

Re-Examining The Legal School Of Imam Sufyan Al-Thawri: A Study Of His Jurisprudential Contributions

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Abstract

This research article explores the demise of Imam Thawri's fiqh and its underlying causes. The study reveals that the primary reason for the demise of Imam Thawri's fiqh was due to his disciples not compiling his fiqh issues and his distance from academic centers. Despite this, Imam Thawri was known for his unique fiqh position and the title "Amir al-Mu'minin fi al-Hadith" that he used for himself. The distinctive feature of his fiqh was his approach of establishing his opinion according to the understanding of the hadiths. This approach often led to contradictions with the opinions of other scholars, while at times he agreed with the views of other Imams. The study suggests that a comprehensive understanding of Imam Thawri's fiqh can be achieved by examining his unique approach towards hadith interpretation and analyzing his opinions in the context of other Islamic legal schools.

keywords: Imam Thawri Fiqh, Demise, Disciples, Academic centers, Amir al-Mu'minin fi al-Hadith, Hadith interpretation, Islamic legal schools, Contradictions, Unique approach, Opinion formation

Introduction

Islamic law, or Islamic jurisprudence, provided guidance to the Muslim community in dealing with the issues that arose during in every era. The four sources of Islamic jurisprudence are the Quran, the Sunnah, consensus, and analogical reasoning. When looking at the historical development of Islamic jurisprudence, it can be divided into Six periods, starting from the prophet hood of the Messenger of

Allah (peace be upon him) up until the present era.

The first period of Islamic jurisprudence, which forms the basis of all jurisprudence, is called the Era of Prophethood. It is also known as the era of revelation, and it extends up to the eleventh year of the Islamic calendar.¹

The second era of Islamic jurisprudence is referred to as the era of the “Khilafat-e-Rashida” the Great Companions, which began in the 11th year after the Prophet's migration and ended in the 40th year. It can also be said that this era concluded with the completion of the “Khilafat-e-Rashida”.

The third era of Islamic jurisprudence begins with the martyrdom of Hazrat Ali (may Allah be pleased with him) and the rise of Amir Muawiya, and ends with the downfall of the Umayyad dynasty in the second century after Hijra. This era is also known as the era of the Minor Companions “Sighar Sahaba” and the Senior Followers “Kibar Tabien”. It spans from the 41st year to the beginning of the second century AH.

During this era, significant attention was paid to the development of Islamic jurisprudence. All notable figures related to Islamic jurisprudence are associated with this era. As the conquests expanded during the time of the Companions “Sahaba”, new needs emerged, leading to debates among the Companions “Sahaba” and Followers “Tabien”. To resolve such issues that had no direct reference in the Prophetic teachings, seven centers of Islamic jurisprudence were established within the limits of Islam. These centers were Medina, Mecca, Kufa, Basra, Sham, Egypt, and Yemen. The Followers “Tabieen” who benefited from these centers were guided by the jurisprudential opinions and consensus of the Companions in the process of legislation through Islamic jurisprudence.

Hazrat Abdullah ibn Masood, Zaid bin Thabit, Abdullah ibn Umar, and Abdullah ibn Abbas' disciples played a significant role in spreading the knowledge of the Quran and Sunnah. The companions of the Prophet who were based in different

regions had an academic connection with these disciples. The people of Medina had an academic connection with Zaid bin Thabit and Abdullah ibn Umar, the people of Mecca had an academic connection with Abdullah ibn Abbas, and the people of Iraq had an academic connection with Abdullah ibn Masood.

Among the companions, those who played a prominent role in spreading the knowledge of the Quran and Sunnah after the Prophet's demise include Sa'id bin Musayyab, Urwah bin Zubair, Ata ibn Yasar, Rabaah, Tawus, Ibrahim Nakhai, Makhul, Yahya bin Abi Kathir, Ata, and others.

