

## **Analysis of the Sources Relied on by Sirajuddin Al-Ushi in his Work "Al-Fatawa Al-Sirajiya"**

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**Abstract:** The document "Analysis of the sources relied on by Sirajuddin al-Ushi in his work al-Fatawa al-sirajiya" provides an in-depth examination of the diverse range of sources that Sirajuddin al-Ushi references in his compilation of fatwas. It categorizes these sources based on their reliability within the Hanafi school of thought, distinguishing between accepted (maqbul) and rejected (mardud) works, and further subdividing accepted works into categories based on their significance and reliability. This analysis underscores the meticulous approach al-Ushi took in grounding his fatwas in well-regarded Islamic jurisprudential sources.

**Keywords:** Sirajuddin al-Ushi, al-Fatawa al-sirajiya, hanafi jurisprudence, islamic law sources, reliability of Islamic texts, fatwas, Zahir ar-riwaya, Mukhtasar collections, Islamic legal methodology.

### **Discussion**

Allama Ushi, in his "Fatawa," not only mentions scholars' opinions by their names but also includes the names of the sources. However, this method is less common compared to mentioning the names of scholars. The author identified 33 book titles related to the Hanafi school and other schools before listing these sources. The purpose of this listing was found to be in accordance with the intention of Dr. Salah Abul Haj's work "Fiqh at-tarjih al-mazhabiy inda sodat al-hanafiya"<sup>1</sup>.

In the Hanafi school, the level of "reliability" of a book is determined by its reliance on texts written by the founders of the school, such as "Zahir ar-riwaya" and "Nadir ar-riwaya" and its alignment with texts considered reliable within the school, indicating that it is reliable in the school. Therefore, referring to reliable texts within the school holds significant importance. Abdulhay Laknawi stated about this: "It is necessary to refer not to books brought by individuals, but to reliable books recognized by scholars. It is not appropriate to rely on the works of individuals whose personal qualities and level of knowledge are unknown, like Abul Munzir Sahari" he said<sup>2</sup>.

Factors indicating the reliability of a source include the clarity of its expressions, so that its meanings are not ambiguous, and it does not fall into the category of being unclear. Rather than providing solutions to conflicting issues among scholars, it is generally stated in the works of legal opinions as a source of instruction in many cases. Similarly, some works of certain scholars may be considered reliable in one school of thought but unreliable in another. For example, in Burhan al-Din al-Marghinani's "Al-Hidayah," he is considered reliable, while his works "At-

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<sup>1</sup> Abul Haj, Salah. Fiqh at-Tarjih al-Mazhabiy Inda Sadat al-Hanafiya. – Dar al-Faruq, 2020. –P. 89-108.

<sup>2</sup> Laknawi, Abdulhay. An-Nafe' al-Kabir. – Idara al-Quran va al-Ulum al-Islamiya, 2007. – P. 18.

Tajnis" and "Mukhtarat an-Nawazil" are included in unreliable sources. Therefore, in similar cases, it is required to refer more to the sources that the author considers reliable.

Based on the above, it is emphasized that the works in the Hanafi school of thought should be divided into two categories: "maqbul" (accepted) and "mardud" (rejected). Among the accepted works, there are also reliable works, which are further divided into four categories. In the first category, there are six works from the "Zahir ar-riwaya" collection, along with their commentaries. Sirajuddin al-Ushi referenced four of these works: "Al-Mabsut," "Al-Jame' as-saghir," "As-Siyar al-kabir," and "Az-Ziyadat," without mentioning "Al-Jame' al-kabir" and "As-Siyar as-saghir" (see attachment). In "Al-Fatawa as-sirajiya," Husamuddin Sadrushshahid's commentary on "Sharh al-Jame' as-saghir" from the "Zahir ar-riwaya" is mentioned. Similarly, the collection "Zahir ar-riwaya" also includes a concise version of Hakim Shahid's (d. 334/945 CE) "Al-Kafiy". These works also contain materials not found in the "Zahir ar-riwaya" and even books from the "Nadir ar-riwaya" series, which are not at the same level of reliability as "Zahir ar-riwaya." These collections are also divided into two categories, and they were written by scholars of the school or their students. Among the eight works written in calligraphic style by scholars, only "Navadiru Hisham" is mentioned.

The works in the second category of reliability include the "Mukhtasar" collections, which provide a concise summary of Hanafi legal issues. Examples of works from this category found in the "Mukhtasar" collections, as mentioned by Sirajuddin al-Ushi, include "Mukhtasar al-Karkhi" by Abul Hasan Karkhi, "Mukhtasar at-Tahawi" by Abu Ja'far Tahawi, "Mukhtasar al-Quduri" by Abul Hasan Quduri, and "Tuhfa al-fuqaha" by Alauddin Samarqandi. The author has mentioned all of the above works except for "Tuhfa al-fuqaha".

