CONCLUSION

Sunnah, an Arabic word which literally means ‘method’ is divided into three types, namely verbal (qawli), practical (fi’li) and tacitly approved (taqriri). Its authority derives from various verses of the Qur’an, sayings of Muhammad Rasul-Allah ﷺ. Rasul-Allah ﷺ said:

`الآ، إِنِّي أَوْيَتِي اللَّهُ وَرَبِّي مَثَلًا مَّعَهُ`  

‘Behold I have been given the Book and a similar thing [Sunnah] along with that.’

As we have discussed in Chapter I Hadith is a reporting of the Sunnah of Rasul-Allah ﷺ, which is the second principal source of Islamic legislation.

Allah’s object was not to give a system of abstract ideas, which could only be discussed and talked about. His object was to make the people practically obey His injunctions. This required concrete precedents to be laid down for every walk of human life. Only the abstract thought can be explained in a book concrete bases can be laid down only by a human being. Therefore, Allah entrusted this job to the Rasul-Allah ﷺ.

`لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أَشْهَدُوا حَسَنَةً`  

For you the life of Rasul-Allah ﷺ has got model of behaviour (al Ahzab 33:21)

This is why the Qur’an was revealed piecemeal. The Quranic verses alongwith the circumstances under which those were revealed and the practice of the Rasul-Allah ﷺ thereon, constitute a body of concrete bases. Rasul-Allah ﷺ led his life and organized his society under the Divine guidance. And, thus succeeded in establishing behaviour patterns in every walk of human life, which are easily practicable and clearly communicable. Due to such a significant position of the Sunnah, Divine revelation was not limited to the Qur’an. The life of the Rasul-Allah ﷺ which was essentially to be obeyed by the people was not left without Divine guidance. The fact that the things other than the Qur’an were revealed on the Rasul-Allah ﷺ is witnessed by the Qur’an itself.

The Rasul-Allah ﷺ was not only the transmitter of the Qur’an but he also interpreted and exemplated it in word and action. The only difference between the ordinary expressions of the Rasul-Allah ﷺ and the revelations consists in the fact that, whereas the former is Divine in content alone, the latter are Divine in form also. The ground for this view is afforded by the Qur’an.
And we have revealed to you the Qur'an in order that you may explain to men what has been revealed to them. (al Nahl 16:44)

Thus the Rasul-Allah's conduct is as important a source of Shari'ah as the Book. It means that to Rasul-Allah alone was the solution known and the knowledge he communicated to his followers is pretty clear from his sayings and deeds. He unfolded the meaning, distinguished between abrogated and abrogating verses, and communicated this knowledge to his Companions. It was from him that they learnt the meaning of the verses and the circumstances which led to each distinct revelation. The Companions thus instructed became perfectly familiar with the whole revelation. This knowledge they handed down word for word to their followers, the tab’in, who in their turn passed it on to their followers taba’ tab’in. It is a belief of every Muslim that, the Rasul-Allah not only spoke but also acted under Divine influence. This makes the Sunnah as a true supplement to the Book and placed second to it. Sunnah not only throws a light on its meaning, but itself forms the basis on which the doctrine may be established. There can be no true conception formal of the Islamic system of law, society, economy and life etc. if the Sunnah is not taken into account. Muhammad Rasul-Allah said:

I left two things among you. You shall not go astray as long as you hold them: the Book of Allah and my Sunnah.2

The status of Sunnah, its authority and authenticity is based on the verses of the Qur’an. Thus both the Qur’an and the Sunnah constitutes one complete whole (the basis of Islam). Both are fundamentally interdependent. This is like one organic body constituted by different parts together they make a living organism but divided they are impracticable. In the words of the Qur’an the relationship of the Qur’an of the Sunnah is that of a book and the light.

And came to you from Allah, the light and the Book. (al Ma’idah 5:15)

It is for the sake of description and explanation that, jurists say there are two basic sources of Shari’ah. As a matter of fact there is only one source, that is, wahy. There has been a debate among the jurists whether Sunnah is an
independent source or not? An adequate answer to the question as to whether the Sunnah is a mere supplement to the Qur’an or a source in its own right necessitates an elaboration of the relationship of the Sunnah to the Qur’an in the following three capacities:

Firstly, the Sunnah may consist of rules that merely confirm and reiterate the Qur’an and are merely corroborated by the Sunnah. The question as to whether the Sunnah is an independent source is basically redundant with regard to matters on which the Sunnah merely confirms the Qur’an as it is obvious that in such cases the Sunnah is not an independent source. A substantial part of the Sunnah is, infact, of this variety, all Ahadith pertaining to the five pillars of the faith and such other matters like the right of one’s parents, respect for the property of others and Ahadith which regulate homicide, theft and false testimony, etc, basically reaffirm the Quranic principles on these subjects thus, there is no room to say that Ahadith regarding these matters constitute an independent authority in its own right.

