

Portrait of a Jurist between Obedience and Rebellion: The Case of Abū Ḥanīfa*

AYŞEGÜL ŞİMŞEK
Marmara University

(aysegul.simsek@marmara.edu.tr)

Abstract

Even though there is a consensus among Muslim scholars that rebellion without valid grounds is not acceptable, they have disagreed on the permissibility of rebellion against an unjust ruler. Abū Ḥanīfa has a pivotal place in these debates, as he is the eponym of a law school that first dedicated a special chapter to rebellion (baghy) in its legal texts. Interestingly, however, the views attributed to him on the topic are inconsistent: Some sources claim that Abū Ḥanīfa acknowledged the legitimacy of even an unjust ruler's rule on the grounds of avoiding unrest (fitna). Other sources argue that he supported armed struggle against unjust rulers to fulfill the principle of al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar (enjoining the right and forbidding the wrong). Abū Ḥanīfa's connection to some of the major revolts of his day against the Umayyads or the Abbasids is also contested. The aim of this paper is to collect and evaluate the diverse references to Abū Ḥanīfa's views on rebellion in a variety of sources and to examine the motives behind these conflicting narratives. In conclusion, I argue that a quietist image of Abū Ḥanīfa seems to have gained popularity over time, but it is outweighed by reports about Abū Ḥanīfa's support for movements against unjust rulers.

The legality of rebellions raised fierce debates among early Muslim scholars because rebels often made religious claims to power in addition to articulating political and social grievances. When the Islamic sciences started to crystallize in the second century AH and the first legal and theological texts were written, Muslim society had already witnessed some serious 'Alid and Kharijite resistance movements. This period also

* I would like to thank the EmCo team and the participants of the "Acts of Rebellions and Revolts in the Early Islamic Empire" workshop for their valuable contributions to this article. I owe a debt of gratitude to Petra Sijpesteijn, Hannah-Lena Hagemann, and Philip Grant for their insightful comments on an early draft. Finally, I am grateful for the editors' and anonymous reviewers' efforts, comments, and the additional sources they recommended for improving this article.

© 2022 Ayşegül Şimşek. This is an open access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License, which allows users to copy and distribute the material in any medium or format in unadapted form only, for noncommercial purposes only, and only so long as attribution is given to the original authors and source.

saw the end of Umayyad rule and the transfer of the caliphate to the Abbasids. Naturally, people sought answers about the legality of rebellions against unjust rulers from authoritative figures such as the Kufan scholar Abū Ḥanīfa (d. 150/767), eponym of the Ḥanafī school of law. However, Abū Ḥanīfa has been ascribed various and sometimes contradictory opinions about rebellions. Subsequent scholars updated Abū Ḥanīfa's depiction and his supposed views on how to deal with an unjust ruler to fit the debates of their own times and their own agendas. As a consequence, it is not possible to retrieve Abū Ḥanīfa's actual views on the legality of rebellions against unjust rulers with absolute certainty, but it is possible to reconstruct how the views attributed to him evolved over time. That is what this article aims to do.

The earliest references to rebellion in Islamic law texts can be found in the discussions of *baghy*. Even though modern scholarship generally translates *baghy* simply as rebellion for practical purposes, it has a more specific meaning in the terminology of Islamic law. It refers to the status of a Muslim group that starts a war against the imam assuming that it has a just cause although in fact it does not.¹ Starting with al-Ḥasan al-Shaybānī's (d. 189/805) *Kitāb al-Aṣl*, *baghy* was formulated as an independent category and had a separate chapter in Ḥanafī *fiqh* texts.² *Kitāb al-Aṣl* is one of the earliest Islamic legal texts, and in it al-Shaybānī aims to collect his master Abū Ḥanīfa's teachings. Ḥanafī scholars regard it as one of the key sources on Abū Ḥanīfa's legal opinions. Of course, al-Shaybānī's own contribution to the text is undeniable. But even though we cannot attribute the whole content of *Kitāb al-Aṣl* to Abū Ḥanīfa, the existence of a special chapter on *baghy* in it at least indicates that rebellion was a topic discussed in Abū Ḥanīfa's teaching circle. However, despite containing detailed judgments regarding rebels before, during, and after a rebellion, *Kitāb al-Aṣl* does not

1. Such a group is called *bughā*, and a member of the group is a *bāghī*.

2. See Muḥammad b. al-Ḥasan al-Shaybānī, *al-Aṣl*, ed. M. Boynukalın (Beirut: Dār Ibn Ḥazm, 2012). However, Khaled Abou El Fadl argues that "the first systematic exposition on the law of rebellion is that by al-Shāfi'ī"; K. Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge: Cambridge University Press, 2001), 147. Abou El Fadl contends that the *Aṣl*'s chapter on *siyar*, which includes the section on *baghy*, could not have been written by al-Shaybānī in its complete form and additions must have been made to it in the later centuries. The chapter on *siyar* is absent from most copies of *Kitāb al-Aṣl*, and the earliest copy to include the chapter on *siyar* is from 638/1240 (Abou El Fadl, *Rebellion and Violence*, 144–45). I disagree; I believe that even though *Kitāb al-Aṣl* was not exempt from revisions, it still presents the first example of a systematic discussion of *baghy* for several reasons. First, some of al-Shāfi'ī's views give a strong impression of having been formulated against an already advanced Ḥanafī discourse. More importantly, there is no copy of *Kitāb al-Aṣl* that contains all chapters of the book; see M. Boynukalın, *İmam Muhammed b. Hasan eṣ-Şeybânî'nin Kitâbü'l-Asl Adlı Eserinin Tanıtımı ve Fıkıh Usulü Açısından Tahlili* (Istanbul: Ocak Yayıncılık, 2009), 149. However, this situation is not unique to *Kitāb al-Aṣl*, nor should it be a reason to question the work's originality: the chapters of many early texts were written individually and assembled only at a later date. Even if the earliest extant version of the chapter on *siyar* is from 1240 CE, the text we have today must, for the most part, have been in circulation prior to that because plenty of citations from al-Shaybānī's *siyar* appear in earlier texts. I owe this argument to Abdulkadir Yılmaz. For more information about the *siyar* chapter in *Kitāb al-Aṣl*, see A. Yılmaz, "Hanefi Mezhebinin Rical ve Kitabiyatına Dair Bazı Tetkikat," *Rihle Dergisi*, no. 11 (2011): 61–66, at 61–62. For further discussion on the originality of the *baghy* chapter in *Kitāb al-Aṣl*, see N. Badawi, *Islamic Jurisprudence on the Regulation of Armed Conflict* (Leiden: Brill, 2020), 23–24.

address the question of whether it is permissible to revolt against unjust rulers. Discussions of this topic are also surprisingly rare in later Ḥanafī legal texts. This is mostly because obedience to the ruler was regarded as a reflection of obedience to God, so such discussions are usually found in books on creed and theology and, less frequently, in works of Qurʾānic exegesis. The scarcity of mentions of the issue in legal works might also indicate that jurists deemed it a sensitive subject. Consequently, we do not find references to Abū Ḥanīfa's opinions on the legitimacy of rebellion in legal texts and thus need to change our focus to other genres.

The first place where we encounter Abū Ḥanīfa's views on rebellions is in *Fiqh absaṭ*, one of the brief works on theology directly attributed to him. *Fiqh absaṭ* contains significant references to rebellion in the passages that discuss the principle of *al-amr bi-l-ma'rūf wa-l-nahy ʿan al-munkar* (enjoining the right and forbidding the wrong). According to the text, Abū Ḥanīfa regards *al-amr bi-l-ma'rūf wa-l-nahy ʿan al-munkar* as a duty imposed by God. He disapproves, however, of rising in rebellion as a way of performing this duty. This is because he considers the loss of lives and property that rebellion would inevitably cause within the Muslim community unacceptable. Therefore, even if the community is led by an unjust ruler, rebellion is not allowed.³ After all, even if some of its members are unjust, the community always contains also some just people. Instead, then, one should fight with the community, even if under an unjust ruler, against rebels (*ahl al-baghy*). If one happens to live in the community of the rebels, one should leave it, as God's land is vast.⁴

There are several points in this passage that are worthy of attention. First, according to the text, Abū Ḥanīfa rules out the possibility of legitimate armed resistance against a Muslim ruler in any situation by excluding it from the scope of enjoining the right and forbidding the wrong. In addition, through a sudden shift, he strips this duty from the rebels and assigns it instead to Muslims to use *against* the rebellious party. More importantly, he does not limit the obligation to fight rebellions to scenarios that feature a just imam but explicitly states that one should fight rebels even if the ruler is unjust. The key point of Abū Ḥanīfa's argument is that as long as the community is just, the shortcomings of the imam must be tolerated. Conversely, if the community is rebellious, one should sever one's connection with it. According to the text, Abū Ḥanīfa thus clearly recognizes the legitimacy of even unjust rulers and prohibits the taking up of arms against them in rebellion.

