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Between Prophetic History and Legal Normativity: Deriving Shari'a Rulings from the Sira through Usul al- Fiqh

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Between Prophetic History and Legal Normativity: Deriving Shari'a Rulings from the Sira through Usul al-Fiqh

Abstract. Islamic literature has always relied heavily on the biography (Sira) of the Holy Prophet (ﷺ). Every facet of his fortunate life has been meticulously documented by both early and later biographers, creating a beautiful body of classical literature. Different methods, styles, and techniques have been used in this setting. One of the most popular of them, referred to in contemporary terms as Fiqh al-Sirah, draws legal teachings and consequences from events in the Prophet's life. Notable scholars including Ibn Kathir (d. 774 AH), al-Maqrizi (d. 845 AH), al-Qastallani (d. 923 AH), al-Shami (d. 942 AH), al-Halabi (d. 1044 AH), and al-Zurqani (d. 1122 AH) are among those whose writings demonstrate this characteristic. Both the Makkan and Madinan periods of the Prophet's life are covered by the legal conclusions drawn by these scholars, which cover the religious, social, political, and economic facets of a Muslim's behaviour. Furthermore, in their deliberate application of Usul al-Hadith and Usul al-

Fiqh, these biographers have drawn conclusions from the Sira accounts. The purpose of this study is to examine the approach taken in this respect by classical and subsequent Sira writers.

Keywords: Legal Normativity, fiqh al-Sira, Usul al-Hadith, Sira

INTRODUCTION

Up until the present day, the discipline of Sira writing has consistently shown itself through a variety of forms and approaches since its inception. The primary cause of this is the Prophet's (salla Allah 'alayhi wa-sallam) biography's universality and thoroughness. Sira literature gained more depth and variety in its methods as it developed. As a result, it is safe to say that as human culture and civilisation have developed, so too has our knowledge of the Prophet's Sira, which has always revealed new facets of its everlasting relevance and universality. Since it is the living embodiment of the Qur'an, the Sira of the Prophet is in fact an unfathomable ocean whose depth and expanse cannot be measured. Just as the silent Qur'an (the Qur'an itself) is endless in its wonders, the spoken Qur'an (the Prophet's life) also reveals new wonders with each passing day.

It is clear by looking at the history of the Sira compilation that every facet of the Prophet's life has been covered. The inclinations, philosophical orientations, and methodological choices of the authors are reflected in Sira books, which range from succinct summaries to extensive multi-volume masterpieces. There are several different approaches to Sira composition in both early (mutaqaddimin) and later (muta'akhhirin) literature. These include the historical (tarikhi), hadith-based (muHaddithi), theological (mutakallimi), and polemical (munaZiri) styles. Even while a single piece of art might not fit neatly into one category, some defining characteristics enable broad classification. The method known as Fiqh al-Sira or, in some contemporary contexts, Fiqhiyyat al-Sira deriving legal decisions and ethical teachings from the Prophet's life events is a major and distinguishing characteristic in the writings of both early and later scholars. Fiqh al-Sira is concerned with drawing moral and legal conclusions from the Prophet's life events, much like Fiqh al-Hadith is concerned with drawing conclusions from Prophetic traditions.

Scope of Fiqh al-Sira

Fiqh al-Sira covers a broad range of topics, including social and political elements of the Prophet's behaviour as well as theological and creedal debates. In order to incorporate rigorous evaluation of reports and textual authenticity, some scholars even go so far as to apply narrative criticism (riwayah and dirayah) to Sira sources. Because it connects epistemological rigour with juristic inference, this methodological concern is itself regarded as a component of Fiqh al-Sira, as mentioned by Qazi AThar Mubarakpuri in *Tadwin Maghazi wa Sir* and further developed by 'Abd al-Jabbar Shakir.¹ Generally speaking, Fiqh al-Sira denotes a

¹ Mubarakpuri, *Tadwin Maghazi wa Sir*, Dar al-Nawadir, Lahore, 2005, Introduction by 'Abd al-Jabbar Shakir.

thorough examination of the Prophet's life with the goal of drawing out moral lessons, legal rulings, and practical advice.

Fiqh al-Sira has been a unique and developing field in the works of both early and later Sira scholars. Fiqh al-Hadith and Fiqh al-Sira both centre on the same person—the Person of the Prophet—but Fiqh al-Hadith has not always received the same level of scholarly attention as Fiqh al-Sira. Instead, the narrative-historical or compilatory approaches have frequently been preferred by Sira's historians and compilers. The methodological setup of Fiqh al-Hadith and Fiqh al-Sira is where they diverge most:

1. Fiqh al-Sira draws teachings, rulings, and moral insights from historical events in a systematic manner.
2. Fiqh al-Hadith organises matters thematically, based on juristic chapters (abwab al-fiqh).

Therefore, Fiqh al-Sira concentrates on drawing conclusions from particular historical occurrences, whereas Fiqh al-Hadith groups legal decisions according to subject-based classifications.

Evolution of Fiqh al-Sira and the Maturity of the Discipline

The origin of Fiqh al-Sira can be found in early Sira compilations like Sira Ibn IsHaq, Sira Ibn Hisham, and other parts of early biographical and historical writings (Tarikh, Tabaqat). Although these early works do not systematically deal with legal analysis, they do examine the chronology of legal responsibilities, including the dates of religious injunctions (furud al-Shari'a). In Sira writing, explicit legal interpretation (istidlal fiqhi) emerged later, particularly in works written after the fifth century A.H.

