

JURISPRUDENCE (FIQH)

A Hanafi Fiqh

"The *faqih* is the one who is frugal in this world, desirous of the Hereafter, a person who has insight into his religion, who is constant in the worship of his Lord, who keeps himself well away from [violating] the characters of and property Muslims, and who is an advisor to them." [Hasan al-Basri]

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Overview of Fiqh

JURISPRUDENCE (*FIQH*)

Definitions

Shari` ah - Those doctrinal, practical and dispositional regulations which Allah has legislated through one of His Messengers.

Fiqh - The science of extraction of practical religious regulations from their detailed sources.

Fiqh is the practical implementation of shari` ah through its human understanding.

Differences between the Islamic Shari` ah and Man-Made Systems of Law

1. Divine origin vs. Human origin.
2. Consequences in this world and the Hereafter vs. This world only.
3. Development of personal accountability to Allah vs. Mere loyalty to the law
4. Absolute criteria providing for the benefit of creatures vs. Popular opinion which may or may not be beneficial.

Foundations of the Islamic Shari` ah

1. Consideration of the welfare of the servants, both in this world and the Hereafter.
2. Connection of regulations to their rationales, and persistence of the regulations in the presence and absence of the rationales.
3. Gradual, progressive legislation.
4. Preclusion of hardship.
5. Establishment of justice.

Categories of Actions

Fard

- Fard `Ayn
- Fard Kifayah

(Wajib)

Sunnah

Sunnah Mu'akkadah

Mustahabb

Mubah

Makruh (Tanzihi)

(Makruh Tahrimi)

Haram

Branches of Fiqh

Worship (ʿIbadat)

Purification	Salah	Zakah
Fasting	Hajj	Jihad

Financial Transactions

Trade	Interest	Advance-Purchase	Manufacturing
Leasing & Hiring	Collaterals	Partnerships	Commissioning
Debts	Gifts	Endowments	Lost & Found
Deposits	Agriculture	Hoarding	

Personal Relations

Marriage	Divorce	Custody
Support	Inheritance	Manumittance

Penal Code

Murder	Theft	Adultery	Slander
Highway Robbery	Drinking	Oaths & Expiations	Judgment
Testimony	Coercion		

Sources of Fiqh

Primary Sources

Qur'an

Sunnah

Secondary Sources

Consensus (*Ijma`*)

Analogy (*Qiyas*)

Evolution of Fiqh

Fiqh at the time of the Prophet (may Allah bless him and grant him peace).

Fiqh in the time of the Sahabah.

The four Imams and their schools.

Imam Abu Hanifah an-Nu`man ibn Thabit al-Kufi, (80-150 A.H.).

Imam Abu `Abdillah Malik ibn Anas al-Yahsubi, (93-179 A.H.)

Imam Abu `Abdillah Muhammad ibn Idris al-Shafi`i, (150-204 A.H.)

Imam Abu `Abdillah Ahmad ibn Muhammad ibn Hanbal al-Shaybani, (164-241 A.H.)

Agree on ~ 75% of material.

Necessity of following scholars

[The Methodology of Acquiring Knowledge.](#)

[Taqlid.](#)

Mukhtasar al-Quduri



Mukhtasar al-Quduri

Introduction (by the translator)

Worship (Ibadat)

Purity	Salah	Zakah
Fasting	Hajj	Jihad

Personal Relations and Issues

Marriage	Divorce	Custody
Support	Inheritance	Manumittance
Food and Drink		

Financial Transactions

Trade	Interest	Advance-Purchase	Manufacturing
Leasing & Hiring	Collaterals	Partnerships	Commissioning
Debts	Gifts	Endowments	Lost & Found
Deposits	Agriculture	Hoarding	

Penal Law

Murder	Theft	Adultery	Slander
Highway Robbery	Drinking	Oaths & Expiations	Judgment
Testimony	Coercion		

Mukhtasar al-Quduri - Introduction

Mukhtasar al-Quduri

- 🌐 [Brief Biography of Imam al-Quduri](#)
- 🌐 [An Introduction to *Al-Mukhtasar*](#)
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Brief Biography of Imam al-Quduri

He is Abu'l-Hasan Ahmad ibn Muhammad ibn Ahmad ibn Ja`far ibn Hamdan al-Quduri al-Baghdadi, the Hanafi jurist, born 362 AH. Al-Quduri is an ascription to the selling of pots (qudur).

Abu'l-Hasan al-Quduri took his knowledge of fiqh from Abu `Abdillah Muhammad ibn al-Jurjani, from Abu Bakr al-Razi, from Abu'l-Hasan al-Karkhi, from Abu Sa`id al-Barda`i from `Ali al-Daqqaq, from Abu Sahl Musa ibn Nasr al-Razi, from Muhammad ibn al-Hasan al-Shaybani, from Abu Hanifah, from Hammad ibn Abi Sulayman, from Ibrahim al-Nakha`i, from `Alqamah, from `Abdullah ibn Mas`ud (may Allah be pleased with him) from the Prophet (may Allah bless him and his Household and grant them all peace).

