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The Relative Status of Ḥadīth and Sunna as Sources of Legal Authority vis-à-vis the Qur'ān in Muslim Modernist Thought

Adis Duderija

The discussions and the debates on the nature of the concept of Sunna and its conceptual, epistemological and hermeneutical relationship with the concept of a sound hadith and the Qur'an continue to take place in the modern Islamic studies. Indeed, what is striking, as it will hopefully become evident in the course of reading of this chapter, is the level of continuity that these discussions in the modern context have with those of the classical period of Islam. In this chapter I examine the views of several prominent modernist Muslim scholars who have developed some innovative arguments and ideas regarding the question of the relative status of the Sunna and ḥadīth as sources of legal authority vis-à-vis the Qur'ān and their normative role in Qur'ānic interpretation. They include, Javed Ghāmidī, Fazrul Rahman, Muḥammad Shahrūr and Ghulām Parwez.

2.1. Javed Ghāmidī

Javed Ghāmidī (b.1951), a strong critic of traditional Pakistani religious thought, was born in 1951 in a village of Sahiwal, a district of the Punjab province in Pakistan. In terms of his early education, it included both modern (Matriculation from Islamia High School, Pakpattan in 1967), as well as traditional forms (Arabic and Persian languages, and the Qur'ān with Mawlawi Nur Ahmad of Nang Pal).ⁱ He came to Lahore in 1967 and resided there until recently when he had to leave Pakistan due to death threats issued against him by the Taliban. He currently resides in Kuala Lumpur, Malaysia. He did his BA honors in English Literature and Philosophy from the Government College, Lahore in 1972 and studied Islamic disciplines in the traditional manner from various teachers and scholars throughout his early years. In 1973, he came under the tutelage of Amīn Islāhī (d. 1997),ⁱⁱ an accomplished Pakistani/Indian scholar, who had a deep impact on Ghāmidī's thought. Ghāmidī, like Islāhī, was associated with the famous scholar and revivalist Mawdūdī (d. 1979) for nine years but the differences in opinion between the two about nature and role of religion in society lead to Ghāmidī's expulsion from *Jamaat Islamī* (JI) in 1977.ⁱⁱⁱ Ghāmidī, unlike Mawdūdī, considered that the establishment of religion in society is not a matter of state enforcement but that its essential function is to purify the soul and to motivate people to serve God.^{iv} As part of this view of the nature and function of religion, Ghāmidī redefined many of the classical concepts in Islamic law such as Sunna, *ḥadīth*, *tawātur*, *ijmā'*, *jihād* to name but a few.^v He taught Islamic studies at the Civil Services Academy for more than a decade from 1979 to 1991. Ghāmidī is the founder-president of Al-Mawrid Institute of Islamic Sciences^{vi} and is the chief editor of the Urdu Monthly "Ishraq"^{vii} and the English Monthly "Renaissance".^{viii} He is also the founder of the Musab School System^{ix} which aims "to produce good Pakistani Muslims, with sound moral values and excellent education, knowledge of religions and scholarship".^x Ghāmidī appears regularly on various TV channels to discuss Islam

and contemporary issues as a part of his campaign to educate people about Islam. This exposure made him a prominent media personality.^{xii} Since 2006 has been a member of the Council of Islamic Ideology, government of Pakistan.

Although Ghāmidī's thought has been significantly influenced by his predecessors Farahī and Islahī^{xiii} but many of his contributions to the Islamic thought are original. This is, for example, evident in his major work *Mizan* in which he has explained the foundational principles of understanding Islam. These principles are based on the understanding that the specific nature of the Qur'ān and *ḥadīth* is such that it requires systematic interpretational models in order for their teachings to be understood correctly.

In *Mizan* it is evident that Ghāmidī follows and further elaborates on Islahī's views, especially on his conceptual, epistemological and methodological delineation between Sunna and ḥadīth bodies of knowledge. Like Islahī, Ghāmidī equates the concept of Sunna with that of *millet Ibrahim* by which he refers to the religious traditions of the faith of Prophet Abraham (who in the Qur'ān^{xiii} is described as a *ḥanīf* a person who follows true monotheism) which Prophet Muḥammad revived, reformed and added on. He argues that these religious practices have reached us through *in actu* (bodily perpetuations of numerous individuals) based sources of knowledge and not written or oral based such as the *ḥadīth*.^{xiv} Therefore, the Sunna's epistemological value is same as that of the Qur'ān and much higher than that of *ḥadīth* few of which, if any, Ghāmidī considers to have such epistemological value.^{xv} This concept of Sunna is understood as being based on perpetuation of religious practices only through *ijmā'* of Prophet's Companions and Successors by means of what he refers to as " *'amali tawātur*" . This concept of *'amali tawātur* is in many ways, from an epistemological vantage-point, similar to the Mālikī concept of *'amal* based Sunna discussed above.

Importantly, Ghāmidī has identified the precise content and nature of *sunan*, the individual components of Sunna, which form the complete content of religion. He categorizes them into:

- i. Worship Rituals (i. the *ṣalāt*; *zakāt* and *ṣadaqat* of *'Id al-Fiṭr*; *sawm* and *I'tiqāf*; *Hajj* and *'Umra*; Animal Sacrifice at end of *Hajj*);
- ii. Social Sphere (Marriage and Divorce and their relevant details; abstention from coitus during the menstrual and the puerperal period);
- iii. Dietary Sphere (Prohibition of pork, blood, meat of dead animals and animals slaughtered in the name of someone other than Allah; Slaughtering in the prescribed manner of *tadhkiya* by pronouncing Allah's name);
- iv. Customs and Etiquette (Remembering Allah's name before eating or drinking and using the right hand for eating and drinking; Greeting one another with *as-Salāmu 'alaikum* (peace be to you) and responding with *Wa 'alaikum as-salām* (and peace be to you); Saying *al-ḥamdulillah* (praise be to Allah) after sneezing and responding to it by saying *yarḥamukallah* (may Allah have mercy on you); keeping the moustaches trimmed;

shaving pubic hair; removing the hairs under the armpits; paring fingernails; circumcising the male offspring; cleaning the nose, the mouth and the teeth; cleaning the body after excretion and urination; bathing after the menstrual and the puerperal periods; bathing the dead before burial; enshrouding a dead body and preparing it for burial; burying the dead; *'Id al-Fiṭr* and *'Id al-Adha*.^{xvi}

