

Module II: *The* *Transmission of* *Islam*



Learning Objectives

- 1] Establish that there are authorities in the transmission and interpretation of legal rulings in Islam
- 2] Understand the role of *Ijtihad* and the conditions of the *Mujtahid*
- 3] Learn the basic reasons for differences among the *Mujtahids*

Authorities in Transmission

Allah has taken it upon himself to preserve this religion: *'Verily We have sent down the reminder, and indeed We shall preserve it.*

The Prophet Muhammad (Allah bless him and give him peace) was and is the embodiment of Islam. He transmitted Islam through his words, actions, and approvals. He left behind **heirs of transmission**. We call them '*Ulama* (Scholars).



Authorities in Transmission

- *Ulu al-Amr*—the People of the Command
- *Ahl al-Istinbat*—Those who extract and derive Law
- *Ahl al-Dhikr*—The People of the Reminder
 - *Mujtahids*—Scholars who exert effort

Ulu al-Amr: The People of the Command

The authority of qualified scholars derives from the command of Allah and His Messenger (Allah bless him and give him peace): ‘**O you who believe! Obey Allah, obey the Messenger, and those in authority among you.**’ (Quran 21:07)

This ayah uses the Arabic expression, *Ulu al-Amr*, which means ‘**People of the Command.**’ They have authority.



Ahl al-Istinbat: Those Who Extract and Derive Law

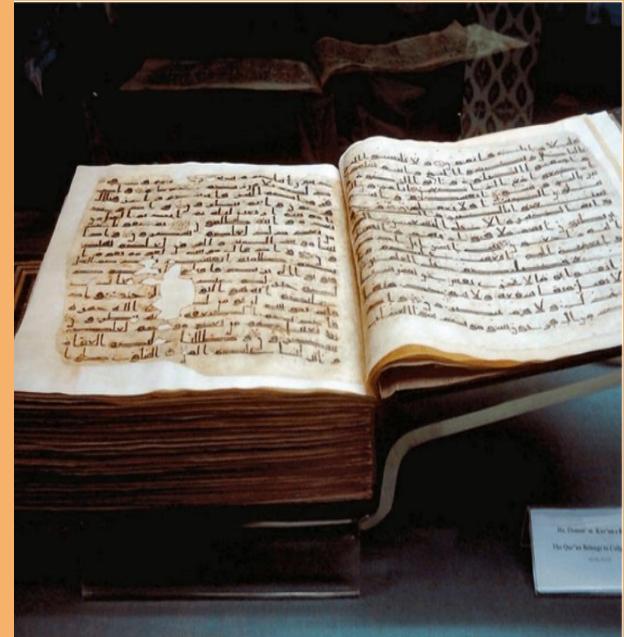
They have the right to derive rulings and make judgements in the absence of the Messenger (Allah bless him and give him peace):

‘When news of any matter reaches them, they spread it about, whether it is of a reassuring or disquieting nature. If only they had referred it to the Messenger and those in authority among them, those among them able to derive the truth about it would have had proper knowledge of it.’ (Quran 4:83)

Ahl al-Dhikr: The People of the Reminder

Allah commands us to ask them when we do not know the answer to a question, **'Ask the People of Knowledge if you do not know.'**

It is the consensus of scholars that this verse commands the one who does not know a ruling in the Shariah to follow someone who does. Virtually all scholars use this verse as their principal evidence that it is obligatory for the ordinary person to follow qualified scholarship.



Mujtahids: Scholars who Exert Effort

When the Messenger of Allah (Allah bless him and give him peace) prepared to send Mu`adh b. Jabal to Yemen, he asked him, **“How will you answer if an issue arises and your judgement is sought?”** He said, “I will judge according to the Book of Allah.” Mu`adh was asked further, **“And if you do not find the answer in the Book of Allah?”** Mu`adh then responded, “I will look in the Sunna of the Messenger of Allah.” The Messenger of Allah (Allah bless him and give him peace) then asked, **“So if you do not find it in the Sunnah of the Messenger of Allah and the Book of Allah, how will you judge?”** Mu`adh replied, “Then I will judge according to my opinion and exert the utmost effort (i.e. *ijtihad*).” The Messenger of Allah (Allah bless him and give him peace) patted his chest and said to him in reply, **‘Praise be to Allah who caused the emissary of the Messenger of Allah to agree with that which pleases the Messenger of Allah.’**

(al-Tirmidhi)

Ijtihad

Ijtihad is defined as: بَذْلُ الْمَجْهُودِ or اسْتِفْرَاعُ الْوُسْعِ “expending every possible effort” so as to reach a legal judgement. Thus, *ijtihad* is **not just one of juristic effort or exertion, but one of exhaustion!**

The *Mujtahid* spends every possible effort, leaving no stone unturned, in order to arrive at a ruling. The task of the *Mujtahid* is to uncover the intent of the Lawgiver – the *murad al-shari‘*.

