

Abū Ḥanīfah & the Ḥanafī Madhhab

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(www.islamicknowledge.co.uk)
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What is Fiqh?

- Abu'l Yusr al-Bazdawī *rahimahullah* () writes:

وهو العلم بما علّق به الأحكام الشرعية المودع في كتاب الله تعالى وسنة رسوله صلى الله عليه وسلم وإجماع الأمة...ومن وقف على معانيها يسمّى فقيهاً ومن حفظ المسائل والتفاسير ولم يقف على هذه المعاني يسمّى فقيهاً مجازاً لحفظه ما ثبت بالفقه الذي علّق بها الحكم في النص

It is that knowledge which the masā'il of Sharī'ah have been suspended upon in the book of Allah, the Sunnah of His Messenger ṣallallahu 'alayhi wasallam and the consensus of the ummah...and he who comes across their (the Qur'ān, sunnah and ijmā') deeper meanings is labelled a 'faqīh', and he who memorises the masā'il and the explanations and has not understood these deeper meanings is labelled as a 'faqīh' only metaphorically due to him having memorised that which has been established by 'fiqh' which the masā'il depended upon in the evidential text. [Al-Bazdawī, 'Ma'rifah al-Hujaj al-Shar'iyyah', pg.23-4]

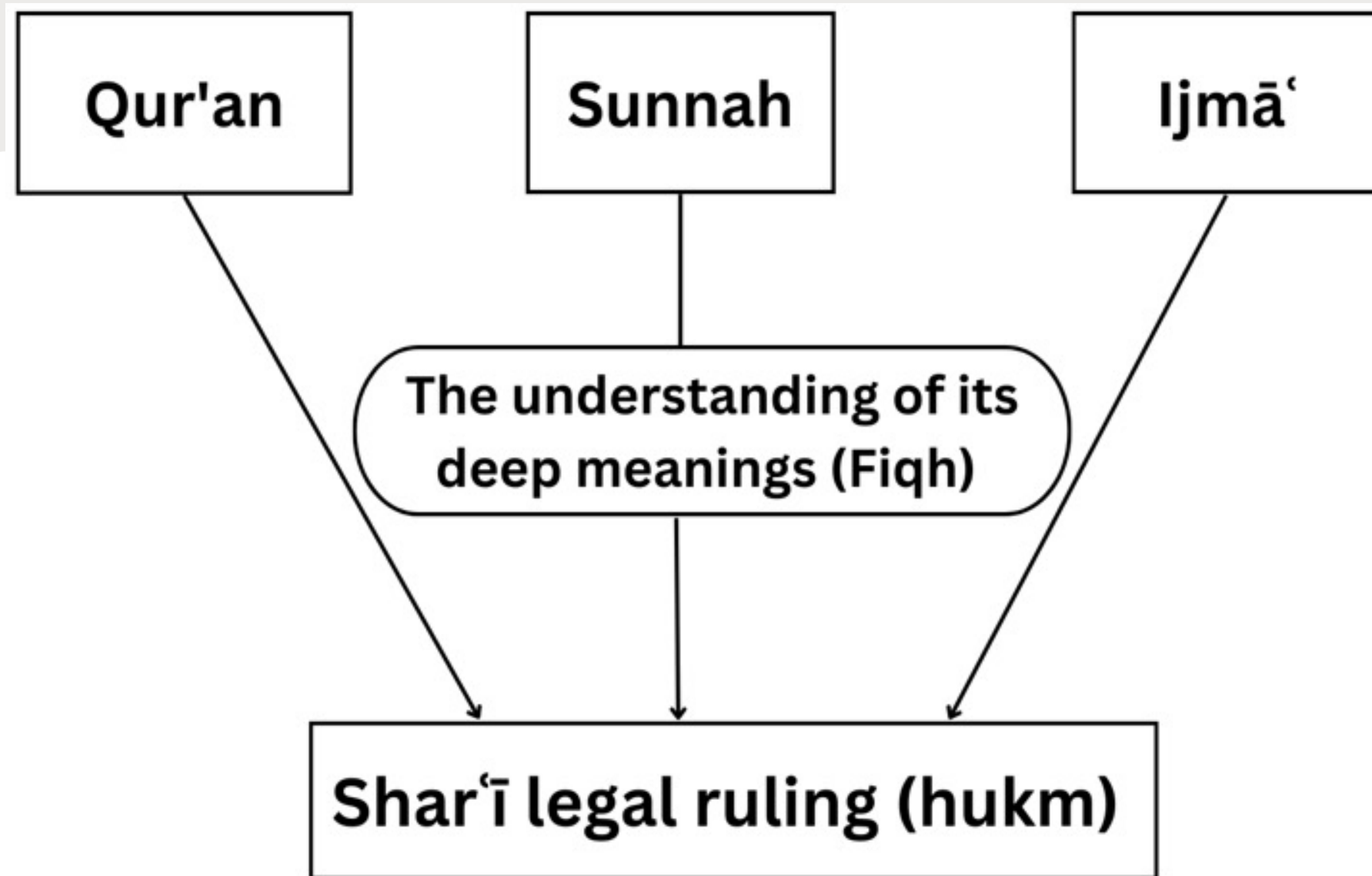
- Similarly, Al-Ghaznawī *rahimahullah* (d.593 AH) writes:

معنى الفقه في اللغة الوقوف والاطلاع وفي الشريعة الوقوف الخاص وهو الوقوف على معاني النصوص وإشاراتها ودلالاتها ومضمراتها ومقتضياتها

The meaning of 'fiqh' in linguistics is 'to be aware' and 'to be informed', and in Sharī'ah [it means] a specific awareness and that is awareness of the deeper meanings of the evidential texts (the Qur'ān, Sunnah and Ijmā') and their indications and their inferences and their hidden details and their requisites. [Al-Ghaznawī, 'Al-Hāwī al-Qudsī', 1:31]



What is Fiqh?



