

RETHINKING IMAM ABU HANIFAH'S JURISPRUDENCE AND THE GLOBAL DISSEMINATION OF MODERATE ISLAM

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Abstract: This article examines the role of Imam Abu Hynifah in the spread of moderate Islam. Through an analytical and descriptive research approach, the study investigates whether Imam Abu Hynifah can be considered one of the leading scholars in Wasatiah Islam and explores the impact of his views on the spread of moderate Islamic teachings around the world. The research draws on a variety of sources, including books, Imam Abu Hynifah's writings, and relevant articles from academic journals. This article presents a comprehensive analysis of Imam Abu Hynifah's views and contributions to Islamic jurisprudence. It explores the basic principles of his madhhab and highlights the moderation inherent in his interpretation of Islamic law.

Abstrak: Artikel ini mengkaji peran Imam Abu Hynifah dalam penyebaran Islam moderat. Melalui pendekatan penelitian analitis dan deskriptif, penelitian ini menyelidiki apakah Imam Abu Hynifah dapat dianggap sebagai salah satu ulama terkemuka dalam Islam Wasatiah dan mengeksplorasi dampak pandangannya terhadap penyebaran ajaran Islam moderat di seluruh dunia. Penelitian ini mengacu pada berbagai sumber, termasuk buku-buku, tulisan-tulisan Imam Abu Hynifah, dan artikel-artikel yang relevan dari jurnal-jurnal akademis. Artikel ini menyajikan analisis komprehensif mengenai pandangan dan kontribusi Imam Abu Hynifah terhadap yurisprudensi Islam. Artikel ini mengeksplorasi prinsip-prinsip dasar mazhabnya dan menyoroti moderasi yang melekat dalam penafsirannya terhadap hukum Islam.

Keywords: Imam Abu Hanifah, Al-Islam Al-Wasatiyyah, Al-Madhhab Al-Hanafi, Al-Islam Al-Mu'tadil

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Introduction

Abu Hynifah Nu'man ibn Thabit, a prominent jurist and theologian from Kufa, was the founder of the Hanafi school of jurisprudence, one of the four Sunni schools of thought. His followers gave him the title of “*Imam Azam*” and “*Sirajul al-Ummah*”. He was born into a Muslim family in the city of Kufa. His birth coincided with the rule of Abd al-Malik ibn Marwan and Hajjaj bin Yusuf over Iraq. His grandfather was from the people of Balkh, who was probably taken captive during the conquest of Khorasan, brought to Iraq, and converted to Islam.² According to some scholars Abu Hynifah was from the *tabi'een*³. He learned from many scholars and jurists, and narrated hadiths from them. His special teacher was Hammad ibn Abi Suleiman, who spent 18 years studying jurisprudence under him and did not abandon his study circle until Hamad's death. After the death of Hammad ibn Abi Suleiman in 120 Hijri, the issuance of fatwas and the teaching of jurisprudence in Kufa were transferred to Abu Hynifah and he became a prominent figure.⁴ Abu Hynifah witnessed the critical days of the rule of Yazid bin Muawiyah, Khalid bin Abdullah al-Qasri, and Nasr bin Sayyar over Iraq. He maintained his independence from the Umayyad and Abbasid rulers and refused to accept governmental positions and even judgeships that were offered to him by them.⁵

Abu Hynifah spent 52 years of his life under Umayyad rule and an additional 18 years under the Abbasid government. Accounts of his piety and devotion abound, and he never accepted any gifts or favors from the wealthy and powerful.⁶ Among his disciples, Abu Yusuf bin Ya'qub bin Ibrahim (d. 799 CE) and Muhammad bin Hasan Shaybani (d. 805 CE) were particularly instrumental in preserving and disseminating his Hanafi school of thought (*madhhab*). Regarded as the first scholar to compile and write Islamic jurisprudence (*fiqh*), Abu Hynifah is said to have fathered all those engaged in *fiqh*, according to a famous saying by Shafi'i.⁷ Abu Yusuf, who held the position of Chief Justice (*Qadi al-Qudat*) in the Abbasid government, was instrumental in promoting the Hanafi *madhhab* and establishing it as the official *fiqh* in the Abbasid, Seljuk, Ghaznavid, and Ottoman empires. Today, the Hanafi *madhhab* remains prevalent in Egypt, Syria, Iraq, Pakistan, India, and Afghanistan.

Abu Hynifah has left behind academic works in jurisprudence, theology, and ethics, some of which have been published and some of which exist in manuscript form. His

¹ Mohammad Nur Ihsan, “Ma'alim Al-Wasatiyyah 'Ind Al-A'immat Al-Arba'ah Wa Tahqiquhum Laha, Al Majalis,” *Journal Dirasat Islamiyah* 7, no. 1 (2019): 307.

² Husain bin Ali Al-Samiri, *Akhbar Aby Hanifah Wa Ashabuhu* (Birotte: Alam al-kutub, 1985).

