

From the Living Sunna to crystallised Hadith and on to Today

During one of the most creative passages of his life, Fazlur Rahman (1919-1988) was Director of the Central Institute of Islamic Research in Pakistan (1962-1968). At this time Pakistan was led by President Ayub Khan, who was appointed Chief Marshal Law Administrator in 1958 and resigned as President in 1969. It was Ayub Khan who personally invited Fazlur Rahman to return to Pakistan for this important work in 1961. One of the tasks that the then President gave to Ayub Khan in 1958 was to reform the institutions of the country in accordance with the teachings of Islam. To this end, the Central Institute of Islamic Research was established as a form of government 'think tank' to research and put forward reforms of the way in which Islam was implemented in the country for consideration by the Advisory Council on Islamic Ideology and thus to shape laws to be enacted by the government. The mere existence of these two bodies, appointed by a secular President, selected from university-educated scholars, was seen as a provocation by the *ulama*, the established religious scholars, who saw this as a task that should rightly fall to them.

Fazlur Rahman was prepared for this task by his training in the Deobandi school, supplemented by Arabic language and philosophical studies at the University of the Punjab, and his doctorate from the University of Oxford. He was linguistically gifted in both classical and modern languages and had faced the challenges of living, studying and teaching in Britain and Canada for fifteen years. At Oxford he had studied with European scholars of Islam such as S. van den Bergh and H.A.R. Gibb. At McGill University in Montreal, he had colleagues such as Wilfred Cantwell Smith, Syed Naquib al-Attas, Toshihiko Izutso, Charles Adams and Ismail al-Faruqi. He knew the Greek philosophers and their Arabic successors. He had been through his own crisis of faith after Oxford, whilst teaching in Durham. He had thus been forced to re-think much of his own approach to Islam before he arrived to take up his new work in Karachi.¹

Fazlur Rahman understood the Qur'an to be a book of ethical guidance and not a law book. The majority of the legal rulings of the *shar'ia* had been drawn from the Hadith through a process of extrapolation by the *ulama*, thus affirming their position as the self-professed authentic interpreters of the tradition. It should be noted that at the time that Fazlur Rahman was writing there was a controversy in Pakistan centred on the work of Ghulam Ahmad Parvez (1903-1985) and his *Ahl al-Qur'an* movement, which attempted to by-pass the Hadith and establish a way of Islam based on the Qur'an alone. This work had been denounced by the *ulama* in a *fatwa* in 1962. It was therefore necessary for Fazlur Rahman to turn his attention to the Hadith in his work of seeking a new way forward in Pakistan.

Writings on the question of Sunna and Hadith

Fazlur Rahman focused on these questions in his articles in *Islamic Studies* from 1962 to 1969.² He also drew the core of these articles together, with an additional chapter, in his *Islamic Methodology in History* first published in 1965.³ However, much earlier in his life Fazlur Rahman had been concerned about western writers on the Hadith. He

had translated the work of Ignaz Goldziher (1850-1921)⁴ whilst still a student at the University of the Punjab, although the manuscript was lost in the tumult of Partition. He also took seriously the work of Joseph Schacht (d.1969)⁵, D.S. Margoliouth (1858-1940), and H. Lammens (1862-1937). His exposure to western scholarship in general led Fazlur Rahman to agree with elements of these scholars' methodology whilst disagreeing with their conclusions.

Fazlur Rahman's concerns about the body of Hadith material were triggered by the assertion that Hadith as such were noticeably absent from writings in the first one hundred and fifty years after the Prophet. If the Hadith were so well known during this period, why did those early scholars not draw from them in their argumentation? It is clearly established that there were a great many spurious sayings in circulation at the time when the great canonical collections were drawn up. Al-Bukhari himself is said to have sifted through some six hundred thousand sayings before he accepted only less than nine thousand in his *sahih* (sound) collection. Fazlur Rahman was concerned about the number of Hadith that were clearly anachronistic: anti-Hadith Hadith and pro-Hadith Hadith, anti-sufi Hadith and pro-sufi Hadith, Hadith discussing freewill and predeterminism before this was an issue, Hadith concerning what to do with the public sinner in the Kharijite controversy, predictions of the future that did not come to pass, and discussions of positions taken by later theological sects amongst Muslims. He saw the power-games played by the *ulama* in the second and third centuries (AH) as a way of asserting control by the *ulama*.

Foundational principles

The concept of the sunna as an ideal normative pattern to be followed by humankind is established by the Qur'an when it speaks of the "Sunna of God".⁶ This was then linked to the concept of the Sunna of the Prophet as a model of exemplary conduct to be emulated.⁷ Fazlur Rahman held it thus to be inconceivable that the early Muslims did not take note of the Prophet's conduct and model their lives on it. Given that such people were accustomed to memorising the verses of pre-Islamic poets, then does it not follow that they would memorise and circulate things that someone that they took to be the Prophet of God would say and do? In Fazlur Rahman's view, Muhammad was essentially a moral reformer setting a pattern of life and not someone who was concerned with minute points of law. Could he possibly have had the time to establish such a wealth of legal elements concerning all eventualities when his major concern was building a community in Madina? Given the sinless status of the Prophet, who spoke and acted only according to the will of God, then his actual practice became the "normative moral law" for the community. After the time of the Prophet, the Rightly-Guided Caliphs applied the teachings of the Qur'an and the Sunna of Muhammad to shape the life of the community, and indeed asked members of the community to share guidance that they received from that Sunna.

