THE CONCEPT OF SUFI FIQH IN THE BOOKS
OF AL-HAKIM AT-TIRMIDHI

Abstract. The article discusses the historical conditions for the emergence of the concept of Sufi fiqh. Based on the sources, an explanation is given about features and differences this concept has. The first person to discuss this topic was al-Hakim at-Tirmidhi who wrote several works that became the basis of this concept.

Keywords: sufi fiqh, al-Hakim at-Tirmidhi, hikma approach, Maqasid ash-Sharia, God’s commandments.

The initial examples of structured ideas about the sufi fiqh in Mawarannahr (Transoxiana) can be seen in the books of al-Hakim at-Tirmidhi (d. in 932). Al-Hakim at-Tirmidhi had a unique approach towards the main sources of Islamic jurisprudence – the Qur’an and Hadiths, where he called it “hikmah”. By hikmah, at-Tirmidhi means the inner and invisible aspects of issues. He even interpreted the word “the hikma” in the verse of: “…and (who will) teach them the Book (Qur’an) and hikmah (wisdom) and purify them..” (Baqarah, 129) as the inner aspect and invisible meanings of the Qur’an [1:139]. It should be noted, that most of scholars interpreted the word “hikmah” in this verse as “hadith”. While interpreting some verses, al-Hakim at-Tirmidhi used to mention that their apparent meanings are different from the hidden ones. For instance, the author said in his book “Nawadir al-usul” when interpreting the phrase وقوموا لله قنتين (..stand for Allah with obedience..) in the verse 238 of surah Baqarah: “Mujahid said that “qunout” is to be humble and to bow with modesty, Ibn Abbas said “qunout” means to obey”. Here, Mujahid dived into the deep meanings of this word. What Ibn Abbas said was a direct interpretation (dhahir at-tafsir), while Mujahid's one its hidden meanings...
The Hanafi practice was prevalent within the region at the time of al-Hakim at-Tirmidhi. Abu Bakr al-Vaiz al-Balkhi (d.13th cent.) in *Fazail al-Balkh* stressed out that, all cadis and u’lama’, during the reign of the Abbasids, were the disciples of either Abu Hanifa or his disciples Shaibani, Abu Yusuf, and Zufar [3:56]. Al-Hakim at-Tirmidhi was representative of *ahl ar-ra’y* i.e Hanafi school of law and his approach to hadiths is completely was different from the traditionally practiced methods by *ahl al-hadith*. To be specific, al-Hakim al-Tirmidhi, lived in the region from which the most prominent members of *ahl al-hadith* such as Imam al-Bukhari, Imam Muslim, Imam Abu Isa at-Tirmidhi, Abu Dawud, Imam an-Nasai had their origin and were almost contemporary with him, in spite of this very issue, he did not narrate a hadith from any of these collections. He offered an idea in “Nawadir al-usul” to sort the hadiths as a substitute to the method used by *ahl al-hadith*. In this idea, he reiterated that criticizing the *isnad* (chain of narrators) is not the first priority. Al-Hakim at-Tirmidhi paid his major attention to the status of hadith that it fits the divine wisdom rather than its status of being authentic. Although the most outstanding members of *ahl al-hadith* school had emanated from this region, the position of *ahl ar-ra’y* was much higher there. This can be understood as the result of successful efforts of hanafi scholars.

Because of unique attitude towards the Qur’an verses and hadiths, the issue of hikmah played a central role in al-Hakim at-Tirmidhi’s thoughts in Islamic law.

As a result, he criticised the method of *qiyas* in the legal school of *ahl ar-ra’y* though he resembled one of them. Nevertheless, he mentioned the appropriate *qiyas* as one of the most reliable ways to the correct *sharia* rulings.

At-Tirmidhi states that a real *qiyas* should include the inner aspects and features of a legal motherland the decisions made in this method should be given priority over the ones made in the structural comparison – *mushaakalah*. This is why an Islamic lawyer (*faqih*) needs to be well aware of the invisible aspects of a matter. A *faqih* can understand and recognize the essence of the divine rulings and the divine wisdom behind them only when he can use the above-mentioned method [4:259]. This means that according to al-Hakim at-Tirmidhi, the real *qiyas* is comparing
fractional matters to the basics by taking the inner essences of these matters into account. With his opinions of this kind, al-Hakim at-Tirmidhi sees the reconsideration of the Islamic jurisprudence based on the “ilm al-batin” (knowledge in inner aspects) point of view and claims that the society can be reformed if this reconsideration is done.

Like at-Tirmidhi, the famous faqih scholar of Hanafi school Abu Zayd Ad-Dabusi (d. in 1039) also pointed that fiqh and qiyas cover the inner sides and meanings of issues.

