AL-FIQH AL-AKBAR

The Murji'a

Postponers, Deferrers, or Antinomians. They were a group of innovators who claimed that disobedience does not harm one, but that Allāh forgives all sins as long as one has faith, thus going to the opposite extreme of the Khawārij. Because of their belief, they frequently neglected their religious rites.

Although these sects may no longer exist today as formal groups, some of their beliefs have continued and are heard being advocated by contemporary figures who style themselves as reformers. All praise is due to Allāh, then, who has preserved His faith and created in it the power to continually cleanse itself of innovations and spurious reformations. The Messenger of Allāh said, "This sacred knowledge will be borne by the reliable authorities of each successive generation, who will [preserve it and] remove from it the alterations of the excessive, the interpolations of the corrupt, and the false interpretations of the ignorant" (Bayhaqī, Khaṭīb al-Baghdādī, Sharaf Aṣḥāb al-Ḥadīth).

AL-FIQH AL-AKBAR

The Authorship of Al-Figh al-Akbar

There is some difference of opinion regarding the attribution of *Al-Fiqh al-Akbar* to Abū Ḥanīfa. The nineteenth-century Indian scholar and biographer, 'Allāma Shiblī Nu mānī (d. 1368/1949), writes that no extant book could be rightly attributed to Imām Abū Ḥanīfa (*Sīrat al-Nu mān* 84). The Dutch Orientalist A. J. Wensinck makes a similar statement: "The *Fiqh Akbar* (11), it is true, opens in the singular, probably because by doing so, it seeks to uphold the fiction of Abū Ḥanīfa's authorship; but later the singular is dropped in favor of the plural" (*The Muslim Creed* 102). On the other hand, the famous seventeenth-century Ottoman scholar Ḥājī Khalīfa (or Kātib Çelebi, *Kashf al-Zunūn* 5:162) as well as other renowned biographers such as Ziriklī (*Al-Alām* 234) and Kaḥḥāla (*Mu jam al-Mu'allifin* 103) consider it to be the work of the Imām.²⁷ The commentators of *Al-Fiqh al-Akbar* are also in agreement

²⁷ Similarly, Carl Brockelmann and Fuat Sezgin have mentioned *Al-Fiqh al-Akhar* among Imām Abū Ḥanīfa's works. See *Geschichte der Arabischen Litterature* 1:177; *G. A.L. Supplement* 1:285; and *Tārīkh al-Turāth al-Arabī* (*Geschichte des Arabischen Schrifttums*) vol. 1, pt. 3, p. 37.

that the text was indeed that of the noble Imām himself. The Ottoman scholar Maghnīsāwī writes, "The treatise *Al-Fiqh al-Akbar*, which the Great Imām authored, is a reliable and accepted work" (*Sharḥ al-Fiqh al-Akbar* 2). 'Alī al-Qārī, the ḥadīth scholar, theologian, and jurist, writes in his commentary, "The Great Imām, the Magnanimous, the Great Honorable Exemplar of Mankind, Abū Ḥanīfa of Kūfa (may Allāh have mercy on him) states in his work called *Al-Fiqh al-Akbar*..." (*Minaḥ al-Rawḍ al-Azhar* 43).²⁸

Furthermore, the indexer and bookseller of the fourth century, Ibn al-Nadīm, states in his *Kitāb al-Fihrist*, which was compiled in 377/987: "His [Abū Ḥanīfa's] works are the books *Al-Fiqh al-Akbar*, *Al-Risāla* (The Epistle) to ['Uthmān] al-Battī, and *Al-ʿĀlim wa 'l-Mutaʿallim* (The Scholar and the Pupil)" (156). This fourth century record is sufficient to invalidate the opinion of Wensinck, who writes that "after the first half of the tenth century AD [fourth CE], in which the *Fiqh Akbar* (11) probably originated, several doctors composed creeds of a more or less varying structure."

