



A STUDY GUIDE TO
USOOL ASH-SHAASHI
PRINCIPLES OF HANAFI JURISPRUDENCE



QUBA ACADEMY



كتاب الله

الخاص

<u>Definition:</u>	<u>Ruling:</u>
Something specific	Must be acted upon
<u>Explanation:</u>	<u>Example:</u>
<p>Ḥanafīyyah say that the word ثلاثة is خاص therefore it has to be 3 complete cycles, so we interpret the word قرء (cycle/period) to mean حيض (menstruation).</p> <p>Shāfi'iyah say that this is not necessarily the case, so they interpret the word قرء as طهر (purity).</p>	<p>وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ</p> <p><i>Divorced women must wait three monthly cycles 'before they can remarry'. (2:228)</i></p>

العام

<u>Definition:</u>	<u>Ruling:</u>
<p>General (2 types)</p> <ul style="list-style-type: none"> - without exceptions - with a few exceptions 	Must be acted upon by everyone aside from the excepted ones
<u>Explanation:</u>	<u>Example:</u>
<p>Ḥanafīyyah say that with the Ḥadīth “There is no Ṣalāh without Sūrah Fātiḥah”, Sūrah Fātiḥah is Wājib and not Fardh unlike Shāfi'iyah.</p>	<p>فَأَقْرَأُوا مَا تيسَّرَ مِنَ الْقُرْآنِ</p> <p><i>So recite 'in prayer' whatever you can from the Quran. (73:20)</i></p>

المطلق

Definition: Nonrestrictive (no extra conditions)	Example: Washing the face in Wuḍū'	Ruling: Act upon the functions without restrictions
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المقيد

Definition: Restrictive (extra conditions)	Example: Making intention, washing in order, etc. in Wuḍū'	Ruling: Act upon the functions with its conditions
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المشترك

Definition: Word with multiple meanings	Ruling: If one meaning is specified, the others are dropped	Example: جارية means "slave girl" or "ship"
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المؤول

Definition: When one of the meanings is preferred	Ruling: Must be acted upon with the possibility of a mistake	Example: قروء means periods of menstruation or purity
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المفسر

Definition: A مشترك term that has been explained	Ruling: Must be acted upon with no possibility of a mistake	Example: قال: "علي دراهم" وفسرها بعشرة Someone says: "I owe some dirhams" then he explains that he owes 10
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الحقيقة (literal meaning) والمجاز (metaphorical meaning)

Rule: Both cannot be intended from a single expression in the same context.	Example of المجاز: The ayah of touching, where the literal meaning is to touch a woman, but the metaphorical meaning refers to intercourse.
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There are 3 types of الحقيقة:

الحقيقة المستعملة	الحقيقة المهجورة	الحقيقة المتعدرة
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الحقيقة المتعدرة

Meaning: The literal meaning is difficult to apply.	Ruling: The metaphorical meaning is taken.	Example: If one swears he will not eat from a tree, that means that he will not eat from the fruits of the tree. Eating from the bark of the tree doesn't break the oath.
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الحقيقة المهجورة

Meaning: The metaphorical meaning can be taken, but because it's not really what's normal so it doesn't get applied.	Ruling: The metaphorical meaning is taken.	Example: If one makes an oath not to place his foot into a house, this will refer to the actual entering of the house.
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الحقيقة المستعملة

Meaning: When there is no common metaphorical meaning, then the literal meaning is taken. This is broken down into:

لا مجاز متعارف	مجاز متعارف
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المجاز المتعارف

Meaning: A metaphorical meaning can be used.	Example: If one swears that he won't eat from a specific wheat, then according to Imām Abū Ḥanīfah (رحمه الله), this only refers to the wheat in its original form so eating bread from it doesn't break the oath. But Ṣāhibayn (رحمهما الله) say that the oath will be broken, as it refers to a burning taken from the original form of the item.
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لا مجاز متعارف

Meaning: No metaphorical meaning can be taken.	Example: If one says to his slave, who is older than him, "this is my son", the metaphorical meaning cannot be taken with the son is older than the father according to Ṣāhibayn (رحمهما الله), but Imām Abū Ḥanīfah (رحمه الله) says that the metaphorical meaning is taken and the slave is freed.
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الصريح

Meaning: A word with clear meaning does not require looking at the intention.	Example: Saying to your wife "oh divorced" or "you are divorced", then the divorce takes place and the intention is not looked at.
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الكناية

Meaning: A word with an unclear meaning.	Example: If someone falsely accuses another of fornication and another person says "you have spoken the truth", then the punishment will not be executed because there is the possibility that he may be affirming something else.
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متقابلات (contrasting terms)

واضح (clear meaning)			
المحكم	المفسر	النص	الظاهر
<p>Meaning: has no room for interpretation</p> <p>Ruling: necessary to act upon the clarified meaning inevitably</p> <p>Example: والله بكل شيء عليم This means that it is impossible for anything to change in the knowledge of Allāh.</p>	<p>Meaning: a word clarified by the speaker and has no other possible meaning.</p> <p>Ruling: necessary to act upon the clarified meaning inevitably</p> <p>Example: فسجد الملائكة كلهم أجمعين There is extra emphasis explaining that every single angel prostrated.</p>	<p>Meaning: has a deeper meaning and is the cause of speech</p> <p>Ruling: necessary to act upon</p> <p>Example: Allāh has made permissible selling and made forbidden interest. The deeper meaning is to show the difference between the two.</p>	<p>Meaning: has an obvious meaning</p> <p>Ruling: necessary to act upon</p> <p>Example: Allāh has made permissible selling and made forbidden interest. The obvious meaning is the permissibility of selling and the impermissibility of interest.</p>

غير واضح (unclear meaning)			
المتشابه	المجمل	المشكل	الخنفي
<p>Meaning: the vaguest expression with no hope of explanation</p> <p>Ruling: believe in the true meaning until specified</p> <p>Example: الم etc have an unknown meaning</p>	<p>Meaning: an expression with many meanings which cannot be clarified except by the speaker</p> <p>Ruling: believe in the true meaning until specified</p> <p>Example: For interest, the ظاهر meaning is that any form of increase is forbidden, whilst the مجمل meaning is the excess in the sales of quantified items.</p>	<p>Meaning: vaguer than خنفي</p> <p>Ruling: distinguish the meaning</p> <p>Example: if someone swears an oath to not eat soup the ظاهر meaning will include any soup mixed with bread whilst the مشكل meaning would be whether this includes soup mixed with eggs, cheese or meat.</p>	<p>Meaning: a vague expression when the vagueness is to do with an external thing and not the word itself</p> <p>Ruling: necessary to search for the intended meaning</p> <p>Example: For thieves, the ruling is to cut off their hands which is the ظاهر meaning, the خنفي meaning would be whether pickpockets are included.</p>

