

## *Why would there be confusion over what the Sunnah is?*

### **Importance of following the Sunnah**

**“Say: if you truly love Allah, then follow me (Muhammad): Allah will love you and forgive you your sins – for Allah is the oft-Forgiving, most Merciful” (Ali Imran)**

Narrated Abu Huraira: Allah's Apostle said, **"All my followers will enter Paradise except those who refuse."** They said, **"O Allah's Apostle! Who will refuse?"** He said, **"Whoever obeys me will enter Paradise, and whoever disobeys me is the one who refuses (to enter it)."** (Sahih Bukhari 92:384)

So then should we follow this hadith?

**Do not initiate greetings with the Jews and Christians. When you meet any of them in the road, then make him take its narrowest path.**

Source: Sahih Muslim 2167

***Clearly what we have understood as good manners that are part of the sunnah are the opposite of this!***

### **What is the Sunnah?**

The Arabic word *sunnah* lexically means "road" or "practice."

Is the Sunnah what the Prophet (s) taught during his lifetime or what we would expect the prophet to teach if he were here today?

- Is the Sunnah following the Prophet literally?
- Is it following every hadith we come across?
- Or is sunnah following the principles that were behind the rulings of the Prophet – principles which can apply to changing situations?

## What was Imam Malik's unique contribution?

### The Muwatta

This was a book that preserved a documentation of the practice of Medina.

The practice of Medina could be considered the living teachings of God's Messenger (PBUH), in advance of Medina changing, as it would with the influx of thousands of lovers and devotees to the light of the Messenger, coming from a myriad of distant cultures.

### Imam Malik and the Sunnah

In Muwatta, Imam Malik used the following terms for sunnah:

- "The practice or opinion I found the people practicing."
- "The agreed practice or opinion among us."
- "The practice or opinion held by the scholars of this city" (*'ala dhalika adraktu ahl-al 'ilm bi baladina*)

e.g. Imam Ibn al Qasim (a leading student of Imam Malik) wrote,

"This hadith has come down to us, and if it were accompanied by a practice passed on to those from whom we have taken it by their own predecessors, it would be right to follow it. But in fact it is like those other hadiths which are not accompanied by practice."

(Guraya, Islamic Jurisprudence in the Modern World p.114)

Imam Malik would mention solitary authentic ḥadīths but if they went against his knowledge of the sunnah, he would decline to follow them saying things like:

- "I do not know what the reality of this ḥadīth is"
- "We do not know what the proper explanation of it is"
- "This ḥadīth has come down to us, but the practice is not in accordance with it."

### Imam Malik and Maslahah

Public benefit was an important consideration for why some hadith were not acted upon. Basically, if the conditions had changed since the Prophet's time, then the scholars of Medina might reconsider and do what was in the public interest. Eg even though a hadith allows a dower to be verses of the Qur'an, Imam Malik set a minimum dowry.

### Making Muwatta official

Later Al Mansur's son, Caliph Harun Rashid requested that the Muwatta, should be displayed in the Ka'ba, and that all Muslims be imposed to follow Imam Malik within all jurisprudential matters. He refused saying: **"Refrain from this as the companions of the Prophet (PBUH) themselves held opposing views on**

subsidiary issues. The common folk already follow these differing views. Yet all remain on the right path."

### *Where did Imam Abu Hanifah come from and what was important about his city?*

#### **Imam Abu Hanifah (699-767 CE 80-150 AH)**

Imam Abu Hanifah's family was of Persian origin and his father met Ali (RA) who prayed for him and his family. Subsequently Abu Hanifah was born in Kufa, the capital of Islamic empire under Imam Ali's time.

Kufa was the capital during the time of Imam Ali (RA) and so a number of prominent companions moved there. Of particular note, Ibn Mas'ud (RA) stayed in Kufa and had a number of devoted students. In total 1050 companions moved to Kufa at the time of Ali and most stayed on, even when the capital shifted to Damascus.