A threefold division of the concept of sunna

Fazlur Rahman put forward the thesis that one can speak of a threefold division in the concept of sunna. First, there was the Sunna of the Prophet himself, which consisted of verbal and non-verbal teaching that could be traced back to Muhammad. Second, the Living Sunna, which was the way in which that prophetic model and the Qur'an were implemented in different geographical and cultural situations according to the interpretation and application of the community. This was developed through the use of rational struggling (*ijtihad*) leading to a consensus amongst the community (*ijma*). In this way Fazlur Rahman accounted for the diversity in the early centuries typified by references to the Sunna of Madina or the Sunna of Iraq. He noted the way in which al-Shafi'i is seen to change his rulings when he moved from Iraq to Egypt. Third, the Practical Sunna, or better in the plural Sunnas, which were a later development based on the Living Sunna and agreed Hadiths, which became a practical guide for living in a particular context.

Five hypotheses

Fazlur Rahman put forward five hypotheses to summarise his position:

- The *concept* of the Prophetic Sunna goes back to the time of Muhammad and remains relevant throughout time, but this must be distinguished from the *content* of the Sunna contained in the Hadith.
- The content of the Prophetic Sunna was not large; it was indicative and not legislative or specific. Fazlur Rahman summarised this by saying that God speaks and Muhammad acts *in* but not alone *for* a given historical setting. Like every other prophet and indeed every human being, every word and act by Muhammad was in a unique moral, psychological and material context, therefore when the context changes there must be scope for adaptation and interpretation through the process of *ijtihad* seeking an *ijma* of the community.
- After the death of Muhammad, the concept of the Sunna included both the Prophetic Sunna and the later interpretation based on it. In the *Muwatta* of Imam Malik, the oldest work on the Hadith and Sunna, he begins every legal topic by quoting an appropriate Hadith, either from the Prophet or from a Companion, and concludes by saying, "And this is the Sunna with us". The term Sunna is being used here in the sense of a precedent, which could be either direct from Muhammad or from a later Companion under the *general aegis* of the Prophetic Sunna.
- The Living Sunna is the way of life endorsed by the *ijma* of the community, which is by nature ever-expanding. Originally there were divergent opinions derived by the use of reason (*ra'y*), which eventually coalesced into an *ijma* in a local area; so, Malik uses the terms Sunna and *ijma* with almost the same meaning. This means that the local Muslim community, working on the basis of the Prophetic Sunna, using their *ijtihad*, decide on the content of the Living Sunna and an interpretation of the Qur'an, essentially through a democratic process.

- In the Hadith movement of the second and third centuries (AH), the organic relationship between the Sunna, *ijtihad* and *ijma* was destroyed. Fazlur Rahman held that al-Shafi'i brought in a new understanding of the *concept* of *ijma*, from being an on-going democratic process demanding fresh thought and agreement, therefore accommodating and needing a degree of disagreement, to a formal, total, solid, static agreement with no room for alternative views and therefore no *ijtihad*. The pattern of working out the Muslim way of life now treated the Prophetic Sunna as absolutely literal and specific, which led to the Sunna of the Companions, which was established as an *ijma*. This means that *ijtihad* and *qiyas* (analogous reasoning) were limited to working within these parameters if they were required to deal with a new matter. This makes *ijma* a backward-looking construct, static and epistemologically closed; it is a "given" from the past.

The following quotation summarises this in Fazlur Rahman's own words:

We have, so far, established: (1) that the *Sunnah* of the early Muslims was, *conceptually and in a more or less general way*, closely attached to the *Sunnah* of the Prophet and that the view that the early practice of the Muslims was something divorced from the *concept* of the Prophetic *Sunnah* cannot hold water; (2) that the actual specific *content* of this early Muslim *Sunnah* was, nevertheless, very largely the product of the Muslims themselves; (3) that the creative agency of this content was the personal *Ijtihad*, crystallizing into *Ijma*, under the general direction of the Prophetic *Sunnah* which was not considered as being something very specific; and (4) that the content of the [Living Sunna] was identical with *Ijma*. This shows that *the community as a whole had assumed the necessary prerogative of creating and recreating the content of the Prophetic Sunnah and that Ijma was the guarantee for the rectitude, i.e. for the working infallibility... of the new content.*

With this background in view, we can understand the real force of the famous second-century aphorism: "The *Sunnah* decides upon the Qur'an; the Qur'an does not decide upon the *Sunnah*", which, without this background, sounds not only shocking but outright blasphemous. What the aphorism means is *that the Community, under the direction of the spirit (not the absolute letter) in which the Prophet acted in a given historical situation, shall authoritatively interpret and assign meaning to Revelation.*⁸

From the Living Sunna to the Hadith and on to Today

Fazlur Rahman indicated a series of steps in the movement from the Living Sunna to the Hadith as they have been formulated:

- The Living Sunna was worked out on the basis of the Qur'an and the Prophetic Sunna through the process of *ijtihad* until it was affirmed by the community through *ijma*.

