

# ‘Urf (Local Culture)

As a source of Islamic Law

# The Principles of Fiqh

- ▶ Revealed Sources:
  - ▶ Quran & Sunnah
- ▶ Secondary Sources:
  - ▶ Ijma' and Qiyās
- ▶ Disputed Sources:
  - ▶ 'Urf and Istiḥsān

## Definition of 'Urf

- ▶ 'Urf refers to the dominant culture and customs of a society
- ▶ Related Maxim: *al-'ādah muḥakkamah* (local culture is the deciding factor)
- ▶ The culture of the *good people* of a society is considered 'Urf and can be used as a source of local laws.
- ▶ Islam is meant to be multi-cultural and practical in every time, place and culture.
- ▶ Islam was not sent to unite the world upon a single culture, it was sent to be practical in every culture.
- ▶ Muslims are expected to adapt to the culture of the lands they migrate to.

## Evidences for 'Urf

- ▶ “Live with them with Ma‘ruf (what is considered good in the culture)” (5:19)
- ▶ Story of woman from Quraysh asking if she can take money from her husband. Prophet’s (S) reply, “Take with Ma‘ruf (according to what is sufficient and fair).” (Bukhari)
- ▶ Ibn Masood, “What Muslims deem good is good in the sight of Allah.” (Musnad Ahmad)

## Usage of 'Urf in Fiqh

- ▶ 'Urf is used primarily in Mu'āmalāt, rarely in 'Ibādāt
- ▶ Islamic Business Law is largely depended on 'Urf
- ▶ The age of marriage is dependent on 'Urf
- ▶ The rights of spouses is mostly dependent on 'Urf
- ▶ The way weddings are celebrated in each culture is largely determined by 'Urf
- ▶ The kind of entertainment that is socially acceptable is generally determined by 'Urf.
- ▶ The financial obligation upon men is largely determined by 'Urf

# Historical Examples of 'Urf

- ▶ The Prophet (s) and his companions dressed and ate according to the 'Urf of Arabia at that time
- ▶ When Sahaba moved to Syria, Egypt and other lands, they adapted the 'Urf of those lands
- ▶ Wedding customs are different in every Muslim country
- ▶ The style of Hijab worn by women differs from country to country

# Misapplication of 'Urf by Modernists

- ▶ Modernists use 'Urf to override Quran, Sunnah and Ijma'
- ▶ This is not acceptable, 'Urf is secondary to these principles and cannot override them except in very rare circumstances
- ▶ Example of modernist misapplication: Women don't need to cover their hair because it is not part of our 'Urf. This is wrong because it contradicts the Shariah.
- ▶ 'Urf is a secondary principle of Fiqh and cannot be used to override the core rulings in the Shariah. Jurists must utilize it within its limits.

# Rulings we need to reconsider in light of 'Urf

- ▶ Our dress code
- ▶ The Fiqh of entertainment
- ▶ Celebrations and special occasions
- ▶ Marital norms and responsibilities
- ▶ Business law
- ▶ Imitating the disbelievers

# Summary

- ▶ 'Urf plays an important role in Ḥanafī Fiqh.
- ▶ The local culture takes precedence over foreign cultures.
- ▶ When moving to a new culture, adapt to the local culture, don't try to force your culture upon them.
- ▶ Laws can be based on 'Urf on issues the Quran and Sunnah are silent about.
- ▶ 'Urf must be considered within its boundaries.
- ▶ 'Urf is necessary for reforming Fiqh for every time and place.