

FOREWORD

ENDORSEMENTS OF THE TRANSLATION

1. MUḤAMMAD IMDĀD ḤUSSAIN PĪRZĀDĀ

In the name of Allah, the All-Merciful, the Most-Merciful

Al-Mukhtaṣar, the jurisprudential treatise of Imam al-Qudūrī, has enjoyed far more popularity than any other text in the Ḥanafī school. It is the nucleus around which laws revolve, and the foundation upon which other texts, commentaries and summaries are based. For hundreds of years, *Mukhtaṣar al-Qudūrī* has been presented to the masses in many forms, such as lectures in Islamic institutions and study circles, as well as in publications. It covers thousands of issues, enveloping all aspects of life; from worship to politics, and from private life to the international scene. I am pleased with the manner in which Ṭāhir Maḥmūd Kīānī has undertaken the task of providing an English translation of this masterpiece. As a former student and current lecturer at the institution of Jāmi'a al-Karam, this work of his has brought about a sense of appreciation and honour to all those associated with the institution. I recommend this English translation of *Mukhtaṣar al-Qudūrī* to everyone, especially to the students and teachers of Ḥanafī jurisprudence.

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Founder & Principal of Jāmi'a al-Karam,
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2. AL-ḤAJJ ABŪ JA'FAR AL-ḤANBALĪ

In the Name of Allah, the Most Merciful, the Most Compassionate
Praise be to Allah and peace and blessings be upon the Chosen One,

his wives, family and companions.

As for what comes next:

I was shown extracts of *Mukhtaşar al-QudŭrĪ* by our brother Ṭāhir KĭānĪ. I looked through both extracts, those being the Transactions and also the Introduction. I have found both of them not only lucid and easy to understand but also well written.

After further reading, I have found that this work has the capacity to be the most authoritative book on ḤanafĪ *fiqh* in English based upon the extracts that have been shown to me. It is my sincere prayer and hope in Allah that the author will be successful in completing and presenting this much needed work in the English language to give adherents to the ḤanafĪ School an authoritative text to return to for rulings. And with Allah is every success.

Was-Salaam,
Brother in Islam,
Al-Ḥajj Abū Ja'far al-ḤanbalĪ

مقدمة

الشيخ محمد بن يحيى النينوي
بسم الله الرحمن الرحيم

الحمد لله الذي فقه في الدين من أراد به خيراً، ووقفه للإخلاص في النية والعمل سراً وجهراً، وسلك به طريق من لا يعصي له أمراً، والصلاة والسلام على سيدنا محمد المبعوث للكائنات بشيراً، وداعياً إلى الله بإذنه وسراجاً منيراً، وعلى آله الأطهار وأصحابه الأخيار وسلم تسليماً كثيراً

أما بعد

فإن من أنعم النظر وأجاد التأمل في سير الأئمة الفقهاء من أئمة أهل السنة والجماعة رضي الله تعالى عنهم وأرضاهم، لا بد وأن يقف عند بحر الأمام الأعظم أبي حنيفة النعمان رحمه الله ورضي عنه الذي لا شاطئ له، وعلمه الذي ندر مثله. ففقهه ديباج مرقوم في ظاهره، ولؤلؤ منظوم في عمقه وداخله، شهد له بذلك الأئمة، واتفقت على جلالته الأمة، فهو في هذا المضمار أبو عذريته، ومالك جملته، وصبا رياحه. وقد أشار الى ذلك إمامنا الشافعي رحمه الله تعالى ورضي عنه بقوله: ” الناس في الفقه عيال على أبي حنيفة“. فرضي الله تعالى عنهم أجمعين ورحمهم وأعلى درجاتهم في عليين. وقد سار الأئمة على نهج الإمام الأعظم رحمه الله تعالى متبعين لكلماته وأقواله، شارحين لكتبه وآثاره، وهم في كل هذا مقتفين سنة النبي الأعظم صلى الله عليه وآله وسلم، على نهجه حريصين، ولورثته من أهل الذكر تابعين. وكان منهم الامام العلامة الفقيه القدوة أبي الحسن أحمد بن محمد القدوري الحنفي البغدادي رحمه الله تعالى. ولد سنة 362هـ، ولقب بالقدوري نسبة الى بيع القدور وهي جمع قدر. أخذ الفقه من شيخه محمد بن الجرجاني عن أبي بكر الراوي عن الحسن الكرخي عن أبي سعيد البردعي عن علي الدقاق عن موسى بن نصر الرازي عن الإمام أبي عبد الله محمد بن الحسن الشيباني عن الإمام أبي حنيفة النعمان رحمهم الله تعالى ورضي عنهم. انتهت الى الإمام القدوري رئاسة السادة الأحناف في العراق، صنف المختصر والتجريد في مسائل الخلاف وغيرها من الكتب

النافعة، وكان من أصحاب الترجيح. ولما صنف المختصر حمله مع نفسه الى بيت الله الحرام وعلقه على أستار الكعبة، وسأل الله أن يبارك له فيه. فاستجيب له ووضع الله القبول لكتابه هذا بين الأمة، فتناقلته الأجيال واعنتت به شرحاً ودراسة وتدریساً وترجمة، لما جعل الله في ذلك من البركة والخير العميم. توفي الإمام القدوري في رجب عام 428هـ، ودفن ببغداد، رحمه الله تعالى وأعلى في الجنة مثواه.

وهذا المختصر الفخيم اشتهر بمختصر القدوري، وهو يتميز بشيئين:

1- سوقه مسائل المذهب المشهورة على المعتمد، في ستين وثلاث مائة باب.