Is the *knowledge* of the Qur'ān, Sunnah and Ijmā' or *knowledge* of the Shar'ī legal ruling considered as 'fiqh'?

- *Knowledge* of the Qur'ān, Sunnah and ijmā' is not fiqh, fiqh is beyond that – The Prophet ṣallallahu 'alayhi wasallam said [*Jāmi' al-Tirmidhī*]:

رَبِّ مَبْلَغٍ أَوْعَىٰ مِنْ سَامِعٍ

The notable muḥaddith, Al-Khaṭīb *raḥimahullah* (d.463 AH) writes:

وليعلم أنّ الإكثار من كتب الحديث وروايته لا يصير بها الرجل فقيهاً إنما يتفقه باستنباط معانيه وإنعام التفكير فيه

And know that an increase in the writing of aḥādīth and the narrating of it does not make a man a 'faqīh', rather, he becomes a 'faqīh' by extracting its [deeper] meanings and applying contemplation in it (the aḥādīth). [Al-Khaṭīb, 'Naṣīḥah Ahl al-Ḥadīth', pg.37] Also see: [Ibn al-Qayyim, 'Al-Wābil al-Ṣayyib', (Dār al-Ḥadīth), pg.59]

Al-Rāmahurmuzī *raḥimahullah* (d.360 AH) narrates the following incident:

وقفت امرأة على مجلس فيه يحيى بن معين وأبو خيثمة وخلف بن سالم في جماعة يتذاكرون الحديث فسمعتهم يقولون "قال رسول الله صلى الله عليه وسلم وسمعت رسول الله صلى الله عليه وسلم ورواه فلان وما حدث به غير فلان" فسألتهن المرأة عن الحائض تغتسل الموتى وكانت غاسلة فلم يجبهن أحد منهن وجعل بعضهم ينظر إلى بعض فأقبل أبو ثور فقبل لها "عليك بالمقبل" فالتفتت إليه وقد دنا منها فسألته فقال "نعم تغتسل الميت لحديث عثمان بن الأحنف عن القاسم عن عائشة أن النبي صلى الله عليه وسلم قال لها "أما إن حيضتك ليست في يدك" ولقوها "كنت أفرق رأس رسول الله صلى الله عليه وسلم بالماء وأنا حائض" قال أبو ثور فإذا فَرَّقْتِ رأس الحي بالماء فالميت أولى به فقالوا "نعم رواه فلان وحَدَّثنا فلان ونعرفه من طريق كذا" وخاضوا في الطرق والروايات فقالت المرأة "فأين كنتم إلى الآن؟"

A woman came upon a gathering in which there was Yaḥyā ibn Maʿīn, Abū Khaythamah, Khalaf ibn Sālim in a group discussing aḥādīth. Thus, she heard them saying, "The Prophet ṣallallahu ʿalayhi wasallam has said" and "I have heard the Prophet ṣallallahu ʿalayhi wasallam" and "so and so has narrated" and "none have narrated it except so and so". So, the woman asked them regarding a menstruating woman who bathes a deceased individual [i.e., can a menstruating woman bathe a deceased?] – and she was someone who would bathe the deceased. But none of them gave an answer and they began to look at one another. Suddenly, Abū Thawr came, so it was said to her, "Go to the person who is coming," so she turned to him, and he had come close to her. So she asked him and he replied, "Yes, she can bathe the deceased, due to the ḥadīth of ʿUthmān ibn al-Aḥnaf from Al-Qāsim from ʿĀʾishah that the Prophet ṣallallahu ʿalayhi wasallam said to her, "Indeed, your menstruation is not in your hand," and due to her statement, "I used to comb the hair of the Messenger of Allah ṣallallahu ʿalayhi wasallam with water whilst in the state of menstruation." Abu Thawr then continued, "Thus, if she would comb the head of a living person, then the deceased is all the more worthy." So, they (i.e., Yaḥyā ibn Maʿīn, Abū Khaythamah and Khalaf) began to say, "Yes, so and so has narrated it, and so and so has narrated to us and we know from this chain of narration," and they delved into the narrations and the chains of narration. So, the woman asked, "Where were you [people] until now?" [Al-Rāmahurmuzī, 'Al-Muḥaddith al-Fāṣil', pg.238-9] For the authenticity of this story, see: [Snobar, 'Waḥīfah al-Muḥaddith al-Nāqid wa Waḥīfah al-Faqīh al-Uṣūlī', pg.69]

In a similar story, when Khālid ibn ʿAbdillāh al-Wāsiṭī went for ḥajj with Imām Muḥammad (d.189 AH), he was surrounded by the scholars of ḥadīth, he commented:

عسى لو سئل هؤلاء عن مسألة من الفقه ما عرفوا الجواب فيها

It is possible that if these people were asked a single question of fiqh, they would not know the answer for it. [Ibn Abī'l ʿAwām, 'Faḍā'il Abī Ḥanīfah', pg.351-2]

- Similarly, *knowledge* of the Shar‘ī legal ruling (masā’il) also is not fiqh, except in a metaphorical sense

The notable muḥaddith, Al-Khaṭīb *raḥimahullah* (d.463 AH) writes:

وليعلم أن الإكثار من كتب الحديث وروايته لا يصير بها الرجل فقيها إنما يتفقه باستنباط معانيه وإنعام التفكير فيه

And know that an increase in the writing of aḥādīth and the narrating of it does not make a man a ‘faqīh’, rather, he becomes a ‘faqīh’ by extracting its [deeper] meanings and applying contemplation in it (the aḥādīth). [Al-Khaṭīb, ‘*Naṣīḥah Ahl al-Ḥadīth*’, pg.37] Also see: [Ibn al-Qayyim, ‘*Al-Wābil al-Ṣayyib*’, (Dār al-Ḥadīth), pg.59]

