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**The viewpoint of *Imam Abu Hanifa* (may Allah have mercy on him) on the
Laws of Previous Nations(*Sharaiman qablina*)**

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Abstract

This research examines the stance of Imam Abu Hanifa (may Allah have mercy on him) on the laws of previous nations, within the framework of the interaction between Islamic law and the laws that preceded it. Abu Hanifa believed that the previous scriptures, such as the Torah and the Gospel, were part of the divine messages sent by Allah to earlier nations for their guidance. With the advent of Islamic law, these laws were abrogated, but this does not imply a complete rejection of all that was in them. Abu Hanifa tended to accept what did not conflict with Islamic law from these laws, particularly in cases related to practical rulings such as worship, transactions, and some criminal matters. The research shows how Imam Abu Hanifa recognized the importance of these laws as part of divine legislation, while also requiring that the rulings of the previous laws align with the principles of Islamic law. This position reflects the jurisprudential flexibility that characterized Abu Hanifa, as he considered that the rulings of previous laws could be beneficial in certain contexts if they aligned with the higher objectives of Islamic Shari'ah. The research also discusses the differences between the positions of various scholars on this issue. In conclusion, the paper emphasizes that Abu Hanifa's stance was based on balancing respect for the previous laws while affirming that Islamic law is the complete and final guidance to be followed.

Keywords: *Abu Hanifa, Laws of Previous Nations, Islamic Law, Heavenly Scriptures, Jurisprudential Rulings, Objectives of Shari'ah, Abrogation.*

Introduction:

Praise be to Allah, the Lord of the worlds, and peace and blessings be upon the best of His creation, Muhammad, his family, and all his companions. The issue of "the laws of previous nations" is one of the fundamental jurisprudential questions that have influenced the formation of Islamic legal thought. It addresses the relationship between the rulings

brought by previous divine laws and the extent to which they are considered part of Islamic law. Imam Abu Hanifa (may Allah have mercy on him) paid significant attention to this issue, establishing his position based on clear jurisprudential principles that contributed to shaping his legal methodology. This study aims to shed light on Imam Abu Hanifa's stance on the "laws of previous nations," analyzing the jurisprudential principles related to it and reviewing its applications in Hanafi jurisprudence.

Importance of the Topic:

Studying Imam Abu Hanifa's position on the laws of previous nations is of great importance for several reasons:

1. It helps in understanding the foundations of Islamic jurisprudence and how to deal with legal texts from previous laws.
2. It clarifies how the laws of previous nations can be utilized in contemporary jurisprudential reasoning and modern issues.

Research Problem:

The research problem revolves around answering the following questions:

- **Main Question:** What is Imam Abu Hanifa's position on the laws of previous nations, and can they be considered a legislative source in Islamic law?
- **Sub-Questions:**
 1. What evidence did Abu Hanifa rely on in adopting the principle that "the law of those before us is our law unless abrogated"?
 2. How did this principle influence jurisprudential reasoning in the Hanafi school?
 3. What are the limits of applying this principle, and in what cases can it not be relied upon?

Objectives of the Research:

1. To clarify Imam Abu Hanifa's position and its jurisprudential foundations.
2. To analyze the impact of the jurisprudential principle "the law of those before us" on Islamic legislation in the Hanafi school.
3. To compare Abu Hanifa's position with those of other scholars to highlight differences in jurisprudential reasoning.
4. To highlight the jurisprudential applications of this principle in practical rulings, such as fasting and retribution.
5. To provide a contemporary perspective on utilizing this principle in modern jurisprudential reasoning.

Previous Studies:

Several studies and research papers have addressed the topic of "the laws of previous nations" and Imam Abu Hanifa's position on the legislation of previous prophets. Some notable works include:

1. **"The Rulings of Previous Laws in Islamic Jurisprudence"** by Dr. Muhammad Said Ramadan Al-Bouti.
2. **"Previous Divine Laws and Islamic Law"** by Dr. Abdullah bin Bayyah.
3. **"The Position of Jurists on Accepting Legislation from Previous Laws"** by Dr. Ahmad bin Abdullah Al-Zahrani.
4. **"Previous Laws in the Quran and the Sunnah of the Prophet (peace be upon him)"** by Dr. Adel bin Abdullah Al-Ali.
5. **"Islamic Comparative Jurisprudence"** by Dr. Mustafa Abdul Razzaq.
6. **"Islamic Jurisprudence and Its Relationship with Previous Laws"** by Dr. Ahmad bin Ali Al-Baz.
7. **"The Law of Those Before Us and Its Impact on Islamic Jurisprudence"** by Dr. Muhammad Abdullah Daraz.

