

Imam al-Qaradawi's Moderate Approach on Non-Legislative Sunnah: Scholarly Debate and Contemporary Relevance

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Abstract

This article explores Imam al-Qaradawi's moderate hermeneutical interpretation of Non-Legislative Sunnah, as it has become the most contested issue in modern Islamic thought. After tracing the textual foundations and classical roots of the discussion, the paper surveys the voices of both modernists and traditionalists, along with their theological, methodological, and functional grounds. The study argues that Imam al-Qaradawi proposed a balanced methodology to reconcile the conflicting positions between excessive rationalism, which relativizes the legal bindingness of the Sunnah, and literal traditionalism, which absolutizes its authority. To clarify the position, this study explains his epistemological foundation, core principles for distinguishing between the prophet's multiple roles, and a mediating framework that harmonizes the sanctity of revelation with the flexibility and dynamism of Islamic law. This study adopts qualitative research, relying on classical and contemporary scholarly works, with particular emphasis on the writing of Yusuf al-Qaradawi. To achieve the research objective, it employs analytical and comparative methods to examine modernist and traditionalist views and to evaluate Qaradawi's balanced interpretive framework. The analysis demonstrates that his moderate framework aligns the Sunnah with the higher objectives of Islamic law- wisdom, justice, compassion, and public welfare- thereby enhancing its applicability in the modern era. The research further highlights his address to counter secular claims of the Sunnah's obsolescence, clarifying its context-sensitive components that enhance its adaptability. Overall, the findings suggest that al-Qaradawi's model lays the groundwork for a dynamic form of modern ijtiḥād and facilitates constructive Muslim engagement with contemporary legal, scientific, ethical, and governance challenges.

Keywords: Sunnah, Legislative, Non-Legislative, Moderate Approach, Al-Qaradawi, Contemporary Relevance.

Introduction

Scholars of Hadith studies and Fiqh jurisprudence have long discussed and debated about the status and scope of the Prophetic Sunnah. Classical jurists considered both the Qur'an and Sunnah as the primary sources of law. However, they recognized the contextual differences in prophetic conduct (Jaafar, A.H. et al, 2017:191-198). Not every act of the Prophet was treated as universal legislation; some were specific to his personality, time, and culture. In the modern period, some Muslim intellectuals and reformists systematized this recognition by explicitly classifying it into legislative (*tashri'iyah*) and non-legislative (*ghayr tashri'iyah*) Sunnah (Alamsah, J. & Ningrum, 2025: 169).

This classification has emerged as the most significant methodological debate among traditional and reformist scholars. 'Isam bin Ibrahim al-Hajimi, Abdul Latif al-Sarami, Sa'id al-Bustami, Sulaiman al-Kharras, and others rejected this modern bifurcation of the Sunnah, claiming that it leads to methodological innovation (*bid'ah*). They considered the Sunnah a unified corpus of divine instruction, complementary to the Qur'an and universally binding on Muslims (Sarami, A.L., 2013: 85-89). On the contrary, modern reformist intellectuals like Muhammad al-Ghazali, Salim al-Awwa, Muhammad Amarah, and S'ad al-Din al-Uthmani argued that this distinction preserves the normative authority of revelation while allowing rational engagement in a changing context (Uthmani, S.D., 2017).

Yusuf al-Qaradawi (1926-2022), one of the foremost moderate scholars of contemporary Islam, addressed this discussion through his theory of balance and moderation (Alwi, Z. et al, 2023: 91). He observed the issue from a broader methodological perspective that allows renewing fiqh and ijihad without undermining the binding nature of Sunnah (Alamsah, J. & Ningrum, 2025: 171). It is not a monolithic paradigm, as he expressed, but encompasses both human application and divine revelation. Thus, he occupies a unique moderate position, in between rigid traditionalism that imposes religious prescription on every aspect of life and secular rationalism that keeps revelation out of public life (Qaradawi, Y., 2002: 49).

This article is structured around two major discussions. Firstly, it examines the evolving debate over the classification of the Sunnah, beginning with its textual and juristic foundations in the classical Islamic tradition and tracing its progression into modern scholarly discourse. The second discussion explores Yusuf al-Qaradawi's moderate approach, presenting his balanced methodology for interpreting the Non-Legislative Sunnah. It emphasizes his grounding of Wasatiyyah (moderation) as a central interpretive principle, along with his theological rationale and the key criteria he proposes for distinguishing non-legislative reports. Finally, this study consists of a conclusion that suggests the scholars and jurists for modern ijihad by navigating the complex relationship between Prophetic conduct and today's society.