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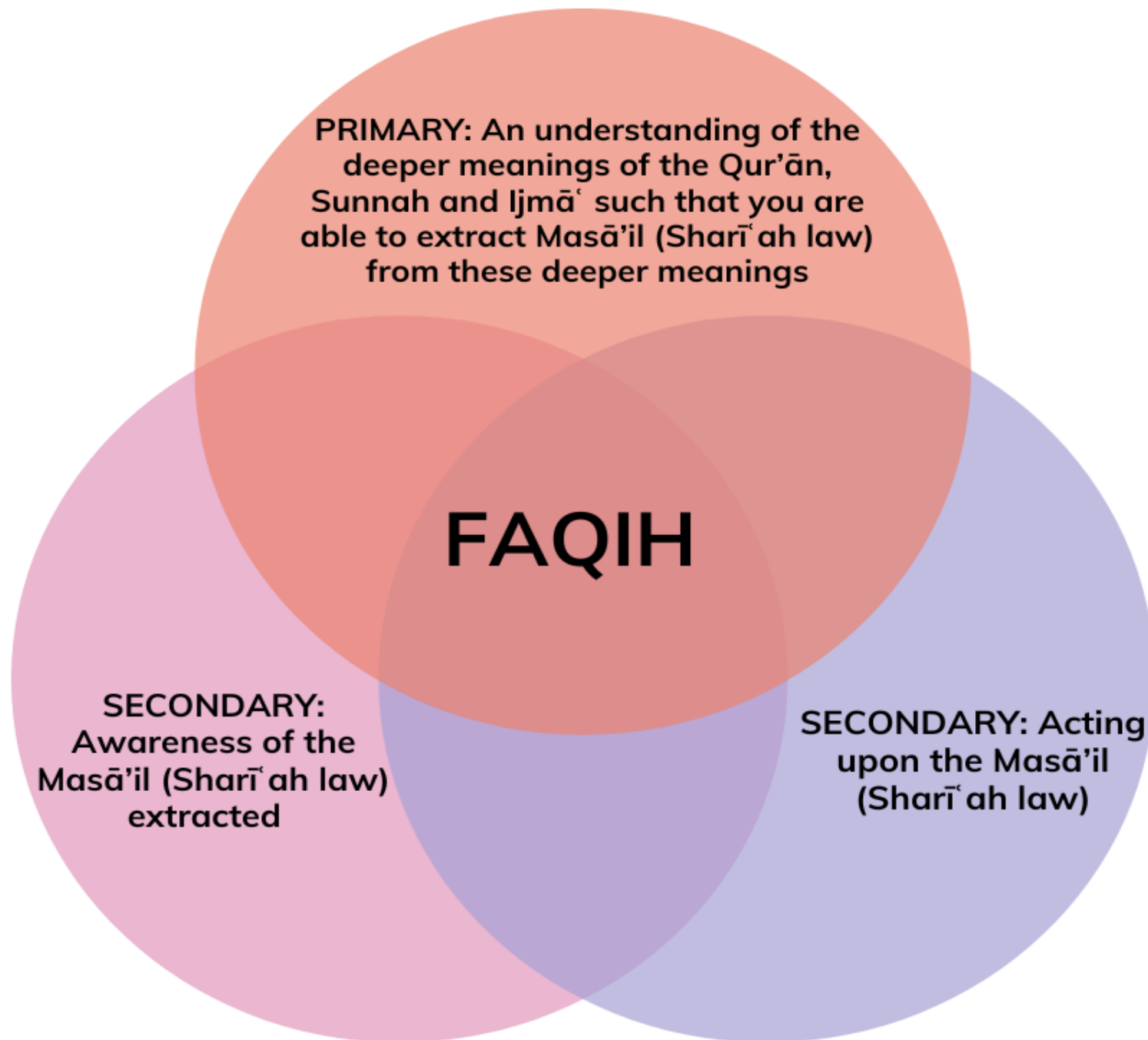
والفقيه اسم للواقف عليها ويسمى حافظ مسائل الفقه الثابتة بما فقيها مجازا لحفظه ما ثبت بالفقه

And the ‘faqīh’ is the one who is aware of that (aware of the deeper meanings of the evidential texts (the Qur’ān, Sunnah and Ijmā‘) and their indications and their inferences and their hidden details and their requisites) and the one who has memorised the masā’il of fiqh (i.e., the Shar‘ī rulings, e.g., ‘witr is wājib’) is called a ‘faqīh’ in a metaphorical sense due to his memorisation of that which has been established through fiqh. [Al-Ghaznawī, ‘*Al-Ḥāwī al-Qudsī*, 1:31] For a similar comment from Ibn al-Ṣalāḥ, see: [Al-Nawawī, ‘*Muqaddimah al-Majmū‘*’, pg.209-10]

Ibn Nujaym *raḥimahullah* (d.970 AH) also writes:

فالحاصل أن الفقه في الأصول علم الأحكام من دلائلها كما تقدم فليس الفقيه إلا المجتهد عندهم وإطلاقه على المقلد الحافظ للمسائل مجاز

Thus, the summary is that ‘fiqh’ in principle is the knowledge of the rulings from their evidences as it has passed, thus a ‘faqīh’ is not except a mujtahid according to them (the scholars of uṣūl), and to apply it to a muqallid who has memorised the masā’il of ‘fiqh’ is in a metaphorical sense. [Ibn Nujaym, ‘*Al-Baḥr al-Rā’iq*’, 1:6]



PRIMARY: An understanding of the deeper meanings of the Qur'an, Sunnah and Ijmā' such that you are able to extract Masā'il (Sharī'ah law) from these deeper meanings

FAQIH

SECONDARY: Awareness of the Masā'il (Sharī'ah law) extracted

SECONDARY: Acting upon the Masā'il (Sharī'ah law)

Two Groups Amongst the Ṣaḥābah

- The scholars generally agree that there were two groups amongst the ṣaḥābah, one group preferred to stick to the letter of the law while the other considered the spirit of the law – this is a natural distinction
- Dr. Muṣṭafā al-Ṭarāblusī writes:

علمنا فيما سبق أن الصحابة كانوا يبحثون عن حكم ما استجد من المسائل في نصوص الكتاب والسنة فإن لم يجدوا نصا في ذلك عمدوا إلى الاجتهاد بالرأي غير أن منهم من كان يتوسع في الرأي فيجتهد في معرفة العلل والمصالح فيبني الأحكام عليها ومنهم من كان يقف عند حدود النص لا يتعداها أخذا بالورع والاحتياط وبهذين المسلكين في تعرف الأحكام الشرعية وجدت البذرة الأولى لمدرستي الحديث والرأي في الفقه الإسلامي فيما بعد

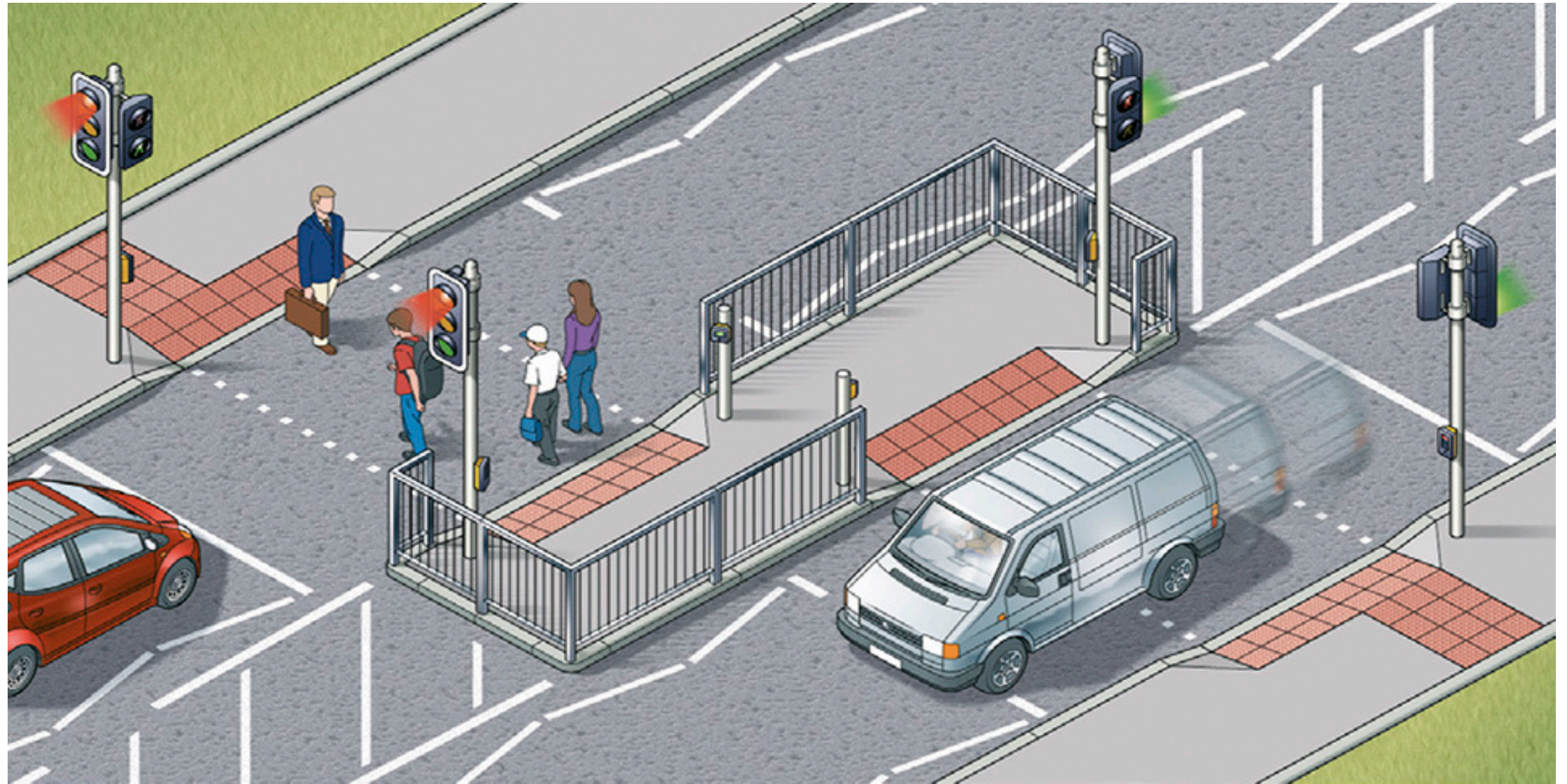
We have learnt through that which has passed that the ṣaḥābah would look for a ruling for the new masā'il from the evidential texts of the Qur'ān and Sunnah, thus if they did not find an evidential text, then they would rely upon ijtihād through application of the mind. Except that there were some from amongst them who would be expansive in their application of their mind, thus they would perform ijtihād in recognising the reasonings and underlying benefits [of the Qur'ān, Sunnah and ijmā'], and thus would build rulings upon them. And from them were those who would stop at the evidential text and would not go beyond it. [Al-Ṭarāblusī, 'Manhaj al-Baḥth wa'l-Fatwā', pg.24]

- Dr. Ayman Ṣāliḥ writes:

انقسام الناس إزاء النصوص الدينية والقانونية وغيرها إلى لفظيين ومعنويين ليس خاصا بأمة الإسلام فحسب، بل هو سنة إلهية في البشر جميعا

The distribution of people in their attitude towards religious and legal texts and others, texts into literalists and those who look at the meaning, is not restricted to the Muslim ummah alone, rather, it is by the divine will in the entirety of humanity. [Ṣāliḥ, 'Ahl al-Alfāz wa Ahl al-Ma'ānī', pg.13]

What would you do?



Can you think of some instances wherein we can clearly see an expression of these two approaches amongst the ṣaḥābah?