At first glance, *Fiqh absaṭ* gives the impression of constituting a definitive source on Abū Ḥanīfa's views, and it offers a clear picture of his stance regarding rebellions. However, modern scholarship has concluded that the text is not in fact the work of Abū Ḥanīfa, and there are serious suspicions about the extent to which it represents his authentic views. The title *Fiqh absaṭ* itself reflects a late intervention. *Fiqh akbar* is the name of a creedal text attributed to Abū Ḥanīfa that is transmitted in two versions via two different narrators: one via Abū Ḥanīfa's son Ḥammād (d. 176/793), the other via his Murji'ite student Abū Muṭīʿ al-Balkhī (d. 199/814). The title *Fiqh absaṭ* was first used for Abū Muṭīʿ al-Balkhī's narration

3. Abū Ḥanīfa al-Nu'mān b. Thābit, *al-Fiqh al-akbar*, ed. M. b. ʿA. R. al-Khumayyis (Ajman: Maktabat al-Furqān, 1999), 108.

4. *Ibid.*, 131–32.

by the Ottoman scholar and qadi Beyāzizāde Ahmed Efendi (d. 1098/1687) to differentiate the two versions, and this name subsequently gained popularity.⁵ However, the fact that the titles *Fiqh akbar* and *Fiqh absaṭ* are used interchangeably in some sources and archives has caused some confusion in modern scholarship. A. J. Wensinck refers to the two versions of the text as *Fiqh akbar I* and *Fiqh akbar II* but also mentions *Fiqh absaṭ* as a separate work. Wensinck argues that the commentator of *Fiqh akbar I* probably took the text from *Fiqh absaṭ*, and he concludes that even though the author is not Abū Ḥanīfa himself, the text largely contains his genuine teachings.⁶ Montgomery Watt agrees with Wensinck, holding that *Fiqh akbar I* cannot have been written much later than Abū Ḥanīfa's lifetime and that it is likely to be a reliable source for his opinions.⁷ On the other hand, with reference to Fuat Sezgin, Josef van Ess points out that Wensinck's assumption that there are three separate texts—*Fiqh akbar I*, *Fiqh akbar II*, and *Fiqh absaṭ*—is incorrect. There are only two texts, and what Wensinck calls *Fiqh akbar I* is actually none other than *Fiqh absaṭ*. Van Ess argues that *Fiqh absaṭ* was edited mainly by Abū Muṭīc al-Balkhī rather than Abū Ḥanīfa, and he disagrees with Wensinck about attributing all statements of Abū Muṭīc to his teacher. Even though he might have visited Abū Ḥanīfa in Kufa and done his best to preserve the latter's ideas, Abū Muṭīc primarily represented an early Ḥanafī perspective associated with eastern Iran, as he lived in Balkh, and his influence over the text cannot be ignored.⁸ In addition, van Ess argues that the text was probably exposed to further revisions that can be disentangled only by investigating the context of each statement,⁹ and one should be careful in dealing with the work's unique contents.¹⁰ Ultimately, van Ess suggests that *Fiqh akbar I* (i.e., *Fiqh absaṭ*) should not be considered a work by Abū Ḥanīfa.¹¹ Similarly, Ulrich Rudolph asserts that the characteristics of the text demonstrate that it should not be ascribed to Abū Ḥanīfa and instead must have been written by a student.¹² He adds that further revisions were almost unavoidable, since the text was subject to intensive engagement in subsequent centuries, and it might even have been adapted to the changing understandings of later generations.¹³

5. Ş. Gölcük and A. Bebek, "El-Fıkhü'l-Ekber," in *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, 12:544–45 (Istanbul: Türkiye Diyanet Vakfı, 1995), at 544–47.

6. A. J. Wensinck, *The Muslim Creed: Its Genesis and Historical Development* (New York: Routledge, 2008), 122–23.

7. W. M. Watt, *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973), 132.

8. J. van Ess, "Kritisches zum Fiqh akbar," in *Kleine Schriften*, ed. H. Biesterfeldt, 749–62 (Leiden: Brill, 2018), at 751–53. See also J. van Ess, *Theology and Society in the Second and Third Centuries of the Hijra: A History of Religious Thought in Early Islam*, trans. J. O'Kane (Leiden: Brill, 2017), 1:237–38.

9. Van Ess, "Kritisches," 755.

10. Van Ess, *Theology and Society*, 1:221–22.

11. Ibid., 1:241.

12. U. Rudolph, *Al-Māturīdī and the Development of Sunnī Theology in Samarqand*, trans. R. Adem (Leiden: Brill, 2015), 55.

13. Rudolph, *Al-Māturīdī*, 57–58.

Because there are strong indications that *Fiqh absaṭ* was produced mainly after Abū Ḥanīfa, it is impossible to regard it as a conclusive statement of his opinions on rebellion. As van Ess proposes, the arguments it contains must be examined within their own contexts to identify any revisions that might have been made to them. Van Ess himself does just this and concludes that the section in *Fiqh absaṭ* about siding with the just community and the unjust ruler against rebels is a later addition.¹⁴ As I will show below when tracing the relevant opinions attributed to Abū Ḥanīfa in other sources, van Ess's conclusions about the section on rebellion in *Fiqh absaṭ* are justified.

When later Ḥanafī scholars discussed the issue of rebellion versus obedience in their works, they did not necessarily make mention of Abū Ḥanīfa. In fact, there are only a few sources that contain direct references to Abū Ḥanīfa's position regarding rebellion. Al-Jaṣṣāṣ (d. 370/981) is the earliest among them, and he puts the greatest emphasis on Abū Ḥanīfa in this context. In addition, he offers a rather different image of Abū Ḥanīfa's stance on rebellions compared to *Fiqh absaṭ*. In his *Aḥkām al-Qurʾān*, when commenting on the phrase "My promise does not include the oppressors" (*lā yanālu ʿahdī al-ẓālimīn*) from verse 2:124, al-Jaṣṣāṣ states that the imamate of an immoral person (*fāsiq*) is invalid and that obedience to him is not required. He then proceeds to explain that there is an incorrect perception that Abū Ḥanīfa supposedly permitted the imamate and caliphate of a *fāsiq*, even though he did not accept rulings issued by a *fāsiq* judge. Al-Jaṣṣāṣ calls out a theologian named Zurqān (d. 278/891)¹⁵ as the source of this misinformation, labeling him a liar and someone whose narrations are not to be trusted. According to al-Jaṣṣāṣ, Abū Ḥanīfa did not differentiate between a judge and the caliph and believed that justice (*ʿadāla*) was a requirement of office for both. To support his point, al-Jaṣṣāṣ refers to specific events in Abū Ḥanīfa's life. When the Umayyad governor Ibn Hubayra (d. 133/750) and, later, the Abbasid caliph Abū Jaʿfar al-Manṣūr (r. 136–58/754–75) demanded that Abū Ḥanīfa take up the post of a judge, he refused, enduring persecution and imprisonment as a consequence.¹⁶ A scholar's refusal to accept a position in service of the authorities is a standard feature of meritorious biographies, but al-Jaṣṣāṣ uses these anecdotes to make the specific point that Abū Ḥanīfa rejected the legitimacy of unjust rulers by refusing to serve them.

Al-Jaṣṣāṣ adds that Abū Ḥanīfa is famous for his opinion that fighting injustice and unjust rulers, even with violence, is necessary. He quotes al-Awzāʿī (d. 157/774) as saying: "We tolerated Abū Ḥanīfa about everything until he brought us the sword [i.e., fighting injustice]; then we did not tolerate him anymore."¹⁷ Al-Jaṣṣāṣ explains that Abū Ḥanīfa considered enjoining the right and forbidding the wrong an obligation; if it could not be fulfilled verbally, the duty extended to the use of the sword. To support this view, al-Jaṣṣāṣ invokes

14. Van Ess, "Kritisches," 760.

15. Abū Yaʿlā Muḥammad al-Mismaʿī Zurqān (d. 278/891) is the author of a *Kitāb al-Maqālāt*. See D. Thomas, "Heresiographical Works," in *Encyclopedia of Islamic Civilization and Religion*, ed. I. R. Netton, 226–29 (New York: Routledge, 2008), at 226.

16. Abū Bakr al-Jaṣṣāṣ, *Aḥkām al-Qurʾān*, ed. M. Ş. al-Qamḥāwī (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1985), 1:86.

