



INTRODUCTION TO USOOLUSH SHAASHI

THE FIRST TEXTBOOK
ON THE SCIENCE OF PRINCIPLES IN HANAFI
JURISPRUDENCE
TAUGHT IN THE DARUL ULOOMS



Introduction to Usoolush Shaashi

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
رَبِّ يَسِّرْ وَلَا تُعَسِّرْ وَقَمِّ بِالْخَيْرِ وَبِكَ نَسْتَعِينُ يَا فَتَّاحُ
اللَّهُمَّ صَلِّ عَلَى مُحَمَّدٍ وَآلِهِ وَأَصْحَابِهِ أَجْمَعِينَ

Preamble

We firstly commence with *Bismillah and Du'aa*, the standard practice of our *Asaatizah* (teachers) when commencing a *Kitaab*.

The *Du'aa* is for Allah Ta'ala to make the study, understanding and application of the *Kitaab* easy upon us.

Du'aa is the foremost strategy a Muslim should adopt in any Deeni or necessary mundane endeavour. Everything, every act and the consequence of every act, are in the Hands of Allah Ta'ala. Nothing in this universe moves without the Will of Allah Ta'ala. Our first gaze should be at Him and our first petition should be to Him. Once we have sincerely and fervently petitioned Allah Ta'ala to guide us in our work and grant us success in our endeavour, which is in this instance the study, understanding and application of this *Kitaab* and this science known as *Usool-e-Fiqah*, we can then diligently and hopefully engage in our task. So, *Du'aa* enjoys first precedence.

The System of Study

After, and in fact contiguous to sincere and fervent Du'aa, we have to resort to the means of acquiring our objective/s. In this case, which is to study this Kitaab, we have to know our Arabic grammar, our *Nahw and Sarf*; our *Gardaans* (tables of inflections) and *Tarkeeb*s (analysis of sentences) to understand the *Ibaaraat* or texts of the Kitaab. We have to refer to the Arabic to Urdu and Urdu to English dictionaries.

The trend nowadays is to refer to Hans Wehr Arabic to English dictionary, but I strongly advise you to refer to *Misbaahul Lughaat* so that you become acquainted with the translation into Urdu. Secondly, *Misbaahul Lughaat* is a dictionary par excellence. It is a highly authoritative lexicon of the Arabic to Urdu conversion. As a backup, you may refer to Hans Wehr.

You will have to compulsorily make regular *Mutaala'ah* or pre-study to understand the *Sabaq* beforehand as much as you can. Insha Allah, I shall elaborate on *Mutaala'ah* tomorrow.

وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Mutaala'ah

Mutaala'ah is from *Baab Mufa'alah*. Words coming from this *Baab* signify joint action primarily, i.e., the action emanating from the subject and the object. However, here this peculiarity is null, as the object is the Kitaab, whence the *Fel* or verb cannot be fathomed.

Let us explain this more simply. *Baab Mufaa'alah* stems from the *Mujarrad Baabs*. The stem of the word is طَلَعَ from *Baab Nasara*

Yansuru; Tala'a Yatlu'u Tuloo'an: which means: نکلنا – to come out; to emerge, or طلوع ہونا – to rise.

Taking the word to *Baab Mufaa'alah*, the intransitive meaning changes to the transitive case, thus نکلنا becomes نکالنا: to take out; to bring out or مطلع پر ظاہر کرنا: to show on the horizon; to display.

Added to that, the *Khaasiyat* or peculiarity of *mubaalaghah* or hyperbole is applicable. Hyperbole means the exaggeration or amplification of the action. In other words, the word in this *Baab* now shows the action to be intense and profuse. The "taking out" and "displaying" is intense and profuse.

In the context of study, with regard to the literal meaning, **Mutaala'ah** therefore means to intensely and profusely take out the meanings and purport of the text of study.

In other words, you exhaust all meanings in unravelling the purport of the Ibaarat or text.

This was **Mutaala'ah** from the aspect of its literal meaning.

The Sages of Ilm have defined **Mutaala'ah** as:

تَمْيِيزُ الْمَعْلُومِ مِنَ الْمَجْهُولِ

i.e., to differentiate what is known from that which is not known. In other words, you should see what or how much do you know and make a note of what you do not know of the upcoming or following lesson. You should see what you understand and how much do you understand and make a note of what you do not

understand, eagerly and attentively awaiting the explanation proffered by the Ustaad.

This is the secret – albeit an open one – to success in your studies. There has never been a more wonderful prescription offered in academia.

