

Part Three: The Sources of Islamic Law

Chapter 1: Identifying the sources of Shari'ah

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1. What are the Sources of Islamic Law?

- **Definition:** Principal proofs of the Shari'ah and Islamic law in which an *indication* is found to help deduce a practical rule (Hukm).

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى
الْأَمْرِ مِنْكُمْ فَإِن تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن
كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

59: **Muhsin Khan:** O you who believe! Obey Allah and obey the Messenger (Muhammad SAW), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allah and His Messenger (SAW), if you believe in Allah and in the Last Day. That is better and more suitable for final determination. [Surah An-Nisaa, 4:59]

- The indications are found within the text (Dalalatul Al-Fadh). This is what a Mujtahid searches for.
- Those in charge of affairs are classified as:
 - Al-Umara – Political leaders
 - Al-'Ulama – Religious leaders, such as muftis and imams
 - The best way to reconcile between them is through cooperation based on the Sunnah, an example of which was when the Prophet *sal'Allaahu 'alayhi wasallam* allied with the Ansar for political support under his religious leadership
 - If a person is qualified, however, he can be both an 'Alim and an Ameer
- **Sources about which there is unanimous agreement**
 - Qur'an and Sunnah
- **Sources which there is general agreement (Jumhoor)**

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- Ijmaa' (Consensus) and Qiyas (Analogical reasoning).
- **Sources about which there is general disagreement**
 - Statement of the Sahaba
 - Urf (Custom)
 - Istihsaan (Juristic Preference)
 - Maslaha Mursala (Consideration of Public Welfare)
 - Istishaab (Presumption of Continuity)
 - Sadd Al-Dharaa'i (Blocking the Means)
 - Shar'u Man Qablanaa (Laws revealed prior to the advent to Islam)

Adillah Shar'iyyah

- The sources of law are also called Adillah Shar'iyyah (Legal Evidences or Proofs)
 - Usually discussed when someone asks for dalil (singular of Adillah).
- It is important to mention that all the sources of Islamic Law obtain their authority from the Qur'an as the main source of law.

2. Dividing Adillah Shar'iyyah

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- *Concerning their source:*
 - **Adillah Naqliyyah** (Transmitted proofs):
 - Transmitted proof with a strong chain of trustworthy narrators. No rational justification is required in its favor.
 - For Example: The Qur'an, Sunnah, Ijmaa' and statements of the sahaba
 - Zakah does not need to be rationalized, since it is in the Qur'an, but we can rationalize to explain the wisdom behind it.
 - **Adillah Aqliyyah** (Rational Proofs):
 - A proof which was founded through reason and requires rational justification.
 - For example, Qiyas, Istishaab, & Sadd Al-Dharaa'i
 - When discussing drug use, we can rationalize its haram nature since it isn't explicitly said in the Qur'an and Sunnah. We can compare it to alcohol which is haram according to Surah Al-Maaidah.

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- We are given a right to demand justification for a Hukm that was derived through rationale
- *Concerning their authority:*
 - **Adillah Mustaqillah** (Independent Proof):
 - A proof that is classified as an independent evidence *Asl* is a proof of its own right.
 - Solely the Qur'an, Sunnah & Ijmaa' (Ijmaa' should be in this category according to the majority of the scholars)
 - **Adillah Muqayyadah** (Dependent Proofs):
 - A proof that is classified as dependent evidence is to say that its authority is derived from one of the three independent proofs.
 - Qiyas (Analogy)
 - Drugs are haraam, because of their likeness to alcohol (which is prohibited in the Qur'an)
- *Concerning the power they contain:*
 - **Qaati'** (Definitive):
 - It indicates clear injunctions of the proof in respect to its transmission and meaning. Like the Qur'an.
 - Example: "Establish Salah"
 - **Dhanni'** (Speculative):
 - It indicates speculative clearance of the proof in its transmission or meaning, or both.
 - An example of a speculative transmission is of a solitary report (or hadith Ahaad). Such a hadith could have had any number of narrators or reporters, but every chain of transmission has the same person in it. That single person could be in any generation, whether the sahaba's or the tabi'een's.
 - *Side note:* If every chain has one of two people, it is considered "hadith 'Aziz".
 - If every chain contained one of three to nine people, it is called "Hadith Mashhoor".
 - If every chain has one of ten or more people, is considered "Hadith Mutawattir" and is considered impossible to have been fabricated.
 - The Qur'an was transmitted in a Mutawattir manner.

