

THE EXTINCT LAW SCHOOL IN THE ḤADĪTH CANON:
Retracing Legal Opinions of Ishāq b. Rāhawayh (d. 238/853)
in *Sunan al-Tirmidhī*

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Abstract: The legal school of Ishāq b. Rāhawayh (d. 238/853) did not survive as a distinct tradition in later generations, yet it remains a significant part of early Islamic intellectual history, especially in the third century AH. Although his school disappeared, aspects of Ibn Rāhawayh's legal thought are still preserved in works of *fiqh* and ḥadīth, particularly in *Sunan al-Tirmidhī*. This article seeks to compile and analyze his legal opinions as recorded in that work and to examine their characteristics in relation to ḥadīth and legal reasoning. Through a heuristic examination of *Sunan al-Tirmidhī* combined with comparative and content analysis, the study finds that most of Ishāq b. Rāhawayh's legal opinions are firmly grounded in ḥadīth, although some rely on weak reports. It also shows that his views display a strong textual orientation and reflect notable affinities with the legal reasoning of al-Shāfi'ī (d. 204/820) and Aḥmad b. Ḥanbal (d. 241/855). This is evident in legal arguments that do not exhibit rigid doctrinal boundaries, but instead mirror broader patterns of juristic reasoning among scholars of his time. At the same time, his occasional reliance on weak ḥadīth and his departure from majority positions in several legal issues distinguish his thought from that of many of his contemporaries. This study thus contributes to recovering a neglected strand of early Islamic legal thought and highlights that diversity was not an anomaly, but a constitutive feature of the Islamic intellectual tradition.

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Keywords: Islamic law school; Legal opinion; Ishāq b. Rāhawayh; *Fiqh al-ḥadīth*; *Sunan al-Tirmidhī*.

Introduction

The relationship between ḥadīth and *fiqh* is inseparable. In addition to the Qur'an, ḥadīth is the basis of a scholar's *fiqh* opinion. A *fiqh* opinion that does not have its origins in the Qur'an and ḥadīth will fall into subjectivity.¹ This has been a long-standing discourse that continues today. To achieve optimal objectivity, scholars need to base their arguments on authoritative sources that can be accounted for and at the same time try to minimize differences among them by adhering to the validity of the proof. Although proposals for unification have been put forward, differences in the assessment of the quality of arguments, perspectives and intelligence in understanding the proofs are crucial and continue to trigger differences of opinion among scholars. These differences of opinion are an inevitability that must be accepted by Muslims as a form of wisdom in the Islamic intellectual tradition.²

In the study of *fiqh*, differences of opinion are inevitable. Major *fiqh* figures emerged around the third century of Hijri, such as Abū Ḥanīfa (d. 150/767), Mālik b. Anas (d. 179/795), al-Shāfi'ī (d. 204/820) and Aḥmad b. Ḥanbal (d. 241/855), whose *madhhabs* are still followed by the majority of Muslims in the world today.³ However, history has recorded that in addition to these four popular schools of law, other founding figures, such as Dāwūd al-Zāhirī (d. 269/883), Sufyān al-Thawrī (d. 161/778),⁴ 'Abd al-Raḥmān al-Awza'ī

¹ Wael B. Hallaq, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997), 1–5; Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: Islamic Texts Society, 2003), 17–23; Aḥmad Yani Anshori and Landy Trisna Abdurrahman, "History of the Development of Mazḥab, Fiqh and Uṣūl Al-Fiqh: Reasoning Methodology in Islamic Law," *Samarah* 9, no. 1 (2025): 273–98, <https://doi.org/10.22373/sjhk.v9i1.25355>.

² Aḥmad b. Taymīyah, *Raf' al-Malam 'an al-A'immat al-A'lam* (Beirut: Dār al-Kutub al-Ilmiyah, 1988), 7–12.

³ Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009), 31–35; Wael B. Hallaq, *The Origin and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 172–176.

⁴ Christopher Melchert, "Sufyān Al-Thawrī and the Kufans," *Journal of Abbasid Studies* 9, nos. 1–2 (2022): 183–209, <https://doi.org/10.1163/22142371-00802005>.

(d. 158/744), and others, also contributed to the wealth of Islamic intellectuality during the classical period.⁵

Among the figures of *madhābīb al-fiqh* who needs to be mentioned is Ishāq b. Rāhawayh. Although *madhābīb al-fiqh* of Ishāq b. Rāhawayh has become extinct due to its discontinuation in subsequent generations, his opinions could still be traced in *fiqh* and ḥadīth literature. Nevertheless, there have been few discussions about Ishāq b. Rāhawayh concerning his opinion or narration.⁶ Therefore, in this paper, the opinions of the law school of Ishāq b. Rāhawayh will be traced specifically in a ḥadīth literature, namely *Sunan al-Tirmidhī*. *Sunan al-Tirmidhī* is one of the *kutub al-sitta*, which compiles ḥadīths attributed to the Prophet Muhammad.⁷ Unlike other works included in *kutub al-sitta*, what is the unique feature which make it difference from the other ḥadīth canons is that al-Tirmidhī (d. 279/892) also includes variations of legal opinions, including those of Ishāq b. Rāhawayh. Legal opinions of Ishāq b. Rāhawayh is collected and then analyzed because of its significant together with opinions of Aḥmad b. Ḥanbal in coloring the understanding of ḥadīths in the *Sunan* as it has been implied by Shāh Walī Allāh al-Dihlawī (d. 1762) and Yūsuf al-Bannūrī (d. 1977).⁸

According to Abū al-Ḥasan ‘Alī al-Ḥasan al-Nadwī (d. 1999), *Sunan al-Tirmidhī* was pioneered in addressing what people today call as *fiqh al-muqāran* (comparative Islamic law), and al-Tirmidhī had a

⁵ Muḥammad Abū Zahrah, *Tārīkh al-Madhābīb al-Islāmīyah fī al-Sīyāsah wa al-‘Aqā’id wa Tārīkh al-Madhābīb al-Fiqhīyah* (Cairo: Dār al-Fikr al-‘Arabī, n.d.), 315; Muḥammad al-Khudhārī Bik, *Tārīkh al-Tasbrī‘ al-Islāmī* (Cairo: al-Maktabah al-Tijārīyah al-Kubrā, 1960), 265; Aḥmad Syalabī, *Tārīkh al-Tasbrī‘ al-Islāmī wa Tārīkh al-Nadhm al-Qadbaīyah fī al-Islām* (Cairo: Maktabat al-Nahḍīyah al-Miṣrīyah, n.d.), 181–82.

⁶ Muhammad M. Hemdan, “The Narrator Whom Ishaq Bin Rahwayh Described as a Lie and a Situation in the Hadith,” *Majalla Jami’a al-Anbar li al-Ulum al-Islamiyya* 11, no. 45 (2020): 74–120; Susan Spectorsky, “Hadīth in the Responses of Ishāq B. Rāhawayh,” *Islamic Law and Society* 8, no. 3 (2001): 407–31.

⁷ Is’Haqov Mirsodiq et al., “Contribution of Abū Isa Tirmidhi to the Science of Hadīth,” *International Journal of Innovative Technology and Exploring Engineering* 9, no. 1 (2019): 593–99, <https://doi.org/10.35940/ijtee.A4453.119119>.

