

Review Paper

Hadith/Sunnah as a Source of Law: A Descriptive Analysis of the Terms that Relates to it

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Received 1 September 2022; Accepted 7 October 2022

ABSTRACT: All Praises are due to ALLAH the Lord, Creator, Cherisher and Sustainer of the Universe, may the Most Perfect Peace and Blessings of ALLAH be upon the seal of the Prophets, our Prophet Muhammad, his noble household and prestigious companions and those who follow them with goodness up till the Last Day. Therefore, the paper discusses the position of *Sunnah* as being it the second source of law in Islam, and how Hadith scholars identified four types of *Sunnah* such as The Verbal *Sunnah* or *Sunnah Qualiyyah*, The Active *Sunnah* or *Sunnah Fi'liyyah*, The *Sunnah* of Approval or *Sunnah Taqiririyya* and *Sunnah* of Avoidance (*Sunnah Tarkiiyyah*). The research used an analytical and observation methods in conducting the study.

Keywords: *Sunnah*, Law, *Sunnah Qualiyyah*, *Sunnah Fi'liyyah*, *Sunnah Tarkiiyyah*

INTRODUCTION

In the name of Allah, the Entirely Merciful and the especially merciful, *Sunnah* or Hadith is the second basic and primary Source of Islam coming after the Glorious Qur'an. The two sources complement one another. In fact, Hadith Scholars opened that the Glorious Qur'an is more in need of the *Sunnah* than the *Sunnah* is in need of the Qur'an. This is because of the fact that *Sunnah* came to serve the Qur'an while the Qur'an did not come to serve the *Sunnah*. The two sources go in hand with each other. The superiority of the Qur'an over the sayings is just like the superiority of ALLAH the Almighty over His creatures, despite this, the Hadith came from the Prophet (may ALLAH's peace and blessings be upon him) under divine guidance as such it explains the Glorious Qur'an directly, therefore their interconnectivity is not a vertical out a parallel one because for each verse of the Qur'an or *Surah* there are corresponding Ahadith to explain it.

The terms *Sunnah* and or Hadith has other related terminologies that are connected to it. Terms like *Khabar*,

Athar and *Naba'* are some of them that are related to the *Sunnah* as we shall see Insha ALLAH in due course of the paper.

The word Hadith is an Arabic word from *Haddatha*, *Yuhaddithu*, *Hadithan*: meaning that he reported, he is reporting, the report.

Therefore, Hadith signifies speech, conservation, report, account, tale, narration (Cowan and Han, 1960) messages or utterance as indicate by the statements of ALLAH the Most High in various verses of the Qur'an.

He said to His Prophet Muhammad (may ALLAH's perfect peace and blessings be upon him) "You would perchance fret yourself to death, following after them in grief; if they believe not in this message (Yusuf, ND). Hadith here means this message' regarding to the message of Islam and specifically to the Glorious Qur'an. The same shade of meaning was implied in Surat al-Mursalat (Ibid, 77:50) "where the Most High says: Then while message after that they will believe in" or it may

mean recital as in Surah al-Najm (Ibid, 53:59). The shade of meaning in Surah 4:87 is 'word' or speech: "*wa man as-daqumin ALLAH Haditha*" meaning: whose words can be truer than ALLAH's". In another verse, it stands for rehearsal or proclamation: but the bounty of your Lord, rehearse and proclaim" (Ibid, 93:11), or it can stand for a tale or story as in *Faja'alahum*, Ahadith (Ibid, 34:19, and 51:24). Hadith denotes the saying of the Noble Prophet (May the Perfect Peace and Blessings of ALLAH be upon him) as he himself had used the word. It was transmitted in Sahih al-Bukhari from Abu Hurairah (may ALLAH be pleased with him) that he said: I said: 'O messenger of ALLAH (*Subhanahu Wa Ta'ala*) who is most successful in benefitting from your intercession in the Day of Judgment'. He said: I strongly thought that no one will ask me about this Hadith earlier than you, because of what observed of your earnest in preserving this Hadith. The most successful in getting my intercession in the Day of Judgment is he who said: *La'ilahaila* ALLAH sincerely from his inner self" (Al-Bukhari Imam, ND).

