

eFiqh
Your Gateway to Islamic Jurisprudence
ask@efiqh.com – admin@efiqh.com

Our Ref: 19-07-2017/eFiqh

Question:

Country: India

State or region: Maharashtra

Assalamu 'alaykum, my question is in regards to Raf' al-Yadayn. I follow Imam Abu Hanifa's school of thought and was having a discussion with one of my friends. The outcome of the discussion was that I reached to a 3 point question as below:

1. Prophet SAW > Pray as I do
And there are many Sahih Hadith from Bukhari that Prophet did Raf' al-Yadayn so why shouldn't we do it?
2. 2- Imam Bukhari has a book on Juz al Raf' al-Yadayn in which he emphasized on "No evidence that Sahabah did not do Raf' al-Yadayn" and is strictly of the opinion that one should do Raf' al-Yadayn. In fact my friend goes on to say that he has ruled out all the hadeeth in favour of not doing Raf' al-Yadayn as daeef.
3. 3- Imam Abu Hanifah (and all other 3 great imams) - "if you find Sahih hadith different from our fiqh principles - please follow that hadith". If the Imams have said that we should follow Sahih hadeeth if we find one then in this case we have a lot of Sahih Hadeeth in Bukhari that Prophet Mohammad SAW did Raf' al-Yadayn.

Point 1, 2 & 3 takes one towards doing Raf' al-Yadayn.

Please provide your detailed answer and guidance. Thank you. Assalamu alaykum.

Answer:

In the name of Allah, the Most Gracious, the Most Merciful.

As-salāmu 'alaykum wa-rahmatullāhi wa-barakātuh.

Respected brother,

We commend you for seeking guidance and referring to the 'Ulamā' for such an intricate issue. Before answering your query on Raf' al-Yadayn, we will briefly touch upon the subject of Taqlīd so that you may share it with your friend.

Taqlīd

The Jurists have defined Taqlīd as:

العمل بقول إمام مجتهد من غير مطالبة دليل أو بغير معرفة دليل

To practice upon an opinion of a Mujtahid without demanding any proof, nor having any prior knowledge of proof (of the ruling that the Mujtahid presents).

When one claims to be a Ḥanafī (or a Muqallid [follower] of the Ḥanafī Madhhab), he intends to say that he follows the Sunnah of Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) with the understanding that Imām Abū Ḥanīfah (Raḥimahullāh) had of the Sunnah.

Taqlīd in the Qur’ān

Allāh Ta’ālā says in the Qur’ān:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

O you who believe, obey Allāh and obey the Messenger (ṣallallāhu ‘alayhi wa sallam) and those in command amongst you. (Al-Nisā’: 59)

Some Mufassirūn opine that by “Uli ‘l-Amr”, the Muslim leaders are referred to, whilst others view it to be the leaders amongst the expert jurists (Fuqahā’). The latter was the opinion of Ibn ‘Abbās, Mujāhid, ‘Aṭā’ ibn Abī Rabāḥ, Ḥasan al-Baṣrī, Abū ‘Āliyah (Raḥimahumullāh), and others. ¹

The great exegete Fakhr al-Dīn al-Rāzī (Raḥimahullāh) has given preference to the latter. ²

The erudite Ḥanafī jurist and commentator of the Qur’ān, Abū Bakr al-Jaṣṣāṣ al-Rāzī states that there is no contradiction between the two (aforementioned) interpretations and both are applied. The Muslim rulers should be followed in political matters and the jurists should be followed in legal issues. ³

Allāh Ta’ālā further states:

فَإِنْ تَنَزَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ

If you dispute regarding any matter, then refer it to Allāh (find the solution in the Qur’ān or the Messenger (ṣallallāhu ‘alayhi wa sallam) (by finding the solution in the Sunnah). (An-Nisā’: 59)

The addressees in this verse are the Mujtahidūn as they qualify to deduce Aḥkām (rulings) from the Qur’ān and Sunnah. The layman cannot be the addressee in this verse due to his incapability of performing Ijtihād. ⁴

Taqlīd in the Sunnah

Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) said:

إِنِّي لَا أَرَى بَقَائِي فِيكُمْ إِلَّا قَلِيلًا، فَافْتَدُوا بِالَّذِينَ مِنْ بَعْدِي - وَأَشَارَ إِلَى أَبِي بَكْرٍ وَعُمَرَ - واهتدوا بهدي عمار، وما حدثكم بن مسعود فاقبلوه

