

Late Ḥanafī Authorities on the Imamate

Asim Ayub

Late Ḥanafī Authorities on the Imamate

Asim Ayub

This article presents four annotated translations of excerpts on Sharī‘a governance from “late” (post-7th century Hijri) classical Ḥanafī works in rational theology (*kalām*) and spiritual psychology (*taṣawwuf*).¹ A [previous piece](#) was dedicated to earlier authorities in the school.² Collectively, these excerpts are representative of the Ḥanafī position that the imamate, or caliphate, is a communal obligation of utmost importance. They express the reasoning for this—including an assessment of opposing heterodox views—as well as articulating the roles, benefits, and significance of the imamate.

Most of the scholarly reflection on the imamate, despite it being a matter of positive law (*fiqh*), is found in theological works. For the Ḥanafīs, this means in works of Māturīdī theology. Our first passage, in turn, is from one such work by Kamāl al-Dīn al-Andakānī (d. 726/1325) in which he presents consensus as the textual proof for the obligation of imamate as well as a rational proof tied to its fulfilment of sociopolitical roles necessary for the Umma.

The next two extracts exemplify the synthesis of the Maturīdī and Ash‘arī theological schools as embodiments of the Sunnī *kalām* tradition. The first is from Ibn al-Humām’s (d. 861/1457) *al-Musāyara*. Straddling both schools with his ability to independently verify legal and theological opinions, Ibn al-Humām’s text is provided here with the commentary of his student, Ibn Abī Sharīf al-Maqdisī (d. 906/1500), a Shāfi‘ī Ash‘arī scholar. Despite its synthetic approach to theology, this passage is quoted verbatim in arguably the most authoritative late legal text in Ḥanafī Fiqh, the *Radd al-Muḥtār* of Ibn ‘Ābidīn al-Shāmī (d. 1252/1836).

Along with this Shāfi‘ī commentary, in the third passage we have also provided the commentary of the same section of the *Musāyara* from Qāsim ibn Quṭlūbughā (d. 861/1457), an incredibly close student of Ibn al-Humām who not only studied this book with him but is also considered to be an authoritative scholar in the school by later Ḥanafīs. His extract, albeit largely lifted from Ṣ‘ad al-Dīn al-Taftāzānī’s (d. 792/1390) *Sharḥ al-‘Aqā’id al-Nasafiyya*, stands out due to its succinct responses to various important questions and contentions: why the *Imām* requires general authority across the Islamic regions (as opposed to multiple authorities in different regions), whether actual political authority suffices, even if not held by the *Imām*, and how to

¹ I want to thank the following for their assistance on various aspects of this paper: Shaykh Dr. Sohaib Hanif, Shaykh Shams Tameez, Shaykh Dr. Salman Younas, Mufti Zameelur Rahman, and Shaykh Dr. Zeeshan Chaudhri. I especially want to thank Dr. Uthman Badar for his diligent editorial work on the translations and footnote annotations and for being a helpful mentor.

² The use of “early” and “late” here is merely a heuristic device used to organise Ḥanafī authorities across thirteen centuries into two roughly equal periods. Otherwise, the Ḥanafī school has been periodized in various ways. If we take the standard dichotomy of early and late (*mutaqaddimūn* and *muta’akhirūn*), anyone who does not meet the three founding Imāms (Abū Ḥanīfa, Abū Yūsuf and Muḥammad) is considered late—the third/ninth century serving as a classifying point. All other periodizations appear to agree on a formative period ending around the fourth/tenth century with the advent of the *Mukhtaṣarāt* literature—the *Mukhtaṣār* of Qudūrī (d. 428/1037) being the most seminal. More detailed later periodization seems to be relative and found primarily in the attempt to demarcate typologies of jurists within the school—the *Ṭabaqāt* of Ibn Kamāl Pāshā (d. 943/1536) became a prominent battleground in this dispute. See Talal Al-Azem, *Rule-Formulation and Binding Precedent in the Madhhab-Law Tradition* (Leiden: Brill, 2017), 50-88; Sohaib Hanif, “A Theory of Early Classical Ḥanafism,” PhD dissertation, University of Oxford, 2017; and Aḥmad al-Naqīb, *al-Madhhab al-Ḥanafī*, (Riyadh: Maktabat al-Rashīd, 2001), 1:327.

understand the universal obligation of the caliphate vis-à-vis the notion that it ended thirty years after the Prophet ﷺ.

Found neither in a legal manual nor a theological treatise, the final passage is taken from the *Ṭarīqa Muḥammadiyya* of the Ottoman spiritual reformer and Ḥanafī scholar, Mehmed Birgivī (d. 981/1573), along with the commentary of ‘Abd al-Ghanī al-Nābulṣī (d. 1143/1731), a later Ottoman polymathic Sufī master. Exemplifying the grand synthesis of the late Ottoman tradition, Nābulṣī quotes extensively from the *Jawharat al-Tawḥīd* of the famous Mālikī Ash‘arī Ibrahīm al-Laqqānī (d. 1041/1631). Our closing extract, then, is the commentary of a Sufī Akbarian on a Maturīdī Ḥanafī text on spiritual exhortation, using passages from a Mālikī Ash‘arī. This is representative of the fact that when it comes to the fundamentals of Sharī‘a governance and the basics of the imamate, scholars across various legal, theological, and spiritual strains stand in broad consensus.

