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THE ROLE OF AISHA BINT ABU BAKR IN THE HISTORY OF ISLAMIC JURISPRUDENCE

Abstract. This article analyzes the jurisprudential views, ijihad methodology, and scholarly status of 'Aisha bint Abi Bakr (may Allah be pleased with her), Mother of the Believers, on the basis of Islamic history, the history of jurisprudence, and classical sources on the Companion jurists. 'Aisha (may Allah be pleased with her) was not only a preeminent hadith scholar but also an independent mujtahid, a scholar possessing the capacity to issue fatwas, and a teacher who guided the Companions in jurisprudential matters. Her jurisprudential legacy exercised a decisive influence on the formation of the later Hijazi school and especially the school of Imam Malik. The article systematically examines her biographical background, her jurisprudential methodology (Qur'an-first reasoning, analysis of the purposes of rulings, use of analogy), her most significant jurisprudential contributions to the fields of worship, family law, and women's rights, her role in correcting the jurisprudential conclusions of other Companions, her principal students and their transmission of her legacy, and the assessment of modern scholars including Muhammad Abu Zahra.

Keywords: 'Aisha bint Abi Bakr; history of jurisprudence; Companion jurists; ijihad; hadith; Hijazi school; fatwa; Maliki madhhab; women's rights; family jurisprudence.

INTRODUCTION

The history of Islamic jurisprudence is a vast field of scholarly inquiry, and the jurisprudential legacy of the Companions forms its indispensable foundation. After the death of the Prophet Muhammad (peace be upon him), the responsibility of issuing fatwas and legal rulings in Muslim society fell to the Companions, who were best acquainted with the practice of the Prophet. It is impossible to fully understand Islamic

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jurisprudence without studying their legacy. The place of the female Companions in this tradition is unique, and none more so than ‘Aisha bint Abi Bakr (may Allah be pleased with her). She was not only the beloved wife of the Prophet and the Mother of the Believers but also one of the most eminent jurists and hadith scholars in Islamic history. Her jurisprudential legacy is of particular importance as the intellectual contribution of the “mother of the community” to the foundational sciences of Islam.

The jurisprudential heritage of ‘Aisha (may Allah be pleased with her) has not yet been fully examined in monographic form in the Uzbek scholarly literature, and this article aims to partially fill that gap. The purpose of the study is to systematically analyze her jurisprudential methodology, determine her style of *ijtihad*, and demonstrate the influence she exercised on the Madinan school of jurisprudence. The principal sources employed include the classical works of Ibn Abdulbarr, al-Dhahabi, Ibn Hajar al-‘Asqalani, and Ibn Sa‘d, as well as the modern scholarly contributions of Muhammad Abu Zahra (1996) and other researchers.

METHODS

This article employs historical-analytical and source-critical methods. The primary sources consulted include the six canonical hadith collections (al-Bukhari, 1422 AH; Muslim, n.d.; al-Nasa’i, 1986; Abu Dawud, n.d.), the classical biographical and hadith-critical works (Ibn Sa‘d, 1968; Ibn Abdulbarr, 1992, 1994; Ibn Hajar al-‘Asqalani, 1995, 1907; al-Dhahabi, 1985), and the foundational jurisprudential sources (Malik ibn Anas, 2004; Ibn al-Qayyim, 1991). Modern scholarly literature includes the jurisprudential-historical works of Abu Zahra (1996, 1947) and Zaydan (1990). The analysis proceeds thematically, examining: biographical background; jurisprudential methodology; principal jurisprudential positions on worship, family law, and women’s rights; scholarly corrections of other Companions; students and legacy; and modern scholarly assessment.

RESULTS

Biographical background and scholarly status. ‘Aisha bint Abi Bakr ibn Abi Quhafa al-Siddiqah was born in Mecca approximately six or seven years before the Hijra. Her father, Abu Bakr al-Siddiq, was the first caliph in Islamic history; her mother was Umm Ruman bint ‘Amir ibn ‘Uwaym al-Kinani (al-Dhahabi, 1985, vol. 2:135). Her lineage was directly connected to the Prophet and to the earliest Muslim community.

