

## The Prophetic Sunnah is Revelation and a Clarifier of the Noble Quran

### Introduction: The Meaning of Sunnah, Both in the Arabic Language and in Shariah Terminology

Sunnah (سُنَّة), with its plural being Sunan (سُنَن), linguistically is the path (Tareeq) or way (seerah). The inimitable Noble Quran, which set the standard for the Arabic language after its revelation for all times, says, **“قَدْ خَلَتْ مِنْ قَبْلِكُمْ سُنَنٌ فَسِيرُوا فِي الْأَرْضِ”** **“Similar paths came to pass before you, so travel throughout the land.”** [TMQ Aali-Imraan: 137]. This linguistically refers to paths (sunan). The poet of the first and best generation, during the peak of the Arabic language, Khalid bin Zaheer al-Huzli wrote the qaseedah (couplet), **“فلا تجزعن من سنة انت سرتها واول راضي سنة من يسيرها”** **“Do not regret a path (sunnah) you have taken. The first one to accept a path is the one who takes it.”**

In Shariah terminology, the Sunnah has meanings in two senses. Firstly, Sunnah is with the meaning of the recommended (nafilah) worships, such as fasting Mondays and Thursdays. This first Shariah meaning is as opposed to the obligatory (Fard), such as fasting Ramadhan. Secondly, Sunnah is also all that Allah (swt) revealed to the Messenger (saw), in the form of the saying (qawl), the action ('amal) and the approval (taqreer) of the Messenger (saw) himself. This second Shariah meaning is as opposed to all that Allah (swt) revealed to the Messenger (saw), in the form of the Speech of Allah (swt), which is the Noble Quran. So like the Quran, Sunnah is Revelation from Allah (swt). However, unlike the Quran, the Sunnah is revealed in contents and meanings, but not in its wording. Whereas the Quran is revealed in the wording of Allah (swt) as well, being the speech of Allah (swt). In the case of Sunnah, Allah (swt) revealed to him (saw) and he (saw) expressed this Revelation in his own words, or his actions, or his approval through silence.

### The Sunnah is Revelation from Allah (swt)

It is decisively established that Sunnah is Revelation, decisive in text (thaboot) and decisive in evidencing (dalaalah).

Allah said, **﴿وَمَا يَنْطِقُ عَنِ الْهَوَى﴾** **“Nor does he speak of desire.”** [TMQ Surah An-Najm 53:3]. In his Tafsir, Ibn Kathir stated regarding this ayah, **“nothing the Prophet says of speech is of his desire or wish.”** Imam Qurtubi stated in his Tafsir, **“ما يخرج نطقه”** **“nothing of what he speaks is of his own opinion. It is only what has been revealed by Allah the Exalted.”**

Allah (swt) said, **﴿إِنْ هُوَ إِلَّا وَحْيٌ يُوحَى﴾** **“It is only a revelation revealed.”** [TMQ Surah An-Najm 53:4]. Ibn Kathir stated, **“he (saw) only conveys to the people what he was commanded to convey, in its entirety, without addition or deletion.”**

Ibn Kathir refers to Imam Ahmad bin Hanbal in his Tafsir. Imam Ahmad narrated that **‘Abdullah bin `Amr said, “كُنت أَكْتُبُ كُلَّ شَيْءٍ أَسْمَعُهُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أُرِيدُ حِفْظَهُ ، فَتَهْتِكُ قَرِيشَ فَقَالُوا ، إِنَّكَ تَكْتُبُ كُلَّ شَيْءٍ تَسْمَعُهُ مِنْ رَسُولِ اللَّهِ ، وَرَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَشَرٌ ، يَتَكَلَّمُ فِي الْغَضَبِ . فَأَمْسَكَتُ عَنِ الْكِتَابِ ، فَذَكَرْتُ “I used to record everything I heard from the Messenger of Allah (saw) as I wanted to preserve it. The Quraysh discouraged me from this, saying, ‘You record everything you hear from the Messenger of Allah, even though he is human and sometimes speaks when he is angry.’ I stopped writing for a while, but later mentioned what they said to the Messenger of Allah (saw) who said, «اَكْتُبْ فَوَ الَّذِي نَفْسِي بِيَدِهِ مَا خَرَجَ مِنِّي إِلَّا الْحَقُّ» “Write! By He in Whose Hand is my soul, nothing emanates from me but the Truth.”**” Abu Dawud also collected this Hadith. Thus, the Prophet (saw) confirmed that which came from him in the Sunnah, is of the Deen of Truth. As the ayaat of the Quran are taken as guidance, so are Ahadeeth that constitute the Sunnah.

