

IIS 114 - Foundations of Islamic Studies 2

Hadith

Module 1 Part A

Definition of Hadith

1. The Arabic word hadith basically means “an item of news, conversation, a tale, a story, or a report” whether it be historical or legendary, true or false, relating to the past or present.
2. Its secondary meaning as an adjective is “new” as opposed to qadeem, “old”
3. However, like other Arabic words (e.g. salaah, zakat) its meaning changed in Islam
 - a. From the time of the Prophet, his stories and communications dominated all other forms of communication.
 - b. Consequently, the term hadith began to be used almost exclusively for reports which spoke of his actions and sayings.

Usage of the word Hadith

1. The term hadith has been used in both the Qur'an (23 times) and the prophetic traditions according to all of its linguistic meanings
 - a. The Qur'an itself
 - i. “Then leave Me alone with those who reject this communication (Qur'an) . . . ” (68:44)
 - ii. Hadith: “Indeed, the best form of communication is the Book of Allah . . . ”
 - b. A historical story
 - i. “Has the story of Moses reached you?” (20:9)
 - ii. Hadith: “You may speak about the children of Israel without”
 - c. A general conversation
 - i. “When the Prophet confided in one of his wives . . . ” (66:3)
 - ii. Hadith: “Molten copper will be poured in the ear of whoever eavesdrops on the conversation of people who dislike him doing so or flee from him.”
2. Among the hadith scholars the term hadith means “whatever is transmitted from the Prophet of his actions, sayings, tacit approvals, or physical characteristics.”

3. Scholars of Islamic Law do not include the physical appearance of the Prophet in their definition.

Importance of Hadith

1. Revelation

- a. The Prophet's sayings and actions were primarily based on revelation from Allah and as such, must be considered a fundamental source of guidance second only to the Qur'an.
 - i. Allah said concerning the Prophet, "He (Muhammad) does not speak from his desires; indeed, what he says is revelation." (53:3-4)
- b. Therefore, the hadith represents a personal source of divine guidance which Allah granted His Prophet which was similar in its nature to the Qur'an itself.
 - i. The Prophet reiterated this point in one of his recorded statements: "Indeed, I was given the Qur'an and something similar to it along with it."

2. Tafseer

- a. The preservation of the Qur'an was not restricted to protecting its wording from change
 - i. Were that the case its meanings could be manipulated according to human desires, while maintaining its wording.
 - ii. Allah also protected its essential meanings from change by entrusting the explanation of the meanings of Qur'an to the Prophet himself.
 1. Allah states the following regarding the Qur'an's interpretation: "And I revealed to you the Reminder (Qur'an) in order that you explain to the people what was revealed to them." (16:44)
 - iii. Therefore, if one is to understand the meanings of Qur'an, he or she must consider what the Prophet said or did regarding it.
 1. E.g. in the Qur'an, Allah instructs the believers to offer Salaah and pay zakat in Surah al-Baqarah, 2:43.
 - a. However, in order to obey these instructions correctly, one must study the methodology of the Prophet in this regard.
 - b. Among his many clarifications concerning salaah and zakat, he instructed his followers saying "Pray as you saw me pray" and he specified that 2.5% of surplus wealth, unused for a year, should be given as zakat,

3. Laws

- a. One of the primary duties of the Prophet was to judge between people in their disputes.
 - i. Since his judgements were all based on revelation, as stated earlier, they must be considered a primary source of principles by which judgements are carried out in an Islamic State.

1. Allah also addressed this responsibility in the Qur'an stating, "O believers, obey Allah, obey the Messenger and those in authority among you. If you dispute about anything, refer it to Allah and the Messenger." (4:59)
 - ii. Thus, hadiths are essential for the smooth running of the law courts in an Islamic State.
4. Moral Ideal
- a. Since the Prophet was guided by revelation in his personal life, his character and social interactions became prime examples of moral conduct for Muslims until the Last Day.
 - i. Attention is drawn to this in the following verse: "Surely there is for all of you a good example (of conduct) in the way of Allah's Messenger." (33:21)
 - b. Consequently, the daily life of the Prophet as recorded in hadith represents an ideal code of good conduct.
 - i. When Aisha was asked about his conduct, she replied, "His character was the Qur'an."
5. Preservation of Islam
- a. The science of narration, collection, and criticism of hadith was unknown to the world prior to the era of the Prophet
 - i. It was due in part to the absence of such a reliable science that the messages of the former prophets became lost or distorted in the generations that followed them
 - ii. Therefore it may be said that it is largely due to the science of hadith that the final message of Islam has been preserved in its original purity for all times.
 1. This is alluded to in the verse, "Indeed, I have revealed the Reminder, I will, indeed, protect it." (15:9)

Hadith and the Sunnah

1. The term hadith has become a synonym for the term sunnah, though there is some difference in their meanings
 - a. Sunnah means "a way, course, rule, manner of acting, or conduct of life"
 - b. Sunnah, as a technical term in the science of hadith, refers to whatever statements, acts, approvals, physical or character descriptions that are attributable to the Prophet, along with his biography before or after the beginning of his prophethood.
 - c. It is thus synonymous with the term hadith
2. However, according to Usool al-Fiqh science (legal methodology), sunnah refers only to the statements, acts, and approvals of the Prophet.

- a. It also refers to whatever is supported by evidence from the Shari'ia; the opposite of bid'ah.
 - b. In the legalistic science of Fiqh the term sunnah refers to recommended acts authentically attributable to the Prophet; the doers of which is rewarded and the non-doer is not punished.
 - c. It is also used to refer to the opposite of bid'ah as in the statement Sunnah divorce and bid'ah divorce
3. According to its general definition, the Qur'an is the most important part of the sunnah conveyed by the Prophet.
- a. It may also be said that the hadiths were the containers or storehouse in which the sunnah of the Prophet was conveyed during his lifetime and after his death.

The Structure of Hadith

1. Musaddad told us that Yahyaa informed him from shu'bah, from Qataadah, from Anas from the Prophet that he said, "None of you truly believes until he loves for his brother what he loves for himself." Collected by al-Bukhaaree
 - a. This means that the Hadith scholar Muhammad ibn Ismaa'eel al-Bukhaaree collected in his book of hadiths called Saheeh al-Bukhaaree the statement, "None of you truly believes until he loves for his brother what he loves for himself." which he heard from his hadith teacher Musaddad, who heard it from his teacher Yahyaa, who was informed by his teacher Shu'bah that he heard it from his teacher Qataadah, a student of the Prophet's companions, who heard it quoted by the Prophet's companion Anas ibn Maalik from Prophet Muhammad.

Components

1. A hadith consists of two main parts: the Sanad and the Matn.

The Sanad (also called Isnaad)

1. The list of narrators of the saying or action of the Prophet is called the Sanad.
 - a. For example, in the above hadith the Sanad is: "Musaddad told us that Yahyaa informed him from Shu'bah from Qataadah from Anas from the Prophet that he said:"

The Matn

1. The text of the hadith or what the Prophet actually said or did is called the matn.
 - a. For example, in the above hadith the matn is: None of you truly believes until he loves for his brother what he loves for himself.”

Module 1 Part B

Compilation of Hadith

Era of the Prophet

1. During the life of the Prophet there was no pressing need to write down his statements because he was alive and could be consulted at any time
 - a. The Prophet himself made a general prohibition against writing down his statements that were other than the Qur'an itself. (This is the only authentic hadith on the topic and al-Bukhaaree and others considered it to be a statement of Abu Sa'eed himself that was erroneously attributed to the Prophet.)
 - i. He was reported to have said, “Don't write anything from me besides the Qur'an. If you do, erase it.”
 - ii. This was to prevent the possibility of the Qur'an being confused with his written words
 - iii. Consequently, the greatest stress regarding writing was placed on recording the Qur'anic verses
 - b. However, there are many authentic narrations collected by the Scholars of hadith that prove hadith were recorded in writing during the time of the Prophet
 - i. For example, 'Abdullah ibn 'Amr said, “I used to write everything which I heard from the Messenger of Allah with the intention of memorizing it. However, some Qurayshites forbade me from doing so saying, ‘Do you write everything that you hear from him, while the Messenger of Allah is a human being who speaks in anger and pleasure?’ So I stopped writing, and mentioned it to the Messenger of Allah. He pointed with his finger to his mouth and said, ‘Write! By Him in whose hand is my soul, only truth comes out of it.’ “
 - ii. Abu Hurayrah said: “When Mecca was conquered, the Prophet stood up and gave a sermon [Abu Hurayrah then mentioned the sermon]. A man from Yemen, called Abu Shaah got up and said, ‘O Messenger of Allah!

Write it down for me!' The Messenger of Allah replied, 'Write it for Abu Shaah.' Al-Waleed asked Abu 'Amr, 'What are they writing?' He replied, 'The sermon which he heard that day.' "

- iii. Abu Qaabeel said: "We were with 'Abdullaah ibn 'Amr ibn al-Aas and he was asked which city will be conquered first, Constantinople or Rome? So 'Abdullah called for a sealed trunk and he said, 'Take out the book from it.' Then 'Abdullaah said, 'While we were with the messenger of Allah writing, the Messenger of Allah was asked, 'Which city will be conquered first, Constantinople or Rome?' So Allah's Messenger said: 'The city of Heracilius will be conquered first.' meaning Constantinople."

Era of the Sahaabah

1. After the death of the Prophet his sayings and actions took on a new importance because he was no longer there to consult when problems arose.
 - a. The practice of narration on a large scale started during this period
 - i. For example, when the Prophet died, the Sahaabah debated about where to bury him. This debate ended when Abu Bakr told them the Prophet had said, "Prophets should be buried wherever they die." Thus a grave was dug immediately below the bed on which he died in the house of Aisha
 - b. In this period, a number of the leading Sahaabah wrote down hadiths of the Prophet.
2. The following are just a few of the leading narrators of the Prophet's traditions who were known to have recorded them in writing:
 - a. Abu Hurayrah to whom 5374 channels of hadith narrations are attributed, actually narrated 1236 hadith. Hasan in 'Amr ad-Damaree saw many books in his possession.
 - b. 'Abdullaah ibn 'Abbaas to whom 1660 channels of narrations are attributed used to write whatever he heard and even employed his slaves to record for him
 - c. 'Abdullaah ibn 'Amr ibn al-'Aas to whom 700 channels are attributed was known to record books of hadiths during the Prophet's lifetime which he titled as-Saheefah as-Saheehah
 - d. Abu Bakr was reported to have written down over 500 sayings of the Prophet
3. Ibn al-Jawzee, who provides a list of all the companions who related traditions, gives the names of about 1,060 together with the number of hadiths related by each.
 - a. 500 related only 1 hadith each
 - b. 132 related only 2 each
 - c. 80 related 3 each
 - d. 52 related 4 each
 - e. 32 related 5 each

- f. 26 related 6 each
 - g. 27 related 7 each
 - h. 18 related 8 each
 - i. 11 related 9 each
 - j. 60 related between 10 and 20 each
 - k. 84 related between 20 and 100 each
 - l. 27 related between 100 and 500 each
 - m. 11 related more than 500 each
 - n. Of that 11, only 6 related more than 1000 hadith, and they are commonly referred to as the mukaththiroon (the reporters of many traditions).
 - o. Today, a graduate of the college of hadith in the Islamic University of Madina is required to memorize 250 hadith during each of his four years of study, for a total of 1000 hadiths.
4. From the above, it can be readily seen that fewer than 300 companions related the vast majority of traditions.

Era of the Taabi'oon (generation which followed the Companions) (1st Century of Hijrah)

1. After Islam had spread into the Middle East, India, North Africa, and the narration of Hadith became widespread, there arose people who began to invent hadiths.
 - a. To combat this development, Caliph 'Umar ibn Abdul-Azeez (reign 99-101 AH 718 to 720 CE) ordered the scholars to compile the traditions of the Prophet.
 - b. The scholars had already begun composing books containing biographical data on the various narrators of Hadith in order to expose the liars and fabricators
 - c. Abu Bakr ibn Hazm (d. 120/737) was among those directed by the Caliph to compile the Hadith.
 - i. Caliph 'Umar requested him to write down all the hadiths of the Prophet and of 'Umar ibn al-Khattaab and to pay particular attention to gathering the hadiths of 'Amrah bint 'Abdir-Rahmaan, who was at that time the most respected custodian of the narrations of Aisha.
 - d. Sa'd ibn Ibraaheem and Ibn Shihaab az-Zuhree were also requested to compile books and az-Zuhree became the first compiler of hadith to record the biographies of the narrators with particular reference to their character and honesty.
 - e. In this period the systematic compilation of hadiths was begun on a fairly wide scale
2. However, among the students of the companions, many recorded hadiths and had collected them in books. The following is a list of the top 12 narrators of hadiths among the Prophet's companions and their students who had their narrations in written form:

(the number in parentheses is the total number of hadiths, or more properly, channels of narration of hadith ascribed to the companion)

- a. Abu Hurayrah (5374): nine of his students were recorded to have written hadiths from him
 - i. Of Abu Hurayrah's nine students known to have written hadiths, Hammaam ibn Munabbih's book has survived in manuscript form and has been edited by Dr. Muhammad Hamidullah and published in 1961 in Hyderabad, India
- b. Ibn 'Umar (2630): Eight of his students wrote down hadiths from him
- c. Anas ibn Maalik (2286): Sixteen of his students had hadiths in written form from him
- d. Aisha bint Abee Bakr (2210) Three of her students had her hadiths in written form
- e. Ibn 'Abbaas (1660): Nine of his students recorded his hadiths in books
- f. Jaabir ibn 'Abdillaah (1540): Fourteen of his students wrote down his hadiths
- g. Abu Sa'eed al-Khudree (1170): None of his students wrote.
- h. Ibn Mas'ood (748): None of his students wrote
- i. 'Abdullaah ibn 'Amr ibn al-'Aas (700) Seven of his students had his hadiths in written form
- j. 'Umar ibn al-Khattaab (537): He recorded many hadiths in official letters.
- k. 'Ali ibn Abee Taalib (536): Eight of his students recorded his hadiths in writing
- l. Abu Musa al-Ash'aree (360): Some of his hadiths were in the possession of Ibn 'Abbaas in written form
- m. Al-Barraa ibn 'Aazib (305): Was known to have dictated his narrations

Era of the Taabi'ut-Taabi'een (the generation of the students of the successors, "the successors of the successors") (2nd Century)

1. In the period following that of the Taabi'oon, the hadiths were systematically collected and written in texts.
 - a. One of the earliest works was al-Muwatta composed by Maalik ibn Anas (Imam Malik)
 - b. Other books of hadith were also written by scholars of Maalik's time
 - i. al-Awzaa'ee who lived in Syria
 - ii. 'Abdullaah ibn al-Mubaarak of Khurasaan
 - iii. Hammad ibn Salamah of Basrah
 - iv. Sufyaan ath-Thawree of Kufah
 - c. However, the only work that survived from that time is that of Imam Maalik
 - d. It could be said that in this period the majority of the hadiths were collected in the various centers of islam

2. The reasons why these three generations have been given special consideration is because the Prophet was reported to have said, "The best generations is my generation, then the one which follows them, then the one that follows them"
 - a. It was through these three generations that hadith was first transmitted orally and in writing, until they were completely compiled into collections on a wide and a systematic scale.

Era of the Saheehs (3rd Century Hijrah)

1. There arose in the third century scholars who undertook the job of critical research of the hadiths which were narrated and compiled in the first two centuries.
 - a. They also grouped the hadiths which they considered to be accurate according to the branches of Islamic Law
 - i. E.g. From this period is the book Saheeh al-Bukhaaree containing 7,275 Hadith which al-Bukhaari (died 870 CE) chose from 600,000
 - ii. Also Saheeh Muslim which contains 9,200 hadiths which Imam Muslim selected from 300,000
 - iii. Besides these two works of hadith, there are four other works which became famous during this period:
 1. The sunan of Abu Dawood (died 889 CE)
 2. The sunan of at-Tirmitheer (died 893 CE)
 3. The sunan of an-Nasaa'ee (died 916 CE)
 4. The sunan of Ibn Maajah (died 908 CE)

Stages of Writing

1. The first stage covers the period of the first century AH which began in July 622 CE or the early part of the century CE
 - a. It was the age of the Companions and their successors often referred to as the age of the Saheefah, that is, a sheet or some sort of writing material such as shoulder blades or parchments on which a number of hadith were written
 - i. E.g. Saheefah Abu Bakr and Saheefah Saadiqah of 'Abdullaah ibn 'Amr.
 - b. The aim of the first stage was mainly recording the hadith without any particular format
2. The second stage covers the middle of the second century AH and is referred to as the stage of the Musannaf (i.e. classified organized work).
 - a. The second stage represents a planned compilation of hadith grouped under headings denoting their subject matter
 - i. E.g. Muwatta Maalik

3. The third stage known as the stage of Musnad (compilation of hadith according to the companion's names)
 - a. This stage began at the close of the second century AH
 - i. E.g. Musnad Ahmad
4. The fourth and most important stage is known as the stage of Saheeh.
 - a. This stage began during the first half of the third century AH (9th century CE) and overlaps the period of the musnad
 - i. E.g. Saheeh al-Bukhaaree, Saheeh Muslim, and Saheeh Ibn Khuzaymah

Module 1 Part C

Origins of the Isnaad (The list of authorities who have transmitted a report)

1. The isnaad system was used to transmit pre-Islamic poetry
2. However, it was in the hadith literature that it reached its peak at which it was considered an integral part of the religion itself
 - a. 'Abdullaah ibn al-Mubaarak (d. 181 AH), one of the illustrious teachers of Imam al-Bukhaaree, said, "The isnaad is from the religion. Were it not for the isnaad anyone could say anything they wished"
3. By the end of the first century the science of isnaad was fully developed.
 - a. Ibn Seereen (d. 110), a Successor, said, "[In the beginning] they would not ask about the isnaad. But when the fitnah (turmoil/civil war) happened, they demanded 'Name your men to us'. The narrations of the Ahlus-Sunnah (Adherents to the Sunnah) would be accepted, while those of the Ahlul-Bida'ah (Adherents to the Innovations) would be rejected."
 - i. That is, prior to the turmoil the isnaad was only used occasionally, but after the turmoil they became cautious.
4. In order to minimize the significance of the system in Islam, orientalist scholars have tried to identify non-Arab pre-Islamic sources.
 - a. Joseph Horovitz cited several instances from Jewish literature in which the isnaad was used before its use among Arabs
 - i. He further tried to trace its usage back to the Mosaic period, and by Talmudic times its chain assumed enormous length.
 - ii. Whether the isnaad system really goes back to Mosaic times is open to doubt, as Horovitz did not prove they were not later interpolations.
 - b. It has also been noted that the isnaad system was used by Indians long before Islam
 - i. Occasional use can be found in ancient Hindu, Buddhist, and Jain literature.
 1. In the great epic, the Mahabhart, it states: 'Vysda composed it, Ganesa served as a scribe, and the work was handed down by

Vaisampayana, who communicated it to the king Janamejaya. Sauti, who was present at the time, heard it and narrated it to the assembly of sages.”