Secondly, the Sunnah may consist of an explanation or classification to the Qur’an. It may clarify the ambivalent (mujammal) of the Qur’an, qualify its absolute or specify the general terms of the Qur’an. This is once again the proper role that the Sunnah plays in relationship to the Qur’an in that it explains the Qur’an. Once again a substantial part of the Sunnah falls under this category. It is, for example, through this type of Sunnah that Quranic expressions like salah, zakah, hajj and riba, etc have acquired their juridical meanings. Have another example, with regard to the contract of sale the Qur’an merely declares sale to be lawful as opposed to riba which is forbidden. This general principle has later been elaborated by the Sunnah which expended the detailed rules of Shari‘ah concerning sale including its conditions, varieties and sales which might amount to riba. The same could be said of the lawful and unlawful varieties of food, a subject on which the Qur’an contains only general guidelines and the Sunnah provides the details. Again on the subject of bequest, the Qur’an provides for the basic legality of bequest and the rule that it must be implemented prior to the distribution of the estate among the heirs. The Sunnah supplements these by enacting additional rules which facilitate proper implementation of the general principles of the Qur’an.

The foregoing two varieties of the Sunnah between them comprise the largest bulk of Sunnah and the ‘ulama are in agreement that these two types of Sunnah are integral to the Qur’an and constitute a logical whole with it. The two cannot be separated or taken independently from one another. It is considered that Sunnah which qualifies or elaborates the general provisions of the Qur’an on
devotional matters (عبادات) on the punishment of theft, on the duty of zakah, and on the subject of bequest could only have originated in Divine inspiration, for these cannot be determined by means of rationality and ijtihad only.

Thirdly, the Sunnah may consist of rulings on which the Qur'an is silent in which case the ruling in question originates in the Sunnah itself. This variety of Sunnah, referred to as al Sunnah al mu'assisah or founding Sunnah, neither confirms nor opposes the Qur'an, and its contents cannot be traced back to the Book. It is only this variety of Sunnah which lies in the centre of the debate as to whether the Sunnah is an independent source of Shari'ah. To give some examples, the prohibition regarding simultaneous marriage to the maternal and paternal aunt of one’s wife, the grandmother’s entitlement to a share in inheritance, the punishment of rajm, (that is death by stoning for adultery when committed by a married Muslim) all originate in the Sunnah as the Qur’an itself is silent on these matters.

Some ‘ulama of the later ages, including al Shatabi and al Shawkani have held the view that the Sunnah is an independent source. They have further maintained that the Quranic ayah in surah al Nahl 16:44 is inconclusive and that despite its being clear on the point that the Rasul-Allah interprets the Qur’an, it does not overrule the recognition of Sunnah as an independent source. On the contrary, it is argued that there is evidence in the Qur’an which substantiates the independent status of Sunnah. The Qur’an for example, in more than one place, requires the believers to obey Allah and obey Rasul.

و أطيعوا الله وأطيعوا الرسول وأحدروا فإن تولينتم فأعلموا أنماعي

 새ئتلابسن المبين

Obey Allah, and obey al Rasul, and beware [of evil]: if ye do turn back, know ye that it is Our Rasul’s duty to proclaim [the Message] in the clearest manner. (al Ma’idah 5:92)

The fact that obedience to al Rasul-Allah is specifically enjoined next to obeying Allah warrants the conclusion that obedience to Rasul-Allah means, obeying Him. Whenever he orders or prohibits something which is also recommended or prohibited in the Qur’an then (طاعم الاله أو الطعيم الرسول) ‘would be sufficient and there would be no need to add the phrase (طاعم الرسول ليس في ). Elsewhere the Qur’an clearly places submission and obedience to Rasul-Allah at the very heart of the faith and a test of one’s acceptance of Islam. This is the purport of the ayah which
reads (al Nisa 4:65) Further more the proponents of the independent status of the Sunnah have quoted the Hadith of Mu‘adh Ibn Jabal in support of their argument.

