The Ḥanafī Influence on the Approach of Baghdad Uṣūlī Scholars to Khabar al-Wāḥid

Bağdat Usulilerinin Haber-i Vahide Yaklaşımlarının Şekillenmesinde Hanefi Ekolünün Etkisi

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Abstract

The central argument of this study is the identification of a notable similarity between the khabar theories employed by Ḥanafīs and Baghdad Uṣūlīs. It is evident that Ḥanafīs established the theoretical framework of their khabar theory at a comparatively earlier point in time than Imāmīs. Accordingly, it can be posited that Ḥanafīs had a notable impact on Baghdad uṣūlī Scholars with regard to their khabar theory. In order to establish this similarity, the primary sources consulted are the uṣūl al-fiqh works of two schools.

Keywords: Hadith, Sunni, Shi'i, Khabar al-wahid, Ard

Öz

Bu çalışmanın temel argümanı, Hanefiler ve Bağdat Usulîleri tarafından kullanılan haber teorileri arasında dikkate değer bir benzerliğin tespit edilmesidir. Hanefilerin, İmamîlerden nispeten daha erken bir dönemde haber teorilerinin teorik çerçevesini oluşturdukları açıktır. Buna göre, Hanefilerin haber teorisi konusunda Bağdat usulî alimlerini etkilediği söylenebilir. Bu benzerliği ortaya koymak için, iki mezhebin usul al-fiqh eserleri başlıca kaynak olarak kullanılmıştır.

Anahtar Kelimeler: Hadis, Sünni, Şii, Haber-i vahid, Arz

Research Note[1]

It is a well-documented historical fact that Twelver Shīʿī s cultivated a distinct legal tradition from the formative period onward. At the same time considering that multiple legal schools emerged within overlapping temporal and geographical contexts, the measure of scholarly exchange between them is both plausible and expected. In this light, the suggestion that Shīʿī *uṣūlī* scholars were influenced by Ḥanafī thought should be understood as indicative of a particular mode of intellectual engagement, rather than as evidence of an uncritical appropriation of the Ḥanafī theory of *khabar.* This clarification seeks to preclude potential misreadings or overgeneralizations concerning the nature of that interaction.

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[1] A preliminary version of this note was presented at the workshop "The Probativity of Solitary Reports (ḥujjiyat al-akhbār al-āḥād) in Early Shiʿi Thought" (Shii Hadith Project, 25–26 January 2021). Although initially intended as a full article, it is published here as a research note to avoid further delay.

that Ḥanafīs established the theoretical framework of their khabar theory at a comparatively earlier point in time than Imāmīs. Accordingly, it can be posited that Ḥanafīs had a notable impact on Baghdad uṣūlī Scholars with regard to their khabar theory. In this study, the works of uṣūl al-fiqh of the two schools were used to identify this similarity. Since the focus of the study is to examine the influence on the Baghdad usul scholars, it is necessary to analyse the uṣūl works of the three most prominent representatives of this school, namely al-Shaykh al-Mufīd (d. 413/1022), al-Sharīf al-Murtaḍā (d. 436/1044) and al-Shaykh al-Ṭūsī (d. 460/1067). The uṣūl works of these scholars have been the subject of comparison with the work of *al-Fuṣūl fī al-Uṣūl* by al-Jaṣṣāṣ (d. 370/981), a Hanafi uṣūlī who resided in Baghdad during the Buyid period, just before the aforementioned scholars.

It is a widely acknowledged fact that the Imāmī Shī'ī School did not possess a systematic work of uṣūl al-fiqh until the emergence of the Baghdad Uṣūlī School, which conceptualised the methodological principles of Islamic law for the purpose of producing rulings. *Tadhkira fī uṣūl al-fiqh*, *al-Zarīa* and *ʿUdda al-Uṣūl*, which are attributed to al-Mufīd, al-Murtaḍā and al-Ṭūsī respectively, are regarded as the earliest uṣūl al-fiqh works of this school, dating back to the early fifth century. It has been asserted that uṣūlī Imāmīs drew inspiration from Mu'tazila and Shāfiʿī schools when establishing their uṣūl/methodology. A number of studies have been conducted that have focused on the aforementioned influences.[2] However, it is this author's conviction that the studies on this subject have often overlooked the interaction between the Ḥanafīs and the Baghdad uṣūlīs. In fact, alongside the Mu'tazila and Shāfiʿī schools, Ḥanafism was a prominent school during that period and in that region. It had its own usul al-fiqh system and books, which were available before the Shī'ī uṣūlīs. It is evident that under the Buyid ruling, Ḥanafīs were active in the scholarly circles alongside other schools.[3] al-Jaṣṣāṣ (ö. 370/981), a prominent scholar of the Ḥanafī