The first center of Islamic jurisprudence was Medina, and its founder was Saeed bin Musayyib. The foundation of their jurisprudence and legislation was based on the Quran and Sunnah, as well as the works and verdicts of the famous seven jurists of Medina, including Umar bin Khattab, Zaid bin Thabit, Abdullah bin Umar, Ummul Momineen Aisha (may Allah be pleased with her), Abdullah bin Abbas, and Abu Hurairah. In history, they are referred to as the 'Jurists of Medina' or 'Foqaha-e-Saba'. A poet has eloquently described them in a poem.²

"فخذهم عبيد الله، عروه قاسم
سعيد، ابوبكر، سليمان، خارجه"

The second major center of Islamic jurisprudence was Mecca, founded by Hazrat Abdullah bin Abbas. The third significant center of Islamic jurisprudence was Kufa, founded by Hazrat Abdullah bin Masood Hzeli. The fourth center was in Basra, and its founder was Hazrat Anas. The fifth center of Islamic jurisprudence was in Sham, and its founder was Hazrat Abdul Rahman bin Ghanam Ashari. The sixth center was founded by Hazrat Abdullah bin Amr bin Aas, located in Egypt. The seventh center of Islamic

jurisprudence was in Yemen, and its founders were Hazrat Ali and Ma'adh bin Jabal (may Allah be pleased with them).³

The fourth era of Islamic Jurisprudence began in the second century after Hijra. The development of Fiqh and the science of Usul al-Fiqh was also introduced in this period. After the companions (Sahaba) and followers (Tabien) of the Prophet Muhammad (PBUH), the first-class Imams and Mujtahids of Islamic jurisprudence such as Imam Abu Hanifa, Imam Rabi'a, Imam Malik, and Awza'i, Imam Sufyan al-Thawri, Imam Laith bin Saad, and others were known as Imams and Mujtahids. Their knowledge was related to the followers "Tabien". The status and position of Imams and Mujtahids can be estimated as follows: The text of Islamic jurisprudence is the Holy Quran, the Sunnah, and the records of the companions. However, the Imams and Mujtahids are its interpreters. Some schools of Fiqh, whose Imams and Mujtahids were recognized by the Muslim community, were documented and their opinions were followed. These schools include Hanafi, Maliki, Shafi'i, Hanbali, Zaidiyyah, Ja'fariyyah, Zahiriyah, and Ibadi Fiqh.⁴

Among them, there are four well-known schools of thought: Hanafi, Maliki, Shafi'i, and Hanbali, which are followed by the majority of the Muslim community. Among them, the Hanafi school of thought is the oldest. Its founder is Imam Abu Hanifa Nu'man bin Thabit. In the development and promotion of this school of thought, the four disciples of Imam Abu Hanifa played a significant role. Imam Abu Hanifa's views were recorded in writing, and when objections were raised against them, he provided comprehensive responses.⁵

Among the jurisprudential schools of thought in the Ahl al-Sunnah are the Maliki, Shafi'i, Hanbali, Zaidiyyah, Ja'fariyyah, Zahiriyah, and Ibadi schools. The Maliki school, founded by Imam Malik ibn Anas, is the second largest school of thought. Its followers are also known as Ahl al-Hadith. The spread of this school was facilitated by the contributions of Imam Malik's three disciples. The Shafi'i school, founded by Imam Muhammad ibn Idris al-Shafi'i, is the third largest school of thought, and its followers are also known as Ahl al-Hadith. Among his numerous disciples, five are particularly renowned for their significant contributions to the development and dissemination of his school's jurisprudence. The Hanbali school, founded by Imam Ahmad ibn Hanbal, is known for its Hanbali jurisprudence. A large number of Imam Malik's disciples also played a significant role in recording and disseminating his jurisprudence. The remaining four schools of thought, while still prevalent, have relatively fewer followers. The Zaidiyyah school of thought, founded by Imam Zaid ibn Ali al-Abidin, is closely associated with the Sunni school of thought. The Ja'fariyyah school of thought, founded by Imam Abu Abdallah Jafar al-Sadiq ibn Muhammad, is also known as the Shi'a school of thought. The Zahiriyah school of thought, founded by Abu Sulayman Dawud ibn Ali al-Asfahani al-Zahiri, is the seventh school of thought. Finally, the Ibadi school of thought, founded by Abdullah ibn Ibadh, is the eighth and final school of thought.⁶

Unrecognized juristic schools of thought within the Ahl-e-Sunnat:

