

Al-Shafi'i's Concept of Prophetic Sunnah (al-Sunnah al-Nabawiyyah)

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Abstrak

Artikel ini coba menjelaskan konsep al-sunnah mengikut pandangan al-Shafi'i. Beberapa kes dirujuk untuk menjelaskan keadaan apabila berlaku pertentangan di antara sunnah Nabi dan athar Sahabat atau Tabi'in. Dalam kes di atas, dijelaskan samada sunnah Nabi atau athar tersebut yang terpakai.

There are many discussions in modern literature¹ regarding the concept of the *sunnah* of the Prophet or the term *sunnah* itself. Analysis of the term *sunnah* based on early literature leads to different findings.

Western scholars such as Schacht and Margoliouth held that there was no such original concept of the *sunnah* of the Prophet. To them, the concept was a later development.² Schacht disagrees with al-Shafi'i who defined *sunnah* as the model behaviour of the Prophet and the latter's direct connotation of 'sunnah' as the '*sunnah of the Prophet*'. According to Schacht,³ *sunnah* is nothing more than precedent way of life. Goldziher⁴ has shown that this, originally a pagan term, was taken over and adapted by Islam, and Margoliouth has concluded that *sunnah* meant originally the ideal or normative usage of the community, and only later acquired the restricted meaning of precedents set by the Prophet.⁵

Schacht argues that the concept of the *sunnah* of the Prophet emerged first in Kufah in connection with the back-projection of doctrine applied as a means of securing greater authority for local practices. He believes that the Madinans used this concept only rarely.⁶

Muslim authors believe that the *sunnah* of the Prophet already existed in the early period of Islam. On the other hand, Western scholars argue that the concept of

Prophetic *sunnah* is absent in the Qur'an. Only 'the *sunnah* of God (*sunnat Allah*)' and 'the *sunnah* of the predecessors (*sunnat al-awwalin*)' are mentioned in the Qur'an. To this, Ansari and Ahmad Hasan argue that though the *sunnah* of the Prophet *per se* is not mentioned, the essence of the concept is clearly stated in the Qur'an for it testifies to the conduct of the Prophet as conduct par excellence:⁷

"Certainly you have in the Messenger of Allah a good example (qudwah hasanah)".⁸

One of the earliest uses of this expression is attributed to 'Umar who was reported to have explained the functions of his officials as consisting in the instruction of the people in their religion and in the *sunnah* of their Prophet.⁹ An epistle written by al-Hasan al-Basri (d. 110H)¹⁰ to the Umayyad Caliph 'Abd al-Malik b. Marwan (65-86H) also contains the expression *sunnah* of the Prophet.¹¹

The Authority of the Prophet's Sunnah

It is the characteristic of al-Shafi'i to begin his writings by explaining what it means to follow the Prophet (*ittiba' al-Rasul*).¹² He did so in order to establish a concrete foundation for discussion. His methodological approach, however, differs according to his different audience or opponent. For instance, when he discussed this matter with the *ahl al-kalam* (rationalists) or the so-called *ahl al-Qur'an*, he would provide evidence from the Qur'an, since the *ahl al-Qur'an* would not accept anything but the Qur'an and it would be irrelevant to adduce a piece of evidence from the *hadith*, for the fundamental arguments between the two are different. Therefore, in order to proceed with the discussion and to convince his audience, al-Shafi'i pursued the basis of his arguments according to situational needs. This kind of argumentation appears in *Jima' al-'ilm*,¹³ in which his opponents are the *ahl al-kalam*. Al-Shafi'i cited three Qur'anic ayat to prove to his opponents that the obligation to follow the Prophet is derived from the Qur'an itself. These are,

i. *"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 your decisions, but accept them with the fullest conviction"*.¹⁴

ii. *"He who obeys the Apostle, obeys Allah"*.¹⁵

iii. *"Then, let those beware who withstand the Apostle's order, let some trial befall them, or a grievous penalty be inflicted on them"*.¹⁶

From the above ayat, it is established that the commandment to follow the injunctions given by the Prophet is derived from the Qur'an itself. Yet, how does one obey and follow the Prophet after his death? On this point, al-Shafi'i argues that the only way

is to accept the *hadith* from the Prophet. Therefore, the acceptance of the *sunnah* or the *hadith* from the Prophet is incumbent upon each and every Muslim.¹⁷

Throughout his life, al-Shafi'i worked to reinforce the authority and superiority of the *sunnah* of the Prophet. During that period, rationalist (theological) movements especially the Mu'tazilah were at their peak. The most obvious doctrine held by the Mu'tazilah is the supremacy of reason.¹⁸ In this respect, al-Shafi'i worked to formulate a hierarchical order of proofs in which revelation, i.e. the Qur'an and *hadith* are given priority over consensus opinion and reasoning. In his writings, al-Shafi'i gave priority to the *hadith* or the *sunnah* of the Prophet and his most significant contribution to *hadith* is the acceptance of *hadith* as whole, and particularly isolated traditions (*khabar al-wahid*), for most of the *hadiths* are in the form of *khabar al-wahid*.