Depriving yourself of **Mutaala'ah** is akin to depriving yourself of food. What is the consequence of not eating? Needless to say, it is self-destruction.

Similarly, and in fact more pertinently and fittingly, depriving oneself of **Mutaala'ah** is self-destruction academically, spiritually, morally and practically.

May Allah Ta'ala save us and have mercy upon us.

وَأَخِرُ دَعْوَانَا أَنْ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Class Attendance

Yesterday, through the *Fadh*l of Allah Ta'ala and the *Barkat* of my Asaatizah, I elaborated on **Mutaala'ah**.

Hopefully, you have grasped fully the purport of **Mutaala'ah**; you have understood the imperative need for **Mutaala'ah** and you have resolved to diligently pursue this path for the betterment of your academic and practical life. **Wa Billaahit Taufeeq.**

We commenced with **Du'aa** and the need for all our endeavours to be preceded by **Du'aa**. In our studies, we supplicate for Allah Ta'ala's help in understanding our work. For this, your system of study comes into focus. The first step was **Mutaala'ah**.

Next, we have regular attendance of lessons with attentive focus on the Ustaad's explanation and discourse. Irregular attendance is another curse and severe handicap in the field of learning. I have heard from my Asaatizah that unwarranted absenteeism of a single day strips the student of forty days of Barkat; **forty days of Barkat!**

Thus, remember well that if you stay away from classes needlessly, or on flimsy grounds, then it is akin to going forty steps back.

Regular attendance on the other hand creates *Barkat upon Barkat*.

It is really simple to understand this. You were travelling to, say, Durban. Now you went from here to Vereeniging. There, you stopped to buy some road snacks from Checkers. Further ahead, you stopped at the Vaal Dam to get a sight of the blue waters and surfing boats.

At each Engen and Shell garage, you delay your journey for an hour or two, enjoying your refreshments and the amenities at these stops.

In this way you travel. What's your opinion? Will such a person reach Durban before sunset? Hardly likely.

Another person again is behind the driver's seat and moving non-stop. He stops nowhere, except of course for the highway robbery "troll" gates.

Nevertheless, he doesn't waste his time anywhere else. Such a person will cover this distance in five to six hours. He may even

make his Zuhr Jamaat in Durban. The road opened up for him due to his continuous travel.

For the other traveller, the road did not open up, and over and over again he had to resume his journey. His journey was in fits and starts.

He was deprived of a quick journey due to his constant breakage and numerous stops.

Similarly, and even more applicable to your position is the case of attendance. Regular and punctual attendance creates the *Barakaat* required for swiftly comprehending the *Asbaaq*. This was one aspect of attendance.

The second is to listen attentively and to create a mind map of the discourse or lecture of the Ustaad. Don't let your mind wander or meander into uncharted waters, lest you drown, or you are attacked by sharks of the ocean in the form of *Shaitaani whispers*.

Focus on what the Ustaad is saying. Make thumb notes, jot down points, references, etc. Be creative and skilful. Ward off lethargy and dullness. Be expressive, intuitive and alert.

This then was a brief discussion on your attitude for class to create the desired aptitude in your Kitaabs. May Allah Ta'ala guide us and accept from us.

وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Takraar

The third corollary in the field of study is what is known as "**Takraar**" or revision of the day's work.

We have a particular mode of **Takraar** in our Madaaris. The students get together after Maghrib Salaat, and in groups one person will repeat and explain the lesson of the particular kitaab as if he is the Ustaad.

This **Takraar** is enjoyable and very stimulating. It trains the student to teach and to respond to questions.

Many students discard their bashfulness and nervousness during **Takraar** by asking a variety of questions. Obviously, this should be related to the Kitaab or studies.

Now, the student who is teaching the Kitaab has to contend with these questions, which were not discussed during the class lesson. His level of understanding is tested. His mind is stimulated. Had he gone solo (i.e., had he done his **Takraar** on his own), these angles would not have come in his view. It is therefore highly encouraged and stressed that **Group-Takraar** be carried out for your Kitaab studies.

Before the **Group-Takraar**, you should make a brief revision of the lesson and recall key points touched on by the Ustaad.

The student who is going to serve the role as the Ustaad will obviously have to upgrade and make a thorough study or research of the lesson.

This was **Takraar** in a nutshell. Tomorrow, or for our next lesson, I shall summarise and point out the beauty and benefit of this programme of study, Insha Allah.

وَالْحَمْدُ لِلَّهِ وَالصَّلَاةُ وَالسَّلَامُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَأَصْحَابِهِ أَجْمَعِينَ

The Summary and Goal of This Course of Study

Alhamdulillah, we have discussed the cardinals of study, viz. **Mutala'ah, Haaziri (attendance) and Takraar**.