Research Methodology:

There are some studies and research related to the topic of "the laws of previous nations" and the stance of Imam Abu Hanifa, may Allah have mercy on him, regarding the legislation of the previous prophets. The following are the references for each of these studies:

Literature Review

1. **Study "The Rulings of Previous Laws in Islamic Law" by Dr. Muhammad Said Ramadan Al-Bouti**
The author discusses in this study the position of Islamic law on the rulings found in previous laws and their consideration in Islamic law, with a focus on the juristic efforts adopted by scholars like Imam Abu Hanifa, may Allah have mercy on him.
2. **Study "The Previous Divine Laws and Islamic Law" by Dr. Abdullah bin Bayyah**
This study addresses the similarities between Islamic law and previous divine laws, and examines the stance of scholars regarding the recognition of some previous rulings as part of Islamic legislation.
3. **Study "The Stance of Scholars on Accepting Legislation from Previous Laws" by Dr. Ahmed bin Abdullah Al-Zahrani**
The author discusses the opinions of the four major scholars regarding the acceptance of legislations from previous laws, with a focus on Imam Abu Hanifa's stance. The study also explores his position when rulings conflict.
4. **Article "The Previous Laws in the Quran and the Sunnah of the Prophet, peace be upon him" by Dr. Adel bin Abdullah Al-Ali**
This article discusses the influence of previous laws in the Quranic texts and the

- prophetic traditions, and how they may affect the interpretation of Islamic jurisprudence.
5. **Study "Islamic Comparative Jurisprudence" by Dr. Mustafa Abdul Razzaq**
This study examines the position of Imam Abu Hanifa, may Allah have mercy on him, in comparative jurisprudence, particularly regarding rulings that can be derived from previous laws and how they align with Islamic law.
 6. **Study "Islamic Jurisprudence and Its Relation to Previous Laws" by Dr. Ahmed bin Ali Al-Baz**
This study reviews how previous laws have impacted Islamic jurisprudence and how scholars have assimilated the rulings found in those laws.
 7. **Article "The Laws of Previous Nations and Their Impact on Islamic Jurisprudence" by Dr. Muhammad Abdullah Draz**
This article explores the impact of previous laws on Islamic jurisprudence and provides a detailed interpretation of texts referring to previous legislation and how some of them were accepted in Islamic jurisprudence.

All these articles and studies are worthy of appreciation and commendation in their own right. However, the distinctive features that have been emphasized in this research article are:

1. **Specialization and Focus:** The research on "Abu Hanifa and the Laws of Previous Nations" is more specialized and directed toward a prominent scholarly figure (Imam Abu Hanifa, may Allah have mercy on him) and his school of thought, making the study more focused.
2. **Practical Jurisprudential Perspective:** The second title focuses on the practical application of previous laws within the framework of Islamic jurisprudence, adding practical value to the research.
3. **Historical Depth:** This allows for a deeper study of Imam Abu Hanifa's thoughts within the historical and intellectual context in which he emerged, enriching the research intellectually.
4. **Enrichment of Usul al-Fiqh:** The study opens the door for a detailed examination of the principles of Hanafi jurisprudence, especially regarding the principle of "the laws of previous nations," which is a fundamental concept in Usul al-Fiqh.

Research Methodology

This research relies on the doctrinal and analytical methodology, which includes the following steps:

1. **Collecting Religious Texts:** Reviewing the Quranic verses and Hadiths related to the previous Shariah laws.
2. **Analyzing Scholars' Opinions:** Studying the statements of Imam Abu Hanifa (may Allah have mercy on him) and comparing them with the positions of other scholars.

