

Ash-shakhsia al-Islaamiya: Vol I

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The Personality (ash-shakhsiyyah)

The human personality in every man consists of his *Aqliyyah* (mentality) and his *Nafsiyyah* (disposition). His physical characteristics and all other aspects have no bearing on his personality - these are only superficial. It would be pointless for anyone to think that such aspects have any relevance or bearing upon the makeup of the human personality. This is because man has a discerning mind, and it is his behaviour that indicates his progression or decline in life's affairs. As man's conduct in this life is driven by the concepts he holds, thus his behaviour is closely linked with his concepts. Human conduct relates to those actions performed by man to satisfy his instincts and organic needs. He therefore acts in accordance with the inclinations (*moyool*) that he holds towards satisfaction of these instincts. Consequently his concepts (*mafahim*) and inclinations (*moyool*) are the backbone of his personality. One may ask questions such as "What are these concepts? What makes them? What are their results? What are these inclinations? What causes them, and what effect do they have?" These can be answered as follows.

Concepts are the meanings of thoughts, and not of statements. A statement denotes a meaning that may or may not exist in reality. For example when the poet says, "there is amongst men some who, when attacked, are found to be robust and sturdy, but when you throw a truthful argument at one of them, he instantly flees the fight worn out."

The meaning conveyed by the poet does exist in reality and can be understood through sensory perception, though understanding this meaning requires enlightened thought. However when the poet says, "they wondered, does he indeed penetrate two horsemen with one strike of his spear and find this not a grand act?" and he answered by saying, "if his spear was one mile long, the same length of horsemen he would penetrate with his strike."

The denotation of these lines is non-existent in reality. The warrior praised in this verse never

penetrated two horsemen with his spear in one strike, no one asked the question answered by the poet, and the warrior is incapable of penetrating a mile of horsemen with a single strike of his spear. The meaning of these sentences and their component words are explained. On the other hand, the meaning of thought is as follows: if the meaning denoted by the statement exists in reality and can be deduced through sensory perception or if perceived by the mind as something sensed and thus believed in, then we can say this meaning is a concept for the person who senses it or the person who visualises it and believes in it. It is not a concept for anyone who does not sense or visualise this meaning, although such a person may understand the meaning of the sentence that has been said. Accordingly, a person must perceive discourse in an intellectual manner, whether it be written or spoken word. That is, he must understand the meaning of sentences just as those sentences express that meaning, not as the producer of these sentences or what he wants the sentences to mean. At the same time, the person must comprehend the reality of that meaning in such a manner that he can readily identify this reality so that the meaning becomes a concept. Concepts are those meanings whose reality can be understood by the mind, whether it be a tangible reality existing beyond the limits of the mind or a reality accepted as existing outside the mind, provided this acceptance is based on tangible reality. Apart from these ideas, the meanings of words and sentences are not called concepts; they are mere information.

Concepts are formed by the association of reality with information or vice-versa, and as a result of the crystallisation of this formation according to the criterion against which information and reality are measured when this association occurs. So concepts are formed according to the person's understanding of the reality and the information when he links them together, i.e. according to his comprehension of them. Thus a person acquires the mentality for understanding words and sentences, comprehends the meanings and their reality, and then makes a judgement on this reality. The mentality is the tool used for understanding things; meaning it is the mode for

linking reality with information; this being done by measuring it against one standard or a number of specific standards. From this stem different types of mentalities, such as the Islamic mentality, the Communist mentality, the Capitalist mentality, the anarchist mentality or a monotonous mentality. Thus it can be said these concepts determine the conduct of man towards the comprehended reality. They also determine his position in terms of inclining towards the reality or turning away from it. In addition they provide him with a particular inclination and a specific taste.

The inclinations are the desires that motivate man to seek satisfaction alongside the concepts he holds about those objects he believes that will provide satisfaction of his desires. These inclinations are borne out of the vital energy that pushes man to satisfy his instincts and organic needs, and the link between this energy and his concepts. It is these inclinations that constitute man's *Nafsīyyah* (disposition or behaviour). The *Nafsīyyah* is the method for satisfying man's instincts and organic needs i.e. the manner in which the desire or drive to satisfy these needs are combined with the concepts. It is a combination of the relationship (inside each human being) between his desires and his concepts about life, and the concepts he holds about those material objects that will satisfy his instincts and organic needs.

The *Shaksīyyah* (personality) is composed of the *Aqliyyah* (mentality) and *Nafsīyyah* (behaviour). Although the capacity for comprehension is innate and definitely existent within every human being, the development of the *Aqliyyah* and the *Nafsīyyah* comes from man himself. The existence of a standard against which information and reality are evaluated before being linked is what clarifies the meaning so that it becomes a concept; and the combination that occurs between man's desires or drives and the concepts he holds about these is what crystallises the desire so that it becomes an inclination. Thus the criterion against which man measures information and reality before being linked is the most important factor that affects the development of the *Shaksīyyah*. If the criterion

according to which the *Aqliyyah* is formed is the same as that according to which the *Nafsīyyah* is formed, then man will hold a particular *Shaksīyyah*. However if the criterion for *Aqliyyah* differs from the criterion for the *Nafsīyyah*, it follows that this man's mentality will be different from his disposition or behaviour. This man would then measure his inclinations against deep-rooted criteria that he holds, thus linking his desires with concepts other than those which have formed his *Aqliyyah*. The result is that he develops a *Shaksīyyah* that lacks distinctiveness, is full of contradiction and discrepancy, and is a human being whose thoughts are different from his inclinations. He understands words and sentences, and comprehends events in a manner different from his inclination towards things.

Consequently, the formation and treatment of the *Shaksīyyah* can only be achieved through establishing a single standard for both the *Aqliyyah* and the *Nafsīyyah*. The standard against which man measures information and reality when he links them together should be the same standard basis according to which his drives and concepts are associated. The result of this is the formation of a unique and distinctive *Shaksīyyah*.

The Islamic Personality

Islam has provided a complete solution for man to create for himself a particular personality distinct from all others. With the Islamic '*Aqeedah* (creed), it treated his thoughts, making for man an intellectual basis upon which his thoughts would be built and according to which his concepts are formed. He can distinguish true thoughts from false ones when he measures them against the Islamic '*Aqeedah*, thus using it as an intellectual standard against which he can measure all thoughts. So his '*Aqliyyah* is built upon the '*Aqeedah* which provides him with a distinct mentality and a true basis for thoughts. It thus safeguards man against incorrect thoughts and allows him to remain honest in his thoughts and sound in his comprehension of them.

At the same time, man's actions which stem from his instincts and organic needs are properly treated by Islam with Shari'ah rules that emanate from the '*Aqeedah* itself. The Shari'ah rules regulate but do not suppress the human instincts, they harmonise the different instincts together but do not leave them free to be satisfied in any manner. The Shari'ah rules do permit man to satisfy all his needs in a way that will lead the human being to tranquility and stability. Islam has made the Islamic '*Aqeedah* an intellectual one, making it suitable as an intellectual standard against which all thoughts can be measured. It also developed its '*Aqeedah* as a comprehensive idea about man, life and the universe. This comprehensive idea was made to solve all man's complexities and problems, whether internal or external, thus making it suitable as a general standard automatically used naturally when there arises the link between man's desires and his concepts. Islam has provided man with a definite standard representing a solid criterion for both the '*Aqliyyah* (mentality-concepts) and the '*Nafsiyyah* (behaviour-inclinations) at the same time. Islam has developed the human personality in a unique way distinct from other personalities.

We can conclude Islam develops man's personality through the Islamic '*Aqeedah*. The '*Aqeedah* forms both the '*Aqliyyah* (mentality) and

the '*Nafsiyyah* (disposition). The Islamic '*Aqliyyah* is that which thinks on the basis of Islam, taking Islam alone as the general criterion for all thoughts related to life. It is not the '*Aqliyyah* that is merely knowledgeable or pensive. The fact that a human being practically takes Islam as the criterion for all his thoughts is what makes his '*Aqliyyah* an Islamic one. The Islamic '*Nafsiyyah* is that which bases all its inclinations on Islam, making Islam the only general criterion for satisfaction of all man's needs and desires. The '*Nafsiyyah* is not merely ascetical or stringent. The fact that a person practically makes Islam the criterion for satisfaction of all his needs and desires is what makes his disposition an Islamic one. A person with this '*Aqliyyah* and '*Nafsiyyah* thus becomes an Islamic personality, irrespective of whether he is knowledgeable or ignorant, or of whether he confines himself to observing the '*Fard* (obligatory) and '*Mandoub* (recommended) rules and refrains from doing the '*Haram* (prohibited) actions, or performs other '*Mustahabb* (recommended) acts of obedience and avoids performing suspicious acts. In these cases, such a person has an Islamic personality; because anyone who thinks on the basis of Islam and makes his desires conform to Islam has an Islamic personality.

Indeed Islam ordered the Muslim to study and learn the Islamic '*Thaqafah* (culture) to maintain the growth and development of the Islamic '*Shakhsiyyah* and its ability to assess and evaluate all thoughts. Islam also demanded the performing of actions beyond the '*Fard* (obligatory) actions and demanded the avoiding of actions beyond the '*Haram* (forbidden actions) to strengthen the '*Nafsiyyah* that it would be capable of deterring any inclination incompatible with Islam. All this is intended to enhance the Islamic personality and set it on the path towards a sublime pinnacle. However, those personalities below this standard are not necessarily un-Islamic. Rather, this is a picture of the level of the ideal Islamic personality. Thus the common Muslims who are below this level and who act in accordance with Islam, and the educated people who confine themselves to performing the '*Fard* (compulsory) actions and abstain from performing the '*Haram* (prohibited) are also Islamic personalities. These

types of *Shaksīyyah* are all Islamic but vary in the degree and strength of their Islamic personalities. What matters in judging whether someone holds an Islamic *Shaksīyyah* is whether he takes Islam as the standard for his thinking and inclinations. It is on this basis that the Islamic *Shaksīyyah*, *Aqliyyah* and *Nafsiyyah* is defined and characterized.

So those who envisage that only an angel can have Islamic *Shaksīyyah* are making a serious misjudgment. The resultant damage they can cause to society is enormous, because they look for angelic figures from amongst the people and never find them; they cannot find such a person even amongst themselves. Thus they despair and give up all hope in Muslims. Such idealistics help promote the idea that Islam is utopian, impossible to implement, and is composed of supreme ideals and standards that man cannot implement or maintain. Consequently, they turn people away from Islam and many people are rendered too paralysed to act, even though Islam came to be implemented in practical life. Islam is realistic; it deals with realities and it is not difficult to implement. It lies within the potential of every human being, no matter how weak is his thinking and how strong are his instincts and needs. Such a man can implement Islam upon himself smoothly and easily after he has comprehended the Islamic '*Aqeedah* and holds an Islamic *Shaksīyyah*. Just by making the Islamic '*Aqeedah* the criterion for his concepts and inclinations and maintaining this criterion he will hold an Islamic *Shaksīyyah*.

The only task that he should be performing is strengthening his *Shaksīyyah* with the Islamic *Thaqafah* (culture) so his *Aqliyyah* will grow, and doing recommended acts of obedience to strengthen his *Nafsiyyah*. This places him on the path to a sublime pinnacle, which he would not only reach but also surpass in his desire to attain ever-increasing standards. Islam has treated man's mentality with its '*Aqeedah* when it made the Islamic '*Aqeedah* the intellectual standard on which to build his thoughts about life. He is able to distinguish true thought from false thought when he evaluates these thoughts against the Islamic '*Aqeedah* because it became his

intellectual reference point. In this way he protects himself against erroneous thoughts, avoids false thoughts, and remains true in his thoughts and sound in his comprehension of them. Islam treated man's inclinations with the Shari'ah rules when it treated his actions, which spring from his instincts and organic needs. This treatment is delicate; it regulates the instincts but does not harm them by attempting to destroy them. It does not leave the instincts free and unrestricted but puts them in harmony. It enables man to satisfy all his needs in a harmonious manner that leads to tranquility and stability. So a Muslim who embraces Islam through ration and evidence and fully implements Islam upon himself and understands correctly the rules of Allah (SWT) holds an Islamic *Shaksīyyah* distinct from all others. He acquires the correct Islamic *Aqliyyah* when he makes the Islamic '*Aqeedah* the standard for his thinking, and he acquires the correct Islamic *Nafsiyyah* when he makes this '*Aqeedah* the standard for the proper satisfaction of his drives and inclinations. The Islamic *Shaksīyyah* is characterised with special attributes that distinguish the Muslim and makes him stand out amongst the people; his visibility can be likened to a mole mark on a human face. These attributes that characterise him are an inevitable result of his observance of Allah (SWT)'s commands and prohibitions, and performing actions in accordance with these commands and prohibitions due to his awareness of his relationship with Allah (SWT). Thus, his aim in observing the *Shar'a* is solely for the pleasure of Allah (SWT).

Once the Muslim has acquired the Islamic *Aqliyyah* and *Nafsiyyah*, he effectively becomes qualified to act as a soldier and a leader simultaneously. He combines the attributes of mercy and toughness, and luxury and asceticism. He truly understands life, so he seizes this worldly life and takes from it only what he needs, and achieves the hereafter by striving for it. Accordingly he is not dominated by any of the attributes of those who idolize this worldly life. He does not drift with religious ecstasy or Indian asceticism. Simultaneously, he is a hero of Jihad and a resident of the prayer room. He humbles

himself when he is a master. He carries within him the qualities of leadership and jurisprudence, trade and politics. His most sublime attribute is that he is a servant of Allah (SWT), his Creator. So you will see him humble in his prayer, he refrains from futile and wasteful talk, he pays his Zakaah, lowers his gaze, observes his trusts and honours his pledges, he keeps his promises and performs Jihad. This is the Muslim and this is the believer. This is the Islamic *Shaksyyah* created by Islam making the man who holds this *Shaksyyah* the most righteous amongst mankind.

Allah (SWT) has described this *Shaksyyah* in the Holy Qur'an through various *Ayahs* (verses) in which He (SWT) described the companions of the Prophet (SAW), the servants of Allah (SWT) and those who perform Jihad. Allah (SWT) says:

"Mubammad (SAW) is the Messenger of Allah (SWT), and those who are with him are severe against disbelievers, and merciful among themselves." [TMQ 48:29]

And He (SWT) says:

"The first to embrace Islam of the Mubajirun (those who forsook their homes) and the Ansar (those who helped and gave aid to the Mubajirun) and those who followed them exactly (in faith). Allah (SWT) is well-pleased with them as they are well-pleased with Him." [TMQ 9:100]

And He (SWT) says:

"Successful indeed are the believers. Those who offer their prayers with all solemnity and full submissiveness. And those who turn away from Al-Laghw (dirty, false vain talk and falsehood). And those who pay the Zakah." [TMQ 23:1-4]

And He (SWT) says:

"And the slaves of the Most Beneficent (Allah (SWT)) are those who walk on the earth in humility and sedateness, and when the foolish address them (with bad words) they repay back with mild words of gentleness. And those who spend the night before their Lord, prostrate and standing." [TMQ 25:63-64]

And He (SWT) says:

"But the Messenger (Mubammad (SAW)) and those who believed with him (in Islamic Monotheism) strove

hard and fought with their wealth and their lives (in Allah (SWT)'s Cause). Such are they for whom are the good things, and it is they who will be successful. For them Allah (SWT) has got ready Gardens (Paradise) under which rivers flow, to dwell therein forever. That is the supreme success." [TMQ 9:88-89]

And He (SWT) said:

"(The believers whose lives Allah (SWT) has purchased are) those who repent to Allah (SWT) (from polytheism and hypocrisy, etc.), who worship Him, who praise Him, who fast (or go out in Allah (SWT)'s Cause), who bow down (in prayer), who prostrate themselves (in prayer), who enjoin (people) for Al-Ma'ruf (i.e. Islamic Monotheism and all that Islam has ordained) and forbid (people) from Al-Munkar (i.e. disbelief, polytheism of all kinds and all that Islam has forbidden), and who observe the limits set by Allah (SWT) (do all that Allah (SWT) has ordained and abstain from all kinds of sins and evil deeds that Allah (SWT) has forbidden). And give glad tidings to the believers." [TMQ 9:112]

The Formation of *Shaksiyyah* (personality)

When man recognises or comprehends things in a particular way he acquires a specific *Aqliyyah*. When the desire for satisfaction of instincts have crystallised through the inevitable association of these desires with the concepts man holds about these desires, he acquires a specific *Nafsiyyah*. When both factors come together, he acquires a specific *Shaksiyyah*. *Shaksiyyah* can thus be defined as combining the way a human being recognises things and the way he chooses to satisfy his needs into one direction built on a unique standard. The formation of *Shaksiyyah* is establishing one standard for both thoughts and inclinations in man. Such a standard may be one or several, but when it is several, i.e. multiple principles are made the standards for thoughts and inclinations, one would hold a *Shaksiyyah*, but it would be colourless. If the standard were singular, i.e. one principle made the basis for thoughts and inclinations, then that man one would hold a unique *Shaksiyyah* with a specific colour. This is what every human being should be like, and this is what he should endeavour to achieve in the process of teaching and culturing individuals.

Although every general thought could be a basis for thoughts and inclinations, it can only be a basis for a limited number of things but not for all things. Nothing qualifies as a comprehensive basis for all things except one comprehensive thought about man, life and the universe. This thought becomes the intellectual basis upon which every thought is built, and on which every viewpoint in life is determined. This comprehensive thought is the only *'Aqeedah* that is a suitable reference point for those thoughts that regulate all life's affairs and affects man's conduct in his life.

Nevertheless, the fact this comprehensive thought, i.e. the intellectual *'Aqeedah* is acceptable as the only general and comprehensive basis for thinking and inclinations does not mean it is the correct basis. It only means that it is acceptable as a basis, regardless of being right or wrong. The determining factor of whether this basis is right or wrong is its degree of compatibility with man's *Fitrah* (innate nature). If the intellectual creed is

compatible with man's *Fitrah*, it would be the correct creed and hence, the correct basis for all thoughts and inclinations, i.e. for the formation of the *Shaksiyyah*. If incompatible with man's *Fitrah*, this represents an incorrect basis and would be a false creed. The incompatibility of such an *'Aqeedah* with the human *Fitrah* means recognition of the natural impotence of man and the need of dependency on the Creator that lies within man's *Fitrah*, meaning its compatibility with the human instinct for sanctification.

The Islamic *'Aqeedah* is the only intellectual creed that acknowledges what is in man's *Fitrah*, namely the instinct of sanctification. All other creeds are either compatible with the instinct for sanctification through emotion but not reason, or they are creeds that do not acknowledge what is in man's *Fitrah*, the instinct of sanctification.

Therefore, the Islamic *'Aqeedah* is the only correct creed, and the only one that can be used as the correct basis for evaluating man's thoughts and inclinations. Hence, the creation of the human *Shaksiyyah* should be built through the use of the intellectual *'Aqeedah*. Since the Islamic *'Aqeedah* is the only correct intellectual creed, and accordingly it is the only correct basis, then the Islamic *Shaksiyyah* must be made by making the Islamic *'Aqeedah* the sole basis for man's thoughts and inclinations, so as to be a distinct and sublime personality. Formation of the Islamic *Shaksiyyah* is accomplished only by building both the thoughts and the desires of the individual on the basis of the Islamic *'Aqeedah*. The development of the *Shaksiyyah* does not end here. There is no guarantee that the *Shaksiyyah* will remain based on the Islamic *'Aqeedah*, as deviation from the *'Aqeedah* might occur either in man's thinking, or in his inclinations or even in both. Deviation may come through *Kufr* (misguidance) or *Fisq* (transgression). Constant observation of building thoughts and inclinations on the basis of the Islamic *'Aqeedah* must be maintained at every moment in life for the individual to remain an Islamic *Shaksiyyah*. After the initial formation of the *Shaksiyyah*, work is focused on maintaining it by developing the *Aqliyyah* and the *Nafsiyyah*. The *Nafsiyyah* is developed through worshipping the Creator and

drawing closer to Him by doing acts of obedience, and by constantly building every desire for any thing on the Islamic *'Aqeedah*. Development of the *'Aqliyyah* is achieved by the explanation of thoughts built on the Islamic *'Aqeedah* and conveying them through the Islamic *Thaqafah*.

This is the method for forming and developing the Islamic *Shakhsiyyah*. It is the same method utilised by the Prophet (SAW) to call people to Islam and the Islamic *'Aqeedah*. Once they embraced Islam, he (SAW) strengthened this *'Aqeedah* within them and ensured that they were committed to building their thoughts and inclinations on this basis. This has been well reported in the *Athar* (material conveyed by the Sahabah) that the Messenger of Allah (SWT) (SAW) said:

"None of you shall be believer unless his disposition is in accordance with what I brought (to you),"

and

He says,

"None of you shall be believer unless I am the intellect with which he comprehends."

The Prophet (SAW) then proceeded to convey the Quranic *Ayaat* of Allah (SWT) that were being revealed to him and to teach Islam and its *Abkaam* (rules) to the Muslims. As a result of his efforts, and through following him and adhering to what he conveyed, lofty Islamic *Shakhsiyyahs* second only to those of the Prophets were formed.

In conclusion, the starting point with any human being is establishing the correct *'Aqeedah* within him, and then building the thoughts and inclinations on this basis; afterwards effort needs to be exerted in performing acts of obedience and acquiring the correct thoughts.

Gaps in Behaviour and Conduct (p20)

Many Muslims perform actions incompatible with their Islamic *'Aqeedah* and many Islamic personalities may display behaviour contradicting the Islamic *Shaks'iyyah*. Some may think such actions and behaviour clearly incompatible with the Islamic *'Aqeedah* would ostracise the person in question from Islam, and would therefore divest him of his *Shaks'iyyah Islamiyyah*.

The truth is that any gap in the conduct of a Muslim does not divest him of his Islamic *Shaks'iyyah*. This is because a person may occasionally fail to link his concepts to his *'Aqeedah*; or he may be ignorant of the contradiction between any concepts alien to Islam and his *'Aqeedah* or his *Shaks'iyyah*; or his heart may be influenced by Satan, causing him to distance himself from his *'Aqeedah* in one of his actions. So he might act in a manner incompatible with his *'Aqeedah* or contradicts the attributes of a Muslim adherent to his Deen or against the commands and prohibitions of Allah (SWT). He might do all that or some of it when he still embraces the Islamic *'Aqeedah* and employs it as the criterion for his thoughts and inclinations. Thus it is incorrect in such cases to say that the person has abandoned Islam or become a non-Islamic person (SWT). As long as he holds to the Islamic *'Aqeedah*, he remains a Muslim, although disobedient in one of his actions. As long as one adopts the Islamic *'Aqeedah* as the basis for his thoughts and inclinations, he holds an Islamic *Shaks'iyyah*, even if he commits *Fisq* (transgression) in any given action he performs. What matters is embracing the *'Aqeedah* and adopting it as the basis for his thoughts and inclinations, even though from time to time there may be lapses in actions and behaviour.

A Muslim is not ostracised from Islam unless he abandons the Islamic *'Aqeedah* either by speech or action. He is not divested of his Islamic *Shaks'iyyah* unless he distances himself from the Islamic *'Aqeedah* in his thoughts and inclinations, i.e. he no longer takes it as the basis for his thoughts and inclinations. If he does this, he is considered to have left the fold of Islam,

otherwise he remains a Muslim. Therefore, one can be a Muslim as long as he does not deny the Islamic *'Aqeedah*, but he does not hold an Islamic *Shaks'iyyah*. Despite his embracing of the Islamic *'Aqeedah* he does not adopt it as the basis for his thoughts and inclinations. This is because the associating of the concepts with the Islamic *'Aqeedah* is not a mechanical process to the extent that the concept will not function except in concert with the *'Aqeedah*. It is a social process that can be separated from the *'Aqeedah* or reassociated with it. Thus it is no wonder that a Muslim is disobedient and violates the commands and prohibitions of Allah (SWT) in one of his actions. Such a person might see the reality as incompatible with associating behaviour with the *'Aqeedah*. The Muslim might imagine that it was in his interest to do what he did but then repents and comprehends the error of what he has done. A violation of Allah (SWT)'s commands and prohibitions does not deny him of his *'Aqeedah*, but it does negate his commitment to the *'Aqeedah* in this precise action. Therefore, an *'Aasi* (disobedient person) or a *Faasiq* (perpetrator of transgression) is not considered *Murtad* (apostate), but an *'Aasi* only in the act in which he was disobedient, and he is punished for this action only. He remains a Muslim as long as he embraces the *'Aqeedah* of Islam. In the instance that the Muslim commits the action of disobedience it should not be said he is a non-Islamic *Shaks'iyyah*, as long as his adoption of the Islamic *'Aqeedah* as a basis for his thoughts and inclinations is intact and free of doubt.

