

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



MINHAJ OF THE SALAF Regarding the Authentic Sunna

by
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INTRODUCTION

ALL PRAISE is due to Allah. We praise Him, and ask Him for His forgiveness and aid. Whomever Allah guides none can mislead, and whomever He misleads none can guide. I bear witness that there is no God other than Allah, and I bear witness that Muhammad is His slave and Messenger.

May Allah bless and grant the highest status to our beloved messenger, Muhammad ﷺ, and may He bless his noble family, companions, and all those who followed them in righteousness and goodness until the Resurrection Day.

The Holy Prophet ﷺ has told us in a sound hadīth,

أوصيكم بأصحابي ثم الذين يلونهم ثم
الذين يلونهم ثم يفشوا الكذب

“I commit to you my Companions, then those who follow them, and then those who follow them. Then lying will become widespread.”¹

¹ *Jāmi’ al-Tirmidhī: Fitan/7*. The remainder of the hadīth is, “...until a person will swear even though he has not been

This hadīth suggests that the most meritorious time in Islamic history was the age of the Pious Forbearers (The Salaf). Consequently, it has become commonplace to hear claims by many Muslims seeking distinction from aberrant sectarian interpretations and approaches to Islam saying things like, “We are upon the path of the Salaf” or “We follow the *minhāj* of the Salaf.”

The ambiguity and obscurity of such a pronouncement leaves one to ask, “And what was the *minhāj* of the Salaf?” The claimant may respond by saying, “The *minhāj* of the Salaf was to avoid innovation in the *dīn* of Islam. The *minhāj* of the Salaf was to place nothing before the words of the Holy Prophet ﷺ, and the *minhāj* of the Salaf was to rely only upon the *ṣaḥīḥ* narrations” or “...on the Authentic Sunna.”

I, personally, take no issue with the first two claims [1] that the *minhāj* of the Salaf was to avoid innovation; and [2] the claim that they did not place anyone’s statement before the words of the holy Prophet ﷺ. I do, however, take issue with the last claim [3] that their *minhāj* was to rely merely upon the reports classified as *ṣaḥīḥ* (*trans.* authentic).

This particular essays aims at disproving the claim that the Salaf only relied upon *ṣaḥīḥ* reports that fulfill the conditions stipulated by Sunni ḥadīth scholars. The reason is that many Muslims have made it a point to severely criticize and condemn many of the great scholars of our tradition, their works, and even the common Muslim who may happen to quote or act upon a weak ḥadīth. Those condemning believe that quoting a weak ḥadīth is tantamount to lying on the Prophet ﷺ even though that has never been an accepted position adopted by Muslim scholars. True! It is closer to being a lie than the truth, but even that depends on how weak the ḥadīth may be

asked to swear. One will bear witness even though his testimony has not been asked for. Surely, no man spends time alone with a woman without the third of them being Satan. Remain committed to the united mass, and beware of dispersion. For, verily Satan is with the lone person while he is at a greater distance from two. So whoever desires the prosperity of the Garden let him cling to the united mass. Whoever’s good deed brings him joy and bad deed bothers him, then that is the believer.” Tirmidhī grades the ḥadīth as ḥasan ṣaḥīḥ gharīb from this chain.

and in what area it is being employed, as we will come to see.

Nothing greater affirms this statement of mine than the fact that hadīth scholars have always made a distinction between a fabricated ḥadīth (mawḍū‘) and a weak ḥadīth (ḍa‘īf). Why make a distinction between the two if the narration of a weak ḥadīth is equal to the narration of one that is spurious and false? Additionally, even if we were to compare the two forms of agreed upon acceptable hadīths—*ṣaḥīḥ* and *ḥasan*, we would find that the latter contains characteristics that make it weaker than the former even though we do not declare it to be weak. Furthermore, the same relativity exists when we compare an indisputably authentic ḥadīth (mutawātir) with one that is reasonably authentic (ṣaḥīḥ āḥādī).

The point is that weakness and strength in terms of reports and narratives differ in degree. The majority of our Pious Forbearers took this into account often in their acceptance and rejection of different reports. So one cannot rightfully reject a scholar’s statement simply because the ḥadīth he reports may have some weakness in it, unless the weakness found is something that the scholar himself declared to be a valid basis for rejecting such a ḥadīth. In that case, it would be a case of an oversight on that scholar’s part that must be taken into consideration. Our hope is that by the end of this essay, these facts will be borne out.

Abdullah bin Hamid Ali

CHAPTER ONE: “If the Ḥadīth is Ṣaḥīḥ, it is My Madhhab”

What is often times used as a proof that the Four Imams did not intend for the common Muslim to uncritically follow them (*taqlīd*) without knowing their evidence is the fact that they are reported as saying things like, “If the ḥadīth is *ṣaḥīḥ*, then it is my madhhab,” etc.

For the opponents of *taqlīd*, this fact serves as decisive proof for the impermissibility of uncritical imitation of a scholar, and the obligation of demanding evidence from them. However, one must understand a few things

about these statements to grant them their proper contexts and interpretations:

- A- These statements were not addressed to the common lay Muslim. They were addressed to scholars who were qualified to exercise their own independent judgment (*ijtihād*) about religious matters. The proof for this is that [1] most of the Imams deem it impermissible for one *mujtahid* to uncritically follow another *mujtahid*’s ruling until he has completed his scholarly endeavor (*ijtihād*)²; [2] ḥadīth books were not readily available to the masses during that era and the common folk did not know which books could be relied on and which could not; and [3] even if the books were available and known, the common person did not have the qualifications to determine the soundness or weakness of any particular report as is the case today. Furthermore [4], they were not familiar with the nomenclature of ḥadīth scholars. So ‘*ṣaḥīḥ*’ to the common person meant no more than ‘healthy or true,’ while it had a much more specialized meaning to the learned in later years.³
- B- Another thing we need to consider about having a layperson ask a scholar for textual evidence is that [1] there is no jurisprudence or law that can be extracted from the translation of any

² Imām Abū Ḥāmid al-Ghazzālī states in his *Al-Mustasfā*,

“They (scholars) are in agreement that whenever the *mujtahid* completes his scholarly endeavor [in a matter] and a particular ruling predominates his mind, it is not permitted for him to uncritically imitate (*yuqallid*) one who opposes him, to act in accord with the view of another, or to abandon his own conclusion. As for when he has not yet exerted effort (*lam yajtahid ba’du*) or reflected [on the evidence] because he is incapable of scholarly endeavor (*ijtihād*) like the layman, then he may uncritically imitate another. But this individual is not a *mujtahid*. However, he may perhaps be capable of scholarly endeavor in some matters while being incapable in others...” [2/611]

³ In all reality the nomenclature of hadith specialists was not standardized until after the time of the virtuous Imams. During the early period there were basically only two types of hadiths: [1] acceptable, and [2] unacceptable. Beyond that, the four Imams differed about the acceptableness and unacceptability of certain narrations.

