

The Influence of Imam al-Nawawī's Ikhtiyārāt on the Development of Shāfi'ī Jurisprudence

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Abstract

*This study aims to analyze the influence of Imam al-Nawawī's **ikhtiyārāt** (personal scholarly preferences) on the development of Shāfi'ī jurisprudence, particularly in altering the landscape of Shāfi'ī school thought, enriching the scholarly tradition, affirming the school's opinions, and serving as a basis for legal fatwas. The research employed a qualitative method with a library research approach, involving an analysis of the book *Raudat al-Ṭālibīn* and other Shāfi'ī literature sources. Data were collected through document review and analyzed descriptively and analytically. The results indicate that al-Nawawī's **ikhtiyārāt** have reshaped the thought patterns of the Shāfi'ī school, establishing themselves as a primary reference in resolving disputed issues (*khilafiyah*). Furthermore, al-Nawawī's innovations have enriched the intellectual heritage of the school and strengthened the affirmation of its opinions. These **ikhtiyārāt** have also become a crucial foundation in the issuance of legal fatwas. The implications of this research underscore al-Nawawī's role as one of the leading scholars of the Shāfi'ī school, whose innovative thoughts and perspectives have significantly contributed to the development of Islamic jurisprudence.*

1. Introduction

Imam al-Nawawī's esteemed position as the foremost mujtahid tarjīḥ within the Shāfi'ī school has significantly shaped the development of the school itself. This influence is evident in his recognition by Muta'akhhirīn Shāfi'ī scholars as the primary reference and foundation for determining the strongest opinions within the school's framework. Beyond fulfilling his role as a mujtahid tarjīḥ, al-Nawawī often engaged in independent reasoning (ijtihād) that occasionally diverged from the mainstream thought of other Shāfi'ī scholars. This divergence is reflected in several of his legal opinions, which were distinct from the prevailing views of earlier Shāfi'ī scholars. Among the notable outcomes of this difference is the emergence of al-Nawawī's selected opinions, known as ikhtiyārāt, which underscore his innovative and impactful contributions to the Shāfi'ī tradition ('Alī al-Kāf, 1997; Al-Najīrī, 2008; Maghribiyya, 2011).

Al-Nawawī's ikhtiyārāt hold a unique position compared to the ikhtiyārāt of earlier scholars. While the ikhtiyārāt of previous scholars were often regarded as weak opinions within the Shāfi'ī school, al-Nawawī's ikhtiyārāt are classified into two distinct categories. The first category comprises the ikhtiyārāt mentioned by al-Nawawī in his works other than *Rauḍat al-Ṭālibīn*. The second category includes the ikhtiyārāt found in his book *Rauḍat al-Ṭālibīn*. The ikhtiyārāt in the first category are treated similarly to the ikhtiyārāt of other Shāfi'ī scholars, being considered weak from the perspective of the school. These opinions may not even be acknowledged as part of the Shāfi'ī school if their reasoning does not adhere to the methodologies and principles of *ijtihād* and *istinbāṭ* established by al-Shāfi'ī, even if al-Nawawī deemed them strong based on evidence. Essentially, these opinions are not viewed as representative of the Shāfi'ī school but rather as al-Nawawī's personal views (Sulaymān al-Malībārī, 2016). According to al-Walī al-Dīn al-'Irāqī (d. 826 AH), as cited by Ibn Ḥajar al-Haytamī (d. 974 AH), al-Nawawī's preference for such opinions does not render them strong within the Shāfi'ī school. This is because adherents of the Shāfi'ī school are required to follow opinions whose reasoning aligns with the methodologies and principles of *ijtihād* formulated by al-Shāfi'ī (al-Haytamī & Aḥmad, 1983).

Secondly, the ikhtiyārāt al-Nawawī found in *Rauḍat al-Ṭālibīn*. In evaluating the opinions of ikhtiyārāt al-Nawawī, a category of opinions in this work, later Shafi'i scholars (ulama muta'akhhirīn) have differing views. Some of them believe that the ikhtiyārāt al-Nawawī in *Rauḍat al-Ṭālibīn* represents the strongest opinion from the perspective of the school (mazhab), not merely the strongest from the perspective of evidence (dalil). This means that the opinion is considered valid as the official stance of the Shafi'i school. This view was emphasized by prominent later Shafi'i scholars such as al-Asnawī (d. 772 AH) (Al-Asnawī & 'Abd al-Raḥīm, 2009) and Ibn Ḥajar al-Haytamī (w. 974 H) (al-Haytamī & Aḥmad, 1983). The statements of these two figures were

later followed by other Shafi'i scholars, leading to this opinion becoming widely accepted by the majority of later Shafi'i scholars.

The emergence of the opinion of ikhtiyārāt al-Nawawī had a significant influence on the development of legal thinking (fiqh) among scholars in later periods, particularly in the way strong opinions were chosen for fatwas, which had slightly shifted from previous practices. Whereas before, the opinions of ikhtiyārāt were viewed with some skepticism, after the introduction and establishment of ikhtiyārāt al-Nawawī, its influence grew substantially. More specifically, the following is a detailed explanation of this development.

2. Research Method

This study used a qualitative method with a literature review approach to analyze the influence of ikhtiyārāt Imam al-Nawawī on the development of Shafi'i jurisprudence (Al Joani'I, 2020). This approach was chosen because the research focuses on the study of both classical and contemporary texts related to al-Nawawī's thought within the Shafi'i school of thought. The primary source analyzed is the *Rauḍat al-Ṭālibīn*, one of the most important references in Shafi'i jurisprudence, as well as other works by al-Nawawī and Shafi'i scholars.

Data collection was conducted through document and literature searches from various primary and secondary sources, including classical texts and modern studies on al-Nawawī's thought. The data collection technique involved note-taking and coding relevant information related to the research theme (Amin et al., 2017). This data was then classified based on main topics, such as the changes in the school of thought, the enrichment of knowledge, and the role of ikhtiyārāt in fatwa activities.

