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**Ministry of Awqaf**

***Maqasidi Thought of the Prophetic Sunnah***

By

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**In the Name of Allah, Lord of Mercy, Giver of Mercy**

**“And whatever the Messenger gives you, accept it; and from whatever he forbids you, keep back ...” (The Quran, 59:7)**

## **In the Name of Allah, Lord of Mercy, Giver of Mercy**

### **Introduction**

All praise is due to Allah, Lord of the worlds; may Allah's Peace and Blessings be upon the seal of all the Prophets and Messengers, Muhammad Ibn Abd Allah, upon his household, Companions and whoever follows his guidance to the Day of Judgment

There are some people who confined themselves to understanding the apparent, literal meaning of texts, not trying to realize the ultimate objectives behind them, and thus place hardship and difficulties upon themselves and upon those whom they compel to accept this appalling thought. They do not even attempt to understand the objectives of the purified Sunnah of the Prophet (PBUH) and the various aspects of wisdom and ease they include; those aspects which, if correctly understood and well presented to people, would have changed this negative image of Islam resulting from the terrorist, extremist and fanatic groups' misunderstanding and misinterpretation of the holy texts, as well as the opinions of those who have limited understanding. At that point, Imam Al-Hassan Al-Basri, may Allah have mercy upon him, may be quoted, "Some people sought after worship at the expense of knowledge to the extent that they rebelled against the Ummah of Prophet Muhammad (PBUH) and fought them with their swords; yet had they sought after knowledge, it would not have led them to do what they did." This definitively proves that we need a wise religious discourse based upon understanding the general objectives of the purified Sharia.

In this context, Muslim scholars, jurists and scholars of legal theory stress the importance of understanding the general objectives of legislation, since they serve as the very precise criteria by means of which issuance of legal verdict

together with the course of religious discourse are well organized, to the extent that some well-versed scholars clearly state that rulings of the Sharia are generally based on either bringing benefit or warding off harm, or on both of them.

They also emphasize that it is of cardinal importance to preserve the five ultimate objectives of the Sharia, that is, preservation of religion, souls, intellect, offspring, and property. So, whatever secures the preservation of these five objectives should be placed under the category of interest, and whatever neglects them is an act of corruption, which requires to be removed to bring benefit.

The ultimate objectives of the Sunnah of the Prophet (PBUH) are undoubtedly in absolute harmony with those of the Quran. So, being fully aware of the ultimate objectives of them both, we will be able to correctly understand the entire ultimate objectives of our religion which is just, merciful, tolerant, easy, and humane. Muslim scholars, old and modern, are of the opinion that whatever achieves these objectives are an intrinsic part of Islam, and whatever goes against them or even contradicts them actually collides with Islam itself, its objectives and purified, tolerant nature.

That is why our great, prominent scholars lay down a number of general principles and maxims; some of them represent the ultimate objectives of the Sharia while others stand for the secondary objectives. List of these maxims includes "Matters are determined according to their intentions", "change of rulings cannot be denied by the change of time", "benefits are originally allowed while harms are originally forbidden", "there shall be neither harm nor reciprocating harm", "harm shall be eliminated", "harm shall not be eliminated by another of the same kind", "to avoid a public harm, a private harm may be suffered", "severe harm is removed by lesser harm", "avoiding detriment takes precedence over bringing about benefits".

Yet, we today are in a dire need for a contemporary understanding and review for the Sunnah of the Prophet in a way that copes with the nature and developments of that age, and that allows the purified Sunnah to penetrate into the hearts of people to replace this misunderstandings and misinterpretations that make them flee away from it, if not from the religion of Islam itself.

For all of this, I present this book to re-open the door for contemporary understandings of the purified Sunnah of the Prophet by specialized well-versed scholars and jurists in a way that takes into account the conditions and circumstances of time, place, and persons seriously considering the cardinal rules established by the scholars of legal theory that *fatwa* (legal verdicts) may change by the change of time, place or even the conditions of the *mustafti* (inquirer). Another basic well-established rule is that what may be suitable for a particular era based on that time's interest may not be suitable for another unless the conditions of the second era changed to be strikingly similar to those of the previous, and that the *fatwa* that may be suitable for a particular era, environment and conditions may be replaced by another in case the era, the environment and the conditions changes, taking into account the undeniable fact that issuance of any *fatwa* should be in light of a well-established evidence of the Sharia and its ultimate objectives, let alone the fact those who issue these verdicts should be from among those who are well-qualified to make *Ijtihad* (personal reasoning).

In this book, I offer some of the practical examples for the contemporary understanding of the purified Sunnah of the Prophet, trying thereby to pave the way for conducting many studies in this topic or, at least, to drive the attention to the necessity of thinking and working out our minds when examining the purified Sunnah of the Prophet (PBUH), taking into account the big difference between the text itself and the explanations, annotation or the general or the

private opinions offered to it; that is to say that explanation cannot be as sacred as the text, nor can we replace fundamental rules with those changing ones.

I hope I have been guided to the right action, wishing that I, by this book, contributed to casting light on one of the most important topics pertaining to renewal of the religious discourse.

I ask Allah, the Almighty, to make our intentions sincere for Him

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## **Chapter One**

### **The Qur'anic Discourse on Prophet Muhammad**

**(Allah's Peace and Blessings be upon him)**

## **The Qur'anic Discourse on Prophet Muhammad**

### **(Allah's Peace and Blessings be upon him)**

The Noble Qur'an talks about Prophet Muhammad (PBUH), revealing his status, moral and a lot of his (PBUH) characteristics and features. It clearly states that he (PBUH) is the Prophet of mercy; Allah, the Almighty, says: "It was only as a mercy that We sent you [Prophet] to all people." (The Quran, 21:107); " By an act of mercy from God, you [Prophet] were gentle in your dealings with them- had you been harsh, or hard-hearted, they would have dispersed and left you- so pardon them and ask forgiveness for them. Consult with them about matters, then, when you have decided on a course of action, put your trust in God: God loves those who put their trust in Him." (The Quran, 3:159); "A Messenger has come to you from among yourselves. Your suffering distresses him: he is deeply concerned for you and full of kindness and mercy towards the believers." (The Quran, 9:128); "And be aware that it is God's Messenger who is among you: in many matters you would certainly suffer if he were to follow your wishes. God has endeared faith to you and made it beautiful to your hearts; He has made disbelief, mischief, and disobedience hateful to you. It is people like this who are rightly guided" (The Quran, 49:7)

Highly praising his (PBUH) tongue, Allah, the Almighty, says: "He does not speak from his own desire" (The Quran, 53:3). Extolling his (PBUH) sight, He, Glorified is He, says: "His sight never wavered, nor was it too bold" (The Quran, 53:17). He, may He be exalted, also praised his (PBUH) heart, intellect and instructor, saying consecutively: "[The Prophet's] own heart did not distort what he saw." (The Quran, 53:11); "Your companion has not strayed; he is not deluded" (The Quran, 53:2) and "It was taught to him by [an angel] with mighty powers." (The Quran, 53:5) As for his moral character, He, the Almighty, lauds him, saying: "Truly you have a good moral character." (The Quran, 68:4) He, the Exalted, further praises everything in him (PBUH), saying: "The Messenger of God is an excellent model for those of you who put your hope in God and the Last Day and remember Him often." (The Quran, 33:21)



The Quran also tells that Allah, the Almighty, relieved Prophet Muhammad's heart for him; Allah, Glorified is He, says: "Did We not relieve your heart for you [Prophet]." (The Quran, 94:1), and that He, may He be exalted, has forgiven all his sins, past and future, for him (PBUH); He, the Almighty, says: "Truly We have opened up a path to clear triumph for you [Prophet], so that God may forgive you your past and future sins, complete His grace upon you, guide you to a straight path." (The Quran, 48:1-2)

In the Quran, Allah, Glorified is He, even clearly states that giving *Bay'ah* (oath of allegiance) to him (PBUH) is but giving *Bay'ah* to Him, the Almighty, " Those who pledge loyalty to you [Prophet] are actually pledging loyalty to God Himself- God's hand is placed on theirs—and anyone who breaks his pledge does so to his own detriment: God will give a great reward to the one who fulfills his pledge to Him." (The Quran, 48:10)

The Quran records that Allah, Glorified is He, reproaches those people who raise their voices in his (PBUH) presence; He, the Almighty, says: "O you believers, do not raise your voices above the Prophet's, do not raise your voice when speaking to him as you do to one another, or your [good] deeds may be cancelled out without you knowing," (The Quran, 49:2) Yet, He, the Almighty, praises those who lower their voices in his presence, saying: "It is those who lower their voices in the presence of God's Messenger whose hearts God has proved to be aware—they will have forgiveness, and a great reward." (The Quran, 49:3)

As for his (PBUH) life, it was but a secure to his Ummah not to be afflicted with an immediate punishment or torture. Referring to this fact, He, the Almighty, said: " But God would not send them punishment while you [Prophet] are in their midst, nor would He punish them if they sought forgiveness." (The Quran, 8:33)

When he (PBUH) recited the Saying of Allah, the Almighty, previously uttered by Prophet Abraham (PBUH), "Lord, the [idols] have led many people astray! Anyone who follows me is with me, but as for anyone who disobeys me- You are surely forgiving and merciful." (The Quran, 14:36) and His, Glorified is He, Saying previously uttered by Prophet Jesus (PBUH), "If You punish them, they are Your slaves, and if You forgive them, verily, You, only You, are the All-Mighty, the All-

Wise." (The Quran, 5:118). Then he (PBUH) raised up his hands and said, "O Allah! My Ummah, my Ummah," and wept; Allah, the Exalted, said: "O Jibril (Gabriel)! Go to Muhammad (PBUH) and ask him: 'What makes you weep?'" So Jibril came to him and asked him (the reason of his weeping) and the Messenger of Allah informed him what he had said (though Allah knew it well). Upon this Allah said: "Jibril, go to Muhammad (PBUH) and say: 'Verily, We will please you with regard to your Ummah and will never displease you.'"<sup>1</sup> Clearly expressing this fact, the Quran records the Saying of Allah, the Almighty, "Your Lord is sure to give you so much that you will be well satisfied." (The Quran, 93:5)

Even when He, Glorified is He, called upon him (PBUH), He honored him, that is, He, the Almighty, as recorded in the Quran called upon all Prophets and Messengers with their given names, as follows: "We said, 'Adam, live with your wife in this garden. Both of you eat freely there as you will, but do not go near this tree, or you will both become wrongdoers.'" (The Quran, 2:35); "And it was said, 'Noah, descend in peace from Us, with blessings on you and on some of the communities that will spring from those who are with you.'" (The Quran, 11:48); "We called out to him, 'Abraham' (The Quran, 37:104); "David, We have given you mastery over the land." (The Quran, 38:26); "When he came to the fire, he was summoned, 'Moses! I am your Lord. Take off your shoes: you are in the sacred valley of Tuwa.'" (The Quran, 20:11-12); "Zachariah, We bring you good news of a son whose name will be John—We have chosen this name for no one before him." (The Quran, 19:7); "[We said], 'John, hold on to the Scripture firmly.' While he was still a boy, We granted him wisdom." (The Quran, 19:8); and "Then God will say, 'Jesus, son of Mary! Remember My Favor to you and to your mother'" (The Quran, 5:110), yet when He, the Almighty, called upon Prophet Muhammad (PBUH), He used the attribute of prophethood or any other attribute that shows his (PBUH) honor in the Sight of His Lord. Allah, may

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<sup>1</sup> *Muslim, Sahih, Book of Iman (Belief)*, Chapter: Prophet Muhammad's (PBUH) Supplication to His Ummah, Hadith No. (202), ed. Muhammad Fua'd A'bd Al-Baqi (Beirut: Dar Al-Turath Al-A'Arabi)

He be exalted, says: "Messenger, proclaim everything that has been sent down to you from your Lord" (The Quran, 5:67); "Prophet, We have sent you as a witness, as a bearer of good news and warning," (The Quran, 33:45); "You [Prophet], enfolded in your cloak! Stay up throughout the night, all but a small part of it, half, or a little less," (The Quran, 73:1-3); and "You, wrapped in your cloak, arise and give warning! Proclaim the greatness of your Lord; cleanse yourself." (The Quran, 74:1-4)

Yet, when He, the Almighty, explicitly mentions his given name in the Quran, He brings him together with the honor of prophethood; He, Glorified is He, says: "Muhammad is the Messenger of God. Those who follow him are harsh towards the disbelievers and compassionate towards each other." (The Quran, 48:29) and "Muhammad is only a messenger before whom many messengers have been and gone." (The Quran, 3:144)

Allah, the Almighty, furthermore took the pledge of all the Prophets and Messengers that they should believe in him (PBUH) and support him, "God took a pledge from the prophets, saying, 'If, after I have bestowed Scripture and wisdom upon you, a messenger comes confirming what you have been given, you must believe in him and support him. Do you affirm this and accept My Pledge as binding on you?' They said, 'We do.' He said, 'Then bear witness and I too will bear witness.'" (The Quran, 3:81)

One of the Signs of honoring Prophet Muhammad (PBUH) is that Allah, the Almighty, made his message a universal one; all Prophets and Messengers before him (PBUH) were sent to specific nations and peoples, yet Prophet Muhammad (PBUH) was sent to the entire mankind. He, Glorified is He, says: "And We have not sent you except comprehensively to mankind as a bringer of good tidings and a warner. But most of the people do not know." (The Quran, 34:28) He, the Almighty, also made his (PBUH) message the seal of all messages "Muhammad is not the father of [any] one of your men, but [he is] the Messenger of Allah and last of the prophets. And ever is Allah, of all things, Knowing." (The Quran, 33:40)