Corollary to his efforts in specifying the content of Sunna, Ghāmidī has developed several methodological criteria for determining scope and nature of Sunna too. These include the following:

- i. Sunna pertains only to things that are religious in nature and to practical affairs of life;
- ii. Belief, ideology, history and occasions of revelation do not fall under the aegis of the concept of Sunna;
- iii. practices *initiated* by the Qur'ān and implemented by the Prophet (e.g. amputating the hands of thieves; flogged criminals of adultery) are not Sunna;
- iv. a new Sunna cannot be 'made' on the basis of observing an optional Sunna(e.g. optional night prayer in the month of fasting (*tarāwīḥ*); non obligatory fasts;
- v. only aspects of human nature which the prophets of God have made an essential part of religion constitute Sunna;
- vi. things that Prophet (s.) never wanted to constitute as part of Sunna (e.g. wording of supplications);
- vii. Sunna, like the Qur'ān, is not validated through an isolated report (*khābar-i wāḥid*), and, in addition to the Qur'ān, is one of the only two independent source of religion in Islam.^{xvii}

As evident from the examples given above, this definition of Sunna leads him to argue for a some novel definition of Sunna. For example, the directives emanating from the Qur'ān are not Sunna but only his explanation or clarification of them are (e.g. Qur'ānic punishment of lashing for fornication is not Sunna) that practices adopted or modified by the Prophet from the Abrahamic religious tradition and later sanctioned by the Qur'ān (e.g. prayer rituals) so constitute Sunna; that the Prophet Muḥammad's moral excellence (*uswa ḥasana*) is not Sunna but a model behavior (e.g. Prophet's manner of performing ablution); that general guidance, even of religious nature, if it is not intended to form part of rituals or practice is also not Sunna (e.g. wording of different prayers in different situations) ; that like the Qur'ān, Sunna is not established on the basis of isolated (*aḥad*) *ḥadīth*-based evidence but only through *tawātur*,^{xviii} and finally, that the epistemological basis of Sunna rests on the *ijmā'* and *tawātur* of the Prophet's Companions.

In addition to following the principles of delineating the contents, the nature and the scope of Sunna, Ghāmidī has elaborated on the principles in understanding *ḥadīth*. He defines *ḥadīth* as “are narratives which record the words, deeds and tacit approvals of the Prophet Muḥammad (s.)” He argues that they are mostly *akhbar-i aḥad* (isolated reports) and do not add to the contents of religion which is in its entirety found in the Qur’ān and Sunna. Ghāmidī, readily acknowledges that *ḥadīth* literature is “the largest and most important source which records the biography, history and the exemplary life of the Prophet Muḥammad as well as his invaluable explanations of various issues of religion”. The first criteria that pertains to the examination of the chain (*isnād*) of *ḥadīth* involves examination of any hidden flaws in the chain of narration of a *ḥadīth* (*ilāl*), the probity of the narrators (*’adl*), their grasp and memory (*ḍabṭ*) and their contemporaneity (*ittisāl*) . In relation to the establishing the authenticity of the text of the *ḥadīth* Ghāmidī argues that nothing in the text should be against the Qur’ān and Sunna and the established facts derived from “knowledge and reason”. Another criterion pertains to the language of the *ḥadīth* which, like that of the Qur’ān, is high literary Arabic. In this context Ghāmidī argues that only after an extensive period of learning and training those “conversant with the delicacies of the Arabic language and its various styles and constructions” are able to detect problems with the language in a *ḥadīth* on the basis of which that particular *ḥadīth* can be rejected. Another criteria that can be employed in understanding *ḥadīth* pertains to Ghāmidī’s argument of the Qur’ān self-description of being *mizān* (the “Scale of Truth”) and *furqān* (the “Distinguisher” between truth and falsehood). Because of this nature of the Qur’ān it is like “a guardian of every religious concept and it has been revealed as a barometer to judge between what is right and what is wrong”. Therefore, the Qur’ān is not dependent on the *ḥadīth* for its explanation including for the purposes of its specification. On the contrary, the *ḥadīth* need to be interpreted in the light of the Qur’ān and cannot change or modify the Qur’ān in any way. In Ghāmidī’s thought the scope of *ḥadīth* is solely confined to explaining and elucidating religion or in delineating the exemplar of the Prophet. Ghāmidī also tells us that a correct understanding of *ḥadīth* also entails discerning the question who its original addressees, hence it must be understood with reference to the instance and occasion of the topic it records.^{xxix} Another criterion Ghāmidī for having a correct understanding of *ḥadīth* is the idea that all the variant texts of a *ḥadīth* must be studied before making any judgment regarding its soundness.^{xxx} Finally, since revelation and reason can never exist in a contradictory relationship, any *ḥadīth*, if found to be contrary to reason, is to be rejected.^{xxxi} Following Islahī, and based on the above outlined considerations, Ghāmidī considers that *ḥadīth* can be accepted as sources of legal authority only if the basis for such a *ḥadīth* exists in the Qur’ān, Sunna or the established principles of human nature and intellect.^{xxxi}

To sum up Ghāmidī has developed a very specific and systematic theory pertaining to the definition of Sunna that is both epistemologically and methodologically independent of *ḥadīth*. He considers Sunna as an independent source of legal authority in relation to religious practices only. The *ḥadīth* are not an independent source of legal authority in Islam and their content can be accepted only if it is in accordance with several criteria discussed above.

