

## FAZLURRAHMAN AND THE CONCEPT OF "LIVING SUNNA"

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### Abstract

*Fazlurrahman classifies sunna in two categories. The former is "Mutlak sunna" or "Nabawi sunna", the latter is the "living sunna". Nabawi sunna is the behaviors (or actions) of our prophet himself. In the other evaluations of him, he classifies sunna as "ideal sunna" and "living sunna". Ideal sunna is the words and behaviors of the holy prophet itself; Living sunna is the sunna that the community of Islam put into practice within the frame of the ideal sunna.*

*Hadith means the material of sunna and sunna means the solution ways derived from this material through tafakkur. In this context, sunna is the act of deriving practical norms from the hadith material with mind. There appeared a third concept of hadith from both living sunna and the individual comments of the matters reported from the holy prophet, by means of the narrations little in quantity, which forms the meaning of sunna in terms of content.*

**Key Words:** Hadith, Sunna, Nabawi Sunna, living Sunna, ijthah

### Fazlurrahman ve "Yaşayan Sünnet" Kavramı

#### Özet

*Fazlur Rahman, Sünneti ikiye ayırmaktadır: Brincisi "Mutlak Sünnet" ya da "Nebev( Sünnet", ikincisi, "Yaşayan Sünnet"tir. "Nebev( Sünnet" bizzat Peygamberimizin davranışlarıdır. Bir başka değerlendirmesinde de Sünneti, "İdeal Sünnet" ve "Yaşayan Sünnet" şeklinde ikiye ayırmıştır. İdeal Sünnet, bizzat Hz. Peygamber'in söz ve davranışlarının kendisi, Yaşayan Sünnet ise, İsl(m toplumunun İdeal Sünnet çerçevesinde uygulama alanına çıkardığı Sünnettir.*

*Hadis, Sünnet malzemesini, Sünnet ise bu malzemedan tefekkür yoluyla çıkarılan çözüm yollarını ifade etmektedir. Bu anlamda Sünnet, hadis malzemesinden akıl yoluyla pratik normlar çıkarılmasıdır. Hem yaşayan (füilî) Sünnet, hem de sayıca çok az olan rivayet (hadis) vasıtasıyla Hz. Peygamber'den nakledilen hususların şahsî yorumlarından üçüncü bir Sünnet anlamı ortaya çıktı ki, bu da Sünnetin içerik bakımından anlamıdır.*

**Anahtar Kelimeler:** Hadis, Sünnet, Nebevi Sünnet, Yaşayan Sünnet, İçtihat

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### Introduction

Even though, terms like “sunna”, “Hadith” “Sunna of Rasoolullah”, “Nabawi sunna”, “fiili sunna”, “taqreeri sunna”, “sunna of the companions”, “qavli sunna”<sup>1</sup> have already existed in the terminology of the hadith, no distinction like, “Nabawi sunna” and “living sunna” have been noticed up to now. However, it is noticed that Schacht, of the orientalist, used the term “living sunna” pointing out this distinction for the first time. Among the muslim scholars, Fazlurrahman (1988) put forward the terms “Nabawi sunna” and “living sunna” similar to this classification, contrary to traditional one.

The word sunna means the path followed, be it a praised or a denigrated one. In the terminology of the muhaddith, it means the behaviors of the holy prophet performed by him as words actions, taqreers and attributes about nature and ethics. According to the scholars of the fiqh, sunna is everything that must be followed in religious matters, which were performed by the holy prophet, except for *the fard* and *wajib* actions. According to definition of the scholars of Usul, it is the words, actions and taqreers of the holy prophet which becomes evidence for a religious matter apart from the Quran. By more general terms, sunna is all actions that Rasool of Allah practiced to be a model for his umma and all other behaviors to follow as an example for understanding and practicing the religion<sup>2</sup>.

Fazlurrahman, literally, defines sunna as “violated way” and according to terminology, he defines it as the practice which comes out as a result of a process, in which qural narrations gradually alters in to practice and which generally appears as “*taqreer* and living sunna” the resembles sunna to a river bed which assimilates new elements all the time<sup>3</sup>. his definition of him very much resembles to Schacht’s. To Schacht, sunna is the living tradition which the previous schools of fiqh defined before. This living sunna is either the “tradition” or the “amel (practice) which people agreed on” (amel, al-amr al mujtama alaih). This concept has nothing to do with the life style of the prophet<sup>4</sup>.

