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EVIDENTIARY PRINCIPLES OF IMPLICITLY ELEVATED MAUQUF NARRATIONS: AN ANALYTICAL STUDY

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Abstract
This paper presents an exhaustive analytical and critical inquiry into the evidentiary mechanics governing mawqūf rewayat (statements, actions, or tacit approvals attributed to the Companions of the Prophet) that possess the legal force of marfū‘rewayat(statements directly ascribed to the Prophet Muhammad, peace be upon him). Within Islamic jurisprudence (uṣūl al-fiqh) and legal Hadīth hermeneutics (muṣṭalaḥ al-ḥadīth), determining whether an āthār represents a Companion’s independent juristic reasoning (ijtihād) or reflects an unarticulated Prophetic instruction (marfū‘ ḥukmī) constitutes a fundamental methodological pivot]. This investigation systematically explores the textual formulas, contextual indicators, and epistemological criteria used by muḥaddithūn and fuqahā’ to elevate mawqūf narratives to the status of binding divine law. Key textual constructs examined include statements beyond the domain of personal opinion (mā lā majāla li-l-ra’yi fīhi), explicit chronometrical links to the Prophetic era (‘alā ‘ahdi rasūlillāh), standardized sunnah designations (min al-sunnah), passive imperatival structures (umirnā / nuhīnā), and tacit Prophetic approval through widespread practice during the revelation period. Furthermore, this study contrasts the methodologies of the Hanafi, Maliki, Shafi‘i, and Hanbali schools concerning the authority of a Companion's word (qawl al-ṣaḥābī) and its intersection with analogical reasoning (qiyās). Through rigorous applied analysis of traditional Hadīth collections (al-Kutub al-Sittah, Muwaṭṭa’ Imām Mālik, and Musnad Aḥmad), the paper establishes a nuanced analytical framework for distinguishing purely personal companion rulings from legally binding Prophetic traditions.

Keywords: Mawqūf Rewayat; Marfū‘ Ḥukmī; Qawl al-Ṣaḥābī; Hadīth Hermeneutics; Legal Evidence; Ijtihād; Islamic Jurisprudence; Uṣūl al-Fiqh.

1. INTRODUCTION

The architecture of Islamic law (Sharī‘ah) relies fundamentally upon primary revelation—the Holy Qur’an—and its authoritative practical and explanatory manifestation, the Sunnah of the Prophet Muhammad (peace be upon him) . Within the rigorous methodological classifications developed by Hadīth scholars (al-muḥaddithūn), traditions are systematically categorized based on the terminal authority of their chain of transmission (isnad) . Traditions directly originating from the Prophet are designated as marfū‘ (elevated) . Narratives terminating at a Companion (ṣaḥābī)

encompassing their explicit statements, deeds, or non-verbal tacit concessions—are defined as mawqūf (halted) [13]. Statements originating from the Successors (tābiʻūn) or subsequent generations are categorized as maqṭūʻ (severed) . While this structural distinction appears clear on the surface, legal deduction (istinbāṭ al-aḥkām) encounters a complex hermeneutical phenomenon: narrative rewayat that are textually or structurally mawqūf (attributed to a Companion) but legally and functionally operate as marfūʻ (carrying the normative legal force of a direct Prophetic instruction) . This legal status is formally termed marfūʻ ḥukmī (constructively elevated) [26].

Determining whether a narrative is a Companion's subjective juristic effort (ijtihād) or a indirect transmission of divine guidance is a central challenge in Islamic legal theory.[1] If a modern or classical jurist treats a marfūʻ ḥukmī tradition as a mere personal opinion, an authentic piece of divine legislation risks being disregarded . Conversely, if every statement of a Companion is indiscriminately elevated to the status of binding Prophetic revelation without structural and contextual criteria, the distinction between unassailable divine legislation and context-bound human juristic opinion becomes blurred .

This study conducts a deep analytical investigation into the principles, conditions, and textual indicators that govern the transformation of a mawqūf narrative into a marfūʻ ḥukmī narrative . By synthesizing foundational classical works in Hadīth methodology, legal theory, and primary Hadīth compendia, this research aims to accomplish the following objectives :

1. To establish precise technical definitions and boundaries between mawqūf, marfūʻ, and marfūʻ ḥukmī traditions.
2. To analyze the linguistic, formulaic, and contextual indicators that elevate a mawqūf rewayt to constructive Prophetic authority.
3. To examine the principle of non-rational domain (ʻadam majāl al-raʼy/ijtihād) as a primary hermeneutical marker .
4. To critically analyze formulaic expressions such as "min al-sunnah" (it is of the Sunnah), "umirnā" (we were commanded), "nuhīnā" (we were forbidden), and historical contextual attributions (ʻalā ʻahdi rasūlillāh) .
5. To compare the legal methodologies of the major jurisprudential schools (Hanafi, Maliki, Shafiʻi, and Hanbali) regarding the evidentiary authority of a Companion's statement (ḥujjiyyat qawl al-ṣaḥābī) and its relationship to analogical deduction (qiyās) .
6. To illustrate these theoretical principles through concrete case studies from canonical Hadīth collections.