5. However, wherever the isnaad originated, there is no doubt that having adopted the system, Muslims came to consider the isnaad an indispensable part of the hadiths and developed it.
 - a. They gave it a firm foundation by introducing the chronological method, assembling biographies of the transmitters, and establishing a science for determining the value of its contents and authenticity of its channel of transmission.
 - i. The ancient Indians, as far as is known, never made any attempt at a rigorous and consistent treatment of the isnaad, nor did they develop the chronological method.
 - ii. Likewise, Jewish literature had no usage of the chronological method thereby rendering their isnaads valueless.
 1. Professor Horovitz himself admitted that “In the Talmudic literature there is no idea of chronological method, and the oldest extant work attempting such an arrangement was composed after 885 AD - more than a century later than the earliest Islamic work on isnaad-critique. From this fact and from the fact that the important Jewish works [of this period] had been composed in the Islamic dominions, it may be inferred that this historical interest was due to the Islamic influence.”
6. The practice of specifying the isnaad, not only of the hadiths but also the books in which they were collected, was of immense value in preserving the integrity of books in an age where printing was unknown, and the creation of spurious and distorted works was a relatively easy task.
 - a. The scholarly practice of certification seems to be unique in the world’s literary history, just as hadith literature is unique in employing a thorough and systematic method of source identification.
 - b. Greek, Latin, Hebrew, and Syriac manuscripts rarely, if ever, supply us with such a wealth of information about a book’s origin and use
7. The isnaad system, while originating in connection with the hadith literature, was in due course extended by Arab authors to many other genres, including geography, history, and prose fiction.

Evolution of the Sanad

Teaching the Sunnah: The Era of the Prophet

1. Anything which the Prophet of Islam said or did is considered to be a part of his Sunnah (i.e. way), which represents the practical application of Islam according to divine guidance
2. The Prophet used to encourage his Sahaabah to learn and memorize his Sunnah in many different ways
 - a. Anyone who saw Prophet Muhammad and died in a state of Islam is called a Sahaabee (pl. Sahaabah), meaning a companion, even if he was a child
 - b. Sometimes the Prophet would sit them down and have them repeat after him certain Du'aas (informal prayers) which he wanted them to memorize, the same way he would have them learn the Qur'an
 - c. On other occasions he would repeat himself three times so they would memorize his most significant statements.
 - d. Sometimes he would give rites were to be performed, then he would tell them to do it as he had done it
 - e. At other times, he would have some of the Sahaabah record in writing some of the more complicated things

The Era of the Sahaabah

1. After the death of the Prophet, the older Sahaabah began to teach the younger Sahaabah the sayings and practices of the prophet which they had not been around to hear or observe.
 - a. Both the younger and the older Sahaabah used to teach those who had accepted Islam during the last days of the Prophet's life, and thus never had an opportunity to learn anything directly from the Prophet
2. When Islam spread all over Arabia and into Syria, Iraq, Persia, and Egypt during the reign of the Righteous Caliphs, the Sahaabah began to teach those who newly entered Islam the principles of the religion
 - a. They would say to those gathered around them, "I saw the Prophet do this" or "I heard the Prophet say that".
 - i. This is how the chain of narration of the Sunnah began
 - b. Those new Muslims who studied under the Sahaabah were later referred to as the Taabi'oon.
3. Most of the Taabi'oon used to memorize and record the statements of the Prophet which the Sahaabah used to quote.
 - a. They used to travel to different parts of the Muslim world of that time in order to learn as much of the Sunnah of the Prophet from as many of the Sahaabah as possible.

Why All This Effort?

1. It is natural that people try to watch and remember the sayings and deeds of anyone who is dear to them, and there is no doubt that Prophet Muhammad was the most beloved person on earth to his followers.
 - a. The Prophet himself enjoined this love on his community saying, "None of you has truly believed until I become more dear to him than his son, his father, and all of mankind."
 - b. Allah, in the Qur'an, emphasized for the whole of the Muslim Ummah the extreme importance of the Sunnah of the prophet by ordering them to obey all of his commands: "Whatever the Messenger gives you, take it; and whatever he forbids you, leave it." (59:7)
2. Great care had to be taken to preserve the Sunnah and convey it to each successive generation of Muslims
 - a. The Prophet also stressed the great importance of passing on the Sunnah without any alterations by promising them Allah's blessings saying: "Allah blesses any man who hears a saying of mine, memorizes it and understands it, and then conveys it just as he heard it; for perhaps one who is informed has more understanding than the one who heard it."
 - b. He also stressed it by warning them of the severe punishment awaiting anyone who lies on him saying; "Whoever lies on me will find his seat in the Hellfire!"

Era of the Taabi'oon

1. When the Sahaabah began to die out and Islam spread into India, Afghanistan, Russia, China, North Africa, and Spain, the Taabi'oon took up where the Sahaabah had left off and began the great task of teaching the new converts to Islam the principles of the religion
 - a. They would say to those who gathered around them: "I heard such and such a Sahaabee say that he saw the Prophet do this" or "I heard such and such a Sahaabee say that he heard the Prophet say that."
 - i. In this way the second link in the chain of narration of the Sunnah was added.
2. Those who studied under the Taabi'oon were later called Atbaa' at-Taabi'een (followers of the followers)
 - a. Many of these new students used to travel for days or even months to meet and study under various Taabi'oon, taking great care in the memorization and the writing down of their teacher's narrations
3. During this period, the righteous caliph, 'Umar ibn 'Abdul 'Azeez (reign 717-719) commanded all of the great scholars of that time, like Abu Bakr ibn Hazm (d. 737) and Sa'd ibn Ibraaheem, to collect all of the statements and actions of the Prophet which

were being taught because some people in Iraq had begun to make up stories about the Prophet.

- a. One of the first scholars of the Taabi'oon to record the narrations of the Prophet was Muhammad ibn Muslim ibn Shihaab az-Zuhree.
 - i. Ibn Shihaab not only recorded the statements, but also the names of the narrators and information about them so that those who were making up hadiths could be easily identified
4. Even though the process of writing down hadiths had begun on a large scale, the oral transmission of hadiths continued because so much more could be conveyed in a smaller period of time
 - a. Writing was slow and tedious, writing materials were scarce, and the printing press had not been invented
5. So the Atbaa' at-Taabi'een taught those who gathered around them much in the same way they were taught themselves
 - a. "I heard such and such a Taabi'ee say that he heard such and such a Sahaabee say that he saw the Prophet do this"
 - b. Only a few books of hadith from the time of the Atbaa' at-Taabi'een have reached us
 - i. The most famous of them is the book of Maalik ibn Anas called Al-Muwatta, and the most famous copy of Al-Muwatta is that of Maalik's student Yahyaa ibn Yahyaa from the Berber tribe of Masmoodah
6. In the second volume of Yahyaa's copy of Al-Muwatta, in the chapter on the Dabb (lizard) we find the following: "Maalik told me from Ibn Shihaab from Abu Umaamah ibn Sahl (ibn Hurayf) from 'Abdullah ibn 'Abbaas from Khaalid ibn al-Waleed that he had accompanied the Prophet to his wife Maymoonah's house and a roasted Dabb was brought for him (to eat) . . .so Allah's Messenger stretched out his hand to eat some of it. Some of the women who were with Maymoonah said, 'Inform Allah's Messenger of what he is about to eat.' When he was told that it was Dabb, he removed his hand from it and (Khaalid ibn al-Waleed) asked, 'is it haram, O Messenger of Allah?' He replied, 'No, but it wasn't in my people's land and I find it loathsome.' Khaalid then said, 'I then tore off (a piece of) it and ate it while the Prophet watched me."
 - a. The Sanad (chain of transmission) of this hadith is as follows
 - b. The Prophet
 - c. Sahaabah - Khaalid
 - d. Sahaabah - Ibn 'Abbaas
 - e. Sahaabah - Abu Umaamah
 - f. Taabi'oon - Ibn Shihaab
 - g. Atbaa' at-Taabi'een - Maalik
 - h. Atbaa' atbaa' at-Taabi'een - Yahyaa
 - i. Khaalid ibn al-Waleed, Ibn 'Abbaas, and Abu Umaamah were all Sahaabah, but Ibn 'Abbaas was a young Sahaabee and Abu Umaamah only saw the Prophet just before his death.

- ii. So Khaalid related this incident to Ibn 'Abbaas when he asked him about eating Dabb and Ibn 'Abbaas related it to Anu Umaamah who then told Ibn Shihaab who told Maalik, who in turn wrote it down and told Yahyaa
- 7. Following that hadith is another narration on the same topic: "Maalik informed me from 'Abdullaah ibn Deenar from Ibn 'Umar that a man called out to the Prophet of Allah, 'O Prophet of Allah, what do you say about Dabb?' The Prophet of Allah replied, 'I don't eat it and I don't forbid it.'"
 - a. In this case the sanad is shorter because the Sahaabee Ibn 'Umar related it directly to his student Ibn Deenar
 - b. The Prophet
 - c. Sahaabah - Ibn 'Umar
 - d. Taabi'oon - Ibn Deenar
 - e. Atbaa' at-Taabi'een - Maalik
 - f. Atbaa' atbaa' at-Taabi'een - Yahyaa

Module 1 Part D: Classification of Hadith

The Hadith Saheeh

1. If all of the narrators in the Sanad fulfil the following three conditions, the Hadith is classified as an accurate saying or action of the Prophet and named Saheeh.
 - a. This means we can be certain that the Prophet actually said or did that was reported in the hadith.
 - i. The narrators must all be known to be truthful
 - ii. They must all have good memories, or have written down what they heard
 1. Scholars later graded the memories of Narrators into excellent and acceptable. If all had excellent memories the hadith was rated saheeh, and if some were acceptable it was rated hasan. However, both categories are considered authentic.
 - iii. They must all have met each other
2. Such a hadith can be used to prove a point of Islamic Law which should be followed.
 - a. The Hadith are the second most important source of Islamic Law and all true Muslims must follow them
 - i. Allah said in the Qur'an, "Whatever the Messenger give you, you should accept and whatever he forbids you, you should reject."
 - b. The only way we can follow that command of Allah is to learn the Hadith of the Prophet and put them into practice.
3. The Hadith mentioned at the beginning of the chapter is a Hadith Saheeh which teaches Muslims about Faith (Iman).

- a. True belief in God will cause the believer to treat others well, especially their brothers in faith
 - b. Human beings naturally want to be treated nicely, as such, good treatment is an important part of a natural and pleasant life.
 - c. It develops trust, love, respect, and many other good characteristics among people.
 - d. In order to establish good human relations, Islam encourages Muslims to treat each other in the same manner in which they would like to be treated by others
4. Al-Bukhaaree collected from Muhammad ibn al-Muthanna, from 'Abdul-Wahhaab, from Ayyoob from Abu Qailaabah, from Maalik that the Prophet said, "Pray as you have seen me praying"
- a. This hadith fulfills the above-mentioned conditions and is therefore Saheeh.
 - b. The point of Islamic law in it is that in formal prayer (salaah) we must follow the method used by the Prophet.
 - c. Muslims are not allowed to make up their own personal style of prayer, as it is not only disobedience to the Prophet but will also lead to confusion in the prayer lines.
 - d. The correct description of the Prophet's salaah can be found in the books of hadith. So we must read and find out how the Prophet prayed in order to follow him properly.

The Hadith Da'eef

1. If any of the narrators in the Sanad were known to have had any of the following faults, the hadith is then classified as being inaccurate and referred to as Da'eef:
 - a. If any were known to have been liars
 - b. If any were known to have had bad memories
 - c. If any were known to have not met the one he was supposed to be narrating from
2. The Hadith Da'eef is not a true saying or action of the Prophet and cannot be used to prove any point of Islamic Law.
 - a. Any law based on such a hadith is considered incorrect.
 - i. For example, hadith scholars Abu Daawood and Ahmad collected a narration from Hafs ibn Ghayyaath who reported from 'Abdur-Rahmaan ibn Is-haaq from Ziyaad ibn Zayd from Abu Juhayfah that 'Alee ibn Abee Taalib was supposed to have said, "The sunnah position of the hands in salaah is to place one hand on the other hand, below the navel."
 1. However, this hadith is classified as Da'eef in the subcategory of mawdoo' (fabricated) because 'Abdur-Rahmaan was a known liar.
 2. Therefore it cannot be used to support the practice of placing one's hands below the navel in salaah.
 - ii. The correct practice is as Taawoos reported in another hadith which is Saheeh.

1. He said that Allah's messenger used to put his right hand on his left hand and place them on his chest whenever he was in salaah.
 - a. This hadith was also collected by Adu Daawood and Ahmad as well as Ibn Khuzaymah.
 - i. Of course, placing one's hands below or on the navel does not ruin one's salaah
3. Al-Hasan ibn 'Ateeyah reported from Abu 'Aatikah from Anas that the Prophet said, "seek knowledge even in China."
 - a. This hadith was collected by the hadith scholars Ibn 'Adee and Abu Nu'aym.
 - b. Although it is a commonly quoted hadith that is well known among Muslims, it is NOT accurate.
 - i. Abu 'Aatikah was accused of falsifying hadiths, thus this narration is classified as Da'eef.
 1. In fact, hadith scholars have put it in a special category of da'eef hadiths called Mawdoo (fabricated).
 2. Consequently, it is incorrect to quote this statement as a hadith of the Prophet, because many of his companions have quoted him as saying, "Let whoever deliberately lies about me take his seat in the hellfire."
4. The most famous books of hadiths are called "the Sound Six" (as-Sihaah as-Sittah)
 - a. Saheeh al-Bukhaaree
 - b. Saheeh Muslim
 - c. Sunan Abu Dawood
 - d. Sunan at-Tirmitheer
 - e. Sunan an-Nasaa'ee
 - f. Sunan Ibn Maajah
5. The oldest collection of hadiths to reach us is the Muwatta' of Malik and the largest collection of hadiths is the Msnad of Ahmad
6. The most accurate collection of hadiths is that of al-Bukhaaree and the second most accurate is that of Muslim
 - a. One may freely quote hadiths from both the Saheehs of al Bukhaaree and Muslim as evidence, because they are nearly all authentic.
 - i. However, the other books of hadiths contain a number of inaccurate narrations which cannot be used as evidence
 - ii. Therefore, only the hadiths which have been rated accurate by the scholars may be used from the other books
 1. It should also be noted that most modern books only mention the last narrator before the Prophet when quoting hadith to save time and space.

