

## CHAPTER 1

### THE CULTURAL MILIEU AND ITS *FIQHĪ* RELEVANCE

Human beings are social creatures and thus naturally react to their cultural milieu. Islamic history has witnessed two competing tendencies. I could say that this dispositional variety is part of human nature and is also reflected in the Companions' thinking patterns. Al-Bukhari reports, on the authority of Ibn 'Umar, that after the battle of Confederates the Prophet commanded some Companions not to pray 'aṣr until they reached the territory of the Banu Qurayzah (a Jewish tribe on the outskirts of Madinah). Some of them, however, prayed it on the way, thinking that the Prophet intended them to reach that spot and did not want them to miss the prayer. The second group followed his command to the letter and prayed only after reaching that spot. The Prophet understood both groups' intention and did not rebuke either of them:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ أَسْمَاءَ قَالَ حَدَّثَنَا جُوَيْرِيَةُ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَنَا لَمَّا رَجَعْنَا مِنَ الْأَحْزَابِ لَا يُصَلِّيَنَّ أَحَدُ الْعَصْرِ إِلَّا فِي بَيْتِي فَرِيظَةَ فَأَدْرَكَ بَعْضُهُمُ الْعَصْرَ فِي الطَّرِيقِ فَقَالَ بَعْضُهُمْ لَا نُصَلِّي حَتَّى نَأْتِيَهَا وَقَالَ بَعْضُهُمْ بَلْ نُصَلِّي لَمْ يُرَدْ مِنَّا ذَلِكَ فَذَكَرَ لِلنَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَلَمْ يُعْنَفْ وَاجِدًا مِنْهُمْ.<sup>1</sup>

Narrated Ibn 'Umar: On the day of al-Ahzab, (i.e. Clans) the Prophet said, "None of you should offer the 'aṣr prayer but at Banu Qurayzah's place." The 'aṣr prayer became due for some of them on the way. Some of those said, "We will not offer it till we reach Banu Qurayzah" while some others said, "No, we will pray at this spot, for the Prophet did not mean that for us." Later on it was mentioned to the Prophet and he did not berate any of the two groups.

Muslim, on the other hand, reports that the prophetic command specified *zuhr*:

و حَدَّثَنِي عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ أَسْمَاءَ الضُّبَيْحِيُّ حَدَّثَنَا جُوَيْرِيَةُ عَنْ نَافِعٍ عَنْ عَبْدِ اللَّهِ قَالَ نَادَى فِينَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَوْمَ انْصَرَفَ عَنِ الْأَحْزَابِ أَنْ لَا يُصَلِّيَنَّ أَحَدٌ الظُّهْرَ إِلَّا فِي بَيْتِي فَرِيظَةَ فَتَخَوَّفَ نَاسٌ فَوَتَّ الْوَقْتَ فَصَلُّوا دُونَ بَيْتِي فَرِيظَةَ وَقَالَ آخَرُونَ لَا نُصَلِّي

إِلَّا حَيْثُ أَمَرْنَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَإِنْ فَاتَنَا الْوَقْتُ قَالَ فَمَا عَنَّفَ وَاحِدًا مِنَ الْفَرِيقَيْنِ.<sup>2</sup>

‘Abd Allah reported that the day the Prophet returned from al-Ahزاب he announced among us not to offer *zuhr* except at Banu Qurayzah’s place. Some people prayed before reaching the Banu Qurayzah quarters fearing that the prayer time would be over by that time. The others insisted to pray at Banu Qurayzah, as the Prophet (apparently) commanded, even if the prayer time would have been over. The Prophet did not rebuke any of the two groups.

Muslims have always been concerned that one day the pristine Islamic teachings might be watered down to fit them into the changing realities of time. A group of scholars have been bent upon implementing the Lawgiver’s original intention, as they have understood it, in its pristine simplistic formulation. They tend to consider anything outside of that box an innovation designed to compromise Islam’s true essence. This tendency, which is not confined to a specific *fiqhī* school, is an ideological movement that sincerely advocates preserving the prophetic Sunnah to the letter. The second tendency struggles to implement the Islamic teachings in their pristine intended forms, though usually not to the letter. They look for some possible reasons behind these prophetic traditions in order to implement them in essence and, whenever possible, to the letter.

The first group insists that the Lawgiver must also detail the specified reasons and the means.

#### THE DEBATE OVER THE PRAYER TIMINGS AND THE DIRECTION OF THE QIBLAH

The debate over using mathematical calculations to establish the prayer times is a good example of these competing tendencies. The early authorities in most of the known *fiqhī* schools fought against the use of calculations (as contrary the established Sunnah, which required looking at the shadow or the phenomenon of sunrise and sunset for the prayer times). For instance, Ibn Rajab al-Hanbali, rejected the use of calculation:

فتبين أن ديننا لا يحتاج إلى حساب ولا كتاب، كما يفعله أهل الكتاب من ضبط عباداتهم بمسير الشمس وحساباتها، وأن ديننا في ميقات الصيام معلق بما يرى بالبصر وهو رؤية الهلال، فإن غم أكملنا عدة الشهر ولم نحتاج إلى حساب. وإنما علق بالشمس مقدار النهار الذي يجب الصيام فيه، وهو متعلق بأمر مشاهد بالبصر - أيضا -، فأوله طلوع الفجر الثاني، وهو مبدأ ظهور الشمس

على وجه الأرض، وآخره غروب الشمس. كما علق بمسير الشمس أوقات الصلاة، فصلاة الفجر أول وقتها طلوع هذا الفجر، وآخره طلوع الشمس، وأول وقت الظهر زوال الشمس، وآخره مصير ظل كل شيء مثله، وهو أول وقت العصر، وآخره اصفرار الشمس أو غروبها، وهو أول وقت المغرب، وآخره غروب الشفق، وهو أول وقت العشاء، وآخره نصف الليل أو ثلثه، ويمتد وقت أهل الأعدار إلى طلوع الفجر، فهذا كله غير محتاج إلى حساب ولا كتاب.<sup>3</sup>

Therefore, it proves that our religion does not need calculations or writing like the People of the Book who synchronize their acts of worship to the solar movements and calculations. Our religion, in determining the fasting, is dependent upon things seen, such as sighting the crescent moon. We complete thirty days of the month in the case of obscurities and do not need calculations. The obligated (length) day of fasting is also dependent upon the sun. This is also connected with a seen phenomenon. It begins with the dawn... and ends with sunset. Our religion has also connected the prayer timings with the sun. The beginning of *fajr* (morning) is connected with the dawn and its end with the sunrise. The start of *zuhr* (noon) prayer is with the meridian and it ends when the shadow equals the actual object... All this does not need either calculation or writing.

Ibn Daqiq al-<sup>ʿ</sup>Id, a Shafi'i, also opposed their use:

وَقَالَ ابْنُ دَقِيقِ الْعَيْدِ: الْحِسَابُ لَا يَجُوزُ الْإِعْتِمَادُ عَلَيْهِ فِي الصَّلَاةِ.<sup>4</sup>

Ibn Daqiq al-<sup>ʿ</sup>Id said that calculations cannot be implied in establishing prayer (timings).

Later jurists, such as the Maliki Shihab al-Din al-Qarrafi, strongly opposed this tendency (of refuting calculation in fixing prayer times). In fact, al-Qarrafi's belief that calculations could be used to determine the prayer times was a big leap forward. His allowance of this practice should be understood in the context of his heated dialogue with his opponents.