2.2. Fazrul Rahman

Fazrul Rahman (d.1988), was born in the Hazara area of what is today Pakistan. His father was a well-known scholar of the time who had studied at the famous Islamic *madrassa* in Deoband, India. Rahman studied Arabic at Punjab University where he received his Master in Arts. He completed his Doctoral degree at Oxford University on Ibn Sina's (d. 428/1037) work *Kitāb al Najāt*. He spent eight years (from 1950-1958) at Durham University where he taught Persian and Islamic philosophy. Leaving England he settled in Canada teaching at McGill University where he taught Islamic studies until 1961. He then returned to Pakistan to become part of the General Ayyub Khan's reform efforts to align Pakistan's political and legal systems with Islamic teachings. As part of these efforts, a Central Institute of Islamic Research was set up which Rahman directed from 1961-1968. Rahman also served on the Advisory Council of Islamic Ideology which was the highest policy-making body in Pakistan. During this time he came under increasing attack from those who wanted to derail the government's reform efforts. His views on Sunna and *ḥadīth*, among others, earned him the wrath of the traditionalists and with deteriorating health and inability to pursue reforms effectively, Rahman went to the United States in 1968. There he spent most of his illustrious teaching and research career at the University of Chicago until his death in 1988.^{xxiii}

Rahman has written considerably on the issue of Sunna and *ḥadīth* and their role in Qur'ānic interpretation as sources of legal authority. His most systematic discussion on this issue can be found in his book titled *Islamic Methodology in History*.^{xxiv} Like Islahī and Ghāmidī, Rahman has made a clear conceptual distinction between Sunna and *ḥadīth* bodies of knowledge. He conceptualizes Sunna in form of a general normative moral law and an ethico-religious behavioral system giving rise to a normative practice that cannot textually fixed. Rahman also conceptualizes Sunna as a concept that allows for interpretation and adaptation. This is so, argues Rahman, because Sunna, as a concept, was inclusive of Prophet's own *ra'y* and *qiyās* as well as those of the Companions which gave rise to *ijmā'*.^{xxv} As such, Rahman argues that Sunna, as a normative ethico-religious behavioral system, was not large in quantity and was not meant to be something specific because "no two cases in practices are identical in their moral, psychological or material settings."^{xxvi} Another argument Rahman mentions in favor of the idea that the "original" concept of Sunna is not what is contained in the medieval *ḥadīth-fiqhi* literature is that Prophet Muḥammad was first and foremost a moral reformer and that he only on very rare occasions resorted to "general legislation as a means of furthering the Islamic cause." Therefore, Rahman continues, the Prophet's legislative activity was far from being that of a pan-legist but very much situation-based and *ad hoc* as mirrored and confirmed by the content of Qur'ān itself.^{xxvii} Hence, he argues, Prophet's legal actions could not be 'strictly' and 'literally' taken as normative. Furthermore, Rahman argues that Sunna historically underwent changes from being a dynamic concept first associated with general ethico-behavior norms of the Prophet overtime becoming co-extensive and existing in a dialectic relationship with the concept of *ijmā'* of the Muslim community that was inclusive of *ijtihād*. Rahman continues that with the massive increase in circulation and writing down of *ḥadīth* and the onset of the process

of what we above described as ḥadīthification of Sunna, however, the organic link between Sunna-*ijtihād* and *ijmā'* became undone and Sunna was largely conflated with the concept of a *ṣāḥih ḥadīth* as per early classical *ulūm ul-ḥadīth*.^{xxviii} Rahman, unlike Ghāmidī, does not attempt to clearly delineate the contents of the concept of Sunna.

Rahman clearly recognizes the importance of *ḥadīth* for Muslims and the study of history by provocatively and rhetorically asking “if all of ḥadīth is given up what remains but a yawning chasm between us and the Prophet”?^{xxix} He also describes the methods of those who “in the name of progressivism wish to brush aside the *ḥadīth* and the Prophetic Sunna” as worse than Nero’s methods of rebuilding Rome.^{xxx} Equipped with his Sunna-*ijmā' –ijtihād* theory, Rahman considers that the *ḥadīth* are suggestive of “the sum total of aphorisms put out by the Muslims themselves, ostensibly about the Prophet, although not without an ultimate historical touch with the Prophet.”^{xxxi} He asserts further that *ḥadīth* represent the “interpreted spirit of the prophetic teaching”^{xxxii} and a total fixation of formerly dynamic living Sunna that crystallized as a result of *ijtihād-ijmā'* process.^{xxxiii} Having formulated these views of the nature and the scope of the concepts of Sunna and *ḥadīth*, Rahman argued that in all cases in which the Qur’ān conflicts with the *ḥadīth*, the Qur’ān had to be privileged over the *ḥadīth* categorically, since the Qur’ān, unlike the *ḥadīth*, is the direct and preeminent source of God's guidance.^{xxxiv}

In summary, Rahman has developed a very systematic theory of the inter-relationship between *ḥadīth* and Sunna bodies of knowledge as well as a precise definition of Sunna whose normativeness as source of legal authority he readily recognized. However, he strongly departs from the *ḥadīth-based concept of Sunna* and considers *ḥadīth*, in principle, not as the container for content of the *concept of Sunna*. Thereby he denies their normative value as independent source of legal authority restricting greatly their role in Qur’ānic interpretation to that of important sources of early Muslim opinions about the Qur’ān and the Prophet and history of early Muslim thought.