Module 1 Part E: Hadith on Intentions

1. 'Umar ibn al-Khattaab quoted Allah's Messenger as saying, "Indeed actions are according to their intentions and every person will have what he intended. So, whoever's migration was for Allah and His Messenger, then his migration is for Allah and His Messenger. Whoever's migration was for this world or a woman for marriage, his migration is for what he migrated." - Collected by al-Bukhaaree and Muslim
 - a. This hadith is so comprehensive, touching almost all aspects of Islam that Imam Abu Daawood said it was half of Islam.
 - i. That is, Islamic knowledge is composed of apparent deeds and intentions behind them.
 - b. Imam ash-Shaafi'ee was of the opinion that it comprises one third of knowledge, which according to al-Bayhaqee meant that people earn reward with their hearts, tongues, and bodies and intention is involved with one of them
 - c. Imam Ahmad expressed that Islam revolves around three hadiths:
 - i. "Indeed actions are according to their intentions."
 - ii. "Whoever introduces anything into this affair of ours that is not from it will have it rejected."
 - iii. "The permissible is clear and the forbidden is clear."
 - d. Consequently, many of the early scholars preferred to begin their writings or hadith compilations with this hadith, such as al-Bukhaaree in his work Saheeh al-Bukhaaree

Context of the Hadith

1. In many cases, there are circumstances in which various statements of the Prophet or his acts were done.
 - a. Knowledge of these contexts help to clarify the intended meaning of the hadiths.
 - b. If there is no recorded information about a hadith's context, the general meaning is taken and the hadith is studied in the proper context of the relevant Qur'anic verses and hadiths.
 - i. In this case, the Prophet's companion Ibn Mas'ood was of the opinion that the statement in this hadith was made concerning a man who wanted to marry Umm Qays.
 - ii. When she refused him unless he migrated from Mecca to Medina, he did so in order to marry her and was nicknamed "the migrant for Umm Qays".

The Narrator

1. 'Umar ibn al-Khattaab (583-644 CE) is considered to be the greatest companion of the Prophet after Abu Bakr.
 - a. The Prophet prayed that Allah would strengthen Islam during the Meccan period by his conversion
 - b. With his conversion, five years before the Hijrah, Muslims had the confidence to pray openly after praying secretly for eight years prior to that
 - i. The commonly quoted story of his conversion in which he was reported to have hit his sister in her head and later read a portion of the Qur'an is not authentic
 - c. The Prophet mentioned him among ten of his followers whom he promised Paradise and praised his courage and knowledge
2. He was the second of what came to be known as the Four Righteous Caliphs, who led the Muslim state after the Prophet's death.
 - a. During his reign, Muslims defeated the Persian and Roman empires and the rule of Islam spread from Iran to Egypt
3. There are over 530 hadiths narrated by 'Umar in the books of hadith and he was known for his concern to ensure the authenticity of whatever was narrated from the Prophet.

Meaning of "Indeed actions are according to their intentions . . . "

1. The term "intention" (niyyah) refers to one's resolve to do something as long as nothing prevents it or one's intention does not change.
 - a. Jurists refer to the intention as "the intent in the heart that must accompany and precede any act of worship."
 - b. A person may state that his or her intent is something and intend something else in their heart.
 - i. Consequently, the place of the intention is in the heart as held by most scholars
 - ii. Furthermore, it was not the practice of the Prophet to express his intention out loud before any acts except Hajj
2. The first part of the prophet's statement addresses the fact that every intentional act done by a rational person has behind it an intent, without which the act would not have been done
 - a. The intention may be good and pious, or it may be evil, or it may be religiously neutral
 - b. The value of deeds is determined by the intentions behind them
 - c. Three people may do the same act with three different intentions as is explained by the remainder of the prophet's statement
 - i. One may migrate with the intention of pleasing Allah and obedience to His Messenger

- ii. Another may accompany him with the sole intention of marrying a woman or some other worldly purpose
 - iii. Yet another might accompany them in order to assassinate the prophet.
- d. Externally their acts resemble each other but their internal intentions will determine the real value of their deeds
 - i. The act of hijrah was primarily a religious act
 - ii. The deed of the one who did so for the correct intention will be counted as a righteous deed of emigration which will make him eligible for a reward from God
 - iii. In the second case, the intention of marriage was not evil, but it was wrong for that act, consequently, his emigration would not be considered a righteous deed and he would not be eligible for any reward
 - iv. In the third case, the emigrant had an evil intent thus not only would be not be eligible for reward, but it would be considered an evil deed for which he could be punished.
- 3. Any act done with the sole intention of pleasing Allah which is according to the shari'ia is considered an act of worship of 'ibaadah.
 - a. Those acts that are purely worship must be accompanied with an intention for them to be acceptable to God.
 - b. Among them are the following:
 - i. Wudoo
 - ii. Ghusl
 - iii. Tayammum (dry wudoo)
 - iv. Salaah
 - v. Zakat
 - vi. Sawm
 - vii. Hajj
 - viii. I'tikaaf (staying in the mosque for a certain number of days)
 - 1. For example, the Prophet said, "One who does not make the intention to fast during the night of Ramadan (for the next day) will not be rewarded for the fast."
- 4. If a person did not eat due to an illness or a lack of food, it could not be counted as fasting from a religious perspective.
 - a. The act of fasting must be preceded by the intention of it for it to be acceptable to God
 - i. Therefore, intentions are one means of distinguishing between non-religious acts and religious acts.
 - ii. They also distinguish between obligatory and voluntary acts of worship
- 5. Intention is one of the deeds of the heart which are under human control and is a result of personal choice
 - a. Consequently, humans are instructed to make their intentions pure and to define their purposes.

- b. They are prohibited from committing shirk in their intentions and from deviating their intentions to prohibited acts.
 - i. Were intentions not under human control, the divine order to have purity of intention and to avoid shirk would be an obligation which human beings could not fulfill.
 - 1. Al-Ghazzaalee's in Ihyaa 'Uloom ad-Deen quotes stories of early scholars in they stated how difficult it was for them to develop correct intention and how some would refrain from acting for days until their intention was present for certain deeds.
 - 2. If they are authentic quotes, they can only be taken as personal accounts and not the basis for principles of faith.
 - 3. Al-Ghazzaalee concluded that humans "cannot create this drive or make it appear in" themselves and Ibn Khaldoon also stated that most people do not have control over the intention of most of their actions
- 6. The Spanish jurist Ibn Hazm stated, "Intention is the secret of servitude and its spirit. Its place, with respect to deeds, is like the soul with respect to the body. It is inconceivable to consider a deed of servitude that is not accompanied with its soul. In that case, it is like a dilapidated body."
 - a. Purity of intention distinguishes between worshipping Allah correctly and worshipping Him incorrectly, and as such should be the ultimate goal and purpose of human beings.
 - i. This is verified in Allah's statement: "They were only commanded to worship Allah making the religion sincere for Him . . ." (Surah al-Bayyinah, :5)
- 7. It should be noted that there are some deeds which do not need intention for their validity.
 - a. For example, cleaning one's clothes from ritual impurities is a precondition for formal prayer. If one cleaned it along with other items without intending to clean it for worship, it would still be ritually pure and may be used for worship
- 8. On the other hand, an act might be fundamentally religiously neutral (mubaah) meaning - according to some jurists - that there is no reward or punishment for one who does it or does not do it.
 - a. However, it may be turned into an act of worship eligible for reward if it is done because it was permissible - while avoiding the forbidden - and or as a means of coming closer to God.
 - i. To that effect the Prophet stated the following: "Anything you spend seeking Allah's Countenance will be rewarded, even for [the bit of food] that you put in your wife's mouth."
- 9. Ibn al-Qayyim wrote in his classic Madaarij al-Saalikeen, "The most exclusive [group of] people who become close to Allah are those who change the nature of their permissible acts into deeds of obedience to Allah."

- a. He also wrote, “The customary deeds of those people who truly know Allah are acts of worship [for them] while the ritual acts of worship are customary deeds for the masses.”
 - i. The masses of Muslims approach prayers, fasting, and other religious duties as common daily practices that they must do because it is part of their culture.
 - ii. Most of them have no strong intention in their hearts of doing acts of worship for the sake of Allah.
 - iii. If the quality of the act is poor, it does not matter much to them because they are doing it just to finish
- 10. Righteous deeds done for show are cursed and the prophet labeled them as “hidden shirk” (ash-Shirk al-Khafee or ash-Shirk al-Asghar) and warned against it severely as the thing he feared the most for his followers
- 11. Where intentions are mixed between God and others, Allah also rejects them according to the Prophet’s quote from Allah: “I am so self-sufficient that I am in no need of having an associate. Therefore, anyone who does a deed for someone else’s sake as well as for My sake will have the deed left to the one he has associated with Me.”
 - a. In that respect, Ibn Rajab stated, “I know of no difference of opinion on this point among the Salaf although some later scholars did differ on this point.”
- 12. On the other hand, if someone does a religious act for the pleasure of Allah and people praise him for it, his reward will not be affected.
 - a. When the Prophet was asked about one who did that he replied, “That is a prompt part of the good tidings that the believer receives.”

Intentions beyond Actions

- 1. The actions of the heart can take one beyond the bounds of physical deeds
 - a. That is, a person may be rewarded for having the intention to do a deed which they never got the opportunity to do
 - b. During the Prophet’s era, a man prepared for jihad but died before being able to do so.
 - i. His daughter said to him, “I wish you could have died a martyr, for you had prepared for it.”
 - ii. The Prophet informed her, “Indeed, Allah, Most Great and Glorious, has given this reward to him according to his intention.”
- 2. Consequently, when women are disallowed from making Hajj due to not having a mahram for their protection, they should not feel denied and end up making Hajj anyway.
 - a. For their sincere desire to make Hajj may earn them far greater rewards than many who actually make the Hajj
 - b. And they should not forget that most Muslims never get the opportunity to make Hajj in their lifetimes due to economic reasons

Meaning of “and every person will have what he intended.”

1. This part of the prophet’s statement may be considered as emphasis for the first part, “Indeed actions are according to their intentions”, which stressed the importance of purity of intention (ikhlaas) and warned against doing religious acts for show or other wrong intentions.
 - a. Or it may be considered the consequence and the first part of the cause
 - i. That is, in the first part, the Prophet made it clear that every deed must have an intention behind it.
 - ii. In the second part he informed that reward and punishment will be in accordance with the intention.
 - iii. If one intended the pleasure of Allah and the Hereafter in his or her religious deeds, that will be the consequence, while those who intend the fleeting pleasures of this world may be given it or they may not
 1. As Allah said, “For whoever desires the transitory enjoyment of this world, I will promptly grant of it what I wish and to whom I wish . . .” (surah al-Isra, :18)
2. This part of the prophet’s statement could also mean that the reward for deeds depends solely on the nature of the intentions behind them.
 - a. With regard to this, Ibn Rajab said, “. . . [It] is a statement about the shari’ia ruling. That is, the only portion belonging to the doer from his deed is his intention. If it was sound or pious, his deed is sound and he will have its reward. If it was evil, then his deed was evil and he will carry its burden . . . [Thus], the first sentence indicates that the goodness or evilness of an act is according to the intention that brought it into being. The second sentence indicates that the reward for the doer for his deed is according to his pious intention and his punishment for his deed is based on his evil intention.”
 - b. Al-Ashqar also wrote in this regard, “The truth to which the Qur’an and Sunnah testify is that the real thing that is made obliged by the shari’ia rulings is the person’s soul. The body is just a tool for it. If a deed is without what the soul has been ordered to fulfil - which is purity of intention - then the deed that the body performs is a type of useless play and straying.”
3. When the Prophet stated that everyone would get what they intended, he meant that their reward or punishment in the next life would be according to what they intended, not literally that their intent would be fulfilled in this life.
 - a. Because most people do not get whatever they intend in this world.
 - i. If the person’s intent was for the sake of Allah, then he or she earns Allah’s pleasure and His reward
 - ii. If the person’s intention was religiously neutral, the result will also be religiously neutral though it may not be exactly what the person intended.
 - iii. And if the person had an evil intent, the result will ultimately be evil; not what they intended but according to what they intended

Meaning of “So, whoever’s hijrah was for Allah and His Messenger, then his migration is for Allah and His Messenger . . .”

1. The word hijrah literally means “to leave a place of abode and emigrate to another people; from one land, district, or town to another.”
 - a. However, from the shari’ia perspective it means “to emigrate from the territory of disbelievers to the territory of the believers or to any place of safety or refuge on account of religious persecution.”
2. During the Prophet’s lifetime, there were two hijrahs
 - a. The first was from Mecca to Abyssinia around the fifth year of the prophethood
 - b. The second was from Mecca to Medina in the thirteenth year
 - c. In the first hijrah a small band of Muslims who were able to escape persecution in Mecca sought refuge with the ruler of Ethiopia at the Prophet’s suggestion and they remained there until the time of the second hijrah
 - d. When the Prophet emigrated to Medina, it became obligatory on all Muslims to join him there
 - i. In this regard Allah revealed the verse: “Indeed those whom the angels take in a state of self-oppression will be asked, ‘In what condition were you?’ They will reply, ‘We were weak and oppressed in the land.’ They will be asked, ‘Wasn’t Allah’s earth spacious enough for you to emigrate?’ Such people will find their abode in Hell - what an evil destination.” (Surah an-Nisaa, 4:97)
3. Once Mecca was conquered that obligation was removed with regard to Medina as the Prophet said, “There is no hijrah after the Conquest of Mecca, but what remains is jihad and intention.”
 - a. Although it is this hijrah which this hadith seems to refer to, the text is general and there is no authentic evidence to limit it
 - b. Furthermore, hijrah as a principle remains an obligation on all Muslims until the Last Day, as indicated by the Prophet saying, “Hijrah will not end until repentance ends. And repentance will not end until the sun rises from the west.”
 - c. The object of hijrah is to shift one’s residence to a location in which one can best practice Islam
 - i. On that basis, scholars have categorized the different types of hijrah as follows:
 1. Hijrah from the land of disbelief (Daar al-Kufr) to the land of Islam (Daar al-Islam)
 2. Hijrah from a land of bid’ah (heresy and innovation)
 3. Hijrah from a land dominated by haraam to one less dominated
 4. Hijrah from a land where one’s life or limb, health, or property is threatened
 5. Hijrah from whatever Allah has prohibited

- a. The Prophet said, “The one who truly makes hijrah is one who avoids what Allah has prohibited.”
 - d. Consequently, those who make hijrah for the sake of their religion will be rewarded on the basis of that pious intention even if they die before achieving their goal.
 - i. Allah indicated this by saying, “Whoever leaves his home emigrating to Allah and his Messenger and death overtakes him, his reward is incumbent on Allah.” (Surah an-Nisaa, 4:100)
- 4. This segment of the hadith is a prophetic example of deeds being counted and rewarded according to their intentions.
 - a. Even if the end result is not what was intended, the reward will be based on the intent as in the above-mentioned verse.
 - i. On one occasion a man gave some charity for distribution and it was in turn given to his son.
 - ii. When he told the Prophet that he had not desired that, he was informed, “For you what you intended,” and his son was told, “For you is what you have received.”
 - b. The Prophet repeated or restated “Allah and His Messenger” in order to emphasize the importance and greatness of the purpose of migration.
 - i. The goal of “Allah and His Messenger” is the ultimate goal of intentions for this life and the next.
 - ii. Furthermore, it is a singular goal which cannot be mixed with any other
 - iii. Whereas the reasons for worldly goals are too numerous to count so “for whatever he migrated” suffices
- 5. It has also been noted that by using “for them” instead of “for Allah and His Messenger” would refer to Allah and His Messenger with a single pronoun, which is inappropriate.
 - a. On one occasion when a person said, “Whoever obeys Allah and His Messenger has indeed been guided, and whoever disobeys them has strayed,” the Prophet corrected him and told him to say instead, “Whoever disobeys Allah and His Messenger.”

Meaning of “And whoever’s migration was for this world or a woman in marriage, then his migration is for what he migrated.”

- 1. The Prophet belittled the goal of the person who migrated for worldly goals by not repeating what he previously mentioned
 - a. Migration for economic benefit from one Islamic environment to another equally Islamic environment is permissible according to shari’ia.
 - b. When a person emigrates for material gain from a relatively Islamic to a non-Islamic environment, it becomes haram.
 - i. In doing so, he puts his own Islam at risk as well as the religion of his family

- ii. His hijrah is cursed and his family is likely to be spiritually and socially destroyed
- 2. Marriage is specifically mentioned in the closing statement, even though it is a part of worldly goals, because of the great danger that women - or the opposite sex in general - pose to piety and righteousness.
 - a. Allah warned against the danger of spouses saying, "Indeed there is in your spouses and children a trial, so beware of them."
 - b. The Prophet also said, "Indeed the world is sweet and alluring and Allah is going to make you successors in it. So look and see how you behave. Beware of this world and beware of women. For certainly the first trial that afflicted the Israelites was concerning women."
 - c. He further said, "I have not left any trial after me more harmful to men than women."
- 3. The trial of women is evident from the numerous cases of sexual scandal involving political figures like Bill Clinton, former president of the US, to leading religious figures like televangelist Jimmy Swaggart.
 - a. People are commonly trapped into spying for other countries using women
 - b. Many religious cults like the Jehovah's Witnesses and the Moonies commonly use females to recruit members
 - c. Commercially, goods are often promoted using fashion models

Intentions and Deeds

- 1. Ibn 'Ajlaan said, "A deed is not useful unless accompanied by three factors: awareness of Allah, good intention, and correctness of the deed."
- 2. Ash-Shaatibee divided all acts into four categories:
 - a. The intent and the act are both consistent with the Shari'ia. These are the basic conditions of a righteous deed
 - b. The intent and the act contradict the shari'ia. This represents one of the forms of sin where the intent is sinful and the act itself is sinful
 - c. The intent is wrong but the act is consistent
 - i. The person had a sinful intent, but was unaware that his act was in accordance with the shari'ia. For example, a person borrows an audio cassette with the intent of listening to music only to find out it is a recording of Qur'an
 - ii. The person's intent is evil and he is aware that his act was in agreement with the shari'ia. For example, a person who does not normally cover herself, puts on the complete Islamic garb when attending Islamic gatherings. This is an act of hypocrisy (nifaaq).
 - d. The intent is correct but the act is inconsistent
 - i. The person has the correct intent but is aware that his act contradicts the shari'ia. Most forms of bid'ah fall under this category, like celebrating the

Prophet's birthday. Likewise, the principle of "the ends justify the means" where people commit sins with good intentions belongs under this category

- ii. The person's intent is correct but is unaware that his act is inconsistent with the shari'ia. Such an act is a genuine mistake for which a person may still be rewarded. No sin would be written against him as in the case of forgetfulness

Module 2: Fiqh

Module 2 Part A: Fiqh and Shari'ia

1. Fiqh has been loosely translated into english as "Islamic Law" and so has Shari'ia, but these terms are not synonymous either in the Arabic language or to the Muslim scholar
 - a. Fiqh literally means, "the true understanding of what is intended"
 - i. An example of this usage can be found in the Prophet Muhammad's statement, "To whomsoever Allah wishes good, He gives the Fiqh (true understanding) of the religion."
 - b. Technically, however, fiqh refers to the science of deducing Islamic laws from evidence found in the sources of Islamic law.
 - i. By extension, it also means the body of Islamic laws so deduced.
2. Shari'ia literally means "a waterhole where animals gather daily to drink", or "the straight path" as in the Qur'anic verse, "Then We put you on a straight path (shari'ia) in your affairs, so follow it and do not follow the desires of those who have no knowledge." (45:18)
 - a. Islamically, however, it refers to the sum total of Islamic laws which were revealed to the Prophet Muhammad, and which are recorded in the Qur'an as well as deducible from the Prophet's divinely guided lifestyle (called the Sunnah).