1. Kamāl al-Dīn al-Andakānī³ (d. 726/1325), *Ṣidq al-Kalām*

قال أهل السنة والجماعة: يُفرض على الناس أن يختاروا في كلِّ عصر للإمامة من يصلح للقيام بتنفيذ الأحكام؛ وتمشيطية الأمور، وسدِّ الثُّغور، وتجهيز الجيوش، وتدبير الحروب، وقسمة ما أفاء الله تعالى عليهم من الغنائم بين المُقاتلة وأخذ الصدقات وصرفها إلى مصارفها، وإقامة الجُمع والأعياد، وإنكاح الصغار والصغائر إذا لم يكن لهم وليٌّ، وقطع موادِّ الشر المتوقع من المتلصِّصة والمتغلبة والبُعاة وقُطاع الطرق، وإقامة الحدود والقصاص وفصل المنازعات التي لو دامت لأفضت إلى التقاتل والتفاني، فَمَا أُصدق قوله تعالى: {وَلَكُمْ فِي الْقِصَاصِ حَيَوةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ} [البقرة: 114] ليكونَ مطاعًا مفترض الطاعة؛ فيتمكَّن من القيام بهذه الأمور، إلاَّ أن هذا من فروض الكفاية إذا قام به البعض سقط عن الباقيين.

The people of the Sunna and the Community state: It is obligated upon the people in every age to select for the imam one who is capable of carrying out its duties, which include: enforcing legal rulings [of the Shari‘a], managing the collective affairs, protecting the borderlands, planning war efforts, distributing the wealth of Muslims—both war booty to soldiers and alms to those deserving of them—establishing the Friday and ‘Id congregational prayers, facilitating the marriage of those with no guardian, and preventing the spread of corruption from thieves, gangs, rebels and brigands. He is also expected to establish penal and retaliatory punishments, and to solve disputes that, if left to fester, would lead to violence and devastation. How true are the words of Allah: “There is (security of) life for you in (the law of) retaliation, O people of reason, so that you may become mindful of Allah.”⁴ The selection and appointment of such an *imām* [along with his capability to carry out these duties] make him rightfully and obligatorily obeyed on part of the people. However, this obligation of appointing the *Imām* is a communal obligation of sufficiency that if carried out by some of the community is absolved of the rest.

والدليل على الوجوب المذكور الإجماع والمعقول. أما الإجماع فهو أن الصحابة اشتغلوا عقيب وفاة رسول الله ﷺ بتعيين الإمام قبل دفنه؛ كما ستقف على تفصيله في إمامة أبي بكر إن شاء الله تعالى؛ وقدّموه على سائر الفرائض من قتال الكفار والكسب وغير ذلك، فلو لم يكن ذلك واجبًا عليهم لما اهتموا بتقديمه على سائر الفرائض. وأما المعقول فهو أن قطع المنازعات، ودفع شر السعاة في الأرض بالفساد، والانتصاف في المظالم والحقوق لا يتأتى إلا بفيصل مطاع وهو الإمام؛ وفي إهماله ضررٌ ظاهر عام وهو تفاني النفوس؛ ودفع الضرر عن النفس واجب، فيجب عليهم ذلك. ومما ذكرنا ثبت أن نصب الإمام واجب على الخلق سمعًا وعقلًا وهو مذهبنا.

The proof for the aforementioned obligation is consensus and reason. As for the consensus, the Companions immediately preoccupied themselves with selecting the *Imām* after the passing of

³ Kamāl al-Dīn al-Andakānī is a relatively unknown Central Asian Maturīdī theologian of the 8th century Hijri. His only extant work is a creedal text entitled *Sidq al-Kalām fī ‘Ilm al-Kalām* [The Truthful Word in the Science of Rational Theology] in which he generally lays out the standard Maturīdī position on theological issues, with some unique opinions and methodologies used.

⁴ Qur‘ān, al-Baqara: 114.

the Prophet ﷺ, even before his burial. This will be explained in more detail in the discussion of the Imamate of Abū Bakr, Allah willing. The Companions gave this selection process preference over other important obligations such as military duties, economic obligations and the like. Had it not been an obligation for them, they would not have dedicated themselves to this single obligation above all others. As for the rational proof, it is that the resolution of disputes, tackling crime and corruption, and establishing justice and rights does not occur except through a legitimate authority who is obeyed and has the final decision—this is the *Imām*. In his absence, there would be apparent and general harm, namely, loss of lives.⁵ Preventing this type of harm is obligatory. Hence, appointing the *Imām* is also obligatory. It is thus clear from what we have mentioned that appointing the *Imām* is obligatory on the people by revelation and reason, and this is our position.⁶

⁵ Part of the reason why discussions of the imamate ended up in books of rational theology (*kalām*), according to the likes of Abū al-Muʿīn al-Nasafī, is the debate around what the obligation is grounded in. If we hone in on the two schools of theology that are predominantly Ḥanafī in legal practice—the Māturīdīs (as a whole), and the Muʿtazilīs (as a majority)—we find this to be a debated issue that has implications beyond the imamate. The crux of the issue is the Muʿtazilī assertion that good (*ḥusn*) and evil (*qubḥ*) are known by reason, and that their normative moral value is also established by reason (*ʿaql*). The Māturīdīs, as opposed to their more stringent Ashʿarī divine command theorist counterparts, recognise that the moral rulings of some acts can be known by reason, but insist that their normative moral value can only be established by revelation. The Maturīdī position is fairly restrictive on the role of reason, utilising it as a tool or an expositor (*kāshif*) of empirical moral knowledge, rather than the Muʿtazilī position of reason as an obligator (*mūjib*) of normative moral values. The upshot of this in the debate of imamate's obligation is that some of the more rationally inclined Muʿtazilīs make arguments only from rational necessity, the Ashʿarīs from revelation, and the Māturīdīs (and most Muʿtazilīs) from rational combined with textual proofs. There are also some nuances between the Samarqandī and Būkhārān schools of Māturīdī creed. For more on this, see Al-Ālūsī, *Nahj al-Salāma*, 135-137 and ʿAwwād Sālim, *al-Madrassa al-Kalāmiyya al-Maturīdiyya* (Cairo: Dār al-Īmām al-Rāzī, 2022), 413-425.