5 situations where the Haqeeqah meaning is left

دلالة العرف		
Definition: The generally understood meaning	Example: لو حلف: "لا يأكل بيضاً" If one swears: "He will not eat eggs"	Ruling: This only applies to eggs that are commonly eaten as this is the generally understood meaning

نفس الكلام		
Definition: Indication within the word	Example: إذا قال: "كل مملوك لي فهو حر" If one says: "Every slave that I completely own is free"	Ruling: Mukātab slaves are not included because they are not completely owned

سياق الكلام	
Definition: Meaning is based on the context	Example with ruling: إذا قال المسلم للحرابي: "أنزل" فنزل، كان آمناً ولو قال: "أنزل إن كنت رجلاً" فنزل، لا يكون آمناً If a Muslim says to the enemy: "Come down" then he comes down, he will be granted safety. But if he says: "Come down if you're a man" then he comes down, he will not be granted safety (because this statement is a challenge in a context of war)

من قبل المتكلم

Definition: Considering the way the speaker is speaking	Example: فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ <i>Whoever wills let them believe, and whoever wills let them disbelieve.</i> (18:29)	Ruling: This is understood to be a warning, not an advocate for disbelief
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محل الكلام

Definition: Considering the situation of the speech (who it was said to)	Example: إِذَا قَالَ لِعَبْدِهِ وَهُوَ أَكْبَرُ سِنًا مِنَ الْمَوْلَى: "هَذَا ابْنِي" <i>If one says to his slave that is older than him: "This is my son"</i>	Ruling: This is obviously impossible to be literal so this sentence is in the meaning of freeing the slave
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الاستدلال

There are 4 types:

عقضاء النص	دلالة النص	إشارة النص	عبارة النص
Something we add to the text as an assumption in order to make sense of the text	Can be alluded to by the text	Not explicitly stated in the text, but it is obviously implied	Explicitly stated in the text

Example:

أُحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ

It has been made permissible for you to be intimate with your wives during the nights preceding the fast.

(2:187)

إشارة النص

Definition: Not explicitly stated but it is obvious from the text

Ruling: You cannot have relations during the day

عبارة النص

Definition: Directly in the text

Ruling: One can have relations at night in Ramaḍān

Example:

فَلَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرُهُمَا

Never say to them 'even' 'ugh,' nor yell at them. (17:23)

دلالة النص

Definition: Implied by the text

Ruling: You cannot harm your parents

عبارة النص

Definition: Directly in the text

Ruling: You cannot say “uff” to parents

Example:

إذا قال: "أنت طالق"

If one says to his wife: "You are a divorcee"

اقتضاء النص

Definition: An additional extrapolation from the original text

Ruling: We add the additional statement “I have divorced you” to complete the sentence and understand it to mean “I have divorced you, hence, you are a divorcee”

الأمر

Meaning: a command that is made compulsory on another.

If the Prophet (ﷺ) did an action, it is not Wājib unless:

- There were done habitually
- There is proof that says it is necessary

الأمر المطلق

Ruling: must be acted upon unless there is a reason.	
Ḥanafiyah: it is acted upon	Shāfi'iyah: neither followed or left
e.g. وإذا قرئ القرآن فاستمعوا له وأنصتوا لعلكم ترحمون	

الأمر بالفعل لا يقتضي التكرار

e.g. if a master says to his slave, get married, this is for one marriage.

Commands are Shortened (سبيل الاختصار)

Meaning: Commands can be conveyed in a shortened form.	Example: If one swears not to drink water and drinks just a drop, the oath is broken unless he intended more.
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The Commanded Action (المأمور به)

This is of 2 types:

<p>مطلق عن الوقت (unrestricted upon time)</p>	<p>Completing action is compulsory and has to be done within one's lifetime. Performance is necessary at convenience, e.g. Zakat</p>
<p>مقيّد به (restricted upon a time) 2 subtypes</p>	<p>ظرف له - The necessity of a task in it doesn't obstruct the necessity of another similar task in it. Must be performed with intention, e.g. If one swears he will perform a Nafil Salah at Zuhr time, Zuhr still remains compulsory.</p> <hr/> <p>معيّار له - When Shariah specifies a time for it, no other similar worship is necessary nor permitted in that time, e.g. Fasting (which is done throughout the day)</p>

Goodness in the Commanded Action (حسن بنفسه)

<p>Meaning: Some actions are good in themselves, like Salah.</p>	<p>Ruling: They must be done and don't drop unless the action is done or the command is dropped.</p>	<p>Example: Salah will still be required even if someone has no clothes - alternatives are provided.</p>
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Goodness Due to an External Factor (حسن لغيره)

<p>Meaning: An action becomes good because of an outside reason.</p>	<p>Ruling: If the reason goes away, the command drops too.</p>	<p>Example: Hurrying for Jumu'ah is not necessary for someone not required to attend Jumu'ah.</p>
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Fulfilment of Actions Made Compulsory by

Commands (الواجب بحكم الأمر)

	القضاء fulfilling an action similar to the command	الأداء fulfilling an action how it was commanded
كامل completely and properly	Compensating with another bag	Salah in time with congregation
قاصر slight defect	Giving in money the value of the sheep	Salah whilst rushing

There is also Qadha for That Which Has No Equivalent (ما لا مثال له)

Meaning: If nothing exists that matches in meaning or form, Qadha (make-up) cannot be done.	Example: If someone steals a slave and uses him for a month, there is no way to make Qadha for that usage.	Exception: Stipulated by shariah e.g., Fidyah is given as a compensation for fasting.
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Prohibition (النهي)

Prohibited acts are of two types:		Ruling: If evil is in the act itself, it will never be permitted. If the evil is due to external causes, it can become allowed when those causes are removed.	Example: Fasting on the days of Eid is prohibited - not because fasting is bad, but due to Shari'ah context.
أفعال الحسية Evil in themselves (inherently wrong)	التصرفات الشرعية Evil due to external Shari'ah-related factors		