The Distinction

1. From the previous two definitions, the following three differences may be deduced:
 - a. Shari'ia is the body of revealed laws found in both the Qur'an and the Sunnah, while Fiqh is a body of laws deduced from Shari'ia to cover specific situations not directly treated in Shari'ia law.
 - b. Shari'ia is fixed and unchangeable, whereas Fiqh changes according to the circumstances under which it is applied.

- c. The laws of Shari'ia are, for the most part, general; they lay down basic principles. In contrast, the laws of Fiqh tend to be specific; they demonstrate how the basic principles of Shari'ia should be applied in given circumstances.
2. Islamic law is fundamentally based on the main two sources of divine revelation: the Qur'an which represents the direct word of God to man, and the sunnah which may be called the indirect word of God.
 - a. Allah has said in the Qur'an concerning the statements of the prophet Muhammad: "He (Muhammad) does not speak from his desires. It is nothing but revelation sent down to him." (53:3-4)
3. The laws contained in these two sources are primary laws which cannot be changed at any time.
 - a. However, in the understanding and application of these laws, secondary sources have evolved.
 - b. The most significant of them to this study of Usool al-Fiqh are Ijmaa', a consensus of opinion, and Qiyaas, the deduction of rulings by comparison

Method

1. If we want to know how we should govern a country, or how we should judge criminals, as well as settle disputes between people, or even how to run our families, we should look first in the Qur'an, to see what Allah has to say on it, then we should turn to the Sunnah to see what the Prophet did or said related to the topic.
 - a. If we cannot find what we are looking for, we look to see what points of law the Sahabah agreed on.
 - i. This area of agreement is called Ijmaa'.
 - b. If, after that, we are still unable to find what we are looking for, we are then allowed to use our own reasoning to come to a decision.
 - i. This decision should have some support from the Qur'an, the Sunnah, or Ijmaa', and if it does, it is called Qiyaas.

The Qur'an

1. The Qur'an is the word of Allah as revealed to his last prophet, Muhammad, in Arabic rhyme, whose recitation is used in Salah and other forms of worship, and whose smallest chapter is a miracle in itself.

Miracle of the Qur'an

1. Allah in the Qur'an challenged the Arabs, as well as all of mankind, saying to them: "If you are in doubt about that which We have revealed to Our servant, bring one Surah (chapter) similar to it." (2:23)

- a. We all know what the smallest Surah of the Qur'an is Surah al-Kawthar having only three short verses, yet the Arabs at the time when the Qur'an was revealed were unable to make one like it.
2. The Qur'an contains certain scientific facts which were unknown in those days.
 - a. For example, Allah says that the chest of the disbeliever becomes tight as if he were ascending upwards into the sky: "He whom He (Allah) wills to leave astray, He makes his chest tight and compressed as if he were ascending up into the sky." (6:125)
 - i. It was only recently that man discovered that the higher up into the atmosphere he travels the less oxygen is present.
 - ii. So if one goes up high enough, he will have difficulty breathing and his chest will feel as if it is tightening due to the lack of oxygen
 - b. Allah also talks in the Qur'an about the movement of the sun and moon saying that, "It is He who created the night and day, the sun and moon, all of them are floating in orbits." (21:33)
 - i. Man only a few years ago found out that the moon travels around the earth in an orbit
 - ii. As for the sun, they now admit that it is moving within the Milky Way galaxy which is itself moving in space also
 1. But as of yet, they have not determined the exact pattern of its motion
 2. Some feel that it is in a straight line while others feel it might be circular.
 - c. There are countless other scientific facts mentioned in the Quran which were totally unknown 1,400 years ago proving that it could only have come from the Creator.
3. Allah also made the Qur'an very easy to memorize.
 - a. So easy that millions and millions of Muslims have memorized it since its revelation.
 - b. It is no smaller than the New testament which Christians follow, yet no one has been known to have ever memorized the New Testament
4. Allah has protected the Qur'an from any change at all
 - a. From the time it was revealed until now, it has stayed the same.
 - b. Allah made a promise in the Qur'an at the time of its revelation that He would protect it from change: "Certainly it is We who revealed the Reminder (Qur'an) and it is indeed We who will protect it." (15:9)
 - c. If all the other religious books in the world were destroyed, the only book that could be rewritten exactly as it was, is the Qur'an

Method of Legislation

1. Sections of the Qur'an were continuously revealed to the Prophet Muhammad from the beginning of his prophethood in the year 609 CE until shortly before his death in 632 CE, a period of approximately 23 years
 - a. The various sections of the Qur'an were generally revealed to solve the problems which confronted the Prophet and his followers in both Mecca and Madina.
 - b. A number of Qur'anic verses are direct answers to questions raised by the Muslims as well as non-Muslims during the era of prophethood. Many of these verses actually begin with the phrase "They ask you about . . . "
 - i. "They ask you about fighting in the forbidden months. Say, 'Fighting them is a grave offense, but blocking Allah's path and denying Him and (blocking them from) the sacred mosque, and turning out its people from it is even graver in Allah's sight.' " (2:217)
 - ii. "They ask you about wine and gambling. Say, 'There is great evil in them as well as benefit to man. But the evil is greater than the benefit.' " (2:219)
 - iii. "They ask you about menses. Say, 'It is harm, so stay away from (sexual relations with) women during their menses.' " (2:222)
2. A number of other verses were revealed due to particular incidents which took place during the era of the Prophet.
 - a. An example can be found in the case of Hilaal ibn Umayyah who came before the Prophet and accused his wife of adultery with another of the Prophet's companions.
 - i. The Prophet said, "Either you bring proof (i.e. three other witnesses) or you will receive the fixed punishment (of eighty lashes) on your back."
 - ii. Hilaal said, "Oh Messenger of Allah! If any of us saw a man on top of his wife, would he go looking for witnesses?"
 - iii. However, the Prophet repeated his demand for proof.
 - iv. Then the angel Gabriel came and revealed to the Prophet the verse:
 1. "As for those who accuse their wives and have no evidence but their own, their witness can be four declarations with oaths by Allah that they are truthful and fifth invoking Allah's curse on themselves if they are lying. But the punishment will be averted from the wife if she bears witness four times with oaths by Allah that he is lying, and a fifth oath invoking Allah's curse on herself if he is telling the truth." (24:6-9)
3. The same was the case of Islamic legislation found in the Sunnah, much of which was either the result of answers to questions, or were pronouncements made at the time that incidents took place.
 - a. For example, on one occasion, one of the Prophet's companions asked him, "Oh, Messenger of Allah! We sail the seas and if we make Wudoo with our fresh water we will go thirsty. Can we make Wudoo with sea water?"
 - b. He replied, "Its water is pure and its dead (sea creatures) are Halaal."

4. The reason for this method of legislation was to achieve gradation in the enactment of laws, as this approach was more easily acceptable by Arabs who were used to complete freedom.
 - a. It also made it easier for them to learn and understand the laws since the reasons and context of the legislation would be known to them.
 - b. This method of gradual legislation was not limited to the laws as a whole, but it also took place during the enactment of a number of individual laws
 - i. The legislation of Salaah is a good example of gradation in the enactment of individual laws.
 - ii. In the early Meccan period, Salaah was initially twice per day, once in the morning and once at night.
 - iii. Shortly after the migration to Medina, five times daily Salaah was enjoined on the believers.
 1. However, Salaah at the time consisted of only two units per prayer, with the exception of Maghrib prayers which were three units.
 2. After the early Muslims had become accustomed to regular prayer, the number of units were increased to four for residents, except Fajr prayer and that of Maghrib.

Qur'anic Fields of Study

1. The body of information contained in the Qur'an, as a whole, may be grouped under three general headings with regard to the field of study to which they are related
 - a. Information related to the Belief in God, His angels, His scriptures, His prophets, and the affairs of the next life.
 - i. These topics are covered within the field of study known as theology ('Ilm al-Kalaam or al-'Aqeedah)
 - b. Information related to deeds of the heart and soul, and moral principles and rules of conduct aimed at the development of nobility of character.
 - i. These areas represent the field of moral science known as ethics ('Ilm al-Akhlaaq)
 - c. Information related to the deeds of the limbs and contained within a body of commandments, prohibitions and choices.
 - i. This group represents the field of law.

Legal Content of the Qur'an

1. Islamic legislation in the Qur'an is comprised of a variety of acts which have been enjoined by divine decree on mankind.
2. These acts may be grouped into two basic categories with regard to the parties involved in the acts:

- a. Dealings between Allah and humankind
 - i. These are the religious rites which are not valid without correct intentions.
 - ii. Some of them are purely religious forms of worship, like prayer and fasting; while others are socio-economic forms of worship, like zakah; and others yet are socio=physical forms of worship, like Hajj.
 - iii. These four acts of worship are considered the foundation of Islam after faith (iman)
- b. Dealings among human beings
 - i. The laws governing these dealings may themselves be divided into four subsections relative to the subject matter of the dealings:
 - 1. Laws ensuring and defending the propagation of Islam. These are embodied in the codes of armed or unarmed struggle (jihad)
 - 2. Family laws for the development and protection of the family structure. These include laws concerning marriage, divorce, and inheritance
 - 3. Trade laws governing business transactions, rental contracts, etc.
 - 4. Criminal laws governing business transactions, rental contracts, and various crimes

The Basis of Legislation in the Qur'an

1. The Qur'an itself announces that it was revealed to reform human conditions.
 - a. Islam did not erase all pre-Islamic customs and practices.
 - b. Instead, it removed every facet of corruption and cancelled all customs which were harmful to the society.
 - i. Consequently, Islamic legislation forbade interest because it takes unfair advantage of the less fortunate members of society
 - ii. Fornication was forbidden due to the exploitation of women and the destruction of family bonds
 - iii. Alcohol was prohibited because of the physical, psychological, and spiritual damage which it inflicts on both the individual and society as a whole
 - iv. Trade practices were reformed by making the basis of trade mutual consent and by disallowing all deceptive business transactions
 - v. The existing system of marriage was organized by confirming certain forms and prohibiting others which were, in fact, fornication or something close to it.
 - vi. The basis of divorce was recognized, but its pronouncements were limited.
2. Because Islam did not come to destroy human civilization, morals and customs, in order to build a new civilization with new morals and customs, it looked at everything from the

perspective of human welfare; what was harmful was removed, and what was beneficial was confirmed.

- a. Allah says in the Qur'an, "It commands them to do righteousness and prohibits them from evil, and it makes allowable to them the good things and makes forbidden to them all filth." (7:157)
3. Islam is fundamentally a system of building and not one of destruction as its goal is reformation and not merely control and government.
 - a. It should be noted, however, that Islam's confirmation of some Arab customs does not mean that it has taken its laws and principles from other sources, not does it mean that those practices which it confirmed are not a part of divine law.
 - i. Whatever Islam confirmed is considered an integral part of the divine code for the following reasons:
 1. Some of the practices were inherited from earlier generations to whom prophets had been sent.
 - a. A good example of this is Hajj which was instituted by Prophet Abraham and Ishmael
 2. Islamic principles do not contradict human reason nor are they unintelligible. Instead, they free the human intellect from irrationality
 - a. Consequently, they recognize the useful results of human intellectual activity
 3. If the confirmed practices were not present, Islam would have instituted them due to the existing human need for them
 - ii. Nevertheless, the number of confirmed practices were in fact, quite few in proportion to the many which were cancelled.
 1. Furthermore, even the little that was confirmed was not kept in its existing form. Only its foundation remained untouched.
4. In order for Islamic legislation to achieve its goal of reformation, it has enacted a series of legal commandments and prohibitions which make up the rules of conduct governing the social system of Islam
5. However, in the enactment of laws, the Qur'anic revelations have taken into consideration the following four basic principles:
 - a. The Removal of Difficulty
 - i. The system of Islam has been revealed for man's benefit
 - ii. It provides him with guidance in all walks of life in order to ensure for him a righteous lifestyle within a just society committed to the service of God
 - iii. Islamic laws are not meant to be a burden, creating difficulties for man in order for him to grow spiritually, as some systems may claim
 1. They are designed to facilitate mankind's individual and societal needs
 2. As such, among the pillars on which Islam is based is the removal of unnecessary difficulties wherever possible

- a. Evidence to support the fact that Islamic law is based on the removal of difficulty can be found throughout the Qur'an:
 - i. "Allah does not burden a soul with more than it can bear." (2:286)
 - ii. "Allah wishes for you ease and He does not wish difficulty for you." (2:185)
 - iii. "He did not make any difficulty for you in the religion" (22:78)
 - iv. "Allah wishes to lighten the burden for you, for man was created weak." (4:28)
 - iv. Because of this principle, Allah has enacted along with the divine laws a variety of legal concessions, like the permission to break fast, and shorten and join prayers during travel.
 1. Moreover, the consumption of prohibited substances (e.g. pork and alcohol) in cases of dire necessity was also permitted
 - a. "But if anyone is forced by hunger, with no inclination to transgression, Allah is indeed Oft-forgiving, Most Merciful." (5:3)
 - v. The Prophet, who was the prime example of how Islamic law was to be implemented, was himself described as always choosing the easier path whenever a choice was given to him between two possible paths, as long as the easier path was not sinful.
 1. He was also reported to have said to some of his followers on the occasion of their dispatchment as governors of Yemen: "make things easy (for the people) and do not make them difficult."
 - vi. Islamic scholars unanimously consider this concept an indisputable fundamental principle followed by God in the enactment of laws.
 1. Consequently, in their implementation of the divine laws, they have deduced many secondary laws on this basis
 - b. The Reduction of Religious Obligations
 - i. A natural consequence of the previous principle is that the total number of legal obligations should be relatively few.
 1. Accordingly, the prohibited acts and substances in Islamic legislation are quite few in comparison to those which are allowed by direct command or by the absence of any command or prohibition.
 2. This principle can be clearly seen in the method by which the Qur'an deals with prohibitions and permissions.
 - a. In the case of prohibitions, the sub-categories are named and listed, while in the case of permissions, a general allowance is given due to the great number of categories included in it.

- i. For example, with regard to women to whom marriage is forbidden, Allah states: Prohibited to you are your mothers, your daughters, your sister, and your aunts” (4:23)
 - ii. After completing the prohibited categories, Allah says, “Except for these, all others are lawful, provided you seek them in marriage with a dowry and not for fornication.” (4:24)
 - iii. As for foods, the forbidden categories are also listed in detail. The Qur’an states, “Forbidden to you (for food) are: animals which die of themselves, blood, pork, animals slaughtered in the name of others besides Allah, animals killed by strangulation, or a blow, or a fall, or by being gored” (5:3)
 - iv. On the other hand, in regard to the permissible foods, Allah states, “On this day all good things are made lawful for you. The food of the People of the Book is lawful for you and your food is lawful for them” (5:5)
 - v. Furthermore, in spite of the fact that things which are forbidden are quite few in comparison to those which have been permitted, the sin of one who is forced to take forbidden substances has also been lifted, which was mentioned previously. Allah states this concession in a number of places in the Qur’an: “But if anyone is forced by necessity, without willful disobedience, nor transgressing due limits, there is no sin on him. For Allah is Oft-Forgiving, Most Merciful.” (2:173)
- 3. It is also worth noting that the laws, on the whole, do not contain so many details as to create difficulty for those who wish to strictly follow the teachings of the Qur’an. Among the verses of the Qur’an which indicate the existence of this principle is the following:
 - a. “Oh you who believe, do not ask about things which, if made plain for you, will cause you trouble. But if you ask about them while the Qur’an is being revealed, they will be made plain for you. Allah has exempted them. And Allah is Oft-Forgiving, Most Gentle.” (5:101)
- ii. The prohibited questions concern issues about which Allah has chosen to enact prohibitions due to their questions. And, if they did not ask about

them, they would have been left with a choice between doing them and not doing them.