Through his books on *usul* like *al-Risalah*, *Jima' al-'ilm*, *Ikhtilaf al-Hadith* and *Ikhtilaf Malik wa al-Shafi'i*, there are at least two principles concerning the authority of the *sunnah* of the Prophet which can be deduced:

- i. No consideration is given to any opinion which contradicts the *sunnah* of the Prophet.¹⁹
- ii. No one is considered a proof (*hujjah*) beside the Prophet.²⁰

Having mentioned these, I shall examine in some details their application by al-Shafi'i in his writings.

His insistence on the authoritativeness of the *sunnah* of the Prophet leads al-Shafi'i to formulate a principle in order to arrive at a systematic argumentation and consistent results. As an illustration, in any given circumstances, there may be *hadiths* or *sunnahs* of the Prophet and *athar* from the Companions or Successors which apparently contradict each other. While one jurist may hold the *sunnah* of the Prophet, another may prefer the *athar*. The resulting opinion may differ, for each person has his own preference with regard to the evidence available. Al-Shafi'i attempts to reconcile such inconsistency or disagreement.

According to al-Shafi'i, when a *hadith* is narrated by trustworthy authority ('*adl* and *thiqah*) and certified as coming from the Prophet, it must be accepted and cannot be rejected unless there is another *hadith* contradicting it.²¹ *Hadiths* from the Prophet are *sui generis* (self validating) and do not need *athar* to make them more sound or stronger.²² If *athar* of the Companions and Successors are present in a case where a *sunnah* of the Prophet already existed, whether they support or oppose to it, the *sunnah* of the Prophet must prevail.

When Athar Contradicts the Sunnah of the Prophet

As stated earlier, al-Shafi'i emphasizes that the *sunnah* of the Prophet is self-validating (*asl fi dhatih*) and the presence of *athar* whether of the Companions or the Successors

will not add further strength to it.²³ Questions arise as to what happens if *athar* seems to contradict the *sunnah* of the Prophet. In such a case, according to al-Shafi'i, the existence of *athar* has no weight or significance. To a certain extent, this principle is in disagreement with Malik's method in terms of the acceptability of established practice (*al-amr 'indana, al-amr al-mujtama'* 'alayh 'indana etc)²⁴ and his preference for the *athar* of Companions or Successors. As far as this is concerned, al-Shafi'i devotes the whole of *Ikhtilaf Malik wa al-Shafi'i*²⁵ to disputing with al-Rabi' as a representative of the Maliki madhhab, criticising the latter for relating *hadiths* in some *hadiths* and abandoning or neglecting them in others.

Selected cases below will demonstrate how al-Shafi'i sticks to his principles:

i. Touching the Penis

Does touching the penis invalidate *wudu'*? Al-Shafi'i and the Malikites hold that someone who touches his penis has to perform *wudu'*. Their evidence is the *hadith* of Busrah bint Safwan, that she heard the Prophet saying to the effect:

"When one of you touches his penis, he should take *wudu'*".²⁶

Some others like the Hanafites²⁷ hold a contrary view based on an unknown (*majhul*) *hadith*, as claimed by al-Shafi'i and *athar* of the Companions,²⁸ that such incident does not invalidate *wudu'*. So, in this case, al-Shafi'i adheres to the *hadith* of Busrah instead of other *athar* for he holds that once a *hadith* is confirmed as definitely coming from the Prophet, no other saying will effect it.²⁹

ii. Raf' al-Yadayn in Prayer

As far as raising hands (*raf' al-yadayn*) in prayer is concerned, al-Shafi'i holds a view based on a *hadith*³⁰ that a worshipper should raise his hands up to his shoulders three times in the first *raka'ah*, and two times in other *raka'ahs*. In the first *raka'ah*, one should raise the hands when one starts the prayer (*takbirat al-ihram*), when one bends to do *ruku'* and when he rises from *ruku'*. For other *raka'ahs*, the hands should only be raised twice i.e. when bending to *ruku'* and when rising from *ruku'*. So, according to al-Shafi'i, during these parts of the prayer that only raising hands are recommended, whereas during others such as performing *sujud* or starting second *raka'ah*.

