Al-Nawawi's Lifetime Contributions to Shafi'i Juristic Works

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Abstract: The purpose of the article is to identify the contributions of Al-Nawawi in Islamic jurisprudence. The methods used to complete the writing are library and archive research, which involve the collection of data and its analysis in order to deduce the impact of the political situation during Al-Nawawi's lifetime and his contributions to Shafi's juristic works. The study found that in the field of jurisprudence, the quality of al-Nawawi's writing is very highly-esteemed. This study provides a comprehensive analysis of the Al-Nawawi's contributions in the pedagogic field as well as his talent in legal studies.

Key words: Al-Nawawi · Shafi'i · Jurisprudence · Pedagogy · Quality

INTRODUCTION

Al-Nawawi (631-676/1233-1277) was one of the most important Shafi'i jurists in the seventh/thirteenth century. He lived in a Muslim world which was threatened both internally and externally. Internally, there was the growth of political sectarianism intent on controlling the caliphate, while externally the Muslim world was coming under foreign attack, being threatened in the West by the Crusaders and in the East by the Mongols. In spite of this (or possibly because of this), he produced a body of juristic work of great significance. This study aims to analyse the lifetime contributions of Al-Nawawi to Syafi'i juristic works.

The Internal Struggle: The 'Abbasid caliphate, which had once been the symbol of worldwide Islamic political authority, faced both internal rebellions and invasions. In 447/1055 [1-2], the Seljuq Sunni dynasty seized power from the Buwayhid Shi'i dynasty [3-4],¹ which had controlled the 'Abbasid Caliphate between 334 and 447/946 and 1055. The rule of the Seljuqs [5-7]² is considered to have been better than that of the Buwayhids with regard to their treatment of the 'Abbasid Caliphs.

In the course of the sixth/eleventh century, the rule of the Seljuq Sultans over their Western lands weakened considerably and many of the towns and provinces of Syria and 'Iraq became secretly or openly independent of the Sultans' rule. The western lands of *dar al-Islam* were ruled by a number of different authorities, some of whom, such as the Zangi dynasty in Syria, announced their loyalty to the 'Abbasid Caliphate. Egypt, however, was ruled by the Fatimid Caliphate which was in conflict with the 'Abbasids, as neither recognized the authority of the other. Several regions of *dar al-Islam* were, furthermore, under attack from the Crusaders. The unsettled political situation within *dar al-Islam* was perhaps one of the factors which encouraged the Crusaders' invasions of Muslim territories.

The Danger of the Crusades to *Dar al-islam:* In fact, the first Crusade had begun its march into Muslim territory in 490-493/1096-1099, with the attack on Nicaea in North Western Anatolia in 490/1096 and the occupation of most of the Syrian cities, including Antaqiyah, Jerusalem, Beirut and Saydon. The Muslim counter-attack started in 520/1126, when 'Imad al-Din Zangi started to unify Islamic territories in Syria under his rule and then to repel the foreigners' threat, eventually succeeding in driving them

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out of some of the occupied territories. After his death in 541/1146, his son Nur al-Din (d.569/1173) took over. He consolidated and strengthened the domain he inherited and prepared himself for the Second Crusade of 542/1147.

In 549/1154, Nur al-Din annexed Damascus, fearing that the Crusaders might capture it [8]. He also captured some Crusader fortresses such as the fortress of Till Bashir, north of Aleppo in 549/1154 [9]. In Egypt, the Crusaders attacked some cities and almost captured Cairo in 564/1169, causing the Fatimid Caliph, al-'Adid, to send to Nur al-Din for assistance [10]. Nur al-Din took the opportunity of this request to extend his authority over Egypt and look forward to ruling it in the name of the 'Abbasid Caliphate. When the Crusaders heard of the approach of Nur al-Din's army, led by Asad al-Din al-Shirkuh (d.569/1174), they left Egypt without achieving any of their aims. The result was that when al-Shirkuh entered Cairo, he was appointed as Vizier to the Fatimid caliph, al-Adid. Al-Shirkuh annexed Egypt in 565/1170 and thus completely altered the balance of power in Syria. He was succeeded as vizier of Egypt in the name of the Fatimid Caliphate [11], by his nephew, the famous Salah al-Din al-Ayyubi, known in Europe as Saladin.

In 567/1171, being requested by Nur al-Din to terminate the Fatimid Caliphate, Salah al-Din ordered the public preachers (*khutaba*) to cease mentioning the name of the Fatimid Caliph in the Friday sermons and instead to mention the name of the 'Abbasid Caliph [12-13]. Consequently, for the first time in two centuries, Egypt became officially Sunni again; indeed, the majority of its population had never been won over to the Isma'ilism of the Fatimids. Thereafter, Egypt was ruled by the Ayyubid dynasty in the name of the 'Abbasid Caliphate.

After the death of Nur al-Din in 569/1173, Salah al-Din attempted to extend his authority over Syria and to free it from the Crusaders, particularly the city of Jerusalem which was reconquered in 583/1187. Firstly, he conquered Syria in 572/1176, then he caused all the rulers of Cilicia, Mosul and other Muslim lands to sign a truce (*hudnah*) swearing to keep peace among themselves. Later he conquered 'Iraq, with the result that there were no longer any enemies on his flanks and he could turn his attention to the Crusaders. In 575/1179, he won a great victory over them at Marj 'Uyun [14].

He subsequently conquered many Crusader cities. It is noteworthy that Salah al-Din treated the defeated Crusaders humanely and granted many of them safe conducts (*aman*) [15]. Salah al-Din's magnanimous treatment of the Crusaders permitted many Christians in possession of *aman* to gather in Sur (Tyre) where they

again became very powerful and dangerous to the Muslim community [16]. Besides granting safe conduct guarantees (*aman*), Salah al-Din entered into a three years' truce (*hudnah*) with the Crusaders, made in 588/1192 with Richard I "the Lion-heart" of England, permitting Christians to visit Jerusalem [17].

Salah al-Din died in 589/1193, whereupon the succession problem reignited the threat of internal fighting. His brother, Sayf al-Din, managed to halt the attacks of the Sixth Crusade, but after his death the Crusaders did obtain some temporary success in their attack on Egypt, managing to occupy Dimyat in 616/1219 [18]. Although al-Kamil, the son of al-'Adil, defeated them, the internal disputes between the Ayyubids led to their weakness and finally to the reoccupation of Jerusalem by the Crusaders in 626/1229. The Muslims managed to recapture Jerusalem in 637/1240, during the reign of Najm al-Din Ayyub, who also defeated the Crusaders in 647/1249 when they attacked Egypt [19].

The Age of the Mamluks[3] (648-922/1250-1517): The Mamluk Sultanate was one of the most important Muslim empires in the later Middle Ages. Al-Nawawi's life coincided with its early years. After the death of the Ayyubid Sultan, al-Malik al-Salih Najm al-Din Ayyub, the Mamluks began from 648/1250, to dominate the political scene in the Islamic world.

The foreign threat, which had continued for two centuries during the Ayyubid period, also continued during the Mamluk era, but this time the threat came from the east as well as the west. The Mongols entered Baghdad and ended the 'Abbasid rule in 656/1258 and their armies continued their march westwards, taking Aleppo and Damascus. They then marched towards Egypt, but the Mamluks, under the leadership of Sultan Qutuz[4] and his army leader al-Zahir Baybars, succeeded in defeating them and halting their march towards Syria at 'Ayn Jalut in 658/1260. Sultan Qutuz, however, was assassinated by his army leader Baybars after he failed to keep his promise to appoint him Governor of Aleppo if he defeated the Mongols [19]. Baybars proclaimed himself Sultan and strengthened his position by acknowledging the authority of and pledging support to al-Mustansir bi-Allah Ahmad ibn al-Imam al-Ûahir as the Caliph, thus reviving the Abbasid Caliphate and making allegiance to the new Caliph. Baybars consolidated his rule and continued to fight the external threat on two fronts; the Mongol on the eastern front and the Crusaders on the western front, where he succeeded in winning back much territory, including 'Akka, Sur, Sidon, Tripoli and

Ladhuqiyyah. He died in 676/1277, when he was succeeded by Sayf Qalawun, who continued the fight back and arrest the Mongol march on Aleppo in 679/1280 and 680/1281 [20].

Thus, al-Nawawi's time in the seventh/thirteenth century and the years before were characterized by continuous warfare and political unrest.

Brief biography of al-Nawawi: According to Haddad [21], al-Nawawi's full name was Muhyi al-Din Abu Zakarriya Yahya b. Sharaf b. Muri b. Hasan Husayn b. Muhammad b. Hizam al-Huzami al-Iuwrani al-Dimashqi al-Shafi'i. He was known as al-Nawawi. His 'surname' (*laqab*) was Muhy al-Din and his *kunyah* Abu Zakariyya. He was born in Muharram of 631/1233,[5] in Nawa, a small village situated in the Hawran district of south Damascus. He was called al-Nawawi after the village where he was born, grew up, died and was buried. He was also called Hazami, after his ancestor, Hazam al-Nawawi. He was sometimes called *al-Dimashqi* because he spent around twenty seven years in Damascus. Also, he was known as al-Shafi'i because he followed the Shafi'i *madhhab*.

There is little in the sources about al-Nawawi's family. This may be because no one from Nawawi's family was known as a scholar or governor. As a result, we have only the little information about Nawawi's family mentioned by his student Ibn al-'Attar (d. 724/1324),[6] who did not, however mention that any member of his family was famed for exceptional knowledge or a high social status [22]. Nevertheless, through al-Nawawi, his village came to be known throughout the Islamic world. His father, we are told, was a devout Muslim who worked as a farmer on his own land and used to provide his son with all his needs from the produce of that land [23]. There is, however, no information about other members of the family, apart from al-Yunini's (d. 726/1325) statement that al-Nawawi had other brothers, who lived some time after his death and the death of his father [24-25].

Al-Nawawi's abilities attracted his father at an early age and, when he was seven, his father took him to the Quranic teacher in their village so that he might learn the *Qur'an.* Al-Nawawi loved this learning, becoming engrossed in it and refusing to participate in anything that would distract him from its pursuit, such as playing with his friends [26]. Yunini said of him, " He recites the *Qur'an* and does *dhikr* regularly, avoiding the luxuries of this world and looking for the hereafter since his early days" [27]. This was how he spent his life in his village until he reached his eighteenth birthday [28]. Some writers also mentioned that he used to help his father with his

shop, as well as continuing his learning with some of the local religious leaders and memorizing of the whole *Qur'an* while he was still a youth [27-29]. He died unmarried in his father's house in Nawa on Wednesday 24th Rajab 676/22 Dec. 1277 [30].

As mentioned earlier, al-Nawawi spent six years studying before he started writing books. He wrote primarily on Islamic jurisprudence [31-44],[7] *hadith* and its sciences [45],[8] Islamic pedagogy (*tarbawiyyah*) [46],[9] biographies and a lexicography (*al-tarjamah wa al-lughah*) [47].[10] According to al-Haddad, there are also many other books claimed by Nawawi's biographers [48][11] to have been written by him but which have not survived [49-52].[12]

CONCLUSION

In the field of jurisprudence, the quality of al-Nawawi's writing is very highly-esteemed. Three of his works show his proficiency in the pedagogic field as well as his talent in legal studies. The first of these works is *Rawdat al-Talibin.* Al-Nawawi took about two and half years to compile this 18 volume work, between 20 Ramadan 666/1267 and 15 Rabi' al-Awwal 669/1270. It was apparently intended for students who had progressed a little further beyond the initial stages. In his Introduction, al-Nawawi states that the book stands in midway way between summary and commentary (*asluk fih insha' Allah tariqat mutawassitat bayn al-mubalaghat fi al-ikhtisar wa al-idah*). The author emphasizes the different views within the Shafi'i *madhhab* and discusses each issue by adducing the proofs and arguments that bear on the subject. As a result, by following this juristic educational programme, a student would be enabled to gradually increase his legal knowledge and be encouraged to pursue his reasoning further.

The second book is *Minhaj al-Talibin* which completed on 19 Ramadan 669/1270 in a single volume. It is a summary (*mukhtasar*) of *al-Muharrar* of Abu al-Qasim al-Rafi'i (d. 623/1226) and generally followed al-Rafi'i with regard to the order of the topics dealt with. It was compiled to enable the students, especially beginners, to memorize the text more quickly. The book avoids critique and based on the single view of Shafi'i. It cites the different views within Shafi'i juristic tradition, but abstains from adducing proofs and arguments [50].

The greatest book of al-Nawawi, however, is his third book in this series, *Majmu',* which contains 18 volumes. It is a commentary on the *Muhadhdhab* of Abu Ishaq Ibrahim b. 'Ali al-Shirazi (d. 476/1083). The date of its

compilation is not known precisely. However, it may be assumed that it was written at the end of his life because he only completed this work as far as the chapter of *riba*, in the ninth volume, before he died in 676/1277. His work was continued by other scholars after him, such as al-Taqi 'Ali b. 'Abd al-Kafi al-Subki (d. 756/1355) and al-Shihab Ahmad b. Lu'lu' b. al-Naqib (d.769/1367) [51-53].

