

CHAPTER THREE

Principles for Correct Understanding of the Sunnah

I

UNDERSTANDING IN THE LIGHT OF THE QUR'AN

To understand the Sunnah correctly, in a way that is secure from distortion, deviation and bad interpretation, we must understand it in the light of the Qur'an, in the framework of its divine instructions. Where the Sunnah gives us information, the Qur'an is decisive as to its truth; and where it commands, the Qur'an is decisive as to its justice: "And perfected is the word of your Lord in truth and in justice. There is none to change His words. He is the All-Hearing and the All-Seeing" (*al-An'ām*, 6: 116). We may think of the Qur'an as the spirit of the body of Islam; as the foundations of its building; and as the resource of its constitutional principles, to which all the statutes in Islam are referred, as their parent and safe refuge.

The Prophet's Sunnah is the commentary on this 'constitution', the exposition of it, in the form of both theoretical explanation and practical application: it was his duty to make clear to people what was sent down to them. As the branch does not work against the root, so the explanation does not oppose the explained: the Sunnah turns always within the horizon of the Book, never transgressing it. That is why the *ṣaḥīḥ*, established Sunnah is not found to contradict the injunctions of the Qur'an. If people have supposed such contradiction to exist, then it must be a *sunnah* that is

not *ṣaḥīḥ*, or the understanding of which is not *ṣaḥīḥ*, or it may be that the contradiction is not real but merely conjectured.

Understanding the Sunnah in the light of the Qur'an means, to begin with, that hadiths contradicting the Qur'an are rejected. For example:

The hadith about the alleged '*gharānīq*' ('the long-necked ones') is, without a doubt, rebutted because it is contradictory to the Qur'an. One cannot imagine how it could come in the context where the Qur'an is strongly criticizing the false goddesses, where it says: "Have you considered al-Lāt and al-ʿUzzā and Manāt, the third, the other? Are yours the males and His the females? That is indeed an unjust division! They are surely only names that you have named, you and your fathers, for which God did not send any authority. They are not following anything but a whim of the[ir] souls. And assuredly from your Lord the guidance has come" (*al-Najm*, 53: 19–23). How, in the context of this negation of and fleeing from the idols, can one reason that words glorifying them should enter – the alleged words being: "Those *gharānīq* – indeed their intercession is to be hoped for"?¹

Similarly, the hadith about women – "Consult with them and then oppose them" – is invalid and false in that it contradicts the verse about parents and their arrangements for the nursing of their child: "And if the two of them desire [to engage a wet-nurse] by mutual consent and consulting one another, then it is no sin for either of them" (*al-Baqarah*, 2: 233).

PREFERRING WHAT IS IN THE LIGHT OF THE QUR'AN

Understanding the Sunnah in the light of the Qur'an also means that, if jurists or commentators differ on what they derive from the *sunnaḥs*, then the best of them and the one to be favored is the one supported by the Qur'an. Consider the verse: "He it is Who produces gardens trellised and untrellised, and the date-palms and crops different in their taste, and the olive and the pomegranate, like them and unlike them. Eat of its fruit when it bears fruit and yield up its due on the day of its harvesting" (*al-Anʿām*, 6: 142).

Now this verse, in what it states in general terms and in what it details, does not omit anything lodged and growing in the earth: for *every* growing thing it indicates a due, and it commands the yielding up of that due. The due as here commanded is *generak*: it is what the Qur'an and the Sunnah detailed subsequently, under the categories of zakah (alms-tax).

In spite of this, we see among the jurists those who restrict the liability to zakah on what God has produced out of the earth. They confine it to either (1) four classes only of grains and dates; or (2) to what is used as food in circumstances where one has choice (of what to accept as food), not otherwise; or (3) to produce that can be dried, measured and stored. They remove from liability other fruits and vegetables – plantations of coffee and tea, orchards of apples and mangoes, fields of cotton, sugar-cane, and the like, from all of which wealth flows abundantly for their owners. So far is this so that, when traveling in some Asian lands, I heard that the Communists accuse Islamic fiqh or Islamic Legislation of putting the burden of zakah on small cultivators (probably hired workers on the land, not owners), who grow oats, wheat, barley and cedar, while it exempts from zakah owners of great plantations of coconut, tea, rubber, and the like.

I stand in admiration at the discussion of this issue by Abū Bakr ibn al-ʿArabī, the leading Mālikī of his age. He commented on the verse in his book *Aḥkām al-Qurʾān*, and clarified the doctrines of three jurists – Mālik, Shāfiʿī, and Ibn Ḥanbal – on what, of the plants of the earth, is liable and what is not liable. Among those doctrines is his own, namely the doctrine of Mālik, but (such was his objectivity and depth of knowledge) he pronounced the doctrines of all three schools weak as a whole. Thereafter he said:

As for Abū Ḥanīfah, he made the verse his looking-glass [i.e. reflected on it intensively] then discerned the truth. He made [zakah] obligatory on the edible [plants], be they nutritious or otherwise. The Prophet explained that in the generality of his saying: “In what the sky waters [i.e. whatever is produced by the action of rain], a tenth (*al-ʿushr*).”

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As for the opinion of Aḥmad [ibn Ḥanbal] – that [the liability to zakah] is in what is measured, according to his saying, “There is not [any liability] in what is less than five measures [...]” – it is weak, because that which the outward of the hadith rules upon is the *niṣāb* [minimum value below which wealth is non-lia-ble] in respect of fruit and grain. Then, as for the falling away of the due right from what is other [than fruit or grain], [that] is not within the competency of the statement [it is not covered by the wording in the hadith]. As for the relevance of the nutritional aspect (that is the Shāfi‘ī position), then it is [merely] a claim, an idea that does not have a source to which it refers. [The idea is not based on any authority of text or principle.] And ideas, as we have explained in the book on *Qiyās*, are only directed to injunctions according to their sources.

Then how does God, glory be to Him, mention the blessing in the nourishing foods and fruits, and make them liable to the due, all of them, [all] whose condition is classed as the vine and the date-palm, [all] whose kind is classed as cultivated [crops], and [all] to whose nutritional value is adjoined the giving of light, by which the blessing is perfected in the enjoyment of the delight of the eye – [thereby achieving] the fulfillment [above the ground] of the favor in the darkness [under the ground]?

Thereafter Ibn al-‘Arabī said:

Now if it is said: Why was it not conveyed from the Prophet that he took zakah from the vegetables of Madinah and Khaybar? [The people objecting mean: no hadith has reached us, by which the practice of taking zakah on vegetables can be legally established.]

We say [in response]: Just so, that is what our scholars relied on. To be more precise: it [not taking zakah on vegetables] is [based on] an absence of proof, [it is] not [based on] the existence of proof. [The objection is not based on any authority that says *not* to take zakah on vegetables.]

And if it is said: If he took [the zakah], would it not have been conveyed [that he did so]?

We say: What need is there for conveying it [as a practice of the Prophet], when the Qur’an suffices on it?²

There is the hadith narrated from the Prophet: “There is no *ṣadaqah* on vegetables”. But it is weak in its *isnād*, and one cannot

adduce the like of such hadiths in any Legal argument – let alone venturing to specify by them what, in the Qur'an and the well-known hadiths, is general. Al-Tirmidhī narrated the hadith and commented: “The *isnād* of this hadith has no *ṣaḥīḥ*, and in [the hadiths on] this topic not one thing is authenticated as from the Prophet.”³

The hadith: “The one burying alive and the one buried are [both] in the Fire”

A Muslim must ‘refrain from’ any hadith that he sees as contradictory to an injunction of the Qur'an, unless he is able to find for that hadith an interpretation easy to accept. So I ‘refrained from’ the hadith which Abū Dā'ūd and others have narrated: “The one burying alive and the one buried are [both] in the Fire.”⁴ When I read this hadith I felt dejected at heart. I wondered if the hadith might be weak, for (as the people of this business know) not everything that Abū Dā'ūd has narrated in his *Sunan* is *ṣaḥīḥ*. But I found in a text something in favor of its being *ṣaḥīḥ*. Among those who affirm its being so is Shaykh al-Albānī in *Ṣaḥīḥ al-Jāmi' al-Ṣaḥīḥ* and *Ṣaḥīḥ Abī Dā'ūd*.

An example of the arguments in defence of it: “The one burying alive and the one buried alive are both in the Fire – except if the one burying alive survived until the advent of Islam, then embraced Islam.”⁵ This means that the one burying alive has some chance of deliverance from the Fire, and the victim, the one buried alive – no chance for her!

Here I raised questions about this – just as the Companions raised questions when they heard from the Prophet: “If two Muslims clash with their swords, then the one who slays and the one slain are [both] in the Fire.” They said: “This slayer [we understand the outcome for him], but why the one slain [why should he be in the Fire also?]” He said: “Indeed he [the slain] was coveting the killing of his companion.” Thus he explicated for them the aspect of the case justifying the Fire for the one slain – namely, his intention, apparent from him, of killing his companion.

In the same way, I now ask: That the one burying alive should be in the Fire I understand. But why should the one buried alive, the victim, be in the Fire also? Her being consigned to the Fire contradicts the verse: “And when the infant girl buried alive is asked for what sin she was slain” (*al-Takwīr*, 81: 8–9). I have gone back to the commentators to see what they have said on the educational purpose of the hadith, but I have not found anything that gives ease to the mind and heart.

The hadith: “Indeed your father and my father are in the Fire”

Another example is the hadith which Muslim has narrated from Anas: “Indeed your father and my father are in the Fire.”⁶ The Prophet said this in answering a questioner who asked about his (the questioner’s) father: Where is he now (now that he is dead)? I wondered: What sin did ‘Abd Allāh ibn ‘Abd al-Muṭṭalib have that he should be in the Fire, and he was one of the people of the *Fatrah* (the period before the advent of Islam), about whom the *ṣaḥīḥ* reports are that they are saved?

It occurred to me that the words “my father” might be referring to his uncle Abū Ṭālib, who had provided for him, watched over him and cared for him after the death of his grandfather, ‘Abd al-Muṭṭalib. The usage of ‘*amm* (uncle) for *abū* (father) has appeared in the language and in the Qur’an itself: “We worship your God, and the God of your fathers, Ibrāhīm and Ismā‘īl and Ishāq, and He is One God, and we are *muslim* (wholly submitted to Him)” (*al-Baqarah*, 2: 133). Ismā‘īl was the ‘uncle’ of Ya‘qūb, but the term in the Qur’an is ‘father’. One does not wonder that Abū Ṭālib should be in the Fire, given his refusal, to the last moment of his life, to pronounce the testimony of *tawḥīd*. A group of authenticated traditions inform us that, while under punishment, he would nevertheless be the most easy of the people of the Fire. However, this way of explaining it is most weak in my opinion, because it opposes the immediate aspect of the text. Then, from another aspect: What was the sin of the father of the man who asked the question? The outward sense of what we know of the case is that

this man's father died before the advent of Islam. Accordingly, I 'refrain from' this hadith until something appears to me that settles my unease about it.

One of my teachers, Shaykh Muhammad al-Ghazālī, rejected the hadith explicitly, because it controverts what God has said:

And they are not punished until We have sent a messenger. (*al-Isrā'*, 17: 15)

And if We had destroyed them with some punishment, they would certainly have said: "Our Lord! If only You had sent us a messenger so that we might have followed Your revelations before we were humiliated and disgraced." (*Tāhā*, 20: 134)

...lest you should say: "No messenger came to us as a bringer of good news and of warning," a Messenger certainly has come to you as bringer of good news and as a warner. (*al-Mā'idah*, 5: 19)

The Arabs did not have a warner sent to them before Muhammad, as is made explicit in the Book:

So that you may warn a people whose fathers were not warned so they became heedless. (*Yāsīn*, 36: 6)

That you may warn a people to whom, before you, no warner came, so it may be they will be[come] guided. (*al-Sajdah*, 32: 3)

And We did not send to them before you any warner. (*Sabā'*, 34: 44)

However, I prefer, in regard to *ṣaḥīḥ* hadiths, to 'refrain from' them, without rejecting them absolutely, for fear that they have meanings not yet disclosed to me. By great good fortune I went back to what commentators on *Ṣaḥīḥ Muslim* other than al-Nawawī have said. I mean the two most learned scholars, al-Abbī and al-Sanūsī. I found both of them to be 'refraining from' the outward meaning of this hadith. Al-Nawawī commented on the hadith: "He said it in accordance with the goodness of his nature, as a solace for the man, as a sharing in the hardship [of having a father who had not died in the faith]." Then he went on to say: "That one who dies an unbeliever is in the Fire, and the relationship of near relatives does not benefit him." In response to that, al-Abbī said:

This absolute [statement] needs looking at! Al-Suhaylī has said: “It is not for us to say that, for he has said: ‘Do not give hurt to the living on account of the dead.’” And the Exalted has said: “Those who give hurt to God and His Messenger, God has cursed them in this world and the hereafter, and has prepared for them a humiliating punishment” (*al-Aḥzāb*, 33: 57). The Prophet only said it as solace for the man, and it has come that the man had said: “And you, where is your father?”, and he said that to him at that time [i.e. in response to the particular form of the question].

Al-Nawawī said: “And in it is [included] that one who died during the *Fatrah*, at which time the Arabs were [immersed] in the worship of idols, is in the Fire, and this is not [an instance] of punishment before preaching, because the call of Abraham, upon him be peace, and other messengers, had reached them.”

In response, al-Abbī said:

Ponder what there is in this statement of contradiction. For those whom the call [to correct worship] reached were surely not of the people of the *Fatrah*. That is known by what is heard [reported from tradition]: for the people of the *Fatrah* are the communities existing between the times of the messengers, those to whom the earlier Messenger was not sent and who did not survive to [the time of] the later [Messenger] – like the Bedouin Arabs to whom Jesus, upon him be peace, was not sent, and they did not survive to the time of the Prophet. The *Fatrah* on this interpretation includes what was between every two messengers.

However, when the jurists use the word *Fatrah* they mean only [the period] which was between Jesus, upon him be peace, and the Prophet. Al-Bukhārī mentioned from Salmān that it was six hundred years.

Since the definitive [proofs] demonstrate there being no punishment until the justification (*hujjah*) has been established, we know that they are not [among] the punished.

Then if it is said: [There are] hadiths establishing as correct the punishment of some of the people of the *Fatrah*, like this hadith, the hadith “I saw ‘Amr ibn Luhayy dragging his entrails (*quṣba-hu*)⁷ in the Fire.”⁸

I say [in answer]: ‘Aqīl ibn Abī Ṭālib has responded to that with three answers:

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First: that they [the hadiths in question] are solitary reports; they cannot go against the definitive [hadiths established from many narrators by many routes].

Second: the punishment is restricted to those [specific individuals mentioned], and God knows the cause [for which they are punished].

Third: the punishment mentioned in these hadiths is restricted to those who changed and altered [the way of life of] the people to some misguidedness⁹ that was not forgivable.¹⁰

CARE IN CLAIMING CONTRADICTION OF THE QUR'AN

It is imperative that we warn here against latitude in claiming contradiction of the Qur'an without well-established foundations for such a claim.

The Mu'tazilis were a group who rode rashly on the vehicle of excess. At times they dared to reject widely known *ṣaḥīḥ* hadiths on the acceptability in the hereafter of the intercession of the Prophet, of his brother prophets, of the angels, and of the righteous ones of the believers. Such intercession is on behalf, among believers in One God, of those who were disobedient. The hadiths tell us that God forgives them by His grace and His mercy, and by the intercession of those who intercede, so that they do not enter the Fire at all, or they enter it and come out of it after a time, and then are proceeded towards the Garden.

This is the munificence of God, Blessed and Exalted is He, to His slaves, which elevates the weight of mercy above the weight of justice. Thus, He has made the recompense of a good deed ten times its like or more, up to seventy times, or He increases it even more. He has made the recompense of an evil deed its like only, or He forgives it. He has appointed for the sins acts of expiation – many of the five prayers, and the Friday prayer, and the fasting in Ramadan, and the vigil therein, and different forms of charitable acts, and the pilgrimage, both hajj and *ʿumrah*, and the recital and remembrance of His Names, and the utterance of the formula of *tawḥīd*, and the magnificat, and the praise of Him, and other kinds of remembrance and supplication. All of these serve to lessen the

burden of sin. Moreover, a Muslim does not endure any trouble or hardship, grief or sadness, or offence, so much as the pricking of a thorn – but all of these God offsets against his sins and errors. So also, a part of this munificence of God to His slaves is that He has made the prayer of believers on behalf of one who has died, be they from his family or not, of benefit to the deceased in his grave.

Then, it is not far-fetched that God honors the chosen and elect ones of His slaves, and accepts their intercession for whoever He wills of His creatures from those who died on the word of *tawhīd*. This is what the hadiths rally around:

The people come out of the Fire by the intercession of Muhammad, and they enter the Garden, and they will be called the people of hell.¹¹

The people come out of the Fire by the intercession, as if they were *tha'arir*.¹² (*Al-tha'arir*: vegetables like asparagus.)

By the intercession of one man from my Community more [people] will enter the Garden than [the number of people in] the Banū Tamīm.¹³

The martyr intercedes for seventy of the people of his household.¹⁴

The most fortunate of the people by my intercession on the Day of Resurrection is one who says *lā ilāha illa al-Lāhu* (there is no god but God) with sincerity from his heart.¹⁵

Every prophet has one supplication [that is accepted by God]. So I intend if God wills that I shall dedicate my supplication to the intercession for my Community on the Day of Resurrection.¹⁶

Every prophet has asked a question – or he said: Every prophet has a supplication – he supplicates with it and he is answered. So I have made my supplication the intercession for my Community on the Day of Resurrection.¹⁷

And in the hadith of Abū Sa'īd, according to the two Shaykhs, al-Bukhārī and Muslim:

So the prophets and the angels and the believers will have interceded. Then [God] the All-Compelling says: My intercession remains. So He will grasp from the Fire one handful, then let out the people who have been roasted (that is,

scorched); then by His forgiveness they will be thrown in the river at the mouth of the Garden called the water of life [...].¹⁸

Every prophet has one supplication heard and accepted, and every prophet has hastened to submit his supplication. But I have reserved my supplication for intercession for my Community on the Day of Resurrection – then it is accepted – if God wills – for whoever from my Community died not associating anything with God.¹⁹

But the Mu‘tazilis – because of their giving too much weight to the threat over the promise of God, to His justice over His mercy, and to reason over tradition (rationalism over revelation) – rejected these hadiths, despite the strength and sheer clarity of what establishes them as true. Their doubts, in rejecting those hadiths, were based on the notion that they contradicted the Qur’an which, they claimed, negated intercession. In fact, one who reads the Qur’an does not find in it any negation of intercession except the kind that the Associationists (*mushrikūn*) set their hopes on, and the deviationists from the practitioners of other religions. The Associationists claimed that their gods that they supplicated to, apart from or in spite of God, had the power to intercede for them before God, and hold the punishment back from them. As God has said: “They worship apart from God what neither harms nor benefits them, and they say those are intercessors before God” (*Yūnus*, 10: 18). But the Qur’an pronounces this claimed intercession invalid and false, confirming that their gods do not avail them in anything from God. It says: “Or do they adopt intercessors apart from God. Say: What? Even though they have no power over anything and have no sense or reason? Say: the intercession belongs to God altogether [exclusively]. To Him belongs sovereign power over the heavens and the earth. And then it is to Him you are returning” (*al-Zumar*, 39: 43–44). Also: “And they have adopted gods apart from God so that they may be for them [a source of] might and honor. No indeed! They will reject their worship of them, and they will be adversaries [advocating] against them” (*Maryam*, 19: 81–82).

Without a doubt, the Qur’an negates the notion that the spurious gods have any power of intercession, and that there will be for

the Associationists an intercessor who is yielded to: “Warn them of a day ...when there will not be for the wrongdoers (*ẓālimūn*) any friend nor any intercessor who is yielded to” (*al-Ghāfir*, 40: 18). The Qur’an frequently uses the term ‘wrong’ (*ẓulm*) for Associationism and ‘wrongdoers’ (*ẓālimūn*) for the Associationists, and Associationism is indeed a tremendous wrong. Aside from that, the Qur’an nevertheless establishes the validity of intercession upon certain conditions:

First: That it is only after the permission of God, Exalted is He, to the intercessor that he may intercede. Not one, whosoever he may be, has the power that he can oblige God in any matter. He said in the Verse of the Throne: “Who is he that intercedes before Him except by His leave?” (*al-Baqarah*, 2: 255).

Second: That the intercession is on behalf of ‘the people of *tanbīd*’, believers in the Unity of God. As God said about His angels: “And they do not intercede except for him with whom God is well-pleased” (*al-Anbiyā*, 21: 28).

From the verse about the liars on the Day of Judgment – “Then the intercession of intercessors will not avail them” (*al-Mudatthir*, 74: 48) – one understands that there *are* intercessors, the intercession of other than whom is denied, and they are those who died on the faith.

So the Qur’an did *not* negate intercession absolutely, as those claim who make that claim. Rather, it negated the intercession that the Associationists and deviationists appealed to. It negated that intercession which has been a cause of so much trouble and disorder among the followers of the religions, those who were committing the gravest offences while counting on the expectation that their intercessors and mediators would lift the punishment from them. So also kings and governors commit oppression and injustice in the affairs of this world, expecting to escape the consequences hereafter.