3. **Deriving Practical Applications:** Analyzing the principle in light of the legal applications adopted by the Hanafi school of thought.
4. **Comparative Study:** Comparing Imam Abu Hanifa's (may Allah have mercy on him) stance with the views of other scholars.

Concept of "Laws of Previous Nations":

The laws of previous nations refer to the rulings and legislation brought by divine messages before Islam, such as the Torah and the Gospel. These rulings cover various aspects of legislation, including worship, transactions, and penal laws.

Imam Abu Hanifa's Position on the Laws of Previous Nations:

Imam Abu Hanifa and his followers adopted the principle that "the law of those before us is our law unless abrogated." This principle is based on Quranic and prophetic evidence, such as the verse: "**Those are the ones whom Allah has guided, so from their guidance take an example**" (Quran 6:90). This reflects the Hanafi school's view of the relationship between Islamic law and previous divine laws.

The Islamic Shari'a's Stance on the Laws of the Previous Nations

What has been established as the law of previous nations through a correct method and has been confirmed as a law for us is unanimously accepted in Islam. As for what has been abrogated by our Shari'a, it is no longer considered a law for us, as per consensus. Additionally, anything not mentioned in the Qur'an or the Sunnah is also not considered law for us, again by unanimous agreement.

This leaves a point of difference among scholars regarding what is valid from the laws of previous nations. If they were conveyed through revelation, such as the books or Sunnah, and not from their distorted scriptures, the question arises: is this law valid for us, or not?

Scholars have disagreed on the ruling regarding the implementation of previous nations' laws, and two main opinions have emerged:

1. **It is a law for us unless abrogated by our Shari'a:** This is the view adopted by some scholars, including Imam Abu Hanifa (may Allah have mercy on him).
2. **It is not a law for us at all:** This stance holds that Islamic Shari'a has abrogated all previous laws.

Imam Abu Hanifa's Stance on the Laws of the Previous Nations

The Hanafi scholars argue that the laws of previous nations are valid for us as long as they have not been abrogated and are conveyed through revelation (not through distorted scriptures). This opinion is shared by the majority of Hanafi scholars, the Malikis, and

some Shafi'i scholars. The most authentic narration from Imam Ahmad (may Allah have mercy on him) and the majority of his companions also support this view.

As for Imam Abu Hanifa (may Allah have mercy on him) himself, his position is not always stated explicitly in the texts, but it is inferred through his students like Muhammad and Abu Yusuf (may Allah have mercy on them). For instance, Muhammad ibn al-Hasan used the Qur'anic verse about the law of "qasama" (oath of innocence in a case of murder) to demonstrate the permissibility of applying laws from previous nations. Similarly, Abu Yusuf (may Allah have mercy on him) used the verse: "And We prescribed for them in it that a life for a life" to support the implementation of laws related to criminal justice, such as the punishment of Qisas (retaliation).

The famous jurist al-Sarakhsi also stated that:

1. **What is affirmed in the Qur'an as the law of previous nations is valid for us, unless abrogated.**
2. **What is transmitted by the People of the Book (Jews and Christians) or from their books is not valid for us, as there is a possibility that it may have been altered.**

Foundational Jurisprudence Behind Imam Abu Hanifa's Stance

Evidence 1: Allah (SWT) says:

"Indeed, We sent down the Torah in which was guidance and light. The Prophets who had submitted to Allah judged by it for those who were Jews, and the rabbis and scholars [judged] by what they were entrusted to [of] the Book of Allah, and they were witnesses to it." (Qur'an 5:44)

There are two points to note:

- First, it indicates that the Torah was a source of judgment for the Jewish people, and by extension, it can be considered as valid for those who followed it.
- Second, the end of the verse warns: "And whoever does not judge by what Allah has revealed – then those are the disbelievers." (Qur'an 5:44), which is a general statement, applicable to Muslims and others.

Evidence 2: Allah (SWT) says:

"Those are the ones whom Allah has guided, so follow their guidance." (Qur'an 6:90)

This refers to the Prophets of the Children of Israel, and the command for the Prophet Muhammad (PBUH) to follow their guidance means their laws are valid.

Evidence 3: Allah (SWT) also says:

"Then We inspired you, [saying], 'Follow the religion of Abraham, inclining toward truth, and he was not of the polytheists.'" (Qur'an 16:123)

This verse affirms that following the way of the Prophets, particularly Prophet Abraham (PBUH), is part of the guidance for the Muslim Ummah.

The Islamic viewpoint on the laws and teachings of previous nations is addressed through a few principles. The Prophet Muhammad ﷺ was commanded by Allah to follow certain aspects of the guidance from previous prophets, but with some exceptions. There are multiple references in the Qur'an that emphasize the need to adhere to certain laws that were established for earlier communities, as well as explanations of how those laws apply in the context of Islamic jurisprudence. These points highlight the continuation, modification, or cancellation of certain laws from the previous scriptures.

1. **Surah Al-An'am, 6:161**

"Say, 'Indeed, my Lord has guided me to a straight path, an upright religion, the religion of Abraham, the monotheist, and he was not of the polytheists.'"

This verse suggests that the Prophet Muhammad ﷺ was instructed to follow the guidance of Prophet Abraham, which implies the continuation of certain religious principles that were shared with previous prophets.

2. **Surah Ash-Shura, 42:13**

"He has decreed for you of the religion what He enjoined upon Noah and that which We have revealed to you, [O Muhammad], and what We enjoined upon Abraham, Moses, and Jesus: 'Uphold the religion and do not divide it.'"

This verse emphasizes the continuity of religious guidance, showing that the core principles of faith, such as monotheism and moral teachings, were common across previous scriptures.

3. **Surah Al-Baqarah, 2:132**

"And Abraham instructed his sons with this, and [so did] Jacob, 'O my sons, indeed Allah has chosen for you this religion, so do not die except while you are Muslims.'"

This verse highlights the concept of the monotheistic religion that was passed down through the prophets, continuing to inform the practices of the followers of Islam.

4. **Surah Al-An'am, 6:82**

"Those who believe and do not mix their belief with injustice – those will have security, and they are [rightly] guided."

This verse is used to show that the prophets, including Muhammad ﷺ, were adherents of the same basic truth, and this theme extends to the followers of Islam, encouraging them to follow this guidance.

5. **Surah Al-Ma'idah, 5:45**

"And We ordained for them therein (the Torah) that life is for life, and eye for

eye, and nose for nose, and ear for ear, and tooth for tooth, and wounds equal for equal."

This verse is often referred to when explaining the concept of **Qisas** (retribution) in Islamic law, which finds its origins in the Torah but was also affirmed in Islamic law.

6. **Surah Al-Imran, 3:83**

"Say, 'Do you seek other than Allah as a religion while He is the Lord of everything in the heavens and the earth?'"

This verse reinforces the idea of following the guidance of Allah alone, not diverging into other teachings or laws that might be part of previous scriptures.

Understanding the Islamic Jurisprudential Response

- **The Principle of Abrogation (Naskh):** Many of the earlier revelations, including the laws of the Torah and the Gospel, were abrogated or superseded by the Qur'an. While the essence of their teachings, such as monotheism and morality, remains valid, specific rulings were changed or invalidated.
- **Following Previous Prophets:** The Qur'an commands Muslims to follow the guidance of earlier prophets, such as Moses, Jesus, and Abraham, in terms of their overall message of monotheism, worship, and ethics. However, specific legalistic rulings from their times, such as corporal punishments, were either altered or replaced with more refined regulations in Islam.
- **Shariah for Preceding Nations:** Islamic scholars have different opinions on how the laws from the Torah, for example, should be applied. Some argue that what was revealed to previous nations remains valid for Muslims as long as it has not been abrogated by Islam, while others contend that Islam has fully superseded previous revelations, especially in legal matters.

