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**The Attribution of the Criteria for Critical Appraisal of
Content in the Hanafis' Hadith Understanding to Abū Hanīfa**
*Hanefî Hadis Anlayışındaki Muhteva Tenkidi Kriterlerinin Ebû
Hanife'ye Nispeti*

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The Attribution of the Criteria for Critical Appraisal of Content in the Hanafis' Hadīth Understanding to Abū Hanīfa¹

Abstract

Abū Hanīfa Numan b. Sabit is a leading Islamic scholar who lived between the late first and the mid-second century Hijri, (the eighth and ninth centuries A.D.). Except for the six years he spent in the Hejaz, where he performed the Hajj (Muslim pilgrimage), he spent his entire life in Iraq (born in 80 Hijri in Kufa and died in Hijri 150 in Baghdad). The age in which Abū Hanīfa lived is critical for the history of Islamic science, in terms of time and environment. It is a period in which Muslims transitioned from oral tradition to written one, and the hadīths of the Prophet, as well as the views of his Companions and the followers, were recorded, and thus the first forms of Islamic classical sources were formed. The intellectual approach of the Companions who settled there, especially that of ‘Abd Allāh b. Mas‘ūd, was one of the key factors contributing to the scholarly vitality in Kufa. Abū Hanīfa is a madhab (Islamic school of law) imam who stands out by his considering the “*illa and maqasid*” (purpose and intention), along with the general principles and bases in the naṣṣ (in Islamic law to refer to an explicit statement within the Quran or hadith, rather than apparent meanings, due to the influence of the environment in which he lived and the tradition of science in which he was raised. Because of such characteristics, he faced criticism while he was still alive. However, his method was adopted and followed by his students that he educated in his fiqh (Islamic jurisprudence) academy. In their works Abū Yūsuf (d. 182/798) and Imam Muhammad (d. 189/805) provided an overview of the perspectives of Abū Hanīfa and his companions on *furū al-fiqh* (branches of Islamic jurisprudence). However, neither the works of Abū Hanīfa nor those of his students about their understanding of usūl have survived to the present day. Yet, this does not mean that the imams in question did not adopt any methods in their idjtihāds (judgement to deduce a law or rule in Islam). The usūl (principle) they followed while making judgements from the verses and hadīths was deduced by later Hanafī scholars through takhrīj (the method of determining the original sources), based on the provisions in the works written about furū al-fiqh (branches). Thus, they not only tried to show that the provisions adopted by the madhab are based on solid principles but also prevented the criticisms against the madhab. In this respect, the understanding of the Hanafī usūl could be said to have a close connection with the science of khilāf and jadal (the science of dispute and discussion between the muslim jurists). The views of Abū Hanīfa and his companions on accepting and rejecting hadīths are discussed in detail in the sections about Sunnah (the Prophetic tradition) in Hanafī principles of jurisprudence. In the Hanafī usūl, the interruption in the sanad (chain of hadith) of the narrations is classified into two categories: literal (zāhirī) and hidden (batini) interruption. The former refers to the disconnection that is apparent in the narration, whereas the latter is the critical appraisal criteria mentioned as content appraisal in the title of the of this study, and it means the criticism of the narrations by presenting them to the evidence called aṣl (principal). The Hanafīs think that khabar al-āhād cannot be accepted in the following four cases: If it conflicts with a provision in the Qur’ān, if it declares a judgment contrary to a well-known Sunnah; in the event that the khabar al-wāhid (solitary report) is transmitted from a single Companion although the issue in question is something that everyone should know (umūm al-balwā), and finally if it is determined that the Companions did not act upon the decree of the khabar al-wāhid even though they were aware of it. The Hanafī usūl scholars did not hesitate to attribute these appraisal criteria they obtained through takhrīj, regarding both the sanad and the text of the narrations to Abū Hanīfa. As noted in the present study, the sources of fiqh mention the opinions conveyed by Abū Hanīfa himself

¹ This article is a revised and extended version of the notification “The Effects of Abū Hanīfa in the Formation of the Method of Hadīth Criticism in Hanafīs” and it was presented in the National Symposium of the “Imam A’zam: The Torch Enlightening the Ages” on 28-30 April, 2015 in Eskişehir/Turkey. The notification is also published in the Symposium Book. (The Book of Selected Papers from the Symposium on “Imam A’zam: The Torch Enlightening the Ages”, Editors: Ahmet Kartal & Hilmi Özden, Eskişehir: Osmangazi University Publishing, 2015.)

regarding the first two criteria; that is, the verification of the khabar with the Qur'ān and the famous Sunnah. Although Abū Hanīfa did not directly mentioned the verification of khabar al-āhād through umūm al-balwā and through the practice of the Companions, these principles, which were deduced from the classical Hanafī sources through takhrīj, were normally used by Abū Hanīfa and his companions. This study discusses this issue based on evidence from narrations.

Keywords: Hadīth, Abū Hanīfa, the Hanafī Madhab, Khabar al-Wāhid, Dispute.

