



Objective Jurisprudential Research Papers

***Fiqh Course
(The Ḥanafī and Shāfi'ī
Schools of Islamic Law)***

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**In the Name of Allāh,
the Most Merciful, the Most Compassionate**

**All praise is due to Allāh and blessings and peace upon the
Messenger of Allāh (peace and blessings be upon him). Since then:**

***Al-Madhhab al-Ḥanafī* (The Ḥanafī School of Islamic Law)**

First Lesson

First: Introduction to the Ḥanafī *Madhhab*:

Al-Madhhab al-Ḥanafī (Ḥanafī school of Islamic law) is—rightfully so—the largest of the Islamic legal schools. It is also the oldest in existence, the most followed, and the most widely spread both geographically and demographically.

Several factors contributed to the growth and extensive spread of the *madhhab*, including:

1. The large number of Abū Ḥanīfah's students and their dedication to disseminating his opinions.
2. The affiliation of many prominent Islamic scholars with the Ḥanafī school.
3. The adoption of the Ḥanafī *madhhab* as the official legal school of the 'Abbāsīd Caliphate, which governed vast regions of the Muslim world for over five hundred years.

Thus, the *madhhab* is widespread on both the public and official levels in many Muslim countries such as India, Pakistan, and Afghanistan—lands historically referred to by scholars as *mā warā' al-nahr* (Transoxiana). It is also widespread in Iraq and Syria. When we look to Egypt, we find that this *madhhab* holds official status but limited public adherence, as the general populace is mostly split between the Mālikī and Shāfi'ī schools. Nonetheless, the Ḥanafī *madhhab* has remained the official legal school of the state since the time of Muḥammad 'Alī Bāshā.

The Emergence of the Ḥanafī *Madhhab*:

The Ḥanafī *madhhab* originated in Kūfah, which was a major center of knowledge and a destination for many of the Companions of the Prophet Muḥammad (peace and blessings be upon him), most notably the esteemed Companion 'Abdullāh bin Mas'ūd (may Allāh be pleased with him). The knowledge was passed down from Ibn Mas'ūd to the Tābi'ī 'Alqamah bin Qays, then to 'Ibrāhīm al-Nakha'ī, then to Ḥammād bin 'Abī Sulaymān, and finally to Imām Abū Ḥanīfah, who studied under Ḥammād for eighteen years until his teacher's passing. Thereafter, Abū Ḥanīfah

took his place in issuing legal verdicts and teaching. In this sense, Abū Ḥanīfah was the inheritor of the knowledge of the Companion ‘Abdullāh bin Mas‘ūd (may Allāh be pleased with him).

They used to say: “Fiqh was planted by ‘Abdullāh bin Mas‘ūd, watered by ‘Alqamah¹, harvested by ‘Ibrāhīm al-Nakha‘ī², threshed by Ḥammād³, ground by Abū Ḥanīfah, kneaded by Abū Yūsuf, baked by Muḥammad, and the people eat from its bread.”

Since we are discussing the Ḥanafī *madhhab*, it is only appropriate that we mention the Imām of the imāms, the guiding light of the ‘*ummah*, the leader of the scholars and master of his peers: Imām al-‘A‘zam Abū Ḥanīfah al-Nu‘mān bbn Thābit⁴ (may Allāh be pleased with him):

¹ ‘Alqamah bin Qays bin ‘Abdullah bin Mālik al-Nakha‘ī, whose nickname is Abū Shibl; a well-known jurist from the *Tābi‘īn*. He excelled his peers in knowledge and religious devotion and was the most alike to ‘Abdullāh bin Mas‘ūd from whom he acquired knowledge. He died in sixty-two A.H. in Kūfah. Refer to *Ṭabaqāt bin Sa’d* 6/86 et seq, *Tadhkirat al-Ḥuffāz* 1/48, and *Ṣafwat al-Ṣafwah* 3/27.

² Abū ‘Imrān, ‘Ibrāhīm bin Yazīd bin Qays bin al-‘Aswad; a well-known jurist Kūfian *Tābi‘ī*. He acquired knowledge from ‘Alqamah bin Qays and Al-‘Aswad bin Yazīd. He died in ninety-five A.H. or otherwise. Refer to *Ṭabaqāt bin Sa’d* 6/270 et seq, *Tadhkirat al-Ḥuffāz* 1/73 et seq, *Wafīyyāt al-‘A’yān* 1/3, and *Ṣafwat al-Ṣafwah* 3/86.

³ Ḥammād bin Abī Sulaymān from Kūfah; one of the leading jurists who heard *ḥadīth* from ‘Anas bin Mālik (may Allāh be pleased with him) and acquired *fiqh* from ‘Ibrāhīm al-Nakh‘ī. Sufyān, Shu‘bah and Abū Ḥanīfah transmitted knowledge from him. Abū Ḥanīfah learnt, benefited, and acquired *fiqh* from him. Later Ḥammād acquired knowledge from Abū Ḥanīfah. He died in 120 A.H. Refer to *Al-Jawāhir al-Muḍī‘ah* 1/226, *Mīzān al-‘Itidāl* 1/595, and *Shadharāt al-Dhahab* 1/157.

⁴ The biography of *Al-‘Imām al-‘A‘zam* is mentioned in most of the books of history, biographies and biographical generations in a limitless number. Here, I would like to point to some of the books compiled exclusively about this great Imām (may Allāh be pleased with him): *Abū Ḥanīfah: his lifetime, era, opinions and fiqh* by Shaykh

He is Al-Nu'mān bin Thābit bin Zūṭā. Zūṭā was among the noblemen of the Persians who was taken captive during a war and later released, becoming a *mawlā* (client) of the Banū Taym bin Tha'labah tribe. He migrated from Kābul to Kūfah, where he embraced Islam and practiced it beautifully.

Zūṭā met our master 'Alī bin 'Abī Ṭālib (may Allāh be pleased with him) and once gifted him *falūdhaj* (a type of sweet) during the Persian festival of Nawrūz.

Zūṭā had a son named Thābit, who was born and raised in Islam. It is reported that our master 'Alī (may Allāh be pleased with him) prayed for Zūṭā, asking Allāh to bless the descendants of his children upon the birth of Thābit.

Thābit worked in trade, particularly in the silk trade. He married and had a son, whom he named Al-Nu'mān. He was born on June 14, 767 C.E. (80 A.H.) during the caliphate of 'Abd al-Malik bin Marwān.

Abū Ḥanīfah was given his *kunyah* (nickname) due to his association with inkwells called *ḥanīfah* in the Iraqi dialect, though another view holds that it came from the root *taḥannuf* (devotion), as the Imām was a man of worship.

Initially, Abū Ḥanīfah worked in trade like his father and became known as *al-Khazzāz* (the silk merchant). One day, he encountered the scholar Al-Sha'bī, who asked him, "Whom do you frequent?" He replied, "I go to the marketplace." Al-Sha'bī responded, "I did not mean the market; I meant, which scholars do you attend?" Abū Ḥanīfah answered, "I rarely sit with scholars." Al-Sha'bī said, "Do not do that. You should pursue knowledge and accompany the scholars. I see in you sharpness and energy." So Abū Ḥanīfah abandoned trade and began his pursuit of knowledge. He said, "Allāh benefited me through his advice."

Muḥammad Abū Zahrah, *Abū Ḥanīfah: The hero of freedom and tolerance in Islam* by 'Abd al-Ḥalīm al-Jindī, *Al-Maṭālib al-Manīfah fī al-Dhabb 'an Abī Ḥanīfah* by Prof. Muṣṭafā Nūr al-Dīn, and *The Lifetime of Imām Abū Ḥanīfah* by Prof. Sayd 'Afīfī. Refer to *Al-Ṭabaqāt al-Saniyyah fī Tarājim al-Ḥanaḥiyyah*, p. 73 et seq where the author mentioned him in a comprehensive biography including information not previously mentioned by other scholars.

He began his studies by memorizing the Qur'ān, mastering it according to the recitation of 'Āṣim—one of the seven canonical reciters¹. He later turned to the study of Islamic sciences, which he apparently did not begin with *fiqh*. His student Zufar ibn al-Hudhayl narrated that Abū Ḥanīfah once said:

“I used to study *'Ilm al-Kalām* (theological dialectics) and reached a high level of proficiency in it. We would often sit near the circle of Ḥammād bin Abī Sulaymān. One day, a woman came to me and asked, ‘A man owns a slave woman whom he wants to divorce according to the Sunnah. How should he do it?’ I did not know the answer. I told her to ask Ḥammād and return to inform me. She asked him, and he replied, ‘He should divorce her once while she is pure (not menstruating) and has not been intimate with her, then leave her until she has two menstrual cycles. After she performs *ghusl*, she is permitted to remarry.’ She came back and informed me. I said to myself, ‘I have no need for *'Ilm al-Kalām*,’ and I picked up my shoes and joined the study circle of Ḥammād.”

