Ahl-e-Ḥadīth

Ahl-e-Ḥadīth (The people of Ḥadīth) also Āṣḥāb al-Ḥadīth; is a term that has been used to refer to many Islamic movements (both historical and modern) that emphasize the use and practice of Ḥadīth in Islam. It refers to the adherent’s belief that they are not bound by Taqlīd (as are Ahl al-Rā‘i, literally "the people of rhetorical theology"), but consider themselves free to seek guidance in matters of religious faith and practices from the authentic Ḥadīth which, together with the Qur’ān, are in their view the principal worthy guide for Muslims.

In the contemporary Muslim world, it refers to a reformist movement. The term Ahl-e-Ḥadīth is often used interchangeably with the term Wahhābī (Muwahhidūn or Unitarians), or as a branch of the latter movement, though the movement itself claims to be distinct from Wahhabism. The movement has the most adherents in the Indian subcontinent, where it possesses some notable distinctions from the Salafī/Wahhābī movement, most of whose adherents are found in the Arab world and Indonesia. In the modern era, the movement draws inspiration from Saudi Arabia.

Their main doctrines are enumerated below:

- Strongly opposed the position of Taqlīd-i-Shakhshī (imitation of an Imām/Jurist).
- Muḥsinul Mulk said: ‘if we do not cleanse our religion of this sin (Taqlīd), it is unjust for us to criticize those of other religions’.
- Criticise vehemently Urs, Qawwālī and Saint Worship.
- Against B-e Shar‘a (un Islamic Sufi Practices).
- Opposed elaborate ceremonies and adopted simple marriage and modest dowry
- Styles of prayer as stated in the Ahādīth and Sunnah: say Āmīn loudly, lift hands before bowing (Raf-ul Yadayn).
• ‘Ulamā’-e-Ahl-e-Ḥadīth allowed to offer prayers even the Imām is known to be a Fāsik if the Jamā’at (congregation for prayer) is ready.
• ‘Ulamā’-e-Ahl-e-Ḥadīth accepted all the four Imāms and Imāms of the Ahl al-Bayt in the light of the Qur’ān and Sunnah.
• ‘Ulamā’-e-Ahl-e-Ḥadīth firmly believed in Ijtihād.

Ahl-e-Ḥadīth in the Early Muslim History

Early proponents ascribe the authority of Ahl-e-Ḥadīth to the specific Ahādīth of Muḥammad al-Bukhārī. Ibn Ḥajar al-‘Asqalānī mentioned the people of Ḥadīth in his commentary of the Ḥadīth, "And this notion will continue, established upon Allah's Command, unharmed by those who oppose them until the arrival of Allah's Order." He stated that Muḥammad al-Bukhārī was adamant that those referred to in this Ḥadīth were the people with knowledge of the narrations, Ahl al-Āthār, i.e. the people of Ḥadīth, and then quoted Ahmad Ibn Ḥanbal as saying, "If they are not Ahl-e-Ḥadīth, then I do not know who they are." Qāḍī ‘Ayyād explained that Aḥmad was referring to Ahl al-Sunnah and those who share the beliefs of the people of Ḥadīth (Essentially, according to Fath al-Bārī, it is the opinion of Imām Aḥmad Ibn Ḥanbal that the faithful Ahl al-Sunnah and Ahl-e-Ḥadīth are not separate). The followers of the Ahl-e-Ḥadīth movement claim their beliefs and practices to be the same as those of early Muslims and, in particular, the Khulafā’-i Rashidūn (rightly guided caliphs). The movement rose to prominence in the 9th century C.E. during the Abbasid era to counter the beliefs of Mutazilites.

What really distinguishes Ahl-e-Ḥadīth (of the contemporary era) from the rest of the Sunni community is their rejection of the doctrine of Taqlīd (blind imitation), i.e., the doctrine that one must follow either of the four established, orthodox schools of law – Ḥanafī, Shāfi‘ī, Mālikī, and Ḥanbalī. Most Sunnis, in matters of religious rituals, personal law, and other issues related to Sharī‘ah, identify themselves as followers of one of the four classical jurists, Imām Abū Ḥanīfa, Imām Shāfi‘ī, Imām Mālik, and Imām Aḥmad Ibn Ḥanbal. The Ahl-e-Ḥadīth insist that the latter generations of Muslims are not religiously bound to follow the legal injunctions formulated by these eminent jurists because they were based on Qiyās (analogical reasoning) and Rā’i (personal opinions). While the entire structure of Usūl-ul-Fiqh (principles of jurisprudence) of the majority of the Sunni community is based on four
distinct sources of law or Sharī ‘ah – Qurʾān, Ḥadīth, Qiyās, and Ijmā (consensus) –, the Ahl-e-Ḥadīth rely only on the Qurʾān and Ḥadīth and regard both Qiyās and Ijmā as Bid’ah (innovation) in religion, if contrary with Qur’an and Ḥadīth.