2- احترازه من الكلمات المبهمة بحيث جاءت عبارات المتن سهلة بسيطة، حتى قال جمع من ساداتنا الحنفية رضي الله عنهم: «هو أجمل كتاب في أحسن إيجاز وإعجاز»، حكاه الحاج خليفة في كشف الظنون 2/1631 وقال: «هو متن متين معتبر متداول بين الأئمة والأعيان». وهو كذلك.

ومن بركة هذا المختصر أن هناك جملة من المتون الفقهية التي بنيت على أساس مختصر القدوري، منها كتاب «تحفة الفقهاء» للإمام العلاء السمرقندي ت 539هـ، وقد تميز بأنه يذكر الخلاف بين الإمام والصاحين وزفر، ويذكر رأي مالك والشافعي، إضافة الى اعتناؤه بذكر الأدلة النقلية والعقلية. ومنها أيضاً كتاب «بداية المبتدئ» للإمام المرغيناني وغيرهما.

وقد أرسل لي الأخ الفاضل الأريب والشيخ اللوذعي النجيب، الأستاذ الحبيب طاهر محمود كياني حفظه الله ورعاه، نموذجاً من خدمته لمختصر الإمام القدوري، فأمعنت النظر فيما أرسل لي من كتاب الشركة، فوجدته متقناً غاية الاتقان بيان رائق وأسلوب فائق، يدل على نضوج في الفكر وتوقد في القريحة واعتدال في السليقة فشكرت الله سبحانه وتعالى على توفيقه لجناب العلامة الزكي الألمي الشيخ طاهر محمود كياني سلمه الله تعالى. والشيء من معدنه لا يستغرب، فالشيخ طاهر هو من تلامذة العلامة الفهامة الفاضل الفقيه الورع المفسر العالم العامل شيخ الإسلام والمسلمين الشيخ محمد امداد حسين بيرزاده، زاده الله مدداً وزيادة، ومتع الأمة بحياته.

وختاماً أسأل الله تعالى أن يتقبل هذا العمل خالصاً لوجهه الكريم، وأن يجعل فيه النفع العظيم، وأن يوفق أخانا الشيخ طاهر محمود كياني حفظه الله لما فيه صلاح الدنيا والدين، ودعوته سبحانه أن يسدده ويرفعه إلى المقام العالي في العلم والعمل والدعوة، إنه وليّ التسديد وهو حسبنا ونعم الوكيل والحمد لله ربّ العالمين.

قاله بلسانه ورقمه ببنانه الفقير الى رحمة ربه الغني محمد بن يحيى بن محمد الحسيني النينوي الشافعي غفر الله له ولوالديه وللمؤمنين في 25 من ذي القعدة لعام 1430 من هجرة الحبيب المصطفى صلى الله عليه وآله وسلم.

3. SHAYKH MUḤAMMAD IBN YAḤYĀ AN-NĪNOWĪ

In the name of Allah, the All-Merciful, the Most-Merciful

All praise is due to Allah Who causes those whom He wishes goodness to understand the *fiqh* of the *dīn* [of Islam] and endows him with sincerity in intention and in action, secretly and openly, and makes him travel the path of those who do not disobey Him in any affair; and peace and blessings be upon our Master Muḥammad who has been sent to all beings as a warner, calling to Allah by His leave, and as an illuminating lamp; and upon his pure family and his noble companions – peace [upon them all] in abundance.

Whoever looks carefully and is good at reflection on the lives of the Imams of *fiqh*, of the Imams of the People of the Sunnah and the Community (*Ahl as-Sunnah wa'l-Jamā'ah*) – may Allah be pleased and satisfied with them, ought to pause by the boundless sea that is the Great Imam Abū Ḥanīfah an-Nu'mān, may Allah have mercy on him and be pleased with him, whose knowledge is rarely matched. His *fiqh* is externally a striped silk brocade and internally a well-ordered pearl in its depths. The Imams have testified to that and the Ummah are unanimously agreed on his magnificence. In this regard, he is the lord of his own spirituality (his own spiritual guide), the master of his own wholeness (his own master) and the sirocco of his own winds (his own academic reference). Our Imam ash-Shāfi'ī, may Allah have mercy on him and be pleased with him, has indicated that, saying: “In terms of *fiqh*, the people are dependents of Abū Ḥanīfah.” May Allah be pleased with them all, have mercy on them all, and elevate their stations in the uppermost abodes of Paradise (*'Illiyūn*). The imams adopted the manner of the Greatest Imam (Abū Ḥanīfah), may Allah have mercy on him, following his words and verdicts, commenting on his books and transmissions. They, in all this, are emulating the Sunnah of the Greatest Prophet ﷺ; they abide by his method, and they are adherents of those inheritors of his of the people of *dhikr*. Among them was the exemplary erudite scholar of *fiqh*, Imam Abū'l-Ḥusayn Aḥmad ibn Muḥammad al-Qudūrī al-Ḥanafī al-Baghdādī, may Allah have mercy on him. He was born in 362 AH, and is known by the title of al-Qudūrī due to the sale of pots (*quḍūr*), which is a plural of *quḍr* (pot). He acquired legal knowledge (*fiqh*) from his teacher Muḥammad ibn al-Jurjānī, who acquired it from

Abū Bakr ar-Rāzī (al-Jaṣṣāṣ), who acquired it from Ḥasan al-Karkhī, who acquired it from Abū Sa‘īd al-Barda‘ī, who acquired it from ‘Alī ad-Daqqāq, who acquired it from Mūsā ibn Naṣr ar-Rāzī, who acquired it from Imam Abū ‘Abdullāh Muḥammad ibn al-Ḥasan ash-Shaybānī, who acquired it from Imam Abū Ḥanīfah, may Allah have mercy on them and be pleased with them. The leadership of the Ḥanafīs in Iraq came to rest with Imam al-Qudūrī.