Scholars like Ibn Hazm al-Zahiri (d. 456 AH) in *Jami' al-Sirah*, Ibn 'Abd al-Barr (d. 463 AH) in *al-Durar fi Ikhtisar al-Maghazi wa'l-Siyar*, and Ibn Sahli (d. 581 AH) in *al-Rawd al-Unuf fi Tafsir al-Sirah al-Nabawiyah* exhibit the earliest organised use of juristic reasoning within Sira material. These writings represent the first phase of the methodical extraction of legal ideas (fuqahiyat) from the life of the Prophet.

The seminal work *Zad al-Ma'ad fi Hady Khayr al-'Ibad* by Imam Ibn al-Qayyim al-Jawziyyah (d. 751 AH) marked the culmination of the discipline of Fiqh al-Sirah in the eighth century A.H. Ibn al-Qayyim methodically extracted hundreds of legal decisions, moral lessons, and juristic principles from the Prophet's life events in this encyclopaedic masterwork. These included military campaigns (ghazawat), treaties (mu'ahadat), and delegations (wufud).

Subsequent Sira writers and *Zad al-Ma'ad* commentators could not match his depth of analysis. Thus, *Zad al-Ma'ad* has been appropriately called the Mother of the Books on Fiqh al-Sirah, or "*Umm al-Kutub fi Fiqh al-Sirah*".

A number of scholars in succeeding centuries after Ibn al-Qayyim have made contributions to the legal analysis of Sira. Among them were:

- 'Ala' al-Din Ibn Qulanj (d. 762 AH) in *al-Isharah ila Sirat al-MusTafa*,
- Ibn Kathir (d. 774 AH) in *al-Sirah al-Nabawiyah*,
- al-Maqrizi (d. 845 AH) in *Imti'a' al-Asma'*,

- al-Qastallani (d. 923 AH) in *al-Mawahib al-Ladunniyyah bil-Minah al-MuHammadiyyah*,
- MuHammad ibn Yusuf al-Shami (d. 942 AH) in *Subul al-Huda wa'l-Rashad fi Sirat Khayr al-'Ibad*,
- 'Ali al-Halabi (d. 1044 AH) in *al-Sirah al-Halabiyyah (Insan al-'Uyun fi Sirat al-Amin al-Ma'mun*,
- al-Zurqani (d. 1122 AH) in *SharH al-Mawahib al-Ladunniyyah*.

Each of these works employed usul al-fiqh and usul al-Hadith in a different way to analyse events from the Prophet's life and draw conclusions about the law.

Applying the Usul al-Fiqh Principles to the Sira to Derive Legal Commandments

The use of Usul al-Fiqh is essential in Islamic jurisprudence in order to derive verdicts (aHkam). The only way to ascertain the intent (murad al-shari'), or the divine intention of the Lawgiver, is by applying the methodological guidelines (qawa'id) developed by jurisprudential experts. The necessity for these ideas grew as new problems and situations emerged after the Prophet's time, and finally they were formalised as a discipline. Therefore, much as jurists and Hadith scholars did, early and later Sira scholars used these methodological approaches while drawing conclusions from the events of the Prophet's life.

In order to extract legal rulings from episodes, Sira authors applied particular usuli (jurisprudential) concepts. The most significant of these are:

1. The Principle of Command (al-Amr) discussions about its breadth, obligation, repetition, and immediacy.
2. Al-Haqiqah wa'l-majaz, or the Principle of Literal and Figurative Usage.
3. Adherence to the Apparent Meaning (al-'amal 'ala Zahir al-lafZ).
4. Using the General Legal Maxims (al-qawa'id al-kulliyyah).
5. Legal Rulings by Degree (ta'yin al-aHkam bi-darajatiha) are categorised.
6. Al-naskh, or the Principle of Abrogation.

1. Applying the Principle of Command (al-amr) to Derive Sira Rulings

The word "Amr" (command) in Usul al-Fiqh describes a remark that suggests a demand to carry out an action (al-qawl al-muqtadi li'l-fi'l). Whether a command indicates obligation, recommendation, immediacy, repetition, or generality /specificity is one of the most important questions in jurisprudence. When drawing conclusions from the Prophet's deeds and instructions, Sira writers have addressed a number of usuli aspects pertaining to the idea of "Amr". The following are the principal ones:

- a) Preferential Consideration of a General and Specific Command (al-amr al-khass wa'l-'amm)

Imam Ibn Kathir analyses the Prophet's teaching on the prayer at Banu QurayZah in al-Sirah al-Nabawiyyah. The Prophet said that:

“None of you should offer the 'Asr prayer except at Banu QurayZah”

After hearing this, two groups of Companions had different interpretations of it. While one group interpreted the directive literally and waited until they reached Banu QurayZah, another party realised that the Prophet's intention was to go quickly to Banu QurayZah rather than to delay prayer past its scheduled time. According to Ibn Kathir, who cites the opinions of experts, the party that prayed at Banu QurayZah was correct since the day's direction was specific (*khas*); as a result, it should take precedence over the general instruction to pray on time. He comes to the conclusion that a specific order (*amr khas*) should be prioritised and regarded as preponderant (*rajiH*) above a general one.²

