

The Madhhab of Ahl ul-Hadīth in Fiqh

Shaykh Mashhūr bin Hasan Āl Salmān

SalafiManhaj.com

© Copyright **SalafiManhaj** 2010

URL: **www.SalafiManhaj.com**

E-mail: admin@salafimanhaj.com

Important Note:

The following document is an on-line book publishing of www.SalafiManhaj.com. This book was formatted and designed specifically for being placed on the Web and for its easy and convenient distribution. At the time of this e-book publishing, we are not aware of any other book similar to it, in terms of its translation from its original Arabic source. Since this book was prepared for free on-line distribution we grant permission for it to be printed, disbursed, photocopied, reproduced and/or distributed by electronic means for the purpose of spreading its content and not for the purpose of gaining a profit, unless a specific request is sent to the publishers and permission is granted.

The Madhhab of Ahl ul-Hadīth in Fiqh¹

By Shaykh Mashhūr bin Hasan Āl Salmān

Translated by 'AbdulHaq ibn Kofi ibn Kwesi al-Ashanti

¹ Summarised transcription from the series of lectures given by Shaykh Mashhūr bin Hasan Āl Salmān at the 12th Imām al-Albānī Conference at the Imām al-Albānī Centre in Amman, Jordan from 10th-22nd Jumādā al-Ūlā AH corresponding to 24th April – 6th May 2010 CE.

The first chapter is based on the first session which was conducted on 24 April 2010 CE, the subsequent chapters correspond to each day a session was given over the course of four days.

Contents

4 Chapter 1 – Introduction to the Ahl ul-Hadeeth

- 7 Stages in the Development of Fiqh
- 11 Ahl ul-Hadeeth and Fiqh During the Era of the Rightly Guided Caliphs and From the Early Second Century AH to the End of the Third Century AH
- 13 Ahl ur-Ra'y
- 14 The Existence of a Madhhab of Ahl ul-Hadeeth
- 20 The Four Imāms Were Ahl ul-Hadeeth
- 22 The Most Prominent Early Ahl ul-Hadeeth

24 Chapter 2 – The Presence of Ahl ul-Hadeeth and Prominent Ahl ul-Hadeeth and Jurists [Fuqahā] who Adhered to the Madhhab of Ahl ul-Hadeeth

- 31 The Role of Baqī ibn Makhlad (201-276 AH/817-889 CE) and Muhammad ibn Waddāh (d.287 AH/900 CE) in Supporting the Madhhab of Ahl ul-Hadeeth in al-Andalus
- 36 The Existence of the Madhhab of Ahl ul-Hadeeth
- 37 The Hadeeth is Proof In and Of Itself

42 Chapter 3 – The Distinct Traits of Ahl ul-Hadeeth

- 44 Rejecting Taqleed
- 46 Extolling the Revelation
- 49 Accepting the Statements of the Companions and Successors
- 53 The Dislike of Ra'y [Opinion] and Qiyās [Analogy]
- 54 Their Dislike of Isolating Subsidiary Fiqh via Codifying and Compiling works of Sunan, Masāneed and Ahādeeth Related to Ahkām

60 Chapter 4 - The Distinctions Between Ahl ul-Hadeeth and Ahl udh-Dhāhir

- 64 The Dhāhirīs Make the Apparent Text a Madhhab Which Has To Be Followed Along With Specific Usūl and Qawā'id Which Cannot Be Opposed, Even If It Leads Them to Odd and Strange Opinions
- 66 Ahl ul-Hadeeth Accept the Statements of the Sahābah and Tābi'een As Legitimate Authoritative Proofs, While Ahl udh-Dhāhir Only Accept the Book and the Sunnah and If They Take Proofs From the Statements of the Sahābah There Has To Be the Ijmā of the Sahābah On the Issue
- 66 The Dhāhirīs Restrict the Textual Implications to Merely the Apparent Wording

- 67 Ra'y According to the Dhāhirīs is Completely Rejected, While According to Ahl ul-Hadeeth There is Ra'y Which is Praiseworthy and This Can Be Acted Upon But Without Obligation, and There is Also Ra'y Which is Censured
- 68 Categories of Censured Ra'y
- 69 Shaykh ul-Islam Ibn Taymiyyah's Critique of the Dhāhirīs for Being Rigid in Adhering to the Alfādh [Wordings] and Ignoring the Ma'ānī [Semantics and Pragmatics]
- 72 Ahl ul-Hadeeth Do Not Adhere to the Madhhab of Ahl udh-Dhāhir [Dhāhirīs]

75 Appendix 1 – Is the Gate of Ijtihād Closed and Was it Ever?

79 Appendix 2 – Documenting the References of the Terms 'Salafi' and 'Ahl ul-Hadeeth'

Chapter 1

Indeed, all praise is due to Allāh, we praise Him, we seek His aid, and we ask for His forgiveness. We seek refuge in Allāh from the evil of our actions and from the evil consequences of our actions. Whomever Allāh guides, there is none to misguide and whoever Allāh misguides there is none to guide. I bear witness that there is no god worthy of worship except Allāh and I bear witness that Muhammad is the servant and messenger of Allāh.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ حَقَّ تَقَاتِهِ
وَلَا تَمُوتُنَّ إِلَّا وَأَنتُمْ مُسْلِمُونَ ﴿١٠٢﴾

“O you who have believed, fear Allāh as He should be feared and do not die except as Muslims (in submission to Him).”

{*Āli-Imrān* (3): 102}

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ
وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً
وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ
إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ﴿١﴾

“O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh through whom you ask things from each other, and (respect) the wombs. Indeed Allāh is ever, over you, an Observer.”

{*an-Nisā* (4): 1}

يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَقُولُوا قَوْلًا سَدِيدًا ﴿٥٠﴾

يُصَلِّحْ لَكُمْ أَعْمَالَكُمْ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ
وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ فَقَدْ فَازَ فَوْزًا عَظِيمًا

“O you who have believed, fear Allāh and speak words of appropriate justice. He will amend for you your deeds and forgive your sins. And whoever obeys Allāh and His Messenger has certainly attained a great attainment.”

{*al-Abzāb* (33): 70-71}

To proceed:

Unto Ahl ul-Hadeeth is a Madhhab which is mentioned within the compendiums, it is a Madhhab which has distinguishing characteristics and particularities. Between it and the madhhab of the fuqahā, and the Dhāhirī Madhhab, are signs which are hidden from some students. There are indications, and actually clear texts, within the hadeeth and narrations, which contain a clear mention of the madhhab of Ahl ul-Hadeeth. The madhhab of Ahl ul-Hadeeth and the Madhhab of Ahl us-Sunnah, the Madhhab ul-Athar, is the Salafī Madhhab. ‘Salafīyyah’ and ‘Ahl ul-Hadeeth’ are two synonymous terms, however the terms ‘Ahl ul-Hadeeth’ and ‘Ahl us-Sunan’ are relayed in some Prophetic texts and in some narrations from the Companions and the Successors. The good starts off altogether then its components split up like material objects. During the first illustrious era all of the people were like police and security officers and the ‘Ulama were Khutabā’, Qudāt (judges) and Imāms of Masājid. Knowledge and action, the rulers and the people were all united and undivided, then the reasons for strength within the Ummah became scattered and divided, and as is said this was in regards to concrete matters of life as it was also for matters of fiqh.

The Sahābah (*radi Allāhu ‘anhum*) have the most knowledge among the people headed by the four rightly guided Caliphs especially Abū Bakr and ‘Umar, may Allāh be pleased with all of them. Fiqh is not merely babbling statements and then expounding and verifying them, rather fiqh is to achieve the truth which Allāh loves. If we are to look within the compendiums of lengthy fiqh works and we tried to find the fiqh of Abū Bakr and ‘Umar with a fine tooth comb we would only find but a little. This is as opposed to the fiqh that we find for example from the younger Sahābah like Ibn ‘Abbās, Ibn ‘Umar, Jābir and others. This is because momentous events constantly crop up and matters arise which were not found among those people before, so the Sahābah needed to express their views and clarify what was obligatory upon them. Abū Bakr and ‘Umar were the way of living during their era as they were during the era of Allāh’s

Messenger (*sallallāhu 'alayhi wassallam*), and the slogan of Abū Bakr, despite the emergence of Ridda during his time, “I will send forth Usāmah’s army”² which raised the banner of following (the Prophet, *sallallāhu 'alayhi wassallam*) and not to estimate the benefits and harms based on what opposes the instructions which are sensed or based on the text. So from the beginning the banner of following (Ittiba’) was raised because in following the guidance of the Prophet (*sallallāhu 'alayhi wassallam*), his heart and mind became open to the blessing of the Revelation. Abū Bakr believed in al-Isrā wa’l-Mirāj while the minds of the disbelievers became narrow in regards to it, to the extent that Abū Jahl said to Abū Bakr, after being informed of the Mirāj: “If I were to gather all of the kuffār of Quraysh in front of you would you tell them what you told me?” Abū Jahl found Abū Bakr’s (*radi Allāhu 'anhu*) affirmation strange, yet this was the Companions manner.

The Companions dispersed into different countries and the Sunnah which was in their chests also disseminated within the different countries and some countries are distinguished with some aspects of the Sunan. To the extent that Muhammad ibn ‘Abdullāh al-Hākīm an-Naysabūrī,³ the author of *al-Mustadrak*, authored a work on the regions which were distinguished by the Sunan of the Prophet (*sallallāhu 'alayhi wassallam*). When the Companions dispersed throughout the lands the Sunnah also became dispersed on account of their diffusion. Imām ash-Shāfi’ī acknowledges in his book *Jāmi’ ul-‘Ilm* that it is difficult for one man to compile all the hadeeth of Allāh’s Messenger (*sallallāhu 'alayhi wassallam*), due to the dispersal of the Sunnah at that time. Hadeeth was fiqh and fiqh was hadeeth and there are tens of events about issues in which the Sahābah and Tābi’ūn were asked and they did not say a word except that they traced a hadeeth back to the Prophet (*sallallāhu 'alayhi wassallam*) and this is a very important.

² **Translator’s note (‘AbdulHaq al-Ashantī):** When the Prophet (*sallallāhu 'alayhi wassallam*) was in his last days before his death, Usāmah bin Zayd (*radi Allāhu 'anhu*) and his army were on an expedition which was instructed by the Prophet (*sallallāhu 'alayhi wassallam*) and the Prophet (*sallallāhu 'alayhi wassallam*) had ordered them to leave promptly due to Usāmah’s youth. Yet when the expedition heard of the death of the Prophet (*sallallāhu 'alayhi wassallam*) Usāmah and his troops returned with Usāmah helping with the Janāzah. Abū Bakr ordered the expedition to be resumed in accordance with the Prophet’s wishes (*sallallāhu 'alayhi wassallam*) even though some of the tribes had revolted and the Ridda Wars had just begun. Usāmah’s troops reached al-Balkhā’ in Syria where they were successful.

³ **Translator’s note:** Abū ‘Abdullāh Muhammad ibn ‘Abdullāh al-Hākīm an-Naysabūrī, *rahimahullāh* (321-403 AH/933-1021 CE), the leading Muhaddith of his age. He was born in Nishapur (aka Naysabūr) and had many teachers in Khurasan, Iraq, Transoxiana and elsewhere. He also had many students including Imām al-Bayhaqī.

Fiqh went through many different stages, and those who have compiled works on the history of the legislation and fiqh have mentioned seven stages.⁴ They mentioned the first stage being **‘fiqh during the Prophet’s era (sallallāhu ’alayhi wassallam)’**, when *tashrī* (legislation), *iftā’* (ruling) and *qadā* (adjudication) was based on the blessing of Revelation wherein there was a constant connection between the heavens and the earth. Then after the epoch of the Prophet (*sallallāhu ’alayhi wassallam*) came the second stage: **‘fiqh during the Era of the Rightly Guided Caliphs’** up until the end of the first century AH. This next stage is called by the ’Ulama, in regards to the heritage of later generations, as the **‘Introductory Stage’**, from the beginning of the second century AH to the end of the third century AH which was a very important stage where fiqh became a sign for a specific Islamic science wherein the fiqh schools became formulated and *ijtihād* which was later referred to as the ‘Madhāhib’, especially the four Madhhabs of fiqh, which are, according to time arrangement:

- ❖ Hanafī
- ❖ Mālikī
- ❖ Shāfi’ī
- ❖ Hanbalī

⁴ **Translator’s note:** these stages have also been highlighted by other scholars and academics specialised in the development of fiqh. I came across a paper by Dr Tahira Basharat (Associate Professor at the Faculty of Islamic Studies University of the Punjab, Lahore) entitled *‘Islamic Legal Tradition’* wherein she also summarises seven stages of Islamic law, yet her final stage looks at the introduction of Western laws and mentions nothing about the continuation of fiqh in the contemporary age:

http://www.pu.edu.pk/szic/journal/currentissue_pdf/E-3%20Islamic%20Legal%20Traditio1%5B1%5D.docdup.pdf

Dr Abū Ameenah Bilal Philips in his work *Evolution of Islamic Fiqh (Islamic Law and the Madh-habs)* (Riyadh: International Islamic Publishing House, 2006) outlines six stages:

1. **Foundational Stage** – This period is characterized by the Prophethood of Muhammad (*sallallāhu ’alayhi wasallam*) which lasted for 23 years (610 – 632 CE)
2. **Establishment Stage** – This period is characterized by the Righteous Caliphs (*radi Allāhu ’anhum*) which lasted for 29 years from the death of the Prophet (*sallallahu ’alayhi wasallam*) (632 CE) to the middle of the 7th century (661 CE)
3. **Building Stage** – This period is characterized by the founding of the Umayyad dynasty until its decline to the middle of the 8th century
4. **Flowering Stage** – This period is characterized by the rise of the ‘Abbāsīd dynasty in the middle of the 8th century to the beginning of its decline around the middle of the 10th century
5. **Consolidation Stage** – This period is characterized by the decline of the ‘Abbāsīd dynasty to the murder of the last ‘Abbāsīd Caliph in the middle of the 13th century
6. **Stagnation and Decline Stage** – This period is characterized by the sacking of Baghdad in 1258 CE to our present times

What is termed as the **'Foundational Phase'** stretches from the first part of the second century to the mid-fourth century AH wherein fiqh assumed a number of aspects as the Madhāhib had spread and *tadween* (formulation) and *tasneef* (classification) in fiqh issues had emerged along with commentaries and expositions of the Imāms' statements.