The Sahabah (companions of the Prophet) were involved in various incidents during the time of the Prophet (SAW) when a companion would violate a command or prohibition. Such violations did not remove the Sahabah from the fold of Islam, nor did they compromise his Islamic *Shaks'iyyah*. This is because they were humans not angels. They are just like all other people and they are not infallible because they are not Prophets. For example, Hatib ibn Abi Balta'ah conveyed to the Quraish of Makkah news of the Prophet (SAW)'s intention to invade them, although the Prophet was careful to maintain the secrecy of the invasion. The

Prophet (SAW) twisted the head of Al-Fdl Ibn Al-‘Abbas when he saw him staring in a manner indicating lust and desire at a woman talking to the Prophet. In the year of the Conquest (of Makkah), the Ansar spoke about the Prophet (SAW) and claimed he had abandoned them and returned to his kinsfolk despite his vow not to do so. The senior Sahabah fled the fight at Hunain and left the Prophet (SAW) alone with few companions. These were just a few incidents which the Prophet (SAW) never considered as undermining the Islam of the instigators or as a stain upon the *Shaksiiyyah* of the Sahabah concerned.

This is sufficient evidence that gaps in conduct do not ostracise the Muslim from Islam, nor do they deprive him of his Islamic *Shaksiiyyah*.

However this does not imply that it is acceptable to disobey Allah (SWT)’s commands and prohibitions, since it is beyond doubt that disobeying these commands and prohibitions is considered either *Haraam* (prohibited) or *Makrooh* (disliked). Nor does it imply that the Islamic personality is free not to conform to all the attributes of a committed Muslim since all these attributes are necessary for the formation of the Islamic *Shaksiiyyah*. However, this shows that Muslims are human beings and that Islamic personalities are not infallible. Thus, if they erred and their fault is punishable they should be treated in accordance with the dictates of Allah (SWT)’s rule. It cannot be said they have become non-Islamic personalities.

The criterion for judging whether a Muslim holds an Islamic *Shaksiiyyah* is the soundness of his Islamic ‘*Aqeedah* and the building of his thoughts and inclinations upon it. As long as this occurs the occasional gaps in conduct will not compromise his Islamic *Shaksiiyyah*. If a person’s ‘*Aqeedah* becomes deficient, this person is ostracised from Islam even if his actions have followed the rules of Islam, because these actions have been based either on habit, conformity to the opinions of the masses or any other matter other than belief. If the building process is faulty due to the Muslim’s use of benefit or the intellect as the basis on which he builds his behaviour, the person remains a Muslim due to the intactness of

his ‘*Aqeedah*. He would no longer be an Islamic *Shaksiiyyah*, even if he is numbered amongst the carriers of the Islamic Da’wa or his behaviour is in complete conformity with the rules of Islam. This is because the building of thoughts and inclinations on the Islamic ‘*Aqeedah* on the basis of belief is what makes an Islamic *Shaksiiyyah*. Those who love Islam and want it to be dominant and victorious but do not build their *Aqliyyah* on its thoughts and rules but rather on their own minds, interests or desires should be wary of such a deed, because it distances them from being Islamic personalities, though their ‘*Aqeedah* may be intact and they are highly knowledgeable about the thoughts and rules of Islam. Attention should be drawn to the fact that embracing the Islamic ‘*Aqeedah* means belief in the entirety of the Prophet (SAW)’s message, and those detailed matters whose evidence is beyond doubt; and the acceptance of all this must be matched with contentment and submission. It should be known that mere knowledge is insufficient and that refusal to accept even the most minor of matters definitely proven to be part of Islam ostracises the person and detaches him from the ‘*Aqeedah*. Islam is an indivisible whole as far as belief and acceptance is concerned and relinquishing even a fraction of it is *Kufr* (disbelief). Hence belief in the separation of the Islamic Deen from life’s affairs or from the state is indisputably *Kufr*. Allah (SWT) says:

“Verily, those who disbelieve in Allah (SWT) and His Messengers and wish to make distinction between Allah (SWT) and His Messengers (by believing in Allah (SWT) and disbelieving in His Messengers, saying “we believe in some but reject others,” and wish to adopt a way in between. They are in truth disbelievers.” [TMQ 4:150-151]

The Islamic 'Aqeedah

The Islamic 'Aqeedah is *Imaan* (positive belief) in Allah (SWT), His Angels, Books, Messengers, the Day of Resurrection and *Al-qadha'a wal-Qadar* (divine fate and destiny) whether favourable or unfavourable being from Allah (SWT) . The meaning of *Imaan* is the definite belief that conforms to reality and results from evidence. A belief deduced without evidence cannot be considered as *Imaan*. Without evidence, it cannot be considered and can only be considered as an item of news. Evidence is indispensable for any thing required to be part of *Imaan*, such that acceptance of it becomes *Imaan*. Therefore, the availability of evidence is a prerequisite for *Imaan*, irrespective of whether it is correct or incorrect.

Evidence is either rational or *Naqlee* (transmitted). What determines the nature of the evidence is the subject to be examined to confirm whether or not the Muslim should have *Imaan* in it. If the subject is accessible through the senses and can be perceived as such, the evidence is definitely rational. If the subject-matter cannot be accessed by the senses its evidence is considered *Naqlee*, and this evidence itself can be perceived through the senses. The categorisation of an evidence as a *Naqlee* proof suitable for *Imaan* is dependent upon proving it as an evidence using rational proofs.

Upon examination of those matters that the Islamic 'Aqeedah demands *Imaan* in, one finds that *Imaan* in Allah (SWT) can be acquired through rational proof. This subject matter, the existence of a Creator for all tangible comprehensible beings, can be perceived through sensory perception. But *imaan* in angels is achieved through *naqlee* proof because the existence of angels is not accessible by the senses, neither the angels themselves nor anything that indicates their existence is perceived by the senses. Regarding *Imaan* in the Books, they are classified as follows. *Imaan* in the Quran is achieved through rational evidence because the Quran is comprehensible and tangible its miraculousness is comprehensible and tangible at all ages. On the other hand,

Imaan in the other Books such as the Tawraah (Old Testament) , the Injeel (New Testament) and the Zaboor (The Book of Psalms) is achieved through *naqlee* evidence. This is because the fact that such Books come from Allah (SWT) is not perceptible at all ages. They were rather perceptible during the life of the Messengers who conveyed them, through the miracles that were delivered . Those miracles terminated at the end of their time; thus they are not perceptible after the time of those who delivered them. But the information that these Books were from Allah (SWT) and that they were delivered by the Messengers is reported. So, their evidence is *naqlee* not rational, because of the intellect's inability to comprehend at all ages that they were the speech of Allah (SWT), due to the inability to comprehend their miraculousness through the senses . *Imaan* in all of the Messengers is comparable to this. *Imaan* in Muhammad the Messenger is reached through rational evidence because the fact that the Quran is the speech of Allah (SWT) and that it was conveyed to us by Muhammad is accessible by the senses. Thus one's perception of the Quran leads to his realisation that Muhammad is the Messenger of Allah (SWT). This is feasible at all ages and for all generations. *Imaan* in all other Prophets is reached through *naqlee* proof, because the evidence of the Prophethood of each of them is his miracle which people other than those who lived at the Prophet's time cannot perceive. All those who came later on until the Day of Resurrection cannot perceive those miracles. Thus no tangible proof of their Prophethood is available. The proof of their Prophethood is not reached by rational but rather by *naqlee* evidence. The evidence of the Prophethood of our Master , i.e. his miracle , is available and accessible by the senses; it is the Quran. Therefore, the proof here is rational. The proof of the Day of Resurrection is *naqlee*, because the Day of Resurrection is not accessible by the senses; nothing accessible by the senses indicates it. So no rational proof is available for it but rather a *naqlee* proof. *Al-qadha'a wal qadar* (divine fate and destiny) has a rational proof because *Al-Qadha'a* (fate) is man's action that issues from him or happens to him against his will. It is accessible by the senses and is

sensorially comprehensible; thus its evidence is rational. The Qadar (destiny) is the attributes activated in things by man, such as burning by fire and cutting by knife. These attributes are accessible by the senses and are sensorially comprehensible. Thus the evidence of Al-Qadar is rational.

This has been regarding the type of evidence required for the 'Aqeedah. The specific evidence for each element of the 'Aqeedah is as follows. The evidence of the existence of Allah (SWT) is exhibited in everything. The fact that tangible comprehensible things exist is definite. The fact that they are dependent on other (things) is also definite. So the fact that they are created by a creator is definite because their need means that they are created, since their need indicates the pre-existence of something; so they are not eternal. It should not be said here that a thing depended on some other thing not on a "non-thing", and so things are complementary to each other, though in their totality they are independent. This should not be said because the subject of the evidence here is any specific thing such as a pen, a jug or a piece of paper, etc. The evidence is intended to prove that this pen or jug or that piece of paper is created by a creator. It will be obvious that this or that thing in itself is dependent on another, irrespective of that "other" on which it depends. This "other" on which a thing depends is definitely other than it, as is sensorially observed. Once a thing is dependent on some "other", it is proven as not eternal and thus it is created. It should not be said that a thing consists of matter and is dependent on matter and so dependent on itself not on an "other", and thus independent. This should not be said because even if we concede that a thing is matter and depends on matter, this dependence is dependence on something "other" than matter and not dependence on matter itself. This is so because an entity of matter alone cannot complement the dependence of another entity of matter; something other than matter is needed for this dependence to be complemented, and thus matter is dependent on something else, not on itself. For example, water needs heat in order to transform into vapour. Even if we conceded that heat is matter and

water is matter, the mere availability of heat is not adequate for water to transform; a specific proportion of heat is needed for transformation to take place. So water is dependent on this specific proportion of heat. Something other than matter itself imposes this proportion and compels matter to behave according to it. Thus matter is dependent on that who determines the proportion for it and so it is dependent on someone who is not matter. Hence the dependence of matter on non-matter is a definite fact; so it is needy and thus is created by a creator. Thus the tangible perceptible things are created by a creator.

The creator has to be eternal with no beginning, since if He was not eternal it would be a creature not a creator. Thus being a creator necessitates being eternal. The Creator is eternal by necessity. Upon examining the things that might be suspect of being the Creator, it is concluded that the only candidates are matter, nature or Allah (SWT). To say matter is the creator is false because of what has just been explained, i.e. the fact that matter is dependent on the one who determines for it the proportion in order for the transformation of things to happen; hence it is not eternal; and that which is not eternal cannot be a creator. To say that nature is the Creator is also false, because nature is the aggregate of things and the system that regulate them such that every thing in the universe behaves in accordance with this system. This regulation does not come from the system alone, because without the things to be regulated there can be no system. It does not come from the things either, because the mere existence of things does not inevitably and spontaneously produce a system; nor does their existence cause them to be regulated without a regulator. Nor does it come from the sum of things and the system, because regulation does not happen except in accordance with a specific situation that compels both the system and the things. This specific situation of the things and the system is what makes regulation possible. The specific situation is imposed on the things and the system and regulation can happen only in accordance with it. It does not come from the things or the system or the sum of both of them; hence it

comes from "something" other than them. Thus nature, which cannot function except in accordance with a situation that is imposed on it, is dependent, and thus it is not eternal; and that which is not eternal cannot be a creator. Thus we conclude that the Creator is that whose attribute is eternality by necessity. That is Allah Subhanahu wa Ta'ala.

The existence of Allah (SWT) is a perceptible and sensorially comprehensible, because the dependence of the tangible perceptible things on an eternal "thing" indicates the existence of the Creator. When man deeply reflects on the creatures of Allah (SWT), and examines closely the universe and attempts to comprehend time and place, he will see that he is only a very tiny atom in relation to these ever-moving worlds. He will also see that these many worlds are all functioning in accordance with specific way and fixed laws. Thus he will fully realise the existence of this Creator and comprehend His oneness and see His grandeur and capability. He will realise that all what he sees of the contrast between the day and the night, and the direction of the winds and the existence of the seas and the rivers and celestial orbits are indeed rational proofs and expressive evidences of the existence of Allah (SWT) and His oneness and capability.

Allah Almighty says,

"Behold! In the creation of the heavens and the earth; in the alteration of the night and the day; in the sailing of the ships through the ocean for the profit of mankind; in the rain which Allah (SWT) sends down from the skies, and the life which he gives therewith to an earth that is dead; in the beasts of all kinds that He scatters through the earth; in the change of the winds and the clouds which they trail like their slaves between the sky and the earth, (here) indeed are signs for a people that are wise." (Al-Baqarah 164).

Allah (SWT) also says, "

Were they created of nothing, or were they themselves the creators? Or did they create the heavens and the earth? Nay they have not firm belief." (Attoor35-36).

It is through the ration that the existence of Allah (SWT) is comprehended, and it is itself that is employed as the method of arriving at Imaan

(positive belief). Hence Islam ordered the use of ration and deemed it the evidence regarding Imaan in the existence of Allah (SWT) . Thus the proof of the existence of Allah (SWT) is rational.

Those who advocate the timelessness of the world, and that it is eternal with no beginning, and those who claim that matter is eternal, and that it has no beginning; they say that the world is not dependent on anything but is self-sustained, because all the things that exist in this world are different forms of matter; they are all matter. When any of these things depends on the other, this is not dependence, because when something depends on itself, this is not dependence but independence. Thus matter is eternal and has no beginning, because it is self-sustained, i.e. the world is eternal and self-sustained.

The answer to this is twofold: first, the things that exist in this world are incapable of creating (anything) from nothingness, whether individually or collectively. Each thing of them is incapable of creating from nothingness. If another thing complemented it in one or more aspects, it would still be, together with the other thing, incapable of creating. Its incapability to create from nothingness is tangibly conspicuous. This means that it is not eternal, because an eternal (thing) must not be characterised with incapability; it must be characterised with ability to create from nothingness, i.e. the effected things must depend on it in order for it to be deemed eternal. Consequently, the world is not eternal and not timeless because it is incapable of creating. The incapability of something to create from nothingness is definite evidence that it is not eternal.

Second, is what we have affirmed that a thing is dependent on a proportion that it cannot surpass in the process of complementing any other thing's dependence. Here is an explanation of this. (A) is dependent on (B) and (B) is dependent on (C) and (C) is dependent on (A). Their dependence on one another is evidence that each one of them is not eternal. The fact that each complements the other or satisfies the need of the other does not happen in an

unregulated manner but in accordance with a specific proportion, i.e. in accordance with a specific order. And the fact that it cannot fulfill this complementation except in accordance with this order and that it is incapable of surpassing it, this indicates that the thing which complemented (the other) did not fulfill the complementation solitarily but fulfilled it according to an order that was imposed on it by an "other" and it was compelled to conform to it. Thus the thing which complemented and that which was complemented both depended on that who determined for them the specific order in order for the complementation to happen. Both of them are incapable of surpassing this order. And the satisfying of the need cannot occur except in accordance with this order. Hence, that who imposed the order on both of them is the one to who is the need. Thus things collectively, even though each complements another, remain in need for an "other", i.e. in need to that who compelled them to conform to the specific order. For example, in order for water to transform into ice, it needs temperature. They say that water is matter, temperature is matter and ice is matter; thus in order to transform into another form, matter needed matter, i.e. needed itself and did not need another thing. But the reality is contrary to this. In order for water to transform into ice, it needs a specific temperature not only a temperature. Temperature is one thing and the fact that it does not act except at a certain level is another thing, and this is different from temperature itself. That is, the proportion that is imposed on temperature in order to act and on water to be affected does not come from water; otherwise it would have chosen to be affected as it wanted. It does not come from temperature either; otherwise it would have chosen to act as it wanted. That is, it does not come from matter itself; otherwise it would have chosen to act or be affected as it wanted. It has to come from something other than matter. Hence, matter needs that who determines for it the specific proportion that it needs in order to act or be affected. This who determines the proportion for it is one other than them. So matter needs one other than it. Thus it is not eternal because that who is eternal and not bound by time does not need an other because it is independent of

others; all things depend on it. The lack of independence of matter is definite evidence that it is not eternal and it is thus created. One single glance at the world makes any human realise that effecting things, whether they be of the type that occupies space or of the energy type, can only result from tangible perceptible things and a specific order between these tangible perceptible things in order for the effecting of things to happen. There is no creation from nothingness by this world. Nothing is effected in this world without being regulated and in conformity with this proportion. That is, nothing in this world is effected from nothingness or without proportion, i.e. without a specific order. Thus things that are effected and those that were effected in this world are not eternal or timeless. As far as things that are affected are concerned, this is obvious in that they are effected from tangible perceptible things and it is obvious that in the process of being effected, they were submitted to a specific proportion that was imposed on them. Concerning things that were effected, this is obvious in that they are incapable of creating from nothingness and also in their submission against their will to a certain order that is imposed on them. This order does not come from them; otherwise they would be capable of departing from it and of not submitting to it; therefore it comes from other than these things. The incapability of the tangible perceptible things in the world, i.e. the incapability of the world to create from nothingness and their submission to a specific order that comes from an other is definite evidence that the world is not eternal or timeless but it is created by the eternal and timeless. Concerning those who advocate that creating is proportioning and conditioning and thus deny the existence of a creator from nothingness, their advocacy means that it is the tangible perceptible things and the specific order that is imposed on them are the ones who do the creating. This is because proportioning and conditioning cannot take place except in the presence of a tangible perceptible thing and a specific order that comes from someone other than this thing. This entails that creating comes from these two things: the tangible perceptible things and the specific order, and thus they are the creators. This is what is

entailed by the advocacy that creating is proportioning and conditioning; it is definitely false. This is because the specific order does not come from the things or from itself, but it is imposed on the tangible perceptible things by another that does not belong to the perceptible tangible things.

Thus it is clear that proportioning and conditioning is not creating, because it is impossible for (things) to be effected solely by that. Thus it is necessary that something/someone that is not perceptible or tangible, who imposes a specific order for the tangible perceptible things in order for effecting to take place. This shows that proportioning and conditioning is not creation and that it is impossible for creation to take place with these only.

It should be noted that if a creator did not create the tangible perceptible things from nothingness, he would not be a creator indeed. Because he would be incapable of effecting things according to his will alone; he would rather be subject to something in company with which it can effect things. He would thus be incapable and not eternal, because he was incapable of effecting (things) by himself but needed something else. The one who is incapable and who needs (something) is not eternal. In addition, as a matter-of-fact, the meaning of a creator is the one who effects (something) from nothingness. The meaning of being a creator is that things depend in their existence on him, and that he does not depend on anything. If he did not create things from nothingness, or was incapable of creating when things did not exist, he would be dependent on things in effecting (things), and things would not be dependent solely on him. This means that he is not the sole creator and thus not a creator at all. So, a creator has to create things from nothingness in order for him to be a creator and has to be characterised with capability and will, independent of things, He should not depend on anything, and things should depend on him for their existence. Hence, effecting (things) has to be effecting from nothingness in order for it to be creation. The one who effects has to effect (things) from nothingness in order for him to be a creator.

Regarding the evidence of Imaan in Angles, it is a naqlee evidence;
Allah (SWT) says,

"There is no God but He: that is the witness of Allah (SWT), His Angles, and those endued with knowledge, standing firm on justice."19: Al Umraan".

And He says,

".. but it is righteousness to believe in Allah (SWT) and the Last Day, and the Angles and the Book, and the Messengers;(Al-Baqarah:177).

And He says,

" Each one (of them) believes in Allah (SWT), His angles, His books, and His Messengers," (Al-Baqarah:286).

And says,

" Any who denies Allah (SWT), His angles , His Books, His Messengers, and the Day of Judgement, has gone far, far astray." (An-nisaa':136).

Regarding the evidence of Imaan in the Books, the case of Quran is different from all other revealed Books. The evidence that the Quran is (revealed) from Allah (SWT) and that it is the speech of Allah (SWT) is a rational proof. This is because the Quran is a tangible perceived reality and the intellect can comprehend the fact that is (revealed) from Allah (SWT). The Quran is an Arabic text in its words and sentences. The Arabs did produce discourse, including the various types of poetry and the various types of prose. Texts of the discourse of the Arabs is still preserved in books and had been memorised and conveyed from generation to generation. The Quran is either the same as their mode of expression, which would indicate that it was uttered by an eloquent Arab, or it is a different mode of expression, which would mean that it was uttered by someone other than the Arabs. The Arabs are either capable of producing the like of it or incapable of this despite the fact that it is an Arabic discourse. If the Arabs produced the like of it, it would be the speech of humans like themselves. If they failed to produce the like

of it, despite the fact that it is an Arabic discourse and that they were the most eloquent masters of expression, it would not be the speech of humans. Upon examining the Quran and the discourse of the Arabs, one finds the Quran to be a unique mode of expression, which is unprecedented by anything the Arabs have said. They never produced anything that belonged to the category of the Quran, neither before nor after it was revealed, not even by way of imitating it or parodying its style. This proves that it was not the Arabs who produced this discourse and thus it is the discourse of someone else. It has been proved through tawaatur (authoritative chain of reporting whose reports are beyond any doubt) that bespeaks certainty and incontrovertibility that the Arabs were incapable of producing the like of the Quran although it challenged them to do so. The Quran addressed them: *"And if you are in doubt as to what We have revealed from time to time to Our servant, then produce a Sura like thereunto; and call your witnesses or helpers (if there are any) besides Allah (SWT), if your (doubts) are true.*

It also said,

"Or do they say, "He forged it?" Say: "Bring then a Sura like unto it, and call (to your aid) anyone you can besides Allah (SWT), if it be you speak the truth!" (Younus:38).

And it said,

"Or they may say, "He forged it." Say, "Bring you then ten Suras forged, like unto it, and call (to your aid) whomsoever ye can, other than Allah (SWT)! if you speak the truth!" (Houd:13).

And it said,

"Say: "If the whole of mankind and Jinns were to gather together to produce the like of this Quran they could not produce the like thereof, even if they backed up each other with help and support."(Al-israa':88).

Despite this stark challenge, they failed to produce the like of it. If it is proved that the Quran was not produced by the Arabs and that the Arabs failed to produce the like of it, then the Quran is proved to have come from Allah (SWT) and that it is the speech of Allah (SWT). This is because it is impossible for any one other than the Arabs to have produced, and because it

is an Arabic discourse, and because it rendered the Arabs incapable. It is wrong to say that it is the speech of Muhammad because Muhammad is one of the Arabs, and if the Arabs are proved incapable, then he himself is proved incapable because he is one of the Arabs. Moreover, everyone is governed by the mode of expression with words and sentences prevailing in his age or by the discourse reported from those who came before him. When he being creative in expression, he only uses words and expressions to convey novel meanings or in new figures of speech. It is impossible for him to utter (the like of) what he never sensed. It is evident in the genre of the Quran that the expression in it with words and sentences was not known by the Arabs, neither in the time of the Prophet nor before his time. As a human being, it is impossible for him to have produced the like of something that he had not sensed, because this is a rational impossibility. It is impossible for the Quranic mode of expression with respect to words and sentences to have been produced by Muhammad since he had not sensed it. Hence, the Quran is the speech of Allah (SWT) and Muhammad brought it from Allah (SWT). This was proved rationally when the Quran was revealed and it is proved rationally now because it continues to render human beings incapable of bringing the like of it. This incapability is proved sensorially and is sensorially comprehensible for all mankind.

In conclusion, the only conceivable sources of the Quran is either the Arabs or Muhammad or Allah (SWT), because the Quran is wholly Arabic and thus cannot have come from any other than these three. Yet it would be false to say that it was produced by the Arabs, because they were incapable of producing the like of it and they confessed to their incapability. They have until this day continued to be incapable of producing the like of it; this proves that it did not come from the Arabs. Thus it would be either from Muhammad or from Allah (SWT). It would also be false to say that it is from Muhammad, because Muhammad himself is an Arab, and however genius a person is he can never surpass his age. Thus if the Arabs are incapable, then Muhammad is also incapable; he is one of them.

