

AN INTRODUCTION TO THE STUDY OF FIQH

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AN INTRODUCTION TO THE STUDY OF FIQH

Chapter One

The Definition of Fiqh

The لغوى definition of fiqh is الفهم (to understand). A Bedouin said to 'Eesa bin 'Umar بالفقه He meant شهدتك عليك بالفهم When the people of Nabi Shu'aib (as) said to him ما نفقه كثيرا مما تقول they meant نفقه كثيرا مما تقول The author of the lexicon As-Sihaah indicated that the verb يفقهه is on the scale of سمع يسمع He said فقه الرجل بالكسر (with a كسرة beneath the قاف). He then added (فهم الكلام نية الكلام The meaning of) و فلان لا يفقهه و لا ينقه (The meaning of) . . . (فهم الكلام نية الكلام is نية الكلام). He then added (فهم الكلام نية الكلام) (The meaning of) ثم حصّ به علم الشريعة (eventually its usage was restricted to knowledge of the shari'ah).

The shari'ah comprises of أحكام regarding عقيدة (belief), سلوك (spiritual life) and أعمال ظاهرة (outer/physical actions). Initially, fiqh was defined in a manner that encompassed expertise in all three areas of أحكام It was defined as thorough understanding of the entire deen. Thus, Imam Abu Hanifa (ra) used to define fiqh as معرفة النفس ما لها و ما عليها (knowledge of everything that is beneficial or harmful for man). This explains why he named the book he authored on عقيدة Al-Fiqh al-Akbar.

With the passing of time, the study of each of the above types of أحكام developed into separate sciences. The study of عقيدة began to be known

by a variety of names, most common of which is علم الكلام Likewise, there are a number of names for the study of man's spiritual life. The most common of these names is التصوف Henceforth, the word fiqh was reserved for the study of the laws governing man's أعمال ظاهرة (outer/physical actions). Thus, fiqh is now defined as

العلم بالأحكام الشرعية العملية من أدلتها التفصيلية

The study of shar'i laws pertaining to practical life as derived from their detailed proofs.

- The reason for adding the word العملية is to exclude أحكام related to سلوك and عقيدة
- The أدلة شرعية (shar'i proofs) are of two types, إجمالية (brief) and تفصيلية (detailed). If the دليل for a particular حكم is an aayah of the Qur'aan, then its دليل إجمالي is the Qur'aan and its دليل تفصيلي is the relevant aayah. If the دليل for a particular حكم is a hadith, then its دليل إجمالي is merely hadith (without specification of which hadith) and its دليل تفصيلي is the relevant hadith.

The Subject Matter

It is quite clear from the latter definition of fiqh that its subject matter comprises أدلة تفصيلية and أحكام عملية

The Purpose for Studying Fiqh

There are two words in this regard:

1. الغرض – The short-term benefit.
2. الغاية – The long-term benefit.

The غرض of studying fiqh is rectification of our أعمال ظاهرة and the غاية is success in the Hereafter.

The Sources of Fiqh

There are four primary sources of fiqh:

1. Qur'aan
 2. Sunnah
 3. Ijmaa' (consensus)
 4. Qiyaas (reasoning)
- The reason for saying that the sources of fiqh are four is that:
 - The دليل for any fiqhi injunction is either وحى or وحى غير
 - If the دليل وحى is either متلو or غير متلو The former is the Qur'aan and the latter is the sunnah.
 - If the دليل وحى غير it will definitely be based on اجتهاد
 - Such اجتهاد is called ijmaa' if there is consensus among the mujtahideen.
 - If there is no consensus, it is called qiyaas.
 - There is no need to explain the fundamental position of the Qur'aan in the deduction of shar'i أحكام
 - For many, there is also no need to explain the fundamental position of the sunnah in this regard. However, there are some people who dispute its importance in general and there are others who dispute a type of ahaadith referred to as آحاد
 - Much may be said regarding the importance of the sunnah in general. However, we will suffice with the fact that Muslims are commanded to follow and obey Rasulullah sallallahu alaihi wasallam.

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي

Say: If you love Allah, then follow me.¹

مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا

Take what the Rasul gives and abstain from what he prohibits.²

وَأَطِيعُوا اللَّهَ وَرَسُولَهُ وَلَا تَنَازَعُوا

Obey Allah and His Rasul and do not dispute.³

مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ

Whoever obeys the Rasul has obeyed Allah.⁴

قُلْ أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ . . . وَإِنْ تُطِيعُوهُ تَهْتَدُوا

Say: Obey Allah and obey the Rasul . . . If you obey him, you will be guided.⁵

- Much may also be said regarding the importance of the آحاد In these notes we will suffice with two points:
 1. The jamhoor (vast majority) always acknowledged the حجية (authority) of the آحاد
 - In fact, Fakhrud-Deen Raazi (ra) claimed that the Sahaabah (ra) were unanimous in this regard.
 - If there is any disagreement among the jamhoor, it is only with regards to whether some of the آحاد are قطعي (categorical) or whether all of them are ظني (tentative).
 2. Most of the ahaadith are آحاد Rejection of the آحاد would therefore result in deficiency of a tremendous amount of knowledge. Put differently, rejection of the آحاد would leave us

¹ Surah Aal 'Imraan, Aayah 31

² Surah Hashr, Aayah 7

³ Surah Anfaal, Aayah 46

⁴ Surah Nisaa, Aayah 80

⁵ Surah Noor, Aayah 54

with insufficient knowledge of the Qur'aan and almost the entire shari'ah.

- The jamhoor also acknowledge the importance of ijmaa' and qiyaas in the deduction of shar'i أحكام
- There are, however, details with regards the nature and the strength of ijmaa'. These details are discussed in Usool-ul-Fiqh.
- Likewise, there are intricate details regarding the requisites and strength of qiyaas. These details are also discussed in Usool-ul-Fiqh.

Note

- Some shar'i أحكام are derived from sources other than the above four e.g. قول الصحابي, تعامل, شرائع من قبلنا. However: استصحاب
- شرائع من قبلنا is only regarded as a valid argument if it is mentioned in Qur'aan or sunnah without any disapproval. Hence, it falls under دليل
- دليل is actually a form of ijmaa'.
- If the opinion of a sahaabi agrees with qiyaas, it will be categorised accordingly.
- If it contradicts qiyaas, it will be regarded as sunnah because when a sahaabi says something contrary to qiyaas, he must have heard it from Rasulullah sallallahu alaihi wasallam.
- استصحاب is in reality a type of qiyaas (as you will learn in the latter part of this book, Insha Allah).
- ❖ Hence, the sources of the shari'ah remain four.

The Importance of Fiqh

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَنَقَّضُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

It is improper for all the Believers to proceed (in jihaad). Why do some people from every group not stay behind so that they will

*gain an understanding of deen and (thereafter) warn their people when they return to them so that they will take heed?*⁶

This aayah indicates that in-depth study of fiqh is فرض كفاي

The Founder of Fiqh

Fiqh existed from the time of Rasulullah sallallahu alaihi wasallam and the Sahaabah (ra). There were many great fuqaha among the Tabi'een before Imam Abu Hanifa (ra). However, Imam Abu Hanifa (ra) is credited for being the first to codify the laws of fiqh. Thus, he is often referred to as the founder of fiqh. This is why Imam Shafi'i (ra) said:

الناس عيالٌ على أبي حنيفة في الفقه

In fiqh everybody is indebted to Abu Hanifa (ra).

Fuqaha among the Sahaabah (ra)

Mentioned below is a list of some of the more famous Sahaabah (ra) who excelled in the field of fiqh.

45AH	زيد بن ثابت	6.	18AH	معاذ بن جبل	1.
52AH	أبو موسى الأشعري	7.	19AH	أبي بن كعب	2.
68AH	عبد الله بن عباس	8.	32AH	عبد الله بن مسعود	3.
74AH	عبد الله بن عمر	9.	32AH	أبو الدرداء	4.
78AH	جابر بن عبد الله	10.	40AH	علي بن أبي طالب	5.

57AH	أم المؤمنين سيدتنا عائشة	11.
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⁶ Surah Tawbah, Aayah 122

Fuqaha among the Tabi'een

We now present a list of some of the fuqaha among the Tabi'een until the time of Imam Abu Hanifa (ra).

المدينة المنورة

94AH	سعيد بن المسيب	1.
94AH	عروة بن البير	2.
94AH	زين العابدين	3.
106AH	القاسم بن محمد	4.

مكة المكرمة

114AH	عطاء بن أبي رباح	5.
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الكوفة

62AH	علقمة بن قيس النخعي	6.
95AH	الأسود بن يزيد النخعي	7.
95AH	إبراهيم النخعي	8.
104AH	عامر بن شراحيل الشعبي	9.

البصرة

110AH	الحسن البصري	10.
110AH	محمد بن سريين	11.

الشام

113AH	مكحول بن أبي مسلم	12.
101AH	عمر بن عبد العزيز	13.

اليمن

106AH	طاؤس بن كيسان	14.
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Fuqaha of the Golden Age

The era of Imam Abu Hanifa (ra) and subsequent years witnessed the rise of a number of prominent fuqaha who made ground breaking contributions towards the codification of fiqh. Their teachings constituted different madhaahib and each one of them had his own followers. Unfortunately, only four of these madhaahib exist to this day. Various factors which will be discussed later led to the disappearance of the rest of these madhaahib. For now, we suffice with a list of these great fuqaha who are often referred to as the a'immah mujtahideen.

204AH	الشافعي	7.	150AH	أبو حنيفة	1.
238AH	إسحاق بن راهوية	8.	157AH	الأوزاعي	2.
240AH	أبو ثور	9.	161AH	سفيان الثوري	3.
241AH	أحمد بن حنبل	10.	175AH	ليث بن سعد	4.
270AH	داود الظاهري	11.	179AH	مالك بن أنس	5.
310AH	ابن جرير الطبري	12.	198AH	سفيان بن عيينة	6.