Data analysis was carried out using a descriptive-analytic method (Sultan, 2022), which involved reviewing and mapping al-Nawawī's views and their impact on the development of Shafi'i jurisprudence. The collected data was compared with the opinions of other scholars within the Shafi'i school to understand the contributions and innovations brought by ikhtiyārāt al-Nawawī. This analysis helps identify its relevance and influence on the development of Islamic law up to the present day.

3. Results and Discussion

Changes in the Map of Shāfi'ī Thought

The emergence of al-Nawawī's ikhtiyārāt significantly altered the intellectual landscape of the Shāfi'ī school from the 8th century Hijri onward, influencing subsequent centuries. During this period, the Muta'akhhirīn Shāfi'ī scholars played a crucial role in the development of the school. According to researchers on the dynamics of Shāfi'ī thought, after al-Nawawī's passing, the focus of Shāfi'ī scholars became more diverse than before. Some chose to revisit the opinions tarjīḥd by al-Rāfi'ī and al-Nawawī, while others sought to contribute to the works of these scholars, particularly al-Nawawī's writings, through summarizing (ikhtiṣār), explaining the content (syarḥ), adding marginal notes (hāsiyah), or commenting (ta'līq and taqrīr). Some scholars

worked on formulating the criteria for opinions that could be used for fatwā within the Shāfi'ī school, while others attempted to break the long-standing stagnation in ijtihād. Undoubtedly, the academic activities of the Muta'akhhirīn Shāfi'ī scholars after al-Nawawī's death reveal that their attention was largely directed towards the ideas and innovations introduced by al-Nawawī. In essence, al-Nawawī's breakthroughs in the school became the dominant focus of scholars in the following centuries (Maḥmūd Dīb, n.d.; Yūsuf & Al-Qawāsīmī, 2003).

This is evident through at least four factors. First, the widespread research on the opinions tarjih by al-Nawawī and the **tarjih** method he employed. Second, the numerous works derived from al-Nawawī's writings, such as derivatives of *Rauḍat al-Ṭālibīn*, and more significantly the derivatives of *Minhāj al-Ṭālibīn*, marking the golden age of *Minhāj al-Ṭālibīn* during that period *Ṭālibīn* (Ibn 'Umar al-Kāf, n.d.). Third, the establishment of al-Nawawī's tarjih as the most prioritized, such that the Muta'akhhirīn Shāfi'ī scholars would not surpass it unless they collectively agreed it to be an error (al-Haytamī & Aḥmad, 1983), though such an error would be difficult to prove scientifically (Al-Kurdī, 2011). Fourth, the legal rulings found in the works written before al-Nawawī and al-Rāfi'ī's time could not be used as a basis unless these two scholars presented these rulings in their respective books, particularly in al-Nawawī's writings (Al-Kurdī, 2011).

This phenomenon represents a significant shift in the map of the Shāfi'ī school. Before the emergence of al-Nawawī, particularly in the 6th century Hijri, the most popular Shāfi'ī works used for fatwā and widely studied were *al-Muhadhdhab* by Abū Ishāq al-Syirāzī (d. 472 H) and *al-Wasīṭ* by al-Ghazālī (d. 505 H). However, with the arrival of al-Nawawī and his groundbreaking innovations, he became a turning point that reshaped the Shāfi'ī school. His influence stemmed from his meticulous examination of all existing opinions within the Shāfi'ī school, carefully selecting and establishing the strongest opinions, and his intellectual approach that successfully synthesized the traditions of Iraq and Khurasan. As a result of his scholarly influence and extraordinary contributions, al-Nawawī is seen as the gateway to understanding the true Shāfi'ī school, and his thoughts represent the broader intellectual tradition of Shāfi'ī scholars. Thus, al-Nawawī's influence marked a significant shift in the intellectual landscape of the Shāfi'ī school for subsequent generations.

The influence of al-Nawawī also extended to his ikhtiyārāt (preferred opinions), which appeared to challenge the views of earlier Shāfi'ī scholars. This development successfully reshaped the Shāfi'ī school's views on what constituted a strong or valid opinion within the school. In this regard, the later Shāfi'ī scholars, the Muta'akhhirīn, acknowledged that al-Nawawī's ikhtiyārāt differed from the opinions of other scholars in the Shāfi'ī school. While ikhtiyārāt were generally considered weak opinions, some of al-Nawawī's opinions, particularly those found in his book *Rauḍat al-Ṭālibīn*, were regarded as strong within the Shāfi'ī school. This distinction has shifted the way fatwā and legal opinions were determined among later Shāfi'ī scholars.

Before the exception for al-Nawawī's **ikhtiyārāt** in *Rauḍat al-Ṭālibīn*, all **ikhtiyārāt** were treated equally and considered weak opinions. However, after this exception, the perception of **ikhtiyārāt** changed, and the range of strong opinions within the Shāfi'ī school expanded. As a result, the collection of opinions that could be used in fatwā and as the basis for legal rulings in courts was enriched by al-Nawawī's **ikhtiyārāt** in *Rauḍat al-Ṭālibīn*. This expansion of options provided Shāfi'ī followers with more choices for grounding their legal practice, which facilitated the application of the law. The increased availability of recognized strong opinions allowed for a broader, more flexible approach to legal practice than before.

Furthermore, the emergence of al-Nawawī's **ikhtiyārāt** further strengthened the dynamic nature of Shāfi'ī jurisprudence. Ideally, a scholar following a particular school of thought should not contradict the established rulings of their imam or the majority of scholars in their school. However, al-Nawawī, as a true follower of the Shāfi'ī school, was not hesitant to present opinions different from those of the majority of his fellow scholars if he believed that his reasoning was stronger. On one hand, al-Nawawī respected the views of the majority of Shāfi'ī scholars, but on the other hand, in his role as a custodian of scholarly responsibility, he felt the need to present his analysis, even if it differed from the majority. His approach was not an act of defiance against the principles of adhering to a school, but rather a means of preserving the original message of the founder of the school, as Imam al-Shāfi'ī himself did not favor blind adherence if the person had the capacity for *ijtihād* (independent reasoning).

