

## THE DISPUTES AMONG ORIENTALISTS IN DETERMINING THE EMERGENCE OF THE CONCEPT 'SUNNAH OF THE PROPHET' IN EARLY ISLAM

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### Abstract

“C. Snouck Hurgrunje, Goldziher and many other orientalisists challenged the authority of the Sunnah of the Prophet as second source of Islamic law. But Daniel W. Brown, Juynboll and Schacht raised doubts concerning the very existence of the term ‘sunnah of the Prophet’ in early Islam. The representatives of this group, who challenged the early existence of this term, differed on a large scale and asserted the findings from history contrast to one another’s. Daniel W. Brown fixed the emergence of this term ‘sunnah of the Prophet’ in or after the time of Shafi’ī, Juynboll in the year 80 after hijrah or somewhat later. Schacht differed from them and mentioned the year 76 after hijrah as the time when the first certain evidence for the use of the term ‘sunnah of the Prophet’ emerged. He referred to the notes of Margoliouth and the statement of Goldziher that went against the deductions of Schacht and Margoliouth. Margoliouth’s notes actually proved the presence of Prophet’s Sunnah in 35 A. H. Goldziher’s view pointed it out in the earliest time of Islam i. e., in the life of the holy Prophet. M. M. Bravmann disproved the notions of this first group and placed a good number of unrefutable evidences from the holy Qur’ān, ahādīth of the Prophet and āthār of the companions. He also rebuts Schacht’s claim of the difference between the words sīrah and Sunnah. Such disputes among orientalisists on the existence of the term Sunnah of the Prophet in early Islam unveil the hollowness of their investigations about Islamic literature, culture and languages rather than the invalidity of the concept Sunnah of the Prophet in early Islam.”

**Keywords:** Disputes, orientalisists, existence of sunnah of the Prophet, early Islam, historical evidences, Qur’ān, ahādīth, āthār, Arabic language.

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Throughout the Islamic legal history, even since the very life time of the holy Prophet, his words, deeds and approvals have been a valid source of Islamic law second to the holy Qur'ān. Muslims, in connection with the Divine spirit and purpose of Prophethood, gave a vital importance to the 'Sunnah of the holy Prophet' in all the social, religious, political and legal aspects of life. The authority of this major principle of Islamic jurisprudence was first challenged theoretically in the West by C. Snouck Hurgronje and his student Ignaz Goldziher. Later on this trend of doubting the legal role of Prophetic Sunnah was followed, systematically and comprehensively, by Joseph Schacht, Alfred Guillaume, Daniel W. Brown, Juynboll, N. J. Coulson, James Robson, Fitzgerald, J. N. D. Anderson and a host of other orientalists. Even some of modern Muslim writers on Islamic law, as Fazlur Rahman and A. A. A. Fyzee were also influenced by this absorbing type of theological research. Goldziher, Hurgronje and others challenged the authority and authenticity of the 'sunnah of the Prophet' and spent their academic energies to intermingle its authority with that of the Sunnah of pre-Islamic Arabs and the practice of early Muslim community. These were Schacht, Alfred Guillaume, Daniel W. Brown, and Juynboll, on the other hand, who marched in somewhat more specific way and challenged the very existence of the concept 'Sunnah of the Prophet' in early Islam. This matter is not less than a bone of contention between the orientalists as they have differences of opinion that are contrast to one another. Now these opinions of orientalists can be classified into two peculiar clutches. One of them commence that the term 'Sunnah of the Prophet' came into being after the life of the Prophet. Guillaume represents this group and asserts that the word Sunnah was actually stood for the practice of the ancient 'Arabs up to the life of Muhammad and the concept Sunnah of the Prophet gained its significance after the time of Muhammad. He says:

*"The word Sunnah up to the time of Muhammad meant the practice of the antiquity: after his time it acquired in orthodox circle a different significance, and came to*

*denote the practice of the prophet and his immediate successors.”<sup>(1)</sup>*

Each orientalist, as a member of this group, hold a view point different to those of others about the specific time when this concept emerged.

Second of them hold that the phrase ‘sunnah of the Prophet’ was even used by the Prophet as a source of Islamic law in his life. M. M. Bravmann symbolizes the stand of this sect. He ascertains in this way:

*“We now note that this term, in the sense of “the Prophet’s practice”, appears even in statements which are reported from the Prophet himself.”<sup>(2)</sup>*

Let us now have an operational exploration of all the sentiments of these two parties and endeavor to reach the as precise deduction, from the historical sources, as possible.

