

## **THE FOUR MADHABS**

### **THE HANAFEE MADH-HAB**

#### **The Founder: Imaam Abu Haneefah R.A. (703-767 CE)**

This Madh-Hab is named after its founding scholar, Abu Haneefah, whose actual name was Nu'maan Ibn Thaabit. He was born in the year 702 CE, in Kufah, Iraq. His father was a silk merchant of Persian origin, who accepted Islam during the reign of the Khulafaa Raashidoon [Righteous Caliphs]. Abu Haneefah began his earlier studies in the field of philosophy and dialectics known as "Ilm al-Kalaam", but after mastering its various disciplines, he left it and went into an indepth study of Fiqh and Hadeeth. He chose as his main teacher, Hammaad Ibn Zayd, who was among the greatest scholars of Hadeeth of his time.

Imaam Abu Haneefah R.A. studied under him for eighteen years. During this time he became qualified to teach, but instead remained Hammaad's student until the latter died in the year 742 CE. After Hammaad's death Imaam Abu Haneefah R.A. took up the position of teacher at the age of forty and became the most outstanding scholar in Kufah. As such, he appeared to be a valuable prize to the Umayyad caliphs at that time. He was offered the position of Qaadee [Judge] of Kufah, but he refused the post in spite of being physically beaten for his refusal by the Ameer of Kufah, Yazeed Ibn Umar.

Similarly, during the rule of the Abbaasids, he also refused royal appointments, and for his refusal was consequently imprisoned in Baghdad by the Caliph Abu Ja'far al-Mansoor [754-775 CE]. He remained imprisoned until his death in 767 CE. Imaam Abu Haneefah R.A. was considered among the minor Taabi'oon [Students of the Sahaabah], because he had met a few of the Sahaabah and had related some Hadeeths from them.

#### **FORMATION OF THE HANAFEE MADH-HAB:**

Imaam Abu Haneefah R.A. based his teaching method on the principle of Shoora [group discussion]. He would present a legal problem to his students for debate and discussion and tell them to record its solution whenever they arrived at a unified position. Because of this interactive approach to making legal rulings, we could say that the Hanafee Madh-Hab was as much a product of Imaam Abu Haneefah's students' efforts as it was a product of his own efforts. They would also debate on hypothetical problems and work out solutions, based on the principle of preparing for a problem before its occurrence. Because of their leaning towards hypothetical Fiqh which often introduced an issue with a question, "What if so and

so happened?", they became known as the "What-Iffers" or Ahl ar Ra'i [the opinion people].

## **SOURCES OF LAW USED BY THE HANAFEE MADH-HAB:**

The early jurists of this Madh-Hab deduced Islamic Laws from the following sources which are listed hereunder in the order of their importance:

### **1. The Most Holy Qur'aan:**

They considered the Most Holy and Noble Qur'aan to be the primary unquestionable source of Islamic Law. In fact it was used to determine the accuracy of the other sources. Accordingly any other source that contradicted the Holy Qur'aan was considered inaccurate.

### **2. The Sunnah"**

The Sunnah was consulted as the second most important source of Islamic Law, but with some qualification as to its use. They stipulated that it was not sufficient that a Hadeeth be accurate [Saheeh], but it had to be also widely known [Mash-hoor], if it was to be used as a legal proof. This condition was laid down as a safeguard against false Hadeeths which were cropping up frequently in that region where only a few notable Sahaabah had settled [Alee and Ibn Mas'ood].

### **3. Ijmaa of the Sahaabah:**

Third in importance as a source of Islamic Law was the unanimous opinion of the Sahaabah on any point of law not specified in the Most Holy Qur'aan or the Sunnah. That is, Ijmaa of the Sahaabah was precedence over the personal opinions of Imaam Abu Haneefah and his students in their deduction of Islamic Law. The Hanafee Madh-hab also recognized the Ijmaa of Muslim scholars in any age as valid and binding on Muslims.

### **4. Individual opinion of the Sahaabah:**

If there were different opinions among the Sahaabah on a particular point of law and no Ijmaa was subsequently formed, Imaam Abu Haneefah R.A. would choose the opinion which appeared most appropriate to the case in question. In establishing this as a vital principle of his Madh-hab, Imaam Abu Haneefah R.A. again gave more weight to the opinions of the Sahaabah than to his own. However, he did apply his own reasoning in a limited sense by choosing one of their various opinions.

