

## **The Term Jurisprudence of Hadith Liberating the Meaning and Controlling the Sources**

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### **Abstract**

The aim of raising this research is to draw attention to the importance of liberating the concept of the term jurisprudence of hadith, as well as knowing its sources. Especially since the Sunnah of the Prophet includes the widest amount of rulings and rulings, and deriving them requires an approach that stems from the comprehensive concept of hadith jurisprudence. What strengthened my resolve to choose it was: Correcting the idea of limiting the concept of jurisprudence of hadith, because it was common among many students of knowledge, the term jurisprudence of hadith on the jurisprudence of rulings (worships, transactions); This study came to control that perception of jurisprudence in the prophetic heritage, in other words controlling the content of hadith jurisprudence.

**Keywords:** jurisprudence of hadith - liberating the meaning - controlling the sources

### **Introduction**

Praise be to God, who made jurisprudence in hadith one of the best ways and the highest ends. And prayers and peace be upon the imam of the monotheists, and the master of jurists. Then:

It must be settled in the mind of every researcher that the jurisprudence of hadith is one of the types of hadith sciences that is indispensable for understanding the Prophetic Sunnah - a sound understanding - as it is one of the foundations of Islamic legislation. Preoccupation with it and its jurisprudence is glory and honor, as the honor of knowledge is the honor of the known.

It must be established in the mind of every person that the jurisprudence of hadith is not limited to the jurisprudence of rulings, but includes the jurisprudence of Sharia with all its contents. This is due to the comprehensiveness of its sources.

Therefore, this research came to reveal to us the comprehensiveness of the hadith jurisprudence, and the comprehensiveness of its sources. Here lies the importance of research; because it aims to contribute to the real rooting of the concept of modern jurisprudence.

The study was organized into an introduction, two chapters, and a conclusion.

## As for the first topic

It was devoted to editing the meaning of the jurisprudence of hadith. And the second chapter dealt with: the sources of hadith jurisprudence. And the conclusion made it to the most important results.

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## The concept of modern jurisprudence

The definition of the compound needs to define its vocabulary, so it is necessary to define jurisprudence and hadith, in terms of language and terminology, and follow them with careful consideration, and limitation to the position of interest, away from prolongation, then collect the added, with the added (ie: the jurisprudence of hadith).

## The definition of jurisprudence

### *Fiqh is a language*

Fiqh is a language: knowing something and understanding it. Ibn Faris (d. 395 AH) said: “Fa, qaf, and ha’ are one true origin, indicating awareness of a thing and knowledge of it. It was said to every scholar of the lawful and the unlawful: Faqih, and I will make you understand a thing, if I explain it to you.”

Ibn Manzur (died 711 AH) said: “Knowledge of something and understanding it, and the knowledge of religion has prevailed over its sovereignty and honor, and its preference over all other types of knowledge, just as the star prevailed over the chandelier and the lute over the mandal” (3).

It is concluded through the linguistic definition of jurisprudence that it is intended to understand, and to know the purpose of the speaker. What does it mean idiomatically?

### *Fiqh idiomatically*

Scholars in defining jurisprudence have conventions that differ according to their environment, eras, and point of view, as some of them turn to the knowledge aspect at the expense of the skill aspect that focuses on the faculty of deduction, the ability to analyze, compare, measure, and weight, and some of them combine the two things together.

Jurisprudence in the early ages meant: understanding what God has legislated of rulings, whether they were belief, practical, or behavioral.

Therefore, Abu Hanifa (d. 150 AH) defined it by saying: “Knowing the soul is its money and what it owes” (4). This is a general definition that includes the provisions of beliefs, such as the obligation of faith and the like, and sentiments, i.e. morals and mysticism, and operations such as prayer, fasting, selling and the like, and this is the greater jurisprudence (5).

Fiqh is defined as: knowledge of practical legal rulings gained from their detailed evidence (6).

Ibn al-Arabi (543 AH) said: “As for jurisprudence, it is the knowledge of legal rulings” (7).

