drought through the prescribed prayer

Its ruling

A confirmed individual act of Sunnah for everyone obligated to perform prayer

Prescribed time

From the time when supererogatory prayers become permissible until Zawāl time

Manner of performing it

Two Rak'ahs, like other supererogatory prayers, followed by two sermons

Recommended acts

To go out for it with humility and humble clothing

Seeking Allah's forgiveness at the beginning of the first and second sermon

Turning the upper garment inside out

Facing the Qiblah and making supplication

Giving charity and fasting three days before the prayer

The sermon should be delivered on the ground, not on the pulpit

Prostration of Recitation

Ruling

A confirmed act of Sunnah

Conditions

The same as the conditions for prayer

Manner of performing it

One prostration without reciting Takbīrat-al-Ihrām or making Taslīm

The one addressed with the Prostration of Recitation

The listener, with a condition that

The reciter's intention should not be to showcase their pleasant voice to the people

That the reciter performs the Prostration of Recitation

The eligibility of the reciter for leading the prayer

That he sits for learning

The reciter

Exceptional rulings in prayer

Shortening the prayer

Ruling

A confirmed act of Sunnah

Prayers where it is applicable

The four-Rak'ah prayers

Conditions

The journey to be permissible

The distance must be four "barīd" or more (48 miles)

To determine to travel that distance from the beginning

That he does not interrupt his journey with a stay that intersperses the distance

Exceeding the bounds of dwellings

When the traveller should perform complete prayers

Intending to stay for four complete days

Entering his home country [city] from which he departed

Entering the marital home of his wife with whom he consummated marriage

Following the resident in prayer

Combining prayers

Ruling

A permissible concession in both residence and travel in two prayers that share a time

Its reasons

Travel, even if it is brief

Rain

The mire with darkness

Illness

In Hajj (at 'Arafah and Muzdalifah)

Its types

Advancement

Delay

Sūri (apparent)

Prayer of fear

Its ruling

A confirmed act of Sunnah

Manner of performing it

The imam divides the army into two groups and leads each in half of the prayer according to the prescribed manner

Conditions

To be during the fight

Fighting should be permitted

That it is possible for some of the army to cease fighting

When fear intensifies

Prayed individually as the situation necessitates

Comprehensive questions on the rulings of prayer

List the times for the five daily prayers, and mention the difference between the necessary time and the optional time?

State the ruling of the Adhān (call to prayer), its recommended acts, and the conditions for its validity.

When is observing the prescribed sequence between prayers a conditional obligation, and when is it an unconditional obligation, and what is the nature of making up for missed prayers?

Mention four times during which performing supererogatory prayers is strictly prohibited, and three times during which it is disliked.

List the obligatory and Sunnah acts in prayer.

List five of each: (prayer's favorable acts, disliked acts, and its invalidators).

What are the types of prostration of forgetfulness in prayer, mentioning the reasons for each type, and what are the Sunnah acts for which

one prostrates? Also, clarify the ruling for the latecomer if the imam forgets.

Mention the types of prayers based on their rulings, clarifying what falls under each type.

What are the conditions of the Friday prayer, mentioning three from each of: its Sunnah acts, its recommended acts, its disliked acts, and what is prohibited on its day?

What is the ruling on congregational prayer? Mention the conditions for the one led in prayer to follow the Imam.

What are the conditions related to the imam? Mention three people whose leading prayer is disliked in all circumstances.

What is the meaning of Istikhlāf in prayer, and what are its causes?

List the conditions for the obligation of prayer over the dead, explaining the pillars of the funeral prayer.

When is washing the deceased waived and Tayammum required? And who is prioritized in washing the woman when there are many people to do so?

What is the ruling on shrouding the deceased, and what is obligatory in it? Mention three of its recommended practices.

☐ Mention three commendable practices of burial and three disliked ones.

List the confirmed supererogatory prayers, describing the nature of each type, and what is the Raghībah according to the Māliki school?

What is the prescribed time for the Witr prayer, and what are its conditions?

How is 'Eid prayer performed? Mention three of its recommended acts.

What is the prescribed time for the Kusūf (solar eclipse) prayer? How is it performed, and what are its recommended acts?

What is the ruling on the Istisqā' (rain-seeking) prayer? When is its time? And how is it performed? Explain four of its recommended acts.

What is the ruling on the Prostration of Recitation? And to whom is it addressed?

What are the conditions for shortening the prayer during travel? List the reasons for combining the prayers.

What are the conditions for the prayer of fear? How is it performed when fear intensifies?

Categories of Zakah

Zakah

Wealth

Abdān (bodies)

Zakah on wealth

Conditions

The types of property that are subject to Zakah

Channels

Conditions of Zakah

Conditions for the obligation
Freedom
Complete ownership of the Nisāb
Completion of a Hawl (lunar year)
In livestock and property
Not being in debt
The arrival of the Zakah collector (validity condition)
In livestock
Ripening and the ability to be rubbed (to get rid of husk)
In cultivated land crops
Condition of validity
Being a Muslim
Intention
Paying Zakah after it has become obligatory
Paying it in the place of the obligation
Paying it to its rightful channels
Property on which Zakah is due
Al-'Ayn (prices)
Livestock
Land produce
Trade goods
Al-'Ayn (prices: gold, silver and cash)
Nisāb
(Cash currencies are combined to complete the Nisāb)
Gold
20 Dinars approximately equals 85 grams

Silver

200 Dirhams equals approximately 595 grams

What to be given out

A quarter of one-tenth = 2.5%

Excluded from this are: the jewellery permissible for use

Property item

Usurped or lost property item: After repossession, Zakah is paid for one year

The deposited property: Zakah is paid for all the years after acquisition

Dirham = 2.97 grams of silver

Mithqāl = Dinar = 4.25 grams of gold

Zakah of Livestock

Nisāb

Camels: (5)

Cows: (30)

Sheep: (40)

That which is joined together

Bactrian camels to Arabian camels

Buffaloes to cows

Sheep to goats

Extra during the lunar year

Offspring

The offspring is counted with the mothers and Zakah is paid on them together, even if they do not reach the Nisab except with the offspring

And likewise is the ruling concerning the profit of wealth

Profit

The original amount has reached a Nisāb: the profit is combined with the original amount and Zakah is given according to the original's Hawl

The original amount below the Nisāb (the total is Nisāb): A new lunar year is commenced for both

The profit (of wealth) is not combined with the original amount and starts a new lunar year (Hawl) for itself if it reaches the Nisāb

Zakah is due on grazing and non-grazing cattle

Land produce

Cultivated crops

(grains and fruits)

Hidden treasure

What is found from the buried treasures of the pre-Islamic era

Minerals

Zakah on crops

Categories on which Zakah is due

Twenty

Grains

Al-Qamh (Wheat), barley, and Sult (spelt)

The seven pulses

Combined with one another to complete the Nisāb

Al-'Alas (type of wheat)

Corn

Millet

Rice

The oil-producing seeds/crops (four)
 Fruits
 Dates
 Raisins
 Amount due
 If its irrigation involves labor
 Half of one-tenth
 If its irrigation
 involves no labor
 One-tenth
 Nisāb
 Five Wasqs
 (60 Sā's)
 Zakah on buried treasure (Rikaz)
 Conditions
 Buried in the deserts
 during the pre-Islamic era
 Amount due
 Gold and silver or the like
 Its extraction requires a large expenditure or
 much effort
 A quarter of one-tenth
 To the channels of Zakah
 Other things
 One-fifth
 For the ruler to allocate it for the benefit of the
 Muslims
 Nisāb or the passage of a year is not a condition
 Zakah of minerals

Its essence
What is extracted from the earth, like gold or silver, with effort and refinement
Amount due
Gold and silver
A quarter of one-tenth
Its channels are the channels of Zakah (people eligible to receive Zakah)
Other minerals
Nothing due on them
Conditions
The Nisāb (Nisāb of cash)
The passage of a lunar year is not a condition
Trade goods
Types
Circulating
Zakah is paid on it whenever a lunar year has passed over it
Non-circulating (held/hoarded)
Zakah is due for one year upon sale
If the price is received as a specific item
Amount due on it
A quarter of one-tenth
The categories to which it is given
The poor
The needy
Those employed to collect it
Those whose hearts are hoped to incline towards Islam

Captives and slaves
 Those in debt
 In the cause of Allah
 Wayfarers
 Those to whom Zakah is not payable
 A slave
 A disbeliever
 Banu Hāshim
 A wealthy person
 Those whose maintenance is obligatory upon
 the payer
 Zakat Al-Abdān (Fast-Breaking Charity)
 Its ruling
 It is obligatory upon every Muslim who
 possesses more than what suffices him and his
 dependents on the day of Eid, for himself and those
 whom he is financially responsible for
 Its recipients are the poor and the needy among
 Muslims
 Due time
 Permissibility time
 Two days before 'Eid
 Obligation time
 By the sunset on the night before 'Eid
 It is prohibited to delay it beyond the day of Eid,
 and it is not waived
 Optimum time
 After the Fajr prayer and before the 'Eid prayer
 What to be given out

A Sā' of the country's customary staple food

Wheat

Dates

Barley

Spelt (a species of wheat/cereal)

Raisins

Dry cottage cheese or yogurt

Rice

Corn

Millet

Comprehensive questions on the section of Zakah

❑ Mention the conditions of the obligation of Zakah.

❑ List the kinds of property on which Zakah is due.

❑ What is the Nisāb of gold and silver in grams?

❑ How is Zakah paid on an usurped item, and is there a difference between it and a deposited one?

❑ How is Zakah paid on the profit from livestock?

What is the due amount of Zakah on cultivated crops and what are the categories liable for it?

❑ What is the difference between the Zakah of minerals and the Zakah of buried treasure?

❑ How is Zakah calculated on trade goods?

❑ Who are the recipients of Zakah?

❑ List the categories of recipients to whom it is impermissible to give Zakah.

❑ Who are the recipients of Zakat al-Fitr and what are the categories from which it is given?

What is the duration of the wiping period, and what is the ruling on the prayer of one who neglects wiping over the bottom of the Khuff (leather socks)?

Diagrams of Fasting

Fasting

Conditions

Pillars

Types

Actions done during fasting

Breaking the fast

Fasting

Conditions

Pillars

Types

Actions done during fasting

Breaking the fast

Pillars of fasting

Intention

It is a condition that it be made during the night for both obligatory and supererogatory fasting

Abstention

from the prohibitions that invalidate the fast
from the break of dawn until sunset

Types of fasting

Obligatory

Ramadan

Vow

Expiation

Making up the missed obligatory fast

Prohibited

Two days of the Eid

A woman's fasting without the permission of her husband who is in need of intercourse

Second and third day after al-Ad-ha

Recommended

Absolute

Restricted

Fasting the day of 'Arafah for those not performing Hajj and the eight days preceding it

'Āshūrā' (the 10th of Muharram) and Tāsū'ā' (the 9th of Muharram)

The rest of Muharram

Rajab and Sha'bān

Monday and Thursday

Three days from every month

Disliked

Fasting the entire year

Day of Doubt (last day of Sha'bān) as a precaution

Fourth day of Sacrifice

Fasting of the guest without the host's permission

Manifesting the fast of the six days of Shawwāl

Specification of the 13th, 14th, and 15th days of each lunar month as the Three White Days

Ramadan

Its beginning

Completing 30 days of Sha'bān

The sighting of the crescent by two just witnesses

The sighting of the crescent by a widespread group

The sighting by a just individual for those who have no concern for the crescent

Its end

Completing 30 days of Ramadan

Testimony of two just witnesses regarding the sighting of the crescent

Should we rely on astronomical calculations?

„.....

Actions occurring during fasting

Types

Recommended

Having the Suhūr (pre-dawn meal) and delaying it

Hastening to break the fast

Refraining from idle permissible speech and actions

Breaking the fast by eating ripe dates in an odd number

Permissible

Using the Siwāk (tooth-stick)

Rinsing the mouth for thirst or heat

Reaching the morning while in a state of Janābah
(major ritual impurity)

Breaking the fast when there is a valid excuse

Disliked

Applying perfume or smelling it

Cupping for the sick

Tasting something that has a taste

Chewing gum and the like

Foreplay if safety is known

Al-Wisāl (fasting continuously without breaking
one's fast)

Prohibited

Backbiting and similar actions

A kiss that leads to ejaculation

Things that spoil the fast

Delaying the making up of missed fasts until the
next Ramadan

Breaking the fast

Things that necessitate breaking the fast

(Nullifiers of Fasting)

Categories of those who break the fast

The things that break the fast (nullifiers of
fasting)

Causing a liquid to reach the throat

Letting a fluid reach the stomach from the mouth
or the anus, or a non-fluid from the mouth only

Deliberate vomiting

Sexual intercourse

Discharge of semen or pre-ejaculatory fluid through direct physical contact, looking, or imagination

Intention to invalidate the fast during its course

Swallowing vomit involuntarily, or regurgitation that can be expelled from the throat to the mouth

Inhaling incense or the reaching of steam to the throat

Categories of those who break the fast

Those upon whom only making up the fasts is obligatory

A traveling person

A menstruating woman and a woman experiencing post-partum bleeding

An ill person

One who based breaking his fast on a relatively sound interpretation

The ignorant

One who is coerced or forgetful

A pregnant woman

A nursing mother, if she fears for herself

Those required to make up the missed fast and to feed the poor

A suckling mother, if she fears for her child

One who delayed making up missed fasts without an excuse

Those required to make up the missed fasts and offer expiation

The deliberate choice without relatively valid interpretation or ignorance

Those required to only feed the poor (recommended)

The senile and the sick who is not expected to recover

Expiation

Feeding (60) needy people (best option)

Fasting for two consecutive months

Freeing a slave

With the option to choose among them

I'tikāf (seclusion for worship)

Ruling

Recommended supererogatory act of worship

Conditions

Intention

Permissible mosque

Being Muslim

Discerning

It should not be less than one day and night

Fasting

Abstaining from sexual intercourse and foreplay

Invalidators

Intentional breaking of the fast

Sexual intercourse and foreplay during the night or daytime

Leaving the mosque without necessity

Deliberate consumption of intoxicants at night

Comprehensive questions on the rulings of fasting

Mention the conditions for the obligation of fasting

List the types of fasting based on its ruling

What is the ruling on fasting on 'Eid al-Fitr and 'Eid al-Ad-ha days?

What is the ruling on fasting on the 12th of Dhul-Hijjah?

What is the obligatory fasting?

Mention four types of recommended fasting.

What is the ruling on fasting the six days of Shawwāl?

How is the start of Ramadan established?

List the things that invalidate the fast.

List the categories of those who break the fast, providing an example for each category.

Mention 4 of the Sunnah acts of fasting.

What is the ruling on smelling perfume for the fasting person?

What is the ruling on the fasting person kissing his wife?

Mention 3 disliked acts for the fasting person.

What is the ruling on I'tikāf?

What are the conditions for I'tikāf?