2. METHODOLOGICAL FRAMEWORK

This study employs an integrative, multi-faceted research methodology comprising four main approaches:

2.1. Inductive Method (Al-Manhaj al-Istiqrāʼī)

A comprehensive survey of classical Hadīth methodology compendia (kutub muṣṭalaḥ al-ḥadīth), legal theory treatises (uṣūl al-fiqh), and canonical Hadīth literature was undertaken to gather linguistic formulas, textual variations, and historical application patterns of mawqūf and marfūʻ ḥukmī rewayat.

2.2. Descriptive and Analytical Method (Al-Manhaj al-Waṣfī al-Taḥlīlī)

The gathered textual formulations were subjected to rigorous semantic, syntactic, and contextual analysis. Narrative chains (asānīd) and textual contexts (mutūn) were examined to evaluate how classical scholars derived legal rulings from specific verbal constructions.

2.3. Comparative Method (Al-Manhaj al-Muqāran)

A comparative analysis was performed across the foundational legal schools—specifically juxtaposing the Hanafi structural reliance on āthār in matters non-deducible by intellect against the Shafiʻi strict reliance on explicit attribution, as well as the Hanbali and Maliki evidentiary frameworks .

2.4. Applied Hermeneutics (Al-Daddīq al-Fiqhī)

Theoretical rules were tested against practical legal disputes, including the maximum duration of gestation, the minimum and maximum boundaries of menses, the validity of sales involving conditional repurchase (bayʻal-ʻīnah), and legal inheritances during death-sickness divorces (ṭalāq al-fārr).

3. TERMINOLOGICAL AND CONCEPTUAL ANALYSIS OF MAWQŪF

3.1. Lexical Derivation (Al-Ma‘nā al-Lughawī)

Lexicographically, the word mawqūf is the passive participle (ism al-maf‘ūl) derived from the Arabic trilateral root wa-qa-fa (waqaf), which signifies stopping, halting, detaining, setting aside, or remaining stationary [12]. Ibn Manẓūr states in Lisān al-‘Arab that wuqūf is the polar opposite of sitting or moving forward; it implies bringing a riding animal to a complete standstill (waqaftu al-dābbah) [7]. In the Glorious Qur'an, the verb appears in several places conveying restraint or being made to stand, such as: "Wa law tarā idh wuqifū ‘alā rabbihim" (And if you could but see when they will be made to stand before their Lord) [-An‘ām 6:30] [2], where Imām al-Qurṭubī interprets wuqifū as ḥubisū (restrained or held back) [3, 6].

In linguistic usages across classical lexicography, the root encompasses several specialized legal and practical applications:

- Waqf in Recitation (Qirā’ah): Ceasing vocalization on the final letter of a word by making it quiescent (sākin) and taking a breath before continuing [9].
- Waqf in Jurisprudence (Fiqh): Endowing property in perpetuity for charitable or public benefit (waqf al-dār fī sabīl illāh), thereby detaining the corpus from trade [6].
- Wuqūf ‘Arafah: The essential pilgrimage rite of halting at the plains of ‘Arafāt [11].
- Al-Waqqāf: A person of deliberation who pauses before taking action to verify truth [7]. Al-Ḥasan al-Baṣrī remarked: "Inna al-mu’mina waqqāfun muta’annin wa laysa ka-ḥāṭibi layl" (The believer is circumspect and deliberative, not like one who gathers wood blindly at night) [7].

3.2. Technical Terminological Definition (Al-Ma‘nā al-Iṣṭilāḥī)

In the technical terminology of Hadīth science, a rewayt is designated as mawqūf when its narrative chain stops at a Companion (ṣaḥābī), attributing to them a statement (qawl), action (fi‘l), or tacit approval (taqrīr), without explicitly extending the transmission to the Prophet Muhammad (peace be upon him) [13, 16].

Classical Hadīth authorities have articulated this definition with slight variations in emphasis:

- Ibn al-Ṣalāḥ (d. 643 AH): Defines mawqūf as narrative content originating from Companions—their verbal remarks, physical deeds, or related matters—stopping entirely at them [16]. He notes that if the chain of narrators up to the Companion is uninterrupted, it is termed mawqūf mawṣūl; if there is a break in the transmission prior to the Companion, it is categorized as mawqūf ghayr mawṣūl [16].
- Ibn Ḥajar al-‘Asqalānī (d. 852 AH): Defines it in Nuzhat al-Naẓar as that rewayt whose transmission terminates at the Companion, explicitly conveying their words, actions, or tacit approvals [17].
- Al-Ḥākim al-Naysābūrī (d. 405 AH): Defines mawqūf in Ma‘rifat ‘Ulūm al-Ḥadīth as narratives transmitted down to a Companion without sending back (irsāl) or severing (i‘ḍāl), where it is stated that the Companion said such-and-such, performed such-and-such, or commanded such-and-such [18].
- Al-Khaṭīb al-Baghdādī (d. 463 AH): Concisely defines it in Al-Kifāyah as a narrative attributed to a Companion that does not progress beyond them [19].