He concludes on to say that both groups earned rewards: "Those who followed the command literally received one reward, while those who hurried to obey the Prophet's intention praying on the way received two rewards." And Allah approved of both.³

This conversation exemplifies the usuli principle:

al-amr al-'amm yukhassu bi'l-amr al-khas

"A general command (*'amm*) is subordinated to a specific command (*amr khas*)".

b) The Immediate Compliance Issue (*al-fawriyah fi al-imtithal*)

The question of whether a command must be carried out immediately or permits delay is the subject of another usuli discussion. This matter is brought to light in the Treaty of Hudaibiyyah, where the Prophet (ﷺ) gave the Companions instructions to slaughter their sacrificial animals and shave their heads. But the Companions were so emotionally exhausted by the stipulations of the covenant that they hesitated.

Imam al-Suhayli, in his commentary on this incident, states:

"The command (*amr*) does not necessarily require immediate execution".⁴

In contrast, Ibn al-Qayyim disputes this in *Zad al-Ma'ad*, stating that:

"A general command requires prompt execution; otherwise, the Prophet (ﷺ) would not have been displeased with the Companions delay".

He clarifies that the Companions anticipation of a potential modification in the ruling (*naskh*) was the reason for their postponement; otherwise, obedience must be prompt.⁵

This exemplifies the classical principle,

al-amr yaqtadi al-fawr ma lam yadull dalil 'ala al-tarakhi

"A command demands prompt execution unless there is evidence permitting delay"

c) The Issue of Repetition (*takrar al-amr*)

² Ibn Kathir, Isma'il b. 'Umar, *al-Sirah al-Nabawiyah*, ed. Muṣṭafa 'Abd al-Wahid, Dar al-Salam, Cairo, 1432/2011, vol. 3, 1089.

³ Ibn Kathir, Isma'il b. 'Umar, *al-Fuṣul fi Sirat al-Rasul*, Dar al-Kalim al-Ṭayyib, Beirut, 1420/1999, 173

⁴ Al-Suhayli, 'Abd al-Rahman b. 'Abd Allah, *al-Rawḍ al-Unuf fi Tafsir al-Sirah al-Nabawiyah*, Cairo: Dar al-Hadith, 1429/2008, vol. 4, 62.

⁵ Ibn al-Qayyim al-Jawziyyah, Muhammad b. Abi Bakr, *Zad al-Ma'ad fi Hady Khayr al-'Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 273-275.

The question of whether an unrestrained command implies single performance or repetition (takrar) was also disputed by scholars. In *al-Mawahib al-Ladunniyyah*, Imam al-Qastallani examines Allah's directive to the Prophet (ﷺ):

"Therefore, exalt the glory of your Lord and join those who bow down and worship him until death comes you with certainty".⁶ He raises the question: Wouldn't it have been enough if Allah had only said, "Worship your Lord," once? According to Qastallani, who cites Imam al-QurTubi, "If Allah had merely said, 'Worship your Lord,' it might imply a single act of worship." However, the phrase "Worship your Lord until certainty comes (death)" denotes unwavering, lifetime devotion that is unaffected by weariness.⁷

Thus, the following concept is established:

"Continuity and repetition are implied by a command that contains a temporal condition (until)."

d) The Shared Implications of the Command between obligation (wujub) and recommendation (nadb).

The question of whether the verbal form of amr, "do", always conveys obligation (wujub) or can also indicate recommendations (nadb) is another crucial point of contention. Regarding the Companions delaying of performing Halq (head shaving) and nahr (slaughter) at Hudaibiyyah, Imam al-Shafi'i (رحمه الله) explains: They did not act because they interpreted the commandment as optional rather than required, or because they anticipated a potential abrogation.⁸ Similar to this, Imam al-Halabi remarks on Jibril's directive to the Prophet (ﷺ) concerning wudu' (ablution): "The form of amr lies between wujub (obligation) and nadb (recommendation)".⁹

Therefore, Sira scholars used the traditional usuli argument in Fiqh al-Sirah to determine whether an imperative form denotes a stringent necessity or an acceptable recommendation based on context and evidence.

2. Al-Haqiqah wa'l-majaz, or the Principle of Literal and Figurative Usage

The link between a word's literal (Haqiqi) and figurative (majazi) meanings, as well as whether they can be intended simultaneously, is one of the main topics of discussion in Usul al-Fiqh. Jurists define majaz as a term's metaphorical or transferable meaning, and Haqiqah as a term's basic meaning as generally understood. The saying "The lion cannot kill" is a well-known example that is frequently used. In this context, the term "lion" may signify "a brave man," while its literal meaning relates to the animal itself (Haqiqi). Although some Usul scholars

⁶ Al-Hijr: 98-99

⁷ Al-Qastallani, Ahmad b. Muhammad, *al-Mawahib al-Ladunniyyah*, vol. 4, p. 64; Qurṭubi, *al-Jami' li-Ahkam al-Qur'an*, Dar Ihya' al-Turath al-'Arabi, Beirut, 1965, vol. 7, 10.