It is regrettable that we find in our time among books associated with Islam those that march side by side with the Mu‘tazilis in denying the intercession in the hereafter, and claiming that it is

colored by the sort of patronage and intervention on someone's behalf known to people in this world. So they throw to the wall the hadiths that are *ṣaḥīḥ*, explicit and abundant, which are a solace for us, alleging of them that they contradict the Qur'an.²⁰

II

GATHERING RELEVANT HADITHS ON A SUBJECT TOGETHER

Also necessary for a correct understanding of the Sunnah is that the *ṣaḥīḥ* hadiths on a single subject be gathered together and juxtaposed – the ambiguous alongside the explicit, the absolute alongside the restricted, the general alongside the particularized. In that way, by interpreting one with the other, we make the meaning intended in them plain and clear. We do not 'strike some of them with others' (i.e. we do not cause some to clash or become confused with others). As it is established and agreed that the Sunnah interprets the Qur'an, and clarifies it – meaning that it details what is general in it, interprets what is obscure in it, particularizes what is universal in it, and restricts what is absolute in it – the maxim 'better followed by better' is most successfully applied within the Sunnah, some elements of it checking other elements of it.

HADITH: WEARING THE *IZĀR* LONG

Take for example the hadiths on wearing the *izār* (the lower garment) long. The threat against doing so is made severe. Many zealous youths rely on that when they rebuke with severity whoever is not wearing his robe above the ankles. They preach on it to the effect of all but making shortening the robe one of the symbols of Islam, or the greatest of duties in it! If they should catch sight of a Muslim scholar or preacher who is not wearing his robe short, how they act! They reproach him among themselves for belittling the religion, and (worse still) they sometimes do so with public proclamation!

If only they had gone back to the whole group of the hadiths related to this issue, and set some of them alongside others, in the light of a comprehensive view of the purposes of Islam for those whom it obligates in their everyday affairs and usages! Had they done so, they would have known the purposes of the hadiths on this point, and they would have lightened their zeal and not ridden rashly on the vehicle of excess. And they would not have made narrow for the people a matter which God had made wide for them.

Consider what Muslim narrated from Abū Dharr, from the Prophet, he said: “[There are] three to whom God will not speak on the Day of Resurrection: the benefactor who does not give anything except as a favor [i.e. he does it for reputation or to bind the recipient]; the quick profiteer²¹ whose commodity is [sold] by a lying oath; and the one who wears his *izār* long.”²²

In another narration, also from Abū Dharr: “[There are] three to whom God will not speak on the Day of Resurrection. He will not look at them, and He will not purify them, and theirs will be a painful punishment.” He said God’s Messenger recited it three times. He (Abū Dharr) said: “They have failed and they have lost! Who are they, O Messenger of God?” He said: “The one who wears his *izār* long; the benefactor; and the quick profiteer who sells his commodity by a lying oath.”²³

What is the intended meaning of ‘one who wears his izār long’?

Does it mean anyone who has his *izār* long? Even if, in doing so, he was merely following the conventions of his people, without having in his intention any haughtiness or conceit? Another hadith has perhaps attested to that, one found in the *Ṣaḥīḥ* of al-Bukhārī from Abū Hurayrah: “That which of the *izār* is lower than the ankles, then it is in the Fire.”²⁴ In al-Nasā’ī it has appeared with the wording: “That which of the *izār* is below the ankles, then it is in the Fire.”²⁵ The meaning would appear to be: whatever falls below the ankles of the wearer of the *izār* constitutes ‘wearing it long’, and it is in the Fire – the outcome for anyone is according to his

deed, and here, the robe (used metonymically) alludes to the body and the person it clothes.²⁶

However, it becomes clear to one who reads the whole group of hadiths that have come on this that its meaning is as al-Nawawī and Ibn Ḥajar and others judged it on balance to be: namely, the (apparent) absoluteness is to be interpreted by the restriction to ‘conceit’. And there is consensus that this ‘conceit’ is what the threat in the hadith is directed against.²⁷ So, let us read what has appeared of the *ṣaḥīḥ* from these hadiths.

Al-Bukhārī narrated, under the chapter heading *man jarra iẓār-hu min ghayri kbūyalā* (one who has trailed his *iẓār* without conceit), in a hadith of ‘Abd Allāh ibn ‘Umar from the Prophet, he said: “‘Whoever trails his robe with conceit God will not look at him on the Day of Resurrection.’ Abū Bakr said: ‘O Messenger of God; one side of my *iẓār* works loose, unless I am attending to that to [prevent] it.’ Then the Prophet said: ‘You are not among those who make that [happen] with conceit.’”²⁸ Also in this chapter is a hadith of Abū Bakrah, who said: “The sun eclipsed, and we were with the Prophet. He stood up, trailing his robe in great haste until he came to the mosque [...].”²⁹ Then, narrated under the chapter heading *man jarra thawbahu min al-kbūyalā* (one who has trailed his robe with conceit), from Abū Hurayrah that God’s Messenger said: “God will not look at one who trails his *iẓār* with arrogance (*al-baṭar*).”³⁰ Also from Abū Hurayrah: “He said the Prophet said, (or he said Abū al-Qāsim, said): ‘While a man was walking in fine dress, himself admiring himself, his abundant hair well-combed, then God caused the earth to give way to him, so he will be shaking and sinking until the Day of Resurrection.’”³¹ And from Ibn ‘Umar – and there is a hadith like it from Abū Hurayrah also – “While a man was trailing his *iẓār*, then [God] made him sink down, so he will be sinking in the earth to the Day of Resurrection.”³²

Muslim narrated the hadith of Abū Hurayrah, the one last mentioned, and the one before it. Also, he narrated the hadith of Ibn ‘Umar by a number of routes. Among them: “I heard God’s Messenger, with these my two ears, saying: ‘One who trails his *iẓār*

not meaning by that [anything] but conceit, then indeed God will not look at him on the Day of Resurrection.’ ”³³ In this narration, the restriction of ‘conceit’ by way of the clear qualification “not meaning by that [anything] but conceit” has not left any room for interpretation.

Al-Nawawī – and he is not one accused of laxity, rather (as is well known to students), one more inclined to the stricter, more cautious approach – says in commentary on the hadith “One who wears his *izār* long”:³⁴

As for his saying, “The one who wears his *izār* long”: then its meaning is ‘the one who has loosened it for trailing the side of it with conceit’. It has come interpreted in the other hadith “God does not look at the one who trails his robe with conceit”, and ‘conceit’ [means] haughtiness. This limitation to the trailing with conceit particularizes the generality of “one who wears his *izār* long”. It is demonstrated that the object of the threat is one who trails it with conceit, for the Prophet, made allowance for Abū Bakr al-Ṣiddīq in that, and said: “You are not among them” when he was trailing it without conceit.

Ibn Hajar said in his commentary on the hadiths that al-Bukhārī narrated on the threat against wearing the *izār* long and trailing of the robe:

In these hadiths: [it is clear] that wearing the *izār* long with conceit is a grave matter. As for wearing long without conceit, then the outward of the hadith forbids it also. However, the inference from the restriction in these hadiths to ‘with conceit’ is that absoluteness in forcibly preventing the [behavior] mentioned, in rebuking the wearing long, is to be taken alongside the restriction here so that one does not forbid the trailing and wearing long when [this happens in a way that is] safe from conceit.

Ibn ‘Abd al-Barr said: “The understanding of it is that trailing without conceit will not encounter the threat unless [indeed] the trailing of the shirt and other than that of long garments is [to be censured] in all circumstances.”³⁵

This confirms that what is aimed at, in the restriction that goes with wearing the *izār* long, and what carries the threat, is the intention of conceit. It confirms also that the threat mentioned in the

hadiths is a severe threat, so far so that it has made whoever wears his garment long one of three “to whom God will not speak on the Day of Resurrection. He will not look at them, and He will not purify them, and theirs will be a painful punishment”. Indeed, the Prophet repeated that threat three times, which made Abū Dharr so fearful of it that he said: “They have failed and they have lost! Who are they, O Messenger of God?” All of this demonstrates the deeds of those three as being among the gravest of sins, and the gravest of the forbidden things. This is not so except in matters that infringe ‘the public good’, which the Law came to uphold and to safeguard – in the religion, the soul, the mind, dignity, lineage, and property – the fundamental goals of the Law of Islam.

The bare shortening of the *izār* or robe comes under the heading of the ‘refinements’ (not essentials), related to good manners and perfections, by which life is graced, tastes elevated, and noble traits of character deepened. As for wearing the garment long or lengthening it when stripped from any evil intention, it belongs in the class of the lesser disapproved acts.

What concerns the religion here, and is deserving of greater attention, is the intentions and sensibility of heart behind the outward behavior. What harms the religion through resistance to it is conceit, pride, haughtiness, self-praise, arrogance, and the like among diseases of the heart and defects of the soul. He does not enter the Garden who has a particle’s weight of them in his heart. This supports every confirmation restricting the severe threat mentioned to one who intends conceit in wearing his garment long – as the other hadiths (mentioned above) have demonstrated.

Another meaning, related to what we have said, is this: the command about dress is subject to manners and outward forms familiar to the people and their customs. These vary with variations in heat and cold, wealth and poverty, capacity and incapacity, type of work and standard of living, and other influencing factors. The Law here lightens the restrictions for people, and it does not intervene except in matters related to the fixed bounds, so as to forbid what is visible of waste and extravagance in the outward

life, or the intent of arrogance and conceit in the inner life, and the like of that which we have set out in detail elsewhere.³⁶

For this reason al-Bukhārī quoted in the beginning of *Kitāb al-Libās* in his *Ṣaḥīḥ*, under the chapter heading *qawl Allāh Ta‘āla: Qul: man ḥarrama zīnata al-Lāhi allatī akbraja li-‘ibādihi* (God’s saying, Exalted is He: “Say: Who forbids the ornaments of God that He has brought out for His slaves” (*al-A‘rāf*, 6: 32)). The Prophet said: “Eat and drink and dress, and give in charity, without wastefulness and [with] no conceit.”³⁷ Ibn ‘Abbās said: “Eat what you wish, and wear what you wish, as long as [these] two do not touch you: wastefulness and conceit.”³⁸

Ibn Ḥajar conveyed from his teacher al-Ḥāfiẓ al-‘Irāqī that he said, in his commentary on al-Tirmidhī:

What touches the earth from them (i.e. clothes) is conceit. No doubt as to its being forbidden ... And if it is said about the prohibition [that it is] on what exceeds the accustomed [practice], it would not be [going] too far. However, the convention happens to people of lengthening [robes]. Then every class of people begin to notice and know it. The duty in that is [to close] the way to conceit. For no doubt it is forbidden. But [the prohibition] is not on the manner of the custom, and there is no prohibition on it, so long as it does not reach to the forbidden [kind of] trailing of the hem.

Al-Qāḍī ‘Iyāḍ conveyed from the scholars: “Aversion is entirely to what is [done] over and above the custom, and beyond the accustomed practice for length and looseness in dress.”³⁹

So custom has its rule, and convention its influence, just as al-‘Irāqī said. Departing from custom sometimes makes the doer of it suspected of seeking notoriety, and the robe of notoriety is also reproached in the Law. Then, the good lies in moderation.

Beyond that: one who intends, by the shortening of his robe, following the Sunnah and keeping away from the suspicion of conceit, if he intends abandoning opposition to the scholars, and if he intends his acceptance of the practice as a precaution, then he will be rewarded for that, if God wills. That is on condition also that he does not compel all people to the same, and does not proclaim

the rejection of one who, being among those content with the views of the imams and profound commentators that we have cited, has left that practice. The wise maxim is: to every established *mujtahid* his reward, and to every man his intent.

The resort to the outward sense of a single hadith, without looking into the rest of the hadiths and texts relevant to its subject, often causes lapsing into error, and falling far away from the main road of correctness, and from the purposes for which the hadith has come.

THE HADITH IN AL-BUKHĀRĪ ON THE CENSURE OF TILLAGE

Consider the hadith that al-Bukhārī narrated in *Kitāb al Muṣṣaraʿah* (share-cropping) in his *Ṣaḥīḥ* from Abū Umāmah al-Bāhilī. Abū Umāmah saw an implement of tillage (a plow) and said: “I heard God’s Messenger, saying: ‘This does not enter the house of a people except that God causes disgrace to enter it [also].’”⁴⁰ The outward sense of this hadith does indeed convey the aversion of the Messenger to the plow and tillage, which leads on to censure of workers in it. Orientalists have sought to exploit this hadith to misrepresent the attitude of Islam to agriculture. But is this really the purpose of the outward sense of the hadith, and is Islam really averse to sowing and planting? In point of fact, other clear *ṣaḥīḥ* texts contradict that notion.

The Anṣār (the Muslims native to Madinah) practiced and depended on agriculture and cultivation. But the Prophet did not command them to abandon their agriculture and their cultivation. Rather, the Sunnah clarified, and Islamic jurisprudence detailed, regulations for agriculture and irrigation, and revival of barren lands, and what is related thereto of rights and obligations.

The two Shaykhs (al-Bukhārī and Muslim), as well as others, have narrated from him: “[There is] not one from the Muslims who plants a plant or sows a seed, then a bird eats from it, or a person, or an animal, except that there is from it an act of charity [recorded] for him.”⁴¹ Muslim has narrated [it] from Jābir in the words: “[There is] not one of the Muslims who plants a plant

except that there is from it an act of charity [recorded] for him. What a beast of prey eats from it, then it is for him an act of charity. What a bird eats from it, then it is for him an act of charity. Not one deprives him (that is, diminishes or takes away from his fruit) except that it is for him an act of charity.”⁴² Jābir also narrated that the Prophet entered a walled enclosure belonging to Umm Maʿbad, in which there was a date-palm. Then he said: “O Umm Maʿbad. Who planted this date-palm? A Muslim or an unbeliever?” She said: “Indeed, a Muslim.” He said: “A Muslim does not plant a plant, then a person eats from it, or an animal or a bird, except that it is for him an act of charity until the Day of Resurrection.”⁴³

So, for planting, there is recompense and reward with God, just as for an act of charity. The reward is for any fruit taken from what one has planted, even if one did not intend that – for example, what a beast of prey or a bird eats from it, or a thief steals from it, or anyone who diminishes it without taking one’s permission to do so. It is an act of charity ongoing, permanent, never cut off, but enduring here while any living creature benefits from the plant or its crop. What virtue is greater than this virtue? What encouragement to agriculture could give greater assurance than this?

An encouragement to planting and sowing even more eloquent and wonderful is what Aḥmad ibn Ḥanbal reported in his *Musnad*, and al-Bukhārī in *al-Adab al-Mufrad* from Anas: “If the Hour approaches and in the hand of any of you there is a seedling, then if he is capable so that it (namely, the Hour) does not come until he plants it, then let him plant it.”⁴⁴

In my opinion this is an honoring of the work of building the earth even at the very termination of it. One is urged to plant even with the Hour approaching, even though there is not, after that effort, any profit for the one who plants, or for someone else after him, no expectation that anyone at all will benefit from it! There cannot be a better inducement to planting and producing for as long there is a breath of life to go back and forth. Man has been created to worship God, then to labor and build the earth, and

persevere therein, worshipping and laboring until the world at last is in the throes of death. This is the understanding of the Companions and of the Muslims through the centuries. It pushed them to the building of the earth through agriculture and the revival of barren land.

Ibn Jarīr narrated from ‘Umārah ibn Khuzaymah ibn Thābit that he said: “I heard ‘Umar ibn al-Khaṭṭāb saying to my father: ‘What prevents you from planting your land?’ My father said to him: ‘I am an old old man. I may die tomorrow!’ Then he, ‘Umar, said to him: ‘I stress upon you that you must plant it!’ Then I surely saw ‘Umar ibn al-Khaṭṭāb plant it with his hand with my father!”⁴⁵ Aḥmad ibn Ḥanbal narrated from Abū al-Dardā’ that in Damascus while he was planting a plant a man passed by. This man said to him: “You do this work and you are a Companion of God’s Messenger?” Abū al-Dardā’ said: “Do not rush at me [do not rush to judgment]. I have heard the Messenger of God say: ‘One who plants a plant – no human being nor any creature from the creatures of God eats from it except that it is for him thereby an act of charity.’”⁴⁶

What then should be the interpretation of the hadith of Abū Umāmah which al-Bukhārī narrated? Al-Bukhārī recorded it under the chapter heading *mā yaḥdhiburu min ‘awāqib al-ishtighāl bi-ālāt al-ẓar‘i aw mujāwazat al-ḥadd alladhī umira bi-hī* (What warns against the consequences of preoccupation with the implements of tillage, or disregarding the limit commanded for it). Ibn Ḥajar said in *al-Fath*:

Al-Bukhārī has pointed in the title to reconciling the hadith of Abū Umāmah with the hadith that has come on the virtue of sowing and planting. And that [reconciling] is by one of two ways. Either: that one understands what has appeared of the censure according to the consequence of that [preoccupation with tillage], and the circumstances of it when one is engaged in it – so on account of [preoccupation with tillage] he neglects and fails [in] what he is commanded to keep safe [of other duties] – such as his neglecting and failing the command of obligatory jihad. Or: that one understands [it] according to what he does not neglect and fail in except that he transgresses the limit [prescribed] for it.

Some commentators have said: This [relates] to one who is near the enemy. For if then he is busy with the plow, he does not busy himself with horsemanship, and the enemy is emboldened against him. And their duty is that they busy themselves with horsemanship, and upon others is [the duty of] helping and supporting them in what they need thereof.⁴⁷

A hadith that throws light on the purpose of the hadith of Abū Umāmah is narrated by Aḥmad ibn Ḥanbal and Abū Dā'ūd from Ibn 'Umar, from the Prophet: "When you have exchanged by specimen,⁴⁸ and taken hold of the tails of cattle, and are pleased with tilling the soil, and you leave the jihad, [then] God gives disgrace mastery over you, and He does not remove [its power over you] until you have returned to the religion."⁴⁹ This hadith discloses the reasons for the disgrace that has fallen upon the Community – partly corresponding to its negligence in the commands related to the religion, and its non-observance of those of the commands related to this world whose fulfillment is obligatory.

The exchange 'by specimen' demonstrates that the Community has plunged into what God has forbidden, and forbidden with emphasis, proclaiming on the doer of it war from God and His Messenger – namely, *ribā* (usury), and tricks for the consumption of it by a form of exchange that is, among those who take part in it, outwardly lawful, but within definitely unlawful. Similarly, that 'following the tails of the cattle' and being contented with tilling the soil, demonstrates becoming stuck in agriculture, and particular tasks associated with it, to the point of neglecting other skills, in particular the skills connected to military matters. The abandonment of jihad is the logical consequence of that neglect. For these reasons taken together, disgrace surrounds the Community while it does not return to its religion.

This hadith and those before it make it clear that it is not good for a Muslim to take the Sunnah from a single hadith, without joining to it what else has appeared on the subject in other *ṣaḥīḥ* texts, from what confirms it or contradicts it, or illustrates what is general in it, or particularizes what is universal in it, or restricts what is absolute in it. By this joining of the rest of the *ṣaḥīḥ*

RECONCILING DIFFERING HADITHS OR PREFERENCE BETWEEN THEM

hadiths, some of them with others, he enables an integrated and comprehensive view, and he rids his view of partiality and inadequacy. Not doing so lands many who do it in error, even if they did not intend it.

III

RECONCILING DIFFERING HADITHS OR PREFERENCE BETWEEN THEM

The principle for established texts of the Law is that they do not contradict, because the truth cannot contradict the truth. If the existence of a contradiction is supposed, then it is only in the outward of the case, not in actuality or reality. It is incumbent upon us to remove such alleged contradiction. When it is possible, without artifice and arbitrariness, to do that by combining and reconciling the two texts so that one can act according to both together, then it is better than recourse to preference between the two. It is better because preference entails neglecting one of the two texts and giving priority to the other over it.

RECONCILING HAS PRIORITY OVER PREFERENCE

For a good understanding of the Sunnah, it is important to reconcile *ṣaḥīḥ* hadiths that appear contradictory in that, at first glance, their textual meanings are at variance. It is necessary to combine some of them with others, and place each in its correct place, so that they harmonize and do not differ, so that they complement and do not contradict. We say this only about *ṣaḥīḥ* hadiths, because weak and feeble hadiths do not enter into this field. We seek to combine *ṣaḥīḥ* and established texts if they contradict each other. We do not do so for weakly supported texts except as a voluntary service, a supererogatory act – there is no requirement or duty to do that.⁵⁰

For this reason the truth-seeking scholars rebutted the hadith, (“Are you two blind?”) found in Abū Dāʿūd and al-Tirmidhī, of

Umm Salmah, which forbids a woman seeing a man even if he is blind. They rebutted it with the hadiths of ʿĀʾishah and Fāṭimah bint Qays, both of them in the *Ṣaḥīḥ*:

Umm Salmah said: “I was with the Prophet, and with him too [was] Maymūnah. Then Ibn Umm Maktūm approached, and that was after he had commanded us the *ḥijāb*. Then the Prophet said: ‘Cover yourselves from him!’ Then we said: ‘O Messenger of God, is he not blind? He does not see us or know us.’ Then the Prophet said: ‘Are the two of you blind? Are you not seeing him?’”

