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أصول الفقه

INTRODUCTION TO USUL AL FIQH

WITH USTADH MUHAMMAD HUZAIFAH

(حفظه الله)

Student Name

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أصول الفقه

INTRODUCTION TO USUL AL FIQH

Al Mubaadi Al A'shara المبادئ العشرة by Abu Al-'Irfaan Muhammad ibn 'Ali Al-Sabban (d. 1206 AH)

إِنَّ مُـبادِئَ كُلِّ فَنٍّ عَشَرَةْ ... الحَدُّ وَالْمَوْضُوْعُ ثُمَّ الثَّمَرَهْ

The principles of every science are ten ...The boundary (definition), the subject, then the fruit (benefit)

وَنِسْبَةٌ وَفَضْلُهُ وَالـْوَاضِعْ ... وَالِاسْمُ الِاسْتِمْدَادُ حُكْمُ الشَّارِعْ

Its lineage, its virtue, and placer (founder)... and name, derivation and (Islamic) ruling

مَسَائِلٌ وَالْبَعْضُ بِالبَعْضِ اكْتَفَى ... وَمَنْ دَرَى الْجَمِيْعَ حَازَ الشَّرَفَا

If you know some matters, it is sufficient... And who knows all of them has attained the honour

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Introduction to Usul al Fiqh Worksheet

What you will learn

- Ten introductory points when studying a science
- Definition of Usool Fiqh
- It's subject
- It's benefits and fruits
- It's lineage
- It's virtues
- It's founder
- It's names
- It's derivation
- Islamic ruling of studying usool fiqh
- Issues within usool fiqh
- Different schools of thought in usool fiqh
- Suggested books to study usool fiqh
- Names of books categorised by fiqh madhaahib

Part 1

Poetry including the ten introductory points when studying a science

- Al Mubaadi Al A'shara المبادئ العشرة **by Abu Al-'Irfaan Muhammad ibn 'Ali Al-Sabban (d. 1206 AH)**

إِنَّ مُبادِئَ كُلِّ فَنٍّ عَشَرَة *** الحَدُّ وَالْمَوْضُوْع ثُمَّ الثَّمَرَه

The principles of every science are **ten** ...The **boundary (definition)**, the **subject**, then the **fruit (benefit)**

وَنِسْبَةٌ وَفَضْلُه وَالـوَاضِع *** وَالِاسْم الِاسْتِمْدَاد حُكْمُ الشَّارِع

Its **lineage**, its **virtue**, and **placer** (founder)...and **name**, **derivation** and **(Islamic) ruling**

مَسَائِل وَالْبَعْضُ بِالبَعْضِ اكْتَفَى *** وَمَنْ دَرَى الْجَمِيْعَ حَازَ الشَّرَفَا

If you know some **matters,** it is sufficient...And who knows all of them has attained the honour

The meaning of each point

1. Boundary - the definition
2. The Subject - the relevant topics
3. The Fruits - the benefits
4. Lineage - how this sciences links with the other sciences
5. Virtues
6. The Placer - who was the first to write in the science
7. Name - names or labels of the science
8. Derivation - where is the science derived from
9. Islamic ruling - Islamic ruling of studying the science
10. Issues - matters within that science

The Definition of *Usul al Fiqh*

- **Why is the definition mentioned at the beginning?**
  1)

  2)

- **As *Usul al Fiqh* is two words the scholars have two ways of defining it:**

أصول الفقه

First way of defining:

Second way of defining:

- **Usul Al-Fiqh as 2 separate words:**

Usool:

Linguistically:

Technically:

1)

2)

3)

4)

5)

6)