Something very useful, and which I exhort students to resort to is to conduct their **Takraar** in not only the language the Sabaq is taught. For example, don't only stick to Urdu, which is the default, or should be the default language, as our course is taught through the Urdu medium.

Exchange languages. You have to, in these times, perfect your understanding and speech in all three languages; Arabic, Urdu and English. One day make **Takraar** in Arabic, the next in Urdu and the third in English. In a week you will then have two days for each of these languages.

Or else, if the **Takraar** consists of three Kitaabs, then one should be conducted in the Arabic language, the second in Urdu and the third in English.

Arabic is the bedrock of this course. So, it is very strange and quite queer that though we are students of Arabic, studying Arabic textbooks; day and night reading Arabic works, yet we cannot speak the language.

Whilst we do not advocate engrossment in Arabic speech and we certainly do not consider it the objective, in fact our **Madaaris' Founding Fathers**, Hazrat Moulana Qaasim Saheb Nanotwi – the founder of Darul Uloom Deoband, the mother of all Madaaris and Darul Ulooms – and Hazrat Moulana Mazhar Saheb Nanotwi – the founder of Mazaahir-e-Uloom Saharanpur, the number two Madrasah and Darul Uloom in India – have expressly stated that

Arabic speech should not be considered the objective of this course.

Abu Jahl was a master of the Arabic language. No one, perhaps, in this day and age can compare to the Arabic literacy skills of Abu Jahl. But, it did not avail him in the least and, quoting Hazrat Moulana Thanwi (Rahmatullahi Alaih), he remained the "*Father of Ignorance*", which in Arabic idiom means: a master or commander of ignorance.

The reason for this is that **Ilm is in actual fact a Noor; a guiding light from Allah Ta'ala. Ilm is not the Arabic language.** Yes, the Arabic language is a medium to acquire the **Ilm** we are talking about.

In any case, Arabic speech provided that it is not taken as the pot of gold, should be practised.

Then, Urdu is indispensable. We require a separate period for this topic. Insha Allah, let us digest what we have heard today and come tomorrow with a healthy appetite for the next serving of these lessons of study.

وَإِخْرُ دَعْوَانَا أَنْ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Urdu – Our Pride

Alhamdulillah, Thumma Alhamdulillah! Allah Tabaaraka Wa Ta'ala has given us the *Taufeeq* to learn and study; He has made us the spiritual sons of the Urdu speaking Ulama of Deoband, who in the past couple of centuries have been **the Standard-Bearers of the Shariat and the Sunnat.**

About a century ago, the king of Iraq made a trip to India and he visited Darul Uloom Deoband. Upon his return to his homeland, he told his Arab brethren, "*If you wish to see the Sahabah today then go to India.*"

And the language of the Ulama of Deoband is Urdu. Like that, Urdu is a Muslim language. It was originally introduced in the Muslim Sultan's army as a *lingua franca* for the Persian speaking, Turkic speaking, Hindi speaking, Arabic speaking, et al personnel.

Our Ulama have used this as their medium to teach in view of the language becoming a national language replacing Faarsi – the Persian language.

As we mentioned in a previous discourse, Deen is not, knowing how to speak Arabic. Deen in its pristine purity was borne in the past two centuries by Urdu-speaking Ulama. We have inherited *Ilm and Deen* from them. Discarding or becoming neglectful of the Urdu language is akin to discarding and becoming neglectful of Deen per se in relation to a Student of a Darul Uloom.

We take our guidance and knowledge from the Urdu-speaking Ulama. Discarding Urdu is nothing short of severing our relationship with Ilm-e-Deen. In particular, the **Moral and Spiritual Code of Islam** stands out glittering in the Teachings of the illustrious Sufi Ulama of Deoband. Thus, to discard and become complacent in mastering the Urdu language is to cut our spiritual link with Rasulullah (Sallallahu Alaihi Wa Sallam).

اَللّٰهُمَّ وَفِّقْنَا وَلَكَ الْحَمْدُ وَلَكَ الشُّكْرُ

The Need for Takraar In English

We are discussing and emphasising **Takraar or Group Revision** of the day's lessons. We also discussed the need to make **Takraar** in Arabic, and in the Urdu language. Today we will conclude our topic under focus and touch on some points pertinent to the need for **Takraar** in proper and eloquent English.