Al-Majmu' is, in fact the most famous and most comprehensive commentary on the *Muhadhdhab*, containing hundreds of disputed issues in Shafi'i and non-Shafi'i *fiqh*. Al-Nawawi himself, in his introduction to the *Majmu'*, hopes that this book will come to be regarded as the most comprehensive work on Shafi'i *madhdhab*.[13] The general method applied by al-Nawawi is first to quote a particular text, which is placed as a heading above the discussion of a particular issue. This quotation is immediately followed by an explanation of the explicit and implicit meaning of the text. Then follows the juristic view and, if there is more than one, he commences with the one which seems to him the most likely, followed by the reportage of other views. This process often ends with emphasizing his preferred view and supporting it with evidence. The value of *al-Majmu'* is enhanced by the fact that it contains, in addition to the above, his own individual, chosen views and arguments. His most commonly-used phrase is *"qultu"* which means "in my view" and he ends with the phrase *wa Allah a'lam*, which means "only God knows".

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[1] The Buwayhids, or Buyids, ruled between 320/932 and 454/1062. They first achieved fame while they were in the armies of Mardawij b. Ziyar (315-323/927-935), the founder of the Ziyarid dynasty (315 - ca. 1090), who emigrated from his homeland in Daylam. The founder of the Buwayhid dynasty was 'Imad al-Dawlah 'Ali (322-338/934-949) who seized Isfahan and the whole of Fars. His brother, Ahmad entered Baghdad in 334/945 and installed there a Shi'ite tutelage over the 'Abbasid Caliphate which endured for 110 years.

[2] The Seljuqs were a clan of Turks who became Muslims during the last decades of the tenth century. They took Khurasan from the Ghaznavids. In 429/1038 Toghril (429-455/1039-1072) proclaimed himself Sultan of Nishapur. He began to associate with the 'Abbasid caliphs in order to free them from Shi'ite Buwayhid tutelage. In 447/1055, Toghril entered Baghdad and the Caliph confirmed his title as Sultan. Hence he founded the Seljuq dynasty which lasted from 429-590/1038-1194 in 'Iraq and Persia. For more information about the Seljuqs.

[3] The Mamluk Sultanate is the regime established and maintained by the Mamluks in Egypt 648/1250 to 922/1517 and Syria 658/1260 to 922/1516. The word mamluk itself means 'thing possessed' hence 'slave', especially used in various parts of the Islamic world, with the exception of those under the Mamluk Sultanate.

[4] His full name is al-Malik Sayf al-Din al-Qutuz (d.658/1260)

[5] Historians agree that al-Nawawi was born in Muharram 631/1233, but the exact date is not known. Yafi'i (d.778/1376), Sakhawi (d. 902/1496), and Suyuti (d.911/1505), mention the second decade of Muharram, but al-Asnawi (d.772/1372) gives the first decade as the date of his birth. The former date seems to be more acceptable because it derives from the biography of al-Nawawi written by his student Ibn al-'Attar and because Ibn al-'Attar's biography depends on al-Nawawi's own account.

[6] His full name is 'Ala' al-Din 'Ali b. Ibrahim b. Dawud b. Sulayman Abu al-Hasan al-'Attar al-Shafi'i (654-724/1256-1324).

[7] They may be listed as follows.

1. Minhaj al-Talibin. This book is published in a single volume in the method of literary text (matn). It is a summary (mukhtasar) on the al-Muharrar of Abi al-Qasim al-Rafi'i (d. 623/1226). The book of Muharrar is a summary on al-Wajiz, then al-Wajiz is a summary on al-Wasit, then al-Wasit is a summary on al-Basit - all of al-Ghazali (d. 505/1111). Then al-Basit is a summary on al-Nihayah of al-Haramayn (d.478/1085), and finally al-Nihayah is a summary of al-Umm of al-Shafi'i (d.204/806). It is regarded as a primary source in this thesis. On the other hand the Minhaj itself was commented on by many authors like ;

    I. Al-Bahr al-Mawwaj (4 volumes) by Shaykh Muhammad 'Uthman b. Ali al-Abbar (d. 871)

    ii. Tuhfat al-Muhtaj (4 volumes) by Abu al-Fadl Ahmad b. 'Ali b. Hajr al-Makki (d. 974)

    iii. Mughni al-Muhtaj (6 volumes) by Shams al-Din Muhammad b. Ahmad al-Khatib al-Sharbini (d. 977)

    iv. Nihayah al-Muhtaj (4 volumes) Shams al-Din al-'Allamah Muhammad b. Ahmad b. Hamzah al-Ramli (d. 1004).

