

Imam Abu Hanifa's Principles of Accepting and Transmitting Ahadith

*Dr. Ali Asghar Chishti **

Traditions (Ahadith') of the Prophet Muhammad (SAW) had already reached different parts of Islamic Kingdom through companions, successors, and their disciples by the time Imam Abu Hanifa started his career as a jurist. These traditions had been preserved and compiled by the successors. With the Islamic conquest, the Hadith' literature spread to Makkah and Madinah

Academic centers for learning and promoting Ahadith' were set up by Abdullah-ibne-Massod and Abdullah-ibne-U'mar in Koofah and Egypt respectively. Imam Abu Hanifa had already learnt Ahadith' from the renowned traditionists of his time. He had lived in Hijaz for four years and benefited from Muhadditheen of Makkah and Madinah. He had received a lot of Ahadith' from Abdullah-ibn-Masood, Ali-bin-Abi-Talib and their disciples.

Imam's prime objective was to deduce Laws from these traditions already collected and preserved. But before that he had to pass through the stage and process of accepting the traditions. To achieve this objective he laid down a few basic principles of accepting Ahadith'. We have attempted to briefly describe these rules.

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1- Continuous Chain

The Traditionists have defined Hadith-e- Sahih. Its chain of transmitters is continuous. There is no missing person in the chain. Secondly, every transmitter possesses the qualities of “A’dl” (righteous conduct) and “Dabt” (strong memory). Thirdly it is not isolated (shadh) and lastly it has no hidden defect.

Muhaddith’een have prescribed for the transmitter of Hadith’ that he should be Muslim, Mukallaf (under legal obligation) Dabit, (of strong memory) trustworthy and righteous. Imam Abu Hanifa accepted these conditions except that he laid great emphasis on dabt (strong memory). He permits only those transmitters of Hadith’ to relate traditions, who possess strong memory.

2- Reputation and “Tawatur” (continuity)

Traditionists have laid down characteristics of Islam, Takleef, Dabt & A’dl for the transmitter of Hadith’. Imam Abu Hanifa had prescribed an additional characteristics for the transmitter of the Hadith’, besides the characteristics laid down by the Muhaddith’een i-e that reporters should be in large number among the “Tabei’en” and “Taba’ Tabei’en.

3- Simaa’ and Qira’at

Under simaa’ the student attends the lectures of a traditionist, which may take the form a simple narration of the traditions, of the traditions or dictation from memory or from a book.

Under Qira'at the student relate to his teacher traditions which have been narrated or compiled by the latter. Imam Abu Hanifa gave preference to Qira'at over Sema'a'.

4- Narrating the Text Verbatim

Categorization of a Hadith' distinguishes

- a. Those that have been narrated by all the transmitters verbatim.
- b. Those traditions the contents of which have been reported by their transmitters in their own words. One group of traditionists made it obligatory for the narrator to narrate Hadith' verbatim while at the other group hold view that narrater can report in his own words if he has the understanding of words & meanings. Imam Abu Hanifa was in favor of narrating of Hadith' verbatim. He did not allow the traditions to be reported in narrator's own words except with certain conditions.

The Modes of Ijtihad of Imam Ahmed Bin Hunbal

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There has been a lot of debate among scholars whether Imam Ahmad-bin-Hanbal was a compiler of "Ahadith" or a jurist or both while discussing the juristic work of three Imams.

Imam Tahavi, Imam Nasafi, Imam Abu Bakr-bin-Arabi and Imam Ghazali have not mentioned the work of Imam Ahmad. Similarly Ibn-e-Outaiba in his book "al-Ma'aref" Maqdasi in his book "Ahsan at Taqaseem" Ibne-Abdul Bar in his book "Intiqa" have not included him as faqih or jurist. Though Imam Ahmed did not compile his juristic work like other jurists, but his book "al-Musnad" depicts the colour of "Ahadith" and not of a book of Fiqh. It was so because he was so much obsessed with study of Ahadith' that every thing else paled in to insignificance. Imam Ahmad did not write any book on Fiqh nor did he dictate any book to his students as other Imams had done. But reliance about reporting his juristic work rests on his students alone.

Shah Wali Ullah in his 'Hujat Ullah-al-Baligha' states that Imam Ahmad had broad spectrum of 'Aha'dith' in appreciation, narration and application in Ijtihad, that is why the teachers and contemporaries of Imam consider him a Mujtahid and a compiler of 'Aha'dith'(Muhaddith).