How many scholars presently maintain that using calculations to determine the prayer times is unnecessary and forbidden? Muhammad Rashid Rida observes:

إِنَّ إِبْتِهَاتِ أَوَّلِ شَهْرِ رَمَضَانَ وَأَوَّلِ شَهْرِ شَوَّالٍ هُوَ كَاتِبَاتِ أَوْقَاتِ الصَّلَوَاتِ الْخَمْسِ قَدْ نَاطَهَا الشَّارِعُ كُلُّهَا بِمَا يَسْهُلُ الْعِلْمُ بِهِ عَلَى الْبَدْوِ وَالْحَضَرِ... وَغَرَضُ الشَّارِعِ مِنْ ذَلِكَ الْعِلْمُ بِهَذِهِ الْأَوْقَاتِ لَا التَّعَبُّدُ بِرُؤْيَةِ الْهَلَالِ وَلَا بِتَبَيُّنِ الْخَيْطِ الْأَبْيَضِ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ... وَلَا التَّعَبُّدُ بِرُؤْيَةِ ظِلِّ الزَّوَالِ وَقْتُ الظُّهْرِ، وَصَيَّرَ وَرَةَ ظِلِّ الشَّيْءِ مِثْلَهُ وَقْتُ الْعَصْرِ، وَلَا بِرُؤْيَةِ غُرُوبِ

الشَّمْسِ وَغَيْبَةِ الشَّفَقِ لَوْ قَتِي الْعِشَاءَيْنِ ، فَعَرَضُ الشَّارِعِ مِنْ مَوَاقِبِ الْعِبَادَةِ مَعْرِفَتَهَا وَمَا ذَكَرَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ نَوَاطِئِ إِبْتِاتِ الشَّهْرِ بِرُؤْيَةِ الْهَيْلَالِ أَوْ إِكْتِمَالِ الْعِدَّةِ بِشَرْطِهِ قَدْ عَلَّلَهُ بِكُونِ الْأُمَّةِ فِي عَهْدِهِ كَانَتْ أُمَّيَّةً أَوْ مِنْ مَقَاصِدِ بَعْتِهِ إِخْرَاجَهَا مِنَ الْأُمَّيَّةِ لِإِنْقَاؤِهَا.<sup>5</sup>

Determining start of the months of Ramadan and Shawwal is just like determining timings of the five times daily prayers. The Lawgiver has allowed that determination to take place with whatever source of knowledge is easily available to the villagers as well as town people... The Lawgiver's intent is the knowledge of these timings and not worship through moon sighting or differentiation of white thread from the black thread at dawn. Likewise there is no worship involved in seeing the shadow at the noon time for *zuhr* or shadow becoming equal to its object for *ʿaṣr* or seeing the sunset or twilight for *maghrib* and *'ishā'*. The intent of the Lawgiver is just identification of these exact timings [and not worship of these timings or the means or process involved]. The Prophet had connected confirmation of the month by actual moon sighting or completion with the condition that the Ummah was unlettered during his times. The goal of his prophethood has been to bring the Ummah out of its unlettered status and not to continue sustaining it.

He continues:

وَجُمْلَةُ الْقَوْلِ أَنَّا بَيْنَ أَمْرَيْنِ : إِمَّا أَنْ نَعْمَلَ بِالرُّؤْيِيَةِ فِي جَمِيعِ مَوَاقِبِ الْعِبَادَاتِ أَخَذًا بِظَوَاهِرِ النُّصُوصِ وَحُسْبَانِهَا تَعْبُدِيَّةً ، وَحِينَئِذٍ يَجِبُ عَلَى كُلِّ مُؤَدِّنٍ أَلَّا يُؤَدِّنَ حَتَّى يَرَى نُورَ الْفَجْرِ الصَّادِقِ مُسْتَطِيرًا مُنْتَشِرًا فِي الْأَفْقِ ، وَحَتَّى يَرَى الزُّوَالَ وَالْعُرُوبَ إِلَخَ ، وَإِمَّا أَنْ نَعْمَلَ بِالْحِسَابِ الْمَقْطُوعِ بِهِ لِأَنَّهُ أَقْرَبُ إِلَى مَقْصِدِ الشَّارِعِ ، وَهُوَ الْعِلْمُ الْقَطْعِيُّ بِالْمَوَاقِبِ وَعَدَمِ الْإِخْتِلَافِ فِيهَا... وَأَمَّا هَذَا الْإِخْتِلَافُ وَتَرْكُ النُّصُوصِ فِي جَمِيعِ الْمَوَاقِبِ - عَمَلًا بِالْحِسَابِ مَا عَدَا مَسْأَلَةَ الْهَيْلَالِ - فَلَا وَجْهَ وَلَا دَلِيلَ عَلَيْهِ ، وَلَمْ يُقَلِّ بِهِ إِمَامٌ مُجْتَهِدٌ بَلْ هُوَ مِنْ قَبِيلِ (أَفْتُونُونَ بَعْضُ الْكِتَابِ وَتَكْفُرُونَ بَعْضُ) (البقرة: 85).<sup>6</sup>

In short we are left with only two options. Either we take all these texts literally and go by actual sighting in determining all times connected with acts of worship. That will be required if we take this sighting as an act of worship in itself. This will mandate all callers of *adhān* not to call *adhān* until they actually sight the early morning light spreading over the horizon or sight the noon or sunset [by their own eyes] etc. Or we can adopt the precisely categorical calculations as they are closer to the objectives of the Lawgiver. The Lawgiver's true intent [through these texts] is to identify the precise knowledge of these timings (of acts of worship) so that there is a unity [and not disunity among believers] in this regard... There are no legal basis nor any solid proof for this disparity of adopting the calculations to determine all sacred timings and discard them only in con-

firming the new moon. No religious authority has maintained that. In reality it is a reflection of what the Qur'an states in Surah 2:85, "Do you believe in some portions of the Book and deny the others?"

The early jurists also argued that the qiblah lay between the East and the West. Initially, when some Muslim scholars endeavored to specify its exact direction with the help of mathematically computed astronomical calculations, they were scolded by the leading authorities in hadith, fiqh, and other Islamic fields. Space does not permit a detailed account of the evolution that has occurred in many *fiqhī* areas over the centuries, so I will confine myself to only a few examples.

For instance, Ibn Rajab al-Hanbali opposed the use of calculations to determine the qiblah. Following the lead of Ahmad ibn Hanbal, he prohibited this practice:

وكذلك القبلة، لا تحتاج إلى حساب ولا كتاب، وإنما تعرف في المدينة وما سامتها من الشام والعراق وخراسان بما بين المشرق والمغرب.<sup>7</sup>

The [direction of the] qiblah does not need either writing or calculation. The qiblah is known by the city [location] and its comparison with Syria, Iraq, and Khurasan, given that it is between the East and the West.

ونقل الأثر، عن أحمد، أنه قيل له: قبلة أهل بغداد على الجدي؟ فجعل ينكر أمر الجدي، فقال: أيش الجدي؟ ولكن على حديث عمر: (ما بين المشرق والمغرب قبلة).<sup>8</sup>

Reported al-Athram that someone said to Imam Ahmad that the [direction of the] qiblah from Baghdad was toward the North Star. Ahmad, refuting this North Star basis, said, "What is [this] North Star? [The qiblah of Baghdad is not based upon the North Star] but upon the hadith of 'Umar, 'The qiblah is between the East and the West.'"

Like countless other jurists, Ibn Rajab thought that demanding precision in deciding the qiblah and fixing the prayer times with the help of calculations was tantamount to degrading the Companions' prayers, for they neither determined the precise qiblah directions from the distant conquered cities nor used calculations to determine the prayer times.

وهذا يفضي إلى تضليل سلف الأمة، والطعن في صلاحهم.<sup>9</sup>

This leads to [saying] that the worthy ancestors of the Ummah were misguided and also to slandering their prayers.

Currently, how many scholars would argue that employing astronomical calculations in determining the qiblah is tantamount to slandering the prayers of our noble ancestors?

#### THE DEBATE ABOUT THE UNITY OR VARIETY OF HORIZONS

Early Hanafi, Maliki, Hanbali, and some Shafi'i jurists, strong believers in the unity of horizons, imposed fasting on the entire Ummah when the new moon was sighted in any Muslim city or country. The earlier jurists even asserted that this fasting was required by the prophetic command itself.

ذَهَبَ الْحَنَفِيُّ وَالْمَالِكِيُّ وَالْحَنَابِلَةُ وَهُوَ قَوْلٌ عِنْدَ الشَّافِعِيِّ: إِلَى عَدَمِ اعْتِبَارِ اخْتِلَافِ الْمَطَالِعِ فِي إِثْبَاتِ شَهْرِ رَمَضَانَ ، فَإِذَا ثَبَتَ رُؤْيُهُ هَلَالِ رَمَضَانَ فِي بَلَدٍ لَزِمَ الصَّوْمَ جَمِيعَ الْمُسْلِمِينَ فِي جَمِيعِ الْبِلَادِ ، وَذَلِكَ لِقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: (صُومُوا لِرُؤْيَيْهِ) وَهُوَ خَطَابٌ لِلأُمَّةِ كَافَّةً.<sup>10</sup>

According to Hanafi, Maliki, Hanbali (and according to one report from the Shafi'i school of thought), no consideration is given to the diversity of horizons in regard to confirming the month of Ramadan. The entire Muslim world is required to begin fasting if the new moon is sighted anywhere in the world. This is in line with the prophetic tradition "start fasting by seeing the new moon." The hadith is addressed to the entire Muslim nation.

