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CATEGORIES (RANKS) OF JURISTS WHO WORKED WITHIN THE HANAFI SCHOOL OF LAW

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Abstract

This article analyzes the scholarly ranks of jurists (fuqaha) within the Hanafi school of Islamic law and their role in the development of Islamic jurisprudence. The study examines the classifications of Hanafi scholars, particularly the system of juristic ranks proposed by Ibn Kamal Pasha. In addition, the classifications suggested by Shah Waliullah Dehlawi and Muhammad Abu Zahra are comparatively analyzed. The research concludes that the classification of jurists should be based on their level of ijtihad, their ability to derive legal rulings, and their competence in evaluating different legal narrations. This study is significant for understanding the intellectual development of the Hanafi school of law.

Keywords

tabaqa (the rank or level), Hanafi school, juristic ranks, ijtihad, takhrij, tarjih, fiqh, mujtahid, muqallid.

HANAFIY MAZHABIDA FAOLIYAT OLIB BORGAN FAQIHLARNING TABAQALARI

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Annotatsiya. Ushbu maqolada hanafiy mazhabida faoliyat olib borgan faqihlarning tabaqalari, ularning ilmiy darajalari hamda fiqh ilmi rivojidagi o‘rni tahlil qilingan. Tadqiqot davomida hanafiy mazhabi olimlari tomonidan ishlab chiqilgan faqihlar tasnifi, xususan Ibn Kamol Poshsho tomonidan keltirilgan tabaqot tizimi ilmiy jihatdan o‘rganildi. Shuningdek, Valiyyulloh Dehlaviy va Muhammad Abu Zahra

tomonidan ilgari surilgan tasniflar ham qiyosiy tahlil qilindi. Tadqiqot natijasida faqihlarni tabaqalarga ajratish ularning ijtihod darajasi, fiqhiy masalalarni hal qilish salohiyati hamda rivoyatlar o‘rtasini ajrata olish qobiliyatiga asoslanishi lozimligi aniqlandi. Mazkur tadqiqot hanafiy fiqh maktabining ilmiy rivojlanish bosqichlarini yoritishda muhim ahamiyat kasb etadi.

Kalit so‘zlar: tabaqa, hanafiy mazhabi, faqihlar tabaqasi, ijtihod, taxrij, tarjih, fiqh, mujtahid, muqallid.

КАТЕГОРИИ ФАКИХОВ, ОСУЩЕСТВЛЯВШИХ ДЕЯТЕЛЬНОСТЬ В ХАНАФИТСКОМ МАЗХАБЕ

Аннотация. В данной статье анализируются категории ханафитских факихов, их научный уровень и роль в развитии исламского права. В ходе исследования были изучены классификации ученых ханафитского мазхаба, в частности система табакат, предложенная Ибн Камал Пашой. Также проведен сравнительный анализ классификаций, предложенных Валиуллахом Дехлеви и Мухаммадом Абу Захрой. В результате исследования установлено, что классификация факихов должна основываться на уровне их иджтихада, способности решать правовые вопросы и умении различать правовые мнения. Данное исследование имеет важное значение для изучения этапов развития ханафитской правовой школы.

Ключевые слова: ханафитский мазхаб, категории факихов, иджтихад, тахридж, тарджих, фикх, муджтахид, мукаллид.

INTRODUCTION

Indeed, jurists of the Hanafi school did not all operate at the same level of scholarly authority. Among them there are scholars who reached ranks such as "absolute *mujtahid*" (*mujtahid mutlaq*), "imitative *mujtahid*" (*mujtahid muqallid*), and similar levels of authority. A researcher investigating the tabaqas and ranks of Hanafi jurists may encounter several classification systems—some explicitly stated by scholars and others merely alluded to in their works. Certain classifications rely primarily on chronological order—that is, the dates of the jurists' activity and death. The works that fail to present the activities of the scholars among the tabaqas in a scholarly, precise, and well-

substantiated manner are also included. Ali ibn Amrullah ibn Abdulqadir Hannoli [1] can be cited as an example of this.

Because, in his work *al-Tabaqāt al-Hanafiyya*, he classified scholars belonging to the Hanafi school into twenty-one tabaqas. [2]. However, this did not describe the aspects that distinguish the representatives of this tabaqa from one another.