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Chapter Two

Seven Levels of Fuqaha

Ibn Kamaal Baasha (ra) divided Hanafi fuqaha into seven levels.

Level One

Those who exercised ijtihaad in the shariah – They formulated the principles for deduction of laws from Qur'aan, sunnah, ijmaa' and qiyaas. They never made taqleed of anybody, neither in the usool nor in the furoo'. The four Imams are examples of such fuqaha.

Level Two

Those who exercised ijtihaad in the madhab – They deduced laws in accordance with the principles of Imam Abu Hanifa (ra). They differed with him in some of the furoo’ but always adhered to his usool. Imams Abu Yusuf, Muhammad and all the direct students of Imam Abu Hanifa (ra) belong to this category.

Level Three

Those who exercised ijtihaad in masaa’il regarding which there is no narration from fuqaha of the first two categories. They did not oppose the usool and furoo’ of Imam Abu Hanifa (ra) but followed his usool in deducing ‘new’ laws. The following fuqaha belonged to this category:

1.	Al-Khassaaf	261AH
2.	Abu Ja’far Tahaawi	321AH
3.	Abul-Hasan Karkhi	340AH
4.	Shams-ul-A’immah Halwani	456AH
5.	Shams-ul-A’immah Sarakhsi	483AH
6.	Fakhr-ul-Islam Bazdawi	482AH
7.	Fakhr-ud-Deen Qadi Khan	592AH

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Level Four

Those who lacked the ability to exercise ijtihaad but, due to thorough understanding of usool and dalaa’il, they were able to clarify ambiguous statements narrated from one or all of the a’immah of the madhab. This was often achieved by making qiyaas on similar furoo’. Such fuqaha are called Ashaab-ut-Takhreej. Abu Bakr Raazi (d.370) is an example of such fuqaha.

Level Five

Those fuqaha who excelled in identifying the more correct or more appropriate opinion. In other words, when there are two or more narrations regarding a particular mas'ala, they are able to give preference to one opinion over the others. These fuqaha are called Ashaab-ut-Tarjeeh. Abul-Husain Qudoori (d.428AH) and the author of Hidaayah, Burhan-ud-Deen Murghinaani (593AH) belong to this category.

Level Six

Those who are able to differentiate between the weak, strong and stronger opinions, the ظاهر الرواية and the غير ظاهر الرواية. The latter-day authors of the متون (texts) fall under this category because they refrain from citing unacceptable and weak narrations.

Level Seven

Those who are unable to do any of the above.

Note

Although Ibn 'Aabideen Shaami (d.1252AH) quoted the above classification without any objection, a number of muhaqqiqeen have criticised certain aspects especially the inclusion of Imam Abu Yusuf and Imam Muhammad (ra) in the second category. The crux of their objection is that Imam Abu Yusuf and Imam Muhammad belong to the first category. Including them among the second category is unjust. The thrust of their argument is that these two Imams disagreed with Imam Abu Hanifa (ra) in a number of his usool. Where they agreed with him, such agreement was not due to taqleed but rather their ijtihaad coincided with that of Imam Abu Hanifa (ra). Based on these objections, some 'ulama e.g. Moulana Abdul-Hay Lucknowi (d.1304) that there are three types of mujtahideen:

1. The Mujtahid Mutlaq Mustaqil – In short this is the mujtahid of the highest calibre. He is a mujtahid in every sense and does not attach himself to another mujtahid i.e. he does not call himself Hanafi or Shafi'i etc. The four imams fall under this category.
2. The Mujtahid Mutlaq Muntasib – This is also a mujtahid in every sense. Truly speaking he is also a mujtahid of the highest calibre. However, he attaches himself to another mujtahid. Imam Abu Yusuf and Imam Muhammad (ra) fall under this category.
3. The Mujtahid Fil-Madhab – This is a faqeeh who, relying on daleel, confines himself to the madhab of a particular mujtahid and never contravenes his usool and qawaa'id. Many Hanafi fuqaha match this description.

Note

1. There are other objections regarding Ibn Kamaal (ra)'s classification e.g.
 - The description of Khassaaf, Tahaawi and Karkhi as unable to oppose the usool and furoo' of Imam Abu Hanifa (ra).
 - The description of Abu Bakr Raazi (ra) as incapable of ijtihaad and his inference that Abu Bakr Raazi (ra) was not as competent as Shams-ul-A'immah Sarakhsi (ra).
 - The classification of Qadi Khan in a higher level than that of Qudoori and the author of Hidaayah (ra).
2. 'Allamah Kawthari (d.1371) expressed some reservations regarding Moulana Lucknowi (ra)'s classification as well.
- ❖ For the sake of brevity we will not pursue these objections any further.

Three Levels of Masaa'il

The masaa'il of the Hanafi madhab are divided into three levels.

The First Level

This is the highest level of masaa'il in the madhab. Known as مسائل الأصول and ظاهر الرواية these masaa'il are:

- a. Narrated from all three 'ulama of the madhab or any one of them.
- b. Recorded in the following six books of Imam Muhammad (ra):
 - i. المبسوط
 - ii. الزيادات
 - iii. الجامع الصغير
 - iv. الجامع الكبير
 - v. السير الكبير
 - vi. السير الصغير

Note

1. The three 'ulama of the madhab refers to Imam Abu Hanifa, Imam Abu Yusuf and Imam Muhammad (ra).
2. Occasionally, the opinion of Imam Zufar, Imam Hasan bin Ziyaad or some other direct student of Imam Abu Hanifa (ra) is included in this category. This, however, happens very seldom.

The Second Level

Known as the مسائل النواذر these masaa'il are narrated from the three 'ulama or one of them, but not in any of the above mentioned books. Instead, they are narrated in one of the following:

- Other books of Imam Muhammad (ra):
 - ~ الجرجانيات ~ الكيسانيات
 - ~ الرقيات ~ الهارونيات
 - These masaa'il are called غير ظاهر الرواية because, unlike Imam Muhammad (ra)'s previous six books, these books' chains of transmission from Imam Muhammad (ra) are not ظاهرة ثابتة صحيحة
- Books compiled by other than Imam Muhammad (ra) e.g.
 - ~ The Kitaab-ul-Mujarrad of Hasan bin Ziyaad (ra)
 - ~ المالى narrated from Imam Abu Yusuf (ra)
 - المالى refers to collated notes that a shaikh had dictated to his students over a period of time.
- روايات مفردة e.g. The narrations of Ibn Samaa'ah and Mu'alla bin Mansoor regarding certain specific masaa'il.

The Third Level

The answers that latter-day fuqaha had given to questions about issues regarding which there was no narration from the former 'ulama of the madhab. These masaa'il are known by three names; the فتاوى the نوازل and the واقعات. The first kitaab comprising this sort of masaa'il is most probably the كتاب النوازل of Abul-Layth Samarqandi (d.373AH). Latter fuqaha mentioned these masaa'il مختلطة غير متميزة (alongside the original masaa'il without differentiation between the different categories). This explains why the فتاوى قاضى خان appears more like a standard fiqh manual. Among the few works that relate the rulings according to their category is the Muheet of Radi-ud-Deen Sarakhsi (ra). In this work the ظاهر المذهب is mentioned first, then the نواذر and thereafter the نوازل.

Among the Reliable Books

Haakim Shaheed (d.334AH) had written two kitaabs, Al-Kaafi and Al-Muntaqa. The first of the two is معتمد عليه (reliable) because it is merely a جمع of the six books of the ظاهرة الرواية The other book is also reliable but it contains some of the نوادر

Note

1. Imam Muhammad (ra)'s Al-Mabsoot is also called Al-Asl because he wrote it before all his other books. He then wrote الجامع الصغير which comprises masaa'il that he narrated عن أبي يوسف عن أبي حنيفة This was followed by الجامع الكبير which comprises masaa'il that he narrated directly from Imam Abu Hanifa (ra). He thereafter wrote then السير الصغير and finally السير الكبير So السير الكبير is the last of these six kitaabs.
2. A Number of commenataries were written on Haakim Shaheed (ra)'s Al-Kaafi. However, the most widely recognised of them is that of Shams-ul-A'immah Sarakhsi (ra). This commentary is also titled Al-Mabsoot.
3. In the Hanafi madhab there are a number of books by the title Al-Mabsoot. However, when Al-Mabsoot is mentioned مطلقا (without attribution to an author), it always refers to the Mabsoot of Shams-ul-A'immah Sarakhsi (ra).

المتون

This refers to the مشايخ كبار of the مختصرات who were well-known for their ضبط أقوال صاحب The purpose of these مختصرات was عدالة في الرواية and فقهه, علم, زهد Due to the صحة of these مسائل and the عدالة of their رواة these are included under the same category as the أصول

The الجصاص (340AH) الكرخي (321AH) الطحاوي مختصرات of متقدمون included the (370AH), الخصاص (261AH), الحاكم (334AH) and a few others among the متون معتمدة

The المتون الثلاثة (the three texts) chose different مختصرات When they speak of المتون الثلاثة (the three texts), they refer to:

1. مختصر القادري of Abul-Husain Qudoori (d.428AH)
2. الوقاية of Mahboobi (d.673AH)
3. كنز الدقائق of Nasafi (d.710AH)

When they speak of المتون الأربعة (the four texts), they refer to the above three and either المختار of Mawsili (d.683AH) or مجمع البحرين of Ibn Saa'aati (d.694).

The meaning of the above is that some of the Ahnaaf spoke of المتون الثلاثة and others among them spoke of المتون الأربعة Ibn 'Aabideen (ra) mentioned seven متون (texts):

1. مختصر القادري of Abul-Husain Qudoori (d.428AH)
 2. البداية of Murghinaani (d.593AH)
 3. المختار of Mawsili (d.683AH)
 4. النقاية of Sadr-ush-Shari'ah (d.747AH)
 5. الوقاية of Taj-ush-Shari'ah (d.673AH)
 6. كنز الدقائق of Nasafi (d.710AH)
 7. ملئقى الأبحر of Halabi (d.956AH)
- Considering what we mentioned above, we could add مجمع البحرين of Ibn Saa'aati (d.694) to this list. Accordingly, there are eight متون

Chapter Three

A Few Definitions and Notes

Section One

الصدر الأول – The first three generations of Muslims i.e. The Sahaabah, Tabi’een and Tab’ut-Tabi’een.