Ahl-e-Ḥadīth believe that most religious and legal matters have been clearly stated and resolved in the two primary scriptures – the Qurʾān and the corpus of Ahadīth – and if there are issues on which there is no direct or clear guidance in these two sources, Muslims should exercise Ijtihād (independent judgment, but within the general guidelines of the Qurʾān and the Ahadīth). Since the classical jurists and the founders of the four orthodox schools of law were not infallible (Ma’sūm), therefore, people are not obligated to follow their opinions and legal judgments. It is not that the followers of other schools of thought do not follow Ahadīth; the difference between Ahl-e-Ḥadīth and other schools (Madhāhib) is that while others, by conviction, accept a given interpretation of the Qurʾān and Ḥadīth as authoritative, Ahl-e-Ḥadīth regard these interpretations as based on “opinions” and thus not a religious binding.

Another important feature of the Ahl-e-Ḥadīth is their reinvigorated emphasis on Tawḥīd (the Unity of Allah) and their opposition to the popular practices of visiting the shrines of saints, worshipping them, or invoking their names in supplication, which they regard as a form of, Shirk. They are also opposed to all kinds of Sufī doctrines which are contradictory with the Qurʾān and Ahadīth. Their emphasis on such doctrines led many of their distracters to characterize the Ahl-e-Ḥadīth ‘Ulamā in mid- and late-nineteenth century India as Wahhabis, based on the puritanical ideas of the eighteenth century Muslim reformer Muḥammad Ibn ‘Abdul Wahhāb.3

On the face of it, the Ahl-e-Ḥadīth position on matters of Sharī‘ah thus seems more progressive since it frees Muslims from the rigid Taqlīd or the following of legal opinions formulated by the jurists hundreds of years ago. It would also appear that by rejecting the Ijtihād of the classical jurists as final authority in matters of Sharī‘ah, the Ahl-e-Ḥadīth position would encourage believers to follow their own interpretations of the Qurʾān and the prophetic traditions, provided they are sufficiently knowledgeable about the scriptures. Similarly, by rejecting the notion of Ijmā (established practice of the community based on general agreement), Ahl-e-Ḥadīth would be inclined to the view that the learned scholars of every succeeding generation
of Muslims should form their own Interpretation of the Qur‘ān and Ahadith, and not rely on the Taqlīd or blind imitation of the interpretations of their predecessors.4

However, because of their rejection of the very principles of the use of analogical reasoning and independent judgment, and, also in their practical application, the Ahl-e-Ḥadīth position on Sharī‘ah has resulted in the most literalist and exclusivist readings of the Qur‘ān, and especially of the Ḥadīth texts. As a matter of fact, Ahadīth text is literally and directly taken as a source of law without any regard to the context in which the Prophet Muhammad (peace be upon him) did or said something. In their view, even a weak or suspect (Ḍa‘īf) Ḥadīth is to be preferred to the opinions of the classical jurists.

On the basis of this doctrinal position, Ahl-e-Ḥadīth distinguish themselves from the four established schools of jurisprudence on several matters of the practice of religious rituals, personal law, and some matters of Sharī‘ah that have become the hallmark of their sectarian identity, known as “[t]he distinctive practices of Ahl-e-Ḥadīth” (Ahl-e-Ḥadīth Ke Imtīyāzī Masā‘il), these may seem ridiculously trivial to outsiders but are taken quite seriously by their practitioners. For example: for Ahl-e-Ḥadīth the recitation of Sūrah al-Fāṭiha (chapter first of the Qur‘ān) is obligatory even when the Imām in a congregational prayer is reciting, while the Ḥanafīs believe that the recitation by the Imām is enough on behalf of the entire congregation. Ahl-e-Ḥadīth perform Raf‘ul Yadayn (raise their hands during the Takbīr) in the ritual prayer, while the Ḥanafīs do not. Ahl-e-Ḥadīth fold their hands on the chest during the standing posture of the ritual prayer, while the Ḥanafīs fold their hands under the navel. Ahl-e-Ḥadīth say “Āmīn” loudly after the Imām recites Sūrah al-Fāṭiha, while the Ḥanafīs say it softly. Other differences, similarly, relate to the “correct postures” during the ritual prayer and to the number of voluntary units of prayer during Ramadan. There are also differences on what would require refreshing the ritual Ablution (Waḍū) before one offers ritual prayers. Ahl-e-Ḥadīth, for example, believe that touching of genitals and woman would require refreshing the Waḍū while the Ḥanafīs do not.

Howsoever trivial these differences may seem, they have engaged Muslim jurists, like their counterparts in rabbinical tradition of legal hair-splitting, for centuries and have created sectarian strife, especially in Muslim South Asia. What emphatically defines the theocratic particularism of Ahl-e-Ḥadīth in the Indian
Subcontinent, however, is not the specificity of their ritual practices, but their uncompromising position on *Tawhīd* and their outright rejection of the doctrine of *Taqlīd*.

