

Chapter Eight

Finding a Principled Approach to *Matn* Analysis

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The majority of scholars have held to the principle that obeying God (the Qur'an) cannot be separated from obedience to the Prophet.³⁴ The Qur'an clearly establishes the authority of the Prophet in numerous cases, such as, "Surely you have in the Messenger of Allah the pattern of excellence for anyone whose hope is in Allah and the Last Day and who remembers Allah much" (33:21). However attempts have been made historically, as well as in contemporary times, to dissociate the Sunnah of the Prophet Muhammad from the Message he brought, the Qur'an.³⁵ This approach is academically unsound, as well as having no real import for the masses.

The stages of transmission of the Prophet's example begin with the Companions, who lived with the Prophet and observed his example. They transmitted what they heard or saw during the life of the Prophet to those who were not present. After the Prophet's death, they became the vehicle by which those who followed could learn about the Prophet, primarily through oral tradition. Umayyad caliph 'Umar ibn 'Abd al-'Aziz (d. 101 AH/720 CE) called for the compilation of hadith during his time. Sunnah as practice differs from written or oral validation, or the hadith literature. Practice depends on established practice and is not necessarily validated from written or oral documentation. The documenting of the Sunnah was maintained through oral and written tradition. However, at the end of the second century we see the first comprehensive collections of narrations in book form. In the centuries that followed, it was generally agreed upon that there were six canonical collections of hadith. These were Bukhārī, Muslim, Abū Dāwūd, al-Tirmidhī, Ibn Mājah and al-Nasā'ī.

The early development of hadith criticism primarily focused on the structure of the chain and the evaluation of the narrators of the tradition. Specialists in the field developed a highly complex system by which to judge the narrators in the chain of transmission to determine the level of their trustworthiness in conveying a particular hadith. This science, the *al-ʿadl wa al-tarjīḥ* (impugnment and validation) contributed to the classification of alleged hadith from authentic to fabricated. The

highest level of authenticity included those hadiths that reached the status of *mutawātir*. If a hadith was not at the level of *mutawātir*, it fell into the category of *āḥād*. The *āḥād* traditions were further divided into two sub-categories: the *maqḅūl* (accepted) and the *mardūd* (rejected). The *maqḅūl* in turn was broken down into *ṣaḥīḥ* (sound) and *ḥasan* (fair). Whether a hadith was *ḥasan* or *ṣaḥīḥ* depended largely on the integrity of the chain and the evaluation of the narrators in the chain. Along with this determination was the principle that the chain and the *matn*, that is the chain and content of the hadith, also had to be sound. It has been argued that although the *matn* also had to have been sound, the hadith scholars did not develop or focus their attention on developing a system by which the *matn* could be analyzed.

The existing *matn* criticisms focus on the tools that can be used to look at apparently conflicting statements or practices attributed to the Prophet. However, another complementary approach is based on the establishment of certain principles by which a tradition is evaluated. This approach has been invoked during the times of the Companions and the succeeding generations.

Judging a tradition based on a principle was something that the Companions themselves had invoked at times. For example, in a tradition narrated by Bukhārī regarding the Night Journey (*al-isrā' wa al-mi'raj*), ʿĀ'ishah analyzed the narration of the event as articulated by some of the Companions based on it violating a Qur'anic verse. The relevant portion of the tradition is as follows:

Narrated Masrūq: I said to ʿĀ'ishah, “O Mother! Did Prophet Muhammad see his Lord?” ʿĀ'ishah said, “What you have said makes my hair stand on end! Know that if somebody tells you one of the following three things, he is a liar: Whoever tells you that Muhammad saw his Lord, is a liar.” Then ʿĀ'ishah recited the Verse: “No vision can grasp Him, but His grasp is over all vision. He is the Most Courteous well-acquainted with all things” (6:103). “It is not fitting for a human being that Allah should speak to him except by inspiration or from behind a veil...” (42:51).³⁶

ʿĀ'ishah's strong language (using the term “liars”) addressed to those who claimed that the Prophet saw his Lord on the Night Journey is based on her understanding of the verse: “No vision can grasp Him” and that He does not speak “except by inspiration or from behind a veil.” For ʿĀ'ishah, what was articulated by some in describing what

happened clearly contradicted the Qur'an and thus had to be rejected based on the Qur'anic principle. The validity, arguments, or evidence that may contradict 'Ā'ishah's conclusion may be debated and in fact was. The point however is that she judged a tradition based on certain principles that she derived and articulated.

