

أدلة الربعية / THE FOUR PROOFS

You have already learnt that the subject matter of Usoolul Fiqh are the four proofs. This topic and subject centres around the discussion of these.

The four proofs are as follows: *Qur`aan Majeed, Sunnat, Ijma* and *Qiyas*. In order to prove any ruling/law (of the Shariah), this will be the order of preference, as stated.

The first place where a proof will be sought is the Qur`aan Majeed, next the Hadith, and then only will Ijma be utilised. (If nothing can be found in the above three) then only will Qiyas be brought into effect.

QUR`AAN MAJEED

لغة *Literal definition:*

Either it is a root-word in the meaning of **القرأة** which means recitation, or it is an *ism-e-mafool* in the meaning of **المقروء** which means the recited.

اصطلاحاً *Shar`i Definition:*

This refers to that Scripture which was revealed from the heavens upon our Beloved Nabi ﷺ, wherein there is no doubt (regarding its authenticity) and it has come down the ages in its protected form. Both, the words and meanings contained therein testify thereto.

The *Usooliyeen (Legislators)* study and discuss the import of the Qur`aan Majeed, and since the words and letters are essential in understanding the meaning and import of the Qur`aan Majeed, therefore, they have categorised the words into five categories:

- 1.) Firstly, the meaning with regard to the *Maudoo` Lahu* (subject matter to which it refers);
- 2.) Secondly the meaning with regard to its apparent connotation;
- 3.) thirdly with regard to its hidden connotation;
- 4.) fourthly with regard to its context/usage and
- 5.) lastly, with regard to the import and intention of the Speaker.

QUESTIONS:

1. *What is discussed in the subject of Usoolul Fiqh?*
2. *What is the order to be followed when proving any Shar`i Law?*
3. *What is the literal meaning of Qur`aan?*
4. *What is the Shar`i definition of Qur`aan?*
5. *Are both the words and meanings testification to the Qur`aan Majeed?*
6. *How do the Usooliyeen categorise and discuss the words and meanings? How many types have they categorised it in?*
7. *How is this categorisation effected?*

SUNNAT سنّت

Dictionary definition:

A path, way, habit, action.

سنّ يسنّ - To make common/initiate, to make a way.

Shar'i meaning:

The statements and actions of Nabi ρ and his Sahaabah.

The connection of the Sunnat to the Qur'aan Majeed

It is the commentary and interpretation thereof. The explanation and interpretation which Nabi ρ imparted and what the Sahaabah taught after learning from him, all fall under the (classification of) Sunnat.

Discussion / Classification of Sunnat

This is divided into two sections: The first is related to the actual physical words. These are subject to the same details and classifications which were described under the section relating to the Qur'aan Majeed.

The second is in relation to the special and unique rules pertaining to the Hadith. These will be discussed under the section of Sunnat.

The Usooli parts of Sunnat

There are two. The first part is that where the names of the narrators are mentioned.

The second part comprises the actual text of the speech of either Nabi ρ or his Sahaabah.

The first part is called the *sanad* (سند), and the narrators the *raawis* (راوي). If the Hadith is narrated with the *sanad* (سند), then it is called *musnad* (مسند).

Those which are not reported with the narrators, are called *mursal* (مرسل).

Both, *musnad* and *mursal* are taken into consideration, on condition that there exists no undesirable attachment when subjected to the *usools* (principles) and *qawaa'id* (rules).

The second part is called the *matan* or *marwi*.

There are various categories of *musnad* in relation to the number of narrators and other factors; *mutawaatirah*, *mash'hoor* and *khabar-e-wahid*.

1). متواتره *Mutawaatirah*

This refers to those narrations whose narrators are so numerous, right from the inception to the end, that owing to their number and integrity (piety and honour), there is no possibility of falsehood or doubt. The related issue is a thing of perception, i.e. it is something which can be seen or heard.

Ruling – Hukm

Belief and practice upon it is obligatory and refutation thereof is kufr.