Companions of Mu‘adh narrated: When Rasul Allah ﷺ sent Mu‘adh to Yemen he said to Mu‘adh: How will you make decision? He said: According to the Book of Allah. Rasul Allah ﷺ said: If you do not find anything [regarding the matter] in the Book of Allah, he said: I will consult Sunnah of Rasul Allah ﷺ, Rasul Allah ﷺ said: If you do not find anything in that too? He said: I will exert my opinion. Rasul Allah ﷺ said all praise to Allah who guides envoy of Rasul Allah ﷺ. 

This Hadith is clear on the point that the Sunnah is authoritative in cases on which no guidance could be found in the Qur’an. The Sunnah in other words, stands on its own feet regardless as to whether it is substantiated by the Qur’an or not.

According to the majority of ‘ulama, however, the Sunnah, in all its parts, even when it enacts original legislation, is explanatory and integral to the Qur’an. Imam Shafi‘i’s views on this matter is representative of the majority position which we quoted in preceding chapter.

According to him the ‘ulama have advanced concerning the relationship of Sunnah to the Qur’an. One of these views, which receives strong support from Imam Shafi‘i himself, is that Allah has explicitly rendered obedience to the Rasul-Allah ﷺ into an obligatory duty. In his capacity as Rasul-Allah ﷺ, Rasul-Allah ﷺ has introduced laws some of which originate in the Qur’an and others do not. But all Nabwi legislation emanate in Divine authority. The Sunnah and the Qur’an are of the same provenance and all must be upheld and obeyed. Others have held the view that the Rasul-Allah ﷺ is the chosen Rasul of Allah, thus it is sufficient proof for the authority of Sunnah. For it is through the Sunnah that the Rasul-Allah ﷺ fulfilled his Divine mission. According to another view there is no Sunnah whose origin cannot be traced back to the Qur’an. This view maintains that even the Sunnah which explains the number and contents of salah and the quantities of zakah as well as the lawful and forbidden varieties of food and trade merely elaborate the general principles of the Qur’an.
Most important thing to note here is that both sides are essentially in agreement on the authority of Sunnah as a source of Shari'ah. They acknowledge that the Sunnah contains legislation which is not found in the Qur'an. The point which is basic to both these views is the authority of the Rasul-Allah and the duty of adherence to his Sunnah.

The personality and character of Muhammad Rasul-Allah constituted a model example for the Muslims. His life is a practical guidance and inspiration for them. Therefore, Muslim scholars have taken pains to preserve all relevant material about the life and career of Muhammad Rasul-Allah.

The history of compilation of the Sunnah goes back to the time of Rasul-Allah himself as we have discussed the issue in chapter II in detail. The first written constitution of the Islamic State on the migration to Medina is an illustration. The census was taken officially as the constitution, by 1 A.H and the illustrations on letters patent, proselytism, instruction to governors, tax and tariff rules, some explanatory notes on Quranic verses lead one to what is stated as proof. Though Rasul-Allah prohibited the Companions to write down Ahadith temporarily, yet at other times he ordered and permitted to write down the Ahadith. He, according to Imam Tirmidhi, directed an ansari to write down, permitted 'Abd Allah Ibn 'Amr Ibn al 'As to do it, so that he may not forget, and similar are the cases of Abu Rafi' Anas Ibn Malik 'Amr Ibn Hazm collected state documents as governor of Yemen.

The history of the compilation of Sunnah after the Rasul-Allah is even more vast and detailed. Each Companion who narrated the Ahadith had a large number of pupils who compiled what they heard from him.

In the era of the tab'in the compilation of Ahadith was undertaken officially by the famous khalifa, 'Umar Ibn 'Abd al 'Aziz (99-101 A.H). He issued an official order to all governors under his domain that they should gather the knowledgeable persons from among the Companions of the Rasul-Allah and their pupil and write down the Ahadith found with them.

The result of this official decree was that several books of Ahadith were prepared and spread all over the country. In the first century A.H more than 20 books were compiled on Ahadith and the list of books compiled in the second century A.H is not only long but some of these books are available in market today.

This ample evidence is sufficient to falsify the assumption that the compilation of Ahadith did not take place before the third century A.H. The truth is that the compilation of Ahadith has begun in the very days of the Rasul-Allah and has continued in a disciplined way thereafter.