3.3. The Structural Distinction Between Mawqūf and Al-Athar

In classical legal and Hadīth literature, the term al-Athar (literally: trace, remnant, or footprint) is frequently encountered alongside mawqūf [20]. Jurisprudential convention among Khurasanian legal scholars distinguished these terms carefully [20]:

- Al-Khabar: Reserved strictly for traditions directly elevated (marfū‘) to the Prophet [20, 21].
- Al-Athar: Applied specifically to narratives originating from the Companions (mawqūfāt) [20, 21]. Abū al-Qāsim al-Fūrānī and Imām al-Shāfi‘i frequently utilized al-athar to signify companion-level rewayat to highlight their secondary position relative to direct Prophetic words [20, 21].
- Broad Hadīth Usage: Among mainstream Hadīth specialists (al-muḥaddithūn), al-athar is used more broadly as a synonym for ḥadīth, encompassing marfū‘, mawqūf, and maqṭū‘ traditions alike [22]. This usage is reflected in titles such as Imām al-Ṭaḥāwī's Mushkil al-Āthār and Imām al-Suyūṭī's Al-Durr al-Manthūr fī al-Tafsīr bi-l-Ma’thūr [22].

4. TAXONOMY OF MAWQŪF REWAYAT

To establish clear analytical boundaries, Hadīth scholars divide mawqūf rewayat into two primary categories, each containing distinct sub-types based on verbal and contextual indicators [23, 26]:

4.1. Pure Mawqūf (Mawqūf Lafẓan wa-Ma‘nan / Mawqūf Ḥukman)

This category comprises rewayat whose wording and underlying meaning belong strictly to the Companion, with no contextual, structural, or thematic indicators suggesting a Prophetic origin [23]. Shaykh Muhammad ibn Ṣāliḥ al-‘Uthaymīn defines this category as any rewayt attributed to a Companion that lacks any contextual marker (qarīnah) elevating it to Prophetic status [23].

An example of a pure mawqūf statement is the statement of ‘Umar ibn al-Khaṭṭāb (may Allah be pleased with him): "Inna akhwafa mā akhāfu ‘alaykum thalāth: jidāl al-munāfiq bi-l-qur’ān lā yukhṭi’u wāwan wa-lā alifan yujādilu al-nāsa annahu ajdalu minhum li-yuḍillhum ‘an al-hudā, wa zallat ‘ālim, wa a’immah muḍillīn." [24] (Translation: Indeed, the thing I fear most for you are three: the dispute of a hypocrite using the Qur'an who does not miss a single wāw or alif, arguing with people to show he is more articulate in order to misguide them from guidance; the misstep of a scholar; and misguiding leaders) [24].

Pure mawqūf rewayat are divided into three formal sub-categories :

4.1.1. Mawqūf Qawlī (Verbal Halted Rewayt)

Direct verbal statements issued by a Companion regarding social, political, or legal matters .
Example: The statement of ‘Alī ibn Abī Ṭālib (may Allah be pleased with him): "Ḥaddithū al-nāsa bimā ya‘rifūn, a-tuḥibbūna an yukadhdhaba Allāhu wa rasūluh?" (Speak to people according to their level of understanding; do you wish that Allah and His Messenger be disbelieved?) [Ṣaḥīḥ al-Bukhārī, Ḥadīth 127] [14].

4.1.2. Mawqūf Fi‘lī (Action-Based Halted Rewayt)

Narratives describing a Companion's personal action or worship practice .
Example: The rewayt transmitted by Nāfi‘ regarding ‘Abdullāh ibn ‘Umar: "Kāna Ibn ‘Umar yuṣallī fī makānihi alladhī ṣallā fīhi al-farīḍah." (Ibn ‘Umar used to perform voluntary prayers in the exact physical spot where he had just completed his obligatory prayer) [Ṣaḥīḥ al-Bukhārī, Ḥadīth 848] [14].

4.1.3. Mawqūf Taqrīrī

Narratives documenting a Companion's silent acquiescence or non-disapproval of an action taken in their presence .
Example: The rewayt from Rāfi‘: "Anna mowlāta Ṣafiyyah bint Abī ‘Ubayd ikhtala‘at min zawjihā bi-kulli shay’in lahā, ḥattā ikhtala‘at bi-ba‘ḍi thiyābihā, fa-balagha dhālika Ibn ‘Umar fa-lam yunkirhu." (The freed female slave of Ṣafiyyah bint Abī ‘Ubayd sought a divorce [khul‘] from her husband in exchange for everything she owned, even down to part of her clothing. This reached Ibn ‘Umar, and he did not disapprove of it) [Muṣannaf Ibn Abī Shaybah, Ḥadīth 18527] [25].

4.2. Constructively Elevated Mawqūf (Mawqūf Lafẓan Marfū‘ Ḥukman)

This critical category encompasses narratives that are outwardly framed as statements, acts, or approvals of a Companion, but contain definitive internal or external evidence indicating that their substantive content originates from the Prophet Muhammad (peace be upon him) [26]. Dr. ‘Abd al-Ra’ūf Ẓafar notes that these rewayat lack explicit verbal attribution to the Prophet, yet because their content falls entirely outside the domain of personal opinion, deduction, or subjective reasoning, they are legally treated as Prophetic traditions [26].