On the other hand, Fazlurrahman classifies sunna in two categories. The former is “Mutlak sunna” or “Nabawi sunna”, the latter is the “living sunna”. Nabawi sunna is the behaviors (or actions) of prophet himself. In the another evaluations of him, he classifies sunna as “ideal sunna” and “living sunna”. Ideal sunna is the words and behaviors of the holy prophet itself; Living sunna is the sunna that the community of Islam put into practice within the frame of the ideal sunna.

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- 1) Ibn Sad, *at-Tabakat al-Kubra*, Beyrut 1990, vol. II, p. 296; Hatib al-Bagdadi, *Takyid al-Ilm*, Beyrut 1974, p. 107; Abdulgani Abdulhalik, *Hucdiyyatu's-Sunna*, Kahire 1993, pp. 68-84.
  - 2) Sibai, Mustafa, *as-Sunna wa Makanatuha fi'l-Tasri'i'l-Islami*, Beyrut 1985, p. 47; Askar, Muhammed Suleyman el-Askar, *Af'alu'r-Rasul ve delaletuha*, I-II, Beyrut 1993, vol. I, p. 18; Accac el-Hatib, *as-Sunna kable'l-tadwin*, Kahire 1963, p. 18.
  - 3) Fazlur Rahman, *Islam*, Chicago 1979, 55.
  - 4) Schacht, Joseph, *The Origins of Muhammadan Jurisprudence*, Oxford, 1975, p. 58.

### 1. Nabawi Sunna

Fazlurrahman regards Nabawi sunna an umbrella form, which does not contain a specific content. According to him, even if there is not a specific practice of the prophet about a certain matter, it is still possible to talk about sunna to the prophet. When "Nabawi sunna" is handled an evaluated in creative way, in accordance with the living sunna of the community to meet the latest factors and effects, which the community of Islam faces, there are solid principles available for us in the history about the early periods of the community.<sup>5</sup>

Contrary to the claims of some orientalisists like Margoliout (1940), Lammens (1937) and Schacht that the term "Sunna of the prophet" was put forward by the muslims coming afterwards, Fazlurrahman claims it to have existed in the very early period and utters there words about this matter:

The term "Sunna of the prophet" has always been an effective and valid term since the beginning and it became so later on. The content of the sunna, left by the holy prophet was not rich quantity and it did not convey a definite, specific meaning. After the period of the holy prophet, the term sunna did not only contain the sunna of the prophet itself, but also contained the comments of the Nabawi sunna. Sunna with this last meaning is, basically, a continuation of ijma of the umma, which has been in a process of improvement all the time, and a term including ijma as well. After the comprehensive movement of hadith, the organic link between sunna, ijihad and ijma have disappeared<sup>6</sup>. For one thing, there are plenty of narrations, which prove that the content of the nabawi sunna is a historical one. For example, ibadahs (worships) like salah, zekat, fasting and hajj, with their applications in details, are so nabawi that only the dishonest and crazy people can deny it<sup>7</sup>.

On the other hand, Fazlurrahman regards it totally meaningless to consider the holy prophet as a tape<sup>8</sup>. According to him, that it is informed in the book of Ebu Yusuf "Kitabu'l-haraj" that Umar commanded the Holy Prophet's sunnas to be taught is something about the strength of Nabawi Sunna<sup>9</sup>.

### 2. Living Sunna

According to Fazlurrahman, hadith means the material of sunna and sunna means the solution ways derived from this material through *tafakkur*. In this context, sunna is the act of deriving practical norms from the hadith material with mind. There appeared a third concept of hadith from both living sunna and the individual comments of the matters reported from the holy prophet, by means of the narrations little in quantity, which forms the meaning of sunna in terms of content<sup>10</sup>. The examples below prove this fact.

5) Fazlurrahman, *Islamic Methodology in History*, Islamic Research Institue, Islamabad 1984, p. 177.

6) Fazlurrahman, *Islamic Methodology in History*, p. 6.

7) *Ibid*, p. 81.

8) *Ibid*, p. 9.

9) *Ibid*, p. 8.

10) Fazlur Rahman, *Islam*, p. 57.

Abdurrahman b. Mehdi (died 813) is said to have reported that Sufyan Sevri was not an authority in the field of sunna but in hadith. The opposite was true for Evzai (died 774). Imam Malik (died 795), perfectly combined these two features at himself<sup>11</sup>. Ebu Davud (died 888) says "There are five sunnas in this hadith. That is to say, five matters showing the quality of the rules about practice (amal) can be extracted from this hadith<sup>12</sup>.

