A Contextual Approach in Understanding The Prophet’s Hadith: An Analysis

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ABSTRACT

This article discusses the importance of a contextual approach in understanding the hadith of the Prophet (PBUH). This discussion is all the more important due to the extensiveness of the field and branches of hadith science itself, encompassing the hadith sciences of riwayah (study of hadith text or narration) and dirayah (study of chains and conditions of hadith or rationality) apart from the reason of preventing an erroneous and inaccurate understanding of hadith. The purpose of this article is to identify the characteristics and criteria of hadith which are suitable for understanding in a contextual way. The identification of such characteristics and criteria is very essential for the knowledge of the Muslim ummah in order to prevent misconceptions of the Prophet’s (PBUH) hadith or deviations from the intended meanings. Several examples of the use of contextual approach by past hadith scholars in explanatory hadith books are also presented. This article also exposes the effect and consequences of errors in the application of both these approaches by submitting examples of understanding hadith by contemporary Muslim scholars.

Key words: contextual approach, hadith criteria, hadith element, al-Mutaghayyir (variable/interchangable), al-Thawabit (constant)

Introduction

Hadith is the second source of Islamic teachings after the Quran. Hadith also plays the role of explaining the Quran, preaching the laws in it as well as its details (Abu Shahbah 1991) in the form of specifying the general, binding the absolute, reinforcing the Quranic contents in addition to prescribing new laws not in the Quran (al-Siba’i 1998), or as described by Nur al-Din ‘Itir (1972) as al-Mubayyin min al-Mubayyan, and also as mu’allim (teacher) and murabbi (educator) by Muhammad ‘Ijaj al-Khatib (1988). Thus, a correct and accurate understanding of the function and role of the hadith can prevent it from being misunderstood. However, understanding the Hadith as intended by the Prophet (PBUH) is not an easy matter. This is the reason why al-Qaradawi (1990) asserts the importance of mastering the method of understanding hadith so that hadith may be practised as it truly should be. It requires sufficient knowledge of the rules and methodology to understand hadith. According to al-Albani (1993), understanding is even more important in matters of the halal (permissible) and haram (forbidden) in Islam, whereby it has to be done by the method of takhrij (authentication) to determine the hadith ruling concerned whether it is valid or otherwise.

Correct understanding of the hadith is also important because of the extensiveness of the field and branches of hadith science itself which encompass the hadith sciences of riwayah (study of hadith text or narration) and dirayah (study of chains and conditions of hadith or rationality). Among the sciences in the hadith field of dirayah which needs to be well understood is the science of mukhtalif al-hadith (contrasting hadith), mushkil al-hadith (problems of hadith), asbab al-wurud (reasons for stating hadith), nasikh mansukh (abrogated and abrogation) in addition to the sciences related to usul fiqh (sources of jurisprudence) such as al-am (general) and al-khas (specific), mutlaq maqayyad (absolute but restricted) and the like. Ilmu Asbab al-Wurud is a science very important in understanding hadith. Through asbab al-wurud one can determine the background event or incident of a hadith and the factor of delivery of the Prophet’s (PBUH) saying. The Prophet’s (PBUH) commands and prohibitions have the possibilities of different backgrounds and certain or specific purposes for certain Companions or situations. In this case, knowledge of the asbab al-wurud of a hadith will result in accurate understanding of its meaning (al-Qaradawi 1990). However an issue arises because not all the hadith have a specific asbab al-wurud. In this case, a contextual approach is the best option in accurate understanding of the hadith. This is because the contents of hadith contain two elements of equal importance, the first element which is fixed and permanent until the day of kiamah (resurrection) and a second element which is flexible and
variable in terms of practice. Therefore, this article discusses the importance of the contextual approach in understanding the hadith, the conditions and examples of hadith which need to be understood by this approach.

Materials and Methods

The research methodology used in this article is literature review with analytical approach to identify the characteristics and criteria of hadith which are suitable for understanding in a contextual way. The identification of such characteristics and criteria is very essential for the knowledge of the Muslim ummah in order to prevent misconceptions of the Prophet’s (PBUH) hadith or deviations from the intended meanings. Several examples of the use of contextual approach by past hadith scholars in explanatory hadith books are also presented. This article also exposes the effect and consequences of errors in the application of both these approaches by submitting examples of understanding hadith by contemporary Muslim scholars.

