

# ALLEGATIONS ON HANAFĪ FIQH

Answered by Mufti Zahid Hussain al-Qadri



## Question

Is it true that in the Ḥanafī Fiqh book *Durr e Mukhtār* it says that a thirsty person can drink alcohol and that in leading the prayer a man whose wife is more beautiful has more right to lead and also the man whose private part is smaller has more right to lead meaning be the Imam. Please advice as soon as possible if there is any mention of this in our books. Jazak-Allāh.

## Answer

The deviants seem to see no limits in their deceitful tactics to misguide the common rightly guided Muslims. It is clear that they practice “*Tajāhul-e-Aarifāna*” (to knowingly be ignorant) in order to brain wash the less knowledgeable. The Ḥanafī Fiqh is based on the Quran, Sunnah and Ijma’ of the Muslims as it has been proven to be in every generation and In Sha-Allāh will continue to be so. It is free

from irrational and absurd rulings as those mentioned in the question.

1. The Quran clearly forbids the drinking of “*khamr*” which is generally translated as “alcohol”.

﴿إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلٍ

الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ﴾

﴿“Wine (all intoxicants), and gambling, and idols, and the darts are impure  
- the works of Satan, therefore keep avoiding them so that you may  
succeed.”﴾

[Surah al-Maidah; Verse 90]

The Ḥanafī Fiqh regards those who permit the drinking of “*khamr*” as infidels as this is clearly contradicting the Quran. This is also clearly mentioned in *Al-Durr Al-Mukhtār* but why would the deviant mention that when it would defeat his objective. The deviant’s unjust but deceitful distortion of the text from *Al-Durr Al-Mukhtār* is where the conflict of “*Tadāwi Bi Al-Harām*” (using haram for medicine) is mentioned. After mentioning the difference of opinion, it says that according to the “*Zāhir Al-Mazhab*” the use of *Harām* for medicine is prohibited and then it says,

وقيل يرخص إذا علم فيه الشفاء ولم يعلم دواء آخر كما رخص الخمر للعطشان

“And it is said that it is permitted when it is known to cure and no other medicine is known in the same way as *khamr* is permitted for the exceedingly thirsty.”

The word “*al-Atshān*” in the Arabic language is a noun of exaggeration which exaggerates the meaning of the active participle. It is known by any person who possesses a little amount of understanding (*fiqh*) that this refers to a person who is a “*mudtarr*”<sup>1</sup>(compelled); dying of thirst and has nothing but “*khamr*” to keep him alive. This is in accordance to the Quran,

﴿فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ﴾

﴿“So there is no sin on him who is compelled and does not eat out of desire, nor eats more than what is necessary”﴾

[Surah al-Baqarah; Verse 173]

It is unanimously agreed upon that in the state of “*idtirār*”<sup>2</sup> unlawful meat and *khamr* becomes permissible in order to stay alive and only the amount that is necessary becomes permissible and anymore remains prohibited. This makes it apparent that the deviants deceitfully distorted the text from *Al-Durr Al-Mukhtār* or that they are completely devoid of basic common sense.

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<sup>1</sup> He who is compelled to commit a prohibited act in order to save his life as there is no other means to save his life.

<sup>2</sup> State of being “*mudtarr*” (see above)

2. According to the Ḥanafī Fiqh, he holds the right to lead the ṣalāh who best knows the rules and regulations of “*Tahārah*” (cleanliness) and “*Salāh*”. This is with the condition that he knows enough from the Quran off by heart that he can perform the ṣalāh in the manner of Sunnah, he recites in the correct manner and he abstains from shameful acts and those that contradict a good and respectable reputation. After this, he who has more knowledge of *Qirā’ah* (recitation) and *Tajwīd* (correct pronunciation) holds the right to lead as long as he recites accordingly. If more than one person are the same in the former then he who possesses more “*wara*” and “*taqwā*” (piety) has more right to lead – such a person is he who abstains from doubtful things as well as that which is clearly forbidden (*harām*). If more than one are similar in the former then he who is older in age holds more right to lead and this is to mean he who has spent more time as a Muslim. If they are similar in this too then he who possesses a better character has more right to lead the Ṣalāh and then he who possesses more “*wajāhah*” (personal respectability) has more right. This is in the various books of Ḥanafī Fiqh and also recorded in *Bahār-e-Shariat* by Sadr Al-Sharī’ah.

Nowhere in the above qualities does it take in to consideration how the person’s wife looks but at this point in *Al-Durr Al-Mukhtār* it does say,

ثم الاحسن زوجة

“If they are equal in all this then he whose wife has a more beautiful character.”

In this text, “*al-Ahsan*” is not the physical beauty but the beauty of character. This is because if the wife has a beautiful character then the husband is generally good towards his wife and he who is best towards his wife is regarded best amongst men in character. This is in accordance to the Sunnah.

The Messenger of Allāh ﷺ said,

إجعلوا أمتكم خياركم فإنهم وفدكم فيما بينكم وبين ربكم

“Choose the best amongst yourselves to be the leaders (in *ṣalāh*) because they are the ambassadors between yourselves and your Lord.”

And the Messenger of Allāh ﷺ also said,

خياركم خياركم لنسائهم

“The best amongst you are those who are best towards their wives.”

And in another narration,

خيركم خيركم لأهله

“The best amongst you is he who is best towards his wife.”

This has made it clear that according to the Hadīth the man who is best towards his wife is the best in character and thus more qualified in leading the *ṣalāh* if there are others equal to him in the former qualities mentioned above. This ruling is in accordance to the

Sunnah and if anyone objects then it is upon them to provide something from the Quran or Sunnah which contradicts this ruling otherwise accept the fact that the Ḥanafī Fiqh is correct. One should also take heed from this text that study must not be carried out by oneself but must be in the feet of a scholar in order to protect himself from misunderstanding. Otherwise one may begin to order the people to look at every other's wife to see which one is more beautiful and through this make a mockery of our religion.

Continuing from the above, later in *Al-Durr* it says,

ثم الأكبر رأساً والاصغر عضواً

“Then he whose head is large and the rest of his body is small”

This is because a large head in comparison to the rest of the body depicts personal respectability, wisdom and intelligence.

Imam Ibn Abidīn رحمته الله and Imam Tahtāwī رحمته الله in the footnotes of *Al-Durr Al-Mukhtār* have written that he whose head is large in comparison to the rest of the body is a sign of increased intellect and awareness. Imam Ibn Abidīn رحمته الله has also refuted a possible mistranslation which none has ever before committed from amongst the Ḥanafī Scholars, that is to say the above text means he whose head is large and private part is small. This can only be the deceitful work of a deceitful deviant. Nowhere in the text does it mention private part.

“*udwan*” in the text literally means “body limb or part” and the deviant may argue that it is single and thus means the private part. This is incorrect as there are also other parts in the body that are single like the nose, mouth, chin, chest or naval etc. Why is it that the deviants only prefer the private part? One can only imagine what they plan.

The correct translation can be understood from the former text in *Al-Durr Al-Mukhtār*. It says,

ثم الانظف ثوبا

“Then he whose clothes are most clean and pure”

In this text “*thawban*” is singular but unanimously translated as “(all of his) clothes” rather than just one single garment. Only the enemy of common sense would say that this text means one of his garments is more clean and pure. In the same manner, “*udwan*” although single must be translated as all the body besides his head.

And Allāh ﷻ knows best.

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*(Beggar at the doorstep of Scholars)*

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