



IN THE NAME OF ALLAH, THE ALL-MIGHTY, AND ALL-WISE

SAHIH AL-BUKHARI AND ISLAMIC FIQH

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SAHIH AL-BUKHARI AND AN ACADEMIC DELIBERATION

All praise to Allah and salutations upon the Prophet (peace be upon him). And now to our topic for today: Dear Ulama and guests, at the auspicious time of completing Sahih al-Al-Al-Bukhari we generally focus on the virtues and importance of the Hadith together with the sacrifices of the Muhadithin and the illustrious biography of Imam al-Al-Al-Bukhari (may Allah have mercy on him). There have been many books written on the subject and speeches recorded on audio for such occasions, which is a sacred right for such a time. However, I would like to slightly alter the dimension of the subject due to a pressing need of our time. Recently some people have raised objections at the methodology of the Ulama of Deoband behind the pretext of Sahih al-Al-Al-Bukhari to the extent that they have labelled us as heretics (Mubtadi'een) and have incited the youth in college and university against us, advising them to stay away from the Ulama. This has resulted in some people being misled by their propaganda and henceforth I would like to shed some light on the issue, seeking assistance from Allah Ta'ala, and upon him we rely.

The discussion will be focused on three aspects:

1. Are all Sahih Hadith confined exclusively to Sahih al-Bukhari?
2. Is it possible to act upon all the Hadith of Sahih al-Bukhari?
3. Is Sahih al-Bukhari a book of Islamic jurisprudence (Fiqh) or a reliable source for Sahih Hadith?

ANSWER NUMBER ONE: ARE ALL SAHIH HADITH CONFINED EXCLUSIVELY TO SAHIH AL-BUKHARI?

Undoubtedly Sahih al-Bukhari is one of the greatest books of Hadith. The Ummah is unanimous that Sahih al-Bukhari is the most authentic book after the book of Allah, al-Qur'an. All the Hadith of Sahih al-Bukhari are without doubt Sahih, this includes suspended narrations (Ta'liqat) according to the majority of the Ulama. However, one cannot extrapolate from the consensus that only Sahih al-Bukhari contains Sahih Hadith and all else is void of Sahih Hadith. Why not?

NUMBER OF HADITH

Let's now have a look at the copious number of Hadith and how many of them are Sahih. Regarding the number of Hadith we have quotes ranging from one hundred thousand to ten hundred thousand.

روي عن الإمام أحمد رحمه الله أنه قال: صح من الحديث سبعمائة ألف اوزاد، وحمله أهل العلم على ما يشمل الأحاديث النبوية و أقوال الصحابة والتابعين،

Imam Ahmad (may Allah have mercy on him) states: There are over seven hundred thousand Hadith or more, people of knowledge have interpreted this to include Prophetic statements and opinions of Sahabah and Tabi'een.

واما ما ذكرالإمام البخاري رحمه الله أنه يحفظ مائة ألف حديث صحيح ومائتين غير صحيح فحمله أهل العلم على اختلاف الأسانيد مع تكرارالمتون،

Imam al-Bukhari mentioning that he has memorised one hundred thousand Sahih Hadith and two hundred thousand non Sahih Hadith, refers to the multiple of chains of transmission and repetition of the text (of Hadith) according to the Ulama.

Furthermore, Imam al-Bukhari states he had a pool of six hundred thousand Hadith from which he selected 9082; this includes suspended narrations (Ta'liqat).

وذكر امام ابوداود رح انه انتخب خمسة آلاف واربعمئة حديثا من خمسمائة ألف لكتابه

Imam Abu Dawud states he had a pool of 500,000 Hadith and selected 5400 from them for his book, as-Sunan.

Now what is the number of Sahih Hadith (which include Sahih and Hasan Hadith) from amongst all Hadith? Please note the range of Sahih Hadith has been referenced to al-Maktabat-ush-Shamilah and various reliable sources easily found on the internet.

كما ذكر الإمام النووي رحمه الله أن الأحاديث الصحيحة قريب من عشرة آلاف، وهذا العدد قريب من عدد الأحاديث الصحيحة للشيخ ناصر الدين الألباني {1999م} عنده أكثر من ثمانين ألفاً،

Imam Nawawi has stated there are 10,000 Sahih Hadith, which is close to the number stated by Shaykh Nasir-ud-Deen Albani of more than 8,000. Whilst Imam Ibn Hajar states there are 4,400, this may refer to those Hadith that have an unbroken chain to the Prophet (peace be upon him). As the number of Hadith in Sahihain (al-Bukhari and Muslim) without repetition is less than 5,000. Rather there are only

4,040 Hadith and out of these there are 2,980 which are present in both, referred to as agreed upon by both (Muttafaq-un-alayh). Hence, they have not covered all the Sahih Hadith.

كما قال البخاري: ما أدخلت في كتابي الجامع إلا ما صح وتركت من الصحاح لحال الطول وقال مسلم: ليس كل شيء عندي صحيح وضعته ههنا، إنما وضعت ما أجمعوا عليه. ونقل ابن حجر في هدى الساري عن الإسماعيلي أن البخاري قال: لم أخرج في هذا الكتاب إلا صحيحاً. وما تركت من الصحيح أكثر...». وقال: «ما أدخلت في كتابي الجامع إلا ما صح، وتركت من الصحاح لحال الطول». وفي بعض الروايات: لمال الطول» والمراد: أنه ترك كثيراً من الأحاديث الصحيحة في كتابه، خشية أن يطول الكتاب فيمل الناس من طوله. وعنه: صنفت الجامع من ستمئة ألف حديث، في ست عشرة سنة. وأنه قال: «أحفظ مئة ألف حديث صحيح، ومئتي ألف حديث غير صحيح». وقد ذكر الذهبي أن ما صح من ذلك من المتون بغير تكرار (أقل من عشرة آلاف) ولذلك قال الإسماعيلي: لو أخرج كل صحيح عنده، فيصير كتاباً كبيراً جداً». فاتفق علماء الحديث أن الصحاح لا تنحصر في الصحيحين بل توجد في غيرهما من السنن والمسانيد، --- نعم، فأين نجد بقية الأحاديث الصحيحة التي فاتها البخاري ومسلم؟ فلعلك تجدها في الكتب المعتمدة المشهورة، كصحيح ابن خزيمة وصحيح ابن حبان وصحيح ابن عوانه ومستدرک الحاكم، والسنن الأربعة وسنن الدارقطني وسنن البيهقي وفي المسانيد وغيرها

From the extract we realise that the rest of the Sahih Hadith are to be found in other books of Hadith. For more info see Imam Suyuti's *Tadrib ar-Rawi*, Chapter Sahih Hadith.

THE BOOKS OF HADITH IN CIRCULATION TODAY

al-Bukhari - excluding suspended narrations:

7,275 and without repetition: 3,275

Muslim - 8,000 and without repetition: 3,927

Abu Dawud - 5,400 and without repetition: 3,400

at-Tirmidhi - without repetition: 3,956

an-Nasa'i Sunan al-Kubra - over 15,000

Sunan as-Sugrah - 5,662

Ibn Majah - 4,332

Muatta Imam Malik narrated by Yahya ibn Yahya al-Laythi – 1,720 out of which 500 are narrated with an unbroken chain to the Prophet (peace be upon him).

Mu'atta Imam Muhammad - 1,185 of which 1,005 are narrated from Imam Malik and the rest are from his other teachers like Imam Abu Hanifa and Imam Abu Yusuf.

at-Tahawi (Sharh Ma'ni al-Athar) - more than 7,000

Hence the numbers of Hadith taught in our schools are 36,516 from the six authentic books, 2,905 from the two Mu'atta and 7,000 from at-Tahawi's Sharh Ma'ni al-Athar. This makes a gross total of approximately 46,500 Hadith are taught in our institutions.