Abū Dāʾūd narrated this hadith, and also al-Tirmidhī who said it was *ṣaḥīḥ* and *ḥasan*.⁵¹ But in its *sanad* – which al-Tirmidhī indeed pronounced *ṣaḥīḥ* – there is Nabhān, the *maṭlā* of Umm Salmah, who was not knowledgeable, nor one considered trustworthy except by Ibn Ḥibbān. In *al-Mughnī* al-Dhahabī mentioned him accordingly as among the weak narrators. Also, this hadith is contradicted by what, in the *Ṣaḥīḥs* of al-Bukhārī and Muslim, demonstrates the permissibility of a woman looking at a stranger. From ʿĀʾishah, she said: “I saw the Prophet: he screened me with his cloak while I watched the Abyssinians playing in the mosque.”⁵²

Qāḍī ʿIyāḍ said: “In it there is permission for the looking of women at the action of strangers, because [what is] disliked from [women] is only looking at good looks and taking delight in that.” The same idea is expressed in al-Bukhārī’s prefatory note on this hadith: “The looking of the woman at the Abyssinians and their like with no suspicion.”⁵³ It confirms what al-Bukhārī has narrated in the hadith of Fāṭimah bint Qays, that the Prophet, said to her, as soon as she was divorced with an irrevocable divorce: “Spend the *ʿiddah* [waiting period before re-marriage is lawful] in the house of Ibn Umm Maktūm, for he is a blind man, you can lay down your cloak, and he will not see you.” First he had indicated that she should spend the *ʿiddah* with Umm Sharīk, but then he said: “That woman – my Companions visit her [house]. Spend the *ʿiddah* with Ibn Umm Maktūm [...]”

In sum, the hadith of Umm Salmah does not take precedence – because of the weakness in it – over these *ṣaḥīḥ* hadiths. Yet, the

effort to reconcile between a weak and a *ṣaḥīḥ* hadith is permitted – by way of voluntary, supererogatory service – even though it is not obligatory. In this regard al-Qurṭubī has said (and others also) on the hadith of Umm Salmah:

On the assumption of its being *ṣaḥīḥ*: that [which he said] is, from him [and] in view of their elevated status, treating his wives severely, just as he spoke severely to them in the command of the *ḥijāb* – which Abū Dāʿūd and others of the imams have indicated. There remains the meaning of the established and *ṣaḥīḥ* hadith, and it is that the Prophet commanded Fāṭimah bint Qays to take shelter in the house of Umm Sharīk, [but] later he said: “That woman – my Companions visit her [house]. Seek shelter with Ibn Umm Maktūm, for indeed he is blind. You can lay down your cloak and he will not see you.”

Some scholars infer from this hadith that a woman is permitted to be seen by a man up to what [one] is permitted to see of a woman, [such] as the head and the earlobe, but as for the *ʿawrah*, then no.

He only commanded her to remove from the house of Umm Sharīk to the house of Ibn Umm Maktūm because that was better for her than her staying in the house of Umm Sharīk as Umm Sharīk was reported to have many visitors to her [house] so there would be many seeing her. But in the house of Ibn Umm Maktūm no one would see her. So the stopping her being seen by him was more practical and better, so he made it easy for her in that. And God knows better.⁵⁴

HADITHS ON WOMEN VISITING THE GRAVES

Another example of that is the hadith or hadiths which restrain women from visiting graveyards. For example, the hadith of Abū Hurayrah: “God’s Messenger condemned women visitors (*ṣaw-wārāt*) to the graves”. Aḥmad ibn Ḥanbal and Ibn Mājah narrated it, also al-Tirmidhī who called it *ḥasan* and *ṣaḥīḥ*; and Ibn Ḥibbān narrated it in his *Ṣaḥīḥ*.⁵⁵ It is narrated also from Ibn ʿAbbās with the words “women visitors (*ṣaw-wārāt*) to the graves”, and from Ḥassan ibn Thābit.⁵⁶ Supporting that is what has come in other hadiths prohibiting women following funeral processions, from

the import of which is derived the prohibition of women visiting the graves.

In opposition to these hadiths, there are others from which one understands the permissibility for women, as for men, of visiting graves. Among them is his saying: “I had forbidden you to visit graves, but [now I say:] visit them.”⁵⁷ “Visit the graves, for indeed they remind of death.”⁵⁸ Women are included in the general permission to visit graves, and in the need of everyone to be reminded of death. Also among these hadiths is what Muslim narrated (and al-Nasā’ī and Ibn Ḥanbal) from ‘Ā’ishah. She asked: “‘How shall I address them?’ (she meant ‘when I visit the graves’). He said: ‘Say: Peace be upon the people of the homes of the believers and the Muslims; and God have mercy on the early-comers among us and the late-comers. And indeed we, if God wills, are catching up with you.’”⁵⁹ Another example is what the two Shaykhs have narrated from Anas, that “the Prophet passed by a woman weeping at a grave. So he said: ‘Fear God and be patient.’ Then she said: ‘Go away. For indeed you have not suffered the like of my affliction.’ And she did not know him [to be the Prophet...].”⁶⁰ Now, he forbade her anxiety, but he did not forbid her visiting the grave. Another example is narrated by al-Ḥākim from Fāṭimah, the daughter of God’s Messenger, that she used to visit the grave of her uncle, Ḥamzah, every Friday, and she prayed and wept near it.⁶¹

Moreover, these hadiths demonstrating the permissibility of women visiting graves are more *ṣaḥīḥ* and more common than the hadiths demonstrating the prohibition of it. So combining and reconciling them is possible, in this way: one interprets the ‘condemnation’ mentioned in the hadith – as al-Qurṭubī said – as referring to over-frequent visiting, which is the connotation of (the intensive form of) *al-ṣawwārāt*, the expression used in the hadith. He said: “Perhaps the reason for the judgment against it is that she may be neglecting the right of the husband, and the displaying [of herself entailed by frequent visiting], and what intoxicates from the mourning (the wailing), and the like. And it could be said: If all

these [matters] are made safe, then there is no impediment to the permission [given] to [women], for the man and the woman [alike] have a need for the reminder of death.” And al-Shawkānī commented: “This is an opinion worthy of reliance in reconciling the hadiths contradictory in outward [sense].”⁶²

If reconciling two (or more) hadiths contradictory in outward sense is not possible, one resorts to preference between them. This is done according to one of the principles of preference mentioned by the scholars. Al-Suyūṭī, in his book *al-Tadrīb al-Rāwī ‘alā Taqrīb al-Nawāwī*, counted these principles as more than one hundred. This topic – contradiction and preference – is an important one among the sub-disciplines of *uṣūl al-fiqh*, *uṣūl al-ḥadīth*, and the sciences of the Qur’an.

HADITHS ON *AL-‘AZL* (COITUS INTERRUPTUS)

To illustrate, let us take as an example the hadiths that have come on *‘al-azl* (*coitus interruptus*) – the withdrawal of the man from his woman during intercourse, whereby he casts the sperm outside the vulva so that she does not conceive by him.

Let us look here at the hadiths which Abū Barakāt ibn Taymiyyah (the grandfather) mentioned in his famous book *al-Muntaqā min al-Akbbār al-Muṣṭafā*, under the heading ‘What has come on *al-‘azl*’.

From Jābir, he said:

We used to practice withdrawal with the knowledge of God’s Messenger, while the Qur’an was being revealed [i.e. during his lifetime].

(The hadith is agreed upon.)

A variant, according to Muslim:

We used to practice withdrawal with the knowledge of God’s Messenger. Then that [news of our doing so] reached him but he did not forbid us [from it].

Also from Jābir, that:

A man came to God’s Messenger, and said: “I have a slave girl, she is our servant, and she carries water for us in the date-palms. And I go with her, but I do not want her to conceive.”

Then he said: “Practice withdrawal from her if you wish. But indeed there will come to her what is decreed for her.”

(Ibn Ḥanbal narrated it, also Muslim and Abū Dā’ūd.)

From Abū Sa’īd, he said:

We went out with God’s Messenger, on the expedition to the Banī al-Muṣṭaliq. We took captives from the Arabs, and we desired the women; the abstinence was severe upon us, and we intended to practice *al-‘aḏl*, so we asked God’s Messenger about that. He said: “[It is] not [incumbent] upon you that you not do [that]. For indeed God, the All-Mighty and Majestic, has already written what He will have created until the Day of Resurrection.”

(The hadith is agreed upon.)

From Abū Sa’īd, he said:

The Jews say withdrawal is like burying infants alive. Then the Prophet, said: “The Jews lie. Indeed God, the All-Mighty and Majestic, if He wills to create a thing, no one can rise up to avert it.”

(Ibn Ḥanbal narrated it, and Abū Dā’ūd.)

(The variant wording of it):

That a man said: “O Messenger of God, I have a slave girl, and I practice withdrawal from her; I do not want her to conceive, and I want what men want [from women]. And indeed the Jews report that withdrawal is [...]”

Ibn al-Qayyim said in *al-Zād*: “Be content with the authenticity of this *isnād*, for all of [its narrators] are *ḥuffāẓ*.”

From Usāmah ibn Zayd, that:

A man came to the Prophet, and said: “I practice withdrawal from my woman.” God’s Messenger, said to him: “Why do you do that?” Then the man said: “I am concerned about her [conceiving] a child, or about her [having] children.” Then God’s Messenger, said: “If there were harm [in it] it would have harmed the Persians and the Romans [who do that].”

(Ibn Ḥanbal and Muslim narrated it.)

From Judāmah⁶³ bint Wahb al-Asadiyyah, she said:

I was present with God’s Messenger, in [a company of] people, and he was saying: “I had intended that I should forbid intercourse during pregnancy (*ghaylah*). Then I looked to the Romans and the Persians – though they do this it does not hurt their [unborn] children a thing.” Then he was asked about

withdrawal, and he, God's Messenger, said: "That is a hidden [form of] burying alive, and she [who is so buried will cry out, as the Qur'an says:] 'When the infant girl buried alive shall ask [for what sin she was slain].'"

(Ibn Ḥanbal and Muslim narrated it.)

From ʿUmar ibn al-Khaṭṭāb, he said:

God's Messenger forbade that one practice withdrawal from a free woman except with her permission.

(Aḥmad narrated it, and Ibn Mājah, but its *isnād* is weak.⁶⁴

That is my opinion too – because Ibn Lahīʿah appears in its *isnad*, and there is a well-known discussion about him – but what Ibn ʿAbd al-Barr and Aḥmad ibn Ḥanbal and al-Bayhaqī have reported from Ibn ʿAbbās attests to it: "He forbade withdrawal from a free woman except with her permission" (as cited in *Nayl al-Anṭār*).)

It would appear from the group of hadiths cited that they demonstrate the acceptability of withdrawal. That is the position that the majority of jurists adopt, except that one may not practice withdrawal from a free woman without her permission and consent in view of her right of enjoyment of the act. Nevertheless, there is, in the hadith of Judāmah bint Wahb, the clear statement of its being "a hidden [form of] burying alive". Some among the scholars reconcile this hadith with those before it. So it is interpreted as mildly reprehensible (*ʿalā tanẓīl*). That is the approach taken by al-Bayhaqī. Then, there are scholars who pronounce the hadith of Judāmah weak, because of its contradicting what has more routes of transmission. Ibn Ḥajar said: "This rebuts the *ṣaḥīḥ* hadiths by making [them] suspect. But the *ṣaḥīḥ* hadith – there is no doubt in it, and [in any case] reconciling [them] is possible."

Then again, among the scholars are those who have claimed that it is abrogated, but this claim was rejected, following knowledge of the chronology (of the hadiths). Al-Ṭaḥāwī said: "It is possible that the hadith of Judāmah is in agreement with what the command was in the beginning, in line with the People of the Book, in what was not sent down on him. Thereafter, God informed him with the ruling and he called what they had been saying about it false. Ibn Rushd and Ibn al-ʿArabī criticized [that

by saying] that the Prophet would not forbid anything following the Jews and then say they were lying about it.”

Some among the scholars have preferred the hadith of Judāmah on account of the evidence for its being *ṣaḥīḥ*. They call its opposite weak on account of the variation in its *isnād* and the discrepancy therein. Ibn Hajar said: “It is rejected only in that it impairs the [other] hadith, not in that some [part] of it reinforces some [part of the other]. For indeed it is acted upon. And it is the case here. And [in any case] reconciling is possible.”

Ibn Hazm preferred acting according to the hadith of Judāmah because the hadiths other than hers agreed on the principle of the permissibility of *al-ʿazl*, whereas her hadith demonstrated its being forbidden. He said: “Whoever claims that he permitted [it] after he forbade [it] – it is up to him [to provide] the explanation [for the inconsistency].”

Investigation shows that her hadith is not crystal clear in prohibiting *al-ʿazl*. Also, calling it “a hidden [form of] burying alive” does not necessitate the approach of making the two equal so that *al-ʿazl* should be forbidden in the way that burying alive is. Ibn al-Qayyim reconciled the hadiths and said:

That in which he said the Jews lied is their allegation that with *al-ʿazl* conception becomes unimaginable altogether. They surely made it of the rank of cutting off the progeny by burying alive, and so he called them liars. He informed [us] that it does not prevent conception if God has willed to create it. If He did not intend its creation it cannot be a burying alive in reality. And [the Prophet] only called it a hidden [form of] burying alive in the hadith of Judāmah because the man withdrew only to avoid conception, and so he brought about his intent [which may well be supposed to be] like what is brought about by burying alive. But the difference between the two is that the actual burying alive is by direct cause of the joining together of the intent and the deed, whereas the withdrawal has to do with intent only. So it is for that [reason] that he described it as being a hidden [form of burying alive]. And this reconciling [of the differing reports] is strong.

Also, the hadith of Judāmah has been pronounced weak. I mean the addition which is there at its end, because Saʿīd ibn

RECONCILING DIFFERING HADITHS OR PREFERENCE BETWEEN THEM

Abī Ayyūb is alone in narrating from Abū al-Aswad. Mālik narrated it and Yaḥyā ibn Ayyūb from Abū al-Aswad and did not mention [this addition]. [It is considered weak also] on account of its being in contradiction to the group of hadiths under this heading. The people of the four *Sunan* have curtailed [omitted] this addition.⁶⁵

Al-Bayhaqī, in his *Sunan al-Kubrā*, traced and narrated the hadiths and reports judging for the permissibility of *al-ʿaḥl*, and they are many. Then he devoted a special chapter to those who dislike *al-ʿaḥl*, and who differ in the report from him on it. He did not narrate on its being disliked. But he did cite in that chapter the hadith of Judāmah bint Wahb, which Muslim reported. After that he (al-Bayhaqī) said:

The opposite has been narrated to us from the Prophet. The narrators of the permissibility [of *al-ʿaḥl*] are more common and better at preserving. Those have permitted it whom we have named from the Companions (that is, Saʿd ibn Abī Waqqās, Zayd ibn Thābit, Jābir ibn ʿAbd Allāh, Ibn ʿAbbās, Abū Ayyūb al-Anṣārī, and others). And it [permissibility] is better. And the aversion [to it] is interpreted by those who dislike it as staying aloof [from it] (*tanẓīh*) without forbidding [it] (*taḥrīm*). God knows better.⁶⁶

ABROGATION IN THE HADITH

Linked to the topic of contradiction between hadiths is the issue of abrogation, or the abrogating and the abrogated, in hadith. It is an issue common to the sciences of both the Qurʾan and hadith. Among Qurʾan commentators there are those who exceed the bounds in their claims of abrogation in it – so far so that some of them allege that a single verse, called the ‘verse of the sword’, abrogates from the Book of God more than a hundred verses, and they make that claim despite not agreeing among even themselves about what the ‘verse of the sword’ is! In the hadith, some specialists resort to ‘abrogation’ when reconciling two contradictory hadiths becomes troublesome for them, and when they know which is the later of the two.

In reality the claim of abrogation in the hadith is narrower in scope than the same in the Qur'an. This is so despite the fact that one would expect it to be the other way around, since in principle the Qur'an addresses general and permanent conditions, whereas what the Sunnah deals with includes matters that are partial, circumstantial and temporal, corresponding to the Prophet's leadership of the Community and his consideration for its everyday affairs. Nevertheless, of many of the hadiths of which abrogation is alleged, it becomes evident from precise determination that they are not abrogated.

Among the hadiths there is both what intends stricture, and what intends leniency, and both kinds of injunctions obtain, both together, each in its place. Some hadiths are restricted by a circumstance, and some are otherwise according to another circumstance, but this alteration of the circumstances does not mean abrogation. That has been said, for example, on the prohibition of storing the meats from the Sacrifice after three nights, and its being subsequently permitted. But this is not abrogation, rather the prohibition applies in one circumstance, and the permissibility in another circumstance, as we have clarified elsewhere.

It is worthwhile citing here what al-Bayhaqī has conveyed – in his book *Maʿrifat al-Sunan wa al-Āthār* – with his *sanad* to al-Shāfiʿī, may God have mercy on him. He said:

Wherever it is feasible of two hadiths that they be acted upon together, let them be acted upon together, and [let] not one of the two be suspended [for] the other. If nothing is feasible of the two hadiths except [their] difference, then the difference in them [can be regarded from] two directions:

One of the two [directions]: that one of the two [hadiths] is abrogating, and the other is abrogated, so one acts according to the abrogating [one], and one leaves the abrogated [one].

And the other [direction]: that the two differ and there is no evidence as to which of the two is abrogating, and which of the two is abrogated. Then we do not go to one of the two and not to the other unless for a cause that demonstrates that the one that we [prefer to] go to is stronger than the one we leave, and that [cause] is that one of the two hadiths is more established [in proof] than the other, so we go to the [one

which is] more established [in proof], or more conformable with the Book of God, the All-Mighty and Majestic, or to the Sunnah of God's Messenger. [We also consider] in what [respects] the hadiths are the same as his Sunnah and [in what respects they] differ from [it], or what is better according to what the people of knowledge know [of the matter], or more correct in [terms of] analogical reasoning, or what the greater number of the Companions of God's Messenger were on.

Al-Bayhaqī reports that al-Shāfi'ī said:

The summary of this is that one does not accept except a proven hadith, just as one does not accept testimony [in a legal case] except from one whose probity is known. So if the hadith is unknown, or conveyed from those from whom one keeps one's distance, [then] it is as if it had not come, because it is not established.

Al-Bayhaqī said:

That of which knowledge is obligatory upon one who looks into this book (*Ma'rifat al-Sunan wa al-Āthār*) is that he should know that both Abū 'Abd Allāh Muhammad ibn Ismā'īl al-Bukhārī and Abū al-Ḥusayn Muslim ibn al-Ḥajjāj al-Naysābūrī classified and compiled the hadiths, all of them *ṣaḥīḥ*.

The *ṣaḥīḥ* hadiths that remained, they did not trace and report because of their falling, according to both of them, below the rank and quality which they prescribed in their books for authenticity.

Abū Dā'ūd Sulaymān al-Ash'ath al-Sijistānī traced and reported some of them [i.e. of the hadiths not in al-Bukhārī and Muslim]. Abū 'Īsā Muhammad ibn 'Īsā al-Tirmidhī [traced and reported] some of them. Abū Bakr Muhammad ibn Ishāq ibn Khuzaymah [traced and reported] some of them. May God have mercy on them. Each one of them was on [the position] that his ijtihad called him to.

[All] hadiths that are narrated are according to three classes:

Among them: that whose authenticity the people of the knowledge of hadith have agreed upon. So that is [a hadith] that it is not for anyone to find room to differ on – as long as it has not been abrogated.

Among them: that whose weakness they have agreed upon. So that [is a hadith] which it is not for anyone to rely upon.

Among them: that about whose being established they differ on. Then, among [the scholars] there is one who has con-

PRINCIPLES FOR CORRECT UNDERSTANDING OF THE SUNNAH

sidered [a hadith] weak because of a defect that has appeared to him in some of [that hadith's] narrations, [and] that [defect] was hidden from others. Or [one scholar] was not prevented from [knowing] the condition of [a narrator] such that acceptance of his report would be obligatory, [whereas] other [scholars] were prevented from [knowing] it. Or [one scholar saw in] the meaning what he considered a defect [and other scholars] did not see it as a defect. Or [one scholar] 'refrained from' a discrepancy [in the transmission of the hadith], or 'refrained from' a discrepancy in some of its words, or in some narrations ['refrained from'] the interpolation into the text [proper of the hadith] of the words of the narration, or ['refrained from'] the *isnād* of one hadith entering into [the *isnād* of another] hadith – [all of] that being hidden from other [scholars].