Daniel W. Brown, as a representative of the first group, supposes that the Sunnah and hadīth originated and grew separately until after al-Shāfi‘ī. His conjecture goes hence:

*“Thus the notion of sunna and the phenomenon of hadīth transmission originated and grew separately, following parallel but largely independent lines of development until after al-Shāfi‘ī.”<sup>(3)</sup>*

Daniel’s argument can be rebutted just with Juynboll’s report in which juynboll dates the adherence to the sunnah of the Prophet in the regime of ‘Umer II who died in 101 A.H. while Shāfi‘ī’s death is dated 204 after hijrah. According to Juynboll the the earliest significance given to Sunnah of the Prophet was by ‘Umar II in 80 after hijrah or later.

Juynboll states in these words:

*“UmarII was born in 60\680, 61\681 or 63\683, so it can be assumed that he started to emphasize his ideas concerning the sunnat annabi in any case not earlier than the year 80\700 and probably somewhat later. As noted above, on ‘Umar II’s instigation, in all*

*likelihood after he had become caliph in 99/717, but perhaps somewhat earlier,...*"<sup>(4)</sup>

So Daniel's opinion about the dating of the use of the term Sunnah appears unjustified in the light of Juynboll's opinion and the historical reality.

In Schacht's view, the word Sunnah actually denoted the 'living sunnah' by which was meant the 'generally agreed upon practice' of the early Muslim community which had its genesis no earlier than the year 76 or the end of the first century after hijrah. His inventional proposition shadows such as:

*"Sunna in its Islamic context originally had a political rather than a legal connotation; it referred to the policy and administration of the caliph. The question whether the administrative acts of the first two caliphs, Abū Bakr and 'Umar, should be regarded as binding precedents, arose probably at the time when a successor to 'Umar had to be appointed (23/644), and the discontent with the policy of the third caliph, 'Uthmān, which led to his assassination in 35/655, took the form of a charge that he, in his turn, had diverged from the policy of his predecessors and, implicitly, from the Koran. In this connexion, there appeared the concept of the 'sunna of the Prophet,' not yet identified with any set of positive rules but providing a doctrinal link between the 'sunna of Abu Bakr and 'Umar' and the Koran. The earliest, certainly authentic, evidence for this use of the term 'sunna of the Prophet' is the letter addressed by the Khariji leader 'Abdu-llah ibn Ibad to the Umayyad caliph 'Abd al-Malik about 76/695. The same term with a theological connotation, and coupled with the 'example of the forebears,' occurs in the contemporary treatise which hasan al-Bahrī addressed to the same caliph. It was introduced into the theory of Islamic law, presumably towards the end of the first century, by the scholars of Iraq."*<sup>(5)</sup>

In this lengthy account, several points demand somewhat detailed discourse but our intention with this small work is concerned with Schacht's two statements both of which need to be dealt with critically in the light of history. At first, we take the first into the analysis.

- i. In this connexion, there appeared the concept of the 'sunna of the Prophet,' not yet identified with any set of positive rules but providing a doctrinal link between the 'sunna of Abu Bakr and 'Umar' and the Koran.

Here it seems binding to present the legal context of the circumstances in which 'Uthmān became the third caliph and carried on his office of caliphate. Taken the circumstances Historically, it seems certain that 'Uthmān was given the office of caliphate because he swore to keep strictly adhered to the practice of the Prophet.

M. M. Bravmann, mentions the talk of 'Uthmā's critic Ka'b b. 'Abdah to 'Uthmān. He quotes:

*"Innaimārat l-Mu'mininain  
namākānatlakabimāawhabtaahā 'alānafsika [fi  
š-šūrā]hīna*

*'āhadtallaāhalatasīrannabisīratinabiyihūwalatuq  
ahhiru 'anhā... "The office of the Commander  
of the faithful was assigned to you on the basis  
of what you have bound yourself to carry out  
when you swore to God you would act in  
accordance with the Prophet's practice—or:  
Procedure—(sīrah) and would not remiss in its  
performance..."<sup>(6)</sup>*

The reference of sīrah instead of Sunnah in this account reveals the fact that Uthman obliged himself, while contesting his election, to nothing except to follow the practice of the prophet.