Imam Ibn Taimiyyah acknowledges the Qur'an as the Shari'ah's undisputed primary source. None of the Imams and jurists disagreed on this, he
said: The authentic Sunnah, according to Ibn Taimiyah, is inseparable from the Qur’an, because it reveals the intent of the Divine revelation. Both the Qur’an and the Sunnah are referred to as the *nasus* and as such they are held in a uniquely authoritative position as the authority of the Sunnah is an extension of the authority of the Qur’an itself, by Divine witness:

\[\text{وَمَا نَأْتَكُمْ بِالرَّسُولِ فَخُذُوهُ وَمَا نَهَدَكُمْ عَنْهَا فَأَنْتُهُواً.}\]

So take what the Rasul assigns to you, and deny yourselves that which he withholds from you. (al Hashr 59:7)

Imam Ibn Tamiyyah is convinced that the Sunnah must be held in the highest regard in legislation, because it is the key to understand the Qur’an, and because authentic Sunnah can never contravene the Qur’an. According Imam Ibn Taimiyah, Rasul-Allah’s mission was to deliver Allah’s message to His people. Allah had commanded him clearly and that was his obligation, thus every Muslim is bound to follow him in every walk of life. Allah says:

\[\text{إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرَسُولِهِ وَيُرِيدُونَ أن يَتَّقَرَّبُوا بَيْنَ الَّذِينَ أَنْعَمَ رَبَّهُمْ. وَيُفْلُولُونَ نَفْوَاتُ بَعْضٍ وَيَكْفُرُونَ بِبَعْضٍ وَيُرِيدُونَ أن يَتَّجْذَبُوا بَيْنَ ذَلِكَ سَبِيلًا.}\]

Those who deny Allah and His *Rusul*, and [those who] wish to separate Allah from His *Rusul*, saying: We believe in some but reject others: and [those who] wish to take a course midway. (al Nisa 4:150)

What is this differentiation which is condemnable in the eyes of Allah? Very obviously by professing to believe in Allah or for that matter in the word of Allah (the Qur’an) in the abstract, but rejecting His law as propounded by His *Rusul*, there is no room for obeying Allah and the Qur’an and disobeying His Rasul *peace be upon him* and his Hadith it is heresy. Allah says:

\[\text{مَنْ يَطْعَعُ الرَّسُولَ قَفْدَ أَطَاعَ اللَّهَ.}\]

And whoever obeys al Rasul *peace be upon him*, thereby obeys Allah. (al Nisa 4:80)
And whoever disobeys Allah and His Rasul ☪, for him there is the fine of
Hell These They shall remain for there. (al Jinn 72:23)

Thus, both positive and negative aspects about the obedience have been
dealt within the Qur’an and important thing to note here is that in both these verses
obedience and disobedience has been mentioned separately, along with the
obedience to Allah.

Imam Ibn Taimiyyah’s unique and uncompromising approach to derive
views directly from the nasus (the texts i.e. the Qur'an, the Ahadith) is his hall
mark, only after he narrates the Quranic verses and Ahadith profusely he quotes
views of four a’imah and other jurists. Accordingly to him Muhammad Rasul-
Allah ☪ was given all authority and wisdom necessary and sufficient for
interpreting the Qur’an. In his voluminous Majmu’at al Fatawa and other books
and booklets, Imam Ibn Taimiyyah followed this principle without any hesitation
and leniency. His social, political, legal and economic views all are based on the
same principle.

The foundations of the social system of Islam rest on the conception that all
the human beings are equal and belong to one universal brotherhood. Islam rejects
all distinctions of birth, class, race, color, and language etc. it seeks to build a
principled and ideological society as against the racial, national and parochial
societies existing in the world. Any one who believes in one Allah as his master
and Rabb, and accepts Muhammad Rasul-Allah ☪ as His last Rasul ☪, can be a
member of the Muslim ummah.

Nu‘man Ibn Bashir reported that the Rasul-Allah ☪ said: ‘You will see the
believers in their mutual kindness, love and sympathy just like one Body. When a
limb complains, the whole body responds to it with sleeplessness and fever.4

In Islam all political, legal sovereignty belongs to Allah alone. It is binding
on every Muslim that he must acknowledge Him as the sovereign in his moral,
social economic and political spheres of life. Islam altogether repudiates the
philosophy of the western democracy in which the sovereignty of the people i s
accepted, and the absolute powers of legislation rest in the hands of the people. Law making is their prerogative and legislation must correspond to the mood and temper of their opinion. As belief in the unity and sovereignty of Allah is the foundation of the social and moral system of Islam, it is also the very starting point of the Islamic political philosophy. An Islamic state must in all respects, be founded upon the law laid down by Allah through His Rasul. The government which runs such a state will be entitled to obedience in its capacity as a political agency set up to enforce the laws of Allah and the practices of His Rasul.

