



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Development and Features of The Islamic Hanafi Jurisprudence (Fiqh): A Historical Account

MD Abdul Latif

P.hd Scholar, Department of Islamic Theology.

Aliah University, Kolkata 700014.

Abstract

This article focuses on one of the founding figures of the Sunni school of Islamic jurisprudence who contributed to the development of Islamic law, Abū Hanifah. Studying Abū Hanifah's literature can better understand his thoughts and views on Islamic legal issues. It can also provide greater insight into the history of Islamic thought and how Abū Hanifah's thoughts impact Muslim society today. This study uses the heuristic method with critical literature analysis because the data is obtained from various books, journals, and other documentation relevant to the historical approach. The results of this study state that the Hanafi school of Islamic jurisprudence is one of the famous schools of Islamic jurisprudence in the scientific discipline of Islamic law founded by Abū Hanifah. His background and education strongly influence Abū Hanifah's thinking pattern in determining the law. It is also inseparable from the socio-cultural dimension and the politics that underlie the Hanafi school of Islamic jurisprudence, which is seen as a factor affecting Islamic law's rational character. Literature on studying Islamic law in the Hanafi school of Islamic jurisprudence is widely found and spread worldwide. The school of Islamic jurisprudence is even adopted by one-third of the world's Muslim population. However, remember that some of Abū Hanifah's written works may no longer be available or incomplete. Over time, some manuscripts may be damaged or lost.

Introduction

The **Hanafi school** or **Hanafism** is the largest of Islamic jurisprudence out of the four principal schools within Sunni Islam. It developed from the teachings of the jurist and theologian Abu Hanifa (c. 699–767 CE), who systemised the use of reasoning (ra'y). Hanafi legal theory primarily derives law from the Quran, the sayings and practices of Muhammad (sunnah), scholarly consensus (ijma) and analogical reasoning (qiyas), but also considers juristic discretion (istihsan) and local customs (urf). It is distinctive in its greater usage of qiyas than other schools.

The school spread throughout the Muslim world under the patronage of various Islamic empires, including the Abbasids and Seljuks. The Central Asian region of Transoxiana emerged as a centre of classical Hanafi scholarship between the 10th and 12th centuries, which gave rise to the Maturidi school of theology. The Ottoman Empire adopted Hanafism as its official school of law and influenced the legal thought of the school, eventually codifying it as the Mecelle in the 1870s.

Followers of the Hanafi school are called Hanafis, who are estimated to comprise one third of all Muslims. It is the largest Islamic legal school and is predominant in the Balkans, Central Asia, Turkey, the Levant, and South Asia, in the latter of which it is mainly split between the Barelvi and Deobandi movements.

Foundation of Hanafi School

The Hanafi school emerged from the legal tradition of Kufa in Iraq in which its eponym Abu Hanifa (d. 150/767) resided. Iraqi jurists were known for their use of independent reasoning *ra'y* in deriving law. Kufa, alongside Medina and Basra was a centre of legal activity at the beginning of the second Hijri century. Its prominent jurists included Amir al-Sha'bi, Ibrahim al-Nakha'i and Hammad ibn Abi Sulayman. The opinions of Abu Hanifa and the earlier Kufan jurists closely correspond, particularly those of al-Nakha'i. Abu Hanifa's legal doctrine, as conveyed to his students, was predominantly derived from his own instructors, chiefly Hammad. Abu Hanifa attended Hammad's study circle for approximately 20 years and inherited it upon Hammad's death.

Distribution of Hanafi School

Today, the Hanafi school is the largest Islamic school of law, numbering more than 800 million and constituting around 45% of all Muslims. It is the predominant school in the former Ottoman territories, including Albania, Azerbaijan, Bosnia, Turkey and much of the Levant. It is also predominant amongst Pomaks in parts of Bulgaria and Crimea amongst Crimean Tatars. The South Asian Muslim populations in Afghanistan, Pakistan, Bangladesh, Nepal, India and, in Myanmar (amongst Rohingya Muslims), adheres to the Hanafi school. Egypt is a mix of the Hanafi, Maliki and Shafi'i schools. The Eurasian regions of Caucasus specifically Western: (Adygea, Kabardino-Balkaria, Karachay-Cherkessia) and also in Eastern (Dagestan amongst Nogais) are also mainly Hanafi. The Russian Muslim minority in Tatarstan amongst Volga Tatars, Bashkortostan amongst Bashkirs are Hanafis. Northern Cypriot Muslims predominantly follow the Hanafi school. Central Asian countries such as Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan and Tajikistan, practice Hanafi jurisprudence; so do the Muslim Uyghur minority in Xinjiang, China, and the Muslim Baloch minority in southeastern Iran. Missionary activities of the Tablighi Jamaat have promoted the Hanafi school throughout Africa, especially in Somalia, and South Africa. It is one of two dominant schools of thought practiced among Muslims in the United States, the other one being Shafi'i. The Ottoman Mecelle was repealed by most post-Ottoman states over the first half of the 20th century. Parts remained in force in Jordan and Israel until the 1970s. Where it is dominant, the Hanafi school is followed in religious observance and, in some regions, continues to govern Muslim family law.