## Taking Whatever the Messenger (saw) Brought of Revelation

The obliging of taking the Sunnah as a source of law is also decisive, decisive in text (thaboot) and decisive in evidencing (dalaalah). So, it is not the Noble Quran alone that determines the actions of Muslims.

Allah (swt) said, ﴿مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾ **“Whatever the Messenger has brought you, take it, and whatever he has forbidden you, refrain.”** [TMQ Surah Al-Hashr 59:7]. ‘Abdallah bin Mas’ud (ra), referred to this noble ayah when endorsing the Sunnah, in the following incident. It is reported by Bukhari and Muslim and mentioned by Ibn Kathir in his Tafsir of the ayah, whilst quoting from Imam Ahmad bin Hanbal.

‘Abdallah bin Mas’ud (ra) said, **«لَعَنَ اللَّهُ الْوَاشِمَاتِ وَالْمُسْتَوْشِمَاتِ وَالْمُتَفَلِّجَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلَقَ اللَّهُ مَا لِي لَا أَلْعَنُ مَنْ لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَمَنْ هُوَ فِي كِتَابِ اللَّهِ لَئِنْ كُنْتُ قَرَأْتِيهِ لَقَدْ وَجَدْتِيهِ أَمَا قَرَأْتُ: ﴿مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾** Had you read it, you would have found it. Have you not read, **“What the Messenger has brought you take it, and what he has forbidden you, refrain from.”** [TMQ Surah Al-Hashr 59:7]? She said, “Of course.” Thus, he (saw) said, **«فإنه قد نهى عنه»** “So, he (saw) had forbidden that.” Thus, Abdulllah ibn Mas’ud (ra) referred to the fact that the forbidding of these actions is established in the Sunnah and so it must be abstained from.

## The Believers Submit to the Sunnah of the Messenger (saw) in Full Submission

Allah (swt) said, ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ، ثُمَّ لَا يَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ، وَيُسَلِّمُوا تَسْلِيمًا﴾ **“But no! By your Lord, they will never be believers until they accept you (O Prophet) as the judge in their disputes, and find no resistance within themselves against your decision and submit wholeheartedly.”** [TMQ Surah An-Nisa’a 4:65].

Ibn Kathir commentated on the circumstances of the Revelation of this ayah as being a dispute over the Sunnah. He said, “Al-Bukhari recorded that `Urwah said, “Az-Zubayr quarreled with a man about a stream which both of them used for irrigation. Allah’s Messenger said to Az-Zubayr, **«اسْقِ يَا زُبَيْرُ ثُمَّ أَرْسِلِ الْمَاءَ إِلَى جَارِكَ»** **“O Zubayr! Irrigate (your garden) first, and then let the water flow to your neighbor.”** The Ansari became angry and said, `O Allah’s Messenger! Is it because he is your cousin? On that, the face of Allah’s Messenger became angered and said, **«اسْقِ يَا زُبَيْرُ ثُمَّ اخْبِسِ الْمَاءَ حَتَّى يَرْجِعَ إِلَى الْجَنْدَرِ، ثُمَّ أَرْسِلِ الْمَاءَ إِلَى جَارِكَ»** **“Irrigate (your garden), O Zubayr, and then withhold the water until it reaches the walls. Then, release the water to your neighbor.”** So, Allah’s Messenger gave Az-Zubayr his full right when the Ansari made him angry. Before that, Allah’s Messenger had given a generous judgment, beneficial for Az-Zubayr and the Ansar (ra). Az-Zubayr said, “I think the following verse was revealed concerning that case,” ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ﴾ **“But no! By your Lord, they will never be believers until they accept you (O Prophet) as the judge in their disputes.”** [TMQ Surah An-Nisa’a 4:65].”