السلف – From Imam Abu Hanifa (ra) until Imam Muhammad (ra).

الخلف – From Imam Muhammad (ra) until Shams-ul-A’immah Halwaani (d.456AH).

المتقدمون – According to one opinion, the متقدمون are those who met the three Imams (الأئمة الثلاثة).

التأخرون – Based on the above, the متأخرون are those who did not meet the three Imams (الأئمة الثلاثة). Hence, the word متأخرون includes people who were before Shams-ul-A’immah Halwaani (ra).

According to another opinion, the متأخرون are from Shams-ul-A’immah Halwaani (ra) until Hafidh-ud-Deen Bukhari (d.693AH) who was known as الحافظ الكبير (ra).

The difference between the two opinions is that present day ‘ulama are included among the متأخرون according to the first opinion but not according to the second.

المشايخ – The meaning of مشايخ in statements like هذا قول المشايخ is مَنْ لم يُدرِك الإمام (those who did not meet Imam Abu Hanifa rahmatullah alaih).

شمس الأئمة – This title was given to a number of our أئمة However, when it is used مطلقا (with neither name nor نسبة), it always refers to شمس الأئمة When used for anybody else (e.g. شمس الأئمة الحلواني) it will always be accompanied with a name, نسبة or both.

شيخ الإسلام – Initially this title was reserved for very senior fuqaha who discharged the duties of إفتاء and assisted in solving people's disputes. A number of prominent فقهاء in the fifth and sixth centuries were known as شيخ الإسلام However, by the beginning of the eighth century, it became too common. So many 'ulama began to be called شيخ الإسلام that it lost its significance. In the words of Sakhawi (ra), it eventually became a title for any head judge 'even if he had no knowledge and was still very young'.

According to Ibn 'Aabideen (ra), whenever the title شيخ الإسلام is used مطلقا it refers to Abu Bakr Khwahir Zaadah (ra). The author of الجواهر المضية says that in such instances it refers to 'Ali bin Muhammad Isbijaabi (ra).

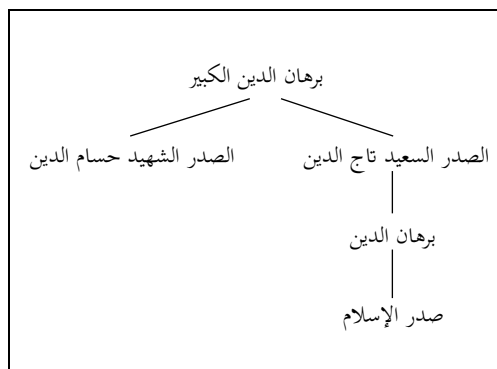
فخر الإسلام – This is the title of 'Ali bin Muhammad Bazdawi (ra). He passed away in 482AH. He was known as أبو العسر because most people find it very difficult to understand his books. He had a brother by the name of Muhammad (d.493AH). This brother's title was صدر الإسلام but people also called him أبو اليسر because his books were easier to understand.

برهان الإسلام – This is the title of Rady-ud-Deen Sarakhsi (d.544AH). He authored a kitaab called المحيط Burhan-ud-Deen Mahmood (d.616AH), also wrote a kitaab called المحيط To avoid confusion, the first is called المحيط الرضوي or المحيط السرخسي and the other is called المحيط البرهاني

برهان الدين الكبير – This is the title of ‘Abdul ‘Azeez bin ‘Umar bin Maazah (ra). He was also known as برهان الأئمة and الصدر الكبير Through his tutelage his two sons, الصدر السعيد and الصدر الشهيد, also became expert fuqaha.

برهان الدين – This the title of the grandson of the previous برهان الدين His name is Mahmood and he is the son of الصدر السعيد He is the author of the books الذخيرة and المحيط البرهاني

صدر الإسلام – This is the son of the second برهان الدين His name is Taahir. He gained proficiency in فقه from his father and is also included among the أعيان of the Ahnaaf.



صدر الشريعة

630AH		عُبَيْدُ اللَّهِ	جمال الدين
		أحمد	صدر الشريعة الأكبر
673AH	صاحب الوقاية	محمود	تاج الشريعة
		مسعود	
747AH	شارح الوقاية	عُبَيْدُ اللَّهِ	صدر الشريعة الأصغر

- Two people in the Hanafi madhab are known as صدر الشريعة The first is the second's great grandfather. To differentiate between them, the first is called صدر الشريعة الأول and صدر الشريعة الأكبر while the second is called صدر الشريعة الأصغر and صدر الشريعة الثاني Considering the phenomenal contribution of the second, when the title is mentioned مطلقا (without reference to الأول or الثاني), it always refers to him.
- جمال الدين صدر الشريعة الأكبر attained his knowledge of fiqh from his father أبو حنيفة الثاني who was known as
- صدر الشريعة الأكبر then tutored his son تاج الشريعة
- الهداية الوقاية and a commentary of تاج الشريعة
- صدر الشريعة الأصغر mentored his grandson تاج الشريعة
- صدر الشريعة الأصغر wrote a commentary of الوقاية There are other commentaries of الوقاية but his the best. He also wrote:
 - (an abridgement of الوقاية) النقاية
 - (in Usool-ul-Fiqh) التنقيح
 - (a commentary of التنقيح) التوضيح
- The lineage of this family reaches the famous sahaabi, Sayyiduna 'Ubaadah bin Saamit (ra).

Section Two

قالوا – The word قالوا is an indication that there is a difference of opinion among the مشايخ with regards the mas’alah under discussion. As noted by Ibn-ul-Humaam, صاحب الهداية tends to indicate to weakness and disagreement whenever he uses the word قالوا

قيل – It is commonly assumed that قيل indicates weakness. This is not entirely correct. Instead, the عادة (style) of the author has to be verified. It will only be regarded as definite indication of ضعف if we observe that he always mentions قيل before ضعيفة و مرجوحة For example, Imam Halabi (ra) mentioned in the introduction of his ملتقى الأبحر whenever his adding قيل before an opinion is an indication that that opinion is مرجوح Hence, we conclude that in this work قيل is a definite sign of weakness. However, if there is no evidence that the author always mentions قيل before أفعال مرجوحة و ضعيفة it should not be regarded as a definite sign of weakness. Hence, it is observed that in بدائع الصنائع ‘Allamah Kaasaani (ra) sometimes adds قيل before the أصح الأقوال of a discussion.

يجوز – This word is often used in the meaning of يصح (validity) rather than يجلّ (permissibility). This is what it means when it is used for صلاة مكروهة and similar issues. For example, if the word يجوز is used for صلاة مكروهة it means that although it was incorrect to perform صلاة in this manner, your salaah is valid. Hence, there is no contradiction when صحّ and جاز are accompanied with مع الكراهة

is predominantly used to indicate that something is مباح but its avoidance is better. However, it is sometimes used to show إباحة (that the issue at hand is مباح).

The مندوبات – In the writings of the متأخرين this word is only used for مندوبات – In the writings of the متأخرين this word is only used for مندوبات used it in a much broader sense. Hence, in their writings it is sometimes used for واجب (They used is ينبغي for واجب and مندوب)

For example, when Imam Qudoori (ra) said regarding the المكروه تنزيها and خلاف الأولى – This is used for لا ينبغي he meant that omission of any of these words is خلاف الأولى and المكروه تنزيها. However, لا ينبغي is sometimes used to show حرمة. For example, Imam Muhammad (ra) said لا ينبغي له أن ينظر من الرجل إلى ما بين سرتيه إلى ركبتيه Here he meant it is حرام for a man to look between the navel and the knees of another man.

عنده و عنه

The difference between these two terms is that the first denotes a مذهب whereas the second denotes a رواية. Hence, عند أبي حنيفة means that what was mentioned is Imam Abu Hanifa (ra)'s مذهب (confirmed opinion). On the other hand, عن أبي حنيفة means that what is mentioned is not Imam Abu Hanifa (ra)'s مذهب but it is another رواية from him.

Chapter Four

The Books of Imam Muhammad (ra)

In this chapter we shed more light on the books of Imam Muhammad (ra).

المبسوط – This book is also called الأصل because:

1. It is the first of Imam Muhammad (ra)'s books.
 2. It is the أصل of the rest of the books that make up the ظاهر الرواية
 3. It is the most important, most detailed and lengthiest of the books that make up the ظاهر الرواية
- Describing this book, the author of كشف الظنون said that Imam Muhammad (ra) first compiled the مسائل of صلاة and called it كتاب الصلاة He then compiled the مسائل of بيع and called it كتاب البيوع In this manner he wrote كتاب المضاربة , كتاب المأذون etc. These books were eventually put together, فصارت مبسوطا (the result was a مبسوط).
 - When Hanafi fuqaha say كتاب المضاربة or قال محمد في كتاب المأذون etc. they refer to these كُتُب of the مبسوط
 - Khateeb Baghdadi (ra) quoted Hasan bin Da'ud (ra) as saying that the people of Basrah boast of four books: كتاب الحيوان and البيان و التبيين of الخليل We (i.e. the people of Kufa) boast of twenty seven thousand مسائل of حلال and حرام which were deduced by a resident of Kufa by the name of Muhammad bin Hasan and which لا يسهل الناس جهلها (it is imperative for the people to know). As noted by Mufti Muhammad Taqi (ra), Hasan bin Da'ud was referring to Imam Muhammad (ra)'s مبسوط

- It is said that Imam Shafi'i (ra) memorised Imam Muhammad (ra)'s ميسوط and wrote his famous book الأم imitating its style.