CONCLUSION ON NUMBER OF HADITH

After trailing the internet, the total amount of Sahih Hadith stated are 11,830 in the famous books which are in circulation today, whilst the number of Sahih Hadith in Sahihain are 4,040 without repetition. We can conclude from this that there are 6,000 Sahih Hadith in other books of Hadith. Please note the number of Hadith has been extracted from a number of commentaries and the internet. Thus, one must bear in mind that the exact number may vary depending on different transcripts. This was just a quick overview as variation in numbers is a highly possible.

So the answer to the first question is that there are a large number of Sahih Hadith in books other than al-Bukhari and Muslim which no scholar has ever denied.

APPENDIX ONE: THE MOST PROLIFIC NARRATORS AMONGST THE COMPANIONS

1. Abu Hurairah: 5,347
 2. Abdullah ibn Umar: 2,630
 3. Anas bin Malik: 2,286
 4. Ai'sha: 2,210
 5. Abdullah ibn Abbas: 1,660
 6. Jabir ibn Abdullah: 1,540
 7. Abu Sa'eed al-Khudri: 1,170
 8. Abdullah ibn Masud: 848
 9. Abdullah ibn Amar ibn al-Aas: 700
- Grand total: 18,418

ANSWER NUMBER TWO:

IS IT POSSIBLE TO ACT UPON ALL THE HADITH OF SAHIH AL-BUKHARI?

1. Abrogation

Certainly, all the Hadith of Sahih al-Bukhari are Sahih. However, this does not correlate with the fact that all the Hadith are possible to act upon. As a Sahih Hadith could be abrogated. So how can someone act upon a Hadith which has been abrogated? In the same manner, there are verses of the Qur'an which have been abrogated even though there is no book more authentic than the Qur'an. The case of Hadith is therefore similar in this respect. For example:

كالحديث الذي أخرجه الإمام أحمد بن حنبل من حديث علي رضي الله عنه أن رسول الله ﷺ نهى عن زيارة القبور وعن الأوعية وأن تحبس لحوم الأضاحي بعد ثلاث

This Hadith has been abrogated by the following Hadith:

عَنْ ابْنِ بَرِيْدَةَ عَنْ أَبِيهِ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تَهَيُّتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ فَرُزُّوْهَا وَتَهَيُّتُكُمْ عَنْ لُحُومِ الْأَضْحَايِ فَوْقَ ثَلَاثٍ فَأَمْسِكُوا مَا بَدَأَ لَكُمْ وَتَهَيُّتُكُمْ عَنِ النَّبِيذِ إِلَّا فِي سِقَاءٍ فَاشْرَبُوا فِي الْأَسْقِيَةِ كُلِّهَا وَلَا تَشْرَبُوا مُسْكِرًا، رواه مسلم

We can learn from the aforementioned Hadith the prohibition of visiting the graveyard has been abrogated.

2. Hadith does not refer to literal meaning

Sometimes a Hadith may be Sahih though the literal explanation is not intended; rather a metaphorical meaning is intended. This is also the case with the Qur'an. For example: the literal meaning of blindness is

not intended here, rather it refers metaphorically to those hearts that refuse to accept the truth.

ومن كان فى هذه اعمى فهو فى الآخرة اعمى واضل سبيلا

The literal meaning of blindness in this world will result in blindness in the hereafter is not intended here; rather it refers metaphorically to those hearts that refuse to accept the truth. As stated in another verse:

انها لاتعمى الابصارولكن تعمى القلوب اللتى فى الصدور

Similarly, an example from Hadith:

ليس من البرالصوم فى السفر

It is not a sign of piety to fast while travelling. So is it not possible to fast whilst travelling? Is it a sin? The literal meaning is not intended here as seen in the light of other Hadith. The Hadith refers to those people who are weak and don't have the capability to fast whilst travelling, as they will be putting themselves in undue pressure and burdening their fellow travellers. Otherwise it is permissible and there is also a reward.

3. Hadith is not acted upon due to exclusiveness or contrary practice of companions

Sometimes a Hadith is Sahih even though it is not acted upon due to the Hadith being exclusively ordained for the Prophet (peace be upon him) like praying two units of Salah after Asr Salah or exclusively ordain for a certain companion. For example, the establishing of family ties

through breastfeeding for an adult as was the case for Salim, the freed slave of Hudhayfah. Also if the companion narrating the Hadith practiced in contradiction of what he narrated or narrated an apparently opposing Hadith then the Hadith will not be applicable, as was the case of Abu Hurairah narrating the Hadith of washing utensils seven times after a dog was to drink from it and also narrating washing three times and practicing upon three washes.

4. Preferring one Sahih Hadith over an apparently opposing Sahih Hadith

Sometimes there is a Sahih Hadith and another Sahih Hadith opposes it and there is no possibility of reconciling between the two. Then there will be certain factors that give preference to one over the other, whilst explaining why the other was less favoured, as for example the jurist gave preference of one form of salutation in the Tashahhud position over another in Salah.

Hence, we understand that finding a Hadith in Sahih al-Bukhari is not sufficient evidence for practicing upon it. The practical implications are realised by the opinion of the scholars and jurists (Fuqaha). Also, if the jurist acts contrary to a Hadith we will look for their evidence in the Qur'an and Hadith. As the four great Imams also have their evidence from the Qur'an and Hadith and as we have previously stated there are many sources for Sahih Hadith other than al-Bukhari and Muslim. For more info on the effect of Hadith in Fiqh see Shaykh Muhammad Awwahmah's *Athr al-hadith as-Sharif Fi Ikhtilaf al-Ai'mah al-fuqaha*.

APPENDIX TWO:

THE DIFFERENCE BETWEEN AHL AS-SUNNAH AND AHL AL-HADITH

We refer to ourselves as Ahl as-Sunnah and not Ahl al-Hadith. The beloved acts and guidance of our Prophet (peace be upon him) are referred to as Sunnah and not Hadith. Hence there is a difference between Sunnah and Hadith. Not every Hadith is considered a Sunnah. The Prophet (peace be upon him) has stated, 'Hold fast to my Sunnah'. He has not referred to it as Hadith. We research the Hadith to realise what the Sunnah of the Prophet (peace be upon him) was in each case. The poetry of our Shaykh Maulana Shah Hakim Akhtar (rahimahullah):

Following the footsteps of the Prophet (peace be upon him) is the path to paradise. We reach Allah Ta'ala through the path of Sunnah.

Imam Ahmad stated about two contemporaries:

فلان كثير الحديث قليل السنة وفلان قليل الحديث كثير السنة

One is well versed in Hadith though and to a lesser extent Sunnah, whilst the other is less familiar with Hadith though well acquainted with Sunnah. Hence there is a difference between Sunnah and Hadith. It is well documented that the Prophet (peace be upon him) would read two units of Salah after Asr in mother of the Believer's Aisha's chamber. Is it possible for us to do the same?? Hence, we understand that even though a Hadith may be Sahih we may not be able to practice upon it. The grand Mufti Mahmud al-Hasan was asked by a young scholar, 'Are we able to act upon a Hadith on the mere basis of it being reported by Imam al-Bukhari'. Mufti Sahib retorted, 'What if the Hadith is abrogated?' He felt silent on this answer.

PRACTICE ON NON-SAHIH HADITH

Other than Sahih Hadith it is worth noting a Hasan Hadith is also acceptable for practice and evidence. Many of the jurist use books of Sunan to derive laws from Hasan Hadith. A Hasan Hadith is defined as a narration that does not contain a narrator, who has been accused of lying (Muttaham) or is weak. Similarly, a weak Hadith is considered sufficient in regards to virtues, outstanding traits and supererogatory acts when it is supported by a number of weak Hadith and the scholars have accepted its practice, as they are more aware of circumstantial evidence surrounding the Hadith at the time. Moreover, scholars that have devoted their lives to Hadith are more aware of its status and there are many books written on the science and methodology of Hadith, which is a prerequisite to understanding Hadith. Without fulfilling this obligation, one cannot pick up a translation of Sahih al-Bukhari and start spreading unworthy accusations.

