

A Hadith on Fasting In Rejab

Imam al-Nawawi said:

“Neither prohibition nor praiseworthiness has been established for the month of Rajab in itself, HOWEVER,

(1) the principle concerning fasting is that it is **praiseworthy** in itself, and

(2) in the Sunan of Abu Dawud the Prophet has made the **fasting of the sacred months praiseworthy**, and Rajab is one of them.”

A Hadith On Fasting in Rajab

1. `Uthman ibn Hakim al-Ansari said: “I asked Sa`eed ibn Jubayr about fasting in Rajab, and we were then passing through the month of Rajab, whereupon he said: “I heard Ibn `Abbas saying: “The Messenger of Allah used to observe fast so continuously that we thought he would not break it, and did not observe it so continuously that we thought he would not observe fast.” Muslim and Abu Dawud relate it in *Kitab al-sawm*, respectively in the chapter on fasting at times other than Ramadan, and in the chapter of fasting during Rajab.

Imam Nawawi says: “It would appear that the meaning inferred by Sa`eed ibn Jubayr from Ibn `Abbas’s report is that fasting in Rajab is neither forbidden nor considered praiseworthy in itself, rather, the ruling concerning it is the same as the rest of the months. Neither prohibition nor praiseworthiness has been established for the month of Rajab in itself, however, the principle concerning fasting is that it is **praiseworthy in itself**, and in the Sunan of Abu Dawud(*) the Prophet has made the fasting of the sacred months praiseworthy, and Rajab is one of them. And Allah knows best.”
Sharh Sahih Muslim Kitab 13 Bab 34 #179.

(*) Kitab al-siyam, Chapter: "Fasting During the Sacred Months". Also in Ibn Majah and Ahmad, hadith of the man who repeats: "I can bear more," and to whom the Prophet finally says: "Fast during the sacred months."

It is established that Ibn `Umar fasted during the sacred months: Musannaf `Abd al-Razzaq 4:293, Musannaf Ibn Abi Shayba 1:125.

2. Abdullah, the freed slave of Asma' the daughter of Abu Bakr, the maternal uncle of the son of `Ata', reported: "Asma' sent me to Abdullah ibn `Umar saying: "The news has reached me that you prohibit the use of three things: the striped robe, saddle cloth made of red silk, and fasting the whole month of Rajab." Abdullah said to me: "So far as what you say about fasting in the month of Rajab, how about one who observes continuous fasting? And so far as what you say about the striped garment, I heard `Umar ibn al-Khattab say that he had heard from Allah's Messenger : "He who wears a silk garment, has no share for him (in the Hereafter)." And I am afraid that stripes were part of it. And so far as the red saddle cloth is concerned, here is Abdullah's saddle cloth [=his] and it is red. I went back to Asma' and informed her, so she said: "Here is the cloak (jubba) of Allah's Messenger ," and she brought out to me that cloak made of Persian cloth with a hem of (silk) brocade, and its sleeves bordered with (silk) brocade, and said: "This was Allah's Messenger's cloak with `A'isha until she died, then I got possession of it. The Apostle of Allah used to wear that, and we washed it for the sick so that they could seek cure thereby." Muslim relates in the first chapter of Kitab al-libas.

Nawawi says: "Ibn `Umar's reply concerning fasting in Rajab is a denial on his part of what Asma' had heard with regard to his forbidding it, and it is an affirmation that he fasted Rajab in its entirety as well as fasting permanently, i.e.

except the days of `Id and tashreeq. This is his madhhab and the madhhab of his father `Umar ibn al-Khattab, `A'isha, Abu Talha, and others of the Salaf as well as Shafi'i and other scholars. Their position is that perpetual fasting is not disliked (makruh)."

[Another opinion is reported from Ibn `Umar through a hadith from Ahmad reported in "al-Mughni" 3:167 whereby he disliked that people fast the whole of Rajab but said: "Fast some of it and break fast in some of it."]

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Nawawi adds: "In this hadith is a proof that it is recommended to seek blessings through the relics of the righteous and their clothes (wa fi hadha al-hadith dalil `ala istihbab al-tabarruk bi aathaar al-salihin wa thiyabihim)." Sharh sahih Muslim Kitab 37 Bab 2 #10.

3. Bayhaqi relates in Shu`ab al-iman (#3802):

Abu Abdallah al-Hafiz and Abu Muhammad ibn Abi Hamid al-Muqri said: from Abu al-`Abbas al-Asamm, from Ibrahim ibn Sulayman al-Barlisi, from Abdallah ibn Yusuf, from `Amer ibn Shibl, who said: "I heard Abu Qilaba say:

"There is a palace in Paradise for those who fast the month of Rajab."

Bayhaqi adds: "Even if it is mawquf at Abu Qilaba (i.e. not traced back to the Prophet) who is one of the Successors, such as he does not say such a saying except if it were related to him by someone who had heard it from him to whom revelation comes (i.e. the Prophet), and success is from Allah."

Blessings and Peace on the Prophet, his Family, and his Companions.

Sheikh Gibril Haddad

For further reading:

- Muwasala.org
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STAY AWAY FROM THE SUFIS

A friend of mine told me that she was advised to stay away from the Sufis. And this is not the first time I heard this kind of “wise” advice. In the first place who are the “Sufis” that she was advised to abstain? True, there are false Sufis or “pseudo-Sufis” (as Tan Sri Prof. Syed Naquib al-Attas always terms them) out there that you must not get close to. But at the same time all the great Imams of Ahlul Sunnah wal Jamaah (Sunni) of the past are all Sufis: from Imam Abu Hanifah, Imam Malik, Imam Shafie, Imam Ahmad bin Hanbal, Imam al-Ghazali and the list goes on...may Allah have mercy on them all!

When Sayyidina Jibril AS came to the Prophet SAW in the form a man wearing white clothes, he taught him about Islam that comprises of (i) Pillars of Islam (ii) Pillars of Iman and (iii) Ihsan (spiritual excellence), apart from the signs of the Qiyamah. A hadith later popularly known as Hadith Jibril AS. We all know very well about the Five pillars of Islam and Six pillars of Iman. But what about Ihsan? Ihsan is about khusyuk, ikhlas (sincerity), tawbah (repentance), sabr (patience), taqwa (piety) etc. and all this is taught in Sufism or tasawwuf or *tazkiyat al-nafs* or whatever name you want to call it. In essence, it deals with his spiritual aspect of man, or his inner self. The physical prayer will not be accepted without the presence of the spiritual heart (*khusyuk*) while one is praying. The rewards one will receive depends on the presence of his heart when he prays.

Imam Shafi'e RA said:

فَإِنِّي وَوَحَقِّ اللَّهِ إِيسَاسًا كَأَنْزَمِجْ
فَقِيهَا وَصُوفِيَا فَكُن لَيْسَ وَاحِدًا

Translation:

Be both a faqih and a sufi: do not be only one of them!
Verily, by Allah's truth, I am advising you sincerely.

while Imam Malik RA said:

من تصوف ولم يتفقه فقد تزندق، ومن تفقه ولم يتصوف فقد تفسق، ومن
جمع بينهما فقد تحقق

Translation:

He who practises tasawwuf without learning Sacred Law
corrupts his faith, while he who learns Sacred Law without
practising tasawwuf corrupts himself.
Only he who combines the two proves true.

There are numerous quotes on this from our great Imams and
scholars of the earliest time of Islam (salaf) or later
generation (khalaf), however, suffice for us to mention here
the position of Ibn Taymiyyah RA himself regarding Sufism or
tasawwuf since those who against Sufism mostly claiming
themselves are the followers of Ibn Taymiyyah RA.

Even Ibn Taymiyyah RA himself was a Sufi!. Our teacher Sheikh
Haddad mentions that "Ibn `Abd al-Hadi narrates in Bad' al-
`Ilqa bi-Labs al-Khirqa that Ibn Taymiyyah boasted of having
received the Qadiri Sufi Tariqah from Ibn Qudamah. For his
part al-Dhahabi in his Siyar twice states he received the
Suhrawardi Tariqah from his beloved Egyptian Sufi teacher
Ahmad al-Abarquhi. Siyar (Fikr ed. 17:118-119 #6084, 16:302
#5655). He boasts the same in his Mu`jam al-Shuyukh. The Hafiz
who surpassed both of them, Ibn Hajar al-`Asqalani, was a
Shadhili Sufi – as were his students al-Sakhawi and al-Suyuti.
In Sunni Islam it is unthinkable that a learned person not be
a Sufi".

If you hate a Sufi, then think again whether you are truly a

Sunni!

Read Also:

[What is the inner path?](#)

SHEIKH AFIFI: THE 'AMAL OF THE LIVING FOR THE DEAD

By [Shaykh Dato' Dr Muhammad Afifi al-Akiti*](#)

Q. "I read in the Reliance of the Traveller (p. 928)"

[which is a complete manual of Islam consisting, in the main part of the book, a translation together with a useful explanation in English of a beginner's level textbook on Shafi'i fiqh (but a post-Fard 'Ayn text), the 'Umdat al-Salik by Imam al-Naqib; while in the other parts of the book, there are various useful selections from medieval and also modern-but-reliable texts on a number of issues including the following mas'ala which past Muslims have accepted without question]

"that donating the reward of our worship to the dead is permissible. But where does it say this in a specific Shafiite fiqh reference?"

[Since the text that the Reliance refers to for this particular issue is a modern work called the Qada' al-'Ibadat written by a modern Shafi'i Mufti, which the questioner here, for reasons unknown to us, seems unwilling to accept the conclusions of this modern Shafi'i scholar.]

"Didn't the Qur'an say: "And that man can have nothing but

what he does"? Is there an ahl tafsir who says that one can donate the reward of our worship to the dead? Can you please clarify this for me? Also what is established ruling in the Shafii school regarding donating the Fatihah, for example, to the dead?"

A. Al-hamdulillah al-'aliyy al-kabir yarfa'u l-mutawadi'in wa-yudhillu l-murtabin fa-salawat rabbi wa-salamuhu 'ala sayyid al-mutawadi'in yad'u ila husn al-zann wa 'ala alihi wa-sahbihi wa 'ala ahl l-thiqqa ila yawm al-haqiqa ajma'in.

Allahumma ftah 'alayna futuh al-'arifin, ma sha' Allah la quwwata illa billah, wa qul: Rabbi zidni 'ilman!

My dear questioner, if I were allowed only to give you a one-line answer, it would have been sufficient for me to say only this: be humble, and learn to trust your scholars! May Allah make it easy for us to open our hearts to make us accept and trust what we have not found "proof" of, what we have not seen and what had been veiled from us; for we have been unworthy of it, Ya Rabb! Whereas if one wanted to express the epitome of the following answer in verse, I would only have to compose this for you; so learn them so you may be guided [min bahr al-basit]:

ajru l-qirA'ati ya'tI l-mayta mu'taqadu # fI mA salaf wa-khalaf wa-hum aqarrU bi-hi wa-ayatu n-nafI ma'nAhA 'adamu hudan # lA yaqbalUna wa-lam yaSghU siwA Haqqihi

[That the reward of the recitation reaches the dead is a point of belief, and both then and now, they have acknowledged this belief. Whereas the Qur'anic verse which (appears to) deny (this belief), its meaning is in fact loss of Guidance, since they can no longer receive, nor listen (to Guidance), save his own right.]