Classification of Sunnah and Its Foundational Basis

Based on different aspects of the Prophetic conduct, modern scholars consider this distinction into two categories: legislative (*tashri'iyah*) and non-legislative Sunnah (*ghayr tashri'iyah*) ('Awwa, S., 1974). Though the early classical jurist did not employ the exact terminology, the conceptual distinction of this division existed implicitly in their discussion. Ibn al-Qutaiba in his book "*Ta'bilu Mukhtalif al-Hadis*", al-Qarafi in "*al-Furuq*", al-Shatibi in "*al-Muafaqat*", Ibn al-Qaiyyim in "*Zad al-M'ad*", Shah Wali Ullah Dehlovi in "*Hujjatullah al-Baliga*", Rasid Rida in "*al-Manar*", Tahir ibn 'Ashur in "*Maqasid al-Shariah al-Islamiyyah*" recognized that some Prophetic acts were general for the Ummah, while others were specific to his personality, time, and context (Qaradawi, Y., 2002: 44). Dehlovi used the term "*Ma sabiluhu sabilu tablig ar-Risalah*" and "*Ma laisa min babi tablig ar-Risalah*" to express the dual identity of the Prophetic mission (Dehlovi, S.W., 2005: 223). Sheik Mahmud Shaltut, former rector of the University Al-Azhar, is the first to express this classification with the terms "*Tashri'iyah*" and "*Ghayr Tashri'iyah*" (Shaltut, M., 2001: 499). Later, the following moderate scholars revived and systematized this difference, emphasizing its validity for renewed contemporary *ijtihad* (Mirzaqi, H., 2017: 153-154).

Scholars define the Legislative Sunnah as divinely inspired Prophetic teachings that hold moral and legal authority. This category plays the role of supplementary and explanatory of the Qur'an and is considered an independent source of Shariah and legal instruction. While the Non-Legislative Sunnah comprises the Prophet's personal preferences, habits, behaviors, judicial and administrative decisions that reflected his human, cultural, administrative, or contextual role, not to serve as a binding law. It demonstrates his human agency and administrative leadership rather than religious guidelines. These two categories of Sunnah put the Prophetic mission in balance between revelation and human leadership ('Amarah, M., 2009: 116).

The foundational basis of this classification rests upon three different grounds: textual, rational, and functional. The Qur'an itself recognizes the Prophet's dual identity as a recipient of revelation and a human leader. Allah says: "Nor does he speak from his own inclination. It is but a revelation revealed" (Al-Qur'an 53:3-4), which affirms the Prophet's binding authority in his commands and prohibitions. In Sura Kahf, he mentioned: "Say, I am only a man like you; it has been revealed to me that your God is one God" (Al-Qur'an 18:110), which highlights the Prophet's human aspects and forms the basis to distinguish his personal conduct and prophetic mission. There is a Hadith in Sahih Muslim related to palm tree pollination, where the Prophet said: "You are more knowledgeable about your worldly affairs" (Muslim: 1836), which explicitly indicates that not all of his words or actions were intended as divine commands, but legitimizes human autonomy in worldly matters. All this textual evidence gives a scriptural basis for differentiating between revelation-based legislative Sunnah and context-based non-legislative Sunnah (Mirzaqi, H., 2017: 142-143).

From a rational perspective, considering every action of the Prophet to the same level of legal obligation is illogical. The Prophet, as a human being and social actor, was

involved in certain worldly matters based on his personal preference and culture. To impose all of his choices and behavior as a legislative order would create excessive rigidity and conflate divine revelation with human agency. As al-Qarafi noted: “Failure to distinguish between the Prophet’s roles leads to confusion in understanding the Shariah and misapplication of its principles” (Qarafi, S.D., 1998: 65). Functionally, the existence of this classification leads to jurisprudential flexibility that can relate Sunnah’s stance to changing circumstances. Thus, the non-legislative sunnah, which was expressed as judicial, administrative, and military decisions, can serve as a model for contextual judgment in later Muslim communities (Uthmani, S.D., 2017).