- The story of Banū Qurayzah
- The story of ‘Amr ibn al-‘Āṣ in Sunan Abī Dāwūd [1:35, Al-Rayyān] wherein he led ṣalāh without performing ghusl due to the water being so cold and told the Prophet ṣallallahu ‘alayhi wasallam **ولا تقتلوا أنفسكم**
- The ḥadīth of Ṣaḥīḥ al-Bukhārī [5:161 Dār al-Minhāj] wherein the Prophet ṣallallahu ‘alayhi wasallam sent an expedition and made an individual the leader of the expedition and told the people to obey him. This leader later became angry and told everyone to enter a fire, they refused and the Prophet ṣallallahu ‘alayhi wasallam approved of their actions and said: **الطاعة في المعروف**

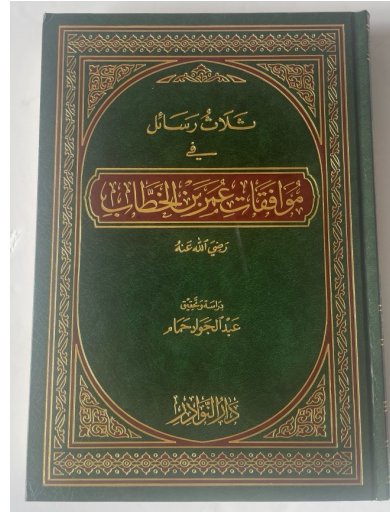
Can you think of the ṣaḥābī who most epitomised looking at the deeper meanings of the Qur’ān, Sunnah and Ijmā’ such that he could be said to be the founding father of the Ahl al-Ra’y approach?

- ‘Umar *raḍiyallahu ‘anhu*
- Shaykh Muṣṭafā al-Zarqā’ *raḥimahullah* (d.1999 CE) writes:

وإن طريقة عمر الفقهية كانت حجة خالدة لمدرسة "أهل الرأي" في العراق من فقهاء الطبقات التالية التي سيأتي ذكرها

And indeed, the fiqhī approach of ‘Umar was an everlasting evidence for the Ahl al-Ra’y in ‘Iraq for the fuqahā’ of the following generations whose mention will soon come. [Al-Zarqā’, ‘Al-Madkhal al-Fiqhī al-‘Ām’, 1:178]

- In fact, three separate treatises have been written on ‘Umar raḍiyallahu ‘anhu’s abilities to look at the deep objectives of the Qur’ān, Sunnah & Ijmā‘



- Can you think of a few examples displaying ‘Umar raḍiyallahu ‘anhu’s deep ability to look at the objectives of the Qur’ān and Sunnah? - ‘Abd al-Jawwād Hammām has mentioned about 12 authentic ones
 - Performing ṣalāh behind maqām Ibrāhīm
 - The prisoners of Badr
 - Ṣalāh upon ‘Abdullah ibn Ubayy ibn Salūl
 - The ḥijāb
 - The issues of muallafah al-qulūb
 - The issue of cutting the hands of a thief during a drought

The *Ahl al-Ra'y* and *Ahl al-Ḥadīth*

- Foundational Differences:

- 1) *Ahl al-Ḥadīth* considered jurisprudential authority to lie only with those who had expertise in ḥadīth, they would suffice usually with قال الرسول صلى الله عليه وسلم and قال الله تعالى (**note:** you could maybe find this today too, compare www.islamqa.info and www.islamqa.org)
- 2) The *Ahl al-Ra'y* engaged in the loud and confrontational *munāẓarah* to determine consistency and validity of extractions, while the *Ahl al-Ḥadīth* engaged in the serious and sombre *mudhākarah*. (note: you might actually notice this in your fiqh class vs ḥadīth class, sometimes the same teacher is a different person in the ḥadīth class than the person he is in the fiqh class) The *munāẓarah* of the *Ahl al-Ra'y* generally determined consistency using the question: أرايت
- 3) The *Ahl al-Ḥadīth* preferred the term لا أدري and did not delve into masā'il that had not yet occurred, the *Ahl al-Ra'y* were completely fine with that

- 4) While the *Ahl al-Ḥadīth* felt that authority lies only in the aḥādīth, the *Ahl al-Ra’y* considered – along with aḥādīth - other factors as indicators of the Sunnah, such as communal practice. In fact, they considered communal practice as a stronger indicator than an authentic ḥadīth.
- 5) The *Ahl al-Ra’y* assessed the aḥādīth with a set of principles different to that of the *Ahl al-Ḥadīth*. The *Ahl al-Ra’y* felt that the Sharī‘ah that the Prophet ṣallallahu ‘alayhi wasallam had come to legislate was a sensible and internally consistent Sharī‘ah and the deeper meanings and objectives extracted from the Qur’ān, Sunnah and ijmā‘ in each area of law are the pillars that must never be abandoned for a singular ḥadīth that seemingly contradicts it. Shaykh Sohail Ḥanīf writes:

The lines of legal reasoning attributed to Abū Ḥanīfa point to the essential premise of ra’y-based jurisprudence, at least in Kufa, namely, that the law is inherently sensible. In other words, the law is not a haphazard collection of statements that are arrived at through the primary, revelatory sources; rather, the primary sources (the Qur’ān, Sunnah and ijmā‘) point to the larger legal system that the juristic community is devising, and this larger legal system makes sense to the human mind; its parts fit together to form a harmonious whole. Each individual jurist, therefore, strives to develop a system of rules that complement other established rules.

The Central Role of Kūfah & Did Kūfah Lack Aḥādīth?