ḥadīth, while countless mistranslations exist; and [2] even if the person knows Arabic, as a layman, he still does not possess the qualifications of being a *mufassir* or *shāriḥ* (commentator or interpreter) of the ḥadīth. So demanding that scholar to present textual evidence to him would be just another lesson in futility, since what sense would it make for the scholar to give him the evidence when he does not have the tools to interpret them and to give it due scrutiny?

never makes a mistake in narrating an account, and relates it in the same way with the same words each time he is asked.⁵

Innocence from major sin grants us confidence that the person’s consciousness of God hinders him from speaking untruths about the Messenger ﷺ and about other people. The impeccable character of his memory gives us confidence that the words of the Messenger have been transmitted to us with the greatest of accuracy. Even if it is not expressed exactly the way the Messenger ﷺ stated them, we have relative certainty that the original intent of his words have been preserved.⁶

CHAPTER TWO:

The Authentic Sunna – Conditions for the Ṣaḥīḥ Report

Ḥadīth scholars have stipulated four conditions for a ḥadīth to be considered ṣaḥīḥ:

- 1- That it have a connected chain from start to end
- 2- That its transmitters all have impeccable character and memories
- 3- That the report not be irregular in so much that it contradicts the reports of all other transmitters of the same report or the reports of more reliable transmitters
- 4- And that the ḥadīth not contain any subtle weaknesses⁴

So when taking all of these factors into account, we can have almost complete certainty that a ḥadīth is acceptable, sound, or authentic. I say “almost,” since—contrary to popular understanding—a ṣaḥīḥ ḥadīth is not considered to be a source of information that produces definitive knowledge (*‘ilm*) according to the majority of Islamic legal theorists. Rather, it merely produces near definitive or near factual knowledge (*ẓann*) unless it is a type of ṣaḥīḥ ḥadīth called ‘mutawātir,’ which is the truly “authentic” ḥadīth.⁷

When these conditions are fulfilled, a ḥadīth is declared to be ‘ṣaḥīḥ’: sound, authentic, or rigorously authenticated. One of the most important of those conditions is ‘the reliability of the transmitters.’ A transmitter is considered reliable when two conditions are fulfilled:

The reason for this is that—in spite of the degree of confidence we can place in such transmitters—we are still not in a position to say that it is ‘impossible’ for one of those transmitters to lie, forget, or err. It is just that we believe that they ‘most likely’ did not lie, forget, or err, since they did not lie, forget, or err in normal occasions.

- 1- He is not known to commit any enormities or the habitual commission of a minor sin.
- 2- The other condition is that the person must have an impeccable memory, known by the fact that it has been verified that the transmitter almost

⁵ Imām Tilmisānī says, “Know that the transmitter must be upright (‘adl) and of firm recollection (dābiṭ).” (Miftāḥ al-Wuūil ilā Binā’ al-Furū’ ‘alā al-Uṣūl: p. 322)

⁶ Most ḥadīths reported by the Companions are transmitted by meaning only. Imām Suyūṭī relates a number of examples of this in his *Tadrīb* pp. 298-301. Among those who have admitted to this practice are Wāthila b. al-Asqa’, Ḥudhayfa b. al-Yamān, Al-Ḥasan, Ibrāhīm Al-Nakha’ī, Sha’bī, Zuhri and many others. Due to this, we will see later that the early Ḥanafis made a distinction between the Companions who were known for being scholars and those who were not, and rejected the reports by the latter group when it contradicted the dictates of legal analogy (qiyās).

⁷ Imām Juwaynī says, “The Ḥashwiyya (Crypto-Anthropomorphists) from the Ḥanbalis and the recorders of the ḥadīth held the view that the non-corroborating report of the upright person (khabar al-wāḥid) produces definitive knowledge. But this is disgraceful! The way to comprehend it is not hidden from an intelligent person.” (*Al-Burhān* p. 231)

⁴ Nawwawī says in his *Taqrīb* p. 31 in stating the conditions for a ṣaḥīḥ ḥadīth, “It is the one whose chain of transmission is connected, via those who are upright and with a firm recollection, absent of irregularity and subtle defects.”

CHAPTER THREE: The Mutawātir Ḥadīth

A *mutawātir ḥadīth* can be defined as ‘a ṣaḥīḥ ḥadīth reported from concurrent channels to the point that 100% certainty is established that the report is factual.’ The scholars of ḥadīth define it as:

“The report given by a group so large that reason and custom declare it impossible to be the result of a planned agreement upon a lie, transmitted from a group of a like number, and remaining that way throughout the chain from beginning to end.”⁸

A prime example of something that is *mutawātir* or indisputably authentic in the way they are reported are the verses and chapters of the Qur’ān and the manner they were transmitted from generation to generation. So many have related it in each age to the point that we have no doubt that the Qur’ān we have today is the same Qur’ān revealed to the Messenger ﷺ. To deny the Qur’ān or any of its verses would be tantamount to apostasy.

CHAPTER FOUR: The Four Imams & the Authentic Sunna

As stated before, a ṣaḥīḥ ḥadīth that is not *mutawātir* (indisputably authentic) does not produce 100% certainty that the account or report is factual, even though it produces near certainty of that. However, what does one do when another source of Islamic law and practice conflicts with the indications of a non-*mutawātir* ṣaḥīḥ ḥadīth? Does that source produce any certainty? Or is it instantly cancelled out as proof of anything? And if it does produce certainty, can or does it produce more certainty than the non-*mutawātir ḥadīth* to the point that we can legitimately abandon the ḥadīth altogether?

These were the questions that were pertinent to the Imams, and these same questions are the most pertinent to us in understanding how it was possible for one of our Imams not to act on a non-*mutawātir* ṣaḥīḥ ḥadīth. In what follows is a presentation of cases where some of the Imams preferred particular sources of *fiqh* to ṣaḥīḥ ḥadīths.

I. When A Source of Law is Stronger Than a Ṣaḥīḥ Ḥadīth

A. MĀLIK IBN ANAS & the Actions of the Scholars of Medina – 179 AH

Due to the fact that a non-*mutawātir ṣaḥīḥ ḥadīth* does not produce complete certainty, whenever a report would contradict the ‘Actions of the Scholars of Medina’, Imām Mālik would prefer their commonly acknowledged practice to the ḥadīth even if it was ṣaḥīḥ as long as it was not *mutawātir* (indisputably authentic). This is because he believed their agreement to produce greater certainty than a reasonably authentic report (*āḥādī ḥadīth*).