⁶ Kamāl al-Dīn al-Andakānī, *Ṣidq al-Kalām fī ʿIlm al-Kalām*, ed. Ḥāfīz ʿĀshūr Ḥāfīz (Amman: Maktaba al-Ghānim, 2022), 697-698.

2. Kamāl Ibn al-Humām⁷ (d. 861/1457) and al-Maqdisī⁸ (d. 906/1500), *al-Musāmara fī Tawdīḥ al-Musāyara*

الإمامة (استحقاقُ تصرُّفٍ عامٍّ على المسلمين)؛ وقوله: على المسلمين متعلقٌ بقوله تصرُّفٍ، لا بقوله استحقاق، إذ المستحقُّ عليهم طاعةُ الإمام، لا تصرُّفه؛ ولا بقوله عامٌّ إذ المتعارف أن يقال عامٌّ لكذا، لا عامٌّ على كذا. وقد عرَّف صاحب «المواقف» «وشرحه» الإمامة بأنها «خلافةُ الرسول في إقامة الدين، وحفظ حوزة الملة بحيث يجب أتباعه على كافة الأمة». وفي «المقاصد» نحوه، فإنه قال: «هي رئاسة عامة في الدين والدنيا خلافةً عن النبي ﷺ»؛ وبهذا القيد خَرَجَتِ النبوة، وبقيد العموم خَرَجَ مثل القضاء والإمارة في بعض النواحي، ولَمَّا كانتِ الرئاسة والخلافة عند التحقيق ليستا إلا استحقاق التصرف؛ إذ معنى نصب أهل الحل والعقد الإمام ليس إلا إثبات هذا الاستحقاق له، عبَّر المصنف بالاستحقاق. فإن قيل التعريف صادق بالنبوة لأن النبي ﷺ يملك هذا التصرف العام؟ قلنا النبوة في الحقيقة بعثة بشرع كما علم من تعريف النبي؛ واستحقاق النبي هذا التصرف العام إمامة مترتبة على النبوة؛ فهي داخلة في التعريف دون ما تُرتب عليه؛ أعني النبوة.

The Imamate is “the right of general authority over the Muslims.”⁹ ‘Over the Muslims’ here [as a prepositional phrase] is grammatically linked to ‘authority’, not to ‘right’—because the right upon

⁷ Kamāl al-Dīn Muḥammad ibn Humām al-Dīn ‘Abd al-Wāḥid ibn Ḥamīd al-Dīn ‘Abd al-Ḥamīd al-Siwāsī al-Qāhirī al-Ḥanafī was an Egyptian Ḥanafī polymath of Turkic origin. Born in Alexandria, he studied primarily in Cairo and Syria with notable scholars such as Badr al-Dīn al-‘Aynī (d. 855/1453). His students were numerous, including Shams al-Dīn al-Sakhāwī (d. 902/1497) who lists some eighteen Islamic sciences in which Ibn al-Humām had attained mastery. Considered by later Ḥanafīs such as Ibn ‘Ābidīn and al-Lakhnāwī as an authoritative independent scholar (*mujtahid*) within the Ḥanafī school, he authored a prominent commentary on the *Hidāya* named *Faṭḥ al-Qadīr*, along with a theological text that pursues the sequence of Imām al-Ghazali’s tract on dogmatic theology, *al-Risala al-Qudsiyya*; hence, the name *al-Musāyara* (the Pursuit).

⁸ Kamāl al-Dīn Abū al-Ma‘ālī Muḥammad ibn al-Amīr Nāṣir al-Dīn Muḥammad al-Maqdisī was a Palestinian Shāfi‘ī jurist and theologian. His studies began in al-Quds (Jerusalem) and culminated in Egypt where he studied under the likes of Ibn Ḥajar and Zayn al-Dīn al-Zarkashī, both of whom issued him licences in Ḥadīth. He eventually returned to al-Quds where he was appointed to various teaching posts by the Mamluk Sultān and where he later passed away.

⁹ That is, the right of general disposal over the Muslims, or the universal (unrestricted) authority—as opposed to the qualified, derivative authority of a *wālī* or *amīr*, which is restricted to a particular place or domain—to manage the collective affairs of the Muslims. Reflecting his inclination to, and ability for, independent scholarship, Ibn al-Humām provides an explicit and original definition of the imamate. While not the first Ḥanafī scholar to provide a formal definition—Shams al-Dīn al-Samarqandī (d. 710/1310) in *al-Ṣaḥā’if al-Ilāhiyya* (ed. Aḥmad ‘Abd al-Raḥmān al-Sharīf, Kuwait: Maktabat al-Falāḥ, 1985, 473) and Abu al-Barākāt al-Nasafī in *al-‘Itimād fī al-Iqtiṣād* (ed. Abdallah Muhammad Ismail, Cairo: al-Maktaba al-Azhariyya li al-Turath, 2012, 475) precede him in this respect—his, unlike theirs, is original with respect to preceding Shāfi‘ī definitions. And reflecting his authoritativeness for later scholars, this definition, with minor variations, subsequently becomes standard in the Ḥanafī school. It is quoted by no less than Ibn Nujaym (d. 970/1563) in *al-Bahr al-Rā’iq* (ed. Zakariyyā Umairāt, 9 vols., Beirut: Dar al-Kutub al-‘Ilmiyya, 1997, 6: 462) where he explicitly references Ibn al-Humām as “al-Muhaqqiq”, the verifying scholar; al-Haskafī (d. 1088/1677) in *al-Durr al-Mukhtār*—and duly elaborated by Ibn ‘Ābidīn in *Radd al-Muhtār* (ed. ‘Adil Aḥmad ‘Abd al-Mawjūd and ‘Alī Muḥammad Mu‘awwad, 14 vols., Riyāḍ: Dār ‘Ālam al-Kutub, 2003, 2: 276-278) where he reproduces verbatim the commentary of al-Maqdisī here—and Ibn ‘Ābidīn in *Minhat al-Khāliq* (printed with the same edition of *al-Bahr al-Rā’iq* cited above, 1: 601).