Al-Rabi' expresses a contrary view that raising hands is recommended only at the beginning of the prayer, not at any other part. Here, as in many places in *Ikhtilaf Malik wa al-Shafi'i*, al-Shafi'i criticised his opponent for neglecting or abandoning *hadiths* narrated by Malik from the Prophet and from Ibn 'Umar.

It was related that there was once a *munazarah*³¹ between Abu Hanifah and al-Awza'i concerning this matter. Al-Awza'i questioned the former as to why did he not raising his hands during the prayer, when bending down for *ruku'* and raising from it since 'Abd Allah reported that the Prophet (s.a.w.) did so. However, Abu Hanifah

contended that in his view there was no valid and sound *hadith* from the Prophet on this matter. Both parties in the *munazarah* cited their respective authorities. Abu Hanifah claimed that his authorities, - Hammad - 'Alqamah - al-Aswad - Ibn Mas'ud who narrated the *hadith* to the effect that the Prophet did not raise the hands except at the beginning of prayer, was better than al-Awza'i's.³³

iii. *Al-Mash 'ala al-Khuffayn (Wiping the Boots)*³⁴

Al-Shafi'i, based on *hadiths* of the Prophet and *athar* of Companions, holds the view that both *muqim* (non-traveller) and *musafir* (traveller) are allowed to wipe their boots (*khuffayn*), whereas al-Rabi' holds the opinion that this exception is only restricted to a *musafir*.³⁵

Al-Shafi'i argued on the authority of al-Mughirah b. Shu'bah that in the battle of Tabuk, the Prophet went to the toilet, performed his *wudu'* and wiped his boots, and then he prayed.³⁶ It is also reported that Anas b. Malik went took his Quba', urinated, did *wudu'* and wiped his boots and then performed his prayer.

iv. *Performing Hajj on Behalf of Others*³⁷

A question arises whether performing *hajj* on behalf of others, such as father or mother is possible or not. Based on the *hadith* of Ibn 'Abbas and Ibn Sirin, al-Shafi'i declares that performing *hajj* on behalf of another is legitimate, because it is clearly mentioned in a *hadith* of Ibn 'Abbas that the Prophet was approached by a woman asking about her father's obligation to perform *hajj* but he was unable to make the journey because of old age. The reply given by the Prophet (s.a.w) was that she could perform it on his behalf.³⁸

However, according to al-Shafi'i's opponent, this was not the practice (*'amal*) in Madinah.³⁹ He (the opponent) argues on the authority of Ibn 'Umar that one cannot perform the *hajj* on behalf of another person. This statement is derived from analogical reasoning that fasting (*siyam*) and prayer cannot be done by others. On this basis, al-Shafi'i's opponent comes to the conclusion that this *hukm* is also applicable to *hajj*.⁴⁰

To counter this, al-Shafi'i argues that the opinion or *athar* of someone other than the Prophet (s.a.w) is of no weight or value and does not merit any consideration in judgements the moment it is explicitly opposing the *sunnah* of the Prophet.

He also advances his argument that the application of the *Shari'ah*, such as in *salat*, *siyam* or others, cannot be compared to another. Therefore, according to al-Shafi'i, it is obviously wrong for someone to make judgements prohibiting the performing of *hajj* on behalf of another, simply based on the grounds of analogical reasoning.⁴¹

Conclusion

Having discussed the above matters, it can be concluded that the term *sunnah* supposedly connotes the *sunnah* of the Prophet. And no other *athar* either those of Companions or Successors would overrule the authority of the *sunnah* of the Prophet particularly when it is confirmed as coming from the Prophet (s.a.w).