Ibn Qudamah reports the Hanbali opinion of the unity of horizons:

وأجمع المسلمون على وجوب صوم شهر رمضان وقد ثبت أن هذا اليوم من شهر رمضان بشهادة الثقات فوجب صومه على جميع المسلمين ولأن شهر رمضان ما بين الهلالين ... فيجب صيامه بالنص والإجماع ولأن البيئة العادلة شهدت برؤية الهلال فيجب الصوم.<sup>11</sup>

Ramadan is an agreed upon obligation. It was proven by the trustworthy witnesses that the day was the month of Ramadan. Therefore, it became incumbent upon all the Muslims to fast. The month of Ramadan is between two crescent moons. It must be fasted as is proven by the text and by the consensus because the trustworthy testifier testified the sighting of the new moon. Therefore fasting became obligatory.

Al-Qarrafi explains the Maliki and Hanbali positions:

بِأَنَّ رُؤْيَةَ الْهَلَالِ بِمَكَانٍ قَرِيبًا كَانَ أَوْ بَعِيدًا إِذَا ثَبَتَتْ لَزِمَ النَّاسَ كُلَّهُمُ الصَّوْمَ ، وَأَنَّ حُكْمَ مَنْ لَمْ يَرَهُ حُكْمُ مَنْ رَأَاهُ ، وَلَوْ اخْتَلَفَتِ الْمَطَالِعُ نَصًّا قَالَ أَحْمَدُ الزَّوَالُ فِي الدُّنْيَا وَاجِدٌ بِقَوْلِهِ صَلَّى اللَّهُ تَعَالَى عَلَيْهِ وَسَلَّمَ (صُومُوا لِرُؤْيَيْهِ) وَهُوَ خَطَابٌ لِلأُمَّةِ كَافَّةً.<sup>12</sup>

The Muslim world in its entirety is required to commence fasting by the report of sighting anywhere in the world, whether the place of sighting is close to or far from them. Those who have not seen the new moon come under the ruling of those who have seen it, even if the horizons are different. Ahmad said that the noon (*zawāl*) all over the world is same as the prophetic commandment states: “start fasting by seeing it.” It is directed to the entire Muslim community.

The Hanafī ‘Uthman ibn ‘Ali al-Zayla’i states:

وَأِذَا تَبَتَّ فِي مِصْرَ لَزِمَ سَائِرَ النَّاسِ فَيَلْزِمُ أَهْلَ الْمَشْرِقِ بِرُؤْيَا أَهْلِ الْمَغْرِبِ فِي ظَاهِرِ الْمَذْهَبِ.<sup>13</sup>

The authorized position of the school is that the sighting in one city is the sighting for all. It will become incumbent upon the inhabitants of the Eastern hemisphere to confirm the month by a sighting in the West.

وَأَكْثَرُ الْمَشَائِخِ عَلَى أَنَّهُ لَا يُعْتَبَرُ حَتَّى إِذَا صَامَ أَهْلُ بَلَدِهِ ثَلَاثِينَ يَوْمًا وَأَهْلُ بَلَدِهِ أُخْرَى تِسْعَةَ وَعِشْرِينَ يَوْمًا يَجِبُ عَلَيْهِمْ قَضَاءُ يَوْمٍ.<sup>14</sup>

The majority of [Hanafī] elders give no consideration [to the diversity of horizons], so much so that they require making up for a day of fasting if people of one locality fasted for thirty days and the other locality for twenty-nine days.

The Maliki Ibn Abi Zayd al-Qayrawani connects fasting with sighting the moon for all the Muslims.

وَصَوْمُ شَهْرِ رَمَضَانَ فَرِيضَةٌ يُصَامُ لِرُؤْيَا الْهَلَالِ وَيُفْطَرُ لِرُؤْيَايِهِ.<sup>15</sup>

Fasting the month of Ramadan is obligatory. Fasting begins (for all) with moon sighting and ends with moon sighting.

Imam al-Shawkani reports that the Zaydi school of thought also maintained global sighting.

وَالَّذِي يُبَغْيِي اعْتِمَادَهُ هُوَ مَا ذَهَبَ إِلَيْهِ الْمَالِكِيَّةُ وَجَمَاعَةٌ مِنَ الزَّيْدِيَّةِ. وَاخْتَارَهُ الْمَهْدِيُّ مِنْهُمْ وَحَكَاهُ الْقُرْطُبِيُّ عَنْ شَيْخِهِ أَنَّهُ إِذَا رَأَاهُ أَهْلُ بَلَدٍ لَزِمَ أَهْلَ الْبِلَادِ كُلِّهَا.<sup>16</sup>

The Maliki and Zaydi position should be accepted in this regard. Al-Mahdi and al-Qurtabi have also reported on the authority of their elders that the sighting in one locality is the sighting of all the localities.

These early jurists interpreted the hadith “start fasting by sighting it and stop fasting by sighting it” as a universal command for all Muslims everywhere to fast during Ramadan from a trustworthy sighting in any locality. Interestingly, they emphasized the point that local sighting was a legal reason (*sabab shar‘ī*) for all Muslims to begin fasting. For instance, al-Qarrafi states the Maliki and Hanbali position:

أَنَّ الْمَالِكِيَّةَ جَعَلُوا رُؤْيَةَ الْهَيْلَالِ فِي بَلَدٍ مِنْ الْبِلَادِ سَبَبًا لِحُجُوبِ الصَّوْمِ عَلَى جَمِيعِ أَقْطَارِ الْأَرْضِ  
وَوَافَقَتْهُمْ الْحَنَابِلَةُ رَحِمَهُمُ اللَّهُ عَلَى ذَلِكَ. وَقَالَتِ الشَّافِعِيَّةُ رَحِمَهُمُ اللَّهُ لِكُلِّ قَوْمٍ رُؤْيُهُمْ وَأَتَّفَقَ  
الْحَمِيعُ عَلَى أَنَّ لِكُلِّ قَوْمٍ فَجْرَهُمْ وَزَوَالَهُمْ وَعَصْرَهُمْ وَمَغْرِبَهُمْ وَعِشَاءَهُمْ.<sup>17</sup>

The Malikis made the local sighting of the moon sighting a legal cause for the entire world to fast and the Hanbalis agreed to that. The Shafi‘is stated that each locality has its own local sighting. All of these scholars agreed that each locality has its own *fajr*, *zuhr*, *‘aṣr*, *maghrib*, and *‘ishā*’ timings.

In spite of these strong early positions, however, later jurists rejected the unity of horizon positions officially adopted by their schools.

Al-Qarrafi, another Maliki authority, proved with the help of astronomy that the horizons are different. He argued that people in the Western Hemisphere have more chances of sighting the new moon even if the people in the East cannot see it. The newly born moon increases in age and volume as the sun moves in a westerly direction. The deflection of light through the moon increases with the moon’s gradual movement from its conjunction point and with its age after sunset.

وَبَيْنَ الْقَرَّافِيِّ اخْتِلَافَ مَطَالِعِ الْهَيْلَالِ عِلْمِيًّا ، وَذَكَرَ سَبَبًا مِنْ أَسْبَابِهِ مُكْتَفِيًّا بِهِ عَنْ الْبَيْتَةِ الْمَذْكُورَةِ  
فِي عِلْمِ الْهَيْتَةِ: وَهُوَ أَنَّ الْبِلَادَ الْمَشْرِقِيَّةَ إِذَا كَانَ الْهَيْلَالُ فِيهَا فِي الشُّعَاعِ وَبَقِيَتِ الشَّمْسُ تَتَحَرَّكُ  
مَعَ الْقَمَرِ إِلَى الْجِهَةِ الْعَرْبِيَّةِ فَمَا تَصِلُ الشَّمْسُ إِلَى أَفْقِ الْمَغْرِبِ إِلَّا وَقَدْ خَرَجَ الْهَيْلَالُ عَنِ الشُّعَاعِ  
فَيَرَاهُ أَهْلُ الْمَغْرِبِ وَلَا يَرَاهُ أَهْلُ الْمَشْرِقِ.<sup>18</sup>

Al-Qarrafi also established that the prayer times are different in different localities. It is agreed that if there were two brothers, one living in the East and other living in the West, and that both of them died at noon, the latter would inherit from the former because the one in the East had died earlier, since noon in the East arrives earlier than in the West.