The next stage has been called, by those who write on fiqh history, as the **'Completion Stage of Fiqh'**, from the mid-fourth century AH to the mid-seventh century. After the Mongol invasions of Baghdad, movements of *tabreer*, *takhreej* and *tarjeeb* began along with principles of each Madhhab and within this stage developed *ta'assub* (biased partisanship) and *taqleed* (uncritical following of others).⁵

Then came the sixth stage after the mid-seventh century wherein there were formulations of what is called **'Majallat al-Ahkam al-'Adliyyah'** [the Civil Codes of the Ottoman Empire] which was formulated in the year 1286 AH in the 13th century AH (1869 CE) and people referred to this codification based on instructions from the Ottoman Empire in 1292 AH (1875 CE).⁶

⁵ **Translator's note:** During this stage such works were not academic works presenting all different views on a topic of dispute, but merely statements of 'what our school says' about each topic and situation, to aid a Qādī. Thus, these *mukhtasarāt* and other works were law codes in Islamic law, and in many instances the judges would use them in this way by basing rulings on a single reference to the *Mukhtasar* of Khalīl for example, in the same manner that a European judge would base his ruling on a single reference to his country's Code of law. This is what many deem as leading to stagnation, N.J. Coulson states in his book *A History of Islamic Law*, (Edinburgh: Edinburgh University Press, 1964), p.80:

Muslim jurisprudence of the early tenth century formally recognized that its creative force was now spent, as exhausted in the doctrine known as, "the closing of the door of ijtiḥād", the right of ijtiḥād was replaced by the duty of taqlid.

However, it has been argued that Islamic legal jurists had never reached unanimous opinion on the closing of the gate of *ijtiḥād*, but that a lack of renewal would not meet the socio-economic needs of society. See Wael B. Hallaq, "Was the Gate of Ijtiḥād Closed?" *International Journal of Middle Eastern Studies*, vol.16, no.1, 1984, 3-41 and "On the origins of the controversy about the existence of mujtahids and the gate of ijtiḥād," *Studia Islamica*, vol. 63, 1986, pp. 129-141.

⁶ **Translator's note:** In regards to the Ottoman Majallah (also transliterated *Mecelle*, *Majalla*, *Medjelle*, or *Megelle*) then it was another significant product of the Ottoman *Tanzimat* reform era. It was a codification of the Islamic law of transactions (*fiqh al-mu'amalat*) based on Hanafi fiqh. It actually did not introduce new principles of law, but rather a codified version of Islamic legal principles which had served as the civil law of the Ottoman Empire. Its introduction relays ninety-nine Qawā'id Fiqhiyyah which have been further explained by Shaykh Mustafā az-Zarqā, a famous jurist and a teacher of our Shaykh, Shaykh Mashhūr, in a work entitled *Sharḥ al-Qawā'id al-Fiqhiyyah* (1403 AH/1983 CE). The son of this author and commentator of this work, Muhammad az-Zarqā, further elaborated on it.

The Majallah was considered as the major reform of Islamic law in modern times and one of the important means of preserving Islamic institutions while the Ottoman Empire was changing from an

Islamic to a secularised European legal system. A characteristic of the *Tanzimat* era was the existence of two separate legal systems derived from different sources. Before 1839, there was only one system of law within the Ottoman Empire: the *Shari'ah*. However, after 1839 new laws were adopted from Western codes. From here on, a dual system of law developed within the Empire, one having its origin in Islamic religious law and the other based on continental European, particularly French codes. The *Majallah* had the force of law and was applied as the civil code of the Ottoman Empire. A revision was made to the *Majallah* in 1920 and 1921 CE. However, it never went into effect because of the complete abolition of Islamic law in 1926.

This issue of the legal framework of the Ottoman Empire renders the likes of Hizb ut-Tahreer and Omar Bakri's followers in a quagmire. As they claim that Islamic law and the 'Khilāfah' was abolished in 1926 yet in reality this is merely a romantic version of events. The reality, as we can see, is that already by the 18th century to the 19 century CE the Ottoman Empire was already incorporating man-made laws from various European legal and penal codes. Or more on this refer to Abū Ameenah 'AbdurRahmaan as-Salafi and 'AbdulHaq al-Ashanti, *A Critical Study of the Multiple Identities and Disguises of 'al-Muhajiroun': Exposing the Cult Followers of Omar Bakri Muhammad* (London: Jamiah Media, 2009), pp.23-41.

Dr Najm-Aldeen K. Kareem al-Zanki (from the Kulliyah of Economics and Management Sciences at the International Islamic University of Malaysia) stated in a paper presented to the *International Conference on Harmonisation Between Civil Law and Shariah* in Malaysia on Wednesday 9th December 2009 entitled 'From 'Majallah' to 'Iraqi Civil Code' A Critical Study on Harmonization of Civil Law and Shari'ah', p.1:

After the adoption of *Tanzimat* policy by the Ottomans in 1839, a series of codes were taken from the western models. Simultaneously, a code for Islamic civil law and another for the family law were domestically produced by the Empire, namely *Majallat al-Ahkam al-'Adliyyah* "The Compilation of Principles of Justice (1293A.H/1876CE)" and *Qanun al-'A'ilah* "Family Law (1336H/1917C)". The compilation of *Majallah* was an important event in the history of codification for it was both derived from Islamic law and it was regularly applied in territories ruled by the Ottomans, except Egypt. It became the official code of civil law to all the countries ruled under the Empire, even a period after their independence. As far as the civil law is concerned, Iraq applied the *Majallah* as its code in respect of *Mu'amalat* until it was replaced by 'Sanhuri's' Iraqi Civil Code of 1951. Sanhuri was also the architect of Egyptian Civil Code of 1949. These two works of Sanhuri were not identical. The Iraqi Civil Code became one prototype, the Egyptian Code another. The proposed revision of the Egyptian Civil Code was a different problem in that the Code was not a version of codified Islamic law as in Iraq but in many parts a direct translation of French Law.

See Najm-Aldeen K. Kareem al-Zanki, 'From 'Majallah' to 'Iraqi Civil Code' A Critical Study on Harmonization of Civil Law and Shari'ah': <http://www.agc.gov.my/agc/onlinesys/KnowledgeSharing/pdf/Syariah/Jan2010/4th%20International%20Conference/54.%20Iraq.pdf?PHPSESSID=f592a2c9af1b882e2b896aedd13560d3>

The Egyptian version was entitled the '*Murshid al-Hayran*' (the 1891 Egyptian version of the Ottoman's *Majallah*), and in India, during the 17th Century CE (11th Century AH), Aurangzeb Alamgir, a Mughal Emperor of the Indian subcontinent, made some efforts at codification too. He appointed a commission headed by the Nizam of India. The result was what came to be referred to as the '*Fatāwā Alamgīrī*'. It is a comprehensive work based on the model of the Hanafi fiqh works of the *Zahīr al-Rawāyah*, a book on law

From here onwards fiqh degenerated and rigidness to the statements of Fuqahā began, to the extent that the Muftī of Bukhārā, during the Bolshevik Revolution of Communism, gave a ruling forbidding the use of gunpowder and that the Communists should be faced with only spears and swords and as a result the country was lost due to the stupidity of some Muftīs. After that stage, of the *Majallat al-Abkām al-'Adliyyah* [the Civil Codes of the Ottoman Empire] wherein Hanafī fiqh was codified as a legal framework along with explanations of it, *Shari'*-legal courts began issuing rulings based on these codes, and it was not possible for the 'Ulama to reach a comprehensive, sound, blessed and accurate decision based on the Revelatory Texts.⁷ Thus, distance from the Revelation developed step by step, yet with this the Madrasah of Ahl ul-Hadeeth remained and was exemplified from time to time by people who had a role in *tajdeed*.

As for the final stage of fiqh, is the stage after the *Majallat al-Abkām al-'Adliyyah* [the Civil Codes of the Ottoman Empire] up until this time. This stage has witnessed those who are occupied with knowledge author works and these people are of varying levels along with different fields of research. However, this time is distinguished by what is known as today as **'Fiqh ul-Muqāran' [Comparative Fiqh]** wherein the Muftī and the researcher began mentioning the views of the different Madhāhib and in most cases not mentioning the proofs or most accurate view! I heard our Shaykh, Imām al-Albānī, say (*rabimahullāh*):

by Imām ash-Shaybānī and *al-Hidāyah* and comprises of six volumes. This, however, was not a code in the modern sense of the term as it was not binding upon the subjects.

⁷ **Translator's note:** This was not only a characteristic of the Ottoman controlled areas but also other Islamic lands such as India, which was mentioned above, and also in Indonesia with the Nahdlat ul-Ulama (established in 1926 CE). The Nahdlatul Ulama, though recently utilising collective ijtihād which is mentioned below, fell into taqleed by merely citing Shāfi'ī fiqh books uncritically and with no referral to the Qur'ān and Sunnah whatsoever. Nahdlatul Ulama at its first Conference issued a fatwa in 1926 saying it was obligatory for Muslims to follow one of the 'Four Madhāhib' and when it issued fatāwā it do so not based on the works of Imām ash-Shāfi'ī by rather on *Minhāj ut-Tālibeen* by Imām an-Nawawī, *al-Muharrar* by ar-Rāfi'ī, *Kifāyat ul-Akhyār* by ad-Dimishqī (829 AH/1426 CE), *Tuhfat ul-Muhtāj* by Ibn Hajar al-Haytamī (973 AH/1566 CE), *Nihāyat ul-Muhtāj* by Muhammad ibn Ahmad ar-Ramlī (1004 AH/1596 CE) and other Shāfi'ī fiqh works. It was not until 1997 that the Nahdlatul Ulama in Indonesia officially included the Qur'ān and the major books of hadeeth as sources of referral. See Nadirsyeh Hosen (Lecturer at State University of Islamic Studies in Jakarta, Indonesia) entitled "Nahdlatul Ulama and Collective Ijtihād" in the *New Zealand Journal of Asian Studies*, vol.6, no.1 (June 2004), pp.5-26: http://www.nzasia.org.nz/downloads/NZJAS-June04/6_1_2.pdf

In the different parts of the Muslim world therefore, the predominant fiqh Madhhab of a given land had their own set of authoritative canonical works upon which the country derived its Islamic regulations and adhered to uncritically and without question.

The one who mentions Fiqh ul-Muqāran and the statements of the jurists yet does not mention the most accurate view from all of this is like one who mentions the different routes of hadeeth and does not mention the level (of authenticity) of these routes.

The routes are not to be compiled until the level of hadeeth is apparent. This era is distinguished with specialised intense studies especially at the academic level within universities, and is also distinguished by the presence of fiqh councils and assemblies which combine between explaining new events, by those specialised in economics, medicine or humanities, and Islamic legal jurists and their agreed collective view and *ijtihād*.⁸

The study and research which is of importance to us from these stages, from important historical signs, is the second and third stages, the phases of **‘Fiqh During the Era of the Rightly Guided Caliphs’** and the **‘Era of Fiqh from the Early Second Century AH to the End of the Third Century AH’**, which was distinguished by the presence of the four fiqh Madhhabs. That which combines the two stages is that issues were based on hadeeth and those who had this approach were named ‘Ahl ul-Hadeeth’. It is reported from ‘Umar (*radi Allāhu ‘anhu*), via many routes of transmission, that he said:

سيأتي أقوام يجادلونكم بمتشابهات القرآن فخذوهم بالأحاديث فان أصحاب

السنن اعلم بكتاب الله

⁸ **Translator’s note:** There are a few interesting papers on the process of collective *ijtihād*, such as the following paper by Aznan Hasan of the *International Islamic University of Malaysia*:

http://i-epistemology.net/attachments/709_Ajiss20-2%20-%20Hasan%20-%20An%20Introduction%20to%20Collective%20Ijtihad.pdf

Also, a paper by Nadirsyeh Hosen (Lecturer at State University of Islamic Studies in Jakarta, Indonesia) entitled “Nahdlatul Ulama and Collective *Ijtihād*” in the *New Zealand Journal of Asian Studies*, vol.6, no.1 (June 2004), pp.5-26: http://www.nzasia.org.nz/downloads/NZJAS-June04/6_1_2.pdf

Hosen states on page 6 of the paper:

Collective *ijtihād* is also considered an apt solution for the crisis of thought in the Muslim world since it allows modern, contemporary and complex problems to be resolved, and tends to reduce the fanaticism of the schools of Islamic law. One of the reasons is that a number of Muslim scholars from different schools and various disciplines of science could sit together to perform *ijtihād* collectively.

“A people will come who will argue with you via doubts from the Qur’ān so argue with them with the Sunan, because the people of the Sunan are more knowledgeable of Allāh’s Book.”⁹

‘Ashāb us-Sunan’ a term utilised on the tongue of ‘Umar, and the intent of the term ‘Ashāb us-Sunan’ is those people who learn both the Sunnah and the Qur’ān, the Qur’ān was never separated from the Sunnah and the Sunnah was not separated from the Qur’ān. Allāh says,

“And We revealed to you the Reminder that you may make clear to the people what was sent down to them...”

{*an-Nabl (16):44* }

Allāh mentions two forms of revelation: that which was revealed onto the heart of the Prophet (*sallallāhu ‘alayhi wassallam*) and that which was revealed unto people, the first is the Qur’ān and second is the Sunnah. In a hadeeth in Saheeh Muslim from Iyād ibn Himār (*radi Allāhu ‘anhu*) that the Prophet (*sallallāhu ‘alayhi wassallam*) said: *“Indeed Allāh revealed unto me that you should be humble and not be haughty towards each other.”* Hishām ibn Hassan used to say, as is relayed by Ibn ‘Asākir in *Tareekh ud-Dimashq* [History of Damascus]: *“Jibreel descends with the Sunnah as he does with the Qur’ān.”* The Prophet (*sallallāhu ‘alayhi wassallam*) said in the well-known hadeeth: *“None of you should become complacent sitting on his chair saying ‘between us and you is Allāh’s Book’ whatever we found in it as halāl we deemed it halāl and whatever we found within it as harām we prohibited it.”* Then the Prophet said:

"ألا إني أوتيت القرآن ومثله معه"

“Be informed! I have been given the Book and with it, its like.”¹⁰

It has been reported by al-Khateeb al-Baghdādī in *Sharaf Ashāb il-Hadeeth* with his route of transmission from Abū Sa’eed al-Khudrī (*radi Allāhu ‘anhu*), and the hadeeth is saheeh and has many routes of transmission, mentioned in *Silsilat as-Sabeehab*, no. 280, Abū Sa’eed al-Khudrī (*radi Allāhu ‘anhu*) said when he saw the youth begin to seek knowledge: *“welcome to the inheritance of Allāh’s Messenger (sallallāhu ‘alayhi wassallam)! Allāh’s Messenger (sallallāhu ‘alayhi wassallam) instructed us to open up gatherings with you, teach you the understanding of hadeeth, for you are our successors and the people of hadeeth (Ahl ul-Hadeeth) after us.”* Thus, ‘Ahl ul-Hadeeth’ is a term which was well-known during the time of the Sahābah, likewise it was a term which was well-known during the epoch of the Tābi’een and they (Ahl ul-Hadeeth) had a Madhhab which

⁹ **Translator’s note:** This is reported by Imāms ad-Dārimī in his *Muqaddimah* to his *Musnad*, no.119, and al-Lālikāī in his book *as-Sunnah*.

