

PRINCIPLES OF ISLAM

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Preface

بسم الله نحمده و نصلى على رسول الكريم

This book is an attempt to present before the readers, in simple language, the basic principles of Islam. Knowledge of these principles is essential not only to have a better and accurate understanding of Islam and its injunctions but also to remove many doubts created by the enemies of Islam and its innovators and evil-wishers. The work, in this book, is in complete conformity with the classical and authentic works on the subject.

For the verses of the Quran translation made by Muhammad Marmaduke Pickthall has been adopted.

My thanks are for Mrs. Mujahid Zafar, Mufti Afzal Hoosen Elias and others who helped me in preparing this English version of my original book in Urdu. .

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Chapter 1:

WAHI (DIVINE REVELATION)

Literal meaning of wahi:

Literal meaning of wahi is a secret notification (الاعلام الخفى). Allama Ibn Qayyim adds "swift" to it and thus, according to him, it is a swift secret notification (الاعلام الخفى السريع). Imam Raghīb in his Mufradat (المفردات) writes, الوحي الاشارة السريعة فى خفية i.e. wahi is a swift and secret signal or sign.

Thus, manifestation of the literal meaning of wahi requires three things: a sign or a signal, swiftness and secrecy.

A signal or a sign is a short entity which points towards some detailed information. The intellect of the Prophets is of such a high cadre that on perceiving the sign they immediately comprehend the associated details.

Secrecy demands that no other should know it before the one to whom it has been revealed. Therefore, wahi, to the Prophets, is made so secretly that no one knows it before them.

Usage of the word wahi, in its literal sense, in the Quran:

In literal sense its usage is quite generalised. The Quran states:

- i. Wahi to earth

يَوْمَئِذٍ تُحَدِّثُ أَخْبَارَهَا بِأَنَّ رَبَّكَ أَوْحَىٰ لَهَا (سوره زلزال: 4,5)

That day it will relate its chronicles, Because your Lord made wahi to it (i.e. inspired it).

ii. to honey bee

وَأَوْحَىٰ رَبُّكَ إِلَى النَّحْلِ أَنِ اتَّخِذِي مِنَ الْجِبَالِ بُيُوتًا

(سوره نحل: 68)

And your Lord made wahi to (i.e. inspired) the bee, saying: Choose your habitations in the hills.

iii. to the disciples of Jesus ﷺ

وَإِذْ أَوْحَيْتُ إِلَى الْحَوَارِيِّينَ أَنْ آمِنُوا بِي وَبِرَّ سُورِي (سوره مائده: 111)

And when I made wahi to (i.e. inspired) the disciples, (saying): Believe in Me and in My messenger.

iv. to the mother of Moses ﷺ

وَأَوْحَيْنَا إِلَىٰ أُمِّ مُوسَىٰ أَنْ أَرْضِعِيهِ (سوره قصص: 7)

And We made wahi to (i.e. inspired) the mother of Moses, saying: Suckle him.

The making of wahi, in its literal sense, is not confined to Allah alone. In fact, it can emanate from humans and jinns too, although they may be disbelievers. The Quran states:

i. Wahi made by Zakariya ﷺ

فَأَوْحَىٰ إِلَيْهِمْ أَنْ سَبِّحُوا بُكْرَةً وَعِشْيًا (سوره مريم: 11)

and made wahi to (i.e. signified to) them: Glorify your Lord at break of day and fall of night.

ii. Wahi made by disbelievers and devils

شَیْطَانِ الْإِنْسِ وَالْجِنِّ يُوحِي بَعْضُهُمْ إِلَىٰ بَعْضٍ زُخْرُفَ الْقَوْلِ غُرُورًا

(سوره انعام: 112)

Devils of humankind and jinn who make wahi to (i.e. inspire) one another plausible discourse through guile.

إِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ (سورة انعام: 121)

Lo! the devils do make wahi to (i.e. inspire) their minions.

Definition of Wahi in Sharia

Hafiz Badrud-din Aini ﷺ states that in Sharia terminology wahi is defined as "words of Allah revealed upon any of His Prophets". (كلام الله المنزل على نبي من انبيائه)

Note:

Divine revelation is called wahi because it is swift and secret and is at times in the form of a short signal.

The Quran is the divine revelation (wahi)

The Quran states:

نَحْنُ نَقُصُّ عَلَيْكَ أَحْسَنَ الْقَصَصِ بِمَا أَوْحَيْنَا إِلَيْكَ هَذَا الْقُرْآنَ

(سورة يوسف: 3)

We narrate to you the best of narratives in that We have revealed to you this Quran.

أَتْلُ مَا أُوحِيَ إِلَيْكَ مِنْ كِتَابِ رَبِّكَ (سورة كهف: 27)

Recite that which has been revealed to you of the Scripture of your Lord.

Modes of revelation of Allah's words

The disbelievers used to say

لَوْ لَا يُكَلِّمُنَا اللَّهُ (سورة بقره: 118)

Why does not Allah speak to us?

In reply to them the Quran states

مَا كَانَ لِنَبِيٍّ أَنْ يَكَلِّمَهُ اللَّهُ إِلَّا وَحْيًا أَوْ مِنْ وَرَاءِ حِجَابٍ أَوْ يُرْسِلَ رَسُولًا

فَيُوحِيَ بِإِذْنِهِ مَا يَشَاءُ (سورة شورى: 51)

It was not (vouchsafed) to any mortal that Allah should speak to him unless (it be) by revelation or from behind a veil, or (that) He sends a messenger to reveal what He will by His leave.

This verse illustrates three modes of revelation.

1. Inspiration (أَوْحِيًّا):

The soul of the Prophet is subjugated and drawn out from his material body towards the sacred sphere, and the words of Allah are impressed on it all at once. The words get permanently impressed on his soul. This mode requires no intermediary of an angel or of any perception.

2. From behind a veil (مِنْ وَرَاءِ حِجَابٍ):

This mode, too, is without the intermediary of an angel. The divine eternal speech is associated with the prophet in form of words selected by Allah and conveyed through the medium of air. Moses (عليه السلام) heard, with his ears, the divine speech in this manner when he saw a fire and went to it on his way back from Midian.

3. Via a messenger (أَوْ يُرْسِلَ رَسُولًا):

The messenger was Jibrail (Gabriel) (عليه السلام), When conveying the words of Allah, he sometimes adopted the form of a man and at others remained in his original form. When he came in his original form he would draw out the soul of the Prophet from his material body, subjugate it and imbibe the words of Allah into it.

Divine revelation is a peculiarity of the Prophets

Allah addresses the Holy Prophet (ﷺ),

إِنَّا أَوْحَيْنَا إِلَيْكَ كَمَا أَوْحَيْنَا إِلَى نُوحٍ وَالنَّبِيِّينَ مِنْ بَعْدِهِ وَأَوْحَيْنَا إِلَى إِبْرَاهِيمَ

وَأَسْمِعِيلَ وَإِسْحَاقَ وَيَعْقُوبَ وَالْأَسْبَاطَ وَعِيسَى وَإِيُوبَ وَيُونُسَ وَهَارُونَ وَسُلَيْمَانَ
وَأَتَيْنَا دَاوُدَ زُيُورًا (سورة نسا: 163)

Lo! We made wahi to (i.e.inspired) you as We inspired (made wahi to) Noah and the Prophets after him, as we inspired Abraham and Ishmael and Isaac and Jacob and the tribes, and Jesus and Job and Jonah and Aaron and Solomon, and as we imparted David the Psalms.

This verse is most comprehensive and establishes wahi (divine revelation) as a peculiarity of all the Prophets.

Wahi to the Prophets was of two types:

1, Scriptural wahi

It comprises the verses of the divine scripture. Since the Scriptures are to be recited, therefore, this wahi is also called recitable wahi (الوحي المتلو)

2, Non-Scriptural wahi

It is the revelation of injunctions and other information which are not mentioned in the scriptures. It is also called non-recitable wahi (الوحي الغير المتلو)

Proofs of the Quran being a wahi and revelation

The Quran states:

1. نَحْنُ نَقُصُّ عَلَيْكَ أَحْسَنَ الْقَصَصِ بِمَا أَوْحَيْنَا إِلَيْكَ هَذَا الْقُرْآنَ
(سورة يوسف: 3)

We narrate to you the best of narratives in that we have revealed to you this Quran.

2. قُلْ نَزَّلَهُ رُوحُ الْقُدُسِ مِنْ رَبِّكَ بِالْحَقِّ (سورة نحل: 102)

Say: The Holy Spirit has revealed it from your Lord with truth.

3. وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ (سورة نحل: 44)

And we have revealed to you the Remembrance so that you may explain to mankind that which has been revealed to them.

4. وَلَا تَعْجَلْ بِالْقُرْآنِ مِنْ قَبْلِ أَنْ يُقْضَىٰ إِلَيْكَ وَحْيُهُ (سورة طه: 114)

And do not hasten with the Quran before its revelation has been completed for you.

Evidences for non-Scriptural wahi (revelation)

Once the Holy Prophet ﷺ confided a certain personal matter to one of his wives and asked her not to let any one know it. But she, due to weakness of human nature, shared it with one of his other wives. Allah informed the Holy Prophet of it through a non-scriptural wahi, not through the Quran. It was sometimes later that the whole incident was explained in the Quran as follows:

وَإِذْ أَسَرَّ النَّبِيُّ إِلَىٰ بَعْضِ أَزْوَاجِهِ حَدِيثًا فَلَمَّا نَبَّأَتْ بِهِ وَأَظْهَرَهُ اللَّهُ عَلَيْهِ عَرَفَ بَعْضُهُمْ وَأَعْرَضَ عَنْ بَعْضٍ فَلَمَّا نَبَّأَهَا بِهِ قَالَتْ مَنْ أَنْبَأَكَ هَذَا قَالَ نَبَّأَنِيَ الْعَلِيمُ الْخَبِيرُ (سورة تحریم: 3)

When the Prophet confided a fact to one of his wives and when she afterward divulged it and Allah apprised him of it, he made known (to her) a part of it and passed over a part. And when he told her she said: Who has told you? He said: The Knower, the Aware has told me.

2. When Noah's son was drowned he cried to Allah that his son was from his household and that He had promised to save his household. Allah replied

يُنُوحُ إِنَّهُ لَيْسَ مِنْ أَهْلِكَ إِنَّهُ عَمَلٌ غَيْرُ صَالِحٍ فَلَا تَسْأَلْنِي مَا لَيْسَ لَكَ بِهِ

عَلَّمَ (سورة هود: 46)

O Noah! Lo! he is not of your house-hold; lo! he is of evil conduct, so do not ask Me that of which you have no knowledge.

This revelation was non-Scriptural because it is not established that Noah عليه السلام was given any Book or Scroll.

3. When Moses عليه السلام was travelling from Midian with his wife, he saw a fire in a distance. When he reached it Allah spoke to him saying.

فَاسْتَمِعْ لِمَا يُوحَىٰ إِنِّي أَنَا اللَّهُ لَا إِلَهَ إِلَّا أَنَا فَاعْبُدْنِي وَأَقِمِ الصَّلَاةَ لِذِكْرِي

(سورة طه: 13,14)

So hearken to that is inspired. Lo! I, verily I am Allah. There is no God save Me. So serve Me and establish worship for My remembrance.

The entire Quran was revealed upon the Holy Prophet ﷺ through Gabriel عليه السلام.

Gabriel (Jibrail) عليه السلام would sometimes come in human form and recite the verses of the Quran before the Holy Prophet ﷺ. Miraculously, all that he heard he retained it in his heart.

At other times he would come in his original form and draw out the Holy Prophet's soul from his material body towards him, subjugate it, and impart it the wahi. During this process the sensory perceptions of the Holy Prophet ﷺ were suspended and he could use only his spiritual faculties. He could hear with his spiritual faculty of hearing and could see the Angel with his spiritual faculty of seeing. In this mode since the Holy Prophet ﷺ had to ascend from human

to angelic sphere it was the most strenuous for him. He himself said هو اشد على (it is the most strenuous mode for me).

Evidences

1. قُلْ نَزَّلَهُ رُوحُ الْقُدُسِ مِنْ رَبِّكَ بِالْحَقِّ (سورة نحل: 102)

Say the Holy Spirit has revealed it from your Lord with truth.

2. وَإِنَّهُ لَتَنْزِيلُ رَبِّ الْعَالَمِينَ نَزَلَ بِهِ الرُّوحُ الْأَمِينُ عَلَى قَلْبِكَ لِتَكُونَ مِنَ الْمُنْذِرِينَ بِلِسَانٍ عَرَبِيٍّ مُبِينٍ (سورة الشعراء: 192-195)

And lo! it is a revelation of the Lord of the worlds, which the True Spirit has brought down upon your heart, that you may be (one) of the warners, in plain Arabic speech.

3. عَلَّمَهُ شَدِيدُ الْقُوَى ذُو مِرَّةٍ (سورة نجم: 6)

One, of mighty powers, has taught him.

4. إِنَّهُ لَقَوْلُ رَسُولٍ كَرِيمٍ ذِي قُوَّةٍ عِنْدَ ذِي الْعَرْشِ مَكِينٍ مُطَاعٍ ثَمَّ أَمِينٍ (سورة تكوير: 21)

This is in truth the word of an honoured messenger, mighty, established in the presence of the Lord of the Throne, (one) to be obeyed, and trustworthy.

Difference between recitable and non-recitable wahi:

In recitable wahi, i.e. the Quran, the words are also from Allah, whereas in non-recitable wahi only the subject is inspired in the Prophet's heart, who then interprets it in his own words.

Peculiarity of the Prophets is absolute wahi, not Scriptural one in particular

In the Quran it is established that some injunctions were

revealed upon the Prophets through non-Scriptural wahi.

وَمَا جَعَلْنَا الْقِبْلَةَ الَّتِي كُنْتَ عَلَيْهَا إِلَّا لِنَعْلَمَ مَنْ يَتَّبِعُ الرَّسُولَ مِمَّنْ يَنْقَلِبُ عَلَى
عَقْبَيْهِ (سوره بقره: 143)

And We appointed the qiblah which you formerly observed only that We might know him who follows the messenger, from him who turns on his heels.

It is known from this verse that Jerusalem was appointed the qiblah by Allah's injunction. But that injunction is nowhere in the Quran. Thus, it must have been a non-Scriptural wahi.

2- يَا بُنَيَّ إِنِّي أَرَى فِي الْمَنَامِ أَنِّي أَذْبَحُكَ فَانْظُرْ مَاذَا تَرَى قَالَ يَا آدَمُ
افْعَلْ مَا تُؤْمَرُ (سوره صافات: 102)

(Abraham) said: O my dear son, I have seen a dream that I am sacrificing you. So look what do you think. He said: O my father! Do that which you are commanded.

Generally the commentators take this dream as an injunction from Allah, and present the words of Ishmael (عليه السلام) "that which you are commanded" as its evidence.

3- يَا نُوحُ إِنَّهُ لَيْسَ مِنْ أَهْلِكَ إِنَّهُ عَمَلٌ غَيْرُ صَالِحٍ (سوره هود: 42)
O Noah! Lo! he is not of your household; lo! he is of evil conduct.

When a few injunctions can be revealed through non-Scriptural wahi there appears to be no hindrance for the remaining all other injunctions to be revealed through it. This proves that the Scriptural wahi is an added blessing from Allah.

Commandments and injunctions are revealed

through non-Scriptural wahi also

1. The injunction to offer prayers in the direction of Jerusalem was revealed through non-Scriptural wahi.
2. The commandment for Abraham عليه السلام to sacrifice his son was through a non-Scriptural wahi i.e. a dream.

3. مَا قَطَعْتُمْ مِنْ لَيْنَةٍ أَوْ تَرَكْتُمُوهَا قَائِمَةً عَلَىٰ أُصُولِهَا فَبِإِذْنِ اللَّهِ
(سوره حشر:5)

Whatever palm-trees you cut down or left standing on their roots, it was by Allah's leave.

After beseiging the fort of Jewish tribe Bani Nadhir, the Muslims cut down their trees and destroyed their orchards. The aim was that Bani Nadhir, on seeing the destruction of their property, may be forced to come out of the fort. Another aim was that, in an open war with them, the trees may not create hindrance. The enemies objected that the Muslims at one hand forbid mischief, and at another create mischief by cutting the trees and destroying the orchards. On that occasion Allah revealed this verse and informed that the Muslims had done so with His permission.

This permission, too, was an injunction that was revealed through a non-Scriptural wahi:

Explanations of the Quranic injunctions and ijihad made by the Holy Prophet ﷺ. were effected by him as a Prophet and not as an ordinary mujtahid or jurist.

1. To take ransom from the prisoners of Badr was a decision which the Holy Prophet made with his ijihad after consulting the Companions (sahabah). Umar رضي الله عنه was of the opinion that all the prisoners be executed and their nearest

relatives amongst the Muslims should chop off their heads. Abu Bakr رضي الله عنه and other Companions were of the view that ransom should be taken from the prisoners. The Holy Prophet's view coincided with the latter and he took the decision likewise. Allah showed His anger

مَا كَانَ لِنَبِيٍّ أَنْ يَكُونَ لَهُ أَسْرَىٰ حَتَّىٰ يُثْخِنَ فِي الْأَرْضِ تُرِيدُونَ عَرَصَ الدُّنْيَا
وَاللَّهُ يَرِيدُ الْآخِرَةَ وَاللَّهُ عَزِيزٌ حَكِيمٌ . لَوْلَا كِتَابٌ مِنَ اللَّهِ سَبَقَ لَمَسَّكُمْ فِيمَا أَخَذْتُمْ
عَذَابٌ عَظِيمٌ (سورة انفال: 67,68)

It is not fitting for any Prophet to have captives until he has made slaughter in the land. You desire the lure of this world and Allah desires (for you) the Hereafter, and Allah is Mighty, Wise. Had it not been for an ordinance of Allah which had gone before, an awful doom would have come upon you on account of what you took.

Here two things are to be considered

1. The words مَا كَانَ لِنَبِيٍّ (It is not for any Prophet) indicate that while making ijtihaḥ the Holy Prophet's position as a Prophet persisted and did not change to that of an ordinary mujtahid or jurist.
2. In case of other jurists we cannot be certain as to who is correct and who is not. At the most we can say that probably this jurist is correct and that is wrong, but possibility persists that the matter may be vice versa. Allah does not get angry with these jurists. Rather, He rewards them on their attempt. In such a situation, Allah's anger at the Prophet connotes that the nature of his ijtihaḥ differs from that of other jurists. This results in the following two facts:

- i. If the Prophet's ijtihad coincides with Allah's will it is maintained, and if not it is changed to Allah's will. The Prophet is, therefore, not maintained on the wrong and thus his ijtihad takes the form of wahi.
- ii. Allah's displeasure at the Holy Prophet ﷺ was not because his decision and ijtihad were wrong, rather it was because he, while having the highest intellect and rank, could have made a much better decision.

There is a ruling that حسنات الابرار سيئات المقربين i.e. the virtuous deeds of ordinary pious men may prove to be a wrong for those close to Allah because deeds of much higher standard are expected of them.

مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا (سورة حشر:7)

And whatsoever the messenger gives you take it.

And whatsoever he forbids, abstain (from it).

Because of the generality in the meaning of the words مَا آتَاكُمُ الرَّسُولُ and مَا نَهَاكُمْ عَنْهُ this verse encompasses all the injunctions and prohibitions, whether mentioned in the Quran or otherwise.

It is important to note the words مَا آتَاكُمُ الرَّسُولُ (whatsoever the messenger gives you) because they express that all the injunctions and prohibitions were given by the Holy Prophet ﷺ as a Prophet, and not as an ordinary jurist or as a central authority of a Muslim state.

Those who deny the legislative importance of Hadith claim that every succeeding central authority of a Muslim state has to re-legislate the injunctions, on the basis of principles mentioned in the Quran, and on the basis of the

demand of the time. According to them the legislative status of the Holy Prophet and the succeeding authorities, till the Last Day, is the same, and the only difference left between the two is that the Quran was revealed to the Holy Prophet ﷺ and not to them.

This verse refutes their claim and expresses that the injunctions given by the Holy Prophet ﷺ. were given by him as a Prophet and, therefore, cannot be changed by any succeeding authority.

Chapter 2:

Principles of Tafsir (Exegesis)

Definition of the Quran

هو المنزل على الرسول المكتوب في المصاحف المنقول نقلا متواترا

The Quran is that Scripture which was revealed to the Holy Prophet ﷺ, is written in book form and has been reported from the Holy Prophet ﷺ by a continuous chain of narrators, in such a number in all successive times that denies their being mistaken or their inventing a lie.

Science of tafsir (commentary)

The word tafsir (تفسير) originates from فسر (fasar) which means to open and explain. To explain the meanings of the Quran is called its tafsir and commentary.

Since the Quran is a combination of words and their meanings therefore the following requirements are essential to make its tafsir.

1. to know the pronunciation of the words, their etymology and their contextual meanings.
2. to know the abrogating (ناسخ) verses and the abrogated (منسوخ) ones.
3. to know the incidents which were apparently the cause of the revelation (اسباب النزول).
4. to deduce injunctions and wisdoms.

Considering the above mentioned requirements Allama Zarkashi رحمه الله defined the science of tafsir (commentary) as:

علم يفهم به كتاب الله المنزل على نبيه محمد ﷺ و بيان معانيه

واستخراج احكامه وحكمه (الاتقان ص 174 ج 2)

It is a science whereby the meaning of the Quran is known and its injunctions and wisdoms are deduced.

Allama Abu Hayyan gave a more comprehensive definition. It is as follows:

التفسير علم يبحث فيه عن كيفية النطق بالفاظ القرآن ومدلولاتها واحكامها الافرادية والتركيبية ومعانيها التي تحمل عليها حالة التركيب وتتمت ذلك

(الاتقان ص 174 ج 2)

Tafsir (exegesis) is a science which deals with

- i. the ways of pronouncing the Quranic words
- ii. the meanings of the Quranic words taken individually,
- iii. the meanings of the words taken collectively in the form of a sentence,
- iv. supplements to the meanings i.e, the knowledge of abrogating and abrogated verses, incidents causing revelation and details of events mentioned with brevity.

Sciences required to make tafsir of the Quran —

Allama Jalal-ud-din Suyuti رحمه الله writes in his Al-Itqan that only that person can make tafsir of the Quran who possesses the knowledge of following fifteen sciences.

ومنهم من قال يجوز تفسيره لمن كان جامعاً للعلوم التي يحتاج المفسر اليها وهي خمسة عشر علماً

احدها اللغة لان بها عرف شرح مفردات الالفاظ ومدلولاتها بحسب الوضع قال مجاهد لا يحل لاحد يومن بالله واليوم الاخر ان يتكلم في كتاب الله اذالم يكن عالماً بلغات العرب وقال مالك لا اوتي برجل غير عالم بلغه العرب

يفسر كتاب الله الا جعلته نكالا ولا يكفى فى حقه معرفة اليسير منها فقد يكون اللفظ مشتركا وهو يعلم احد المعيين والمراد الآخر-

الثانى النحو لان المعنى يتغير ويختلف باختلاف الاعراب فلا بد من اعتباره اخرج ابو عبيده عن الحسن انه سئل عن الرجل يتعلم العربية يلتمس بها حسن المنطق و يقيم بها قراءته فقال حسن تعلمها فان الرجل يقرأ الآية فيعيب بوجهها فيهلك فيها-

الثالث التصريف لان به تعرف الابنية والصيغ قال ابن فارس و من فاته فاته المعظم لان وجد مثلا كلمة مبهمه فاذا صرفناها اتضحت بمصادرها-

الرابع الاشتقاق لان الاسم اذا كان اشتقاقه من مادتين مختلفتين اختلف باختلافها كالمسيح هل هو من السياحة او المسح

الخامس والسادس والسابع المعانى والبيان والبديع لانه يعرف بالاول خواص تراكيب الكلام من جهة افادتها المعنى و بالثانى خواصها من حيث اختلافها بحسب وضوح الدلالة وخفاءها و بالثالث وجوه تحسين الكلام وهذه العلوم الثلاثة هى علوم البلاغة وهى من اعظم اركانها للمفسر لانه لا بدله من مراعاة ما يقتضيه الاعجاز وانما يدرك بهذه العلوم-

الثامن علم القراءات لان به يعرف كيفية النطق بالقرآن والقراءات يترجح بعض الوجوه المحتملة على بعض

التاسع اصول الدين بما فى القرآن من الآية الدالة بظاهرها على ما لا يجوز على الله تعالى فالاصول يؤول ذلك ويستدل على ما يستحيل وما يجب وما يجوز

العاشر اصول الفقه اذ به يعرف وجوه الاستدلال على الاحكام والاستنباط الحادى عشر اسباب النزول والقصص اذ بسبب النزول يعرف معنى الاية المنزلة فيه بحسب ما انزلت فيه-

الثانى عشر الناسخ والمنسوخ ليعلم المحكم منغيره الثالث عشره الفقه

الرابع عشر الاحاديث المبينة لتفسير المجمل والمبهم

الخامس عشر علم الموهبة وهو علم يورثه الله تعالى لمن عمل بما علم

واليه الاشاره بحديث من عمل بما علم ورثه الله علم ما لم يعلم

(الاتقان فى علوم القرآن للسيوطى ص 179:ج2)

1. Vocabulary of Arabic language (علم اللغة)

Mujahid رضي الله عنه said, "He who believes in Allah and in the day of Qiyamah is not permitted to make tafsir of any word of the Quran till he has acquired the knowledge of Arabic vocabulary." _

Imam Malik said, "If I find a person making tafsir of a Quranic word, without possessing knowledge of Arabic vocabulary, I will give him an admonitory punishment."

Note:

It is not sufficient to know one or two meanings of a word if it has some other meanings too because, otherwise, one cannot be safe in determining the right meaning.

2. Syntax (علم النحو)

It is essential because with the change in diacritical points (اعراب) of the word its meaning changes. Knowledge of diacritical points depends on the knowledge of Syntax.

3. Science of format of words (علم الصرف)

It is necessary because a change in the format of a word causes change in its meaning. Ibn Faris said, "He who lacks the science of format of words lacks a lot."

4. Etymology (علم الاشتقاق)

When a word is derived from two different roots its

meanings differ. For example the word مسح is derived from مسح (to rub) and from مساحة (dimension of land) too. Thus the word مسح has two meanings; the annointed one and one who travels on earth.

5. Eloquence (علم المعاني)

By which the characteristics of different structures of speech are known.

6. Oratory (علم البيان)

By which one knows the similes and metaphors in speech.

7. Badi (علم البديع) by which one knows the beauties of speech.

The last three are collectively called the science of rhetoric (علم البلاغة). This science is indispensable for a mufassir (one making tafsir) because the Quran is a miracle through its rhetoric (بلاغة).

8. Science of recitations (علم القراءات)

The pronunciation of the words of the Quran are known by it and through it, one of the several possible meanings can be preferred.

9. Knowledge of Creed (علم العقائد)

Some words and verses of the Quran are such that their usage in their literary meanings is not possible for Allah e.g., الرَّحْمَنُ عَلَى الْعَرْشِ اسْتَوَى (Rahman established on the Throne). To take its meaning that Allah sits on His Throne like human kings is incorrect. The correct meaning will be known from the knowledge of creed (علم العقائد).

10. Islamic jurisprudence (اصول الفقه)

By it one learns the method of reasoning for the injunctions and of deducing them.

11. Knowledge of the events causing revelation of the Quranic verses (اسباب النزول)

It helps in making the meaning of the verse explicit because at times it is linked with the relevant event.

12. Knowledge of the abrogating and the abrogated verses (الناسخ والمنسوخ)

It is essential to distinguish the abrogated verses from the non-abrogated ones.

13. Islamic law (علم الفقه)

Its knowledge helps in understanding the rulings of the Quran.

14. Knowledge of Hadith (علم الحديث)

Especially of those which are concerned with tafsir of the injunctions mentioned briefly in the Quran.

15. God-granted knowledge (علم وهبي)

Allah grants it to some of His special servants. It is mentioned in a hadith saying:

من عمل بما علم ورثه الله علم ما لم يعلم

When one practises that he knows, Allah grants him knowledge of that he does not know.

Note:

قال ابن ابى الدنيا الصحابة والتابعون كان عندهم علوم العربية بالطبع لا بالاكْتساب واستفادوا العلوم الاخرى من النبي ﷺ

(الاتقان ص 181 ج 2)

The companions (صحابه) did not need to acquire the sciences related to Arabic language because pure

Arabic language, in which the Quran was revealed, was their mother tongue. They learnt the remaining sciences from the Holy Prophet ﷺ.

Sources of Tafsir (exegesis)

Verses of the Quran are of two types:

- i. Some are self-explanatory and any person knowing Arabic language can easily understand their meaning. The source of tafsir of such verses is only the Arabic language. Nevertheless, together with it one needs to have a sound and rational intellect.
- ii. Others are such that mere knowledge of Arabic language does not suffice to know their meaning and other means are required, which serve as sources of tafsir. These sources are:
 1. The Quran itself
 2. Hadith
 3. Statements of the Companions (صحابه)
 4. Statements of successors of the companions (تابعين)

First Source: The Quran

Occasionally some verses of the Quran elucidate some others. Thus, there may be ambiguity at one place that is removed at another place.

Examples

إِهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ. صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ

(سوره فاتحه: 6,7)

Show us the straight path, the path of those whom you have favoured.

The favoured ones are not identified here but are

identified at another place.

أُولَئِكَ الَّذِينَ أَنْعَمَ اللَّهُ عَلَيْهِمْ مِنَ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءِ وَالصَّالِحِينَ
(سورة النساء: ٦٩)

They are with those to whom Allah has shown favour, of the Prophets and the saints and the martyrs and the righteous.

فَتَلَقَّى آدَمُ مِنْ رَبِّهِ كَلِمَاتٍ فَتَابَ عَلَيْهِ (سورة بقره: 37)

Then Adam received from his Lord words (of revelation) and, He relented toward him.

The actual words which Adam received are not mentioned here, and are mentioned at another place.

قَالَا رَبَّنَا ظَلَمْنَا أَنْفُسَنَا وَإِنْ لَمْ تَغْفِرْ لَنَا وَتَرْحَمْنَا لَنَكُونَنَّ مِنَ الْخَاسِرِينَ
(سورة اعراف: 23)

They said: Our Lord! We have wronged ourselves. If you do not forgive us and do not have mercy on us, surely we are of the lost.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ (سورة توبه: 119)

O you who believe! Fear Allah and be with the truthful.

The truthful are described at another place:

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَآتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَى
وَالْيَتَامَى وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى
الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ
أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ الْمُتَّقُونَ (سورة بقره: 177)

It is not righteousness that you turn your faces to the East and the West, but righteous is he who believes

in Allah and the Last Day and the angels and the Scripture and the Prophets; and gives his wealth, for love of Him, to kinsfolk and to orphans and the needy and the way-farer and to those who ask, and to set slaves free; and observes proper worship and pays the poor-due. And those who keep their treaty when they make one, and the patient in tribulation and adversity and times of stress. Such are they who are truthful. Such are the God-fearing.

This verse explains that the truthful are those who have the above-mentioned attributes.

4. Tafsir of one recitation by another is also an example of tafsir through the Quran. In one recitation the word **أَرْجُلِكُمْ** has a lower diacritical point (كسره) on the letter لام.

فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ (سوره مائده: 6)

According to Arabic rules there are two possible meanings of the verse:

1. Wash your faces, and your hands up to the elbows, and rub your heads and wash your feet upto the ankles.
2. and rub your heads and your feet upto the ankles.

In the popular recitation of Hafs (رواية حفص) the word **أَرْجُلِكُمْ** has an upper diacritical point (فتح) on the letter لام. In this case only one meaning is possible i.e. wash your feet upto the ankles. This determines the meaning of the first recitation too.

Second Source: The Hadith

The Quran has expressed on several occasions that to

explain the Quran and to instruct the Scripture are some of the responsibilities of the Holy Prophet ﷺ.

وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ (سوره نحل: 44)

We have revealed upon you the Remembrance (Quran) that you may explain to mankind that which has been revealed for them.

Teachings of the Quran comprise of creed, worship, ethics, law, transactions, quarrels, crimes, penalties, retribution, jihad and administration. The Quran deals with some of them in detail, and with others in brevity.

This verse expresses that it is the responsibility of the Holy Prophet ﷺ to teach in detail by his words and demonstrate by his practice that which is mentioned in the Quran.

An example is that despite studying all the verses concerning salah (صلاة) one cannot make out the required form of worship. For it the verbal explanation and practical demonstration by the Holy Prophet ﷺ, which is called Hadith, is indispensable.

Thus the salah, mentioned in the Quran, its complete tafsir is impossible without Hadith.

Note:

It is important to note that the explanation given by the Holy Prophet ﷺ was not from his own self. In fact it was also from Allah, who says:

لَا تُحَرِّكْ بِهِ لِسَانَكَ لِتَعْجَلَ بِهِ إِنَّ عَلَيْنَا جَمْعَهُ وَقُرْآنَهُ فَإِذَا قَرَأْنَاهُ فَاتَّبِعْ قُرْآنَهُ ثُمَّ إِنَّ عَلَيْنَا بَيَانَهُ (سوره قیامه: 16-20)

Do not stir your tongue herewith to hasten it. Lo!

upon Us (rests) its putting together (in your heart) and its reading (on your tongue). And when We read it (i.e. Our Angel reads it) you follow the reading; Then lo: upon Us (rests) its explanation.