From the utterances of Imam Malik like "This is the sunna we have", "... But the sunna we have is this" or "This is the frequent practice of us (amr or amal)" or "The practice on which we made agreement (amr al mujtama alaih) is that" or "The settled sunna is this", Fazlurrahman infers that the practice in Madina was evaluated as Sunna<sup>13</sup>.

According to Fazlurrahman, the sunna which the activities that occurred in the period described as the golden era of the studies of hadith, targeted to abolish is this second one (movement of hadith). The movement of hadith had many harms. First of all, it made the Islamic way of thinking dull, by sabotaging the movements of ijthihad. Because the muhaddiths would use the hadith in its general meaning and would not comment on it. However, human behaviors can never be same type, even though they became similar to each other<sup>14</sup>.

Fazlurrahman, by feeling the comments of Imam Malik and Imam Ebu Hanife close to himself, criticizes Imam Shafi who puts hadith instead of ijthihad principle since it hinders new comments and he utters these words about this issue.

It is Shafi who put hadith in place of living sunna as a principle of ijthihad. By general means, it is the living tradition of the schools of law, which relies on the ijthihad to a great extent has arisen as the first. In the second phrase, it is left to the protection of the companions. Towards the mids of second century of the muslim calendar, the hadith spread by the muhaddith, jarred the "living sunna" and only Shafi provided a superior position to the hadiths<sup>15</sup>. Therefore, the fiqh scholars coming afterwards become harsher and started to analyze the sunna in more general terms. Mostly because of the intensive efforts of Shafi, sunna or hadith replaced the living sunna all of a sudden as a vehicle of the sunna of the prophet<sup>16</sup> and the activity of creative analysis had almost ended by the time hadiths were started to be recorded.<sup>17</sup>

Fazlurrahman claims living sunna was existed earlier than hadith, and he claims hadiths were recorded after living sunna. According to his way of thinking, sunna was the thing attributed to some things without being attributed to any aural material. It was

11) Ibn Ebi Hatim er-Razi, *Kitab al-Carh wa't-Tadil*, I-IX, Beyrut 1952, vol. I, p. 118.

12) Fazlurrahman, *Islam*, p. 57.

13) Fazlurrahman, *Islamic Methodology in History*, pp. 13-14.

14) Ibid, pp. 18-20.

15) Schacht, *The Origins of Muhammadan Jurisprudence*, p. 138.

16) Fazlurrahman, *Islam*, p. 76.

17) Ibid, p. 59.

in a state of living tradition. Later on, it was turned into texts with the interference of the muhaddiths, that is, they no longer become a living thing but were converted into texts.

According to Fazlurrahman, *Ahlu sunna*, with the right decisions drew in the first times, provided liveliness to community both in socio-politics base, in ethics and mental level. Nevertheless, immediately within one century the thoughts of Ahli sunna started to pre occupy muslims' minds as stable, fixed principles like Quran and hadith. Hence, there appeared a dull mental and sociopolitical system, which first led to moral dullness and this to moral corruption and this to recession in the religious, social, economic and scientific areas, respectively. However the term sunan, which started from the sunna of the prophet has continuously come into a process of creative comment and evolution and therefore attained the approval of ijma. But once the living sunna was transformed into hadith and attributed to the prophet, this creative process completely stopped after a short faltering period<sup>18</sup>.

Sunna, i.e, the vigorous practice of the community, is not merely the work of the holy prophet, as the post Shafi teachings claimed, but is the result of the process of thought which came out through the actions and decisions of the muslims.

If any of the hadiths exist as a conveyor of the nabawi sunna, it is definitely exists for practical purposes, that is, for solving the problems occurring among the community. For this reason, it was freely analyzed by the judges and administrators according to status quo. So there appeared a term called "living sunna" within time. However, in the third and fourth quarters of the first century; living sunna, being a result of spreading all over through the Islamic empire after the process of analysis in favor of the practice available that time, the conflicts in the fiqh matters and religious practice increased, and the prevent these conflicts hadith was started to be transformed into an official discipline<sup>19</sup>.