So what is there to clarify for you? Isn't the Qada' al-'Ibadat (a work of around 500 pages [in parts, reproduced in

Keller, Reliance, 928-931 (w35.2)) by Shaykh Nuh 'Ali Salman al-Qudat (may Allah protect him!), a Shafi'i mufti from Jordan, a good enough Shafi'iyya reference for you? Well, if you are finding it hard to follow his judgements then I doubt that the following medieval references will make any difference. If they will, then ask yourself what your intention was in the first place and ask that Allah purify your intentions.

Of the many "specific Shafiite fiqh reference", we only have to relate what is in the Fath al-Mu'in, a basic but important Shafi'iyya textbook that is read widely, from East Africa to South East Asia. In fact, this is a medieval topos that appears usually in the subsection of the Bab of Wasiyya [bequests] (following the famous statement in Imam al-Nawawi's Minhaj: "wa-tanfa'u al-mayyita Sadaqatun wa-du'A'un min wArithin wa-ajnabiyyin"):

"The dead is benefited by charity [sadaqa] performed on his behalf whether by the heir [of the dead; warith; meaning his relation] or by others. Among them [i.e., the sadaqa] are: (1) to endow [waqf] a Qur'an and the like, or (2) to build a mosque, to dig a well, or to plant a tree whether by him while he was alive or by others on his behalf after his death, and [the dead is also benefited by] performing supplication [du'a'] on his behalf; and all of this is agreed by the Consensus of the Muslims [Ijma']. In a Sahih [rigorously authenticated Hadith], it is said that Allah raises the rank of a slave in Paradise by means of his son asking forgiveness [istighfar] for him. [This is the meaning of the well known Hadith of Abu Hurayra which is related by Ahmad, Ibn Majah, al-Bayhaqi and Ibn Abi Shayba.] As for the words of Allah the Most High: "wa-an laysa li-l-insAni illA mA sa'A" [That [each] man can have nothing [i.e., no right to a reward] save what he strives for] (al-Najm, 53:39), it is General ['Amm; a technical term used in Usul Fiqh to mean that this Qur'anic verse has a General meaning and that it may be subject to

Takhsis [Specification of the General]; the point here is that the verse does not contain a Qarina [indication] that others might be prevented from helping him, and as it turns out, it is a verse] that has been Specified [Makhsus; i.e., it is being Takhsis] by that [rigorously authenticated Hadith and Ijma']. It is also said, that it [i.e., this verse] had been Abrogated [Mansukh]. The meaning of "the dead being benefited by sadaqa" [as opposed to "the dead being benefited by du'a'"] is, it is as though the dead himself is the one performing the sadaqa. [Imam] al-Shafi'i (may Allah be pleased with him!) said: "[Among] the abounding favour from Allah is that He will also reward those who perform sadaqa [on behalf of the dead]. For that reason, our jurists have said that it is [legally] recommended [i.e., the hukm shar'i is Mandub/Sunna] for the one [who wishes to perform sadaqa] to intend [instead] to perform sadaqa on behalf of his parents, for example, for Allah the Most High will reward both of his parents without this decreasing in any way, his own reward." [I'anat, 3:218-9]. (So, you should now correct the legal ruling found in your own statement from "donating the reward of our worship to the dead is permissible," to " is recommended!")

From this single reference in the Fath al-Mu'in, most of your questions and suspicions have been answered for you; while this will be sufficient for those who understand.

In addition to what have been said above about the verse of Sura al-Najm, I hope you have noticed that your translation of the verse is inaccurate and it can easily be misinterpreted when read literally. The preposition "lam" used in this verse is what the grammarians called "lam li-l-istihqaq" or "a lam that is used to show that one has a right [Haqq] to possession". Thus the correct sense of this verse is not simply: "That mankind can have nothing save what he strives for", but "That [each] man can have nothing [i.e., meaning that he has no right to any reward] save what he strives for". So the meaning of the verse is actually: if a person did not

act righteously, he or she does not deserve to be rewarded. What is denied for in that verse is the Haqq of that person, not the Haqq of another person and certainly, never the favour and mercy of Allah. So much so, that even when a person is neglectful and did not strive to do good in this world and therefore does not have a right to be rewarded in the next world, Allah may forgive him through His abounding Fadl and by His countless Rahma to whomsoever He sees fit. Indeed, as “yakhtaSSu bi-raHmatihi man yashA’u wa-Allahu dhU l-faDli l-’aZImi” [He selects anyone He wishes for His mercy; Allah’s favour is boundless!] (Al ‘Imran, 3:74). In order to illustrate this mute theological point, the scholars of Tawhid like to present the following example. Given Zayd who works for ‘Umar: Zayd does not have a right and does not deserve to receive any payment from ‘Umar except for the work Zayd has done for ‘Umar. However, this does not mean that Zayd cannot receive any gifts from ‘Umar or even receive help from another co-worker, Ahmad, for example, in the case when Zayd, for whatever reason, neglected to do the work for ‘Umar; for then, it is no longer a question of Zayd’s rights, but it is a case of the mercy of ‘Umar and the charity of Ahmad. (But living on someone else’s handouts is never satisfying and wouldn’t it be better for us to aim to be ‘rich’ before the gift that have been given to us in this world, namely to be able to do ‘amal, are ‘denied’ from us!)

What is more, never did Allah nor His Messenger prohibited the living from giving charity on behalf of the dead. Because if there was such a prohibition (for there is none), even if it be a Hadith which is Da’if and weak, those who prohibit and dislike this practice (such as the Mu’tazila) would have used it by now. (Despite the fact that Da’if Hadiths cannot be used to derive primary rulings in fiqh but can still be used for the fada’ils and illustrations.) Owing to the fact that our Prophet (may Allah’s blessings and peace be upon him!) never said anything against this practice (and on the contrary, there are numerous rigorously authenticated Hadiths that

encourage it), no one has therefore the right to prohibit and deny others a practice which our jurists have deemed good, and indeed, to which the Umma has recorded a Consensus over the issue.

In fact, the verse which you quoted from Sura al-Najm (and others like it), turns out to be the scriptural proof that the Mu'tazila had used in defence of their position that the dead cannot benefit from our actions (or more precisely, to put it in a theological framework: the Mu'tazila believe that a person could not dedicate the reward of his or her 'amal to others (whether dead or alive), and if it is carried out, it will not reach them, nor will it benefit them). [cf. I'anat, 3:218-9; al-Zuhayli, Fiqh al-Islam, 3:2097]. (The point being, my brother, the Ahl Sunna will shy away from using this verse as a proof.)

As the Fath al-Mu'in makes clear, there is also the position maintained by some of our scholars (if the verse is to be read literally) that this verse had been Abrogated or Cancelled by another verse. (Hint: did you not read the verse that came before this one? This episode shows that we must be careful, not to quote the Qur'an out of its original and intended context.) The scholars of Tafsir have said: "This [verse] is also [found] in the Scriptures [Suhuf] of Ibrahim and Musa [may Allah send his peace upon them both!]...and it is said that that [i.e., the legal ruling apparent in this verse] is for the people of Ibrahim and Musa [may Allah send his peace upon them both!], while for this Umma, they can have what they have strived for and they can [also] have what others have strived for them." [al-Khazin, Tafsir, 4:199]. It was none other than Ibn 'Abbas (may Allah be well pleased with both of them!), the Imam of Tafsir among the Companions, who declared that this verse had been Abrogated by another verse: "The legal ruling [of this verse] has been Abrogated with respect to this [Umma's] Sacred Law [Shari'a] by the statement of Allah the Most High: "alHaqNA bi-him dhurriyyatahum" [We shall unite

them [in Paradise] with their offspring] (al-Tur, 52:21), for, the offspring can be made to enter Paradise through the righteousness of [their] parents.” [al-Khazin, Tafsir, 4:199]. Indeed, that is why in another Tafsir of the verse of al-Najm, some of our scholars have interpreted it to mean that the verse can be literally correct from the standpoint of Divine justice, but not from the standpoint of Divine mercy, which, again, is confirmed by what is in the verse of al-Tur. [al-Khazin, Tafsir, 4:199; cf. al-Zuhayli, Fiqh al-Islam, 3:2096]. And yet in another Tafsir according to al-Rabi’ Ibn Anas, a Tabi’in Mufasssir (may Allah be well pleased with him!), the verse is in fact a reference to non-Muslims. [al-Qurtubi, Tadhkira, 1:107]. The discussions arising from the verse of al-Najm is a famous topos among the Ahl al-Tafsir, and if you find yourself amongst those who have never heard of the various ta’wils and interpretations and tafsirs of it, to which our jurists have taken them for granted for more than a thousand years, then it is an indication that your company has no knowledge of this Fard Kifaya science. (I hope you will have understood the point of this exercise, namely that there is more than one reason why this verse should not be read literally on its own.)

In answer to your specific question of whether “is there an ahl tafsir who says that one can donate the reward of our worship to the dead?”; the answer is obviously yes, and even better, we can relate to you the statement of not any famous mufasssir but a Shafi’i one, Imam al-Khazin (may Allah be pleased with him!):

“In the two Hadiths [i.e., he means the two rigorously authenticated Hadiths of ‘A’isha (about the mother who died unexpectedly) on the one hand, and the moving Hadith of Ibn ‘Abbas (about the meeting at Rawha’), on the other hand (may Allah be pleased with all of them!), both of which are related, among others, by Muslim, al-Bayhaqi and Ibn Abi Shayba], there is the legal proof [dalil] that sadaqa

performed on behalf of the dead benefits the dead and its reward reaches them. This [ruling] is reached by the Ijma' of the scholars, and likewise, the scholars have [also] reached Ijma' on [the fact that] performing du'a' [for them] and settling the debt [of the deceased] reaches [them], owing to the [numerous] scriptural proofs [Nass] that has reached [us] regarding it." [al-Khazin, Tafsir, 4:199].

Going beyond the specific reference of Fiqh, let us look at what Imam al-Nawawi (may Allah be pleased with him!), one of the most famous Shafi'i jurists, had to say about this issue. In his Sharh to the Sahih Muslim, he makes it unequivocally clear, again, about the Consensus reached by the Muslims:

"Those who want to do good to their [dead] parents, then by all means, perform sadaqa on behalf of them. For sadaqa reaches the dead and the dead will use them. There is no disagreement [about this] among the Muslims and this is the right [opinion]." [al-Nawawi, Sharh Muslim, 1:80]. For those who want to disagree with what is being said, the Imam had only this to say: "as for those who say that the dead does not get any reward after their death, [let him know that] it is definitely a wrong and mistaken opinion [madhhab] which is clearly against the scriptural proofs of the Qur'an and the Hadiths, and against the Ijma' of the Umma. So do not pay attention to it and do not turn to it!" [ibid.]

As for your question: "what is [the] established ruling in the Shafii school regarding reciting the Fatihah, for example, to the dead?" If you had understood all that we have said so far, then the following is easier to understand (because it will be like relating a story to you for which there will be no thinking required on your part in that you only have to absorb it) and may you be benefited by it!