I do not see myself living with you for long, so follow those after me – and he pointed at Abū Bakr and ‘Umar (Raḍiyallāhu ‘anhumā) and take guidance from the direction of ‘Ammār (ibn Yāsir) (Raḍiyallāhu ‘anhu) and accept that which Ibn Mas‘ūd (Raḍiyallāhu ‘anhu) conveys to you (Ṣaḥīḥ Ibn Ḥibbān: 6902 and Jāmi’ al-Tirmidhī, Sunan Ibn Mājah, and Musnad Aḥmad with slight differences).⁵

Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) also said:

عليكم بسنتي وسنة الخلفاء الراشدين المهديين، تمسكوا بها وعضوا عليها بالنواجذ

Hold steadfast to my practice and the practice of the rightly guided Khulafā’. Hold fast to it and cling onto it with your molars. (Abū Dāwūd: 4599, al-Tirmidhī: 2676, and Ibn Mājah: 42)

Taqlīd during the time of the Ṣaḥābah

Taqlīd was prevalent during the era of the Ṣaḥābah (Raḍiyallāhu ‘anhum). The Companions who were not immersed in scholarship, or did not use their own Ijtihād in certain issues would resort to Companions who were acknowledged as jurists and act according to their advice.⁶

Imām al-Bukhārī narrates from ‘Ikrimah who said that the people of Madīnah during Ḥajj once asked Ibn ‘Abbās (Raḍiyallāhu ‘anhumā) about a woman during Ḥajj who makes her first Ṭawāf and then enters her menstrual period before she can make her final Ṭawāf. The people of Madīnah said: “We will not practice upon your ruling, (leading us to) leave the ruling issued to us by Zayd ibn Thābit (Raḍiyallāhu ‘anhu).”⁷

Once ‘Umar (Raḍiyallāhu ‘anhu) saw Ṭalḥah (Raḍiyallāhu ‘anhu) adorned in a coloured Iḥrām and said: “You - O Group - are Imāms whom people follow. If some ignorant person sees this cloth, he will say that Ṭalḥah wore a coloured cloth in Iḥrām.”⁸

Imām Ṭawūs (Raḥimahullāh) says: “I met seventy from amongst the Companions of Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) who would resort to the opinion of Ibn ‘Abbās (Raḍiyallāhu ‘anhuma) whenever they differed in any matter.”⁹

Note: The evidences from Qur’ān and Sunnah are in favour of Taqlīd Muṭlaq (general) whilst the examples of the Ṣaḥābah ascertain Taqlīd Shakhṣī (following one Imām).

Statements of the Jurists on following one Madhhab¹

Zaḥīr al-Dīn al-Marghīnānī al-Kabīr ‘Alī ibn ‘Abd al-‘Azīz (d. 506 AH) said:

¹ Extracted from: “The obligation of adhering to a single madhhab in all its rulings” by Shaykh Muftī Zameelur Rahman.

“A layperson of the Ḥanafī Madhhab bleeds and did not repeat purification, imitating al-Shāfi‘ī with respect to this ruling: that is not permissible for him.” (Al-Qunyah li ‘l-Zāhidī, Makḥṭūṭ)

Shaykh al-Islām Burhān al-Dīn ‘Alī ibn Abī Bakr al-Marghīnānī (511 – 593 AH) said: “A [Ḥanafī] man suspends divorce of marriage and then he marries a woman and seeks fatwā from [a person belonging to] the Shāfi‘ī Madhhab, and he issues fatwā according to his madhhab that the divorce has not occurred: it will not be a proof with respect to him.”

If a man were to say, “Every woman I marry is divorced,” the suspended divorce takes effect in the Ḥanafī Madhhab but not in the Shāfi‘ī Madhhab. According to this fatwā of Imām al-Marghīnānī, a Ḥanafī may not accept the fatwā of a Shāfi‘ī who tells him the divorce has not occurred (Mukhtārāt al-Nawāzil).

In explaining why the early Ḥanafī scholars obligated the layman to stick to one madhhab, Ibn al-Humām (788 – 861 H) said: “Most probably the compulsions [of adhering to a single madhhab] such as these from them [i.e. the earlier scholars of the school] was to prevent them [i.e. the laypeople] from seeking out the easiest opinions (Tatabbu‘ al-Rukḥaṣ), for otherwise the layperson will select the view of a mujtahid whose opinion is least burdensome on him.” (Fath al-Qadīr)

We learn from this that the official Ḥanafī position is that a layperson must stick to a single madhhab, believing all its rulings are correct, and he may not switch madhhabs on individual issues. The view of Ibn al-Humām and subsequent scholars in opposition to this cannot override the established position of the Madhhab.

