

Ilm Essentials

Islāmic Scholarship

Lesson 3

Place of Hadīth and Scholarship in Fiqh

Warning Against False Scholarship

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- We have seen that finding any single hadīth, even from Bukhāri, is not sufficient for one to pass judgment in the sharīah
 - ▣ If an unqualified person does so, punishment can be very severe
 - “We went on a journey, and a stone struck one of us and opened a gash in his head. When he later had a wet-dream in his sleep, he then asked his companions, ‘Do you find any dispensation for me to perform tayammum?’ They told him, ‘We don’t find any dispensation for you if you can use water’
 - So he performed ghusl and his wound opened and he died. When we came to the Prophet (sallallahu alaihi wa sallam), he was told of this and he said, ‘They killed him, may Allah kill them. Why did they not ask, for they did not know. Surely the cure for someone who does not know is to ask’” (Abū Dāwūd)
- This is why many sahābah and those from the earlier generations would abstain from answering questions if possible
 - ▣ But then why would anyone ever put themselves at risk

Reward for True Scholarship

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- “When a judge exercises ijtihād and is correct, he will have two rewards, and when he errs, he will have one reward” (Muslim)
- ▣ Imām Nawawī comments, “The scholars stated that by consensus this hadīth is about the learned judge who is qualified. Then indeed he has two rewards: a reward for his striving and a reward for being right. If he made a mistake then he has the single reward of his striving...
- The scholars added, as for the one who is not qualified to make a judgment, there is no reward for him, rather he has committed a sin. His judgment will not be implemented whether it accords with the truth or not, because his being correct is by chance and did not stem from a sharīah principle”

Qualifications for Ijtihād

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- The true mujtahid then is the one who is qualified to extract rulings directly from the Quran and sunnah
 - ▣ He is not allowed to follow the opinions of another scholar, unless he knows and happens to agree with his evidences
- The later scholars mentioned certain conditions before one can perform ijtihād

Qualifications for Ijtihād

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- ❑ Mastery of the Arabic language
 - ▣ Such that one can fully comprehend the Quran and sunnah, with direct recourse to each in the Arabic language
 - ▣ Must understand the nuances that can affect the deduction of legal rules
- ❑ Extensive knowledge of the Quran
 - ▣ Including the reasons and occasions for revelation
 - ▣ Tafsīr of the earlier scholars
 - ▣ Abrogation

Qualifications for Ijtihād

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- Extensive knowledge of the sunnah
 - ▣ Including grading the various hadīth
 - Includes the differences of the scholars therein
 - ▣ Lives of the narrators of hadīth
 - ▣ Which narrations are general and which are specific in scope
 - ▣ Hidden defects in hadīth
- Exhaustive mastery of all the primary texts that relate to each issue
 - ▣ Which includes recognizing which texts apply where
- Issues upon which there is ijmā

Qualifications for Ijtihād

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□ Rulings of the salaf

▣ As well as other mujtahids

- Imām Ahmad said, “If a person possesses books on the statements of the Messenger of Allah (sallallahu alaihi wa sallam) and the differences of the sahābah and tābi’īn, he is not allowed to practice and pass rulings on whatever he wishes until he inquires from the scholars which of those narrations are practiced upon, so that his practice may be correct” (Ibn al-Qayyim, I’lām)

▣ Today we ask if the hadīth is sahīh, before they used to ask if the hadīth is practiced upon

□ Knowledge of usūl al-fiqh

▣ Especially qiyās

Qualifications for Ijtihād

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- Understand the maqāsid of the sharīah
- Knowledge of one's own society and of public interest (maslahah)
- High degree of intelligence and personal piety
 - ▣ Compassion, courtesy, modesty and trustworthiness
- These were the qualifications for a absolute mujtahid
 - ▣ There are also lower levels of ijtiḥād

Conflicting Narrations

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- At times narrations can apparently contradict one another
 - ▣ When this occurs, the first recourse is to compare the strength of the narrations
 - Recognizing that Bukhāri and Muslim do not automatically trump all other narrations
- But what if both narrations are acceptable
 - ▣ Other factors can be used to judge between them