Unique to our school (for the other schools do not have an issue with this) is a famous disagreement over the matter of reciting the Qur'an on behalf of the dead because our Mujtahid

Imam was reputed to have two conflicting Fatwas regarding it (to which Imam al-Nawawi reported one of them (that the reward does not reach the dead) as the Qawl Mashhur [Popular Position] of the school in the Sharh of Sahih Muslim as well as in the Adhkar) and over which, the Sultan al-'Ulama', 'Izz Ibn 'Abd al-Salam (may Allah be pleased with him!) was at the centre of this controversy after having single-handedly issued a Fatwa against this practice (to which he supposedly retracted his Fatwa and admitted his mistakes according to the testimony of his companions, albeit in a dream, as recorded by the trusted Maliki Mufassir and Muhaddith, Imam al-Qurtubi in his most popular work, the Tadhkira [al-Qurtubi, Tadhkira, 1:109, cf. al-Sha'rani, Mukhtasar, 25; and indeed, Imam al-Qurtubi himself interpreted the verse of al-Najm above (if read literally) as applicable only to bad deeds [sayyi'a] and not to good deeds; al-Qurtubi, Tadhkira, 1:108]). In the Adhkar, Imam al-Nawawi followed the opinion of the majority of the Muslims, thus going against the apparent [Zahir] meaning of the Qawl Mashhur which he himself reported in the Sharh to Sahih Muslim, and he held that the reward of the recitation reaches the dead especially if after the recitation, the reciter says a du'a donating the reward of his recitation to the deceased. [al-Nawawi, Adhkar, 150]. It was Imam al-Subki (may Allah be pleased with him!) who famously put the issue to rest for the Shafi'is by performing the necessary legal process of derivation [Istinbat] and set the Qawl Mu'tamad [Relied Upon Position] of our school concerning it as follows: that the reward of the recitation will reach the dead provided that the reciter wanted the reward of the recitation be transferred to the deceased, even if the reciter wished it after the recitation. And this, as the Fath al-Mu'in makes clear, is the legal position, "according to the three [other] schools, and is the choice of many of our jurists, and is made reliable by [Imam] al-Subki and others [in our school]." [I'anat, 3:221].

Later, Imam al-Bujayrimi, confirmed the Qawl Mu'tamad when

commenting upon Imam al-Nawawi's reports (via Shaykh al-Islam Zakariyya al-Ansari):

“al-Nawawi: [reporting the Qawl Mashhur:] That its reward does not reach [the dead] (al-Bujayrimi: is a Qawl Da'if [Weak Position]). al-Nawawi: While some of our jurists say that it reaches [the dead] (al-Bujayrimi: is the Qawl Mu'tamad).” [al-Bujayrimi, Tajrid, 3:330].

As for the Qawl Mashhur that was one of the conflicting Fatwas of Imam al-Shafi'i (may Allah be well pleased with him!) reported by Imam al-Nawawi, this is understood by our jurists as referring to the case when the recitation did not meet one of the requirements that would enable its reward reach the dead because it lacked either: (a) the intention that the reward of the recitation is for the deceased; or (b) the du'a' wishing that the reward reach the deceased. In other words, in this particular case (and Ma-sha' Allah(!), just as in the case of the verse of Sura al-Najm above), the words of our Mujtahid Imam should not be read literally since, to put it simply, there was a 'story' behind them, as Shaykh al-Islam Zakariyya al-Ansari said:

“What [Imam al-Nawawi] said, that [the reward does not reach the dead] which belongs to the Qawl Mashhur of the school, is understood in terms of when the recitation is not done in the presence of the deceased and that the reciter did not intend that the reward of his recitation is for the deceased.” [ibid.]

It should be noted here that the two towering figures of our school, Imams Ibn Hajar and al-Ramli (may Allah be pleased with both of them!) disagreed over the minor details concerning the 'conditions' of making the reward reach the dead. The latter is of the opinion that in the case when one is not in the presence of the deceased (such as not being at the grave), the reward can still reach the dead even when the recitation is not followed by a du'a' (while the opinion of

the former is the more precautionary [Ihtiyat] position and that is to have both the niyya (before or during the recitation) as well as the du'a' (after the recitation) accompany the recitation).^{*} Both are valid opinions within the school and both opinions are practiced today by the Shafi'i community (the Hadramawt, South East Asia, and East Africa Shafi'is following Imam al-Ramli, while the rest of the community is said to follow Imam Ibn Hajar), and this is reflected by the fact that later manuals of our school (such as the the Fath al-'Allam of Imam al-Jurdani, for instance), confirm both opinions. [See for example: al-Jurdani, Fath al-'Allam, 3:322-323].

^{*}For students: It can be noticed here that when relating this legal ruling, we have been careful in not using the legal terminology of "shart" [i.e., the minimum condition required for a particular act to be valid] so that the inclusion or exclusion of the du'a' will therefore not be a matter of valid vs. invalid, but a case of what is more precautionary vs. what is more lenient.

The minimum du'a' is what Imam al-Nawawi has related in the Adhkar, and this is said after the recitation [al-Nawawi, 150]:

AllAhumma awSil thawAba mA qara'tuhu ilA "X"^{*} [O Allah, send the reward of what I have recited to so-and-so!].

^{*}In fact, according to our well-respected Faqih of Hadramawt, Sayyid Balfaqih (may Allah be pleased with him!), it would be preferable [Awla] to specify the name of the recipient, such as to say "X bin Y" or Zayd the son of Ahmad (and the hukm for not specifying the name would only be Khilaf al-Awla). [Ba'alawi, Bughya, 97].

You will have noticed by now that while some of our jurists have minor disagreements over the best method to send the reward of the Qur'anic recitation to the dead, these same

jurists had already taken for granted that the reward of the recitation CAN reach the dead, and WILL reach the dead if the relevant conditions are fulfilled.

If after all this you are still uncomfortable with that modern reference found in the Reliance (perhaps sadly because that scholar is unknown to you), then I refer you to another contemporary scholar (perhaps, this time you are more comfortable with), Dr. Wahbah al-Zuhayli, who, in his work on khilaf [comparative fiqh] in the section concerning “Donating the reward of [our] actions to the dead”, said:

“The scholars are agreed that the reward of [our] du’a’, sadaqa and dedication reaches the dead on account of the previously mentioned [rigorously authenticated] Hadith [of Abu Hurayra]: “idhA mAta l-insAnu inqaTa’a ‘amaluhu illA min thalAthin Sadaqatin jAriyyatin aw ‘ilmin yuntafa’u bi-hi aw waladin SAlIHin yad’u la-hu” [When a man dies, all but three of his deeds come to an end: (1) continuous works of sadaqa, (2) knowledge that people continue to benefit from, and (3) the du’a’ of a pious offspring [meaning, the Muslims.]] (Related by Ahmad, al-Darimi, al-Bukhari (but in his Adab), Muslim, Abu Dawud, al-Tirmidhi, al-Nasa’i, Ibn Khuzayma, Ibn Hibban, with only one variant). The majority [jumhur] of Ahl al-Sunna wa-l-Jama’ah say that a man can give the reward of his action to others whether it be [his] prayer or fast or sadaqa or recitation of the Qur’an, by saying [i.e., making a du’a’:], “O’ Allah, give the reward of what I do to so-and-so.” [al-Zuhayli, Fiqh al-Islam, 3:2095-2096].

We have reached the end of what needs to be said concerning this issue. If you have not by now committed to memory the above poem that was composed for you, then let us summarize again all that we have said here by listening to Sayyid Ba’ashn, the author of the famous textbook, Bushra al-Karim, which is a commentary to Sayyid Bafadl’s Muqaddima (may Allah be pleased with both of them):

“It has been established [tahqiq; by our jurists after the disagreements arising from the issue of donating the rewards of the Qur’anic recitation to the dead] that the dead can be benefited by the recitation [of the Qur’an by the living], through one of either three things: (1) that he intends that the recitation is on behalf of the dead, or (2) that his presence is near the dead [during the recitation], (3) or that his du’a’ that the same reward of his recitation is for the dead, even if done after [the recitation]. Whereas, the du’a’ and the sadaqa [on behalf of the dead] benefits them, without there being any disagreement [among the scholars about this].” [Ba’ashn, Bushra al-Karim, 2:39].

Now, all of the medieval Imams mentioned above, al-Nawawi, al-Khazin, al-Subki, Zakariyya al-Ansari, Ibn Hajar, al-Ramli, al-Bujayrimi, Ba’ashn, Balfaah, al-Jurdani and the authors related to the Fath al-Mu’in are not only the foremost Shafi’iyya Imams and are among the well respected guardians and representatives of our Mujtahid Imam, but they are also well established jurists and mufassirs who lived in different times and places. So ask yourself now whether the Shari’a ruling in the end about this matter would have been any different from the modern reference you found in the Reliance? Whether you have personally seen the “proof” for it or not will in no way change the legal ruling that has already been fixed, set and understood by those who know. Ergo, (although we have given what you originally asked for) the question of whether you yourself should see or indeed need another reference or “proof” is irrelevant. It is actually a question of trust and in your particular case it becomes a question of you accepting the judgements and testimony of a living Shafi’i scholar regarding this issue. Is it not sad (and would it not be a tragedy for us all from now on) if those who do not know are unable to trust a living jurist and that he would rather in this case (until someone digs the dead references that will suit his pleasure) deprive himself of the immense benefit that this well known practice, a practice which is accepted by the

Umma, brings to both the dead as well as the living amongst us, and especially for the sake of our own departed family members and of our loved ones? We will only know the extent of our folly and how our time have been wasted in the months and years of our arguing about the validity of it when we find ourselves needing that extra help and favour once we pass the point where we cannot anymore do things by ourselves. It is precisely then that we will be wishing those who are still alive to exercise their God given right; but by then it may only be wishful thinking on our part. Worse still, owing to our not thinking about the welfare of our own parents who have passed on to the other world and to our never showing this in front of our children, they might think it unlawful to make sadaqa for us once we are no longer in this world. What goes around comes around, and we ask that Allah save us from such a fate! Let us end with the du'a' that our Prophet had taught us to say for our Muslim brothers and sisters, always:

Allahumma ghfir li-hayyina wa-mayyitina!

[O Allah, forgive those of us who are alive and those who are dead amongst us!]

++Something extra and a fa'ida for us all at the end of the road++ Imam Ibn Hajar was asked about a man who passed by a graveyard and read one Fatiha and donated its reward to all of the members of the graveyard, whether (a: by subtraction), that one reward will be broken up equally and apportioned to all of them, or whether (b: by addition), every one of them will receive the same whole reward of a single Fatiha each. His answer was for the latter and for the reward to be added together, for it is the one worthy of the immeasurable mercy of Allah the Most High! [Ibn Hajar, Fatawa Kubra, 2:24; cf. Ba'alawi, Bughya, 97]. Subhanallah, so look, my dear questioner, at why we shouldn't restrict the Rahma of Allah, for we would deprive ourselves of this immense blessing!

Let us all say a Fatiha for the souls of all the scholars

mentioned here, al-Fatiha!

al-fAtiHata ilA arwAHi mani jtama'nA hunA bi-sababihim,
ajarakumu LLAhu l-fAtiHah!