- Al-Shafi'i wanted to bring in a static, total *ijma* without exceptions, so he moved to a basis of Hadith as reports validated as “coming from the Prophet”.
- All manner of Practical Sunnas, norms for everyday living and non-verbal elements of the Prophetic Sunna, were transmitted alongside the verbal Hadith.
- They were transmitted through the lives of the Companions, who were disciples modelling their lives on Muhammad's; thus, in their minds, the Prophetic words and actions were interwoven with their own behaviour. This explains why many early Hadith were sourced to a Companion and not to the Prophet.
- The *ijma*-agreed Living Sunna was crystallised out into Hadith, which were given greater authority by appending a list of transmitters (*isnad*). In this way, Fazlur Rahman spoke of Hadith *formulation* or *generation* and not forgery or fabrication.
- This process was extended to religious beliefs and principles as well as Practical Sunna.
- The task now is to re-cast the Hadith back into the Living Sunna *of that generation* and then to derive norms from it that can be applied in our society today.

We can again quote Fazlur Rahman's own summary:

On some such line of re-treatment, we can reduce the *Hadith* to *Sunnah* - what it was in the beginning - and by situational interpretation can resurrect the norms which we can then apply to our situation today. It will have been noticed that although we do not accept *Hadith* in general as strictly historical, we have not used the terms “forgery” or “concoction” with reference to it but have employed the term “formulation”. This is because although *Hadith*, *verbally speaking*, does not go back to the Prophet, its spirit certainly does, and *Hadith* is largely the situational interpretation and formulation of this Prophetic model or spirit. This term “forgery” and its equivalents would, therefore, be false when used about the nature of *Hadith* and the term “formulation” would be literally true. We cannot call *Hadith* a forgery because it reflects the living *Sunnah* and the living *Sunnah* was not a forgery but a progressive interpretation and formulation of the Prophetic *Sunnah*. What we want now to do is to re-cast the *Hadith* into living *Sunnah* terms by historical interpretation so that we may be able to derive norms from it for ourselves through an adequate ethical theory and its legal embodiment.⁹

An example that might help to clarify Fazlur Rahman's position

We are all familiar with the process of dissolving sugar in tea. We have taken the sugar from a crystalline form and transformed it into a liquid. We know that it is still there by tasting the tea. Similarly, we are all familiar with salt water, as in the sea. We know that the salt is there because we can taste it in the water. If a shallow pool of that salty water is left out in the heat of the sun, the salt crystallises and we can see it in solid form. In both cases, we have *the same substance* in liquid or solid form and our senses can confirm that this is true.

From our school chemistry experiments, we will know that one can take a saturated solution of most salts and by adjusting the temperature we can see the salt crystallise out as a solid, and then again by another temperature adjustment, the salt will go from its solid crystalline form back into the solution as a liquid. The key thing is that it is *the same substance* but in two different forms. We can say that in the process of crystallisation the solid form is generated from the liquid form. This was the process that Fazlur Rahman indicated happened with the generation of Hadith from the Living Sunna; *the same substance* was there but the form was changed from the liquid solution, the Living Sunna, to the solid, defined form, the written Hadith. The authenticity that it was *the same substance* was attested by the addition of a chain of transmitters to show that it was derived from the Qur'an and Prophetic Sunna.

Now comes a bit of more advanced chemistry. Some substances, when they are in a saturated solution, can crystallise out in two different forms of solid crystals. Take the amino-acid glycine. It can crystallise out in one form, when it looks like solid needles (monoclinic). If the right amount of sodium chloride (common salt) is added to the solution, the crystals will come out in hexagonal form (like the stones of the Giant's Causeway). The one solution can produce *the same substance* but in two different crystalline forms. This is along the lines of what Fazlur Rahman meant when he spoke of taking the Hadith (one crystalline form) as we have them today and transforming them back into the Living Sunna from which they came (the saturated solution) and then by doing the *ijtihad* of researching and applying our own context rather than the original context (adding the sodium chloride) another formulation of *the same substance* of the way of Islam based on the Qur'an and Prophetic Sunna can crystallise out (the second crystalline form) and thus allow us to live according to the spirit of the original teaching rather than try to force our society back into the context from which the earlier Hadith were generated.

¹ For more details of his life and times, see my *Fazlur Rahman: Biographical Introduction* on this website.

² A full listing of these articles can be found in my *Works of Fazlur Rahman* on this website.

³ *Islamic Methodology in History*, Karachi: Central Institute of Islamic Research, 1965

⁴ Goldziher, I., *Muslim Studies*, Vol. II, London: George Allen & Unwin, 1971

⁵ Schacht, J., *The Origins of Muhammadan Jurisprudence*, Oxford: Oxford university Press, 1950.

⁶ Q. 33:62; 35:43

⁷ Q. 33:21; 60:4,6

⁸ *Islamic Methodology in History*, p. 19-20

⁹ *Islamic Methodology in History*, p. 80