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- An example of a speculative meaning is the word Qur' in the Qur'an (Surah Al-Baqarah, 2:228) in respect to the waiting period of a divorcee, it can be interpreted as blood or purity.
- The Qur'an, in some cases can be considered dhanni with respect to its meaning, but is always Qaati' with respect to its transmission, and therefore its authority can never be undermined

Chapter 2: Sources about which there is Unanimous Agreement: The Qur'an

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- **Definition:**
 - The speech of Allah revealed to the Prophet in Arabic (thereby excluding the Bible, Torah, the translation of the Qur'an, etc) over the course of his Prophethood to prove his prophecy.
 - It is inimitable (miraculous in every sense of the word), its recitation considered an act of worship. It was transmitted to us by continuous testimony (Tawaatur).
 - It is preserved in writing in the order of the Mus'haaf, which starts with Surah Al-Fatiha & ends with Surah An-Naas.
- **Qur'an vs. Hadith Qudsi:**
 - Hadith Qudsi (sacred hadith) is another form of the speech of the Messenger of Allah *sal'Allaahu 'alayhi wasallam* in which he narrates a concept directly from Allah. It is not a Qur'an and therefore its authenticity is subject to scrutiny just like any other hadith.
 - On the authority of Abu Hurayrah *radi'Allaahu 'anhu* who said that the Messenger of Allah *sal'Allaahu 'alayhi wasallam* said, "Allah (glorified and exalted be he) said "I am so self-sufficient that I am in no need of having an associate. Thus, he who does an action for someone else's sake as well as Mine will have that action renounced by Me to him whom he associated with Me"." [Muslim]

Authority of the Qur'an

1. It is the actual speech of the Creator, and therefore is free from errors and human deficiency.

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a.

وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ كَلِمَةَ اللَّهِ ثُمَّ
أَبْلِغْهُ مَأْمَنَهُ وَذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ ﴿٦﴾

6: **Muhsin Khan:** And if anyone of the Mushrikun (polytheists, idolaters, pagans, disbelievers in the Oneness of Allah) seeks your protection then grant him protection, so that he may hear the Word of Allah (the Quran), and then escort him to where he can be secure, that is because they are men who know not. [Surah At-Tawbah, 9:6]

2. The Lord guaranteed the preservation of the Qur'an, and therefore it remains in its original form since the stage of revelation.

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ ﴿٩﴾

a.

9: **Muhsin Khan:** Verily We: It is We Who have sent down the Dhikr (i.e. the Quran) and surely, We will guard it (from corruption) [Surah Al-Hijr, 15:9]

- i. The word "Dhikr" in this ayah is translated as remembrance the majority of the time. The more correct translation is the Qur'an for this situation.

3. The Qur'an with no doubt was transmitted to us in a continuous testimony (Tawaatur) which makes it Qaati' (definitive) in its constancy and leaves no room for speculation about its authenticity.

4. The Qur'an was revealed to rule by and judge according to its ruling.

إِنَّا أَنْزَلْنَاهَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ
بِمَا أَرَادَكَ اللَّهُ وَلَا تَكُنْ لِلْخَائِبِينَ خَصِيمًا ﴿١٠٥﴾

a.

105: **Muhsin Khan:** Surely, We have sent down to you (O Muhammad SAW) the Book (this Quran) in truth that you might judge between men by that which Allah has shown you (i.e. has taught you through

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Divine Inspiration), so be not a pleader for the treacherous. [Surah An-Nisaa', 4:105]

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ
بِالْأَنْفِ وَالْأُذُنَ بِالْأُذُنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصٌ فَمَن تَصَدَّقَ
بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَن لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ
الظَّالِمُونَ ﴿٤٥﴾

b.

45: **Muhsin Khan:** And We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it shall be for him an expiation. **And whosoever does not judge by that which Allah has revealed, such are the Zalimun (polytheists and wrongdoers - of a lesser degree).** [Surah Al-Maidah, 5:45]

Language of the Qur'an

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- What is the language of the Qur'an?
 - The Qur'an explicitly states that all of it is communicated in pure Arabic.
 - PROOF:

وَلَقَدْ نَعَلْمُ أَنَّهُمْ يَقُولُونَ إِنَّمَا يُعَلِّمُهُ بَشَرٌ لِّسَانُ الَّذِي يُلْحِدُونَ إِلَيْهِ
أَعْجَمِيٌّ وَهَذَا لِسَانٌ عَرَبِيٌّ مُّبِينٌ ﴿١٠٣﴾

