

ANNOTATION
for the
thesis for the degree of Philosophy Doctor (PhD) on the specialty
6D021500 – Islamic Studies

by Mambetbayev Kairat
on the topic
**"The Forms of Hadith Perception in the Hanafi Madhab and Their
Influence in Matters of Fiqh"**

The dissertation researches the main features of Hanafi madhab, forms and basic conditions of application, classification, selection of Hadith in the identification of rules of law and their influence in matters of fiqh.

Actuality of the research. Islam has firmly entrenched into Kazakh culture. Throughout twelve centuries Kazakhs formed as a Muslim nation with their particular religious practice. And the number of Hanafi scholars brought up in Kazakh land and their scientific works is impressive. Despite the diversity of madrasah schools, the legacy of the Hanafi, Maturidi, Yassawi was preserved and we continue to develop spiritually in this direction. But many years of colonization and the subsequent Soviet ideology deprived us of the spiritual tenets of development, we have lost many of our national, religious and cultural values.

Since gaining independence the society is represented as a nation with clearly and proactively religious spiritual development along with the democratic, legal, secular principles. Similar phenomena are typical for all post-Soviet states. Kazakhs still have plenty of issues to be explored in religious practice and religious knowledge in the near future. The President Nursultan Nazarbayev in his Message to Kazakhstani people in 2013 “The Strategy “Kazakhstan-2050 – a new policy of the established state” stated the following: “We are Muslims, Sunnis, who adhere to Hanafi madhab. We follow the path of our ancestors, who at all times respected national traditions, honored their parents... We must form religious consciousness, corresponding to the traditions and cultural norms of the country”. Undoubtedly, there are many reasons and various external factors which have influenced this statement. It was also influenced by the spread various non-traditional, new and pseudo-religious movements in the world, and particularly in our country.

Hanafi madhab is the main branch of the centuries-old religious practices of Kazakh people. And today 70 percent of the population adhere to this madhab. However ideological attack of unconventional movements and extremist groups in the society, as well as a septuagenarian period of Soviet atheism, which our people were subjected to, require research of the Hanafi madhab, its legacy, and especially the means of preserving the traditional religious practices of the Kazakh people today.

During the years of independence as a result of an open, free, loyal policy in the field of religion, the various destructive currents, under the influence of external forces, entered the country, and began to spread among the youth. In the article of the Constitution “On religious activity and religious associations” historic role of the Hanafi Madhab in the spiritual and cultural life of our people is recognized as a mechanism regulating the religious situation in the country. Due to this fact, in a country where the historical role of the Hanafi direction is recognized, it is especially important to study the heritage of Abu Hanifa systematically as the stabilization mechanism of the religious spirit of modern society. In addition, the lack of scientific and journalistic works on the Hanafi madhab in Kazakh language, and the fact that a part of this legacy remains in the form of manuscripts and is not in the circulation in the scientific literature, the lack of specialists in this area, underscore the relevance of our research topic. The fact that the research on Hanafi madhab has not fully been formed yet, and the increased demand for textbooks and teaching aids on the Hanafi madhab in the higher education system are also an evidence of the relevance of our thesis.

Currently, the lack of deep knowledge of the Hanafi school of thought among the majority of the population can be considered as the main reason for the spread of Salafi ideology in our country, as well as lack of awareness of society about the presence of its own methodology of Hadith. Therefore, the study of the integrity of the religious knowledge practices and religious consciousness from the point of view of modern religious science, as well as the rationale for the importance of the role and the need for adherence to Hanafi madhab, for the protection of young people from alien religious propaganda, the relevance of the scientific analysis of hadith methodology in determining religious norms of Hanafi madhab is currently presented as indisputable truth.

The purpose of the research is to determine the features of the Hadith methodology in systematization of legal norms in the methodology of fiqh in the heritage of Abu Hanifa, and the writings of the representatives of Hanafi madhab, to conduct a comprehensive study from scientific and theological perspectives, connecting the main form of the fiqh theory and law on the religious situation in modern Kazakhstani society.