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[2]   Devin Stewart, H. Ansari and S. Schmidtke, Sabine Schmidtke, *The Theology of al-ʿAllāma al-Ḥillī (d. 726/1325)* (Berlin : Schwarz, 1991); Devin Stewart, *Islamic Legal Orthodoxy: Twelve Shiite Responses to the Sunni Legal System* (Salt Lake City: University of Utah Press, 1998); Hassan Ansari – Sabine Schmidtke, "The Shī'ī Reception of Mu'tazilism (II): Twelver Shī'īs", *The Oxford Handbook of Islamic Theology*, ed. Sabine Schmidtke (Oxford: Oxford University Press, 2016); Hulusi Arslan, *İslam Düşünce Geleneğinde Şia-Mu'tezile Etkileşimi Şerîf el-Murtazâ Örneği* (İstanbul: Endülüs Yayınları, 2017).

[3]   For further details, see Nuha Alshaar, "Knowledge in the Buyid Period: Practices and Formation of Social Identity," Knowledge and Education in Classical Islam: Religious Learning between Continuity and Change, ed. Sebastian Günther (Leiden: Brill, 2020), 668–683.

School, authored *al-Fuṣūl fī al-Uṣūl* in Baghdad under the rule of the Buyids, which is regarded the earliest comprehensive work on the uṣūl al-fiqh of the Ḥanafī School. The findings suggests that a form of interaction occurred between Ḥanafīs and Baghdad uṣūlīs in that particular period of time. The parallels that can be drawn between their khabar theories serve to demonstrate that point. In light of the findings to be presented below, this study argues that, in establishing their distinctive usul al-fiqh system in Buyid Baghdad, Shī'ī uṣūlīs drew upon Ḥanafī contributions, particularly their khabar theory. This phenomenon does not constitute an explicit and direct influence. For instance, there is an absence of references to al-Jaṣṣāṣ and other Ḥanafīs, as well as citations from them, in the works of uṣūlī scholars. Furthermore, there is no reference to Ḥanafīs as the direct source of any of the Imāmī scholars' theories. It is possible to posit a number of reasons for this phenomenon. One potential factor is the existence of negative narratives concerning Abu Ḥanīfa in Shī'ī sources, and of course the competition and even hostility between the madhhabs must have prevented direct quotations. However, it is possible to identify some important aspects in the theory of hadith of both schools, especially in their approach to aḥad hadith, which reveal the influence of the Ḥanafīs. This note will highlight these common aspects.

Firstly, it is notable that the two schools are united by their shared threefold khabar theories. It is widely accepted that there are two categories of akhbār: Mutawātir and aḥad. This division was adopted by the Shāfi'īs, Ahl al-hadith and even Mu'tazili scholars. However, the Ḥanafī and Baghdad Uṣūlī School approaches – particularly that of al-Ṭūsī – posit the existence of a third category of khabar, situated between mutawātir and aḥad. The term 'khabar al-mashhūr' is used by Ḥanafī scholars to denote this concept, whilst the term 'al-khabar maḥfūf bi al-qarain' is employed by Baghdad uṣūlīs to denote the same concept. It is evident that the terms 'mashhūr' and 'maḥfūf bi al-qarain' are not entirely synonymous. Both are akhbār al-aḥad, in essence, but these akhbār have external strong evidence that supports their content in terms of reliability and soundness. According to the doctrine of Ḥanafīs, the strong evidence that renders a khabar al-wāḥid mashhūr is the common acceptance and practice of its content by the community.[4] In relation to the Baghdad Uṣūlī School, the number of evidence required to constitute a khabar maḥfūf bi al- qarā'in varies across three prominent scholars' theories. Al-Mufīd enumerates three pieces of evidence (qarā'in) that, in his opinion, must be present for a khabar al-wāḥid to be considered reliable. These are aql (reason), ijma' (consensus) and urf (custom).[5] Alternatively, al-Ṭūsī

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[4]   Abū Bakr al-Jassās, *al-Fuṣūl fī al-uṣūl*, ed. Ujayl Jāsim al-Nashamī (Kuveyt: Wizāra al-Ewkāf wa al-Shu'ūn al-İslāmī, 1994), 3: 48ff. He calls it *al-mutawātir al-istidlālī*.