It is also important to note that most of these *Ahl-e-Ḥadīth* practices developed in polemics against the Ḥanafīs, rather than the other three schools of Islamic law. *Ahl-e-Ḥadīth* have launched incessant sectarian battles against Ḥanafīs on issues such as the proper performance of religious rituals and on matters pertaining to marriage, divorce, and custody. Compared to the other schools of law, however, *Ahl-e-Ḥadīth* have much in common with the Ḥanbali school since one of the most important of their theological mentors, Muḥammad Ibn ʿAbdul Wahhab, the 18th century Arabian religious reformer, was also a Ḥanbali scholar.5

Nadwatul ‘Ulamā’ Lucknow follows Ḥanafi School but they are liberal and having broad outlook and accepted Shāfi’ī, Mālikī, Ḥanbali schools in the light of the Qur’ān and Ḥadīth. They also accept many doctrines of other Imāms. Banāras Salafiyya followed Ḥanbali School of thought and emphasized only on the *Qur’ān* and Ḥadīth or Sunnah of Prophet Muḥammad (peace be upon him), nowadays many *Ahl-e-Ḥadīth* in India, however, practice *Bid‘ah* due to the cultural assimilation of other communities.6

Besides Ḥanafi School, Mālikī, Shāfi’ī and Ḥanbali Schools, there had been many other schools also in the golden period of learning. These four Schools are known as Sunni Schools. The Sunnis are so called from their reception of the “*Sunnah*” or traditions as having authority concurrent with the Supplementary to the *Qur’ān*. The principles of these four schools are substantially the same, and they differ from each other only in the matters of detail. Shia and Sunni division is not a religious issue rather it is a political issue .the Shia School. This division rose only due to political issue of Caliphate. Therefore, the differences between Shia and Sunni are mainly based upon question relating to political events of past, rather than to any general principles of law or jurisprudence.7

**The Concept of Ummah (Community)**

The Concept of *Ummah* (community) is central to Islamic beliefs but except during the life of Prophet Muhammad (peace be upon him), the existence of one single *Ummah* has been just an illusion. Just before the demise of Prophet Muḥammad
(peace be upon him), there was a major schism in Islam that led to the formation of two groups, Sunnis and Shias. These major groups kept dividing and sub-dividing into other formations where as new sects kept originating. Some have survived history, some have shaped it and some have faded into oblivion. There is a famous tradition related to Prophet (peace be upon him) that there will be 73 sects of Muslims with only one being safe from the fire. Many sects use this Ḣadīth (tradition) to highlight differences with other sects and insist the contention that their sect is the only rightly guided one.

**Imām Abū Ḥanīfa (150 A.H./767C.E.) and The Ḥanafi Madhhab/Maslak (path)**

Abū Ḥanīfa as-Nuʿmān Ibn Thābit, commonly known as Imām Abū Ḥanīfa, the founder of the most important of the Sunni Schools of jurisprudence, was born in the year 80 A.H. at Kufa. Abū Ḥanīfa was a pious and honest man, with independent character. He never accepted any post in the Government and became victim of Umayyad rulers as well as Abbasids. In the year 132 A.H. he constituted a committee of 40 members for the codification of Islamic law and this committee took 22 years to complete its work. The collection, thus, compiled was known as *Kutūb Abū Ḥanīfa*, is however, not available in the current times.

Abū Ḥanīfa met the blessed Companions of the Prophet Muḥammad (peace be upon him) and is counted amongst the Ṭābiʿūn (followers of the Companions/Ṣaḥābah). He is renowned for his piercing intellect as *Faqīh*, his scrupulousness and integrity of character and his resoluteness in the face of oppression. His School is historically associated with the rule in India and is the most widely followed School of jurisprudence. This makes his study particularly important for the English speaking readers since it gives them an in-depth appreciation of the School followed by the majority of the Muslims in the world.

Abū Ḥanīfa, lived in what is now modern-day Iraq, not long after the Prophet Muḥammad’s (peace be upon him) death. It is reported that he studied under many teachers of high erudition. He is reported to have met the “Companion” (Ṣaḥābī) Anas Ibn Mālik, making him one of the Ṭābiʿūn, or second generation in oral transmission from the beloved Prophet Muḥammad (peace be upon him).