Abū Ḥanīfah studied in Kūfah, which he called the “mine of knowledge,” due to the scholarly legacy of 'Alī ibn Abī Ṭālib, Ibn Mas'ūd, Sa'īd bin Zayd bin 'Amr, Ḥudhayfah bin al-Yamān, Abū Mūsā al-'Ash'arī, and others.

From the Tābi'īn, he studied with: 'Alqamah bin Qays al-Nakha'ī, 'Ibrāhīm bin Yazīd al-Nakha'ī, al-'A'mash Sulaymān ibn Mihrān, al-Sha'bī, Jiblah ibn Suḥaym, and others.

He also studied in Makkah, where he was exiled for six years. There, he learned *āthār* (narrations) and *tafsīr* (exegesis) from the students of Ibn 'Abbās.

He was also connected to the knowledge of *Āl al-Bayt* (the Prophet's family) through his studies with Imām Ja'far al-Ṣādiq and supported Imām Zayd ibn 'Alī, the eponym of the Zaydī *madhhab*.

Caliph al-Manṣūr once asked Abū Ḥanīfah, “From whom did you acquire knowledge?” He replied, “From the companions of 'Umar about 'Umar, from the companions of 'Alī about 'Alī, and from the companions of Ibn Mas'ūd about Ibn

¹ This accounts for the clear correlation between the adherents of the Ḥanafī *madhhab* and the adherence to the recitation of 'Āṣim in the Eastern Regions of the Islamic Empire.

Mas'ūd. And during the time of Ibn 'Abbās, there was no one on earth more knowledgeable than him.” Al-Manṣūr said, “You have secured your knowledge well.”

Abū Ḥanīfah met his teacher Ḥammād bin Abī Sulaymān and studied under him for eighteen years. Ḥammād was also a *mawlā*, associated with the al-'Ash'arī tribe. He had studied under 'Ibrāhīm, al-Sha'bī, 'Alqamah, Masrūq bin al-'Ajda', and others who were students of luminaries such as Shurayḥ al-Qādī, 'Alī bin Abī Ṭālib, and Ibn Mas'ūd.

After Ḥammād's death in 120 AH, Abū Ḥanīfah began teaching in Kūfah. He modified the traditional method of rote teaching by allowing his students to engage in discussion, even raising their voices.

He loved his students dearly, once saying to them: “You are the delight of my heart and the relief of my sorrow.”

He once said of his students: “Among them are thirty-six men: twenty-eight are fit to be judges, six fit to issue *fatwā*, and two capable of educating judges and *muftīs*.”

Abū Ḥanīfah was among the first to establish a scholarship system, providing financial support to his students and their families.

He (may Allāh be pleased with him) was merciful to people and forgiving of their offenses—of which there were many toward him.

One day in a gathering, he disagreed with the opinion of Al-Ḥasan al-Baṣrī. A rude person said to him, “O son of an adulteress! You dare oppose Al-Ḥasan al-Baṣrī?” Abū Ḥanīfah's face remained unchanged, and he replied, “Indeed, Al-Ḥasan erred, and Ibn Mas'ūd was correct. O Allāh, whoever finds his chest tight because of us, our hearts are open to him.”

One of his opponents once said to him, “You heretic! You innovator!” He replied, “May Allāh forgive you. Allāh knows differently about me. I have never compared Him with anyone since I knew Him.” The man said, “Make me *ḥalāl* (excused) for what I said.” Abū Ḥanīfah replied, “Anyone who spoke ill of me out of ignorance is excused. But whoever did so knowingly is accountable.”

Abū Ḥanīfah was intelligent and quick-witted. Many stories highlight this, such as:

1. His response to Ibn Abī Laylā's ruling in the case of a woman who insulted someone as "son of two adulterers."
2. The case involving an inheritance in which Ibn Shubrūmah ruled against him, even with witnesses and an oath.
3. His debate with Al-Ḍaḥḥāk bin Qays regarding the *ḥukm* of arbitration.
4. His discussion with Qatādah bin Di'āmah in Kūfah.
5. His dialogue with Abū Yūsuf when the latter became an independent teacher.

He was tested several times by rulers:

- He was tested by Yazīd bin 'Umar bin Hubayrah regarding a judicial appointment.
- He was tested by Abū Ja'far al-Manṣūr concerning issuing legal verdicts and assuming the role of judge.

Finally, the Imām passed away in 150 A.H., either while in prison or shortly after his release, during the rule of Al-Manṣūr.

Lesson Two

The Development of the Ḥanafī School of Law

When Imām Abū Ḥanīfah (may Allāh be pleased with him) passed away, he left behind students who spread his knowledge far and wide. The most prominent among them were: Abū Yūsuf, Muḥammad bin al-Ḥasan, Zufar bin Hudhail, and Al-Ḥasan bin Ziyād al-Lu'lu'ī. These four were the most famous for disseminating the knowledge of Imām Abū Ḥanīfah, and the two most prominent among them were the two Imāms: Abū Yūsuf and Muḥammad bin al-Ḥasan—may Allāh have mercy on them all.

The Most Prominent Students of Abū Ḥanīfah

1. **Ya'qūb bin 'Ibrāhīm al-'Anṣārī, Abū Yūsuf:** He studied jurisprudence under the Imām and was the most senior among his companions. He was appointed as a judge during the reigns of three caliphs: Al-Mahdī, Al-Hādī, and Hārūn al-Rashīd. It is narrated from him that he said: “I never stated an opinion contrary to that of Abū Ḥanīfah except that it was one which Abū Ḥanīfah had initially said and later retracted.” Abū Yūsuf was the foremost among the Imām's companions and the first to compile books according to Abū Ḥanīfah's school. He dictated legal questions, disseminated them, and spread the knowledge of Abū Ḥanīfah throughout the lands. His well-known compilations include *al-'Amālī* and *al-Nawādir*. 'Aḥmad bin Ḥanbal, Ibn Ma'īn, and Ibn al-Madīnī said that he was *thiqah* (trustworthy). He passed away in Baghdād on a Thursday at Zuhr time, five days into the month of Rabī' al-'Awwal in the year 182 A.H. It was also said that it was five nights into Rabī' al-'Ākhir in either 181 or 182 A.H.

After his teacher's passing, Abū Yūsuf assumed the role of teaching and issuing legal verdicts. He became the judge under three caliphs: Al-Mahdī, Al-Hādī, and Hārūn al-Rashīd. This marked the beginning of the golden age of the Ḥanafī school, for Abū Yūsuf was appointed as *Qāḍī al-Quḍāt* (Chief Judge), and only Ḥanafīs were appointed to judicial positions. This greatly contributed to the widespread dissemination of the *madhhab* throughout the Islamic world.

2. **Muḥammad bin al-Ḥasan bin Farqad al-Shaybānī, Abū ‘Abdullāh:** He was a close companion of the Imām. Originally from Damascus, from the village of Ḥarastā, his father migrated to ‘Irāq, and Muḥammad was born in Wāsiṭ. He studied under Abū Ḥanīfah and later under Abū Yūsuf. He authored books and propagated the knowledge of Abū Ḥanīfah. He narrated *ḥadīth* from Mālīk and transmitted *al-Muwaṭṭa’* from him. Imām al-Shāfi‘ī (may Allāh have mercy on him) said about him: “When he spoke, it was as though the Qur’ān had been revealed in his language. I have not seen anyone more light-spirited among those of heavy build than Muḥammad bin al-Ḥasan, nor anyone more eloquent than him. He filled the heart and the eye.” He also held a distinguished position in Arabic language, grammar, arithmetic, and sharp intellect. He was appointed as judge by Hārūn al-Rashīd in Al-Raqqah and resided there for a while. He was later dismissed, then traveled with the caliph to Al-Rayy, where he was again appointed judge. He passed away there in 187 A.H. at the age of fifty-eight, on the same day that Al-Kisā’ī passed away. Hārūn al-Rashīd said: “*Fiqh* and Arabic have been buried during my rule.”

He undertook the task of authoring in the Ḥanafī *madhhab*, transmitting the jurisprudence of his two teachers—Abū Ḥanīfah and Abū Yūsuf (may Allāh have mercy on them)—adding numerous subsidiaries of his own, which he then compiled in works known as *ẓāhir al-riwāyah*. These works include: *al-Jāmi’ al-Kabīr*, *al-Jāmi’ al-Ṣaghīr*, *al-Siyar al-Kabīr*, *al-Siyar al-Ṣaghīr*, *al-Mabsūṭ*, and *al-Ziyādāt*. These works became foundational texts for the Ḥanafī school and played a crucial role in its widespread adoption.