In this verse two points are to be noted:

1. Allah has explicitly stated that He is to give the explanation of the Quran to the Holy Prophet ﷺ. It proves that the Holy Prophet's hadith has the status of wahi, albeit a non-scriptural one.
2. It is obvious that all that which is in the Quran is itself the Quran. Its explanation should be apart from it, in the Sunah and Hadith.

لَقَدْ مَنَّ اللَّهُ عَلَى الْمُؤْمِنِينَ إِذْ بَعَثَ فِيهِمْ رَسُولًا مِنْ أَنْفُسِهِمْ يَتْلُو عَلَيْهِمْ آيَاتِهِ وَ يُزَكِّيهِمْ وَيُعَلِّمُهُمُ الْكِتَابَ وَالْحِكْمَةَ (سوره آل عمران: 164)

Allah verily has shown grace to the believers by sending to them a messenger of their own who recites for them His revelations, and purifies them, and teaches them the Scripture and wisdom.

Hafiz Ibn Abdul Barr^{رحمته الله} reports in his book Jame-Bayan-al-ilm (جامع بيان العلم وفضله)

عن عمران بن حصين رضى الله عنه ان رجلا اتاه فساله عن شى فحدثه فقال الرجل حدثوا عن كتاب الله ولا تحدثوا عن غيره فقال عمران بن حصين رضى الله عنه انك امرؤ احمق اتجد فى كتاب الله تعالى صلاة الظهر اربعا لا يجهر فيها ثم عدد عليه الصلوة والزكوة ونحو هذا ثم قال اتجد هذا فى كتاب الله مفسرا ان كتاب الله قد ابهم وان السنة تفسر ذلك

A man came to the Companion Imran Bin Husain^{رحمته الله} and asked him some question. In reply Imran^{رحمته الله} quoted a hadith. The man said, "Please give the answer from

the Book of Allah and not from any other source."
Imran ؓ replied, "You are a stupid man. Do you find in the Book of Allah that there are four rakats in Zuhr prayers, and that in them you have to recite the Quran without voice?"

Imran ؓ enumerated several examples of salah and zakah etc and said, "Do you find their details in the Quran? The Quran mentions them in brevity and it is the sunnah (or Hadith) which gives their tafsir in detail."

Khatib Baghdadi ؓ reports the same incident in his book Al-Kifayah (الكفاية فى علم الرواية)

ان رجلا قال لعمران بن حصين ما هذه الاحاديث التى تحدثونا ها وتركتم القرآن قال عمران ارأيت لو ابنت انت واصحابك الا القرآن من اين كنت تعلم ان صلاة الظهر عدتها كذا وكذا وصلاة العصر عدتها كذا ووقتها كذا وصلاة المغرب كذا والموقف بعرفة ورمى الجمار كذا واليد من اين تقطع ا من هنا ام من ههنا ووضع يده على مفصل الكف ووضع عند المرفق ووضع يده عند المنكب اتبعوا حديثنا ما حدثناكم والا والله ضللتكم

A man said to the Companion Imran bin Husain ؓ.

"What are these hadith that you tell us? And you omit the Quran." Imran ؓ replied, "If you and your companions deny hadith and accept only the Quran, tell me from where will you know how many rak'ats are there in Zuhr, Asr and Maghrib prayers, and what is the time of these prayers, and where to stay for Hajj on 9th of Zilhajj, and how and when to stone the jamarat and from where to cut the thief's hand, from the wrist joint or the elbow joint or the shoulder joint. You follow the hadith, which we narrate to you, or you will

go astray."

Allama Suyuti رحمه الله added to it in his book, Miftah-ul-Jannah (مفتاح الجنة في الاحتجاج بالسنة)

اما سمعتم الله قال في كتابه ما اتاكم الرسول فخذوه وما نهاكم عنه فانتهوا
قال عمران فقد اخذنا عن رسول الله صلى الله عليه وآله وسلم اشياء ليس لكم
بها علم

Imran رضي الله عنه said, "Didn't you hear Allah saying in His book:

مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا

And whatever the messenger gives you take it. And whatever he forbids abstain (from it). We took from the Holy Prophet ﷺ those things of which you are unaware.

Imam Baihaqi رحمه الله reports from Ayub Sakhtiyani رحمه الله who narrated

قال رجل عند مطرف بن عبدالله الشخير احد كبار التابعين الاجلة لا
تحدثونا الا بما في القرآن فقال مطرف انا والله ما نريد بالقرآن بدلا ولكن نريد
من هو اعلم بالقران منا

A man said to Mutarrif bin Abdullah Shikhir (a learned successor of the Companions, (تابعي), "Don't tell us except from the Quran." Mutarrif replied, "By God, we do not intend (from hadith) an alternative to the Quran, but we intend to follow the Holy Prophet who had much more knowledge of the Quran than us.

Imam Ahmad's statement about hadith pertaining to tafsir

The statement, attributed to Imam Ahmad, has been reported in two ways:

1. None of these hadith are sahih.
2. Three books or things are baseless: details of battles fought by the Holy Prophet ﷺ, details of other battles, and tafsir.

It is difficult to believe this statement to be of Imam Ahmad, because he himself has listed numerous hadith regarding tafsir in his Musnad. It is not possible that he on one hand lists them in his book and on the other hand claims all of them to be fabricated.

Moreover, accepting this statement would mean that the history of the battles and other events of the Arabs is all untrue and fabricated. Surely, no sane person can ever accept this contention.

Thus, it is necessary that if we accept these statements, we give them some other acceptable explanation, and that is possible in two ways:

1. In Ilm-al-Hadith (علم الحديث) sahih hadith is a particular term which means a hadith that has been reported by a continuous chain of pious, trustworthy Muslims having a good retentive memory, and the hadith itself may have nothing to cause its invalidity. If any of these requirements is missing it will not be a sahih hadith, though it may still be authentic. For example, a successor of the Companions heard a hadith from a Companion, who heard it from the Holy Prophet ﷺ. The successor sometimes omits the name of the Companion and reports that the Holy Prophet ﷺ said so and so. A muhaddith (learned scholar of Hadith) calls it a mursal (مرسل) hadith and not a sahih hadith. It is a

matter of terminology only, otherwise a mursal hadith is also authentic and valid.

Hence the meaning of Imam Ahmad's statement is that according to the terminology such hadith is not sahih but it is mursal. Allama Suyuti رحمہ اللہ writes in his Al-Itqan, "A great portion of hadith, pertaining to tafsir, is authentic. Imam Ahmad's statement is based on the fact that most of them are mursal (مرسل)."

2. Khatib Baghdadi رحمہ اللہ mentions another possibility and writes:

"The statement of Imam Ahmad is about particular books on the three subjects.

In tafsir, they were the books of Kalbi (کلبی) and Muqatil bin Sulaiman, which were, popular amongst the masses. Imam Ahmad said particularly about Kalbi's book that it comprised of merely fabricated narrations and it was not permissible to read it."

In short, what Imam Ahmad meant was that upto his period there was no separate authentic book on the three subjects. He certainly did not mean that including his Musnad none of the books of hadith had acceptable narrations on the subjects.

Third source: Statements of the Companions (اقوال الصحابة)

The Companions acquired the instructions and tafsir of the Quran directly from the Holy Prophet ﷺ. Some of them had devoted their lives to this purpose. Although their mother-tongue was original Arabic and they were also aware of the circumstances in which the Quran was

revealed, they still needed to learn it. Imam Abu Abdur-Rahman Sulami رحمه الله, a successor of the Companions, said:

حدثنا الذين كانوا يقرءون القرآن كعثمان بن عفان وعبدالله بن مسعود وغيرهم انهم كانوا اذا تعلموا من النبي صلى الله عليه وسلم عشر آيات لم يتجاوزوها حتى يعلموا ما فيها من العلم والعمل

"The Companions, who taught the Quran, like Uthman and Abdullah bin Masud etc., told us that they used to learn ten verses from the Holy Prophet ﷺ and did not proceed ahead till they had learnt all their academic and practical aspects."

This was the reason that

i. Anas رحمه الله said.

كان الرجل اذا قرء البقرة وآل عمران جد في اعيننا

When one of us had learnt surah Baqara and surah Aal-Imran he became distinguished amongst us..

ii. Imam Malik رحمه الله reported in his Muatta

اقام ابن عمر على حفظ البقرة ثمان سنين

Ibn Umar رحمه الله spent eight years in memorising (and learning) Surah Baqara.

It is obvious that Ibn-Umar رحمه الله did not have a weak memory and must have memorised it in a very short time. The long time spent was in learning its injunctions, its tafsir and its other associated knowledge.

iii. Abdullah bin Masud رحمه الله said:

والذى لا اله غيره ما نزلت آية من كتاب الله الا وانا اعلم فيمن نزلت واين

نزلت ولو اعلم احدا اعلم بكتاب الله منى تناله المطايا لا تيته

"I swear by that Being besides Whom there is none

worthy of worship, that I know about each and every verse of the Quran, about whom it was revealed and where it was revealed. If I know someone more learned of the Quran, than me and I could travel to him, I would certainly go to him."

Fourth Source: Statements of successors of the Companions (اقوال التابعين)

1. A tafsir narrated by a successor from a Companion has the same ruling as that of a tafsir by a Companion.
2. When tafsir of some verse is made by a successor, from his own ijtihad, it will be looked for from other successors too. If it is available from others too there are two possibilities:
 - i. Tafsir is the same from all. It is to be adopted and followed.
 - ii. Their tafsir differs. In such a case only that tafsir will be adopted which is confirmed by other sources also.

The method of making tafsir:

قال العلماء من اراد تفسير الكتاب العزيز طلبه اولاً من القرآن فما اجمل منه
فى مكان فقد فسر فى موضع آخر وما اختصر فى مكان فقد بسط فى موضع آخر
وقد الف ابن الجوزى كتاباً فيما اجمل فى القرآن وفسر فى موضع آخر منه.

فان اعياه ذلك طلبه من السنة فانها شارحة للقرآن وموضحة له وقد قال
الشافعى ﷺ كل ما حكم به رسول الله ﷺ فهو مما فهمه من القرآن قال تعالى
إِنَّا أَنْزَلْنَاهُ إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ فى آيات اخرى
قال ﷺ الا انى اوتيت القرآن و مثله معه يعنى السنة.

فان لم يجده من السنة رجع الى اقوال الصحابة فانهم ادرى بذلك لما
شاهدوه من القرائن والاحوال عند نزوله ولما اختصاصوا به من الفهم التام والعلم

الصحيح والعمل الصالح-

واذا تعارضت اقوالهم وامكن الجمع بينها فعل نحو ان يتكلم على الصراط المستقيم واقوالهم فيه ترجع الى شئ واحد فيدخل منها ما يدخل في الجمع فلا تناقض بين القرآن وطريق الانبياء وطريق السنة وطريق النبي ﷺ وطريق ابي بكر وطريق عمر فاي هذه الاقوال افرده كان مجسنا

وان تعارضت رد الامر الى ما ثبت فيه السمع فان لم يجد سمعا وكان للاستدلال طريق الى تقوية احدهما رجح ما قوى الاستدلال فيه كاختلافهم في معنى حروف الهجاء يرجح قول من قال انها قسم وان تعارضت الادلة في المراد علم انه قد اشتبه عليه فيؤمن بمراد الله تعالى ولا يتهم على تعيينه وينزله منزلة المجمل قبل تفصيله والمتشابه قبل تبينه

(الاتقان: ص 176-175 ج2)

To make tafsir one should first seek the meaning in the Quran, because occasionally, at one place there is ambiguity which is cleared at another, and at one place there is a brief mention, whereas at another place a detailed discussion is given.

Allama Ibn Jauzi رحمه الله compiled a book in which he listed all such occasions in the Quran.

If it is not available in the Quran the mufassir should then search it in Sunnah and Hadith because it is the explanation of the Quran. Imam Shafi'i رحمه الله said, "Whatever instruction the Holy Prophet ﷺ gave from his ijtihad, he understood it from the Quran. Allah says:

إِنَّا أَنْزَلْنَاهُ إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ

(سورة نساء: 105)

Lo! We reveal to you the Scripture with the truth so

that you may judge between mankind by that which Allah shows to you:

The Holy Prophet ﷺ said:

الا انى اوتيت القرآن و مثله معه

Lo! I have been given the Quran and along with it some more equal to it (in legislative importance).

If it is not available in Sunnah, the mufasssir should then look for the statements of the Companions because

- i. they knew the Quran more than the rest of the Ummah and
- ii. their knowledge was correct and comprehensive and they practised what they learned.

If, in some tafsir, the statements of the Companions, differ from each other there are two possibilities:

- i. If they can be comprehended under one encompassing heading all of them will be adopted. For example, in the tafsir of الصراط المستقيم (straight path) we find these statements: it is the Quran, it is the Sunnah, it is the path of the Holy Prophet, it is the path of Abu Bakr رضي الله عنه, and it is the path of Umar رضي الله عنه.

All these statements can be comprehended under one common heading of the path of guidance and righteousness (سبيل الهداية). Since none of them contradicts the others, therefore, adopting any one of them is equivalent to adopting all. Hence any one can be adopted.

- ii. If they cannot be comprehended under one common heading only that statement will be adopted which is supported by some traditional proof (الدليل النقلى), and in its absence, that which is strengthened by some other proof. Its

example is of broken letters like حم، الم، etc. (حروف مقطعات):

1. Abu Bakr رضي الله عنه said that in every early Scripture of Allah there was some of His mystery. In the Quran it is in its broken letters, which are present in the beginning of some surahs. Abu Bakr رضي الله عنه meant that the meaning of these letters was not told and cannot be known. (متشابهات).

Such letters are called intricate or obscure unalterable.

2. Some other Companions do not count them in intricate (متشابهات) i.e. those words and letters whose meaning cannot be known. Of them,

i. Ali رضي الله عنه said that they are broken syllables of Allah's names and if anyone knew the formation of Allah's names from these syllables he would be able to form Allah's greatest and most effective name (الاسم الاعظم)

ii. Abdullah bin Abbas رضي الله عنه said that حم- الـ and ن were letters of Allah's name الرحمن (Ar-Rahman).

iii. Another statement of Abdullah bin Abbas رضي الله عنه is that they are mere alphabetical letters and Allah has sworn by them.

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If one, intending to make tafsir, finds contradiction in all the sources of tafsir, then there is no other way left for him to make tafsir. In such a situation he should have faith in what ever Allah means by that word or verse, and should abstain from determining for it some definite meaning.

Making tafsir without knowledge and its ruling

(تفسير بالرأى و حكمه):

عن ابن عباس قال قال رسول الله صلى الله عليه وآله وسلم من قال في القرآن برايه فليتبوا من النار وفي رواية من قال في القرآن بغير علم فليتبوا مقعده

من النار (ترمذی)

Abdullah bin Abbas ؓ reported that the Holy Prophet ﷺ said, "Whoever, while making tafsir, says of the Quran with his mere judgement (not based on the required knowledge) should find his destination in Hell."

In another narration the words are, "Who says of the Quran without (required) knowledge he must find his destination in Hell."

عن جندب قال قال رسول الله صلى الله عليه وسلم من قال فى القرآن برايه
فاصاب فقد اخطا (ترمذی وابوداؤد)

Jundub ؓ reports that the Holy Prophet ﷺ said, "Who said of the Quran by his mere judgement and is correct yet he has erred (because he has violated the rule that tafsir is not to be made without required knowledge)."

عن ابن سيرين قال ان هذا العلم دين فانظروا عمن تاحذون دينكم

(مسلم)

Ibn Sirin, a successor to the Companions, said, "This knowledge is religion. So see from whom you acquire it."

He meant that the knowledge of tafsir is a religious matter, and that it is not permissible for a person who has not acquired the essential sciences from authentic scholars (العلماء) to make an exegesis of the Quran.

(مرقاة) Mulla Ali Qari ؓ writes in his book Mirqah
(المفاتيح)

ای من تلقاء نفسه من غير تتبع اقوال الائمة من اهل اللغة والعربية المطابقة

للقواعد الشرعية بل بحسب ما يقتضيه عقله وهو مما يتوقف على النقل بانه لا مجال للعقل فيه كاسباب النزول والناسخ والمنسوخ وما يتعلق بالقصاص والاحكام او بحسب ما يقتضيه ظاهر النقل وهو مما يتوقف على العقل كالمتشابهات التى اخذ المجسمة بظواهرها واعرضوا عن استحالة ذلك فى العقول او بحسب ما يقتضيه بعض العلوم الالهية مع عدم معرفة بقيتها وبالعلوم الشرعية فيما يحتاج لذلك

Tafsir (exegesis), with one's own judgement is that which a person, without referring to the rules of Arabic language, makes it in the following ways:

1. with mere intellect, whereas the subject may have no association with it e.g. the incidences causing revelation, the abrogations and the instructions.
2. takes literal meanings of the word whereas the subject may be based on rules of intellect. Mujassima (who say that God has a body) took the literal meanings of the Quranic words, يد (hand), وجه (face), ساق (shin) and استوى على العرش (established on the throne) for Allah, and ignored that the literal meanings were impossible for Him according to the intellect.
3. takes the help of some religious sciences and ignores the rest.

Ibn Naqib said:

قال ابن النقيب جملة ما تحصل فى معنى حديث التفسير بالراى خمسة اقوال - احدها التفسير من غير حصول العلوم التى يجوز معها التفسير - الثانى تفسير المتشابه الذى لا يعلمه الا الله - الثالث التفسير المقرر للمذهب الفاسد بان يجعل المذهب اصلا والتفسير تابعا فيرد اليه باى طريق يمكن وان كان ضعيفا الرابع التفسير بان مراد الله كذا على القطع من غير دليل الخامس التفسير

بالاستحسان والهوى (الاتقان فى علوم القرآن ص 183 ج 2)

There are following five ways of making tafsir with mere judgement. _

- 1. to make tafsir without acquiring the essential sciences. _*
- 2. to make tafsir of those Quranic words whose meaning nobody knows except Allah.*
- 3. to make tafsir to prove some deviant thought.*
- 4. to say without proof that Allah definitely means so and so. _*
- 5. to make tafsir with wish.*

Chapter 3:

Sunnah and Hadith

Literal meaning of Sunnah:

1. Ibn Duraid writes in his book Kitab al Jamhara (كتاب الجمهوره)

السنة معروفة و سن فلان سنة حسنة او قبيحة يسنها سنا

The word sunnah is well known. It is said that a person started a good or evil sunnah i.e. he started a good or evil way.

2. Allama Zamakhshari writes in his book named Asas (اساس)

سن سنة حسنة طرق طريقة حسنة واستن بسنة فلان وتسنن عامل بسنة

A person started a good sunnah i.e. he started a good way; and a person followed another's sunnah i.e. he practised his way.

3. Ibn Manzoor Ifriqi writes in his Lisan al Arab.

السنة السيرة حسنة كانت او قبيحة قال خالد بن عتبة الهزلي

فلا تجزعن من سيرة كنت سرتها

فاول راض سنة من يسيرها

Sunnah means character too, whether good or evil. Therefore, the poet Khalid Huzali said in a verse.

Do not be agitated with the character you have adopted because he who treads a sunnah (path) is the first to like it.

4. In Lisan-al-Arab it is stated:

وكل من ابتدأ امرا وعمل به قوم بعده قيل هو الذى سنه- قال نصيب

كانى سننت الحب اول عاشق

من الناس اذا احببت من بينهم وحدى

When one initiates a deed and others follow him, it is said that he started its path. The poet Nasaib said in a verse:

As if I am the first lover who started the path of love because I am the only lover amongst them.

5. Shimr bin Hamdoya's statement is reported in Lisan al Arab:

السنة فى الاصل سنة الطريق وهو طريق سنه اوائل الناس فصار مسلكا لمن بعدهم. وسن فلان طريقا من الخير يسنه اذا ابتدا امرأ من البر لم يعرفه قومه فاستنوا به وسلکوه

Sunnah is the path, trodden by the earlier people to the degree, that it has become a permanent way for the successors. "A person started the path of goodness" is said for that person who initiated a good deed of which the others were ignorant but then they adopted it.

In short, sunnah is that deed and way which the later generations adopt (this is apparent from Shimr's extract), or which the people are to adopt (this is apparent from Nasaib's verse). Thus, sunnah is the path to be followed. Due to this aspect sunnah, in literal terms, means الطريقه (trodden path) which can be straight and good or deviated and evil.

Those scholars who have mentioned its being a good path have mentioned it only as an example, not because sunnah is specific for it. Usage of sunnah in the Quran and Hadith is present in both types.

Its usage to denote the straight and right path

سُنَّةٌ مِّنْ قَدْ أَرْسَلْنَا قَبْلَكَ مِنْ رُّسُلِنَا (سوره اسرا: 77)

Such was our sunnah (way) in the case of those whom We sent before you

and its usage to denote the evil path

كَذَلِكَ نَسْلُكُهُ فِي قُلُوبِ الْمُجْرِمِينَ لَا يُؤْمِنُونَ بِهِ وَقَدْ خَلَتْ سُنَّةُ الْأَوَّلِينَ

(سوره حجر 12, 13)

Thus We make it traverse the hearts of the guilty; they do not believe in it, though the sunnah (way) of the earlier ones is gone.

In a hadith it is used in both terms:

من سن سنة حسنة فله اجرها واجر من عمل بها من غير ان ينقص من اجورهم شى ومن سن سنة سيئة كان عليه وزرها ووزر من عمل بها من غير ان ينقص من اوزارهم شى (مسلم)

Whoever initiated a good sunnah, for him is its reward and the reward of those who acted upon it without any deduction being made in their own reward. Whoever initiated an evil sunnah for him will be its sin and the sin of those who acted upon it, without any deduction being made in their sins.

Meaning of Sunnah in Islam

The literal meaning of sunnah, as mentioned above, is the trodden path. Considering it, the meaning of Sunnah in Islam is الطريقة المسلوكة فى الدين (the trodden path of Islam), worthy to be followed. But there are two differences between the literal and Islamic meanings.

- i. Islam is far from evil and comprises of good only. Therefore, in Islam sunnah will be of good only.

ii. Since Sunnah includes the meaning of 'following' therefore, in Islam the Sunnah will be only of those persons for whom Islam instructs us to obey and follow them.

Persons to be followed in Islam

1. The Holy Prophet ﷺ.

The Quran says:

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُوا اللَّهَ وَالْيَوْمَ الْآخِرَ

(سوره احزاب: 21)

Verily in the messenger of Allah you have a good uswah (example) to be followed for him who looks to Allah and the Last Day.

Uswah (اسوه) means ما يتاسى به (that which is to be followed).

2. The Companions (صحابه)

The Quran says:

فَإِنْ آمَنُوا بِمِثْلِ مَا آمَنْتُمْ بِهِ فَقَدْ اهْتَدَوْا (سوره بقره: 137)

And if they believe in the like of that which you believe, then they are rightly guided.

In this verse the belief of the people addressed has been made a criterion. The people addressed at the time of revelation of the Quran were the Companions.

In a hadith the Holy Prophet ﷺ said.

اصحابى كالنجوم فبايهم اقتديتم اهتديتم (بيهقى)

My Companions are like stars. Whoever of them you follow, you will be rightly guided.

In Islam the following are termed Sunnah

1. Sunnah of Holy Prophet ﷺ:

The Holy Prophet said;

تركت فيكم امرين لن تضلوا ما تمسكتم بهما كتاب الله وسنة رسوله

(موطا الامام مالك)

I have left for you two things, which if you hold fast you will never go astray: Book of Allah and Sunnah of His Prophet.

2. Sunnah of the four Caliphs

The Holy Prophet said;

عليكم بسنتي وسنة الخلفاء الراشدين المهديين (احمد)

Hold fast my Sunnah and Sunnah of rightly guiding and rightly guided Caliphs.

3. Sunnah of the Companions

Abdullah bin Masud رضي الله عنه said

من كان مستننا فليستن بمن قد مات فان الحي لا تؤمن عليه الفتنة اولئك

اصحاب محمد (رزين)

Whoever is to follow a sunnah (path) he should follow the Sunnah of those who have died because one cannot be sure about a living person that he will not fall into a temptation. These (dead) are the Companions of the Holy Prophet ﷺ.

Since the statements and deeds of the Companions are also a Sunnah therefore Saeed bin Musayyab رضي الله عنه named an instruction, given by Zaid bin Thabit رضي الله عنه, as Sunnah.

واليه اشير في المبسوط ففيل وقول سعيد انه السنة يعني سنة زيد

(كشف الاسرار على البزدوى ص 33 ج 2)

Sunnah of the successors of the Companions (سنة التابعين)

Statement or practice of a successor of the Companions has not been named Sunnah in the sayings of the Holy Prophet or of his Companions. But since in the hadith

خير القرون قرنى ثم الذين يلونهم ثم الذين يلونهم

(Best era is mine, then the next and then the next)

goodness of the successors of the Companions has been mentioned, therefore Imam Malik رحمه الله and Imam Auzaie رحمه الله who were from the followers of the successors (تابعين), named the statements and deeds of the successors (تابعين) as Sunnah.

On the other hand, Imam Abu Hanifa رحمه الله, who was himself a successor of the Companions, did not consider it necessary that the statements and deeds of the successors (تابعين) should to be followed. He said:

ما جاءنا عن رسول الله صلی الله علیه وسلم قبلناه على الرأس والعين وما جاءنا من اصحابه رحمهم

الله اخترناه ولم تخرج عن قولهم وما جاءنا عن التابعين فهم رجال ونحن رجال

The rulings which come to us from the Holy Prophet ﷺ we accept them, and the rulings which reach us from the Companions we accept them too and we do not evade them. As far as the rulings of the successors of the Companions are concerned we are not bound to follow them because we and they are equal in making ijtiḥad.

But since the senior successors, whose edicts (fatawa) were accepted and practised up on in the time of the Companions, had the consent and support of the Companions, Therefore the Hanafis allow calling their ijtiḥad as Sunnah, but they themselves do not call it so.

Thus Sunnah is of two types, Sunnah of the Holy Prophet ﷺ and Sunnah of the Companions. However the perfect of the two is Sunnah of the Holy Prophet ﷺ because it is in itself a real source of legislation and serves

as an origin for the Sunnah of the Companions.

In short, Sunnah of the Holy Prophet ﷺ is the perfect one and whenever the word Sunnah is used, un-restricted in narration or in jurisprudence, it means the Sunnah of the Prophet.

in narration (رواية)

والحاصل ان الراوى اذا قال من السنة كذا فعند عامة اصحابنا المتقدمين واصحاب الشافعى وجمهور اهل الحديث يحمل على سنة الرسول عليه السلام واليه ذهب صاحب الميزان من المتأخرين

In short, when a narrator says من السنة كذا (in sunnah it is so) it is meant sunnah of the Holy Prophet ﷺ according to the early Hanafis, the Shafi'is, the majority of Ahl-hadith and the author of Meezan from the later Hanafis.

in jurisprudence (اصول الفقه)

The scholars of jurisprudence mention four sources for Islamic Sharia i.e., the Quran, the Sunnah, the consensus and the qiyas(analogy). The ijtihaad of the Companions رضى الله عنهم is included in qiyas. Thus the Sunnah remains specific with the Holy Prophet ﷺ only.

For further elaboration of this fact the following hadith should be viewed:

When the Holy Prophet ﷺ ordered Muaz bin Jabal رضى الله عنه to go to Yemen, the conversation which occurred between them was:

كيف تصنع ان عرض لك قضاء قال اقضى بما فى كتاب الله قال فان لم يكن فى كتاب الله قال فبسنة رسول الله ﷺ قال فان لم يكن فى سنة رسول الله قال اجتهد برالى ولا بالوالخ (احمد، ابوداؤد، ترمذى)

The Holy Prophet ﷺ: "How will you give decision if some case comes to you?"

Muaz رضي الله عنه: *With that which is in the Quran.*

The Holy Prophet ﷺ: If you don't find it in the Quran?

Muaz رضي الله عنه: *With that which is in the Sunnah.*

The Holy Prophet ﷺ: "If you don't find it in the Sunnah of the Prophet?"

Muaz رضي الله عنه: *I will make ijtiḥad and I will spare no effort in it.*

In the presence of the Holy Prophet ﷺ, there was no scope for consensus, so at that time the proofs and sources of sharia were in this order: the Quran, the Sunnah and qiyas and ijtiḥad of the Companions.

Thus in jurisprudence, Sunnah means the Sunnah of the Holy Prophet ﷺ. As for the Sunnah of the Companions, their rulings and deeds were

1. either because they found the Holy Prophet ﷺ saying or doing so. In this case they are in fact the rulings of the Sunnah of the Holy Prophet ﷺ
2. or were due to their ijtiḥad. Although ijtiḥad of the Companions is part of Qiyas, but since the ummah has been ordered to follow the Companions, Imam Abu Hanifa رحمته الله strictly adheres to their rulings.

Practice of the general masses is not sunnah

From the above discussion it is clear that the view of some modernists, that Sunnah is more generalised and includes the practice and custom of the general masses too, is completely erroneous. In fact practice of the general

masses, without the attestation of consensus of the jurists or their qiyas, is of no value in legislation.

Continual practice is not a pre-requisite for Sunnah to be established

Continual practice (التواتر العملي) means that from the time of the Holy Prophet ﷺ up till now people had been continually, without interruption, practising a particular action.

Although continual practice is found in many deeds e.g. siwak, five daily prayers, rak'ats of the prayers, and to stand and prostrate in the prayers, but for a Sunnah to be established continual practice is certainly not a pre-requisite. A hadith Supports this claim:

عن بلال بن الحارث المزني قال قال رسول الله ﷺ من احيا سنة من سنتي قد اميتت بعدى فان له من الاجر مثل اجور من عمل بها من غير ان ينقص من اجورهم شيء (ترمذى)

Bilal bin Harith reports that the Holy Prophet ﷺ said, "He who revives one of my sunnahs, which had been abandoned after me, for him is the reward of all those who will practise it, without any reduction being made in their rewards.

Abrogated sunnah remains no more a sunnah

'To follow' is a part of the meaning of Sunnah. Therefore, that which was a sunnah, before being abrogated as it was worthy to be followed, and after being abrogated it no longer remains a sunnah as it is now not worthy of being followed, and is called an abrogated sunnah. Hence it is essential for persistence of sunnah not to be abrogated.

Abrogation of sunnah in known in two ways:

1. It is narrated in clear words that a previous ruling was replaced with a new ruling, e.g. the Holy Prophet ﷺ said:

كنت نهيتكم عن زيارة القبور الا فزوروها (مسلم)

I forbade you from visiting the graves. Lo! now you visit them.

2. There is no proof for persistence of a previous ruling, but proof is found for existence of a new and opposite ruling. For example, there is no proof for persistence of the earlier ruling of raising hands, in the prayers, before bending and after rising up. But evidences are present that the Holy Prophet ﷺ did not raise his hands on those occasions later on. The opposite ruling demands the abrogation of the earlier one.

Definition of Sunnah of the Holy Prophet ﷺ.

The Holy Prophet's statement, deed and silent consent (on observing a deed being done) are his sunnah.

It has been mentioned earlier that sunnah means a way or path to be followed. Here a question arises that a path is usually determined by practical demonstration and not by verbal statements or silent consents. Therefore how can the latter two be classified as sunnah.

The answer is that there are some deeds which cannot be practically demonstrated before others, and there are some which one may not need to do throughout his life. Naturally, they are just to be explained verbally and there is no hindrance to it. A silent consent of the Holy Prophet ﷺ on seeing a deed being done denotes that it is consistent

with his way, otherwise he would have objected to it.

Note:

Those acts of the Holy Prophet ﷺ which were involuntary and are not to be followed, they can be counted as sunnah in respect that their narration is desirable. Similarly the prophecies of the future and the details of Paradise and Hell are taken as sunnah due to the necessity of believing them and the desirability of narrating them.

But those scholars who do not consider narration to be sufficient for such a statement to be sunnah do not count it a sunnah. They take it to be a hadith. Similarly those matters which were peculiarities of the Holy Prophet ﷺ and were not to be followed e.g. marrying more than four wives and marrying without a marital gift (مهر) are not included in sunnah and are counted as hadith only.

Hadith

Literally it is the antonym of ancient and ever-existent (قديم). Then its usage expanded to include the meaning of speech. Its literal meaning is considered when it is compared with the Quran and it is said that the Quran is the speech of Allah, an attribute which is ever-ancient and ever-existent, whereas Hadith is the verbal statement or deed or silent consent of the Holy Prophet ﷺ and is created and originated.

In terminology Hadith has two meanings:

1. Account of the Holy Prophet's statements, deeds and silent consents. This applies to the text of hadith.

Difference between sunnah and text of hadith

Although both have the same definition, i.e. they are the statements, deeds and silent consents of the Holy Prophet ﷺ but still they differ from each other in some meaning. Sunnah is that which is worthy to be followed whereas hadith is irrespective of this attribute. Thus every sunnah is hadith but every hadith is not necessarily a sunnah.

2. Combination of text of hadith and the chain of its narrators. In this respect it is correct to define hadith as:

هو ما اضيف الى رسول الله ﷺ قولا او فعلا او تقريرا

It is that statement or deed or silent consent which is attributed to the Holy Prophet ﷺ.