Al-Nawawī was a scholar with the capacity for *ijtihād*, albeit in a limited form. In the principles of jurisprudence, it is explained that the potential for *ijtihād* can be held by a scholar, even if it applies to only certain issues (known as *tajazzu' al-ijtihād*) (Ibn al-Subkī & 'Alī, n.d.). When a scholar possesses this potential, they are obligated to perform *ijtihād* on the matters they are capable of. The results of such *ijtihād* can certainly differ from those of other scholars. This is not something to be criticized, as long as the scholar is honest and fair in their reasoning. Al-Nawawī was always honest and fair when presenting his **ikhtiyārāt**. He would consistently indicate the dominant opinion within the school regarding the issue by referring to it as "the famous opinion in the school" or "the well-known opinion in the school."

This can be seen in his various works containing his **ikhtiyārāt**, such as *Rauḍat al-Ṭālibīn*, *al-Majmū'*, and others (Al-Nawawī & Ibn Syarf, 2001, 2010). Al-Nawawī never attempted to mislead the followers of the Shāfi'ī school who read his books into understanding his **ikhtiyārāt** as the strongest opinion within the school. He simply aimed to show that his preferred opinion differed from the view held by the majority of his fellow scholars due to stronger supporting evidence in his view. Whether his opinion could be followed by others, al-Nawawī left it for future scholars to assess objectively and scientifically. Implicitly, what al-Nawawī did by presenting his **ikhtiyārāt** was to influence the perception that Shāfi'ī jurisprudence is a dynamic jurisprudence. This is evident in that he did not bind himself to the school's opinions

when, in his view, there was stronger evidence supporting what was traditionally considered a weak opinion. This led to the perception that differing from the majority understanding was not prohibited, as long as the person doing so had the necessary capacity in the field. Thus, the shift in the Shāfi'ī school's intellectual landscape can be attributed to the emergence of al-Nawawī's ikhtiyārāt.

Enrichment of the Intellectual Heritage of the Shāfi'ī School

After al-Nawawī's passing, his intellectual legacy, including both his results of *tarjīḥ* and his *ikhtiyārāt*, captured the attention of the scholars of that time. One of the scholarly movements that emerged as a result of this intellectual inheritance was the movement to review and reselect opinions to be validated as the strongest opinions within the Shāfi'ī school. This movement continued from the early 8th century AH until the end of the 10th century AH (Maḥmūd Dīb, n.d.). The beginning of this movement involved research into the opinions *tarjīḥ*-ed by al-Rāfi'ī and al-Nawawī, particularly those *tarjīḥ*-ed by al-Nawawī, both those *tarjīḥ*-ed without turning them into *ikhtiyārāt* and those accompanied by the establishment of *ikhtiyārāt*. This movement concluded when the later Shāfi'ī scholars of the 10th century AH collectively agreed that the strongest opinion, in cases of differences, was the one agreed upon by al-Rāfi'ī and al-Nawawī, especially the determinations made by al-Nawawī when his opinion differed from al-Rāfi'ī. This consensus was not reached hastily but emerged after rigorous research and scholarly debate over three centuries.

As noted above, after the era of al-Nawawī, the attention of scholars was largely dominated by the influence of al-Nawawī's intellectual contributions, which had successfully perfected the selection of opinions within the school and introduced breakthroughs. Consequently, the scholars felt they were presented with something fundamentally new compared to what had been available previously. This not only generated admiration for al-Nawawī's creativity but also sparked a desire to delve into it more comprehensively. However, in the early stages of this period, scholars did not fully agree with the selection of opinions made by al-Nawawī (ibn As'ad al-Yāfi'ī, 1997). While the majority of scholars accepted it, some others rejected it (Ibn 'Umar al-Kāf, n.d.). The rejection was not without reason; it stemmed from the belief that al-Nawawī's work needed further examination. Additionally, the outcomes of al-Nawawī's efforts were seen as being subject to unresolved issues that required further solutions. Therefore, at the beginning of this period, a movement was initiated to revisit what had been established by al-Nawawī.

The specific issues that motivated scholars at that time to reassess the opinions within the Shāfi'ī school were as follows:

1. The occurrence of differences in *tarjīḥ* by al-Nawawī between one of his books and another on certain legal cases, similar to the case with al-Rāfi'ī's works.
2. There were issues presented by al-Nawawī in the form of *khilāfiyyah* (disagreements), yet he did not *tarjīḥ* one opinion over another.

3. There were *khilāfiyyah* issues in the books of other scholars (Ibn ‘Umar al-Kāf, n.d.), where neither al-Rāfi‘ī nor al-Nawawī gave a *tarjīh* to any of the opinions in their respective works.
4. The emergence of new issues not addressed by al-Rāfi‘ī or al-Nawawī in their books, while these issues required a legal answer according to the Shāfi‘ī school.
5. Al-Nawawī was a human being who, like anyone, could be correct or mistaken in his *tarjīh* and selection of opinions (Ibn ‘Umar al-Kāf, n.d.).

The re-examination not only focused on finding answers and solutions to the issues mentioned above, but it also did not neglect the aspect of re-testing the strength of the opinions established by al-Rāfi‘ī and al-Nawawī as the strong opinions in the school of thought, as well as the opinions disputed by both. Additionally, they made comparisons between the opinions of al-Rāfi‘ī and al-Nawawī by examining the strength of the shreds of evidence and arguments for each, seeking the evidence for issues that were not explicitly cited, and branching out (*tafrī‘*) to other related issues (Ibn ‘Umar al-Kāf, n.d.). In this re-study, while most of the conclusions generally agreed with the consensus of al-Rāfi‘ī and al-Nawawī, or specifically with al-Nawawī’s opinions, there were also instances where they disagreed with both of them, particularly with al-Nawawī (Maḥmūd Dīb, n.d.).

The scholars who focused their attention on this aspect became known as *al-Nuzzār fī tarjīh mā ikhtalafa fih al-Syaikhānī* (the researchers of the opinions disputed by the two Sheikhs: al-Rāfi‘ī and al-Nawawī). In the 8th century AH, among the prominent figures leading this movement were Ibn Ru‘at (d. 710 AH), al-Qamūlī (d. 727 AH), al-Subkī (d. 756 AH), al-Asnawī (d. 772 AH), al-Adhra‘ī (d. 783 AH), and al-Zarkasyī (d. 794 AH) (ibn ‘Alī, 1999). In their re-examination, they sometimes did not hesitate to openly criticize al-Rāfi‘ī and al-Nawawī, particularly al-Nawawī, but these criticisms were generally conducted objectively and scientifically.