There are several extinct schools of thought within the Ahl-e-Sunnat, which have ceased to exist and have not experienced the same level of prominence as other schools of thought. The opinions and

reasoning of their scholars can be found scattered in the books of other juristic schools, but their organized form is lost. For example, Imam Abu Hanifa and Qadi Ibn Abi Laila had differences of opinion, which were reconciled by Imam Abu Yusuf under the title "Disagreements of Abu Hanifa and Ibn Abi Laila," but the juristic schools of these scholars are not systematically available. Some of these schools of thought were terminated with their founders, while others persisted for some time but eventually faded away with the passage of time. This article aims to introduce one such extinct school of thought within the Ahl-e-Sunnat, its era, and its unique juristic characteristics.⁷

Basic research questions:

What are the reasons for the disappearance of extinct schools of thought? What was the reason for the fame of Imam Sufyan al-Thawri and how much access did he have to other sciences? What are the legal and distinguished qualities of Imam Sufyan al-Thawri's jurisprudence?

Review of previous research:

During the study, an article titled "Al-Ikhtilaf 'ala Imam Sufyan al-Thawri bi-anqata' al-sand wa atharihi 'ala al-masa'il al-fiqhiyyah" was reviewed. In this article, the researcher explained the reasons for the differences in narrations and their effects on the legal issues discussed by jurists, but no light was shed on the introduction of Imam Sufyan al-Thawri's school of thought and his legal characteristics.⁸

Research methodology:

The methodology of research is both descriptive and analytical.

Introduction of Imam Sufyan al-Thawri's school of thought and his legal characteristics

The disappearance of the school of thought of Sufyan al-Thawri and other Sunni sects is due to the fact that while the Sunni schools of thought were widely accepted around the world, the schools of thought of their contemporary imams disappeared over time. There are two reasons for the disappearance of these schools of thought as mentioned in books:

1. Most of these imams resided in cities that were not centers of knowledge.
2. Unfortunately, these imams did not have disciples like Imam Abu Hanifa or other imams who were able to spread their opinions, legal maxims, and fatwas around the world and compile them in an organized and systematic manner.

One of these schools of thought is that of Sufyan al-Thawri, whose legal opinions can be found in various books. However, due to the aforementioned reasons, the promotion of his school of thought was not possible.⁹ The schools of thought of Laith bin Saad, Sufyan al-Thawri, and Abu Thawr disappeared quickly because the number of their followers was very low compared to the four imams. Additionally, some schools of thought remained established for a considerable period.¹⁰

Sufyan al-Thawri (97 AH - 161 AH):

Introduction to Sufyan al-Thawri:

His name, lineage, and birth:

Abu 'Abdullah Sufyan bin Sa'id al-Thawri (may Allah be pleased with him),¹¹ and in some places, he is referred to as Abu 'Abdullah Sufyan bin Sa'id bin Mus'ruq al-Thawri al-Kufi. His affiliation was with Thawr Hamedan or according to some sources, he was from Thawr Madar. Sufyan was born and raised in the city of Kufa at "Maqam Al-Athir". Some sources state that

he was born in Khurasan and later moved to Kufa. According to some scholars, the ¹² claim that his lineage is from Thawr Hamedan is not entirely accurate. ¹³ While his birth year is commonly reported to be 95 AH or 96 AH, the most accepted opinion among scholars is that he was born in 97 AH. ¹⁴

Teachers:

It is noted that Hazrat Sufyan received his primary education from his father and in addition to that, he studied under six other prominent scholars, namely Zabid bin Harith, Habib bin Abi Thabit, Aswad bin Qais, Ziyad bin 'Alaqa, and Maharrab bin Dithar. Moreover, their names are ¹⁵ mentioned in numerous books of translation. ¹⁶

Regarding the ethics, beliefs, and scholarly status of Imam Sufyan, he was a renowned scholar of the second century AH and a contemporary of Imam Abu Hanifa. He was known for his piety and asceticism, and it was said that he was among the earliest Sufis of Islam. His entire life was devoted to austerity, worship, and struggle, and his nature was characterized by great humility and submission. Some of the ¹⁷ incidents related to his Sufi life have been recorded by Sheikh Fariduddin Attar in his book "Tazkirat al-Awliya." ¹⁸

Imam Sufyan did not have any official position, and he disliked attending the gatherings of rulers and officials. The reason for his frequent travels was to avoid such gatherings and to acquire knowledge of Hadith. He became famous for his ¹⁹ expertise in Hadith and was given the title "Amir al-Mu'minin fi al-Hadith" by a group of scholars.