- A Christian or Jew studied this book and accepted Islam saying:

هذا كتاب محمدكم الأصغر فكيف كتاب محمدكم الأكبر

If this is the book of your junior Muhammad, what about the book of your senior Muhammad be?

- This book comprises of six volumes and there are approximately one thousand pages (خمسمائة ورقة).
- It is narrated from Imam Muhammad (ra) by a number of his students e.g. Abu Sulaiman Jawzajaani, Muhammad bin Samaa'ah Tameemi and Abu Hafs Al-Kabeer (ra). However, the (most) common رواية is that of Abu Sulaiman Jawzajaani (ra). In fact, much of its مسائل are Imam Muhammad (ra)'s responses to questions posed by Abu Sulaiman (ra). Nonetheless, there are also a huge amount of مسائل mentioned ابتداءً من الإمام محمد
- In this book Imam Muhammad (ra) mentions مسائل فروعية according to Imam Abu Hanifa and Imam Abu Yusuf (ra). He also mentions his opinion. He seldom mentions دلائل because the ahaadith proving most of these مسائل were common knowledge to majority of the fuqaha of his طبقة Hence, he does mention دلائل when they were unclear to many of the fuqaha of his طبقة
- A number of fuqaha wrote commentaries on the ميسوط Among them was زادة شيخ الإسلام خواهر and شمس الأئمة الحلواني The former is called ميسوط البكري

مبسوط – This book was written after the الجامع الصغير

- The reason for writing this book is that when Imam Muhammad (ra) completed the كُتُب (i.e. the various كُتُب that make up the مبسوط), Imam Abu Yusuf (ra) instructed him to compile a book comprising all the مسائل which he had learnt from Imam Abu Yusuf and which Imam Abu Yusuf (ra) has narrated to him from Imam Abu Hanifa (ra).
- Upon completing this compilation, Imam Muhammad (ra) showed it to Imam Abu Yusuf who praised it saying, 'He remembered well but he erred in three places'. Hearing this Imam Muhammad (ra) said, 'I have not erred, you have forgotten the رواية'. Fakhr-ul-Islam Bazdawi (ra) mentioned that Imam Abu Yusuf desired that Imam Muhammad (ra) would narrate a book from him. Thus, Imam Muhammad wrote this book and أسنده عن أبي يوسف عن أبي حنيفة Bazdawi (ra) also added that Imam Abu Yusuf said that Imam Abu Hanifah erred in six (rather than three) places. However, our مشايخ rely on the رواية of Imam Muhammad (ra).
- 'Ali Al-Qummi (ra) mentioned that despite Imam Abu Yusuf (ra)'s lofty status in fiqh, he would always keep this book with him whether at home or on journey.
- 'Ali Ar-Raazi (ra) used to say:
مَنْ فُهِمَ هَذَا الْكِتَابُ فَهُوَ أَفْهَمُ أَصْحَابِنَا ، مَنْ حَفِظَهُ فَهُوَ أَحْفَظُ أَصْحَابِنَا
Whoever understands this book is the most understanding of our Ashaab. Whoever memorises it is the greatest haafidh among our Ashaab.
- 'Ali ar-Raazi (ra) also said that المتقدمين من مشايخنا would not appoint anybody as a قاضى without examining his knowledge of this book. They would only appoint him as a قاضى if had memorised this book.

- The مسائل mentioned in this book are of three types:
 1. مسائل that are only mentioned in this book.
 2. مسائل that are mentioned in other books but without reference to whether they are from Imam Abu Hanifa (ra) or someone else. In this book, however, Imam Muhammad identifies the opinions of Imam Abu Hanifa (ra).
 3. مسائل that are mentioned in other books but the wording in this book is different. The reason for changing the wording is to highlight certain فوائد which were not highlighted in the previous wording.
- Imam Muhammad (ra) did not arrange the مسائل of this book in a proper ترتيب. They were arranged in a proper ترتيب by Hasan bin Ahmad Za'faraani (d.610AH).
- Throughout this book Imam Muhammad (ra) referred to Imam Abu Yusuf (ra) by his name rather than his كنية. This was in accordance with Imam Abu Yusuf (ra)'s instruction. The reason was to avoid the perception of تسوية في التعظيم
 - The reason for using a كنية is تعظيم
 - Although Imam Abu Yusuf (ra) was also Imam Muhammad (ra)'s teacher, both of them were students of Imam Abu Hanifa (ra). Therefore, Imam Abu Yusuf wanted Imam Muhammad to avoid creating the perception of تسوية في التعظيم (that he respects both of them equally).
 - Based on this the مشايخ of بخارى used to say that when students sit in the presence of their أستاذ, they should not refer to each other as مولانا

- Over the centuries many fuqaha wrote commentaries and footnotes on this book. There are also a number of abridgements. Among the more famous of its commentators are:

480AH	القاضى الإسيجاني	7.	321AH	أبو جعفر الطحاوي	1.
482AH	فخر الإسلام البزدوي	8.	340AH	أبو عمر الطبري	2.
536AH	الصدر الشهيد	9.	340AH	أبو الحسن الكرخي	3.
553AH	الظهر البلخي	10.	362AH	أبو جعفر الهندواني	4.
580AH	أبو نصر العتايي	11.	370AH	أبو بكر الجصاص	5.
592AH	القاضى خان	12.	373AH	أبو الليث السمرقندي	6.

رحمة الله عليهم

الجامع الكبير – This is the third of Imam Muhammad (ra)’s books.

- It is described by Mufti Taqi as كتاب بديع (a unique book), the depth of its تفريعات astonishes the most outstanding ‘ulama.
- ‘Allamah Baabarti (d.786AH) said that هو كاسمه The Urdu equivalent of this is that it is اسم با مستى In simple words, its name is most befitting. Its name is الجامع الكبير and it is مسائل of جامع كبير
- ‘Allamah Baabarti (ra) also said that كاد أن يكون معجزا (it is almost a miracle).
- Imam Muhammad bin Shujaa’ (d.267AH) said that, ‘In the history of Islam there is no book on fiqh like الجامع الكبير of (Imam) Muhammad bin Hasan’. He also said that the example of Imam Muhammad and his الجامع الكبير is that of a man who built a house. As the house got higher, he built a staircase to reach the top. Upon completion of the building, he exited the house, broke down the

staircase and then commanded the people to ‘climb up!’ The crux of the example is that just as reaching the top of the house without a staircase is extremely difficult, thorough understanding of الجامع الكبير is also extremely difficult.

- After quoting the above example of Abu Shujaa’ (ra), ‘Allamah Kawthari (ra) noted that this book is آية في الإبداع (a ‘sign’ in uniqueness). It is extensively deep in deduction of مسائل فروعية in accordance with the laws of لغة and حساب and the intricacies of shar’i principles. Perhaps he wrote it so that it would serve as a means of testing the intelligence of the fuqaha and their تيقظ (alertness) with regards the ways of deducing مسائل فروعية. He then says that people get perplexed trying to understand its methodology of deducing مسائل فروعية unless explained it is explained to them. ‘From beginning-to-end, it is exactly how Ibn Shujaa’ described it.’ However, the staircases have been restored to the book’s chapters. This is evident from the two commentaries of Jamaal Haseeri (d.637AH). In the beginning of every chapter he says أصل This has made it much easier to understand its methodology of deducing مسائل فروعية or الباب على كذا or الباب كذا
- Abu Bakr Raazi (ra) mentioned that he read some مسائل from الجامع الكبير to one of the foremost experts in النحو (syntax) and he was astounded at the author’s expertise in النحو (syntax). Abu Bakr Raazi (ra) was referring to Abu ‘Ali Al-Faarsi (ra).
- In a letter to Qadi Sharaf-ud-Deen, Jamaal-ud-Deen bin ‘Ubaidullah wrote that in its field this book (الجامع الكبير) is عجيب غريب (amazingly unique), لم يُصنّف مثله (a book like it was never written).

- This book was also narrated from Imam Muhammad (ra) by a number of his students. Among them are: Abu Sulayman Al-Jawzajaani, Abu Hafs Al-Kabeer, 'Ali bin Ma'bad bin Shaddaad, Hisham bin Abdillah Ar-Raazi and Muhammad bin Samaa'ah At-Tameemi عليهم الرحمة
- Due to the intricacy of the مسائل of this book many of the subsequent أئمة wrote commentaries on it. Mentioned below are the names of just some of them:

482AH	فخر الإسلام البزدوي	6.	305AH	علي بن موسى القمي	1.
483AH	شمس الأئمة السرخسي	7.	340AH	أبو عمر الطبري	2.
536AH	الصدر الشهيد	8.	370AH	أبو بكر الجصاص	3.
592AH	القاضي خان	9.	373AH	أبو الليث السمرقندي	4.
616AH	صاحب المحيط البرهاني	10.	449AH	شمس الأئمة الحلواني	5.

رحمة الله عليهم

الجامع الكبير (supplement) of تكملة – الزيادات

- After completing الجامع الكبير Imam Muhammad (ra) remembered some فروع which he did not mention therein. Thus, he wrote a separate book to discuss these فروع He name this book الزيادات After completing this book he remembered even more فروع Thus, he commenced yet another book. This book was titled زيادات الزيادات Unfortunately, he did not complete this book.
- It is also narrated that after deducing some very intricate فروع Imam Abu Yusuf (ra) commented that solving these فروع may be too difficult for Imam Muhammad. Thus, Imam Muhammad (ra)

compiled the زيادات to prove that solving such intricate فروع is not difficult for him.

- Some people criticise this passion for deducing all these جزئيات much of which are بعيدة عن الواقع (farfetched). (ra)'s answer to their objection is that understanding ما يحتاج إليه (what is required) is not possible without understanding ما لا يحتاج إليه (what is not required). Remember that إنما يستعدّ للبلاء قبل نزوله (we have to prepare for calamity before it occurs).
- Since this book is merely a تكملة (supplement), it does not cover all the أبواب of fiqh. In fact, most of its مسائل are related to معاملات
- There are a number of commentaries on this book as well. Some of its famous commentators are:

580AH	أبو نصر العتايي	5.	233AH	محمد بن سماعة	1.
592AH	القاضي خان	6.	449AH	شمس الأئمة الحلواني	2.
616AH	برهان الدين بن مازة	7.	483AH	شمس الأئمة السرخسي	3.
773AH	سراج الدين الهندي	8.	562AH	تاج الدين الكزذري	4.