Results and Discussions

Definition of Contextual Approach:

Contextual means, connected with, or depending on the context (Noah Webster 1980). In Arabic language, it is referred to as ‘alaqaah, qarinah and siyaq al-kalam (relevance, connection and context of words) (3 Milton Cowan 1980). The contextual understanding of hadith means understanding the hadith by observing and studying the relevance of an incident or background situation of the appearance or emergence of the said hadith or in other words by observing and studying its context (al-Qaradawi 1996).

From the said meaning of contextual, it can be inferred that the meaning of contextual understanding of hadith in this study means an explanation of the Prophet’s (PBUH) hadith whether it be his words, action or even ruling based on the situation and condition when the hadith appeared, in order to relate it to the current understanding compatible with the modern development of knowledge (Ilyas Musti MA 2000).

The term contextual is also associated with the Arabic term known as al-bu’d al-zamani (dimension of time) and al-bu’d al-makani (dimension of place). According to Dr. Muhammad Abu Layth (2009), al-bu’d al-zamani is the situation and condition of the society faced by the Prophet (PBUH) for the entire period of his prophethood which lasted for 23 years. And al-bu’d al-makani is the situation of the Arabian Peninsula and the atmosphere in terms of weather, ‘uruf (custom), tradition, culture and practice faced by the Prophet (PBUH) in the duration of 23 years. The association between al-bu’d al-zamani and al-bu’d al-makani with the contextual approach is that both take into account that the time and place the messages were revealed are different from the time and place of contemporary Muslim society in understanding hadith.

Scope and Range of Contextual Approach:

The contextual approach may only be applied in understanding hadith which is categorized as al-mutaghayyirat (variable) that is, hadith which is variable in terms of its implementation according to change in time and place; while hadith associated with al-thawabit (constant) that is, hadith which does not vary in implementation until the day of kiamah (resurrection) even with changes in time and place, cannot be contextually understood. To clearly understand the meaning of thawabit and mutaghayyirat, the writer will bring in definitions based on the views of scholars (Muhammad Abu al-Layth 2009).

Definition of Al-Thawabit:

Al-Thabit is linguistically from the words thabata al-shai’ yathbutu- thabatan that is, if a person executes an order or command, it does not change the command (Ibn Manzur 1968). The meaning of Allah’s words in surah Hud ayat 120:

All that we relate to thee of the stories of the messengger – with it We make firm thy heart: in them there cometh to thee Truth, as well as an exhortation and a message of remembrance to those who believe.

Thawabit in terminology is the entire laws and part of the constant(thabit) as well as unchanging in spite of change in time and place, among which include the principles and basis encompassing aqidah (doctrine of belief), ibadah (worship), al-ghayb (unseen) matters, determination of rates such as fara’id (inheritance), muamalat (legal principles of transactions) such the prohibition of riba (usury) and the like. It includes matters of qat‘i (conclusiveness) and ijma’ (consensus) by interpreting opposing views as foreign or deviating. The objectives and purpose of a law are also considered as thawabit (constant). According to Ibn Qayyim al-Jawziyyah (1998), al-thawabit is similar to wujub al-wajibat (the obligation of compulsory matters), tahrim al-muharramat (the prohibition of matters disallowed), hudud (fixed punishments for serious crimes) and the like.
This means that these laws cannot be reviewed. These laws can be considered as al-thawabit (constant) to ensure the unity and solidarity of the ummah is safeguarded, and to avoid perversion of facts.

Definition of Al-Mutaghayyir:

Al-Mutaghayyir in linguistic terms is al-mutahawwil (transformable) and al-mutabaddil (changeable), that is variable (al-Fairuz Abadi 1987). Al-mutaghayyirat in terminology is a branch of law (furu’) which is variable by virtue of changes in time and place and situation based on the interest of law (maslahah al-shar’iyyah). It is also understood as laws which are bound to ’illah (cause). In other words, if ’illah or cause varies, so does the law. Included in al-mutaghayyir are sources of ijtihad (independent reasoning) which do not have definite authority from a valid text or clear ijma’ (consensus). A matter which needs to be very well understood is that taghayyur (change) in laws does not mean change in its essence, but what varies is the issue or concern which is subject to situation and condition. In other words, the implementation of hadith in certain situation and condition cannot be applied, yet in other situation and condition, the said hadith remains applicable. This includes the category below that is, ruling and wasilah (possible means) which facilitate understanding of ‘aqidah (doctrine of belief) or ’ibadah (worship) (Rabih 2009).

The inference from these two definitions above is that al-thawabit does not allow ijtihad (independent reasoning) and review even though there be change in time and place, whereas al-mutaghayyirat allows for new ijtihad (independent reasoning) based on ’ilal (causes), hikmat tasyri’ (wisdom of legislation) and maslahah (public interest).

The proof of the existence of al-mutaghayyirat in the laws are (Rabih 2009):
1- The existence of nasikh-mansukh (the abrogation and abrogated) in Quranic and sunnah laws.
2- The element of tadarruj (gradation) in the implementation of some shariah laws such as law on intoxicants, fornication and the like.
3- Revelation of law or command based on munasabat (with a background) and incident.

Among examples of laws in family issues which are deemed as thabit (constant or fixed) are as follows:
1- It is illegal to marry al-muharramat (consanguinely related precluding marriage)
2- The right of consent of a father over his daughter in her marriage.
3- Qawamah (Power) of a man over his wife and her right to maintenance from him.
4- A male has the conditional privilege to marry more than one.
5- The power of talaq (divorce) is with the male.
6- The limits of ’awrah (nakedness) for men and women.
7- Clothing which does not reveal the shape of the body.

And al-mutagahyyirah in family issues are as follows (Rabih 2009):
1- The amount of maintenance.
2- Prohibition for women to wear clothes which resemble men’s clothings. This is because the fashion of men’s and women’s clothings depends on the ‘uruf (custom) and tradition of a country or race.
3- Not to wear shuhrah (revealing) clothing based on hadith.
4- Not to wear clothing to resemble disbelievers.

Conditions of Hadith to be Contextually Understood:

As has been explained, the contextual approach involves only hadith in the category of al-mutaghayyirat. But the question arises as to when a hadith is considered as suitable to be contextually understood. This matter has been commented upon by Prof. Dr. Abu al-Layth (2009) in his discussion of dawabit al-bu’d al-zamani wa al-makani (length of time and distance) in his book, ‘Ulum al-Hadith Asiluha wa Mu'asiruha:

a) In a situation of emergency, an exception can be made such as when the Prophet (PBUH) gave relief to ’Abd al-Rahman bin ‘Auf and and Zubayr bin al-‘Awwam to wear silk on account of a disease they suffered.

b) The changes of nowadays are different from the time of the Prophet (PBUH). For example, the Prophet’s refusal to impose control to cap prices of things was because the high prices were not due to the human factor, in contrast to the Tabi’in times, what more the situation of nowadays.

c) Maslahah (public interest) and interest of society are taken into account. As example, the giving of half the land of Khaybar by the Prophet (PBUH) to the Muslim army which opened it, in comparison to the time of Saydina Umar who saw no necessity to give land to the Muslim army who opened the provinces.
d) Differences of 'uruf (custom) and tradition are taken into account. As example, prohibition of publicizing death because of the unpleasant practice of the pagan society in announcing death, or in regard to maintenance, it is obligatory and fixed from a husband to a wife as well as unchanging to the day of resurrection, but the amount varies according to 'uruf (custom) and tradition.

e) Change of time and place such as the Prophet’s (PBUH) prohibition of facing or turning one’s back on Kiblah (direction of Mecca) while relieving nature’s calls, some scholars state that this hadith applied to desert locations.

f) As saddan lizarai (to prevent damage).

The aspect of al-bu’ud al-zamani wa al-makani which is associated with the rule of understanding hadith is important, as raised by Taha Jabir al-Ulwani in the introduction to the book ‘Kayfa Ta’amal ma’a al-Sunnah al-Nabawiyyah’ by al-Qaradawi (1990).

The inference from the above conditions is that if there are reasons and conditions and the hindrance is no more, then the implementation of the said hadith may change. As example, the duty of haj for Muslim women is one of the tenets of Islam on condition of capability. Thus, if a woman does not have a mahram to go with her, the obligation is waived. But the obligation of haj remains unchanged.

However, changes in terms of implementation of hadith raises the issue that the Prophet (PBUH) could not have known the changes that will occur to his ummah while his expressions and sayings are intended for what will happen until the day of resurrection. This is really not an issue because the Prophet (PBUH) once said: “You are more knowledgeable of the affairs of your world” (Hadith narrated by Muslim 1955) which also encompasses generally the ummah’s management of contemporary changes.

Contextual Approach During the Time of the Prophet (PBUH) and the Companions:

The Prophet (PBUH) constantly observed the socio-cultural situation and conditions as well as the natural environment surrounding him in delivering hadith. At times, he forbade an act, but on certain occasions he encouraged such an act, or gave different responses towards the same enquiry from two different Companions. The teaching principle and policy found in the Sunnah itself constantly gave attention to individual differences. These differences cover individual, environmental and group differences. Not everything suitable for a person is considered suitable for others, not all that is correct for a situation is suitable for other situations and not all that is compatible for an age or period of time is compatible for other times. Among the individual differences observed by the Prophet (PBUH) are as follows (al-Qaradawi 2000):

1- Differences in the Prophet’s advice were suited to individual differences of each individual seeking advice:

Many Companions sought the Prophet’s (PBUH) advice concerning actions which can bring them closer to Paradise and distance them from Hell. The Prophet’s (PBUH) advice was either absolute or restricted or sometimes both. For example, in his saying: Worship Allah and do not associate Him with anything, establish prayers, pay zakat (obligatory charity) and preserve silatulrahim (ties of kinship).

In another saying, the Prophet’s (PBUH) advice on an act is: Say that I believe in Allah then istiqamah (be committed) (see Narration by Muslim 1955).

Differences in replies and fatwa (ruling) to the questions were suited to the differences in the situation of each person asking. The Prophet (PBUH) was once asked: What is the best act, or which in Islam is the best? The Prophet (PBUH) gave differing answers to this question. Abdullah bin Mas’ud narrated: I asked the Prophet (PBUH): What is the most loved act to God? He replied: Acts of devotion to parents. I asked: What next? He replied: Jihad in the path of Allah (Muslim 1955).

There is a difference in Sahih al-Bukhari through a hadith narrated by Abu Musa in which he said: The Companions asked: O Prophet which is the most in Islam? He replied: That is, a person with whom other Muslims feel safe from his tongue and his hand (see hadith narrated by al-Bukhari 1991).

Abdullah bin Umar narrated in a hadith that the Prophet (PBUH) was asked the same question by a man: Which is the best in Islam? The Prophet (PBUH) replied: That you give food (in charity) and greet salam (peace) to people you know and people you do not know (See hadith narrated by al-Bukhari 1991).

2- Differences in attitude and behavior were suited to differences of each person who socialized with the Prophet (PBUH):

The way the Prophet (PBUH) treated the Bedouins, the desert people, was not the same as the way he interacted with his Companions whom he taught. Likewise on the issue of amnesty or pardon, the pardon he gave to the Bedouins was not given to His Companions. His way of persuading the head of the Quraish and women who newly converted to Islam when Mecca came under his control was not the same as his way of
dealing with women of the Ansar and Muhajirin. In socialization, he interacted according to the position and character of the Companions. At the moment Sayidina Uthman entered the Prophet’s (PBUH) home, he quickly covered his legs and tidied his clothes. This was in contrast to when in the presence of Sayidina Abu Bakar and Sayidina Umar, the Prophet (PBUH) did not do so. It was done to protect the sensitivity of Sayidina Uthman who was a blushful man. At that moment he said: Would I not be ashamed by a man whom even the angels are shy of? (See hadith Narrated by Ahmad Hanbal 1978).

The Prophet (PBUH) once related good news to Mu’adh bin Jabal that the person who died firm in faith of tawhid (unity of God) will enter Paradise. Then he disallowed Mu’adh to tell this to others because he worried that they would have an arbitrary attitude (See hadith Narrated by al-Bukhari 1991).

3- The difference in the order and ruling on taklif (mandate) which the Prophet (PBUH) matched to the difference in capability of each person receiving it:

In the giving of a taklif (mandate) to someone, the Prophet (PBUH) suited the person’s ability according to the situation. Among the examples, was when he advised Abu Dharr not to be a leader because he perceived his weakness (See narrated by al-Bukhari 1991).

4- Order and prohibition by taking into account ‘illah (cause):

The Prophet’s (PBUH) delivery also takes into account ‘illah or the cause of a matter. At times, his prohibition of a certain matter was due to an ‘illah which existed at that time. When the ‘illah did not exist anymore, then he would allow the matter. Among the examples is the order regarding the prohibition to eat of and store sacrificial meat for more than three days in the early stage which was later allowed because the first prohibition was due to the ‘illah of helping the caravan group which had arrived (See hadith narrated by Muslim 1955). Likewise with the prohibition to visit the grave at the early stage because the society then was still practising pagan rites (See hadith narrated by al-Bukhari 1991).

The Companions also took into account the contextual approach in the implementation of the Prophet’s (PBUH) hadith. Among the examples is the decision by Sayidina Umar bin al-Khattab to stop giving a share of the property to new converts. Likewise during the reign of Sayidina Uthman whereby he ordered that a lost camel was to be owned by the finder and then made it known that this was in contradiction to the Prophet’s (PBUH) instructions. Sayidina Uthman decided so because the situation of the society during his time was far different from the Prophet’s (PBUH) time (see hadith narrated by Malik 1985). Likewise, the great scholars constantly took into account the contextual approach in understanding and implementing the hadith. For example, Ibn al-Qayyim (1993) once related that his teacher, Ibn Taymiyah had delayed his efforts to prevent vice because he worried it would bring a greater damage or problem. This contextual approach has been a science long practised by scholars through their writings. The emergence of works on mukhtalif al-hadith such as Ikhtilaf al-hadith by Imam al-Shafi’e (1985) and Takwil Mukhtalif al-Hadith by Ibn Qutaybah (1982) proved the scholars focused on the contextual approach. Likewise, the scholarly debate relating to the sciences of asbab al-wurud and ilmu nasikh wa al-mansukh which were much discussed in hadith books.

Examples of Hadith Which Required Understanding by Contextual Approach:

Example 1: War to disbelievers:

By Ibn ‘Umar, indeed the Prophet (PBUH) said: I have been commanded to fight men until they declare “There is no god except Allah and Prophet Muhammad is the Messenger of Allah” and establish solat (prayers) and pay zakat (obligatory charity). Whoever does so will have his soul and his property protected except as to Islamic rights and his account is with Allah (al-Bukhari 1991).

An accurate understanding of this hadith should look at its background or asbab wurud. Ashab wurud of this hadith relates to the war between the Muslim army and the disbelievers as narrated by Abu Hurayrah from Umar bin al-Khattab that the Prophet (PBUH) stated that he will give the liwa` (Islamic banner) to the person who loves Allah and His Messenger on the following day until Allah granted victory. On hearing that, Umar said: I hope very much if the Islamic banner would be held by someone that day. The following day, a long battle ensued, so the Prophet (PBUH) said: Rise up and fight the enemies. Do not turn away until Allah grants you victory. A man asked: O Prophet, are you granting me permission to kill them? In reply to this question, the Prophet (PBUH) said as in the hadith above (Ibn Hamzah 1982).

The above background or ashab wurud proves that the Prophet’s saying was delivered in a war against the disbelievers. The said war was also started by the disbelieving Quraish. Based on this ashab wurud it is clearly proven that Muslims are allowed to fight and kill disbelievers in a war if they fight and kill Muslims. In other
words, it is prohibited to fight and kill in peaceful times so that they will embrace Islam. Hence, the Prophet’s command to fight disbelievers until they declare the shahadah is stopped and delayed until the situation and conditions as during the Prophet’s time recur. This hadith should not be understood textually as it can invite adverse imputations against Islam as a religion which advocates and supports violence and terrorism.

Example 2: Mechanism of zakat fitrah payment:

Ibn Umar r.a. said: the Prophet (PBUH) made it obligatory to pay one gantang of dates or of wheat on each slave, free man (non-slave), man or woman, children and adults from the Muslims and he ordered that zakat be paid before the Muslim ummah start out for their ‘id al-Fitri prayers. (al-Bukhari 1991; Muslim 1955)

Textual understanding is only regarding the payment of zakat fitrah as an obligation. It is deemed as a fixed law and unchangeable until the day of resurrection. However, the mechanism of payment has to be understood contextually. Likewise, the statement which mentions dates and wheat should be understood as referring to the basic or staple food of Medina at that time.

In contrast, there is a group of scholars who issued a fatwa (ruling) that whoever pays zakat with money or based on price, then his zakat is not valid (al-Ghalbazuri 2010). Their argument is based on an outer pronouncement of hadith as follows:

Hadith: We used to pay zakat fitrah one bushel of food or a bushel of wheat or a bushel of dates or a bushel of cheese or a bushel of dried grapes (al-Bukhari 1991).

The purpose and objective of paying zakat is to enrich the poor on Eid day. It is based on the mazhab Abu Hanifah and its followers, mazhab al-Thawri, mazhab al-Awza’i, mazhab Layth bin Sa’d, al-Hasan al-Basri, ‘Ata’ bin Abi Rabah, Tawus, Mujahid, Sa’id bin al-Musayyab and ‘Urwah bin al-Zubayr. Likewise, payment of zakat with animals as stated in a hadith, may cause difficulty.

Hadith by Tawus from Mu’adh: He once said to the inhabitants of Yemen: give me khamis (that is clothing five hasta long) in lieu of zakat as it is easier for you and more people have hijrah (migrated) to Medina (al-Bukhari 1991).

Example 3: Distribution of Spoils of War:

Ibn ‘Umar said that the Prophet (PBUH) had divided the spoils of war on the day of the Battle of Khaybar that is, 3 parts for the cavalry, 2 parts for the horses and one part for him (Ibn Majah 2000).

The Prophet (PBUH) had divided the spoils of war taking into account his infantry and the cavalry on horses or camels, one part for the infantry and two or three parts for the cavalry. But in today’s context, soldiers and armies are paid salaries and receive other benefits, different from the Prophet’s (PBUH) calvary whose horses or camels were their own.

Example 4 – The Issue of Working Women:

Hadith: Ibn Abbas related that the Prophet (PBUH) said: A man must not be in seclusion with a woman except with a mahram (unmarriageable male relative or husband). A man got up and asked: O Prophet, my wife is out to perform haj while I am ordered to go to this war and that, whereupon the Prophet (PBUH) said: Return and go to haj with your wife (al-Bukhari 1991).

Abd al-Karim Zaydan (2004) explained that originally the law prevents and prohibits women from working outside the home, because it may interfere with her more important duties and responsibilities at home, except during times of emergency. However there are scholars who regard it as dependent on the situation of the local society.

Among the arguments given by scholars for the prohibition on women to work outside the home is the mingling of men and women, which is haram or prohibited whatever the situation. But it must be borne in mind that the form and circumstances of the said mingling determine the prohibition or permissibility of the law. This is proven by the wives of the Prophet (PBUH) going to the mosque for subuh (early morning) prayer, their ikkitaf (retreat) in the mosque after the demise of the Prophet (PBUH), going out for Eid prayers and extending help to the Muslim army during war. This case requires ikhtilat (mingling) to be distinguished from khalwat (seclusion).

However, there is hadith text narrated by Jabir which proves women of that time worked even though in non-emergency situations:

Hadith: Jabir bin ‘Abdullah said that his maternal aunt, whose husband had died, was strictly prohibited by a man from harvesting her dates. She complained to the Prophet (PBUH) who said to her: Yes, go ahead to harvest your dates. May you be able to donate and do charitable acts (Ibn Majah 2000)
Example 5: the rate or proportion for woman’s inheritance (mirath):

Hadith: Ummu Salamah narrated in a hadith: Why do only men go to war, we (women) do not fight, we strive until we die as martyrs, and we get only half of inheritance, then came down the verse with the meaning: Do not hope and aspire for what Allah has decreed to be more for the half of you over the other half (al-Tirmidhi 1999).