Of the many beneficial works he authored there are the *Mukhtaṣar*, and the *Tajrīd* in matters of disputation, etc. He was of those who analyse and assess the relative merits of verdicts within a school of thought (*ṣāhib at-tarjīh*). When he authored the *Mukhtaṣar*, he took it with him to the House of Allah and suspended it from the cover of the Ka‘bah and beseeched Allah to place blessings therein for him, which he was granted, and Allah made his manual to be acknowledged by the Ummah. Generations transmitted it and preserved it by means of explanation, study, teaching and translation, for Allah had placed blessing and general benefit in it. Imam al-Qudūrī died in Rajab, 428 AH and was buried in Baghdād, may Allah have mercy on him and render his highest resting place in Paradise lofty for him.

This imposing manual, the *Mukhtaṣar*, is popularly known as the *Mukhtaṣar al-Qudūrī*, and is characterised by two things:

1. It confidently addresses popular issues within the school (*madhhab*) in three hundred and sixty chapters.
2. It abstains from using vague expressions in such a manner that it presents the wordings with simplicity and ease, so much so that numerous Ḥanafī masters, may Allah have mercy on them, have said: “It is the most beautiful manual with the finest form of concision and marvellousness.” This has been narrated by Ḥājī Khalīfah in *Kashf az-Zunūn* 2/1631, and he said: “It is a strong and authentic text that is employed by imams and notables.” He himself is of this opinion.

Among the blessings of this *Mukhtaṣar* there is that there is a class of legal texts that have been built upon the foundation of the *Mukhtaṣar al-Qudūrī*, which include the *Tuḥfat al-Fuqahā*, by Imam as-Samarqandi (d. 539 AH), which is distinguished by the manner in which he mentions the disagreements between the Imam (Abū Ḥanīfah), the *Ṣāhibān* (Imam Abū Yūsuf and Imam Muḥammad) and (Imam) Zufar, and states the views of (Imam) Malik and (Imam) ash-Shāfi‘ī, may Allah have mercy on them, in addition to paying special attention to rational and transmitted

evidences. Of them there is also the book *Bidāyat al-Mubtadī*, by Imam al-Marghīnānī, as well as others.

The learned and intellectual brother, the sagacious and distinguished shaykh, the beloved teacher, Ṭāhir Maḥmūd Kīānī, may Allah protect and preserve him, sent me a sample of his service to the *Mukhtaşar* of Imam al-Qudūrī. I studied what he sent me of ‘The Book of Partnership (*Kitāb ash-Sharikah*)’ closely, and I found it to be accurate to a high degree with very succinct elucidation and a style of superior quality, which indicates maturity of thought, brilliance of talent and moderation of intuition. I thanked Allah, Glorified and Exalted is He, for His according success to the right honourable, erudite, upright and intellectual Shaykh Ṭāhir Maḥmūd Kīānī, may Allah the Exalted safeguard him; nothing from His treasury is surprising.

Shaykh Ṭāhir (Maḥmūd Kīānī) is one of the students of the erudite, intellectual, learned, legal expert, Allah-fearing, exegete (of the Noble Qur’ān) and practical scholar, Leader of Islam and the Muslims (*Shaykh al-Islām wa’l-Muslimīn*), Shaykh Muḥammad Imdād Ḥussain Pīrẓāda, may Allah increase him in (His) assistance (to him) and in provisions, and may He let the Ummah derive benefit from his life.

In conclusion, I ask Allah to accept this work undertaken purely for His noble sake, that He renders it of immense benefit, and that He aids our brother Shaykh Ṭāhir Maḥmūd Kīānī, may Allah protect him, for the welfare of the *dunyā* (world) and the *dīn* (religion), to call others to Him, Glorified is He, (and I ask Allah) to lead him on the right way and raise him to the lofty station in terms of knowledge, practice and invitation to the Truth (*da’wah*); certainly, He is the Guide to hitting the mark, He alone suffices us and He is the Best Guardian; all praise is due to Allah, Lord of all the worlds.

Stated with his tongue and composed with his fingers, by the one in need of the mercy of his Lord Who is abundantly rich beyond need, Muḥammad ibn Yaḥyā ibn Muḥammad al-Ḥusaynī an-Nīnowī ash-Shāfi’ī, may Allah forgive him, his parents and the believers. 25th Dhu’l-Qa’dah, 1430 AH after the Migration of the Beloved Muṣṭafā, may Allah bless him and his family and grant him peace.

INTRODUCTION

FIQH

Meaning and Application

The term *fiqh* literally means ‘understanding’, ‘comprehension’ and ‘knowledge’, and technically refers to ‘knowledge of derivative *sharī‘ah* rulings along with the evidences for them with details both of the rulings and their evidences’,¹ composed and codified from four recognised sources:

1. Glorious Qur’ān,
2. Noble Sunnah,
3. Consensus (*ijmā‘*),
4. Analogy (*qiyās*).

Where explicit evidence is not found in the Noble Qur’ān, it is sought in the Sunnah of the Messenger Muḥammad ﷺ, and if not there then the agreement of Muslims in general, and particularly the knowledgeable, known as *ijmā‘*. If these three options do not bring a result, then the final recourse, known as *qiyās*, is the return to the Qur’ān or Sunnah for a similar example that can be applied to the new issue.