An example of this category is the narrative of ‘Abdullāh ibn ‘Umar: "Kāna al-rijālu wa-l-nisā’u yatawaḍḍa’ūna fī zamāni rasūlillāhi ṣallallāhu ‘alayhi wa sallama fī al-inā’i al-wāḥidi jamī‘ā." (Men and women used to perform ablution together from a single vessel during the time of the Messenger of Allah, peace and blessings be upon him) [Ṣaḥīḥ al-Bukhārī, Ḥadīth 193] [14].

This primary category is subdivided into three types :

7. Marfū‘ Qawlī Ḥukmī (Constructively Elevated Statement): Statements issued by a Companion regarding matters where independent legal reasoning (ijtihād) is impossible [17].
8. Marfū‘ Fi‘lī Ḥukmī (Constructively Elevated Action): Actions performed by a Companion during the Prophetic era in a contextual manner that implies Prophetic oversight [27].
9. Marfū‘ Taqrīrī Ḥukmī (Constructively Elevated Approval): Practices undertaken by the community during the era of revelation that received tacit Prophetic endorsement [28].

5. TEXTUAL INDICATORS AND PRINCIPLES OF CONSTRUCTIVE ELEVATION (MARFŪʿ ḤUKMĪ)

Hadīth scholars and legal theorists have established specific formulaic markers to identify when a mawqūf rewayt acquires constructive Prophetic authority (marfūʿ ḥukmī) . These indicators operate as objective legal evidence .

5.1. Statements Beyond the Scope of Personal Opinion (ʿAdam Majāl al-Raʾy)

The primary principle governing constructive elevation is the absolute impossibility of independent intellectual deduction (ʿadam majāl al-raʾy wa-l-ijtihād) [17]. When a Companion makes an explicit declaration regarding metaphysical realities, historical creation, or unseen future events, scholars infer that the information could only have been acquired through direct hearing (samāʿ) from the Prophet [17].

Domains subject to this principle include [17]:

- Descriptions of the origin of creation, cosmological matters, or angelic realms [17].
- Eschatological details, including the signs of the Last Day (ashrāṭ al-sāʿah), trials (al-fitan), and conditions of the afterlife, Paradise, or Hellfire [17].
- Specific promises of divine reward or warnings of divine punishment attached to specific deeds .
- Specific ritualistic details that cannot be derived through linguistic analysis or legal analogy .

Methodological Condition: For a statement in this category to be granted marfūʿ ḥukmī status, the speaking Companion must not be known for taking narrative details from Jewish or Christian scriptural traditions (al-Isrāʾīliyyāt) . If a Companion—such as ʿAbdullāh ibn ʿAmr ibn al-ʿĀṣ, who acquired books from the People of the Book at the Battle of Yarmūk—narrates eschatological material, Hadīth critics exercise caution and refrain from automatically granting it marfūʿ ḥukmī status unless confirmed by corroborating Prophetic traditions .

5.2. Explicit Temporal Reference to the Prophetic Era (Al-Iḍāfah ilā ʿAhd al-Nubuwwah)

When a Companion narrates a practice using formulations that tie it explicitly to the lifetime of the Prophet, Hadīth scholars evaluate the statement as marfūʿ ḥukmī .

Standard verbal formulas include :

- "Kunnā nafʿalu kadhā ʿalā ʿahdi rasūlillāh" (We used to do such-and-such during the time of the Messenger of Allah) [27].
- "Kunnā lā narā baʾsan bi-kadhā fī ḥayāti rasūlillāh" (We saw no harm in such-and-such during the life of the Messenger of Allah) [27].

Practical Example: The rewayt of Jābir ibn ʿAbdillāh (may Allah be pleased with him): "Kunnā naʿzilu ʿalā ʿahdi rasūlillāhi ṣallallāhu ʿalayhi wa sallama wa-l-qurʾānu yanzilu, fa-balagha dhālika nabiyyallāhi fa-lam yanhana." (We used to practice coitus interruptus [ʿazl] during the time of the Messenger of Allah, peace and blessings be upon him, while the Qur'an was being revealed. This practice reached the Prophet of Allah, and he did not forbid us) [Ṣaḥīḥ Muslim, Ḥadīth 1440] [28].

Imām al-Nawawī emphasizes that tying a practice to the Prophetic era elevates the rewayt to constructive approval (marfūʿ taqrīrī), because the era of revelation was subject to divine oversight; had a practice been religiously invalid, divine revelation would have corrected it [27].

Absence of Temporal Reference: If a Companion states, "Kunnā nafʿalu kadhā" (We used to do such-and-such) without explicitly specifying the Prophetic era, the majority of Hadīth scholars (al-jumhūr)—including al-Khaṭīb al-Baghdādī, Ibn al-Ṣalāḥ, and Imām al-Nawawī—classify the tradition as mawqūf [29]. An example is the statement of Abū Saʿīd al-Khudrī: "Kunnā nuṭʿimu al-ṣadaqata ṣāʿan min shaʿīr." (We used to give as charity one ṣāʿ of barley) [Ṣaḥīḥ al-Bukhārī, Ḥadīth 1505] [14].