Modern Scholarly Perspectives

Among proponents, there has been significant discussion regarding its application. Some adopted the reformist position, while others took a more cautious stance. Scholars like Salim al-‘Awwa, Muhammad ‘Amarah, and Abdul Mun’im Nimr relatively emphasize more on robust separation, articulating that Prophetic conduct like warfare, politics, and governance are the result of his human judgment. Though its principles were divinely guided, but not to be considered as constitutional revelation (Nimr, A.M., 2019: 26). Salim al-‘Awwa, an Egyptian scholar, categorized the Prophet’s actions into three different dimensions: as a Messenger conveying revelation, as a judge in resolving disputes, and as a political leader to head the state. He confined the first category as legislative Sunnah, for its bindingness upon the Muslim community. On the contrary, his judicial and political decisions are considered non-legislative Sunnah that can be reinterpreted in changing circumstances (‘Awwa, S., 1974: 32-33). He emphasized more on the Prophet’s political conduct, citing examples such as the appointment of governors, distribution of war booty, and allocation of land and resources, arguing it as context-specific administrative decisions that can be revised by later Muslim jurists or rulers (‘Awwa, S., 1989: 109). Another reformist figure, Muhammad ‘Amarah endorsed the same position in his work entitled “*Al-Dawlah al-Islamiyyah bayna al-Almaniyyah wa al-Sultah al-Diniyyah*”, emphasizing its distinction between immutable religious legislation and worldly ijihad. He wrote:

“The Prophet’s ijihad in judicial, political, military, and financial matters is purely a human endeavor. If circumstances change, it is permissible to change them through new ijihad, provided that the new judgment fulfills the same objectives of public interest that the Prophet sought” (‘Amarah, M., 1988: 152-153).

Some contemporary scholars acknowledge the variety in Prophetic conduct, while they adopt more cautious stances to deal with it. Prominent Thinker Yusuf al-Qaradawi and Sa’d al-Din al-Uthmani are among those cautious modernists who neither sanctify his every action as legislative nor collapse it into mere custom. But they offered different criteria to differentiate the categories: like contextual evidence, Prophet’s intention, clear indication of generalizing command or prohibition, his act related to human disposition, etc. Qaradawi suggested that the Sunnah should be examined only by qualified jurists and in a conservative way, so that the classification does not become a tool for arbitrary

reinterpretation (Qaradawi, Y., 2002: 81). Sa'd al-Din al-Uthmani provided a more systematic treatment of this discussion, as he categorizes Sunnah into four different dimensions: *Tashri'iyah* (divinely guided, immutable legislation), *Da'wiyyah* (related to preaching and moral exhortation), *Qada'iyah* (judicial ruling), and *Idariyyah* (administrative decision as head of state). While the *Tashri'iyah* and *Da'wiyyah* aspects shall be applied as binding law, the *Qada'iyah* and *Idariyyah* shall be exercised in accordance with temporal and situational factors. He emphasized the necessity of this distinction for the renewal of Islamic jurisprudence and the proper contextualization of the Sunnah (Uthmani, S.D., 2017).

Although all these modern scholars have different opinions, they share a common methodological basis. Not all the acts the Prophet performed carry equal legal weight, but he also holds multiple roles that should be justified within the systematic framework.

Traditionalist's Critique and Objection

Classical and modern Muslim scholars have criticized the concept of non-legislative Sunnah, as it raises theological, methodological, and hermeneutical concerns (Kahloule, S., 2018: 99). Theologically, they argued with the Qur'anic evidence that affirms the Prophets' binding authority in every command and prohibition. Allah says: "Nor does he speak from his own inclination, it is but a revelation revealed" (Al-Qur'an 53:3-4). He says in another Sura: "Whatever the Messenger gives you, take it; and whatever he forbids you, refrain from it" (Al-Qur'an 59:7).