2.3 Muḥammad Shahrūr

Muḥammad Shahrūr (b.1938), is one of the “most interesting and innovative thinkers in the contemporary Arab-Muslim world”.^{xxxv} The success of his first book on Islam, *Al-kitāb wa'l Qur'ān: qira'a mu'asira (The Book and the Qur'ān: A contemporary reading (1990))*, which has sold vast number of copies, has been described as an extraordinary book that “challenges a millennium of Islamic tradition”.^{xxxvi} It propelled Shahrūr into being one of the most controversial and talked about figures among intellectuals, students, and scholars of the entire Middle East during the 1990s. The controversy around *The Book and the Qur'ān* started immediately after its first release in Syria in 1990 and has lasted over a decade with many books and articles written on it. There were even views that Shahrūr’s book was part of a Zionist organization plot to produce a new commentary of the Qur’ān by using an Arab writer’s

name.^{xxxvii} Elsewhere his ideas and theories have been compared with that of Martin Luther, the “Father of Protestantism”.^{xxxviii}

Muḥammad Shahrūr was born in 1938 in Damascus, the capital of Syria. Shahrūr’s childhood was spent in a liberal atmosphere. His father was a practicing Muslim but ethical teachings of Islam were emphasized in his upbringing over those of ritualized tradition. Shahrūr’s most formative years “coincided with the politically most unstable periods of the Syrian Arab Republic after it gained its independence in 1947.”^{xxxix} In 1959 Shahrūr was sent to in Russia, Syria’s political ally in the mid 1950s, to study civil engineering. It is in Russia where “he experienced another phase of political and ideological confusion.”^{xl} His religious beliefs were challenged by Marxist philosophy and Soviet-style atheism. During this time he primarily sought to defend his theistic beliefs. He graduated in 1964 with a diploma from the Moscow Institute of Engineering, was fluent in Russian and married to a Russian wife who bore him a son. The same year he returned to Syria. In 1968, he left Syria and studied at the University College in Dublin where he earned his master’s degree in 1969 and his doctoral degree in soil mechanics and foundation engineering in 1972. He returned in the same year to Syria and lectured at Damascus University until 1998. There he became a well recognized scholar in his area of expertise. Throughout this period the failure of the ideology of pan-Arabism and the events surrounding the Six Day War in 1967 had an important impact on shaping of his thought, including his views on religion. Sharur’s interest in religion never waned and

although he shared with other Syrian thinkers the belief that Islam possesses a universal epistemology that encourages rationalism, human liberty, and the appropriation of knowledge, Shahrūr did not find his inspiration in the classical philosophical heritage nor in the exegetical tradition of medieval Islam, but rather in his work as a natural scientist and engineer.”^{xli}

Without considering himself being shackled by the classical Islamic disciplines and their methodologies Shahrūr’s sole concern was to develop absolute consistency between what he considered to be the Qur’ānic *Weltanschauung* and his own modern and rational experiences of reality which were significantly shaped by thinkers such as Alfred North Whitehead, Bertrand Russell, Emmanuel Kant, Johann G. Fichte, and Georg W. F. Hegel.^{xlii}

Unlike the case of many reformist minded Muslim intellectual from the Muslim majority world^{xliii} the furor around Shahrūr case has was a relatively “restrained and civilized affair” and the credits for this should not in a small part be given to the Syrian government at that time. For example, Shahrūr has never been accused of apostasy or blasphemy. He was never subjected to a public hearing not was there ever any attempt to arrest him. His writings were never officially banned in Syria. His *The Book and the Qur’ān* was officially banned in Egypt and temporarily forbidden in Saudi Arabia and Kuwait. Today Shahrūr is considered as a major proponent of a reformist interpretation of Islam.^{xliv}

Shahrūr has contributed several important methodological considerations and ideas to the discussion of the question of the status of Sunna and *ḥadīth* as sources of legal authority vis-à-vis the Qur’ān. At the most general level he considers that the (*ḥadīth-based*) Sunna^{xlv} in classical Islamic scholarship inappropriately became practically the first source of legislation in end effect displacing the Qur’ān.^{xlvi} In this context he writes:

Islamic jurists’ excessive fixation on the life of Muḥammad (s) has led to the unfortunate result that the *Sunna* of the Prophet (s) not only became theoretically the second most authoritative source of Islamic law but practically also very often the primary source of legislation. When issuing their fatwas—in particular on legal issues with far reaching social and political implications—Islamic jurists very often ignored the rules of *the Book* or had them replaced by the *Sunna*, which over time became their ultimate—and often only—point of reference. By focusing on the *Sunna* of the Prophet (s) as a major source of Islamic legislation, our honourable scholars clearly over stepped the mark when they began to treat it as the principal and most authoritative source of truth, equal if not superior to the word of God in *the Book*. Their theologically most detestable step was to regard *the Book* as incomplete and in need of the elaborations and specifications of the *Sunna*, implying that a divine text needs to be completed and confirmed by a human source—which is a truly blasphemous thought!^{xlvii}

Shahrūr laments that this *ḥadīth-based* Sunna has resulted in “no room for innovative thinking, reform, or renewal in Islamic law.”^{xlviii} To counter the *ḥadīth-based* approach to Sunna, Shahrūr develops an innovative (but not unprecedented) discussion of the concept of Sunna. Shahrūr, makes a distinction between the prophetic (*nubuwwa*) and messenger (*risāla*) aspects of Muḥammad’s divine mission. In this context, he argues that the former deals with the universalist dimension of the Divine message as embodied in the Al-Kitāb^{xlix} which he restricts to eschatological and purely theological issues and which are ambiguous and transcend this earthly reality. The latter is concerned solely with definite, unambiguous and objective reality which is subject to human faculties and senses. He goes on to opine that only the Qur’ān (in contradistinction to *ḥadīth* and Sunna) is the sole source of both *nubuwwa* and *risāla* because only the Qur’ān possess the ontological quality of ‘being in and for itself’. The Sunna, as shall be elaborated on more below, on the other hand, is defined by Shahrūr as Prophet’s own human-bound, non-absolute *ijtihād*/interpretation/understanding of the Al-Kitāb.¹

Shahrūr rebuts the traditional understanding of and the arguments employed in the defense of *ḥadīth-based* Sunna and its necessity in Qur’ānic interpretation,ⁱⁱ on the basis that it erroneously sanctifies all aspects of Prophet’s existence equally. While not rejecting the concept of Sunna *per se*,ⁱⁱⁱ Shahrūr argues for a specific and circumstantial nature of the concept of Sunna of the Prophet based on five principals including:

i.) the idea that Prophet’s decisions were conditioned by his historical context;

ii.) his *ijtihād* in restricting the allowed did not need divine revelation;

iii.) his restrictions of the ‘unrestricted permissions’ (*ḥalal muṭlaq*) were subject to constant corrections as a result in change in circumstances in his own life;

iv.) his *ijtihād*, unlike revelations, were not infallible and

v.) his *ijtihād*, regardless if it was of Prophetic or non-Prophetic nature, does not constitute Islamic legislation.^{liii}

