

Explanation of Imam Al-Tirmidhi in Conflicting Islamic Jurisprudence

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Abstract

The *Jami al-Tirmidhi* is one the hadith scriptures that explains a lot about the main problems in Islam, such as Islamic jurisprudence (*fiqh*), beliefs (*aqidah*) and Islamic etiquette (*adab*). When discussing the problems associated with *fiqh*, Imam al-Tirmidhi had gathered quotes from various hadith that have been argued upon by numerous *fuqaha* (experts on Islamic jurisprudence) while elaborating on their various opinions over time until this present day. These various opinions and views found in the *Jami al-Tirmidhi* were compiled to discuss the problems associated with *khilaf* (comparative or conflicting). Thus, there is a need among researchers to examine and understand the methods used by the Imam in explaining these differences in opinion. There are numerous means to identify *khilaf* in his works. This research intends to explain the method used by Imam al-Tirmidhi to elaborate on *khilaf* via the technique of interpreting *tarjamah mursalah*. Some forty hadith that discussed *khilaf* pertaining to interpreting *tarjamah mursalah* were chosen as examples and only one example in the discussion would be explained in this study. This qualitative study used the literature review framework and obtained research data through document analysis. In general, it was found that Imam al-Tirmidhi used the interpretation of current issues to explain *khilaf* and has his own methods for solving *khilaf* in opinions (conflict of opinions) among the *ulama* (religious scholars). Hence, understanding Imam al-Tirmidhi's method of writing in his *Jami* is important in ensuring no negative assumptions are formed towards an imam, *muhaddith* (interpreter of the hadith), *mujtahid* (authority on Islamic law) or *murajjih*.

Keywords: Imam al-Tirmidhi's methodology; *Jami al-Tirmidhi*; *khilaf* (conflicting); interpreting current issues (*tarjamah mursalah*); problems associated with Islamic jurisprudence (*fiqh*).

1. Introduction

The arrangement of chapter headings in a hadith is an important element for an author because the author's way of thinking is reflected in the arrangements. A gifted author is capable of exposing the greatness of the contents by having headings that are concise and systematic. Hence, the arrangement of titles also plays a part in ensuring the capability of the author in delivering certain information. Thus, the same principle applies to the *Jami*, whereby Imam al-Tirmidhi had used his expertise to explain the position of the hadiths and explain the thoughts of the *fuqaha* during his time. The arranged titles were divided into three sections, namely the interpretation of the *zahiriyah*, *istinbatiyah* and *mursalah*.

Therefore, since one of Imam al-Tirmidhi's intentions of writing the *Jami* was to explain the thoughts of the *fuqaha*, hence, the scope of the discussions cannot divert from the problems associated with *khilaf* (conflict). Among the methods used by Imam al-Tirmidhi in explaining *khilaf* was by using the interpretation of *tarjamah mursalah*. Hence, to know about *khilaf*, the researcher has to identify certain current issues that reflect *khilaf* (conflict) and its relationship with comparative *fiqh* (comparative Islamic jurisprudence).

2. Literature Review

This section looks at the various definitions of *khilaf* (conflicting), understanding the *ulama's* *khilaf*, *khilaf* in *al-Jami al-Tirmidhi*, as well as prior researches on this title.

2.1 Definitions of *khilaf* (conflicting)

The subject of *khilaf* is closely associated with a person's understanding of some matter. According to Ibrahim Mustafa (n.d, p.250), *khilaf* means something that changes and destroys. It can also mean two things that cannot be consolidated or are not the same. Al-Fairuz Abadi (2005, p.808) iterated that *khilaf* was taken from the religious attestation "*ikhtalafa*", which means to oppose and to the attestation "*ittafaqa*", which means to collude or compromise. While, *khilaf* according to Ibn Manzur (1994, p.90) means something that opposes another. The author has chosen the definition of *khilaf* as a difference in opinion that naturally cannot be consolidated or colluded by the *ulama* (intellectuals) about its religious righteousness.

2.2 Understanding the *ulama's* *khilaf*

Every human has differing opinions about something. Differences in opinion occur due to educational background, level of understanding, family upbringing, society and time that influences a person's thinking. In addition, Islam forbids its followers to disagree and disunite dur to matters pertaining to *usul* (methods of deduction) but its does not forbid them from having differences in opinion on matters pertaining to *furu* (in the branch of problem) as long it is based on concrete arguments. This is because what might have public interest (*maslahah*) at one moment in time might be irrelevant at another time and place. Thus, matters of public interest cannot be avoided and can happen at any time and place. Hence, Islam has set several guidelines when facing matters related to *khilaf* (conflicts).