Hanefi Hadis Anlayışındaki Muhteva Tenkidi Kriterlerinin Ebû Hanife'ye Nispeti²

Öz

Ebû Hanife Numan b. Sabit, milâdî sekiz ve dokuzuncu yüzyıllara tekabül eden hicrî birinci asrın sonu ile ikinci asrın ortalarında yaşamış büyük bir alimdir. Hac için gittiği Hicaz'da geçirdiği altı yıl dışında, ömrünün tamamını Irak bölgesinde geçirmiştir (doğumu hicrî 80 Kufe, vefatı hicrî 150 Bağdat). Ebû Hanife'nin yaşadığı dönem, zaman ve muhit olarak İslam ilim tarihi için oldukça merkezi bir konumdadır. Müslümanların sözlü kültürden yazılı kültüre geçiş yaptığı, başta Hz. Peygamber'in hadisleri olmak üzere, sahâbe ve tabiûn görüşlerinin derlenerek tedvin edildiği, böylece klasik kaynakların ilk nüvelerinin oluştuğu bir devirdir. Başta Abdullah b. Mesud olmak üzere oraya yerleşen sahâbenin fikrî yaklaşımı da Kufe'deki ilmî canlılığa katkı sunan önemli etkenlerden biri idi. Ebû Hanife, yaşadığı muhitin ve kendilerinden ders aldığı ilim geleneğinin etkisiyle, naslara zahirî yaklaşımdan ziyade, onlardaki illet ve maksadı, genel ilke ve esasları dikkate almasıyla öne çıkan bir mezhep imamıdır. Bu özelliğinden dolayı muhalifleri tarafından daha hayattayken eleştirilerin hedefinde olmuştur. Ebû Hanife'nin bu yöntemini onun fıkıh akademisinde yetişen talebeleri de benimsemiş ve sürdürmüştür. Ebû Yusuf (ö. 182/798) ve İmam Muhammed (ö. 189/805) tarafından kaleme alınan eserlerde, Ebû Hanife'nin ve ashabının furu-ı fıkha dair görüşleri toplanmıştır. Ancak ne Ebû Hanife'den ve talebelerinden, onların usul anlayışına dair bir eser günümüze ulaşmamıştır. Bu durum, söz konusu imamların ictihadda bulunurken herhangi bir usulü benimsemiş olduğu anlamına gelmemektedir. Onların ayet ve hadislerden hüküm çıkarırken uyguladıkları usul, furuya dair yazılan eserlerde yer alan hükümlerden hareketle sonraki yüzyıllarda yaşamış Hanefî âlimler tarafından tahrir metoduyla çıkartılmıştır. Bu şekilde hem mezhebin benimsediği hükümlerin sağlam asıllar üzerine bina edildiği ortaya konmaya çalışılmış hem de mezhebe yöneltilecek eleştirilerin önü alınmıştır. Bu yönüyle Hanefî usûl anlayışının hilâf ve cedel ilmiyle sıkı bir bağlantısının bulunduğu söylenebilir. Ebu Hanife'nin ve ashabının hadislerin kabulü ve reddi konusundaki usule dair görüşleri bu eserlerin sünnet bahisleri içerisinde ayrıntılı olarak ele alınmaktadır. Hanefî usulünde rivayetin senedinde yer alan inkitâ (kopukluk) lafzî/zahirî ve manevî/batınî olmak üzere iki kısımda değerlendirilmiştir. Zahirî inkitâ ile rivayetin senedinde oluşan kopukluk kastedilmektedir. İnkitânın ikinci türü olan manevî inkitâ ise makalenin başlığında muhteva tenkidi olarak zikredilen tenkit kriterleri olup, rivayetlerin asıl olarak adlandırılan delillere arz edilmesi suretiyle tenkid edilmesi demektir. Hanefiler âhād olarak nakledilen haberlerin şu dört asla muhalif olması durumunda kabul edilemeyeceği görüşündedirler: Haber-i vâhidin Kur'an'da yer alan bir hükme aykırı olarak nakledilmesi durumunda; haber-i vâhidin maruf ve meşhur olan bir sünnete aykırı bir hüküm bildirmesi durumunda; haberin herkesin bilmesi gereken bir konuda (umûmu'l-belvâda) tek bir sahâbîden nakledilmesi durumunda ve son olarak da haber-i vâhidin hükmüyle kendisine söylenmesine rağmen sahâbe tarafından amel edilmediğinin tespit edilmesi durumunda. Hanefî usul alimleri rivayetlerin gerek senedine gerekse metnine dair tahrir metoduyla elde ettikleri bu tenkit kriterlerini Ebû Hanife'ye nispet etme konusunda çekinceli davranmamışlardır. Makalede de görüleceği üzere ilk iki kriter olan

² Bu makale, 28-30 Nisan 2015 tarihleri arasında Eskişehir'de düzenlenen *Devirleri Aydınlatan Meşale İmâm-ı A'zam Ulusal Sempozyumu*'nda "Hanefî Mezhebi Hadis Tenkidi Anlayışının Oluşumunda Ebû Hanife'nin Etkisi" başlığıyla sunulan ve baskısı gerçekleştirilen sempozyum kitabının 453-458 sayfaları arasında yer alan bildirinin gözden geçirilmiş ve genişletilmiş şeklidir.

haber Kur'an'a ve meşhur sünnete arzı ile ilgili bizzat Ebû Hanife'den nakledilen görüşler kaynaklarda zikredilmektedir. Haber-i vâhidin umûmu'l-belvâya ve sahâbe uygulamasına arzı konusunda ise her ne kadar Ebû Hanife'den doğrudan bir nakil bulunmasa da biz klasik Hanefî kaynaklarından tahrir metoduyla çıkarılan bu prensiplerin, Ebû Hanife ve ashâbı tarafından kullanıldığı ve uygulandığı kanaatindeyiz. Makalede bu husus rivayetlerden delilleriyle ele alınmaya çalışılmaktadır.

Anahtar Kelimeler: Hadis, Ebû Hanife, Hanefî mezhebi, Haber-i vâhid, Muâraza.

INTRODUCTION

The period in which Abû Hanîfa lived, which corresponds to the late first century and the mid-second century Hijri (the eighth and ninth centuries A.D.), coincide with the period of recording in which the transition from oral tradition to written one took place in Islamic sciences. Although there were few written hadith documents in the period of the Companions, but these are very few. During this period, besides the narrations from the Prophet, the narrations from the Companions and the followers were written down using a scholarly approach. With the transition to the written tradition, the general framework and concepts in the branches of sciences began to get established, and the foundational texts were gradually written.³ Both during the time when the hadiths were compiled and recorded and in later years, common activities were understanding and interpreting the hadiths with their certainty and making judgements based on them. Abû Hanîfa and his companions, who were considered as the partisans of legal reasoning, took the lead in such activities.⁴

The science of hadith spares considerable effort to determine the certainty of the hadiths; in other words, it studies if what is attributed to the Prophet actually belongs to him. There is abundant literature in the science of hadith, which primarily examines such issues as the structure of the sanads and the status of the narrators. In hadith science, studies on the text of the hadiths are also very few. Hadith scholars secondarily concentrate on understanding the narrations correctly. Nevertheless, it would be inaccurate to say that it is only the partisans of hadith that spare effort and time to determine what the narrations signify and trace them back to their first sources. In this respect, the effort put forth by the Hanafî jurists should not be overlooked. Although the Hanafis put most of their effort in hadith studies on whether to act upon the narrations, rather than on their authenticity, an examination of the requirements they imposed for those who desire to act on the narrations would reveal that they established strict criteria regarding the narrator and the structure of hadiths, as well as their content. There are originals of these criteria, which were put forward regarding the evidence and text of the hadiths both in theory and in practice and which can be traced back to the madhab imams.

Based on the classical works which included the views of the madhab imams, the Hanafî scholars of the third and fourth centuries Hijri used takhrîj to determine the method these imams followed while deducing judgements from the naşş.⁵ Abû Yûsuf's and Imam Muhammad's books are major works of reference about this topic.⁶ Although they are attributed to the Imâmāyn, it is not possible to claim that the views in the classical works in question belong only to their authors. These works also contain the idjtihâds of Abû Hanîfa and his students who were in that circle in the earlier period, made through consultations and

³ Abû al-Faraj Muḥammad Ibn al-Nadîm, *Kitâb al-Fihrist*. ed. Rezâ Tajaddod, (Tehran: 1971), 19; Murteza Bedir, *Ebû Hanîfe –Entelektüel Biyografi–* (Ankara: Ay Yayınları, 2018), 24.