**Ḥanafi Doctrines**
The Ḥanafī School is the first of the four orthodox Sunni Schools of Jurisprudence. It is distinguished from the other Schools through its placing of less reliance on the mass oral traditions as a source of legal knowledge. The exegesis of the Qurʾān, in it, is developed through a method of analogical reasoning known as Qiyās. It also established the principle that the universal concurrence of the Ummah (Community) of Islam on a point of law, as represented by legal and religious Scholars, constituted evidence of the will of God. This process is called Ijmā, which means the consensus of the Scholars of a particular age or period of time. Thus, the School definitively established the Qurʾān, the Traditions of the Prophet, Ijmā and Qiyās as the basis of Islamic law. In addition to these, Ḥanafis accepted local /popular customs (‘Uruf) as a Secondary Source of the law. The privileged position which the School enjoyed under the Abbasid Caliphate was lost with the decline of the Abbasid Caliphate. However, the rise of the Ottoman (‘Uthmānī) Empire led to the revival of Ḥanafī fortunes. Under the Ottomans the judgement-seats were occupied by Ḥanafis sent from Istanbul, even in countries where the population followed another Madhhab/Juristic School. Consequently, the Ḥanīfī School became the only authoritative code of law in the public life and official administration of justice in all the provinces of the Ottoman Empire. Even today the Ḥanafī code prevails in the former Ottoman countries. It is also dominant in Central Asia and India.

To get a better understanding of Ḥanafī School of Jurisprudence, it is worthwhile to examine the methods used by its founder, Imām Abū Ḥanīfā in formulating legal principles. Abu Ḥanīfā based his doctrines on the Qurʾān and Ahadīth. According to him, the Qurʾān is eternal in its original essence. It is the word of Allah, and is His inspired word and revelation. It is a necessary attribute (Ṣifat) of Allah. It is not Allah, but still it is inseparable from Allah. But Allah’s word is ‘uncreated’ (Ghayr -al Makhlūq).

The Qurʾān, he regarded, as indeed the first and primary Source of deducing the form of rituals bearing on civil and criminal laws. For the Ḥadīth, which being narrated by different persons in varying manner and therefore, varying grades of credence needed to be attached to what they narrate, he was very strict in relying upon or accepting. It is said that he was very cautious in relating the traditions of the Prophet (peace and blessing is be upon him) for forgery had become common in those days. Ibnu Khaldūn writes that the Imām Abū Ḥanīfā narrated only seventeen traditions
and preferred Qiyās or Analogy, which means the analogical deductions from passages occurring in the Qurʾān, tested by his own opinion. In fact, in his time jurists were divided into two groups; Those of Ḥijāz, who were called ‘the upholders of the traditions (Ahl-e-Hadīth) and those of Iraq who were known as ‘upholders of private opinion (Ahl al-Rāʾy).⁹

**Imām Abū Ḥanīfa gave Prominence to Qiyās (Analogical Deduction)**

Imām Abū Ḥanīfa was the first jurist to give prominence to the doctrine of Qiyās or analogical deduction and set up regular machinery to deduce principles by way of Qiyās or analogical deduction. Qiyās is a systematic opinion and should be based on either Qurʾān or tradition or Ijmā. With regard to deduction of an order from a verse of the Qurʾān, Abū Ḥanīfa adopted the following methods:-

1) As per contents of a verse i.e., *(Sarāḥat-al Naṣṣ).*
2) As per reasons of a verse i.e., *(Dalālat-al Naṣṣ).*
3) As per indication of a verse i.e., *(Ishārat-al Naṣṣ).*
4) According to purpose of a verse i.e., *(Ghāyat-al Naṣṣ).*

He based his reasoning on Qurʾān and Ḥadīth. He said “we cannot compel others to accept our Rāʾy and Qiyās, if they do not like our Rāʾy they can accept the opinion of others”. Thus in deciding the cases he sought answer first from the tenets of the Qurʾān, then the traditions of the Holy Prophet (peace be upon him) were searched. If an answer to any proposition was not found in the Qurʾān and traditions then the matter was solved by Qiyās.¹⁰

**Imām Abū Ḥanīfa and Ijmā (Consensus of Opinion)**

Imām Abū Ḥanīfa also accepted the doctrine of Ijmā or consensus of opinion. His view regarding the Ijmā is more comprehensive and broad than any of his contemporary jurists. Some were of the opinion that the validity of Ijmā, as a Source of law should be confined to the companions of the Prophet (peace be upon him) and others would extend it to their successors, but no further. Abū Ḥanīfa affirmed its validity in every age.¹¹

**Imām Mālik (179A.H.) and the Malīki Madhhab**

He was born in 93 A.H. in the period of the Umayyad Dynasty. His full name is Mālik bin Anas. He is the founder of the Mālikī School of Jurisprudence. He lived
his whole life in Madinah where much of the Qur’ān was revealed and most of the legal practices of Islam established. He spent his life studying, recording and clarifying the legal parameters and precedents which were passed down to him by the first two generations of Muslims who were the direct inheritors of the perfected form of Islam left by the beloved Prophet (peace be upon him). Imām Malik was born shortly thereafter in Madinah. There are reports that he lived in the time of Abū Ḥanīfa and, although Mālik was much younger, their mutual respect is well-known. In fact, one of Abū Ḥanīfa’s main students, on whose teachings a lot of the Ḥanafī School is based, studied under Imām Mālik as well. Imām Mālik learnt Ḥadīth from his uncle, Sayyidunā Abū Suhayl Nāfī. The Imām was a very keen scholar from his childhood. Imām Mālik’s fame spread far and wide and many great scholars sat in his company learning Ḥadīth and other Islamic legal issues. Some 1300 Scholars learned at his feet. They copied the “Muwatta” from him. The “Muwatta” is a collection of Ḥadīth by Imām Mālik. Many of his pupils copied the Muwatta, the famous among them being: Sayyidunā Yahyā bin Yahyā al Masmūḍī, Sayyidunā Ibīn Wahāb Abū Muḥammad ‘Abdullah and Sayyidunā Abī ‘Abdullah ‘Abdur Raḥmān.