From a methodological standpoint, they portray the terminology "non-legislative Sunnah" as a modern innovation, lacking strong precedent in early tradition. Imam al-Shafi'i and ibn Hazm considered the authentic form of Sunnah as a source of law that carries normative authority, unless there is an explicit interpretation about its personal relativity and unique application (Sarami, A.L., 2013: 89). So, they do not judge that all Prophetic conduct should be obligatory, but some of it is recommended or optional. To describe such permissible acts, they employ the term "Mubah", containing them within the broader framework of Shariah. They refused to express the term "ghayr tashri'iyah" or "non-legislative", which weakens the status of Sunnah as a model for the Ummah (Kahloule, S., 2018: 99).

Modern critics like Nasir Uddin al-Albani, Isam ibn Ibrahim, Adnan Imamah, Abdul Latif Sarami, and Sa'id Bustami strongly opposed this classification, fearing that it may lead to secular modes of thought (Sarami, A.L., 2013: 85). They argued that the proposed criteria of distinguishing between Sunnah are often uncertain, vary among the proponents, and could be subject to personal judgment. This can be the tool for selective compliance with binding commands, allowing jurists or statemen to overlook inconvenient text on the ground that they are context-bound decisions (Bustami, S., 1984: 244-245).

Moderate Approach of Imam al-Qaradawi on Non-Legislative Sunnah “Wasatiyyah” as a Core Concept

Imam al-Qaradawi's intellectual foundation, as shown throughout his writings and literature, centers on the principle of Wasatiyyah (Hassan, M., 2023: 77-120), which embodies the balanced and moderate path between extremism. He derived this idea from the Qur’anic phrase “Ummatan Wasatan,” which highlights the intrinsic characteristic of the Ummah (Spahic, O., 2013). The core features of this wasatiyyah concept, as he elaborates in the book “Islamic moderation and renewal” are: (1) pursuit of the easy way (at-taysir) and avoidance of unnecessary hardship; (2) a balance between extremes; (3) contextual ijtiḥad by applying objectives (maqasid) and priorities (awlawiyyat) in changing circumstances; (4) justice and collective responsibility; and (5) an orientation against both uncritical secular Western liberalism and violent extremist ideologies (Qaradawi, Y., 2009: 33-45). Rather than strictly following the exact wording and ruling of the text, Qaradawi emphasizes the objectives beyond this ruling and purposive reasoning, which can respond to contemporary appeals and social needs. This is how he deals with the issue of minorities, political theology, public welfare, and many other modern questions (Aziz, M.A., 2024: 156-172).

Similarly, this equilibrium approach is reflected in his stance towards the Sunnah, as he integrated textual fidelity with rational contextualization. He mentioned: “The Sunnah must be treated as both revelation and human experience. The Prophet is a messenger conveying divine truth, yet also a man dealing with changing circumstances” (Qaradawi, Y., 2002: 67).

Theological Justification

Qaradawi proposed a qualified distinction between the conduct of the Prophet: some carry legislative authority, while others are personal, administrative, or contextual. His view stemmed from a broader methodological objective: empowering renewal in fiqh and ijtiḥad without diminishing the textual sanctity of the Sunnah (Qaradawi, Y., 2002: 145-147). He categorized “non-legislative Sunnah” as those sayings, actions and tacit approvals that pertain to: (1) the Prophet’s habitual behavior and human nature (*‘adat wa jibillat*), such as his preferences in dress, food, travel or posture; (2) earthly and technical matters (*umur duniyawiyyah*), which include military strategies, battle formation, treaty terms, medical opinion, agricultural advice etc; (3) executive decisions in leadership and governance (*tasarrufat bi’l-imamah*), and (4) his judicial verdicts (*tasarrufat bi’l qada*) that depends on context, evidence and litigants claims. Classifying these parts as non-legislative, he didn’t intend to consider them secondary or irrelevant, but rather to recognize the Prophet's multi-dimensional role: insaniyyah alongside his risalah (Qaradawi, Y., 2002: 41).

Theologically, Qaradawi’s view on the distinction of the Sunnah is rooted in the Prophet's dual identity as described in the Qur’an — “a human messenger” (bashaḥ rasul): “Say, I am only a man like you; it has been revealed to me that your God is one God” (Al-Qur’an 18:110). He explained that all religious and ethical pronouncements are

governed by revelation, but the Prophet's conduct—related to his human nature, culture, and context—is exemplified as “*ijtihad nabawiyyah*”. This prophetic reasoning is divinely guided through “*taqwim Ilahi*”; if any error occurs in its outcome, it is acknowledged (Qaradawi, Y., 2002: 63-64). However, not every action he took stemmed from revelation. He highlighted many examples to illustrate this, such as the verses of the Qur'an revealed to rectify his judgment, like the incident with the blind companion or the case of the prisoners after the Badr War (Qaradawi, Y., 1996). To sum up the discussion, it is demonstrated that not all Prophetic judgments possess a legislative character; some reflect human reasoning, which remain subject to divine endorsement or amendment.