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Ibn-e-Qayyim states that the Hunbali school of thought has its own principles of interpretation. They derive their laws from the five sources which are:

- (1) "Nussoos":this means the verses of the Noble Qura'an and 'Aha'dith'
- (2) Opinion of Sahabah,
- (3) Negation of Qiyas:where the opinions of the Sahabah is at variance, he states all the opinions and does not make the choices.
- (4) Adopting less authentic 'Ahadith': Imam Hunbal accepted all the less authentic 'Aha'dith' when they do not contradict anything in the proposition and abstained his own opinion.He also adopted the opinion of pious companions of 'Sahabah'(Tabieen), or the companions of 'Tabeieen'.
- (5) Qiyas:When Imam Hunbal did not find law from Qura'an, Sunnah, and opinions of 'Sahabah', he resorted to 'Qiyas'But he was not in favour of Ijma.

Masaleh-e-Mursalah in Hanbali Fiqh

Ibn-e-Qayim had described five principles of jurisprudence, But he did not speak of other sources, whether Imam Ahmad completely rejected them or paritaily accepted them. Like shafie' Jurists Hanbali Jurists als adopted "Istishab" There are other principles of his Fiqh, which Ibn-e-Qayim did not point out for one reason or other. Among these principles are the rule blocking means (Saddaz-Zarai'e) unrestricted public intrest (Masaleh-e-Mursalah) presumption of contimnity (Istishab) and consensus (Ijma') if previously taken place.

The Prerequisites For A Mujtahid (Past and present opinions)

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In this article the author discusses the viewpoint of previous and present jurists of qualifications of a "Mujtahid".

Abu Bakar Jassaas (D-370H), an early period scholar, is of the view that a mujtahid must be conversant with the understanding of the Noble Qura'an and the Ahadith' of the Holy Prophet (SAW), the work of the companions of Holy Prophet (SAW), and the work of two generations after them. A mujtahid must be very rational to understand the apparent and hidden' derivations of Islamic law in the prevailing knowledge. Therefore one may find that jurists in Abbasi period were not only experts in Islamic Laws, but were also authorities on Greek literature and Philosophy. According to al-Mawardi (D.45H) the third qualification of a mujtahid is that he should be able to read between the lines, besides being very intelligent.

In the opinion of Imam Ghazali (D.505H) the sources of Ijtihad included Qura'an, sunnah, Ijma'a and A'ql (reason). Meaning thereby that he should be able to derive rules or Ahkam from the original sources i-e Qura'an & the Sunnah.

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According to him the foremost qualification of a mujtahid is, his piety. Imam Razi (D.606H.) says that a mujtahid should also have the ability of analyzing and arguing the text of the Qura'an and traditions, and the understanding of Arabic language apart from the knowledge of basic four sources of Ijtihad.

Aamedī (D.631H.) is the seventh Hijri jurist, stresses most, that a mujtahid must be firm believer in 'Tauheed' as well as in 'Risalah' of the Holy Prophet (SAW). According to him a mujtahid should be an expert of Qura'an, Sunnah, Ijma and Qiyas. The modern jurists do not consider the qualification of logic and philosophy as prerequisites for a Mujtahid as laid down by Imam Ghazli and Imam Ra'zi. In the opinion of Imam Shatebi a mujtahid is required to have the knowledge of objectives of the Shariah and ability to derive 'Ahka'm' from the sources.

Among the present jurists Wahbah Az-Zohaili seems to be of the opinion of Imam Shokani. He prescribes eight qualifications for a mujtahid and says that it is not necessary that a mujtahid should know five hundred verses of the Noble Qura'an and fifteen hundred to three thousand 'Aha'dith' (traditions) of the Holy Prophet (SAW) relating to fiqh. He says that a mujtahid must be equipped with mental abilities to derive rules from the texts of the Noble Qura'an and traditions of the Holy Prophet (SAW). Ibn Hazm's book 'Maratib-al-Ijma' is considered to be an authentic piece of work on Ijma. A mujtahid should have a detail knowledge about the necessities of Arabic

language and literature, in this regard Imam Ra'ghib's "Mufradaa't-al-Qura'an" and Ibn Aseer's "Al-Nihaya-Fi-Ghareeb-il- Hadith-Wal-Asar" are quite relevant. Wahba Zuhaili further says that a mujtahid must know the Islamic jurisprudence rules (Usul-al-Fiqh) and lastly the objectives of Shariah must be before his eyes. He also ought to be aware of the similarities and conflicts of Sharei Ahka'm (laws). According to Yusuf al-Qarzawi and a recent jurist Abdul Majeed Muhammad Assosawah, a mujtahid should be a practical individual of the society, this is also stated in 'Aa'la'm-al-Moqe'een' of Ibn-e-Qayyim.