Hadith in the terminology of Hadith Scholars stands for what was reported from the Prophet (may ALLAH's Peace and Blessings be upon him) of his sayings, deeds or physical or moral qualities, or biography whether it was before, or after he started receiving revelation (Al-Khatib, 1980). With this, Hadith is synonymous to *Al-Sunnah*.

As for *Khabar*, it means news, information, report, message, communication or stay (Cowan, ND). In the statement of ALLAH: we shall try your reported (mettle)" (Qur'an 47:31) is *Nabluwa Alkhbarakum*, it appears with meaning of report.

There are differences of opinion among the *Muhaddithun* (Hadith Scholars) concerning the meaning of *Khabar*. Some of the Scholars consider al-Khabar to be synonymous with al-Hadith referring either to the report from the Prophet (may ALLAH's peace and blessings be upon him) or the *Sahabah* (Companions of the Prophet) (may ALLAH be blessed with them) or the *Tabi'un* (Successors) respectively.

According to a section of them al-Khabar is only applied to what was reported from other than the Prophet (may ALLAH's peace and blessings be upon him), i.e the *Sahabah*, *Tabi'un* and *Tabi al-Tabi'un*, hence the application of the words al-Khabari and *Muhaddith* to refer to those who engage in the study of *Khabar* and Hadith respectively. Yet another view holds that any Hadith is *Khabar* while not any *Khabar* is (to regard as) Hadith. By implication *Khabar* has a wider scope than Hadith or *Athar* (Salih, 1971).

Athar refers to trace, track, action or influence (Cowan, J.M., op.cit, P.10). Both the saying, deed or approval associated with the Prophet (may ALLAH's Peace and Blessings be upon him) or his companions (may ALLAH be Blessed with them) could be regarded as *Athar*, while the *Khurasan* Scholars restrict *Athar* to the saying, or deed of a companion while *Khabar* to that which is traced

back to the Prophet (may ALLAH's Peace and Blessings be upon him) (Salih, S., op.cit, p.10).

It is noteworthy, however, to understand that the majority of Hadith Scholars consider the terms *Khabar*, Hadith and *Athar* to be synonymous with one another. Closely linked with these terms is *Naba'* meaning 'news', 'story' or 'message' (Qur'an: 47:31). The format of reporting from the Prophet (may ALLAH's Peace and Blessings be upon him) or other than him from the early generations is normally: *akhbarana*, *haddathana*, or *anba'na*.

Some Scholars when using the derivatives of *Athar* distinguished between what was reported from the Prophet (may ALLAH's peace and blessings be upon him), which they denote as *Ma'thur Anhu* Saillallahu *Alaihi Wa Sallam*) and what was reported from other than him which they refer to as *Ma'thur an al-Salaf*, i.e what was related from the practice of the early pious generations.

It is very significant to note that whatever is related from the Prophet (May ALLAH's Peace and Blessings be upon him) is no doubt more qualified to be called with any of these terms, since all the sayings of other than him and their deeds deserved their credence and authority from him and they were all attempts to explain the meaning of his *Sunnah*.

Sunnah, linguistically, refers to a way or path or usage, sanctioned tradition, customary procedure or action or habit or practice (Cowan, J.M., op.cit, p.433). This path could either be praiseworthy or blameworthy as indicated by this Prophetic statement.

"Whoever guided to a good path (way) in Islam, he will have its reward and the reward of those who acted according to it up till the Day of Judgement. And whoever guided to a bad path (way) he will have its sin (recorded against him) and the sin of those who acted accordingly till the Day of Judgement (Muslim, Imam, ND).

