

# Ibn Rāhawayh as a jurist (Faqih)

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The sources indicate that no distinction was made in the first century between *fuqahā'* (jurists) and *muḥaddithūn*, both being generally referred to as *fuqahā'* and '*Ulamā'*'.<sup>1</sup> It is highly likely that from the beginning, knowledge of the Qur'ān and the prophetic *sunnah* was widely regarded as prerequisite condition of knowledge of *fiqh*. Ibn Mājishūn (d. 164/780), is reported to have said "There is unanimity among scholars that a person cannot be a *faqīh* until he is expert in knowledge of the Qur'ān and the *āthār*.<sup>2</sup> Ibn al-Mubārak (d.181/797), was asked by an inquirer, "when is a person in a position to give a *fatwā* (legal opinion)?" His reply to the question was, "when he becomes rich in the knowledge of *āthār* and is proficient in reasoning."<sup>3</sup> Al-Khattābī (d.388/997), explicitly brought forward the relationship between the two when he said, "*Ḥadīth* is the foundation of a house and *fiqh* is the building erected upon it. A building raised without any basis cannot last; and a foundation without a building is just like a desert and waste-land"<sup>4</sup>.

Ibn Rāhawayh (d. 238/852)<sup>4a</sup> was among those '*ulamā'*' who accumulated *ḥadīth* and *fiqh*.<sup>5</sup> All the biographers of Ibn Rāhawayh call him a leader in *fiqh* and a great *mujtahid*<sup>6</sup> who did not follow any particular *madhhab* prevalent in his time.<sup>7</sup> It is mentioned that he founded an independent school of *fiqh* called *Ishāqīyyah* or *Rāhawīyyah*<sup>8</sup> and attracted a large number of followers<sup>9</sup> in his own time and even afterwards. His student and colleague Ibn Ḥanbal (d.241) is reported to have said, "There is no one equal to Ishāq; legal matters should be put to such a person for their solution"<sup>10</sup>.

Al-Nasā'ī is quoted as saying, "In the time of Aḥmad b. Ḥanbal there was no equal to these four; 'Alī b. al-Madīnī, Yaḥyā b. Ma'īn, Ishāq b. Rāhawayh and Ibn Ḥanbal.

'Alī was well aware of *aḥādīth* and their defects, and Yaḥyā knew much about the transmitters and also transmitted a considerable number of *aḥādīth*. Ishāq was eminent for his retentive memory and legal decrees, and as far as Aḥmad is concerned he knew much about *aḥādīth* and *fiqh* besides being an ascetic and pious person." Ibn Ḥanbal is also on record as having applauded him and called him the greatest jurist of his time.<sup>12</sup> On other occasion he is reported to have said, "There is no match for him; none crossed the bridge of Khurāsān like Ibn Rāhawayh, he differed from us on different points and issues but such

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## Abbreviations and Bibliography

Al-Qur'an	Pickthal, M, English Translation, Lahore
<i>al-Bahr al Muhit</i>	Abu Hayyan al-Andalusi, <i>Al-Bahr al-Muhit</i> , Cairo.
Bukhari	Bukhari, Muhammad b. Isma'il, <i>al-Jami' al-Sahih</i> , Beirut
<i>Fatawa</i>	Ibn Taymiyya, <i>Majmu' Fatawa</i> , Riyad.
Hakim	Hakim al-Nishapuri, <i>Ma'rifat 'Ulum al-Hadith</i> , Hyderabad.
Ibn Jarir	al-Tabari, Ibn Jarir, <i>Jami' al-Bayan fi Tafsir al-Qur'an</i> , Cairo.
Ibn Majah	Ibn Majah, <i>al-Sunan</i> , ed. Fuad 'Abd al-Baqi Beirut.
<i>Ihkam</i>	Ibn Hazm, <i>al-Ihkam fi usul al-Ahkam</i> , Cairo.
<i>I'lam</i>	Ibn-al-Qayyim al-Jawziyya, <i>I'lam al-Muwaqqi'in</i> , Cairo.
<i>Jami' Bayan</i>	Ibn 'Abd al-Barr, <i>Jami' Bayan al-'Ilm</i>
<i>Khulasa</i>	Al-Tibi, al-Husayn b. 'Abd Allah, <i>al-Khulasa fi 'Ulum al-Hadith</i> , Baghdad.
Lane	Lane, E.W., <i>Arabic English Lexicon</i> , Cambridge.
<i>Lisan</i>	Ibn Manzur al-Ifriqi, <i>Lisan al-'Arab</i> , Beirut.
<i>Musaffa</i>	Wali Allah Shah Dehlvi, <i>al-Musaffa</i> , Lahore.
Muslim	Muslim b. al-Hajjaj, <i>al-Jami' al-Sahih</i> , Beirut.
<i>Nuzhat</i>	Ibn Hajar al-'Asqalani, <i>Nuzhat al-Nazar</i> , Lahore.
<i>al-Risalah</i>	al-Shafi'i, Muhammad b. Idris, <i>al-Risalah</i> , Damascus.
<i>Tadrib</i>	al-Suyuti, <i>Tadrib al-Rawi</i> , Cairo
<i>Taj</i>	al-Zubaydi, <i>Taj-al-'Urus</i> , Cairo
Tirmidhi	Tirmidhi, Muhammad b. 'Isa, <i>al-Jami' al-Sahih</i>
<i>'Ulum al-Hadith</i>	Al-Hakim, <i>'Ulum al-Hadith</i> Hyderabad
<i>al-Umm</i>	al-Shafi'i, <i>K.al-Umm</i> , Cairo,