⁴ See also the following source for more about Abû Ḥanîfa's understanding of hadith and Sunnah. İsmail Hakkı Ünal, "Ebû Hanîfe ve Hadis", *İslâmî Araştırmalar Dergisi*, 15/1-2 (2002), 75-81.

⁵ Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, (New York: Cambridge University Press, 2011), s. 162-63.

⁶ About the spread of these books see Nurit Tsafir, *The History of an Islamic School of Law The Early Spread of Hanafism*, Islamic Legal Studies Program, Harvard Law School Distributed by Harvard University Press Cambridge, Massachusetts, 2004, s. x-xi (Preface).

discussions. From this standpoint, the first sources in which the views of the madhab are compiled, particularly *Zāhir al-Riwāyah*, should be accepted as the works in which the common views of Abū Hanīfa and his companions are compiled, as well as those of their respective authors. Naturally, there should be no harm in attributing the method followed while producing these views and idjtihāds to Abū Hanīfa and his companions.⁷ The classical Hanafī works of usūl, which addressed both the thought of Hanafī usūl in general and the "requirements for being able to act upon the narrations", which constitutes the subject of our study in particular, were created using the takhrīj method (i.e., takhrīj al-furū 'ala al-uṣūl), based on the views in the first furū sources of the madhab.⁸ The article first outlines the structure of the Hanafī usūl thought, and it goes on to discuss the attribution of the criteria for content appraisal to Abū Hanīfa, the founding imam of the madhab; it also cites examples to pinpoint the sources of these criteria within the madhab through examples.

1. THE STRUCTURE OF THE HANAFĪ USŪL

Abū Hanīfa, together with the fiqh academy he established,⁹ extensively discussed the issues presented to them and tried to offer solutions. They certainly used a method while doing this. The knowledge about furū' al-fiqh that accumulated later in classical sources of fiqh in the Hanafī madhab consists of the fatwas and opinions of the madhab imams and the students around them. This hardly goes with the principles and rules of usūl al-fiqh because, according to the common opinion, Abū Hanīfa, Abū Yūsuf and Imam Muhammad have no works on usūl al-fiqh.¹⁰

The understanding of usūl in the Hanafī madhab aims to determine if the 'illas of the views of the madhab are identifiable, if these views comply with the principle of causality and if they are definable. Moreover, it is based on takhrīj.¹¹ That is, based on the perspectives of madhab in the sources of furū al-fiqh, later usūl scholars tried to identify, explain, define, abstract and advocate their methodology. Thus, the aim was twofold: to establish a systematic method and to respond to the criticisms from members of different madhabs, particularly those from the partisans of hadīth (the ahl al-hadīth). In this respect, as furū al-fiqh in the Hanafī madhab chronologically play a key role, it precedes the methodology of fiqh.¹²

Furū al-fiqh is quite significant, particularly because it has a vital connection with real life, and it has the power to adapt itself to new developments, and it is not possible for fiqh and the fuqaha to leave an issue faced by Muslims unsolved. They have to present a solution from the narrated evidence first. It is not always possible for jurists to find a solution to all the issues encountered, by using a limited number of texts at hand and the views of the predecessors. In this case, based on the aforementioned methods of abstraction and acting upon a common 'illa and so forth, jurists offer a solution to that issue within the boundaries of religion. This activity has brought vitality and dynamism to the understanding of the method fed by furū. The methodology followed by the Hanafī imams in such deduction of orders was determined by

⁷ Wael B. Hallaq, *The Origins and Evolution of Islamic Law*, s. 156.

⁸ As noted earlier, the concept of takhrīj, which is used in different meanings in hadīth and fiqh, is the subject of usūl al-fiqh and furū al-fiqh. For more information about the concept, see Tuncay Başoğlu, "Tahric", *Türkiye Diyanet Vakfı İslam Ansiklopedisi* (İstanbul: TDV Yayınları), 39/420.

⁹ "A continuously existing group of students with a regular succession of teachers is a mark of a functioning school." See Christopher Melchert, "The Formation of the Sunni Schools of Law, 9Th-10th Centuries C.E" (Studies in Islamic Law and Society, V. 4), s. 34.

¹⁰ Although Ibn al-Nadīm mentions usūl books that belong to the last two these (See Ibn al-Nadīm, *Kitāb al-Fihrist*, 206-207), it is clear that no reference is made to such works in later works of usūl. It can be said that Ibn al-Nadīm used the concept of usūl in a relatively broader sense in his work and did not mention a work of usūl al-fiqh as we understand it today.

¹¹ Murat Şimşek, *İmam Ebū Hanīfe ve Hanefilik* (İstanbul: Hacıveyiszade İlim ve Kültür Vakfı Yayınları, 2019), 236.

¹² Bkz. Ali Bardakoğlu, "Hanefi Mezhebi", *Türkiye Diyanet Vakfı İslam Ansiklopedisi* (İstanbul: TDV Yayınları, 1997), 16/12. It is also noted that there is an approach which recommends that furū al-fiqh should be preferred when it conflicts with usūl al-fiqh.

later scholars through takhrīj. Thus, it was made sure that the provision conforms with the Shari'a and is defensible. It was this effort that brought forth the Hanafī method of fiqh.

In conclusion, it can be said that the Hanafī usūl is a system that explains and protects the established rules and already made judgements, rather than being productive and setting new rules and pillars. Therefore, it has a close connection with the science of khilaf and jadal¹³ because the science and literature of khilaf in fiqh aims to make sure that the rulings of the madhab imams do not conflict with the naṣṣ and that they are religiously correct and defensible.

2. THE WORKS OF HANAFĪ USŪL

The oldest source we have about the Hanafī usūl is the work titled *al-fuṣūl fi al-uṣūl*, which belongs to Abū Bakr al-Rāzī al-Jaṣṣāṣ, who died in 370/980.¹⁴ In his book, al-Jaṣṣāṣ benefited greatly from the works of ʿĪsā b. Abān (d. 221/836), who lived about a century and a half before him. He was a student of Imam Muhammad. He made references to his works called *al-Hujaj al-Kabir* and *al-Hujaj al-Saghir*, which unfortunately did not reach today, particularly when he discusses issues of Sunnah.¹⁵ On the issues he addressed in his works, al-Jaṣṣāṣ also benefited from the views of his teacher al-Karkhī (d. 340/952). Like ʿĪsā b. Abān, al-Karkhī and al-Jaṣṣāṣ are Iraqis. Therefore, it can be said that the classical Hanafī usūl understanding developed in Iraq.