There is no doubt that this is a specialization of the meaning of jurisprudence, because the jurists - as Imam Al-Ghazali (d. 505 AH) says - have dealt with it by specialization, if they allocate it by knowing the strange branches in fatwas, and standing on the minutes of their reasons, and speaking a lot about them, and memorizing the articles related to them, so whoever was more in-depth in it and the most preoccupied with it, it is said that it is Al-Afqih (8).

Proceeding from what has been said about the meaning of Islamic jurisprudence, it can be said that jurisprudence, idiomatically, is originally: the understanding of the entire religion, and it includes all its rulings: the jurisprudence of belief, the jurisprudence of worship, transactions, the jurisprudence of behavior, and the jurisprudence of news (the signs of the Hour).

That is why Abu Hanifa (d. 150 AH) wrote a book on the principles of religion, which he called (Fiqh al-Akbar) (9), and he said:

“Jurisprudence in religion is better than jurisprudence in rulings, and for a man to understand how to worship his Lord is better for him than to gather a lot of knowledge” (10).

After this general definition of jurisprudence, I will move to the definition of hadith and then combine them.

## **The definition of the hadith**

To clarify the meaning, it is necessary to stand on the meaning of the hadith, linguistically, then idiomatically.

### ***Alhadith is language***

The hadith is a language that is the new, and it is the opposite of the old, and the hadith: the news, comes on a few and a lot, and is unanimously agreed on hadiths (11).

### ***Alhadith idiomatically***

The hadith is what was added to the Prophet, may God bless him and grant him peace, in words, deeds, declarations, or characteristics, even movements and stillness in wakefulness and sleep (12).

Based on this definition, the suspended hadith does not fall into the definition, which is what was added any attribution to the companion, nor the lump, that is, what was added to the follower, which is the doctrine of al-Kirmani, al-Taybi and those who agreed with them (13).

The report is synonymous with the correct one, and it also includes what was added to my companions, or to those without him, in word, deed, report, or adjective (14).

As the trace is synonymous with, Jamal al-Din al-Qasimi (d. 1332 AH) said: “Know: that these three (15) are synonymous with modernists on the meaning of what was added to the Prophet, may God’s prayers and peace be upon him, in word, deed, report, or adjective” (16).

So the hadeeth technically according to the majority is: what was added to the Prophet, may God bless him and grant him peace, in terms of saying, deed, approval, or description of character or character, or that was added to a companion or follower (17).

By collecting the two definitions (fiqh and hadith), we conclude the definition of hadith jurisprudence as an additional compound.

### ***Defining the jurisprudence of hadith as an additional compound***

The scientific method necessitates referring to the specialists to determine the significance of a word, and in this context, a number of texts were referred to define the jurisprudence of hadith.

Al-Khattabi (d. 388 AH) said in the introduction to his book *Ma'alim al-Sunan*: "As for what follows: I understood your questioning, my brothers, may God honor you, and what you asked for from the interpretation of the Book of Sunan by Abu Dawood Suleiman bin Al-Ash'ath (d. 275 AH), and the clarification of its texts, and the explanation of its hidden meanings. Explanation of the faces of its rulings, indication of the places of extraction and deduction from his hadiths, and disclosure of the meanings of jurisprudence involved in it, so that you can benefit from the apparent meaning of the narration. Just as it is not permissible for you to neglect and neglect it, the religion has returned to being strange as it began, and this issue has returned to studying its flags, its ruins becoming deserted, and the paths of its paths unknown(18)."

Al-Qadi Ayyad (d. 544 AH), speaking about the status of archeology, said: "...Then understanding it and extracting the ruling and rulings from its texts and its meanings, and clarifying the problem of its words, according to its best interpretation, and according to its different types, on the detailed aspects and downloading it" (19).

Al-Tibi (d. 743 AH): "As for its jurisprudence (20): it is what it contains of the rulings and the etiquette deduced from it(21).

And from what Ibn Hajar reported while talking about Imam Al-Bukhari, and classified it, and distinguished him from the people of his time, he said: "...and all the intentions of goodness except that none of them reached the level of strictness of Abu Abdullah, and it does not lead to the deduction of meanings and the extraction of the types of jurisprudence of hadith and the translations of chapters The indication of what has a connection with the hadith narrated in it, causes it, and God has the grace to select it for whomever He wills." (22).