³ Mohammad Ishaq Abu Al-Faraj Al-Nadim, *Al-Fihrast* (Birotte: Dar Al-Fikur, N.D, n.d.).

⁴ Abi Bakur Ahmad bin Ali Al Khatib Al-Baghdadi, *Tarikh Baghdad* (Birotte: Dar Al-Fikur, N.D, n.d.).

⁵ Abu Al-Faraj Al-Asfahani, *Muqatil Al-Talibi* (Najaf, 1965).

printed books and treatises include: *Al-Fiqh al-Akbar*, *Al-Aalim wa al-Muta'allim*, *Risalah ila 'Uthman al-Batti*, and *Al-Wasiyyah wa al-Wasiyyah ila Qadi Abi Yusuf*. His handwritten works include: *Al-Wasiyyah ila Ibn Hammad*, *Al-Wasiyyah ila Yusuf bin Khalid al-Samti*, *Risalah fi al-Iman wa al-Takfir man qala bi khalaq al-Quran*, and a debate with one of the atheists of his time, although there are contradictory views regarding the attribution of these works to him.

The Hanafi school of thought, founded by Imam Abu Hynifah, is a moderate, rational, and freedom-oriented school of thought. Its theological school of thought, Imam Mansur Al-Maturidi's school of Kalam, is considered more logical than other theological schools of thought. Imam Abu Hynifah's approach to Islamic theology and jurisprudence is balanced and seeks to understand Allah and the world while maintaining a middle ground in identifying the principles of religion and understanding the worldly and otherworldly interests. The Hanafi school's moderate and tolerant approach, along with its integrity, resulted in a significant portion of the judicial and administrative system of large empires such as the Samanid, Ghaznavid, Seljuk, Mughal, Ottoman, and Durrani being entrusted to the scholars and elites of this school of thought. With the collapse of these empires, although the Hanafi school's spiritual and legal power remained, it was severely weakened with the advancement of Russia in Central Asia, British colonization of India, and the collapse of the Ottoman Caliphate. The educational and training centers of this school of thought, as well as its political and legal bases in Bukhara, India, and smaller parts of Asia, were greatly weakened. In this void, colonial powers worked to reproduce and strengthen extremist sects, Kharijites, and Takfiri groups. As jihadist-Takfiri groups have the necessary ideological tools for the expansionist and genocidal policies of authoritarianism, the world powers have found them useful for continuing indirect colonization and proxy control over the Islamic world.

Since the *Hanafis* and *Maturidis* do not declare anyone as an infidel and reject any excessive or insufficient beliefs and arguments, they are placed in direct opposition to the power-driven policies and strategies of contemporary world powers. Therefore, the Hanafi school of thought, including Imam Abu Hynifah, despite the initial conflict with extremist sects, has faced significant threats in recent centuries, particularly in the past five decades. Takfiri extremists' strengthening in the fields of war and the promotion of extremist views in Islamic societies poses a significant threat to this school of thought.⁸

⁶ Mian Mohammad Sharif, *Tarikh-e- Falsafah Dar Islam* (Tihiran: Markaz Nashr-e-Danushgahi, 1986).

⁷ Abu Bakr Mohammad Bin Sahl Al-Sarkhasi, *Al-Mabsut* (Birotte: Dar Al-Marifah, 1985). For a slightly wider spectrum of the discussion, see Mhd. Syahnan . "The Image of the Prophet and the Systematization of Ushul al-Fiqh: A Study of al-Shafi'i's Risalah", in *Jurnal Miqot*, No. 103 (February 1998): 44-50.

Methodology

The research employs an analytical and descriptive research approach to investigate the role of Imam Abu Hynifah in the dissemination of moderate Islam. This approach allows for a comprehensive analysis of Imam Abu Hynifah's views, contributions, and the impact of his teachings on the global dissemination of moderate Islamic teachings.

The study relies on a variety of sources to gather relevant information. These sources include books written by Imam Abu Hynifah, the writings of other scholars discussing his works, and articles from academic journals that explore the concept of moderate Islam. The data collection process involves conducting an extensive literature review to gather primary and secondary sources related to Imam Abu Hynifah and his school of thought.

The collected data is subjected to a thorough analysis to gain insights into the views and contributions of Imam Abu Hynifah. The analysis involves identifying key themes, principles, and interpretations present in his writings and legal rulings. It also examines the historical development of his school of thought and its spread across different regions.

Through the analysis of the collected data, the research aims to interpret and synthesize the findings to provide a comprehensive understanding of Imam Abu Hynifah's role as a vanguard of moderation in Islamic jurisprudence. The interpretation involves examining the moderation inherent in his interpretations of Islamic law, his emphasis on contextual understanding, and the pragmatic nature of his legal reasoning.

The research draws conclusions based on the findings from the analysis and interpretation. It concludes that Imam Abu Hynifah can indeed be considered a prominent scholar of moderate Islam, highlighting the significance of his madhab in the dissemination of moderate Islamic teachings worldwide. The conclusions also emphasize the importance of balanced interpretations and contextual understanding in promoting a moderate and inclusive understanding of Islamic teachings.