After al-Jaṣṣāṣ, the same understanding of usūl was passed on to Abū Zayd Ubaid Allāh ibn Umar al-Dabūsī (d. 430/1039) through his student, Abū Jaʿfar al-Urushani (d. 404/1014), and it influenced the Samarkand Hanafism. al-Bazdawi (d. 482/1089) and al-Sarakhsi (d. 483/1090) established the main usūl tradition of the Hanafī madhab.¹⁶ al-Jaṣṣāṣ' narrations and opinions on Sunnah from ʿĪsā b. Abān and his teacher al-Karkhī were largely reported by the usūl scholars who followed him, such as al-Dabūsī, al-Bazdawi and al-Sarakhsi. Later works of usūl written in the following centuries, especially al-Bazdawi's work named *Kanz al-Wusul*, proved quite influential. Abd al-Aziz al-Bukhārī's (d. 730/1330) commentary titled *Kashf al-Asrār*, with which al-Bazdawi's work is often published today, played a significant role in this impact.¹⁷

Therefore, it can be said that the understanding of hadīth criticism in the Hanafī usūl was shaped around the principles of usūl that ʿĪsā b. Abān, al-Karkhī and al-Jaṣṣāṣ deduced, through takhrīj, from the minor rulings made in the madhhab. Given that the imam of the madhab was born and raised in Kufa, died in Baghdad, and thus the madhab was born and

¹³ Şimşek, *İmam Abū Hanīfa ve Hanefilik*, 239. In this regard, al-Tahāwī's *Sharh Ma'ani al-Athar* and al-Quduri's *al-Tajrid* can be cited as examples of the science of khilaf and jadal. These two works include critical data and examples related to the intertwining of furū and usūl and the defence of the madhab against its opponents.

¹⁴ Ujjayl Jasin al-Nashami, who analysed the work, stated that *al-Fusūl* was the last work of al-Jaṣṣāṣ, which he wrote before *Ahkām al-Qur'ān*, that the author thought this work as a preface to his commentary and that its method and interpretation should be considered as a single work. Moreover, to support this view, he cited the words of the author in the introduction of *Ahkām al-Qur'ān*. See Abū Bakr al-Rāzī al-Jaṣṣāṣ, *al-Fusūl fi al-Uṣūl* (Kuwait: Wizarat al-Awqaf, 1994), 1/38 (the preface). Abd al-Salam Muhammad Ali Shahin, who analyzed *Ahkām al-Qur'ān*, also added a footnote to the author's statement and noted that the work written as an introduction to the work must be *al-Fusūl*. See Abū Bakr al-Rāzī al-Jaṣṣāṣ, *Ahkām al-Qur'ān* (Beirut: Dar al-Kutub al-'Ilmiyah, 2003), 2nd Ed., 1/5.

¹⁵ It is known that ʿĪsā b. Abān used to be a supporter of the partisans of hadīth and thought that the Hanafīs did not attach due importance to hadīth, but when he later became a student of Imam Muhammad, he adopted the view of the partisans of legal reasoning and participated in discussions with scholars of Shafī'i thought, particularly with al-Shafī'i. For more information about ʿĪsā b. Abān, see Mehmet Boynukalın, "Neş'etü usūli'l-fikri'l-Hanefi ve tetavvürühü: ârâü İsa b. Ebân al-usûliyye ve medâ te'sîrihâ ale'l-fikri'l-usûli'l-Hanefî", *Marmara Üniversitesi İlahiyat Fakültesi Dergisi*, 35/2 (2008), 25-56; Ramazan Özmen, "İsa b. Ebân'ın Hayatı Eserleri ve Haberlerin Epistemolojik Değeri ile İlgili Bazı Görüşleri", *İslam Hukuku Araştırmaları Dergisi*, 12 (2008), 127-154.

¹⁶ For more information about this issue, see Şimşek, *İmam Abū Hanīfa ve Hanefilik*, 240-250.

¹⁷ Fakhr al-Islam al-Bazdawi, *Kanz al-wusul* (with Abd al-Aziz al-Bukhārī's commentary titled *Kashf al-Asrār*) Beirut: Dar al-Kutub al-'Ilmiyah, 1997). 4 Volumes.

completed its development in the Iraq region, it can be said that the Hanafī usūl, which was dependent on the formation and development of furū, belongs to the same geography. It would not be accurate to consider the thought of Hanafī usūl independently of furū and to attribute it only to these scholars and accordingly to the Mu'tazilite thought, solely based on the aforementioned three scholars' relationship with the Mu'tazila.¹⁸ This is because such an assumption would mean disregarding the influence of furū on usūl al-fiqh and ignoring the true nature of the Hanafī usūl. Among the Hanafī scholars in the first period, there were those who were close to the line of the Mu'tazila, as well as those who were close to the partisans of hadīth. The main elements that ensure the continuity of the Hanafī identity among these scholars is the unity within the framework of ra'y and fiqh, rather than the ideas of the Mu'tazila or partisans of hadīth.¹⁹ This is because the khabar theory still found room in the understanding of Hanafī usūl al-fiqh in the centuries that followed. If a problem had been observed in the attribution of this theory to the madhab imam or if it had been found to conflict with the idjtihāds of Abū Hanīfa and his companions, it would not have been possible for this understanding to survive in later times, particularly when the Mu'tazila officially withdrew from the stage of history.²⁰ Although this is created by the method of takhrīj, it could be considered as evidence for the idea that thought of the Hanafī method in general and the understanding of hadīth and Sunnah in particular are not independent of Abū Hanīfa and other madhhab imams who are his students.

3. THE CRITICAL APPRAISAL OF CONTENT IN THE HANAFĪ USŪL

The critical appraisal of the hadīths in terms of text and content is discussed in the sections reserved for Sunnah and under the title of hidden interruption in the works of the Hanafī usūl. Below are the four requirements that should be satisfied to be able to act on āhād hadīths: Although interruption refers only to the break in the hadīth's sanad in hadīth usūl, Hanafī scholars also use this term for any defect related to content. This means that the Hanafīs consider khabar al-wāhid that runs counter to the four principles they call "al-asl" as hidden interruption and argue that no action could be taken based on it. These four conditions, which render khabar al-wāhid hidden interruption and prevent one from acting upon it, are as follows:

1. its being contrary to the Qur'ān,
2. its being contrary to commonly known Sunnah,
3. and the narration's being shaz in umūm al-balwā; that is, its being narrated by a single person on issues that everyone should know,
4. and although it is known, not acting on this narration in a conflict that arose during the period of the Companions.²¹

It is known that Abū Hanīfa himself mentioned and applied the first of these principles; that is, the principle that khabar al-wāhid that contradicts the Qur'ān cannot be acted upon. Although there is lack of clear evidence indicating the attribution of the other three principles to Abū Hanīfa, it is possible to pinpoint the signs of these principles in the views of the Imam. There are also explanations and examples of how these principles were used by Abū Hanīfa in the classical Hanafī sources of furū.