If the narrators are reliable the attribution of the mentioned statement and deed to the Holy Prophet ﷺ will be strong, and if they are unreliable the attribution will be weak. Thus, according to this meaning, the hadith includes both sahih (reliable) and weak (unreliable) hadith.

However, it certainly does not mean that vacillation still exists about every hadith that it is reliable or not, because the scholars of hadith (علماء الحديث), in accordance with the rules and principles, have made complete research and given their decision about each hadith that it is reliable or not.

The original collections of hadith mention, along with text of hadith, the chain of its narrators too and this helps in assessing the authenticity of hadith.

Sunnah is confirmed by hadith

Some modernists claim Sunnah to be a source of sharia but tarnish the status of Hadith and argue that Hadith has the possibility of being reliable, unreliable and fabricated.

This is a grave error. The reason is that to be an established Sunnah it depends on Hadith. We find people who adhere to some practice and claim it to be a Sunnah. To find out whether their claim is true or false one has to refer to Hadith and its principles. If some reliable hadith confirms their claim their practice is a Sunnah, but if no confirmation comes from Hadith their practice is just an innovation.

Some other definitions of Sunnah and Hadith

1. As mentioned above the definition of Sunnah and (text of) Hadith is the same. So some scholars name the statements, deeds and silent consents of the Holy Prophet ﷺ sunnah, and those of the Companions and their successors, they name them hadith. It was on this basis that when Abdur-Rahman bin Mahdi رضي الله عنه was asked about Imam Sufyan Thauri, Imam Auza'i and Imam Malik, he replied, "Sufyan Thauri is a leading scholar (imam) in Hadith not in Sunnah, and Auza'i is a leading scholar in Sunnah not in Hadith, whereas Malik is an imam in both Hadith and Sunnah.
2. Some considered in Sunnah the practical demonstration by the Holy Prophet ﷺ and in hadith his verbal account. Therefore, they say that sunnah is his deed and hadith is his verbal statement.
3. Some considered narration in hadith and said that the statements and deeds of the Holy Prophet ﷺ from the aspect that they emanated from him are his sunnah, and from the view that they were narrated from him are his hadith.

Hadith: a source of Sharia

مَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا (سوره حشر: 7)

Whatsoever the messenger gives you, take it. And whatsoever he forbids abstain (from it).

The words مَا آتَاكُمُ (whatsoever he gives you) and مَا نَهَاكُمْ عَنْهُ (whatsoever he forbids), due to their generalisation, include all the injunctions given by the Holy Prophet, irrespective of whether they are present in the Scriptural wahi (the Quran) or in the non-Scriptural wahi (the Hadith)

لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُو اللَّهَ وَالْيَوْمَ الْآخِرَ

(سوره احزاب: 21)

Verily in the messenger of Allah you have a good example for him who looks to Allah and the Last Day.

Literal meaning of اسـوـه (uswah) is: that example and model which is worthy to be followed. Moreover in Arabic the word اسـوـه (uswah) is used for that which is good and not for that which is evil. Hence its coupling with the adjective حَسَنَةٌ (good) is to emphasise on its being a good and pleasing example.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا (سوره نسا: 59)

O you who believe! Obey Allah, and obey the messenger and those of you who are in authority, and if you have a dispute concerning any matter, refer it to Allah and the messenger if you are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end.

In this verse Allah did not say أَطِيعُوا اللَّهَ وَالرَّسُولَ (Obey Allah and the messenger) but said أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ (Obey Allah and obey the messenger) i.e. He mentioned obedience to the Prophet distinct from obedience to Him. The reason is that the nature of the two obediences is different. Obedience to Allah is to affirm and comply with His divine injunctions. Obedience to the Holy Prophet ﷺ is not only affirmation and compliance to his injunctions but to mould life, in detail, according to his life style and to follow his character too. This is following the Sunnah (اتباع السنة) and through it one can attain Allah's love and pleasure. The Quran says:

قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي يُحْبِبْكُمُ اللَّهُ وَيَغْفِرْ لَكُمْ ذُنُوبَكُمْ

(سوره آل عمران: 31)

Say, (O Muhammad, to mankind). If you love Allah, follow me; Allah will love you and forgive you your sins

and obedience to the Holy Prophet ﷺ is actually obedience to Allah.

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ (سوره نساء: 80)

Whoso obeys the messenger, obeys Allah.

and its reason is:

وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ (سوره نساء: 64)

We sent no messenger save that he should be obeyed by Allah's leave.

Continuity of the knowledge of Hadith

On one hand the Quran informs that the duty of the Holy Prophet was instruction and purification.

هُوَ الَّذِي بَعَثَ فِي الْأُمِّيِّينَ رَسُولًا مِنْهُمْ يَتْلُو عَلَيْهِمْ آيَاتِهِ وَيُزَكِّيهِمْ وَيُعَلِّمُهُمُ
الْكِتَابَ وَالْحِكْمَةَ (سوره جمعه: 2)

He it is Who has sent among the unlettered ones a messenger of their own, to recite to them His revelations and to purify them, and teach them the Scripture and Wisdom.

while on the other hand it tells that the Ummah has been ordered to:

فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ (سوره توبه: ١٢٢)

Why did not go a part of every group of them so that they may gain sound knowledge in religion, and that they may warn their folk when they return to them, so that they may beware.

Islam laid special emphasis on learning and teaching of the religion. On one hand the Quran high-lighted the status of the Holy Prophet ﷺ as an instructor, and on the other it made mandatory for every community of the Ummah to make sure that some of its members achieve skill in religious studies and purify their hearts and souls so that they take over the work of the Holy Prophet ﷺ and instruct their people and the next generation.

Just the knowledge of Arabic language makes it clear that a command in the Quran is a binding on all the communities of the Ummah, till the Last Day. Thus the teachings of the Holy Prophet ﷺ, both verbal and practical, are to be acquired and transferred onwards continuously, generation after generation.

Similarly, each and every member of the Ummah, whether male or female, is bound to seek basic and essential religious knowledge, that may guide him to adhere to the right path, and may not let him go astray. A hadith says:

طلب العلم فريضة على كل مسلم (ابن ماجه)

To seek knowledge (of the basics of Islam) is a binding on every Muslim.

All these facts account for the continuity of the knowledge of Hadith. There is no doubt that writing books and securing them is a way of transferring knowledge and preserving it. But it is obvious that it is not the only way.

Constantly practising the injunctions, memorizing the verbal statements and retaining them are, however, also methods of securing knowledge, which no sound intellect can deny. And when it is coupled with the religious binding no scope remains for neglecting and wasting the actual knowledge.

Despite this, some of the Companions, who knew writing, used to note down the Hadith, and the Holy Prophet ﷺ encouraged them to do so.

i. Abdullah bin Amr bin Aas ؓ compiled a big collection of hadith during the life of the Holy Prophet ﷺ and named it Sadiqa.

ii. Abu Shah ؓ of Yemen asked the Holy Prophet ﷺ for a written copy of his address. The Holy Prophet ﷺ instructed his Companions: اكتبوا لابي شاه:

(Write it down for Abu Shah).

iii. The Holy Prophet ﷺ dictated two pages, on the

injunctions about zakah, for Abu Bakr bin Hazam, the governor of Bahrain.

iv. On appointing Amr bin Hazam رضي الله عنه as the governor of Yemen, the Holy Prophet ﷺ dictated for him some injunctions about inheritance, charity, divorce, salah and touching the Holy Quran etc.

These are only some of the examples.

Then, as the literacy spread, writing of hadith also increased and spread. In the time of the successors of the Companions (تابعين) at the order of the Caliph Umar bin Abdul Aziz رضي الله عنه, Imam Zohri رضي الله عنه collected with great effort, the hadith of the Holy Prophet and the traditions of the Companions. Hence, a great written treasure came into existence. Imam Abu Hanifa رضي الله عنه himself had a big collection of hadith, from which he compiled a selection with the name of Kitab-ul-Asar (كتاب الآثار). From it several of his students made their own copies. The copies of Kitab-ul-Asar by Imam Abu Yusuf and by Imam Muhammad are freely available. In the time of the followers of the successors (تابع التابعين) many more books and compilations came into existence e.g. Muatta Imam Malik, Muatta Imam Muhammad and the books of Abdullah bin Mubarak رضي الله عنه.

Types of Hadith

Hadith is a statement, a deed or a silent consent of the Holy Prophet ﷺ.

When the Companions themselves heard the Holy Prophet ﷺ making some statement, or saw him doing

some deed that was, for them, a definite and absolute irrefutable proof.

After hearing from the Holy Prophet ﷺ or observing his deed, when some Companion reported to others that he heard the Holy Prophet saying so or observed him doing so, it constituted the report of the Companion. When a successor, after hearing it from the Companion, reported that he heard so and so Companion narrating that the Holy Prophet ﷺ said so and so, it was his report about what the Companion narrated to him. When a follower of the successor, or any other narrator, later in chain, did so, it constituted his report (خبر).

The effect and blessing of the company of the Holy Prophet ﷺ was that the Companions were all pious, true and reliable. Seldom commitment of a sin, and that too from only some of them, did not affect their integrity because they were neither of bad character nor they insisted on the sin. Therefore, whatever they reported from the Holy Prophet ﷺ to each other or to their successors, there was thorough satisfaction that their report was true.

A report of some incidence may be of different forms. Sometimes the number of reporting persons is so large that a listener gets certain that they have reported the truth. The assumption that they might have been mistaken, or all of them might have united in fabricating that report, cannot be accepted. This report is called a continuous report (الخبر المتواتر). If this report is transferred through several periods, it is a pre-requisite for it to remain a continuous report that

in every period the number of reporters should be so large that the listener is assured of their credibility.

And if the number of reporters is not so large, but is less and does not negate the possibility of their being mistaken or their being united in fabricating the report, it is called the report of one (خبر الواحد). But when these few reporters are true, honest and reliable, a probability of their report being true exists and no one with sound intellect abstains from accepting it and complying with it. The weak possibility of the reporter being mistaken or making an error is just abandoned.

Note:

Although the word خبر الواحد means report of one, but we will, to make it easy, call it onwards, a single report.

Thus, in respect to the number of reporters hadith is of two types: continuous (متواتر) and single (خبر الواحد).

Continuous report (الخبر المتواتر)

It is an absolute argument.

On several occasions in the Quran, Allah equates the knowledge gained through a continuous report, with absolute knowledge acquired through observation e.g.,

i. أَلَمْ تَرَ كَيْفَ فَعَلَ رَبُّكَ بِأَصْحَابِ الْفِيلِ (سوره فيل: ١)

Have you not seen how your Lord dealt with the owners of the Elephant.

ii. أَلَمْ تَرَ كَيْفَ فَعَلَ رَبُّكَ بِعَادٍ (سوره فجر: ٦)

Have you not seen how your Lord dealt with (the tribe of) Aad.

Since these events were well-known to the Arabs

through continuous reports, therefore, their knowledge has been interpreted as if they had observed them.

Continuous Report is found in following four ways:

1. Continuous chain of narrators (متواتر الاسناد)

It is when the narrators of a hadith, in every period, are in such a number that it is usually considered impossible that they may have united to fabricate the hadith. Such hadith are numerous e.g.

من كذب على متعمداً فليتبوأ مقعده من النار (بخاری)

The Holy Prophet ﷺ said, "He who fabricates a lie on me should prepare his destination in Hell."

Sixty two Companions reported this hadith. In later periods this number went on increasing.

2. Continuity due to whole community (متواتر الطبقة)

From the time of the Holy Prophet ﷺ till now, in every place, nearly the whole community of the Muslims learnt the Quran retained it and transferred it to the succeeding generation.

3. Continuity of practice (التواتر العملي)

It is when, in every period since the time of the Holy Prophet ﷺ, such a large number of people have adhered to a religious practice that it is usually deemed impossible that they all would have fabricated it or they all would have been mistaken.

Its examples are: five daily prayers, fasts of Ramadhan, hajj and umrah, siwak, zakah, rakats of prayers and the process of prayers.

4. Continuity of a common subject or value

(متواتر القدر المشترك)

It is when there are numerous narrations and reports and in each of them a different incident is reported but all of them are common in a certain subject or value.

For example, from the Holy Prophet ﷺ numerous miracles have been reported. Although each of the miracles has not been reported through a continuous report, but all of them are common in that the miracles emanated from the Holy Prophet ﷺ.

Single Report (خبر الواحد)

It is that hadith whose narrators and reporters have been, in all times or in some time, less in number than that of a continuous report, irrelevant of their being one, two, three or a few more. It is called a single report because its ruling in all numbers of narrators is as that of one reporter.

If the reporters are reliable the listener acquires a probability of the report being true. This is why single report is called a Probable Proof (الدليل الظنى). Contrary to it, a continuous report is called an Absolute Proof (الدليل القطعى) because the listener gains certainty about the truth of the report.

Usage of the word ظن (zann)

In the Quran this word has been used in three meanings.

1. Certainty

وَأَنَّهَا لَكَبِيرَةٌ إِلَّا عَلَى الْخَاشِعِينَ الَّذِينَ يَظُنُّونَ أَنَّهُمْ مُلَاقُوا رَبِّهِمْ وَأَنَّهُمْ إِلَيْهِ رَاجِعُونَ (سوره بقره: 46)

And truly it is hard save for the humble-minded who

have zann (i.e. who are sure) that they will meet their Lord, and that they are returning to Him.

2. Probability

لَوْ لَا إِذْ سَمِعْتُمُوهُ ظَنَّ الْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بِأَنفُسِهِمْ خَيْرًا (سوره نور: 12)

Why did not the believers, men and women, when you heard it, make good zann (i.e. think, in probable terms, good) of their own folk.

3. Conjecture and guess

يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ

(سوره حجرات: 12)

O you who believe! Shun much zann (i.e. conjecture) for lo! some conjecture is a sin.

وَمَا لَهُمْ بِهِ مِنْ عِلْمٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا

(سوره نجم: 28)

And they have no knowledge of it. They follow but a guess, and lo! a guess can never take the place of the truth.

Note:

The zann (ظن) in the sense of guess and conjecture has no grounds to support it. In Islam to follow such zann is contemptible. Contrary to it, the Quran has ordered to make zann (i.e. to think) in terms of probability, as it has been mentioned above. Thus when the jurists and muhaddith (scholars of Hadith) say that the hadith gives the sense of zann, they mean the probability of its being true, not mere conjecture and guess.

How does single report gives the sense of probability of its being true?

It has been mentioned above that when reporters are pious and reliable, regardless of their being one, two, three or four or a few more, there is a probability of their report being true. A report in itself can be both true and false, but the piety and reliability of the reporter constitutes a proof for the probability of its being true.

Similarly, when the reporters and narrators report that the Holy Prophet ﷺ said so and so, the muhaddithin (scholars of hadith) look for the proof of its truth in two respects:

1. In respect of the reporters

To accept the report of any reporter the scholars of hadith look in him for the following features:

- i. he must be truthful and must have never told a lie in narrating a hadith.
- ii. he must have sound intellect and understanding so that he does not err in understanding the hadith.
- iii. he must have a good memory and must not be forgetful and whimsical.
- iv. he must be careful and must not be careless in reporting hadith.
- v. he must be well known in person and in character and the pious scholars must be cognizant of his knowledge, memory and reliability.

2. In respect of the subject-matter of hadith

- i. it must not be contrary to the text of the Quran.
- ii. it must not be contrary to a continuous report (of hadith).

- iii. it must not be contrary to the consensus.
- iv. sound intellect renders it possible.
- v. it must not be against the established laws and principles of sharia.
- vi. it must not be such an issue that should be known to all the Muslims but still it is reported only by one or two.

In short when all these conditions are fulfilled only then we can say that we have the sound argument to consider the reporter to be true and his reported hadith to be acceptable and reliable.

Single Report is an argument in Sharia

يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا (سوره حجرات:6)

O you who believe! if an evil-doer bring you tidings, verify it.

The subject of this verse implies that if a pious and reliable person brings the tiding it is to be accepted. It also implies that the tiding of an evil-doer should not be rejected absolutely. Rather it should be investigated and verified. If it proves to be reliable on verification it should be accepted. If the single report had not been an argument, order would have been given to reject it absolutely.

فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ (سوره توبه:122)

Why do not a few men from every community go ahead so that they may gain sound knowledge in religion and warn their folk when they return to them so that they may beware.

طائفه literally means a portion. It applies to one person and more. Thus it is a binding on every community that,

when one or two or even more learned persons reach it and instruct it the injunctions of Islam, it must accept them and act accordingly.

فَلَوْلَا جَاءُوا عَلَيْهِ بِأَرْبَعَةِ شُهَدَاءَ فَإِذْ لَمْ يَأْتُوا بِالشُّهَدَاءِ فَأُولَئِكَ عِنْدَ اللَّهِ هُمُ
الْكَاذِبُونَ (سوره نور: 13)

Why did they not produce four witnesses? Since they did not produce witnesses, they verily are liars in the sight of Allah.

To prove and establish adultery four witnesses are necessary, although their report and witness is a single report (خبر واحد) and the possibility of their being mistaken, or uniting in fabricating a false witness cannot be denied.

Types of single report

If in any period the number of reporters is less than that of a continuous report (الخبر المتواتر) it is called a single report (خبر الواحد). With respect to the attributes of the reporters, single report is divided into two groups: acceptable hadith and non-acceptable hadith.

Acceptable hadith are of three types:

1, Sahih hadith (الحديث الصحيح)

According to the terminology, it is that hadith in which the chain of the reporters is continuous, the reporters were all pious Muslims who abstained from indecent deeds (i.e. they were adil عادل), they all had good memories, there is no other latent fault in the hadith, and the hadith is not contrary to that narrated by a more reliable reporter.

2, Hasan hadith (الحديث الحسن)

Its only difference from Sahih hadith is that any or all of

its reporters have a lesser degree of memory.

3. Mursal hadith (الحديث المرسل)

Mursal hadith of the first three eras are also acceptable because the Holy Prophet ﷺ called them خير القرون (the best eras). In it a successor of the Companions (تابعى) or a follower of the successors (تبع التابعين) hears a hadith of the Holy Prophet ﷺ through a continuous link but when describing to others he omits that link and says directly that the Holy Prophet ﷺ said so.

Non-acceptable hadith are of two types:

1. Fabricated hadith (الحديث الموضوع)

is that which a reporter fabricated himself and attributed it to the Holy Prophet ﷺ.

2. Weak hadith (الحديث الضعيف)

is that which is not mursal and in which the characteristics of hasan are also deficient e.g., there may be a break in the chain of narrators, or a reporter may have a much weaker memory or he may be a perpetrator of a sinful act and has not forsaken it.

Important Notes

Note: 1

A hadith which is, with respect to the chain of reporters, apparently weak (dhaif), rises to the status of Sahih hadith due to the following reasons.

المجتهد اذا استدل بحديث كان تصحيحا له (التحرير الابن الهمام)

When a mujtahid (مُجْتَهِد) makes it an argument for his statement it implies that in his evaluation the hadith is sahih and acceptable, because it is not allowed for him to make a mere dhaif hadith an argument.

Abul Hasan bin Hassar (رحمته الله) writes in his book Taqrib-ul-Madarik (تقريب المدارك على موطا مالك)
 قد يعلم الفقيه صحة الحديث اذا لم يكن في سنده كذاب بموافقة آية من كتاب الله او بعض اصول الشريعة فيحمله ذلك على قبوله والعمل به
 (ص 38 مقدمه اعلاء السنن)

When there is no liar in the chain of narrators, a jurist can judge the reliability of hadith on finding it in conformity with some verse of the Quran or with some principle of Sharia. He thus accepts the hadith and acts accordingly.

ii. When the scholars and jurists accept it either verbally or practically. In fact, such a hadith is equivalent to a continuous report (الخبر المتواتر).

Allama Ibn Abdul Barr writes in his book Istizkar (الاستذكار), while quoting Imam Tirmizi (رحمته الله) that Imam Bukhari (رحمته الله) called the hadith هو الطهور ماؤه (water of sea is purifying) sahih.

واهل الحديث لا يصححون مثل اسناده لكن الحديث عندي صحيح لان العلماء تلقوه بالقول (مقدمه اعلاء السنن ص: 29)

Other scholars of hadith do not take its chain of narrators to be of Sahih, but in my opinion it is sahih because ulama (jurists) have accepted it.

iii. When a dhaif hadith is reported by two or more chains it attains, because of strength of the collection, the level of hasan hadith and becomes a proof. But this rule applies to that dhaif hadith in which the cause of dhuf (ضعف) is weak

memory of the reporter who is otherwise pious and truthful.

Note 2:

اذ كان الحديث مختلفا فيه صححه او حسنه بعضهم وضعفه آخرون فهو حسن و كذا اذا كان الراوى مختلفا فيه وثقه بعضهم وضعفه بعضهم فهو حسن الحديث (مقدمه اعلاء السنن ص: 46)

When there is a difference of opinion about a hadith and some regard it as sahih or hasan whereas others regard it to be dhaif, it will be considered to be hasan. Similar is the ruling when the scholars differ about a reporter, some take him to be reliable and others consider him unreliable.

Note 3:

Sahih hadith are not restricted to Sahih Bukhari and Sahih Muslim. There are many other books containing sahih hadith. Moreover Imam Bukhari رحمه الله and Imam Muslim رحمه الله did not include all the sahih hadith in their books. They collected in them only a selection of sahih hadith.

ذكر النووى قول البخارى فيما نقل عنه احفظ مائة الف حديث صحيح ومائتى الف حديث غير صحيح (توجيه النظر ص: 93)

Allama Nawawi mentioned that Imam Bukhari said, "I know by heart a hundred thousand sahih hadith and two hundred thousand hadith other than sahih.

روى عن البخارى انه قال ما ادخلت فى كتابى الجامع الا ما صح و تركت

جملة من الصحاح خشية ان يطول الكتاب (توجيه النظر ص 91)

It has been reported that Imam Bukhari said, "I entered in my book, Jame Sahih, only sahih hadith and left a big collection of sahih hadith for fear of the book becoming too voluminous.

روى عن مسلم انه لما عوتب على ما فعل من جمع الاحاديث الصحاح فى كتاب وقيل له ان هذا يطرق لاهل البدع علينا فيجدون السيل بان يقولوا اذا احتج عليهم بحديث ليس هذا فى الصحيح قال انما اخرجت هذا الكتاب وقلت هو الصحيح ولم اقل ان ما لذم اخرجه من الحديث فى هذا الكتاب فهو ضعيف

An objection was made on Imam Muslim, "By compiling sahih hadith in your book you have opened the way for the innovators against us, because when a hadith will be presented as an argument against them they can safely say that it is not sahih (as it is not present in sahih of Muslim)." Imam Muslim replied, "I entered hadith in my book and said that they were sahih. I did not claim that whatever hadith is not present in my book it is dhaif."

قال مسلم فى صحيحه ليس كل شئ عندى صحيح وضعته ههنا

(فتح الملهم ص 44 ج 2)

Imam Muslim wrote in his Sahih, "I did not enter, in my book, all of the hadith which I found sahih."

Note 4:

The four imams, Abu Hanifa, Malik, Shafi'i and Ahmad bin Hanbal رحمهم الله, were not only jurists but were also some of the top-most scholars of hadith. They all preceded Imam Bukhari رحمهم الله and Imam Muslim رحمهم الله. They had their own large collections of hadith and none of their fiqh was dependent on the existence of Imam Bukhari and Imam Muslim and their books.

Important Clarification:

How is the number of hadith in hundreds of thousands?

Imam Bukhari رحمهم الله said, "I know by heart a hundred thousand of sahih hadith." Whereas in his book Al-Jame As

Sahih (الجامع الصحيح) the total number of hadith, after including repetitions, is nine thousand and eighty two only, and the hadith reported from the Holy Prophet ﷺ are also in thousands only. How are the rest of the Hadith?

The answer is two-fold:

1. In the terminology of Hadith when one report reaches us through ten sources it is counted as ten reports. For example Zaid told ten persons that he found a ten dollar note. All of those ten reported to you Zaid's statement. In the terminology of hadith these are ten reports for you, because the scholars of hadith consider both the report and the reporters in counting hadith. Therefore, when a hadith reaches them through ten different reporters they count them ten different hadith.
2. Many scholars give the traditions of the Companions also the name of hadith. So according to them hadith is the statement and practice of the Holy Prophet ﷺ and his Companions. It is obvious that the Companions were in a very large number, and subsequently their hadith would be in a large number too. Thus the number of hadith reaches to hundreds of thousands.

Chapter 4:

Consensus of the Ummah (اجماع الامة)

Literal meaning:

اجماع (ijma) is to agree and to concur.

Definition:

In sharia terminology it is the concurrence of all the jurists of a time on an injunction of sharia, after the demise of the Holy Prophet ﷺ.

Consensus is a source of sharia:

Consensus is a source and argument for the injunctions of Islam. This is established from the Quran and Hadith.

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ
نُؤَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۚ وَسَاءَتْ مَصِيرًا (سورة نساء: 115)

And who opposes the messenger after the guidance (of Allah) has been manifested to him, and follows other than the believers' way, We appoint for him that to which he himself has turned, and expose him to Hell — a hopeless journey's end.

This verse manifests that those who oppose that Islamic injunction which all the Muslims have adopted unanimously, their fate in the Hereafter will be the same as of those who opposed the Holy Prophet ﷺ. Thus to oppose any unanimously accepted and adopted religious injunction is a great sin.

وَكَذَٰلِكَ جَعَلْنَاكُمْ أُمَّةً وَسَطًا (سورة بقره: 143)

*Thus we have appointed you a moderate ummah
(which as a whole neither exceeds nor makes wrong).*

Thus the injunctions, upon which consensus of the Ummah is established, are all correct in the sight of Allah, because if a consensus is supposed to be established on a wrong ruling it would have been meaningless to call the Ummah moderate.

In a hadith the Holy Prophet ﷺ said,

ان الله لا يجمع امتي اوقال امة محمد على ضلالة ويد الله على الجماعة
ومن شذ شذ الى النار (ترمذى)

*Verily Allah will not gather my Ummah on erring.
Allah's hand is on the (Muslim) society, and who slips
away is slipped into Hell.*

Imam Shabi reported:

كتب عمر الى شريح ان اقض بما فى كتاب الله فان اتاك امر ليس فى كتاب
الله فاقض بما سن رسول الله صلى الله عليه وآله وسلم فان اتاك امر ليس فى
كتاب الله ولم يسنه رسول الله صلى الله عليه وآله وسلم فانظر له الذى اجتمع
عليه الناس-

Umar رضي الله عنه wrote to Qadhi Shuraih رحمته الله:

*Decree according to the instruction of the Quran. If
a case comes to you for which there is no instruction in
the Quran give your verdict according to Sunnah of the
Holy Prophet ﷺ. And if such a case comes to you for
which there is no instruction either in the Quran or in
Sunnah then look for those decisions upon which the
jurists have agreed.*

Note:

To say that consensus (ijma) is a source of Sharia, it

does not mean that the jurists, reaching consensus, have acquired divine authority to permit and prohibit from themselves whatever they like. Rather, the fact is, that on whatever matter consensus is reached, it is deduced either from some verse of the Quran, or some Sunnah of the Holy Prophet ﷺ, or some qiyas based on the Quran or Hadith. Thus every agreed upon matter is based on a sharia argument which is called the basis of consensus (سند الاجماع).

Query:

When every unanimous decision is based on the Quran, or Sunnah or qiyas what benefit does the consensus hold?

Answer:

Benefits of the consensus are two fold:

1. The ruling gained from the Quran, the Sunnah or qiyas may be a probable one. Consensus converts it into definite and absolute after which no scope remains for any jurist to differ from it. And if that ruling was already a definite one the consensus strengthens its certainty.
- 2 After the consensus is established no need remains to investigate the actual argument which was the basis of consensus. To rely on the ruling, it is sufficient that consensus has been achieved on it.

Some examples of basis of consensus

1. A verse of the Quran

There is consensus on that it is forbidden for one to marry his own grand-mother or grand-daughter. The jurists deduced this injunction from this Quranic verse

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ (سورة نساء: 23)

Forbidden for you are your mothers, and your daughters.

Although this ruling of sharia had been deduced from the above-mentioned verse because the word امهات (mothers) includes grandmothers and the word بنات (daughters) includes grand-daughters too, but as yet this ruling was not definite because of the possibility that the امهات (mothers) meant real mothers only and the بنات (daughters) meant real daughters only. Because of that possibility a jurist could say that the grandmothers and grand-daughters were not forbidden. But when the said consensus was achieved the ruling became definite and absolute, and the above-mentioned possibility got discarded, and no chance remained for a later jurist to differ from it.

2. Some Sunnah

There is consensus on that to sell some grain, without taking its possession, is forbidden. Its basis is a hadith which says that the Holy Prophet ﷺ instructed:

من ابتاع طعاما فلا يبعه حتى يستوفيه (ترمذی)

Whosoever buys some grain must not sell it before taking its possession.

This instruction was apparent from the hadith, but since the hadith is a single report (خبر الواحد) which holds only probability, the instruction was only probable and not definite. But when the consensus was achieved the injunction became definite.

3. When it is some qiyas

i. Interest is found in rice when it is exchanged with other rice in different quantities, or when immediate possession is not given from one or both sides.

Thus when exchanging rice with rice, two things are forbidden:

- a. difference in their quantities.
- b. delay in handing over possession from one or both sides.

The basis of this unanimous verdict is qiyas. The Holy Prophet ﷺ instructed about gold, silver, wheat, barley, dates and salt that when one of these six items is exchanged with its own kind there must be neither any difference in their quantities nor the lagging of possession from one or both sides. Ruling about these six things was apparent, but there was no express ruling about rice in the hadith. The jurists contemplated on it and found that the ruling for rice is the same as that of the above-mentioned six items.

Had there been no consensus on this ruling, it would have been a probable one (ظنى) because qiyas (analogy) is itself an argument of probability (الدليل الظنى). But, when all the jurists of one time agreed upon that ruling it became definite and no scope remained for a later jurist to differ from it.

Types of Consensus

Basically consensus is of three types:

- (1) Verbal (الاجماع القولى)
- (2) Practical (الاجماع العملى)
- (3) Silent (الاجماع السكوتى)

1. Verbal consensus occurs when in any era all those worthy of achieving consensus, manifest their agreement over a sharia injunction. An example of it is that all the Companions رضي الله عنهم agreed upon the Caliphate of Abu Bakr رضي الله عنه and took oath on it.

2. Practical consensus occurs when all the jurists of an era adopt a certain practice and consider it to be permitted. That practice is then regarded as permissible by consensus. This type of consensus proves only the permissibility of the practice. It does not prove its binding upon the people, except when there is some evidence proposing it.

The four rakats, before the Zuhr prayers, are in jurists terminology emphasized sunnah (السنة المؤكدة) This status of the mentioned rakats is established by practical consensus of the Companions رضي الله عنهم

Note:

Both the above - mentioned types of consensus are, according to all the jurists, arguments of Sharia.

3. Silent consensus occurs when some jurists issue an edict or adopt a practice. Their edict or their practice gains so much publicity that the remaining jurists know it too. The remaining jurists get time to contemplate but still they keep silent and do not oppose.

The jurists differ in counting silent consensus as an argument. Imam Ahmad, most of the Hanafis and some Shafi'is regard it a definite and absolute argument.

The levels of Consensus (مراتب الاجماع)

With respect to the jurists, there are three levels of

consensus:

1. The highest is that which the Companions **رضي الله عنهم** achieved by verbal or practical manifestation. The whole of the ummah is unanimous on its being a definite consensus.
2. Next is the silent consensus of the Companions **رضي الله عنهم**. Many jurists, including the Hanafis, regard it a definite argument. Since Imam Shafi'i and some other jurists have a different view, therefore, one who denies it will not be termed a disbeliever.
3. Third is that consensus which is achieved by the jurists of post-Companions era.

Although most of the jurists regard it an argument but it is not a definite one. The reason is that some jurists do not consider the consensus of non-Companions an argument at all, and the difference of opinion does not let the argument achieve certainty. Thus if someone denies it he is not a disbeliever (kafir: كافر).

These levels of consensus are in reference to the time of their achievement. Later there is another step which is its transfer from one period to another. Its transfer may be through continuous report or through single report. With respect to each the ruling will be different.

Transfer of Consensus

Verbal or practical consensus of the Companions, which is itself a definite argument, if it is transferred to succeeding generations through continuous report, it remains a definite argument and he who denies it is a disbeliever. And if it is transferred through a single but reliable report, its certainty

vanishes and its status declines to that of a single report, which is an argument of probability. If one denies it he will be considered disobedient but not a disbeliever.

Chapter 5:

Qiyas (Analogy)

Definition:

Sadr Shariah (صدر الشريعة) ﷺ defined it as

هو تعدية الحكم من الاصل الى الفرع لعل متحدة لا تدرك بمجرد اللغة

To transmit the ruling of the root to its off shoot because of the common effective cause which is not understood by mere knowledge of the language, is called qiyas and analogy.

A ruling for a thing is mentioned in the Quran or Hadith. That thing is called the root (اصل). There is another thing which is not mentioned in either of them. An effective cause (علة) is found common in both and because of it that other thing is called the off shoot or corollary (فرع).

Examples

1. About the prohibition of wine (خمر) the following verse is explicit.

إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ

(سوره مائدہ: 90)

Wine and games of chance and idols and dividing arrows are only an infamy of Satan's handiwork. So leave it aside.