## **5. Qiyaas [Analogical deduction].**

Imaam Abu Haneefah R.A. felt no obligation to accept the deductions of the students of the Sahaabah [Taabi'oon] in areas where no clear proof was available from any of the above mentioned sources. He considered himself equal of the Taabi'oon and would make his own Ijtihad based on the principles of Qiyaas which he and his students established.

## **6. Istihsaan [Preference].**

Istihsaan, in short, is the preference of one proof over another proof because it appears more suitable to the situation, even though the preferred proof may be technically weaker than the one it is preferred to. This may involve the preference of a Hadeeth which is specific over a general one, or it may even involve the preference of a more suitable law over the one deduced by Qiyaas.

## **7. 'Urf [Local Custom]:**

Local customs were given legal weight in areas where there were no binding Islamic customs available. It was through the application of this principle that various customs found in the multiplicity of cultures within the Islamic world entered the legal system and became mistakenly classified as Islamic.

Main Students of the Hanafee Madh-hab:

The most famous of Imaam Abu Haneefah's students were Zufar Ibn al-Hudhayl, Abu Yoosuf and Muhammad Ibn al-Hasan.

### **Zufar Ibn al-Hudhayl [732-774 CE].**

Zufar was one of those who followed Imaam Abu Haneefah's example and refused to accept appointments as Qaadee even though many attractive offers were made to him. He preferred to teach, which he did until he died at the age of 42 in the city of Basrah.

### **Abu Yoosuf Ya'qoob Ibn Ibraaheem [735-795 CE].**

Abu Yoosuf was born into a poor family in Kufah. He studied Hadeeth extensively until he became a noteworthy Hadeeth scholar then studied Fiqh in Kufah for nine years under Imaam Ibn Abee Lailaa [died 765 CE] whose father was a famous Sahaabee from Madinah. Abu Yoosuf later studied under Imaam Abu Haneefah R.A. for nine years, and when Imaam Abu Haneefah R.A. died, he went to Madinah and studied for a short period under Imaam Maalik R.A.

Abu Yoosuf was appointed chief judge of the state by the Abbaasid Caliphs, al-Mahdee [775-785 CE], al-Hadee [785-786] and Haroon ar-Rasheed [786-809 CE]. In his capacity as chief judge, he used to appoint judges for the various cities and all his appointees were followers of the Hanafee Madh-hab. Thus he was instrumental in the spread of the Hanafee school of thought throughout the Muslim empire.

### **Muhammad Ibn al-Hasan, ash-Shaybaane [749-805 CE]:**

Imaam Muhammad was born in Wasit, but grew up in Kufah. Like Abu Yoosuf, his early studies were also in Hadeeth. He studied briefly under Imaam Abu Haneefah R.A. until the latter's death, then continued his studies under Abu Yoosuf. for three years. During this period he became one of the main narrators of Imaam Maalik's Hadeeth book Al-Muwatta. Imaam Shaafi'ee R.A. was among the many scholars who later studied under Muhammad Ibn al-Hasan in Baghdad.

Muhammad Ibn al-Hasan also accepted appointment as Qaadee during the reign of Caliph Haroon ar-Rasheed, but soon gave it up because of the many compromises it demanded, and returned to his teaching post in Baghdad.

### **Followers of the Hanafee Madh-hab:**

Those who now follow the Hanafee Madh-Hab are found mostly in India, Afghanistan, Pakistan, Syria, Turkey, Guyana, Trinidad, Surinam and to some extent Egypt and South Africa. When the Ottoman rulers codified Islamic Law according to the Hanafee Madh-Hab in the nineteenth century CE and made it state law, any scholar who aspired to be a judge was obliged to learn it. As a result, the Madh-hab spread throughout the Ottoman Islamic State during the last part of the nineteenth century.

### **THE AWZAA'EE MADH-HAB:**

The Founder: Imaam al-Awzaa'ee [708-774 CE].

This Madb-hab is named after the Syrian scholar Abdur-Rahman Ibn al-Awzaa'ee who was born in Ba'labek in the year 708 CE. He became known as one of the major scholars of Hadeeth of the eight century CE and was opposed to the excessive use of Qiyaas and other forms of reasoning in cases where clear texts from the Most Noble Qur'aan and or Sunnah were available. Imaam Awzaa'ee spent most of his life in Beirut, eventually dying in the year 774 CE. but his Madh-hab became widespread in Syria, Jordan, Palestine and Lebanon as well in Spain.