⁸ Al-Shami, Muhammad b. Yusuf, *Subul al-Huda wa'l-Rashad*, Dar al-Kutub al-'Ilmiyyah, Beirut, 1428/2007, vol. 5, 79

⁹ Al-Halabi, 'Ali b. Burhan al-Din, *Insan al-'Uyun fi Sirat al-Amin al-Ma'mun*, Dar al-Kutub al-'Ilmiyyah, Beirut, 2008, vol. 1, 378.

maintain that it is acceptable to intend both meanings depending on the context, both meanings are typically not intended in the same instance.¹⁰

In Sira-based legal reasoning, this linguistic and jurisprudential premise is also put into practice. In his *Sharh al-Mawahib al-Ladunniyyah*, Imam al-Zurqani made the following observation about the Hadith:

man akala al-thum awi al-basal fa'l-ya tazilna

The statement "Whoever has eaten garlic or onion should keep away from us" highlights how the verb "prohibited" (nahy) can be used both literally and figuratively in this situation. The prohibition (nahy) signifies taHrim (forbiddance) in the literal sense, as in the case of eating donkey meat (laHm al-Himar), which is severely forbidden; in the figurative sense, it signifies karahah (dislike), as in the case of eating garlic before prayer. Therefore, the identical phrase nuhiya (prohibited) encompasses both levels of meaning: the majazi (metaphorical) for makruh and the Haqiqi (actual) for Haram.¹¹

This illustrates that Sira scholars were more than just narrators; they used sophisticated linguistic analysis to infer legal meanings from prophetic practices.

3. The Principle of Acting upon the Apparent Meaning (al-^ʿamal bi-Zahir al-lafZ)

One of the basic tenets of legal theory is that, when no evidence exists to the contrary, a text (nass) that is clearly understood must be acted upon in accordance with its apparent meaning (Zahir). The concept is also evident in the way rulings are derived from Sira. The Banu QurayZah event serves as a notable illustration. The Prophet (ﷺ) had commanded:

"Do not perform the ^ʿAsr prayer except at Banu QurayZah."

The group of Companions who strictly adhered to the literal wording of the command (by delaying the prayer) were not reproached by the Prophet (ﷺ). Imam al-Suhayli infers from this that: "Acting upon the apparent (Zahir) wording of a verse or Hadith if done sincerely is acceptable even if the intended meaning differs".¹²

Al-Suhayli further maintains that even when a statement could bear multiple interpretations, acting on its literal sense is permissible unless further clarification exists. He adds:

"Ambiguity (iHtimal) in a command does not negate its generality (^ʿumum)".¹³

Similarly, Ibn al-Qayyim asserts in *Zad al-Ma^ʿad*:

¹⁰ Al-Subki, Taj al-Din ^ʿAbd al-Wahhab, *al-Ibahaj fi Sharh al-Minhaj*, Beirut: Dar al-Kutub al-^ʿIlmiyyah, 1404 AH/1984 CE, vol. 1, 271.

¹¹ Al-Zurqani, Muhammad b. ^ʿAbd al-Baqi, *Sharh al-Mawahib al-Ladunniyyah*, Beirut: Dar al-Ma^ʿrifah, 1993, vol. 3, 275.

¹² Al-Suhayli, ^ʿAbd al-Rahman b. ^ʿAbd Allah, *al-Rawq al-Unuf fi Tafsir al-Sirah al-Nabawiyyah*, Cairo: Dar al-Hadith, 1429/2008, vol. 3, 462; Ibn ^ʿAbd al-Barr, Yusuf b. ^ʿAbd Allah *Al-Durar fi Ikhtisar al-Maghazi wa'l-Siyar*. Beirut. vol. 3, 463

¹³ Al-Suhayli, ^ʿAbd al-Rahman b. ^ʿAbd Allah, *al-Rawq al-Unuf fi Tafsir al-Sirah al-Nabawiyyah*, Cairo: Dar al-Hadith, 1429/2008, vol. 3, 277.

“Whenever a statement is absolute in its expression, its apparent meaning must be upheld unless a clear proof exists to divert it”.¹⁴

Another example is Usamah ibn Zayd (RA), who lived during the period of the Prophet.

During one expedition, Usamah killed an enemy fighter who had said the words "La ilaha illa Allah" just before being struck.

When the Prophet (ﷺ) was informed, he said to Usamah:

“a-qata tahu ba ‘da an qala la ilaha illa Allah?”

“Did you kill him after he had said *La ilaha illa Allah*?”

When Usamah tried to justify his action, the Prophet (ﷺ) replied:

“a-fa-la shaqqaqta ‘an qalbihi Hatta ta ‘lama a-qalaha khawfan am la?”

“Why did you not open his heart to see whether he said it out of fear or sincerity?”

Imam Abu Bakr al-‘Amiri, in *al-MaHafil wa’l-Amathil*, commenting on this report, concludes:

“This incident establishes that legal rulings (aHkam shar‘iyyah) are based on external manifestations (Zawahir), not on hidden intentions (sara’ir).¹⁵

He thus states:

al-aHkam al-shar‘iyyah tata ‘allaqu bi’l-Zawahir la bi’l-sara’ir

“Shari’a rulings relate to outward acts, not inward thoughts”.