5.3. The Formula "Min al-Sunnah" (It is from the Sunnah)

When a Companion states, "Min al-sunnati kadhā" (It is from the Sunnah to do such-and-such), the consensus of Hadīth specialists (ijmāʿ muḥaddithīn) dictates that the phrase refers specifically to the Sunnah of the Prophet Muhammad, granting the rewayt marfūʿ ḥukmī status [17].

Ibn Ḥajar al-ʿAsqalānī states in Nukhbat al-Fikar that when a Companion uses this phrasing, no ambiguity exists: "Sunnah" in the language of the Companions denotes the established normative way of the Prophet [17].

Practical Example: The statement of Anas ibn Mālik: "Min al-sunnati idhā tazawwaja al-bikra ʿalā al-thayyibi aqāma ʿindahā sabʿā." (It is from the Sunnah that if a man marries a virgin while already married to a previously married woman, he should stay with the new bride for seven consecutive days) [Ṣaḥīḥ al-Bukhārī, Ḥadīth 5214] [14].

Divergence on Successors (Tābi‘ūn): If a Successor uses the expression "Min al-sunnah" without naming a Companion, scholars differ: some classify it as a marfū‘ mursal tradition, while others treat it as mawqūf reflecting the custom of the Companions [17].

5.4. Passive Imperatival Constructions: "Umirnā" and "Nuhīnā"

When a Companion narrates using passive constructions such as "Umirnā bi-kadhā" (We were commanded to do such-and-such) or "Nuhīnā ‘an kidhā" (We were forbidden from such-and-such), the overwhelming majority of Hadīth critics and legal theorists classify the rewayt as marfū‘ ḥukmī [27].

The underlying linguistic and legal rationale is that within the religious hierarchy of the early Muslim community, the absolute issuing authority capable of binding commands and prohibitions was the Prophet Muhammad (peace be upon him) [27].

Practical Example: The statement of Umm ‘Aṭiyyah (may Allah be pleased with her): "Umirnā an nukhrija fī al-‘īdayni al-‘awātiq." (We were commanded to bring out the young unmarried women for the two Eid prayers) [Ṣaḥīḥ Muslim, Ḥadīth 890] [28]. Similarly, her statement regarding funerals: "Nuhīnā ‘an ittibā‘i al-janā’izi wa lam yu‘zam ‘alaynā." (We were forbidden from following funeral processions, though it was not made an absolute prohibition for us) [27].

5.5. Exegetical Attribution (Tafsīr al-Ṣaḥābī)

In Qur'anic exegesis, if a Companion provides a contextual explanation regarding the specific historical cause of revelation (asbāb al-nuzūl), the rewayt is treated as marfū‘ ḥukmī [30].

Practical Example: Jābir ibn ‘Abdillāh's explanation regarding the historical context behind the revelation of verse 2:223 concerning marital relations, directly clarifying a misinterpretation propagated by local Jewish groups in Medina [Sunan al-Tirmidhī, Ḥadīth 2978] [30]. Conversely, general linguistic explanations of Qur'anic terms by Companions remain classified as standard mawqūf exegesis [27].

5.6. Indirect Technical Elevation Phrases

When a subsequent narrator in the narrative chain uses specialized abbreviated phrases when transmitting from a Companion—such as "yarfa‘uhu" (he elevates it), "namāhu" (he attributes it upward), "yablughu bihi" (he reaches with it [the Prophet]), or "riwāyatan" (as a direct narration)—these technical terms function as explicit indications of a marfū‘ tradition [17, 19]. Al-Khaṭīb al-Baghdādī devoted a specialized chapter in Al-Kifāyah to documenting these conventions [19].

6. THE LEGAL STATUS AND AUTHORITY OF THE COMPANIONS (ḤUJJIYYAT QAWL AL-ṢAḤĀBĪ)

6.1. Definition and Scholarly Qualification of a Companion

The theoretical discussion regarding the authority of companion statements (qawl al-ṣaḥābī) requires a clear definition of who qualifies as a Companion [31, 33, 34]. Differences exist between Hadīth critics and legal theorists (al-uṣūliyyūn) :

- Definition of the Hadīth Specialists (Al-Muḥaddithūn): Ibn Ḥajar al-‘Asqalānī summarizes the dominant view: A Companion is anyone who met the Prophet Muhammad (peace be upon him) while believing in him, and died upon Islam, regardless of whether their companionship was long or short, or whether they narrated Hadīth from him or not [31, 32]. Imām al-Bukhārī and Imām Aḥmad ibn Ḥanbal maintained this inclusive definition [32].
- Definition of the Legal Theorists (Al-Uṣūliyyūn): Many jurists require extended physical companionship (ṭūl al-muṣāḥabah) and study [33, 34, 35]. Imām al-Ghazālī notes in Al-Mustaṣfā that while meeting the Prophet grants the honor of companionship, legal authority attaches to those who maintained consistent companionship such that they were recognized as his students [33]. Legal theorists often limit this level of legal authority to major juristic figures among the Companions, such as the Four Rightly-Guided Caliphs and the ‘Abādilah (the ‘Abdullāhs: Ibn ‘Abbās, Ibn ‘Umar, Ibn Mas‘ūd, and Ibn al-Zubayr) [40].