## **Reason for the Madh-hab's Disappearance:**

His Madh-hab remained the main school of thought in Syria until the tenth century CE, when Abu Zar'ah Muhammad Ibn Uthmaan of the Shaafi'ee Madh-hab was appointed judge of Damascus. Abu Zar'ah began the practice of giving a prize of one hundred Dinars to any student who memorized the book, Mukhtasr al-Muzanee, [a basic book of Shaafi'ee Fiqh]. Naturally, this practice caused the Shaafi'ee Madh-hab to spread rapidly in Syria and the number of Awzaa'ee's followers continued to dwindle until the eleventh century when none were to be found. However, his contributions to the science of Fiqh were recorded and remain to this day in most of the books of comparative Fiqh.

## **THE MAALIKEE MADH-HAB:**

### **The Founder: Imaam Maalik [717-801 CE].**

The founding scholar of this Madh-hab, Maalik Ibn Anas Ibn Aamir, was born in Madinah in the year 717 CE. His grandfather, Aamir, was among the major Sahaabah of Madinah. Maalik studied Hadeeth under az-Zuhree who was the greatest Hadeeth scholar of his time, as well as under the great Hadeeth narrator, Naafi, the freed slave of the Sahaabee Abdullah Ibn Umar. Imaam Maalik's only journeys outside of Madinah were for Hajj, and thus he largely limited himself to the knowledge available in Madinah. He was severely beaten in the year 764 CE by the order of the Ameer of Madinah, because he made a legal ruling that forced divorce was invalid.

This ruling opposed the 'Abbaasid rulers' practice of adding in the oath of allegiance given to them by the masses the clause that whoever broke the oath was automatically divorced. Imaam Maalik R.A. was tied and beaten mercilessly until his arms became severely damaged to such a degree that he became unable to clasp them on his chest in Salaat and thus he began the practice of performing Salaat with his hands at his sides according to some reports.

Imaam Maalik R.A. continued to teach Hadeeth in Madinah over a period of forty years and he managed to compile a book containing Hadeeths of the Prophet Sallallahoo Alayhi Wasallam and Athars of the Sahaabah and their successors which he named "al-Muwatta" [the Beaten Path]. He began his compilation of Hadeeths at the request of the Abbaasid Caliph, Abu Ja'far al-Mansoor, [754-775 CE] who wanted a comprehensive code of law based on the Prophet Sallallahoo Alayhi Wasallam's Sunnah which could be applied uniformly throughout his realm. But, on its completion, Imaam Maalik R.A. refused to have it forced on the people pointing out that the Sahaabah had scattered throughout the

Islamic empire and had taken with them other parts of the Sunnah which also had to be considered in any laws imposed throughout the state.

Caliph Haroon ar-Rasheed [768-809 CE] also made the same request of the Imaam, but he was also turned down. Imaam Maalik R.A. died in the city of his birth in the year 801 CE at the venerable age of 83.

### **Formation of the Maalikee Madh-hab:**

Imaam Maalik's method of teaching was based on the narration of Hadeeths and the discussion of their meanings in the context of problems of that day. He would either narrate to his students Hadeeths and Athars [statements of the Sahaabah] on various topics of Islamic law then discuss their implications, or he would inquire about problems which had arisen in the areas from whence his students came, then narrate appropriate Hadeeths or Athars which could be used to solve them.

After Imaam Maalik R.A. completed 'al-Muwatta', he used to narrate it to his students as the sum total of his Madh-hab, but would add or subtract from it slightly, whenever new information reached him. He used to strictly avoid speculation and hypothetical Fiqh and thus his school and its followers were referred to as the people of Hadeeth [Ahl al-Hadeeth].

### **Sources of Law Used by the Maalikee Madh-hab:**

Imaam Maalik R.A. deduced Islamic Law from the following sources which are listed hereunder in the order of their importance.

#### **1. The Most Holy Qur'aan:**

Like all the other Imaams, Imaam Maalik R.A. considered the Most Noble Qur'aan to be the primary source of Islamic law and utilized it without laying any preconditions for its application.