Ibn Battal said: "As for the ijthihad of opinion in deducing the truth from the Book of God and the Sunnah of His Messenger, that is what God made obligatory upon the scholars, and the Muslims acted on it in the presence of the Messenger of God, may God bless him and grant him peace.(23).

Based on these texts, and from the definition of jurisprudence and hadith, it can be said that the jurisprudence of hadith includes:

Knowledge of the rulings, rulings, and secrets deduced from hadith, which includes extracting what is in the hadith that has to do with belief, rulings, behavior, and unseen news, i.e. what is related to the whole religion.

This is what our teacher Muhammad al-Saih referred to by saying: "Knowledge of what is in the hadith in the Prophetic hadith from the apparent meanings and inferred from its words, the case of singularity and composition, taking into account its place, and its narrators in the classified books of hadith. This deduction pervades all the chapters of religion (the eight), and it is investigated Every benefit, whether it is legal, linguistic, historical, or otherwise, from

everything that the words of the hadith give when using the connotations of deduction known from the language and the law.(24).

Based on the perception, the jurisprudence of hadith has not been interrupted in any era of the history of science in the Islamic world in general, and in the Islamic West in particular, as is evident from the follow-up of the various explanations of the various books of hadith to this day.

### ***Sources of hadith jurisprudence***

The jurisprudence of hadith draws its material from a variety of sources. By its sources, I mean the books written in explaining the hadith and understanding it, and they number in the hundreds, and for this I try to approximate them according to two types:

The first type: the explanations of the original hadith books and their branches. The second type: explanations of hadiths in various works.

The first requirement: the explanations of the original hadith books and their branches

The beholder in the Islamic library notes that scholars have been interested in preserving the Prophet's Sunnah, whether in terms of memorizing its words, or in terms of preserving its meanings (fiqh); They classified books of different types and sections, including (25):

### ***Explanations of the Six Books and their likes from the hadith origins***

It is the one that narrates the hadiths with the chains of its compilers, and intends to collect a large number of them in the various sections of the religion, which are the original sources of the Prophet's hadith, and their explanations are considered the most important sources of hadith jurisprudence. Ibn Battal's explanation is included in this type as it is not hidden.

### ***Explanations of Parts Books (26)***

They are books that take into account the criterion of unity of purpose in collecting their material. Such as the part that collects the narrations of hadiths from a single narrator, whether he was from the Companions or from others, or the part that studies the chains of a single hadith and talks about it, or the part that collects hadiths on one subject (27). I have written many explanations for some of the books of the parts, among which we mention for the benefit:

- a) An Al-Ra'id's view of the benefits included in the hadith of Umm Zara', by Judge Iyadh (d. 544 AH).
- b) Durrat al-udr` by the hadith of Umm Zara` by al-Rafi`i (d. 623 AH).
- c) Explanation of the hadith of the Prophet Muhammad
- d) Highlighting the ruling from the hadith of Raising the Pen, by Al-Subki (d. 756 AH).
- e) Choosing the first in the explanation of the hadith of Ikhtisam al-Mulla al-Ala, by Ibn Rajab al-Hanbali (d. 795 AH).
- f) Qatar Al-Wali on the Hadith of Al-Wali, by Al-Shawkani (d. 1250 AH).
- g) Removing the suspicion from the hadith of the soil, by Abdul Qadir bin Habib Allah Al-Sindi.

### ***Explanations of the selected ones from the original hadith books***

Al-Muntaqaat are books in which the author collects selected hadiths, and they are selected from the original attributed books (28). We can summarize their types in the following:

they are: the forty books, the books of rulings, the books of encouragement and intimidation, the books of abstracts, and the books of hadith fatwas. Here are examples of their explanations for the benefit:

***The forty books (29)***

The books of the forties, and what is meant by each book that includes forty hadiths - even if the authoring methods differ in them - some of them were on different topics such as the nuclear forty, and some of them were specific to a specific topic such as jihad, branches, asceticism, morals or the like (30).