رحمة الله عليهم

السير الصغير – This books deals entirely with the laws of سيرة ().

- It is an abridgement of a book that Imam Abu Hanifa (ra) had dictated to a number of his students including Imams Abu Yusuf, Muhammad, Zufar, Asad bin 'Amr, Hasan bin Ziyaad, Hafs bin Ghiyaath, 'Aafiyah bin Yazeed, Hammad (Imam Abu Hanifa's son) and others.

- As time passed all of them narrated this book to their students. However, each of them made some additions to the actual book and arranged its مسائل differently. The result of their changes is that each version is regarded as a separate book attributed to its compiler rather than Imam Abu Hanifa (ra). Sadly, only Imam Muhammad (ra)'s compilation (السير الصغير) has reached us. The rest were lost with the passing of time.
- الحاكم الشهيد (ra) included the entire book in his book titled الكافي
- (ra) explained it in his مبسوط At the end of the tenth volume he wrote:

انتهى شرح السير الصغير المشتمل على معنى أثرٍ بإملاء المتكلم بالحق المنير المحصور لأجل شبه الأسير
المنتظر للفرج من العالم القدير

(The reason for adding the underlined words is that he dictated the مبسوط to his students from the bottom of a well in which he was imprisoned. Amazingly, he dictated to them without any books that he could refer to. This well was in أوزجند (a town in present day Kyrgyzstan, between the two rivers of فرغانة).

- Relying on a number of manuscripts a contemporary scholar, Doctor Mahmood Ahmad Ghaazi, prepared a revised edition and published it with explanatory notes in English.

ظاهر الرواية – This is the last of the six books that comprise the السير الكبير

- The reason for its compilation is Imam Awza'i (ra) saw a copy of Imam Muhammad (ra)'s السير الصغير and said, 'What can the people of Iraq write about this topic? They have no knowledge of سير because the مغازي of Rasulullah sallallahu alaihi wasallam and his companions were in Hijaaz and Shaam but not in Iraq which was

conquered later'. These comments infuriated Imam Muhammad (ra) and were the motivation for him writing *السير الكبير*. When Imam Awza'i (ra) saw *السير الكبير* he said, 'Were it not for the ahaadith that he included in it, I would have said that he is fabricating knowledge. Allah has guided his thoughts to what is correct. *And above every learned man is someone (more) learned.*'

- Upon completion of this book, Imam Muhammad (ra) had it transcribed into sixty parts. He then had it taken to the khaleefa's door in a cart. The khaleefa was highly impressed when he was told that Imam Muhammad wrote a book that had to be delivered to him in a cart. (It was too huge to be hand-delivered.) The khaleefa regarded this book as one of the feats of his reign and began sending his sons to the lessons of Imam Muhammad (ra) so that they could hear this book from him. In order to ensure that his sons memorised their lessons, their teacher, Isma'il bin Tawbah Qazweeni (ra), would attend Imam Muhammad (ra)'s lessons with them. Thus, he too heard this book from Imam Muhammad (ra). Eventually, there were no more narrators of this book from Imam Muhammad (ra) besides Isma'il bin Tawbah and Abu Sulaiman Jawzajaani (ra).
- Throughout this book Imam Muhammad (ra) did not mention Imam Abu Yusuf (ra) by his name or *كنية*. Whenever he needed to mention Imam Abu Yusuf (ra) in the *إسناد* of a hadith, he would merely say *أخبرني الثقة* (the reliable one informed me). The reason for this is that this book was compiled Imam Muhammad (ra)'s fallout with Imam Abu Yusuf (ra).
- The reason for their fallout is that Imam Muhammad (ra) had desired to follow Imam Abu Hanifa (ra)'s example and avoid serving as a *قاضى* (judge). However, Imam Abu Yusuf (ra) suggested

to the khaleefa to appoint Imam Muhammad (ra) as قاضى (judge) over رقة. Due to nasty threats by government authorities, Imam Muhammad (ra) begrudgingly accepted the post. Nonetheless, to show his displeasure, he stopped referring to Imam Abu Yusuf (ra) by his name or كنية

- Ibn Nujaym (d.970AH) mentioned that the books of Imam Muhammad (ra) which are termed صغير constitute مسائل that he and Imam Abu Yusuf (ra) had agreed upon. On the contrary, the مسائل in the books described as كبير were not shown to Imam Abu Yusuf (ra). Mufti Taqi 'Uthmani noted that this could be another reason for Imam Muhammad (ra) not mentioning Imam Abu Yusuf (ra) in this book.
- In conclusion, السير الكبير is one of the earliest books ever written on the topic of international law and the injunctions related to war and peace. This gains added importance when considering how extensive and detailed it is.

Note

As mentioned earlier, these six books comprise the ظاهر الرواية They are the أصل for knowing the Hanafi madhab. Considering their importance in the madhab, الحاكم الشهيد (ra) condensed them in a book titled الكافي The thirty volume of المبسوط (ra) شمس الأئمة السرخسي is a commentary of الكافي This commentary gained such prominence that 'Allamah Tarsoosi (d.758AH) said about it:

لا يُعمل بما يخالفه و لا يُركن إليه و لا يُفتى و لا يعول إلا عليه

Whatever opposes it should not be considered and practised on. We should not rely and issue fatwa on any other book.

Note

There are another three books that are also narrated from Imam Muhammad (ra) through sound chains of transmission. These three books are:

1. الموطأ
2. كتاب الآثار
3. كتاب الحجّة على أهل المدينة

However, they are not included in the ظاهر الرواية because their subject matter is not explanation of the مذهب and its فروع The subject matter in the first two is رواية الحديث and in the third it is خلافيات Thus, the مسائل فقهية in them are mentioned تبعاً

As previously mentioned, there are four other books narrated from Imam Muhammad (ra), but due to uncertainty in the chains of transmission, they are also excluded from the ظاهر الرواية These books are:

الجرجانيات – There are two possibilities for this compilation of مسائل being called الجرجانيات

1. They were compiled in the city of جرجان (which is in present-day Iran, approximately 30km from the Caspian Sea).
2. It was narrated from Imam Muhammad (ra) by one of his جرجاني students.

الرقيات – This compilation is called الرقيات because:

1. They were compiled in الرقة (a city in Syria on the north east bank of the Euphrates River) when Imam Muhammad (ra) went there as القاضي قاضي
2. الرقة (ra) narrated these مسائل from Imam Muhammad (ra) in الرقة ابن سماعة

الكيسانيات – These مسائل are called الكيسانيات because they are narrated from Imam Muhammad (ra) by سليمان بن شعيب الكيسانى It is also said that these مسائل are called الكيسانيات because Imam Muhammad (ra) collated them in a place called كيسان This is incorrect.

It is also claimed that the name of these مسائل is actually الكيانيات instead of الكيسانيات They are called الكيانيات because they were written for a man called كيان

المارونيات – Here too there are two reasons behind this name:

1. They were written for a person by the name of Haroon.
2. They were written during the reign of the 'Abbasi خليفة Haroon Ar-Rasheed.

Chapter Five

Proliferation of the Madhab

- Imam Abu Hanifa (ra)'s role in this regard is obvious. He is the founder of the madhab.
- His sincerity, piety, knowledge and personality drew a number of great 'ulama to study at his feet and drink from the well of his knowledge. ##### mentioned the names of fifty 'ulama who were his students. Among them were experts in various branches of Islamic learning. For example, Abdullah bin Mubarak and Yahya bin Ma'een were experts in hadith. Many of these 'ulama (e.g. Yahya bin Ma'een) began issuing fatwa in accordance with the teachings of Imam Abu Hanifa (ra). Although others like Ibn Mubarak (ra) did not adopt all of Imam Abu Hanifa (ra)'s opinions, they nevertheless quoted his opinions in their lessons, praised him when the opportunity arose and defended his integrity when needed. These factors contributed towards spreading the name of Imam Abu Hanifa (ra) and his teachings. Thus, while Imam Abu Hanifa (ra) was still alive, there was already a significant amount of people following him.
- Nonetheless, four of Imam Abu Hanifa (ra)'s students gained more prominence than the rest. They are Imams Abu Yusuf, Muhammad, Zufar and Hasan bin Ziyaad Lu'lu'i (ra). Of these four, Imams Abu Yusuf and Muhammad (known as Saahibayn) gained more prominence than the other two. However, the contribution of the other two (Zufar and Hasan bin Ziyaad) cannot be denied.
 - Imam Zufar (ra) is also one of Imam Muhammad (ra)'s teachers. Imam Muhammad (ra) studied under him after the demise of Imam Abu Hanifa (ra).

- Initially, the people of Basrah were very negative towards Imam Abu Hanifa (ra). Their attitude changed when Imam Zufar returned to Basrah and in the course of his lessons dispelled all their doubts about him.
- Hasan bin Ziyaad authored the Mujarrad and taught the fiqh of Imam Abu Hanifa (ra) to others. His foremost student, Muhammad bin Shujaa', also wrote books on the madhab. Hence, the role of Hasan bin Ziyaad (ra) is undisputable.
- However, their roles are incomparable to the role of Imams Abu Yusuf and Muhammad (ra). The role of the latter is quite evident from the position of his six books in the madhab. He is often described as the raawiyah (main narrator) and codifier of the madhab. Moulana Abdul Hay Lucknowi (ra) wrote about him that:

هو الذى نشر علم أبي حنيفة و إنما ظهر علم أبي حنيفة بتصانيفه

*He is the one who (really) spread the knowledge of Abu Hanifa.
The knowledge of Abu Hanifa became widespread through his writings.*

- Considering that Imam Muhammad (ra) was also the most prominent student of Imam Abu Yusuf (ra) and that the reason for compilation of Al-Jaami' As-Sagheer was Imam Abu Yusuf (ra)'s instruction, this is to a great extent the contribution of Imam Abu Yusuf (ra).
- Besides, Imam Abu Yusuf (ra) also had a huge amount of students. 'Allamah Kawthari (ra) mentioned the names of thirty four of them and then added that 'as Dhahabi had mentioned, a huge amount of people gained expertise in fiqh at his hands, and as you can see, (many) A'immah were his students'.
- Imam Abu Yusuf (ra) had also written a number of books. Unfortunately, most of them were eventually lost. The only books of Imam Abu Yusuf (ra) that we still have are:

i. أدلة الفقه – This book is regarding the الفقه and most of it is narrated from Imam Abu Hanifa (ra).

ii. اختلاف ابن أبي ليلى و أبي حنيفة

iii. الرد على سير الأوزاعي

iv. الخراج – This book is actually a letter addressed to Haroon Rashid.