#### **2. The Sunnah:**

The Sunnah was used by Imaam Maalik R.A. as the second most important source of Islamic law, but, like Imaam Abu Haneefah R.A. he put some restrictions on its use. If a Hadeeth were contradicted by the customary practice of the Madinites, he rejected it. He did not, however, insist that a Hadeeth be Mash-hoor [well-known] before it could be applied as Imaam Abu Haneefah R.A. did. Instead he used any Hadeeth that was narrated to him as long as none of the narrators were known liars or extremely weak memorizers.

## **2. 'Amal [Practices] of the Madinites:**

Imaam Maalik R.A. reasoned that since many of the Madinites were direct descendants of the Sahaabah and Madinah was where the Nabee Sallallahoo Alayhi Wasallam spent the last ten years of his life, practices common to all Madinites must have been allowed, if not encouraged by the Prophet Sallallahoo Alayhi Wasallam himself. Thus Imaam Maalik R.A. regarded common Madinite practices as a form highly authentic Sunnah narrated in deeds rather than words.

## **3. Ijmaa of the Sahaabah:**

Imaam Maalik R.A. like Imaam Abu Haneefah R.A. considered the Ijmaa of the Sahaabah, as well as that of later scholars, as the third most important source of Islamic law.

## **4. Individual Opinions of the Sahaabah:**

Imaam Maalik R.A. gave full weight to the opinions of the Sahaabah, whether they were conflicting or in agreement, and included them in his book of Hadeeth, 'al-Muwatta'. However, the consensus of the Sahaabah was given precedence over individual opinions of the Sahaabah. Where there was no consensus, their individual opinions were given precedence over his own opinion.

## **6. Qiyaas:**

Imaam Maalik R.A. used to apply his own deductive reasoning on matters not covered by the previously mentioned sources. However, he was very cautious about doing so because of the subjectivity of such forms of reasoning.

## **7. Customs of the Madinites:**

Imaam Maalik R.A. also gave some weight to isolated practices found among a few people of Madinah so long as they were not in contradiction to known Hadeeths. he reasoned that such customs, though occurring only in isolated instances, must also have been handed down from earlier generations and sanctioned by the Sahaabah or even the Prophet Sallallahoo Alayhi Wasallam himself.

## **8. Istislaah [Welfare]:**

The principle of Istihsaan developed by Imaam Abu Haneefah R.A. was also applied by Imaam Maalik R.A. and his students except that they called it by the name Istislaah which simply means seeking that which is more suitable. It deals

with things which are for human welfare but have not been specifically considered by the Sharee'ah. An example of Istislaah is found in Caliph 'Alee's ruling that a whole group of people who took part in a murder were guilty even though only one of the group had actually committed the act of murder.

The legal texts of the Sharee'ah covered only the actual murderer. Another example is right of a Muslim leader to collect taxes from the rich other than Zakaah if the interest of the state demands it, whereas in Sharee'ah only Zakaah has been specified. Imaam Maalik R.A. also applied the principle of Istislaah to deduce laws more in keeping with needs which arose from current situations than those deduced by Qiyaas.

## **9. Urf [Custom].**

Like Imaam Abu Haneefah R.A., Imaam Maalik R.A. considered the various customs and social habits of people throughout the Muslim world as possible sources of secondary laws as long as they did not contradict either the letter or the spirit of the Sharee'ah. According to custom in Syria, for example, the word Daabbah means a horse, whereas its general meaning in Arabic is a four legged animal. Hence, a contract made in Syria requiring payment in the form of a Daabbah would legally mean a horse whereas elsewhere in the Arab world it would have to be more clearly defined as a horse.

### **Main students of the Maalikee Madh-hab:**

The most notable of Imaam Maalik's students who did not later form their own Madh-habs were al-Qaasim and Ibn Wahb.

#### **Abu Abdur-Rahmaan Ibn al-Qaasim [745-813 CE].**

Al-Qaasim was born in Egypt but travelled to Madinah where he studied under his teacher and mentor for a period of more than twenty years. He wrote an extensive book on the Fiqh of the Madh-hab, eclipsing even 'al-Muwatta' of Imaam Maalik himself and called it al-Mudawwanah.