### *Why did Abu Hanifah rise to prominence?*

Intellectually Abu Hanifah was incredibly sharp, a very smart, successful businessman, enjoying fine clothes and perfumes. However he was morally very upright.

On his way to a meet trader one day, he bumped into a famous scholar of Kufa, Imam Sha'bi, who had met 500 companions.

"Where are you going young man?" asked Sha'bi. Abu Hanifah named the merchant he was going to see. "I meant to ask" asked Sha'bi. "Who's classes you attend?". "Nobody's" replied the Imam regretfully. "I see signs of intelligence in you" began Sha'bi, "you should sit in the company of learned men".

He started with sitting in the circles of kalam – philosophical debate on the creed. He went back and forth to Basra which was the centre of these debates and mastered the arguments. As a consequence of his remarkable intelligence and cunning debating technique, he was able to outwit the leaders of many confused sects.

### *Why did Abu Hanifah become disillusioned with philosophers?*

However, he became disillusioned with this branch of knowledge, realising that many of these people did not exhibit the best moral standards and that the companions and their students avoided excessive indulgence in creedal debates. He decided to dedicate his life to fiqh because it helped people in their day to day practice of the faith and was the way of the companions of the Prophet (S).

The Imam thus devoted himself to the leading faqih of the city – Hammad, the student of Abdullah Ibn Mas'ud, with whom he stayed until his death in 120AH.

The Imam studied from all the leading hadith scholars and then travelled to Basra to learn from the scholars of that city, foremost of which was Qatadah, a student of Anas bin Malik.

In his younger years, Imam Abu Hanifah spent some years in Mecca and Medina and actually met the companion of the Prophet (S), Anas bin Malik. He also studied under Imam Ja'far As-Sadiq, who was a teacher of Imam Malik.

Another teacher of Imam Abu Hanifah in Mecca was the tabi', 'Ata ibn Abi Rabah, who had met 200 companions.

Abdullah ibn 'Umar (RA) often used to say: "Why do people come to me when 'Ata ibn Abi Rabah is there for them to go to?"

Another Muhaddith of Mecca whose classes the Imam attended was 'Ikrimah. He was the slave and pupil of Abdullah ibn 'Abbas who educated him with great care and attention, making him so proficient that he gave him the authority to exercise personal judgment and rulings.

### *Abu Hanifah's Character and Piety*

Al-Layth went to Imam Abu Hanifa who said, "I debated hundreds of men, but have never seen a man accept the truth as fast as him."

Uthman, Tamim Ad-Dari, Imam Abu Hanifah and Imam Al-Shafi'i are four people known to complete the Qur'an each night in their night prayers.

He was given the title of the 'Peg' by some, for his continuous standing in prayer, often reciting the entire Qur'an in his nightly rakahs. He performed the Fajr prayer with the ablution made for the Isha prayers for forty years, (due to him praying the whole night through). It is reported that he had recited the whole Qur'an seven thousand times in the place where he died.

Imam as-Shafi (rh) is recorded to have stated: "All men of fiqh are Abu Hanifah's children."

### *What was Abu Hanifah's unique method of deriving rulings?*

#### **His method of deriving rulings – the sunnah as principles**

Imam Abu Hanifah kept a number of students together in committee – up to 30. They included experts in different fields, e.g. hadith, Arabic language, tafsir, qiyas, etc.

With his students, the Imam set up a veritable *factory of fiqh* – debated on all kinds of hypothetical issues to derive principles that were closely extracted from the most authoritative sources.

The main principles of Hanafi legal theory:

1. The definite nature of the general word ('aam) upon which the general principle is based.

2. The use of a general principle as a proposition from which legal reasoning is to proceed and the law to be extended (deduction). The principle may be stated explicitly in the texts or it may be derived by jurists from a number of cases already settled by law (induction).
3. The opinion of a companion from which the idea of a precedent is derived and which is used to strengthen the general principle.
4. Ijma' or consensus of opinion which is used to secure a definitive status for a principle that has otherwise been derived and is not stated explicitly in the texts.
5. The non-acceptance of the implication of a solitary hadith (*khobar wahid*) when it conflicts with an unrestricted, general principle that cannot be restricted by it.