¹⁸ For this approach, see Metin Yiğit, *İlk Dönem Hanefî Kaynaklarına Göre Abū Hanīfa'nın Usūl Anlayışında Sünnet* (İstanbul: İz Yayıncılık, 2009), 471-72.

¹⁹ Murteza Bedir, *Fıkıh, Mezhep ve Sünnet (Hanefî Fıkıh Teorisinde Peygamber'in Otoritesi)*, (İstanbul: Ensar Neşriyat, 2004), 26.

²⁰ It is seen that the above-mentioned khabar theory is apparent in the sections on Sunnah, not only in al-Nasafi's procedural work called *al-Manar* and its commentaries, which was used as a textbook in madrasahs for many years, but also in Mullah Khusraw's *Mirkat al-Wusul* and its commentaries, which were approved as a textbook in madrasahs in the Ottoman geography.

²¹ al-Bazdawi, *Kanz al-Wusul*; Abū Bakr Shams al-Dīn Muhammad al-Sarakhsi, *Usūl (Beirut: Dar al-Kutub al-'Ilmiyah, 1996)*, 1/364.

3.1. Verification through the Qur'ān

The principle of verification through the Qur'ān in the Hanafī usūl is related to the narrations that are included in the framework of "additions to the naṣṣ (naskh)" through the relationship of "general-specific", rather than the narrations that run counter to the fundamentals of the Qur'ān. According to this, a narration that limits the message of the Qur'ān or restricts its meaning or a narration that adds to a provision in the Book must at least be famous. If a narration with this content is āhād, it cannot be accepted because it is characterised by suspicion as its attribution to the Prophet is doubtful.²²

One could see the basics of verification through the Qur'ān in the works attributed to Abū Hanīfa. For example, in his work *al-alim wa al-mutaallim*, he noted that he does not accept the narration stating that "anyone who commits adultery will be faithless"²³ on the grounds that it is against the Qur'ān:

If a person said, "I believe everything the Prophet said; he does not say anything unjust and does not oppose the Qur'ān," this statement would mean approving the Prophet and the Qur'ān and exempting the Prophet from opposing the Qur'ān. If the Prophet had acted in opposition to the Qur'ān and attributed unjust words to God, God would not have allowed him to live without His control, as noted in the Qur'ān. The Prophet of Allah never opposes the Book of Allah. Similarly, one who opposes the Book of Allah cannot be His Prophet. Rejecting a narration from the Prophet, if it contradicts the Qur'ān, does not mean rejecting or disapproving the Prophet. In fact, it is the rejection of the one who inaccurately narrates from the Prophet. In such a case, the person accused is not the Prophet himself but the person who narrates the hadith inaccurately. We accept everything the Prophet said, whether we heard it or not, with great pleasure. We believe in him and bear witness that the Prophet's words are true. He did not make up anything in the name of Allah; everything he said was by the will of Allah. Moreover, he was not one of those who wished to show off. For this reason, Allah says in the Qur'ān, "He who obeys the Messenger, obeys Allah" (Surah an-Nisa, 4/80).²⁴

According to the information given by Ibn Abd al-Barr, Abū Hanīfa was criticized by most of the ahl al-hadīth on the grounds that he "rejected authentic (sahīh) narrations" because of his approach.²⁵

Although Abū Hanīfa mentions in the above statements that a narration from the Prophet cannot oppose to the Qur'ān, he did not lay down any criteria for determining the boundaries of this opposition and under what circumstances the narration should be considered contrary to the Qur'ān. How to do this was determined by later usūl scholars, and as a result, it emerged as a rule that khabar al-āhād, which restricts a general message in the Qur'ān or lays down some conditions for the absolute words (al-mutlaq) or which specifies additional rulings on a provision in the Qur'ān, cannot be accepted. Although the details of the verification of khabar al-āhād through the Qur'ān and how to practice it were specified by later usūl scholars through takhrīj, it is possible to find the details of the principle in question in the idjtihāds and fatwas of Abū Hanīfa.

An example of this would be the provision that the meat of an animal slaughtered or hunted by a person who deliberately abandoned the mention of Allah is not halal. According to the Hanafis, the meat of an animal slaughtered or hunted in this way cannot be eaten. The evidence of this is the verse "Eat not of that over which God's name has not been pronounced,

²² al-Jaṣṣāṣ, *al-Fusūl fī al-usūl*, 3/113; Abū Zayd Ubaid Allāh ibn Umar al-Dabūsī, *Takwīm lil Adilla*, ed. Halil Muhyiddin (Beirut: Dar al-Kutub al-Ilmiyah, 2001), 196; al-Bazdawī, *Kanz al-Wusul*, 3/13; al-Sarakhsi, *Usūl*, 1/364.

²³ al-Bukhārī, *al-mazalim*, 31.

²⁴ Abū Hanīfa, Nu'man bin Tsabit, *al-Alim wa al-mutaallim* (among the five works of Abū Hanīfa). ed. Muhammad Zahid al-Kawthari (Cairo: al-Maktaba al-'Azhariyya, 2001), 29-30.

²⁵ Abū Umar Yusuf ibn Abd al-Barr al-Andalusi, *Al-Intiqā' fī Fadā'il al-Thalāthat al-A'immat al-Fuqahā*. ed. Abd al-Fattah Abū Ghudda (Aleppo al-Matbu'at al-Islamiyyah, 1997), 276.

for this would be sinful conduct indeed" (An'am, 6/121).²⁶ The Shafi'īs, on the other hand, think that it is Sunnah to say basmala while slaughtering and hunting an animal, and that the meat of that animal can be eaten, even if it is deliberately abandoned.²⁷ Among the evidence that Shafi'īs cite is the following narration from Aisha: "One of his Companions visited the Prophet and asked him, 'Some people bring us the meat of animals that we do not know whether the name of Allah was mentioned when they were slaughtered. What is your comment on this?' In response to this, the prophet said, "Mention Allah's name and eat it".²⁸

The Hanafīs did not accept this because they thought it runs counter to the aforementioned verse. According to the Hanafī jurists, the prohibition in the verse concerns the general. The narration by Aisha, which the Shafi'īs presented as evidence, states that the meat of an animal can be eaten; this narration is khabar al-wāhid.²⁹ Imam Muhammad reported that he asked Abū Hanīfa about this issue and received the answer that "the meat of such an animal is not halal" because of the verse mentioned above.³⁰ This means that Abū Hanīfa did not accept the opposing narrations cited by the Shafi'īs, including the narration by Aisha, as he considered them contrary to the general provision of the Qur'ān. An objection that Abū Hanīfa was not aware of the narrations in question is not reasonable enough because Abū Hanīfa and his companions lived in a very lively and active scholarly environment, in terms of hadīth narration. In such an environment, it is unlikely that a scholar is not aware of the existence of narrations that allow Muslims to eat the meat of animals slaughtered by deliberately abandoning basmala. Examining the number of narrations in the works of Imamayn would suffice to show how large the compilation of hadīths in this scholarly circle was. It is understood that although they knew Aisha's narration provided above, they did not accept it because they considered it contrary to the general provision of the verse.