Al-Quduri was one of the *ashab al-tarjih* (jurists who weighed and analyzed the strengths of differing verdicts in the *madhhab*). The leadership of the Hanafis in `Iraq came to rest with him, and his renown rose. His mention recurs in the well-known Hanafi books *al-Hidayah* and *al-Khulasah*. He died on 15th Rajab 428 AH in Baghdad, and was buried in his home, but was later transported and buried beside Abu Bakr al-Khawarizmi, another Hanafi jurist.

He authored: *al-Mukhtasar*, the fiqh summary bearing his name. *Sharh Mukhtasar al-Karkhi*, *al-Tajrid*, in seven volumes, encompassing the disagreed issues between the Hanafis and Shafi`is. *al-Taqrib*, also in issues of disagreement, a summary which he compiled for his son, and other works.

An Introduction to *Al-Mukhtasar*

Perhaps al-Quduri's most famous work, *Al-Mukhtasar* is also known as *al-Kitab*. The number of issues it addresses is 12,500, spanning the entire spectrum of fiqh, for the book covers not only matters of worship, but also business transactions, personal relations and penal and judicial matters. Abu `Ali al-Shashi said about the book, "Whoever memorizes this book is the best accomplished of our associates in memorization, and whoever understands it is the best accomplished of our associates in understanding."

As is common with fiqh summary texts (*mutun*, singular : *matn*), the book generally does not make a point of providing evidences and derivations of the regulations. The bases and reasonings behind the verdicts presented can be pursued in more advanced books of the madhhab, and also require some knowledge of *usul al-fiqh*. The traditional method of learning is for young people to first study (and often memorize) a basic *matn*, then later go back and study each issue in more detail, and/or along with the evidences.

It is related that when al-Quduri wrote this book, he carried it with him to the Ka`bah, and hung it from its curtains. He asked Allah the Exalted to bless him in it, and this prayer was apparently fulfilled. The book is recognized and respected as a reliable book of the school, and has had various commentaries written on it. Along with Muhammad ibn al-Hasan's *Al-Jami` al-Saghir*, it formed the nucleus of al-Marghinani's widely-renowned *Al-Hidayah* - which itself was commentated on by numerous scholars, among the more famous of them Hafiz Badr al-Din al-`Ayni (the author of the commentary on al-Bukhari ` *Umdat al-Qari*) in *Al-Binayah*, and Hafiz Kamal al-Din Ibn al-Humam in *Fath al-Qadir*. It has been said that Hafiz Ibn Taymiyyah, the Hanbali scholar, used *Al-Mukhtasar* as his primary reference for the Hanafi school's positions. Upto this day, the book enjoys a wide acclaim, still forming a part of the teaching curriculum in many traditional *madaris*, and with prominent and accomplished contemporary scholars continuing to recommend and approve it as a teaching text.

Advice of Caution

Despite the undisputed respectability of *Al-Mukhtasar*, we should bear in mind that perfection belongs only to Allah. While the book is, on the whole, free from serious blunders, the author in some places will present a verdict which may not be the soundest position on the issue under examination. In some such places, I have inserted the more authentic view within brackets or braces, while in others I have left al-Quduri's text unchanged. Al-Quduri often mentions differing views on an issue, and in these cases, it should be borne in mind that the mere fact that a scholar has given a particular verdict does not mean it may be legitimately followed. Sometimes, even a reputed scholar may have made a mistake, or not been in possession of all the evidence. Hence, wherever al-

Quduri presents more than one view on a matter, further investigation is needed to determine which is the authentic or more authentic view -- which is to be followed. Another point to be borne in mind is that al-Quduri generally does not distinguish between unrestricted permissibility and validity (but with an accompanying sin), and similarly between impermissibility and that prohibition which invalidates the deed in question, and between desirability and obligation.

In view of the preceding points, the translation presented on this web-site is not meant to be a final authority; but is intended merely as a quick-reference resource. As for studying from and verifying its content, this is best done through studying the text with a qualified and dependable scholar, and/or referring to one of the reputable commentaries such as `Abd al-Ghaniyy al-Ghunaymi's *Al-Lubab fi Sharh al-Kitab*, as well as to other dependable books of the madhhab. Such studying is also essential to ensure one does not misunderstand any of the text.

Finally, it should be noted that I have often re-arranged Quduri's text -- sometimes liberally -- in order to fit into the particular logical / intuitive framework that I feel comfortable with. I have also added many sub-headings which the author himself did not have, my aim again being to present the information in an easily-digestible form.

[NOTE : Some of the above information (especially the biographical notes) has been taken from the preface to the edition of *Mukhtasar al-Quduri* edited by Shaykh Kamil Muhammad Muhammad `Uwaydah, Dar al-Kutub al-`Ilmiyyah, Beirut, 1997/1417.]