In his book Ar-Risaalah, which codified the Usool of Fiqh including those related to the Prophetic Sunnah, Imam Shafi’i stated regarding this verse and the incident of az-Zubayr, **«نزلت هذه الآية فيما بلغنا والله أعلم في رجل خاصم الزُّبَيْرَ في أرضٍ، فقاضى النبي بها للزُّبَيْرِ. وهذا القضاء سنة من رسول الله، لا حُكْمٌ منصوص في القرآن. والقرآن يدل والله أعلم على ما وصفتُ، لأنه لو كان قضاءً بالقرآن كان حُكماً منصوصاً بكتاب الله** This verse was revealed, as far as reached us, though Allah Knows Best, concerning a man who litigated against az-Zubayr over some land. The Prophet adjudicated in favor of az-Zubayr. This judgment constitutes a Sunnah of the Messenger of Allah (swt), not a ruling (Hukm) explicitly textualized in the Quran. The Quran indicates, though Allah Knows Best, what I

have already characterized above. Had this been a judgment in the Quran itself, it would have been a ruling (Hukm) explicitly textualized in the Book of Allah (swt)."

### **The Believers Conform to What Has Been Decided by Both Allah (swt) and His Messenger (saw)**

Allah (swt) said, ﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُّبِينًا﴾ **"It is not fitting for a Believer, man or woman, when a matter has been decided by Allah and His Messenger, to have any option about their decision."** [TMQ Surah Al-Ahzaab 33:36]

Abdullah Ibn `Abbas (ra) was asked by Tawus about praying two Rakahs after the Salah of Asr and he (ra) told him not to do that. Ibn `Abbas then recited, ﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ﴾ **"It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision."** So Ibn Abbas directed Tawus to the Sunnah to resolve the matter.

In his Tafseer, Ibn Kathir states, فليس ، وذلك أنه إذا حكم الله ورسوله بشيء ، فلا خيار لأحد مخالفته ولا رأي ولا قول ولا قول "This Ayah is general in meaning and applies to all matters. That is so if Allah and His Messenger decreed a matter, no one has the right to go against that, and no one has any choice or room for personal opinion in this case." He added, "Hence the issue of going against it is addressed in such strong terms, as Allah says, ﴿وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُّبِينًا﴾ **"And whoever disobeys Allah and His Messenger, he has indeed strayed into a plain error."** [TMQ Surah Al-Ahzaab: 36]. So what has been revealed in the Noble Quran and the Prophetic Sunnah leaves no room for opinion or opposition.

### **The Sunnah Clarifies the Quran, by Detailing of the Concise (tafSeel ul-Mujmal)**

There are many examples of how the Sunnah provides detailing (tafSeel) of the concise (mujmal) within the Quran. The mujmal concisely gives the order for the action, whereas the detailing (tafSeel) gives the manner of the performance of the action.

Imam An-Nawawi declared, وبيانها ، فإن أكثر الآيات الفروعيات مجملات، وبيانها ، "The Sunnahs are the center of most fiqhi rulings, as most of the branched verses are concise, and their clarification (bayyaan) is in the legislating Sunnahs. The 'Ulema have agreed that both the judge and the mufti must be knowledgeable of the legislating hadiths." Indeed, without the Sunnah to detail the concise, the Muslims would be unable to perform Salah, make Hajj, give Zakah or know when and when not to cut the hand of the thief amongst multitudes of fiqhi matters.