Diagrams of the rituals

Rituals

Types

Hajj

Related issues

Conditions

Types

Actions related to Hajj

Ending Ihrām of Hajj

‘Umrah

Is Hajj obligatory on an immediate basis?

.....

.....

Conditions of Hajj (Pilgrimage)

Obligation

Puberty

Freedom

Ability

The ability to reach Makkah by walking or riding

Safety for the self and property

An additional condition for women: the presence of a husband, a Mahram, or a trustworthy company.

Sanity

Validity

Being a Muslim

Types of Hajj

Types

Ifrād

Intention for Hajj only

The optimum choice

Qirān

The intention of Hajj with ‘Umrah, or performing Hajj following ‘Umrah.

Next in optimum degree

Tamattu'

Intention for 'Umrah during the months of Hajj,
then assuming Ihrām for Hajj in the same year

Actions of Hajj

Pillars

Conditions

Obligatory acts

Sunnah acts

Recommended acts

Obligatory acts

Sunnah acts

Recommended acts

Prohibited acts

Disliked acts

Permissible acts

Spatial Miqāts:

Makkah: Dhul-Hulayfah:

Al-Juhfah: Yalamlam:,..

Qarn al-Manāzil: Dhāt 'Irq:

The first pillar: Ihrām

Required acts

The male must take off tailored and stitched
clothes

Talbiyah

Connecting the Talbiyah with the Ihrām

Uncovering the head for the male

Sunnah acts

Ghusl (ritual bath) associated with Ihrām and preceding it

The specific clothing

Offering two or more Rak'ahs after the ritual bath and before entering the state of Ihrām

Recommended acts

Assuming Ihrām after the rider is settled on their mount and the pedestrian upon commencing their walk

Removing dishevelment before making Ghusl

Adhering only to the Talbiyah of the Messenger of Allah (ﷺ)

Renewing the Talbiyah when the state changes

Moderation in raising the voice when proclaiming the Talbiyah

Moderation in the continuous repetition of Talbiyah

The second pillar: Performing Sa'y (walking deliberately) between Safa and Marwah

Conditions of its validity

That a valid Tawāf precedes it

One should begin at Safa and end at Marwah

The rounds should be seven

Consecutiveness

Obligatory acts

To occur after an obligatory Tawāf

It should precede the standing at 'Arafah

Walking, for one who is capable of it

Sunnah acts

Kissing the Black Stone before heading for Sa'y
 Ascending As-Safa and Al-Marwah for men
 To hasten between the two green lights
 Invocation on Safa and Marwah
 Recommended acts
 Drinking Zamzam water before proceeding for it
 Purification from Hadath (ritual impurity) and
 Khabath (filth)
 Covering the 'Awrah
 Standing on Safa and Marwah without sitting
 The third pillar: Attending 'Arafah on the Night
 of Sacrifice
 Conditions of being a pillar
 Standing during the night
 Direct contact with the face of the earth or what
 is connected to it
 Obligatory acts
 Tranquility
 Standing after Zawāl time
 Sunnah acts
 Two sermons at the Namirah Mosque
 Combining the Zhuhr and 'Asr prayers (likewise
 for the people of 'Arafāt)
 Shortening the Zhuhr and 'Asr prayers (for those
 who are not residents of 'Arafāt)
 Recommended acts
 Standing at Ar-Rahmah Mount by the huge
 boulders
 Ablution

Standing with the people
 Standing as a rider
 Supplication for the good of this world and the Hereafter
 The fourth pillar: Tawāf al-Ifādah
 Conditions of validity of Tawāf (in general)
 Purity from Hadath and filth
 Covering the 'Awrah (such as in prayer)
 Letting the Ka'bah be on one's left and keeping the body outside of it and outside of Al-Hijr
 It should be seven rounds
 It should be inside the mosque
 Consecutiveness
 Obligatory acts
 Two Rak'ahs after its completion
 Starting from the Black Stone
 Walking: for one who is capable
 Sunnah acts
 Kissing the Black Stone silently at the beginning
 Touching the Yemeni Corner in the first round
 Ramal (quick and short steps) for men during the Tawāf of arrival and 'Umrah only
 Supplication during it
 Recommended acts
 Kissing the Black Stone at the beginning of the rounds after the first round
 Supplication at Al-Multazam (between the Black Stone and the Door)
 Being close to the House for men

Performing Tawāf al-Ifādah on the Day of an-Nahr before the Zawāl (decline of the sun) and immediately after shaving, without delay.

The time for Tawāf al-Ifādah (pouring forth)

From the break of dawn on the Day of Nahr, and it must be after the stoning of the Jamrah, until the end of Dhul-Hijjah

If he delays it to Muharram, he must offer a sacrifice

Forbidden acts during Ihrām

Covering the head and face for men

A female wearing something that encloses her palms or fingers

A woman covering her face except for fear of temptation

A male wearing form-fitting clothes that envelop the body or a limb

Clipping the nails without a valid excuse

Cutting or removing the hair

Applying perfume

To approach or hunt land animals and the trees of the sanctuary that grow naturally

Sexual intercourse, foreplay, and ejaculation

Applying oils/ointment

Henna and Kohl

Marriage and giving someone in marriage

Disliked acts during Ihrām

Tying the expenditure-pouch to the upper arm or the thigh

A Muhrim placing his face down on a pillow or similar objects

Smelling masculine perfume

Staying in a place with feminine perfume and carrying it along

Cupping without a valid excuse if it does not remove hair

Submerging the head in water.

Looking in the mirror

Permissible acts during Ihrām

Seeking shade under a structure, a tent, trees, and a canopy

Shielding oneself from the sun or rain with the hand or a raised object without it touching the body

Carrying something on the head for a need

The pilgrim in the state of Ihrām tying a belt/sash on the skin for holding the expenses-pouch

Gently scratching concealed body parts

Lancing a wound or boil to release its contents

Bloodletting for a need without a bandage

Replacing and washing the garment in which one assumed Ihrām

Entering the bathroom, even if the stay is prolonged

Tahallul (ending Ihrām) of Hajj

Minor Tahallul

By stoning Jamrat al-‘Aqabah, everything becomes permissible except women (sexual relations) and hunting, while perfume is disliked.

Major Tahallul

By performing Tawāf al-Ifādah (pouring forth), everything becomes permissible, including women and hunting.

‘Umrah

Its pillars

Ihrām

Tawāf

Sa’y

Mīqāt

Temporal

All of the year

Spatial

Same as the Mīqāt for Hajj for those outside Makkah

Outside the sanctuary for those who are in Makkah

Ruling: Sunnah

Defects that prevent the sufficiency of the slaughtered animal:

Sacrificial animals

Hady (Hajj sacrificial animals)

Ransom

Ud-hiyah (‘Eid sacrificial animals)

Conditions

freedom from manifest defects

To be a Thaniyy (has reached the age specified by the Sharia)

To be slaughtered during the day after the prayer and after the imam slaughters his sacrifice

Freedom from joint ownership

The person performing the slaughter must be a Muslim

Types

Best choice

Ghanam (sheep then goats)

Then cattle

Then camels

Its ruling

Sunnah for the non-pilgrim

‘Aqīqah (animal slaughtered for a newborn)

Conditions

Conditions of Ud-hiyah

Its ruling

Recommended

Number of animals to be slaughtered

One sheep for the male and female

Prescribed time

The seventh day after birth

What is the required age of the slaughtered animals?

Camels:

Cattle:

Sheep:

One of the conditions for the permissibility of the slaughtered animal is for it to be slaughtered according to Sharia rules

Slaughtering according to Sharia rules

Slaughter

It is obligatory in sheep and birds, and recommended in cattle

Conditions

Intention

Tasmiyah (mentioning Allah's name)

The slaughterer must be a discerning person

Muslim, Jew or Christian

Cutting the throat and the two jugular veins

From the front side

By a sharp tool

That the tool for slaughter must not be lifted before the completion of slaughter

Nahr (stabbing the throat)

In camels, and it is disliked in cattle

It is stipulated to be in the throat

The deadly action (the procedure that ends life)

Every action that causes the death of created beings that do not have flowing blood

‘Aqr (fatal wounding)

This applies to wild game that is hard to seize

Hunting

Conditions

The hunted animal must be a wild animal that is hard to seize

To be done with a sharp tool or a trained animal sent by the hunter

That the hunter be a discerning person

A Muslim

Intention

Tasmiyah (mentioning Allah's name)

Ruling

Permissible

Oaths and vows

Vow

Pillars

The committed person (a Muslim subject to the rulings of Sharia)

The committed action (something intended for drawing close to Allah)

Wording

Its types

Unspecified

Recurrent

Conditional

Involving disobedience

Not involving disobedience

Oath taking

Categories

Confirmed

Expiation is required

Expiation

Feeding 10 needy persons

Or providing clothes to 10 needy people

Or the freeing of a slave
 Or fasting for three days
 Not confirmed
 Expiation is not required
 Unintentional oath
 Yamīn Ghamūs (false oath)
 Cases where no expiation is due
 Using a conditional phrase in the confirmed oath
 Prohibiting the lawful
 Saying: He is a disbeliever or a Jew
 Fulfilling vows is obligatory
 Excluding
 The ambiguous vow
 In case of inability
 The person legally restricted concerning his property
 The wife and the sick person regarding more than one-third of the wealth
 Whoever says: My wealth is for the sake of Allah
 Comprehensive questions on the rulings of Hajj rituals (and oaths and vows)
 Mention the conditions for the obligation of Hajj.
 What are the types of obligatory Hajj?
 List the pillars of Hajj.
 List the obligatory acts of Hajj.
 What is the difference between a pillar and an obligatory act?
 List the prohibited acts during Ihrām and explain what is required of those who commit them.

What are the pillars of 'Umrah?

What are the types of terminations of Ihrām in Hajj?

Mention 4 examples of sacrificial animals commanded by the Sharia

What types of animals can be slaughtered for Ud'hiyah and the like?

What is the prescribed time for slaughtering the Ud'hiyah?

What is the prescribed time for slaughtering the 'Aqīqah?

How many animals are slaughtered for the 'Aqīqah of a newborn?

What are the types of Dhakāh (Sharia-approved slaughter), explaining 4 among the conditions of slaughter?

State the conditions of hunting.

List the oath categories and explain what is included in each category.

What is the obligatory expiation for breaking an oath? Mention the situations in which it is not required.

State the pillars of a vow and its types.

State three cases where fulfilling a vow is not obligatory.

Diagrams of Jihad

Jihad

Related issues

Ruling

Fighters
Those who are fought
Spoils
Ruling of Jihad
It has two cases
Individual obligation
Cases
When the ruler commands participation in Jihad
When the enemy suddenly attacks some of the
lands of the Muslims
By means of a vow
Communal obligation
Every year with the ruler
It is unlawful to flee from the army of the
disbelievers
In two cases
If the army of the Muslims is half the army of the
disbelievers
If the Muslim army reaches twelve thousand
Fighter
Conditions for the obligation
Being a Muslim
Adult
Male
Sane
Capability (physically and financially)
Free
Permitted (unless Jihād is obligatory on him)
Not being in debt

Those who are fought
Conditions
Being a disbeliever
Combatant
Adult
Sane
Male
Those fit for combat
Those who are not permissible to be killed
Women
Children
Old decrepit men
The blind
The handicapped
The secluded monks
Not subject to enslavement
The feeble-minded
Spoils of war
In armed combat, there are types
Humans (captives)
The ruler has the choice between:
Those permissible to be killed:
Killing
Granting freedom
Ransom
Imposing Jizyah
Male
Sane
Adult

Capable

Free

Associating with people of his religion

Those prohibited to be killed

Becomes a slave on account of capturing him

Except for a monk in seclusion

All other types of property other than territories

To be divided into five parts: one-fifth is for the public treasury, and the remainder is for those who participated in the battle

It is permissible for the ruler to allocate extra shares from the fifth, and grant the loot of the one killed to his killer.

Territories

Non-arable lands are allocated as endowments for the benefit of Muslims.

Dead lands are owned by whoever revitalizes them

Considered among the binding contracts

Musābaqah (contest/race)

Types

Among the horses

Among the camels

Between horses and camels

In archery/shooting (with arrows and weapons)

Ruling: Permissible when totally free

Permissible for a reward under conditions

Designation of the start and end points

Identifying the mount and the archer/shooter

The reward should be something validly saleable.

Determination of the number and type of hits

The reward must be from a donor or one of the two contestants.

His property does not return to him in any case.

It should be for the purpose of training for Jihad, not merely for amusement.

To be in the previously-mentioned types

Comprehensive questions on the rulings of Jihād

What is the ruling on Jihād?

What are the conditions for the obligation of Jihād concerning the fighters?

4. What are the conditions for a person to be considered a Muqātal (those fought by the Muslims)?

List the categories of disbelievers who are not permissible to be killed. When is it permissible to kill these categories?

When is fleeing from the army of the disbelievers prohibited?

Explain the categories of war booty and the ruling regarding each category.

Mention the conditions for the permissibility of race with reward.

Page of the Exercises Cover

Fiqh of the Family

Marriage

Separation

Fiqh of the Family
Marriage
Ruling
Preliminary steps (engagement)
Essential elements
Conditions
Impediments
Invalid marriages
Option in marriage
Among the consequences of marriage: (financial provision)
Separation
Ruling on marriage
In principle, it is recommended (regardless of the person's condition)
It is subject to the five legal rulings (based on the person's situation)
Obligatory for one who fears committing Zina (unlawful sexual intercourse)
Recommended for one who desires it or hopes for offspring, and has no fear of falling into Zina
Permissible for one who doesn't desire it, if not seeking offspring
Disliked for one who doesn't desire it, if fears it will prevent him from a non-obligatory act of worship
Forbidden if it leads to falling into what is forbidden (and he does not fear committing Zina)
(Without regard to the person's situation)

(Based on the person's situation)

Engagement

Cases pertaining to women

Observing the waiting period

Revocably divorced

Proposing to her is totally impermissible

Irrevocably divorced

It is prohibited to make a direct proposal of marriage, as opposed to an indirect one.

Neither an engaged woman nor a woman in her waiting period

Proposing marriage to her is totally permissible

Explicitly

and indirectly or implicitly

The engaged woman

Proposing to her is prohibited under two conditions

Inclination to the first suitor

The first suitor is not a Fāsiq (defiantly disobedient)

Essential elements of marriage

Subject matter (the two spouses)

The matrimonial guardian

Conditions

Male

Free

Adult

Sane

Muslim, if the bride is a Muslim

Not being in a state of *Ihrām*
The wording
It consists of
Offer (from the matrimonial guardian or his representative)

Wording (the used tense)
The past tense and the imperative denote binding commitment

The present tense verb requires a contextual indicator of enactment, not of a promise.

Its types

Explicit (marriage and giving someone in marriage)

Non-explicit (such as a gift, and what entails lifelong duration, like transfer of ownership)

Acceptance (by the husband or his representative)

Wording (I have accepted, I have consented, and the like)

It is valid to precede the offer, and there is nothing wrong with a slight separation between them

Neither writing nor gesturing is sufficient, except in cases of necessity such as muteness.