He (PBUH) is the prayer of his grandfather "Prophet Abraham (PBUH)", the glad tidings of Prophet Jesus (PBUH). In this regard, he (PBUH) is reported to have said, "I am the prayer of my father Abraham, the glad tidings of my brother Jesus, and the

dream of my mother, and the good dream of my mother who saw a light coming out from her and illuminated the palaces of Al-Sham.”<sup>2</sup> Highlighting this point, Allah, Glorified is He, says: “Our Lord, and send among them a messenger from themselves who will recite to them Your verses and teach them the Book and wisdom and purify them. Indeed, You are the Exalted in Might, the Wise.” (The Quran, 2:129) Conveying to us what Prophet Jesus (PBUH) said to his people about Prophet Muhammad (PBUH), Allah, Glorified is He, said: “And [mention] when Jesus, the son of Mary, said, "O children of Israel, indeed I am the messenger of Allah to you confirming what came before me of the Torah and bringing good tidings of a messenger to come after me, whose name is Ahmad." But when he came to them with clear evidences, they said, "This is obvious magic." (The Quran, 61:6)

Prophet Muhammad (PBUH) is the first intercessor and the first one whose intercession will be accepted on the Day of Resurrection. He (PBUH) is the owner of the praised position on the Day of Resurrection. Allah, the Almighty, says: “And from [part of] the night, pray with it as additional [worship] for you; it is expected that your Lord will resurrect you to a praised position.” (The Quran, 17:79)

Allah, Glorified is He, Himself confers His Own Blessings upon him (PBUH) and orders the Angels and the believers to do the same “Indeed, Allah confers blessing upon the Prophet, and His angels [ask Him to do so]. O you who have believed, ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace.” (The Quran, 33:56) He, Most High, even made his (PBUH) prayers to the believers as mercy to them “...and invoke [Allah's blessings] upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.” (The Quran, 9:103)

Furthermore, Allah, the Almighty, makes people’s prayers on him (PBUH) to serve as a wide door to deserve his (PBUH) intercession on the Day of Resurrection. He (PBUH) is reported to have said: “When you hear the Mu'adhhdhin, repeat what he

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<sup>2</sup> See Ahmed, *Musnad* (Beirut: Mu'ssasat Al-Risalah), 28/395; Hadith No. (17163)

says, then invoke a blessing on me, for everyone who invokes a blessing on me will receive ten blessings from Allah; then beg from Allah *al-Wasila* for me, which is a rank in Paradise fitting for only one of Allah's servants, and I hope that I may be that one. If anyone who asks that I be given the *Wasila*, he will be assured of my intercession.”<sup>3</sup>

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<sup>3</sup> See Muslim, *Sahih*, Book of Prayer; Chapter on “It Is Recommended For The One Who Hears The Mu'adhdhin To Repeat His Words, Then To Send Salat Upon The Prophet (saws) And Ask Allah To Grant Him Al-Wasilah”; Hadith No. (384)

## **Chapter Two**

### **The Sunnah: Status and Authority**

## **The Sunnah: Status and Authority**

Our discussion of the Sunnah is a discussion of the second source of Islamic legislation. Muslim scholars and Jurists have unanimously agreed on the authority of the Prophetic Sunnah and that obeying the Prophet (PBUH) is an aspect of our obedience to Allah (Glory be to Him). The almighty Allah says, "You who believe, obey God and the Messenger, and those in authority among you. If you are in dispute over any matter, refer it to God and the Messenger, if you truly believe in God and the Last Day: that is better and fairer in the end." (The Quran, 4: 59)

Allah also says, "And obey God and the Prophet so that you may be given mercy." (The Quran, 3: 132)

Allah also says, "Say, 'Obey God and the Messenger,' but if they turn away, [know that] God does not love the disbelievers." (The Quran, 3: 32)

Allah also says, "Obey God and His Messenger, and do not quarrel with one another, or you may lose heart and your spirit may desert you. Be steadfast: God is with the steadfast." (The Quran, 8: 46)

The Quran also reads, "Obey God, obey the Messenger, and always be on your guard: if you pay no heed, bear in mind that the sole duty of Our Messenger is to deliver the message clearly." (The Quran, 5: 92)

Allah also tells us, "Say, 'Obey God; obey the Messenger. If you turn away, [know that] he is responsible for the duty placed upon him, and you are responsible for the duty placed upon you. If you obey him, you will be rightly guided, but the Messenger's duty is only to deliver the message clearly.'" (The Quran, 24: 54)

Allah also says, "Whoever obeys the Messenger obeys God. If some pay no heed, We have not sent you to be their keeper." (The Quran, 4: 80)

The Quran also says, "Whoever obeys God and the Messenger will be among those He has blessed: the messengers, the truthful, those who bear witness to the truth, and the righteous- what excellent companions these are! That is God's favour. No one knows better than Him." (The Quran, 4: 69-70)

Allah also says, "Whoever obeys God and His Messenger will truly achieve a great triumph." (The Quran, 33: 71)

Allah also says, "God will admit those who obey Him and His Messenger to Gardens graced with flowing streams, and there they will stay- that is the supreme triumph!" (The Quran, 4: 13)

Allah also says, "God will admit anyone who obeys Him and His Messenger to Gardens graced with flowing streams; He will painfully punish anyone who turns away." (The Quran, 48: 17)

Allah also says, "When the true believers are summoned to God and His Messenger in order for him to judge between them, they say, 'We hear and we obey.' These are the ones who will prosper: whoever obeys God and His Messenger stands in awe of God, and keeps his duty to Him will be triumphant." (The Quran, 24: 51-52)

Allah also says, "All the messengers We sent were meant to be obeyed, by God's leave. If only [the hypocrites] had come to you [Prophet] when they wronged themselves, and begged God's forgiveness, and the Messenger had asked forgiveness for them, they would have found that God accepts repentance and is most merciful." (The Quran, 4: 64)

Allah also says, "So accept whatever the Messenger gives you, and abstain from whatever he forbids you. Be mindful of God: God is severe in punishment." (The Quran, 59: 7)

The Quran stresses the necessity of acting according to the judgment of the Prophet (PBUH) during his lifetime, and acting according to his Sunnah after his death.

Allah says, "By your Lord, they will not be true believers until they let you decide between them in all matters of dispute, and find no resistance in their souls to your



decisions, accepting them totally." (The Quran, 4: 65) Allah also says, "When God and His Messenger have decided on a matter that concerns them, it is not fitting for any believing man or woman to claim freedom of choice in that matter: whoever disobeys God and His Messenger is far astray." (The Quran, 33: 36)

Allah has forbidden and warned against disobeying the Prophet (PBUH) saying, "Those who go against his order should beware lest a trial afflicts them or they receive a painful punishment." (The Quran, 24: 63)

Allah also says, "O believers, obey God and the Messenger: do not let your deeds go to waste." (The Quran, 47: 33)

Allah also says, "O believers, obey God and His Messenger: do not turn away when you are listening to him; do not be like those who say, 'We heard,' though in fact they were not listening- the worst creatures in God's eyes are those who are [wilfully] deaf and dumb, who do not reason. If God had known there was any good in them, He would have made them hear, but even if He had, they would still have turned away and taken no notice." (The Quran, 8: 20-23)

Allah also says, "Whoever disobeys God and His Messenger is far astray." (The Quran, 33: 36)

Allah also says, "But those who disobey God and His Messenger and overstep His limits will be consigned by God to the Fire, and there they will stay- a humiliating torment awaits them!" (The Quran, 4: 14)

Allah also says, "Whoever disobeys God and His Messenger will have Hell's Fire as his permanent home." (The Quran, 72: 23)

The Almighty Allah states that any guidance from the Prophet (PBUH) is Divine revelation. The Quran states, "By the star when it sets! Your companion has not strayed; he is not deluded; he does not speak from his own desire. The Quran is nothing less than a revelation that is sent to him." (The Quran, 53: 1-4) The Quran also states that when the Prophet (PBUH) calls us to something, he calls us to what gives us life. The Quran reads, "Believers, respond to God and His Messenger when

he calls you to that which gives you life. Know that God comes between a man and his heart, and that you will be gathered to Him." (The Quran, 8: 24)

Obeying the commands of the Prophet (PBUH) and acting according to his Sunna is a means to get Allah's pleasure and love and a way to forgive one's sins. Allah says, "Say, 'If you love God, follow me, and God will love you and forgive you your sins; God is most forgiving, most merciful.'" (The Quran, 3: 31)

The Prophet (PBUH) said, "Lo! Soon that a Hadith from me will be conveyed to a man, while he is reclining on his couch, and he says: 'Between us and you is Allah's Book. So whatever we find in it that is lawful, we consider lawful, and whatever we find in it that is unlawful, we consider it unlawful.' Indeed whatever the Messenger of Allah (PBUH) made unlawful, it is the same as what Allah made unlawful."<sup>4</sup> He (PBUH) also said, "Leave me as I leave you, for the people who were before you were ruined because of their questions and their differences over their prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can."<sup>5</sup> He also said, "Every one of my Ummah will enter Jannah except those who refuse". He was asked: "Who will refuse?" He (PBUH) said, "Whoever obeys me, shall enter Jannah, and whosoever disobeys me, refuses to (enter Jannah)."<sup>6</sup>

Abd Allah Ibn Abbas (May Allah be pleased with him) narrated that the Prophet (PBUH) said, "O people, indeed, I have left among you, that which if you hold fast to it, you shall not go astray: The Book of Allah and the Sunnah of His Prophet."<sup>7</sup>

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<sup>4</sup> Al-Tirmidhi, *Sunan*, Book of Knowledge, Chapter: What is forbidden to say when mentioning a Hadith of the Prophet (PBUH), ed. Ahmad Muhammad Shakir, Al-Halabi Library, Egypt, 2<sup>nd</sup> edition, (1395 A.H.-1975 C.E.), Hadith No. 2664,

<sup>5</sup> Al-Bukhari, *Sahih*, Book of Adherence to the Quran and Sunnah, Chapter: Following the Sunnah of the Prophet (PBUH), ed. Muhammad Zuhair Ibn Nassir, Dar Tawq Al-Najah publishing House, 1<sup>st</sup> edition (1422 A.H.), Hadith no. 7288.

<sup>6</sup> Ibid, Hadith no. 7280.

<sup>7</sup> Al-Hakim, *Al-Mustadrak 'ala Al-Sahihayn*, Dar Al-Kutub Al-Ilmiyyah, Beirut, Vol.1, P. 171, Hadith no. 318.

Also Al-Irbad Ibn Sariyah narrated that the Prophet (PBUH) said, "I admonish you to fear Allah, to listen and obey even if an Abyssinian slave is appointed as your leader. Because whosoever among you shall live after me, will see much discord. So hold fast to my Sunnah and the examples of the Rightly-Guided Caliphs who will come after me. Adhere to them and hold to it fast. Beware of new things (in religion) because every *Bid'ah* is a misguidance."<sup>8</sup>

Another Hadith reads, "Whoever turns away from my Sunnah is not of me."<sup>9</sup> And also another Hadith says, "Whosoever obeys me, obeys Allah; and he who disobeys me, disobeys Allah."<sup>10</sup>

Ibn Abbas said, "Three verses have been revealed, each one of them combines two things which must be accepted together; neglecting one of those two things means neglecting the other. The first verse is 'Obey Allah and obey His Messenger' (The Quran, 4:59); thus obeying Allah without obeying His Messenger is not accepted. The second verse is 'Perform prayer and pay Zakah' (The Quran: 2: 43); thus whoever performs Prayer but neglects paying Zakah, his Prayer is not accepted. The Third verse is Allah's saying, 'And Thank Me and your parents' (The Quran 31: 14); thus whoever thanks Allah and behaves badly to his parents, his thank to Allah is not accepted. This is why the Prophet (PBUH) said, 'Allah's pleasure lies in the pleasure of the parent. Allah's displeasure lies in the displeasure of the parent.'"<sup>11</sup>

Ibn Rajab Al-Hanabali<sup>12</sup> reported from Imam Ahmad Ibn Hanbal<sup>13</sup> that he said, "The Rules of Islam revolve around three Ahadith: "Actions are by their intentions", "If

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<sup>8</sup> Abu Dawud, Book of Al-Sunnah, Chapter: Adherence to the Sunnah, ed. Muhammad Mohey Al-Din Abd AlHamid, Al-Asriyyah Library, Beirut, Hadith no. 4607.

<sup>9</sup> Al-Bukhari, *Sahih*, Book of Marriage, Chapter: Awakening the desire for marriage, Hadith no. 5063; Muslim, *Sahih*, Book of Marriage, Chapter: the Desirability of Marriage, Hadith no. 1401.

<sup>10</sup> Al-Bukhari, *Sahih*, Book of Judgments, Chapter: Allah's Saying, "Obey Allah and Obey the Messenger", Hadith no. 7137; Muslim, *Sahih*, Book of Leadership, Chapter: The obligation of obeying rulers except in doing sins, Hadith no. 1835.

<sup>11</sup> Al-Bayhaqi, *Shu'ab Al-Iman*, Chapter: Parental Gratitude, Vol. 6, p. 177, Hadith no. 7830.

<sup>12</sup> Abu Al-Faraj Zayn Al-Din Ibn Ahmad Ibn Rajab Al-Salami Al-Baghdadi, known as "Ibn Rajab". He was born in Baghdad in 736 A.H. He was a prolific Hadith scholar and a leading Hanbali jurist. Among

anyone introduces in our matter something which does not belong to it, will be rejected; and the Hadith of Al-Numan Ibn Bashir that “The lawful is clear and the unlawful is clear.”<sup>14</sup>

Also Abu Dawud Al-Sijistany<sup>15</sup> said, “Fiqh centers on five Ahadith: “The lawful is clear and the unlawful is clear”; “There should be neither harming nor reciprocating harm”; “Actions are by their intentions” “Religion is *naseehah* (advice, sincerity).”; and “Refrain from what I forbid you and do what I command you to the best of your ability and capacity.”<sup>16</sup>

None shall doubt the status and authority of the Sunnah except an obstinate whose views are valueless. Scholars have agreed that Sunnah is the Second source of Islamic legislation. Therefore, scholars have paid much attention to preserve it either through memorization, narration, documentation, referencing, explanation, and deducing rulings.

However, some people may sometimes stick to the literal meaning without searching for the deep purposes of the text. This creates close-mindedness in many issues. This is why it came to be necessary to speak about the *Maqasidi* understanding of the Sunnah to combat intellectual abstinence and close-mindedness.

Sunnah is an explanation to The Quran. Allah Glory be to Him says, “We sent them with clear signs and scriptures. We have sent down the message to you too [Prophet], so that you can explain to people what was sent for them, so that they may reflect.”