Fazlurrahman states that the fiqh scholars, theorises and politicians of the early period analyzed the nabawi model (of sunna) regarding the needs of the muslims. By this way the material which occurred each generation formed the living sunna. Besides this, he claims the living sunna not only includes the nabawi model but also the comments which show differences according to regions because of the incessant ijma and ijthihad activities of this model. To him, this is the reason for the occurrence of many differences in the living sunna<sup>20</sup>.

Fazlurrahman states that the comments done and the judgment made in the past is only true for that time and it is not possible to accept those judgments valid for today and new decisions must be taken for the current events with new comments. About this matter he utters the words below:

Although a right, successful comment of the activities that the holy prophet performed in the community and the comment of the living sunna and Quran may contain lessons

18) Fazlurrahman, *Islamic Methodology in History*, p. 139.

19) Fazlurrahman, *ibid*, pp. 32-33.

20) *Ibid*, pp. 74-75.

for us, it can never be imitated in the same way anymore. Because, history is never repeated when it comes to society and its structure. However our history can be imitated in only one term and within this context if we want to be progressive muslims, it is a must to imitate it. Just as the previous generations sorted out their own problems in an appropriate way by analyzing the sunna of the holy prophet freely and emphasizing the ideal and the principles; and by making them, we should also do the same for ourselves with our own effort<sup>21</sup>. Hence it is not returning back to Quran and sunna, the way it was practiced in the past; but it is comprehending them rightly. Because, their guidance to us today is only possible through comprehending them rightly. Returning back to past is nothing but visiting the graves<sup>22</sup>.

Living sunna is not fabrication but an expression and continuous analysis of the nabawi sunna. The thing we would like to do now is transforming the hadith into the terminology of living sunna with the historical analysis until we will derive norms for ourselves thanks to a proper ethic theory and reapplication of this theory upon fiqh. Fazlurrahman some times uses different names for living sunna, one of which is "the sunna of the Jemaat". He says:

The sunna of the Jamaat relies on the sunna of the holy prophet and takes its source from the sunna of the prophet. The ijma of the community, its ijtihad of the scholars and ijtihads done by politicians when they were ruling the state from day to day. Can also be evaluated within the term "living sunna" however, the expression of Imam Ebu Yusuf (798) proves that it is only those person has proficiency in the fiqh with a genius mind, have right to broaden the term living sunna, not the judgment of a judge or a political leader<sup>23</sup>.

Fazlurrahman explains the difference between hadith and living sunna with these words:

"The apparent difference between hadith and sunna, in the explanation of the first generation is; although living sunna is a living and continuing process, hadith is stable and it aims giving definite continuity to the synthesis of living sunna, which lasted for the first three centuries. There is no doubt that it was a necessity for that time. Since a process which goes on without being dependant on certain formalities loses its essence in any time, it comes up again the danger of being unable to maintain its continuity. But the movement of hadith became a reason for a complete determination beyond some certain formalities, in the end. No doubt the necessity for the time being is loosening this formalism and restarting the work from the point where living sunna poured itself into the dam of hadith.

Fazlurrahman, who believes in the necessity of reanalyzing hadith and sunna and who suggests to get benefit from the guidance of living sunna, in this context, claims that hadith and sunna fields are too problematic to reanalyze and it is necessary to reach to

21) Ibid, p. 178.

22) Ibid, p. 80.

23) Ibid, pp. 31-32.

the conclusion by neglecting hadith and sunna completely instead of struggling to comprehend them. About this issue he says "Just at this moment a voice whispers 'Hadith and sunna are reactions, the cure of which is not possible; if you want to progress, leave them'. Or is it the voice of hope which is heard against desperation?"<sup>24</sup>

### 3. Conclusion

Fazlurrahman tells that hadith are nothing but formulations attributed to the holy prophet by adding a chain of sanad (senet) next to living sunna which is in fact made up from free interpretation of nabawi sunna and which shows a dynamic structure. He says the organic link between sunna, *ijma* and *ijtihad* was broken after commencement of the large scale movement of hadith. Fazlurrahman, with these opinions of him, is almost in agreement with the opinions of Schacht think that the living sunna existed before the sunnas of the holy prophet. When it comes to hadiths, they were started to be fabricated as a result of internal disputes and fights between religious schools and muhaddiths in the second century. More ever, spreading of hadith suppressed the "living tradition"<sup>25</sup>.