This research contributes to the existing body of knowledge on Islamic scholarship by shedding light on the significant role played by Imam Abu Hynifah in the dissemination of moderate Islam. It underscores the importance of Imam Abu Hynifah's teachings in promoting a moderate and inclusive understanding of Islamic principles. The findings of this study serve as a valuable resource for scholars, students, and individuals interested in understanding the role of Imam Abu Hynifah and the spread of moderate Islam.

Results and Discussion

The term "Wasat" (centrism) signifies closely related meanings. Ibn Fares states: "The letters Waw, Seen, and Ta, in their correct grammatical form, indicate justice, moderation, and the fairest aspect of something, its middle and equilibrium." Additionally,

“Wasat” (pronounced with a silent Seen) functions as an adverb meaning “between.” For example, one can say, “I sat in the middle of the people,” meaning “among them.” On the other hand, “Wasam” (pronounced with a fatha on the Seen) carries multiple meanings, including being a name for what lies between the two ends of a thing, meaning “the best” or “the finest.” It also conveys the sense of justice and denotes something between the good and the bad.⁹ Among the Arabs, it became settled that when they used the word “wasat” (centrism), they intended the meanings of goodness, justice, quality, elevation, and high status. The Arabs describe someone with noble lineage as “wasat” in his tribe, meaning he is from their elites, and he is among the best and distinguished members of his community.

The concept of moderatism in Islamic law can be elucidated by understanding the meanings of centrism with which Allah described this Ummah (community). Allah Almighty stated: “Thus, we have made you a justly wasat community” [Quran 2:143]. This mentioned moderatism in the verse encompasses three meanings: justice, benevolence, and moderation. It signifies striking a balance and finding the middle ground between extremes and excesses.¹⁰

Similarly, the moderation is defined as the correct approach to adhere to the teachings of the Prophet, both in word and deed, as well as in belief. This is because the Prophet did not bring a religion of extremism, fanaticism, or unjustified violence and oppression. Rather, the Prophet Muhammad, peace be upon him, brought Islam, which advocates for righteousness, justice, benevolence, moderation, balance, and mercy.¹¹

Moderatism is the only way to unify the word of Muslims and unite their ranks, and to guide them back to the path of truth, dignity, and empowerment on earth. Among the signs and characteristics that demonstrate the centrism of Ahl al-Sunnah, the surviving group among the nation, are the following: (1) adherence to the Quran and Sunnah and avoiding innovation, (2) following the righteous predecessors in understanding and practicing religion, (3) the necessity of combining beneficial knowledge with good deeds, (4) avoiding fanaticism and blind imitation, (5) the ruling on the one who commits a major sin, who does not become an apostate unless the conditions are met and the impediments are removed, and (6) dealing with the rulers, that obedience should be given to them in matters of goodness, patience should be shown in their oppression, and not to revolt against them. Understanding these principles, adhering to them in receiving

⁸ Arianfar, , *Great Imam and Offering a Moderate Recitation of Islam.* , n.d.

⁹ Muhammad bin Muhammad Al-Salabi, *Al-Wasatiyyah Fi Al-Quran Al-Karim* (Al-Sharjah: Maktabah, 2001).

¹⁰ Abu Ja'far At-Tabari, *Muhammad Ibn Jarir, Jame' Al-Bayan 'an Ta'wil Aayi Al-Qur'an, Tahqiq/ Ahmad Shaker* (Birote: Dar al-Risalah, AH, 1420).

¹¹ O Kalash, “Juhud Al-'ulama' Fi Nashr Al-Wasatiyyah Wal-i'tidal Qadiman Wa-Hadithan Wa-Juhud 'ulama' Janub Sharq Asia Khasatan. ḡ,” *Jurnal Ilmiah Islam Futura* 20, no. 1 (2020): 1–18.

religion, practicing it, and calling others to it, is one of the greatest means of safety and prevention against extremism and radicalism.¹²

As a political and religious thinker, Abu Hynifah holds pragmatic viewpoints rooted in religious law that were shaped by the political and social conditions of his time. If we were to identify the key components or principles of the realm of politics and governance, Abu Hynifah has either possessed them or given them attention. The first principle, moderation, centrism, and refraining from extremism and radicalism both intellectually and politically, has been the focus of Abu Hynifah. The second principle is broad-mindedness and tolerance, which is deemed necessary in this field and without which political and social affairs will face long-term deadlock and crisis. The third important principle is courtesy and interaction, which is a prerequisite for politics and governance. However, in all of the above cases, Abu Hynifah has attempted to determine the extent and clarify his specific interpretation of them, so that excess in these essential and significant principles would not lead to permissiveness and the loss of religious and Islamic foundations.