To get a more detailed understanding of Shahrūr’s concept of Sunna, especially in relation to its legal authority of Sunna, we can examine his views on what constitutes ‘obedience’ to Muḥammad. Shahrūr distinguishes between two different types of obedience to Muḥammad, “combined obedience” (*al-ṭā’a al-muṭaṣila*) by which he means the obedience to Allah and His Messenger and “separate obedience” (*al-ṭā’a al-munfaṣila*) which implies eternal obedience to Allah and time-restricted obedience to Muḥammad.^{liv}

The first type of obedience which links the obedience of Allah to that of his messenger is derived from 3: 132^{lv} and 4:69^{lvi} obligatory for everyone who lived at the time of Muḥammad or after his death. Shahrūr subdivides this type of obedience into two categories, namely absolute and relative obedience. The examples of the former, whose instructions believers simply follow in both form and spirit of the Qur’ān and Messenger’s practice, are restricted to the *ṣalāt*, *ḥajj* and *ṣawm*. In the latter category “which requires *ijtihād* within the limits set by Allah” includes the percentage of *zakāt*, the minimum of which is 2.5 %, but which can change with changing economic and financial circumstances of the society/individual.^{lvii}

The second type of obedience to Muḥammad, *al- ṭā’a al-munfaṣila*, is derived from verses 4:59^{lviii} and 5:92^{lix} and is separate from God’s obedience to those believers who came after his death. The nature of this obedience is such that

It designates the obedience of his followers to what he had decided, based on the principle of ‘tying and loosening’. While creating the foundations of a new state amidst the political and cultural turmoil of his time, Muḥammad (s) continuously exercised *ijtihād*, sometimes loosening up to a maximum of permissibility, sometimes tying it up to an absolute minimum. He was by no means infallible in his *ijtihād*, while his decisions reflected the conditions of his time.^{lx}

In this category Shahrūr includes Muḥammad’s prohibition of music, dance, singing, the visual arts, visiting the graves which “enjoy neither absolute validity nor eternal authority.” This is so

because these prohibitions and their rationale were organically linked to the context of the prevailing idolatry of Arabian society of the time.

Apart from his novel insights into the concept of Sunna, Shahrūr also innovatively classifies *ḥadīth* into two categories, namely, words of wisdom and prophetic statements. The former “contain moral sayings that are universally understood and shared by all people”. They are “formulated from the pool of human experiences and hence come from within human beings. They may be perceived by revelation but revelation is not necessary in order to speak words of wisdom but no religious or civil law should be based on words of wisdom.”¹⁶¹

Shahrūr divides Prophetic statements into five categories. The first category of statements are the statements about rituals known in classical scholarship as *aḥādīth al-tashā'ir* which constitute “Muḥammad’s (s) instructions, comprising his messengerhood, on how to perform the ritual obligations of *the Book*. Believers of Muḥammad’s (s) message have to obey his orders; their adherence to them is what we have called ‘combined obedience’.” The second category of statements relate to the unseen world (*aḥādīth al-akhbar bi l-ghayb*). These statements are outside of the sphere of belief (*al-’imān*) and because the Prophet had no special knowledge about the unseen world, it would be improper for believers to take these statements as the truth.

The statements about legal injunctions (*ḥadīth al-aḥkām*) which “comprise every legal injunction and every piece of legislation that Prophet Muḥammad issued are another group of statements identified by Shahrūr. They are in strict compliance with the verses of *the Book* and between the limits that Allah has set. Basing himself on the conceptualization of Sunna as outlined above, Shahrūr argues that these statements were contingent on the social and political problems that the Prophet faced in ancient Arabia. As such these statements are not binding upon the subsequent generations of Muslims “because they merely reflect his activities as a *mujtāhid* who responded to the needs of his time and who applied rulings that the objective conditions of his society made necessary.” Therefore, even if today’s believers deviate from the letter of the prophetic *ijtihād* this does not undermine the potential validity of their *ijtihād* and does *not* diminish their ‘love for the Prophet Muḥammad’. The fourth category Shahrūr terms ‘Sacred Statements’ which in the classical Islamic tradition pertains to the *aḥādīth al-quḍsiyya* about the unseen world which were believed to be inspired by divine revelation. Shahrūr dismisses the claim that they are sacred or divine on the basis of the same reasoning he used in relation to the second category, the above mentioned *aḥādīth al-akhbar bi l-ghayb*. The final category identified by Shahrūr refers to “Personal Statements” which he names *aḥādīth al-hayāt al-insānī*. These pertain to the sayings about Muḥammad’s personal life, his eating and sleeping habits, his favorite pastimes, his way of dressing, speaking, travelling, walking, running, hunting, and so on. They also include his kindness, good-naturedness, tolerance, courage, and his feelings about justice and injustice, truth and falsehood, hardship and welfare, and so forth.” Shahrūr forms

the view that these cannot in any way be considered normative as they belong solely personal matters.^{lxii}

So for Shahrūr, ḥadīth and Sunna, as he defines them, are clearly not independent or supplementary sources of legal authority in Islam. Their role in Qur'ānic interpretation is non-binding and minimal.