The question of how Consensus and Analogy are arrived at from the two primary sources is elucidated in this hadith of the Generous Prophet ﷺ:

The Messenger of Allah ﷺ dispatched Mu‘ādh ibn Jabal ؓ to Yemen and asked him how he would adjudicate to which he replied, “With the Book of Allah.”

The Messenger of Allah ﷺ asked, “What if you do not find [the ruling]?”

He replied, “With the Sunnah of the Messenger of Allah ﷺ.”

The Messenger of Allah ﷺ then asked, “What if you do not find

1 Ibn Juzayy al-Kalbī, *Taqrīb al-Wuṣūl ilā ‘Ilm al-Uṣūl*. Ed.

[the ruling there either]?”

He replied: “I shall practise my reasoning.”

The Messenger of Allah ﷺ patted him on the chest saying: “All praise to Allah ﷻ Who gave success to the messenger of the Messenger of Allah in achieving what pleases the Messenger of Allah.”²

Here Sayyidunā Mu‘ādh ibn Jabal ؓ mentions the Qur’ān, Sunnah and his own reasoning as the means of adjudication, but he refrained from mentioning *ijmā‘* (Consensus) because it was not required during the lifetime of the Prophet of Allah ﷺ.

In another narrative, Sayyidunā Abdullāh ibn Mas‘ūd ؓ says:

“...as from today, whoever is faced with an issue, he should decide by what is in the Book of Allah and if an affair comes to him which is not in the Book of Allah, then he should decide by what His Prophet ﷺ decided, and if an affair comes to him that is not in the Book of Allah and His Prophet ﷺ did not decide on it, then he should decide by what the Righteous decided, and if an affair comes to him that is not in the Book of Allah and His Prophet ﷺ did not decide on it and the Righteous did not decide on it, then he should decide using his own reasoning....”³

In this narration deducing laws from the Qur’ān and Sunnah is mentioned explicitly, as well as *qiyās* and *ijmā‘*, where the Righteous refers to the Ṣāliḥūn, the inheritors of, and actors upon, these two main sources. Following the consensus of those Ṣāliḥūn who are qualified to exercise *ijtihād*, is essential for Muslims due to *ijmā‘* being the next most important source of decision-making which carries more weight than the single judgement of *qiyās*. If there is consensus on any issue in Islam, then *qiyās* is irrelevant. There are many hadith of the Messenger of Allah ﷺ that show that the consensus of the Ummah, i.e. as represented by the people of knowledge capable of *ijtihād*, cannot be wrong.⁴

The Generous Qur’ān tells us:

“O you who believe! Obey Allah and obey the Messenger and those in

2 *Mishkāt al-Maṣābīḥ*, Book of Leadership; at-Tirmidhī, Vol.1; ad-Dārimī.

3 *Sunan an-Nasā’ī*, Vol.2, Book of Adjudication, Chapter of Ruling in Accordance with the People of Knowledge.

4 There are a number of sayings of the Beloved Messenger of Allah ﷺ that identify this point, e.g. ‘My *ummah* (nation) will not unite on an error’; ‘My *ummah* will not unite on a wrong’; ‘I asked Allah for my *ummah* not to unite on wrong and He gave that to me’; ‘The mercy of Allah ﷻ is with the *jamā‘ah* [the united body of Muslims]’; ‘Whatsoever the Muslims see as good, then it is good with Allah ﷻ’, etc. These narrations are *āḥād* (single chain of narration), but due to their collective reference to the validity of *ijmā‘*,

command among you.” (4:59)⁵

The majority of the commentators of the Qur’ān and people of knowledge explain that in this verse obeying Allah ﷻ means obeying His commands and prohibitions in the Qur’ān, obeying the Messenger ﷺ means obeying him in what he commanded and forbade, and obeying ‘those in command among you’ means obeying the amirs, except if their command entails disobedience to Allah and His Messenger ﷺ. An interpretation of many of the people of knowledge including Imam Mālik is that it means obedience to the people of knowledge. There is no difference of opinion that we are obliged to obey the unanimous rulings (*ijmā’*) of the ‘*ulamā’* and *fuqahā’* who are qualified to make *ijtihād*.⁶

Objectives

Fiqh deals with the actions of the legally responsible person (*mukallaf*), being graded as definite obligations (*farḍ*), incumbent (*wājib*), prophetic example (*sunnah*), liked (*mustaḥabb*), permissible (*mubāḥ*), slightly offensive (*makrūh tanzīhī*), severely offensive (*makrūh taḥrīmī*) and prohibited (*ḥarām*). *Fiqh* also deals with rules surrounding actions, such as pre-conditions (*shart*), prevention (*māni’*), concessions (*rukḥṣah*), endeavour (*‘azimah*), as well as valid (*ṣaḥīḥ*), corrupt (*fāsid*), void (*bāṭil*), discharged at its time (*adā’*), delayed (*qaḍā’*) and repetition (*i‘ādah*).