She married the Prophet (peace be upon him) before the Hijra and became the narrator most intimately acquainted with the inner dimensions of his life household prayers, night recitations, and the domestic Sunnah.

Ibn Abdulbarr writes in “al-Isti‘ab”: “‘Aisha is the woman who narrated the most from the Prophet, the one whom the Companions held in the greatest respect, and who was raised in the prophetic environment from her earliest childhood” (Ibn Abdulbarr, 1992, vol. 4:1881). The Prophet (peace be upon him) died in her room, making her the unique primary source for many aspects of the Prophet’s biography (Ibn Hajar al-‘Asqalani, 1995, vol. 8:140). ‘Ata’ ibn Abi Rabah said of her: “‘Aisha was the most learned, the most jurisprudentially accomplished, and the best in counsel among the people.” Al-Dhahabi, in his “Siyar ‘Alam al-Nubala’,” describes her as perhaps the most knowledgeable of the Prophet’s wives and potentially one of the most learned people in the Islamic community in absolute terms (al-Dhahabi, 1985, vol. 2:135).

In the sources of the history of jurisprudence, ‘Aisha (may Allah be pleased with her) is recorded among the Companions who issued the largest number of fatwas. Ibn Sa‘d in “al-Tabaqat al-Kubra” states: “‘Aisha did not cease issuing fatwas during the caliphates of Abu Bakr, ‘Umar, and ‘Uthman, and continued after them as well” (Ibn Sa‘d, 1968, vol. 8:62). Although her ijtiḥad did not give rise to a separately institutionalized madhhab in later centuries, her independent methodology and jurisprudential legacy are clearly documented in the classical sources. Al-Bukhari records numerous examples of her scholarly authority in his chapter on the virtues of the Companions (al-Bukhari, 1422 AH, Hadith 3816).

Jurisprudential methodology. ‘Aisha (may Allah be pleased with her) grounded her rulings first on the Qur’an and then on the practice and sayings of the Prophet (peace be upon him). When some of the Companions drew the general conclusion that the deceased are tormented by the weeping of the living, she refuted it with the Qur’anic verse: “No bearer of burden will bear the burden of another” (Qur’an, 6:164). This incident is narrated in detail in al-Bukhari’s chapter on funerals (al-Bukhari, 1422 AH, Hadith 1288). Her method of Qur’anic reference consistently interpreted each ruling in the light of the context and general purpose of the scriptural text an approach that anticipates the “purposive tafsir” methodology that became an independent branch of the sciences of *usul al-fiqh* in later generations.

In some cases she employed logical analogy. When asked why a menstruating woman is required to make up missed fasts but not missed prayers, she replied by pointing to the rule established through the Prophet's practice grounding her ruling in the principle of ease in Islamic law and in consideration of the woman's circumstances (Muslim, n.d., Hadith 335). This position was later accepted as foundational for issues concerning women in both the Hanafi and Maliki schools. 'Aisha (may Allah be pleased with her) systematically analyzed not only the outward form of rulings but also their underlying reason and purpose a dimension that is especially evident in her contributions to family law, inheritance, and women's rights.

Scholarly corrections of other Companions. 'Aisha (may Allah be pleased with her) corrected the jurisprudential conclusions of other Companions when she had evidence to do so. When Abu Hurayrah (may Allah be pleased with him) narrated that a woman, a donkey, and a dog invalidate a man's prayer, 'Aisha responded by citing the Prophet's practice: "The Prophet (peace be upon him) would pray while I was lying in front of him" thereby demonstrating through a direct personal account that his prayer was not invalidated (al-Dhahabi, 1985, vol. 2:185). Al-Bukhari records this exchange as one of the clearest demonstrations of 'Aisha's role as the most reliable source for confirming and contextualizing hadiths.

