



## *Al-Ashbah van-Nazair* as a Source in the School of Hanafites

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### Abstract:

Considering that the work *Al-Ashbah van-Nazair* is the last book written by the author, we can conclude that the information in the book is the cream of the issues that the author searched, studied, heard, read and researched during his life. The sources cited by the author in the bibliography prove the extent to which the opinion is correct. The author intended this book to be read by people of all levels, and the information in the book will not bore a jurist who has reached a high level in the science of *fiqh*, and at the same time, it will not be difficult for a student who has just started to study the science of *fiqh*.

**Keywords:** Hanafism, *madhhab*, *usul*, *furu'*, algoz, ghamzu, uyun, basoir, Mawerannah (Transoxiana), ashboh, viqoya, nuqoya.

### 1. Introduction

The Hanafi school of thought, established by Abu Hanifa, includes not just his teachings but also those of his students. While Abu Hanifa is regarded as the founder of the Hanafi madhab, it integrates the ideas and opinions of his followers [1]. This enlargement of the madhab to embrace the opinions of his pupils emphasizes the dynamic character of Islamic jurisprudence and the collaborative endeavor to shape legal interpretations within the Hanafi school of thought [2].

The impact of Abu Hanifa may be seen in many facets of Islamic learning. His views on the equality of religion and social life have shaped the Hanafi-Maturidi tradition for a long time, affecting actions and beliefs within this theological framework [3]. Abu Hanifa also made important contributions to the science of Hadith, which emphasizes his contribution to the development of Islamic learning outside of the legal field [4].

Additionally, the focus placed by the Hanafi school on comprehending *usul* (principles) and the science of *khilaf* (dispute) demonstrates a deep heritage of academic investigation and argument, reflecting the depth and complexity of the Hanafi tradition's mind [5]. The way the Hanafi madhab has changed throughout time, taking into account the opinions of different scholars, shows how Islamic law has a heritage of ongoing learning and adaptation [2].

Abu Hanifa's legacy is mostly focused on legal matters, but he also had an impact on more general societal issues. His contributions to the reform of social structures and the development of legal frameworks that have an effect on Muslim countries demonstrate the enduring influence of his ideas outside the field of law [2]. A multifaceted approach to governance and societal structures is demonstrated by the Hanafi school's engagement with political processes, such as its support for the Abbasid revolt and opposition to exclusive Arabist authority [6].

An important individual in the Hanafi school of thought, Imam Muhammad Shaybani, made a substantial contribution to the sect's teachings and tenets being

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preserved. Scholars in the Hanafi school hold his writings in the highest regard and use them as reliable sources for the madhhab [7]. Shaybani's contributions demonstrate his wide range of skill in subjects such as Arabic sciences and hadith studies [8]. His careful observance of Imam Abu Hanifa's instructions and his own learned observations have been significant in forming the intellectual terrain of the Hanafi madhab.

The significant value of Shaybani's writings to scholars examining the Hanafi sect is clear evidence of their significance. For those wishing to delve deeper into the nuances of Hanafi jurisprudence, his books provide insightful analyses of the tenets and methods of the Hanafi school [9]. Shaybani's writings are also crucial for comprehending how the Hanafi madhab has changed over time as they shed light on how the sect's legal interpretations have evolved [10].

The book *Al-Ashbah van Nazair* authored by Ibn Nuja'im holds significant importance within the canon of literature elucidating *usul* and subsidiary legal issues (*furu'*) in the Hanafi school of jurisprudence. Ibn Nuja'im's designation as the "Second Abu Hanifa" [11] underscores his notable contributions to the Hanafi tradition. His scholarly endeavors were informed by a rigorous education in jurisprudence under esteemed figures such as Qasim ibn Qutlubgo, Burhan Karkhi, Amin ibn Abd al-Hanafi, Sharafuddin Balkini, Shaykhulislam Ahmad ibn Yunus (commonly known as Ibn Shilbi), Abul Faiz Sulami, and Nuriddin Daylami.