#### **Abu Abdillaah Ibn Wahb [742-818 CE].**

Ibn Wahb also travelled from Egypt to Madinah in order to study under Imaam Maalik R.A. He distinguished himself in the deduction of laws to such a degree that Imaam Maalik R.A. gave him the title of al-Muftee, which means the official expounder of Islamic Law. Ibn Wahb was offered an appointment as judge of Egypt, but turned it down in order to maintain his integrity as an independent scholar. Imaam Maalik R.A. had other famous students from other Madh-habs.

Some of them modified their own Madh-habs based on what they learnt from Imaam Maalik R.A. for example, Muhammad ash-Shaybaanee who was among the foremost students of Imaam Abu Haneefah R.A. There were others who developed their own Madh-habs by combining Imaam Maalik's teachings with that of others, for example Muhammad Ibn Idrees ash-Shaafi'ee who studied for many years under Imaam Maalik R.A. as well as under Imaam Abu Haneefah's student Muhammad ash-Shaybaanee.

### **Followers of the Maalikee Madh-hab:**

Today, the followers of this Madh-hab are found mostly in Upper Egypt, Sudan, North Africa [Tunisia, Algeria, and Morocco], West Africa [Mali, Nigeria, Chad, etc.] and the Arabian Gulf States [Kuwait, Qatar, and Bahrain].

### **THE SHAAFI'EE MADH-HAB:**

The Founder: Imaam Ash-Shaafi'ee [769-820 CE].

The full name of the scholar after whom this school of legal thought has been named was Muhammad Ibn Idrees ash-Shaafi'ee. He was born in the town of Ghazzah on the Mediterranean coast of what was then known as Shaam in the year 769 CE. but travelled to Madinah in his youth to study Fiqh and Hadeeth under Imaam Maalik R.A. He succeeded in memorizing the whole of Imaam Maalik's book, 'al-Muwatta' and recited it to him from memory, word perfect.

Ash-Shaafi'ee remained under Imaam Maalik until the latter passed away in 801 CE. He then departed to Yemen where he taught. He remained in Yemen until he was accused of Shi'ite leanings in the year 805 CE and brought as a prisoner before the Abbaasid Caliph Haroon ar-Rasheed who was the ruler of Iraq from 786-809 CE. Fortunately, he was able to prove the correctness of his beliefs and was subsequently released. Ash-Shaafi'ee remained in Iraq and studied for a while under Imaam Muhammad Ibn al-Hassan, the famous student of Imaam Abu Haneefah R.A.. He then travelled to Egypt in order to study under Imaam al-Layth, but by the time he reached Egypt the Imaam had passed away. However, he was able to study the Madh-hab of al-Layth from al-Layth's students. Ash-Shaafi'ee remained in Egypt until his death in the year 820 CE during the rule of Caliph al-Mamoon [813-832 CE].

Formation of the Shaafi'ee Madh-hab:

Imaam Ash-Shaafi'ee R.A. combined the Fiqh of Hijaaz [Maalikee thought] with that of Iraq, [Hanafee thought] and created a new Madh-hab which he dictated to his students in the form of a book called 'al-Hujjah' [The Evidence]. This dictation

took place in Iraq in the year 810 CE and a number of his students memorized his book and narrated it to others. [Among these students were Ahmed Ibn Hambal of the Hambalee Madh-hab and Abu Thawr of the Abu Thawr Madh-hab]. This book and period of his scholarship are usually referred to as al-Madh-hab al-Qadeem [the old school of thought] to differentiate it from the second period of his scholarship which occurred after he reached Egypt.

In Egypt he absorbed the Fiqh of Imaam al-Layth Ibn Sa'd and dictated al-Madh-hab al-Jadeed [the new school of thought] to his students in the form of another book which he named al-Umm [The Essence]. Because of his exposure to a completely new set of Hadeeths and legal reasoning, in al-Madh-hab al-Jadeed, he reversed many of the legal positions which he had held while in Iraq. Imaam Ash-Shaafi'ee R.A. holds the distinction of being the first Imaam to systematize the fundamental principles of Fiqh which recorded in his book called ar-Risaalah.

Sources of Law used by the Shaafi'ee Madh-hab:

### **1. The Most Holy Qur'aan:**

Ash-Shaafi'ee did not differ from the previously mentioned Imaams, in their uncompromising stand in relation to the primacy of the Holy Qur'aan among the sources of Islamic law. He relied on it as heavily as those before him adding only the new insights which he gained from a deep study of its meanings.