***Fiqh**:*

- **linguistically** means: To understand; For example:
  - The Prophet ﷺ said[1], "Whomever Allah intends goodness, He gives him understanding of the religion..." عَنْ مُعَاوِيَةَ قَالَ قَالَ رَسُولُ اللَّهِ صلى الله عليه و سلم مَنْ يُرِدْ اللَّهُ بِهِ خَيْرًا يُفَقِّهْهُ فِي الدِّين
  - Ibn Abbas reported: The Messenger ﷺ, put his hand on my shoulder and he said, "O Allah, give him understanding in religion and teach him the interpretation of the Quran."[2] عن ابْن عَبَّاسٍ قَالَ وَضَعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَدَهُ بَيْنَ كَتِفَيَّ أَوْ قَالَ عَلَى مَنْكِبَيَّ فَقَالَ اللَّهُمَّ فَقِّهْهُ فِي الدِّينِ وَعَلِّمْهُ التَّأْوِيل
  - Allah says, 'They said, "O Shu'ayb, we do not understand much of what you say, and indeed, we consider you among us as weak. And if not for your family, we would have stoned you [to death]; and you are not to us one respected."' 11:91 قَالُوا يَا شُعَيْبُ مَا نَفْقَهُ كَثِيرًا مِمَّا تَقُولُ وَإِنَّا لَنَرَاكَ فِينَا ضَعِيفًا ۖ وَلَوْلَا رَهْطُكَ لَرَجَمْنَاكَ ۖ وَمَا أَنْتَ عَلَيْنَا بِعَزِيزٍ
  - The Dua of Musa *alayhissalaam* - Allah says,'[Musa] said, "My Lord, expand [i.e., relax] for me my breast [with assurance], And ease my task for me; And untie the knot from my tongue; That they understand my speech"' 20:25-28 قَالَ رَبِّ اشْرَحْ لِي صَدْرِي وَيَسِّرْ لِي أَمْرِي وَاحْلُلْ عُقْدَةً مِنْ لِسَانِي يَفْقَهُوا قَوْلِي

- *Fiqh* **technically** means:

  Knowledge of the practical Islamic rulings along with their specific evidence

  - Practical rulings*: Fiqh* is normally split into four parts:
    1. *Ibadah: Tahaara, Salah, Sawm, Zakat, Hajj*
    2. Transactions: e.g. How to buy and sell? Permissibility of *Riba*?
    3. Family law: e.g. Is *Nikkah* valid without a *wali*? What counts as divorce?
    4. Criminal Law: such as Punishments
  - In *Fiqh* actions no matter how small have a **specific evidence** i.e. every ruling has a specific proof for it
  - For example when it comes to the *Salah* there are specific evidences for each practical part of the *Salah* from where to place your hands, what to say, and the number of *rakah* for each prayer

[1] Sahih al-Bukhari 3116
[2] Musnad Aḥmad 2874

- ***Usul al Fiqh* as one word is:**
  A knowledge where the general evidences of *Fiqh* are determined and how they are to be benefitted from and the conditions of the beneficiary

This definition can be split into 3 parts

1. What are the general/comprehensive evidence?

2. How do you benefit from the text, *ayah* or *hadith*?

3. What is the situation of the individual who is benefiting?

The Subject - What do the books of *Usul al Fiqh* discuss?

- **This is split into four parts**
    1. Categories of Rulings e.g. *Fardh*, *Waajib, Mustahab, Makrooh, Haraam*
    2. Sources of Evidence
    3. How to understand the evidence
    4. Making *Ijtihad* and doing *Taqleed*

1. Categories of Rulings e.g. Fardh, Waajib, Mustahab, Makrooh, Haraam	2. Sources of Evidence	3. How to understand the evidence	4. Making Ijtihad and doing Taqleed

The Fruits of Studying *Usul al Fiqh*

1. It allows us to understand the goal
    - Ibn Taymiyyah says, 'Verily the objective or the goal of Usul Al Fiqh is that you can understand the intent of Allah and His Messenger in the Quran and Sunnah'[3]
2. Having the ability to understand the Qur'an and Sunnah upon the understanding of the Salaf
3. Knowing the principles are applicable for every time and place because the *sharia* is sound and perfect for every time and place; this is something to be proud of as no other religion has this
4. Preserves the Quran and Sharia
5. We can come to know the secrets and wisdoms of the sharia and what the sharia is preserving
6. It clarifies the way of doing ijtihad for the one who wants to be a Mujtahid
7. There is a systematic method of extracting ruling and providing Fatwa and you learn the principles of giving verdicts or Fatawa and how these are given
8. Contentment and increase in Eeman
9. Humility - you realise you know nothing, develop hesitancy to speak of Imams of the past aimlessly
10. Increases one's confidence of the Ijtihad of the scholar they follow
11. One will learn what makes scholars differ and why there is Khilaf amongst some issues
12. By studying Usul Al Fiqh you call people to following the evidence wherever it is
13. On the one hand your Aqeedah can be tampered with if you do not study books with a teacher, on the flip side once you have studied with a teacher Usul Al Fiqh can be a means of protecting your Aqeedah
14. Fiqh rulings are protected

[3] Majmoo al Fatawa

The Lineage - What is the Lineage of *Usul al Fiqh*?