Among the six scholars mentioned above, al-Subkī and al-Asnawī were the two who most frequently disagreed with al-Rāfi‘ī and al-Nawawī, especially with al-Nawawī. Tāj al-Dīn al-Subkī, who is more commonly known as Ibn al-Subkī and was the son of al-Subkī, recorded and cataloged the opinions of al-Subkī that differed from those of al-Rāfi‘ī and al-Nawawī, particularly with al-Nawawī, in no fewer than 140 legal cases spread across various fiqh chapters. These included issues such as the invalidation of wudhu’ due to the emission of semen, the obligation of responding to the azan for a person in a state of janābah (ritual impurity) or menstruation, the obligation of congregational prayer being *fardh kifayah* (a communal obligation) for both residents (*muqīm*) and travelers (*musāfir*), and others (ibn ‘Alī, 1999).

On the other hand, al-Asnawī, in addition to often differing with al-Rāfi‘ī and al-Nawawī, especially with al-Nawawī, also frequently made sharp criticisms of both of his predecessors, with even more pointed criticism directed at al-Nawawī. According to him, the books *Syarḥ al-Kabīr* (al-‘Azīz) by al-Rāfi‘ī and *Rauḍat al-Ṭālibīn* by al-Nawawī contained many contradictions and errors. Not only did he criticize them, but al-Asnawī also often openly rejected what was presented by al-Rāfi‘ī, and even more

so, what was put forth by al-Nawawī. In fact, al-Asnawī wrote two special books motivated by his rejection of the ideas of al-Rāfiʿī and al-Nawawī, namely *Jawāhir al-Bahrain fī Tanāquḍ al-Ḥabrain* and *al-Muhimmāt fī Syarḥ al-Rauḍat wa al-Rāfiʿī* (Al-Azraq, 2008).

In the preface to *al-Muhimmāt*, for instance, after praising al-Rāfiʿī and al-Nawawī and explaining the status of *Syarḥ al-Kabīr* and *Rauḍat al-Ṭālibīn* as two books that had become the reference for scholars of the time, al-Asnawī then commented on issues he found confusing regarding the ideas and findings of al-Rāfiʿī in *Syarḥ al-Kabīr* and the ideas and findings of al-Nawawī in *Rauḍat al-Ṭālibīn*. In his narrative, al-Asnawī sometimes stated firmly that the conclusions of al-Rāfiʿī and al-Nawawī were mistaken and absurd, especially those of al-Nawawī (Al-Asnawī & ʿAbd al-Raḥīm, 2009). In general, the errors of al-Rāfiʿī and al-Nawawī, according to al-Asnawī, stemmed from several factors. First, al-Rāfiʿī did not obtain al-Syāfiʿī's statements in their complete form from the original sources but mostly quoted them from the statements of the *aṣḥāb* (Al-Asnawī & ʿAbd al-Raḥīm, 2009). Second, al-Rāfiʿī and al-Nawawī did not thoroughly review the works of the early Shāfiʿī scholars (Al-Asnawī & ʿAbd al-Raḥīm, 2009). Third, they did not investigate more deeply the works of the *aṣḥāb al-wujūh* that were used as references (Al-Asnawī & ʿAbd al-Raḥīm, 2009). Fourth, there were errors in the manuscript copies that were used as references. Fifth, there was negligence when transitioning from one paragraph to another. Sixth, there was haste in quoting (Al-Asnawī & ʿAbd al-Raḥīm, 2009).

For example, al-Nawawī stated that water heated by the sun, according to the strong opinion, is disliked (*makruh*) for use in wudhu' in hot climates if the water is stored in a container made of metal, except for those made of gold or silver. Al-Asnawī commented that al-Nawawī's understanding, which included gold and silver containers as part of the object of dispute, was a pure error because al-Rāfiʿī did not intend for gold and silver containers to be part of the disputed issue (Al-Asnawī & ʿAbd al-Raḥīm, 2009). Another example is when al-Nawawī said that if someone donates their property with the statement "I make this for the mosque," it is considered a clear (*ṣarīḥ*) statement for the transfer of ownership, not for waqf. In this case, al-Asnawī criticized al-Nawawī with the argument that what was stated by al-Nawawī in *Rauḍat al-Ṭālibīn* regarding this issue was a serious confusion caused by the flawed method of simplifying the language. Furthermore, al-Nawawī did not attribute his statement to al-Qaffāl, although he had quoted this opinion from al-Qaffāl (Al-Asnawī & ʿAbd al-Raḥīm, 2009).

It should be noted that although the criticism directed by al-Asnawī towards al-Rāfiʿī and al-Nawawī seems to be colored by subjectivity, due to the narrative style that leans toward unhealthy criticism, in essence, al-Asnawī still positions al-Rāfiʿī's *Syarḥ al-Kabīr* and al-Nawawī's *Rauḍat al-Ṭālibīn* as more important reference books than his own work, *al-Muhimmāt*. He even states that *al-Muhimmāt* is merely a supplementary text to *Syarḥ al-Kabīr* and *Rauḍat al-Ṭālibīn*. Furthermore, al-Asnawī urges readers to seek ways to defend al-Rāfiʿī and al-Nawawī and not to belittle them because of his

critiques, as the criticisms were intended solely to reveal new findings resulting from his research (Al-Asnawī & ‘Abd al-Raḥīm, 2009). In addition, al-Asnawī refers to *Rauḍat al-Ṭālibīn* when giving fatwas, despite criticizing some of its opinions in *al-Muhimmāt*. He does this because he views the content of *Rauḍat al-Ṭālibīn* as representing the true Shāfi‘ī school of thought, while his own opinions in *al-Muhimmāt* are personal. According to fatwa ethics, a muftī who is a muqallid should issue fatwas based on the strongest opinions within the school of thought they follow (Al-Kurdī, 2011). This is what al-Asnawī did in treating *Rauḍat al-Ṭālibīn* compared to his own book. In addition to issuing fatwas by referring to *Rauḍat al-Ṭālibīn*, al-Asnawī was also the first scholar to openly affirm the status of al-Nawawī’s *ikhtiyārāt* in *Rauḍat al-Ṭālibīn* as a strong opinion from the perspective of the school of thought (Al-Asnawī & ‘Abd al-Raḥīm, 2009).