The one in need of forgiveness,

Muhammad Afifi al-Akiti ©

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GRAVES OF MUSLIM SAINTS DESECRATED IN LIBYA

by **Sheikh Musa Furber**



Last week, millions of Muslims worldwide celebrated one of Islam's two annual celebrations, Eid al-Fitr, which follows their completion of fasting the month of Ramadan. For Muslims, Eid is a time for visiting family and friends, and a time for feeling joy and solidarity. During these celebrations, Muslims often feel a heightened sense of belonging to a historically-rooted community and an increased affinity for their heritage.

These positive feelings were brought to an abrupt end Sunday morning as news spread that a series of coordinated attacks against a number of Libyan sites that are part of its religious heritage. The reports were consistent: the sites targeted included tombs of Muslim scholars and sages, and the perpetrators were members of radical Salafi groups – with state security forces either complacently standing by or complicit participants in the attacks.

The attacks were not limited to road construction equipment demolishing the structures built immediately around graves (as well as exhuming some of the bodies), but included burning books contained in the sites' libraries – all of this under the Salafi banner of 'removing sources of religious innovation.'

The Arab revolutions that began towards the end of 2010 have included a wide range of participants. For most participants, the goal has been political reform and democratic transformation. There are other actors, however, whose goal is

to transform Muslim society to the way they perceive it to have been during the first three centuries of Islamic history; their goal is to reform society according to their puritanical vision of the past. [tld whois](#) . These actors consider Muslims to have lived the past millennium astray – both the laity and the scholars – which leads many to conclude that this reform does not constitute a return to the past, but rather a revision of past history.

Many of those radical Salafi actors were not even engaged in the revolutions, deeming them to be forbidden on account of ‘going against the ruler’ – but their religious doctrine were revised, yet again. Now, the revolution is a method through which they can achieve their own goal – revising religion according to their dogmas, and imposing changes they know they could never achieve through popular referendum. This is part of what we see playing out in this week’s destruction of religious sites in Libya.

To the hardline Salafi religious revisionist, these sites and the tombs they house are either loci for or precursors to heresy. Their worry is that ordinary Muslims who visit the sites supplicate to the dead and ask them to intercede on their behalf. [Burundi](#) . It does not matter whether anyone actually goes there with this intention, since the mere presence of these shrines leaves an ongoing risk to the masses.

If these buildings pose such a risk to the masses, why did the previous generations of Muslims allow these shrines to remain in Libya and elsewhere? The grave of the prophet Ismail is located within the Sacred Mosque in Mecca and the Prophet’s Mosque in Medina grew to envelop the grave of the Prophet Muhammad. Why is it that both of these graves and the mosques around them were left unmolested? The answer is simple: the sages, muftis, judges, and rulers of previous generations did not consider them as loci for heresy; they did not consider their forcible removal to be the proper legal response. In

short, the earliest generations – the Salaf from which the contemporary Salafi derive their name – did not understand the Quran and Sunnah to require forcible exhuming the bodies of Muslims or destroying tombs and other structures built adjacent to their graves.

The general rule in Islamic law concerning the use of force is that it is unlawful. The basis for this goes back to the often quoted verse in the Qur'an that states, "No compulsion is there in religion" (Quran, 2:256). When the Quran and hadith describe force as being legally warranted, they usually warn that God considers pardon and clemency to be the superior course of action.

The Sunni creed that Muslim theologians have taught for the past fourteen centuries to the general masses and at its primary scholarly institutions like the University of al-Qarawiyyin (founded in Fes in 859), and Azhar University (founded in Cairo in 970) – holds that all things in the world are created by God and God alone, in accordance to the Quranic verse "and when thou threwest, it was not thyself that threw, but God threw"(Quran, 8:17). The sound Sunni creed inoculated the majority of the lay community from becoming grave worshipers while visiting graves.

What is important here is that the religious and political authorities responsible for safeguarding religion and society were aware of the situation and left these sites alone. That is, until the 19th century when more militant forms of what became today's Salafi movements began razing tombs in the Arabian Peninsula on the grounds that they lead to polytheism and declaring anyone in their vicinity a polytheist. Needless to say, the fatwa that were propagated to defend such destruction, as well as those that provide 'legitimacy' behind such crimes in today's Libya, are spurious.

Yesterday, Egypt's House of Edicts (Dar al-Ifta al-Misriyyah) issued an official statement condemning the attacks against

the mosques and tombs of Sheikhs Ahmed al-Zarrouq and Abdel Salam al-Asmar, and which was reaffirmed on the Grand Mufti's personal web site. Whereas the Egypt's House of Edicts usually uses sedated language in its fatwas, the text of this fatwa used rare and uncharacteristically strong language, describing the perpetrators of these actions as "criminals," "renegades," and "hellhounds."

These attacks have repercussions that go beyond desecration of physical property: they extend to desecration of Libya's religious and historical identity and heritage, of Islam's historical and legal norms, and the sovereignty of the Libyan state. For all people that are concerned about the future of a post-Gaddafi Libya, it is vitally important to promote transparency and firm positions towards the prevention of such violence. There is no religious, nor civil, justification for such wanton use of violence – this needs to be made clear by all authorities. The perpetrators are not only guilty of religious sin, but of crimes, and they need to be held accountable for.

As the Libyan revolution and others continue, religion is going to remain a topic that draws a great deal of attention, particularly concerning its role in public life and policies. Religion can be used for good, or it can be used for evil – and it will be down to the people of these countries to decide what they want in that regard. It can hardly be argued, however, that the revolutionaries of the Arab world deserve more bloodshed and destruction – surely, they fought for something better than this.

(Sheikh Musa Furber a writer for Egypt Independent where this article was published on August 29, 2012)

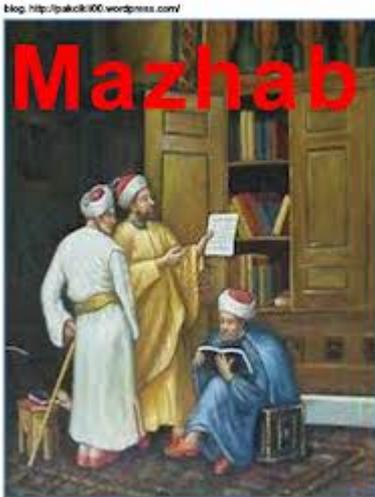
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Also:

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WHY MUSLIMS FOLLOW MADHHAB?

by Nuh Ha Mim Keller 1995.



This essay developed from a lecture given in the United States, Canada, and England in 1994 and 1995. On each occasion, questions were taken, some of the most frequent of which have been answered in the subsequent chapters.

The work of the mujtahid Imams of Sacred Law, those who deduce shari'a rulings from Qur'an and hadith, has been the object of my research for some years now, during which I have sometimes heard the question: "Who needs the Imams of Sacred Law when we have the Qur'an and hadith? Why can't we take our Islam from the word of Allah and His Messenger (Allah bless him and give him peace), which are divinely protected from error, instead of taking it from the madhhabs or "schools of jurisprudence" of the mujtahid Imams such as Abu Hanifa, Malik, Shafi'i, and Ahmad, which are not?"

It cannot be hidden from any of you how urgent this issue is, or that many of the disagreements we see and hear in our

mosques these days are due to lack of knowledge of fiqh or “Islamic jurisprudence” and its relation to Islam as a whole. Now, perhaps more than ever before, it is time for us to get back to basics and ask ourselves how we understand and carry out the commands of Allah.

We will first discuss the knowledge of Islam that all of us possess, and then show where fiqh enters into it. We will look at the qualifications mentioned in the Qur’an and sunna for those who do fiqh, the mujtahid scholars. We will focus first on the extent of the mujtahid scholar’s knowledge—how many hadiths he has to know, and so on—and then we will look at the depth of his knowledge, through actual examples of dalils or “legal proofs” that demonstrate how scholars join between different and even contradictory hadiths to produce a unified and consistent legal ruling.

We will close by discussing the mujtahid’s relation to the science of hadith authentication, and the conditions by which a scholar knows that a given hadith is sahih or “rigorously authenticated,” so that he can accept and follow it.

Qur’an and Hadith. The knowledge that you and I take from the Qur’an and the hadith is of several types: the first and most important concerns our faith, and is the knowledge of Allah and His attributes, and the other basic tenets of Islamic belief such as the messengerhood of the Prophet (Allah bless him and give him peace), the Last Day, and so on. Every Muslim can and must acquire this knowledge from the Book of Allah and the sunnah.

This is also the case with a second type of general knowledge, which does not concern faith, however, but rather works: the general laws of Islam to do good, to avoid evil, to perform the prayer, pay zakat, fast Ramadan, to cooperate with others in good works, and so forth. Anyone can learn and understand these general rules, which summarize the sirat al-mustaqim or “straight path” of our religion.

Fiqh. A third type of knowledge is of the specific details of Islamic practice. Whereas anyone can understand the first two types of knowledge from the Qur'an and hadith, the understanding of this third type has a special name, fiqh, meaning literally "understanding." And people differ in their capacity to do it.

I had a visitor one day in Jordan, for example, who, when we talked about why he hadn't yet gone on hajj, mentioned the hadith of Anas ibn Malik that the Messenger of Allah (Allah bless him and give him peace) said, "Whoever prays the dawn prayer (fajr) in a group and then sits and does dhikr until the sun rises, then prays two rak'as, shall have the like of the reward of a hajj and an 'umra." Anas said, "The Prophet (Allah bless him and give him peace) said: 'Completely, completely, completely'" (Tirmidhi, 2.481).

My visitor had done just that this very morning, and he now believed that he had fulfilled his obligation to perform the hajj, and had no need to go to Mecca. The hadith was well authenticated (hasan). I distinguished for my visitor between having the reward of something, and lifting the obligation of Islam by actually doing it, and he saw my point.

But there is a larger lesson here, that while the Qur'an and the sunna are ma'sum or "divinely protected from error," the understanding of them is not. And someone who derives rulings from the Qur'an and hadith without training in ijtihad or "deduction from primary texts" as my visitor did, will be responsible for it on the Day of Judgment, just as an amateur doctor who had never been to medical school would be responsible if he performed an operation and somebody died under his knife.

Why? Because Allah has explained in the Qur'an that fiqh, the detailed understanding of the divine command, requires specially trained members of the Muslim community to learn and teach it. Allah says in surat al-Tawba:

“Not all of the believers should go to fight. Of every section of them, why does not one part alone go forth, that the rest may gain understanding of the religion, and to admonish their people when they return, that perhaps they may take warning” (Qur’an 9:122) –where the expression *li yatafaqqahu fi al-din*, “to gain understanding of the religion,” is derived from precisely the same root (f-q-h) as the word *fiqh* or “jurisprudence,” and is what Western students of Arabic would call a “fifth-form verb” (*tafa‘‘ala*), which indicates that the meaning contained in the root, understanding, is accomplished through careful, sustained effort.

This Qur’anic verse establishes that there should be a category of people who have learned the religion so as to be qualified in turn to teach it. And Allah has commanded those who do not know a ruling in Sacred Law to ask those who do, by saying in surat al-Nahl, “Ask those who recall if you know not” (Qur’an 16:43), in which the words “those who recall,” *ahl al-dhikri*, indicate those with knowledge of the Qur’an and sunna, at their forefront the mujtahid Imams of this Umma. Why? Because, first of all, the Qur’an and hadith are in Arabic, and as a translator, I can assure you that it is not just any Arabic.