2.4. Ghulām Parwez

Ghulām Parwez (d. 1985) was a Pakistani scholar based in Lahore and a founder of the *Tolu-e-Islam* movement. The words "*Tolu-e-Islam*" meaning "dawn" or "resurgence" of Islam, were taken from the title of a poem by the sub-continent's great Muslim philosopher and poet Allama Iqbal (d. 1938). According to its website the aims and objectives of *Tolu-e-Islam* are:

to remove all non-Qur'ānic ideologies, beliefs, and practices prevalent in present-day Islam, and replace them with Qur'ānic concepts based upon reason and rationale. *Tolu-e-Islam*'s literature is essentially directed towards individuals who are in search of truth so that they can overcome the forces of secularism and be able to establish a pure Qur'ānic society, wherever they may be.^{lxiii}

The founder of the *Tolu-e-Islam* movement, Parwez was born in a Sunnī (Ḥanafī) family of Batala, district Gurdaspur, India in 1903. At that time Batala, a town now in the Punjab Province of India, was a very famous place of Islamic learning, philosophy and culture. Parwez's grand-father, Hakim Bakhsh was recognized as an accomplished scholar and renowned *sufī* of the Chishtia Nizamia discipline of mysticism. From a young age, under his grandfather's tutelage, Parwez immersed himself in the study of the Qur'ān and the classics Islamic scholarship. He completed his secondary education from "A Lady of England" High School Batala in 1921 and graduated from the Punjab University in 1934.

In his "twenties" during his stay in Lahore, he came into close association with Allama Iqbal who had a significant impact on Parwez's understanding of the Qur'ān and whose ideas spurred Parwez into being a pioneer worker for the Pakistan Movement. With the help of Iqbal, Parwez came into association with one of the greatest Muslim Scholars of the subcontinent Aslam Jairajpurī (d.1955)^{lxiv} for higher studies in Arabic literature. Parwez remained in close company with Jairajpurī for over 15 years until the partition in 1947.

In 1938, under the instructions of Ali Jinnah (d. 1948), the founder of modern day Pakistan, Parwez started publishing monthly *Tolu-e-Islam* whose primary purpose was to propagate the idea that, according to the Qur'ān, ideology and not geographical boundary, was the basis for the formation of nation, and that a politically independent state was a pre-requisite for living an

“Islamic” way of life. This view was antagonistic to the interests of the British, the Hindu majority as well as Indian Muslim ultranationalists.

During the Pakistan Movement, Parwez was Jinna’s adviser in the matters pertaining to the Qur’ānic values and principles and a member of the Law Commission formed under the 1956 Constitution of Pakistan. Parwez also founded the Qur’ānic Education Society and was the Director of the Qur’ānic Research Center established under his guidance Lahore. He organized a country-wide network of spreading the pristine Qur’ānic teachings called [Bazm-e-Tolu-e-Islam](#). Similar ‘Qur’ān only’ or *ahl-Qur’ān*, organizations exist in other Muslim countries most notably in Egypt.^{lxv}

Parwez was a prolific writer and has authored many books on Qur’ānic teachings, the most celebrated of them being *Ma’arif-ul- Qur’ān* in eight volumes, *Lughat-ul-Qur’ān* in four volumes and *Mahfūm ul- Qur’ān* in three volumes. His most sustained exposition on the issue that concerns this article can be found in his work titled *Muqām-e-ḥadīth (The Actual Status of ḥadīth)* that has been translated into English by his followers.^{lxvi}

In the work *Muqām-e-ḥadīth* Parwez levels a very strong critique of the classical theory of the status of Sunna and ḥadīth as sources of legal authority vis-à-vis the Qur’ān and their employment in Qur’ānic interpretation. Not unlike Shahrūr, he espoused a doctrine of what could be termed Qur’ānic self-sufficiency in matters of doctrinal, ritual and legal import which has earned him a name of being a Qur’ānist (*Qur’āniy*). The first argument Parwez makes in relation to the Qur’ān’s ritual, legal and doctrinal self-sufficiency is based on his concept of *al-dīn*. Arguing against the classical view that *al-dīn* comprises of the Qur’ān and *ḥadīth*, he argues that *al-dīn* is a *system* of Islam^{lxvii} that is purely Qur’ānic, based on truth (quoting Qur’ān 35:31) and that *only* the Qur’ān has been conveyed and preserved to the humankind in a complete and authentic form.^{lxviii} Parwez adds that the same does not hold true for *ḥadīth* as neither Allah nor the Prophet put mechanisms in place to ensure the same for the *ḥadīth*. He rebuts the views of traditionalist scholars who espouse the view that *ḥadīth*/Sunna constitute un-recited revelation (*wahy ghayr al-maṭlū*) discussed above. Parwez also vehemently rejects the classical view that the Qur’ān is more in need of Sunna/*ḥadīth* than vice versa including the idea that that Sunna/*ḥadīth* can abrogate or negate the Qur’ān. Parwez also highlights that even if one subscribes to the classical argument of the Prophet serving as the Qur’ān’s best explicator, the *ḥadīth* literature on the subject is not even remotely comprehensive enough to perform this function. An additional argument for the Qur’ān’s self-sufficiency is made on the basis of referring to conflicting definitions of the concept of Sunna that exist among traditional minded Muslim scholars which, in his view, can only give rise to division and sectarianism among Muslims. He maintains that the correct understanding of the concept of ‘following the Prophet’ is by following the Qur’ān’s system (*al-dīn*) only. In this context he states:

To follow God means to follow His law revealed in the Book". The preservation of which He took upon His Ownself. By virtue of this, the Messenger became capable of delivering it in concrete book form to the whole of Muslim *umma*. In the same vein, 'to follow the Messenger' will not mean that a person or group makes his own clichés of Messenger's teachings and starts to follow them. It is absolutely necessary, that in order to follow, we must have an objective standard. By this we can conclude, God did not put any seal of His authority nor did the Messenger deliver it to his disciples in any concrete form with his approval; that it was neither in God's program nor the aim of the Messenger, to preserve the *ḥadīth*.