2. Rawdat al-Talibin. This book was published in XII volumes. It was commented on by many scholars like;

I.   Al-Tawassut wa al-Fath bayna al-Kabir wa al-Raw?ah (10 volumes) by Shihab al-Din Ahmad b. Hamdan al-Adhra'i (d. 873)

ii. Khadim al-Sharh al-Kabir wa al-Raw?ah (14 volumes) by al-Badr al-Zarkashi Abi Abd Allah b, al-Bahadur (d. 794)

iii. Al-Jam' bayna al-Tawassut li al-Adhra'i (16 volumes) by Ahmad b. 'Abd Allah al-Misri (d. 838) .

3. Al-Usul wa al-Dawabi. This book was published in a single volume. Lastly printed by Dar al-Basha`ir al-Islamiyyah in 1986, edited by Muhammad Hassan Hitu. The discussion in this book mainly concentrates on business transactions.

4. Al-Tahqiq. This book was published in single volume and mainly concentrate to the topics which ware not discussed in his Raw?ah.

5. Al-Idah fi al-Manasik. This book is about performing pilgrimage (al-hajj wa al'umrah). It was published in single volume, printed in many times, lastly in 1985, by Dar al-Kitab al-'Ilmiyyah, Beirut. This book was commented by 'Ali b. 'Abd Allah al-Husni (d. A.H 911).

6. Daqa'iq al-Minhaj. This book is a commentary to Kitab al-Muharrar written by al-Rafi'i (d. 624/1226). It also discussed comparatively about the expressions (alfaz) between Kitab al-Muharrar and Daqa`iq al-Minhaj.

7. Al-Fatawa. This book was published in a single volume. Lastly printed by Dar al-Basha`ir al-Islamiyyah in 1989.

8. Al-Majmu' fi sharh al-Muhadhdhab. This book was published in18 volumes in Cairo. It is a commentary on the Muhadhdhab of Abu Ishaq Ibrahim b. 'Ali al-Shirazi (d. 476/1083).

[8] They may be listed as follows.
  1. Al-Talkhis Sharh al-Bukhari
  2. Al-Minhaj fi Sharh Íahih Muslim b. al-Hujjaj
  3. Al-Isharat ila Bayan al-Asma' al-Mubhamat
  4. Al-Irshad wa al-Taqrib
  5. Irshad Tullab al-Haqa'iq ila Ma'rifat Sunan khayr al-Khala'iq
  6. Al-Taqrib wa al-Taysir fi Ma'rifat Sunan al-Basha'r al-Nadhir
  7. Al-Arba'in al-Nawawiyyah

[9] They may be listed as follows.
  1. Al-Adhkar
  2. Al-Tibyan fi Adab Hamlat al-Qur'an
  3. Bustan al-'Arifin
  4. Al-Tarkhis bi al-Qiyam
  5. Hizb Ad'iyyat wa Adhkar

[10] They may be listed as follows.
  1. Muntakhab Tabaqat al-Shafi'iyyah
  2. Tahdhib al-Asma' wa al-Lughat
  3. Tahrir al-Tanbih

[11] Such as al-Sakhawi, al-Sayuti, and Ibn Qadi Shuhbah.

[12] The may be listed as follows.
  1. Ibtida' al-Tarikh fi al-Islam wa Manaqib al-Shafi'i wa al-Bukhari.
  2. Ajwibah 'an Ahadith Su'ila 'anha.
  3. Qit'at min al-Ahkam.
  4. Al-Isyarat ila ma waqa'a fi al-Rawdat min al-Asma' wa al-Ma'ani wa al-Lughat
  5. Adab al-Mufti wa al-Mustafti.
  6. Al-Ijaz fi al-Manasik.
  7. Tuhfat Tullab al-Fada'il.
  8. Jami' al-Sunnah.
  9. Al-'Umdat fi Tashih al-Tanbih.
  10. Mukhtasar Qismat al-Ghana'im and many more.

[13] See the Intoduction of al-Nawawi's Majmu' for further details.

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9. Ibn al-Athir, 'Iz al-Din Abi al-Hasan, 1966. *al-Kamil fi al-Tarikh*, Beirut. XI: 199.

10. Ibn al-Athir, 'Iz al-Din Abi al-Hasan, 1966. *al-Kamil fi al-Tarikh*, Beirut. XI: 336.

11. Ibn al-Athir, 'Iz al-Din Abi al-Hasan, 1966. *al-Kamil fi al-Tarikh*, Beirut, XI: 335-344.

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