Fiqh defines the daily life of the *mukallaf* according to the command of Allah ﷻ, and so knowledge of His commands and prohibitions is necessary – at least in the fundamentals – and is an obligation on the *mukallaf*. The presence of the Beloved Messenger ﷺ obviated the need for legal rulings, but after his death, it required scrupulous knowledge of the Qur’ān and Sunnah which became increasingly difficult for the new generations of people embracing the *dīn* of Islam. There was no difficulty in Madinah as the first generations continued to observe the social pattern laid down by the Messenger ﷺ among his Companions and the succeeding two generations, but with the spread of Islam to new areas such as Iraq, Egypt, etc., new situations arose that needed clear knowledge of the original sources to guide the communities when

which is proven by *at-tawātur al-ma’nawī* (the same meanings transmitted by many chains of narration, though the words may differ), they demonstrate a sound belief and solid evidence in favour of *ijmā’*. [Dr. Hussain Hamid Hassaan, *Uṣūl al-Fiqh* (Arabic), Dār an-Nahdat al-‘Arabiyyah, Cairo: 1970, p.297]

5 The Noble Qur’ān, Sūrat an-Nisā’ (4), Verse 59.

6 Al-Qurṭubī, *al-Jāmi’ li Aḥkām al-Qur’ān*, in commentary on Sūrat an-Nisā’ 4:59.

novel incidents faced these emerging Muslim societies. The men of knowledge of the *dīn* realised the need to maintain its integrity and worked hard to preserve and gather the sayings and practice of the Messenger ﷺ wherever they could find it. Responsibility devolves with each succeeding generation to preserve our laws in word and spirit. This can only be done by continually striving to implement, maintain and purify the teaching that has come to us through impeccable sources.

Compilers

During the revelation of the Noble Qur'ān to the Beloved Messenger ﷺ, the Companions رَضِيَ اللهُ عَنْهُمْ memorised it and to a lesser extent transcribed it. Each revelation contained instruction, teaching or information concerning issues ranging from historical precedent, domestic matters, the Unity of God and relations with those outside of Islam, among many others. This memorisation was extensive, making the hearts and intellects of the Companions the storehouses of this knowledge. But as they died and the Ummah grew, new Muslims did not have the experience of the first generations and given the depth of the Glorious Qur'ān and the extent of the Noble Prophet's ﷺ actions and words, a need was perceived for gathering all the material together, and during the early second Hijrī century scholars emerged who began the arduous task of compiling these divine and human events and words into books and manuscripts. This complex and time-consuming task took these compilers travelling thousands of miles for weeks and months on end, to acquire sometimes only one hadith that would elaborate a particular legal position.

Of the many scholars and legal experts that arose, the work of four survived and remained the most prominent and influential:

- Imam Abū Ḥanīfah: He is an-Nu'mān ibn Thābit ibn Zuṭā ibn Marzūbān (80 AH/699 CE – 148 AH/765 CE)
- Imam Mālik: He is Mālik ibn Anas ibn Mālik ibn 'Amr al-Asba'ī (93 AH/711 CE – 179 AH/795 CE)
- Imam ash-Shāfi'ī: He is Abū Abdullāh Muḥammad ibn Idrīs ash-Shāfi'ī (150 AH/767 CE – 204 AH/820 CE)
- Imam Aḥmad ibn Ḥanbal: He is Aḥmad ibn Muḥammad ibn Ḥanbal Abū 'Abdullāh ash-Shaybānī (164 AH/780 – 241 AH/855 CE), may Allah have mercy on them all.

All four Imams developed distinct methodologies of preserving the laws from the sources available to them. Their means of analysing

evidence and its application varied, and sometimes led to differences between them. This produced four separate courses which became known as the *madhhabs* or schools, leading from, and returning to, the two great oceans of knowledge.

The general population being less qualified adhered to one school or the other, depending on political, regional or linguistic factors. The adoption of the Ḥanafī *madhhab* as the official methodology by some of the major Islamic dynasties led to its dominance until the end of the Caliphates.

The most famous of Imam Abū Ḥanīfah's pupils are Imam Abū Yūsuf, Imam Muḥammad ash-Shaybānī and Imam Zufar, may Allah have mercy on them, and their opinions and legal verdicts form the substance of Ḥanafī jurisprudence.

In Ḥanafī and non-Ḥanafī texts, the term *Ṣāhibān* refers to the mutual agreement of Imam Abū Yūsuf and Imam Muḥammad, as opposed to the opinion of Imam Abū Ḥanīfah. Similarly, the term *Ṭarafān* refers to the mutual agreement of Imam Abū Ḥanīfah and Imam Muḥammad, as opposed to the opinion of Imam Abū Yūsuf, and the term *Shaykhān* refers to the mutual agreement of Imam Abū Ḥanīfah and Imam Abū Yūsuf, as opposed to the opinion of Imam Muḥammad. The opinions of Imam Zufar are seldom quoted without the mention of his name individually. May Allah have mercy on all of them. This indicates the difference of opinion that has always existed among the scholars of Islam.

THE MUKHTAṢAR AL-QUDŪRĪ

About the Author

The author of *Mukhtaṣar al-Qudūrī*,⁷ the Ḥanafī Jurist, Shaykh Abū'l-Ḥusayn Aḥmad ibn Muḥammad ibn Aḥmad ibn Ja'far ibn Hamdān al-Qudūrī al-Baghdādī, was born in Baghdād in 362 AH/973 CE and died on Sunday, 5th Rajab, 428 AH/1037 CE aged 66.⁸ Known as 'Abū'l-Ḥusayn', his first name was Aḥmad and his father's name was Muḥammad. He is generally referred to as al-Qudūrī, an ascription derived either from the selling of pots,⁹ or to his hometown, called Qudūrah. Upon his death, he

7 This work is also known as *al-Mukhtaṣar li'l-Qudūrī* and *al-Mukhtaṣar al-Qudūrī*.

8 According to Ḥijrī calculation.

9 *qidr* means a pot, or cauldron, the plural of which is *qudūr*. Hence, al-Qudūrī refers

was buried in his own house, but was later buried next to the grave of the Ḥanafī jurist, Abū Bakr al-Khwārizmī.