PRINCIPLES IN USOOL-UL-HADITH BY SH. ZHAFAR AHMAD USMANI

Now we would like to show you a few examples written by our great scholar Muhaddith, Faqih and Alim, Shaykh Allamah Zhafar Ahmad Usmani in his monumental work *Principles in Usoo-ul-Hadith*. This book was prepared under the supervision of Imam Hakim-ul-Ummah Maulana Ashraf Ali Thanwi and was edited by Shaykh Abdul Fattah Abu Guddah, who has extolled the virtues of this great work many times.

Shaykh Zhafar Ahmad Usmani states:

توثيق الرجال وتضعيفهم وتصحيح الاحاديث وتزييفها امر اجتهادى،..... يجوز ان يكون راو ضعيفا عند احد وثقة عند غيره وكذا الحديث ضعيفا عند البعض وصحيحا او حسنا عند غيره، دل عليه قول العلامة ابن تيمية في كتابه { رفع الملام عن الائمة الاعلام }

Attesting to the credibility of a narrator or Hadith is an independent judgement (of a scholar) so it is possible that a narrator is weak according to one scholar and reliable to another. Similarly, a Hadith may be weak according to some and Sahih or Hasan according to others. This has been alluded to by Shaykh Ibn Taymiyyah in his work *rafa' al-malam an al-aimah al-a'lam*.

He further states:

كل حديث استدل به المجتهد كان صحيحا عنده

Any Hadith used as evidence by a Mujtahid is equal as making the Hadith Sahih according to him. (This is the case with the four great Imams).

صرح به الامام الكوثري رح غير مرة

This has been explicitly mentioned by the deputy of the Shaykh-ul-Islam Imam al-Kawthari many times over. He further states:

قد يحكم للحديث بالصحة اذا تلقاه الناس اى الفقهاء بالقبول والعمل لوجه وان لم يكن له اسناد صحيح الحديث الصحيح لا ينحصر في صحيح البخارى ومسلم بل يوجد في غيرهما ما هو صحيح ايضا يجوز معارضة حديث اخرجاه بحديث اخرجه غيرهما

Sometimes a Hadith can be deemed Sahih when the jurist accepts and acts according to the Hadith as a result of an underlying factor, even though it does not have a Sahih chain of narration.

A Sahih Hadith is not confined to Sahih al-Bukhari and Muslim, rather it can be found elsewhere.

It is possible to oppose a Hadith selected by al-Bukhari and Muslim by a Hadith found elsewhere.

He further states:

قال الامام المحقق ابن همام رح: كون معارضه في البخارى لا يستلزم تقديمه بعد اشتراكهما في الصحة.... بل يطلب الترجيح من خارج

The great jurist Imam Ibn Al-Humam states: Despite an opposing Hadith being found in al-Bukhari does not necessitate it being given priority after both Hadith have been considered Sahih. Rather, one will give preference to one Hadith based on external factors.

He further states quoting Imam Ibn Taymiyyah:

وليعلم انه ليس من الائمة المقبولين يتعمد مخالفة رسول الله في شئ من سنته ولكن اذا وجد قول احد منهم وجاء حديث بخلافه فلا بد له من عذر في تركه لاعذار واسباب

And know there is no imam accepted by the Ummah who decided to oppose the Prophet (peace be upon him) in regard to the Sunnah. However, when an opinion of an Imam is found to apparently go against a Hadith there must be a reason for him to disregard it due to other factors. Thereafter, he enlists those reasons in graphic detail.

In conclusion, we understand that the jurist has principles and rules which they use to extrapolate sacred law. So, we can conclude that not all Sahih Hadith can be practiced and we have rich treasure of Hadith in other books comprising of Sahih, Hasan and some weak Hadith as evidence.

ANSWER NUMBER THREE:

IS SAHIH AL-BUKHARI A BOOK OF ISLAMIC JURISPRUDENCE (FIQH) OR A RELIABLE SOURCE FOR SAHIH HADITH?

Are all our juristic rulings detailed solely in Sahih al-Bukhari? Whoever assumes this is the case and neglects our rich juristic heritage has made a grave error. Sadly, a group has come forth propagating this ideology and vilifying our pious predecessors, which in turn has led some people astray and has confuse even some of our recent graduates. So first we must address the question; what is Islamic jurisprudence (Fiqh) and where did it originate? And what sacrifices were made in the development of Fiqh and how were rulings derived from Hadith?

Imam Zahid al-Kawthari has written that Fiqh was compiled even before the advent of the authors of the six famous books of Hadith. Fiqh was compiled approximately seventy years before Imam al-Bukhari was born, which was generally Hanafi Fiqh and thereafter it branched out into other schools such as Maliki, Shafi'ee and Hanbali. Although it branched out with these new names it roots were firmly embedded in the history of Qur'an and Hadith.

Islamic Fiqh refers to the everyday injunctions of individuals and society. Its inception goes hand in hand with Qur'an and Hadith and its standards are judge by Qur'an, Hadith, Ijma' (consensus) and Qiyas (analogy). Both Ijma' and Qiyas are also derived from Qur'an and Hadith and are not alien to Qur'an and Hadith.

THE THREE ERAS OF FIQH

The first era was of development of Fiqh, second was of dissemination of Fiqh and third was codification of Fiqh.

During the first era at the time of the Prophet (peace be upon him) Fiqh was explained through the recited revelation (Wahi Watlu) and non-recited revelation (Wahi Ghair Matlu) i.e. Qur'an and Hadith/Sunnah. Whenever an incident would occur, revelation would provide the answer in fields ranging from Taharah, Tayyamum, Salah, Zakah, Hajj, Nikah, Talaq, Zhihar, Lia'n, Buyou', Duyoun etc.

After the demise of the Prophet (peace be upon him), revelation ceased immediately. During the first period of Fiqh, the Prophet (peace be upon him) was the bearer of revelation and so one could directly ask for an answer to a law from Qur'an and Sunnah. There was no intermediary. The answer of the Prophet (peace be upon him) was given a divine support and hence was referred to as non-recited revelation. Although there was no need for Ijtihad (legal effort) or Ijma' consensus during the time of the Prophet (peace be upon him), some companions performed Ijtihad when the Prophet (peace be upon him) was not readily available to answer questions. The Prophet (peace be upon him) would thereafter approve or correct their verdict

once receiving news of the incident. The famous Hadith of Mua'dh, 'اجتهد برأى' I will make effort to seek an opinion through my deduction', is supportive of this argument.