Abu Hynifah possessed two prominent characteristics that appear essential and effective in the field of politics and governance. First, he was strict in religious and belief matters, but lenient and tolerant in political and social affairs, which could help to preserve the Islamic belief and religious principles as well as prevent the Islamic society from narrowness, crisis, and ultimately, collapse. Second, he took a strong stand for what he believed in, but treated others with tolerance, which not only encouraged scholars, leaders, and great figures of society to act according to their beliefs and speak up, becoming an example and role model for others, but also prevented those who lacked the same level of ability, belief, and perspective as the great figures and scholars from being burdened with duties beyond their capacity.

Abu Hynifah has been regarded as having the most rational legal perspective. It can be said that he is the only jurist whose ideas can be aligned with the principles of international law, and his jurisprudential approach can be viewed as a trans-religious legal theory. Imam Abu Hynifah, who originated from Khorasan or present-day Kabul, engaged in *ijtihad* and laid the foundations of his legal school in Baghdad. His jurisprudential views were later embraced to a certain extent by his disciples and were supported by the ruling power of that time, making his legal perspective to some extent world-embracing, or at least encompassing the Islamic world.¹³

¹² Mohammad Nur Ihsan, "Ma'alim Al-Wasatiyyah 'Ind Al-A'immat Al-Arba'ah Wa Tahqiquhum Laha, Al Majalis," *Journal Dirasat Islamiyah* 7, no. 1 (2019): 308; see also generally Mhd. Syahnan, *Modernization of Islamic Law of Contract* (Jakarta: Badan Litbang & Diklat Departemen Agama RI, 2009).

¹³ Kamaluddin Hamid, *Nigarushi Bar Jaigah-e- Mianah Rawi Dar Islam*, 2015.

However, almost all of the teachings of Imam Abu Hynifah are characterized by moderation and adherence to mainstream Islamic thought. Nonetheless, this research highlights certain instances where Imam Abu Hynifah's progressive views were particularly evident and significantly influenced the global dissemination of *Wasatiyah* (Islamic moderation). Presented below are a few notable examples of his forward-thinking opinions:

a) The Moderation of Abu Hynifah by Following the Quran and Sunnah:

Following the Quran and Sunnah and abandoning innovation is the foundation of moderation, whoever goes against the Quran and Sunnah and follows *Al-Bid'ah* has fallen into deviation, either towards excess or deficiency, both of which are deviations from moderation. Therefore, Abu Hynifah was keen to emphasize the importance of following and the danger of *Al-Bid'ah*. Imam Abu Hynifah, said: I take from the Book of Allah, and if I do not find it there, then I take from the Sunnah of the Messenger of Allah, peace and blessings be upon him. And if I do not find it in the Book of Allah or the Sunnah of the Messenger of Allah, then I take from the slayings of his Companions.¹⁴ Similarly he said: It is not permissible for anyone to express their personal opinion contrary to the Quran, the noble book of Allah Almighty, nor against the Sunnah of the Messenger of Allah, peace be upon him, nor in opposition to what the companions unanimously agreed upon.

b) Imam Abu Hynifah's Belief in Patience and Non-Violence:

One of the prominent and observable features of Islamic governments throughout history is violence and bloodshed, which has always been carried out by opposing parties in the name of religion. Despite Islam's emphasis on compassion, kindness, restraint, peace, and avoidance of violence, due to the complexity of socio-political issues, the existence of violence has become a bitter part of the history of Islamic societies and has been a concern of Islamic thinkers.

When "Sammati", Abu Hynifah's follower, was heading to Basra, Abu Hynifah advised him to: Get closer to the people, treat them with kindness, be patient and tolerant, practice good manners and have a broad mind; Treat everyone kindly, regardless of whether they have treated you well or poorly; Leave those who harm you to themselves; Forgive those who have wronged you; Speak kindly to those who speak badly to you; Show friendship to people as far as you can. Similarly told him to like for others what you like for yourself; Treat people the way you want to be treated, avoid oppression, even if it is done to you; fulfill your trust, even if they betray you.¹⁵ The aforementioned counsel from Abu Hynifah serves as a testament to his remarkable tolerance and patience. Notably, he advocated for refraining from reciprocating harm

¹⁴ Ibn Abdulbar, *Al-Intiqaa' Fi Fadaa'il Al-Thalathah Al-A'immat Al-Fuqahaa* (Birotte: Dar al-Kutub al-'Ilmiyyah, n.d, n.d.).

¹⁵ Abu Hynifahhh Numan Bin Thabit, *Wasiyat Abi Hanifah Lil-Samti*, n.d.

towards those who may have inflicted harm upon others. Such an approach epitomizes the essence of moderate and authentic Islam, one that deserves universal adherence.