The jurists contemplated to know the cause of the prohibition of wine and found it to be its intoxicating effect. Ruling of wine is mentioned in the Quran and Hadith, but

there is no ruling in them about other intoxicants. The jurists contemplated and found that they also have the intoxicating effect. So they transmitted the ruling of wine to other intoxicants. Here the root is wine, other intoxicants are the off shoot, the ruling is prohibition, and the causative factor is the intoxicating effect.

2. In a hadith the Holy Prophet ﷺ said, " لا يرث القاتل " (murderer will not inherit from the murdered).

The jurists contemplated to know the cause of the ruling. They found that the murderer had attempted to quicken the acquisition of inheritance. They then determined it to be the causative factor for the ruling given in the hadith. In another example a person made a will in favour of another. The other person killed the one who had willed for him to quicken the acquisition of the bequeathed property. The jurists determined that the same causative factor is present in this case too and, therefore, extended the ruling of the inheritance case to the bequeathed property case.

In this example the inheritance case is the root, the bequeathed property case is the offshoot, attempt to quicken the acquisition before its due time is the causative factor, and being deprived of the right to acquire the property is the ruling.

Elements of qiyas (reasoning by analogy)

Element of a thing is an indispensable part of it and without which that thing cannot exist. The elements of analogy (قياس) are four:

1. The root (أصل), which is mentioned in the Quran or

Hadith.

2. The offshoot (فرع), which is not mentioned in the Quran or Hadith.
3. The effective cause (علة), upon which the ruling of the root depends in the sight of the jurists, and which is found in the offshoot too.
4. The ruling (حكم), which is mentioned for the root, and which the jurists transmit and extend to the offshoot.

Qiyas (analogy): a source of Sharia

The arguments for it are as following:

1. When Muaz رضي الله عنه was departing for Yemen, as its governor, the following conversation occurred between him and the Holy Prophet ﷺ.

قال كيف تصنع ان عرض لك قضاء قال اقضى بما فى كتاب الله قال فان لم يكن فى كتاب الله قال فبسنة رسول الله صلى الله عليه وآله وسلم قال فان لم يكن فى سنة رسول الله قال اجتهد برأى ولا آلو قال فضرب رسول الله صلى الله عليه وآله وسلم صدرى ثم قال قال الحمد لله الذى وفق رسول الله ﷺ لما يرضى رسول الله (احمد، ابوداؤد، ترمذى)

Holy Prophet ﷺ: *How will you decide when a case comes to you?*

Muaz رضي الله عنه: *According to that which is in the Book of Allah.*

Holy Prophet ﷺ: *If there is no instruction in the Book of Allah?*

Muaz رضي الله عنه: *According to the Sunnah of the Holy Prophet ﷺ.*

Holy Prophet ﷺ: *If no instruction is available in the sunnah of the Prophet of Allah.*

Muaz رضي الله عنه: *I will make ijtiḥad with my intellect and I will spare no effort in it.*

Holy Prophet ﷺ: *(Striking, in approval, a blow on the chest of Muaz رضي الله عنه). All praise is for Allah who graced the messenger of the Prophet with what the Prophet wills.*

ان رجلا من خثعم جاء الى رسول الله صلى الله عليه وآله وسلم فقال ان ابى ادركه الاسلام وهو شيخ كبير لا يستطيع ركوب الرحل والحج مكتوب عليه افاحج عنه قال انت اكبر ولده قال نعم قال ارايت لو كان على ابيك دين فقضيته عنه اكان يجزئ ذلك عنه قال نعم قال فاحجج عنه

(بخارى، مسلم، نسائي)

A man, from the tribe of Khas'am, reached the Holy Prophet ﷺ and said, "My father embraced Islam in a very old age. Hajj is mandatory for him, but he cannot ride at all. Can I perform Hajj for him?" The Holy Prophet ﷺ asked him, "Are you his eldest son?" He replied, "Yes". The Holy Prophet ﷺ asked, "If your father had some debts, and you were to repay them, would that suffice on his behalf?" The man replied, "Yes." The Holy Prophet ﷺ instructed him, "Then you may perform Hajj for him."

In this incident the Holy Prophet demonstrated analogical deduction of debt of Allah from the debt of the humans, in respect of fulfilling the bindings of Allah.

ان عمر رضى الله عنه قال صنعت اليوم يا رسول الله امرا عظيما قبلت وانا صائم فقال له رسول الله صلى الله عليه وآله وسلم ارايت لو تمضمضت بماء وانت صائم فقال لا باس بذلك فقال رسول الله صلى الله عليه وآله وسلم ففيم (احمد وابوداؤد)

Once Umar رضي الله عنه said, "O messenger of Allah today I committed a grave act. I kissed (my wife) while fasting. The Holy Prophet said to him, "If, while fasting, you rinse your mouth with water does it cause any harm?" Umar رضي الله عنه said, "There is no harm in it." The Holy Prophet ﷺ said, "Then why do you lament.?"

To take water into the mouth is a preamble for drinking, and kissing is a preamble for sexual intercourse. If water is taken into the mouth for rinsing, and is not swallowed it causes no harm to the fast. The Holy Prophet ﷺ made qiyas (analogical deduction) and extended the ruling of one preamble (i.e. taking water into the mouth) to another preamble (i.e. kissing).

ان عمر بن الخطاب رضى الله عنه شاور الناس فى حد الخمر وقال ان الناس قد شربوها واجتروا عليها فقال على كرم الله وجهه ان السكران اذا هذى افترى فاجعله حد الفرية فجعله عمر حد الفرية ثمانين (موطا الامام مالك)

Umar رضي الله عنه consulted others about the punishment for wine-drinking and said, "People have started drinking and are becoming audacious about it." Ali رضي الله عنه said, "When a man is drunk he makes raving speech and in it he slanders others. So you fix the punishment of drinking the same as that of slandering." Umar رضي الله عنه accepted his advice and fixed eighty lashes as a punishment of drinking.

Ali رضي الله عنه analogically deduced the punishment of drinking wine from the defined punishment (حد) of making slander against others.

5. The Holy Prophet ﷺ, in his illness before death, appointed Abu Bakr رضي الله عنه to lead the prayers in his place.

After the demise of the Holy Prophet ﷺ, when the matter of selection of caliph was being considered, some of the Companions analogically deduced the caliphate for Abu Bakr ؓ from his leadership (امامة) in prayers and said

رضيه رسول الله صلى الله عليه وسلم لديننا افلا نرضاه لدنيانا

The Holy Prophet ﷺ chose him for our religious matter. Shouldn't we choose him for our wordly affairs.

Pre-requisites for analogical deduction

These are five in number and are as follows:

1. To understand its nature.

It has been outlined above.

2. The scope of analogy:

It is reminded that qiyas (analogical deduction) is made for which there is no ruling present in the Quran and Hadith. The reason is that in the above-mentioned hadith of Muaz ؓ, he mentioned making ijtiḥad (and qiyas) only when he did not find the ruling in the Quran and Hadith.

3. To be capable of making qiyas

It is known from the very hadith of Muaz ؓ that one should be capable of making qiyas i.e., he must have a full-fledged knowledge of religious studies and must have proficiency in making ijtiḥad. The reason is that without complete religious studies he cannot know whether the ruling is present in the Quran and Hadith or not. Thus, he must be aware not only of the Quran and the complete records of Hadith and consensus, but also he must have excellence in the methods of argument and deduction.

4. To know the object of qiyas

The object of qiyas is to know the ruling about matters not mentioned in the Quran and Hadith, and it is to be restricted to such matters only. There is no scope for qiyas in matters the ruling of which is present in the Quran and Hadith. Thus to find the effective cause of rulings mentioned in the Quran and Hadith and to negate the rulings when the self-assessed effective causes are found missing, is contradictory to the object of qiyas.

An example of such false qiyas is that some people think the effective cause in ablution (وضوء) to be dirt. They think that the Arabs were usually herdsmen and cultivators of land, and their faces, hands and feet used to be dirty. They were, therefore, instructed to make ablution prior to offering the prayers. But nowadays, we have clean professions, we come out of our houses after taking bath, travel in dust-free vehicles, work in dirt-free environment and remain clean all the day. The causative factor is missing in us and therefore, the ruling of ablution does not apply on us.

5. The effective cause should be that which has credence in Sharia. Therefore, before being determined, it is necessary that its credibility is proved through Sharia arguments.

Chapter 6:

Knowledge of Fiqh (علم الفقه)

Definition of fiqh by Imam Abu Hanifa رحمه الله

One's knowledge of things beneficial to him (e.g. the injunctions of Allah and other permissible things and affairs) and of things harmful to him (e.g. the prohibited things and affairs) is called fiqh.

According to this definition fiqh covers the knowledge of creed, ethics and law. In Hadith and in the works of the earliest scholars the word fiqh is used in this wide sense.

The Holy Prophet ﷺ said

من يرد الله به خيرا يفقهه في الدين (مسلم)

For whom Allah wills good, He grants him fiqh (understanding) of Islam.

The Holy Prophet ﷺ prayed for Abdullah bin Abbas رضي الله عنه

اللهم فقهه في الدين وعلمه التأويل

O Allah grant him fiqh of Islam and teach him the knowledge of interpretation,

Hasan Basri رحمه الله said

انما الفقيه الزاهد في الدنيا الراغب في الآخرة البصير بامر دينه المداوم على

عبادة ربه (مرقاة المفاتيح ص 267 ج 1)

Faqih is one who is disinclined towards worldly things, is inclined towards the Hereafter, has insight in his religious affairs and is constantly busy in the worship of his Lord.

According to this definition of fiqh the knowledge of creed is at the top of the order, and is called Fiqh Akbar (الفقه الاكبر), then is that of ethics which is named Fiqh Ausat (الفقه الاوسط) and then is that of practical injunctions, which is called Fiqh Asghar (الفقه الاصغر)

Definition of fiqh by Imam Shafi'i رحمه الله:

Imam Shafi'i رحمه الله defined fiqh with respect to practical injunctions:

علم بالاحكام العملية المكتسبة من ادلتها التفصيلية

To know the practical injunctions with their detailed proofs and arguments.

To explain it we say that the arguments are of two types:

Salah is obligatory on every adult Muslim. When we say that proof for salah being obligatory is the Quran we have mentioned its brief proof and argument. But when we say that proof for salah being obligatory is the verse of the Quran اقيموا الصلاة (offer the prayers) we have mentioned its detailed argument (الدليل التفصيلي). Thus the Quran, the Sunnah, the consensus and the Qiyas in general are the four brief arguments and four sources of fiqh whereas the specific verses, the specific hadith and the specific qiyas are the detailed proofs.

Chapter 7:

Principles of fiqh (علم اصول الفقه)

Definition:

علم بقواعد يتوصل بها الى استنباط الاحكام من ادلتها التفصيلية

Knowledge of those principles by which the jurists deduce the injunctions from their detailed arguments.

Brief introduction of these principles:

Both the Quran and Hadith are in Arabic and comprise both the words and their meanings. Hence to understand the Quran and Hadith and to gain injunctions from them, it is essential to have complete knowledge of the words used in them and of their meanings too.

The authorities in a language invent words for particular meanings. With respect to this the words are of four types: specific (خاص), general (عام), homonym (مشتراك) and interpreted (مؤول).

Each of them is either used in its original or primary meaning and is called literal (حقيقة), or is used in some secondary meaning, because of some association between the two meanings, and is called metaphor (مجاز). According to this usage too, the words are of four types: literal (حقيقة), metaphor (مجاز), plain (صريح) and metonym or allusive (كناية).

Then in all these types the indication of the words towards their meanings is either manifest or obscure. And since manifestation and obscurity vary in degree therefore,

according to their varying degrees, another eight types of are gained: apparent or manifest (in meaning ظاهر), explicit (نص) explained (مفسر), unalterably fixed (محكم), obscure (خفي), difficult (مشكل), vague (محمل) and un-intelligible or intricate (متشابه).

In the last we see the modes by which the meanings of the words used, are expressed. They are also of four types: by language of text (عبارة النص), by suggestion of the text (اشارة النص), by implication of the text (دلالة النص) and by demand of the text (اقتضاء النص).

Types of words with respect to their meanings

Specific (خاص)

It is that word which is made to denote a particular person, object or meaning e.g. Zaid, table and numeral three (3). Its ruling is that to act upon it is obligatory but in such a way that its meaning remains unchanged. An example is

وَالْمَطْلُوقُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ (سورة بقره: 228)

Women who are divorced shall wait, keeping themselves apart, three (monthly) courses.

In this verse the word ثَلَاثَة (three) is used which is to denote a specific number, neither greater nor lesser than that.

Sharia has prohibited divorcing when the woman is in her menses. Abdullah bin Umar رضي الله عنه gave one divorce to his wife when she was in her menses. The Holy Prophet ﷺ ordered him to return and reconcile with her. The divorce was valid and imposed as it was the implication of the Holy

Prophet's ﷺ order to reconcile with her. But what more is inferred is that the Holy Prophet ﷺ did not like the remaining menstrual period to be counted from the legal period (عدة).

The word قَرَاء (qara, the plural of which is quru قُرُوء) in Arabic has two meanings: period of menses and period of cleanliness (between two menstrual periods). Out of these two meanings only that is valid which preserves the exact meaning of ثلاثة (three).

1. If period of cleanliness is adopted, exact meaning of three is not maintained. The reason is that when a husband divorces his wife, according to the instructions of Sharia, in her period of cleanliness:

i. if the remaining period of cleanliness is counted, her legal period (عدة) will be less than three periods i.e. two complete periods and one incomplete period during which she was given divorce.

ii. if it is not counted and three complete periods are taken the sum goes up to more than three periods.

2. If period of menses is adopted, exact meaning of three is maintained. If a husband divorces his wife in her period of cleanliness it is obvious that her legal period will comprise of only three menstrual periods. And if he divorces her in her menstrual period, still, the legal period will be the same because Sharia itself does not count the remaining menstrual period.

General (عام)

It is that word which denotes a group of persons. The

word may be:

- i. a plural noun e.g. مسلمون (Muslims) نساء (women)
- ii. A singular noun with ال e.g. السارق (thieves)
- iii. a common singular noun after the word مَا (no or not) e.g. مَا مِنْ دَابَّةٍ (not a beast)

A general word has two states

1. All the persons and members are included in it without a single exception.

In this state complete generality is definite and the mentioned ruling is definitely for all its members e.g.

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا (سورة هود)

And there is not a beast on the earth but its sustenance depends on Allah.

2. Some evidence proves the exclusion of some members e.g.

وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا (سورة آل عمران: 97)

And pilgrimage to the House is a duty to Allah for mankind.

The word الناس (mankind) is general and includes all its members whether worthy of being duty-bound (مكلفين) or not (غير المكلفين). But due to rational and traditional arguments immature children are not included here in the general word الناس (mankind). This is called specification (تخصيص) and means to exempt, due to some evidence, some of the members from the injunction being applicable to them.

Homonym (مشترك)

It is the word which has several meanings but for each

of them it was invented separately e.g. the word قراء has two meanings: menses and cleanliness.

Since both the meanings cannot be adopted in one usage, therefore, it is necessary to contemplate and know in which meaning it has been used in the Quran and Hadith. This is the function of mujtahids. They look for the arguments and evidences and then prefer one meaning over the other. Because of the particular word ثلثة (three) and some hadith Imam Abu Hanifa رحمته الله preferred, for the word qara used in the Quran, its meaning of menses over the other.

Interpreted (مؤول)

When a mujtahid gives preference to one meaning of homonym over others, the word in its preferred meaning is called interpreted (مؤول) for him. Imam Abu Hanifa preferred for قراء (qara) the meaning of menses over the other, so it is interpreted for him.

The ruling is that the mujtahid is bound to adopt and act upon his interpreted meaning.

A mujtahid's preference and interpretation gives the benefit of probability in the meaning, not of certainty, and the possibility that Allah may have used that word in some other meaning persists.

Types of words with respect to their usage

Literal and Metaphor

When a word is used in its original or primary meaning it is called literal, and when it is used in some secondary meaning, which has some association with the primary

meaning, it is called metaphor. For example, when the word angel is used for a metaphysical creation it is literal, and when the same word is used to denote a pious and righteous human being it is a metaphor.

Some rules about literal and metaphor

1. The literal and metaphorical meanings of a word cannot be adopted simultaneously.

i. The Quran says:

وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا (سورة مائدة: 6)

And if you are sick or on a journey, or one of you comes from the closet, or you have had contact with women, and you do not find water, then go to clean, high ground.

The primary meaning of لامستم (ملاسة) is to touch with hand and its metaphorical meaning is to have sexual intercourse. All commentators agree that here the word لامستم means intercourse. Hence, in this place it is not possible to take the literal meaning of touch with hand.

ii. The word اولاد (children) is literal in one's own children and metaphorical in his grand-children. A man made a bequest for Zaid's children. Zaid has both his children and his grand-children. In the presence of Zaid's own children the literal meaning of the word اولاد (children) is determined and there is no scope to adopt the metaphorical meaning i.e. the grandchildren. Thus the man's bequest will not go to Zaid's grand-children.

2. When the primary meaning cannot be taken the

metaphorical meaning stands in lieu in presence of a pre-requisite. The pre-requisite, according to Imam Abu Hanifa, is that the statement should be correct grammatically, and according to Imam Abu Yusuf and Imam Muhammad, its literal meaning should be valid too.

For example, Zaid says about his slave, who is older than him in age and whose father is known to be Bakr: هذا ابني (He is my son). Zaid's statement is grammatically correct but its literal meaning is void because of the slave's seniority in age and because of his known parentage. In such a situation Imam Abu Hanifa takes the metaphorical meaning i.e. he is free, whereas Imam Abu Yusuf and Imam Muhammad say that since the literal meaning of the statement does not stand correct the statement is void and serves no metaphorical meaning.

If the slave's parentage is unknown and by age he can be Zaid's son and Zaid says about him: هذا ابني (He is my son). In this case since the statement is grammatically correct and its primary meaning can be valid, so it serves, according to all the three imams, its metaphorical meaning i.e. he is free.

Plain (صريح) and Allusive (كنايه)

A word denotes its meaning, whether original or metaphorical. This denotation is sometimes manifest and sometimes obscure. When it is manifest the word is called plain and when it is obscure is called allusive. Examples are:

اشتريت (I bought), باعت (I sold) are plain in their primary meanings, whereas اكلت من هذه الشجرة (I ate from this tree) is apparent in its metaphorical meaning i.e. I ate its fruit.

When a word's denotation of its meaning is obscure the word is allusive. In such case the meaning is determined by some associated evidence. An example of it is that a man says to his wife أنت حرة (You are free).

Freedom may be from some domestic responsibility and may be from matrimonial bondage. The husband pronounced these words with the intention of divorcing his wife or spoke them out on her demand of divorce. The husband's intention or the wife's demand is an evidence determining freedom from matrimonial bondage.

The Holy Prophet ﷺ said, "Ward off the defined punishments with doubts. ادرءوا الحدود بالشبهات.

Since obscurity is present in allusion (كنايه) a doubt develops in it. Therefore, when four male witnesses state that Zaid made illegal contact with so and so woman, Zaid will not be given the punishment of fornication because the words, "illegal contact" are not manifest in denoting the meaning of fornication and it is possible that Zaid had only kissed her or embraced her. When the witnesses use words which are manifest in denoting the meaning of fornication and say that they saw them copulating like a pen in its cap, only then will they be given defined punishment.

Types of words and speech with regard to varying degrees of apparency.

Manifest (ظاهر)

It is that word or speech the meaning of which is known by mere hearing it.

Explicit (نص)

It is the word the meaning of which is known by just hearing it and the speaker's intention also is to convey that meaning.

Its examples are:

i. The Quran says:

أَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا (سوره بقره: 275)

Allah permitted trading and forbade usury.

This verse is manifest in permission of trading and prohibition of usury because these meanings are understood by just hearing these words.

The purpose of this verse is to differentiate between trade and usury because the disbelievers used to say that there was no difference between the two:

إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا (سوره بقره: 275)

Trade is just like usury

To refute their saying the above mentioned verse was revealed. Thus with regard to the refutation the verse is explicit (نص)

ii. The Quran says:

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبْعَ (سوره نساء: 3)

Marry of the women, who seem good to you, two or three or four.

This verse is manifest (ظاهر) in permission of marrying and is explicit (نص) in permission of marriage upto four women.

When contradiction occurs between manifest (ظاهر) and explicit (نص) preference is for explicit e.g.

أُحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ

Lawful for you are all beyond those mentioned.

This verse is manifest (ظاهر) in permission to marry more than four women whereas

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَى وَثُلَاثَ وَرُبْعَ (سورة نساء: 3)

Marry of the women, who seem good to you, two or three or four.

This verse is explicit (نص) in permission to marry only upto four.

In case of contradiction, since explicit has preference over manifest, therefore, marrying more than four women is forbidden.

Explained (مفسر)

In both manifest and explicit there is a possibility of specification (تخصيص). When the possibility of specification or of interpretation fades away the two become explained (مفسر) too. But during the life of the Holy Prophet possibility of being abrogated persisted e.g.

فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً (سورة نور: 4)

Scourge them with eighty stripes.

In this verse the word ثمانين (eighty) is a specific number which has no possibility of being greater or lesser. Thus it is explained (مفسر).

In case of explicit (نص) and explained (مفسر) the latter has preference over the former. The Holy Prophet ﷺ said."

المستحاضة تتوضأ عند كل صلاة (ابن حبان)

The woman with continuous abnormal bleeding should make ablution for every salah (prayers).

This hadith is explicit (نص) in that a woman with

continuous bleeding should make ablution for each separate salah. Thus if such a woman offers Asr prayers in its time and also wants to offer her missed Zuhr prayers in that same time she will have to make separate ablution for each of the two prayers. But there is a possibility that from the word salah (صلاة) the Holy Prophet ﷺ had meant its time because in another hadith, the Holy Prophet ﷺ instructed Fatimah, daughter of Abu Hubaish,

تتوضى لوقت كل صلاة

Make ablution for every time of Salah.

This hadith is explained (مفسر) in that such a lady may make ablution for one time of salah e.g. Zuhr and offer as many salahs as she can in that time with the same ablution.

The latter hadith, being explained, has preference over the former.

Unalterably fixed

It is a word or verse the meaning of which is apparent, and which has no possibility of being specified or interpreted or abrogated. For example,

مَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَنْ تُنكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا

(سورة احزاب: 53)

And it is not for you to cause annoyance to the messenger of Allah, nor you should ever marry his wives after him.

This verse is unalterably fixed because the ruling in it is eternal and there is no chance of its ever being abrogated.

In case of contradiction between unalterably fixed and any one of the former three types preference is for the

unalterably fixed e.g.

مَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَنْ تُنكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا

(سورة احزاب: 53)

And it is not for you to cause annoyance to the messenger of Allah, nor you should ever marry his wives after him.

This verse is unalterably fixed in the eternal prohibition for every follower of the Holy Prophet ﷺ to marry his wives, after his death. Another verse i.e.

أُحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ (سورة نساء: 24)

Lawful for you are all beyond those mentioned.

is explained in that except the women forbidden earlier, every follower of the Holy Prophet ﷺ is permitted to marry of all the remaining women including the wives of the Holy Prophet ﷺ.

According to the rule the former verse, being unalterably fixed, is to be adopted.

Types of words with regard to obscurity in denoting the meanings

Obscure (خفى)

It is the word, the meaning of which is obscure, not because of the word, but because of some external factor.

The Quran says:

السَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا (سورة مائدة: 38)

As for the thief, both male and female, cut off their hands.

The word سارق (thief) is manifest in its meaning i.e. that man who takes away secretly a thing which is in another's

custody.

But can a pocket-picker and one who steals shroud of a dead body be called a thief? It is not clear. On pondering one finds more intensity in the meaning of pocket-picker than in that of thief, because a thief steals things from one who is asleep whereas a pocket-picker proves to be more daring and steals from one who is awake. In contrast, one who steals shroud of a dead body in him the meaning is less intense than that in thief because the dead is not able to guard his things. Thus, one, who steals shroud, steals that thing which is not in anybody's custody. Hence, the definition of thief applies to a pocket-picker and not to one who steals shrouds. Therefore, pocket picker's hand will be cut off and not of one who steals shrouds.

Difficult (مشكل)

It is the word the meaning of which is obscure and unclear because of the word itself, To know its meaning requires both pondering and some evidence (قرينه) e.g. the Quran says:

نِسَاءُكُمْ حَرْثٌ لَّكُمْ فَاتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ (سورة بقره: 223)

Your women are a tilth for you (to cultivate) so go to your tilth as you will.

In this verse the word أَنَّى is difficult because this word has been used, in other places of the Quran, in two different meanings.

In the verse أَنَّى يَكُونُ لِي غُلَامٌ (how will I have a son) the word أَنَّى is used in the meaning of كيف (how). In another verse يَمْرِيْمُ أَنَّى لَكَ هَذَا (O Mary! From where does this food

come to you) the same word is used in the meaning of من اين (from where). Because of its usage in the Quran in different meanings, here its meaning got obscured. But on pondering it is known that the anal passage is not a place of tilth. Place of tilth is only vagina. Therefore, in this place the only possible meaning of كيف is انى (how) and the verse means that you go to your tilth as and how you will, lying, sitting or standing.

Vague (محمل)

If the meaning of the word gets obscured, because of the word itself, and to such an extent that it cannot be understood without an explanation from the addresser, that word or verse is called vague.

Thus to know its meaning the addresser's other addresses and statements are to be scrutinized for acquiring some explanation. If possible he himself is to be asked for the explanation. For example the Quran says:

حَرَّمَ الرَّبُّوا (سوره بقره)

He forbade usury.

The literal meaning of the word ربوا (Riba) is absolute (مطلق) excess, but it is not the required one because absolute excess is gained in trade also, as a profit on the capital.

In a hadith it is explained that when weighable or measurable items of the same kind are exchanged for each other and there is some excessive quantity on one side, against which there is nothing on the other side, that excess is riba. Had this explanation not been available the required meaning of riba could not be understood.

Unintelligible or intricate (متشابه)

If the obscurity is such that it can be removed by the explanation of the addresser only but the hope of obtaining his explanation is lost for ever, that word is called unintelligible or intricate. Its examples are

- i. The broken letters (الحروف المقطعات) present in the Quran.
- ii. Attributes of يد (hand) and ساق (shin) of Allah.

The ruling about it is that one must have belief in its being true (حقيق) and must abstain from going after its meaning.

Ways through which words denote their meanings

1. Language of the text (عبارة النص)

The required meaning is known just from hearing the words of the text, and the addresser's purpose also is to convey that meaning. This mode of denoting the meaning is called language of the text (عبارة النص). Its examples are:

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ (سورة بقره: 233)

The duty of feeding and clothing of nursing mothers is upon the father of the child.

The meaning of this verse is that the duty of feeding and clothing of a nursing mother, while she is nursing a child, is upon the father of the child. This meaning is understood by just hearing the text. The addresser's purpose also is to convey the same meaning.

- ii. Similarly in أَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ

Establish salah and pay zakah

the meaning that establishing salah and paying zakah is obligatory, is known by language of the text (عبارة النص)

2. Suggestion of the text (إشارة النص)

Through its meaning of a word used, in the text, is known by just hearing the word, but the addresser did not aim to highlight it.

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ (سوره بقره: 233)

The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child.

In this verse there is suggestion towards the fact that a child succeeds his father in lineage, because in it the child has been related to the father through the letter لام which is to denote ownership. But this meaning is not the actual purpose of stating this verse.

فَالْزَنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتُمُوا الصِّيَامَ إِلَى اللَّيْلِ

(سوره بقره: 187)

So hold intercourse with them and seek that which Allah has ordained for you, and eat and drink until the white thread becomes distinct to you from the black thread of the dawn. Then strictly observe the fast till nightfall.

The aim of this verse is to tell that in the nights of Ramadhan it is permitted to eat, drink and hold intercourse. This meaning is obvious through language of the text. But the text also points towards the fact that all three things are equal in being prohibited during fast. The reason is that after mentioning the three things the words used are ثُمَّ أَتُمُوا الصِّيَامَ إِلَى اللَّيْلِ (then strictly observe the fast till nightfall) which means that abstention from all three things is equally incumbent.

Implication of the text (دلالة النص)

The implied meaning, which is gained not from the word but from its literal meaning only, is said to be known by implication of the text (دلالة النص) An example is,

لَا تَقُلْ لَهُمَا أُفٍّ وَلَا تَنْهَرْهُمَا (سوره بنی اسرائیل: 23)

Say not "fie" to them or repulse them.

In this verse language of the text denotes prohibition from saying 'fie' to the parents or repulsing them. But any person who knows Arabic, he understands that this prohibition is due to their vexation which is present in beating them too. Therefore, to beat them is also forbidden. This is not qiyas (analogy) because a person who knows nothing about analogy and qiyas understands this meaning merely because of the knowledge of Arabic.

Thus prohibition of saying 'fie' and repulsing is established by language of the text whereas prohibition of beating is known by implication of the text.

Demand of the text (اقتضاء النص)

A sentence is considered to be correct in Arabic usage, but its apparent meaning does not stand correct e.g. X says to Y اعْتَقْ عَبْدَكَ عَنِّي بِأَلْفٍ. Its apparent meaning is "You free your slave on my behalf for a thousand rupees." This meaning is false because when the master frees him with his own will there is no basis for him to take money on it. But if we add a few more words in the sentence i.e. "You sell your slave to me for a thousand rupees, and then you be my attorney and free my slave on my behalf" the meaning stands true.

Since the usage is correct, it is necessary to assume the added words to be present so that the meaning also stands true. Such an assumption is the demand of the text. Similarly in a hadith the Holy Prophet ﷺ said:

رفع عن امتي الخطاء والنسيان

To make mistake and to forget have been warded off from my Ummah.

The apparent meaning of the hadith necessitates that no member of the Ummah of the Holy Prophet ﷺ makes a mistake or forgets something. But the observation goes against it. Since it is the statement of the Holy Prophet ﷺ which cannot be wrong, it demands some word to be added to it so that its meaning stands true. The added word, which is the demand of the text is اثم (sin) and the proposed form of the hadith is, رفع عن امتي اثم الخطاء والنسيان (the sin of making mistake and forgetting has been warded off from my Ummah). Thus the hadith denotes its actual meaning through demand of the text.

Strength of the four ways in descending order

In descending order first of all is language of the text, then its suggestion, then its implication and in the last is its demand. If contradiction occurs between them preference is for that which has more strength e.g.

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا (سورة نساء: 93)

He who slays a believer of set purpose, his reward is Hell for ever.

The text of this verse tells through its suggestion (اشارة) (كفارته) that in wilful murder there is no atonement (النص) for

the murderer, because only Hell has been mentioned in his reward.

Whereas the text of the verse

وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ

He who has killed a believer by mistake, must set free a believing slave

tells by its language that there is atonement in murder made by mistake and tells by its implication (دلالة النص) that atonement should be in the wilful murder too, because atonement is due to a sinful act and it is obvious that in wilful killing the sin ought to be greater than killing by mistake.

In this case of contradiction the suggestion of text has preference over its implication and thus the ruling of atonement will not be for the wilful murderer.

Some rules regarding commands and prohibitions (الامر والنهي)

Command is that word which is spoken in an authoritative manner to demand some deed from the other, e.g.

أَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ

Establish salah and pay zakah.

Rulings about commands

1. The deed and action for, which command is given to be done is mandatory (واجب) except when there is some evidence indicating that the deed is just praise-worthy (مستحب) or permissible (مباح) e.g. in the verse

أَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ

offer salah and pay zakah

the command is for binding, and in the verse

فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ

And when the prayer is ended, then disperse in the land and seek of Allah's bounty

the command to disperse and seek is for permissibility only and the evidence for it is that in the time of Holy Prophet ﷺ some of his Companions used to take their meals and have a rest after the Friday prayers.

2. A command does not demand the repetition of the deed e.g. when Zaid is commanded to put the chair in its place, the command is for once only, and does not mean that whenever the chair is misplaced he must put it in its place. Similarly when Zaid is commanded to slap Khalid, only one slap suffices for fulfilling the command, and it is not required from Zaid to go on giving slaps, one after the other.

The command in أَقِيمُوا الصَّلَاةَ

offer the prayers

also demands offering prayers only once. The repetition found in the prayers is because of the repetition in their cause, which is the time of the prayers. It is to be noted that when a new time for prayers arrives the divine command to offer prayers attends towards the people.

The Quran says

إِنَّ الصَّلَاةَ كَانَتْ عَلَى الْمُؤْمِنِينَ كِتَابًا مَوْقُوتًا (سورة نساء: 103)

Worship at fixed hours has been enjoined on the believers.

Thus when the time of a prayer arrives, the command descends upon the Muslims to offer the prayers. Since the

times are several and repeat every day, the repetition is observed in the prayers too.

Prohibition

The deed which is prohibited and forbidden to be done is haram (forbidden) or displeasing (مكروه تحريمى) except when there is some evidence indicating some other meaning.

لَا تَقْرُبُوا الزِّنَا

Do not come near to adultery.

In this verse the prohibition (نهى) is to tell that adultery is forbidden (حرام)

لَا تَعْتَذِرُوا الْيَوْمَ إِنَّمَا تُجْزَوْنَ مَا كُنتُمْ تَعْمَلُونَ (سورة تحريم:7)

Make no excuses for yourselves this day. You are only being paid for what you used to do.

