

# *Fiqh of the Hadeeth*

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*Fiqhul- Hadeeth*: After knowing the authenticity of a hadeeth or its weakness, then it becomes obligatory to busy yourself with its understanding since that is the fruit of this knowledge. Indeed a foundation without a building upon it is like a house which is demolished as Khateeb said in the introduction to his book ‘Muaalim’.

Al-Haakim said:

‘As for the *Fuqaha* (scholars of Sharia’) of Islaam, the people of *Qiyas* (analogy), opinions, derivation, debate and reflection are well-known in every age and are people of every country. However we will mention here, in this place by Allaah’s permission, the *Fiqh* of hadeeth according to its people as evidence so that the people who work in and study this science thoroughly (*Muhadditheen*) are not ignorant of the *Fiqh* of hadeeth as it is a portion from the categories of this knowledge.’<sup>1</sup>

Then he lists the names of these *Muhadditheen al-Fuqaha* with a brief mention of their *Fiqh*, so from them are:

Muhammad bin Sheehab az-Zuhri, Yahya bin Sa’eed al-Ansaari, AbdurRahman bin ‘Amr al-Awzaee, Sufyaan bin Uyaina al-Hilaalee, Abdullaah bin al-Mubarak, Yahya bin Sa’eed al-Qataan, AbdurRahman bin Mahdi, Yahya bin Yahya at-Tameemee.

Regarding Ahmad bin Hanbal, ash-Shafi’ee said:

‘I left Baghdad and I never left behind anyone who had more understanding of the *Deen*, was more abstinent from the *Duniya*, more pious or more knowledgeable than Ahmad bin Hanbal.’

(The list continues with:) ‘Alee bin Abdullaah bin Jafar al-Madeeni, Yahya bin Ma’een, Ishaq bin Ibraheem al-Hanthaali, Muhammad bin Yahya ath-Thuaali, Muhammad bin Isma’eel al-Bukhari, Abu Zur’ah Ubaydillaah bin AbdulKareem, Abu Hatim Muhammad bin Idrees al-Hanthaali, Ibraheem ibn Ishaq al-Hanthaali, Muslim bin al-

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<sup>1</sup> Ma’reefat ‘uloom al-hadeeth p.63

Hajjaj al-Qushaayri, Abu Abdullaah Muhammad bin Ibraheem al-Abdi, ‘Uthmaan bin Sa’eed al-Darmi, Abu Abdullaah bin Muhammad bin Nasr al-Marwazi, Abu AbduRahman bin Shu’aib an-Nisaaee, Abu Bakr Muhammad bin Ishaq bin Khuzaymah, Abu Daawood, Muhammad bin AbdulWahhab al-Abdi, Abu Bakr aj-Jaarudi, Ibraheem bin Abee Taalib, Abu ‘Isa at-Tirmidhi, Musa bin Haroon al-Bazaar, al-Hasan bin ‘Alee al-Ma’mari, ‘Alee bin al-Hussain bin al-Junaid, Muhammad bin Muslim bin Warah, Muhammad bin ‘Aqeel al-Balkhi and other than them.

From the *Fuqaha* of Ahl-ul-Hadeeth is Abu Bakr an-Neesaabooree of whom Shaykh ul-Islam Ibn Taymeeyah – may Allaah have mercy on him – said:

‘Abu Bakr an-Neesaabooree was an *Imaam* in *Fiqh* and hadeeth, he was concerned with the Ahadeeth of *Fiqh* and with the variant wordings of the Ahadeeth. He was close to the way and knowledge of *Ahl-ul-Hadeeth* such that he was not biased towards the sayings of any of the *Fuqaha*, just as the famous Imaams of Hadeeth were not.<sup>2</sup>

Then he continues:

‘As for Bukhari and Abu Daawood, then they are two Imaams in *Fiqh* from the people of *Ijtibaad*. As for Muslim, Tirmidhee, Nisaaee, Ibn Maja, Abu Ya’ala, al-Bazaar and those similar to them then they were upon the *madh-hab* of *Ahl-ul-Hadeeth*. They were not blind-followers of any single individual from amongst the scholars, nor were they absolutely from the Imaams of *Ijtibaad*, but rather they were not inclined to take the sayings of the Imaams of hadeeth such as Shafi’ee, Ahmad, Ishaq, Abu Ubayd and their likes.’

He continues:

‘As for al-Bayhaqi then he was on the *Madh-hab* of ash-Shafi’ee, supporting it with its general statements. Daraqutnee also inclined towards the *Madh-hab* of Shafi’ee and the Imaams of the chains of narrations (*asaaneed*) and hadeeth, but he was not like al-Bayhaqi in blindly following Shafi’ee. So, even though al-Bayhaqi carried out *Ijtibaad* in many issues, the *Ijtibaad* of Daraqutnee was stronger than his as he was more knowledgeable and had a stronger comprehension than him (i.e. al-Bayhaqi).<sup>3</sup>

He continues:

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<sup>2</sup> Majmoo’al-Fatawa (24/146) & similarly Ibn Salah in ‘Mareefat az-Zeeyadat’ in al-Muqnaa’(1/191)

<sup>3</sup> Majmoo’al-Fatawa (20/40-41)

‘From them there were those who specialised with some of the scholars just as Abu Daawood specialised with Ahmad bin Hanbal so they are more inclined to the *Madh-hab* of *Ahl-ul-Hijaz* – such as Maalik and his likes– than the *Madh-hab* of *Ahl-ul-Iraq* - the likes of Abu Hanifah and Thawree.’ The end of Shaykh ul-Islaam’s saying.

‘Knowledge of the *Fiqh* of hadeeth cannot be achieved except if the different paths of the hadeeth are gathered just as Imaam Ahmad said: ‘If the different paths (narrations) are not gathered, the hadeeth cannot be understood. The hadeeth are explained, some by others.’<sup>4</sup>

Yahya bin Ma’een said: ‘If a hadeeth was not written with 30 different chains, we would not have understood it.’<sup>5</sup>

Imaam Shafi’ee authored a booklet in ‘Ihktilaaf of hadeeth’, then Ibn Qutaybah followed him in that as did Abu Yahya Zakareeyah bin Yahya as-Saajee, Tahawee, Tabaree, Ibn Abdul Barr and Ibn al-Jawzi. All of this shows the importance of *Fiqh ul-Hadeeth* to the *Muhadditheen*, researchers and those who extrapolate rulings. This is what al-Khateeb indicated in his book ‘al-Kafaya’:

‘If it were not for the concern of *As-haabul-Hadeeth* (the companions of hadeeth) with the precision of the *Sunnan*, gathering them, extracting them from their sources and researching the different paths, the *Sharia*’ would have become void and its rulings would have been cancelled out because the rulings were extrapolated from preserved *Athaar* (narrations) and they took benefit from the transmitted *Sunnan*.’

\* Taken from ‘Mu’jam Mustalah al-Hadeeth wa laataif al-Assaneed’ p. 296-300

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<sup>4</sup> Al-Jama’ by al-khateeb (2/212)

<sup>5</sup> Al-Jama’ by al-khateeb (2/212)