(Nyazee, *Theories of Islamic Law*, p.175)

Imam Abu Yusuf, while rejecting a particular hadith, clarified his position:

“The hadith of the Prophet has many meanings and has different facets and it requires explanations, which no one comprehends or sees except him who God helps in understanding.”

Referring to an issue of the property of a convert migrant to dar al Islam, Abu Yusuf says, “So has been the sunnah and practice of Islam (although) the Prophet (s) did not do so.”

There are different traditions on washing utensils licked by animals. For dogs, some hadith mention seven times, some that the first should be dust, other that the eighth should be dust. Other numbers of times and none have been recommended by the Prophet (PBUH) depending on the animal.

“Abu Hanifah... derived a principle from all the traditions taken as a whole. He said that the ruling of each animal in this case is related to the permissibility of its flesh. If the flesh of the animal was permitted for consumption, then the leftovers were also taken to be clean.”

(Nyazee, *Theories of Islamic Law*, p.169)

This approach was not without criticism. Ibn Rushd (the famous Maliki Jurist) explained how maintaining a principle sometimes meant Hanafis leaving some hadith behind, in order to hold onto their principle:

“He thus used a part of the tradition and did not employ others. I mean, he used those out of them that did not conflict with the principles and he did not use those that clashed with the principles. He supported this with the assertion that it was the opinion of Abu Hurayrah, who had narrated the hadith.”

(Ibn Rushd, *Bidayat al Mujtahid*, 1:22)

### ***How did Imam Abu Hanifah justify the difference in his approach to Imam Malik?***

#### **Meeting with Imam Malik**

He at one time went to meet Imam Malik who said about him, I have met a man who, if he had said this pillar was made of gold, he would have made you believe it.

In their meeting Imam Malik disapproved Imam Abu Hanifa's view. Abu Hanifa replied that the circumstances in Iraq are different from Madinah. Iraq is the capital of the Caliphate and everyday there are new things being introduced and they should be prepared, while in Madinah problems are fixed and limited.

Then, he gave an example when he discussed with his students a situation of a woman whose husband traveled and was absent for so long that she thought he was dead and hence she married another man. Suddenly, the man returned. What should be done then? Imam Malik wondered why they would ask about things that have not happened, but Abu Hanifa said that in Iraq, where soldiers went on conquests, this might occur and they should be ready for such situation. Imam Malik was silent.

"Malik, the conquests during the reign of Umar Ibn al-Khattab distributed the Companions (RA) all over the world. You say that in Madinah there are 10,000 companions. In the last battle of the Prophet (salla Allahu 'alayhi wa sallam) there were about 120,000 companions, so where are the rest? You cannot deny that Umar Ibn al-Khattab sent the companions particularly to teach people in different countries."

Imam Abu Hanifa expands the explanation of the ahadith to the extent that he concluded 100 lessons from one hadith. Imam Malik saw that as an exaggeration and overloading the hadith which the Prophet (salla Allahu 'alayhi wa sallam) did not want.

Imam Abu Hanifah replied that in Iraq, Greek, Roman and Persian philosophies and sciences are invading them, so he needs to keep people fixed on the path of the Prophet (salla Allahu 'alayhi wa sallam). That is why he was searching in ahadith to counter the new ideas. On the other hand in Madinah, there are none but the companions and their followers, so there is no need for expansion in elaborating ahadith. Al-Layth Ibn-Sa'ad said, "This too is integration" Both Imams complement one another in keeping Islam.

Malik wiped his sweat and said, "By Allah, Abu Hanifa made me sweat. By Allah, he is a true jurist. I've never seen a man debating like that. By Allah, if he told you that this pillar is made of gold, he would convince you of it."