Key Principles for Identifying the Non-Legislative Sunnah

Al-Qaradawi proposed several criteria for identifying the non-legislative Sunnah from the legislative. Drawing upon his key works- such as *kayfa nata'amal ma'a al-Sunnah al-Nabawiyyah*, *al-Sunnah masdaran li al-ma'rifah wa al-hadarah*, and “*al-Ijtihad al-mu'asir bayna al-indibat wa al-infirat*”- it can be outlined as follows:

- a. Distinguishing between Prophetic roles as he performed, like messenger, judge, mufti, human being, head of the state, military commander, and a member of the Arab society. He classified his positions of ‘risalah’ and ‘tablig’ as legislative, conveying and teaching normative guidance. In contrast, his human conduct, time-bound judgment, cultural Arab practices, administrative policies, and strategic military decisions were classified as non-legislative roles (Qaradawi, Y., 2002: 28).
- b. Recognizing his habitual, human, and social actions (*a'mal jibilliyyah wa al-'adat*) are not intended as legal norms. He explicitly stated numerous Prophetic practices, such as choices of food, drink, and clothing, modes of agriculture and trade methods, and preferences in travel and daily routine, which are human habits rather than religious commands. The Prophet preferred certain foods like pumpkin, followed certain methods of home construction, and dressed in Hijazi Arab style- such activities are illustrative examples of non-legislative (Qaradawi, Y., 2002: 73).
- c. Differentiating cultural Arab practices (*al-'adat al-'Arabiyyah*) of his time from revelation. Qaradawi stressed that some Prophetic actions, such as greeting style, gift-giving etiquette, hairstyle, local adornment norms, tribal customs, weapons (arrows, horses, armor), or market arrangements, reflect Arab cultural norms and are not considered binding universal law unless there is an explicit intent to establish a legal ruling (Qaradawi, Y., 2002: 71-92).
- d. Identifying Prophetic Ijtihad (*ijtihad nabawiyyah*) in worldly and administrative matters is subject to divine correction. Qaradawi cited multiple examples- such as the incident of the blind man and the judgment regarding the prisoners of Badr- affirming that while these rulings are authoritative, but not immutable and permanent (Qaradawi, Y., 2002: 63).

- e. Separating Universal purposes (*maqasid*) from context-bound specific means (*wasail*) (Usman, A.H., et al, 2016: 551). According to Qaradawi, numerous Prophetic conducts aim at higher purposes, whereas the operative means remain flexible, and achieving them is not inherently obligatory. For example, his strategic decisions in military expeditions pursued the objective of victory, not ritual replication. The administrative policies- such as market supervision and revenue distribution- that he regulated were shaped by the socio-economic context of Madina rather than intended as universal models (Qaradawi, Y., 2002).
- f. Recognizing acts that are context-specific, circumstantial, and time-constrained. Qaradawi offered a significant discussion to clarify the distinction between his universal commands (*ammah*), occasional rulings (*khususiyah*), context-specific rulings (*maqamiyyah*), and temporary policies (*siyasiyyah*). Such as his strategy of distributing zakat to particular tribal chiefs as a means of securing their loyalty (Qaradawi, Y., 2002).
- g. Examining the legislative intent (*qasd al-tashri'i*) in his words and actions, whether the Prophet provided an explicit indication of his lawmaking intention. To detect his normative (*tashri'i*) intent, Qaradawi proposed some indicators (Qaradawi, Y., 2002), such as the actions performed as an act of worship, a statement framed as a command with moral or legal force, a practice tied to reward or punishment, generalized guidance to the Ummah, and repetition in diverse contexts without circumstantial constraints (Usman, A.H., et al, 2016: 552).
- h. Assessing universal applicability (*al-umum*) versus contextual specificity (*al-khusus*). As he argued, legislative Sunnah has universal relevance, while the non-legislative Sunnah is limited to a specific context, location, or situation (Qaradawi, Y., 2002).