Moreover, the hadith (speech) of Muhammad was reported through tawaatur, for example his saying (SAW), "he who intentionally reports something false concerning me, let him reside in his place in hellfire". If the speech of Muhammad is compared with the Quran, no similarity whatsoever is seen between the two types of text. This proves that the Quran is not the speech of Muhammad, and this proves that it is the speech of Allah (SWT).

It is noteworthy that all poets, writers, philosophers and thinkers of mankind commence (their writing) in a style that is characterised with some weakness; their style gradually improves until they reach the peak of their potential. Thus their style fluctuates in strength and weakness, apart from the occurrence of some frivolous thoughts and trite expressions in their texts. On the other hand, we find that style of the Quran from the day of the revelation of the first Ayah, "Read! in the name of your Lord and Cherisher, Who created,"(Al-'alaq:1) until the day of the revelation of the last Ayah, "O you who believe! Fear Allah (SWT), and give up what remains of your demand for usury (riba), if you are indeed believers."(Al-baqarah: 278), was uniformly at its peak with respect to articulacy and rhetoric and the sublimity of the thoughts therein and the vigour of its expressions. You will never find one trite expression or one frivolous thought in it, but it is one homogeneous piece, to the smallest detail, its entirety is, in respect of style, just like one single sentence. This is proof that it is not the speech of human beings, whose speech is susceptible to divergence in expressions and meanings; but it is indeed the speech of the Lord of the Worlds.

This has been regarding the Quran as one of the revealed Books in which Islam demanded Imaan. The proof of the other revealed Books is naqlee not rational: Allah (SWT) says,

"O you who believe! Believe in Allah (SWT) and His Messenger and the scripture which He has sent to His Messenger and the scripture which He sent to those before (him)."(Al-nisaa':136).

And He says,

"... but righteousness is to believe in Allah (SWT) and the Last Day, and the Angels, and the Book, and the Messengers;"(Al-baqarah:177).

He also says,

"To you We sent the Scripture in truth, confirming the Scripture that came before it, and controlling over it."(Al-ma'idah:48).

And He says,

"And this is a Book which We have sent down, bringing blessings, and confirming (the revelations) which came before it"(Al-an'aam:92).

And He says,

"This Quran is not such as can be produced by other than Allah (SWT); on the contrary it is a confirmation of (revelations) that went before it,"(Younus:37).

Concerning Imaan in the Messengers, the case of our Master Muhammad is different from that of the other Messengers. The proof of his Prophethood is rational not naqlee. This is because the proof of the truth of the claim of someone claiming to be a Prophet or a Messenger is the miracles that he brought as an evidence for his Message and the Shari'ah that he brought supported by those miracles. The miracle of our Master Muhammad that proves his Prophethood and Message-hood is the Quran. The Quran is itself also the Shari'ah that he brought. It is miraculous and continues to be so. Since it has been proved through tawaatur, which is a definite and decisive proof, that Muhammad is the one who brought the Quran, and that the Quran is the Shari'ah of Allah (SWT) and from Allah (SWT), and that none brings the Shari'ah of Allah (SWT) except Prophets and Messengers. This is thus a rational evidence that Muhammad is a Prophet and a Messenger of Allah (SWT).

The miracles of the rest of the Prophets expired and ceased to exist. The Books we have today lack rational evidence that they come from Allah (SWT). Because the miracles that prove that they come from Allah (SWT) have expired and ceased to exist. There is no rational proof to prove the Prophethood of any of the Messengers or Prophets except our Master Muhammad (SAW).

But their Prophethood is proved through naqlee evidence. Allah (SWT) says:

"The Messenger believes in what has been revealed to him from his Lord, as do the men of faith. Each one (of them) believes in Allah (SWT), His angels, His Books, and His Messengers. We make no distinction (they say) between one and another of His Messengers." (Al-Baqarah: 285) .

And He says,

"Say you: "We believe in Allah (SWT), and the revelation given to us, and to Abraham, Isma'il, Isaac, Jacob, and the Tribes, and that given to Moses and Jesus, and that given to (all) Prophets from their Lord: we make no difference between one and another of them: and we bow to Allah (SWT) (in Islam)." (Al-baqarah:136).

The proof of Imaan in the Day of Judgement , the Day of Resurrection, is naqlee not rational. Because the Day of Judgement is not accessible by the mind. Allah (SWT) says,

".. that you may warn the Mother of Cities and all around her. Those who believe in the Hereafter, believe in this (Book),"(Al-'an'aam:92).

And He says,

"... as to those who believe not in the Hereafter, their hearts refuse to know, and they are arrogant" (An-nahl:22).

And He says,

"To those who believe not in the Hereafter, applies the similitude of evil."(An-nahl:60).

And He says,

" And to those who believe not in the Hereafter, (it announces) that We have prepared for them a Penalty Grievous (indeed)" (Al-israa':10).

And He says,

"Then when one blast is sounded on the Trumpet, and the earth is moved, and its mountains, and they are crushed to powder at one stroke; On that Day shall the (Great) Event come to pass. And the sky will be rent asunder, for it will that Day be flimsy: And the angels will be on its sides, and eight will, that Day, bear the Throne of your Lord above them. That Day shall you be brought to

Judgement: not an act of yours that you hide will be hidden"(Al-waaqi'ah:13-19).

The Prophet (SAW) says, "Imaan is to is to have belief in Allah (SWT), His angles, His Books, His summoning you to account, His Messengers and to have belief in Resurrection.

These have been the matters that one must have Imaan in; they are five matters: Imaan in Allah (SWT), His Angles, His Books, His Messengers and the Day of Judgement , and to have Imaan in al-Qdhaa' and Qadar (fate and destiny). None is deemed to have belief (Imaan) in Islam or to be a Muslim unless he has Imaan in all of these five matters and also in al-Qadha'a wal Qadar. Allah (SWT) says,

"O you who believe! Believe in Allah (SWT) and His Messenger and the scripture which He has sent to His Messenger and the scripture which He sent to those before (him). Any who denies Allah (SWT), His angels, His Books, His Messengers, and the Day Of Judgement, has gone far, far astray"(An-nisaa':136).

The Quran and the Hadith mentions these five issues explicitly, unmistakably naming each of them and meaning the referent of each name. Imaan in any other issue explicitly named and the referent of the name meant, was not mentioned in any explicit and definite text, as is the case with these issues. The texts which are definite (Qat'ii) both in their chain of reporting (Qat'ii uth-thubuut) and in their meaning (Qat'ii ud-dalaalah, i.e. unambiguous) mentioned only these five, none else.

It is true that Imaan in al-Qadar was mentioned in the Hadith of Jibreel according to some versions of it, where it says, " he said 'and that you believe in al-Qadar, both good and bad..' ". But this hadith is Khabar Aahaad (reporting of single individuals; non-mutawaatir). Moreover, what is intended here by al-Qadar is the knowledge of Allah (SWT) not the controversial issue of al-Qadha'a wal-Qadar. The issue of Imaan in al-Qadha'a wal-Qadar by this name and with the referent that is a subject of controversy was never mentioned in a Qat'ii (definite) text. Yet the referent of the term is part of 'Aqeedah; thus Imaan in it is obligatory. It was never known by this name and with this referent at the

time of the Sahabah. No Sahiih (authentic) text mentions it by this name and with this referent. Rather it became common only at the beginning of the era of the Tabi'iin (the Followers of the Sahabah). It became known and became a subject of discussion since that time. Those who introduced it and made it a subject of discussion are the Mutakallimuun (Muslim scholastics). It never existed before the emergence of Islamic Scholasticism, and was never discussed under this name "al-Qadha'a wal-Qadar and with the same referent except by the Mutakallimuun (Muslim Scholastics) after the end of the first Hijri century.

The Meaning of Believing (having Imaan) in the Day of Judgement

Imaan in the Day of Judgement is the belief in Resurrection. It is the time when the life of all creatures in this worldly life terminates. All those in it die and then Allah (SWT) resurrects the dead. He brings back to life their decomposed bones and He restores bodies to their previous state and also brings the souls back to the bodies. Allah (SWT) says,

"Again, on the Day of Judgement, will you be raised up"(Al-mu'minuun:16).

And He says,

"This is so, because Allah (SWT) is the Reality: it is He Who gives life to the dead, and it is He Who has power over all things. And verily the Hour will come: there can be no doubt about it, or about (the fact) that Allah (SWT) will raise up all who are in the graves"(Al-hajj:6-7).

And He says,

".. he says, "Who can give life to (dry) bones and decomposed ones (at that)?" Say, "He will give them life Who created them for the first time! "

And He says,

Say: "You, those of old and those of later times, "All will certainly be gathered together for the meeting appointed for a Day well-known."(Al-waaqi'ah:49-50).

Part of Imaan in the Day of Judgement is Imaan that people are given their record books. Allah (SWT) says,

"Every man's fate We have fastened on his own neck: on the Day of Judgement We shall bring out for him a scroll, which he will see spread open. (It will be said to him:) "Read your (own) record;""(Al-israa':13-14).

The believers take them with their right hands and the Kuffar (unbelievers) take them with their left hands. Allah (SWT) says,

"Then he who is given his Record in his right hand; Soon will his account be taken by an easy reckoning; And he will turn to his people, rejoicing! But he who is given his Record behind his back; Soon will he cry for Perdition. And he will enter a Blazing Fire"(Al-inshiqaaq:6-12).

And He says,

"And he that will be given his Record in his left hand, will say: "Ah! Would that my record had not been given to me! "And that I had never realised how my account (stood)!" "Ah! Would that (death) had made an end of me!" "Of no profit to me has been my wealth!" "My power has perished from me!" (The stern command will say): "Seize you him, and bind you him, "And burn you him in the Blazing Fire. "Further, make him march in a chain, whereof the length is seventy cubits!(Al-haaqah:24-32).

Part of Imaan in the Day of Judgement is Imaan that Al-Jannah (Heaven) is true and that An-Naar (Hellfire) is true. Al-Jannah is abode created for the Believers that no Kaafir (unbeliever) can ever enter. Allah (SWT) says,

" a Garden whose width is that (of the whole) of the heavens and of the earth, prepared for the righteous"(Al-Umraan:33).

And He says,

"The Companions of the Fire will call to the Companions of the Garden: "Pour down to us water or anything that Allah (SWT) does provide for your sustenance." They will say: "Both these things has Allah (SWT) forbidden to those who rejected Him."(Al-a'raaf:50).

And He says, *"Such is the Garden which We give as an inheritance to those of Our Servants who guard against evil"*(Maryam:63).

An-naar is a created abode where no believer lives eternally. Allah (SWT) says,

"None shall reach it but those most unfortunate ones who give the lie to Truth and turn their backs. But those most devoted to Allah (SWT) shall be removed far from it"(Al-layl:15-17).

Those who Allah (SWT) wills of the Muslims whose major sins and misdeeds outweigh their minor sins and good deeds enter An-Naar, and later they exit from it and enter the Jannah. Allah (SWT) says,

"If you (but) eschew the most heinous of the things which you are forbidden to do, We shall expel out of you all the evil in you, and admit you to a Gate of great honour"(An-nisaa': 31).

And He says,

"But he whose balance (of good deeds) will be (found) light, Will have his home in a () Pit. And what will explain to you what this is? (It is) a Fire blazing fiercely!"(Al-qaari'ah:8-11).

Part of the Imaan in Al-Jannah is the Imaan that the delights of Jannah are tangible and that its people eat, drink, copulate, dress, and relish those delights. Allah (SWT) says,

"Round about them will (serve) youths of perpetual (freshness), With goblets, (shining) beakers, and cups (filled) out of Clear-flowing fountains: No after-ache will they receive therefrom, nor will they suffer intoxication: And with fruits, any that they may select; And the flesh of fowls, any that they may desire. And (there will be) companions with beautiful, big, and lustrous eyes, Like unto Pearls well-guarded. A Reward for the deeds of their past (Life)"(Al-waaqi'a:17-24).

And He says,

"and their garments there will be of silk." (Faatir :33)

And He says,

"Upon them will be green Garments of fine silk and heavy brocade, and they will be adorned with bracelets of silver; and their Lord will give to them to drink of a wine pure and holy."(Al-insaan:21).

And He says,

"As to the Righteous. They shall drink of a cup (of wine) mixed with Kafur, A fountain where the devotees of Allah (SWT) do drink, making it flow in unstinted abundance."(Al-insaan:5-6).

And He says,

"And because they were patient and constant, He will reward them with a Garden and (garments of) silk. Reclining in the (Garden) on raised thrones, they will see there neither the sun's (excessive heat) nor (the moon's) excessive cold. And the shades of the (Garden) will come low over them, and the bunches (of fruit), there, will hang low in humility. And amongst them will be passed round vessels of silver and goblets of crystal, Crystal-clear, made of silver: they will determine the measure thereof (according to their wishes)"(Al-insaan:12-16).

This is in addition to many other delights mentioned explicitly in the Quran.

Part of the Imaan in An-Naar is Imaan that its torture is tangible and that its people suffer

various types of torture in fire, Zamhareer (severe frost or glowing fire), boiling puss and other forms of torture which were mentioned explicitly in the Quran, such as torture with chains and handcuffs, liquid pitch, fire pits, the eating of zaqqoom, and the drinking of water which is as hot as boiling metal. Allah (SWT) says,

"Their garments of liquid pitch"(Ibraahiim:50).

And He says,

"For the rejecters We have prepared chains, yokes, and a Blazing Fire"(Al-insaan:4).

And He says,

"Verily the tree of Zaqqum will be the food of the sinful,"(Ad-Dukhaan:43-44).

And He says,

"(They will be) in the midst of a fierce Blast of Fire and in Boiling Water,"(Al-waaqi'ah:42).

And He says,

"if they implore relief they will be granted water like melted brass, that will scald their faces: How dreadful the drink!"(Al-kahf:29).

And He says,

"Nor has he any food except the corruption from the washing of wounds,"(Al-Haaqqah:36).

And He says,

"as often as their skins are roasted through, We shall change them for fresh skins, that they may taste the Penalty"(An-nisaa':56).

And He says,

"no term shall be determined for them, so they should die, nor shall its Penalty be lightened for them."(Faatir:36),

And He says,

"Then will you truly, O you that go wrong, and treat (Truth) as falsehood! You will surely taste of the tree of Zaqqum. Then will you fill your insides therewith, And drink boiling water on top of it: Indeed you shall drink like diseased camels raging with thirst!"(Al-waaqi'ah:51-55).

And He says, *"In front of the Fire will they be brought, morning and evening"(Ghaafir:46).*

The Emergence of Muslim Scholastics and Their Approach

The Muslims believed in Islam beyond any shred of doubt. Their belief was so strong that it did not result in any questions that indicate scepticism. Nor did they discuss the ayaat of the Quran except in a manner that would enable them to comprehend the reality of the thought therein. They did not inquire into the suppositions that might be drawn from it.

The whole of the first Hijri century elapsed with current of the Da'wah overwhelming everything that stood in its way. The Islamic thoughts were being given to people as intact as it was received by the Muslims, in a brilliant understanding and a definitive faith and a surprisingly splendid awareness. Yet, the carrying of Da'wah in the conquered countries led to an intellectual collision with people of other religions who had not yet embraced Islam and those who entered its domain. This intellectual collision was strenuous; the people of other religions were acquainted with some philosophical thoughts and they had certain viewpoints which they got from their religions. They used to stir scepticism and to debate with Muslims over 'Aqeedas, because the basis of the Da'wah is the 'Aqeedah and the related thoughts. The sincerity of Muslims to the Islamic Da'wah and their need to give counter arguments to their adversaries, led many of them to learn some philosophical thoughts in order for these to be used as a weapon against their adversaries. Apart from their sincerity to the carrying of Da'wah and the refutation of their adversaries' arguments, their justification and motivation for this learning lied in two factors:

Firstly: The Quran, besides its call for monotheism and Prophethood, tackled the more significant sects and religions which were widespread at the time of the Prophet (sSAW); it provided counter arguments and refuted their advocacies. It tackled all types of "shirk" and refuted it. There were amongst the mushrikiin some who took planets for deities and made them into partner of Allah (SWT); the Quran repudiated their beliefs. Some of them advocated the worship of idols and made them into partners of Allah (SWT); it repudiated their belief; some of them denied Prophethood altogether;

the Quran repudiated their belief; some of them denied the Prophethood of Mohammad and it repudiated their belief; some of them denied resurrection and the call to account and the Quran repudiated their belief. Some of them deified Jesus, peace be upon him, or made him into the son of Allah (SWT) and the Quran repudiated this belief. The Quran did not suffice with this; it ordered the Prophet, peace be upon him, to engage in debate with them. *"and argue with them in ways that are best and most gracious."* (An-nahl:125),

"And dispute ye not with the People of the Book, except with means better (than mere disputation)" (Al-'ankaboot (spider): 46).

The life of the Prophet was a life of intellectual struggle with all of the kuffar, both mushriks and people of the Book. Many incidents were reported about him in Makkah and Medinah in which he discussed and debated with the kuffar whether they be individuals, groups, or delegations. This intellectual struggle which is prominent in the Aayaat of the Quran and the hadiths of the prophet and in his deeds was read and heard by the Muslims. Thus it was only natural for them to discuss with the people of other religions and to engage in intellectual struggle and argumentation with them. The rules of their religion call for such argumentation; and the nature of the call for Islam when it collides with kufr makes it inevitable for this discussion, argumentation and struggle. What made the struggle take on the intellectual character is that the Quran itself calls for the use of the mind, and it cited intellectual proof and sensory evidence. The call for its 'Aqeedah is based on nothing but the mind, not on naqlee evidence. Thus it was inevitable for the debate and the struggle to take on the intellectual character and to be marked with it.

Secondly: certain philosophical and theologian issues had leaked to the Muslims from the Nestorian Christians and their likes; the logic of Aristotle was known amongst Muslims; some Muslims had become familiar with certain books of philosophy. Many books were translated from Greek into Syriac and then into Arabic; later, translation was made from Greek directly into Arabic. This aided the existence of philosophical thoughts. Some other religions had resorted to

Greek philosophy as a weapon and brought it into the country. All of this generated philosophical thoughts which made it mandatory for the Muslims to study them.

Those two factors, the rules and thoughts of Islam concerning argumentation and the existence of philosophical thoughts, were the factors which pushed the Muslims to shift to intellectual discussions and philosophical thoughts. They learned these thoughts and used them as material for their discussions and debates, and they justified this. Yet all of this was not a comprehensive philosophical study but merely a study of philosophical thoughts to repudiate Christian and Jewish thoughts, because it would not have been possible for the Muslims to rebut except after they have familiarized themselves with the arguments of Greek philosophers, especially those related to logic and theology. Because of this they were urged to be well-versed in foreign groups and their arguments and proofs. Thus the Muslim land became a ground where all opinions and all religions are presented and debated. Undoubtedly, debate provokes pondering and thinking and gives rise to multiple issues that provoke meditation and lead each group to adopt what it deems true. This debate and thinking were extremely instrumental in the emergence of people who practice a new methodology in discussion, argumentation and debate. The philosophical thoughts which they had learnt influenced them greatly, in their method of proving and in some of their thoughts. As a result the "science of Islamic scholasticism" (ilm-ul-kalaam) developed and it became a specialized branch of knowledge and the group of scholastics emerged in the Muslim lands.

Since those scholastics were focused on defending Islam, explaining its rules and, and elucidating the thoughts of the Quran, they were mostly influenced by the Quran, and the basis on which they built their discussion was the Quran as well. Yet, since they had learnt philosophy in order to defend the Quran and used it as a weapon against their adversaries, they evolved a special approach in their proof and judgement which is different from that of the Quran, the Hadith and the Sahabah and different from the

approach of Greek philosophers to proof and judgement.

Their difference from the Quran lies in that the Quran's approach bases its call on an instinctive (fiTrii) basis; it is based on this instinct (fiTrah) and it addresses people in a manner consistent with this fiTrah; simultaneously, the Quran is based on the intellectual basis. It is based on the mind and it addresses the minds; Allah (SWT) say

"Those on whom, besides Allah (SWT), you call, cannot create (even) a fly, if they all met together for the purpose! And if the fly should snatch away anything from them, they would have no power to realise it from the fly. Feeble are those who petition and those whom they petition!"

(Al-Hajj:73)

And He says,

"Now let man but think from what he is created! He is created from a drop emitted, Proceeding from between the backbone and the ribs:"(At-Tariq:4-7).

And He says,

"Then let man look at his Food, (and how We provide it): For that We pour forth water in abundance, And We split the earth in fragments, And produce therein corn, And grapes and nutritious plants, And olives and dates, And enclosed gardens, dense with lofty trees, And fruits and fodder,"(Abasa:24-31).

And He says,

"Do they not look at the camels, how they are made? And at the sky, how it is raised high? And at the mountains, how they are fixed firm? And at the earth, how it is spread out?"(Al-ghashiyah:17-20).

And He says,

"As also in your own selves: will you not then see?"(Ath-thariyat:21).

And He says,

"Or, who listens to the (soul) distressed when it calls on Him,"(An-naml:62).

Thus the Quran approaches the proof of Allah (SWT)'s capability (Quurah), omniscience (Ilm), and will (Iradah) on the basis of the fiTrah and the mind. This approach is consistent with the fiTrah and it generates a feeling within every human being to listen and respond to it; even an

atheist comprehends it and succumbs to it. It is an approach that suits every human being, with no difference between the elite and the common people or between the educated and the uneducated.

Moreover, polysemous aayaat whose meaning is indefinite and in which a reader may find unclarity are general and void of detail; these have come in the form of a general depiction of things or a reporting of realities where an avoidance of discussion, thoroughness and substantiation is evident. So, the reader does not reject them; he would not comprehend the realities denoted by the aayaat beyond the denotations of the words therein. Therefore, it was only natural that the attitude taken towards them was one of acquiescence as is the case towards the depiction of any reality and the reporting of any fact, without any justification or substantiation. Thus, certain aayaat depict one facet of the actions of man and in so doing indicate compulsion; other aayaat depict other facets of the actions of man and in so doing indicate free choice. Allah (SWT) says,

“Allah (SWT) intends every facility for you; He does not want to put you to difficulties.”(Al-baqarah:185).

And He says,

“but Allah (SWT) never wishes injustice to His Servants.”(Ghafir:31).

But on the other hand He says,

“Those whom Allah (SWT) (in His plan) wills to guide, He opens their breast to Islam; those whom He wills to leave straying, He makes their breast close and constricted,” (Al-an’aam:125).

Other aayaat indicate that Allah (SWT) has a face and a hand, and speak of Him as the light of the earth and the heavens, and state that He is in the heavens

“Do you feel secure that He Who is in Heaven will not cause you to be swallowed up by the earth when it shakes (as in an earthquake)?”(Al-mulk:16).

And He says,

“And your Lord comes, and His angels, rank upon rank,”(Al-fajr:22).

And He says,

“But will abide (forever) the Face of thy Lord,” (Ar-rahmaan:27).

And He says,

“Nay both His hands are widely outstretched”(Al-ma’idah:64).

Other aayaat indicate his uniqueness,

“there is nothing whatever like unto Him”(Ash-shuuraa:11).

And He says,

“There is not a secret consultation between three, but He makes the fourth among them, nor between five but He makes the sixth, nor between fewer nor more, but He is with them, wheresoever they be”(Al-mujaadalah:7).

And He says,

“Praise and glory be to Him! (For He is) above what they attribute to Him!”(Al-an’aam:100).

Thus certain aayaat came in the Quran which are seemingly contradictory. The Quran called such aayaat mutashabihaat (polysemous /not readily intelligible), Allah (SWT) says, *“in it are verses basic or fundamental (of established meaning); they are the foundation of the Book: others are not readily intelligible.”*(Aali Umraan:7).

When these aayaat were revealed and the Messenger conveyed them to the people and the Muslims memorized them by rote, these aayaat did not generate any discussion or debate. They did not see in those aayaat any discrepancies that require to be cleared. They understood every ayah with reference to the aspect it came to describe or report. Thus the aayaat were harmonious in reality and in their hears. They believe in them, trusted them and understood them in a generalized manner, and they sufficed themselves with this understanding; they regarded them as a description of reality or a reporting of facts. Many of the sagacious did not like the discussion concerning the details of the mutashaabihaat or the debate thereof. They thought that such discussion was to the disadvantage of Islam: for everyone, understanding the general meaning, as much as one understands, would be sufficient and would make the discussion of the details and elaborations unnecessary. Thus the Muslims comprehended the approach of the Quran and received its aayaat throughout the time of the

Prophet, and so did those who came after them until the entire first century A.H. had elapsed.