Words with Haqeeqah (Literal) and Majaaz (Metaphorical) Meaning

<p>Meaning: If a word has both a literal and metaphorical meaning, the literal meaning is preferred.</p>	<p>Ruling: The ruling follows the direct, clear (Haqeeqah) meaning unless there's strong reason otherwise.</p>	<p>Example: The illegitimate daughter is considered a real daughter in Hanafi law, so marriage to her is forbidden.</p>
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Words with Different Forms of Recitation

<p>Meaning: If a word is reported in two valid forms, both should be accommodated in practice if possible.</p>	<p>Example: The verse on wiping or washing the feet - both meanings apply depending on context (e.g. leather socks). (أرجلكم وأرجلكم)</p>
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Weak Methods in Which the Implication of Speech is Recognised

<p>Meaning: In these cases, the difference of opinion (ikhtilāf) is not taken into account due to a weak basis.</p>	<p>Example: If a sheep is slaughtered with a stolen knife, the act is wrong but the meat is still ḥalāl.</p>
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حروف المعاني

The meanings of different particles

و

Ḥanafīyyah: The letter و comes to connect words together in the same ruling without denoting sequence/order (ترتيب)	Shāfi'īyyah: It does denote sequence/order (ترتيب)
And sometimes و comes for حال (state)	

<u>Example of حال (state):</u>	<u>Example of connecting words:</u>
ولو قال للحربي: "أنزل وأنت آمن" <i>If one says to the enemy: "Come down and you are safe"</i>	أَغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ <i>Wash your faces and your hands ... (5:6)</i>
Ruling: The enemy is not safe unless he comes down	Ruling for Ḥanafīyyah: Wuḍū' is complete no matter the order of washing Ruling for Shāfi'īyyah: Maintaining the order is Wājib

ف

The letter ف comes for three purposes:

- Subsequence (تعقيب)
- Reasoning (بيان العلة)
- Attached to the ruling of the reasoning

Subsequence (تعقيب)	
<u>Example of a ruling:</u>	<u>Example from Qur'an:</u>
<p style="text-align: center;">لو قال: "بعت منك هذا الثوب بعشرة فاقطعه"</p> <p>If one says: "I am selling this cloth to you for ten dirhams, then cut it!"</p>	<p style="text-align: center;">خَلَقْنَا النُّطْفَةَ عَلَقَةً فَخَلَقْنَا الْعَلَقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ عِظْمًا فَكَسَوْنَا الْعِظْمَ لَحْمًا</p> <p>We developed the drop into a clinging clot, then developed the clot into a lump 'of flesh', then developed the lump into bones, then clothed the bones with flesh, ... (23:14)</p>
<p>Ruling: If the buyer cuts the cloth without verbally agreeing to the sale, the sale is still complete</p> <p>This is because cutting the cloth was a form of accepting the sale</p>	<p>Explanation: This all happens one after the other, which is called تعقيب (subsequence)</p>

Reasoning (بيان العلة)	
<u>Example of a ruling:</u>	<u>Example from Hadith:</u>
<p style="text-align: center;">ولو قال للحري: "أنزل فأنت آمن"</p> <p>If one says to the enemy: "Come down because you are safe"</p>	<p style="text-align: center;">اغفر لي فإنه لا يغفر الذنوب إلا أنت</p> <p>Forgive me, because there is no one who forgives sins except You. (Saḥīḥ al-Bukhārī 6306)</p>
<p>Ruling: The enemy is safe immediately even if he does not come down</p>	<p>Explanation: The reason comes after the ف</p>

The ف is attached to the ruling of the reasoning

<u>Example of a ruling:</u>	<u>Example from Qur'ān:</u>
<p style="text-align: center;">إذا قال: "أمرُ امرأتي بيدك فطَلَّقَهَا" فطَلَّقَهَا فِي الْمَجْلِسِ</p> <p><i>If one says (to someone else): "My wife's matters are in your hands so divorce her (on my behalf)" and then he goes ahead and divorces her in the same sitting</i></p>	<p style="text-align: center;">الْحَقُّ مِنْ رَبِّكَ فَلَا تَكُنْ مِنَ الْمُمْتَرِينَ ﴿٦٠﴾</p> <p><i>This is the truth from your Lord, so do not be one of those who doubt. (3:60)</i></p>
<p>Ruling: One irrevocable divorce will apply</p> <p>The reasoning was: أمرُ امرأتي بيدك (ambiguous statement)</p> <p>The ruling that came after was: طَلَّقَهَا</p> <p>Sidenote: The reason one irrevocable divorce applies is because the divorce was given in a vague/ambiguous way</p>	<p>Explanation: The reasoning is given and then ف is attached to the ruling that comes after</p> <p>The reasoning is: الْحَقُّ مِنْ رَبِّكَ</p> <p>The ruling after the reasoning is: لَا تَكُنْ مِنَ الْمُمْتَرِينَ</p>

ثم

The particle ثم comes for delay/suspension (تراخي)

Imām Abū Ḥanīfah (رحمه الله): Suspension is in the speech and ruling

Sāhibayn (رحمهما الله): Suspension is only in the ruling

<u>Example of a ruling:</u>	<u>Ruling:</u>
<p style="text-align: center;">ولو قال: "أنت طالق ثم طالق ثم طالق إن دخلت الدار"</p> <p><i>If one says (to his wife): "You are divorced then divorced then divorced if you enter the house"</i></p>	<p>Ruling: There is Ikhtilāf based on the interpretation of the word</p>

بل

The particle بل comes to fully negate the previous notion, and correct it with what comes after

Using بل for correction only applies to informational sentences (جملة خبرية) as these are sentences that have a possibility of being false

A performative sentence (جملة إنشائية) cannot be false, therefore بل doesn't come for correction here

<u>Example of two rulings:</u>	<u>Rulings:</u>
<p>لو قال لفلان: "عليّ ألف لا بل ألفان"</p> <p><i>If one says to someone: "I owe you 1000 dirhams, no rather I owe you 2000 dirhams"</i></p>	<p>Ruling: He will owe him 2000</p> <p>Sidenote: Imām Zufar (رحمه الله) says he will owe 3000 as he cannot retract his initial admission of debt</p>
<p>إذا قال لغير المدخول بها: "أنت طالق واحدة لا بل ثنتين"</p> <p><i>If one says to his unconsummated wife: "You are divorced once, no rather twice"</i></p>	<p>Ruling: Only one divorce applies because the first statement is جملة إنشائية so it can't be corrected, therefore the first divorce applies and the next two are inapplicable</p> <p>Sidenote: This is because an unconsummated wife comes out of the Nikāh with only one divorce, if the wife was consummated, then all 3 divorces would apply as you cannot retract the first divorce</p>