1. Included in this category is the Prophet's response to a repeated question concerning whether Hajj was compulsory every year.
 - a. He said, "If I said yes, it would have become compulsory. Leave me alone concerning things which I have left up to you, for certainly those before you were destroyed because of their many unnecessary questions and their arguments and their disagreements with their prophets."
 - b. In another narration, he was reported to have said, "If I have prohibited you from doing something, avoid it totally. But if I command you to do something, do as much of it as you can."
 - c. He was also reported to have said, "The Muslims who have committed the gravest offense against Muslims are those who asked about things which were not prohibited, but which became prohibited because of their questions."
- iii. A good example of limitation of details can be found in the Qur'anic treatment of business transactions.
 1. The laws in this regard have not at all been detailed. Instead, general precepts suitable for all circumstances have been legislated.
 - a. For example, Allah states "Oh you who believe, fulfill your contracts." (5:1)
 - b. "Allah has made trade lawful and prohibited interest." (2:275)
 - c. "Oh you who believe, do not eat up your properties amongst yourselves unfairly. But there should be trade by mutual goodwill." (4:29)
- c. The Realization of Public Welfare
 - i. Because the laws of Islam were primarily enacted for the general good of all mankind, the Prophet was a universal prophet sent to all people until the end of time.
 1. Allah stated in the Qur'an in no uncertain terms: "We have not sent you but as a universal messenger to mankind, giving them glad tidings and warning them (against sin), but most people do not realize it." (34:28)
 2. "Say, 'Oh mankind, I am the messenger of Allah to all of you.' " (7:158)

Naskh (Abrogation)

1. The existence of abrogation within Islamic legislation is among the manifestations of human welfare considerations in Islamic legislation.
 - a. God may prescribe a law suitable to people at the time of its enactment, or it may serve a particular limited purpose.
 - i. However, its suitability may later disappear or its unique purpose may have been achieved.
 1. In such cases, the law ceases to exist and its validity becomes cancelled.
 2. The following are only a few of many such examples which may be found recorded in both the Qur'an and the sunnah.
2. Bequest (Waseeyah)
 - a. In pre-Islamic Arab culture, the property of the deceased was inherited by his children, and parents could only inherit if a bequest were made.
 - i. Thus, in the early stages of Islam, Allah made the writing of a bequest for parents and relatives compulsory, in order to teach the new community the importance of family rights with regard to their wealth.
 1. "It is prescribed that when death approaches any of you, if he leaves behind any goods, that he make a bequest to parents and next of kin, according to what is reasonable. This is due from the pious." (2:180)
 - ii. However, after the community willingly accepted this law and they began to strictly put it into practice, Allah replaced it by revealing in the Qur'an a clearly defined system of inheritance laws.
 1. And the Prophet further confirmed the abrogation of the old laws by stating, "Surely Allah has given everyone with a right (to inheritance) his right, so there should be no bequest for inheritors."
3. Mourning Period
 - a. The widow's mourning period was originally a full year, and it was compulsory for her husband to leave in his will provision for maintenance and housing during that whole period.
 - i. The Qur'an states: "If any of you die and leave widows behind, a bequest of a year's maintenance and residence should be made for their widows. But if they leave the residence, there is no blame on you for what they do with themselves, provided it is reasonable. And Allah is exalted in power, wise." (2:240)
 - b. Then the waiting period was reduced to four months and ten days:
 - i. "If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days. When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and

reasonable manner. And Allah is well acquainted with all that you do.”
(2:234)

- c. And the bequest was cancelled by the verses on inheritance which stipulated a specific portion for widows: one quarter of all the inheritance if she did not have any children, and one eighth if she had children
4. Fornication
 - a. Originally, the punishment for the crime of fornication and adultery, as well as other sex crimes like homosexuality, was the confinement and punishment of the offenders in their homes until they became repentant and sought to reform themselves.
 - i. “If any of your women are guilty of sex crimes, take the evidence of four witnesses from amongst you against them. And if they testify, confine them to house until death claim them, or Allah ordains for them another way. If two men among you are guilty of sex crimes, punish them both; but if they repent and make amends, leave them alone. For Allah is Oft-returning, most Merciful.” (4:15-6)
 - b. This law was later abrogated in the Qur’an by the setting of particular exemplary punishment.
 - i. Flog the woman and the man guilty of fornication one hundred lashes. And, if you believe in Allah and the Last Day, do not let compassion move you in their case for it is a matter decided by Allah. And let a group of the believers witness the punishment.” (24:2)
 - c. Furthermore, the Prophet applied the punishment of stoning to death for those who committed adultery, and set the death penalty for homosexuals without specifying the method.
5. A review of the abrogated verses indicates that the early law may be replaced by a more severe law, as in the case of the law for fornication which changed from confinement and punishment to lashes or stoning to death; or it may be replaced by a less severe law as in the case of the mourning period for widows; or it may be replaced by a similar but more suitable law.
 - a. At any rate, in all cases, the abrogated law was suitable for the time and circumstances under which it was revealed.
 - b. When the situation changed, a new law was enacted in order to realize Allah’s intent in the earlier legislation.
 - c. Were it not for the size of the Muslim community earlier, the abrogating law would have been enacted from the beginning.
 - i. For example, in the case of the widow who was at first required to wait in her deceased husband’s house in mourning for the period of one year during which she could not get married, it was the custom of the Arabs to confine widows and prevent them for marriage for indefinite periods, lasting from a year to the remainder of their lives.
 - ii. And, during the period of confinement, they were obliged to wear their worst clothes.

- iii. If the waiting period were reduced to four months and ten days along with the permission for them to leave their houses if they wished, the early Muslims would have had great difficulty in accepting it.
 - iv. Consequently, a year of mourning was set along with the cancellation of the confinement and the obligation of maintenance.
 - v. Shortly after they had accepted the change and adjusted to it, the new law was revealed reducing the period of mourning.
- d. Thus, abrogation contained in it consideration for human conditions and their welfare during the era of the Prophethood which ended with the death of the Prophet, for there can be no abrogation after his time
- e. Legislative consideration of human welfare after the era of prophethood can be found in the fact that Islamic laws were enacted for reasons, many of which clearly mentioned.
- f. The following verses or portions of verses from the Qur'an are among the many cases where the purposes for the enactment of laws were explained:
 - i. "Oh you who believe, fasting has been prescribed for you as it was prescribed for those before you in order that you may be conscious of God." (2:183)
 - ii. "Take some charity from their wealth to purify them and make them grow spiritually" (9:103)
 - iii. "Satan's plan is to incite enmity and hatred between you, with intoxicants and gambling, and prevent you from the remembrance of Allah and from prayer. Will you not then give it up?" (5:91)
- g. The Prophet often made mention of the rationale behind his legal pronouncements.
 - i. For example, in the case of the abrogation of the prohibition of visiting graveyards, he was reported to have said, "I had forbidden you from visiting the graveyards, however, permission has been given to me to visit the grave of my mother. So, visit them, for they do remind one of the next life."
- h. The explanations of the reasons for laws indicates that the presence or absence of laws depends on the existence or non-existence of their causes.
 - i. If the benefit for which the law was enacted is continuous, then the law is continuous; but if it has changed due to a change in circumstances, the law must also change; otherwise there would not be any benefit to its continued existence
 - 1. 'Umar ibn al-Khattaab cancelled the distribution of the portion of Zakat assigned for the encouragement of non-Muslims to accept Islam which the Prophet used to give out.
 - 2. As he explained, the need for their encouragement existed during the time when Islam was on the rise and in need of support, however, in his time the Islamic state was already firmly established.

- i. Legislative considerations of human needs can also be found in the methodology of legislation.
 - i. In the case of laws wherein human benefit will not change with time or conditions, Allah has spelled out the details very clearly.
 - 1. For example, in the case of religious rites, family laws of marriage, divorce and inheritance, laws against crimes whose harm will not change with the passage of time, like murder, fornication and adultery, theft, and slander.
 - 2. As for things whose benefit or harm may vary from place to place, Allah has legislated general laws of universal benefit which may be implemented by those in authority according to human needs.
 - a. Examples of this category can be found in the laws concerning business transactions and the structuring of society.
 - b. For example, Allah said, "Oh you who believe, obey Allah and obey the Messenger, and those in authority among you." (4:59)
 - c. The Prophet himself was reported to have said, "If a maimed Abyssinian slave is appointed over you and he conducts your affairs according to the Book of Allah, you should listen to him and obey (his orders)."
 - ii. Legislative consideration can also be found in the giving of precedence to the general welfare over individual benefit, and to the prevention of a greater harm over a smaller one.
 - 1. A good example of such a principle can be found in Islam's confirmation of the almost universal practice of plural marriage (polygyny).
 - 2. Islam limited the maximum number of wives to four and outlined the responsibilities of those involved.
 - 3. Although sharing a husband may be painful to most women, the need for plural marriage in most societies evidenced by the corruption which results from its official prohibition demand its legislation.
 - 4. Therefore, for the general welfare of both men and women, Islam limited polygyny thereby giving precedence to the good of society over that of the individual woman.
- j. The Realization of Universal Justice
 - i. Islamic legislation considers all humans the same with regards to their obligation to submit to the divine laws and in their responsibility for breaking them.
 - 1. The laws in the Qur'an are all general, making no distinction between one group or another.
 - a. "Allah has enjoined justice and righteousness." (16:90)

- b. "Allah commands you to return your trusts to whom they are do, and when you judge between one man and another, that you judge justly." (4:58)
 - c. "Oh you who believe, stand firmly for Allah as witnesses to fair dealing. And do not let the hatred of a people cause you not to be just. Be just: for it is closer to piety, and fear Allah for verily Allah is well aware of whatever you do." (5:8)
 - ii. During the era of prophethood, a woman from the powerful tribe of Makhzoom stole some jewelry and confessed to the crime when the case was brought before the Prophet.
 - 1. Her tribesmen wanted to avoid the shame of having the Qur'anic punishment applied to her, so they asked Usaamah ibn Zaid who was close to the Prophet to intercede on her behalf.
 - 2. When Usaamah approached the Prophet, he became very angry with him and said, "Do you dare to intercede in one of Allah's fixed punishments?"
 - 3. He then called the people together and delivered a sermon in which he said, "The people before you were destroyed because they let the nobles go when they stole, but applied Allah's fixed punishment on the weak when they stole. By Allah, if my own daughter, Fatimah, stole I would cut off her hand.

Examples of Laws Derived from the Qur'an

1. Inheritance

- a. If a person dies and leaves behind wealth for his children, it must be divided up amongst his heirs according to some system of rules.
- b. The Qur'an provides certain basic laws for the division of inheritance among the relatives of the deceased.
 - i. Allah says, "Allah advises you concerning your children's (inheritance): the male should get a portion equal to that of two females. If there are only daughters, two or more should receive two-thirds of the inheritance and if only one her share is a half."(4:11)

2. Theft

- a. Similarly, if a person is caught stealing, the punishment for such a crime is mentioned in the Qur'an.
 - i. Allah said, "Cut off the hands of the male and female thief as a punishment by example from Allah, for their crime."

Module 2 Part B: The Sunnah

The Sunnah

1. The Sunnah represents the record of the true sayings, actions, and approvals of the Prophet which were related by his Sahabah (companions) to the next generation of Muslims and collected in books by those scholars who came after them
 - a. After the prophet passed away, the companions were left to run the Islamic state based on the principles found in the Qur'an and whatever else the Prophet had taught them
 - b. If a problem arose which could not be solved using the Qur'an alone, the Khaleefah (the Caliph - head of the Islamic state) would ask among the companions if anyone had heard the Prophet say anything concerning it.
 - c. Usually someone would get up and say I heard the Prophet say so and so, or I saw him do this or that.
 - d. In this way, the sayings and actions of the prophet became common knowledge to many.
 - e. As the borders of the Islamic state expanded and large numbers of people accepted Islam, many would travel miles to come and study under the Sahabah in order to learn Islam.
 - f. The Sahabah would tell them what they heard the prophet say, or show them what they saw the prophet do.
 - g. In this way the sayings of the Prophet were handed down to the next generation of Muslims referred to as the Taabi'oon.
 - h. It was during the era of the Taabi'oon that the Hadiths began to be recorded in writing on a fairly large scale, but it was really in the following generation known as the Atbaa' at-Taabi'een and the generation following them that the Hadith were organized according to subject matter and put in one of the six major books of Hadiths called the Sihaah as-Sittah.
 - i. Literally, the Authentic Six. They are: the two Saheehs al-Bukhaaree and Muslim, and the four Sunans of Abu Dawood, at-Tirmitheer, an-Nasaa'ee and Ibn Maajah
2. The Sunnah is considered the second source of revelation based on Allah's statement in the Qur'an:
 - a. "He does not speak from his desires. Verily it is inspiration which has been revealed." (53:3-4)
3. The prophet was given the job of conveying the final message of God to mankind.
 - a. "Oh messenger, convey what has been revealed to you from your Lord." (5:67)
4. And he was given the responsibility of clarifying for mankind God's intent in the message:

- a. "We have revealed the Reminder (Qur'an) to you, in order that you explain to mankind what was revealed to them, that perhaps they may reflect." (16:44)
5. Sometimes, the Prophet would explain the intent of the Quranic texts by making a statement, at other times he would do so by an act, and yet other times he would do so by both.
 - a. For example, the Qur'an commanded that the believers establish regular Salaah without describing how Salaah was to be performed, so the Prophet prayed among his followers and then told them, "pray as you have seen me pray."
 - b. On another occasion, while he was praying a man came and greeted him, so he raised his right hand in response.
 - c. His wife Aisha reported that when he made Sujood in Salaah, he would keep his heels together.
 - d. On yet another occasion, he passed by Ibn Mas'oud praying with his left hand on his right, so he removed it and placed his right hand on his left.
 - e. He was also reported to have said, "If any of you makes sujood, he should not kneel as the camel does. Let him place his hands (on the ground) before his knees.)"
6. Thus, the Sunnah was an exposition of the Qur'an by which its generalities were clarified and its intended meanings specified.
 - a. Consequently, everything in the Sunnah is addressed in the Qur'an, either by inference or by direct reference.
 - b. The address may be so general as to include the whole Sunnah as in the case of the verse:
 - i. Whatever the messenger gives you, take it; and whatever he forbids you, leave it." (59:7)
 - c. Or the address may indicate generally defined laws, the details of which are left to the Sunnah.
 - i. Hence, the sunnah may explain the methodology, reasons, requirements, and location, or it may explain the inclusions which could not be logically deduced.
 1. And example of such inclusions may be found in the case of the forbidden foods beyond those mentioned in the Qur'an.
 2. Allah does state in reference to the Prophet: "He made lawful for the the good (and pure) things and forbade the bad (and impure)." (7:157)
 3. Anas ibn Maalik said, "On the day of the Battle of Khaybar, a visitor said, 'Oh messenger of allah, the donkeys have been eaten.' Then another came and said, 'Oh messenger of Allah, the donkeys are being destroyed.' Allah's Messenger then sent Abu Talhah to make an announcement: Allah and his Messenger have prohibited you from eating the flesh of domesticated donkeys, for it is bad (and impure)."