⁸ Aḥmad b. ‘Abd al-Raḥīm b. al-Shahīd Wājih al-Dīn b. Mu‘azzam b. Maṣṣūr al-Shah Walī Allāh al-Dihlawī, *Al-Inṣāf fī Bayān Asbāb al-Ikhtilāf*, ed. ‘Abd al-Fattāḥ Abū Ghudda (Beirut: Dār al-Nafā’is, 1984), 57; Muḥammad Yūsuf Al-Bannūrī, “Al-Tirmidhi Sahib Al-Jami’ fī al-Sunan,” *Majalla al-Majma‘ al-‘Ilmi al-‘Arabī* 32, no. 2 (1957): 323–32.

great merit that muslims must acknowledge him in his effort on preservation of legal reasoning of the classical Islamic law schools. Were it not for him, much of it would have been lost and forgotten through the time. This is a unique characteristic of his work, setting it apart from other works on ḥadīth and *sunna*. It is one of the most reliable and earliest references on *ikhtilāf al-fiqh* (legal differences), especially in understanding the abandoned law schools, such as those of al-Awzā‘ī, al-Thawrī, Ishāq b. Rāhawayh, and al-Shāfi‘ī’s *qawl qadīm*.⁹

The Life and Intellectual Milieu of Ishāq b. Rāhawayh

His full name is Ishāq b. Rāhawayh, or simply Ibn Rāhawayh, who is Abū Ya‘qūb Ishāq b. Ibrāhīm b. Makhḥad al-Ḥanzālī al-Tamīmī al-Marwazī.¹⁰ His longer genealogy is given as follows: Abū Ya‘qūb Ishāq b. Abū al-Ḥasan Ibrāhīm b. Makhḥad b. Ibrāhīm b. ‘Abd Allāh b. Maṭar b. ‘Ubayd Allāh b. Ghālib b. ‘Abd al-Wārith b. ‘Ubayd Allāh b. ‘Aṭīyya b. Murra b. Ka‘b b. Hammām b. Asad b. Murra b. ‘Amr b. Ḥanzāla b. Mālik b. Zayd b. Manāt b. Tamīm b. Murra al-Ḥanzālī al-Marwazī. In some sources, Bakr b ‘Abd Allāh is replaced by Maṭar b. ‘Ubayd Allāh in his genealogy, and Asmar is replaced by Asad. According to his son Muḥammad, Ishāq b. Rāhawayh was born in 163/780,¹¹ according to another narration in 161/778¹² or 166/783

⁹ Rashīd Aḥmad al-Kankuḥī, *Al-Kawḥab al-Durrī ‘ala Jamī‘ al-Tirmidhī*, vol. 1 (Azamgarh: Arwiqā li al-Dirāsāt wa al-nashr, 2017), 59–60.

¹⁰ Abū al-‘Abbās Shamsuddīn Aḥmad b. Muḥammad b. Abī Bakr al-Irbilī b. Khallikān, *Wafayāt al-A‘yān wa Anbā’ Abnā’ al-Zaman*, ed. Iḥsān ‘Abbās, vol. 1 (Beirut: Dār Ṣadr, 1978), 200.

¹¹ Muḥammad b. Aḥmad b. Ḥammād al-Dullabī, *Al-Kunā wa al-Asmā’*, vol. 2 (India: Dā‘irat al-Ma‘ārif al-‘Uthmāniyah, 1904), 185; Ibn Khallikān, *Wafayāt al-A‘yān*, vol. 1, 200; Muḥammad b. Aḥmad b. ‘Uthmān al-Dhahabī, *Siyar A‘lām al-Nubalā’*, ed. Bashshār ‘Awwād Ma‘rūf, vol. 11 (Beirut: Mu‘assasat al-Risālah, 1996), 377; ‘Abd al-Qādir b. Aḥmad al-Rūmī al-Dimashqī b. Badran, *Tabdhīb Tārikh Ibn ‘Asākir*, 1st ed., vol. 2 (Damaskus: al-Maktabah al-‘Arabīyah, 1931), 413.

¹² Al-Khaṭīb al-Baghdādī, *Tārikh Baghdād*, ed. Bashshār ‘Awwād Ma‘rūf, vol. 6 (Beirut: Dār al-Gharb al-Islāmī, n.d.), 247; ‘Abd al-Karīm b. Muḥammad b. Maṣūūr al-Sam‘ānī, *Al-Ansāb*, ed. ‘Abdullāh ‘Umar al-Bārūdī, vol. 6 (Dār al-Janān, n.d.), 60; Al-Dhahabī, *Siyar A‘lām al-Nubalā’*, vol. 11, 359; Abū al-Ḥajjāj Jamāl al-Dīn Yūsuf b. ‘Abd al-Raḥmān al-Mizzī, *Tabdhīb al-Kamāl fī Asmā’ al-Rijāl*, ed. Bashshār ‘Awwād Ma‘rūf, vol. 1 (Beirut: Mu‘assasat al-Risālah, 1994), 79; Abū Ishāq Ibrāhīm b. ‘Alī b. Yūsuf al-Shirazī, *Ṭabaqāt al-Fuqahā’*, ed. Iḥsān ‘Abbās (Beirut: Dār al-Rā‘id al-‘Arabī,

in Merv.¹³ He was one of those who widely disseminated ḥadīth in Khurasan.¹⁴ The narration mentioning the year 166/783 as the year of his birth is because when he was asked, ‘Are you or Aḥmad b. Ḥanbal older?’ He replied that Aḥmad b. Ḥanbal was older both in age and knowledge.¹⁵

Therefore, since Aḥmad b. Ḥanbal was born in 164/781, Ishāq b. Rāhawayh must have been born later.¹⁶ The year 166/783 is mentioned for his birth based on the information in the above report. Al-Dhahabī argues that this date was given without sufficient investigation. The year 161/778 is the data based on some sources. It is recorded that he was born with a hole in his ear. Faḍl b. Mūsā al-Sinānī (192/808), who asked about the wisdom of this, replied that his grandson would lead the way, for better or for worse. When ‘Abd Allāh b. Ṭahir (230/844), the ruler of Khurasan, asked him where he got the name ‘Rāhawayh’, what it meant and whether he liked it or not, Ishāq b. Rāhawayh replied that his father, Abū al-Ḥasan Ibrāhīm, was born on a journey to Mecca, so the Merwit people told him in Persian. He said that they gave him the nickname ‘Rāhawayh’, which means ‘born on the road’, which is a combination of ‘rah’ meaning

1978), 108; ‘Abd al-Rahmān b. ‘Alī b. al-Jawzī, *Al-Muntaẓam fi Tarīkh al-Muluk wa al-Umam*, vol. 11 (India: Dār al-Ma‘ārif al-‘Uthmāniyah, n.d.), 259.

¹³ Al-Khaṭīb al-Baghdādī, *Tarīkh Baghdād*, vol. 6, 347; Mizzi, *Tabdhīb al-Kamal fi Asma’ al-Rijal*, vol. 1, 79; Abū al-Faḍl Shihāb al-Dīn Aḥmad b. ‘Alī b. Muḥammad al-‘Asqalānī b. Ḥajar, *Tabdhīb al-Tabdhīb*, vol. 1 (Hiderabad: Maṭba‘ah Majlis Dā’irat al-Ma‘ārif al-Nizāmiyah, 1909), 217; Muḥammad b. al-Ḥusayn Abū Ya‘lā al-Farrā’, *Ṭabaqāt al-Ḥanābilah*, vol. 1 (Cairo: Maṭba‘at al-Sunnah al-Muḥammadiyah, 1952), 109; Ṭāj al-Dīn ‘Abd al-Wahhāb b. ‘Alī al-Subkī, *Ṭabaqāt al-Shāfi‘iyah al-Kubrā*, vol. 2 (Cairo: Maṭba‘at ‘Īsā al-Bāb al-Ḥalabī, 1964), 83.

¹⁴ Ibn al-Qayyim al-Jawzīyah, *Tuhfa al-Maudūd fi Ahkām al-Maulūd* (Medina: al-Maktabah al-‘Ilmiyah, n.d.), 127; Shams al-Dīn Muḥammad b. ‘Abd al-Rahmān al-Sakhawī, *Al-I‘lan bi al-Tawbīkh li man Dhamma al-Tarīkh* (Beirut: Dār al-Kutub al-‘Arabī, 1979), 164–65; Al-Amīr Muḥammad b. Ismā‘īl al-Ṣan‘ānī, *Tawdīh al-Afkar li Ma‘ānī Tanqīh al-Anzār*, ed. Muḥammad Muḥy al-Dīn ‘Abd al-Ḥamīd, vol. 1 (Medina: al-Maktabah al-Salafiyyah, n.d.), 62; Ibn Ḥajar al-‘Asqalānī, *Al-Nukat al-Daraf ‘alā Tuhfat al-Asbrāf*, ed. ‘Abd al-Ṣamad Sharaf al-Dīn, 1st ed., vol. 1 (India, 1965), 299.

¹⁵ Abū Bakr Aḥmad b. ‘Alī al-Khātib al-Baghdādī, *Tarīkh Baghdād wa Madīnat al-Salām*, vol. 6 (Beirut: Dār al-Fikr, n.d.), 347.

¹⁶ Al-Rāzī b. Abī Ḥātim, *Al-Jarḥ wa al-Ta’dil* (Beirut: Dār Ihyā’ al-Turāth al-‘Arabī, n.d.).