To understand the Qur’an and sunnah, the mujtahid must have complete knowledge of the Arabic language in the same capacity as the early Arabs themselves had before the language came to be used by non-native speakers. This qualification, which almost no one in our time has, is not the main subject of my essay, but even if we did have it, what if you or I, though not trained specialists, wanted to deduce details of Islamic practice directly from the sources? After all, the Prophet (Allah bless him and give him peace) has said, in the hadith of Bukhari and Muslim: “When a judge gives judgement and strives to know a ruling (*ijtahada*) and is correct, he has two rewards. If he gives judgement and strives to know a ruling, but is wrong, he has one reward” (Bukhari, 9.133).

The answer is that the term *ijtihad* or “striving to know a ruling” in this hadith does not mean just any person’s efforts to understand and operationalize an Islamic ruling, but rather the person with sound knowledge of everything the Prophet (Allah bless him and give him peace) taught that relates to the question. Whoever makes *ijtihad* without this qualification is a criminal. The proof of this is the hadith that the Companion Jabir ibn ‘Abdullah said: We went on a journey, and a stone struck one of us and opened a gash in his head. When he later had a wet-dream in his sleep, he then asked his companions, “Do you find any dispensation for me to perform dry ablution (*tayammum*)?” [Meaning instead of a full purificatory bath (*ghusl*).] They told him, “We don’t find any dispensation for you if you can use water.”

So he performed the purificatory bath and his wound opened and he died. When we came to the Prophet (Allah bless him and give him peace), he was told of this and he said: “They have killed him, may Allah kill them. Why did they not ask?—for they didn’t know. The only cure for someone who does not know what to say is to ask” (Abu Dawud, 1.93).

This hadith, which was related by Abu Dawud, is well authenticated (*hasan*), and every Muslim who has any *taqwa* should reflect on it carefully, for the Prophet (Allah bless him and give him peace) indicated in it—in the strongest language possible—that to judge on a rule of Islam on the basis of insufficient knowledge is a crime. And like it is the well authenticated hadith “Whoever is given a legal opinion (*fatwa*) without knowledge, his sin is but upon the person who gave him the opinion” (Abu Dawud, 3.321).

The Prophet (Allah bless him and give him peace) also said: Judges are three: two of them in hell, and one in paradise. A man who knows the truth and judges accordingly, he shall go to paradise. A man who judges for people while ignorant, he shall go to hell. And a man who knows the truth but rules unjustly, he shall go to hell (Sharh al-sunna, 10.94).

This hadith, which was related by Abu Dawud, Tirmidhi, Ibn Majah, and others, is rigorously authenticated (sahih), and any Muslim who would like to avoid the hellfire should soberly consider the fate of whoever, in the words of the Prophet (Allah bless him and give him peace), “judges for people while ignorant.” Yet we all have our Yusuf ‘Ali Qur’ans, and our Sahih al-Bukhari translations. Aren’t these adequate scholarly resources?

These are valuable books, and do convey perhaps the largest and most important part of our din: the basic Islamic beliefs, and general laws of the religion. Our discussion here is not about these broad principles, but rather about understanding specific details of Islamic practice, which is called precisely fiqh. For this, I think any honest investigator who studies the issues will agree that the English translations are not enough. They are not enough because understanding the total Qur’an and hadith textual corpus, which comprises what we call the din, requires two dimensions in a scholar: a dimension of breadth, the substantive knowledge of all the texts; and a dimension of depth, the methodological tools needed to join between all the Qur’anic verses and hadiths, even those that ostensibly contradict one another.

Knowledge of Primary Texts. As for the breadth of a mujtahid’s knowledge, it is recorded that Imam Ahmad ibn Hanbal’s student Muhammad ibn ‘Ubaydullah ibn al-Munadi heard a man ask him [Imam Ahmad]: “When a man has memorized 100,000 hadiths, is he a scholar of Sacred Law, a faqih?” And he said, “No.” The man asked, “200,000 then?” And he said, “No.” The man asked, “Then 300,000?” And he said, “No.” The man asked, “400,000?” And Ahmad gestured with his hand to signify “about that many” (Ibn al-Qayyim: I’lam al-muwaqqi’in, 4.205).

In truth, by the term “hadith” here Imam Ahmad meant the hadiths of the Prophet (Allah bless him and give him peace) in all their various chains of transmission, counting each chain of transmission as a separate hadith, and perhaps also

counting the statements of the Sahaba. But the larger point here is that even if we eliminate the different chains, and speak only about the hadiths from the Prophet (Allah bless him and give him peace) that are plainly acceptable as evidence, whether sahih, "rigorously authenticated" or hasan "well authenticated" (which for purposes of ijtihad, may be assimilated to the sahih), we are still speaking of well over 10,000 hadiths, and they are not contained in Bukhari alone, or in Bukhari and Muslim alone, nor yet in any six books, or even in any nine. Yet whoever wants to give a fatwa or "formal legal opinion" and judge for people that something is lawful or unlawful, obligatory or sunna, must know all the primary texts that relate to it. For the perhaps 10,000 hadiths that are sahih are, for the mujtahid, as one single hadith, and he must first know them in order to join between them to explain the unified command of Allah.

I say "join between" because most of you must be aware that some sahih hadiths seem to controvert other equally sahih hadiths. What does a mujtahid do in such an instance? Ijtihad. Let's look at some examples. Most of us know the hadiths about fasting on the Day of 'Arafa for the non-pilgrim, that "it expiates [the sins of] the year before and the year after" (Muslim, 2.819). But another rigorously authenticated hadith prohibits fasting on Friday alone (Bukhari, 3.54), and a well authenticated hadith prohibits fasting on Saturday alone (Tirmidhi, 3.120), of which Tirmidhi explains, "The meaning of the 'offensiveness' in this is when a man singles out Saturday to fast on, since the Jews venerate Saturdays" (ibid.). Some scholars hold Sundays offensive to fast on for the same reason, that they are venerated by non-Muslims. (Other hadiths permit fasting one of these days together with the day before or the day after it, perhaps because no religion venerates two of the days in a row.) The question arises: What does one do when 'Arafa falls on a Friday, a Saturday, or a Sunday? The general demand for fasting on the Day of 'Arafa might well be qualified by the specific prohibition of fasting on just one

of these days. But a mujtahid aware of the whole hadith corpus would certainly know a third hadith related by Muslim that is even more specific, and says: "Do not single out Friday from among other days to fast on, unless it coincides with a fast one of you performs" (Muslim, 2.801).

The latter hadith establishes for the mujtahid the general principle that the ruling for fasting on a day normally prohibited to fast on changes when it "coincides with a fast one of you performs"—and so there is no problem with fasting whether the Day of Arafa falls on a Friday, Saturday, or Sunday.

Here as elsewhere, whoever wants to understand the ruling of doing something in Islam must know all the texts connected with it. Because as ordinary Muslims, you and I are not only responsible for obeying the Qur'anic verses and hadiths we are familiar with. We are responsible for obeying all of them, the whole shari'a. And if we are not personally qualified to join between all of its texts—and we have heard Ahmad ibn Hanbal discuss how much knowledge this takes—we must follow someone who can, which is why Allah tells us, "Ask those who recall if you know not."

The size and nature of this knowledge necessitate that the non-specialist use adab or "proper respect" towards the scholars of fiqh when he finds a hadith, whether in Bukhari or elsewhere, that ostensibly contradicts the schools of fiqh. A non-scholar, for example, reading through Sahih al-Bukhari will find the hadith that the Prophet (Allah bless him and give him peace) bared a thigh on the ride back from Khaybar (Bukhari, 1.103–4). And he might imagine that the four madhhabs or "legal schools"—Hanafi, Maliki, Shafi'i, and Hanbali—were mistaken in their judgment that the thigh is 'awra or "nakedness that must be covered."

But in fact there are a number of other hadiths, all of them well authenticated (hasan) or rigorously authenticated (sahih)

that prove that the Prophet (Allah bless him and give him peace) explicitly commanded various Sahaba to cover the thigh because it was nakedness. Hakim reports that the Prophet (Allah bless him and give him peace) saw Jarhad in the mosque wearing a mantle, and his thigh became uncovered, so the Prophet told him, "The thigh is part of one's nakedness" (al-Mustadrak), of which Hakim said, "This is a hadith whose chain of transmission is rigorously authenticated (sahih)," which Imam Dhahabi confirmed (ibid.). Imam al-Baghawi records the sahih hadith that "the Prophet (Allah bless him and give him peace) passed by Ma'mar, whose two thighs were exposed, and told him, 'O Ma'mar, cover your two thighs, for the two thighs are nakedness'" (Sharh al-sunnah 9.21). And Ahmad ibn Hanbal records that the Prophet (Allah bless him and give him peace) said, "When one of you marries [someone to] his servant or hired man, let him not look at his nakedness, for what is below his navel to his two knees is nakedness" (Ahmad, 2.187), a hadith with a well authenticated (hasan) chain of transmission. The mujtahid Imams of the four schools knew these hadiths, and joined between them and the Khaybar hadith in Bukhari by the methodological principle that: "An explicit command in words from the Prophet (Allah bless him and give him peace) is given precedence over an action of his." Why?

Among other reasons, because certain laws of the shari'a applied to the Prophet alone (Allah bless him and give him peace). Such as the fact that when he went into battle, he was not permitted to retreat, no matter how outnumbered. Or such as the obligatoriness for him alone of praying tahajjud or "night vigil prayer" after rising from sleep before dawn, which is merely sunna for the rest of us. Or such as the permissibility for him alone of not breaking his fast at night between fast-days. Or such as the permissibility for him alone of having more than four wives—the means through which Allah, in His wisdom, preserved for us the minutest details of the Prophet's day-to-day sunna (Allah bless him and give him peace), which a larger number of wives would be far abler to

observe and remember.

Because certain laws of the shari'a applied to him alone, the scholars of ijtihad have established the principle that in many cases, when an act was done by the Prophet personally (Allah bless him and give him peace), such as bearing the thigh after Khaybar, and when he gave an explicit command to us to do something else, in this case, to cover the thigh because it is nakedness, then the command is adopted for us, and the act is considered to pertain to him alone (Allah bless him and give him peace).

We can see from this example the kind of scholarship it takes to seriously comprehend the whole body of hadith, both in breadth of knowledge, and depth of interpretive understanding or fiqh, and that anyone who would give a fatwa, on the basis of the Khaybar hadith in Sahih al-Bukhari, that "the scholars are wrong and the hadith is right" would be guilty of criminal negligence for his ignorance.

When one does not have substantive knowledge of the Qur'an and hadith corpus, and lacks the fiqh methodology to comprehensively join between it, the hadiths one has read are not enough. To take another example, there is a well authenticated (hasan) hadith that "the Prophet (Allah bless him and give him peace) cursed women who visit graves" (Tirmidhi, 3.371). But scholars say that the prohibition of women visiting graves was abrogated (mansukh) by the rigorously authenticated (sahih) hadith "I had forbidden you to visit graves, but now visit them" (Muslim, 2.672).