The objectives of the research: The main objective of the study is the definition and scientific analysis of the original foundations of fiqh in the history of the Hanafi madhab formation, hadith methodology, and its classification, as well as the scholarly principles, as the basis for religious norms. To achieve this goal, the following tasks were identified:

- to identify peculiarities of Hanafi madhab formation by studying the environment where Abu Hanifa grew up, the scientific, political, historical, cultural and social sphere of the period;

- to study ancient treatises in Arabic and Turkish, as well as more recent studies related to the methodology of Hadith by Abu Hanifa and Hanafi scholars;

- to analyze the main criteria for the classification of hadiths that were used as evidence in making Sharia hukm;
- to establish the conditions and forms of possible perceptions of ‘ahad news’ as religious norms on the basis of definitions and theories of ‘Hadith studies’ and ‘Usul al-fiqh’ in the Hanafi School of thought;
- to undertake the conceptual analysis of cognitive platforms of Hadith classifications based on the harmony of thoughts and words in determining religious norms;
- to prove that the chain of hadith, its semantic match with the main document (the Qur’an), the similarity with the public truth, the familiarity of the human consciousness and intelligence, compliance with time and space – are a universal opportunity of Hanafi methodology;
- to form a scientific and theoretical basis for solving contemporary social problems, revealing the essence of the historical continuity of Kazakh religious practices and conduct legal hermeneutic analysis of the ‘Usul al-fiqh’ classical texts inherent to Hanafis.

Object of the research. Personal guidelines for the methodology of fiqh according to Abu Hanifa and peculiarities of Hadith studies of the Hanafi school of thought.

Subject of the research. Conduct of the theological, scientific and conceptual expertise on the basis of classical Islamic legal treatises, which served as the basis for the methodology of fiqh of Abu Hanifa, and more recent studies.

Scientific novelty of the research: Methodology of Hadith study by Hanafi madhab in the history of Islamic science is still a topic requiring profound investigation. Having conducted a rigorous research, we could produce the first work devoted to the methodology of the Hanafi Hadith study in Kazakh language. The scientific novelty of this work is in the following:

- with the help of historical facts established a connection between the prerequisites of Hanafi madhab emergence and the school of Kufa, which plays a great role in the history of Islamic science, and also provided evidence of religious practice succession originating from Omar ibn Khattab, Aisha, daughter of Abu Bakr, Ali ibn Abi Talib, Abdullah ibn Mas'ud and Muadh ibn Jabbar, sent in due time to Yemen by the Prophet.

- identified the historical facts as the transformation of the city of Kufa, where Hanafi madhab originates, into somewhat of a political center where more than a thousand Sahabas and later Taabi'eens lived, also a close relationship of Kufa to the cradle of Islam – Mecca and Medina, as well as a high level of development of science Hadith study in the area. As a result, the prevailing opinion that ‘Abu Hanifa was forced to ‘conjecture’ in the determination of religious norms, due to the lack of information and knowledge of Hadith in the region of Kufa’ has been elucidated groundless.

- identified and proved that the thinkers of the school – is not only the name of fiqh, drawing conclusions on the basis of fact and evidences, purposes, causes and effects, but also the name of the different approach of scholars to Hadith study methodology.

- the basics of Islamic law lays a certain value to every religious norm, and have a deep psychological responsibility for the final content of such human factors as the benefits for humankind and society, space and the call of the times, etc. Thus, the jurists of the school of Kufa pay special attention to these factors. Therefore, in the subtext of each Shariah hukm they tried to look for its causes and divine purpose in the public the truth. These common values, reason and purpose in every phenomenon acquire properties norm. That is, when used as evidence Ahad messages sent down on certain issues their compliance with the fundamental principles of the Shari'a were considered. After all, the difference in transmitters of Ahad messages should be taken into consideration, and the content of the Rawi texts always contained human factor which could affect the hukm, because people could err, forget, confuse, not mention something or add too much. Moreover, many Hadiths were transmitted conceptually, but not literally. And from this perspective, given the advantages arising from the fact that the era of Abu Hanifa was the closest to the time of life of the Messenger of Allah, Umma as a universal religious practice and a as a guide, and cautious attitude to the Hadiths contrary to the fundamental principles of Shari'a can be referred to as rigorous scientific methodology.