إِذَا مَاتَ أَحْوَانٌ عِنْدَ الزَّوَالِ أَحَدُهُمَا بِالْمَشْرِقِ وَالْآخَرُ بِالْمَغْرِبِ مُحْكَمٌ بِأَسْبَبِيَّةِ مَوْتِ الْمَشْرِقِيِّ؛  
لَأَنَّ زَوَالَ الْمَشْرِقِ مُتَقَدِّمٌ عَلَى زَوَالِ الْمَغْرِبِ فَيَرْتُ الْمَغْرِبِيُّ الْمَشْرِقِيَّ.<sup>19</sup>

He concludes:

وَإِذَا كَانَ الْهَيْلَالُ يَخْتَلِفُ بِاخْتِلَافِ الْأَفَاقِ وَجَبَ أَنْ يَكُونَ لِكُلِّ قَوْمٍ رُؤْيُهُمْ فِي الْإِهْلَةِ كَمَا أَنَّ  
لِكُلِّ قَوْمٍ فَحْرَهُمْ وَعَبْرَ ذَلِكَ مِنْ أَوْقَاتِ الصَّلَوَاتِ، وَهَذَا حَقٌّ ظَاهِرٌ وَصَوَابٌ مُتَعَيِّنٌ أَمَا وَجُوبُ  
الصَّوْمِ عَلَى جَمِيعِ الْأَقْلَامِ بِرُؤْيَةِ الْهَيْلَالِ بِقَطْرِ مِنْهَا فَيَعِيدُ عَنِ الْقَوَاعِدِ، وَالْأَدِلَّةُ لَمْ تَقْتَضِ ذَلِكَ  
فَاعْلَمُوهُ.<sup>20</sup>

If the crescent moon differs according to the difference in horizons, then it becomes incumbent that each locality must follow its own [sighting of the] moon. So, each locality has its own prayer timings such as *fajr* [prayer]. This is a clear-cut truth and an exactly righteous position. On the other hand, imposing global fasting with a local sighting of the moon is far from the [established Islamic] rules. One needs to know that the [Islamic] texts did not require such an obligation.

Al-Nawawi, a Shafi'i authority, observes:

إِذَا رَأَوْا الْهَيْلَالَ فِي رَمَضَانَ فِي بَلَدٍ وَلَمْ يَرَوْهُ فِي غَيْرِهِ، فَإِنْ تَقَارَبَ الْبُلْدَانُ فَحُكْمُهُمَا بَلَدٌ وَاحِدٌ  
وَيَلْزَمُ أَهْلَ الْبَلَدِ الْآخَرَ الصَّوْمُ بِإِخْلَافٍ وَإِنْ تَبَاعَدَا فَوَجْهَانِ مَشْهُورَانِ فِي الطَّرِيقَتَيْنِ (أَصْحُهُمَا)  
لَا يَجِبُ الصَّوْمُ عَلَى أَهْلِ الْبَلَدِ الْآخَرَ، وَبِهَذَا قَطَعَ الْمُصَنِّفُ وَالشَّيْخُ أَبُو حَامِدٍ وَالْبُنْدِينِيُّ  
وآخَرُونَ، وَصَحَّحَهُ الْعَبْدِيُّ وَالرَّافِعِيُّ وَالْأَكْثَرُونَ. (وَالثَّانِي) يَجِبُ وَبِهِ قَالَ الصَّيْمَرِيُّ وَصَحَّحَهُ  
الْقَاضِي أَبُو الطَّيِّبِ وَالِدَارِمِيُّ وَأَبُو عَلِيٍّ السَّنَجِيُّ وَعَبْرَهُمْ.<sup>21</sup>

If the moon is sighted in one locality and not seen in the others, then the sighting will be applicable to the nearby areas only. There is no difference of opinion regarding this issue. The difference is only regarding the distant localities. There are two known opinions about this matter. The correct one of the two opinions is that people are not required to follow the sighting of another locality. This is what al-Musannif, Shaykh Abu Hamid, al-Bandanji, and others have categorically established. Many others like al-Abdari and al-Rafa' have verified the same. On the other hand, others such as al-Sumairi, al-Qadi Abu al-Tayyib, al-Darimi, and Abu 'Ali al-Sanji have ruled that the sighting of one locality applies to all.

In addition, he reports that:

وَقَالَ ابْنُ الْمُنْذِرِ عَنْ عِكْرَمَةَ وَالْقَاسِمِ وَسَالِمٍ وَإِسْحَاقَ بْنِ رَاهُوَيْهِ أَنَّهُ لَا يَلْزَمُ غَيْرَ أَهْلِ بَلَدِ الرُّؤْيَةِ.<sup>22</sup>

Ibn al-Munzir has narrated that ‘Ikrimah, al-Qasim, Salim, and Ishaq ibn Rahawayh all agreed that a sighting in one locality does not apply to the other localities.

Among the Hanafi scholars, authorities such as al-Zayla’i have argued for local sighting.

وَقِيلَ يَخْتَلِفُ بِاخْتِلَافِ الْمَطَالِعِ لِأَنَّ السَّبَبَ الشَّهْرُ وَأَنْعِقَادُهُ فِي حَقِّ قَوْمٍ لِرُؤْيَا لَا يَسْتَلْبِزُّمُ أَنْعِقَادُهُ فِي حَقِّ آخَرِينَ مَعَ اخْتِلَافِ الْمَطَالِعِ وَصَارَ كَمَا لَوْ زَالَتْ أَوْ غَرَبَتْ الشَّمْسُ عَلَى قَوْمٍ دُونَ آخَرِينَ وَحَبَّ عَلَى الْأَوَّلِينَ الظُّهْرُ وَالْمَغْرِبُ دُونَ أَوْلَيْكَ.<sup>23</sup>

Unlike the official position, some of the jurists have adopted the local sighting [instead of universal sighting] because the month [of Ramadan] is confirmed by sighting. The sighting in one locality cannot be applied to the other areas with different horizons. It is just like the noon and sunset timings. The sunset timings in one locality would not require the *maghrib* prayer at the other locality.

Ibn ‘Abidin argues that the fact that horizons are different cannot be debated. He also talks about the difference in the noon and sunset timings at different localities. Every second, given the sun’s westward movement, it is morning for a new locality and evening for another.<sup>24</sup>

Al-Zayla’i, who prefers local sighting for the same reasons,<sup>25</sup> quotes the following incident to validate his view:

وَرُوي أَنَّ أبا مُوسَى الصَّرِيرَ الفَقِيهَ صَاحِبَ المُخْتَصِرِ قَدِمَ الاشكَنْدَرِيَّةَ فَسُئِلَ عَمَّنْ صَبَدَ عَلَى مَنَارَةِ الاشكَنْدَرِيَّةِ قَبْرَى الشَّمْسِ بِرَمَانٍ طَوِيلٍ بَعْدَمَا غَرَبَتْ عِنْدَهُمْ فِي الْبَلَدِ أَيَحِلُّ لَهُ أَنْ يُفِطِرَ فَقَالَ لَا وَيَحِلُّ لِأَهْلِ الْبَلَدِ لِأَنَّ كَلَامَ مُحَاطَبٍ بِمَا عِنْدَهُ وَالذَّلِيلُ عَلَى اخْتِبَارِ الْمَطَالِعِ مَا رُوي عَنْ كُرَيْبٍ.<sup>26</sup>

It is narrated that the jurist Abu Musa al-Darir, the author of *Al-Mukhtasar*, came to Alexandria. He was asked about a person who ascended the minaret and continued looking at the sun long after the sun had set for the people on the ground. Was he allowed to break the fast? He answered, “No,” whereas the people on the ground could break the fast, because everyone is required to follow his own situation. The report of Kurayb is the fundamental evidence of the local sighting.