In this verse the prohibition is not to inform that making excuse is forbidden but is only to deter the disbelievers from making excuses and to tell them that now excuses are of no avail.

Chapter 8:

Rules of Fiqh

Here are listed some major and important rules of fiqh, which the mujtahids deduced from the Quran and Hadith. Through them the mujtahids deduce some more injunctions not mentioned in the Quran and Hadith.

Rule 1: Reward is only with intention (لَا ثَوَابَ إِلَّا بِالنِّيَّةِ)

Its proof is this famous hadith

انما الاعمال بالنيات

Deeds are dependent on intentions.

This hadith apparently means that no deed occurs without intention. But since it is against the fact and many deeds do occur without intention, therefore, assumption of some additional words is indispensable to understand the correct meaning of the hadith. Thus the statement will be so

انما ثواب الاعمال بالنيات

Reward of deeds depends on the intentions.

The reason for adding this particular word is that the aim of the human deeds should be the reward of the Hereafter.

Mere abstention from an evil deed is not rewarding. Thus during prayers although one abstains from many evils such as adultery, theft and back-biting but gets no reward for it because of the absence of intention. It is only when a man is tempted to do some evil deed and he abstains from it

and suppresses his will that he is rewarded, because this abstention and suppression is with intention.

Rule 2: Affairs depend upon their objectives

الامور بمقاصدها

Its arguments are as follows:

- i. The above-mentioned hadith انما الاعمال بالنيات (the deeds are dependent on intentions).
- ii. The verse

وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ (سورة مائدة:2)

Help not one another into sin and transgression.

The injunctions through this rule are:

1. A Muslim sells grape-juice to a non-Muslim, who makes wine of it. If the sale is with mere intention of doing trade it is allowed. But if the Muslim's objective is that wine be made from it, it is prohibited.
2. Perchance a Muslim does not meet another for a long period it makes no harm. But when his objective is to break ties with him, it is not allowed for more than three days.
3. While offering salah one says الحمد لله (all praises are for Allah). If he pronounces it just for the sake of recitation (ذكر) it makes no harm. But when the objective is to give greetings to some other it takes the form of conversation with which the salah becomes void.

Rule 3: Doubt does not eliminate certainty

(اليقين لا يزول بالشك)

Its proof is the hadith narrated by Abu Huraira رضي الله عنه. The Holy Prophet ﷺ said:

إذا وجد أحدكم شيئاً فاشكل عليه أخرج منه شيئاً أم لا فلا يخرج من المسجد حتى يسمع صوتاً أو يجد ريحاً

When one of you feel (during prayers in a mosque) some twitch (in his anus) and falls in doubt if some wind has passed out (from the anal opening) or not, he must not (leave his prayers and) go out of the mosque till he is certain that the wind did pass out. A certain indication of the passing of wind is its sound or its smell.

Injunctions:

1. Muslims conquer a fort. It is known with certainty that a non-Muslim citizen (ذمى) of the Islamic state is within it, but cannot be identified. Since he is not to be killed, no one from the fort will be killed. The reason is that whichever person of the fort is killed there is the possibility of his being that citizen (ذمى).
2. A man remembers making ablution (وضوء) but is in doubt whether it is intact or not, he will be considered to be with ablution.
3. A man is certain of passing out the wind but is in doubt whether he made ablution after it or not, he will be considered to be without ablution.
4. If a person is in doubt whether he has offered the Zuhr prayers or not, it will be considered that he has not offered them.
5. A man is certain of doing a deed but falls in doubt how much he has done, the lesser quantity about which he is certain, will be considered to have been done e.g. while performing tawaf (طواف) of Kaba one falls in doubt whether

he has made six rounds or seven, it will be considered that he has made six rounds because of the certainty about them.

Rule 4: Hardship paves way for ease (المشقة تجلب التيسير)

Its proofs are:

1. The verse

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ (سورة بقره: 185)

Allah desires for you ease; He does not desire hardship for you.

2. The verse

وَمَا جَعَلَ عَلَيْكُمُ فِي الدِّينِ مِنْ حَرَجٍ (سورة حج: 78)

And He has not laid upon you in religion any hardship.

3. The hadith

احب الدين الى الله تعالى الحنيفية السمحة (الادب المفرد للبخارى)

Allah loves most those deeds of religion which are easy and done with sincerity.

All reliefs and relaxations in Sharia come under this rule.

The causes of relaxations in worship etc. are seven: travel, illness, duress, to forget, ignorance, general affliction and hardship.

Two examples are:

- i. Pin head size of splashes of urine are exempted.
- ii. When the mire of streets and roads touches the clothes it is exempted if no sign of filth and impurity is present on it.

On finding a hardship a mujtahid can give the ruling of relaxation only when no ruling about it is found in the

Quran and Hadith. An example is that in a hadith it is forbidden to cut the grass of Makkah, save its one variety called izkhar (إذخر). Since the prohibition to cut any grass, other than izkhar, is present in the hadith, no mujtahid is allowed to deduce such relaxation which goes against the prohibition.

Rule 5: Harm is to be warded off (الضرر يزال)

Its proof is the hadith

لا ضرر ولا ضرار (موطأ للإمام مالك)

Harm should neither be inflicted without reason, nor should it be inflicted more than that is deserved.

Example: A man purchased branches of a tree. When he climbs the tree to cut its branches, men and women in the neighbouring houses come in his sight. To look the people in their privacy is to harm them. To ward off that harm the purchaser will be ordered to inform the neighbours before climbing the tree so that they may be careful. If he does not comply with the order he will be reported to authorities, so that they impose prohibition on his climbing.

Rule 6: Necessities make prohibited things permissible

(الضرورات تبيح المحظورات)

This rule is applicable for life - saving purposes.

Its proofs are:

مَنْ كَفَرَ بِاللَّهِ مِنْ بَعْدِ إِيمَانِهِ إِلَّا مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالْإِيمَانِ وَلَكِنْ مَنْ شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِنَ اللَّهِ (سورة نحل: 106)

Who disbelieves in Allah after his belief - save him who is forced to it and whose heart is still content with Faith - but whose heart is open for disbelief, on them is

wrath from Allah.

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ بِهِ فَمَنْ اضْطُرَّ
غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ (سوره نحل: 115)

He has forbidden for you only carrion and blood and swine flesh and that which has been immolated in the name of other than Allah; but he who is driven to it, neither craving nor transgressing, lo! then Allah is Forgiving, Merciful.

Grades of requirement:

1. Indispensable (ضرورة)

It is the grade in which the required thing is indispensable for saving life. In it the use of forbidden things becomes allowed with some conditions.

Examples

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهِلَّ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ
غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ (سوره البقره: 173)

He has forbidden you only carrion, and blood, and swine flesh, and that which has been immolated to (the name of) any other than Allah. But he who is driven by necessity, neither craving nor transgressing, it is no sin for him.

ii. While eating, a morsel of food gets stuck in the throat. To make it go down there is nothing, in the nearby, except wine. If wine is not taken life remains in threat. In such a situation it is permitted to take only that much wine which makes the morsel go down.

2. Necessary (حاجة)

In this grade there is no threat to life but a person has to

bear great hardship without the required thing or the required relaxation. It does not permit the use of forbidden things.

Examples:

- i. The relaxation given to a patient or a traveller in the rulings of salah, fast and purification.
- ii. X does not repay the loan he had taken. The lender gets hold of some property of X. Due to necessity the lender is permitted to confiscate the property of X upto the extent of his loan.

In necessity the amount of need is not to be surpassed

- i. A doctor can look at the hidden parts (ستر) of the patient, only to the extent which is necessary and cannot surpass it.
- ii. When an obscure hint works it is not allowed to take a false oath.

An obscure hint (تعريض) means that the addresser speaks truth in a particular sense. A third person who knows the reality and is unaware of that sense thinks him to be speaking a lie e.g., X tells Y that Z is his brother and intends him to be his religious brother. Y takes Z to be the real brother of X. A third person M knows that Z is not X's real brother and thinks that X has told a lie.

Benefit (منفعة)

In this grade the required thing is beneficial, but is neither indispensable nor a necessity, and one can do without it easily. Therefore, for the sake of benefit neither the use of any forbidden thing is permitted nor any

relaxation in a ruling is granted.

Example:

To eat fruit is beneficial but without it there is neither any threat to life nor there is any great hardship to bear.

4. Adornment (زينة)

It is to improve just the external appearance and make it good looking.

It is permitted to use adorned and luxurious things if they are available by permitted means. No forbidden means are permitted to get them.

Examples:

- i. to wear valuable fine clothes
- ii. to have the house well-painted.

5. Pomp and show (فضول)

It is that which surpasses the allowed luxury. Obviously no forbidden means can be permitted to acquire it.

Example:

- i. Although one luxurious car is present to meet the needs one wants and tries to get another one.
- ii. To use tapestries on the walls although they have been well-painted.

Rule 7: Harm to individuals will be borne to avoid general harm (يتحمل الضرر الخاص لدفع ضرر العام)

1. If the grain-sellers unite and raise the prices exorbitantly, the state can place a price-control at a fair rate so that a general harm is avoided.
2. When grain merchants, overlooking the need of masses, hoard their stocks and thus artificially raise the prices, the

state can force them to bring out their stocks for sale.

3. Quacks will be prohibited from practising and treating patients.

4. If hawkers sit at the roadsides and thus constrict the pathway, they will be prohibited to do so.

Rule 8: Lesser harm will be borne to avoid the greater one (لو كان احدهما اعظم ضررا من الآخر فان الاشد يزال بالانحف)

1. A man's hen swallowed another's gem. If the gem is of more value the hen will be given to the owner of the gem, who will pay the price of the hen to its owner.

2. If a pregnant woman dies and the foetus is still alive, her abdomen will be cut open to bring out the living child.

Rule 9: Averting harm has preference over gaining benefit (درء المفاسد اولى من جلب المصالح)

It means that when in some matter both benefit and harm are present, to avert harm is to be preferred because Sharia has laid more stress on abstaining from the prohibitions than on fulfilling the commands. The Holy Prophet ﷺ said:

إذا امرتكم بشيء فاتوا منه ما استطعتم وإذا نهيتكم عن شيء فاجتنبوه

When I command you to do some deed, do it as much as you can, and when I prohibit you from something you (totally) abstain from it.

In another hadith the Holy Prophet ﷺ said:

لترك ذرة مما نهى الله عنه افضل من عبادة الثقلين

To abstain from a particle which Allah has prohibited is of more value than the worship of entire humans and jinns.

For this reason in hardships relaxation is granted in

commands but no leniency is shown in the prohibitions.

Examples

1. A man needs to clean himself after defecation, but if he finds no privacy to do it he will have to postpone the cleansing till he finds the privacy.
2. If taking a bath is binding on a woman but she finds no privacy from men she will have to delay it.
3. To make gargles and exaggerate in rinsing the mouth and nose is sunnah, but it is displeasing (مكروه) for one who is fasting so that water does not go into the throat and break his fast.
4. While washing the face, in ablution, it is a sunnah to put and move fingers between the beard (تخليل اللحية), but in ihram it is not a sunnah so that the hair do not break.

However in some occasions gaining benefit has preference over averting harm. It is in a hadith that to speak a lie to reconcile between the people is not considered a lie. Thus to speak a lie is allowed in following instances:

- i. to reconcile between two parties.
- ii. during war.
- iii. to prevent clash with the wife
- iv. to procure one's valid right and to escape oppression.
- v. if an immature girl is given in marriage by her guardian (ولي), other than her father or grand-father, on attaining puberty she gets the option to maintain marriage or annul it. But she has to use her option immediately on seeing the first sign of puberty, and announce it. If her first menses start during night when all others are asleep she can announce it

in the morning but she will say that she has now seen the menstrual blood and that she annuls the marriage.

vi. to save some life e.g. X asks Y if he knows the place of Z. Y knows that X intends to kill Z or harm him unjustly. In this situation it is a must for Y to say no even though he may be actually knowing the location of Z.

Rule 10: Custom is decisive (العادة محكمة)

Its proof is the statement of Abdullah bin Masud رضي الله عنه.

ما راه المسلمون حسنا فهو عند الله حسن (كتاب السنة لاحمد)

That which the Muslims consider good, it is good in the sight of Allah too.

It means that what the Muslims consider good, when neither it is against the apparent text of (نص صريح) of the Quran or Hadith, nor it is contrary to the principles of Islam, it will be considered an injunction of Islam.

Its examples are as follows:

1. In our custom only head of sheep or goat is eaten and not of camel or cow. If one of us takes an oath that he will not eat the head it will be considered that he meant that of sheep or goat. Thus the oath is violated only when he eats the head of sheep or goat and not when he eats the head of camel or cow. Here custom has been taken into consideration.
2. X takes an oath that he will never set his foot in Y's house. In usage it means to enter the house. Therefore, if X enters the house of Y he violates his oath. If he stands outside the house of Y and puts in one foot only his oath is not violated because it is not taken as entrance.

3. With excessive activity (العمل الكثير) the salah becomes void. It is defined to be that activity which if another person, who does not know that X is offering salah, observes him doing it considers him not offering salah. Examples of excessive activity are:

- i. to do such work which is usually done with two hands e.g. rolling a turban on the head.
- ii. scratching thrice, every time raising the hand and putting it down, in time taken to say Subhan - Allah three times.

4. In our land custom of some families is that whatever jewellery is given by the groom to the bride on the occasion of wedding (نكاح), it is given on propriety basis, whereas in some the custom is to give it on lending basis. Therefore if some quarrel arises and no description had been mentioned on the marriage deed, the ruling will be given according to the custom of the family.

Important Note

The innovations (بدعات) and manifest prohibitions never become good even though many Muslims start believing them to be good, because custom has nothing to do in such matters.

Rule 11: Only those rulings of a Muslim ruler are implementable which benefit the public

(تصرف الامام على الرعية منوطة بالمصلحة)

Proofs:

1. Umar رضي الله عنه said:

انى انزلت نفسى عن مال الله تعالى بمنزلة والى اليتيم ان احتجت اخذت منه فاذا ايسرت رددته فان استغنيت استعفضت (سعيد بن منصور)

(بیت With regards to the public treasury المال), I consider myself of it as a guardian of an orphan. In need I take (for necessary personal expenditure) from the public treasury but when I am financially at ease I pay it back. And when I do not need I abstain (from taking from the public treasury).

2. Umar رضى الله عنه delegated the responsibility of the affairs of salah and war to Ammar bin Yasir, the matters of law and public treasury to Abdullah bin Masud رضى الله عنه, and land survey to Uthman bin Hunaif رضى الله عنه. Considering the needs of each he stipulated for them from the public treasury meat of one goat, half of it and the viscera for Ammar رضى الله عنه, one fourth of meat for Abdullah bin Masud رضى الله عنه and one - fourth for Uthman bin Hunaif رضى الله عنه and said, "with regards to the public-treasury I consider myself of it as a guardian of an orphan. Allah says:

مَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ

(سورة نساء: 6)

Who so (of the guardians) is rich, he should abstain (from taking of the property of the orphans); and whoso is poor let him take according to the custom.

By God I think that any land from which one goat is consumed daily, its goats will exhaust soon (if nothing is done to increase their production) just as the property of an orphan exhausts itself if it is spent daily and nothing is done to increase it.

Note:

The rulings of a ruler, concerning public affairs, should

be in the interest of the public. If they are not so they are not implementable in the sight of Sharia.

- i. If a Muslim ruler allows the Muslims to add some area of the public land to a mosque, it will be implementable only when it does not harm the passers-by and others.
- ii. If a land is conquered through truce, it remains the property of its previous owners and the Muslim ruler cannot give any ruling which violates their interests.

Rule 12: Hudud (punishments defined by Sharia) are warded off by doubts. الحدود تدرأ بالشبهات

Proofs

1. Abu Huraira رضي الله عنه narrates that the Holy Prophet ﷺ said:

ادفعوا الحدود ما استطعتم (ابن ماجه)

Ward off the hudud (defined punishments) as much as you can.

2. Ayesha رضي الله عنها narrates that the Holy Prophet ﷺ instructed

ادرئوا الحدود عن المسلمين ما استطعتم فان كان له مخرج فخلوا سبيله

فان الامام لان يخطئ في العفو خير من ان يخطئ في العقوبة (ترمذی)

Ward off hudud from the Muslims as much as you can. If you find for him some redemption let him go his way. For a ruler to make a mistake in pardoning is better than to make a mistake in punishing.

Ibn Humam writes in Fath - Al Qadir that there is consensus of all the jurists that the hudud will be warded off in presence of doubt. The hadith on this subject has been accepted by the Ummah and thus it is of the status of a

continuous report (الخبر المتواتر)

Kinds of doubts

1. Doubt in the object (الشبهة في المحل)

i. An example is that the Holy Prophet ﷺ said:

انت ومالك لايك (ابن ماجه)

You and your wealth belong to your father.

This hadith creates doubt about the slave-girl of the son, that she also belongs to his father. Thus, if the father has intercourse with that slave-girl, he will be given the benefit of doubt and the defined punishment of adultery will be ward off from him.

The son's slave-girl is the object of adultery, and in it is the doubt, therefore, it serves as an example of doubt in the object.

ii. Another example is that of a woman who has been given one irrevocable divorce. Most of the Companions were of the opinion that the divorce given in words of metonym (الفاظ الكناية) breaks the matrimonial bond and is irrevocable (بائن). But some say that it is reconcilable (رجعي) and the wedlock breaks only at the end of the legal period (عدة) if no reconciliation is made in it.

Due to this controversy the doubt of being halal (permissible) persists in such a wife till the end of the legal period (عدة).

2. Doubt in the act (الشبهة في الفعل)

It applies to that person on whom the legal status of a thing gets obscured and he thus makes a mistake and considers that which is in reality not a proof of

permissibility, a proof of it.

For example, husband and wife use each other's belongings without any restraint and consider it permissible. Based on this, a man thought that it is permissible for him to use his wife's slave - girl and had intercourse with her. His doubt is not altogether baseless and he will be given the benefit of doubt.

But if he knew that his wife's slave-girl was not permissible for him and still he made sexual relations with her, then since, he had no doubt about her, therefore, he will get no benefit and the hadd of adultery will be inflicted upon him.

This is the example of doubt in act because the obscurity was in the permissibility or prohibition of the act, and there was no doubt of belonging in the slave-girl i.e. in the object itself.

Doubt of the wedlock

Imam Abu Hanifa رحمہ اللہ says of its credibility whereas Imams Abu Yusuf and Muhammad رحمہ اللہ do not say so.

Thus according to Imam Abu Hanifa when a man marries a woman in the absence of witnesses and knows well that such wedding is not allowed in Sharia, still hadd of adultery will not be inflicted upon him if he had intercourse with the woman. The reason is that the wedlock was found between them, and although such wedlock does not produce permissibility in the woman, but it does create the suspicion of permissibility. Therefore, he will be given punishment other than the hadd of adultery.

Rule 13: Benefit is with liability (الخراج بالضمان)

It is narrated in a hadith that a man bought a slave. After some time he detected some defect in the slave and took the case to the Holy Prophet ﷺ, who ordered the seller to take back the slave. The seller pleaded that the purchaser had benefited from his slave. The Holy Prophet ﷺ replied: الخراج بالضمان (benefit is with liability) i.e. if the slave had died within this period the purchaser had to bear the burden of the loss).

Example

X is the debtor to Y and Z is the bondsman from X for Y.

Z has not yet paid the amount to Y. X, instead of paying back the loan directly to Y, gives the amount to Z. Before paying the money to Y, Z makes use of it and gains profit. Through this rule, the Imams Abu Yusuf and Muhammad ﷺ say that the profit is halal and permissible for Z, the bondsman.

Chapter 9:

Principles of Ijtihad

Definition of ijtihad:-

بذل الطاقة من الفقيه في تحصيل حكم شرعى ظنى

It is the use of the jurist of his intellectual power to gain a probable injunction of Sharia.

Definition of mujtahid

A jurist who has the power and ability to make ijtihad is a mujtahid.

Mujtahids are of two types

1. Absolute mujtahid (المجتهد المطلق) is one who is able to make ijtihad in nearly all the issues.
2. Partial mujtahid (المجتهد فى البعض) is one who is able to make ijtihad in some issues only.

Pre-requisites to be an absolute mujtahid

It is stated in Musallam Ath-thubut (مسلم الثبوت), a book on principles of fiqh and Islamic jurisprudence.

وشرطه مطلقا بعد صحة ايمانه ولو بالادلة الاجمالية معرفة الكتاب وقيل
بقدر خمسائة آية والسنة متناقل التى يدور عليها العلم الف و مائتان وسندا مع
العلم بحال الرواة ولو بالنقل عن ائمة الشأن ومواقع الاجماع ان يكون ذا حظ
وافر مما تصدى له هذا العلم فان تدوينه وان كان حادثا لكن المدون سابق واما
العدالة فشرط قبول الفتوى

From this extract it is known that the following features are essential to be an absolute mujtahid.

1. His beliefs must be accurate because *ijtihad* is to find a probable injunction of *Sharia*, whereas *Sharia* is the name of injunctions, mentioned in *Quran* and *Sunnah*, or, deduced therefrom. Therefore, a *mujtahid* must have accurate belief in Allah, in the *Quran*, and in the Holy Prophet ﷺ.
2. He must be fully aware of the text, meaning and rulings of the *Quran* because it is the basic source of Islamic injunctions. It is essential for him to know at least those portions of the *Quran* which deal with the rulings. Some have counted them to be 500 verses.
3. He must know the text and the chain of the narrators of *hadith* concerned with the injunctions. He must know their meanings and their interpretations. He must also know, amongst the *hadith*, which are continuous (متواتر), which are famous (مشهور) and which are single reports (خبر الواحد).
4. He must be aware of the issues on which consensus is established so that he may not make *ijtihad* in those issues.
5. He must have an adequate knowledge of the principles of *fiqh*.
6. To understand the meanings of the *Quran* and *Sunnah* the knowledge of Arabic etymology (علم الصرف) syntax (علم النحو) and vocabulary is indispensable.

Where is *ijtihad* required?

It is required in the following three occasions:

1. Where the verses of the *Quran* or statements of *hadith* appear to be contradictory e.g. according to some *hadith* it appears imperative on one to recite *surah Fatiha* in prayers, when offering them behind an imam, while according to

some it appears to be prohibited. To unravel such contradiction ijtiḥad of mujtahid is required.

2. Where the text of the Quran or Hadith has more than one meaning e.g. the word قـرء means both the menstrual cycle and the period of cleanliness between two cycles. Ijtiḥad is required to determine which one of them is meant in the text.

3. Where there is no injunction mentioned in the Quran and Hadith. In such an occasion ijtiḥad is required in the form of analogy and qiyas.

Note:

Where the texts are self-explanatory there is no need of ijtiḥad. The injunctions e.g. five daily prayers, zakah, fasts of Ramadhan and Hajj being obligatory, and adultery and drinking wine being forbidden are known through such texts.

Capability of ijtiḥad

1. عن ابن مسعود رضي الله عنه قال قال رسول الله صلى الله عليه وآله وسلم انزل القرآن على سبعة احرف لكل آية منها ظهرو بطن وكل حد مطلع (مشكوة)

Ibn Masud رضي الله عنه reports that the Holy Prophet ﷺ said: The Quran was revealed in seven letters. Every verse has outward and inward meanings and each has its own way to be known (i.e. to know the outward meaning knowledge of Arabic is imperative, and to know the inward one high grade intellect and capability of ijtiḥad is essential).

2. عن عروة قال قلت لعائشة ما ارى على احد لم يطف بين الصفا والمروة

وما ابالى ان لا اطوف بينهما قالت بئس ما قلت يا ابن اختي ولو كانت
كما تقول لكانت فلا جناح عليه ان لا يطوف بهما (مسلم)

رضي الله عنه reports that he said to Ayesha (wife of the Holy Prophet)

عنها (about the verse

إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ أَوْ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ
يَطُوفَ بِهِمَا (سورة بقره)

Lo! (the mountains) As-Safa and Al-Marwah are between the indications of Allah. It is therefore no sin for him who is on Hajj to the House (of God) or on Umrah, to go between them.

"I do not find any harm in not walking between Safa and Marwah and I don't care if I myself do not walk between them. "She replied, "O nephew, you are wrong. If it had been as you say the verse would have been *فَلَا جُنَاحَ عَلَيْهِ أَنْ لَا يَطُوفَ بِهِمَا* (There is no sin in not going between them) instead of *فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطُوفَ بِهِمَا* (there is no sin to go between them).

3. عن ابن مسعود رضي الله عنه في فضل الصحابة قال كانوا افضل

هذه الامة ابرها قلوبا واعمقها علما واقلها تكلفا

Ibn Masud, while describing the virtues of the Holy Companions, said: They were the most virtuous of the Ummah, their hearts were most righteous, their knowledge was most profound and they were least interested in un-necessary things.

4. عن ابي حنيفة قال سألت عليا هل عندكم شئ ليس في القرآن

فقال والذي فلق الحبة و برأ النسيمة ما عندنا الا ما في القرآن الا فهما يعطى رجل

في كتابه (بخارى)

Abu Juhaifa reported that he asked Ali; Do

you have something which is not in the Quran?" He replied, "I swear by the Being who opened the seed and created the soul that we don't have anything except that which is in the Quran, save the intellect and understanding which someone is granted about the Quran.

5. Zaid bin Thabit رضي الله عنه narrates: Once when the battle of Yamamah was going on, Abu Bakr رضي الله عنه called me. When I reached him I saw Umar seated there. Abu Bakr رضي الله عنه told me that Umar رضي الله عنه had approached him with the news that many Qaris (experts) of the Quran had been martyred in the battle and that if such a state continued he feared that a major portion of the Quran would be lost. Therefore, he has advised that I give orders for the Quran to be collected at one place. I replied to him that how could I do what the Holy Prophet ﷺ had not done. But Umar رضي الله عنه insisted on his advice and said that it was a purely good thing. His insistence persisted till my heart opened for what his heart had been opened."

From the above mentioned five hadith the following points are gained:

1. From hadith 1 it is known that meaning of some verses of the Quran is apparent and clear while the meaning of some is intricate because their subject is related with wisdom and causes of injunctions. The same is true with hadith 3, which supports the ruling because the Companions and their students both knew the apparent meanings, whereas the Companions were more distinguished as they knew the inward meanings too.

2. Hadith 2 indicates that people differ in understanding the Quran and Hadith. The reason is the difference of their intellects because of which some can know just the outward meanings whereas some others can know the intricate inward meanings too. Thus Ayesha رضى الله عنها conceived the point which Urwah could not understand, even though it was not too intricate.
3. Hadith 3 tells that not all grades of intellect are praise-worthy. Rather it is a particular one, which owing to its delicacy and profoundness, is worthy of praise and is worthy of being called knowledge.
4. From hadith 4 it is inferred that the above mentioned particular grade of intellect and understanding cannot be earned and it is just God gifted.

In short the capability of ijtiḥad is that particular grade of intellect and knowledge, through which one can approach the virtual and intricate meanings of the verses and hadith and can know the causes and wisdoms of the injunctions and rulings.

This capability is termed, in verses and hadith, as فهم (intellect), رائى (perception), اجتهد (ijtiḥad) and استنباط (deduction).

Permissibility of different kinds of ijtiḥad

I. Proofs for permissibility of ijtiḥad to know the injunctions not mentioned in the Quran and Hadith.

1. The hadith of Muaz رضى الله عنه mentioned before. Its last portion is that the Holy Prophet ﷺ asked him. "If you don't find an

injunction in the Quran and in the Sunnah of the Prophet ﷺ how will you give the ruling?" Muaz ﷺ replied اجتهد (I will make ijtiḥad with my intellect). At this the Holy Prophet ﷺ thanked God.

2. عن طارق ان رجلا اجنب فلم يصل فاتي النبي صلى الله عليه وآله وسلم فذكر ذلك له فقال اصبت فاجنب آخر فتيمم وصلى فاتاه فقال نحو ما قال للآخر يعني اصبت (نسائي)

Tariq reports that a man became unclean (جنبى) and required a body bath) and did not offer the prayers. He approached the Holy Prophet ﷺ and described to him the matter. The Holy Prophet ﷺ replied, "You did the right." Another person became unclean and he cleansed himself with mud (تيمم) and offered the prayers. He then went to the Holy Prophet ﷺ and told him what he had done. The Holy Prophet ﷺ gave him the same reply. (Both did what they did because they had no water to take bath).

The permissibility of ijtiḥad and analogy is apparent from this ḥadith because if the two had been aware of the injunction in the Quran or Ḥadith they had no need to ask the Holy Prophet ﷺ. They acted upon their ijtiḥad and analogy and then informed the Holy Prophet ﷺ to know if they had done the right or wrong. The Holy Prophet ﷺ gave his decision that both were correct.

3. عن عمرو بن العاص قال احتلمت فى ليلة باردة فى غزوة ذات السلاسل فاشفقت ان اغتسلت ان اهلك فتيممت ثم صليت باصحابي الصبح فذكروا ذلك للنبي صلى الله عليه وآله وسلم فقال يا عمرو صليت باصحابك وانت جنب فاخبرته بالذى منعنى من الاغتسال وقلت انى سمعت

الله عزوجل يقول ولا تقتلوا انفسكم ان الله كان بكم رحيمًا فضحك رسول الله صلى الله عليه وآله وسلم ولم يقل شيئًا (ابوداؤد)

Amar bin Aas رضي الله عنه said, "During the battle of Zaat As Salasil, one cold night I had a nocturnal emission. I feared that if I took bath I would die (of cold). So I just did tayam'mum and led the Fajr prayers. My companions informed the Holy Prophet ﷺ, of what I had done. The Holy Prophet ﷺ asked me, "O Amar how is it that you led the prayers when you were unclean?" I informed him of the reason which restrained me from taking a bath and said, "I heard Allah saying (in the Quran) لَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا (Do not kill yourselves. Indeed Allah is most Merciful to you). The Holy Prophet ﷺ smiled at my answer and said nothing.

II. Proofs for permissibility of ijtiḥad to determine one particular interpretation out of several possible ones.

عن ابن عمر قال قال النبي صلى الله عليه وآله وسلم يوم الاحزاب لا يصلين احد العصر الا في قريظة فادرك بعضهم العصر في الطريق فقال بعضهم لا نصلي حتى ناتيها وقال بعضهم بل نصلي لم يرد منا ذلك فذكر ذلك للنبي صلى الله عليه وآله وسلم فلم يعنف واحد منهما (بخارى)

Ibn Umar رضي الله عنه reported that the Holy Prophet ﷺ, on the occasion of the battle of Ahzab, instructed the Companions that none of them should offer his Asr prayers before reaching Quraiza. The Companions got late on the way and feared losing the prayers. Some of them said, "Anyhow, we will not offer the prayers till we reach Quraiza. "Others said, "But we are offering. The Holy Prophet ﷺ did not mean that (we lose our

prayers. He only meant that we ought to be quick in our journey)." This was told to the Holy Prophet ﷺ but he scolded none.

In this incident some Companions, through their capability of *ijtihād*, determined the inward meaning of the statement of the Holy Prophet ﷺ and offered the prayer in its prescribed time. The Holy Prophet ﷺ did not scold them for not acting upon the apparent meaning of his statement.

III. Proofs of permissibility of making *ijtihād* to know the cause of the injunction.

عن انس رضى الله عنه ان رجلا كان يتهم بام ولد رسول الله صلى الله عليه وآله وسلم فقال لعلى اذهب فاضرب عنقه فاتاه..... فاذا هو محبوب ليس له ذكر فكف عنه واخبر به النبي صلى الله عليه وآله وسلم فحسن فعله (مسلم)

Anas ؓ reported that a man was accused of having illicit relations with a slave-girl of the family of the Holy Prophet ﷺ. The Holy Prophet ﷺ ordered Ali ؓ to go and decapitate him. Ali ؓ went and found him (cooling himself in a well. Ali ؓ ordered him to come out. He stretched out his arm to Ali ؓ, who held his hand and helped him come out. During this process Ali ؓ got a chance to look at his genitals and found) that he had no penis. Ali ؓ did not impose the punishment and returned and informed the Holy Prophet ﷺ, who commended his act.

In this incident, despite the fact that a clear and specific command of the Holy Prophet ﷺ (i.e. to decapitate that man) was present, but Ali ؓ considered it to be due to the act of adultery and on finding that the cause of the

command was absent in the man, restrained from implementing the order and the Holy Prophet ﷺ took it to be commendable.

IV. Proofs for permissibility of ijtiḥad to restrict the ruling mentioned un-restricted in Hadith.

1. عن انس ان النبي صلى الله عليه وآله وسلم و معاذ رديفه على الرحل قال يامعاذ قال لبيك يا رسول الله وسعديك وقال في الثالثة ما من احد يشهد ان لا إله الا الله وان محمدا رسول الله صدقا من قلبه الا حرمه الله على النار وقال يا رسول الله افلا اخبر به الناس فيستبشروا قال اذا يتكلموا فاخبر بها معاذ عند موته تائماً (بخارى و مسلم)

Anas ؓ reported that Muaz ؓ was seated behind the Holy Prophet ﷺ on the same animal. The Holy Prophet ﷺ called him thrice and each time Muaz replied. "I am present O Prophet of Allah." Then the Holy Prophet ﷺ said, "Whoever testifies with his true heart that there is no diety other than Allah and that Muhammad ﷺ is His Prophet, Allah makes the fire (of Hell) forbidden for him." Muaz ؓ said: O Prophet of Allah, Shouldn't I inform the others of it so that they may rejoice. The Holy Prophet ﷺ replied, "No, for they will bank on it." Muaz ؓ, for fear of committing a sin of concealing a hadith, informed of it when his death was near.