Another illustration is the case of the three Companions who remained behind at Tabuk (Ka‘b ibn Malik, Murarah ibn Rabi‘, and Hilal ibn Umayyah). The Prophet commanded them to abstain from social interaction, including with their wives. When the Prophet’s messenger conveyed the instruction to Ka‘b ibn Malik, he told his wife:

“Go to your family home”.

He did not utter words of divorce. Ibn al-Qayyim comments that such indirect or metaphorical expressions (kinayah) do not constitute divorce unless accompanied by intention.¹⁶

4. Application of General Legal Maxims (al-qawa‘id al-kulliyyah) in Deriving Rulings from the Sira

Qawa‘id Kulliyyah, or comprehensive legal maxims, are fundamental, overarching concepts that consolidate and integrate several legal rulings into a single general statement in Usul al-Fiqh. These maxims are inferred (istiqrā‘an) from the Qur’an, Sunnah, and the Prophet’s deeds. Scholars of Sira have frequently used these maxims, either directly or indirectly, when drawing conclusions from prophetic events. Here are a few instances that demonstrate how these principles work in Fiqh al-Sira.

¹⁴ Ibn al-Qayyim al-Jawziyyah, Muhammad b. Abi Bakr, *Zad al-Ma‘ad fi Hady Khayr al-‘Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 563.

¹⁵ al-‘Amiri, Yahya b. Abi Bakr, *Imta‘ al-Asma‘ bima li’l-Rasul min al-Ahwal*. Beirut: Dar al-Kutub al-‘Ilmiyyah, 1999., vol. 3, 450

¹⁶ Ibn al-Qayyim, *Zad al-Ma‘ad fi Hady Khayr al-‘Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 510–511.

a) The Maxim: "Harm Must Be Removed" (al-darar yuzal)

One of the most famous *qawa'id fiqhiyyah* is:

al-darar yuzal

Harm must be eliminated.

Imam Ibn al-Qayyim applies this maxim when discussing the demolition of the Masjid al-Dirar. The Prophet upon returning from the expedition of Tabuk, ordered that the so-called "Mosque of Harm" (*Masjid al-Dirar*) built by hypocrites to cause division among Muslims be destroyed. Ibn al-Qayyim explains:

"The Prophet's command to burn and demolish Masjid al-Dirar was based on the principle that harm must be removed, even if that removal entails damage to the physical structure of a mosque".¹⁷

He further clarifies that the Prophet did not order destruction out of anger or personal vengeance but as an act of Shar'i necessity (*maslahah*), aimed at removing *fitnah* (discord). This is a practical application of the principle "al-darar yuzal" the elimination of harm even through decisive measures.

b) The Maxim: "Certainty is Not Overruled by Doubt" (al-yaqin la yuzal bi'l-shakk)

This rule is one of the most comprehensive *qawa'id* in Islamic jurisprudence, and its roots can be traced to several Sira incidents. For instance, during the incident of the *Ifk* (false accusation) against Sayyidah 'A'ishah, the Prophet did not act hastily upon the rumours but maintained his composure until revelation (*waHy*) confirmed her innocence. His initial response demonstrates that certainty (*yaqin*) in this case, his trust in 'A'ishah's character was not displaced by doubt (*shakk*) generated by gossip and hearsay.

Imam al-Qastallani comments on this:

"The Prophet did not take any punitive action nor alter his conduct toward 'A'ishah until divine revelation confirmed the matter. This reflects the principle that certainty cannot be annulled by mere doubt".¹⁸

This practical conduct exemplifies the Qur'anic command:

"Why, when you heard it, did not the believing men and believing women think good of their own people?"¹⁹

Thus, the Prophet's example became a legal precedent affirming the maxim:

al-yaqin la yuzal bi'l-shakk

Certainty is not removed by doubt.

c) The Maxim: "Matters Are Judged by Intentions" (al-umur bi-maqasidiha)

Another foundational maxim frequently applied in Fiqh al-Sira is based on the Prophetic Hadith:

"Actions are judged by intentions, and every person shall have what he intended".²⁰

¹⁷Ibn al-Qayyim, *Zad al-Ma'ad fi Hady Khayr al-'Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 518.

¹⁸ Al-Zurqani, Muhammad b. 'Abd al-Baqi, *Sharh al-Mawahib al-Ladunniyyah*, Beirut: Dar al-Ma'rifah, 1993, vol. 3, 512.

¹⁹ al-Nur: 12

²⁰ Sahih al-Bukhari, Kitab Bad' al-Wahy, hadith no. 1.

Sira writers use this maxim to interpret multiple events, such as the migration (Hijrah). Many people migrated from Makkah to Madinah, but their intentions varied some for Allah and His Messenger, others for worldly motives.

Ibn Kathir, commenting on the Hijrah, notes:

“The Prophet’s statement about ‘whoever migrated for worldly gain or for a woman to marry’ was not specific to one man; it is a general rule applicable to all deeds”.²¹

Thus, in Fiqh al-Sira, the Hijra serves as a case study in the application of the maxim:

al-umur bi-maqasidiha

Actions are determined by their motives.

d) The Maxim: “Custom is Authoritative” (al-‘adah muHakkamah)

Sira scholars have also recognized that customary practice (‘urf) holds legal value when not contradicting Shari’a. A clear example is found in the marriage of the Prophet to Zaynab bint JaHsh after her divorce from Zayd ibn Haritha.