Guardianship

General

Special

The compelling guardian

The master

The father
 Executor of the father
 Non-compelling guardian
 Conditions related to the spouses
 The common conditions between them
 Non-coercion
 Absence of a life-threatening illness
 Absence of a Mahram relationship
 Absence of legal impediment
 Not being in a state of Iḥrām
 Not agreeing to conceal it
 Conditions specific to the husband
 Being a Muslim
 Not having four wives
 Not being married to a woman with whom it is
 forbidden to combine the new wife in marriage
 Conditions specific to the wife
 Without having a husband
 Not observing 'Iddah of a previous marriage
 Being a Muslim woman, or a free woman of the
 People of the Book
 Not being irrevocably divorced from the
 husband
 Conditions of marriage
 The dowry
 Conditions
 Legally considered wealth/property
 Pure
 Can benefit from

Possibility of delivery or handover
Known in quantity, type, and time
Not less than a quarter of a dinar or three dirhams
Bringing witnesses before consummation
Conditions
Two men
Two upright men
No collusion to keep the contract secret
Suitability in marriage
In three matters
Religion
Freedom
Freedom from defects
Impediments to marriage
Blood relations
Ascendants
Descendants
Branches of the first ascendant -the mother and the father- (brothers, sisters, and their children)
First branch of each ascendant (paternal and maternal uncles, up to all levels)
Relationship by marriage
Wife of the ascendant and the descendant
The wife's ascendants (by marriage contract)
The wife's branches (by consummation of marriage)
Breastfeeding (like what becomes unlawful through blood ties)

Exceeding the limit of four wives

Combining women who are prohibited from being married together (if one of them were presumed to be a male, he would be prohibited from marrying the other)

Triple divorce

Being a polytheist (other than the free woman of the People of the Book)

A life-threatening illness

Li'ān (oath of condemnation)

Being a "Muhsan" through having a husband

'Iddah (waiting period) and ascertaining non-pregnancy

Being in the state of Ihrām

Pregnancy

Invalid marriage

What is annulled before consummation and after it (unless a long time has passed)

Three forms

Secret marriage

When an orphan girl is married off without the fulfillment of the conditions

When the noblewoman is married by general guardianship

What should be annulled before consummation, not after it

A stipulation that contradicts the objective of marriage (the condition becomes invalid)

Example:

Stipulation of an option (of withdrawal) in the contract

Stipulating the abstinence from sexual intercourse

Invalidation due to an invalid dower (in which case, the standard dower is binding)

Example:

The dowry is unknown

That it be prohibited, such as alcohol and swine

That which is absolutely annulled

Example:

A deficiency in one of the conditions of the matrimonial guardian or the two spouses

A defect in an essential element

Mut'ah (fixed-term marriage)

Explicit Shighār (quid pro quo marriage)

Conditions that are not contrary to the contract's purpose

For example

Stipulating that he shall not marry another wife or take her out of her country

Ruling on its stipulation

Disliked

Its ruling after it has occurred

It is recommended to abide by it, unless accompanied by an oath

Option (to rescind or withdraw) in marriage

The option is established if the following defects are found

Defects common to both of them

Vitiligo

leprosy

Insanity

Al-'adhaytah (discharge of feces or urine during sexual intercourse)

Defects related to the husband

Castration

Amputation of the penis

Sexual impotence

Erectile dysfunction

The annulment based on these defects is justified if they existed at the time of the contract, the (wronged party) was unaware of them, and did not consent to them after awareness

Defects specific to the wife

Al-qaran (vaginal bony obstruction)

Ar-rataq (vaginal closure)

Al-'afal (vaginal excessive discharge)

Al-ifdā' (the passage of the vagina and urine or feces (or both) merge or become one)

Malodorous vagina

If the defect occurred after the contract

The option (to cancel the marriage) is not established for the husband

The option of annulment is established for the wife for vitiligo, leprosy, or insanity of the husband

Reasons for the obligation of maintenance

Marriage

With whom marriage is not consummated
Obligatory with conditions
Husband
Adult
Wealthy person
Wife
Capable of enduring sexual intercourse
His request for conjugal relations
One of them is not at the point of death
One with whom marriage is consummated
Obligatory, conditional upon allowing the
husband to have access to her, conjugally
Specific kinship
Categories
The indigent parents (and their servant)
Wife of the indigent father (and her servant)
The son providing for the father
The mother breastfeeding her child
Ownership
Slaves
Beasts
According to custom
Types of maintenance
Sustenance
Condiment
Clothing
Habitation
Separation
Khul'

Divorce

Īlā'

Zhihār

Li'ān

Consequences of separation

'Iddah (waiting period)

Custody of children

Maintenance is waived in some cases

Khul' (Wife-Initiated Divorce)

Ruling: Permissibility

Essential elements

The person committed to the compensation (a rational person)

It may be from the wife or from someone else

Compensation (such as the dower, or less, or more than it)

The effectuator: The husband or his representative (legally competent and not suffering from a deathbed illness)

The subject of compensation (al-'Ismah), i.e., the husband's right to dissolve the marriage

Formula (I have sought khul' and the like)

A wife seeking Khul' (not ill with a life-threatening illness)

Its types

Two cases

In return for compensation

A pronouncement of Khul' without compensation

Consequences

What it entails

One incident of divorce

Irrevocable divorce

This necessitates

Maintenance is waived during the 'Iddah

Loss of inheritance rights

divorce

Ruling

Essential elements

Sections

Ruling of divorce

It is permissible in principle

(Contrary to what is more appropriate)

It is subject to the other legal rulings (due to an incidental factor)

It can be

Obligatory

(If he knows that keeping her will cause him to fall into a prohibited act)

Recommended

(like when she is of obscene speech, and he fears she would lead him into what is forbidden, or of little modesty)

Forbidden

(If he knows that divorcing her will cause him to commit a prohibited act)

Disliked

(as in some cases of Bid'ah-based divorce)

Pillars of divorce
The issuer of the divorce
Its types
Husband
Deputy
Guardian
Conditions
Muslim
Legally competent for religious assignments
This leads to the exclusion of
two categories
Someone of unsound mind
His divorce is ineffective
(The insane and the unconscious)
His divorce takes effect
(One intoxicated by a prohibited substance)
Non-adult
With free will
Subject matter
The possessed 'Ismah (right to effectuate
divorce)
In actual fact (the wife)
By legal assumption (conditional divorce of a
woman not yet married)
Intent
It occurs in
The intent of uttering the word
Evident allusion
Explicit wording

Intending a divorce

Obscure allusion

The wording

Two cases

Explicit

By allusion

Two cases

Evident

Obscure

That which substitutes for an expression, such as gestures and writing, is attached to it.

What is the ruling on divorce by an unauthorized agent?

Categories of divorce

Based on the nature

Sunnah-compliant

Conditions

One complete incident of divorce

During a purity period

wherein no intercourse has occurred

She should not be in the waiting period of a revocable divorce

That he not apply it to a part of the wife

Bid'ah-based (religious innovation)

Two cases

Prohibited

In a state of menstrual or postpartum impurity)

The triple divorce

That which is partial or applied to a part of the woman's body

Disliked

That which misses one or more of the remaining conditions

In terms of the possibility of remarriage with one's divorcee

Revocable

It occurs in

Divorce of a wife whose marriage is consummated, less than thrice, without compensation

Ruling

It is permissible for him to take her back as long as she is in her waiting period

Irrevocable

Minor irrevocability

With compensation (Khul')

One with whom marriage is not consummated

Divorce of the ruler/judge

Except in insolvency and Īlā'

Major irrevocability

By three divorces for a free man and two for a slave

That by which taking back a divorced wife takes place

Statement

Explicit

Ambiguous term with an intention

An act with intention (such as sexual intercourse and its preliminaries)

Intention only (inner thought)

Īlā' (Oath to abstain from intercourse with wife)

Related elements

The one conducting Īlā'

Conditions

Husband

Muslim

Legally competent

Sexually potent

Wife

Non-suckling mother (period of suckling)

A woman who is marriageable to him (by intention) and one who has not yet experienced menstruation and is not capable of enduring intercourse

Īlā' includes

Period of time

For a free man

More than four months

For a slave

More than two months

Oath

It should be

By Allah, or by His attributes, freeing a slave, divorce, or commitment to an act of worship

It is concluded by the absolute, restricted, and conditional oath

Consequences

The period should be observed

He takes back his oath [and makes expiation]
or divorces (revocably)

Or the ruler/judge grants the divorce against
him

Zhihār (Likening a wife to an unmarriageable
woman)

Ruling: prohibited

Essential elements

A man doing Zhihār (husband or master)

Muslim

Legally competent

A woman subject to Zhihār (wife or slave
woman)

That to which the wife is likened

Any being with whom sexual intercourse is
principally unlawful, whether human or otherwise.

The wording

Explicit

By allusion (with intention)

Evident

Hidden

Consequences

Prohibited from sexual enjoyment with her
before expiation is made

Expiation

Becomes obligatory upon resolving to have
sexual intercourse, and it is

Freeing a believing slave
If unable, then fasting for two consecutive months
If unable, then feeding (60) needy people
Li'ān (oath of condemnation)
Essential elements
Woman against whom Li'ān is made
Wife
Legally competent
Oath of condemnation
Hastening it after gaining knowledge of it
That it be done during the marriage or waiting period, if the incident of adultery was seen by the husband
That it occurs in the presence of one who issues judgment
To be based on certainty
Not having sexual intercourse with her after the husband becomes aware of the situation
Presence of a group for the Li'ān
One conducting Li'ān
Husband
Muslim
Legally competent
The subject matter of Li'ān
Its occurrence with the reported wording
That the oath be taken by the husband, then the wife

That there should be four oaths from each of them

Ruling

Obligatory upon the presence of its cause

Its cause

Seeing the wife committing adultery

Denial of the pregnancy or the child

Consequences

The prescribed punishment is waived

Annulment of marriage

Permanent prohibition (of remarrying each other)

The attribution of the child to their mother

Consequences of separation

'Iddah (waiting period)

Maintenance

Child custody

'Iddah (waiting period)

Reasons

Divorce

Annulment

Death

Conditions of the divorced woman's waiting period

(By months or menstrual cycles)

Seclusion (in which sexual intercourse is customarily possible)

Husband (adult, not having the male organ severed)

Wife (fit for sexual intercourse)

Types

Childbirth/Delivery

Periods of purity

Months

The woman observing her waiting period

Divorced woman

or her marriage is annulled

A pregnant woman

Childbirth/Delivery

Non-pregnant

A menstruating woman

Free

3 menstrual cycles

A slave woman

Two periods of purity

A non-menstruating woman

3 months

A woman experiencing Istihādah and one whose menses is delayed (not due to breastfeeding) must observe a waiting period of a year

A woman whose husband has died

A pregnant woman

Childbirth/Delivery

Non-pregnant

Free

(4 months and 10 days)

A slave woman

(Two months and five days)

On the condition that she sees menstrual blood during that period, if she is a woman who menstruates.

Maintenance for a woman observing 'Iddah

Revocably divorced woman

She is entitled to maintenance and accommodation

A woman whose husband has died

She is entitled to accommodation

No maintenance is due for her

Irrevocably divorced woman

Not pregnant: she is entitled to accommodation but not maintenance

Pregnant: she is entitled to both maintenance and accommodation

Child custody

Its duration

Until puberty for the male

Until consummation of marriage for the female

The most worthy of child custody

According to the following order

1. The mother
2. The mother's female relatives (her mother, then her grandmother, then her sister, then her maternal aunt, then her paternal aunt)
3. The child's paternal grandmother
4. The father

5. The father's female relatives (his daughter, then his sister, then his paternal aunt, then his maternal aunt)

6. Brother's daughter, then sister's daughter

7. The executor

8. Agnates in the prescribed order

Conditions of the custodian

Sanity

Competence/Suitability

Trustworthiness in religion

The safety of the place

Mental maturity

Absence of illness and travel

Comprehensive questions on the Fiqh of Family

Mention the ruling on marriage.

What is the ruling on the engagement of a woman observing her 'Iddah?

What are the essential elements of marriage?

What are the conditions for the matrimonial guardian? And what are the types of guardianship?

List the conditions of marriage, and in what is equivalence/suitability considered?

Mention six of the impediments to marriage.

Mention the types of invalid marriage.

When is the option of annulment established in marriage, and what are the defects specific to the husband?

What are the causes of maintenance, and when is it obligatory for a husband to provide for his wife with whom he has not consummated the marriage?

List the essential elements of Khul'. What is the ruling on divorce?

What are the essential elements of divorce? What are its categories?

What are the conditions for both Īlā' and Li'ān, and what are the essential elements of Zhihār?

Mention the types of women observing 'Iddah, and the 'Iddah (waiting period) for each type.

Is the woman observing her 'Iddah entitled to maintenance and accommodation? Answer in detail.

Mention, in order, who is most entitled to child custody.

Introduction

All praise is due to Allah, and may Allah's peace and blessings be upon the Messenger of Allah, his family, his Companions, and those who follow him. To proceed:

This is the third course of this program: Fiqh of Transactions. Its topics were compiled according to the approved opinions in the Madh'hab of Imam Mālik to suit this training program.

Objectives of the course:

Understanding Fiqh terminology related to the chapter of transactions.

Keeping in mind the basic rulings in the Fiqh of transactions.

Acquiring the ability to apply theoretical issues to practical situations to the extent that the trainee can perform and implement them.

Acquiring the ability to differentiate between the different types of contracts, the criteria for distinguishing between them, and the rulings related to each category.

Acquainting the trainee with the types of commutative contracts, along with the most important rulings pertinent to each type.

Informing the trainee of the categories of sales about the term, taking possession (receipt), the applicability of Riba, the type of the item sold and the price, and other such aspects, and enabling him to apply this to real-life situations.

Keeping in mind the types of contracts of documentation, and the conditions and rulings of each type.

Acquiring knowledge of the important issues related to the types of partnership contracts and the rulings of each, while applying these issues to real-life situations.

Acquiring familiarity with gratuitous contracts and the rulings about them.

Course contents:

Introduction to the main sections of contracts.

Rulings of Mu'āwadah (commutative) contracts.

Rulings of the sale contract: (Its essential elements and conditions, and the forbidden sale transactions).

Categories of sales (in terms of: the type of counter-value, the sold item, the term, the effect of receipt, the applicability of Riba, the establishment of the option therein, and the conditions therein), with a definition of each type and the rulings included under it.

Salam sale (its rulings and conditions).

Sales on credit (their conditions, forms, and ruling).

Loan and its related rulings.

Rulings of Ijārah and Ji'ālah, and the essential elements and conditions of each.

Rulings of Sulh (settlement) and division (of property).

Documentation contracts: (mortgage and guarantee), the essential elements and conditions of each, and their related rulings.

Partnership contracts: (Hawālah (transfer of debt), agency, partnership, Muzāra'ah (sharecropping), and Musāqāh (crop-sharing irrigation)), including their essential elements, conditions, types, and rulings.

