

IMĀM ABŪ ḤANĪFA'S
Al-Fiqh al-Akbar
Explained



by Abu 'l-Muntahā al-Maghnisāwī
with Selections from 'Alī al-Qārī's Commentary,
including Abū Ḥanīfa's *Kitāb al-Waṣiyya*

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TRANSLATOR'S INTRODUCTION

In the name of Allāh, Most Gracious, Most Merciful.

All praise is to Allāh, who is one in His essence, unique in His characteristics, possessor of all attributes of perfection, and exalted above all attributes of imperfection. All praise is to Allāh, the One and Only, the Eternal and Absolute, who begets not nor is begotten, who is as He has always been, and there is none like unto Him.

Blessings and salutations on the best of Allāh's creation, the most sublime in character, our Master Muḥammad, the seal of those who have passed and the guide to the straight path—and upon his pure and chaste family, and his Companions, and those who have followed the Ahl al-Sunna wa 'l-Jamā'a (The People of Sunna and the Community) with excellence until the Day of Judgment.

The treatise *Al-Fiqh al-Akbar* (The Greater Knowledge) has for centuries been accepted as a reliable work on Islamic beliefs. As one of the earliest works written on the subject and as one of the surviving works of the Great Imām of jurisprudence and theology, Abū Ḥanīfa Nu'mān ibn Thābit al-Kūfi (d. 150/767),¹ the text has been widely studied around the Muslim world for centuries. A number of commentaries have been written on this concise work by renowned scholars of Islam such as Mullā 'Alī al-Qārī and Abu 'l-Muntahā al-Maghnisāwī, and it is quoted and referred to frequently in the works of scholars. One can quickly grasp the breadth of Imām Abū Ḥanīfa's understanding of Islamic beliefs from a statement made by the esteemed Egyptian jurist and theologian, Imām Abū Ja'far al-Ṭahāwī,² at the beginning

¹ When two dates are mentioned in this way, the first represents the Hijrī date and the second the Gregorian.

² Imām Aḥmad ibn Muḥammad ibn Salāma ibn Salama ibn 'Abd al-Malik, Abū Ja'far al-Azdī al-Miṣrī al-Ṭahāwī al-Ḥanafī. He initially studied Shāfi'ī law under his uncle Muzanī, who was a

of his universally recognized treatise, *Al-ʿAqīda*:³ “This is an exposition of the beliefs of the Ahl al-Sunna wa ’l-Jamāʿa according to the jurists of the Muslim umma (community), Abū Ḥanīfa, Abū Yūsuf,⁴ and Muḥammad (may Allāh have mercy on them).”

The suitability of this work’s title, *Al-Fiqh al-Akbar*, is noteworthy. *Fiqh* means “understanding,” “knowledge,” or “intelligence.” The knowledge and understanding of a particular subject is also called *fiqh*, as in *fiqh al-lughba*, “the science of language.” The term *fiqh* by itself is commonly used by scholars of Islam to refer to “jurisprudence” or “the science of the law.” The title of this text—*Al-Fiqh al-Akbar*, roughly translated as “The Greater Intelligence, Understanding, or Insight”—points to the noble subjects addressed in this book, which are divine oneness (*tawḥīd*) in particular and Islamic doctrine (*ʿaqīda*) in general. Because of the sublime aim of *ʿaqīda* over all other subjects—to gain insight about the Creator of the universe and to discover what one owes to Allāh and what one receives from Him—it seems most appropriate to translate the title of this book as “The Greater Science” or “The Greater Knowledge,” which is very likely the reason for the author’s choice of title.

ISLAMIC BELIEFS

ʿIlm al-tawḥīd, the science of divine oneness, is one of the most important and noble sciences. Not only does it refine one’s understanding of the Creator, His messengers, and His communication with creation, but it also enables one to gain insight into the reality and purpose of this world and into the eschatological matters of the Hereafter. These are in fact the three major themes of any work on Islamic beliefs: (1) the divine being and attributes (*ilāhiyyāt*), (2) the functions of prophethood (*nubuwwāt*), and (3) eschatology and that which

student of Imām Shāfiʿī. He then took up the Ḥanafī school and became a great Ḥanafī scholar. Some of his most important works are *Sharḥ Maʿāni ’l-Āthār*, *Sharḥ Mushkil al-Āthār*, and his famous treatise on *ʿaqīda*. He passed away in 321/933. See *Siyar Aʿlām al-Nubalāʾ* 15:17.

3 The actual name of this work is *Bayān al-Sunna wa ’l-Jamāʿa* (Exposition of the Beliefs of the Sunna and the Community).

4 Yaʿqūb ibn Ibrāhīm Abū Yūsuf al-Anṣārī of Kūfa, the imām, *muḥtahid*, judge of judges, and ḥadīth master. A disciple of Abū Ḥanīfa, he remained in his company for seventeen years and became a jurist under his tutelage. He was one of the most noble and knowledgeable students of the Imām and passed away in 182/798.