Al-Tahir Haddad (in Muhammad Baltaji 2000) opines that the rate or proportion for inheritance received by women is included in the category of al-mutaghayyirat (variable) based on the changes in women’s lives nowadays. In the old days, women only sat at home and maintenance was provided by husbands, in contrast to nowadays whereby most women work and earn their own income.

Muhammad Baltaji (2000) cited al-Tahir Haddad’s opinion saying: The jurists have indeed given the reasons for the lower rate or proportion for women in relation to men, because men give maintenance to women. There is nothing to make us believe that this situation will stay the same without changes. According to him, Islam has laid out the law in some Qur’anic verses which differentiate between men and women in some areas, among which is the area of inheritance but it does not prevent Islam from accepting the principle of equality in society between men and women if it satisfies the reason of development of the times which urge for perfect justice and high spirit for truth.

Example 6: The Issue of Women Witnesses:

Some contemporary scholars equate women witnesses with men witnesses if the judge is confident that the women concerned forget. Adnan Muhammad Umamah (2004) in citing the opinion of Sheikh Mahmud Shaltut states that the statement explains that women usually have that quality. According to Ibn Taymiyah as cited by Ibn al-Qayyim (1998), the equating of two women witnesses to one male witness applies only if the woman forgets. Otherwise, male and female witnesses are equal. This issue is explained further by Ibn Qayyim al-Jawziyyah (1998) in his citing from Ibn Taymiyah in his explanation of Allah Taala’s words in surah al-Baqarah ayat 282. This verse clearly proves that the purpose of requiring two women as equal to one male witness is to help the woman to remember in case she forgets. The requirement of two women is practised only if she habitually forgets. A woman giving witness singly is acceptable in matters which women know better such as childbirth, nursing, menstruation and the like which is not subject to forgetfulness and do not require using the mind. The case of ‘Uqbah bin al-Harith proves how the Prophet (PBUH) accepted the testimony of his mother who made known that she had breastfed ‘Uqbah and his wife (al-Bukhari 2000).

Example 7: The Issue of a Woman State Leader:

Hadith: A nation or people will not succeed if they leave their affairs of governance to women (al-Bukhari 1991)

Some scholars consider the above hadith as in the category of al-thawabit that is permanent and unchangeable until the day of resurrection (Rabih 2010). However, others among them consider it to be contextually understood. History proves how Sayidina Umar did appoint Syifa’ to administer hisbah (enforcement) in the market (Ibn Hajar al-Asqalani 1985). Imam al-Tabari as cited by Ibn Rushd (1999) is also of the opinion that women should be appointed as judges absolutely. This is also the opinion of Ibn al-Qasim from among the Malikiyah, al-Hasan and Ibn Zarqun.

Example 8: The issue of women travelling:

This issue was commented on by Yusuf al-Qaradawi (1996). However, before him, it was already commented upon by Imam Malik, al-Shafie and Abu Hanifah (Ibn ‘Abd al-Bar 1993). They were of the opinion that a woman may travel accompanied by other trusted women. Imam al-Shafie as cited by Ibn ‘Abd al-Bar (1993) considers a woman friend is sufficient as company. And al-Rafi’i from mazhab al-Shafie allows a woman to travel alone if the journey is guaranteed safe. This matter was also discussed by Imam al-Nawawi (1996), Ata’, Sa’id bin Jubayr, Ibn Sirin, Malik, al-Awza’i and al-Syafi’i in their famous opinion: It is not a condition that there must be a mahram while travelling but what is a condition is that there is peace (safety) for the woman. Some of them said: It is possible that there is peace (safety) and the woman concerned does not need anyone; indeed a woman may travel alone in a trade mission (convoy or caravan) in a peaceful situation (al-Nawawi 1996).