The rulings related to taking property without compensation: (reviving barren land, deposit, loan for use, usurpation, found property, and inheritance) and the rulings pertaining thereto.

Rulings on the giving away of property: (gifts, grants, endowments (Waqf), bequests, and manumission), and the rulings related to them.

We ask Allah Almighty to make this course beneficial, and may Allah's peace and blessings be upon our Prophet Muhammad, his family and his Companions.

Transactions

Mu'āwadah

(giving and receiving something)

Documentations

Sharings

Donations

Receiving

without any return

Mu'āwadah

Sale transaction

Lease

Loan

Ji'ālah

Conciliation/agreement contract

Allotment

A commutative contract of exchange over non-benefits, involving negotiation, where one of the counter-values is not gold or silver, and is specifically designated, but is not the physical item itself.

A contract of exchange for other than benefits

Essential elements of sale

The two contracting parties
The vendor
The buyer
The subject matter of the contract
Price
The priced item
What indicates consent
The wording
(Or what takes its place)
The first essential element:
The two contracting parties
Conditions
Validity (Discerning)
Reasons for the lack of discernment
Young age
Insanity
Fainting
Intoxication
Bindingness
Legal competence
Unless the discerning child is an agent for a
legally competent person
Absence of Coercion (without right)
regarding the sale
regarding its reason
Absence of interdiction (for weak-mindedness
or slavery)
Ownership of the subject matter of the contract
or agency on behalf of the owner

No right of others should be attached to it
What is the ruling on the sale by an unauthorized agent?

The second essential element

The subject of the contract

Pure

Impure

The sale is absolutely invalid

Rendered impure

Cannot be purified

Its sale is invalid

Can be purified

Validly saleable on condition of disclosure

Of benefit

Of no benefit

According to custom

Such as

Vermin of the earth

According to the Shariah

Such as

Musical instruments

Clearly defined for the buyer and seller

It affects

Essence

Time frame

Description/Nature

Measure/Quantity

Possibility of delivery or handover

Not forbidden

What is the ruling on selling through the program/application?

What is the ruling on the sale in gross by estimation?

The third essential element

What indicates consent

The wording

(Offer and acceptance)

That which stands in its place

From one side or from both sides

Statement

By action

By gesture

By writing

Transactions that are prohibited under the Shariah

Riba (Usury)

Cheating

Sale of a debt for a debt (both deferred)

The Bedouins

Combination of sale and condition

Overbidding/Outbidding a concluded sale

Engaging in sales after the second call to Friday prayer

Najash (deceitful bidding/false bidding)

A townsman selling on behalf of a Bedouin

Interception of the market caravans

The sale of items that facilitate a prohibited act

Engaging in sales in the mosque

Price determination

Gharar sale (Uncertainty)

The default ruling for prohibited contracts is voidness, unless there is evidence indicating validity.

Prohibited sale transactions due to Gharar

Minor Gharar (uncertainty) is overlooked

Al-muzābanah (selling of fresh dates on the tree for dry dates with a measure)

Al-mulāmasah (a sale which becomes binding upon touching the object)

Al-munābadhah (a sale which is considered complete if one party just throws his garment to another party)

That which is impossible to deliver or hand over

Conducting two sale transactions in one contract

Selling the embryos or a pregnant animal with the pregnancy as a condition

What is in the wombs and what is in the loins

The offspring of the offspring (of a camel/animal)

Categories of sale

Based on the type of counter-value

Sale of an item: in return for an item, debt or benefit

Sale of a debt: in return for an item, debt or benefit

Sale of a benefit: in return for an item, debt or benefit

Based on the type of sold item

Assets

Fruits

A condition for the sale of a debt for a debt is:

Receipt of one of the two objects of exchange
(the price and the priced item)

Based on the term of payment

Based on the effect of taking possession

Based on the involvement of Riba

Based on the establishment of the cancellation
option

Based on the conditions attached to the sale

In terms of validity and invalidity

Sale based on the involvement of Riba

Riba in sales

Fadl (excess)

The excess in the quantity or value of goods
where equivalence is a condition

Nasī'ah (delay)

The delay in payment or delivery in a transaction
where immediate exchange is a condition.

Sale

Based on the involvement of Riba

Categories in which Riba occurs

Edibles

Banknotes/money

Categories in which Riba does not occur

Trade goods

(Other than tangible items and food)

Important note:

Riba involved in these categories is the Riba of sales.

As for Riba of debts: It is an increase in debt in exchange for a delay in payment, it applies to all types of wealth without any disagreement among scholars.

The effective cause of Riba

Fadl (excess)

Edibles

Sustenance and storing

Cash

Ath-thamaniyyah (Monetary nature)

Nasi'ah (delay)

Edibles

Edibility

Cash

Ath-thamaniyyah (Monetary nature)

Sale of commodities involving Riba

Edibles

for non-edibles

[neither immediate exchange nor equivalence is required]

for an edible commodity

Medicine is an exception

Storable staple food and that which preserves it
(Riba al-Fadl and Nasi'ah apply to it)

of the same kind

[immediate exchange of items and equivalence are required]

of a different kind

[only immediate exchange of items is required]

Neither a staple food nor storable

(It is subject to Riba an-Nasī'ah, but not Riba al-Fadl)

of the same kind

[only immediate exchange of items is required]

of a different kind

[only immediate exchange of items is required]

Cash

for cash

of a different kind (currency exchange) [only immediate exchange is required, not equivalence]

of the same kind, by weight (weighing)

[immediate exchange of items and equivalence are required]

of the same kind number-wise (exchange)

[immediate exchange of items and equivalence are required]

for other than cash

[neither immediate exchange nor equivalence is required]

Seeking the best of the two situations, either concluding the contract or revoking it

Types of Khīyār (option to cancel a contract)

Categories

Option of deliberation

For

The two transacting parties or other than them

Duration

It differs based on the sold item

Ownership of the sold Item

The period of the option (to revoke) belongs to the seller, and the guarantee/liability rests upon him

Option of withdrawal due to deficiency

Categories

That which becomes due on account of a missed condition

That which becomes due upon the appearance of a defect

The liability for the sold item is transferred to the buyer through a valid and binding contract, unless there is an impediment to taking possession

A disclaimer of defects does not absolve the seller, except in the case of slaves

Classification by Al-Māziri

Conditions in sale

The condition and the contract are nullified

Stipulating that which leads to the violation of a condition of the contract's validity, or that which is contrary to its implication.

Example

A stipulation that causes Gharar or leads to Riba

Valid stipulation

Example

That which is a contract implication, such as delivery and the right of disposition in the sale.

It is legally enforced, even if it is not stipulated

What is not from the implication of the contract but is for its benefit, such as providing a guarantor, a pledge, and the stipulation of khiyār (the option to rescind a contract)

Its enforcement is conditional upon the stipulation

The condition is nullified, not the contract

Example:

Stipulation of non-liability for defects

Stipulation of the non-occurrence of a blight in the fruits or crops.

Guarantee of the merchandise

It differs based on the sale

Valid

Not binding

The guarantee is borne by the seller, for example

Sale by the interdicted

Sale transaction with an option to cancel

Binding

Liability is upon the buyer, even before taking possession, with the exceptions of

What involves the right of receiving in full

The commodity retained as collateral for the price.

The absent commodity sold by description (or by prior inspection)

Fruits after the appearance of soundness for security from blight

The condition of mutual reduction (of the price) until the sighting of blood

The three-day liability until its end

Invalid

Does not come under the buyer's liability except by possession

Possession

Whereby the buyer assumes liability

Movable property: by custom

Real estate property: by vacating it

Residential dwelling: by vacating it

That which is delivered in full by being completely measured, weighed, or counted.

If the sold item is lost/destroyed while in the buyer's possession in an invalid sale

A disputed issue (the transaction remains valid with the agreed price)

Agreed upon (it is settled by value)

Selling before having an item in one's possession is permissible, except in the case of foodstuff acquired through counter-value

Sale based on the term of payment

Deferring the delivery of the commodity (this type includes Salam sale)

Deferring the payment (sale on credit)

Immediate payment and delivery (absolute sale)

Deferring both the payment and the commodity

Sale of a described, deferred item owed in the liability for an item of a different kind

Salam sale

Essential elements

Buyer involved in the Salam sale

Seller involved in the Salam sale

Commodity involved in the Salam sale

Conditions

In addition to the sale conditions

The advance payment of capital

Absence of doubt or ambiguity concerning Riba

The specified time frame (minimum period: 15 days)

To be something owed as a personal liability

The known quantity (determined by what is customary in measurement, weight, or number)

Mostly existing when the appointed time arrives

Specifying the description by mentioning what typically causes variation in items

The buyer's sale of what he purchased to its seller or the seller's agent for a deferred payment

Deferred sales

Ruling

It is apparently permissible, but may lead to something prohibited; it is therefore prohibited, even if it is not intended as a means to what is prohibited

Conditions

The first sale transaction is for a term (deferred payment)

The second buyer is the first seller or his agent

The second seller is the first buyer or his agent

What is sold the second time is what was sold the first time

Occurrence of the purchase in the same currency type as the sold item's price

Forbidden forms of sale

Forms

(3) For more than the price

(2) For the same price

(1) For less than the price

In the three cases, it is either

(d) Deferred for a term after the first

(c) Deferred for a term shorter than the first

(b) Deferred to the first term

(A) In cash

Rule: The transaction is prohibited where the lower price is advanced

Giving a valuable asset for the sole benefit of the recipient, who becomes liable for returning its equivalent.

Loan

Essential elements

Lender

Permissible to donate

Borrower

Legally competent

Mature
Capable of repayment
Loaned item
That it brings no benefit
That which is permissible to sell as an advance
purchase (Salam sale)
Returnable
Similar or equal in measure and description
The item itself, if it remains unchanged
Wording
Speech, action, or signaling that indicates
consent
Rule
Any loan that yields a benefit is Riba
Increase in repaying the loan
Two cases
Stipulated (or customary)
Two forms
Impermissible
Not stipulated (or customary)
Repaying with something better
Permissible
With a gift
Two cases
After repayment
Permissible
Before repayment
Two cases

He used to give him gifts before, or a reason arose for it

Permissible

He did not use to give him gifts before

Not permissible

A contract of exchange for transferring ownership of a utility in return for compensation, in a manner that indicates the transfer of ownership.

A binding contract

Leasing

Essential elements

Parties (the lessor and the lessee)

Conditions

Validity

Discerning

Bindingness

Legal competence

Non-coercion

Mental maturity

The wording

What indicates the transfer of ownership of the benefit for compensation

Utterance

Other

(By allusion - by writing - by physical exchange - by custom)

The rent

What is stipulated for the price of the sale

Benefit

Conditions

Defined

It has value

Ability of delivery or handover

Not prohibited

Not entailing the intentional taking of a specific item

That it is not something obligatory upon the lessor

The lessor is generally responsible for any damage to the leased property, unless the lessee has exceeded limits, acted negligently, or is a craftsman, subject to specific conditions.

A commitment by a rational person subject to the rulings of Sharia to pay financial compensation in return for a matter, which the employee is entitled to upon the completion of the work.

A permissible contract that binds the offeror upon the commencement of the work

Ji'ālah

Essential elements

Two contracting parties

(The person offering the reward and the person for whom the reward is offered – employee –)

Conditions of the parties of the lease

One who can be validly hired can be validly employed for a reward

Action (subject to a contract of reward; Ji'ālah)

Permissible

The reward offered (the subject of the contract)

What is stipulated in the price of the sold item

Non-stipulation of immediate cash payment in the contract

Wording

That which indicates consent, such as speech or commencement of action

Condition

There should be no specific period set by the offeror

Whatever is permissible under a reward (Ji'ālah) contract is also permissible under a lease (Ijārah) with its conditions, but not vice versa

Sulh (Settlement)

Settlement by way of absolution and waiver

Settlement by exchange

Exchange of a right or claim for compensation to settle a dispute or the fear of its occurrence

Compensatory settlement

Categories

The item/value given in settlement

From an entity

A specific item (other than the subject of the claim)

Sale

Benefit

Lease

With a part/portion of what is claimed

Gift

Admittance and its absence

From an entity

Based on an acknowledgement

Based on a denial

Tacitly

Its ruling is the same as the admittance

Applies to all the previously-mentioned types
(sale, lease, gift)

Specification of the share or portion of each partner in an undivided property, even if by the exclusive right of disposal

Division (of property)

Division of usufruct

Meaning

The exclusive use by each partner, separate from the other, of the utility of a single or multiple things for a period of time

Condition

In a benefit

Specification of time

Consent of the two partners

The absence of Gharar (uncertainty)

Division by mutual consent

Its ruling is the ruling of sale

Meaning

The mutual agreement of two partners for each to take ownership of a portion of their joint property without drawing lots

Condition

In slaves and assets

Consent of the two partners

Possibility of division without spoilage

Division by lot

Its ruling is the ruling of Ijārah.

Meaning

Specification of a right/share in an undivided co-owned property among the partners

From its rulings

There must be an appraiser who determines the value

He who refuses it (or denies it) is forced to comply with it

Entailing revocation due to Ghabn (undervaluation)

It only applies to that which is equivalent or of the same kind

It is not permissible to combine the shares of two partners in the division

Indivisible tangible assets are sold and their proceeds are divided (compulsorily)

Documentation

Various types

Mortgage

Guarantee

A binding contract that does not transfer ownership, intended to secure the rights.

Mortgage

Essential elements

Mortgagor

Becomes binding by the contract and is completed upon receipt

The one entitled to the sale

Mortgagee

The mortgaged item is guaranteed by him with respect to what can be concealed, if it is in his hand.

Mortgaged item

The debt can be repaid from it, from its price, or from its yield

It is permissible with minor Gharar (uncertainty)

Its expenditure is obligatory upon the mortgagor, and its yield belongs to him

It is valid to take it as a mortgage before the debt and after it

The debt that the mortgage guarantees

A binding debt or one that is to become binding

Wording

What indicates consent

Reasons for interdiction

Bankruptcy

Insanity

Being a minor

Slavery

Lack of sound-mindedness

Life-threatening illness

Contracting marriage with a woman

Specifically for what is more than one-third

An obligation by a legally competent person who is not weak-minded to assume a debt owed by another, or to present the one who owes it to the one to whom it is due, by any expression that indicates it.

Guarantee

Essential elements

Five

Guarantor

A binding obligation upon him

Legally competent to give away property

Legally competent

The wife and the sick person regarding one-third of the wealth

Not unwise

Creditor

His permission is not required

Guaranteed debt

His permission is not required

That which is guaranteed (the debt)

Binding or going to become binding

It is valid even if unknown

Wording

That which signifies commitment, be it an utterance, an intelligible sign, or writing

Various types

Assuming liability (guarantee) for the property

The principal meaning of guarantee in its absolute sense

Guarantee of presence

A guarantee to bring the debtor when the term is due

Specific to money, excluding physical rights (like legal retribution, prescribed punishments, and discretionary punishments).