In the third category of reliability, significant commentaries on the "Zahir ar-riwaya" or "al-Mabsut" are included. These works are also referred to as "al-Mabsutot." Examples of such works include "al-Mabsut" by Shamsulaimma Sarakhsi, "al-Mabsut" by Khakharzada Bukhari, "al-Mabsut" by Fakhruislam Pazdawi, and "al-Mabsut" by Abul Yusr Pazdawi. Research has shown that Sirajuddin al-Ushi mentions these works by the names of their authors. For example, the fatwa titled "If one performs tayammum with clay, it is valid" attributed to Shamsulaimma Sarakhsi is cited in the manner of "قاله شمس الإسلام السرخسي." This fatwa's presence in Shamsulaimma Sarakhsi's "al-Mabsut" work under the section on tayammum is confirmed<sup>3</sup>.

The fourth category includes prominent commentaries on concise texts known as "Mukhtasar" that are highly reliable. Examples of such works include Abu Bakr Jassas's "Sharh Mukhtasar at-Tahawi", Qadi Isbojobiy's "Sharh Mukhtasar at-Tahawi" and Abul Hasan Quduri's "Sharh Mukhtasar al-Karkhi." The author refers to Abu Bakr Jassas's "Sharh Mukhtasar at-Tahawi" by the name of the source, while Qadi Isbijabi's "Sharh Mukhtasar at-Tahawi" is cited by the author's name. Qadi Isbijabi's statements are directly sourced from this work in the aforementioned passages.

In summary, it should be noted that Sirajuddin al-Ushi mainly refers to the majority of the most reliable works in the Hanafi school when citing sources. This summary emphasizes that the author's reliance on trustworthy sources enhances the importance of quoting his fatwas. Despite the classification of books in the Hanafi school, some works, such as "Al-Fatawa as-sirajiya," have not been included among the many works listed, nor have they found a place among the books that compile weak narrations. Specifically, Ibn Abidin's "Uqud Rasm al-Mufti" and Abdulhay Laknawi's "an-Nofe' al-kabir" are criticized for their reliance on weak narrations in their classification of "Fatawa" works<sup>4</sup>.

In the Hanafi school, there is a category of books that have not reached the level of reliability but have gained attention among jurists as "respected" works. These works differ from those in the "tarjih" level, which are characterized by broader and more fundamental contributions by

<sup>3</sup> Sarakhsi, Shamsulaimma. Al-Mabsut. – V: 1. – Dar al-Ma'rifa. – P. 107.

<sup>4</sup> Laknawi, Abdulhay. An-Nafe' al-Kabir. – Idara al-Quran va al-Ulum al-Islamiya, 2007. – P. 18. ; Ibn Abidin, Muhammadamin. Sharh Uqud ar-Rasm al-Mufti. – Dar al-Bashoir al-Islamiyya, 2021, – P. 260.

scholars such as Sirajuddin al-Ushi. Therefore, the majority of these works were written by contemporaries or later scholars of Sirajuddin al-Ushi, which underscores their significance. For example, works like Burhanuddin Mahmud Bukhari's "al-Muhit," Burhanuddin Marg'oni's "al-Hidaya," and Abu Bakr Kasani's "Bada' as-sana'" were written after Al-Ushi's time. The compilation of Hanafi school books' content in the work "Fiqhu tarjih al-mazhabiy" is attributed to Nasiruddin Samarqandi, who wrote the "al-Multaqat" before Sirajuddin al-Ushi's time. This work is frequently cited in "Al-Fatawa as-sirajiya," and its author, Nasiruddin Samarqandi, is considered one of Sirajuddin al-Ushi's teachers.

In the sources included in the "Fatawa" collection, several works have been subjected to criticism. For example, Abdulhay Laknawi's "Matolib al-mu'minin fi al-Fatawa," Fazlullah ibn Muhammad's "al-Fatawa as-sufiya," Fakhruddin Rumi's "Mushtamil al-ahkom fi al-Fatawa," Nizomuddin Kaykuloniy's "al-Ibrohim shohiya fi al-Fatawa," Muhammad ibn Husayn Turi's "Fatawai at-turiy," and Zaynuddin ibn Nujaym's "Fatawa ibn Nujaym" are labeled as sources of unreliable fatwas<sup>5</sup>. The author Taqi Usmani, in his book "Usul al-ifta," also emphasized that the "al-Fatawa al-aziziya" collection by Abdulaziz ibn Valiyullah Dehlawi is based on unreliable sources. Additionally, the works of Ibn Abidin, such as "Rasm al-mufti," and Haji Khalifah's "Kashf az-zunun," do not criticize "Al-Fatawa as-sirajiya," according to the investigation. Therefore, it is possible to add the "Al-Fatawa as-sirajiya" work to the category of reliable sources according to Hanafi jurists. The fact that later works repeatedly refer to it also underscores its status as a reliable source.