3. **Zufar bin al-Hudhail bin Qays al-Baṣrī:** Zufar came from a wealthy family, which allowed him to devote himself to seeking knowledge without worldly distractions. He memorized the Qur’ān at a young age, and his tongue was disciplined by it. His talents blossomed, and he was naturally inclined toward acquiring knowledge, especially *ḥadīth*. He attended study circles and connected with righteous scholars, foremost among them being the *ḥadīth* scholar of Kūfah, Sulaymān bin Mihrān al-‘A’mash, as well as Yaḥyā bin Sa‘īd al-‘Anṣārī, Sa‘īd bin Abī ‘Arūbah, ‘Ismā‘īl bin Abī Khālīd, Muḥammad bin ‘Ishāq, and ‘Ayyūb al-Sakhtiyānī.

Once he became firmly grounded in the Sunnah, students began flocking to him, learning from him and transmitting the *ḥadīths* of the Messenger of Allah (peace and blessings be upon him). Among his most famous students were Abū Nuʾaym al-ʿAṣbahānī, Ḥassān bin ʾIbrāhīm, ʾAktham bin Muḥammad, and the likes of ʾAbdullāh bin al-Mubārak, Wakīʾ bin al-Jarrāḥ, and Khālīd bin al-Ḥārith.

When he returned to Kūfah, which was teeming with scholarly circles, he resumed his engagement with major scholars, eventually joining the circle of Abū Ḥanīfah al-Nuʾmān, who was then the leading *faqīh* of ʿIrāq. Zufar adhered closely to Abū Ḥanīfah until he became known for *fiqh*, and it was said: “He was a *ḥadīth* scholar, then *fiqh* became dominant in him.”

According to Abū Jaʿfar al-Ṭahāwī, Zufar turned to Abū Ḥanīfah after struggling with a legal issue that he and his fellow *ḥadīth* scholars could not resolve. When he presented it to Abū Ḥanīfah, the Imām provided a clear solution, which prompted Zufar to commit to the study of *fiqh* under him for more than twenty years. He came to admire the Imām's deep understanding and sound judgment, and developed great love and respect for him.

Abū Ḥanīfah used to honor and revere him, saying: “He is *ʿaqyas* (the most analogically capable) of my companions.” His admiration reached such a level that when he attended Zufar’s wedding, he asked him to deliver the sermon, saying: “This is Zufar, an Imām of the Muslims, a distinguished figure among them in nobility, lineage, and knowledge.” He was a trustworthy and reliable scholar. He went to Baṣrah concerning his brother’s inheritance, and its people clung to him, refusing to let him leave. He died there in 158 A.H. and was born in 110 A.H.

4. **Al-Ḥasan bin Ziyād al-Luʾluʾī:** His name is linked to the trade of *luʾluʾ* (pearls). He was from Kūfah, and his father was one of the *mawālī* (clients) of the ʾAnṣār. He settled in Baghdād, authored works, and became a leading authority in *fiqh*.

He was among the brilliant scholars known for insightful reasoning. He was appointed judge in Kūfah in 194 A.H. after Ḥafṣ bin Ghiyāth, and later resigned from the position.

Muḥammad bin Samāʾah said: “I heard him say: I wrote down twelve thousand *ḥadīths* from Ibn Jurayj, all of which are of use to the *faqīh*.”

ʿAḥmad bin ʿAbd al-Ḥamīd al-Ḥārithī said: “I never saw anyone with better character than Al-Ḥasan al-Luʿluʾī! He would clothe his servants the same way he clothed himself.”

Al-Jāḥiẓ said: “I heard Al-Ḥasan al-Luʿluʾī say: I spent forty years without taking a midday nap, lying down at night, or reclining, except with a book on my chest.”

He passed away in the year 204 A.H.—the same year as Al-Shāfiʿī’s death.

Other scholars were also influenced by the Ḥanafī madhhab, including: ʿAbdullāh bin al-Mubārak, Wakīʿ bin al-Jarrāḥ, Ḥafṣ bin Ghiyāth bin Ṭalq, Yaḥyā bin Zakarīyā bin Abī Zāʾidah, ʿAsad bin ʿAmr al-Qāḍī, Nūḥ bin Abī Maryam, Abū Muṭīʿ al-Balkhī, Yūsuf bin Khālīd al-Samṭī, and many others.

Ranks of the Scholars of the Ḥanafī School:

The Ḥanafī historians differed in the method of classifying the *ṭabaqāt* (ranks) of the scholars of the Ḥanafī school, following various approaches:

Type One: Classification Based on Scholarly Rank

ʿAḥmad bin Sulaymān al-Rūmī, famously known as Ibn Kamāl Pāshā, divided them into seven ranks according to scholarly level and degree of *ijtihād*:

1. The rank of those who exercised *ijtihād* in the *Sharīʿah*,
2. The rank of those who exercised *ijtihād* within the school,
3. The rank of those who exercised *ijtihād* in issues for which no transmitted report exists from the founder of the school,
4. The rank of those among the *muqallidūn* who engaged in *takhrīj* (inference),
5. The rank of those among the *muqallidūn* who engaged in *tarjīḥ* (preference),
6. The rank of the *muqallidūn* who were capable of distinguishing between the stronger, the strong, and the weak views, as well as between the *ẓāhir al-madhhab* (the most well-known views), *ẓāhir al-riwāyah* (collection of the most apparent rulings), and rare reports,
7. The rank of the *muqallidūn* who were incapable of the aforementioned and could not differentiate between the sound and the unsound.

Type Two: Classification of the Ranks of Jurists Based on Their Time Periods:

They are referred to as *salaf* (early scholars), *khalaf* (middle generations), *muta'akhkhirūn* (later generations), and post-*muta'akhkhirūn* (those after the later generations).

The *salaf*, in the usage of the jurists, are those from the time of Abū Ḥanīfah (may Allāh have mercy upon him) (d. 150 A.H.) up to Muḥammad bin al-Ḥasan (d. 189 A.H.). The *khalaf* extend from Muḥammad bin al-Ḥasan to Shams al-'A'imma al-Ḥalwānī (d. 456 A.H.). The *muta'akhkhirūn* extend from Al-Ḥalwānī to Mawlānā Ḥāfiẓ al-Dīn al-Buḥārī (d. 693 A.H.), and Al-Nasafī (d. 710 A.H.).

The post-*muta'akhkhirūn* continue from that point until the present time.

Ranks of Books and Issues in the Ḥanafī School:

Secondary issues according to the Ḥanafī jurists are classified into three ranks:

First Rank: The Foundational Issues:

These are also called *ẓāhir al-riwāyah*, and they are the issues transmitted from the founders of the school—Abū Ḥanīfah, Abū Yūsuf, and Muḥammad. These three are referred to as *al-'ulamā' al-thalāthah* (The Three Prominent Scholars).

Sometimes, Zufar, Al-Ḥasan bin Ziyād, and others who learned jurisprudence from Abū Ḥanīfah are included. However, the prevailing and common usage of *ẓāhir al-riwāyah* refers to the views of the three or some of them. These issues are found in the books of Muḥammad: *Al-Mabsūṭ*, *Al-Ziyādāt*, *Al-Jāmi' al-Ṣaghīr*, *Al-Jāmi' al-Kabīr*, *Al-Siyar al-Ṣaghīr*, and *Al-Siyar al-Kabīr*.

They are called *ẓāhir al-riwāyah* because they were transmitted from Muḥammad through trustworthy narrations, being reliably established—either through *tawātur* (mass-transmission) or *shuhrah* (renown).

Also associated with this category are *Al-'Ātār* and *Al-Radd 'alā 'Ahl al-Madīnah*, both of which are by Muḥammad as well.

Second Rank: The Nawādir (Rare Issues):

These are issues transmitted from the aforementioned scholars of the school but are not found in the six canonical books listed earlier. They are either:

– In other books by Muḥammad, such as *Al-Kaysāniyyāt*, *Al-Hārūniyyāt*, *Al-Jurjāniyyāt*, and *Al-Ruqayyāt*—these are termed *not part of ṣāḥir al-riwāyah* because they were not transmitted with the same strong, sound, and manifest narrations as the primary books; in books not authored by Muḥammad, such as *Al-Mujarrad* by Al-Ḥasan bin Ziyād and others; or transmitted through individual narrators, such as Muḥammad bin Samā'ah, Mu'allā bin Maṣṣūr, and others, in particular issues.

Third Rank: The *Fatāwā*, Also Called the *Wāqī'āt*:

These are issues derived by the later *mujtahidūn* when they did not find any transmitted report from the scholars of the school—namely the companions of Abū Yūsuf and Muḥammad, and the companions of their companions, and so forth, from the many who followed.