* * *

[1] For instance, there is a ḥadīth stating that the Messenger of Allah ﷺ said,

“Let not one of you fast on the day of *Jumu’a* unless one fasts [one day] before it or fasts [one day] after it [too].”⁹

⁸ See Juwayni’s discussion of *tawātur* (indisputable authenticity) in his *Burhān* pp. 216-222.

⁹ *Muslim* #1985

The majority of scholars used this ḥadīth and others as basis for disapproving of anyone fasting specifically on Friday.¹⁰ Mālik, on the other hand, said when asked about it,

“I have not heard anyone of the people of knowledge and jurisprudence or anyone of those who are emulated forbidding the fast of the day of *Jumu’a*, and to fast it is good.”¹¹

So he considered it to be a good day to fast in spite of the ḥadīth reports on the matter.¹²

[2] A second example is Imām Mālik’s preference to uphold the Medinite custom of not reciting the *basmala* before *Al-Fātiḥa* or the following *sūra* in *Ṣalāt*¹³, in spite of the existence of the following ḥadīth on the authority of Umm Salama who said:

“The Messenger of Allah ﷺ used to recite ‘*Bismillāhir-Raḥmānir-Raḥīm Al-Ḥamdu lillāhi Rabbi l-‘Ālamīn.*’”

In spite of the existence of this ḥadīth and others like it, Ibn Al-Qāsim reports Imām Mālik as saying,

“*Bismillāhir-Raḥmānir-Raḥīm* is not to be recited in *Ṣalāt* in the compulsory prayer equally if [one is reciting] inaudibly to his self or audibly.” He (Ibn Al-Qāsim) said: Mālik said: “It is the Sunna [of Medina], and upon it I have reached the people [maintaining this practice].” He (Ibn Al-Qāsim) said: Mālik said about reciting *Bismillāhir-Raḥmānir-Raḥīm* in the obligatory prayer: “The situation (sha’n) [that prevails in Medina] is the abandonment of the recitation of *Bismillāhir-Raḥmānir-Raḥīm* in the obligatory prayer.” He (Mālik) said: “No one is to recite [it] inaudibly or audibly, neither an Imam nor a non-Imam.” He (Mālik) said: “But in the voluntary prayer (*nāfila*), if one likes, he may do so,¹⁴ and if he

¹⁰ Ibn Ḥajar in *Fatḥ Al-Bārī* states that both Ibn Mundhir and Ibn Ḥazm relate that ‘Alī, Abū Hurayra, Salmān Al-Fārisī, and Abū Dharr Al-Ghifārī all fasted on Fridays. Then he quotes Ibn Ḥazm as saying, “We know of no one opposing them from the *Ṣaḥāba*.” Then Ibn Ḥajar says,

“And the overwhelming majority holds the view that the prohibition is merely indicative of sinless discouragement (*tanzīh*). Mālik and Abū Ḥanīfa [have stated]: “It is not disapproved of [to fast Friday].” [*Fatḥ Al-Bārī*: 1/758]

¹¹ *Muwatta’a*, Kitāb al-Ṣiyām: Ḥadīth #699

¹² Ibn Ḥajar quotes Shaykh Al-Dāwdī as saying,

“Perhaps, the prohibition [of doing so] did not reach Mālik.”

However, to assume this would be inconsistent with his reply that “I have not heard anyone of those who are emulated forbidding [the fast of] it (*Jumu’a*),” since his saying this is clearly in response to the question about the permissibility of fasting Friday. So he was clearly aware of there being some talk of its prohibition. And Allah knows best.

¹³ Mālik also reports that Anas ibn Mālik said,

“I stood behind Abū Bakr, ‘Umar, and ‘Uthmān, and none of them would recite, “*Bismillāhir-Raḥmānir-Raḥīm*,” when he started the *Ṣalāt*.” [Ḥadīth #175]

Other narrations of this same ḥadīth exist, but scholars of ḥadīth like Ibn ‘Abd Al-Barr have classified them as ‘*muḍṭarib*’ (contradictory), since some mention the Prophet, some mention only Abū Bakr and ‘Umar. In addition, some narrations clearly negate the recitation of the *basmala* while others clearly establish it (See *Sharḥ al-Zurqānī ‘alā al-Muwatta’a*: 1/244-245). And when a ḥadīth is considered ‘*muḍṭarib*,’ it cannot be acted upon or used as evidence for a legal ruling. In spite of this fact, the quote from Mālik above shows that his position was less dependent on the ḥadīth report than it was based on the custom of the scholars of his city.

¹⁴ According to Qāḍī Abū Bakr Ibn Al-‘Arabī the companions of Imām Mālik applied the ḥadīths about reciting the *basmala* to the *nawāfil* (voluntary prayers). [Aḥkām Al-Qur’ān: 1/7]

likes, he may abandon [it]. [All of] that is permitted (wāsi’).” He (Ibn Al-Qāsim) said: Mālik said: “A man is not to recite the *ta’awwudh*¹⁵ during the compulsory prayer before the recitation [of *Al-Fātiḥa*]. But he recites the *ta’awwudh* in the standing of Ramadan (*Tarāwīḥ*) when he recites.” He (Mālik) said: “Those who recite [during Ramadan] have remained constant upon reciting the *ta’awwudh* in Ramadan [from the earliest days] when they stand [for prayer]...”¹⁶

[3] Another example of Mālik giving preference to the normative religious customs of the Medinite scholars is his decision to not act on the ḥadīths that make mention of the Prophet ﷺ ending the prayer with two *taslīms*. One of those ḥadīths is the one found in *Muslim* wherein ‘Āmir, the son of Sa’d ibn Abī Waqqāṣ, said that his father said,

“I used to see Allah’s messenger ﷺ give *salām* to his right and to his left to the extent that I could see the whiteness of his cheek.”¹⁷

Shaykh Aḥmad b. Muḥammad b. Al-Siddīq relates in his *Masālik Al-Dilāla Fī Sharḥ Masā’il Al-Risāla* the following statement of Ibn ‘Abd Al-Barr,

“It has been related from flawed channels (*ma’lūla*) that are not sound (*lā tasiḥḥu*) that the Prophet ﷺ used to offer one *taslīm*. However, it has been related that the Four Khulafā, Ibn ‘Umar, Anas, Ibn Abī Awfā, and a group of the Successors (*Tābi’in*) used to offer one *taslīm*. But conflict exists about [the reports of] most of them whereas it has been related that they offered two *taslīms* just as it has been related that they offered one *taslīm*. But the widespread well-known practice in Medina was in accord with it (one *taslīm*)...”

This last statement that “But the widespread well-known practice in Medina was in accord with it” is the clearest proof that the practice of the scholars of Medina was to end the prayer with only one *taslīm*, not two. For this reason Imām Mālik did not act upon the ḥadīths that mention two *taslīms*, while every narration of one *taslīm* according to the scholars is weak¹⁸ negating any attempt of Mālik using them as a basis to substantiate his position.