- Created in approximately 17 AH by ‘Umar *raḍiyallahu ‘anhu* with ‘Abdullah ibn Mas‘ūd *raḍiyallahu ‘anhu* as its first teacher
- ‘Abdullah ibn Mas‘ūd *raḍiyallahu ‘anhu* created a revolution by inspiring a generation of scholars within Kūfah
- As a disciple of ‘Umar *raḍiyallahu ‘anhu* himself, ‘Abdullah ibn Mas‘ūd *raḍiyallahu ‘anhu* imbued within his students an attitude of looking at the deeper meanings of the Qur’an and the Sunnah.
- Two other important aspects that made Kūfah a cosmopolitan city was the decision of ‘Uthmān *raḍiyallahu ‘anhu* to allow the ṣaḥābah to move out of Madīnah freely and the decision of ‘Alī *raḍiyallahu ‘anhu* to make Kūfah his capital

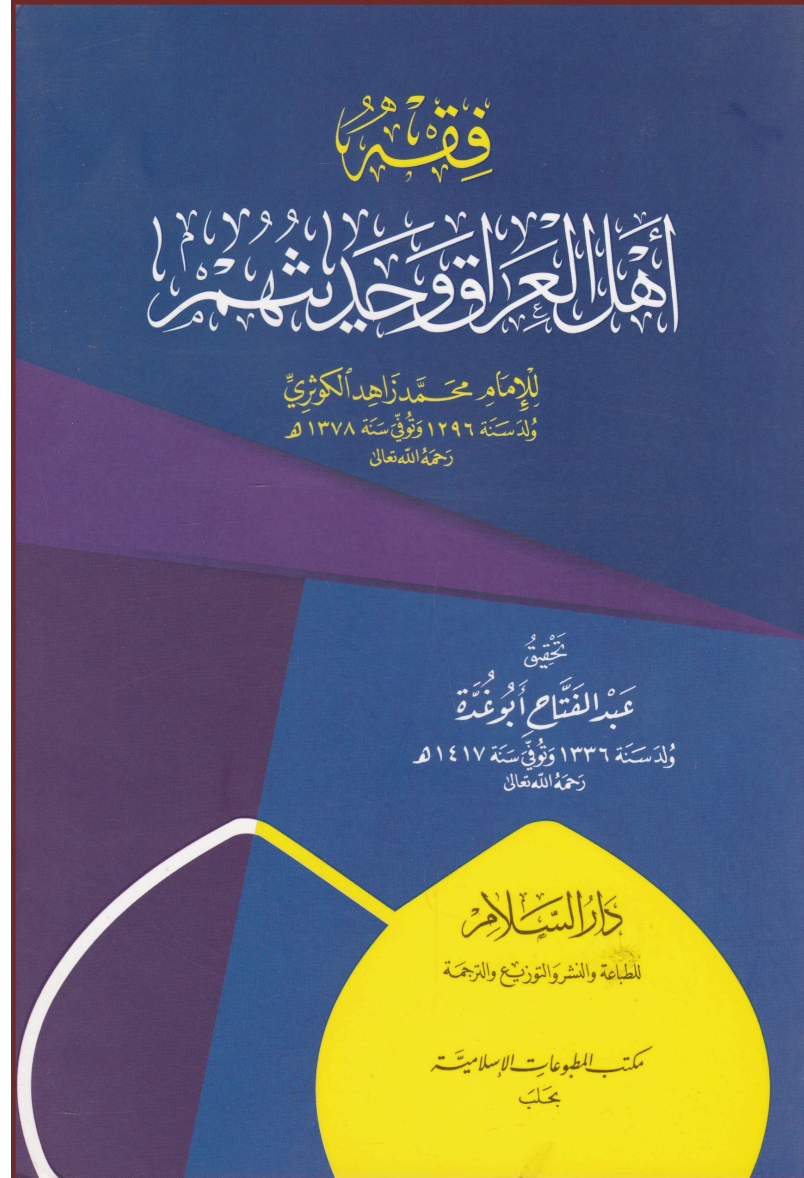
- The idea of Kūfah lacking aḥādīth is a stereotype, in fact, many muḥaddithūn thought this too until they realised how many aḥādīth Kūfah actually had. Ibn ‘Abd al-Barr *rahimahullah* (d.463 AH) narrates from Ishāq ibn Rāshid that he said:

كان الزهري إذا ذكر أهل العراق ضعف علمهم فقلت له إن بالكوفة مولى لبني أسد يعني الأعمش يروي أربعة آلاف حديث قال أربعة آلاف حديث؟ قال نعم إن شئت جئتك ببعض حديثه أو قال ببعض علمه قال فجيء به فجئت به فلمّا قرأه قال "والله إن هذا لعلم وما كنت أرى أن بالعراق واحدا يعلم هذا"

When Al-Zuhrī would discuss the people of ‘Iraq, he would label their knowledge as weak, so I said to him, “Indeed, there is in Kūfah there is [a person who is] the freed slave of Banū Asad, i.e., Al-A‘mash, who narrates 4,000 aḥādīth.” He asked, “4,000 aḥādīth?” I replied, “Yes, if you wish I can bring you some of his aḥādīth or some of his knowledge.” So, it was brought to him, when he read it, he said, “I swear by Allah, this is indeed knowledge, I did not think that there was anyone in ‘Iraq who knew this.” [Ibn ‘Abd al-Barr, ‘Jāmi‘ Bayān Akdh al-‘Ilm’, 2:33]

- Due to the vast majority of *Ahl al-Ra’y* being from Kūfah, and the *Ahl al-Ra’y* having a different approach towards aḥādīth, some of the muḥaddithūn felt that the *Ahl al-Ra’y* were essentially rejecting aḥādīth
- If anything, the scholars of Makkah and Madīnah knew less about the aḥādīth and methodologies of Kūfah than the Kūfan scholars knew of the scholars of Makkah and Madīnah. This is because Kūfan would regularly perform ḥajj and ziyārah.

Fiqh Ahl al-‘Irāq wa Ḥadīthuhum by Shaykh Zāhid al-Kawtharī



Abū Ḥanīfah, Life and Accolades

Name & Birth

His name was Al-Nu‘mān ibn Thābit and was born in Kūfah in 80 AH

Initially, he started off as a businessman, however, a comment from one of his teachers Al-Sha‘bī *rahimahullah* (d.103 AH) inspired him to start seeking knowledge.

He first engaged in some areas of ‘Aqeedah before eventually realising that his talents lie in ‘fiqh’.