Their difference from the philosophers lies in that philosophers depend solely on syllogisms; they evolve the proof in a logical form including a major premise, a minor premise and a conclusion. They used terminology and jargon such as essence (jawher) and accident ('ardh) and the like; they initiated intellectual problems upon which they built logical propositions not realistic sensory propositions.

The approach of the Muslim scholastics to discussion diverges from this. The scholastics believed in Allah (SWT) , His Messenger and all what his Messenger brought to them; then they wanted to prove this implementing intellectual logical evidence. Then, they started to discuss the recency of the world and to cite evidence of the recency of things. Then they began to expand this, and thus new issues opened up before them; they pursued the discussion of these and their offshoots to their logical end. So, they did not discuss aayaat in order to understand them as was the approach of the earlier generation and as is the purpose of the Quran, but they believed in those aayaat and then began to cite evidence of what they themselves understand from them. This has been one of the aspects of their discussion. The other aspect is their viewpoint regarding the mutashabihaat (polysemous aayaat). The scholastics were not content to have imaan in those aayaat in their generalized sense and without detail. So, they compiled the aayaat that might seem contradictory, after they have pursued them, such as those related to compulsion and free choice and those which might indicate the incarnation of Allah (SWT) . They focused their minds on them and they were as presumptuous as none else. Their thinking led them to an opinion on every issue. Once they have reached their opinion, they addressed themselves to the aayaat which contradict their view and twisted them. Therefore, twisting(of meaning) was the primary characteristic of scholasticism. Thus if their discussion led them to the conclusion that Allah (SWT) is too sublime (munazzah) to be characterized with location and direction, they twisted the aayaat which indicate that He (SWA) is in the heavens

and also twisted al-istiwaa' alaa al-'arsh (the establishment of himself on the throne). If their discussion led them to the conclusion that the negation of the attribute of direction entails that the eyes of people would be incapable of sighting Him, they twisted the reports related to the sighting of Allah (SWT) by people. Thus, twisting was one of the characteristics of the scholastics and their major distinction from the previous generations.

This methodology of giving the intellect the freedom to discuss every thing: the comprehensible and the incomprehensible, the natural and the supernatural, the sensorially perceptible and the sensorially imperceptible, inevitably makes the intellect the basis of the Quran and not the other way round. Thus it was natural for this approach of twisting to emerge, and it was natural that they would take any direction they opted for, on the basis that the intellect opted for it, in their view. This inevitably meant discrepancies between them. If the reasoning of one group led them to advocate free choice and to twist compulsion, reasoning might lead others to affirm compulsion and to twist the aayaat of free choice; it might lead others to syncretize both opinions into a new opinion. All scholastics were prominently characterized with two things: first, dependence in proof on logic and syllogization , not on the sensorially accessible, and second dependence of the twisting of the aayaat that contradict the conclusions they had reached.

The Fallacy of the Methodology of the Muslim Scholastics

Upon surveying the methodology of the Muslim scholastics, it becomes evident that it is a fallacious methodology and that applying it does not lead to imaan or the strengthening of imaan. Applying it does not even lead to thinking or to the strengthening of thinking. It only leads to mere information; and information is different from imaan and different from thinking. The fallacy of this methodology is obvious in several ways:

Firstly: In this methodology, they base their proof on a logical basis not on the sensory basis. This is wrong because of two reasons. One of them is that it makes the Muslim in need to learn the science of logic in order for him to be able to prove the existence of Allah (SWT); this means that those who are not acquainted with logic are incapable of proving their 'Aqeedah. It also means that the science of logic becomes, in relation to scholasticism, like the science of grammatical syntax in relation to the reading of Arabic, after the Arabic tongue has deteriorated, although the science of logic is irrelevant to the 'Aqeedah and irrelevant to proofs. The Muslims did not know the science of logic at the advent of Islam; they carried the message and established conclusive evidence to their creeds without relying on the science of logic whatsoever. This proves the non-existence of the science of logic in the Islamic culture and its superfluosity to any proof of the Islamic 'Aqeedah. The other reason is that the logical basis is susceptible of error unlike the sensory basis, which with regard to the existence or otherwise of things is absolutely infallible; what is susceptible to error should not be a basis for imaan.

Logic is susceptible to speciosity and its conclusions are susceptible to be untrue, because although it stipulates that the correctness of the premises and the soundness of their structure is a condition, the fact that it consists of the syllogizing of one premise on the other makes the correctness of the conclusion dependent upon the correctness of these premises. The

correctness of these premises is not guaranteed because the conclusion is not directly founded on sensation; it is founded on the syllogizing of premises together; and the correctness of the conclusion is thus not guaranteed. What occurs in it is that in combination of premises, comprehensibles are syllogized on comprehensibles and (new) comprehensibles are concluded therefrom; also sensorially accessibles are syllogized on sensorially accessibles and (new) sensorially accessibles are concluded therefrom. Regarding the syllogizing of comprehensibles on comprehensibles and concluding (new) comprehensibles therefrom, it leads to slipping into error and to contradiction of conclusions, and it leads to drifting into series of premises and conclusions which are rational in theory and by assumption and not with regard to its existence in reality, so much so that in many of those syllogisms, the end of the road was fantasies and jabberwocky. Thus proving via the syllogizing of comprehensibles on comprehensibles is susceptible to slipping. For example, logically it is said that: the Quran is the speech of Allah (SWT); it is made up of letters which are arranged and sequenced in existence; and every speech which is made up of letters which are arranged and sequenced in existence is recent. The conclusion is that the Quran is recent and created. This syllogizing of premises has led to a conclusion which is inaccessible to the sense; the intellect is incapable of discussing it or judging it. Therefore, it is a hypothetical unrealistic judgement, apart from being one of the issues which the intellect has been prohibited from discussing. This is because a discussion of the attributes of Allah (SWT) is a discussion of His entity, and in no way is it permissible to discuss the entity of Allah (SWT). Yet, it is possible to reach via the same logic to a conclusion contradictory to this one. Thus it would be said that: the Quran is the speech of Allah (SWT) and it is one of its attributes, and any thing deemed an attribute of Allah (SWT) is eternal; the conclusion is that the Quran is eternal and not created. Thus, contradiction in logic is evident in one and the same proposition. Likewise, in many logical propositions that are resultant from the syllogizing of comprehensibles on comprehensibles, a logician reaches

conclusions which are utterly contradictory and utterly bizarre. Regarding the syllogizing of the sensorially accessible on the sensorially accessible, if the premises can be traced back to the senses and the conclusion can be traced back to the senses, the result will be correct, because it is based on the senses in the premises and the conclusion and not solely on the syllogizing of propositions. But what occurs indeed is that reliance in arriving at truths is on the syllogizing of propositions, and the noticing of the senses is restricted to what the propositions end with. It may happen that a proposition is imagined to be true to a certain reality but in fact it is not. It may also happen that a proposition which is defined with a general demarcation will be true only to certain parts of it, and this truth of certain parts will lead to the deceptive conclusion that it applies to all parts. It may also be that in the proposition there is specious statement, which deceptively means the truth of the proposition. It also may be that the conclusion is true but the premises from which it is concluded are false, which deceptively means the truth of the premises, ...and so forth. For example, it would be said that: Spain is populated by non-Muslims, and every country whose population is of non-Muslims is not an Islamic country; the conclusion is that Spain is not an Islamic country. This conclusion is false. Its falsehood comes from the falsehood of the second premise: the statement that every country whose population is of non-Muslims is not an Islamic country is false, because a country is deemed Islamic if it was once ruled by Islam or if the majority of its population is of Muslims. This is why the conclusion is false. Spain is indeed an Islamic country. Another example is that it would be said: Mu'aawiyah Ibn Abu Sufyaan saw the Prophet and met with him, and everyone who saw the Prophet and met with him is a sahaabii (a companion of the Prophet); the conclusion is that Mu'aawiyah Ibn Abu Sufyaan is a sahaabii. This conclusion is false. Not everyone who saw the prophet and met with him is a sahaabii; otherwise Abu Lahab would be a sahaabii. Indeed, the sahaabii is everyone in whom the meaning of companionship was realized by, for example, having accompanied the Prophet on one or two military expeditions

(singular: ghazwah), or accompanied him for one or two years. Another example is: America is a country of high economic standard, and every country of high economic standard is a revived country. The conclusion is that America is a revived country. This conclusion is true to America, although one of the two premises is false; not every country with a high economic standard is revived; a revived country is one with a high intellectual standard. Thus, this syllogism, whose conclusion is true, deceptively leads one to assume that the premises from which the conclusion was taken; all this leads to the proposition that each of Kuwait, Qatar and Saudi Arabia is a revived country because each has a high economic standard, although the truth is that these are not revived countries. Thus, the truth of the conclusions of all syllogisms are dependent on the truth of the premises. The truth of the premises is not guaranteed because they are susceptible to speciosity. Therefore, it is erroneous to depend on the logical basis in the establishment of proof. This does not mean that the truths reached via logic are false or that the establishment of proof via logic is erroneous, but it means that reliance in the establishment of proof on the logical basis is erroneous and that taking logic as a basis in the establishment of arguments is erroneous. It is the senses that are to be made the basis for proof and argument. As regards logic, it is valid to use for the establishment of the proof of the truth of a proposition. It would be true, if all the premises are true and if they together with the conclusion were traceable back to the senses and if the truth of the conclusion was resultant from the deduction from the premises, not from anything else. Yet, its susceptibility to the speciosity makes it imperative that it is not made a basis in the establishment of argument because as a whole, it is an uncertain basis which is susceptible to error, although proof by means of some forms of it can be conclusive. It is the senses that should be made the basis of proof, because as a whole this basis is a definite basis regarding the existence or otherwise of things; it is completely invulnerable to error.

Secondly: The scholastics departed from the sensorially accessible; they went beyond it to the sensorially inaccessible; they discussed the

supernatural: the entity of Allah (SWT) and His attributes, the sensorially inaccessible, and they connected this with the discussions related to the sensorially inaccessible. They excessively equated the unseen with the seen, i.e. equate Allah (SWT) with man; so, they deemed justice, as envisaged by man in this worldly life, a necessity upon Allah (SWT). They even deemed it necessary that Allah (SWT) does what is best, because (according to them) Allah (SWT) is Wise and He does not do anything except for a purpose of a wisdom; an action without a purpose is fatuous and absurd; a wise (being) either benefits himself or others, and since Allah (SWT) is too sublime to benefit himself, the conclusion is that He acts to benefit others.

Thus they overstepped into discussions of the sensorially inaccessible and of issues which the intellect is incapable of judging, and so they blundered. They missed the point that the sensorially accessible is comprehensible and that the entity of Allah (SWT) is incomprehensible and that not neither can be compared to the other. They were inattentive to the fact that the Justice of Allah (SWT) is incomparable to the justice of man, and that it is invalid to apply the laws of this world to Allah (SWT), Who is the creator of this world and Who manages the world according to the laws He set for it. If we do witness that when the perspective of man is narrow, he understands matters in a given way and that once his perspective widens, his view of justice changes and his judgement changes as well; how then do we compare (to ourselves) the Lord of the worlds Whose knowledge encompasses everything and give His Justice the meaning of justice that we ourselves define? It is observable in this regard that man can view a given thing as good, but once his perspective widens, his view changes. For example, the Muslim world nowadays is Dar kufr that has abandoned the rule of Islam; so all Muslims view it as a corrupt world and most of them say that it is in need for reform. But the aware say that reform means the removal of corruption from the status quo, and this is erroneous: the Muslim world is in need for a radical and comprehensive change that removes the rule of kufr and implements the rule of Islam; any reform leads to the prolongation of the reign of corruption. Thus

it is seen how the view of man towards what is good changes. How then do we subject Allah (SWT) to the judgement of man and deem it necessary for Him to do what we see as good or better? If we made our mind the judge, we would see that Allah (SWT) did things which our minds see no good whatsoever in it: e.g. what good is there in the creation of Iblis and the shayaatiin (satans) and giving them the power to misguide man; why did Allah (SWT) adjourn Iblis until the Day of Judgement and took to death our Master Mohammad (peace be upon him)? Is all this better for people? Why does He allow removal of the rule of Islam from the face of the Earth and enable the triumph of the rule of kufr and humiliate the Muslims and enable the dominance of their kafir enemies? Is this better for His servants? If we proceeded in enumeration of thousands of acts and judge them by our mind and our understanding of the meaning of good and better, we would not find them good. Therefore, it is erroneous to compare Allah (SWT) to man; nothing is incumbent on Allah (SWT),

“He cannot be questioned for His acts, “ (Al-anbiyaa’:23).

He says;

“there is nothing whatever like unto Him, (Ash-shuuraa:11).

Indeed, what made the scholastics slip into all this is their methodology in inquiry and their comparing Allah (SWT) to man.

Thirdly: The approach of the scholastics give the intellect the freedom of inquiry in every thing, in the sensorially accessible and the sensorially inaccessible. This inevitably results in the intellect inquiring into matter that it is incapable of judging it, and inquiring into suppositions and imaginations, and establishing evidence to support mere conceptions of things that might be existent or non-existent. This may lead to the denial of things which are definitely existent, of which we were informed by a (source) the truth of whose information is definite for us; but the intellect does not comprehend them. This may also lead to imaan in non-existent fantastical things; but the intellect imagined its existence. For example, they

discussed the entity of Allah (SWT) and His attributes: some of them said that an attribute is one and the same as the attribute carrier; others said that the attribute is other than the attribute carrier. They said that the knowledge of Allah (SWT) is the unfolding of the known as it is; the known changes from one time to another: the leaf of a tree falls after having been not fallen and Allah (SWT) says,

‘Not a leaf doth fall but with His knowledge’(Al-an’aam:59)

and with the knowledge of Allah (SWT) a thing unfolds as it is; thus Allah (SWT) knows that a thing will be before it is, and He knows that a thing was when it was, and He knows that a thing no longer is when it no longer is. So how does the knowledge of Allah (SWT) change with the change of things, and the knowledge that changes with the change of things is a recent knowledge, and a recent thing does not lie in Allah (SWT), because that in which the recent lies is recent itself. Other scholastics replied to this by saying: it is axiomatic that our knowledge that Zayd will come upon us is other than our knowledge that he has come indeed; this distinction is due to the renewal of the knowledge; but this is applicable to man because it is he whose knowledge is renewed because the source of his knowledge, i.e. sensation and comprehension, is renewed. But as regards Allah (SWT), there is no distinction between something destined that will be and a realized thing that was and an accomplished thing that occurred and a predicted thing that will occur. Indeed, the information for Him is of one condition. Other scholastics replied: Allah (SWT) is by His entity knows all what was and what will be, and all information is known by Him in one knowledge, and the difference between what will be and what was stems from the change in things not in the knowledge of Allah (SWT). All this discussion deals with matters that are sensorially inaccessible, and the intellect cannot judge such realities. So, it is invalid for the intellect to discuss them. But they discussed them and reached these conclusions in pursuit of their methodology that gives the intellect the freedom to discuss everything. They imagined things and discussed them. For example, they imagined that the will of Allah (SWT) associated with the

action of the servant (man) when the servant willed the action, i.e. Allah (SWT) created the action when the servant was capable and willing, not with servant’s capability and will.

This subject matter was only imagined and hypothesized by the scholars; sensorially, it has no reality. But they gave the intellect the freedom of inquiry; it inquired into it and formed this conception; and thus they deemed it compulsory for one to believe in what they imagined and called it *gaining and choice* (*al-kasb wal-ikhtiar*). Had they restricted the inquiry of the mind into the sensorially accessible, they would have realized that the action insofar as the creation of all of its materials is concerned, it is only from Allah (SWT), because the creation from nothingness only comes from the creator. But the manipulation of these materials and the effecting of the action therefrom come from the servant, just like any industry he carries out, e.g. like the making of a chair. Has they restricted the inquiry of the intellect into the sensorially accessible, they would not have believed in much of the fantasies and theoretical suppositions that they believed in.

Fourthly: The methodology of the scholastics makes the intellect the basis of the entire imaan. Consequently, they made the intellect the basis for the Quran; they did not make the Quran the basis for the intellect. They have structured their interpretation of the Quran accordingly on their bases of absolute elevation, the freedom of the will, justice and the doing of the better and so on. They made the intellect the arbitrator in the aayaat which are seemingly contradictory; they made it the ultimate arbitrator between the mutashaabihat (polysemous), and they twisted the aayaat which do not agree with the view that they opt for, so much so that twisting of texts became a method of theirs, Mu’tazilah, Ahlussunnah, and Jabriyyah alike. This is because the basis for them is not the aayaat but the intellect; the aayaat should be twisted to conform with the intellect. Thus the employing of the intellect as a basis for the Quran resulted in error of inquiry and error in the subject matter of the inquiry. Has they employed the Quran as the basis, and had they built the intellect on the Quran, they would not have slipped into that.

Indeed, the imaan that the Quran is the speech of Allah (SWT) is based on the intellect, but the Quran and not the intellect becomes itself the basis for belief in what it contains after imaan in it has been established. Therefore, when an aayah comes in the Quran, the intellect should not judge the truth or otherwise of its meaning. The aayaat themselves judge, and the role of the intellect in this case is only to understand. The scholastics did not do this; rather, they made the intellect the basis for the Quran; it is because of this that their twisting of the aayaat of the Quran occurred.

Fifthly: The scholastics made the antagonism with philosophers the basis of their inquiry: the Mu'tazilah took (material) from the philosophers and argued against them; Ahlussunnah and the Jabriyyah (fatalists) argued against the Mu'tazilah; they also took from the philosophers and argued against them, whereas the subject for discussion is Islam not the antagonism with the philosophers or any other group. They should have inquired into the subject matter of Islam, i.e. what the Quran brought and what the Hadith contained and to restrict their inquiry to it and to its discussion, irrespective of any person. But they did not do this: they converted the conveyance of Islam and the expounding of its 'Aqeedahs into debates and polemics; they degraded it from a driving force within the heart, from the transparency and the fervour of the 'Aqeedah, to a polemic feature and a rhetorical profession.

These have been the major fallacies of the methodology of the scholastics. One of the consequences of this methodology was that the discussion of the Islamic 'Aqeedah transformed from being the means of calling for Islam and explaining it for people into a discipline which is taught just like syntax or any of the disciplines which were born after the conquests. This was in spite of the fact that if it were at all valid to establish a discipline for any of the branches of knowledge of Islam, it would be invalid to do this with the Islamic 'Aqeedah, because it is itself the subject matter of the da'wah and it is the basis of Islam; it should be given to people exactly as it came in the Quran. The method of the Quran in conveying it to people and in expounding it to them should be implemented as

the method of calling for Islam and explaining its thoughts. Therefore, the methodology of the scholastics should be abandoned; the methodology of the Quran should be solely reverted to: namely, basing the da'wah on the fi'Trah (the instinctive basis) and simultaneously basing it solely on the intellect within the realm of the sensorially accessible.

How the Issue of Al-Qadha'a wal Qadar Evolved

With the exception of the issue of the rule regarding the perpetrator of the Al-kabiirah (major sin) over which Waasil Ibn Ataa', the founder of the Mu'tazilah, withdrew from the circle of Al-Hasan Al-Basrii, we can hardly find any issue of the issues of scholasticism which did not stem from what had been discussed by Greek philosophers. The issue of **"al-qadha'a wal qadar"** by this name and meaning which they discussed, had previously been discussed and debated by Greek philosophers. This issue is defined as **"al-qadha'a wal-qadar"** i.e. **"compulsion and free choice"**, and also called the **"freedom of will"**. All these names mean one issue, namely; is man free or compelled to do or to avoid the actions that he does. It never occurred to the minds of the Muslims before translation of Greek philosophy into Arabic to inquire into it. It was the Greek philosophers who engage in inquiry and controversy over this issue. The Epicureans believed that the will is free to make choices and that man does all of his actions according to his own will and without any compulsion. The Stoics on the other hand believed that the human will was compelled to take the path it took and that he is incapable of departing from it. Man they said, can do nothing in accordance with his will, rather he is compelled to do whatever he does and to do or not to do is not within his control. After the advent of Islam and the infiltration of foreign philosophical thoughts and ideas one of the major issues was the human attribute of justice with regards to Allah (SWT). So Allah (SWT) is just, and from this follows the issue of punishment and reward. This led to the issue of man's perpetration of his actions, in according to their method of inquiry into any issue and its offshoots and influenced by the studies of the philosophers, by the philosophical thoughts they had studied with respect to the topics they were refuting. The most prominent in this issue was the discussion by the Mu'tazilah, they were the first to discuss it and the discussion of the other scholastics was a response to refute the views of the Mu'tazilah. Thus the Mu'tazilah are

considered the pioneers in discussing the issue of al-Qadha'a wal Qadar, and in all topics of scholasticism. The Mu'tazilah's view of the justice of Allah (SWT) was one of elevating Him above injustice. Regarding the issue of punishment and reward, they took a stand consistent with the exalting of Allah (SWT) and His justice. They postulated that the justice of Allah (SWT) would be meaningless without assuming the freedom of man's will and the assumption that man creates his own actions and he is capable of doing or refraining from doing; thus if he does actions voluntarily or refrains from doing them voluntarily, his punishment or reward will be acceptable and fair. If it is the case that Allah (SWT) creates man and compels him to act in a given way by compelling the obedient to obey and the disobedient to disobey, and then punishes one and rewards the other, this could not be seen as fair. Thus they compared the unseen to the seen, i.e. compared Allah (SWT) to man through human attributes. They applied the laws of this world to Allah (SWT) precisely as one group of Greek philosophers did. They deemed the human viewpoint of justice as incumbent on Allah (SWT). The root of origin of this discussion is the punishment and reward for the actions of the servant by the Master. This is the theme of the discussion called "al-qadha'a wal qadar" i.e. "compulsion and volition" or "freedom of the will". Their approach to this discussion was that of the Greek philosophers: they discussed the human will and the creation of actions. On the issue of volition, they said "We see that one who wills good is good himself and one who wills evil is evil himself, and one who wills justice is himself just and one who wills injustice is himself unjust. Thus if the will of Allah (SWT) was associated to all the good and evil in the world, then good and evil would equally be willed by Allah (SWT), and thus the one who willed would merit the epithets of good and evil and just and unjust, and this is an impossibility with regard to Allah (SWT)". They also said if Allah (SWT) had willed the kufr of a kaafir and the sins of a sinner, he would not have prohibited them from doing kufr and sin, and how could it be thinkable that Allah (SWT) willed that Abu Lahab be kaafir and then ordered him to have imaan and

prohibited him from doing kufr? So if a human being had ordained this, he would be deemed mentally deficient, but Allah (SWT) has been exalted high above this. If the kufr of a kaafir and the disobedience of the disobedient were willed by Allah (SWT), they would not deserve punishment; their actions are simply in obedience with his will.....

It is thus that they proceed with logical propositions, and the Mu'atazilah cite naqlee proofs from the Holy Quran as evidence. They quote Allah (SWT) saying,

" but Allah (SWT) never wishes injustice to His Servants. (Ghafir:31)
and His saying,

"Those who give partners (to Allah (SWT)) will say: "If Allah (SWT) had wished, we should not have given partners to Him, nor would our fathers: nor should we have had any taboos." So did their ancestors argue falsely" (Al-An'aam:148)
and His saying,

"Say: "With Allah (SWT) is the argument that reaches home: if it had been His Will, He could indeed have guided you all."(Al-An'aam:149)

and His saying,

"Allah (SWT) intends every facility for you; He does not want to put you to difficulties." (Al-Baqarah:185)
and His saying,

"He likes not ingratitude (kufr) from His Servants" (Az-Zumar:7).

They manipulated (twisted) the aayaat that contradicted their viewpoint, for example the saying of Allah (SWT),

"As to those who reject Faith, it is the same to them whether thou warn them or do not warn them; they will not believe." (Al-Baqarah:6)

and His saying,

"Allah (SWT) has set a seal on their hearts and on their hearing, and on their eyes is a veil."(Al-Baqarah:7)

and His saying,

"Nay Allah (SWT) has set the seal on their hearts for their blasphemy"(An-Nisaa':155).