The legal theory of the Hanafi fiqh

The legal theory (*usul al-fiqh*) of the Hanafi school recognises the following sources of law, listed in order of epistemic authority: the Quran, the practices and sayings of Muhammad (*sunna* as documented in the *hadith*), consensus of opinion (*ijma*), *qiyas*, *istihsan* and local customs (*urf*). Texts with equal epistemic authority may modify each other; if they are of differing levels, the text with the weaker epistemic authority is rejected in favour of the stronger one.

The Famous Hanfi Scholars

- Abu Hanifa (d. 767)
- Zufar ibn al-Hudhayl (d. 775)
- Ibn al-Mubarak (d. 797)
- Abu Yusuf (d. 798)
- Muhammad al-Shaybani (d. 805)
- Abd al-Razzaq al-San'ani (d. 827)
- Yahya ibn Ma'in (d. 847)

CONCLUSION

The Hanafi School is the first of the four orthodox Sunni schools of law. It is distinguished from the other schools through its placing less reliance on mass oral traditions as a source of legal knowledge. How already stated above, the disciples of Abu Hanifa, in spite of some differences with Teacher on specific issues, in general, sought to extend its legal school in the Caliphate. At the same time, they were engaged in teaching activity and did everything in their power to further refine theoretical basis of the Hanafi school of thought. Thanks to their efforts Hanafi teaching has become a comprehensive school of Islamic jurisprudence, which was able to solve almost all the existing problems in this area. These processes have led to the fact that this Madh'hab became the most widespread in Abbasid caliphate. Hanafism even began to encourage the ruling dynasty, which was interested in the presence of the state of the fundamental legal framework. When Abbasid Caliph Harun al-Rashid, one of the most prominent theorists Hanafi school of thought Abu Yusuf became the supreme judge (kadiem) of Baghdad. All kadii provinces of the Caliphate appointed them. In selecting candidates, Abu Yusuf gave Preferred representatives of the Hanafi school of thought. For this reason hanafism spread in the country with even greater rapidity. Later Hanafi Madh'hab acquired official status in the Ottoman State Empire. Since Hanafi Madh'hab firmly established in various regions Muslim world and to this day his followers is the majority of Muslims in the world.

References

- □□ El Shamsy, Ahmed (2013). *The Canonization of Islamic Law: A Social and Intellectual History*. Cambridge University Press. ISBN 978-1107546073.
- • Hanif, Sohail (2017). *A theory of early classical Hanafism: Authority, rationality and tradition in the Hidāyah of Burhān al-Dīn 'Alī ibn Abī Bakr al-Marghīnānī (d. 593/1197) (PhD thesis)*. University of Oxford.
- • Younas, Salman (2018). *The Hanafi school: a study of its social and legal dimensions, 189/805-340/952 (PhD thesis)*. University of Oxford.
- • Sadeghi, Behnam (2013). *The Logic of Law Making in Islam: Women and Prayer in the Legal Tradition*. Cambridge University Press. ISBN 9780511920509.
- • Tsafirir, Nurit (2004). *The History of an Islamic School of Law: The Early Spread of Hanafism*. Harvard University Press. ISBN 0674014561.
- □□ Shahawy, Hassaan (2019). *How subjectivity became wrong: early Hanafism and the scandal of Istihsan in the formative period of Islamic law (750–1000 CE) (PhD thesis)*. University of Oxford.
- • Ayoub, Samy A. (2019). *Law, Empire, and the Sultan: Ottoman Imperial Authority and Late Hanafi Jurisprudence*. Oxford University Press. ISBN 9780190092924.
- • Burak, Guy (2015). *The Second Formation of Islamic Law: The Hanafi School in the Early Modern Ottoman Empire*. Cambridge University Press. ISBN 9781316106341.
- • Bardakoğlu, Ali (1997). "HANEFÎ MEZHEBİ". TDV İslâm Ansiklopedisi. TDV İslâm Araştırmaları Merkezi.
- • Özel, Ahmet (1997). "HANEFÎ MEZHEBİ - LİTERATÜR". TDV İslâm Ansiklopedisi. TDV İslâm Araştırmaları Merkezi.