Allah (swt) said, وَأَقِيمُوا الصَّلَاةَ **"And establish the Salah."** [TMQ Surah Al-Baqarah 2:43]. Thus, Allah (swt) concisely commanded in the Noble Quran to perform the Salah, without detailing whether it is one Salah or more than one, the manner of its performance including the number of raka'ah, the defining of its timings and the formation of its pillars (arkaan) whose absence make it invalid. The Sunnah clarified the concise expression with detailing of the Salah. The Messenger (saw) said, «صَلُّوا كَمَا رَأَيْتُمُونِي أَصَلِّي» **"Do pray as you see me praying."** (Bukhari). So the actions of the Prophet (saw) made clear to the Muslims of the number of Rak'ahs and timings of Salah, amongst many other Ahadeeth related to Salah.

Allah (swt) said, ﴿وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا﴾ **"Hajj to this House is an obligation by Allah upon whoever is able among the people."** [TMQ Surah Aal-i-Imran 3:97]. The Quran conveys the obligation of the Hajj in totality, without detailing its rituals (manaasik). The Sunnah clarified the concise with detailing. He (saw) said, «فَخُذُوا عَنِّي مَنَاسِكَكُمْ» **"Take your manaasik from me."** (Ahmad). So the details of the performance of the rituals of Hajj are found in the Ahadeeth that constitute the Sunnah.

Allah (swt) said, ﴿وَاتُوا الزَّكَاةَ﴾ **“And give Zakah.”** [Surah Al-Baqarah 2:24]. The Quran conveys the obligation of the Zakah concisely, without detailing the properties upon which the obligation applies or the minimum nisaab for its obligation. There are Ahadeeth that clarified the Nisaab of Zakah and other details.

Allah (swt) said, ﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جِزَاءَ بِمَا كَسَبَا نَكَالًا مِّنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾ **“As for male and female thieves, cut off their hands for what they have done—a deterrent from Allah. And Allah is Almighty, All-Wise.”** [TMQ Surah Al-Maida 5:38]. The details for the Islamic judiciary to implement are in the Sunnah. The mother of the believers, Aisha (ra) narrated that the Prophet (saw) said, «تُقَطَّعُ الْيَدُ فِي رُبْعِ دِينَارٍ فَصَاعِدًا» **“A thief’s hand is cut for a quarter of a Dinar or more.”** [Bukhari]. The Nisaab of cutting is measured as one-quarter dinar of gold, which is equivalent to 1.0625 grams of gold, because the Shariah golden dinar is equivalent to 4.25 grams of gold. The Sunnah also detailed that there is to be no cutting during famine. Imam As-Sarkhasi narrated in Al-Mabsoot that MakHool (ra) narrated that the Prophet (saw) said, «لَا قَطْعُ فِي مَجَاعَةٍ مُّضْطَرٍّ» **“There is no cutting in the compelling famine.”**

Thus the Khaleefah Rashid, ‘Umar al-Farooq (ra) followed the Sunnah by not cutting the hand of the thief during famine. As-Sarkhasi in Al-Mabsoot also narrated from Al-Hasan (ra), from a man, who said, “I saw two men who were tied up and meat. So I went with them to ‘Umar (ra). Then the one possessing the meat said, “We had an ‘Usharaa’ (pregnant she-camel) that we were waiting for (its delivery) just as the fertile spring is waited for. But then I found that these two men had slaughtered it.” So ‘Umar said, هَلْ يُرْضِيكَ مِنْ نَاقَتِكَ نَاقَتَانِ عُشْرَاوَانِ “Would you be content to accept two similar ‘Usharaa’ (pregnant) camels in place of it? That is because we do not cut the hands at the time of Al-lthq and not in the year of the famine.”

### **The Sunnah Clarifies the Quran by Specification (takhSees) of the General ('aam)**

The Sunnah also clarified through specifying generalities in the Quran. In the Arabic language, the general word is in the definite grammatical case (al-mua'raf). It is denoted by “al” in Arabic, which translates to “the.” In the Arabic language, the general is the word under which two or more entities fall below it in order, without any preference of one over the other in evidence, unless a specification (takhSeeS) is provided. Consider the word, “the angel,” being definite it applies to every angel. So, it is general in relation to everything that is below it in order, such as Jibrael, Mikaeel and Israfeel. In the Shariah, the examples of specification by the Sunnah of the general (takhSeeS ul-'aam) are many, including rulings related to inheritance and divorce.