Example

The Rakaats of Salaat

2). مشهور Mash'hoor

This refers to those narrations where the narrators during the era of the Sahaabah τ were only one, two or a handful. However, during the era of the Tabieen and the subsequent eras, the narrators reached the limit of *Tawaatur* (continuous chain).

Hukm

Practice thereupon with contentment (of it being authentic) is necessary. To reject it is deviation, but not kufr.

Example

The Hadith of stoning of the married adulterer.

3). خیر واحد Khabar-e-Waahid

Those narrations where the number of narrators never even reached the level *Shoh'rat* (being *Mash'hoor*). That is, those narrations where there was only one or two narrators right from the beginning to the end, or in any one of the eras.

Hukm

It is given the benefit of the doubt and practice thereupon is in accordance to the conditions and circumstantial evidences attached thereto.

Example

The general Ahaadith are *Khabar-e-Waahid*.

All types of (Shar'i) laws are derived from *Mutawaatirah* and *Mash'hoor*. They are also used to substantiate and confirm the laws found in the text of the Qur`aan Majeed. *Khabar-e-Waahid* is used to establish *Aqaa'id* (beliefs). Punishment and retribution is not established by it. The text of the Qur`aan Majeed cannot be complimented by the use of *Khabar-e-Waahid*.

QUESTIONS

1. What is the dictionary definition of Sunnat?
2. Give the Shar'i meaning of Sunnat
3. What relationship does the Sunnat have with the Qur`aan Majeed?
4. How many divisions are there in the discussion of Sunnat and what are they?
5. How many Usooli parts are there to Sunnat and what are they?
6. What is sanad and isnaad?
7. What is a Raawi?
8. What is a masnad?
9. What is called a Mursal?
10. What is considered in musnad and mursal?
11. What is the second part called?
12. How many types of musnad are there and what are they?
13. What is Mutawaatirah?
14. Give its Hukm and an example
15. What is the definition of Mash'hoor? Cite its Hukm and example
16. Define Khabar-e-Waahid and what is its Hukm and cite an example
17. What aspects are established via Mash'hoor and Mutawaatirah?
18. What is established through Khabar-e-Waahid?
19. What is allowed to compliment (the interpretation of) the Qur`aan Majeed and what is not?

IJMA

Dictionary meaning:

To make a decisive verdict, to be unanimous on a certain thing.

Shar'i meaning

After the demise of Nabi ρ, for all the Ulama-e-Mujtahideen of any particular era to be unanimous on an issue, on condition that it is with all its *Furoo'aat* (subsidiaries). It is not considered with regard to *Usool*, i.e. basic beliefs.

- 1). *A fundamental (constituent of Ijma):* Unanimity.
- 2). *Personalities (instrumental in forming Ijma):* Reliable Ulama-e-Mujtahideen
- 3). *Reality:* Unanimity on views and opinions
- 4). *Condition:* Unanimity of all the Ulama of that era
- 5). *Sources:* Are three, Kitaab (Qur`aan Majeed), Sunnat and Qiyaas.
- 6). *Need:* If any ruling cannot be found with certainty in the Qur`aan Majeed or Sunnat, then reflection and contemplation is required thereupon, wherein a solution is sought. If this solution is derived by unanimity and collectively, then it is classified as *Ijma*.
- 7). *Types:* With regard to its being transmitted, there are three: *Mutawaatirah, Mash'hoor* and *Aahaadi*;

1). *Mutawaatir* (متواتر) :

That which has been transmitted without any difference of opinion in a continuous chain, right from the era of the Sahaabah ρ.

Hukm: Belief and practice are both obligatory. Refutation is kufr.

Example: Unanimity on the Khilaafat of Hadhrat Abu Bakr ρ.

2). *Mash'hoor* (مشهور) :

That which has been transmitted with unanimity from after the first era.

Hukm: Contentment and practice are necessary, and not belief. Refutation is deviation.