It is possible for these scholars to disagree with the founders of the school based on evidences and reasons that became apparent to them after the early generations.

The first book to compile their *fatāwā* (legal verdicts) was *Al-Nawāzil* by the jurist Abū al-Layth al-Samarqandī. Likewise, his *al-'Uyūn* compiled various legal cases and verdicts issued by numerous jurists whom he had met.

Classification of Ḥanafī Works into *Mutūn*, *Shurūḥ*, and *Fatāwā*:

The *Mutūn* (Legal Primers):

These are abridged works in which the authors were primarily concerned with faithfully reporting the school's positions and rigorously analyzing them. They became authoritative. However, some *mutūn* were relied upon by the earlier scholars, while others were relied upon by the later scholars. The authors of the latter were careful to cite the *rājiḥ* (strongest), *maqbul* (mild), and *qawī* (strong) opinions.

Most *mutūn* trace their content directly to the *ṣāḥir al-riwāyah* books, either directly or through other sources. Some rely on the books of *nawādir*. This is what grants them their strength and why they are given precedence over *shurūḥ* (commentaries), which in turn are preferred over *fatāwā*.

The *mutūn* relied upon by the early scholars are those authored by the senior *mashāyikh* and eminent jurists, such as Al-Khaṣṣāf (d. 261 A.H.), Al-Ṭaḥāwī (d. 321 A.H.), Al-Hākim (d. 334 A.H.), Al-Karkhī (d. 340 A.H.), and Al-Jaṣṣāṣ (d. 370 A.H.), among others. These are attached to the foundational books and *ẓāhir al-riwāyah* in terms of authenticity and reliable transmission.

The *mutūn* relied upon by the later scholars are those mentioned by Ibn 'Ābidīn: *Al-Kitāb* by al-Qudūrī (d. 428 A.H.), *al-Bidāyah* by Al-Marghīnānī (d. 593 A.H.), *Al-Wiqāyah* by Tāj al-Sharī'ah (d. 673 A.H.), *Al-Mukhtār* by Al-Mawṣilī (d. 683 A.H.), *Al-Kanz* by Al-Nasafī (d. 710 A.H.), *Al-Nuqāyah* by Ṣadr al-Sharī'ah (d. 747 A.H.), *Al-Multaqā* by Al-Ḥalabī (d. 956 A.H.).

The *Shurūḥ* (Commentaries):

These are commentaries on the relied-upon *mutūn* specifically, and other commentaries in general. What is stated in the *mutūn* is given precedence over the *shurūḥ*, and what is in the *shurūḥ* is given precedence over what is in the *fatāwā*. This is because the issues discussed in *shurūḥ* are typically meant to support the principles mentioned in the *mutūn* and to clarify them—qualifying the absolute, specifying the general, elucidating the ambiguous, and so on. Examples include *al-Mabsūṭ* and *Badā'i' al-Ṣanā'i'*.

The *Fatāwā* (Legal Verdicts):

The books of *fatāwā* are of the third rank, after the *mutūn* and *shurūḥ*. Their contents are mixed with the views of later scholars, and not all of what they contain are statements of the founder of the school. They are not supported by transmission back to the original source, nor are their authors at the level of the three Imāms in jurisprudential authority and integrity, nor at the level of the authors of the *mutūn* in terms of piety, integrity, knowledge, precision, retention and accuracy. They are only referred to when no ruling can be found in either the *mutūn* or the *shurūḥ*.

Lesson Three

Terminology Used by the Ḥanafī Scholars

- **The Three Imāms or Our Three Imāms:** This refers to Imām Abū Ḥanīfah and his two companions: Abū Yūsuf and Muḥammad bin al-Ḥasan al-Shaybānī.
- **Al-Ṣāhibān (The Two Companions):** Abū Yūsuf and Muḥammad.
- **Al-Shaykhān (The Two Shaykhs):** Abū Ḥanīfah and Abū Yūsuf.
- **Al-Ṭarafān (The Two Ends):** Abū Ḥanīfah and Muḥammad.
- **Al-Imām al-Thānī (The Second Imām):** Abū Yūsuf.
- **Al-Imām al-Rabbānī (The Spiritual Imām):** Muḥammad.
- **Shams al-ʿAʿimmah (The Sun of the Scholars):** When mentioned unrestrictedly, this refers to *Shams al-ʿAʿimmah* Al-Sarakhsī. When referring to others, it is specified, such as: *Shams al-ʿAʿimmah* al-Ḥalwānī, *Shams al-ʿAʿimmah* al-Zaranjarī, *Shams al-ʿAʿimmah* al-Kardarī, and *Shams al-ʿAʿimmah* al-ʿŪzjandī.

Indicators of *Fatwā* and *Tarjīḥ*:

Among the phrases that signal a *fatwā* (legal verdict) are the following:

- (*ʿAlayhi al-fatwā*) – “Upon this relies the *fatwā*”: This is one of the strongest expressions used to indicate the *rājih* (strongest) opinion in the Ḥanafī *madhhab*. When a view is accompanied by this phrase or similar ones, it is considered the strongest position to be relied upon and issued as a ruling. Similar expressions include: *wa bihi yuftā* (and by it the *fatwā* is given), *wa bihi yuʿtamad* (and upon it is reliance), *wa bihi naʾkhudh* (and we adopt it).

Other phrases include: *ʿAlayhi al-iʿtimād* (upon it is reliance), *ʿalayhi ʿamal al-yawm* (it is the practice of today), *wa huwa al-ṣaḥīḥ* (and this is the correct [view]), *wa huwa al-ʿaṣaḥḥ*, (and this is the more correct [view]), *al-zāhir* (the apparent [view]), *wa huwa al-ʿaẓhar*, (and this is the most apparent), *wa huwa al-mukhtār* (and this is the selected view), *ʿalayhi fatwā mashāyikhinā* (upon it is the *fatwā* of our scholars), *wa huwa al-ʿashbah* (and this is the most resembling [the textual

sources]): meaning it most resembles the textual evidence in narration, and is the strongest in reasoning, thus a *fatwā* is given upon it, *wa huwa al-'awjah* (and this is the most suitable), *wa bihi jarā al-'urf* (and by it the common practice has been established), *wa huwa al-muta'āraf* (and this is the recognized [opinion]), *wa bihi 'akhadh 'ulamā'unā* (and this is what our scholars adopted).

Note: The term *fatwā* is stronger than *al-ṣaḥīḥ*, *al-'aṣaḥḥ*, and *al-ashbah*, and the phrase *wa bihi yuftā* is stronger than *al-fatwā 'alayh*.

Principles of *Tarjīḥ* (Preference) in the Ḥanafī *Madhhab*:

The principles of *tarjīḥ* (preference) in the Ḥanafī school may be categorized into four types:

1. Preference Based on the Hierarchy of Texts and Issues:

As previously mentioned, issues transmitted through the *'uṣūl* (fundamental texts) are prioritized over *nawādir* (rare issues), and *mutūn* (legal primers) are preferred over *shurūḥ* (commentaries).

2. Preference Based on the Status of Scholars:

This requires some detail:

- When the leading Imāms of the school agree on an opinion, the *mufī* must issue *fatwā* based on their view and disregard any dissent.
- If the leading Imāms differ:
 - If Abū Ḥanīfah is supported by either of his two companions, their collective opinion is adopted—unless necessity or a strong cause dictates otherwise.
 - If both companions oppose Abū Ḥanīfah, and the disagreement is one of time and context rather than evidence and reasoning, then the opinion of the two companions is preferred—unless necessity or a strong cause dictates otherwise. In other cases, the *mufī* may choose what aligns with his reasoning. Some say only a *mujtahid mufī* may choose; otherwise, the opinion of the Imām (Abū Ḥanīfah) is prioritized absolutely. Others say the opinion of Abū Ḥanīfah is

always taken, due to his having met the *Ṣaḥābah* (Companions – may Allāh be pleased with them) and engaging with the *Tābi'ūn* in legal rulings. This strengthens his opinions.

- If each of the three scholars holds a different opinion, then the view of Abū Ḥanīfah is prioritized. If no opinion is transmitted from him, then the view of Abū Yūsuf is taken. Then, the view of Muḥammad. After them, the views of Zufar and Al-Ḥasan bin Ziyād al-Lu'lu'ī are preferred, as they are of the same rank. This order is for the non-*mujtahid muftī*, while the *mujtahid* chooses based on what his reasoning deems strongest.

3. Preference Based on Subject Matter:

These often result from applying the previous rules. Upon examining the preferred opinions, scholars have found the following tendencies:

- In *'ibādāt* (ritual acts of worship), the opinion of Abū Ḥanīfah is generally preferred—unless there is a second narration attributed to him contradicting it from a *mukhālif* (opposer).

Example: In the case of *tayammum* (dry ablution) when only *nabīdh al-tamar* (date-wine) is available: Abū Ḥanīfah held that one performs *wuḍū'* with it and not *tayammum*. Abū Yūsuf said one performs *tayammum* and not *wuḍū'*, which is a narration attributed to Abū Ḥanīfah. Muḥammad said one should do both. The latter view was validated as it conforms to the Qur'ānic verse.

- In issues of *qaḍā'* (judiciary) and *shahādāt* (testimonies), the opinion of Abū Yūsuf is preferred due to his experience.
- In matters of inheritance regarding *dhawū al-arḥām* (distant kin), the view of Muḥammad is preferred.
- The view of Zufar is preferred in seventeen known issues.

These principles are specific to certain chapter of *fiqh*, and assist when choosing among opinions. For other chapters, other rules of *tarjīḥ* apply.

4. Preference Based on Terminology:

These were partially mentioned earlier in the discussion of Ḥanafī terminology. These include phrases and expressions indicating the preferred strongest view.

When two views are mentioned, and one is described with a term of preference, then it is considered authoritative over the other. However, when both opinions are marked with terms of preference, one must analyze the rank of those terms, as they are not equal.

For instance:

- If both opinions are marked with either *ṣaḥīḥ* or '*alayhi al-fatwā*', and no other indicator exists, the *mufī* may choose between them.
- If one view is marked '*alayhi al-fatwā*' and the other *ṣaḥīḥ*—or the other wise— the one marked with *fatwā* takes precedence. This is because *fatwā* is only issued based on what is *ṣaḥīḥ*, whereas not every *ṣaḥīḥ* view is used for issuing *fatwā*, as another may be more appropriate due to changed circumstances or necessity.
- If both are marked with differing expressions and one includes exclusivity (like '*alayhi al-fatwā*') and the other includes *wa bihi yuḥḍar*, the latter implies exclusivity in practice, while the former implies the strongest correctness.

Examples of the Expression '*Alayhi al-Fatwā*':

Used Water:

The *Mashāyikh* of Balkh transmitted three narrations from Abū Ḥanīfah concerning used water:

- One narration states that it is *najīs* (impure) with *najāsah mughallazah* (severe impurity)—like urine and wine. This is the narration of Al-Ḥasan bin Ziyād from him.
- The second narration states that it is impure with *najāsah khafīfah* (mild impurity). This is the narration of Abū Yūsuf from him.
- The third narration states that it is *tāhir* (pure) but not *tahūr* (purifying). This is the narration of Muḥammad bin al-Ḥasan from him.

The scholars of 'Irāq transmitted only one narration from Abū Ḥanīfah—that it is *tāhir ghayr ṭahūr* (pure but not purifying). This was the view chosen by the leading scholars among our companions and is the most well-known and rationally sound opinion—and it is *'alayh al-fatwā* (the one upon which the *fatwā* is based). (See: *al-Lubāb fī al-Jam' bayn al-Sunnah wa al-Kitāb*)

Each of the three opinions has been supported by textual evidence or reasoned deduction:

- The first narration is supported by textual evidence (from the Qur'an and the Sunnah),
- The second by rational reasoning,
- The third—corroborated by the narration of the scholars of 'Irāq and upon which the *fatwā* is based—is supported by the *ḥadīth* of 'Awn bin Abī Juḥayfah, who said:

“I came to the Prophet (peace and blessings be upon him) in Makkah while he was at Al-Abṭah in a red leather tent. Bilāl came out with his water of *wuḍū'*, and some would take from it eagerly, others would sprinkle. The Prophet (peace and blessings be upon him) came out wearing a red robe—I can still see the whiteness of his shins—then he performed *wuḍū'*, and Bilāl called the *'ādhān*. He said: I followed the movement of his mouth as he turned right and left saying: *Ḥayya 'ala al-ṣalāh, ḥayya 'ala al-falāḥ*. Then a spear was planted before him, and he led *Zuhr* prayer as two *rak'ahs*, and a donkey and dog passed in front of him and he did not prevent them. Then he prayed *'Aṣr* two *rak'ahs* and continued praying two until he returned to Madīnah.” In another narration: “I saw Bilāl bring out the *wuḍū'* water and saw people rushing to it. Whoever got something wiped with it; whoever did not would take the moisture from his companion's hand.” (*Al-Bukhārī, Kitāb al-Ṣalāh, Bāb al-Ṣalāh fī al-Thawb al-'Aḥmar*)

Note: Used water refers to water that runs off the limbs after washing, not the leftover in the vessel after *wuḍū'*.

The Scholarly Opinions on This Matter

First Opinion: Used water is *tāhir* but not *ṭahūr*. This is the strongest opinion in the Ḥanafī school and the one upon which the *fatwā* is based, as mentioned earlier.

It is also an opinion in the Mālikī school, the apparent view of al-Shāfi'ī, and the reliable position of the Ḥanbalī school.

Second Opinion: Used water is both *tāhir* and *tahūr*. This is the well-known position of the Mālikīs. However, they dislike its use when other water is available. If no other water is present, one purifies with it and does not perform *tayammum*. It is also an opinion among the Shāfi'īs and one narration from the Ḥanbalīs.

Third Opinion: Used water is *najis* (impure). This is a weak narration in the Ḥanafī school, as previously mentioned, and an opinion found among the Shāfi'īs.

The Time for Maghrib Prayer:

This issue is addressed in the Ḥanafī legal works under the chapter of prayer times. They state that the time for Maghrib prayer extends from sunset until the disappearance of *shafaq* (twilight). According to the two companions (Abū Yūsuf and Muḥammad), the twilight refers to the redness in the sky. According to Abū Ḥanīfah, it is the whiteness. There is a narration that agrees with the view of the two companions—attributed to 'Umar, 'Alī, Ibn Mas'ūd, and another narration from Ibn 'Abbās (may Allāh be pleased with them all)—and this is a narration from Abū Ḥanīfah himself, reported by 'Asad bin 'Aāmr.

(See: *Al-Lubāb fī al-Jam' bayn al-Sunnah wa al-Kitāb*). And this is the view upon which the *fatwā* is based.

Scholarly Opinions:

All scholars agree that the time for Maghrib begins at exact sunset. They differ regarding its end time:

- **First Opinion:** Maghrib has only a short, specific time—just enough to perform three *rak'ahs*. Once that time passes, the prayer is considered delayed. This is the well-known view among the Mālikīs and the view of al-Shāfi'ī in his later opinion.
- **Second Opinion:** Maghrib time extends until the disappearance of twilight (the redness). This is the opinion of the Ḥanafīs (as mentioned), also held by some Mālikīs, al-Shāfi'ī in his earlier opinion, and the Ḥanbalīs.

The Beginning and End Time of the *Takbīr* during *ʿĪd al-ʿAḍḥā*:

This issue appears in Ḥanafī legal works under the chapter of the two *ʿĪds*. They state: It is obligatory to perform the *takbīr* after the obligatory prayers in congregation among resident men in urban centers.

They differed on its duration:

- **First Opinion:** From after Fajr on the Day of *ʿArafah* until after *ʿAṣr* on the first day of *Naḥr* (i.e., eight prayers). Since the basis is silent remembrance, opting for the lesser number of loud *takbīrs* is a priority.
- **Second Opinion:** From after Fajr on the Day of *ʿArafah* until after *ʿAṣr* on the last day of *Taṣhrīq* (i.e., twenty-three prayers). Since *takbīr* is an act of worship, caution mandates extending it. This is the opinion of the two companions, and it is the view upon which the *fatwā* is based. (See: *Tabyīn al-Ḥaqāʾiq*, 1/227). It was stated that the *takbīr* begins after Fajr on the Day of *ʿArafah*, based on the opinions of *ʿUmar*, *ʿAlī*, and Ibn Masʿūd. The end time is either after *ʿAṣr* on the Day of *Naḥr* (per Ibn Masʿūd) or after *ʿAṣr* on the last day of *Taṣhrīq* (per *ʿUmar* and *ʿAlī*), and this is where the disagreement lies. The two companions adopted the latter.

Scholarly Opinions:

- **First Opinion:** From after Fajr on the Day of *ʿArafah* until after *ʿAṣr* on the last day of *Taṣhrīq*. This is the strongest view in the Ḥanafī school—as noted above—and an opinion among the Mālikīs, the stronger view among the Shāfiʿīs, and an opinion among the Ḥanbalīs.
- **Second Opinion:** From after *Zuḥr* on the Day of *Naḥr* until after Fajr on the last day of *Taṣhrīq*. This is the well-known view of Mālik, al-Shāfiʿī, and one narration from *ʿAḥmad*.
- **Third Opinion:** From after sunset on the eve of *ʿĪd* until after Fajr on the last day of *Taṣhrīq*. This is an opinion among the Shāfiʿīs.

Sources of Legal Evidence According to Abū Ḥanīfah:

- The Qurʾān

- The Sunnah
- The statements of the Companions
- 'Ijmā' (consensus)
- Qiyās (analogical reasoning)
- Istihsān (juristic preference)
- 'Urf (custom)

The Ḥanafīs differentiate between rulings established by the Qur'ān with *dalālah qaṭ'iyyah* (clear-cut indication) and those from the Sunnah with *dalālah ḥāẓiriyah* (speculative indication). Commands proven by Qur'ānic evidence is *fard* (pillar), whereas those proven by speculative Sunnah evidence is *wājib* (obligatory). Likewise, a prohibition in the Qur'ān is *ḥarām*—provided the indication is clear-cut—while a prohibition in speculative Sunnah is *makrūh taḥrīmī* (prohibitive abhorrence), regardless of the type of the indication, because the Sunnah ranks below the Qur'ān in both authority and inferential strength.

Among the established principles of Imām Abū Ḥanīfah is that *qiyās* is only employed after *naṣṣ* (textual evidence). His opponents wrongly accused him of preferring *qiyās* over *naṣṣ*. He replied: “By Allāh, it is a lie and a slander against us to say that we prefer *qiyās* over the text. After a text, who would need *qiyās*?”

He accepted *mutawātir 'aḥādīth* as authoritative proofs, and nothing suggests that he ever rejected such reports. His legal rulings on subsidiaries show that he treated *mashhūr 'aḥādīth* as *qarīb min al-yaqīn* (nearly clear-cut), even permitting them to specify the Qur'ān or add to its rulings.

It is also evident from his legal rulings on subsidiaries and foundational principles that he accepted *'āḥād 'aḥādīth* and used them to support his analogies and legal principles. Both he and his students required the narrator to possess *'adālah* (integrity) and *ḍabt* (accuracy), as all jurists and *ḥadīth* scholars did. However, the Ḥanafīs were stricter in defining *ḍabt* due to the widespread fabrication of *'aḥādīth* against the Prophet (peace and blessings be upon him) in Kūfah. They also preferred the narration of a jurist over a non-jurist in cases of contradiction.

***Al-Madhab al-Shāfi'ī* (The Shāfi'ī School of Islamic Law)**

Lesson Four

The Biography of Imām al-Shāfi'ī:

He is: Abū 'Abdullāh Muḥammad bin 'Idrīs bin al-'Abbās bin 'Uthmān bin Shāfi' bin al-Sā'ib bin 'Ubayd bin 'Abd Yazīd bin Hāshim bin 'Abd al-Muṭṭalib bin 'Abd Manāf.

- He was born in the year 150 A.H. in Gaza and passed away in Egypt in the year 204 A.H.
- Al-Shāfi'ī (may Allāh have mercy on him) travelled to Makkah at a young age. He was raised as a poor orphan under the care of his mother—so impoverished was his household that she could not even afford to pay his teacher.
- He memorized the Qur'ān before reaching the age of seven. He recited under the direction of 'Ismā'īl bin Qasṭanṭīn, who was the leading scholar of Makkah at the time. He also acquired knowledge from the scholars of Makkah, including Sufyān bin 'Uyaynah—the Imām of *'Ahl al-Ḥadīth* (the scholars of prophetic tradition)—and Muslim bin Khālid al-Zanjī, the jurist of Makkah.

Imām al-Shāfi'ī (may Allāh have mercy on him) was prevented from traveling to Egypt to study under Imām al-Layth bin Sa'd.

Later, he traveled to al-Madīnah to study under its scholars at the age of thirteen. He had already memorized the *Muwatta'* of Imām Mālik and wished to learn it directly from him. Initially, Imām Mālik thought al-Shāfi'ī was too young and asked him to bring someone to read on his behalf. However, when Mālik heard al-Shāfi'ī's own recitation, he was deeply impressed by its eloquence and clarity. Al-Shāfi'ī remained under his tutelage from 163 A.H. until Mālik's death in 179 A.H.

- He then began seeking knowledge from the scholars of Baghdād in 184 A.H.—particularly from Imām Muḥammad bin al-Ḥasan, the companion of Imām Abū Ḥanīfah and one of the leading authorities of the Ḥanafī *madhab*. Al-Shāfi'ī studied all of his works and engaged in an extensive

study of Ḥanafī jurisprudence. He also studied in Baghdād under: Wakī' bin al-Jarrāḥ, 'Abd al-Wahhāb bin 'Abd al-Majīd al-Thaqafī, Abū 'Usāmah Ḥammād bin 'Usāmah al-Kūfī, and 'Ismā'īl bin 'Ulayyah—all four of whom were eminent *ḥadīth* well-versed memorizers.

Al-Shāfi'ī resided in Baghdād for a time, after which he returned to his homeland, Makkah, where he held his first public teaching sessions in al-Masjid al-Ḥarām. He then returned to Baghdād in 195 A.H., at the age of forty-five, having matured into a scholar with an independent and fully developed legal methodology and a unique *madhhab* of his own.

After disseminating his *madhhab* in Baghdād, al-Shāfi'ī left behind many students who continued to propagate and write within his school. They developed their own distinctive branch of the *madhhab*, known as *ṭarīqat al-'Irāqiyyīn* (the method of the Iraqis).

Imām al-Shāfi'ī (may Allāh have mercy on him) was well-informed about the state of Egypt even before traveling there. He once asked al-Rabī' about the people of Egypt before his journey, and al-Rabī' responded: "They are two groups: one inclined toward the opinion of Mālik and vigorously defended it, and the other inclined toward the opinion of Abū Ḥanīfah and vigorously defended it."

Imām al-Shāfi'ī (may Allāh have mercy on him) replied, "I hope to reach Egypt, by the will of Allāh, and present them with something that will preoccupy them away from both opinions." And so it was, just as he had said.

He was deeply affectionate toward his students, generous with them, attentive to their needs, and supportive in their affairs.

Lesson Five

The Stages of Development of the Shāfi'ī School of Islamic Law

The Shāfi'ī's *madhhab* passed through several stages, as did the other *madhāhib*. Some scholars have divided the stages of the *madhhab* into four, while others have listed five or even six stages. This difference stems from the variation in their methods and criteria for defining a stage. In this context, I have adopted the division into four main stages:

1. The first stage: the stage of construction and establishment.
2. The second stage: the stage of dissemination and introduction.
3. The third stage: the stage of specialization and expansion.
4. The fourth stage: the stage of consolidation and stability.

(1) The First Stage: The Stage of Construction and Establishment:

This stage is divided into two phases:

First: The Old *Madhhab*:

Imām al-Shāfi'ī (may Allāh have mercy on him) comprehended the preceding *fiqhī* schools. During his early years, he studied under Muslim bin Khālid al-Zanjī, the *mufī* of Makkah (may Allāh honor it), and Sufyān bin 'Uyaynah. He remained in Makkah under its scholars until reaching youth, then traveled to Madīnah at the age of just over twenty. There, he met its leading scholar and *mufī*, Imām Mālik bin Anas—the founder of the well-known Mālikī's *madhhab*—and stayed with him until Mālik's death in 179 A.H.

Later, by the will of Allāh, Imām al-Shāfi'ī was able to study under Muḥammad bin al-Ḥasan al-Shaybānī, the inheritor of the Ḥanafī *madhhab* (the School of Reasoning). He remained with him for a considerable period, during which he absorbed much of the knowledge of that school.

When Imām al-Shāfi'ī returned to Makkah, he began teaching and became its preeminent scholar. Students of knowledge gathered around him, and he began to share his insights. He then traveled to Baghdād, where he taught and issued *fatāwā*

(legal verdicts). The leading scholars of the time—such as Imām 'Aḥmad and 'Ishāq bin Rāhwayh—studied under him.

The legal reasoning and interpretations of Imām al-Shāfi'ī during this stage became known as *al-madhhab al-qadīm* (Old School).

Imām al-Nawawī mentioned that al-Shāfi'ī (may Allāh have mercy on him) authored his early work in 'Irāq, known as *al-Ḥujjah* (The Proof). *Al-Ḥujjah* does not appear to be a single book, but rather a collection of his writings that contain his jurisprudential opinions and personal reasoning. This collection in Baghdād resembled *al-'Umm* (The Exemplar), which he later authored in Egypt and which encompasses multiple branches and chapters.