In "Al-Fatawa as-sirajiya," names of scholars who did not gain much fame in the Hanafi school are also mentioned. These include Avhaduddin Nasafi's (d. unknown) "Fatawai Avhadiddin," Abul Hasan Muhammad Za'farani's (d. unknown) "Azahiy az-Za'farani," and Abu Ismat Isam Bukhari's (d. 215/830 AD) "Mukhtasari Isam." Upon investigation, it was not possible to find information about Avhaduddin Nasafi's identity from translated works, and the existence of his "Fatawa" work in manuscript form or modern publications is unknown. While information about Abul Hasan Za'farani and Abu Ismat Bukhari's identities may be available, since the works related to these two scholars have not been preserved, it is impossible to determine precisely how Alloma al-Ushi utilized these sources. Avhaduddin Nasafi's fatwa "لو أمر عبد غيره بالإبقاء فأبى ضمن" (If someone orders another person to leave, and that person leaves, it is considered a fulfillment of the order) is quoted in the chapter "باب فيما يجب الضمان وفيما لا يجب" (Chapter on what should be ensured and what should not) from "Al-Fatawa as-sirajiya."

One of the lesser-known scholars, Abul Hasan Za'farani, is mentioned in "Al-Javohir al-muziya" as having received instruction from Abu Bakr Jassas (d. 370/981 AD), but the work itself has not been preserved. Sirajuddin al-Ushi mentions his statement in the chapter "باب ما يجوز به التضحية وما لا يجوز وفوات الثبث لا يمنع" (Chapter on what is permissible for sacrifice and what is not) as follows: "على رواية الجامع الصغير" و "أضاحي الزعفراني" (The absence of one-third does not invalidate the sacrifice according to the narration of "al-Jame' as-saghir and "Azohi az-Za'farani"). In this context, "Azahi az-Za'farani" is mentioned in conjunction with Imam Muhammad's "al-Jame' as-saghir," indicating its equivalence in status. Similarly, in Burhanuddin Mahmud Bukhari's work "al-Muhit" under the section on sacrifices, when quoting Abul Hasan Za'farani, the attribution "As'hoblarimizdan rivoyat qildi" (Narrated by our companions) is used. Generally, in the jurisprudence books of the branches of jurisprudence, the attribution "narrated" is used in relation to the statements of the jurists. Therefore, it is evident that the work of Abul Hasan Za'farani is associated with compiling the statements of the jurists.

Another source, "Mukhtasaru Isam," authored by Abul Ismat Isam ibn Yusuf Balxiy, is mentioned in Ismoil Pasha Bagdadi's "Hadya al-arifin," where his year of death and the title of his work "Mukhtasar" are cited. Information about this scholar's biography is not found in other sources. Sirajuddin al-Ushi referenced the fatwa of this scholar in the chapter "باب التوكيل" (Chapter on Appointing an Agent), stating, "If a representative is appointed to sell goods for cash

<sup>5</sup> Laknawi, Abdulhay. Umda ar-Riwaya. – Dar al-Kutub al-Ilmiya. – P. 12-14.

and he sells them on credit, according to the fatwa in 'Mukhtasaru Isam,' it is considered valid"<sup>6</sup>. Subsequent scholars after Alloma al-Ushi have cited "Mukhtasaru Isam" through "Al-Fatawa as-sirajiya." For instance, Abu Yusuf Kaduri (d. 832/1429 AD) in his "Jame' al-muzmirot" referenced "Al-Fatawa as-sirajiyada Mukhtasari Isam," indicating its presence in "al-Fatawa as-sirajiya"<sup>7</sup>.