Al-Hakim at-Tirmidhi’s ideas had a significant impact on the scholars of later ages. His influence and hikma approach towards the Islamic law and the sharia rulings can be seen in the works of Abu Talib Makki, Imam Ghazali, Imam Qastalaani and other famous scholars. Their followers also stepped the same path. Even today, the imitative ideas of Sufi Fiqh can be found in the books of some current scholars of Al-Azhar. Due to his views, the term "Sufi Fiqh" (mystical jurisprudence) is now used in the works of Islamic scholars. In particular, the former Grand Mufti of Egypt, Sheikh Ali Juma, in his lectures distinguished between apparent jurisprudence and mystical jurisprudence. Sufi fiqh, in turn, has shown that it is different from inner fiqh. He also noted that Al-Hakim at-Tirmidhi was one of the first in his time to scientifically substantiate this issue. For example, "ablution" is the purification of certain organs in jurisprudence, and from the point of view of Sufi jurisprudence, it begins with the purification of sins. Ali Juma also gave lectures on subject "Sufi Fiqh" at the Higher School of Islamic and Arabic Studies and Sufism in Cairo [5:50-58].

Sufi approach to Islamic jurisprudence brought al-Hakim at-Tirmidhi to investigate on Maqasid.

The term ‘Maqasid’ was not used in the writings of fuqaha until 300 years after the death of the Prophet Muhammad (pbuh). The initial examples of ideas about the Maqasid ash-Sharia in Mawarannahr (Transoxiana) can be seen in the books of al-Hakim at-Tirmidhi. He was the earliest Muslim scholar to discuss in details this item behind the teachings in Islamic Law [6:14].

The concept of Maqasid ash-Shari‘ah, laid down by al-Hakim at-Tirmidhi,
remained to renewal and revival of Islam from inside, not from outside by non-Islamic influence. The knowledge of Maqasid ash-Shari‘ah is important not only to understand or interpret the texts of Shari’ah, but also to derive solutions to contemporary problems faced by Muslims. It prevents from wrong understanding of rulings of Islam, stagnation of religious thinking, promotes the harmony of Islam with modernity.

Al-Hakim at-Tirmidhi searched for the hidden wisdom – “hikmah” behind the legal rulings in his writings and this case was the reason why he firstly wrote concerning Maqasid. Also he used the term “maqasid” in the titles of several of his books including as-Salat wa Maqasiduha, Maqasid al-‘Ubudiyyah aw ‘Ilaliha and ‘Ilal ash-Shari‘ah wa Maqasidiha [7].

He is one of those who wrote on ta‘lil as-Sharia, and his book “Ithbat ‘Ilal as-Shari‘ah” primarily the first book included its purposes of Sharia in worship and transactions, some of the reasons for transactions in usury, sales and inheritance, as well as the prohibition of alcohol, and so on. It may be said that his mystical approach has made him inclined to the innermost intentions.

It became clear to him, after analyzing all the rules in Islam, that beyond the apparent objective of every rule, it definitely lies a higher objective which is to ultimately achieve its benefit for people or to prevent them from harm. According to al-Hakim at-Tirmidhi God’s commandments have 2 types of ‘illa (cause or reason) ‘illa zahira and ‘illa batina.

First type of ‘illa can be realized by the ordinary ‘ulama, the second one can be realized only by ‘ulama ahl al-batin.

As it is mentioned above at-Tirmidhi wrote a work on this specific subject with the title “Kitab Isbat al-‘Ilal”. In fact, al-Sulami, the famous fourth century historian and biographer of Sufism and many other biographers mentioned that at-Tirmidhi was exiled from his native Tirmidh because of this book.

At-Tirmidhi’s purpose in writing the “Kitab Ithbat al-‘Ilal” was first to try to demonstrate that all of God’s commandments and prohibitions have a cause or reason (illa) lying behind them.

That is, that God has a purpose when he commands concerning certain actions
and also prohibits others, and that these reasons or 'ilal can be known by people.

And secondly, at-Tirmidhi wished to set down exactly in terms of all those reasons which lie behind God's commandments and prohibitions [8].

At-Tirmidhi gives in “Kitab Ithbat al-'Ilal” detailed account of these various 'ilal which he claims to have come to know by means of this esoteric knowledge in the heart. For example, look at one of these 'ilal as given by at-Tirmidhi in his book - the purpose behind the ablution.

At-Tirmidhi states that these ablutions consist of cleansing oneself from all types of excrement or hadath which pass out of the body. The reason for this, he says, is as follows: Adam, when he was first created and living in the garden of Eden, had an immunity against Satan's entering into the interior of his body. This remained so, however, only until Satan succeeded in tricking Adam into eating of the forbidden tree; because when Adam ate the fruit of this tree Satan was able to enter into Adam's belly along with the fruit. The fruit settled in Adam's intestines where Satan proceeded to cause it to rot. When it eventually passed out of Adam's body it was unclean because of Satan's having touched it, and therefore ablutions are necessary whenever anything passes out of the body from the vicinity of the intestines [8:5].

Al-Hakim at-Tirmidhi’s ideas on Maqasid had a significant impact on the scholars like al-Maturidi, Qaffal ash-Shashi, al-Ghazali, ash-Shatibi, al-Qarafi and other famous scholars. Even today, the ideas of al-Hakim at-Tirmidhi on Islamic Low and specially on Maqasid ash-Sharia can be found in the books of some current famous scholars (such as Qaradawi, Ibn Bayyah, Imam Muhammad Kamal and others).

The actuality of the topic is determined by identifying the religious, political, social factors and analyzing the process that led to the activities of mature scholars of Mawarannakhr (such as al-Hakim at-Tirmidhi, al-Maturidi, Qaffal al-Shashi), who conducted the first research on the subject of Maqasid ash-Sharia in the Islamic History.

References: