

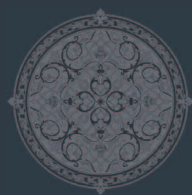
Reviving the Balance

The Authority of the Qur'an and
the Status of the Sunnah

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The Authority of the *Qur'an* and the
Status of the *Sunnah*

TAHA JABIR ALALWANI



IIIT Books-In-Brief Series

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IIIT Books-in-Brief Series

The IIIT Books-in-Brief Series is a valuable collection of the Institute's key publications written in condensed form designed to give readers a core understanding of the main contents of the original. Produced in a short, easy to read, time-saving format, these companion synopses offer a close, carefully written overview of the larger publication and it is hoped will stimulate readers into further exploration of the original.

Reviving the Balance: The Authority of the Qur'an and the Status of the Sunnah clarifies the relationship between the Sunnah,¹ the sayings and actions of the Prophet (ṢAAS)*, and the Qur'an. This relationship has been described in a variety of ways, giving rise to varied forms of knowledge and expertise, thus, impacting how Hadith scholars examine the Sunnah. Consequently, Islamic schools of thought – both juristic and philosophical – acquired different stances to Sunnah narratives reflecting the concrete life context of the scholars in question. Similarly, differences over whether to categorize a given narrator as trustworthy or untrustworthy reflected disparate juristic, theological or philosophical principles that might lead some to reject a narrator while approving another, to accept a hadith while rejecting or reinterpreting those that contradict it, or to accept or reject the criteria for criticizing the content of hadith narratives.

The question of how to approach the Sunnah had not yet arisen during the time of the Prophet, who instructed his followers to emulate him as he adhered to the Qur'an. It was he who showed them how to apply the Qur'an, translating its teachings into concrete behavior and using it as their guide in life. The Qur'an provides the explication of everything, while the Prophet's example provides a comprehensive demonstration of how to apply teachings of the Qur'an. In order to ensure that the

* (ṢAAS) – *Ṣallā Allāhu 'alayhi wa sallam*: May the peace and blessings of God be upon him. Said whenever the name of the Prophet Muhammed is mentioned.

Sunnah fulfilled the practical role for which it was intended, the Prophet discouraged the Muslim community from preoccupying itself with any text other than the Qur'an, even if it claimed Divine authority for it. However, once the Sunnah had been collected, the Muslim community began to neglect the Qur'an in favor of narrations of what the Prophet had done and said on the pretext that such narratives "contained" the Qur'an. They then eventually began to neglect the Sunnah narratives in favor of Islamic jurisprudence on the pretext that Islamic juristic texts tacitly included both the Qur'an and the Sunnah. This book is a response to this grave predicament by directly addressing controversy and disagreement among those who concern themselves with the study of the Prophetic Sunnah and Islamic tradition. The book proposes a set of criteria to support scholars in the critical mission of restoring the relationship between the Prophetic Sunnah and the Qur'an. The Prophetic Sunnah must be tied inextricably to the Qur'an in a way that allows for no contradiction or conflict between the two, and in a way that enables Islam to fruitfully address ongoing social, economic, intellectual and spiritual challenges which Muslims face in their daily lives.

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Chapter One

Prophethood and the Prophet's Duties

The Prophet as Messenger and Human Being

The final message of God encompasses the experiences of all previous prophets. The Qur'an presents us with many of these encounters and deals with the differences between prophethood and divinity lest the new community of faith repeat the errors of former nations who had lost the ability to distinguish between prophethood and apostleship on one hand, and lordship and divinity on the other, as well as between human free will and divine ordainment. Regarding the concept of prophet, the Qur'an emphasizes the humanity of the Apostle and the need to obey whatever commands he brought from God. The Apostle warned people against revering him excessively. The Arabic words for prophet (*nabī*) and prophethood (*nubuwwah*) are derived from the root *n-b-*, meaning to be elevated, high or raised. However, at one point the Muslim community was in a state of such discord that its members ran the gamut of extremes in their approach to the Prophet. Among the Bedouin Arabs, some thought of him as nothing but a tribal chief. Returning to the concept of prophet, among Jews and Christians, the prophet was an inspired individual who informs others about the realm of the unseen. In ancient Hebrew the word for prophet was used to refer to someone who spoke of legal matters. Among Muslims, the term *nabī* refers to someone to whom God has given a revelation.

The Arabic word for apostle, *rasūl*, is derived from the verb *arsala*, meaning to send. The verb *arsala* is used in a negative context in *Sūrah Maryam*, where it is used to refer to God's "letting loose" satanic forces against those who willfully disbelieve. The difference between God's sending (*irsāl*) of His prophets and His letting loose (also *irsāl*) of satanic forces against His enemies is that in the first case, He is sending His prophets to warn others of judgment to come. The Qur'an draws

a distinction between prophet and apostle, or messenger. Both the prophet and the apostle have received a message revealed by God. However, the message that has been revealed to an apostle (*rasūl*) is legislative in nature, whereas the revelation given to the prophet (*nabī*) contains no new legislation. The function of the prophet, or *nabī*, is to teach and lead others by calling upon them to follow the message brought by the apostle who came before him. Prophethood entails a pedagogical mission; hence, a prophet is subordinate to the apostle who preceded him.

The Qur'an draws another distinction between the prophet and the apostle based on the notion of what is termed in Arabic *ʿiṣmah*, which could be rendered "divine protection." Prophets are not granted such protection. Rather, like all other human beings, some of them have been killed. Nor are they granted divine protection from human failings and foibles such as error, forgetfulness, and falling into disobedience. The *ʿiṣmah*, or protection afforded an apostle, is marked by two aspects: protection from being killed and protection against error when proclaiming the words of the revealed message. The revelation is thus preserved both in the memory of the apostle and in the manner in which it is uttered so that there will be no error in the process of transmitting it to others. When an apostle finishes transmitting the message, his role as apostle comes to an end and his role as prophet begins. Then the prophet is to act on the revealed message, teach it to others, and call on them to accept and apply it themselves.

However, prophethood did not negate the prophet's humanity. Rather, it accorded him the role of scholar and teacher. Nor, when a prophet became an apostle, did this negate his humanity or his task as a prophet. Rather, maintaining his full humanity and his Prophetic role, he took on the role of apostle as well, saying at God's command, "...I am but a mortal man like all of you..." (*Sūrah al-Kahf*, 18:110). Moreover, since prophethood confers the status of teacher, and since prophets are the most illustrious of scholars, then prophets are the most qualified of all to engage in interpretation (*ijtihād*) of the divine message. The prophet engages in *ijtihād* when teaching, inferring rulings and gleaning information from the divinely given message, and inviting others to embrace and practice it. If, on the other hand, he is [also] an apostle, he uses the message that has been revealed to him. Hence, given these three distinctions between a prophet and an apostle with respect to the message given, the kind of protection afforded, and the practice of *ijtihād*, it is generally agreed that an apostle is a prophet

to whom divine legislation has been revealed, and that a prophet is subordinate to an apostle, hence the principle that “every apostle is a prophet, but not every prophet is an apostle.” Prophethood is tied to time and place, while apostleship is universal and ongoing after the death of the individual who fulfilled this role. Given this distinction, it may be said that Muhammad’s prophetic mission was to the Arabs, while his apostolic mission is for all people everywhere.

Prophets in the Qur’an

The Qur’an sets forth the broad outlines of how to view and respond to the prophets. The Qur’an also clears the prophets who came to the children of Israel of the false accusations that have been levelled against them, and stresses their full humanity in *Sūrah al-Anbiyā’* (21:7-8). Both the Qur’an and the Sunnah affirm the infallibility (*‘iṣmah*) of the prophets in that no true prophet would be capable of committing a major sin. After all, in order for them to fulfill the purpose for which they were sent, the prophets must be worthy of emulation.

As shown in *Sūrah al-Anbiyā’* (21:92), God’s prophets make up “...a single community...” with respect to their messages, the source from which these messages have come, their call for adherence to God-given ideals and self-purification, and their call to lay the foundations of human civilization on Earth. The Qur’an sets forth the points of commonality and difference among the prophets and messengers. Similarly, it shows the constants and variables in the messages they brought, specifically through four important dimensions: doctrine, human values and morals, divinely revealed law, and human inter-actions in society. However, the detailed and newly formulated laws differ from one society to the next based on the variables of time and place.

Scholars of the fundamentals of Islamic jurisprudence are divided into at least three categories regarding the question of whether the acts of worship engaged in by the Prophet before and after he received his divine calling were based on the laws and traditions adhered to by those who had received revelation before his time. One group of scholars denies that the Prophet worshipped in accordance with the rites of those who had come before him. A second group affirms that he did worship in accordance with former practices. A third group expresses no opinion on the matter. The difficulty here results from a faulty understanding of the Qur’anic context. Those belonging to the second group cite, for example, *Sūrah al-An‘ām*, where God commands the Prophet to “follow the guidance” of those “whom God has guided”

(6:90). They also cite *Sūrah al-Naḥl* (16:123). However, *Sūrah al-Aʿrāf* (7:158) states; “Say, [O Muhammad]: ‘O mankind! Verily, I am an apostle of God to all of you, [sent by Him] unto Whom the dominion over the heavens and the earth belongs! There is no deity save Him; He [alone] grants life and deals death!’” Hence, we may say that the divine message revealed to all apostles and prophets is founded upon specific pillars, which are: the oneness of God, the full humanity of the prophets and the truth of their messages, and the command given to all prophets to follow the message revealed to them.

The Tasks Assigned to the Prophets

God assigned His prophets and apostles tasks and responsibilities which they must carry out precisely as given. The Qurʾān cites the examples of bygone religious communities whose perceptions of who their prophets were had become distorted, and warns against falling into the same errors as those. It stresses the full humanity, and sinlessness, of all God’s messengers with a clarification of the meaning of the miracles they performed. It emphasizes the finite nature of the prophets’ human capacities, reminding its readers that whatever signs these messengers and prophets performed were the doing of God alone, Who has no partner, and Who granted them these miracles in order to confirm the truth of their messages: “Say thou, [O Prophet:] ‘I am but a mortal like you. It has been revealed to me that your God is the One God: go, then, straight towards Him and seek His forgiveness!...’” (*Sūrah Fuṣṣilat*, 41:6).

The revelations given to earlier prophets took the form of commands to adhere to the rulings that had been revealed to them. They were to exhort their peoples and show them how to practice the revealed teachings, thus applying what might be termed “the jurisprudence of piety.” Their lived examples were not an end in themselves, but were, rather, an extension of the revelations they had been given. Hence, as the Torah relates concerning Moses, Aaron and all other prophets sent to the children of Israel, these individuals would inform the people of what was being revealed to them. Then they would exhort them to act on it and warn them against violating it.

The Tasks Assigned to the Seal of the Prophets

Task Number 1 is *tilāwah* (recitation, or “following” the revealed message). God commanded His Prophet to recite and convey the Qurʾān. Thus, we are told in *Sūrah Āl Imrān* that “Indeed, God bestowed a favor upon the believers when he raised up in their midst an

apostle from among themselves, to convey His messages unto them (*yatlū ʿalayhim āyātihi*), and to cause them to grow in purity, and to impart unto them the divine writ as well as wisdom..." (3:164). Another meaning of the Arabic word *yatlū*, often rendered as "recite" or "chant," is to follow or imitate. God says, "Consider the sun and its radiant brightness, and the moon as it reflects the sun!" (*Sūrah al-Shams*, 91:1-2). A more literal translation of the phrase rendered "reflects the sun" (*wa al-qamari idhā talāhā*) would be "as it [the moon] follows it [the sun]." The moon derives light from the sun, and in this sense it is the sun's "follower" or "successor."

Task Number 2 is *tablīgh* (announcement, declaration). The verb *balagha*, from which the intensified verb *ballagha* (verbal noun, *tablīgh*) is derived, means to reach one's final or intended destination, whether in a geographical, temporal, or metaphorical sense.

Task Number 3 is *bayān* (explication). The purpose for explicating the Qur'an is to prevent or, at least, reduce disagreements among people over how to understand the Qur'an's message. The process of making the revelation clear takes place through words, actions, and the act of approving this or that idea or action.

Task Number 4 is *nuṣḥ* (proffering sound advice). The Qur'an relates that the prophet Hūd once said, "O my people! There is no weak-mindedness in me, but I am an apostle from the Sustainer of all the worlds. I am delivering unto you (*uballighukum*) my Sustainer's messages and advising you truly and well" (*Sūrah al-Aʿrāf*, 7:67-68).

Task Number 5 is *taʿlīmuhum al-kitāba wa al-ḥikmah* (teaching them the Book and wisdom). We read in *Sūrah al-Jumʿah*: "He it is Who has sent unto the unlettered people an apostle from among themselves, to convey unto them (*yatlū ʿalayhim*) His messages, and to cause them to grow in purity, and to impart unto them (*wa yuʿallimuhum*) the divine writ (*al-kitāb*) as well as wisdom (*wa al-ḥikmah*) – whereas before that they were indeed, most obviously, lost in error" (62:2). "Wisdom" (*al-ḥikmah*) is a broad concept that encompasses everything from the laws of the cosmos to human knowledge and discoveries.

Task Number 6 is *tazkiyat nufūs al-nāsi waʿuqūlihim* (purifying people's hearts and minds). We learn about the Prophet's task of causing people "...to grow in purity..." (*yuzakkīhim*) (62:2).

Task Number 7 is *ittibāʿ* (teaching them to follow). The verb, *ittabaʿa* (verbal noun, *ittibāʿ*), means to follow someone or to walk in his or her footsteps. God declares that “those who follow My guidance (... *man tabiʿa hudāyā*...) need have no fear, and neither shall they grieve” (*Sūrah al-Baqarah*, 2:38). The act of following spoken of here is similar to that of imitating but based on evidence.

Task Number 8 is *taʿlīmuhum al-iqtidāʾ bihi* (teaching others to imitate him). God commanded the Prophet to imitate (*iqtadih*) those who had been guided before him (*Sūrah al-Anʿām*, 6:90). The act of imitation in this context consists of following a leader’s way of dealing with proofs and evidence, be this leader a prophet, a proponent of virtue, or whatever else.

Task Number 9 is *taʿlīmuhum al-ihtidāʾ bi al-hadī* (teaching others to be guided by truth). The process of being guided, or finding guidance, has to do with what we seek or aspire to and the choices we make in relation to earthly or spiritual matters. God “has set up for you the stars so that you might be guided by them in the midst of the deep darkness of land and sea...” (*Sūrah al-Anʿām*, 6:97).

Task Number 10 is *taʿlīmuhum al-taʿassī bihi* (teaching them to emulate him as their model). Emulation of someone whom we take as our example requires that we view this person’s words and actions as all growing out of particular causes and occasions, and as being linked to rulings or precepts of some kind.

Task Number 11 is *al-haymanah* (the exercise of finality and supremacy). The process or act of *haymanah* is spoken of in *Sūrah al-Māʾidah*, where God says to the Prophet, “And unto you have We vouchsafed this divine writ, setting forth the truth, confirming the truth of whatever there still remains of earlier revelations and determining what is true therein...” (5:48).

The Āyah (Miracle or Sign) in Previous Messages and in the Final Message

God chose the specific prophets to bring His messages of guidance and light to humankind. The prophets are part of the realm of divine command prepared to receive divine inspiration and spiritual power through the mediation of angels, while God equipped them to deliver to others what had been revealed to them through connecting to their communities. The Qur’an addresses how, in all ages, people have asked

the prophets for a “sign,” or *āyah*. There has been great confusion around the words, “miracle” and “sign;” hence, following are ten key areas that require clarification.

First, it has become commonplace to use the phrase “the miracles of the prophets” in place of the more Qur’anic concept of “the signs of the prophets.” “The miraculous” tends to stir up resistance and defiance among those who witness it. “Sign” includes the element of miraculousness, but presents the miraculous event as a kind of evidence, the function of a “sign” being to prepare those who witness it to listen more attentively, and to be more receptive to the message and the message-bearer. **Second**, the Qur’anic usage of terms derived from the trilateral root *‘-j-z* has nothing to do with the signs, or *āyāt*, brought by the prophets in support of their messages. In fact, there is nothing to indicate that the words *mu‘jizah* and *āyah* are synonymous. **Third**, the word *āyah* has been defined as a sign or signal. It may also refer to a unit or verse of the Qur’an. **Fourth**, regarding the Apostle’s usage of the concept of *āyah*, he did not use the term “miracle” (*mu‘jizah*) but instead the Qur’anic concept of “sign,” or *āyah*. **Fifth**, regarding the concept of *āyah* in the Qur’an, the word *āyah* is derived from the verbal noun *al-ta’ayyī*, which is the act of settling and establishing oneself on something. The verb *ta’ayya* has also been defined loosely with the verb *arfaqa*, meaning to be useful to, or serve, or with the verb *awiya*, meaning to provide lodging for shelter.

Sixth, however, it is necessary to draw a distinction between an *āyah* in the sense of a structural unit of the Qur’an, and an *āyah* in its more purely logical sense. Used in the former sense, every clause in the Qur’an that conveys a ruling or a self-contained meaning would be an *āyah*. Alternatively, every clause separated from another by a verbal marker might be referred to as an *āyah*, on which basis we calculate the number of verses (*āyāt*), in a surah. Three meanings of the word *āyah* here are “signs,” or *āyāt* to mean ongoing patterns and laws observant in the cosmos; social “signs,” such as those we find in the stories of the prophets; and verses of the Qur’an.

Seventh, regarding *āyāt* or “signs” of the prophets, the word appears both in the singular (*āyah*) and in plural (*āyāt*) in the Qur’an. In *Sūrah al-Mu’minūn* it is used in the singular: “And [as We exalted Moses, so, too,] We made the son of Mary and his mother a symbol (or “sign”) [of Our grace]...” (23:50). The singular form, rather than the dual, is used because each of these two individuals – Jesus and his mother Mary

– contributed to a single, greater “sign” through their relationship to each other. Speaking of Moses, God says, “And indeed, We gave unto Moses nine clear messages (*āyāt*)...” (*Sūrah al-Isrā*, 17:101).

Eighth, “signs” in the Qur’an intended to inspire fear or to present a challenge i.e. *Sūrah al-Isrā*, 17:59. **Ninth**, distinguishing features of the “sign” of the final message. The final message to humankind, as it pertains to miracles (*al-muʿjizāt*) and signs (*al-āyāt*), differs from previous revealed messages in style, form and content. The sign granted to Muhammad, the last of God’s prophets, was the Qur’an. In giving this sign, God left humanity with the responsibility to discover, investigate, and reflect on the realities of the universe in successive ages. However, confusion arose between the sign that had been given to the Prophet – the Qur’an – and the miracles that had been wrought at the hands of earlier prophets such as Moses, Jesus and others. **Tenth**, the final message and its distinguishing features. The Qur’an has been preserved by God Himself. It confirms and “watches over” the Sunnah in the sense that it serves as the criterion on the basis of which we determine what is valid, or invalid, of the Sunnah. Along with the Qur’an, the Prophetic Sunnah plays a role in shaping Islamic legislation, but rules have been set down to regulate the role the Sunnah plays in this process.

The Prophet Muhammad’s Sunnah is the summation of the examples and experiences left by the prophets before him. In him we see, for example, Noah with his patience and perseverance, Abraham with his struggle to find truth, his piety, and his obedience, and Moses, his toil, and his keen concern for his people. We see Jesus, his self-denial, and his striving to ground his people in the deepest, most essential truths of their religion. The Qur’an constitutes the substance of the divine revelation, while the Sunnah is the quintessence of the experiences of earlier prophets with their respective people and the examples they have left us. The Prophetic Sunnah must be tied inextricably to the Qur’an in a way that allows for no contradiction or conflict between the two but, rather, combines them into a seamless structural unity.

Chapter Two

Sunnah as Concept and as Technical Term

The Concept of the Sunnah and its Historical Development

I view the word *sunnah* not as a technical term, but as a concept.² In fact, it is a highly precise and subtle legal concept that has had a far ranging and significant impact on the Islamic intellectual tradition. The word *sunnah* encompasses a network of related concepts, such as “way” or “path” (*ṭarīqah*), custom (*‘ādah*), social and natural law (*al-qānūn al-ijtimā‘ī wa al-ṭabī‘ī*), and the like. The transmutation of the word *sunnah* into a mere technical term has led to a confusion and vagueness. Consequently, it is important to investigate, analyze and reformulate this concept. Thus, my aim is to clarify the relationships among these various terms and, in so doing, demonstrate the validity of viewing them as a single overarching concept that represents a unified legal entity (*ḥaqīqah shar‘iyyah wāḥidah*).

Morphologically, the word *mafḥūm*, loosely translated as “concept,” is a passive participle derived from the trilateral root *f-h-m*, specifically meaning, “to understand.” As such, its literal meaning is “understood.” Logicians define it as a perception, realization or cognition (*mudrak*), as what takes place, and might take place, in the mind, whether in the form of action or speech, direct experience or someone else’s verbal description. The notion of *mafḥūm* is divided into two categories: what might be termed “harmonious meaning” (*mafḥūm muwāfaqah*), which is what is understood directly from what someone says either by way of exact correspondence or by way of implicit content, and “divergent meaning” (*mafḥūm mukhālafah*), which is what a statement or expression communicates by way of association, or through what has not been said in contrast to what has been said.

Arab linguists have associated four meanings with the word *sunnah* – manner or way (*ṭarīqah*), habit or custom (*‘ādah*), conduct or way of life (*sīrah*), and nature, disposition, or character (*ṭabī‘ah*). Regarding the concept of *sunnah* in the Qur’an, the trilateral root *s-n-n* occurs nine times in Makkan surahs, and ten times in Madinan surahs. This root and its derivatives are used in the Qur’an to refer to phenomena that have occurred with such regularity in the cosmos and in society that they manifest predictable, unchanging laws. For example, in *Sūrah al-Anfāl* (8:38), God warns polytheists and those who have gone astray from His path that they will never escape the outcomes of their

waywardness and defiance. The ageless nature of God's way may be seen in the fact that however many branches there may be of the divine laws, and however different these branches may appear, they all share a common, unchanging purpose, which is to purify people's hearts, thereby making them worthy of divine reward and prepared to dwell in the divine presence.

From a purely linguistic point of view, the word *sunnah* refers to conduct or way of life, be it good or bad, with its derivations. Similarly, according to several *uṣūl* scholars, the word *sunnah* simply refers to a way of life, habit, or customary practice specifically in relation to human beings. In regards to the concept of *sunnah* in the prophetic Sunnah itself, the word *sunnah* was used to refer to the proper way of life for both the individual and the community. In Islamic circles, the term was used to mean that which was generally agreed upon, and the ideal of correct behavior, yet without any specific reference to the example set by the Prophet himself. It was not until the late second century AH that the meaning of the word *sunnah* narrowed to the point where it referred solely to the practices of the Apostle.

Later Use of the Term Sunnah

During the first century AH, the term *sunnah* was associated with a variety of meanings. Gleaned from conversations, starting in 34 AH it can be gathered that the term *sunnah* was used in the sense of legitimate, generally approved action. In 35 AH, the Caliph ʿUthmān ibn ʿAffān delivered a speech to the people of Makkah in which he spoke of “the laudable practice introduced by the Messenger of God (*al-sunnah al-ḥasanah allatī istanna bihā rasūl Allāh*) and the first two Caliphs.” In the year 38 AH, the word *sunnah* was used to denote people's customary actions. However, through these years the word *sunnah* had also been used to refer to a variety of concepts and entities, including the way of Islam (*sunnat al-Islām*), the way of the Muslims (*sunnat al-muslimīn*), and the way of God (*sunnat Allāh*). It has been used to refer to the actions of the Prophet and the two first Caliphs, Abū Bakr and ʿUmar ibn al-Khaṭṭāb, to things over and above the actions of the Prophet, and to Muhammad himself as the one who led them to engage in laudable action, and the action called for in the Qur'an.

Confusion relating to the meaning of the word *sunnah* arose among scholars of certain schools of Islamic jurisprudence. Such scholars cited the use of the word *sunnah* in statements made by the Prophet, his

Companions, and his Companions' Successors, as evidence of the exemplary nature of actions which they sought to encourage as desirable. However, they were using the word *sunnah* in the strictly terminological sense that developed in the second century AH. In other words, they had begun associating the word *sunnah* specifically with the precedents set by the Prophet rather than understanding it in its broader sense as any conduct worthy of emulation.

Hence, rather than treating the word *sunnah* as a technical term whose meaning can be captured in a precisely formulated definition that pertains to a particular, limited field of specialization, it should be treated as an integral, flexible concept that emerges from a comprehensive theory which embraces all the meanings applicable to the word *sunnah*, whether on the levels of dictionary definitions, Qur'anic usages, or the way it was used by the Prophet. Rather than remaining lost in a maze of specialized jargon, we need to place the term *sunnah* within an agreed-upon framework that gives it the flexibility it needs in order to accommodate all the meanings with which it has been associated in the past, as well as whatever meanings will emerge in the future.

Semantic Evolution of Notions Relating to the Concept of Sunnah

Semantic evolution of the term fiqh. The term *fiqh* generally rendered nowadays as "jurisprudence" simply means understanding or realization. The word *fiqh* has been used to refer to knowledge gained through vision and observation, since vision or seeing represents the most potent form of knowledge. The trilateral root *f-q-h* occurs approximate twenty times in the Qur'an, most of these instances being the present tense of the verb in the sense of "understand." The most precise form of understanding, which is the understanding of the heart – the heart, being the organ of discernment – is seen in the Qur'anic usage of the word *fiqh*.

However, a process of understanding evolved, which includes reading, then knowledge and understanding, where the understanding may either accompany knowledge or follow it. Herein lie the beginnings of the use of *fiqh*. Knowledge, when spoken of in conjunction with the Qur'an (the Book), is that which has been narrated (the hadith or the *sunnah*), while *fiqh*, or understanding, accompanies or follows knowledge. The linguistic evolution was as follows: a) reading a written text, an activity undertaken by people known as readers, or reciters; b) knowledge passed down in a rote manner in the form of a *sunnah* or religious obligation and c) reflective understanding and comprehension

enlightened with insight. It should be borne in mind, however, that up through the second century AH, the word *fiqh* was still not understood in the later sense, or in the way it is understood today. In the days of Imam Mālik (d. 179 AH / 795 CE), the term *fiqh* was still being used in a sense that was broader than its modern-day definition, which is restricted to a concern with people's behavior and social interactions. The further narrowing of the word's import to the realm of action would come in the next stage.

This next stage of development took place in a class of scholars who concerned themselves more with meanings, technical terms and their definitions, the division and classification of the sciences, and other such pursuits which were not widespread in the Hijaz, and which would not have been expected to have a great impact there. The word *fiqh* was not in circulation in its more specialized sense during the days of the Prophet's Companions. The word *fiqh* had yet to acquire the semantic dimensions with which it is associated in our day.

Evolution of the Concept of Ra'y. In the example of the evolution of the concept of *ra'y*, the triliteral root *r-'-y*, from which the noun *ra'y* is derived, refers most basically to the physical act of seeing. Since knowing something with the mind is analogous to seeing something with the eye, the derivative meanings of *r-'-y* include that of perceiving, discerning, considering, and adopting or expressing a point of view or opinion (*ra'y*), all of which involve the act of seeing with the "eye" of the mind. Scholars have to form an opinion or point of view whatever their level of culture or education happens to be. Consequently, the stages through which the term *ra'y* passed socially speaking parallel the stages through which religious leaders passed.

The city of Madinah was home to those who had received knowledge from the Prophet himself and whose discernment and observation served as the basis of their governance. Imam Mālik himself once spoke of some opinion as "not worthy of consideration," describing it as, *ra'yun mā huwa ra'yun*, which indicates that Imam Mālik viewed himself as qualified to give and evaluate opinions. Ibn Qutaybah also viewed Mālik as qualified to give informed opinions. Ibn Rushd, in fact, termed Imam Mālik "the commander of the faithful" among those in the field of opinion-formation and application of the principle of *qiyās*, or analogical reasoning. Madinah may have preceded other Islamic regions in its use of the word *ra'y* with its general meaning, which draws no distinction between one jurist and another, or between

one *mujtahid*, or scholarly interpreter, and another. An opinion or point of view will differ depending on one's mindset, environment, and the culture that forms one's understanding, sets its orientation, and determines the precision with which one thinks.

The evolution of the concept of naṣṣ. The word *naṣṣ*, the verbal noun derived from the trilateral root *n-ṣ-ṣ*, has been used with numerous meanings. These include lifting or raising in both the physical and non-physical senses; something's end or goal; interrogation; the act of specifying or appointing; the act of informing; and the act of manifesting or making clear. The term involved a general, universal Qur'anic principle, the meaning of which becomes clear through the particulars, details, and practical applications provided in the Sunnah. It was Imam al-Shāfi'ī who raised the Sunnah overall to a status parallel to that of the Qur'an. However, al-Shāfi'ī viewed the Qur'an alone as the foundational text for Islamic teaching and practice. He stated in no uncertain terms that any hadith classified as authentic and reliable must have a clear origin in the Qur'an.

Scholars use the word *naṣṣ* in its most unqualified sense to mean simply "all intelligible speech." Each particular school of thought has sought to defend its view on its usage. However, if we note what it means from a purely linguistic point of view, as well as the way al-Shāfi'ī uses it, the word *naṣṣ* clearly refers to the Qur'an alone, which enjoys primacy over all else and which is the ultimate goal and end. However, scholars have associated other meanings with it, which has obscured the nature of the relationship between the Qur'an and the Sunnah. By translating the term *naṣṣ* simply as "text," thereby indicating that it can be used to refer to virtually any statement or discourse, hadith scholars have sown confusion.

Chapter Three

The Qur'an as Creative Source and the Sunnah as Practical Clarification

The Concept of *Wahy*

The Sunnah of the Messenger of God is a clarification and application of what the Book of God had communicated. *Wahy* is the divine speech which God sent down from on high into the heart of His Servant, Messenger and Prophet. The definition of *wahy* includes the element

of speed, and has been used to describe communication that involves symbol and allusion, non-verbal sounds, bodily gestures, or writing. The noun *wahy* is also, however, used to refer to the message God conveys to His prophets and messengers through a variety of media. By identifying what “revelation” (*wahy*) is vis-à-vis the Qur’an, the Sunnah and the affirmation of God’s oneness and its implications (*‘ilm al-tawhīd*), we will be able to clarify a fundamental aspect of the question at hand – how to relate properly to the Sunnah of the Prophet. In light of this clarification, we can correct a number of other concepts.

Since the Prophet’s function was to convey to others the message he had received from God, he was not permitted to forbid or sanction anything unless he had received God’s command to do so. The Qur’anic revelation that was given is what God willed to be included in His Book by way of details, situations and events from the era of revelation. Through the Qur’an we are informed of situations and events pertaining to the period of revelation and the completion of the Islamic religion. In this respect, the Qur’an differs from all other historical records or accounts, not included in the divine promise, with which people have tampered in one way or another. In some situations the Messenger of God would do something for which he was corrected by a verse of the Qur’an, for example, *Sūrah al-Aḥzāb* (33:37).

Unlike the revelations the Arab community had inherited prior to it, the Qur’an was recorded and reviewed during the lifetime of the Prophet and under his supervision. It is enduring, having been preserved by God’s providence. As such, God has warned Muslims, and mankind (*Sūrah al-Naḥl*, 16:116), not to adopt legal texts other than those of the Qur’anic Law, which were recorded during the era of revelation under the supervision of the one to whom the revelation had been given.

The Sunnah and the Theory of Elucidation

We term the theory on which we base our concept of the Sunnah, one that delineates the nature of the relationship between the Qur’an and the Sunnah, “the theory of elucidation” (*naẓariyyah al-bayān*), where the word “elucidation” (*bayān*) is understood in the Qur’anic sense of clarification and explication. The Sunnah may be thought of as an applied, interpretative elucidation of the Qur’an. As such, it remains within the Qur’an’s orbit and under its authority. The Sunnah is never autonomous of the Qur’an; on the contrary, it is inseparable from it. Unlike interpretation (*ijtihād*), analogical reasoning (*qiyās*) and their

subsidiary disciplines, the Prophet's Sunnah is both explanatory and binding in nature. According to al-Shāfi'ī, the process of *bayān* involves clarification of the Qur'an through its application and interpretation in concrete circumstances. For him, the first two levels involve the Qur'an's elucidation of itself, the third includes the ways in which the Messenger added specificity to passages of the Qur'an that were general in nature, and the fourth includes the elucidations provided by the Prophet's actions, that is, his Sunnah. The Qur'an's self-elucidation is undoubtedly the highest level of *bayān*. As the final revelation, the Qur'an enjoys primacy over not only the legacy left by earlier prophets; it also enjoys primacy over the words and actions of the Prophet Muhammad. Of the remaining levels of elucidation, the Prophet's actions, words and affirmations are the only type that is binding on Muslims.

Examining the Sunnah in Light of the Qur'an

Some scholars have divided hadiths into three categories: those hadiths that are in full agreement with the Qur'an, those that add something to the Qur'an, both of which Muslims are mandated to emulate, and those hadiths that conflict with the Qur'an, and which are to be rejected. However, *uṣūl* scholars made no distinction between the words and actions of the Prophet that were legislative in nature, and those that were not. When discussing Sunnah-related topics on which their respective imams had stated positions, they would modify the positions taken by hadith transmitters to agree with those of their imams, while accepting hadith transmitters' definitions for terms such *ṣaḥīḥ* (authentic), *ḥasan* (good), *mashhūr* (famous), *mu'allal* (defective), *mudallas* (concealed), and *mu'an'an* (containing the conjunction 'an in its chain of narration). At the same time, they classed the various types of sunnah practices indiscriminately as "legislative." Moreover, by promoting the view of the Sunnah as an independent source of authority alongside the Qur'an, such scholars opened the door to rulings that might be viewed as frivolous or unnecessary. Thus, for example, if a statement by the Prophet indicated that a given action was more or less neutral, it was classed as 'permissible' (*mubāḥ*), hence, altogether leading to confusion.

Muslims began to lose sight of the fact that, taken together, the Qur'an and the Sunnah are intended to build up human society and help us achieve a prospering civilization. The Sunnah was a more accessible reference than the Qur'an because it dealt directly with events, individuals and situations. Yet, a comprehensive, inclusive reading of

the Qur'an and the Sunnah is the discovery of overarching, unchanging values through an investigation of the Revelation's overall content and aim and human beings' purposes in relation to the entire cosmos. The overarching, unchanging values include for example the oneness of the Divine (*al-tawḥīd*), the need for self-purification (*al-tazkiyah*), and the goodness of progress and prosperity (*al-ʿumrān*). They also include the values of justice, freedom, and the fulfillment of human needs from the most basic material necessities to the level of more abstract, spiritual and aesthetic needs.

Some view *Isnād*-based methodology as an unrivalled means of demonstrating a hadith's authenticity and reliability. This view is based on the assumption that there is nothing about the actual content of a hadith that would render it inauthentic or unreliable. If this assumption is correct, and the *isnād* is judged to be sound, nothing more needs to be said about the hadith in question. When the content of a hadith is critiqued based on exacting, knowledge-based criteria established by hadith transmitters themselves, these criteria can be fruitfully integrated with and complemented by *isnād*-based criticism. In such case, scholars would have examined the *isnād*, or chain of transmission, to determine how reliable and authentic it is. They would then have subjected the *matn*, or main body of the hadith, to rigorous standards of authenticity and reliability based on the governing values of Islam. In so doing, we will then see the Sunnah not as a collection of disjointed texts, but, rather, as a means of applying the values and teachings of the Qur'an. Most of the disagreements current today are a result of our having neglected such methods of hadith criticism. The only way to resolve the present impasse is to undertake a thorough critique and analysis of both *isnād* and *matn* criticism. Both methodologies should be evaluated in light of the knowledge that was available during the historical periods in which they emerged.

Chapter Four

The Expanding Role of Narrative – A Historical Overview

The Generation That Witnessed the Qur'anic Revelation

The first generation discussed here is that which witnessed the Qur'anic revelation. The following generations include the narrative generation, the generation of jurisprudence, and the generation (or generations) of

imitation or tradition (*taqlīd*). The purpose is to create a clear historical perspective on succeeding Muslim generations' attitudes toward the Qur'an and its elucidation in the Prophetic Sunnah. If the guidance brought by the Prophet had been followed after his death the way it was during his lifetime, the question of how the Qur'an relates to the Sunnah would never have arisen.

Members of the generation that witnessed the Qur'anic revelation were accustomed to hearing the Messenger recite the verses of the Qur'an that were being revealed to him, his teaching, his understanding of the Qur'an, and his application of the wisdom contained in the Qur'an in such a way that it answered their questions, ordered their relationships, taught them what was permitted and forbidden, and helped them distinguish good from bad, true from false. There were situations in which the Messenger was commanded to issue rulings on matters he had not been asked about, as shown in for example, *Sūrah al-An'ām* (6:151-154). He submitted to the Revelation and conveyed it to others, clarifying it and teaching others how to translate it into concrete actions. This understanding was accepted without question, as no one of that generation viewed the Sunnah as anything more than a clarification of the rulings found originally in the Qur'an.

Criticism of the *matn*, or text, of hadiths took place, such as that cited by al-Bukhārī, Muslim and others about Fāṭimah bint Qays, whose husband had divorced her irrevocably and to whom the Messenger of God supposedly allowed no housing or alimony. In this example, ʿUmar ibn al-Khaṭṭāb said:

We will not disregard the Book of God and the Sunnah of our Prophet because of something said by a woman who, for all we know, has now forgotten [what she heard before], and who has both a place to live and material support. As God has said, "When you...divorce women...do not expel them from their homes; and neither shall they [be made to] leave unless they become openly guilty of immoral conduct..." (*Sūrah al-Ṭalāq*, 65:1).

In another example, ʿĀ'ishah took exception to the Companions by checking narratives against the Qur'an and correcting them on this basis. She objected to a hadith according to which deceased individuals are said to be tormented by their families' weeping over their loss by referencing *Sūrah al-An'ām* (6:164).

During this generation, the Prophet's actions were divided into two categories. The first consists of actions which were necessary in order

for the Prophet to carry out unambiguous Qur’anic directives, such as, “be constant in prayer, and spend in charity...” (*Sūrah al-Baqarah*, 2:43). This category of actions forms part of the Prophet’s mission to convey the Divine Revelation he had received. The second category consists of actions which the Prophet engaged in on his own personal initiative in response to the situation at hand. This category might include interpretations offered by the Prophet based on his personal appraisal of a situation, as well as things he did out of habit or as expressions of his natural temperament.

The Narrative Generation is Born

After the Prophet’s passing and with the Islamic conquests, people from environments different from that of the Arabian Peninsula began practicing Islam. New cultures began manifesting their effects, both positive and negative, through opinions and claims unknown to the generation that witnessed the Qur’anic revelation. As the first Muslim generation began to die out, people felt a need for sources of guidance over and above the Qur’an to help them address newly arising questions and problems. Consequently, people began collecting narratives and reports in an attempt to trace everything of relevance to the life of the Apostle.

One of the first systematic attempts to set the hadiths down in writing was made by Caliph ‘Umar ibn ‘Abd al-‘Azīz (d. 101 AH / 740 CE) – and his father, ‘Abd al-‘Azīz ibn Marwān (d. 86 AH / 705 CE) before him – together with the jurists of their day. They sought to adopt the Sunnah as a substitute for the various juristic schools of thought, given increasing disputes. They believed that if they collected all hadiths relating the words and deeds of the Prophet as the means of elucidating the Qur’an’s meanings and how they were to be applied, this would prevent Muslims from dividing themselves into sects, schools, factions and denominations. The result was the emergence a “narrative generation,” which differed in significant ways from the generation that had preceded it. For fear of the foreseen negative impacts, the first Caliph, Abū Bakr, hesitated to collect hadiths, and ‘Umar ibn al-Khaṭṭāb had soon a number of hadiths erased after collecting them.

Legists and the Generation of Jurisprudence

The concept of fiqh, or jurisprudence, came into circulation in the year 40 AH / 660 CE in response to the spread of narratives about the sayings and actions of the Prophet. However, rather than being treated as a means of resolving disputes among theologians and jurists, these narrated accounts evolved into a new weapon in the war between

proponents of different religious points of view, with each side defending its sect, school or denomination with whichever narratives served as grist for its own mill. No sooner had the recording process begun than people began relying on hadith narratives not simply as a way to understand and apply the Qur'an as the Prophet had done but, rather, as a source of Islamic legislation parallel to the Qur'an.

There then spread an erroneous notion that, by most estimates, the Qur'an contained no more than around 500 verses comprising legal rulings, and that it was these verses that should occupy most scholars' attention. Among these verses, scholars tended to restrict themselves to those that begin with a clear positive or negative imperative (do's and don'ts). Such included rites of worship, rulings on the family, daily transactions, legal penalties, and the judiciary, legal testimony and the like. In the process, the Sunnah became the self-sufficient guidebook to Islamic life. Some went as far as to classify all hadiths as sources of legal rulings, including even those that contained no rulings in explicit form.

People became engrossed in reports of things the Prophet had done or said until the Qur'an was nothing more than a source of proof texts to be cited by theologians, *uṣūl* scholars, jurists and others. The majority of scholars during this period held that the Sunnah could abrogate the Qur'an even if it took the form of a solitary report (*khābar āḥād*). Scholars circulated other statements as well in justification of their position, while disregarding the Qur'an as a Book that has been guarded from all falsehood (*Sūrah Fuṣṣilat*, 41:42). Some claimed that whereas the verses of the Qur'an are finite, the situations the Qur'an is required to address are infinite. Consequently, they concluded, more evidence was needed in order to fill what they mistakenly imagined to be a legislative vacuum. At the end of this period, the Muslim community found itself drowning in a sea of narrated reports and traditions.

The Imitator Generations

When the schools of jurisprudence had crystallized into their final forms, traditionalists (*al-muqallidūn*) began devoting themselves slavishly to the teachings of their respective imams, extolling their virtues and working to recruit new adherents to their schools of thought. In fact, there were some who went so far as to treat the statements of their imams as though they were holy writ, discussing whether they were subject to contradiction, whether some should be given preponderance over others, whether some of their assertions could abrogate others,

and the like. Many concerned themselves more with the Sunnah than they did with the Qur'an on the pretext that the Sunnah encompassed the Qur'an and was intimately linked to it. They then began using hadiths as proof texts in support of the teachings of their imams, which led in turn to more attention being devoted to their imams' juristic teachings than to the Sunnah. As time went on, these imams' juristic writings came to be circulated and expounded so widely that one would have thought Islamic Law consisted of nothing but their teachings.