Globally considered, it can be said that the principle of "verification of āhād hadīths through the Qur'ān" was originally put forward by Abū Hanīfa, and the stance of the madhab on this issue and the related details were systematized based on the views of the madhab imams.

3.2. Verification through Sunnah

According to the Hanafīs, khabar al-āhād that runs counter to the well-known Sunnah are not considered suitable for acting upon.³¹ The famous Sunnah (mashhur) in his works of usūl probably refers to the *undisputed Sunnah*,³² which Abū Hanīfa mentions in his letter to Uthman al-Battī as a source of guidance, and the ma'rūf Sunnah, which Abū Yūsuf mentions as the Sunnah "on which consensus is formed, which the scholars know and act upon and which is not shaz".³³

Abū Yūsuf is the first Hanafī jurist to mention that the khabar al-wāhid should be verified through famous and well-known Sunnah. In his book *al-Radd ala Siyar al-Awzai*, he states that the famous narration should be preferred over khabar al-wāhid:

²⁶ Abū Bakr al-Rāzī al-Jaṣṣāṣ, *Sharh Mukhtasar al-Tahāwi* (Madinah: Dar al-Sarraj, 2010), 7/226; Abū Bakr Shams al-Dīn Muhammad al-Sarakhsi, *al-Mabsut* (Beirut: Dar al-Marifah, 1993/1414), 11/236-237.

²⁷ Muḥammad ibn Idrīs Shāfi'ī, *al-Umm*. ed. Muhammad Zuhri al-Najjar (Cairo: Maktabat Al Kulliyat Al Azhariyah, 1961), 2/249.

²⁸ al-Bukhārī, *Buyu'*, 5; Abū Dāwūd, *al-Dahaya*, 19; Ibn Māja, *Zabaih*, 4.

²⁹ al-Sarakhsi, *Usūl*, 1/ 133-134; Abd al-Aziz al-Bukhārī, *Kashf al-Asrār* (together with al-Bazdawi's Kanz al-Wusul) (Beirut: Dar al-Kutub al-'Ilmiyah, 1997), 1/43).

³⁰ See Muḥammad ibn al-Ḥasan al-Shaybānī, *al-Asl*, ed. Muhammad Boynukalın (Beirut: Dar Ibn Hazm, 2012/1433), 5/396.

³¹ al-Jaṣṣāṣ, *al-Fusūl fi al-Usūl*, 3/114.

³² Abū Hanīfa, Nu'man bin Tsabit. *Risala ila Uthman al-Battī* (among the five works of Abū Hanīfa). ed. Muhammad Zahid al-Kawthari. Cairo: al-Maktaba al-'Azhariyya, 2001), 72.

³³ See Abū Yūsuf Ya'kūb b. Ibrahim al-Ansari, *al-Radd ala Siyar al-Awzai*. ed. Abul Wafa al-Afghani (Deccan: Ihya Maarif al-Nu'maniyyah, n.d.), 31.

The number of narrations is increasing. Among them are those which are not commonly accepted, not recognized by fiqh scholars, and those which do not follow the Qur'an and the Sunnah. So, beware of shaz hadiths! Use the information that has long been known by everyone and that is known and recognized by the fuqaha and that complies with the Book and Sunnah. Compare other information to this. Any khabar that conflicts with the Qur'an does not belong to the Prophet, even if it comes through narration. So, accept the Qur'an and the commonly accepted Sunnah as your guide and leader. Be submissive to them. Compare what is not in them with what is already there.³⁴

Although it is not considered as a principle, it is possible to see examples, in Hanafi fiqh sources, to support the claim that Abū Hanīfa preferred the commonly known practice to khabar al-wāhid or abandoned khabar al-wāhid because of a famous Sunnah. As one of these examples reveals, when Abū Hanīfa came to Baghdad, people wanted to question him on the charge of opposing hadiths and inquired his opinion about the following hadith narrated by Sa'd b. Abi Waqqāṣ: "The Prophet was asked whether dry dates could be exchanged for fresh ones. The Prophet asked those around him: 'When the dates dry up, they decrease in weight, right?' When the Companions said that they would be less in weight, he forbade this trade."³⁵

In response to this question, Abū Hanīfa said, "The narration in question cannot be accepted on the grounds that³⁶ it came through Zayd Abū Ayyash, a weak narrator."³⁷ Abū Hanīfa also thought that Sa'd's narration cannot be accepted as it runs counter to the narration of "the six commodities",³⁸ which is a famous narration by Sa'id al-Khudrī because khabar al-wāhid cannot be considered as valid evidence against a commonly known narration.³⁹

In conclusion, it can be said that verifying khabar al-āhād through the famous Sunnah was introduced and applied by Abū Hanīfa and his students, and then it was developed and systematized by usūl scholars.

3.3. Verification through Umūm al-Balwā

According to the Hanafis, there is weakness in a narration that comes from a single channel although it should be reported by many people under normal conditions, due to its famous content, or a narration that fails to gain fame in the first three generations. This is because it is not possible for such a case, which falls within the scope of umūm al-balwā to remain secret. For this reason, such a narration should be reported by quite a few people. If such a narration remains confidential, it is often thought that it suffers from uncertainty, that it is not original or that it has been abrogated.⁴⁰ Metaphorically speaking, when only one person claims to have seen the crescent on a cloudless day, that person's word could not be trusted, just like the case in which after the imam's saluting the Friday prayer in a large and crowded mosque, just one member of the congregation tells the imam that he has performed only one rakat and that he must repeat the prayer. Just as their words are not respected unless

³⁴ Abū Yūsuf, *al-Radd ala Siyar al-Awzai*, 31-32.

³⁵ For the sources that include this narration, see al-Tirmidhī, *Kitab al-Buyu'*, 14; Abi Dāwūd, *Kitab al-Buyu'*, 18; Ibn Maja, *Kitab Al-Tijarat*, 53.

³⁶ Abdullah b. Mubarak, one of the leading partisans of hadith, thought that Abū Hanīfa was quite competent in hadith as we understand from his words, "How can one say that Abū Hanīfa hardly knew hadith, although he knew that Zayd was not an acceptable narrator?" See al-Sarakhsi, *Kitab al-Mabsut*, 12/185.