His academic knowledge and *fiqh* trace back to the Prophet of Allah, Muḥammad ﷺ, through this line of teachers:

1. The Prophet Muḥammad ﷺ,
2. ‘Abdullāh ibn Mas‘ūd,
3. ‘Alqamah ibn Qays,
4. Ibrāhīm an-Nakha‘ī,
5. Ḥammād ibn Abū Sulaymān,
6. Abū Ḥanīfah an-Nu‘mān ibn Thābit,
7. Muḥammad ibn al-Ḥasan ash-Shaybānī,
8. Mūsā ibn Naşr ar-Rāzī,
9. ‘Alī ad-Daqqāq,
10. Abū Sa‘īd al-Barda‘ī,
11. Abū'l-Ḥasan ‘Ubaydullāh al-Karkhī,
12. Abū Bakr Aḥmad al-Jaşşāş,
13. Abū ‘Abdullāh Muḥammad ibn Yaḥyā ibn Mahdī al-Jurjānī.

Imam al-Qudūrī was in the fifth of seven grades of distinguished jurists in the Ḥanafī *madhhab*, which is known as the *aşḥāb at-tarjīḥ*,¹⁰ indicating his authority amongst legal scholars and jurists. His academic prominence and proficiency in legal matters established him as the supreme representative of Ḥanafī scholarship and law in Iraq.

In terms of hadith narration, he has been referred to as one who is truthful (*şadūq*) by many prominent scholars, including Abū'l-‘Abbās Shamsuddīn Aḥmad ibn Abū Bakr ibn Khallikān, al-Ḥāfiz Abū'l-Fidā ‘Imāduddīn Ismā‘īl ibn ‘Umar ibn Kathīr, Ibn Tagharī al-Bardī, Abū'l-Farj ‘Abdurrahmān ibn ‘Alī (a.k.a. Ibn al-Jawzī), Abū'l Ḥasanāt ‘Abdulḥayy ibn Muḥammad ‘Abdulḥalīm Lakhnawī and ‘Abdulkarīm ibn Muḥammad as-Sam‘ānī.

Abū Bakr al-Khaṭīb al-Baghdādī, the author of *The History of Baghdad (Tārīkh Baghdād)*, cites the authority of Imam al-Qudūrī for prophetic narrations he learnt from him.

He authored:

- *At-Tajrīd* – in seven volumes, discussing the issues of contention

to someone who either furnishes pots or sells them. [‘Abdulkarīm ibn Muḥammad as-Sam‘ānī, *Kitāb al-Ansāb*.]

¹⁰ *Aşḥāb at-tarjīḥ* are those qualified legal experts who analyse and assess verdicts within a *madhhab*.

between Ḥanafī and Shāfi'ī scholars.

- *Kitāb at-Taqrīb* – compilation of issues with their evidences.
- *Sharḥ Mukhtaṣar al-Karkhī* – commentary on the compendium by Imam al-Karkhī.
- *Sharḥ Adab al-Qāḍī* – commentary on the book on the Islamic legal system, by Imam Aḥmad Abū Bakr al-Khassāf.
- *Mukhtaṣar al-Qudūrī* – the compendium of *fiqh* based on Ḥanafī principles of jurisprudence and legal methodology, also known as *al-Kitāb*, which bears his name.

About the Book

The term *Mukhtaṣar* denotes anything of a summary or abridged nature and many of these précis works appeared in the early stages aimed at guiding the *mukallaf* in his daily routine without regard for citing the sources. Though the *Mukhtaṣars* do not cover every aspect of daily life, they do reflect what the authors considered essential. For example, in *al-Jāmi' aṣ-Ṣaghīr*, Imam Muḥammad ash-Shaybānī (132 AH – 189 AH), may Allah have mercy on him, did not describe ablution (*wuḍū'*) or prayer (*ṣalāh*), but rather, focused on matters such as the violations of commands. These summaries extracted from the denser and more comprehensive works of Islamic law more common issues arising among the people in order to address them promptly and precisely.

In the Ḥanafī *madhhab*, the first to use the term *Mukhtaṣar* was Imam Aḥmad aṭ-Ṭaḥāwī (228 AH – 323 AH), for his book known as *Mukhtaṣar aṭ-Ṭaḥāwī*. Other *Mukhtaṣar* style works in the Ḥanafī School of legal interpretation include:

- *Al-Jāmi' aṣ-Ṣaghīr* (Imam Muḥammad ash-Shaybānī, d. 189 AH)
- *Al-Kāfī* (Ḥākim ash-Shahīd al-Marwazī, d. 334 AH)
- *Mukhtaṣar al-Karkhī* (Imam al-Karkhī, d. 340 AH)
- *Mukhtaṣar al-Jaṣṣāṣ* (Imam al-Jaṣṣāṣ, d. 370 AH)
- *Bidāyat al-Mubtadī* (Imam Burhānuddīn al-Marghīnānī, d. 593 AH)
- *Majma' al-Baḥrayn* (Imam as-Sā'ātī, d. 694 AH)
- *Kanz ad-Daqā'iq* (Imam an-Nasafī, d. 710 AH)

All of the above are *Mukhtaṣars* although some are not titled as such.