Also, Mahmud ibn Sulayman al-Kafawi [3] presented the biographies of Hanafi jurists in his work, dividing them into twenty-two tabaqas and designating each tabaqa as a "katiba". Such classifications are not considered reliable by scholars. This is because these classifications were not determined based on precise scientific criteria and procedures, as previously described. In these classifications, only chronological order was adhered to. The purpose of these classifications was simply to arrange the well-known scholars whose biographies were presented. This is similar to the way a book's contents are divided into chapters and sections, as well as to the approach adopted by some authors of works on tabaqas and biographical literature, who arrange scholars according to the letters of the alphabet.

Some classifications are based on the potential for ijtihad and takhrij (derivation of rulings) as recognized by scholars and jurists. This is precisely the authoritative approach to classifying these scholars and the one most relevant to the subject of this study. The purpose of classifying jurists and organizing them into distinct tabaqas is to enable judges, muftis, researchers in Islamic jurisprudence, and others engaged in this field to ascertain the scholarly standing and level of authority of individual jurists, particularly with regard to distinguishing between various transmitted reports and determining the relative strength of the differing opinions of Hanafi jurists through the process of tarjih.

LITERATURE REVIEW

The most well-known classification of the tabaqas of Hanafi jurists was made by Ibn Kamal Pasha (the year of death. 940 AH/1533 CE). The reason is that the author divided the jurists into seven tabaqas and composed a brief treatise on the subject. Ibn Kamal Pasha classified the jurists in the following order:

The first tabaqa – is the tabaqa of those who were mujtahids in matters of the Sharia. The imams of the four madhhabs – Abu Hanifa al-Nu'man ibn Thabit (the year of death.

150 AH/767 CE), Muhammad ibn Idris al-Shafi‘i (the year of death. 204 AH/820 CE), Malik ibn Anas (the year of death. 179 AH/795 CE), and Ahmad ibn Hanbal (the year of death. 241 AH/855 CE) — belong to this tabaqa. It also includes every jurist who followed their approach, independently establishing principles of legal theory and deriving subsidiary rulings from the four sources of law — namely, the Qur’an, the Sunnah, ijma‘, and qiyas — without imitating another authority in either fundamental or subsidiary matters.

The second tabaqa – is the tabaqa of those who were mujtahids within the madhhab. Among the students of Abu Hanifa, Abu Yusuf (the year of death. 182 AH/798 CE) and Muhammad (the year of death. 189 AH/804 CE), as well as other jurists who possessed the ability to derive legal rulings from the aforementioned sources in accordance with the principles established by their teacher, belong to this tabaqa.

Although the jurists belonging to this tabaqa may differ from Imam Abu Hanifa on certain subsidiary rulings, they follow him in the fundamental principles of jurisprudence. In this respect, they are distinguished from the other imams who founded the madhhabs, as well as from jurists within the madhhab who, like Imam al-Shafi‘i, disagreed with Imam Abu Hanifa.

The third tabaqa – consists of scholars capable of exercising ijtihad on matters concerning which no report has been transmitted from the founder of the madhhab. This category includes jurists such as Khassaf (the year of death. 261/875), Abu Ja‘far al-Tahawi (the year of death. 321/933), Abu al-Hasan al-Karkhi (the year of death. 340/951), Shams al-A’imma al-Halwani (the year of death. 449/1057), Shams al-A’imma al-Sarakhsi (the year of death. 483/1090), Fakhr al-Islam al-Pazdawi (the year of death. 482/1087), Fakhr al-Din Qadi Khan (the year of death. 592/1195), and other jurists of a similar tabaqa.

Representatives of this tabaqa are unable to contradict the Imam of the school of thought regarding either fundamental principles or subsidiary issues. They may only derive rulings—based on the principles established by the Imam—for matters on which no specific opinion has been recorded from him.

The fourth tabaqa – consists of jurists among the muqallids who possess the ability to perform takhrij (deriving legal rulings). This tabaqa includes Abu Bakr al-Jassas (the year of death. 370/980) and other jurists who, in general, did not possess the capacity to perform ijtihad. However, because the representatives of this tabaqa have thoroughly mastered the principles established by the imam of the madhhab and are fully familiar with its sources, they are capable of distinguishing between an ambiguous (unclear) opinion that could potentially be interpreted in two ways and an unspecified ruling transmitted from the imam of the madhhab or from one of his disciples who had attained the rank of a mujtahid. In some sources, expressions such as "كذا في تخريج الكرخي" and "كذا في تخريج الرازي" are examples of this type.