Note that both groups cite Kurayb’s hadith to draw fundamentally opposite conclusions. This hadith is reported by Imam Muslim:

وَفِي الصَّحِيحِ عَنْ كُرَيْبٍ ، ( أَنَّ أُمَّ الْفَضْلِ بَعَثَتْهُ إِلَى مُعَاوِيَةَ بْنِ أَبِي سُفْيَانَ بِالشَّامِ قَالَ: فَقدِمْتُ الشَّامَ فَقدِمْتُ حَاحَتَهَا ، وَاسْتَهَلَّ عَلَيَّ هِلَالُ رَمَضَانَ وَأَنَا بِالشَّامِ ، فَرَأَيْتُ الْهَيْلَالَ لَيْلَةَ الْجُمُعَةِ ، ثُمَّ قَدِمْتُ

الْمَدِينَةَ فِي آخِرِ الشَّهْرِ ، فَسَأَلَنِي ابْنُ عَبَّاسٍ ، ثُمَّ ذَكَرَ الْهِلَالَ فَقَالَ: مَتَى رَأَيْتَهُ؟ فَقُلْتُ: لَيْلَةَ الْجُمُعَةِ ، فَقَالَ: أَنْتَ رَأَيْتَهُ؟ قُلْتُ: نَعَمْ، وَرَأَاهُ النَّاسُ وَصَامُوا وَصَامَ مُعَاوِيَةُ قَالَ: لَكِنَّا رَأَيْنَاهُ لَيْلَةَ السَّبْتِ، فَقُلْتُ لَهُ: أَوَلَا تَكْتَفِي بِرُؤْيَا مُعَاوِيَةَ؟ قَالَ: لَا؛ هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ.<sup>27</sup>

Imam Muslim reports that Umm al-Fadl sent Kurayb to Syria to Mu‘awiyah to deal with a particular matter. He [Kurayb] said, “I was in Syria when the month of Ramadan was confirmed. I saw the new moon on Friday evening. I returned to Madinah by the end of the month. Discussing the new moon, Ibn ‘Abbas asked me: ‘When did you see the new moon?’ I replied, ‘On Friday evening.’ He asked me whether I had seen the moon by myself and I answered in the positive. I also told him that Mu‘awiyah along with a multitude of people saw it and confirmed the month accordingly. Ibn ‘Abbas observed that they had actually seen it on Saturday evening. I inquired whether Mu‘awiyah’s sighting was not adequate [for Ibn ‘Abbas and the people of Madinah]. Ibn ‘Abbas replied in the negative and said, ‘This is what the Messenger of Allah had commanded us.’”

The basic argument here is that Ibn ‘Abbas does not accept the sighting in Damascus as applicable to the people in Madinah, as al-Azimabadi summarizes:

ووجه الاحتجاج به أن ابن عباس لم يعمل برؤية أهل الشام وقال في آخر الحديث هكذا أمرنا، فدل ذلك على أنه قد حفظ من رسول الله صلى الله عليه وسلم أنه لا يلزم أهل بلد العمل برؤية أهل بلد آخر.<sup>28</sup>

The argument is based upon the fact that Ibn ‘Abbas did not act upon the report of the sighting from Syria. Ibn ‘Abbas in conclusion said that this was what the Prophet had commanded us. This proves that the Prophet did not require Muslims to follow the report of a sighting in other localities and that was what Ibn ‘Abbas had narrated from the Prophet.

Ibn al-‘Arabi argues that this report validates local sighting and that the horizons are different. Thus, sighting in one area cannot serve as sighting for everyone, especially for those living in distant lands.<sup>29</sup> Al-Bayhaqi, on the other hand, disagrees and states that this report does not vindicate the position that horizons are multiple; rather, it substantiates that the horizons are united.

يَحْتَمِلُ أَنْ يَكُونَ ابْنُ عَبَّاسٍ إِذَا قَالَ ذَلِكَ لِأَنْفِرَادٍ كَرِيبٍ بِهَذَا الْخَبَرِ، وَجَعَلَ طَرِيقَهُ طَرِيقَ الشَّهَادَاتِ، فَلَمْ يَقْبَلْ فِيهِ قَوْلَ الْوَاحِدِ، وَيَحْتَمِلُ أَنْ يَكُونَ قَوْلُهُ: هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ

عليه وسلم اعْتَبَارًا بِقَوْلِهِ عَلَيْهِ السَّلَامُ: (فَإِنْ غَمَّ عَلَيْكُمْ فَأَكْمَلُوا الْعِدَّةَ)، وَيَكُونُ ذَلِكَ قَوْلُهُ، لَا فَتَوَى مِنْ جِهَتِهِ، أَخَذًا بِهَذَا الْخَيْرِ.<sup>30</sup>

It is possible that Ibn ‘Abbas rejected that because Kurayb was a single person who witnessed the sighting. Ibn ‘Abbas applied the rule of witnesses, according to which the witness of a single person is not accepted. It is also possible that by his statement “this is what the Messenger of Allah commanded us,” Ibn ‘Abbas meant what the Prophet had said elsewhere: “Complete the term [of thirty days] if it is cloudy.” Then it would reflect the statement of the Prophet, not the verdict of Ibn ‘Abbas himself.

Ibn Qudamah maintains that this report was rejected because the witness of one person is not enough to confirm the arrival of Ramadan.

فَأَمَّا حَدِيثُ كَرِيبٍ فَإِنَّمَا دَلَّ عَلَى أَمِّهِمْ لَا يَفْطَرُونَ بِقَوْلِ كَرِيبٍ وَحَدِهِ.<sup>31</sup>

Al-Shawkani says the same:

وَأَعْلَمُ أَنَّ الْحُجَّةَ إِنَّمَا هِيَ فِي الْمَرْفُوعِ مِنْ رِوَايَةِ ابْنِ عَبَّاسٍ لَا فِي اجْتِهَادِهِ الَّذِي فَهَمَ عَنْهُ النَّاسُ وَالْمُشَارُ إِلَيْهِ بِقَوْلِهِ: “هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ” هُوَ قَوْلُهُ: فَلَا نَزَالَ نَصُومٌ حَتَّى تُكْمَلَ ثَلَاثِينَ، وَالْأَمْرُ الْكَائِنُ مِنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ هُوَ مَا أَخْرَجَهُ الشَّيْخَانِ وَعَنْزُهُمَا بِالْفِطْرِ: (لَا تَصُومُوا حَتَّى تَرَوْا الْهَيْلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ فَإِنْ غَمَّ عَلَيْكُمْ فَأَكْمَلُوا الْعِدَّةَ ثَلَاثِينَ) وَهَذَا لَا يَخْتَصُّ بِأَهْلِ نَاجِيَةِ عَلَى جِهَةِ الْأَنْفِرَادِ بَلْ هُوَ حِطَابٌ لِكُلِّ مَنْ يَصْلُحُ لَهُ مِنَ الْمُسْلِمِينَ فَلَا اسْتِدْلَالَ بِهِ عَلَى لُزُومِ رُؤْيَا أَهْلِ بَلَدٍ لِعَبْرَتِهِمْ مِنْ أَهْلِ الْبِلَادِ أَظْهَرَ مِنَ الْاسْتِدْلَالِ بِهِ عَلَى عَدَمِ الْلُزُومِ لِأَنَّهُ إِذَا رَأَاهُ أَهْلُ بَلَدٍ فَقَدْ رَأَاهُ الْمُسْلِمُونَ قَبْلَ زَمَانِهِمْ مَا لَزِمَهُمْ.<sup>32</sup>

It should be known that the evidence in this report depends upon the fact that Ibn ‘Abbas attributes the judgment to the Prophet and not to himself, by saying “this is what the Prophet has commanded us.” The evidence does not lie in Ibn ‘Abbas’ ijihad, as some people have mistakenly understood it, but in his reference to the other prophetic report that says, “We will continue fasting until we complete thirty days.” This prophetic tradition is reported by al-Bukhari and Muslim in the following words. “Do not start fasting until you see the new moon and do not stop fasting until you see the new moon. Complete counting thirty days if it is cloudy.” This commandment is not confined to one locality but is a generic address to all the eligible Muslims. There is stronger evidence in the report of Kurayb that the people should be required to observe fasting with the report of sighting from anywhere rather than arguing that it substantiates the local sighting. This is because the sighting by one locality is actually the sighting by all the Muslims and the same rule will apply to all of them.

Ibn Qudamah also argues that it substantiates universal sighting.

أن الحديث دل على صحة الوجه الآخر.<sup>33</sup>

The hadith proves authenticity of other opinion (global moon sighting).

Now, what is the truth of this matter? Both learned groups of jurists are asserting varying and conflicting calims based upon the same prophetic hadiths. The Prophet's words and commands cannot mislead jurists in the same school of thought, for they usually follow the same jurisprudential methodology of derivation. This fact can be reconciled only if we accept that each group of scholars is trying to understand and implement the prophetic commands to the best of its ability and in accordance with its cultural milieu. The legal reason for fasting (global sighting), which most of the righteous ancestors (*Salaf*) accepted, was not accepted as the reason by the later jurists of the same schools.

The use of calculations to determine the qiblah, condemned as illegitimate by many leading *fiqhī* authorities, was accepted as very legitimate by those who came later. Likewise, the use of mathematical calculations, dubbed as slandering the Companions' prayers by many early jurists, was welcomed by later jurists. It seems that early jurists interpreted these prophetic hadiths in accordance with their circumstances and with the scientific knowledge available to them, and that later jurists did the same according to the geographical and scientific information available to them.