Similarly, when Ibn 'Umar stated that the dead are tormented by the weeping of the living, 'Aisha interpreted this as a case-specific observation about a particular Jewish woman and used a Qur'anic verse to demonstrate that it could not be generalized. She also independently expressed her view on the question of whether words nullify prayer, grounding it in a hadith transmitted in the Sunan of al-Nasa'i (al-Nasa'i, 1986, vol. 3:201). These scholarly interventions demonstrate that she was not merely a transmitter of hadith but a fully independent mujtahid scholar.

Jurisprudential positions on family law and women's rights. In matters of marriage, 'Aisha was the primary source for knowledge of the Prophet's practical Sunnah. Her hadiths regarding the conditions of the guardian's consent and the requirements for valid marriage are recorded in detail in al-Bukhari's "Kitab al-Nikah" (al-Bukhari, 1422 AH, Hadith 5127). She consistently defended the principle of justice in a woman's right to love and to receive full affection in marriage.

‘Aisha (may Allah be pleased with her) issued a fatwa to the effect that breastfeeding an adult creates the status of mahram a position that became a source of extensive debate in Islamic jurisprudence based on a hadith recorded in Sahih Muslim (Muslim, n.d., Kitab al-Rada’). This issue, known as “rada’ al-kabir” (breastfeeding of an adult), remains contested among the schools of jurisprudence. In the domain of protecting women from marital oppression, she issued more fatwas in favor of women than any other Companion; her fatwa on the ruling regarding forced divorce is reported in the Sunan of Abu Dawud (Abu Dawud, n.d., vol. 2:260).

Students and the transmission of her legacy. A number of distinguished Followers (tabi’un) studied under ‘Aisha (may Allah be pleased with her). ‘Urwah ibn al-Zubayr (d. 94/712) was her nephew and closest disciple; al-Dhahabi describes him in his “Siyar” as “the first narrator who transmitted the jurisprudential legacy of ‘Aisha to the next generation” (al-Dhahabi, 1985, vol. 2:135). His narrations are widely found in both “al-Muwatta” and the two Sahihs. Qasim ibn Muhammad (d. 107/725), grandson of ‘Aisha, was counted among the “seven great jurists” of Medina; Ibn Hajar al-‘Asqalani describes him in “Tahdhib al-Tahdhib” as “the practical successor of the school of ‘Aisha” (Ibn Hajar al-‘Asqalani, 1907, vol. 7:182). Masruq ibn al-Ajda’ (d. 63/682) traveled from Kufa to Medina to study under her, and through him her jurisprudential legacy spread to Iraqi scholars. ‘Ata’ ibn Abi Rabah (d. 115/733), the great jurist of Mecca, studied under her and said: “‘Aisha was the most jurisprudentially accomplished and the best expounder of opinion among the people.”

The chain of transmission of many of Imam Malik’s fatwas runs: ‘Aisha → ‘Urwah ibn al-Zubayr or Qasim ibn Muhammad → Imam Malik. The “al-Muwatta” presents more than 300 narrations from ‘Aisha (Malik ibn Anas, 2004, vol. 1:44). Some researchers consider her “one of the first pillars of the Madinan school of jurisprudence.” Al-Dhahabi records that Imam Malik himself said: “If we had not narrated from ‘Aisha (may Allah be pleased with her), there would be a great lacuna in our jurisprudence” (al-Dhahabi, 1985, vol. 5:88).

Scale of hadith transmission. Ibn Abdulbarr in his “al-Isti‘ab” designates ‘Aisha (may Allah be pleased with her) “the greatest scholar and narrator of the Ummah” and records that she transmitted 2,210 hadiths, of which 174 were narrated by al-Bukhari and Muslim together, 54 by al-Bukhari alone, and 68 by Muslim alone (Ibn Abdulbarr,

1994, vol. 2:45). Her narrations regarding the procedures for ghusl in a state of ritual impurity (janaba), the times of prayer, and the intention of fasting are extensively covered in the two Sahihs; al-Dhahabi characterizes her narrations on worship as “the most reliable source of prophetic practice.”