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his most important works are: *Jami' Al-'Ulum wa Al-Hikam* and *Lata'if al-Ma'arif*. He died in Damascus in 795 A.H. See: *Al-A'lam* by Al-Zirkily, 3/295, Dar Al-Ilm, 15<sup>th</sup> edition, 2002.

<sup>13</sup> He is Ahmad Ibn Muhamamd Ibn Hanbal Al-Shaybani. He was born in Baghdad in 164 A.H. He is the fourth of the main four Jurists of Ahl Al-Sunnah wa Al-Jama'ah, and the founder of the Hanbali School of Islamic law. See: *Siyar A'lam Al-Nubala'* by Al-Dhahabi (d. 749 A.H.), 11/177, ed. Shu'ayb Al-Arna'ut et al, Mu'assat Al-Risalah, 3<sup>rd</sup> edition, 1405A.H./1985 C.E.

<sup>14</sup> Ibn Rajab Al-Hanbali, *Jami' Al-'Ulum wa Al-Hikam*, 1/61, Dar Al-Ma'rifah, Beirut.

<sup>15</sup> Imam Abu Dawud. His full name is: Sulayman Ibn Al-Ash'ath Ibn Ishaq Ibn Bashir Al-Azdi Al-Sijistani. The Imam of Hadith during his time. He is the author of book "*Al-Sunan*", one of the major six collections of Hadith. He died in Basra in 275 A.H. (See: *Siyar A'lam Al-Nubala'*, 13/203; and *Al-A'lam* by Al-Zirkli, 3/122).

<sup>16</sup> Ibn Rajab Al-Hanbali, *Jami' Al-'Ulum wa Al-Hikam*, p. 62.

(The Quran, 16: 44) And Allah also says, "God has sent down the Scripture and Wisdom to you, and taught you what you did not know. God's bounty to you is great indeed." (The Quran, 4: 113) Allah also says, "It is He who raised a Messenger, among the people who had no Scripture, to recite His revelations to them, to make them grow spiritually and teach them the Scripture and wisdom—before that they were clearly astray." (The Quran, 62: 2) Allah also says, "Remember the favour He blessed you with, and the Scripture and wisdom He sent to teach you. Be mindful of God and know that He has full knowledge of everything." (The Quran 2: 231) Allah also says, "Remember what is recited in your houses of God's revelations and wisdom, for God is all subtle, all aware." (The Quran, 33: 34)

Al-Hasan Al-Basri<sup>17</sup> and Imam Al-Shafi'i<sup>18</sup> and other scholars said that the meaning of "wisdom" here is the Sunnah of the Prophet (PBUH).<sup>19</sup>

Scholars of *Fiqh* and *Usul* have elaborated and expounded on the authority of the Sunnah. Imam Al-Shafi'i said, "Allah (glory be to Him) has placed His Prophet (PBUH) in a position regarding His religion, obligations and Book to be a guide towards the Religion of Allah though commanding us to obey him and prohibiting disobeying him. Allah also combines the obedience to Him along with the obedience to the Prophet as Allah says, "The true believers are the ones who have faith in God and His Messenger and leave all doubt behind, the ones who have struggled with their possessions and their persons in God's way: they are the ones who are true. (The

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<sup>17</sup> His full name is: Al-Hasan Ibn Yasar Al-Basri. He is from the generation of "*Tabi'un*" (the generation after the Companions of the Prophet (PBUH)). He was the most prominent Imam in Basra at his time. He died in 110 A.H. (*Al-A'lam* by Al-Zirkli, 2/226).

<sup>18</sup> His full name is: Muhammad Ibn Idris Al-Shafi'i Al-Qurashi. He is the third of the main four leading Muslim jurists for Ahl Al-Sunnah and the founder of the Shafi'i school of Islamic Law. He was born in Gaza in 150 A.H. Among his most important works are: *Al-Umm* and *Al-Risalah* which is the first book written on *Usul Al-Fiqh* (Principles of Islamic Jurisprudence). He died in Egypt in 204 A.H. (See: *Al-A'lam* by Al-Zirkli, 6/26).

<sup>19</sup> See the Exegesis of the Quran by Al-Tabari and Ibn Kathir in their commentary on the verse no. 2 of the Chapter "Al-Baqarah".

Quran, 49: 15). Thus Allah makes the first step in belief is to believe in Allah and His Messenger."<sup>20</sup>

He also says, "I never heard of any reliable scholar negating that Allah obliged the obedience of the Prophet (PBUH) and the submission to his judgement, and that all those who come after the Prophet must obey him. No opinion may be followed except through the Book of Allah and the Sunnah of the Prophet (PBUH). All other sources are dependent on them."<sup>21</sup>

Ibn Hazm<sup>22</sup> says, "Where in The Quran can we find that the *Zuhr* prayer is of four *rak'ahs* or that the *Maghrib* is of three *raka'ahs*? Or what is the description of *Ruku'* and *sujud*; the description of recitation in the Prayer; what to avoid during fasting, the scales of *Zakah* of gold, silver and livestock?; the acts of Pilgrimage...the rulings of breastfeeding, the description of the punishment of thieves?; the rulings of transactions and other branches of Fiqh? The Quran includes general statements that if we are left to, we will not be able to completely understand and act upon. The reference in all of these rules is the Sunnah of the Prophet (PBUH)."<sup>23</sup>

Al-Shawkany<sup>24</sup> says, "Be aware that all reliable scholars have agreed that the Sunnah is an independent source of legislation; it is like The Quran in proving permissibility or impermissibility of something. It has been authentically reported that the Prophet (PBUH) said, 'Verily, I have been given the Quran and something along with it'<sup>25</sup> that is, I have given The Quran and along it the Sunnah which is not mentioned in the Quran. This includes the prohibition of eating donkeys, the prohibition of eating

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<sup>20</sup> Al-Shafi'i, *Al-Risalah*, ed. Ahmad Shakir, 1/75, Dar Al-Kutub Al-Ilmiyyah, Beirut.

<sup>21</sup> Al-Shafi'i, *Al-Umm*, Book of "Knowledge", 2/287, Dar Al-Ma'rifah, Beirut.

<sup>22</sup> His full name is: Abu Muhammad Ali Ibn Sa'id Ibn Hazm Al-Andalusi Al-Qurtubi. He is one of the prominent scholars of Andalusia. Among his most important works are: *Al-Muhalla*, *Al-Fisal fi Al-Milal wa Al-Ahwa' wa Al-Nihal*, *Al-Ihkam fi Usul Al-Ahkam* and *Tawq Al-Hamamh*. He died in 456 A.H./1064 C.E. (See: *Al-A'lam* by Al-Zirkili, 4/254).

<sup>23</sup> Ibn Hazm, *Al-Ihkam fi Usul Al-Ahkam*, 2/79, Dar Al-Afaq Al-Jadidah, Beirut.

<sup>24</sup> His full name is: Muhamamd Ibn Ali Ibn Muhammad Ibn Abd Allah Al-Shawkani; a prominent Yemini Jurist. Among his works are: *Nayl Al-Awtar* and *Fath Al-Qadir*. He died in San'a in 1759 A.H./1834 C.E. (See: *Al-A'lam* by Al-Zirkili, 6/298).

<sup>25</sup> Musnad Ahmad (Hadith no. 17174)

fanged beasts of prey, and all the birds having talons, etc."<sup>26</sup> He adds, "The conclusion is that the authority of the Sunnah and its independence in legislation is an emphatically proven, and none disagree on this except the renegades".<sup>27</sup>

Al-Alusi<sup>28</sup> says, "(Obey Allah) means to abide by His commands and avoid His prohibitions; (obey the Messenger) as he is sent to you to convey Allah's commands to you. The Quran repeats the verb "obey" again as a sign of stressing the status of the Prophet and to negate any claim that it is not obligatory to follow the Prophet's commands which are not mentioned in the Quran. This indicates that the Prophet has the right of obedience independently of the obedience to the Quran, which is not granted to any other human being."<sup>29</sup>

Abdulawahaab Khallaf<sup>30</sup> says, "Sunnah may explain and elucidate on ambiguous commands of the Quran; restrict its absolute commands and limit its general ones. Thus, this explanation, restriction and limitation by the Sunnah is an elucidation on the Quran, as Allah has granted the Prophet the right to explain the text of the Quran as Allah says, "And We have sent down to you 'O Prophet' the Reminder, so that you may explain to people what has been revealed for them." (The Quran, 16: 44) This includes the Sunnah explaining the details of Prayer, Zakah and Hajj as the Quran does not detail the *rak'ahs* of Prayer, amounts of Zakah, or rituals of Hajj. Also Allah says, "Allah has permitted trading and forbidden usury." (The Quran 2: 257) It is the Sunnah that explained the valid and invalid sales, the types of prohibited *Riba* (usury).

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<sup>26</sup> Al-Shawkani, *Irshad Al-Fuhul Ela Tahqiq Al-Haq Min 'Ilm Al-Usul*, 1/96, Dar Al-Kitab Al-Arabi.

<sup>27</sup> Ibid, 1/96.

<sup>28</sup> His full name is: Mahmud Shihab Al-Din Al-Alusi. He is from the island of Alus in the river of Al-Furat. He was a scholar of Tafsir, Hadith, Islamic Jurisprudence, literature. He was appointed as the Grand Mufti in his hometown in 1248 A.H. Among his works is his Exegesis of the Quran "*Rawh Al-Ma'ani*". He died in 1270 A.H./1854 C.E. (See: *Al-A'lam* by Al-Zirkili, 7/172).

<sup>29</sup> Al-Alusi, *Rawh Al-Ma'ani fi Tafsir Al-Quran Al-'Azim*, 5/65, Ihya' Al-Turath Al-Arabi, Beirut.

<sup>30</sup> He is a scholar of Hadith and Islamic Jurisprudence. He was also a member of the Academy of Arabic Language in Cairo. He was born in 1888. He wrote many books especially on the principles of Islamic Jurisprudence. He was appointed as a judge in Shari'ah courts in 1920. In 1942, he was appointed as a head of Mosques Sector in the Ministry of Endowments. Then in 1931, he was appointed as a supervisor in Shari'ah courts. He was delegated as a lecturer to the Faculty of Law in early 1934, till his pension in 1948. He died in 1375 A.H. (See his biography in the introduction to his book "*Ilm Usul Al-Fiqh wa Khulasat Tarikh al-Tashri'*", p. 3).

The Quran prohibits eating dead animals, while the Sunnah excludes fish, and many other Ahadith that explain the general terms of the Quran, the absolute, and therefore it cannot be separated from the Quran."<sup>31</sup>

Drawing on all the above quoted Qur'anic verse, Ahadith, and scholarly statements, it becomes clear why scholars unanimously agreed on the status of the Sunnah, and its authority in explaining the Quran and detailing its rules. None shall deny this except those denying the truth and the ignorant who has no weight in scholarly arguments.

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<sup>31</sup> Abd Al-Wahhab Khallaf, *Ilm Usul Al-Fiqh*, Mtba'at Al-Madani, Egypt, p. 40.



**Chapter Three**  
**Inevitability of Renewal**

## **Inevitability of Renewal**

Undoubtedly, renewal in understanding and presenting juristic issues as well as examining the latest topics of Sharia subject to *Ijtihad* need robust vision, deep understanding, careful courage, and good judgment of matters at the same time.

It also requires that the person shall make his intention totally sincere to Allah, Glorified is He, in a way that enables him to have better understanding and to endure the bitter criticism of those who closed the door to *Ijtihad* and who took solemn oath that the Ummah would no longer have any *Mujtahid* (one who is qualified to make personal reasoning), believing that it became completely sterile that it became fully unable to bring about anyone who could do so. Yet, those people forget or even neglect the fact that Allah, the Almighty, did not confine knowledge or *fiqh* (understanding of the matters of religion) to one particular nation or time, and that the Ummah of Prophet Muhammad (PBUH) would still be good to the end of time.

To refute any misconception or an unfounded opinion from the very beginning of my discussion, I lay emphasis on the following maxims and principles: -

1. What has been proved by conclusive evidence in addition to what has been unanimously agreed upon by the Ummah come under the category of what has been emphatically known to be part of the religion such as the principles of creed, pillars of Islam including prayer, fasting, zakat and Hajj to whoever is able to do so. There is no controversy over the abovementioned items since they are obliged by Divine Revelation; that is to say they never ever change by the change of time, place, conditions or persons. We can thus conclude that the scope of *Ijtihad* extends to all Shari rulings that are not proved by conclusive

evidence. In this regard, Muslim polymath Abu Hamid Al-Ghazali,<sup>32</sup> may Allah have mercy upon him, says in his *Al-Mustasfa*, "The obligation of the five (daily) prayers and (the different kinds of) zakat in addition to the clear matters of the Sharia unanimously agreed upon by conclusive evidence cannot be contradicted by anyone otherwise he is a sinner, for they are not subject to *Ijtihad*."<sup>33</sup>

2. We highly appreciate the opinions of those well-versed scholars qualified to do *Ijtihad* such as Imam Abu Hanifa, Imam Mali, Imam Al-Shaf'i, Imam Ahmed, in addition to any other scholars highly qualified to practice *Ijtihad*. We firmly believe that they all are trustworthy scholars who all exerted their utmost to extract the Shari rulings in light of the conditions of their times, let alone the fact that the Ummah accepted their opinions.
3. We also believe that even though some *fatwa* may be suitable for a particular age, time, place or the conditions of the inquirers, they may not be eligible for others, and that the opinion proved authentic in a particular time based on the interest of that age may prove weak in another, especially if the conditions and circumstances of that time change. We further believe that a new *fatwa* may take precedence over another one made in certain conditions, environment and age as long as this is done in light of a well-established Shari ruling and the ultimate objectives of the Sharia, and as long as the *fatwa* is issued by those who are qualified to make *Ijtihad*.