### ***Why was Abu Hanifah persecuted and killed?***

In 763, al-Mansur, the Abbasid monarch offered Abu Hanifa the post of Chief Judge of the State, but he declined the offer, choosing to remain independent. His student Abu Yusuf was later appointed Qadi Al-Qudat (Chief Judge of the State) by the Caliph Harun al-Rashid.[10]

In his reply to al-Mansur, Abū Ḥanīfah said that he was not fit for the post. Al-Mansur, who had his own ideas and reasons for offering the post, lost his temper and accused Abū Ḥanīfah of lying.

"If I am lying," Abū Ḥanīfah said, "then my statement is doubly correct. How can you appoint a liar to the exalted post of a Chief Qadi (Judge)?"

Incensed by this reply, the ruler had Abū Ḥanīfah arrested, locked in prison and tortured. He was never fed nor cared for.[11] Even there, the jurist continued to teach those who were permitted to come to him.

In 150AH (767CE), Abū Ḥanīfah died in prison.

### *Why did the Hanafi madhab end up with the most followers?*

#### **His Students**

Imam Abu Yusuf became the Chief Justice of the Abbasid Caliph, Harun Al Rashid and was responsible for appointing all judges. As a consequence, he widely publicized the teachings of Abu Hanifah.

Muhammad ibn Al Hasan Al Shaybani was another great student of Abu Hanifah. He later studied under imam Malik but went on to write up volumes of Abu Hanifah's fiqh and principles. Imam Shafi'l studied under both Imam Malik and Imam Muhammad ibn Al Hassan.

As it was based on principles, the Hanafi madhab was able to adapt easily to new and complex situations. It was the madhab of government for the three major empires of Sunni Islam:

- the Abbasid, and later
- the Ottoman
- and Moghul Empires

41% of the Muslim world are associated with the Hanafi madhab and he is widely known as Al Imam Al A'dham "The greatest Imam."

#### **Summary of Abu Hanifa**

##### **Imam Abu Hanifah (699-767 CE 80-150 AH)**

Studied under:

- Hammad - the disciple of Ibn Mas'ud
- Qatadah – the disciple of Anas bin Malik
- 'Ikramah - the disciple of 'Abdullah ibn 'Abbas

**His contribution:**

- **Went through clarifying Islamic teachings affecting every aspect of life**
- **Held that the sunnah was principles based on Qur'an and multiple hadith**
- Strong emphasis on taking the Quran and hadith and applying reason
- Introduced idea of deriving rulings through committee

- Bringing together experts in their fields – hadith, Qur’an commentary (tafsir), Arabic
- The established opinion of a companion could be used to prove a principle
- **Used a process called istihsan** – juristic preference – using a lower strength evidence to maintain juristic consistency, e.g. opinion of a companion over a solitary hadith
- If a solitary hadith did not seem appropriate to restrict a general principle, it would not be followed
  - Imam Abu Yusuf, while rejecting a particular hadith, clarified his position: “The hadith of the Prophet has many meanings and has different facets and it requires explanations, which no one comprehends or sees except him who God helps in understanding.”
- If it was in accordance with Islamic principles, then local culture was accepted (‘Urf)
  - Referring to an issue of the property of a convert migrant to dar al Islam, Abu Yusuf says, “So has been the sunnah and practice of Islam (although) the Prophet (s) did not do so.”

## Students

**Abu Yusuf** became chief justice under Harun Al Rashid, appointing other judges

**Muhammad ibn Al Hasan** wrote down volumes of Hanafi teachings

He was also an official judge

Because Hanafi fiqh covered guidance on rulership including taxation and foreign policy, rules of engagement in war etc, it was easily adopted as the official fiqh of

- the Abbasid, and later
- the Ottoman
- and Moghul Empires

41% of the Muslims are associated with Hanafi fiqh.