Here, although the expression "now visit them" (fa zuruha) is an imperative to men (or to a group of whom at least some are men), the fact that the hadith permits women as well as men to now visit graves is shown by another hadith related by Muslim in his Sahih that when 'A'isha asked the Prophet (Allah bless him and give him peace) what she should say if she visited graves, he told her, "Say: 'Peace be upon the believers and

Muslims of the folk of these abodes: May Allah have mercy on those of us who have gone ahead and those who have stayed behind: Allah willing, we shall certainly be joining you'" (Muslim, 2.671), which plainly entails the permissibility of her visiting graves in order to say this, for the Prophet (Allah bless him and give him peace) would never have taught her these words if visiting the graves to say them had been disobedience. In other words, knowing all these hadiths, together with the methodological principle of naskh or "abrogation," is essential to drawing the valid fiqh conclusion that the first hadith in which "the Prophet (Allah bless him and give him peace) cursed women who visit graves"—was abrogated by the second hadith, as is attested to by the third.

Or consider the Qur'anic text in surat al-Ma'ida:

"The food of those who have been given the Book is lawful for you, and your food is lawful for them" (Qur'an 5:5).

This is a general ruling ostensibly pertaining to all their food. Yet this ruling is subject to takhsis, or "restriction" by more specific rulings that prove that certain foods of Ahl al-Kitab, "those who have been given the Book," such as pork, or animals not properly slaughtered, are not lawful for us.

Ignorance of this principle of takhsis or restriction seems to be especially common among would-be mujtahids of our times, from whom we often hear the more general ruling in the words "But the Qur'an says," or "But the hadith says," without any mention of the more particular ruling from a different hadith or Qur'anic versethat restricts it. The reply can only be "Yes, brother, the Qur'an does say, 'The food of those who have been given the Book is lawful for you,' But what else does it say?" or "Yes, the hadith in Sahih al-Bukhari says the Prophet (Allah bless him and give him peace) bared his thigh on the return from Khaybar. But what else do the hadiths say, and more importantly, are you sure you know it?"

The above examples illustrate only a few of the methodological rules needed by the mujtahid to understand and operationalize Islam by joining between all the evidence. Firstly, we saw the principle of takhsis or “restriction” of general rules by more specific ones, both in the example of fasting on the Day of ‘Arafa when it falls on a Friday, Saturday, or Sunday, and the example of the food of Ahl al-Kitab. Secondly, in the Khaybar hadith in Sahih al-Bukhari about baring the thigh and the hadiths commanding that the thigh be covered, we saw the principle of how an explicit prophetic command in words is given precedence over a mere action when there is a contradiction. Thirdly, we saw the principle of nasikh wa mansukh, of “an earlier ruling being abrogated by a later one,” in the example of the initial prohibition of women visiting graves, and their subsequently being permitted to.

These are only three of the ways that two or more texts of the Qur’an and hadith may enter into and qualify one another, rules that someone who derives the shari’a from them must know. In other words, they are but three tools of a whole methodological toolbox. We do not have the time tonight to go through all these tools in detail, although we can mention some in passing, giving first their Arabic names, such as:

- The ‘amm, a text of general applicability to many legal rulings, and its opposite:
- The khass, that which is applicable to only one ruling or type of ruling.
- The mujmal, that which requires other texts to be fully understood, and its opposite:
- The mubayyan, that which is plain without other texts.
- The mutlaq, that which is applicable without restriction, and its opposite:
- The muqayyad, that which has restrictions given in other texts.
- The nasikh, that which supersedes previous revealed rulings, and its opposite:
- The mansukh: that which is superseded.

–The nass: that which unequivocally decides a particular legal question, and its opposite:

–The dhahir: that which can bear more than one interpretation.

My point in mentioning what a mujtahid is, what fiqh is, and the types of texts that embody Allah's commands, with the examples that illustrate them, is to answer our original question: "Why can't we take our Islamic practice from the word of Allah and His messenger, which are divinely protected, instead of taking it from mujtahid Imams, who are not?" The answer, we have seen, is that revelation cannot be acted upon without understanding, and understanding requires firstly that one have the breadth of mastery of the whole, and secondly, the knowledge of how the parts relate to each other. Whoever joins between these two dimensions of the revelation is taking his Islamic practice from the word of Allah and His messenger, whether he does so personally, by being a mujtahid Imam, or whether by a means of another, by following one.

Following Scholars (Taqlid). The Qur'an clearly distinguishes between these two levels—the nonspecialists whose way is taqlid or "following the results of scholar without knowing the detailed evidence"; and those whose task is to know and evaluate the evidence—by Allah Most High saying in surat al-Nisa':

"If they had referred it to the Messenger and to those of authority among them, then those of them whose task it is to find it out would have known the matter" (Qur'an 4:83)

–where *alladhina yastanbitunahu minhum*, "those of them whose task it is to find it out," refers to those possessing the capacity to infer legal rulings directly from evidence, which is called in Arabic precisely *istinbat*, showing, as Qur'anic exegete al-Razi says, that "Allah has commanded those morally responsible to refer actual facts to someone who can infer (*yastanbitu*) the legal ruling concerning them" (Tafsir al-Fakhr al-Razi, 10.205).

A person who has reached this level can and indeed must draw

his inferences directly from evidence, and may not merely follow another scholar's conclusions without examining the evidence (taqlid), a rule expressed in books of methodological principles of fiqh as: *Laysa li al-'alim an yuqallida*, "The alim [i.e. the mujtahid at the level of *istinbat* referred to by the above Qur'anic verse] may not merely follow another scholar" (al-Juwayni: *Sharh al-Waraqat*, 75), meaning it is not legally permissible for one mujtahid to follow another mujtahid unless he knows and agrees with his evidences.

The mujtahid Imams trained a number of scholars who were at this level. Imam Shafi'i had al-Muzani, and Imam Abu Hanifa had Abu Yusuf and Muhammad ibn al-Hasan al-Shaybani. It was to such students that Abu Hanifa addressed his words: "It is unlawful for whoever does not know my evidence to give my position as a fatwa" (al-Hamid: *Luzum ittiba' madhahib al-a'imma*, 6), and, "It is not lawful for anyone to give our position as a fatwa until he knows where we have taken it from" (ibid.).

It is one of the howlers of our times that these words are sometimes quoted as though they were addressed to ordinary Muslims. If it were unlawful for the carpenter, the sailor, the computer programmer, the doctor, to do any act of worship before he had mastered the entire textual corpus of the Qur'an and thousands of hadiths, together with all the methodological principles needed to weigh the evidence and comprehensively join between it, he would either have to give up his profession or give up his religion. A lifetime of study would hardly be enough for this, a fact that Abu Hanifa knew better than anyone else, and it was to scholars of *istinbat*, the mujtahids, that he addressed his remarks. Whoever quotes these words to non-scholars to try to suggest that Abu Hanifa meant that it is wrong for ordinary Muslims to accept the work of scholars, should stop for a moment to reflect how insane this is, particularly in view of the life work of Abu Hanifa from beginning to end, which consisted precisely in summarizing the

fiqh rulings of the religion for ordinary people to follow and benefit from.

Imam Shafi'i was also addressing this top level of scholars when he said: "When a hadith is sahih, it is my school (madhhab)"—which has been misunderstood by some to mean that if one finds a hadith, for example, in Sahih al-Bukhari that is inconsistent with a position of Shafi'i's, one should presume that he was ignorant of it, drop the fiqh, and accept the hadith.

I think the examples we have heard tonight of joining between several hadiths for a single ruling are too clear to misunderstand Shafi'i in this way. Shafi'i is referring to hadiths that he was previously unaware of and that mujtahid scholars know him to have been unaware of when he gave a particular ruling. And this, as Imam Nawawi has said, "is very difficult," for Shafi'i was aware of a great deal. We have heard the opinion of Shafi'i's student Ahmad ibn Hanbal about how many hadiths a faqih must know, and he unquestionably considered Shafi'i to be such a scholar, for Shafi'i was his sheikh in fiqh. Ibn Khuzayma, known as "the Imam of Imams" in hadith memorization, was once asked, "Do you know of any rigorously authenticated (sahih) hadith that Shafi'i did not place in his books?" And he said "No" (Nawawi: al-Majmu', 1.10). And Imam Dhahabi has said, "Shafi'i did not make a single mistake about a hadith" (Ibn Subki: Tabaqat al-Shafi'iyya, 9.114). It is clear from all of this that Imam Shafi'i's statement "When a hadith is sahih, it is my position" only makes sense—and could result in meaningful corrections—if addressed to scholars at a level of hadith mastery comparable to his own.

Hadith Authentication. The last point raises another issue that few people are aware of today, and I shall devote the final part of my speech to it. Just as the mujtahid Imam is not like us in his command of the Qur'an and hadith evidence and the principles needed to join between it and infer rulings

from it, so too he is not like us in the way he judges the authenticity of hadiths. If a person who is not a hadith specialist needs to rate a hadith, he will usually want to know if it appears, for example, in Sahih al-Bukhari, or Sahih Muslim, or if some hadith scholar has declared it to be sahih or hasan. A mujtahid does not do this.

Rather, he reaches an independent judgment as to whether a particular hadith is truly from the Prophet (Allah bless him and give him peace) through his own knowledge of hadith narrators and the sciences of hadith, and not from taqlid or "following the opinion of another hadith scholar."

It is thus not necessarily an evidence against the positions of a mujtahid that Bukhari, or Muslim, or whoever, has accepted a hadith that contradicts the mujtahid's evidence. Why? Because among hadith scholars, the reliability rating of individual narrators in hadith chains of transmission are disagreed about and therefore hadiths are disagreed about in the same manner that particular questions of fiqh are disagreed about among the scholars of fiqh. Like the schools of fiqh, the extent of this disagreement is relatively small in relation to the whole, but one should remember that it does exist.

Because a mujtahid scholar is not bound to accept another scholar's ijtihad regarding a particular hadith, the ijtihad of a hadith specialist of our own time that, for example, a hadith is weak (da'if), is not necessarily an evidence against the ijtihad of a previous mujtahid that the hadith is acceptable. This is particularly true in the present day, when specialists in hadith are not at the level of their predecessors in either knowledge of hadith sciences, or memorization of hadiths.

We should also remember what sahih means. I shall conclude my essay with the five conditions that have to be met for a hadith to be considered sahih, and we shall see, in sha'

Allah, how the scholars of hadith have differed about them, a discussion drawn in its outlines from contemporary Syrian hadith scholar Muhammad 'Awwama's *Athar al-hadith al-sharif fi ikhtilaf al-A'imma al-fuqaha* [The effect of hadith on the differences of the Imams of fiqh] (21–23):

(a) The first condition is that a hadith must go back to the Prophet (Allah bless him and give him peace) by a continuous chain of narrators. There is a difference of opinion here between Bukhari and Muslim, in that Bukhari held that for any two adjacent narrators in a chain of transmission, it must be historically established that the two actually met, whereas Muslim and others stipulated only that their meeting have been possible, such as by one having lived in a particular city that the other is known to have visited at least once in his life. So some hadiths will be acceptable to Muslim that will not be acceptable to Bukhari and those of the mujtahid imams who adopt his criterion.

(b) The second condition for a sahih hadith is that the narrators be morally upright. The scholars have disagreed about the definition of this, some accepting that it is enough that a narrator be a Muslim who is not proven to have been unacceptable. Others stipulate that he be outwardly established as having been morally upright, while other scholars stipulate that this be established inwardly as well. These different criteria are naturally reasons why two mujtahids may differ about the authenticity of a single hadith.

