



Fiqh and Shariah (B)

Introduction

There are six rules of Fiqh, we need to follow and we need to see what things are permissible and impermissible in terms of worldly affairs based on those six rules of Fiqh. Allah (SWT) mentioned not only to gather Muslims of the world, but also no Muslims to come to common terms that exist among all of us.

Common Terms

Allah (SWT) says in Quran,

“O People of the book! Come to the common terms as between us and you: that we worship none but Allah (SWT); that we associate no partners with Him; that we erect not from among ourselves Lords and patrons other than Allah (SWT). If then they turn back, say: Bear witness that we (at least) are Muslims (bowing to Allah(SWT)’ will)”.

[Surah Aal-e-Imran 3: 64]

In Christianity, Pope is considered as an authority and he can make changes in their legislations. But in Islam, no scholars have such a liberty to make any changes in the Quran and shariah.

Deen vs. Shariah

The following are the differences between Deen and Shariah.

Deen

Many Prophets (AS) appeared to guide the people towards Allah (SWT) before the Prophet Mohammad (PBUH). For example, Hazrat Noah (AS), Hazrat Musa (AS) and Hazrat Esa (AS) had the same and single message to spread to ***‘Believe in One God, associate no partners with Him and follow the Messengers (AS)’***. Hence, Deen remained the same for all humanity for centuries.

Shariah (Islamic Law)

Shariah is based on the Quran and Sunnah. It’s quite general in nature and also known as the divine law. Shariah changed over the passage of time. For example, the sharia’s of Hazrat Noah (AS) and Hazrat Musa (AS) were quite different from the Shariah of Prophet Mohammad (PBUH) in many respects. A person can take the revenge for anything he has suffered from another person in the Shariah of Islam, although the forgiveness is more appreciable in the Islam, whereas in the Shariah of Hazrat Musa (AS), taking revenge was highly recommended. Similarly, the Prophet Mohammad (PBUH) did not like the act of Hazrat Umar (RA) reading

the pages of Torah instead of the Quran. Prophet Mohammad (PBUH) said if Hazrat Musa (AS) were alive He would have to follow Islam instead of His own shariah. Prophets (AS) were infallible and free from all kinds of sins. But in Israeliyaat, they have presented Prophets (AS) with very low repute. We cannot believe in them completely.

Fiqh vs. Shariah

Fiqh (Jurisprudence)

Fiqh is the application of shariah in specific conditions and circumstances. Fiqh has a capacity of change in it based on new evidences and an application which is known as Ijtihad. Also, the doors are opened to new deductions and interpretations in Fiqh.

Fiqh is the actual implementation of shariah upon our lives. Abu Hanifa was very careful about collecting Hadith, he once quoted that reject it at once if you found my provisions against Quran and Sunnah. A faqeeh has to see many aspects of issues to give fatwa about new and arising issues. For examples, how to establish prayer for an astronaut, how to find the Qibla while a person is traveling through an airplane? A woman should not talk to men in markets with gentle voices etc.

Shariah

Shariah is the divine law which is based on Quran and Sunnah and quite general in nature. Islamic Shariah involves every aspect of human life. Islamic Shariah defines how to adopt a way of life which is recommended by Islam starting from personal to social life. The scholars of Fiqh are more knowledgeable than other scholars. They need to understand and expertise many aspects of history, Quran, sharia and other subjects to make careful propositions of Islamic Fiqh.

History

After the Holy Prophet Mohammad (PBUH), there were four caliphs who ruled the Islamic state and their period of government is known as the caliphate. They were:

1. Hazrat Abu Bakar ibn Abi Kehafa (RA)
2. Hazrat Umer Bin Khattab (RA)
3. Hazrat Usman Bin Uffan (RA)
4. Hazrat Ali Ibn e Abi Talib (RA)

Imams of Fiqh

There are not only four Imams of fiqh in Islam but the four of them became very famous among Muslims and they are as under:

1. Imam Abu Haneefa
2. Imam Malik
3. Imam Shafi'i
4. Imam Ahmed ibn Hanbal

The students of these Imams were sharp that they published the works of their teachers which made them famous among people.