Amongst the *Mukhtaṣars*, the one authored by al-Qudūrī is prominent

and it is historically the most popular and important text in the entire literature of Ḥanafī *fiqh*. This is a tall claim to make, but a just one. All other later books of Ḥanafī *fiqh* are either based on this book, or revolve around it in one way or another.

There are three main types of relationship in Islamic law, which are those between:

1. The individual and the Creator,
2. The individual and the government,
3. The government and other states.

This book covers all three; personal affairs, public matters, worship, business transactions, warfare, judicial cases, politics, matrimony and legal qualification, addressing approximately 12,500 issues.

The *Mukhtaşar al-QudŪrĪ* has been taught for centuries in religious schools across the Muslim world as one of the foundational manuals of study in Ḥanafī dominated areas and continues to be a source of fundamental knowledge. It has remained a classic in *fiqh* in general, and in Ḥanafī *fiqh* in particular, for nearly a thousand years. It has been commented upon by ‘Abdulghani al-Ghunaymī al-Maydānī (d. 1298 AH), in his book known as *al-Lubāb fī Sharḥ al-Kitāb*, by Abū Bakr ibn ‘Alī al-Ḥaddādī (d. 1397 AH), in *al-Jawharat an-Nayrah*, as well as Burhānuddīn al-Farghānī al-Marghīnānī, in *al-Hidāyah*.

Imam al-QudŪrĪ, it is reported, took this book with him to the Ka‘bah and attached it to its cloth hanging, beseeching Allah to bless it. His prayer, the narration says, was accepted.

This book does not provide evidence for the verdicts contained in it, as with most *Mukhtaşars*, as those proofs can be found in more detailed works and commentaries. The *raison d’être* of the *Mukhtaşar* is to provide a basic manual of belief and behaviour with a dichotomous stating of the dos and don’ts to enable the general populace to grasp the essentials of the *dīn* in a simple form that is easy to remember.

Although the *Mukhtaşar* was designed for its readers to extract relevant material, it can become complicated when seemingly conflicting phrases or vague directives are encountered and the need for a guide to explain these anomalies is still required.

Over the centuries few books could compete or even co-exist with the *Mukhtaşar* in success and dominance but in modern times the introduction of more up-to-date authorship in Ḥanafī *fiqh*, being relatively easier to read and providing legal references has caused the *Mukhtaşar* to be

overshadowed to some extent and these works have undermined its supremacy. Sadly it is not surprising to find among modern-day ‘scholars’ those who have never come across the *Mukhtaṣar al-Qudūrī*.

All is not lost however, as in the Indo-Pakistan subcontinent it is the most revered text after the *Ṣaḥīḥayn* of al-Bukhārī and Muslim. Madrasahs continue to teach it at foundational level, followed by the more detailed *al-Hidāyah* and *Kanz ad-Daqa’iq*, etc. The continued dominance of the *Mukhtaṣar* in Ḥanafī-populated areas has contributed not only to its survival, but also its promulgation around the world where Ḥanafīs migrated to, such as South Africa, the USA and the UK. Madrasahs established by the Indian and Pakistani migrant communities provide religious and Islamic legal information to expatriates as well as locals, and today (2010), there are many institutions based upon the Ḥanafī method of jurisprudence in non-Muslim countries. They all teach Islamic law based upon the *Mukhtaṣar al-Qudūrī*, be it directly from the *Mukhtaṣar* or from texts authored later. As far as dedicated Islamic schools, like *Dār al-‘Ulūm Muḥammadiyyah Ghawthiyyah*, in Bhera, Pakistan, or *Jāmi‘a al-Karam*, in Retford, Nottinghamshire, UK, are concerned, the *Mukhtaṣar al-Qudūrī*, is taught as a core subject at foundation level.

The Translation

A number of versions of the text of the *Mukhtaṣar al-Qudūrī* are available today with only minor additions, omissions, textual displacement, and variance in grammatical structure and gender. I have based my text and translation on the version that is published by Qadīmī Kutub Khānah, Karachi, Pakistan, due to its popularity. I have not confined myself to that version absolutely, but have diverged from some words and phrases in the text, such as grammatical gender issues (where I opted in favour of, or distinct from, the Arabic text). I have borrowed text from other versions of the *Mukhtaṣar* that I thought more apt. I inserted my own subheadings where I considered appropriate in order to make the book more usable by modern readers. As far as research and prudence have guided me, I have tried to provide an accurate interpretation of the text, which is not necessarily textually precise according to the original *Mukhtaṣar*, as utmost precision is impossible – as is evident from the disparity of the various existing versions. Where ambiguities, complexities and intricacies lay in the translation of the *Mukhtaṣar*, I strove to maintain as pure a translation from the Arabic text as possible.

I felt the necessity for further explanation in order to clarify points to the reader, so I added footnotes according to my understanding. The extra-textual content, which refers to implied meanings and not what is written in the original, is authentic as far as my understanding of the fundamentals of *fiqh* is concerned, and the reader should not discard any version of the *Mukhtaşar* as inauthentic because of this, but accept all versions as true in their meanings.