Hazrat Hakeemul Ummat Moulana Ashraf Ali Thanwi (Rahmatullahi Alaih) declared; ***"Let students take upon themselves the responsibility of three things, and I guarantee them Ilm; and such Ilm that highly-educated lawyers and barristers qualifying from top universities in England will not even be able to debate with and silence them. The three things are Mutaala'ah, regular attendance and Takraar."***

These were the words; the emphatic declaration of the *Mujaddid of the past century*.

A **Mujaddid or Reviver** is one whom Allah Ta'ala sends at the turn of each century to revive and rekindle the forgotten teachings of Islam. He awakens sleeping hearts, educates the ignorant, propagates the Haq, disseminates the **Ahkaam of Islam**, revives the spirit of Imaan and, in short, refreshens in the minds of Muslims the glorious epoch of Islam – **the Khairul Quroon** – the age of Rasulullah (Sallallahu Alaihi Wa Sallam), the age of his Sahaabah (Radhiyallahu Anhum) and the age of the students of the Sahaabah, the illustrious Taabi'een.

Hazrat Hakeemul Ummat Moulana Ashraf Ali Thanwi (Rahmatullahi Alaih) practically demonstrated what he pronounced. He was a personification of the words that emanated from his blessed tongue. In this regard, there are many episodes

to read and listen to, that transpired during his noble life, and which confirm fully and emphatically that a student who studies the full course and with rigid observance of the cardinals of its study program, such a student will hold his own and flummox the secular-educated lawyers and barristers.

Let us listen to just one episode of Hazrat Hakeemul Ummat Mujaddidul Millat Thanwi's (Rahmatullahi Alaih) life.

Hazrat Thanwi was just 20 or 21 years of age. He had, a year or so earlier, qualified from the esteemed **Mother of Madaaris, Darul Uloom Deoband** and upon the instruction of his Ustaad, Hazrat Moulana Muhammad Ya'qoob Saheb Nanotwi (Rahmatullahi Alaih) had taken up a teaching post in Kanpur, a city in south Uttar Pradesh.

It was the days of the British Raj or Rule, and the courts were presided by British or British-educated Indian judges and magistrates.

There was an inheritance dispute in a Muslim family which had reached the court and Hazrat Thanwi's name was submitted by the parties to explain the Shar'i position of the issue at hand. At that age – 20 or 21 – and just about a year of teaching in Kanpur, the people of the city were attracted to him very much.

Hazrat mused over answering the court-summons to explain the Shar'i position and decided to go ahead as this matter had prolonged for years and the rightful heirs were being deprived. His summons was merely to explain the Shar'i position of the Masalah.

The day of his testimony came, and he stood before the judge. The first question was straight forward: "What is your name?"

The second question was: "Are you an Aalim (scholar) of your religion?" Hazrat thought to himself: "This is an Englishman, what does he know of our Asian temperament and character? If I say, 'No', he will dismiss my testimony as the papers call for an Aalim of Islam to testify.

And if I say, 'Yes, I am an Aalim', it will be against my nature.

I therefore replied: 'Muslims consider me so'. This response was recorded."

Here, we will adjourn till tomorrow, Insha Allah.

وَالْحَمْدُ لِلَّهِ

The Barkat and Splendour of This Course

So Hazrat Thanwi (Rahmatullahi Alaih) stood in front of the English judge.

The third question the judge posed was: "Do all Muslims accept you?" Hazrat thought to himself: "If I say yes, then the danger in this is that I will be called upon to put down Muslim protests, agitation and unrest when here in Kanpur communal strife is common. I will have to answer to the authorities for Muslim unrest. This is a dangerous situation.

If again, I respond in the negative, that not all the Muslims here accept me, then this will be used by the party against whom the verdict is given to appeal, on the grounds that the witness was not an accepted authority of Islam by them.

I therefore answered that, 'There are two meanings to acceptance. One is obedience. Well in this regard, I can never say that all Muslims obey me. I do not have the weight of the law behind me.

The second meaning of accepting is knowing to be correct and right. In this regard, no Muslim can reject or refute what I say as being against our Divine Law and Teachings.'"

This answer was recorded. Thereafter, Hazrat Thanwi was asked to explain the Shar'i position of the matter before the court.

After the proceedings, when Hazrat Thanwi came out of the courtroom, he met lawyers and barristers of the bar. They were full of praise for Hazrat. "Your response of whether you were an Aalim or not impressed us.", they said.

"And the next question was an extremely delicate one. We were astounded at your response." Hazrat replied smilingly: **"This is the Barkat of our Arabic course at our Madaaris. Students are trained to examine, explore and dissect. Their minds are trained to think up all possibilities and sort out truth from falsehood, correct from erroneous, right from wrong."**

This was just one episode. See how Hazrat silenced the bar.