Preferred View (Al-Madhhab al-Rājiḥ): In matters of narrative transmission, the Hadīth critics' definition is authoritative: anyone who met the Prophet in faith is a Companion [36]. This is supported by the sound tradition in Ṣaḥīḥ al-Bukhārī describing military victories achieved by those who saw the Prophet [36]. However, in matters of

legal deduction (ijtihād), jurists prioritize those Companions recognized for deep legal understanding (al-fuqahā' min al-ṣaḥābah) [40].

6.2. Categorization of Companion Statements

In legal theory, statements issued by Companions are divided into five distinct operational categories [36, 40]:

Non-Deducible Declarations: Statements concerning matters not open to analogical reasoning [41]. These carry unanimous legal authority because they fall under the rule of constructive elevation (marfūʿ ḥukmī) [41].

Consensus by Silence (Al-Ijmāʿ al-Sukūtī): A ruling issued by a Companion that becomes widely known among the community without any Companion expressing disagreement [36]. The majority of jurists consider this a binding form of tacit consensus [36].

Contested Statements: A ruling issued on an issue where other Companions expressed explicit disagreement [36]. Such individual statements are not binding on other jurists; contemporary and subsequent scholars must evaluate the arguments using primary evidences [36].

Retracted Rulings: A statement from which the Companion is authentically reported to have retracted [36]. These lose all legal authority [36].

Isolated Juristic Opinions: A Companion's personal legal opinion on an issue open to reasoning that was neither widely circulated nor opposed [40]. This category constitutes the primary area of disagreement among legal theorists [40].

7. Comparative Analysis of Juristic Methodologies (Kutub al-Fiqh and Uṣūl)

The four Sunni schools of jurisprudence have developed distinct frameworks regarding how companion rewayat (mawqūfāt) interact with primary texts and analogical reasoning (qiyās) :

7.1. The Hanafi School

Imām Abū Ḥanīfah (80–150 AH) articulated his methodology clearly in a famous statement recorded by Ibn ʿAbd al-Barr :

"Ākhudhu bi-kitābillāhi idhā wajadtuhu, fa-mā lam ajidhu fīhi akhadhtu bi-sunnati rasūlillāhi wa-l-āthāri al-ṣiḥāḥi ʿanhu allatī fashat fī aydī al-thiqāt. Fa-idhā lam ajid fī kitābillāhi wa-lā sunnati rasūlillāhi ṣallallāhu ʿalayhi wa sallam, akhadhtu bi-qawli aṣḥābihi man shiʾtu wa adhaʿu qawla man shiʾt, thumma lā akhruju min qawlihim ilā qawli ghayrihim. Fa-idhā intahā al-amru ilā Ibrāhīm wa-l-Shaʿbī wa-Ibn al-Musayyib... fa-lī an ajtahida kamā ijtahadū." [42]

(Translation: I take from the Book of Allah if I find the ruling therein. If I do not find it there, I take from the Sunnah of the Messenger of Allah and authentic traditions transmitted by trustworthy narrators. If I find nothing in the Book of Allah nor the Sunnah, I take from the statements of his Companions, selecting from among them as I see fit, but I do not leave their collective statements for the statements of others. But when the matter reaches Ibrāhīm, al-Shaʿbī, Ibn al-Musayyib, al-Ḥasan, and ʿAṭāʾ, then I exercise my own ijtihād just as they exercised theirs) [42].

The Hanafi school prioritizes the statement of a Companion over strict analogical reasoning (qiyās), based on the principle that a Companion's legal stance likely rests upon an unarticulated Prophetic instruction [44, 64, 66].

7.2. The Maliki School

Imām Mālik ibn Anas (93–179 AH), known as the Imām of the Abode of Emigration (Medina), integrated companion rulings closely into his methodology [56]. He viewed the continuous practice of the people of Medina (ʿamal ahl al-madīnah)—which was largely transmitted through companion fatwas—as an authoritative legal source superior to isolated singular Hadīths (khabar al-āḥād) [56]. For Imām Mālik, companion rulings preserved in Medina represented the practical continuation of the Prophetic Sunnah [56].

7.3. The Shafiʿi School

Imām al-Shāfiʿī (150–204 AH) introduced a more systematic distinction between direct Prophetic traditions and companion statements [47]. In his early methodology (al-madhhab al-qadīm in Iraq), he accepted companion fatwas as authoritative under specific conditions [43]. However, in his mature methodology (al-madhhab al-jadīd in Egypt, compiled in Al-Umm and Al-Risālah), he argued that an isolated companion opinion does not constitute binding legal proof over other qualified jurists [43, 47]. Jurists may adopt a companion's opinion if it aligns with analogical reasoning (qiyās) or public benefit, but the opinion itself is not an independent source of divine law [43, 47].

7.4. The Hanbali School

Imām Aḥmad ibn Ḥanbal (164–241 AH) prioritized companion fatwas directly after the Qur'an and authentic Prophetic traditions [40]. He favored a companion statement or a weak (ḍa‘īf) Hadīth over pure analogical reasoning (qiyās) [40]. If the Companions differed on an issue, Imām Aḥmad would record their differing positions without forcing a speculative preference, choosing the view closest to the spirit of the Qur'an and Sunnah [40].