Modern scholarly assessment. Muhammad Abu Zahra (1898–1974) in his work “Tarikh al-Madhahib al-Islamiyya” assesses the role of ‘Aisha (may Allah be pleased with her) as one of the most important factors in the formation of the Madinan jurisprudential tradition, with particular attention to her influence on Imam Malik (Abu Zahra, 1996:124). The broad recognition of her jurisprudential authority across the classical tradition is further documented in Ibn al-Qayyim’s “I‘lam al-Muwaqqi‘in” (Ibn al-Qayyim, 1991) and in the comparative legal studies of Zaydan (1990).

DISCUSSION

The analysis confirms that ‘Aisha bint Abi Bakr (may Allah be pleased with her) holds a position of unparalleled significance in the history of Islamic jurisprudence, operating simultaneously as a primary biographical witness, an independent mujtahid, a corrector of scholarly error, and the intellectual progenitrix of the Madinan jurisprudential tradition.

Three aspects of her legacy deserve particular emphasis. First, her methodological contribution: the consistent priority of Qur’anic purpose over textual literalism, the restriction of analogy to cases of genuine necessity, and the systematic analysis of the reasons and purposes of rulings (‘ilal al-ahkam) anticipate by several generations the formal *usul al-fiqh* methodologies later codified by al-Shafi‘i and others. Her interventions in the fatwa process were not intuitive but methodologically principled (Abu Zahra, 1996:124; Zaydan, 1990).

Second, her contribution to the jurisprudence of women and family law: the corpus of her fatwas on marriage, divorce, breastfeeding, inheritance, and women’s rights constitutes the most extensive and authoritative body of jurisprudential opinion on these matters from the generation of the Companions (Ibn Sa‘d, 1968, vol. 8:62; Abu Dawud, n.d., vol. 2:260; Muslim, n.d., *Kitab al-Rada’*). These fatwas were directly absorbed into the jurisprudential frameworks of both the Maliki and Hanafi schools.

Third, the chain of transmission through ‘Urwah ibn al-Zubayr and Qasim ibn Muhammad to Imam Malik represents one of the most consequential scholarly lineages

in the history of Islamic jurisprudence, directly connecting the jurisprudential heritage of the Prophet's household to the Maliki madhhab (al-Dhahabi, 1985, vol. 5:88; Malik ibn Anas, 2004, vol. 1:44; Ibn Hajar al-‘Asqalani, 1907, vol. 7:182).

CONCLUSION

‘Aisha bint Abi Bakr (may Allah be pleased with her) occupies a unique position in Islamic history not only as a member of the Prophet's household but also as a great scholar who created an independent school of *ijtihad* in the sciences of jurisprudence, *hadith*, and *tafsir*. Her jurisprudential methodology the primacy of the Qur'an and Sunnah, analysis of the reasons for rulings, attention to their purposes, and the protection of women's rights found practical expression in both the Hanafi and Maliki schools (Abu Zahra, 1996; Ibn Abdulbarr, 1994).

Her courage in correcting the jurisprudential conclusions of other Companions when she possessed stronger evidence testifies to her independent scholarly personality, her commitment to methodological integrity, and her deep responsibility toward the Prophetic heritage. Through the chain of her students ‘Urwah ibn al-Zubayr, Qasim ibn Muhammad, ‘Ata’ ibn Abi Rabah, and, through them, Imam Malik her jurisprudential legacy directly shaped the Madinan school and the Maliki madhhab. Her legacy represents the foundational and principal source for the development of women's rights and family jurisprudence within the Islamic legal tradition, and it continues to be a vital and relevant resource for contemporary Islamic jurisprudence. ‘Aisha bint Abi Bakr (may Allah be pleased with her) died in 57 or 58 AH in Medina. Her scholarly legacy remains alive in the Islamic world and will continue to inspire generations of Muslim scholars (al-Dhahabi, 1985, vol. 2:135; Ibn Abdulbarr, 1992:1881).