Technically, in Islamic Law (*Shari'ah*) *Sunnah* means what the Prophet (may ALLAH peace and blessings be upon him) commanded, emphasized or recommended of his sayings, deeds, or approvals. That is why it is said, especially, by the Scholars of Islamic Principles (*al-Usuliyyun*) among the sources of *Shari'ah* is *al-Kitab* and the *Sunnah* which signifies the Qur'an and the Hadith respectively.

The *Usuliyyun* take *Sunnah* to refer to what was related from the Prophet (May ALLAH's Peace and Blessings be upon him) of his sayings, deeds, or approvals which are used to establish foundations for later Islamic Scholars in order to know how to arrive at legal rules and verdicts. They did not count reports that deal with his physical traits and things which were his specialties' (*Khususiyyat*) like marrying more than four wives at a time or duties which were by nature of his prophetic capacities like the extra voluntary night prayers (*Tahajjud*) which is only

obligatory with respect to him (Qur'an 17:79).

These Scholars further discounted actions that were related to his own nature as a man like manners of his walking, acting, and drinking which they classified as *afa'lahu* al-Jibiliyyah (Zahrah, 1958). Since they regarded them to be outside the scope of accountability after acknowledging that following him in these issues is strongly recommendable. They also stipulated that issues whose basis is experience of man rather than revelation (Zahrah, 1958) like war strategies are to be excluded unless they are expressed to be based on revelation.

The Prophet's silence over an action, or speech made in his presence, according to these Scholars does not signify more than its permissibility, but clarified that such an act could be regarded as obligatory, emphatic or recommendable by virtue of another reason (Zahrah, 1958).

As for the Islamic Jurist (*Fuqaha*) they are concerned with those sayings, deeds, or approvals of the Prophet (may ALLAH'S Perfect Peace and Blessings be upon him) which constitute legal verdicts whether prohibition (*Haram*), disliked (*Makruh*), permission (*Mubāh*) or an obligation (*Fard*) or necessity (*Wajib*). *Sunnah*, to them is after *Wajib* and more, than a recommendation (*Mustahab*) and hence, strongly recommended or emphasized.

These is tendency of the Jurist to use the word *Sunnah* to refer to what is contrary to innovation (*Bid'ah*) hence their expression; The Divorce (*Talaq*) of *Sunnah* is in such and such a manner (Amir, 1975).

However, the definition of the Hadith Scholars to the word *Sunnah* is much more comprehensive since they consider *Sunnah* to refer to whatever is related from the Prophet (may ALLAH'S Peace and Blessings be upon him) before or after prophet hood, of his sayings, deeds, or approvals as well as his physical and moral traits whether or not they constitute a legal verdict.

This is because the Prophet (May ALLAH'S Peace and Blessings be upon him) is a leader, guide and practical exemplar for the Muslim Community (*Ummah*). All his deeds, therefore are worthy of emulation whether they are *Wajib*, *Sunnah* or *Mustahab* as long as there is no explicit injunction from the Qur'an or from the Prophet (May ALLAH'S Peace and Blessings be upon him) or from consensus of opinion of the Islamic Scholars (*Ijma*) barring us from so doing, like all his specialties (*Khususiyat*).

According to this definition, *Sunnah* is synonymous to Hadith. This is the view of the majority Scholars, while some of them restrict. Hadith to be all what was related from the Prophet (may ALLAH'S Peace and Blessings be upon him) while *Sunnah* to all what occurred in the cause of operation analyzing the *Shari'ah* from the Prophet's time up to the end of the period of his companions (may ALLAH be pleased with them).

However, if any analogy of a particular companion contradicts that of the Prophet (may ALLAH'S peace and

blessings be upon him) it should be unfailingly disregarded.

Four types of *Sunnah* identified by the Hadith Scholars

(i) The Verbal *Sunnah* or *Sunnah Qualiyyah*, an example of it is the Prophetic saying; "Nor of you is a real believer till he loves for his brother what he loves for himself" (Al-Bukhari, ND).