As mentioned in Halat-ul-Awliya and Tabaqat-ul-Asfiya:

Narrated to us Sulaiman bin Ahmed, narrated to us Abdullah bin Ahmed bin Hanbal, narrated to me Amr bin

Muhammad al-Naqid, and he narrated to us Ibrahim bin Abdullah, who narrated to us Muhammad bin Ishaq. He said: I heard Muhammad bin Abdul-Malik bin Zanjawayh and Abubakr bin Khilaf saying: "Yaquub bin Ishaq al-Hadrami narrated to us that Shu'ba said: 'Sufyan al-Thawri is the Amir-ul-Momineen in Hadith.'" ²⁰

Sufyan al-Thawri was not only a memorizer of Hadith but also a diligent scholar of jurisprudence. However, people consider him as a scholar of Hadith, partly because he lived during the time of Imam Abu Hanifa, and there were some differences between them. Imam Abu Hanifa used analogy (qiyas) in his legal reasoning, while Sufyan al-Thawri disliked using analogy as a basis for argumentation.

What is meant when Ahl-e-Hadith is mentioned as a jurisprudential sect?

In some books, various religious schools of thought are mentioned in the context of jurisprudence, and among them, Ahl-e-Hadith is mentioned as a constant jurisprudential sect. Therefore, it is understood that some well-known hadith scholars established a separate foundation for the jurisprudential sect, including Imam Dawood al-Zahiri and Imam Ishaq bin Rahwayh, as well as the narrators of the six authentic hadith collections and others who attribute the issues of jurisprudence to the four Imams. However, in most issues, they hold their own position based on their understanding of hadith. The scholars who have their own opinions have their own circle of followers, so it is not correct to say that hadith scholars were also mujtahids in the sense of the famous meaning. This is because when expressing their opinions on jurisprudence, the four Imams and hadith scholars are mentioned separately. Ahl-e-Hadith is used for these narrators who have adopted a constant style for their opinions, instead of Shafi'i, Hanbali, and Maliki.

In the books of the disagreements of the noble Imams, the Ahl-e-Hadith (people of Hadith) are mentioned separately, excluding the Hanafis, and it is said that the title of Ahl-e-Hadith belongs to the remaining three Imams, which is not correct because sometimes the position of the Muhaddithin (Hadith scholars) is against these three Imams. For example, after all the Imams have stated their own separate methodology, the Imam of the Ahl-e-Hadith is mentioned separately in terms of methodology, which makes it clear that the Ahl-e-Hadith are a group in addition to the four Imams. To express this point of view, the book "Al-Ittijah Al-Fiqhiyah Inda Ashab Al-Hadith Fi Al-Qarn Al-Thalith Al-Hijri" by Dr. Abdul Majid Mahmoud is an excellent book on this topic. In this book, the author mentions this fact, so the Ahl-e-Hadith are mentioned separately from the four Imams in the case of legal disputes. In this book, it is written in one place that "the jurists who have mentioned the differences between legal schools and scholars, they are Imams of the Mujtahids, such as Imam Malik, Imam Thawri, and Imam Awza'i, after mentioning them, they mention the Ahl-e-Hadith separately with reference to their school of thought." Imam Thawri also had his own fixed position in legal opinions, but he was also counted among the Ahl-e-Hadith, and he disliked using analogical reasoning. Ahl-e-Hadith is the title given to those whom we commonly refer to as Muhaddithin, whether their affiliation is with any legal school or not.²¹

Imam Sahib's beliefs: If we talk about their beliefs, they considered the attributes of Allah as specific to Allah alone and took their literal meanings. According to him, the components of faith are belief, action, and intention. He believed that the Holy Quran was not created and that faith

can increase or decrease. In terms of beliefs, he considered Hazrat Abu Bakr and Hazrat Umar (may Allah be pleased with them) to be superior to Hazrat Ali (may Allah be pleased with him). It is essential to have faith in destiny and fate, and obedience to the ruler is necessary for every person, whether just or unjust. Besides these, there are other beliefs as well, which we have not mentioned here. All of their beliefs are in accordance with the beliefs of Ahl-e-Sunnat, but they were inclined towards Shia at some point, but later they reverted back. Some also consider them to be Zaidi.²²

Books written:

His works include "Al-Jami Al-Kabeer", "Al-Jami Al-Sagheer", "Kitab al-Fara'id", "Kitab Risalah al-Ilal Abadat ibn Abad al-Arsufi", and "Kitab Risalah".²³

Special Characteristics of Islamic Jurisprudence:

If we take a closer look at the jurisprudential issues, it can be observed that there are differences in the viewpoints of various scholars on these issues in different places, while at some places there is consensus among them. It is impossible to cover all the jurisprudential issues in this article, but I have selected some issues which are as follows:

The first issue is about the obligations of Wudu (ablution):

In this issue, the position of Imam Sufyan is the same as that of other scholars. According to him, there are four obligations of Wudu and their evidence is the verse of the Holy Quran:

"O you who have believed, when you rise to [perform] prayer, wash your faces and your forearms to the elbows and wipe over your heads and wash your feet to the ankles." [Quran 5:6]²⁴

And the narrations of the Prophet (PBUH) which are transmitted from his companions on this issue. All scholars agree that there are four obligations of Wudu.

In this matter, Imam Thawri and all the imams hold the same position.²⁵

The Second Issue:

The second issue pertains to the ruling on laughing out loud during prayers. According to Imam Thawri and all the other Imams, performing ablution (wudu) is obligatory if one laughs out loud during prayer. However, for Imam Abu Hanifa, laughter during prayer invalidates the wudu and it becomes necessary to perform ablution again. This is based on the following hadith of Abu Al-Ala'ia: "The Prophet was once praying when a blind man stumbled into a well and people laughed. The Prophet ordered those who laughed to repeat their ablution and prayer." The Hanafi school of thought also mentions in the Fatawa Hindiya that laughing in a manner that is audible to others is called "qahqaha" and if one laughs in this manner, whether intentionally or unintentionally, during prayer, both the prayer and wudu are invalidated. However, only the prayer becomes invalid if one laughs during prayer without producing any sound. Moreover, laughing during prayer invalidates tayammum (dry ablution) just as it invalidates wudu. On the contrary, according to the Shafi'i, Maliki, and Hanbali schools of thought, laughing out loud during prayer does not invalidate the wudu. They do not consider it to be a hadath.²⁶

The third issue:

The third issue regarding fasting is using a miswak (tooth stick) for the fasting person. According to Imam Thawri, there is no harm in using a miswak for a fasting

person, whether it is wet or dry. This is narrated from Thawri, Mujahid, and Laith in the book "Al-Musannaf". It is a recommended practice (sunnah) for Hanafi and Shafi'i schools of thought to use a miswak for the fasting person, whether it is wet or dry. However, according to the Maliki school of thought, if a fasting person uses a wet miswak during the obligatory fast and feels its taste in their throat, then their fast will be invalidated. But if it is a voluntary (nafl) fast, then it will not be considered invalid. According to the Hanbali school of thought, there is no harm in using a miswak for the fasting person.²⁷

The fourth issue regarding the use of kohl for a fasting person:

According to Imam Thauri, using kohl is Makrooh for a fasting person, and they cite Ibn Masood's Hadith as evidence: "Fasting is a shield, and it is not permissible to cause harm or engage in foul language while fasting." Imam Abu Hanifa and Imam Shafi'i believe that applying kohl does not break the fast, and their evidence is the following blessed Hadith: "It has been narrated from the Prophet that he applied kohl during Ramadan while he was fasting." According to Maliki school of thought, if the kohl reaches the inside of the eyes and has an effect or taste in the throat of the fasting person, then their fast will be broken. However, according to Hanbali school of thought, if the kohl reaches the throat of the fasting person, then their fast will be broken, and if it does not reach, then it will not break their fast.²⁸

The fifth issue is about the obligation of a wife to pay her own Zakat al-Fitr.