They concluded from this the opinion they held and advocated, that man has the freedom of will to do an act or refrain from doing it. Thus if he does (something) it is according to his will, and if he refrains from doing (something) it is also according to his will. Concerning the issue of the creation of actions, the Mu'tazilah said that the actions of man are created by man alone and are of his own doing and not of Allah (SWT)'s; it is in man's power to do or refrain from doing these actions without any intervention from Allah (SWT). The proof of this is the difference which man feels between voluntary and involuntary movement, such as the movement of a person who voluntarily moves his hand and the movement of a trembling person, and the difference between the motion of someone going up a lighthouse and someone falling from it, thus voluntary movement lies within the power of man, it is man who creates it, but he has no role in involuntary movements. If man was not the creator of his own acts, the takliif (obligation to comply with Shari'ah) would be invalid, since if he was not capable of doing or refraining from doing an action it would not be rational to ask him to do or to refrain from doing an action, and this would not have been the criteria for (subject) of punishment and reward. Thus they proceeded with the proof of this opinion through logical propositions, and then they attached the naqlee proof to this and cited many aayaat to prove their opinion. For example, Allah (SWT)'s saying,

" Then woe to those who write the Book with their own hands, and then say: " This is from Allah (SWT),""(Al-Baqarah:79)

and His saying,

" Verily never will Allah (SWT) change the condition of a people until they change it themselves (with their own souls)."(Ar-Ra'd:11)

and His saying,

" Whoever works evil, will be requited accordingly."(An-Nisaa':123)

and His saying,

” That Day will every soul be required for what it earned;”(Ghaafir:17)
and His saying,

” he says: "O my Lord! send me back (to life), in order that I may work righteousness”(Al-Mu’minuun:99-100).
They manipulated (twisted) the aayaat which conflicted with their viewpoint. For example Allah (SWT)’s saying,”

"But Allah (SWT) has created you and your handiwork!"(As-Saaffaat:96)
and His saying,

” Allah (SWT) is the Creator of all things.”(Az-Zumar:62).
They reached the opinion which they held, namely that man creates his own actions and is capable of doing an action or refraining from doing it. In adopting the method of the scholastics of which it is typical to discuss the issue and the various aspects of that issue, one of the aspects which they discussed was the issue of consequence (resultance). After the Mu’tazilah had determined that the actions of man are created by man alone, they then debated the next question: What about the consequences of (acts that result from) his action? Are they created by man as well, or are they created by Allah (SWT)? For example the pain felt by a person who has been hit, the taste that a thing comes to have as a result of the action of man, the cutting that occurs from a knife, aspects of pleasure, health, lust, heat, coldness, humidness, hardness, cowardice, courage, hunger, satisfaction, and so on. The Mu’atazilah said all these were part of the actions of man because it is man who causes these consequences when he performs his actions. These consequences arise from man’s actions and have thus been created by him.

This is the issue of Al-Qadha’a wal Qadar and the viewpoint of the Mu’tazilah towards it. It is the issue that concerns the will of man in the performance of these actions and the consequences that arise as a result. The drift of their view is that man has free will in all his actions and that it is he who creates his actions and the consequences of these actions. The view of the Mu’tazilah provoked the Muslims and it

was an unfamiliar view to them; it was a bold viewpoint towards the ‘Aqeedah and the Muslims addressed themselves to refute their views. A group called Al-Jabriyyah emerged; among the most famous of them was Al-Jahm Ibn Safwaan. Those Jabriyyah stated, “Man is compelled and has no free will; neither does he have the ability to creating his own actions; he is just like a feather flying with the wind or a piece of wood (flouting in the) waves. Indeed, Allah (SWT) creates the actions carried out at man’s hands. They further said, “If we say that man is the creator of his own actions, then what follows is the limiting of Allah (SWT)’s capability and that His capability does not include all things, and that man is a partner of Allah (SWT) in the creation of what is in this world. Any single action cannot be effected by two capabilities. If the capability of Allah (SWT) created it, then man has no role in it, and if the capability of man created it ,then Allah (SWT) has no role in it. It is impossible that part of an action is the result of the capability of Allah (SWT) and another part is the result of the capability of man. Therefore, Allah (SWT) must be the creator of man’s actions, and it is according to His will that man performs actions.” They postulate that man’s action happen only through Allah (SWT)’s capability and that man has no influence upon it; man is merely the subject of what Allah (SWT) conducts at his hands, and he is absolutely compelled, he and the inanimate objects are equal to each other and differ only in appearances. They proceeded to back up their viewpoint by quoting aayaat of Quran to support it, for example Allah (SWT)’s saying,

“But ye will not, except as Allah (SWT) wills.”(Al-Insaan:30)
and His saying,

“When you threw (a handful of dust), it was not your act, but Allah (SWT)'s:”(Al-Anfaal:17)
and His saying,

“It is true you will not be able to guide every one whom you love; but Allah (SWT) guides those whom He wills”(Al-Qasas:56)
and His saying,

"But Allah (SWT) has created you and your handiwork!"(As-Saaffaat:96)
and His saying,

"Allah (SWT) is the Creator of all things"(Az-Zumar:62).

They would manipulate (twist) those aayaat indicating the free will of man and his creation of the actions. They claimed that the consequences of the actions of man such as pleasure, hunger, courage, cutting and burning and so on are all from Allah (SWT). Ahl-sunnah wal Jama'ah emerged and they also involved themselves with refuting the propositions of the Mu'tazilah. Ahl-sunnah postulated that the actions of man all occur through the will and volition of Allah (SWT). Will and volition they said, amounted to the same thing, i.e. an eternal attribute of Allah(SWT) the Hayy (Alive) that dictates the occurrence of one of many decreed matters at one point in time while the capability of Allah (SWT) is the same with regard to all decreed matters; the actions of His servants are according to His ruling, when He wills something He says "be" and it is, and His qadhiyyatuh i.e. His qadha'a , which is the act plus conditions ; Allah (SWT) said,

"So He completed (Qadha'a) them as seven firmaments."(Fussilat:12),
and He says

"Thy Lord has decreed (Qadha'a)"(Al-Israa':23).

What is intended here by qadha'a is the subject that was effected by qadha'a and not the attribute of Allah (SWT). The action of the servant is according to the arrangement (taqdiir) of Allah (SWT), i.e. every created entity has been characterised with its own attributes regarding goodness, badness, usefulness, harmfulness, the time and place that contain it, and the resulting punishment and reward. The intention here is to affirm the generality of the Will and Capability of Allah (SWT), because all (things)are created by Allah (SWT). This dictates the capability and the will(of Allah (SWT)) for there is no compulsion or imposition (on Him). They said, "If it is said that according to our opinion, a kaafir would be

compelled in his kufr and a faasiq would be compelled in his fisq and it is thus invalid to order them to have imaan and obedience, we say, 'Allah (SWT) indeed wanted them to be kafir and fasiq according to their own will, thus there is no compulsion, and this is just as Allah (SWT) had prior knowledge of their voluntary kufr and fisq: 'Thus issue of impossibility does not arise'. About the actions of the servants, they said in response to the Mu'tazilah and the Jabriyyah, "the servants have voluntary actions for which they are rewarded in the case of obedience and for which they are punished in the case of disobedience." They pointed out how they termed actions to be voluntary, though they postulate that Allah (SWT) is the sole creator and effecter of acts; they said, "The creator of the action of the servant is Allah (SWT) and the capability and will of the servant have roles in certain actions, such as the movement (of hand) to strike, but not in other actions, such as the movement of (hand in) trembling; indeed Allah (SWT) verily is the Creator of all things, and the servant is the one who earns (good or bad). They explained this by saying, "The directing by the servant of his capability and will to do the action is his earning. The effecting by Allah (SWT) of the action thereafter is creation. The same accomplishment is under the both capabilities but in two different directions. The action is accomplished by Allah (SWT) in the issue (direction) of effecting and accomplished by the servant in the issue (direction) of earning. In other words, Allah (SWT) has consistently created the action once the capability and will of the servant was executed but not because of the servant's capability and will; this combination is earning. The Ahl-us Sunnah supported this view with the same aayaat that the Jabriyyah had cited to prove Allah (SWT)'s creation of actions and His willing of it. They supported their view concerning the earning (the gaining) by the servant with Allah (SWT) 's saying,

"as a reward for their (good) deeds."(As-Sajdah:17)
and His saying,

"Let him who will, believe, and let him who will, reject (it)"(Al-Kahf:29)

and His saying,

“It gets every good that it earns, and it suffers every ill that it earns.”(Al-Baqarah:286). They considered themselves as having refuted the views of the Mu'tazilah and the Jabriyyah. The truth is that their view and that of the Jabriyyah are one and the same view; thus they are Jabris. Their notion of earning (gaining) was a total disaster (fiasco). It is neither in accordance with the human intellect, since there is no rational proof, nor is it in accordance with the naqli proof, since there is no proof from the shar'i texts. It is no more than a failed attempt to reconcile the views of the Mu'tazilah and the Jabriyyah. The point is that the issue of Al-Qadha'a wal Qadar was a major issue amongst the scholastics, and all of them focused their discussion on the action of the servant and the consequences (attributes) resulting therefrom, i.e. the attributes effected by the servant as a result of his handling of things. Their criteria (basis) for discussion was the action of the servant and the attributes which he effects as a result of his action:- is it Allah (SWT) who created both (the action and the attributes) or is it the servant; and does this occur because of (via) the will of Allah (SWT) or the will of the servant? The reason for this discussion was that the Mu'tazilah brought this issue into Islam (without any change) from the Greek philosophy under the same name and in the same context (meaning) i.e. “Al-Qadha'a wal Qadar” or “freedom of choice” or “compulsion and free choice”, and they discussed it from a perspective that they deemed consistent with the human attribute of justice applied to Allah (SWT). This led to the emergence of the Jabriyyah and Ahl-us-Sunnah simply to refute the views of the Mu'tazilah, which they did according to the same precepts and by using the same criteria. All of three discussed the issue in the context of the attributes of Allah (SWT) and not from the perspective of the subject matter. They applied the will of Allah (SWT) and His capability to the actions of the servant and to the attributes which the servant effects in things, thus the subject matter became: do these actions occur because of the capability and will of Allah (SWT) or the capability and will of the servant? Al-Qadha'a

wal Qadar is thus defined as the actions of the servant and the attributes of things which man effects in things as a result of his actions. Al-Qadha'a covers the actions of the servants and the Qadar is the attributes possessed by things. The fact that Qadha'a covers the actions of the servants is evident from the discussion and controversy concerning it. That is, the theory that the servant carries out the action by (via) his capability and will, and the theory of their opponents that the action is effected by (via) the capability and will of Allah (SWT) and not the capability and will of the servant, and the theories of those who opposed both groups that the action of the servant is effected by (via) the creation of the action by Allah (SWT) at the time when man has the capability and will to do the action and not by (via) the capability and will of man (the servant). This indicates that the meaning of Al-Qadha'a is the actions performed by man (the servants). The fact that Qadar is the attributes effected by the servant in things is evident from the discussion and controversy concerning it. So when they discussed what results from the actions of the servant, they discussed the attributes that he effects; so they debated, “If we add starch to sugar and cook them together, we get pudding: does the taste and the colour of pudding come from our efforts or they are from the creation of Allah (SWT)? Is the exit of the ruuh (soul) upon slaughtering, the movement of a stone upon pushing it up, the vision coming from the opening of one's eyes and the breaking of a leg after falling down and it's subsequent healing and so on, are all these from our efforts or from the creation of Allah (SWT).” This discussion is discussion of the attributes. This is indicated by their debate of the results of these actions. Bishr Ibn Al-Mu'tamir, the chief of the scholastics of Baghdad said, “Whatever results from our action is created by ourselves. Thus if I opened the eye of a person and he saw a thing, then his sighting of the thing is my doing because it results from my action. Also the colour of the foodstuffs that we make and their taste and aroma came from our action. Similarly, pain, pleasure, health, lust and so on, all spring from the actions of man”. Abu Al-Hudhayl Al-'Allaaf, a key scholastic, said there is a difference between the consequences of any

action (resultants), so everything that results from the action of man whose process is known is a direct result of his action; otherwise it is not. Thus the pain which results from one man beating another and the ascent of a stone when it is thrown upwards and the descent of it when it is thrown downwards, and the like, all emanate from the actions of man. However colours, flavours, heat, cold, humidity, hardness, cowardice, courage, hunger and satisfaction, all emanate from the actions of Allah (SWT). An-Nadhdhaam said that what man does is only movement and whatever is not movement is not part of man's action; man can only control his own movements, he cannot control it in others. Thus if a man moved his hand this is his action, but if he threw a stone and it moved upwards or downwards, the movement of the stone doesn't spring from the action of man but from the action of Allah (SWT), which means that He made it an intrinsic part of the stone to move if pushed by someone and so on. Thus the development of colours, flavours, odours, pain and pleasure are not from the action of man, because they are not movements. The reality of the controversy regarding the consequence itself indicates that it is an argument regarding the attributes of things: do they emanate from the actions of man or are they from Allah (SWT)? The discussion, and the argument in this discussion lay in the attributes effected by man in things. This discussion was maintained on this one same topic according to the same precepts laid down by all the scholastic groups. The discussion on the consequences resulting from man's actions, was secondary because it was based on the discussion on the actions of man, it was peripheral in the disputes between the Mu'tazilah, Al-us-Sunnah and the Jabriyyah. The debate and dispute were focused more on the action of the servant than on the attributes of the things effected by the action of man. Since "Al-Qadha'a wal Qadar" is one single term composed of two words together, one of which is a sub-point of the other, the discussion on Al-Qadha'a wal Qadar focused more on the actions of the servant than it did on the attributes effected by man's actions. The discussion on "Al-Qadha'a wal Qadar" continued and each group understood it in a way different from the

others. After the key scholars of the Mu'tazilah and the Ahl us-Sunaah came, their disciples and followers; continued and renewed the discussion in every era. Eventually, the debate tilted in favour of Ahl us-Sunnah and the views of the Mutazilah diminished. Debaters who disagreed over Al-Qadha'a wal Qadar, continued to ascribe fancied meanings of their own to the term and attempted to apply language or Shar'ai terminology to it. Some of them said that Al-Qadha'a wal Qadar is one of the secrets of Allah (SWT) that no one knows, others said that discussing Al-Qadha'a wal Qadar was absolutely forbidden because the Prophet prohibited this, and they would cite the hadith "If Al-Qadar is mentioned, quit", as proof. Others came to differentiate between Al-Qadha'a and Al-Qadar; they said that Al-Qadha'a was the rulings in general terms and the Qadar was the rulings in specific terms, i.e. in parts and details. Others said that Al-Qadha'a was the planning and Al-Qadar was the execution; according to this view Allah (SWT) plans the action, i.e. He designs and produces it, thus He decreed the action, and that is the Qadar (of the action); and that He (SWT) executes the action and accomplishes it, thus it is said He (SWT) consummated the action, and that is the Qadha'a (of the action). Some others said that the meaning of Al-Qadar was Al-taqdiir (appraisal) and the meaning of Al-Qadha'a is creation. Some considered the two words inseparable and said Al-Qadha'a and Al-Qadar are two comparable matters that are inseparable, because one of them represents the foundation (basis), namely the Qadar and the other represents the building, namely the Qadha'a. Therefore anyone who seeks to separate them, will cause the downfall and demolition of the building. Some others differentiated between them and said that Al-Qadha'a was one thing and Al-Qadar was another.

Thus the discussion continued on the issue of "Al-Qadha'a wal Qadar" as a specific entity, whether amongst those who treated them as separate terms or amongst those who treated them as inseparable. Yet it had only one meaning (referent) for all of them irrespective of its interpretation, namely the action of the servant with regard to its creation: is it created by Allah (SWT), is it created by the servant or is it created

by Allah (SWT) at the same time the servant performs it? The discussion focused on this meaning and continued along the same precepts. After this discussion began, the issue of Al-Qadha'a wal Qadar became classified as an 'Aqeedah topic. It was listed as the sixth issue of 'Aqeedah because it dealt with an issue pertaining to Allah (SWT), concerning His creation of the actions of man and His creation of the attributes of things, whether the actions or attributes are good or evil.

It is clear that "Al-Qadha'a wal Qadar" considered as one term referring to one meaning, or considered as "two comparable matters", never entered in the discussions of the Muslims until after the emergence of the scholastics. It is also clear there can only be two viewpoints concerning this matter; one that advocates the freedom of choice, the viewpoint of the Mu'tazilah, and the second that advocates compulsion, the viewpoint of the Jabriyyah and Ahl us-Sunnah. The latter share this viewpoint, despite the differences in the wording and the manipulation of the text. The Muslims settled on these two views and were moved away from what the Quran, the hadith and the Sahabah understood of these. They discussed the issue as "Al-Qadha'a wal Qadar" or "compulsion and freedom of choice" or "the freedom of will", with a new reference point i.e.: are the actions created by Allah (SWT) and (happen) by (via) His will or are they created by the servant and (happen) by (via) the will of the servant, or are the attributes that man effects in things arise from the actions of man and his will or do they come from Allah (SWT)? After the establishment of this discussion, the issue of Al-Qadha'a wal Qadar came to be included within the discussion of 'Aqeedah; it was made a sixth issue of 'Aqeedah.

The Divine Fate (Al-Qadar)

The phrase al-Qadha'a wal Qadar which the matakallimoon (scholastics) placed for the meaning they adopted from the Greek philosophies, had not been used in this meaning before, either by the linguists or by Shar'a. To explain how much far the linguistic and Shar'a meanings of divine fate (al-qadha'a) and divine decree (al-qadar) differ from the meanings coined by the mutakallimoon, we must present their meaning as it came in the language and the divine (Shar'a) texts. The word al-Qadar has many meanings. In language it is said; he qadara the matter, meaning he assessed it. Also he qadara the thing, with something else meaning he measured it and made it according to its measure. It is said he qadara the thing qada'arah meaning he prepared and scheduled it. Also he gadara the matter, meaning he looked at it, arranged and assessed it. It is said that Allah (SWT) qadara the matter qadrun, meaning He glorified it, and He qadara the matter upon him and qadara the matter to him, meaning He (SWT) decreed and judged. To say He (SWT) qadara the rizq (provisions) upon man means He (SWT) divided and apportioned it. To say he qadara or qaddara upon his family means that he made it hard to his family. The person qadara means he thought about the sorting out and arranging of his matter. The person qadara the thing means he evaluated or assessed it. It came in the hadith "If the crescent was concealed for you then assess for it", meaning complete it for 30 days.

The word qadar came in the Noble Quran in many meanings. Allah (SWT) (SWT) said

"And the command of Allah (SWT) was a decree determined" [TMQ 33:38] i.e. and irrevocable matter or inescapable fate. He (SWT) said

"So the water met (and rose) to the extent determined." [TMQ 54:12] This was decreed by Allah (SWT) in the Protected Record (al-lauh al-mahfooz), i.e. He wrote the destruction of the people of Noah by flood. He (SWT) said:

"And He measured its sustenance." [TMQ 41:70], He made the provisions of the inhabitants available, i.e. the attribute of providing the provisions. He (SWT) said;

"He thought and he plotted determined" [TMQ 74:18] i.e. he thought what he would say about the Quran and prepared for himself what he would say and he planned and arranged it. He (SWT) said;

"Who has created (everything) and further proportioned it. And who has measured and then guided" [TMQ 87:2-3] i.e. He (SWT) created everything and made things in proportion, and decreed to every living thing that which suits it, and He guided it to that and informed it of the way to benefit of it. In other words, He (SWT) created in every living man and animal, needs that required satisfaction, and He (SWT) showed them the way to satisfy their needs. This is like His (SWT) saying:

"And He measured therein its sustenance" [TMQ 41:10].

He (SWT) said

"and We made the stages (of journey) between them easy ..." [TMQ 34:18] i.e. We made in it the easy way and the safe journey." He (SWT) said

"Allah has set a measure for all things" [TMQ 65:3], meaning a proper evaluation and planned timing. He (SWT) said:

" Verily, We have created all things with proportion and measure" [TMQ 54:49], i.e. with estimation ; and the ayah was read as biqadar or biqadr, which both means taqdeer i.e. estimation. He (SWT) said:

"For a known period (determined by gestation)" [TMQ 77:22], i.e. to a fixed time. He (SWT) said:

" We have decreed death to you all" [TMQ 56:60], i.e. We made the determination of death amongst you in different ways and different ways

and at different times, so your lives (ages) differ from short, medium and long. He (SWT) said

"And We send it not down except in a known measure" [TMQ 15:21] i.e. with known measure. He (SWT) said:

"Of when We have decreed that she shall be of those who remain behind" [TMQ 15:60] i.e. our decree was that she would be of those who remain behind. He (SWT) said;

"Then you came according to the fixed term which I ordained (for you), O Moses" [TMQ 20:40] i.e. you came at a specific time I appointed for you.

The word qadar came in the hadith to mean the knowledge ('ilm) of Allah (SWT) and His estimation (Taqdeer). Abu Hurairah said, Rasool Allah (SAW) said: "The woman should not seek divorce of her sister to terminate her term (record as wife) and in order that she be married (instead), for she has what has been ordained (quddera) to her", i.e. that which Allah (SWT) has ordained in the protected tablet (al-lauh al-Mahfooz), which means that which Allah (SWT) knows and has decreed. This meaning is similar to what came in His (SWT) saying:

".... (met) for a matter predestined." [TMQ 54:12], i.e. already decreed in the protected tablet. Abu Hurairah na from the Prophet (SAW) , he said: "The Nadhr (solemn pledge) will not bring the son of Adam anything that I had not already decreed (qadartuh), but the qadar lays it out (the nadhr) to him and I had already decreed it to him, by which I extract it from the stingy." This means that the nadhr does not bring the son of Adam anything (benefit) that Allah (SWT) had not already decreed and recorded in the Protected Tablet, i.e. in the knowledge ('ilm) of Allah (SWT), rather He (SWT) extracts out from the stingy by the nadhr. His saying waqadrtuh in this hadith, means I had decreed it and knew it. And the qadar here is the estimation of the knowledge of Allah (SWT). It was na from Abu Hurairah that Rasool Allah (SAW) said: " Adam argued with Mousa. Mousa said : Are you Adam, the one who brought your offspring out

of Jannah? Adam replied: Are you Mousa, the one whom Allah (SWT) has bestowed upon you with His messages and speech, then you blame a matter which was decreed for me (quddera ala'y) before I was born. Thus Adam convinced him". It means that it was decreed to me by the knowledge of Allah (SWT), indicating that Allah (SWT) had ordained it". Tawoos said, I heard A'bdullah ibn O'mar say, Rasool Allah (SAW) said " Everything is with qadar, even impotence and cleverness, or the cleverness and impotence" This means everything is according to the estimation (taqdeer) of Allah (SWT) and His knowledge ('ilm), that Allah (SWT) has written in the Protected Tablet. The word "qadaru Allah" (SWT) (the qadar of Allah (SWT)) came in the speech of the Sahabah to mean the estimation (taqdeer) of Allah (SWT) and His knowledge ('ilm). A'bdullah ibn A'bbas na that "O'mar ibn al-Khattab went to ash-Sham. When he reached Sargh, (a name of a place) the leaders of the Muslims armies , Abu 'Ubaidah ibn Jarrah and his companions met him and told him that plague had befallen the land of ash-Sham. Ibn A'bbas said that 'Omar ibn al-Khattab said: 'Call upon the first Muhajireen to come to me.' He called upon them, consulted them and told them about the disease that happened in ash-Sham, but the Muhajireen differed. Some of them told 'Omar: "you had gone out for a matter and we do not see that you should change your mind about it". Some others said; "you have with you some people and the companion of Rasool Allah (SAW) and we don't see that you should expose them to this disease". 'Omar said: "Withdraw away from me". He then said: "Call to me the Ansar," so they called them. He consulted them, and they did the same as the Muhajireen, and differed like them. He said : "Withdraw away from me". Then he said: Call to me whoever is present of the leaders of Quraish who are of the Muhajireen of the conquest (al-Fath)." So they called them, and even two persons from among them did not differ in their opinion to him. They all said: "We see that you turn back together with the people who are with you and don't expose them to this disease". Thus 'Omar called in the people saying that: "I will be riding (back) in the morning so you do the same". A'bu U'baidah then said: "Are you fleeing from

the qadar of Allah (SWT)?" 'Omar said: I wished someone other than you had said that, O Abu 'Ubaidah; Yes, we flee from the qadar of Allah (SWT) to the qadar of Allah (SWT). What do you think if you had camels and you descended a valley that has two slopes (sides), one of them is fertile and the other is barren. Is it not true that if you grazed (in) the fertile one you did that with the qadar of Allah (SWT), and if you grazed (in) the barren one you did that with the qadar of Allah (SWT)." The qadar of Allah (SWT) here means the estimation and the knowledge of Allah (SWT). This means that if you grazed (on) the fertile slope you did what Allah (SWT) had decreed in the Protected Tablet and what He (SWT) knows. Similarly if you grazed on the barren slope you did what Allah (SWT) decreed in the Protected Tablet and what He (SWT) knows.