(ii) The Active *Sunnah* or *Sunnah Fi'liyyah*, is what was related from the Prophet (may ALLAH'S Peace and Blessings be upon him) of his actions, the manners in which he prayed, fasted, and perform *Zakat* or Charity, Hajj and other acts of worship and mutual transactions. He had said; "Perform the prayer as you see me performing it" (Al-Bukhari, ND).

The details of how he performed the prayers are examples of this type of *Sunnah*. In another Hadith transmitted by Imam Muslim in his *Sahih* and other books of *Sunnah* is his saying;

"Take from me the example of your Hajj rites" (Muslim, Imam, ND). The details of how he performed Hajj are examples of this type of *Sunnah*.

(iii) The *Sunnah* of Approval or *Sunnah Taqririyya*. It is the *Sunnah* which has been done by the companions in his own presence either related to saying or deed, better still accompanied by consent, support or recommendation (Al-Siba'i, M.H., op.cit, p.48).

It was transmitted by Abu Dawud and al- Nasa'i from Abu Sa'id al-Khudri (May ALLAH be Pleased with him) that two men were in a journey and performed the *Tayammun* (Sand Purification) for the prayer because if non-availability of water and they prayed. Later, when they found water before the time of prayer elapsed, one of them repeated the prayer and the other did not. On mentioning this instance to the Prophet (may ALLAH'S Peace and Blessings be upon him) he said to the one who did not repeat the prayer: you have acted accordingly to the *Sunnah* and your prayer is still valid and said to the other (who repeated his): you have double reward (Abu Dawud, Imam, ND). Thus, he approved their action, even though, pointing to the one who acted according to the *Sunnah*.

(iv) *Sunnah* of Avoidance (*Sunnah Tarkiiyyah*). This type of *Sunnah* was identified by Shaykh Nasir al-Din al-Albani, a 15th Century Islamic Scholar of Hadith and he meant by that *Sunnah* anything which the Prophet (may ALLAH'S Peace and Blessings be upon him) did not do as act of *Ibadah* it should not done afterwards like the present day drawing lines in some *Masjid* so as to

straighten the rows of *Salat* which was not known in the time of the Prophet (may ALLAH'S Peace and Blessings be upon him).

Conclusion

Sunnah as pointed out briefly before, according to the majority of the Hadith Scholars, can be used interchangeably with the term Hadith. Whereas some of them prefer to restrict *Sunnah* to the actual deeds or actions of the Prophet (May ALLAH'S Peace and Blessings be upon him) and Hadith to his sayings or to the record or report of the *Sunnah* itself.

Sunnah in its original sense is not equivalent to Hadith which is used by some Scholars as opposite of Qudim (Prevalent) referring to the Qur'an (Al-Qattan, 1985). In its linguistic connection *Sunnah* represent the religious way which the Prophet (May ALLAH'S Peace and Blessings be upon him) followed in his pure biographical record (Seerah), since it refers linguistically, to a path.

Thus, if Hadith is a general term *Sunnah* then, restrict its application to the actual deeds or practice of the Prophet (may ALLAH'S peace and blessings be upon him). In other words, Hadith could be described as a container while *Sunnah* as its contents. Thus the relevance of the Scholars description: He (a Scholar) is a leading expert in Hadith or in *Sunnah* or a leader in both of them together (Salih S., op.cit, p.7), like Imam Malik Ibn Anas (May ALLAH have Mercy on him) who was considered as a leader in both.

Lastly, it could be said that, sayings of the Prophet (may ALLAH'S peace and blessings be upon him) if viewed as Hadith, and his deeds if viewed as *Sunnah* each supports and emphasizes one another. Their subject matter is the same, which is the explanation of the Prophet's pattern of life and so the significance of ALLAH'S Statement: "You have indeed in the messenger of ALLAH on excellent exemplar for him in whose hopes are in ALLAH and the Final Day, and who remembers ALLAH much" (Qur'an 33:21). Therefore, it is never out of place to refer to Hadith and *Sunnah* as synonymous.