8. Case Studies and Applied Legal Analysis (Al-Tadaqquqāt al-Fiqhiyyah)

8.1. Case Study 1: The Maximum Duration of Gestation (Akthar Muddat al-Ḥaml)

Because the Qur'an does not explicitly define the maximum time limit for pregnancy, jurists relied significantly upon empirical observation and companion statements:

- The Hanafi Stance: Hanafis set the maximum duration at exactly two years [49]. They base this ruling on a statement attributed to ‘Ā’ishah (may Allah be pleased with her): "Al-waladu lā yabqā fī al-baṭni akthara min sanatayni wa law bi-fiḍli mighzal." (A child does not remain in the womb longer than two years, even by the movement of a spindle) [49]. Because the physical length of gestation is an empirical matter outside personal legal reasoning, Hanafis treat this statement as a marfū‘ ḥukmī tradition that establishes an absolute legal limit [49].
- The Shafi‘i, Hanbali, and Maliki Stance: The majority of jurists—including Imām al-Shāfi‘ī, Imām Aḥmad, and Imām Mālik in his primary view—set the maximum limit at four years [50]. They base this on documented cases reported in their time [50]. When Walīd ibn Muslim asked Imām Mālik about ‘Ā’ishah's statement, Mālik replied: "Subḥānallāh! Who says this? Our neighbor, the wife of Muḥammad ibn ‘Ajlān, carried her child for four years before giving birth!" [50].

8.2. Case Study 2: Minimum and Maximum Duration of Menses (Aqall wa Akthar al-Ḥayḍ)

Determining the biological boundaries of menstruation is critical for governing prayer, fasting, and divorce wait periods :

- The Hanafi Stance: Hanafis establish the minimum duration at three days and nights, and the maximum at ten days [50]. They derive this from the statement of Anas ibn Mālik: "Qur’u al-mar’ati thalāth, arba‘, khams, sitt, sab‘, thamān, tis‘, ‘ashr." (The menstrual period of a woman is three, four, five, six, seven, eight, nine, or ten days) [50]. They also cite a tradition from Wā’ilah ibn al-Asqa‘ stating: "Aqallu al-ḥayḍi thalāthatu ayyāmin wa aktharuhu ‘ashrah." [50]. Because numerical ritual boundaries cannot be derived through standard analogy, Hanafis treat these companion declarations as constructively elevated instructions [50].
- The Shafi‘i and Hanbali Stance: Shafi‘is and Hanbalis set the minimum duration at one day and night (24 hours) and the maximum at fifteen days [50]. They argue that because scripture and language do not define a specific numerical boundary, jurists must defer to social custom (‘urf) and empirical practice [50]. They critique the narrations attributed to Wā’ilah and Anas due to individual weaknesses in their narrative chains [50].

8.3. Case Study 3: Conditional Repurchase Sales (Bay‘ al-‘Īnah)

Bay‘ al-‘īnah involves selling an item on deferred payment and then repurchasing it immediately from the buyer for a lower cash price, creating an indirect interest-bearing loan :

- The Majority Stance (Hanafi, Maliki, Hanbali): The majority of jurists forbid this transaction, deeming it a legal trick (ḥīlah) to bypass the prohibition of usury (ribā) [48]. They base their position on a rewayt from ‘Ā’ishah recorded by ‘Abd al-Razzāq [48]. A woman came to ‘Ā’ishah and said she had sold a servant to Zayd ibn Arqam for 800 dirhams on credit, then repurchased him for 600 dirhams in cash [48]. ‘Ā’ishah remarked: "What a terrible transaction you have made! Inform Zayd that he has invalidated his jihad alongside the Messenger of Allah unless he repents!" [48]. Jurists argue that ‘Ā’ishah could only have issued such a severe warning—stating that a major act of worship was invalidated—if she was conveying an explicit rule learned directly from the Prophet [48].
- The Shafi‘i Stance: Imām al-Shāfi‘ī considers the contract structurally valid if all formal legal conditions are met, evaluating contracts based on explicit terms rather than hidden intentions [47]. He notes that if the rewayt from ‘Ā’ishah were authentically established, it might refer to an unspecified delivery period, but maintains that her statement represents her personal view [47].

8.4. Case Study 4: Inheritance Rights in Death-Sickness Divorces (Ṭalāq al-Fārr)

If a terminally ill husband issues an irrevocable divorce (ṭalāq bā'in) to disinherit his wife before his death, jurists differ on whether her inheritance rights remain intact [50]:

- The Majority Stance (Hanafi, Maliki, Hanbali): The majority rule that the divorced wife retains her right to inherit if the husband dies during her waiting period (‘iddah) [50]. They base this on the judicial precedent of ‘Uthmān ibn ‘Affān, who awarded inheritance to Tamāḍir bint al-Aṣbagh al-Kalbiyyah after ‘Abd al-Raḥmān ibn ‘Awf divorced her during his terminal illness [50]. This judicial ruling occurred publicly among the Companions without objection, establishing a tacit legal consensus (ijmā‘ sukūtī) [50].
- The Shafi‘i Stance (New School): Imām al-Shāfi‘ī holds that once an irrevocable divorce takes effect, marital ties are dissolved [47]. Consequently, the woman loses inheritance rights because inheritance is legally contingent upon an existing marital contract at the time of death [47].

