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Roles of the Quran and the Hadith in Islamic Law

The Quran (which is believed by Muslims to be the word of God) was revealed in stages during the twenty-two years of the prophethood (*risalat*) of the Prophet Muhammad (pbuh). During the same period, the Prophet (pbuh) made statements and gave his approval or disapproval on various religious, moral, social, cultural, and legal issues. These statements are called Hadiths and were collected by various Hadith collectors. Both the Quran and the Hadiths made it absolutely clear the Quran was the supreme and ultimate authority and a guide for all Muslims in all matters. The authority of the Hadith is next to that of the Quran. Thus the Quran states:

- “This is the Book; in it is guidance sure to those who fear God.” (2:2)
- “. . . Say: ‘It is not for me, of my own accord, to change it. I follow naught but what is revealed to me: if I were to disobey my Lord, I should myself fear the Penalty of a Great Day (to come).’” (10:15) (The expression ‘say’ refers to the Prophet (pbuh) and the expression ‘change it’ refers to the changing of the Quran.)
- “Your companion is neither astray nor being misled. Nor does he say (aught) of (his own) desire. It is no less than Inspiration sent down to him.” (53:2–4) (The expression, Your companion, refers to the Prophet (pbuh) and the word, It, refers to the Quran.)

A famous saying of the Prophet Muhammad (pbuh) reported by Imam Shafii (1987) clarifies the situation further. Prophet Muhammad (pbuh) is reported to have said, "Compare what purports to come from me with the book of God. What agrees with it, I have said; what disagrees with it, I have not said."

However, problems arose when the Quran was silent on a particular point and Quranic provisions needed to be clarified or supplemented. In such circumstances, the aid of the Hadith (the saying, practices, approvals, and disapprovals of the Prophet Mohammad) were essential supplements to the Quran in formulating various Islamic rules. However, the use of the Hadith as the second source of Islamic law (Shariah) created problems that were completely unforeseen. Despite the Prophet's (pbuh) clear warning to Muslims to ignore any alleged Hadith which was in conflict with the Quran, many Islamic jurists and theologians overemphasized the Hadith to the extent of giving the Hadith precedence over the Quran. Another serious problem was posed by the introduction of a large number of forged Hadiths into the Muslim community by a motivated person or group. It is important to explore in detail how and why some Muslims gave the Hadith such importance as it has had a significant impact on the development of Islamic law.

Among the jurists and the theologians who overemphasized the importance of the Hadith, the first and foremost was Imam Shafii, the founder of the Shafii School of Sunni Law. Arguing on the basis of various Quranic verses, particularly 10:15 and 53:2-4, which, according to Shafii, equated the will of the Prophet (pbuh) with the will of Allah, Shafii opined that the extra-Quranic utterances of the Prophet (pbuh) (the Hadiths) were of divine origin like the Quran. According to Imam Shafii there are two types of revelations; the words of Allah (the Quran) and the words of the Prophet (pbuh) (the Hadiths). Shafii further argues that God appointed the Prophet (pbuh) to both deliver and interpret the minutest details of the revelations and that both functions (of the Prophet (pbuh)) are covered in the Quranic command for men to obey the Prophet (pbuh) in all things (Burton 1994). Shafii based this argument on a Hadith of the Prophet Mohammad (pbuh) in which he said: "I have omitted to command nothing that God commanded, and have omitted to prohibit nothing that God prohibited." However, Goldziher (1971) states that Imam Shafii did not believe a Hadith, even if well authenticated, could abrogate the Quran. In reality, the Prophet Muhammad (pbuh) had given clear instructions to discard any Hadith that disagreed with the Quran in

the following words: "Compare what purports to come from me with the Book of God. What agrees with it, I have said; what disagrees with it, I have not said" (Shafii 1987). Yet, Imam Shafii preferred an alleged Hadith of the Prophet which said: "Let me not find any of you who says when a command and/or prohibition that I have uttered comes to him, 'I don't know, We shall follow what we find in the Book of God.'"

According to Shafii (1987), "The Hadith, vis-à-vis the Quran are of three categories:

1. Where there is a text in the Quran and the relevant Hadith of the Prophet (pbuh) conforms with the said Quranic text.
2. Where the text of the Quran is couched in general terms and the Hadith illustrated the precise meaning that was intended by the said text of the Quran.
3. When there is a Hadith on a topic on which the Quran is silent."