The Qur’an states:

“Then, when Zayd had fulfilled his relationship with her, We gave her to you in marriage.”²²

This divine marriage was aimed at abolishing the pre-Islamic custom that considered an adopted son equivalent to a biological one thus prohibiting marriage with the former’s divorced wife.

Imam Ibn al-Qayyim comments:

“The Prophet’s marriage to Zaynab invalidated the erroneous social custom (‘urf) that contradicted divine law. Therefore, only those customs that align with Shar‘i principles are authoritative”.²³

This establishes the juristic maxim:

al-‘adah muHakkamah

Valid custom holds legal authority.

e) The Maxim: “Hardship Brings Ease” (al-mashaqqah tajlib al-taysir)

This rule is derived from numerous Qur’anic injunctions, such as:

“Allah intends for you ease and does not intend for you hardship”.²⁴

A prime example from the Sira is the permission for Tayammum (dry ablution). During a journey, the Prophet and his Companions once faced a shortage of water. The Prophet then performed Tayammum and led them in prayer. Ibn Hajar and al-Qastallani both note that this incident directly embodies the rule:

“Whenever there is undue hardship in performing an obligation, a lawful concession (rukhsah) is granted.”²⁵

²¹ Ibn Kathir, Isma‘il b. ‘Umar, *Al-Sirah al-Nabawiyyah*. Cairo: Dar al-Salam, 2011, vol. 2, 302.

²² al-Ahzab: 37

²³ Ibn al-Qayyim, *Zad al-Ma‘ad fi Hady Khayr al-‘Ibad*, Beirut: al-Risalah, 1431/2010, vol. 4, 221.

²⁴ al-Baqarah: 185

²⁵ Ibn Hajar al-‘Asqalani. *Fath al-Bari bi-Sharh Sahih al-Bukhari*. Beirut: Dar al-Ma‘rifah, n.d, vol. 1, 329; Al-Zurqani, Muhammad b. ‘Abd al-Baqi, *Sharh al-Mawahib al-Ladunniyyah*, Beirut: Dar al-Ma‘rifah, 1993, vol. 4, 14.

Hence, the Prophet's practice serves as a textual basis for the maxim:

al-mashaqqah tajlib al-taysir

Hardship brings about facilitation.

These examples show how Sira scholars employed Qawa'id Kulliyah to interpret the Prophet's life not merely as historical narrative but as a living embodiment of universal legal and ethical principles.

5. Determining the Degrees of Legal Rulings (ta'yin al-aHkam bi-darajatiha)

One of the most refined aspects of Usul al-Fiqh is the classification of Shar'i rulings according to their degrees of obligation or prohibition. These are known as the AHkam Taklifiyyah al-Khamsah the Five Legal Rulings:

1. Wajib – obligatory,
2. Mandub – recommended,
3. MubaH – permissible,
4. Makruh – disliked,
5. Haram – prohibited.

Sira scholars, while deriving rulings from incidents of the Prophet's life, have classified actions and commands according to these categories. Below are some prominent illustrations.

a) Obligatory Acts (al-af'al al-wajibah)

Imam Ibn al-Qayyim identifies numerous wajibat (obligatory actions) in the Prophet's Sira. Among them is fulfilling treaties and covenants (wafa' bi'l-'uhud).

During the Treaty of Hudaibiyyah, even when its conditions seemed disadvantageous to the Muslims, the Prophet honored every clause of the agreement. Ibn al-Qayyim writes:

"The Prophet's strict adherence to the treaty, despite his companions' reservations, constitutes a definitive proof that honoring one's covenants is an obligatory duty, not a matter of choice."²⁶

This act became the Shar'i basis for the legal maxim:

al-wafa' bi'l-'uqud wajib ma lam yashtamil 'ala muHarram shar'i

"Fulfilling contracts is obligatory unless they involve something unlawful."

b) Recommended Acts (al-af'al al-mandubah)

The Prophet's actions during travel, such as shortening prayers (qasr al-salah) and praying nafl while riding, are classified by Sira commentators as mandub (recommended).

Imam al-Halabi notes:

"The Prophet would not omit voluntary prayer while traveling, and he often prayed on his riding animal facing any direction. This demonstrates that performing nafl prayer during travel is recommended but not obligatory".²⁷ Similarly, 'Ali al-Qari

²⁶ Ibn al-Qayyim, *Zad al-Ma'ad fi Hady Khayr al-'Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 289.

²⁷ Al-Halabi, 'Ali b. Burhan al-Din, *Al-Sirah al-Halabiyyah*, Dar al-Kutub al-'Ilmiyyah, Beirut, 2008, vol. 2, 331.

comments that the Prophet's regular practice (‘adah mustamirrah) of voluntary acts indicates istihbab (recommendation), not wujub (obligation).²⁸

c) Permissible Acts (al-af‘al al-mubaHah)

Certain actions of the Prophet are classified as mubaH (permissible), intended to demonstrate the lawfulness of neutral acts in Islam. Imam al-Qastallani records that the Prophet sometimes preferred certain foods such as roasted lamb or tharid (bread soaked in broth), but never criticized or forbade any lawful food. He states:

“His acceptance or refusal of food was based on natural inclination (Tab‘i sabab), not legal ruling (Hukm shar‘i). Hence, it shows that eating or avoiding certain permissible foods remains within the sphere of ibaHah (permissibility).”²⁹

This reflects the Qur’anic declaration:

“Say: Who has forbidden the adornment of Allah which He has produced for His servants, and the good things of provision?”³⁰

d) Disliked Acts (al-af‘al al-makruhah)

Several actions in the Prophet's Sira demonstrate what is discouraged (makruh) is though not strictly prohibited. Al-Zurqani cites the example of eating garlic and onions before attending prayer, based on the Hadith:

“Whoever has eaten garlic or onion should keep away from us”.