It appears from all this that the word qadar is a common term with many meanings, of which are included estimation (taqdeer), knowledge ('ilm), arrangement (tadbeer), the time (al-waqt), the preparation (tahiyah) and making an attribute in a thing. Yet despite these various meanings, qadar did not come with the meaning that the servant (al-'abd) performs action through coercion. Nor did qadar come with the meaning that it is the collective judgment (hukm) in the partial matters and their details. Nor did the qadar come to mean that it is one of the secrets of Allah (SWT). Thereupon, the word (qadar) has linguistic meanings and the Quran used it with these meanings. The hadith used it with the meanings used in the Quran. There was no difference over the meanings between those used in the Quran and those used in the hadith. These are meanings for a linguistic term, so the mind has no role in that. If there were not any divine (Shara'i) meanings, neither in aayaat nor in ahadith, other than these meanings, then it is not valid to agree upon a (technical) meaning and call that a divine (Shara'i) meaning. It appears from all these meanings that came in the aayaat that none refer to the qadar over which the (scholastics) mutakallimoon differed. Ahadeeth meant to indicate the estimation (taqdeer) of Allah (SWT) and His knowledge ('ilm), i.e. His recording in the Protected Tablet (al-lawh al

mahfoozh), and they have no connection with the subject of al-qadha'a wal qadar which the matakallimoon (scholastics) brought for discussion. Concerning what at -Tabarani produced with good narration (sanad hasan) from the hadith of Ibn Mas'oud who reported it without mentioning the reference to Rasool Allah (SAW) (i.e. marfoa'a), " if the qadar is mentioned, quit (discussion)" i.e. if the 'ilm and decree of Allah for things were mentioned, do not involve in discussion; this is because the fact that the estimation of things is from Allah (SWT) means that He recorded things in the Protected Tablet (al-lawh al mahfooz) i.e. He knew them. The fact that Allah (SWT) is Knowing (a'alim) of them is one of the attributes of Allah (SWT) which we must believe in. So the meaning of the hadith would be that if it was mentioned that Allah (SWT) is the One who estimated (qaddara) the things and He knew them, i.e. He recorded them in the Protected Tablet, then do not be involved in the discussion of this matters, but abstain from the discussion and submit for that.

It was also reported from Tawoos;" I contacted some of the companions of Rasool Allah (SAW) and they said : 'Everything is with qadar.'" This means that it is with the estimation (taqdeer) and knowledge of Allah (SWT). Rasool Allah (SAW) also said " ... If anything befell you don't say: Had I done (this) it would have been such and such, but rather say: Allah (SWT) has estimated (qaddara) and He did what He willed." This means that Allah (SWT) recorded (Kataba) the matter in the Protected Tablets (al-lawh al mahfuzah). All these matters are related to the attributes of Allah (SWT), and that He knows the things before they happen, and they happen with qadar from Him, i.e. with His knowledge. All of this has nothing to do with the subject of al-qadha'a wal qadar.

Al-Qadha'a

In the Arabic language it is said: *Qadha* (a thing) means he perfected it; *qadha* (between two litigants) means he decided upon a verdict, and *qadha* a matter means he executed it. The word *al-Qadha'a* has been mentioned a number of times in the aayaat of the Qur'an. Allah (SWT) said:

'When He (Allah (SWT)) decrees (qadha'a) a matter, He says to it: "Be!" - and it is.' [TMQ 2:117], i.e. when He decides a matter it comes into existence without hesitation. And He (SWT) said:

'He it is Who has created you from clay, and then has decreed (qadha'a) a stated term (for you to die)' [TMQ 6:2]. i.e. He has made for this creation, which He has created from clay, a lifespan (*ajal*) between its coming into existence and its death, and He (SWT) said:

'And your Lord has decreed (qadha'a) that you worship none but Him'. [TMQ 17:23], i.e. He has given you a definite order that you should not worship anyone but Him (SWT). He (SWT) also said:

'It is not for a believer, man or woman, when Allah (SWT) and His Messenger have decreed (qadha'a) a matter that they should have an option in their decision'. [TMQ 33:36], i.e. He ordered with an order and judged with a judgment. And He (SWT) said:

'Then He decreed (qadha'a) them (as) seven heavens'. [TMQ 41:12] i.e. He has ordained that the sky with perfection will seven heavens'. He (SWT) said:

'So that Allah (SWT) might accomplish (yaqdh) a matter already ordained (in His knowledge)' [TMQ 8:42], i.e. that He may accomplish a matter which He has already decided upon. And He (SWT) said: ‘

And the matter was accomplished.' [TQM 2:210], i.e. He has completed the matter which is

their death and destruction, and He has brought it to an end. He (SWT) also said:

'So that a term appointed (your life period) might be fulfilled'. [TQM 6:60] i.e. so that the *ajal* which He has designated for raising the dead men and for the accounting of their deeds has been settled. And He (SWT) said:

'If I had that which you are asking for impatiently (the torment), the matter would have been settled (qadha) at once between me and you'. [TQM 6:58] i.e. the matter would have been finished and I would have destroyed you instantly. He (SWT) also said:

'And was a matter (already) decreed (maqdhyya)?' [TQM 19:21] i.e. it was a matter decided by Allah (SWT) and a judgment which had already been decided upon i.e. an action which will occur regardless of what you desire because it is from the *qadha'a* (Decree) of Allah (SWT). He (SWT) also said:

'This is with your Lord: inevitably accomplished (maqdhyya)' [TQM 19:71]., the inevitability of the matter occurs if He obliged it, and the word *accomplished* means it was already decreed. i.e. their coming became binding on Allah (SWT), and He judged upon it. Therefore, the word *qadha* is a collective (*mushtarak*) term which has several meanings: he made the thing with precision, he executed the matter and made the thing, he gave an order, he completed the matter, he made the existence of a matter definite and settled the matter, he finished the matter and he ruled upon it, and he gave a definite matter.

Despite the multiplicity of meanings, nowhere has it been mentioned that *al-qadha'a* is the judgment of Allah (SWT) on the general matters (*kulliyat*) only, just as nothing has been mentioned that *al-qadhar* is Allah (SWT)'s judgment on the (specific details) *juz'iyat*. Therefore, the word *qadha'a* has linguistic meanings, where the Qur'an has used it in these meanings, and there is no disagreement about the meanings mentioned. These meanings are Arabic terms, which have nothing to do with the mind. So if *al-qadha'a* has a *shar'ai* meaning then this

meaning must have been mentioned in a hadith or ayah for the meaning to be classified as a shar'ai meaning. Therefore, the use of the word al-qadha'a as mentioned in the aayaat is not the subject matter of 'al-qaadha'a wa qadar' about which the Mutakallimun (scholastics) differed afterwards. These verses have nothing to do with the study of al-qadha'a wa al-qadar just as those verses and ahadith that contain the meaning of al-qadar have nothing to do with the subject of al-qadha wa qadar. These verses and ahadith discuss the attributes of Allah (SWT) and the actions of Allah (SWT), but al-qadha wal-qadar discusses man's actions. The study of these verses are shara'i discussions and their meanings are linguistic, but the study of al-qadha'a wal-qadar, for the mutakallimun, is a rational one. These verses and ahadith are interpreted by their linguistic or shara'i meanings. The study of al-qadha'a wal-qadar is a terminological meaning that has been coined by the mutakallimun.

Al-qadha'a wal-qadar

Al-qadha'a wal-qadar with this appellation is formed by incorporating the two words together to form one meaning. The qadha'a is linked to qadar by making them two inseparable matters not detached from each other, and they have a meaning that is exclusive to them. By studying the shara'i and linguistic texts and the sayings of the Sahabah, Tabi'in and those who came after them from among the 'Ulema; it appears that the term 'al-qadha wa al-qadar' has not been used by the designated terminological meaning by any of the Sahabah or Tabi'in. Also they have not been mentioned together in their specific terminological sense in the Qur'an or the Hadith. However, they have been mentioned together as a linguistic term in the hadith of Jabir (as) reported by al-Bazzar with a Hasan (sound) chain from the Prophet (SAW): He (SAW) said: "Most of my Ummah die after the qadha'a of Allaah and His qadar with the souls (anfus).": Therefore, this terminological meaning which alludes to this name did not come into being except after the emergence of the Mutakallimin (scholastics) at the end of the first century and after the translation of the texts of Greek philosophy. It did not exist during the time of the Sahabah nor was there any dispute or discussion over these two terms as one name put forward for a specific terminological meaning. Throughout the era of the Sahabah, Muslims did not know of any study called 'al-qadha wal-qadar' though the word qadar had been mentioned on its own. The word qadar has been mentioned on its own in the ahadith just as it has been mentioned together in the aforementioned hadith of Jabir; but in all these cases they have been mentioned in their linguistic meaning. And not in their terminological meaning. The word qadar has been mentioned in the hadith of al-qunut. Al-Hasan said: Rasool Allah (SAW) taught me words which I say in the qunut of the prayer, then he mentioned the du'a of qunut; (part of which is): 'save me from what You have decreed (qadhayt), for You are the One Who decrees (taqdhay) and no one decrees (yuqdhay) over You.' Meaning protect me from the evil of what You have decided, for You decide what You wish and

no one can decide over You. The word qadar has been mentioned in the hadith of Jibreel in some narrations. He said: 'Belief in al-qadar whether good or bad' and in his (SAW) saying: '...and if some (misfortune) befalls you do not say, if only I had done such and such thing but say instead Allah (SWT) has predetermined (qaddara), and what He willed He did'. The meaning of the word qadar in those two hadiths is predetermination (taqdeer) and the Knowledge of Allah (SWT). This means one should believe that things have been written by Allah (SWT) in al-Lawh al-Mahfooz and He knows them before they come to exist, whether they be good or bad. Say also that 'Allah (SWT) has written this in al-Lawh al-Mahfooz and He knew it before it came to be and what He willed he did'. The word al-qadha'a, in the meaning mentioned in this hadith or anywhere else, was not disputed by the Muslims, they did not discuss its wording or its import.

As for the word qadar in the meaning mentioned in those two hadiths the Muslims, before the advent of the Greek philosophies did not disagree about it or discuss its wording or import. After the arrival of the Greek philosophies amongst the Muslims, a group from Kufa stated there is no qadar (predetermination), i.e. nothing has been predetermined (muqaddar) before and everything that takes place has not been predetermined, and these people were called the "Qadariyyah". They are the ones who deny qadar and say that Allah (SWT) created the fundamental aspect of things and then left it, so He does not know of their partial aspects (juz'iyyaat). This is contrary to what has been explained in the clear text of the Qur'an which states that Allah (SWT) is the Creator of all things whether small or big, fundamental or partial, and that He (SWT) predetermined everything before it came into existence, i.e., He wrote it in al-Lawh al-Mahfooz and knew it before it came into being.

He (SWT) said:

"He created all things and He is the All-Knower of everything." [TMQ 6:101] And He (SWT) said:

“And He knows whatever there is in the earth and in the sea: not a leaf falls, but He knows it. There is not a grain in the darkness of the earth nor anything fresh or dry, but is written in a Clear Record.”[TMQ 6:59]. However this disagreement and discussion is only with respect to the qadar of Allah (SWT) in terms of His Knowledge. The Qadariyyah claim that Allah (SWT) knows the fundamentals of things but not their specific (detailed) aspects. Islam states that Allah (SWT) knows the fundamentals of things as well as their detailed aspects. Thus the discussion with respect to the qadar of Allah (SWT) (i.e. His Knowledge) is about the subject of Allah (SWT)'s Knowledge. It is a subject different to that of al-qadha'a wal-qadar and is a different discussion, separate from the subject of al-qadha'a wa al-qadar.

Thus, it appears that the words qadha'a and qadar have each been mentioned in their own right with a specific meaning. They have no relationship to the study of al-qadha'a wal-qadar. Both words in their linguistic and Shar'ai meanings as defined by the Legislator have no connection with the subject matter and study of al-qadha'a wal qadar. They should be studied in reference to their linguistic and shara'i meanings only.

The aayaat (verses) that highlight the Knowledge of Allah (SWT) are ones that indicate that Allah (SWT)'s Knowledge encompasses everything, thus His (SWT) saying:

“No calamity befalls on the earth or in yourselves but has been inscribed in the Book of Decrees - (al-lawh al-Mahfooz), before We bring it into existence. Verily, that is easy for Allah (SWT).”[TMQ 57:22], and His (SWT) saying:

“Say: Nothing shall ever happen to us except what Allah (SWT) has ordained for us. He is our Mawla (protector). And in Allah (SWT) let the believers put their trust.”[TMQ 9:51] And His (SWT) saying:

“Not even the weight of an atom or less than that or greater, in the heavens or in the earth, but it is in a Clear Book (al-Lawh al-mahfooz).”[TMQ 34:3] And His (SWT) saying:

“It is He, Who takes your souls by night (when you are asleep), and has knowledge of all that you have done by day, then He raises (wakes) you up against it (the day) so that a term appointed be fulfilled, then in the end unto Him will be your return. Then He will inform you of what you used to do.”[TMQ 6:60]

These verses were revealed to the Rasool (SAW), they were memorised and understood by the Sahabah, and it did not occur to them to discuss al-qadha'a wal-qadar. Furthermore, the wording and understanding of these verses show that they provide clarification about the Knowledge of Allah (SWT) and have no connection (relationship) to the study of al-qadha'a wal-qadar. The same applies to the aayaat:

“And if some good reaches them, they say ‘this is from Allah (SWT).’ but if some evil befalls them, they say ‘This is from you (Muhammad [saw]).’ Say: ‘All things are from Allah (SWT),’ so what is wrong with these people that they fail to understand speech?”[TMQ 4:78]. It has nothing to do with the discussion of al-qadha'a wal-qadar because it is a refutation of those Kuffar who differentiated between bad and good. Thus, they defined evil as coming from the Rasool (SAW) and good from Allah (SWT). So Allah (SWT) responded by declaring that everything comes from Allah (SWT). The discussion is not about the good that a human being does and the evil that he follows, but about fighting and death! The ayah itself and that came before it and after it clarify:

“They say: ‘Our Lord! Why have you ordained for us fighting? Would that You had granted us respite for short period?’ Say: ‘Short is the enjoyment of this world. The Hereafter is (far) better for him who fears Allah (SWT), and you shall not be dealt with unjustly even equal to the Fateelah (a scaly thread in the long slit of the date-stone). Wheresoever you may be, death will overtake

you even if you are in fortresses built up strong and high! And if some good reaches them, they say 'this is from Allah (SWT)' but if some evil befalls them, they say 'This is from you (Muhammad [saw]).' Say: 'All things are from Allah (SWT)', so what is wrong with these people that they fail to understand speech? Whatever of good reaches you, is from Allah (SWT), but whatever of evil befalls you, is from yourself. And We have sent you (O Muhammad [saw]) as a Messenger to mankind, and Allah (SWT) is sufficient as Witness. He who obeys the Messenger, has indeed obeyed Allah (SWT), but he who turns away, then We have not sent you as a watcher over them." [TMQ 4:77-80] So the subject is what befalls them and not what they are doing. That is why it has nothing to do with the study of al-qadha'a wal-qadar.

Therefore, everything that has been discussed so far has nothing to do with the study of al-qadha'a wal-qadar, and do not lie within the scope of its meaning. Rather, al-qadha'a wal-Qqdar has a meaning derived from Greek philosophy and was conveyed by the Mu'tazila and they gave an opinion regarding it. The Ahl as-Sunnah and Jabriyyah refuted this opinion and Ahl as-sunnah themselves refuted the ideas of the Jabriyyah. The discussion became restricted to the same meanings and remained in the same sphere. The issue at hand was a concept that had been mentioned in Greek philosophy and it became prominent in the debates that arose between the Muslims and the Kuffar who were armed with knowledge of Greek philosophy. It is a meaning with a relevance to the Islamic 'Aqeedah. So what is needed is the Islamic opinion regarding this interpretation. The Mu'tazilah gave an opinion and the Jabriyyah responded to them and gave another opinion. The Ahl as-Sunnah refuted both opinions and offered their own. They claimed a third opinion derived from the two opinions and they described it as 'the pure milk that is sweet to drink that has come from the excrement and blood'.

Therefore, the subject for discussion became known, i.e. what had been derived from Greek

philosophy, and since it was related to the 'Aqeedah, then the Muslims were obliged to state their belief concerning this subject. The Muslims did actually state their opinion, and three schools of thought arose. Consequently, we cannot refer the issue of al-qadha'a wal-qadar to what has been mentioned of the meaning of qadha'a and the meaning of the qadar, linguistically and in the Shari'ah. We cannot imagine or conceive for al-qadha'a wal-qadar any meaning brought from mere supposition, fancy or imagination. It has been claimed al-qadha'a is collective judgement on only general matters (kulliyyaat) and al-qadar is universal judgement on specific matters (juziyyaat) and its details. It has also been said al-qadar is the eternal plan for all things and al-qadha'a is the execution and creation according to that predetermination and plan. Neither can be allowed because both are mere imagination, fancy and a futile attempt in applying certain linguistic and shara'i expressions to the term al-qadha'a wal-qadar because they do not apply to it, they rather indicate general meanings. It would then be an arbitrary action to restrict the two words to these specific meanings without an evidence. Similarly, it cannot be claimed al-qadha'a wal-qadar is one of the secrets of Allah (SWT) and that we have been forbidden to discuss it. There is no Shari'ah text to say it is one of the secrets of Allah (SWT), not to mention the fact that it is a tangible (perceptible) subject for which an opinion must be given, so how can we say that it is not a matter subject for discussion. In addition to that, it is a rational discussion and a subject concerns matters studied by the human mind as a tangible reality relating to belief in Allah (SWT). That is why we must study al-qadha'a wal-qadar, using the meaning placed under discussion and which later became part of the 'Aqeedah.

The question of al-Qadha'a wal-Qadar constitutes the actions of man and the attributes of things. The issue is the actions of man and the consequences of these actions. Is it man's actions that effected the attributes in things or are they the creation of Allah (SWT)? Was it Allah (SWT) or man who created these attributes and brought them into existence? The Mu'tazila, claimed man is the one who himself creates his

own actions and brings them into being. They differed about the attributes of things. Some said man creates all the attributes through his own actions and he brings them into existence. Some differentiated between the attributes. Some of the attributes were claimed to be created by man in things and brought into existence by man and some attributes were created by Allah (SWT) in things and brought into existence by Him (SWT). The Jabriyyah said Allah (SWT) creates all man's actions and all attributes effected by man in things. Allah (SWT) is the One Who brings them into existence and man has nothing to do with the creation and performance of the action or in effecting (causing) the attributes in the things. Ahl us-Sunnah said that man's actions and the attributes effected (caused) in things through his actions are created by Allah (SWT). They said Allah (SWT) creates these when man performs the actions and at the point of originating the attribute. So Allah (SWT) creates them when man's ability and will come into play and not by man's ability and will.

These are a summary of the opinions on the subject matter of al Qadha'a wal Qadar cited. Anyone who scrutinizes these views must know the basis upon which the discussion has to be built so it (the discussion) can be carried out on that basis, to achieve the desired result. The basis for discussion in al-Qadha'a wal-Qadar is not man's action regarding whether he created the action or Allah (SWT) created it. Nor is it the will of Allah (SWT) in the sense that His will is a requirement for man's action to occur. Nor is it the Knowledge of Allah (SWT), in the sense that He knows that man will do such and such action and Allah (SWT)'s Knowledge covers that. Nor is it that man's action is written in the al-Lawh al-Mahfooz so he must act according to what has been written. None of these things have any relationship to the subject from the viewpoint of reward and punishment; they are related to the question from the viewpoint of creation from nothing, Omniscience, Omniwill, and the Protected Decree. The subject of whether an action should be rewarded or punished is quite different. The discussion of al Qadha'a wal Qadar is built on the basis of reward

and punishment for an action i.e., is man obliged to perform an action, good or evil, or does he have a choice? And, does man have choice in performing actions or does he have no choice? The person who studies man's actions will see that man lives within two spheres: one that man dominates, which is the sphere that is within the control of man's behaviour and within which man has full choice over his actions; and the sphere that dominates man, within which man is located and within which man has no choice over his actions, whether they are effected by him or upon him.

Man has not choice in those actions that fall within the sphere that dominates man. Those can be divided into two kinds: Those that follow the natural laws of the universe, and those actions not directly affected by the laws of the universe, although nothing can go beyond the natural pattern of the universe. Concerning those actions that follow the natural laws of the universe, man submits to them and is obliged to act willingly or unwillingly, because he proceeds in universe and life according to a specific system that does not change. Therefore, the actions of man in this sphere occur without his will, he is compelled in these actions and has no choice. He was born to this life without his will he will leave it without his will, and he cannot fly merely by the use of his own body, neither can he walk his natural form on water, or predetermine for himself the colour of his eyes. Man did not choose the shape of his head or the size of his body. It was Allah (SWT) only Who decided on all this, without any influence from man, for Allah (SWT) created the laws of the universe, made them to regulate the universe and made the universe act according to them without change. Concerning the second category, they are actions which happen beyond man's control, which he cannot reject but do not follow the natural laws of the universe. These actions happen either unintentionally through man or affect him and he cannot avoid them. For example, if someone falls down on a person and thus kills that person, someone shoots at a bird and by mistake hits a person and kills him, and a car, train or plane is involved in an unavoidable crash leading to the death of passengers. These are all actions which

occurred from man or upon him, and though they are not bound by the natural laws of the universe, they happened regardless of the capability and will of man, and they fall within the sphere that dominates man. All these actions are classified as qadha'a (fate), because Allah (SWT) alone has decreed them, and because man has no choice and will in the performance of these actions. Therefore, he is not held accountable for them, whether they carry benefit or harm and whether he liked or disliked them i.e. regardless of these actions being good or bad according to the judgement of man, because Allah (SWT) alone knows the good or bad that lies in these actions. Man has no influence on these actions, he has no knowledge of how they came into existence and he cannot influence and/or reject them. Therefore, he cannot be rewarded or punished for them. This is fate (qadha'a). The action is said to have been fated to happen. Man must believe in this fate and that this fate has been ordained by Allah (SWT).

As for the sphere that man dominates, he proceeds in it willingly according to the system he has chosen, whether it is the divine law (shar'iah) or any other. The actions he effects or he is effected by occur by his will. For example, he walks, eats, drinks and travels anytime he likes, or he can refrain at anytime from doing any of these things; he burns with fire and cuts with a knife when he chooses to; and he satisfies the instincts of procreation and ownership and the hunger of the belly as he likes. Man is accounted for those deeds which occur within this sphere, so he will be rewarded for those actions that are rewardable, and he will be punished for those actions that merit punishment. These actions have nothing to do with al-Qadha'a, because man performed them with his own free-will and choice. Actions in which choice is involved are not Qadha'a.