### **2. The Sunnah**

Imaam Ash-Shaafi'ee R.A. laid down only one condition for the acceptance of Hadeeths, namely that they be authentic [Saheeh]. He rejected all other conditions set by Imaams Abu Haneefah R.A. and Imaam Maalik R.A. He was also noted for his great contributions to the science of Hadeeth criticism.

### **2. Ijmaa:**

Although ash-Shaafi'ee had serious doubts about the possibility of the Ijmaa in a number cases, he conceded that in the few cases where it was known to have occurred, it should be regarded as the third most important source of Islamic law.

### **3. Individual Opinions of the Sahaabah:**

Credence was given by Imaam ash-Shaafi'ee R.A. to the individual opinions of the Sahaabah on condition that they were not at variance with each other. If there were conflicting opinions among the Sahaabah on a legal point, he, like Imaam Abu

Haneefah R.A. would choose whichever opinion was the closest to the source and leave the rest.

#### **4. Qiyaas:**

Qiyaas was, in the Imaam's opinion, a valid method for deducing further laws from the previous sources. However, he placed it last in order of importance, considering his personal opinions inferior to proofs based on the opinions of the companions.

#### **5. Istis-haab [Linking].**

Both the principle Istihsaan used by Imaam Abu Haneefah R.A. and Istislaah used by Imaam Maalik R.A. were rejected by Imaam Ash-Shaafi'ee R.A. and considered a form of Bid'ah [innovation], since, in his opinion, they were based mostly on human reasoning in areas where revealed laws already existed. However, in dealing with similar issues ash-Shaafi'ee was obliged to use a principle similar to Istihsaan and Istislaah which he called Istis-haab. Istis-haab literally means seeking a link, but legally it refers to the process of deducing Fiqh laws by linking a later set of circumstances with an earlier set. It is based on the assumption that the Fiqh laws applicable to certain conditions remain valid so long as it is not certain that these conditions have altered. If, for example, on account of the long absence of someone, it is doubtful whether he is alive or dead, then by Istis-haab all rules must remain in force which would hold if one knew for certain that he was still alive.

Main Students of the Shaafi'ee Madh-hab:

The most important of Imaam ash-Shaafi'ee's students who continued to follow his school of thought were:

Al-Muzanee, ar-Rabee and Yoosuf Ibn Yayhaa.

#### **Al-Muzanee [791-876 CE].**

Al-Muzanee's full name was Ismaa'eel Ibn Yahyaa al-Muzanee. He was the constant companion of Imaam ash-Shaafi'ee throughout his stay in Egypt. Al-Muzanee was noted for writing a book which comprehensively gathered the Fiqh of ash-Shaafi'ee. Later condensed under the title Mukhtasar al-Muzanee, it became the most widely read Fiqh book of the Shaafi'ee Madh-hab.

## **Ar-Rabee' Al-Maraadee [790-873 CE].**

Ar-Rabee was noted as the main narrator of ash-Shaafi'ee's book al-Umm. He wrote it down during Imaam ash Shaafi'ee's lifetime along with ar-Risaalah and other books.

## **Yoosuf Ibn Yahyaa al-Buwaytee**

Yoosuf Ibn Yahyaa succeeded ash-Shaafi'ee as the main teacher of the Madh-hab. He was imprisoned and tortured to death in Baghdad because he rejected the officially sanctioned Mu'tazilite philosophy on the creation of the Holy Qur'aan.

Followers of the Shaafi'ee Madh-hab:

The majority of the followers of the Shaafi'ee Madh-hab are now to be found in Egypt, Southern Arabia, [Yemen, Hadramout], Sri Lanka, Indonesia, Malaysia, East and South Africa and Surinam in South America.

## **THE HAMBALEE MADH-HAB:**

The Founder: Imaam Ahmad [778-855 CE].