(c) The third condition is that the narrators must be known to have had accurate memories. The verification of this is similarly subject to some disagreement between the Imams of hadith, resulting in differences about reliability ratings of particular narrators, and therefore of particular hadiths.

(d) The fourth condition for a sahih hadith is that the text and transmission of the hadith must be free of shudhudh, or

“variance from established standard narrations of it.” An example is when a hadith is related by five different narrators who are contemporaries of one another, all of whom relate the same hadith from the same sheikh through his chain of transmission back to the Prophet (Allah bless him and give him peace). Here, if we find that four of the hadiths have the same wording but one of them has a variant wording, the hadith with the variant wording is called *shadhhdh* or “deviant,” and it is not accepted, because the difference is naturally assumed to be the mistake of the one narrator, since all of the narrators heard the hadith from the same sheikh.

There is a hadith (to take an example researched by our hadith teacher, sheikh Shu‘ayb al-Arna‘ut) related by Ahmad (4.318), Bayhaqi (2.132), Ibn Khuzayma (1.354), and Ibn Hibban, with a reliable chain of narrators (*thiqat*)—except for Kulayb ibn Hisham, who is a merely “acceptable” (*saduq*), not “reliable” (*thiqa*)—that the Companion Wa‘il ibn Hujr al-Hadrami said that when he watched the Prophet (Allah bless him and give him peace) kneeling in the *Tashahhud* or “Testification of Faith” of his prayer, the Prophet lifted his [index] finger, and I saw him move it, supplicating with it. I came [some time] after that and saw people in [winter] over-cloaks, their hands moving under the cloaks (Ibn Hibban, 5.170–71).

Now, all of the versions of the hadith mentioning that the Prophet (Allah bless him and give him peace) moved his finger have been related to us by way of Za‘ida ibn Qudama al-Thaqafi, a narrator who is considered reliable, and who transmitted it from the hadith sheikh ‘Asim ibn Kulayb, who related it from his father Kulayb ibn Shihab, from Wa‘il ibn Hujr al-Hadrami. But we find that this version of “moving the finger” contradicts versions of the hadith transmitted from the same sheikh, ‘Asim ibn Kulayb, by no less than ten of ‘Asim’s other students, all of them reliable, who heard ‘Asim report that the Prophet (Allah bless him and give him peace) did not move but rather pointed (*ashara*) with his index finger

(towards the qibla or “direction of prayer”).

These companions of ‘Asim (with their hadiths, which are well authenticated (hasan)) are: Sufyan al-Thawri: “then he pointed with his index finger, putting the thumb to the middle finger to make a ring with them” (al-Musannaf 2.68–69); Sufyan ibn ‘Uyayna: “he joined his thumb and middle finger to make a ring, and pointed with his index finger” (Ahmad, 4.318); Shu‘ba ibn al-Hajjaj: “he pointed with his index finger, and formed a ring with the middle one” (Ahmad, 4.319); Qays ibn al-Rabi’: “then he joined his thumb and middle finger to make a ring, and pointed with his index finger” (Tabarani, 22.33–34); ‘Abd al-Wahid ibn Ziyad al-‘Abdi: “he made a ring with a finger, and pointed with his index finger” (Ahmad, 4.316); ‘Abdullah ibn Idris al-Awdi: “he had joined his thumb and middle finger to make a ring, and raised the finger between them to make du‘a (supplication) in the Testification of Faith” (Ibn Majah, 1.295); Zuhayr ibn Mu‘awiya: “and I saw him [‘Asim] say, ‘Like this,’—and Zuhayr pointed with his first index finger, holding two fingers in, and made a ring with his thumb and second index [middle] finger” (Ahmad, 4.318–19); Abu al-Ahwas Sallam ibn Sulaym: “he began making du‘a like this—meaning with his index finger, pointing with it—” (Musnad al-Tayalisi, 137); Bishr ibn al-Mufaddal: “and I saw him [‘Asim] say, ‘Like this,’—and Bishr joined his thumb and middle finger to make a ring, and pointed with his index finger” (Abi Dawud, 1.251); and Khalid ibn Abdullah al-Wasiti: “then he joined his thumb and middle finger to make a ring, and pointed with his index finger” (Bayhaqi, 2.131).

All of these narrators are reliable (thiqat), and all heard ‘Asim ibn Kulayb relate that the Prophet (Allah bless him and give him peace) “pointed with (ashara bi) his index finger” during the Testimony of Faith in his prayer. There are many other narrations of “pointing with the index finger” transmitted through sheikhs other than ‘Asim, omitted here for brevity—four of them, for example, in Sahih Muslim, 1.408–9).

The point is, for illustrating the meaning of a shadhdh or “deviant hadith,” that the version of moving the finger was conveyed only by Za’ida ibn Qudama from ‘Asim. Ibn Khuzayma says: “There is not a single hadith containing yuharrikuha (‘he moved it’) except this hadith mentioned by Za’ida” (Ibn Khuzayma, 1.354).

So we know that the Prophet (Allah bless him and give him peace) used to point with his index finger, and that the version of “moving his finger” is shadhdh or “deviant,” and represents a slip of the narrator, for the word ishara in the majority’s version means only “to point or gesture at,” or “to indicate with the hand,” and has no recorded lexical sense of wiggling or shaking the finger (Lisan al-‘Arab, 4.437 and al-Qamus al-muhit (540). This interpretation is explicitly borne out by well authenticated hadiths related from the Companion Abdullah ibn al-Zubayr that “the Prophet (Allah bless him and give him peace) used to point with his index finger when making supplication [in the Testification of Faith], and did not move it” (Abi Dawud, 1.260) and that he “used to point with his index finger when making supplication, without moving it” (Bayhaqi, 2.131–32).

Finally, we may note that Imam Bayhaqi has joined between the Za’ida ibn Qudama hadith and the many hadiths that apparently contradict it by suggesting that moving the finger in the Za’ida hadith may mean simply lifting it (rafa’a), a wording explicitly mentioned in one version recorded by Muslim that the Prophet (Allah bless him and give him peace) “raised the right finger that is next to the thumb, and supplicated with it” (Muslim, 1.408). So according to Bayhaqi, the contradiction is only apparent, and raising the finger is the “movement” that Wa’il saw from the Prophet (Allah bless him and give him peace) and the people’s hands under their cloaks, according to Za’ida’s version, which remains, however, shadhdh or “deviant” from a hadith point of view, unless understood in this limitary sense.

(e) The fifth and final condition for a sahih hadith is that both the text and chain of transmission must be without 'illa or "hidden flaw" that alerts experts to expect inauthenticity in it. We will dwell for a moment on this point not only because it helps illustrate the processes of ijtihad, but because in-depth expertise in this condition was not common even among top hadith Imams. The greatest name in the field was 'Ali al-Madini, one of the sheikhs of Bukhari, though his major work about it is now unfortunately lost. Daraqutni is perhaps the most famous specialist in the field whose works exist. In the words of Ibn al-Salah, a hafiz or "hadith master" (someone with at least 100,000 hadiths by memory), the knowledge of the 'illa or "hidden flaw" is: among the greatest of the sciences of hadith, the most exacting, and highest: only scholars of great memorization, hadith expertise, and penetrating understanding have a thorough knowledge of it. It refers to obscure, hidden flaws that vitiate hadiths, "flawed" meaning that a defect is discovered that negates the authenticity of a hadith that is outwardly "rigorously authenticated" (sahih). It affects hadiths with reliable chains of narrators that outwardly appear to fulfill all the conditions of a sahih hadith ('Ulum al-hadith).

It may surprise some people to learn that one example often cited in hadith textbooks of such a hidden flaw ('illa) is from Sahih Muslim, all of whose hadiths are rigorously authenticated (sahih), as Ibn al-Salah has said, "except for a very small number of words, which hadith masters of textual evaluation (naqd) such as Daraqutni and others have critiqued, and which are known to scholars of this level" ('Ulum al-hadith). The hadith of the present example was related by Muslim from the Companion Anas ibn Malik in several versions, which might convince those unaware of its flaw to believe that someone at prayer should omit the Basmala or "Bismi Llahi r-Rahmani r-Rahim" at the beginning of the Fatiha. According to the hadith, Anas ibn Malik (Allah be well pleased with him) said, I prayed with the Messenger of Allah (Allah bless him

and give him peace), Abu Bakr, 'Umar, and 'Uthman, and they opened with "al-Hamdu li Llahi Rabbi l-'Alamin," not mentioning "Bismi Llahi r-Rahmani r-Rahim" at the first of the recital or the last of it [and in another version, "I didn't hear any of them recite 'Bismi Llahi r-Rahmani r-Rahim'"] (Muslim, 1.299).

Scholars say the hadith's flaw lies in the negation of the Basmala at the end, which is not the words of Anas, but rather one of the subnarrators explaining what he thought Anas meant. Ibn al-Salah says: "Its subnarrator related it with the above-mentioned wording in accordance with his own understanding of it" (Muqaddima Ibn al-Salah (b01), 99). This hadith is given as an example of a "hidden flaw" in a number of manuals of hadith terminology such as hadith master (hafiz) Suyuti's *Tadrib al-rawi* (1.254–57); hadith master Ibn al-Salah's *Ulum al-hadith*; hadith master Zayn al-Din al-'Iraqi's *al-Taqyid wa al-idah* (98–103); and others. Al-'Iraqi says, "A number of hadith masters (huffaz) have judged it to be flawed, including Shafi'i, Daraqutni, Bayhaqi, and Ibn 'Abd al-Barr" (ibid., 98).

Now, Bukhari has related the hadith up to the words "and they opened with 'al-Hamdu li Llahi Rabbi l-'Alamin'"; without mentioning omitting the Basmala (Bukhari, 1.189), and Tirmidhi and Abu Dawud relate no other version. Scholars point out, in this connection, that the words "al-Hamdu li Llahi Rabbi l-'Alamin" were in fact the name of the Fatiha, for the Prophet (Allah bless him and give him peace) and his Companions often used the opening words of suras as names for them; for example, in the hadith in *Sahih al-Bukhari* of Abu Sa'id ibn al-Mu'alla, who relates that the Prophet (Allah bless him and give him peace) said:

"I will teach you a sura that is the greatest sura of the Qur'an before you leave the mosque." Then he took my hand, and when he was going out, I said to him, "Didn't you say, 'I will teach you a sura that is the greatest sura of the Qur'an before you leave the mosque'?" And he said: "'Al-Hamdu li

Llahi Rabbi l-'Alamin': it is the Seven Oft-Recited [Verses] (al-Sab' al-Mathani) and the Tremendous Recital (al-Qur'an al-'Adhim) that I have been given" (ibid., 6.20–21).