Given this reality, we can say that these prophetic hadiths are unequivocal in their historical authenticity but not in their interpretations. The Prophet used prophetic terms that allowed a variety of interpretations for people of different times, localities, and ages. This is the miracle of the Islamic texts, namely, that they are suitable for all times and all possible circumstances. Any selective interpretation and insistence upon a narrow implication would limit their infinite wisdom.

#### AN ANALYSIS OF THE SELECTIVE INSISTENCE AND THE ISSUE OF TA'WIL

I am not accusing early jurists of doing injustice to the prophetic hadiths by fixing their narrow interpretations. Their selective insistence was based upon a variety of external historical reasons, for they were faced with a number of challenges. One of the leading challenges for the first and second generation Islamic scholars was to encounter the extreme literalist and narrow approaches of the Kharijites and Hashwites on the one hand and the

metaphorical and allegorical approaches (*ta'wīl*) of the Jahimites and Mu'tazilites on the other. They also had to face the harsh realities of the Mu'tazilites' speculative theological interpretations, which rendered many of the Islamic texts almost meaningless. The above-mentioned scholars, among them the four founders of the Sunni legal schools of thought, defended the spirit of the Qur'an and Sunnah to its letter in an effort to stop the possible evils that might arise from allegorical interpretations of the Islamic texts, which had already played havoc with Jewish and Christian texts. The original Biblical text was subjected to extreme violence by classical Jewish and Christian scholarship to such a degree that it lost its meanings and integrity due to the allegorization of its text.

#### ALLEGORICAL INTERPRETATIONS AND CHRISTIANITY

For instance, the early Church Fathers were quite aware of the incongruity and strangeness inherent in the Biblical texts. "For as someone," observes the early Church Father Origen of Alexandria,

points out to us the stories of Lot's daughters and their apparently unlawful intercourse with their father, or of Abraham's two wives, or of two sisters who married Jacob, or the two maidservants who increased the number of his sons, what else can we answer than that these are certain mysteries and types of spiritual matters, but that we do not know of what sort they are?<sup>34</sup>

Atheist Greek scholars like Celsus and Porphyry pointed out such immoralities prevalent in the Old Testament<sup>35</sup> as well as quoted several such passages to argue about the Old Testament's human origins. The Church Fathers, on the other hand, could not declare the Old Testament to be man-made and unauthoritative because they believed, as Origen observed, that "the sacred Scriptures were not composed by any human words but were written by the inspiration of the Holy Spirit and were also delivered and entrusted to us by the will of God the Father through His Only Begotten Son Jesus Christ."<sup>36</sup> So it was the normative scripture that, as they viewed it, Jesus followed and urged others to regard as the key to understanding his person. To discard the Old Testament was tantamount to discarding the person of Jesus, an act that would have risked the entire faith; therefore, the Church Fathers retained the normativeness of the old scriptures by appealing to "allegory" and "typology."

Clement<sup>37</sup> (155–215) and Origen (185–254), who were among the school of Alexandria's theologians and philosophers, advocated this allegorical recourse, which, later on, was adopted by other Fathers like Ambrose

and Augustine. Origen saw many difficulties with the literal textual sense of the scriptures<sup>38</sup>: “Now the reason those we have just mentioned have a false understanding of these matters is quite simply that they understand scripture not according to their spiritual meaning but according to the sound of the letter.”<sup>39</sup> According to contemporary Biblical authority Raymond E. Brown,

Many of the Church Fathers, e.g., Origen, thought that the literal sense was what the words said independently of the author’s intent. Thus were Christ spoken of as “the lion of Judah,” the literal sense for these Fathers would be that he was an animal. That is why some of them rejected the literal sense of Scripture.<sup>40</sup>

Origen argued that “all [scripture] has a spiritual meaning but not all a bodily meaning”<sup>41</sup> and observed that certain Biblical passages do not make sense at all unless understood allegorically: “Now what man of intelligence will believe that the first, second, and third day, and evening and the morning existed without the sun, moon, and stars?” Therefore, he interpreted them thoroughly and allegorically. Modern Biblical authorities such as Charles Bigg,<sup>42</sup> Harry A. Wolfson,<sup>43</sup> and Jean Danielou argue that Origen derived this method of interpretation from Philo of Alexandria, the Latinized, Platonist Jewish exegete. Bigg observes that “his rules of procedure, his playing with words and numbers and proper names, his boundless extravagance are learned, not from the New Testament, but through Philo from the puerile rabbinical schools.”<sup>44</sup> Saint Augustine of Hippo, in the name of having sound principles for interpretation, also allegorized extensively.

From 600 to 1200, allegory had a real hold upon the minds of Christian theologians. Emil Brunner observes “the rank growth of the allegorical method of Biblical exposition made it impossible to maintain the Bible text as normative, as compared with the ecclesiastical development of doctrine.” By means of allegorical exposition, the Scholastics, says Brunner, “prove, with the help of Scripture, all that they wish to prove.”<sup>45</sup> The outcome was, as John Bright puts it,

a wholesale and uncontrolled allegorizing of Scripture, specifically the Old Testament. This did not confine itself to difficult or morally offensive passages, or to passages that tell of something that seems unnatural or improbable, or to places where Scripture contradicts, or seem to contradict, other Scripture; it extended itself almost everywhere. Scarcely a text but yielded hidden and unsuspected riches to the interpreter’s ingenuity.<sup>46</sup>

This process of giving the Biblical text allegorical meanings led, as Bright observes, to “the exotic jungle of fanciful interpretation.”<sup>47</sup> That was why

Christian reformers like Martin Luther and John Calvin vehemently opposed the allegorical interpretation of the Bible. Calvin described such interpretations as an invention of the Devil, something “puerile” and “far-fetched” meant to undermine the authority of scripture.<sup>48</sup> These reformers emphasized the text’s literal meanings. By emphasizing its plain historico-philological sense, Luther and Calvin emphasized the scripture’s authority and dispensed with the Catholic “Traditions” with their accepted jumble of mystical meanings.<sup>49</sup>

#### ALLEGORICAL INTERPRETATIONS AND SOME MUSLIM SECTS

This third-century Neoplatonist ideology of allegorizing the text crept into Muslim circles by the end of the first century AH, mainly due to the efforts of people like Ja‘ad ibn Darham,<sup>50</sup> Jaham ibn Safwan, and Wasil ibn ‘Ata’, a renegade student of Hasan al-Basri. Wasil is thought to be the founder of the Muslim speculative theology embodied by the Mu‘tazilites.

The debate about God’s absolute transcendence and protecting *tawhīd* (divine unity) from the dangers of partnership, anthropomorphism, and corporealism were the leading forces in the direction of metaphorical interpretations (*ta’wīl*). Jaham ibn Safwan treated the issue of divine attributes and names at length. He met Ja‘ad at Kufa and followed his theology. Like Ja‘ad, he emphasized God’s absolute transcendence by refuting all possibilities of anthropomorphism, and metaphorically interpreted all Qur’anic verses (*ta’wīl*) that could lead to any doubt of anthropomorphism regarding God. Al-Ash‘ari reports that Jaham even denied such Qur’anic terms as *shay’*, that God is “a thing (*shay’*), because that is similarity with other things.”<sup>51</sup>

Owing to the later influence of Ja‘ad and Jaham’s theological positions on the Mu‘tazilites and others, Ibrahim Madkur calls them the title of “the founders of philosophical theology in Islam.”<sup>52</sup> Morris S. Seale describes Jaham as the real founder of Mu‘tazilites instead of Wasil ibn ‘Ata’.<sup>53</sup> The recognized founder of the Mu‘tazilites, Wasil ibn ‘Ata’, on the other hand, was a contemporary of Ja‘ad and Jaham. Jaham’s theology, argues Hamilton A. R. Gibb,

left distinct traces on that of the Mu‘atazilah; the doctrine of the created Kur’an which was later to become a fundamental Mu‘atazilah thesis was probably formulated by Djahm and in the doctrine of the divine attributes there are coincidences on both sides which cannot be accidental. On the other hand, there are many serious differences which are probably practical and political in their nature. Djahm

professed in the most extreme form the doctrine of predestination (*djabr*). All the actions of man are involuntary. Wasil maintained the opposite thesis of free will.<sup>54</sup>

Mu‘tazilites influenced by *ta’wīl* tried to allegorize many of the Qur’anic verses and prophetic traditions. Their philosophy was strongly influenced by Neoplatonist Aristotelianism. They attempted to provide a philosophical basis for their speculative theology by metaphorically interpreting the Qur’anic text whenever it was considered to be in conflict with intellect. Although some of the later Mu‘tazilite scholars declared that the conclusions of their philosophy and the Shari‘ah were essentially harmonious, they nevertheless placed reason above revelation and especially above the prophetic insights and traditions. Consequently, they denied a large number of prophetic reports.