¹⁵ The ‘*ta’awwudh*’ is to say, “*A’ūdhu billāhi min Ash-Shaytān nir-Rajīm*” (I take refuge with Allah from Satan, the accursed.)

¹⁶ *Al-Mudawwana Al-Kubrā*: 1/105

¹⁷ *Muslim*, Kitāb al-Masājid, Bāb al-Taslīm, Ḥadīth #1315

¹⁸ Shaykh Aḥmad also relates the following quotes in his *Masālik*. First while mentioning the basis of Ibn Abī Zayd’s mention of making only one *taslīm*, he says,

“[That is] according to the standard view (*mashhūr*) because of the ḥadīth of ‘Ā’isha that, “The Messenger of Allah ﷺ used to give *salām* in the Ṣalāt one time with his head positioned straight head (*tilqā wajhihi*), and then turn [it] slightly to the right side.”

Tirmidhī and Ibn Mājah related it, and Abū Ḥātim, Tahāwī, Tirmidhī, Bayhaqī, Dāraquṭnī, Ibn ‘Abd Al-Barr, Baghawī, and Nawwawī [all] declared it to be weak. Ḥafiz [Ibn Ḥajar] said:

“Ḥākīm was careless, and graded it as sound (*ṣaḥīḥ*).”

[This is said also because of] the ḥadīth of Sahl ibn Sa’d that,

“The Prophet ﷺ used to give *salām* one time while keeping his head straight.”

Ibn Mājah related it, and he related the like of it from the ḥadīth of Salama ibn Al-Akwa’. But the chain of each of them is weak. There is also in the chapter [a report] on the authority of Anas with Bayhaqī. Ḥafiz said,

“Its transmitters are trustworthy.”

But, Bāji and others said:

Mālik said,

“On the authority of Nāfi‘, Ibn ‘Umar¹⁹ used to give *salām* to his right, and then he would reply to the Imām.”

Ibn Al-Qāsim said,

“Mālik adheres to it today. Mālik said: “Then if there is someone on his left, he replies to him [too].”²⁰

Ibn Al-Qāsim also said,

“The Prophet ﷺ gave *salām* once as did Abū Bakr, ‘Umar, ‘Uthmān, ‘Umar b. ‘Abd Al-‘Azīz, ‘Ā’isha²¹, Abū Wā’il—i.e. Shaqīq, Abū Rajā’ Al-‘Aṭāridī, and Al-Ḥasan [Al-Basrī].”²²

“The ḥadīths of the one *taslīm* are unfounded (ghayru thābita).”

‘Aqīlī said:

“Nothing regarding [making] one *taslīm* is sound (ṣaḥīḥ).”

(Masālik al-Dilālāt Fi Sharḥ Masā’il al-Risāla: p. 51)

¹⁹ Imām Muslim also reports on the authority of Abu Ma‘mar that,

“An emir in Mecca used to offer two *taslīms*, and ‘Abd Allah [Ibn ‘Umar] said: “And where [or how] did he catch hold of it?”

Shaykh Al-Mubārakfūrī states in his *Minnat Al-Mun‘im Fī Sharḥ Ṣaḥīḥ Muslim*: 1/370,

“It appears from his comment that this Sunna had been abandoned by practically all of the Imams during that time. So ‘Abd Allah was impressed by his knowledge of this Sunna and his adherence to it.”

I would say that this is more likely a question indicative of ‘Abd Allah b. ‘Umar’s condemnation of this practice, since it has become well-established that Ibn ‘Umar used to give one *taslīm*. If practically everyone had abandoned the practice of two *taslīms* at that time, then why would Ibn ‘Umar be impressed with such a thing if it was the Sunna? For if it was a regular practice of his, the people would have known, and it would have been the commonly acknowledged Sunna. Ibn ‘Umar is also considered to be the most tenacious of all the Ṣaḥāba about adherence to the Sunna. That in itself strengthens the Mālikī argument.

²⁰ *Al-Mudawwana Al-Kubrā*: 1/165

²¹ Mālik mentions the reports concerning Ibn ‘Umar and ‘Ā’isha in his *Muwāṭṭa*. The ḥadīth of Ibn ‘Umar is,

“On the authority of Nāfi‘, Ibn ‘Umar used to say, “Al-Salāmu ‘alaykum,” to his right, and then he would reply to the Imām. If there was someone on his left, he would reply to him [too].”

The idea of offering three *taslīms* if someone is also on a person’s left side is also supported by the following ḥadīths:

Samura b. Jundub reports that the Prophet ﷺ said: “When the Imām gives *salām*, then reply to him.”

Ibn Mājah

In another narration he says,

“The Messenger of Allah ﷺ ordered us to give *salām* to our Imāms and that we give *salām* to one another.”

Abū Dāwūd & Ḥākim

The version of Bazzār is,

[4] The last example I would like to give of Imām Mālik forsaking the ṣaḥīḥ ḥadīth for the normative practice of the scholars of Medina is the matter of his decision not to act on the reports that make mention of the Prophet ﷺ raising his hands during each movement of the Ṣalāt. Imām Bukhārī reports the following narration on the authority of Sālim ibn ‘Abd Allah b. ‘Umar who reports from his father that,

“The messenger of Allah ﷺ used to raise his hands parallel with his shoulders when he started the Ṣalāt and when he said the *tabkīr* for *rukū’* (bowing). When he raised his head from *rukū’*, he raised them also in the same manner and said: “*Sami’ Allāhu liman ḥamidahu, Rabbanā wa laka al-ḥamd.*” But he did not do that while prostrating (*sujūd*).”

Mālik said,

“I do not know of raising the hands in any of the *tabkīrs* of Ṣalāt, not in any lowering or any rising, except for at the start of the Ṣalāt. One raises his hands lightly. The woman in that [matter] is like the man [so she does likewise].”

Ibn Al-Qāsim said:

“Raising the hands was weak in the view of Mālik except for in the opening *tabkīr* (*tabkīratu l-iḥrām*).”²³

“We were ordered to reply to the Imām, to love one another, and to give *salām* to one another.”

Bazzār added in Kitāb Al-Ṣalāt, “Its chain is fair (*hasan*).”

²² *Ibid.*

²³ Ibn Wahb and Ibn Al-Qāsim said,

“On the authority of Mālik from Ibn Shihāb from Sālim b. ‘Abd Allah from his father (Ibn ‘Umar) that the Messenger of Allah ﷺ used to raise his hands parallel with his shoulders when he started the *tabkīr* for the Ṣalāt.”