Allah (swt) commanded that the offspring inherit from the parents, ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ﴾ **“Allah commands you regarding your children’s (inheritance): to the male, a portion equal to that of two females...”** [TMQ Surah An-Nisa'a 4:11]. So this ayah is general ('aam) for every father that is inherited from. This is regarding the devisor (muwarrith) who leaves an inheritance. The ayah is also general for every inheritor (waarith). So it is every father and every inheritor, unless there is specification.

It is the Sunnah that then specified the devisor father (muwarrith), who is inherited from, as being other than the Prophets (as). The Messenger of Allah (saw) said, «لَا نُورَثُ مَا تَرَكَنَاهُ» **“We do not get inherited from, what We left is sadaqah.”** (Al Bukhari, Muslim and Ahmad). The Sunnah also specified the inheritor (waarith), as being other than the murderer. The Messenger of Allah (saw) said, «وَلَا يَرِثُ الْقَاتِلُ شَيْئًا» **“And the murdered does not inherit anything.”** (Abu Dawood). So, in the case of an inheritor murdering another inheritor for their share, the Islamic judiciary must exclude the inheritor from his share, due to the specification of the Prophetic Sunnah of the generality in the Noble Quran.

Allah (swt) said, ﴿وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ **“If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days.”** [TMQ Surah Al-Baqarah 2:234]. This verse denoted the 'iddah period in which the

widow may not remarry as a generality. The verse was specified by the Hadeeth of Subay'ah Al Aslamyah, when she gave birth twenty-five days after the death of her husband. The Prophet (saw) told her that she became allowed to remarry, so the Sunnah clarified that the verse is specific for the non-pregnant widow.

Sulaiman bin Yasir narrated that, Abu Hurairah (ra), Ibn Abbas (ra) and Abu Salamah bin Abdur-Rahman (ra) mentioned the pregnant women whose husband died and she gave birth after the death of her husband. So Ibn Abbas (ra) said, **تَعْتَدُ آخِرَ الْأَجَلَيْنِ** "She observes Iddah until the end of the two terms." Abu Salamah (ra) said, **بَلْ تَحِلُّ حِينَ تَضَعُ** "Instead, she is allowed when she gives birth." Abu Hurairah said, **أَنَا مَعَ ابْنِ أَخِي** "I am with my nephew," meaning Abu Salamah. So he sent a message to Umm Salamah (ra) the wife of the Prophet (saw). She (ra) said, **«قَدْ وَضَعَتْ سُبَيْعَةُ الْأَسْلَمِيَّةُ بَعْدَ وَفَاةِ زَوْجِهَا بِبَيْسِرٍ فَاسْتَفْتَتْ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَمَرَهَا أَنْ تَتَزَوَّجَ»** **"Subai'ah Al-Aslamiyyah gave birth a short time after her husband died, so she sought the judgment of the Messenger of Allah and he ordered her to get married."** [Tirmidhi]. So in the matter of disagreement between Companions (ra), the generality regarding iddah mentioned in the Quran, was specified by the hadith as applying only on the one who is not pregnant.

### **The Sunnah Clarifies the Quran by Restriction of the Absolute (taqyeed ul muTlaq)**

There are verses of the Noble Quran verses that contain the unrestricted, absolute (muTlaq). It is the Prophetic Sunnah that restricted this absolute with a determined restriction.

Regarding the absolute (mutlaq) in the language, it is built on the indefinite (an-nakirah) grammatical case, unlike the general ('aam) which is built on the definite case. The word in the indefinite case denotes a common (shaa'i) meaning over its genre (jins), being absolute in this. So "a Muslim" applies to all members of the genre of Muslims and includes any single Muslim, absolutely. The absolute contrasts with the general as that is in the definite case, applying to every Muslim, rather than any Muslim.