17. Ibid.

an incident that took place between Abū Ḥanīfa and his friend Ibrāhīm b. Maymūn al-Şā'igh al-Marwazī (d. 131/749).¹⁸ He narrates that when Ibrāhīm al-Şā'igh asked Abū Ḥanīfa about the principle of enjoining the right and forbidding the wrong, Abū Ḥanīfa admitted that it was indeed obligatory and quoted the following hadith to him: “The greatest martyr is Ḥamza b. ‘Abd al-Muṭṭalib¹⁹ and a man who stands up against an unjust imam, commands him to do right, forbids him to do wrong, and gets killed for it.” Following this conversation, Ibrāhīm al-Şā'igh returned to Marw and criticized the Abbasid representative Abū Muslim (d. 137/755) for the injustices and bloodshed he had committed. After enduring Ibrāhīm for a while, Abū Muslim finally killed him.²⁰ Al-Jaṣṣāṣ provides a further argument to support his claim—namely, that Abū Ḥanīfa himself used to support rebels actively. He mentions that Abū Ḥanīfa was famous for supporting the revolutionary Zayd b. ‘Alī (d. 122/740) by helping him financially and secretly giving fatwas urging people to join him. He also supported the movement of the brothers Muḥammad (d. 145/762) and Ibrāhīm b. ‘Abd Allāh (d. 145/763). Consequently, al-Jaṣṣāṣ declares that accusing Abū Ḥanīfa of accepting the imamate of a *fāsiq* is a grave mistake, if not an intentional lie.²¹

18. Ibrāhīm al-Şā'igh was a Khorasanian Murji'ite. With some other Murji'ite figures, he attended Abū Muslim's gatherings in the last years of the Umayyad period. Even though Abū Muslim's discourse impressed them at first, he lost their support when he revealed that he was an Abbasid propagandist. See S. Kutlu, *Türklerin İslamlaşma Sürecinde Mürcie ve Tesirleri*, 2nd ed. (Ankara: Türkiye Diyanet Vakfı, 2002), 198–99.

19. The Prophet's paternal uncle, who was killed in the battle of Uhud. See N. Haider, “Ḥamza b. ‘Abd al-Muṭṭalib,” in *Encyclopaedia of Islam*, 3rd ed., ed. Kate Fleet et al. (Leiden: Brill Online).

20. Al-Qurashī (d. 775/1373) provides a more detailed report: When Abū Ḥanīfa learned that Ibrāhīm al-Şā'igh had been killed, he cried so much that the people around him worried that he would die. Abū Ḥanīfa then explained that Ibrāhīm was a man of sound mind but that he, Abū Ḥanīfa, had been afraid that his friend would end up this way. According to Abū Ḥanīfa, Ibrāhīm devoted himself to obedience to God. He used to visit Abū Ḥanīfa and ask him questions. On one such occasion, he asked him about enjoining the right and forbidding the wrong. When they agreed that this was a religious obligation, Ibrāhīm asked him for his hand so that he could pledge allegiance to him. Abū Ḥanīfa recounted that the world went dark when he heard this because Ibrāhīm had invited him to a divine obligation, but he had to turn it down. Then he explained to Ibrāhīm that if a man tried to do this—that is, stand up to injustice—alone, he would get killed uselessly. Such a step should be taken only in the presence of a reliable leader and companions. Even the prophets could not do it by themselves without getting help from heaven. Attempting to undertake the task alone would mean hastening one's own death. Thus, Ibrāhīm's move to make Abū Ḥanīfa the leader of an anti-Abbasid rebellion failed, but he did not give up his determination to perform the duty himself. He stood up to Abū Muslim alone, and as Abū Ḥanīfa had correctly predicted, he got killed because of his solitary opposition. See Abū Muḥammad ‘Abd al-Qādir al-Qurashī, *al-Jawāhir al-muḍiyya fī ṭabaqāt al-Ḥanafīyya* (Karachi: Mīr Muḥammad Kutubkhāna, n.d.), 1:49–50. On the basis of al-Şā'igh's case, Saadia Tabassum argues that Abū Ḥanīfa approved the removal of unjust rulers, provided “that the rebels could offer the alternative leadership which fulfilled the conditions prescribed by the law; that the rebels have enough power to replace the government; and that the bloodshed caused by rebellion is a lesser evil as compared to the continued existence of the unjust ruler”; S. Tabassum, “Discourse on the Legality of Rebellion in the Ḥanafī Jurisprudence,” *Peshawar Islamicus* 8, no. 2 (2017): 15–30, at 20. For a detailed analysis of al-Şā'igh's case, see M. Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2004), 3–10.

21. Al-Jaṣṣāṣ, *Aḥkām al-Qur'ān*, 1:87.

The difference between the image of Abū Ḥanīfa described by al-Jaṣṣāṣ and the one in *Fiqh absaṭ* is quite striking. In *Fiqh absaṭ*, Abū Ḥanīfa not only denies that armed rebellion could follow from the command to enjoin the right and forbid the wrong, but also demands that people fight on the side of the community under the ruler even if he is unjust. Al-Jaṣṣāṣ, by contrast, presents an Abū Ḥanīfa who justified taking up arms against unjust rulers and who in practice supported and promoted rebellions. It is significant that al-Jaṣṣāṣ is obviously aware of the claim that Abū Ḥanīfa acknowledged the caliphate of unjust rulers, but he does not mention *Fiqh absaṭ* at all. Instead, he names an unfamiliar theologian, Zurqān, as the source of this allegedly false information. It is unlikely that he would have been unaware of *Fiqh absaṭ* and the arguments it contained in his time, or that he was aware of them but chose to cite Zurqān instead. The absence of any reference to the work thus further strengthens the conclusion that the part in *Fiqh absaṭ* in which Abū Ḥanīfa is said to acknowledge the unjust imam is a later insertion, as van Ess, too, argues.

Al-Jaṣṣāṣ's emphasis on the duty of enjoining the right and forbidding the wrong can be explained by his Mu'tazilite tendencies, as it is one of the core principles of the Mu'tazila. According to him, it is such an important duty that to fulfill it, Abū Ḥanīfa accepted the use of force in the form of armed rebellion. Another scholar who makes similar arguments is the Mu'tazilite Ḥanafī al-Zamakhsharī (d. 538/1144). Like al-Jaṣṣāṣ, he supports his interpretation of Abū Ḥanīfa's approval of armed rebellion against unjust rulers by mentioning Abū Ḥanīfa's assistance of several rebellious movements.²² However, this image of Abū Ḥanīfa cannot simply be reduced to a Mu'tazilite impulse that started with al-Jaṣṣāṣ and was later supported by al-Zamakhsharī, because even a century before al-Jaṣṣāṣ, we find the same claim in one of the earliest Ḥanbalī texts. In 'Abd Allāh b. Aḥmad b. Ḥanbal's (d. 290/903) *Kitāb al-Sunna*, two of Abū Ḥanīfa's students, Ibn al-Mubārak (d. 181/797) and Abū Yūsuf (d. 182/798), state that Abū Ḥanīfa approved the sword (*yarā al-sayf*).²³ Although the statement is succinct, it is specifically used to refer to taking up arms in the Muslim community.

The image of the activist Abū Ḥanīfa was, however, by no means the dominant narrative within the Ḥanafī school. The earliest firmly datable attestation of a quietist attitude ascribed to Abū Ḥanīfa is al-Jaṣṣāṣ's claim that Zurqān supported this false interpretation. Beyond the quietism interpolated into *Fiqh absaṭ*, whose date cannot be determined, some later sources unquestioningly attribute similar views to Abū Ḥanīfa and his immediate circle. For example, Abū al-Yusr al-Bazdawī (d. 493/1100), who lived about a century after al-Jaṣṣāṣ, asserts that all of Abū Ḥanīfa's companions believed that an unjust imam did not need to be dismissed.²⁴ A later claim comes from Ibn al-Humām (d. 861/1457), who states

22. Abū al-Qāsim Maḥmūd b. 'Umar al-Zamakhsharī, *al-Kashshāf 'an ḥaqā'iq ghawāmiḍ al-tanzīl*, 3rd ed. (Beirut: Dār al-Kutub al-'Arabī, 1407/1986–87), 1:184.

23. 'Abd Allāh b. Aḥmad b. Ḥanbal, *Kitāb al-Sunna*, ed. M. b. S. al-Qaḥṭānī (Dammam: Dār Ibn al-Qayyim, 1986), 1:181–82. See also B. Zawādī, "Imam Abu Hanifah (d. 148 A.H.)—Regarding Rebellion against Unjust Rulers" unpublished paper, accessed September 4, 2021, https://www.academia.edu/25169471/Imam_Abu_Hanifah_d_148_A_H_Regarding_Rebellion_Against_Unjust_Rulers.