Parwez uses the classical argument that *ḥadīth* are not the verbatim reproductions of the prophetic sayings but merely interpretations as another argument against them being included as part of *al-dīn*. He adds that the classical efforts which have attempted to 'rationalize' and 'authenticate' *ḥadīth* were insufficient as they suffer from inherent epistemological and methodological weaknesses and that there is no "divine proof" for them to be accepted as normative. The only normative *ḥadīth* is the Qur'ān. He rejects the classical theory according to which there is the "utmost need for *aḥadīth*" because without them, we cannot grasp the correct interpretation of the Qur'ān. Instead, not unlike Shahrūr, he argues for Qur'ān by Qur'ān (known classically as *ta'wīl al Qur'ān bi -l Qur'ān*) interpretation only and demonstrates how certain interpretations of Qur'ānic passages are contradicted by *ḥadīth*.^{lxix} Parwez forms the view that "the correct stature of *ḥadīth* happens to be as *history* of *al-dīn*. It can prove beneficial to history, but to present it forward to rationalize *al-dīn* will carry little meanings". Parwez also argues that the most damaging aspect of placing *ḥadīth* next to *al-dīn*, was that it caused Qur'ān, "that is full of life, to go into eclipse."^{lxx} Importantly, Parwez does not make a systematic distinction between Sunna and *ḥadīth* as do other scholars discussed in this article.

In summary, Parwez upholds the view that *ḥadīth* and Sunna, as he defines them, do not constitute sources of legal authority in Islam (or what he calls *al-dīn*). He forms the view that the Qur'ān is fully self-sufficient in terms of its own interpretation and that *ḥadīth* and Sunna have in many instances eclipsed and distorted the actual Qur'ānic teachings, including those which have legal import.

3. Conclusion

Contemporary Muslim scholars whom we have examined in this article have contributed many important methodological and hermeneutical insights into the question that, as we saw in all of the previous chapters, has a long genealogy in Muslim thought, namely the status of Sunna and *ḥadīth* bodies of knowledge as source of legal authority and tools in Qur'ānic interpretation. Despite coming from, at times, very different educational and socio-cultural and backgrounds all of them share the idea that the mainstream classical-based scholarships' position on the role and the status of Sunna and *ḥadīth* as sources of legal authority *vis-à-vis* the Qur'ān needed to

be challenged and re-conceptualized. As a result these reformers were strongly criticized by the proponents of dogmatic traditionalism who interpreted these attempts at reform as attacks on 'Islam' itself. In many ways what these scholars have proposed with reference to the concepts of sunna and its relative status of source of legal authority is a significant departure from the discussions which have taken place in the formative and classical periods as evident in the discussions presented in the chapters of this volume.

ⁱ M. Masud. "Rethinking sharīa: Javēd Aḥmad Ghāmīdī on ḥudūd", *Die Welt des Islams* 47 (3-4) (2007) : 356–375, at 357.

ⁱⁱ A brief biographical sketch can be found here. <http://renaissance.com.pk/jafetit198.html>. A discussion on his work on Qur'ānic interpretation can be found in Mir 1986. Islāhī was a student of Al-Farahī, (1863–1930) a celebrated and erudite Indian scholar of Islam. With Al-Farahī he learnt traditional Islamic sciences. From 1930, Islāhī studied *ḥadīth* sciences for several years under Abd al-Rahman Mubarakpurī (d.1935), one of the most accomplished scholars of *ḥadīth* in the Subcontinent. See A. Khurshid "Mawlana Amin Ahsan Islāhī: An Obituary", *Islamic Studies* 37 (1) (1998): 144-146.

ⁱⁱⁱ A. Iftikhar (2005). *Jihad and the establishment of the Islamic Global Order: A comparative study of the worldviews and interpretative approaches of al-A'la Mawdūdī and Javed Ahmad Ghamidi*. Ph.D. diss, McGill University, Department of Islamic Studies, Montreal, 5.

^{iv} *Ibid.*, 5-6. In this respect his criticism of Mawdūdī was in great affinity with that of another contemporary Indian scholar Waḥid al-Din Khan (b.1925.).

^v *Ibid.*, 6. For his views on what constitutes religion see , J. Ghāmīdī, *Islam: A Comprehensive Introduction*. Translated by Shehzad Saleem, Al-Mawrid A Foundation for Islamic Research and Education: Lahore. Available here: http://www.al-mawrid.org/pages/download_books.php

^{vi} (www.al-mawrid.org)

^{vii} (www.ghamidi.org)

^{viii} (www.monthly-renaissance.com).

^{ix} (www.musab.edu.pk).

^x Masud, 2007, 358.

^{xi} http://www.al-mawrid.org/pages/research_detail.php?research_id=5

^{xii} See footnote 44.

^{xiii} E.g. II, 135/129; III, 67/60, 95/89; IV, 125/124;

^{xiv} *Supra* note 42, 17-18.

^{xv} H. Hansu. 'Notes on the Term Mutawātir and its Reception in Hadīth Criticism', *Islamic Law and Society* 16 (3-4) (2009): 383-408.

^{xvi} *Ibid.*, 18-19.

^{xvii} *Ibid.*, 61-64.

^{xviii} In this context he adds that it was the Prophet's religious duty to ensure that these religious practices are widely known and can be perpetuated by *tawātur* principle.

^{xix} Ghamidi gives an example of the famous *ḥadīth* according to which Prophet reportedly said that only the members of the prophet's own tribe can be the leaders of the Muslim community. He argues that, unlike the classical scholars who understood this to be an absolute religious command, this must be evaluated in the context of the "political situation which was to arise right after him" (i.e. the Prophet). *Ibid.*, 67-68.

xx Here he provides an example of *ḥadīth* prohibiting use of pictures and portraits. In this context he argues: "If only some of the narratives are studied, one can easily conclude that this prohibition is absolute and every

picture and portrait is prohibited in Islam. However, if all the variants are collected and analyzed, it becomes evident that the prohibition is regarding only those pictures which have been made for worshipping." *Ibid.*, 68.

xxi *Ibid.*

xxii *Supra* note 40, at 50-70.

xxiii F. Rahman. *Revival and Reform in Islam*. Edited with an introduction by Ebrahim Moosa. (Oxford: Oneworld 2000), 1-3.

xxiv *Supra* note 34 .

xxv *Ibid.*, 12.

