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THE CONCEPT AND IMPLEMENTATION OF *AL-TAWAQQUF* IN
MUKHTALIF AL-HADITH

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Abstract

Mukhtalif al-Hadith, which is the application of *al-Tawaqquf* methods by the *mujtahid* for interacting with acceptable (*maqbul*) hadiths, often raises more questions than answers. More specifically is the case in the implementation of the above method wherein the *mujtahids* were unable to get two hadiths incongruent over a particular issue, whereas there could never be contradictions amongst the hadiths. This paper examines the concept and application of *al-Tawaqquf* in *Mukhtalif al-Hadith* according to hadith scholars. The research is conducted via data collection methods sourced from literature review. Data from various major hadith compilations and the *Ulum al-Hadith* are analyzed based on deductive and inductive methods. The findings show that the *al-Tawaqquf* concept is based on several principles. Applying it becomes compulsory in the event of failure to resolve inconsistencies among hadiths. In those situations the *mujtahid* and his inability is blamed, and this does not absolve other *mujtahids* from continuing their efforts. This research also proves that the *al-Tawaqquf* methodology is not only one solution to solve the discrepancies amongst hadiths but is one of the methods engaged by hadith jurists when they cannot reconcile contradictions.

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Keywords: *Al-Tawaqquf*, *Mukhtalif Al-Hadith*, concept, application, hadith scholars.



1. Introduction

Mukhtalif al-Hadith is one of the important branches in the science of hadith. It needs to be conquered not only by hadith scholars but also scholars from other disciplines such as *fiqh*, *usul* and others (Al-Nawawi, 2002). Scholars of earlier generations thus directed their attention towards extensive reading and research to deepen their understanding of this method used in the interaction with *Mukhtalif al-Hadith*.

According to al-Hakim (1977), *Mukhtalif al-Hadith* is one of the knowledge branching out from the sciences of the traditions of the Messenger (p.b.u.h) which involves contradictions. Hadith scholars elaborated that the contradictions do not pertain to the substance. On the contrary, it is on the point of literal meaning per se; hence, such trivial contradiction could be synchronized thereby dissolving the contradiction. (Al-Nawawi, 1985; Ibn Jama'ah, 1085; 1406H; Al-Tibrizi, 2008; Al-'Iraqi, 2002; Al-Suyuti, 1979; Nafidh, 2009). As such, the *muhaddithin* worked hard to eliminate contradictions by harmonizing impartially two contradicting hadiths. (Usamah, 2001).

Hadith scholars applied various methods to deal with hadiths that came under *Mukhtalif al-Hadith*. Among them are *al-Jam'*, *al-Nasakh al-Tarjih* and *al-Tawaqquf*. (Al-Shafi'i, 2011; Al-Tahawi, 1994; Ibn al-Salah, 2010; Al-'Iraqi, 2002; Al-Nawawi, 1985; Al-Suyuti, 1979; Ibn Hajar, 2012; Al-Sakhawi, 2003).

2. Problem Statement

Contradictions among *maqbul* hadith are almost impossible. Allah stresses so in the al-Quran in surah al-Najm (53:3-4). This is supported by hadith scholars such as al-Shafi'i (2011, p. 10:272) who rejected the possibility of contradictions between hadiths as follows:

“It is unfit for us to let two hadiths of the Messenger to be in conflict in perpetuity. When we found a way for both to be practised, we cannot nullify any one of the two hadiths. This is particularly so because we are obligated to have faith in all hadiths. Therefore we should not be conflicted except in things that should not be done forever.”

On the contrary, the contradictions between hadiths that gave rise to the science of *Mukhtalif al-Hadith* are only due to apparent and literal (*zahir*) readings. These discrepancies are due to several factors in which solution could be attained. This statement is asserted by the *Fuqaha'*, *Usuliyin* and *Muhaddithin* (Al-Dusari, 2011; Al-Susiwah, 1997; Nafidh, 2009).

Based on the statement above, apparently contradictory hadiths are resolvable, i.e. by common methods engaged by hadith scholars such as *al-Jam'*, *al-Nasakh*, *al-Tarjih* and *al-Tawaqquf*. However the question is how the discrepancies can be resolved by the *al-Tawaqquf* concept when it does not provide any solution to the conflicts other than leaving them unresolved.

In addition, this concept of *al-Tawaqquf* also appears to contradict the view by hadith scholars who asserted that conflicting hadiths can be resolved. Among these figures was al-Shafi'i (2005, p. 272) who said:

“We find nothing from him Prophet Muhammad two contradictory matters and we are able to resolve the contradictions unless we find a clear point that it is not contradictory and that it belongs to one of the type which we mentioned to you.”

Ibn Khuzaymah (al-Khatib, n.d., pp. 432-433) shared a similar view:

“I do not know that there was a tradition from the Messenger (p.b.u.h) of two hadiths both of which have authentic chain of narrators (*isnad*) that are contradictory.”

Based on the two statements above, the implementation of the *al-Tawaqquf* concept in the *Mukhtalif al-Hadith* indicates that not all contradictions of hadith could be brought to light by the hadith scholars; in fact, it may project a corrupt image to the hadiths of the Prophet. In order to avoid confusion and misunderstanding of the *al-Tawaqquf* concept, these issues therefore need to be explored and elaborated.

3. Research Questions

3.1 What is the view of hadith scholars on the *al-Tawaqquf* concept in *Mukhtalif al-Hadith*?

3.2 How do scholars of the hadith implement the *al-Tawaqquf* concept to solve *Mukhtalif al-Hadith*?

4. Purpose of the Study

4.1 To study the opinions of hadith scholars on the *al-Tawaqquf* concept in *Mukhtalif al-Hadith*.

4.2 To analyze the implementation of the *al-Tawaqquf* concept in *Mukhtalif al-Hadith* according to hadith scholars.

5. Research Methods

This fully qualitative research is carried out via data collection methods conducted through library research. Data is collected from premier sources consisting of venerated books of hadith, the '*Ulum al-Hadith* authored by scholars from all ages, namely the *mutaqqaddimin*, *muta'akhhirin* and *mu'assirin* scholars of hadith. The data is analyzed based on inductive and deductive methods (Jamil, 1971; Barnadib, 1982). In the application of the inductive method, researchers analyzed data concerning the principle of *al-Tawaqquf* is not only the solution of discrepancies in *Mukhtalif al-Hadith*. Otherwise, the deductive methods application is focusing on *Mukhtalif al-Hadith* methodology as a solution of contradiction that occurred among hadiths. Truly, *al-Tawaqquf* is one of the methodologies in *Mukhtalif al-Hadith*. Therefore, *al-Tawaqquf* is the solution in methodology contradictory hadith.

6. Findings

6.1. The opinions of hadith scholars on the *al-Tawaqquf* concept in *Mukhtalif al-Hadith*

The word *al-Tawaqquf* is made out of three Arabic characters specifically *Waw-Qaf-Fa* which means not rushing in doing something, and then adapting to it. (Ibn Faris, 1979). Also mentioned is *Waqafa – Yaqifu – Wuquf*, which means always standing. *Awqafa* means silent and *Awqafa 'Anhu* means to refrain from speaking and to staying away (Al-Fayruz Abadi, 2005). *Al-Tawaqquf fi al-Shay'* seems to stop and observe while *al-Tawaqquf 'alayh* means seeking to find evidence (Ibn Manzur, 1993, 1414H; Al-Fayruz Abadi, 2005). Based on these definitions, *al-Tawaqquf* in sharia terminology means not in a hurry to make

a decision, not making an opinion on a particular matter and refraining from making a decision; but continues to find strong evidence by means of conducting observation and research.

From the point of terminology, hadith scholars do not elaborate in detail the definition in the works of *Mustalah al-Hadith*. Instead some of them present only some clues that can be understood in the context of *al-Tawaqquf*. Al-Sakhawi (2003), al-Suyuti (1979) and al-Khayr Abadi (2011) define *al-Tawaqquf* as: If a Mujtahid does not find a method to *Tarjih*, hence *Tawaqquf* from practicing one of the two hadiths until everything is clear of the suitable *Tarjih* method applicable to one of the hadiths.

The above definition only discusses the approach to be taken in the event of a *Mujtahid* being unable to find a solution but it does not explicitly define *al-Tawaqquf*.

Ibn Hajar (2012, p. 79) offers the same view but he explains it indirectly when he differentiates between *al-Tawaqquf* and *al-Tasaqut* as follows:

“The expression of *al-Tawaqquf* is more important than that of *al-Tasaqut* (abolishing the hadith) because of the hidden *al-Tarjih* of one hadith against another is attributed to the researcher of that time. Whereas there is possibility that the concealed matter could be resolved by other people.”

The above is a direct criticism against the method of *al-Tasaqut* used by several scholars when they are unable to practice both hadiths. The term *al-Tawaqquf* is a more fitting term to describe the inability of *Mujtahid* to apply *al-Tarjih* upon conflicting hadiths. Ibn Hajar’s statement is supported by and further developed by a contemporary scholar Qudah (2001, p. 15). He explains the following:

“We should employ *al-Tawaqquf* until comes to us new information; nor do we say: reject both hadiths or abolish them because (that is) the manners in dealing with the hadiths of the Prophet (p.b.u.h) and due to our inability to find the appropriate methods for al-Jam’ or *al-Tarjih*. This does not mean that the error explicitly occurs in the textual part of the hadith, for there is possibility that the negligence could occur from our part. Perhaps after some time, it will be revealed to us the form of *al-Tarjih* that has been hidden at present yet perhaps there is possibility of it being discovered by others while we remain oblivious.”

Based on the assessment of Ibn Hajar and Qudah, both agree that *al-Tawaqquf* characteristically does not renounce or neglect any hadiths of the Prophet (p.b.u.h). In fact, it serves to put a pause on the part of the narrator from deriving any decision until a clear indication comes to light to resolve the conflict.

In addition, al-Hammadi (2012, p. 138) also offers a more structured definition as follows:

“A Mujtahid terminates practicing (*tark al-‘amal*) on any one of the two conflicting hadiths due to his weaknesses in dissolving the discrepancies between the two.”

This definition focuses on *al-Tawaqquf* to cease practicing of any of the two conflicting hadiths. This definition is exposed to criticism because there is a difference between *al-Tawaqquf al-Nazari* (theory) and *al-Tawaqquf al-‘Amali* (practical). According to Qudah (2001), the discourse about *al-Tawaqquf* is from the point of *al-Tawaqquf al-Nazari* and not from *al-Tawaqquf al-‘Amali*. This is particularly so because one does not exercise *al-Tarjih* on one hadith over another, but at the same time he cannot possibly

do nothing and leave nothing. That is impossible. As such, the *al-Tawaqquf* meant in this discussion is the *al-Tawaqquf al-Nazari*.

According to Raghun (2014, p. 14), the definition of *al-Tawaqquf* is as follows:

“There can be no explanation (decision) of ruling to any problems of hadith because of unclear truth for the *Mujtahid* regarding the issues arising in this knowledge.”

According to the researcher, the above definition is more structured and more complete compared to other definitions, albeit too short to cover the whole spectrum of the *al-Tawaqquf* discussion. Furthermore, there is one important fact that he must include in the definition of *al-Tawaqquf* which he ignored. Finally, the researcher summarizes the definition of *al-Tawaqquf* in *Mukhtalif al-Hadith* as follows:

“*Al-Tawaqquf* is an approach of a *Mujtahid* who is unable to reconcile conflicting hadiths by avoiding from deriving rulings and solutions therefrom. This approach ends when suitable application is found based on due diligence and scrutiny in research.”

Within the discourse on the *al-Tawaqquf* concept in *Mukhtalif al-Hadith*, hadith scholars are divided into two categories. The first group, which includes Ibn Hajar (2012), al-Sakhawi (2003), al-Suyuti (1979), al-Khayr Abadi (2011) and Qudah, (2001), enlists *al-Tawaqquf* as one of the concepts making up the *Mukhtalif al-Hadith*. The second group, which includes Ibn al-Salah (2010), al-Nawawi (1985) and Ibn al-Mulaqqin (1988), does not enlist the concept.

Based on the data obtained, al-Dusari (2011) explains that hadith scholars are unanimous on three concepts in the *Mukhtalif al-Hadith*, namely *al-Jam'*, *al-Naskh* and *al-Tarjih*, but they differ in opinions on *al-Tawaqquf*. However, according to Jawwad (2001) the majority of hadith scholars enlists *al-Tawaqquf* as one of the aspects of *Mukhtalif al-Hadith*.

Although the majority of the scholars differ on the inclusion of the *al-Tawaqquf* concept, their differences are only theoretical. From the point of implementation, they still apply the *al-Tawaqquf* concept in the event of their inability to resolve the conflicts (Al-'Aqil, 2006). This is due to their limited ability as well as to the burden of being truthful to knowledge which compels them to not be apathetic in their tasks and to avoid dispensing rulings devoid of strong evidence. Raghun (2014) describes the reality of the application of *al-Tawaqquf* concept as the members of al-hadiths will not engage *al-Tawaqquf* in the problems encountered in their tasks or criticism studies due to trivial factors or minor flaws. Quite the opposite, the members of the hadiths exercise *al-Tawaqquf* only because they are stalled at having clear clues and strong indications (to aid them in) understanding the hadith (deep enough in order to enable them) to resolve the discrepancies. In addition, they found no compelling evidence to put weight on one of the conflicting hadiths and (the way to) the truth is not clear. On the other hand, if they exercised *al-Tawaqquf* without any justification by the shari'a and (at the same time) arose factors that obliged them to rise (to resolve conflict, but still they did not want to carry out their duties) indeed they have breached the trust in knowledge and wasted their duty to perform *ijtihad*. They in fact would fail to explain the ruling over a particular issue under the Islamic law. They are far from committing such act for indeed they are experts who are meticulous, honest and fair.

Based on the above, the application of *al-Tawaqquf* is not an option to continue to leave the hadiths in a situation of conflict, due to the weakness of the hadith scholar to resolve the contradictions. However, according to al-Khayr Abadi (2011), this concept is rarely used. Therefore, the researcher views that the hadith scholars do not enlist *al-Tawaqquf* as a solution component in the *Mukhtalif al-Hadith*, not because they reject the concept, but due to the fact that this scenario where the concept would become handy hardly ever happened. In fact, if it did happen then it was an isolated issue, only involving a specific hadith scholar.

Based on this fact, hadith scholars set up a final order to complete the *Mukhtalif al-Hadith* (Ibn Hajar, 2012; Al-Sakhawi, 2003; Al-Suyuti, 1979; al-Khayr Abadi, 2011; Qudah, 2001). This concept serves as the hadith scholar's available last resort upon failing to use earlier methods to resolve the contradictions.

6.2 The implementation of the *al-Tawaqquf* concept in *Mukhtalif al-Hadith* according to hadith scholars

In order to ensure that the implementation succeeds, three main principles of *al-Tawaqquf* that must be observed:-

First: Obligation to apply *al-Tawaqquf* in the event of failure to resolve the contradicting hadiths.

Ibn al-Mundhir (2009, p. 2:268) stresses twice in his books that one is obliged to implement the *al-Tawaqquf* concept when one cannot afford to apply *al-Jam'*, *al-Tarjih* and elaborate on *al-Nasikh wa al-Mansukh*. He says:

“In the absence of any of the arguments we have mentioned in this chapters, in addition to discrepancies and contradiction among hadiths, therefore *al-Tawaqquf* becomes obligatory instead of practicing with both hadiths.”

This view is based on the words of Hammad bin Salamah (Ibn Mundhir, 2009, p. 1:225) as follows:

“When two people come to you bringing two contradicting hadiths, and you do not know which is *al-Nasikh* and which is *al-Mansukh*, nor do you know the beginning and the end of the hadith and he does not bring forth anything (to explain the ruling) to you.”

Based on the same principle, Ibn Mundhir (2009) practices the approach of *al-Tawaqquf* in his works. Among the examples that the researcher found explicitly demonstrate the approach is in the issues of prohibition of (consuming) carcass i.e the flesh and leather contained in the chapter of *Dhikr Ikhtilaf Ahl al-'Ilm fi al-Intifa' bi Julud al-Maytah Mimma Yaqa'u 'Alayh al-Dhakat min al-An'am wa al-Hayawan*, the issues of the marriage of Maymunah (whether contracted) during legal (situation of the bride) or (when the status of the bride was a) *muhrim* in the chapter *Dhikr al-Akhbar al-Lati Ruwiyat fi Salah Rasulillah SAW fi Maradihi al-Ladhi Mat fihi*, and the issue of ending the *salah* in the chapter *Dhikr al-Taghliz min Murur al-Himar wa al-Mar'ah wa al-Kalb al-Aswad Bayna Yaday al-Musalli*.

Second: weakness is attributed to the *Mujtahid*

The application of the *al-Tawaqquf* concept for the conflicting hadiths is due to the weakness of the *Mujtahid* per se and not to (the flaws in) the hadiths of the Messenger. This deferment and refrain from acting on one of the hadiths is due to the *Mujtahid*'s hesitance. This happened because of his weaknesses in understanding and uncovering the meaning of the sayings of Prophet Muhammad at the particular time

(Ibn Hajar, 2012; Al-Tunisi, 2009; Al-Sayfi, 2015). Hence this *al-Tawaqquf* concept is influenced by the knowledge possessed in relation to the hadith (Al-Ghamidi, 2015).

In light of the above, this does not mean that all *Mujtahids* must apply the concept for any given problem. Sometimes a *Mujtahid* would apply *al-Tawaqquf* on a particular issue but another *Mujtahid* would afford to resolve the conflicts by applying *al-Jam'* or *al-Tarjih*. As such, the weakness may be experienced by one *Mujtahid*, but not necessarily by others (Al-Tunisi, 2009. Al-Sayfi, 2015. Al-Ghamidi, 2015).

One historical illustration for this would involve the question on whether the marriage between Maymunah and the Messenger (p.b.u.h) was contracted during halal or haram (*Muhrim*) situation. In this regard, Ibn al-Mundhir (2009) used the *al-Tawaqquf* as seen in the chapters in *Dhikr al-Akhbar al-Lati Ruwiyat fi Salah Rasulillah SAW fi Maradihi al-Ladhi Mat fihi*. This is mainly so because a hadith by Ibn 'Abbas says that the Messenger married her at the time when she was *Muhrim* (Al-Bukhari, 2008. Muslim, 2008), while a hadith by Yazid bin al-Asam describes that the Messenger married her when she was halal (Muslim, 2008). Nevertheless, there is also a hadith by 'Uthman bin 'Affan that describes the prohibition of marrying, performing marriage and betrothal during *Muhrim* situation. (Muslim, 2008).

Ibn al-Mundhir (2009, p. 4:204) further explains the application of *al-Tawaqquf* in the above historical scenario as follows:

“When there is conflict between hadiths concerning the marriage of Maymunah, some of them argue: “His Eminence married her while (she was) lawful (halal); some of them opines: ‘His Eminence married her in an illegal manner (haram), thus it is compulsory to stop from judging pertaining to the Maymunah issue when the hadiths are contradictory. Henceforth, it is compulsory to return to the hadith by ‘Uthman for his is a hadith that has no contradiction.”

Such is the view expressed by Ibn al-Mundhir in the implementation *al-Tawaqquf* in this issue. However, al-Shafi'i (2011) resolved this problem by applying the method of *al-Tarjih*. According to him, The Messenger married Maymunah when she was lawfully halal, sourced from the narration of 'Uthman which prohibits marriage while in *Muhrim* (relationship) whereby 'Uthman was one of the earlier companions around The Prophet. By contrast, the narration that says His Holiness married Maymunah when she was haram to him was sourced from a narrator who did not belong in the circle of the Prophet until a later time after His Eminence had embarked upon a journey post to him marrying Maymunah. Furthermore, the Prophet married Maymunah before '*Umrah al-Qada*'. The solution to this situation is also suggested by Ibn 'Abd al-Barr (1967) (1387H), al-Hazimi (1940) (1359H), al-San'ani (n.d.) and others.

Third: No Obstacle to Study

The application of *al-Tawaqquf* is neither a method that produces answer nor a tool for finding solutions dealing with differences and discrepancies between hadiths. This is because the method is unable to dispel the differences and contradictions. It is instead a statement by the researcher regarding his inability to resolve the discrepancies. (Al-Ghamidi, 2015).

Therefore, the method of *al-Tawaqquf* does not at all prohibit a *Mujtahid* from researching and invoking Allah The Almighty to grant him ideas so he could unravel the predicament and resolve the conflicting hadith. (Al-Tunisi, 2009; Al-Sayfi, 2015).

Besides, the *al-Tawaqquf* method is not permanent because its usefulness depends on certain timeframes that could cease with new findings. Al-Fawzan (2016) (1438H, p. 1:95-96) explicitly expounds this idea:

“Know that *al-Tawaqquf* does not last forever, instead it has time-frame because *al-Tawaqquf* does not aim to invalidate the shara’ ruling and sometimes ruling should not be delayed. In light of this reality, for one whom exercises *al-Tawaqquf*, it is compulsory for him to research, observe and scrutinize until the solution is clear however the existence of an absolute *al-Tawaqquf* in perpetuity is unacceptable. In fact there must be a way to resolve the conflicting hadiths. If not, it may amount to cancellation or removal as a source (of reference).”

Al-Dusari (2011) echoes the statement that research and perusal be conducted in order to fix the conflicts. Once the researcher finds a solution and thereby derives rulings on acceptance or rejection, this marks the end of the application of *al-Tawaqquf* and so the researcher has withdrawn from the borders of *al-Tawaqquf*.

Based on the above principle, al-Tunisi (2009) finds that Ibn Khuzaymah in his authentic books chose the chapter titles pertaining to hadiths which underwent the *al-Tawaqquf* process by some scholars due to their suspicion on the existence of clear discord among the sources of law or there arise clear unsatisfactory phrases in the texts of the hadiths. Among the chapters mentioned are *Bab Dhikr Akhbar Ghalat fi al-Ihtijaj biha Ba’d Man Lam Yan’am al-Nazar fi Alfaz al-Akhbar wa Lam Yastaw’ib Akhbar al-Nabi SAW fi al-Qunut...*, *Bab al-Rukhsah fi al-Jam’ Bayn al-Maghrib wa al-’Isha’ fi al-Safar bi Dhikr Khabar Ghalat fi Ma’nah Ba’d Man Lam Yuhsin Sina’ah al-Fiqh Fataawwal Hadha al-Khabar ‘ala Zahirah...*, *Bab Dhikr Khabar Ruwiya ‘an al-Nabi SAW fi Sifah Salatih Jalisin Hasb Ba’d al-’Ulama’ Innahu Khilaf Hadha al-Khabar al-Ladhi Dhakarnah* and others (Ibn Khuzaymah, 1970).

7. Conclusion

Al-Tawaqquf is one of the concepts practiced by hadith scholars when interacting with *Mukhtalif al-Hadith*. In short, the implementation of *al-Tawaqquf* concept in *Mukhtalif al-Hadith* according to the scholars of hadith must observe three basic principles: i) the obligation to apply *al-Tawaqquf* in the event of failure to resolve the contradicting hadiths ii) the weakness is attributed to the *Mujtahid* and iii) no obstacle to study. In other words, though opinions differ on using *al-Tawaqquf* as a solution tool in *Mukhtalif al-Hadith*, it is still implemented by hadith scholars in practice. This is due to the weakness attributed to the *Mujtahid* from the point of mastery of knowledge and understanding of hadiths. In fact, the scholars are required to apply *al-Tawaqquf* in the event of failure to find solution to the discrepancies among the hadiths. However, this does not prevent the concerned *Mujtahid* and other *Mujtahids* from continuing to research solutions for the conflicting hadiths. This paper proves that the methodology of *al-Tawaqquf* is not the solution to deal with the contradictions among hadiths. It serves instead as a recourse for hadith scholars who are unable to resolve the inconsistencies.

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