24. Abū al-Yusr al-Bazdawī, *Uṣūl al-dīn*, ed. H. P. Linss (Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2003), 196.

that Abū Ḥanīfa and the Ḥanafīs did not consider justice among the necessary preconditions of authority (*walāya*). It is disliked but still permissible for a *fāsiq* to lead the community, though if he becomes unjust after acquiring the position, he deserves to be dismissed from it unless the dismissal would cause unrest (*fitna*). One must invite such a ruler to righteousness, but it is not permissible to revolt against him even if he does not comply.²⁵

As mentioned earlier, although Abū Ḥanīfa is the eponym of the Ḥanafī school, references to his position regarding the legitimacy of rebellion against unjust rulers in Ḥanafī texts are rather scarce.²⁶ Nevertheless, two distinct personae can be identified in our limited sources. On the one hand, there is the presentation of a quietist Abū Ḥanīfa who rejects the permissibility of rising in revolt, even against an unjust ruler; this is the persona portrayed by al-Bazdawī and Ibn al-Humām, and it is also present in *Fiqh absaṭ*.²⁷ On the other hand, we have the image of Abū Ḥanīfa as an activist who supported the necessity of armed resistance to an unjust ruler who refused to answer the call to enjoin the right and forbid the wrong, as discussed appreciatively by al-Jaṣṣāṣ and al-Zamakhsharī. This image of Abū Ḥanīfa is also indirectly confirmed by early Ḥanbalīs who vilify him for it. Al-Jaṣṣāṣ's activist argument, especially his claim of Abū Ḥanīfa's support for rebellions, relies heavily on specific events in Abū Ḥanīfa's lifetime. To test al-Jaṣṣāṣ's claim that Abū Ḥanīfa's support for rebellions was well known, we must investigate other sources on these specific events. The cases that will be examined in the following pages are Zayd b. ʿAlī's rebellion against the Umayyads and the rebellions of the brothers Muḥammad b. ʿAbd Allāh and Ibrāhīm b. ʿAbd Allāh against the Abbasids. I do not intend to delve into the details of these movements and confine myself mainly to the reports about Abū Ḥanīfa's involvement in them. Nor am I primarily concerned about the authenticity of these reports. Rather, my aim is to analyze the coherence of the two opposing images of Abū Ḥanīfa with reference to historical narratives.

Abū Ḥanīfa and Zayd b. ʿAlī's Rebellion

Abū Ḥanīfa witnessed Zayd b. ʿAlī's uprising against the Umayyad caliph Hishām b. ʿAbd al-Malik (r. 105–25/724–43) in the year 122/740 in his hometown, Kufa. Zayd was the grandson of Ḥusayn b. ʿAlī, i.e., a great-grandson of the Prophet. There are several reports about the reasons that led Zayd to start a rebellion, but most of them mention that Khālīd b.

25. Kamāl al-Dīn b. Abī Sharīf, *Kitāb al-Musāmara fī sharḥ al-Musāyara*, 2nd ed. (Cairo: Maṭbaʿat al-Saʿāda, 1347/1928–29), 2:166–67.

26. Several Ḥanafī texts do mention that Abū Ḥanīfa recommended staying at home during civil unrest, but that opinion seems to refer to the context of a just ruler versus wrongful rebels or Khārījites. These debates lie outside the scope of the present paper. For some examples, see Abū Bakr Shams al-Aʿimma al-Sarakhsī, *Kitāb al-Mabsūṭ* (Beirut: Dār al-Maʿrifa, 1993), 10:124; Farīd al-Dīn ʿĀlim b. ʿAlāʾ al-Andarpatī, *al-Fatāwā al-Tatarkhāniyya*, ed. Sh. A. al-Qāsimī (Deoband: Maktabat al-Zakariyyā, 2014), 7:169; Kamāl al-Dīn Muḥammad b. al-Humām, *Fatḥ al-Qadīr*, ed. ʿA. R. Gh. al-Mahdī (Beirut: Dār al-Kutub al-ʿIlmiyya, 2003), 6:96.

27. Bassam Zawadi notes that the image of Abū Ḥanīfa presented by al-Bazdawī and Ibn al-Humām has led some to believe that Abū Ḥanīfa revised his views on rebellion before his death, but Zawadi does not consider this a plausible explanation. See Zawadi, “Imam Abu Hanifah.”

‘Abd Allāh al-Qasrī (d. 126/743), during his governorship of Iraq, gave a considerable amount of gifts or money to Zayd and some of his relatives, and that Caliph Hishām interrogated Zayd when he was informed about this.²⁸ Another set of reports mentions that Zayd and his cousin had a disagreement about the endowments (*awqāf*) that the family had inherited from ‘Alī b. Abī Ṭālib and the case was again brought to Hishām.²⁹ Either way, Hishām’s ill-treatment of and demeaning behavior toward Zayd ignited the rebellion. However, according to the historian al-Ṭabarī (d. 310/923), Zayd himself identified the following reasons behind his call to action:

We summon you to the Book of God and the *sunna* of His Prophet, and to wage war against those who act tyrannically, to defend those who have been oppressed, to give pensions to those who have been deprived of them, to distribute this booty (*ḥayʾ*) equally among those who are entitled to it, to make restitution to those who have been wronged, to bring home those who have been detained on the frontiers, and to help the *ahl al-bayt* against those who have opposed us and disregard[ed] our just cause.³⁰

According to this report, the motive behind the rebellion was the injustices committed by the Umayyads against some members of society and the *ahl al-bayt* (descendants of the Prophet) in particular. Zayd b. ‘Alī chose Kufa as the center of his movement to meet these objectives because of the encouragement of the Kufans.³¹ Several relatives of Zayd warned him not to trust the Kufans because they had betrayed his grandfather Ḥusayn b. ‘Alī.³² But Zayd did not heed these warnings, and as his relatives predicted, very few people ultimately stood by his side. Zayd was killed, and his rebellion failed in 122/740.³³

Even though Zayd’s rebellion was not successful in the end, the sources list some ‘*ulamā*’ who were sympathetic to Zayd’s cause, and they include Abū Ḥanīfa in the list.³⁴ Some also mention that Abū Ḥanīfa was Zayd’s student and consider his support for Zayd a natural result of this connection.³⁵ However, Eren Gündüz argues that even though Zayd and

28. Abū Ja‘far Muḥammad b. Jarīr al-Ṭabarī, *Tārīkh al-umam wa-l-mulūk*, ed. A. Ş. al-Karmī (Riyadh: Bayt al-Afkār al-Dawliyya, n.d.), 1369–70.

29. Ibid., 1370–71.

30. Abū Ja‘far Muḥammad b. Jarīr al-Ṭabarī, *The History of al-Ṭabarī*, vol. 26, *The Waning of the Umayyad Caliphate*, trans. C. Hillenbrand (Albany: State University of New York Press, 1989), 23; al-Ṭabarī, *Tārīkh*, 1373. I would like to thank Hannah-Lena Hagemann for drawing my attention to the fact that almost identical phrases are used by historians in connection with different rebellions, as illustrated by her article on Muṭarrif b. al-Mughīra al-Thaqafī in this issue.

31. Al-Ṭabarī, *Tārīkh*, 1371–72.

32. Ibid., 1371–73; Abū al-Ḥasan al-Mas‘ūdī, *Murūj al-dhahab wa-ma‘ādin al-jawhar*, ed. K. Ḥ. Mar‘ī (Beirut: al-Maktaba al-‘Aşriyya, 2005), 3:170.

33. Al-Ṭabarī, *Tārīkh*, 1379; al-Mas‘ūdī, *Murūj al-dhahab*, 3:171; Ibn al-‘Imād al-Ḥanbalī, *Shadharāt al-dhahab fī akhbār man dhahab*, ed. ‘A. Q. al-Arnā‘ūṭ and M. al-Arnā‘ūṭ (Beirut: Dār Ibn Kathīr, 1988), 2:92–93.

34. Abū al-Faraj al-Işfahānī, *Maqātil al-Ṭalibiyyīn*, ed. K. al-Muẓaffar, 2nd ed. (Najaf: al-Maṭba‘a al-Ḥaydariyya, 1965), 98–101; Ibn al-‘Imād, *Shadharāt al-dhahab*, 2:92.

