

# Shari`ah and Fiqh

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As we strive as Muslims to remain on the straight path, we need to discern the right from the wrong in every aspect of our life. The *Shari`ah* (sacred law) and the *Fiqh* (Islamic jurisprudence) provide us with the rulings in different matters. In this article simple definitions of *shari`ah* and *fiqh* are given.

## *Shari`ah*

The Arabic word *shari`ah* refers to the laws and way of life prescribed by Allah (SWT) for his servants. The *shari`ah* deals with the ideology and faith; behavior and manners; and practical daily matters. **"To each among you, we have prescribed a law and a clear way. (Qur'an 5:48)** *Shari`ah* includes the Qur'an and the *sunnah* of the Prophet (saas). The Qur'an is the direct word of Allah (SWT), and is the first most important source of guidance and rulings. The *Sunnah* of the Prophet (saas) is the second source of guidance and rulings. The *sunnah* is an inspiration from Allah (SWT), but relayed to us through the words and actions of the Prophet (saas), and his concurrence with others' actions. The *sunnah* confirmed the rulings of the Qur'an; detailed some of the concepts, laws and practical matters which are briefly stated in the Qur'an (e.g. definition of Islam, *Iman*, and *Ihsan*, details of *salah*, types of usury); and gave some rulings regarding matters not explicitly stated in the Qur'an (e.g. wearing silk clothes for men).

<i>Shari`ah</i>	
<i>1-Qur'an</i>	<i>2-Sunnah of the prophet (saas)</i>
Ideology and faith	Sayings
Behavior and manners	Actions
Practical manners <ul style="list-style-type: none"><li>  Articles of worship</li><li>  Day-to-day activities</li></ul>	Concurrence with others' actions
Pertaining to family, business, penal code, government, international law, economy.	Characteristics of the Prophet (saas)

## *Fiqh*

The Arabic word *fiqh* means knowledge, understanding and comprehension. It refers to the legal rulings of the Muslim scholars, based on their knowledge of the *shari`ah*; and as such is the third source of rulings. The science of *fiqh* started in the second century after *Hijrah*, when the Islamic state expanded and faced several issues which were not explicitly covered in the Qur'an and *Sunnah* of the Prophet (saas). Rulings based on the unanimity of Muslim scholars and direct analogy are binding. The four *Sunni* schools of thought, *Hanafi*, *Maliki*, *Shafi'i* and *Hanbali*, are identical in approximately 75% of their legal conclusions. Variances in the remaining questions are traceable to methodological differences in understanding or authentication of the primary textual evidence. Differing viewpoints sometimes exist even within a single school of thought.

<b>3-Fiqh (Islamic Jurisprudence)</b>	
<i>Basis of Rulings</i>	<i>Imams of schools of thought</i>
<ul style="list-style-type: none"> <li>  Unanimity of Muslim scholars</li> <li>  Direct and indirect analogy</li> <li>  Benefit for community</li> <li>  Custom</li> <li>  Associated rules</li> <li>  Original rules</li> <li>  Opinion of a companion of the Prophet</li> </ul>	<ul style="list-style-type: none"> <li>  Imam Abu Hanifa 80-150 (After <i>Hijra</i>)</li> <li>  Imam Malik 93-179 (A.H.)</li> <li>  Imam Shafi'i 150-204(A.H.)</li> <li>  Imam Ahmad Ibn Hanbal 164-241 (A.H.)</li> </ul> <p>Others: Al-Thawri, Ibn Abu-Lail, Al Awza'i, and Al-Laith</p>

### **Rulings of the *Shari`ah***

The rulings of *shari`ah* for all our daily actions are five : prescribed, recommended, permissible, disliked and unlawful . The distinctions between the five categories are in whether their performance (P) and nonperformance (NP) is rewarded, not rewarded, punished or not punished (see the table). The prescribed (*fard*) is also referred to as obligatory (*wajib*), mandatory (*muhattam*) and required (*lazim*). It is divided into two categories :

- | personally obligatory (*fard al-'ayn*), which is required from every individual Muslim (e.g. salah and zakah);
- | and communally obligatory (*fard al- kifaya*), which if performed by some Muslims is not required from others (e.g., funeral prayers).

The recommended (*mandub*) is also referred to as *sunnah*, preferable (*mustahabb*), meritorious (*fadila*), and desirable (*marghub fih*). Examples are night vigil (*tahajjud*) prayers, and remembrance of Allah (*zikr*).

The performance and nonperformance of the permissible/ allowed (*mubah*) is neither rewarded nor punished.

Nonperformance of both the disliked (*makruh*) and the unlawful/prohibited (*haram* ) is rewarded. Performance of the unlawful is punished, but that of the disliked is not punished.

<b>Rulings of Sacred Law</b>				
<i>1. Prescribed</i>	<i>2. Recommended</i>	<i>3. Permissible/Allowed</i>	<i>4. Disliked/Offensive/Detested</i>	<i>5. Unlawful/Prohibited</i>
Other terms: - Obligatory - Mandatory - Required  Personally obligatory,	Other terms: - Sunnah - Preferable - Meritorius - Desirable  <i>P: rewarded</i>	<i>P: not rewarded</i> <i>NP: not punished</i>	<i>P: not punished</i> <i>NP: rewarded</i>	<i>P: punished</i> <i>NP: rewarded</i>

communally obligatory	<i>NP: not punished</i>			
<i>Performance: rewarded</i>				
<i>Non- Performance: punished</i>				