And the standard in it is the collection of forty selected hadiths, the most famous of which are Al-Nawawi's Forty, and she has explained many explanations, including:

- a) Explanation of the forty days of Ibn Daqiq al-Eid (d. 702 AH)
- b) The Helper on Understanding the Forty by Ibn Al-Mulqen (d. 804 AH)
- c) Al-Fath Al-Mabian with the Explanation of the Forty by Ibn Hajar Al-Haytami (d. 974 AH)
- d) Explanation of the forty days of Al-Manawi (d. 1031 AH).

***Books of rulings (31)***

These are the books whose material scholars have collected from a type from which the rulings of jurisprudence and its research are derived from the legal rulings that the Sunnah indicates (32), and from their explanations we mention the following:

- a) Rulings on Rulings Explanation of Umdat al-Ahkam by Ibn Daqiq al-Eid (d. 702 AH).
- b) Ways of Peace in the Explanation of Baloogh Al-Maram by Al-Sanani (T 1132 AH).
- c) Neil al-Awtar in explaining Muntaqa al-Akhbar by al-Shawkani (d. 1250 AH).

***Books of encouragement and intimidation (33)***

The hadith books that collected the hadiths of the Prophet concerning the encouragement and intimidation, the virtue of the good and the censure of the bad ones. Whoever does evil by explaining the consequences of punishment or sin (34), including:

Inspiration and intimidation by Al-Mundhiri (d. 656 AH) Riyadh Al-Salihin by Imam Al-Nawawi, and its explanations:

- a) The Farmers' Guide to the Roads of Riyadh Al-Salihin by Imam Ibn Allan Al-Siddiqi (d. 1057 AH).
- b) Embroidery of Riyadh Al-Salihin by Imam Faisal bin Abdul Aziz Al-Harmali Al-Najdi (d. 1376 AH).

***Books of abstracts (35)***

It is the one that strips from the books of hadith the assets, selected hadiths, with the deletion of its chains of transmission (36), and examples of its explanations are:

- a) The joy of souls and their adornment with knowing what they have and what they have, by Ibn Abi Jamra (675 AH), which is an explanation of his summary on Sahih al-Bukhari (37).
- b) Explanation of the explicit abstraction of the hadiths of the Sahih Mosque of Imam Al-Zubaidi (d. 893 AH). Explained by Sheikh Abdul Karim Al-Khudair.

### ***Books of Hadith fatwas (38)***

They are books that speak on separate hadiths, which are required to answer modern questions and referendums (39), and we mention the following:

- a) Fatwas of Ibn Hajar al-Asqalani (852 AH).
- b) Al-Sakhawi's fatwas (902 AH), called "satisfactory answers to what I was asked about from the hadiths of the Prophet."

### ***The second requirement: Explanations of hadiths in various science works***

Such as books on the science of belief, jurisprudence, principles, language, and others, so the compiler in one of these sciences explains the hadiths that are inferred in some issues of this science.

As for the books of jurisprudence and then assets, they contain an explanation of a large number of legal hadiths, because they are the subject of deduction from them, as well as books of interpretation and mysticism when the context of inference comes to the hadith.

As for language books, most of them have to take care of strange hadiths, which is a basic condition for arriving at the meaning of the hadith.

### ***Examples of jurisprudence of hadith in the books of faith include:***

Explanation of the hadith of the nation separating into seventy-three sects (40), as it was the focus of counting the sects and classifying them in these books, and on it Abd al-Qaher al-Baghdadi (429 AH) built his book *The Difference between Sects* (41).

## **Results**

It is clear from the above that: the jurisprudence of hadith has wide implications, and its space is vast, and it is not limited to the jurisprudence of practical rulings studied by the jurists of schools, but rather that the jurisprudence of rulings is part of the jurisprudence of hadith. Moreover, the writing did not stop therein, neither in the East nor in the Maghrib, as the aforementioned warning.

## **Conclusion**

And here the pen stops. This is what I was able to advance in this research, which I hoped would be a renewal in the study of the concept of hadith jurisprudence.

Then underline these words to show the results of the study:

- The jurisprudence of hadith is one of the important sciences that should be taken care of. Because it is renewed with man by the renewal of life's issues and conditions, which are not straightened except with an understanding of religion.
- The jurisprudence of hadith includes understanding religion with its pillars.
- It is necessary to take care of the sources of hadith jurisprudence.

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