The use of a principled approach is commonly found in the area of theology. Many theologians adopted a certain methodology in dealing with verses from the Qur'an as well as hadith that speak about God. Positive knowledge about God had to be based on the Qur'an and hadith that reached the status of *mutawātir*. For example, we find in Bukhārī and Muslim traditions references to God "laughing." For Ibn al-Jawzī, laughing is something that is done by humans and therefore it cannot be understood as referring to God. He explained those traditions by what occurs when one laughs, and then interpreted accordingly. He says: "Laughter that seizes people is merely a reference to when someone manifests the teeth that are concealed by the mouth. But this is impossible with respect to God, Glorified and Exalted is He. It is [therefore] necessary to construe it to mean, 'God manifested His generosity and graciousness.'"³⁷

According to Khaled Abou El Fadl, one cannot divorce the role of the narrators in contributing to the narration of the hadith. In other words, what we have narrated to us may contain what the Prophet had said, but we heard it through people who contributed to the text of the hadith, either intentionally or not. One may have narrated a tradition in a certain way based on his or her own circumstances and biases, which colored the understanding and selection of narration. Further, these traditions were integrated into existing legal structures by which some may have placed more value in the tradition as compared to others. For Fadl, it is unrealistic to think that one can merely state that the Prophet declared something, unless one also looks to the authorial enterprise in the chain of transmission. The Prophetic voice may be found to be stronger or less strong when the authorial enterprise is considered.

Furthermore, not only the evaluation of those within the chain of narration and their alleged biases, but the Companions themselves become subject to criticism. This line of reasoning put forward by Fadl calls into question the accepted principle, as articulated by Ibn Ḥajar, that, "The *Ahl al-Sunnah* are unanimous that all [the Companions] are *'udūl*, i.e. truthful." The *'Adālah* is that there has been no intentional

deviation from the truth. This does not mean that they were infallible (as some may understand it) but rather that they did not intentionally deviate from the truth.

Fadl provides a useful principle or tool that can be used in evaluating a particular hadith. This principle is that a higher standard should be employed for traditions that have a strong social impact, transcending a specific legal obligation. If scholars establish some basic overriding principles, not necessarily to automatically reject or accept a particular tradition, but to provide a framework that would cause one to pause when they come across a particular tradition and inquire further, it may control the quick judgment people reach merely by finding a particular hadith in an authentic collection.

Chapter Nine

Post-Divorce Financial Support from the Islamic Perspective (*Mut^ʿat al-Ṭalāq*)

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The subject examined in what follows is post-divorce financial support and its affinity to *mut^ʿat al-ṭalāq*, as we know it in Islamic jurisprudence. Predominant scholastic understanding and prevailing judicial applications in the Muslim world today indicate that women are not entitled to any post-divorce financial support (*mut^ʿat al-ṭalāq*), property settlement, or indeed any wealth of their household accumulated during the course of their marital life. The pretext is that the shelter, food and clothing provided by husbands during marriage fully exhausts any share ex-wives can expect to receive post-marriage. This understanding considers women as being only entitled to three months of spousal support during the religiously prescribed waiting period known as *ʿiddat al-ṭalāq*.

As a former judge of Shariʿah courts in Sudan, former resident imam of one of the largest Islamic centers in the U.S., and as an Islamic adjudicator and arbitrator for the Muslim community for more than twenty years in North America, I have encountered and been involved in numerous cases of this nature. I have witnessed the injustices imposed against divorced women and their suffering due to the neglect of Islamic rules of post-divorce financial support. This un-Islamic and inhumane treatment of divorced Muslim women affected me deeply,