As a prominent orator and jurist, Abu Hynifah vehemently denounced acts of violence and unequivocally declared those who employ swords against fellow individuals as inhabitants of Hell. Evidently, his convictions reflect a profound understanding that the cycle of violence perpetuates further turmoil. Consequently, he advocated for the adoption of benevolent conduct towards individuals inclined towards aggression.

c) The Middle Ground of Imam Abu Hynifah in the Matter of Faith:

Religious communities have always been caught in a tension between dogmatism, which leads to a reduction in the political and social participation of society members, and permissiveness, which causes the blurring of identity boundaries and the weakening of religious sensitivities. The level of violence in the political arena also has a close relationship with the above-mentioned concepts. To increase social and political participation and reduce violence, it seems necessary to move beyond exclusivism and religious narrow-mindedness, but the concerns of religious people about the spread of permissiveness cannot be ignored. Is there a middle ground? Abu Hynifah's definition of faith was very broad, encompassing even oppressors and transgressors who, by simply professing faith in what the Prophet Muhammad (peace be upon him) had brought, were considered among the believers and were seen as members of the Muslim political community, even though they were considered infidels by other schools of theology.¹⁶

According to Abu Hynifah, faith is nothing but acknowledgment and affirmation, and Islam is nothing but submission and obedience to divine commands. All Muslims are equal in faith, but what distinguishes one from another is religious practice.¹⁷ Verification is contingent upon knowledge, but he considered the limits of knowledge to be very broad, in the sense that he believed Allah does not ask his servants about what they do not know, nor does he desire their contemplation of what they do not know. He denied obligation in regards to what is impossible to achieve and did not consider a person who commits a major sin to be an unbeliever as long as they have not approved of the sin's legality.¹⁸ Instead, he placed such a person among the group of corrupt believers. Abu Hynifah considered someone who only acknowledged and affirmed their faith, but did not perform any religious actions due to ignorance or living in areas of infidelity and polytheism, to be a believer. Not only did he not condemn corrupt and sinful believers to disbelief and hellfire, but he also abhorred those who pronounced judgment on the eternal fate of other Muslims and left the fate of believers in the hands

¹⁶ Ahmad Pkatchi, *Abu Hynifahhh*, vol. 5 (Iran: Dairat Al-Maarif Al-Islami, n.d, n.d.).

¹⁷ Mula Aliqari Al-Hanafi, *Sharhu Fiqh Al-Akbar* (Birotte: Dar Al-Kutub Ilmiah, n.d.).

¹⁸ Pkatchi, *Abu Hynifahhh*, n.d.

of Allah by relying on the sayings of Prophet Muhammad (peace be upon him).¹⁹

In the era of Abu Hynifah, the theological schools of Khawarij, Ahl al-Hadith, and *Murjiah* were divided over the issues of faith, disbelief, and the role of actions in a believer's faith, and were in opposition to one another. The Khawarij believed in a strong correlation between faith and action to the extent that they considered the one who committed a major sin to be a disbeliever.²⁰ On the other hand, *Murjiah* distinguished between faith and action, did not consider faith subject to increase or decrease, and did not consider the one who committed a major sin to be a disbeliever. Meanwhile, Ahl al-Hadith believed that the one who committed a major sin was not a disbeliever, which was in agreement with *Murjiah* but in opposition to Khawarij, and they believed that action was included in the concept of faith and subject to increase and decrease.²¹

These theological views had a direct political impact. The Khawarij considered Ali bin Aby Talib the forth khalifah of Islam to be guilty of a major sin and deemed him a disbeliever.²² The narrow-minded and rigid theological views of Khawarij placed them in opposition to Muslim rulers and prevented them from engaging in political interaction. On the other hand, *Murjiah* was accused of being excessively lenient and permissive towards oppressive rulers, and they were accused of supporting and promoting the oppressors and the corrupt. Among these groups, Ahl al-Hadith were more receptive to others, but their extreme outward appearance caused them to lose flexibility, and they could not establish an effective and beneficial connection with the governments. These governments, as they expanded their territories and faced new conditions of interaction with people, increasingly needed flexibility in legal rulings.

In such a critical time when the unity of the Islamic society was at risk, Abu Hynifah entered into the arena of theological and political debates. Although his stance on the issue of faith and disbelief may have placed him in the moderate camp, according to his opponents, his positions were not excessively extreme. Like his predecessors in the moderate camp, he did not consider action to be effective in faith, but he emphasized the value of action and, unlike them, not only did he not explicitly reject the uprising against unjust Muslim rulers, but also, as a political protester against the Umayyad and Abbasid rulers, he remained in the memory of Islamic history. For this reason, if it is correct to call him a moderate, he should be recognized as a moderate *Murjiah*, and his theory should be called "moderate Irja".²³ In his works, including a treatise addressed to Osman Batti, he

¹⁹ Abu Muti Al-Balkhi, *Al-Sharh Al-Muiasar Lil Fiqh Al-Absat Al-Mansub Li Abi Hanifah Riwaiah Abi Muti Al-Balkhi from Abi Hanifah*, n.d.

²⁰ Abu Al-Hasan Al-Ashari, *Maqalat Al-Islamein Wa Ikhtilaf Al-Musalin*, Tahqiq: Mohammad Mohiuddin Abdulmajid (Kairo: Maktabah Al-Nahdah Al-Misriyah, 1950).