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<sup>32,33</sup> Abu Hamid Muhammad Ibn Muhammad Al-Ghazali (d. 505 A.H.) is a philosopher and Sufi polymath who wrote about two hundred (200) books. He was coined "*Hujjat Al-Islam*". The list of his most important books includes *Ihya' A'lum Al-Din*, *Al-Iqtisad fi Al-I'tiqad*. See Al-Subki, *Tabaqat Al-Shafi'yya Al-Kubra*, ed. Dr. Mahmoud Mohammed Al-Tanahi (N.P., Dar Hagar li Al-Tiba'ah wa Al-Nashr wa Al-Tawzi', 2<sup>nd</sup> ed., 1413 A.H.), vol. 6, p. 191; see also Al-Zirikli, *Al-A'lam*, vol. 7, p. 22.

<sup>33</sup> See Abu Hamid Al-Ghazali, *Al-Mustasfa*, ed., Mohammed Abd Al-Salam Abd Al-Shafi (N.P., Dar Al-Kutub Al-'Ilmiyyah), p. 345.

In his *Al-Ihkam*, Imam Al-Qarafi,<sup>34</sup> may Allah have mercy upon him, said: "In case an inquirer comes to a *Mufti* to ask him about a religious matter, he should not answer him if he does not live in the same city until he asks about his city and whether or not the people of that city follow a certain *u'rf* concerning the linguistic meaning of that particular word or not?"<sup>35</sup>

4. We accept opinions and counter opinions because there is a possibility that the two opinions provided for one controversial issue may both be correct as a result of the different conditions, circumstances and premises surrounding the issuance of the *fatwa*. Even though some of our pious ancestors said: "My opinion is correct but may be liable to wrong, and others' opinion is wrong but may be liable to correctness," we go beyond that to declare that "the two opinions may be correct, but one of them is more preponderant than the other." So, we accept that which is more preponderant, never meanwhile neglecting that which is preponderant as long as this opinion is given by a person who is highly qualified to make *Ijtihad* in light of a well-established Shari ruling. It is thus clear that opinions, most preponderant, are not immune to error, or opinions, less accurate, are either rejected to unfounded.
5. Today's life's increasing level of change in all the aspects of life, be they scientific, economic or technological, in addition to political, economic, life, and social shifts, blocks, and unions all obliges scholars and jurists to reconsider jurisprudential issues in light of these changing factors, so that we would be able to get out from the circle of stagnation some extremist groups, based on their narrow vision of life, try to impose on the society.

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<sup>34</sup> He is Abu Al-Abbas Shahab Al-Din Ahmed Ibn Idris Al-Maliki known as Al-Qarafi. He was born in Egypt, died and buried therein. He wrote a number of good compositions in *Fiqh* and the *Principles of Fiqh*. He died in 684 A.H. See Al-Zirikli, *Al-A'Alam*, vol. 1, p. 95.

<sup>35</sup> See Al-Qarafi, *Al-Ihkam fi Tamyiz Al-Fatawa A'n Al-Ahkam* (Beirut, Dar Al-Basha'er Al-Islamiyah), p. 232.

6. The religion of Islam widely opens the door to personal reasoning, a fact which is approved by Prophet Muhammad, for he (PBUH) accepted this principle even in his life. At that point, we can record the Hadith of Mu'adh Ibn Jabal (Allah be pleased with him) when the Messenger of Allah (PBUH) sent him to Yemen, he asked him: "O Mu'adh, how will you judge the occasion of deciding a case arises?" He replied, "I shall judge in accordance with Allah's Book." He (PBUH) then asked him, "What will you do if you do not find any guidance in the Book of Allah?" Mu'adh replied, "I shall act in accordance with the Sunnah of the Messenger of Allah (PBUH)." The Prophet then asked, "What will you do if you do not find any guidance in the Sunnah of the Messenger of Allah (PBUH)?" He replied, "I shall do my best to form an opinion and I shall spare no effort." The Messenger of Allah (PBUH) then patted him on breast and said: "Praise be to Allah Who has helped the messenger of the Messenger of Allah to find something which pleases the Messenger of Allah."<sup>36</sup>

Mu'adh's statement "I shall spare no effort" means that he should exert his utmost to reach a sound conclusion on a particular issue.

There is no doubt that this aforementioned Hadith of the Prophet (PBUH) is regarded as the most important in this regard, as it calls for practicing personal reasoning and working out of the mind to the end of time. The great companion Mu'adh Ibn Jabal (Allah be pleased with him) started with seeking the solution to any issue in the Book of Allah, affirming that had he found in the Book of Allah the conclusive evidence upon which he can make his ruling, he would judge it in accordance with it, whether the ruling is conclusively proven and of definite indication or even conclusively proven and of no definite indication (i.e. needs to exert one's utmost to extract the ruling in light of the existence of the cause and the text's conformity to reality. Then, he, i.e.

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<sup>36</sup> See Abu Dawud, *Sunan Abu Dawud*, Book of Judges, Chapter: Personal Reasoning in Making Judgment; Hadith no. (3592)

Mu'adh stated that if he did not find an answer to the issue in the Book of Allah, he would consult the Sunnah of the Prophet (PBUH), even if this would be done for the sake of explaining the text of the Quran, or to detail its general meaning, or to confine its absolute indications or to specify its general rulings; or even he Hadith of the Prophet (PBUH) was meant to laying down a detailed ruling in line with the Ultimate Objectives of the Sharia recorded in the Book of Allah, confirming that had he not a conclusive Hadith on the issue, he would intentionally move to exerting his utmost to reach the sound conclusion, sparing no effort in doing that.

At that point, I'd like to clarify a number of points: -

First: Even though Mu'adh (Allah be pleased with him) was sent to Yemen during the lifetime of Prophet Muhammad, he did not say to him (PBUH), "Had I found answer to an issue neither in the Book of Allah nor in the Sunnah of the Prophet (PBUH), I would have to wait until I come back to you, or I would have to send a messenger to you." He did not say that. In addition, Prophet Muhammad (PBUH) did not ask him to do so, but rather allowed him to freely practice *Ijtihad* even in his (PBUH) life, nor did he (PBUH) ask him to review the issue with him, but he (PBUH) widely opened the door of *Ijtihad* to him "Praise be to Allah Who has helped the messenger of the Messenger of Allah to find something which pleases the Messenger of Allah."

Second: The Prophet (PBUH) is reported to have said: "Allah will raise for this community at the end of every hundred years the one who will renovate its religion for it."<sup>37</sup> It is normal that this renewal cannot be fulfilled except by practicing *Ijtihad*, considering the latest developments and circumstances, and reviewing reality in a new way in light of the Ultimate Objectives of the Sharia.

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<sup>37</sup> See Abu Dawud, *Sunan Abu Dawud*, Book of Battlefield; Chapter: What is to be said at the Beginning of the One Century; Hadith no. 4293.

Third: the companions (Allah be pleased with them all) followed the same methodology of Prophet Muhammad (PBUH). For example, the great companion U‘mar Ibn Al-Khattab (Allah be pleased with him) sent his historic missive to the great companion Abu Musa Al-Asha‘ari in which he said: "From U‘mar Ibn Al-Khattab, slave of Allah and the Commander of the Believers, to Abu Musa Al-Asha‘ari: Judiciary is a prescribed obligation and practiced Sunnah. So, understand the matter when it comes to you, for it is of no avail to speak the truth when you are unable to implement it. When in your court, treat people equally, even when you look at them, so that people of higher status would not lust for your injustice, and the poor would not be disappointed of your justice. Profoundly understand what you do not understand from that of the Book of Allah and the Sunnah of the Prophet (PBUH) of which you do not have knowledge; and know about similar topics and practice *Qiyas* (analogy), and choose the most beloved of it to Allah and the closest to the truth in your viewpoint."<sup>38</sup>

U‘mar (Allah be pleased with him) did not ask Abu Musa (Allah be pleased with him) not to pass any ruling until he reviews it with him, nor did he ask him to have people's unanimous agreement on the same topic, even this is something recommended. It is thus clear that those in authority or those qualified to make *Ijtihad* are allowed to do so when it is necessary to do so, affirming meanwhile that the judgment of the ruler puts an end to any controversy over achieving interest in light of the Ultimate Objectives of the Sharia.

7. We should take into account that any change or renewal in addressing the issues of the Religious Discourse throughout the history of mankind cannot be

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<sup>38</sup> See Al-Daraqutni, *Sunan Al-Daraqutni*, Book of Judges and Rulings; Chapter: U‘mar's (Allah be pleased with him) Missive to Abu Musa (Beirut: Dar Al-Ma‘arifa), vol. 4, p. 207; see also Ibn Qayyem Al-Jawziyyah, *I‘lam Al-Muwaqq‘yin A‘n Rabb Al-‘Almiyn* (Beirut: Dar Al-Jil), ed. Taha A‘bd Al-Ra‘uf, 1/85.

unanimously agreed upon or accepted before being tested for periods of time, long or short, in accordance with the convictions of those in charge of renewal, their insistence, and abilities to convince others of their new intellectual opinions, and that traditionalists, conservatives and those who benefit from the stable conditions cannot easily give up. Furthermore, the more those concerned with renewal are rational and not taking an extremist view, the more the society is all ready to accept their ideas and thoughts by preventing themselves and others from falling prey to the people of backward thought.

8. We stress that the desired renewal shall be conforming to the criteria of both the Sharia and the intellect; it should not be left to those who are unqualified and unspecialized who want to destroy the fundamentals of religion under the pretext of renewing the religion, for the stage of life we experience nowadays is extremely dangerous and acute due to the internal and external challenges surrounding it. So, in case the qualified, specialized person errs in the *fatwa* he made in light of his personal reasoning, he will be granted one reward; and if he makes sound *Ijtihad*, he will be given granted two rewards: the first for his *Ijtihad* and the second for passing a correct judgment. As for those unqualified who hasten to make *Ijtihad*, they are sinful all the way: if he makes a sound judgment, he will be judged as committing one sin, and if he errs, he will be judged as committing two sins; the first is for breaking into a field in which he is not specialized while the other is for the errors that may negatively affect the society.

In the same connection, we stress that shaking the foundations of the creed and denying what has been firmly established in the conscious of the Ummah do not serve but the powers of extremism and terrorism, especially under these circumstances we are experiencing today, because extremist groups exploit these defects to promulgate the rumors of neglecting the fundamentals of religion. So, if we want to totally eradicate extremism, we should first of all put an end to negligence. That is because every action, there is an equal and opposite action. Scholars believe that everything has two points and one middle, so if you hold one of the two points, the other will lean; and if you



hold its middle, the two points will be straight. At that point, Imam Al-Awza'i<sup>39</sup> may Allah have mercy upon him- said: "Any of the Divine Commands to are opposed with two characteristics by the Satan, no matter any of them it would realize, extremism and negligence."<sup>40</sup> So, we support easiness, not hardships or negligence; we back tolerance, not negligence; we sustain religious, moral, and ethical commitment, without any sense of fanaticism, negligence, narrow thinking and rejection. That is because there is a thin thread between fanaticism and commitment, and so is the case between easiness and negligence. People of sound minds are the ones who truly understand these slight differences. In his *Al-Itqan fi U'lum Al-Qur'an*, Imam Al-Siyuti quoted Al-Mawridi who said: "I heard Abu Ishaq Ibrahim Bin Mudarib Ibn Ibrahim saying: 'I heard my father saying: 'I asked Al-Hussein Ibn Al-Fadl, "You extract the examples of the Arabs and the non-Arabs from the Quran, so do you find "the best of matters are their middles" in the Book of Allah?' He said: "Yes, I find that in four positions, as follows: - (1) the Saying of Allah, the Almighty, " They said, "Call upon your Lord for us that He may make plain to us what it is!" He said, "He says, 'Verily, it is a cow neither too old nor too young, but (it is) between the two conditions', so do what you are commanded." (The Quran, 2:68); "And those, who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes)." (The Quran, 25:67); "And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty." (The

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<sup>39</sup> He is Imam Abu A'mr A'bd Al-Rahman Ibn A'mr Bin Yahmud Al-Awza'i. Born in Baalbek in 88 A.H., he was an Imam of the people of Al-Sham of his time. He was one of the senior Imams defending Islam and the Sunnah of the Prophet (PBUH). He died in 157 A.H. See Ibn Al-Jawzi, *Syar A'lam Al-Nubalaa'*, vol. 7, p. 107.

<sup>40</sup> See Al-Sakhawi, *Al-Maqasid Al-Hasanah*, p. 332.

Quran, 17:29); and "And offer your prayer neither aloud nor in a low voice, but follow a way between." (The Quran, 17:110)"

9. We stress the importance of promoting the culture of thinking in all the aspects of life, be they intellectual, political, economic or administrative, as well as getting out of the circles of already made modules and hard patterns into a vision characterized with thinking and working out of the mind. We all shall work on eradicating this stagnation through disseminating the culture of thinking with the help of cultural salons, symposia and seminar. There are some people who mistakenly think that the mere thinking of renewal is but renouncing the fundamentals of religion, even though the issue under *Ijtihad* might have nothing at all to do with the fundamentals of religions, or to what is known as necessity by religion, or to that which is decisive in terms of transmission and indication. In actuality, some people who have nothing at all to do with knowledge, *fiqh*, *Ijtihad*, or Shari sciences are themselves the ones who adopt the doctrine of stagnation and accusation of betrayal and *Takfir* (declaring other as disbelievers) and who hasten to accuse the entire society of committing innovation, ignorance and *Takfir*, to the extent that some of their fanatics allowed carrying out explosions and shedding of lawful blood, which requires swift, strong and brave movement to face stagnation and extremist thought, so that we could save the society and the humanity from the danger of intellectual extremism and what may follow of adopting terrorism.