REFERENCES

1. Abu Dawud, S. ibn al-Ash‘ath. (n.d.). *al-Sunan*. al-Maktaba al-‘Asriyya.
2. Abu Zahra, M. (1947). *Abu Hanifa: Hayatuhu wa-‘asruhu wa-ara’uhu wa-fiqhuhu* (Abu Hanifa: His life, era, views, and jurisprudence). Dar al-Fikr al-‘Arabi.
3. Abu Zahra, M. (1996). *Tarikh al-madhahib al-Islamiyya* (History of the Islamic legal schools). Dar al-Fikr al-‘Arabi.
4. al-Bukhari, M. ibn I. (1422 AH). *al-Sahih*. Dar Tawq al-Najat.
5. al-Dhahabi, M. ibn A. (1985). *Siyar ‘alam al-nubala’* (Biographies of the noble figures). Muassasat al-Risala.
6. al-Nasa’i, A. ibn Shu‘ayb. (1986). *al-Sunan*. Maktab al-Matbu‘at al-Islamiyya.
7. Ibn Abdulbarr, A. U. Y. (1992). *al-Isti‘ab fi ma‘rifat al-ashab* (The comprehensive knowledge of the Companions) (Vol. 4). Dar al-Jil.

8. Ibn Abdalbarr, A. U. Y. (1994). Jami' bayan al-'ilm wa-fadlih (A comprehensive statement on knowledge and its virtue) (Vol. 2). Dar Ibn al-Jawzi.
9. Ibn al-Qayyim, M. ibn A. B. (1991). I'lam al-muwaqqi'in 'an rabb al-'alamin (Informing those who issue rulings on behalf of the Lord of the worlds). Dar al-Kutub al-'ilmiyya.
10. Ibn Hajar al-'Asqalani, A. (1907). Tahdhib al-tahdhib (Refinement of the refinement of narrators). Dar al-Ma'arif al-Nizamiyya.
11. Ibn Hajar al-'Asqalani, A. (1995). al-Isaba fi tamyiz al-Sahaba (The correct assessment in distinguishing the Companions) (Vol. 8). Dar al-Kutub al-'ilmiyya.
12. Ibn Sa'd, M. (1968). al-Tabaqat al-kubra (The major classes) (Vol. 8). Dar Sadir.
13. Malik ibn Anas. (2004). al-Muwatta'. Muassasat Zayd ibn Sultan.
14. Muslim ibn al-Hajjaj al-Naysaburi. (n.d.). al-Sahih. Dar Ihya' al-Turath al-'Arabi.
15. Zaydan, A. (1990). al-Madkhal li-dirasat al-Sharia al-Islamiyya (Introduction to the study of Islamic law). Muassasat al-Risala.
16. Mamatkulova, n. f. (2020). Learner-centered Approach in Teaching English to Students at Institutions Specialized in Language Teaching. Inostrannyye yazyki v Uzbekistane, (6), 92-103.
17. Mamatkulova, N. (2021). Learner-Cyentered Approach In Developing A Foreign Language Lexical Competencye. Philology Matters, 2021(2).
18. Mamatkulova, N. (2021, April). The Importancye of Individual Approach in the Development of Lexical Competenciyes in a Foreign Language. In Konferensii.
19. Mamatkulova, N. (2025). Oliy ta'limda KREAM strategiyasi yordamida darslarni tashkil etishning prinsiplari va usullari. The Lingua Spectrum, 4(1), 895-903.
20. Mamatkulova, N. (2025). Enhancing Students'ecolinguistic Awareness as a Key Educational Priority in the 21st Cyentury. Foreign Languages in Uzbekistan, 152-166.
21. Mamatkulova, N., & Nilufar, M. (2020). Independent study skills as a key to succyyess in higher education system. European Journal of Research and Reflection in Educational Sciyencyes, 8(10 Part II), 96-100.