35. See, for example, J. Givony, “The Murji‘a and the Theological School of Abū Ḥanīfa: A Historical and

Abū Ḥanīfa were indeed acquainted, there was no master-student relationship between the two, as Abū Ḥanīfa was already a renowned scholar when he first met Zayd in Kufa.³⁶ This would make Abū Ḥanīfa's support for Zayd's uprising even more significant in terms of his stance on rebellions against unjust rulers, as it would constitute not just a favor to a mentor but an indication of his belief in the legitimacy of the movement. Such an interpretation is supported by reports about the conversation that took place between Abū Ḥanīfa and the messenger whom Zayd sent to him at the beginning of his rebellion. According to one report, Abū Ḥanīfa asked the messenger first and foremost about the *fuqahā*⁷ (Muslim jurists) who had joined Zayd. When the messenger told him the names, Abū Ḥanīfa entrusted him with a fair amount of money and asked him to pass the following message to Zayd: "I have aid and power for you in the jihad against your enemy. You and your companions should use it [to buy] riding animals and weapons." The messenger then carried the money to Zayd, and Zayd accepted it.³⁷ According to another report, Abū Ḥanīfa told the messenger: "If I knew that people would not leave him as they left his father [i.e., his grandfather Ḥusayn b. 'Alī], I would fight on his side because he is the just imam. Still, I will help him with my property." He then gave the messenger ten thousand dirhams and requested that his excuse be conveyed to Zayd.³⁸ In another account, the amount of money he sent to Zayd is thirty thousand dirhams.³⁹

The sources offer a variety of reasons to explain why Abū Ḥanīfa did not support Zayd by active participation in his revolt beyond the abovementioned doubts he entertained about the rebellion's ultimate success. Al-Qurashī (d. 775/1373) narrates that Abū Ḥanīfa could not join the rebellion because he was ill.⁴⁰ According to another account in the same source, Abū Ḥanīfa had said that Zayd's uprising resembled the Prophet's standing up against Meccan rule in the Battle of Badr, prompting someone to ask why he had not joined Zayd himself if this was how he saw Zayd's cause. Abū Ḥanīfa explained that he was responsible for guarding a great number of goods that people had entrusted to him. He had asked Ibn Abī Laylā (d. 148/765) to take over this responsibility, but he had refused. Abū Ḥanīfa was supposedly afraid of dying before being able to return the goods to their owners. Nevertheless, after Zayd's death in battle Abū Ḥanīfa reportedly cried whenever he remembered Zayd.⁴¹

Ideological Study" (PhD thesis, University of Edinburgh, 1977), 231–32.

36. E. Gündüz, "The Relationship between Abū Ḥanīfa and Zayd ibn 'Alī: An Assessment in the Context of an Account in *al-Majmū' al-Fiḥī*," *Ilahiyat Studies* 2, no. 2 (2011): 189–213, at 203–9.

37. Al-Iṣfahānī, *Maqātil al-Ṭālibiyyīn*, 99–100.

38. Al-Qurashī, *al-Jawāhir al-muḍiyya*, 1:496.

39. Ibn al-'Imād, *Shadharāt al-dhahab*, 2:92.

40. Al-Qurashī, *al-Jawāhir al-muḍiyya*, 1:496.

41. Ibid. According to Cem Zorlu, this report's authenticity is doubtful for several reasons. First, a comparison between the Battle of Badr and Zayd's uprising seems like an exaggeration. Second, Abū Ḥanīfa was not on good terms with Ibn Abī Laylā and could easily have found someone else he could trust instead of him. Besides, Ibn Abī Laylā was serving as the qadi of Kufa at that time. Thus, asking a state agent for help to join a rebellion against the government is irrational. See C. Zorlu, *Âlim ve Muhalif: İmam-ı Azam Ebu Hanife'nin Siyasî Otorite Karşısındaki Tutumu*, 2nd ed. (Istanbul: İz Yayıncılık, 2013), 137–38.

How should we judge these reports about Abū Ḥanīfa's secret support for Zayd's 'Alid revolt against the Umayyads? Even though they offer different explanations for Abū Ḥanīfa's unwillingness to fight openly alongside Zayd b. 'Alī, they all agree that Abū Ḥanīfa supported Zayd financially and acknowledged the rightfulness of his uprising. However, none of these sources can offer verifiable evidence of Abū Ḥanīfa's participation. Support in secret leaves few traces because its purpose is precisely to remain invisible. This might also explain why Abū Ḥanīfa suffered no consequences for his support for the revolt: his assistance remained secret or at least hidden enough for the Umayyad authorities to tolerate it tacitly. It is striking that the reports that agree with al-Jaṣṣāṣ's interpretation of Abū Ḥanīfa's role stem not only from Ḥanafī sources but also from sources of different backgrounds. For example, among the authors cited here, al-Qurashī was a Ḥanafī whereas Ibn al-'Imād was a Ḥanbalī. Abū Ḥanīfa's support for Zayd is acknowledged even in a Shī'ite source. Muḥammad b. Ja'far al-Ṣādiq (d. 203/818), who himself started a rebellion against the Abbasid caliph al-Ma'mūn in the year 200/815, is reported to have said: "God bless Abū Ḥanīfa. He proved his love for us by helping Zayd b. 'Alī."⁴² Conversely, we might wonder whether the support of a public figure such as Abū Ḥanīfa, as reported in these sources, could have been kept a secret from the Umayyads or could have been countenanced by the authorities without immediate repercussions.⁴³ The sources that report Abū Ḥanīfa's secret support seem almost wishful for his participation, offering rather far-fetched and less than convincing justifications for his lack of active involvement, such as being ill or being a trustee. They also do not explain why Abū Ḥanīfa needed to be secretive in his support for Zayd. If he was willing to fight alongside Zayd but was not able to do so for such contingent reasons, he could at least have declared his allegiance openly. In comparison, the report that explains Abū Ḥanīfa's secrecy and unwillingness in terms of his doubts about the success of the undertaking provides a more plausible reason and is corroborated by the accounts about Zayd's relatives' predicting his failure.

In short, although it is impossible to establish the degree and form of Abū Ḥanīfa's support for Zayd's revolt with certainty, the formulation of the reports shows that these writers leaned toward the idea of a somewhat politically activist Abū Ḥanīfa. Moreover, in view of the variety of their affiliations, it is hard to claim that these sources had a common interest in presenting Abū Ḥanīfa in a certain way. As Khaled Abou El Fadl puts it, "these reports are, for the most part, ahistorical but it would not be surprising if Abū Ḥanīfa did, in fact, sympathize with Zayd's rebellion but refrained from a public endorsement because he was sure that it would fail."⁴⁴

42. Al-Iṣfahānī, *Maqātil al-Ṭālibiyyīn*, 99; Zorlu, *Âlim ve Muhalif*, 135.

43. Van Ess mentions that the governor gave Abū Ḥanīfa a serious warning at the time of Zayd's revolt. He adds, however, that later idealization makes it hard to discern the link between these cases. Van Ess, *Theology and Society*, 1:215.

44. Abou El Fadl, *Rebellion and Violence*, 73.

Abū Ḥanīfa and the Rebellions of Muḥammad b. ‘Abd Allāh al-Nafs al-Zakiyya and Ibrāhīm b. ‘Abd Allāh

Whereas Abū Ḥanīfa’s support for Zayd’s rebellion cannot be confirmed, it is more likely that he got involved openly in the ‘Alid revolt of Ibrāhīm b. ‘Abd Allāh b. al-Ḥasan b. ‘Alī (d. 145/763) and even that this involvement was the cause of Abū Ḥanīfa’s death by torture in the Abbasid caliph’s prison. Not long after Ibrāhīm al-Şā’igh’s abovementioned feeble effort to criticize Abū Muslim, the Abbasids faced a much more severe threat from the brothers Muḥammad and Ibrāhīm, sons of ‘Abd Allāh b. al-Ḥasan and great-grandsons of the Prophet Muḥammad. The Abbasids’ propaganda had been based on the call to transfer the caliphate back to the Prophet’s family, and this call had garnered them the ‘Alids’ support. However, soon after the Abbasids came to power, it became evident that they had no intention of giving any political authority to the ‘Alid family.⁴⁵ Against this background, the two brothers were motivated to rise in revolt against the second Abbasid caliph, Abū Ja‘far al-Manşūr.⁴⁶ As Teresa Bernheimer points out with reference to the historian al-Mas‘ūdī (d. 345/956), the importance of the brothers’ attempt lies in the fact that “it set for the first time one branch of the Prophet’s family against another.”⁴⁷

Muḥammad b. ‘Abd Allāh, also known as al-Nafs al-Zakiyya (“the pure soul”),⁴⁸ revolted in Medina in 145/762⁴⁹ and was soon followed in rebellion by his brother Ibrāhīm in Basra.⁵⁰ The brothers had probably planned to start the rebellion together, but Abū Ja‘far’s strategy forced them to act separately. Muḥammad was forced to face Abū Ja‘far’s army with very few of his followers, and he was killed during the battle.⁵¹ From this point on, Ibrāhīm was compelled to undertake the mission alone. However, even though he posed a more serious threat to the Abbasids than his brother had done,⁵² he could not overcome Abū Ja‘far’s forces, and he, too, was killed in the same year.⁵³ These rebellions also resulted in the deaths

45. T. Bernheimer, *The ‘Alids: The First Family of Islam, 750–1200* (Edinburgh: Edinburgh University Press, 2013), 4.

46. Patricia Crone argues that the famous Hāshimite slogan *al-riḍā min ahl al-bayt* meant that the Hāshimite house did not have a specific Abbasid, as opposed to ‘Alid, caliphal candidate, and instead campaigned for a communal agreement, i.e., a *shūrā*, within the Prophet’s family. She calls attention to accounts about an attempt at such an agreement in al-Abwā’ before the revolution, where several ‘Alid and Abbasid figures acknowledged al-Nafs al-Zakiyya’s leadership. Reportedly, the future Abbasid caliph Abū Ja‘far was among the participants. P. Crone, “On the Meaning of the ‘Abbasid Call to al-Riḍā,” in *The Islamic World from Classical to Modern Times: Essays in Honor of Bernard Lewis*, ed. C. E. Bosworth, C. Issawi, R. Savory, and A. L. Udovich, 95–111 (Princeton, NJ: Darwin Press, 1989), at 99–100. The authenticity of this report is disputed, but if it is true, it reveals one of the major reasons behind the two brothers’ revolts.