In this hadith, "Al-Hamdu li Llahi Rabbi l-'Alamin" is plainly the name of the Fatiha, and means nothing besides, for otherwise, it is one verse, not seven. 'A'isha, who was one of the ulama of the Sahaba, also referred to names of suras in this way, as in the hadith of Bukhari that the Prophet (Allah bless him and give him peace), when he went to bed each night, joined his hands together, blew a light spray of saliva upon them, and read over them "Qul huwa Llahu Ahad," "Qul a'udhu bi Rabbi l-Falaq," and "Qul a'udhu bi Rabbi n-Nas"; then wiped every part of his body he could with them (ibid., 233–34), which clearly shows that she named the suras by their opening words (after the Basmala), as did other early Muslims (such as Bukhari in his chapter headings in the section of his Sahih on the Virtues of the Qur'an, for example). So there is no indication, in the portion of the Anas hadith's wording that is agreed upon by both Bukhari and Muslim; namely, "I prayed with the Messenger of Allah (Allah bless him and give him peace), Abu Bakr, 'Umar, and 'Uthman, and they opened with 'al-Hamdu li Llahi Rabbi l-'Alamin,'" that the Basmala was not recited aloud. Says Tirmidhi: "Imam Shafi'i has said, 'Its meaning is that they used to begin with the Fatiha before the sura, not that they did not recite "Bismi Llahi r-Rahmani r-Rahim."' And Shafi'i held that the prayer was begun with 'Bismi Llahi r-Rahmani r-Rahim,' and that it was recited aloud in prayers recited aloud" (Tirmidhi, 2.16).

Hadith scholars who are masters of textual critique, like Daraqutni and others, consider the words of the Anas hadith "not mentioning 'Bismi Llahi r-Rahmani r-Rahim,'" which outwardly seem to suggest omitting the Basmala, to be vitiated by an 'illa or "hidden flaw" for many reasons, a few of which are:

–It is established by numerous intersubstantiative channels of

transmission (tawatur), that the Prophet (Allah bless him and give him peace) said, "There is no prayer for whoever does not recite the Fatiha" (Bukhari, 1.192). That the Basmala is the Fatiha's first verse is shown by several facts:

First, the Sahabah affirmed nothing in the collation of the Qur'an (mushaf) of 'Uthman's time except what was Qur'an, and they unanimously placed the Basmala at the beginning of every sura except surat al-Tawba.

Second, the Prophet (Allah bless him and give him peace) said, "When you recite 'al-Hamdu li Llah,' recite 'Bismi Llahi r-Rahmani r-Rahim,' for it is the Sum of the Qur'an (Umm al-Qur'an), and the Compriser of the Scripture (Umm al-Kitab), and the Seven Oft-Repeated [Verses] (al-Sab' al-Mathani)—and 'Bismi Llahi r-Rahmani r-Rahim' is one of its verses" (Bayhaqi, 2.45; and Daraqutni, 1.312), a hadith related with a rigorously authenticated (sahih) channel of transmission to the Prophet (Allah bless him and give him peace), and through another chain to Abu Hurayra alone (Allah be well pleased with him).

Third, Umm Salama relates: "The Prophet (Allah bless him and give him peace) used to recite: 'Bismi Llahi r-Rahmani r-Rahim. al-Hamdu li Llahi Rabbi l-'Alamin,' separating each phrase"; a hadith which Hakim said was rigorously authenticated (sahih) according to the conditions of Bukhari and Muslim, which Imam Dhahabi corroborated (al-Mustadrak, 1.232). Daraqutni also relates from Umm Salama that "the Prophet (Allah bless him and give him peace) when he used to recite the Qur'an would pause in his recital verse by verse: 'Bismi Llahi r-Rahmani r-Rahim: al-Hamdu li Llahi Rabbi l-'Alamin: ar-Rahmani r-Rahim: Maliki yawmi d-din.'" Daraqutni said, "Its ascription is rigorously authenticated (sahih); all of its narrators are reliable" (Daraqutni, 1.312–13). These hadiths show that the Basmala was recited aloud by the Prophet (Allah bless him and give him peace) as part of the Fatiha.

Fourth, Bukhari relates in his Sahih that when Anas was asked how the Prophet (Allah bless him and give him peace) used to recite, "he answered: 'By prolonging [the vowels]'-and then he [Anas] recited 'Bismi Llahi r-Rahmani r-Rahim,' prolonging the Bismi Llah, prolonging the r-Rahman, and prolonging the r-Rahim" (Bukhari, 6.241), indicating that Anas regarded this as part of the Prophet's Qur'an recital and that the Prophet (Allah bless him and give him peace) recited it aloud.

Fifth, Daraqutni has recorded two hadiths, both from Ibn 'Abbas, and has said about each of them, "This is a rigorously authenticated (sahih) chain of transmission, there is not a weak narrator in it," of which the first is: "The Prophet (Allah bless him and give him peace) used to recite 'Bismi Llahi r-Rahmani r-Rahim,' aloud"; and the second is: "The Prophet (Allah bless him and give him peace) used to begin the prayer with 'Bismi Llahi r-Rahmani r-Rahim'" (al-Nawawi: al-Majmu', 3.347).

-Imam al-Mawardi summarizes: "Because it is established that it is obligatory to recite the Fatiha in the prayer, and that the Basmala is part of it, the ruling for reciting the Basmala aloud or to oneself must be the same as that of reciting the Fatiha aloud or to oneself" (al-Hawi al-kabir, 2.139).

-Imam Nawawi says: "Concerning reciting 'Bismi Llahi r-Rahmani r-Rahim' aloud, we have mentioned that our position is that it is praiseworthy to do so. Wherever one recites the Fatiha and sura aloud, the ruling for reciting the Basmala aloud is the same as reciting the rest of the Fatiha and sura aloud. This is the position of the majority of the ulama of the Sahaba and those who were taught by them (Tabi'in) and those after them. As for the Sahaba who held the Basmala is recited aloud at prayer, the hadith master (hafiz) Abu Bakr al-Khatib reports that they included Abu Bakr, 'Umar, 'Uthman, 'Ali, 'Ammar ibn Yasir, Ubayy ibn Ka'b, Ibn 'Umar, Ibn 'Abbas, Abu Qatada, Abu Sa'id, Qays ibn Malik, Abu Hurayra, 'Abdullah ibn Abi Awfa, Shaddad ibn Aws, 'Abdullah ibn Ja'far, Husayn ibn 'Ali, Mu'awiya, and the congregation of Emigrants (Muhajirin) and

Helpers (Ansar) who were present with Mu'awiya when he prayed in Medina but did not say the Basmala aloud, and they censured him, so he returned to saying it aloud" (al-Majmu', 3.341).

These are some reasons why scholars regard the Anas hadith in Sahih Muslim to be mu'all or "flawed." We cannot here discuss other aspects of the hadith such as the flaws in its chain of narrators, which are explained in detail in Zayn al-Din 'Iraqi's al-Taqyid wa al-idah (100–101), though the foregoing may give a general idea why it has been considered flawed by hadith masters (huffaz) such as Suyuti, 'Iraqi, Ibn Salah, Ibn 'Abd al-Barr, Daraqutni, and Bayhaqi—and why the shari'a ruling apparently deducible from the end of the hadith; namely, omitting the Basmala when reciting the Fatiha at prayer, has been rejected by al-Shafi'i, Nawawi, and others, who hold that the Basmala is recited aloud whenever the Fatiha is. (The position of Abu Hanifa and Ahmad ibn Hanbal, it may be noted, is that one recites the Basmala to oneself before the Fatiha, thus joining between hadiths on both sides by interpreting the "omitting" in the Anas hadith in other than its apparent sense, to mean merely "reciting to oneself.") In any case, it is clearly not a story of "the hadith in Sahih Muslim that the Imams didn't know about," as some of the unlearned seriously suggest today, but rather a difference of opinion in hadith authentication involving the highest levels of shari'a scholarship.

Studying the five conditions above for a sahih hadith and the differences about them among specialists shows us why the mujtahid Imams of the schools sometimes differ with one another about whether a particular hadith is really from the Prophet (Allah bless him and give him peace). Whoever believes that a single scholar, whether Bukhari, Muslim, or a contemporary sheikh, can finish off all differences of opinion about the acceptability of particular hadiths, should correct his impressions by going and studying the sciences of hadith. What we can realize from this is that when we find a hadith in

Sahih Bukhari that one school of fiqh seems to follow and another does not, it may well be that differences in fiqh methodology, hadith methodology, or both, play a role.

Conclusions. Let me summarize everything I have said tonight. I first pointed out that the knowledge you and I learn from the Qur'an and hadith may be divided into three categories. The first is the knowledge of Allah and His attributes, and the basic truths of Islamic belief such as the messengerhood of the Prophet (Allah bless him and give him peace), the belief in the Last Day, and so on. Every Muslim can and must learn this knowledge from the Book of Allah and the sunna, which is also the case for the second kind of knowledge: that of general Islamic laws to do good, to avoid evil, to perform the prayer, pay zakat, fast Ramadan, to cooperate with others in good works, and so on. Anyone can and must learn these general prescriptions for him or herself.

Then we discussed a third category of knowledge, which consists of fiqh or "understanding" of specific details of Islamic practice. We found in the Qur'an and sahih hadiths that people are of two types respecting this knowledge, those qualified to do ijtihad and those who are not. We mentioned the sahih hadith about "a man who judges for people while ignorant: he shall go to hell," showing that would-be mujtahids are criminals when they operate without training.

We heard the Qur'anic verse that established that a certain group of the Muslim community must learn and be able to teach others the specific details of their religion. We heard the Qur'anic verse that those who do not know must ask those who do, as well as the verse about referring matters to "those whose task it is to find it out."

We talked about these scholars, the mujtahid Imams, firstly, in terms of their comprehensive knowledge of the whole Qur'an and hadith textual corpus, and secondly, in terms of their depth of interpretation, and here we mentioned Qur'an and

hadith examples that illustrate the processes by which mujtahid Imams join between multiple texts, and give precedence when there is ostensive conflict. Our concrete examples of ijtihad enabled us in turn to understand to whom the Imams addressed their famous remarks not to follow their positions without knowing the proofs. They addressed them to the first rank scholars they had trained and who were capable of grasping and evaluating the issues involved in these particular proofs.

We then saw that the Imams were also mujtahids in the matter of judging hadiths to be sahih or otherwise, and noted that, just as it is unlawful for a mujtahid Imam to do taqlid or “follow another mujtahid without knowing his evidence” in a question of fiqh, neither does he do so in the question of accepting particular hadiths. Finally, we noted that the differences in reliability ratings of hadiths among qualified scholars were parallel to the differences among scholars about the details of Islamic practice: a relatively small amount of difference in relation to the whole.

The main point of all of this is that while every Muslim can take the foundation of his Islam directly from the Qur’an and hadith; namely, the main beliefs and general ethical principles he has to follow—for the specific details of fiqh of Islamic practice, knowing a Qur’anic verse or hadith may be worlds apart from knowing the shari’a ruling, unless one is a qualified mujtahid or is citing one.

As for would-be mujtahids who know some Arabic and are armed with books of hadith, they are like the would-be doctor we mentioned earlier: if his only qualification were that he could read English and owned some medical books, we would certainly object to his practicing medicine, even if it were no more than operating on someone’s little finger. So what should be said of someone who knows only Arabic and has some books of hadith, and wants to operate on your akhirah?

To understand why Muslims follow madhhabs, we have to go beyond simplistic slogans about “the divinely-protected versus the non-divinely-protected,” and appreciate the Imams of fiqh who have operationalized the Qur’an and sunna to apply in our lives as shari’a, and we must ask ourselves if we really “hear and obey” when Allah tells us “Ask those who know if you know not” (Qur’an 16:43).

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