The Prophet (peace be upon him) will not remain in this world for eternity and henceforth has stated: the doors of Ijtihad have been open by the following Hadith:

وعن أبي هريرة رضي الله عنه قال: قال رسول الله ﷺ: " تعلموا الفرائض والقرآن وعلّموا الناس فإنني مقبوض " رواه الترمذي

وعن عكرمة عن ابن عباس رضي الله عنه ان رسول الله ﷺ خطب الناس في حجة الوداع فقال يا ايها الناس اني قد تركت فيكم ما ان اعتصمتم به فلن تضلوا ابدا كتاب الله وسنة نبيه ، رواه البيهقي

The doors were Ijtihad have been opened by the following Hadith:

، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِمُعَاذِ بْنِ جَبَلٍ حِينَ بَعَثَهُ إِلَى الْيَمَنِ فَذَكَرَ كَيْفَ تَقْضِي ، إِنَّ عَرَضَ لَكَ قَضَاءٌ قَالَ أَقْضِي بِكِتَابِ اللَّهِ قَالَ فَإِنْ لَمْ يَكُنْ فِي كِتَابِ اللَّهِ قَالَ فَسُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فَإِنْ لَمْ يَكُنْ فِي سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَجْتَهِدُ بِرَأْيِي وَلَا أُلْوُ، قَالَ فَضَرَبَ صَدْرِي فَقَالَ الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِمَا يُرْضِي رَسُولَهُ، مسند احمد

- وعن العرياض بن سارية قال صلى لنا رسول الله ﷺ صلاة الصبح ثم اقبل علينا فوعظنا موعظة وجلت منها القلوب وذرفت منها العيون فقلنا يارسول الله كأنها موعظة مودع فاوصنا قال اوصيكم بتقوى الله والسمع والطاعة وان يأمرعليكم عبد وانه من

يعش منكم فسيري اختلافا كثيرا فعليكم بسنتي وسنة الخلفاء الراشدين المهديين عضوا
عليها بالنواجذ واياكم ومحدثات الامور فان كل بدعة ضلالة ، البيهقي {قال الألباني {هذا
حديث صحيح}

Through the aforementioned Hadith, the Prophet (peace be upon him) is guiding us for the coming second era of Fiqh; ordering us to hold firmly to the Qur'an and Sunnah and follow the ways of his companions who understand the Prophetic tradition better than anybody else. Hence, there were many companions who were less familiar with Hadith yet their lives were enlightened with Sunnah. After the time of the Prophet (peace be upon him) the time of the companions came in which there was a great emphasis in the dissemination of Hadith, from their words and deeds the beauty of Qur'an and Sunnah would emanate. People would hear their words and see their deeds and thereby be drawn to Islam. Their lives were devoted to sincerely following the Sunnah, for example if someone did Raf' Yadain (raising of the hands in Salah) it was to follow the Sunnah and if another missed out Raf' Yadain it was also to follow another Sunnah. If one was to read Basmala aloud in Salah it was to follow the Sunnah and if another was to read Basmala silently in Salah it was to follow the Sunnah. Their agreement would be based on following the Sunnah and their disagreement would also be based on following the Sunnah.

When a new incident would arise, they would look at it in the light of Qur'an and Sunnah and their consultation would lead to unity and consensus. Ibn al-Qayyim sates that 125 companions would explain laws and injunctions, whilst their children and students would answer

questions based on the rulings of their teachers in the light of Qur'an and Hadith.

In Madinah, there were the seven great jurists: Sa'eed bin Musayyib, 'Urwa bin Zubayr, Qasim bin Muhammad bin Abu Bakr, Kharijah bin Zayd bin Thabit, Sulaiman bin Yasar, Abu Bakr bin Abdur Rahman, Ubaidullah bin Abdullah

In Makkah, there were eight great jurists: 'Ata, Mujahid, Ta'us, Ma'mar, Amr bin Dinar, Ibn Abi Mulaikah, Ikrimah, Ubaid ibn Umair

Also according to Ibn al-Qayyim there were more than 500 companions in Kufa, including Ibn Masu'd and Sa'd bin Abi Waqqas. There were 28 jurists amongst the Tabi'een, including Masruq the student of A'isha, Qadi Shurayh the student of Ali, and Alqamah, Aswad, Ibrahim an-Naka'i; all students of Ibn Masu'd. The second era ran up to the end of the first Islamic century, when laws were written and shown but not methodically codified into chapters.

Now the third era had arrived where laws were codified and recorded. This is when the four great Imams methodically codified the law derived from the Qur'an, Hadith, views of the Sahabah and the edicts of the great Tabi'een. There were also other Mujtahid Imams like Imam 'Awzai' and Imam Thawri etc. However, it was the decree of Allah Ta'ala that only the four famous schools would survive the test of time by codifying and preserving their records over the centuries. Consequently, over a thousand years later we are still able to refer to their juristic rulings, the Ummah has held steadfast to the Sunnah thorough their interpretation of the Hadith and the lay people who

have forsaken them have heedlessly wondered over time in the labyrinth of Hadith without recourse to the Sunnah. May Allah Ta'ala enlighten their graves for the service of the Sunnah they have carried out. Ameen.

THE HISTORY OF THE FOUR SCHOOLS OF FIQH

We will now cast a glance at how the four great Imams codified the schools of Fiqh. Although the work began in 120 A.H with Imam Abu Hanifah, I will explain the history of the other three schools first and then move on to the Hanafi School.

MALIKI SCHOOL

Imam Malik was born in Medina in the year 93 A.H. Although he did not meet any companions, he was fortunate to have studied under the companion's students who include Hisham bin 'Urwah, Muhammad bin al-Munkadir, ibn Shihab ad-Dhuri, Ja'far as-Sadiq, Rabia'h ar-Rai and Nafi' the freed slave of Ibn Umar. When Imam Abu Hanifah visited Madinah, Imam Malik revered and respected him, rose for him, requested him to sit on his seat of teaching and would benefit from his knowledge. After the demise of Imam Abu Hanifah, Imam Malik compiled the book of Hadith *al-Mu'atta* at the request of the Abbasid king Abu Mansur according to one reason for compiling the book, he thereafter taught the book for the next 25 years. Alongside the Hadith Imam Malik would quote the opinions of the companions and their students and would also give his verdict on the ruling in question. After Imam Malik's demise in 179 A.H., his works were catalogued and became a source for Maliki jurisprudence. Imam Malik himself states

he did not give a fatwa until 70 Ulama accepted he was worthy to do so. Imam Zahid al-Kawthari has stated Imam Malik would have researched Imam Abu Hanifah's book *al-Athar*, as he has modelled the *Muatta* in a similar fashion. His book is widely accepted till today and a voluminous commentary has been penned down by the name of *Awjaz al-Masalk ila Mu'atta* Imam Malik by our great scholar of Hadith Shaykh Muhammad Zakariyya al-Khandahlawi.

SHAFI'EE FIQH

Imam Muhammad bin Idris As-Shafi' Al-Qurayshi was born in Gaza, Palestine, in the year 150 A.H. he was two years old when his farther passed away, so his mother took him to Makkah. He memorised the Qur'an at the age of seven and memorised *Mu'atta* at the age of ten. He passed away in Cairo, Egypt in the year 204. Imam Shafi' greatly benefitted from Imam Abu Hanifah's student Muhammad bin Hasan as-Shaybani and his books and he also benefitted from Imam Malik when he travelled to Medina. He began giving fatwas at the age of 25. He wrote a book on Usoo-Ul-Fiqh named *Ar-Risalah*. He would spend day and night compiling laws of his school and has written his own work *al-Umm* on the subject.

HANBALI FIQH

Imam Ahmad bin Muhammad bin Hanbal was born in Baghdad in 164. His teachers in Hadith include Imam Shafi'ee, Abdullah bin Mubarak and Yahya bin al-Qatan etc. Imam Ahmad had memorised up to 1,000,000 Hadith! (This number includes narrations along with their multiple chains.) Imam Ahmad had combined Hadith and Fiqh in a

unique way in that he acted upon the literal Hadith and in the situation of apparently opposing Hadith he would give preference to the opinion of a Sahabi or Tabi'ee who was also a muhaddith. He also compiled a book of Hadith on the order of names called *al-Musnad*. In which there are approximately 28,414 Hadith.

وضع الإمام أحمد هذا الكتاب ليكون مرجعًا للمسلمين وإمامًا وجعله مرتبًا على أسماء الصحابة الذين يروون الأحاديث كما هي طريقة المسانيد ، فجاء كتابًا حافلًا كبير الحجم يبلغ عدد أحاديثه أربعين ألفًا تقريبًا تكرر منها عشرة آلاف حديث

However, in al-maktaba as-shamilah there are only 26,363 Hadith. Out of all the Hadith of the *al-Musnad* there are 300 with the shortest chain of transmission of only three narrators.