2.3 *Khilaf* in *al-Jami al-Tirmidhi*

Overall, this research intends to identify *Imam al-Tirmidhi's* methodology in elucidating the *ulama's* *khilaf* (conflicting views) found in the *Jami* scripture. Ahamad Asmadi (1998, p.258) iterated that *Imam al-Tirmidhi* usually adduced hadith reflecting the prophet's says into two chapters that contained a lot of narrated hadith. Each opinion from a group was adduced in a chapter, accompanied by hadith that touches on the matter of public interest. Hence, this is the *Imam's* method if there occurs a conflict in religious righteousness (*hukm*) regarding matters of public interest, whereby the *Imam* creates a chapter and later mentions the *khilaf*. In addition, a guideline on the method of comprehending the *ulama's* *khilaf* would be created, especially when comprehending the *Jami Imam al-Tirmidhi* scripture.

3. Research Methodology

This is a qualitative research using the content analysis approach. Among the main documents used is the *Sunan al-Tirmidhi* scripture by Abu Isa Muhammad bin Isa bin Sawrah bin Musa bin al-Dahak al-Tirmidhi. This scripture is the main source of reference because the researcher had used several chapters as the research sample to explain how *Imam al-Tirmidhi's* methodology explains the interpretation of *tarjamah mursalah*, especially those involved in *khilaf*. The second scripture is the *Tuhfat al-Awhadhi bi Sharh Jami al-Tirmidhi* by Muhammad Abd al-Rahman Abd al-Rahim al-Mubarakfuri, which is an elaboration on the *Jami al-Tirmidhi* scripture and inadvertently throws some light on the views of the *ulama* on a particular hadiths and whether it elucidates the *ijma*, *khilaf* (conflicts), *furu* (normative rulings) or *nasikh mansukh* (abrogation). Besides that, another scripture, the *al-Imam al-Tirmidhi wa al-Muwazanah Baina Jamihi wa Baina al-Sahihain* which was written by Nur al-Din Itr, is also a main source of reference that touches on *manhaj* (methods) *al-Imam al-Tirmidhi* in his *Jami*. These scriptures were used to accurately analyse data related to *Imam al-Tirmidhi's* methods in elaborating on *khilaf*, especially those discuss about the *tarjamah mursalah*. Besides that, the researcher had used thesis, journals and articles to collect data related to *Imam al-Tirmidhi's* methodology in elaborating *khilaf*.

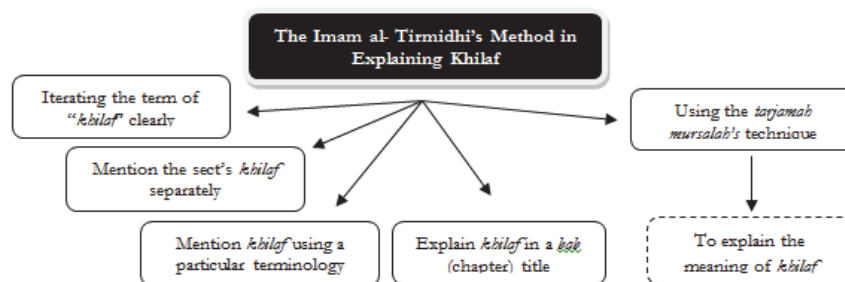
4. Findings and Discussion

4.1 The Method of Identifying *Khilaf* in *Jami al-Tirmidhi*

According to our opinion, the *Imam al-Tirmidhi* had used five methods to illustrate *khilaf*, namely mentioning *khilaf* clearly, mentioning *khilaf* by referring to specific terms, mentioning *khilaf* according to the sect (*mazhab*), mentioning *khilaf* according to the chapters discussed and using the *tarjamah mursalah* technique. The first method can be identified by examining the word "*khilaf*" or a word that carries the same meaning in the *Jami al-Tirmidhi* scripture. When identifying the second method, the researcher needs to examine a few terms that are frequently used by *Imam al-Tirmidhi* when explaining *khilaf*, such as "*amal inda akthar ahl al-ilm*", "*amal inda ahl al-ilm*" dan "*amal inda ba'd ahl al-ilm*".