A Muslim, who believes in the Prophethood of Muḥammad (pbuh) and associates himself with him, but does not follow his model, cannot be a true believer and shall not be able to enjoy the closeness of God.<sup>80</sup> The early generation was so afraid of *bid'ah* that they made every possible effort to preserve the record of *sunnah*. The importance of *sunnah* is evident from the famous saying of the Prophet which explicitly determines its position in Islamic thought and practice. He is reported to have said:

تَرَكْتُ فِيكُمْ أَمْرَيْنِ لَنْ تَضِلَّوَا مَا تَمَسَّكُم بِهِمَا: كِتَابُ اللَّهِ وَسُنَّتِي

I left behind with you two things, you will never go astray if you adhere to them; the Book of Allāh and my *sunnah*.<sup>81</sup>

It is not only the Qur'ānic injunctions about the position of the Prophet in faith which served as an incentive for the preservation of *ḥadīth* and *sunnah* but also the statements and instructions of the Prophet that highlighted the importance of it. The Companion and the successive generations of the community committed themselves to collect and preserve the record of *ḥadīth* and *sunnah* and made it available to the coming generation.

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80. 'Ulūm al-Ḥadīth, 8

81. Jāmi' Bayān al-'Ilm, 2/180

teachings and actions regarding individual and collective aspects of his life. Madina, the city of the Prophet, was known as Dar-al Sunnah, the centre of sunnah.

*Sunnah* was accepted as a religious and social norm in Madina and its surroundings. Bukhari has recorded a *hadith* of the prophet which highlights the position of Madina as a centre of the *Sunnah*. The prophet is reported to have said:

الْمَدِينَةُ حَرَمٌ مَنْ أَحْدَثَ فِي الْمَدِينَةِ فَعَلَيْهِ لَعْنَةُ اللَّهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ

Madina is a sanctuary, whosoever introduces an innovation (*bid'ah*) or commits a sin in it may have curse of Allah, the angels and the humankind as a whole.<sup>75</sup>

This *hadith* points out the importance of Muslim solidarity on the basis of *sunnah* and the danger of innovation which tantamounts to the disintegration of the community.

The terms *hadath* and *bid'ah* both were used in the meaning of something against the *sunnah* of the prophet. On an accusation of heresy one would say:

مَا أَحْدَثْتُ فِي الْإِسْلَامِ حَدَّثًا وَلَا خَرَجْتُ مِنْ طَاعَةِ يَدَا

I have not introduced any *bid'ah* to Islam and have not withdrawn my allegiance to the *Ameer*.<sup>76</sup>

'Abd Allah b. Mughaffal's advice to his son when he saw him reciting something in the prayer which was against the practice of the Companions of the Prophet. He is reported to have said:

يَا بُنَيَّ إِيَّاكَ وَالْحَدَّثَ لَمْ أَرِ أَحَدًا مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَبْغَضَ إِلَيَّ الْحَدَّثَ فِي الْإِسْلَامِ

O my son avoid innovation. I have not seen any Companion of the prophet who did not dislike innovation in Islam.<sup>77</sup>

With the expansion of Islam it became essential to keep the community consolidated on Prophetic norm. The scholars therefore did not limit the normative frame work to Madina, they rather carried the concept of *sunnah* forward to wherever they went.