- ii. Or the address may indicate general principles from which the Prophet may deduce rulings.
 - 1. Such rulings may be confirmed by Allah if correct, or corrected by Allah if incorrect.
 - a. Among what appears to be confirmed deduced rulings is the case of a marriage to a woman and her maternal or paternal aunt.
 - b. The Qur'an forbids marrying a woman and her daughter or the simultaneous marriage of two sisters, then says, "Except for these, all others are lawful" (4:24)
 - c. However, Abu Hurayrah reported that Allah's messenger said, "One should not combine a woman and her father's sister in marriage, or a woman and her mother's sister."
 - d. This ruling may have been deduced because the reason for prohibiting the combination of a woman and her daughter or two sisters, is present in the combination of a woman and her aunt.
 - e. For among the narrations of the Prophet is the explanatory addition, "if you do that, you will break family ties"
 - f. That is, in the same way that the sanctity of the relationship between sisters, or a mother and her daughter, would be destroyed by the spirit of rivalry found between co-wives, it would also be destroyed between a woman and her aunt.
 - 2. Among the examples of deduced rulings which were not confirmed is that of the Dhihaar divorce.
 - a. Khawlah bint Tha'Labah said, "My husband, Aws ibn as-Saamit, pronounced the words: You are to me like my mother's back. So I came to Allah's messenger to complain against my husband. However, the messenger of Allah disagreed with me and said, "Fear Allah, He is your cousin." I continued complaining until the verse was revealed:
 - i. "Allah has indeed heard the statement of the woman who disputed with you concerning her husband and carried her complaint to Allah, and Allah hears your discussion. Surely Allah hears and sees all things. If any men among you declare their wives to be like their mothers (Dhihaar), they cannot be their mothers. None can be their mothers except those who gave birth to them. They use bad words and falsehood." (58:1-3)

- b. The Prophet had accepted DHihaar as being a valid form of divorce, and had told Khawlah to accept it, however Allah declared it invalid.
3. There exists another category of unconfirmed deduced rulings which demonstrate that the sunnah is limited to confirmed religious rulings and exclude personal habits and customs of the Prophet that he did not instruct his followers to follow.
 - a. Raafi' ibn Khadeej reported that Allah's messenger came to Medina and found the people there grafting their date-palm trees. He asked them what they were doing and they informed him that they were artificially pollinating the trees. He then said, "Perhaps it would be better if you did not do that". When they abandoned the practice, the yield of the date-palms became less. So they informed him and he said, "I am a human being. So when I tell you to do something pertaining to the religion, accept it, but when I tell you something from my personal opinion, keep in mind that I am a human being." Anas reported that he added, "You have better knowledge o(of technical skills) in the affairs of this world."
4. The Prophet further informed his followers that even in the case of legal judgements with regard to disputes brought before him, he could unintentionally rule incorrectly, as some such decisions were based on his own opinion.
 - a. Umm Salamah reported that Allah's messenger said, "I am only a human being, and you bring your disputes to me. Perhaps some of you are more eloquent in their plea than others, and I judge in their favor according to what I hear from them. So, whatever I rule in anyone's favor which belongs to his brother, he should not take any of it, because I have only granted him a piece of hell."
 - b. Such decisions based on personal reasoning represented training for the companions of the Prophet in the methodology of application of the shari'ia.
 - c. It taught them that a judge is not held responsible if he makes a mistake in judgement due to factors beyond his control.
 - d. And, in order to further emphasize this important point, the Prophet also said, "Whoever makes a reasoned decision (Ijtihad) and is correct will receive two rewards, while he does so and is incorrect will receive one reward.
 - e. However, such decisions need to be based on knowledge, for the Messenger of Allah also said, "There are three

types of judges: one who will go to paradise and two who will go to hell. The one in paradise is the man who knows the truth and judges according to it. The man who knows the truth and is unjust in his judgement will be in Hell. And the man without knowledge who makes judgement for people will also go to Hell.”

5. The prophet also encouraged his companions to make legal rulings in order to prepare them to carry on the application of the Shari'ia after he left them.
 - a. 'Ali ibn Abee Taalib said, "Allah's messenger sent me to Yemen as a judge, so I asked 'Oh messenger of Allah! You are sending me and I am young, and I have no knowledge of giving judgement?' He replied, 'Allah will guide your heart and keep your tongue firmly attached (to the truth). When two litigants sit before you, do not decide until you have heard what the other has to say the way you heard the first, for it is more suitable for the correct judgement to become clear to you' ".
 - b. Abu Sa'eed al-Khudree was reported to have said, "The QuraydHah tribe surrendered on the condition that it would be Sa'd ibn Mu'aadh who would pass judgement on them, so the Messenger of Allah sent for him. When Sa'd approached riding on a donkey, Allah's messenger said to the Ansaar (Muslims of Medina) 'Stand up to receive your chief.' And he said to Sa'd, 'These people have surrendered accepting your decision.' Sa'd said, 'Execute their warriors and take their women and children as prisoners.' On hearing that the Prophet said, 'You have judged according to Allah's judgement.' "
- iii. The process of arriving at reasoned decisions to suit new circumstances and the decisions themselves are referred to as Ijtijhaad.
 1. As has been seen, both the Prophet and his companions practiced Ijtijhaad during this stage in the development of Islamic law.
 2. However, it should be noted that Ijtijhaads of the Prophet which occurred during this period are not considered an independent source of law, because their validity depended on divine revelation for confirmation.
 3. Thus, the Ijtijhaads of the prophet were essentially a means of giving the companions lessons in the methods of Ijtijhaad, and the Ijtijhaads of the Sahabah, at this early stage, were basically for practice.

Examples of Law Derived from the Sunnah

1. Inheritance
 - a. The division of inheritance for close family members is clearly explained in the Qur'an
 - i. But, the leaving of wealth for non-Muslim relatives is not mentioned in the Qur'an.
 - ii. In the Sunnah, we find that the prophet said, "A Muslim may not inherit from a non-Muslim, nor may a non-Muslim inherit from a Muslim."
2. Theft
 - a. The minimum amount for which a thief's hand may be cut off and how much of the hand is to be cut off can only be found in the Sunnah.
 - i. Aisha reported that Allah's messenger said, "the hand of the thief can only be cut off for (the value of) a quarter of a dinar and upwards."

Module 2 Part C: Ijmaa' and Qiyaas

Ijmaa'

1. Ijmaa' is the joint agreement of the Sahabah on a point of Islamic law not found in either the Qur'an or the Sunnah, but based on one of them (not disagreeing with what is in them)
 - a. When certain problems arose after the death of the Prophet, the Sahabah used to gather together and try to solve them
 - b. They would go over the Qur'an to see if Allah had something specific to say on the subject, and if they found nothing, the Khaleefah (Muslim leader) would ask if anyone had heard the Prophet say anything concerning it.
 - c. If they still did not find the answer, the Khaleefah would then give his opinion based on the Qur'an and or Sunnah and so would others, if they thought their ideas were better.
 - d. The various opinions would then be discussed until they agreed on the best one and then they would make it into a law for all Muslims.
2. In this way the laws of Islam could be moulded to fit all times and all circumstances.
 - a. The new laws which were made by Ijmaa' were not basic laws, as all the basic laws had already been set down by Allah in the Qur'an and by the Prophet in the sunnah
 - b. These laws were secondary laws which could vary according to various situations

The Difference Between Ijmaa' and Secular Democracy

1. Although Ijmaa' looks similar to the democratic process, whereby opinions are expressed and the opinion favored by the majority becomes law, there is a fundamental difference.
 - a. In the case of Western Secular Democracy, its roots in revelation are cut off.
 - b. Secularism requires that religion should not have any role to play in the legal system
 - c. Humanism replaces religion
 - d. Whatever humans find to be most appropriate, logical, reasonable, etc., becomes good and whatever is not is bad.
 - e. Since human opinions are strongly influenced by environment, the resultant laws are often unjust.
 - i. Furthermore, the laws decided upon can be primary laws and they can supplant existing primary laws
 - f. On the other hand, Ijmaa' laws are religiously based and they are not primary laws but secondary laws
 - i. Also, they cannot replace already established primary laws.

Examples of Laws Derived by Ijmaa'

1. Collection of the Qur'an
 - a. The Qur'an was revealed to the prophet in sections over a period of 23 years
 - b. Whenever a verse was revealed, the Prophet had some of his companions write it down on whatever was available, and many memorized it when the Prophet recited it in Salaah.
 - c. The Prophet did not have the written sections of the Qur'an gathered together in one book during his lifetime.
 - i. After the Prophet's death, the various sections of the Qur'an, which were written on tree barks, animal skins and bones, remained in the possession of the Sahabah.
 - ii. Most of them had also memorized large portions of the Qur'an during the prophet's lifetime, but there were only a few who had memorized the whole Qur'an.
 - d. During the reign of the first Caliph Abu Bakr, the Sahabah decided by Ijmaa' that they should gather the pieces of the Qur'an together into one complete book.
 - i. The job was given to Zayd ibn Thaabit since he was one of the Prophet's scribes and he had memorized all of it and had recited it back to the Prophet a number of times.
 - ii. Zayd gathered all that had been written and compared it to what he and others had memorized, and then wrote it down in one complete book, which he turned over to the Caliph.
2. The Adhaans of Jummu'ah

- a. During the time of the Prophet there was only one Adhaan for the Salaah of Jumu'ah (Friday congregational prayer) and it was made when the Prophet entered the masjid and said "Salaam 'alaykum".
- b. During the reign of the first and second Caliphs the Adhaan remained as it was, but during the reign of the third Caliph, 'Uthmaan ibn 'Affaan, another Adhaan was added.
 - i. The city of Mecca had become so large and so had its marketplace, so much so, that the Adhaan of Jumu'ah was drowned out by the noise of the traders and their customers.
 - ii. Realizing this, Caliph 'Uthmaan suggested to the other Sahabah that another Adhaan be called before the main Adhaan, and that it be done in the middle of the market.
 - iii. They all agreed by Ijmaa', and thus another Adhaan was added.

Qiyaas

1. Qiyaas is the deduction of Islamic Laws not found in the Qur'an, the Sunnah, or Ijmaa', but based on laws found in one of them.
 - a. If a problem arises which none of the first three sources addressed directly, we then try to find a law in any of them which had a similar cause, and classify the problem in a similar manner,
 - i. Qiyaas based on resemblance (qiyaas ash-shabah) is not acceptable as the similarity may have no relationship to the ruling attached to it.
 1. For example, it may be argued that wine is similar to grape juice: both are made from grapes, they have a similar color and taste.
 2. However, the ruling on wine is not due to these factors but its intoxicating effect.
 - b. Qiyaas is the basis by which suggestions for Ijmaa' were made.

Examples of Laws Derived by Qiyaas

1. Drugs
 - a. For example, drugs like marijuana and cocaine were not around during the prophet's time not in the time of the Sahabah, so nothing direct was said concerning them.
 - b. However, the Prophet said, "Every intoxicant is Khamr (literally, an alcoholic drink made from fermented grape juice), so every intoxicant is Haraam"
 - c. When we observe those who smoke or inject marijuana, cocaine, and similar drugs, we notice that they lose some if not all of their senses, they become high (intoxicated).
 - i. Therefore we can conclude that marijuana and coke are forms of Khamr, and therefore they are Haraam.

- d. As for those who say that they only take a little bit and it does not make them intoxicated, the Prophet also said, "Whatever intoxicates in large amounts is Haraam in small amounts".
 - i. It should be noted that minute amounts in medicines or other foods or drinks does not make them haraam.
 - ii. If large amounts of these medicines or foods and drinks are consumed and they do not intoxicate, they are halaal for use.
 - iii. Prophet Muhammad permitted the consumption of nabeeth (fermented drinks) as long as they did not become intoxicating.
 - 1. That is, they were permissible until the alcohol content became high enough to intoxicate.
 - iv. However, it is not permissible for Muslims to make medicines and put alcohol in them because it would require that they either produce or purchase alcohol, both of which are not permissible.
- e. Vinegar is prepared by fermenting substances which become alcohol and eventually transform into vinegar.
 - i. Minute quantities of alcohol will always remain the process.
 - ii. These minute quantities are of no consequence as they do not render the vinegar intoxicating.

2. Smoking

- a. When cigarettes and tobacco first reached the ottoman empire in the 17th century, most scholars ruled by Qiyaas that it was Makrooh (disliked) because the only known ill effects at the time was "smoker's breath", which was offensive.
- b. This ruling was based on an authentic Hadith in which the Prophet had said, "Whoever eats of this offensive plant (garlic) should not come to the mosque." The people said, "It has been forbidden! It has been forbidden!" When this reached the Prophet he said, "O people, I cannot forbid what Allah has made lawful, but it is a plant whose odor I dislike."
 - i. On another occasion he also included leeks and onions as offensive.
- c. However, in our time the medical profession has now stated that smoking causes cancer along with a number of other illnesses.
 - i. Since in most cases cancer causes death, it can now be said that smoking kills.
- d. So a number of scholars now rule by Qiyaas that smoking is Haraam, because one who does it is in fact committing suicide and Allah has said:
 - i. "And do not kill yourselves, for Allah is indeed merciful to you." (4:195)
 - ii. "... and do not throw yourselves into destruction with your own hands." (2:195)
 - iii. The Prophet also said, "Whoever kills himself with a knife will be in Hell forever stabbing himself in the stomach. Whoever drinks poison and kills himself will drink it eternally in the Hellfire. And whoever kills himself by falling off a mountain will forever fall in the fire of Hell."

- e. According to Islamic law, it makes no difference whether someone kills themselves by taking small amounts of poison over a long period of time or a large amount all at once.
- f. It is Haraam to take any substance known to be harmful.

Significance

1. By using the principle of Qiyaas the basic laws of Islam can be applied at any time and any place.
 - a. New rulings can be made for any new circumstances, based on their similarities with the basic laws of the Qur'an and the Sunnah.
 - b. In this way, the divine laws revealed in the Qur'an and Sunnah remain unchanged without becoming outdated.
2. It cannot be successfully argued that Islamic law cannot be applied in the 21st century because it is 1,400 years old
 - a. The fundamental laws of Islam were made by God who created man and knows what is best for him under all circumstances.
 - b. There are basic characteristics of man that do not change with time or location
 - c. It is these areas which the basic laws of islam address
3. As for the changing aspects of human life, the Qur'an and Sunnah provide basic principles which may be applied by Qiyaas whenever the need arises.
 - a. Thus, Islamic law is suitable for mankind in all eras wherever he may be, whether on earth or on the planets or on a distant star.

Module 3: Fiqh

Legal Categories

1. According to Islamic Law, all acts and things may be divided into two main categories: those that are permissible, known as Halaal, and those that are forbidden, known as Haraam.
2. There is nothing in existence which does not fall under one of these two categories.
 - a. From the Qur'an and Sunnah
 - i. Haraam - not permissible
 - ii. Halaal - four categories
 1. Makrooh
 2. Mubaah
 3. Mustahabb
 4. Waajib (Fard)

Halaal (Permissible)

1. The category of Halaal is further divided into four sub-divisions based on the way in which they are made allowable.
2. Waajib or Fard (Obligatory)
 - a. The act which is considered Waajib must be done.
 - b. If one does it he is rewarded by Allah and if he fails to do it (purposely) he has committed a sin and will be punished.
 - i. How do we know something is Waajib?
 1. If Allah or His Prophet has ordered us to do something without making any exceptions, it is considered Waajib.
 2. The proof of this is in Allah's statement in the Qur'an:
 - a. "Whatever the Prophet orders you, do it, and whatever he forbids you, leave it!" (59:7)
 3. The Qur'an orders us to worship Allah without partners, establish regular Salaah and pay our Zakaah here:
 - a. And they were only ordered to worship Allah, alone, establish their Salaah, and pay their Zakaah." (97:5)
 - c. That is the real religion, therefore, it is Waajib that we worship only Allah, pray our five daily salaah, and give our yearly Zakaah to the poor.
 - i. If we do we will be greatly rewarded by Allah, but if we worship someone or something other than Allah, leave our Salaah or refuse to pay our Zakaah, we will be punished.
 - d. The Prophet commanded us saying, "Pray all of you just as you saw me pray."
 - i. Therefore, it is Waajib on all Muslims to pray in some way that the last Prophet prayed.
 - ii. If we do so, we will get the full reward of Salaah, but if we know the right way and pray another way, we will be punished by Allah and our Salaah will not be accepted.
 - e. The purpose behind the category of Waajib acts is:
 - i. To identify for humans the absolutely essential acts which they must do to in order to help them succeed in both this life and the next
 - ii. To train the believer in submission to God, which is the foundation of righteousness
 - iii. To provide a basic framework of righteous deeds for the believer's life
3. Mustahaab (Recommended)
 - a. The act which is Mustahabb is one which the Prophet has encouraged us to do.
 - i. If someone does it, Allah will reward him, but if he does not do it, he has not done a sin and will not be punished.
 - ii. The Mustahabb things are there to help us get used to obeying Allah and His Prophet so that when we are given something Waajib to do, it will be easier for us to do it.

- iii. It is also a means by which one can make up for the mistakes made in Fard acts
- b. How do we know when something is Mustahabb?
 - i. The Prophet used to do it regularly
 - 1. For example, the Prophet used to pray two Raka'at of voluntary prayer before doing the Fard Salaah of Fajr, even when he was travelling and stopped doing other prayers before and after the compulsory prayers.
 - 2. Thus, it is considered Mustahabb for us to pray these two Raka'at whenever possible
 - ii. The Prophet recommended it
 - 1. For example, the Prophet encouraged Muslims to fast on certain days in the year outside the month of Ramadan.
 - a. He was reported to have said that the one who fasted six days in the month of Shawwaal, along with the whole month of Ramadan, would get the reward for fasting the whole year.
 - b. Similarly, he also recommended 'Umrah in Ramadan by saying that one who does so would be rewarded like one who made Hajj with him
 - iii. Things he ordered done and then later allowed not to be done
 - 1. An example of the third type of Mustahabb is the command for Ghusl (Islamic bath) on Friday.
 - a. Initially the Prophet said that "Ghusl on Friday is compulsory on everyone reaching puberty." but he later said, "Whoever makes Wudoo' on Friday is blessed, but making the Ghusl is better."
 - iv. Things which he prohibited and then later commanded
 - 1. An example of the fourth kind can be found in the command to visit graves.
 - a. Regarding this, the prophet said, I used to prohibit you from visiting the graves, (but now) visit them, as it will remind (of the next life)."
- c. The purpose behind the category of Mustahabb acts is:
 - i. To identify certain beneficial acts which humans may not necessarily realize
 - ii. To train humans in obeying God. Each compulsory act as an equivalent recommended version
 - iii. To protect the area of compulsory acts with a shield of other good acts. If a believer becomes weak and neglects acts, it would be from the Mustahabb and not the Waajib
 - iv. To provide a body of good deeds which can make up for deficiencies in the compulsory acts

4. Mubaah (Allowed)

- a. The act which is considered Mubaah is one which has not been ordered, recommended, disliked, or forbidden by Allah and His prophet.
 - i. It is something optional, meaning we may or may not do it.
 - ii. If we do it without any particular intention, there is no reward from Allah, and if we do not, there is no punishment.
 - 1. Examples of things that are Mubaah are taking a bath on a hot day to cool off, buying a Pepsi instead of a coke, or scratching your head with your left or right hand.
- b. Khaalid ibn al-Waleed related that he went with the Messenger to visit Khaalid's aunt Maymoonah, who was one of the Prophet's wives, and found that she had roasted a dabb (a large desert lizard). When she offered the lizard to Allah's messenger, he refused it, so Khaalid asked him if lizards were prohibited. He replied, "No, but there were none in my people's land and I find that I dislike in my people's land and I find that I dislike them." Khaalid said, "I then bit off a piece, chewed, and ate it with the prophet looking at me."
 - i. Eating Dabb is therefore Mubaah.
 - 1. The Prophet disliked it personally, but permitted it for others.
- c. It should be noted that this category could become a source of reward if done with a good intention.
 - i. For example, choosing the best foods to eat for the purpose of looking after one's body, a gift from God, would be a commendable act.
- d. The purpose behind the category of Mubaah acts is:
 - i. To increase the area of Halaal acts and giving humans more freedom of choice so that they have no reason for going to the haraam.