A *Mujtahid* is only capable of such juristic efforts after receiving rigorous and prolonged legal training.

Conditions of *Ijtihad*

- 1] Maturity (*bulugh*)
- 2] Sanity ('*aql*)
- 3] Integrity ('*adala*)
- 4] Knowledge of the Quran (verses of rulings; abrogation, general application versus specificity; absoluteness versus restricted; circumstances of revelation, etc.)
- 5] Knowledge of the Sunna (*Jami'* collections, *Sunan*, *Masanid*, *Musannafat*; differentiate between sound and unsound; biographical data on narrators, narrator criticism, etc.)
- 6] Scholarly consensus (*Ijma'*)
- 7] Arabic language (grammar, morphology, rhetoric)
- 8] *Usul al-Fiqh*...

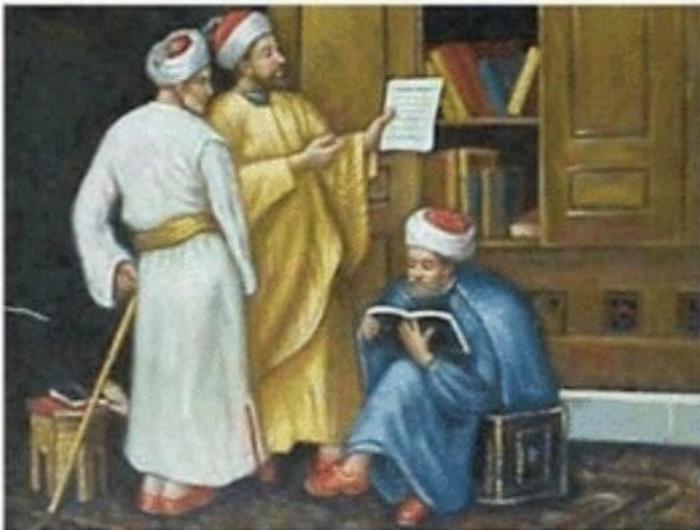
Conditions of *Ijtihad*...

- 1] Literal and figurative language and their various types (Haqiqa and Majaz)
- 2] Articulated and implied proofs and their various types (Mantuq and Mafhum)
- 3] The expressions used for commands and prohibitions (Amr and Nahy)
- 4] General texts ('Am) and their wordings
- 5] Qualifying texts and their types and wordings (Khass, Mukhassisat al-'Umum)
- 6] Unrestricted texts (Mutlaq)
- 7] Restricted texts (Muqayyad)
- 8] Apparent texts (Zahir)
- 9] Non-apparent texts (Mu'awwal)

Conditions of *Ijtihad*...

- 10] Abrogation and its types (*Naskh*)
- 11] Mass-transmitted reports versus singular transmitted reports (*Mutawatir* and *Ahad*)
- 12] Conditions of consensus (*Ijma'*) and its types.
- 13] Legal analogy and its types and conditions
- 14] Legal proofs that are differed over among the *Usulis*:
 - Presumption of continuity (*Istishab*)
 - The statement of a Companion
 - Unarticulated benefits (*al-Masalih al-Mursala*)
 - Law of those before us
 - Collective actions of the People of Medina

Classical Scholars



"We've spent our entire lives researching Islam and traveling across the world just to have the honor of studying under the greatest scholars of our time, and we compiled our life-long dedication to knowledge into volumes of textbooks that will last for hundreds of years and will teach future students of 'ilm."

Sheikh ul Google



"I just spent 7 minutes googling some articles about that Islamic question you had- and here's my personal refutation of what some scholar dude said in the past. He was wrong, LOL."

Nature of Legal Texts in the Quran and Sunna

Muslims are in agreement that we have arrived at the rulings of the Shariah through evidence that is either '**unquestionably established transmission**' (*Qat'i al-Wurud*) or '**probabilistically established transmission**' (*Zanni al-Wurud*).

The 'evidentiary value' of these texts, whether the former or the latter, are either '**unquestionable as evidence**' (*Qat'i al-Dilala*), or '**probabilistic as evidence**' (*Zanni al-Dilala*).