According to Imam Thawri, it is not obligatory for the husband to pay Zakat al-Fitr on behalf of his wife. Imam Abu Hanifa agrees with this issue and says that

it is obligatory for the wife to pay Zakat al-Fitr herself. He uses the saying of Prophet Muhammad ﷺ as evidence for this, "Zakat al-Fitr is compulsory on every Muslim, male or female."²⁹

There is a difference of opinion among scholars regarding this issue. According to Imam Shafi'i, Imam Malik, and Imam Ahmad, it is obligatory for the husband to pay the wife's Zakat al-Fitr because marriage creates a financial responsibility for the husband, just as it creates a financial obligation for him to provide for her other needs.³⁰

The sixth issue is about the number of rak'at (units of prayer) in Witr prayer:

According to Imam Thawri, the number of rak'at in Witr prayer is three, five, seven, nine, or eleven. The evidence for this is your blessed hadith, "Witr is a right upon every Muslim, so whoever wishes to perform Witr with five [rak'at], then let him do so, and whoever wishes to perform Witr with three [rak'at], then let him do so, and whoever wishes to perform Witr with one [rak'at], then let him do so."

According to Imam Abu Hanifa, three rak'at of Witr are obligatory, just like Maghrib prayer, and should be performed with one salam.

According to Imam Shafi'i, the minimum number of rak'at in Witr is one, and the most common number is eleven, although thirteen is also mentioned.

We derive evidence from the narration of Imam Sahib Hazrat Aisha (may Allah be pleased with her) that the Prophet (peace be upon him) never exceeded eleven rak'ahs during Ramadan or any other month.³¹

The followers of Imam Malik consider three rak'at of Witr as recommended, and those three rak'at should be separated by a salam. They argue

from the tradition of Hazrat Aisha (may Allah be pleased with her) that she was asked how many rak'at of Witr the Prophet (peace be upon him) used to perform, and she replied, "He used to perform Witr with four [rak'at], three, six, three, eight, three, ten, three, and he would not perform Witr with less than seven or more than thirteen rak'at."³²

Seventeenth Issue regarding the impurity of a dead human body:

According to Imam Thawri, every living being that has blood inside it becomes impure upon death. Similarly, if a human being dies inside a well, regardless of whether he was a Muslim or a disbeliever, the entire well water must be drained out. This is similar to how if a mouse falls into a jar of oil, the oil is discarded.

However, most scholars have disagreed with Imam Thawri's opinion, using Allah's statement as evidence:

"And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference." (Quran 17:70)³³

Therefore, human beings do not become impure due to death, regardless of whether they are Muslims or not. The impurity of a human being is based on their beliefs, as stated in the Quran:

"O you who have believed, indeed the polytheists are unclean, so let them not approach al-Masjid al-Haram after this, their [final] year. And if you fear privation, Allah will enrich you from His bounty if He wills. Indeed, Allah is Knowing and Wise." (Quran 9:28)³⁴

Imam Shafi'i also agrees with Imam Thawri on this issue, but the majority of scholars are in consensus on the ruling that a dead human body does not make anything impure.³⁵

The eighth issue pertains to the ruling regarding shortening the prayer. If water is available but there is only enough time to obtain it and there is a fear of missing the prayer, according to Imam Thawri, it is permissible to perform Tayammum (dry ablution) instead of using water. However, there is disagreement among the scholars regarding this matter, and some do not consider it permissible to perform Tayammum when water is available. Imam Abu Hanifa, however, agreed with Imam Thawri in the matter of funeral prayer that if someone is occupied with obtaining water and there is a fear of missing the funeral prayer, then it is permissible to perform Tayammum in such a situation.³⁶

¹ Sheikh Muhammad Khadiri Bek, History of Islamic Jurisprudence, p. 97

² Dr. Ahmad Hassan, Makatib Fiqh during the Era of Taqleed, Fikr-o-Nazar, p. 737

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Conclusions:

The demise of Imam Thawri's fiqh was due to his disciples not compiling his fiqh issues and his distance from academic centers. Imam Sahib was known for using the title "Amir al-Mu'minin fi al-Hadith" for himself and had his own fiqh position. The unique feature of his fiqh issues was that he would establish his opinion according to the understanding of the hadiths. His views often contradicted those of other scholars, and he sometimes agreed with the opinions of other Imams.

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¹³ Maher Nabeel Ahmad Idris, Madhhab Sufyan al-Thawri fi al-Talaq wa al-Khul', p. 2

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¹⁵ Kamran Azam Sohderwi, Tazkirat al-Muhaddithin, Fiction House, Lahore, p. 219

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¹⁷ Yaser Jawad, Alami Encyclopedia, Al-Faisal Publishers, Lahore

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- ³³ Al-Isra:69, 70.
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