103: **Muhsin Khan:** And indeed We know that they (polytheists and pagans) say: "It is only a human being who teaches him (Muhammad SAW)." The tongue of the man they refer to is foreign, while this (the Quran) is a clear Arabic tongue. [Surah An-Nahl, 16:103]

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- The Qur'an has some foreign words in it like Ibrahim, but the Qur'an did not use any word until it was in the language already.
- *What is the dialect of the Qur'an?*
 - The Arabic spoken in the Qur'an is the language of Quraysh, the tribe of the Messenger of Allah.
 - PROOF:

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا بِلِسَانِ قَوْمِهِ لِيُبَيِّنَ لَهُمْ فَيُضِلُّ اللَّهُ مَنْ يَشَاءُ
وَيَهْدِي مَنْ يَشَاءُ وَهُوَ الْعَزِيزُ الْحَكِيمُ ﴿٤﴾

4: Muhsin Khan: *And We sent not a Messenger except with the language of his people, in order that he might make (the Message) clear for them. Then Allah misleads whom He wills and guides whom He wills. And He is the All-Mighty, the All-Wise [Surah Ibrahim, 14:4]*

- The Qur'an came down in different dialects, but Uthman *radhiallahu anhu* only preserved just the one dialect.
- *What is the Harf (dialect) in respect to the Qur'an?*
 - It is one of the seven instances of variant readings in different Arabic dialects. Words in different dialects were often read with different vowelings or declensions that affected the grammatical position and sometimes also the meaning of the text.
 - PROOF: *On the authority of Ubayy Ibn Kaa'b, the Messenger of Allah sal'Allaahu 'alayhi wasallam said: "The Qur'an was revealed in seven 'Harfs' dialects." [Ahmad and Tirmidhi]*
 - EXAMPLE: The word "aydiyahuma" (their hands) in *Surat Ma'idah [5:38]* on the punishment of theft. Ibn Mas'ood read the word to be "aymanahuma" (their right hands).
- *What is the authority of the Harf (dialect)?*
 - Hanafis
 - It is speculative evidence in the interpretation of the Qur'an.
 - Malakis and Shafi'ees
 - It is rejected altogether.

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- *What is Qiraa'ah "a recitation" in respect to the Qur'an?*
 - It is an accent in the Arabic language found in one particular Harf in which the Qur'an is pronounced based on the manners of speech the different Arab tribes had spoken.
 - There are seven different recitations for the Quraysh Harf such as Hafs on the authority of 'Aasim and Warsh on the authority of Naafi.
 - For example, the word 'yafsil' in *Surah Mumtahinah [60:3]* is read by:
 - Hafs as "yafsilu" making the meaning "He will judge between you"
 - Warsh as "yufsilu" making the meaning "it will be judged between you"
- *What is the authority of different Qiraa'at 'recitation'?*
 - Qiraa'at are considered an authentic Qur'an if they meet three conditions of validity:
 - The Qiraa'ah should have an authentic chain of narration in which the chain of narrators was continuous (Mutawaatir).
 - The variations in Qiraa'at should match known Arabic grammatical constructions.
 - The Qiraa'ah should coincide with the script of one of the copies of the Qur'an distributed during the era of the third caliph 'Uthman *radhiallahu anhu*.
- *Translations*
 - The meaning of the Qur'an found in languages other than Arabic is called 'translations'. A translation doesn't have the legal authority of the Qur'an.
 - According to Ibn Taymiyyah, there are three types of translations:
 - Word for word, keeping the original order of the words. [Most scholars say this is impossible and therefore impermissible]
 - Explanation of the meaning
 - Explanation of the meaning and examples to prove its truthfulness.
 - According to Ibn Uthameen *rahimallahu anhu*, the explanation of the meaning (Tarjum Al-Ma'naweeyah) is permissible, especially for da'wah purposes, but cannot replace an actual Qur'an. The person translating must:
 - Include the Arabic within the translation
 - Be a trustworthy Muslim in terms of character and religious behavior
 - Understand Arabic and the language they are translating the Qur'an into
 - Know the language of the Shari'ah to understand what the Qur'an is referring to in certain passages

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- Tafsir (commentary) is a form of interpretation that is subject to debate, all based on the sources utilized to reach a particular commentary for a particular text.

Ayaat Al-Ahkam (Legal Verses)

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- What are they?
 - An ayah is classified as one of the legal verses if it contains a Hukm (ruling), even if this occurs in a non-legal context.

يَأْتِيهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلَّقْتُمُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا
الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تَخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا
أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُّبِينَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ
فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا



1: **Muhsin Khan:** O Prophet (SAW)! When you divorce women, divorce them at their 'Iddah (prescribed periods), and count (accurately) their 'Iddah (periods). And fear Allah your Lord (O Muslims), and turn them not out of their (husband's) homes, nor shall they (themselves) leave, except in case they are guilty of some open illegal sexual intercourse. And those are the set limits of Allah. And whosoever transgresses the set limits of Allah, then indeed he has wronged himself. You (the one who divorces his wife) know not, it may be that Allah will afterward bring some new thing to pass (i.e. to return her back to you if that was the first or second divorce). [Surah Talaq, 65:1]

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وَإِذْ جَعَلْنَا الْبَيْتَ مَثَابَةً لِّلنَّاسِ وَأَمْنًا وَاتَّخِذُوا مِن مَّقَامِ إِبْرَاهِيمَ مُصَلًّى
وَعَهْدًا إِلَىٰ إِبْرَاهِيمَ وَإِسْمَاعِيلَ أَن طَهِّرَا بَيْتِيَ لِلطَّائِفِينَ وَالْقَائِمِينَ
وَالرُّكَّعِ السُّجُودِ ﴿١٢٥﴾

125: **Muhsin Khan:** And (remember) when We made the House (the Ka'bah at Makkah) a place of resort for mankind and a place of safety. And take you (people) the Maqam (place) of Ibrahim (Abraham) [or the stone on which Ibrahim (Abraham) stood while he was building the Ka'bah] as a place of prayer (for some of your prayers, e.g. two Rak'at after the Tawaf of the Ka'bah at Makkah), and We commanded Ibrahim (Abraham) and Isma'il (Ishmael) that they should purify My House (the Ka'bah at Makkah) for those who are circumambulating it, or staying (I'tikaf), or bowing or prostrating themselves (there, in prayer). [Surah al-Baqarah, 2:125]

- This gives a legal hukm to take Ibrahim's station as a place of prayer even though the verdict was within a story (a non-legal context).

- Total number of Legal Verses?

According to Imam Abu Bakr Mohammad Al-Arabi Al-Maliki (534 H.) they are identified to be over eight hundred, whether they occur in a legal or non-legal context.

Types of Ayaat Al-Ahkam

- First
 - Ahkam I'tiqaadiyyah: those which relate to belief.

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وَقَدْ نَزَّلَ عَلَيْكُمْ فِي الْكِتَابِ أَنْ إِذَا سَمِعْتُمْ آيَاتِ اللَّهِ يُكْفَرُ بِهَا
وَيُسْتَهْزَأُ بِهَا فَلَا تَتَّعِدُوا مَعَهُمْ حَتَّىٰ يَخُوضُوا فِي حَدِيثٍ غَيْرِهِمْ إِنَّكُمْ
إِذَا مِثْلُهُمْ إِنَّ اللَّهَ جَامِعُ الْمُنَافِقِينَ وَالْكَافِرِينَ فِي جَهَنَّمَ جَمِيعًا



140: **Muhsin Khan:** And it has already been revealed to you in the Book (this Quran) that when you hear the Verses of Allah being denied and mocked at, then sit not with them, until they engage in a talk other than that; (but if you stayed with them) certainly in that case you would be like them. Surely, Allah will collect the hypocrites and disbelievers all together in Hell, [Surah An-Nisa, 4:140]

- Second

- Ahkaam Akhlaaqiyyah: those which relate to morality.

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا يَسْخَرُونَ قَوْمًا مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ
وَلَا نِسَاءً مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا
تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَن لَّمْ يَتُبْ فَأُولَٰئِكَ

هُمُ الظَّالِمُونَ ﴿١١﴾

11: **Muhsin Khan:** O you who believe! Let not a group scoff at another group, it may be that the latter are better than the former; nor let (some) women scoff at other women, it may be that the latter are better than the former, nor defame one another, nor insult one another by nicknames. How bad is it, to insult one's brother after having Faith [i.e. to call your Muslim brother (a faithful believer) as: "O sinner", or "O wicked", etc.].

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And whosoever does not repent, then such are indeed Zalimun (wrong-doers, etc.). [Surah al-Hujuraat, 49:11]

- Third

- Ahkaam Amaliyyah: those related to practical legal rulings.
- Types

Can check these out through Google to find items from the Qur'an.