Imām ʿAbd al-Qāhir al-Baghdādī (d. 429/1037) writes, "The first of the theologians from among the jurists and leaders of the schools were Abū Ḥanīfa and Shāfiʿī," for indeed Abū Ḥanīfa composed a treatise in the rebuttal of the Qadariyya called *Al-Fiqh al-Akbar*." Imām Abū Muzaffar al-Isfirāyīnī states in his *Al-Tabṣīr fi ʾl-Dīn*, "Abū Ḥanīfa's *Al-Ālim wa ʾl-Mutaʿallim* contains conclusive proofs against the people of heresy and innovation, and the book *Al-Fiqh al-Akbar* that has been related to us by a reliable authority through a transmission from Nuṣayr ibn Yaḥyā from Abū Ḥanīfa...." Shaykh Wahbī Ghāwjī, after quoting Isfirāyīnī's statement, says, "I saw an excellent manuscript of *Al-Fiqh al-Akbar* in the library of Shaykh al-Islām ʿĀrif Ḥikmat (collection 226) in the illuminated city of Madīna (may there be a thousand blessings and peace upon its inhabitants), which was from the transmission of ʿAlī ibn Aḥmad al-Fārisī from Nuṣayr ibn Yaḥyā from Abū Muqātil from ʿIṣām ibn

²⁸ This attribution is also verified by Ibn Abi 'l-'Izz al-Ḥanafī at the outset of his Sharḥ al-'Aqīda al-Ṭaḥāwiyya where he says, "The science of the foundations of the faith is the noblest of sciences, since the nobility of a science is by what is known through it, and this is the "greater knowledge" (al-fiqh al-akbar) relatively speaking to the science of the branches [of the faith]. This is why Imām Abū Ḥanīfa (may Allāh have mercy on him) called his statements and compilation of the fundamentals of faith, Al-Fiqh al-Akbar..." (69).

^{29 &#}x27;The scholar of his time, defender of ḥadīth, imām and jurist of the umma, founder of the Shāfi'i school of *fiqh*, Abū 'Abdillāh Muḥammad ibn Idrīs al-Shāfi'i al-Qurashī. He died in 204/819 in Cairo.

AL-FIQH AL-AKBAR

Yūsuf from Ḥammād, the son of Abū Ḥanīfa. This confirms the attribution of *Al-Fiqh al-Akbar* to the Imām (may Allāh have mercy on him)" (*Al-Ta'līq al-Muyassar* 12–13).

An Interesting Explanation

Mawlānā Muḥammad Sarfrāz Khān Ṣafdar³° provides an interesting explanation for the confusion behind the attribution of *Al-Fiqh al-Akbar* to the Imām. He writes that those who claim that there are no works of Imām Abū Ḥanīfa in existence today are in sheer delusion, and that Ibn al-Nadīm has attributed the book to the Imām. He then states:

'Allāma Ṭāsh Kubrīzāda'' writes that Imām Abū Ḥanīfa has discussed most aspects of the science of *kalām* in his books *Al-Fiqh al-Akbar* and *Al-Ālim wa 'l-Muta'allim*. As for the assertion that these two works are not authored by Imām Abū Ḥanīfa but by Abū Ḥanīfa al-Bukhārī,³² this is a mere fabrication of the Mu'tazila, who were under the false impression that Imām Abū Ḥanīfa was one of their supporters. 'Allāma Ḥāfiz al-Dīn al-Bazzāzī³³ writes in his book *Manāqib Abī Ḥanīfa* that he personally saw the two books, *Al-Fiqh al-Akbar* and *Al-ʿĀlim wa 'l-Muta'allim*, written in the handwriting of Shams al-Dīn al-Kardarī al-Barātiqīnī al-ʿImādī,³⁴ who in turn stated that they were authored by the Imām. A large group of scholars have also affirmed Imām Abū Ḥanīfa as being the author of these two

³⁰ Muḥammad Sarfrāz Khān Ṣafdar ibn Nūr Aḥmad Khān ibn Gul Aḥmad Khān was born in 1332/1914 in the Hazāra district in present-day Pakistan. His teachers include Mawlānā Ḥusayn Aḥmad Madanī, I'zāz ʿAlī, Muḥammad Ibrāhīm Balyāwī, and Muftī Muḥammad Shafīʿ. He is a ḥadīth scholar, a specialist in many Islamic sciences, a prolific writer with many works to his name, and has been teaching Ṣaḥīḥ al-Bukhārī for a number of years (Akābir ʿUlamāʾe Deoband 510–511).