Brief Sketch of the Origins of Islamic Theology

The earlier generations had little need for a codified form of theology. Most of the time, *Sūrat al-Ikhlāṣ*⁵ would suffice. Moreover, during the lifetime of Allāh's Messenger ﷺ, in particular, whenever a question of faith or belief arose, he was there to answer it. There was no need then to formally systematize *ʿaqīda*, just as there was no need to do so for *fiqh*, *tafsīr*, and other religious sciences. Nearly the same was the condition of the era of the Companions and that of the Followers, the blessed period known as that of the pious predecessors (*salaf ṣāliḥīn*).⁶ Nevertheless, although Islamic belief and practice were for the most part unshakable during this period, faint tremors ominously signaled the quake that would soon rumble, then rock, the umma. Seeing the danger posed to sacred Islamic knowledge by deviant individuals, ambitious politicians, and an increasingly troubled populace, scholars from each successive generation, in response to the exigencies of their respective times, compiled and systematized Islamic norms, ideas, and beliefs, and meticulously crafted the disciplines we recognize today.

The origin of rigorous theological study can be traced back to as early as the caliphate of ʿUthmān ؓ. During his time, various alien ideas took root, with varying durability, in Muslim society and found an eager audience. During the ʿAbbāsīd period, starting around the middle of the second century AH, the introduction of Hellenistic philosophy into Muslim lands led to heated discord. The newly formed Muʿtazila managed to attain great favor with the ruling class, winning several caliphs over to their beliefs. They used their powerful political purchase to question and reinterpret many fundamentals of Islam and force conformity to their beliefs, or at least cow any would-be dissenters into silence. Those who had the courage to object were mercilessly persecuted, most notably Imām Aḥmad ibn Ḥanbal⁷ (may Allāh have mercy

5 Qurʾān 112:1–4.

6 *Salaf* or *salaf ṣāliḥīn* can be translated as “righteous predecessors” or “righteous ancestors.” In Islamic terminology, it generally refers to the first three generations of Muslims: the Companions (*ṣaḥāba*), the Followers (*tābiʿīn*), and Followers of the Followers (*atbāʿ al-tābiʿīn*) regarding whom the Messenger of Allāh ﷺ said, “The people of my generation are the best, then those who follow them, and then those who follow them” (*Bukhārī*). Some have said that the appellation refers to all the generations up to the fifth century AH. The *khalaf* (successors) are then those who came after these three generations, or it refers in some cases to those who came after 500 AH (see Bājūrī, *Tuhfat al-Murīd ʿalā Jawharat al-Tawḥīd* 55).

7 Abū ʿAbdillāh Aḥmad ibn Muḥammad ibn Ḥanbal ibn Hilāl ibn Asad al-Dhuhli al-Shaybānī al-Marwazī (then al-Baghdādī) was born in 164/780. About him, Dhahabī says, “The true shaykh

on him), who was cruelly put to the lash for refusing to accept false doctrines concerning the Qurʾān. It was out of this turbulent setting that the orthodox theological schools of Abu ʿl-Ḥasan al-Ashʿarī and Abū Maṣṣūr al-Māturīdī emerged.

Many of the differences one finds in Islamic doctrine and scholastic theology (*kalām*) literature are primarily between the Ashʿarīs and Māturīdīs and the Muʿtazila and, on a lesser scale, the Khawārij, Jabriyya, Murjiʿa, and a few other groups. The differences that some point to between the Ashʿarīs and the Māturīdīs are not theologically significant and have clear historical reasons, which we shall touch on below. It is more appropriate to view them as two approaches to the same theology and treat them as one. Indeed, the scholars do just that, referring to both groups collectively as Ashʿarīs when contrasting them with other sects. Both groups have always been mutually tolerant and never labelled the other innovative or heretical. It is only when their doctrine is set against the Muʿtazilī and other doctrines that we see major theological divergence. An exhaustive study of each of these groups, and of others, and the effects their interplay had on Muslim government and society has been charted in the venerable tomes of history and theology. It is far beyond our purpose here to give even a synopsis of these works, but to gain a proper context in which to place *Al-Fiqh al-Akbar*, it is fitting to give a brief overview of the major theological groups whose origins date back to the author Imām Abū Ḥanīfā's time.

The Ashʿarīs

The eponymous founder of the Ashʿarī school was the “Imām of the Theologians,” ʿAlī ibn Ismāʿīl ibn Abī Bishr al-Ashʿarī al-Yamānī al-Baṣrī (*Siyar Aʿlām al-Nubalāʾ* 15:88). A descendant of the famous Companion Abū Mūsā al-Ashʿarī, he was born in Baṣra in the year 260/873 and died in 324/935.

Imām Ashʿarī was born at a time when several bickering sects were busying themselves with leveling charges of heresy and unbelief at other Muslims. Of these, the Muʿtazila emerged as the strongest by far and earned the most adherents, especially once they started to garner support from the caliphate.

of Islam and leader of the Muslims in his time, the ḥadīth master and proof of the religion.” He had memorized one million ḥadīths by heart, was a great theologian, and was the founder of the Ḥanbalī school of *fiqh*. He died in 241/855 in Baghdad (see Dhahabī, *Tadhkirat al-Ḥuffāz* 2:431; *Siyar Aʿlām al-Nubalāʾ* 11:187).