At present same qualifications of mujtahid are relevant i.e. he must know the Noble Qura'an, Sunnah and Arabic language. But he may not be required to remember the whole texts of 'Aha'dith' (traditions). The computer and 'C D' can facilitated him a lot. However he should be a pious man and people should honour him. It is also the need of time that an Ijtihad by a group of scholars be adopted, as Allama Iqbal thought of an 'Ijmai Ijtihad'. There can be an Ijtihad by a legislature comprising Islamic scholars and other experts. The members of parliament might be briefed about Islamic jurisprudence. In Pakistan Islamic Ideology Council can do a lot in this respect. The decisions of Federal Shariat Court have a vital contribution in Ijtihad in present circumstances.

Caliphate In Islam

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This study is discourse on mode of election of Caliph (Khalifah) or Ameer of Muslemeen, It also deals with the powers that Islam has given to Khalifah and the form and system of government as compared with other forms of governance.

This research focusses on the formation of the institution of khilafat and how the four rightly guided caliphs have succeeded in establishing the institution of khilafat.

Sovereignty lies with God Almighty. No ruler in an Islamic State enjoy sovereign power. Both the ruler and the ruled are equal in the sight of Law. The caliph is not entitled to any perks and privileges. The reign of the four rightly guided caliphs i-e Hazrat Abu Bakr, Hazrat U'mar, Hazrat U'sman and Hazrat Ali (may Allah be pleased with them) is called Khilafat. They were elected by consensus. They were not simply nominated and thrust upon the Muslemeen. The caliph look up to Allah and the Prophet for guidance. The Caliph should be knowledgeable, practicing Muslim and righteous. He possesses the quality of courage and statesmanship.

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The author contends that it is necessary to analyze whether the Islamic form of government is monarchical, democratic or theological one. There is no doubt that the Islamic society evolved from the nomadic and tribal set up. There were three primitive “Lakhmi” – “Himyar” and “Ghassani” tribes in Arab. They used to elect their chief through election. Hazrat Umar (RAZ) once said that there can not be a caliphate without consultation. The Islam condemns dictatorial, hereditary and dynastic basis for a ruler.

In Islam neither the caliph nor the common Muslims can change the sharia'h with popular votes. The prophet laid the foundations of Islamic Judicial System. The process of separation of judiciary from the executive was completed in the time of second caliph. In Islamic history one finds number of instructions in administration of Justice sent by Hazrat Umar (RAZ) as a caliph to judges. In Islam there is true democratic form of government by electing the best available man in state as a ruler, is assisted by a consultative body composed of the best pious men available. Once an Ameer is elected by the majority votes; all the people must owe allegiance to him. Islam honors the collective will of the people.

Islamic Concept of Tolerance

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Religious Tolerance was defined and got promoted for the welfare of humanity. Prophet Muhammad (SAW) always stressed on his followers to observe tolerance and attractive attitude towards Muslims and also towards non Muslims. In the sight of Islam every human being is respectable, valuable and deserving for good behave. There is no distinction between the person, who is living in west and that person who is living in east.

At present the man has observed unprecedented development in the field of Science and Technology, but still the man of modern age is awaiting for tolerated, civilized and cultural society.

Like other nations of world, behave and attitude of Muslims was also not so recommendable. The Muslims, whom obligation was to guide other nations of world in every walk of life, are became unable to guide and lead.

In this article the author discussed thoroughly the significance of tolerance and beautiful attitude of citizens with each other, irrespective of cost, colour, sector and religion. The article consist upon the verses of Holy Qura'an, and traditions of Prophet Muhammad (SAW) pertaining to the subject matter. The compiler got information from basic sources, of Islamic History, Literature of Seera and from the classic sources of Fiqh. Tolerance is the burning issue of the day and this article has highlighted its various aspects in the light of Islamic teaching.

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Forced Marriage In the Light of Al-Shariah al Islamia

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A large number of Muslim Families are living in United Kingdom, United State of America and other western countries. Some of them are living in these countries for a long time. The generations of these families got educated and trained in western atmosphere, but their parents wanted to arrange their marriages in their native countries. Some of the children do not like this but their parents force them for marriage with the spouses who are culturally and educationally very different from them. This issue required complete analysis and attention of the Muslims. Islamic concepts of guarding is dealing with issue. It is need of the hour that this issue should be addressed in accordance with Islamic Teachings and contemporary requirements of the Muslim Ummah. So that an appropriate strategy can be devised to resolve this problem of Muslims mainly living in western countries.