Al-Qadar relates to actions that occur in both spheres. This is because the actions that occur from man or upon man emanate from the matter of universe, man and life. Each action causes an effect i.e. there is a consequence. The question is the consequence that is caused regarding attributes of things used by man in his actions, is

it created by man or by Allah (SWT) just as He (SWT) has created the things themselves? One will see that these consequences spring from the attributes of things and not from the action of man. The evidence for this is that man cannot produce the same effects in any other thing except in those aspects that possess the same attribute. Man cannot use the attributes of things in anyway he wishes. That is why, the consequences of any action does not come from man but from the attributes of things. Thus, Allah (SWT) has created all things and predetermined (qaddara) in each of them its attributes in such a way that nothing else can happen from them except what He has predetermined in them. For example only a date palm and not an apple will grow from a date pit, the human sperm is unique to man alone and not the animals. Allah (SWT) has created specific attributes for things, for example, He created in fire the attribute of burning, in wood the attribute of catching fire, and in the knife the attribute of cutting. He made these attributes an integral and eternal part of each object according to the laws of the universe. When it appears that these attributes are no longer present, it means Allah (SWT) has stripped the object of its attribute and this would be unnatural; it only happened to the Prophets as a miracle for them. In the same manner that Allah (SWT) created attributes for the objects, He created in man instincts and organic needs and, He made certain attributes for these instincts and organic needs. In the procreation instinct Allah (SWT) created the inclination; and in the organic needs He created the attributes of hunger and thirst. He made these attributes adhere to these instincts and needs according to the laws of the universe. These particular attributes that Allah (SWT) created for the objects, instincts and organic needs are termed divine destiny(al-Qadar), because He (SWT) alone created the objects, instincts and organic needs and predetermined for them their attributes. So when the sexual desire (shahwah) arises in man, when he sees on opening his eyes and when a stone is thrown upwards or downward; all of this is not from man's action: but through the action of Allah (SWT). In other words, it is in the nature of objects that Allah (SWT) has created them with

particular attributes in them. They are not from man, he has nothing to do with them, or has any effect on them. This is Al-Qadar. Accordingly, the qadar in the subject of 'al qadha'a wal-qadar' would be the attributes of the objects that man has initiated in his use of the object. Man should believe that the one who predetermined the attributes in all things is Allah (SWT).

Hence 'al-qadha'a wal-qadar' is those actions of man that occur in the sphere that dominates him and the attributes which he initiates in the objects. The belief in al-qadha'a wal qadar, both good and bad are from Allah (SWT), meaning that the actions of man which occur against his will, and which he cannot repel, and the attributes which man initiates in the objects are from Allah (SWT) and not from man, nor does man have anything to do with them. Thus actions by choice are not part of the subject of al-qadha'a wal qadar. These actions have occurred from man or upon him by his choice. So when Allah (SWT) created men and the attributes in the objects, and instincts and organic needs, and created in man the mind with the ability to distinguish between matters, He gave man the choice to perform or abstain from the action, and He did not compel man in this matter. Similarly, Allah (SWT) did not design in the attributes of the objects, instincts and organic needs anything that obliges man to perform or abstain from an action. Therefore, man has choice to perform or abstain from an action through the use of the distinguishing mind that Allah (SWT) bestowed upon him, and He made the mind the place (manat) of the divine charging (takleef). Therefore, He gave for man the reward for doing good, because his mind chose to carry out the orders of Allah (SWT) and abstain from His prohibitions. He also gave him the punishment for doing bad, because his mind chose to disobey the orders of Allah (SWT) and commit His prohibitions. So his accounting on these actions is true and just, because he has freedom of choice to carry out or abstain from actions, and not forced to do. Therefore, al-Qadha'a wal-Qadar has nothing to do with this matter. It is simply a question of man doing this action through his own choice, so man will thus

be responsible for whatever he earns. Allah (SWT) says:-

“Every soul is a pledge for what it earns”
[TMQ 74:38].

Guidance and Misguidance

Linguistically Huda means rashaad (integrity of conduct) and dalaalah (showing the way). It is said, he guided him to the deen, i.e. led him to guidance; I showed him the way and the home meaning I informed. Dhalaal is the opposite of rashaad. Hidaayah, according to the Shar'a, is to be guided to Islam and to believe in it. And dhalaal, according to the Shar'a is deviation from Islam. Referring to this is the saying of the Prophet (SAW): **'Verily, Allah (SWT) will not allow my Ummah to all agree on a dhalaalah.'** Allah (SWT) has kept the Jannah (Paradise) for the muhtadeen (those who have hidaayah) and the Nar (Fire) for the Dhaalleen (those who are on dhalaal). In other words, Allah (SWT) will reward the muhtadi (the one who has hidaayah) and punish the dhaall (the one who is on dhalaal). Attaching reward or punishment to huda and dhalaal indicates these (huda and dhalaal) are due to the actions of man and not from Allah (SWT). If they came from Allah (SWT) He would not have rewarded people for having hidaayah and punished them for being on the dhalaal, this would lead man attributing injustice (Zulm) to Allah (SWT). For when He punishes someone whom He has caused to go astray, He has done an injustice to him. He is too High and Exalted to do such as thing. He (SWT) said:

'And your Lord is not at all unjust to (His) slaves.' [TMQ 41:46] He (SWT) said:

'And I am not unjust (to the least) to the slaves.' [50:29]

However, there are aayaat that suggest hidaayah and dhalaal should be imputed to Allah (SWT) and it could be understood that hidaayah and dhalaal do not emanate from man, but are from Allah (SWT). Other verses suggest that hidaayah, dhalaal and idhlaal (causing someone to go astray) should be ascribed to man, thus it could be understood that hidaayah and dhalaal are from man. All these verses should be understood from a legislative aspect in the sense

that one should understand the reality for which they have been legislated. It would appear that ascribing guidance and misguidance to Allah (SWT) has a meaning other than the meaning of attributing guidance and misguidance to man. Each one focuses on a difference aspect from the other, and this makes the legislative meaning clear. Indeed, the verses that ascribe misguidance and guidance to Allah (SWT) are explicit in that it is Allah (SWT) Who guides and it is He Who causes someone to go astray. He (SWT) said:

'Say: "Verily, Allah (SWT) sends astray whom He wills and guides unto Himself who turns to Him in repentance.' [13:27] He (SWT) also said:

'Verily, Allah (SWT) sends astray whom He wills, and guides whom He wills.' [35:8]. He (SWT) said:

'Then Allah (SWT) misleads whom He wills and guides whom He wills.' [14:4] He (SWT) said:

'But He sends astray whom He wills and guides whom He wills.' [16:93] He (SWT) said:

'And whomsoever Allah (SWT) wills to guide, He opens his breast to Islam, and whomsoever He wills to send astray, He makes his breast closed and constricted, as if he is climbing up to the sky.' [6:125] He (SWT) said:

'Allah (SWT) sends astray whom He wills and He guides on the Straight Path whom He wills.' [6:39] He (SWT) said:

'Say: "It is Allah (SWT) Who guides to the truth.'" [10:35] He (SWT) said:

'And they will say: "All the praises and thanks be to Allah (SWT), Who has guided us to this, never could we have found guidance, were it not that Allah (SWT) guided us!" [7:43] He (SWT) said:

'He whom Allah (SWT) guides, is rightly guided; but he whom He sends astray, for him you will find no wali (guiding friend) to lead him (to the right Path).' [18:17] He (SWT) said:

'Verily! You (O Muhammad [saw]) guide not whom you like, but Allah (SWT) guides whom He wills.'[28:56]. In these verses there is clear indication that the one who does the guiding and misguiding is Allah (SWT) and not the servant. This means the servant does not find guidance by himself, rather he is guided when Allah (SWT) guides him. When Allah (SWT) sends him astray he goes astray. This meaning comes with indications (qara'in) which change the meaning from considering that the initiation of guidance and misguidance is from Allah (SWT) to another meaning, i.e. reconsidering that the creation of guidance and misguidance comes from Allah (SWT), but the one who practice/take up the guidance and misguidance is the servant himself. As for these indications (qara'in) they are shar'ai and rational indications. As for the shar'ai indications many aayaat were revealed attributing guidance, misguidance and idhlaal to the servant. He (SWT) said:

'So whosoever receives guidance, he does so for the good of his own self, and whosoever goes astray, he does so to his own loss.'[10:108] He (SWT) said:

'If you follow the right guidance no hurt can come to you from those who are in error.'[5:105] He (SWT) said:

'So whosoever accepts the guidance, it is only for his own self.'[39:41] He (SWT) said:

'And it is they who are guided.'[2:157] He (SWT) said:

'And those who disbelieve will say: "Our Lord! Show us those among jinns and men who led us astray.'[41:29] He (SWT) said:

'Say: "If (even) I go astray, I shall stray only to my own loss.'[34:50] He (SWT) said:

'Then who does more wrong than one who invents a lie against Allah (SWT) to lead mankind astray without knowledge.'[6:144] He (SWT) said:

'Our Lord! That they may lead men astray from Your Path.'[10:88] He (SWT) said:

'And none has brought us into error except the Mujrimun.'[26:99] He (SWT) said:

'As-Samiri has led them astray.'[20:85] He (SWT) said:

'Our Lord! These misled us.'[7:38] He (SWT) said:

'A party of the people of the Scripture (Jews and Christians) wish to lead you astray. But they shall not lead astray anyone except themselves.'[3:69] He (SWT) said:

'If You leave them, they will mislead Your slaves.'[71:27] He (SWT) said:

'Whosoever follows him, he will mislead him to the torment of the Fire.'[22:4] He (SWT) said:

'But Shaytan wishes to lead them astray.'[4:60] So, in the wording (mantuq) of these verses there is clear indication that the man is the one who performs the actions of guidance and misguidance, thus he will go astray and he will lead others astray; and the Shaytan also leads people astray. So guidance and misguidance has come to be attributed to man and Shaytan and that man can guide himself and send himself astray. This is indication (qarinah) that attributing guidance and misguidance to Allah (SWT) is not one of practice (mubasharah) but one of creation. If the aayaat are placed together and understood in a legislative manner, then the departure of (the meaning of) one verse from the direction of the other becomes clear. Thus the ayah says:

'Say: "It is Allah (SWT) Who guides to the truth,'[10:35] and the other ayah says:

'So whosoever receives guidance, he does so for the good of his own self.'[10:108] The first indicates that Allah (SWT) is the one who guides and the second verse indicates that man is the one who guides himself. The guidance of Allah (SWT) in the first verse is one of creating the

guidance in man, thus creating the capacity for guidance. The second ayah indicates that man is the one who practices/takes up what Allah (SWT) has created in terms of the capacity for guidance and so he guides himself. That is why He (SWT) says in the other ayah:

‘And (have We not) shown him the two ways (good and evil).’[90:10] meaning the path of good and the path of evil. In other words Allah (SWT) has given man the ability to get guidance and has left man to practice his own guidance. So these aayaat which attribute guidance and misguidance to man are a shara’i indication (qarina shar’iyyah) showing that the practice of guidance should be diverted from Allah (SWT) to the servant. As for the rational indication (qarinah aqliyyah), Allah (SWT) takes people to account, rewarding the one guided and punishing the misguided one and He has prepared the reckoning according to the actions of human beings. He (SWT) said:

‘Whoever does the righteous good deeds it is for (the benefit of) his own self, and whoever does evil, it is against his own self, and your Lord is not at all unjust to (His) slaves.’[41:46] He (SWT) said:

‘So whoever does good equal to the weight of an atom (or a small ant), shall see it. And whoever does evil equal to the weight of an atom (or a small ant), shall see it.’[99:7] He (SWT) said:

‘And he who works deeds of righteousness while he is a believer, then he will have no fear of injustice, nor any curtailment (of his reward).’[20:112] He (SWT) said:

‘Whoever works evil, will have the recompense thereof.’[4:123] He (SWT) said:

‘Allah (SWT) has promised the hypocrites; men and women, and the disbelievers the Fire of Hell, therein they shall abide.’[9:68] For if the meaning of ascribing guidance and misguidance to Allah (SWT) is that He (SWT) practices it, then His punishment of the kafir, munafiq and sinful is injustice. And Allah (SWT) is High Exalted about that; then we are obliged to change the meaning to something other than practice, which is the

creation of guidance from nothing and aiding man towards it. Thus the one who practices guidance and misguidance is the servant, and therefore he is accounted for it.

This concerns those aayaat in which guidance and misguidance is ascribed to Allah (SWT). As regards those in which guidance and misguidance is linked to His wish (mashee’a):

‘Verily, Allah (SWT) sends astray whom He wills, and guides who He wills.’[35:8] The meaning of mashee’a here is iraadah (wish). The meaning of these verses is that no one forcibly guides himself against Allah (SWT)’s will nor does he forcibly go astray against His will. Rather the one who finds guidance is the one who guides himself by the wish and will of Allah (SWT); and the one who goes astray does so by the wish and will of Allah (SWT).

Still remaining are those aayaat from which one might understand that there are people who will never be guided. Such as His (SWT) saying:

‘Verily, those who disbelieve, it is the same to them whether you (O Muhammad [SAW]) warn them or do not warn them, they will still not believe. Allah (SWT) has set a seal on their hearts and on their hearings, (they are closed from accepting Allah (SWT)’s guidance), and on their eyes there is a covering.’[2:6-7] And His (SWT) saying:

‘Nay! But on their hearts is the Ran (covering of sins and evil deeds).’[83:14] He (SWT) said:

‘And it was inspired to Nuh: "None of your people will believe except those who have believed already.’[11:36] These verses are information from Allah (SWT) to His Prophets about certain peoples that they will not believe, so this comes under the Knowledge (‘ilm) of Allah (SWT). The information does not mean there is a group which will believe and a group which will not believe. Rather, every human being has the capacity to acquire iman. The Messenger and the da’wah carriers who come after him are ordered to invite all peoples to iman. It is not allowed for the Muslim to despair

about anyone's iman. Concerning the prior Knowledge of Allah that a man will not believe, Allah (SWT) knows it because His Knowledge includes everything. For what Allah (SWT) has not informed us about what He knows, we cannot pass judgement on this. The Prophets did not pass judgement or make a decision that someone will not believe except after Allah (SWT) (SAW) had informed them about this.

For His (SWT) saying:

'And Allah (SWT) guides not the people who are Fasiquun (the rebellious and disobedient).'[5:108] And His (SWT) saying:

'And Allah (SWT) guides not the people who are Zalimun (wrong-doers).'[3:86] And His (SWT) saying:

'And Allah (SWT) guides not the people who are Kafirun (disbelievers).'[2:264] And His (SWT) saying:

'If you (O Muhammad [SAW]) covet for their guidance, then verily Allah (SWT) guides not those whom He makes to go astray.'[16:37] And His (SWT) saying:

'Verily, Allah (SWT) guides not one who is a musrif (a polytheist, those who commit great sins), a liar! (kazzab)'[40:28] These verses mean that Allah (SWT) did not grant them guidance since the granting of guidance comes from Allah (SWT). The fasiq, zalim, kafir, daal, musrif and kazzab, are all characterised by attributes inconsistent with guidance, and Allah (SWT) will not help for guidance those who have such attributes. This is because helping in guidance is to provide its causes for the human being ; and the one who is characterised with these attributes the means of guidance will not be available for him, rather the causes of misguidance. Similar to this is His (SWT) saying:

'Guide us to the Straight Way.'[1:6] And His saying:

'And guide us to the Right Way.'[38:22], meaning help us so that we may be guided i.e. facilitate for us the causes of this guidance.

The termination of life-span (ajal) is the only cause of death

Many people think that death, though it takes place just once has more than one cause. They say the causes vary but death takes place once. They take the view that death can occur from a terminal illness such as pestilence or plague. It may occur by the stabbing of a knife, being hit by a bullet, burned by fire or when one's head is chopped off and so on. For them these are all direct causes that lead to death. So they will proclaim these things as the causes of death. Accordingly, death occurs when these things happen, and death does not occur when they don't happen. So, in their view death has occurred due to anyone of these causes and not because the life-span (ajal) has been terminated, even though they may say man dies due to his ajal and the causes of death are these things and not Allah (SWT) and even though they say that Allah (SWT) is the one who gives life and takes life.

The truth is that death is one and its cause is also one namely, the termination of ajal. It is Allah (SWT) alone Who causes death. That is because for something to be correctly considered as a cause, it must definitely produce the effect, and the effect will only come about as a product of its cause. This is different to the condition or circumstance (halah) which is a particular happening (condition) with particular circumstances under which something usually takes place. However, this event may also fail to transpire and not take place. For instance, life is the cause of movement in animals, when life exists within them they will be able to move, and when life is absent then movement is absent as well. Also energy is the cause of the motor being set in motion, so when the energy is present the motor starts, and without energy there is no motion. This is different to the phenomenon of rain in relation to the cultivation and growth of crops. It is a factor in the growth of plants and crops but not the cause. Although rain allows crops to grow, there are instances where it may rain but no crops will grow. Crops may grow

due to just the moisture being retained by the land like the cultivation of crops in the summer where there is little or no rain. Similarly, plagues may happen and someone might be shot but death does not occur, and death may occur without any of these factors under which death happens.

The one who examine those events leading to the death and the one who examines death itself, can be sure of this (fact) from the reality around him. He will find that these things which often lead to death may be present but death does not occur, or may find that death occurs without anyone of these things present. For example, a person might be fatally stabbed with a knife and all the doctors agree that it is fatal, but then the one stabbed does not die. Instead his wound heals and he gets better eventually. Also death might occur without any apparent cause or reason, for instance when someone's heart suddenly stops beating without the nature of the cause that led the heart to stop beating becoming clear to the doctors even after a detailed investigation. Many of these incidents are known to the doctors. Many hospitals in the world are witness to thousands of such incidents. Something may happen which usually leads to death, but then the person does not die, and death might occur suddenly without any apparent cause. That is why all the doctors say: such and such patient nothing can be done for him according to our medical knowledge; however he might recover but why (this would happen) this is beyond our knowledge. Also they may say such and such person is under no risk and he will recover. He passes though the critical period unscathed, but then his situation deteriorates and he suddenly dies. All these are realities witnessed and sensed by people and doctors. They clearly indicate that these things from which death may occur are not in themselves causes of death. If these were the causes of death then each time they happen (a shooting or stabbing or burning) then in each case death would be the outcome and death would not result from any other cause, i.e. death does not occur without a tangible cause. Their mere failure to lead to death even just once, and the occurrence of death without these causes

even if only once, is clear indication that they are not causes of death but rather conditions or circumstances in which death occurs. The true cause of death must rather be something else. It may be said: yes, these things that happen and usually lead to death are conditions or circumstances but not causes because they may fail to result in death in every case; however, there are causes seen and sensed from which death definitely takes place and never fails to happen, then such is the cause of death. For example, cutting the neck and removing the head from the body leads to death in every case. When the heart stops beating death will occur without fail. These examples and their like of the parts of the human body which will lead to death in every case, are the cause of death. Yes, striking the neck is a condition for death but not a cause of death, and stabbing the heart with a knife is a condition for death but not the cause of death and so on. But why do we say that such happenings are only a condition for death to happen and not the cause of death? The answer is that striking of the neck and removing the head is not caused by them themselves, so it is not the neck or the head itself that is responsible. It is an external factor alone that is responsible, i.e. the object that struck the neck and removed the head is the cause and not the striking or removing itself. This is because the striking or removing did not happen by themselves. Similarly, the stopping of the heart does not occur by itself, there must have been an external factor. It is not correct therefore to say that stopping the heart beat is a cause of death, but what made the heart stop beating is the suspected cause of death and nothing else. It is therefore impossible to say that the stopping of the heart or chopping of the neck is suspected as being the cause of death. There can be no suspected cause of death except external factor.

Furthermore, Allah (SWT) has created attributes in things. When the attribute is absent then the effect of the thing is lost. There can be no attribute without the presence of the object which (this attribute) is a part of its attributes. For example, Allah (SWT) created for the eye the attribute of sight, for the ear the attribute of hearing, for nerves the attribute of sensation, in

fire the attribute of burning and in the lemon the attribute of sourness and so on. The attribute of an object is the natural result of its existence. It is similar to characteristics held by things. For example water has a natural characteristic of liquidity and part of its attribute is that it quenches thirst. The motor, one of its natural characteristics is creating motion and one of its attributes is generating heat. The heart, one of its natural characteristics is its beating and part of its attributes is sustaining life. So quenching the thirst, generating heat and sustaining life are the natural characteristics of the objects even though they are a part of the attributes of those objects. The presence of an attribute in an object does not cause the action which is an effect of the attribute. So the absence of an attribute is not the cause of the lack of the action which is an effect of the attribute. This is because the presence of the attribute of burning in fire is not sufficient to produce burning. So it cannot serve as a cause for burning, since the presence of the attribute of burning in fire does not lead to the action of fire burning. Thus the lack of the attribute of fire to burn is not the reason why fire does not burn. Likewise, the presence of the attribute of sustaining life in the heart is not enough to produce life, so it cannot be a cause for life. Accordingly, the absence of the attribute of sustaining life from the heart is not the cause for absence of life. To summarise, the absence of an object is not the cause why its attributes are absent. What causes the absence of the attribute within the object holding the attribute is an external factor, responsible for the attribute being lost while the object still exists or the object being lost together with its attribute. This external factor is what causes the disappearance of the attribute, it is not the object that is responsible. Therefore, from this angle also, i.e. the angle that life is an attribute of the presence of the head on the body and it is an attribute of the heart beat, it should not be said that removing the head from the neck is the cause of death and stopping the heart beating is the cause of death. Rather the suspected cause is what has removed the neck from the head and what has stopped the heart beating, and not the cutting off the neck or the stopping of the heartbeat. Damaging a limb or another part of the body is

not the true cause of death, because only an external factor can cause damage to the limb or body. As life is one of the attributes of the limb, it can only be removed by an external factor, which may also remove the limb as well as the attribute. Similarly, the cause of death is not the external factor because it has been proven by ration and reality that the external factor may be present but death does not occur. Death could occur without this external factor. The cause invariably produces the effect. Therefore, only the true cause of death that will always lead to death, is other than this.

Mind cannot perceive this true cause because this cause cannot be sensed, therefore Allah (SWT) must inform us of it and provide this knowledge about the real cause of death with an evidence definite in authenticity and meaning so that we can accept and believe in it. Belief can be proven only by definite evidence. In numerous aayaat Allah (SWT) has informed us that the cause of death is the termination of our life-span (ajal) and that it is Allah (SWT) Who causes death. So death is inevitable because of the termination of our life-span (ajal) without fail. Ajal is the cause of death, the one who causes death is Allah (SWT) and initiates the action of death. This has been mentioned in numerous aayaat. He (SWT) said:

'And no person can ever die except by Allah (SWT)'s leave and at an appointed term.' [3:145] meaning He has decreed death at a known appointed time which cannot be delayed or advanced. And He (SWT) said:

'It is Allah (SWT) Who takes away the souls at the time of their death.' [39:42] meaning He is the one who causes death by removing the souls and takes away the thing by which man lives. And He (SWT) said:

My Lord (Allah (SWT)) is He Who gives life and causes death.' [2:258] meaning He is the one who initiates creation and the beginning of life and He is the one who undertakes the action and occurrence of death. He (SWT) said:

'It is Allah (SWT) that gives life and causes death.' [3:156] Allah (SWT) stated this in response to the statements of those who disbelieved. The ayah states:

'O you who believe! Be not like those who disbelieve (hypocrites) and who say to their brethren when they travel through the earth or go out to fight: "If they had stayed with us, they would not have died or been killed," so that Allah (SWT) may make it a cause of regret in their hearts. It is Allah (SWT) that gives life and causes death. And Allah (SWT) is All-Seer of what you do.' [3:156] meaning this matter is in the hands of Allah (SWT). He might allow the traveller or ghazi (one who fights in Allah (SWT)'s path) to live but cause the one residing and sitting in his house to die as He (SWT) wills. And He (SWT) said:

'Wherever you may be, death will overtake you even if you are in fortresses built up strong and high.' [4:78] meaning, death will come to you even if you are in strong fortresses. And He (SWT) said:

'Say: "The angel of death, who is set over you, will take your souls". [32:11] This is in response to the Kuffar. Allah (SWT) states they will return to their Lord, so He will make them die when He sends the Angel of death to take their ruh (secret of life). The ayah says:

'And they say: "When we are (dead and become) lost in the earth, shall we indeed be recreated anew?" Nay, but they deny the Meeting with their Lord! Say: "The angel of death, who is set over you, will take your souls, then you shall be brought to your Lord!" [32:10-11], i.e. take your ruh, so death takes place when the ruh (secret of life) is taken. And He (SWT) said:

'Say (to them): "Verily, the death from which you flee will surely meet you." [62:8] meaning the death from which you try to escape from will catch you and you are frightened to face it because you fear you will have to face the evil consequences of your disbelief (kufr). You cannot elude it and it will definitely meet you. And He (SWT) said:

'When their term (ajal) is reached, neither can they delay it nor can they advance it an hour.'[7:34] When the life-span which Allah (SWT) has decreed for each creation is completed, it cannot be delayed or brought forward for even an instant. He (SWT) has said 'hour' (saa'ah) as indication of the shortest time. And He (SWT) said:

'And We have decreed death to you all.'[56:60] meaning We have decreed death for you and allocated rizq (provision) between you in different measures as dictated by Our Will (mashi'ah). Your spans vary from being long, short or medium. These and other verses of definite meaning and definite text indicate a meaning open to only one interpretation, that Allah (SWT) is the one who actually gives life and death without the presence of any cause or effect, and man will only die when his life-span has been terminated and not as a result of the circumstances that lead to death, which he sees as the cause of death. So the cause of death is the termination of the life-span only, and not those circumstances in which death occurs. It should not be claimed that death should be attributed to Allah (SWT) in terms of creation. The initiation of death is through man's actions or the causes which result in death. Such as His (SWT) saying:

'And you (Muhammad [SAW]) threw not when you did throw but Allah (SWT) threw.'[8:17] And like His (SWT) saying:

'And whomever Allah (SWT) wills to guide, He opens his breast to Islam, and whomever He wills to send astray, He makes his breast closed and constricted, as if he is climbing up to the sky.'[6:125] And His (SWT) saying:

'Verily, Allah (SWT) sends astray whom He wills, and guides whom He wills.'[35:8] There are indications (qara'in) which divert the initiation of action from Allah (SWT) to man. This means that in these verses Allah (SWT) creates the throwing, opening of the breasts to Islam and constriction of the breasts, and guidance and misguidance. However, the one who actually initiates the actions is not Allah (SWT) but man.