By employing these criteria, al-Qaradawi encouraged scholars and jurists to exercise disciplined *ijtihad*, cautioning against both extremes: rigid literalism that universalizes every Prophetic practice, and unrestrained rationalism that undermines the authority of *hadith*.

Normativity and Context: al-Qaradawi's Balanced Interpretive Framework

In current Muslim intellectual debates, two forms of extremity are commonly observed regarding the understanding and application of the Sunnah. According to one perspective, all *hadiths* constitute obligatory and normative Sunnah. In contrast, another group designates a significant portion of *hadith* literature as merely worldly, thereby excluding social, political, and economic spheres from the domain of Islamic guidance (Qaradawi, Y., 2002: 49).

A frequently discussed example is the Prophetic practices related to food consumption. Some approach the Sunnah with such rigidity that they consider modern

dining habits -like using tables, spoons, or cutlery- as violations of Islamic norms. They argued that legitimate adherence demands imitating the Prophet's precise behavioral patterns- such as sitting on the ground, eating with the right hand, and licking the fingers afterward. At the opposite extreme, liberal and secular thinkers contend that food and drink are entirely worldly matters, naturally shaped by cultural and contextual variation. In their view, religion has no mandate to govern such everyday practices; consequently, choices such as eating on the floor or at the table, or using the right hand or left, should be left to individual discretion (Qaradawi, Y., 2002: 22).

Qaradawi adopts a balanced, centrist approach between these two opposing trends. He asserted that Prophetic narrations related to worldly affairs should be evaluated from two distinct perspectives: 1) The overarching objectives (maqasid) and normative principles embodied in the Sunnah, which remain enduringly and universally relevant; and 2) The particular forms, practices, and procedural modalities may vary in response to cultural, temporal, and contextual circumstances (Mirzaqi, H., 2017: 157-158). In this framework, the Prophet's principles and ethical orientations regarding food consumption- such as eating with the right hand and adopting a respectful seated posture- remain universally binding. However, the methods (whether "right hand" refers to the hand itself or to utensils held in that hand, and whether "sitting" implies on the ground or at the table) may change in accordance with cultural norms (Alamsah, J. & Ningrum, 2025: 174).

Qaradawi elaborates this methodological framework extensively in his renowned book "al-Sunnah Maşḍaran li al-Maʿrifah wa al-Ḥaḍārah". In articulating this approach, he engaged the contributions of both classical and modern scholars, including al-Qarāfī, Ibn Qutaybah, Ibn al-Qayyim, Shāh Walī Ullāh al-Dihlawī, Ṭāhir ibn ʿĀshūr, Rashīd Riḍā, and Shaykh Shaltūt. The cumulative essence of their view is that the Prophet's guidance functioning as revelation and instruction retains universal applicability, whereas decisions issued in his role as judge or head of state are conditioned by context and therefore open to modification (Qaradawi, Y., 2002: 25-47). Contemporary scholars commonly frame this distinction through the categories of *tashri'i* and *ghayr tashri'i* Sunnah.

In applying the non-legislative Sunnah, Qaradawi maintains a balanced methodology in which the underlying objectives, principles, and ethical prescriptions remain fixed. At the same time, the external forms, techniques, and mechanisms are inherently adaptable to evolving circumstances. As an illustration, he points to Islamic rulings on warfare: where the purposes of war, encouragement to maintain strength, and ethical conduct on the battlefield are constant, but the practical aspects –such as strategy, formation, and weaponry- are shaped by technological and situational developments (Qaradawi, Y., 2002: 14).

A similar distinction can also be observed in the sphere of agriculture. The Prophet's encouragement toward cultivation, tree planting, environmental care, and the spiritual reward associated with such acts remains permanent, while the farming methods, crop choices, and irrigation systems naturally differ across ages (Qaradawi, Y., 2002: 16). He also cited medicine as a case in point: the Prophet's injunctions to pursue treatment,

avoid prohibited substances, and safeguard health remain universally authoritative, but the types of medicines used, manufacturing processes, and the ingredients involved are determined by contemporary medical professionals and regulatory authorities (Qaradawi, Y., 2002: 16-17). These procedural, technical, and method-based domains are exactly what the Prophet addressed when he declared: “You are more knowledgeable about your worldly affairs” (Muslim: 1836).