In this article the author discussed in detail and presented suggestions for resolving the problem. The article comprising on Qura'anic Verses, traditions, and texts from the compilations of Islamic Jurists relating to subject matter. The article is valuable and useful for the students and scholars of Islamic Studies.

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Methodology of Siyasat-ul-Mulook Literature & its Importance in Al-Siyasat-al-Sharia'h:An Analytical Study

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The books related to Alsiyasat-al Shariah are of two types. Some books possessed style of jurists, while others are written for the purpose of political use. The books written on juristic style are considered in the classical sources of Islamic Law. These books are treated as original assets of Fiqh, which are mainly derived from Qur'an and Sunnah. The books called al-Ahkam-al-Sultania are falls in this kind. In these books injunctions of shariah related to system of governance, administration and other related matters have been discussed. These injunctions like the other injunction of Islamic law, are derived from basic sources of Islamic law, such as Al-Qura'an, Al-Sunnah, Al-Ijma and Al-Qiyas. In these books no material was taken from any other source except the sources permissible for use in Islamic law.

The second type of books are called books of Siyasat-ul-Mulook. These books are providing picture evolution of political and administrative institutions.

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Political thoughts of Muslim & non Muslim scholars are visible in these type of books. Unlike to Islamic Law which is based on divine guidance, these books of Siyasat-ul-Mulook have many derivation from other civilizations such as pre Islamic Persian, Arabic, Indian, Roman and Greeks. At early stage the work in this field was only in the shape of translation, but later on the Muslim Scholars came to create & compile their own literature.

Muslim scholars got benefit from the literature of non Muslim Scholars. They translated, edited, reshaped and presented the relevant information in the language of their own time. It can easily say that the role of Muslim Scholars in this regard was crucial and valuable.

The compilation of books related to Siyasat-al-Mulook started in third century of Hijrah. Some of the books were compiled on the directive of Khulafah, Mulook & Rulers. The contents are related to almost important issues which are pertaining to politics. This literature is very important to understand the development of the politics and Islamic Civilization. Therefore the methodology and contents and some books of this field have been introduced in this paper.

The Nature and Significance of Verbal or Express Consensus

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The legal Theorist (Usuliyun) consider Ijma as one of main sources of Fiqh. The Mujtahid (independent legal thinker) looks to the Qura'an for guidance, when he is confronted with some problem or incident and if he does not find in it the solution, for the problem, he consults Sunnah. If still he does not find answer to the problem he resorts to Ijma i.e. The third major source of Fiqh.

This paper focuses on the nature and significance of verbal or express consensus (Ijma'qawli)

The definition of Verbal or express Consensus (Ijma'qawli)

According to the terminology of the legal theorist ijma has been defined as the "agreement of the mujtahids (independent legal thinkers) from among the community of Muhammad (Peace by upon him) after his death in a certain period of time on a rule of the shari'ah. From this definition it is gathered that the verbal or express consensus is realized by the existence of following points:

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- 1- The agreement of all mujtahids is essential. If their majority agrees on a rule of the shariah, their agreement will not be an ijma, (consensus) because ijma is the agreement of all mujtahids.
- 2- The mujtahid must belong to the Islamic Community. Accordingly, the agreement of the mujtahids, of the past communities is not considered an ijma, neither before Islam nor after it.
- 3- The verbal or express consensus (qawli) is the agreement of all mujtahidun verbally, meaning that they announce their agreement on a certain rule. But generally the incident occurs and every mujtahid gives the same legal opinion. So the agreement is established verbally.

If the opinion is expressed verbally by some mujtahids of a certain period and the rest of them are kept silent after knowing this without denying or opposing. It is not called ijma qawli it is called ijma sukuti (tacit consensus)

- 4- The agreement of the mujtahids of one period even through some mujtahids of subsequent periods may differ with them. What is worth consideration in the realization of ijma is the agreement of the mujtahids of one age not of all ages.
- 5- The agreement of the mujtahids must be held after the death of Allah's Messenger (Peace be upon him). Their agreement in his lifetime is not considered an ijma. The reason is that no one other than him has any authority for legislation in his life time.
- 6- The agreement should be held on a rule of the shariah. Ijma is a proof or source of the shariah, that is, it is consulted to

establish the rule of shariah not the rule of reason or the rule of etymology.

The jurists in general hold that verbal or express consensus (ijma qawli) is a proof that must be followed and a source of law that must be relied upon in the establishment of the rule of the shariah. The jurist in general have argued to justify the proof of verbal or express consensus by the Qura'an and sunnah.