Wakī [narrated] on the authority of Sufyān Al-Thawrī from ‘Āsim from ‘Abd Al-Rahmān b. al-Aswad from Al-Aswad and ‘Alqama [that] they [both] said: “‘Abd Allah b. Mas‘ūd said: “Shall I not lead in the prayer [likened to the prayer] of Allah’s Messenger ﷺ?” He said: “Then he prayed and raised his hands only once.””

Wakī said,

“On the authority of Ibn Abī Laylā from his brother, ‘Isā and Al-Ḥakam from ‘Abd Al-Rahmān b. Abī Laylā from Al-Barā b. ‘Āzib that Allah’s Messenger ﷺ used to raise his hands when he started the Ṣalāt, and then he would not raise them [again] until he finished.”

Wakī said,

“On the authority of Abū Bakr b. ‘Abd Allah b. Qattaf Al-Nahashlī from ‘Āsim ibn Kulayb from his father that ‘Alī used to raise his hands when he started the Ṣalāt, and then did not repeat [it].” He (Wakī) said: “He (Kulayb) had witnessed [the battle of] Ṣiffin with him (‘Alī). The companions of Ibn Mas‘ūd used to raise their hands in the first [takbīra], and then they did not repeat [it], and Ibrāhīm Al-Nakhaī used to do it.”

(*Al-Mudawwa Al-Kubrā*: 1/108)

B. ABŪ ḤANĪFA & ḤANAFĪS — 150 AH

Abū Ḥanīfa, like Mālik, had principles and sources of law and practice that he considered to be avenues that lead to greater certainty than non-*mutawātir* ḥadīths. An example of this is that if a particular Companion relating a ḥadīth was not known as one of those who were foremost in learning, and the report conflicted with the proper judgment of legal analogy (*qiyās*), Ḥanafis²⁴ would consider legal analogy to be stronger than a non-*mutawātir* ḥadīth. Consequently, they would abandon the ḥadīth for legal analogy.

[1] For example, Abū Hurayra, one of the most well-known Companions who was not considered among their scholars in spite of relating a number of ḥadīths, once related the ḥadīth that states the Prophet ﷺ as saying,

“Make wuḍū (ablution) from whatever fire has touched.”²⁵

²⁴ Shaykh Muḥammad al-Gangohī says, “Then know that the narration of the non-jurist is rejected when it conflicts with legal analogy only when the Umma has not received him with acceptance. As for when they have received him, he is accepted. Know also that this is the view of ‘Isā b. Abbān. Qāḍī Imām Abū Zayd—may Allah show him mercy—chose it also, and most of those of the later days have followed him. As for the view of Shaykh Abū al-Ḥasan Al-Karkhī—may Allah show him mercy—and those who follow him, it is not a condition in order for the report to be preferred to legal analogy that the transmitter be a jurist. Rather, the report of any upright person is accepted in all circumstances with the condition that it does not contradict the Book and the Sunna Mashhūra, because the presumption that the transmitter has altered something after the establishment of his integrity and firm recollection is a baseless assumption. In fact, it is more apparent that he has related the report in the same way he heard it, so if he had changed it, he would have changed it only in a way whereby the meaning has not been altered. This is the more apparent state of those who recall reports and who are upright transmitters, especially from the Ṣaḥāba—may Allah be pleased with them. This is due to the fact that they witnessed the textual pronouncements first hand, and they are from the people of the language. So such a report is sound (*ṣaḥīḥ*) according to what is apparent. And I wish I knew why the author chose this view. Rather, what he has chosen is the view of ‘Isā b. Abbān.” (‘Umdat al-Hawāshī ‘alā Uṣūl al-Shāshī: pp. 278-279)

²⁵ Muslim reports it on the authority of Zayd ibn Thābit, Abū Hurayra, and ‘Ā’isha. But the version quoted above is the version of Abū Hurayra and ‘Ā’isha. The version of Zayd is that he heard the Prophet ﷺ say, “Wuḍū is from whatever fire touches.”

When the Companion, ‘Abd Allah b. ‘Abbās, one of the most learned Companions, heard Abū Hurayra relate this ḥadīth, Ibn ‘Abbās said:

“And what if you happen to make wuḍū with heated water? Would you make wuḍū from it too?”

Abū Hurayra remained silent as if dumbfounded by this proposition.²⁶

This example was sufficient for Ḥanafīs to establish a precedent for the rule that ‘When a transmitter not known to be a scholar (in spite of being righteous) gives a report that contracts legal analogy, legal analogy is preferred to it.’

Another example of this is that Abū Hurayra reports that the Prophet ﷺ said:

“Do not leave the teats of camels and small livestock full of milk. If so, the one who purchases it after that has the better of two options after he milks it. If he is pleased with it, he may retain it. If he dislikes it, he may return it along with it a ṣā²⁷ of dried dates.”

In other words, he may return it along with it a ṣā’ of dried dates in place of milk. The demands of legal analogy are that if someone destroys the property of another, an equivalent form of that property must be insured if an equivalent exists. If not, the value of that item must be refunded. However, this ḥadīth stipulates that—in spite of there being an equivalent item present—it may be replaced with something that it is not equivalent to it.

Early Ḥanafīs ruled that the judgment of legal analogy should be followed in this case, because Abū Hurayra was not one of the learned Companions. He was simply a ḥadīth transmitter. Since most ḥadīths are transmitted by meaning, there is the fear that the unlearned Companion may have improperly understood the words of the Messenger ﷺ before conveying to others what he understood from the Prophet ﷺ.²⁸ Based on this rationale, the dictates of legal analogy produces greater certainty than the actual report does. So in such cases, the report is abandoned for what produces greater certainty.

²⁶ See *Usūl al-Shāshī*: p. 276

²⁷ A ṣā’ is a dry measure estimated as being equal to 1.053 liters in volume or 2.24 kilograms in weight. See W. Hinz, *Islamische Masse und Gewichte* (Leiden, 1970).

²⁸ Shaykh Al-Gangohī says, “...were he to act in accord with the ḥadīth in this form also, the door to reflective opinion (ra’y) would be closed from every regard. Allah—the most high—has ordered us to employ analogy for He says, “So, take a moral lesson, O you who have eyes!” (Ḥashr: 2) The situation is that the transmitter is unpopular for having legal knowledge, while transmitting by meaning was something widely known and widespread among them. Perhaps, the transmitter would convey the ḥadīth by meaning according to his understanding but committed an error and did not comprehend the intent of Allah’s messenger ﷺ, since it is of grave seriousness for one to be fully acquainted with all that he intended. For, surely he ﷺ was given the broadness of brevity in speech (jawāmi’ al-kalim). And one can only become acquainted [with his intent] through knowledge and scholarly endeavor. So when the transmitter is not a *mujtahid*, he will not be fully acquainted with all that he meant soundly. How then can his words be relied upon and taken in relinquishment of legal analogy? So, because of this necessity, the ḥadīth is abandoned and legal analogy is acted upon. But, this is not a slight of Abū Hurayra and a belittlement of him. Nay! God forbid! Rather, it is merely an elucidation of a minute scholarly observation at this point.” (*Umdat al-Ḥawāshī*: 278)

Ḥanafīs also stipulate that in order to accept a non-*mutawātir* ḥadīth it cannot conflict with the Qur’ān or what is called the *Sunna Mashhūra* (Popular Sunna).