The Mu‘tazilites also utilized Greek logic and rationalism to support the Islamic revelation and dogmas and to convince non-Muslims of their vitality. Later, however, they gave priority to reason (*‘aql*) over revelation (*wahy*), as Zahdi Jar Allah observes.<sup>55</sup> While the Qur’an, argues Andrew Rippin,

had its place in the discussions, it was not so much a source, when used by Mu‘tazila, as a testimony to the veracity of the claims which they were making. The basic assumption of the Greek philosophical system (as understood and transmitted through Christian scholars) was the fundamental element underlying the whole position; it was argued that reason, and not only traditional sources, could be used as a source of reliable knowledge for human beings.<sup>56</sup>

This view of the role of reason, Rippin further argues, “is significant in terms of the ultimate fate of the Mu‘tazilite, for it implied that the legal scholars of Islam had, in fact, no particular claim to sole possession of the right interpretation of all Muslim dogma.”<sup>57</sup> In addition, the Mu‘tazilites became militant once they were given political authority by such Abbasid caliphs as Harun al-Rashid and his son ‘Abd Allah al-Ma’mun. Frederick M. Denny observes that the Mu‘tazilites,

far from being liberal intellectuals who wanted to accommodate the world to a vision of rationality and cooperation, were proponents of a strict and militant Islam which they sought to impose uniformly on their wayward coreligionists and to spread to the non-Muslims by means of propaganda.<sup>58</sup>

Finally, the Mu‘tazilites metaphorically interpreted all of the Qur’anic verses that ascribed to God a face, hands, eyes, etc., and imposed these interpretations on others.<sup>59</sup> Despite “their several disagreements on points of doctrinal details,” observes Netton, “most of the Mu‘tazilites were agreed

on a non-literal mode of interpretation of much of the anthropomorphic data about God in the Qur'an." They interpreted "face" in "every thing will perish except the face of thy Lord" (28:88) to mean the being of God Himself. His hand was interpreted as "favor or bounty,"<sup>60</sup> the eye as "knowledge," the establishment upon the Throne (*istiwā'*) as "dominance," the descent in the later part of the night as the closeness of His "Mercy."<sup>61</sup> W. Montgomery Watt observes that the Mu'tazilites dealt

with the anthropomorphisms by the method of *ta'wīl* or "metaphorical interpretation." More precisely this meant that they claimed they were justified in interpreting single words in the Qur'anic text according to a secondary or metaphorical meaning found elsewhere in the Qur'an or in pre-Islamic poetry. Thus, in the phrase (38:75) about God "creating with his hands" they said that hands meant "grace" (*ni'mah*), and justified this by a usage roughly parallel to our colloquial phrase "I'll give you a hand." Similarly *wajh*, usually "face," was said to mean "essence." Verses which spoke of God being seen in the world to come were interpreted in the light of other verses where "see" did not mean physical sight. In some ways this method of interpretation is artificial; but at least it keeps thinkers at the "grass roots" of religious experience and away from an abstract academic discussion of relations between attributes and essence.<sup>62</sup>

They treated the prophetic hadiths much more harshly if they considered that they contradicted the logical interpretations. They rejected many of these hadiths altogether, as Georges Anawati demonstrates.<sup>63</sup>

Despite their great contributions to Islam's intellectual life and their being the "founders of the discipline of speculative or philosophical theology," the Mu'tazilites departed far from the spirit of Islamic revelation and hence from the outlook of ordinary Muslims. "To insist on the bare unity of God," argues Watt, "was a tidy rational theory, but it did not do justice to the fullness of religious experience. The negative statements of Dirar and an-Nazzam are unsatisfactory to the ordinary worshipper."<sup>64</sup> The Mu'tazilites reduced the vivid and living God of Muhammad, as Duncan B. MacDonald argues, to "a spirit, and a spirit, too, of the vaguest kind."<sup>65</sup> The Mu'tazilites, opines Fazlur Rahman, "denuded God of all content and rendered Him unsatisfactory for religious consciousness."<sup>66</sup> They, observes Netton, "made God more unknowable rather than less, and dug a wider gulf between man and his Creator. A dry hermeneutic intellectualism restricted the former's mental image of his Deity."<sup>67</sup> Such a concept, observes Watt, "leads to an abstract, bare and featureless conception of God, which robs the religious consciousness of much that is precious to it."<sup>68</sup> Or, in the words of Gibb, the Mu'tazilites turned the Islamic concept of God into "a vast old

monument, beneath which the element of personal religious experience seemed to be crushed out of existence. Fortunately for Islam, it was not to be so.”<sup>69</sup>

#### ALLEGORICAL INTERPRETATIONS AND MUSLIM PHILOSOPHERS

On the other hand, the philosophers and later the Isma‘īlites negated, in the name of God’s unity and transcendence, His attributes by allegorizing the Qur’anic and prophetic texts. Philosophers like al-Farabi,<sup>70</sup> Ibn Sina,<sup>71</sup> and Ibn Rushd<sup>72</sup> simply stripped God of all the possible attributes ascribed to Him by the Qur’an, using the same allegorical method of interpretation.<sup>73</sup>

The Isma‘īlites<sup>74</sup> followed the philosophers in this regard and in ascribing all of the divine attributes to the First Intelligence on the Neoplatonist model.<sup>75</sup> This First Intelligence, rather than God Himself, seemed to be the true Deity, because the God of the Isma‘īlites and the philosophers was the bare reality and the absolute unknowable One. This God seemed to need the First Intelligence to create, sustain, protect, and love. In an effort to exalt God beyond all possible limitations and needs, the philosophers finally bound Him too tightly with their theory of emanation and hence with several limitations. Netton differentiates between the Mu‘tazilites’ deity and that of the Neoplatonists’ deity of the philosophers:

The transcendent Deity of the Mu‘tazilites, whose several Qur’anic attributes were metamorphosed by allegory, was not bound up with ideas of emanation, nor with hypostases such as the Universal Intellect [*al-‘Aql al-Kullī*] and the Universal Soul [*al-Nafs al-Kullīyya*]. But the unknowable God of medieval Neoplatonic Islam was. The end result was the development of a transcendental theology in Islam, with the Isma‘īli sect as its political and spiritual apotheosis, which was far more complex than anything of which the Mu‘tazila could have dreamed.<sup>76</sup>

#### ALLEGORICAL INTERPRETATIONS AND THE SALAF

The Mu‘tazilites’ somewhat abstract concept of God and a thorough allegorization of the Qur’anic and prophetic texts, along with the Hashwites’ anthropomorphic concept of God and absolute literalization of the Islamic texts, caused the early Orthodox scholars (*Salaf*) to devise their formula of *bilā kayf*, in other words, understanding the Islamic texts and their words as they are without asking the “how” of things. These early scholars were

often called the People of Tradition (*Ahl al-Ḥadīth*) or *Salaf*. Among them were the imams Abu Hanifah,<sup>77</sup> Malik, Shafi‘i, and Ahmad ibn Hanbal,<sup>78</sup> who followed the Qur’anic verses and the prophetic hadiths as they occurred, without applying much reason either to criticize or to expand upon them, and accepted the Qur’anic statements as they stood. These conservatives, observes Majid Fakhry, “tended to repudiate the use of any deductive method”<sup>79</sup> and argued that ambiguous verses must be understood in the light of the clear verses. At the same time, they used and maintained the same phrases that have been implied by the Qur’an regarding God, such as *wajh Allāh* (God’s face) without looking further into the “how” or “what” of them. That is what they meant by *bilā kayfā walā tashbīh* (without inquiring how and without anthropomorphism or comparison). Edward Sell observes:

The four leading theologians, Abu Hanifa, ash-Shafi‘i, Ahmad ibn Hanbal and Malik ibn Anas, taught that discussions on such subjects were unlawful. They believed in the Qur’an and in the traditions regarding Muhammad, and accepted these without disputing on such abstract questions.<sup>80</sup>

Mainstream scholarship confronted this allegorization of the Islamic texts. Ahmad ibn Hanbal almost paid with his life to oppose this liberalization of the Islamic texts by some Mu‘tazilites. He was severely tortured, imprisoned, and humiliated by Caliph al-Ma‘mun in 202 AH during the trial over whether the Qur’an was created or eternal (and hence not created), known as the *khalq al-Qur’ān* trial. In addition, he was accused of anthropomorphism, literalism, and corporealism. On the contrary, Ibn Hanbal did not take an absolute literal approach to the Qur’anic and prophetic texts. In fact, his anti-anthropomorphism can be seen in his strong opposition to any anthropomorphic description of the Qur’anic phrases that apparently describe Allah in human terms, such as a person with hands or a face.