In interpreting the relevant ḥadith, al-Qaradawi underscored that the Prophet was born and raised in Mecca’s urban environment, where trade was the dominant profession. From an early age, he actively participated in commercial activity- accompanying his uncle’s commercial caravans to Syria and later administering the business ventures of Khadijah. He further conducted partnership-based trade within the Meccan marketplaces. In contrast, the predominant occupation of the inhabitants of Medina was agriculture- an area in which the Prophet possessed comparatively limited hands-on experience. After the Hijrah, he observed the Medinans engaging in date-pollination and discouraged them from doing so. When the harvest subsequently decreased, he clarified that his earlier instruction was solely a personal opinion and further elaborated that, in such experience-based matters, the local community often holds superior knowledge. This, according to Qaradawi, demonstrated that procedural and worldly matters can be structured in accordance with contemporary application, professional expertise, and contextual necessity (Qaradawi, Y., 2002: 21).

Similarly, the Prophet’s individual habits, natural inclinations, and human behaviors are considered by Qaradawi as part of the non-legislative Sunnah, whose practice is not obligatory for the Muslim community. For example, the Prophet favored dishes such as goat shoulder and bottle gourd- preferences that need not be adopted by all believers. He occasionally articulated remarks in states of human anger, and his upbringing in the Arabian Peninsula shaped his cultural outlook- in these cases, regional practices may legitimately vary without contravening Islamic principles. However, emulating these personal aspects out of love for the Prophet is considered meritorious. This is exemplified by ‘Abdullah ibn ‘Umar (ra), who was known for his meticulous adherence to the Prophet’s actions. Qaradawi stresses that such instinctive and human-level practices should not be mandated for all Muslims (Qaradawi, Y., 2002: 22-23).

Contemporary Relevance of the Discussion

The concept of Sunnah ghayr tashri’iyah- referring to the Prophet’s non-legislative practices- has gained significant relevance in modern Islamic discourse. This perspective affirms that not every Prophetic action was intended as a legal obligation. A considerable number stemmed from personal inclinations, Arabian cultural norms, environmental factors, or context-specific administrative judgments. Prominent contemporary voices- most notably Yusuf al-Qaradawi- asserted that recognizing these distinctions allows Muslims to preserve the Sunnah’s universal ethos while avoiding unnecessary rigidity. By distinguishing between permanent principles and context-specific expressions, they can interpret and implement them more effectively in a world

undergoing swift change.

In legal and regulatory matters, this conceptual separation prevents Islamic law from being bound to structural paradigms of earlier historical periods. The Prophet's various administrative policies- such as his price regulation, market supervision, or judicial appointment- were crafted in accordance with the socio-political realities of a small tribal society. Modern governance now relies on complex institutions- such as constitutional courts, taxation departments, consumer protection laws, digital financial infrastructures, and international trade agreements. While these institutions were absent in the Prophet's period, their legitimacy is unquestioned as long as they uphold Islamic objectives of justice and public welfare.

The rapid evolution of science and medicine further underscores the continuing relevance of non-legislative Sunnah. The Prophet advocated seeking treatment and avoiding harmful substances. Yet, the particular remedies he employed- such as black seed, cupping, or honey- reflected the therapeutic knowledge and conventions of his era. Muslims today can engage with advanced medical practices- including surgeries, antibiotics, organ transplants, cancer therapies, and biomedical research without contradicting the principles of the Sunnah. What remains binding are the principles- such as pursuing beneficial knowledge, preserving life, and preventing harm- while the specific forms of application shift in accordance with scientific evolution. The maxim, "You know better the affairs of your world," becomes especially meaningful when applied to modern questions such as IVF, genetic engineering, AI-based medical diagnostics, or stem-cell therapy, which requires specialized scientific expertise rather than replicating seventh-century medical practices.

Modern warfare and national security provide some of the most transparent case studies. The Prophet's deployment of archers, trenches, horses, or particular battle formations was shaped by the military technologies available in Arabia. In the modern era, international laws of war, intelligence units, cyber defense, drones, and sophisticated weaponry aim to uphold the same ethical goals- avoiding aggression, protecting life, and upholding justice- though the operational means differ completely. Muslim military institutions today are not bound to fight with swords or build forts simply because the Prophet used them; such military practices belong to the domain of *ghayr tashri'i* Sunnah and are therefore adaptable to contemporary technological advancements and geopolitical realities.