Second: The New *Madhhab*:

Later in life, Imām al-Shāfi'ī resolved to travel to Egypt to teach its people and to learn about the school of Imām al-Layth bin Sa'd through his students. He traveled to Egypt in 199 A.H., toward the end of his life. There, he met with Egypt's scholars and notable figures and remained until his death.

During that time, he studied the *fiqh* of Imām al-Layth and issues from the jurisprudence of Imām al-Awzā'ī, benefiting from both. He then authored new works, which came to be known as *al-madhhab al-jadīd* (New School).

The *Old Opinions* refer to what he issued and authored in 'Irāq, including the books: *al-Ḥujjah*, *al-'Amālī*, *Majma' al-Kāfi*, *'Ayn al-Masā'il*, and *al-Baḥr al-Muḥīṭ*.

The *New Opinions* are what he issued and authored in Egypt. After arriving in Egypt in 199 A.H., new evidences became apparent to him, and new *'aḥādīth* reached him that were previously unknown during the compilation of the *Old School* in Baghdād. Hence, he adopted the *New School*. The main references for this stage include *al-'Umm*, *al-'Imlā'*, and *Mukhtaṣar al-Muzanī*.

(2) The Second Stage: The Stage of Dissemination and Introduction:

Imām al-Shāfi'ī (may Allāh have mercy on him) took charge of spreading his *madhhab* and laying down its foundational principles and methodologies for

reasoning and derivation. He authored the *first Risālah*, then a second one, along with other works that serve as practical applications of these principles and rules.

The Students of Al-Shāfi'ī and the Disseminators of His Knowledge:

- **Abū Bakr al-Ḥumaydī al-Makkī**, 'Abdullāh bin al-Zubayr bin 'Īsā: A companion of Al-Shāfi'ī who traveled with him to Egypt and studied under his teachers. Al-Ḥākim said: "Al-Ḥumaydī was the *mufī* and *muḥaddith* of the people of Makkah. He was to the people of the Ḥijāz in *Sunnah* as 'Aḥmad bin Ḥanbal was to the people of 'Irāq." Al-Bukhārī narrated from him in his *Ṣaḥīḥ*. He passed away in Makkah in 219 A.H. (or 220 A.H. according to another report).
- **Abū 'Ishāq 'Ibrāhīm bin Muḥammad bin al-'Abbās bin 'Uthmān bin Shāfi' al-Muṭṭalibī**: A cousin of Al-Shāfi'ī who narrated from him and from Al-Fuḍayl bin 'Iyāḍ. He was active in spreading the *madhhab*. He died in 237 or 238 A.H.
- **Mūsā bin Abī al-Jārūd Abū al-Walīd al-Makkī**: A jurist who narrated *al-'Amālī* and other works from Al-Shāfi'ī. Al-Tirmidhī cited Al-Shāfi'ī's opinions through him in his *Jāmi'*. Al-Dāraquṭnī said: "He narrated many *'aḥādīth* from Al-Shāfi'ī and issued *fatāwā* in Makkah according to his *madhhab*."
- **Abū 'Alī al-Ḥasan bin Muḥammad bin al-Ḥusayn al-Za'farānī**: A linguist from a village called Za'farānah near Baghdād, and the most reliable narrator of the *Old School*. Ibn Ḥibbān, in his book *Al-Thiqāt*, said: "He narrated from Al-Shāfi'ī and would read his works while Imām 'Aḥmad and Abū Thawr were present." Al-Za'farānī said: When I read *Al-Risālah* to him, Al-Shāfi'ī asked me: "From which Arab tribe have you come?" He replied: "I am not an Arab. I came from a village called al-Za'farāniyyah." Al-Shāfi'ī said: "Then you are the master of that village." Al-Sājī said: I heard Al-Za'farānī saying: I continued reading and teaching Al-Shāfi'ī's works for fifty years. Al-Sam'ānī said: He died in Rabī' al-Ākhir in 249 A.H.
- **Al-Ḥusayn bin 'Alī bin Yazīd Abū 'Alī al-Baghdādī al-Karābīsī**: Initially a follower of the School of Reasoning, he studied *fiqh* under Al-Shāfi'ī. He was known as "al-Karābīsī" because he sold *karābīs* (coarse garments).

- **ʿIbrāhīm bin Khālīd bin Abī al-Yamān, whose *kunya* (nickname) is Abū ʿAbdullāh, and whose *laqab* (title) is Abū Thawr al-Kalbī al-Baghdādī:** A prominent jurist who transitioned from the School of Reasoning, following the ʿIrāqī *madhhab*, to the traditionist approach after studying under Al-Shāfiʿī in Baghdād. He died in Ṣafar, 240 A.H. He is one of the narrators of the Old School. Al-Rāfiʿī said: Although Abū Thawr is considered a student of Al-Shāfiʿī, he had an independent legal school which is not considered a view [i.e., in the Shāfiʿī's school].
- **Yūsuf bin Yaḥyā al-Buwayṭī:** From Buwayṭ in Upper Egypt and the foremost Egyptian student of Al-Shāfiʿī. He was a distinguished well-versed scholar, ascetic, and debater. He studied directly under Al-Shāfiʿī and accompanied him. He authored *al-Mukhtaṣar* from Al-Shāfiʿī's teachings.
- **ʿIsmāʿīl bin Yaḥyā al-Muzanī:** A staunch supporter of the *madhhab*, and its prominent adherent. He was a well-versed scholar and a skilled debater. Al-Shāfiʿī said of him: "If he debated Satan, he would defeat him." He was ascetic, modest and devout. Al-Shāfiʿī said: "Al-Muzanī is the supporter of my *madhhab*." He authored many books, including: *al-Jāmiʿ al-Kabīr*, *al-Jāmiʿ al-Ṣaghīr*, *al-Mukhtaṣar*, *al-Manthūr*, *al-Masāʿil al-Muʿtabarah*, *al-Targhīb fī al-ʿIlm*, *al-Wathāʾiq*, *al-ʿAqārib*, and *Nihāyat al-Mukhtaṣar*. Dozens of scholars from Khurasān, ʿIrāq and Shām learned from him his book *al-Mukhtaṣar*, later well-known as *mukhtaṣar al-Muzanī*. His *Mukhtaṣar* became so widely used that it was customarily included in a bride's trousseau. Many commentaries have been authored on his *Mukhtaṣar*, which have become distinguished jurisprudential encyclopedia in the Shāfiʿī's *madhhab* and jurisprudential argumentation, such as *al-Ḥāwī* by Al-Māwardī, *al-Taʿlīqah* by Abī Ḥāmid al-ʿIsfarāyīnī, and *al-Nihāyah* by Imām al-Ḥaramayn.
- **Al-Rabīʿ bin Sulaymān al-Murādī:** The *muʾadhdhin*, born in 174 A.H. He served Al-Shāfiʿī and transmitted much of his knowledge. He was the most reliable narrator of his works, and the *muʾadhdhin* of the congregational mosque in Fuṣṭāṭ in Egypt, known as *Jāmiʿ ʿAmr bin al-ʿAāṣ*. Al-Shāfiʿī revered him. All students of Al-Shāfiʿī agreed that Al-Rabīʿ was the most trustworthy transmitter of his books.

- **Ibn ‘Abd al-Ḥakam**, Abū ‘Abdullāh Muḥammad bin ‘Abdullāh bin ‘Abd al-Ḥakam: Born in 182 A.H. When al-Shāfi‘ī came to Egypt, he stayed with his father. He was originally a scholar of the Mālikī school but returned to it after a dispute with al-Buwayṭī regarding who would succeed Al-Shāfi‘ī.
- **Imām Ibn Surayj (d. 306 A.H.)**: The great Imām and judge, Abū al-‘Abbās ‘Aḥmad bin ‘Umar bin Surayj al-Baghdādī, the leading Shāfi‘ī authority of his time, under whom the Shāfi‘ī *fiqh* spread far and wide.

(3) The Third Stage: The Stage of Specialization and Expansion:

This stage is divided into three ranks:

1. First Rank – The companions of the companions:

The companions of Imām al-Shāfi‘ī’s companions were active in propagating the *madhhab*. This select group had the greatest impact in raising the banner of the *madhhab* and spreading it.

2. Second Rank – Specialization and consolidation:

This rank represents the backbone of the *madhhab*. During this stage, the *madhhab* began to take shape as a coherent structure with clear features and dedicated scholars who specialized in it and began to defend it. Distinguished writings emerged, and a number of Shāfi‘ī scholars were appointed as judges in various provinces and regions. The influence of Imām Ibn Surayj and Al-‘Anmāṭī became evident in some members of this rank and those who came after them.