Some hadiths were undoubtedly forged within the context of political struggles and competing claims to legitimacy, including the disputes that arose between Arabs and non-Arabs over status, recognition and influence. Consequently, contenders turned for support to narratives and reports, some of which were forged in praise of particular cities, tribes, peoples, imams or scholars, and then circulated widely. In order to elevate the status of narrative and related methods, some People of the Hadith stressed the fact that the Qur'an had also been narrated. In so doing, they sought to gain legitimacy for what came later to be known as 'recitations' (*al-qirā'āt*) and the science of recitations (*ilm al-qirā'āt*), since these recitations depend on narrative. 'Uthmān ibn 'Affān compiled the Qur'an in what came to be known as the Master Copy (*al-muṣḥaf al-imām*) which won the Muslim community's unanimous approval. Nowhere do 'Uthmān or those who assisted him in compiling the Qur'an mention a single word of this Master Copy being recited in several different ways. The Book of God is without equal, and it would be unthinkable to view it as comparable, parallel, or subject to being measured against any other entity whatsoever. It is nothing but truth and unquestionable, unchanging certainty.

Chapter Five

The Chronicling of the Sunnah and its Historical Context

The Chronicling of the Sunnah and the Impact of Jewish and Greek Culture

Prior to the coming of Muḥammad ibn 'Abd Allāh, the Arabs living on the Arabian Peninsula had never witnessed the emergence of a prophet and apostle. Not surprisingly, then, the shock of the Prophet's death served to catalyze the formation of three groups. The first consisted of political figures who expressed their ongoing love for the

Prophet by establishing a caliphate patterned on his mission. The second group consisted of Muslim mystics and ascetics who believed that the Apostle's Prophetic mission should continue in the form of sainthood. The third group comprised those who were later known as the *‘ulamā’* (*al-‘ulamā’*, or “those who know”), including scholastic theologians, jurists, and hadith scholars. Members of this group and the Muslim mystics changed the meaning of the term *sunnah* such that, rather than referring simply to application of and obedience to the Qur'an in people's daily lives, it came to refer to virtually everything the Prophet was reported to have done or said. When the Companions dispersed among various cities, hadith transmitters began traveling from place to place in order to continue compiling and recording hadiths. At this point, the Sunnah was no longer sought after as a clarification and application of the Qur'an, but for its own sake, that is, for the simple reason that it had originated with the Apostle. There was now a Sunnah-based corpus of legislation alongside the Qur'an-based legislation.

When the Messenger of God received his calling and the Qur'anic revelation, he attempted, in keeping with the guidance of the Qur'an, to draw Jews' and Christians' attention to the common ground they shared with Islam. He stressed the fact that he had come in part to correct and in part to confirm the previous revelations, and that the revelation he had brought was an extension of the message that had been brought by Abraham, the father of the prophets. However, for the most part his efforts to win their acceptance were in vain. The interplay between the Arabs' lack of a sacred scripture of their own and the culture that prevailed prior to the coming of Islam lay the groundwork for the acceptance of ideas and conceptualizations that were foreign to Islam. One such idea was that of determinism (*al-jabriyyah*), the belief that human beings have no genuine free will and that everything we do is predetermined by fate. A series of philosophical and theological conundrums then emerged: from determinism (*al-jabriyyah*), to predestination (*al-qadariyyah*), to divine governance (*al-ḥakimiyyah al-ilāhiyyah*).

It was during this period, particularly following the translation movement initiated under the Abbasid Caliphate in the latter eighth and mid-ninth centuries CE, that work commenced to establish clearer distinctions and definitions in the Islamic sciences. However, Muslim scholars were influenced in this context by Aristotelian logic, which concerns itself with defining the essences of things. Adoption of the

Aristotelian approach to concept definition, in fact, wreaked havoc on Islamic thought. It obfuscated the definitions of terms and concepts in virtually all fields of Islamic study, including the hadith sciences. Consequently, numerous concepts – including that of *sunnah* – were defined in ways that diverged from the Qur’anic understanding of them.

A Look at Hadiths That Address the Matter of Recording Narrated Reports in Writing

The generation that was contemporary with the Prophet came to be known as “the generation of reception,” the generation that followed it was known as “the generation of narrative,” and the generation following it was known as “the generation of jurisprudence.” Similarly, Islamic sciences have passed through three stages: the “oral culture” phase, the collection and recording phase, and the sorting and categorization phase. The Companions were aware of the need to adhere to the Qur’an, and to view the guidance offered by the Prophet in proper relation to the Qur’an. They sought to clarify the way in which the Prophet applied and recited the Qur’an and how he taught the Qur’an to others and used it to refine their characters. At the same time, they sought to take care not to lead people away from the Book of God.

God did not assign the task of preserving the Qur’an to any human being, not even to His Prophet. Rather, He took this task upon Himself, causing it be preserved through its own arrangement, inimitability and eloquence, here called the “preservation from within.” The Prophet stressed the importance of writing down the Qur’an, while placing equal emphasis on not writing down the Sunnah. Hadith narratives emerged in response to newly arising questions that called urgently for answers. As the era of the rightly guided Caliphs came to an end, there came about a split between religious-intellectual leadership on one hand and political leadership on the other. As positions of power were occupied by leaders of the Umayyad clan with plenteous stores of narratives to relate and with a fair understanding of Islamic jurisprudence, people were encouraged to narrate more and more accounts from the life of the Prophet and to glean legal rulings from them in response to newly emerging societal conditions. As a consequence, hadith narratives became increasingly intertwined with juristic and theological questions.

The question that now arises is: Can the term *sunnah* be used to refer to what resulted from the process of recording the various accounts

and reports attributed to the Prophet? In answer to this question, it should first be remembered that the process of collecting the Sunnah was the fruit of a tremendous collective effort. However, it remains, in the end, a human effort subject to human limitations, uncertainties and a degree of speculation. A fact requiring consideration is that the recording process only began in earnest in the mid second century AH, and was not completed until the third century AH. For one, the number of Islamic legal rulings multiplied several times over, and this legacy, which was now passed down from one generation to the next, became the most salient component of every Muslim's religious instruction and upbringing. Furthermore, whereas during the lifetimes of the Prophet and his Companions the Sunnah had been comprised of the concrete practices of the Messenger of God in application of what had been revealed to him, the concept of the Sunnah then expanded to include everything the Prophet was reported to have said, done, or even approved, none of which occurred in a vacuum. This is one of the most significant aspects of the distinction that must be made between the Qur'anic text, which for the most part contains universal principles, and the 'prophetic text,' which issued for the most part from concrete, changing circumstances.

The Qur'an commanded the Prophet on numerous occasions to declare openly that he was only a human being. In fact, he took care to emphasize this fact. Consequently, the Prophet's humanness disqualifies many of his words and actions from being treated as the basis for binding legislation. He made this point explicitly clear in the well-known incident in which he expressed the view that the pollination of palm trees was not a useful practice, after which he reconsidered what he had said in light of his lack of knowledge about such matters, saying, "I am only human." Here we find the Prophet himself drawing a decisive distinction between his abilities as Prophet and his abilities as mere human being, between personal opinion and religious instruction, between human attempts to discern truth and divine revelation, between worldly affairs and spiritual affairs, and between what he says on his own behalf and what he says as God's representative. There exists, then, both revelation from God, which is binding as a religious duty, and earthly matters for which experts in the respective fields know best.

Chapter Six

The Authoritativeness of the Reporting of the Sunnah

Should a communication or report concerning an action or statement by the Prophet be granted the same legal status as the action or statement itself? Can such a report or communication be the basis for a binding legal ruling originating with God? When we affirm the authoritativeness of the Prophet's Sunnah and Muslims' obligation to recognize this authority, we are implicitly acknowledging that in order to be truly authoritative, a report or communication of something the Prophet did or said must be shown beyond reasonable doubt actually to have been done or said by him. Yet, how is it that obedience to the Prophet can be said to be tantamount to obedience to God? For although he may appear to be a ruler and commander in his own right, the actual Ruler and Commander is God alone.

Muslim scholars agree that the validity of the use of a hadith narrated on the Prophet's authority in support of a religious doctrine or legal ruling depends on the ability to demonstrate with certainty that the account in question did, in fact, originate with the Messenger of God and the ability to demonstrate that the account in question was passed down from the Messenger of God in an unquestionably reliable manner. The validity of narratives passed down on the authority of the Prophet has been the subject of significant disagreement. According to some scholars, no method can guarantee that a given account about the Prophet's sayings or actions is accurate and reliable. Consequently, they deny the validity of acting on anything that has been passed down on the Prophet's authority. However, these disagreements have not revolved around the authoritativeness of the Sunnah itself.