47. Bernheimer, *‘Alids*, 5; al-Mas‘ūdī, *Murūj al-dhahab*, 4:250.

48. For a detailed discussion of this title, see A. Elad, *The Rebellion of Muḥammad al-Nafs al-Zakiyya in 145/762: Ṭālibīs and Early ‘Abbāsīs in Conflict* (Leiden: Brill, 2016), 36–44.

49. Al-Ṭabarī, *Tārīkh*, 1525; al-Mas‘ūdī, *Murūj al-dhahab*, 3:245.

50. Al-Ṭabarī, *Tārīkh*, 1550; al-Mas‘ūdī, *Murūj al-dhahab*, 3:245.

51. Al-Ṭabarī, *Tārīkh*, 1534–37; al-Mas‘ūdī, *Murūj al-dhahab*, 3:245.

52. H. Kennedy, *The Early Abbasid Caliphate: A Political History* (New York: Routledge, 2016), 68.

53. Al-Ṭabarī, *Tārīkh*, 1560; al-Mas‘ūdī, *Murūj al-dhahab*, 3:246.

of various members of the Ḥasanid family, including ‘Abd Allāh b. al-Ḥasan, the father of Muḥammad and Ibrāhīm. However, most of them did not die on the battlefield; they were tortured to death in prison for refusing to turn the brothers in.⁵⁴

Almost all prominent scholars of the time, including Abū Ḥanīfa, are reported to have been in favor of these revolts.⁵⁵ It is significant that Abū Ḥanīfa is associated predominantly with Ibrāhīm’s rebellion rather than with Muḥammad’s. This is most likely because Ibrāhīm revolted in Basra, a city that is closer to Abū Ḥanīfa’s hometown, Kufa, than is the center of Muḥammad’s revolt, Medina.⁵⁶ It is noted in numerous reports that Abū Ḥanīfa not only supported Ibrāhīm’s revolt but also encouraged people to actively participate in it.⁵⁷ In contrast to Zayd b. ‘Alī’s rebellion, which Abū Ḥanīfa is reported to have aided in secret, he apparently did not feel the need to hide his fervent support for Ibrāhīm’s movement. In a widely circulated report, Abū Ḥanīfa’s well-known student Zufar b. al-Hudhayl (d. 158/775) expresses distress over his mentor’s open support for Ibrāhīm’s rebellion and the fatwas he issued in favor of it: “By God, you will not end this until the rope is fastened to our necks.”⁵⁸ Zufar’s warning is noteworthy because the sources use it to demonstrate the level that Abū Ḥanīfa’s support reached and the concerns it caused among his closest acquaintances.

According to some reports, Abū Ḥanīfa’s support for the cause was not limited to encouraging people to revolt with Ibrāhīm; he also discouraged opponents of the revolt, as in a story about Caliph Abū Ja‘far’s commander al-Ḥasan b. Qaḥṭaba (d. 181/797). When al-Ḥasan supposedly felt remorse for the misdeeds he had committed in that role, he asked Abū Ḥanīfa whether God would accept his repentance and forgive him. Abū Ḥanīfa replied that if al-Ḥasan were ever in a position to decide between the life of an innocent person and his own life and he chose himself (i.e., he chose to die instead of killing an innocent person), God would forgive him. Reportedly, al-Ḥasan b. Qaḥṭaba thereupon took an oath to never kill a Muslim again. After this encounter, Ibrāhīm’s rebellion in Basra broke out, and Abū Ja‘far ordered al-Ḥasan to lead the army against Ibrāhīm’s forces. When al-Ḥasan informed Abū Ḥanīfa about this and asked for his advice, Abū Ḥanīfa reminded him that it was time for him to prove the sincerity of his repentance. Consequently, and much to Abū Ja‘far’s annoyance, al-Ḥasan refused to lead the army against Ibrāhīm. Abū Ja‘far investigated the reason behind al-Ḥasan’s odd behavior and learned that he had been visiting Abū Ḥanīfa.⁵⁹ According to this report, even among Abū Ja‘far’s high-ranking officials some individuals

54. Al-Ṭabarī, *Tārīkh*, 1519–23; al-Mas‘ūdī, *Murūj al-dhahab*, 3:247–48.

55. For a list of the ‘ulamā’ who supported Muḥammad’s rebellion, see Elad, *Rebellion*, 363–73; and for Ibrāhīm’s rebellion, see Zorlu, *Ālim ve Muhalif*, 238–39.

56. Zorlu, *Ālim ve Muhalif*, 269.

57. See, for example, al-Iṣfahānī, *Maqātil al-Ṭālibiyyīn*, 242, 251.

58. Ibn Abī al-‘Awwām al-Sa‘dī, *Faḍā’il Abī Ḥanīfa wa-akhbāruhu wa-manāqibuh*, ed. L. R. al-Bahrā’ijī al-Qāsimī (Mecca: al-Maktaba al-Imdādiyya, 2010), 114–15; Abū Bakr al-Khaṭīb al-Baghdādī, *Tārīkh madīnat al-salām*, ed. B. ‘A. Ma‘rūf (Beirut: Dār al-Gharb al-Islāmī, 2001), 15:452; al-Iṣfahānī, *Maqātil al-Ṭālibiyyīn*, 240; Abū ‘Umar Jamāl al-Dīn b. ‘Abd al-Barr al-Namarī, *al-Intiqā’ fi faḍā’il al-a’imma al-thalātha al-fuqahā’*, ed. ‘A. F. Abū Ghudda (Beirut: Maktab al-Maṭbū‘āt al-Islāmiyya, 1997), 323; Abū ‘Abd Allāh al-Ṣaymarī, *Akhbār Abī Ḥanīfa wa-aṣḥābih*, 2nd ed. (Beirut: ‘Ālam al-Kutub, 1985), 92.

59. Al-Qurashī, *al-Jawāhīr al-muḍīyya*, 2:503.

doubted the legitimacy of his rule. What is more, Abū Ḥanīfa seemed willing to use his influence to encourage such a view of the caliph's position.

A third way in which the reports suggest that Abū Ḥanīfa was involved in Ibrāhīm's rebellion was by providing strategic guidance. According to one report, he wrote a letter to Ibrāhīm and recommended that he secretly move the center of his movement to Kufa, as Zayd b. 'Alī's followers were ready to help him there. He also informed Ibrāhīm that his Shī'ite followers were planning to abduct Abū Ja'far and bring him to Ibrāhīm.⁶⁰ A different report claims that Abū Ḥanīfa wrote to Ibrāhīm a detailed description of the principles he should follow in the fight against Abū Ja'far's army and made a significant comparison: he told Ibrāhīm that if he gained an advantage in the battle over his enemies, he should treat them as his father (i.e., his great-grandfather 'Alī) treated his opponents in the Battle of Şiffin, and not as he treated them in the Battle of the Camel. According to Abū Ḥanīfa, the difference between these two battles was that at Şiffin, 'Alī's opponents had a backup group (*fi'a*) that was able to assist them when they needed help, whereas in the Battle of the Camel they did not have one. Thus, 'Alī killed the wounded and chased the fugitives at Şiffin, but he spared their lives after the Battle of the Camel. Abū Ḥanīfa suggested that because Abū Ja'far's army had backup forces, Ibrāhīm should kill the wounded and the fugitives as 'Alī had done.⁶¹

Even though Abū Ḥanīfa's letter seems merely to give Ibrāhīm tactical advice, it bore dire consequences for its author. It is reported that Abū Ja'far got hold of the letter and became aware of Abū Ḥanīfa's critical support for the revolt. To test him further, he wrote a forged letter to Abū Ḥanīfa using Ibrāhīm's name. Unaware of the deception, Abū Ḥanīfa wrote an uncensored letter back.⁶² Abū Ja'far's knowledge of Abū Ḥanīfa's support for Ibrāhīm's rebellion is most probably responsible for Abū Ḥanīfa's death. The sources do not indicate that Abū Ja'far punished Abū Ḥanīfa immediately after the rebellion had been suppressed. Instead, according to various reports, he first asked Abū Ḥanīfa to be the qadi of Kufa after the death of the former qadi, Ibn Abī Laylā, and when Abū Ḥanīfa did not comply, the caliph had him imprisoned and tortured until he died.⁶³ The reports about Abū Ja'far's offer of the judgeship to Abū Ḥanīfa may seem suspicious, as one would not expect the

60. Al-İşfahānī, *Maqātil al-Ṭālibiyyīn*, 243. If there was indeed such a letter, it shows that Abū Ḥanīfa maintained his connection with Zayd b. 'Alī's supporters even after the end of the latter's revolt and was well aware of their plans. It is also worth noting that the revolts of Zayd b. 'Alī and the two brothers are somewhat connected in the sense that they were supported by similar groups. Al-Nafs al-Zakiyya is considered a Zaydī imam, and his rebellion is often regarded as a Zaydī movement (Elad, *Rebellion*, 46–47). Additionally, Zayd b. 'Alī's sons were reportedly actively involved in the revolt of the brothers; see al-İşfahānī, *Maqātil al-Ṭālibiyyīn*, 186, 258; N. Haider, *The Origins of the Shī'a: Identity, Ritual, and Sacred Space in Eighth-Century Kūfa* (New York: Cambridge University Press, 2011), 204.