3. Third Rank – The spread of the *madhhab* and its prevalence over others:

This rank is an extension of the previous one but differs from it chronologically. It is characterized by the abundance of authored works and the broad geographic spread of the *madhhab*. During this stage, the *madhhab* spread to nearly all Muslim lands, with the exception of North Africa and al-Andalus, including the Arab Maghreb, whose people adhered to the Mālikī *madhhab*.

Ibn Khaldūn said: “As for Al-Shāfi‘ī, his followers in Egypt were more numerous than elsewhere. His *madhhab* had spread in ‘Irāq, Khurāsān, and Transoxiana. The Shāfi‘īs shared authority in *fatwā* and teaching with the Ḥanafīs in all regions. Debates between them became prominent, and the books of *ikhtilāf* (debates) were

filled with the various types of their evidences. Then all of this eventually faded with the decline of the East and its regions.”

- When the Ayyūbid state began reviving the Sunnī *madhhabs* in Egypt by building schools for their scholars and other such means, it gave the Shāfiʿī *madhhab* the greatest share of attention, appointing its scholars to the judiciary, as it was the state’s official *madhhab*.
- All the Ayyūbid rulers were Shāfiʿī, except for Al-Muʿazzam ʿĪsā bin al-ʿĀdil Abū Bakr, the Sultan of al-Shām, who was Ḥanafī. He was the only Ḥanafī among them. His children followed him in this and he was known for his intense partisanship toward his *madhhab*. The Ḥanafīs count him among their *fuqahāʾ*. He authored a commentary on *al-Jāmiʿ al-Kabīr* in multiple volumes, and he wrote *al-Sahm al-Muṣīb fī al-Radd ʿalā al-Khaṭīb al-Baghdādī* in response to what Al-Khaṭīb had attributed to Imām Abū Ḥanīfah in *Tārīkh Baghdād*.
- When the Mamlūk Bahri state succeeded the Ayyūbids, and its sultans were also Shāfiʿī, the judiciary continued to function accordingly until Al-Zāhir Baybars instituted the system of *al-quḍāt al-ʿarbaʿah* (the four judges). Each judge would rule according to the requirements of his *madhhab* in Cairo and al-Fustāt, including appointing deputies and admitting witnesses. The Shāfiʿī judge was distinguished by having exclusive authority to appoint deputies throughout the regions of Egypt, without any other judge sharing in this right. He was also given exclusive oversight of the wealth of orphans and endowments. He held the highest rank among the four, followed by the Mālikī, the Ḥanafī, and then the Ḥanbalī.
- From the year 1137 A.H., the post of Shaykh al-Azhar was limited to the Shāfiʿīs and Mālikīs until it was assumed by a Ḥanafī, Shaykh Muḥammad al-Mahdī al-ʿAbbāsī, in 1287 A.H. This post included the role of issuing *fatwās*. After that, it was no longer exclusive to a single *madhhab*. However, no Ḥanbalī ever held the post due to the scarcity of Ḥanbalīs in Egypt.

In the early 7th and 8th centuries A.H., scholarly movements arose, literary activity flourished, and distinguished scholars emerged with firm grounding in *ḥadīth* and

its narrators, Islamic history, and Islamic jurisprudence—particularly within the Shāfiʿī *madhhab*. Among these prominent scholars were:

1. **Imām al-Ḥaramayn (d. 478 AH):** He is Imām ʿAbd al-Malik bin ʿAbdullāh bin Yūsuf bin Muḥammad bin Ḥuywayh al-Ṭāʾī al-Juwaynī, born in 419 A.H. and died in 478 A.H. His greatest work is *Nihāyat al-Maṭlab fī Dirāyat al-Madhhab*, in which he expounded upon Imām al-Shāfiʿī's works such as *al-ʿUmm*, *al-ʿImlāʾ*, *al-Risālah*, and others, including *Mukhtaṣar al-Muzanī*, *al-Buwayfī*, and the works of *ʿaṣḥāb al-wujūh wa al-tarjīhāt* (the scholars of independent views and preferences). His work *Nihāyat al-Maṭlab fī Dirāyat al-Madhhab* became an encyclopedic reference and was the scholarly authority of his era.
2. **Abū Ḥāmid al-Ghazālī (450–505 A.H.):** He is Ḥujjat al-Islām, unique distinguished scholar of his time, Shaykh Muḥammad bin Muḥammad bin Muḥammad al-Ghazālī al-Ṭūsī. He abridged his teacher's book *Nihāyat al-Maṭlab* into a summary called *al-Basīṭ*, then abridged that further into *al-Wasīṭ*, and then summarized it further still into *al-Wajīz*.
3. **ʿAbd al-ʿAzīz bin ʿAbd al-Salām bin Abī al-Qāsim bin Ḥasan bin Muḥammad**, known as *Izz bin ʿAbd al-Salām*, born in Damascus in 577 A.H. and passed away in Egypt in 660 A.H. His book *Qawāʿid al-ʾAḥkām fī Maṣāliḥ al-ʾAnām* is considered one of the earliest works to articulate *fiqh* rulings in the form of general rules and universal maxims.
4. **ʿAbd al-Karīm bin Muḥammad bin ʿAbd al-Karīm bin al-Faḍl bin al-Ḥasan al-Qazwīnī, Abū al-Qāsim al-Rāfiʿī** – author of *al-Sharḥ al-Kabīr*, titled *Fath al-ʾAzīz fī Sharḥ al-Wajīz*, as well as *al-Muḥarrar*, *Sharḥ Musnad al-Shāfiʿī*, *al-Tadhnīb*, and *al-ʾAmālī*. His most renowned work is *al-Muḥarrar*, widely referred to by later scholars. It is a book rich in benefits and foundational in verifying the *madhhab*. It is relied upon by *muftīs* and others, and he committed to mentioning the opinions most widely endorsed by the scholars—and he fulfilled this commitment.
5. **Yahyā bin Sharaf al-Nawawī (d. 676 A.H.):** The editor, refiner, and organizer of the Shāfiʿī *madhhab*, he was a prominent scholar of *ḥadīth* and authored numerous influential works. He reached a high rank in *fiqh* and

combined the status of a jurist and a *ḥadīth* scholar. His most famous legal works include:

- *Minhāj al-Ṭālibīn*: A concise version of Al-Rāfi‘ī’s *al-Muḥarrar*, distinguished by Al-Nawawī’s notes clarifying omitted conditions and highlighting cases where *al-Muḥarrar* mentions views contrary to the correct position in the *madhhab*.
- *Al-Majmū’*: A commentary on *al-Muḥadhdhab* by Abū ‘Ishāq ‘Ibrāhīm bin ‘Alī bin Yūsuf al-Shīrāzī. Al-Nawawī did not complete it. It was continued by Al-Subkī, who also did not complete it, and later by Shaykh al-Muṭī‘ī.

(4) The Fourth Stage: The stage of stability:

The opinions and works of Al-Rāfi‘ī and Al-Nawawī continued to be the main reference for later Shāfi‘ī scholars in determining the authoritative positions of the *madhhab*, until a group of later scholars emerged who were regarded as *muḥaqqiqūn* (verifiers) within the *madhhab*. These included:

- Shaykh Ibn Ḥajar al-‘Asqalānī (d. 852 A.H.)
- Zakariyyā al-‘Anṣārī (d. 926 A.H.)
- Al-Shihāb al-Ramlī (d. 957 A.H.)
- Ibn Ḥajar al-Haytamī (d. 973 A.H.)
- Al-Khaṭīb al-Shirbīnī (d. 977 A.H.)
- Al-Jamāl al-Ramlī (d. 1004 A.H.), and others.

Core Foundational Principles of the *Madhhab*:

1. **Adherence to the Qur’ān and Sunnah:** There is no doubt about Imām al-Shāfi‘ī’s strong adherence to the noble Sunnah. He famously stated, “Every *ḥadīth* from the Prophet (peace and blessings be upon him) is my view, even if you did not hear it from me.”
2. **Attention to the Statements of the Companions:** Imām al-Shāfi‘ī considered the consensus of the Companions binding. However, if they

differed on an issue, then giving preference to one of their views required supporting evidence.

If a Companion held a solitary opinion in the absence of any text from the Qur'ān or Sunnah, Al-Shāfi'ī gave preference to that view over analogical reasoning. If the Companion's statement pertained to matters open to *ijtihād*, Al-Shāfi'ī did not consider it binding on other *mujtahidūn*.

3. Acceptance of 'ijmā' (Consensus), *qiyās* (Analogical Reasoning), and *istiḥāb* (Presumption of Continuity):

Among the sources of evidence Al-Shāfi'ī rejected are:

- *Al-Maṣāliḥ al-Mursalah* (unrestricted public interests)
- *Al-Istiḥsān* (juristic preference)
- The practice of the people of Madīnah
- *Shar' man qablana* (the laws of previous nations)