¹⁰ **Translator’s note:** Reported by Abū Dawood, at-Tirmidhī and al-Hākim who deemed it saheeh as did Imām Ahmad in a *sanad* from Miqdam Ma’dikarib

was called ‘the Madhhab of Ahl ul-Hadeeth’ which is the foundation (of the deen). Just as the science of hadeeth is like a tree with its roots in Madeenah which then branched out into Basra and Kūfah and bore its fruits in the lands beyond the River Oxus (i.e. Transoxiana),¹¹ then fiqh is also like this. It started in Madeenah with Revelation which was sufficient however we are still in need of the understanding of those upon whom the Revelation descended from the Companions and Tābi’een, and who had been commended by Allāh’s Messenger. He commended them so that their statements would be considered by us. Fiqh began in Madeenah and then when the Khilāfah became based in Kūfa the Madrasah of Ahl ul-Kūfa arose. In general fiqh is of two schools of approach:

- ❖ The Madrasah of Ahl ul-Hijāz, which mainly followed the narrations, proofs and transmissions
- ❖ The Madrasah of Ahl ur-Ra’y, and there are some who refer to it as ‘the Madrasah of Ahl ul-’Irāq’,

If you wanted to search, investigate, narrow down and be precise you could say ‘Madrasat ul-Madeenah’ and ‘Madrasat ul-Kūfa’. Meaning, the intent of ‘Ahl ul-Hijāz’ is Madeenah while the intent of ‘Ahl ul-’Irāq’ is Kūfa because ‘Alī (*radi Allāhu ‘anhu*) stayed there at the end of his life during the last five years of his life and much fiqh was imparted there. It is widespread among many students that Ahl ul-Kūfa use Ra’y [opinion] and do not take from hadeeth, yet this is an inaccurate explanation. For the characteristic of both schools during the first generation, during the era of the Sahābah and Tābi’een, is that they did not leave the daleel for the saying of anyone, an opinion or for *Qiyās* [analogy]. It is known about Ahl ul-Kūfa that they regurgitate statements and speak about things which have not occurred yet, Masā’il Iftirādiyyah [hypothetical issues]. So fiqh and hadeeth were twins and one side does not manifest without the other, and the one who looks at the fiqh of Madeenah, and at the head of them Imām Mālik, will be amazed at how he authored it. One contemporary writer, Ameen al-Khūlī,¹² stated in his book about Imām Mālik:

“You are able to say that Imām Mālik was but a Muqallid because he did not say anything in his book al-Muwatta’ except that he said “I came across this from Ahl ul-Madeenah” or “we came across our Shaykhs like this””.

¹¹ **Translator’s note:** Mā Warā’ an-Nahr [lit. ‘The Lands Beyond the River Oxus’] refers to Transoxiana which itself is the ancient name for the part of Central Asia which covers modern-day Uzbekistan, Tajikistan and Kazakhstan. Geographically it refers to the region between the Amu Darya and Syr Darya Rivers. The main cities of importance were Samarqand, Bukhāra, Khwarezm and Tashkent.

¹² **Translator’s note:** He died in 1386 AH/1966 CE in Egypt, he authored some works on tafseer, history, Arabic grammar and Islamic revival.

Mālik and Ahmad met together in the same school to the extent that some of those who are concerned with doubting statements do not account for the khilāf of Ahmad in regards to the madhāhib, because Ahmad did not issue a statement except that he was preceded in that by the statement of a Companion, a Tābi'ī, or a Tābi' ut-Tābi' or those who were from the Tabaqāt of his Shuyūkh. To the extent that if he saw that they differed into four views he would say about the issue that 'there are four views on the issue'. If he viewed that they differed into six views he would say 'there are six views on the issue'. Likewise was Mālik, and what is amazing from Ibn Qutaybah is that he mentioned in his book *Ma'ārif Ahl ul-Fiqh* jurists from both Ahl ur-Ra'y and Ahl ul-Hadeeth and placed Mālik among Ahl ur-Ra'y. Thus, is Imām Mālik is from Ahl ur-Ra'y? Yes, as he is also from Ahl ul-Hadeeth, yes! Is Ahmad from Ahl ur-Ra'y? Yes, is he from Ahl ul-Hadeeth? Yes! However, the 'Ra'y' [opinion] which is based on the understanding of the Salaf! Not on the later understanding of 'Ra'y' [opinion]. Whoever reads the beginning of *I'lām ul-Muwaqqi'een* will see that Ibn ul-Qayyim dedicates a chapter about the Salaf and their censure of Ra'y, then he follows it with another chapter on the Salaf using *Ra'y*. It then becomes apparent that both chapters contradict each other, then Ibn ul-Qayyim states:

The Salaf, during the era of the Sahābah and Tāib'een, if they were asked about an issue in which there was not a text, they would make ijtihād and say "this is our opinion and it does not obligate anyone (to follow)".

So the opinion is presented and is not made an obligation to follow, thus *ta'assub* (biased partisanship), *tamadhbub* (fanatical adherence to schools of thought) and *tabazzub* (party-spirit) was done away with from the first generations; because *Ilzām* (obligating opinions on others) was not known with them as only the Revelatory Texts had this status. This was also how the four Imāms were, they did not obligate anyone to accept a statement which was arrived at via ijtihād other than the Revelatory Texts of the Book and Sunnah.

However, in the later times, when new matters arose, in different environments, the Madrasah of Hijāz was distinguished from the Madrasah of Kūfa, 'Irāq. Hijāz was the first capital city of Islām, and was the home of the Revelation so the customs, traditions and general actions of the people of Madeenah were adhered to and contrary actions were not apparent. Actions during the early epoch were hereditary and those actions from Ahl ul-Madeenah were a Hujjah. Al-'Irāq and Hijāz, and especially those areas where Islām spread during the epoch of 'Umar (*radi Allāhu 'anhu*), who spread Islām far and wide, had customs, traditions and issues which were very different from the people of Madeenah. The jurists, in answering those peoples, were thus compelled to speak in accordance with their opinions (of the people of Madeenah). Some Mu'tazilah mixed with the Hanafīs, and most of the Mu'tazilah were Hanafīs, and the Usūl of the

Mu'tazilah involved giving priority to the *'aql* over the *naql* and as a result inferences via the texts were weak within the school of thought. When 'Umar ibn 'Abdul'Azeez instructed Abū Bakr Ibn Hazm¹³ to compile the hadeeth of the Prophet (*sallallāhu 'alayhi wassallam*) and to begin formulating the Sunnah the special characteristic of Ahl ul-Hadeeth began as they became well-known for compiling works and they had a presence and existence. From this point on there was a split between Ahl ul-Hadeeth and Ahl ul-Fiqh, even though the original people of fiqh, headed by the founders of the Madhāhib, were all Ahl ul-Hadeeth. In the era of the Tābi'een, the Tābi' ut-Tābi'een and those who came after them Ahl ul-Hadeeth were well-known and mentioned. Imām ash-Sha'bī said:

“Had I pondered over my problem the way in the beginning as I did towards the end of the matter, I would have only relayed what had been agreed upon by Ahl ul-Hadeeth.”

Hence, Ahl ul-Hadeeth existed in the time of ash-Sha'bī who himself had come across five hundred companions and relayed hadeeth from eighty-six of them! During the time of the Sahābah therefore, what did ash-Sha'bī say? He said:

“Had I pondered over my problem the way in the beginning as I did towards the end of the matter, I would have only relayed what had been agreed upon by Ahl ul-Hadeeth.”

Abū Bakr ibn 'Ayyāsh (d. 193 AH), a Tābi'ī, used to say: **“Ahl ul-Hadeeth in Islām are like the people of Islām among the rest of the religions.”** Abū Bakr ibn 'Ayyash is a Tābi'ī and he mentions “Ahl ul-Hadeeth”, thus they have a presence and an existence, so you are Ahl ul-Hadeeth! When ‘Ahl ul-Hadeeth’ is used it applies to the Salafīs who follow the Salaf. I find it strange that there are those who reject the existence of a Madhhab for the Ahl ul-Hadeeth, yet this is also apparent during the time of the Tābi' ut-Tābi'een. Al-Khateeb relays in *Sharaf Ashāb il-Hadeeth* from Sufyān ath-Thawrī who used to say: **“If Ahl ul-Hadeeth do not come to me then I will go to them at their homes!”** Sufyān ath-Thawrī is a Tābi' ut-Tābi'ī and what does he say? He says: **“If Ahl ul-Hadeeth do not come to me then I will go to them at their homes!”** This is something well-known also from az-Zuhrī for example,¹⁴ who was from the

¹³ **Translator's note:** Abū Bakr ibn Muhammad ibn Hazm (d. 120 AH/737 CE), *rahimahullāh*.

¹⁴ **Translator's note:** Muhammad ibn Muslim ibn 'Ubaydullāh ibn Shihāb az-Zuhrī (50 AH – 124 AH (724 CE). He was one of the early *hadeeth* scholars and writers of Islamic literature. His grandfather, 'Abdullāh ibn Shihāb fought on the side of the *mushrikeen* against the Prophet Muhammad at Badr and Uhud, and his father Muslim ibn Shihāb was on the side of 'Abdullāh ibn Zubayr against the Umayyad dynasty. Az-Zuhrī himself, along with other scholars including al-Hasan al-Basrī, was later accused of being a “government scholar” as he accepted office with the 'Umayyads. Even though az-Zuhrī was poor in wealth

Tābi'een, and narrates from Anas, and heard hadeeth from Anas. Imām Muhammad ibn Shihāb az-Zuhrī during the year 80 AH was employed by the Caliph 'AbdulMālik ibn Marwān who had copied out four hundred hadeeth and az-Zuhrī was amazed by this and went to his students saying: **“Where are you O Ashāb ul-Hadeeth?”** The expression **‘Ashāb ul-Hadeeth’** was well-known among them. Muhammad ibn Hasan ash-Shaybānī said in his *Muwatta'*:¹⁵ **“Ibn Shihāb was the most knowledgeable of the people of hadeeth in Madeenah and elsewhere.”** He was more knowledgeable among Ahl ul-Hadeeth. Thus, Ahl ul-Hadeeth have a Madhhab which is specific to them, and this madhhab has characteristics which differentiates them from Ahl udh-Dhāhir [the Literalists]. Many of the Madhhabists do not differentiate between Ahl ul-Hadeeth and Ahl udh-Dhāhir and we will explain this in the upcoming lessons.

Ahl ul-Hadeeth are concerned with the Sunnah being victorious and that the signs of the Sunnah are apparent and authoritative over the statements of the creation, that it rules and does not become ruled, and that it is referred to for rule and is ruled by. In order to convey the intent of the Sunnah, there began *tasneef* (classification) of hadeeth which had been narrated along with narrations from the Companions and Successors as occurred with Ibn Abī Shaybah and 'AbdurRazzāq in their Musannafs, and as Mālik did with *al-Muwatta'* and as ash-Shātībī mentioned in *al-Muwāfaqāt*:

Mālik's work in the Muwatta' has to bring forth the authority of the Companions' statements, and has to bring forth the authority of what was trusted during the time of the Salaf and the judgement of the understanding of the Salaf.

he was rich in knowledge, having memorised the whole Qur'ān in three months and constantly engaging himself in searching for knowledge. He also studied the genealogies and the poetry of the Arabs, much of which he had also memorised due to his tremendous memory. Abū Zinād (*rahimahullāh*) mentioned of az-Zuhrī that: **“When I would be with az-Zuhrī, he used to go about with tablets and sheets of paper with him, writing down everything that he heard, we used to laugh at him for that.”** A student of az-Zuhrī, Ma'mar, reports that his teacher would even write on the soles of his shoes when paper was not available. The first *mujaddid*, 'Umar ibn 'Abdul'Azeez (*rahimahullāh*) admired az-Zuhrī and advised people to attend his lessons. Other scholars testified that az-Zuhrī was a major *hadeeth* scholar and was trustworthy. Az-Zuhrī was also very benevolent and gave much to the needy, having known poverty himself. Al-Layth ibn Sa'd (*rahimahullāh*), another early major scholar, stated **“I have not seen anyone more generous than Ibn Shihāb. He used to help anyone who came to him, and if he had nothing he used to borrow.”** Ibn Sa'd in his *Tabaqāt* noted that az-Zuhrī collected so many hadeeth that after his death, his manuscripts needed several riding beasts to transport them. For more on az-Zuhrī and the Arabic sources where his life and achievements are recorded see M.M Azami, *Studies in Early Hadith Literature* (Indianapolis: American Trust Publications, 3rd Edition, 1992), pp.279-293. [TN]

¹⁵ **Translator's note:** This work *al-Muwatta'* was recently translated into English by Mohammed Abdurrahman & Abdus Samad Clarke for Turath Publishers in 2004.

This is what Imām Mālik did in *al-Muwatta'*. Then Allāh blessed this Ummah with two major and eminent Imāms, two leaders of the believers in hadeeth, Imām Abū 'Abdullāh Muhammad ibn Ismā'eel al-Bukhārī and Imām Abu'l-Husayn Muslim ibn Hajjāj an-Naysabūrī. They authored their Two Saheehs and the *dunya* and Ahl ul-Hadeeth became occupied with the Two Saheehs.