لكن

The particle لكن comes to partially negate the previous notion, and inform us of what is correct

When we negate a statement, we might be confused which part of the sentence is being negated and which part isn't, so لكن comes to clarify what is being negated and what is being affirmed

This principle only applies if there is no pause between the sentences, if there is a pause then لكن comes for the purpose of ابتدائية (beginning a new sentence)

<u>Example of a ruling:</u>	<u>Example from Qur'an:</u>
<p>إذا قال لفلان: "علي ألف قرص" فقال فلان: "لا ولكنه غصب"</p> <p><i>If one says to another: "I owe 1000 as debt" then the other says: "No, (it's not debt,) but it is stolen money (that needs to be returned)"</i></p>	<p>وَمَا ظَلَمُونَا وَلَكِنْ كَانُوا أَنفُسَهُمْ يَظْلِمُونَ ﴿٥٧﴾</p> <p><i>The evildoers 'certainly' did not wrong Us, but they did wrong themselves. (2:57)</i></p>
<p>Ruling: The person still owes 1000 as that part of the sentence is not negated, it was only the type of owing that was negated (debt → repaying stolen money)</p>	<p>Explanation:</p> <p>Negative statement before: وَمَا ظَلَمُونَا</p> <p>Affirmed statement that came after: كَانُوا أَنفُسَهُمْ يَظْلِمُونَ</p> <p>If we just take the first statement, then one might think that the evildoers didn't do any wrong at all</p> <p>So the use of لكن here negates any wrongdoing done to Allāh, but also affirms that they still did do wrong (they did wrong to themselves)</p>

أو

The particle أو comes to give options and provide choice

<u>Example of a ruling from Qur'an:</u>
<p>فَكَفَّرتُهُۥٓ إِطْعَامُ عَشْرَةِ مَسْكِينٍ مِّنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ أَوْ كِسْفَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ</p> <p><i>The penalty for a broken oath is to feed ten poor people from what you normally feed your own family, or to clothe them, or to free a slave. (5:89)</i></p>
<p>Ruling: It is permissible to choose any one of these options to pay the Kaffārah and it is also permissible to do more than one of these options to pay the Kaffārah</p>

Sometimes أو can come in the meaning of حتى (unless/until)

<u>Example from Qur'ān:</u>		
لَيْسَ لَكَ مِنَ الْأَمْرِ شَيْءٌ أَوْ يَتُوبَ عَلَيْهِمْ أَوْ يُعَذِّبَهُمْ فَإِنَّهُمْ ظَالِمُونَ ﴿١٢٨﴾		
<p>• <i>Dr. Mustafa Khattab:</i> You "O Prophet" have no say in the matter. It is up to Allāh to turn to them in mercy or punish them, for indeed they are wrongdoers. (3:128)</p>	<p>• <i>Sahih International:</i> Not for you, [O Muḥammad, but for Allāh], is the decision whether He should [cut them down] or forgive them or punish them, for indeed, they are wrongdoers. (3:128)</p>	<p>• <i>Mufti Taqi Usmani:</i> You have no authority in the matter, unless Allāh forgives them or punishes them, as they are unjust. (3:128)</p>
Sidenote: There are different opinions about the meaning of أو in this verse		

حتى

The particle حتى indicates limit, just like إلى

<u>Example of a ruling:</u>	<u>Example from Qur'ān:</u>
<p>إذا قال: "عبدى حر إن لم أضربك حتى يشفع فلان" If one says: "My slave is free if I do not hit you until someone intercedes" In other words: "I'm gonna punch you up until someone comes and saves you. If I stop punching you before that, then I'll set my slave free."</p>	<p>لَا تَقْرُبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ Do not approach prayer while intoxicated until you are aware of what you are saying, ... (4:43)</p>
<p>Ruling: If he stops hitting this person before someone else intercedes, then the slave is set free Sidenote: We take the meaning of repeated hitting as this is an action that can be prolonged (this is explained more on the next page)</p>	<p>Explanation: This verse came before alcohol was completely prohibited</p>

إلى

The particle إلى denotes the end of the limit

Sometimes إلى includes the limit, sometimes it doesn't (this depends on whether the action can be prolonged or not)

<u>Example that excludes the end limit:</u>	<u>Example that includes the end limit:</u>
<p>اشتريت هذا المكان إلى هذا الحائط</p> <p><i>I bought this area up to this wall</i></p>	<p>فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ</p> <p><i>Wash your faces and your hands up to the elbows, ...</i></p> <p>(5:6)</p>
<p>Ruling: This does not include the wall</p> <p>Sidenote: Buying is an action that happens there and then, it is not prolonged, so the limit is not included (the wall)</p>	<p>Ruling: This includes the elbows</p> <p>Sidenote: Washing is an action that can be prolonged, therefore this ruling includes the limit (the elbows)</p>

على

The particle على comes with the meaning of obligation (something that is over you)

Sometimes على comes in the meaning of a condition

<u>Example of obligation:</u>	<u>Example of condition:</u>
<p>لو قال لفلان: "علي ألف"</p> <p><i>If one says: "Upon me is 1000 (i.e. I owe 1000)"</i></p>	<p>... يُبَايِعُكَ عَلَىٰ أَنْ لَا يُشْرِكَنَ بِاللَّهِ شَيْئًا ...</p> <p><i>... pledging allegiance to you on the basis that they will neither commit shirk, ... (60:12)</i></p>
<p>Ruling: Paying back the 1000 is Wājib</p>	<p>Ruling: Here على comes with the meaning of "on the condition" or "on the basis"</p>

في

The particle في comes to contain what is mentioned before it within a ظرف

It can either come for time or place

<u>Example of place:</u>	<u>Example of time:</u>
<p>إذا قال: "إن شمتك في المسجد فكذا (أي أنت طالق)"</p> <p><i>If one says: "If I curse you in the masjid, then you are divorced"</i></p>	<p>(لو قال:) "إن صمت في الشهر فأنت كذا (أي طالق)"</p> <p><i>If one says: "If you fast in the month, you are divorced"</i></p>
<p>Ruling: If the person curses inside the masjid, the divorce takes place even if she is outside the masjid</p> <p>Sidenote: If the action was hitting or wounding etc. (which are فعل متعدي), then both people would need to be inside the masjid for the divorce to take place</p>	<p>Ruling: Even if she fasts for a small period, the divorce will apply</p> <p>If في was not used, then she would have to fast the entire month for the divorce to apply</p>