³¹ Muḥammad ibn Aḥmad ibn Muṣṭafā, Ṭāsh Kubrīzāda al-Rūmī al-Ḥanafī, the historian, exegete, and biographer, was the author of *Tuḥfat al-ʿUlūm* and *Miftāḥ al-Saʿāda wa Miṣbāḥ al-Siyāda*. He was born in 959/1552 and died in 1030/1621 (*Muʿjam al-Muʾallifīn* 9:21).

³² This is most likely a reference to Abū Jaʿfar Muḥammad ibn ʿAbdillāh ibn Muḥammad al-Hindawānī al-Balkhī al-Ḥanafī, called Abū Ḥanīfa al-Ṣaghīr (the Younger) for his complete mastery of jurisprudence. He studied under Abū Bakr ibn Muḥammad ibn Abī Saʿīd and passed away in 362/972 at the age of 62 in Bukhārā (*Tāj al-Tarājim* 22).

³³ Muḥammad ibn Muḥammad Ḥāfiz al-Dīn ibn Nāṣir al-Dīn al-ʿImādī al-Kardarī al-Bazzāzī al-Ḥanafī (d. 816/1413 or 827/1424), author of Jāmiʿ al-Fatāwā and other works (Al-Ḍawʾ al-Lāmiʿ 4:499, Muʿjam al-Muʾallifīn 3:177).

³⁴ Shams al-Dīn or Shams al-A'imma Abu 'l-Waḥda Muḥammad ibn 'Abd al-Sattār ibn Muḥammad al-'Imādī al-Kardarī al-Barātiqīnī, called the "Teacher of the Imams," was proficient in the Ḥanafī school and its principles. He died in Bukhārā in 642/1244 (Al-Wafī bi 'l-Wafayāt 1:399, Tāj al-Tarājim 22).

works, among them Imām Fakhr al-Islām al-Bazdawī,35 in whose book *Al-Uṣūl* this agreement is mentioned. Shaykh ʿAbd al-ʿAzīz al-Bukhārī 36 also affirms their authorship in his commentary of *Al-Uṣūl*" (*Maqāme Abū Ḥanīfa* 108).

The claim of the Mu^ctazila that *Al-Fiqh al-Akbar* was authored by Abū Ḥanīfa al-Bukhārī was triggered by those sections of the treatise that contain rebuttals of the Mu^ctazilī doctrine. This was very damaging to them, since they considered Abū Ḥanīfa to be a Mu^ctazilī; hence, they falsely attributed the texts to Muḥammad ibn Yūsuf al-Bukhārī, who was also known as Abū Ḥanīfa.

Two Versions of Al-Figh al-Akbar

An intriguing twist to this issue is that there are actually two works known as *Al-Fiqh al-Akbar* attributed to the Great Imām. The two are referred to by orientalists as *Fiqh Akbar* (1) and *Fiqh Akbar* (11)—the commentary of Maghnīsāwī and 'Alī al-Qārī being of *Fiqh Akbar* (11) and Abu 'l-Layth al-Samarqandī's commentary (incorrectly published as Abū Manṣūr al-Māturīdī's commentary) being of *Fiqh Akbar* (1). Wensinck states, "It is a strange fact that neither in Arabic literature nor in the European catalogues of Arabic manuscripts is any discrimination made between the two" (*The Muslim Creed* 103).

Al-Figh al-Absat

Wensinck says regarding Figh Akbar (1):

We possess, however, another document, which contains valuable indications, namely, the *Fiqh Absat*. It rests on the answers given by Abu Hanifa to questions regarding dogmatics put to him by his pupil Abu Muti al-Balkhi. So as far as I can see, this pamphlet, a unique copy of which is preserved in Cairo, is genuine. Here we find, as a matter of fact, all the articles of *Fiqh Akbar* (1), with the exception of the art. 7. This makes it probable that the editor and commentator of *Fiqh Akbar*

^{35 &#}x27;Alī ibn Muḥammad 'Abd al-Karīm ibn Mūsā al-Bazdawī, the great imām known as Fakhr al Islām (Pride of Islam). He was born around 400 and was the author of many works, including al Mabsūt, Sharḥ al-Jāmi al-Kabīr, Sharḥ al-Jāmi al-Ṣaghīr, and Al-Uṣūl. He is the brother of Ṣadr al Islām al-Bazdawī and the student of 'Umar al-Nasafī. He died in 482/1089 and was buried in Samarqand (Al-Fawā'id al-Bahiyya 124).