- **Ibadaat (Devotional Acts):** Those pertaining to ritual acts in dealing with the Creator such as salah.
 - "And establish salah" [Surah Al-Baqarah, 2:43]
- **Mu'amalaat (Non-Devotional Acts):** Those pertaining to dealing with other (the creation) such as sales.
 - "And Allah has permitted trade and forbidden usury" [Surah Al-Baqarah, 2:275]
- Al-Ahkam Al- Amaliyyah both in Ibadaat and Mu'amalaat can be identified as the *corpus juris* of the Qur'an i.e. the body of the practical law in the Qur'an

Makki & Madani

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- Definition
 - The Qur'an revealed in the two distinct periods of the Prophet's *sal'Allaahu 'alayhi wasallam* mission in Makkah and Madinah.
- *What is its importance to the legislative process?*
 - It gives an insight into the context and circumstances in which the ayaat were revealed.
 - It gives an understanding to the incident of Naskh (abrogation).
 - It facilitates a better understanding of the characteristic features of the Quranic legislation.
- *Differences between them:*
 - According to different opinions, Surahs (or even ayat) are classified into 'Makki and Madani according to the place they were revealed, the time at which they were revealed, or the people to whom the ayat were being addressed ("O you who Believe" being Madani and "O Mankind" being Makki). For the purpose of this class, we will go according to the time at which they were revealed.

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- Makki
 - The part of the Qur'an which was revealed prior to the Prophet's *sal'Allaahu 'alayhi wasallam* migration to Madinah, regardless of the locality in which it was received.
- Madani
 - The part of the Qur'an which was revealed after the Prophet's *sal'Allaahu 'alayhi wasallam* migration to Madinah, regardless of the locality in which it was received.
- *General Content*
 - Makki
 - Basic principles of law and guidelines of religion.
 - Most of the rules were of the Aamm (general) and later on were qualified.

قُلْ لِلَّذِينَ آمَنُوا يَغْفِرُوا لِلَّذِينَ لَا يَرْجُونَ أَيَّامَ

اللَّهِ لِيَجْزِيَ قَوْمًا بِمَا كَانُوا يَكْسِبُونَ ﴿١٤﴾

- - 14: Muhsin Khan: Say (O Muhammad SAW) to the believers to forgive those who (harm them and) hope not for the Days of Allah (i.e. His Recompense), that He may recompense people according to what they have earned (i.e. to punish these disbelievers, who harm the believers). [Surah al-Jaathiya, 45:14]*
 - The style of these verses are more forceful, fitting those who rejected Allah's book entirely, and with shorter ayat
 - There is nothing about Jihad or hypocrisy in these ayat (neither occurred until after the migration)
- Madani
 - Elaboration on the Makki part of the Qur'an and supplementing its basic guidelines.
 - It is comprised of legal rules and regulates the various aspects of life.

Part Three: The Sources of Islamic Law

أُذِنَ لِلَّذِينَ يُقْتَلُونَ بِأَنَّهُمْ ظَلَمُوا وَإِنَّ اللَّهَ عَلَىٰ نَصْرِهِمْ لَقَدِيرٌ ﴿٣٩﴾

- 39: **Muhsin Khan:** Permission to fight is given to those (i.e. believers against disbelievers), who are fighting them, (and) because they (believers) have been wronged, and surely, Allah is Able to give them (believers) [Surah Hajj, 22:39]
- The verses are more gentle in style fitting the Muslims who had already believed
- The distinction between Makki and Madani parts of the Qur'an is based on the information that is provided mainly by the companions and the following generation. The Prophet *sal'Allahu 'alayhi wasallam* himself never said anything on the subject.

Characteristics of Quranic Legislation

Binder page 44

1. Brevity and Details (Al-Ijmalu Wattafseel)

a. What is the largest part of the Qur'an?

- i. The larger part of the Qur'an consists of general principles, and in certain areas, the Qur'an provides specific details. It is all comprehensive in that context.

1.

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ وَلَا طَائِرٍ يَطِيرُ بِجَنَاحَيْهِ إِلَّا أُمَمٌ أَمْثَالُكُمْ مَا

فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ ثُمَّ إِلَىٰ رَبِّهِمْ يُحْشَرُونَ ﴿٣٨﴾

38: **Muhsin Khan:** There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book, then unto their Lord they (all) shall be gathered. [Surah al-An'aam, 6:38]

Part Three: The Sources of Islamic Law

هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا ثُمَّ اسْتَوَىٰ إِلَى السَّمَاءِ

فَسَوَّاهُنَّ سَبْعَ سَمَاوَاتٍ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ ﴿٢٩﴾

2.