To prove that the concept Sunnah of the Prophet is based on the concrete and certain evidence mentioned in 'Uthmān's and 'Alī's oaths, Bravmann notes the version transmitted by al-Baladurī of the oath of office that 'AbdurRahmān b. 'Awf, asked the two candidates, 'Alī and 'Uthmān to swear in 23 after hijrah<sup>(7)</sup> in both of which there is no mention of the Qur'ān and the word Sunnah but the sīrah of the Prophet. One wonders that when the words Sunnah and Qur'ān do not exist in the oaths of both

‘Uthmān and ‘Alī, then from what the concept ‘Sunnah of the Prophet’ as the doctrinal link between the acts of caliphs and Qur’ān, as Schacht assumes, was generated?

As the term ‘sīrah’ is concerned, it is equivalent and identical with ‘sunnah’ in the views of Muslim scholars of hadīth and Bravmann who, in contrast to Schacht’s assumption of the difference between the terms sīrah and Sunnah<sup>(8)</sup> advances three passages, coming from ‘Umar b. Khattāb, Shafi’ī and AbūYūsuf, as the evidence for the equivalence in sira and Sunnah and then concludes in these words:

*“In all of these passagessīrah is used as an equivalent of Sunnah; and the use of these two equivalent terms in a single phrase is nothing but a stylistic device. Sunnatu Rasūlillahiwāsīratuhū, e. g., means: “the practice and the procedure of the Prophet.”<sup>(9)</sup>*

He also proves the expression of the word ‘sīrah’ as ‘practice of the Prophet’ by quoting the evidences from Alfred Guillaume’s and Lane’s translations of the word sīrah.<sup>(10)</sup>

In addition to support his argument, Schacht refers us, in his work ‘The Origins of Muhammadan Jurisprudence’ to Margoliouth’s findings by saying:

*“Margoliouth has concluded that sunnah as a principle of law meant originally the ideal or normative usage of the community, and only later acquired the restricted meaning of precedents set by the Prophet.”<sup>(11)</sup>*

Let us look into Margoliouth’s references to the different usages of the term sunnah and observe whether the deductions made from them by Schacht and Margoliouth are justifiable or, on the contrary, discard their own conclusions. Margoliouth states:

*“The process whereby “the beaten track,” “precedent,” or “custom” comes to mean the precedent set by the Prophet is just traceable in the stories which survive from the early days of Islam, most of them indeed somewhat coloured by later ideas and usage. Sometimes the practice is defined as “past practice” or as “known*

*practice” opposed to innovation, or as good practice opposed to bad practice, or as order opposed to disorder. Sometimes the “practices” are mentioned without further definition, but at times they are ascribed to God, to the Moslems, to Islam, to the first two caliphs, or the Prophet; at times they are even mentioned as something over and above the practice of the Prophet; In a manifesto ascribed to Alī, it is asserted that Allah taught the Arabs by Mohammed no fewer than four things – the Book, the wisdom, the ordinances, and the practice.”<sup>(12)</sup>*

And after having them quoted, accomplishes in this manner:

*“Nevertheless, the “practice of the Prophet” in these stories is far commoner than any other phrase.... It seems that the second source of law was not yet anything quite definite, but merely what was customary, and had the approval of persons of authority, all of whom presently merged in the Prophet.”<sup>(13)</sup>*

Though almost all the references go in contradiction of Margoliouth’s hypothesis, to wash out the doubts aired by him, it looks appropriate here to mention, at least, those which plainly define the manifestation of the ‘Sunnah of or from the Prophet’. These are as:

- Practice of the Prophet and the first two caliphs in 35 A. H.

السنة الحسنة التي استن بها رسول الله والخليفتان من بعده<sup>(14)</sup>

This version has been referred to by Margoliouth twice under the title mentioned above and as good practice opposed to bad practice.

- Prophet’s practice as described in a letter ascribed to ‘Alī in 36 A. H.

"فعلهم الكتاب والحكمة والفرائض والسنن ... ثم ان المسلمين استخلفوا به

أميرين صالحين عملا بالكتاب والسنة وأحسنأ السيرة ولم يعدوا السنة إلا وان

لكم علينا العمل بكتاب الله وسنة رسوله." (15)

Talha’s assertion about the war against ‘Alī in 36 A.H.