61. Al-İşfahānī, *Maqātil al-Ṭālibiyyīn*, 243–44; Abū al-'Abbās Jamāl al-Dīn b. 'Inaba, *Umdat al-ṭālib fi ansāb āl Abī Ṭālib*, ed. M. Ḥ. Āl al-Ṭāliqānī, 2nd ed. (Najaf: al-Maṭba'a al-Ḥaydariyya, 1961), 109.

62. Al-İşfahānī, *Maqātil al-Ṭālibiyyīn*, 244; Ibn 'Abd al-Barr, *al-Intiqā'*, 324.

63. For various reports about Abū Ḥanīfa's death, see Ibn Abī al-'Awwām, *Faḍā'il Abī Ḥanīfa*, 69–70; Ibn Ḥajar al-Haytamī, *al-Khayrāt al-ḥisān fi manāqib al-Imām Abī Ḥanīfa al-Nu'mān* (Damascus: Dār al-Hudā wa-l-Rashād, 2007), 144–46, 151; al-Khaṭīb al-Baghdādī, *Tārīkh*, 15:450–52; al-Şaymarī, *Akhbār Abī Ḥanīfa*, 92–93; al-İşfahānī, *Maqātil al-Ṭālibiyyīn*, 244; al-Qurashī, *al-Jawāhir al-muḍiyya*, 2:503.

caliph to be keen to appoint as judge someone known to have been supportive of a recent revolt.⁶⁴ In this respect, the Shāfi‘ī scholar Ibn Ḥajar al-Haytamī (d. 974/1567) provides an insight into Abū Ja‘far’s possible motives. He narrates that, according to some, Abū Ḥanīfa’s refusal of the post did not justify killing him, and the real reason behind his execution was his involvement in Ibrāhīm’s movement. Abū Ja‘far was afraid of Abū Ḥanīfa’s inclination toward Ibrāhīm because Abū Ḥanīfa was a prominent individual with a large fortune he had earned from trade. After the rebellion, Abū Ja‘far did not dare kill him without an excuse, so he offered Abū Ḥanīfa the position knowing that Abū Ḥanīfa would not accept it.⁶⁵ In other words, even if, as reported, the caliph offered Abū Ḥanīfa the judgeship, it is unlikely that his involvement in the rebellion had been forgotten; instead, the appointment could have been seen as a way to publicly co-opt Abū Ḥanīfa for the cause of Abbasid legitimacy. In this case, Abū Ḥanīfa’s alleged refusal of the post would have been seen as a public rejection of Abbasid authority. Indeed, if Abū Ḥanīfa’s sole crime had been refusing the judgeship, imprisonment and torture would have been much too severe a punishment. Everything points to the real reason being the caliph’s wish to punish Abū Ḥanīfa for his support of the rebellion.

To summarize, several sources claim that Abū Ḥanīfa was involved in or, at the very least, supportive of the revolts of Ibrāhīm b. ‘Abd Allāh and his brother Muḥammad. These sources, again, reflect diverse backgrounds and are not uniform in their tone or implications. Compared to the accounts about Zayd b. ‘Alī’s rebellion, these are both more detailed and more confident about Abū Ḥanīfa’s partiality for the brothers’ movement. Abū Ḥanīfa might, in fact, have shown his support more explicitly in the latter case because the brothers’ revolts were better organized than Zayd’s had been and had higher chances of success. It is likely that because of this explicit support, Abū Ḥanīfa provoked caliph Abū Ja‘far’s wrath and was eventually killed.

Conclusion

This paper has examined conflicting narratives about Abū Ḥanīfa’s opinions on rebellion versus obedience to unjust rulers. Abū Ḥanīfa lived through some of the most ambitious revolts against the Umayyad and Abbasid authorities, and hints of his approach to *baghy* in his student al-Shaybānī’s (d. 189/805) *Kitāb al-Aṣl* constitute one of the earliest discussions of the legal repercussions of rebellion among Muslim jurists. However, whether Abū Ḥanīfa permitted rebellion against unjust rulers or defended obedience to them is not quite clear. On the basis of *Fiqh absaṭ*, a work that is attributed to Abū Ḥanīfa but in which the relevant passages date from a noticeably later time, some Ḥanafī scholars depict him as someone who accepted the rule of the unjust and thus opposed rebellion regardless of the ruler’s actions. On the other hand, certain Ḥanafī scholars with Mu‘tazilite tendencies, such as al-Jaṣṣāṣ, objected to this image of Abū Ḥanīfa and claimed that far from recognizing the legitimacy of unjust rulers, he regarded armed rebellion against such rulers as a means of performing

64. Van Ess thinks that Abū Ḥanīfa’s imprisonment was probably caused by his support for the brothers’ revolt and had nothing to do with his refusal to serve as a judge. Van Ess, *Theology and Society*, 1:214, 241.

65. Al-Haytamī, *al-Khayrāt al-ḥisān*, 151–52.

the duty of enjoining the right and forbidding the wrong. Al-Jaṣṣāṣ further argued that Abū Ḥanīfa did not hesitate to put his beliefs into practice, as he actively supported the revolt of Zayd b. ʿAlī against Umayyad rule in 122/740 and the revolts of the brothers Muḥammad b. ʿAbd Allāh (al-Nafs al-Zakiyya) and Ibrāhīm b. ʿAbd Allāh against Abbasid rule in 145/762–63. Several historical and biographical sources by authors from various backgrounds confirm Abū Ḥanīfa’s involvement in these rebellions, especially his open support for Ibrāhīm b. ʿAbd Allāh’s revolt and his consequent death by torture in Caliph Abū Jaʿfar’s prison. These sources are, of course, not exempt from questions concerning their historicity. But although it is difficult to establish definitively what Abū Ḥanīfa’s views on rebellion against unjust rulers were, he was probably an opponent of the requirement of unconditional obedience to rulers, and he likely supported several rebellions in one form or another. What can be stated with greater certainty is that a quietist image of Abū Ḥanīfa was promoted by scholars such as al-Bazdawī and Ibn al-Humām in later times and even inserted into a work that ascribed directly to him, namely, *Fiqh absaṭ*.