The term "living sunna" that Fazlurrahman uses associates with Schacht's term "living tradition", at first sight. About this matter Schacht utters these words:

The structure of the practice of the living sunna of the people of Madina is expressed with the terms *lina* "amal", "al amal'ul mujtama' alaih (The amal on which people came to an agreement)", "Al amru indena (our practice)". More over, the practice of Madina has already existed. The sunnas of the prophet and other companions emerged afterwards. People of Madina compared amal with sunna to see the difference between them. Amal completely resembled to the sunnas that people of Madina accepted. The practice of Madina does not reflect the topical tradition but also it contains theoretical or ideal structure. Sometimes it was used as a vehicle to put forward the shifts in the view of the sects, due to the changing conditions<sup>26</sup>.

However there kinds of utterances of Imam Malik do not indicate a tradition of law, which had already existed before Islam, developing independent from the sunna of the holy prophet and Quran; but they indicate the terms pointing out the conflicts in fiqh in the regions like Iraq and Syria. Moreover, the sunna, backed up with the practice going on, is considered stranger than the one having nothing to do with practice. For this reason the amal (practice) of Madina became more privileged<sup>27</sup>. On the other hand, when the hadiths, which Imam Malik accepted, are evaluated, a couple of examples can be noticed showing that he accepted the sunnas coming from the of prophet and companions without referring to the practice of the people of Madina<sup>28</sup>.

24) Ibid, p. 75.

25) Guillaume, Alfred, *The Traditions of Islam: An Introduction to the Study of the Hadith Literature*, Oxford 1924, p. 59; Azami, A'zamī, *On Schacht's Origins of Muhammadan Jurisprudence*, Riyad 1985, pp. 67-68.

26) Schacht, *Origins*, pp. 62-66.

27) A'zamī, *On Schacht's Origins*, 67-68.

28) Mālik b. Enes, *Muvatta'*, I-II, Istanbul 1981, 15-20.

The utterances of Fazlurrahman bear the impression that Ebu Yusuf, put emphasis on living sunna too. However, Ebu Yusuf utters these words in his criticism against Evzai:

“About haram and halaal issue, no one should draw certain conclusions telling like ‘people always keep doing in this way’ because, most of the things people keep doing are in fact things which are not allowed to do. And those prohibited things must be left. There are such cases I can mention that a great majority of people are acting against the command of the prophet. In such cases one must obtain the knowledge from the fatwas of the faqih and notable of the companions and from the sunna of the prophet, as well. And he must practice these comments”<sup>29</sup>.

Regarding that Fazlurrahman comprehend from “living sunna” it is possible to draw a conclusion that the companions and the muslims livings in the first centuries were extremely successful in the rendering sunna applicable for changing conditions as they had known the historical background of the Quran and the sunna very well<sup>30</sup>. In our time sunna is not a living tradition but a historical material recited from the books. On the other hand the long time form the time of the holy prophet to now has become witness to great changes. For this account, it must be provided to be a living phenomenon.

No doubt, today, the fact that muslims society faces many current problems in the developing conditions of the world can not be denied. Finding new solutions for these problems in the light of Quran and sunna is unavoidable. Nevertheless, one of the problems in enabling sunna being a source of knowledge, culture, thought and civilization is the lack of ability to comprehend sunna (Semantics) and analyze it (Hermeneutics). It is true that, these matters are occasionally touched on. Yet it is difficult to say, radical solutions are found for the changing conditions and time.

Within all of these seeking, we have to comprehend and practice hadith today as we did yesterday, with the qualities and features unique to itself; briefly as a model and methodology. During in the time in which we are in a process of rapid change and reorganization, exaltation of Islam to superior position in terms of thought, culture and social structure is only possible by taking up the data of sunna again, and reanalyze them in terms of model and methodology.

There is an extreme necessity for intellectuals and scholars to enlighten the muslim community and produce new projects for their future. Perhaps the first way of educating new scholars and intellectuals is providing the freedom for thinking people, to express their ideas freely. So, we are in the opinion of that it is necessary to assume Fazlurrahman’s intention a positive one and the benefit form his thoughts eclectically.

29) Ebu Yusuf, Yakub b. Ibrahim, *er-Redd ala Siyeri'l-Evzai*, I-X, Beirut 1996, vol. X, p. 296.

30) Fazlurrahman, *Islam and Modernity transformation of an intellectual tradition*, Chicago 1982, pp. 4-5; Fazlurrahman, *Allahin Elcisi*, translated to Turkish by Adil Ciftci, Ankara 1997, p. 24.