وقد رتب كتابه على المسانيد فجعل مرويات كل صحابي في موضع واحد ، وعدد الصحابة الذين لهم مسانيد في مسنده (904) صحابي

Imam Ahmad narrates the book in order based on the names, cities and tribes of the narrators. This was not a book outlining his position in Fiqh. Rather, he would dictate them in his lessons. Someone once asked him where he learnt his Fiqh methodology. He replied from the books of Muhammad bin al-Hasan as-Shaybani. Imam Ahmad passed away in 241 A.H. Thereafter, his students compiled his opinions in a catalogue form.

HANAFI FIQH

The first Imam to catalogue Fiqh was Imam Abu Hanifah Nu'man bin Thabit. He was born in the year 80 A.H. He had the honour of sight of

the companions and narrating Hadith from the companions as seen in his *al-masanid*. The following companions were alive during the life of Imam Abu Hanifah:

1. A'mir bin Wathilah al-Laythi - D. 110 A.H in Makkah
2. Mahmud bin ar-Rabi' al-Ansari al-Khazraji - D. 99 A.H in Madinah
3. Wathilah bin Al-Asqa' al-Laythi - D. 86 A.H in Damascus
4. Abdullah bin Busr al-Mazini - D. 96 A.H in Hims
5. Anas bin Malik al-Ansari al-Khazraji - D. 93 A.H in Basra
6. Abdullah bin Abu Awfa al-Aslami - D. 87 A.H in Kufa
7. Abdullah bin Harith bin Jaz az-Zabidi - D. 89 A.H in Egypt

ولم يبق منهم أحد بعد سنة عشرين مئة ١١٠؛ لقول ابن عمر رضي الله عنهما: صلى بنا رسول الله صلى الله عليه وسلم في آخر حياته فلما سلم قام فقال: "أرأيتمكم ليلتكم هذه فإن رأس مئة سنة منها، لا يبقى ممن هو اليوم على ظهر الأرض أحد". متفق عليه. وكان ذلك قبل موته بشهر كما رواه مسلم من حديث جابر

وفائدة معرفة آخر الصحابة موتاً، أن من تأخر موته عن هذه الغاية لم تقبل منه دعوى الصحبة

Imam Abu Hanifah started the formal process of documenting Islamic Law. In his academy, there were over 40 scholars that included leading experts in Hadith, lexicography, Qur'an, analogy and extrapolation of sacred text. There was a precondition to have memorised the Qur'an and be an expert in Qur'an and Hadith. When Imam Abu Hanifah's teacher Hammad bin Muslim bin Yazid passed away, the scholars of Kufa ordered Imam Abu Hanifah to take his place. Thus, this was the time when the scholarly academy began and continued for the next

three decades and only stopped when Imam Abu Hanifah was falsely imprisoned by the ruler of the time. The sessions would run from Fajr to Zawal and thereafter Imam Abu Hanifah would provide a meal for all the participants. According to Imam al-Kashmiri, the amount of laws derived was 250,000. The amount of Hadith used was over 40,000 according to some participants, most of which only had two or three narrators between them and the Prophet (peace be upon him). Hence, they were Sahih and a standard for evidence in Fiqh. Imam Abu Yusuf, one of Imam Abu Hanifah's main students' states, 'I would relate a number of Hadith and Imam Abu Hanifah would explain why the Hadith was not valid in such a case'. We can clearly see that Imam Abu Hanifah had in depth knowledge of Hadith and would only accept Sahih and valid Hadith. When there was a practice or opinion of a companion then he would not refute it or give an answer contrary to it.

Imam Abu Hanifah has stated that if you find my opinion going against a Sahih Hadith then disregard what I have said. Today some people say that you act upon a weak Hadith and this Hadith is not to be found in Sahih al-Bukhari? We must firstly acknowledge at the time of Imam Abu Hanifah there were companions and Tabi'een and the chain of narration only had one or two people in them. Moreover, he was well aware of the narrators of his time and was therefore able to judge the authenticity of the Hadith much better than in later eras. Now the famous books of Hadith came 150 years later or so and the chain of narration was much longer, and this had led to some Hadith becoming weak later down the chain. So, this is not a question of Imam Abu Hanifah chain of narration, rather it's a dilemma for those who came

later on. For this reason, Imam Abu Hanifah's school is considered arguably the most authentic opinion and also because his opinion is deliberated by a committee of scholars who are well versed in all the sacred sciences and are pious and upright.

SCHOLARS' TIMELINE

We will now present a timeline of the jurist and muhaddithin so that we can gage the time lapse based on the most senior scholar to most junior in relation to their respective age.

Imam Abu Hanifah: 80-150

Imam Malik: 93-179

Imam Abu Yusuf: 113-182

Imam Muhammad bin al-Hasan as-Shaybani 132-189

Imam Muhammad bin Idris as-Shafi': 150-204

Imam Ahmad bin Hambal: 164-241

Imam al-Bukhari: 194-256

Imam Muslim: 202-261

Imam Abu Dawud: 202-275

Imam Tirmidhi: 209-279

Imam Ibn Majah: 209-273

Imam Nasai: 215-303

Imam Tahawi: 229-321

So, the answer to the question, ‘You act upon a Hadith apparently opposing a Sahih Hadith in a-Bukhari?’ We will answer as previously stated that we also have a Sahih Hadith found elsewhere. Also, there are laws and principles guiding Hadith found in books of Usool-ul-Fiqh and Usool-ul-Hadith which a Mujtahid has to consider.

SOME PARTICULAR ISSUES THAT ARE GIVEN UNDUE IMPORTANCE AND DEBATED BY SOME PEOPLE

We will now delve into some issues that are given predominance by some people due to their concern with the particulars.

THE HAT

They say there is no importance in wearing a hat during Salah even though there is mention of the hat in Salah on five occasions in Sahih al-Bukhari and the amamah (turban) is mentioned on numerous occasions. The amamah has remained a symbol and Sunnah of the Prophet (peace be upon him). Further, we ask them to present at least a weak Hadith in which the Prophet (peace be upon him) prayed Salah without a hat and amamah other than in the state of Ihram. For more info see Imam Zahid al-Kathwathari’s *Maqalat al-Kawthari*, Chapter Masalah Kashf ar-Ro’us. It is not a proven practice from the Sahabah, Tabi’een or the four Imams that they prayed Salah bare headed. We affirm this is not an obligation. However, there are some protocols a person of

sound mind would to adhere to when attending a royal court. In covering the head there is humility and humility is required in Salah.