the people (that is, their duty) is to obey the *Imām*, not to wield authority—nor to ‘general’, because the conventional usage is to say ‘general to such-and-such’ not ‘general over such-and-such’.¹⁰

The author of *al-Mawāqif* and its commentary define the imamate as, ‘Succession of the Prophet ﷺ in the establishment of religion and defending the territories such that obedience (of the *Imām*) is obligatory on the entire Umma.’¹¹ A similar definition is found in *al-Maqāṣid*, ‘It is general authority in religious and worldly affairs in succession of the Prophet ﷺ.’¹² With this qualification [of succession], prophethood is excluded.¹³ With the qualification of generality, restricted roles of authority such as the judiciary and governorship are excluded. Political leadership and the caliphate, on scrutiny, are but the established right to govern, since the influential people appointing an *imām* means naught but their establishing this right for him. Hence, the author defines leadership in terms of the ‘established right’ [to govern].

If it is said that this definition also applies to prophethood because the prophet bears general authority, the reply is that prophethood, in reality, is being sent with a revealed law, as is known from standard definitions of a prophet. The established right of a prophet to general authority is [a form of] leadership consequent to prophethood, so it is included in the definition [of imamate] and not vice-versa.¹⁴

(ونصب الإمام) بعد انقراض زمن النبوة (واجب) على الأمة عندنا مطلقاً (سمعاً لا عقلاً)، أي واجب من جهة السمع لا من جهة العقل (خلافاً للمعتزلة) حيث قال بعضهم واجب عقلاً، وبعضهم كالكعبي وأبي الحسين عقلاً وسمعاً. وأما أصل الوجوب فقد خالف فيه الخوارج فقالوا هو جائز ومنهم من فضل، فقال فريق من هؤلاء يجب عند الأمن دون الفتنة، وقال فريق بالعكس، أي: يجب عند الفتنة دون الأمن. وأما كون الوجوب على الأمة فخالف فيه الإمامية والإسماعيلية فقالوا لا يجب علينا، بل يجب على الله — تعالى عما يقولون علواً كبيراً — إلا أن الإمامية أوجبوه عليه تعالى لحفظ قوانين الشرع عن التغيير بالزيادة والنقصان، والإسماعيلية أوجبوه ليكون معرفاً لله وصفاته. أما عدم وجوبه عندنا على الله تعالى وعدم وجوبه علينا عقلاً فقد استغنى المصنف عن الاستدلال له بما قدمه مع دليله من أنه لا يجب عليه تعالى شيءٌ ومن أنه لا حكم للعقل في مثل ذلك. وأما وجوبه علينا سمعاً فلأنه قد تواتر إجماع المسلمين في الصدر الأول عليه حتى جعلوه أهم الواجبات، وبدأوا به قبل دفن الرسول ﷺ.

¹⁰ Because the prepositional phrase “*alā al-muslimīn*” follows three consecutive nouns (*istiḥqāq*, *tasurruf*, *āmm*) any of which it could technically attach to, the commentator is clarifying, as a point of grammar, that it attaches to the second of these, because attaching to the first benefits the wrong meaning and attaching to the third is incorrect usage.

¹¹ The reference is to *Kitāb al-Mawāqif fī ‘Ilm al-Kalām* by ‘Aḍad al-Dīn ‘Abd al-Raḥmān al-‘Ījī (d. 756/1355) and al-Sayyid al-Sharīf al-Jurjānī’s (d. 816/1414) commentary on this, *Sharḥ al-Mawāqif*.

¹² The reference is to Sa‘d al-Dīn al-Taftāzānī’s (d. 793/1390) *al-Maqāṣid fī ‘Ilm al-Kalām*.

¹³ The idea that the *Imām* serves as a deputy of the Prophet ﷺ is a common acknowledgment across all schools of Islamic thought, an interesting juxtaposition with Christian or secular notions of leadership.

¹⁴ This is a response to the hypothetical contention that the definition of imamate is not exclusive (*mān ‘i*) because it applies to prophets as well since they also have general authority to manage the affairs of people. The commentator concedes that prophethood is a form of imamate but is a special form; thus every prophet is an *imām* but not every *imām* is a prophet.

“The appointment of the *Imām*” after the period of prophethood “is obligatory” upon the Umma in all circumstances according to us, “as a matter of revelation, not reason”, that is, it is obligatory based on revelation, not reason, “contrary to the Mu‘tazila”, some of whom held it to be obligatory based on reason while others, like al-Ka‘bī and Abū al-Ḥussain, held that it is obligatory based on both reason and revelation. On the ruling of obligation itself, the Khawārij opposed this, holding that appointing the *Imām* is merely permissible, while some of them deemed the ruling contingent. Some of these latter held that it is obligatory in times of peace but not in periods of turmoil, while others held the opposite, that is, it is obligatory in times of turmoil, but not when peace prevails.

On the obligation being on the Umma, the Imāmī Shī‘a and Ismā‘ilīs opposed this, holding that it is not obligatory upon us, but on Allah—Allah is exalted far beyond what they say. However, [they did so for different reasons:] the Imāmī Shī‘a obligate it upon Allah, the exalted, to secure the preservation of the Sacred Law from change, addition, and subtraction. The Ismā‘ilīs obligate it on Allah so that he [the *Imām*] may be a means of knowing Allah and His attributes.¹⁵ As for its not being an obligation upon Allah according to us, and its not being an obligation established by reason alone, the author suffices giving any evidence here for these positions with what he has already shown earlier, with evidence, that nothing is obligated upon Allah and that reason does not adjudicate in the like of this matter.¹⁶ As for its being a revelation-based obligation, the reason for this is the mass-transmitted consensus of the early Muslims on this, to the extent that they [the Companions] made it the most important duty, starting with it before the Prophet’s ﷺ burial.¹⁷

¹⁵ The idea here is that if Allah appoints the *Imām* he is divinely protected [*ma‘šūm*] and in turn can definitively secure the preservation of the Sharia and/or be a definitive means to knowing Allah, as is the case with prophets. It is not difficult to see, however, that Allah can secure these ends through human means. For Allah, both means are equally possible and easy.

