

Part 3: The Chapters And Titles In Fiqh

As mentioned earlier, the range of topics covered by Fiqh is very wide. It is therefore necessary to briefly acquaint oneself with the chapters and headings of these subjects. The only subjects which are outside the pale of Fiqh are the fundamentals and the Islamic ethics.

It must be noted that the classification of the subjects under Fiqh was first organised by Muhaqqiq Hilli in his famous work 'Shar'ae', and later, 'Shaheed Al-Awwal', glossed over it. He divided the topics into four parts: ibadaat, (acts of worship), uqood (contracts), iqaa'at (pronouncements) ahkam (the laws).

Ibadaat

All those acts which ought to be performed as prescribed in Sharia, and must be preceded by the niyyah of qurbat are known as Ibadaat. e.g. daily prayers, fasting, Hajj etc.

Ahkam

Those duties which are to be discharged according to Sharia, but do not necessarily require any niyyah of qurbat nor do they require any pronouncement of specific formula while performing them are called ahkam. For example, the laws of inheritance, the penal code, the laws of compensation and blood money etc.

Uqood

Those contracts of Sharia which do not require the niyyah of qurbat, but are to be declared with the pronouncement of a formula in which one party declares the intention and another responds by acceptance, are called Aqd (pl. uqood) for example, Marriage (Nikah), Ijarah (letting or leasing), Bay' (buying and selling) etc.

Iqa'aat

Those pronouncements which do not require participation of two parties. In other words, a person pronounces it unilaterally, and the act is considered valid in Sharia. For example, remission of debt (releasing a debtor from his liabilities), divorce, and releasing a slave etc.

Muhaqqiq Hilli has discussed all the four categories under forty eight Chapters. In Ibadaat, he has ten chapters, in Uqood fifteen, in Iqa'aat eleven and in Ahkam twelve. Later, these numbers have had some alterations which we shall notice in the course of our discussion.

In the early era, that is, the first and the second century Hijra, the fuqaha chose one or two topics of Fiqh and wrote about them. They did not venture to write a comprehensive work covering the whole range. As we study their lives, we find that they have authored books on salat, tijarah, nikah and so on. Instead of stating that they have dealt with a particular chapter in Fiqh, they named each separate treatise as kitab. Thus, we come across 'kitbun nikah', 'kitabun ttaharah' and so on.

Let us now examine how Muhaqqiq Hilli divided Ibadaat in ten chapters.

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