REFERENCES

- Abu Dawud, Imam, Sunan Abi Dawud, Kitab Al-Taharah, see also Sunan Al-Nsā'i
- Al-Bukhari Imam, Sahih al-Bukhari: Kitab Al-Ilm see also Sahih, Muslim, Kitab al-Taharah, from Uqbah Ibn Amir where the word Hadith is mentioned by the Prophet (may ALLAH'S peace and blessings be upon him). See also Introduction to Sahih Muslim, written by the Imam himself. See also al-Tirmidhi, Imam Sunan al-Tirmidhi: Abwab Al-Ilm.
- Al-Bukhari, Imam, Sahih al-Bukhari, Abwab al-Adhan, see also Ibiid, Kitab al-Adab.
- Al-Bukhari, Imam, Sahih Muslim, Kitab Al-Iman, see also Muslim, Imam, Sahih Muslim, Kitab al-Iman.
- Al-Khatib, M.U. *Al-Sunnah Qabl al-Tadwin*, Lebanon: (Berut), Dar Al-Fikr, Third Edition, 1980 C.E (1400 AH), p.16.
- Al-Qattan, M., *Mubahith Fi'Ulum al-Qur'an*. Lebanon: Beirut, Mu'assissat Al-Risalah, Fifteenth Edition, 1985 C.E (1405 A.H), p.23.
- Al-Siba'i, M.H., op.cit, p.48.
- Amir B.S., *Adab Al-Hadith Al-Nabawi*, Egypt: (Cairo), dar al-Shuruq, Third Edition, 1975 C.E (1390 A.H), pp.10-11
- Cowan, J.M., *Han Weber Dictionary of Modern Arabic (Arabic to English) India: (New Delhi)*, 1960, P.61.
- Cowan, J.M., op.cit, p.10
- Cowan, J.M., op.cit, P.10.
- Cowan, J.M., op.cit, p.433.
- Ibid, 34:19, and 51:24.
- Ibid, 53:59.
- Ibid, 77:50.
- Ibid, 93:11.
- Muslim, Imam, Sahih al-Muslim, Kitab al-Hajj, see also various versions in other books in the Sunan Collection.
- Muslim, Imam, Sahih Muslim; Kitab Al-Ilm, from Jabir Ibn Abdullahi, see also Darami, Imam, Sunan al-Darami, under the title of the Hadith from Jarir, jabir and Abu Hurairah (may ALLAH be pleased with them).
- Qur'an 17:79.
- Qur'an 33:21
- Qur'an 47:31.
- Qur'an: 47:31. This surah carries the title of Al-Naba'i meaning the message. See also Ibid., 33:20 and other verses here al-Nabamens news or report. Both meaning are implied in 38:67, 88.
- Salih S., op.cit, p.7.
- Salih, S. *Ulum al-Hadith WaMustalahuhu*, Lebanon: (Beruit) Dar Al-Malayin, Sixth Edition, 1971 C.E (1391 A.H), p.10.
- Salih, S., op.cit, p.10.
- Yusuf, A.A., *The Holy Qur'an: Text, Translation and Commentary*, (syria): Dar Al-Arabiyyah, Qur'an 18:6.
- Zahrah, M. A., *Usul Al-fiqh*, Egypt, (Cairo) Dar Al-Fikr Al-Arabi, 1958 C.E (1377 A.H), pp.105-106.
- Zahrah, M. A., *Usul Al-Fiqh*, Egypt, (Cairo) Dar Al-Fikr Al-Arabi, 1958 C.E (1377 A.H), pp.105-106
- Zahrah, M. A., *Usul Al-Fiqh*, Egypt, (Cairo) Dar al-Fikr Al-Arabi, 1958 C.E (1377 A.H), pp.105-106.