This is what is obligatory upon the people of the knowledge of hadith after [those predecessors in this science]: that they should investigate their differences, and strive for knowledge of the meanings [of the differences] in [view of] acceptance or rejection; then they should choose from their opinions the most correct. And the means to success is from God.⁶⁷

IV

UNDERSTANDING CAUSES, ASSOCIATIONS, AND OBJECTIVES

The best understanding of the Prophet's Sunnah comes by investigation of the particular causes on which hadiths are based, or the specific occasion to which they are attached, specified in the hadith text or discoverable from the hadith, or understood from the actual circumstance to which the hadith is addressed.

A penetrating observer will find that, among the hadith, some are based upon consideration of particular temporal conditions in order to realize a recognized public good, or to ward off a specific harm, or to deal with a difficulty existing at that time. This means that the injunction that the hadith carries appears general and permanent but, on further consideration, is seen to be founded upon a particular reason, and the injunction passes away with the passing away of that reason, just as it stays in force with the continuance of that reason.

This requires profound understanding and subtle perception, as well as comprehensive, integrated study of the texts and mature insight into the goals of the Law and the reality of the religion. It also requires moral courage and inner strength to come out with the truth even if it opposes what the people are used to and what they have inherited. It is not an easy thing. This is the cost exacted from Shaykh al-Islam Ibn Taymiyyah by the enmity of the scholars of his time. They conspired against him until he was put in prison many times, and he died therein, may God be pleased with him.

For an understanding that is sound and subtle, one must know the associated circumstances which the hadith text addresses. This is so because the hadith came to clarify those circumstances and to deal with the conditions thereof. That knowledge helps define the objective of the hadith with accuracy, and does not give scope to meandering speculations, or to unintended running about behind the surface meaning. It is well known that our scholars have stated that part of what is necessary for a good understanding of the Qur'an is knowledge of the occasions of revelation. This is to prevent happening what happened with the extremists among the Khārijis and others, who took the verses that were sent down about the Associationists and applied them to the Muslims. Ibn 'Umar used to regard them as the worst of creation for that reason – because they distorted the Book of God from what was sent down in it.⁶⁸ Now, if the occasions of the revelation of the Qur'an were sought by whoever wished to understand or comment upon it, the occasions of the appearance of the hadith are even more emphatically to be sought. That is because the Qur'an is by its nature general and permanent; there is not in its concern what would allow room for partial matters and details and time-bound considerations – except to take principles and moral lessons from them. The Sunnah on the other hand does often treat of localized difficulties, partial and time-bound matters; and in it there are particulars and details that are not typically found in the Qur'an.

Therefore, it is necessary to distinguish between what is particular and what is general, what is temporal and what is eternal, and

what is partial and what is all-comprehensive. Each of these has its appropriate kind and form of injunction. The investigation into the context, and the associated circumstances and occasions, assists in the achievement of a proper, correct understanding, for whomever God enables to achieve that.

HADITH: “YOU KNOW BETTER THE AFFAIRS OF YOUR WORLDLY LIFE”

An example of that is the hadith: “You know better the affairs of your worldly life.”⁶⁹ It is one on which some people base their evasion of the Legal injunctions in the spheres of economics, civic and political duties, and the like, because these matters – so they claim – are among worldly concerns, and we know them better, and the Messenger, entrusted them to us! But is this really what this noble hadith intends?

By no means. Among the purposes with which God sent His messengers is that they should stipulate for the people the principles of justice, the balanced norms of equity, and the regulations of the rights and duties in their worldly life, so that their standards should not clash, nor their ways differ. As God said: “We surely sent Our messengers with the clear signs, and We sent with them the Book and the Balance so that people may uphold equity” (*al-Hadīd*, 57: 25).

So texts of the Book and the Sunnah have come which order and regulate everyday concerns – selling and buying, partnership and mortgaging, leasing and lending, and other matters – to the extent that the longest verse in the Book of God was sent down on the arrangement of a matter that is slight among the worldly matters, namely the writing down of debts. God said: “O believers: when you transact a debt for a settled term, then write it down. And let a scribe write it down between you with justice” (*al-Baqarah*, 2: 282).

The hadith (“You know better your own worldly affairs”) is interpreted by the occasion that prompted it, namely the incident of the pollination of date-palms. The Prophet’s indication to the people about this was his conjecture, for he was not an agricul-

turist, he had grown up in a valley not endowed with crops. But the Anṣār supposed his opinion to be by way of a revealed or religious command, and so they abandoned pollination. Its effect was bad for their yield. Then he said: “I was only conjecturing a conjecture, so do not take [from] me [what is] by way of conjecture...” to [where] he said “...You know better your own worldly affairs”. And this is the story behind the hadith.⁷⁰

HADITH: “I AM QUIT OF ANY MUSLIM WHO SETTLES [AMONG] THE ASSOCIATIONISTS”

We give as another example, the hadith: “I am quit of any Muslim who settles [among] the Associationists [in such a way that] the fires [of the Muslims and the Associationists] cannot be seen from each other [meaning the two parties are at war].”⁷¹ Some have understood from it the prohibition of settling in a non-Muslim land of any description, despite the multiplication of the needs for that in our time – for education, preaching, work, business, diplomatic missions, flight from oppression, and other reasons – especially as the world is (as one man of letters put it) quickly becoming ‘one big village’.

The hadith, as Rashīd Riḍā said, appeared on the obligation of *Hijrah* (emigration) from the land of the Associationists to the Prophet in order to help him. The compilers of the various *Sunan* narrated it. Among them, Abū Dā’ūd narrated it from Jarīr ibn ‘Abd Allāh, noting that the group of narrators did not mention Jarīr, i.e. he narrated it as a *mursal* hadith (one narrated from the Prophet by a Successor, without the Companion narrating to the latter being identified). Al-Nasā’ī mentions only this *mursal* version. Al-Tirmidhī traced and reported it as a *mursal* hadith and pronounced it *ṣaḥīḥ*. He conveyed from al-Bukhārī that he regarded the *mursal* as *ṣaḥīḥ*. However, al-Bukhārī did not report it, as it did not meet his conditions for inclusion in his *Ṣaḥīḥ*. Argumentation from the *mursal* is a famous point of disagreement in the science of the principles of hadith. The text of the hadith:

God's Messenger sent a detachment to Khath'am, and [some] people from them took refuge in prostration, but the killing rushed on them [so they were killed in the rush of battle]. [News of] that reached the Prophet. Then he ordered them [to pay] half the bloodmoney (i.e. bloodwit) and he said: "I am quit of any Muslim who settles [among] the Associationists." They said: "O Messenger of God, why?" He said: "Their fires are not seen by each other." (That is, they are not as neighbors or near kin [who camp close to one another] so that you see the fire of either as the fire of the other. And that implies the distance that is between the two of them.)

He halved the bloodwit for them though they were Muslims, because they had helped against their own and voided the half of their duty⁷² by settling among the Associationists at war with God and His Messenger. He was severe about this kind of residence, because it resembled 'sitting out' (i.e. not taking active part in) the call to help God and His Messenger. God says of those who did that: "And those who have believed and do not leave their homes – you have no duty to protect them till they leave their homes. But if they seek help from you in the religion, helping them is your duty, except against a people between whom and yourselves there is a treaty." (*al-Anfāl*, 8: 72)

God repudiated friendship with Muslims who did not emigrate when Emigration was a duty.⁷³ So the meaning of his saying "I am quit of any Muslim..." is being quit of any liability for that person's life if killed, because he brought that upon himself by settling among those at war with the Islamic state.

The meaning of this is: if the circumstances in which the text was spoken change, then the observed reason behind it is detached from the general good it meant to bring about, or from the harm it meant to avert. So the understanding is that the injunction established by this text before has since been turned away – for the injunction hinges upon its reason being existent and present.

THE WOMAN'S TRAVELING WITH A MAḤRAM

An example of that is what has come in the two *Ṣaḥīḥs* from the hadith of Ibn ʿAbbās and others *marfūʿan*: “A woman may not travel except a *maḥram* is accompanying her.”⁷⁴

The reason for the prohibition is fear for the woman traveling alone without husband or *maḥram* at a time when traveling was by camel or mule or donkey, and she was often crossing through desert or barren terrains empty of human settlements or living creatures. Even if, during this kind of journey, the woman did not suffer mischief to herself, she suffered it in her reputation.

But when the conditions change – as in our time – when travel is by airplane or train carrying a hundred or more passengers, then there is not much room to fear for a woman traveling alone. One does not consider this acting in opposition to the hadith. Rather, this position is confirmed by the hadith of ʿAdī ibn Ḥātim *marfūʿan*, according to al-Bukhārī: “[The time] is all but [here when] a woman will leave from Ḥīra heading for the House (i.e. the Kaʿbah), [with] no husband accompanying her.”⁷⁵ This hadith comes in the context of praising the advent of Islam and the rising of its light, and as a token of its providing safety in the land. It demonstrates the permissibility of a woman traveling alone. Ibn Ḥazm proceeded in accordance with this view.

It is no surprise that we find some of the imams permitting the woman to do hajj without a *maḥram* or husband accompanying her, if she was with trustworthy women, or in trusted company. That is how ʿĀʾishah did the hajj and *ṭawāf*, as one of the ‘mothers of the believers’ during the rule of ʿUmar. There was not with them a single *maḥram*; rather, ʿUthmān ibn ʿAffān and ʿAbd al-Raḥmān ibn ʿAwf accompanied them. It is so reported in *Ṣaḥīḥ al-Bukhārī*.

Some people say: A single trustworthy woman is enough as a traveling companion. Others say: She may travel alone if the road is safe. The followers of the Shāfiʿī school have pronounced this view correct for traveling for hajj and *ʿumrah*. Other Shāfiʿīs include any journey in this permission, not just for pilgrimage.⁷⁶

THE LEADERS ARE FROM THE QURAYSH

Another example of that is the hadith “The leaders are from the Quraysh”.⁷⁷ Ibn Khaldūn commented on it in his *Muqaddimah*. The Prophet saw, in his time, what the Quraysh had of power and group-solidarity, on which, in the view of Ibn Khaldūn, caliphal or monarchical rule is established. He said:

If it is established that the stipulation of the Qurayshis was only their [capacity for] deterring strife with what they had of group-solidarity and conquering spirit, [then] we know that only that [capacity] is what sufficed [to qualify them for rule]. So we trace it [the stipulation of the Quraysh] to it [possession of group-solidarity]. We move on to the comprehensive reason within the purpose aimed at [in choosing] the Qurayshis [for rule], and it is the existence of group-solidarity. So we stipulate for the person of the commander of the Muslims that he be from the people who have group-solidarity above whoever [else] has it in his time so they can make whoever is like them [in having some group-solidarity] subservient [to them], and the word can come together [i.e. the people can agree] on the best of protection....⁷⁸

THE METHOD OF THE COMPANIONS AND SUCCESSORS IN INVESTIGATING THE REASONS AND CIRCUMSTANCES OF THE TEXTS

This is the method of investigating the surrounding conditions of the hadiths, and of the reasons that constitute their context. The Companions were pioneers in it, and those who followed them in excellence (i.e. the Successors). They abandoned acting on the outward sense of certain hadiths when it was clear to them that these hadiths were attached to the condition fixed in the era of Prophethood, and subsequently that condition had changed.

An example is that the Prophet divided up the lands of Khaybar among the conquerors of it, but ʿUmar did not divide up the fertile land of Iraq (*sawād*). His view was that it should remain in the hands of its owners, and he put the duty of *ḵharāj* (land tax) on the land, so that it would be a permanent resource for future generations of Muslims.⁷⁹ On that, Ibn Qudāmah said: “The divi-

ding up of Khaybar by the Prophet was at the beginning of Islam and [in] the extremity of need, and there was public good in it. The public good in what was after that was in [charitable] public endowment of the land. And it was obligatory.”⁸⁰

The attitude of ‘Uthmān to stray camels

An example of that is the Prophet’s attitude to stray camels. When he was asked about them, he forbade rounding them up, and said to the questioner: “What is it [to do] with you and with them? You can leave them be. For indeed they have their ‘shoes’ and their ‘waterskins’. They will find water, they will eat [from] the shrubs – until their master finds them.”⁸¹

The matter progressed on this pattern throughout the time of the Prophet. In the time of Abū Bakr al-Ṣiddīq and ‘Umar ibn al-Khaṭṭāb, the stray camel was left alone in whatever condition it was and, following the command of the Messenger, no one took possession of it – for as long as it was capable of defending itself, and capable of tracking water to drink and to store thereof in its belly what it wished, and it had its ‘shoes’, i.e. its hoofs, which give it strength in traveling and crossing the desert – until its owner found it.

Then came the time of ‘Uthmān ibn ‘Affān. Mālik narrates in the *Muwattaʿ* that he heard Ibn Shihāb al-Zuhrī say: “The stray ones of the camels in the time of ‘Umar ibn al-Khaṭṭāb were camels giving birth to camels, and no one touched them. Until it was the time of ‘Uthmān ibn ‘Affān. He ordered the identification of them, then selling [of them]. Then when the owner of them came he was given the price [obtained] for them.”⁸² After ‘Uthmān, conditions changed a little. ‘Alī ibn Abī Ṭālib agreed it in permitting the rounding up of the camels and keeping them safe for their owners. However, he took the view that at times there might be some harm in selling them and rendering their price to their owners – because the price did not have the same use for the owners as the camels themselves. Later on he held that rounding up of strays and the expenditure on them should be from the public treasury – until

such time as their owner came and they would be given back to him.⁸³

In what ‘Uthmān and ‘Alī did, there is no opposition to the words of the Prophet. Rather, they looked to his purpose, and to how the character of people had changed – not honoring rights had crept into their ways, and some of them were stretching their hands to the forbidden. The strays from the camels and cattle were left to get lost by themselves, and their being abandoned was a care upon their owners. It is what the Prophet did not intend at all when he forbade rounding them up. Rather, it was to avert this particular harm.

TEXTS BASED ON A USAGE THAT CHANGED LATER

Related to what we have just discussed are issues that come under earlier or later usage. These entail investigation into what some texts are based on in respect of usages ongoing in the age of Prophethood but which, since then, have changed. No harm ensues, in our view, from looking into the objectives of the texts without clinging to their letters. Here is an example:

The opinion of Abū Yūsuf on measuring by volume or weight

Scholars of fiqh know the opinion of Abū Yūsuf on this topic, derived from his discussion of the categories of (what had been) interest-bearing goods. About such goods there has come the well-known ṣaḥīḥ hadith of the Prophet: “Wheat for wheat; measure for measure, like for like.” That is how it is also for barley, dates and salt. As for gold and silver, he said about them: “Weight for weight.”

Abū Yūsuf took the view that that form of expression in what was said, about the categories of goods to be measured by volume or by weight, was based on the usage at the time, and usage had changed. Dates and salt, for example, had come to be sold by weight – as in our age – and action was necessary in accordance with what the new usage had become. So Abū Yūsuf made lawful

the selling of, for example, dates and salt, by equal weights, even if they differ in volume.

This is opposed to the position that (his teacher) Abū Ḥanīfah took: namely, that any thing of which God's Messenger stipulated variation in it being forbidden, it was to be measured like for like always – even if people had abandoned measuring it that way. Similarly, anything that he stipulated variation from weighing it as being forbidden, it was to be weighed always – even if the people had abandoned weighing in it. According to this view it is obligatory to go on measuring dates, salt, wheat, barley by volume until the Day of Resurrection. This makes hardship for the people – whereas he ordered that the Law should have no prejudice ensue from it. The correct position is what Abū Yūsuf said, and it is in agreement with the well-being of the people in our time. Indeed all the old volumetric measures for cereals and other produce have come to be replaced by measures by weight.

The existence of two niṣābs for calculating zakah on money

Among the examples that have emerged of a text being based on a usage later altered is the Prophet's decreeing two different *niṣābs* for calculating zakah on money. One of the two, for silver, he set at 100 dirhams (equivalent to 595 grams), and the second, for gold, he set at 20 *mithqāls* or dinars (equivalent to 85 grams). For the dinar in that time the exchange rate was equal to ten dirhams.

I have explained in my book *Fiqh al-Zakāh* that the Prophet did not intend to lay down two different *niṣābs* for zakah. Rather, it is a single *niṣāb*, ownership of which is considered adequate to become liable for zakah on it. He decreed two courses of action following the customary usage of the people during the age of Prophethood. The text came based on that established usage. The *niṣāb* was defined for the two liable kinds of wealth, these two being equivalent always. But conditions have changed in our age – the price of silver has fallen drastically relatively to the fall in the price of gold. It is not permissible for us to set the *niṣāb* for two different kinds of liable wealth that are so extremely different – so that we should

say, for example, that the *niṣāb* of money (cash) is what is equivalent to the value of 85 grams of gold, or what is equivalent to 595 grams of silver. At the present time the value of the *niṣāb* for gold is greater than the value of the *niṣāb* for silver by roughly ten times. It does not make sense that we say to a person who has the liable amount fixed in a particular currency: you are considered wealthy if we calculate your *niṣāb* in silver; and we say to another person who possesses many times more: you are counted poor if we calculate your *niṣāb* in gold!

The solution of that is the definition of a single *niṣāb* in our age for money. By it the minimum limit (*niṣāb*) for the wealth liable to zakah under the Law is known.⁸⁴ This is the position adopted by the great professor Shaykh Muhammad Abū Zahrah, and his colleagues, Shaykh ‘Abd al-Wahhāb Khallāf and Shaykh ‘Abd al-Raḥmān Ḥasan – God have mercy on them – in their lectures on zakah in Damascus in the year 1952, calculating the *niṣāb* in gold only. This is what I chose and supported with argumentation in my research on zakah.⁸⁵

Again, this is not opposition to the text, as it has been accused of being. Rather, the text is based on a particular custom; with the wearing away of that custom, the injunction relative to that custom has worn away also.

The change in the people liable to pay bloodwit in the time of ‘Umar

Another example of a text based on temporal usage that changed subsequently is the issue of who is liable to pay bloodwit. The Prophet’s decision was that the people liable to pay bloodwit for an accidental killing were ‘the paternal relatives of the man’. Some jurists took hold of the outward sense of that and made it obligatory that the people liable were always to be the paternal relatives. They did not look to the fact that the Prophet only laid the bloodwit to the charge of the paternal relatives because, in that period, they were the pivot of support and help. Opposing those jurists were others, like the Ḥanafīs. They argued from the action of the caliph ‘Umar, who in his time placed liability on ‘the people of the

dīwān (military register)'. Ibn Taymiyyah discussed the matter in his *Fatāwā*. He said:

The Prophet judged the bloodwit on the people liable, and they were those who supported the man and helped him. The people liable in his time were [the man's] paternal relatives. Then, in the time of 'Umar, he ['Umar] laid it on the people of the *dīwān*. That is why the jurists have differed on this. The principle of that: are the people liable as defined by the Law or those who supported [the man] and helped him? Those who [held] the first opinion did not act [to shift liability away] from the near relatives because they were the people liable according to the [practice in the Prophet's] time. Those who [held] the second opinion made those liable in any time and place who are [the person's] support at the time. Since, in the time of the Prophet, [those who] supported and helped him were only his near relatives, they were the people liable [to pay bloodwit] – for, in the time of the Prophet, there was no *dīwān*.

When 'Umar set up the *dīwān* it was known that the [members of the] army of a city supported each other and helped each other, even if they were not near relatives, and so they were the people liable. This is the more correct of the two positions – that [the liability] differs according to the difference in conditions. For otherwise: a man living in the west, and there are there those who support and help him – [but] how can those be liable who are of the east, under another sovereignty, and news of him has been cut off from them?! The inheritance [by contrast] can be preserved for the absent one: for indeed the Prophet judged on the woman who had killed that her bloodwit was due from her paternal relatives, and that her inheritance was for her husband and her sons, so the one who inherits is not of the people liable [to pay the bloodwit].⁸⁶

It is according to this reasoning that I have given a fatwa in our age that the people liable for bloodwit could be assigned from the professional associations: so if a doctor kills by mistake, then his bloodwit is due from the association of doctors, and the engineer's from the association of engineers ... and so forth.

About the zakāt al-ḥiṭr

Among the established sunnahs is that the Messenger used to pay the zakāt al-ḥiṭr , and he ordered its payment after the *fajr* prayer and before the 'Id prayer on the day of the *ḥiṭr*. That period of time was sufficient for its collection and its distribution to those entitled to it, on account of the society and its members being few in number, and the people in need being well-known, and their places of residence very near, to each other. So there was no difficulty in making the payment in the time he indicated for that.

In the age of the Companions, the society expanded, its members lived further apart, the number of its individuals increased, and new races entered into it. Then the interval between the *fajr* and 'Id prayers was not considered sufficient. The fiqh of the Companions was that they should give zakāt al-ḥiṭr before the 'Id by a day or two days. Then, in the period of the followed imams among the *mujtahid* jurists, the society grew ever more expansive and complicated, so they permitted it to be paid from the middle of Ramadan (as in the Ḥanbalī school), or even from the beginning of Ramadan (as in the Shāfi'ī school).