It is documented that both Imam Abu Tahir Dabbas and Imam Karkhi authored jurisprudential works [12]. However, Ibn Nujaim augmented his own work with insights gleaned from these earlier treatises. Notably, Ibn Nujaim's work exhibits a unifying objective shared by scholars and jurists alike. This assertion finds support in the extensive corpus of commentaries and annotations generated on his seminal work, *Al-Ashbah van Nazair*. Such widespread scholarly engagement underscores both the scholarly sophistication of the text and its enduring status as a primary reference source across centuries, persisting to the present day.

## 2. Method

This study uses a qualitative methodology to investigate *Al-Ashbah van Nazair's* place in the Hanafite *madhhab*. A thorough analysis of pertinent literature is carried out, with an emphasis on primary and secondary sources. The theological importance and methodology of *Al-Ashbah van-Nazair* within the Hanafite tradition are examined through the application of textual analysis. The Hanafite school uses comparative analysis to place the usage of *Al-Ashbah van-Nazair* in connection to other sources and approaches. In addition, in order to get understanding of the real-world applications of *Al-Ashbah van-Nazair* in legal reasoning, contact with specialists in Hanafite jurisprudence is sought. The research attempts to offer a nuanced understanding of the function and importance of *Al-Ashbah van-Nazair* as a source in the Hanafite school of thought using these methodological techniques.

## 3. Results and Discussion

Given that *Al-Ashbah van-Nazair* stands as the final literary endeavor of Ibn Nujaim, it can be inferred that the content encapsulates the culmination of a lifetime of scholarly inquiry, study, oral transmission, reading, and research. This assertion finds substantiation in the author's comprehensive bibliography, which attests to the breadth and depth of sources consulted. Notably, within the Hanafi sect, second-hand books are esteemed as reliable sources of legal authority. Ibn Nujaim underscores this practice by explicitly acknowledging the sources from which he derived information, as evidenced by his statement, "I will now list the sources from which I got the information from the fiqh books I collected before the end of the year 968" [12]. These enumerated sources serve as foundational pillars upon which the author's scholarship is predicated, lending credibility to the contents of *Al-Ashbah van-Nazair*.

- 1) **Hidayai's commentaries:** This includes *An-Nihoya*, *Goyatul Bayyan*, *Al-Inoya*, *Merojud diroya wal binaya*, *Al-Goya*, and *Fathul Qadir*.
- 2) **Kanza's commentaries**, consisting of *Zaila'iyyy* and *Ayniyy wa Miskin*.
- 3) **Quduri's commentaries**, encompassing *As-Sirojul wahhodj*, *Al-Jawhara*, *Al-Mujtabo*, and *Al-Aqta*.
- 4) **Majma's commentaries**, comprising *Al-Musannaf* and Ibnul Malik.
- 5) **Commentaries by Ibn Amir Haji**, including *Sharhu munyatul musalli*.
- 6) **Commentaries by Allam Farisi**, such as *Sharhul wafi*, *Sharhul wikaya van nukaya*, *Izahul Islah*, and *Sharhu talhisil jameel kabir*.
- 7) **Commentaries by Mulla Khosrow**, such as *Talhisul jamee Sadrush Shahid* and *Sharhu duroril guror*.
- 8) **Kosani's commentaries:** *Al-Badoi*, *Sharhut tukhfa*, *Al-Mabsut sharhul kafi*,
- 9) **Works by Hokim Shahid:** *Kofi* and *Hidaya*.
- 10) *Sharhul jame'is sagir* by Qazi Khan and *Sharhu Mukhtasarit Tahawi* and *Ikhtiyar* from other sources.