xxvi *Ibid.*

xxvii *Ibid.*,10.

xxviii *Ibid.*, 17-23.

xxix *Ibid.*,70-71.

xxx *Ibid.*,69.

xxxi *Ibid.*,76.

xxxii *Ibid.*,74.

xxxiii *Ibid.*, 75.

xxxiv A. Saeed. 'Fazlur Rahman: a framework for interpreting ethico-legal content of the Qur'ān'. In *Modern Muslim Intellectuals and the Qur'ān* . S. Taji-Farouki, ed. (Oxford: Oxford University Press, 2004), 37-67.

xxxv M.Shahrour. *The Qur'an, Morality, and Critical Reason: The Essential Muḥammad Shahrūr*. Translated, edited and with an introduction by Anderas Christmann (Leiden and Boston: Brill.2009), xvii.

xxxvi P. Clarke. 'The Shahrūr Phenomenon: A Liberal Islamic Voice from Syria', *Islam and Christian-Muslim Relations* 7 (3) (1996) :337–41, at 337.

xxxvii *Ibid.*

xxxviii R.Nabielek. 'Muḥammad Shahrūr, ein 'Martin Luther' des Islam', *Inamo* 23/24 (6) (2000): 73–77, 74.

xxxix *Supra* note 72, xix.

xl *Ibid.*, xx.

xli *Ibid.*, xxi.

xlii *Ibid.*

xliiii The most famous case being that of the Egyptian scholar H.N. Abu Zayd (d.2010).

xliiv *Supra* note 72, Introduction.

xli v He refers to the traditional Sunna as "the collective body of all *ḥadīth* that capture the words and deeds of the Prophet", *Ibid.*,p.80. To avoid confusion and maintain consistency I shall refer to this understanding of classical Sunna to which he refers as *ḥadīth*-based Sunna. When he employs the term Sunna in a non-traditional way I shall simply refer to it as Sunna.

xli vi *Ibid.*, 71.

xli vii *Ibid.*

xli viii *Ibid.*

xli x By which he means the Qur'ān.

l *Ibid.*,75-76.

li This includes the concept of *bayān* as employed by Shafi'i derived from Q 16:44 to mean that *bayān* is equal to *ḥadīth* based Sunna ; that Muḥammad's (s) acts and deeds are sacrosanct, that is, unblemished by mistake and hence infallible giving rise to the theory of Prophet's impeccability (*al-īsmā*) thus putting *ḥadīth* based Sunna ontologically and epistemologically on equal level as the Qur'ān ; that Prophet's words were inspired by God as per 53: 3-4 to mean that *ḥadīth* based Sunna equals *wahy*; the Qur'ānic verse 59:7 which instructs believers to take what the Prophet gives

them and to refrain from doing so when he forbids it is also equated with ḥadīth based Sunna; and the concept of obedience (*ta'ā*) to Prophet as per 3:132 as meaning obedience to ḥadīth based Sunna.

lii He accepts the *uswa hasana* Qur'ānic verse as meaning that the prophet should be a role model for Muslims but problematizes what the concept of '*uswa hasana*' actually entails arguing that it is restricted to *tawḥīd* defined as basic moral commandments of and belief in God. Ibid., 95-96.

liii *Ibid.*, 71-115.

liv *Ibid.*, 91-95

lv And obey God *and* the Apostle; that you may obtain mercy. Y. Ali's translation is used in this paper .

lvi All who obey God *and* the Apostle are in the company of those on whom is the grace of God—of the prophets (who teach), the sincere (lovers of truth), the witnesses (who testify), and the righteous (who do good): Ah! What a beautiful fellowship!

lvii Here he adds in a footnote that the knowledge of this obedience is neither epistemologically nor methodologically dependent upon the traditional ḥadīth sciences.

lviii O you who believe! Obey God, and obey the apostle, and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His apostle, if you do believe in God and the Last Day: That is best, and most suitable for final determination.

lix Obey God, and obey the apostle, and beware (of evil): if you do turn back, know you that it is our apostle's duty to proclaim (the message) in the clearest manner.

lx *Ibid.*, 94.

lxi *Ibid.*, 102-103.

lxii *Ibid.*, 103-108.

lxiii <http://www.tolueislam.org/index.htm>

lxiv Distinguished Professor of Arabic and Persian at [Aligarh Muslim University](http://www.aligarh-muslim-university.edu.in), India.

lxv <http://www.ahl-alquran.com/English/main.php>

lxvi <http://www.tolueislam.org/Parwez/mh/mh.htm>.

lxvii Perwez's definition of *al-dīn*, whose details needn't concern us for the purposes of this paper, can be gleaned from the following passage: "The reality is that Islam is not (as is commonly believed) a religion, in which each one of us can worship the God of our own wishful concepts. Islam is a collective system for life, in which we are collectively subservient to the Law of Qur'ān. Islamic republic or system..... is responsible for legislating and imposing God's Laws and having them implemented in the nation. The first Islamic nation was established by the Messenger, the purpose and aim of which was to abide by God's Law. In Qur'ān 's terminology, 'to follow Allah and Messenger' does not mean to follow ones wishful thinking of our own make-belief world. It meant to follow the system that the Messenger had established. God's commands were present in the Qur'ān the Messenger with powers bestowed upon him by Allah, according to the needs and ethos of that culture, made the public abide by those laws." Parwez sees these laws as clearly evolving and subject to change as long as the underlying principals or objectives of these laws are maintained.

lxviii Apart from mentioning Qur'ānic verses such as 75:17, 15:9 and 5:67. Interestingly he also backs up this observation on the basis of a contents of a *ḥadīth* of the Prophet's Last Sermon according to which the prophet asked the people present there to bear witness that he had conveyed to them the Revelation in a complete form. The Sermon has been recorded in the ḥadīth collection of Bukharī, Tirmidhī and Ibn Ḥanbal.

lxix http://www.tolueislam.org/Parwez/mh/mh_04.htm

lxx http://www.tolueislam.org/Parwez/mh/mh_02.htm