The Islamic jurists are in agreement with the first two categories. However, some Islamic scholars insist the Prophet (pbuh) never instituted any ruling on any matter unless it was referred to, at least in principle, in the Quran for example the obligation to pray in the Quran and the Prophet's (pbuh) Hadith giving details about the method of prayer (Burton 1994). Shah Waliullah Dahlavi (n.d.) mentions an authentic Hadith in which the Prophet Muhammad (pbuh) said, "The Quran can cancel the Sunnah of the Prophet (pbuh) but the Sunnah of the Prophet (pbuh) cannot cancel the Quran" (M 1:6-11).

In the generation that followed Imam Shafii, some Islamic jurists went to the opposite view by holding the opinion that if the Quran can abrogate the Hadith, the Hadith of the Prophet (pbuh) can abrogate the Quran, since Gabriel brought the Hadith from God, and one form of revelation can abrogate the other. In support of this opinion, they quoted an alleged Hadith of the Prophet (pbuh) in which he is alleged to have said, "I have been granted the Book and along with it's equal" (the Hadith) and 59:7 verse of the Quran which states: ". . . so take what the Apostle assigns to you, and deny yourselves that which he withholds from you. And fear God; for God is strict in punishment." It should be noted that this verse of the Quran deals with the Prophet's order or decision regarding shares of the booties of war for various groups of Muslims. Therefore, this verse cannot be used as an argument for giving the Hadith equal importance with the Quran. Ibne Kathir (1966) crystallizes this extreme

opinion and says, "The Sunnah prevails over the Quran; the Quran does not prevail over the Sunnah." Arriving at this extreme position, these jurists ignored the principles on which Islam was founded and challenged the supreme authority of the Quran in Islamic law over everything including the Hadith. The fact that an alleged Hadith that contradicted the Quran could not have come from the Prophet Muhammad (pbuh) and therefore should be rejected was ignored. This had serious consequences for the development of Islamic law.

The serious problem of dealing with innumerable forged Hadiths demanded the attention of Muslim jurists and theologians in all ages. The first situation to consider in this area is a Hadith that contradicts another Hadith. Obviously, both cannot be authentic. The second situation arises when there are irreconcilable views of two collectors of Hadiths who are called traditionalists or *muhaddes*. The comments of Shibli Numani (1987) on this subject are worth noting. According to Numani, there are considerable differences among the traditionalists about the correctness or otherwise of a particular Hadith, one accepts it as a genuine (*sahih*) Hadith and the other rejects it as weak (*zaif*). Numani refers to Ibn Jauzi, a traditionalist who supports Numani's view about *zaif* Hadiths and even describes some Hadiths in the collections of Imam Bukhari and Imam Muslim as forgeries. The collections of Hadiths compiled by Imam Bukhari and Imam Muslim are considered by the Sunnis as the most reliable books after the Quran. However, Darqutuni, a collector of Hadiths from the fourth century AH wrote a special work showing the weakness of 200 Hadiths included in these two compilations (Goldziher 1971). It is interesting to note that Imam Bukhari criticizes Imam Muslim, and Imam Muslim criticizes Imam Bukhari even calling him a plagiarist and one who insults Hadiths (Mulki 1981). Imam Bukhari recognizes 434 reporters Imam Muslim does not cite, and Imam Muslim cites 625 reporters Imam Bukhari does not mention. It should also be noted Bukhari is stricter than Muslim regarding *isnad* (chain of authority) and insists that two men named consecutively in the *isnad* must have met. But Imam Muslim was content with evidence that two men named consecutively in the *isnad* were contemporaries and could have met (Burton 1994). All these complications regarding the authenticity of many Hadiths and their contradictions are the result of the introduction of many false and forged Hadiths. Alfred Guillaume (1954) gives a list of six alleged Hadiths that were contradicted by either the Quran, by another Hadith, or were contrary to reason. According to Guillaume, the Mutazilite (school of Islamic philosophy) are severe critics of the Hadiths.

