

## Meeting 12: The Science of Fiqhul-Hadith

### Meaning and Significance

The science of Fiqhul-Hadith deals with the meanings of the words of a Hadith, whether its meaning is real or figurative, general or specific and whether there is any other Hadith or Ayah contrary to it or not, etc. The name is driven from the many narrations in which the Imams of Ahlul-Bayt (a.s.) emphasised on understanding the Ahadith more than mere narrating them. Dawood Ibn Farqad said: I heard Imam Sadiq (a.s.) saying:

انتم افقه الناس اذا عرفتم معاني كلامنا ان الكلمة لتتصرف علي وجوه فلو شاء انسان لصرف كلامه كيف شاء و لا يكذب.

“You are the most learned (Faqih) people if you know the meanings of our words. Surely, a word may accept different meanings, so if the speaker wishes he can change his words as he wishes so that he doesn't lie.” <sup>1</sup> The term Afqah in the Hadith means ‘the most learned’ not the most juristic although a jurist is an example of those are learned on jurisprudential issues. Mohammad Ibn Abi Omair through Ibrahim Al-Karkhi narrated from Imam Sadiq (a.s.):

حديث تدريه خير من الف ترويه و لا يكون الرجل منكم فقيها حتي يعرف معارض كلامنا و انّ الكلمة من كلامنا لتتصرف علي سبعين وجها لنا من جميعها المخرج.

“To understand (Derayah) a Hadith is better than narrating one thousand narrations. None of you will be a Faqih (learned) until he understands the meanings of our words. Surely, sometimes a word from our speech may accept seventy different meanings in all of which we have a justification.” <sup>2</sup>

# General Rules for Understanding (Fiqh) a Hadith

## Confidence in its authenticity

The first step for understanding a Hadith is to find out whether or not it is really the words of a Ma'soom. This rule will be obtained if the Hadith is narrated in the famous books of Hadith via reliable narrators. For instance, some people assume the famous saying;

كل ارض كربلا و كل يوم عاشورا

“Every land is Karbala and every day is Ashura” is a Hadith. However, this statement is not narrated from any of the Imams (a.s.) in any book of Hadith. Thus, one may just quote it as an expression to mean every day and in every land, we should pay tribute to Imam Husain (a.s.).

## Compatibility with the Quran

To verify how genuine the narrations are we are instructed by the Imams of Ahlul-Bayt (a.s.) to present them to the Quran. Any narration contrary to the Quran is false and must be rejected.<sup>3</sup> The Imams of Ahlul-Bayt (a.s.) have stated in many Ahadith that their words cannot possibly be contrary to the Quran. The following are two examples of narrations that seem<sup>4</sup> incompatible with the teachings of the Quran:

1. The almighty Allah concerning the prohibition of usury states in the Quran:

فَإِنْ لَمْ تَفْعَلُوا فَأْذَنُوا بِحَرْبٍ مِنَ اللَّهِ وَرَسُولِهِ ۗ وَإِنْ تُبْتُمْ فَلَكُمْ رُءُوسُ أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

***“and if you do not stop it (usury) then take a notice of war from Allah and His Messenger, and if you repent then for you is (only) your capital (so that) you are not being unfair nor being unfair to anyone else.” [2:279]***

According to the above Ayah the money lender does not deserve more than the actual money he has lent. To receive more than his own money is called usury and unless he repents, Allah and His Messenger are in war against him.

In spite of the above Ayah there are a number of narrations—some of which are narrated apparently by authentic narrators—teaching a trick to escape the usury. These narrations are known in jurisprudence as ‘the narrations of tricks’! The following is an example of these narrations:

Kolayni and Sadooq in their authentic Esnad from Muhammad Ibn Ishaq Ibn Ammar asked Imam Kazem (a.s.):

يكون لي علي الرجل دراهم فيقول: اخّرني بها و انا اربحك فايبيعه جبة تقوّم علي بالف درهم، بعشرة آلاف درهم، او قال: بعشرين الفا و اؤخره بالمال. قال (ع): لا بأس

“A man owes me some dollars. He asks me to delay his payment and in return he would pay my money back with interest. I sell a Jubba (long dress) that is valued for me one thousand dollars, (I sell it) to him for ten thousand dollars or he even said: for twenty thousand dollars and then I allow him to delay his payment. The Imam (a.s.) said: ‘It’s alright’.” [5](#)