Ahl ul-Hadeeth was a Madrasah which was well known, apparent, prominent and even the leaders, rulers and kings honoured its people and viewed that the Muhadditheen had a blessing of which they too aspired to be part. Some stories and words will soon be mentioned in regards to this, but what I want to affirm here is that the well-known Imāms and some of those who ascribe themselves to the Madhhab of Abū Haneefah, especially Imām Abū Yūsuf Ya'qūb ibn Ibrāheem al-Qādī, are from Ahl ul-Hadeeth. Al-Khateeb al-Baghdādī mentioned in his biography of Imām Abū Yūsuf Ya'qūb ibn Ibrāheem that: **“He used to love Ahl ul-Hadeeth and was inclined towards them.”** Adh-Dhahabī mentions in *Tadbkirat ul-Huffādh* from Ibn Ma'een that he was asked about Abū Yūsuf and said about him: **“He was from Ahl ul-Hadeeth and Ahl us-Sunnah.”** How can this not be so when al-Khateeb mentioned in *Sharaf Ashāb ul-Hadeeth* with his chain of transmission to Ibrāheem al-Harbī who said:

Abū Yūsuf left his home and found at his door students of knowledge in hadeeth and said to them: “Welcome! By Allāh you are the best of people on the face of the earth today.”

They are from Ahl ul-Hadeeth, and as for us wanting to say that Mālik, Shāfi'ī or Ahmad were from Ahl ul-Hadeeth then this needs no explanation. Imām Muslim mentions in the *Muqaddimah* of his Saheeh, when he mentions the Imāms of hadeeth who censured narrators who fabricated and lied in their narrations, he would mention that Ahl ul-Hadeeth are exemplified in Mālik ibn Anas, Shu'bah ibn Hajjāj, Sufyān ibn 'Uyaynah, Yahyā ibn Sa'eed al-Qattān, 'AbdurRahmān ibn Mahdī and others. Whenever Imām Muslim mentioned Ahl ul-Hadeeth he would mention and praise Imām Mālik (*rabimabullāb*). Mālik used to say: “That I be whipped for every fatwa I give without daleel is better.....”

In the *Muwatta'* you will be almost be unable to find but a few of his own statements, like Ahmad he had understanding of the narrations and narrations of the Sahābah and Tābi'een, which after the verses from the Qur'ān and Prophetic hadeeth, was sufficient. Resorting to Ra'y [opinion] was only if there was a dire necessity to do so and for Qiyās, as is said: **“the authority of Ra'y is not like the authority of the Text.”** So if I give you a ruling based on my opinion you are not obliged to adhere to it, and the person of hadeeth if he gave a fatwa based on his opinion he did not oblige the person to accept it, this is an important feature of Ahl ul-Hadeeth.

Ash-Shahraṣṭānī stated in *al-Milal wa'n-Nihal* in regards to the Imāms of Ahl ul-Hadeeth and stated:

They are the people of Hijāz including Mālik ibn Anas, Muhammad ibn Idrees ash-Shāfi'ī, Sufyān ath-Thawrī and his companions, Ahmad ibn Hanbal and his companions.

Imām adh-Dhahabī stated in *Tadbkirat ul-Huffādh* in regards to Imām Mālik: **“He was the Imām of Ahl ul-Hadeeth during his time.”** Without a doubt ash-Shāfi'ī was from Ahl ul-Hadeeth and one of the Imāms of Ahl ul-Hadeeth, he left Makkah as a student after studying there with its Muftī and Muhaddith. He took hadeeth from its Muhaddith Abū Muhammad Sufyān ibn 'Uyaynah and Makkh's Muftī Muslim ibn Khālid az-Zinjī, and then he returned there later to make Hajj and sat in the House of Allāh the Haram, and said to the people: “ask me, but none of you should ask me about anything except that I will answer based on Allāh's Book.” A man from the common people stood and asked him: “O Imām! I killed a Zunbūr (wasp) while I was Muhrim, so what is your answer to this based on Allāh's Book?” Imām ash-Shāfi'ī praised Allāh and then sent prayers and peace upon the Prophet (*sallallāhu 'alayhi wassallam*) and recited what Allāh stated in Sūrat ul-Hashr,

“And whatever the Messenger has given you – take; and what he has forbidden you – refrain from.”

{*al-Hashr* (59): 7}

Then he mentioned the hadeeth of Irbād ibn Sāriyah wherein Allāh's Messenger (*sallallāhu 'alayhi wassallam*) said: “Stick to my Sunnah and the Sunnah of the Rightly Guided Caliphs after me, hold firm to it with the molars.” Then he relayed from 'Umar ibn al-Khattāb (*radi Allāhu 'anhu*) that a Muhrim asked him about him killing a wasp so what should he do and 'Umar said to him “There is nothing upon you” and then ash-Shāfi'ī said: “This is my answer from Allāh's Book.” Imām ash-Shāfi'ī was from the Imāms of hadeeth and Imām an-Nawawī stated in his biography of Imām ash-Shāfi'ī in *Tabdbeeḥ ul-Asmā'*:

Then he went to al-'Irāq and spread 'Ilm ul-Hadeeth [the science of hadeeth] and established its Madhhab there.

Ash-Shāfi'ī established the Madhhab of Ahl ul-Hadeeth in 'Irāq because when he went there he found two groups of people: those who viewed applying purely opinion and another group who relied on the chains of transmission solely. He sat with both and said: “By Allāh they both agreed within one sitting.” He sat with both of them, spoke to them and they both agreed, may Allāh have mercy on him. Al-Muzanī says in his *Mukhtasar*:

لو جاز لأحد أن يقلد أحداً ما قلدت إلا الشافعي!

“If it was allowed for a person to make taqleed of anyone then we would not make taqleed of anyone except for ash-Shāfi’i!”

Al-Muzanī was of the closest people to ah-Shāfi’ī and ash-Shāfi’ī would advise him that *taqleed* is not from Allāh’s deen. Whoever reads *Īqādh Himam Ūlil Absār* by Shaykh Sālih al-Fulānī will see the important statements from the Four Imāms and their senior students in prohibiting *taqleed*. As for Imām Ahmad then Shaykh ul-Islām Ibn Taymiyyah stated in *Minhāj us-Sunnab an-Nabawiyyah*:

As for Imām Ahmad, may Allāh have mercy on him, then he was upon the Madhhab of Ahl ul-Hadeeth.

Ibn ‘AbdulBarr states in his book *al-Intiqā’*,¹⁶ wherein he mentioned the virtues of the three Imāms except for Ahmad whom he did not regard as a jurist (faqeel), he said: “we have sufficiency from mentioning his Madhhab”, he said beautiful words in his book *al-Intiqā’*, p.107, he said about Imām Ahmad:

He has fiqh choices which are based on the Madhhab of Ahl ul-Hadeeth and he is their Imām.

The Imām of Ahl ul-Hadeeth is Imām Ahmad. The view that the three Imāms, meaning Mālik, Shāfi’ī and Ahmad and most of the companions of Imām Abū Haneefah are from Ahl ul-Hadeeth is confirmed. However, *tafīr’āt* (projections of matters before they occur so as to gain answers to new or secondary matters) and *takhrījāt* (legal arguments) emerged and in the later generations *Qawā’id ul-Madhābib* [Principles of the Schools of Thought] emerged and wherein for example the view of the Madhhab was not the view of Ahmad, and the relied upon view within the Shāfi’ī Madhhab was not the view of Muhammad ibn Idrees ash-Shāfi’ī. This is even though many Imāms of hadeeth took from Imām Ahmad (*rahimabullāh*), such as al-Bukhārī, Muslim, Abū Dawood and they have books on Masā’il Ahmad and *Masā’il Ahmad* by Abū Dawood has been published and printed. They are the pure followers of Imām Ahmad and they are the closest to the real Madhhab of Imām Ahmad than the later Hanbalī scholars. Following an Imām has a *Shari’* understanding, how were the students of those who followed their Imāms? They used to follow their proofs and their banner was:

¹⁶ **Translator’s note:** The full title of the book is *al-Intiqā’ fī Fadā’il al-Thalāthat al-A’immat al-Fuqahā’ Mālik wal-Shāfi’ī wa Abī Hanīfa* [The Selection Regarding the Excellent Merits of the Three Great Imāms and Jurists: Mālik, Shāfi’ī, and Abū Hanīfa].

العبرة بدلائل لا بالقائل

“the example is in the proofs not in the one who said it”

Statements of an Imām are in need (of proofs) and are not needed (as proofs in and of themselves), such statements need proof and are not an independent proof by themselves. For this reason, Imām Ibn ul-Qayyim has some very important words on this matter which we should stop at for some time so that we distinguish between Ashāb ul-Hadeeth who follow those Imāms from these who saw them and were close to them, and the later ones who ascribed themselves to those Imāms. Ibn ul-Qayyim stated:

Those Muqallideen, who acknowledge that they are not people of knowledge, who claim to be the true followers of the Imāms who followed the proofs, are not truly followers of the Imāms. Even the ignoramuses are more pleased to follow the Imāms than these Muqallideen! Whoever opposes one of the Imāms based on a proof is actually a follower of them¹⁷ as opposed to merely accepting the Imām’s statement without proof.¹⁸ This was the view of the Imāms’ followers, they sought refuge in Allāh from being their uncritical followers who equalise the (Imāms’) views to the status of the Texts. Rather they are to leave such views for the texts, those (Muqallideen) are not the (true) followers of the Imāms.

Then he mentioned some very beautiful words:

The people who followed Mālik were Ibn Wahb and his Tabaqāt (generational level) who judged by the proofs and followed the daleel wherever it was. Also Abū Yūsuf and Muhammad who followed Abū Haneefah, were of his Muqallideen, though they opposed much of his views.

It is said that the issues in which Abū Haneefah agreed with Abū Yūsuf and Muhammad ash-Shaybānī were only seventeen issues. In most instances, Abū Haneefah’s companions Abū Yūsuf and Muhammad ash-Shaybānī, opposed him.¹⁹ Ibn ul-Qayyim continues:

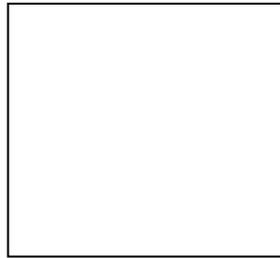
¹⁷ The one who has a contrary view to Shāfi’ī (*rahimahullāh*) for example, is in fact following Shāfi’ī (by not merely uncritically following Shāfi’ī in all that he says).

¹⁸ Whoever takes on board the view of Shāfi’ī without a proof is not a follower of Shāfi’ī! This totally destroys the Madhhabī approach.

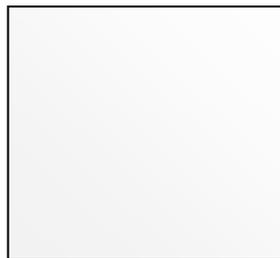
¹⁹ **Translator’s note:** Hence, what is found today among the Madhhabists is that they will attribute a view and opinion to one of the Four Imāms when in fact it was never at all the view of the Imām rather it was the view of those who came after the Imām. This view, the Madhhab’s view, is then constructed as being the view of the actual Imām when this is not exactly the case.

Likewise al-Bukhārī, Muslim, Abū Dawood and Athram and this *tabaq* (generational level) from the companions of Imām Ahmad followed him more than the hardcore Muqallideen who ascribe themselves to him. Based upon this, the example of the followers of the Imāms, the people of *hujjah* and *'ilm*, is more accurate than the Muqallideen in the same matter.

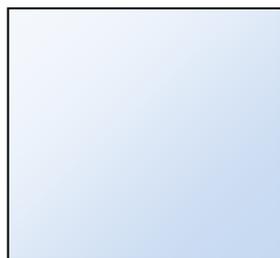
Therefore, the Four Imāms are Ahl ul-Hadeeth and Ahl ul-Hadeeth are Ahl ul-Qur'ān wa's-Sunnah. The term 'Ahl ul-Hadeeth' is an honourable title which was known from the time of the Sahābah and remained in all of the good generations up until this time when *ta'assub* (fanaticism) emerged and those who follow Madhhabs do not follow evidences whatsoever. Ahl ul-Hadeeth have remained distinguished by being associated with the original way, let's take this white piece of paper for example:



If a people came along and coloured it in with a colour:



Then another people came along and coloured it in with another colour:



Then a third group of people come along and colour it in with another colour:



And then a fourth and a fifth group, yet there remains a tiny bit of the original white colour, the Muta'assib will think that the white bit remaining is just a Madhhab like all the other Madhāhib. Yet the one who opens his insight and comes across the reality of the issue will know that the bit which remains is the original and natural way. The good can be reached and will become clearly apparent as the good develops throughout time and the different generations and lands. It will spring up via people who Allāh has blessed with reviving the Sunnah and we will come to examples from the biographies. History is as it is and the Sunnah of Allāh will remain and be verified.

If it is said “who were the most prominent scholars of hadeeth?” then we could name a group of scholars and then add to that Ibn Abī Shaybah (156-239 AH), Wakī' ibn al-Jarrāh, 'AbdurRahmān ibn Mahdī (135-198 AH), 'Ali ibn al-Madeenī (234-261 AH), Ibn Jareer at-Tabarī (224-310 AH), Ibn Khuzaymah (223-311 AH), Ibn Mājah, at-Tirmidhī (209-279 AH), an-Nasā'ī, Ibn as-Sakan (294-353 AH), Baqī' ibn Makhlad (201-276 AH/817-889 CE),²⁰ Muhammad bin al-Qurtubī – these were all scholars of hadeeth and fiqh no doubt and their fiqh has distinguishing qualities. I end my words with some stories and some reports which contain praise of Ahl ul-Hadeeth and some leaders hoping to be from Ahl ul-Hadeeth. Al-Khateeb relays in *Sharaf Ashāb ul-Hadeeth* with his chain of transmission to Muhammad ibn 'Abbās al-Misrī who said:

²⁰ **Translator's note:** Imām, al-Hāfidh, al-Muhaddith, al-Faqeeh Abū 'AbdurRahmān Baqī' ibn Makhlad ibn Yazeed al-Qurtubī al-Andalūsī (201-276 AH/817-889 CE), he travelled to Makkah, Madeenah, Egypt, Shām and Baghdad and he narrated from 240 Muhaddiths including Imām Ahmad ibn Hanbal. He returned to Andalusia and spread the knowledge which he had gained in his travels. He was the first to introduce the books of Imām ash-Shāfi'ī along with the *Musannaḥ* of Ibn Abī Shaybah to al-Andalus (Andalusia). He also has his own Musnad (which is no longer extant) and a Tafseer which Ibn Hazm said was more important than even that of Imām at-Tabarī's tafseer. Adh-Dhahabī stated about him: “What is apparent is that he was one of the senior Mujāhideen and it is said that he participated in over eighty battles.” See *Siyar A'lām un-Nubalā'*, vol.13, pp.285-296; *Tadhkirat ul-Huffādh*, vol.2, p.629.

