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Jurisprudence Based On Personal Opinion and Analogy

Of the four Sunni Imams, Abu Hanifah seems to be particularly fond of personal judgment (Rayy) and analogy (Qiyas). Personal opinion and analogy that is not based on Quran and tradition is generally unacceptable. Conformity with Quran and tradition is necessary for jurisprudence.

A jurist should not become aloof from Quran and tradition and depend on his personal opinion and analogy. This aloofness results in innovation and innovation destroys religion.

On page 19 of *Mishkat*, there is a tradition from Muslim narrated by Jabir on this topic: “The Holy Prophet (S) has said that the best of the tradition is Quran and the best biography is the biography of Muhammad.” That is, we must remain attached to Quran and act upon it and the best of the guidances are the guidances of Muhammad. And innovation is the worst of the evil deeds. All innovations are deviations. Another prophetic tradition is related from Ayesha in *Mishkat*: “One who concludes something new from my sayings, is accursed.”

Muawiyah had 14000 traditions fabricated in praise of Abu Bakr and also got thousands of traditions fabricated in criticism of Ali (a.s.). What type of a person was Muawiyah in light of Ayesha's tradition? Similar traditions are recorded in *Mishkat* from Ibne Abbas, Afif bin Harith and Ibne Maisera etc.

These sayings emphasize on remaining attached to Quran and traditions. There is one more tradition in *Mishkat*, which is very much concerned with our discussion below. On page 27 of that same book, we have from Abi Dawood a tradition:

“One who gives a verdict without having knowledge of Quran and tradition, has committed misappropriation (done *Khayanat*) with Shariah.”

On page 432 of *Asaatul Bayat*, it is written that the purified Imams, after Ali (a.s.) were giving verdicts against the scholars of that time, though the latter were having knowledge. These Imams considered

personal opinion and analogy unlawful in religious jurisprudence (Fiqh). One day, Abu Hanifah came to Imam Ja'far Sadiq (a.s.) and the Imam (a.s.) said: "You use analogy in jurisprudence, while it must not be, because the first one to resort to analogy was Iblees."

Imam (a.s.) says: "The worst mischiefs in Muhammad's Ummah are personal opinion and analogy, which have changed unlawful into lawful and lawful into unlawful."

It is also related from Thalabi that the Holy Prophet (S) said: "Very soon a nation will appear, which will use analogy and personal opinion in jurisprudence, by which Islam will be destroyed."

Doubtlessly, Abu Hanifah was very fond of analogy and personal opinion, as seen from his jurisprudence. The apparent reason for this is that in his time, he had no access to authentic traditions.^{[1](#)} This is supported by the statement of Mulla Ali Qari, who quotes from Sakhawi in an authentic report that due to his young age, the great Imam (Abu Hanifah) did not get any chance of meeting any companion.^{[2](#)} There is no doubt that Abu Hanifah had great trust in his opinion and analogy.

Thus, it is apparent from Pg. 82 of *Al-Milal wan-Nihal* that Abu Hanifah preferred analogy to a solitary report. Thus, to prefer ones personal opinion over tradition is like abrogating the traditions. On the same basis, the later scholars have criticized Abu Hanifah for his verdict regard divorce.^{[3](#)} In the same way, Khatib Baghdadi, Ahmad Hanbal, Ibne Jauzi have all ridiculed Abu Hanifah.^{[4](#)} On page 4 of the same preface, the Holy Prophet (S) is reported to have said: "My nation will be divided into more than seventy sects but the worst sect is the one which uses analogy and one who does so, has legalized illegal things and made the legal ones illegal."

Another tradition of the Prophet (S) says: "No one has snatched away the knowledge of religion, except the incapable scholars."

When there remained no scholars of religion, people began to follow ignorant rich men, and they began to issue verdicts based on personal views without the help of Quran and tradition. They became misguided and also misguided others.

In Vol. 1 of Qastalani there is a tradition from Abu Saeed Khudri that the Prophet (S) said:

"One who performs jurisprudence without tradition, only on the basis of analogy, is accursed, and one who acts upon it, is also accursed."

The gist of the above is that in presence of Quran and tradition, jurisprudence based on personal opinion and analogy, is severely prohibited. It is also prohibited to emulate (do Taqlid) of a jurisprudent (Mujtahid) who relies on analogy and personal opinion. This view of the writer is certified by the statement of Hujjatul Baligha.^{[5](#)}

The writer says: "Allah has not permitted the emulation of anyone except that of Quran and tradition. It is unlawful to act on any other thing. There is consensus of opinion among the companions, Tabein

(companions of companions) and Tabe Tabein (companions of companions of companions) continuously, against the emulation one person. Thus, one who has emulated Abu Hanifah or Shafei will not trust the statement of anyone else. Such a follower will no more regard Quran and tradition to be of any importance.”

The book of Allah, that is Quran; and traditions, that is the sayings of Prophet (S), have criticized personal opinion and analogy. Now we shall quote such a tradition that really upsets the mind: The Holy Prophet (S) said:

“Adam (a.s.) became proud on our existence and I am proud of the existence of Abu Hanifah that he is the lamp of the community.” Then he said:

“All the prophets are proud of my existence and I am proud of the existence of Abu Hanifah. One who befriends him, has befriended me and one who has harbored enmity to him, has harbored enmity to me.”

There has to be a method to concoct lies! It should at least have some semblance to truth! What type of a lie would be that “in China, there is an ant as huge as a mountain?” Anyway, there is no need for me to prove the falsity of this concocted tradition. The scholars of Ahlul Sunnat have themselves considered it baseless. Thus, Ibn Jauzi, Zahabi, Suyuti and Ibn Hajar and even Shaykh Qasim Hanafi have said that these traditions are fabricated.⁶ Some more discussion about Abu Hanifah is to come in the following pages, if Allah the High wills.

- ^{1.} Ref. Darasatul Labeeb, Pg. 65.
- ^{2.} Ref. Muqaddima Hidayah of Maulavi Abdul Hai of Lucknow, Pg. 8.
- ^{3.} Darasatul Labeeb, Pg. 65.
- ^{4.} Muqaddima Hidayah, Maulavi Abdul Hai Lucknowi
- ^{5.} Pg. 59
- ^{6.} Muqaddimah Hidayah, Maulavi Abdul Hai Lakhnavi, Pg. 9.

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