‘road’ and ‘wayh’ meaning ‘found or born’.¹⁷ As for his willingness, he stated that his father did not particularly like the nickname, but it did not bother him. However, his close friend Aḥmad b. Ḥanbal preferred to call him Ishāq b. Ibrāhīm al-Ḥanzalī rather than ‘Rāhawayh’. Thus, the nickname had two different pronunciations, Rāhawayh and Rāhūya. *Muḥaddithin* preferred ‘Rāhawayh’, while others preferred ‘Rāhūya’.¹⁸ He was renowned for his intelligence, strong memory and understanding of ḥadīth.¹⁹

There is insufficient information from sources about his pre-educational period. His father’s love of science influenced his upbringing. The fact that he joined the scientific circle of ‘Abd Allah b. al-Mubārak (181/797), one of the leading scholars of Merv in ḥadīth and *fiqh*, in the 170s indicates that his interest in science began quite early.²⁰ However, he did not mention this connection to Ibn al-Mubārak, thinking that he might not have understood what he was

¹⁷ Al-Khaṭīb al-Baghdādī, *Tarikh Baghdad*, vol. 6, 347; Ibn Badran, *Tabdhib Tarikh Ibn ‘Asākir*, vol. 2, 413; Al-Mizzī, *Tabdhib al-Kamal fī Asma’ al-Rijal*, vol. 2, 379; Al-Dhahabī, *Siyar A‘lam al-Nubalā’*, vol. 11, 366; Al-Subkī, *Ṭabaqāt al-Shafi‘iyah al-Kubrā*, vol. 2, 83–84; Ibn Khallikān, *Wafayāt al-A‘yan wa Abnā’ al-Zaman*, vol. 1, 200; Abū al-Faḍl Jalāl al-Dīn ‘Abd al-Raḥmān b. Abī Bakr b. Muḥammad al-Suyūfī, *Tadrib al-Rāwī fī Sharḥ Taqrīb al-Nawawī*, ed. Abū ‘Abd al-Raḥmān Ṣalāḥ b. Muḥammad b. ‘Awida, vol. 1 (Beirut: Dār al-Kutub al-‘Ilmiyah, 1996), 338; ‘Abbās al-Qummī, *Al-Kunā wa al-Alqab*, vol. 1 (Qum: Matba‘at ‘Irfān, n.d.), 280; Muḥammad Yūsuf b. Muḥammad Zakariyyā al-Ḥusaynī al-Bannūrī, *Ma‘ārif al-Sunan Sharḥ Jāmi‘ al-Tirmidhī*, vol. 1 (Karachi: H M Sa‘īd Kambarī, n.d.), 90–91; Muḥammad b. Ja‘far al-Kattānī, *Al-Risālah al-Mustaṭrafah* (Istanbul: Iz Yayincılık, 1994), 65.

¹⁸ Abū al-Qāsim Siqat al-Dīn ‘Alī b. Ḥasan b. Hibatullāh b. ‘Asākir, *Tarikh Madinat Dimashq*, vol. 8 (Beirut: Dār al-Fikr, 1995), 128.

¹⁹ Abū Aḥmad b. ‘Adī al-Jurjānī, *Al-Kāmil fī Du‘ufa’ al-Rijal*, eds. ‘Ādil Aḥmad al-Mawjūd & ‘Alī Aḥmad Mu‘awwad (Beirut: Dār al-Kutub al-‘Ilmiyah, n.d.), 204; Abū ‘Abdillāh al-Naysābūrī al-Ḥākim al-Naysābūrī, *Ma‘rifat ‘Ulum al-Ḥadīth*, Ed. Sayyid Mu‘azzam Ḥusayn (Beirut: Dār al-Kutub al-‘Ilmiyah, 1977), 72; Ibn Abī Ḥātim, *Al-Jarḥ wa al-Ta‘dīl*; Abū al-Fidā’ ‘Imāduddīn Ismā‘īl b. Shihābuddīn b. ‘Umar al-Qurashī al-Dimashqīb. Kathīr, *Al-Bidāyah wa al-Nihāyah*, ed. ‘Abdullāh b. ‘Abd al-Muḥsin al-Turkī, vol. 10 (Cairo: Dār Hijr, 1997), 117; Al-Khaṭīb al-Baghdādī, *Al-Jāmi‘ li Akhlāq al-Rāwī wa Adāb al-Sāmi‘*, ed. Maḥmūd al-Ṭaḥḥān, vol. 2 (Riyad: Maktabat al-Ma‘ārif, 1983), 235; Muḥammad b. Aḥmad b. al-Kiyāl, *Al-Kawākib al-Nayyirāt fī Man Ikhtalaṭ min al-Riwāṭ al-Thiqāt* (Mecca: Markaz al-Baḥth al-‘Ilmī bi Jāmi‘at Umm al-Qurā, n.d.), 89.

²⁰ Ṣalāḥ al-Dīn Khalīl b. Aybak Safadī, *Kitāb al-Wafī bi al-Wafayāt*, vol. 3 (Wiesbaden, 1982), 387; Abū ‘Abd Allāh Muḥammad b. ‘Abd al-Hādī al-Dimashqī al-Ṣāliḥī, *Ṭabaqāt ‘Ulama’ al-Ḥadīth*, vol. 2 (Beirut: Mu‘assasat al-Risālah, 1989), 86.

learning in the lesson he attended at that time, due to his very little age. Ishāq b. Rāhawayh also benefited from ‘*riḥlah*’, one of the important scientific education paths of that time. However, before travelling to centers of learning outside his region, he studied under scholars such as Ibn al-Mubārak (181/797), Faḍl b. Mūsā al-Sinānī (192/807-8), Abū Tumaylā Yaḥyā b. Wāḍiḥ (after 190), ‘Umar b. Hārūn (194/810), and Naḍr b. Shumayl (204/820).²¹

Although it is not known exactly when and where he undertook his scholarly travels, it can be said that his journey to Iraq in 184/801 was his first experience.²² During his travels, he had the opportunity to meet many prominent scholars and learn from them. He even found the opportunity to narrate from several scholars who belonged to *ṭabi‘ al-ṭabi‘in*. Within the framework of his scientific journey, sources that can be used as references indicate that he travelled to cities in Iraq, Hijaz, Yemen, Damascus, and Khurasan. His contacts in these regions are noteworthy in terms of demonstrating his scientific network.²³

Ishāq b. Rāhawayh’s marriage was reported to a woman who possessed al-Shāfi‘ī’s books which he inherited them from her former died husband in Merv.²⁴ This showed that Ishāq b. Rāhawayh was highly obsessed with al-Shāfi‘ī’s knowledge. This woman was the daughter of Abū Muḥammad Sulaymān b. ‘Abd Allāh. Abū Muḥammad was one of the residents of Zaghandan, which was one of the villages in Merv. Abū Muḥammad went out from Zaghandan to travel to study under al-Shāfi‘ī (204/820) and succeeded in obtaining his books. After his death, these books were handed over to his daughter.²⁵ It seems more likely that she inherited them from her

²¹ Al-Khaṭīb al-Baghdādī, *Tārikh Baghdād*, vol. 6, 347; Al-Safādī, *Kitāb al-Waḥī bi al-Waḥyāt*, vol. 8, 387; Al-Subkī, *Ṭabaqāt al-Shāfi‘īyah al-Kubrā*, vol. 2, 83.

²² Al-Khaṭīb al-Baghdādī, *Tārikh Baghdād*, vol. 6, 347; Ibn Badran, *Tabdhīb Tārikh Ibn ‘Asākīr*, vol. 2, 413; Al-Mizzī, *Tabdhīb al-Kamal fī Asmā’ al-Rijāl*, vol. 2, 378; Al-Sam‘ānī, *Al-Ansāb*, vol. 6 (Beirut: Dār al-Jinān, 1998), 56; Al-Subkī, *Ṭabaqāt Al-Shāfi‘īyah al-Kubrā*, vol. 2, 83.

²³ Al-Dhahabī, *Siyar ‘Alam al-Nubalā’*, vol. 11, 359; Ibn al-Jawzī, *Al-Muntaḍam fī Tārikh al-Muluk wa al-Umam*, vol. 11, 259.