It discusses various monetary أحكام

- We have thus far touched on the contributions of Imams Abu Yusuf, Zufar and Hasan bin Ziyaad (ra). We now have to touch on the contributions of Imam Muhammad (ra). This, however, has already been discussed in the previous chapter. Nonetheless, the point that we need to highlight now is that Imam Muhammad (ra) was also an accomplished teacher having a huge amount students. 'Allamah Kawthari (ra) noted that:

يصعب استقصاء مَنْ تَخَرَّجَ بِهِ

It is difficult to encompass all the scholars who graduated at his hands.

Hence, mentioned below are the names of just some of his more prominent students.

The Students of Imam Muhammad (ra)

1. أبو حفص الكبير البخاري أحمد بن حفص العجلي

One of the transmitters of Imam Muhammad (ra)'s books, Abdul Qadir Al-Qurashi, the author of الجواهر المضيئة said that لا يُحْصَوْنَ (he students are uncountable). Imam Bukhari (ra) learnt the fiqh of أهل العراق and the جامع الثوري from him.

2. أبو سليمان موسى بن سليمان الجوزجاني

The most prominent of Imam Muhammad (ra)'s students. 'Allamah Kawthari said about him that به انتشرت الكتب الستة في مشارق الأرض

(through him the six books spread throughout the east and the west). We previously mentioned that his رواية (version) of المبسوط is more popular than the others. We also mentioned that much of the مسائل in المبسوط are Imam Muhammad (ra)'s responses to questions posed by Abu Sulaiman (ra). Ma'moon offered him the post of qadi but he declined.

3. محمد بن سماعة التميمي

Born in 130AH, he passed away at the age of 103. Even in his old age he would ride horses and perform two hundred rak'aat of salaah every day. Ma'moon appointed him as the qadi of Baghdad upon the demise of Yusuf, the son of Imam Abu Yusuf (ra). He later resigned due to poor eyesight. When he passed away, Yahya bin Ma'een (ra) said:

مات ريحانة العلم مِنْ أَهْلِ الرَّأْيِ

The flower of knowledge among the jurists passed away.

Among his writings are:

- ~ كتاب أدب القاضي
- ~ كتاب المحضر و السجلات
- ~ النوادر

Abu Ja'far Ahmad bin Abi 'Imran (ra), Imam Tahawi (ra)'s shaikh, graduated in fiqh under his tutelage.

Anecdote

Muhammad bin Samaa'ah (ra) narrated that in forty years he only missed التكبيرة الأولى once. That was the day his mother passed away.

On that day he missed one salaah in congregation. To compensate for this he repeated that salaah twenty five times. His intention was to still attain the multiplied reward of congregational salaah. He then fell asleep. In his sleep he heard somebody say,

‘Muhammad, you performed the (same) salaah twenty five times, but what about the aameen of the angels?’

4. علي بن معبد الرقي

Also a transmitter of الجامع الصغير and الجامع الكبير he also narrated ahaadith from Imam Malik, Imam Shafi’i, Layth bin Sa’d, Sufyan bin ‘Uyainah, Ibn Mubarak, Isma’il bin ‘Ayyash, Yunus bin Abdil-A’la and others (ra). Many people narrated from him as well. Among them are Yahya bin Ma’een, Muhammad bin Ishaq, Abu ‘Ubaid Qasim bin Sallaam and Yunus bin Abdil-A’la (ra). Ibn Hibban included him among the ثقات and Haakim described as شيخ من أجلة المحدثين. He enjoyed a very special relationship with Imam Muhammad (ra) and was often permitted to enter the latter’s room while others were not.

Anecdote

‘Ali bin Ma’bad used to visit Imam Muhammad (ra) while he was in Baghdad. Sometime after Imam Muhammad (ra) was posted to Raqqa as a qadi, ‘Ali travelled to Raqqa to visit him. However, the doorkeepers refused him permission to enter and turned him away. Later, when Imam Muhammad (ra) learnt of this, he reprimanded his doorkeepers and instructed them that in future they should never turn ‘Ali away. He then said to ‘Ali that: *Whenever you come to me, come up to the curtain screening outsiders from me and shake your throat. If I am able to meet you at that time, I will grant you permission and you may enter. Otherwise, I will remain silent.* ‘Ali says that after that, whenever he would go to Imam Muhammad (ra)’s place, he would walk past the crowd of people at his door and even his doorkeepers. He would go right up to the curtain, clear his throat and greet.

‘Hearing my voice, he would say: Abu Muhammad, come inside. Thus, I would go inside. Sometimes he would not respond. On such occasions I would (immediately) leave.’

5. شعيب بن سليمان الكيسانى

He is the sole transmitter of the كيسانيات from Imam Muhammad (ra).

6. علي بن صالح الجرجاني

He is the sole transmitter of the جرجانيات from Imam Muhammad (ra).

7. إسماعيل بن توبة القزويني

He and Abu Sulayman Jawzajaani are the only two people who transmitted السّير الكبير from Imam Muhammad (ra).

8. إبراهيم بن رستم المروزي

He is the only transmitter or the نوادر from Imam Muhammad (ra).

9. عيسى بن أبان البصري

Hilal bin Yahya said, ‘In the history of Islam there was no judge who had more knowledge of fiqh than ‘Isa bin Abaan’. He also said, ‘From the beginning of Islam to this day no qadi appointed over Basrah had more knowledge of fiqh than ‘Isa bin Abaan’. One of Imam Tahawi (ra)’s teachers, Abu Khaazim, said, ‘I never saw anybody and wished to be like him besides ‘Isa bin Abaan’. He also said, ‘I never saw anybody among the residents of Baghdad who knew more ahaadith than ‘Isa (bin Abaan) and Bishr bin Waleed’. He narrated from Imam Muhammad (ra) the book الحجج على أهل المدينة

He authored a number of books. Among them are:

~ الحجج الكبير

~ الحجج الصغير

~ الرد على الشافعي و المريسي

Anecdote

Muhammad bin Samaa'ah (ra) narrated that: 'Isa bin Abaan was a handsome man. He would perform salaah with us and I would invite him to the lessons of (Imam) Muhammad. He would say, 'These people oppose hadith'. One day he performed the morning salaah with us. It was the day of (Imam) Muhammad's lesson. So I did not leave him until he sat in the lesson of (Imam) Muhammad. Upon (Imam) Muhammad's completion of the lesson, I said to him, 'This is the son of your brother Abaan bin Sadaqah. He is very intelligent and knowledgeable in hadith. I invite him to sit with you but he refuses saying that we oppose hadith'. So (Imam) Muhammad turned to him and said, 'Son, which hadith do you see us opposing?' Thus, 'Isa asked (Imam) Muhammad of twenty five issues related to hadith and (Imam) Muhammad answered him, identifying the منسوخ and presenting شواهد and دلائل After that 'Isa stuck to (Imam) Muhammad لزوما شديدا

10. موسى بن نصر الرازي

He was the mentor of Abu Sa'eed Barda'i and Abu 'Ali Daqqaaq (ra).

11. معلى بن منصور الرازي

Among the most senior students of Imams Abu Yusuf and Muhammad (ra), his كنية was Abu Yahya. He was a مشارك (colleague) of Abu Sulaiman Jawzajaani. Both of them enjoyed a lofty status in abstinence, piety and knowledge of hadith. He narrated hadith from Imam Malik, Layth bin Sa'd, Hamaad and Ibn 'Uyainah (ra). Ibn-ul-Madeeni and Imam Bukhari (ra) narrated from him. However, the latter did not narrate from him in الجامع الصحيح Al-'Ijli (ra) said that he ثقة نبيل صاحب سنة On more than one occasion he was offered the post of qadi but he refused. The important think in the

context of this book is that he narrated from Imams Abu Yusuf and Muhammad (ra) the 'books' as well as the **أُمَالِي** and the **نَوَادِر**

12. محمد بن مقاتل الرازي

The qadi of Ray, he narrated hadith from Wakee' and others belonging to the same **طبقة**

13. هشام بن عبيد الله الرازي

A student of Imams Abu Yusuf and Muhammad (ra). Imam Muhammad (ra) passed away in his house. He used to say, 'I met one thousand and seven hundred shuyookh and I spent seven hundred thousand dirhams in pursuit of knowledge. Ibn Hibban classified him as **ثقة** Abu Haatim described him as **صدوق** but added that **ما رأيت أحدا أعظم قدرا منه** (I never saw anybody with a greater stature than him).

Note

From the above, the following three were also students of Imam Abu Yusuf (ra):

1. محمد بن سماعة

3. معلى بن منصور

2. شعيب بن سليمان

4. هشام بن عبيد الله

Note

There were many other fuqaha in this **طبقة** i.e. the **طبقة** of Imam Abu Hanifa (ra)'s students' students (the first **طبقة** of Imam Abu Hanifa's indirect **أصحاب**). Hence, we now discuss another four of these fuqaha. The reason for mentioning them separately from the above mentioned fuqaha is that although they belong to the same **طبقة** as the above fuqaha, they were not students of Imam Muhammad (ra). They were students of Imam Abu Hanifa (ra)'s other students.