There is another opinion that opposed and denied ijma as a source of Fiqh. Among them are Muatazillah, Shiah, Imamia and Khawaraj except that Imamia say that the opinion of Imam infallible is Hujjah.

In the end the researcher concludes his discussion with the point that the Muslims as a nation are just and equitable people.

Therefore they are collectively infallible in their agreement. This shows that the agreement of the mujtahidun who give the expert opinion is a source of law. In other words, the idea is that the Muslim Ummah is infallible in their agreement. This makes the adherence to ijma qawli obligatory on the Muslims.

Endowment in Islam; evolution, development and objectives

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Through its economic teachings, shariah elaborated the legal means of wealth acquisition and expenditure and urged man to pursue them. On the other hand, it out lined and explained the illegal means and made them reprehensible and deplorable.

Not only did shariah prescribe some economic duties upon the affluent and well to do members of the Muslim society, but also urged and endeared them towards voluntary financial duties which distance them from egocentrism and nears them to the social feeling of others' grief and thus come towards their rescue by donating in welfare services.

Since time immemorial, man has known the concept of endowment (*waqf*) as a welfare institution meant to cater for needs of various social establishments and organizations.

Waqf in Islam may be defined as retaining or preserving property by cutting off disposition of the asset and spending its revenue to a noble cause for the sake of Allah (S.W). This article addresses a number of important issues in the concept of *waqf* in Islam. Mainly:

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- The shariah perception towards the concept of *waqf*, its history both in Islam and in pre-Islamic communities and the way how contemporary communities adopted the Islamic approach to establish welfare institutions of different titles and out look but of the same aims and objectives.
- The way how it was developed and improved through the successive eras of Islamic caliphates and dynasties and the input of Muslim jurists to expound the rules and regulations which guarantee its maximum utilization and benefit.
- It highlights the tremendous role played by *waqf* in Islam since the time of its inception as a welfare institution which paid for the daily needs of mosques and the needy, catered for provision of Muslim scholars in return to their consistent devotion to learning and dissemination of knowledge and sustained learning and resource centers, among other purposes.
- It further explains the aims and objectives of *waqf* in Islam and articulates the two major forms of *waqf* i.e. *Al waqfu al khairi* (charity endowment) and *Al waqful al Dhurry* (family or kinsfolk endowment) and the perception of *ulamas* and their attitude towards both forms.
- It highlights the events in which companions retained their real estates and preserved them either in form of family or as charity endowments.

- It focuses on some challenges which faced the institution of waqf e.g. the practice of some people to retain their real estate as waqf with ill intention of depriving their legitimate heir from their share in succession and the negative attitude of some contemporary scholars towards family or kinsfolk endowment to the extent of deducing to its illegality in Islam.

Finally it concludes with a call to the well to do and affluent members of the Muslim society to reinstate this historical tradition by retaining some of their real estates as endowment for the efficient running Islamic programmes and for the welfare of the indigent and the destitute.

The role of phonetic and morphological rules in distinction between the original and the foreign words in Arabic.

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It is necessary from the point of view of linguistics to distinguish between the original words and foreign ones in every language.

Arabic has accepted many foreign words. Most of them being from Persian, it is necessary to evolve the phonetic and morphological rules which help in distinction between them. They are as follows:

1) When a foreign word contains foreign consonants, they are replaced by the nearest Arabic consonants in respect of the place of articulation and characteristics. For example the word "البرند" or "الفرند" is present in the original language Persian, starting from "p". It retained its sense "glittering". Sometimes a consonant exists in Arabic but it is better to change it due to the structure of the word. For example, "پ" has been changed into "تاف" in the word "قمنبجر" meaning the bow holder made by the composition of "کمان" (bow) and "کر" (maker).

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2) Harmony of the consonants in the word.

Harmony of the consonants also help in the distinction: "ک" and "ح" do not harmonise with each other, that is why the word "کندوح" is considered to be a foreign word because it contains both "ح+ک" "کندوح" is a container made from soilor wood, in which wheat is stored.

3) Disillusioning of the linguists

Some of the linguists omitted the noon from the word "کردن" declaing it as "کرد" treating the noon as noon I'rab while really the num is an essential element of the original word "کردن". So this may be dis alluded. In Arabic, there are some liquid consonants. Every word containing four or five consonants, must leave one or two of them. If any long word does not have one or more of them, it is regarded as a foreign one.

The Arabic words have been modelled on a limited number of patterns. When a word does not correspond to any of those Patterns it is declared as foreign word.

The Arabicised words play an important role in the vocabulary of Arabic. They have integrated to Arabic. However there are some words which have not been naturalized, they are considered as "ذخيل" infiltrators.