²⁴ Shams al-Dīn Abū ‘Abdillāh Muḥammad b. Aḥmad b. ‘Uthmān al-Dimashqī al-Dhahabī, *Tārikh al-Islām wa Waḥyāt al-Mashābir wa al-‘Alam*, ed. ‘Umar ‘Abdussalām Tadmūrī, vol. 14 (Beirut: Dār al-Kutub al-‘Ilmiyah, 2000), 335.

²⁵ Al-Sam‘ānī, *Al-Ansāb*, vol. 6, 306.

father than from her husband. Ishāq b. Rāhawayh may also have been her second husband.

Ishāq b. Rāhawayh had two sons, but it is not known whether they were from his marriage to the woman mentioned above or from other marriage. One of his two children was named Muḥammad b. Ishāq b. Rāhawayh, while the other was named ‘Alī b. Ishāq b. Rāhawayh.²⁶ His son Muhammad was born in Merv. Together with his father, Muhammad lived in Nishapur and worked as a government official. With his father’s permission, he undertook scholarly travels to Khurasan, Iraq, Egypt, Shām, and Hijaz. According to a report he died after returning from the *ḥajj* because he was killed, but according to another version he died of natural causes. From his son Muḥammad, Ibn Rāhawayh had a grandson named Abū Ṭayyib Muḥammad b. Muḥammad b. Ishāq. Abū Ṭayyib was a man who was very knowledgeable about the Mālikī school of law. Abū Ṭayyib died in 330/950 in Ramla. In addition to Abū Ṭayyib, Ibn Rāhawayh also had another grandson named Abū Bakr.²⁷

Ishāq b. Rāhawayh was a great *mujtahid* and very cautious, so much so that he believed it was not permissible to accept payment for narrating ḥadīth.²⁸ Although he was born in Merv, he lived and settled in Nishapur until his death. He passed away in Nishapur on the 14th of Sha‘bān, on a Friday night, at the age of 77 (or 75 according to another report) in the year 238/853.²⁹ Some also reported that he passed away in 243 AH.³⁰ He was buried in the Shādhiyya cemetery in

²⁶ Abū al-Maḥāsīn Muḥammad b. ‘Alī al-‘Alawī al-Ḥusaynī, *Kitāb al-Tadhkirah bi Ma‘rifat Rijāl al-Kutub al-‘Ashrah*, ed. Riḥat Fawzī ‘Abd al-Muṭṭallib, vol. 1 (Cairo: Maktabat al-Khanjī, n.d.), 88.

²⁷ Al-Sam‘ānī, *Al-Ansāb*, vol. 6, 56–58.

²⁸ Abū ‘Umar ‘Uthmān b. ‘Abd al-Raḥmān b. al-Ṣalāh, *Muqaddimah Ibn al-Ṣalāh*, ed. ‘Ā‘ishah bt. ‘Abd al-Raḥmān (Cairo: Dār al-Kitāb, 1973), 235.

²⁹ Al-Dullabī, *Al-Kunā wa al-Asmā’*, vol. 2, 159; Al-Subkī, *Ṭabaqāt al-Shāfi‘iyah al-Kubrā*, vol. 3, 308; Al-Dhahabī, *Sīyar A‘lām al-Nubalā’*, vol. 13, 222; Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, vol. 6, 454; Muḥammad b. Ya‘qūb al-Fayruzabādī, *Tuḥfat al-Abīb fī Man Nusiba ilā Ghayr Abīb*, ed. ‘Abd al-Salām Hārūn, 1st ed., vol. 2 (Cairo: Nawādir al-Makḥṭūṭāt, 1951), 88; Muḥammad b. Ismā‘īl al-Bukhārī, *Al-Tārīkh al-Kabīr*, vol. 1 (India: Dā‘irat al-Ma‘ārif al-‘Uthmānīyah, 1959), 379; Muḥammad b. Ismā‘īl al-Bukhārī, *Al-Tārīkh al-Ṣaghīr* (Lahore: Idārat Tarjumān al-Sunnah, n.d.), 233.

³⁰ Abū Ishāq Burhān al-Dīn Ibrāhīm b. Muḥammad b. ‘Abd Allāh al-Raminī al-Dimashqī b. Muflīh, *Al-Maqṣad al-Arsbad fī Dhikr Aṣḥāb al-Imām Aḥmad*, ed. ‘Abd al-

Nishapur. However, another version claims he was buried in the Jalāl Abād cemetery.³¹

The Law School of Ishāq b. Rāhawayh and the Causes of Its Decline

It is found that Ishāq b. Rāhawayh was disputed by the followers of law schools. Several Shāfi'ite scholars included him among the companions of al-Shāfi'ī, such as al-Bayhaqī, al-Subkī, and Ibn Kathīr.³² Perhaps one of the reasons for Ishāq as a Shāfi'ite is what was mentioned about his learning with al-Shāfi'ī and debating with him on matters of knowledge. He also studied al-Shāfi'ī's books and benefited from them. Abū Qudayḍ al-Nasā'ī said that he heard Ishāq b. Rāhawayh said, "I wrote to Aḥmad b. Ḥanbal and asked him to send me al-Shāfi'ī's books that I needed, so he sent me the book *Al-Risālah*".³³

Aḥmad b. Maslama al-Naysābūrī said that Ishāq b. Rāhawayh in Merv married the wife of a died husband who had al-Shāfi'ī's books. He only married her because of the state of al-Shāfi'ī's books, so that he based his *Al-Jāmi' al-Kabīr* on al-Shāfi'ī's book, and his *Al-Jāmi' al-Ṣaghīr* on al-Thawrī's *Al-Jāmi' al-Ṣaghīr*.³⁴

Although the Mālikis did not mention him in the biographies of their companions, Muḥammad b. al-Junayd said when he was asked about Aḥmad and Ibn Rāhawayh, which of them was more knowledgeable. Al-Junayd said that Ishāq b. Rāhawayh was much more inclined towards Mālik's opinion, and he would argue for the

Rahmān b. Sulaymān al-'Uthaymīn (Riyad: Maktabat al-Rushd, 1990), 242; Abū Ya'lā al-Farrā', *Ṭabaqāt al-Ḥanābilah*, 289.

³¹ Muḥammad b. Ḥibbān b. Aḥmad b. Ḥibbān b. Mu'adh b. Ma'bad al-Tamīmī al-Buṣṭī b. Ḥibban, *Al-Thiqāt*, vol. 8 (Hyderabad: Dā'irat al-Ma'arif al-'Uthmāniyah, 1973), 216; Abū 'Abd Allāh Muḥammad b. Sa'd Munī al-Hāshimī b. al-Bay', *Talkhīṣ Tarīkh Naysābūr*, vol. 1 (Tehran: Kuttabhane Ibn Sīna, n.d.), 29.

³² Ibn Khallikān, *Wafayāt al-A'yān wa Anbā' Abnā' al-Zaman*, vol. 1, 200; Al-Subkī, *Ṭabaqāt Al-Shāfi'iyyah al-Kubrā*, vol. 2, 83; Ibn Kathīr, *Al-Bidayah wa al-Nibāyah*, vol. 1, 118.

³³ Ibn Abī Ḥātim, *Al-Jarḥ wa al-Ta'dīl*, vol. 7, 204.

³⁴ Abū Nu'aym Aḥmad b. 'Abd Allāh al-Aṣbahānī, *Ḥilyat al-Awliyā' wa Ṭabaqāt al-Aṣfiyā'*, vol. 9 (Cairo: Maṭba'at al-Sa'ādah, 1974), 102.

people of Medina, while Aḥmad just followed the ḥadīth narrations.³⁵ He was also mentioned by Abū Ya‘lā in *Ṭabaqāt al-Ḥanābilah*³⁶, and by Burhān al-Dīn b. Mufliḥ in *Al-Maqṣad al-Arsbad*³⁷ that Ishāq b. Rāhawayh is among the companions of Aḥmad b. Ḥanbal.