Sometimes في comes with the meaning of condition

<u>Example of a ruling:</u>
<p>إذا قال: "أنت طالق في دخولك الدار"</p> <p><i>If one says: "You are divorced in your entrance of the house"</i></p>
<p>Ruling: The divorce will take place as soon as she enters the house</p>

ب

The letter ب is used for correlation

It is usually used for transactions and is attached to the price

<u>Example of a ruling:</u>	<u>Example from Qur'an:</u>
<p style="text-align: center;">إذا قال: "بعت منك هذا العبد بكذا من الخنطة"</p> <p><i>If one says: "I sell this slave to you for a bunch of wheat"</i></p>	<p style="text-align: center;">أُولَئِكَ الَّذِينَ اشْتَرُوا الْحَيَاةَ الدُّنْيَا بِالْآخِرَةِ فَلَا يَخَفُ عَنْهُمْ الْعَذَابُ وَلَا هُمْ يُنصَرُونَ ﴿٨٦﴾</p> <p><i>Those are the ones who have bought the life of this world at the cost of the Hereafter. So their punishment will not be reduced, nor will they be helped. (2:86)</i></p>
<p>Ruling: The slave is being sold and the price for the slave is the wheat, hence the ب is attached to the wheat</p>	<p>Explanation: We see here that the ب is attached to الآخرة, because that is the price they paid i.e. They gave up their afterlife for worldly life</p>

وجوه البيان

The different types of clarifying speech (7 types)

بيان تقرير

<u>Definition:</u>	<u>Ruling:</u>
The speech has a clear literal meaning But it could have another possible meaning, so we add بيان تقرير to make the literal meaning 100% certain	This type of clarification is valid if it is stated immediately after the first statement or with a delay
<u>Explanation:</u>	<u>Example:</u>
The precise amount of kg in a Qafiz varies depending on the city If two people live in the same city then one would naturally assume they are talking about their city's Qafiz So adding بيان بقفيز here is an example of بيان تقرير	إذا قال لفلان: "علي قفيز حنطة بقفيز البلد" If one says to another: "I owe 1 Qafiz (serval kg) of wheat, according to the town's Qafiz "

بيان تفسير

<u>Definition:</u>	<u>Ruling:</u>
When we explain something that is unclear	This type of clarification is valid if it is stated immediately after the first statement or with a delay
<u>Explanation:</u>	<u>Example:</u>
First he just said he owed some money Then he clarified how much money he owed	قال: "علي دراهم" وفسرها بعشرة One says: "I owe (him a few) dirhams" and then he explains that he owes 10

بيان تغيير

<u>Definition:</u>	<u>Ruling:</u>
<p>When the clarification changes the initial speech</p> <p>There are 2 ways to do this:</p> <ul style="list-style-type: none"> - with a condition - with an exception 	<p>This type of clarification is valid if it is stated immediately after the first statement, but it is invalid with a delay</p>
<u>Explanation:</u>	<u>Example of condition:</u>
<p>Ḥanafīyyah: If they get married, the divorce will apply</p> <p>We say that the conditional statement (i.e. the divorce) only applies after the condition (i.e. the marriage) is met</p> <p>Shāfi'īyyah: The sentence is void</p> <p>They say that the conditional statement (i.e. the divorce) applies immediately, however they aren't married so they can't get divorced, therefore the statement is void</p>	<p style="text-align: center;">إذا قال لأجنبية: "إن تزوجتك فأنت طالق"</p> <p><i>If one says to an unrelated woman: "If I marry you, then you are divorced"</i></p>
<u>Explanation 2:</u>	<u>Example of exception:</u>
<p>There are 3 ways of exchanging food:</p> <ul style="list-style-type: none"> - with equal measure/quantity - with unequal measure/quantity - in a way where equality cannot be established <p>Shāfi'īyyah: Only the first one is permissible</p> <p>They view the statement لا يبيعوا الطعام as Wājib (with one exception), therefore the third option is impermissible</p> <p>Ḥanafīyyah: Only the second one is impermissible</p> <p>We say this sentence does not include the third type of exchange, therefore it is permissible</p>	<p style="text-align: center;">لا يبيعوا الطعام إلا سواء بسواء</p> <p><i>Do not sell one type of food for another type of food except in equal quantity</i></p>

بيان ضرورة

<u>Definition:</u>	<u>Ruling:</u>
This is clarification that is embedded within the speech as there is no other explanation	No ruling as this is not spoken
<u>Explanation:</u>	<u>Example:</u>
Therefore his father must get the remaining two-thirds	<p>وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ</p> <p><i>His parents will be the only heirs, then his mother will receive one-third. (4:11)</i></p>

بيان حال

<u>Definition:</u>	<u>Ruling:</u>
When someone's state clarifies something without saying anything	No ruling as this is not spoken
<u>Explanation:</u>	<u>Example:</u>
This is a form of approval, clarifying the actions permissibility. Silence at a time when a statement is required is in itself a statement.	<p>إذا رأى صاحب الشرع أمرًا معاينةً فلم ينه عنه عن ذلك</p> <p><i>Whenever the Prophet (ﷺ) saw a specific act but didn't prohibit it</i></p>

بيان عطف

<u>Definition:</u>	<u>Ruling:</u>
When the connected speech clarifies the previous statement	No ruling as this is natural in speech
<u>Explanation:</u>	<u>Example:</u>
The words مائة وثلاثة أثواب clarify that the word مائة is also referring to cloths So by using بيان عطف (which is مائة وثلاثة أثواب in this sentence), we know that this person owes 103 cloths	لو قال: "مائة وثلاثة أثواب" If one says: "(I owe) 100 and 3 cloths "

بيان تبديل

<u>Definition:</u>	<u>Ruling:</u>
This is abrogation	Only Allāh can do this
<u>Explanation:</u>	<u>Example:</u>
It is impermissible to retract these	الرجوع عن الإقرار والطلاق والعتاق Retracting confessions, divorce, and the freeing of slaves