## **Chapter Four**

### **Essence of the Message of Islam, Necessity for Understanding its Ultimate Objectives**

## **Essence of the Message of Islam and Necessity for Understanding its Objectives**

The religion of Islam embodies all the features of justice, tolerance, easiness, and mercy. Scholars, old and past, are of the position that all what achieves these ultimate objectives shall be categorized as belonging to the religion of Islam, and that what contradicts or opposes them are in actually in contradiction to the religion of Islam itself, objectives, and purposes. That is because Islam is the religion of moral ethics, and its message has to do with perfecting this message. In this regard, Prophet Muhammad (PBUH) is reported to have said, "I was sent to perfect good character."<sup>41</sup> It is thus clear the true message of Islam has to do with trustworthiness, loyalty, honesty, righteousness, keeping the kinship relations good, generosity, helping others, nobility, chivalry, preventing harm from afflicting people, removing of harmful objects from the road, giving hand to people in distress, saving whoever seeks your help, and relieving people's afflictions. On the other hand, all what is opposite has nothing at all to do with Islam or its objectives. This includes telling lie, treachery, betrayal, breaking promises, severing the kinship relations, behaving in a very impudent and insulting manner at times of conflict with others, selfishness, and straitening of the breast. In actuality, one should keep far away from those people who possess with these traits and from their so-called religiosity, because they, with these manners and traits, make people dislike the religion of Islam and even bar them from accepting it. In that way, they cannot be described as callers to Islam, even if they claim otherwise and take oaths to affirm that. There is no good in them, nor do their oaths weigh anything even though their speech might please and surprise you. Referring to this second category of people, Allah, Glorified is He, says: "There is [a kind of] man whose views on the life of this world may please you [Prophet], he even calls on God to witness what is in his heart, yet he is the bitterest of opponents. When

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<sup>41</sup> See Al-Bayhqi, *Al-Sunnan Al-Kubra* (Beirut: Dar Al-Kutub Al-'Ilmiyyah), vol. 10, p. 323; Hadith no. 20782.

he leaves, he sets out to spread corruption in the land, destroying crops and live-stock- God does not like corruption. When he is told, 'Beware of God,' his arrogance leads him to sin. Hell is enough for him: a dreadful resting place." (The Quran, 2:204-206) He, may He be exalted, also says: "When the hypocrites come to you [Prophet], they say, 'We bear witness that you are the Messenger of God.' God knows that you truly are His Messenger and He bears witness that the hypocrites are liars— they use their oaths as a cover and so bar others from God's way: what they have been doing is truly evil— because they professed faith and then rejected it, so their hearts have been sealed and they do not understand. When you see them [Prophet], their outward appearance pleases you; when they speak, you listen to what they say. But they are like propped-up timbers—they think every cry they hear is against them—and they are the enemy. Beware of them. May God confound them! How devious they are!: (The Quran, 63:1-4)

Islam is indeed the religion of work, production, perfection and providing benefit to the entire humanity. This is actually the practical application of the approach of Islam. It has nothing at all to do with unemployment, laziness, civilizational backwardness. That is to say that those who are given the names of Muslims place burden on the religion of Allah, the Almighty, and a parasite upon His creation.

Old and contemporary scholars unanimously agree that the ultimate objectives of the Sharia revolve mainly around realization of people's interests; that is to say that wherever the interest is realized, this is the Sharia of Allah, Glorified is He. In this regard, Imam Abu Hamid Al-Ghazali, may Allah have mercy upon him, says: "What is meant by the word *Maslaha* (interest) is to preserve the objectives of the Sharia which are five: to preserve one's religion, soul, intellect, offspring, and property. So, all what includes the preservation of these five fundamentals is regarded as *Maslaha*,

and all what does not achieve them is regarded as an act of corrupt, whose removal is *Maslaha* (interest)."<sup>42</sup>

In the same connection, Imam Al-Shatibi,<sup>43</sup> may Allah have mercy upon him, says: "It is legally known that Sharia is laid down to realize the interests of people; that is to say that legal obligation is indicated to ward off an act of corruption, or to bring about a benefit, or to achieve them both. So, what is categorized under any necessarily belongs to the relevant category. This does never contradict the objectives of the Sharia. On the contrary, what is forbidden is to intend to bring about what contradicts the objectives of the Sharia."<sup>44</sup>

He further added, "Laws are laid down to realize the interests of people. So, commands, prohibition, and choices are all intended to realize the benefits and interests of the legally commissioned people because Allah, the Almighty, never acquires any benefit from all this legislation."<sup>45</sup>

Al-Shatibi further added, "The Sharia is mainly intended to preserving people's interests and warding off corruption. This is actually indicated by its general and conclusive proofs, which is evidenced by induction. So, anything that is contrary to that is not legally considered."<sup>46</sup>

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<sup>42</sup> See Al-Ghazali, *Al-Mustasfa Min I'lm Al-Usul Li Al-Ghazali* (Beirut: Dar Al-Kutub Al-'Ilmiyyah, 1<sup>st</sup> ed., 1993 C.E. / 1413 A.H.), p. 174.

<sup>43</sup> He is Abu Muhammad Abd Allah ibn Ali ibn Ahmed ibn Ali Al-Lakhmi Al-Andalusi Al-Shatibi. He was born in 433 A.H. in Shatiba, Andalusia. He learnt *Qira'at* (various modes of recitation) in his country at the hands of Abu Abd Allah Muhammad ibn Abu Al-A'as Al-Nafazi. He died in 532 A.H. See Ibn Al-Jawzi, *Siyar A'lam Al-Nubalaa'*, vol. 20, p. 92.

<sup>44</sup> See Al-Shatibi, *Al-Muqfaat* (N.P., Dar Ibn Affan, 1<sup>st</sup> ed., 1997 C.E.), vol. 1, p. 318.

<sup>45</sup> Ibid, vol. 1, p. 234.

<sup>46</sup> Ibid, vol. 5, p. 230.

Commenting on the same point, Ibn Al-Qayyem,<sup>47</sup> may Allah have mercy upon him, said: "The Sharia (of Islam) is all based and founded on wise actions and achieving the interests of people in both this life and the life to come. It includes all aspects of justice, mercy, interest, and wisdom. So, any matter that is not relevant to justice is certainly an act of injustice, and thus transcends the limits of mercy to cruelty, the limits of interest to corruption, and the limits of wisdom to irrationality. As such, it does not belong to the Sharia, even if it is regarded as belonging to it by virtue of interpretation. The Sharia is laid down to establish the Justice of Allah among His slaves, His Mercy among His creation, His Shadow in His earth, and His Wisdom definitively proving His, Glorified is He, Existence and the trustworthiness of His Messenger, may Allah's Peace and Blessings be upon him."<sup>48</sup>

In the same vein, Imam Al-I'zz ibn Abd Al-Salam,<sup>49</sup> may Allah have mercy upon him, said: "All the legal obligations are mainly based on (achieving) the interests of people in this worldly life and the Hereafter. Allah, Glorified is He, stands not in need of the worship of any of His creatures. In truth, people's obedience does not avail Allah, nor does their disobedience cause Him, the Almighty, any harm, to the extent

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<sup>47</sup> He is Abu Abd Allah Shams Al-Din Muhammad Ibn Abi Bakr Ibn Ayoub Ibn Sa'ad Ibn Hurayz Al-Zara'i Al-Dimishqi. He is known for the nickname "Ibn Qayyem Al-Jawziyyah" or "Ibn Al-Qayyem". He was born in 691 A.H. He is a jurist, a *Mufasssir* (one who explains the verses of the Quran), and a well-versed Muslim Scholar who is highly qualified to make personal reasoning. He is one of the most prominent scholars of the Hanbali School of Law. The list of his most important writings includes *I'lam Al-Muawqqi'n*, *Al-Turuq Al-Hakimah fi Al-Siyasah Al-Shar'iyah*. He died in 751 A.H.

See Al-Zirikli, *Al-A'lam*, vol. 6, p. 56.

<sup>48</sup> See Ibn Al-Qayyem Al-Jawziyyah, *I'lam Al-Muawqqi'n*, vol. 3, p. 3.

<sup>49</sup> He is I'zz Al-Din (an Arabic sentence literally means the dignity of religion), Sheikh Al-Islam Abu Muhammad Abd Al-Aziz Ibn Abd Al-Salam. He is a well-versed scholar and of the most prominent scholars of his time. He is known for the nickname "*Sultan Al-U'Imaa'*" (lit. the Sultan of Scholars). Born in 578 A.H., he acquired the various branches of knowledge including the sciences of *Tafsir*, *Hadith*, *Fiqh*, *people's different opinions*. He is highly-qualified to make *Ijtihad*, and died in 660 A.H. See Ibn Al-I'mad Al-Hanbali, *Shadhrat Al-Dhahb fi Akhbar Man Dhahab*, (Beirut: Dar Ibn Kathir, 1<sup>st</sup> ed., 1986 C.E. – 1406 A.H.), vol. 7, p. 522.

that had they all gathered together to help the worst heart of them, this would have diminished nothing from My Sovereignty, and had they all gathered together to help the most pious heart among the, this would have increased nothing at all in my Sovereignty. People can in no way do any harm to Allah, nor can they do Him any benefit, for they all are liable to err except whom he guides on the Right Path, and they all are hungry except whom He feeds, and they all are naked except whom He provides garments to."<sup>50</sup>

He further added, "It is not concealed to any man of sound mind that acquiring pure interests and warding off pure corruption away from man and others are something good and praised, and that giving precedence to the most preponderant interest is good and praised, and so is warding off acts of corruption, starting from the worst to what is lower than it. Wise men also agree on these points. Various laws agree on the prohibition of unlawful shedding of blood, honors, properties, and acquiring the best of sayings and actions."<sup>51</sup>

All in all, the essence of Islam, acquiring the secrets of its tolerant message and its ultimate objectives and purposes, and the application of all of this in light of the latest developments and requirements of this era is an urgent necessity to face contemporary challenges, to curb the reigns of terrorist and extremist groups, to lay siege to the extremist ideology, to break the manacles of stagnation, misunderstanding, and narrow mindedness, to get out from this narrowness to a vaster, wider and easier world- a world that is more mature and conscious and that has a robust vision, with the aim of realizing the benefits and interests of countries and people, and to disseminate the excellent human values that achieves security, safety, peace, stability, and happiness of the entire humanity, for the best of people is the one who brings

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<sup>50</sup> See Abu Muhammad I'zz Al-Din Ibn Abd Al-Salam, *Qawa'id Al-Ahkam fi Masalih Al-Anam* (Beirut: Dar Al-Marif), vol. 2, p. 63.

<sup>51</sup> *Ibid.*, vol. 1, p. 4.



about benefit to others, and he does not deserve to be delivered to life whoever lives only for the sake of himself.

## **Chapter Five**

### **Recommended Acts of Worship and Habitual Deeds**

## Recommended Acts of Worship and Habitual Deeds

One of the grave mistakes is to confuse the recommended acts of worship with habitual deeds and vice versa. What is even worse is to accept and insist on stagnation and rejection of renewal without giving rational justification. Here we clearly state that the original ruling concerning *Al-A'mal Al-Masnunah* (recommended acts of worship) is that whoever does them shall be rewarded in return, and whoever does not do them will not be punished. This is evidenced by the Hadith of the Prophet (PBUH) in which he (PBUH) was asked: ' A person with disheveled hair, one of the people of Najd, came to the Messenger of Allah (PBUH). We heard the humming of his voice but could not fully understand what he was saying, till he approached close to the Messenger of Allah (PBUH). Then I came to know that he was asking about Islam. The Messenger of Allah (PBUH) said: "There are five (obligatory) *Salat* during the day and the night." He said: "Am I obliged to perform any other (*Salat*) besides these?" The Messenger of Allah (PBUH) said, "No, but whatever you observe voluntarily." He (PBUH) added, "There is the *Saum* of Ramadan." The inquirer asked: "Am I obliged to do anything besides this?" The Messenger of Allah (PBUH) said, "No, but whatever you do out of your own free will. You may observe voluntary fasting." And the Messenger of Allah (PBUH) told him about the Zakat (obligatory charity). The inquirer asked: "Am I obliged to pay anything besides this?" The Messenger of Allah (PBUH) said, "No, but whatever you pay voluntarily out of your own free will." That man turned back saying: "By Allah! I will neither make any addition to this nor will I decrease anything from it." (Upon hearing this) the Messenger of Allah (PBUH) remarked, "He is successful if he proves truthful (to what he is saying)."<sup>52</sup> He (PBUH) is also reported to have said, "Guarantee for me six things and I will guarantee Paradise for you: tell the truth when you speak, fulfill your promises, be faithful when you are trusted, safeguard your private parts, lower your

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<sup>52</sup> See Al-Bukhari, *Sahih*, Book of Belief, Chapter: Zakat is from Islam; Hadith no. 46.

gaze, and withhold your hands (from harming others).”<sup>53</sup> Furthermore, when he (PBUH) was asked concerning the deed which will be foremost to lead people to Paradise, he replied, "Fearing Allah and the good conduct."<sup>54</sup>

In actuality, most of his (PBUH) answers to the questions of those people who used to ask him about the deeds that would lead man to be admitted into the Paradise revolved around the performance of religious duties, refraining away from major sins, and maintain of good conduct and doing what benefits all mankind. In this regard, when he (PBUH) was asked about a man to instruct him to a deed that will lead him to the Paradise, he replied, "Remove harm from people's roads."<sup>55</sup> He (PBUH) also says: "... and the removal of harm from people's road is counted a charity."<sup>56</sup> That is because the religion of Islam was mainly revealed to realize the interests of countries and people and to maintain all what secures security, social peace and humanity happiness at the same time.

Even though we stress the undeniable fact that we should adhere to the Sunnah of the Prophet (PBUH) so as to attain reward, we should clearly distinguish between the recommended acts of worship and the habitual deeds. For example, when he (PBUH) urges us to fast during the day of *A'rafa* or *A'shura'*, this comes under the category of the recommended acts of worship, and so is the case when he (PBUH) starts his ablution with washing his hands, rinsing, and sniffing, for all of these come under the category of the recommended acts of worship. But, as for clothes, means of transportation, etc., they are under the category of habitual deeds in light of what was available at his (PBUH) time.

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<sup>53</sup> See Ahmed, *Musnad*, vol. 37, p. 417; Hadith no. 22757.

<sup>54</sup> See Al-Tirmidhi, *Sunan*, Book of Al-Birr Wa Al-Silah, Chapter: *Ma Jaa' fi Husn Al-Khuluq*; Hadith no. 2004.

<sup>55</sup> See Al-Bukhari, *Al-Adab Al-Mufrad* (Beirut: Dar Al-Basha'er Al-Islamiyyah), ed., Muhammad Fu'ad Abd Al-Baqi; Hadith no. 89.