After mentioning him among the companions of al-Shāfi‘ī, Ibn ‘Abd al-Barr took a middle ground by saying, that Ibn Rāhawayh did not attain the level of al-Shāfi‘ī, but he wrote his books and accompanied him, and he had a choice (*ikhtiyār*) like the choice of Abū Thawr, except that he was more inclined towards the meanings of the ḥadīth and following the *salaf* (classical scholars), like the school of Aḥmad b. Ḥanbal.³⁸ Ibn Taymīyah stated that Ishāq b. Rāhawayh falls under the school of Aḥmad b. Ḥanbal by his statement, “*Likewise, Ishāq’s choice falls under the school of Aḥmad because of their agreement*”.³⁹

However, Majority of scholars have agreed that Ishāq b. Rāhawayh was a leading scholar of jurisprudence, the founder of a followed school of law, just like the other founders, such as Abū Ḥanīfah, Mālik, al-Shāfi‘ī, Aḥmad b. Ḥanbal, and others who established law schools. He had followers who were called the Ishāqīyah and the Rahwīyah. Ibn Kathīr said, “*Likewise, Ishāq b. Rāhawayh was a followed imām, and he had a group who followed him and exerted themselves in his approach. They are called the Ishāqīyah*”.⁴⁰ Yahyā b. Muḥammad al-Anbarī said that there are five law schools among

³⁵ Abū al-Qāsim ‘Alī b. al-Ḥusayn b. Hibat Allāh b. ‘Abd Allāh b. ‘Asākir, *Tarikh Madīnat al-Dimashq*, vol. 8 (Beirut: Dār al-Fikr, 1995), 135; Ibn Abī Ḥātim, *Al-Jarḥ wa al-Ta’dil*, vol. 7, 204.

³⁶ Abū Ya‘lā al-Farrā’, *Ṭabaqāt al-Ḥanābilah*, vol. 1, 109; Ibn Abī Ḥātim, *Al-Jarḥ wa al-Ta’dil*, vol. 7, 204.

³⁷ Ibn Mufliḥ, *Al-Maqṣad al-Arsbad fī Dhikr Aṣḥāb al-Imām Aḥmad*, vol. 1, 242; Ibn Abī Ḥātim, *Al-Jarḥ wa al-Ta’dil*, vol. 7, 204.

³⁸ Yūsuf b. ‘Umar al-Qurṭūbī b. ‘Abd al-Barr, *Al-Intiqā’ fī Faḍā’il al-A’immah al-Thalāthah al-Fuqāhā’* (Beirut: Dār al-Kutub al-‘Ilmiyah, n.d.), 108; Ibn Abī Ḥātim, *Al-Jarḥ wa al-Ta’dil*, vol. 7, 204.

³⁹ Aḥmad b. Taymīyah, *Majmū‘ al-Fatāwā*, ed. ‘Abd al-Raḥmān b. Muḥammad b. Qāsim, vol. 4 (Medina: Majma‘ al-Mālik Fahd li Ṭibā‘at al-Muṣḥaf al-Sharīf, 2004), 178.

⁴⁰ Aḥmad Muḥammad Shākir, *Al-Ba‘ith al-Ḥathūth Sharḥ Ikhtiyār ‘Ulum al-Ḥadīth* (Beirut: Mu’assasat al-Risālah, 2015), 35.

ḥadīth scholars, the Mālikis, the Shāfiʿīs, the Ḥanbalis, the Rahwīya, and the Khuzaymiyya, the followers of Ibn Khuzaymah.⁴¹

Al-Dhahabī said that Ishāq b. Rāhawayh was, in addition to his memorization, an *imām* in *tafsīr*, a leading figure in jurisprudence, and one of the *imāms* of independent legal reasoning (*ijtihād*).⁴² He also said that Ishāq b. Rāhawayh was one of the great *imāms* of independent legal reasoning and one of the leading memorizers of ḥadīth.⁴³

Ibn Rāhawayh with his own diligence and his perseverance in seeking knowledge to amass a vast store of knowledge qualified him to be an independent legal *imām* with a school of law known as the Rahwiyya, which spread in Khurasan and gained followers. Al-Samʿāni said that he was a renowned and famous *imām* from Merv who resided in Nishapur. He was followed and had his own opinions and choices. He was a contemporary of Aḥmad b. Ḥanbal.⁴⁴

Regarding the extinction of the Ishāq b. Rāhawayh's school of law, one of the most important factors contributing to its demise was that his students and followers who ignored and neglected it. The founders of extinct schools of law typically did not record their arguments and legal opinions, but instead simply issued fatwās on specific issues questioned. Meanwhile, schools that survived were those whose students and subsequent generations were able to preserve the arguments and law schools of their founders by following their legal opinions, establishing rules and principles based on the fatwās and opinions issued by their founders, and developing them into more specific and detailed laws (*furūʿ*).

Another reason for the demise of the Ishāq b. Rāhawayh's school of law was that it failed to convince the Sultan (political ruler) to adopt it as the official state law school. This was similar to some previous governments that adopted a school of jurisprudence, such as the Abbasid Caliphate, which adopted the Hanafī school and brought

⁴¹ Abū ʿAbdillāh Muḥammad b. Abī Bakr b. al-Qayyim al-Jawzīyah, *Iʿlam al-Munwaqqiʿin ʿan Rabb al-ʿAlamin*, vol. 2 (Beirut: Dār al-Kutub al-ʿIlmiyah, 1996), 283.

⁴² Al-Dhahabī, *Siyar Aʿlam al-Nubalāʾ*, vol. 11, 375.

⁴³ Shams al-Dīn Abū ʿAbdillāh Muḥammad b. Aḥmad b. ʿUthmān al-Dimashqī al-Dhahabī, *Al-Ulum li al-ʿAlī al-Ghaffār fi Iḍāḥ Ṣaḥīḥ al-Akḥbār wa Saqīmibā*, ed. Abū Muḥammad Ashraf b. ʿAbd al-Maḥsūd (Riyad: Maktabat al-Aḍwāʾ al-Salaf, 1995), 132.

⁴⁴ Al-Samʿānī, *Al-Ansāb*, vol. 6, 56.

Abū Yūsuf closer to the government and made him its chief judge. Thus, political support from the government helped a school of law survive.

Another reason is that time also prevented the preservation of Ishāq b. Rāhawayh’s works, so they were lost along with other works that were lost and burned. If his works had survived, they would have been a valuable treasure trove that could have served as the basis for later works which explains, comments, or summarizes Ishāq b. Rāhawayh’s works. However, Ishāq b. Rāhawayh’s school of law was not completely lost, as some works still preserve fragments of it. This allows for the application of the principle that what cannot be fully known should not be abandoned altogether.⁴⁵

The Legal Opinions of Ishāq b. Rāhawayh in *Sunan al-Tirmidhī*

In *Sunan al-Tirmidhī*, there are many legal opinions attributed to Ishāq b. Rāhawayh to explain the content of the ḥadīth and provide further information related to the topic of the ḥadīth chapter. The following are the jurisprudential opinions of Ishāq b. Rāhawayh:

No.	Ibn Rāhawayh’s legal opinion
1	It is not permissible to face or turn back to the <i>qiblah</i> when defecating or urinating if someone is in an open place. If he is in a closed place, i.e. inside a building, then it is permissible to face the <i>qiblah</i> when defecating or urinating
2	Cleaning excrement with stones is sufficient without the need for water.
3	It is preferred to use water rather than stones for <i>istinjā’</i> (cleaning), even though <i>istinjā’</i> with stones is sufficient. <i>Istinjā’</i> with water is preferable to <i>istinjā’</i> with stones.
4	It is not permissible to put someone’s hand into a container of water until he has washed it first after waking up from sleep, whether at night or during the day.
5	If someone deliberately omits <i>tasmiyah</i> (mentioning the name of Allah), then he must repeat his ablution. If he omits <i>tasmiyah</i> because he forgot, then his ablution is still valid.
6	If someone omits both of these in <i>wuḍū’</i> (ablution) and then prays, they must repeat their prayer with <i>wuḍū’</i> that includes <i>maḍmaḍa</i> and <i>istinshāq</i> . They also equate the ruling for both <i>wuḍū’</i> and <i>janābat</i> (bathe).
7	If someone leaves their beard uncleaned due to forgetfulness or ignorance, it is still valid. However, if they leave it intentionally, they must repeat the ablution.

⁴⁵ Ishāq b. Maṣūir Kawṣaj, *Masā’il al-Imām Aḥmad b. Ḥanbal wa Ishāq b. Rāhawayh*, vol. 1 (Saudi Arabia: ‘Imādat al-Baḥth al-‘Ilmī, 2002), 159.