السنة

There are 3 categories of Ḥadīth/Khabr Wāḥid:

متواتر		
Definition: Mass transmitted i.e. a large group passed it down to another large group and they passed it down to another large group etc.	Ruling: Must be acted upon, refutation is Kufr	Example: Amount paid for Zakāh

مشهور		
Definition: Transmitted through small groups of 3-10	Ruling: Must be acted upon, refutation is Bid'ah	Example: Stoning of adulterers

آحاد		
Definition: At some stage in the chain of narration, it was only transmitted by one person	Ruling: Wājib to act upon with conditions	Conditions: 1) Muslim 2) Pious 3) Strong memory 4) Sound intellect

Types of narrators

1) Those known for their 'Ilm and Ijtihād (excellent knowledge and ability to derive rulings)		
The likes of: Abū Bakr (رضي الله عنه), 'Umar (رضي الله عنه), etc.	Ruling: Must be acted upon without using Qiyās	Example: Laughing aloud in Ṣalāh Even though Qiyās tells us that it shouldn't break Wuḍū', the narration says it breaks Wuḍū' (so we follow that)

2) <i>Those known for their memory and piety</i>		
The likes of: Abū Hurayrah (رضي الله عنه), Anas bin Mālik (رضي الله عنه), etc.	Ruling: Must be acted upon if it is in line with Qiyās, otherwise Qiyās will be followed	Example: Abū Hurayrah (رضي الله عنه) said that you should do Wuḍū' if you use anything that is touched by fire (e.g. cooked meat). Ibn 'Abbās (رضي الله عنهما) then asked about doing Wuḍū' with heated water (to refute his deduction). Abū Hurayrah (رضي الله عنه) did not say anything after this as he had no answer. (Therefore Qiyās is given preference over his statement)

A Ḥadīth is followed as long as it doesn't contradict these 3 things:

<i>The Qur'ān</i>	The Ḥadīth of a marriage being void without the permission of a Walī contradicts the Qur'ān which necessitates that the Nikāḥ is valid without the permission of a Walī
<i>The well-known Sunnah</i>	The Ḥadīth of the Prophet (ﷺ) passing a verdict with only one witness (who took the oath in place of the other person) contradicts the more well-known Ḥadīth which states that the accuser must bring a witness/evidence and the defendant must take the oath
<i>The apparent (what is known)</i>	If a woman is told that her husband has passed away she is allowed to remarry. But if she knows that her husband is still alive then this is apparent, and it contradicts the خبر واحد so she is not allowed to remarry.

الإجماع

Ijmā' has 4 types

<p>(١) إجماع الصحابة على حكم الحادثة نصا</p> <p>1) All the Ṣaḥābah agreed on a particular ruling</p> <p>This is on the level of an Āyah from the Qur'ān and rejecting it is Kufr.</p>	<p>(٢) إجماع الصحابة بنص البعض وسكوت الباقيين عن الرد</p> <p>2) Consensus of the Ṣaḥābah but some of them remind silent regarding the particular ruling</p> <p>This is on the level of Mutawātir.</p>
<p>(٣) إجماع من بعدهم فيما لم يوجد فيه قول السلف</p> <p>3) Consensus of the Tabi'in</p> <p>This is on the level of Mash'hoor.</p>	<p>(٤) الإجماع على أحد أقوال السلف</p> <p>4) Consensus of later scholars</p> <p>This is on the level of Ḥadīth from Khabr Wāḥid.</p>

There are 2 categories of Ijmā'

مركب	غير مركب
<p>When the ruling is one, but the 'Illah (reasoning) is different.</p>	<p>When there is agreement in the 'Illah (reasoning), i.e. normal Ijmā'</p>
<p>Example:</p> <p>Ruling - Wuḍū' breaks</p> <p>Ḥanafīyyah - due to vomiting a mouthful</p> <p>Shāfi'īyyah - due to touching a woman</p>	<p>Example:</p> <p>Marrying your grandma is Ḥarām due to honour and respect</p>

Who is Ijmā' accepted from?

- Experts of Fiqh
- Experts of Ijtihād

Who is Ijmā' not accepted from?

- General people (عوام)
- Theologians (متكلمين)
- Scholars of Ḥadīth (محدثين)

عدم القائل بالفصل

Type	إذا كان منشأ الخلاف في الفصلين واحدا	إذا كان منشأ الخلاف مختلفا
Definition	When two different rulings are based on the same reasoning and no scholar has ever said that they should be treated differently. One ruling can be used as proof for the other. This means that if all scholars agree on ruling A and ruling B is based on the same reasoning as ruling A, then ruling B is also accepted.	When the reasoning between two rulings is different, then you can't join them, and it will be rejected because the reason is different.
Principle	Something being Ḥarām doesn't stop its law/outcome from happening.	Due to the differences in reasoning between 2 rulings, they cannot be joint.
Example	Fasting on Eid is Ḥarām. But if someone makes an oath to fast on Eid, then the Ḥukm of fasting is not broken.	The reason why Wuḍū' is broken by vomiting is that impurity leaves the body. And the reason why touching a female will break Wuḍū' is because of touching the opposite gender. The reason between the above two is different, the same ruling cannot be applied

Following one's own Judgment

Ruling	This is only permissible when there is no alternative evidence.	
Examples	If a traveller has two bottles of water and he doesn't know which one is pure and which one is impure, then he should do Tayammum as he cannot decide which one is the pure bottle.	If someone has two cloths and he doesn't know which one is pure and which one is impure, then he will use his judgement and pray in whichever cloth he believes is pure.

Once a judgement has been made and the action has taken place, the judgement cannot be changed.

Example: It's impermissible to pray in one cloth that one thinks is pure for Zuhur and then change to another cloth that he thinks was the actual pure one for 'Asr.

القياس

Qiyās is when we form a ruling that is not found in the text, that is based on a ruling that is found in the text. For example:

أصل Alcohol is prohibited	فرع Drugs
علة It intoxicates	حكم Drugs also intoxicates therefore it is prohibited

The 5 conditions of Qiyās

1 - Doesn't contradict the text	
Example: Ḥasan bin Ziyād was asked about laughing in Ṣalāh. The questioner said that falsely accusing someone of Zinā is a bigger sin than laughing in Ṣalāh. Then he asked how can laughing in Ṣalāh break Wuḍū', but falsely accusing someone of Zinā doesn't.	Ruling: This Qiyās is invalid as there is a Ḥadīth which mentions repeating Wuḍū' after laughing in Ṣalāh.