Dislike for innovation and attachment to *sunnah* was the normal pattern of the early Muslim society. Commonly accepted *ahadith* of the prophet were the basis for the formulation of this attitude. The prophet is reported to have said:

شَرُّ الْأُمُورِ مُحْدَثَاتُهَا

The worst practice are the innovations in religion.<sup>78</sup> مَنْ أَحْدَثَ فِي أَمْرِنَا هَذَا مَا لَيْسَ فِيهِ فَهُوَ رَدٌّ

Whosoever introduced an innovation in our affair (religion) that is rejected.<sup>79</sup>

It was due to the instructions of the prophet that the Muslims developed their taste for *hadith* and *sunnah*.

75. Bukhari, *Kitab al-I'tisam*, bab Ithm man awa muhdiathan, 8/148

76. Al-Aghani, 21:144

77. Tirmidhi, *Salat*, bab tark bismilla, 2/13

78. Ibn Majah, *Muqaddimah* 1/17; Bukhari, *K. I'tisam*, bab al-Iqtida', 8/139

79. Ibn Majah, *Muqaddimah*, 1/7

case of a self styled ruler who thrust himself on the people, but of a inspired person whom God has appointed as a ruler.

The duty of establishing a just state and a balanced society is an essential part of the Prophetic mission. Whatever, steps he was taking in organising the activities of the community was performing a prophetic duty. His obedience and allegiance is an allegiance to God :

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ

We sent not an Apostle, but to be obeyed, in accordance with the Will of God<sup>70</sup>

وَمَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ

He who obeys the Apostle, obeys God.<sup>71</sup>

إِنَّ الَّذِينَ يُبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ اللَّهَ

Verily those who plight their fealty to thee do no less than plight their fealty to God<sup>72</sup>

وَمَا كَانَ لِمُؤْمِنٍ وَلَا مَوْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

It is not fitting for a believer, man or woman, when a matter has been decided by God and His Apostle, to have any option about their decision if anyone disobeyed God and His Apostle, he is indeed on a clearly wrong path.<sup>73</sup>

All these Qur'anic verses are clear evidence of Prophet's important position in Islamic thought and practice. The *Ummah* has a consensus on the point of *sunnah* being the second source of Islamic law and thought.

Since *hadith* is the record of *sunnah*. Therefore, it has an important role to play.

## CONCLUSION

The way in which the Qur'an portrayed the person of the Prophet makes abundantly clear that the Prophetic model is essential for leading a true Islamic Life. The Companions of the Prophet and successive generation, for this very reason, made efforts to preserve every aspect of Prophetic Life. The Muslim community holds a consensus upon the view that the person of the prophet is a second source of Islamic thought and practice. Early generation of the Muslims, due to their love and attachment to the Prophetic model tried to preserve details relating to various aspects of Prophetic Life. His teachings and actions, as recorded earlier, were known as *sunnah* and can be found in *hadith* literature. As stated by Dr. Subhi Salih, when the Arabs heard the prophet saying, "you must follow my *sunnah*"<sup>74</sup>

عليكم بـسنتي they understood without any difficulty that he had been referring to his

70. al Qur'an, 4/65

71. al-Qur'an, 4/80

72. Ibid, 48/10

73. Ibid, 33/36

74. Ibn Majah *muqaddimah*, 1/16

## PROPHET AS A LAW GIVER

The Qur'an has very clearly mentioned that Allāh has given to the Prophet the power of legislation, and so he can declare things lawful and unlawful. *Halāl* and *ḥarām* are not only those which have been mentioned in the Qur'an but also those which has been declared by the Prophet.