هذا امر لم يكن قبل اليوم فينزل فيه القرآن او يكون فيه من رسول الله صلى الله عليه وسلم سنة. (16)

- Husain's talk to Baharite in 60 A. H.  
بعثت رسولى اليكم وانا ادعوكم الى كتاب الله وسنة نبيه. (17)
- Conversation of Suwaid with Muharrif in 77 A.H.  
وان ندعوهم الى كتاب الله وسنة نبيه. (18)
- Zaid b. 'Alī's conversation in 122 A. H.  
انما ندعوكم لكتاب الله وسنة نبيه، ولى ان السنن ان تحيى ولى البدع ان تطفأ. (19)

It is the point of big wonder that how Margoliouth and Schacht deduced from these accounts that the Sunnah was not yet quite definit but merely what was customary when most of the documents, speeches, and charges refer specifically to the 'sunnah of the Prophet'?

Having a bird's eye-view of Margoliouth's accounts, it statistically seems clear that in seven out of twenty four references, as mentioned by Margoliouth, the phrase 'sunnah of the Prophet' or the 'Sunnah initiated by the Prophet' has been used specifically with the very name of the Prophet which plainly uncover the fact that the concept 'sunnah of the Prophet' is more distinct and more specific than any other axiom in these notes. With four of these accounts the Arabic article 'al' is attached that denote specifically the Sunnah or sīrah of the Prophet. This particular rule of specification is known to almost all who are well versed in the knowledge of Arabic language and literature. The word Sunnah in the rest of these notes, too, denotes generally the sunnah of the Prophet rather than any other concept. As far as Schacht's conclusion is concerned, most of Margoliouth's references are dated from the first half of the first century and actually contradict Schacht's assumption. If Schacht accepts these accounts as authentic, he would also have to admit the historic element that the term Sunnah of the prophet was commonly used fifty or more years before he thought it was.



Bravmann's deductions deserve to be noted here for the plain disproof of Margoliouth's as well as Schacht's suppositions from Margoliouth's notes. He concludes:

*"D. S. Margoliouth in his book The early development of Mohamadanism (London 1926), p. 70, assumes that "the practice of the Prophet", which in the early times is most frequently written regarding 'Uthman' was not yet quite definite. But merely what was customary" that is: "The practice of the Muslims, or of the community.....with respect to this theory it should be concluded that the specific term Sirat Rasuli-llah which is mentioned in uthman's oath of office (in Albaladuri's report) for the practice and the procedure of the Prophet makes it perfectly clear that what is meant by the expression 'the practice of the Prophet' is the specific, personal practice of the Prophet himself and not the practice of the community. And it is the adherence to the personal practice of the Prophet, Sirat Rasuli-llah, that is specifically demanded from the candidate to be elected as 'Umer's successor. Obviously, the adherence to the law of the Qur'an was a more or less self-understood duty for anyone aspiring to that office, or, for that matter, for any believer. It is evident that the Prophet had his specific, personal practice (consisting of concrete, single practices, procedures, which no less than the practice indicated in the Qur'an, could, of course, in part have roots in earlier practices...) But it is important fact that the adherence to the personal practice of the Prophet was, in connection with the election of 'Umar's successor, declared to constitute a basic principle."*<sup>(20)</sup>

Now, in the coming pages, we intend to take Schacht's second statement under educational discussion. And try to prove the existence of the concept 'sunnah of

the Prophet' as second source of Islamic law in the Holy Qurān as well as in the statements uttered by the Holy Prophet in his very life. Schacht's statement reads:

- ii. The earliest, evidence for this use of the term 'sunna of the Prophet' existed about 76/695... and was made the theory of Islamic law, in the end of the first century, by the scholars of Iraq.

According to Schacht's exposition, this concept came into existence in no way before 76 after hijrah that contrasts with the divine spirit of prophethood, the verses of Qur'ān, the views of early Muslim scholars of early Islamic sources of law. It has no matching with the living Islamic history known to almost all the orientalist. This is why, many of the orientalist do not agree with his self-twisted postulation.

In Islam the motif of the existence of Prophet's Sunnah is to make people follow the example of the Prophet in all the spheres of life because going contrast to it means going astray. As the holy Qur'ān was revealed to the holy Prophet in his very life and his statements, deeds and approvals too were placed in the same time span, therefore, it seems pertinent here to prove first the emergence of the concept of following the 'sunnah of the Prophet' from within both of these sources.

Qur'ān ascribes various roles to the holy Prophet that obviously explain the obedience to the Sunnah of the Prophet. These are as:

- Prophet's appointment as an expounder of the holy Qur'ān.