Regarding the approaches of six scholars and their schools to the Sunnah, in the Hanafites' view a hadith that has not gained wide circulation (and has thus not been classified as *mashhūr* or *mustafīd*) is of only tentative value. As such, it neither specifies what is stated generally in the Qur'an, nor qualifies what the Qur'an has stated in absolute terms. Imam Mālik was in agreement with Abū Ḥanīfah except in cases where the hadith in question was supported by something else. Mālik would approve hadiths with broken chains of transmission if he had heard them from someone whom he trusted and whom he had chosen precisely because the person qualified as a reliable source

based on his stringent list of criteria for trustworthiness. Al-Shāfiʿī devoted an entire section of his book *al-Risālah* to the five levels of the process of *bayān*, or elucidation of the Qurʾan. Al-Shāfiʿī stipulated rigorous conditions that had to be met in order for a solitary hadith to be deemed acceptable. Debates raging in al-Shāfiʿī's time between the People of Opinion and the People of the Hadith produced great confusion in how the concept of *sunnah* was understood and employed, and marked the beginning of the shift in which the Sunnah ceased to be understood in its original sense. Imam Aḥmad ibn Ḥanbal viewed the Sunnah as the second half of the primary source of Islamic teaching, that is, the Qurʾan. Imam Aḥmad included in his *Musnad* accounts narrated only by individuals whom he deemed trustworthy, upright, God-fearing and truthful.

According to the Zaydite school, after Imam Zayd ibn ʿAlī, solitary hadiths provide only tentative certainty. Consequently, they can be relied on as a basis for practical rulings, but not for doctrine. In general, the Twelver Shiites agree to a significant extent with the Shafiites' approach to the principles of jurisprudence. However, the Twelver Shiites are divided into two camps on the matter of whether to accept solitary reports. Earlier Twelver Shiite scholars rejected such reports unless they were accompanied by unassailable evidence that the report could be attributed to the Messenger of God or to the infallible Imam. However, the majority of Twelver Shiite scholars recognize solitary reports, with some of them stipulating that the report must have been passed down by two or more narrators. The Twelver Shiites' acceptance of solitary reports also requires that the narrator be a Twelver Shiite, and the person on whose authority the account was passed down also be a Twelver Shiite.

The Authoritativeness of the Sunnah and Reports Thereof in the Generation Contemporary to the Prophet, and the Narrative Generation

The study of hadiths is comprised of two branches – narration-based hadith science (*ʿilm al-ḥadīth riwāyatan*) and understanding-based hadith science (*ʿilm al-ḥadīth dirāyatan*) – under which all knowledge of hadiths can be classed. The concept of *ʿilm* rests on four principles: (1) strict adherence to method, (2) objectivity, or academic integrity, (3) the ability of the discipline's principles and premises to accommodate new developments, and (4) its capacity for self-renewal. Philosophers have used the word *ʿilm* to refer to the formation of an image of something in

the mind; as such, it is a level of perception, other levels being, in descending order, surmise (*ẓann*), suspicion (*shakk*), and illusion (*wahm*). The opposite of *‘ilm* is ignorance (*jahl*).

There is a clear difference on the levels of both method and terminology between early hadith scholars – generally identified as those who preceded and were contemporaries of al-Khaṭīb al-Baghdādī – and later hadith scholars, that is, those who came between al-Khaṭīb al-Baghdādī (d. 463 AH / 1071 CE) and al-Ḥāfiẓ ibn Ḥajar (d. 852 AH / 1449 CE). Each of these groups engaged in hadith sciences marking the development by its own distinctive methods, concepts and academic protocols. The first of these groups illustrated a practical bent. This group comprised the major hadith critics. Its scholars only received and circulated hadiths via direct oral transmission. The second group adopted a theoretical approach. This group’s work was marked by a reliance on written materials for the transmission of hadiths rather than direct individual narration. This later period also witnessed the development of logical principles derived from Greek philosophy.

The changes that had been witnessed in the field of hadith study resulted in a fair degree of confusion in the methods its scholars were employing. Such confusion went deep, in fact, affecting nearly all of the principles and foundations on which later scholars based their endeavors. Such raises questions about the objectivity and reliability of the rules, criteria, terms and definitions that were laid down by later hadith scholars. Those who articulated these principles had to engage in a good deal of interpretative work in their attempt to make sense of the numerous statements they had inherited from their predecessors on narrators and narratives. They lacked knowledge of the specific circumstances that had surrounded the formulation of such statements; hence, they disagreed over how to interpret them, and derive principles and rules from them.

The *Uṣūl* Method’s Influence on Later Hadith Scholars

Imam al-Shāfi‘ī was the first scholar to write on the subject of the fundamentals of Islamic jurisprudence in his book *al-Risālah*, a work that testifies to his mastery of the Sunnah and its related disciplines. Yet, although al-Shāfi‘ī was highly critical of scholastic theology and theologians, the method his followers adopted who wrote on the fundamentals of jurisprudence was heavily influenced by scholastic theology. That is because Aristotelian logic and philosophy heavily influenced the field of jurisprudence (*fiqh*) and its principles (*uṣūl*

al-fiqh) and the Islamic sciences overall – including, of course, the hadith sciences. Influences included dealing with a weak hadith by accepting or rejecting it by depending on the contextual evidence. Further, *uṣūl* scholars began to accept additions which might be viewed as irregular (*shādhah*) because their narrators were classed as trustworthy.

However, not every addition made by a trustworthy narrator can be accepted as valid. Commenting on this matter, al-Ḥāfiẓ ibn Ḥajar notes that whereas hadith scholars stipulate that in order to be judged authentic, a hadith cannot also be deemed irregular, *uṣūl* scholars accept additions which might be viewed as irregular by hadith scholars. In explanation of this difference in approach, al-Ḥāfiẓ ibn Ḥajar suggests that in his discussion of weaknesses in hadiths, Ibn al-Ṣalāh relied on concepts derived from hadith scholars rather than stating his own point of view, whereas in his discussion of irregular hadiths, he may have lent greater weight to the views of jurists and *uṣūl* scholars.

Narrator Evaluation: Objectivity and Subjectivity

The discipline termed *‘ilm al-rijāl* (literally, “the science of men”) concerns itself with the circumstances and characters of hadith narrators with a view to deciding whether to accept or reject their accounts. Given the many factors which have a bearing on whether an account should be accepted or rejected, this science branched into numerous subdisciplines. These subdisciplines dealt with topics such as: the history of births and deaths; names, agnomens and titles; genealogies; countries and travelogues; shaykhs and their pupils; narrator assessment; ways of differentiating between narrators when, for example, names are the same but refer to different people, names are written without vowels and are thus liable to be misread or confused with each other, and so on; identification of weak vs. trustworthy narrators, and others. Again, the overarching focus was whether a given narrator’s accounts were to be accepted or rejected.

The science of men (*‘ilm al-rijāl*) concerns itself with narrators (men and women) in particular: with their characters, the times in which they lived, their travels, and their lifespans. Early researchers into the characters of narrators exempted from examination those whom they termed ‘Companions’ of the Prophet. Hadith scholars defined the Companion of the Prophet as “anyone who met the Prophet, believed in him, and died a Muslim.” *Uṣūl* scholars, however, differed over what the term ‘Companion’ meant. For example, some defined it as

referring to anyone who had seen the Prophet, without having been with him for a significant period of time, and without having narrated accounts on his authority. Furthermore, despite various methods to conclude who a Companion is, not all of the Companions were equally knowledgeable about the things the Prophet had said and done.

The Terminology Employed in *‘Ilm al-Rijāl*

A systematic method for assessing narrators' characters did not exist. Early hadith critics frequently differed in their assessments of a single narrator. Issues arise when, as occurred, a hadith critic presents his personal assessment of the narrator; however, the things he says about the narrator differ from one situation to the next or one time to the next. In fact, one even finds situations in which a critic expresses two different opinions on the same hadith. Another issue is that a narrator might be deemed to have a faulty character because of something which, had it been done or said by someone else, would not be a basis for such an assessment due to the person's overall reputation for virtue and knowledge. However, the method employed in investigating narrators differed from one critic to another. To illustrate the quandary, Ya'qūb ibn Shaybah once asked Yaḥyā ibn Ma'īn, "Do you know of any Successor who picked and chose his narrators the way Ibn Sīrīn did?" "No," he replied, shaking his head.