Example: The impermissibility of *Mut'a* (temporary Nikah). There are a few narrations of permissibility from a few Sahaabah ρ. However, there is consensus amongst the Ulama of the Ahle Sunnat Wal Jamaat on its *Hurmat* (being totally impermissible).

3). *Aahaadi* (احادي) :

That which is transmitted by way of individuality (i.e. its chain of narrators are very few in number).

Hukm: Similar to *Khabar-e-Waahid*. It is given the benefit of the doubt. Neither is belief nor contentment necessary.

Example: The unanimity of the four Rakaats before the Fardh of Zuhr Salaat. This has been reported in the *Aahaad*.

QUESTIONS

1. What is the dictionary meaning of *Ijma*?
2. Define *Ijma* according to the *Shariah*
3. What is the fundamental constituent of *Ijma*?
4. What is the condition of *Ijma*?
5. Who are the personalities eligible to make *Ijma*?
6. What are the sources and foundations of *Ijma*?
7. What is the reality of *Ijma*?

8. What is the necessity of Ijma?
9. How many types of Ijma are there and what are they?
10. Explain Mutawaatir, together with its Hukm and an example
11. Define Mash'hoor together with its Hukm and an example
12. What is classified as Aahaadi, and what is its Hukm and cite an example.

قياس QIYAAS

Dictionary meaning:

To measure, estimate, opine, make straight.

Shar'i meaning:

Based on a common *Illat* (causative factor), to establish the ruling/law of a defined thing and attach it to an undefined thing.

Necessity ضرورت:

If there is no solution found to a certain matter in the Qur`aan Majeed and Sunnat, and there also exists no Ijma, then after contemplating and reflecting upon these three sources, one reaches a suitable solution. This individual reflection and seeking for a solution is termed *Qiyaas*.

Reality حقيقت:

This is not the mere opinion of anyone. In fact, with relation to the matter at hand, one has to carefully reflect and bring it under scrutiny in the light of what has been established (by means of the former three sources). Thereafter, a suitable ruling will be attached thereto after a common causative factor has been established (between the 'new' *mas'alah* and an already established ruling).

Basis بنياد: Kitaab (Qur`aan Majeed), Sunnat and Ijma

Application مواقع: On corollary *masaail* besides beliefs and *Aqaa'id*.

Constituents of Qiyaas : اركان قيس : There are four: *Maqees alaih*, *Maqees*, *Illat-e-Jaami`a* and *Hukm-e-Jaami`*

- 1). *Maqees alaih* عليه : مقيس عليه : That thing which has an established ruling
- 2). *Maqees* مقيس : That issue for which a ruling is sought
- 3). *Illat-e-Jaami`a* ا : علت جامع : That quality which is the basis for the ruling which is found in the *Maqees alaih*, and which is common with the *Maqees*.
- 4). *Hukm-e-Jaami`* حكم جامع : It is that ruling which by means of a causative factor (*Illat*) was extracted from the *Maqees alaih* and established for the *Maqees*.

Hukm of Qiyaas:

The ruling of the *Maqees alaih* will be applied to the *Maqees* with relative certainty, and with the possibility of error.

Example:

Wine and all other intoxicants are Haraam due to the common factor of having the ability to intoxicate. Wine is the *Maqees alaih* and all other intoxicants will be the *Maqees*. Intoxication will be the *Illat-e-Jaami`a* and *Hurmat* (being Haraam) is the *Hukm-e-Jaami*. The impermissibility and *Hurmat* of wine is established from the Qur`aan Majeed.

QUESTIONS

1. What is the dictionary meaning of Qiyaas?
2. Give the Shar`i meaning
3. What is the necessity of Qiyaas?
4. What is the reality of Qiyaas?
5. What is the basis of Qiyaas?

6. What is the application of Qiyaas?
7. How many constituents are there in Qiyaas and what are they?
8. What is the Hukm of Qiyaas?
9. Cite and example and explain.

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