The Almighty says:

وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ وَلَعَلَّهُمْ يَتَفَكَّرُونَ (21)

- His legislative authority assigned to him by the Almighty. Qur'ān says:

وَيُجَلِّ لَهُمُ الْقَلِيْبَاتِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَالْأَغْلَالَ الَّتِي كَانَتْ عَلَيْهِمْ فَالَّذِينَ آمَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِي أُنزِلَ مَعَهُ أُولَئِكَ هُمُ الْمُفْلِحُونَ (22)

His judicial authority is explicitly asserted on another place as:

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ  
حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا (23)

- His obedience binding on the whole of the community.  
Allah commands to obey His messenger in various verses of the holy Qur'an:

وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ (24)  
قُلْ أَطِيعُوا اللَّهَ وَالرَّسُولَ فَإِنْ تَوَلَّوْا فَإِنَّ اللَّهَ لَا يُحِبُّ الْكَافِرِينَ (25)  
وَأَطِيعُوا اللَّهَ وَالرَّسُولَ لَعَلَّكُمْ تُرْحَمُونَ (26)  
يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي  
شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ  
وَأَحْسَنُ تَأْوِيلًا (27)  
مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ وَمَنْ تَوَلَّى فَمَا أَرْسَلْنَاكَ عَلَيْهِمْ حَفِيظًا (28)

- The Almighty made the holy Prophet an example and role model for the community.  
Qur'an explains the holy Prophet's status for mankind:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِمَنْ كَانَ يَرْجُو اللَّهَ وَالْيَوْمَ الْآخِرَ وَذَكَرَ اللَّهَ  
كَثِيرًا (29)

In this verse the word 'uswah' is used instead of 'sunnah' that is quite identical with Sunnah and sīrah both literally as well as contextually. Both 'Sunnah of the Prophet' (a way of Prophet's life) and 'Uswah of the Prophet' (a model or example of Prophet's life) conclusively give the same expression.

Taken collectively, all of these verses reveal that it was binding on all the Muslims to follow the example, sayings, deeds, approvals and the practices or sunan of the holy Prophet in each aspect of life. The authority of the Prophet as a whole can be summarized in the following verse of the holy Qur'an that reads:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ  
الْعِقَابِ (30)

Prophet's Use of the Term 'Sunnah of the Prophet' and the Orientalists.

The earliest authentic hadīth literature, even historically verified by a host of Western scholars of Islam, is brimful with usage of the phrase ‘sunnah of the Prophet’ by the holy Prophet himself as well as by his obedient companions during the life of the holy Prophet. Once the holy Prophet advised his followers to keep themselves adhered to the holy Qur’ān and his Sunnah to prevent themselves from going astray. He said:

تَرَكْتُ فِيكُمْ أَمْرَيْنِ، لَنْ تَضِلُّوا مَا تَمَسَّكْتُمْ بِهِمَا: كِتَابَ اللَّهِ وَسُنَّةَ نَبِيِّهِ (31)

*“I leave with you two things: you will never go astray as long as you adhere to them: The book of Allah and the sunnah of his Prophet.”*

Here it has been confirmed that the exact wording of the Prophet means the same perception as we have claimed earlier. This expression of Prophet’s advice has also been mentioned and attested by Goldziher who quotes:

*“The Prophet said the morning prayer with his community and then exhorted them. The eyes of his audience filled with tears and all hearts trembled. One of the listeners said: ‘o Prophet of God, this exhortation is like that of one who is about to depart (muw’izatumuwaddi’in). Give us, therefore, a last instruction.’ The prophet replied: ‘with these parting words I call you to the fear of God (taqwā) and to absolute obedience (hearing and obeying), as of an Ethiopian slave. For those of you who survive me will hear many conflicting opinions. It is your duty to follow my sunna and the sunna of just and enlightened caliphs; bite it (this sunnah) with your teeth (i.e. cling closely to it).”<sup>(32)</sup>*

on, on the same page he refers to some more uses of the term Sunnah of the Prophet by his companions.<sup>(33)</sup>

In fact, most of Schacht’s evidences go in contrast to his very arguments in support of which he advances them. Here, in this matter, not only Margoliouth’s notes disprove Schacht’s stand but

also Goldziher's findings go against his philosophies. Though he refers to Goldziher's opinion to prove that the concept 'sunnah of the Prophet' is the invention of the second century scholars,<sup>(34)</sup> but Goldziher's assessment is that Sunnah was basically a pagan concept adopted by Islam in its early days.<sup>(35)</sup>

Logically speaking, it seems improbable that a term existing in ancient Arab society, adopted by Islam immediately after its initiation, used habitually by the Qur'ān, and then use of it neglected by Muhammad, his companions, and the earliest Muslim community until the second century. The query ascends that when this concept existed repeatedly in the Qur'ān, why did the early Muslim community, including Muhammad himself, overlooked its use and status? And if they, anyway, disused it they mistreated the Qur'ānic commandments. And if it was actual the case, what was the intention because of which the later scholars of second century made use of the term 'sunnah of the Prophet'? Actually Goldziher justifies in his assertion that the concept 'sunnah of the Prophet' was in continuous use as an exemplary role model for the earliest communities of Muhammad's time.