9. Critical Evaluation Principles: Dirāyah and Textual Critique

Hadīth scholars evaluate traditions not only through chain analysis (al-naqd al-isnādī) but also through textual analysis (al-naqd al-matnī / al-dirāyah) [57, 60]. A narrative—even if possessing an authentic chain—must be evaluated against primary criteria :

9.1. Conformity with the Holy Qur'an

Because the Qur'an represents definitive divine revelation (qaṭ‘ī al-thubūt), any isolated rewayt (khabar al-āḥād) that directly contradicts the text or spirit of a Qur'anic verse must be harmonized, re-interpreted, or rejected [57, 59].
Historical Companion Precedents:

- ‘Umar ibn al-Khaṭṭāb: Rejected the rewayt of Fāṭimah bint Qays—who claimed that a permanently divorced woman is entitled to neither housing nor financial maintenance—because he viewed it as conflicting with Surah al-Ṭalāq [65:6] [59]. ‘Umar remarked: "We will not abandon the Book of our Lord and the Sunnah of our Prophet for the statement of a woman who may have remembered or forgotten!" [59].
- ‘Ā’ishah: Rejected the literal interpretation of the rewayt stating that a deceased person is punished due to the weeping of their family [14]. She cited Surah al-An‘ām [6:164]: "Wa lā taziru wāziratun wizra ukhrā" (And no bearer of burdens shall bear the burden of another) [61].

9.2. Conformity with Universal Sharī‘ah Principles (Qawā‘id al-Sharī‘ah)

Imām al-Dabūsī and Imām al-Sarakhsī emphasize that if an isolated rewayt contradicts established legal principles, jurists must subject the rewayt to careful re-interpretation [57, 60]. An example is the rule regarding a farm animal whose milk was intentionally retained before sale (al-muṣarrāh) [56]. While the literal text suggests returning a ṣā‘ of dates alongside the animal, Hanafis apply general liability principles (al-kharāj bi-l-ḍamān) to contextualize the requirement [56].

9.3. Harmony with Practical Companion Implementation

If a Companion narrating a rewayt issues a formal fatwa that directly contradicts their own narration, Hanafi scholars prioritize the Companion's practical fatwa over the literal text of the narration [63]. The underlying rationale is that a Companion would only issue a fatwa contrary to their narration if they possessed knowledge that the tradition was abrogated, restricted, or intended for a specific context [63].
Practical Example: Abū Hurayrah narrated the Hadīth instructing that a vessel licked by a dog must be washed seven times [28]. However, his documented personal fatwa instructed washing the vessel three times [63]. Hanafi jurists adopted the three-time washing requirement based on his practical fatwa [63].

10. Findings and Recommendations

10.1. Research Findings

Nuanced Authority of Mawqūf rewayat: A mawqūf narrative is not a uniform category of secondary legal evidence; it encompasses a spectrum ranging from subjective companion opinion to traditions carrying full Prophetic authority (marfū‘ ḥukmī) .
Objective Elevation Criteria: The transformation of a mawqūf rewayt into a marfū‘ ḥukmī rewayt is governed by verifiable textual markers, including non-rational content (‘adam majāl al-ra’y), passive imperatival structures

(umirnā/nuhīnā), standard Sunnah designations (min al-sunnah), and explicit references to the Prophetic era [17, 27].

Hermeneutical Alignment Among Schools: While legal schools differ on the binding nature of isolated companion fatwas, they maintain consensus that companion declarations in non-deducible ritual matters possess binding Prophetic authority [1, 41, 44].

Central Role of Textual Critique (Dirāyah): The authentication of marfūʿ ḥukmī narratives requires combining chain analysis with textual critique, ensuring harmony with Qur'anic principles and established legal rules [57, 60].

10.2. Practical Recommendations

Methodological Rigor in Modern Ijtihād: Contemporary researchers and legal councils (al-majāmiʿ al-fiqhiyyah) must systematically apply classical textual criteria when referencing companion traditions, distinguishing between personal historical opinions and binding Prophetic rulings .

Integration of Classical Hadīth Criticism and Legal Theory: Academic curricula in Islamic studies should bridge the gap between formal Hadīth classification (muṣṭalaḥ al-ḥadīth) and legal deduction (uṣūl al-fiqh), highlighting how marfūʿḥukmī rulings operate in comparative law .

Publication of Specialized Hermeneutical Manuals: Scholars should develop specialized, indexed reference guides compiling all authentic marfūʿḥukmī narrations found in classical Hadīth compendia, categorized by legal themes .

11. Conclusion

This study demonstrates that the legal authority of mawqūf rewayat is multifaceted. While a mawqūf tradition is textually anchored to a Companion, its functional legal force depends upon identifiable textual indicators. When a narrative deals with matters beyond personal opinion, utilizes standardized formulas of command or Sunnah, or describes practices linked to the era of revelation, it operates as a constructively elevated Prophetic rewayt (marfūʿ ḥukmī) . Rigorous application of these hermeneutical criteria ensures a balanced methodology—preserving valid Prophetic guidance while accurately situating the historical legal efforts of the Companions.

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