Moreover, they did not stop at the foodstuffs stipulated in the Sunnah for the payment of zakāt al-ḥiṭr . Rather, they did *qiyās* on those and, by analogy, made it acceptable to give in whatever foodstuffs happened to be prevalent in the area in question. Indeed, some of them broadened the permission to include payment of the cash value (instead of payment in foodstuffs), especially if it was for the greater benefit of the poor. That is the doctrine of Abū Ḥanīfah and his students. Thus the purpose – ‘providing for the needy’ on this day of generosity, and payment due, in foodstuffs – is rightly served by payment of their cash value. Sometimes the cash value is more perfect in fulfilling the duty of provision than food, and especially in our time. In this, there is preserving of the purpose of the Prophetic text, and applying its spirit, and this is the true fiqh.

The letter of the Sunnah and its spirit, or outward sense and inner objective

For sure, adherence to the letter of the Sunnah amounts on occasion to non-implementation of its spirit and purpose; indeed, it is opposed to it, if adherence is only to the outward form of it. By way of example, consider the strictness of those who totally reject payment of the *ṣakāt al-fitr* in its value in cash – as is permitted according to the doctrine of Abū Ḥanīfah and his students, and the opinion of ‘Umar ibn ‘Abd al-‘Azīz, and of others among the jurists of the early generations. The argument of those who are strict is that the Prophet made *ṣakāt al-fitr* obligatory on specified categories of foodstuffs – dates, grapes (raisins), wheat and barley. They say it is our duty to stop within the limits that God’s Messenger prescribed, and not contradict his *sunnah* with our personal opinion. But if they aspire to obey the command as it should be obeyed, they will find that in reality it is they who are opposing the Prophet by following him only in the outward form of his command. I mean that they are, with due humility, obeying the body of the Sunnah but neglecting its spirit.

The Messenger looked to the circumstances of the situation and the time. So he made the *ṣakāt al-fitr* obligatory on what the people had to hand in foodstuffs. And that was more easy for those giving and more useful for those receiving. Among the Arabs, especially the Bedouins, at that time, ready cash was a rarity while payment in food was easy for them, and the needy were in need of food. In that way the duty of charity was made easy for them. So far is that so that he permitted payment in ‘cottage cheese’ (it is milk dried with the cream extracted) to whoever had it and it was easy for them, for example among the nomads, for owners of camels, goats and cattle.

Since then, conditions have changed. Money has become abundant, and foodstuffs scarce. Or the poor man has become needy on ‘Id, not of foodstuffs, but of other things for himself or his family. Payment of the value in money is easier for the ones giving and more useful for the ones receiving. And this is acting in accordance with the spirit of the Prophet’s teaching and his pur-

pose. In the city of Cairo alone there are more than ten million Muslims. If they were to be charged with the payment of ten million cubic measures of barley or dates or raisins, where would they find them? And what hardship and trouble it would be for them to search for those things in the environs of villages, to track down all or even some of them. But God rejected trouble from His religion, and He intended ease for His slaves, and He did not intend for them hardship. Suppose that they could find those things with ease: then how does the poor man benefit from them, when he has not the means to mill flour, or make dough, or bake, and he can only buy bread ready-made from the baker? Surely, we lay a burden upon him when we give the zakah to him as grain. Then, what follows the giving of grain is selling it (for money to exchange for something else). But then who will buy it, when all the people roundabout are no longer in need of grain?

Nevertheless, it is reported to me that in some lands there are Muslims whose scholars forbid them from payment of the cash value. So what happens is that the one giving the *zakāt al-fiṭr* buys a measure of dates or of cedar, for example, from a merchant for ten riyals, then gives it to the poor man. Then the poor man sells it on the spot to the same merchant for less by one or two riyals than what it was bought for – and sometimes for half the original value, and on occasion the merchant refuses the purchase because of the great quantity of what he already has of it. The measure of food-stuffs continues to be sold and bought in this way, time after time. What happens is that the poor man does not receive food, he receives only money, but with a diminution in the sum he would have received if the zakah-giver had paid the value directly in cash. That is the loss incurred in the difference from the original sum for which the zakah-giver bought from the merchant. Only the sum that the poor man sells it for is his.

Now, did the Law come for the welfare of the poor or for the contrary of that? And is the Law formalistic to this extent? Is the strictness in this really following the Sunnah or opposing the spirit

of the Sunnah, whose watchword has always been, ‘make it easy, do not make it difficult’?

Further, do not those who disallow payment of the value in *ḡakāt al-fitr*, permit the payment in kind of foodstuffs that the hadith did not stipulate, if such foodstuffs are prevalent in the area in question? That entails a kind of interpretation or analogical reasoning with the text. Their imams have authorized that, and not found any harm in it. It is – in our view – a correct analogy, and an acceptable interpretation. Why then should there be strict rejection of the idea of payment of the value in *ḡakāt al-fitr*, though its purpose was to make the needy free of the need to run about begging on this day. Perhaps this purpose justifies payment of the value rather more than it justifies payment in the specified foodstuffs. As for the latter, we regard it as obligatory in only one situation, namely the condition of famine, when the people are needy of food much more than of money, when the person has money but cannot find food to buy with it.

V

DISTINGUISHING CHANGEABLE MEANS AND STABLE ENDS

Among the causes of confusion and error in the understanding of the Sunnah is that some people confuse the stable purposes and aims, the realization of which the Sunnah strives for, with the temporal and circumstantial means which sometimes assist the attainment of the sought-for aims. So you see them firmly placing the whole focus on these means, as if they were the purpose itself. By contrast, those who are profound in understanding the Sunnah and its more inward purposes – for them it is clear that the important thing is the aim, which is stable and enduring, whereas the means indeed change with the change in circumstances or epoch or usage or other influencing factors.

Hence you find a common concern among some students of the Sunnah is with the ‘medicine of the Prophet’. They focus their energy and concern on the medicines, nutriments, herbs, grains,

and other things from what the Prophet described as being medicines in the treatment of some bodily defects or illnesses. They quote well-known hadiths in this regard, for example:

The best of what you can use as medicine is cupping.⁸⁷

The best of what you can use as medicine is cupping and *qust al-bahrī* (black cumin).⁸⁸

[It is incumbent] upon you [to treat] with this Indian aloes wood, for there are in it seven healing [properties] ...⁸⁹

[It is incumbent] upon you [to treat] with this black seed, for in it there is healing for every ailment except *al-sām*, and that is death.⁹⁰

In the black seed there is healing for every ailment except *al-sām* (i.e. death).⁹¹

Wear kohl with antimony for it clears the vision and makes the hair grow.⁹²

I think these prescriptions and their like are not of the spirit of the Prophetic medicine. Rather, its spirit is preservation of the life and health of the human being, and soundness of the body and its strength, its right to rest when tired, to food when hungry, and to treatment when ill. Its spirit is that the seeking of treatment does not contradict faith in predestination (*al-qadr*), nor reliance upon God. Its spirit is that for every ailment there is a cure, and confirmation of the law of God (*sunnat Allāhi*) in respect of contagion; the legitimization of quarantine for health reasons; the concern for hygiene of the person, the house and the road; and the prohibition of pollution of water and land; the emphasis on prevention above cure; the prohibition of all that (of intoxicants, drugs, noxious aliments or polluting drinks) whose consumption harms the person; the prohibition of any oppression of the body even in the worship of God; the stipulation of relaxation to preserve bodily well-being; and the preservation of the health of the mind alongside bodily health – and other teachings which represent the reality of the Prophetic medicine, in those aspects of it which are true for every time and place.

The means change at times, from age to age, from one situation to another. Indeed it is inevitable that they should change. So, when a hadith stipulates a particular means, that is only to be taken as an explanation of the reality of its time: we are not bound by it, and we are not restricted to it.

Indeed, if a text of the Qur'an itself stipulates a practical measure for a specified time and specified place, then it does not mean that we stop at that measure, and not think of other measures developed since then and elsewhere. Did not the Qur'an say: "Make ready for them all you can of force [of men] and reined horses so that you may thereby dismay the enemy of God and your enemy, and others besides them" (*al-Anfāl*, 8: 60)? Despite this, no one understands that defence against the enemy is not possible except by cavalry, as the Qur'an stipulated in this verse. Rather, everyone who has intelligence and knows the language and the Law understands that 'cavalry' now is tanks and artillery and the like weapons of the age. The texts that have appeared on the virtue of maintaining a cavalry, and the great reward for it – for example, the hadith: "Good is attached to the forehead of the horses until the Day of Resurrection: the reward [hereafter] and the spoils [of war]"⁹³ – require that one adapt to every means that is invented and has replaced cavalry, or that exceeds it in force of power by many times. An example of such texts is what has come on the virtue of "One who shoots an arrow in the path of God, so he is thus and thus".⁹⁴ It applies to any shooting – with an arrow or a shotgun or cannon or missile – to any means thereof that lie hidden in the future.

I hold that the specifying of the *ṣiwāk* for cleaning the teeth is in the same category. For its aim is cleanliness of the mouth so as to please the Lord – as in the hadith: "The *ṣiwāk* is a cleansing of the mouth and a pleasing of the Lord."⁹⁵ But is the *ṣiwāk* the purpose itself? Or was it the means suited to and easy for the Arab Peninsula? The Prophet prescribed for the people what was suited to the goal and was not difficult for them. There is no objection that, in different societies where the *ṣiwāk* is not easy, this instru-

ment should change to one (such as the toothbrush) that can be manufactured in mass quantities and that suits many millions of people.

Some jurists have stipulated something like that. In the Ḥanbalī fiqh, the author of *Ḥidāyat al-Raghīb* said: “The stick is from the [trees or shrubs] *arāk*, *‘arjūn*, and *ṣaytūn* (olive), and others. It does not hurt or harm or splinter. To use what hurts or harms or splinters is reproachable (*makrūh*). That which harms: such as the pomegranate (*rumān*) or the *rīḥān* and the tamarisk (*ṭarfā’*) and the like of those He does not rightly observe the sunnah who does his teeth with other than a stick.” However, the editor of the book, Shaykh ‘Abd Allāh al-Bassām conveyed from al-Nawawī that he said: “With whatever thing one does the teeth that can remove the change [i.e. restore the teeth to cleanliness], then the cleaning is achieved – even [if the instrument used is] a piece of cloth or a finger....” That opinion is the doctrine of Abū Ḥanīfah, according to the generality of the evidence found in hadiths. We read in *al-Mughnī* “that it observes the *sunnah* to the extent that it achieves some cleaning, and one should not leave the lesser *sunnah* for the sake of the greater”. And he mentioned that this opinion is correct.⁹⁶ From this we know that toothbrush and toothpaste can take the place of the *arāk* in our age, and especially in the house, and after eating and before sleeping, and in particular as some people do not make proper use of the *ṣiwāk*.

Included in the same category are the hadiths related to table manners, on the virtue of ‘licking the bowl’, ‘licking the fingers’, and the like. Al-Nawawī has cited in *Riyāḍ al-Ṣāliḥīn* a good number of these hadiths. One of them is what the two Shaykhs have narrated from Ibn ‘Abbās, who said: “God’s Messenger said: ‘When one of you eats, let him not wipe his fingers until he has licked them or had them licked.’”⁹⁷ Muslim narrated from Ka’b ibn Mālīk, he said: “I saw God’s Messenger eating with three fingers, and then he finished off by licking them.”⁹⁸ He has also narrated from Jābir that God’s Messenger commanded licking the fingers and the bowl, and said: “Surely you do not know in which part of

your food the blessing is.”⁹⁹ And from Anas, who said: “When he ate food he licked his three fingers. And he said: ‘If a morsel of anyone of you falls, let him pick it up and let him remove from it the harm [i.e. any dirt], and let him eat it and not leave it for Satan.’ And he commanded us that we clean out the platter (i.e. that we wipe it out) and he said: ‘Surely you do not know in which part of your food the blessing is.’”¹⁰⁰

One who looks at only the wording of these hadiths will not understand other than that eating with three fingers, and licking them after eating, and licking the bowl or cleaning it out or wiping it, is the *sunnah* of the Prophet. So he may, at times, look with disgust at someone eating with a spoon because, in his opinion, that person is opposing the *sunnah*, behaving as unbelievers do! The reality is that the spirit of the Sunnah that should be taken from these hadiths is his modesty, his acceptance of God’s blessing in the food, and the anxious wish that he should not leave from that blessing anything to be wasted without benefit, such as the remnant of food left in the bowl, or the morsel that falls from some people and they are too proud to pick it up, showing themselves as being in affluence and plenty, and distancing themselves from looking like the poor and indigent, who strive for the smallest thing, even if it be a crumb of bread.

The Prophet used the expression that the left-over morsel is left over only for Satan. His *sunnah* in these matters is indeed a moral and economic training at one and the same time. If the Muslims would act upon it, we would not see the waste that is met with every day – rather, at every meal – in every wastebasket and rubbish bin. If the Muslim Community calculated the level of this waste, its economic value every day would amount to millions or tens of millions. Then how much would it be by month or in a whole year? That is the inner spirit behind these hadiths. Many a man who sits on the ground and eats with his fingers, and licks them afterwards, following the words of the Sunnah, is yet far from the character of humility and the character of gratitude, and

the character of economy in the use of the blessing of food – which is the desired end behind these manners.

“THE WEIGHT OF MAKKAH” AND “THE MEASURE OF MADINAH”

Another example is the hadith: “The weight is the weight of the people of Makkah, and the [volumetric] measure is the measure of the people of Madinah.”¹⁰¹ In light of the age in which it was said, this contains what some contemporaries would call a ‘progressive’ teaching. It teaches the unification of the standards of measure or gauge to which the people refer in selling and buying and other transactions. There is reference in that to the smallest unit of the scale that the people knew well.

The people of Makkah were traders, they did their selling and buying in metallic coin, and so depended on the standard weight being well-preserved – the *mithqāl*, *dirham*, *dāniq*, and the like. Accordingly, they gave much attention to the preservation of these weights and their multiples and divisions. Then it is no surprise that their weights were the standards relied upon, the reference against which people resolved any dispute that arose. It is on this basis that the hadith has come with the particular wording: “The weight is the weight of the people of Makkah.....” Similarly, the people of Madinah were people of agriculture and tillage, owners of grain and fruit. Their attention was directed to the preservation of volumetric measures – such as the *madd*, the *saʿ*, and others – because of their pressing need of them in the marketing of the produce of their lands, orchards and vineyards. When they sold or bought they made use of these measures and they were more rightfully owners of their regulation. So, no wonder at the wording of the Messenger, that the measure is their measure.

What we mean to establish here is that the meaning of this hadith has to do with the class of practical measures, liable to change with the changing of time and place and circumstance, and it is not a binding command stopped in itself and not permitting any alteration. As for the aim of the hadith – it is, self-evidently, as we have said, the unification of the measures with reference to

what man has come to know with greater precision. So the Muslim of today finds no harm in using decimal measures (such as the kilogram and its divisions and multiples), on account of what he distinguishes therein of precision and ease in calculation. Nor does that amount to opposing the hadith in a particular situation. That is why we see it being used by contemporary Muslims in many regions of the world without objection from anyone. The use of metric measures in length is another instance. There can be no objection to it as long as the aim is to arrive at accuracy and unity in the standards. The appropriate maxim to have in mind is: 'Wisdom is the lost property of the believer wherever he finds it, and of all people he has the most right to it.'

SIGHTING THE CRESCENT TO ESTABLISH THE MONTH

It is proper to include in the context of this discussion what has come in the well-known *ṣaḥīḥ* hadith: "Fast upon sighting it (namely, the crescent) and stop fasting upon sighting it. Then if it is hidden from you, estimate (calculate) [the days of the month]." In a variant wording: "Then if it is hidden from you complete thirty days of Shaʿban."

Here the jurist should say: 'Surely this noble hadith points to both an objective, a goal, and to a means.'

Now, as for the objective of the hadith, its explanation is plain to see: that people fast the whole of Ramadan, not missing out a day at the beginning or end of it, or that they fast a day from an adjacent month, namely Shaʿban or Shawwal. That objective is achieved by affirming the start and end of Ramadan by a method practicable and available to the majority of the people, one that does not burden them with hardship or impediment in their fulfillment of the duties of their religion.

Sighting the crescent with the eyes was the easy and available means for the generality of the people in that time. That is why the hadith specifies such sighting. If it had burdened them with another method, such as mathematical calculation – and the Community in that time was ignorant, not versed in writing or calcul-

ating – it would have placed a hardship upon them in the matter. And God desires for His community ease and He does not desire for them hardship. And the Prophet said about himself: “Surely God sent me with an easy teaching, and He did not send me with distress.”¹⁰²

What then, if another method is found better able to realize the objective of the hadith, and further from erroneous interpretation or conjecture or falsehood in determining the opening of the month? And if this method is no longer difficult to achieve, not beyond the capacity of the Community, given what has come into it of the learning and knowledge of astronomers, geologists and physicists specialized at the global level? And when human knowledge has reached to the extent of man being able to ascend to the moon itself, alight upon its surface, peer about at the fissures of its land, and obtain samples of its rocks and soil? Why then should we adhere to means mentioned in the hadith – and the means is not the intended end itself – and forget the purposes that the hadith aimed at?

The hadith has established the opening of the month by the report of one or two persons proclaiming the sighting of the crescent with the naked eye – where it was the practicable means available to the average member of the Community. Then how can one think of renouncing a means that is closed to error or conjecture or falsehood, a means that attains the rank of certainty and definitiveness? Moreover, it is possible that, by adopting it, the Islamic Community of east and west can come together, and reduce the continual opposition and differences among them in the fasting and breaking fast and the ‘Id days.¹⁰³ It is something one cannot make sense of or accept, either by logic of knowledge or by logic of the religion, given that, on this matter, it is confirmed beyond dispute that one party must be right and the others wrong.

Acceptance of definitive calculation today surely is the means to establish the months. One must accept it under the heading of ‘preferred analogy’ in the sense that the Sunnah makes the acceptance of a permissible means lawful for us. Something that entails

uncertainty and a need for interpretation – namely, sighting the crescent with the naked eye – cannot cause the rejection of a means higher and more complete, more adequate to the realization of the intended purpose. The more so as this means (definitive calculation) relieves the Community of severe controversy when deciding about the time of its fasting and its Sacrifice, and enables the longed-for unity in its public symbols and rites of worship, stable continuance of what is commanded of the more special affairs of its religion, and what is more relevant for its life and its spiritual being.

The learned and great *muhaddith*, Aḥmad Muhammad Shākīr (may God have mercy on him) reasoned by a different route to the same judgment – that the lunar month should be by astronomical calculation. He based his argument on the fact that the command in respect of sighting the crescent is dependent on the (legal) cause stipulated for it in the Sunnah itself. Now that that cause is no longer found, it is proper that the injunction be negated also, because it is an established and agreed principle that an injunction goes with its cause, existent or non-existent. It is best to cite his text in his own words, because there is strength and clarity in it. He wrote in his essay *Awā'il al-Shuhūr al-ʿArabīyyah*:

From what there is no doubt [about] is that the Arabs, before Islam and in the early period of Islam, did not know the astronomical sciences, positive scientific knowledge. They were an unlettered Community – they did not write and they did not calculate. One among them who had acquired anything of that knew it only elementarily or the husk of it. He knew it from observation or from following [imitation], or by hearsay and report. [His knowledge] was not based on mathematical roots, nor on definitive proofs deduced from secure axioms. For that [reason] the Messenger of God made the resort for establishing the months in [the people's] rites of worship the definite and witnessed matter that [was] within the capacity of everyone of them, or within the capacity of most of them, and [that] was sighting of the crescent with the naked eye. Then, this was stronger and more regulatory of the times of their [religious] symbols and their rites. It was what joins to itself certainty and firmness from what [was] within their capacity

[to achieve at the time]. And God does not burden a soul except that He gives scope [the capacity to carry that burden].

From what conforms to the commands of the Law there was not [in that time anything to the effect that] one rest the proofs on the devices of calculation and astronomy. They did not know a thing of that in their major cities. Many of them were Bedouin (nomads): the news of the major cities did not reach them, except in occasional intervals of proximity [to the cities], and [that was] infrequently. So if he had made calculation and astronomy [the resort] for them, he would have oppressed them. [For] novelties [as the science of astronomy then was] were not known among them, except by very few, [and that too] from hearsay if it reached them [at all]. It was not known [even] to the people of the major cities except by imitation from some of the people of calculation, and most of them or all of them were from the People of the Book.

Then the Muslims conquered the world, and they took the reins of the sciences. They broadened [their knowledge and competence] in all their arts and crafts. They translated the sciences of predecessors and they distinguished [themselves] therein. They also discovered much from the hidden [hitherto unknown] things and preserved them for those who [were to come] after them. Among those [sciences were] astronomy and astrology and calculation of the stars.

Many of the jurists and hadith scholars did not know astronomy, or they knew [only] some of its rudiments. Some of them, or many of them, were not trusting of one who knew [astronomy], and were not at ease with him. Rather, some of them censured preoccupation with it as deviation and heresy, thinking of it that these sciences led their [practitioners] to claim knowledge of the unseen ('astrology'). Some of them were indeed claiming that, and it brought harm to themselves and to their science. [In fact, some] jurists were excusing [that abuse]. Those who, among the jurists and scholars, knew these sciences, were not capable of defining for them a sound (*sahīḥ*) position in relation to the religion or to fiqh. Rather, they were indicating them with dread [as something to be feared and avoided].