<sup>56</sup> See Muslim, *Sahih*, Book of Zakat, Chapter: *Bayan Ann Ism Al-Sadaqt Yaq'u 'A'la Kull Anwa' Al-Ma'ruf*; Hadith no. 1009.

Just as it is not conceivable for a man of sound judgment to say: "I will not travel by cars or planes, and I will travel by camels as the Prophet (PBUH) used to do, it is inconceivable to say that this garment or that is in conformity to the purified Sunnah of the Prophet, as long as it conceals one's private parts.

People's customs and traditions are based on *u'rf*, and what people believe suitable for their age, environment, and work nature, as long as this is not against the purified Sharia.

We know that man's *A'wara* includes what is between his navel and his knees, so all what conceal this part of the body is lawful and cannot be denied, whether he puts on a suit or a garment, for ruling on this point is based on the people's customs and traditions. Scholars of the Principles of Jurisprudence believe that "custom is the basis of judgment."

In truth, there is no harm at all if clergymen have their own garments that distinguish them from others, and so is the case for doctors, lawyers, army men, policemen, and judges. Yet, to declare wearing a particular garment as a religious action has nothing to do with the religion, nor is it accepted by any of scholars.

Here we must know that some scholars made some rulings in light of the customs of their people, time, and place. For example, Imam Al-Shaf'i, may Allah have mercy upon him, viewed man's turban as one of the requirements of virility,<sup>57</sup> because he considered the conditions of his environment and time. Accordingly, we in the past decades knew about some contemporary environments that did believe that not to cover one's head is something that compromises one's virility, in accordance with the customs of this particular group of people. Yet, to regard this as part of the religion or a sign proving one's righteousness and piety and accusing anyone who does not do that as disobedient, or to try to compel people to do that on grounds that it is a

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<sup>57</sup> See Abu Ishaq Al-Shirazi, *Al-Adab Al-Mufrad* (Beirut: Dar Al-Kutub Al-'Imiyah), vol. 3, p. 438.

religious act, a recommended act, or an opinion of a jurist that must be carried out, this is actually the essence of ignorance and stagnation.

Stressing the fact that the entire matter has to do with customs, environment, and time, Imam Al-Shatibi, may Allah have mercy upon him, said in his *Muwafaqat*: "The ruling on man's unveiling of his head differed from one particular place to another. That is why people of eastern countries view it as something bad, while those of the western countries view it as something normal. As such, the Sharia ruling differed based on the customs of each region; that is to say that what may be reprehensible in the view of the people of the east may not be so in the view of the people of the east."<sup>58</sup>

There is no doubt that Imam Al-Shatibi, may Allah have mercy upon him, himself took into account the conditions of his time, not ours, a point upon which he laid emphasis "the original ruling on customs is based on knowing about the meanings. Depending on induction, we found that the Lawgiver intends to bring about the benefits of people, and that normal rulings are revolving around that whenever it is, to the extent that something may be declared prohibited because it does not entail an interest for people, yet when the interest is assured, then it is declared lawful."<sup>59</sup>

In the same connection, Imam Al-Qarafi, may Allah have mercy upon him, cast light on that point, saying: "Rulings based on people's customs shall be made in light of that; otherwise they will be against *Ijma'* (consensus), and ignorance of religion. If I come out from this country to another of different customs, I shall judge among them based on their own customs, not paying any attention to those of the country we were in. Accordingly, if someone came to us from a country whose customs are against

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<sup>58</sup> See Al-Shatibi, *Al-Muwafaqat*, 2/489.

<sup>59</sup> *Ibid.*, vol. 2, p. 50.

those of ours, we shall not judge him except on the customs of his own country, not ours."<sup>60</sup>

Ibn Al-Qayyem, may Allah have mercy upon him, said: "Whoever makes legal verdicts to people based only on what is recorded in books, irrespective of their *u'rf*, customs, times, places, circumstances, and surroundings, he has gone far away from the Right Path and even caused others to get astray."<sup>61</sup>

Ibn A'bdin,<sup>62</sup> may Allah mercy upon him, said: "Jurisprudential issues are either proven by clear text or personal reasoning, and most of them are based on people's customs, to the extent that if new customs had been emerged, he would have to change his previous judgment accordingly. For this reason, they believe that one of the stipulations for *Ijtihad* is that: the *Mujtahid* must be fully aware of people's customs, and that is why most rulings differ as a result of the change of the customs of a particular time."<sup>63</sup>

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<sup>60</sup> See Al-Qarafi, *Al-Ihkam fi Tamiyz Al-Fatawa A'n Al-Ahkam*, p. 218.

<sup>61</sup> See Ibn Al-Qayyem, *I'lam Al-Muwqqi'in*, vol. 3, p. 16.

<sup>62</sup> He is Muhammad Amin ibn U'mar ibn Abd Al-A'ziz Abdin Al-Dimishqi. He was the most prominent scholar in Al-Sham and the Imam of the Hanafi School of Law at his time. The list of his most important writings includes *Radd Al-Muhtra A'la Al-Durr Al-Mukhtar* known as *Hashyat Ibn Abdin* and *Rafa' Al-Anzar A'mma Awradahu Al-Halabi A'la Al-Durr Al-Mukhtar*, as well as a number of treatises. He died in 1252 A.H.

See Al-Zirikli, *Al-A'lam*, vol. 6, p. 42

<sup>63</sup> See Ibn Abdin, *Rasa'el Ibn Abdin: Risalat Al-U'rf* (Beirut: Dar Al-Kutub Al-Ilmiyyah), vol. 2, p.172.

## **Chapter Six**

### **Practical Examples from the Sunnah of the Prophet (PBUH)**



## First Example

### Understanding of the Hadith of the *Siwak*

Abu Hurayrah (Allah be pleased with him) narrated that the Messenger of Allah (PBUH) said: “Had I not thought it difficult for my Ummah, I would have commanded them to use the *Miswak* (tooth-stick) before every prayer.”<sup>64</sup>

Zayd ibn Khaled Al-Juhani (Allah be pleased with him) narrated that he heard the Messenger of Allah (PBUH) saying: “Had I not thought it difficult for my Ummah, I would have commanded them to use the *Miswak* (tooth-stick) at the time of every prayer.”<sup>65</sup>

Abu Hurayrah (Allah be pleased with him) narrated that the Messenger of Allah (PBUH) said: “Had I not thought it difficult for my Ummah, I would have commanded them to use the *Miswak* (tooth-stick) before every ablution.”<sup>66</sup>

Hudhyafat (Allah be pleased with him) narrated: “Whenever the Messenger of Allah (PBUH) got up (from sleep), he would rub his teeth with *Miswak* (tooth-stick).”<sup>67</sup>

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<sup>64</sup> See Al-Bukhari, *Sahih*, Book of Friday; Chapter: *Al-Siwak Yawm Al-Jumua'*; Hadith no. (887)

<sup>65</sup> See Abu Dawud, *Sunan*, Book of Purification; Chapter: *Al-Siwak*; Hadith No. (46); see also Ibn Majah, *Sunan*, Book of Purification and Its Manners; Chapter on *Al-Siwak*; Hadith No. (287).

<sup>66</sup> See Abu Dawud, *Sunan*, Book of Purification; Chapter: *Al-Siwak*.

<sup>67</sup> See Al-Bukhari, *Sahih*, Book of Ablution; Chapter on *Al-Siwak*; Hadith No. (245); see also Muslim, *Sahih*, Book of Purification; Chapter on *Al-Siwak*; Hadith No. (255). The meaning of the Arabic sentence “*Yashus fahu*” is “rub it with the tooth-stick.”

Miqdam Ibn Shurayh narrated that his father (Allah be pleased with him) said: “I asked A'isha what Allah's Messenger (PBUH) did first when he entered his house, and she replied: He used tooth-stick (first of all).”<sup>68</sup>

Amer Ibn Rabi'at said: “I saw the Prophet (PBUH) using a tooth-stick while he was fasting.”<sup>69</sup>

Prophet Muhammad (PBUH) highlights the wisdom why we should continually use the tooth-stick in his (PBUH) Hadith: “*Siwak* is a means of purification for the mouth and is pleasing to the Lord.”<sup>70</sup>

Had the ultimate objective behind the use of *Siwak* is to purify one's mouth and to keep it healthy and of good smell in addition to removing any bad odor and protecting teeth and gum, this objective can be fulfilled by any means that introduce the same purpose, exactly as it is maintained by the *Siwak* taken from the tree of *Arak*. In other words, there is no blame whatsoever to realize all the aforementioned points with the use of the *Siwak* specifically, or with the use of any other item like toothpaste, the toothbrush, etc. In actuality, to firmly adhere to the apparent meaning of the text, and confines the matter to the use of the *Siwak* taken from the tree of the *Arak*, believing that the use of this particular is a sign of righteousness and piety, thus placing two or three sticks in one's pocket in spite of the fact that they might be contaminated by dust and climatic pollutants, is the essence of stagnation and narrow-mindedness. That is because this shows clearly that those people do not properly understand the ultimate objective of this action, that is, Prophet Muhammad (PBUH) and his Companions (Allah be pleased with them all) used what was available at their

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<sup>68</sup> See Muslim, *Sahih*, Book of Purification; Chapter on *Al-Siwak*; Hadith No. (253).

<sup>69</sup> See Al-Bukhari, *Sahih*, Book of Fasting; Chapter: *Siwak Al-Ratb wa Al-Yabis Li Al-Sa'em*.

<sup>70</sup> Ibid.

time, and had they lived in our today's world, they would have used the best, the latest, and the most useful of the scientific findings.

## Second Example

### Understanding the Hadiths on Cleaning Beds

Abu Hurayra (Allah be please with him) narrated that the Messenger of Allah (PBUH) said: “When one of you goes to bed, he should undo the inside of his lower garment and dust the bed with it. He does not know what has come on his bed since he left it. He should lie down on his right side and say, 'In Your Name I have laid down on my side. If You take my soul, then have mercy on it. If You release it, then preserve it in the manner in which You preserve the men of right action.’”<sup>71</sup>

Abu Hurayrah (Allah be pleased with him) narrated that the Messenger of Allah (PBUH) said: “When one of you leaves his bed then returns to it, then let him brush it off with the edge of his *Izar* three times, for indeed, he does not know what succeeded him upon it after him. When he lies down, let him say: ‘In Your Name, my Lord, I lay my side down, and in Your Name I raise it. And if You take my soul, then have mercy upon it, and if You release it, then protect it with that which You protect Your righteous worshipers. And when he awakens, let him say: All praise is due to Allah, Who healed me in my body, and returned to me my soul, and permitted me to remember Him.’”<sup>72</sup>

The Arabic word “*Dakhelat Al-Izar*” means its ends, and the Arabic word “*Sanifat Al-Izar*” means its edge that has not frill. These Hadith clearly

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<sup>71</sup> See al-Bukhari, *Sahih*; Book of Supplications; Chapter on *Al-Ta'wudh wa Al-Qir'ah I'nd Al-Manam*; Hadith No. (6320); see also Muslim, *Sahih*, Book of Remembrance, Supplication, Repentance and Forgiveness; Chapter on *Ma Yaqul I'nd Al-Nawm Wa Akhdh Al-Ma'dja*; Hadith No. (2714).

<sup>72</sup> See al-Bukhari, *Sahih*; Book of Monotheism; Chapter on *Al-Su'al Bi Asmaa' Allah Ta'la Al-Hunsa Wa Al-Isti'adhat Biha*; Hadith No. (7393); see also Al-Tirmidhi, *Sunan*, Book of Supplications of the Messenger of Allah (PBUH); Hadith No. (3401)

indicates that it is recommended to brush one's bed off before he sleeps so that he would not be afflicted with harm.

Had we restricted the apparent meaning of the text, how would a person who wears a garment that has no edge act in such a condition?!

Yet, if we considered the ultimate objective behind these Hadiths, which is cleansing of one's bed and ensuring that it is free from all what may hurt man like insects, etc., we will realize that man can do that with the use of any modern means whereby he could achieve the purpose. For example, he might use a brush or what alike. That is to say that the essence of the Prophetic order is not to catch the edge of the garment; but rather to let your place clean and assure that it is free from all what might cause harm. Actually, this objective in hand might be even be better achieved with the use of a brush than with the use of the edge of the garment. Yet, Prophet Muhammad (PBUH) addressed his people and instructed them to an act which was consistent with their customs at that time, as if he (PBUH) was saying to them: "cleanse your beds before you lie on them even if you use the edge of your clothes."

Some scholars believe that the reason why the Prophet (PBUH) instructed the companions to do that with the edge of their clothes, lest that their hands might be hurt with a sharp tool, pointed wood, dust, any other kind of dirt, a snake, a scorpion, a small stick that might hurt the person while he does not feel, etc.<sup>73</sup> This actually ascertains our understanding of these Hadiths.

Yet, those who have the same way of life like the companions will not be blamed if applied the apparent meaning of the Hadiths, thus cleanse their beds

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<sup>73</sup> See *Al-Nawawi, Sharh Al-Nawawi Ala Sahih Muslim* (Beirut: Dar Akhbar Al-Turath Al-Arabi), 17/37; see also *Tuhfat Al-Ahwadhi Bi Sharh Jame' Al-Tirmidhi* (Beirut: Dar Al-Kutub Al-Ilmiyyah), 9/244; and Ibn Hubaiyrah, *Al-Ifsah A'n Manai Al-Sihah* (Dar Al-Watan), p. 281.

with the edges of their garments. Nonetheless, any attempt to drive people away from the actual meaning of the Hadiths and to make them restrict to the apparent meaning only is some sort of stagnation that makes people's life difficult.