1. Contradiction with The Qur’ān

- Imām Mālik reports in his *Muwaṭṭa* that the Prophet ﷺ said: “Whoever touches his penis let him make wuḍū.” In Imām Abū Ḥanīfa’s view, this ḥadīth contradicts the Qur’ān. For Allah says in [9: 108] “...In it (the mosque) are men who love to become cleansed...” This verse was revealed with regard to a group of men from the Anṣār who chose to clean themselves with stones and water together after urinating. Touching one’s genitals when cleansing one’s self after answering a call of nature is inescapable. So if such a thing truly invalidated ablution (wuḍū), why would Allah praise men who do such a thing? Or, how could Allah refer to such men as being clean and pure after touching an unclean impure member of the body? If touching the genitals rendered a person impure, then Allah would not have praised these men for doing an impure act. In addition, the fact that the ablution was made compulsory by virtue of urination has no effect on this line of reasoning, because praise was given in spite of them doing the unavoidable act of touching their genitals. So the genitals are a clean part of the body. Consequently, the one who touches it is not required to renew his ablution.
- The Prophet ﷺ said, “There is no marriage without a guardian.” He also said, “Any woman who marries off herself without the permission of her guardian, then her marriage is invalid, invalid, invalid!” In the view of Abū Ḥanīfa, this ḥadīth contradicts Allah’s saying of women, “...So do not prevent them from marrying their husbands” [2: 232]. Consequently, he considered the marriages of women of full adult age who married without their guardians’ permission to be valid.

2. The *Sunna Mashhūra* (The Popular Sunna)

The ‘*sunna mashhūra*’ or ‘the popular sunna’ is defined as “The ḥadīth related by a number of Companions whose number does not reach the point of making it *mutawātir*, but becomes *mutawātir* in every succeeding stage in the chain.” Such a ḥadīth is 100% confirmed on the authority of the particular Companion it is attributed to, while it is not indisputably authentic concerning what is ascribed to the Prophet ﷺ in it.²⁹

Another reason Ḥanafīs give for not acting on a non-*mutawātir* ṣaḥīḥ ḥadīth is that it might contradict a *sunna mashhūra* report. If such a conflict were to occur, the non-*mutawātir* ṣaḥīḥ ḥadīth would be ignored.

An example of this is the ḥadīth that states,

“The Prophet ﷺ judged in favor of a person on the basis of one witness and an oath.”

In the view of Abū Ḥanīfa, this contradicts the *sunna mashhūra* report that states:

“The burden of proof is on the claimant, and the oath is upon the one who denies.”

²⁹ See *Al-Wajīz fī Uṣūl al-Fiqh* of Zaydān: 170-171, and *‘Ilm Uṣūl al-Fiqh* of Khallāf: 41.

3. Matters that are considered a universal need

Abū Ḥanīfa would also disregard non-*mutawātir* ṣaḥīḥ ḥadīths if it was a matter considered to be a universal need. The argument behind this is that matters that are universal needs should necessarily be common knowledge that the Prophet ﷺ shared to more than just a few people. So if it happens that only a few people related the report, the Imām would not accept any claims of its authenticity. Examples of this follow.

- The Prophet ﷺ said, “Whoever touches his penis let him make wuḍū.” We already stated that Abū Ḥanīfa rejected this ḥadīth, because he believed that it contracted the aforementioned Qur’ānic verse. A second reason he gave for not accepting it was that the matter mentioned in the ḥadīth was a universal need. So more than just a few narrators should have known it.
- Another example is the ḥadīth, “The two parties of a transaction have a choice [to a refund] as long as they have not dispersed, unless it is a sale with the option [to refund].” Abū Ḥanīfa’s view was that since business transactions are universal needs and should be common knowledge, such rules may not be established by non-*mutawātir* ṣaḥīḥ ḥadīths. Consequently, he considered transactions to be final once the exchange is completed, with no right to annulment even if the two parties are still in one another’s company.³⁰

C. AḤMAD B. ḤANBAL — 140 AH

As for Imām Aḥmad, he held the view that nothing can be placed over a ḥadīth of the Prophet ﷺ. He believed this so deeply that it has been accepted by scholars of his school that he preferred to employ a weak ḥadīth before he took refuge to legal analogy (*qiyās*).

Some claim that when Imām Aḥmad says ‘weak’ (*ḍa’īf*) he actually means ‘fair’ (*ḥasan*). This is found although the term, *ḥasan*, had not yet been coined with its popularly distinct meaning until after the time of Imām Aḥmad during whose time only two kinds of ḥadīths existed: *ṣaḥīḥ* and *ḍa’īf*.³¹ Surrendering to the validity of this explanation does not completely remove confusion from this matter, because it would still mean that he considered ‘*ḥasan*’ to be weak (*ḍa’īf*).

D. MUḤAMMAD B. IDRĪS AL-SHĀFI’Ī – 204 AH

As for Imām Shāfi’ī, he was very strict when it came to accepting ḥadīths. In addition, he argued that after the Qur’ān, nothing should be placed over the ḥadīths of the Prophet ﷺ regardless of it is *mutawātir* ṣaḥīḥ or non-*mutawātir* ṣaḥīḥ.

³⁰ This is also the view of Imām Mālik.

³¹ Imām Ibn Taymiyya says, “And those who reported that Aḥmad used to use the weak ḥadīth which is neither ṣaḥīḥ nor ḥasan as proof, such a person is considered to be in error. Rather, it was in the custom of Aḥmad b. Ḥanbal and those scholars before him that the ḥadīth was of two types: ṣaḥīḥ and ḍa’īf. The ḍa’īf (weak) report according to them divided into one that is to be abandoned completely (*matrūk*) that cannot be presented as proof, and to one that is of fair grading (*ḥasan*), just as the weakness experienced in a person due to illness divides into one that is life-threatening that bars one from donating from his estate and one that leads to a light weakness that does not bar one from donating [his wealth]. The first to be known for dividing the ḥadīth into three divisions—*ṣaḥīḥ*, *ḥasan*, and *ḍa’īf*—is Abū ‘Īsā Al-Tirmidhī in his *Jāmi’*. The *ḥasan* report according to him is the one that has a number of chains of narration and does not possess a transmitter who has been accused of something incriminating and it does not contradict the versions of more reliable transmitters. This kind of ḥadīth and its likes is what Aḥmad refers to as *ḍa’īf* (weak) but is utilized as proof.” (*Qā’ida Jalīla fī al-Tawassul wa al-Wasīla*: p. 71)

This difference between his position and the position of Imām Aḥmad was that Shāfi‘ī accepted no weak ḥadīths except in very special circumstances unless it was verified as being strengthened by an auxiliary chain that was ṣaḥīḥ.³²

II. When A Ḥadīth is Not Ṣaḥīḥ

It has become commonplace to hear that ‘The *minhāj* of the Salaf was to follow only Ṣaḥīḥ ḥadīths.’ In fact, the Salaf had no uniform methodology when it came to acceptance and rejection of ḥadīths except for in certain areas.