Bibliography

- Abou El Fadl, K. *Rebellion and Violence in Islamic Law*. Cambridge: Cambridge University Press, 2001.
- ‘Abd Allāh b. Aḥmad b. Ḥanbal, Abū ‘Abd al-Raḥmān. *Kitāb al-Sunna*. Edited by M. b. S. al-Qaḥṭānī. Dammam: Dār Ibn al-Qayyim, 1986.
- Abū Ḥanīfa, al-Nu‘mān b. Thābit. *Al-Fiqh al-akbar*. Edited by M. b. ‘A. R. al-Khumayyis. Ajman: Maktabat al-Furqān, 1999.
- ‘Ālim b. ‘Alā’ al-Andarpatī, Farīd al-Dīn. *Al-Fatāwā al-Tatarkhāniyya*. Edited by Sh. A. al-Qāsimī. Deoband; Maktabat al-Zakariyyā, 2014.
- Badawi, N. *Islamic Jurisprudence on the Regulation of Armed Conflict*. Leiden: Brill, 2020.
- al-Bazdawī, Abū al-Yusr. *Uṣūl al-dīn*. Edited by H. P. Linss. Cairo: al-Maktaba al-Azhariyya li-l-Turāth, 2003.
- Bernheimer, T. *The ‘Alids: The First Family of Islam, 750–1200*. Edinburgh: Edinburgh University Press, 2013.
- Boynukalın, M. *İmam Muhammed b. Hasan eṣ-Şeybānī’nin Kitābü’l-Asl Adlı Eserinin Tanıtımı ve Fıkıh Usulü Açısından Tahlili*. Istanbul: Ocak Yayıncılık, 2009.
- Cook, M. *Commanding Right and Forbidding Wrong in Islamic Thought*. Cambridge: Cambridge University Press, 2004.
- Crone, P. “On the Meaning of the ‘Abbasid Call to al-Riḍā.” In *The Islamic World from Classical to Modern Times: Essays in Honor of Bernard Lewis*, edited by C. E. Bosworth, C. Issawi, R. Savory, and A. L. Udovich, 95–111. Princeton, NJ: Darwin Press, 1989.
- Elad, A. *The Rebellion of Muḥammad al-Nafs al-Zakiyya in 145/762: Ṭālibīs and Early ‘Abbāsīs in Conflict*. Leiden: Brill, 2016.
- Givony, J. “The Murji’a and the Theological School of Abū Ḥanīfa: A Historical and Ideological Study.” PhD thesis, University of Edinburgh, 1977.
- Gölcük, Ş., and A. Bebek. “El-Fıkhü’l-Ekber.” In *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, 12:544–45. Istanbul: Türkiye Diyanet Vakfı, 1995.
- Gündüz, E. “The Relationship between Abū Ḥanīfa and Zayd ibn ‘Alī: An Assessment in the Context of an Account in *al-Majmū‘ al-Fiqhī*.” *İlahiyat Studies* 2, no. 2 (2011): 189–213.
- Haider, N. “Ḥamza b. ‘Abd al-Muṭṭalib.” In *Encyclopaedia of Islam*, 3rd ed., edited by Kate Fleet et al. Leiden: Brill Online.
- . *The Origins of the Shī‘a: Identity, Ritual, and Sacred Space in Eighth-Century Kūfa*. New York: Cambridge University Press, 2011.

- al-Haytamī, Ibn Ḥajar Abū al-‘Abbās Shihāb al-Dīn. *Al-Khayrāt al-ḥisān fī manāqib al-Imām Abī Ḥanīfa al-Nu‘mān*. Damascus: Dār al-Hudā wa-l-Rashād, 2007.
- Ibn ‘Abd al-Barr, Abū ‘Umar Jamāl al-Dīn al-Namarī. *Al-Intiqā’ fī faḍā’il al-a’imma al-thalātha al-fuqahā’*. Edited by ‘A. F. Abū Ghudda. Beirut: Maktab al-Maṭbū‘āt al-Islāmiyya, 1997.
- Ibn Abī al-‘Awwām, ‘Abd Allāh b. Muḥammad al-Sa‘dī. *Faḍā’il Abī Ḥanīfa wa-akhbāruhu wa-manāqibuh*. Edited by L. R. al-Bahrā’ijī al-Qāsimī. Mecca: al-Maktaba al-Imdādiyya, 2010.
- Ibn Abī Sharīf, Kamāl al-Dīn. *Kitāb al-Musāmara fī sharḥ al-Musāyara*. 2nd ed. Cairo: Maṭba‘at al-Sa‘āda, 1347/1928–29.
- Ibn al-Humām, Kamāl al-Dīn Muḥammad b. ‘Abd al-Wāḥid. *Fath al-Qadīr*. Edited by ‘A. R. Gh. al-Mahdī. Beirut: Dār al-Kutub al-‘Ilmiyya, 2003.
- Ibn al-‘Imād, ‘Abd al-Ḥayy b. Aḥmad b. Muḥammad al-Ḥanbalī. *Shadharāt al-dhahab fī akhbār man dhahab*. Edited by ‘A. Q. al-Arnā’ūṭ and M. al-Arnā’ūṭ. Beirut: Dār Ibn Kathīr, 1988.
- Ibn ‘Inaba, Abū al-‘Abbās Jamāl al-Dīn Aḥmad b. ‘Alī. *Umdat al-ṭālib fī ansāb āl Abī Ṭālib*. Edited by M. Ḥ. Āl al-Ṭāliqānī. 2nd ed. Najaf: al-Maṭba‘a al-Ḥaydariyya, 1961.
- al-Iṣfahānī, Abū al-Faraj ‘Alī b. al-Ḥusayn. *Maqātil al-Ṭālibiyyīn*. Edited by K. al-Muẓaffar. 2nd ed. Najaf: al-Maṭba‘a al-Ḥaydariyya, 1965.
- al-Jaṣṣāṣ, Abū Bakr Aḥmad b. ‘Alī al-Rāzī. *Aḥkām al-Qur’ān*. Edited by M. Ş. al-Qamḥāwī. Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1985.
- Kennedy, H. *The Early Abbasid Caliphate: A Political History*. New York: Routledge, 2016.
- al-Khaṭīb al-Baghdādī, Abū Bakr Aḥmad b. ‘Alī. *Tārīkh madīnat al-salām*. Edited by B. ‘A. Ma‘rūf. Beirut: Dār al-Gharb al-Islāmī, 2001.
- Kutlu, S. *Türklerin İslamlaşma Sürecinde Mürcie ve Tesirleri*. 2nd ed. Ankara: Türkiye Diyanet Vakfı, 2002.
- al-Mas‘ūdī, Abū al-Ḥasan ‘Alī b. al-Ḥusayn b. ‘Alī. *Murūj al-dhahab wa-ma‘ādin al-jawhar*. Edited by K. Ḥ. Mar‘ī. Beirut: al-Maktaba al-‘Aşriyya, 2005.
- al-Qurashī, Abū Muḥammad ‘Abd al-Qādir. *Al-Jawāhir al-muḍiyya fī ṭabaqāt al-Ḥanafīyya*. Karachi: Mīr Muḥammad Kutubkhāna, n.d.
- Rudolph, U. *Al-Māturīdī and the Development of Sunnī Theology in Samarqand*. Translated by R. Adem. Leiden: Brill, 2015.
- al-Sarakhsī, Abū Bakr Shams al-A’imma Muḥammad b. Abī Sahl. *Kitāb al-Mabsūṭ*. Beirut: Dār al-Ma‘rifa, 1993.

- al-Şaymarī, Abū ʿAbd Allāh al-Ḥusayn b. ʿAlī. *Akhbār Abī Ḥanīfa wa-aşḥābih*. 2nd ed. Beirut: ʿĀlam al-Kutub, 1985.
- al-Shaybānī, Muḥammad b. al-Ḥasan. *Al-Aşl*. Edited by M. Boynukalın. Beirut: Dār Ibn Ḥazm, 2012.
- al-Ṭabarī, Abū Jaʿfar Muḥammad b. Jarīr. *The History of al-Ṭabarī*. Vol. 26, *The Waning of the Umayyad Caliphate*. Translated by C. Hillenbrand. Albany: State University of New York Press, 1989.
- . *Tārīkh al-umam wa-l-mulūk*. Edited by A. Ş. al-Karmī. Riyadh: Bayt al-Afkār al-Dawliyya, n.d.
- Tabassum, S. “Discourse on the Legality of Rebellion in the Ḥanafi Jurisprudence.” *Peshawar Islamicus* 8, no. 2 (2017): 15–30.
- Thomas, D. “Heresiographical Works.” In *Encyclopedia of Islamic Civilization and Religion*, edited by I. R. Netton, 226–29. New York: Routledge, 2008.
- van Ess, J. “Kritisches zum Fiqh akbar.” In *Kleine Schriften*, edited by H. Biesterfeldt, 749–62. Leiden: Brill, 2018.
- . *Theology and Society in the Second and Third Centuries of the Hijra: A History of Religious Thought in Early Islam*. Translated by J. O’Kane. Leiden: Brill, 2017.
- Watt, W. M. *The Formative Period of Islamic Thought*. Edinburgh: Edinburgh University Press, 1973.
- Wensinck, A. J. *The Muslim Creed: Its Genesis and Historical Development*. New York: Routledge, 2008.
- Yılmaz, A. “Hanefi Mezhebinin Rical ve Kitabiyatına Dair Bazı Tetkikat.” *Rihle Dergisi*, no. 11 (2011): 61–66.
- al-Zamakhsharī, Abū al-Qāsim Maḥmūd b. ʿUmar. *Al-Kashshāf ʿan ḥaqāʾiq ghawāmiḍ al-tanzīl*. 3rd ed. Beirut: Dār al-Kutub al-ʿArabī, 1407/1986–87.
- Zawadi, B. “Imam Abu Hanifah (d. 148 A.H.)—Regarding Rebellion against Unjust Rulers.” Unpublished paper. Accessed September 4, 2021. https://www.academia.edu/25169471/Imam_Abu_Hanifah_d_148_A_H_Regarding_Rebellion_Against_Unjust_Rulers.
- Zorlu, C. *Âlim ve Muhalif: İmam-ı Azam Ebu Hanife’nin Siyasî Otorite Karşısındaki Tutumu*. 2nd ed. Istanbul: İz Yayıncılık, 2013.