

APPENDIX 1

'ABŪ ḤANĪFAH'S RESTRICTIONS UPON THE ACCEPTANCE OF ISOLATED ḤADĪTH¹

1. Isolated ḥadīth must not be contrary to the well-known, established precepts of the Ḥanafī school
2. Isolated ḥadīth must not be contrary to the general [ḥamm] or obvious [ẓāhir] meaning of Qur'ānic texts, which 'Abū Ḥanīfah regards as being definitive in terms of their general or obvious indications
3. Isolated ḥadīth must not be contrary to the well-known sunnah of the Prophet, whether that sunnah be based on words or deeds of the Prophet
4. If there are two or more contradictory isolated ḥadīth in a matter, 'Abū Ḥanīfah will give one of them priority over the others by virtue of such considerations as the transmitter of that ḥadīth having been faqīh, while the others were not
5. 'Abū Ḥanīfah will reject an isolated ḥadīth if the transmitter of it is known to have followed a practice contrary to what is embodied in the ḥadīth²
6. When two or more isolated ḥadīth agree on a matter,

¹The following stipulations are taken primarily from al-Kawtharī, pp. 36-38. Some of the details are taken also from Zakī-ad-Dīn Shaḥbān, the citations for which are given individually.

²Shaḥbān states that 'Abū Ḥanīfah held that the transmitters of such ḥadīth must have known the rulings embodied in them to have been abrogated or, for some other reason, not to have been obligatory or desirable. And, if this were not the case and the transmitter had simply refused to follow the ḥadīth willfully, 'Abū Ḥanīfah reasoned that the transmitter would not be regarded to be worthy of transmitting ḥadīth. Zakī-ad-Dīn Shaḥbān, pp. 63-65.

but one or more of them contain additional information which is not contained in the others, 'Abū Ḥanīfah will not accept that additional information, but will follow instead only that upon which all of the ḥadīth agree

7. 'Abū Ḥanīfah rejects isolated ḥadīth which pertain to matters of the nature of Cumūm al-balwā [general necessity]¹ when the rulings in those ḥadīth are unknown to the Kūfan fuqahā' or through other well-established sources of law
8. 'Abū Ḥanīfah rejects isolated ḥadīth whenever any of the Companions, who held to a practice contrary to that ḥadīth, is known to have rejected it
9. Similarly, 'Abū Ḥanīfah rejects isolated ḥadīth whenever any of the highly regarded Muslims of the early generations [as-salaf] are known to have rejected them
10. When isolated ḥadīth which stipulate the severity of accepted and well-established criminal punishments [ḥudūd] and other punitive measures [cuqūbāt] differ with each other, 'Abū Ḥanīfah follows those ḥadīth the stipulations of which are the least severe²
11. Similarly, when isolated ḥadīth which stipulate what the offenses are for which punishments are to be inflicted conflict with each other, 'Abū Ḥanīfah follows those ḥadīth which make the minimum offense greatest³
12. When two or more isolated ḥadīth conflict with each other on the same matter, 'Abū Ḥanīfah follows those ḥadīth which are supported by the largest number of āthar

¹For discussion of the concept of Cumūm al-balwā, see above, pp. 184-188.

²It might be noted that 'Abū Ḥanīfah does not regard isolated ḥadīth as being an independent source for establishing criminal punishments and punitive measures, because he regards such matters as being of the nature of Cumūm al-balwā.

³For example, 'Abū Ḥanīfah--as al-Kawtharī points out--rejects a ḥadīth which states that a thief's hand should be cut off for stealing a quarter of a piece of gold for a ḥadīth which sets the minimum at ten pieces of silver.

13. 'Abū Ḥanīfah will reject isolated ḥadīth whenever they are contrary to the Ḥamal of the Companions and Successors in any of the cities in which they settled
14. 'Abū Ḥanīfah stipulates that the transmitter of the ḥadīth must have retained the ḥadīth in perfect memory from the time he first heard it until the time he transmitted it and that the transmitter must not have had to rely upon writing the ḥadīth down in order to transmit it