In this section, I plan to disprove this claim by presenting the views of the Imams of the Salaf: Abū Ḥanīfa, Mālik, Shāfi‘ī, and Aḥmad. In particular, I would like to focus on their views as relates to the ‘incompletely transmitted ḥadīth’ or ‘report with undisclosed intermediaries’ termed ‘*mursal*.’

Mursal Ḥadīth

The technical definition of a *mursal* ḥadīth is: “A Successor’s (*Tābi‘ī*) claim that the Prophet ﷺ said, did, or approved of something whether the Successor is one who took most of his knowledge from the Companions or one who took most of his knowledge from other Successors.”³³

The essential problem with a *mursal* ḥadīth is that it does not disclose its sources. In other words, the Successor does not mention what Companion heard the Prophet ﷺ say or do the particular thing claimed, just as it does not disclose whether or not that particular Companion was the one who told him. This then opens the door to the possibility that one or more other Successors had actually informed the Successor. There is then a possibility that one or more of those Successors may be unreliable as narrators. In spite of this, three of the four Imams accepted *mursal* ḥadīths in areas of practice and for general encouragement toward good.³⁴ Those three Imams were: Abū Ḥanīfa, Mālik, and Aḥmad.³⁵

As for Shāfi‘ī,³⁶ he only accepted *mursal* ḥadīths if it came from a *Tābi‘ī* who took most of his knowledge of the Sunna from the Companions,³⁷ like Sa‘īd b. Musayyab,³⁸ as long as an auxiliary report with a connected chain corroborates the *Tābi‘ī*’s report.³⁹

³² Here, it is important to point out that most Muslims of the Sunni tradition have adopted this view that only Ṣaḥīḥ ḥadīths may be utilized and have been taught that this is the opinion of all the Imāms of the Salaf when in fact it is only the view of Shāfi‘ī.

³³ Tilmasānī says, “As for reports of undisclosed intermediaries (*irsāl*), it is for a non-Companion to relate a ḥadīth about the Messenger of Allah ﷺ without specifying the Companion he received it from.” (*Miftāḥ al-Wuṣūl* p. 349)

³⁴ Imam Al-Zurqānī says in his Sharḥ of the *Bayqūniyya*, “And they differed about the authoritativeness of the *mursal* narration. Mālik and Aḥmad in the popular narrations about them, Abū Ḥanīfa and his followers from the jurists, legal theorists, and ḥadīth scholars all held the view that such reports are authoritative in the rulings of religious practice (*aḥkām*) and other matters.” (*Al-Manzūma al-Bayqūniyya bi Sharḥ Al-Zurqānī ma’a Ḥāshiyah al-Shaykh Al-Ajhūrī*: 144)

³⁵ The view of Mālik and the overwhelming majority of Mālikis is that whenever the narrator is trustworthy his *mursal* report is acceptable. Tilmasānī says in his *Miftāḥ* in response to objections to *mursal* reports, “The response with our comrades is that the *mursal* reports are acceptable to us. The Successors (*Tābi‘ūn*)—may Allah be pleased with them—were incessant in transmitting ḥadīths with undisclosed intermediaries and presenting them as proof due to the knowledge that they only report without such disclosure on the authority of trustworthy people.” (*Miftāḥ al-Wuṣūl* pp. 354-355) Abū Ḥanīfa and most of his disciples, most of the *Mu‘tazila*, one narration about Imam Aḥmad, and a group of the scholars of ḥadīth are of the view that *mursal* reports are accepted absolutely. In another narration about Imam Ahmad, he did not accept them. Most scholars of ḥadīth, some of the jurists (*fuqahā’*), and some legal theorists (*ahl al-uṣūl*) are of the view that *mursal* reports are not accepted. (*Taḥqīq Farkūsh ‘alā Miftāḥ al-Wuṣūl* pp. 353-354)

³⁶ Juwaynī says of Shāfi‘ī, “He—may Allah show him mercy—said, “The *mursal* reports of Ibn al-Musayyab are good (*ḥasana*)” [...] He said in *Kitāb al-Risāla*: “Whenever the righteous and trusted person conveys a *mursal* report and the people act in accord with his *mursal* report, I accept it.” (*Al-Burhān fī Uṣūl al-Fiqh*: 1/245)

III. Weak Reports That Encourage Virtuous Actions and Merits

To add to this discussion about the approach of the Salaf regarding the ḥadīths, I would like to bring to light the fact that the overwhelming majority of scholars accepted and considered legitimate the narration of weak reports that encouraged good works and spoke of meritorious qualities.

Imām Nawwawī states in the introduction to his *Forty-Hadith* along with its commentary the following:

“The scholars have agreed upon the permissibility of acting according to the weak ḥadīth⁴⁰ with respect to the meritorious works.”⁴¹

Shaykh al-Islām Ibn Taymiyya says,

“It is not permitted to rely in the Shariah upon weak ḥadīths that are neither ṣaḥīḥ nor ḥasan. However, Aḥmad b. Ḥanbal and other scholars deemed it permissible to narrate in the subject of meritorious acts when it is not known to be established as long as it is not known to be a lie. That is because when it is known that an act has been legislated by a scriptural proof and a ḥadīth has been reported regarding its merit while it is not known to be a lie it is possible for the reward of it to be true. And not one of the Imams has said that it is not permissible for a thing to be made compulsory or recommended by a weak ḥadīth. Whoever says such a thing has contravened consensus (ijmā’)...So it is permissible to relate reports that encourage good and discourage wrong as long as it is not known to be a lie. However, that applies to what one knows that Allah has encouraged or discouraged through evidence other than such a ḥadīth whose condition is unknown.”⁴²

³⁷ Imam al-Juwaynī says about the matter of accepting and acting on the *mursal* ḥadīths, “Abū Ḥanīfa is one who reports all of them, accepts them, [and] acts in accord with them. Shāfi’ī—may Allah be pleased with him—does not act in accord with any portion of them.” (Al-Burhān 1/243)