In addition, those, who believe that they are only ones who have the true understanding of the Hadiths of the Prophet (PBUH) while others are not in spite of all the developments of our life, have wronged the Sunna of our Prophet Muhammad (PBUH). They actually do not have proper understanding of the ultimate objectives of the Sharia of these hadiths that clearly urge people to have the highest levels of cleanness and beauty, as long as this is permissible, which is based on the maxim reading: "Permissibility is the original ruling of everything as long as there is no text on prohibition" In this regard, Abu Tha'lbah Al-Khushni (Allah be pleased with him) is reported to have said: "The Prophet of Allah (PBUH) said: 'Verily Allah ta'ala has laid down religious obligations (*fara'id*), so do not neglect them; and He has set limits, so do not overstep them; and He has forbidden some things, so do not violate them; and He has remained silent about some things, out of compassion for you, not forgetfulness — so do not seek after them.'"<sup>74</sup>

Ibn Abbas (Allah be pleased with them both) is also reported to have said: "The people of pre-Islamic times used to eat some things and leave others alone, considering them unclean. Then Allah sent His Prophet (PBUH) and sent down His Book, marking some things lawful and others unlawful; so what He made lawful is lawful, what he made unlawful is unlawful, and what he said nothing about is allowable. And he recited: "Say: I find not in the message received by

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<sup>74</sup> See Al-Daraqutni, *Sunan*, Book of Nursing (Beirut: Mu'assast Al-Risalah), 5/325; Hadith No. (4396)

me by inspiration any (meat) forbidden to be eaten by one who wishes to eat it...." up to the end of the verse."<sup>75</sup>

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<sup>75</sup> See Al-Hakim, *Al-Mustadrak*, 4/128; Hadith No. (7113).

### Third Example

#### Understanding the Ahadith on *Isbal* (Lengthening and Trailing Clothing)

Ibn Umar narrated that the Prophet (PBUH) said, "Allah will not look on the Day of Judgment at him who lets his garment trail on the ground out of pride and arrogance."<sup>76</sup>

In another narration Ibn Umar said, "Whoever lets his garment trail [behind him] out of vanity, Allah will not look at him on the Day of Resurrection." Ibn Umar asked the narrator Muhareb, "Did he specify the lower garment?" "No, he did not specify this to a garment or lower garment."<sup>77</sup>

Ibn Umar also narrated that the Prophet (PBUH) said, "Allah will not look, on the Day of Resurrection at the person who drags his garment (behind him) out of vanity. On that Abu Bakr said, "O Allah's Messenger! One side of my *Izar* hangs low if I do not take care of it." The Prophet (PBUH) said, 'You are not one of those who do that out of vanity."<sup>78</sup>

Once Ibn Umar saw a person trailing his lower garment, whereupon he said: from which tribes do you come? He described his relationship (with the tribe he belonged) and it was found that he belonged to the tribe of Laith. Ibn Umar recognized him and said: I heard Allah's Messenger (PBUH) with these two ears of mine saying: He who

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<sup>76</sup> Al-Bukhari, *Sahih*, Book of "Dresses", Chapter: Allah's Saying, " Say: Who has forbidden the adornment with clothes given by Allah which He has produced for His slaves?", Hadith no. 5783; Muslim, *Sahih*, Book of "Dresses and Ornaments", Chapter: The Prohibition of Letting One's Garment trail on the ground out of Pride, Hadith no. 2085.

<sup>77</sup> Al-Bukhari, *Sahih*, Book of "Dresses", Chapter: He who drags his garment on the ground out of pride, Hadith no. 5791.

<sup>78</sup> Al-Bukhari, *Sahih*, Book of Virtues of the Companions of the Prophet (PBUH), Chapter: The Prophet's saying, "If I were to take a close friend...", Hadith no. 3665.



trailed his lower garment with no other intention but pride, Allah would not look toward him on the Day of Resurrection."<sup>79</sup>

Abu Dharr narrated: The Prophet (PBUH) said: "There are three (types of) people to whom Allah will neither speak on the Day of Resurrection nor look at them nor purify them, and they will have a painful chastisement." The Messenger of Allah (PBUH) repeated it three times. Abu Dharr remarked: "They are ruined. Who are they, O Messenger of Allah?" Upon this, the Messenger of Allah (PBUH) said, "One who lets down his lower garments (below his ankles) out of arrogance, one who boasts of his favors done to another, and who sells his goods by taking a false oath."<sup>80</sup>

Abu Hurairah narrated that the Prophet (PBUH) said: The part of an *Izar* which hangs below the ankles is in the Fire."<sup>81</sup>

Considering all these Ahadith together it becomes clear that the reason for the prohibition of wearing long clothes for men is to avoid arrogance and vanity, as at that time wearing these clothes was a sign of over wealth. Thus, this was a sign of pride over other people. The narration that states "with no other intention but pride" confines the prohibition to pride and arrogance, which means whenever this pride exists, the prohibition is due, and whenever it is absent, the prohibition is not applied. The above mentioned Ahadith no. 1, 2, 3 and 4 clearly state this reason.

As for the Hadith "The part of an *Izar* which hangs below the ankles is in the Fire" and the Hadith that mentions *Isbal* among the three types of people whom Allah does not look at or speak to in the Day of Resurrection, these are general Ahadith. When

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<sup>79</sup> Muslim, *Sahih*, Book of Dresses and Ornaments", Chapter: The Prohibition of Letting One's Garment trail on the ground out of Pride, Hadith no.2085.

<sup>80</sup> Muslim, *Sahih*, , Book of Belief, Chapter: Clarifying the emphatic prohibition of letting one's garment hang below the ankles (*isbal*), Hadith no. 106.

<sup>81</sup> Al-Bukhari, *Sahih*, Book of "Dresses", Chapter: The part of the garment that hangs below the ankles is in the Fire, Hadith no. 5787; Al-Nasa'i, *Sunan*, Book of Ornaments, Chapter: The part of the garment that hangs below the ankles is in the Fire, Hadith no. 5331.

absolute evidence is combined with the restricting one, the general should be understood in light of the restricting one. So, as long as the restriction is made in some Ahadith that the lengthening garment is connected with arrogance, then the prohibition should be applied to this cause not the mere long cloth.

Al-Nawawi<sup>82</sup> mentioned that restricting lengthening one's garment to showing arrogance restricts the general prohibition of wearing long clothes. The Prophet (PBUH) Allowed Abu Bakr to do so saying "You are not one of those who do that out of vanity."<sup>83</sup>

Ibn Hajar<sup>84</sup> said, "Mentioning 'vanity' in these Ahadith indicates that the general prohibition is confined to showing arrogance. Thus wearing long clothes is not prohibited if arrogance is not intended."<sup>85</sup>

Al-Hafiz Al-Iraqi<sup>86</sup> said, "The absolute Ahadith indicating that lengthening garment to lower than the ankles, apply to the case when this is done out of vanity, as understood in light of the restricting Ahadith."<sup>87</sup>

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<sup>82</sup> His full name is Abu Zakariyyah Muhey Al-Din Yahya Ibn Sharaf Al-Nawawi Al-Shafi'i. He was born in the village of Huran in Syria in 631 A.H. He was a prolific scholar of Fiqh and Hadith. Among his most important works are: *Al-Minhaj fi Sharh Sahih Muslim* and *Riyadh Al-Saliheen*. He died in 676 A.H. (See *Al-A'lam* by Al-Zirkli, 8/149).

<sup>83</sup> Al-Nawawi, *Al-Minhaj fi Sharh Sahih Muslim*, 2/116.

<sup>84</sup> He is Shaykh Al-Islam, Abu Al-Fadl Shehab Al-Din Ahmad Ibn Ali Ibn Muhammad Al-Asqalani, known as Ibn Hajar, born in 773. Among his most important works are: *Fath Al-Bari* and *Lisan Al-Miazan*. He died in 852 A.H. (See *Al-A'lam* by Al-Zirkli, 1/178).

<sup>85</sup> Ibn Hajar, *Fath Al-Bari Sharh Sahih Al-Bukhari*, Dar Al-Ma'rifah, Beirut, 10/263.

<sup>86</sup> Abu Al-Fadl Zayn Al-Din Abd Al-Rahim Ibn Al-Husayn Ibn Abd Al-Raman, known as Al-Hafiz Al-Iraqi, born in 725 A.H. He was a leading Hadith scholar of his time. Among his most important works are: *Al-Mughni 'an Haml Al-Asfar fi Al-Isfar fi Takhrij Ahadith Al-Ihya'* and *Al-Alfiyyah fi Mustalah Al-Hadith*. He died in Cairo in 806 A.H. (See *Al-A'lam* by Al-Zirkli, 3/344).

<sup>87</sup> Zayn Al-Din Al-Iraqi, *Tarh Al-Tathrib fi Sahrh Al-Taqrif*, the Egyptian edition, 8/174.

Al-Shawkani said, "It is necessary to understand the Prophet's statement "this is arrogance" as a dominant case. It is a general statement that should be understood in light of the restricting Ahadith."<sup>88</sup>

It is reported that Abu Hanifah<sup>89</sup> once wore a garment of 400 dinars, trailing behind in the ground. He was told, "Have we not been prohibited to do so?" "This is for arrogant people and I'm not one of them," he replied.<sup>90</sup>

As we have confirmed that clothing is a matter of customs and is not a ritual act, then the reason of the subject-matter prohibition should be arrogance, vanity and pride. Thus, once these traits are found, the prohibition is due, and once they are lacking, the prohibition shall not be the ruling. Besides, general etiquettes should be taken into consideration, including avoiding the dirt of dragging one's clothes behind.

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<sup>88</sup> Al-Shawkani, *Nayl Al-Awtar*, Dar Al-Hadith, Egypt, 2/133.

<sup>89</sup> Abu Hanifah Al-Nu'man Ibn Thabit Al-Taymi Al-Kufi, the Jurist and the great scholar of Iraq. He is one of the four leading Muslim Jurists of *Ahl Al-Sunnah* and the founder of the famous Hanafi School of Islamic law. He was born in 80 A.H. and met some of the Prophet's Companions. (See: *Siyar A'lam Al-Nubala'* 6/390)

<sup>90</sup> Ibn Mufli Al-Maqdisi, *Al-Adab Al-Shar'iyah*, Alam Al-Kutub, 3/521.

## Fourth Example

### The Ahadith on *Sadaqat Al-Fitr*

Ibn 'Umar narrated: "The Messenger of Allah enjoined the *Zakah* of Ramadan on everyone, young and old, free and slave, male and female, a *saa'* of dates or a *saa'* of barley. He (PBUH) ordered the payment of *Sadaqat Al-Fitr* before people go out for prayer."<sup>91</sup>

Abu Sa'id Al-Khudri said: We used to give as the *Zakat* of *Fitr* one *saa'* of grain, or one *saa'* of barley or one *saa'* of dates, or one *saa'* of cheese or one *saa'* of raisins."<sup>92</sup>

Amr Ibn Shu'aib narrated from his grandfather that the Prophet sent a caller in the roads of Makkah proclaiming "*Sadaqat Al-Fitr* is obliged upon every Muslim, male or female, free or slave, young or old; it is two *Mudd* of wheat or its equivalent of a *saa'* of food."<sup>93</sup>

Ibn Abbas narrated: "The Messenger of Allah (PBUH) enjoined *Zakat Al-Fitr* on the one who fasts (i.e. fasted during the month of Ramadan) to purify him from any indecent act or speech and for the purpose of providing food for the needy. It is

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<sup>91</sup> Al-Bukhari, *Sahih*, Book of "Zakah", Chapter: The Obligation of *Sadaqt Al-Fitr*, Hadith no. 1503; Muslim, *Sahih*, Book of "Zakah", Chapter: The *Zakat Al-Fitr* for Muslims from Dates and Barley, Hadith no. 984.

<sup>92</sup> Al-Bukhari, *Sahih*, Book of "Zakah", Chapter: The Obligation of *Sadaqt Al-Fitr* as one *Saa'* of Food, Hadith no. 1506; Muslim, *Sahih*, Book of "Zakah", Chapter: *Zakat Al-Fitr* for Muslims from Dates and Barley, Hadith no. 985.

<sup>93</sup> Al-Tirmidhi, *Sunan*, Book of Zakah, Chapter: *Sadaqat Al-Fitr*, Hadith no. 674.

accepted as Zakah for the person who pays it before the *Eid* prayer and it is *Sadaqah* (i.e. voluntary charity) for the person who pays it after the *Eid* prayer.”<sup>94</sup>

Nafi‘ reported that Ibn Umar said that the Messenger of Allah (PBUH) prescribed the *Sadaqah* of Ramadan (*Sadaqat Al-Fitr*) one *saa‘* of dates or one *saa‘* of barley for every free man or a slave, male or female. The people then substituted half *saa‘* of wheat for that. Ibn Umar used to give dates (as *Sadaqat Al-Fitr*). Once, there was scarcity of dates in Medina and Ibn Umar gave barley. And Ibn Umar used to give *Sadaqat Al-Fitr* for every young and old person. He even used to give on behalf of my children. Ibn Umar used to give *Sadaqat Al-Fitr* to those who had been officially appointed for its collection. People used to give *Sadaqat Al-Fitr* (even) a day or two before the *Eid*.<sup>95</sup>

Abu Sa‘id Al-Khudri narrated, "In the lifetime of the Prophet (PBUH), we used to give one *saa‘* of food or one *saa‘* of dates or one *saa‘* of barley or one *saa‘* of Raisins (dried grapes) as *Sadaqat Al-Fitr*. And when Mu‘awiyah became the Caliph and the wheat was (available in abundance) he said, "I think (observe) that one *Mudd* (of wheat) equals two *Mudds* (of any of the above mentioned things).<sup>96</sup>

In another narration recorded by Muslim, Abu Sa‘id said: We, on behalf of every young or old, free man or slave (amongst us), used to give during the lifetime of the Messenger of Allah (PBUH) as the *Zakat* of *Fitr* one *saa‘* of grain, or one *saa‘* of cheese or one *saa‘* of raisins. And we continued taking out these till Mu‘awiyah Ibn Abu Sufyan came to us for pilgrimage or *Umra*, and addressed the people on the

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<sup>94</sup> Al-Tirmidhi, *Sunan*, Book of Zakah, Chapter: *Sadaqat Al-Fitr*, Hadith no. 674

<sup>95</sup> Al-Bukhari, *Sahih*, Book of "Zakah", Chapter: The Obligation of *Sadaqat Al-Fitr* for Free and Slaves, Hadith no. 1511

<sup>96</sup> Al-Bukhari, *Sahih*, Book of "Zakah", Chapter: *Saa'* of Raisin, Hadith no. 1508.

pulpit and said to them: I see that two *mudds* of *zakat* out of the wheat (red) of Syria is equal to one *saa'* of dates. So the people accepted it.<sup>97</sup>

Al-Bukhari reported that Mu'adh said to the people of Yemen, "Bring me garments for charity instead of barley and wheat, for this is easier for you and better for the Companions of the Prophet (PBUH) in Medina."<sup>98</sup>

The basic rule in giving charity is to help the poor and meet their needs. As scholars assert: wherever the *Maslaha* (interest) exists, this is the *Shar'*(rule) of Allah. As such, what is better for the Poor is the best thing to pay as *Sadaqat Al-Fitr*. If time conditions and the poor's circumstances make food the best thing for him, then it is the best. If however these circumstances make money more beneficial, then money is the best.