2 - Does not change a ruling from the text	
Example: Saying that intention is required for Wuḍū' because it is required for Tayammum.	Ruling: This Qiyās is invalid because we will be changing the verse of the Qur'an from Muṭlaq (no extra clauses) to Muqayyad (extra clauses).

3 - Does not go against reasoning

<p>Example: Saying that Wuḍū' with date juice is permissible, so Wuḍū' with other juices is also permissible.</p>	<p>Ruling: This Qiyās is invalid because the permissibility of doing Wuḍū' with date juice goes beyond human reasoning (we do not know why this rule applies) therefore we can't do Qiyās with it as it goes against human reasoning.</p>
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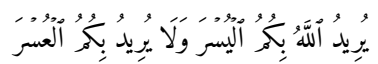
4 - Based on legal ruling and not linguistics

<p>Example: Saying that half fermented grape is wine because it intoxicates the mind. Therefore anything that intoxicates the mind is also wine.</p>	<p>Ruling: This Qiyās is invalid because we cannot just call all things that intoxicate wine.</p>
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5 - Ruling cannot already be found in the text

<p>Example: Saying that freeing a non-believing slave is impermissible for the Kaffārah of Zihār and Yamīn using Qiyās on the Kaffārah of killing.</p>	<p>Ruling: This Qiyās is invalid because the Kaffārah of Zihār and Yamīn is mentioned in the Qur'ān already, so we can't just use Qiyās to make up another ruling.</p>
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The 3 sources of finding the **علة**

<p>الكتاب (القرآن)</p>	
<p>Ruling: During travel, one does not have to fast. The علة for this ruling is the ease and well-being of that person.</p>	<p>Example:  <i>Allāh intends ease for you, not hardship. (2:185)</i></p>

السنة	
<p>Ruling: Sleeping whilst lying down breaks Wuḍū'. The علة for this ruling is the relaxing of the limbs.</p>	<p>Example: في قوله (ﷺ): "إنما الوضوء على من نام مضطجعا فإنه إذا نام مضطجعا استرخت مفاصله" <i>The Prophet (ﷺ) said: "Wuḍū' is only for the one who sleeps lying flat, for if he slept flat, his limbs relaxed."</i></p>

الإجماع	
<p>Ruling: If the علة is childhood, then the same ruling applies to girls as well.</p>	<p>Example: Childhood is the علة for the guardianship of the father over a minor boy.</p>

The 3 types of Qiyās

نفس النوع		
<p>Definition: Exact same ruling with the same علة</p>	<p>Example: Childhood is the علة in the authority over the marriage of a boy.</p>	<p>Ruling: Same علة is found for girls, so the same ruling applies.</p>

من جنسه		
<p>Definition: Similar ruling to the original</p>	<p>Example: Childhood is the علة for the father to have authority over the finances of a girl. Therefore, the father has a right over her status too with this علة.</p>	<p>Ruling: This is invalid Qiyās.</p>

العلة مستنبطة		
Definition: The علة is derived through reasoning and deduction.	Example: Using a thought as an علة.	Ruling: This is invalid Qiyās.

Summary:

العلة مستنبطة	من جنسه	نفس النوع
Invalid ❌	Invalid ❌	Valid ✅

The 8 ways of objecting Qiyās

الممانعة

1 - Direct refutation

This has 2 types:

منع الوصف Refusing the علة	
Qiyās: Imām al-Shāfi'ī (رحمه الله) says that Ṣadaqat-ul-Fiṭr is Wājib due to the علة. The علة is the period of fasting coming to an end. (This is why they say that even if the person dies, he still has to pay that debt)	Objection: Ḥanafīyah say that the علة is presence (being alive) at the time when fasting ends. But we do not reject the fact that it is Wājib.

منع الحكم

Refusing the ruling

<p>Qiyās: Shāfi'yyah say that Mashḥ (wiping) is a fundamental act in Wuḍū' so wiping the head 3 times is Sunnah.</p>	<p>Objection: We say that the “3 times” is not what is Sunnah. Prolonging the act is Sunnah. When washing the limbs there is no extra area to wash, so the only way to prolong this act is to repeat it. But with wiping the head, we can prolong this action by increasing the area—by wiping the entire head. And for Ḥanafiyyah, this is the Sunnah.</p>
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القول بموجب العلة

2 - Accepting the **علة** but not the outcome

<p>Qiyās: Imām Zufar (رحمه الله) says that the elbows are not included in Wuḍū'. The علة for this is because the elbows are the limit.</p>	<p>Objection: The majority opinion of Ḥanafiyyah is that whilst this علة is correct, the ruling is not accepted. We say that the elbows are included.</p>
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القلب

3 - Reversal

This has 2 types:

To take the علة as the ruling	
<p>Qiyās: Shāfi'yyah say that Ribā in small quantities is Ḥarām. And their علة for this is Ribā in large quantities is Ḥarām.</p>	<p>Objection: Ḥanafiyyah say that Ribā in large quantities is Ḥarām. And our علة for this is that Ribā in small quantities is Ḥarām.</p>

To take the علة as the opposite of the ruling	
<p>Qiyās: Shāfi'yyah say that the fasts of Ramaḍān require specification (need to make intention in the night to fast that day). Their علة for this is that these fasts are Farḍ fasts.</p>	<p>Objection: We say that since they are Farḍ fasts, specification is not needed, as the Sharī'ah has specified the days for us.</p>

العكس

4 - Contradiction

<p>Qiyās: Shāfi'yyah say that paying Zakāt on jewellery for women is not Wājib. Their علة for this is that it is like clothing.</p>	<p>Objection: We reject this Qiyās by saying that if jewellery is like clothing, then Zakāt on it should not be Wājib for men either.</p>
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فساد الوضع

5 - The **علة** does not suit the ruling

<p>Qiyās: Shāfi'yyah says that if there's two non-Muslims and one of them accepts Islam, then this invalidates the Nikāḥ. They make the علة for the invalidation of Nikāḥ the acceptance of Islam.</p>	<p>Objection: We say that the acceptance of Islam cannot be the علة for invalidating a marriage, as Islam protects ownerships and secures rights.</p>
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الفرق

6 - Difference

There is a difference in the أصل (original ruling) and فرع (derived ruling).