The third method used by *Imam al-Tirmidhi* is to mention the sect's *khilaf* separately. This method is identifiable when he adduces a particular hadith, followed by an *imam's* opinion or opinions of several *imams* that eventually indicates the conflict in opinions. Meanwhile, the fourth method illustrates the *khilaf* issues related to discussions on the chapter headings. This method was identified when *Imam al-Tirmidhi* mentioned a hadith in a particular heading and the opinions of a *fuqaha*. Then came another hadith that was related to the same public interest under the next heading while mentioning an opinion of another *imam*.

Next, *Imam al-Tirmidhi* explained *khilaf* using the *al-tarjamah al-mursalah* technique. This method was identified through titles written in four ways, name "*bab*", "*bab minhu*", "*bab minhu akhar*" and "*bab minhu aidan*". All these four ways explain a particular *maqasid* when explaining the *ulama's khilaf*. All the five methods can be summarized as follows:



4.2 Using the *al-tarjamah al-mursalah* technique to explain *khilaf*

Imam al-Tirmidhi had used the '*tarjamah mursalah*', which was the word *Bab*, with no subsequent words such as *Bab Minhu*, *Bab Akhar*, *Bab Minhu Akhar* and *Bab Minhu Aidan* in his writings. He used this technique to explain *ijmak*, *nasikh mansukh*, *masalahah furu* and *khilaf*. In explaining the *khilaf fiqh*, *Imam al-Tirmidhi* had used "*Bab*" three times, such as in *Abwab al-Hajj* (hadith 907) and twice more in *Abwab al-Buyu* (hadith 1257 and 1264). The religious attestation (*kalimah*) "*Bab Minhu*" was used nine times as in *Abwab al-Salat* (four times in hadith 150, 304, 362, 442); *Abwab al-Sawm* (once in hadith 795); *Abwab al-Hajj* (twice in hadith 932 and 942); *Abwab al-Janazah* (one in hadith 995) and *Abwab al-Nikah* (once in hadith 1114).

Besides that, the use of "*Bab Akhar*" to explain *khilaf* was used only once as in *Abwab al-Salat* (hadith 426). *Imam al-Tirmidhi* had used the term "*Bab Minhu Akhar*" in *Abwab al-Salat* three times (hadith 211, 267 and 269). Meanwhile, the term "*Bab Minhu Aidan*" was used four times in *Abwab al-Salat* (hadith 289, 290, 293 and 296).

4.3 Examples of the "*tarjamah mursalah*" Technique

One of the uses of this method is to explain *khilaf* that occurs when discussing an issue on *fiqh*. For example, it could be applied in discussions related to capital rotations, as narrated in this hadith:

Meaning:

Muhammad bin Bashar reported that Abd al-Rahman bin Mahdi who from Sufyan who from Mansur from Ibrahim who from al-Aswad who from Aisyah said that he wished to buy a slave named Barirah. Hence, the family had laid the condition of wala' (capital rotation) for them. The Prophet s.a.w. exhorted, "Buy him, as the wala' belongs to the one who pays or sets the other to freedom." (al-Tirmidhi 1975, v.3, p.548)

Abu Isa said: "There is a story in this chapter that has been told by Ibn Umar. The hadith by Aishah is authoritative (*hasan sahih*) and part of the wise scholars has practiced this hadith." He added something about the hereditary lineage of the hadith by saying, "Mansur bin al-Mu'tamir is better known as Abu Attab." Abu Bakr al-Attar al-Basri narrated to us from Ibn al-Madini, he said, "I heard Yahya bin Sa'id saying, I you heard the story from Mansur, then you have delivered goodness and you would not anything else". Then Yahya said, "I did not obtain this story from Ibrahim al-Nakha'i. Hence, Mujahid is better trusted than Mansur". Muhammad had told me what Abdullah bin Abi al-Aswad, Abd al-Rahman bin Mahdi had said, "Mansur is the most trustworthy among the people of Kufah". (al-Tirmidhi 1975, v.3, p.549).

This hadith elucidates on the need to apply the *wala'* condition in buying and selling transactions and this was initiated by the Prophet s.a.w. himself. In the next *bab*, Imam al-Tirmidhi does not mention the title specifically and brought about the following hadith:

Meaning: Abu Kuraib reported that Abu Bakr bin Ayyash who from Abi Husain from Habib bin Abi Thabit who from Hakim bin Hizam said that The Prophet s.a.w. had chosen Hakim bin Hizam as the representative to sell life stock for sacrifice for a few dinars, hence, they were sold with a profit and the rest of the life stock as well. Thus, when the life stock and the dinar were surrendered to the Prophet s.a.w., the Prophet s.a.w. had exhorted: "Sacrifice this lamb and donate the earnings." (al-Tirmidhi 1975, v.3, p.550).