¹⁶ The reference is to a previous discussion in the same text (*al-Musāmara*, ed. Ṣāliḥ al-Ghursī, Amman: Dār al-Faṭḥ, 2018, 423-443) about whether it is obligatory on Allah ﷻ to do that which is *aṣlah* (what is best/most beneficial for creation). The Imāmī Shī‘a, along with their Mu‘tazilī counterparts, held that Allah ﷻ was obliged to do what was best for the welfare of his creation, debating the ramifications of this with regard to the imamate. The Māturīdīs and Ash‘arīs hold that Allah ﷻ has no obligations upon Him and does what He wills. This debate is an offshoot of a more foundational discussion in moral epistemology on *taḥsīn* and *taqbiḥ*—how does one come to know moral goodness and evil. For more on *aṣlah*, see ‘Awwād Sālim, *al-Madrassa al-Kalāmiyya al-Māturīdiyya*, 426-430. For more on *taḥsīn* and *taqbiḥ*, see note 5 above.

¹⁷ Kamāl al-Dīn al-Maqdisī, *al-Musāmara*, ed. Ṣāliḥ al-Ghursī (Amman: Dār al-Faṭḥ, 2018), 597-599.

3. Ibn Quṭlūbughā¹⁸ (d. 879/1474), *Sharḥ al-Musāyara*

(الإمامة استحقاقٌ تصرفٍ عامٍّ على المسلمين ونصبُ الإمام واجبٌ سمعاً) هذا قول جمهور أهل السنة وأكثر المعتزلة (لا عقلاً خلافاً للمعتزلة) إنما قال هذا بعض المعتزلة. قال النكساري هذا قول الجاحظ وأبي الحسين البصري والكعبي وأتباعهم. وقال أكثر الخوارج وأبو بكر الأصم من المعتزلة لا يجب على الله تعالى ولا على الخلق. ولأهل الحق ثلاثة مطالب: الأول وجوب نصب الإمام، والثاني شروطه، والثالث تعيينه. والمصنف ذكر الأول بغير دليل، وقد استدلل له في «شرح العقائد» بقوله ﷺ: «من مات ولم يعرف إمام زمانه مات ميتة جاهلية». ولأحمد والطبراني: «من مات وليس في عنقه بيعة مات ميتة جاهلية» خرجه من حديث معاوية. ولمسلم في صحيحه عن ابن عمر سمعت رسول الله ﷺ يقول: «مَنْ خَلَعَ يَدًا مِنْ طَاعَةِ اللَّهِ لَقِيَ اللَّهَ يَوْمَ الْقِيَامَةِ لَا حُجَّةَ لَهُ، وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةٌ مَاتَ مِيتَةً جَاهِلِيَّةً».

ولأن الأمة قد جعلوا أهم المهام بعد وفاة النبي ﷺ نصب الإمام على ما في الصحيحين من حديث سقيفة بني ساعدة وكذا بعد موت كل إمام. ولأن كثيراً من الواجبات الشرعية تتوقف عليه؛ كتنفيذ الأحكام، وإقامة الحدود، وسد الثغور، وتجهيز الجيوش، وقسمة الغنائم، وقهر المتغلبة والمتلصصة وقطاع الطرق، وقطع المنازعات الواقعة بين العباد، وقبول الشهادات القائمة على الحقوق، وإقامة الجمع والأعياد، وتزويج الصغار والصغائر الذين لا أولياء لهم، ونحو ذلك من الأمور التي بين آحاد الأمة.

“The Imamate is the right of general authority over the Muslims, and the appointment of the *Imām* is obligatory based on revelation, not reason, contrary to the position of the Mu‘tazila.” This is the position of the vast majority of the Sunni theologians along with most of the Mu‘tazila. Only a few of the Mu‘tazila held the latter position [that it is obligatory based on reason]. Al-Naksārī¹⁹ says that this is the position of al-Jāhiz, Abū al-Ḥussain al-Baṣrī, al-Ka‘bī and their followers. Most of

¹⁸ Zayn al-Dīn Abū al-‘Adl Qāsim ibn Quṭlūbughā ibn ‘Abd Allāh al-Miṣrī, famously known as ‘Allāma Qāsim al-Ḥanafī al-Sūdūnī, was an Egyptian Ḥanafī jurist and ḥadīth master of Circassian descent. Growing up an orphan, he was taken under the wing of the Chief Judge of Baghdād, al-‘Izz ibn Jamā‘a from whom he took many *ijāzāt*. He also studied under the likes of Ibn Ḥajar al-‘Asqalānī in Cairo who praised him as “the authority, the learned, the Ḥadīth scholar, the jurist, and the prolific memorizer.” However, his most famous teacher was Ibn al-Humām, under whom he studied every book taught in his circle, gaining such a closeness that when Ibn al-Humām was asked who would take his seat after him, he responded, “Allāma Qāsim ibn Quṭlūbughā.” Despite his prolific writing, he did not manage to procure many students, due to his brittle nature—the most famous of those we know is the famous ḥadīth master Shams al-Dīn al-Sakhāwī.

