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**Q1: Explain the Qiyas (Analogical deduction) and Istihsan (Jurist's equity).**

**ANWER: Qiyas**

The bulk of Sunni jurisprudence uses Qiyas, or analogical reason, as the fourth source of Sharia. Its goal is to make comparisons to a previously made decision. Shiites reject analogy in Favour of reason (aql); among Sunnis, the Hanbalites have historically been hesitant to embrace analogy, while the Zahirites reject it entirely. In Islam, analogical reason is a legal deduction method in which a jurist, when faced with a novel situation, bases his or her reasoning on the logic of the Qur'an and Sunnah. A comparison that is legally sound must not be founded on arbitrary judgement, but rather on original sources. has pointed out that, whereas subsequent generations acknowledged analogical reason as a fourth source of law, its validity was not a foregone conclusion among older Muslim jurists. As a result, the validity of analogical reasoning was a contentious matter early on, however the method was finally accepted by the majority of Sunni jurists. The underlying idea of the qiyas process is the belief that every judicial injunction assures a good and welfare-satisfying outcome. As a result, if the reason for the injunction is can be determined from primary sources, and then analogy can be applied to examples with comparable causes. Wine, for example, is forbidden in Islam due to its intoxicating properties. As a result of qiyas, it is concluded that all intoxicants are prohibited.

**Istihsan :**

Abu Hanifa created a new source of information known as juristic choice. Juristic preference is defined as:

- A way to seek ease and convenience,
- to practice tolerance and moderation, and,
- if required, to override analogical reason

If none of the commonly accepted sources are applicable to an issue, the source, inspired by the principle of conscience, is a last resort. It entails favouring decisions that alleviate hardship and make life easier for individuals. The idea was directly substantiated by a Qur'anic passage that stated, "Allah seeks ease and good for you, not suffering." Though Abu Hanifa and his disciples (such as Abu Yusuf) were its principal adherents, Malik and his students used it to some extent. The source was the topic of much debate and contention, with opponents claiming that it frequently deviates from primary sources. This philosophy proved useful outside of the Middle East, when Muslims confronted surroundings and obstacles they had never encountered in Arabia. The following is an example of *istihsan*: It is forbidden to utilize a contaminated well for ritual purification. According to *Istihsan*, removing a specified number of buckets of water from the well will remove the contaminants. However, logical reasoning implies that even if some of the water is removed, a tiny concentration of impurities will always remain in the well (or the well walls), making the well unclean. Because of the similarity, the public is unable to use the well, resulting in hardship.

**Q2: Ijma is an important secondary source of usul-e-fiqah, discuss briefly.**

**Answer: Ijma**

Ijma is a secondary source of Islamic law that refers to the Muslim community's general agreement or consensus on any issue affecting Muslims in light of the Quran and Sunnah. It is one of the Fiqah, or Islamic jurisprudence, procedures. The establishment of the Caliphate, for example, was the outcome of an early Muslim agreement, or Ijma, shortly after the death of the Holy Prophet. "My Ummah will never be united on wrong," the Prophet said, which supports Ijma. Some Islamic jurists, known as Fuqaha, believe that Ijma is the voice of the Ummah through the Ulama.

There are conflicting perspectives on who constitutes part of this consensus, such as whether "consensus is required simply among scholars of a certain school, or legists, or legists of an earlier era, or the Companions, or scholars in general, or the entire Muslim community." According to Malik ibn Anas, the religiously obligatory agreement was limited to Muhammad's companions and their direct descendants in Medina. According to Iraqi academic Majid Khadduri, Al-Shafi'i believed that religiously binding consensus required the participation of all Muslims in the world, both religiously learned and laypeople. As a result, if even one person out of millions holds a different viewpoint, then there would have been no agreement. In an attempt to define consensus in a way that would be more likely to happen, Al-Ghazali expanded on al-Definition Shafi'i's to include the entire Muslim community in terms of religious principles while restricting the meaning to only the religiously knowledgeable in terms of finer specifics. On the other hand, Abu Hanifa, Ahmad ibn Hanbal, and Dawud Al-Zahiri believed that this consensus exclusively applied to Muhammad's companions, excluding all subsequent generations in Medina and elsewhere. The majority opinion, according to Ahmad Hasan, is split between two possibilities: religiously binding consensus is the consensus of the entire Muslim community, or religiously binding consensus is only the consensus of the religiously learned.