- **It is a science from the Islamic sciences and so there is much overlap and intertwining between them**
    - Usul al Fiqh is linked to other sciences because it takes from them, for example:
        1. *Arabic*
        2. *Aqeedah*
        3. *Qira'at*
        4. *Mustalah al Hadith*

- **Can one study all the other sciences and by this reach a destination in understanding *Usul al Fiqh*?**

The Virtues of studying the science of *Usul al Fiqh*

1)

2)

The Founder of *Usul al Fiqh*

The Name of the Science

- *Usul al Fiqh* - Qadi abu Ya'la (d.458 AH) called it this in 'U'ddatu Fi Usul al Fiqh' and others have included it in their works
- *Al Usul* - Bazdawi has a book called 'Kanz al Usul fi Ma'rifatul Usul', Ghazzali calls his book 'Al Mustasfa fi ilm al Usul'
    - Depending on the context it can differ, those who are studying the science for example may say *Usul* for ease
- *Usul ash Sharia* - Imam Ash Shatibi in his 'Muwaffaqat' talks of the *Maqasid ash Sharia* and *Usul al Fiqh*

The Derivation

***Usul al Fiqh* is derived from many sources**

Some may say that if we study all the other sciences that will mean we will understand *Usul al Fiqh* however this is incorrect

The Islamic Ruling of studying Usul al Fiqh

- **The ruling for the one who wants to become a *Mujtahid* and independently extract rulings**
- **The ruling for everyone else**
- **Which do we study first, Fiqh or Usul Al Fiqh?**
- **Can *Usul al Fiqh* be taught in english?**

Issues within *Usul al Fiqh*

Part 2

Madhaahib and different authorships in *Usul al Fiqh*

- **We will be looking at 2 main (there are others) *madhaahib* in terms of their methodology and books:**
    1. *Tariqatu jumhur/Tariqatu Ash Shafi'iyyah/Tariqatu Al Mutakallimeen*
    2. *Tariqatu Al Hanafiyyah/Taqiratu Al Fuqaha*

Madhaahib // المذاهب

1.

2.

Suggested[4] recommendations of book study for *Usul al Fiqh*

1) Al Waraqat

Author: Al Juwayni
Name: 'Abd al-Malik ibn Yūsuf
Kunya: Abu Al Ma'ali
Nickname: Imam Al Haramain, because he would live in both Makkah and Madina and teach in both places
Creed: Ashari
Fiqh: Shafi'i
Death: 479 AH

- This text is in the 4th level of *Mutoon Talib al 'Ilm* by Shaykh Abdul Muhsin al Qasim
- *Khilaf* amongst the scholars as to whether he came back to the way *Ahlus Sunnah*
- According to Shaykh Abdulkarim al Khudayr in his explanation of Waraqat[5] he says what is apparent from the author's speech is, yes, he did come back
- However, Shaykh Ahmad An-Najjar who has an explanation of Waraqat more from an Aqeedah perspective says no he did not go back to the *madhab* of the Salaf, rather he went back to what he thought was the *madhab* of the Salaf
- He went from doing *Ta'weel*[6] to *Tafweed*[7]
- Both paths are common amongst the *Ashai'rah*

Explanations of Al Waraqat

- Sharh al Waraqat by Jalal ad-Din al-Mahalli al Shafi'i[8] (d. 874 AH), very simple, even some Ulama have an explanation on his explanation
- Sharh al Waraqat by Shaykh Abdullah Al Fawzan, has more a more in depth explanation than Mahalli's but in easier Arabic, provides very good basis to build upon, has a lot of textual evidences, unlike Juwayni who does not give many
- Nadhm al Waraqat - 210 line poetry by Shaykh Sharaf al-Din Yahya al-'Imriyti (d. 989 AH), one of the more famous poetries of Waraqat, easier for memorisation

2) Al Usul Min I'lm Al Usul

Author: Ibn Al 'Uthaymin
Death: 1421 AH

- Correct Aqeedah
- Very easy to understand
- a lot of evidence and examples

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[4] *Taddaruj* or gradualism is very important for a student and what is mentioned is just a suggestion; other books can be studied as well e..g. Before Rawdhatu Al-Nadhir its summary 'Bulbul' by Al-Tufi can be studied
[5] Pg. 17
[6] interpreting names of Allah
[7] saying we do not know what the names of Allah mean at all
[8] Him and As Suyuti wrote Tafsir Jalalayn