In this hadith the prohibition from informing the others was not restricted to a specific period or to a specific person. But Muaz ؓ with his capability of ijtiḥad considered the prohibition to be just a counsel and that too for a limited period i.e. till there was satisfaction that the people will not take the wrong meaning and bank upon it.

2. عن ابي عبدالرحمن السلمى قال خطب على وفيه فان امة للنبي صلى الله عليه وآله وسلم زنت فامرني ان اجلدها فاتيتها فاذا هي حديثه عهد بالنفاس فخشيت ان جلدها ان اقتلها او قال تموت فاتيت رسول الله صلى الله عليه وآله وسلم فذكرت ذلك له فقال احسنت (ترمذى)

Abu Abdur - Rahman reported that Ali عليه السلام gave an address in which he described, "A slave - girl of the family of the Holy Prophet ﷺ committed an act of adultery. The Holy Prophet ﷺ ordered me to flog her. I went to her and found that she had recently completed her parturition. I feared that if I flogged her she would die (so I postponed the flogging). I went back to the Holy Prophet ﷺ and told him the situation. In reply he said, "You did well."

Despite the fact that no restriction was mentioned in the hadith, Ali عليه السلام considered it to be restricted to such health that could bear the flogging and acted accordingly, and the Holy Prophet ﷺ commended it.

One incapable of ijtihad is not permitted to make it

It is possible that a person may have memorised hundreds of thousands of hadith but may not have the capability of ijtihad. Its proofs are as follows:

عن ابن عباس قال اصاب رجلا جرح على عهد رسول الله صلى الله عليه وآله وسلم ثم احتلم فامر بالاغتسال فاغتسل فمات فبلغ ذلك النبي صلى الله عليه وآله وسلم فقال قتلوه قتلهم الله تعالى الم يكن شفاء العى السؤال انما كان يكفيه ان يتيمم وان يعصب على جرحه ثم يمسح عليها ويغسل سائر جسده

(ابوداؤد)

Ibn Abbas رضي الله عنه reported that during the life - time of the Holy Prophet ﷺ a man got wounded and then

had a nocturnal emission. His companions instructed him to take a bath. He took a bath and died (because of it). When the news reached the Holy Prophet ﷺ he said, "They killed him (by giving him a wrong instruction) may God kill them. Isn't questioning (the learned ones) cure for ignorance? It was sufficient for him to make tayammum (تيمم) and place a dressing over the wound and rub it and wash the rest of the body."

This man's companions understood from the verse *وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا* (and if you are unclean purify yourselves) that the injunction in it is for all whether they have an excuse or not. Similarly, they understood from the verse:

وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوْهِكُمْ وَأَيْدِيكُمْ مِنْهُ

(سورة مائدة: 7)

And if you are sick or on a journey, or one of you comes from the closet, or you have contact with women, and you do not find water, then go to clean ground and rub your faces and your hands with some of it.

that the injunction in it is specific for those who required only ablution (وضوء). The Holy Prophet ﷺ refuted that instruction not because the ijtiḥad or analogy (قياس) was not a sharia argument but because that man's companions were not capable of making ijtiḥad.

عن عطاء بن يسار قال قال رجل ابن عمرو بن العاص عن رجل طلق امرأته ثلاثا قبل ان يمسه فقال عطاء فقلت انما طلاق البكر واحدة فقال لي عبدالله انما انت قاص الواحدة تبينها والثلاث تحرمها حتى تنكح زوجا غيره۔

(موطا مالك)

Ata bin Yasar رضي الله عنه reported that a man questioned Ibn Amr رضي الله عنه about a person who gave three divorces to his wife before having contact with her. Ata says, "I answered that the divorce of a virgin is only one." At this Ibn Amr رضي الله عنه said to me, "You are just an orator. One divorce annuls her marriage and three divorces make her forbidden for her husband till she marries another husband."

In spite of the fact that Ata رضي الله عنه was a great scholar in Hadith Ibn Amr رضي الله عنه rejected his answer on the basis that he was deficient in his capability of making ijtihad and described him to be merely an orator.

عن ابن مسعود رضي الله عنه قال قال رسول الله صلى الله عليه وآله وسلم
نضر الله عبدا سمع مقالتي فحفظها ووعاها وادها فرب حامل فقه غير فقيه
ورب حامل فقه الى من هو افقه منه (ترمذي و ابوداؤد)

Ibn Masud رضي الله عنه reported that the Holy Prophet ﷺ said: May Allah keep fresh that servant who listens to my sayings (hadith), learns it by heart and remembers it and conveys it to others. Some bearers of a statement of intellect (فقيه) are themselves not intellectuals (فقهاء) whereas sometimes it happens that to whom it has been conveyed is more intellectual (افقه) than the bearer who passed on the hadith.

This hadith tells explicitly that some bearers of hadith either have no intellect and understanding (فهم) or have little of them.

Do absolute mujtahids exist today?

According to both Sharia and intellect the existence of

capability of ijtihad in any period is not impossible. But observation gives the verdict that that capability, which is must for an absolute mujtahid, is extinct since a long period. If there had been any absolute mujtahid his works and his claim must have appeared, and if he had been so he must have been accepted.

How to test a false claimant of absolute ijtihad

You gather a hundred issues from various chapters of a book of fiqh and ask the claimant to deduce their injunctions from the Quran and Hadith, and ask him to prove also the authenticity of the principles, which he will apply, from the Quran and Hadith and intellect. Then compare his answers with those of the previous actual mujtahids. You will find the difference yourself.

The observers found that the specific capability has been extinct after the first four centuries. An example of it is that the memory, which the previous bearers of Hadith had, is not found today. However the existence of an absolute mujtahid, now or in future, is not impossible according to Sharia and intellect.

Is ijtihad not needed today?

Such capability of ijtihad, through which one finds solution of new-coming problems in the light of rules and principles laid down by an absolute mujtahid, or through which one gives preference to one argument over another, exists even today. Persons of such capability are always present and are counted to be highly learned men of a school of fiqh (المتبحرين في المذهب)

How to solve the new emerging problems?

For it are the following instructions:

1. To solve them in the light of rules and principles of one's own school of fiqh.
2. The injunctions which depend upon the custom and vary when it changes, the scholars are to look for a change in it.
3. If there is a great collective need, an injunction can be taken from other schools of fiqh e.g. in case of a woman whose husband is missing and nothing is known about him (مفقود الخبير) the later Hanafi jurists adopted the injunction of the Maliki school. This can be done today even, but there are following two conditions for it:
 - i. Injunctions of other schools should be adopted with all their pre-requisites and restrictions.
 - ii. The learned scholars should collectively think over it and try to reach some unanimous decision.

Chapter 10:

A great absolute mujtahid:

Imam Abu Hanifa

There have been many mujtahids and all were worthy of respect and honour. But since in our areas people generally follow the Hanafi school of fiqh, therefore a brief introduction of Imam Abu Hanifa  is noted below.

His name was Numan bin Thabit, and was born in 80 A.H. in the era of the Holy Companions. He himself stated that he met seven of the Holy Companions i.e. Anas bin Malik, Abdullah bin Jaz'a Zubaidi, Jabir bin Abdullah, Ma'qal bin Yasar, Wasila bin Asqa and Ayesha bint Ajra . Thus Imam Abu Hanifa  was the follower of the Companions (تابعى) and in this attribute he is unique amongst the four popular imams.

He died in 150 A.H. He spent a big portion of his life in acquiring knowledge. He then joined the class of Hammad bin Abu Sulaiman  to learn fiqh and stayed with him for eighteen years till his death.

Imam Abu Hanifa and the knoweldge of Hadith

He acquired Hadith from innumerable teachers, of whom four thousand were the followers of the Companions. Once the Abbaside caliph, Abu Jafar Mansur asked him about his teachers. He asnwserd that he sought knowledge from the pupils of Umar, Ali, Abdullah bin Abbas and

Abdullah bin Masud رضي الله عنه.

Allama Suyuti رحمته الله reported, in his book Tabyidh As Sahifa (تبييض الصحيفة), that Allama Jamal-ud-din Mizzi رحمته الله had mentioned 76 of his great teachers in Hadith. Some of them were:

- (1) Ibrahim bin Muhammad Muntashir
- (2) Hakam bin Utba
- (3) Hammad bin Abu Sulaiman
- (4) Rabi'a ar Rae
- (5) Ziad bin Ilaqa
- (6) Asim bin Kulaib
- (7) Aamir Sha'bi
- (8) Ata bin Abu Rabah
- (9) Ikrama, the freed slave of Abdullah bin Abbas رضي الله عنه
- (10) Qatada bin Da'ama
- (11) Abdur-Rahman bin Hurmuz
- (12) Jafar Sadiq
- (13) Zohri
- (14) Muhammad bin Munkadir
- (15) Nafay, freed slave of Abdullah bin Umar رضي الله عنه
- (16) Hisham bin Urwah
- (17) Yahya bin Said Ansari
- (18) Abu Ishaq Sabi'ee.

Famous scholar of Hadith Imam Mis'ar bin Kidam (d. 155 A.H.) said: "We learnt Hadith with Abu Hanifa but he excelled us. The same happened in abstention from worldly leisures. Then we acquired with him the fiqh and in it his excellence is not hidden from you."

Mulla Ali Al-Qari reported that Imam Muhammad bin Sama'a said: "In his books Imam Abu Hanifa (رحمته الله) has mentioned more than seventy thousand hadith and he compiled his selection, by the name of Kitab Al Aasar (كتاب الآثار), from forty thousand hadith."

From his books are meant those injunctions and statements of fiqh which Imam Abu Hanifa (رحمته الله) dictated and his students preserved them in their note-books. In them are the above-mentioned thousands of hadith too.

Imam Abu Hanifa's excellence in knowledge of Hadith:

Once the famous hadith scholar Yazid bin Harun quoted a statement of the famous jurist Ibrahim Nakh'ie. Someone objected to it and said, "You quote us only hadith of the Holy Prophet (ﷺ)." Yazid bin Harun replied, "O stupid! It is nothing but commentary and explanation of hadith of the Holy Prophet (ﷺ). If you are not aware of the meaning of hadith what's the benefit of its words. Your attention is mainly towards listening to hadith. If you had sought knowledge you would have sought their meaning and explanation too. For this you have to refer to the works and statements of Abu Hanifa (رحمته الله)."

Abdullah bin Mubarak an eminent scholar in Hadith, used to tell his students, "Hadith is essential but to understand it you need Abu Hanifa because he knows their meaning."

He also used to say, "Ulama cannot forego Abu Hanifa because they need him to understand the meaning of Hadith."

Waki bin Jarrah (رحمہ اللہ) used to say to those who collected hadith, "You seek hadith but you don't seek their meaning. Thus your lives and your efforts are being wasted. I wish I had at least one - tenth of Abu Hanifa's intellect and fiqh."

One day Waki addressed his students and said, "Just hearing hadith will not benefit you till you acquire fiqh with it, and for that you have to go to the students of Abu Hanifa (رحمہ اللہ).

Once a hadith was read in Waki's class. Its meaning was difficult. He stood up, took a deep breath and said, "What's the use of being sorry now? Where is that great scholar (i.e. Abu Hanifa (رحمہ اللہ)) who could solve these problems?

4. Once a man asked Aamash (رحمہ اللہ) (a scholar of hadith) some questions. Abu Hanifa (رحمہ اللہ) was also present. Aamash (رحمہ اللہ) asked Abu Hanifa (رحمہ اللہ) to give his opinion. Abu Hanifa narrated some hadith which had reached him through Aa'mash and described the mode of argument. Aa'mash said, "It is strange that the hadith which I narrated in several days you recited all of them just in one sitting. I didn't think that you practised them. O jurists! really, you are physicians and we are just pharmacists (who have all sorts of medicines but do not know their use).

Reliability of Abu Hanifa in Hadith

Famous scholar of Hadith Yahya bin Ma'een said, "Abu Hanifa (رحمہ اللہ) is reliable and pious (عادل) in hadith. And what else can you say about whom top most scholars of Hadith like Abdullah bin Mubarak (رحمہ اللہ) and Waki claim to be

reliable."

Imam Abu Hanifa's leadership in Fiqh

1. Imam Shafi'i said *الناس عيال في الفقه على ابي حنيفة* (In fiqh all people are dependent on Abu Hanifa). He also said, "He who does not look into the books of Abu Hanifa ﷺ can neither master fiqh nor can ever become a faqih.
2. Waki ﷺ said: "He who does not look into the books of Abu Hanifa ﷺ can neither master fiqh nor can ever become a faqih.
3. Yahya bin Adam ﷺ said, "People of fiqh and intellect are unanimous on that there was no faqih greater than Abu Hanifa. He worked so hard that nobody paralleled him, and God rewarded him for that."
4. Abdullah bin Mubarak ﷺ said, "I saw Hasan bin Umarah (a great scholar in Hadith and teacher of Sufyan Thauri) holding the stirrup of Abu Hanifa ﷺ and I heard him saying, "I swear by God that I never saw a greater eloquent and witty faqih than Abu Hanifa ﷺ. He was the leader of all the jurists of the day. Those who criticise him do so merely out of jealousy."

Imam Abu Hanifa's mode of research in fiqh

When Abu Hanifa's teacher Hammad bin Abu Sulaiman ﷺ died, his folk insisted Abu Hanifa ﷺ to take his place, but he refused to do so. At last it was decided that ten persons of Hammad's folk would support Abu Hanifa ﷺ for one year and testify his edicts (*فتاوى*). And it happened so. After that Imam Abu Hanifa started the work of compilation of fiqh and set up a board comprising of scholars of Hadith.

It is mentioned in Radd Al Muhtar that at the time of compilation of fiqh there used to be a gathering of one thousand scholars (ulama) of whom forty were of the level of mujtahids. Abu Hanifa rahimahullah said to them, "I have regulated fiqh in rules and principles and now you have to help me." Then whenever any issue occurred he used to consult them. He listened to their arguments and presented before them his own arguments. Sometimes the debate and discussion continued for a month before they could reach some unanimous decision. When some unanimous decision was achieved only then Abu Yusuf rahimahullah was asked to note in down.

On an occasion some scholars were sitting with Waki, when one of them said, "Abu Hanifa is wrong in so and so issue." Waki said, "How can Abu Hanifa be wrong when his companions Abu Yusuf and Zufar are imams (leaders) in analogy, Yahya bin Zaida, Hafs bin Ghiyas, Hibban and Mandal are leaders in Hadith, Qasim bin Ma'an is a leader in Arabic and Daud Tai and Fudhail bin Iyadh are leaders in disinclination from worldly pleasures. He who has such companions cannot make a mistake. And if suppose he does make a mistake his companions would not let him persist on it."

Khatib Baghdadi rahimahullah writes, "The companions of Abu Hanifa rahimahullah who used to take part in debate with him were: Abu Yusuf, Zufar, Daud Tai, Asad bin Amr, Afiya Audi, Qasim bin Ma'an, Ali bin Mis'har, Mandal bin Ali and Hibban bin Ali rahimahullah. If Afiya had been absent from the

discussion Abu Hanifa رحمته الله would instruct his companions not to finish the discussion till Afiya had been consulted. When Afiya had consented only then the decision was noted down."

Piety and worship of Abu Hanifa رحمته الله

1. Ahmad bin Bashr and Hafs bin Ghiyas said, "Whom we found absorbed in worship we found him lacking in adherence to the commands and prohibitions, and we found the faqihs less inclined towards worship. But we found Abu Hanifa رحمته الله ranking high in both fiqh and worship."

2. Allama Zahbi رحمته الله said, "It is established by continuous report that Abu Hanifa used to stand completely still in his prayers and, therefore, people called him a nail."

3. Abdullah bin Mubarak رحمته الله said, "I never saw anybody surpassing Abu Hanifa in piety. He was flogged for not taking the charge of a judge (qadhi) but he did not surrender. He was highly cautious in monetary affairs and used to give up in charity all the wealth about which he had slightest suspicion."

Chapter 11:

Rules of taqleed (following a mujtahid) (قواعد التقليد)

Definition of taqleed:

It is to accept a ruling, given by a mujtahid, and not to demand its argument from him.

Taqleed is made not because the mujtahid gives the rulings from his own self, but it is made on the basis that he is a great scholar of the Quran and Hadith and he gives his edicts according to some Sharia argument.

Thus when we follow Imam Abu Hanifa عليه السلام and adopt his taqleed it is on the basis that he was a great scholar of the Quran and Hadith, he had the capability to make ijtiḥad, and whatever edicts he issued were deduced from the Quran and Sunnah.

Proofs of permissibility of taqleed

1. عن الاسود بن يزيد قال اتانا معاذ باليمن معلما و اميرا فسالناه عن رجل توفى و ترك بنتا و اختا فقضى لا بنة بالنصف و للاخت بالنصف و رسول الله ﷺ حي (بخارى)

Aswad bin Yazid said, "Muaz عليه السلام came to us in Yemen as our ruler and teacher. We asked him about a man who died and left behind him one daughter and one sister. He gave the ruling that the daughter will get half of the inheritance and the sister will receive the remaining half. At that time the Holy Prophet ﷺ was

alive.

In this incident the questioner accepted the edict of Muaz رضي الله عنه and did not ask him its proof. It is exactly taqleed and no disapproval has been reported from the Holy Prophet ﷺ.

2. عن مالك انه بلغه ان عمر رضي الله عنه سئل في رجل اسلف طعاما على ان يعطيه في بلد آخر فكره ذلك عمرو وقال فاين كراء الحمل (مالك)

Umar رضي الله عنه was asked about a man who had accepted a future sale of grain on the condition that the seller would provide the grain in some other city. Umar رضي الله عنه detested that sale and said, "What about the wage of transportation?"

Since there was no instruction about such an issue from the Holy Prophet ﷺ, Umar's رضي الله عنه reply was based on qiyas (analogy) Neither Umar رضي الله عنه described any proof nor the questioner asked him for it. It is taqleed.

عن عبيد بن ابي صالح قال بعث برا من اهل دار نخلة الى اجل فاردت الخروج الى الكوفة فعرضوا على ان اضع لهم وينقدوني فسالت زيد بن ثابت فقال لا امرك ان تفعله و لا ان تاكل هذا و توكله (مالك)

Ubaid bin Abi Saleh said, "I sold wheat to some inhabitants of Dar Nakhla and fixed a period for them to pay the price. Then I had to go to Kufa. They requested me that if I made some reduction in the amount they would make the payment immediately, before time. I asked Zaid bin Thabit about it. He replied, "I do not allow you to make reduction and take the remaining amount."

In this incident Ubaid bin Abi Saleh did not ask Zaid رضي الله عنه for the proof.

Permissibility of following one mujtahid in all issues

(مشروعية التقليد الشخصى)

عن هزيل بن شرحبيل..... قال سئل ابو موسى ثم سئل ابن مسعود و اخبر
بقول ابي موسى فخالفه ثم اخبر ابو موسى بقوله فقال لا تسألوننى ما دام هذا
الحبر فيكم (بخارى)

—

Huzail bin Shurahbil reported: Abu Musa ؓ was asked a question and he gave the reply. The same question was put to Ibn Masud ؓ and was also informed of the reply of Abu Musa. Ibn Masud did not agree with that reply and gave a different ruling. When Abu Musa ؓ was informed of the different ruling he said, "As long as this great scholar is amidst you do not ask me."

From Abu Musa's ؓ statement one can easily understand that he instructed the people to ask Ibn Masud ؓ about all their issues and problems. This is exactly what is called following only one mujtahid (التقليد الشخصى)

To follow one mujtahid is imperative in the present eras.

To be imperative is by two ways:

- i) Direct command is present in the Quran or Hadith to perform a deed e.g. salah and zakah. Such a deed is called 'directly imperative.'
- ii) Direct command is not present in the Quran or Hadith. But fulfilment of some directly imperative depends upon some other act being done. That other act is called 'indirectly imperative.'

Example:

There is no command in the Quran or Hadith to write

them down. Rather its non-incumbency has been expressed in the hadith:

عن ابن عمر قال قال رسول الله ﷺ انا امة امية لا نكتب و لا نحسب۔
(مسلم)

Ibn Umar رضي الله عنه reported that the Holy Prophet ﷺ said, "We are an illiterate ummah, we neither write nor calculate."

According to this hadith when writing in general, is not incumbent it is obvious that the writing of the Quran and Hadith is non-incumbent too.

But on the other hand, great emphasis has been laid on preserving them. Experience and observation are a sufficient evidence that from the times when memories generally weakened, there was no fool-proof way of preserving them other than writing.

Thus, preservation of the Quran and Hadith is directly imperative, whereas writing them down is indirectly imperative.

Taqleed is imperative indirectly

The reason is that in the Quran and Hadith five things are mentioned as directly imperative. These are:

- 1) Knowledge and practice should be purely for the sake of Allah.
- 2) One's religious association must over power his sensual desires.
- 3) To abstain from things which harm his religious association.
- 4) Knowledge and practice must be in conformity with the

consensus of the Ummah.

5) To restrict one-self within the limits of Sharia.

In our present time, it is evident that vanity and mischief are dominant in the nature of people. Therefore, adherence to the above-mentioned five direct incumbents depends on adoption of taqleed of one mujtahid.

Thus taqleed is indirectly imperative. To elaborate it further, it is said that if taqleed of one mujtahid is not adopted the following possibilities, which interrupt the five incumbents, can occur.

1- Some people will think of themselves to be mujtahids and will start making analogical deductions (قياس) whereas in actual fact they may be wholly unqualified for it. In such a case, no doubt, many distortions will take place in the Sharia.

The earlier true mujtahids discerned that some injunctions, mentioned in the Quran and Hadith, were due to an effective cause, and when they found that cause in some other thing, not mentioned in the Quran and Hadith, they proposed the same injunction for that thing also. But the pseudo-mujtahids of our times changed altogether the aim of finding the effective cause and started using it to abolish the injunctions of the Quran and Hadith. For example they assumed that the cause of the incumbency of ablution was dirt and uncleanness. They claimed that the Arabs herded sheep and camels and their hands remained dirty and with dirty hands they often touched and rubbed their faces, which thus also got dirty. Therefore, they were

ordered to make ablution so that all parts of their body became clean before offering the prayers. An evidence upon it is that only those parts of the body are washed in ablution which remain exposed. Contrary to them, we take a bath daily and remain the whole day in a dirt-free environment. Since the cause of incumbency of ablution is absent in us therefore ablution is not incumbent upon us and we can offer our prayers without it. This results in opposing the consensus too, according to which ablution is compulsory to offer the prayers.

2) Some people will regard ijtiḥād to be absolutely impermissible. So they will not follow any other's ijtiḥād and will confine themselves to the apparent meanings of the texts of the Quran and Ḥadīth. In such a case the following wrongs occur:

i) Those issues which are not manifest in the Quran and Ḥadīth, and require ijtiḥād, their rulings will remain suspended and unacted upon.

ii) To act upon the apparent meanings of some ḥadīth is certainly not allowed e.g. a ḥadīth states:

صلى الظهر والعصر جميعا والمغرب والعشاء جميعا من غير خوف ولا

سفر (مسلم)

The Holy Prophet ﷺ offered Zuhr and Asr prayers combined, and Maghrib and Isha prayers combined without having any fear and without being in journey.

All the mujtahids agree that to offer two prayers in one time, without any excuse, is not allowed, and they with their capability of ijtiḥād make some suitable interpretation of the

said hadith. Acting upon its apparent meaning leads to opposing the consensus.

3- Some people will follow the mujtahids but will adopt whoever they like in whatever issue they like. Thus it may happen that a man may follow partly one mujtahid and partly another in one issue. Its wrongs are as follows:

i- At times it leads to opposing the consensus of Ummah, e.g. a man, after making an ablution had a cut in his hand through which bleeding occurred, and then he touched his wife with sexual desire. Because of bleeding ablution terminates according to Imam Abu Hanifa رحمہ اللہ, and because of touching the wife with sexual desire it ends according to Imam Shafi'i رحمہ اللہ. When both factors occur ablution remains no more in the sight of all the mujtahids.

ii. Since the carnal desires have over-whelmed the majority of the present day humans, therefore, if a man is free to adopt whoever's edict he wills he will obviously adopt that which will be favourable to his desires. Thus the adoption of an edict will be for the sake of carnal desires and not purely for the sake of Allah.

Question: In the detail given above it has been expressed that the nature of majority of people is such that without taqleed of one, they would harm themselves. Accordingly the incumbency should be upon them only, not generally on all.

Answer: It is an accepted rule in administrative matters, that a general law is made for all on the basis of the state of majority. This is exactly the meaning of what faqihs (jurists)

say that when it is feared that if masses are permitted to do some particular deed they would harm themselves, a general prohibition for all, including the cautious and careful minority, is issued and imposed. This ruling is supported by the following hadith:

عن جابر عن النبي ﷺ حين اتاه عمر فقال انا نسمع احاديث من يهود تعجبنا
أفترى ان نكتب بعضها فقال امتهو كون انهم كما تهوكت اليهود والنصارى۔
(احمد)

Jabir رضي الله عنه reported that Umar رضي الله عنه came to the Holy Prophet ﷺ and said, "We hear some things from the Jews which we find interesting. Do you agree with our writing down some of them?" The Holy Prophet ﷺ replied, "Do you want to go astray as the Jews and the Christians went astray?"

In writing them down harm was feared for the majority of the people. The Holy Prophet ﷺ issued a general prohibition for all and did not allow Umar رضي الله عنه too, who had good intellect and was firm in his religion. Thus, where there is a general harm, prohibition comes for all.

عن شقيق قال كان عبد الله بن مسعود رضي الله عنه يذكر الناس في كل خميس
فقال له رجل يا ابا عبد الرحمن لو ددت انك ذكرتنا في كل يوم قال اما انه يمنعني
من ذلك اني اكره ان املككم واني اتخولكم بالموعظة كما كان رسول الله ﷺ
يتخولنا بها مخافة السامة علينا (بخارى و مسلم)

Shaqueeq رضي الله عنه reported that Abdullah bin Masud رضي الله عنه used to give a sermon to the people every Thursday. A man requested him and said, "O Abu Abdur Rahman we desire that you give us a sermon every day." He replied, "The thing which prevents me from doing so is

that I don't want you to get bored with it. This is why I care for you with occasional sermons just as the Holy Prophet ﷺ cared for us with occasional sermons so that we didn't get bored."

It is obvious that all the listeners would not have got bored with daily sermons as evidenced by the enthusiasm of the requesting person. But Abdullah bin Masud رضي الله عنه, considering the nature of the majority, made his routine generally for all and reported the same from the Holy Prophet ﷺ too.

Why to confine to four fiqhs only?

When it has been established that taqleed of one is essential and there are many harms in being free to adopt whichever edict a person wills, it becomes mandatory to follow such a mujtahid whose fiqh is complete and classified with respect to both the principles and corollaries, so that one can find the answer to nearly all the queries.

It is just by chance that such a quality is found in only the four famous fiqhs, and this necessitates restriction to them. Surpassing them and following some other fiqh, which is deficient and incomplete, will lead to the harms and wrongs mentioned above. That is why the custom of following only the four fiqhs is prevalent since many centuries. Some scholars (Ulama) have reported establishment of consensus on that the Ahl-Sunnah are confined to the followers of the four fiqhs only.

Why adopt Hanafi fiqh only?

We live in a land (subcontinent) where Hanafi fiqh has been prevalent without any of our efforts, and the ulama and

books of Hanafi fiqh are easily available, whereas ulama and books of other fiqhs are usually not available. If we adopt some other fiqh it will be practically impossible to follow it wholly because ulama of one fiqh, due to lack of experience, are not well-versed with other fiqhs.

Where the four fiqhs are prevalent why should one restrict to his fiqh only?

Because of the reasons mentioned above when a person has adopted a particular fiqh and is practising it, if he adopts some other fiqh it will result in abandoning taqleed of one mujtahid which will result in the harms and wrongs mentioned above.

Where the four fiqhs are prevalent how if a person abandons his fiqh and adopts another?

Some reason has to be determined for this conversion. One who is not capable to make ijtiḥad, certainly cannot establish preference of one fiqh over another. And even if he has some understanding of fiqh, yet he is not allowed to convert to another fiqh because the masses, who usually follow their carnal desires, will find an excuse for their wrong-doings.

However, one who has recently adopted Islam, or one who now decides to follow one of the mujtahids, and he is in such a place where all four fiqhs are prevalent, he has the liberty to adopt which ever fiqh he wants. But then he will have to restrict himself within it.

Some doubts on taqleed and answers to them.

Doubt: In the Quran taqleed has been despised

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أَوَلَوْ كَانَ آبَاءُهُمْ لَا يَعْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ (سوره بقره: 170)

And when it is said to them: Follow that which Allah has revealed, they say: (No), but we follow that in which we found our fathers. What! Even though their fathers were wholly unintelligent and had no guidance.

Hence to follow the predecessors in presence of the Quran and Hadith is condemnable.

Answer:

Mere translation of the verse demonstrates that there is a great difference between the disbelievers following their predecessors, and the Muslims following their mujtahids. The taqleed of disbelievers was despised because of two reasons:

- i) The disbelievers rejected the verses and injunctions of Allah and used to say that they did not believe in them and that they followed their predecessors.
- ii) The predecessors whom they followed were devoid of right intellect, right religion and right path (هدايه).

On the other hand, none of the two reasons are found in taqleed of mujtahids. Those following the mujtahids do not disclaim belief in the Quran and Hadith. Rather, they proclaim, "We believe in what the Quran and Hadith state, but we are either ignorant or we have little knowledge or we do not have the capability of ijtihad. Therefore, we refer to such mujtahids who were renowned in guidance and piety and were great scholars of the Quran and Hadith. We rely

on their excellence in the knowledge of the Quran and Hadith and ask them their meanings. Thus we act upon the Quran and Hadith, but according to the explanation of the mujtahids."

Doubt 2:

Some of the injunctions told by the mujtahids are against the Hadith. They ought not to be adopted.

Answer

It is essential to know three things before passing a verdict on an injunction that it is against the Hadith.

- 1- to know the correct meaning of the injunction.
- 2- to know its argument.
- 3- to know the mode of argument.

If any of these three essentials is missing it would not be wise to claim about an injunction that it is against Hadith. The description of these three, with examples, is noted below:

Necessity of knowing the correct meaning of the injunction

Imam Abu Hanifa رحمته الله says that salah istisqa (prayers for rainfall) is not sunnah. Apparently this statement is against Hadith, because it has been reported that the Holy Prophet ﷺ offered it. The fact is that the Imam does not mean that salah istisqa is not established from the Holy Prophet ﷺ. Rather, he means that salah istisqa is not an emphasised sunnah (السنة المؤكدة). The reason is that the Holy Prophet ﷺ sometimes offered salah and then prayed for rainfall, and sometimes he just made a prayer for it without the

salah, as it is reported in Sahih Bukhari.

عن انس قال بينما النبي ﷺ يخطب يوم الجمعة اذ قام رجل فقال يا رسول الله هلك الكراع و هلك الشاء فادع الله ان يسقينا فمد يديه و دعا (بخارى)

Anas reported that whilst the Holy Prophet ﷺ was delivering a sermon on Friday, a man stood up and said, "O messenger of Allah (due to drought our) horses and sheep have died so pray to Alah that He may give us rainfall." The Holy Prophet ﷺ spread his arms and prayed.

On knowing the correct meaning of the Imam's statement the doubt of its being against Hadith vanishes.

Necessity of knowing the argument

This necessity is due to the fact that often there are different hadith concerning an issue. It is not wise to see just one or two hadith and pass the verdict that the mujtahid's stated injunction is against Hadith because it is very possible that he based his statement on some other hadith.

Example:

عن عبادة بن الصامت رضي الله عنه قال قال رسول الله ﷺ لا صلوة لمن لم يقرأ بفاتحة الكتاب (بخارى و مسلم)

Ubada bin Samit reported that the Holy Prophet ﷺ said, "His is no salah who did not recite surah Fatiha in it."

عن عبادة بن الصامت قال كنا خلف رسول الله ﷺ كم تقرأون خلف امامكم قلنا نعم هذا يا رسول الله ﷺ قال لا تفعلوا الا بفاتحة الكتاب فانه لا صلوة لمن لم يقرأ بها (ترمذى و ابو داؤد)

Ubada bin Samit said, "Once, when we were

offering Fajr prayers behind the Holy Prophet ﷺ he recited the Quran and found difficulty in it. After completing the salah he said, "Perhaps you also recite behind your imam." We said, "Yes, O messenger of Allah we recite it quickly." He said, "Don't do it except the surah Fatiha for his salah is no salah who does not recite it."

On looking at these hadith one can think of Imam Abu Hanifa رحمته الله that he has gone against the Hadith. But when we look for his arguments we come to know that his stated injunction is also based on the Quran and Hadith.

i) The Quran says:

وَإِذَا قُرِئَ الْقُرْآنُ فَاسْتَمِعُوا لَهُ وَأَنْصِتُوا (سورة اعراف: 204)

And when the Quran is recited, give ear to it and be quiet (and pay heed to it).