8	When washing head in <i>wuḍū'</i> , someone washes his head with both hands, moving them forward and backward. He starts with the front of his head and moved backward to the nape of his neck. After that, he moves forward again until he returns to the place where he started washing his head. Then, he washes his feet.
9	Washing the head once is sufficient in ablution.
10	The two ears are part of the head. In addition, Ibn Rāhawayh preferred to wipe the front of both ears together with the face, and wipe the back of both ears together with the wiping of the head.
11	Cleaning the spaces between the fingers should not only be done on the feet, but also on the fingers.
12	Someone who performs ablution with more than three movements is only someone who is being tested (with illness).
13	It is not to restrict measurement of the amount of water for <i>wuḍū'</i> . It is just an estimated amount of sufficiency that is needed for <i>wuḍū'</i> .
14	It is <i>makrūb</i> (being detested) to use excess water used for female purification, but it is not a sin to use that excess water.
15	If there are two <i>qullab</i> in the water as long as nothing changes it into impurity by changing its smell or taste. In addition, they also explain that the <i>qullab</i> is approximately 5 <i>qirbab</i> .
16	Sprinkling the urine of a baby boy is sufficient, and washing the urine of a girl is necessary. This is as long as the two babies have not eaten anything. If they have eaten, then all the urine should be washed away.
17	If air comes out of a woman's front genitals, ablution is obligatory for her.
18	If a person sleeps until he loses his mind and consciousness, he must perform ablution to perform prayer.
19	Eating something heated with fire does not invalidate wudu, and this matter is the last of what came from the Prophet regarding the ḥadīth of food cooked with fire. This implies that this ḥadīth has abrogated the ḥadīth that explains the necessity of wudu due to eating food cooked with fire.
20	Touching the genitals invalidates ablution.
21	Kissing wife is one of the things that can invalidate ablution
22	Kissing one's wife is one of the things that can invalidate ablution
23	It is not permissible to perform ablution using <i>nabidh</i>
24	If someone was tested with the absence of anything other than <i>nabidh</i> for ablution, then he should perform <i>tayammum</i> .
25	Something licked by a dog must be washed seven times, mixed with dust at the beginning or end.
26	The remains of a cat are not harmful (not impure).
27	Wiping over the <i>khuf</i> for the resident is one day and one night, while for the traveler it is three days and three nights.
28	It is sufficient to only wash the turban during <i>wuḍū'</i> .
29	When performing <i>ghusl al-janābah</i> , someone takes ablution first as in the

	ablution for prayer and washes his head three times, then spreads the water over his entire body, and washes the soles of his feet. Additionally, if someone who is in a state of <i>janabah</i> immerses themselves in water without performing ablution, it is sufficient.
30	If the two genitals meet, then bathing is obligatory.
31	It is obligatory for a man to take a bath if he finds wetness that is indeed from semen, and if someone has a wet dream but does not find wetness, then he does not need to take a bath.
32	It is not sufficient to merely sprinkle water; it must be washed.
33	If <i>mani</i> gets on clothes, it is sufficient to scratch it off even if it is not washed.
34	If a person in a condition of <i>junnub</i> wants to sleep, he should perform ablution first before going to sleep.
35	A man who has performed <i>ghusl</i> may warm himself and sleep with his wife even if she has not yet performed <i>ghusl</i> .
36	Those who are <i>junnub</i> and menstruating, if they cannot find water, may perform <i>tayammum</i> and then pray.
37	A <i>mustahabāḥ</i> may take a bath every time she is about to pray, and this is the most cautious approach. Additionally, performing wudu every time she is about to pray is also sufficient, or she may combine two prayers by taking one bath, which is also sufficient.
38	A menstruating woman and a person in a condition of <i>janabat</i> are prohibited from reciting anything from the Quran except for a portion of a verse or a letter or the like. However, a person in a state of <i>janabat</i> and a menstruating woman are still allowed to recite <i>tasbiḥ</i> and <i>tahlil</i> .
39	A woman who is menstruating is still permitted to sleep with her husband
40	A husband who has intercourse with his wife while she is menstruating must pay <i>kaffāra</i> (redemption) as stated in the ḥadīth.
41	A garment stained with menstrual blood does not require one to repeat the prayer for someone wearing this garment, even if the blood is more than the amount of one <i>dirham</i> .
42	Women who were in a condition of <i>nifās</i> would leave their prayers for forty days, unless they had become pure within the forty days. If they were purified, they could bathe and pray. However, if they still saw blood after more than forty days, they were no longer allowed to leave the prayer.
43	One should not stand for prayer if he feels the urge to toileting, whether it be for a defecation or urination. If one has already entered into prayer and finds that one needs to toileting, then he should not stop praying as long as it does not interfere with the prayer.
44	<i>Tayammum</i> is sufficient with one strike of dust to be wiped on the face and palms.
45	A man may recite the Qur'an even without performing ablution, but he may not recite from the <i>muṣḥaf</i> unless he is in a state of purity.
46	Urine can be purified by pouring water over it.

47	Dawn prayer while it is still dark is highly recommended.
48	The <i>fajr</i> prayer is performed when the dawn has clearly arrived, but it doesn't mean delaying the <i>fajr</i> prayer.
49	Ibn Rāhawayh chose to delay the noon prayer when the weather was very hot.
50	It is preferred to hasten the afternoon prayer when it was the time, and be not like to delay it.
51	The ' <i>ishā'</i> prayer should be delayed until the last moment of its time.
52	<i>Qada'</i> prayer may be performed within or outside its time.
53	There are certain times when it is disliked to perform <i>sunnah</i> prayers, except for the <i>sunnah</i> prayers that are exempted, as mentioned in the ḥadīth in the chapter.
54	The <i>sunnah</i> prayer before <i>maghrib</i> was performed by some of the Prophet's companions. They prayed two <i>raka'ats</i> of pre- <i>maghrib</i> between the <i>adhān</i> and <i>iqamah</i> . In addition, if the pre- <i>maghrib</i> prayer is performed, it is a good thing.
55	Whoever finds one <i>raka'at</i> of prayer before the end of its time, then he has found the prayer in its time. However, Ibn Rāhawayh limited it to those who have an excuse, such as someone who oversleeps and misses the prayer, or forgets, then wakes up or realizes when the sun is rising or setting.
56	It is not permissible to combine two prayers at one time except when traveling or in 'Arafa. Ibn Rāhawayh argues that tolerance should be given to combine two prayers for people who are sick
57	It is disliked to call the <i>adhān</i> without having performed <i>wuḍū'</i> .
58	If the <i>adhān</i> is recited at night before dawn, then that is sufficient.
59	It is preferred to call the <i>adhān</i> when traveling.
60	If a man prays alone and then finds a congregation praying, he should repeat his entire prayer with the congregation. If a man prays <i>maghrib</i> alone and then finds a congregation praying, he should pray <i>maghrib</i> with the congregation and then complete his own prayer with an additional <i>raka'at</i> . and the prayer he performed alone will be an obligatory prayer for him.
61	It is permissible for a congregation to pray in a mosque where another congregation have been already praying.
62	It is disliked to establish rows between the ranks of soldiers
63	If a man prayed alone behind the row (<i>saff</i>), he should repeat his prayer.