- Each chapter is more complete
- More correct opinions than waraqat

Explanations of Al Usul Min I'lm Al Usul

- Explanation of Dr. Gazi ibn Murshid Al Utaybi تقريب الحصول على لطائف...
- Shaykh Uthaymeen also did an explanation himself

3) Rawdhatu Al-Nadhir

Author: Ibn Qudama
Name: Abu Muhammad Abd Allah ibn Ahmad ibn Muhammad Ibn Qudama Al-Maqdisi
Kunya: Abu Muhammad, Al Muwaffaq meaning one who is successful
Death: 620 AH

- Summarised Al Ghazali's *Mustasfa* more upon the Hanbali *madhab*

Explanations of Rawdhatu Al-Nadhir

- It'haf Dhawil Basaair إتحاف ذوي البصائر - Abdul Karim An Namla
- Fath Al Wali an Nasir (incomplete) فتح الولي الناصر - Sheikh Ali ibn Sa'd al-Duwayhi

Summary of Rawdah

- Mudhakkirah Fi Usul Al Fiqh مذكرة أصول الفقه - Shaykh Muhammad al-Amin Ash-Shanqiti d. 1393 AH
  - Mudhakkirah essentially means revision guide, Easy for students to revise
  - The Shaykh used to teach this in the Islamic University of Madinah
  - He was Maliki and he memorised a particular 1000 line poem on the Usul of the Maliki Madhhab so in his explanation he would quote this poem a lot as well

Explanation and Summary of Rawdah

- Sharh Mukhtasar Ar Rawdah[9] (Bulbul)- شرح مختصر الروضة - Al Tufi (d. 716 AH)

[9] In depth

Books categorised by *Fiqh Madhaahib*

Hanafi
1) Usul Ash Shashi أصول الشاشي - Abu A'li Ash Shashi d. 344 AH 2) Usul As Sarakhsi السّرخسي - As Sarakhsi d. 490 AH 3) Kashf Al Asrar - Al Bukhari d. 730 AH (commentary of Usul Al Bazdawi)
Maliki
1) Ihkaam Al Fusul Fi Ahkam Al Usul إحكام الفصول في أحكام الأصول - Al Baaji d. 474 AH 2) Muntaha Al Wusul منتهى الوصول - Ibn Haajib d. 646 AH 3) Nafaais Al Usul نفائس الأصول - Shihaab Ad Din Al Qaraafi d. 684 AH
Shafi'i
1) Ar Risalah الرسالة - Imam Ash Shafi'i d. 204 AH 2) At Tabsira التبصرة - Ash Shayraazi d. 476 AH 3) Al Burhan البرهان - Al Juwayni d. 478 AH 4) Al Mustasfa المستصفى - Imam Abu Hamid Al Ghazzali d. 505 AH 5) Al Mahsul المحصول - Ar Razi d. 606 AH 6) Al Ihkaam الإحكام - Al Aamidi d. 631 AH 7) Jamu' Al Jawaami' جمع الجوامع - Taj Ad Din as Subki d. 771 AH 8) Al-bahru al-muhith البحر المحيط - Al Zarkashi d. 794 AH
Dhahiri[10]
1) Al Ihkham fi Usul Al Ahkam الإحكام في أصول الأحكام - Ibn Hazm d. 457 AH
Hanbali
1) Al 'Uddah العدة - Qadi Abu Ya'la Alfaraa d. 458 AH 2) Rawdatu Nadhar روضة الناظر - ibn Qudama d. 620 AH 3) Sharh Mukhtasar Ar Rawdah - شرح مختصر الروضة - Al Tufi d. 716 AH 4) At Tahbir fi Sharh at Tahrir - Al Mardawi للمرداوي d. 885 AH 5) Sharh al-Kawkab al-Muneer شرح الكوكب المنير - Al Futouhi (Ibn An Najjar) d. 972 AH 6) Al Madkhal Ila Madhhab al Imam Ahmad Ibn Hanbal[11] المدخل إلى مذهب الإمام أحمد بن حنبل - Ibn Badran d. 1346 AH 7) Al Usul Min 'Ilm Al Usul الأصول من علم الأصول - Ibn Al 'Uthaymin d. 1421 AH

[10] (don't use Qiyaas as a proof), 2 main people in Madhhab are Dawud al Dhahiri داود الظاهري d. 270 AH (from the time of the Salaf) and Ibn Hazm d. 457 AH

[11] Talks about Usul and the Hanbali Madhhab more generally as well including history