The absolute contrasts with the restricted (al-muqayyad) which denotes a designated (mu'ayyan), singled-out, defined meaning, such as Zayd rather than "a man," or a fast of three days, rather than "a fast." This is for the language in which Revelation was revealed, Arabic. It is now to be seen how the Sunnah restricts the absolute in the Quran.

Allah (swt) said, **وَلَا تَحْلِفُوا رُءُوسَكُمْ حَتَّى يَبْلُغَ الْهَدْيُ مَحَلَّهُ فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ بِهِ آدَى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ** **"And do not shave your heads until the offering reaches the place of sacrifice. And if any of you is ill, or has an ailment in his scalp, compensation is either a fast, or a charity or a sacrifice."** [TMQ Surah Al-Baqarah 2:190]. The Arabic words for a fast (Siyaam), a charity (Sadaqah) and a sacrifice (nusuk) are mentioned in the indefinite grammatical case (nakirah). Thus, they are absolute in meaning, without restriction. It is a fast, in its genre, without restriction. It is giving a charity, in its genre, without restriction. It is making a sacrifice, in its genre, without restriction. So how is the believer to know how much to fast, how much to give charity or how much to make of sacrifice? The absolute requires restriction.

It is the revealed Prophetic Sunnah that establishes the limitation regarding compensatory fast, charity and sacrifice, restricting the absolute. It is the Sunnah that restricted "a fast" to a fast of three days. It is the Sunnah that restricted "a charity" to one faraq for six needy, whilst the faraq is three saa' so it is half a saa' for each of the needy. And the Sunnah restricted the a sacrifice to slaughtering one female sheep.

Muslim reported that Ka'b b. 'Ujra (ra) reported that the Messenger of Allah (saw) happened to pass by him at Hudaibiya before entering Mecca in a state of Ihram and he (Ka'b) was kindling fire under the cooking pot and vermin were crawling upon his (Ka'b's) face. Thereupon he (saw) said, **«أَيُّوْذِيكَ هَؤُمُوكَ هَذِهِ»** **"Do these vermin trouble you?"** Ka'b said, "Yes." The Messenger of Allah (saw) said, **«فَاخْلُقْ رَأْسَكَ وَأَطْعِمْ فَرَقًا بَيْنَ سِتَّةِ مَسَاكِينَ وَالْفَرَقُ ثَلَاثَةُ أَصْعَ أَوْ صُمْ ثَلَاثَةَ أَيَّامٍ أَوْ انْسُكْ نُسُكَةً»** **"Shave your head or feed one faraq to six needy, and the faraq is**

three saa', or fast three days or sacrifice a single sacrificial animal.” In the narration of Bukhari, Prophet (saw) said to him, «مَا كُنْتُ أَرَى أَنَّ الْجَهْدَ قَدْ بَلَغَ بِكَ هَذَا أَمَا تَجِدُ شَاةً» **“I have never thought that your ailment (or struggle) has reached to such an extent as I see. Can you afford a sheep?”** Ka'b replied “No.” He (saw) then said, «صُمْ ثَلَاثَةَ أَيَّامٍ، أَوْ أَطْعَمْ سِتَّةَ مَسَاكِينَ، لِكُلِّ مِسْكِينٍ نِصْفَ صَاعٍ مِنْ طَعَامٍ، وَاخْلُقْ رَأْسَكَ» **“Fast for three days, or feed six poor persons each with half a Sa'a of food and shave your head.”** [Bukhari].

Allah (swt) said, «مَنْ بَعْدَ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ» **“after the fulfilment of a bequest and a debt.”** [TMQ Surah An-Nisaa 4:11]. The word “a bequest” (wasiyyah) is regarding giving a charity from the will. It is in the nakirah (indefinite) case, in an absolute sense. It is any bequest without limitation to a determined (mu'ayyan), specific amount of bequest.