Their situation was thus – when the cosmological sciences were not as widespread as the religious sciences [were], nor what relates to [those sciences]. Also, according to the schol-

ars, the foundations [of those sciences, in contrast to the religious sciences] were not definitively established.

This spacious and splendid Law will endure through time until God permits the end of the life of this world. It legislates for every community, and for every age. For that [very reason] we see in the texts of the Book and the Sunnah subtle indications to what of the affairs [of humankind that the Law deals with] is renewable. Then, when confirmation of [those affairs] comes, they will be explained and known and understood, even though predecessors had explained them according to [what is] not their reality.

What we are now discussing has been hinted in the authentic Sunnah. So al-Bukhārī has narrated from the hadith of Ibn ‘Umar from the Prophet, that he said: “Indeed we are an unlettered Community. We do not write and we do not calculate. The month [he gestured with his hand] is like this....and like this: that is, at times twenty-nine [days], and at times thirty [days]”.¹⁰⁴ Mālik narrated it in *al-Muwatta’*.¹⁰⁵ Also al-Bukhārī and Muslim and others [narrated it] with the wording: “the month is twenty-nine [days], so do not begin fasting until you see the crescent; and do not stop fasting until you see it. Then if it is obscure for you, then estimate (or calculate) it.”

Now our earlier scholars, may God have mercy on them, were right on the explanation of the meaning of the hadith, but they were in error in the interpretation of it. [An example] of their collective opinion on that is the opinion of al-Ḥāfiẓ Ibn Ḥajar:¹⁰⁶ “The intended meaning of the term calculation (*al-ḥisāb*) here is the calculation of the stars and the movement thereof. And [people] were not knowledgeable about that except in a lowly way. So the command to fast and other [commands] are attached to the sighting [of the crescent] so as to lift the burden from them in [respect of] the hardship of knowing the movements [of the stars]. And the command in [respect of] the fasting lasted even though some of them happened to know that [knowledge of the stars’ movements]. However, the outward [wording] of the command negates absolutely linking the command [to fast] to calculation [rather than to sighting the moon]. It is clear in his saying in the last-mentioned hadith: ‘Then if it is obscure to you, complete the number of thirty’; he did not say ‘Then ask the people of calculation’. The wisdom in it is that, when it was obscure, the number [of days to be fasted] is the same for [all] who are

under obligation [to fast], so it caused the controversy and dispute to disappear from [among] them. Now in that [matter], one group of people did go to [the position] that resort should be to the people of the movements [of the stars], and they were the Rāfiḍis.¹⁰⁷ Their agreement [with that position] has been conveyed from some of the jurists. [But] al-Bājī said: ‘The consensus of the righteous *salaf* is a proof against them.’ And Ibn Bazīzah said: ‘It is an invalid doctrine. The Law has forbidden delving into the science of the stars because it is surmise and guesswork; there is no definitiveness in it; and conjecture does not outweigh [the definitive, when it comes to making any Legal decision]. Moreover, if the command [of the hadith] is restricted to [astronomers], then it will be narrowed, because [astronomy] is not known except by a few.’

This explanation is correct in that [in the hadith] attention is [indeed directed] to the sighting and not to the calculation. But the interpretation is erroneous [if the claim is] that, even if there happens [to exist] one who knows [calculation], the injunction on fasting remains (i.e. in respect of seeing alone). [It is erroneous] because the command to rely on the seeing alone has come dependent on a Legal cause explicit in the text, and it is the [Community’s] being unlettered (‘not writing and not counting’). Now, a cause [*‘illah*, in this case being unlettered] stays within the circle of the effect [*ma‘lūl*, in this case being unable to calculate the crescent] being existent and non-existent. [But] then, if the Community has come out of its being unlettered, and become literate and numerate; I mean if there have come into its society [i.e. the collective life of the Community] those who know these sciences; [if] it is possible for the people, the generality of them and the elite of them, to attain to certainty and definitiveness in calculating the beginning of the month; [if] it is possible that they have trust in this calculation [of the same degree as] their trust in sighting, or stronger; when this has become their situation in their collective life and the cause (*‘illah*) of being illiterate has disappeared [from the society] – [then] it is a duty that they resort to [what yields] established certainty. [It is a duty] also that they adopt in establishing [the month] the instrument of calculation alone, and not resort to sighting, except when knowledge [by calculation] becomes difficult for them – as when people are in the desert or a [remote] village and authentic, reliable reports from the people of calculation do not reach them.

If it is a duty – with the disappearance of the cause [*‘illah*, which] its being proscribed [was based] on – to resort to calculation alone, then it is also a duty to resort to true calculation according to the instruments [available]. It is [a duty] also to repudiate the possibility of sighting when the possibility of it is non-existent – for the true first of the month is the night on which the crescent disappears from view after the setting of the sun, even if [the event is confirmed by only] a single viewing.”¹⁰⁸

This opinion of mine – that the injunction varies with the variations of the conditions of the people bound by it – is not an innovation among [juristic] opinions. Indeed this is [found] commonly in the Law, the people of knowledge know it, and others. Among the examples of that in this question of ours is [the following]: That the hadith “If it is obscure to you, then estimate (or calculate) it” has appeared in other wording. In some of them: “If it is obscure to you, then complete the number of thirty”. The scholars explained the summary narration “then estimate (or calculate)” [by joining] to it the detailed narration “then complete the number”. However, the great imam of the Shāfi‘īs – indeed he was their leader in his time – and he was Abū al-‘Abbās Aḥmad ibn Surayj¹⁰⁹ – reconciled the two reports by making them relate to different circumstances. [He argued] that the meaning of his saying “then estimate (or calculate) it” is that [people] should estimate (or calculate) it according to the lunar phase, and that this [command] addresses those whom God has picked out for this science [of astronomy]. And that his saying “then complete the thirty” is an address to the generality [of people who do not know astronomy].¹¹⁰

Now my opinion all but sees eye to eye with the opinion of Ibn Surayj except that he has made it particular to when the month is obscured, [for it is in that event only that] he does not accept people doing the sighting. Also he has made the command to adopt calculation [applicable] to the few – in accordance with what was in his time the fewness of the number of those knowledgeable about [astronomy], the non-acceptance of their opinions and calculations, and the slowness of the receipt of reports between one land and another if the month was established in one of them. As for my opinion: it decides generally for the adoption of precise and trustworthy calculation. And the generality of that for the people is [based]

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on what is easy in these days, such as the speed of the receipt of reports and their wide circulation. Reliance on sighting remains for the very few rare [occasions], for those to whom the reports do not come, and they do not find [any means] that establishes [the beginning of the month] from knowledge of the heavens and the descent of the sun and moon.

I see this my opinion as the most just of the opinions, and the nearest of them to a safe understanding, and [nearest] to a correct understanding of the hadiths that have appeared on this topic.¹¹¹

That is what Shaykh Shākir wrote more than half a century ago (Dhu al-Hijjah, 1357 AH, January 1939). Astronomy had not attained at that time what it has since attained by leaps and bounds. It has enbald people to invade space and ascend to the moon. The science has attained a degree of precision such that, according to one account, the probability of error in calculation by it is as little as one hundred-thousandth of a second!

Shaykh Shākir wrote that, and he was above all things a man of hadith and *āthār*. He lived his life, may God have mercy on him, in the service of the hadith and the Sunnah of the Prophet. He was a pure *salafī*, one who followed, not one who innovated. Yet he did not understand the *salafīyyah* as if it were inflexibly fixed according to what those before us from the *salaf* said. Rather, the true *salafīyyah* is that we take as a method their method, that we imbibe their spirit, that we strive according to our time as they strove according to their time, and that we respond to our reality with our minds, not their minds, without being bound except according to what is definitive in the Law, and the judgments of its texts and its objectives taken as a whole.

This notwithstanding, I read a lengthy article in the month of Ramadan of the year 1409 AH by an esteemed shaykh.¹¹² In it, he pointed to a *ṣaḥīḥ* Prophetic hadith: “We are an unlettered Community; we do not write, and we do not calculate.” He appears to argue that this implies the negation of calculation and lowers the esteem for it among the Community. If this were correct, the hadith would also be an argument for the negation of writing, and the lowering of esteem for that. For the hadith certainly comprises

two matters, by which the Community's being unlettered is demonstrated – writing and calculation. No one has said in the past or in the present that, in his view, writing is a matter censured or undesirable for the Community. Rather, writing is a matter sought after; the Qur'an and the Sunnah and the ijma^c demonstrate this. The first who took the initiative in spreading writing was the Prophet, as is known from his biography, and his attitude to the prisoners of Badr.

Among the arguments put forward on this subject is that the Messenger did not legislate for us to act on the basis of calculation. He did not command that. He commanded us only in respect of sighting, and adoption of it as the method of establishing the month. In this opinion there is something of error and distortion, in both matters:

First: it does not make sense that the Messenger would command reliance on calculation. In his time, the Community was unlettered, they did not write and they did not calculate. So he legislated for it the means appropriate for it in the time and place, and that is sighting – the practicable method for the majority of the people in his time. However, when a means has been found that is more precise, more secure and further from error and conjecture, then there is nothing in the Sunnah that forbids turning to it.

Second: the Sunnah does point to basing action on calculation in the circumstance of obscurity, when the sky is clouded over. It is what al-Bukhārī has reported in *Kitāb al-Sawm* in *Jāmi^c al-Ṣaḥīḥ* by his well-known 'golden chain' of narrators: from Mālik from Nāfi^c from Ibn 'Umar from God's Messenger: he mentioned Ramadan, then he said: "Do not fast until you see the crescent; and do not stop fasting until you see it; and if it is obscure to you, then estimate¹¹³ it."

This 'estimating' or 'calculating' is what is commanded. It is possible that reliance on calculation is included in the command for one who would do it well. It joins to the command what settles and contents the soul. It is what has come about, in our age, in the orderly arrangement of the definitive things – as is well-established

and well-known to anyone who has the minimum knowledge of the sciences of the age and of what man attains therein, whom his Lord taught what he did not use to know.

I have for years been calling for the adoption of definitive astronomical calculation, at least in the negation, not in the affirmation, of the fact, thereby lessening the big differences happening every year at the beginning of the fasting and at the *‘Īd al-fitr*: at the extreme it leads to three days of difference between some Islamic lands and others. The meaning of adopting calculation ‘in the negation of the fact’ is that we should continue to establish the crescent by sighting (in conformity with the opinion of most jurists in our age), but if calculation negates the possibility of sighting – if it says it is impossible because the crescent has not been born at all in any place in the Islamic world – it is obligatory not to accept the testimony of eye-witnesses in any way, because the reality (which definitive mathematical science has established) contradicts them. Indeed, in this circumstance, it is not at all required that you give consideration to the testimony of the people, or that the Law courts or a session for fatwas or religious matters be opened to one who wishes to declare a testimony about sighting the crescent.

This is what I was satisfied with and spoke about in many fatwas, in teaching and lectures. Then God willed that I should find it commented on and detailed in the work of one of the great Shāfi‘ī jurists, Taqī al-Dīn al-Subkī (d. 756 AH), about whom people said: indeed he reached the rank of *ijtihād*. He said in his fatwas that, if calculation negates the possibility of sighting with the eyes, the *qāḍī* is obliged to reject the testimony of the witnesses: “Because calculation is definitive, and the testimony and report are conjectural, and the conjectured cannot contradict the definitive, let alone take precedence over it.” He stated that it is part of the business of the *qāḍī*, in all cases, to look into the testimony of the witness before him. Then, if he sees that immediate sense-experience or perception contradicts it, he rejects it, and no credit is accorded to it. He said: “The condition of proof is that what is being testified to be possible – perceptible, reasonable and lawful.

Then if the proof of calculation decides definitively on the non-possibility of it, then the impossibility of the opinion becomes the ruling, because of the absurdity of what has been testified to, for the Law does not bring absurdities.”¹¹⁴

In contrast to mathematical calculation, the testimony of witnesses can be interpreted as suspect, or mistaken, or false. What might al-Subkī have said if he had lived to our time and had seen, of the advance in astronomy (or astrology, as it used to be named), some of what we have pointed to above?

Shaykh Shākir mentioned in his research that the opinion of the great professor, Shaykh Muhammad Muṣṭafa, Shaykh al-Azhar, famous in his time, when he was the head of the Shari‘ah High Court, was like the opinion of al-Subkī in rejecting the testimony of witnesses when calculation negates the possibility of sighting. Shaykh Shākir said: “I was, and some of my brothers, among those who opposed the great professor in his opinion. Now I make it clear that he was right. I add [to what he said] the obligatoriness of establishing the crescents by calculation in all circumstances except for one for whom knowledge by it is beyond him.”¹¹⁵

VI

DISTINGUISHING BETWEEN LITERAL AND FIGURATIVE

Arabic is a language in which the portion of figurative expressions is plentiful. Figurative expression is rhetorically more effective than literal, as is established in the science of rhetoric. The Prophet was most expressive in spoken Arabic, and his sayings most inspired. No wonder then that, in his hadiths, there should be a great number of figurative expressions drawn from their purposes, in most striking form.

‘Figurative expression’ here means what is included in figurative diction and concepts – metaphor, metonymy, metaphorical simile – all that in a word or sentence departs from the correspondence with the reality they signify. Figurative expression is indicated by markers, in the words themselves or in the context in which the

words occur. An example of that is speech or conversation attributed to animals and birds, and inanimate and non-corporeal entities, as in popular sayings like: ‘The wood said to the nail: Why are you cleaving into me? It said: Ask the one who is hammering me!’ The representation and similitude entailed are not counted as falsehood in a report. Al-Raghīb al-Aṣḫānī said in his valuable book *al-Dharī‘ah ilā makārim al-sharī‘ah* (The means to the most noble of the Law): “Know that speech, when it moves off in the direction of similitude to [convey] a lesson, not a report [i.e. bare information], is not a lie in reality. For this [reason, even] those who are wary do not hold themselves aloof from what is narrated therewith.” As an example of that he presented the famous story in which a lion, a jackal and a fox took part in a hunt. They hunted and took an ass, a gazelle, and a hare. The lion said to the jackal: “Divide it out!” The jackal said: “It is divided up like this: the ass is for you; and the gazelle is for me; and the hare is for the fox.” The lion pounced on the jackal for saying so and slew him. Then he said to the fox: “Divide it out!” The fox said: “It is divided up like this: the ass is for your breakfast; the gazelle is for your midday meal; and the hare is for your night meal.” Then the lion said: “Who taught you this division?” The fox said: “The crimson robe that is on the jackal!”

Al-Raghīb al-Aṣḫānī said: “And [it is] in the light of metaphor [that] one interprets His saying, Exalted is He (*Sād*, 38: 23): ‘This brother of mine has ninety-nine sheep, while I have one sheep’. Another example of that is what many Qur’ān commentators have said about His saying, Exalted is He (*al-Aḥzāb*, 33: 72): ‘Surely We offered the trust to the heavens and the earth and the mountains, but they shrank from carrying it and were afraid of it. And man assumed it.’”

Interpreting a saying figuratively is on some occasions precisely appropriate. Otherwise, one stumbles into error. One time, the Messenger said to his womenfolk: “The quickest of you to join me will be the one with the longest hand.” ‘Ā’ishah said: “So they measured, which of them had the longest hand!” Indeed, in some

hadiths, it is reported that they took a cane to measure which hand was the longest! But the Messenger had not meant that. He only meant ‘long in the hand’ in doing good and spending on others in the right way. That is what the event confirmed. For the first of his womenfolk to join him was Zaynab bint Jaḥsh – she was a woman who worked industriously with her hands and she spent in charity.¹¹⁶

This kind of error in understanding happens with the Qur’an as it happens with the Sunnah. It happened to ‘Adī ibn Ḥātim who misunderstood this verse on the subject of fasting: “So now have intercourse with them and seek that which God has prescribed for you, and [also] eat and drink until the white thread becomes clear to you from the black thread of dawn. Then hold to the fast until the night” (*al-Baqarah*, 2: 187). Al-Bukhārī narrated from ‘Adī ibn Ḥātim that he said: “When this verse was sent down (‘and eat and drink’), I [looked for] two cords, one of them black, the other white. Then I put the two [cords] under my pillow. Then I made [myself] look to the two [cords], and when it was clear to me the white from the black, then I restrained [myself as for fasting]. Then I arose and went in the morning to God’s Messenger and informed him of what I did, and he said: ‘Then your pillow is indeed spacious! That [verse] is only [pointing to] the day’s whiteness [being distinguishable] from the night’s blackness.’”¹¹⁷ (The meaning of “Then your pillow is indeed spacious!” is that it was spacious enough to accommodate the two ‘threads’, referred to in the verse, the two being the white of the day and the black of the night. So he judged that the pillow was as wide as the east and the west!)

Another example of that is God’s saying, in the well-known *ḥadīth qudsī*: “If My slave approaches Me by a hand-span, I approach him by an arm’s length; and if he approaches by an arm’s length, I approach him by the breadth of a fathom; and if he comes to Me walking, I come to him running.”¹¹⁸ The Mu‘tazilis stirred up controversy with *ahl al-ḥadīth* for narrating the like of this text, and accused them of ascribing to God that which is suspected

of likening Him to His creation in physical nearness, in walking and running, and this does not befit His Godhood. Ibn Qutaybah rebutted that in his book *Ta'wīl Mukhtalif al-Ḥadīth*:

This is surely [just] similitude and [figurative] likening. It meant only: whoever comes to Me hastening in obedience, I come to him with reward faster than his coming. Then that has been replaced with 'walking' and 'running'.

An example of that is His saying, Exalted is He: "And those who strive to thwart (*sa'aw*) Our signs, those are rightful owners of the Fire" (*al-Ḥajj*, 22: 51). The striving to thwart (*sa'ā*) [implies] the speed (or haste) in moving. It does not always mean moving. It only means that they are rushing with their intentions and their actions. And God knows better.¹¹⁹

We find some hadiths stirring a kind of ambiguity, specially in the minds of the educated of modern times, when interpreted according to their literal meanings as conveyed in the words in their literal denotations. However, if they are interpreted according to their figurative meaning, the ambiguity is gone, and the face of the intended meaning becomes clear. Let us take as an example of that the hadith of the two Shaykhs from Abū Hurayrah from the Prophet, he said: "The Fire complained to its Lord and said: 'O Lord, one part of me has consumed the other part.' Then He permitted it two breaths – one breath in winter, and one breath in summer. It is the most severe heat that you find, and the most severe cold that you find."¹²⁰

Students in schools in our time study in geography the causes of the variation of the seasons, and the appearance of summer and winter, heat and cold. They are regulated according to the usages of creation, and causes well-known to students. So too, among the well-known witnessed things is that some parts of the terrestrial sphere are in severely cold winter, while others are in severe heat.

Another example is the hadith of Abū Hurayrah in the two *Ṣaḥīḥs* from the Prophet, he said: "God created the creation, until when He was free from creating it. The womb said; 'Is this the place of refuge with You from the cutting off?' He said: 'Yes. Does it not content you that I will join with one who joins with

you, and I will cut off the one who cuts you off.’ It said: ‘Certainly, O Lord.’ He said: ‘Then it is for you.’ Recite if you wish: ‘Would you then, if you were given the command, spread corruption in the land, and sever your ties of kinship?’ (*Muḥammad*, 47: 22).”¹²¹

But is the speaking of the womb (it signifies ‘near relations’) here literal or figurative? The commentators have disagreed. Qāḍī ‘Iyāḍ interpreted the hadith figuratively and said that it is in the class of similitudes. Ibn Abī Jamrah said, in *Sharḥ Mukhtaṣar al-Bukhārī*, in commenting on the meaning of God joining with one who joins his ‘near relations’: “The being connected with God is a metaphor for a great one of His favors, and He has addressed people [in terms] they understand. And why it is of the greatest [of favors] is that the beloved one is offering, to the one loving him, reunion – and [this] is nearness to him, and providing him with what he desires and helping him to what pleases him. The literal [sense] of that is an absurdity in respect of the due right of God, Exalted is He. [So everyone] knows that that is figurative allusion to a great favor of His to His slave. [...] Similarly, the saying about the cutting off – it is a figurative allusion to being deprived of the favor.”

Al-Qurṭubī said:

It is the same whether we said that the expression referring to the ‘womb’ is figurative or literal. Or that it is by way of estimation or likening as to what the meaning is. If the ‘womb’ were something [endowed] with reason and faculty of speech it would say [it] thus. And an example of it: “If We had sent down the Qur’an on the mountain you would see it fearful ...”; and in another [example] “And those are similitudes that we coin for people” (*al-Ḥashr*, 59: 21). Now the purpose of this speaking is to inform [us] of the imperative [nature] of the command [to maintain] the bonds of the ‘womb’. And that He, Exalted is He, sent it down [as] a station for one who seeks refuge with Him, then He gives him refuge and enters him into His protection. If it is like that, then the one near to God is not left forsaken. He said: “One who prays the dawn prayer, and he is under the protection of God: if God seeks from him anything from his responsibility [i.e. something he has failed to do], He gets hold of him, then He throws him on

his face in the Fire.” Muslim traced the sources of and reported it.