Mālikī Doctrines

Mālikī is the Second of the Islamic Schools of Jurisprudence. The Sources of Mālikī doctrines are the Qur’ān, the Prophet’s Traditions (Ḥadīth), Consensus (Ijmā), and Analogy (Qiyāṣ). Imām Mālik was a great jurist as well as (Muḥaddith) traditionist. His doctrines were not, essentially different from those of Abū Ḥanīfa. His first source was, essentially the Qur’ān and then come the traditions of the Prophet (peace be upon him), among traditions of the Prophet (peace be upon him), he preferred the traditions which were collected and narrated by the traditionists of Madinah. The last two sources of law for him were Qiyāṣ and Istishlah. He did not rely much on Qiyāṣ like Imām Abū Ḥanīfa. This was the procedure adopted by Imām Mālik in deciding the legal problems.12

Imām Mālik and Ijmā or Consensus of Opinion

Another conception which Mālik and his School developed into greater exactitude and force was that of the ‘consensus’ (Ijmā). The Mālikis recognize the validity of Ijmā of the Companions and their Successors residing at Madīnah without reference to the opinion of others. Against this claim, it is urged that men, learned in
the Qur’ān, and Ḥadīth, and the law, dispersed to all parts of Arabia, some during the Prophet’s (peace be upon him) lifetime, and others after his demise. They further point out that Makkah is no less sacred than Madinah. Two traditions are also relied upon in support of the Mālikī view. ‘Madinah throws out its dross as fire throws the dross of metal; and Islam will stick to Madinah as a serpent to its hole’. These traditions are, however, interpreted by other jurists as being merely indicative of the sacred character of the city. It was the opinion of Mālikī that Ijmā is confined to the men of Madinah. But this is not the accepted Mālikī doctrine.

Ijmā is completed as soon as the jurists of the age in which the question arises have come to an agreement thereon, after they have had sufficient time to mature their deliberations. Mālikis recognize the authority of Ijmā not merely in matters of law and religion but also in other matters such as organization of army, preparations for war and in other matters of administration of the state.\(^{13}\)

**Istīḥsān and Istidlāl: Mālikī view**

Imām Mālik accepted Istīḥsān as principle of law but his conception slightly differs and thus he developed a similar doctrine Istislah or public good, which means a deduction of law based on considerations of public good. The word Istidlāl in ordinary use means the inferring of a thing from another thing. Mālikis use it as a distinct method of juristic ratiocination, not falling within the scope for interpretation or analogy. Qādī Wadūd says that the doctrine of Istīḥsān and Mālikī doctrine of public good are covered by Istidlāl. In Imām Mālik’s view the practices of people of Madinah can be basis of Istidlāl but nowhere had he mentioned that the practices or usages of other places are not permissible and only the usages or practices of Madinah are permissible.

It can be concluded that Imām Mālik based bis legal doctrines on the following sources

1) Holy Qur’ān
2) Ḥadīth
3) Āthār Ahl-e-Madinah
4) Ta’mul-e Ahl-e-Madinah
5) Qiyās (Analogical deduction)
6) Istislah
Among these Sources he learned more on traditions of the Prophet Muhammad (peace be upon him) and usages of Madinah.¹⁴

Imām Mālik’s major contribution to Islamic law is his book Al-Muwatta (the beaten path). The Muwatta is a code of law based on the legal practices that were operating in Madinah. It covers various areas ranging from prescribed rituals of prayer and fasting to the correct conduct of business relations. The legal code is supported by some 2,000 traditions attributed to the Prophet Muhammad (peace be upon him). Such was his stature that it is said three ‘Abbasid Caliphs visited him while they were on pilgrimage to Madinah. The Second Abbasid Caliph, Al-Manṣūr (d.775), approached the Madinan jurist with the proposal to establish a judicial system that would unite the different judicial methods that were operating at that time throughout the Islamic world. The School spread westwards through Mālik’s disciples, becoming dominant in North Africa and Spain. In North Africa Mālikīyyah gave rise to an important Sufi order, Shādhiliyyah, which was founded by Abū Al-Ḥasan, a jurist of the Mālikī School, in Tunisia during the thirteenth century.