Allahu Akbar! Allahu Akbar! This is the message from the Madaaris. Study in this manner. In what manner? *Mutaala'ah, punctual attendance and Takraar, and the full course.* Then you will be on your own, with the opposition way behind.

اَلْحَمْدُ لِلّٰهِ ثُمَّ اَلْحَمْدُ لِلّٰهِ

Soul Searching

Alhamdulillah, through the *Fadh*l of Allah Ta'ala, we have outlined and explained the nature of this course of study in the light of the guidance given to us by our seniors. We should now realise the sheer importance of systematically and diligently pursuing this course.

All of you are doing an abridged course; a wholly insufficient course to achieve the goals envisaged or promised by Hazrat Thanwi (Rahmatullahi Alaih).

Firstly, there is not a subject of elementary and intermediary subjects that you are covering comprehensively. For instance, in the subject of *Nahw*, you have studied just one or two or perhaps three Kitaabs at most. Even more astonishing is the fact that some of you have not studied an Arabic Nahw Kitaab, whereas the course set out by our Akaabir and which we studied in our *alma mater* required studying 4 (four) Arabic Nahw Kutub. They are: *Sharah Miata Aamil, Hidaayatun Nahw, Kaafiyah and Sharah Jaami*.

In this subject, *Ilm-e-Usool-Fiqh*, you may only see this Kitaab, *Usoolush Shashi*, whereas it should be followed by the study of *Noorul Anwaar, Musallamuth Thubooth, Hussaami and Tawzeeh Wat Talweeh*.

And similarly, in each and every subject, you are just getting a taste of the subject. You are not having a hearty meal and hence you cannot aspire to build up strength and insight in these subjects.

What you have to do; the option you have is that after studying the one or two Kitaabs of a particular subject in the Madrasah,

complete the study of the subject, that is the kitaabs that have been eliminated from the course, individually or afterwards.

I don't see why you people lack the time. When a person resolves to follow a certain path and supplicates to Allah Ta'ala to open the path for him, then surely Allah Ta'ala's grace envelops the *Taalib and Mujaahid*.

وَالَّذِينَ جَاهَدُوا فِينَا لَنَهْدِيَنَّهُمْ سُبُلَنَا

"Those who struggle and strive in Our Way, verily We guide them to the Paths leading to Us."

So, what you must realise is that you are only laying the foundation. Nevertheless, you do require a solid foundation. So, you need to study this Kitaab and all your elementary Kitaabs thoroughly.

So, whilst you will never be able to rival and defeat our lawyers and attorneys in dispute, what is expected of you is to inculcate the basics and thereafter continue to raise your level of education in those fields.

Similarly, to debate with the bar in our times and country, you need to study the English language in depth. You need to be articulate by conducting the **Takraar** or revision with sophistication.

وَاللَّهُ الْمُؤَفِّقُ وَلَهُ الْحَمْدُ وَالشُّكْرُ أَوَّلًا وَآخِرًا

Impediments in Study

Like that, if you rigidly hold onto the course outlined in our previous discourses, you will be well on your way to success; towards the goal of attaining true **Ilm-e-Deen**. It will be salubrious to mention here some impediments you will find and come across in your path to Ilm.

Shaitaan vowed to cause *Talbees to Makhlooq*. Since he is Iblees, he is a master of *Talbees*. *Talbees* is deception. For the businessman, Shaitaan promises and scares him of loss and failure in business if he doesn't resort to such stratagems which in terms of the Shariah are *Makrooh and Haraam*.

Similarly, the student of Deen is faced with the wiles and deception of Shaitaan to impede his progress and knock him off the road to Ilm. For instance, Shaitaan's favourite scare to students is: "*You are getting old. How long are you going to sit here? You need to support your parents. You need to work for your livelihood. How long must others support you?*"

These are some of the usual nonsensical stray thoughts Shaitaan implants in the students' minds. Your defence is simple:

رَبِّ أَعُوذُ بِكَ مِنْ هَمَزَاتِ الشَّيَاطِينِ وَأَعُوذُ بِكَ رَبِّ أَنْ يَحْضُرُونِ

"O my Rabb! I seek your protection from the prodding of the devils and I seek your protection My Rabb, from them being in my presence."