Loopholes in Narrator Assessment Methodology

There are several loopholes in narrator assessment methodology. The first is falsification (*al-tadlīs*) and falsifiers (*al-mudallisūn*). Such is through *dallasa* which means to engage in deceit by concealing a flaw or fault. In hadith study, the verb refers to a narrator's act of concealing a fault or flaw in an account in order to mislead the hearer. Despite the fact that the practice of hadith falsification was alarmingly widespread among narrators in general, books written on narrator assessment contained descriptions of no more than one hundred such hadith falsifiers. It was difficult to detect hadith falsification even among individuals who were one another's contemporaries.

The second is lying, leading to the proliferation in number of false hadiths. Third is obscurity of the narrator. If we trace this phenomenon back in time, we find hadith scholars deem a hadith weak if its chain of transmission contains the name of a narrator judged to be obscure. However, the criteria on the basis of which it was decided whether a narrator was obscure or not differed from one period to another and from one place to another. Fourth is provinciality, which is a kind of

prejudice or bigotry. Confidence in some narrators was low. Fifth is sentimentality, which has nothing to do with knowledge; yet, it has colored many a critic's assessment of both narrators and hadiths. Sixth is imitation, wherein a number of hadith critics who were unfamiliar with narrators' circumstances and characters simply parroted their associates' opinions and assessments of such narrators. Seventh is juristic and scholastic denominationalism where difference of opinion impacted scholars' assessment of particular hadith narrators. Eighth includes fraudulent claims for and against hadith narrators, due to personal bias.

Narrators' Memory

Hadith scholars divide memory (*dabt*) into two types. The first is *dabt al-ṣadr*, literally, "preservation of the chest," which refers to memorization – preservation – of things stored in one's mind or heart, and the second is *dabt al-kitāb*, literally, "preservation of the book," which refers to the ability to memorize and preserve accounts that have been recorded in writing. Regarding oral accounts, hadith collectors acknowledged that their accounts sometimes contained errors. If a narrator has had a lapse of memory, there is disagreement over whether or not to accept his account, with some accepting it and others rejecting it. One hadith that falls into this category states, "If a woman marries without her guardian's consent, the marriage will be null and void." Some hadiths have been passed down through paraphrase where some words are substituted with synonymous terms. Hadith scholars are in agreement that most accounts that have been passed down have been narrated in paraphrase. Written accounts, however, were also subject to being corrupted through additions, deletions or other changes. In fact, authors' relatives, close associates and students frequently tampered with their books. It is difficult to detect this category of error.

Isnād Criticism vs. Matn Criticism

We no longer determine a hadith's authenticity based on its actual content by comparing it to that of the Qur'an. Yet, this is precisely the kind of comparison in which the Prophet's Companions engaged. Instead, the method of hadith criticism relies on the study of chains of transmission and narrators' characters while the most we can derive from this method is tentative judgments on such narrators and their accounts. The hesitation to measure not only hadiths and other historical reports and narratives but, in addition, opinions, ideas, and various interpretations, against the Qur'an is simply a sign of the kind of mental paralysis afflicting Muslims. Indeed, the Sunnah has been

taken captive by *‘ilm al-rijāl*, the science of narrator assessment.

I am not calling for abandonment of the hadith collections that have come down to us. The grave issue is that if we consider any book comparable to the Qur’an, such indicates a flaw in our ability to distinguish between what it means for the Qur’an to be well-authenticated, and what it means for historical reports to be well-authenticated. The Qur’an receives its authentication from within itself, not from those who passed it down. Thus, it is essential that we not simply critique a hadith’s chain of transmission (*isnād*), but its text (*matn*). An examination of the various standards scholars of hadith text criticism created yields a list of nineteen basic criteria which, if not fulfilled, require a hadith to be rejected. These criteria are as follows:

1. It must not conflict with the explicit, unambiguous import of the Qur’an, the well-authenticated Sunnah, or necessary tenets of the religion.
2. It must be consistent with sensory experience and what we know of the observed world.
3. It must not conflict with established scientific knowledge or natural laws.
4. It must not be counter-intuitive or conflict with indisputable evidence or established experience.
5. It must not be inconsistent with established scientific knowledge in the fields of medicine, astronomy, and the like.
6. It must not be marked by a weak linguistic style that falls short of the standards of eloquence established by the Prophet. It must also be devoid of terms that were not in circulation during the lifetime of the Prophet.
7. It must not promote immoral behavior inconsistent with Islamic law.
8. It must not contain superstition or nonsense.
9. It must not promote allegiance to a particular school of thought, sect or tribe.
10. It must not conflict with firmly established historical facts and events, or with archaeological evidence acknowledged by experts in the field to verify such events and the time of their occurrence.
11. It must not recount significant events that have been witnessed publicly on the authority of just one or two individuals.
12. It must not conflict with fundamental Islamic doctrine on the divine attributes – those attributes which must be predicated of the Divine, those that cannot be predicated of the Divine, and

those that may be predicated of the Divine; similarly, it must not conflict with fundamental Islamic doctrine with respect to what must, what must not, and what may be reasonably said about God's honorable messengers.

13. It must not promise a tremendous reward for some trivial act, or threaten a severe punishment for a minor offense.
14. The narrator must not have stood to gain personally from relating the account in question, nor have related it under some external influence.
15. It must not promote belief in doctrinal or philosophical teachings taken from bygone religions or civilizations.
16. There must be no irregularity or serious weakness in the hadith's text or chain of transmission.
17. It must not have been rejected by the leading Companions or have been a subject of dispute among them.
18. It must not have happened that, after the account had been attributed to a given narrator, this narrator denied having related it.
19. It must have been passed on in exactly the words in which the original was phrased, without omissions or additions.

I urge my colleagues and all students of the sciences of Islamic law and written tradition to learn and teach this methodology, to enrich and crystallize it, and, in so doing, thwart the efforts of those who call for reliance on "the Qur'an alone" but who are the farthest from being supporters of the Qur'an. In the face of modern deconstructionist thought, hadith scholars need to re-examine the mistaken notion that "the hadith sciences" are a world unto themselves rather than being part and parcel of the broader sphere of academic inquiry. The approach taken to the hadith sciences needs to be an integrated one that takes careful consideration of the *isnād* and the *matn* of each narrative within the broader context of juristic issues. The Prophetic Sunnah must be tied inextricably to the Qur'an in a way that allows for no contradiction or conflict between the two. Such is essential to correctly and most fruitfully address ongoing social, economic, intellectual and spiritual challenges presented by the world in which Muslims live their daily lives.

The Author

TAHA JABIR ALALWANI (1935–2016) was a graduate of Al-Azhar University and an internationally renowned scholar and expert in the fields of Islamic legal theory, jurisprudence (fiqh), and *uṣūl al-fiqh*. He authored numerous works and was a member of the OIC Islamic Fiqh Academy, and President of Cordoba University in Ashburn, Virginia, United States.

Notes

- ¹ When upper case and un-italicized (Sunnah), this word refers to the entire corpus of hadiths relating the words and actions of the Prophet viewed as the model that Muslims are to emulate in their practical lives. When lower case and unitalicized (sunnah), the word refers to a particular example set by the Prophet in a particular situation. For example, the act of eating with one's right hand rather than one's left might be referred to as 'a sunnah.' Lastly, when lower case and italicized (*sunnah*), the word is being used in reference to the Arabic word as such, or to the concept underlying the word.
- ² The differences between a concept (*mafhūm*) and a technical term (*muṣṭalah*) are subtle, but significant. A concept is associated with a definition that can be expressed in a number of different ways, or what is sometimes known as a procedural definition. A technical term, by contrast, is generally associated with a more rigid definition consisting of a distinct set of related words.

IIIT Books-In-Brief Series is a valuable collection of the Institute's key publications written in condensed form to give readers a core understanding of the main contents of the original.

Reviving the Balance: The Authority of the Qur'an and the Status of the Sunnah studies the position of the Sunnah in Islam and its fundamental relationship to the Qur'an. Taking the praiseworthy intention and effort to emulate the Prophet into account the work examines the sensitive issue of the development of the oral and written traditions, the problems scholars faced despite painstaking work verifying the authenticity of reports, the character of narrators, etc. and the ever growing complexity of a body of narratives that were making the simplicity and clarity of the Prophet's life, words, and actions, a burgeoning maze of information. The author makes the case that once the Sunnah had been collected, the Muslim community began to neglect the Qur'an in favor of narrations of what the Prophet had done and said on the pretext that such narratives "contained" the Qur'an, to eventually then abandon the Sunnah narratives in favor of Islamic jurisprudence on the pretext that Islamic juristic texts tacitly included both the Qur'an and the Sunnah.

It is with the aim of restoring the relationship between the two that this work has been written. That is, the Prophetic Sunnah must be tied inextricably to the Qur'an in a way that allows for no contradiction or conflict between the two, to avoid misapplication and abuse of hadith, and to meet the requirements and challenges of a new age.