[5]   al-Mufîd, *al-Tadhkira bi-Usûl al-Fıkh*, ed. Mahdî (Najaf, 1993), 44-45.

enumerates four pieces of evidence: Qur'ān, sunna al-maqṭūᶜa, ijmā and aql.[6] For both scholars, if at least one of the evidences supports the content of a khabar, it is no longer considered a khabar al-wāḥid; rather, it is classified as a al-khabar maḥfūf bi al- qarā'in. The concept of maḥfūf bi al-qarā'in is not explicitly mentioned in the works of al-Murtaḍā, yet a similar notion is posited in his theoretical framework. While al-Murtaḍā does not employ the term 'mutawātir' to describe this concept, he asserts its capacity to serve as a form of evidence. The following is the author's articulation of this phenomenon: In addition to al-akhbār al-mutawātir, there are certain legal obligations that are derived from the akhbār of imams and are recognised as valid by consensus.[7] For Ḥanafīs, as well as for the uṣūlīs of Baghdad, mashhūr reports and al-khabar al-maḥfūf bi'l-qarā'in are considered sources that yield definitive knowledge (yufīdu al-ʿilm). These types of reports are regarded as valid evidence not only in jurisprudential matters (fiqh) but also in theological doctrines (ʿaqāʾid).[8] Importantly, the reliability of both mashhūr and al-khabar al-maḥfūf bi'l-qarā'in is primarily derived from the matn (the content of the report) rather than its isnād (chain of transmission).[9]

The second commonality of the two schools is their text-centric methods of evaluating khabar al-wāḥid, as opposed to an isnad-centric one. Starting with Abu Ḥanīfa, the Ḥanafīs adopted a critical attitude towards khabar al-wāḥid. In contrast to the Ahl al-Hadith, they did not consider a sound isnad to be sufficient for the soundness of a khabar. According to the Ḥanafīs, the matn, or content, of the khabar al-wāḥid must be examined primarily, and there are some necessary conditions that the matn must comply with for the khabar to be accepted as a legal basis in fiqh. Essentially, the content of a khabar cannot contradict the Qur'ān, certain sunna (sunna al-makhtua), consensus of the ummah or reason.[10] A similar method can be observed, for example, in al-Ṭūsī's ʿUdda al-ʾUṣūl and Muqaddima of al-Istibṣār. According to al-Ṭūsī, similar to the Ḥanafīs, if we have a khabar al-wāḥid and wish to determine whether it can serve as a legal basis, it must be compared with the more reliable proofs: the Qur'an, the authentic sunna, the consensus of the community and reason. If the

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[6]   al-Tûsî, *al-Istibṣār* (Najaf, 1375), 3-5

[7]   el-Murtadā, *Rasāil* (Qum: Dāru al-Qur'ān al-Karīm, 1405), 3: 309-313.

[8]   May be al-Murtaḍā's position may require further investigation.

[9]   For further details, see İsmail Hakkı Ünal, *İmam Ebu Hanife'nin Hadis Anlayışı ve Hanefi Mezhebinin Hadis Metodu* (Ankara: Diyanet İşleri Başkanlığı, 2012), 149-152.

[10]   Jassās, *al-Fuṣūl fī al-uṣūl*, 3: 113-123.

khabar contradicts at least one of these, it is rejected; if it does not, there is a subsequent process to complete the evaluation.[11]

Thirdly, I believe that we can trace a connection between the two schools' views on al-khabar al-mursal. Al-khabar al-mursal is a key category that is often associated with the Ḥanafī school. In the terminology of hadith methodology, a khabar is considered 'mursal' if it is attributed to the Prophet with an incomplete isnad. For example, a transmitter from the generation of the tābi'un (the second generation after the Prophet) might transmit a khabar from the Prophet without referring to the sahabi transmitter. In this case, there is a missing rawi in the isnad. According to the classical hadith methodology, this kind of khabar is weak because of the broken isnad. However, Ḥanafīs accept mursal khabars under certain conditions. I would now like to cite al-Jaṣṣāṣ's explanation of the mursal. In *al-Fūṣul*, under the heading "القول في الخبر المرسل" al-Jaṣṣāṣ sets out the conditions for accepting al-khabar al-mursal:

أَنَّ مُرْسَلَ التَّابِعِينَ وَأَتْبَاعِهِمْ مَقْبُولٌ، مَا لَمْ يَكُنْ الرَّاوِي مِمَّنْ يُرْسِلُ الْحَدِيثَ عَنْ غَيْرِ الثِّقَاتِ، فَإِنَّ مَنْ اسْتَجَازَ ذَلِكَ لَمْ تُقْبَلْ رِوَايَتُهُ، لَا لِمُسْنَدٍ وَلَا لِمُرْسَلٍ

"Mursals of tabiīn and etbau al-tabiīn are acceptable as long as they are not known transmitting akhbār from unreliable transmitters."[12]

A very close expression to this can be seen in al-Ṭūsī's *al-ʿUdda*, in the context of two contradictory reports:

وإذا كان أحد الراويين مسندا والاخر مرسلا، نظر في حال المرسل، فان كان ممن لا يعلم أنه لا يرسل الا عن ثقة موثوق به فلا ترجح لخبر غيره على خبره،

"When one of the transmitters is a mursil and the other is a musnid, the manner of the mursil must be examined. If the ravi (mursil) is known to transmit a mursal only from reliable transmitters, the khabar of the other is not preferred to the khabar of the mursil."[13]

Therefore, both scholars are making the same claim: a mursal khabar can only be accepted if its ravi is known to transmit from reliable ravis. Another important point emerges from Ṭūsī's further explanation of the khabar of al-ravi al-mursal. In the same passage he also names Muhammad b. Abi Umayr, Safwan b. Yahya, and Ahmad b. Muhammad b. Abī Nasr as reliable rawis who are also mursil. Upon investigating their backgrounds, we discover that they are among the Ashab al-Ijmaʿ. The Ashab al-Ijmaʿ are a group of approximately 18 transmitters who are known for their reliability by the Shīʿas and are among the ashab of some Imams. There is a general acceptance

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[11] al-Tūsī, *el-İstibsār* (Necef, 1375), 3-5; *ʿUdda al-Usūl*, ed. Muhammad Rıdā el-Ansārī (Kum, 1417), 1: 92. See also Peyman Ünügür, *Şia'da Metin Tenkidi* (Ankara: Ankara University, 2017), 138-150.

[12] Jassās, *al-Fuṣūl*, 3: 46.

[13] al-Ṭūsī, *al-ʿUdda*, 1: 154.

among Imamī scholars that, when they transmit a khabar, it is always accepted, even if the source is unknown.[14] We cannot say whether al-Ṭūsī refers to all the Ashab al-Ijma` here, since he only names three of them. However, if this is the case, it could be said that he aims to combine the phenomena of al-khabar al-mursal and the Ashab al-Ijma`, thereby adapting the Ḥanafī concept of the mursal to the Imāmī approach to hadith. However, this is a matter that needs further examination.

The final concept I would like to highlight is that of 'narrowing' (التخصيص) a general Qur'anic statement (العام) with a khabar al-wāḥid. According to the Shafi'is and the Ahl al-Hadith, a khabar al-wāḥid can narrow the general meaning of the Qur'ān if it has a sound isnad. This is because a khabar with a sound isnad is considered a legal proof of the same level as Qur'ānic verses and akhbār al-mutawātir. Therefore, it is capable of narrowing Qur'ānic verses. However, both Ḥanafī and Baghdad uṣūlī scholars contradict this view. They do not accept the ability of khabar al-wāḥid to narrow the general meaning of Qur'ānic verses, and they both give the same reason for this. While the Qur'ān conveys certain knowledge, knowledge derived from khabar al-wāḥid is uncertain. Therefore, it is incorrect to prioritise uncertainty over certainty.[15]

In short, I am not suggesting that the two schools are exactly uniform in their khabar theories. What I am saying is that the Baghdad Uṣūlīs adopted a khabar theory whose framework had already been defined by Ḥanafīs. I also argue that this interaction occurred primarily because of increased interaction between the two schools under the Buyid dynasty. It should be noted that this modest note is intended as a preliminary exploration and invites further elaboration and support through more detailed historical and analytical research.

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[14] For further details: İbrahim Kutluay, "Şîa'da Hadis Rivayeti ve İsnad Tenkidinde Ashâb-ı İcmâ Telakkisinin Rolü", *Marife Dini Araştırmalar Dergisi* 17/1 (2017), 29-50.

[15] For further details: Peyman Ünügür Tekin, "İmâmiyye Şîası'nda Umûmu'l-Kur'an'ın Haber-i Vâhidle Tahsîsi -Usûlîlik Özelinde-", *Hitit İlahiyat Dergisi*, 21/2, (2022) 1127-1160.

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