^{36 &#}x27;Abd al-Azīz ibn Aḥmad ibn Muḥammad, 'Alā' al-Dīn al-Bukhārī al-Ḥanafī, the jurist and scholar of uṣul from the inhabitants of Bukhārā. He authored the famous two-volume commentary on Bazdawi's Uṣul called Kashf al-Asrār, and Sharh Muntakhab al-Ḥusāmī. He died in 730/1330 (Al-A'lām 4:13).

AL-FIQH AL-AKBAR

(1) has borrowed the text on which he commented from the Figh Absat. So the Figh Absat (1), though not composed by Abu Hanifa, is proved to be derived from genuine utterances of the master, with the possible exception of art. 7 (The Muslim Creed 123).

What Wensinck overlooks here is that what he refers to as Figh Akbar (1) is in fact Al-Figh al-Absat. There are actually two works of Abū Ḥanīfa known as Al-Figh al-Akbar. One is the popular narration of the Imām's son Ḥammād; it has attracted more commentaries, as those of Maghnīsāwī and Qārī, and is always referred to as Al-Figh al-Akbar. The other narration is that of Abū MuṭīʿḤakam ibn ʿAbdillāh al-Balkhī, which is cast as a dialogue. It is longer and is referred to as Al-Figh al-Absaṭ (The Extensive Knowledge) to differentiate it from Al-Figh al-Akbar. There are also various editions of Al-Figh al-Absaṭ, which may explain Wensinck's error. A quick glance at these editions reveals discrepancies and inconsistencies in the text.

Conclusion

The evidence above, taken together—especially Ibn al-Nadīm's listing (4th/10th century) and the manuscript in 'Ārif Ḥikmat (Madīna) containing the chain back to Ḥammād, son of Abū Ḥanīfa—demonstrates the authorship of the Imām. Thanks to modern computer and printing technology, in recent years the world has seen the publication of many rare manuscripts. Therefore, the ready availability of Abū Ḥanīfa's words does not seem as farfetched today as it may have seemed a hundred years ago to Shiblī Nuʿmānī. Were one still to insist that the Great Imām did not author them, it is at least more difficult to deny that their contents reflect his teachings. Earl Edgar Elder states in his introduction to A Commentary on The Creed of Islam: "Al-Fiqh al-Akbar (1) which, even though it is wrongly attributed to Abū Ḥanīfa (d. 150), reflects his teaching" (xvii). In his commentary on Iḥyā 'Ulūm al-Dīn, Ithāf al-Sāda al-Muttaqīn, Murtaḍā al-Zabīdī discusses the various opinions surrounding the authorship of the five books attributed to Abū Ḥanīfa:

It has come to be taken for granted (wa min al-malūm), based on the aforementioned, that the authorship of these books belongs to the Imām, but the accurate opinion is that the discussions [on Islamic creed] treated in these books are in

³⁷ This is Elder's translation of Taftāzānī's commentary on Nasafi's 'Aqa' id.

fact from the dictations of the Imām to his students Ḥammād, Abū Yūsuf, Abū Muṭīʿ al-Ḥakam ibn ʿAbdillāh al-Balkhī, and Abū Muqātil Ḥafṣ ibn Muslim al-Samarqandī. Some of these students compiled the discussions and a group of specialists, such as Ismāʿīl ibn Ḥammād (the grandson of the Imām), Muḥammad ibn Muqātil al-Rāzī, Muḥammad ibn Samāʿa, Nuṣayr ibn Yaḥyā al-Balkhī, Shaddad ibn al-Ḥakam, and others, transmitted them from these scholars, until they reached Abū Manṣūr al-Māturīdī through reliable chains of transmission. Therefore, whoever ascribes them to the Imām has done so correctly because those discussions were his dictations. Whoever has attributed them to Abū Muțī^c al-Balkhī, or to a contemporary, or someone who lived after him, has also done so correctly, because the works were compiled by them. Another example of this [type of compilation] is the Musnad attributed to Imam Shafi'i, which is actually the rendering of Abū 'Amr Muḥammad ibn Ja'far ibn Muḥammad ibn Maṭar al-Naysābūrī, Abu 'l-'Abbās al-Aşamm, from the principles laid down by Imām Shaff'i. We now mention for you those who transmitted these books and relied upon them. One of them is Fakhr al-Islām al-Bazdawī, who quoted a portion of Al-Fiqh al-Akbar, Al-Ālim wa 'l-Muta'allim, and Al-Risāla at the beginning of his Uṣūl. ... Portions of the five books, Al-Figh al-Akbar, Al-ʿĀlim wa ʾl-Mutaʿallim, 11-Figh al-Absat, Al-Risāla, and Al-Waṣiyya, have been quoted in approximately thirty books by various Imams [of the Ḥanafī school], and this much is sufficient to substantiate] that the great scholars have completely accepted these works. And Allah knows best." (Itḥāf al-Sāda al-Muttagīn 2:14)