‘Allāmah Qāsim ibn Quṭlūbughā (802 – 879 H) said: “The researches of our teacher [Ibn al-Humām] which are contrary to the madhhab will not be acted upon.” (Sharḥ ‘Uqūd Rasm al-Muftī, p. 35)

Statements of ‘Ulamā’ on “choosing” between opinions

When people do not confine themselves to one school of thought (madhhab), then they gradually fall into the trap of following the “easy” opinions of any Imām (Tatabbu‘ al-Rukḥaṣ) which has been condemned severely by the scholars of Dīn.

Imām al-Awzā‘ī (Raḥimahullāh): “The person who adopts all the isolated opinions of the ‘Ulamā’ will (eventually) leave the precincts of Islām.”

Sulaymān al-Taymī (Raḥimahullāh): “If you practice upon the concessions of every ‘Ālim, then every evil will be gathered in you.”¹⁰

Ibn ‘Abd al-Barr (Raḥimahullāh) comments on the above: “There is consensus (Ijmā‘) on this. I am not aware of any opposing view to it.”¹¹

Shāh Waliyyullāh al-Dihlawī (Raḥimahullāh) writes: “Had the restriction of following only one Imām not existed, every person would pick and choose those rulings that conformed to his likings, and Dīn would become a toy (in the hands of the masses). Thus, there was only one solution to such self-interest, which was to restrict the nafs to following one expert of Sharī’ah only. This is what Taqlīd Shakhṣī (following one Imām/Mujtahid) is about.”¹²

Shaykh Ashraf ‘Alī Thānwī (Raḥimahullāh): “Our Dīn is systemised through Taqlīd, and in abandoning it, we will be de-systemising our Dīn. If we choose to discard Taqlīd with the intention of practicing upon the most prudent rulings of the four Imāms, then we will be putting ourselves into unnecessary difficulty. And if our objective is ease (by looking for concessions), then we will fall into the traps of self-interest. Therefore, in the Taqlīd (of one Imām only) lies ease and orderliness, together with protection from the nafs (carnal self).”¹³

Summary of the topic²

- Before the codification of the Madhhabs, in approximately the first three centuries of Islām, the common Muslim was permitted to accept the opinions of multiple mujtahids.
- The reason for this is that the common Muslim did not have access to a complete codified set of laws from any single person or school at this time, so it was not generally possible to follow a single mujtahid or school.
- Because different Madhhabs with detailed rules on all chapters of jurisprudence were not yet codified or well-known, an opinion the common Muslim was exposed to was probably the only opinion on that issue he would know. Hence, he would rarely have the option to select between different viewpoints on single issues, making it nearly impossible for him to seek out the easiest opinions from amongst the available views of mujtahid scholars and follow his desires.
- After the codification of the madhhabs in approximately the fourth century after Hijrah, it became necessary for a common Muslim to restrict himself to a single Madhhab which he believes to be more correct in relation to the other Madhhabs.

The reasons for this are as follows:

1. Each Madhhab was comprehensive and complete, dealing with all the branches of Islāmīc law, so unlike the early period, there was no need to refer to multiple Mujtahids or Madhhabs
2. If given the option to select from the different Madhhabs in single issues, the common Muslim would be freed of religious obligation (taklīf) and would be free to base his decisions on his whims and desires by seeking out the easiest opinion from each school.

² See footnote 1

3. If a layperson follows multiple Madhhabs in different rulings, the consequence will be a hotchpotch of legal rulings, many of which are based on conflicting juristic principles, resulting in a methodological contradiction in the outcome, even if not obviously apparent.
4. A Muqallid's reasoning is limited to investigating which Madhhab or mujtahid he feels is superior, while he does not have the right or ability to adjudicate between them on individual issues; thus, if he were to choose from different Madhhabs without necessity, it would be based on following desires, even if the Muqallid does not realise it or believe so. Given this option, a Muqallid may be led to select opinions outside of the established Madhhabs which are shādhdh (aberrant).
5. A Muqallid may not be able to observe the conditions of the different Madhhabs he is following in a single case, resulting in talfīq (mixing between schools of thought), which is impermissible according to all 'Ulamā'.

Major early scholars across all madhhabs before the sixth century after Hijrah have corroborated each of these points, with Qāḍī 'Iyāḍ and al-Ghazālī having quoted consensus on the obligation of adhering to a single Madhhab.