The following are the names of two types of consensus:

- *ijma al-ummah* - a whole community consensus.
- *ijma al-aimmah* - a consensus by religious authorities

**The view of Shia on Ijma**

The authority of the Imams, according to Shia Muslims, renders the consensus obsolete. The issue of guidance and interpretation between different ulama became a concern as ImamiSha Islam developed sectarian communities, but the importance of ijm never reached the level of certainty it had in Sunni Islam. Later, since the Safavid era and the founding of the Usuli school at the start of the nineteenth century, the authority of a live mujtahid has been recognized, but it dies with him. The status of ijm is debatable among Shia.

### **Q3: What are the different sources of Islamic Law? Discuss in details.**

Answer: Muslim legalities refers to either state law (where Muslims are the majority or minority) or the legal practices of non-state Muslim communities. 'Islamic law' refers to juristic interpretations (fiqh) of divine law (Sharah); 'Muslim legalities' refers to either state law (where Muslims are the majority or minority) or the legal practices of non-state Muslim communities. The Qur'an is the primary source of Sharia law in Islam. It contains the norms by which the Muslim world is ruled (or should be controlled) and serves as the foundation for relationships between man and God, as well as between Muslims and non-Muslims, and between man and creation.

In Islamic Law, there are four basic sources:

- Quran
- Sunnah
- Ijma
- Qiyas

These four sources of law are the most important. Muslim law is mostly based on Quranic scriptures and hadith traditions. There is a supplementary source of Muslim law that follows it.

**Quran:** The Quran is the most precious and significant source of Islamic law, containing words on God, human beliefs, and how a specific believer should live in this world.

**Sunnah:** The Sunna also contains a set of legal regulations that must be followed by all Muslims. Certain legal judgements in these Islamic scriptures that have been transmitted are conclusive. In other words, because they are clear and decisive, the law-giver (God) has framed them in such a way that they do not require personal legal reasoning and are not subject to diverse interpretations. On the other hand, both the Quran and the Sunna contain a corpus of legal elements, the implementation of which necessitates reasoning. The same law-giver who established specific legal rulings in the Quran and Sunna in such a way that two distinct interpretations are never accepted may have done the same with the remainder of the legal contents put down in the aforementioned Islamic sources. There was, however, a significant purpose for having a large portion of the legal substance mentioned in the Quran and the Sunna available to legal reasoning.

**Ijma:** Ijma is the universal and infallible agreement of the Muslim community at large or of Muslim scholars in particular in Islamic law. One of the pillars of Islamic jurisprudence, ul al-fiqh, is a consensus that is sometimes justified by a saying from the Hadith (traditions of Muhammad's sayings and actions), "My people would never agree in an error."

In Muslim history, ijm has always referred to prior agreements, whether close or far away, and never to current agreements. As a result, it is a form of conventional authority. Ijm has also evolved to be seen as a principle of tolerance for different Islamic faiths. As a result, it gives equal authority to the four legal schools (madhhabs) and has likely justified many non-Muslim behaviors adopted by Muslims.

**Qiyas:** In Islamic law, qiyas (Arabic: qiyas) refers to analogical reasoning used to deduce legal concepts from the Quran and the Sunnah (the community's normative behavior). However, qiyas was frequently utilized to infer new ideas and practices based on resemblance with previous beliefs and practices.