Guarantee of demand

The obligation of seeking it, searching for it, and guiding others to it.

It is valid for money and other bodily rights

The creditor does not have the right to demand payment from the guarantor if it is possible to take from the debtor's property (unless stipulated by the creditor)

What is the ruling on taking a fee for providing a guarantee?

Comprehensive Questions on Fiqh of Transactions (1)

List the categories of Fiqh of transactions.

List the Mu'āwadah contracts you have studied.

List the essential elements of a sales contract with an explanation of the conditions for each element.

Mention six of the prohibited sales, three of which are due to Gharar.

What are the types of Riba in sales, what commodities do each type involve, and what is the effective cause for the Riba-based commodities?

Mention the types of the option to rescind transactions and provide an example for each.

What is the nature of the 'qabd' (taking possession) by which the guarantee is transferred to the buyer for real estate, movable property, and weighed goods?

What are the sold goods that are prohibited from being disposed of before possession?

What are the types of conditions in the sale? Provide an example for each type.

What is the ruling if the sold item perishes in the possession of the buyer in an invalid sale?

Explain the essential elements of the Salam contract, along with the conditions for each element.

List the essential elements of the loan (Qard), and the conditions for each element. What is the ruling on an increase in the repayment of the loan?

List the essential elements of the lease (Ijārah) and the conditions for each element.

Who is responsible for guaranteeing the damage of the leased item, and what is the ruling on holding artisans/workers liable?

What are the essential elements and conditions of Ji'ālah contract?

What are the types of settlement (Sulh) in terms of the object of settlement, and in terms of acknowledgment and denial, with the legal classification of each type?

List the documentation contracts you have studied.

List the essential elements of the mortgage (Rahn), and the conditions for each element.

What are the things that invalidate the mortgage contract?

What is the number of reasons for legal interdiction, and what are the specific reasons for what exceeds one-third (of property)?

What are the types of guarantee, with an explanation of the meaning of each type?

List the essential elements of the guarantee with an explanation of the conditions for each element.

Partnerships

Various types

Hawālah (transference)

Wakālah (agency)

Partnership

Musāqāh and Muzāra'ah

Transferring a debt from the liability of the debtor to another for an equivalent debt, thereby discharging the first liability.

Hawālah (transference/assignment)

Essential elements

Muhīl (debtor/assignor)

Consent

Eligibility to dispose of the property

Muhāl 'alayhi (transferee/new debtor)

His consent is not required

His presence and his admission.

There should not be apparent enmity between him and the other party.

The transferred debt

Conditions

Due debt

Binding

Equivalent to the Muhāl 'alayhi (transferee/new debtor)

In quantity, description, and type

Established

The two debts should not be food from a sale.

Al-Muhāl

The wording

That which indicates transference and transition (even if by a sign or in writing).

Through the contract, the right is transferred from the liability of the principal debtor to the transferee, and the creditor shall have no recourse against the principal debtor.

Wakālah (agency) is a permissible contract (unless it is for compensation).

Wakālah (agency/legal representation)

Essential elements

Muwakkil (principal)

Legally eligible to dispose of the object of authorization.

Wakīl (agent/representative)

An agent is a trustee, not liable for losses unless there is transgression or negligence.

He cannot act for his own benefit or that of his ward -without permission-

The deputy should act in the best interest of his principal.

Legally eligible to dispose of the subject matter of the authorization.

Muslim (in selling=buying=litigation)

The subject matter of the authorization or agency

Something in which authorization is valid (financial, physical, or litigation rights)

The following are not included

Physical Acts of worship that do not accept deputization

Sins (like Zihār (a pre-Islamic form of divorce) and selling what is impermissible)

The wording

Two parts

Offer

That which indicates authorization, by speech or otherwise, such as gesturing, writing, or custom.

Acceptance

(That which customarily indicates consent with the authorization)

Dismissal of the agent

By the following

That he removes himself, or his principal removes him.

Death of the Muwakkil (principal)

The accomplishment of what he was authorized to do (in cases other than full delegation).

Types of Wakālah

General

(Delegating)

Special

(Text or presumptive evidence)

A contract between two or more owners of capital to trade with it jointly or to work together, with the profit to be shared between them according to customary practice.

Partnerships

Two types

Properties

Abdān (bodies)

Binding by the contract

Partnership of properties

Essential elements

Three

The two contracting parties

Conditions

Legally competent

Muslim (matters related to property or rights that are not currently in possession or sight)

The subject of the contract (the property)

Conditions

Equality of the two cash types (in description, weight, quality, and currency exchange)

Not to be with two foods

That the profit of each partner be in proportion to the capital

For both to have joint control over the property

It is valid for it to be with goods from both sides, or from one of them

Wording

That which indicates consent to it by custom

Types

Mufāwadah (bargaining)

‘Inān (based on capital and labor)

Jabr (coercion)

Qirād (Mudārabah)

Liabilities

Wujūh partnership

Abdān (bodies) partnership

Permissible under conditions

Unity of action

That each of them takes from the profit according to their work

Cooperation between them

Joint ownership of the tool

Partnership in cultivation

It is necessitated by sowing and the like

Muzāra‘ah (Sharecropping)

Essential elements

Wording

What indicates consent by speech or action

The two contracting parties

Legally eligible to act

Subject of the contract

Safety from leasing land in a manner prohibited under Shariah

Similarity of seeds

That they agree to share the profit in proportion to the amount paid

Al-Mughārasah (a type of sharecropping contract for planting trees)

Forms

Ijārah (Lease)

Ji'ālah

On a part of the land and its trees.

A contract for the upkeep of trees or plants in return for a portion of their yield

It is binding by the contract

Musāqāh

Essential elements

The two contracting parties (the tree owner and the worker)

Conditions

Legally eligible to act

The subject of the contract (the produce of crops or trees)

Conditions

Not to regrow if not cut
Before the fruits are evidently in a good state
Trees: To bear fruit in the same year
Emergence of the crop from its soil
The inability of the owner of the crops to care for
them and his fear of their destruction
The stipulated share for the worker
Conditions
An unknown share of the fruit
Clearly defined
The portion taken from multiple categories
should not differ between one category and
another
Work/Labor
Conditions
What the orchard requires according to custom.
Not stipulating what invalidates the contract
Wording
The wording Mu'āmalah (transaction) or
Musāqāh (irrigation contract) only
Acquisition without compensation
Types
Owning unowned property
Animals [by hunting]
Real estate [by revitalization]
Minerals [by extraction]
Plants [by cutting]
Water [by acquisition]
Acquiring owned property

For keeping=deposit
For using='Āriyah (borrowed item)
Unlawful acquisition
Theft
Usurpation
Embezzlement
Plunder
Betrayal
For ownership
Gift
Found property
Zakah
Spoils
Abandoned property
Hidden treasure
Inheritance
Al-mawāt (Unowned and uncultivated land)
That which is free from appropriation and the
causes of appropriation.
Revitalization
The permission of the Muslim ruler is a condition
in areas near populated areas
Causing water to gush forth
Removal of water from inundated ground
Construction
Implantation
Stirring the ground by cultivation
Breaking and leveling the stones
The cutting of the trees found therein

Reserve of the Muslim ruler

Need of Muslims

Scarcity

The land must be vacant

For the purpose of herding

Grant of the Muslim ruler

Two types

Transfer of possession and utilization

Utilization only

The precinct of the previously developed land

This includes

What is added to the developed land from rights and facilities

The meaning of Al-‘imārah (Development/Construction)

The development of land by building, planting, and water.

A deposit is a permissible contract, not binding

Deposit is permissible in principle for the trustee and the depositor, and it may be subject to the five categories of legal rulings.

A bank deposit (current account) is considered a loan

Property entrusted to someone for its preservation

Deposit

Essential elements

Depositor

Legally eligible to dispose of (property)

(It is permissible for him to delegate)
 Deposited property
 Property (cash, goods, or an animal)
 He is a trustee, so he does not guarantee it unless
 he acts with negligence
 Trustee
 Capable of its preservation
 Permissible to authorize
 To dispose of the deposit (for loans or trade)
 Disliked
 Fungible items and cash by someone who is
 solvent (financially able)
 Unlawful
 Fungible items and cash on the insolvent
 Non-fungible items in all cases
 A permissible contract becomes binding if it is
 conditioned by an act or a term
 Granting a temporary benefit without return
 'Āriyah (Borrowed item)
 Sunnah for the lender (in principle)
 Permissible for the borrower
 Essential elements
 Lender
 Legally competent to give away property (not
 under legal interdiction)
 Owner of the benefit
 Borrower
 It is permissible for him to do what has been
 permitted to him of benefits, or its like, or less.

Eligible to receive a donation of the benefit
Guarantor for items that can be out of sight

Borrowed item

Lawful to use

Possible to use

While remaining unconsumed

Wording

A statement or other means indicating consent

What is the difference between usurpation and aggression?

Taking property forcibly and wrongfully, without highway robbery

Al-ghasb (usurpation)

Related elements

Al-ghāsib (Usurper)

He must repent and absolve himself from the victim of usurpation

Not discerning

Entails liability only

Discerning

Disciplinary action after liability is imposed

The ruler disciplines him by beating, imprisonment, or both.

Usurped property

Its revenue is guaranteed to its owner if the usurper uses it or rents it out.

The items were not consumed/lost

It is returned and does not entail liability, even if the markets have changed.

Loss (e.g., through destruction or alteration)

A fungible item must be replaced with its like

A non-fungible item must be replaced with its value

If the usurper trades with the usurped property and makes a profit, then its owner is only entitled to his capital

Pillars of guarantee

Cause of obligation

Direct action

Causation

The non-trustee hand

Categories for which it is due

Legally lawful property and usufructs

Guarantor

Muslim and Dhimmi

What is due

The equivalent in fungible items and the value in non-fungible items

Property inviolable under Sharia exposed to waste

Found property

Types of what is picked up

The insignificant thing

(That which one normally pays no attention to)

Can be acquired without identifying (if the owner is not known)

Animals

Should not be picked up (if it is not at risk of damage or theft, and it is not hard to carry)

All types of property

Mildly insignificant

The value of the bucket and the Dinar, or less = what is above the insignificant

To be identified for some days

Significant/Valuable

To be identified for one year

A human found (foundling) must be taken as a communal obligation.

Food

What quickly spoils (or was trivial)

Permissible to eat without liability

What do not spoil

Its ruling is the same as all other types of property

If difficult to carry

Sheep (eaten if found in the wilderness)

Cows (may be eaten if found in an unsafe place)

Camels (left in all situations)

He has the choice after the period: to take ownership of it, give it as charity, or keep it as a trust. If its owner comes, he must return it or be liable for its value.

Inheritance

Essential elements

Heir/inheritor

One entitled to a prescribed share of inheritance

Agnate
Blood relative
One whose property is inherited/Inheritee
Inherited property
Those entitled to prescribed shares of inheritance
Categories
Husband
Wife
Father
Mother
Grandfather
Grandmothers
Daughters
Sisters
Son's daughters
Mother's son
Male inheritors by agnation
Categories
Male descendants
Male ascendants
Brothers, full or half-brothers from the father's side
Paternal uncles [full or half-brothers from the father's side]
Brothers' sons
Paternal uncles' sons
A master who emancipated his slave (the emancipator)

Blood relatives

On account of the corruption of the Public Treasury

Any relative who does not have a prescribed share in the inheritance and is not an agnate

Giving away wealth

Types

Gift and grant

Endowment

Bequest

Emancipation

Granting ownership of a legally transferable entity by one eligible to donate to an eligible recipient, without compensation, by means of a specific formula or what indicates it.

Recommended

It becomes binding with acceptance and is completed by taking possession.

Gift

Essential elements

Donor

Legally competent to donate

Recipient

Legally competent to own the gifted property

Acceptance

The gifted item

Parents may retract a gift made to their child, provided it has not been disposed of.

Item

Owned by the donor
 Of that whose ownership is validly transferable.
 Wording
 Explicit
 What indicates it (even by physical exchange)
 Categories of gift
 Physical living asset
 For the Face of Allah Almighty
 The doer is rewarded, and it is irrevocable.
 In terms of intent
 For gaining people's cordiality and love
 Not rewardable, irrevocable, except for what a
 father gifts to his child
 Reward from the recipient
 It is permissible to stipulate it, whether it is
 specified or not
 Benefit
 such as 'Āriyah (borrowed item) and 'Umrā (a
 lifetime gift)
 Endowment is recommended, a binding
 contract, and completed upon receipt.
 Assigning the benefit of an owned property, even
 if for a wage or its revenue, to a beneficiary for a
 period determined by the endower.
 The endower's condition must be followed,
 provided it is compatible with Islamic legislation
 Endowment
 Endower
 Conditions

Owner of the item or the benefit

Muslim (in Islamic acts of devotion)

Legally competent to give away property

The endowed item

Conditions

Item/asset or benefit

Durable after use

Immediacy is not a condition

In whatever does not involve sin

Beneficiary

His acceptance is not a condition unless specified

The one entitled to receive/use the benefits

Rational (e.g., Zayd, the poor, the scholars) – an entity or a specific individual –

He owns the right to benefit, not the benefit itself, and his designation is not a condition.

Non-rational (mosques, bridges)

Making the endowed property freely accessible to the people takes the place of wording

Wording

Two types

Explicit ("I have confined," "I have endowed," and "I have dedicated")

Non-explicit

It is conditional upon one of three things

That the beneficiary of the endowment be perpetual, such as the poor or mosques

Of unknown enumeration

(upon so-and-so, his offspring, and his descendants)

Association with a qualifier indicating the intended meaning

Categories of Endowment

Permanent; lifelong

Time-bound

A contract that establishes a right to one-third of the contractor's estate, which becomes binding upon his death or by proxy on his behalf after his death

The principle rule regarding the bequest

Recommendation

Bequest

Essential elements

Testator

Discerning

Full ownership of the bequeathed property

Free

Legatee

Legally competent to own (or to act as a deputy)

In reality

Not an heir (except with the permission of the heirs)

Non-Combatant

The designated person's acceptance (after the testator's death)

By legal implication (like mosques)

The bequeathed property

Entitlement to guardianship (Bequest by delegation)

In something not prohibited

Monetary issues

Owned according to the Shariah

In one-third or less

Wording

Verbal

Explicit

Non-explicit

By circumstantial evidence

Non-verbal

An intelligible allusion/gesture.

By writing

The freeing of the slave from bondage by means of a formula

Emancipation

Related issues

Emancipator

Legally competent to give away property

Emancipated person (owned slave)

Muslim

No binding right is attached to him

Wording

Explicit

Emancipation is effected by it, even if an indication points to joking

By allusion

Evident

Emancipation takes effect by it, unless there is presumptive evidence (indicating otherwise)

Non-evident (hidden)

Emancipation does not take effect unless he intends it

Its reasons (By what does it occur?)