POSITIONING OF THE FEET IN SALAH

Some people are so adamant in spreading their feet as wide as possible that they look like they are positioning themselves for a wrestling match. Where is this found in Hadith? Imam al-Bukhari states in his Sahih: Book of Salah, Hadith number 683:

وَكَانَ أَحَدُنَا يُلْزِقُ مَنْكِبَهُ بِمَنْكِبِ صَاحِبِهِ وَقَدَمَهُ بِقَدَمِهِ

In the Hadith there is mention of meeting of shoulder to shoulder and feet to feet, but it does not mean we go out of our way to stand like a boxer. Look at the following extract:

اللزق للقدمين أو لصبغهما بقدمي من يصلي عن يمينك أو يسارك لم يقل به أحد من الأئمة الأربعة ، وهو من الهيئات المستحدثة الجديدة في الصلاة ، وما جاء في بعض الروايات مما يتوهم منه ذلك ، ظاهره غيرمراد وفسره العلماء بالمحاذاة للقدمين ، يؤيده أيضاً أن لزق الركبتين الوارد في بعض الروايات غيرمراد ظاهره أيضاً هو أمر متعذر كلزق القدمين ، راجع فتح الباري وغيره ، والفقهاء اختلفوا في المسافة بين القدمين أي تباعدهما من المصلي نفسه، فمتهم من قال قدرشبر، ومتهم من قال لايزيد عن الوضع المعتاد للوقوف ونحو ذلك والأمر في ذلك سهل، لكن اللزق الذي يتكلف له بعض المصلين في مدالقدمين مما يسبب إيذاء المصلين بجانبه فليس من السنة ولا من الفقه {من ملتقى اهل الحديث}

Hence, we learn the literal meaning is not intended in the Hadith. Moreover, the correct meaning has not been understood and thereby incorrect inferences have been employed in order to interpret the Hadith. Likewise, this position goes contrary to the state of humility and fear of Allah. Thus, in Salah we have been admonished in the Hadith for adopting any action that goes against humility and the fear of Allah. Rather humility and submissiveness are traits which are sought after in Salah. As mentioned in the verse:

والذين هم فى صلاتهم خاشعون

THE POSITION OF THE HANDS IN SALAH

There is no Sahih proof that a man should put his hands on the upper part of his chest in Salah. This ruling is confined to women. This is not mentioned in Sahih al-Bukhari or any of the six famous books of Hadith, though it is mentioned in other books of Hadith. So, let's discuss the matter:

ولفضلة: (على صدره) قد تفرّد بها مؤمّل بن إسماعيل عن سفيان وقال بعضهم إن سفيان هو ابن عيينة، عن عاصم بن كليب، عن أبيه، عن وائل بن حُجر، وفي ذلك جماعة من الثقات مِمَّن رووه عن سفيان ولم يذكروا (على صدره)، وانفرد بالزيادة على الصدر مؤمّل بن إسماعيل وحده، وروايته عن سفيان مطعون فيها، ثم إنه رواه عن عاصم أكثر من عشرين نفساً لم يذكروا الزيادة، منهم: السفينان وشعبة وأبوعوانة اليشكري وغيرهم،

Hence, we realise that placing the hands on the chest has not been mentioned by a trustworthy narrator, the narrator in question is

therefore debatable for an addition that has not been mentioned by any other narrator.

والذي عليه جماهير العلماء على مشروعية القبض من غير تحديد موضع، بل ذهب الإمام أحمد فيما نقله عنه أبوداود في ((مسائله)) إلى كراهة وضع اليد اليمنى على اليسرى على الصدر. قال أبوداود: وسألت الإمام أحمد عن وضع اليمنى على اليسرى: أتذهب إليه؟ قال: نعم فوق السرة قليلاً، وإن كان تحت السرة فلا بأس، قال: وكان يكره وضع اليدين على الصدر، -- وقال بعضهم الوضع سنة وتختلف الروايات في محل الوضع وفي كل رواية سقم فيتسع حد المحل باختلافها، من ملتي أهل الحديث

So, we realised that Imam Ahmad classifies this act as Makruh and none of the four great imams are of this opinion.

THE TARAWIH SALAH

They also cause friction by stating Tarawih prayer is 8 units and not 20, they ask where the evidence for 20 is found. Firstly, we say that in the blessed month of Ramadan why you are depriving people from praying Sunnah and Nawafil. Do they not understand the meaning of Sunnah or did the companions, the Khulafah Rashidun, the ten given glad tidings of paradise and the people of Badr understand more? When there was a consensus amongst the companions and the four great imams ratified it, what excuse remains for them. Surely the scholars have evidence for their practice. Have they not heard the following Hadith:

عن العرياض قال: صلى بنا رسول الله ﷺ ذات يوم ثم أقبل علينا بوجهه فوعظنا موعظة بليغة ذرفت منها العيون ووجلت منها القلوب فقال رجل يا رسول الله كأن هذه موعظة مودع فأوصنا قال: أوصيكم بتقوى الله والسمع والطاعة وإن كان عبدا حبشيا فإنه من يعش منكم يرى اختلافا كثيرا فعليكم بسنتي وسنة الخلفاء الراشدين المهديين تمسكوا بها وعضوا عليها بالنواجذ، وإياكم ومحدثات الأمور فإن كل محدثة بدعة وكل بدعة ضلالة

"رواه أحمد و أبوداود والترمذي وابن ماجه قَالَ أَبُو عَيْسَى هَذَا حَدِيثٌ حَسَنٌ صَحِيحٌ

Consequently, we learn that since the time of the rightly guided Caliphs till today the scholars have remained united on 20 units of Salah and this has always been the practice in the two sacred sanctuaries (Haramain). Their objection can only be seen as deprivation. For More Info see Imam Zahid al-Kathwthari's *Maqalat al-Kawthari*. Chapter MaSalah Tawasul

TAWASSUL

They state that Tawassul is Shirk. Yet, if you look in Sahih al- Bukhari you will find Hadith 954:

عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ كَانَ إِذَا فَحَطُوا اسْتَسْقَى بِالْعَبَّاسِ بْنِ عَبْدِ الْمُطَّلِبِ فَقَالَ اللَّهُمَّ إِنَّا كُنَّا نَتَوَسَّلُ إِلَيْكَ بِنَبِيِّنَا فَتَسْقِينَا وَإِنَّا نَتَوَسَّلُ إِلَيْكَ بِعَمِّ نَبِيِّنَا فَاسْقِنَا قَالَ فَيُسْقَوْنَ

We learn we can do Tawassul through prophets and pious people. Further, Imam Qurtubi states:

{ قوله تعالى: يا أيها الذين آمنوا اتقوا الله وابتغوا إليه الوسيلة) الوسيلة هي القربة هي فعيلة من توسلت إليه أي تقربت، قال عنتره: إن الرجال لهم إليك وسيلة* أي بعض الرجال لهم إلى الله وسيلة، فماذا تقول في قول الشافعي رح يقول: أني أتبرك بأبي حنيفة وأجيء إلى قبره في كل يوم يعني زائراً فإذا عَرَضْتُ لِي حَاجَةٌ صَلَّيْتُ رَكَعَتَيْنِ وَجِئْتُ إِلَى قَبْرِهِ وَسَأَلْتُ اللَّهَ تَعَالَى الْحَاجَةَ عِنْدَهُ فَمَا تَبَعَدَ عَنِّي حَتَّى تُقْضَى، في تاريخ بغداد ج 1 ص 123، - وكذا ماتقول في فتوى الامام احمد رح: عن عبد الله بن أحمد بن حنبل أنه سئل أباه : عن الرجل يَمَسُّ مَنْبَرَ النَّبِيِّ (ص) وَيَتَبَرَّكَ بِمَسِّهِ وَيُقْبِلُهُ وَيَفْعَلُ مِثْلَ ذَلِكَ أَوْ نَحْوِ هَذَا يُرِيدُ بِذَلِكَ التَّقَرُّبَ إِلَى اللَّهِ عَزَّوَجَلَّ..؟ فقال: لا بأس، {كذا جاء في العلل والسؤالات ج 2 ص 492

For More Info see Imam Zahid al-Kathwathi's *Maqalat al-Kawthari*. Chapter Masalah Tawassul. Thus, it is established from the Sahabah and the imams that it is permissible to perform Tawassul through the pious people whether they are alive or have passed away. There is no Shirk in this action as we are asking directly from Allah Ta'ala and not the servants.