During the Ottoman period Hanafite Turks were given the most important judicial posts in the Ottoman Empire. North Africa, however, remained faithful to its Malikite heritage. Such was the strength of the local tradition that Qāḍīs (judges) from both the Hanafite and Malikite traditions worked with the local ruler. Following the fall of the Ottoman Empire, Mālikīyyah regained its position of ascendancy in the region. Today Mālikī doctrine and practice remains widespread throughout North Africa, the Sudan and regions of west and Central Africa.

Imām Mālik was a great “Muḥaddith” (A Scholar of Ḥadīth). He was very careful in selecting Ḥadīth, and after examining a Ḥadīth thoroughly used to record it in his Muwatta. As a Jurist, he was not afraid of giving a “Fatwa” (legal Islamic ruling) even if it was against the Caliph. He was once flogged for doing so. He passed away on the 11th of Rabī‘-ul-Awwal in the year 179 A.H. when he was 86 years old. Imām Mālik is buried in Jannatul Baqī in Madinah al-Munawwarah.

Imām Shāfi‘ī (150 A.H. - 204 A.H.) and the Shāfi‘ī Madhab

He was founder of the Shāfi‘ī School of Jurisprudence. His full name was Muḥammad bin Idrīs al-Shāfi‘ī. Famously known as Imām al-Shāfi‘ī, he was born in 150 A.H. and belonged to Quraysh tribe. He was remarkable in that he resolved the
differences of opinion that arose in the still evolving Muslim community and brought them together in the most outstanding legal system in the whole history of mankind.

When he was 10 years old, he came to Makkah al-Mukkarramah from Palestine where he grew up. He was very intelligent and had an excellent memory. He memorized the entire holy Qur’ān at the age of 7. By the age of 15, he had memorized the entire Muwatta of Imām Mālik. Before the age of 20, he studied Islamic Jurisprudence under the Mūfti of Makkah al-Mukkarramah, Sayyidunā Muslim bin Khalīl al-Zanjī and also from Sayyidunā Sufyān bin Uyayna. Imām Mālik bin Anas was also one of his teachers.

When the Governor of Iraq visited Madinah al-Munawwarah, he was so impressed by Imām Shāfi‘ī that he persuaded him to become an Administrator. As Imām Shāfi‘ī was in conflict with the Government officials, he was deported to Iraq and brought in front of Hārūn al-Rashīd, who was very impressed with Imām Shāfi‘ī. He now studied Islamic jurisprudence under Imām Muḥammad al-Shaybānī, who was the student of Imām A’zam Abū Ḥanīfa. Thus, Imām Shāfi‘ī became a master of both the Ḥanafī and Shāfi‘ī Schools of Fiqh. Imām Shāfi‘ī was also taught by both Abū Ḥanīfa and Imām Mālik, and his respect for both men is also well-documented.

Shāfi‘ī Doctrines

Shāfi‘ī was the third School of Islamic jurisprudence. According to the Shāfi‘ī School the paramount sources of legal authority are the Qur’ān and the Sunnah. Of less authority are the Ijmā and Ijtihād exercised through Qiyās. A Scholar must interpret the ambiguous passages of the Qur’ān according to the consensus of the early scholars. Originally Al- Shāfi‘ī belonged to the School of Madinah and was also a pupil of Mālik bin Anas (d.795), the founder of Mālikī School. However, he came to believe in the overriding authority of the traditions from the Prophet (peace be upon him) and identified them with the Sunnah. Baghdad and Cairo were the Chief centres of the Shāfi‘īyyah. From these two cities Shāfi‘ī teaching spread into various parts of the Islamic world. In the tenth century Makkah and Madinah came to be regarded as the School’s chief centres outside Egypt. In the centuries preceding the emergence of the Ottoman Empire the Shāfi‘ī School had acquired supremacy in the central lands of Islam. It was only under the Ottoman Sultans at the beginning of the sixteenth century that the Shāfi‘īs were replaced by the Ḥanafī jurists who were given judicial authority in Constantinople, while Central Asia passed to the Shia as a result of the rise of the
Safavids in 1501. In spite of these developments, the people in Egypt, Syria and the Ḥijāz continued to follow the Shāfi‘ī Madhhab.

Imām Shāfi‘ī based his doctrines on the Qur‘ān. He says “Qur‘ān is the basis of legal Knowledge”. The Qur‘ān serves the double purpose of supplying raw material for legislation, as the basic Source of law, and an inspiring ideal for the scholars who aimed at shaping the system of law in harmony with that model. *Risāla-i Imām Shāfi‘ī* had given 220 Quranic citations either as specific rules of law or as examples for formulating principles of law.  ❄️

**Imām Shāfi‘ī and Doctrine of Ijmā**

Imām Shāfi‘ī was a strong supporter of the doctrine of Ijmā. By Ijmā (Consensus) Shāfi‘ī does not mean merely the agreement of a few Scholars of a certain town or locality but the Consensus of the majority of leading jurists in Muslim lands.