**SCHOLARLY
LINEAGE**

The Prophet ﷺ

‘Abdullah ibn Mas‘ūd
radīyallahu ‘anhu (d.32 AH)

‘Alqamah ibn Qays
(d.61 AH)

Ibrāhīm al-Nakha‘ī
(d.96 AH)

Ḥammād ibn Abī
Sulaymān (d.120 AH)

Abū Ḥanīfah (d.150
AH)

His Genius Intellectual Abilities

Once, a peacock belonging to someone who lived in Imām Abū Hanīfah *raḥimahullah* (d.150 AH)'s locality was stolen. So, the person came to Imām Abū Ḥanīfah *raḥimahullah* (d.150 AH) and explained the situation. Imām Abū Ḥanīfah *raḥimahullah* (d.150 AH) told the neighbour not to worry and, after performing ṣalāh in the Mosque, he stood up and announced:

أما يستحيي من يسرق طاووس جاره ثم يجيء يصلي وأثر ريشه عليه

Does he not have shame, the one who steal his neighbours peacock and then comes to the Masjid with the peacock's feather on his forehead?

Immediately one of the congregants began to wipe his forehead, the Imām looked at him and commanded him to return the peacock to the original owner. **[Al-Ṣāliḥī, ‘Uqūd al-Jumān’, pg.275]**

How He Would Train His Students

Imām Muḥammad *raḥimahullah* (d.189 AH) states

كان أبو حنيفة قد حمل إلى بغداد فاجتمع أصحابه جميعا وفيهم أبو يوسف وزفر وأسد بن عمرو وعامة الفقهاء المتقدمين من أصحابه فعملوا مسألة أيدها بالحجاج وتنوقوا في تقويهما وقالوا نسأل أبا حنيفة أول ما يقدم فلما قدم أبو حنيفة كان أول مسألة سئل عنها تلك المسألة فأجابهم بغير ما عندهم فصاحوا به من نواحي الحلقة: يا أبا حنيفة! بلدتك الغربية فقال لهم رفقا رفقا! ماذا تقولون؟ قالوا ليس هكذا القول قال بحجة أم بغير حجة؟ قالوا بل بحجة قال هاتوا! فناظرهم فغلبهم بالحجاج حتى ردهم إلى قوله وأذعنوا أن الخطأ منهم فقال لهم أعرفتم الآن؟ قالوا نعم قال فما تقولون فيمن يزعم أن قولكم هو الصواب وأن هذا القول خطأ؟ قالوا لا يكون ذلك قد صح هذا القول فناظرهم حتى ردهم عن القول فقالوا يا أبا حنيفة! ظلمتنا والصواب كان معنا قال فما تقولون فيمن يزعم أن هذا القول خطأ والأول خطأ والصواب في قول ثالث؟ فقال هذا ما لا يكون قال فاستمعوا واخترع قولاً ثالثاً وناظرهم عليه حتى ردهم إليه فأذعنوا وقالوا يا أبا حنيفة! علمنا قال الصواب هو القول الأول الذي أجبتمكم به لعله كذا وكذا وهذه المسألة لا تخرج من هذه الثلاثة الأنحاء ولكل منها وجه في الفقه ومذهب وهذا الصواب فخذوه وارفضوا ما سواه

[Imām] Abū Ḥanīfah travelled to Baghdad, and all of his students had gathered, amongst them were [Imām] Abū Yūsuf, [Imām] Zufar, Asad ibn Amr, and all of the early jurists from his students. Thus, they had concluded a ruling in a mas’alah and had supported it with evidence, and they had been rigorous in analysing it, they [then] said, “We shall ask [Imām] Abū Ḥanīfah the moment he arrives”. When [Imām] Abū Ḥanīfah came, the first Mas’alah they asked was this Mas’alah, so he answered it with an answer different to the one that they had. So their (the students) voices arose from various parts of the gathering claiming, ‘Oh Abū Ḥanīfah! Being away from home has made you mindless’, so he said to them, ‘Calm down! Calm down! What is your view?’ They replied, ‘We do not say what you have said’. He asked them, ‘Do you say it with evidence or no evidence?’ They replied, ‘With evidence’, he replied, ‘Bring it!’ He then debated with them and vanquished them with evidences until they accepted his view, and they admitted that they had erred. So, he said, ‘Do you understand now?’ They replied, ‘Yes’, so he said to them, ‘What would you say regarding the one who believes that your [previous view] is the correct view, and this view is the incorrect view?’ They replied, ‘That is not possible, this is the correct view’. So, he debated with them until he made them revert to their [previous] view, thus they exclaimed, ‘Oh Abū Ḥanīfah! You have oppressed us, even though we were correct’. Upon this he asked them, ‘Now what do you say regarding the one who believes that this [second] view is incorrect and the first is incorrect and the correct view is a third view?’ They replied, ‘That is not possible’, he responded, ‘Listen carefully’. He then conceptualised a third view and debated with them [over its correctness] until they turned to him, and said while surrendering, ‘Oh Abū Ḥanīfah! Teach us.’ He responded, ‘The correct view was the first view that I mentioned to you, for this reason and this reason...and this Mas’alah does not escape from three possible opinions, and each one has support in jurisprudence and in a school of thought, and this correct view, take it and leave all others.” [Ibn Abil Awam, ‘Fadail Abi Hanifah’, pg.112]

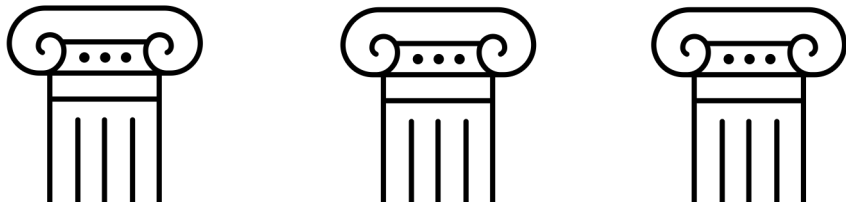
The students of Imām Abū Ḥanīfah (d.150 AH) also clearly applied this method of teaching and debating. Thus, when Rabī‘ah al-Ra’y came to ‘Irāq from Madīnah, Imām Abū Yūsuf (d.182 AH) planned to ask him a mas’alah and told himself:

إن جاءني بقولنا ناظرته على قولهم وإن جاءني بقولهم ناظرته على قولنا

The Three Foundational Pillars of His Fiqh

Pillar 1: Communal Practice

While there was never any dispute over what is and what is not the Qur'ān due to its definitive establishment, there can be a valid dispute over what is and what is not the Sunnah of the Prophet ṣallallahu 'alayhi wasallam. Before the arrival of Imām al-Shāfi'ī *raḥimahullah* (d.204 AH), there were different ways of accessing the Sunnah of the Prophet ṣallallahu 'alayhi wasallam. A common way was the communal practice of the notable tābi'ūn and their students as well as the statements of the ṣaḥābah that had settled in their respectful cities. For Abū Ḥanīfah, this meant the communal practice/precedent of the scholars of Kūfah.



Pillar 3: The Epistemological Superiority of the Qur'ān over the Aḥādīth

The third pillar that is evident from Imām Abū Ḥanīfah *raḥimahullah* ()'s methodology in fiqh is his consideration of the epistemological superiority of the Qur'ān over the Sunnah. What this means is that although the aḥādīth (e.g., “Abdullah has narrated from Ayyub from Ibn ‘Umar that the Prophet ṣallallahu ‘alayhi wasallam...”) were a viable way of determining the teachings of the Prophet ṣallallahu ‘alayhi wasallam, the level of certainty we get of them actually being the definite teaching of the Prophet ṣallallahu ‘alayhi wasallam is slightly lower than the certainty we get of the words of the Qur'ān being from Allah the Almighty. This is not a controversial idea and is in no way an attempt to undermine the preservation of the aḥādīth, rather, it is about giving each source of Sharī‘ah its due right. While the aḥādīth have been meticulously preserved, the establishment of the Qur'ān is higher and hence why we usually say Qur'ān and Sunnah. What this then means is that if a ḥadīth were to contradict the apparent meaning of the Qur'ān, then the apparent meaning of the Qur'ān will be taken. This was another controversial principle of Imām Abū Ḥanīfah *raḥimahullah* (d.150 AH) that the *Ahl al-Ḥadīth* scholars did not prefer, this principle was referred to as ‘*Arḍ al-Sunnah ‘Ala’l Qur’ān* (عرض السنة على القرآن). Examples include the requirement of wuḍū for ṭawāf.

The 'Irāqī School – Abu'l Ḥasan al-Karkhī in 300 AH – 400 AH

- Pretty soon after the demise of Abū Ḥanīfah (d.150 AH), the ḥanafī scholarship essentially transferred to Baghdad – created in 145 AH, and Baṣrah
- Imām Abū Yūsuf became a qāḍī in Baghdad and, under the caliphate Hārūn al-Rashīd, he became qāḍī al-quḍāt – this had a huge impact on the ḥanafī madhhab in the political sphere
- Imām Zufar (d.158 AH) initially took over the circles of Abū Ḥanīfah (d.150 AH), but he soon moved to Baṣrah and passed away very early
- Accordingly, Imām Muḥammad (d.189 AH) and his books probably played the most significant role in creating a ḥanafī legal community between 200 AH to 300 AH with Ibn Shujā' al-Thaljī (d.266 AH) in Baghdad as arguably the most significant scholar in Baghdad.
- How? Imām Muḥammad didn't just record the opinions of Abū Ḥanīfah, but also the opinions of Imām Abū Yūsuf (d.182 AH), Imām Zufar (d.158 AH) and his own opinions, making his books sought after by all the students of the a'immah

- Eventually, we had a ḥanafī legal community developing between 200 AH-300 AH, particularly from 250 AH-300 AH who deferred authority to the ḥanafī a’immah in 5 ways:
 - 1) Preserved the writings of the a’immah & attempted to determine their final positions
 - 2) Transmitted the writings of the a’immah to the next generation.
 - 3) Defended the positions of the a’immah
 - 4) Began identifying the basic principles underpinning the rulings of the a’immah
 - 5) Began writing commentaries upon the texts of the a’immah
- A major event occurred between the 200-250 AH which was the inquisition of the createdness of the Qur’ān, the theological diversity of the ḥanafī madhhab helped it to survive in the political sphere
- We could say the leading scholar in terms of generating students and writings that helped to solidify the boundaries of what it means to be a ‘ḥanafī’ was Muḥammad ibn Shujā‘ al-Thaljī *raḥimahullah* (d.266 AH) in Baghdad

- Around 325 AH, we could now say that the ḥanafī madhhab had now become an official school of thought which means that its boundaries were clearly defined
- During this period, the most important scholar in terms of teaching a generation of students and himself writing a primer in ḥanafī fiqh was Abu'l Ḥasan al-Karkhī *raḥimahullah* (d.340 AH)

The Transoxiana School – Shams al-A’immah al-Ḥalwānī & Shams al-A’immah al-Sarakhsī in 400 AH– 500 AH



The Transoxiana School – Shams al-A’immah al-Ḥalwānī & Shams al-A’immah al-Sarakhsī in 400 AH– 500 AH

- From approximately 400-500 AH, we notice a real rise in Transoxiana Ḥanafī Scholarship
- This is to the extent that some have stated that ḥanafī scholarship in Iraq halted after Al-Qudūrī (d.428 AH) and Al-Ṣaymārī (d.436 AH) with them being the final shuyookh of Iraq
- Almost every scholar who came after Al-Ḥalwānī up until the modern age, including those of the three famous families in Transoxiana; the Burhānīs, the Maḥbūbīs and the Awzjandīs trace their scholarly lineage through Al-Ḥalwānī-Al-Sarakhsī
- It was also after the Al-Ḥalwānī-Al-Sarakhsī period that the *ẓāhir al-riwāyah* books were properly defined and popularised as the most authoritative books of the ḥanafī madhhab