‘Abd Allah Ibn ‘Umar reported that the Rasul-Allah said: Behold! Each one of you is a king, and each one of you will be asked about his subjects. A leader is a king over the people and he will be asked about his subjects, a man is a king over the members of his household and he will be asked about his subjects, a woman is a queen over the members of the household of her husband and of his children, and she will be asked about them, a servant is a king over the property of his master, and he will be asked about it. Behold each one of you is a king, and each one of you will be asked about his subjects.5

‘A’isha reported that the Rasul-Allah said: O Allah! Who so is given power over any of the affairs of my people and then he gives trouble to them, give trouble to him, and whose is given power over any of the affairs of my people and then he shows mercy to them, show mercy to them.6

Anas reported that the Rasul-Allah said. Hear and obey though a Negro whose head is like a raisin is appointed [to rule over].7
All that is found on earth, in the havens, the oceans and others have been made subservient to man by Allah. Allah has created all these resources for the benefit of mankind. It is therefore:

The birth right of every human being to try and secure his share out of the world. All men enjoy this right equally and none can be deprived of it, nor should one man get precedence over another. There can be no compulsion on any individual, race, or class, for taking to certain means of livelihood or adopting certain profession. All are entitled to equal opportunities in the economic realm. Similarly no distinction is valid in Islam which would result in creating a monopoly of a particular means of livelihood for a particular person, class, race, or group of people.

Islam demands that in all contractual participants, the profit as well as the risk should be shared by both the contracting parties.

What Allah has bestowed on His Rasul [and taken away] from the people of the townships, belongs to Allah, to His Rasul and to kindred and orphans, the needy and the wayfarer; in order that it may not [merely] make a circuit between the wealthy among you. So take what al Rasul assigns to you, and deny yourselves that which he withholds from you. And fear Allah; for Allah is strict in Punishment. (al Hashr 59:7)

It is on the basis of this fundamental principle that Islam has constructed its economic system.

'A'isha reported :I heard the Rasul-Allah said: zakah never mixes with a property but to destroy it.\(^8\)

Jabir reported that the Rasul-Allah cursed the devourer of usury, its payer, its scribe, its witness. And he said that they are equal [in sin].\(^9\)
Ma'mar reported that the Rasul-Allah said: 

Whoever hoardings is a sinner.¹⁰

The sphere of law in Islam is very wide. There is no field of life which is not ruled by law. Islam is a religion which demands respect for law based on the nasus, because it stands for orderly, disciplined, and regular habits of life and dislikes indiscipline, lawlessness, and care-free methods of work.

The main objective of the Shari'ah is to construct human life on the basis of virtues and to cleanse it of the vices (al- 'Ja'a'). It lays down the entire scheme of life in such a manner that virtues may flourish and vices may not venom human life. The Shari'ah is a complete scheme of life and all-embracing social order-nothing superfluous, nothing lacking.

'Abd Allah Ibn Abi Aua reported that Rasul-Allah said: Verily Allah is with a Judge so long as he is not unjust. When he is unjust [intentionally] He goes off from him, and the devil keeps attached to him.¹¹

'Amr Ibn Shu'aib reported from his father who narrates from his grandfather that Rasul-Allah said: Proof is upon the plaintiff and oath is upon the defendant.¹²

'A'isha reported: Usamah approached Nabiyy on behalf of a woman [who committed theft]. Nabiyy said: The people before you were destroyed because they used to inflict the legal punishments on the poor and forgive the rich. By Him in whose hand my soul is if Fatimah would have did it, I would have cut off her hand.¹³
The Qur'an and the Sunnah are the two branches of the same Divine guidance for mankind for all times to come now through the same medium i.e. wahy through Rasul-Allah ﷺ, the life of individual and social, local and universal needs goal direction and method (ۖنُورُ). The guides on the path, heirs (ورن) of the (علم الينبوه) ‘ulama of the Qur'an and the Sunnah with the torch who illuminated the path connecting us with the roots and making the life thus, fruitful spiritually, economically, politically, socially universal and civilizational centric Imam Ibn Taimiyyah was one such luminary.
NOTES

1. AD,3988.
2. Agreed upon.
3. TM,1249.
4. MU,4685.
5. BU,6605.
6. MU,3407.
7. BU,6609.
8. Ibid,1419.
9. MU,2995.
10. Ibid,3012.
11. TM,1251.
12. Ibid,1261.
13. BU,6289.