The Transmission Chains of the Five Books and Their Manuscripts

Shaykh Zāhid al-Kawtharī writes that the Imām's five books are the main sources used by the Ḥanafī Māturīdī scholars for understanding the correct blamic doctrine of the Messenger of Allāh his illustrious Companions, and the People of the Sunna who followed them. He continues, explaining that Abū Manṣūr al-Māturīdī and Imām Abū Jaʿfar al-Ṭaḥāwī both based their works on Abū Ḥanīfa's books. Manuscripts of the books exist in the Fatih Nation Library (Fatih Millet Kütüphanesi) in Istanbul and the National Library of Egypt (in Cairo). They have all been previously published as a collection, and Al Waṣiyya was published with its commentary many times. Likewise, Hammād's natration of Al-Fiqh al-Akbar and its commentaries are in print. A commentary of Abū Muṭī's version of Al-Fiqh al-Akbar (Al-Fiqh al-Absaṭ) was also published in India and Egypt, but the publishers have incorrectly

20

6 of 8 1/23/2011 7:47 AM

- AL-FIQH AL-AKBAR

attributed it to Abū Manṣūr al-Māturīdī. The inaccuracy of this attribution is clearly demonstrated by the presence of quotes from later authorities in the text. The commentary belongs to Abu 'l-Layth al-Samarqandī (d. 373/983), a fact confirmed by many manuscripts in the National Library of Egypt (collections 343 and 393, and 'llm al-Kalām 195).

Kawtharī then provides the chains for these books in the introduction to his edited collection. He says that Al-Ālim wa 'l-Muta'allim is transmitted by Abū Muqātil Ḥafṣ ibn Salam al-Samarqandī from Abū Ḥanīfa, Al-Risāla (The Epistle) sent to 'Uthmān ibn Muslim al-Battī is transmitted by Abū Yūsuf from Abū Ḥanīfa, Al-Fiqh al-Absaṭ is by Abū Muṭī al-Ḥakam ibn 'Abdillāh al-Balkhī from Abū Ḥanīfa, Al-Fiqh al-Akbar is by Ḥammād from his father Abū Ḥanīfa, and Al-Waṣiyya (The Testament) is also transmitted by Abū Yūsuf from Abū Ḥanīfa. Regarding Ḥammād's narration of Al-Fiqh al-Akbar, which is what concerns us here, Kawtharī quotes the chain found in a handwritten manuscript in the Library of Shaykh al-Islām 'Ārif Ḥikmat in the noble city of Madīna. In it, Shaykh Ibrāhīm al-Kūrānī cites his chain to 'Alī ibn Aḥmad al-Fārisī from Nuṣayr ibn Yaḥyā from Ibn Muqātil (Muḥammad ibn Muqātil al-Rāzī) from 'Iṣām ibn Yūsuf from Ḥammād³s from his father Abū Ḥanīfa