The fifth tabaqa – consists of jurists among the muqallids who possess the ability to exercise tarjih (to determine which of competing opinions is preferable). This tabaqa includes scholars such as Abu al-Husayn al-Quduri (the year of death. 468/1036), Burhan al-Din al-Marghinani (the year of death. 593/1196), the author of al-Hidaya, and other scholars of a similar rank.

The task of the representatives of this tabaqa is to possess the skill of preferring some transmitted opinions over others, as expressed through phrases such as "هذا أولى" ((this is preferable), "هذا أصح رواية" (this is more authentic in terms of transmission), " هذا أوضح" (this is clearer), "هذا أوفق للقياس" (this is more consistent with qiyas), "هذا أرفق للناس" (this is more beneficial for people), and similar expressions.

The sixth tabaqa – consists of muqallids who possess the ability to distinguish between terms such as aqwa (stronger), qawiyy (strong), and da'if (weak), as well as between zahir al-riwaya (a ruling transmitted from the imam of the madhhab), the ruling that is zahir (predominant) in the madhhab, and nadir (rare) reports. This category includes scholars such as Hafiz al-Din Abu al-Barakat al-Nasafi (the year of death. 710/1310), Abu al-Fadl al-Mawsili (the year of death. 683/1274), al-Mahbubi, and Ibn al-Sa'ati (the year of death. 694/1294), who were the authors of the four authoritative texts.

Their task is to refrain from citing rejected opinions and weak narrations in their works.

The seventh tabaqa – is the tabaqa of jurists who are incapable of the aforementioned tasks and unable to distinguish between narrations; instead, they simply gather whatever they find, much like someone collecting firewood in the dark[4].

This classification, initiated by Ibn Kamal Pasha, was approved by numerous scholars. In particular, Tashkubrizada (the year of death. 968/1560) in *Tabaqat al-Fuqaha*, Kafawi (the year of death. 990/1582) in *Kata'ib A'lam al-Akhyar*, Tamimi (the year of death. 1010/1601) in *al-Tabaqat al-Saniyya*, Zuhri (the year of death. 1079/1668) in *al-Jawahir al-Nafisa*, and Ibn Abidin (the year of death. 1252/1836) in *Radd al-Muhtar* and *Sharh 'Uqud Rasm al-Mufti* relied on Ibn Kamal Pasha's classification in their works.

Shaykh Waliullah al-Dihlawi (d. 1176/1762) divided the jurists into three categories, and many Hanafi scholars followed his classification in this regard. According to his classification, the first tabaqa consists of jurists who attained the rank of absolute ijtihad, the second tabaqa consists of jurists who were mujtahids within the madhhab, and the third tabaqa consists of jurists who were mujtahids in issuing fatwas. In his work, al-Dihlawi discussed the duties and responsibilities of the representatives of each tabaqa.[5]

Muhammad Abu Zahra (the year of death. 1394/1974) did not, in fact, employ a new classification distinct from the two classifications mentioned above. Rather, he arrived at his conclusions based on Ibn Kamal Pasha’s classification. In his work on Abu Hanifa, he presented Ibn Kamal Pasha’s classification, relying on the version cited by Ibn Abidin, and, like other scholars, offered critical observations concerning it. He explained his own critical views as follows:

Removing the second and seventh tabaqa from the classification.

Within this classification, the third tabaqa (those who exercised ijtihad concerning issues for which no narration had been transmitted from the founder of the madhhab), the fourth tabaqa (the tabaqa of the masters of takhrij), and the fifth tabaqa (the tabaqa of the masters of tarjih) should not be presented separately, but rather incorporated into one another. There is no benefit in distinguishing between these three categories. This is because takhrij refers to exercising ijtihad on issues for which no narration has been

transmitted from the imam of the madhhab. Moreover, the duties attributed to the masters of takhrij correspond to the work of the masters of tarjih. Therefore, since this is the case, it would be appropriate to retain two of these three tabaqas —the tabaqa of the masters of takhrij and the tabaqa of the masters of tarjih—and eliminate one of them.[6]

Thus, according to Abu Zahra's view, there are four tabaqas of jurists belonging to the Hanafi madhhab.

METHODOLOGY

This study employed several scholarly research methods to examine the tabaqas of jurists in the Hanafi madhhab. In particular, the historical-analytical method was used to investigate the formation and development of the tabaqas of Hanafi jurists on the basis of classical sources. Through this method, the scholarly activities of the jurists and their role in the development of Islamic jurisprudence were analyzed.