Please refer back to the 2nd and 3rd types of [The 3 types of Qiyās](#).

النقض

7 - Disapproval of the علة

Qiyās: Shāfi'iyah say that Wuḍū' requires intention. Their علة is that it is a means of attaining purity just like Tayammum.	Objection: We reject this Qiyās by saying that washing clothes and utensils is also a means of attaining purity which does require intention.
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المعارضة

8 - Counteraction (Counter argument)

Qiyās: Shāfi'iyah say doing Maṣḥ 3 times is Sunnah.	Objection: We counter that Qiyās by saying that it is not Sunnah to do Maṣḥ of leather socks 3 times.
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The سبب

سبب

The means

How we do an action

علة

The reasoning

Why we do an action

Example Scenario: Using a rope to attain a bucket of water

The سبب here would be **the rope**.

The علة here would be **in order to get water**.

When the سبب and علة come together, the ruling will be attached to the علة. But if we cannot attach it to the علة, then we will attach it to the سبب.

Example 1: Someone hands a knife to a child and the child kills himself with it.	Means: The سبب is giving the knife to the child.	Reasoning: The علة (for death) is the child using the knife.	Ruling: The ruling is attached to the علة, and therefore the child is responsible for his own death.
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Example 2: Someone hands a knife to a child, then the knife falls and injures the child.	Means: The سبب is giving the knife to the child.	Reasoning: The علة (for injury) is the knife falling.	Ruling: We cannot attach the ruling to the علة as the knife cannot be responsible, therefore we attach the ruling to the سبب. So in this case, the man is responsible for injuring the child.
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Sometimes the سبب comes in the meaning of the علة.

Example: Someone brings his animal and his animal damages something.	Means: The سبب is him bringing the animal.	Reasoning: The علة (for damage) is the animal's actions.	Ruling: The سبب comes in the meaning of the علة as the person controls the animal. Therefore, the ruling is attached to the سبب.
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Sometimes the سبب comes in place of the علة because the علة is difficult to comprehend.

Example: Deep sleep takes the place of invalidating Wuḍū'.	Means: The سبب is deep sleep.	Reasoning: The علة (for the invalidation of Wuḍū') is actually passing wind.	Ruling: We don't know if we pass wind or not, therefore we attach the ruling to the سبب instead.
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Sometimes things other than the سبب are called the سبب metaphorically.

Example: Vows are said to be the سبب for Kaffārah. But vows do not lead to Kaffārah so we cannot call it a سبب. (Kaffārah is only necessary when the vow is broken)

الأحكام الشرعية تتعلق بأسبابها

<p>Principle: Rulings in Sharī'ah depend on certain enablers (asbāb). Once a سبب is present, the related ruling becomes necessary.</p>	<p>Example: For Salah (Prayer), the سبب is time (الوقت). Once the time for Salah enters, the obligation begins.</p>
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There are two ways this ruling applies:

1. Transferring the سبب through time segments:

- If the prayer wasn't performed in the beginning of its time, it continues to the next segment until the end.
- The ruling depends on the person's condition (e.g., child becomes adult, disbeliever becomes Muslim, or someone becomes pure after bleeding).
- It also depends on the quality of the time (e.g., whether the time is suitable for valid Salah or disliked/Makruh).

2. To make every moment the سبب without transferring

Additional examples include: the سبب for Sawm is entering Ramadhan, and the سبب for zakat is having the Nisaab.

الموانع

Imam Abu Zayd (رحمه الله): The 4 Types of Legal Preventatives

1 - Stops the cause from even starting	
<p>Definition: The reason behind a ruling never begins.</p>	<p>Example: Trying to sell something unlawful like dead animals – it's blocked from the start.</p>

2 - The cause begins, but is stopped before it's completed

Definition:

Something interrupts the process partway through.

Example:

Owning wealth for zakah but losing it before the full year ends.

3 - Prevents the ruling from coming into effect

Definition:

Even if the cause is complete, the ruling doesn't apply.

Example:

Both witnesses are present, but one refuses to testify — so the ruling can't be issued.

4 - The ruling starts, but doesn't stay in place

Definition:

The ruling begins but is cut off shortly after.

Example:

A contract that gets cancelled early.

Two Views on Legal Preventatives (موانع)

View 1:

Those who believe a ruling doesn't automatically follow the **علة** divide preventatives into 4 types:

1. Stops the **علة** from starting
2. Stops the **علة** from completing
3. Prevents the ruling from starting
4. Prevents the ruling from lasting

View 2:

Those who believe a ruling always follows the **علة** reduce them to 3 types:

1. Stops the **علة** from starting
2. Stops the **علة** from completing
3. Prevents the ruling from lasting

Types of Rulings in Worship

1. Farḍ

2. Wājib

3. Sunnah

4. Nafl

العزيمة والرخصة

1. 'Azīmah (العزيمة):

Definition: A firm and original ruling in Shari'ah that is binding unless a valid excuse exists.

It is the default ruling we must follow unless Allāh grants a concession.

In simple terms: Following the full command without any excuse.

Example: Fasting in Ramaḍān without any valid excuse.

2. Rukḥṣah (الرخصة):

Definition: An easing or relaxation of a Shari'ah ruling due to hardship, necessity, or excuse.

It allows a person to deviate from the original ruling temporarily, due to difficulty.

TWO TYPES OF RUKḤṢAH:

Type 1:

The act is allowed, but remains sinful in origin.

Meaning, you're allowed to do it under pressure, but it doesn't become fully halal.

Ruling:

- You are rewarded if you avoid it.
- You are not sinful if you do it (due to coercion).

Example:

Saying words of disbelief under extreme pressure, to save one's life.

Type 2:

The act becomes fully halal for you

The status of the act changes — it is now permissible.

Ruling:

You are sinful if you refuse it and die.

Example:

Drinking wine to survive

الاجتهاد بلا دليل

Rulings Without Evidence

You can't reject a ruling just because a certain cause (علة) is missing — that's not valid proof.

Example: Vomiting doesn't break Wuḍū' – wrong reason: it's not about the passage, but impurity leaving the body.

Ruling Based on a Previous State (الاستصحاب)

Main idea: We assume things stay the same unless we have clear proof they changed. This principle is used for protection, not to enforce harm or new obligations.

Example: If someone made Wuḍū', we assume they still have Wuḍū' – even if time passes – unless there is clear proof they broke it (e.g. using the toilet).