**Q4: Discuss the role of different Muslim schools of thought in codification and compilation of Islamic Law.**

Answer : Over centuries of thought, Islamic law and what it means to be a practicing Muslim have evolved and altered. There have always been disagreements on how to best grasp God's word following the death of the prophet Muhammad pbuh. The vast range of schools of thought or ways of studying and practicing Islam reflects different ideas of what Islamic law should be. The Quran and the Sunnah - the recorded sayings and actions of the Prophet (peace and blessings upon him) - serve as common sources of information and guidance for the various sects. There are six main schools of Islamic law - Fiqh - throughout Sunni and Shi'a Islam.

**SUNNI SCHOOLS:**

- The Hanbali School is named after Ahmad IbnHanbal (d. 855)
- The Hanafi School is named after Abu Hanifa (d. 767)
- The Shafi'i is named after al-Shafi'l (d. 819)
- The Maliki is named after Anas bin Malik (d. 795)

**SHI'A SCHOOLS:**

- The Zaydi School is named after ZaydIbn Ali (d. 740)
- The Ja'fari School is named after Ja'far al-Sadiq (d. 765)

In the first three centuries of Islamic history, there existed a wide range of viewpoints, with over 100 different schools of thought at one point.

### **THE HANAFI SCHOOL:**

The Hanafi School of Islamic Law is the oldest and largest extant school of Islamic law. It began in Kufa, Iraq, but extended across the Mughal and Ottoman empires, and may today be found from Turkey to Central Asia, the Balkans, Iraq, Afghanistan, Pakistan, India, Bangladesh, and even Western Europe and North America. Abu Hanifa, the school's founder, was a young businessman. However, it appears that he was not cut out for this profession, as he once demanded five times the asking amount from a woman selling silk at the market. He was imprisoned in 763 CE for refusing to participate with a corrupt judiciary. He died four years later in prison. This group focused largely on logical reasoning to discover answers to social problems that also fit in with their view of Islam, in addition to the Quran and the Prophet's (pbuh) life as sources of guidance.

### **THE SHAFI'I SCHOOL:**

Egypt, Indonesia, the Philippines, Brunei, Singapore, Thailand, Sri Lanka, and the Maldives are other countries where the Shafi'i School maintains a stronghold. This school of thought is named after Muhammad ibn Idris al-Shafi'i, a brilliant student who has been dubbed "the great architect of Islamic law" by historians. Perhaps his greatest achievement was laying the foundations of a standard framework for all schools of Islamic thought to follow when making legal judgments on problems of faith and how it should be practiced, with the help of his colleagues.

### **THE MALIKI SCHOOL:**

This institution is named after Imam Anas bin Malik (715 CE), who supported himself by selling his home's ceiling beams to fund his studies. He was a staunch supporter of personal liberty, famously issuing a fatwa declaring that no one should be forced to pledge loyalty to Medina's reigning government, for which he was severely beaten (although the authorities later apologized for their actions). The Maliki School has a large following in Egypt, as well as lesser groups in Algeria, Tunisia, Morocco, Mauritania, Libya, Kuwait, Bahrain, Dubai, and Abu Dhabi, despite its origins in Medina, Saudi Arabia. When the Maliki School was founded, the term Sunnah did not only refer to the Prophet's (pbuh) 'traditions' and 'practices,' but also to the deeds of the people of Medina at the time.

### **THE HANBALI SCHOOL:**

The Hanbali School was founded in Baghdad, although its adherents are now mostly centered in Saudi Arabia and the United Arab Emirates. Imam Ahmad IbnHanbal, the school's founder, was educated by Muhammad ibnIdris al-Shafi'i, the Shafi'i School's founder. As a result, the Shafi'i and Hanbali schools are inextricably linked. The Hanbali school, which takes its judgments almost entirely from the Quran and Sunnah, is popular among those who want to revert to a "purer" form of Islam (the Wahabi movement, for instance, emerged out of the Hanbali school). Al-Kiraqi (d. 946), IbnQudama, and others were prominent in the school (d. 1223). [3, al-Qayyim al-Jawziyya and IbnTaymiyya (d. 1328) (d. 1350).