The Prophetic Sunnah restricts that the amount of the bequest is one third or less, so it is not permissible to take out of the will more than one third of the money, left by the dead. Sa'd (ra) narrated, “I became seriously ill at Makkah and the Prophet (saw) came to visit me. I said, “O Allah's Messenger (saw)! I shall leave behind me a good fortune, but my heir is my only daughter, shall I bequeath two third of my property to be spent in charity and leave one third (for my heir)?” He (saw) said, «لا» **“No.”** I said, “Shall I bequeath half and leave half?” He (saw) said, «لا» **“No.”** I said, “Shall I bequeath one third and leave two thirds?” He said, «الثلث والثلث كثير» **“One third, though even one third is too much.”** [Bukhari]

### **The Sunnah Clarifies the Quran by Affixing (ilHaaq) a Branch (far'a) of the Rulings to the Usul (Origin) in the Quran**

The Sunnah affixes a branch to the branches of rulings, whose origin is in the Quran. The branched ruling in the Sunnah may at first appear to be an original legislation. However, after scrutiny, it is affixed to an origin in the Quran. The examples of affixing by the Sunnah of the rulings whose origin is in the Quran are many.

In the ayah of those women prohibited for marriage, Allah (swt) included joining two sisters in marriage by saying, «وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ» **“and gathering two sisters in wedlock at the same time.”** [TMQ Surah An-Nisa'a 4:23]. So the origin of the ruling is the prohibition of gathering two sisters within marriage. It is the Sunnah that clarifies by affixing other branches to the origin, prohibiting the joining of a woman with her paternal aunt, maternal aunt, brother's daughter and sister's daughter.

The Messenger of Allah (saw) clarified by affixing, «لَا تُنْكَحُ الْمَرْأَةُ عَلَى عَمَّتِهَا وَلَا عَلَى خَالَتِهَا وَلَا الْمَرْأَةُ عَلَى ابْنَةِ أُخِيهَا وَلَا عَلَى ابْنَةِ أُخْتِهَا» **“The woman is neither joined in marriage with her paternal aunty nor with her maternal aunt, nor with her brother's daughter nor with her sister's daughter.”** (Ahmad). Ibn Hibbaan narrated on the authority of Ibn Abbas (ra) that he said, «نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ تُزَوَّجَ الْمَرْأَةُ عَلَى الْعَمَّةِ وَالْخَالَةِ قَالَ إِنَّكَ إِذَا فَعَلْتَ ذَلِكَ قَطَعْتَ أَرْحَامَكَ» **“The Messenger of Allah (saw) forbade marrying the women over her paternal aunt or maternal aunt. He (saw) then said, if you women do that; you will cut your (arhaam) kinships.”** So he affixed the prohibition of these women to the prohibition of gathering two sisters in wedlock.

Allah (swt) said, «وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمُ مِنَ الرَّضَاعَةِ» **“Your foster-mothers who suckled you and your foster-sisters by suckling.”** [TMQ Surah An-Nisa'a 4:23]. So the man cannot marry the women who suckled him, their wet-nurses, and cannot marry their daughters either. It is the Sunnah which affixed to the prohibited relatives through suckling (raDaa'ah), those women who are prohibited by blood kinship (nasab). So the Sunnah added to the foster-mother and foster-daughter, the foster-paternal aunt, the foster-maternal aunt, the daughter of the foster-brother and foster-sister and those similar.

Ibn 'Abbas (ra) narrated that the Prophet (saw) was offered to marry the daughter of Hamzah (ra). He (saw) said, «إِنَّهَا لَا تَحِلُّ لِي إِنَّهَا ابْنَةُ أُخِي مِنَ الرَّضَاعَةِ وَيَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ» **“She is not lawful for me for she is the daughter of my foster-brother through suckling (raDaa'ah) and whatever is prohibited by blood kinship (nasab) is also prohibited by**



**suckling (raDaa'ah).**” [Bukhari and Muslim]. So the Hadith affixes those prohibited by blood kinship (nasab), to those prohibited by suckling (raDaa'ah), affixing female relatives to the foster-mother and the foster-sister that are mentioned in the Noble Quran.