Imam Ahmad bin Hanbal رحمته الله said that all the commentators of the Quran are unanimous on that this verse is about recitation in salah.

ii) Hadith says:

عن ابى هريرة رضي الله عنه قال قال رسول الله ﷺ انما جعل الامام ليؤتم به فاذا كبر فكبروا واذا قرأ فانصتوا (بخارى و مسلم)

Abu Huraira رضي الله عنه reported that the Holy Prophet ﷺ said, "The imam is to be followed. When he says takbeer, you (also) say it, and when he recites, be quiet (and pay heed to it)."

In this hadith the instruction to be quiet is absolute and unrestricted. It is not restricted with the recitation of imam. Similarly it is not restricted with the recitation of surah Fatiha or of any other surah. Thus the hadith means that

whenever the imam makes the recitation, whether with or without voice and whether of surah Fatiha or of any other surah, the followers ought not to recite.

عن جابر رضي الله عنه قال قال رسول الله ﷺ من كان له امام فقرأه الامام له قراءة

(الموطا للإمام محمد)

Jabir رضي الله عنه reported that the Holy Prophet ﷺ stated, "He who follows an imam, in offering prayers, the imam's recitation is counted as his recitation too."

Since the imam recites surah Fatiha, therefore according to this hadith, the prayers of those behind him will be counted with surah Fatiha too.

As far as the second hadith of Ubada is concerned it itself indicates that at one time people used to recite surah Fatiha and another surah, in their prayers behind the Holy Prophet. Then the Holy Prophet ﷺ forbade them to recite the other surah but maintained the recitation of surah Fatiha. At a more later date the Holy Prophet ﷺ described the rule:

من كان له امام فقرأه الامام له قراءة

He who prays behind an imam, the recitation of imam will be counted his recitation too.

and stopped them from reciting behind him surah Fatiha also. The following hadith supports this view.

عن وهب بن كيسان انه سمع جابر بن عبد الله يقول من صلى ركعة لم

يقرأ فيها بام القرآن فلم يصل الا وراء الامام (الموطا للإمام مالك)

Wahb bin Kaisan reported that Jabir bin Abdullah رضي الله عنه said, "He who offered the prayers but without reciting surah Fatiha, his prayers are not valid except

when behind an imam.

2- Imam Abu Hanifa (رحمته الله) says that to raise hands up to the ears is sunnah when saying the first takbeer (تكبير التحريمه) but not when bending for ruku and when rising up from it.

Contrary to it, in the following hadith raising hands on these occasions has been reported. Abdullah bin Umar (رضي الله عنه) says:

ان رسول الله ﷺ كان يرفع يديه حذو منكبيه اذا افتتح الصلوة و اذا كبر للركوع و اذا رفع راسه من الركوع رفعهما كذلك ايضا (بخارى و مسلم)

The Holy Prophet ﷺ used to raise his hands, upto his shoulders, when starting salah. Then on saying takbeer for ruku (bending) and on rising up from it he used to raise his hands to the same height.

The arguments of Imam Abu Hanifa (رحمته الله) are as follows:

عن علقمة قال قال عبد الله بن مسعود رضي الله عنه الا صلى بكم صلوة رسول الله ﷺ فلم يرفع يديه الا في اول مرة (ترمذى و ابوداؤد)

Alqama reports that Abdullah bin Masud رضي الله عنه said, "Shouldn't I offer with you the salah of the Holy Prophet ﷺ?" Then he offered the prayers and did not raise his hands except for the first time.

The actual fact is that at one time raising hands was sunnah on several occasions i.e. on saying first takbeer (of tahrira), on bending down, on rising up, on going for prostration, on rising up from prostration, on standing up after two rakats and on saying salam.

عن مالك بن الحويرث انه رأى النبى ﷺ رفع يديه فى صلاته اذا ركع و اذا رفع راسه من الركوع و اذا سجد و اذا رفع راسه من السجود (نسائى)

Malik bin Huwairis رضي الله عنه reports that he saw the Holy

Prophet ﷺ raising his hands in his prayers on these occasions: on bending and on rising up from the ruku, on going for prostration and on rising up from prostration.

عن نافع ان ابن عمر رضي الله عنه كان اذا دخل في الصلوة كبر ورفع يديه و اذا ركع رفع يديه و اذا قال سمع الله لمن حمده رفع يديه و اذا قام من الركعتين رفع يديه و رفع ذلك ابن عمر الى النبي ﷺ (بخارى)

Nafay reports that when Ibn Umar رضي الله عنه started the prayers he said takbeer and raised his hands, and when he bowed down he raised his hands, and when he said سمع الله لمن حمده he raised his hands, and when he stood up after two rakats he raised his hands. Ibn Umar رضي الله عنه attributed this to the Holy Prophet ﷺ.

But, except for the first takbeer of tahrima, on all other occasions the raising of hands had been abrogated. The following hadith provides a proof of it:

عن جابر بن سمرة قال خرج علينا رسول الله ﷺ فقال ما لي اراكم رافعي ايديكم كأنها اذنان خيل شمس اسكنوا في الصلوة (مسلم)

Jabir bin Samura رضي الله عنه reported that the Holy Prophet ﷺ came out to us (from his house) when we were offering prayers (and raising our hands on the above-mentioned occasions). He said, "I see them raising their hands as if they are the tails of arrogant horses (which move them uselessly. Similarly after the abrogation of raising of hands, it has also turned to a useless movement). So keep still in your prayers.

In short the ruling given by Imam Abu Hanifa رحمته الله about raising of hands, is not contradictory to hadith.

Necessity to know the mode of argument

In a hadith Noman bin Bashir رضي الله عنه reports that:

اقبل رسول الله ﷺ على الناس بوجهه فقال اقيموا صفوفكم ثلاثا. قال
فرأيت الرجل يلزق منكبه بمنكب صاحبه وركبته بركبة صاحبه و كعبه بكعبه.

(ابو داؤد)

The Holy Prophet ﷺ faced towards the people and said three times, "Make and keep your rows straight." Noman says, "I saw every person making his shoulder touch with the shoulder of the man on his each side, and his knee touch with the knee of the man on each side, and his ankle touch with the ankle of the man on his each side.

Imam Abu Hanifa رحمته الله says that while standing in a row the shoulder should touch the adjacent shoulder, but the adjacent knees and ankles should be in a straight line. His proof is the same hadith just mentioned.

His mode of argument is that when standing in a row it is not possible for all three of a man i.e. his shoulder, his knee and his ankle to touch the same three of an adjacent person. If the ankles of two men are made to touch each other, persistence of some distance between their knees is inevitable.

Therefore those jurists who prefer touching of the ankles are forced to interpret that touching of the knees means that they be in a straight line.

Imam Abu Hanifa رحمته الله is of the opinion that when standing before a dignitary one adopts a respectable manner. In it he minimizes the distance between his two feet, to two to three inches only. To make the distance more than normal

is against the manner of respect. To stand before Allah, who has the highest dignity, ought not to be against the manner of respect. Therefore Imam Abu Hanifa رحمته الله interprets the touching of ankles to mean that they also should be in a straight line.

Chapter 12:

Principles of Sunnah and Bid'ah (innovation)

Literal meaning of bid'ah (بدعة)

Imam Nawawi رحمته الله states:

كل شيء عمل على غير مثال سابق

*Every deed which is done without a previous model
is bid'ah.*

Hafiz Ibn Kathir writes:

و كذلك كل محدث قولاً او فعلاً لم يتقدم فيه متقدم فان العرب تسميه مبتدعاً

*Arabs call every new statement or deed, which is
without a precedent, a bid'ah.*

From it comes the word بديع (Ba'dee) and the meaning of بديع السموات والارض is that Allah is the Creator of the heavens and earth without any preceding model.

Sharia definition of bid'ah:

Allama Aini رحمته الله states:

البدعة في الاصل احداث امر لم يكن في زمن رسول الله صلى الله عليه وسلم

*Bid'ah is to innovate something which was not
in the times of Holy Prophet ﷺ.*

Allama Murtaza Zubaidi writes:

كل محدثة بدعة انما يريد ما خالف اصول الشريعة و لم يوافق السنة

*The hadith كل محدثة بدعة (every innovation is bid'ah)
means that innovation which is against the sunnah
and against the principles of Shari'a.*

In short, bid'ah (innovation) is that religious affair which has no footing in the Shari'a i.e. it has neither any proof of its permissibility in the Quran and Hadith, nor did it exist in the times of the Holy Prophet ﷺ, or the Companions, or their successors (تابعين), or followers of the latter (تبع التابعين)

Note 1:

In the definition of bid'ah it is essential to consider it being a religious affair. Bid'ah (innovation) can be in creed, in deed and in form. Thus any creed, deed or form which has no proof of its permissibility in the Quran or Hadith, or in consensus or in analogy (قياس) is an innovation (بدعة). The Holy Prophet said:

من أحدث في أمرنا هذا ما ليس منه فهو رد

Any new thing which is innovated in our religion is rejected.

Note 2:

When the word sunnah is used in contrast to bid'ah it means the issue which has some proof in Shari'a.

There is no contradiction between different definitions of bid'ah:

Some define bid'ah as an innovation in Islam, whose explicit or implicit proof did not exist in the time of the Holy Prophet ﷺ neither as a statement or deed nor as a silent permission. Thus when no proof existed in that time, it is obvious that it would not exist in the later periods of the Companions, their followers, the successors to the followers and so on till the day of Qiyamah.

Some new things which occurred generally in the time of the Companions and particularly during the rule of the first four Caliphs e.g. the first call (اذان) for Friday prayers, permanent collective offering of Tarawih prayers behind one imam, and further announcement after the call for Fajr prayers were not bid'ah (innovations) because the proofs of their permissibility were present, and on their basis these things made their appearance when needed.

Good and evil innovations (البدعة الحسنة والبدعة السيئة)

As mentioned before bid'ah literally means an innovation. In Shari'a terminology it is used:

1- Sometimes for that which appeared after the Holy Prophet ﷺ irrespective of its being worthy of praise or worthy of condemnation i.e. irrespective of the existence of proof of its permissibility or its absence. This is the generalised usage of the word bid'ah and according to it bid'ah is of two kinds:

i) Praise- worthy, where the proof of permissibility is present. It is called a good innovation (البدعة الحسنة) and it is an annexee of Sunnah.

ii) Condemnable, where the proof of permissibility is not available. It is an evil innovation (البدعة الضلالة- البدعة السيئة)

2- Sometimes for that which is against Sharia. This usage is specific for evil bid'ah, and in the books of Sharia the word bid'ah is usually used in this sense.

Both the two usages are correct and there is no difference of opinion about them. Those who consider innovation to be condemnable absolutely take it in its

particular sense, and those who differentiate between good and evil innovations take it in its generalised sense.

How to distinguish between Sunnah and bid'ah

The things innovated, after the three best of all periods (حيـر القـرون) of the Companions, their followers and successors to the followers, are of two kinds:

1- Their cause is recent and acting upon an injunction depends on them e.g. in the time of the Holy Prophet ﷺ no religious books were written and no madrasahs were built. But everybody knows that to preserve the teachings of Islam is the duty of all Muslims. In the good eras there was no need of books and madrasahs because people had good memories and excellent retentive power, their intellect was high, and their piety and religious association was strong. After them was the era in which the faculties weakened, carnal desires strengthened and religious association loosened. At this time the Ulama feared the decline of Islam and for its safety and survival considered compilation of books on Islamic knowledge to be necessary. So books on Hadith, principles of Hadith, fiqh, principles of fiqh, exegesis of the Quran and creed were written, and madrasahs were built where these books were taught. Thus the cause of both the compilation of books and building of madrasahs did not exist in the three best eras but appeared after them, and the injunction to save Islam now depended on them. In short, these things, though they were new, were not bid'ah. Rather they were incumbent.

2- Their cause was present in the time of the Holy Prophet

ﷺ and in the three best eras e.g. celebrating the birthday of Holy Prophet ﷺ and holding congregations on it, the cause of which is to rejoice the birth of the Holy Prophet ﷺ. This cause was present in the times of the Holy Prophet ﷺ also and despite it neither the Holy Prophet ﷺ nor his companions ever celebrated that day. The verdict about such things is that they are bid'ah in both form and meaning.

Types of bid'ah

I- The thing by itself be forbidden and bid'ah

Its examples are:

- i) To display lights on the nights of 12th Rabi-Awwal and 15th Sha'ban etc.
- ii) To make tazias (models of tombs) and carry them in processions.
- iii) To build tombs on the graves.
- iv) To adopt beliefs, contrary to those of Ahl Sunnah, like:
 - ☆ Man is the creator of his deeds.
 - ☆ To see Allah will not be possible in the Hereafter.
 - ☆ Perpetrator of a major sin does not remain a Muslim.
 - ☆ Allah granted His sole authority to the Holy Prophet ﷺ
 - ☆ The Holy Prophet ﷺ is omniscient and omnipresent.
 - ☆ The Holy Prophet ﷺ knew the date of occurrence of the Last Day and had complete knowledge of the universe, even of its minutest particles, and of all that has occurred and is occurring in it, and of all that which will occur in it, till men enter Heaven or Hell.

II- The thing by itself is permissible but becomes

impermissible by a change in its form.

1– To change the unrestricted to restricted and vice versa.

e.g. to believe and to perform a deed which is unrestricted to a specific time, in that specific time only. Another example is to believe and perform a deed which is restricted to a specific time by Sharia, in all other times.

Abu Huraira رضي الله عنه reports that the Holy Prophet ﷺ said:

لا تختصوا ليلة الجمعة بقيام من بين الليالي ولا تختصوا يوم الجمعة بصيام

من بين الايام الا ان يكون في صوم يصوم احدكم

Do not specify Thursday night for voluntary (نفل) prayers

and do not specify Friday for voluntary fasting except when it falls on the date it is your routine to keep fast on it (e.g. 15th of Shaban and 9th of Zul-Hajj)

The Holy Prophet ﷺ had described the virtues of Friday and of the Friday prayers. It was feared that people might make innovations, from themselves, in prayers and fast of that day. So the Holy Prophet ﷺ himself prohibited them from considering voluntary (نفل) fasting and praying on that day to be more rewarding. Rather, they are equal in virtue and reward to those made on other days of the week. Thus to believe, without any proof from Sharia, that fasting and praying on Friday is more rewarding is an innovation.

Similarly those things which are restricted, by Sharia, to Friday are not to be generalised and done on other days e.g. the Friday sermon and the Friday prayers. Violation of this rule is an innovation too.

Thus the injunctions are to be acted upon as instructed by the Holy Prophet ﷺ i.e. to maintain that which is restricted as restricted and that which is unrestricted as unrestricted except where Sharia itself has made an exception.

Moreover, the prohibition لا تختصوا (do not specify) is absolute and unrestricted. Therefore to specify, whether in creed or in deed, is not allowed. Thus the injunction, whether of creed or deed, which is unrestricted in Sharia, one cannot restrict it by himself to some time and day, and that which has been restricted by Sharia cannot be generalised.

Since this rule has been deduced from the above-mentioned hadith, Imam Nawawi رحمته الله writes, while explaining the hadith:

احتج به العلماء على كراهة هذه الصلوة المبتدعة التي تسمى الرغائب قاتل الله واضعها و مخترعها فانها بدعة منكورة من البدع التي هي الضلالة و الجهالة

Based on this hadith the Ulama gave the ruling of displeasure (كرهية) of the innovated Salah Raghaib (a prayer offered in a special manner on the first Thursday night of the month of Rajab. May Allah fight with its inventor because it is an evil innovation and deviation.

Salah (prayers) in its specified timings is the basic, best and most rewarding form of worship, yet because of the (man-imposed) restrictions in salah Raghaib, its absoluteness, that had been determined by the Sharia, could not be maintained and thus the prayers turned into an evil innovation.

Imam Ghazali رحمه الله mentioned virtues of salah Raghaib in his book Ihya al-ulum (احياء العلوم). The reason was that he came across a hadith regarding the virtue of this salah, and considering it to be acceptable he took it as an exception by the Sharia. Thus he had an excuse. But all other scholars of fiqh and Hadith found it fake and fabricated, and it is obvious that in such matters only the scholars of Hadith are an authority.

2- To change the form of a desirable (مستحب) deed

Recitation of Allah's name and prayer of blessings for the Holy Prophet ﷺ is desirable. But to perform it in a manner other than instructed by the Sharia is an innovation. An example of innovated form is to recite Allah's names collectively, whether under a leadership or without it, and all making it a binding to recite the same name.

عن ابي البختری قال اخبر رجل عبد الله بن مسعود ان قوما يجلسون في المسجد بعد المغرب فيهم رجل يقول كبروا الله كذا و كذا و سجوا الله كذا و كذا و احمدا الله كذا و كذا قال عبد الله فيقولون ذلك قال نعم قال فاذا رايتهم فعلوا ذلك فاتني فاخبرني بمجلسهم قال فاتيته فاخبرته بمجلسهم فاتاهم و عليه برنس له فجلس فلما سمع ما يقولون قام و كان رجلا حديدا فقال انا عبد الله بن مسعود و الله الذي لا اله غيره لقد جئتم ببدعة ظلماء او لقد فقتم اصحاب محمد ﷺ علما فقال احدهم متعذرا و الله ما جئنا ببدعة ظلماء و لا فقتنا اصحاب محمد ﷺ فقال عمرو بن عتبة يا ابا عبد الرحمن نستغفر الله قال عليكم بالطريق فالزموه فوالله لئن فعلتم لقد سبقتم سبقا بعيدا و لئن اخذتم يمينا و شمالا لتضلون ضلالا بعيدا و في رواية اخرجها الطبراني في الكبير فقال عمرو بن عتبة بن فرقد استغفر الله يا ابن مسعود و اتوب اليه فامرهم ان يتفرقوا (حياة الصحابة

Abu Bakhtari رضى الله عنه reported that a man informed Abdullah bin Masud رضى الله عنه "Some people sit in the mosque after Maghrib prayers. They have a leader who instructs them to say Allah-o-Akbar so many times, and to say Subhan-Allah so many times and to say Alhamd-o-lillah (الحمد لله) so many times". Abdullah asked him, "Do they say it?." The man replied, "Yes. They do so." Abu Bakhtari said, "Abdullah رضى الله عنه instructed me that when I see them doing it I should come to him and inform him of their sitting. I went to him and informed him of their gathering. Abdullah bin Masud, wearing his long coat with its headcap, went to them and sat down. He had a sharp intellect. When he heard what they were reciting he stood up and said, "I am Abdullah bin Masud. I swear by Allah, besides whom there is no other being worthy of worship, you have started a very ugly innovation or you have surpassed the Companions of the Holy Prophet ﷺ in knowledge." One of them said, apologizing, "By God, we have neither started an ugly innovation nor we have surpassed the Companions of the Holy Prophet ﷺ." Amr bin Utba said, "O Abu Abdur-Rahman, we repent to God." Abdullah bin Masud رضى الله عنه said, "You cling to the path (of the Companions). By God, if you did such deeds you will be left behind and if you turned right or left of the straight path you will go far astray." According to a narration in Tabrani Kabir, Amr bin Utba said, "O Ibn Masud, I repent to Allah and ask His forgiveness." Ibn Masud رضى الله عنه ordered them to disperse. Allah-o-Akbar (الله اكبر), Subhan- Allah (سبحان الله) and

Alhamd-o-lillah (الحمد لله) are recitations mentioned in the Sunnah. But when they were given an altered form, that all the people present made a binding to recite collectively the same words at a time, Abdullah bin Masud رضي الله عنه called it an ugly innovation.

There is another narration in Sunan Darmi:

كنا نجلس على باب عبد الله بن مسعود قبل صلاة الغداة فاذا خرج مشينا معه الى المسجد فجاءنا ابو موسى الاشعري فقال اخرج اليكم ابو عبد الرحمن بعد قلنا لا فجلس معنا حتى خرج فلما خرج قمنا اليه جميعا فقال له ابو موسى يا ابا عبد الرحمن انى رايت فى المسجد انفا امرنا انكرته و لم ارو الحمد لله الا خيرا قال فما هو فقال ان عشت فستراه قال رايت فى المسجد قوما حلقا جلوسا ينتظرون الصلوة فى كل حلقة رجل و فى ايديهم حصا فيقول كبروا مائة فيكبرون مائة فيقول هللوا مائة فيهللون مائة و يقول سبحوا مائة فيسبحون مائة قال ماذا قلت لهم قال ما قلت لهم شيئا انتظار رايك او انتظار امرك قال افلا امرتهم ان يعدوا سيئاتهم و ضمننت لهم ان لا يضيع من حسناتهم ثم مضى و مضينا معه حتى اتى حلقة من تلك الحلقة فوقف عليهم فقال ما هذا الذى اراكم تصنعون فالوا يا ابا عبد الرحمن حصى نعد به التكبير و التهليل و التسبيح قال فعدوا سيئاتكم فانا ضامن ان لا يضيع من حسناتكم شىء و يلکم يا امة محمد ما اسرع هلكتكم هولاء صحابة نبيكم عليهم السلام متوافرون و هذه ثيابه لم تبل و انيته لم تكسرو الذى نفسى بيده انكم لعلى ملة هى اهدى من ملة محمد او مفتتحو باب ضلالة قالوا و الله يا ابا عبد الرحمن ما اردنا الا الخير قال و كم من مرید لخير لن يصيبه ان رسول الله عليه السلام حدثنا ان قوما يقرءون القرآن لا يجاوز تراقيهم و ايم الله ما ادرى لعل اكثرهم منكم ثم تولى عنهم فقال عمرو راينا عامة اولئك يطاعنونا يوم النهروان مع الخوارج

(سنن الدارمی ص 60 ج 1)

We used to go and sit at the door of Abdullah bin Masud ؓ before Fajr prayers, and when he came out we used to walk with him to the mosque. One day Abu Musa Ash'ari ؓ came to us and asked, "Hasn't Abu Abdur Rahman (i.e. Abdullah bin Masud) come out yet?" We replied, "No he hasn't". He sat down with us. When Abdullah ؓ came out we all stood for him and Abu Musa ؓ said to him, "O Abu Abdur Rahman I have just now seen a thing in the mosque which was detestable to me and my intention is, Alhamdo-lillah, good." He asked, "What did you see?" Abu Musa ؓ replied, "If you live you will yourself see it soon. I saw them sitting in groups waiting for the prayers. In every group people had pebbles in their hands and a man in each group told them to recite takbeer 100 times, tahleel 100 times and tasbeeh 100 times, and they did so." Abdullah ؓ asked, "Then what did you say to them?" Abu Musa ؓ replied, "I waited for your opinion and said nothing to them." Abdullah ؓ said, "Why didn't you order them to count their evil deeds and assure them that in turn they will not lose their good deeds." Then he walked and we walked with him till he reached one of the groups and stood there and asked, "What is this I see you doing?" They replied, "O Abu Abdur Rahman we are counting takbeer, tahleel and tasbeeh on the pebbles." He said, "You count your evil deeds and I assure you that you will lose none of your good deeds. O ummah of Muhammad ﷺ woe to you that your destruction is so soon. A great many of the Companions of your Prophet ﷺ are still existing, the clothes of the Holy Prophet ﷺ have not worn out

and his utensils have not broken yet. I swear by the Being who has my life in His hands that either you are on a religion more guided than the religion of Muhammad ﷺ or you are going to open the door of deviation." They replied, "O Abu Abdur Rahman we intend only good." He said, "There are many who intend good but never achieve it. The Holy Prophet ﷺ told us that some people will recite the Quran but it will not descend below their suprasternal notch (into their hearts). By God I think that the majority of them will be from you." He then turned away from them. A reporter by name of Amr said, "We saw the majority of them fighting against us in the battle of Naharwan, in alliance with the khawarij.

This incident is different from the previous one. In the previous one recitation was with voice because Abdullah bin Masud رضي الله عنه heard them reciting, whereas in this incident the recitation was in a whisper without voice and that is why Abdullah bin Masud asked them what they were doing. The time of previous incident was after Maghrib prayers whereas the time of this incident was before the Fajr prayers.

3- To do without need that which is allowed due to necessity, or to increase its status

To make a second brief call for prayers (تشويب) after the primary call (اذان) is allowed only in necessity. The proofs of its permissibility are:

- i- After the azan Bilal رضي الله عنه used to inform the Holy Prophet ﷺ of the prayers.
- ii- Uthman رضي الله عنه started the first azan for the Friday prayers.

iii- During the time of the Companions رضي الله عنهم the custom of making a second brief call (تشويب) before Fajr prayers started because it was the time of overwhelming sleep and the people did not remain as active as the Companions were.

Later on when laziness increased and need for a second call occurred the ulama adopted it for other prayers too except for Maghrib prayers.

The Companions رضي الله عنهم were active and alert and needed no second call for the Fajr prayers even, except the words of الصلاة خير من النوم (Salah is better than sleep) which are part of the azan for Fajr. Thus in their times the second call (تشويب) was an innovation (bid'ah).

روى ان عليا رضي الله عنه رأى مؤذنا يثوب في العشاء فقال اخرجوا هذا المبتدع من

المسجد

It is reported that Ali رضي الله عنه saw a caller (مؤذن) making a second call for Isha prayers. and said, "Throw this innovator out of the mosque."

Mujahid رضي الله عنه says, "Once I went with Abdullah bin Umar رضي الله عنه to a mosque to offer prayers. Azan had been made. A man started making a second call. Ibn Umar رضي الله عنه said to Mujahid

اخرج بنا من عند هذا المبتدع و لم يصل فيه

"Take us away from this innovator," and he did not offer the prayers in that mosque.

Due to tardiness necessity of second call for Fajr prayers occurred. And when it increased, the second call became a necessity for other prayers too. The reason was that at that time there were no watches and the people did offer the

prayers, but due to laziness either the collective offering got late or some people missed it totally. But when laziness and carelessness increased to such an extent that people started depending totally on the second call and started neglecting the primary call i.e. the azan, it was determined that the status of the second call had been elevated. This again made it an innovation.

In our times watches are common, and usually the time between azan (first call) and collective offering (الصلوة بالجماعة) is so limited that one can just answer the call of nature and make ablution. Thus those who offer prayers are careful and alert and require no second call. And a great majority, which does not offer prayers, for them the second call is just useless. However, at the most, second call can be given only for Fajr prayers, and not for other prayers as it is not needed for them.

4- To gather people for just a desirable work (مستحب)

It is stated in Sharah Munyah (شرح المنية):

فالصلوة خير موضوع ما لم يلزم منها ارتكاب كراهة اعلم ان النفل
بالجماعة على سبيل التداعى مكروه

Salah is a basic and most rewarding form of worship. Despite it, if people are called for nafl (voluntary) prayers, the salah becomes an innovation and displeasing.

Mujahid رضي الله عنه reported, "I and Urwa bin Zubair رضي الله عنه entered a mosque.

فاذا عبد الله بن عمر جالس الى حجرة عائشة و الناس يصلون الضحى في
المسجد فسالناه عن صلاتهم فقال بدعة

We found Abdullah bin Umar رضي الله عنه sitting besides the room of Ayesha رضي الله عنها and some people offering Dhuha (break-time) prayers (صلاة الضحى) in the mosque. We asked him about their prayers. He replied that they were an innovation (bid'ah)

Legality of break-time prayer (صلاة الضحى) has been established through several hadith. But in the days of the Holy Prophet ﷺ no special arrangements were made to offer them in the mosque and neither the people used to gather for them. One would offer them in whatever place he was. Moreover they are nafl prayers, and it is better to offer them at home. Therefore, when Abdullah bin Umar رضي الله عنه saw the people gathering for them and taking care to offer them in the mosque he labelled that salah as an innovation. For this reason Imam Nawawi رحمه الله writes:

مراده ان اظهارها فى المسجد و الاجتماع لها هو بدعة لا ان اصل صلاة الضحى بدعة

He meant that to offer it openly in the mosque and to gather for it is an innovation, otherwise the break time prayer itself is not an innovation.

Similarly narration of the incident of birth of the Holy Prophet ﷺ or donation of reward (ايصال ثواب) to others are commendable (مستحب و مندوب), but when special arrangements are made for it and others are invited to it, it turns into an innovation and becomes displeasing (مكروه)

5-i) To believe a permissible (مباح) or commendable

work (مستحب) to be incumbent (واجب)

ii) To do a permissible or commendable deed with such fervour as if it was mandatory or emphasised. —

Abdul Hayi Lakhnawi رحمته الله writes in his book Seaya (سعايه)

قول ائمتنا يكره تعيين سورة الصلوة معناه يكره تعيين المصلى من عند نفسه شيئاً من سور القرآن لان فيه التزام ما لم يعهد فى الشرع التزامه و اذا كان التزام المستحب ونحوه يورث الكراهة فما ظنك بمدوامه المباح..... و علوه بانه تشريك العبد فى الاحكام و القاء المفسدة فى قلوب العوام..... فان من عين السورة للصلوة و داوم عليه بحيث لا يقرأ غيره فى حين من الاحيان لا شك ان يكون التزام ما لم يلتزم و مورثا الى ظن العوام كونه ضروريا..... نعم لو كانت المداومة على ذلك مورثا الى مفسدة احب ان يتركها كما راينا فى مكة المعظمة..... ان الائمة الشافعية يداومون على قراءة الم تنزيل السجدة و سورة الدهر فى فجر كل جمعة خصوصاً..... و من ههنا ظهر ان لا خلاف بيننا و بين الشافعية فى هذه المسئلة فانهم ايضا يكرهون التزام ما لم يلتزم من جانب الشرع كما لا يخفى على من اتبع كتبهم (سعايه ص 289 ج 2)

The statement of our mujtahids that "specifying a surah for recitation in prayers is displeasing (مكروه)" means to decide to recite always a specific surah of the Quran in all or some of the prayers and never to recite any other surah in them, is an innovation and displeasing (مكروه). It is so because it is to consider that injunction compulsory and incumbent, which sharia has not determined to be so. When considering a desirable (مستحب) deed to be incumbent is displeasing what to say of considering just permissible (مباح) one to be so..... the jurists described its reasons to be:

i-in doing so man is made a partner to God in determining the status of injunction.

ii-it is to make other people believe falsely a permissible or desirable deed to be incumbent or emphasized sunnah because if one specifies a particular surah for the prayers and never goes against it and always recites the same it is equal to making it incumbent. If he is an imam the laymen, on hearing it in perpetuity, start believing it to be incumbent..... That desirable deed, which the Holy Prophet ﷺ did it in perpetuity, if due to it the laymen get misled, its perpetuity is better to be discarded. In Makkah the Shafi'i imam recites surah Sajdah and surah Dahr in Fajr prayers of every Friday without exception. We have observed some wrongs, which occurred due to it, e.g. the laymen have started believing that recitation of these two surahs in Fajr prayers of Friday is compulsory in all fiqhs or atleast in fiqh Shafi'i. In such a situation the ruling is the same by Hanafis and Shafi'is, because the Shafi'is also regard it displeasing (مكره) to consider to be compulsory that which is not so.

Further description of this issue is that Sharia has not specified any particular surah to be recited in the prayers. All the surahs are equal for this purpose. Only where the Sharia has made recitation of some particular surah desirable e.g. the recitation of surah Sajdah and surah Dahr in Fajr prayers of Friday, it will be desirable. In such a situation Imam Shafi'i رحمہ اللہ considers perpetuity to be desirable whereas Imam Abu Hanifa رحمہ اللہ considers perpetuity to be desirable but with occasional omissions. When Sharia

has not made recitation of some particular surah be desirable all are agreed that perpetual recitation of a specific surah is displeasing (مكروه)

Imam Abu Hanifa رحمه الله says that in the first case perpetuity turns a desirable (مستحب) act into emphasized (مؤكد) or compulsory (واجب), whereas in the second case it turns the permissible (مباح) act into emphasised or compulsory. Thus the status determined by Sharia is altered.....

At this point Tahawi and Isbijabi said, "Forbidding displeasure (الكراهة التحريمية) is when a person starts believing the recitation of a particular surah to be compulsory and its omission to be displeasing. To recite one particular surah for the sake of blessing is permitted but it should be with occasional omissions." The last sentence tells that adopting perpetuity in reciting a specific surah without believing it to be compulsory is also displeasing.

6- To make resemblance with disbelievers, although in only one aspect.

It is a rule accepted by the whole ummah, and is based on the hadith:

من تشبه بقوم فهو منهم

He who imitates a people will be counted from it.

In this hadith the word تشبه (imitation) has been used absolute (مطلق) without any restriction of total, partial, little or great. And it is a rule that wherever a member of absolute is present the rule of absolute (unrestricted) applies to it and it is not correct to make it restricted. It is said that المطلق

يحرى على اطلاقه (The absolute applies in its absoluteness). Thus when the resemblance is present in whatever way, the hadith applies to it. If resemblance is found in a part of a deed that too comes under the hadith, and because of it the whole deed becomes an innovation and displeasing. An example is stated in Hedaya,

اذا قرء الامام المصحف فسدت صلاته عند ابى حنيفة و قالوا هي تامة الا انه يكره لانه يشبه صنع اهل الكتاب انتهى قال فى النهاية فانهم يصلوه هكذا فيكره للتشبه لانا نهينا عن التشبه بهم فيما لنا بد منه انتهى

Imam Abu Hanifa رحمه الله says that if imam recites by looking in the Quran his prayers will be void. Imams Abu Yusuf and Muhammad رحمهم الله say that the prayers will not be void but it is a displeasing (مكروه) act because in it is the resemblance with Ahl-Kitab. It is stated in Nihaya (النهاية) that Ahl-Kitab recite, in their prayers, by looking in the Book. Thus, due to the resemblance with them, the prayers become displeasing (مكروه). It is to be noted that resemblance with disbelievers is prohibited where it is not indispensable.