³⁸ Since, some attempts have been made at discrediting the narrators of Al-Figh al-Akbar, it is important to point out the true status and truthfulness of these scholars. Ḥammād ibn Abī Ḥanīfa: Ḥammād being the son of the Imām was no doubt well versed in the opinions and ideology of his father. During his father's lifetime, he had reached the level where he began issuing fatwas (Al-Jawāhir al-Muḍī'a). Imām Dhahabī states at the end of the biography of Imām Abū Ḥanīfa, "And his son the jurist, Ḥammād ibn Abī Ḥanīfa was a man of great knowledge, piety, uprightness, and complete abstinence" (Siyar A'lām al-Nubalā' 6:403). Ibn Khallikān also described him as ṣāliḥ (righteous) and [endowed with] khayr (good) (Lisān al-Mīzān 3:267). 'Abdullāh ibn al-Mubārak, known for transmitting only from reliable sources, has taken hadīths from him (Lisān al-Mīzān 3:267). Isām ibn Yūsuf: Ibn Hibbān mentions him among his list of reliable narrators (thiqāt) and Khalīlī regarded him as ṣadūq (very honest) (Lisān al-Mīzān 5:436). Imām Dhahabī has mentioned that he and his brother were considered the greatest scholars of Balkh (Tārīkh al-Islām, "Events of the years 211-220 AH," p. 296); it is further said that the scholars of Balkh had extremely strong links with Abū Ḥanīfa as is evident from the book Mashā'ikh Balkh min al-Ḥanafiyya ('The Ḥanafī scholars of Balkh). Muḥammad ibn Muqātil: He was a student of Imām Muḥammad al-Shaybānī. Several juridical rulings are transmitted from him, and these rulings have been extensively quoted in the books of Ḥanafī jurisprudence. Imām Dhahabī says, "He was from among the great jurists" (Tärīkh al-Islām, "Events of the years 241-250 AH," p. 472). Nuṣayr ibn Yaḥyā: He is recorded as being "from the jurists and hadīth scholars of Balkh" (Mashā'ikh Balkh min al-Ḥanafiyya 53), "from among the great jurists and pioneers of Balkh" (67), and "a scholar, ascetic, and specialist" (159). Aside from this, it is also important to keep in mind that Al-Fiqh al-Akbar and the points contained therein have enjoyed widespread acceptance through the successive generations of Ḥanafī scholars and others all the way from the beginning as Zabīdī in his Ithāf (2:13–14 [see also quote above, p. 28]) and Bayāḍī in his *Ishārat al-Marām* (22-23) have detailed.

(may Allāh be pleased with them all). He says that there are two manuscripts in this library, and they are the oldest and most reliable extant manuscripts. He goes on to mention some of the discrepancies found between the various manuscripts, which we will discuss in other parts of this book.³⁹

lmām Abū Ḥanīfa's Methodology in Al-Fiqh al-Akbar

Al-Figh al-Akbar is a clear and concise text. It is not too difficult for a person with sufficient command of Arabic and an elementary understanding of the Islamic creed to understand. The work begins by mentioning the foundational articles of faith, and goes on to discuss the eternal essence (dhāt) of Allah Most High, His names and attributes, and the Qur'an as His eternal speech. Thereafter, it elaborates on how one acquires true faith (imān) or enters into a state of unbelief (kufr) after coming into this world. The subject of prophets and messengers is also taken up in some detail, followed by a discussion on the four rightly-guided caliphs and other Companions, and what the attitude of believers should be toward them. In refuting the Mu^ctazila, Khawārij, and others, the text proves that the believer does not leave Islam by committing sins. A discussion of the miracles bestowed by Allah Most High on His various servants is presented, followed by an in-depth analysis of īmān (true faith) and islām (submission) and the extent to which a person's faith Increases and decreases. Other issues raised in the text include the generosity and justice of Allah in dealing with His servants; eschatological issues, such as the questioning in the grave; the Ascension (mi rāj) of the Messenger 🗯; as well as Gog and Magog and other awaited signs of the Last Day. Although the Imam follows a particular order in the text, he sometimes repeats certain points already mentioned for emphasis; for instance, because of the Qur'an's weighty importance, he asserts several times that the eternal speech of Allāh is unlike the created words of human beings.

Commentaries on Al-Figh al-Akbar

Among the many commentaries on Al-Figh al-Akbar, the commentary of Abu 'l Muntahā al-Maghnīsāwī stands out as the most concise. Despite its brevity, it is comprehensive and sufficiently explicates the points propounded by Abū Ḥanīfa. This commentary avoids lengthy and intricate discussions on

¹⁹ See introduction to the five books published by Al-Maktaba al-Azhariyya li 'l-Turăth.