Al-Asnawī’s approach indicates that his criticism of al-Nawawī was not intended to belittle him but to foster scholarly discussion and an exploration of knowledge. Nonetheless, al-Asnawī’s criticisms could influence the perception of the status of *Syarḥ al-Kabīr* and *Rauḍat al-Ṭālibīn* and their authors, especially considering the language and narrative used in his critiques, which may appear subjective and inappropriate for an esteemed scholar to use against his predecessors. This situation sparked a high level of interest from other scholars to examine and validate al-Asnawī’s criticisms and findings. As a result, many scholars wrote special books to test the validity of al-Asnawī’s critiques, leading to the production of several works that rejected al-Asnawī’s criticisms while highlighting the weaknesses in his findings (Al-Azraq, 2008).

Among the scholars who took part in this examination, some lived in the same era as al-Asnawī, such as al-Adhra‘ī (d. 783 AH) and ‘Īsā ibn ‘Uthmān al-Ghazī (d. 799 AH), while others lived in the subsequent century, such as al-Bulqīnī (d. 805 AH), Ibn al-‘Imād (d. 808 AH), and others (ibn ‘Alī, 1999). These rejections were generally made in a scholarly and argumentative manner, although some scholars employed the same language and style as al-Asnawī when critiquing al-Nawawī. On one hand, this led to intellectual struggles among scholars within the same school of thought regarding the evaluation of al-Nawawī. On the other hand, it had a positive impact on enriching the intellectual treasury of the Shāfi‘ī school, as the discussions often emerged from data that had previously not been revealed.

Had all the scholars from the 8th century AH onward accepted al-Nawawī’s innovations unconditionally, many intellectual treasures would have remained unexplored. For instance, al-Asnawī criticized al-Nawawī for neglecting al-Syāfi‘ī’s opinions, arguing that if a legal case had a ruling from al-Syāfi‘ī, al-Nawawī had no choice but to follow it. However, after al-Asnawī’s criticisms were examined by other scholars, it was found that the position taken by al-Nawawī was stronger, with more evidence supporting it than the opinion al-Asnawī had identified. This example reveals that al-Nawawī’s scholarly investigation was much more comprehensive than al-Asnawī’s, as al-Asnawī had found only one opinion from al-Syāfi‘ī, while al-Nawawī discovered more and

presented stronger arguments (ibn 'Alī, 1999). Such discoveries would likely have remained hidden had there not been a debate between them. Besides enriching the intellectual corpus, these scholarly debates—sometimes occurring between a student and his teacher, as in the case of Ibn al-'Imād and al-Asnawī—illustrate the vibrant internal dynamics of the school. One thing is certain: the positive impact of these debates was born out of al-Nawawī's influence and contributions, including the emergence of his ikhtiyārāt.

Validation of the Shāfi'i School of Thought's Opinions

After the writing of books that contained rejections of al-Asnawī's harsh criticism of al-Nawawī, particularly, the intellectual struggle among the Shāfi'i scholars regarding al-Nawawī's findings began to subside. As a result, al-Nawawī's findings were increasingly accepted, and by the 9th to early 10th century AH, his influence grew stronger and more widespread. In the 8th century AH, there were still some scholars who rejected al-Nawawī's opinions, although the majority accepted them. However, by the 9th century AH, it became rare to find scholars rejecting al-Nawawī's opinions, especially when it came to issuing fatwas (ibn 'Alī, 1999). This reality was demonstrated by the attitude of scholars at that time who would not bypass al-Nawawī's tarjīḥ when issuing fatwas (Al-Sakhāwī, n.d.). When looking at the prominent scholars of that era, it was clear that it was not a time lacking in great scholars. Many scholars, some of whom claimed the capacity to perform tarjīḥ or even independent ijtihād, still refrained from bypassing al-Nawawī.

This is reflected in the example of al-Suyūṭī (d. 911 AH) (Al-Syādhilī, 1998; Damaj, 1988). In matters of ijtihad, al-Suyūṭī claimed the ability to perform ijtihad mutlaq (independent ijtihad). Similarly, when it came to tarjīḥ (the process of determining the stronger opinion) in cases where scholars disagreed, al-Suyūṭī claimed the capacity to perform tarjīḥ. However, in issuing fatwas, despite having personal opinions that differed from those of al-Nawawī, al-Suyūṭī was reluctant to bypass al-Nawawī's tarjīḥ. Regarding this, al-Suyūṭī expressed his commitment, as quoted by his student, 'Abd al-Qādir al-Syādhilī: "When I reached the level where I was capable of performing tarjīḥ, I never bypassed al-Nawawī's tarjīḥ in issuing fatwas, even when I had a stronger view on the matter. When I reached the level of being able to perform independent ijtihad, I never bypassed the opinion of the Shāfi'i school of thought (Al-Syādhilī, 1998). In addition to claiming his ability to perform ijtihad and tarjīḥ, al-Suyūṭī was also vocal in criticizing other scholars whom he viewed as not diligent in ijtihad and content with merely following established opinions (taqlīd). This is evident from a written statement in which he urged fellow scholars to return to independent ijtihad and emphasized the ease of ijtihad in his time compared to previous eras (Al-Suyūṭī, n.d.).

It should be noted that the muthlaq ijtihād promoted by al-Suyūṭī was not about forming a new school of thought with newly formulated principles. Al-Suyūṭī acknowledged that this was something that had not been seen for a long time and could no longer happen in his time. If any scholar in his era attempted to pioneer it, it would not be allowed, as the principles of ijtihād already established by earlier scholars were

considered complete. The *muthlaq* *ijtihād* that al-Suyūṭī advocated for was *ijtihād* within the framework of the established principles of *ijtihād*, and the person performing it was called a *mujtahid muthlaq muntasib*, not a *mujtahid muthlaq mustaqil* (Al-Suyūṭī, n.d.). Returning to al-Nawawī's opinions, despite al-Suyūṭī's acknowledgment that he was capable of performing *tarjih* and more, when it came to legal fatwas, he did not bypass what al-Nawawī had chosen in his *tarjih*. This shows that al-Nawawī's ideas had become increasingly accepted by later scholars.