³⁷ Abū'l Husayn Ahmad ibn Muhammad al-Quduri, *al-Tajrid*. ed. Muhammad Ahmad Sarraj- Ali Jum'a Muhammad. (Cairo: Dār al-Salam, 2004), 5/2344; al-Kamal al-Sivasi al-Humam, *Fath al-Qadir* (Beirut: Darl-Fikr, n.d.), 7/28; Abū Muḥammad Jamāl al-Dīn 'Abd Allāh al-Zayla'ī, *Naṣb al-Rāyah li-Aḥādīth al-Hidāyah*, ed. Muhammad 'Awwame (Beirut: Muassasat al-Rayyan, 1997), 4/41. Ibn Hazm and Ibn Abd al-Barr agree with Abū Hanīfa that Zayd is a weak narrator. See Ibn Hajar, Abū'l-Fazl Ahmad b. Ali al-'Asqalānī, *Tahdhib al-Tahdhib* (Hyderabad: Matbaat Daira al-Maarif al-Nizamiyah, 1326), 3/424.

³⁸ al-Muslim, *Musakāt*, 75, 82; al-Nasā'ī, *Buyu'*, 44.

³⁹ al-Sarakhsi, *Kitab al-Mabsut*, 12/186.

⁴⁰ al-Jaṣṣāṣ, *al-Fuṣūl fi al-uṣūl*, 3/114; al-Dabūsī, *Takwīm lil Adilla*, 196; al-Bazdawī, *Kanz al-wusul*, 3/24,45; al-Sarakhsi, *Usūl*, 1/364.

others support what they say, it is considered inappropriate to act upon khabar al-āhād within umūm al-balwā.

There is no clear evidence indicating that the principle of umūm al-balwā belongs to Abū Hanīfa. Although al-Juwāynī (d. 487/1058), a Shafi'i scholar, attributes this principle to Abū Hanīfa,⁴¹ this is probably not an accurate perspective.⁴² Abd al-Aziz al-Bukhārī said that the person who set this up as a rule among the earlier scholars was al-Karkhi (d. 340/951) and that this was accepted among later imams.⁴³ In his commentary, Imām al-Māturīdī also referred to the principle that Hanafīs would not accept the solitary tradition on the issues regarding umūm al-balwā.⁴⁴

Despite the above evaluations, it is seen that this rule is mentioned in Imam Muhammad's work titled *al-Kasb*.⁴⁵ It is emphasized there that conveying shāz or abrogated hadīths about umūm al-balwā is not beneficial for people at all; they even cause them to get involved in strife, and it is essential to stay away from strife.⁴⁶ Accordingly, although it was systematized by the later usūl scholars, the principle of umūm al-balwā is also a criterion pointed out by Abū Hanīfa's students and the founding imams of the madhab, so it cannot be considered independently of them.⁴⁷

3.4. Verification through the Companions' Practices

According to the Hanafīs, the generation of the Companions is of utmost importance in the identification and evaluation of Sunnah since they are the first generation to report hadīths directly from the Prophet. The Companions play a key role in passing the religion on to the next generations. It is not possible for them to abandon any Sunnah that they know exists, to use their own opinion and to act accordingly because they are righteous people according to the Qur'ān and Sunnah. Similarly, tolerating a practice contrary to the Sunnah and refraining from telling what they know about it is considered as hiding the Sunnah of the Prophet. It is religiously not right to think that they could have hidden the Sunnah. Therefore, the existence of a narration on a subject that remained relevant at that time and the Companions' not acting on that hadīth were considered by the Hanafī jurists as the evidence that the narration was either unfounded or abrogated.⁴⁸

The first person to mention this principle within the madhab is Abū Zayd al-Dabūsī, a fifth century Hanafī usūl scholar. Al-Bazdawi and al-Sarakhsi also developed and further systematized it.⁴⁹ Although it was accepted by later Hanafī usūl scholars as a principle that khabar al-āhād was verified through the practice of the Companions; that is, the hadīths that the Companions refrained from acting upon were considered as hidden interruption, one could easily say that it was Abū Hanīfa who introduced this approach within the madhab. His following statements can be cited as a basis for this:

⁴¹ 'Abd al-Malik b. Abdillāh Imām al-Ḥaramayn al-Juwāynī, *al-Burhan fi usūl al-fiqh*. ed. Salah b. Muhammad (Beirut: Dar al-Kutub al-'Ilmiyah, 1997), 1/256.

⁴² For the perspectives about and the examples of the idea that the principle of umūm al-balwā is not a valid criterion introduced by the imams of the Hanafī madhab and that the first person to put it forward was 'Īsā b. Abān, see Yiğit, Ebū Hanīfe'nin *Usūl Anlayışında Sünnet*, 298-337.

⁴³ Abd al-Aziz al-Bukhārī, *Kashf al-Asrār*, 3/24.

⁴⁴ Abū Manşūr Muhammad al-Māturīdī, *Ta'wilat Ahl al-Sunnah*. ed. Fatima Yusuf al-Haymi (Beirut: Mu'assasat al-Risalah, 2004/1425), 1/176.

⁴⁵ For an evaluation on the possibility that the surviving portion of *al-Kasb* is not the original of the work by Imam Muhammad, but an annotation, written by al-Sarakhsi, see Şimşek, *ibid*, p. 257.

⁴⁶ See Muḥammad ibn al-Ḥasan al-Shaybānī, *al-Kasb*. ed. Suhayl Zakkar. Damascus n.d., p. 70.

⁴⁷ For a detailed discussion of the issue, see Şimşek, *İmam Ebū Hanīfe ve Hanefilik*, 257-262.

⁴⁸ al-Dabūsī, *Takwīm lil Adilla*, 199; al-Bazdawi, *Kanz al-wusul*, 3/26-27; al-Sarakhsi, *Usūl*, 1/369.

⁴⁹ Abd al-Majid al-Turkmani, *Dirasat fi Usul al-Hadīth 'Ala Manhaj al-Hanafīyah* (Karachi: Madrasa al-Noman, 2009), p. 348.

If I find a provision, which I am looking for in the Qur'ān, I directly get it. If I can't find it there, I look at the Sunnah of the Prophet and authentic hadīths which have been reported by reliable people, and if I find it there, I get it. If I can't find anything in the Qur'ān or the Sunnah of the Messenger of Allah, I investigate the perspectives of the Companions of the Prophet. I accept the words of the person I wish among them and disregard whoever I want. I do not act on someone else's opinions by disregarding those of the Companions. Scholars such as Ibrahim al-Nahai (d. 96/714), al-Sha'bī (d. 104/722), Ibn Sirin (d. 110/729), Hasan al-Baṣrī (d. 110/728), 'Aṭā' ibn Abī Rabāh (d. 114/732), Sa'īd ibn al-Musayyab (d. 94/713) made idjtihād. I make idjtihād like them just as they did.⁵⁰