### **Original Legislation in the Sunnah that is not Affixed in its Origin in the Quran**

In addition, the Messenger of Allah (swt) did bring new legislation without it being affixed to its origin in the Noble Quran. Not every new legislation the Messenger brought has to be attached to its origin in the Quran, even though that is the majority case.

An example for this, the affirmation of the public utilities to be from among the public ownership is a new legislation in the Sunnah alone. The Messenger (saw) said, «المسلمون **“The Muslims are partners in three: in the pasture, the water and the fire.”**» (Abu Dawood). This legislation is not affixed in its origin in the Quran. It is an original legislation from the Sunnah.

A second example is the prohibition of the custom tax. The Messenger (saw) said, «لا **“Whoever imposes maks (custom tax) does not enter paradise.”**» (Ahmad). It is a legislation that is not affixed to its origin in the Quran.

So there are a few cases, though in most cases, the new legislations the Messenger (saw) brought are affixed to their origin in the Quran.

### **Conclusion: The Prophetic Sunnah is Revelation, Clarifying the Noble Quran**

Allah (swt) said, «فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ» **“If you differ in anything among yourselves, refer it to Allah and His Messenger.”** [TMQ Surah An-Nisa'a 4:59]. The referring to Allah (swt) is by referring to the Noble Quran. The referring to the Messenger is referring to him directly, when he (saw) was alive. Then when Allah (swt) took his blessed soul, the referring is to the Prophetic Sunnah. So we do not say that we have the Book of Allah, so we take only what is in it, excluding the Sunnah. We take both the ayaat and the aHadeeth for legislation. The Messenger (saw) warned us, «يُوشِكُ رَجُلٌ مُتَكَاً عَلَى أَرِيكَتِهِ، يُحَدِّثُ بِحَدِيثٍ مِنْ حَدِيثِي، فَيَقُولُ: بَيْنَنَا وَبَيْنَكُمْ كِتَابُ اللَّهِ عَزَّ وَجَلَّ، مَا وَجَدْنَا فِيهِ مِنْ خَلَالٍ اسْتَخْلَلْنَاهُ، وَمَا وَجَدْنَا فِيهِ مِنْ حَرَامٍ حَرَّمْنَاهُ، أَلَا وَإِنْ مَا **“It is imminent that a man resting on his couch would be told one of my Hadith. He would say: ‘between us and you is the Book of Allah the Great and the Almighty, what we find in it as halaal we consider it halaal, and what we find in it as haraam we consider it haraam.’ Indeed, what the Messenger of Allah (saw) forbade is like what Allah forbade.”**» (Ibn Majah).

Allah (swt) said, «وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ» **“And We have sent down unto you the reminder that you may clarify to the people what is sent for them.”** [TMQ Surah An-Nahl 16:44]. Ibn Kathir stated, «ولعلمنا بأنك أفضل الخلائق وسيد ولد آدم ، فنفصل لهم ما أجمل ، وتبين لهم ما أشكل ، **“And to let us know that you are the best of creation and the master of the progeny of Adam, so that you detail for them that which is concise and you clarify for them all that is ambiguous.”** It is indeed the Prophetic Sunnah that is a clarifier for the Noble Quran. The Prophetic Sunnah details the concise in the Noble Quran. The Prophetic Sunnah specifies the general in the Noble Quran. The Prophetic Sunnah restricts the absolute in the Noble Quran. The Prophetic Sunnah affixes a branch of legislation to its origin in the Noble Quran. There are even a minority of cases, wherein the Prophetic Sunnah brings forth new legislation, for which no origin is in the Noble Quran. Accordingly, the Prophetic Sunnah is a Shariah evidence like the Noble Quran. The Messenger of Allah (saw) said, «تَرَكْتُ فِيكُمْ أَمْرَيْنِ لَنْ **“I have left with you two things you will never stray if you adhere to them: the Book of Allah and the Sunnah of His Prophet.”**» (Imam Maalik in Muwatta).

**Written for the Central Media Office of Hizb ut Tahrir by**

**Musab Umair – Wilayah Pakistan**