He explains that:

“The prohibition here denotes karahah (dislike), not taHrim (forbiddance), since the Prophet did not prohibit the consumption itself but only its odor in congregational settings”.³¹

Thus, from this Sira-based reasoning, scholars conclude that offensive yet lawful acts are makruh.

e) Prohibited Acts (al-af‘al al-muHarramah)

The Sira provides numerous examples of actions that are explicitly prohibited (Haram), such as Consuming intoxicants, Engaging in riba (usury), Committing betrayal or deceit (ghadr), Violating treaties, and Harming non-combatants during war. Ibn al-Qayyim, discussing the Prophet's commands during battles, highlights that:

“The Prophet strictly forbade the killing of women, children, monks, and the elderly. This establishes the principle that any act causing transgression beyond justified limits is categorically Haram”.³²

He further explains that these prohibitions are eternal and immutable (thabitah la tansakh) because they pertain to universal ethical values of Shari'a.

From the above, it is evident that Sira scholars not only recorded the Prophet's actions but also classified them according to the hierarchical framework of Shar‘i

²⁸ Ali ibn Sulṭan Muhammad al-Qari, *Mirqat al-Mafatih Sharh Mishkat al-Maṣābih*, Beirut, 1422 AH, vol. 2, 27.

²⁹ Al-Zurqani, Muhammad b. ‘Abd al-Baqi, *Sharh al-Mawahib al-Ladunniyyah*, Beirut: Dar al-Ma‘rifah, 1993, vol. 4, 117.

³⁰ al-A‘raf: 32

³¹ Al-Zurqani, Muhammad b. ‘Abd al-Baqi, *Sharh al-Mawahib al-Ladunniyyah*, Beirut: Dar al-Ma‘rifah, 1993, vol. 3, 276.

³² Ibn al-Qayyim, *Zad al-Ma‘ad fi Hady Khayr al-‘Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 446.

rulings. Through this methodology, they transformed the Prophet's biography into a juridical and ethical corpus, enriching both fiqh and usul al-fiqh with practical illustrations.

6. The Principle of Abrogation (al-naskh) and its Application in Deriving Rulings from the Sira

Among the important and intricate discussions in Usul al-Fiqh is the concept of al-Naskh (abrogation) the suspension or replacement of a previous legal ruling by a later one. Sira scholars, while examining events from the Prophet's life, also encountered situations where one ruling superseded another, especially in matters of jihad, prohibitions, and ritual practices. The term naskh literally means "removal" or "transference." Technically, it is defined as:

raf' al-Hukm al-shar'i bi-dalil shar'i muta'akhkhir 'anhu

"The annulment of a legal ruling through another legal proof that comes after it".³³

The study of abrogation within the Prophet's Sira is crucial because his life exhibits gradual revelation and progressive legislation (tadarruj al-tashri'). Many rulings were revealed in stages beginning with moral instruction, followed by prohibition, and finally legal enforcement.

a. Gradual Prohibition of Intoxicants

One of the clearest examples of abrogation visible in the Sira is the progressive prohibition of khamr (intoxicants). Imam al-Qastallani, citing Qur'anic evidence, outlines three stages:

1. Initial Tolerance:

"wa-min thamarat al-nakhil wa'l-a'nab tattakhidhuna minhu sakaran wa-rizqan Hasanan"

"And from the fruits of date palms and grapes you obtain intoxicants and good provision."³⁴— implying permissibility.

2. First Restriction:

la taqrabu al-salah wa-antum sukara

"Do not approach prayer while you are intoxicated".³⁵

3. Final Prohibition:

innama al-khamru wa'l-maysiru wa'l-ansabu wa'l-azlamu rijsun min 'amal al-shayTan fa'jtanibuhu

"Indeed, wine, gambling, idols, and divining arrows are abominations of Satan's handiwork so avoid them".³⁶

Thus, according to al-Qastallani, the first verse denotes *ibaHah* (permissibility), the second *karahah* (dislike), and the third *taHrim*

³³ Al-Amidi, Sayf al-Din Abu al-Hasan, *al-Ihkam fi Uşul al-Ahkam*, Dar al-Kutub al-'Ilmiyyah, Beirut, 1980, vol. 3, 124.