The scholar to whom this Madh-hab is attributed is Ahmad Ibn Hambal ash-Shaybaanee, who was born in Baghdad in the year 778 CE. He became one of the greatest memorizers and narrators of Hadeedth. Ahmad studied Fiqh and Hadeeth science under Imaam Abu Yoosuf, the famous student of Imaam Abu Haneefah R.A. , as well as under Imaam ash-Shaafi'ee R.A. himself. Imaam Ahmad R.A. went through a series of persecutions under the Caliphs of his time due to their adoption of Mu'tazalite philosophy. He was jailed and beaten for two years by order of Caliph al-Ma'moon (rule 813-842 CE), because of his rejection of the philosophical concept that the Most Holy Qur'aan was created. Later set free, he continued teaching in Baghdad until al-Waathiq became Caliph (rule 842-846 CE) and renewed the persecution. Thereupon Imaam Ahmad R.A. stopped teaching and went into hiding for five years until Caliph al-Mutawakkil (847-861 CE) took over. Caliph al-Mutawakkil ended the inquisition permanently by expelling Mu'tazilite scholars and officially rejecting their philosophy. Imaam Ahmad R.A. continued to teach in Baghdad until his death in 855 CE.

Formation of the Hambalee Madh-hab:

Imaam Admad's greatest concern was the collection, narration, and interpretation of Hadeeth. His teaching method consisted of dictating Hadeeth from his vast collection known as al-Musnad, which contained over 30,000 Hadeeths, as well as

the various opinions of the Sahaabah concerning their interpretation. He would then apply the Hadeeths or rulings to various existing problems. If he could not find a suitable Hadeeth or opinion to solve a problem, he would offer his own opinion while forbidding his students to record any of his own solutions. As a result, his Madh-hab was recorded, not by his students, but by their students.

Sources of Law Used by the Hambalee Madh-hab:

### **1. The Most Holy & Glorious Qur'aan:**

There was no difference between the way Imaam Ahmad Ibn Hambal R.A. approached the Holy Qur'aan and that of those who preceded him. In other words, the Holy Qur'aan was given precedence over all else under all circumstances.

### **2. The Sunnah:**

Likewise, the Sunnah of our Beloved Nabee Sallallahoo Alayhi Wasallam occupied the number two position among the fundamental principles used by the founder of this school in the deduction of laws. His only stipulation was that it be 'Marfoo' i.e. attributed directly to the Prophet Sallallahoo Alayhi Wasallam.

### **3. Ijmaa of the Sahaabah:**

Imaam Ahmad R.A. recognized the consensus of opinion of the Sahaabah, and placed it in the third position among the fundamental principles. However, he discredited the claims of Ijmaa outside the era of the Sahaabah as being inaccurate, due to the vast number of scholars and their wide diffusion throughout the Muslim empire. In his opinion Ijmaa after the era of the Sahaabah was impossible.

### **4. Individual Opinions of the Sahaabah:**

If a problem arose in an area where the Sahaabah had expressed conflicting opinions, Imaam Ahmad R.A., like Imaam Maalik R.A. would give credence to all the various individual opinions. Because of that, there developed within the Madh-hab many instances of multiple rulings for individual issues.

### **5. Hadeeth Da'eef (Weak Hadeeth):**

For a ruling on a case where none of the previous four principles offered a ready solution, the Imaam used to prefer to use a weak Hadeeth rather than applying his own deductive reasoning (Qiyaas). However, this was on condition that the weakness of the Hadeeth was not due to the fact that one of its narrators was classified as a Faasiq (degenerate), or a Kadh-dhaab (liar).

## **6. Qiyaas:**

As a last resort, that is when no other major principle could be directly applied, Imaam Ahmad R.A. would reluctantly apply the principle of Qiyaas and deduce a solution based on one or more of the previous principles.

### **Main Students of the Hambalee Madh-hab:**

Imaam Ahmad's main students were his own two sons, Saalih (died 873 CE) and Abdullah (died 903 CE). Imaam Bukhaaree and Muslim, compilers of the most outstanding collections of Hadeeth, were among the great scholars of Hadeeth who studied under Imaam Ahmad R.A.

Followers of the Hambalee Madh-hab:

The majority of the followers of this Madh-hab can now be found in Palestine and Saudi Arabia. Its survival in Saudi Arabia, after almost completely dying out elsewhere in the Muslim world, is due to the fact that the founder of the so called Wahhabbee revivalist movement, Muhammad Ibn Abdul Wahhaab, had studied under the scholars of the Hambalee Madh-hab, and thus it unofficially became the Fiqh Madh-hab of the movement. When Abdul Azeez Ibn Sa'oud captured most of the Arabian peninsula and established the Saudi dynasty, he made the Hambalee Madh-hab the basis of the kingdom's legal system.

Concluded - Wa al Hamdu Lillah