This study employed several scholarly research methods to examine the tabaqas of jurists in the Hanafi madhhab. In particular, the historical-analytical method was used to study the formation and stages of development of the tabaqas of Hanafi jurists on the basis of classical sources. Through this method, the scholarly activities of the jurists and their role in the development of Islamic jurisprudence were analyzed.

Furthermore, a comparative-analytical method was employed to compare the classifications of the tabaqas presented by different scholars. In particular, the similarities and differences among the classifications proposed by Ibn Kamal Pasha, Tashkubrizada, Kafawi, Waliullah al-Dihlawi, and Muhammad Abu Zahra were analyzed.

The source-critical method was also widely employed throughout the study. Through this method, tabaqas works and jurisprudential literature related to the Hanafi madhhab were examined, and the information concerning the various tabaqas of jurists contained therein was systematized. In particular, when determining the scholarly level of jurists, their capacity for exercising ijtihad, their ability to independently derive legal rulings on matters of Islamic jurisprudence, and their skill in distinguishing between different narrations were taken as the principal criteria.

Furthermore, through a systematic approach, the tabaqas of jurists were studied as a unified scholarly system. This made it possible to identify the internal scholarly hierarchy of the Hanafi school of jurisprudence.

Furthermore, particular attention was paid to the following scholarly criteria throughout the research process:

– The level of the jurists' ijtihad;

– Their level of knowledge of usul al-fiqh;

– Their ability to perform takhrij and tarjih;

– Their ability to analyze jurisprudential narrations;

– Their authority to issue fatwas.

The research conducted on the basis of these methods made it possible to examine the issue of the tabaqas of Hanafi jurists on a scholarly basis.

DISCUSSION AND RESULTS

During this study, classifications concerning the tabaqas of Hanafi jurists were examined, and their scholarly foundations were analyzed. The analysis demonstrated that classifying jurists is of greater scholarly significance when it is based not merely on historical periods or biographical accounts, but also on their jurisprudential competence, level of ijtihad, and ability to resolve issues of Islamic jurisprudence.

The classification developed by Ibn Kamal Pasha was found to be one of the most comprehensive classifications for determining the scholarly levels of jurists within the Hanafi madhhab. This is because the classification was systematically developed according to the jurists' levels of ijtihad, their ability to perform takhrij and tarjih, and their capacity to distinguish between different narrations.

Another important aspect of this classification is that it serves as an important methodological basis for muftis, judges, and academic researchers engaged in the study of Islamic jurisprudence. Knowing which tabaqa a jurist belongs to helps determine the extent to which their jurisprudential views can be relied upon.

Furthermore, the classifications proposed by Waliullah al-Dihlawi and Muhammad Abu Zahra were also examined during the study. While al-Dihlawi's classification is distinguished by its simplicity, Abu Zahra's classification is significant for its critical

approach. In particular, Abu Zahra's proposal to merge certain tabaqas may be regarded as a novel scholarly approach to this issue.

Based on the analysis, it can be stated that the classification of Hanafi jurists according to tabaqas also reflects the stages of development of Islamic jurisprudence. While the early period was characterized by the era of absolute mujtahids, later stages saw the emergence of ijtihad within the madhhab, followed by the stages of tarjih and takhrij.

This demonstrates that the Hanafi school of jurisprudence underwent a continuous process of scholarly development.

CONCLUSION AND RECOMMENDATIONS

In conclusion, the classification of jurists in the Hanafi madhhab is of significant scholarly importance for the study of the history of Islamic jurisprudence. These classifications make it possible to determine the scholarly level of jurists, their capacity for exercising ijtihad, and their position within the jurisprudential heritage.

According to the findings of the study, the classification developed by Ibn Kamal Pasha is considered one of the most comprehensive and systematic classifications for studying the tabaqas of jurists within the Hanafi madhhab. This is because the classification was developed on the basis of the jurists' scholarly qualifications.

Furthermore, based on this study, the following recommendations can be put forward:

– To conduct more in-depth research on the classification of Hanafi jurists using modern scholarly methods;

– To study works on the tabaqat of Hanafi jurisprudence as independent subjects of scholarly research;

– To incorporate knowledge of the categories of jurists into the teaching of Islamic jurisprudence as a methodological foundation;

– To develop solutions to contemporary jurisprudential issues through systematic research into the scholarly heritage of Hanafi scholars.

In general, studying the tabaqas of Hanafi jurists serves not only to understand the history of Islamic jurisprudence but also as an important theoretical foundation for contemporary fiqh research.

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