يكره ان يقوم الامام فى الطاق لانه يشبه صنع اهل الكتاب و يكره ان يكون الامام وحده على الدكان لما قلنا

It is displeasing that imam stands within the arch (محراب) because it resembles the custom of Ahl Kitab. For the same reason it is displeasing that the imam stands alone on a high platform.

In both the above mentioned examples resemblance with Ahl Kitab was only in a part of the prayers i.e. reciting by looking in the Quran or the imam standing alone on a high platform, but it made the whole prayer displeasing

(مكروه).

Note-1:

Resemblance is not considered in obligatories (فرائض و) imposed by the Sharia. Indication towards its reason is present in the hadith, as the word تشبه means to take pains voluntarily in resembling. In obligatories and indispensable deeds the aspect of being done voluntarily is missing.

Note-2:

It is stated in Al-Bahr ar Raiq (البحر الرائق) that resemblance which is forbidden is that which is made intentionally. The answers to it are as follows:

i- The word تشبه in hadith has been used absolute and unrestricted. Its restriction with mere intellect is not allowed. Since all other scholars consider it to be absolute, the statement of Al-Bahr cannot be believed to be of such strength that it could contradict the hadith.

Moreover in another two hadith it is stated

غيروا الشيب و لا تشبهوا باليهود

Change the whiteness of the hair and do not make resemblance with the Jews.

نظفوا افنيكم و لا تشبهوا باليهود

Keep your courtyards clean and do not make resemblance with the Jews.

It is obvious that nobody kept his hair white or his courtyard dirty with the intention of resembling with the Jews. Those who did so, did it just out of their habit.

ii- The author of Al Bahr ar Raiq means that the word تشبه includes the meaning of voluntary painstaking. Therefore,

the intention and deed of the perpetrator are a must. Its example is that somebody unknowingly did a deed. Later he knew that it was the custom of a particular nation. Now he must abandon it completely for ever. If he still does it, since it will not be without intention, therefore, تشبه (resemblance) is established. But since intention cannot be without knowledge, therefore, that which was done before knowledge did not constitute resemblance. Similarly, if a thing is such that it can be removed e.g. dirt of the courtyard, or changed e.g. the whiteness of the hairs, but inspite of having the power to do it and inspite of knowing that the situation also demands distinction between Muslims and non-Muslims, yet one does not remove it or change it, it will be considered that he omitted it intentionally.

3. Further more, since it is obvious that for disobedience and sin to happen occurrence of the prohibited deed is also essential, therefore the meaning of the statement of Al Bahr is 'to intend doing the deed of resemblance and not to intend resemblance with the disbelievers.'

To recite surah Fatiha or some other verses on food is an innovation because in it there is resemblance with the Hindus. It is a custom of Hindus that they recite verses of Vedas on the food. It is stated in Tuhfa Alhind that Hindus consider it a binding upon themselves to donate reward to the dead on his death anniversary every year, and the pandits recite the Vedas on the food.

Many Muslims, in the subcontinent, make arrangements to donate reward to their dead on the third day of his death.

People are invited to gather and they collectively recite the kalma and the Quran. In it is the resemblance with Hindus, because it is their custom to get together on the third day and perform the last ceremony of mourning. Although the resemblance is partial but it makes the whole process an innovation.

7- To make an addition in a defined worship

i- As soon as the prayers for the dead (صلوة الجنائز) are over, people should pick up the bed of the dead and proceed towards the grave-yard. It is not correct to keep standing, after the salah of janaza, to make further prayers for the dead. The reason is that which Mulla Ali Qari (رحمته الله) stated so:

و لا يدعو للميت بعد صلاة الجنائز لا نه يشبه الزيادة فى صلاة الجنائز

After the prayers for the dead, one must not make further prayers while standing there because it resembles making addition in the said prayers.

It is stated in Fatawa Sadia.

خالى از كراهت نيست زيرا كه اكثر فقهاء بوجه زياده بودن بر امر مسنون

منع مى كنند-

There is displeasure (كرهية) in it and majority of the jurists forbid it because of its being an addition over the sunnah.

ii- Nafay (رحمته الله) reports:

ان رجلا عطس الى جنب ابن عمر فقال الحمد لله و السلام على رسول الله
ﷺ فقال ابن عمر و انا اقول الحمد لله و السلام على رسول الله و ليس هكذا
علمنا رسول الله ﷺ ان نقول الحمد لله على كل حال (ترمذى)

A man sitting besides Abdullah bin Umar (رحمته الله) sneezed and said الحمد لله والسلام على رسول الله (all praises are

for Allah and all blessings are for the Holy Prophet محمد ﷺ. Ibn Umar رضي الله عنه said "I do believe in الحمد لله والسلام على رسول الله but the Holy Prophet ﷺ did not teach us to say these words on sneezing. He taught us to say (only) الحمد لله or الحمد لله على كل حال (all praises are for Allah in all conditions)

Ibn Umar رضي الله عنه forbade the man to recite the words which he had added from his own self, and said that the Holy Prophet ﷺ had instructed to recite only the words الحمد لله on sneezing. This prohibition from the remaining words و السلام على رسول الله suggests that any fake addition to what the Holy Prophet ﷺ has instructed is an innovation.

To do what the Holy Prophet ﷺ omitted is innovation

To claim that perpetration of a deed, which the Holy Prophet ﷺ did not do and its prohibition is also not mentioned in the Quran and Hadith, is not an evil and not an innovation is incorrect and against the rules of Islam. Like the deeds of the Holy Prophet ﷺ his omissions are also sunnah. Thus to follow his omissions is to follow sunnah, and to go against them is to innovate.

ان الله يحب ان يوتى رخصه كما يحب ان يوتى عزائمه

(مرقاة المفاتيح ص 15 ج 2)

Verily Allah is pleased when his exemptions are availed as he is pleased when his incumbencies are fulfilled.

Mulla Ali Qari رحمه الله wrote.

و المتابعة كما تكون في الفعل يكون في الترك ايضا فمن و اظب على فعل لم يفعله الشارع فهو مبتدع

Compliance, as it is found in a deed, is found in

abstention also. Thus one who continuously carries out a deed while the Holy Prophet ﷺ did not do it, is an innovator.

Sayyid Jamal-ud-din  wrote.

تركه سنة كما ان فعله سنة

Just as the deed of the Holy Prophet ﷺ is sunnah his abstention is also sunnah.

It is obvious from these references that just as the Holy Prophet's deed is sunnah, his omission from some work, inspite of the presence of its incentive, is also sunnah.

Abdullah bin Abbas  said, "Abstain from rhyme when making dua because the Holy Prophet ﷺ and his Companions didn't use to do so." (Bukhari)

Abdullah bin Umar  said:

ان رفعكم ايديكم بدعة ما زاد رسول الله ﷺ على هذا يعنى الى الصدر

(مسند احمد)

The Holy Prophet ﷺ did not raise his hands, when praying to God, higher than his chest. Your raising your hands, when praying, higher than that is an innoyation.

Umarah bin Ruwaiba  saw Bishr bin Marwan raising his hands while addressing, and said:

قبح الله ما من اليدين لقد رايت رسول الله ﷺ ما يزيد على ان يقول
هكذا بيده و اشار باصبعه المسبحة.

"May God disfigure these two hands". Then he raised his fore-finger and said, "I never saw the Holy Prophet ﷺ doing more than this."

At one occasion it is stated in Hedaya:

و دليل الكراهة انه عليه السلام لم يزد على ذلك و لو لا الكراهة لزد تعليمًا للجواز

Proof of displeasure (كراهية) is that the Holy Prophet ﷺ did not increase it further. If it had not been displeasing the Holy Prophet ﷺ would have increased it to teach its permissibility.

At another occasion it is in Hedaya:

لا يتنفل في المصلى قبل صلاة العيد لان النبي ﷺ لم يفعل ذلك مع حرصه على الصلوة ثم قيل الكراهة في المصلى خاصة وقيل فيه وفي غيره لانه ﷺ لم يفعله.

One must not offer nafl prayers in the Eid-ground before the Eid prayers, because the Holy Prophet ﷺ did not offer them there inspite of his fervour for them. Then some say that the displeasure is only in offering them in Eid-ground. Others say that it is in offering them in Eid-ground or in any other place because the Holy Prophet ﷺ did not offer them in any place.

If one doubts about a thing to be sunnah or bid'ah

Numan bin Bashir رضي الله عنه reported that the Holy Prophet ﷺ said:

الحلال بين و الحرام بين و بينهما مشتبهات لا يعلمها كثير من الناس فمن اتقى الشبهات استبرأ لدينه و عرضه و من وقع في الشبهات وقع في الحرام كالراعي حول الحمى يوشك ان يرتع فيه (بخارى)

Halal (permitted) is manifest and haram (prohibited) is manifest, and between the two are doubtful things which many people do not know. One who abstains from them he saves his religion and dignity. One who commits them he indulges in haram like a herdsman herding his animals close to the royal pasture, it is very probable that his animals will enter

the pasture.

In this hadith a clear injunction to abstain from doubtful things is present. The same is present in following hadith too:

دع ما يريك الى ما لا يريك فان الخير طمانينة و ان الشر ريبة

Abstain from that which puts you in doubt and adopt that which does not do so because good gives peace and evil provokes doubt.

Allama Barkali رحمته الله wrote:

اعلم ان فعل البدعة اشد ضررا من ترك السنة بدليل ان الفقهاء قالوا اذا تردد

الحكم في شيء من كونه سنة و بدعة فتركه لازم

Perpetrating innovation is more harmful than omitting sunnah. Its proof is that the jurists say, "when doubt occurs about a thing that it is sunnah or bid'ah it is incumbent to abstain from it.

4- It is stated in Fatawa Alamgiri

و ما تردد بين البدعة و السنة يترك

that in which there is doubt of its being bid'ah or sunnah it is to be omitted.

5- Allama Ibn Abideen رحمته الله wrote:

اذا تردد الحكم بين سنة و بدعة كان ترك السنة راجحا على فعل البدعة

When doubt occurs about an injunction of its being sunnah or bid'ah, omitting sunnah is to be preferred over committing bid'ah.

It means that one must abstain from doing the doubtful work because at the most it would be omitting a sunnah, which is permitted. Whereas if it is a bid'ah its perpetration is not allowed. Thus abstaining from it is preferred.

The reason is that an innovation is highly condemnable

because it constitutes counting a thing, which is out of Sharia, from within it. And when Sharia is from Allah only, it implies that the innovator regards the innovation to be from Allah and thus makes a slander on Him. Moreover, it is the Prophet ﷺ who informs of the injunctions of Allah. The act of an innovator implies his claim to Prophet hood.

Some results of innovation

1- Innovator is deprived of Sunnah

Gudhaif bin Harith رضي الله عنه reported that the Holy Prophet ﷺ said:

ما احدث قوم بدعة الارفع مثلها من السنة فتمسك بسنة خير من احدث بدعة

Whenever some people make some innovation they get deprived of equal amount of sunnah. Thus adopting a sunnah is better than innovating a bid'ah.

Hassan رضي الله عنه said:

ما ابتدع قوم في دينهم الا نزع الله من سنتهم مثلها ثم لا يعيدها ذلك الى يوم القيامة

When some people make an innovation in their religion Allah deprives them of an equal amount of sunnah and it is not returned to them till the day of Qiyamah.

2- It demolishes Islam

In a hadith the Holy Prophet ﷺ said:

من وقر صاحب بدعة فقد اعان على هدم الاسلام

He, who honoured an innovator, supported in demolishing Islam.

It means that the innovator demolishes Islam through his innovation, and one who honours him supports him in doing so.

3- Deprives him from being honoured:

In the above-mentioned hadith the Muslims are prohibited from honouring an innovator.

Chapter 13:

Principles of Imaan (belief) and Kufr (disbelief)

Definition of some essential terms:

1- Takfeer (تكفير)

It is to inform, on someone making kufr, that he has become a kafir due to his own deed. Thus takfeer is to inform one becoming a kafir and not making him a kafir.

2- Absolute establishment (الثبوت القطعى)

That which reached us from the Holy Prophet ﷺ through a continuous report (السخر المتواتر) is called to have an absolute establishment. Its examples are: the Quran, number of prayers, number of rakats of the prayers, details of bowing down and prostration, details of zakah and azan, and the Holy Prophet ﷺ being last of the Prophets.

Continuous report is that which, from the time of the Holy Prophet ﷺ upto our time, has been reported continuously without break, by such a great number of narrators in all times that it deems impossible for all of them being mistaken or allying to fabricate it.

3- Commonly known establishment (الثبوت البديهي)

When the knowledge of an absolutely established fact spreads in all levels of general masses and nearly all the people know it without special education, it is called commonly known establishment.

Examples are: incumbency of salah, zakah, fasts of Ramadhan, Hajj, prohibition of wine, and the Holy Prophet ﷺ being last of the Prophets.

4- Commonly known issues of Islam (ضروريات الدين):

They are those issues which are so apparent and absolutely established that every one knows them with out any education.

5- Imaan:

It is to affirm with heart all those issues which are absolutely established from the Holy Prophet ﷺ. An affirmation of obedience is a condition for imaan to be worth while.

6- Islam:

It is the affirmation of obedience to Allah and His Prophet, along with imaan on them.

7- Kufr:

To reject any of those issues, the affirmation of which is essential for imaan, is called kufr.

Difference between Imaan and Islam:

i) Literally imaan means affirmation by heart and Islam means obedience and submission. Imaan is within the heart whereas Islam is compliance with physical and mental facilities.

ii) But in Sharia imaan without Islam is not reliable and verbal declaration of obedience is necessary. Similarly verbal profession of obedience is not reliable without affirmation by heart of Allah and His Prophet ﷺ.

وقد اتفق اهل الحق وهم الاشاعرة والحنفية على تلازم الايمان والاسلام

بمعنى انه لا ايمان يعتبر بلا اسلام و عكسه اى لا اسلام يعتبر بدون ايمان فلا

ينفك احدهما عن الآخر (مسامره ص 186 ج 2)

Both groups of Ahl-Haq, Ash'aris and Maturidis, are unanimous on that Imaan and Islam are so strongly bound to each other that no one of the two has any reliability without the other.

Kinds of kufr (disbelief)

Kufr is of four kinds:

1- Kufr due to ignorance (كفر الجهل):

It is to consider that the Holy Prophet ﷺ was not true in his claim of Prophet hood. The kufr of the majority of Arab polytheists was of this type.

2- Kufr due to obstinacy (كفر الجحود و العناد):

It is to reject the Holy Prophet's claim of Prophet hood inspite of knowing with heart that he was true in it. It has following three forms:

i- To reject his prophet-hood. Kufr of Christians, Jews, Abu Jahl and Pharaoh was of this kind.

الَّذِينَ آتَيْنَاهُمُ الْكِتَابَ يَعْرِفُونَهُ كَمَا يَعْرِفُونَ أَبْنَاءَهُمْ (سوره بقره: 146)

Those to whom we gave the Scripture recognise (this Prophet) as they recognise their sons:

وَجَحَدُوا بِهَا وَاسْتَيْقَنَتْهَا أَنْفُسُهُمْ ظُلْمًا وَعُلُوًّا (سوره نمل: 17)

And they denied them, though their souls acknowledged them, out of spite and arrogance.

ii. After having belief in the Holy Prophet it is kufr to claim some of his statements to be false or a lie, because it is equivalent to believing some of his instructions and

rejecting the others.

iii- To reject any of the Holy Prophet's ﷺ instructions or deeds, which is definitely established, by denying its authenticity. This is, in fact, equivalent to rejecting his Prophet-hood.

3- Kufr due to doubt (كفر الشك):

It is to indulge in doubt about the commonly known issues of Islam (الضرورات الدينية). The kufr of hypocrites was of this kind.

4- Kufr due to false interpretation (كفر التاويل):

It is to accept the statements of the Holy Prophet ﷺ and interpret them against the clear and absolutely proven explanations of the Quran and Hadith. —

This kind of kufr is termed الحاد (ilhad) in the Quran and ilhad and zandaqa (heresy) in Hadith.

The deviant sects, which strayed away into kufr, their kufr was of this variety.

عن ابن عمر قال سمعت رسول الله ﷺ يقول سيكون في هذا الامة مسخ
الاو ذلك في المكذبين بالقدر والزندقية

Ibn Umar رضي الله عنه reported that he heard the Holy Prophet ﷺ Saying, "Soon there will be disfigurement in this ummah. Lo! it will be in those who deny pre-destiny and those who are heretics.

About this kind of kufr Shah Wali-ullah writes:

وان اعترف به ظاهرا ولكن يفسر بعض ما ثبت من الدين ضرورة بخلاف
ما فسرہ الصحابة والتابعون واجمعت عليه الامة فهو الزندق كما اذا اعترف بان
القران حق وما فيه من ذكر الجنة والنار حق لكن المراد بالجنة الابتهاج الذى

يحصل بسبب الملكات المحموده و المراد بالنار الندامة التي تحصل بسبب الملكات المذمومة ليس فى الخارج جنة و لا نار فهو زنديق

(مسوى شرح الموطا)

One who apparently affirms a fact but interprets it against the meaning adopted by the Companions and their followers and against the consensus of the ummah is a heretic (زندىق). For example if one affirms that the Quran is true and Paradise and Hell, which have been mentioned in the Quran, are also true but says that Paradise means only pleasure which one will get because of praiseworthy attributes, and Hell only means the pain and embarrassment which one will feel because of condemnable attributes, and none of the two has any physical existence.

Difference between valid and invalid interpretations

Shah Wali-Ullah wrote:

ثم التاويل تاويلان تاويل لا يخالف قاطعا من الكتابه و السنة و اتفاق الامة و تاويل يصادم ما ثبت بقاطع فذلك الزندقة فكل من انكر روية الله تعالى يوم القيامة و انكر عذاب القبر و سوال المنكر و النكير او انكر الصراط و الحساب سواء قال لا اثق بهؤلاء الرواة او قال اثق بهم لكن الحديث مؤول ثم ذكر تاويلا فاسدا لم يسمع من قبله فهو الزنديق او قال ان النبى ﷺ خاتم النبوة و لكن معنى هذا الكلام انه لا يجوز ان يسمى بعده احد بالنبى و اما معنى النبوة و هو كون الانسان مبعوثا من الله تعالى الى الخلق مفترض الطاعة معصوما من الذنوب و من البقاء على الخطا فيما يرى فهو موجودة فى الائمة بعده فذلك الزنديق -

Interpretation is of two kinds. One which is not against the definite texts of the Quran and Hadith and the consensus of the Ummah. The other is one which is against them. This other one is heresy (زندقة). Thus

whoever denies sighting of Allah in the Hereafter, or punishment in the grave, or questioning in the grave by the two angels, Munkir and Nakeer, or the crossing over the bridge Sirat, or the accountability in the Hereafter, he is a heretic, though he may be making excuses and interpretations like:

i) He did not find the narrators of hadith on these issues to be reliable.

ii) The hadith holds the meaning other than what is usually told e.g.

a- The Holy Prophet ﷺ was last of the Prophets in the sense that after him nobody is entitled to be called a Prophet but is called an imam although all the characteristics and peculiar features of a Prophet are to be found in him.

b- The Holy Prophet ﷺ is the khatam (stamp) of the Prophets (خاتم النبيين) in the sense that whoever Prophet comes after him he requires his stamp of approval.

In short by invalid interpretation of the necessities of Islam when one disfigures their actual shape and form that was determined by the Quran, Sunnah and consensus of the Ummah, he in actual fact refutes the Quran and Hadith and the creed of Islam.

In a well-renowned book on creed of Islam i.e. Al Maqasid it is stated:

و ان كان مع اعترافه بنبوة النبي ﷺ و اظهاره شعائر الاسلام يبطن عقائد
هي كفر بالاتفاق خص باسم الزنديق

If one admits the Prophet hood of the Holy Prophet ﷺ and demonstrates the signs of Islam (e.g. he offers prayers) but along with them conceals in his heart such

beliefs which are kufr. The scholars are unanimous on his being a heretic (زندق).

How one becomes an apostate (مرتد)

ارتداد (apostasy) literally means to turn away. In Sharia it means turning away from Imaan and Islam, and one who turns away from Islam is called مرتد (apostate).

Apostasy has two forms:

1- One clearly changes his religion e.g. he leaves Islam and adopts Christianity or Judaism or Hinduism, or denies the existence of Allah or denies His Unity or denies the Prophet hood of the Holy Prophet ﷺ.

2- One does not change his religion and does not deny the Unity of Allah and Prophet-hood of the Holy Prophet ﷺ but adopts such statements or deeds or beliefs which are equal to denying the Quran or denying the Prophet hood.

Its example is to reject an absolute and manifest injunction of Islam which is proved by clear text of the Quran or by a continuous report from the Holy Prophet ﷺ e.g. to deny chastity of Ayesha رضى الله عنها or to deny the prayers being five in number.

For further elaboration it is said that believing in Allah means not only admitting His Existence but also affirming all of His Attributes e.g. Knowledge, Power, Seeing and Hearing etc and all of His injunctions as described in the Quran and Hadith. Otherwise the Christians and Jews also believe in God and His Attributes. Similarly believing in the Holy Prophet ﷺ does not mean to believe that he was born in Makkah, and he migrated to Madinah, and his age was 63 years, but it means to believe in him as mentioned in the

Quran.

فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يَحْكُمُواكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي
أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا (سوره نساء: 65)

*But no, by your Lord, they will not believe (in truth)
until they make you judge of what is in dispute between
them and find within themselves no dislike of what you
have decided and submit with full submission.*

Ja'far Sadiq عليه السلام explained this verse so:

لو ان قوما عبدوا الله تعالى و اقاموا الصلوة و آتوا الزكاة و صاموا
رمضان و حجوا البيت ثم قالوا لشيء صنع رسول الله صلى الله عليه و آله الا صنع خلاف ما
صنع او وجدوا في انفسهم لكانو مشركين ثم تلا هذه الآية

(روح المعاني ص 65 ج 2)

*If some people worshipped Allah and offered
prayers and paid zakah and kept fasts of Ramadhan
and made pilgrimage of Hajj, but said about a deed
which the Holy Prophet صلى الله عليه و آله did, "Why didn't he do it
the other way" or felt constriction about it in their
hearts, they are kafirs, and as an evidence he recited
this verse.*

Note 1:

The words "absolute and manifest injunctions" require further elaboration which is as follows:

With regards to being established, the injunctions of Islam are of different kinds. But the verdict of kufr is passed only when those injunctions are rejected which are absolutely established (قطعى الثبوت) and have manifest and definite meanings (قطعى الدلالة). Being absolutely established means that they are either mentioned in the Quran or in

some continuous report. Having definite and manifest meaning means that the verse or the hadith has a clear-cut meaning with no ambiguity in it.

If knowledge of such injunctions spreads in the general masses to such an extent that to know them no special arrangement and education is required. People just know them by observing their elders and other Muslims e.g. incumbency of salah, zakah and Hajj and prohibition of theft and drinking wine. Such definite and manifest injunctions are called the commonly known issues of Islam.

The absolutely established injunctions, which have not spread in the general masses to the above-mentioned extent, are not commonly known and therefore are not the commonly known issues of Islam.

The difference between absolutely established injunctions and commonly known issues of Islam is that to reject the latter is unanimously a kufr, and ignorance of them is no excuse, and in them no interpretation is accepted. Whereas if an ignorant man rejects a definite injunction, verdict of kufr will not be given immediately. Rather it will be explained to him that the injunction is absolutely established and has a definite meaning and to reject it is kufr. Despite this, if he still insists on rejecting the injunction only then the verdict of kufr will be passed upon him.

Note 2:

If an injunction is:

- i) presumptively established and has a presumptive

meaning (ظنى الثبوت و ظنى الدلالة), or is

ii) presumptively established but has an explicit meaning, (ظنى الثبوت و قطعى الدلالة) or is

iii) absolutely established but does not have an explicit and definite meaning (قطعى الثبوت و ظنى الدلالة).

In all these three situations to reject the injunction is *fisq* (disobedience) and not *kufr*.

Note 3:

Those *hadith* which are single reports are presumptively established. (ظنى الثبوت)

The issue of takfeer of Ahl Qibla

Question: Those who become *kafir* due to invalid interpretation, a question arises about them that they are Ahl-Qibla because they recite the *kalma* of Islam and offer their prayers towards the Qibla, whereas *takfeer* of Ahl Qibla is prohibited by consensus. Moreover it is mentioned in the following *hadith* too:

1- Anas رضي الله عنه reported that the Holy Prophet ﷺ said:

من شهد ان لا اله الا الله و استقبل قبلتنا و صلى صلاتنا و اكل ذبيحتنا فهو مسلم الا ان تروا كفر ابواحا عندكم من الله فيه برهان

He who testifies that there is no worthy of worship except Allah, adopts the direction of our qibla, and offer our prayers, and eats our slaughtered animal, is a Muslim unless you observe clear kufr over which you have a clear proof from Allah.

2- Anas رضي الله عنه reported that the Holy Prophet ﷺ said:

ثلاث من اصل الايمان الكف عمن قال لا اله الا الله و لا تكفره بذنوب و لا

تخرجه من الاسلام بعمل

Three things are from imaan:

- i) to abstain from one who affirms لا اله الا الله (there is no being worthy of worship except Allah)*
- ii) not to call a Muslim a kafir because of a sin.*
- iii) not to consider him out of the fold of Islam because of some misdeed.*

Answer:

The last words of the first hadith are explicit in denoting that a person, from whom clear kufr is observed and clear proof is available on its being kufr, he is a kafir.

As far as the last two points of the second hadith are concerned consensus of the Ummah has decided that here those sins and deeds are meant which are other than kufr. Thus the hadith means that though a person's disobedience and his sins may have increased enormously but still he would not be labelled a kafir. It does not mean that even though he may be proclaiming a creed of kufr still he would not be called a kafir.

All the Holy Companions were unanimous on considering those who refused paying zakah, on the basis that it no longer remained mandatory, and those who followed Musailma, the false claimant of Prophet-hood, as kafir. Their consensus is a clear evidence on that the Ahl-qibla whose takfeer is forbidden does not simply mean those who offer prayers in the direction of qibla although they may have adopted beliefs of kufr.

Thus Ahl shahada and Ahl-qibla are two terms which mean only those Muslims who have respect for the signs of

Islam (شعائر الاسلام) and are free from all causes of kufr and anti Islamic creeds.

Mulla Ali Qari رحمته الله wrote in his Sharah on Fiqh-Akbar:

اعلم ان المراد باهل القبلة الذين اتفقوا على ما هو من ضروريات الدين لحدوث العالم و حشر الاجساد و علم الله تعالى بالجزئيات و ما اشبه ذلك من المسائل المهمات فمن واطب طول عمره على الطاعات و العبادات مع اعتقاد قدم العالم و نفى الحشر او نفى علمه سبحانه و تعالى بالجزئيات لا يكون من اهل القبلة و ان المراد باهل القبلة عند اهل السنة انه لا يكفر ما لم يوجد شيء من امارات الكفر و لم يصدر عنه شيء من موجباته (ص 189)

Ahl-qibla means those people who believe in the commonly known issues of Islam e.g. the creation of universe after its nothingness, Resurrection, Allah having knowledge of all the details of the universe etc. So if one spends the whole of his life in obedience and worship of Allah but believes that the universe is from eternity or denies Resurrection or denies Allah having detailed knowledge of the universe, he is not from the Ahl-qibla. Ahl-Sunnah believe that Ahl-qibla are not to be labelled kafirs as long as no signs of kufr are found in them and no cause of kufr emanates from them.

To turn into an apostate intention of committing kufr is not a pre-requisite.

Its proof is that Satan, (Iblees), did not intend to become a kafir. Rather, his crime made him kafir. The Quran calls him kafir without mentioning his intention.

وَكَانَ مِنَ الْكَافِرِينَ (سوره بقره: 34)

and he became a disbeliever.

Similarly, in the time of the Holy Companions, those who refused to pay zakah and those who followed Musailma never intended to go out of the fold of Islam and commit kufr, but still the consensus of the Companions labelled them as kafirs.

The reason is that if the intention of making kufr is considered to be a pre-requisite, and whatever interpretation a man makes is to be accepted then nobody will be out of the fold of Islam although he may be guilty of heresy. Satan, (Iblees), denied neither the existence of God, nor His Divinity, nor any of His Attributes. He just refused to prostrate before any other than God. He could have interpreted and made an excuse that he was the biggest believer in Unity, and that his faith restrained him from prostrating before any other than god. But Allah took his disobedience as denial and called it a great kufr.

Similarly, some idol-worshippers explain that they do not believe the idols to be God. They claim that their belief is just that the idols can bring them closer to God. They worship the idols so that they get pleased and thus bring them closer to God. But the Quran refutes their claim.

If there is doubt about one's kufr?

If a person makes a statement or commits an act and due to it doubt occurs whether he is still a Muslim or not. In this situation the safe way is to abstain from giving the verdict of Islam or kufr about him. The doubt can arise because of any of the following reasons:

i) difference of opinion of the scholars about that

statement or act,

- ii) contradiction between the evidences provided by the witnesses,
- iii) the rules needed for giving the ruling are difficult to be comprehended.

Result:

When he is not labelled as a Muslim, other Muslims will abstain from marrying their women with him, from making him imam for their prayers and from eating an animal slaughtered by him. And when he is not labelled as a kafir the injunctions of an apostate will not apply to him.

What to do?

In the meantime, if possible, investigations should be made to know the actual fact and then the accused should be dealt with accordingly. If investigations are not possible it is incumbent to abstain from giving any ruling.

Committed kufr (الكفر الالزامي) and Resultant kufr

(الكفر اللزومي)

To adopt such a faith or belief which is itself kufr (e.g. to believe that the Quran is not the Book of God), it is called a committed kufr (الكفر الالزامي) because a man commits it of his own free will.

To adopt such a faith or belief which is itself not kufr but it results in kufr. This resulting kufr is called resultant kufr (الكفر اللزومي). An example of it is the belief of bada (بدا) which means that God knew a thing but later it was disclosed to Him to be something different, or God willed a thing but later on He knew that it was not suitable and

correct. Its end result is that God is ignorant, which is an obvious kufr.

A rule about resultant kufr

A man's statement results in kufr but:

- i) he is not aware of it and on being informed denies adopting it as a faith.
- ii) or the resultant is not very clear and the issue is not from the necessities of Islam.

This man will not be labelled as a kafir.

And if he accepts the resultant meaning but denies its being kufr, whereas in fact it is kufr, he will be considered to be a kafir.

Similarly if the resultant is very clear and there is no ambiguity or obscurity in it, this kufr will be equal to committed kufr and the excuse of ignorancy will not be acceptable.

Takfeer of one who is in fact a Muslim

Abu Saeed Khudri رضي الله عنه reported that the Holy Prophet ﷺ said:

ما اكفر رجلا الا باء احدهما به ان كان كافرا و الا كفر بتكفيره و في رواية
فقد وجب الكفر على احدهما

When a man labels another a kafir, one of them does return with it, either the one who is labelled if he is a kafir, or the labelling one. In another narration it is stated that kufr clings to one of them.

Returning of the labelling person with kufr or clinging of kufr to him means that he will have to bear the burden and punishment of illegal takfeer.

Some scholars are of the opinion that the kufr with which the labelling person returns is the resultant kufr. The reason is that when he labels a person a kafir, who is actually a momin and lacks all causes of kufr, it results in that he believes imaan to be kufr. The Quran says:

وَمَنْ يَكْفُرْ بِالْإِيمَانِ فَقَدْ حَبِطَ عَمَلُهُ (سورة مائدة: 5)

He who denies the faith his work is vain.

In short, a person, none of whose beliefs are anti Islamic, although his deeds may be evil, it is not allowed to label him a kafir.

It is due to this rule that the Muslim jurists have been very cautious and say that if a person gives a doubtful statement, which has hundred possible meanings out of which ninety nine are of kufr and only one is in conformity with Islam, it is a binding upon the concerned authorities to prefer the Islamic aspect and not the others till that person himself admits the meaning of kufr.

This rule is described in Fatawa Alamgiri in these words:

إذا كان في المسئلة وجوه توجب الكفر ووجه واحد يمنع فعلى المفتى ان يميل الى ذلك الوجه الا اذا صرح بارادة ما يوجب الكفر فلا ينفعه التاويل حينئذ.

If in an issue there are several possibilities of kufr and there is one against them, it is incumbent upon a mufti to prefer the one which is against kufr, But if the concerned person himself admits the meaning of kufr decree of kufr will be passed.

To label a kafir as a Muslim:

To declare an absolute kafir a Muslim is a great sin

because it is equal to declare kufr as imaan. It affects the whole Muslim society. All rights pertaining to marriage, lineage, inheritance, slaughtering and leading prayers, and all collective and political rights are affected.

PRINCIPLES OF ISLAM

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