Agriculture provides similar illustrations. The Prophet's initial comment regarding date-palm pollination, followed by his clarification that it was simply a personal opinion, established a foundational methodological rule: empirical and technical matters should be determined by specialists. Today, using genetically modified seeds, chemical fertilizers, climate-controlled greenhouses, drip-irrigation systems, and satellite-based crop monitoring aligns entirely with Islamic principles. The religious significance lies in encouraging cultivation, environmental care, and sustainability rather than replicating ancient farming practices.

Within the sphere of governance and public administration, the Prophet's decisions as a head of state- such as local governance structures, treaty agreements, or taxation methods like kharaj- were context-driven. Modern Muslim societies now operate within constitutional orders, civil service structures, data-driven policymaking, public budgeting systems, and international diplomacy. These institutions serve the same maqāsid of governance- ensuring public order, maintaining justice, safeguarding rights- but through contemporary mechanisms. Accordingly, the formation of political parties, the digitization of revenue collection, the implementation of traffic laws, or the operation of welfare services through governmental agencies are entirely legitimate, as they fall within the domain where methods are shaped by human expertise and societal needs.

Overall, the concept of non-legislative Sunnah provides a methodological framework that preserves fidelity to Prophetic guidance while allowing Muslims to participate in the realities of modern life actively. It safeguards the universal values of Islam- wisdom, justice, compassion, and public welfare- while permitting the procedures, forms, and technical systems of contemporary society to evolve independently. This balanced perspective ensures that Islam continues to function as a dynamic and relevant force, offering guidance across modern domains- science, law, medicine, governance, ethics, and social life- without restricting them to the historical circumstances of early Arabia.

Conclusion

Imam al-Qaradawi's balanced interpretation of the non-legislative Sunnah presents a methodologically sound framework that helps jurists and scholars navigate the complex relationship between Prophetic conduct and today's society. Through his careful distinction between Prophetic normative directives and actions arising from personal preference, contextual necessity, or cultural milieu, it provides an interpretive lens that preserves the binding nature of the Sunnah while preventing its misapplication. In doing so, al-Qaradawi critiques the literalist-traditionalist tendency to universalize every Prophetic action as perpetually obligatory, advocating instead for a more disciplined hermeneutic that honors both the Prophet's purpose and the maqāsid of Sharī'ah. At the same time, it challenges the opposite extreme: hyper-rationalist trends that dismiss large portions of the Sunnah as historically bound, thereby undermining its enduring function as a vital source of moral and spiritual formation.

In addition, the concept of non-legislative Sunnah is often misrepresented in secular discussions, where it is framed as evidence of the Sunnah's diminishing relevance in contemporary contexts. In response, Qaradawi refuted such assumptions by demonstrating that context-bound actions do not undermine the Sunnah's significance; instead, they underscore its pragmatic realism, inherent flexibility, and compatibility with evolving human knowledge. To prevent such distortions, educators and scholars must communicate the distinction with conceptual clarity regarding the functions, categories, and epistemological limits of the Sunnah.

In suggestions, the careful study of non-legislative Sunnah should be conducted by competent experts- those grounded in ḥadith sciences, uṣul al-fiqh, maqādis al-Shariah, historical analysis, and contemporary social realities. Their task is not to reduce the scope of the Sunnah, but to uncover its depth, clarify its underlying maqāsid, and demonstrate its enduring relevance across diverse and evolving circumstances. This level of academic precision establishes the groundwork for a renewed era of modern ijtihad- one that remains faithful to revelation while thoughtfully engaging with the demands of scientific advancement, constitutional governance, medical ethics, modern economics, and global society.

In this regard, al-Qaradawi's moderate perspective is not merely a reconciliation between historical legacy and contemporary reality, but it is a roadmap for future intellectual and legal developments. It enables Muslim intellectuals to uphold Islam's universal values- justice, wisdom, compassion, and public welfare- without hindering the natural development of modern institutions, technological progress, and governance mechanisms.***

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