29: **Muhsin Khan:** He it is Who created for you all that is on earth. Then He Istawa (rose over) towards the heaven and made them seven heavens and He is the All-Knower of everything. [Surah al-Baqarah, 2:29]

b. How was the brevity of the Qur'an detailed?

i. Most of the brevity of the Qur'an is explained and elaborated by the Sunnah which shows the importance of the Sunnah as we cannot follow many of the laws of the Qur'an without it.

ii. .

بِالْبَيِّنَاتِ وَالزُّبُرِ وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ

وَلَعَلَّهُمْ يَتَفَكَّرُونَ ﴿٤٤﴾

44: **Muhsin Khan:** With clear signs and Books (We sent the Messengers). And We have also sent down unto you (O Muhammad SAW) the reminder and the advice (the Quran), that you may explain clearly to men what is sent down to them, and that they may give thought. [Surah an-Nahl, 16:44]

iii. The order of zakat is given in the Qur'an, but the details on how to fulfill this commandment are provided by the sunnah.

c. What areas of the Qur'an are detailed?

i. The Qur'an is specific and detailed on matters that are deemed unchangeable i.e. devotional matters ('Ibadaat).

Part Three: The Sources of Islamic Law

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ فَإِنْ كُنَّ نِسَاءً
فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ
لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ
لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِلْمِثْلِ ثُلُثٌ إِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْأُمَّه
السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ
أَيُّهُمْ أَقْرَبُ لَكُمْ نَفَعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ أَلَّهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾

1. **11: Muhsin Khan:** Allah commands you as regards your children's (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, **(these fixed shares) are ordained by Allah.** And Allah is Ever All-Knower, All-Wise. [Surah an-Nisaa', 4:11]
2. Inheritance, bequeathing and accepting, are both considered devotional acts because Allah told us we must inherit.
3. The Qur'an is very detailed when it comes to money (because, as Sheikh Yaser said, we would eat each other alive if definite laws were not set down), when it comes to divorce and fasting (among others).

Part Three: The Sources of Islamic Law

d. What areas of the Qur'an are briefed?

- i. In matters that are liable to change i.e. civil transactions (Mu'aamalaat) the Qur'an is briefed and merely lays down general guidelines.

1. .

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَخَبَّطُهُ الشَّيْطَانُ
مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ
وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ مَوْعِظَةٌ مِّن رَّبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ
إِلَى اللَّهِ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ ﴿٢٧٥﴾

275: **Muhsin Khan:** Those who eat Riba (usury) will not stand (on the Day of Resurrection) except like the standing of a person beaten by Shaitan (Satan) leading him to insanity. That is because they say: "Trading is only like Riba (usury)," whereas **Allah has permitted trading and forbidden Riba (usury)**. So whosoever receives an admonition from his Lord and stops eating Riba (usury) shall not be punished for the past; his case is for Allah (to judge); but whoever returns [to Riba (usury)], such are the dwellers of the Fire - they will abide therein [Surah al-Baqarah, 2:275]

2. This is from the mercy of Allah to keep certain things brief. This way it will help in keeping things flexible.

ii. Note

1. The Qur'an warns against the regulation of everything by the express terms of divine revelation, as this is likely to lead to rigidity and cumbersome restrictions.
2. A ruling of the Qur'an may be conveyed in a text which is unequivocal and clear (Qaati'), and that is a definitive text. Or in a language that is opened to different interpretations (Dhanni, speculative).

Part Three: The Sources of Islamic Law

3. .

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِن تُبَدَ لَكُمْ تَسْأَلُكُمْ وَإِن
تَسْأَلُوا عَنْهَا حِينَ يُنَزَّلَ الْقُرْءَانُ تُبَدَ لَكُمْ عَفَا اللَّهُ عَنْهَا وَاللَّهُ غَفُورٌ

حَلِيمٌ

101: Muhsin Khan: O you who believe! Ask not about things which, if made plain to you, may cause you trouble. But if you ask about them while the Quran is being revealed, they will be made plain to you. Allah has forgiven that, and Allah is OftForgiving, Most Forbearing. [Surah al-Maidah, 5:101]

- a. This ayah is only for during the time of the Prophet *sal'Allaahu 'alayhi wasallam* when the ayahs are coming down. Not for today where we have to make sure what is haram and halal.
- b. The sahaba loved when travelers came to Madinah because they were "allowed" to ask the Prophet *sal'Allaahu 'alayhi wasallam* questions.
- c. This cannot be taken to stay ignorant. We need to make sure that the actions we do are within the bounds of Islam.