1. محمد بن عبد الله بن المنقّ

Al-Muthanna was the grandson of the famous Sahaabi, Anas bin Malik (ra). Here we are speaking of Al-Muthanna's grandson, Muhammad bin Abdillah (ra). In fiqh he was a student of Imam Zufar (ra). He narrated hadith from many prominent personalities e.g. Sa'eed bin Abi 'Aroobah, Humaid at-Taweel, Ibn Juraij, Hammaam and Shu'bah (ra). Likewise, many prominent figures narrated hadith from him. Among them are: Imam Ahmad, Yahya bin Ma'een, Bundaar, 'Ali ibn Al-Madeeni, Abu Qilaabah and Qutaybah (ra). Imam Bukhari (ra) narrated from him in Al-Jaam' As-Saheeh. In fact, one of Imam Bukhari (ra)'s ثلاثين is narrated from him. The rest of the Six Compilers also narrated from him.

2. محمد بن شجاع التلجي

A student of Hasan bin Ziyaad (ra), he is described by some writers as كان من بحور العلم (he was one of the oceans of knowledge). Imam Dhahabi (ra) said that فقيه أهل العراق في زمانه (he was one of the oceans of knowledge). He was also passionate worshipper and passed away in sajdah during the 'asr salaah. He wrote a number of books. Among them are:

- ~ كتاب المناسك (comprising more than sixty huge volumes)
- ~ كتاب تصحيح الآثار (This was also a very lengthy book.)
- ~ كتاب النوادر
- ~ كتاب المضاربة
- ~ كتاب الرد على المشبهة

At the time of his death he made wasiyyah to be buried in his house because 'there is no floor in it in which he did not make a khatm of the Qur'aan.

- However, he was pro-I'tizaal in some aqeedah issues and some hadith experts questioned his credentials as a narrator of hadith.
- The reason he is called الثلجي is that he is from the progeny of بيع الثلج to نسبة (It is not because he used to sell ice.)

3. إسماعيل بن حماد بن أبي حنيفة

He is Imam Abu Hanifa (ra)'s grandson. However, he did not meet Imam Sahib (ra). Thus, he studied fiqh from his father and Hasan bin Ziyaad (ra). At different times he serves as the qadi of the eastern side of Baghdad, Basrah and Raqqah. Sadly, he passed away at a very young age. Had he lived longer, he would have eventually enjoyed a lofty status among the people.

4. هلال الرأي

His full name is هلال بن يحيى بن مسلم البصري He is also called هلال الرأي because of sharp wittedness and extensive knowledge. This is comparable to Imam Malik (ra)'s shaikh, ربعة الرأي, Hilaal gained his expertise in fiqh from Imams Zufar and Abu Yusuf (ra). He wrote a book regard بكار بن قتيبة Among his students was أحكام الوقف and الشروط

Note

In the foregoing pages we discussed a seventeen fuqaha, all of whom were students of Imam Abu Hanifa (ra)'s students. As mentioned earlier, these fuqaha may be classified as the first طبقة of indirect students of Imam Abu Hanifa (ra). We will now discuss a few fuqaha from the next طبقة

Truth be told, there were much more fuqaha in the first طبقة We only mentioned a few of them. The same applies to the next طبقة The fuqaha in this طبقة are also too many to be encompassed in this short treatise. Hence, we will suffice with a just few of them.

The Students' Students

The Second طبقة of Indirect Students

1. أبو حفص الصغير

He mastered fiqh under his father, Abu Hafs Al-Kabeer, who was among the prominent students of Imam Muhammad (ra). He heard hadith from Abul-Waleed Tayaalisy, Humaidi, Yahya bin Ma'een and others. Imam Bukhari (ra) and him were colleagues. For some time they accompanied each other in pursuit of knowledge. Like his father, he too became the leading authority of the Hanafi madhab in Bukhara and surrounds. Thus, he is described as **شيخ الحنفية** and **عالم ما وراء النهر** He authored **كتاب الأهواء و الاختلاف** and **الرد على اللفظية** He is also described as:

ثقة إماما ورعا زاهدا ربانيا صاحب صاحب سنة و أتباع

Over the years a number of people who graduated in fiqh under him became a'immah (تفقه عليه أئمة).

2. ابن أبي عمران

His كنية was Abu Ja'far. Imam Dhahabi (ra) described him as **الإمام ابن أبي عمران** Dhahabi (ra) added that **العلامة شيخ الحنفية** and **الفقيه المحدث الحافظ** was among the oceans of knowledge and extremely intelligent. 'He narrated a huge amount of ahaadith from his memory. He studied fiqh under Muhammad bin Samaa'ah and he narrated hadith from a number of people including Muhammad bin

Samaa'ah and 'Ali ibn Al-Ja'd. Imam Tahaawi (ra) gained his expertise in (Hanafi) fiqh under his tutelage. In fact, he was the شيخ (highest authority) of the أحناف in Egypt.

3. أبو سعيد البردعي

His full name is Ahmad bin Husain. He studied fiqh under Imam Abu Hanifa (ra)'s grandson Isma'il and Abu 'Ali Daqqaaq (ra). His students include Abul-Hasan Karkhi, Abu Tahir Dabbas and Abu 'Amr Tabri (ra). He was martyred in 317AH while fighting against Hajjaj bin Yusuf in the Battle of the Qaraamitah.

Anecdote One

Zaila'i (ra) narrated in his commentary of Kanz-ud-Daqaaiq that on his way for hajj Abu Sa'eed passed through Baghdad. There he attended a lesson of Da'ud Dhaaahiri (ra) who was debating with follower of Imam Abu Hanifa (ra). Noticing that the Hanafi was unable to answer Da'ud (ra), Abu Sa'eed joined the debate. He questioned Da'ud (ra) about the sale of أمهات الأولاد and countered Da'ud (ra)'s explanation in a manner that silenced him. Noticing the dominance of the أصحاب الظواهر in Baghdad, Abu Sa'eed (ra) decided to settle down in Baghdad. Sometime later he had a dream in which he heard somebody quoting the aayah:

فأما الزيد فيذهب جفاءً ، وأما ما ينفع الناس فيمكث في الأرض

Suddenly someone knocked on his door and Abu Sa'eed woke up only to be told by the person who knocked his door that Da'ud (ra) had passed away.

Anecdote Two

There is a مسئله in العتاق و الطلاق باب اليمين known as المسئلة البردعية Abu Sa'eed (ra) used to say that he failed to understand this مسئله Thus, he went to Baghdad and asked Qadi Abu Khaazim about it. Having understood المسئلة البردعية from Qadi Abu Khaazim, he went on to stay with him for four years. Abu Sa'eed (ra) also said that he read الجامع الكبير three to four hundred times before entering Baghdad.

4. أبو خازم

His full name is Abdul Hameed bin Abdil Azeez. An expert qadi and extremely knowledgeable in various branches of learning, he was a student of Hilaal Ar-Ra'y and Muhammad Al-Amy. The latter was a student of Muhammad bin Samaa'ah (ra). Among Abu Khaazim (ra)'s most prominent students was Imam Tahawi and Abu Taahir Dabbaas (ra). Abul Hasan Karkhi (ra) met him and attended (some) of his lessons. However, he did not graduate at his hands.

During the course of Abu Khaazim (ra)'s career he served as a qadi over Shaam, Kufa and the part of Baghdad known as Karkh. At the time of his death, he cried and said يا رب! من القضاء إلى القبر ('O Allah! From the courts to the grave'). Nevertheless, Dhahabi (ra) referred to him as ثقة دينا ورعا عالما as قاضي القضاة ، العلامة ، الفقيه and described him as

5. أبو علي الدقاق

A student of Moosa bin Nasr (ra), he was the mentor of Abu Sa'eed Al-Birda'i (ra). He wrote a book on the laws of haid (menstruation). He is called الدقاق due to نسبة إلى بيع الدقيق (the selling of flour).

6. أبو بكر الجوزخاني

His full name is Ahmad bin Ishaq (ra). He learned fiqh from Abu Sulayman Juzajaani (ra). An expert in the usool and the furoo', he wrote كتاب التوبة and كتاب الفرق و التمييز

Note

Juzajaani means he came from Juzajaan. Presently pronounced as Jowzjan, it is a [province in the north of Afghanistan](#) bordering neighbouring [Turkmenistan](#).

7. محمد بن سلمة البلخي

Born in 192AH, he is a student of Shaddaad bin Hakeem and Abu Sulayman Juzajaani (ra). Abu Bakr Al-Iskaaf (ra) was one his students. He passed away in 278AH.

The Third طبقة of Indirect Students

1. أبو جعفر أحمد بن محمد بن سلامة

Commonly referred to as Imam Tahawi (ra), he initially studied under his maternal uncle, Imam Muzni (ra) who was among the most prominent of Imam Shafi'i (ra)'s students. However, he gained proficiency in the Hanafi madhab under Ibn Abi 'Imran and Abu Khaazim, both of whom were students of Muhammad bin Samaa'ah (ra). Apart from occupying a lofty status in the field of ijtihaad, he was is also a highly regard expert in hadith. Suyooti (ra) included him among the حسن المحاضرة in his book حقاظ الحديث Despite (incorrectly) criticizing his methodology in نقد الحديث Hafidh Ibn Taimiyyah (ra) acknowledged that he was كثير الحديث فقيها عالما He wrote a number of books. Among them are:

~ أحكام القرآن

~ مشكل الآثار

~ شرح معاني الآثار

~ المختصر

2. أبو منصور الماتريدي

Imam of the متكلمين and rectifier (defender) of Muslim 'aqeedah (belief), his full name was Muhammad bin Muhammad bin Mahmood. He attained mastery in fiqh from Abu Bakr Al-Juzajaani (ra). Among his students are Ishaq bin Muhammad Samarqandi, 'Ali Rastaghfani and Abdul Kareem Bazdawi (ra). Together with expertise in fiqh, he was an expert in 'ilm-ul-kalaam, having written a number of books in this field. Eventually all members of the Ahl-us-Sunnah followed either Abul-Hasan Ash'ari or Abu Mansoor Matureedi (ra).