More on him will be mentioned later, insha'Allāh.

I heard Hārūn ar-Rāsheed say: “I have sought after four and found it in four. I searched for kufr and found it among the Jahmiyyah. I searched for mere rhetoric and shaghaba (controversy) and found it among the Mu’tazilah. I searched for lies and found them among the Rāfidah, and then I looked for the truth and found it among the Ahl ul-Hadeeth.”

It is also mentioned that al-Mansūr, the Abbasid king, said, as relayed in *Tāreekh ul-Khulafā’* by as-Suyūti, that he was asked:

“Do you have any desire from the dunya?” He replied: “Yes, one need remains in me. It is that I hope I could sit in an elevated place while Ahl ul-Hadeeth are sitting around me with one of them saying ‘narrate to us, may Allāh grant mercy to you!’”

They knew that the people of truth were Ahl ul-Hadeeth because Ahl ul-Hadeeth are the people of the Prophet (*sallallāhu ‘alayhi wassallam*). Muhammad ibn Sulaymān entered al-Masjid al-Harām, saw the people of hadeeth behind a Muhaddith and sticking close to him. The Muhaddithūn had a say, a status, were known for religiosity and were known for sticking to the Qur’anic verses and hadeeth. They lived with the blessing from the heavens, that of the Revelation, and had *yaqeen* in their affair as their chests were filled with the blessing of the Revelation. My astonishment therefore does not end whenever I hear of those who reject that there was a Madhhab of Ahl ul-Hadeeth. Ibn Qutaybah mentions in *al-Ma’ārif*, pp.501-527 a hundred scholars who were jurists of hadeeth. The Madhhab of Ahl ul-Hadeeth, in his way, **‘the Madhhab of Ahl ul-Hadeeth’** with this name, is mentioned in the book *al-Majmū’* in seventeen instances. The title **‘As-hāb us-Sunan’** is mentioned in thirteen instances in *al-Majmū’*. In *al-Mughnī* the **‘Madhhab of Ahl ul-Hadeeth’** is mentioned in twelve instances and **‘the Madhhab of Ahl us-Sunan’** is mentioned in eleven instances. This is out of connecting the general to the specific and an explanation of this will arrive in the next lecture along with mentioning what the intent of ‘Ahl ul-Hadeeth’ is specifically and the Madhhab of Ahl ul-Hadeeth will be mentioned along with some of its scholars. I will also mention some samples from some issues from the fiqh works of *furū’* wherein Ahl ul-Hadeeth are mentioned so that in the next lesson it becomes clear as to who are ‘Ahl ul-Hadeeth’ insha’Allāh.

May peace and blessings be upon our Prophet Muhammad, his family and his companions

Chapter 2

It has become ostensibly clear to us that the Ahl ul-Hadeeth had their own particular Madhhab however we need to know who are Ahl ul-Hadeeth along with mentioning some prominent Fuqahā who were upon the manhaj of Ahl ul-Hadeeth. This will be via taking some samples within the fiqh books which gave concern to the 'Ulama's Madhāhib based on their different regions and eras. I will not neglect to mention some important words of the 'Ulama in regards to the definition of 'Ahl ul-Hadeeth', Sharastānī for example in his book *al-Milal wa'n-Nihal* stated:

They were named 'Ashāb ul-Hadeeth' because their main interest was to obtain ahādeeth and transmit reports and build ahkām upon the texts without resorting to either Qiyās ul-Jalī or Qiyās ul-Khafi', if they found a khabr (report) or athar (narration).

This is an important characteristic which will be discussed when I speak about the difference between Ahl ul-Hadeeth and Ahl udh-Dhāhir. I found that some later Hanafī scholars, such as at-Tantāwī in his *Hāshiyah* on *ad-Durar al-Mukhtār*, say that:

The 'Ulama of hadeeth are the ones who combine between the authentic statements of the Prophet (*sallallāhu 'alayhi wassallam*), his actions, tacit approvals, living and his movements; and they take from the statements of the Companions and Successors and those who came after them in goodness.

This is a general glimpse and later some further features and characteristics that distinguish Ahl ul-Hadeeth from the jurists from one angle, and from Ahl udh-Dhāhir from another angle, will be mentioned. I mentioned in the previous lecture that the origins of both fiqh and hadeeth were unified and not detached. The great divide between them was due to certain major events which then resulted in Ahl ul-Hadeeth distinguishing themselves from Ahl ul-Fiqh, so this does not need to be repeated again now. I will take some samples from some fiqh books which focus on mentioning the Madhhab of Ahl ul-Hadeeth. I mentioned to you that within Imām an-Nawawī's book *al-Majmū'* he mentions that Ahl ul-Hadeeth are Ahl us-Sunnah, when presenting an issue of khilāf, nearly ninety times. Also within *al-Mughnī* and *al-Muballa* is a mention of the Madhhab of Ahl ul-Hadeeth. For example, in *al-Mughnī*, vol.3, p.173 we will take an issue, and we are not at this instance interested in studying the actual issue, rather we are focused on the existence of the Madhhab of Ahl ul-Hadeeth and the distinct qualities of this Madhhab and we can understand this Madhhab of Ahl ul-Hadeeth when it is mentioned. This also corroborates the existence of the Madhhab of Ahl ul-Hadeeth, serving the idea that I had within the previous lecture. Imām

Ibn Qudāmah states in *al-Mughnī*, vol.3, p.137, when discussing the issue of missing making ghusl when one is junub up until Fajr during Ramadān, he states the following:

This is what was stated by Mālik and ash-Shāfi'ī from Ahl ul-Hijāz; and Abū Hanīfah and ath-Thawrī from Ahl ul-'Irāq; and al-Awzā'ī from Ahl ul-Hadeeth and Dawood from Ahl udh-Dhāhir.

Therefore, Ibn Qudāmah transmits that Dawood is from Ahl udh-Dhāhir which is other than al-Awzā'ī from Ahl ul-Hadeeth. It is not hidden from anyone that the Madhhab of ahl ul-Hijāz, which is a general ascription which specifically intends Ahl ul-Madeenah, are Ahl ul-Hadeeth. We also stated prior that Mālik, ash-Shāfi'ī and Ahmad are Ahl ul-Hadeeth. There is no doubt that the Mālikīs, Shāfi'īs and Hanābilah became people of an independent Madhhab and issues became ascribed to them so the intent is not that the Mālikīs and Shāfi'īs are outside of the Ahl ul-Hadeeth. Rather, with the passing of time they began taking on board the statements of their Imāms and jurists along with specific Qawā'id and then heedlessness developed among the Madhhabists and encompassed them from time to time. They thus became, especially with their distance from hadeeth and athar, and being preoccupied with fiqh, rigid to their Qawā'id and sufficed with *taqleed* of their Imāms. Let us take *al-Muballa*, vol.2, p.89 for example wherein the issue of wiping over the Khuffayn is discussed and it is mentioned that the time-length for it is a day and night for the one who is a resident and three days for the traveller. Ibn Hazm states:

This is the view of Sufyān ath-Thawrī, al-Awzā'ī,²¹ Hasan ibn Hayy, Abū Hanīfah, ash-Shāfi'ī, Ahmad ibn Hanbal, Dawood ibn 'Ali and all of their companions.

Then he immediately comments on this saying: **“It is also the view of Ishāq ibn Rahawayh from those of Ashāb ul-Hadeeth.”** The previous quote (from Ibn Qudāmah) mentioned that al-Awzā'ī was from Ahl ul-Hadeeth and this quote mentions that Ishāq ibn Rahawayh is from Ahl ul-Hadeeth. Al-Awzā'ī had a Madhhab and students and in the previous quote (from Ibn Qudāmah) he is included as being from Ahl ul-Hadeeth and here in this quote (from Ibn Hazm) he is included as Mālik and ash-Shāfi'ī were in the prior quote (from Ibn Qudāmah) when they were specified as having their own Madhhab without including them under the rubric of ‘Ahl ul-Hadeeth’. In *al-Muballa*, vol.2, p.141-142 he mentions the issue of a woman leading other women in Salāh. Ibn Hazm mentions the Madhāhib and says: “This is the Madhhab of the majority of Ashāb ul-Hadeeth”. In vol.5, p.111 he states, when mentioning sujūd with the Mufassal²² and he titles a group of 'Ulama and mentions among them al-Awzā'ī and then mentions after that: **“and**

²¹ Pay attention here, he mentions al-Awzā'ī who, in the previous quote from Ibn Qudāmah is considered to be from Ahl ul-Hadeeth.

²² **Translator's note:** the last section of the Qur'ān beginning with Sūrah Qāf onwards.

this is the Madhhab of Ashāb ul-Hadeeth.” A researcher should not doubt that these quotes and the like are many, and when Ashāb ul-Hadeeth are mentioned generally, and prior to them being mentioned specific Madhhabs are mentioned singularly, then this is out of connecting the general (ʿĀm) to the specific (khās). When it is said **“and the Madhhab of Ashāb ul-Hadeeth”** and specific jurists are mentioned before them then are included within ‘Ashāb ul-Hadeeth’, so the statement **“this is the view of Ashāb ul-Hadeeth”** then this is out of connecting the general to the specific, this is something which there should be no doubt in whatsoever. There is an important quote within Ibn Hazm’s *al-Ihkām* which we have to stop at and discuss slightly in order for us to benefit from it. I again repeat that here I am not focusing on assessing the actual issues which Ibn Hazm is discussing within these quotes, I am focusing on the Madhhab of Ahl ul-Hadeeth that Ibn Hazm relays. Ibn Hazm states in vol.4, p.133, when discussing Ijmā’, its meaning and intent:

If they say “Ahl us-Sunnah intend...” then we say: Ahl us-Sunnah are firaq as the Hanafīs are a Jama’ah, the Mālikīs are a Jama’ah, the Shāfi’īs are Jama’ah, the Hanbalīs are a Jama’ah, and Ashāb ul-Hadeeth who are....are a Jama’ah.

During Ibn Hazm’s time, when *taqlēed* had become widespread and *ta’assub* had emerged, Ahl ul-Hadeeth was considered contrary to the Four Madhhabs. There is no doubt that Ibn Hazm intends to distinguish Ahl ul-Hadeeth from others. Whoever follows the academic movement with al-Andalus (Andalusia) in particular will find that two senior scholars of the Ummah, who were ʿUlama of hadeeth that had compiled Prophetic hadeeth and narrations from the Sahābah and Tābi’een. They revived the Sunnah within al-Andalus and made al-Andalus an abode of hadeeth after it was a predominantly affected by preoccupation with subsidiary areas of fiqh. It can also be observed from Ibn Hazm’s categorisation that the Hanbalīs, Shāfi’īs and Mālikīs are not Ahl ul-Hadeeth and he made them a group distinct from Ahl ul-Hadeeth. One who is just has to support what Ibn Hazm highlighted and this does not at all mean that the people of these Madhāhib, Mālik, ash-Shāfi’ī and Ahmad, were not Ashāb ul-Hadeeth.

However, those who were partisan towards them and specified Qawā’id for their Madhāhib are in one valley and the Imāms are in another valley and Imām Ibn ul-Qayyim in *al-I’lām* mentioned this frankly. He stated that the companions of Ahmad such as al-Bukhārī, Muslim, Abū Dawud and Athram are closer to Ahmad’s Madhhab than the later Hanbalīs due to their huge number of differences with Ahmad in many issues. New things and circumstances emerged which led to the fissure between the Madhhab of Ahl ul-Hadeeth and the Madhhab of the jurists. We said in Madeenah for example there still remained inherited actions which were present during the time of the Revelation, contrary to what was present in al-ʿIrāq wherein there was no

inherited action. 'Irāq was conquered during the time of 'Umar and therein people found things which were distant from the Revelation and it was difficult to find a text which concurred with their dealings, customs and *mustajadāt* (acquisitions), thus Ra'y overcame those lands. During the time of the Companions and the Tābi'een, one thousand five hundred Companions lived in Kūfah, as mentioned by al-'Ijlī in *Tāreekh uth-Thiqāt* and the largest Tabaqa (generational level) within the Tabaqāt of Imām Muslim is that of the Tābi'een of Basrah and Kūfah. The one who checks the ahādeeth of the Two Saheehs will find that few of the ahādeeth of the *Sabeebayn* have a Tābi' or Tabi' ut-Tābi' who is a Basrī or Kūfī. Those who are Shāmīs or Misrīs then in most cases Bukhārī and Muslim will place their ahādeeth at the end of chapters and this is a mu'taridh methodology especially with Muslim. This is become clearly apparent during our studies of some nine hundred ahādeeth in our *Sharh* of Saheeh Muslim which have been going on for over fifteen years and all praise is due to Allāh.

Whoever looks at the books of fiqh will find many *Tafri'āt* (subsidiary issues), *Iftirādāt* (hypothetical matters) and issues which are not covered by a text from even a *marfū'* or *maqūf* hadeeth.²³ However, if Imām Ahmad ever spoke then he would speak with daleel (evidence), if he was asked he would answer with an athar (narration) and if he gave an answer without an athar he would say: **“Inshā'Allāh, I hope (I am correct)...”** he did not say this out of conviction as this was out of dire necessity. Some of the students of the Imāms of the earlier *Tabaqa* (generational level) such as Sahnūn who was of the students of Mālik for example we find that they have an intense emphasis on *tafri'* and basing rulings upon statements and not upon textual proofs. As I stated prior, the reasons for this were due to a number of developments and also as the jurists would follow each other in their views and as Shaykh ul-Islām Ibn Taymiyyah

²³ **Translator's note:** within the *fatāwā* of Imām Ahmad, one finds that he frequently would rebuke questioners for raising hypothetical issues that had not come to pass, Ibn Muflih mentioned some examples of this in his book *al-Adab ash-Shar'iyyah*, vol.2, pp.76-80. The Hanafi Madhhab has the greatest amount of hypothetical issues, followed by the Shafi'i and Maliki Madhhabs. As for Hanbali fiqh, although such issues are found in their works, they are evidently not as prevalent and without the *ghulū* found within other Madhāhib. This is due to Imām Ahmad's Ahl ul-Hadeeth methodology in fiqh. Despite the wealth of works on Imām Ahmad's Masā'il, it is not known that he ever formulated hypothetical issues from which he would devise rulings. For more on the issue of hypothetical fiqh refer to:

- ❖ al-Hajawī has written about hypothetical Fiqh in his work, *al-Fikr as-Sāmī*, vol. 1, p.349, vol.2, p.402
- ❖ Abū Zahrah in his book, *Abū Hanīfah*, pp. 258-262. Ibn Taymiyyah has also addressed the issue in *al-Istiqāmah*, vol.1, pp.8-19
- ❖ Ibn al-Qayyim in *Ilām ul-Muwaqqi'een*, vol.4, pp.221-222; vol.4, pp.57-158; vol.2, p.168.
- ❖ Ibn Muflih, *al-Adab ash-Shar'iyyah*, vol.2, pp.76-79,
- ❖ Ibn Rajab, *Jāmi' al-'Ulūm wa'l-Hikam*, the explanation of hadeeth no. 9.

stated: “People are like birds, following each other.” Within the first Tabaqāt (generational level) of the Imāms’ followers were present those who did not have a major concern with the athār, ahādeeth or hadeeth science. Rather, their main concern was with what they had inherited from their Imāms. Ibn ul-Khayr al-Ishbīlī (502-75 AH/1108-79 CE) therefore said about Ahl ul-Qurtuba [the people of Cordova] within his *Fabrasab* [Fihrist],²⁴ p.107:

Those people from Qurtuba²⁵ were in a quagmire in terms of understanding the Saheeh²⁶ because they were affected by forged hadeeth so they are extremely distant from what is correct.