²¹ Abu Al-Hasan Al-Ashari, *Maqalat Al-Islamein Wa Ikhtilaf Al-Musalin*, Tahqiq: Mohammad Mohiuddin Abdulmajid, n.d.

²² Al-Ashari.

²³ Ahmad Pkatchi, "Abu Hynifahhh" 5 (n.d.): 382–83.

denied the charge of excessive moderation and made his moderate views clear. He called all believers *Ahl Al-Qibla* and considered anyone who had neglected an obligation to be a sinful believer. The destiny of a believer who has obeyed Allah and fulfilled his obligations while also having faith, and the destiny of someone who has abandoned faith and action are clear, but in his view, a believer who commits sins, or neglects an obligation, either will be punished or will be forgiven. Similarly Imam Abu Hynifah Says:²⁴

We do not consider a Muslim to be an unbeliever (*Kafir*) because of committing a sin from the sins, even if it is major, as long as he does not declare it permissible (*halal*). We do not remove his name from being a believer (*Mumin*) and we refer to him as a true believer (*Mumin Haqiqi*), and it is possible for him to be a believer while still committing sins (*Fasiq*) but he is not considered a disbeliever.

Takfir” is a historical and well-known practice among extremists. Since the time of Ali bin Aby Talib when the Khawarij emerged and declared anyone who disagreed with them as an infidel, all extremists have taken advantage of this practice. A moderate Muslim does not consider anyone who says *Kalimah* “there is no god but Allah” as an infidel. He distinguishes between a sinful Muslim and a non-Muslim and constantly maintains a positive attitude towards his Muslim brothers. He accepts the apology of a Muslim, ignores his mistakes and avoids negative and hateful discussions about others. A moderate Muslim sees the constructive and useful sides of others and overlooks their faults. He does not sit in judgment based on conjecture and suspicion, and follows the guidance of this blessed verse:

“O you who have faith! Avoid most of suspicions, for surely some suspicions are sinful.” (Quran 49:12)

for this reason, Abu Hynifah does not believe on *Takfir* of a Muslim for doing sin even it is big or small.²⁵

The theory of moderation in creating peaceful political and social relationships among Muslims and increasing tolerance and acceptance in Islamic society - especially in an era where unity and cohesion were severely threatened due to the spread of doctrinal and jurisprudential narrow-mindedness - was highly commendable. Had moderate theories like these not been put forward, and radical theories like those of the Kharijites had been promoted, the process of takfir among Muslims and consequently the conflict between Muslims would have been intensified. It was precisely these moderate theories of Imam Abu Hynifah and others that were able to promote moderation and balance among a section of Muslims.

²⁴ Abu Hynifah Nu'man ibn Thabit, *Al-Fiqh Al-Akbar, Maktaba* (Al-Imarat Al-Muttahida: Maktaba Al-Furqan, 1999).

²⁵ Abdulhafiz Mansor, “E'tedal va Miyaneh Ravi Dar Eslam,” n.d.

d) Abu Hynifah's Moderate View in Accepting Intellect as a Source of Shariah and Legal reasoning:

With the conquest of Iraq, the School of Jurisprudence in Iraq emerged in contrast to the School of Jurisprudence in Hijaz. Compared to the School of Jurisprudence in Hijaz, the School of Jurisprudence in Iraq paid more attention to the elements of opinion and analogy, and recognized it as one of the valid sources of deriving shariah sources.

The acceptance of analogy and the opening of the door of *ijtihad*, despite the specialized criticisms that have been made about it, was important in that it could represent the rational tradition in the general Islamic legal system and open the door to rational prudence in social and political affairs.

Contrary to the belief of some, analogy in the School of Jurisprudence in Iraq did not stand against valid scripture or hadith; rather, according to a hadith narrated by *Abu Dawud* and *Tirmidhi*, analogy is valid after the absence of a legal ruling in the Quran and the tradition of the Prophet (peace be upon him) and after that, in the absence of a legal ruling in the words of Sahaba.²⁶ Analogy was also prevalent among the opponents of Abu Hynifah, but what distinguished his analogy from others was the degree of its application and, in particular, how he dealt with conflicts between analogy and weak evidences such as isolated reports and some appearances. However, Abu Hynifah adhered to certain rules in using analogy. At least he abstained from using it in matters of worship.

Similarly, Imam Abu Hynifah emphasized the role of reason as one of the most influential factors in interpreting and explaining Islamic legal rulings. Thus, any proposition that contradicts reason is unacceptable to him. Accepting reason enabled him to clarify rulings that would not conflict with the new conditions of society. This approach provided greater flexibility within the set of rulings determined for Muslims, allowing them to logically explain the necessary rulings based on reason and Islamic principles while considering the welfare of Muslims under different and new conditions.