3. أبو الحسن الكرخي

'Ubaidullah bin Husain is his full name. His mentor under whom he studied fiqh is Abu Khaazim (ra). Upon the latter's demise, he became the most highly regarded authority among the Ahnaaf. Due to his vast knowledge of fiqh, he is regarded as مجتهد في المسائل. He authored a handbook known as المختصر and commentaries on الجامع الصغير and الجامع الكبير. His most famous students are Abu 'Ali Shaashi, Abu Haamid Tabari, Abul-Qasim Tanookhi, Abu Bakr Jassaas and Imam Qudoori (ra).

Anecdote

He used to perform abundant nafl salaah and keep abundant nafl fast. When he became paralysed towards the end of his life, his students wrote to Saif-ud-Dawlah appealing to him to allocate an allowance for him. Upon learning of this, he cried to Allah saying اللهم لا تجعل رزقي إلا من حيث عودتي (O Allah, let my sustenance not come to me except from where I always receive it). Thus, he passed away before an allowance of ten thousand dirhams from Saif-ud-Dawlah could reach him.

4. الأستاذ السبذمويني

His name is 'Abdullah bin Muhammad bin Ya'qoob. He hailed from a village in Bukhara called Sabdhamoon. Thus, he is called Sabdhamooni. A student of Abu Hafs As-Sagheer, he is commonly called Al-Ustaadh. He wrote a book titled كشف الآثار الشريفة في مناقب أبي حنيفة His most outstanding student is Abu Bakr Muhammad bin Fadl Al-Kumaari (ra).

5. أبو بكر الإسكاف

Described as جليل القدر and إمام كبير he was from Balkh (which is also a town and a province in Afghanistan). Abu Bakr is his كنية His name is Muhammad bin Ahmad. He was a student of Muhammad bin Salamah (ra). His students include Abu Bakr Al-A'mash and Abu Ja'far Al-Hindawaani (ra).

6. أبو طاهر الدباس

دَبَّاس means a seller of دَبَّس (molasses). Abu Tahir, however, was an outstanding faqeeh. He is regarded as the إمام of the أهل الرأي in Iraq in his time. He was a student of Abu Khaazim (ra).

7. أبو القاسم الصفار

His name is Ahmad bin 'Ismah and he is a student of Nusayr bin Yahya, a student of Muhammad bin Samaa'ah (ra). He is also from Balkh. Abu Haamid Marwazi (ra) is his student. He passed away in 336AH – the year in which Abu Bakr Al-Iskaaf (ra) passed away.

The Fourth طبقة of Indirect Students

In this section we will suffice with only two personalities.

1. أبو جعفر الهندواني

Also from Balkh, his actual name is محمد بن عبد الله بن محمد Described as Imam جليل القدر and شيخ كبير the depth of his expertise in fiqh is gauged from the fact that he was given the title أبو حنيفة الصغير In fiqh he graduated at the hands of Abu Bakr Al-Iskaaf (ra). Among his students was the great faqeeh أبو الليث السمرقندي (ra) and many others. Abu Ja'far (ra) passed away in 362AH in Bukhara.

Note

There were two Hanafi 'ulama known as Abul-Layth. One of them passed away in 294AH. He was known as Hafidh Abul-Layth. The other passed away in 362AH. He is known as Faqeeh Abul-Layth. The latter is also known as Imam-ul-Huda. He authored a number of books. One of them is the famous تنبيه الغافلين

2. أبو بكر الجصاص

Abu Bakr is his كنية His name is Ahmad bin 'Ali (ra). He mastered fiqh under the tutelage of Abul Hasan Karkhi (ra). The foremost teacher in Baghdad, people travelled from far and wide to study under him. He wrote a number of books. Some of them are:

- | | |
|------------------------|----------------------|
| ~ أحكام القرآن | ~ شرح الأسماء الحسنى |
| ~ شرح مختصر الكرخي | ~ أدب القاضى |
| ~ شرح مختصر الطحاوي | ~ كتاب فى أصول الفقه |
| ~ شرح جامع الإمام محمد | |

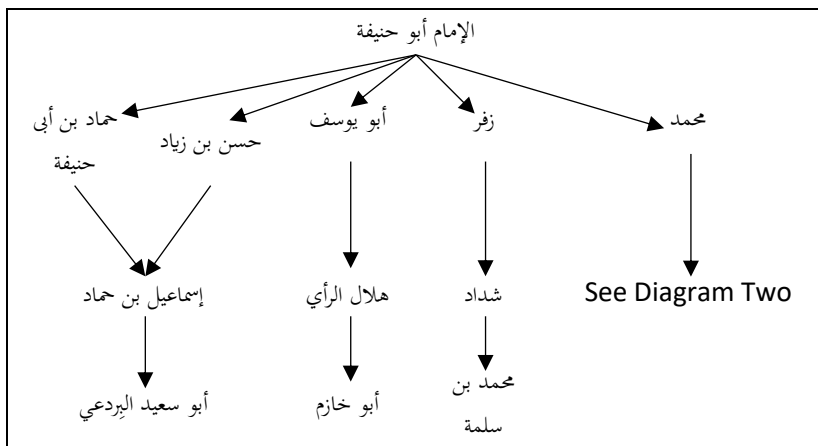
In زهد and ورع he followed the example of his shaikh, Abul Hasan Karkhi (ra). The post of qadi was offered to him twice but he

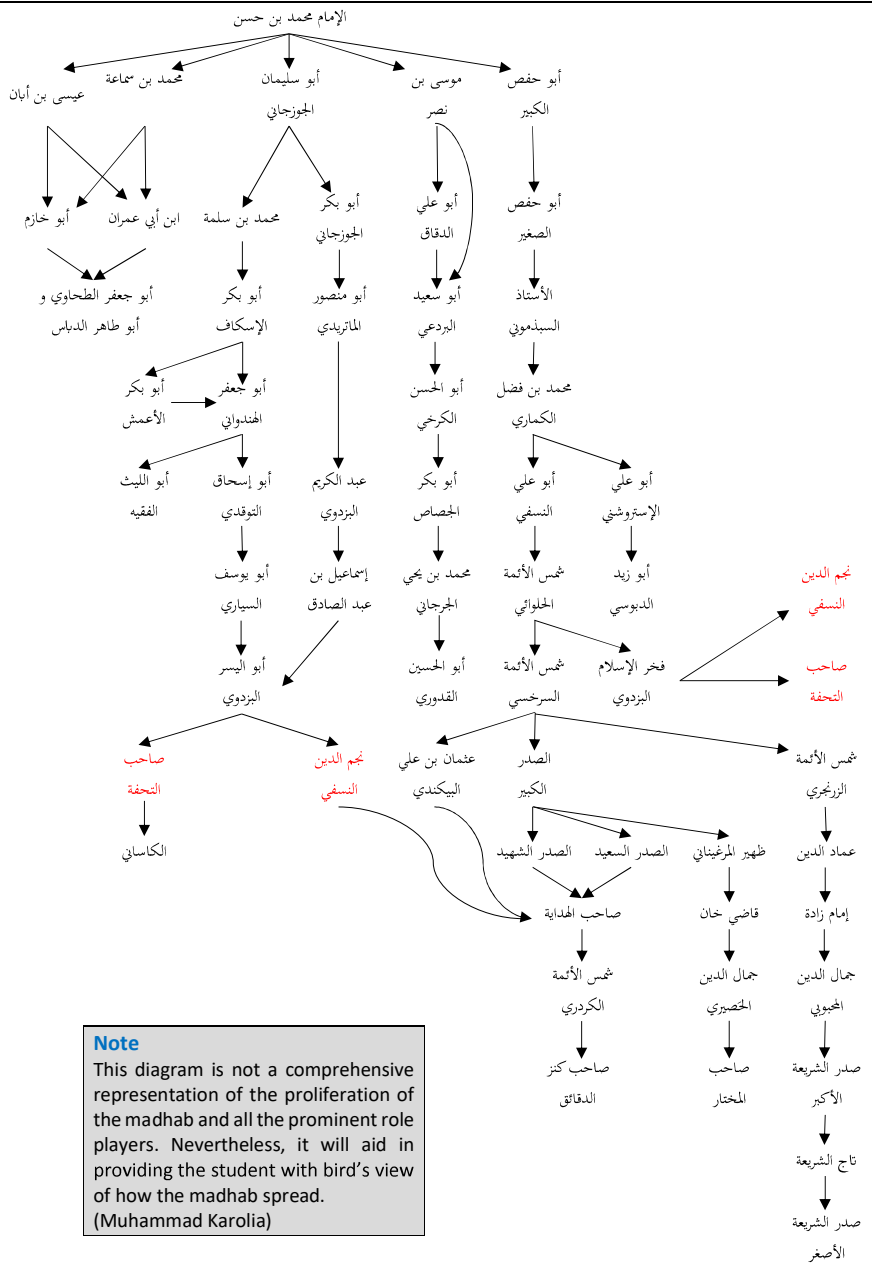
rejected the proposal both times. His students include Imam Qudoori (ra)'s teacher, Muhammad bin Yahya Jurjaani, and Abul Hasan Za'faraani (ra). He narrated hadith from Abu Haatim and 'Uthman Ad-Daarami (ra). He passed away in 370AH.

Note

Abu Bakr Jassaas (ra) is also called Abu Bakr Raazi (ra). Some people think that Abu Bakr Jassaas and Abu Bakr Raazi are different people. This is incorrect. Both of them refer to the same person. There is no contradiction between being called Jassaas and being called Raazi. Jassaas means a person who works with حصّ (lime) and Raazi means a person from the town Ray. Obviously it is possible for a person to be both Jassaas and Raazi at the same time.

Diagram One





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