2. The Almighty Allah concerning the penalty of killing someone by mistake states:

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَأً ۗ وَمَنْ قَتَلَ مُؤْمِنًا خَطَأً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا ۗ فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ ۗ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ ۗ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ ۗ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا

**“And whoever kills a believer by mistake he should free a slave and submit a (certain) blood-money to the family of the deceased.” [4:92]**

According to the above Ayah if a believer is killed by mistake, there is no death penalty for the killer. However, there is a group of narrations that apparently indicate the above rule does not apply to children and women! Kolayni in his authentic Esnad through Abu-Baseer narrated from Imam Baqir (a.s.):

سئل عن غلام لم يدرك و امرأة قتلا رجلا خطأ؛ فقال (ع): انّ خطأ المرأة و الغلام عمد. فان احبّ اولياء المقتول ان يقتلوهما قتلوهما

The Imam (a.s.) was asked concerning a young boy who did not attain the age of puberty and a woman whom together had killed a man by mistake? The Imam (a.s.) said: Verily, the mistake of the woman and the young boy is deliberate! Then if the family of the murdered one wish to kill both of them they may kill them...” [6](#)

### Compatibility with facts

The third general rule concerning understanding a Hadith is to examine if it is contrary to any established fact be it religious, scientific, historic, etc. the following are some examples of such inconsistencies:

1. Inconsistency with the religious facts: For instance, it seems from some of the narrations of Al-Kaafi that the Imams of Ahlul-Bayt (a.s.) are thirteen Imams not twelve! [7](#)

2. Inconsistency with scientific facts: An example of this type of narration is the suggestion that the blood of menstruation is discharged from the left (or right) side of the vulva whereas the blood from an injury is from the right (or left). [8](#) As explained in lesson nine there are many faults in the narration including being

against scientific facts. Other examples of inconsistency with scientific facts include the Israelites that suggest Eve was created from the left rib of Adam<sup>9</sup>, or Adam was about 30 meters tall!<sup>10</sup>

3. Inconsistency with historical facts: Sadooq in his Ekmalu–Din, and ‘Oyoon Akhbar Al–Redha narrated from Imam Sadiq (a.s.) that when Imam Baqir (a.s.) was on his dying bed, Zaid; the brother of the Imam was present. Zaid pleaded to the Imam (a.s.) that Imam Baqir (a.s.) appoints him as the next Imam. Zaid argued that as Hasan Ibn Ali (a.s.) appointed his brother Husain (a.s.) you can also appoint me as the next Imam.

However, Imam Baqir (a.s.) did not agree explaining that the trust of Imamatus is by the will of God not man’s desire. He then called after Jaber Ibn Abdullah to come and verify the names of the Imams (a.s.) as mentioned in the Sahifa (the Book). When Jaber confirmed the words of Imam Baqir (a.s.), Zaid gave up and accepted the Imamatus of Imam Sadiq (a.s.). <sup>11</sup>

The above narration is inconsistent with historical facts. Imam Baqir (a.s.) was martyred in the year 114 A.H. Jaber Ibn Abdullah died in 78 A.H. and Imam Sadiq (a.s.) was born in the year 84 A.H. Thus, Jaber could not be present at the time of the demise of Imam Baqir (a.s.). He had died even 6 years before Imam Baqir (a.s.) is born.

### Understanding of the general public

In general, the best understanding of jurisprudential Ahadith should be based on the understanding of the general public. For, they are the types of people who were usually the audience of the Imams (a.s.).

### Acquaintance with the methods of Hadith reconciliation

Many narrations are apparently contrary to each other. An expert in Hadith is the one who firstly is aware of the various narrations in a particular field and secondly knows how to reconcile between them. In the next lesson, we shall touch upon some of the methods of Hadith reconciliation.

### Classification of Ahadith (Subject index)

To understand the Hadith, it is extremely important to classify them according to their subject. Wasaelu–Shia in Fiqh and Beharul–Anwaar in all Islamic subjects are amongst the best subjective books of Hadith.

As useful as the subject classification of the narrations is, it is sometimes a disadvantage. Very often the Imams of Ahlul–Bayt (a.s.) have spoken on more than one subject in one speech. To classify the narration one must cut a Hadith into various pieces placing each part in its own category. This would often lead to missing the actual content of a Hadith.

## Deadlocking or opening the Ahadith

One of the controversial general rules for understanding Hadith is whether experts are always bound by the wordings of the Hadith or they can often expand the rule beyond the words of the Hadith? In other words, are the Ahadith deadlocked or are they often open to the deduction of an expert?

