



الجامعة الإسلامية العالمية ماليزيا
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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ABSTRACT

This research aims at the study of *taīsīr* (facilitation) in *shaīkh* Yūsuf al-Qaraḏāwī's *fiqh* of Muslim minorities (*fiqh al-'aqqalliyyāt al-muslima*) by investigating his *fatāwā* (legal opinions), characterized by an extremely relaxed view, regarding Muslim minority societies. The study discusses the *shaīkh*'s brief biography, which is full of intellectual movements, and his role in the formulation of *fiqh* of Muslim minorities and the resolution of their problems. The study also attempts to elucidate the terminology of the *fiqh* of Muslim minorities, and explain its characteristics and problems. The study establishes the point that Muslim minorities are part and parcel of the Muslim *ummah*. The study further presents the most important standards of facilitation laid down by the *shaīkh* through the investigation of the most significant methodological principles followed by him, as adopted in his books of *fiqh* and *usūl*. The researcher found that *al-maslaḥah al-mursalāh* and *al-'urf* are the most important references in this *fiqh*. Moreover, the researcher attempts to investigate the meaning of *taīsīr* and to give a firm foundation from the Qur'ān, *sunnah*, and the reports of his companions (*āthār*). The research argues that although there is measure of facilitation, and flexibility in Islam, thus does not permit one to follow his wishes (*hawā*), and simultaneously availing the concessions awarded by different *madhhabs* (*tatabbu' al-rukhas*). As for the applicative side of the *shaīkh*'s discourse on the subject, the research dealt with the *shaīkh*'s method of *taīsīr*, as offered in his *fatāwā*, which led to an outcry in some parts of the Muslim world e.g. his permission for an American Muslim soldier to fight the Muslims in Afghanistan. This research also argues that the difficulties of life and the spiritual weakness of Muslims in general and the Muslim minorities in particular, resulting from the lack of religious education, demands a restrained *taīsīr* towards resolving their problems, in order to avoid hardship in the Muslim community. In the treatment of such difficulties, *shaīkh* al-Qaraḏāwī is considered the most courageous *mufīī* in granting concessions and relaxations in order to keep the life of Muslim minorities within the boundaries of religion, even if this place them at the fringe of that boundary. To illustrate this, the study chose examples of the *shaīkh*'s legal opinions on the issues of faith (*'aqāid*), worship (*'ibādāt*), family (*usrah*), business (*mu'āmalāt*), and customs (*'ādāt*). The study compared the *shaīkh*'s legal opinions with those of the scholars of the past and present, and choose those that are based on stronger reasoning in the light of the objectives of the Islamic law.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

Hassan B. Ibrahim Hendaoui
Supervisor

I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

Bachir Soualhi
Examiner

This thesis was submitted to the Department of Fiqh and Usul al-Fiqh and is accepted as partial fulfillment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

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Hazizan Bin Md. Noon
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DECLARATION

I hereby declare that this thesis is the result of my own investigation, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

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