The hadith in this chapter (*bab*) is a continuation from the previous chapter (*bab*), whereby in the *wala'* condition be present. Inadvertently, in this hadith, the Prophet s.a.w. did not allow Hakim bin Hizam to claim the profits obtained by selling the life stock meant for sacrificial purposes and ordered that the profits be donated because the sacrificial life stock were slaughtered in order to bring it closer to Allah s.w.t. Therefore, it is detestable (*makruh*) to claim the profits. Hence, this hadith has not escaped the criticism of the *ulama's* regarding its authenticity because Habib bin Abi Thabit did not hear it from Hakim bin Hizam (al-Mubarakfuri n.d, p.392). Furthermore, Sheikh al-Albani had categorised this hadith as weak (*da'if*).

Hence, thereafter *Imam al-Tirmidhi* had brought this hadith:

Meaning: Ahmad bin Sa'id al-Darimi reported from Habban, who is Ibn Hilal Abu Habib al-Basri, who from Harun al-A'war al-Muqri' who from Ibn Musa al-Qari who from al-Zubair bin al-Khirrit who from Abi Labid from Urwah al-Bariqi who said, "The Prophet s.a.w. had given one dinar to me to buy a goat but I bought two goats with that money. Hence, I had sold one goat for one dinar and brought the other goat to the Prophet s.a.w. and conveyed to the Prophet s.a.w. what had transpired. Hence, the Prophet s.a.w. exhorted, "I pray that Allah would bless you for that transaction". After that incident and a few days later he had gone to the market in Kufah and there he had gained huge profits and became the richest man in Kufah." (al-Tirmidhi 1975, v.3, p.551).

Abu Isa had said, "A portion of the *ulama's* sermonette with this hadith. This is the opinion of Imam Ahmad dan Ishaq. The rest of the *ulama's* did not sermon with this hadith and they were al-Syafi'i, and Sa'id bin Zaid, who was a relative of Hammad bin Zaid. The name Abu Labid is actually Limazah bin Zabbar (al-Tirmidhi 1975, v.3, p.551)

This hadith consolidates the authority on the feature of 'highly probable' (*mubah*), especially for representatives who sell merchandise at a price far more than that set by the supplier. This happens because the condition stipulated by the owner or supplier has been achieved hence the representative or merchant would charge extra for greater profits. Hence, it is allowed if the owner or supplier had set the representative to sell at one *dirham* but the representative sells at two *dirham*. This opinion was agreed by Imam Malik and Ahmad in one of the writings and al-Syafi'i in his *qawl al-qadim* (al-Mubarakfuri n.d, p.393).

Therefore, these were the *tarjamah mursalah* technique used by *Imam al-Tirmidhi* in explaining khilaf. The reason for using this technique was to give a clear picture to scripture researchers on the difference in opinion among the *fuqaha* based on the arguments of authority (*dalils*) they have. Hence, this technique appears to be one writing style that is difficult to identify in the discussions found in his scriptures.

5. Concluding Remarks

It can be summarized that imam al-Tirmidhi had used numerous approaches when explaining the *khilaf* among *ulama's*. Among them is the use of the *tarjamah mursalah* approach. This approach is in tandem with his intention to write his *Jami* scripture, which is to briefly explain the *illah* hadith and adduce the opinions of the *sahabah*, *tabi'in* and *fuqahas* until his time. Briefly, Imam al-Tirmidhi has succeeded in combining two sects (*mazhab*), namely the *muhaddithin* (traditionist) and

the *fuqaha* (jurists) in solving problems related to religion. This research is intended to facilitate readers in understanding the method of *tarjamah mursalah* by Imam al-Tirmidhi, especially in explaining the questions on *khilaf* among *ulama*'s. This is because he has adduced the subject of *khilaf* in his *Jami* scripture. Hence, it is not necessary for him to argue based on these authoritative opinions and views since he is already an *imam*, *muhaddith* (traditionist), *mujtahid* (striving to seek the truth) and *murajjih* (being superior). It is hoped that this research would help society to evaluate the scholarly attributes and prowess of Imam al-Tirmidhi in explaining *fiqh al-hadith* pertaining to *tarjamah mursalah*. Besides that, it is the intention of the researcher to create awareness among society regarding the method of interacting with the hadith and opinions of *ulama*'s in order to avoid any suspicion towards the teachings delivered by the Prophet Muhammad SAW.

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