My view is that the kind of interpretation here, taking the hadith as figurative, does not diminish the religion in its power, provided it is accepted without affectation and arbitrariness, and there is a necessity for such interpretation, for departing from the literal to the figurative. Only when the meaning one finds in a text is ruled out by clear reason, or what is right in Law, or certain in knowledge, or certain in reality, does it rule out following the intent of the literal meaning.

Here the controversy arises: in such a case, is it forbidden to take the literal meaning or not? Something that has been regarded as impossible by one man or one group, other scholars may reckon to be possible. It is a matter that demands searching reflection and study. For interpretation (away from the literal sense) without good reason, is not acceptable, interpretation that is arbitrary is not acceptable; on the other hand, to interpret a saying literally when there exists something (in reason or Law or knowledge or reality) forbidding that is also not acceptable.

The rejection of resort to the figurative is here in the category of a trial or test for the intelligent among the people, those whose knowledge of Islam finds no contradiction between the authentically traditional and the clearly rational. Let us read this hadith which the two Shaykhs narrate from Ibn ‘Umar, who said that God’s Messenger said: “When the people of the Garden attain to the Garden, and the people of the Fire to the Fire, then death is brought until it settles between the Garden and the Fire, then it is slaughtered, then a caller calls out: ‘O people of the Garden: no [more] death. O people of the Fire: no [more] death.’ So the people of the Garden increase in the joy of their rejoicing, and the people of the Fire increase in the sadness of their grieving.”¹²² In the hadith of Abū Sa‘īd, according to the two Shaykhs and others, “Death is brought in the form of a handsome ram...”¹²³

What does one understand from this hadith? How death is slaughtered, how death dies?

Abū Bakr ibn al-ʿArabī certainly ‘refrained from’ this hadith. He said:

This hadith has been regarded as dubious, on account of its being opposed to obvious sense, because death is a quality, and the qualitative is not changed bodily, then how is [death] slaughtered? [...]

One party [altogether] deny the correctness of the hadith and reject it. And its interpretation [according to] one party [is that] they say: “This is by way of simile, and the slaughtering here is not literal.”

And a[nother] party say: “Rather, the slaughtering is [to be understood] literally, and the one slaughtered is the one entrusted with [administering] death. And all of [the people] know him, because he is the one charged with the seizure of their spirits.”

Ibn Ḥajar said in *al-Fathḥ*: “Some of the later [people] approved this.” He conveyed from al-Māziri his opinion: “In our view death is a quality. According to the Muʿtazilis it lacks meaning. According to both doctrines it is not correct [to say] that [death] could be a ram or [anything] corporeal, and that the intent of this is by way of metaphor and simile.” Then he said: “Indeed God created the body [of death], then He slaughtered [the same], then made [it] as an example to [the effect] that death cannot befall the people of the Garden.”

Al-Qurṭubī said the like of this in *al-Tadhkirah*. All these explanations are running away from interpreting the saying because of its literal sense being in opposition to simple reason, as Ibn al-ʿArabī said. And that is the beginning of denying the hadith and rejecting it. But it is established by a group of routes that it is *ṣaḥīḥ* from a number of Companions. So its rejection is an act of rashness, and so too is rejection of the possibility of interpreting it.

Ibn Ḥajar also conveyed in *al-Fathḥ* the opinion of a speaker he did not identify, who said: “There is no bar to God bringing qualities into being as substances, appointing for them their particular matter – as is established in *Ṣaḥīḥ Muslim* in a hadith: ‘Indeed [the surahs of the Qurʾān] *al-Baqarah* and *Āl ʿImrān* will come as if they were like two clouds’ and the like of that among the hadiths.”¹²⁴

This is the view that Shaykh Aḥmad Muhammad al-Shākir inclined to, in his *Takebrīj* of the *Musnad*. After conveying from *al-Fath* the doubts of Ibn al-ʿArabi about the hadith, and the discussion about its interpretation, he said:

All this burdens and trespasses upon the Unseen, which God has appropriated exclusively to His knowledge alone. We have no duty other than to have faith in what has appeared as it has appeared, neither denying it nor interpreting it. The hadith is *ṣaḥīḥ*. Its meaning is established also from the hadith of Abū Saʿīd al-Khudrī according to al-Bukhārī, and from the hadith of Abū Hurayrah according to Ibn Mājah and Ibn Ḥibbān. The Knower of the unseen [matter or energy] that is behind substances does not inform about it minds [such as ours] limited by the bodies on earth. Rather, the minds [of human beings] are [already sufficiently] astounded by information about the embodied realities within reach of their capacity for information. So why will they rise to judge what is beyond their [minds'] power and authority? And here we are the first in our age to be informed of the transformation of matter into energy, and we are informed of the transformation of energy into matter, by making and doing – [without clear] knowledge of the reality of the one or the other – and we do not know what will be hereafter, except that human reason is needy and lacking, and [we do not know] what matter is or energy, and quality and substance, except terms of convention approximating the realities [of what they signify]. So the good [thing] for man [to do] is that he have faith and that he act righteously, then leave the Unseen to the Knower of the Unseen – so that he may be saved on the Day of Resurrection. “Say: If the sea became ink for the words of my Lord, the sea would be used up before the words of my Lord were exhausted, even if We brought the like of it to help” (*al-Kahf*, 18: 109).¹²⁵

The Shaykh’s discourse, may God have mercy on him, on the reason for refusing interpretation of texts bearing commands on matters unseen is based on strong and convincing logic. However, in this context, exclusion of the hadith text from interpretation is not incontestable. Here, there is no justification for flight from interpretation. For among the perfectly well-known things that reason and tradition agree upon is that death – which separates

man from life – is not like a ram or an ox, or any other animal. Rather, it is one of the non-physical realities or, as the earlier scholars put it, ‘a quality’. The non-physical does not transform into corporeal or animal form except under the heading of similitude and imaging, which gives (some sort of graspable) form to non-physical and mental realities. This is what is more suited to addressing minds of modern temperament. And God knows better.

THE FIGURATIVE IN HADITHS CONVEYING INJUNCTIONS

Figurative expression occurs in hadiths conveying information and in hadiths conveying injunctions. Being alert to it and alerting others to it is a duty of the people of fiqh. It is for the discharge of duties of this kind that people stipulated conditions for a *mujtahid*: that he should be learned in Arabic, knowledgeable about what is possible to be understood in different arguments or proofs in it, in the way it was understood in the pure Arabic of the time of the Prophet and the Companions. Some knew the language by nature, and some by study, as the Bedouin of old said: “I am no grammarian who has to contort his tongue, rather, I am a natural who pronounces correctly.”

Ignoring the distinction between figurative and literal gives rise to many errors – as we clearly see among those who rush to give fatwas in our time, prescribing the forbidden and the obligatory, pronouncing on the heresy or transgression of others, even at times on the unbelief of others, according to texts if they are strong in respect of being correctly established, though not in respect of plainness or clarity of argument.

Take as an example the hadith which some contemporaries adduce for the absolute prohibition against a man shaking hands with a woman. It is what al-Ṭabarānī narrated: “That one of you be pierced with an iron needle is better than that he touch (*yamass*) a woman not lawful to him.”¹²⁶ Al-Albānī has pronounced the hadith *ḥasan* in his critique of our book *al-Ḥalāl wa al-Ḥarām*, and in his *Ṣaḥīḥ al-Jāmi‘ al-Ṣaḡhīr*. If – despite the hadith being not well-known in the time of the Companions and their students – we

concede its being *ḥasan*, then its wording shows that the hadith does not stipulate the prohibition of shaking hands because, in the language of the Qur'an and Sunnah 'touching' (*al-mass*) does not mean the bare touching of one person touching another. The meaning of *al-mass* here is what the saying of the Qur'an commentator Ibn 'Abbās demonstrated: that in the Qur'an *al-mass* (touching), *al-lams* (feeling, groping), *al-mulamasah* (contact, sexual intercourse) are ways of naming the act of sexual conjugation. For sure, God in His noble modesty alludes to what He wills by what He wills. This is something that cannot be understood otherwise in the instance of this verse: "O believers: if you marry believing women and divorce them before you have touched them (*tamassūhunna*), then there is no waiting period for them for you to reckon" (*al-Aḥzāb*, 33: 49).

Now all Qur'an commentators and jurists – until the Zāhiris – interpreted 'touching' (*al-mass*) as 'penetration' (*al-dakhūl*), and they linked it to circumstances of strict seclusion because that is the likely situation for it to take place. An example of it is the verse in *Sūrat al-Baqarah* on the divorce that happens before 'touching' (*al-mass*), meaning before consummation (*al-dakhūl*). The saying of the Qur'an on the tongue of Maryam, upon her be peace, confirms this meaning: "How can I have a son when no man has touched me (*yamsas-ni*)?" (*Āl 'Imrān*, 3: 47). Indeed, the proofs for this in the Qur'an and Sunnah are many.

So there is nothing in this hadith that justifies prohibition of a mere shaking hands, in which there is no craving and no fear that, behind it, there lies a cause of disturbance (*fiṭnah*). This is especially so whenever there is a need for it, such as coming back from a journey, or medical treatment during illness, or escape from persecution, and the like situations which people face. One accepts that when near ones greet one another, when a man needs to shake hands with the wife or daughter of his paternal or maternal uncle, or some other close relative. Especially is this so when she comes to him unexpectedly and extends her hand toward him, and he does not fear in his own heart or in hers any sentiment of lust.

A text that confirms this is narrated by Aḥmad ibn Ḥanbal in his *Musnad* from Anas, he said: “There was ‘a slave-woman from among the slave-women’ of Madinah and God’s Messenger took her by the hand and he did not take his hand from her hand while she went with him wherever she wished [to go].” Al-Bukhārī narrated it with the wording: “There was ‘a slave-woman from among the slave-women’ in Madinah, and she took the Messenger of God by the hand; then she walked off with him wherever she wished.”

The hadith demonstrates the extent of his humility, courtesy and tenderness: though she was a slave-woman she clasped him by the hand and she consulted with him through the city streets of Madinah, so that he decided for her certain needs. He was of extreme modesty and great in character, he did not want to hurt her feelings by withdrawing his hand from her hand. Rather, he shaded her, moving along with her in this situation until she was finished with the judgment of her need. Ibn Ḥajar said in commentary on the hadith of al-Bukhārī:

The purpose of [this] taking by the hand is the necessary implication of it, and that is [its demonstration of] gentleness and complaisance. Also included are the furthest ranks of humility, because of the mentioning in it of a woman and not a man, of a slave-woman and not a free woman, moreover altogether generalized by the phrase “from among the slave-women”, namely that she might be any slave-woman, and by its saying “wherever she wished”, meaning any place whatever. The expression “taking by the hand” indicates the extreme of disposition [allowed to the woman], to the extent [that she might have led him anywhere] even if her need were going out of Madinah. The mutual contact with him was her help in that need, so that he helped in that [by not withdrawing his hand while she continued to need to hold it].

And this is proof of the largeness of his humility and his freedom from all the categories of pride.¹²⁷

What Ibn Ḥajar has stated, may God have mercy on him, as a whole is incontestable. However, his diverting the meaning of taking by the hand away from its literal meaning to what it implies

only, namely gentleness and complaisance, is not acceptable. This is because the literal and the implied meanings are both intended together. The rule with a saying is that one interprets according to its literal meaning unless one finds some evidence or association that diverts it away from this literal meaning. Here, I do not see what prevents that. Indeed, the narration of Ibn Ḥanbal – “and he did not take his hand from her hand while she went with him wherever she wished [to go]” – clearly demonstrates that the literal meaning is (also) the purpose, and that it is affectation and artifice to depart from it.

THE DANGER OF CLOSING THE DOOR TO THE FIGURATIVE

Closing the door to figurative expression in understanding the hadiths, and stopping at the primary (literal) meaning of the text, blocks many educated contemporaries from understanding the Sunnah, even from understanding Islam, and confronts them with doubts as to its soundness if they take the saying literally. At times they find in the figurative expression what does not please their tastes, and what their education disapproves, and they do not make a way out of this distaste in accordance with the logic of the language and the pillars of the religion.

Similarly, some of the enemies of Islam often exploit some of these primary (literal) meanings to ridicule the Islamic understanding of them, and their (apparent) contradiction of modern science and modern thought. For years one hostile Christian, relying on certain hadiths, has attacked Islamic thinking for its belief in superstitions in the age of science and progress. An example is what al-Bukhārī and others have narrated: “Fever is a heat-haze from hell, so cool it with water.”¹²⁸ The hostile critic says: Fever is not some heat-haze from hell. Rather it is some heat-haze from the earth. What there is in it is some filth, assisting the generation of germs.

This critic is stupid or pretends to be stupid, is ignorant or pretends to be ignorant of the figurative meaning and purpose of the hadith. Anyone can understand it who enjoys the taste of the Arabic. For example, we say of a day of intense heat – ‘this intens-

ity opens from hell' – and speaker and listener alike understand the intended meaning of the expression.

The meaning of "the Black Stone is from the Garden"

One of the ill-intentioned (*maḥsūbīn*) wrote about Islam in ridicule of the hadith "The Black Stone is from the Garden",¹²⁹ and the hadith "Pressed dates are from the Garden".¹³⁰ This writer ignored the intended meaning of these expressions and similes. The same kind of usage is found in the agreed-upon hadith: "Know that the Garden is under the shade of the sword."¹³¹ No one understands, nor imagines that he understands, that the Garden which God has prepared for the righteous and God-fearing and whose expanse He has made like the expanse of the heavens and the earth, is really under the shade of the sword. One understands only that the jihad in the way of God – and the sword symbolizes it – is the nearest road to Paradise, and especially when God has prescribed being in the Garden as the reward for martyrdom. Another example of that is his saying to one who intended to offer himself in the jihad, and had left his needy mother in someone else's care: "Stick to her: surely the Garden is under her footsteps."¹³² Again, anyone who has sense understands that the Garden is not literally by the foot of the mother. He understands only that obedience to the mother and taking care of her are among the widest of the doors that lead to the Gardens of Favor. It is related from one of the righteous that he lagged behind his brothers one day, so they asked him about that. He said: "I have been rubbing my side in a meadow of the Garden; for it has reached us that the Garden is under the footsteps of the mothers!" His brothers did not understand otherwise than that he had been preoccupied in the service of his mother and her care, aspiring thereby to the assurance of God and His Garden.

Hadith: "The Nile and the Euphrates are from the Garden"

Muṣṭafā al-Zarqā' told me that a great professor of modern positive law, among the most learned in Egypt, indeed in the Arab

world, said to him one day that he bought the book *Ṣaḥīḥ al-Bukhārī*, then opened it once and his gaze chanced upon a hadith saying “The Nile and the Euphrates are among the rivers of the Garden”. As soon as the learned man saw that, contradicting the reality – because the source of these two rivers is well known to every student, and they spring from the earth and not from the Garden – he was opposed to al-Bukhārī’s book, the whole of it, and thereafter never thought even to turn its pages. The point of this is the suspicion that settled in his head. For if this man had behaved a little modestly, and referred to one of the commentators on al-Bukhārī, or asked one of the proficient scholars among his contemporaries, the truth would have become as plain to him as daylight to the eyes. But pride and arrogance are among the greatest veils to seeing the reality.

Here I think I should quote the opinion of one of the leaders of Islamic civilization, namely Abū Muhammad ibn Ḥazm, on his understanding of the meaning of the hadith and its explanation. I have chosen Ibn Ḥazm only because he, as is well-known, was a *Ẓāhirī* jurist. He believed in the letter of the texts and the adoption of their literal (*ẓāhirī*) meanings, without looking to underlying reasons and correlatives in other texts. However, he did believe that in the Arabic language there is both the literal and the figurative. After citing the *ṣaḥīḥ* hadith, “The *Sīḥān* and the *Jihān* and the Nile and the Euphrates are all among the rivers of the Garden”,¹³³ and the hadith “What is between my house and my pulpit is one of the meadows of the Garden”,¹³⁴ he said: “These two hadiths are not what the people of ignorance suppose – [namely] that the meadow is cut out from the Garden [literally, as a piece of it], and that the rivers are descended from the Garden. This is invalid and false.” Then Ibn Ḥazm explained that the meaning of that space (between the Prophet’s house and his pulpit) being a meadow of the Garden is only by way of alluding to the merit of it, to the prayer in it leading to the Garden. Similarly, the rivers, on account of their blessings, are connected to the Garden figuratively. In the same way as one says on good days: “This is from the days of the

Garden'; and it is said about a flock of sheep: 'These are animals of the Garden'. So too what he said: "Surely the Garden is under the shade of the sword"; another example is the hadith: "The Black Stone is from the Garden". Ibn Ḥazm says of these reports: "The proof is clear from the Qur'an, and from necessity of sense-experience, that they are not [to be understood] on their literal [meaning]." ¹³⁵

This was the position of Ibn Ḥazm, well known for his being *ẓāhiri*, and his attachment, to the extreme of strictness, to the literal import of the texts. Yet, despite this, according to him, it was not appropriate that these texts be interpreted by their literal meaning. And – just as he said – only 'the people of ignorance' suppose that they can be so interpreted!

AGAINST LATITUDE IN LEAVING THE LITERAL MEANING

I should warn here that there is a danger in interpretation of hadiths (and the texts generally), and critique of them, at a remove from their literal meanings. From the viewpoint of reason or tradition, it is not commendable for a learned Muslim to enter into it unless the matter necessitates that. Often hadiths are interpreted away from the expressions themselves or their specificities or occasions, only for it to appear to the scrupulous researcher thereafter that it would have been preferable to leave them in their literal meaning.

I cite, by way of example of that, the hadith: "Whoever cuts the lote-tree, God has fixed his head in the Fire."¹³⁶ It is often narrated in a different wording. Some commentators explain that the intended referent of the cutting is the sacred lote-tree (*sidr al-ḥaram*), despite the fact that the word here (*sidrah*) is indefinite in the context so that it is general to all lote-trees. However, they find the threat to be so severe that they restricted the reference to the sacred lote-tree.

However, I incline to the view that the hadith informs us of an important matter that people are heedless of, namely the importance of the tree – especially the lote-tree in the land of the Arabs –

because of the usefulness of its shade and its fruit, most particularly in the open desert. So, cutting down this lote-tree – outside of necessity – prevents much good from people collectively, and exposes them to probable harm. Nowadays, this subject comes under what contemporary scholars call ‘conservation of plants and the environment’. It is a cause for which societies and political parties have been set up, groups and conferences convened, and institutions and ministries established.

In the *Sunan* of Abū Dā’ūd I found a query by Abū Dā’ūd about this hadith. He said: “This hadith [text] is abridged. That is [in full it is:] one who cuts down a lote-tree in a waterless desert, under which a son of the road [i.e. a traveler] and livestock take shade, [and he cuts it down just] for the sake of it or for wrongdoing without any right [of property over that tree to excuse his cutting it down], God will fix his head in the Fire.”

Praise is due to God! This explanation and commentary of Abū Dā’ūd accord with how I had been thinking the hadith should be understood. This hadith and others like it place Islam in the vanguard of the appeal for conservation of the environment and of plants and trees. Let it be entered in the religious temperament of every Muslim who hopes for Paradise and has dread of the Fire.

Rejected interpretations

Among interpretations to be rejected are the vain interpretations for which there is no evidence in the expression used in the text, nor in the context. An example is the opinion of one who said on the hadith, “Take the *saḥūr* [meal before fasting], for there is surely blessing in the *saḥūr*,”¹³⁷ that the meaning intended by *saḥūr* was seeking forgiveness! No doubt the seeking of forgiveness in the moments before daybreak is one of the greatest of the actions urged by the Qur’an and Sunnah. However, its being the intended meaning of the hadith here is an aberration on the part of the one who said it, and it is to be rejected. Most particularly so in the light of other hadiths that have come, making clear and certain the intended meaning here. For example, his saying: “How excellent

dates are for the *ṣaḥūr*,”¹³⁸ and: “the whole of the *ṣaḥūr* is blessing. So do not leave it, even if [it be] that one of you swallows a gulp of water.”¹³⁹

Another example is an interpretation of the hadiths that have appeared on the Anti-Christ (*Masīḥ al-Dajjāl*), from the evil of the ordeal of whom we are commanded to seek refuge in God in every prayer. The interpretation is to the effect that the Dajjāl symbolizes the now dominant Western civilization, because it is single-minded (that quality being represented in the Dajjāl’s being one-eyed). It looks to life and humanity with just one eye or viewpoint (the material one) and nothing more, so that what goes beyond that, it does not see – so man has no spirit; the creature has no God; and after this life of the world there is no hereafter. This interpretation is opposed to what many hadiths have established – that the Dajjāl is a single individual, who walks here and there, who enters and departs, who summons and seduces and ruins, etc., all that the hadiths have authenticated about the matter. Moreover, these reports are of the rank of *tawātur* (reported by many from many).