The extreme example of deadlocking the Hadith is what is related to some of the Traditionalists (Akhbariyoun) concerning the recommended supplication on the shroud of the deceased. It is narrated from Imam Sadiq (a.s.) that when his son Ismael died he wrote on the margin of his shroud: "Ismael bears witness that there is no deity but Allah." [12](#)

It is related to some of the Traditionalists that it is recommended to write on the shroud of any deceased person: "Ismael bears witness that there is no deity but Allah"! They even insist on writing the term 'Ismael' irrespective of the name of the deceased with the excuse that we are not allowed to expand the words of the Imam! The argument on deadlocking the text of a Hadith is not always as obvious as the above example. The following examples are some of the most controversial contemporary cases:

1. Many narrations indicated that there is no obligatory Zakat but on nine items; i.e. gold, silver, cow, sheep, camel, wheat, barley, date and sultana. [13](#) The argument nowadays is whether the above items were mentioned solely because they were commonly available at the time and the place of the Imams (a.s.) or there is a mysterious reason that the obligation of Zakat is only on these items?
2. Many narrations exclusively permitted staking in a race only (between the players) in horse riding and archery. [14](#) According to these narrations betting in other than specified examples seem to be prohibited. However, there is a jurisprudential debate as whether permissibility of stakes in the above examples is because they were the means of war in those days? Should this be the case then betting may be expanded in our modern day to shooting too. One may even argue that horse riding is no longer a means of transport and hence betting may no longer be permissible in horse riding.
3. Anfal in Islamic law includes rivers, mountains, mines, forests and all public wealth. In many narrations, the Imams of Ahlul-Bayt (a.s.) have permitted the Shia to use them. [15](#) The argument in our modern time is that if individuals are permitted to exploit the mines, cut the trees of the forests, catch the fish of the sea, etc. for their personal benefit or they belong to the states for the benefit of their nations?
4. Sword is the only means of execution introduced in Ahadith. [16](#) The argument again is whether the convicts should only be executed by sword—as specified in the Ahadith or sword is mentioned because it was only a common means of execution in those days? If the second is proven then utilising modern methods of execution such as electrical chair, guns and the like becomes also permissible.
5. Playing chess is prohibited according to many narrations. [17](#) The argument is however, if the prohibition of chess is because it was a means of gambling or it is prohibited whether it is a means of gambling or not. If a jurist is convinced the reason for prohibition of chess is due to gambling, then if it is

confirmed by the experts as it is confirmed that chess is no longer a means of gambling, then—despite the prohibiting narrations— he will not issue a verdict for its prohibition. His argument would be that playing chess at the time of the Imams (a.s.) must have been a means of gambling whereas in our time it is a mental game like other games.

Thus, the prohibition or permission of playing chess depends on whether or not it is used for gambling. For over several centuries most of our jurists have restricted themselves to the texts of narrations. The revolution of opening up the deadlocks of narrations has just begun by the Late Imam Khomeini and his students. Indeed, this great scholar has revived Islam in our modern time in various ways.

- [1.](#) Al-Majlesi: Beharul-Anwaar 2: 183
- [2.](#) Ibid p. 184
- [3.](#) These Ahadith are quoted in many sources. For instance see Wasaelu-Shi'a 27:pp 106–123
- [4.](#) I said 'seem' because there could be some far justifications for their meanings.
- [5.](#) Wasaelu-Shi'a 18:55
- [6.](#) Wasaelu-Shi'a 29:87
- [7.](#) Al-Kaafi 1:531 In lesson seven we explained that these narrations are perverted or misspelled
- [8.](#) Al-Kaafi 3:94, al-Tahtheeb 1:385
- [9.](#) Al-Dorrul-Manthour under 1st Ayah of Surah al-Nisa
- [10.](#) Al-Bukhari 4: 102
- [11.](#) Beharul-Anwaar 36: 193
- [12.](#) Wasaelu-Shi'a 3:52
- [13.](#) Wasaelu-Shi'a 9:53–60
- [14.](#) Wasaelu-Shi'a 19:252–253
- [15.](#) Wasaelu-Shi'a 9:543
- [16.](#) Wasaelu-Shi'a 29: 126
- [17.](#) Wasaelu-Shi'a 3:418

---

**Source URL:**

<https://www.al-islam.org/sciences-hadith-mansour-leghaei/meeting-12-science-fiqhul-hadith#comment-0>