Table 1: The Trace of Ibn Rāhawayh's legal opinions in *Sunan al-Tirmidhī*

The Characteristics of Ishāq b. Rāhawayh's *Fiqh al-Ḥadīth*

Ishāq b. Rāhawayh was a colleague of Aḥmad b. Ḥanbal, and many of his school of law's ideas are similar or even identical. This is true both in terms of the main aspects of his thinking (*uṣūl*) and in

terms of the branches (*furū*).⁴⁶ According to Ibn Taymīyah, the majority of their opinions are similar. Many scholars have compared the *fiqh* opinions of Ishāq b. Rāhawayh and Aḥmad b. Ḥanbal.⁴⁷ In their view, the majority of their opinions are so similar that scholars such as al-Kawsaj or al-Kirmānī, when faced with a legal issue, would ask Aḥmad b. Ḥanbal, or if not him, then Ishāq b. Rāhawayh. Therefore, al-Tirmidhī, in his work, collected many of *fiqh* opinions of Ishāq b. Rāhawayh and Aḥmad b. Ḥanbal in the same pattern. Al-Tirmidhī took many opinions from Aḥmad b. Ḥanbal and Ishāq b. Rāhawayh from the book *Al-Masā'il* of Ishāq al-Kawsaj (d. 251/877).⁴⁸

Likewise, many scholars studied under these two scholars in the field of *fiqh*, such as Abū Zur'ah (d. 264/878), Abū Ḥātim (d. 277/890), and Ibn Qutaybah (d. 276/889), as well as other scholars who were well-known in the fields of *sunnah* and ḥadīth.⁴⁹ Many of them shared the *fiqh* opinions of Ishāq b. Rāhawayh and Aḥmad b. Ḥanbal. They prioritized the opinions of these two scholars over those of other classic scholars. Famous scholars who compiled canon ḥadīth books, such as al-Bukhārī (d. 256/870), Muslim (d. 261/825), al-Tirmidhī, al-Nasā'ī (d. 303/915), and others, adopted many of their opinions, and they also studied ḥadīth and *fiqh* under these two scholars. When Aḥmad b. Ḥanbal was asked about Ishāq, he replied, "I have been asked a lot about Ishāq, and likewise, Ishāq has been asked a lot about me".⁵⁰

The similarities in the legal opinions of Aḥmad b. Ḥanbal and Ishāq b. Rāhawayh made it difficult to distinguish between the two

⁴⁶ Ibn 'Abd al-Barr, *Al-Intiqā' fī Faḍā'il al-A'immah al-Thalāthah al-Fuqahā'*, 108.

⁴⁷ Ibn Taymīyah, *Majmū' al-Fatāwā*, vol. 3, 113.

⁴⁸ Kawsaj, *Masā'il al-Imām Aḥmad Ibn Ḥanbal wa Ishāq Ibn Rāhawayh*.

⁴⁹ For some recent research on these three figures, see: Anas Al-Jaad, "Differences Between Bukhari And Abū Zur'a in Tirmidhi's Sunan," *Cumhuriyet İlahiyat Dergisi* 20, no. 1 (2016): 245–66, <https://doi.org/10.18505/cuifd.16399>; Aḥmad Kāmil Bin Jamilīn and Muhammad Fawwaz Bin Muhammad Yusoff, "Revisiting the Severe Classification of Abū Ḥātim al-Rāzī: An Analysis of Technical Terminology in Hadīth Transmitter Criticism," *AlBayan* 18, no. 2 (2020): 155–77, <https://doi.org/10.1163/22321969-12340085>; Geert Jan van Gelder, "Hadīth as Adab: Ibn Qutayba's Chapter on Hadīth in His 'Uyūn al-Akḥbār," in *Leiden Studies in Islam and Society* (Brill Academic Publishers, 2020), 10:283–97, https://doi.org/10.1163/9789004427952_014.

⁵⁰ Ibn Taymīyah, *Majmū' al-Fatāwā*, vol. 25, 232-233.

schools of law. The developments in subsequent generations showed that Aḥmad b. Ḥanbal's successors proved more solid and militant in developing and spreading his law school. This was further reinforced by Aḥmad b. Ḥanbal's popularity after the *mihnah* (inquisition) tragedy in 833 throughout the reign of al-Ma'mun and subsequent Abbasid caliphs. In 848 the state's re-recognition of *abl al-sunnah* by eliminating the Mu'tazila sect in the reign of al-Mutawakkil also contributed to the rise of Aḥmad b. Ḥanbal's popularity, who had previously been imprisoned for his steadfast adherence to the principle of obedience of the Qur'an.⁵¹ Aḥmad b. Ḥanbal's position in the capital of the Abbasid caliphate, Baghdād, which wielded vast influence, also contributed to the spread of his law school. This contrasted sharply with the Khurasan region, where Ishāq b. Rāhawayh resided. In subsequent generations, scholars made things easier by intertwining the legal opinions of both, leading to Ishāq's law school becoming obscured and faded away.

Ibn Rāhawayh was among the jurists who relied on the Qur'an, the *sunna*, and the narrations from the Companions and the Successors, resorting to analogy only in cases of extreme necessity. The principles of Aḥmad b. Ḥanbal, Ibn Rāhawayh, and al-Shāfi'ī were similar to one another. Ibn Taymīyah said that Aḥmad's agreement with al-Shāfi'ī and Ibn Rāhawayh was greater than his agreement with others, and his principles were more similar to theirs than to the principles of others. He praised them, held them in high esteem, and preferred the principles of their schools of law to those whose principals were not like theirs.⁵²

As explained by al-Ḥāfiẓ b. Rajab, Ishāq b. Rāhawayh also used weak ḥadīths as the basis in issuing his legal opinions. The ḥadīths used by Ibn Rāhawayh were mostly high-quality or authentic ḥadīths of the Prophet. However, on several occasions, he also issued legal opinions using weak ḥadīths. This was one of his methods of *ijtihād* in issuing *fiqh* rulings, giving priority to ḥadīth over other Islamic sources. Therefore, the *madhhab* of Ishāq b. Rāhawayh is among the *abl al-ḥadīth* (the people of ḥadīth). Al-Shāfi'ī, Aḥmad b. Ḥanbal, Ishāq b. Rāhawayh, Abū 'Ubayd al-Qāsim b. Sallām (d. 224/838), Abū

⁵¹ Muḥammad Abū Zahrah, *Ibn Ḥanbal Ḥayātubū wa 'Aṣrubū Ara'uhū wa Fiqhuhū* (Cairo: Dār al-Fikr al-'Arabī, n.d.), 46.

⁵² Ibn Taymīyah, *Majmū' al-Fatāwā*, vol. 34, 113.

Thawr Muḥammad b. Naṣr al-Marwazī (d. 294), Dāwūd b. ‘Alī, and other scholars of their caliber were not only experts in narrating ḥadīth, but they were also experts in the meaning or understanding of the ḥadīth they narrated. Therefore, they are scholars who are often referred to or dubbed as *fuqahā’ al-ḥadīth* (scholars of *fiqh al-ḥadīth*).⁵³

Ishāq b. Rāhawayh has several opinions that differ from those of *jumbūr al-‘ulamā’*. These opinions are the result of his thinking in deducing *fiqh* of ḥadīth. One example is his view that it is not obligatory to recite the *fātiḥah* verses in prayer, except in the second, third, and fourth *raka’ats*. In this case, there are several scholars who are of the opinion that the *ma’mūm* (follower of *imām* in prayer) does not need to recite *fātiḥah* at all in any number of *raka’ats*. There are also scholars, such as al-Shāfi‘ī, who argue that it is obligatory to recite *fātiḥah* even if one is a *ma’mūm* in any *raka’at*, except in an emergency. Meanwhile, Ishāq b. Rāhawayh is of the opinion that reciting *fātiḥah* is not obligatory except in the following three *raka’ats*. This gives the understanding that if there is a *ma’mūm masbūq* (the follower of *imām* who come late) who only meets his *imām* when bowing in first *raka’at* in the *ṣajr* prayer, then his prayer is not considered valid, because he has missed reciting *fātiḥah* in half of the prayer. This is the opinion of Ishāq b. Rāhawayh, which differs from the *ijmā’* (consensus) of the scholars. In addition, in other *fiqh* cases, differences between Ishāq b. Rāhawayh and the majority of scholars can also be found, such as in the case of *taḥallul* in *ṭawaf ‘umra*, the obligation to perform *siwāk* before every prayer, the obligation to recite *bismillah* when performing *wuḍū’* except in cases of forgetfulness, and likewise, the person who recites the *iqāmah* must be the same person who recites the *ādhān*.

Ishāq b. Rāhawayh was once asked about what he meant by *makrūh*. He replied that what he meant by *makrūh* was a limit that should not be exceeded or crossed. However, the meaning of *makrūh* is very close to the meaning of *ḥarām*. Therefore, in this case, *makrūh* has a similar description and explanation to *shubbat*, which is not yet known whether it is *ḥarām* or not, so it is better to avoid *makrūh* than to do it, as the Prophet said that whoever avoids *shubbat* has preserved his religion and honor as a Muslim.⁵⁴ He did not intend this term of *makrūh* to convey the meaning commonly attributed to it by later

⁵³ Al-Ḥanbalī b. Rajab, *Fath al-Bārī* (Beirut: Dār al-Kutub al-‘Ilmiyah, n.d.).

