

SECONDARY SOURCE: *RA'I AL-SAHABI*

Ra'i al-Sahabi is the reasoning or Opinion of a Companion of the Prophet (ﷺ). This is often discerned from a recorded saying or *fatwa* of a Companion (*sahabi*) which has not been contradicted by any other Companion's opinion.¹

Some scholars use the following verses to support the authority of *Ra'i al-Sahabi*:

"O you who believe, obey Allah and obey the Messenger and those in authority among you". (Quran 4:59)

"And the foremost of those who forsook their homes and emigrated with the Messenger, those who welcomed them and gave them aid and those who followed their example, are the recipients of Allah's blessings. Allah has been gracious to them. He is well pleased with them and they with Him." (Quran 9:100)

The Prophet (ﷺ) said, *"You must follow my sunnah and that of my rightly-guided successors. Hold to it and stick fast to it. Avoid innovation, for every innovation is a heresy, and every heresy is an error".²*

"My companions are like stars. You will be guided by any one of them you follow".³

"The best generation is my generation, then those who follow them, and then those who follow them".⁴

¹ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, The Islamic Text Society, Cambridge, 2003, p.313-322; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.128-129.

² *Al-Mustadrak*, no.329; *Al-Baihaqi, al-Sunan al-Kubrah*, no. 20835; *Ibn Majah, Sunan Ibn Majah*, no. 42; *Musnad Imam Ahmad* no.17145; *Sunan al-Tirmidhi*, no.2676; *Sunan Ibn Majah*, no. 42; *Sunan al-Darimi*, no. 95.

³ Abdulrahman Al-Sulami, *Adab al-Suhbah*, Dar al-Suhbah, no.192; Other Hadith Scholars such as Ibn Hazm, Ibn Hajar, Ibn Mulaqqan, and Al-Albani consider this hadith to be fabricated (*mawdu'*). For more discussions, see 'Umar bin Ali bin Mulaqqan, *Al-Badr Al-Munir*, Dar al-Hijrah, Riyadh, 1425 AH, vol. 9, p.584; Muhammad Nasirudeen al-Albani, *Silsilat al-Ahadith al-da'ifah*, Riyadh, 1992, vol. 1, p.144, no. 58; Ahmad bin Ali bin Muhammad Ibn Hajar, *Al-Talkhis al-Habir*, Dar al-Kutub al-'Ilmiyyah, 1419 AH, no. 2098; Ali bin Ahmad bin Hazm, *Al-Ihkam fi Usul al-Ahkam*, Dar al-Hadith, Cairo, 1404 AH, vol.5, p.61.

⁴ *Sahih al-Bukhari*, no. 2652; *Sahih Muslim*, no. 6635; *Sunan al-Baihaqi Al-Kubra*, no. 20174; *Al-Mustadrak*, no. 4871; *Sunan al-Tirmidhi*, no. 2221.

Examples of rulings based on the Opinion of a Companion include the *fatwa* of 'Umar bin al-Khattab on the finality of triple-divorce at one instance. During his caliphate (rule), 'Umar judged that any man who divorced his wife by pronouncing divorce three times on one occasion has divorced her irrevocably. This was a departure from what was known during the time of the Prophet (ﷺ) and Abu Bakr, who preceded him. It is widely understood that he instituted this policy in order to stop men from using utterances of divorce as a means of verbal abuse.⁵

While most scholars regard the opinion of a Companion as a binding source of jurisprudence (or law), others such as **Imam Ahmad bin Hanbal** (in one of his reported views), the Ash'arites, **Abu Hamid Al-Ghazali**, **Ibn Taimiyah**, **Ibn Hazm** and the Zahiri School, **Al-Subki**, the Hanafi scholar **Abu al-Hassan al-Karkhi**, and **Al-Shawkani** do not.⁶ Ibn Hazm, in fact, prohibited the "imitation of anyone other than the Prophet (ﷺ) including the Companions."⁷

DISCUSSION QUESTIONS:

1. Explain what is meant by *Ra'i al-Sahabi* and give at least one example
2. Give at least 3 examples of textual evidence used to justify the authority of *Ra'i al-Sahabi*.
3. List some of the classical scholars who did not regard the opinion of a Companion (*sahabi*) as a binding source of law (*Shari'ah*).

⁵ Muslim, *Sahih Muslim*, vol.2, p.759; Ahmad, *al-Musnad*, vol.4, p.314; For a more detailed discussion on the reason for Ibn Taimiyah's objections to the position that an intended triple divorce is terminal, see Abdul Hakim I. Al-Matroudi, *The Hanbali School of Law and Ibn Taymiyyah: Conflict or Conciliation*, Routledge, New York, 2006, p.171–185.

⁶ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, The Islamic Text Society, Cambridge, 2003, p.315–322; Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.128–129

⁷ See Ibn Hazm, *Al-Ihkam*, p. 539, cited in Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, IIIT, London, 2008, p.129.