Notes

1. Ignaz Goldziher, *Muslim Studies (Muhammedanische Studien)*. Ed. S. M. Stern and transl. C. R. Barber & S. M. Stern, vol. II, 1971. London: George Allen & Unwin Ltd. pp. 17-37; Joseph Schacht, *Origins*. pp. 58ff; N. J. Coulson, Edin: Edinburgh University Press, 1991, *A History of Islamic Law*. pp. 39, 56-7.; M. M. Bravmann, *The Spiritual Background of Early Islam- Studies in Ancient Arab Concepts*. 1972. Leiden: E. J. Brill, see chapter III- *Sunnah* and Related Concepts, pp. 123-198.; G. H. A. Juynboll, *Muslim Tradition- Studies in Chronology, Provenance, and Authorship of Early Hadith*. 1983. Cambridge: Cambridge University Press, pp. 30-39.; "Some New Ideas on the Development of Sunna as a Technical Term in Early Islam", *Jerusalem Studies in Arabic and Islam (JSAI)*, 10 (1987). pp. 97-118; Zafar Ishaq Ansari, "Islamic Juristic Terminology Before Shafi'i: A Semantic Analysis with Special Reference to Kufa", *ARABICA*. XIX (1972), pp. 255-300; Zafar Ishaq Ansari, *The Early Development of Islamic Fiqh in Kufah*, Ph.D Thesis 1966, McGill University, Montreal, pp. 209ff.; Ahmad Hasan, "The Sunnah Its Early Concept and Development", *Islamic Studies*. vol. VII, 1968, pp. 47-69; Fazlur Rahman, "Sunnah and Hadith", *Islamic Studies*. vol. I, 1962, pp. 1-36; Fazlur Rahman, "Concepts Sunnah, Ijtihad and Ijma' in the Early Period", *IS*, vol. I March 1962, pp. 5-21; Muhammad Yusuf Guraya, "The Concept of Sunnah: A Historical Study", in *IS*, vol II (1972), pp. 13-44; M. Mustafa al-A'zami, *On Schacht's Origins of Muhammadan Jurisprudence*. 1985, Saudi Arabia: King Saud University; Imtiaz Ahmad, *The Significance of Sunna and Hadith and Their Early Documentation*, Ph.D Thesis 1974, John Burton, *An Introduction to the Hadith*, Edinburgh University Press, 1994. Passim
2. J. Schacht, *Origins*. pp. 4-5, 20, 30, 40, 58, 61-3, 76, 80; D. S. Margoliouth, *The Early Development of Mohammadanism: Lectures Delivered in the University of London*. 1914, New York: C. Scribner's Sons, pp. 65-98; G. H. A. Juynboll, "Some New Ideas on the Development of Sunna as a Technical Term in Early Islam", *JSAI*. 10, 1987, p. 99.
3. Schacht, *The Origins*. p. 58.
4. Goldziher, *Muslim Studies*. vol. II, p. 25.
5. Ahmad Hasan, *Early Development*. pp. 69ff., 75.
6. Schacht, *The Origins*. pp. 73-77, see also Ahmad Hasan, "The Sunnah-Its Early Concept and Development". p. 50

7. Ansari, *Islamic Juristic Terminology Before Shafi'i: A Semantic Analysis with Special Reference to Kufa*. p. 262; Ahmad Hasan, "The Sunnah - Its Early Concept and Development". pp. 49-50.
8. Al-Ahزاب: 21.
9. Abu Yusuf, *Kitab al-Kharaj*. pp. 14 and 115 as cited by Ansari, "Islamic Juristic Terminology", p. 263, and Ahmad Hasan, "The Sunnah-Its Early Concept and Development", p. 50.
10. His full name is al-Hasan b. Abi al-Hasan Yasar al-Basri, Abu Sa'id. One of Successors. See al-Suyuti, *Tabaqat al-Huffaz* (1973) Ed. Ali Muhammad 'Umar. Cairo: Matba'at al-Istiqlal al-Kubra p. 28.
11. See Ibn al-Murtada, Ahmad b. Yahya, *Kitab Tabaqat al-Mu'tazilah*. Beirut, p.19; 1961/1380 H, Ed. Susanna Diwald-Wilzer.
12. This is evident in his writings like *al-Risalah*, *Ikhtilaf al-Hadith*, *Jima' al-'ilm*, *Ikhtilaf Malik wa al-Shafi'i* and others.
13. Al-Shafi'i, *Jima' al-'Ilm*. pp. 13-27.
14. Al-Ahزاب: 24.
15. Al-Nisa': 80.
16. Al-Nur: 63.
17. Al-Shafi'i, *Jima' al-'Ilm*. p. 23.
18. Muhammad Abu Zahrah, *al-Shafi'i - Hayatuh Wa 'Asruh-Ara'uh wa Fiqhuh* (1948) Cairo: Dar al-Fikr. p. 124.
19. Al-Shafi'i, *Al-Risalah*. (1979) Ed. Ahmad Muhammad Shakir, Cairo: Dar al-Turath, para. 18112; *Ikhtilaf al-Hadith*. p. 59.
20. "*laysfi ahad hujjah ma' al-Nabi*", Al-Shafi'i, *al-Risalah*. paras. 1601-3; *Ikhtilaf Malik*. pp. 192, 262.
21. Al-Shafi'i, *Ikhtilaf Malik wa al-Shafi'i*. pp. 191, 197.
22. *Ibid*, p. 262.
23. *Ibid*, p. 192.
24. For various terms used in *al-Muwatta'*, see Umar Faruq 'Abd Allah, *Malik's Concept of 'Amal in the Light of Maliki Legal Theory*. Ph.D Thesis University of Chicago, 1978.
25. Al-Shafi'i, *Kitab Ikhtilaf Malik wa al-Shafi'i*, pp. 191-329.
26. *Ibid*, p. 192. This *hadith* is reported by Malik - 'Abd Allah b. Abu Bakr - 'Urwah - Marwan - Busrah bint Safwan. For details of the *hadith* of *mass al-dhakar* see Abu Dawud, (*taharah*), no. 69; Nasa'i, (*taharah*) no. 117, (*ghusl*) 30; Muwatta', (*taharah*) 58; Bukhari, (*'ilm*) 53, (*salah*) 9, (*hajj*) 21; Tirmidhi, (*taharah*) 61.
27. Al-Shaybani, *Kitab al-Athar*. Ed. Abu al-Wafa' al-Afghani. 3rd. ed. 1992. vol. I. Beirut: Dar al-Kutub al-'Ilmiyyah, pp. 35-38, *hadith* no. 22, 23 and 24.
28. Hudhaylah, 'Ali b. Abi Talib, Ibn Mas'ud, Ibn 'Abbas, 'Imran b. al-Husayn, 'Ammar b. Yasir, Sa'd b. Abi Waqqas.