⁵⁴ Kawsaj, *Masā’il al-Imām Aḥmad Ibn Ḥanbal wa Ishāq Ibn Rāhawayh*.

generation scholars, namely to express *tanẓīh* (purifying) and *tark al-awlā* (leaving the best), but rather intended a meaning that encompasses both *tanẓīh* and *ḥarām*. This term with its whole meaning has frequently been used not only by Ishāq b. Rāhawayh, but also by earlier classical scholars to denote *ḥarām*.

Ibn al-Qayyim dedicated a highly valuable chapter to this topic, in which he quoted earlier *imāms* who used the term *karābah* (disliked) to describe what is forbidden (*ḥarām*).⁵⁵ Mālik had said that it was not the practice of the people, nor of our predecessors, nor did he ever find anyone could emulate, to say about anything, ‘*This is ḥalāl and this is ḥarām*’. They would not dare to do so. Rather, they would say ‘*we dislike this*’, ‘*we consider this good*’, ‘*this is preferable*’, and ‘*we do not consider this permissible*’. Aḥmad b. Ḥanbal said regarding marrying two sisters as slaves, “*I dislike it, but I do not say it is forbidden*”. His opinion was that it is forbidden, but he refrained from using the term *ḥarām*. Muḥammad b. al-Ḥasan (d. 189/805) stated that everything disliked (*makrūh*) is forbidden (*ḥarām*), but since someone did not find a definitive evidence on the matter, he did not use the term *ḥarām* to describe it. Muḥammad also narrated from Abū Ḥanīfa and Abū Yūsuf that it is closer to being forbidden (*ḥarām*).⁵⁶

In his book *Al-Jāmi‘ al-Kabīr*, Muḥammad said, “*It is disliked for men and women to drink from gold and silver vessels*”, meaning that it is *ḥarām*. At the same time, Abū Yūsuf (d. 182/798) and Muḥammad also said, “*It is disliked to sleep on a silk bed or to use silk pillows as a pillow*”, meaning it is *ḥarām*. As for the followers of Mālik, they consider what is disliked (*makrūh*) to be a level between what is forbidden (*ḥarām*) and what is permissible (*mubāḥ*). They do not call it *javāz* (allowed). For example, they said, “*Eating any predatory animal with fangs is disliked (makrūh), not permissible (ghayr mubāḥ)*”. Mālik said in many of his answers, “*I dislike such and such*”, and it means forbidden (*ḥarām*).⁵⁷

Al-Shāfi‘i explicitly stated his dislike for a man to marry his daughter conceived through adultery, never saying it was permissible (*mubāḥ*) or allowed (*javāz*). His dislike should be interpreted as prohibition (*tahrim*). He used the term *karābah* because the God and

⁵⁵ Ibn al-Qayyim al-Jawziyah, *I‘lam al-Munwaqqi‘in ‘an Rabb al-‘Alamin*, vol. 1, 71–76.

⁵⁶ Abū ‘Īsā Muḥammad b. Thawrā al-Tirmidhī, *Al-Jāmi‘ al-Kabīr*, vol. 1 (Beirut: Dār al-Risalah al-‘Ālamīyah, 2009), 66–68.

⁵⁷ *Ibid.*

His Messenger dislike what is forbidden (*ḥarām*). In a sound ḥadīth, it is narrated, “*God dislikes for you gossip, excessive questioning, and wasting money*”. The early scholars used ‘dislike’ (*karābat*) in the sense in which it was used in the words of God and His Messenger. However, later generation of scholars have come to restrict the meaning of *karābat* to what is not *ḥarām*, and undoing it is preferable rather than committing.⁵⁸

On the other hand, Al-Rāmahurmuzī said that Ishāq b. Rāhawayh had a debate with al-Shāfi‘ī, witnessed by Aḥmad b. Ḥanbal, about the matter of the skin of a carcass that had been tanned. Al-Shāfi‘ī believes that the skin of a carcass that has been tanned becomes purity. Then Ishāq b. Rāhawayh debated al-Shāfi‘ī about what is the proof that it becomes purity. Al-Shāfi‘ī replied with a ḥadīth narrated by al-Zuhrī from Maymūnah that the Prophet passed by a goat carcass and he said, “*Don’t you want to use its skin?*”. Then Ibn Rāhawayh refuted the ḥadīth with a ḥadīth from Ibn ‘Akim, the Messenger of Allah wrote to us a month before his death, “*Do not use anything from a carcass, whether its skin or bones*”. This ḥadīth is more appropriate if it is considered a ḥadīth that abrogates the ḥadīth narrated by Maymūnah, because this ḥadīth came out a month before the death of the Messenger of Allah. Then al-Shāfi‘ī refuted it with his method of narration that what al-Shāfi‘ī narrated was through the *sama’* method, while the ḥadīth mentioned by Ishāq b. Rāhawayh was with the *mukātabah* method. But Ishāq b. Rāhawayh refuted it again that the *mukātabah* method is a proof (can be practiced), proven from the Prophet’s writings that he sent to King Kisrā and King Qaysar, and that became a proof for them before Allah. Then, al-Shāfi‘ī was silent, and when Aḥmad b. Ḥanbal heard the debate, Aḥmad b. Ḥanbal then argued with Ibn Akim’s ḥadīth that had been expressed by Ishāq b. Rāhawayh. Meanwhile, Ishāq b. Rāhawayh actually retracted his opinion, and used the ḥadīth of Maymūnah which was al-Shāfi‘ī’s argument. After that he issued a *fatwā* with the ḥadīth of Maymūnah.⁵⁹

It is worth noting that similarities between the main tenets of Ishāq b. Rāhawayh’s law school and those of Aḥmad b. Ḥanbal have contributed to the cluster of *abl al-ḥadīth*. Meanwhile, the use of weak

⁵⁸ Ibid.

⁵⁹ Kawsaj, *Masā’il al-Imām Aḥmad Ibn Ḥanbal wa Ishāq Ibn Rāhawayh*.

ḥadīths in some legal opinions lead to the result that Ishāq b. Rāhawayh is prefer to the narration (*riwāya*) rather than logical reasoning (*qiyās*). Some of Ishāq b. Rāhawayh's *fiqh* opinions differ from those of *jumbūr al-'ulamā'*, as it is common for every classical scholar to have his own peculiarity. In addition, *makrūh* according to Ishāq b. Rāhawayh is very close and even similar to *ḥarām* as it is lately terminologized by later generations. Although Ishāq b. Rāhawayh adopted al-Shāfi'i's idea of the highly authoritative nature of the Prophetic ḥadīth, the debate in the *fiqh* problems was occurred between them.

Conclusion

Sunan al-Tirmidhī is a unique compilation of ḥadīths in which al-Tirmidhī records the *fiqh* opinions of classical scholars as a way to understand the ḥadīths he included in it. One of the classical *madhhab al-fiqh* figures whom al-Tirmidhī refers to in understanding the legal ḥadīths in his *Sunan* is Ishāq b. Rāhawayh. Ishāq b. Rāhawayh's intensity in quoting authoritative ḥadīths in each of his opinions makes his legal arguments strong enough to be used as evidence, even though there are still some weak ḥadīths that form the basis of his opinions. The frequency with which his legal opinions corresponded with the redaction of the ḥadīths demonstrates the textuality of Ishāq b. Rāhawayh's school of law. This is also evident in the many similarities between the legal arguments of Ishāq b. Rāhawayh and Aḥmad b. Ḥanbal, who was known to be more textual in expressing his legal opinions. In fact, Aḥmad b. Ḥanbal did not hesitate to forbid his students from writing down his legal opinions.

Although Ishāq b. Rāhawayh was greatly influenced by al-Shāfi'i's idea of the highly authoritative nature of the Prophetic ḥadīth, it still leaves debates between these two scholars in relying on the evidence as the basis of their arguments. However, both of them are in common in greatly favoring authentic narrations of the Prophet over other narrations or opinions. Nevertheless, his reliance on weak ḥadīths and his contradiction of the majority of scholars in several of his legal opinions showed the peculiarity that had occurred among scholars of his period. Meanwhile, further studies on the topic could trace other ḥadīth literature containing the *fiqh* opinions of Ishāq b. Rāhawayh, which still needs to be explored to identify his other legal

opinions and to obtain additional ḥadīths that form the basis of his opinions.

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