Statement

Mukātabah (a contract of manumission between a master and a slave)

Istilād (a Muslim, having a child born to him of a female slave, which he acknowledges as his own, whereby the female slave becomes free)

Tadbīr (a declaration of freedom to be established after the master's death)

Sirāyah (emancipating one's share in a slave entails emancipation of the rest by the other partner)

Ownership of a Mahram relative (ascendants, descendants, and brothers)

Mutilation of the slave

Comprehensive questions on jurisprudence of transactions (2)

What are the essential elements and conditions of Hawālah?

What are the essential elements and conditions of Wakālah?

Is Wakālah a permissible or binding contract?

What are the types and invalidators of Wakālah?

What are the essential elements and conditions of partnership in general?

What are the conditions for the permissibility of the Abdān (bodies) partnership?

List the types of Amwāl (money) partnership, defining each type, and is there anything prohibited in them?

What is the description of each of Mughārasah, Musāqāh, and Muzāra'ah?

State the essential elements of Musāqāh and Muzāra'ah and the conditions for each element.

What is the meaning of dead lands? What are the grounds for appropriation, and how are dead lands revived?

What are the essential elements and conditions of the deposit? Is it a permissible or binding contract? And what is the ruling on using/disposing of the deposit?

What is the ruling on a 'Āriyah (borrowed item)? What are its essential elements and conditions?

What is the ruling concerning returning the usurped item, whether it has been lost/destroyed or not?

What are the grounds for guarantee, and in what (situations/types of property) is it required? What is the difference between usurpation and aggression?

What are the types of found property? What is the ruling regarding each type?

What are the categories of heirs, and who are those included under each category?

What are the essential elements of inheritance?

What are the essential elements of a gift? What are its conditions?

What are the types of gift?

What is the ruling on a gift? Is it a binding contract? When may parents revoke it from their child?

What is the endowment? What are its ruling, essential elements, conditions and types?

What is the bequest? What are its essential elements and conditions?

What are the essential elements, conditions, and causes of emancipation?

What are the different types of emancipation wording? What is the ruling on each type?

Introduction

All praise is due to Allah, and may Allah's peace and blessings be upon the Messenger of Allah, his family, his Companions, and those who follow him. To proceed:

This is the fourth course of this program, which is the course on the Fiqh of Judiciary and Crimes. Its issues have been compiled in accordance with the relied-upon view in the Madh'hab of Imam Mālik (may Allah Almighty have mercy upon him), in a manner suitable for this training program.

Objectives of the course:

Understanding Fiqh terminology in the chapter on judiciary and crimes.

Keeping in mind the fundamental rulings in the Fiqh of the judiciary and crimes.

Acquiring the ability to apply theoretical issues to practical situations to the extent that the student can apply and implement them.

Acquiring the ability to differentiate between the judge and the arbitrator, the conditions for each, and the rulings about each type.

Acquiring the ability to distinguish between the plaintiff and the defendant, and its effect on the rulings.

Acquainting the student with the rulings related to the subject matter of the judgment in terms of its types, ranks, and conditions.

Knowing the types of crimes in Fiqh and the rulings related to each crime, with the ability to apply them to specific cases.

Keeping in mind the types of prescribed punishments in the Sharia, and the conditions for the application of each type.

Knowing the consequences of committing a crime for which there is no prescribed punishment in the Sharia, and the regulations for dealing with it.

Course Contents:

Introduction to the main sections of Fiqh of judiciary and crimes.

Judicial Rulings (Prerequisites for the judge and the ruling on assuming office, obligations and prohibitions, and prerequisites for the Arbitrator)

Rulings on the one in favor of whom or against whom a decree is issued: (the defining principle for the claimant and the defendant).

Rulings of the subject of judgment: (ranks of testimony, its ruling, prerequisites for the witnesses, and the party required to take an oath).

The rulings on crimes (what entails a prescribed punishment, and what does not).

The rulings on crimes against the body: (murder, and assault below murder).

Types of Hadd punishments in Islamic law and the relevant rulings: (apostasy, committing Zina, false accusations of Zina, stealing, consuming intoxicants, and Hirābah (highway robbery)).

Rulings of discretionary punishments: (Its applications, who administers it, its forms, and what is impermissible therein).

We ask Allah Almighty to make this course beneficial and may Allah's peace and blessings be upon our Prophet Muhammad, his family, and his Companions.

Judiciary and Crimes

Judiciary

Crimes

Judgment

Judge

Or Muhakkam (appointed to issue judgment)
One in favor of whom or against whom a decree
is issued

The subject matter of judgment, i.e., what is
decreed

Judgment

Related elements

Prerequisites for the judge

Validity

Uprightness; and it requires

Islam, puberty, sanity, freedom, prowess, and
absence of Fisq (defiant disobedience).

Being a male

Sagacity

Understanding of the Sharia

Soundness of the senses

The requirement of Qurayshi lineage for the
Supreme Imam

Recommended

Being well off

Religious prudence, integrity, and keeping away
from trivialities.

Forbearance

Someone of known lineage

Not being in debt

Not subject to Hadd punishment

Seeking council

Ruling on assuming the post: It is a communal
obligation

It becomes an individual obligation for
The one distinct in his era by the required
criteria.

One in a state of fear
that he brings a trial upon himself or others if he
does not take charge

From the loss of his or another's right.

Unlawful for a judge

Taking money from litigants

Accepting a gift

It is incumbent upon the judge

Scribe

Validator/giver of Tazkiyah

Upright witnesses

Translator

Arbitration is permissible for the two litigants

Conditions

Man

Upright

Non-adversary

Non-ignorant

Wealth and wounds (not in what relates to other
than the two litigants— for Allah or a person)

One in favor of whom or against whom judgment
is issued

Plaintiff

The one whose justification is weak

Defendant

The one whose justification is strong

(By a principle or an established custom)

The subject matter of the decree, i.e., what is decided

Oath/swearing

Confession

Testimony

The subject matter of the decree

Testimony

Its degrees

Four

Four upright witnesses

Zina (fornication)

Sodomy

Two upright persons

That which is not wealth, nor does it pertain to it (bodies).

An upright man and two women, or a just man—
or two women—with the claimant's oath

Monetary issues (and what leads to them)

Two upright women

Matters pertaining to women

Ruling

Bearing the testimony

A communal obligation (in case of fear of a right
being lost)

Permissible in other than that

Giving testimony

Right of a human

Obligatory when requested

Right of Allah

It is obligatory to hasten to give it

Conditions

Puberty

Sanity

Freedom

Being a Muslim

Not committing disobedience with the limbs

Magnanimity

Non-interdiction for foolishness

Absence of religious innovation

Sagacity

Decisiveness regarding it

Non-accusation (regarding the integrity)

An exception is made for the testimony of children against one another, provided its conditions are met.

Oath

It shall be from

Plaintiff

Cases

Completion of the Nisāb (legal minimum amount)

Istizh'hār (taking extra precaution to ensure certainty)

(A claim against an absent person or a deceased person)

If it is rejected against him by the defendant.

Defendant

Cases

The plaintiff's failure to establish proof.

The rule is that

The oath is required from the party with the stronger cause

Acknowledgement of that which establishes a right due upon the one who states it.

Confession/Admittance

Essential elements

One making a confession

Conditions

Legal competence

No interdiction involved

Unsuspected in his confession

The one in whose favor a confession is made

Conditions

Eligible for the transfer of ownership, at present or in the future.

Affirmation of the one who makes the confession

A confessed matter

Types

Money

Other than the money (such as felonies and the like)

Not necessary to be defined

Wording

What conveys the meaning of confession, linguistically or conventionally.

What is the ruling on the confession made by a drunk man?

A drunk man is not bound by the acknowledgment or ratification of contracts

Rather, what he has effected: emancipation, divorce, and prescribed punishments.

Crimes

Entailing Hadd (prescribed punishment)

Not entailing Hadd

Discretionary punishments

Crimes

Entailing Hadd (prescribed punishment)

Against the bodies

(Murder and injuries)

Against the religion

Apostasy

Against the genitals

Zina

Against people's honor

Slander

Against minds

(Consumption of intoxicants)

Against property

Theft

Against bodies and wealth

Hirābah (armed robbery)

Crimes

Against bodies

Against human life (killing)

Against the body, less than murder
What is the ruling on assassination?
Crime against the person resulting in death
(Killing)
Intentional
Legal retribution
(Blood money)
(Due on the wealth of the killer)
With the consent of the perpetrator
Settlement/Reconciliation
Pardon
Accidental killing
The heir is given a choice between
Blood money
Deferred, due upon the paternal male relatives
Settlement
Pardon
Expiation is due
Intentional
Two types
Direct action
Causation
Legal retribution
Essential elements
The perpetrator
Conditions
Legal competence
Sanctity of the blood

Not being superior to the victim in Islam or freedom.

The demand for legal retribution by the heirs of the killed person.

The victim

Conditions

Sanctity of blood (by being a believer, or a pledge of safety)

Being equivalent to the perpetrator or above him

Felony/offense

Conditions

Intentional

Transgression

Confirmation of the felony

By one of the ways

Confession

Testimony of two upright witnesses

Al-Qasāmah (oath)

Blood money for a human life

A Muslim

12000 Dirhams

1,000 Dīnārs

100 camels

Mitigated: in fifths

Maximized: in quarters

A person of the People of the Book (Jew or Christian) or Dhimmi

Half the blood money of a free Muslim

Slave

His price

The Magian and the apostate

800 Dirhams

A woman

Half the blood money of a man

Fetus

One-tenth of the mother's blood money

The blood money for a woman is equal to that of a man up to one-third of the full blood money, then it becomes half that of a man.

Assault below murder

(Cutting – Wounding – Breaking – Causing the loss of a function)

Legal retribution

Conditions

Conditions for legal retribution in cases involving murder

Possibility of legal retribution without injustice

Similarity

Equality in soundness and perfection of the limb

Blood money

Blood money due for killing someone divided by the number of body parts similar to the injured part

For the tooth, five camels are due

Estimated amount: This is due in some types of wounds

Causing the loss of a limb's function is the full blood money.

Hukūmah (Discretionary compensation): in injuries where an estimation is not possible

A monetary compensation ruled by a judge after the assessment of the injured party in both a sound and a defective state.

Prescribed punishment for apostasy

Conditions of its implementation

To commit an act of disbelief.

It must be by a Muslim.

Non-compulsion

Discerning

Legal competence

Meaning of apostasy

A person becomes a disbeliever after being a Muslim due to certain matters

Belief

Statement

Action

Having doubt

The one to be killed even if he repents

After being seized

The heretic

Whoever reviles a prophet

A magician

Prescribed punishment for an apostate

Killing

After being given a chance to repent three times

Apostasy is established

By the testimony of two just witnesses

By confession

Prescribed punishment for Zina (unlawful sexual intercourse)

Its measure

For a Muhsan (married/previously married person)

Stoning to death

A legally-accountable person who commits sodomy is to be stoned to death, whether a married/previously married person or an unmarried person.

Unmarried person

100 lashes

50 lashes for slaves

Exile for a year (for men)

Conditions for implementing the punishment

Being a Muslim

Legal competence

(Puberty and sanity)

Disappearance of the head of the penis or its equivalent in the private part of a human being

The fornicated partner must be able to endure intercourse

Absence of doubt or ambiguity

Deliberation

The prerequisite of being Muhsan for stoning to death

Confirmation

Confession (once)

The clear proof (4 witnesses)

Appearance of pregnancy

Conditions of Being a Muhsan

In addition to the previous.

The occurrence of permissible sexual intercourse

To be in a valid marriage

Absence of denial between the spouses about it

Sexual potency

Freedom

Prescribed punishment for slander

The slanderer

Conditions

Sane

Adult

Aware of the prohibition

Not a father

The slandered

Conditions

Muslim

Sane

Adult (for the male)

(Can endure sexual intercourse; for a female)

Chaste

Possessing a functional sexual organ.

Free

Wording of slander

By the occurrence of one of the two

Denying the lineage from the father or the grandfather

It is not a condition that the slandered be legally accountable

with Zina or sodomy

Sections

Explicit statement

Indirect or implicit statement

Prescribed punishment for slander

80 lashes

40 lashes upon the slaves

A pardon is permissible as long as the matter has not reached the ruler

The slanderer is judged to be defiantly disobedient, and his testimony is invalid

Prescribed punishment for theft

The thief

Adult

Sane

Aware of the prohibition

Absence of (strong) doubt or ambiguity

Not being in a state of necessity/duress

The one against whom theft is committed

Inviolable under Sharia

Not a child/offspring

Stolen item

A person lacking discernment

Property

Nisāb (quarter a dinar or 3 dirhams)

Sharia-sanctified
If he takes it for a single purpose
Owned by another
The act of theft
In secret
from a secured place without authorization
Prescribed punishment
Amputation of the right hand from the wrist
If he repeats it
Amputation of the left foot from the ankle
If he repeats it
Amputation of the left hand
If he repeats it
Amputation of the right foot
If he repeats it
Imprisonment until he repents or dies
Theft is confirmed
By one of the two
Testimony of two upright witnesses
Confession
Prescribed punishment for drinking alcohol
Conditions
Consumer
Muslim
Sane
Adult
Absence of error
Free will
Not being in a state of necessity

Drink/Intoxicant

The kind of what causes intoxication

In few or abundant amounts

Drinking

Its occurrence: through the mouth if it reaches the throat.

Confirmation

Confession

Testimony of two upright witnesses

On drinking

Perception of smell in the mouth

Vomiting alcohol

Measure

For a free person (80 lashes)

Slave (40 lashes)

Hirābah (armed robbery)

Who is the Muhārib?

Highway robber

To obstruct the passage, or to take sanctified property, or to violate honor

provided that rescue/relief is unavailable

Someone who deceives another or causes them to lose their mind to take their property

Taking property in cities and settlements by fighting

Prescribed punishment for the Muhārib (armed robber)

Upon seizing him

If he killed another

To be killed
 If he did not kill
 The ruler has the choice between four things
 Crucifixion and killing
 Killing only
 Cutting off the right hand and left foot
 Exile
 Ruling on fighting him
 Obligatory
 In defense of one's life or family from murder,
 injury, or immorality.
 Permissible
 In other than the previous
 Recommended
 His appeal before fighting them.
 The prescribed punishment for Hirābah (the
 right of Allah Almighty) is waived
 On the condition that he does not kill anyone
 By the occurrence of one of the two
 His coming in repentance and obedience to the
 ruler or his deputy.
 His leaving the banditry he is engaged in (even if
 the rule does not come)
 Discretionary punishment
 The cases where it is applicable
 For disobedience to Allah
 For which there is no prescribed punishment
 For violating a human's right

That which he has the right to drop such as (the punishment regarding) insult and striking

Who should do it

The ruler

Discipline by another is not permissible

Exceptions

A father with his son/daughter who has not reached the age of puberty

Husband with his wife

The teacher with his students

That which is not permissible to apply as a discretionary measure

Curse and insult

Slapping the face

Disfigurement of an organ

Discretionary financial penalty

It is effected by

Several matters, including:

Detention

Blame and rebuke

Based on the personal reasoning of the imam

Exile

Flogging (even if it exceeds the prescribed amount)

Comprehensive questions on the Fiqh of the judiciary and crimes

State the prerequisites for the judge, when serving in the judiciary becomes obligatory for a

person, and what are the conditions for the permissibility of arbitration?