Application of the Laws of Previous Nations as an Usuli Principle in Hanafi Fiqh

Imam Abu Hanifa, may Allah have mercy on him, adopted the principle that rulings found in the laws of previous nations are considered part of Islamic law unless there is clear evidence to abrogate them. This principle is supported by various texts from the Qur'an and Sunnah, including the verse: *"Those are the ones whom Allah has guided, so follow their guidance"* (Qur'an, 6:90). This principle reflects the Hanafi school's view on the relationship between Islamic law and the divine laws of previous scriptures. The topic can be analyzed from several perspectives:

1. The Usuli Foundation of the Principle:

In Hanafi jurisprudence, "the law of the previous nations" (Shari'at man qablana) is considered a valid legal principle as long as no abrogating (naskh) text exists in Islamic

law. This is based on several Qur'anic verses, such as *"Those are the ones whom Allah has guided, so follow their guidance"* (Qur'an 6:90). The Hanafi fiqh acknowledges that the laws given to previous prophets may be obligatory to follow for the Muslim Ummah if no contrary abrogating texts are found within Islamic law.

2. Application in Hanafi Fiqh:

Imam Abu Hanifa, may Allah have mercy on him, and his companions adopted the principle *"The law of the previous nations is our law unless it has been abrogated"* in a more flexible manner compared to other jurists. The Hanafi school applied this principle to specific issues, such as rulings on qisas (retribution), expiation, and covenants.

3. Fiqh Examples of Application:

a. Fasting in Previous Laws:

Fasting as an act of worship existed in previous nations, and its practice is confirmed in Islam, as seen in the verse: *"Fasting has been prescribed for you as it was prescribed for those before you"* (Qur'an, 2:183).

b. Qisas in Murder:

Islamic law adopted the same principle found in previous laws regarding retribution for murder, as stated in the Qur'an: *"We prescribed for them in it [the Torah] that a life is for a life, and an eye for an eye"* (Qur'an, 5:45).

c. Prohibition of Pork:

The prohibition of eating pork, mentioned in the Torah, is also upheld in Islamic law, as seen in the Qur'anic verse: *"Say, 'I do not find in that which was revealed to me anything prohibited for an eater to eat, unless it be a dead animal or blood spilled forth, or the flesh of swine...'"* (Qur'an, 6:145).

4. Conditions and Limitations:

- **No Abrogation:** If a ruling from a previous law is abrogated by a Qur'anic or Hadith text, it is no longer applicable.
- **No Conflict with Islamic Principles:** The ruling from previous laws must not contradict the general principles of Islamic law, such as the core values of monotheism and justice.

5. Differences with Other Schools:

The Maliki and Shafi'i schools were more cautious in applying the principle of "the law of previous nations." They required clear and explicit texts and emphasized ensuring that these laws did not conflict with Islamic principles. On the other hand, the Hanafi school gave greater flexibility in applying this principle and used it in several legal rulings.

6. Practical and Legal Significance:

This principle illustrates the openness of Hanafi jurisprudence to the legal traditions of humanity's religious heritage. It affirms the continuity between divine messages and the preservation of shared values and laws across different divine revelations. The principle of "the law of previous nations" in Hanafi jurisprudence demonstrates intellectual depth and flexibility in handling legal texts.

It represents the practical application of Imam Abu Hanifa's methodology, which relied on qiyas (analogy) and istinbat (deduction) while respecting previous texts.

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Applications of the Principle in Hanafi Jurisprudence:

1. **Fasting in Previous Laws:** Fasting as an act of worship existed in previous laws and was reaffirmed in Islam (Quran 2:183).
2. **Retribution in Homicide:** Islamic law adopted the principle of retribution from previous laws (Quran 5:45).
3. **Prohibition of Pork:** The prohibition of pork, mentioned in the Torah, was continued in Islamic law.

Conclusion:

The issue of "the laws of previous nations" represents a prominent example of Imam Abu Hanifa's contributions to Islamic jurisprudence. His position reflects a balance between respecting previous divine laws and affirming the independence of Islamic law. His stance remains a source of inspiration for jurisprudential studies seeking to understand the relationship between divine laws within the framework of Islam.

Recommendations:

1. **Expanding Research:** Further studies should be conducted on jurisprudential principles related to previous laws.
2. **Contemporary Jurisprudence:** Activating the principle of "the law of those before us" in modern jurisprudential reasoning, considering the objectives of Shari'ah.
3. **Educational Integration:** Including this principle in Islamic legal education curricula to broaden students' understanding of Shari'ah.
4. **Application to Modern Issues:** Studying how this principle can be applied to contemporary civil and social laws derived from previous divine laws.

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