This is a wonderful Du'aa for protection against Shaitaan, particularly for you as a student. Two aspects of Shaitaan's onslaughts are mentioned here. One is the missiles he launches

against or at your mind. Well, the defence against his TMs (Thought Missiles) is to place a Defence Shield so that his missiles cannot penetrate. That Defence Shield is to constantly engage in Zikrullah, and the Zikrullah of a student of Deen is his Kitaabs – **Mutaala'ah and Takraar of his Kitaabs**. I have heard this on numerous occasions from our Hazrat (Rahmatullahi Alaih). Time and again he would caution us to the artifices of Shaitaan and remind us that our Zikr is the Kutub we are studying. Remember, the time you have now to gain mastery of your Kitaabs, you will never get again in all probability. Therefore, grab this opportunity with both hands. The Hadith Shareef states:

"One who cares for his Aakhirat will in some way or the other harm his Dunya."

In other words, if you strive for the Aakhirat and you strive for the sake of your Deen, you will necessarily have to put up with less comforts, less pleasure, less wealth and joy in this world and pertaining to this world.

الْحَمْدُ لِلَّهِ

The Company of Shayaateen

Yesterday we touched on the impediments of *Wasaawis*. *Wasaawis* is not only in Tahaarat and Salaat, where you are plagued with doubt regarding your Tahaarat and Salaat.

Students are also hit by *Wasaawis* (stray thoughts) throwing them into doubt regarding the future and confusion in general. The remedy for this was Du'aa with sincerity and rigid adherence to your course of study.

The second obstacle placed by Shaitaan is company of devilish students. Devilish does not mean that they necessarily look like monsters or fiends. No, rather, they will knowingly or unknowingly be conniving and cunning. They will draw you away from your studies in degrees. They will pull you slowly but surely into the ocean of deviation and destruction. Shaitaan's throne is in the ocean. They will lead you to the Bermuda Triangle where you will then be the clown and toy of the Shayaateen. In short, evil company is utter ruin for a student of Deen.

So, what should a student of Deen do to save himself from this danger? He should firstly adopt the guidance of Hazrat Moulana Thanwi (Rahmatullahi Alaih). Hazrat Thanwi would instruct students enrolling at his Madrasa not to make friends with other students and not to make enemies with any of them. In both cases, the student's peace of mind is wrecked, and without peace of mind, which is called *Yaksooi*, it is very difficult to concentrate on your studies and excel in your studies.

The sign of a student drifting from his goal is that he starts conversations with his classmates about totally unrelated affairs to the lessons. He starts to speak about his or their family, his hobbies and his personal life. Beware of such students! They are wolves in sheep's clothing. They are Shayaateen masquerading as *Talaba-e-Ilm-e-Deen*. After all, Shaitaan vowed to waylay the Mu'min from **Siraatal Mustaqeem**.

Particularly you, **O Taalib**, you are a wanted man by Shaitaan. He is going to come after you with his tricks and deception to ruin you so that you do not become a guide to mankind.

We beseech Allah Ta'ala's protection from Shaitaan, the accursed and we supplicate unto Allah Jalla Wa A'laa for **Ikhlaas, Talab and Sidq** in our studies.

Our Hazrat (Rahmatullahi Alaih) would qualify a true student with these words, viz. **Taalib-e-Mukhlis Saadiq**. In other words, he should bear these three qualities:

Ikhlaas – Sincerity; learning solely for the pleasure and proximity to Allah.

Talab – Craving and constant search for Ilm.

Sidq – Honesty in his pursuit which is borne out by him exploring all avenues in accomplishing his goal.

These then were a few words which we have heard and read from our Ustaads and seniors. The ground has been cultivated for you. It is left up to you to now plant your seeds and look after your crop. Tomorrow we shall, Insha Allah, commence with the actual Kitaab.

وَأَخِرُ دَعْوَانَا أَنْ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

Usoolush Shaashi and Its Author

Usoolush Shaashi is among the unanimously accepted rudimentary texts on the Principles of Hanafi Fiqh.

Its author was among the eminent Ulama of former times who was averse to ostentation, name and fame. Hence, the author of the kitaab took sincerity, a good intention and benefit to creation as a means for the reward of the Aakhirat and did not write his name on the pages of the kitaab, [that is, he preferred anonymity].

Some have given the name of the author as: Is'haaq Bin Ibraaheem Shaashi Samarqandi who passed away in the year 325Hijri. He was an eminent and righteous Aalim. He passed away in Misr [Egypt].

A more popular view is that the author is: Nizaamud Deen Shaashi. However, nothing is known of the author, besides the attribute of Shaashi, which means he was from Shaash (modern day Tashkent in Uzbekistan).