The text of the *Mukhtaşar* is not written in a fluent paraphrased style, but is staggered from one *ḥukm* (legal command) to another. Frequently, and quite noticeably, Imam al-Qudūrī will switch from a ‘command to do’ to a ‘command to refrain from doing’, and then return to the former immediately or at a later stage in the chapter. In a modern context, this may seem a little odd and a little confusing to some, but the nature of the *Mukhtaşar* reflects the demands of those times as well as the manner in which the author produced his content. We have to respect this and accept it as far as maintenance of the original remains a priority. While translating it into English, I found it impossible to paraphrase in order to render a flowing piece as I consider this is only possible if one is willing to alter the sequence of Imam al-Qudūrī’s authorship which I was not, as I believe Imam al-Qudūrī’s unstructured content should remain as it is, unless it be written as a fresh *fiqh* manual based on the *Mukhtaşar*.

There is no such thing as ‘the perfect translation’ as nothing can be rendered from one language to another exactly. All translations are interpretations reflecting the intention of the original work and are heavily influenced by the understanding of the interpreter. My own case is the same. My rendition aims to provide the understanding of Imam al-Qudūrī’s *Mukhtaşar* according to what he intended by it, but it may also reflect my own understanding, either intentionally or otherwise. This is the main reason why I have striven to maintain purity in translation rather than follow a contemporary pattern – in order to present the work of the author and not mine.



As far as I have attempted to interpret the knowledge of divine wisdom into the English language, as transmitted to us by Imam al-Qudūrī, may Allah have mercy on him, this translation is not absolute,

and inconsistencies are inevitable and it would please me if readers would point out any errors of whatever nature. If my rendition is flawed and contains mistakes, they are entirely mine, and no-one is to blame but myself, but if I have translated with accuracy and precision, then praise belongs to Allah ﷻ, Who is Complete and Perfect in every way; Who grants perfection; Who is sheer perfection.

I do not believe myself qualified to undertake such a crucial and sensitive task as translating the *Mukhtaṣar al-Qudūrī*. I did so at the insistence of some of my students of *fiqh* who encouraged me. Throughout the task, I seldom forgot my spiritual guide, Commentator of the Noble Qur'ān, Religious Thinker of the Twentieth Century and Luminary of the Ummah, Justice Shaykh Abū'l-Ḥasanāt Muḥammad Karam Shāh, may Allah have mercy on him, who took up the task of teaching others to teach, and transmitting divine wisdom to generations after him. This prophetic practice now continues with his noble son, Shaykh Muḥammad Amīn al-Ḥasanāt al-Qurashī, whose service to Islam and the Muslims of Pakistan can only be rewarded by Allah ﷻ. I am greatly inspired by my teacher and mentor, Shaykh Muḥammad Imdād Ḥussain Pīrzāda, principal of Jāmi'a al-Karam, UK, whose relentless efforts in upholding the truth and disseminating the fragrance of Islam stand prominent in the history of the UK. I thank all my teachers, especially Mawlānā Abū'l-In'ām Muḥammad 'Abdulbārī Chishtī, whose love for the Beloved knows no bounds, in taking me by the hand and leading me on the Straight Path at an early age. I consider myself indebted to Professor 'Imrān Aḥsan Khān Nyāzee, translator of *al-Hidāyah* and *Bidāyat al-Mujtahid*, etc. who has been a figure of inspiration to me ever since I studied my first subject under him in the Faculty of Shari'ah and Law at the International Islamic University, Islamabad, Pakistan.

My gratitude would be incomplete if I do not extend it to those responsible in assisting this project, namely, Dr. Abia Afsar-Siddiqui, who helped in the publication and distribution of this work, and Ḥājī 'Abdaṣṣamad Clarke, who edited this publication and supported me with his invaluable suggestions.

I thank my wife who tolerated my endless hours spent inside books and at the computer and for her encouragement towards its completion; may Allah ﷻ bless her. May He ﷻ bless my brothers – Sājīd, Anṣar and Aẓhar - with the true wisdom and observance of Islam. May He ﷻ bestow upon my children – Zayn, Qudsiya and Mahdia – true understanding

and adherence to Islamic beliefs and teachings, and cause them not to stray from the Straight Path. Finally, I beseech Allah ﷻ to bless my late father, Ḥājī Muḥammad Tāj ‘Alī Kiānī (d. 19th April, 1995 CE/ 20th Dhu’l-Qa’dah, 1415 AH), who led me to school and to the *masjid* at an early age, which proved pivotal in my present life. Sadly, my beloved and saintly mother, whose prayers in my favour proved more effective than my own endeavours, passed away just before the publication of this book, in the luminous month of the Prophet’s ﷺ birth, on 18th Rabī‘ al-Awwal, 1431 AH/4th March, 2010 CE, may Allah have mercy on her, having attended many a *Mawlid* gathering in her last few days. May Allah ﷻ bless them both with forgiveness of all major and minor sins and the best of abodes in the *ākhirah*.

وَقُلْ رَبِّ ارْحَمْهُمَا كَمَا رَبَّيْتَنِي صَغِيرًا

“My Lord! bestow on them Your mercy just as they cherished me in childhood.”
(17:24)

I dedicate this translation to them both; may Allah ﷻ accept it from me on their behalf. *Āmīn*.

We thank Allah for the fact that this translation was completed almost 1000 years to the day after the death of Imam al-Qudūrī, may Allah have mercy on him, on 5th Rajab, 428 AH. The translation was completed in Rajab, 1428 AH (July 2007).

Finally, for his ﷺ favours to humanity in particular, and to the entire creation in general, I express profound gratitude and invoke endless salutations and blessings upon the Final Messenger of Allah, Muḥammad al-Muṣṭafā ﷺ, for ever and ever.

Tāhir Maḥmūd Kiāni