²⁴ **Translator’s note:** It was printed in Cairo in 1382 AH/1963 CE. Abū Bakr Muhammad ibn ul-Khayr ibn ‘Umar ibn Khaleefah al-Ishbīlī was a Hispano-Muslim scholar born in Seville (Ishbīliyyah) and at the age of seventy became the Imam of the Great Mosque of Cordova, and died there. He compiled a bibliography (Fihrist) containing more than 1400 titles of books composed by Spanish Muslims on every subject, a bibliography which is very precious, as other standard bibliographies of Arabic writings. This Fihrist was edited by Francisco Codera y Zaidin and Julian Ribera y Tarrago late in the 19th century in Saragossa, vol. 10 of which contains the index and a Latin introduction.

²⁵ Who Baqī’ ibn Makhlad went to, and Baqī and Muhammad ibn Waddah, as is mentioned in the *Tāreekh* of Ibn ul-Faridī, were the ones who made al-Andalus [Andalusia] an abode of sunnah [Dār us-Sunnah] after it was an abode of a Madhhab.

²⁶ Meaning saheeh hadeeth. Any hadeeth which supports the Madhhab they support it! If you read books of *furū’*, especially the Hanafī and Mālikī books, you will find that these books are full of forged hadeeth as if they explain the Madhhab! This is like what Ahmad ibn ‘Abdillāh al-Juwaybārī al-Kadhhab used to do when he used to move between Muhadditheen and their gatherings. On one day al-Juwaybārī found the Muhadditheen busy discussing whether Hasan al-Basrī actually heard from Abū Hurayrah (*radi Allāhu ‘anhu*) or not. Al-Juwaybārī was an Urdunī [Jordanian] and a Kadhhab of the major liars of the narrators and Imām al-Bayhaqī authored a treatise on him which I hope Allāh will facilitate for me to edit and publish. So when al-Juwaybārī heard the Muhadditheen differing over whether Hasan al-Basrī had actually heard from Abū Hurayrah or not al-Juwaybārī said: “Fulān narrated to me from fulān from fulān from the Prophet, *sallallāhu ‘alayhi wassallam*, who said: ‘Hasan heard from Abū Hurayrah!’” To this extent we find the same within some of the books of *furū’*. Some of our professors who taught us Hanafī fiqh and we studied *al-Ikhtiyār* (by Imām ‘Abdullāh bin Mahmūd al-Mawsilī, d. 683 AH/1284 CE) and if you read it you will find ahādeeth which have been forged for the Madhhab.

Translator’s note: Al-Khateeb collected another report through Anas in which the Prophet (*sallallāhu ‘alayhi wassallam*) was quoted as saying, “There will be a man among my ummah known as Muhammad bin Idrees, who will be more harmful to my Ummah than Iblees. There will come after me a man called an-Nu‘mān ibn Thābit, named Abū Hanīfah. Allāh’s religion and my Sunnah will be revived by him.” It has in its chain of narrators Ahmad al-Juwaybārī and Muhammad ibn Yazeed as-Salamī, whose narrations are classified unacceptable (Matrouk) by Hadeeth scholars. See ‘Ali ibn ‘Irāq, *Tanzeeh ash-Sharee‘ah al-Marfū‘ah* (Beirut: Dār al-Kutub al- Ilmiyyah, 1979), vol.2, p.30, no.10. Ibn al-Jawzī quoted it in *al-Mawdū‘āt*, vol.1, p.457 and states:

From here began the distinction wherein Ahl ul-Hadeeth started to pronounce its essence and notable individuals became prominent in many countries at the hands of some knights. On many occasions they entered lands aiding the Sunnah and these were places in which there were Madhhabs which were followed. Some individuals from the 'Ulama revived the Sunnah and exalted it not just within the hearts but also in people's realities.²⁷ The scholar who combines between fiqh and hadeeth will be remembered for a long time and will not be forgotten. As for those who occupy themselves in other people's heritage and their sayings will be forgotten by the people. The Salaf would say that every Sunnī has a portion of when Allāh says:

“And raised high for you your repute.”

{*ash-Sharh* (94): 4}

And every person of innovation has a portion of when Allāh says,

“Indeed, your enemy is the one cut off.”

{*al-Kawthar* (108): 3}

Ahl ul-Hadeeth are the ones who aided Islām and gave triumph to the Sunnah and Ahmad an Ibn Mājah and al-Bukhārī in *Tāreekh ul-Kabeer* reported, with an authentic chain of transmission,

Fabricated; invented by Ma'mūn or by Juwaybārī. Al-Hākīm mentioned in *Madhkal* that it was said to Ma'mūn, 'Do you not look to ash-Shāfi'ī and his followers?' So he said, 'Ahmad ibn 'Abdullāh al-Juwaybārī narrated to us...' etc., so it becomes evident from this that he is the fabricator of it.

Imām al-Albānī stated in *Sifat us-Salāt un-Nabi'* [The Prophet's Prayer Described]:

The hadeeth does have other routes of narration, but these depend on liars and unknown reporters. Therefore, it is extremely bizarre that `Allāmah 'Aynī should incline towards strengthening the hadeeth with those other routes, and that Shaykh Kawtharī should support him! However, it is no surprise from the latter, for he was notorious for being submerged in zealously for Imām Abu Haneefah (*rahimahullāh*), even if it entailed insulting other Imāms; but it is very surprising from 'Aynī, for he was generally known not to go to such extremes. The opinion of these two has been refuted, with analysis of the other routes of narration referred to, in a unique way in `Allāmah Yamānī's valuable book, *at-Tankeel bi mā fī Ta'neeb al-Kawtharī min al-Abātīl*, vol.1, pp.20, 446-449.

²⁷ **Translator's note:** This is relevant as many have claimed that the revivers of the Sunnah throughout the centuries have not produced anything beneficial in the realities that people are living, yet this claim could not be further from the truth. Especially when we see how much more people are concerned with following that which is authentic in their religion and leaving outdated cultural practices, baseless customs, folkloric traditions and backward habits which have become confused with Islam over the last few centuries.

from the hadeeth of Abū 'Inabah al-Khawlānī (*radi Allāhu 'anhu*) who said: Allāh's Messenger (*sallallāhu 'alayhi wassallam*) said:

لا يزال الله يغرس في هذا الدين غرسا يستعملهم فيه بطاعته إلى يوم القيامة

*"Allāh will not cease to plant within this deen those whom He will use for His obedience until the Hour is established."*²⁸

Allāh has created them as people of standing and prestige a adh-Dhahabī stated in his biography of Mālik about him that: **"he was a person of standing and prestige and his prestige is carried over in his book al-Muwatta'."** Ashāb ul-Hadeeth are people of prestige and Ibn ul-Mubārak understood this. In *al-Jāmi'* of at-Tirmidhī hadeeth no.2229 it is reported from Thawbān (*radi Allāhu 'anhu*) that Allāh's Messenger (*sallallāhu 'alayhi wassallam*) said: *"There will not cease to be a group from this Ummah who are clearly apparent on the truth until the Hour is established."* Pay attention here, he said (*sallallāhu 'alayhi wassallam*) that they will be "Dhāhireen" (clearly apparent) and this means that they will be apparent with His evidences and the strength of their proofs. He did not say that they will be "Dhālimeen" (transgressors) rather he said that they will be "Dhāhireen" (clearly apparent). This group will not be disconnected as it will remain up until the Day of Judgement. Muhammad ibn 'Isā at-Tirmidhī stated in regards to this hadeeth, no.2229: **"I heard Muhammad ibn Ismā'eel al-Bukhārī say: I heard 'Ali ibn al-Madīnī say: they are Ahl ul-Hadeeth."** An isnad like the sun! Tirmidhī from al-Bukhārī from 'Ali ibn al-Madīnī. This was also stated by a large number of scholars of hadeeth such as Yazeed ibn Hārūn, Ahmad ibn Hanbal, Imām al-Bukhārī and a large body of other hadeeth scholars. I also found in *al-Hilyah*, vol.9, p.238 with his (i.e. Abū Nu'aym's) chain of transmission to Ishāq ibn Rahawayh that he said in regards to the hadeeth which mentions: "...upon you is to stick to the Jama'ah", Ishāq said: **"The Jama'ah is Muhammad ibn Aslam at-Tūsī, his companions and those who follow them."** He defined the Jama'ah as being an individual, however this individual was from Ahl ul-Hadeeth. Abū Nu'aym also transmits from Ibn Mubārak that he said: **"The Jama'ah is Abū Hamza as-Sukarī"** who was a Muhaddith. Ishāq said:

"If I was to ask the ignoramus: who are the jama'ah? They would reply 'the majority of people'. They do not know that the Jama'ah can be a scholar who possesses the Prophetic narrations and the Prophet's way (sallallāhu 'alayhi wassallam). Whoever is with such a scholar and follows him are the Jama'ah, and whoever opposes him has left the Jama'ah."

²⁸ **Translator's note:** Also reported by Ibn Khuzaymah, Imām al-Albānī graded the hadeeth as hasan in *Saheeh al-Jāmi'*.

Thus, if you want to be from the Jama'ah of the Muslims stick to Ahl ul-Hadeeth for they are the Tā'ifah al-Mansūrah and they are the Jama'ah who the Prophet (*sallallāhu 'alayhi wassallam*) instructed to adhere to. I mentioned to you that within the *Tāreekh* of Ibn al-Faridī, vol.2, p.652, biography no.1084 it is stated: **“With Muhammad ibn Waddāh²⁹ and Baqī' ibn Makhlad, al-Andalus (Andalusia) became a Dār ul-Hadeeth [an Abode of Hadeeth].”³⁰** So yes, it is possible for a person, or for a small number from the people of knowledge who are Rabbāniyyeen, to change the format of an abode and change it from an abode of Madhhabism to one of Hadeeth, or from an abode of innovation to one of the Sunnah. It is possible to say, especially in view of the spread of modern technologies, that this era in which we live in, all praise is due to Allāh, is one in which the Sunnah has become prominent. This era has a major

²⁹ **Translator's note:** Ibn Waddāh (d. 287 AH/900 CE), a Muhaddith from Andalus, wrote a famous book on innovation entitled *al-Bida' wa Nahy 'anhā* [Innovation and its Prohibition], it was printed on the following occasions:

- ❖ Beirut: Dār ur-Rā'id al-'Arabī, 1982
- ❖ Cairo: Dār us-Safā, 1411 AH/1990 CE, edited by Muhammad Ahmad Dahmān. This edition can be downloaded here in pdf format Online: <http://www.mediafire.com/?ayzhmmimy2z> accessed Friday 16 July 2010.
- ❖ Riyadh: Dār us-Samī'ī, 1416 AH/1996 CE, edited by Shaykh, Dr Badr bin 'Abdullāh al-Badr
- ❖ Beirut: Dār ul-Kutub al-'Ilmiyyah, 1417 AH/1997 CE, edited by Muhammad Hasan Ismaa'eel

³⁰ **Translator's note:** This has also been corroborated by European researchers, in following Ibn al-Faridī, such as Isabel Fierro in her paper “The Introduction of Hadith in al-Andalus (2nd/-3rdCenturies)” in *Der Islam*, Vol. 66, Issue 1, pp. 68–93. Also Fierro notes in her paper “Heresy in al-Andalus” in Salma Khadra Jayyusi and Manuela Marín (eds.), *The Legacy of Muslim Spain* (Leiden: E.J. Brill, 1994), p.895-909. Fierro notes on page 897:

Until their time, fiqh (introduced, as noted above, in the second half of the 2nd/8th century) and hadith were seen as separate and different entities, and the scholars who introduced fiqh (mainly Mālikī fiqh) are not mentioned in the sources as traditionalists. The reception of hadith as a structured corpus of legal material, over and above the limited amount of hadith embedded in Mālikī works, aroused the opposition of the Andalusī Mālikīs because of the threat that this represented to their established doctrinal teachings and to existing legal practice in al-Andalus – an opposition which led to the accusation of zandaqa against Baqī ibn Makhlad, who was, like Ibn Waddāh, a traditionalist, but was also the introducer of Shāfi'ī's works and an opponent of ahl ul-ra'y, whereas Ibn Waddāh was and remained a Mālikī who tried to reconcile the positions of ahl al-ra'y and the ahl al-hadith. The amir Muhammad, however, supported Baqī, and, thanks to his intervention, the persecution of Baqī did not lead to his execution. The amir thus played the role of umpire between ahl al-ra'y and the ahl al-hadith, without, though, replacing the former by the latter, probably because he found it useful for his own policy to have the scholars divided.

role in that. Ibn al-'Arabī in his *Mu'jam* relays from Qutaybah ibn Sa'eed who said: **“ash-Shāfi'ī died and the Sunan died, Sufyān died and wara' died and Ahmad died and bida' emerged.”** If it is allowed for him to say this then we could say, and all praise is due to Allāh that people have distanced themselves from Madhhabism and the Imāms of this era from Ahl ul-Hadeeth wa'l-Fiqh led by our senior Mashāyikh: Shaykh al-Albānī, Shaykh Bin Bāz and Shaykh 'Uthaymeen (*rahimahumullāh*). They had a major role in establishing the market of the Sunnah and diminishing innovation, as they also had a role in spreading goodness and diminishing evil. We will briefly stop here at what was stated by Ibn Faridī when he stated: **“With Muhammad ibn Waddāh and Baqī' ibn Makhlad, al-Andalus (Andalusia) became a Dār ul-Hadeeth [an Abode of Hadeeth].”**³¹ Let us stop for a while at the Madhhab of Baqī', Baqī' was born in the year 201 AH (817 CE) and died in the year 276 AH (889 CE) after the time of the founders of the Madhāhib and he met Ahmad (ibn Hanbal). There is a very beautiful story mentioned by adh-Dhahabī in *Siyar* and also by al-'Ulaymī³² in *al-Manhaj al-Ahmad fi Dhikri Ashāb Ahmad*.³³ When Baqī' was 20 years of age he walked and remained on his Rihla for twenty years. He left Baghdad and then travelled to Egypt and at this time he was forty years old, but he started his journey (for knowledge) while he was 20 years of age. He said:

I travelled to Baghdad and when I reached its borders I began to hear about the fitna that had occurred with Ahmad (i.e. the fitna of the Createdness of the Qur'ān) and that he was under severe restrictions, he did not go to the Masjid, to Jumu'ah, to the congregational

³¹ **Translator's note:** Ibn ul-Faridī also states in his *Tareekh*, vol.1, p.110, in regards to another scholar from Qurtuba [Cordova] Abū 'Ali al-Hasan bin Razeen al-Katāmī (d. 332 AH/945 CE):

“He was one of the early ones from the Maghāribah [North-West Africans] to take from Baqī' ibn Makhlad. He travelled twice to the East and heard much in the way of hadeeth and had a vast amount of Shaykhs. He inclined towards investigation (of the Revelatory Texts) and he abandoned taqleed.”