Considering the complexity of interpreting Islamic sources, which is not understandable for the general public, commentaries that are formulated using reason and Islamic principles can serve as a mediator between the general public's understanding and Islamic sources, and lead to the expansion of Islamic moderation.

e) Imam Abu Hynifah's Moderate Views in Dealing with Rulers:

Religious communities have always been in a struggle between absolutism, which leads to a decrease in the political and social participation of members of society, and permissiveness, which causes the blurring of identity borders and the fading of religious sensitivities. The level of extremism in the political sphere is also closely related to these

²⁶ Sulayman bin al-Ash'ath Abu Dawud al-Sajistani Al-Azdi, *Sunan Abu Daud*, Edited by Muhammad Muhyiddin Abd Al-Hamid, vol. 3 (Beirut: Dar al-Fikr, n.d, n.d.).

issues. It seems that in order to increase social and political participation and reduce extremism, we need to overcome exclusivism and dogmatism, but the concerns of religious people about the prevalence of permissiveness cannot be ignored.

Abu Hynifah's definition of faith was very broad, encompassing even oppressors and sinners who, by simply believing and accepting in what the Prophet (peace be upon him and his family) brought, were considered members of the Muslim political community. He also included many people in the Islamic society who were considered infidels from the perspective of other theological schools. Therefore, Abu Hynifah's moderation and pragmatism in dealing with the rulers were rooted in this broad understanding of faith and the concept of the Muslim political community. He believed that it was better to tolerate the rulers' oppression and tyranny than to revolt against them and cause chaos and disorder in the society. He believed that the welfare of a society was more important than the welfare of the individual and that a ruler's power should be respected and not challenged. This moderate approach in dealing with rulers not only prevented the division of the Islamic community but also helped the Muslim society to prosper and develop.

Abu Bakr al-Jassas, the renowned Hanafi scholar, writes regarding the interpretation of the verse "Surely, I will make you an Imam for mankind" (2:124): If we derive from this verse, then the position of Imamate or Caliphate cannot be granted to an oppressor, and their orders are not valid. He asserts that Abu Hynifah also held this belief that a Caliph must be an upright person. A person who is unjust and corrupt cannot be a Caliph, judge, mufti, or ruler. If such a person attains power, their Caliphate is void and baseless, and the people are not obliged to obey them. However, despite the fact that their power may be obtained through coercion, all social relations and duties carried out by Muslims under their rule have legal sanctity, and the just judgments of judges appointed by them must be executed.²⁷

In response to a question posed by an individual named Al-Balkhi: whether one who advocates for righteousness and opposes an oppressive ruler through revolt should be supported or not? Abu Hynifah's response to this inquiry was in the negative. Al-Balkhi asserted that the act of enjoining good and forbidding evil is an obligatory duty commanded by Allah and His Messenger. Abu Hynifah concurred, acknowledging its obligatory nature; however, he argued that the potential losses incurred in such an endeavor outweigh the potential gains. This rationale stems from the objective of safeguarding Muslim lives and preserving the political framework of the Islamic society from destruction. This position of Abu Hynifah is reminiscent of the same hadith in which he preferred the existence of a tyrannical ruler over a persistent civil war. Abu Hynifah then reminds Al-Balkhi of a Quranic verse which states, "If two groups of believers fight each other, make peace between them. And if one group is unjust, fight against

²⁷ "Ahkam-ul- Quran" Abu Bakr al-Jassas, *Tahqiq by Muhammad Al-Sadiq Qumhawi* (Birotte: Dar Ahya al-Turath, AH, 1405).

them until they return to the command of Allah. (Al-Hujarat: 9) When asked by Al-Balkhi whether they should engage in battle against the rebels (*Al-Bughat*) with swords, Abu Hynifah's response was positive. However, he suggested that before resorting to violence, they should first encourage them to stop the violence against the Islamic government and repent from their action. If the rebels respond positively, then fighting them should be avoided. However, if they do not comply with these requests, then Abu Hynifah advised the group to engage in battle against them, while emphasizing the importance of always remaining on the side of justice.²⁸

The aforementioned statements indicate that Imam Abu Hynifah has always been a moderate personality and his verdicts and sayings are based on fairness and benevolence towards humanity and Muslims. For this reason, he has never been an advocate of violence, unjustified killing, and massacre.

Due to these beliefs of Imam Abu Hynifah, followers of the Hanafi school of thought later held the opinion that performing prayer behind any leader, whether just or unjust, is valid, because obeying the ruler is a religious obligation and disobeying them is a sin. Anyone who does not obey a ruler is considered to be following their desires instead of the commandments of Allah, who has commanded in the Quran: "O you who have believed, obey Allah and obey the Messenger and those in authority among you." Therefore, no one should rebel against a disobedient ruler. If the ruler is just, they will be rewarded, and if they are unjust, they will face punishment and retribution from Allah. In any case, obedience to the ruler is mandatory, and anyone who disobeys the ruler is considered to be a member of the Kharijite sect.²⁹

From the examples above it can be understood that Abu Hynifah is a person who has always been a supporter of the unity of the Islamic community, expressing concern about social turmoil and political strife. His positions, both in the personal sphere of believers and in the social and political sphere, support this claim. In the personal sphere, with a moderate inclination towards asceticism, he prevented many people from leaving the membership of the large Muslim community (Ummah). In the social and political sphere, although he advocates for the legitimacy of rebellion against oppressive rulers, he is not satisfied with the price of losing Islamic unity and the emergence of sedition. Despite being accused of sword-wielding, he is also a supporter of political and social security. He signs the legitimacy of rebellion to achieve a just ruler and, from this perspective, considers those who wield swords against the people as the people of the fire.