¹⁹ Muḥammad ibn Ibrāhīm ibn Ḥasan al-Naksārī al-Rūmī (d. 910/1505) was a well-known Ottoman scholar who studied with the son of the great Mulla Fenārī and taught at the Ismā‘īl Medresse in Qustumonū. He wrote on many sciences, but his expertise was *tafsīr*, which he taught as a regular public lesson in the Aya Sofia, completing the Qur’ān just before his passing. He has a commentary on the *‘Umdat al-‘Aqā’id* of Abū al-Barakāt al-Nasafī in Māturīdī creed, which is quoted by both Quṭlūbughā and Maqdisī in their commentaries on the *Musāyara*, despite the fact he was their contemporary. For the quote from Naksārī, see Muḥammad ibn Ibrāhīm al-Naksārī, *Sharḥ ‘Umdat ‘Aqā’id Ahl Al-Sunna wa al-Jamā‘a*, ed. Akram Ismā‘īl (Amman: Maktabat al-Ghānim, 2022), 333.

the Khawārij and Abū Bakr al-Aṣṣam from the Mu‘tazila held that it is not obligatory at all, neither upon Allah ﷻ nor on the people. The people of Truth (*ahl al-ḥaqq*) have three main objectives [to discuss on the topic of the imamate]: first, the obligation of appointing the *Imām*; second, the conditions [required for the *Imām*]; and third, the process of choosing the *Imām*. The author [Ibn al-Humām] mentions the first of these without evidence. It is evidenced in [Taftāzānī’s] *Sharḥ al-‘Aqā’id* by his ﷺ saying: “Whosoever dies without recognising the *Imām* of his age has died a *jāhili* death.” Aḥmad and Ṭabarānī both narrate from Mu‘āwiya [the following similar ḥadīth], ‘Whosoever dies without having given allegiance [to the *Imām*] has died a *jāhili* death.’²⁰ Muslim also narrates from Ibn ‘Umar, “I heard the Prophet of Allah ﷺ saying, “Whosoever pulls his hand away from the obedience of Allah, he will meet Allah on the Day of Judgement with no proof for him. And whosoever dies without having given allegiance [to the *Imām*] has died a *jāhili* death.”²¹

A further proof is that the Umma took the appointment of an *Imām* as their most important task after the passing of the Messenger of Allah ﷺ as indicated in the ḥadīth of the roofed shelter of Banū Sā‘ida related in the two Ṣaḥīḥ collections.²² This [same urgency to appoint a successor] was also the case after the death of every caliph. Another proof is that many of the legal obligations of the Sacred Law depend on the *Imām*, such as enacting the law, establishing penal punishments, protecting the borders, preparing the armies, distributing the war-booty, subduing the brigands and highway robbers, settling disputes between people, accepting testimony in cases where people’s rights are at stake, establishing the Friday and ‘Īd prayers, marrying young people without guardians, and others such matters pertaining to the [social] relations of individuals in the Umma.

فإن قيل لم لا يجوز أن يكتفى بذي شوكة في كل ناحية، ومن أين يجب نصب من له الرياسة العامة، قلنا لأنه يؤدى إلى منازعات ومخاصمات مُفضية إلى اختلال أمر الدين والدنيا، كما نشاهد في زماننا. فإن قيل فليكتف بذي شوكة له الرياسة العامة إماماً كان أو غير إمام، فإن انتظام الأمر يحصل بذلك، كما في عهد الأتراك، قلنا نعم يحصل بعض النظام في أمر الدنيا، لكن يختل أمر الدين وهو المقصود الأهم والعمدة العظمى. فإن قيل فعلى ما ذكرتم من أن مدة الخلفاء ثلاثون سنة، يكون الزمان بعد الخلفاء الراشدين خالياً عن الإمام، فتعصى الأمة كلهم وتكون ميّتهم جاهليّة. قلنا المراد الخلافة الكاملة، ولو سلّم فلعلّ دور الخلافة ينقضي دون دور الإمامة، والله تعالى أعلم.

²⁰ This narration is found with slightly different wordings in Ṣaḥīḥ Muslim, 1851; Musnad Aḥmad, 16876; Ṣaḥīḥ Ibn Ḥibbān, 4573; Mustadrak al-Ḥākim, 259; Musnad Abū Ya‘lā, 7375; and Ṭabarānī (al-Awsat), 769, 910. A “*jāhili* death”, as Ibn Hajar explains, is to die in a state of disobedience (not disbelief) that resembles the death of the people of the Pre-Islamic period (*Jāhiliyya*) in a state of being astray and without an *imām* who is obeyed (*Fath al-Bārī*, ed. Muhibb al-Dīn al-Khatīb, 13 vols., Beirut: Dar al-Ma‘rifa, 1379, 13:7).

²¹ From this point onwards, the entirety of the extract is lifted by Ibn Quṭlūbughā almost verbatim from Taftāzānī’s discussion on the obligation of the caliphate in his *Sharḥ al-‘Aqā’id al-Nasaḥiyya* (Karachi: Maktabat al-Bushra, 2011, 355-356).

²² The *Saqifa Banī Sā‘ida* is a roofed shelter or pergola attached to the properties of Banū Sā‘ida, a Khazrajī clan, in which the people of Madina would gather. It is the place in which the Companions ﷺ gathered after the death of the Prophet ﷺ to elect and appoint his successor. The fullest account of this event in Bukhārī is the ḥadīth of Ibn ‘Abbas ﷺ (6830) which relates a khutba of ‘Umar ibn al-Khattab ﷺ wherein he speaks of the event in detail after mention of other matters. The same ḥadīth is reported by Muslim (1691) but restricted to one of these other matters. The *Saqifa* event is not mentioned here or elsewhere in Ṣaḥīḥ Muslim.