According to the accepted Shāfi‘ī doctrine, a man disputing the authority of Ijmā does not become guilty of infidelity, except when the decision is in respect of matters, which are established by clear authority and universally accepted, such as the obligation to observe the daily Prayers, to fast during Ramadan, to pay Zakāt and to perform Pilgrimage (Ḥajj), the unlawfulness, of drinking intoxicating liquor, of dealing in usury and the lawfulness of marriage, sale, lease and the like.

Shāfi‘ī accepted the authority of Ijmā not only in religion but also in temporal matters such as organisation of the army, preparations for war and other questions of administration of the state. ❄️

**Imām Aḥmad bin Ḥanbal and the Ḥanbalī School**

Imām Abu Abdullah Aḥmad bin Muḥammad bin Ḥanbal, born in Marw on the 20th of Rabī-ul-Awwal 164 A.H., was chronologically the last of the four Imāms/Jurists and lived just after the first three generations of exemplary Muslims, thus confronting a slightly different situation from that faced by his three predecessors. This necessitated a fresh approach to the legal issues arising out of the situation of the rapidly expanding urban development and imperial government which started to engulf much of the Muslim community. His father, Sayyidunā Muḥammad was a warrior (*Mujāhid*) and lived in Basra, Iraq. Imām Aḥmad bin Ḥanbal was a very intelligent child, keenly interested in furthering his Islamic education. At the age of
16, he began studying Ḥadīth literature. It is said that he learnt almost a million Ḥadīth by heart. He became a famous jurist. Some of his teachers were Imām Shāfi‘ī, Bishar bin al-Muфаḍḍal, Ismā‘īl bin Ulayyah, Jarīr bin ‘Abdul Ḥamīd and Yahyā bin Sa‘īd. He was imprisoned for his stern position against the Mu‘tazilah views and on the 25th of Ramadan in the year 221 A.H., Caliph Mu‘tasim, in fear of the sin he committed, repented and set the Imām free. He passed away in the year 241 A.H.

The Doctrines of Imām Aḥmad bin Ḥanbal

The Ḥanbalī School is the fourth orthodox School of law within Sunni Islam. It derives its decrees from the Qur‘ān and the Sunnah, which it places above all forms of consensus, opinion or inferences. The Ḥanbalī School of law was established by Aḥmad bin Ḥanbal. He studied law under different masters, including Imām Shāfi‘ī. He is regarded as more learned in the traditions than in jurisprudence. His status also derives from his collection and exposition of the Ḥadīth. His major contribution to Islamic Scholarship is a collection of fifty thousand traditions known as ‘Musannad Imām Hanbal’. The School accepts as authoritative an opinion given by a Companion of the Prophet (peace be upon him), provided there is no disagreement with another Companion. In case of any disagreement, the opinion of the Companion nearest to that of the Qur‘ān or the Sunnah will prevail.

In spite of the importance of Ḥanbal’s work his School did not enjoy the popularity of the three preceding Sunni School of law. Ḥanbal’s followers were regarded as reactionary and troublesome on account of their reluctance to give personal opinion on matters of law, their rejection of analogy, their fanatic intolerance of views other than their own, and their exclusion of opponents from power and judicial office. Their unpopularity led to periodic bouts of persecution against them. The later history of the School has been characterised by fluctuations in their fortunes. Ḥanbalī Scholars such as Ibn Taymiyyah (d.1328) and Ibn Al-Qayyim Al-Jawziyya (d.1350), did display more tolerance to others’ views than their predecessors and were instrumental in making the teachings of Ḥanbalī more generally accessible. From time to time Ḥanbaliyyah became an active and numerically strong School in certain areas under the jurisdiction of the Abbasid Caliphate. But its importance gradually declined under the Ottoman Turks. The emergence of the Wahhabī in the nineteenth century and its challenge to Ottoman authority enabled Ḥanbaliyyah to enjoy a period of revival.
**Imām Aḥmad bin Ḥanbal and Ijmā or Consensus of Opinion**

Imām or Consensus of opinion (which is defined as agreement of jurists among the followers of Prophet Muḥammad (peace be upon him) in a particular age on a question of law) has been accepted by Imām Aḥmad bin Ḥanbal as Source of law but he made little use of this doctrine due to dependence on Ḥadīth. According to one reported version of Ḥanbal’s opinion, Ijmā is confined to the Companions of the Prophet Muḥammad (peace be upon him); it is in contrast to the opinion of Imām Abu Ḥanīfa and Imām Shāfi‘ī who did not confine Ijmā to any age or any place.