This clearly demonstrates that from the very early history of Islām scholars of Ahl ul-Hadeeth who rejected *taqleed* were extant. It is neither an invention of early 20th century Egypt nor a new phenomena of the 1980s which has grown due to the proliferation of Gulf Arab petro-dollars, as some claim!

³² **Translator's note:** Abu'l-Yamān Muhyuddeen 'AbdurRahman ibn Muhammad ibn 'AbdurRahmān ibn Yūsuf ibn Īsā ibn 'AbdulWāhid ibn 'AbdurRaheem ibn Hamad ibn 'AbdulMajeed al-Qurashī al-'Umarī al-'Ulaymī, *rahimahullāh*, (860-927 AH/1456-1521 CE). He also authored *al-Uns al-Jaleel bi't-Tāreekh al-Quds wa'l-Khaleel*.

³³ **Translator's note:** the full title of this work is *al-Manhaj al-Ahmad fi Tarājim Ashāb al-Imām Ahmad*, it was edited by Muhiyuddeen 'AbdulHameed in 1984, revised by 'Ādil Nuwayhid and printed by Ālam ul-Kutub in Beirut. It was edited by Mustafā 'AbdulQādir Ata in 1999 CE and printed by Dār ul-Kutub al-'Ilmiyyah in Beirut. The book lists the most famous Hanbalī scholars of Palestine from the 6th Century until the 9th Century.

prayer or teach, and I was very saddened by that. When I entered the Main Masjid I came across a circle of knowledge where there was a scholar who was being asked about the Narrators and would criticise some of them and praise some of them. I looked and found a space in which I could sit. I sat down and asked a person next to me ‘who is this Shaykh?’ The man replied ‘Abū Zakariyyah Yahyā ibn Ma’een.’ I said: ‘Yahyā ibn Ma’een!?’ The man replied ‘Yes.’ So I asked him about Hishām ibn ‘Ammār because I had visited him and taken much from him.³⁴ Ibn Ma’een said ‘Abū Waleed is a person who prays often and is thiqaḥ.’ I stood and then said to him: ‘I still have one more question.’ Some of those in the circle said to me: ‘O strange one! Do not take our Shaykh from us!’ I said: ‘I still have one more question!’ Yahyā ibn Ma’een said: ‘Ask it then!’ I said: ‘What about Ahmad ibn Hanbal?’ I asked this as he may criticise him and then I would attribute myself to this criticism. Yahyā ibn Ma’een said: ‘SubhānAllāh! The likes of me are asked about Ahmad, he should rather be asked about me! He is the Imām of the Muslims, the best of them, the most virtuous of them...’ This increased me in grief. I left the Masjid and then asked the people where Imām Ahmad’s house is and was shown the area where it was. I dressed in the clothes of a beggar (Shahhādh) and carried some firewood with me while I knocked on people’s doors calling out “[Give in charity] for the reward of Allāh, may Allāh have mercy on you!” until I came to the house of Imām Ahmad.³⁵ Imām Ahmad said: ‘Who is at the door?’ I said: ‘a student of knowledge (Tālib ul-’Ilm) from a strange and far abode.’ Imām Ahmad asked: ‘Where are you from, Ifriqiyya (Africa)?’ I said: ‘No, I am from farther than that! I am from al-Andalus (Andalusia).’ Imām Ahmad said: ‘Come into the corridor before the Jalāwizah (police) see you.’ I entered his house and everyday he would relay to be a hadeeth until I gathered three hundred hadeeth which Ahmad had relayed to me in his corridor. When those who had tried Imām Ahmad had passed away and Imām Ahmad returned back to his lessons at the beginning of each lesson he would say: ‘Where is Baqī?’ I said: ‘I am here!’ Then Imām Ahmad would get me to stand up and

³⁴ Because he had passed through Shām before arriving at Baghdad.

³⁵ **Translator’s note:** the account of Baqī’ dressing up as a beggar is when Baqī’ found Imām Ahmad’s house and then returned on subsequent days in order to hear ahādeeth, as noted in Shazia Ahmed’s translation of Abū Ghudda’s book *Safahāt min Sabr al-Ulama* [Glimpses of the Perseverance of the Scholars] in which the story of Baqī’ which is found. It also stated that Baqī’ would hide his pens and papers in his turban that he wrapped around his head. If this translation of the story is accurate then that aspect of the story may have slipped our Shaykh Mashhūr in his lecture as he recounted the story of Baqī’ from memory.

sit next to him and he would point to me saying ‘this is a (real) Tālib ul-’Ilm (student of knowledge).’

This is a student of knowledge, the one who dedicates himself in order to obtain the truth and the Prophetic heritage.³⁶ Ibn Lubābah stated about Baqī’ ibn Makhlad, as is found in al-Qādi ‘Iyyād’s *Tarteeb ul-Madārik*, vol.4, p.239:

As for Baqī then he was an ocean who used to perfect that which he relayed and he did not used to follow a Madhhab. He moved in accordance with the narrations and how they moved.

Wherever the narrations went, he went and he did not blindly follow anyone. Knowledge does not accept rigidity it involves research. Ibn Hazm in his nice treatise entitled *Fadl ul-Andalus wa Dhikr Rijālihā* [The Virtue of Andalusia and a Mention of its Men], stated about Baqī’ on page 179:

...and he would choose and not blindly follow anyone and he was of the elite of Imām Ahmad, Abū ‘Abdillāh al-Bukhārī, Muslim ibn Hajjāj, Abū ‘AbdirRahmān an-Nasā’ī, may Allāh have mercy on them.

So he deemed Baqī’s Madhhab like the Madhhab of Imāms al-Bukhārī, Muslim and an-Nasā’ī all of whom did not blindly follow anyone rather they chose views of the ‘Ulama which agreed with the daleel. Therefore, if it is said to you O ‘Abdullāh: **“what is the Madhhab of al-Bukhārī?”** What would you say?³⁷ Say: he was a Mujtahid, however as Ibn Hajar stated, and he is of those

³⁶ **Translator’s note:** The journeys of the Andalusian scholars to the East in order to search for Islamic knowledge has been studied by Western scholars such as Maria Lusia Avila (from the School of Arabic studies in Granada) in her paper *The Search for Knowledge: Andalusī Scholars and their Travels to the Islamic East*, see: http://digital.csic.es/bitstream/10261/10607/1/Avila_The_Search_for_Knowledge.pdf

³⁷ **Translator’s note:** Muhammad bin ‘AbdurRahmān al-Mar’ashlī stated in his intro to Saheeh Muslim (Dār Ihyā Turāth al-‘Arabī), vol.1, p.51 that Muhammad Anwar Shāh al-Kashmeerī stated in *al-’Urf ash-Shadhī Sharh Sunan at-Tirmidhī*: “As for Imām Muslim then I do not know his madhhab with certainty.” While Hajji Khaleefah in *Khasf udh-Dhunūn*, vol.1, p.555 appears to be the only one who attributed Imām Muslim to the Shāfi’ī Madhhab. A biography of Imām Muslim can be found in *Tabaqāt ul-Hanābilah*, vol.1, p.237 by Ibn Abī Ya’la, as well as in *al-Manhaj al-Ahmad fī Tarājim Ashāb al-Imām Ahmad*, vol.1, p.221), and while they did not say that he was a Hanbalī, they included him in their books since he was from those who took from Imām Ahmad. GF Haddād stated in an article wherein he attempted to show that the scholars of the Six Books of hadeeth have their own Madhāhib and were Mujtahideen in their own right:

As anyone can see, it is meaningless to simply say of the above scholars that they were of the vague “school of ahl al-Hadith” as that purported school no more existed, as a unit...

Hereby denying the existence of the Madhhab for Ahl ul-Hadeeth throughout history as if it became extinct. Refer to the article here: http://www.livingislam.org/maimh_e.html

who know the most about al-Bukhārī, “most of the fiqh of Imām al-Bukhārī is taken via research and istidlāl and via either ash-Shāfi’ī or Abū ’Ubayd al-Qāsim bin as-Sallām.” His Madhhab generally concurred with theirs yet he did not follow them uncritically. This is also the Madhhab of Muslim, the authors of the Sunan, Ibn Hibbān, Ibn Khuzaymah, Ibn Jareer, ad-Dāraquṭnī and a group of other scholars, to take from hadeeth and narrations. Ibn al-’Arabī stated in *al-Awāsim*, as found in the complete print of the book as the print which is widespread among the students is a deficient print which was edited by Muhibbuddeen al-Khateeb and is only an edit of the chapter concerning the differing among the Companions, it is not the printed edition of the book which was distributed in Algeria in two volumes. Ibn al-’Arabī stated about Baqī’:

He came with great knowledge, he did not view that anyone should be followed blindly so the people of Qurtuba targeted him from the same bow.

Baqī’ purely followed hadeeth and narrations and as a result it is known that there is no Musnad that resembles that of Baqī’. The Musnad of Baqī’ was one which served fiqh and was arranged based on the Masāneed of the Companions like other Masāneed. Except that Baqī’ placed under every Masāneed of a Companion the ahādeeth relevant to a fiqh topic. So for example, he would have the ‘Musnad of Abū Hurayrah’ and then placed within this the ‘Ahādeeth of Tahārah’, then the ‘Ahādeeth of Salāh’, ‘Ahādeeth of Sawm’ and likewise. His Musnad is of the greatest of books and al-Mubārakfūrī mentions in the introduction of *Tuhfat ul-Ahwadhī* that there is a copy of Baqī’s Musnad in Germany. Yet some researchers, scholars and those specialised in manuscripts tried to find it yet did not discover it even up to this hour.³⁸ In summary then, we found among the later scholars, which is an important reality which cannot be overlooked, is that

In the mid 1990s Nūh “Hā Meem” Keller gave a lecture wherein he asserted that Imām al-Bukhārī was a Shāfi’ī in fiqh, yet upon further investigation and inspection this is wholly inaccurate. Al-’Allāmah al-Mubārakfūrī, may Allāh the Most High have mercy on him, said in the intro of *Tuhfat ul-Ahwadhī*, vol.1, p.353:

Just as al-Bukhārī, may Allāh the Most High have mercy on him, was a follower of the Sunnah, someone who acted upon it, and a Mujtahid who did not blindly follow one of the four imams or anyone else - so was Muslim, at-Tirmithī, an-Nasā’ī, and Ibn Mājah. All of them were followers of the Sunnah, acting according to it, mujtahids, who did not blindly follow anyone.

Also refer to Shaykh Muhammad ibn ’Ali bin Adam al-Ethiopī, *Qurratu ’Ayn al-Muhtāj*, vol.1, pp.12-14. For a translation of the topic refer to: <http://www.bakkah.net/articles/Imam-Muslim-Saheeh-Muslim.htm>

³⁸ **Translator’s note:** the Musnad of Baqī’ ibn Makhlad is no longer extant however, some claim that it is in the secret possession of some manuscript collectors in Europe. Also refer to A.N.M. Raisuddin’s paper entitled “Baqī ibn Makhlad al-Qurtubi (201-276/816-889) and his Contribution to the Study of Hadith Literature in Muslim Spain”, in *Islamic Studies*, Spring 1991, vol. 30, no. 1/2, p. 263.

within the books on the *Tabaqāt* of the jurists, and you all know that the Hanafīs, Mālikīs and Shāfi'īs all have works on the biographies of the jurists, and within these works we find fiqh choices which agree with Ahl ul-Hadeeth. For example, Ibn as-Subkī in *Tabaqāt ush-Shāfi'iyyah* stated about some Shāfi'ī jurists that: **“they did not view that Qunūt be made during the Fajr Salāh due to the weakness of the hadeeth which has been relayed in regards to it.”** A Muhaddith has contrary views to an Imām (of a Madhhab) and says: **“I will be rewarded for leaving the view of the Imām and the Imām will be excused (by Allāh) for this view of his.”**³⁹ The Imām had a contrary view due to the lack of knowledge (on the issue) which he had.

³⁹ **Translator's note:** this stance however has been deemed by some quarters of the contemporary 'traditional Islam' movement as showing 'disrespect' to scholars of the past. Yet what has to be noted is that the scholars of the past neither claimed to know everything nor that their views on every single issue were the final say on the topic. The assertion therefore that every single view of scholars of the past is somehow infallible is erroneous and is a romantic ahistorical vision of Islamic scholarship which was never the reality. Even Hamza Yūsuf Hanson himself stated, in a lecture wherein he explains a 'fatwa' on the obligation of following one of the 'Four Madhhabs':

Does that mean that everything they say is true and accurate? No, there are problematistic {sic} errors in their work and some of the errors are clear and blatant and have been pointed out by scholars later.