#### Sources mentioned by the author in "Al-Fatawa as-sirajiya"

No	Title of the work	The author of the work	The history of the work	The page number on which the work is cited
1.	"Zahir ar-Riwaya"	Muhammad ibn Hasan Shaybani	VIII century	51
2.	"Al-Mabsut"	Muhammad ibn Hasan Shaybani	VIII century	187, 235, 237, 261, 481, 574
3.	"Al-Asl" (second name of "al-Mabsut")	Muhammad ibn Hasan Shaybani	VIII century	383
4.	"Al-Jame' as-saghir"	Muhammad ibn Hasan Shaybani	VIII century	88, 101, 108, 186, 228, 237, 239, 256, 571
5.	"As-Siyar al-Kabir"	Muhammad ibn Hasan Shaybani	VIII century	294, 571
6.	"Az-Ziyadot"	Muhammad ibn Hasan Shaybani	VIII century	27, 102, 114, 215, 256, 353, 428, 528, 573
7.	"Ziyadot al-Ziyadot"	Muhammad ibn Hasan Shaybani	VIII century	299
8.	"An-Nawadir"	The works of this series include the works of Imam Muhammad "al-Kaysaniyat", "al-Haruniyat", "al-Jurjanyat" and "ar-Raqiyat" and "al-Mujarrad" of Hasan ibn Ziyad and "Al-Amali" of Abu Yusuf . The author did not mention to whom "al-Nawadir" belongs.	V III century	408
9.	"Adab al-Qazi"	Abu Yusuf Ya'qub ibn Ibrahim	VIII century	210, 318,
10.	"Navodiru Hisham"	Hisham ibn Ubaydullah al-MAzin	201 h.	461
11.	"Al-Kafi"	Muhammad ibn Muhammad Hokim Shahid Hanafi	334 h.	80,
12.	"Mukhtasar al-Kafi"	Muhammad ibn Muhammad Hakim Shahid Hanafi	334 h.	458,
13.	"Uyun al-masa'il"	Abu Lays Nasr ibn Muhammad Samarkandi	386 h.	217, 349
14.	"Mukhtasar al-Tahawi"	Abu Bakr Jassas		385,
15.	"Sharh al-Tahawi"	Abu Bakr Jassas		41,
16.	"At-Tajreed"	Abul Fazl Abdurrahman ibn Muhammad Kirmani	XII century	51, 133,

<sup>6</sup> Al-Ushi, Sirajuddin. Al-Fatawa as-Sirajiya. – Dar al-Ulum Zakariya, 2011. – P. 440.

<sup>7</sup> Kaduri, Abu Yusuf. Jame' al-Muzmirat va al-Mushkilat fi Sharh Mukhtasar al-Quduri. – V: 3. Dar al-Kutub al-Ilmiya, 2019. – P. 255.

17.	"Al-Jome"	Abul Kasim Nasiruddin Samarkandi		124
18.	"Al-Kitab" or "Mukhtasar al-Quduri"	Abul Husayn Ahmad ibn Muhammad Quduri	428 h.	374
19.	"Al-Muntaqa"	Muhammad ibn Muhammad Hokim Shahid Hanafi	334 h.	186
20.	"An-Nawazil"	Abu Lays Nasr ibn Muhammad Samarkandi	386 h.	169, 266
21.	"Al-Multaqat"	Nasiruddin Abul Kasim Muhammad ibn Yusuf Samarkandi	556 h.	33, 83, 101, 123, 444
22.	"Kitab al-Hasr min al-Mabsut"	Muhammad ibn Hasan Shaybani	VIII century	118
23.	"Kitab al-salat min al-Mabsut"	Muhammad ibn Hasan Shaybani	VIII century	102
24.	"Kitab al-buyu" min al-Mabsut"	Muhammad ibn Hasan Shaybani	VIII century	441,
25.	"Al-Waqeot"	Husamuddin Omar ibn Abdulaziz Sadr al-shahid	536 h.	405,
26.	"Al-Waqeot"	Abul Abbas Ahmad Natifi		116
27.	"Sharhu al-Jame' as-saghir"	Husamuddin Omar ibn Abdulaziz Sadr al-shahid	536 h.	81
28.	"Fatavoi Najmuddin al-Nasafi"	Najmuddin Nasafi		239, 270,
29.	"Kitab al-I'tiqad"	Ibrahim Saffar		322
30.	"Fatavoi Avhadiddin al-Nasafi" (Original name "Umda al-fatawa")	Avhaduddin Nasafi	Death is unknown	349
31.	"Azahi az-Za'farani"	Other than Zafarani nisba is not known. In "Muhit" it is said that it was narrated by our Companions. Accordingly, it may be close to the time of the founders of the sect. Source: Muhit, Kitab al-Uzhiya.	Death is unknown	386
32.	"Mukhtasari Isom"	Abu Ismat Isam ibn Yusuf Balkhi Source: Baghdadi. Hadya al-orifin, volume 1. -B. 351.	215 h.	440
33.	"Sharhu Mukhtasari Isom"	No work with this title was found		81

## Conclusion

Several sources whose names were not widely known were also referenced in "Al-Fatawa as-sirajiyah." Among them were Avhaduddin Nasafi's "Fatawai Avhadiddin," Abul Hasan Za'farani's "Azohiy az-Za'farani" and Abu Ismat Balxi's "Mukhtasari Isam."

While the reliable sources from the Hanafi school were often consulted and cited in "al-Fatawa as-sirajiyah," it did not contain collections of unreliable fatwas that were subject to criticism. Therefore, it may be appropriate to add the work to the list of reliable sources.

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