

## **Fatwa as-Sahabi (The legal opinion of a Companion)**

The original unmodified lecture by Shah Abdul Hannan can be accessed from: [http://www.wponline.org/vil/Books/SH\\_Usul/revealed\\_laws\\_prior\\_to\\_shariah.htm](http://www.wponline.org/vil/Books/SH_Usul/revealed_laws_prior_to_shariah.htm)

Modifications based on Prof. Hashim Kamali's book "Principles of Islamic Jurisprudence"

Fatwa (opinion or ruling) of Sahaba is indeed very important and deserves highest consideration, they being close to the Prophet (saw) and because of their direct knowledge from the Prophet (saw). There is some disagreement as to who is a Sahabi. Majority hold that anybody who met the Prophet (saw) while believing is a Sahabi. Minority hold that "Suhbah" (continuity of companionship) is a requirement to call person Sahabi. Suhbah implies narrating from the Prophet (saw), participating in Jihad with the Prophet (saw), etc. Both points of view have justifications and can not be ignored.

Fatwa as-Sahabi means an opinion reached by a Companion by way of Ijtihad. As regards whether fatwa as-Sahabi constitutes a proof on succeeding generations, there are three views: First view is that - it is an absolute proof. The proponents of this view quote the Quranic verse 9:100<sup>1</sup>. First view is held by Malik, Ash-Shafi'i and Ahmad Ibn Hanbal also have been quoted in its support.

Against this view, it has been suggested that the Quranic verses and aHadith praising the Companions refer to their status and dignity. These are not categorical regarding compulsion to obey their decisions. Second view is that Ijtihad of a Companion, though deserving the highest consideration, is not a binding proof. Some proponents of this view go to the extreme by accusing the holders of the first view that they raise the Companions to the level to the Prophet (saw).

Third view is that of Abu Hanifa. He says that ruling of a companion is a proof if in conflict with an obvious Qiyas. The reason is that if a Companion ignores an obvious Qiyas, this implies that he/she know something from the Prophet (saw) invalidating the Qiyas.

It can be concluded that the Fatwa of a companion is a **source of guidance which merits careful consideration**, though not binding **except in case of their clear unanimous agreement**.

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<sup>1</sup> "And (as for) the foremost, the first of the Muhajirs (Emigrants) and the Ansars (Helpers), and those who followed them in goodness, Allah is well pleased with them and they are well pleased with Him, and He has prepared for them gardens beneath which rivers flow, to abide in them for ever; that is the mighty achievement."