³⁸ Imām al-Juwaynī says in his *Waraqāt*, “Reports divide into those that are uncorroborated (āḥād) and those that are indisputably authentic (mutawātir)...The uncorroborated are those that oblige action but do not oblige definitive knowledge due to the possibility of error occurring in their regard. They divide into two divisions: *mursal* and *musnad*. The *musnad* type is the one whose chain of transmission is connected. The *mursal* type is the one whose chain of transmission is not connected. If it happens to be one of the *mursal* narrations of one other than the Ṣaḥāba, it is not authoritative, unless it is one of the *mursal* narrations of Sa’īd b. al-Musayyab. For verily they have been inspected and found to be connected in their chains (masānīd).” (Sharḥ al-Waraqāt fī ‘Ilm al-Uṣūl: p. 12)

³⁹ ‘Abd Al-Karīm Zaydān says, “The madhhab of Shāfi’ī is to accept [the *mursal* reports] with conditions. Among them are: [1] that it be one of the *mursal* reports of one of the senior Successors, like Sa’īd b. al-Musayyab; [2] that it be related with a connected chain from a different path, or it conforms with the statement of a Companion, or if most scholars pass fatwa in accord with it.” (Al-Wajīz: 173) So according to this inclusion, Shāfi’ī accepts the *mursal* ḥadīth without consideration of its chain being connected in certain instances. And Allah knows best.

⁴⁰ Suyūṭī says, “Ibn Ṣalāḥ and the author (Nawwawī) did not mention here as in the remainder of their works anything more than this condition i.e. for the ḥadīth to relate to the topic of meritorious works and the like. However, Shaykh al-Islām (Ibn Ḥajar) stated three conditions for it: [1] that the weakness not be severe, such that the lonesome reports of liars, those accused of lying, and those who are known for committing serious errors are excluded from consideration. Al-‘Alā’ī conveyed agreement on this point; [2] that it (the ḥadīth) fall under a [religious] foundation that is acted upon; and [3] that one not believe when acting upon it that it is something confirmed. Rather, one is to believe with caution.” He (Ibn Ḥajar) also said: “These two [conditions] were mentioned by Ibn ‘Abd Al-Salām and Ibn Daqīq al-‘Īd. It has been said: “It is absolutely impermissible to act upon them (i.e. weak ḥadīths).” Abū Bakr b. Al-‘Arabī said it. It has also been said: “They may be acted upon absolutely.” And the ascription of that view to Abū Dāwūd and Aḥmad has already been mentioned and that they held that to be stronger than the opinion of men.” (Tadrīb: 196-197)

⁴¹ p. 3

⁴² Qā’ida Jalīla: 71

Finally, Nawwawī says,

“And it is permissible according to the scholars of ḥadīth and others to abandon strictness regarding chains of narration and to relate any weak ḥadīth other than what is spurious, and to act upon it without clarifying its weakness in all besides the attributes of Allah—Most High, the rulings of religious practice, like the lawful and unlawful and from what is unconnected with creed and legal rulings.”⁴³

Conclusion

In light of all these facts, let it be said no more that the *Minhāj* of the Salaf was to only accept Ṣaḥīḥ ḥadīths. Let it be known that any time the Imams spoke of abandoning opinions in acceptance of the reports from the Prophet ﷺ, he or they were only addressing their students who were equally qualified to exercise scholarly endeavor (*ijtihād*). These were not statements intended for the common Muslim, since such people did not and do not have the qualifications to make a judgment about the authenticity, weakness, or interpretation of the holy scripture and related texts. Allah orders us in the Qur’an, “*Then, Ask the People of the Reminder if you do not know*” [16: 43]. He said, “*And if they had referred it to the Messenger and to those in command from them, those who do extract it would have known it*” [4: 83]. What this establishes is that there are two types of people in terms of knowledge: [1] Those that are qualified to interpret the scripture; and [2] those that are not. Those who are not qualified to interpret the scripture are to refer back to those who can in all matters that neither the Qur’ān nor Sunna gives a clear judgment in its regard. Referring it back to them does not mean to ask them for their evidence. It means to accept their judgment in the matter based on their knowledge of the evidence, qualification to make such a judgment, and their moral integrity that protects them from speaking out of turn. Were it to mean that every lay Muslim is to ask what the scholar’s evidence is, it would then mean that permission is given to the unlearned to interpret the Holy Scripture in spite of the fact that he is unqualified to interpret it. When the qualified scholar (*mujtahid*) makes a judgment and is mistaken, he is forgiven but rewarded for his scholarly endeavor (*ijtihād*).⁴⁴ The same does not apply to the layperson. Rather, the lay person is in sin for interpreting the Holy Scripture for his lack of qualification to do so. For this reason, the Prophet ﷺ said, “*Whoever explains the Qur’ān by what he sees and hits the mark has missed it.*”⁴⁵ He severely scolded a group of people during his time who gave judgment by what they knew from the Qur’an and Sunna for a man who had a wound and later had a wet dream. They told him that he could not simply make wuḍū before praying. So he performed *ghusl* instead, and died as a result. When word got back to the Prophet ﷺ, he said of them,

“They killed him! May Allah kill them! Do they not ask when they do not know? The only cure for ignorance is to ask.”⁴⁶

This narration, if it is valid to use as evidence, is a clear example of how a person may have some knowledge of the Sunna, but still not be qualified to make a judgment. It also clarifies that such a person

⁴³ This can be found in Suyūṭī’s *Tadrīb al-Rāwī*: p. 196. He also says in his commentary, “Of those this view has been reported about are: Ibn Ḥanbal, Ibn Mahdī, and Ibn al-Mubārak. They said: “When we report regarding the lawful and unlawful, we are strict. But when we report regarding the meritorious acts and the like, we abandon strictness.””

⁴⁴ This is based on the well-known narration that the Prophet ﷺ said, “Whenever the judge endeavors and hits the mark, he has two rewards. But when he endeavors and misses the mark, he has [only] one reward” (Bukhāri, Ibn Mājah, Nasā’ī, and Ahmad). Notice that the Prophet ﷺ restricted this reward in both cases to the learned, not the unlearned.

⁴⁵ Tirmidhī: ḥadīth #2952. Ibn Taymiyya also reports it in his *Muqaddima fi Uṣūl al-Tafsīr*: 51 along with variant narrations of the ḥadīth.

⁴⁶ Abū Dāwūd reports it in *Tahāra*: Chapter 125 and grades it as ḥasan.

is sinful for offering a legal opinion when he lacks qualification. But even if this ḥadith is not sound (ṣaḥīḥ) or fair (ḥasan), the rules outlined in the Qur’ān and other reports from the Sunna support this understanding.

May Allah bring us out the darkness into light again and again until we can witness the brilliance and splendor of His face.

Abdullah bin Hamid Ali