This kitaab has also been named *Al-Khamseen*. *Khamseen* means: fifty. The reason for the name is said to be that the author was 50 years of age at the time of writing the kitaab.

Some again have said that it took him just 50 days to complete the work, hence the title, *Al-Khamseen*.

Whatever was mentioned here in regard to the author and title has been extracted from the kitaab, *Haalaat-e-Musannifeen*. And Allah Ta'ala knows best.

Bismillah

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Our respected and honourable author, who preferred to remain anonymous, and hence, there is some uncertainty and sharp difference as to who he was, commenced his laudable handbook on the science of Jurisprudential Principles or *Ilm-e-Usool-e Fiqh* with **Bismillah**.

This is in accord with the Glorious Book of Allah, the Qur'aan-e-Kareem as we find IN the *Kitaabullah* Bismillah at the beginning.

Furthermore, every Surah, besides Surah Baraa-ah, starts with the *Tasmiyah*.

Then, the Qur'aan-e-Majeed informs us that Nabi Sulaimaan (Alaihis Salaam) commenced his letter to Bilqees with Bismillah, and our Nabi – Sayyidul Aalam – Rasulullah (Sallallahu Alaihi Wa Sallam) would also commence his letters to the rulers of other territories with **Bismillah**.

Nabi Muhammad Mustafa (Sallallahu Alaihi Wa Sallam) said:

كُلُّ أَمْرٍ ذِي بَالٍ لَا يُبْدَأُ فِيهِ بِبِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ فَهُوَ أَقْطَعُ
وَفِي رِوَايَةٍ فَهُوَ أَكْبَرُ

"Every important act not commenced with Bismillahir Rahmaanir Raheem is shone of Barkat; is incomplete."

This Hadeeth has been reported by Hafiz Abdul Qadir Ar-Rahaawi in *Al-Arba'een*. The reporter of the Hadeeth is Hazrat Abu Hurairah (Radhiyallahu Anhu).

Imaam Khateeb Baghdadi has also reported this Hadeeth with similar words in *Al-Jaami'u Li Akhlaaqir Raawi*.

Our Salafi brethren declare this Hadeeth to be exceptionally weak with the words **Bismillahir Rahmaanir Raheem**. They view the acceptable version to be with **Alhamdulillah** in place of **Bismillahir Rahmaanir Raheem**. (As-Sam'aani in *Al Imlaa* with Khateeb's chain)

The *Hashiyah of Fat-hul Majeed, Sharhu Kitaabit Tawheed* is the basis of the Mustahditheen (the Salafis) of our times declaring this Hadeeth *dhaeefun jiddan* (very weak).

Our response is: "Balderdash!". Whose *sanad* are you commenting on? The Hadeeth is *Mash-hoor*. There is *Talaqqi Bil Qabool* or "Acceptance with open arms" of the Hadeeth by the *Ulama-e-Saabiqeen and Fuqaha-e-Mujtahideen*.

Fuqaha of all the Four Mathaahib accept the Hadeeth and regard the Hadeeth as a *correct mustadal* (basis of contention). The Fuqaha did not look at Khateeb's chain or Rahaawi's chain, the two of whom came centuries after the Mujtahideen Fuqaha.

This is a frequent and oft-repeated blunder by the Salafis. They comment on chains reported by some Ulama centuries after the Fuqaha-e-Mujtahideen had already formulated Ahkaam on the basis of the particular Hadeeth.

The Salafis, wallowing in hubris, wish to dictate to the Fuqaha lessons on Ijtihad. They seek to convey the impression that the illustrious Fuqaha were unaware that a *Dha'eef Hadeeth* is not acceptable for formulating Ahkaam.

The preposterous reason they proffer to abortively refute the *Hadeeth Mustadallaat* (proofs) of the Fuqaha is that so-and-so person narrated the Hadeeth with a weak chain or very weak chain. Whereas Mr so-and-so came centuries after those illustrious Fuqaha.

By the time Mr so-and-so came on the scene, he received the Hadeeth with a flawed chain due to the abundance of imposters and fraudsters after the *Khairul Quroon* epoch. It is thus utterly

ridiculous to use Mr so-and-so's chain to cast aspersions on the Hadeeth which centuries earlier, the Fuqaha had already accepted and formulated Ahkaam from.

Another example of this is the Hadeeth of the *Tasbeeh of the Malaa-ikah*:

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِاللُّحَى وَسُبْحَانَ مَنْ زَيَّنَ النِّسَاءَ بِالذَّوَائِبِ

***"Glory be to that Being who beautified men with beards,
and glory be to that Being who beautified women with
tresses."***

A comprehensive discussion can be found in The Mujlisul Ulama's incredible publication, **"Tresses of Jannat"** Parts One and Two.