By the words "I accept the words of the person I wish among them and disregard whoever I want", Abū Hanīfa might have meant the opinions of the Companions, as well as his verifying the imams' perspectives which conflict with each other. It is possible to come across examples of this in his idjtihāds. For example, according to the Hanafī jurists, particularly to Abū Hanīfa, it is not necessary to give zakat on the property of a child, even if it exceeds the nisab value.⁵¹ However, the Shafī'īs think that zakat must be given out of the property of a child based on the following narration from Abdullah b. Amr: "While delivering his sermon, the Prophet addressed the people as follows: 'Be careful! Whoever is the guardian of an orphan, let him trade with his property;⁵² he should not keep his property aside so that zakat does not consume that property.'"⁵³

Imam Muhammad noted that the narrations on this issue are conflicting and he preferred the narrations which reveal that "there is no need for zakat". Later, Abū Hanīfa provided, through Leys b. Abi Salim – Mujahid, the following the narration from 'Abd Allāh b Mas'ūd: "There is no responsibility of zakat on the property of a child". He also added that 'Abd Allāh b. Mas'ūd had been asked about this issue, and he had replied: "Zakat is not given from the property of the child before he reaches the age of puberty."⁵⁴ Therefore, the fact that 'Abd Allāh b. Mas'ūd offered a fatwa contrary to the above narration of Abdullah b. Amr constitutes evidence that that narration is not suitable for acting upon because it is abrogated or weak.

The explanations of Abū Hanīfa and Imam Muhammad indicate that both imams attach great importance to the opinion of the Companions regarding the reporting of and acting upon hadīths, and that they preferred what they saw appropriate by verifying the narrations of the Companions. Accordingly, it can be said that this criterion was accepted and applied by the imams of the madhab.

The Bazdawi commentator Abd al-Aziz al-Bukhārī stated that some Hanafī scholars from both the earlier and later periods opposed to the principle of verifying the narrations through the practice of the Companions but did not mention their names.⁵⁵ Despite his explanation, it is seen that the understanding of verification through the practice of the

⁵⁰ Abū Abdillāh al-Husayn b. Ali b. Muhammad Saymari, *Akhbar Abū Hanīfa wa al-ashabihi* (Beirut: Alam al-Kutub, 1405/1985), 24.

⁵¹ Muḥammad ibn al-Ḥasan al-Shaybānī, *al-Asl*, 2/34, 50; id. *al-Kitāb al-Ḥujjah 'alā ahl al-Madīnah*, ed. Mahdi Hasan Kilani (Beirut: Alam al-Kutub, 1403), 1/457.

⁵² al-Tirmidhī, *Zakat*, 15; Darakutni, *al-Sunan*, III, 5.

⁵³ al-Shāfi'ī, *al-Umm*, 2/30-31; Abū al-Ḥasan 'Alī Ibn Muḥammad al-Māwardī, *al-Hawi al-Kabir fi Fiqh Madhab al-Imam al-Shafī'ī*, ed. Ali Muhammad Muawwiz - 'Adil Ahmad Abd al-Mawjud (Beirut: Dar al-Kutub al-'Ilmiyah, 1999), 3/152.

⁵⁴ al-Shaybānī, *Kitāb al-Ḥujjah 'alā ahl al-Madīnah*, 1/459. The following words of Imam Muhammad are also noteworthy as they reflect the importance that the madhab attaches to the views of the Companions. "There has never been a community of better jurists than the First Generation. The knowledge to be respected is only the knowledge of the Companions, so is the fiqh they introduced. They knew the perspectives of the Prophet better than we do, and they spared more effort to be close to him." See al-Shaybānī, *Kitāb al-Ḥujjah 'alā ahl al-Madīnah*, 1/290-91.

⁵⁵ Abd al-Aziz al-Bukhārī, *Kashf al-Asrār*, 3/26.

Companions was also accepted in the later periods within the madhab and found room in the works of fiqh method.⁵⁶

CONCLUSION

Abū Hanīfa is a scholarly figure that comes to the forefront as he systematically addressed the illa and maqāsid in the naṣṣ in the history of Islamic thought and separated the local and universal elements in them. Therefore, he is considered as the pioneer of the legal reasoning approach. His companions, along with his students in the first circle and the later the scholars of the Hanafī madhab, which was named after him, tried to maintain this feature of him. When Abū Hanīfa and his companions could not find an answer in the narrated evidence regarding the issues presented to them, they tried to draw a conclusion using the aforementioned principles.

Although there is not any currently available usūl work that belongs to Abū Hanīfa and his first students, he and his Companions definitely followed a method in their idjtihāds. In this respect, the Hanafī usūl, unlike the Shafi'ī and mutakallimun usūl, is characterised by a feature in which the rules are given first and then the rules of procedure are derived from these provisions provided by the imams of the madhhab. This feature of the Hanafī usūl does not mean that the criteria in this method are independent of the opinions of the madhab imams and are solely shaped according to the mentality of the later usūl scholars.

Although the Hanafī usūl was formed through takhrīj, these principles, which appear in the works of usūl, are the rules derived from the idjtihāds of the madhhab imams. In fact, it is possible to see practices and examples pointing to the existence of these rules in the transmissions from Abū Hanīfa and in some issues related to furū. Moreover, it is hardly reasonable to say that a method derived from the opinions and fatwas of Abū Hanīfa and his companions is independent of them.

Some contemporary researchers claim that the understandings of the Sunnah Abū Hanīfa and Imam Shafi'ī are almost the same, and since the former was determined later in time, it was perceived as if there were a difference between them. This claim sounds like an overgeneralisation because it is expected that a perspective that is against Abū Hanīfa's understanding of usūl within the madhab would be criticized by later scholars. In addition, it is not quite possible for such an approach to preserve its place in the systematics of the madhab and to survive to the next centuries. However, an examination of the sections reserved for Sunnah in the usūl works that have survived to the present day would reveal that the khabar theory of Hanafīs and the tenets of content appraisal established in the first usūl works have been adopted and continued.

The idea of usūl, the foundations of which were laid by Abū Hanīfa and his companions, presents a more lively and self-renewing system, as it is intertwined with furū, due to its close relationship with daily life. It is this vitality that we still need today to understand the verses in general and to understand and act upon the hadīths in particular, based on certain principles. It is also essential that this thought should not be separated from Abū Hanīfa and should continue. This is because he is a pioneer with his wisdom and intellect, and he is a significant figure in terms of showing that this thought relates to the Prophet, through the leading Companions, such as Ibn Mas'ūd, who had an important place in shaping the scholarly environment in Kufa.

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⁵⁶ See Abd al-Latif Ibn Malak, *Sharh Manar al-Anwar* (Beirut: Dar al-Kutub al-'Ilmiyah, 1308), 218; Abū Abdullah Shams al-Dīn Ibn Amir Hajj, *Al-tahrir al-tahbir* (together with Ibn Humam's *Tahrir*) (Beirut: Dar al-Kutub al-'Ilmiyah, 1983), 2/267.

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