Until the early 10th century Hijri, although most scholars had accepted the opinion and *tarjih* (preferred opinion) of al-Nawawī and did not deviate from it in their fatwas, there was no clear statement regarding their agreement to adopt al-Nawawī's opinion and *tarjih* as a standard within the Shāfi'i school of thought. In the mid-10th century, a new term emerged to indicate the opinion that was considered a reference by scholars in issuing fatwas. This term was *al-mu'tamad* (the adopted opinion). After the term *al-mu'tamad* was introduced, it was followed by a formal statement confirming the consensus to adopt al-Nawawī's opinion and *tarjih* as the *mu'tamad* opinion. According to some researchers, Zakariyyā al-Anṣārī (d. 926 H) was the first scholar to introduce the term *al-mu'tamad* (Al-Ghazī, 1997) (Ibn 'Umar al-Kāf, n.d.).

In his works, Zakariyyā al-Anṣārī began to use the term *al-mu'tamad* interchangeably with *al-Rājiḥ* and *al-Ṣaḥiḥ* (strong opinions). In his book *Faṭḥ al-Wahhāb Syarḥ Manhaj al-Ṭullāb*, he no longer used the terms *al-Rājiḥ* and *al-Ṣaḥiḥ*, but replaced them with *al-mu'tamad*. According to him, the opinion referred to as *al-mu'tamad* was that which was agreed upon by al-Rāfi'i and al-Nawawī. If al-Rāfi'i and al-Nawawī disagreed, the *mu'tamad* opinion would be that of al-Nawawī (Ḥasan Jābir, 2004). Thus, the *mu'tamad* opinion according to Zakariyyā al-Anṣārī was essentially al-Nawawī's opinion.

In the following period, the term *al-mu'tamad* became more widely used among the later Shāfi'i scholars, many of whom were students of Zakariyyā al-Anṣārī or his students. These scholars included al-Syihāb al-Ramlī (d. 957 H), al-Khaṭīb al-Syarbīnī (d. 977 H), Ibn Ḥajar al-Haytamī (d. 974 H), and al-Syams al-Ramlī (d. 1004 H) (Al-Ghazī, 1997; Ḥasan Jābir, 2004). According to researchers, these five scholars played a significant role in developing the Shāfi'i school of thought in the 10th century, making the term *al-mu'tamad* a standard way to refer to the opinions that could be used in fatwas, with al-Nawawī's opinion placed at the top (Ibn 'Umar al-Kāf, n.d.).

By the time Zakariyyā al-Anṣārī passed away, the scholars had quietly reached a consensus to make al-Nawawī's opinion the reference point for fatwas within the Shāfi'i school, although an official statement regarding this agreement had not yet been issued. During this period, Ibn Ḥajar al-Haytamī, one of Zakariyyā al-Anṣārī's most dedicated students, emerged as a key figure in the effort to establish the term *al-mu'tamad*, placing al-Nawawī's opinion at the forefront (Ibn 'Umar al-Kāf, n.d.). Due to his higher scholarly capacity compared to his contemporaries, Ibn Ḥajar al-Haytamī became a model and a reference for later Shāfi'i scholars in the 11th century and beyond. Armed with a deep understanding and research on Shāfi'i jurisprudence and its differences of opinion, Ibn Ḥajar al-Haytamī firmly established that the position of

al-Nawawī's opinion as the reference in the Shāfi'ī school was a consensus among the later Shāfi'ī scholars.

In *Tuḥfat al-Muḥtāj*, after explaining the position of the books written before the era of al-Rāfi'ī and al-Nawawī, he then made the following statement.

فالذي أطبق عليه محققو المتأخرين ولم تزل مشايخنا يوصون به وينقلونه عن مشايخهم وهم عمن قبلهم وهكذا أن المعتمد ما اتفقا عليه أي ما لم يجمع متعقبو كلامهما على أنه سهو وأنى به... فإن اختلف فالمصنف. (Ibn 'Umar al-Kāf, n.d.)

The meaning is: "The matter agreed upon by the ulama Muḥaqqiqīn from among the Muta'akhhirīn, which has always been emphasized by our teachers, who also emphasized it from their teachers before them, and so on, is that the opinion that becomes the reference is the one agreed upon by both (al-Rāfi'ī and al-Nawawī) as long as it is not agreed upon by the subsequent scholarly researchers that their consensus on a legal issue is an oversight, although in reality, such an oversight is difficult to prove... If al-Rāfi'ī and al-Nawawī differ in opinion, the opinion of al-Nawawī shall be the reference" (Al-Maqdī, 2014).

A similar statement is also expressed in al-Ī'āb Syarḥ al-'Ubāb, as quoted by Amjad Rasyīd as follows.

وقد أجمع المحققون على أن المفتى به ما ذكره فالنوي. (al-Haytamī & Aḥmad, n.d.)

The statement means: The scholars of Muḥaqqiqīn have reached a consensus that the opinions that can be used for fatwa are those presented by al-Rāfi'ī and al-Nawawī. If they disagree, the opinion of al-Nawawī will be the one to follow.

Ibn Ḥajar al-Haytamī's statements in the two books above clearly indicate that among the ulama Muta'akhhirīn Syāfi'iyyah, the position of al-Nawawī's opinion as a reference in issuing fatwas is no longer a personal stance of certain scholars, but rather a consensus reached after thorough research, as the scholars involved in this consensus were the Muḥaqqiqīn. Ibn Ḥajar al-Haytamī's statements were supported by other major scholars. Since then, the status of al-Nawawī's opinion as a reference in the field of fatwa became final, serving as a law and a principle for fatwa among the ulama Muta'akhhirīn Syāfi'iyyah in subsequent generations (al-Haytamī & Aḥmad, n.d.). This illustrates that one of the impacts of al-Nawawī, including the emergence of his *ikhtiyārāt* (choices), was the establishment of a consensus among the ulama Muta'akhhirīn Syāfi'iyyah in the 10th century Hijri to adopt his opinions as a standard in the Shāfi'ī school of thought.