Another critic of the Hadith, Goldziher (1971), gives reasons for the forged Hadiths. Goldziher suggests the deliberate inventions of these Hadiths were done either to justify existing local usage or to support the various views of divergent scholars working together in different legal schools of the Muslims. Inventions of these false Hadiths, according to Goldziher, were done with the purely selfish motive of securing support for the consensus of opinions (*ijma*) of the conservative Muslim jurists about their views on rituals, and legal, social, and political issues. Commenting on this extreme view of Goldziher, Burton (1994) states that Goldziher does not exempt any class of Hadiths from an allegation of falsehood.

Further difficulty was encountered in authenticating a Hadith when its narrator had either indulged in lying in their daily activities or when they were dealing in matters for which they were not qualified. Imam Malik (1981), the founder of the Maliki school of Sunni Law, laid down two tests for the acceptance of a narrator of Hadith in the following words, "I had the good fortune to be born in Medina at a time when 70 persons who were the *Ashabs* of the Prophet (pbuh) who could recite the Hadiths were still alive. They used to go to the mosque and would start speaking, 'the Prophet (pbuh) said so and so.' I did not collect any of the Hadiths that they recounted, not because these people were not trustworthy, but because I saw that they were dealing in matters for which they were not qualified. There were some people whom I rejected as narrators of Hadiths, not because they lied in their role as men of science by recounting false Hadiths that the Prophet (pbuh) did not say, but just simply because I saw them lying in their relations with people in their relationship that had nothing to do with religion" (Al-Barr n.d.). Thus, according to Imam Malik, a narrator of Hadith could not be accepted if he was not well versed in Islamic law or found to be lying in any sphere of life. Sir Abdur Rahim (n.d.) in his *Principles of Muhammadan Jurisprudence* mentions *ashabs* of the Prophet (pbuh), who were traditionalists and jurists of Islamic law. They were Abu Bakr, Umar Bin Khattab, Ali Ibn Abutaleb, Ayesha Siddiqah, and Abu Musa al-Ashari. Among the *ashabs* who were traditionalists but not jurists of Islamic law were Abu Huraira and Anas Bin Malik. As the reporting of Hadiths suffered from the possibility of fallibility due to lapses of memory, many *ashabs*, being conscious of a possible lapse of memory, refused to report any Hadith for which they were otherwise qualified. One such companion of the Prophet (pbuh) was Umar Ibn Hasin, who made the following remark, "If I

wanted to, I could recite traditions about the Prophet (pbuh) for two days without stopping. What kept me from doing it was that I had seen some of the companions of the messenger of Allah (pbuh) who heard exactly what I myself heard, who saw what I saw, and those men recounted Hadiths. Those traditions were not exactly what we heard. And I am afraid of hallucinating as they hallucinate.”

Some Muslim scholars like Abu Zahra and Qadi Ayad give some support to the accusation of Goldziher against the Hadiths regarding the stigma of falsehood. Abu Zahra (n.d.) informs us that one of the reasons for the increase in lying concerning the Prophet (pbuh) and the schisms and divisions in the ranks of Islamic jurists, was the dissension tearing the Muslim world into civil war and schism leading to the birth of two Muslim sects, the Shiahs and the Sunnis (Zahra n.d.). According to Abu Zahra, the liars who tried to put words into the mouth of the Prophet (pbuh) to benefit their cause or party were innumerable. These liars are classified into three categories. The first category are those who attributed to the Prophet (pbuh) remarks he did not make and there are two groups in this category. The first group are those who lied for material advantages and the second group are those who lied for ideological advantages. The second category simply falsified the chain of authority (*isnad*) without fabricating the contents of the Hadith (*matn*) giving false *isnad* with famous persons to weak Hadiths. The third category are those who claim to have heard remarks they never heard or to have met people they never met.

Following the lead given by Goldziher, many western scholars challenged every Hadith until its authenticity was proved. Taking an extreme position against all Hadiths, Schacht (1950) commented that until authenticity was proven, every Hadith on legal issues must be considered nonauthentic, and a false expression of a legal opinion arrived at a date later than the time of the Prophet Muhammad (pbuh). Some western scholars such as Professor N. J. Coulson (1964), took a central position, suggesting the most reasonable principle of historical inquiry should be to accept an alleged Hadith as genuine unless there are reasonable bases or convincing arguments that indicate the fictitiousness of the said Hadith. We have already seen that long before the strict test of Goldziher, Muslim authorities on the Hadith accepted the fact that many false Hadiths were in circulation. They went even further by making elaborate rules of criticism to determine the authenticity of any Hadith. Shah Abdul Aziz Dahlavi (n.d.) has summarized the rules of criticism of Hadiths.

