

Topic: History and Importance of Quran.

Sub Topic: Sources of Islamic Law

Q (a) Briefly describe the four main sources of legal thinking in Islam. [10]

Structure of Answer			
Para 1 (Quran)	Para 2 (Quran & Hadith)	Para 3 (Quran & Ijma)	Para 4 (Quran & Qiyas)
<ul style="list-style-type: none"> ▪ Definition. ▪ Authority in Islamic Law. 📖 Ref: [04:59] 	<ul style="list-style-type: none"> ▪ Definition. ▪ Functions. 📖 Ref: [04:80] ▪ Examples. 	<ul style="list-style-type: none"> ▪ Definition. ▪ Ref: Hadith. ▪ 2 Examples. 	<ul style="list-style-type: none"> ▪ Definition. ▪ Elements. ▪ Examples.

Answer
<ul style="list-style-type: none"> ▪ Quran is word of God revealed to Holy Prophet Muhammad (PBUH). ▪ It is authority in Islamic law as it can establish laws independently without any assistance from other 3 sources and other sources can never question or contradict Holy Quran. ▪ Quran lays the foundation of legal rulings and other 3 sources build structure on that building. This highlights that how important Quran's role is in legal structure of Islam. This example explains one more thing that laws established by Quran only, will be very few. Same as foundation remains hidden but plays vital role in sustainability of building. ▪ It inspires and works jointly with other 3 sources to form legal structure of Islam. 📖 Ref: "O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger..." [04:59] ▪ This verse proves that Quran (word of Allah) is first and final authority in legal thinking.
<ul style="list-style-type: none"> ▪ Hadith are quotations, actions and silent approvals of Holy Prophet Muhammad (PBUH). As he was sent as the living example of Quranic teachings and inspiration for humanity, therefore, his words, actions and silent approvals play vital role in establishing Islamic laws. ▪ Hadith is the second primary source of law and authority after Holy Quran. 📖 Ref: "He who obeys the Messenger has obeyed Allah..." [04:80] ▪ It never contradicts Quran but it gives description of what Quran states in brief. Allah did this to make Quran precise and short to be understood and memorized, which is why Quran has just 6666 verses and detailed elaboration and explanation is found in Hadith. ▪ Examples: Quran Just states a brief order about Prayer: 📖 "And establish prayer..." [02:43] ▪ Then Hadith describes the number of Prayers, Number of Rak'ats, Conditions and other pattern. Prophet (PBUH) says: 📖 "Offer Prayer as you see me offering it" ▪ Another example is of Almsgiving (Zakat): 📖 "...and give Zakat..." [02:43] ▪ Quran states a brief order and just mentions recipients while Hadith clarifies other things such as duration, ratio and Nisab (eligibility criteria). ▪ Hadith is taken as final authority when Quran is silent about any matter. ▪ Example: can be given from daily lives of Muslims where hundreds of issues are not addressed directly in Quran so the guidance provided by the Hadith becomes major and final authority.
<ul style="list-style-type: none"> ▪ Ijma (Consensus) is third source of Islamic law and it refers to "Consensus of Companions, successors

and scholars about issues where primary sources are silent or unclear”

📖 Ref: Prophet Muhammad (PBUH) said: “My community will never agree upon an error”

- As it is clear from the definition that it is applicable after the demise of Holy Prophet (PBUH).
- It also works under the supervision and inspiration of Quran to answer those questions that are unanswered by primary sources.
- **Example:** When issue of compilation of Quran in a single booklet arose, there were no clear instructions about compiling it or not in Quran or Hadith; even Abu Bakr (RA) opposed this idea at first as it was not done/ordered by Prophet (PBUH). But later when being persuaded by Umar (RA) and other companions he asked for companions’ opinion and it was decided by a major consensus that Quran should be compiled in booklet form.
- **Another example:** Quran states that father will get his share from inheritance if son dies. This is proved by this verse:
📖 “Prescribed for you when death approaches [any] one of you if he leaves wealth [is that he should make] a bequest for the parents and near relatives...” [02:180]
- But this verse was silent about grandfather so scholars made a consensus that if father is also not there, inheritance will be transferred to grandfather.
- Consensus should never contradict the basic teachings of Quran and Hadith.

- Qiyas (Analogy) is application of a clear ruling to a new issue about which Quran and Hadith are silent or unclear. Qiyas does not require consensus which is why there is no need of a group or collective opinion, individual opinions of Jurists (Legal Scholars) will be acknowledged.

📖 When Maaz bin Jabal was appointed the governor of Yemen, Prophet (PBUH) asked some questions to check his vision regarding solution of legal matters and other problems. He mentioned Quran and Hadith, Prophet (PBUH) then asked: “What if you do not find it there?” Maaz replied: “I will then use my own logic”. Prophet (PBUH) got so happy and approved his stance.

- But Qiyas does not mean uncontrolled and free use of own logic and human intellect but it needs to be supervised by primary sources. Therefore, it has some elements that are used in the process of Ijtihad.
- **Asl** (Original Issue) The verse of Quran or Sunnah/Hadith of Prophet (PBUH) from where original ruling is taken.
- **Far’a** (New Issue) The new problem which is not clearly mentioned in Quran and Sunnah.
- **Illah** (Reason) The Common reason between Asl and Far’a.
- After using all these 3 elements the result that is produced in shape of new ruling is called:
- **Hukm** (New order).
- **Example:**
 - ✓ Asl: Alcohol is Haram according to Quran.
 - ✓ Far’a: What would be the status of Cocaine and other new drugs?
 - ✓ Illah: Being intoxicant and affecting consciousness. (common in both Asl and Far’a)
 - ✓ Hukm: Cocaine and other new drugs will also be Haram.
- **Another Example:**
 - ✓ Asl: Selling something is not permissible after Friday Azan according to verse 62:09 of Holy Quran.
 - ✓ Far’a: what would be the ruling about buying stuff in the same period of time?
 - ✓ Illah: remaining busy in trade (buying and selling both) may lead to missing Friday Prayer.
 - ✓ Hukm: Buying transactions will also be prohibited.
- Ruling given by Analogy (Qiyas) has to be synced with the basic teachings of Quran and Hadith.