- Hanafi methodology, which considers the integrity of the chain of Hadith transmission, and their content, plays an important role in solving a number of problems in the field of religion, especially those that arise today due to the differences in terms of time and space.

- Attempts to assess the history according to the more recent scientific approaches in Islamic science, ignoring the period of historical development and principles of classification of Hadiths on Hanafi methodology cripples the chronology of the historical development of religious practice. In this regard, the rejection of some Sahih Hadiths by Abu Hanifa was not due his ignorance, but due to differences arising from the terms of the perception of the Hadith.

- The main scientific novelty of this work is that the influence of some intermittent methodologies used in the selection of Ahad messages in the Hanafi works of Usul al-fiqh, to hukm in matters of fiqh, Ahad messages not taken as a basis in the classical books of Hanafi Fiqh were identified and the reasons for not using them as evidence were explained. This is an entirely new scholarly approach that has been applied for the first time not only in Kazakhstan but also in the Islamic world in general.

The main results and conclusions for the defense:

- With the help of historical facts, it was found that in making hukm of Shari'a, Abu Hanifa used Hadith of the Messenger of Allah (s.a.s.) as the main

source after the Qur'an, and that the accusations against him in this regard are groundless.

- It was observed that the complexity of the conditions of Hadith perception, especially of Ahad messages of Hanafi, and their special perspective on the Mursal Hadiths are the main factor that influenced the feature hukm taken.

- It was concluded that the attempt to assess hukms of Abu Hanifa, using the conditions of perception, appeared after a few centuries after his life as well as not taking into account the benefits of the closeness Abu Hanifa's era to the lifetime of the Messenger of Allah, is a scientific error.

- it was established that the role of correctness assessment for Hadiths is not only in its chain of transmitters, but also in terms of public perception and acceptance of them to action. From this perspective, it was found that the Hanafis' Hadiths that have been taken by scientists and taken to the general public religious practices were considered at the level of Sahih and even Mutawatir of Hadiths despite the fact that the chain of transmitters was not complete, and that was a special scientific approach to this matter.

- Despite the fact that the chain of transmitters of Hadith was full and no matter how good their memory was, not given the presence of human factors, due to which the transmitter could confuse, forget, use inappropriate words or the like, it was found that additional conditions and selection approaches of Ahad Hadiths proposed by Hanafi scholars, as compared to the other Hadith scholars was more careful.

- It was concluded that with the help of the explanations of Hanafi methodology of Hadith, it is possible to prevent the modern Kazakh society from religious discordances, and to repel the various alien trends, which accuse Hanafi due to their ignorance. In this regard, it is particularly important to conduct profound studies of fiqh methodology used by Hanafites in making hukm from religious texts, in particular the application of the principles of Hadith in this area, and to acquaint Kazakh society with their peculiarities.

Publication and approbation of the research results. The thesis was prepared in the Department of Religious Studies of the 'Nur-Mubarak' Egyptian University of Islamic Culture. It was discussed at the extended meeting of the department of Islamic Studies. The main results and conclusions of the thesis were approbated at various international, republican scientific theoretical and practical conferences and seminars, and published in foreign scientific journals and journals approved by the Ministry of Education and Science of the Republic of Kazakhstan. As main content of the thesis was published 8 articles in journals of international and republican scientific conference. Among them, 1 article – in the Scopus information database, 1 article – in a foreign journal, 3 articles – in journals included in the list approved by the Oversight Committee in the field of Education and Science of the MES, 3 articles – in the proceedings of international conferences.

Theoretical and practical significance of the research. The findings and research results of the study can be used in higher education, in the field of Islamic studies, Religious studies, Law, the study of the Linguistic foundations of Islamic law and in special courses in the field, and by researchers as additional material during the research work. It is also possible to use in the information and propaganda work on the questions of religious extremism prevention. In addition, the research results can be used for training on various special Islamic studies, Theology and Religious studies courses.

The structure of the thesis. The thesis is prepared in accordance with the purposes and objectives of the study and consists of an introduction, three main sections, subsections, conclusion and bibliography.