What is the difference between a plaintiff and a defendant?

What are the ranks of testimony, and what is the ruling on its bearing?

What is the condition for a witness, and when is the oath required of the claimant?

What are the essential elements of legal retribution, and how is the crime established?

Mention the blood money of: the slave - the free Muslim - the apostate - the fetus - the tooth - the single eye.

What are the conditions for applying the prescribed punishment for apostasy, and what are the cases in which an apostate is killed even if he repents?

What are the conditions of being a Muhsan, and what is the prescribed punishment for a Muhsan adulterer?

What are the conditions for the slandered person regarding the prescribed punishment for slander, and what constitutes the act?

What is the prescribed punishment for the thief if he repeats the theft, and what are the conditions of the stolen property for applying the prescribed punishment?

How is drinking wine established, and what is the prescribed punishment for a slave if he drinks wine?

Who is the Muhārib, what is his prescribed punishment, and when is it waived?

What are the forms of Ta'zīr (discretionary punishment), and what are the prohibited matters therein?

Introduction

Praise be to Allah, and may Allah's peace and blessings be upon the Messenger of Allah, his family, and Companions. To proceed:

Given the importance of the rules of Islamic jurisprudence (Fiqh-related rules) for the students of Fiqh, the Fuqahā' Center has decided to include them in the Fiqh Qualification Portfolio according to the school of thought of Imam Mālik (may Allah have mercy upon him), based on the academic material of the Center's previous course, with modifications made to suit the rules and subsections of the Māliki school of thought. We ask Allah to make this course and its source beneficial, accept them from us, and make them purely dedicated to His Noble Countenance. Indeed, He is All-Hearing and Responsive. May Allah's peace and blessings be upon our Prophet Muhammad, his family, and his Companions.

Objectives of the course:

Acquainting the student with the Fiqh-related rules in general, their relationship with Fiqh and its fundamentals, and the rules specific to the Māliki school.

Helping the student understand the precision of the subsections of Fiqh and their foundation on universal rules.

Enabling the student to comprehend the five major Fiqh rules and their sub-rules branching from them.

Assisting the student to have the ability to connect the subsections of Fiqh to their basic rules.

Training the student on how to derive rules branching from the basic Fiqh-related rules.

Course Contents:

Defining the Fiqh-related rules, and outlining the difference between them and related terms.

Sources of Fiqh-related rules.

Types of Fiqh-related rules.

Benefits of studying Fiqh-related rules.

Rule: Matters are judged based on their objectives and the branching rules.

Issues related to intention.

Rule: Certainty is not overruled by doubt, and its branching rules.

Rule: Hardship entails ease, and its branching rules.

Rule: There should neither be harm nor reciprocal harm, and its branching rules.

Rule: Custom is considered a valid judgment, and the branching rules.

We ask Allah Almighty to make this course beneficial, and may peace and blessings be upon our Prophet Muhammad.

Fiqh Rules

Definition

as a descriptive compound

Rules

Plural of Qā'idah (rule): a general proposition

Al-Fiqhiyyah (Jurisprudential)

Related to Fiqh (Islamic jurisprudence)

As a title and a name

A general practical legal proposition whose subdivisions are not confined to a single chapter.

Sources

Sharia evidence

Induction of sub-issues

Types

Major general rule

Applying to the majority of chapters

Non-major general rule

Applying to some chapters

General principle or criteria (governing rule)

Only in one chapter

Distinguishing between them is a stance adopted by later scholars

Benefits of studying them

Organizing scattered jurisprudential issues into one framework

Facilitating the memorization of sub-issues

Aiding in knowing the points of inference in issues and classifying novel legal issues under the relevant established issues according to jurists

Assisting in grasping the objectives of the Sharia and their inclusiveness

Matters are judged based on their objectives

Meaning

Rulings on statements and actions are based on the intentions

Evidence

Hadīth: (Deeds are only judged according to intentions). [Agreed upon]

Issues related to intention

Benefit

According to jurists

Distinguishing between acts of worship and habits

Distinguishing between some acts of worship and others

According to scholars of Tazkiyah (spiritual refinement)

Identifying the purpose behind the act

Its ruling

Examples of what requires an intention

That which is purely for acts of worship or in which the aspect of worship is predominant

Implicit expressions

That in which the deputation is invalid

Examples of what does not require an intention

Prohibitions and refraining from forbidden things

Explicit wording in divorce and the like

That which is exclusively conceptual or is predominantly of a conceptual nature.

Acts of devotion about which there is no ambiguity, such as Dhikr (Remembrance of Allah)

Matters in which the deputation is valid

Timing

At the beginning of the act of worship or shortly before it

Invalidators of intention

Leaving off or interruption

Hesitation

Place of intention

Heart

Derived sub-rules

Sub-rules derived from the rule that reads: Matters are judged based on their objectives

In contracts, consideration is given to the objectives and meanings, not the words and formulations.

Example: [Gift in return for compensation]

Intention specifies the general and restricts the absolute, and generalizes the specific if the wording permits it.

Example: [If one swears while angry 'not to eat meat' and his intention was beef]

No reward is earned except by intention

Example: [If one returns a deposit while being heedless about the intention]

Certainty is not overruled by doubt

Meaning

Suppose a person is firmly certain in his heart about the establishment or non-establishment of something. In that case, he should not abandon this certainty because of a doubt that arises, but rather act on his original case of certainty, or his strong presumption, and ignore the doubt.

Evidences

The Hadīth of Abu Hurayrah: "If one of you feels something in his stomach and doubts whether he released some wind or not, he should not leave the mosque unless he hears a sound or smells an odor." [Agreed upon]

The Hadīth of Abu Sa'īd: "If one of you is unsure about his prayer, whether he prayed three or four, let him disregard the doubt and base his prayer on what he is certain of...) [Narrated by Muslim]

Acting on a presumption

Issues that are dealt with based on presumption

Issues that are not dealt with based on presumption

Derived sub-rules

Sub-rules derived from the rule that reads:
Certainty is not overruled by doubt

In principle, things remain in the same state as they used to be

[If a dispute occurs between the buyer and the seller, in principle, the commodity remains in the seller's possession and the price remains a liability on the buyer]

In principle, liability is free

[A creditor and debtor dispute over the amount of debt]

Doubt in the condition is effective

[Doubt in purity]

Doubt in an impediment is of no effect

[Doubt regarding divorce]

Doubt in an omission is like its actual occurrence

[One who does not know whether he prayed three Rak'ahs or four]

No consideration is given to the supposition that is clearly wrong

[One who prays, thinking he is pure, but turns out to have invalidated his purity]

Hardship entails ease

Meaning

The difficulty and hardship that an accountable person encounters in implementing a legal ruling becomes a valid legal reason for ease and alleviation

Evidences

{Allah wants ease for you}
{and He has not imposed upon you any hardship
in religion.}

"You have been sent to make things easy, not to
make them difficult."

Al-Bukhāri

Reasons for alleviation

Travel

Illness

Coercion

Forgetfulness

Ignorance

Hardship and uncontrollable widespread issue

lack of means

Types of alleviation

Exemption

Reduction

Substitution

Advancement

Delay

Granting concession

Alteration

Types of hardship

Hardship that is intrinsic to the act of worship
(not considered)

Hardship that is mostly separable from the act of
worship

Necessities

Severe (considered)

Embellishments/Refinements

Mild (not considered)

The needs

Moderate (fluctuates between the two)

Sub-rules derived from the rule that reads:

Hardship entails ease

When a situation becomes narrow, it widens, and when it widens, it becomes narrow [The one in hardship due to debt]

Necessity makes the forbidden things permissible

[Eating a dead animal out of necessity]

What is permitted out of necessity is limited to the extent of the necessity

[The quantity of a dead animal that a person in need may eat]

Necessity does not nullify the rights of others

[Someone was on the verge of death, so he ate from the property of another]

Harm should be removed

Meaning

The removal of harm, whether it is initial or reciprocal, its prevention before it occurs, and its removal after it has occurred

Evidence

The Hadīth: (There should neither be harm nor reciprocation of harm). [Narrated by Ibn Mājah]

Derived sub-rules

Harm should be removed [A bankrupt person can be legally restricted from certain actions]

Harm should be prevented as much as possible. [If someone finds his belongings with a bankrupt person]

Harm should not be removed by its like

[Someone killed a Muslim out of coercion]

A greater harm should be prevented by committing a lesser harm

[Taking commodities from a monopolist who hoards them during times of scarcity to sell them at an exorbitant price.]

Preventing harm takes precedence over realizing interests

[A fasting person should avoid excessive rinsing of the mouth]

Custom is considered a valid judgment

Meaning

Considering custom as a basis for establishing a legal ruling in issues related to customary practices that are ruled by personal reasoning, and in disputed issues when there is a dispute.

Classification of 'Urf

Its subject

Related to statements

Related to actions

Origin

General

Private

Sharia-based
 Acceptance
 Valid
 Invalid
 Applicability among the people
 Regular
 predominant
 Equal
 Rare
 Evidences
 Conditions for considering 'Urf
 Point of considering something customary
 Derived sub-rules
 Closely related terms:
 Custom, resemblance, the predominant, and the
 affair
 Custom is considered a valid judgment
 Evidences
 {Be gracious, enjoin what is right}
 {and treat them kindly}
 "Take what is enough for you and your son to the
 extent accepted by custom." [Agreed upon]
 Conditions for considering 'Urf
 Compatibility with Islamic legislation
 Regular, or prevalence
 There should be no explicit statement in Islamic
 texts contradicting it
 It should either precede or be concurrent with
 the matter being judged

Point of considering ‘Ādah

What is generally mentioned in Islamic legislation, and there is no specific criterion for it in the Sharia or in language [kept property]

Derived sub-rules

A custom is only considered valid if it is consistently followed or widely prevalent. [selling goods for a price without specifying the currency]

What is known by custom is considered as if it were explicitly stipulated [a gift for a reward/compensation]

Written communication is equivalent to verbal communication [offer and acceptance via fax or Internet]

The signals made by a mute person are equivalent to spoken words [affirmation of a mute person]

Rulings can change over time as societies and circumstances evolve [what was considered immoral in the past may no longer be considered so today]

References for further information

Al-Furūq, by Imam Al-Qarāfi.

Al-Qawā‘id, by Imam Al-Muqri.

‘Īdāh Al-Masālik, by Al-Wansharīsi.

Sharh Al-Manhaj Al-Muntakhab, by Al-Manjūr.

Nashr Al-Bunūd ‘Alā Marāqī As-Su‘ūd, by the erudite scholar ‘Abdullāh ibn Ibrāhīm Al-‘Alawi Ash-Shinqīti (Conclusion of the poem).

Applications of Fiqh Rules from the Two Books, *Īdāh Al-Masālik* and *Sharh Al-Manhaj Al-Muntakhab*, by Dr. As-Sādiq Al-Ghiryāni.

Some contemporary books that have discussed the Fiqh rules, such as the works of Dr. Ya'qūb al-Bahusayn, Dr. 'Ali an-Nadawi, and Dr. Muhammad ar-Rūki.

Introduction

Praise be to Allah, and may Allah's peace and blessings be upon the Messenger of Allah, his family, and Companions. To proceed:

Given the importance of *Usūl al-Fiqh* (Fundamentals of Islamic Jurisprudence) as a science, being a foundation upon which Fiqh sub-sections are built, the *Fuqahā'* Office for Training and Consultations has included it within the curriculum of the (Fiqh Qualification Portforlio according to the school of thought of Imam Mālik, may Allah have mercy on him). The course has been prepared to introduce the issues and chapters in an accessible way, following the fundamentals of the school of thought of Imam Mālik, as transmitted by the jurists of his school, along with a set of exercises to develop the student's skills and enhance his understanding of the issues of the fundamentals of Fiqh.

Objectives of the course:

To familiarize students with the broad outlines of the science of Usūl al-Fiqh, and some of the specific principles of the Mālikī school.

To enable students to understand the precision of legal deduction among Muslim jurists.

To introduce the various types of legal evidence to students.

To enable students to distinguish between valid and invalid deductions.

To equip students to connect sub-sections of Fiqh to the rules related to the fundamentals of Fiqh.

To train students in deriving new rules based on the fundamental rules of Fiqh.

Course Contents:

Basics of Usūl al-Fiqh

Key topics in Usūl al-Fiqh

Categories of Sharia rulings.

Shar'ī (legal) evidence, textual ones: such as the Qur'an, Sunnah, consensus, the adopted opinion of a Companion, and the legislation of previous nations.

Semantics based on preponderance: explicit text, apparent meaning, and general meaning.

Semantics based on context: literal meaning and inferred meaning.

Indications: commands and prohibitions, general and specific statements, absolute and restricted statements.

Shar'ī (legal) rational evidence, they are: analogy, consideration of public interest, legal preference, presumption of continuity, observing the difference of opinion, induction, etc.

Independent legal reasoning and (Ijtihād), and following established legal opinions (Taqlīd)

Conflicting opinions and giving preponderance to one opinion over another.

We ask Allah Almighty to make this course beneficial, and may peace and blessings be upon our Prophet Muhammad.

Basics of Usūl al-Fiqh

Definition

The evidences of Fiqh in general, how to utilize them, and the state of the one who utilizes them.

Subject

Legal evidences leading to rulings.

Result

Understanding how to derive rulings from evidences.

Founder

Imam Ash-Shāfi'i.

Its sources

The Qur'an and Sunnah - Principles of the Religion - Arabic Language - The rulings.

Ruling on learning it

Communal obligation on the Muslim nation.

Individual obligation on the Mujtahid (the one capable of independent reasoning).

Key topics in Usūl al-Fiqh
 Madlūl/Inferred result (Ruling)
 Evidence
 Indication
 The one who uses the evidence
 (Madlūl) Categories of ruling
 Taklīfī (Injunctive ruling)
 Ijāb (Obligation)
 Nadb (Recommendation)
 Tahrīm (Prohibition)
 Karāhah (Being disliked)
 Ibāhah (Permissibility)
 Wad'i (Applicative ruling)
 Explanatory to the ruling
 'Illah (effective cause)
 Sabab (cause)
 Shart (condition)
 Māni' (impediment)
 Validity and invalidity
 'Azīmah (Strict ruling) and Rukhsah
 (concessionary ruling)
 Classifications of obligation based on various
 considerations
 Based on the action commanded
 Mu'ayyan (Specifically binding)
 Mukhayyar (Optional)
 Based on time
 Not time-bound
 Time-bound

Muwassa' (extended time)
 Mudayyaq (tight time)
 Based on the legally accountable person
 Individual
 Communal
 Based on the wording
 Explicit indication
 By way of inference or implication
 Being necessary for the fulfillment of another
 obligation
 The Fundamentals of the School of Thought
 The Qur'an
 The Sunnah
 The Consensus
 Action of the people of Madīnah
 Analogy (Qiyās)
 A Companion's adopted opinion
 Legal preference
 Blocking the means
 Legislation of previous nations
 Custom
 Public interest
 Istishāb (presumption of continuity)
 Considering the difference of opinion among
 scholars
 Induction
 The transmission of the Qur'an
 by way of Tawātur (collectively transmitted
 reports)

Definitive proof
 Through Ahād (individually transmitted reports)
 Solitary transmitted mode of recitation
 Not the Qur'an, nor is it a valid proof
 The Prophetic Sunnah
 Statement
 Approval
 Action
 The Prophet's action
 Its type
 Its ruling
 Actions exclusively specific to him
 Not to be followed by others
 Natural and habitual actions
 Permissibly
 Aimed for clarification
 Its ruling is the same as the thing explained
 Worship related
 Obligatory, and some said: recommended.
 Approval
 Permissibly
 Classification of reports based on the way they were transmitted to us
 Report
 Mutawātir (its conditions)
 Based on sensory perception
 Equality of the two parties, and the mediator in terms of its condition

A number whose collusion to fabricate is impossible

Ahād (two types)

Acceptable (its conditions)

The narrator must be a Muslim

Legally competent

Accurate

Upright

Rejected

Abrogation

Abrogation

Definition

Removal of a legal ruling by a subsequent Sharia evidence

Its types and conditions:

Types of abrogation:

Abrogating the Qur'an by the Qur'an

Abrogation of recitation

Abrogation of a ruling

Abrogation of recitation and ruling

Abrogation of the Qur'an by the mass-transmitted Sunnah

Abrogation of a Sunnah by the Qur'an

Abrogation of a Sunnah by a Sunnah

Abrogation of a Mutawātir by a Mutawātir Hadīth

Abrogation of Ahād by a Mutawātir Hadīth

Abrogation of Ahād by Ahād Hadīth

Impossibility of combination

The abrogated should either be a command or a prohibition

The abrogating ruling must be subsequent and can be determined through:

Consensus

Explicit statement of the Lawgiver

Action of the Prophet (ﷺ)

Statement of the narrator of a Hadīth

Consensus

Essential elements

Conditions/ or categories

Scholars forming the consensus (its condition):

Independent reasoning (Ijtihād)

Being contemporaries

Unanimous agreement

The incident (its condition):

No previous consensus on the issue

No established disagreement about it

Ruling (its condition):

Legal

Its types:

Explicit

Implicit

Basis (categories):

Text

Analogy

Classification of word meaning

based on the strength of the implication

Having one meaning and no other interpretation is plausible

Text

Having multiple meanings, but one is more preponderant

Self-evident: apparent meaning

Figuratively interpreted

More than one meaning without anyone being more preponderant

General indication

Classification of word meaning

Within the text

Word meaning according to the context of speech

Directly stated (spoken)

By correspondence or implication: (explicit)

By necessity:

(implicit)

Not the main purpose of the text: (allusion)

It is the main point of the text, but something is not mentioned, without which the speech is incomplete: (implication)

It is the main point of the text and nothing is deleted: (Indirect indication)

Word meaning not stated directly (implied)

The unspoken is like the spoken in ruling (Mafhūm Al-Muwāfaqah or congruent implication)

The unspoken is opposite to the spoken in ruling: (Mafhūm Al-Mukhālafah or incongruent implication)

Non-explicit statement

Categories

Meaning necessarily implied

The word meaning of an unspoken idea depends upon the validity of the speech logically and legally

Meaning of allusion

The word indicates a necessarily inferred meaning unintended by the speaker

Meaning of indirect indication

The ruling is associated with a description, if such a description is not meant for clarification, such an association would have been far from the eloquence of the lawgiver's speech

Mafhūm (implication)

Congruent implication

(Two categories)

Based on priority

Equivalent

Incongruent implication

(Categories)

Restriction

Condition

Description

Number

Purpose

Time/Place

The effective cause

Exception

Title

Conditions for applying the incongruent implication

The unspoken or implied meaning should not be more deserving of the ruling than the spoken or equal to it

Not meant to indicate the prominence

Not meant for exaggeration and maximization

Not an answer to a question or a specific incident

Not meant to demonstrate the ample favors of

Allah

From the types of explicit statements

Command

Prohibition

General and specific

Absolute and restricted

Command

(a statement necessitating an act)

What indicates it

The imperative verb form

The present tense verb attached with the imperative "lām"

The noun form of the imperative verb

A Companion's statement: "The Messenger of Allah (ﷺ) commanded," or "We were commanded"

Indication

By itself (the absolute)

Obligation
 Immediateness
 Recurrence or a single incident
 Prohibition of doing the opposite
 Obligation of making up a missed timed action
 By others (presumptive evidence)
 Based on its indication: recommendation,
 permissibility, non-immediateness, etc.
 Prohibition
 Wording and what it indicates
 Do not do
 A Companion's statement: "The Messenger of
 Allah (ﷺ) prohibited", or "We were prohibited"
 Indication
 By itself (the absolute)
 Prohibition
 Invalidity
 Immediateness
 Recurrence
 Command to do its opposite
 By others
 Based on the indication
 Division of words -based on inclusion-
 A word that refers to all individuals of a category
 (the general)
 Its wording
 Every, all
 A noun attached by definite article (al-)
 A noun attached to a definite noun

An indefinite noun in the context of negation or prohibition

Conditional particles

Relative pronouns

Its types

A general term remaining in its generality

General specified

General intended to be specific

A word that refers to some individuals of a category (specific)

The general

Retaining its generality

The original case, which is rare

Specified

This is usually the intended meaning when used without being qualified

By a detached element

Sense perception

Reason

Consensus

Specific text

Qur'anic text by a Qur'anic text

Qur'anic text by a Sunnah text

Sunnah text by a Sunnah text

Sunnah text by a Qur'anic text

Mafhūm (implication)

A Companion's statement

Analogy

By an attached element

Exception

The intended meaning is specification

By way of Majāz Mursal (synecdoche)

Utterance

Unrestricted

A term encompassing an unspecific individual based on a comprehensive reality of its kind

Restricted

That which involves specification, even if in some respects, such as the condition, the attribute, and other such things

Unity of reason and ruling: it restricts.

Unity in ruling and difference in reason: it does not restrict.

Incongruence in ruling and unity in reason: it does not restrict.

Difference in ruling and difference in reason: it does not restrict.

Summary

If they unite in one only, it does not restrict.

Pillars and conditions of analogy

Original

Ruling

Definite and established

Logical and understandable

Branch

The effective cause exists in it in its entirety

That it not be explicitly stated with generality or specification

That there be no significant difference between
it and the origin

Cause

Transitive

Does not invalidate the original

Does not contradict a text or consensus

Clearness

Precision

Consistency

Methods of identifying the cause

Consensus

Text

Explicit

Apparent

Indication and hint

Legal inference

Exploration and categorization

Suitability and Estimation

Resemblance

Contingency

Concurrence

Extracting the justification

Eliminating the difference

Method of the text

Explicit

(What is meant for clarification, in such a way
that it does not imply otherwise)

For the sake of

In order that

Then indeed, surely
Purpose of the object
Apparent
(What may indicate an interpretation other than
causality less likely)

The letter "Lām"

Evident

Hidden

The letter "Bā"

An

Hinting and indication

(The ruling being associated with a description,
if such description - or its equivalent - is not meant
for clarification, such an association would have
been far from eloquence)

The ruling being associated with the description

The issuance of a ruling following an incident
that was brought before the Prophet (ﷺ).

Setting the ruling as per the description

Distinguishing between two rulings by the
Prophet (ﷺ)

By [the Description – the Objective – the
Condition – the Exception]

By answering a question that includes
descriptions

Other methods of identifying the cause

1.

Exploration and categorization

Limiting the descriptions in the original case and invalidating those that do not fit based on evidence, thus necessitating that the remaining factor is the cause

Suitability and presumptive indication

Its extraction is called Takhrīj-ul-Manāt, which is the identification of the ‘Illah (cause) solely by demonstrating its intrinsic suitability, not by a textual proof or anything else

Similarity

The branch (a new case) fluctuates between two origins (already existing cases), being more similar to one of them in the considered descriptions

Contingency

The ruling exists when the cause exists, and it is absent when the cause is absent

Other methods of identifying the cause

2.

Concurrence

The association of a ruling with a description, without any suitability

Extracting the justification

An apparent meaning indicates a justification by a specific description, so its particularity is disregarded through juristic reasoning and is linked to the more general

Eliminating the difference

Such as applying the ruling of wheat to rice in the prohibition of Riba al-Fadl (excess).

The practice of the people of Madīnah
They are those of the Tābi'ūn whom Imām Mālik
met

In that wherein there is no scope for reason
(That which is determined by Tawqīf)
Or when such is the prevailing case
Valid proof

(Adhān (call to prayer), Iqāmah (second call to
Prayer), and Madd (elongation) ...)

In matters open to Ijtihād (independent
reasoning)

Not a valid proof upon careful examination
A Companion's adopted opinion
(by speech or action)

That which cannot be stated based on personal
reasoning

It is considered equivalent to the statement of
the Prophet (ﷺ)

If the Companions unanimously agreed on it
explicitly

It constitutes consensus and conclusive proof

If it became widespread among them, and no one
is known to have opposed it

Valid proof

If its widespread acceptance is not known, and
no one is known to have opposed it

Valid proof

Point of discussion

On another Mujtahid Companion

Not a valid proof

Legal preference

Definition

Abandoning what the evidence entails by way of exception and legal dispensation, due to its being opposed by a counter-indicator in some of its implications

Its types:

Abandoning evidence for the sake of public interest

An example: referring oaths to customary practice.

Neglecting the evidence in favor of custom

An example is: [Holding a shared worker liable, while the evidence indicates he is an entrusted party]

Abandoning the evidence for the consensus of the people of Medīnah

Example: [Imposing the full value upon one who severs the tail of the judge's mule]

Setting aside the proof for the sake of ease and removing the restriction/easing the difficulty.

For example: [Permissibility of a slight excess in large-scale exchanges by weight]

The Means

Consensus on its blocking

If its leading to what is prohibited is certain or predominantly presumed, such as digging wells in the path of the Muslims.

Consensus upon its non-blocking.

Such as the cultivation of grapes, and sharing residence in a house for fear of Zina (unlawful sexual intercourse).

Controversial

The Mālikis considered the means as a valid legal basis therein, contrary to others

Such as deferred-term sales

Istishāb (presumption of continuity)

Sequential Istishāb

(The establishment of a matter at a subsequent time based on its establishment at a preceding time)

Presumption of continuity of the original state of non-existence

(Original state of non-liability)

Presumption of continuity of generality until specification is established

Presuming continuity of the text until abrogation appears.

Presumption of continuity of a matter established by the Islamic legislation due to the existence of its cause.

Presumption of continuity of the ruling of the consensus

The reversed Istishāb

(The opposite of Istishāb)

To affirm a matter in the past due to its existence in the present

Legislation of previous nations
Categories
What was proven to be a legislation for us
Valid proof
What was proven not to be a legislation for us
Not a valid proof
What was transmitted through them
Not a valid proof
Point of discussion
What is proven in our legislation to be legislation
for them, and we are not commanded with it.
Valid proof
According to the well-known opinion
Interest (categories)
Legislation declared it considerable
(Recognized public interest)
Should be acted upon
Legislation declared its invalidity
(Cancelled interest)
Not acted upon
Legislation has neither explicitly approved nor
rejected it
Public interest
Necessities
Preservation of religion
Preservation of life
Preservation of lineage
Preservation of intellect
Preservation of wealth

Needs

Improvements

Regulations for the application of interest

That the interest be certain

This includes: that which is definitive and that which is based on a strong presumption, to the exclusion of that which is subject to doubt and that which is based on a weak presumption

That it be universal, to preclude individual interest

That the Lawgiver has considered its kind/category

That is, for it to have a connection to valid parallels, even if distant, and this is the difference between it and Qiyās

Being removed from public and personal inclinations and vain desires

That the scholars, to the exclusion of others, are to issue rulings based on it by considering the case as one of public interests (Maslahah Mursalah)

It does not contradict a text from the Qur'an or the Sunnah, or consensus, or other proofs that take precedence over it

Being compatible with the dispositions/directives of the Sharia

To be logical and understandable in its present state and its eventual outcome

Not to conflict with a more predominant interest

That acting on it does not result in an equal or greater cause of corruption

Considering the difference of opinion among scholars

Definition

The Mujtahid's application of his opponent's proof to its necessary implication

Its types

General consideration

(Avoiding scholarly disagreement)

Partial consideration

Point of discussion

Conditions

To be done by a Mujtahid (the one capable of independent reasoning)

That the considered opinion be supported by strong evidence

That it does not result in a form contradicting the consensus

That the consideration should not result in abandoning the position of the school of thought in all respects

Induction

Definition

To examine the ruling in its particular instances with respect to a specific case, where it is highly probable that the matter under dispute falls under that same case

Its types

Complete induction

Incomplete induction

Ijtihād: A jurist exerting his utmost effort to reach a Sharia ruling

Taqīd: Following the opinion of another school of thought without knowing the proof he relied upon

A Mukallaf/legally competent person (two categories)

Mujtahid (two types)

Absolute (requirements)

Talent

Knowledge

Principles of Islamic Jurisprudence

Arabic grammar and linguistics

Knowledge of the evidence of rulings and their classifications in terms of establishment and non-establishment, and abrogation and confirmation

Occasions of the revelation

Ability to distinguish between areas of consensus and areas of disagreement

Partial (requirements)

Talent

Possesses the knowledge required for the topic or issue in which he conducts Ijtihād

Muqallid (someone who follows the opinion of a Mujtahid)

Ta'ārud (Conflict): Two pieces of legal evidence seem to contradict each other in a way that makes

it impossible to reconcile. Tarjīh (giving preponderance): Deeming one of them stronger than the other.

Preponderance of evidence: The inferred presumption is stronger

And the preponderant factors are countless

Cases of conflict

If reconciliation is possible, they are reconciled

If reconciliation is not possible

If the historical sequence is known, the later evidence abrogates the earlier one

If the historical sequence is unknown

If preponderance is possible, the stronger should be given preponderance

If there is no way to determine which evidence is stronger, the jurist may halt the process

Reconciliation

Abrogation

Giving preponderance

Halting the process

Giving preponderance

In the type of evidence

Verbal consensus

The Qur'an

The Sunnah

Verbal/Statements

Actions

In the form of approval

A Companion's statement

Analogy (Qiyās)

In the chain of narration

Related to the narrator

Abundance of narrators

Trustworthiness of the narrator

Closeness of the narrator

Related to the narrated text

A Musnad narration, which has a continuous chain of narrators back to the Prophet (ﷺ), is given precedence over a Mursal (disconnected) narration

‘Āli (higher chain of transmission) over Nāzil (lower chain of transmission)

What contains an addition over others

That whose report involves a well-known incident

Al-Madani over Al-Makki

In the text of the Hadīth

In the implied meaning

External factor

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