29. Al-Shafi'i, *Ikhtilaf Malik*. p. 192.
30. Reported by Malik - Ibn Shihab - Salim - 'Abd Allah. And the second *hadith* was related by Sufyan - Ibn Shihab al-Zuhri - Salim - 'Abd Allah b. 'Umar - 'Umar. Al-Shafi'i claims that the second *hadith* is related by many people (*bid'at 'ashar*), while the third *hadith* was reported by Malik - Nafi' - Ibn 'Umar that he (Ibn 'Umar) began his prayer by raising two hands up to the shoulders and rose the hands when he woke up from *ruku'*.
31. There was a controversy on *raf' al-yadayn fi al-salat* between *ahl al-hadith* and *ahl al-ara'y* in Andalusia in the time of Baqi b. Makhlad (d. 276/889a). According to *ahl al-hadith* and the Malikites in Andalusia, the *hadith* of Ibn 'Umar (that the Prophet raised his hands in each *takbir* of the *ruku'*) is considered to abrogate (*nasikh*) the *hadith* with Kufan *isnads* in which the Prophet did not raise his hands in the prayer except once.
See Isabel Fierro, "The Introduction of Hadith in al-Andalus (2nd/8th-3rd/9th Centuries)", *Der Islam*, 66 (1989), p. 83-5
32. He is 'Abd al-Rahman b. 'Amr Abu 'Umar (88-157H), imam of the people of al-Sham. Among his works are *Kitab al-Sunan fi al-Fiqh* and *Kitab al-Masa'il fi al-Fiqh*. See Ibn al-Nadim, *al-Fihrist*. p. 318; al-Suyuti, *Tabaqat al-Huffaz*. p. 89.
33. Abu Hanifah, *Musnad al-Imam Abu Hanifah*. Ed. Safwat al-Saqqqa. 1962. Egypt: Matba'at Rabi', pp. 53-4, *hadith* no. 96; al-Hajawi, Muhammad b. al-Hasan, *al-Fikr al-Sami fi Ta'rikh al-Fiqh al-Islami*. vol. I, p. 320-1.
34. Al-Shafi'i, *Ikhtilaf Malik*. pp. 226, 264.
35. Cf. Ibn 'Abd al-Barr al-Qurtubi, *Kitab al-Kafi fi Fiqh Ahl al-Madinah al-Maliki*. Ed. Muhammad Ahid. 1978. vol. I. Riyad: Maktabat al-Riyad al-Hadithah, p. 176.
36. Al-Shafi'i, *Ikhtilaf Malik*. p. 226. The chain of transmitters of this *hadith* are as follows: Malik - Ibn Shihab - 'Ubbad b. Ziyad [b. al-Mughirah b. Shu'bah] - al-Mughirah b. Shu'bah.
37. *Ibid*, pp. 211-2.
38. *Ibid*, Al-Shafi'i, *Ikhtilaf al-Hadith*. p.50.
39. *Ibid*, p. 211.
40. *Ibid*, p. 50.
41. *Ibid*, p. 212; *Jima' al-'Ilm*. p. 104.