According to Humayd Farhan al-‘Afif (2004) in his working paper, Athar wasail al-safar al-hadithah ‘ala rukhasi al-safar wa ‘ala safar al-mar’at bi duni mahram, scholars agree that the sophistication of modern vehicles today does not remove the rukhsah (permission) in Islam on travelling. Thus, the same goes for the law that women who travel must be accompanied by mahram. This is because of woman’s fears, mischief, mingling
with men may occur in every time and place. However, this issue has some exceptions, among which is, according to Imam al-Baghawi cited by Ibn Hajar al-Asqalani (1986), women who convert to Islam in a non-Muslim country (al-barb) are allowed to travel alone. History also proved Zainab bt. Rasulullah had migrated from Mecca to Medina accompanied by Zaid bin Harithah. Likewise in the migration of Ummu Kulthum bt. Uqbah bin Abi Mu’it and the scandalous case of Sayidatina Aishah.

Among the other issues in the hadith which may be contextually understood, with compliance to the condition of taking into account the criteria of al-thawabit and al-mutaghayyirat and maslahah (public interest) and the ummah’s interest, are as follows:

1- The giving to mu'allaf or new converts as was done by the Prophet (PBUH).
2- The Prophet’s (PBUH) command to use the weight scales of people in Mecca and Medina.
3- Prohibition for menstruating women to sit in a mosque.
4- The Prophet’s (PBUH) command to wear slippers in prayers to be different from Jews.
5- The Prophet’s (PBUH) command to trim the moustache and grow the beard to be different from non-Muslims.
6- The Prophet’s (PBUH) prohibition on announcement of loss of possessions in the mosque.
7- The command to colour the hair and beard to contradict the Jews and Christians.
8- The Prophet’s (PBUH) command not to kill a Muslim for killing disbelievers.

Misconception of Contextual Approach:

Without understanding the motive underlying the delivery of a hadith, the psychological atmosphere and aim of the Prophet’s sayings, there is a great possibility of misunderstanding a hadith. Thus, contextual understanding helps to resolve current problems in contemporary society. Contextual understanding and application is used when there is a strong indication in the hadith text that requires the hadith concerned be so understood and applied, not as the textual or literal meaning. Among the factors causing misunderstanding hadith to occur are not understanding the whole of the hadith through variety of hadith narratives, using the mind in an extreme way, too bound to the apparent text while neglecting the overall al-maqasid (the purpose) aspect and maslahah (public interest) and deviating the meaning of a hadith word from its true meaning.

Misunderstanding of the contextual approach may cause a practice in Islam to become difficult instead of being easy. Likewise the wide scope of issues will be narrowed down. However, attention needs to be given in understanding hadith, that it must be practiced as long as it can be practiced without causing any harm and hardship to the ummah with its true meaning. However the meaning of harm and hardship should be well understood. For example, a small minority of the Muslim ummah hold on to the Prophet’s(PBUH) command that slippers be worn in prayers to differ from the Jews and they do so even in the mosque. This act surely pollutes the mosque and inconveniences the public who go to the mosque. Conversely, if the command to trim the moustache and grow the beard to be different from non-Muslims does not cause harm to Muslims, then it must be practiced.

Conclusion:

Understanding the contextual approach and henceforth practising the Prophet’s (PBUH) hadith is so very important to ensure the hadith is accurately and rightly practised. This approach, implemented by the Prophet (PBUH), required constant observation of the situation and socio-cultural conditions as well as the surrounding natural environment in the delivery of hadith. In addition the aspects of al-thawabit and al-mutaghayyirat in hadith require to be well understood before the contextual approach is applied. The opinions and critique of past scholars need to be taken into account in understanding hadith correctly and accurately. There are certain strict criteria and conditions to be fulfilled before a hadith may be contextually understood. The contents of the hadith constantly take into account the public interest and the interest of the ummah. Changes in the law in the implementation of the hadith in the present time do not mean that the said law may not ever be practised at all. On the contrary, it may be practised if the present situation and conditions are the same as they were during the Prophet’s (PBUH) time. A hadith text needs first to be textually or literally understood unless there is some obstacle to it being understood as such.

References

Al-Quran al-Karim.