²⁸ Abu Muti Al-Balkhi, *Al-Sharh Al-Muiasar Lil Fiqh Al-Absat Al-Mansub Li Abi Hanifah Riwaiyah Abi Muti Al-Balkhi from Abi Hanifah*, n.d.

²⁹ Abu al-Qasim Is'haq ibn Muhammad al-Hakim Al-Samarqandi, *Al-Sawad Al-Azam* (Tehran: Iran Cultural Foundation Publications, 1969).

f) Moderation Of Imam Abu Hynifah with Strong Belief in Freedom of Speech:

Freedom of speech is one of the most important and fundamental social rights that Abu Hynifah pays great attention to, perhaps the most important one around which other social rights revolve. Abu Hynifah believes that freedom of speech is both a right and a duty - as stated in the Quran and the command to enjoin good and forbid evil. He vehemently and stubbornly defends freedom of speech, and does not consider it permissible to imprison or punish anyone who speaks against the caliph, the law, or the just government. In his view, even if someone insults the caliph and - beyond that - says they want to kill the caliph, they should not be punished.

g) Moderation Of Imam Abu Hynifah in Women's Freedom in Marriage:

The right to freedom in marriage for women was one of the rights that Imam Abu Hynifah emphasized in his jurisprudence. He placed special emphasis on individual freedoms and the independence of individuals from the authority of others in various matters, such as marriage and transactions, to the extent that he sometimes preferred individual freedom as a rule in conflict with weakly transmitted sources.³⁰ The clearest example of "the right to freedom in marriage for women" is that he considered the marriage of a mature and sane woman permissible without the consent of her guardian or even the permission of her guardian, contrary to popular opinion. In this ruling, he did not differentiate between a virgin and a non-virgin, or whether the spouse was suitable or not. This ruling was unique, and some of his students and followers, such as Abu Yusuf, did not follow him in this ruling.³¹

Conclusion

In conclusion, the research highlights the pivotal role played by Imam Abu Hynifah in spreading Islamic modernism. As one of the moderate scholars of his time, his madhab was constructed upon these moderate views. Abu Hynifah's modern perspectives can be discerned through various aspects of his teachings and beliefs. Firstly, his strong belief in patience and non-violence demonstrated his commitment to peaceful coexistence and resolving conflicts through dialogue and understanding. This outlook contributed to the promotion of harmony and tolerance within the Islamic community. Furthermore, Moreover, Abu Hynifah espoused the belief that faith is essentially an act of acknowledgement and affirmation, while Islam entails complete surrender and

³⁰ Syah Wardi and Zuhri Arif, "A Critical Review on The Law of Cina Buta (Chinese Blind) According to Shaykh Abdul Qadir Bin Abdul Muthalib Al Mandili Al Indonesia Al Shafi'i," *Diktum: Jurnal Syariah Dan Hukum* 21, no. 1 (2023): 15–23, <https://doi.org/https://doi.org/10.35905/diktum.v21i1.4954>.

³¹ Abu Bakr Muhammad bin Sahl Al-Sarakhsi, *Al-Jami' Al-Saghir*, Muhammad Bin Hasan Al-Tusi, *Al-Mabsut.*, n.d.

compliance with divine directives. He rejected the notion of obligatory actions that are beyond human capabilities and did not classify individuals who commit major sins as disbelievers, as long as they have not explicitly endorsed the legitimacy of such transgressions. Another notable aspect was his acceptance of intellect as a source of Shariah and legal reasoning. By recognizing the significance of reason and rationality, Abu Hynifah paved the way for a more flexible and adaptable understanding of Islamic law, aligning it with the changing needs and circumstances of society. Abu Hynifah's approach to dealing with rulers was marked by wisdom and pragmatism. While acknowledging the authority of rulers, he advocated for holding them accountable and advising them in matters of justice and good governance. Moreover, Abu Hynifah strongly believed in freedom of speech, recognizing the importance of open dialogue and intellectual exchange. His emphasis on critical thinking and respectful discourse contributed to an environment that fostered intellectual growth and innovation within Islamic scholarship. Lastly, Abu Hynifah's views on women's freedom in marriage and other issues showcased his progressive stance on women's issues. He recognized the rights and agency of women, promoting fairness and equity in matters of personal and family life. Overall, Imam Abu Hynifah's contributions to Islamic modernism are evident through his beliefs and teachings. His moderate and forward-thinking approach left a lasting impact, shaping the development of Islamic thought and practice, and emphasizing principles of tolerance, intellectual engagement, justice, freedom, and equality.

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