The Basis in Legal Fatwa Activities

After the consensus to adopt al-Nawawī's opinion as a reference in fatwa activities was established, the influence of al-Nawawī did not cease. Along with this, efforts arose that

were closely related to his opinions. These efforts involved formulating several important provisions to complement the status of al-Nawawī's opinion, which had already become a standard in the school of thought. This formulation was motivated by the fact that some of al-Nawawī's own works appeared to contain contradictions. Additionally, there was a need for criteria to guide legal reasoning in cases where no legal prediction was available in his books, especially regarding matters that arose after his time. As is well known, within a relatively short period, al-Nawawī managed to write numerous works across various fields of knowledge. In the field of fiqh, some of his works were completed in full, while others were left unfinished due to his early death at the age of forty-five, during his productive years.

In the field of fiqh, the books that he completed include *Rauḍat al-Ṭālibīn*, *Minhāj al-Ṭālibīn*, *al-Manāsik al-Kubrā*, *al-Manāsik al-Ṣuḡhrā*, *al-Tibyān fī Ādāb Ḥamalāt al-Qur'ān*, *Daqā'iq al-Minhāj*, *Syarḥ Muslim*, *al-Adhkār*, *Tahdhīb al-Asmā' wa al-Lughāt*, *Ṭabaqāt al-Fuqahā'*, *Taṣḥīḥ al-Tanbīh*, *Nukat 'alā al-Tanbīh*, *al-Fatāwā*, *al-Muntakhab Mukhtaṣar al-Tadhnīb*, *Lughāt al-Tanbīh*, *Ru'ūs al-Masā'il*, and *Qismat al-Ghanā'im*. Meanwhile, the books that he did not manage to finish writing include *al-Majmū' Syarḥ al-Muhadhdhab*, *al-Taḥqīq*, *Nukat 'alā al-Wasīṭ*, *Tuḥfat al-Ṭālib al-Nabīh*, *al-Tanqīḥ Syarḥ al-Wasīṭ*, *Muhimmāt al-Aḥkām*, *al-Uṣūl wa al-Ḍawābiṭ*, and *al-Isyārāt ilā mā waqa'a fī Rauḍat min al-Asmā' wa al-Ma'ānī wa al-Lughāt*. Of all al-Nawawī's works, the first book he wrote was *Nukat 'alā al-Tanbīh*, while the last book he wrote is disputed among scholars—some say it was *al-Taḥqīq*, while others claim it was *al-Tanqīḥ Syarḥ al-Wasīṭ* (al-Haytamī & Aḥmad, n.d.).

The forms of contradictions found between al-Nawawī's books are as follows:

1. Contradiction on the basic ruling of a specific case – There are cases where al-Nawawī provides different rulings in different works.
2. Contradiction on the form of differing opinions (khilāf) – In one book, al-Nawawī mentions that the disagreement is between two views of al-Shāfi'ī (qaulain), while in another book, he indicates that the disagreement occurs among the aṣḥāb al-wujūh (wajhain).
3. Contradiction in the legal answers – Al-Nawawī provides three different legal answers to the same issue in different books.
4. Contradiction in the preference of a legal opinion (tarjīḥ) – Al-Nawawī may prefer one legal opinion over another in a given issue, and this preference may differ between his books.
5. Contradiction on the existence or non-existence of khilāf – In one book, al-Nawawī mentions a particular issue as having a khilāf (disagreement), while in another book, he denies that there is any disagreement on the matter.

In addition to the contradictions mentioned above, al-Nawawī also occasionally presents different legal answers to a particular case without preferring one over the other, whether these answers are the result of his own analysis or quotations from earlier scholars (al-Haytamī & Aḥmad, n.d.). The causes of these contradictions can be attributed to at least two factors. First, al-Nawawī wrote several of his books simultaneously. This means that before he finished writing one book, he started writing another, making it difficult to determine which of his books was written last. If it were possible to identify his last book, it would be easier to ascertain which opinion he considered stronger, as it is common for scholars to regard the opinion in their most recent work as the stronger one. Second, many of al-Nawawī's books were written during a period when he was deepening his knowledge and had just reached a level of maturity in his understanding. However, due to his relatively short life, he did not have the opportunity to revise some of his earlier works, where opinions he had previously preferred were later considered weak in his newer books (al-Haytamī & Aḥmad, n.d.).

The phenomenon of contradictions between al-Nawawī's books then became the main motivation for the later scholars of the 10th century H to investigate and determine which of al-Nawawī's books were written earlier and which were written later. They analyzed and examined the contents of these books to assess their alignment with the methods of *istinbāṭ* and the principles of *ijtihād* in the Shāfi'ī school, as well as to evaluate their consistency with al-Nawawī's principles of *tarjīḥ*. Additionally, these scholars investigated the reasons why al-Nawawī sometimes left differing opinions without preferring one. After undergoing a long and complex process of research, these scholars formulated several new criteria to serve as guidelines for fatwa activities and legal practice, with these criteria being based on the prior decision that al-Nawawī's opinion was the primary reference in the Shāfi'ī school.