“al-Qadar,” 2081). **Yet His writing entails descriptions, not commands**, that is, everything is written in the Preserved Tablet in complete detail as regards its attributes, such as beauty, ugliness, width, breadth, smallness, largeness, paucity, abundance, lightness, heaviness, hotness, coldness, wetness, dryness, obedience, disobedience, will, power, acquisition, and other descriptions, conditions, and characteristics. Nothing is written in it as merely a command to occur without description or cause. For example, “Let Zayd be a believer and ‘Amr an unbeliever” is not written in the Tablet as such. Had it been written that way, Zayd would have been involuntarily compelled to believe and ‘Amr to disbelieve, because whatever Allāh Most High commands necessarily transpires. Allāh Most High commands, and there is none to rescind (*mu‘aqqib*) His command. Rather, it is written in the Tablet that Zayd will be a believer through his own choice and power, and he will desire true faith (*īmān*) and not unbelief; and ‘Amr will be an unbeliever through his own choice and power, and he will desire unbelief and not true faith. Therefore, the purpose of the Great Imām’s statement “His writing entails descriptions, not commands” is to deny compulsion in the actions of servants and to refute the belief of the Jabriyya.¹¹⁸

Ordaining, decreeing, and willing are His attributes in preeternity without description, that is, without any explanation of their description. This means that while the reality of the attributes is established through the Qur’ān, Sunna, and consensus of the umma, they are from the ambiguities (*mutashābihāt*); in short, their interpretation is not known but by Allāh. Their descriptions are unknown, and no amount of effort can lead the intellect to comprehend them. The same holds for all the attributes of Allāh Most High, because His

118 An example by which the issues of predestination and compulsion may become more understandable is that of a teacher who works with a group of students for a number of years. Before administering a set of exams, he speculates on the grades his students will receive, writes them down on a piece of paper, and then leaves for vacation. When he comes back, he receives their actual scores and finds that most of his estimates are accurate or extremely close to the actual scores. It is quite clear that he was able to achieve such close approximations because of having worked with these students long enough to determine their capabilities and potential. As Allāh is the Creator of all and is endowed with eternal knowledge of both the whole and particular of things, His knowledge of all His creation is also on a very highly detailed and definitive level. In fact, He has knowledge of all things before they even occur. A ḥadīth states that He had the Pen write all that was to happen until the Day of Judgment. Then as each person comes into this world and does what they want to do with their free will, their acts are in accordance with what is written by the Pen on the Preserved Tablet, because Allāh had this information from before, and not because they are being forced to do what is written.

attributes are unlike the attributes of creation just as His essence is unlike the essence of creation.

[Qārī] Though *qadā'* (ordaining) and *qadar* (decreeing) have similar meanings, there is a difference between the two terms. The first term means a non-detailed general command and the other a more defined and detailed command.¹¹⁹ Under the topic of ordaining and decreeing emerges the critical issue of the existence of unbelief. The Muʿtazila claim that if unbelief was from the decree of Allāh, it would be necessary for one to be satisfied with it, since satisfaction with the decree of Allāh (*riḍā' bi 'l-qadā'*) is necessary. They say this is problematic since satisfaction with unbelief is unbelief too, and thus unbelief cannot be from the decree of Allāh. In effect, all the actions of servants are not from the decree of Allāh as the Ahl al-Sunna wa 'l-Jamā'ā maintain [but some of their actions—the evil ones—are from themselves].

The rejoinder to this is that the claim of the Muʿtazila is fundamentally flawed since unbelief is not the decree (*qadā'*) of Allāh but is the decreed (*maqḍī*); moreover, it is necessary to have satisfaction with the decree of Allāh and not necessarily with the decreed. To elaborate, unbelief can be attributed to Allāh in that He created it according to His wisdom. There is no questioning Him on His desire (*mashī'a*), since He is the Sovereign Most High and is free to act toward His creation as He wills. However, unbelief also has another consideration, which applies to the responsible human being (*mukallaf*). It [unbelief] becomes the trait of such a person by his own acquisition (*kasb*) and choice. Accordingly, he is questioned for his actions, since he has angered his Lord by his acquisition and become worthy of uninterrupted punishment. Whoever is pleased with his own unbelief, by agreement [of the scholars], is guilty of unbelief.

Following this, scholars have differed regarding one who is pleased with the unbelief of another. The stronger opinion is that one is not guilty of unbelief in this situation as long as he dislikes unbelief itself. This is because his being pleased may well be because he wishes that Allāh take away true faith from that person so he may be given retribution for his harms and wrongdoings. This

¹¹⁹ This seems to be a unique definition of *qadā'* and *qadar*. A more well-known definition is that *qadā'* is His foreknowledge of events prior to their occurrence, while *qadar* is His bringing into existence those events in accordance with how He knows them to be. Some reverse the two definitions.