This is the conduct of Mu'awyah when he made a half of one *Saa'* of wheat equal to one *Saa'* of dates. Thus he considered the value of the *Saa'*, for if value is not considered, he would not equate half of one *Saa'* of wheat to one *Saa'* of dates.

In addition, we need to consider the conduct of Mu'adh Ibn Jabal when he took into consideration the interest of the donator and the poor together. He accepted from the people of Yemen to give charity in the form of clothes instead of wheat and barley noting, "This is easier for you and more beneficial for the companions of the Prophet (PBUH) in Medina." Thus, he looked for the benefit of both the payer of charity and the charity taker.

Also, Abu Yusuf<sup>99</sup> (one of the disciples of Abu Hanifah) said, "In my view, flour is better than wheat, and money is better than both flour and wheat, as this is more useful for the poor."<sup>100</sup>

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<sup>97</sup> Muslim, *Sahih*, Book of "Zakah", Chapter: The Zakat Al-Fitr for Muslims from Dates and Barley, Hadith no. 985. *Mudd* is measure that equal quarter of *Saa'*.

<sup>98</sup> Al-Bukhari, *Sahih*, Book of "Zakah", Chapter: Zakat may be paid in kind.

In addition, Muslim Jurists agreed on paying *Sadaqat Al-Fitr* as from the dominant food stuff of a given territory. Thus, this dominant food stuff may be a sort other than those sorts mentioned in the Ahadith. It may be wheat, corn, or rice. This agreement of the Jurists is made to facilitate paying the Zakah and taking into consideration the interest of the poor, following the statement of Mu'adh Ibn Jabal.

Whoever reviews our modern real world will find that paying *Sadaqat Al-Fitr* in money is more beneficial for the poor as this helps him to buy whatever he needs. Moreover, when a poor person collects *Sadaqat Al-Fitr* in the form of wheat, barely or rice, he would need to sell these amounts in lower price than the market one, and this is against the interest of the poor in our time. However, we do not blame those who pay this *Zakah* in the form of the stated food stuff in the Ahadith, or those who pay other food stuff as Mu'awiyah did. Thus, the issue is open for more than one interpretation, and we cannot reject acting according to the different views of reliable scholars, for the legal maxim states, "we can forbid that which scholars agreed to its prohibition. However, what the scholars disagreed about, we cannot forbid."

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<sup>99</sup> Ya'qub Ibn Ibrahim Ibn Habib Al-Ansari AL-Kufi Al-Baghdadi. He is one of the disciples of Abu Hanifah, and one of the great jurists. He was born in Kufa in 113 A.H. He is the first to be given the title, "Head of the Judges". Among his most important works are: *Al-Kharaj* and *Al-Amali*, (See: *Al-A'lam* by Al-Zirkili, 8/193)

<sup>100</sup> Ibn Mawdoud Al-Hanafi, *Al-Ikhtiyar fi Ta'lim Al-Mukhtar*, Dar Al-MAA'rifah, p. 16; Abu Bakr Ibn Mas'oud Ibn Ahmad Al-Kasani, *Bada'i' Al-Sana'i'*, Dar Al-Kutub Al-Ilmiyyah, 2<sup>nd</sup> edition, 2/72.

## Fifth Example

### Understanding the Ahadith on *Al-Adha Eid* Sacrifices

Salamah Ibn Al-Akwa narrated that the Prophet (PBUH) said, "Whoever sacrifices (animal) should not keep anything of its meat after three days." When it was the next year the people said, "O Allah's Messenger (PBUH)! Shall we do as we did last year?" He said, 'Eat of it and feed of it to others and store of it for in that year the people were having a hard time and I wanted you to help (the needy).'<sup>101</sup>

Abu Sa'id Al-Khudri narrated that the Prophet (PBUH) said: Do not eat the flesh of sacrificed animals beyond three days. They (the Companions of the Prophet) complained to the Messenger of Allah (PBUH) that they had children and servants of theirs (to feed), whereupon he said: Eat, and feed others, and store, and make it a provision of food.<sup>102</sup>

Abdullah Ibn Waqid said, "The Messenger of Allah (PBUH) forbade eating the meat from sacrificial animals after three days." Abdullah Ibn Abi Bakr said, "I mentioned that to Amra Bint Abd Al-Rahman, and she affirmed that he had spoken the truth as she had heard Aishah, the wife of the Prophet (PBUH) say, 'Some people from the desert came at the time of the sacrifice in the time of the Messenger of Allah (PBUH). So the Messenger of Allah (PBUH) said, 'Store up for three days, and give what is left over as *Sadaqah* (charity).'" She said that afterwards someone said to the Messenger of Allah (PBUH) that people had been accustomed to make use of their sacrificial animals, melting<sup>103</sup> the fat<sup>104</sup> and curing the skins. The Messenger of Allah (PBUH)

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<sup>101</sup> Al-Bukhari, *Sahih*, Book of "Sacrifices", Chapter: What may be eaten of the meat of sacrifices and what may be taken as journey food, Hadith no. 5569.

<sup>102</sup> Muslim, *Sahih*, Book of "Sacrifices", Chapter: The prohibition of eating sacrificial meat for more than three days, which applied at the beginning of Islam but was then abrogated, Hadith no. 1973.



said, "What about that?" They said, "You have forbidden the meat of sacrificial animals after three days." The Messenger of Allah (PBUH) said, "I only forbade you for the sake of the people who were coming to you. Eat, give *Sadaqah* and store up."<sup>105</sup>

Ibn Umar narrated that the Prophet (PBUH) said: "None of you should eat from the meat of his sacrificial animal beyond three days."<sup>106</sup>

Thus, reviewing these Ahadith and their contexts, we can understand that the Ahadith stating "eat, give charity, and store up" and the Hadith of "Do not eat the meat of sacrificed animals after three days" do not abrogate each other. Rather, each one addresses certain circumstances. In good times, we shall act upon the Hadith "eat, give charity, and store up", while in times of economic hardships or poverty, we shall act upon the Hadith of "None of you should eat from the meat of his sacrificial animal beyond three days". The Prophet (PBUH) clearly stated this when people asked him about his prohibition "Eat of it and feed of it to others and store of it for in that year the people were having a hard time and I wanted you to help (the needy)."

Most people unfortunately restrict themselves to the Prophet's saying, "eat, give charity, and store up", and consider it is an absolute obligation to divide the sacrifice into three equal parts: one third for the poor, one third to give as a present, and one third for one's family. However, this way of distribution is just a roughly one meaning not to neglect the poor's share.

However, we affirm the necessity of providing the poor and the needy and giving them the largest portion of the sacrifice. A'ishah (May Allah be pleased with her)

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<sup>105</sup> Muslim, *Sahih*, , Book of "Sacrifices", Chapter: The prohibition of eating sacrificial meat for more than three days, which applied at the beginning of Islam but was then abrogated, Hadith no. 1971.

<sup>106</sup> Al-Tirmidhi, *Sunan*, The Book on Sacrifices, Chapter: The Prohibition To Eat From The Sacrificial Meat Beyond Three Days, Hadith no. 1509.

reported that the Messenger of Allah (PBUH) had slaughtered a sheep and distributed major portions of its meat. Then he (PBUH) asked, "What remains of it?" She said: "Nothing remains of it except its shoulder." He said: "All of it remains except its shoulder."<sup>107</sup> Thus, it is the Portion given as charity which a person will find in the Hereafter. Allah (Glory be to him) says, "What you have, runs out; but what God has endures" (Qur'an, 26: 96)

The Prophet (PBUH) urged us to help the poor and the needy on the Day of *Eid* saying "Provide them on that day."<sup>108</sup> That is, give them charity and do not let them ask people for help on that day. Allah's bounties upon us shall increase when we thank Him and help people. Allah says, "Remember that He promised, 'If you are thankful, I will give you more, but if you are thankless, My punishment is terrible indeed.'" (The Quran, 14: 7) and says, "Though now you are called upon to give [a little] for the sake of God, some of you are grudging. Whoever is grudging is so only towards himself: God is the source of wealth and you are the needy ones. He will substitute other people for you if you turn away, and they will not be like you." (The Quran 47: 38). The Prophet (PBUH) says, "Every day two angels come down from Heaven and one of them says, 'O Allah! Compensate every person who spends in Your Cause,' and the other (angel) says, 'O Allah! Destroy every miser.'" <sup>109</sup>

The Prophet (PBUH) said, "Allah has given bounties for some people, and will keep these bounties as long as those people serve other humans. If those people disliked serving others, Allah will deprive them these bounties"<sup>110</sup>

## Sixth Example

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<sup>107</sup> Ai-Tirmidhi, *Sunan*, Book of AMrriage, Hadith no. 2470.

<sup>108</sup> Al-Daruqutni, *Sunan*, Book of Zakat Al-Fitr, Hadith no. 2133..

<sup>109</sup> Al-Bukhari, *Sahih*, Book of Zakah, Chapter: " There is the one who gives, who is mindful of God, who testifies to goodness– We will facilitate for them the Way of Ease.", Hadith no. 1442.

<sup>110</sup> Al-Tabarani, *Al-Mu'jam Al-Awsat*, Hadith no. 8350.

## Understanding the Ahadith on Standing up [to Welcome someone]

Mu'awiyah said that "I heard the Messenger of Allah (PBUH) say: Let him who likes people to stand up before him prepare his place in Hell."<sup>111</sup>

Also, Mu'awiyah reported that the Prophet (PBUH) said, "Whoever likes to have the slaves of Allah stand up out of respect for him should take his place in the Fire."<sup>112</sup>

Abu Umamah narrated: The Messenger of Allah (PBUH) came out to us leaning on a stick. We stood up to show respect to him. He said: Do not stand up as non-Arabs do to show respect to one another."<sup>113</sup>

Abu Sa'id Al-Khudri said: When Banu Quraizah were capitulated and they agreed to accept Sa'd's judgement, the Prophet (PBUH) sent a messenger to him. When he came, the Prophet (PBUH) said: stand up to your chief, or he said: "to the best of you". He came and sat beside the Messenger of Allah (PBUH). Then the Prophet (PBUH) said (to Sa'd)." Those (i.e. Banu Quraizah) have agreed to accept your verdict." Sa'd said, "Kill their (men) warriors and take their offspring as captives," On that the Prophet (PBUH) said, "You have judged according to Allah's Judgment."<sup>114</sup>

Anas said, "The Companions of the Prophet (PBUH) used to shake hands when they meet, and would hug each other when they return from a travel."<sup>115</sup>

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<sup>111</sup> Abu Dawud, *Sunan*, Book of General Behavior, Chapter: Standing up to honor a person, Hadith no. 5229.

<sup>112</sup> Al-Bukhari, *Al-Adab Al-Mufrad*, Chapter: Standing up to honor a person, Hadith no. 977.

<sup>113</sup> Abu Dawud, *Sunan*, Book of General Behavior, Chapter: Standing up to honor a person, Hadith no. 5230

<sup>114</sup> Al-Bukhari, *Sahih*, Book of Asking for Permission, Chapter: Stand up for your Chief, Hadith no. 6262.

<sup>115</sup> Al-Tabarani, *Al-Mu'jam Al-Awsat*, Hadith no. 97.

What we understand from these Ahadith is that the prohibition of standing up to welcome someone is not an absolute prohibition. It is restricted to the case when this standing is meant to show glorification as the non-Arabs would do at the time of the Prophet (PBUH). Thus when a text states the prohibition of standing, then it should be understood as applied to standing out of glorification as stated in the narration of which reads, "Do not stand up as non-Arabs do glorifying each other." Al-Bukhari reported this Hadith in his Book *Al-Adab Al-Mufrad* under the title "A Section of Standing for someone in Glorification." It is known the titles of Al-Bukhari are Juristic views. The same title is given by Abu Dawud in His *Sunan* "Section: Standing up to Honor a Person".

This understanding is supported by the Prophet's (PBUH) saying, "Stand up to (show respect to) your chief" i.e. Sa'd Ibn Mu'adh. If the Prohibition is meant to be absolute, the Prophet would not have said this. In addition, the Prophet's (PBUH) statements, "Whoever likes to have the slaves of Allah stand up out of respect for him" indicates that this person likes people to glorify him. However, when people just stand up out of respect and love, and on the other hand this person is humble one, then there is no harm in this.

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## Contents

Introduction.....	1
Chapter One: The Noble Qur'an Discourse on Prophet Muhammad.....	5
Chapter Two: The Sunnah: Status and Authority.....	12
Chapter Three: Inevitability of Renewal.....	23
Chapter Four: Essence of the Message of Islam, Necessity for Understanding its Ultimate Objectives.....	33
Chapter Five: Recommended Acts of Worship and Habitual Deeds.....	40
Chapter Six: Practical Examples from the Sunnah of the Prophet (PBUH).....	46
First Example: Understanding of the Hadith of the <i>Siwak</i> .....	47
Second Example: Understanding the Hadiths on Cleaning Beds.....	50
Third Example: Understanding the Ahadith on <i>Isbal</i> (Lengthening and Trailing Clothing).....	54
Fourth Example: The Ahadith on <i>Sadaqat Al-Fitr</i> .....	58
Fifth Example: Understanding the Ahadith on <i>Al-Adha Eid</i> Sacrifices.....	62
Sixth Example: Understanding the Ahadith on Standing up [to Welcome someone].....	64
Bibliography.....	67