³⁴ al-Nahl: 67

³⁵ al-Nisa': 43

³⁶ al-Ma'idah: 90

(prohibition) demonstrating the principle of naskh tadarruji (gradual abrogation).³⁷

Ibn al-Qayyim in *Zad al-Ma'ad* observes:

“This progression shows the divine wisdom in reforming society through gradual legislation rather than sudden imposition.”³⁸

b. Change in the Qiblah Direction

Another instance of naskh reflected in the Sira is the change of the Qiblah (prayer direction) from Bayt al-Maqdis to the Ka'bah. As narrated in SaHiH al-Bukhari and SaHiH Muslim, the Prophet initially prayed facing Jerusalem for nearly sixteen or seventeen months after the Hijrah. Then the Qur'anic revelation came:

“We have certainly seen the turning of your face toward the heaven, and We will turn you to a Qiblah that pleases you; so turn your face toward the Sacred Mosque”.³⁹

Imam al-Suhayli explains:

“The earlier command to face Bayt al-Maqdis was abrogated by this verse, signifying that even in acts of worship, rulings can be replaced by divine wisdom.”⁴⁰ This demonstrates that naskh is not confined to prohibitions and permissions, but can apply to ritual and devotional matters as well.

c. From Patience to Permission of Combat

During the Makkan period, the Prophet and his Companions were commanded to exercise patience and non-retaliation despite persecution. The Qur'an declared:

“Restrain your hands and establish prayer”.⁴¹

However, after the migration to Madinah, the command was abrogated by the revelation of permission to fight:

“Permission is granted to those who are fought against because they have been wronged”.⁴²

Ibn Kathir, commenting on this transition, writes:

“This was the first verse revealed concerning jihad. It abrogated the earlier prohibition, replacing endurance with permission, and later permission with obligation”.⁴³

Hence, the naskh here was threefold from sabr (patience) → ibaHah (permission) → wujub (obligation).

d. Abrogation in Social and Legal Matters

An example of abrogation in social rulings is seen in the law of inheritance and charity. In the early Madinan period, charity (sadaqah) given to the Prophet was permissible. Later, it was prohibited for him and his household.

³⁷ Al-Zurqani, Muhammad b. 'Abd al-Baqi, *Sharh al-Mawahib al-Ladunniyyah*, Dar al-Ma'rifah, Beirut, 1993, vol. 3, 468.

³⁸ Ibn al-Qayyim, *Zad al-Ma'ad fi Hady Khayr al-'Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 122.

³⁹ al-Baqarah: 144

⁴⁰ Al-Suhayli, 'Abd al-Rahman b. 'Abd Allah, *Al-Rawḍ al-Unufi Sharh al-Sirah al-Nabawiyyah*, Dar al-Hadith, Cairo, 1429/2008, vol. 3, 401.

⁴¹ al-Nisa': 77

⁴² al-Hajj: 39

⁴³ Ibn Kathir, Isma'il b. 'Umar, *Tafsir al-Qur'an al-'Azim*, Cairo: Dar al-Salam, 1432/2011, vol. 5, 331.

The Prophet said:

“Charity is not suitable for the family of Muhammad; it is the impurities of people’s wealth”.⁴⁴

Al-Halabi and al-Zurqani note that this statement abrogated the earlier allowance of charity, replacing it with prohibition specific to the Ahl al-Bayt.⁴⁵

e. Naskh in Legal Punishments and Policies

In the early phase of Islamic governance, the Prophet initially showed leniency in punishing certain crimes to promote reconciliation among tribes. Later, as the community grew stronger, strict legal penalties (Hudud) were implemented.

Ibn al-Qayyim remarks:

“The Prophet’s gradual enforcement of criminal laws reflects naskh tadarruji (gradual abrogation). Mercy preceded severity, and instruction preceded compulsion”.⁴⁶

Thus, naskh in the Sira is understood not as inconsistency but as a divinely guided progression in moral and social reform.

CONCLUSION

It is clear from the discussion above that one of the most advanced intellectual pursuits of the Muslim academic tradition is the application of Usul al-Fiqh within the Sira. The Prophet's life was viewed by the early and later Sira writers as a dynamic source of legal reasoning, ethical development, and civilizational advice rather than just as a historical account.

It could be accomplished to reach the following conclusions:

- i. Fiqh al-Sirah provides jurists with useful examples of usuli principles in actual situations, acting as a link between law (fiqh) and history (tarikh).
- ii. When interpreting occurrences, classical Sira commentators like Ibn Kathir, al-Qastallani, al-Suhayli, Ibn al-Qayyim, al-Zurqani, and al-Halabi clearly used usuli reasoning.
- iii. The Sira exemplifies the Prophet's balanced approach, which combines moral universality, contextual awareness, and textual devotion.
- iv. As a methodological framework for combining law, ethics, and prophetic practice in current concerns, Fiqh al-Sirah might be useful to modern scholars.

In conclusion, the Sira of the Prophet is a living legal and moral paradigm that perpetually directs Muslim thought through the practical application of Usul al-Fiqh.

⁴⁴ Sahih Muslim, Kitab al-Zakah, hadith no. 1072.

⁴⁵ Al-Halabi, ‘Ali b. Burhan al-Din, *Al-Sirah al-Halabiyyah*, Dar al-Kutub al-‘Ilmiyyah, Beirut, 2008, vol. 3, 222; Al-Zurqani, Muhammad b. ‘Abd al-Baqi, *Sharh al-Zurqani ‘ala al-Mawahib al-Ladunniyyah*. Beirut: Dar al-Ma‘rifah, 1993, vol. 3, 377.

⁴⁶ Ibn al-Qayyim, *Zad al-Ma‘ad fi Hady Khayr al-‘Ibad*, Beirut: al-Risalah, 1431/2010, vol. 3, 521.

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