The criteria are as follows:

1. In cases of contradictions between al-Nawawī's books, the later Shāfi'ī scholars distinguish between highly knowledgeable scholars (al-mutabaḥḥir) and those with less deep knowledge (ghair al-mutabaḥḥir). For the former group, it is permissible to choose any of al-Nawawī's books as a reference for issuing fatwas. For the latter group, when issuing fatwas, it is required to prioritize, in a tiered manner, the most recent book written by al-Nawawī, which contains his comprehensive research on the opinions of *aṣḥāb al-wujūh*. This general rule means that in certain circumstances, scholars in the second group must follow what has been *tarjīḥ*-ed by the later scholars (Al-Haytamī & Aḥmad, 2005). The usual order of preference for the later scholars in using al-Nawawī's books is as follows
 - a) *Al-Taḥqīq*;
 - b) *Al-Majmū' Syarḥ al-Muhadhdhab*;
 - c) *Al-Tanqīḥ Syarḥ al-Wasīṭ*;
 - d) *Rauḍat al-Ṭālibīn*;
 - e) *Minhāj al-Ṭālibīn*;
 - f) *al-Fatāwā*;

- g) *Syarḥ Muslim*;
 - h) *Taṣḥīḥ al-Tanbīh*;
 - i) *Nukat Nukat 'alā al-Tanbīh* (al-Haytamī & Aḥmad, n.d.). It should also be noted that, according to some researchers, this arrangement for fatwa guidance only applies to scholars, even those classified as *ghair al-mutabaḥḥir*, as long as they can write *Syarḥ* and *Ḥāsiyah*. In modern times, where scholars who can write *Syarḥ* and *Ḥāsiyah* are rare, *Minhāj al-Ṭālibīn* should be prioritized by them, unless the issue is considered weak by the later scholars (al-Haytamī & Aḥmad, n.d.). This shows that al-Nawawī's works are categorized into three groups for the scholars: First, al-mutabaḥḥir scholars can choose any of al-Nawawī's works. Second, *ghair al-mutabaḥḥir* scholars with the ability to write *Syarḥ* and *Ḥāsiyah* must follow the order outlined above. Third, scholars today are required to prioritize *Minhāj al-Ṭālibīn*. It is important to note that these guidelines apply in the context of issuing fatwas, not personal legal practices.
 - j) If a contradiction occurs between several of his books in a balanced way, such as when a legal case or *tarjīḥ khilafiah* is mentioned in two books identically, but the statement differs in two other books, the contents of the book supported by the majority of scholars should be prioritized.
 - k) If a contradiction occurs within the contents of a single book, where a statement in one section differs from another section, the statement mentioned within the chapter should be prioritized over the one mentioned outside the chapter (al-Haytamī & Aḥmad, n.d.).
 - l) If a contradiction arises between a book specifically written with a systematic legal explanation by chapter (*al-muṣannaf*) and a book containing a collection of fatwas (*al-fatāwā*), the book in the form of *al-muṣannaf* should generally be prioritized. This is because *al-muṣannaf* is written without being influenced by questions from individuals, whereas *al-fatāwā* usually contains answers to specific inquiries, which may not be applicable universally but rather conditional (Al-Malībārī, 2019).
 - m) If a contradiction occurs within a single book in the same chapter, where a statement is made in its proper place (*al-maẓannah*) and another in an improper place due to its correlation with the issue at hand (*istiṭrād*), the statement in its proper place should be prioritized (Al-Malībārī, 2019).
2. In situations where al-Nawawī does not offer a *tarjīḥ* (preference), the later Shāfi'ī scholars (Muta'akhhirīn) establish that scholars with the capacity for *tarjīḥ* must first undertake the process of *tarjīḥ* themselves. The steps involved in this process are to examine the strong opinions held in the Shāfi'ī school of thought, including the opinions of al-Shāfi'ī himself and the opinions of *aṣḥāb al-wujūh* that do not deviate from the principles of *ijtihād* (independent legal reasoning) and *istinbāṭ* (deduction) within the Shāfi'ī framework. If a legal answer is found in the books written before the time of al-Rāfi'ī and al-Nawawī, it is necessary to first examine its alignment with the principles of *ijtihād* and *istinbāṭ* according to the Shāfi'ī madhhab, ensuring that the opinion can be legitimately attributed to the Shāfi'ī school (Al-Kurdī, 2011). If no legal answer is found in the pre-al-Rāfi'ī and al-Nawawī

works, or if such an answer is found but still reflects *khilāf* (differences of opinion), then scholars must endeavor to apply *tarjīḥ* by following the established *tarjīḥ* principles (Al-Malībārī, 2019).

3. For new legal cases that were not present during the time of al-Nawawī, the later Shāfi'ī scholars (Muta'akhhirīn) mandate that scholars should seek the legal answer by conducting independent research. The methods used for this research are generally twofold. First, they seek to identify the legal reasoning common between the new case and an older case that has been documented in the works of al-Shāfi'ī, *aṣḥāb al-wujūh*, or other scholars (Al-Malībārī, 2019). Second, they apply general principles (*qābiṭ*) that have been agreed upon within the madhhab to the new case. These two methods are known as *ilhāq al-ḥawādith ghair al-masthūrah bi al-masthūrah fī kutub al-madhab* (linking new events to the old ones in the books of the madhhab) (Al-Khaṭīb, n.d.), or *ilhāq al-masā'il bi naẓā'iriha* (linking issues to their analogies) (Al-Jarhazī, 1960). These methods are extensively and systematically discussed in the theory of *takhrīj* from the perspectives of both *usūl al-fiqh* (principles of Islamic jurisprudence) scholars and *fiqh* (Islamic jurisprudence) scholars (Al-Bāḥusain, n.d.). In conducting research, scholars have their interpretative approaches, and as a result, their conclusions may differ. This discrepancy raises another issue: which opinion should be prioritized among the later Shāfi'ī scholars? This topic will be addressed in the next section, as it is closely related to the main discussion. This section explains the formulation of new rulings proposed by the later Shāfi'ī scholars as a response to the influence of al-Nawawī and his *ikhtiyārāt* (choices).

4. Conclusion

Based on the above study, it can be concluded that the emergence of al-Nawawī's *ikhtiyārāt* has had a significant influence on the development of Syāfi'ī jurisprudence in the subsequent period, leading to a shift in the intellectual landscape of the Syāfi'ī school by considering the *ikhtiyārāt* al-Nawawī mentioned in the *Rauḍat al-Ṭālibīn* as a strong opinion within the school. Furthermore, it has enriched the intellectual treasure of the Syāfi'ī school through ongoing studies related to al-Nawawī's innovations, including the validation of opinions that became the guiding principles of the Syāfi'ī school by establishing al-Nawawī's views as the main reference in matters of *khilāfiyah* (differences of opinion). Additionally, this has formed the foundation for the formulation of new provisions regarding the order of al-Nawawī's books, which are used as references in the process of legal fatwas.

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