Reconciling Narrations

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- When two similar narrations contradict one another
 - ▣ First step is to try and reconcile the two narrations (tatbīk)
- Ibn Masūd and Alī narrate that the Prophet (sallallahu alaihi wa sallam) only raised his hands with the takbīr at the beginning of the salāh
 - ▣ But in another narration Alī narrates that the hands were raised when going into rukū as well as when coming up from rukū
 - Both narrations are equally acceptable
 - Both narrations are from high-ranking sahābah

Reconciling Narrations

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- In the Musannaf of Ibn Abī Shaybah we find a narration from a group of students of Alī
 - ▣ That Alī would himself only raise his hands at the beginning of the salāh
- So we say in the beginning the hands were raised more and as time went on the prayer became more still and silent
 - ▣ This allows us to reconcile between the two in a way which maintains the meaning of both
 - Without having to reject either narration

Reconciling Narrations

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- There is also a narration from Ibn Umar similar to Alī's
 - ▣ Where the hands were raised when coming up for the third rakāh as well
 - So how can we reconcile now
- We say that Ibn Masūd and Alī were both from the earliest saḥābah
 - ▣ Which means they were likely in the front lines during the prayer
- Whereas Ibn Umar entered Islām after them
 - ▣ In the Musannaf of Ibn Abī Shaybah the tābi'ī Mujāhid narrates that Ibn Umar would only raise his hands at the first takbīr

When Reconciliation is Not Possible

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- Sometimes it is not possible to reconcile between the narrations
 - ▣ Check to see if one abrogates the other
 - This is one of the most important, and difficult, aspects of hadīth
 - Sometimes it can be straightforward (women visiting the graveyards)
 - ▣ Give preference to one based on other factors

Giving Preference

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- “There is no salāh after the Fajr prayer until the sun has risen and after the Asr prayer until the sun has set” (Bukhāri)
- “If any of you enters a masjid, he should pray two rakāh before sitting down” (Bukhāri)
- Question: Should the prayer for greeting the masjid be offered in the disliked times

Preferring the Prohibited

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- We give preference to the first narration
 - ▣ Because of the general principle that prohibition takes precedence over permissibility
- Others say the first refers generally to the nawāfil
 - ▣ But not sunnah prayers

Giving Preference

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- “The Prophet (sallallahu alaihi wa sallam) bared a thigh on the ride back from Khaybar” (Bukhāri)
- “The thigh is part of one’s nakedness” (Mustadrak)
- Question: Is the thigh from one’s nakedness

Preferring Words Over Actions

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- We prefer the second narration, even though the first is from Bukhāri
 - ▣ Because preference is given to words over actions
 - Why do you think that is

Giving Preference

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- ❑ Abū Hurayrah narrates that “The Prophet (sallallahu alaihi wa sallam) forbade praying after the Fajr prayer till the sun rises and after the Asr prayer till the sun sets” (Bukhāri)
- ❑ Aishah narrates that “The Prophet (sallallahu alaihi wa sallam) never missed the two rakāh after the Asr prayer till he met Allah...He used to pray them in the house and never prayed them in the masjid lest it might be hard for his followers and he loved what was easy for them” (Bukhāri)
 - ▣ Now we have Bukhāri conflicting with Bukhāri
- ❑ We again give preference to words over actions

Giving Preference

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- “Make wudū from that which touches the fire” (Muslim)
- Ibn Abbās narrates, “The Prophet (sallallahu alaihi wa sallam) ate from a bone with meat from the shoulder and prayed without making wudū” (Bukhāri)
 - ▣ Now we have a conflict between Bukhāri and Muslim
- Question: Do we have to make wudū after eating cooked food
 - ▣ What if we apply the principle of taking words over actions