Another example of that is the interpretation, by some moderns among the Muslims, of the hadiths that have come on the descent of the Messiah at the end of time. These likewise are hadiths of the rank of *tawātur*, as all the leading hadith experts have explained.¹⁴⁰ The interpretation is that the descent of the Messiah symbolizes an age in which peace and security will predominate, it being widely and popularly supposed that the Messiah is he who will call to peace and tolerance among humankind. This interpretation contradicts completely what the *ṣaḥīḥ* hadiths have demonstrated about the coming of the Messiah: they have described him as the contrary of that: “Ibn Maryam will come down as a just ruler, breaking the crosses, and slaughtering the pigs, and removing the *jizya*”,¹⁴¹ for none will then accept other than Islam. That is but one contradiction of all the contradictions of this interpretation. Even so, it is an interpretation that conforms to the opinions of the ill-meaning and ill-doing missionaries and orientalists, who

claim that Islam is a religion of the sword, while Christianity alone is the religion of peace! This, in spite of what the Messiah says in the Gospel (Matthew 10: 34): “Think not that I am come to send peace on earth: I came not to send peace, but a sword.” Indeed, some Westerner said that the Messiah did not speak the truth so fully in any of his prophecies as in this one. Perhaps that understanding is why Christendom has been given to so much warring and bloodshed, even within itself – in recent times, the two world wars, whose harvest was scores of millions of human lives.

IBN TAYMIYYAH’S REJECTION OF THE FIGURATIVE

I am aware that Shaykh al-Islam Ibn Taymiyyah rejected the figurative in the Qur’an and the hadith, and in the language, in general terms, and he backed that rejection with diverse arguments and considerations. I know likewise his motives for this opinion. He wanted to bolt the door against those who go to extremes in interpretation of what is connected to the Attributes of God. Ibn Taymiyyah called them ‘*al-Mu‘attilah*’. For them, God’s Attributes become all but bare negatives, with no positive in them; so (in effect) they deny, instead of affirming, the Attributes. Ibn Taymiyyah wanted to revive the position that the early generations of the Companions (*salaf*) were on. So he established about God, what He established about Himself in His Book and on the tongue of His Messenger; and he rejected about Him what the Qur’an and the Sunnah rejected about Him. However, in doing that he went to the extreme of rejecting the figurative from the language as a whole.

Now Ibn Taymiyyah is one of the scholars of the Community most dear – perhaps even the very dearest – to my heart. But I approach them with my reason, and I differ from him here, just as he differed from the imams before him. So too he taught us that we should think, and not follow blindly, and that we should follow the proofs and not the individuals, and that we should know the men by the truth, and not the truth by the men. So I love Ibn

DISTINGUISHING THE UNSEEN AND THE VISIBLE

Taymiyyah, but I am not a Taymiyyan. Al-Dhahabī said: “Shaykh al-Islam is dear to us; but the truth is dearer to us than he.”

Yes: I am with the Shaykh al-Islam in what concerns the attributes of God, what is connected to the world of the Unseen, and the conditions of the hereafter. So it is better that we should not plunge recklessly into imagining referents for Him without proof. It is better not to pretend to knowledge of what we do not know, and to refer it to the Knower of it. We say what those deeply-rooted in knowledge say: “We believe in it; all [of it] is from our Lord” (*Āl Imrān*, 3: 7).

This is what I wished to throw some light on in the following section.

VII

DISTINGUISHING THE UNSEEN AND THE VISIBLE

The Sunnah presents subjects related to ‘the world of the Unseen’, some of them are connected to perspectives other than of this our world – for example, the angels, to the host of whom God has assigned diverse duties: “And none knows the hosts of your Lord except He” (*al-Mudaththir*, 74: 31); or the jinn, inhabitants of the earth, under obligations like us, some of whom see us but we do not see them; and among them the satans, the hosts of Iblīs, who swore before God that he would mislead us and make the false and the evil seem good to us: He said: “By Your power I will certainly mislead everyone of them except those of Your slaves among them of pure heart (*mukhlisīn*)” (*Ṣād*, 38: 82–83). And among other examples of the same: the Throne, the Chair, the Tablet and the Pen.

Some of these elements of the Unseen are related to the life in the *barzakh*, the interval of life after death and before the resurrection of the Hour – for example, in connection with the interrogation in the grave, and its blessings or its torments. Some of them are related to the life of the hereafter itself – the sending out from the graves, the gathering and the standing, the conditions of

the Day of Resurrection, and the supreme intercession, and the Balance and the Reckoning, and the Path, and the ranks of the people therein, and the Fire and the classes of torment therein, touching the senses and the spirit, and the descending degrees of the people therein. All these matters, or most of them, the Qur'an has set out, and the Sunnah has expanded upon and detailed what is summary in the Qur'an.

We are bound to point out that some of the hadiths that have appeared on this do not reach the rank of *ṣaḥīḥ*, which is expected of them, so it is not proper that they be gathered in a discourse on this subject. The discourse should be limited to only the hadiths of the Messenger which are established and authenticated. The duty of the Muslim scholar here is to accept what he has verified as established, according to the principles of the people of knowledge and those of the early generations of the Community who were followed. Rejection of a text is not permitted merely on account of its opposition to what is familiar to us; nor on account of the occurrence of it seeming to us far-fetched in relation to what is familiar to us, so long as it falls within the sphere of the rationally possible. Now there surely is what we customarily consider to be impossible. Yet we also know that even mere human beings have been capable (by virtue of what comes from knowledge) of making things once considered to be in the order of the impossible. Indeed, if such things were reported to predecessors, those who reported them would be represented as madmen. How dare we then measure the power of God, which lacks for nothing in the earth or in the heavens?

For this reason, our scholars affirmed as a principle that the religion brings what reason can marvel at, but it is not possible that it has brought what reason parts from. Accordingly, the authentically conveyed tradition is not contradicted in any circumstance, nor the plainly and clearly reasoned.

One does not suppose any mutual contradiction between the two. It is inevitable that error can indeed have arisen, but only in what has been conveyed but is not authentic, or what has been

reasoned but is not plain and clear. I mean matters related to what man considers to be of the religion is not among the truths of the religion, or what he considers to be derived from knowledge or reason is not definitively related to knowledge or reason.

Some schools of thought and Islamic sects surely went to extremes, for example the Muʿtazilis, in rejecting some of the *ṣaḥīḥ* hadiths that seemed far-fetched to their reason. We have seen this in the attitude of some of them to the hadiths that speak of the interrogation by the two angels in the grave, and what ensues of blessing or punishment. Among other examples are: their attitude to the hadith of the Balance¹⁴² and the Path; to the believers' seeing God in the Garden; and to some hadiths that speak about the jinn and their relationship to human beings. Al-Shāṭibī said in his valuable book *al-Iʿtiṣām*:

It is from the habit-patterns of the people of innovation and deviation that they reject hadiths which entailed non-conformity with their prejudices and doctrines, and made propaganda that [these hadiths] were opposed to what can be reasoned, and [were] without proximity to what [rational] demonstration has necessitated, and so rejection of them was obligatory.

So they are deniers of the punishment of the grave, and the Path and the Balance, and the seeing of God, Mighty and Glorious is He, in the hereafter. In the same way [they deny] the hadith of the fly and its dipping, and that in one of its wings there is harm, and in the other healing, and that it puts in first the one in which there is harm;¹⁴³ and the hadith of the one who came complaining about his brother's stomach and the Prophet advised him to drink honey;¹⁴⁴ and what is like that in the *ṣaḥīḥ* hadiths conveyed by people of honorable record.

At times they slandered the narrations from some of the Companions and the Successors – and they are far from deserving that – [whereas] the leading hadith scholars were agreed on their being upright men worthy to be followed. All that they rejected, according to what opposed them in their doctrine. At times they also rejected [the Companions'] fatwas and reviled them in the hearing of the general public so that they frightened the Community away from following the Sunnah and the people of the Sunnah.

They made speaking about the Path or the Balance or the Pool being established and proven a speaking of which one makes no sense! Then indeed one of them asked: "Is unbelief attributed to the one who affirms the [believers'] seeing God in the hereafter?" Then he said: "No. He has not unbelieved insofar as he has said what makes no sense. And one who has said what makes no sense is not an unbeliever."

One faction went to [the position of] negating the reports of the single narrators out of hand, and restricting [what they would accept] according to what pleased their reason in understanding the Qur'an, to the extent that they made wine permissible from His saying, Exalted is He: "There shall be no sin on account of what they consumed upon those who believe and do righteous deeds" (*al-Mā'idah*, 5: 93).

And about those and the like of them God's Messenger said: "Let me not find one of you reclining on his couch: there comes to him one of my commands with what he is commanded [to do] or he is forbidden from [doing], and he says, 'I am not aware [of that]. We did not find our following it [commanded] in the Book of God.'"¹⁴⁵ This is a severe warning, including in it [the warning against] denial [of the Sunnah]. It does not justify the one who perpetrates the crime of rejecting the Sunnah.¹⁴⁶

Of the same sort as that are the far-fetched calls (from some contemporaries) to reworking of the *ṣaḥīḥ* hadith: "In the Garden there is assuredly a tree in whose shade a rider may travel for a hundred years without crossing through it." The hadith is one agreed upon. The two Shaykhs have narrated it from Sahl ibn Sa'īd, and from Abū Sa'īd, and from Abū Hurayrah.¹⁴⁷ Al-Bukhārī has also narrated it from Anas. On this point Ibn Kathīr said in his *tafsīr* of the verse: "And spreading shade" (*al-Wāqī'ah*, 56: 30) — "This hadith from God's Messenger is well-established, indeed definitively *mutawātir* in being *ṣaḥīḥ* according to the leaders of hadith scholarship."

The outward sense is that the hundred years are the years of this world. For this reason, it is said in the narration of Abū Sa'īd: "The rider may travel on a horse specially trained for speed." The outward of this is, again, that it is in this world, but none knows except God the kind of anything between the time of this world

and the time of the world that is with God: “And surely one day with your Lord is like a thousand years of what you count” (*al-Hajj*, 22: 47). When a hadith has been authenticated there is no scope for us except to say we are content: we believe and we affirm the truth of it, being certain that the particular norms in the hereafter are different from the norms of this world. That is so far so that Ibn ‘Abbās said: “There is nothing from the world in the Garden except the names!”

An example of that is what has come on the punishment of the unbelievers in the Fire: the heaviness of the unbeliever’s molar teeth; the distance between his two shoulders; the coarseness of his skin; etc. The acceptance of such hadiths as they are worded is more salutary. As for inquiry into the details thereof – there is no avail in it. The fortunate preacher should not preoccupy the minds of his readers or his audience with this class of hadiths, whose subject-matter gives rise to ambiguities in the contemporary mind, and on knowledge of which neither the practicability of the religion nor contentment in this world are dependent. Only what is appropriate should be mentioned according to the exigency.

Foremost among the things that the Muslim should busy his soul with: to ask of God the Garden, and whatever of speech or act brings him nearer to it, and that by which he may seek refuge from the Fire and from whatever of speech or act brings him nearer to it; and that he behave with the behavior of the people of the Garden, and keep far from his soul the behavior of the dwellers of the Fire. The sound attitude that is incumbent upon him is the logic of faith; and the logic of reason is not incumbent upon him. It is incumbent upon us that we say about all that has been established of the religion in respect of the unseen things: We believe in and we affirm the truth thereof; just as we say about all that has come to us in respect of acts of worship: “We have heard and we obey.”

Certainly! We believe in what the text has come to us with, and we do not question about its essence or its modality; nor do we inquire into the details of it. For our intellects are often helpless to

comprehend these matters of the Unseen. God, who created man, did not fit him for the like of this perception, because he did not need that for the execution of his duties in the stewardship of the earth (*khilāfah*), and the raising up of its structure, and the worship of God therein.

Now if the school of rational theology, which the Muʿtazilis exemplify, had been guided to the perception of this truth and the acceptance of it, they would not have needed to reject the *ṣaḥīḥ* hadiths, which establish the believers' seeing of God in the hereafter, and their seeing their Lord as they see the moon on the night of full moon. And the simile is for the seeing distinctly, not for that which is seen, in connection with the outward meaning of the Qur'an, whose interpretation they have caricatured – for example the verse: "That day faces will be radiant, looking toward their Lord" (*al-Qiyāmah*, 75: 22–23).

The fundamental error which has occurred in this is the analogical likening of the Unseen to the visible, of what is to come (hereafter) with what precedes it (in this world). It is a dubious mode of analogy – analogy to the dissimilar – and every mode has its norms and established patterns. For this reason the people of the Sunnah affirm the seeing, together with their consensus that it is not on the pattern of the familiar seeing with the seeing-faculty that is known to us. Rather, it is – as Muhammad ʿAbduh said – a seeing without modality and without boundaries, and the like of it cannot be except by the seeing-faculty that God will particularly designate for that purpose, for the people of the abode of the hereafter. Or He will make particular alteration in the seeing-faculty so that it then becomes unlike the familiar form known in the life of this world. It is something of which knowledge is not possible for us; nevertheless, we affirm the reality of it when the report of it has been authenticated.¹⁴⁸

Rashīd Riḍā adhered to the discourse of his teacher (ʿAbduh) on the means of the seeing in the hereafter. He said:

The prehension [grasping] of reality belongs to the spirit; and the senses [sight, hearing, etc.] are its instruments. Moreover, it

ADOPTING THE LEXICAL MEANINGS OF THE WORDS

is established by the definitive experiments of the scientists of the east and the west in this age that among people there is one who sees and reads while his eyes are blindfolded, in [something] they call reading of concepts; and he sees some things [though] not others in the act of dreaming; and among them [there is another] one who sees a thing despite many veils; and [what is] remote and far away [he sees] like one [directly present and] watching [...]. So then this confirms about the seeing of all people in this world [what is] in opposition to the familiar [modes of seeing]. So does it befit one who has sense that he should be dubious about what, in the Garden, is stranger than [that], and further from the familiar? And [the Garden] is a world of the Unseen, different in its patterns and conventions than the world of the visible. And is the dubiety about and rejection of the seeing [of God in the hereafter] otherwise than on account of an analogy between the world of the Unseen and this world in respect of the seeing and the being seen? It is a vain, false analogy. Its falsehood in respect of the being seen is more evident [than in respect of the seeing].¹⁴⁹

VIII

ADOPTING THE LEXICAL MEANINGS OF THE WORDS

It is of the utmost importance, for a correct understanding of the Sunnah, to adopt the lexical meanings of the words in which the Sunnah has come. For words surely change in their connotations from one epoch to another, and from one locale to another. This is a matter well known to students of the evolution of languages and vocabularies, and the traces of time and place in that evolution.

CAUTION AGAINST READING CURRENT TERMS INTO OLD TEXTS

People agree by convention on certain words denoting particularized meanings, so there is no dispute among them about terminology. However, the source of anxiety here is the interpretation of what has come in the Sunnah – and another example of that is the

Qur'an – in words belonging to current terminology, and here flaws and errors occur.

Al-Ghazālī informed us about the alteration of terms, in some of the names of the sciences, to meanings removed from what they denoted in the generations of the *salaf*. He cautioned against the danger of this alteration and its misleading those who did not go deeply into the definition of what was being understood. In *al-Ihyā'*, he addressed a valuable section in his *Kitāb al-'Ilm* to that. In it he said:

Know that the source of the confusion of the reprovved disciplines in the sciences of the Law is the distortion of the approved names and their alteration. They have been conveyed with ill-intentioned objectives to [introduce] meanings other than what the righteous *salaf* intended. [In] the first century: there were five words – *fiqh* (jurisprudence), *'ilm* (knowledge, science), *tawhīd* (God's Oneness), *tadhkīr* (reminding), *hikmah* (wisdom) – now these are approved names, by [derivatives from] which are signified office-holders of high dignity in the religion. But nowadays they are conveyed with disapproved meanings. Then the hearts [of people who knew better] shied away from disapproving those who were qualified with their meanings, so that the application of these names to them spread.¹⁵⁰

Al-Ghazālī elaborated that, may God have mercy on him, in a number of pages. If there were, at that time, these five words, the change in which in the field of science al-Ghazālī took note of, there are now innumerable words in diverse fields that have changed.

Over time this alteration did not fade away. Rather, it widened along with the change in epoch and locale and human development, to the point that there arose a far-reaching gulf between the original Legal connotations of the words, and the connotations known later or used in current idiom. And therein lies the source of unintended error and false understanding, as also of willful deviation and distortion. That is what the brilliant and truth-seeking scholars of the Community cautioned against: namely, reducing

the words of the Law to the idioms current with the passing of the ages.

TWO WORDS: *TAṢWĪR* AND *NAḤT*

Whoever does not take due care in this discipline will fall into many errors – as we see in our age. Take for example the word *taṣwīr* (image) which has come in *ṣaḥīḥ* and agreed-upon hadiths. What is the intended meaning of it in the hadiths which threaten those who make images (*muṣawwir*) with the severest torment?

Many of those who preoccupy themselves with hadith and fiqh include under this threat those called *muṣawwir* in our age, a term embracing whoever uses that device called ‘the camera’, and they put this ‘copying a form’ (*shakl*) together with what is more properly called an image (*ṣūrah*). But is this naming – calling the operator of the camera a maker of images (*muṣawwir*), and his action image-making (*taṣwīran*) – a linguistically correct naming? No one claims that, when the Arabs coined a usage that occurred to their hearts for this matter, it was not a lexically correct naming. But, at the same time, no one claims that this naming is to do with the Law, because this sort of art or skill was not known in the age of its Legislation. No one imagined that the word *muṣawwir* would apply to the operator of a camera, for the device was then non-existent.

So who then calls him *muṣawwir*, and his action *taṣwīran*? Indeed it is the current usage that does so, it is we Arabs who do so, or we find the ones who demonstrate this art or skill in their time, and we apply to it the name *taṣwīr*, and we mean by it: ‘photography’.

It is possible that people call it something else and adopt that as their usage. One such possibility is their naming it *ʿaks* (reflection, reverse, contrast) and call the one who practices it *ʿakḳās*, as the people of Qatar and the Gulf do. So if one of them goes to the *muṣawwir* (or *ʿakḳās*) and says to him: I want you to ‘take a picture of me (*taʿakisu-nī*)’; and the other says to him: ‘At what time shall I ‘take pictures’ (*ʿukūṣ*) of you? – their conversation is nearer to the reality of the action. For it is not more than a reflection of the

form taken by a particular device, just as the form is reflected in the device of a mirror. This is what the learned Shaykh Muḥammad Bakhīt al-Muṭiʿī, the mufti of the lands of Egypt in his time, said in his treatise *al-Jawāb al-Kāfi fī Ibāḥat al-Taṣwīr al-Fūṭūḡhrāfi*.

Just as, in our time, the (photographic) image is called by the term *ʿaks*, an embodied image used to be called *naḥt* (something worked in wood or stone): it is what the scholars of the *salaf* considered as being ‘that which has a shadow’. They agreed upon its being forbidden except in the games of children. Now, would calling this (photographic) image *naḥt* take it out of the sphere of what the texts have brought the threat against, in respect of both image and image-makers? The answer is negative emphatically. Because what takes it out of the sphere of that threat is not this name or another, but its nature and function.

In the first place this (photographic) image is that to which the word ‘image’, in the sense understood in the Law, does not apply in the language or in the Law, because that, to which ‘image’ in that sense is properly applied, is what resembles and has been made to resemble the creation of God, because the creation of God and its ‘image’ is an embodied creation, as in the *ṣaḥīḥ ḥadīth qudsī*: “Among the greatest wrongdoers from those who go about is [he who] creates like My creation.”

THE OBLIGATION OF PRECAUTION IN COMMENTING ON INDIVIDUAL WORDS OR SENTENCES

One who comments on the eloquent text of a great man of letters or a great poet must study it closely and make fine distinctions in his commentary until he has explained the intended meaning of the text. The research gives expression to the purposes of the author of the text, and it sustains the meaning commensurate with the rhetorical norms of the writer. This is more obligatory and necessary when the text is a religious or sacred one, such as the text of the Qur’an, or a text of the Prophet, which attained the summit of human eloquence, and which turned within the horizon of the Qur’an, clarifying and detailing from the Prophet what was

in the Book revealed to him. God gave him weighty sayings (epitomes and maxims), and He taught him the Book and the Wisdom, and He taught him what he did not know, and it was a tremendous favor of God upon him.

It is enough for some words that one refers to the dictionary of the language for their explanation, and the books on the strange materials in the hadith, though with a need for subtlety and refinement in the use of such resources. We find of some words that they shift from the literal to the figurative, from the plainly evident to the secret or hidden. From some words, from the literal ones of the language, the Law is derived, and these were accorded a new meaning not well-known before the appearance of the Law – for example, words related to cleansing of the body (*wuḍu'*, *tayammum*), and to the prayer rite, and the like. Some words are not understood except in the light of their context, and their purposes, and their local and historical situations, as we explained in section IV above.

We have seen how contemporaries, who have intruded what is foreign into the sciences of the Law, play in commentary on the words of the Qur'an and the hadith. It is a matter of regret to all with a kernel of knowledge, and to all with a conscience, for these are commentaries that do not rely upon the logic of religion or of language or of science. They are following only caprice and, as Ibn 'Abbās puts it, caprice is the worst of what is worshipped on earth: "Have you seen him who makes his caprice his god? God causes him to stray knowingly and seals up his hearing and his heart and makes a covering over his eyes? Then who will guide him after God?" (*al-Jāthiyah*, 45: 23).