If it is said: why is it not sufficient to appoint a ruler in every region, or why is it obligatory to appoint one who has the general authority [across all regions]? We say: because that would lead to conflict and animosity, which would lead to corruption of the religious and worldly affairs, as we witness in our own times. If it said: in that case, a powerful leader with full authority should suffice, whether he is the *Imām* or not; the collective affairs can be managed by such a person, as in the era of the Turks.²³ We say: yes, we saw some stability in the worldly affairs, but the religious affairs were negatively affected, and they are the most important of all ends and the central pillar of all else.²⁴ If it is said: based on what you have mentioned that the period of rule for the [rightly guided] Caliphs was 30 years, the period of rule after them was bereft of the *Imām*, rendering the whole Umma sinful and their deaths *jāhilī*. We say: the intent is of the complete caliphate, and if your point is conceded, it could be said that the age of the caliphate finished, but not the age of the imamate.²⁵ Allah ﷻ knows best.²⁶

²³ As noted above, this paragraph is taken from Taftāzāni, for whom, writing in the late eighth century Hijri, “the Turks” could be a reference to Tamerlane and the early Mamluks, as Ovamir Anjum suggests (“Who Wants the Caliphate?,” *Yaqeen Institute for Islamic Research*, Oct 19, 2019, 27-28), or it could be referring to the inability of any Turkic empire at that time to have full control of all the lands of Islam, as suggested by al-Bājūrī (*Hāshiyat al-Bājūrī ‘alā Sharh al-‘Aqā’id al-Nasafiyya*, ed. Anas al-Sharfāwī and Ḥussām Ṣāliḥ, Damascus: Dār al-Taqwā, 2020, 736). Another reading takes these words to be repeated here by Ibn Quṭlūbughā, writing in the mid-ninth century, due to their truth in this period. In that case, Ibn Quṭlūbughā is likely referencing the Mamluk Sultanate, a Sunni Turkic empire based primarily in Egypt and Syria, under whose rule he lived his entire life. Even though there was technically an Abbasid Caliph present in Cairo from 1261-1517 AH, this was mostly a ceremonial position without real power, which instead rested with the Mamluk Sultan of the time. Ibn Quṭlūbughā’s point about the absence of a viable Caliphate leading to religious regression may be influenced by the fact that many of the Cairo-based Caliphs supported religious endowments, religious festivals, and, at times, became highly qualified scholars of Islam. However, the absence of any real power and authority meant their attempts would always be limited, though they were highly popular with the ‘*ulamā*’ class. For an overview of the Abbasid Caliphate in the lifetime of Ibn Quṭlūbughā, see Mustafa Banister, *The Abbasid Caliphate of Cairo, 1261-1517: Out of the Shadows* (Edinburgh: Edinburgh University Press, 2021), 141-192. For attempts to build a coherent Sunnī political theory in the absence of a powerful Caliph, see Mohamad El-Merheb, *Political Thought in the Mamluk period: The Unnecessary Caliphate* (Edinburgh: Edinburgh University Press, 2022).

²⁴ “The upshot is that the *Imām* does not refer to someone with political power (*sulṭān*) alone. Political power organises worldly affairs, while the *Imām* organises both worldly and otherworldly affairs (*al-ma’āsh wa al-ma’ād*). Indeed, the otherworldly affairs are the most important reason for his appointment because he is a representative of the Prophet ﷺ in the propagation of the sacred law, the elevation of the word of Allah, and the maintenance of the community (*milla*).” Muḥammad Ḥasan al-Sunbhulī, *Naẓm al-Farā’id ‘alā Sharḥ al-‘Aqā’id* (Karachi: Maktabat al-Bushrā, 2021), 518.

²⁵ Some *aḥādīth* mention that the caliphate will last for only thirty years and be followed by “biting rule/kingdom” (*mulk ‘ādīl ‘adūd*)—for example, Aḥmad, 18406, 21919; Tirmidhī, 2226. Others indicate that it will last much longer, enumerating “twelve caliphs” (Bukhārī, 7222; Muslim, 1821) or describing the caliphs to come after the Prophet ﷺ as “many” (Bukhārī, 3455; Muslim, 1842). The standard reconciliation of this apparent conflict is to distinguish between a complete or ideal (*kāmil*) caliphate and a deficient caliphate, where completeness is measured in terms of following the prophetic path in ruling (*minḥāj al-nubuwwa*). The former lasts thirty years and is followed by the latter. This answer is proffered by Taftāzānī earlier as well as here, but he also mentions here another potential response. This response relies on a distinction between caliphate and imamate—unlike the former view on which the two are synonymous—whereby imamate is rule over the Muslims, on the prophetic model or otherwise, while the caliphate is rule over the Muslims on the prophetic model. Taftāzānī finds this second reading weaker, however, because this distinction is not found among the scholars of *Ahl al-Sunna*.

²⁶ Qāsim ibn Quṭlūbughā, *Sharḥ al-Musāyara*, ed. Akram Ismā’īl (Amman: Maktaba al-Ghānim, 2022), 342-345.

4. ‘Abd al-Ghanī al-Nābulṣī²⁷ (d. 1143/1731) commenting on Birgivi²⁸ (d. 981/1573), *Al-Ḥadīqa al-Nadiyya Sharḥ al-Ṭarīqa al-Muḥammadiyya*²⁹

(والمسلمون لا بُدَّ لهم من إمام) أي سلطان يَمَع هوى أنفسهم بالزامهم الحقَّ قهراً عنهم، (قادر على تنفيذ الأحكام) الشريعة فيهم لِعلمه بذلك وقوّته عليه بالشجاعة والجنود، (مسلم) إذ لا ولاية لكافر على المسلم، (حُرٌّ) لأنَّ العبد لا ولاية له، (مكَلَّف) أي عاقل بالغ (ظاهر) غير مُختفٍ لِيُمْكِنَ كَلِّ أَحَدٍ مِنَ الرعيّة الوصول إليه عند الاحتياج، (قُرَشِيّ) أي من قريش وهو اسمٌ لأولاد النضر بن كِنانة. (ولا يشترط أن يكون هاشمياً) أي منسوباً إلى هاشم وهو أبو عبد المطلب جدّ رسول الله ﷺ.