5. Makrooh (Disliked)

- a. The act which is considered Makrooh is the one which
 - i. Allah or His Prophet has described as being nasty or disgusting
 - 1. For example, the prophet said, "The one that plays backgammon is like one who dyes his hand in the blood of swine."
 - a. Since dyeing one's hand in pig's blood is a nasty act, so is playing backgammon, so we should avoid it and all games that are similar to it
 - ii. The Prophet forbade it but later did let us know that it is not a sin and that it was only disliked
 - 1. An example of the second category can be found in the Prophet's prohibition of drinking while standing.
 - a. Abu Hurayrah quoted Allah's Messenger as saying, "None of you should drink while standing; and if anyone forgets, he should vomit."
 - b. However, the Prophet was also known to have a drink while standing.

- c. 'Ali ibn Abee Taalib prayed the noon prayer and then sat down in the wide courtyard (of the masjid) of Kufah in order to deal with the affairs of the people until the 'Asr prayer. Water was then brought to him. He drank some of it, made Wudoo', then stood up and drank the remaining water while standing and said, "Some people dislike to drink water while standing, but the Prophet did as I have just done."
 - b. The makrooh acts represent a category of actions that contains some form of harm in them.
 - i. The harm may be physical or spiritual, however, the effects are not serious enough to have the acts strictly prohibited.
 - 1. For example, the father of Ya'eesh ibn Tikhafah said, "While I was lying on my stomach in the early morning, a man began to nudge me with his foot and then said, "This is a method of lying which God hates." When I looked up I saw that it was Allah's messenger.
 - 2. After extensive research into spinal ailments and their causes, specialists from the medical profession made the following recommendations:
 - a. Poor sleep posture is a sure invitation to backaches. Use a firm mattress. Lie on the side with a bend to the knees. Avoid lying on the belly, a position that increases the lumbar curve, causing that familiar sagging called swayback.
 - b. Thus the avoidance of sleeping on the stomach does protect man from some physical harm
 - c. There may also be other physical harm as well as spiritual harm unknown to us.
 - c. We are encouraged to avoid the Makrooh acts since they are close to being forbidden.
 - i. If we avoid them, Allah will reward us, but if we do them, there is no punishment.
 - ii. If someone gets into the habit of doing makrooh things it will be easy for him to fall into forbidden things.
 - iii. So, we should avoid them as much as possible.
 - 1. For example, one who follows the Prophet's advice regarding backgammon is rewarded by Allah, while one who insists on playing it, we will likely end up playing it for money and fall into the sin of gambling, which is strictly forbidden and punishable in this life and the next.
 - d. The Purpose behind the category of makrooh acts is:
 - i. To protect human beings from some harmful acts

- ii. That avoiding Makrooh acts trains man in self-control to make the avoidance of Haraam acts easier
- iii. To place a barrier between the believer and the haraam acts so that in times of weakness, a person would only fall into the disliked rather than the forbidden

Haraam (Forbidden)

1. An act is considered Haraam if Allah or his Messenger ordered us not to do it without making any exceptions. If we avoid such an act, we will be rewarded by Allah, but if we do it, we have sinned and will be punished.
2. How do we know when something is Haraam?
 - a. It is forbidden by using either the term "forbidden" or by saying "do not"
 - i. For example, the prophet said, "Don't eat with your left hand, for surely Satan eats with his left hand."
 - ii. Allah said in the Qur'an, "Forbidden to you (in marriage) are: your mothers, your daughters, your sister, your father's sisters, your mothers sisters" (4:23)
 - b. We should avoid it totally as Allah has stated in the Qur'an:
 - i. "Verily, alcohol, gambling, and fortunetelling are filth from the work of Satan, so avoid them totally in order to be successful." (5:90)
 - c. It is punishable in the Shari'ah
 - i. 'Uqbah ib al-Harith said, "An-Nu'maan or his son was brought up to the Prophet in a state of drunkenness. The prophet took it hard and ordered those present in the house to give him a beating. They all took part in flogging him with stalks of the date palm and shoes, and I was among those who beat him."
 - d. Whoever does it will burn in Hellfire.
 - i. Harithah ibn Wahb reported that Allah's messenger said, "Shall I inform you of the people of Hell?" and the companions replied "Yes." The Prophet then said, "Every haughty, fat (from overeating) and proud person."
 - ii. Or that they will not enter Paradise, as in the Prophet's statement, "The gossip will not enter Paradise."
 - e. It is cursed.
 - i. For example, Abu Hurayrah said, "Allah's messenger cursed men who dressed like women and women who dressed like men."
 - ii. Ibn Abee Mulaykah also reported that when someone asked Aisha if a woman could wear men's sandals, she replied, "Allah's Messenger cursed mannish women."
3. The purpose behind the category of Haraam acts is:
 - a. To protect man from things which are extremely harmful to himself and society, either physically (like alcohol) or spiritually (like pride)

- b. To test man's faith and differentiate between true believers, weak believers, and disbelievers
- c. To help develop man's awareness of Allah by forcing him to refrain from certain acts even though he may not be able to perceive the harm in it

Module 4 Part A: Fiqh: Main Reasons for Conflicting Rulings

Evolution of the Math'habs

1. In the era of the Righteous Caliphs, the Fiqh principle of ijmaa (decisions by unanimity) evolved and Ijtihad (reasoned rulings) became an independent principle of Fiqh under the name of Qiyaas
 - a. The math'habs during this period was, in reality, that of each of the Righteous Caliphs, since the final say in legal matters rested with them
 - b. However, all legal decisions were subject to alteration on the basis of recorded statements or practices of the Prophet, i.e. hadiths
2. During the Umayyad dynasty (661-750 CE) there was a shift from caliphate to monarchy and the caliph/king was no longer the head of the math'habs.
 - a. Scholars among the companions of the Prophet and their students left the centers of the Islamic state and dispersed in the outer lying provinces.
 - b. This led to an increase in ijtihad as ijmaa became increasingly difficult to achieve
 - c. During this period students of fiqh freely and frequently changed teachers and exchanged legal opinions.
 - d. In the first hundred years of the 'Abbaaside dynasty (750-850 CE) many math'habs flourished and though they were becoming distinct entities, they maintained the characteristic of flexibility in making and accepting legal rulings which existed in the previous period
 - e. Besides the current four, the Awzaa'ee, Laythee, Thawree, Thaahiree, and Jareeree math'habs were among the well known math'habs of this period
 - f. Following the death of the major scholars the math'habs rigidity began to set in.
 - g. During the latter period of the 'Abbaaside dynasty, between the year 950 CE and the sacking of Baghdad (1258 CE), court debates (called Munaatharaat) between scholars of different math'habs for the entertainment of the caliphs and their entourage became popular
 - i. This spawned competitiveness and dogmatism, since the loss of the debate not only meant the loss of monetary reward from the caliph but it also meant the loss of personal prestige and that of one's math'habs.
 1. Consequently, the principle of defending one's math'habs right or wrong came to be considered a virtue.

2. As a result, math'hab sectarianism and fanaticism became rampant among the court scholars
3. In time, the spirit of rivalry largely generated by these debates spread to the masses, and math'hab factionalism became widespread

Four Math'habs

1. During this stage, the number of major math'habs dwindled to four; three major and one minor
 - a. In other words, the math'habs of great Imams like al-Awzaa'ee, Sufyaan ath-Thawree, Ibn Abee Laylaa, Aboo Thawr, and al-Layth ibn Sa'd had all disappeared leaving only the math'habs of Aboo Haneefah, Maalik, ash-Shaafi'ee, and Ahmad ibn Hambal.
 - b. In time, these schools of Islamic legal thought became so predominant that the common people soon forgot that any other schools ever existed.
 - i. Furthermore, each of these schools took on a dynamic of its own and their followers started the practice of naming themselves after their respective math'habs.
 1. For example, al-Husayn ibn Mas'oud al-Baghawee, author of the Fiqh classic Sharh as-Sunnah, was commonly referred to as al-Husayn ibn Mas'oud al Baghawee ash-Shaafi'ee after the Shaafi'ee math'hab

Emergence of Taqleed - the Blind Following of a Math'hab

1. The six centuries starting with the sacking of Baghdad in 1258 CE and the execution of the last 'Abaasid caliph, al-Musta'sim, and ending around the middle of the nineteenth century of the Christian era may be referred to as the "Muslim Dark Ages".
 - a. It represents the rise of the Ottoman Empire, founded in 1299 CE by the Turkish leader 'Uthmaan I, until its decline under the attacks of European colonialism
2. Scholars of this period left all forms of Ijtihad and unanimously issued a legal ruling which was intended to close the door of Ijtihad permanently.
 - a. They reasoned that all possible issues had already been raised and addressed, and there was therefore no need for further Ijtihad.
 - b. With this step, a new concept of the math'hab arose, namely that one of the four math'habs had to be followed for one's Islam to be valid
 - c. In time, this concept became firmly embedded among the masses as well as the scholars of Fiqh
 - i. Consequently, the religion of Islam itself became restricted within the confines of the four existing math'habs: Hanafee, Maalikee, Shaafi'ee, and Hambalee
 - d. These schools of law came to be considered divinely ordained manifestations of Islam.

- e. It was claimed that all of them were completely correct, equal, and representative of true Islam, yet there were innumerable differences among them
 - i. In fact there were scholars in this period who interpreted some hadiths in such a way to prove that the Prophet himself had predicted the appearance of the Imams and their math'habs.
 - 1. Consequently, any attempt to go beyond these canonical math'habs was considered heretical and anyone who refused to follow one of them was classified an apostate
 - 2. The hyper-conservative scholars of this stage even went so far as to rule that whoever was caught transferring from one math'hab to another was liable to punishment at the discretion of a local judge
 - 3. A ruling was also made in the Hanafee math'hab prohibiting the marriage of a Hanafee to a Shaafi'ee
- f. And even the second most important pillar in Islam, Salaah, was not spared the effects of Math'hab fanaticism
 - i. The followers of the various math'habs began to refuse to pray behind the Imams of other math'habs.
 - 1. This resulted in the building of separate prayer niches in the masjids of communities where there was more than one math'hab
 - 2. Even the most holy masjid, al-Masjid al-Haraam of Mecca, which represents the unity of Muslims and the religion of Islam, was affected.
 - a. Separate prayer niches were set up around the Ka'bah: one for an Imam from each of the schools
 - b. And when the time for Salaah came, an Imam from one of the math'habs would lead a congregation of followers from his math'hab in prayer; then another Imam from one of the other congregations would lead his followers and so on.
 - c. Separate places of prayer for each of the math'hab remained around the Ka'bah until the first quarter of the 20th century when 'Abdul-'Azeez ibn Sa'oud and his army conquered Mecca (October of 1924) and united all worshipers behind a single Imam regardless of his or their math'habs.
- 3. Consequently, all the math'habs contributed in different degrees to the development of Fiqh and no single math'hab can properly be claimed to represent Islam or Islamic law in its totality.
 - a. All of the schools have been important instruments for the clarification and application of the shari'ia
 - i. In fact, the only infallible math'hab which deserves to be followed without question is that of the Prophet Muhammad himself

1. Only his interpretations of the Shari'ia can rightly be considered divinely guided and meant to be followed until the last day of this world.
2. All of the other math'habs are a product of human effort, and are subject to human error
 - a. Or as Imam ash-Shaafi'ee, founder of the Shaafi'ee math'hab so wisely put it, "there isn't any of us who hasn't had a saying or action of Allah's Messenger elude him or slip his mind. So, no matter what rulings I have made or fundamental principles I have established, there will be in them things contrary to the way of Allah's Messenger. However, the correct ruling is according to what the Messenger of Allah said, and that is my true ruling."
4. Although the Imams of the four major math'habs were all agreed on the primacy of the four fundamental principles of Islamic law (the Qur'an, the Sunnah, Ijmaa', and Qiyaas), certain differences have occurred and still exist among the rulings of their math'habs.
 - a. These differences arose for various reasons, the chief ones being related to the following aspects:
 - i. Interpretation of word meanings and grammatical constructions
 - ii. Hadith narrations (availability, authenticity, conditions for acceptance, and interpretation of textual conflict)
 - iii. Admissibility of certain principles (Ijmaa', customs of the Madinites, Istihsaan, and opinions of the Sahabah)
 - iv. Methods of Qiyaas

Word Meanings

1. Shared literal meanings
 - a. There are a few words which occur in both the Qur'an and the sunnah with more than literal meaning
 - i. For example, the word Qur (plural Quroo' or Aqraa), which means menses as well as the time of purity between menses
 - ii. Thus, scholars of Fiqh were divided into two camps concerning the interpretation of the Qur'anic verse: Divorced women should wait three Quroo." (2:228)
 1. The particular interpretation chosen makes an important difference when considering the case of a divorced woman who has started her third period of menses.
 - a. According to those who considered Qur' to be the period of purity, the divorce becomes finalized as soon as her menses have started, while according to those who viewed Qur' as the actual menses, it is not finalized until her third menses have ended

- i. Maalik, Ash-Shaafi'ee, and Ahmad ruled that Qur' meant the period of purity
- ii. Abu Haneefah ruled that Qur' meant the actual menses
- b. Note: Aisha said, "Umm Habeebah had irregular menses and she asked the Prophet about it. He told her to stop praying during the days of the Qur's."
- c. Aisha was also reported to have said, I told Bareerah to observe a waiting period ('Iddah) of three menses."
- d. These narrations clearly indicate that the intended meaning of Qur' is the menses itself

2. Literal and Figurative Meanings

- a. There are also some words in the Qur'an and Sunnah which have both literal and figurative meanings.
 - i. For example, the word Lams (touch) is literally used to indicate touching by the hand or the coming in contact of two objects, and figuratively to indicate sexual intercourse.
 - 1. Thus the jurists were of three different opinions concerning the meanings of the Qur'anic verse: " . . . or you touched (Laamastum) women and can not find water, then make Tayammum (purification with dust in absence of water) from clean earth." (4:43 and 5:6)
 - 2. This verse occurs in the context of the factors which break the state of Wudoo
 - a. Ash-Shaafi'ee and most of his students ruled that Lams meant the touch of the hand or body contact.
 - i. Therefore, if a man intentionally or accidentally touched a woman or vice versa, skin on skin, then both of them would lose their state of Wudoo
 - b. Imam Maalik and most of his students also ruled that lams meant touching by the hand.
 - i. However, he stipulated that Wudoo would only be broken if the touch were pleasurable, whether the touch were intended or unintended, skin on skin or otherwise
 - ii. This was also the most well known position of Imam Ahmad
 - iii. They took the position that the deciding factor was the occurrence of pleasure due to the existence of accurate hadiths stating that the Prophet used to touch his wife Aisha's foot to move it out of the way while he was making Sujood (prostration during prayer)

- c. Iman Abu Haneefah ruled that Lams is the verse under consideration meant sexual intercourse and therefore, touching a woman did not break Wudoo, whether it was accompanied by a pleasurable feeling or not.
 - i. This position was based on the previously mentioned hadith of Aisha as well as another from her reported by the Sahaabee, 'Urwah, that the Prophet kissed some of his wives then left for salaah without performing Wudoo

3. Grammatical Meanings

- a. There were also certain grammatical constructions in Arabic which were ambiguous.
 - i. For example, the word elaa (to) could simply mean “up to but not including” as in the case of the Qur’anic verse: “And complete the fast up to (elaa) the night.” (2:187)
 - 1. The fast is continued up to Maghrib (sunset), the beginning of the night, but does not include the night itself.
 - 2. There is no dispute about this interpretation
 - ii. However, elaa also means “up to and including” as in the Qur’anic verse: “And We will drive the guilty up to (elaa) Hell like a weary herd” (19:86)
 - iii. Thus, Fiqh scholars held two opinions concerning the meaning of the following Qur’anic verse describing an aspect of the performance of Wudoo: “. . . then wash your faces and your hands up to (elaa) your elbows.” (5:6)
 - 1. Abu Haneefah’s student Zufar, Ibn Daawood adh-DHaahiree, and some of Maalik’s students interpreted this verse to mean “up to but not including the elbows.”
 - 2. The four Imams all ruled that the verse meant “Up to and including the elbows”
 - a. This position is supported by the description found in authentic hadiths of the Prophet’s method of performing Wudoo