Considering All the Narrations

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- Here we need another hadīth, related by Jābir, that “the last action of the Prophet (sallallahu alaihi wa sallam) was to not make wudū from that which touched the fire” (Abū Dāwūd)
 - ▣ Remember that Abū Dāwūd has not been translated
- Note that when Abū Hurayrah narrated the hadīth about making wudū to Ibn Abbās, he refused to act upon it, preferring what he had witnessed personally

Use of Weak Hadīth in Virtuous Acts

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- The majority accept using weak hadīth in regard to encouraging good/avoiding evil or with the virtues of deeds
 - ▣ The weakness is not severe
 - ▣ Falls under something already established generally in the sharīah
 - A hadīth about reading a certain verse at a certain time
 - Since reading the Quran is already established as a virtuous act
 - ▣ What the hadīth is establishing is not considered to be something firmly established or having come from the Prophet (sallallahu alaihi wa sallam)
 - Meaning you have to know that it is possible/likely that it is not from the Prophet (sallallahu alaihi wa sallam)

Use of Weak Hadīth in Fiqh

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- Majority say a weak hadīth cannot be used to establish fiqh rulings
 - ▣ However some allow its use with 2 conditions
 - The weakness should not be severe
 - It is the only available material on the subject
 - Abū Hanīfah, Mālik, Ahmad and others
 - So here they are preferring the weak narration over ijtihād
- ▣ Weak narrations can also be used to give preference when there are conflicting narrations and the weak supports one over the other

Hadīth Might Become Weak Later

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- Prophet (sallallahu alaihi wa sallam)
- Ibn Umar
- Nāfi
- Mālik
- Narrator Y
- Narrator Z
- Bukhāri

Criteria for Sahīh

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- ❑ Bukhāri and Muslim never spelled out the criteria they used to include hadīth in their collections
 - ▣ Scholars mention 5 criteria for a hadīth to be sahīh
- ❑ Continuity of the chain
- ❑ Righteousness and accuracy of the narrators
- ❑ Absence of hidden flaws and anomalies in the chain and text

Continuity of the Chain

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- Bukhārī says you have to prove the student met the teacher
 - ▣ Muslim says the mere possibility of meeting is sufficient
- Mursal narrations
 - ▣ This is where a tābi'ī narrates directly from the Prophet (sallallahu alaihi wa sallam), without mentioning the sahābah
 - To the scholars of hadīth and some scholars of fiqh
 - It is da'īf since it is not connected
 - According of Abū Hanīfah, Mālik and others, it is sahīh
 - But with the condition that the tābi'ī himself is reliable (thiqah)
 - And he does not transmit mursal narrations except from other reliable narrators

Righteousness/Accuracy of the Narrators

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- Abū Hanīfah is more strict on accuracy
 - ▣ Continuous retention of the hadīth from the time the narrator heard it until he imparts it to others without any point of forgetfulness in between
 - ▣ Was also more strict on not accepting narrations from those with slight deviations in belief

Sahīh Bukhāri and Muslim

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- Both Bukhāri and Muslim tried to compile only the most authentic narrations
 - ▣ Also tried to avoid including too many statements of the saḥābah
 - Which is unlike the Muwattā
 - ▣ Bukhāri was a bit more strict
 - From 600,000 he chose about 7,000 for his collection
- Neither intended to confine hadīth to their book
 - ▣ Such that you don't need other books
 - Imām Bukhāri said, “I did not include in my book, al-Jāmi’ as-Sahīh, except that which is saḥīh, but I left from the authentic/sound narrations out of fear of length”
 - Imām Muslim also mentions that he collected those authentic/sound narrations that there was agreement on

Sahīh Bukhāri and Muslim

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- Neither believed that only sahīh hadīth are acceptable
 - ▣ Bukhāri included weak hadīth in al-Adab al-Mufrad
 - Also said, “I have memorized 100,000 sahīh chains and 200,000 non-sahīh chains”
- Where can we find other sahīh hadīth
 - ▣ Muwattā, Mustadrak, Sahīh Ibn Hibbān (available), Sahīh Ibn Khuzaymah (partially available), the 4 Sunan, Tahāwī, etc.

Questions and Discussion

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