“It is necessary for the Muslims to have an *Imām*,” that is, a ruler who is able to curb their base impulses by holding them to the truth by force [if necessary]; “capable of executing the rulings,” of the Shari‘a among the people due to his knowledge of it and his ability to do this through courage and material force. He must be “Muslim,” because a disbeliever can have no sovereignty over a Muslim; “free,” because a slave has no agency of his own; “legally responsible,” that is, sane and mature; “apparent,” not hidden [in occultation] so that the people under his guardianship can reach him when they need to; and “Qurayshī,” that is, from the clan of Quraysh, which is a name for the

²⁷ ‘Abd al-Ghanī al-Nābulṣī (or al-Nābulṣī) was an Ottoman polymath who descended from a line of prominent Ḥanafī and Shāfi‘ī scholars, including Badr al-Dīn ibn Jamā‘a, the Shāfi‘ī Chief Judge of the Mamluk Sultanate. His father having switched to the Ḥanafī school, ‘Abd al-Ghanī continued along the same path, learning a variety of other Islamic sciences along with his mastery of *fiqh*. However, his most famous writings concern *tasawwuf* and particularly the school of Ibn ‘Arabī (d. 637/1240), the great Andalusian mystic. He authored over 200 works in various Islamic disciplines. Teaching primarily in Damascus, he travelled the breadth of the Ottoman lands, passing away at the age of 90. He is buried near the grave of Ibn ‘Arabī in Damascus.

²⁸ Zayn al-Dīn Muḥammad ibn Pīr ‘Alī Taqī al-Dīn al-Rūmī al-Birgivi was an Ottoman Ḥanafī jurist and theologian. Starting off as a teacher in Ottoman madāris, he took a spiritual turn, spending time in isolation with the *ṣūfi* Shaykh, ‘Abd Allāh al-Bayrāmī, before returning to teaching. Social-spiritual exhortation (*wa‘z*) was an important part of his activism, attracting the ire of many jurists who saw some of his critiques as an attack on their vocation, especially his writings on the Cash Waqf, which were responded to by arguably the greatest Ottoman Shaykh al-Islam, Ebū Su‘ūd Effendi. He gained some recognition in his life, but really came to the fore with the rise of the Kadızadele movement in the 17th century, a *Ṣūfi* reform movement that managed to get the ear of Sultan Mehmet IV and was heavily influenced by the writings of Birgivi.

²⁹ Al-Nābulṣī, an ardent Ash‘arī, comments in this work on Birgivi’s Mātūrīdī text. Despite some epistles he wrote in defence of the Ash‘arī creed from attacks by various Maturīdī quarters, al-Nābulṣī generally considered both schools to be holders of the same theology and blamed any divergence on factors like anti-Arab prejudice. Staying on the theme of synthesis, a recent study has shown that Ash‘arīs were generally more accommodating towards their Mātūrīdī peers in the late Ottoman context, which is why Nābulṣī could comfortably not just praise Birgivi, but also assert their similarity in creed. See Haidar, Yahya Raad, *The Debates between Ash‘arism and Mātūrīdism in Ottoman Religious Scholarship: A Historical and Bibliographical Study*, PhD thesis (Australian National University, 2016).

progeny of Naḍr ibn Kināna.³⁰ “There is no requirement that he be Hashimī,” that is, from the progeny of Hāshim, who was the father of ‘Abd al-Muṭṭalib, the grandfather of the Prophet ﷺ.³¹

Maulana Asim Ayub is a graduate of Darul Uloom Bury where he completed the traditional ‘Ālimiyya program. He also completed a BSc in Economics and MSc in Economic History from Brunel University and the London School of Economics, followed by a PGCE from Brunel. He has studied Islamic Theology with expert scholars like Shaykh Shams Tameez and Shaykh Abdurrahman Mihrig. He is a resident instructor at the Karima Foundation in the UK.

Suggested citation:

Asim Ayub, “Late Ḥanafī Authorities on the Imamate,” *Ummatics*, Dec 26 2023, <https://ummatcs.org/papers/late-hanafi-authorities-on-the-imamate>.

³⁰ In the paragraphs following this one, Nābulṣī cites Laqqānī for several other conditions for the *Imām*: He must be upright (‘*adl*), male, courageous, an independent jurist (*mujtahid*), and skilled statesman (*dhā ra’y fi tadbīr al-umūr*). These last three, he notes however, have not been deemed a requirement by some scholars to the extent that the *Imām* can seek assistance for others with the relevant skills or expertise. See Ibrāhīm al-Laqqānī, *Hidāyat al-Murīd li Jawharat al-Tawhīd* ed. Marwān Hussein al-Bajāwī, 2 vols. (Cairo: Dār al-Baṣā’ir, 2009), 2: 1283-1284. More generally in terms of the conditions required for the *Imām*, it is worth noting that there is significant difference of opinion among the scholars. For example, there are reports from Abū Ḥanīfa himself, along with writings from other prominent scholars that being Qurayshī is not a necessity, though it may be preferred. An interesting framework, presented by the contemporary scholar, Ṣalāh Abu al-Ḥājj, sees certain conditions, such as being Qurayshī, as historically necessary, but not universal. As long as it was needed for political stability, it was mandated. With the rise of non-Arab Islamic powers like the Ottomans, it was abandoned. Other conditions are non-negotiable, like Islam. For Abū al-Ḥājj, Ḥanafī political theory revolves around three major principles: avoiding discord, public welfare, and context-specific pragmatism. See Taqī Usmānī, *Islam and Politics* (London: Turath Publishing, 2018), 60-66; and Ṣalāh Abū al-Ḥājj, *al-Siyāsāt al-Rāshida fī al-Dawlat al-Mājida*, 106-129.

³¹ ‘Abd al-Ghanī al-Nābulṣī, *al-Ḥadīqa al-Nadiyya Sharḥ al-Ṭarīqa al-Muḥammadiyya*, ed. Maḥmūd Naṣṣār, 5 vols. (Beirut: Dār al-Kutub al-Ilmiyya), 2: 58-60.