So Hamza Yūsuf attests that not all that is written by past scholars is to be accepted uncritically, however in the same lecture Hamza Yūsuf states that Yūsuf an-Nabahānī is “thiqah”!? Nabahānī, the grandfather of the founder of Hizb ut-Tahreer Taqīuddeen an-Nabahānī, authored *Jāmi' Karamāt ul-Awliyā'* [Compendium of Miracles of the Awliyā'] which was printed in:

- ❖ Cairo, 1911 CE/1329 AH
- ❖ Cairo, 1975 CE
- ❖ India, 2001 CE/1425 edited by Ibrāhīm 'Atiyyah 'Awd

Some very strange stories indeed are referred to in the book, such as on page 396 of the second volume of the book. **Thus, we find Nabahānī mentioning here, with no analysis or reflection, a story about a “Sufi walī” by the name of ‘Ali al-'Umari who according to Nabahānī conducted many miracles. In one of al-'Umari's “miracles” he disciplined his servant, who was his brother in law, by whipping him with his penis which had actually extended to above and beyond his (Ali's) shoulder!! After whipping him several times, his penis returned to its normal size, the details of this story are mentioned by Nabahānī in his *Jāmi'* (vol. 2, p.396) which Keller praises!** Furthermore, Nabahānī notes Ibrāheem al-'Aryān (d. 930 AH) who used to:

“...mount the minbar giving sermons while naked...he used to fart in the presence of the respected elders of the Sufis, swearing that it was the fart of such and such.”

(Nabahani's *Jāmi'*, vol. 1, p.412).

Nabahānī also mentions “Shaykh 'Ubayeed”, who was able to “pull a boat from the midst of mud after pulling it with a rope tied to his testis!!! (*Jāmi'*, vol. 2p. 46). An-Nabahānī mentions:

“The Shaykh 'Abdullāh, one of the companions of Sayyid 'Umar an-Nabeetī, wrote to me that he saw me with the Prophet (*sallallāhu 'alayhi wassallam*) and he said to

We find many expressions from various groups of scholars from different lands and time. I will mention some expressions for you to hear which indicate the presence of a Madhhab of Ahl ul-Hadeeth from those who ascribed to Madhhabs of the jurists yet they were not rigid to the statements of the Imām or of the Madhhab, rather they would have their own fiqh choices. For example, we find that it would be said about some of the jurists who would like this that: **“he would lean towards hadeeth”** and about another jurist it was said **“his Madhhab was to investigate hadeeth and gain understanding from them”**. These quotes are directly found within the biographical dictionaries. In regards to another scholar it was said: **“his rulings (futyā) were based on what was apparent to him from the hadeeth”**. In regards to another scholar it was said: **“he mostly used to look at the narrations (Āthār) and this is what he was inclined towards”**. In regards to another scholar it was said: **“he would lean towards investigation and the narrations (Āthār).”**⁴⁰ All of this is a reality which cannot be denied and whoever denies this is like one who denies the sense of sight and vision.⁴¹ Thus, there is a

Imām ‘Ali ibn Abī Tālib: “Put this cap of mine on ‘AbdulWahhāb ash-Sha’rānī (a Sūfi) and inform him that he can control the entire creation at will, for there is nothing that can prevent him from this.”” (*Jāmi’*, vol. 2, p.275).

Nabahānī also wrote:

“Ubayd was one of the companions of Shaykh Husayn blessed with amazing miracles. Of them was that he would command the skies to rain, and they would rain immediately. And anyone who ridiculed him died immediately. On one occasion, he entered Ja’fariyyah (a district) and around fifty children followed him making fun of him. He said “O Azrā’ī! (the unauthentic supposed name of an angel) if you do not take their souls I will remove you from the ranks of the angels!” so they all fell down dead instantly.” (!!)

So if all of these statements are incorrect, why do not those who call to a return to these books make it clear? Or if they are really examples of what the *Sufi* ‘traditionalists’ regard as “miracles” why do they hide them from the people? In the same lecture Hamza Yūsuf asserts that it is “harām” to follow anything other than the ‘Four Madhhabs’, this is the problem in the contemporary Madhhabist approach.

⁴⁰ **Translator’s note:** Ibn ul-Faridī also states in his *Tareekh*, vol.1, p.110, in regards to another scholar from Qurtuba [Cordova] Abū ‘Ali al-Hasan bin Razeen al-Katāmī (d. 332 AH/945 CE):

“He was one of the early ones from the Maghāribah [North-West Africans] to take from Baqī’ ibn Makhlad. He travelled twice to the East and heard much in the way of hadeeth and had a vast amount of Shaykhs. He inclined towards investigation (of the Revelatory Texts) and he abandoned taqleed.”

This clearly demonstrates that from the very early history of Islām scholars of Ahl ul-Hadeeth who rejected *taqleed* were extant. It is neither an invention of early 20th century Egypt nor a new phenomena of the 1980s which has grown due to the proliferation of Gulf Arab petro-dollars, as some claim!

⁴¹ **Translator’s note:** this demonstrates the futility of the claim made by the likes of G.F. Haddād who have claimed that:

Madhhab of Ahl ul-Hadeeth without doubt! Those who ascribed themselves to the Shāfi'ī Madhhab within their different generations, times and places were not all the same. The same can be said about the Hanībilah, however as a 'Madhhab', the Shāfi'ī Madhhab became that which was agreed on by Imāms an-Nawawī and others even if it opposed the views of Imām Muhammad ibn Idrees ash-Shāfi'ī. The 'Madhhab' according to the Mālikīs became all that which was agreed on by Ibn ul-Qassār and Qādī 'AbdulWahhāb ibn Nāsir al-Baghdādī even if it opposed the views of Imāam Mālik bin Anas.

So with the passage of time the authority of the texts, which should have been given precedence, became confined to later terminologies which were then applied in opposition to what was relayed in the texts. Like for example with ta'weel, in Saheeh Muslim there is a hadeeth from Ā'ishah (*radi Allāhu 'anhā*) that the Prophet (*sallallāhu 'alayhi wassallam*) used to say in his Rukū' and Sujūd "Subhānak Allāhumma wa bi Hamdika, Allāh forgive me" interpreting the Qur'ān. But this ta'weel is not the type of ta'weel that is relayed in the 'Tawheed' books of Ahl ul-Kalām like the Ash'arīs. Therefore, the Muhaddithūn had their faces brightened and our Lord enlivened them, made them many and aided them. Allāh supported them without doubt so that they would be apparent and Allāh's Sunnah in the universe necessitates this. Allāh created a people to serve hadeeth science and that their main concern is to revive the Sunnah.

What is important to me now is to outline who Ahl ul-Hadeeth are, and it does not just mean those who emphasise "he narrated to us" and "he reported to us" even if those who emphasised that were their heads. As those who adhere to the Madhhab of the Companions and the Tābi'een in belief (were Ahl ul-Hadeeth); and some important words from Shaykh ul-Islām Ibn Taymiyyah will soon reach us in this regard when we discuss the characteristics of Ahl ul-Hadeeth which distinguish them from the jurists and Ahl udh-Dhāhir. By the term 'Ahl ul-Fiqh and Fuqahā (jurists)' I mean the later meaning of the term as the earlier jurists were Ahl ul-Hadeeth.

What remains in today's lecture is for me to discuss the most important characteristics of Ahl ul-Hadeeth in relation to the jurists and Ahl udh-Dhāhir. The most important feature which distinguishes Ahl ul-Hadeeth, and this at times can agree with Ahl udh-Dhāhir and at other times

As anyone can see, it is meaningless to simply say of the above scholars that they were of the vague "school of ahl al-Hadith" as that purported school no more existed, as a unit...

Hereby denying the existence of the Madhhab for Ahl ul-Hadeeth throughout history as if it became extinct. Refer to the article here: http://www.livingislam.org/maimh_e.html

agree with Ahl ul-Hadeeth, is: rejecting *taqleed* (uncritical following), Ahl ul-Hadeeth do not blindly follow anyone specifically, as opposed to the jurists. Ahl ul-Hadeeth agree with Ahl udh-Dhāhir in this. Ahl ul-Hadeeth still have love, respect, high estimation and admiration for all of the 'Ulama and free themselves from all those who defame the 'Ulama and hold them in low regard. Ahl ul-Hadeeth follow the proof and the narrations and move where the narrations move. Ahl ul-Hadeeth do not issue new sayings on matters but rather they take fiqh choices. The proof is within the hadeeth and not in the one who acts by it, we do not know of an issue or of a hadeeth from the Prophet (*sallallāhu 'alayhi wassallam*) which was not acted upon by any of the jurists.

This leads us onto an important issue which must be explained and that is that the student of knowledge is not an Imām. The student of knowledge in the beginning if he is interested in an issue and delves into it in agreement with the rules of the scholars in *istidlāl* (inference) via *ithbāt* (of the text) or *istinbāt* (deduction), yet does not find that anyone prior to him had this view, what should he do? The student of knowledge who has some knowledge of hadeeth and Usūl and properly understands the rules of *ithbāt* and *istinbāt* conducts research and finds a hadeeth and narration which he deems as authentic; he is thus able to deduce a ruling from it and when he investigates he does not find that anyone prior to him had this view, what should he do? He is in the beginning stages of seeking knowledge so he should ask about it and ask his Lord to teach him the right way. If he does this then the truth will become clear to him and when it becomes clear to him he defends it. However, he is not to be hasty.

The hadeeth therefore is a proof in and of itself and all of the Imāms knew this and used to say this. Imām Abū Haneefah has some amazing statements such as when he stated: **“it is prohibited for a Muslim to say what we say until he knows from where we took.”** Meaning: those who give rulings based on our views have to return back to our sources so that the original source remains pure. Imām Mālik used to say, as you all know: **“all have their statements accepted or rejected except for the person in this grave (i.e. the Prophet, sallallāhu 'alayhi wassallam).”** Imām ash-Shāfi'ī used to say: **“if a hadeeth is authentic then it is my Madhhab.”** A man came to Imām ash-Shāfi'ī and said “O Imām! The Prophet (*sallallāhu 'alayhi wassallam*) said in a hadeeth such and such about such and such, so what do you say?” Imām ash-Shāfi'ī (*rahimabullāh*) became angered and said:

“What is this?! Does it look like I have come out of a Church!? You say to me that the Prophet has said such and such and then you ask me what my view is on the matter?! I have no view except that view of the Prophet (sallallāhu 'alayhi wassallam)!”

At this moment we are not concerned with relaying these statements as (has already been superbly done by) Sālih al-Fulānī (*rahimabullāb*) in his book *Īqādh Himām Ūlu'l-Absār li Iqtidā' bi's-Sayyid il-Muhājireen wa'l-Ansār wa Tabdbeeribim 'an il-Ibtidā' fi'l-Qurrā wa'l-Amsār min Taqleedi al-Fuqabā wa'l-Madbāhib wa'l-Asabiyyati Bayna'l-Fuqaba il-A'sār*. In this book, with this very long title, Sālih al-Fulānī explains the reality of the Imāms' stance on *taqleed*.

If Ahl ul-Hadeeth do not find anything within the Revelatory Sources of the Qur'ān and Sunnah they then take the statements of the Companions. Anything they find in the Qur'ān they make the Sunnah judge on it and anything found in the Sunnah they make the understanding of the Salaf judge on it. If they do not find anything, they then take into consideration the statements of the Companions. According to Ahl ul-Hadeeth the Companions' statements in regards to creed have more authority than the Companions statements in regards to fiqh. The Companions statements in regards to fiqh are of different levels as their *ijmā'* is not like issues wherein there was difference of opinion, and issues from them which became widespread and not like issues which emerged from just one of them and did not become widespread.

I mentioned to you prior that if Imām Ahmad found a difference of opinion among the Companions on an issue he would say there are such and such number of opinions on the issue, based on what had reach him from the Companions and Tābi'een. Due to this there were many different views that Imām Ahmad relayed, he relayed four views on an issue, or six views and in some instances he relayed ten different views on an issue and Imām Ahmad would ascribe each view to a Companion or a Successor. Thus, the *ijtihād* of the Tābi' according to Imām Ahmad was taken into consideration like for example the view of a Tābi' in tafseer Ibn Jareer, who also took this into consideration. This is even though most of the views of the Companions and Successors in regards to tafseer were, as mentioned by Imām ash-Shātībī in *al-Muwāfaqāt* and Ibn ul-Qayyim in *al-I'lām*, differences which were *tanawwu'* (variational) and not *tadād* (contradictory). Ibn Jareer for example, when he relays a view he relays all of the varying views which he transmitted from the Companions and the Successors.

Shaykh ul-Islām Ibn Taymiyyah (*rahimabullāb*) stated in *al-Minhāj us-Sunnah*: **“The belief of Ahl ul-Hadeeth is the pure Sunnah.”** The first thing which distinguishes Ahl ul-Hadeeth is the creed and for this reason Ahl ul-Hadeeth write their beliefs under the title 'as-Sunnah'. Hence we find the book *as-Sunnah* by Imām Ahmad, and tens of hadeeth scholars authored works entitled 'as-Sunnah' and mentioned beliefs within the book. Shaykh ul-Islām Ibn Taymiyyah continues:

The belief of Ahl ul-Hadeeth is the pure Sunnah, because it is the verified belief from the Prophet (sallallāhu 'alayhi wassallam).

He also said:

The 'Ulama of Ahl ul-Hadeeth are more knowledgeable of the intents of Allāh's Messenger than those followers of the Imāms who follow the intents of their Imāms.

Ibn Taymiyyah also said about Ahl ul-Hadeeth in *Minbāj us-Sunnab*:

They have a more honoured estimation than those (jurists) and they are greater in truthfulness, more exalted in status and more in deen. Out of all the people they have the greatest truthfulness, trust and knowledge.

Ahl ul-Hadeeth seek hadeeth for reasons of religion and worship, their seeking hadeeth is in order to act according to it and it is a manhaj within their lives. It is not like theoretical issues or academic hypotheses as it is with the jurists who theorise, hypothesise and imagine. The concern with the scholars of hadeeth however, if they seek knowledge, is to translate this into the reality which they live. They worship Allāh based on the knowledge of hadeeth and they only follow the Prophet, and the narrations of the Muhājireen and Ansār because they are the ones who were purified and chosen. This is the first distinguishing feature of Ahl ul-Hadeeth, and it appears that the time has come to an end so we will continue with the remaining characteristics of Ahl ul-Hadeeth in the upcoming lesson.

May peace and blessings be upon our Prophet Muhammad, his family and his companions