The issue of Raf' al-Yadayn

Reverting back to your query on raising the hands during Ṣalāh before going into Rukū', if one understands the above discussion on Taqlīd then the objections raised on this issue will easily be cleared. Since we follow the Ḥanafī Madhhab we will not follow the view recorded by Imām al-Bukhārī. Furthermore, the claim made by your friend that the Aḥādīth recorded in Ṣaḥīḥ al-Bukhārī in favour of Raf' al-Yadayn are authentic whilst the Aḥādīth to the contrary are weak is fallacious. We accept that Ṣaḥīḥ al-Bukhārī contains only "authentic narrations", however it does not contain all the authentic narrations. There are countless other narrations which are highly authentic and have been narrated in other books of Ḥadīth.

Nevertheless, we will provide just a few authentic Aḥādīth (to avoid prolixity) in favour of **not** doing Raf' al-Yadayn for the contentment of the readers.

- 1) 'Alqamah reports that 'Abdullāh b. Mas'ūd (Raḍiyallāhu 'anhu) said: "Should I not demonstrate the Ṣalāh of Rasūlullāh (ṣallallāhu 'alayhi wa sallam) for you? He performed Ṣalāh and did not raise his hands except at the initial Takbīr. ¹⁴

Shu'ayb al-Arna'ūt (Raḥimahullāh) writes in his footnotes of Sunan Abī Dāwūd under the above narration:

"All its narrators are reliable, except 'Āṣim b. Kulayb, he is Ṣadūq (truthful) and Qawiyy al-Ḥadīth (strong in Ḥadīth)."

This Ḥadīth has also been narrated by al-Tirmidhī and al-Nasā'ī in Sunan al-Kubrā.

Imām al-Tirmidhī classifies this Ḥadīth as Ḥasan (sound).”¹⁵

The great Ḥadīth master, Ibn Ḥazm classifies this narration rigorously authentic (Ṣaḥīḥ).

16

Aḥmad Muḥammad Shākir (Raḥimahullāh) writes in his footnotes of Jāmi’ al-Tirmidhī: “This Ḥadīth has been authenticated by Ibn Ḥazm and other Ḥadīth masters (Ḥuffāz), and whatever has been cited about it containing defects is incorrect.”

2) Sālim reports that his father (‘Abdullāh b. ‘Umar Raḍiyallāhu ‘anhumā) said:

“I observed that when Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) would begin his prayer, he would raise his hands while levelling them: some say at shoulder level. Thereafter, he would not raise them again before or after Rukū’.”¹⁷

In this narration, Ibn ‘Umar (Raḍiyallāhu ‘anhu) actually confirms that Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) did not raise his hands at the time of Rukū’. Al-Ḥumaydī, the teacher of Imām al-Bukhārī, has also reported this very Ḥadīth through his own chain, which is one of the most reliable chains. It is an agreed upon fact that all of the Aḥādīth of Ṣaḥīḥ ibn ‘Awānah, where this Ḥadīth is found, are rigorously authenticated (Ṣaḥīḥ).¹⁸

3) Jābir b. Samurah (Raḍiyallāhu ‘anhu) narrates: Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) approached us and remarked, “Why is it that I see you raising your hands as though they are the tails of restive horses? Remain calm in your prayer.”¹⁹

Furthermore, the view of not raising the hands before Rukū’ was a well accepted view amongst the illustrious Companions of Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) and the Khayr al-Qurūn (the era of the Tābi’īn and Atbā’ al-Tābi’īn).

‘Umar, ‘Alī b. Ṭālib, ‘Abdullāh b. Mas’ūd, Abū Hurayrah, Aswad, ‘Alqamah, Khaythamah, Ibrāhīm al-Nakha’ī, al-Sha’bī, Abū Ishāq (Raḍiyallāhu ‘anhum) etc. would not practice raising of the hands when going into Rukū’.²⁰

In conclusion, the view of the Ḥanafī Madhhab of not raising the hands before proceeding to Rukū’ has also been established from authentic sources. In any case, as Muqallids of our Madhhab, our duty is to merely follow the ruling of our Madhhab without delving into the intricacies of the rulings.

As for the statement of the Imāms, “If the Ḥadīth is Ṣaḥīḥ, it is my Madhhab”, the principle mentioned here is directed to their students who were qualified to deduce rulings from the

Qur'ān and Sunnah. A detailed explanation of this statement can be found in the book of Shaykh Muḥammad 'Awwāmah, titled Athar al-Ḥadīth al-Sharīf fī Ikhtilāf al-A'immah al-Fuqahā', translated in English as "The Influence of the Noble Ḥadīth upon the Differences of Opinion among the Jurist Imāms" and published by Turath Publishing. This particular discussion may be found in pp. 73–92 of the English translation. Another beneficial book on this overall topic is "Who are the Blind Followers?" by Maulānā Abu Usama Ayyub Jīnā, published by Madrasah In'aamiyyah in Camperdown, South Africa. This book is available online.