GATHERING OF DHIKR

They ask for evidence for gathering of Dhikr. For more Info see Imam al-Lakhnwai's *Sibah al-Fikr Fi Masalh al-Jahr bi ad-Dhikr*. We state:

وقال الإمام أحمد: عن أنس بن مالك، رضي الله عنه عن رسول الله ﷺ قال: ما من قوم اجتمعوا يذكرون الله لا يريدون بذلك إلا وجهه إلا ناداهم مناد من السماء: أن قوموا مغفوراً لكم قد بَدَّلْتُ سَيِّئَاتِكُمْ حَسَنَاتٍ" وقال الطبراني: عن عبد الرحمن بن سهل بن حنيف قال: نزلت على رسول الله ﷺ وهو في بعض أبياته: **وَاصْبِرْ نَفْسَكَ مَعَ الَّذِينَ يَدْعُونَ رَبَّهُمْ بِالْغَدَاةِ**

وَالْعِشِيِّ يُرِيدُونَ وَجْهَهُ { فخرج يلتمسهم فوجد قومًا يذكرون الله تعالى، منهم ثائر الرأس وجافي الجلد وذوالثوب الواحد، فلما رآهم جلس معهم وقال: الحمد لله الذي جعل في أمتي من أمرني الله أن أصبر نفسي معهم " --

وفي البخارى 5929- عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّ لِلَّهِ مَلَائِكَةً يَطُوفُونَ فِي الطَّرِيقِ يَلْتَمِسُونَ أَهْلَ الذِّكْرِ فَإِذَا وَجَدُوا قَوْمًا يَذْكُرُونَ اللَّهَ تَنَادَوْا هَلُمُّوا إِلَيَّ حَاجَتِكُمْ قَالَ فَيَحْفُوتُهُمْ بِأَجْنِحَتِهِمْ إِلَى السَّمَاءِ الدُّنْيَا--- قَالَ هُمْ الْجُلَسَاءُ لَا يَشْقَى بِهِمْ جَلِيسُهُمْ، وفي الترمذى حديث{3432 عَنْ أَنَسِ بْنِ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِذَا مَرَرْتُمْ بِرِيَاضِ الْجَنَّةِ فَارْتَعُوا أَلْوَا وَمَا يَاضُ الْجَنَّةِ قَالَ حَلَقَ الذِّكْرَ اى الذين يذكرون الله مجتمعين في الحلقات

In the aforementioned collection of Hadith, is there no proof for collective Dhikr? Certainly, there is proof for collective Dhikr. Furthermore, the person who unwittingly associates himself with such a gathering is never deprived, he is also forgiven.

They ask for evidence for Dua after Salah, the night of Bara', Tasuwwuf (as practiced as it was intended), Shaykh, Baya'h with a Shaykh. As previously mentioned, Sahih al-Bukhari is not a prerequisite for all evidence. Thus, we don't need to believe everything they say at face value. Rather, we should question them under whom have they studied the books of Hadith? Do we not follow a doctor without questioning his diagnosis? Why don't we read a book of medicine and try and cure ourselves? Is Deen so easy that we can just pick up a translation of al-Bukhari and derive our own rulings? Is this what we call true understanding? Brothers this is no more than hedonistic free

thinking. Brothers we should hold fast an accomplished scholar in order to find salvation. For more info see *Thalahth rasail fi istihbab rafi al-yadain Fi ad-dua' ba'd Salah al-Maktubah*. Tahqiq Shaykh: Abdul fatthah Abu Guddah

In conclusion, Sahih al-Bukhari is not a reference for Fiqh and Fatawa. Imam al-Bukhari compiled a book of Hadith and as he was also a Mujthaid jurist he also stated some of his opinions alongside the Hadith at times. This was his personal preference and not a precedent set for all to follow.

THE SCHOOL OF IMAM AL-BUKHARI

قال العلامة محمد أنورالكشميري رحمه الله تعالى (1352) في فيض الباري على صحيح البخاري "واعلم أنّ البخاري مجتهدٌ لا ريب فيه ، وما اشتهر أنه شافعي فلموافقته إياه في المسائل المشهورة ، وإلّا فموافقته للإمام الأعظم ليس بأقل مما وافق فيه الشافعي ، وأما الترمذي فهو شافعي المذهب لم يُخالفه صراحة إلا في مسألة الإيراد، والنسائي وأبو داود حنبلين صرّح به الحافظ ابن تيمية، وزعم آخرون أنّهما شافعيان. وأما مسلم وابن ماجه فلا يُعلّم مذهبهما وأما أبواب مسلم فليست مما وضعها المصنف رحمه الله تعالى بنفسه ليُسْتَدلّ منها على مذهبه،-----وبقول الشيخ وليد الداجي : الامام البخاري رحمه الله تعالى كان مجتهدا مطلقا وهذا واضح من تراجم الامام البخاري في جامعه رحمه الله تعالى وله اراء واحكام خالف بها اصحاب المذاهب الاربعه وهذا يدل على سعة علمه ومكانته في الفقه، والامن ليست له أهلية الاجتهاد، فله تقليد واتباع لإمام من الأئمة ممن يثق به، فإن كان له النظر في بعض المسائل، فله أن يتمسك بما يراه راجحا من المسائل، ولا يجوز له التلفيق في المسألة ، أما البخاري رحمه الله تعالى فقد قال غير واحد من

الأئمة: إنه مجتهد مطلق. فإذا وافق قولاً من أقوال الأئمة ممن سبقه فلا يعني ذلك تقليده أو انتصاره لذلك القائل، وقد وقع مثل هذا للمالك في موافقته لرأي أبي حنيفة، كما وقع ذلك لأحمد في موافقة شيخه الشافعي، فكل واحد منهم يتبع الصواب، فقد يتفقون وقد يختلفون، ولكل مجتهد دلائل ونظائر

We respect that these grate scholars had their varying opinions and at times they agreed while sometimes disagreeing. Yet, they have played a vital role in the preservation of the Hadith for generations to come and their sacrifices went beyond the call of duty, so we respect their efforts and may Allah Ta'ala reward them. Ameen.

THE FIVE ERAS OF THE MUHADDITHIN

1. The era of the companions: after the demise of the Prophet (peace be upon him) the companions started propagating and teaching Hadith as can be seen from those companions who narrated many Hadith. See appendix one.
2. The era of the senior Tabi'een: in this era the children of the companions and their emancipated slaves played a vital role in acquiring and disseminating Hadith like the example of Salim ibn Abdullah, Nafi', 'Ikrimah, 'Urwa ibn Zubayr, Qasim bin Muhammad and 'Alqamah ibn Qais etc. They collected their own scripts of Hadith and would relate Hadith from the scripts. This era ended at the end of the first century of hijrah.
3. The era at the start of the second century, which began at the reign of the caliph Umar bin Abd al-Aziz. He instructed that the books of Hadith be compiled on an official state level. Hence Qadi Abu Bakr ibn Hazm, Ibn Shihab az-Zuhri, Imam Sha'bi, Sufyan Thawri and al-

'Awzai and others wrote books of Hadith. This era went up to 150 A.H. where many books of Hadith were transcribed. Imam Abu Hanifah was part of this era; he gathered laws with his academy of Ulama and he has penned *Kitab al-Athar* as a living testimony to the era.

4. This era lasted from 150 A.H to 200 A.H. it was during this era that Imam Malik compiled Mu'atta, Imam Muhammad also compiled his Mu'atta. Likewise there was Jami' ath-Thawri, Jami' Ma'mar ibn Rashid, Sunan Waqi', Musnad Ahmad, Musnad Humaydi, Musnad Ibn Mubarak, Musnad Abu Dawud Tayalisi, Sunan ad-Darimi.

5. The beginning of the third century of Hijrah saw the six famous authors of Hadith coming on the scene and the compilation of their great works. Please refer to the scholars' timeline for relevant dates.