Transmission

QAT'IAWURUD/CLEAR-CUT TRANSMISSION:

- 1] The Chapters of the Quran, all of its verses.
- 2] All of the hadith that have reached us by so many channels of transmission that belief in them is obligatory (*Mutawatir*), for they have reached us by numerous means, by generation to generation, such that it is impossible that the various channels could have all conspired to fabricate them.

ZANNI AWURUD/PROBABILISTIC TRANSMISSION

- 1] All other narrations (*Ahad*—a continuum based on the relative strength of the narration.)

Indication

QAT'I AL-DILALA/CLEAR-CUT INDICATION:

A **plain text** that does not admit more than one meaning, which no mind can interpret beyond its one meaning, and which there is no possibility to construe in terms other than its apparent sense.

Examples: fundamentals of ‘aqida, salat, zakat, fasting—there is no room for disagreement over any of these, nor have any disagreements been heard from the Imams.

ZANNI AL-DILALA/PROBABILISTIC INDICATION:

A text that can bear more than one meaning, whether because it has a word that can [a] linguistically have two different meanings, or [b] because it is made by way of figure of speech or metaphor, or [c] because it can be interpreted in other than its apparent sense in the context without it contradicting the intent of Allah. **This is where we find the bulk of the differences of opinion among the *Mujtahid* Imams.**

Examples

- 1] The prohibition of drinking alcohol (*clear-cut transmission + clear-cut indication*)
- 2] Divorced women maintain an ‘*idda* (waiting period) of three months based on the verse (وَالْمُطْلَقَاتُ يَتَرَبَّصْنَ بِأَنفُسِهِنَّ ثَلَاثَةٌ فَرُوءٌ) (*clear-cut transmission + probabilistic indication*).

The word *quru'* carries two possible meanings in Arabic: **menstruation** and **purity**. The Hanafis and Hanbalis hold it to mean menstruation, and the Malikis and Shafi'is hold it to mean purity.
- 3] ‘Commerce is only valid with mutual acceptance.’ (Ibn Majah) – (*probabilistic transmission + clear-cut indication*).
- 4] Fasting six days *from Shawwal* (*probabilistic transmission + probabilistic indication*).

Scope of *Ijtihad*

- 1] **Clear-cut transmission + Clear-cut indication** = Quran or *Mutawatir* hadith whose meaning is univalent leaving no room for interpretation—**no *Ijtihad*.**
- 2] **Clear-cut transmission + Probabilistic indication** = Quran or *Mutawatir* hadith whose meaning is multivalent leaving room for interpretation—**there can be *Ijtihad* in interpretation.**
- 3] **Probabilistic transmission + Clear-cut indication** = *Ahad* hadith whose meaning is univalent leaving no room for interpretation—**no *Ijtihad*.**
- 4] **Probabilistic transmission + probabilistic indication** = *Ahad* hadith whose meaning is multivalent leaving room for interpretation—**there can be *Ijtihad* in interpretation.**

Application

Even if there is agreement that a source and its meaning are valid, there may still be legitimate disagreement among *Mujtahids* on how it is applied.

EXAMPLE #1:

لَا يُصَلِّيْنَ أَحَدُ الْعَصْرِ إِلَّا فِي بَنِي فُرَيْظَةَ فَتَخَوَّفَ نَاسٌ فَوْتَ الْوَقْتِ فَصَلَّوْا دُونَ بَنِي فُرَيْظَةَ ، وَقَالَ آخَرُونَ : لَا نُصَلِّيْ إِلَّا حَيْثُ أَمْرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَإِنْ فَاتَنَا الْوَقْتُ ، قَالَ : فَمَا عَنَّفَ وَاحِدًا مِنْ الْفَرِيقَيْنَ

“None of you should offer the ‘Asr prayer except at Banu Qurayza.” People were afraid they would miss the time [for ‘Asr] so some prayed it before reaching Banu Qurayza, while others said, “We will not pray except where the Messenger of Allah (Allah bless him and give him peace) ordered us to pray, even if we miss the time [of the prayer]. He did not berate any of the two groups.’ (Bukhari)

Application

Even if there is agreement that a source and its general meaning are valid, there may still be legitimate disagreement among *Mujtahids* on how it is applied.

EXAMPLE #2:

مَنْ صَامَ رَمَضَانَ ثُمَّ أَتَبَعَهُ سِتًّا مِنْ شَوَّالٍ كَانَ كَصِيَامِ الدَّهْرِ

“Whoever fasts the month of Ramadan and then follows it with six days of fasting *in/from* the month of Shawwal, it will be as if he fasted for the entire year.”

- Imam Malik: Fasting six days ‘starting from Shawwal’.
- Imam al-Shafi’i and others: Fasting six days ‘in the month of Shawwal’.