If you are serious about studying and gaining Ilm, then you won't forgo studying this Kitaab – **Tresses of Jannat**.

وَالْحَمْدُ لِلَّهِ وَالصَّلَاةُ وَالسَّلَامُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَآلِهِ وَأَصْحَابِهِ أَجْمَعِينَ

Alhamdulillah

أَحْمَدُ لِلَّهِ

After **Bismillah**, which is in accord with the pattern of the Qur'aan, the teachings of the *Ambiya wa Mursaleen* and the way of the *Salafus Saliheen and Musannifeen* as they, too, would commence their writings and compilations with **Bismillahir Rahmanir Raheem**, our esteemed author, Allamah Shaashi, praises Allah Subhaanahu Wa Ta'ala with **"Alhamdulillah"**.

This, too, is in accordance with the Qur'aan-e-Kareem as we can observe that after *Bismillah*, we find *Surah Faatihah*, which commences with “**Alhamdulillah**”.

Then in the Hadeeth, similar to the one narrated about **Bismillah**, Rasulullah (Sallallahu Alaihi Wa Sallam) said:

كُلُّ أَمْرٍ ذِي بَالٍ لَا يُبْدَأُ فِيهِ بِالْحَمْدِ لِلَّهِ أَقْطَعُ

These words are narrated by Ibn Maajah. Imaam Nasaai narrates with the following words in *Amalul Yawm Wal Lailah* and *Sunanul Kubra*.

كُلُّ أَمْرٍ ذِي بَالٍ لَا يُبْدَأُ فِيهِ بِالْحَمْدِ لِلَّهِ فَهُوَ أَقْطَعُ

Similarly, Ibn Hibbaan, Daara Qutni, Imaam Baihaqi, and others, have documented this Hadeeth.

The gist of the Hadeeth is that any important work not commenced with the praises of Allah, is incomplete and lacks Barkat. Likewise, the Salafus Saaliheen's practice was to commence with **Alhamdulillah**.

In any case, we have this Kitaab being commenced in what we can say "textbook" style. In other words, perfectly in harmony with the Kitaabullah, the Sunnah of Rasulullah (Sallallahu Alaihi Wa Sallam) and the Amal or standard practice of the pious predecessors.

Furthermore, logic also dictates that our start should meet the requirements of the three authorities mentioned. Thus, this commencement by Allamah Shaashi (Rahmatullahi Alaih) conforms to the subject matter of *Usool-e-Fiqh* – **the Kitaabullah**,

the Sunnah of Rasulullah (Sallallahu Alaihi Wa Sallam), the consensus of the Ummah and Qiyaas (Analogical Deduction).

The Opening Phrase

The venerable author states in his opening phrase:

اَلْحَمْدُ لِلّٰهِ الَّذِيْ اَعْلٰى مَنَزَلَةَ الْمُؤْمِنِيْنَ بِكَرِيْمٍ خِطَابِهٖ

The Urdu rendition is:

تمام تعریفیں اللہ کے سزاوار ہیں جس نے بلند فرمایا اہل ایمان کے مرتبہ کو

اپنی معزز تقریر کے سبب سے۔

In other words:

"All praises are the prerogative of Allah, Who raised the status of the Mu-mineen (Believers) by virtue of his honourable speech."

Allah Subhaanahu Wa Ta'ala is our Creator. He created us from nothing and made us something. For this we owe Him gratitude. This gratitude has to be fulfilled verbally, bodily, intellectually and monetarily.

Verbal Gratitude is by praising Allah; by glorifying Him, and hence these words of praise: **Alhamdulillah**.

Physical Gratitude is by carrying out His commandments.

Intellectual Gratitude is to understand and recognise Him to be our Creator, Benefactor and Nurturer. Furthermore, to study and

learn. In fact, the former (understanding and recognition) is dependent on the latter (study and education).

Monetary Gratitude is by expending our wealth in the avenues ordered and encouraged by Him.

This is the perfect and complete Hamd (praise) of Allah Jalla Wa Alaa.

Alhamdulillah, thumma Alhamdulillah, the Introduction to Usoolush Shaashi is complete.

وَصَلَّى اللهُ تَعَالَى عَلَى خَيْرِ خَلْقِهِ مُحَمَّدٍ وَعَلَى آلِهِ وَأَصْحَابِهِ أَجْمَعِينَ

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