Al-Shahrastani reported that Ibn Hanbal said:

Whoever moved his hand while reading the Qur’an, “I created with My hands” (38:75), ought to have his hand cut off; and whosoever stretched forth his finger in repeating the saying of Muhammad, “The heart of the believer is between two fingers of the Merciful,” deserves to have his fingers torn out.<sup>81</sup>

Watt observes:

There were naive anthropomorphists among the Traditionists, but he [Ibn Hanbal] opposed these as vigorously as he opposed the Mu‘tazilites; he insisted that the anthropomorphic expressions of the Qur’an are to be understood “with-

out stating the precise manner of their existence” (*bilā kayf*, literally “without how”). The strength of Ibn-Hanbal’s feelings on the matter (related to preservation of the pristine letter as well as the spirit of the Islamic texts and his vehement opposition to metaphorical interpretations) may be gauged by the fact that he broke off relations with a follower who attempted to refute the Mu‘tazilites by their own methods of argument.<sup>82</sup>

This helps show that “the Hanbalites’ position was based on an awareness of the limitations of reason in this sphere, coupled with an understanding of the need to retain the concrete and ‘poetical’ language of the Qur’an and the Traditions.”<sup>83</sup> In the words of Karen Armstrong, Ibn Hanbal was not anthropomorphist, but rather was “stressing the essential ineffability of the divine, which lay beyond the reach of all logic and conceptual analysis.”<sup>84</sup>

One of the main reasons why allegorical and metaphorical interpretations (*ta’wīl*) were avoided was, as al-Shahrastani explains, that an interpretation is “an opinion ... for we may sometimes interpret the verse in a way not intended by God, and thus we would fall into perversity.”<sup>85</sup> Following the lead of the early *Salaf*, Ibn Taymiyyah and Ibn al-Qayyim opposed metaphorical interpretations, emphasized the texts’ apparent and literal sense, and tried to preserve the religious texts right through to the letter. They maintained that ambiguous verses were to be understood in the light of Arabic’s fixed grammatical rules. Phrases like the “face of God” or the “hands of God” should be understood in accordance with their common, daily linguistic usages. So, the “face of God” meant His face as we understand the meaning of “face” in our daily usage, without giving it a metaphorical interpretation. Such an understanding, in their opinion, does not imply any comparison, corporeality, or anthropomorphism, for the level of His attributes is absolute, whereas in the creation this level is relative. God has already explained that no one and no thing is like unto Him, but He, at the same time, is all-hearing and all-seeing. Thus accepting that He has attributes that are also possessed by human beings does not make Him similar to them. Likewise, accepting that He has attributes like a hand and a face would not be anthropomorphic, for they are also different from human hands and faces.<sup>86</sup> Therefore, when we say, “God has a face or hands,” it must be qualified with the qualifier “not like our face or hands” and without how. Ibn Qudamah,<sup>87</sup> Ibn Taymiyyah,<sup>88</sup> and many other traditional scholars hold this opinion.

قال الإمام الخطابي: مذهب السلف في الصفات إثباتها وإجراؤها على ظاهرها ونفي الكيفية والتشبيه عنها.<sup>89</sup>

Imam al-Khattabi said, “Regarding [Divine] Attributes the *Salaf*’s position is to affirm them by taking them on their face value while rejecting any form/shape or likeness.”

According to Ibn Taymiyyah, any non-literal meaning given to a Qur’anic phrase was an alteration (*tahrif*); therefore, he opposed *ta’wil* (metaphorical interpretation).

I have tried to make the point that the *Salaf*’s insistence upon literalism should be understood in relation to their cultural milieu and its thorny challenges. It was not an ideal solution, and many classical scholars did not follow it for a variety of reasons. At the same time, this selective insistence upon some meanings at the expense of others had become a necessity for some jurists trying to counteract the dangers of liberalizing the meaning of the Qur’anic and hadith texts. The debate was much more relevant to the issues of *‘aqidah*, the public good (*maṣlahah mursalah*) and long-term consequences (*ma‘ālāt*) rather than such simple *fiqhī* issues as sighting the moon. The conservative jurists wanted to ascertain that the Shari‘ah’s pristine, simplistic, and easy-to-implement formulation was not compromised, that it did not become a prerogative of an educated elite, but rather an easily accessible commodity to all Muslims, even the least educated. Moreover, this debate over literalism and metaphorical interpretation cannot be viewed in a vacuum. Their juristic edicts must be understood in the light of their cultural milieu, historical challenges, and personal *fiqhī* dispositions. The norms and customs (*‘urf*) of their times seem to have played a major role in how these texts were interpreted, especially in their understanding of the unity of horizons, prayer times, and the qiblah directions.

Imam al-Qarafi, after giving examples of many custom-based rulings, observes:

وَعَلَىٰ هَذَا الْقَانُونَ تُرَاعَى الْفِتَاوَىٰ عَلَى طُولِ الْأَيَّامِ فَمَهْمَا تَحَدَّدَ فِي الْعُرْفِ اعْتَبَرَهُ وَمَهْمَا سَقَطَ  
أَسْقَطَهُ وَلَا تَجْمُدُ عَلَى الْمَسْطُورِ فِي الْكُتُبِ طَوْلَ عُمَرَكَ بَلْ إِذَا جَاءَكَ رَجُلٌ مِنْ غَيْرِ أَهْلِ إِقْلِيمِكَ  
يَسْتَفْتِيكَ لَا تَجْرِهِ عَلَى عُرْفِ بَلَدِكَ وَأَسْأَلُهُ عَنْ عُرْفِ بَلَدِهِ وَاجْرِهِ عَلَيْهِ وَأَفْتِهِ بِهِ دُونَ عُرْفِ بَلَدِكَ  
وَالْمُقَرَّرِ فِي كُتُبِكَ فَهَذَا هُوَ الْحَقُّ الْوَاضِحُ وَالْجُمُودُ عَلَى الْمُنْقُولَاتِ أَبَدًا ضَلَالٌ فِي الدِّينِ وَجَهْلٌ  
بِمَقَاصِدِ عُلَمَاءِ الْمُسْلِمِينَ وَالسَّلَفِ الْمَاضِينَ.<sup>90</sup>

Based upon this rule, fatwas [religious edicts] must be reviewed with the passage of time. The changes in *‘urf* [customs] should be reflected in the fatwas [the revised customs should be incorporated and the discarded customs should

be dropped]. Do not always adhere to the fatwas written in the books [throughout your life]. You should not answer a questioner according to your customs if the questioner belongs to a different province. You should ask him about the norms of his area and give a fatwa not based upon your customs and what is decided in the [*fiqhī*] books but according to the questioner's customs. This is exactly the right way. It is an act of clear misguidance in religion to continue adhering to [the fatwas] transmitted in the books, for it reflects ignorance about the real intent of the Muslim scholarship and also the intent of the early ancestors (*Salaf*).

It seems evident that the earlier jurists' fatwas on calculations as regards determining the qiblah and prayer times, as well as their insistence upon the unity of horizons, were based upon their *ʿurfi* understanding of the prophetic hadiths. Later jurists could not have deduced altogether different rulings from the same hadiths if these hadiths had been categorical in their previously understood meanings. The fact that the earlier understandings were modified and, at times, completely changed leads us to the logical conclusion that the previous interpretations were based upon the customs and realities existing at that time.

Contemporary Islamic scholarship can say the same thing about the later juristic discourse on moon sighting. We can deduce that classical scholarship rejected astronomical calculations for a variety of reasons mostly connected with their cultural milieu and their understanding of the particular prophetic hadiths. We have the equal right to review their particular *ʿurfi* interpretations in the light of our own cultural realities. In this way, we can make Islamic fiqh relevant to our times, just as al-Qarrafi and others tried to do in their particular eras. Al-Qarrafi contradicted an established *sharʿī sabab* (a legal cause established by the Maliki, Hanbali, and Hanafi schools), namely, that the unity of horizons requires all Muslims to begin fasting Ramadan and established a new legal cause, namely, the variety of horizons. Likewise, we can review this established legal cause of al-Qarrafi and other classical jurists (naked-eye sighting) and replace it with a more authentic and precise method, that of astronomical calculations. This idea will not be acceptable to everyone in the beginning. Nevertheless, with the passage of time and the appropriate awareness it will become the norm, just as it did for determining the qiblah and the daily prayer schedule.