Whatever he declares is due to the powers delegated to him by God Almighty. The Qur'an says:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَاعْلَمُوا أَنَّهُ لَا إِلَهَ إِلَّا اللَّهُ فَاعْلَمُوا أَنَّمَا اللَّهُ عَزَّ وَجَلَّ يُصْطَفِي لِمَنْ يَشَاءُ مِنْ رَسُولٍ وَلَا تَتَّبِعُوا الْأَعْيُنَ وَأَتَّبِعُوا أَلْسِنَتَكُمْ وَلَا تَسْلُبْهُمُ أَمْوَالَهُمْ بِهَا لَعْنَةُ اللَّهِ وَالَّذِينَ لَا يُغْنِي عَنْهُمْ كَيْدُهُمْ وَلَا هُمْ يُنصَرُونَ

For he commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure). He releases them from their heavy burdens and from the yokes that are upon them.<sup>65</sup>

مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

So take what the Apostle assign to you, and deny yourselves that which he with holds from you. And fear God; for God is strict in punishment.<sup>66</sup>

## PROPHET AS A JUDGE

The Prophet was empowered by Allah to act as a judge in the Muslim Community. His decisions have been declared as binding for each and every Muslim. Anybody who does not accept his decision is not a believer:

إِنَّا أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ

We have sent down to thee the Book in truth, that thou mightiest judge between men, as guided by God.<sup>67</sup>

وَقُلْ آمَنْتُ بِمَا أَنْزَلَ اللَّهُ مِنْ كِتَابٍ وَأُمِرْتُ لِأَعْدِلَ بَيْنَكُمْ

Say : I believe in the Book which God has sent down, and I am commanded to judge justly between you.<sup>68</sup>

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا

But no, by thy Lord, they can have no real, Faith, until they make thee judge in all disputes between them and find in their souls no resistance against thy decisions but accepts them with the fullest conviction.<sup>69</sup>

## PROPHET AS A HEAD OF THE STATE

The Muslims are enjoined to obey the Prophet as a head of the state. It is not the

65. al-Qur'an, 7/157

66. al-Qur'an, 59/7

67. al-Qur'an, 4/105

68. al-Qur'an, 42/15

69. al-Qur'an, 4/65

وَسَمِعْتُ مِنْ أَرْضَى مِنْ أَهْلِ الْعِلْمِ بِالْقُرْآنِ يَقُولُ: الْحِكْمَةُ سُنَّةُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

I have heard from those scholars of Qur'an whom I like that *hikmah* is the *sunnah* of the Prophet.<sup>60</sup>

He further says:

وَسُنَّةُ الْحِكْمَةِ الَّتِي أَلْقَى فِي رُؤُوسِ عَنِ اللَّهِ عَزَّ وَجَلَّ

*Sunnah* is the wisdom which has been placed by God at his heart.<sup>61</sup>

Prophetic wisdom is a God given gift by which all the Prophets carried on the mission of God in this world. The Prophets through natural faculty lead the people to the path of salvation and success. It is also a kind of revelation because the purified hearts and souls of the Prophets can never go against the will of God. That is why the scholars of Islam have interpreted *hikmah* as *Sunnah* of the Prophet. So imparting *hikmah* is part of Prophetic mission and the record of that activity is *hadith*. The interpretation of the Qur'an and its explanation along with the implementation of God's will was his duty. The record of these aspects of Prophet's life is *hadith*.

## THE PROPHET AS AN EXAMPLER

Another aspect of prophet may also be kept in mind. The Qur'an presents the Prophet as an example for believers in various aspects of human life.

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِمَن كَانَ يَرْجُوا اللَّهَ وَالْيَوْمَ الْآخِرَ

You have indeed in the Apostle of God a beautiful pattern (of conduct) for anyone whose hope is in God and the Final Day, and who engages much in the praise of God<sup>62</sup>

قُلْ إِن كُنتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ

Say: if ye do love god, follow me God will love you and forgive you your sins: for God is oft-forgiving most Merciful.<sup>63</sup>

قُلْ أَطِيعُوا اللَّهَ وَالرَّسُولَ فَإِن تَوَلَّوْا فَإِنَّ اللَّهَ لَا يُحِبُّ الْكَافِرِينَ

Say: "Obey God and His Apostle". But if they turn back God loveth not those who reject Faith.<sup>64</sup>

60. *Risala*, 64,

61. *Ibid*.

62. al-Qur'an, 33/21

63. al-Qur'an, 3/31

64. al-Qur'an, 3/32