And Allah Ta'āla knows best
(Mufti) Bilal Issak al-Mahmudi
Fatwa Dept.
23/07/17

Checked and Approved by,
Mufti Faisal al-Mahmudi

1

تفسير ابن جرير، ج ٥ ص ٨٨

2

التفسير الكبير، ج ١ ص ١٣٥

3

أحكام القرآن للرازي، ج ٢ ص ٢٥٦

4

أحكام القرآن للرازي، ج ٢ ص ٢٥٧

5

عَنْ حُذَيْفَةَ، قَالَ: كُنَّا عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: إِنِّي لَا أَرَى بَقَائِي فِيكُمْ إِلَّا قَلِيلًا، فَأَقْتَدُوا بِالَّذِينَ مِنْ بَعْدِي - وَأَشَارَ إِلَى أَبِي بَكْرٍ وَعُمَرَ - وَاهْتَدُوا بِهَدْيِ عَمَّارٍ، وَمَا حَدَّثَكُمْ ابْنُ مَسْعُودٍ فَأَقْبَلُوهُ. ابن حبان، ج ١٥ ص ٣٢٧.
بيروت، بتحقيق الارنوط

6

تقليد كى شرعى حيثيت، انگریزی، ص ٢٩

7

رواه الإمام البخاري في كتاب الحج، ح ١٧٥٨

8

رواه الإمام مالك في موطئه المروي برواية الإمام محمد بن الحسن الشيباني في كتاب الحج

9

فوائد في علوم الفقه، ص ١١

10

أدب الاختلاف، ص ١١٨

(2/ 65) سنن أبي داود ت الأرنبوط

عن علقمة قال - قال عبد الله بن مسعود: ألا أصلي بكم صلاة رسول الله - صلى الله عليه وسلم -؟ قال: فصلى فلم يرفع يديه إلا مرة

ولا يسن الرفع إلا في تكبيرة الافتتاح، لحديث عبد الله بن مسعود رضي الله عنه قال: (ألا أصلي بكم صلاة رسول الله - صلى الله عليه وسلم. فصلى فلم يرفع يديه إلا في أول مرة

ولا ترفع اليدين عند الركوع، ولا في الرفع منه، ولا في تكبيرات الجنائز غير الأولى منها، لحديث جابر بن سمرة رضي الله عنه قال: خرج علينا رسول الله صلى الله عليه وسلم فقال: ما لي أراكم رافعي أيديكم كأنها أذنان خيلٍ شمس؟ اسكنوا في الصلاة - فقه العبادات على المذهب الحنفي، ص ٨٨

(2/ 65) سنن أبي داود ت الأرنبوط

رجاله ثقات غير عاصم بن كليب فصدوق قوى الحديث. سمان: هو ابن

سعيد الثوري

وأخرجه الترمذي (256)، والنسائي في "الكبرى" (649) و (1100) من طريق سفيان الثوري، بهذا الإسناد. وقال الترمذي: حديث حسن

المحلى (٨٨/٤)

صحيح ابن عوانة ٢/٩٠

فقه الإمام ص ١٠٥، ١٠٦

مسند الحميدي، ٢:٢٢٧

(1/ 322) صحيح مسلم. دار إحياء التراث العربي

عَنْ جَابِرِ بْنِ سَمُرَةَ، قَالَ: خَرَجَ عَلَيْنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: مَا لِي أَرَاكُمْ رَافِعِي أَيْدِيكُمْ كَأَنَّهَا أَذْنَابُ خَيْلٍ شُمُسٍ؟ اسْكُنُوا فِي الصَّلَاةِ

(1/ 262) سنن أبي داود. المكتبة العصرية

عَنْ جَابِرِ بْنِ سَمُرَةَ، قَالَ: دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَالنَّاسُ رَافِعُوا أَيْدِيَهُمْ - قَالَ زُهَيْرٌ: أَرَاهُ قَالَ - فِي الصَّلَاةِ، فَقَالَ: مَا لِي أَرَاكُمْ رَافِعِي أَيْدِيَكُمْ كَأَنَّهَا أَذْنَابُ خَيْلٍ شُمُسٍ؟ اسْكُنُوا فِي الصَّلَاةِ

فقه الإمام عن مصنف ابن أبي شيبة