Ibn Nuja'im also consulted fatwa books, including *Haniyah*, *Khulosa*, *Bazozia*, *Zahiriyyah*, *Wakwoliyah*, *Umda*, *Uddah*, *Sugro*, *Wakeot* by Husam Shahid, *Kunya*, *Al-Munyatul wal bugya*, *Maalul Fatawo*, *at-Talkih* by Mahbubi, *Al-Tahzib* by Kalanisi, *Wawqafkaril hidaya*, *Al-Qasimiyyah wal imadiyyah*, *Jameul fusulein*, *Haraj* by Abu Yusuf, *Khasof*, *Isaf*, *Al-Hawi* by Qudsi, *Al-Tatimma*, *Al-Muhit Rizawi*, *Zahirah*, *Sharhu manzumatin nasafiyyah*, *Commentary of Ibn Wahban and Ibn Shahina on manzumamah*, *Sayrafiyyah*, *Hizonatul-Fatawa*, some parts of *Hizonatul-Akmal*, some parts of *Sirojiya*, *Tatarkhaniya*, *at-Tajnis*, *Hizonatul-Fiqh*, Books of *Khairatul Fuqaho*, *Manokibul Kardari*, and *Tabaqatu Abdilqadir*. These sources are vital references within the Hanafi jurisprudential tradition, providing valuable insights and interpretations of legal principles and rulings [12].

In the preface of the book, the author expresses aspirations for its completion by invoking divine assistance: "I hope that this text will come to fruition through the divine will and omnipotence, serving as a source of enlightenment for readers, a catalyst for intellectual transformation among educators, a resource for scholars in pursuit of knowledge, and a pillar of support for jurists and religious scholars. It is my earnest prayer that this work will prove to be a valuable asset for those in search of guidance and a beacon of assistance for individuals facing challenges in matters of religious jurisprudence" [12].

Ibn Nuja'im evidently achieved the objective he had envisioned prior to composing the book. Ibn Nuja'im's writings had a significant role in the formation of the Hanafi tradition, especially in the late Hanafi tradition under the Ottoman Empire. During this era, his contributions shaped the Hanafi school of thought and established him as a key figure in the Ottoman late Hanafi tradition [13]. Ibn Nuja'im's achievements correspond with the larger trajectory of Hanafi-Maturidism, as indicated by his crucial role in conserving and advancing the Hanafi-Maturidi doctrinal heritage [14]. Ibn Nuja'im's work clearly fulfilled his goals, leaving an indelible mark on the Hanafi tradition and contributing to its scholastic progress.

Based on the author's delineation of the book's framework, it comprises seven distinct themes [11]:

- 1) The first section is dedicated to elucidating fundamental jurisprudential principles, comprising a meticulous analysis of twenty-four rules.
- 2) The subsequent segment delves into practical applications, covering a spectrum of topics ranging from ablution procedures to obligatory acts, following the sequential organization outlined in the *Kanzud Dacoik*.
- 3) Within the third section, intricate discussions unfold regarding the reconciliation of disparities and distinctions within analogous and complex subject matters.

- 4) The fourth division focuses on exploring *algaz*, shedding light on intricate jurisprudential dilemmas.
- 5) In the fifth segment, attention is directed towards navigating the realm of deceptive practices.
- 6) The sixth section undertakes the examination of analogous and intricate matters under the domain of *Ashbah van Nazair*.
- 7) Finally, the seventh division is devoted to the narrative exploration of various illustrative anecdotes and stories.

This work is widely respected in the field of Hanafi jurisprudence. Scholars such as Sahal Mahfudh and others have included references to this text in their approaches and studies, emphasizing its relevance and influence in the subject of Islamic law [15,16,17]. The book offers significant insights into the science of *usul al-fiqh* and its practical applications, making it an essential resource for academics and scholars seeking to improve their understanding of Hanafi legal concepts. Ibn Nuja'im's contributions to *Al-Ashbah van-Nazair* have surely left an indelible mark on the study and implementation of Hanafi jurisprudence.

In the annotations of the book *Gamzu uynil basuar*, Allama Hamawi remarks: "Despite its concise nature and brevity of sentences, this work is replete with profound truths, akin to a boundless sea harboring invaluable treasure. It is indispensable for every judge in the dispensation of justice and essential for muftis in the issuance of fatwas."

#### 4. Conclusion

In summary, the widespread acclaim from numerous scholars underscores the significance of this book as a vital resource. The author's intention for the book to cater to individuals of varying levels of expertise ensures accessibility for both seasoned jurists well-versed in *fiqh* and novice students embarking on their studies. Moreover, the relevance of studying this work is amplified by the prevalence of the Hanafi school in Uzbekistan and the incorporation of insights from scholars across Mawarannahr by Ibn Nujaim.

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