Narrations of Hadiths

- 1. The causes of legal differences which developed among jurists over the narration and application of hadiths may be subdivided as follows:
 - a. Availability of hadiths
 - i. There were numerous cases where certain narrations of hadiths did not reach some of the scholars
 - 1. The Sahaabah who narrated them had settled in various regions throughout the Islamic empire

2. The major madhabs were founded in different parts of the empire before compilations of the hadiths were made
 - a. To be more specific, the madhab of Abu Haneefah (702-767 CE), Maalik (717-855 CE), Ash-Shaafi'ee and Ahmad (778-855 CE) were founded between the middle of the eighth century and the ninth, whereas the most authentic and comprehensive compilations of hadith (the Sound Six) were not available until the latter part of the ninth century and the early decades of the tenth
 - i. The Sound Six are the books of Bukhaaree, Muslim, Abu Daawood, at-Tirmidhee, an-Nasaaee and Ibn Maajah
 - ii. Abu Haneefah ruled that Istisqaa (Prayer for Rain) did not include formal congregation prayer (salaah). His position was based on the narration of Anas ibn Maalik in which the Prophet, on occasion, made a spontaneous Du'aa (supplication) for rain without making salaah.
 1. However, his students Abu Yousuf and Muhammad and other Imaams all agreed that salaah for Istisqaa was correct. Their position was based on the narration of 'Abbaad ibn Tameem and others in which the Prophet was reported to have gone out to the prayer area, made du'aa for rain facing the Quiblah (direction of Mecca), reversed his cloak and led the people in two units of salaah.
 - b. Weak Narrations of Hadiths
 - i. There were cases where some jurists based their rulings on hadiths which were in fact Da'eef (weak and unreliable) because they were unaware of the unreliability of those hadiths, or because they took the position that a weak hadith was preferable to their Qiyaas (analogical deduction).
 1. Imam abu Haneefah, his companions, and Imam Ahmad ibn Hambal all held that the state of wudoo is broken by vomiting basing their ruling on a hadith attributed to Aisha in which she reportedly claimed that the Prophet said "Whoever is afflicted by Qay, Ru'aff, or Qals (different forms of vomiting) should leave the salaah, make wudoo, then continue where he left off without speaking during."
 2. Imam ash-Shaafi'ee and Imam Maalik ruled for two reasons that Qay' (vomit) did not break wudoo
 - a. The above mentioned hadith was not authentic
 - b. Qay' is not mentioned in other sources of Islamic law as an act which breaks wudoo
 - c. Conditions for the Acceptance of Hadiths
 - i. Other differences among jurists in the area of the Sunnah arose from the various conditions they placed on its acceptability

1. Imam Abu Haneefah stipulated that a hadith had to be Mash-hoor (well known) before being regarded as admissible evidence
 2. Imam Maalik stipulated that hadith must not contradict the customs of the Madeenites to be admissible
 3. Imam Ahmad considered Mursal (hadith reported by one of the students of the sahaabah without mentioning the name of the Sahaabee from whom he had heard it) hadiths acceptable as proof
 4. Imam ash-Shaafi'ee accepted only the Mursal hadiths of Sa'eed ibn al-Mussayib which most hadith scholars felt were highly authentic
- d. Resolution of textual Conflict in Hadiths
- i. The founders of the Madhabs and their students took two main approaches in resolving apparent contradictions between the literal meanings of some of the recorded narrations of hadith
 1. Some jurists chose the path of "Tarjeeh" meaning giving preference to some hadiths while rejecting others on the same topic
 2. Some jurists chose the path of "Jama'" which involved combining hadiths using one general sense
 - ii. For example, there is an authentic hadith in which the Prophet forbade Salaah at certain times saying, "No salaah (is allowed) after Fajr prayer until the sun has risen and after 'Asr prayer until the sun has set."
 - iii. At the same time there were equally authentic hadiths in which certain salaahs were recommended without any time restriction. For example, "If any of you enters a Masjid, he should pray two Raka'aat (units of prayer) before sitting down."
 1. Imam Abu Haneefah gave preference to the first hadith and ruled that all forms of salaah were forbidden during the forbidden times
 2. Imam Maalik, Imam ash-Shaafi'ee, and Imam Ahmad combined the two hadiths ruling that the first hadith was general and referred to voluntary salaah whereas the second hadith was specific allowing highly recommended salaah (Mustahabb) even during the generally forbidden times

Admissibility of Certain Principles

1. There was among the Imams some who developed a number of controversial principles on which they based some of their rulings
 - a. As a result, both the rulings and the principles became sources of differences between the jurists
 - i. For example, the majority of the jurists recognized the validity of Ijmaa' among the generations after the Sahaabah

1. Imam ash-Shaafi'ee questioned its occurrence
2. Imam Ahmad rejected it outright
- ii. Imam Maalik's reliance on the customs of the Madeenites as a source of legislation was rejected by the majority of the jurists
- iii. Imam Abu Haneefah's principle of Istihsaan and Maalik's Istislaah were both disallowed by Imam ash-Shaafi'ee as being too independent of the Qur'an, the sunnah, and Ijmaa'.
- iv. Imam ash-Shaafi'ee felt that the opinion of the Sahaabah had to be accepted on legal matters, while others felt that it was only reasoning on their part which was not legally binding on later generations

Methods of Qiyaas

1. The various approaches which jurists took in their application of Qiyaas were perhaps the largest source of differences among them.
 - a. Some narrowed down the scope of Qiyaas by setting a number of preconditions for its use
 - b. Others expanded its scope
2. Because this principle was based on opinion to a greater extent than any of the others, where were no hard and fast rules with which to contain it, and thus a wide range of differences developed.

Module 4 Part B: Differences Among the Ummah

1. Any study of the historical development of Madhabs, schools of Islamic legal thought, will readily show their overall contributions to the progressive enrichment and unifying character of Fiqh within the Muslim world
 - a. The liberal thinking which characterized the early Imams and their madhabs, from the time of the Prophet and down through the ages, was steadily replaced by a certain rigidity and dogmatism.
 - b. Since the late thirteenth century, not only have the madhabs become spawning grounds of sectarianism, but fiqh has lost its original vitality which was enshrined in the principle of Ijtihad and thus it has not been able to keep pace with changing circumstances.
 - c. As a result of madhab sectarianism and fiqh inflexibility, the traditional purity, unity, and dynamism of Islam have been threatened throughout the Muslim world.
2. In the material of this section we will examine the phenomenon of differences and disagreement (Ikhtilaaf) in the light of the positions of early scholars and their students

- a. The goal being the realization that while differences of opinion among scholars are inevitable, unreasoning disagreement and sectarianism have no place in the religion of Islam which Allah in his wisdom revealed to his Prophet
3. In treating the historical development (and evolution) of the Madhabs and the concurrent growth of Fiqh into a full-fledged Islamic science, it is evident that the great Imams and founders of the madhabs generally adopted the stand that:
 - i. Madhabs singly or in their totality were not infallible and
 - ii. The following of any one madhab was not obligatory for Muslims
- b. Yet the pervasive influence of Taqleed has resulted, among other things, in a complete turnabout, so much so, that for centuries now the position taken by the generality of Muslims is that:
 - i. the four madhabs are divinely ordained and therefore infallible
 - ii. The legal rulings of each of those madhabs are all sound and correct
 - iii. Everyone must follow one of the four madhabs
 - iv. A Muslim should not change his or her madhab
 - v. It is wrong to pick and choose rulings across madhabs
- c. As a corollary to these beliefs, it has been stated that anyone who dares to openly deny the infallibility of all four madhabs or the obligation to follow one of these madhabs is considered an accursed innovator and apostate
4. In the 20th century the most commonly used epithet for describing such an apostate has been the label Wahhabi.
 - a. Another similarly abusive term which is used mostly in India and Pakistan is Ahl-i-Hadith.
 - b. Incidentally, both of these terms are misnomers
5. In the years 1924-1925 the followers of Muhammad ibn 'Abdul-Wahhaab (1703-1787) zealously destroyed all structures built over graves of the Sahaabah and other revered persons in the cemeteries of Mecca and Medina.
 - a. The so-called Wahhabis were also opposed to Tawassul (seeking intercession from the dead) which had become a widespread practice among the masses of Muslims as well as among many scholars
 - b. Since tawassul and the attachment to monuments and shrines had long been ingrained in the Muslim world, the destructive act of the Wahhabis appeared to be innovative and extremist; hence the application of the epithet Wahhabi to "accursed innovators" and "apostates".
 - c. It should be noted, however, that Ibn 'Abdul-Wahhab, founder of the Wahhabi movement, followed the fiqh of the Hambalee madhab and that his present day followers continue to do so.
 - d. Furthermore, in opposing tawassul and destroying monuments and shrines to the dead, the twentieth century descendants and followers of Ibn 'Abdul-Wahhab were attacking anti-Islamic practices
 - i. The Prophet had ordered the demolition of all idols and statues, and the leveling of all tombs with the surrounding earth, according to an authentic

hadith reported by 'Ali ibn Abee Taalib and collected by the great hadith scholar Muslim ibn Hajjaaj.

6. Similarly, the term Ahl-i-Hadith was a title of respect and praise given to scholars in the past who, like Imam Maalik, devoted much time and effort to the specialized study of hadith.
 - a. Towards the end of the nineteenth century this title was adopted by a reform movement in India and Pakistan which called for a return to the Qur'an and the hadith as the basis of fiqh and which opposed the dogmatic adherence to madhabs.
 - b. However, present day madhab fanaticism and sectarianism have distorted the meaning of the term ahl-i-Hadith to apply to one who fanatically opposes the following of any of the madhabs
7. The irony is that, in the light of our insight into the historical evolution of the madhabs and concurrent development of fiqh, the true deviants from the teachings of Islam are not the so called Wahhabi and Ahl-i-Hadith, but those people who would rigidly insist on every Muslim following one or another of the four madhabs and on their believing in the infallibility of the four madhabs, despite certain glaring contradictions in their rulings on points of Islamic law.
 - a. Yet it must be acknowledged that those who advocate blind following (Taqleed) are often very sincere in their belief in the infallibility of all four madhabs
 - b. Furthermore many scholars are included in their ranks
8. How then do those who insist on Taqleed reconcile the known differences and contradictions from Madhab to madhab with their belief in the infallibility of all four madhabs? Some say that the madhabs were divinely ordained and the Prophet himself prophesied their coming. Most often, however, they rest their case mainly on the evidence of the following hadiths:
 - a. "Disagreement among my nation is a mercy"
 - b. Differences among my Sahaabah are a mercy for you
 - c. My sahaabah are like the stars. You will be guided by whichever of them you follow
 - d. Verily my Sahaabah are like the stars. You will be guided by any statement of theirs you adopt
 - e. I asked my Lord about the things in which my companions will differ after my death and Allah revealed to me, 'O Muhammad, verily to Me, your companions are like stars in the sky, some brighter than others. So he who follows anything over which they (the Sahabbah) have differed, as far as I am concerned, he will be following guidance.'
9. However, before these hadiths can be accepted for sectarianism, they must be shown to be authentic.
 - a. As for the hadith in which the Prophet was supposed to have foretold the coming of the Imams and their madhabs, the authentic ones are all generally worded with no specific mention of either the names of the Imams or their Madhabs, while those hadith that are specifically worded are all fabricated

- b. With regard to hadith (a) above, it has no chain of narration connecting it to anyone, much less to the Prophet, nor is it to be found in any books of hadith.
 - i. It is therefore incorrect to even refer to it as hadith, as it is fabricated.
 - c. With regard to hadiths (b) to (e) above, although they can be found in books of hadith or about hadith, they have all been proven unauthentic.
 - i. The first is classified as Waahin (extremely weak), the second and third as Mawdoo' (fabricated) and the fourth as Baatil (false).
 - ii. Thus the hadith evidence for the glorification and perpetuation of the differences among madhabs is totally unacceptable from the point of view of authenticity
- 10. Not only are these so-called Hadiths unauthentic, but their very meanings are in obvious conflict with the Qur'an itself.
 - a. Throughout the Qur'an's one hundred and fourteen chapters, Allah has clearly cursed and forbidden religious disagreement and has ordered unity and agreement
 - b. Disagreement has been explicitly forbidden in verses such as:
 - i. Do not dispute among yourselves and cause your own failure and loss of power (8:46)
 - ii. Do not be like those among the idolators who split up their religion into sects, each group happy with what they had (30:31-2)
 - iii. If your Lord had so willed, He could have made mankind into one people; but they will not cease to dispute, except those on whom your Lord has bestowed His mercy. (11:118-9)
 - 1. If Allah's mercy puts an end to dispute among men as is implied above, then how could disagreement and dispute be a mercy?
 - iv. Hold fast to the rope of Allah together and do not split up. And remember Allah's mercy on you when you were enemies, then He put love in your hearts and with His blessing you all became brothers. (3:103)

Differences Among the Sahaabah

- 1. The differences of opinion which occurred among the Sahaabah were for the most part natural and unavoidable.
 - a. A large portion of it was due to their different reasoning abilities which showed up in their various interpretations of Qur'anic verses and hadiths
 - b. There were other causes that led to differences that later disappeared; for example, the wide distribution of hadiths made it impossible for any individual to remember them all, and thus wrong decisions were bound to be made where information was lacking.
 - i. Obviously, they cannot be blamed for these and similar mistakes, which were not intentional

- ii. Furthermore, it is clear that they readily corrected their wrong decisions when authentic information or more relevant evidence indicated that this should be done.
- c. It is this willingness to cast aside wrong decisions in the search for truth which excludes these conflicting rulings from the category of accursed disagreements.
 - i. In this connection, the Messenger of Allah said, "If a judge strives his utmost and makes a correct ruling, he receives two rewards, but if he strives and errs he still receives one."
 - ii. Based on this hadith, the Sahaabah are considered absolved from blame for conflicting rulings.
- d. However, any discrepancies apparent in their different rulings are not to be glorified and perpetuated.
 - i. In fact, they themselves disliked disagreements, as is shown in the following narration quoted by ash-Shaafi'ee's student, at-Muzanee:
 - 1. Umar ibn al-Khattab, the second Righteous Caliph, got angry because of a dispute between the Sahaabee, Ubayy ibn Ka'b, and another Sahaabee, Ibn Mas'ood, over the performance of salaah in a single piece of cloth. Ubayy considered it quite all right while Ibn Mas'ood felt it was only so when cloth was scarce. 'Umar angrily left his residence and declared, "Have two of Allah's messenger's companions disagreed and they are among those whom the masses watch closely and imitate? Ubayy is correct and Ibn Mas'ood should desist! If I hear of anyone disputing about this matter after this point, I will deal with him."
- 2. Indeed the early scholars were well aware of the causes of differences among the sahaabah and the tendency for people to want to perpetuate them.
 - a. Accordingly, they made definitive statements on the matter in an effort to stave off dogmatism and sectarianism based on conflicting rulings of the Sahaabah.
 - i. Ibn al-Qaasim, who was among the main students of Imam Maalik, said, "I heard Maalik and al-Layth both say the following concerning the differences among the Sahaabah: People say there is leeway for them in it, but it is not so, it was a case of right and wrong rulings."
 - ii. Ash-hab, another of Imam Maalik's students, said, "Maalik was once asked whether one was safe to follow a ruling related to him by reliable narrators who had heard it from the companions of the Prophet. He replied: No, by Allah, not unless it is correct; the truth is only one. Can two opposing opinions be simultaneously correct? The opinion which is correct can be only one."
 - iii. Imam ash-Shaafi'ee's student, al-Muzanee, put it this way: "The companions of Allah's Messenger disagreed from time to time and declared each other mistaken. Some of them examined the statements of others and researched them thoroughly. Therefore, of all of them felt that

whatever they said was correct, they would have never investigated each other's statements or declared each other mistaken."

- iv. He also said, "The following question should be put to the one who allows disagreement, claiming that if two scholars strive to arrive at a decision concerning the same incident that it is 'halaal' and the other is 'haraan', both are correct. 'Are you basing that judgement on a fundamental text (Qur'an or Sunnah) or on Qiyaas (analogical deduction)?' If he claims that it is based on a fundamental text, he should then be asked, 'How could it be based on a fundamental text when the Qur'an condemns disagreement?' If he says it is by Qiyaas, he should be asked, 'How could the fundamental text reject dispute and you in turn deduce from it that dispute is allowed?' No common person capable of reason would allow that, much less a scholar."
3. Although the Sahaabah differed in the application of some principles, they used to go to extremes to preserve an appearance of unity and avoid things that would divide their ranks.
- a. But among later scholars and followers who blindly and dogmatically clung to the inherited Madhabs, we find the complete opposite.
 - b. As was previously mentioned their differences at one point led to the splitting of their ranks over salaah, the greatest pillar of Islam after the two testimonies of belief.