Regarding the completion of Ijmā, Ḥanbal’s and Shāfi‘ī’s opinion was that, it is necessary to wait until the age in which the jurists who were parties to the Ijmā have come to an end, or, in other words, until all of them have died without any one having withdrawn his assent or changed his opinion. According to another report of Ḥanbal’s opinion he was in favour of such suspension of Ijmā only in matters of analogical deduction, but not when it was found on texts of the Qur’ān or Ḥadīth. In Ḥanbal’s view, Ijmā may be based on Qur’ān, Ḥadīth or analogy, this is also the opinion of other Sunni Schools.17

**Development of the Shia School**

When Prophet Muḥammad (peace be upon him) was alive he was the head of the Islamic State as well as the final interpreter of law and religion. After his demise in (632 C.E.) there arose a difference of opinion among Muslims on the question of his succession. One party under Hadrat Abu Bakr (R.A.), Hadrat ‘Umar (R.A.) and others insisted that Caliph must be elected by the unanimous opinion of the Muslims. The other party claimed Hadrat ‘Alī (R.A.) to be the rightful successor of the Prophet Muḥammad (peace be upon him) and in support of their claim they submitted the tradition that when Prophet Muhammad (peace be upon him) was returning from his farewell Pilgrimage, he stopped at a place known as Ghādir Khum, and there he announced to those who were with him that it was his desire that ‘Alī should be his Successor. 18

After a great discussion and struggle between various groups of Muslims, finally Hadrat Abu Bakr (R.A.) was elected by majority of Muslims and was declared as first Caliph of Islam and Hadrat ‘Alī (R.A.) himself after few days paid homage to
him. Haḍrat ‘Alī (R.A.) remained as prominent figure in temporal as well as religious affairs of the Islamic State during the three Orthodox Caliphs, Haḍrat Abu Bakr (R.A.), Haḍrat ‘Umar (R.A.) and Haḍrat ‘Uthmān (R.A.). He was adviser to all the aforesaid Caliphs and due to his usual virtue and wisdom he was revered by all.

After the assassination of Haḍrat ‘Uthmān (R.A.), the third orthodox Caliph, Haḍrat ‘Alī (R.A.) was made the Caliph of Islam. He was murdered by a Khwārijī. Khwārijīs were those who did not admit the Succession of Haḍrat ‘Uthmān (R.A.) and Haḍrat ‘Alī (R.A.) as Caliph and found fault with them. Thus, at the end of the period of the orthodox Caliphs Islamic Society was distinctively divided into three groups; Sunni, Shiite and Khwārijī. Imām Ḥasan (R.A.) succeeded Haḍrat ‘Alī (R.A.) and after him Umayyads became the rulers of Islamic world. It was in the period of Yazīd, the martyrdom of Imām Ḥusayn (R.A.), the grandson of Prophet Muḥammad (peace be upon him) happened which finally resulted in the division of Society into Sunni and Shiite. In the succeeding period Shiites developed a large number of sub Schools, prominent among are:

1) Zaidīs

2) Ḳithnā Asharīs or the twelvers

3) Ḳisma ‘ilīs or Seveners

Doctrines of the Shiīte School

Shiites accept the authority of the Qur’ān, the word of Allah, and the Sunna of the Prophet (peace be upon him). No Ḥadīth is ordinarily accepted by them unless related or transmitted by an Ahl-e-Bayt Imām or descendant of the Prophet Muḥammad (peace be upon him). Aḥadīth transmitted through the Companions are also acceptable to them. If they deal with the words and actions of the Prophet (peace be upon him) and do not contradict the Ḥadīth of household of the Prophet Muḥammad (peace be upon him).

These Akhbār/traditions which they consider as the only ones authorized differ from the Ḥadīth (traditions) because the Isnād (chains of transmitters of the traditions) admits only the testimony of the Aḥl-e Bayt and their partisans as already mentioned above. Therefore in Shiite School traditions are an integral Source of law as in Sunni jurisprudence. But difference is that they accept traditions related or narrated by an Imām descended from the Prophet (peace be upon him). The sole object seems to
support the privilege of the Imām, the Shia dogma of Imām Mahdī and the exclusive claims of the descendants of Ḥadrat ‘Alī to the Caliphate.²⁰

The doctrine of Qiyās or Ijmā is not accepted by the Shia as understood among the Sunnis. They allow Ijtihād and hold that only the descendants of Ḥadrat ‘Alī and in his absence the Mujtahid (one who exercises Ijtihād), his servants and teachers of the true faith, can interpret law correctly. The Imām is the law-giver himself, the speaking Qur‘ān; he may in a proper case even legislate, make new laws and abrogate old ones; but as he is hidden, the Mujtahid, who are present at all times and in each country, are his agents, the recognized interpreters of the law in accordance with the canonical traditions. Ijtihād has therefore taken a different turn and got entirely different meaning in Shiite law.

Thus, it can be concluded that law in Shiite School consists of rules for human conduct, based on the authoritative interpretation of the Qur‘ān and the Sunna and the decisions of Imāms, by the Mujtahid, who are the servants of the Imām of the time, derive their authority from him and act in his name.²¹
References