He states that a report of a Hadith will not be accepted under any of the following circumstances:

- If the report was against the plain teachings of Islam.
- If the report was against reason.
- If the report contained threats of heavy punishment for ordinary sins or of mighty reward for the slight good deeds.
- If the report spoke of rewards from the Prophets and messengers instead of from Allah for the doers of good deeds.
- If the subject matter or words of the report were ‘*rakik*’ (unsound or incorrect) e.g. if the subject matter was unbecoming of the Prophet’s (pbuh) dignity or the words of the report were not in accordance with the Arabic idioms.
- If the report was reported by a single man while it was of such a nature that to know it or to act upon it was incumbent upon all.
- If the report was opposed to recognized historical facts.
- If the report was reported by only one reporter and had the reported incident happened it would have been known and reported by a large number of reporters.
- If the narrator had confessed that he had fabricated the report.
- If the time and circumstances of the narration of the reporter contained evidence of its forgery.
- If the report was an uncorroborated report of a Shiah reporter accusing the Sahabas or if the report of a Khariji reporter accusing a member of the Prophet’s (pbuh) family.”

Similar rules of criticism of Hadiths were laid down by Mulla Qari in *Maudzat*, Ibnul Jauzi, in *Fathul Mugith*, and Ibne Hajar, in *Nuzhat An-Nazar*. Ibne Hajar (n.d.) states that among the reasons for rejecting an alleged Hadith as authentic is its subject matter. According to Hajar, if a Hadith contradicted the Quran, a recognized Hadith, the unanimous opinion of Muslim society, or common sense, it should be rejected. Summarizing the whole matter concerning the verification of the authenticity of any Hadith in the various collections of Hadiths, Muhammad Ali (1950) holds the view that despite the fact all the collections of authentic (*sahi*) Hadiths had been made by reputed experts on Hadiths (*muhaddesses*), it

cannot be claimed that one-hundred percent of their judgements are correct and therefore other Muslims might have their own judgements. It is noteworthy that traditionalists including Imam Bukhari never claimed faultlessness in their collections of Hadiths. In fact, they left the question of the reliability of the Hadith in their collections of Hadith to the generations that followed them.

Questioning the good memory and trustworthiness of the reporters in the chain of authority (*isnad*) of reports, which contradicted the Quran or reason, Fatima Mernissi (1991) argues for a vigilant examination of all Hadiths including the so-called *sahih* (authentic) Hadiths of the *Siba Sittas* (the six collections of authentic Hadiths). According to Mernissi, Imam Malik bin Anas sanctions this right for every Muslim. Mernissi further argues that collectors of Hadiths, including Imam Bukhari, declare their fallibility, acknowledging that only God is infallible. Therefore, she claims that questioning everything and everybody, including the jurists of Islamic law and the collectors of Hadiths by the Muslims, is a right sanctioned by Islamic tradition. Furthermore, Mernissi urges Muslims to find out the true traditions that have been obscured by centuries of neglect.

When summarizing the respective roles of the Quran and the Hadith in formulating Islamic law, it is essential to remember that the Quran is the primary source of information and the Hadith is an important, but secondary, source of information. The promotion of the Hadith to an equal status with the Quran is not sanctioned by fundamental Islamic principles but has unfortunately been encouraged by misinformed or ill-motivated jurists of Islamic law. The added factor of false Hadiths has complicated the matter. It is imperative that the ability to reject alleged Hadiths that do not fulfill the criteria of authenticity described above be retained by Muslims formulating Islamic law in the present day. If this ability is not retained then Islamic law will be polluted by alleged sayings of the Prophet that have been forged in the centuries since his death. It would be highly unfortunate if this is allowed as it would result in Islamic laws that are not true to the original teachings of the Prophet Muhammad (pbuh).