This is why, the Prophet's companions and the later generations used to follow Prophet's conducts, and procedures under the same concept 'sunna' in all the spheres of life. One of such examples of companions training of following the Prophet's Sunnah in judicial matters is quoted as the holy Prophet asked Mu'ādh b. Jabal while sending him as governor of Yaman:

بِمَ تَقْضِي؟ قَالَ: بِمَا فِي كِتَابِ اللَّهِ قَالَ: فَإِنْ لَمْ تَجِدْ؟ قَالَ: بِمَا فِي سُنَّةِ رَسُولِ اللَّهِ

قَالَ: فَإِنْ لَمْ تَجِدْ؟ قَالَ: أَجْتَهِدُ رَأْيِي (36)

*“With what will you decide? (Mu'ādh) said: with what is in the Qur'ān, (Holy Prophet) asked: If you do not find (in Qur'ān)? (Mu'ādh) replied: with what is in the sunnah of the Holy*

*Prophet (Prophet) said: If you do not find (In sunnah of the Prophet)? (Mu'ādh) replied: with my own opinion (in accordance with the spirit of Islam)" Upon which the Holy Prophet thanked Allah who guided the spirit of his companion according to His will."*

Philip K. Hitti also confirms the status of Prophet's Sunnah as described by the holy Qur'ān as a basic origin of Islamic jurisprudence throughout and after the life of the Prophet. He verifies:

*"Throughout his lifetime Muhammad served as God's spokesman, thereby performing the triple function of legislation judge, and executive. The usage of Prophet (sunnah, "custom," "use") including his deeds, utterances and tacit approval was available. It clarified the scriptural text, elaborated on it, supplemented it, and thus fulfilled new demands. The Prophetic sunnah became in the first century after the hijrah the object of intensive study, next to the study of the Koran itself, the research involved collection, verification and recording."<sup>(37)</sup>*

Mourice Bucaille too refutes Schacht's exposition by his favour to the implementation of the legislative role of Prophet's words and deeds in his very life and later. He argues:

*"During Muhammad's life and after his death, complementary information of legislative nature was indeed sought in the study of the words and deeds of the Prophet."<sup>(38)</sup>*

We now turn our intention to the writings of M. M. Bravmann who's findings are not less than a masterpiece for the refutation of Schacht's views. He opines thus:

*"In our attempt to prove that the concept of "the practice (Sunnah) of the Prophet" is an early-Islamic concept, we set out from the term sīratu Rasūli-llāhi "the practice of the Prophet"... We now note that this term, in the sense of "the Prophet's practice", appears even*

*in statements which are reported from the Prophet himself. Interestingly enough, one of these utterances reported from the Prophet is addressed to the same ‘Abdurrahmān b. ‘Awf who used this term (sīratuRasūli-llāhi) later on in connection with the above-mentioned oath of office. We quote from Muhammad b. Ishāq’s report (Ibn Hišām, SīratRasūli-llāh, p.992,3-5):... hummaqāla [Rasūlu-llahi]: huhhu (ay:al-liwā’a) yabna ‘Awfin, uġzūhami‘anfīsabīllahifaqātīlū man kafarabillāhi,*

*lātaġdirūwalātumahhilūwalātaqtulūwalidan:*

*Fahahā ‘ahdullāhiwasīratunabīyihīfkum “... And this is the ordinance of God and the practice of His Prophet with respect to you.”<sup>(39)</sup>*

And in his note to this report he explains the use of sīra as “Concerning the special “ordinance” or procedure (sīrah) referred to here.”<sup>(40)</sup>

From all the examples, evidences, and discussions mentioned above it can easily be deduced that the term Sunnah of the Prophet has been continuously in use in Qur’ān, hadīth, āthār and the earliest historical sources since the pre-Islamic times, through the earliest days of Muhammad’s prophethood upto the present times. All of these sources speak in such a positive, concrete and certain way that the moderate orientalist admit this Islamic view point as it is and discard the designs of other orientalist who marched against the plain historical sources.

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