Science of Hadith

It is important to note that now, the Quran has been completely compiled, during the lifetime of the Holy Prophet Mohammad (PBUH). Later, Imam Bukhari, Muslim, Trimizi, Abu Dawood had done great work to collect the Ahadith. They worked on whatever information they had available at that time.

Imams

The Imams were great scholars of their time. They made the following points very clear:

1. They followed the madhab (religion) of the authentic Ahadith
2. They did not write their own opinion unless there was an ijma (unanimous decision)
3. They rejected it. If their opinion contradicted with the Quran and Sunnah

Allah (SWT) mentioned,

"O You who believe! Obey Allah (SWT) and obey the Messenger (PBUH) and those charged with authority (or knowledge). If they differ in anything, refer it to Allah (SWT) and His Messenger (PBUH), if you believe in Allah (SWT) and the Last Day: that is best, and most suitable for final determination". [Surah An-Nisa: 59]

Sectarianism

Allah (SWT) said,

"But they (men) have broken their religion among them into sects, each group rejoicing in what is what it (as its belief)". [Surah Al-Muminoon: 53]

Hazrat Hudhaifa bin Al-Yaman (RA) narrated that "the people used to ask Prophet Mohammad (PBUH) about the good, but I used to ask him about the evil lest I should be overtaken but them". [Bukhari]

Prophet Mohammad (PBUH) said, "Stick to the group of Muslims and their Imam. I said if there is neither a group of Muslims nor an Imam? He (PBUH) said, then turning away from all those sects even if you bit the roots of a tree till death overtakes you while you are that state".

Previous Messengers

Allah (SWT) mentioned about the Prophets (AS),

“He (Allah SWT) has ordained for you the same religion which He ordained for Noah (AS) and that which We have revealed to You (O Muhammad (PBUH)), and that which We ordained for Ibrahim (AS), Musa (AS) and Isa (AS) saying you should establish religion, and make no divisions (sects) in it. Intolerable for the Mushrikun, is that to which you call them. Allah (SWT) chooses for Himself whom He wills, and guides unto Himself who turns to Him in repentance and in obedience”. [Surah Shuara:13-14]

At another place, Allah (SWT) said,

“Ibrahim (AS) was neither a Jew nor a Christian, but He was a true Muslim and He was not of Al- Mushrikun”. [Surah Al-Imran: 67]

Allah (SWT) said,

“Then when Isa (AS) came to know of their disbelief, he said: Who will be my helpers in Allah (SWT)’s Cause? Al- Hawariyyun (the disciples) said: We are the helpers of Allah (SWT), We believe in Allah (SWT), and bear witness that we are Muslims”. [Surah Al-Imran: 52]

Muslims

Allah (SWT) said,

“And strive hard in Allah (SWT)’s Cause as you ought to strive. He has chosen you, and has not laid upon you in religion any hardship, it is the religion of your father Ibrahim (AS). It is He Who has named you Muslims both before and in this (revelation); that the Messenger (PBUH) may be a witness over you and you be witness over mankind! So, perform As-Salat, give Zakat and hold fast to Allah (SWT). He is your Maula (Guardian), What an excellent Maula and what an excellent Helper!”. [Surah Al-Hajj: 78]

Allah (SWT) said,

“And who is better in speech than one who invites (men) to Allah (SWT), and does righteous deeds and says. I am one of the Muslims”. [Surah Fussilat: 33]

Allah (SWT) said,

“Say, Verily, I am commanded to serve Allah (SWT) with sincere devotion; and I am commanded to be the first of those who are Muslims”. [Surah Az-Zumar: 11-12]

Allah (SWT) says in Quran,

“O People of the book! Come to the common terms as between us and you: that we worship none but Allah (SWT); that we associate no partners with Him; that we erect not from among ourselves Lords and patrons other than Allah (SWT). If then they turn back, say: Bear witness that we (at least) are Muslims (bowing to Allah(SWT)’ will).” [Surah Al-Imran: 64]