A BRIEF BIOGRAPHY OF THE FAMOUS SIX AUTHORS OF HADITH

1. Imam Muhammad bin Isma'il al--Bukhari was born in Bukhara in 194 A.H. He started gathering Hadith for his Sahih at the age of 23 and it took him 16 years to complete at the age of 39. He also taught his own book for the remaining years. Over 90,000 Ulama read the book by the great imam. Imam Al-Al-Bukhari passed away on 1 of Shawwal in the year 256 A.H and he is buried in Khartang which is at a 2-3 mile distance from Samarqand. He was a God-fearing devout scholar with immense respect and adoption for the Sunnah and a widely accepted Imam of Hadith and a Mujtahid in his own right.

2. Imam Muslim bin al-Hajjaj al-Qushayri was born in Naysapur in the year 202 A.H and passed away in the year 261 in Naysapur.

3. Imam Abu Dawud Sulayman bin al-Ashath was born in Sijistan in the year 202 A.H and he had compiled his Sunann by the age of 34. He passed away in Basra in the year 275.

4. Imam Abu Esa Muhammad bin Esa at-Tirmidhi was born in Tirmidh in the year 209 A.H and passed away in his hometown in 279.
5. Imam Ahmad bin Shu'ayb an-Nasai was born Nasa, Khurasan in the year 215 A.H and passed away in Makkah in the year 303 A.H.
6. Imam Muhammad bin Yazid Ibn Majah was born in Qazwin, Iran in the year 209 and passed away in his hometown in 273 A.H.

RELATIONSHIPS BETWEEN THE IMAMS

Imam at-Tirmidhi and Imam an-Nasai were the students of Imam al-Bukhari, Imam Muslim and Imam Abu Dawud. Likewise, Imam al-Bukhari, Muslim and Abu Dawud were the students of Imam Ahmad bin Hanbal. Imam Ahmad was a student of Imam Shafi'ee. Imam Shafi'ee in turn was a student of Imam Muhammad bin al-Hasan ash-Shaybani, who was a student of Imam Abu Hanifah. So, we find a link to show Imam Abu Hanifah was the great grand teacher of Imam al-Bukhari and the other imams.

Imam Shafi'ee has famously stated:

الناس عيال على أبي حنيفة في الفقه

Imam Shafi'ee said that people were dependant on Abu Hanifah for Fiqh. So, when the jurists were concentrating on extrapolating laws for future generations the Muhaddithin were compiling their Hadith. At the time of the companions both these great works were done simultaneously. However, Fiqh was codified over seventy years before the six authentic books were written as stated by Imam al-Kawthari.

CONCLUSION

I have given a brief answer to these three questions today, though our pious predecessors have written many books and pamphlets on the subject which we should endeavour to read. We don't follow any law without sound proof and none of our rulings go against the Sunnah. I would also instruct our youth not to waste time in futile arguments. There is scope for disagreement on evidence that is not absolute and is a secondary issue, many of the disputes are only in what acts are more virtues and whether it is an established Sunnah or not. If someone decides not to follow our pious predecessor then that is up to them, we will try and respect all. If someone wants to be confrontational, we shall say:

لنا اعمالنا ولكم اعمالكم لا حجة بيننا وبينكم ، الله يجمع بيننا واليه المصير ،

وما علينا الا البلاغ.

FINAL WORD

This essay was written for the benefit of our respected students and to exemplify our stance that our great scholars are upon the truth and Sunnah. This is so that they may hold them in reverence and respect and not lose sight of their religion and hereafter by making unnecessary objections. We have not put pen to paper in order to reform someone or to tell everyone to exclusively follow our methodology. As in all time and place there remains a battle between truth and falsehood. Thus, we have established the authenticity of our scholars. Due to the benefit this article brought forth for our students

and Ulama and most notably to the students of Hadith we have decided to publish this article so that other students may also benefit, this act be counted as an act of merit in the hereafter and a source of Du'a for us.

Furthermore, as this subject is frequently debated in college and university the article has been translated into English by Zakariyya Khan. Our sources include classical commentaries, juristic articles, al-Maktabah ash-Shamilah and the internet. I testify to my weaknesses and shortcomings and possibility of erring or forgetfulness and request the people of knowledge to overlook such human frailties.

May Allah Ta'ala reward abundantly whoever has assisted me in this noble work. Ameen. - Maulana Muhammad Idris Falahi, Leicester, England,

A BRIEF HISTORY OF THE DEOBAND ULAMA

The village of Deoband is situated in the Indian state of Uttarparadesh. Most of the inhabitants of the village are Muslim. This is where over 150 years ago, a divinely inspired Madrasah was established in the year 1283 A.H (1876 A.D) with the Prophet's (peace be upon him) instructions in a dream. There is so much more that can be said about this. The Madrasah was founded by the great Indian Ulama and the pious and include the likes of Haji Imdadullah, Maulana Qasim Nanotwi, Maulana Rashid Ahmad Gangohi, Maulana Rafee'-ud-Deen, Haji Sayyid Abid Hussain and others with lofty religious and spiritual ambitions. It is from this place that the teaching of the Hadith, Tafsir, Fiqh al-Hanafi and other sacred sciences began. The great scholars

acquired their sacred knowledge from the Waliullah legacy in Delhi which disseminated from Shah Waliullah, Shah Abd al-Aziz, Shah Muhammad Ishaq, Shah Abd al-Ghani and Shah Mamluk Ali. The great Ulama from Delhi acquired this knowledge from the Arab Ulama and disseminated this knowledge in Delhi until the centre of knowledge was transferred to Deoband. Thus, to this day the fountain of knowledge gushes and quenches the thirst of thousands of people and thereby continuing the tradition all over the world. Our Ulama of Deoband follow the Ahl as-Sunnah wa al-Jama'ah in their Usul and follow the example of the Prophetic proclamation:

ما أنا عليه و أصحابي

‘What I and my companions uphold’. In jurisprudence, we follow the Fiqh of Imam Abu Hanifa. In the field of Tasawwuf, we follow the four Sufi paths generally, although most follow the Chishti Order. Thousands of Ulama have graduated from Deoband and they have achieved great heights that cannot be ignored or denied in the field of primary (Makatib) and further (Madaris) education, Da'wah and Tabligh, Tasawwuf, writing, research, politics and social reformation that has changed the lives of many people. Their lives were an example of the Sahabah and they were a group of people with exceptional piety and Taqwa, through their knowledge and spirituality thousands of people discovered the truth, mended their ways and found spiritual salvation in this life and the next. For more information please refer to *Tadhkirah Awliyah Deoband* and *Akabir Deoband Awr Hamari Akabir* etc.

NAMES OF THE GREAT ULAMA OF DEOBAND

1. Shaykh al-Arab wa Al-Ajam Haji Imdadullah
2. Hujjat al-Islam Maulana Qasim Nanotwi
3. Faqih al-Hind Maulana Rashid Ahmad Gangohi
4. Sufi Zaman Maulana Yaqub Nanotwi
5. Shaykh al-Hind Maulana Mahmud-ul-Hasan Deobandi
6. Muhaddith Al-Kabir Maulana Shah Anwar Kashmiri
7. Hakim al-Ummah Maulana Ashraf Ali Thanwi
8. Shaykh al-Islam Maulana Hussain Ahmad Madni
9. Muhaddith Zaman Maulana Khalil Ahmad Sahrnpuri
10. Dai' al-Kabir Maulana Muhammad Ilyass Khandalwi
11. Shaykh al-Hadith Maulana Muhammad Zakariyya Khandalwi
12. 'Allamah Shabbir Ahmad Usmani
13. Mufti 'Azam Mawlana Shafi Usmani

May Allah have mercy on them all and the many more that are like shining stars of knowledge and recognition and hidden pearls in the path of spirituality and divine love, those who have shown us the path of Shari'ah and Tariqah, obedience and imitation of the Prophet (peace be upon him), the method of spiritual love and have taken us on the path of Sunnah. May Allah Ta'ala have mercy on them. Ameen.

وما علينا الا البلاغ

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