These indications are from ration and text. When Allah (SWT) says

'You threw' (ramayta), it means that the actions of throwing originated from the Rasool (Messenger) (SAW) and the punishment for going astray and reward for being guided by Islam indicates the presence of choice on the part of the man, who can choose Islam or kufr. All this indicates that man is the one who initiates action. If Allah (SWT) was the initiator then He would not reward or punish man. It can be sensed and understood from the ayah that the Rasool (SAW) is the one who threw and man is the one who finds guidance by using his mind in a correct manner and man is the one who goes astray by not using his mind or using it incorrectly. Regarding death, it is a different manner. There is no indication that the initiation of death comes from anyone other than Allah (SWT) and that death occurs when ajal is terminated. It has been proven there is no perceived cause for death and nor is there textual evidence that changes the meanings of verses from their correct understanding. There is nothing to indicate the initiator of death is other than Allah (SWT). So the verses mean only that mentioned explicitly according to the indicates of the Arabic language and the Shar'a., meaning the one who initiates death is Allah (SWT).

From all this it is clear that rational evidence indicates death occurs in circumstances which are not causes. The true cause is something that cannot be sensed. It has been proven by shar'ai evidence that these things from which death may occur are not what brings about death nor are they the cause of death. Definite verses have shown that the cause of death is the termination of ajal, and the one who causes death is Allah (SWT).

Rizq is in the hand of Allah (SWT) only

Rizq is not ownership (milkiyyah) but a gift ('aTaa'). The verb razaqa means to give (a'aTa). Ownership means the possession of something through any of the mediums permitted by the Shar'a. The rizq can be halal (lawful) or haram (forbidden). All of it is termed as rizq. So money won by one gambler from another in a gambling match is rizq, since it is money that Allah (SWT) gives to each person who follows any of the circumstances in which money is obtained.

A prevalent amongst people is that man is the one who provides for himself, and men considers the circumstances in which he earns wealth – i.e. through money or profit - as the cause of their provision (rizq), even if they say by their mouth that Allah is Ar-Razzaq (one who gives sustenance). They see that the employee takes home a specific wage through his hard work and effort and say he is the one who provides for himself. When he exerts every effort or tries through various means to supplement his wage, they say he is the one who procured this increase in wage. For the businessman who makes profit as a result of his business endeavours, they say he is the one who provided his own sustenance. The doctor who treats the ill is making his own living. In this manner they see that each person practices a job from which he earns money, thus he is the one who provides for himself. So the causes of provision for these people are material and tangible, which are the circumstances that lead to the procurement of money. The person who commits himself to these circumstances, is the one who will earn this money, whether he or someone else receives the provision. People now hold this view because they have not grasped the reality of the circumstances from which their provision comes. They take these as being the cause because of their inability to differentiate between the cause and the circumstance. The fact is that these circumstances lead to the acquisition of provision are circumstances which lead to obtaining the rizq and are not a cause of rizq. If these are the

causes of rizq then these circumstances will always lead to a provision of rizq, but it can be seen that they do not always lead to provision of rizq. These circumstances may well exist but no provision comes out of them, and rizq may be obtained without the existence of circumstances. If they were the cause then the result, (the rizq), would be an inevitable matter. However, the rizq is not an inevitable result, it might come when the circumstances arise, and the rizq might fail to materialise despite their existence. This indicates that they are not the causes of rizq but only the conditions or circumstances under which the rizq is obtained. An employee might work for a whole month but does not receive his (expected) income due to the settlement of a previous debt, the spending of money on those whose maintenance he is obliged to provide for, or by payment of taxes. In those circumstances that should bring provision (i.e. the employee's work), the rizq was not obtained since the employee did not get his wages. However for example, there might be someone living in his house in al-Quds, to whom the postman brings (the) news that a (so and so) relative of his in America has died, and left him in his will as the sole inheritor, so all wealth will pass into his hands. So this rizq came to him and he did not even know it was coming. Another example, a side of the person's house might collapse and he finds money hidden in the rubble, so he takes it. If those circumstances that arise through man's efforts do lead to the provision of rizq, then they would always provide rizq, or no rizq could be acquired unless these circumstances are present. It is clear that these circumstances do not always lead to acquisition of rizq, indicating they are no cause of rizq, they are rather conditions for the acquisition of rizq. There are many incidents, where rizq has been acquired without any apparent cause. The incidents of people eating before setting out on a journey, or setting out on a journey leaving untouched the food that had been prepared for them, and the like are many. This indicates that circumstances in which rizq is usually obtained are conditions required for provisions of rizq but not its causes..

Furtermore, we cannot consider the conditions (halaat), in which the rizq is acquired as causes of

rizq, nor the person who used these conditions had brought the rizq by these means. This because this would contradict Qur'anic text, definite in meaning and definite in authenticity. If anything contradicts a text definite in meaning and definite in authenticity, the Muslim is obliged to adopt the definite text without any hesitation whatsoever. All other opinions are rejected without difference in opinion. Anything proven by the definite evidence that it comes from Allah (SWT), the Muslim is obliged to adopt it and reject all others. The truth to which the Muslim should submit is that rizq is from Allah (SWT) and not man.

Many aayaat (not open to interpretation) clearly show that rizq is from Allah (SWT) alone and no one else. This makes us absolutely certain that what we understand from the styles and means by which the rizq is provided, these are set of conditions present so rizq may come. Thus, Allah (SWT) says:

'And eat of the things which Allah (SWT) has provided for you.' [5:88] and He says:

'Who created you, then provided food for you.' [30:40] and He says:

'Spend of that which Allah (SWT) has provided you.' [36:47] and He says:

'Verily Allah (SWT) provides sustenance to whom He wills.' [3:37] and He says:

'Allah (SWT) provides for it and for you.' [29:60] and He says:

'Surely, Allah (SWT) will provide for them.' [22:58] and He says:

'Allah (SWT) increases the provision for whom He wills.' [13:26] and He says:

'So seek your provision from Allah (SWT) (Alone).' [29:17] and He says:

'And no (moving) living creature is there on earth but its provision is due from Allah (SWT).' [11:6] and He says:

'Verily, Allah (SWT) is the All-Provider (al-Razzaq).' [51:58]. All these aayaat are definite in meaning and definite in authenticity, having only one possible meaning and not open for interpretation, that is the rizq only comes from Allah (SWT) who is ar-Razzaq, (the one who provides sustenance) and it lies in the hand of Allah (SWT) alone.

However, Allah (SWT) has ordered His servants to perform actions and they have been given the ability to choose the conditions they wish to practice that will lead to provision of rizq. They should pursue, according to their choice, all conditions that will lead to provision of rizq. However, these conditions are not the cause of rizq, nor are they who bring forth this rizq, as clearly stated in the text of the Qur'an. Rather, Allah (SWT) is the one who gives provision in these conditions irrespective of whether the rizq is halal or haram, irrespective whether Allah (SWT) has obliged, allowed or forbidden it, and regardless of whether the rizq was obtained or not. Islam has clarified the manner in which the Muslim is allowed or forbidden to pursue those conditions in which rizq can be obtained. Islam clarified the means of ownership and not the causes of rizq and restricted ownership to these means. It is not permitted for any Muslim to acquire any provisions except through legal means, this means the rizq has been obtained lawfully, and any other way is haram, even though rizq be it halal or haram is from Allah (SWT).

One issue remains unanswered : Does the provision for a person include everything he owns even if he has not made use of it, or is it limited to only that which he has made use of. The aayaat of the Qur'an suggest that the provision for human beings consists of everything man owns, whether he has derived benefit from it or not. Allah (SWT) said:

'That they may mention the Name of Allah (SWT) over the beast of cattle that He has given them (razaqahum) for food.' [22:34] and He says:

'Allah (SWT) increases the provision (rizq) for whom He wills.' [13:26] and He says:

'And the man whose resources (rizquh) are restricted' [7:65] and He says:

'Spend out of what He provided you (razaqakum)' [36:47] and He says:

'Eat of the lawful things that We have provided you (razaquakum).'

'But feed (urzuquhrum) and clothe them therewith.'

'And provide it's people with fruits.'

'Eat and drink of that which Allah (SWT) has provided (rizq).'

These verses are clear in their use of the term 'rizq' for everything that a person owns. Rizq is applied to anything from which benefit is derived. The rizq has not been specified to that provision which is only made use of, because both the aayaat are general (a'ammah) and their meanings are general (aammah). For example, it should not be said when someone takes your money from you, whether through theft, forced appropriation or embezzlement, that he has taken your rizq from you. Rather one should say ; he took his rizq from you. So when a human being comes to acquire wealth, he has taken his rizq. When the wealth is taken from him, it does not mean his rizq has been taken from him; rather the one who has taken possession of the wealth has taken his rizq from him. No one takes the rizq of anyone else, rather the person takes his own rizq from someone else.

The Attributes (sifaat) of Allah (SWT)

Before the emergence of the mutakallimoon the question of Allah (SWT)'s attributes was not known and was not a subject for study. The expression 'attributes of Allah (SWT)' (sifaat Allah (SWT)) is not mentioned in the Qur'an or in the Sunnah. It is not known that any of the Sahabah mentioned or discussed the term 'attributes of Allah (SWT)'. Everything mentioned in the Qur'an which the mutakallimoon claim is of the 'attributes of Allah (SWT)' should be understood in the light of His (SWT) saying :

'Glorified be your Lord, the Lord of Honour and Power! (He is free) from what they attribute unto Him!'[37:180]

And His saying:

'There is nothing like unto Him'[42:11]

And His saying:

'No vision can grasp Him' [6:103]

The description is taken only from the Qur'an as it is mentioned. Thus knowledge ('ilm) is taken from His (SWT) saying:

'And with Him are the keys of the ghayb (unseen), none knows them but He. And He knows whatever there is in the earth and in the sea; not a leaf falls, but He knows it. There is not a grain in the darkness of the earth nor anything fresh or dry, but is written in a Clear Record' [6:59]

And understanding of life (hayat) is taken from His saying:

'Allah (SWT)! None has the right to be worshipped except He, the Ever living, the One Who sustains and protects all that exists'[2:255], and His saying:

'He is the Ever Living, none has the right to be worshipped except He'. [40:65]. Understanding

the power of Allah (SWT) is taken from His speech:

'Say, "He has power to send torment on you from above or from under your feet, or to cover you with confusion in party strife"' [6:65], and His saying:

'See they not that Allah (SWT), Who created the heavens and the earth, is Able to create the like of them.' [17:99]

The attribute of the hearing of Allah (SWT) (sam'a) is taken from His saying:

'Truly, Allah (SWT) is All-Hearer, All-Knowing.' [2:181]

And seeing (basar) is taken from His saying:

'And Allah (SWT) is All-Hearer, All-Knower' [3:121], and His saying:

'And verily, Allah (SWT) is All-Hearer, All-Seer' [22:61] , and His saying:

'He is the All-Hearer, the All-Seer' [40:20]

The attribute of the speech (kalaam) of Allah (SWT) is taken from His saying:

'And to Musa Allah (SWT) spoke directly' [4:164] , and His saying:

'And when Musa came at the time and place appointed by Us, his Lord spoke to him.' [7:143]

And the divine Will (iraadah) is taken from His saying:

'He does what He intends' [85:16] , and His saying:

'Verily, His Command, when He intends a thing, is only that He says to it, "Be! - and it is!' [36:82] , and His saying:

'But Allah (SWT) does what He likes' [2:253]

The attribute of the creation (khalq) is taken from His saying:

'Allah (SWT), is the Creator of all things'[39:62], and His saying:

'He has created everything, and has measured it exactly according to its due measurements' [25:2]. These attributes have been mentioned in the Noble Qur'an as other attributes like divine Unity (wahdaaniyyah) and Pre-existence (qidam). There is no dispute between the Muslims that Allah (SWT) is One, Eternal, Living, Able and that He hears everything, sees everything, 'speaks', knows everything and exercises His Divine Will.

When the philosophers came and thoughts of philosophy penetrated in the minds of the Muslims, disputes between the Mutakallimoon about the attributes of Allah (SWT) arose. The Mu'tazila said: The Essence (dhat) of Allah (SWT) and His attributes are the same thing. Allah (SWT) is Living, Knowledgeable and all-Powerful in His Essence (by His own Nature). He does not have Knowledge, Power, Life outside to His Essence. This is because, if Allah (SWT) is Knowledgeable due to knowledge external to His Essence, and Living due to life that is external to His Essence as is the case with human beings, then this necessitates that there is a description (sifah) and a described thing (maesooif), and a carrier (of an attribute) (ie haamil) and an attribute (mahmool), which is the condition of the material objects.; and Allah (SWT) is free of embodiment (tajseem). If we say the attribute exists by itself, then there would be more than one Eternal Being, in other words more than one God. The Ahl as-Sunnah said: 'Allah (SWT) has eternal attributes which exist in His Essence. These are: neither He and no other than He' (la huwa wala ghairuhu). As for Him having attributes, this is because it has been proven He is knowledgeable, living, able and so on. It is known that knowledge, life, power etc in their entirety, indicate a meaning external to the concept of Absolute Being (Wajib al-wujud). Not all the words are synonymous in meaning. It cannot be as the Mu'tazila claim that He is Knowledgeable ('aalim) without knowledge ('ilm)

and Able (qaadir) without power (quwwah) etc. This is obviously absurd, on a par with us saying that something is black without any blackness. The texts have proven Allah (SWT)'s Knowledge, Ability etc. Exact and precise actions indicate also the presence of His Knowledge and Power and not just simply ascribing knowledge and power. Regarding Allah (SWT)'s attribute of being eternal. this is because new entities (haadith) cannot exist in His Essence. It is inconceivable that a new entity (haadith) would exist in a Pre-Existent Eternal Being (al-Qadim al-Azali). Concerning those attributes existing in His (SWT) Essence, this is due to the necessary things required for existence. There is no way to describe the attribute of a thing unless the attribute exists in the thing. So there is no meaning for He (SWT) being 'Aalim (All-knowing) that this attribute is verified by ma'loom (what is known). Rather the meaning of Him being 'Aalim (Knowing) is verification of the existence of the attribute of holding knowledge ('ilm) in Him. As for the attributes being 'neither He nor other than He', the attributes of Allah (SWT) are not the Essence of Allah (SWT) Himself, because the mind dictates that the attribute will be other than the thing that has been described. It is a meaning external to the Essence of Allah (SWT) because it is an attribute of Allah (SWT) and not other than Allah (SWT). Since it is not a thing, essence or substance ('ayn), but only a description of the Essence. Though it is not the Essence of Allah (SWT), it is not something other than Allah (SWT), but it is an attribute of Allah (SWT). As for the view of the Mu'tazila; if every attribute existed by itself there would be more than one Pre-existent Being. This would have been the case if the attribute was an Essence. As for when it is a description of the Eternal Essence, the description of the Essence by such an attribute does not necessitate a plurality of essences. Rather it means there is more than one description of the One Essence. It does not negate the Oneness of Allah (SWT) (wahdaniyyah) or mean a plurality of gods. In this manner the Ahl as-Sunnah proved rationally that Allah (SWT) has attributes other than His Essence but not apart from Him, as the description is different than the thing described

but not separate from the thing described. They explained the meaning of each of these eternal attributes. They said the attribute of Knowledge ('ilm) is the eternal attribute which reveals the known things (ma'lumaaat) that relates knowledge. The attribute of Ability (qudrah) is an eternal attribute which effects the things that have been decreed (maqdooraat). Life (hayah) is an eternal attribute which determines the sihhat (soundness) of living. The attribute of Ability (qudrah) is power (quwwah). The attribute of sama' (hearing) is an eternal attribute that relates to things that are heard (masmu'aat). The attribute of sight (basar) is an eternal attribute relating to the seen things (mubsarat). Through them He (SWT) has a complete understanding, not one arrived at by (that is by way of) imagination, delusion, by way of being effected by sensory perception or arriving at air. The 'wish' (iradah) and 'will' (desire) are both expressions of the attribute of life that requires one of the decreed (matters) specifically occurs at one moment, though the qudrah (power) over all of them (decreed matters) is the same. The attribute of speech (kalam) is an eternal attribute which is expressed by the composition called the Qur'an. Allah (SWT) speaks with words, it is one of His eternal attributes and not of the category of letters and sounds. It is an attribute which is opposite to silence and aafah (defficiency). Allah (SWT) speaks with this attribute. With this attribute He orders, forbids, informs; and anyone who orders, forbids and informs expresses a meaning in oneself.

In this manner the Ahl as-Sunnah explained what the attributes meant after proving that Allah (SWT) has eternal attributes. However, the Mu'tazila denied that these meanings related to the attributes of Allah (SWT), as they rejected that Allah (SWT) has attributes independent of (external to) His Essence. The Mu'tazila claimed it is proven that Allah (SWT) is Able, Knowledgeable and All-encompassing and that the Essence of Allah (SWT) and His attributes are not effected by change, as change is the attribute of creation and Allah (SWT) is free of that. If something is present at a specific point in time and did not exist before that point, then it will disappear after its existence, the Ability and

Will of Allah (SWT) has effected that. They created something which had not previously existed and they made it non-existent after it had existed. We must ask how can Divine and Eternal Ability relate to a created thing, and thus create it, and why It created it at this moment, when no moment is preferable to another one to the Power of Allah (SWT). So for the Power (qudrah) to initiate a thing which previously had not been initiated constitutes change in the qudrah, though it has been proven that Allah (SWT) is not effected by change, for He is Pre-Existent Being (al-qadeem al-azali). Similarly regarding the Will (iradah), the same can be said for the attribute of Knowledge ('lm). Knowledge is the revealing of the known matter (ma'lum) as it is. The known matter may change from one time to another, so the leaf of the tree falls after it was not falling; the damp thing changes to dry, and the living thing becomes dead. The knowledge of Allah ('ilmu Allah) is that by which the thing is revealed as it is, so He (SWT) is knowing of the thing before it is as it would be. He (SWT) is also knowing of the thing if it was that it was. He (SWT) is also knowing of the thing if it became non-existent, that it became non-existent. So how the knowledge ('ilm) of Allah changes with the change of the existent things (al-mawjoodat)? This is despite the fact that the knowledge that changes with the change of incidents is an incident knowledge, when Allah (SWT), nothing incident exists in Him, because the thing that an incident is attached to is itself an incident. The Ahl as-sunnah answered back. They said: "The qudrah has two links, one of them is eternal (azali), upon which the actual existence of the decreed thing –pre-determined (magdoor)- does not depend; and the incident link, upon which the actual existence of the decreed thing (magdoor) depends. So the qudrah related to the thing and thus brought it into existence, and it (th qudrah) existed before it was related to the thing. It's relationship (linkage) to the thing by bringing it into existence does not make it (qudrah) incident. The qudrah's exercise over the thing after it did not do such exercise is not considered a change in the qudrah-m so the qudrah is always the same, it only related to the thing, and thus brought it into

existence. The magdoor (decreed) is the one that changed, while the qudrah did not change.

As for the knowledge ('ilm), anything with which the knowledge ('ilm) is related (linked) is actually known (ma'loom). For the one who is entitled to knowledge is the essence of Allah (SWT), while the knowns are the things and the relation of the essence to all things is the same. Knowledge does not change in regard to the essence, while it's relation (to the thing) is that which changes, a matter which is allowed/possible. What is impossible (on the side of Allah) is the change of the knowledge and the pre-establishment (qadeem) attributes themselves, such as the qudrah and knowledge and the like thereof. The fact that they are pre-existent (qadeem) does not require that those related (linked) to them are pre-existent (qadeem). So they are pre-existent (qadeem) attributes, and they relate to incidents.

The dispute between the scholastic Mu'tazila on one side and the people of Sunnah on the other, intensified concerning the issue of the attributes of Allah (SWT), just as it had done so in other issues such as Qadha'a wal Qadar. What is strange is that the points of disagreement provoked by the mutakallimoon, were the same points provoked by the Greek philosophers in past ages. The Greek philosophers had generated these points in relation to the attributes of the Creator. Then the Mu'tazila came and responded to them, but their response lay within the limits of their belief in Allah (SWT) and within the limits of their views on Tawheed (Oneness of Allah (SWT)). The Ahl as-Sunnah opposed them to prevent the rush after the Greek philosophy and the conclusions of the speculative assumptions and the logical propositions, but they fell in the same trap as the Mu'tazila. So they responded to the Mu'tazila on the same level, i.e. the mind has been made the standard for discussion and dialectics in matters whether comprehended or not comprehended by man, and in matters sensed or not sensed by man. They manipulated verses of the Qur'an and the hadiths to support their views, and they explained away verses and hadiths which conflicted with their opinions. Thus, all the mutakallimoon from the Mu'tazila, Ahl as-Sunnah and others were on the same level in

making the human mind the standard, and manipulating the aayaat of Allah (SWT) to support what their minds had lead them to, or they explained them away so that they could be understood on the basis of what the mind of the one who had understood the discussion.

It appears that what led the mutakallimoon to tread this path are two factors; they did not understand the definition of the mind. Second, they did not distinguish between the method of the Qur'an in the comprehension of facts and the method of the philosophers in the comprehension of the facts. As for not comprehending the definition of the mind this can be seen from their own definition of mind. It has been reported about them they used to say: 'Mind is the faculty of the soul and comprehension', meaning 'an instinct which is followed by knowledge of darooriyyaat (things known by necessity) when the senses are sound'. Alternatively, the mind is the essence through which unseen things can be comprehended by using means and cognition of perceptible things.' Often they would say: 'the mind is the soul itself.' If one's understanding of the mind is such, then it is not strange for him to give himself a free reign in understanding those matters. So he arranges, in a theoretical manner, various issues and comes out with a result not known to have existed before. Then he would say of himself he has understood the result by using his mind'. Consequently, the rational study of seen and unseen things had no limits. They can dive into any investigation, derive any set of results and define this as rational study and rational results. Therefore, it is not strange that the Mu'tazila should claim that linking the eternal ability of Allah (SWT) with the already decreed (maqdoor) incident (haadith) makes the attribute of qudrah (ability) a created (haaditha) one. The Mu'tazalia considered this to be a rational investigation leading to a rational result. The Ahl as-Sunnah said at the same time that connecting the ability of Allah (SWT) with the decreed thing (maqdoor) does not make the qudrah power (ability) change nor does it make the qudrah a created thing. This is because what makes the qudrah a created thing is change in the qudrah and not the change in the decreed thing. The

Ahl-us Sunnah considered this to be a rational investigation and a rational result, because according to them, the mind is the soul and instinct followed by knowledge of things known by necessity (darooriyyaat). Therefore, the mind has investigated everything. If they truly understood the role of the human mind they would not have got involved in these speculative investigations and imaginary results. These were just things from which other things followed and the scholastics called these rational facts.

In these days, the role of the mind is now clear. We understand that if the things which the mind needs to study cannot be perceived, any consequent discussion cannot be rational, and we should not allow ourselves to involve in them. We know that the mind has been defined as 'the transmission of the perceived reality through the senses to the brain and using previous information that explains this reality'. Every rational discussion must have four things first, a brain, second the senses, third reality (of the discussed matter) and fourth previous information relating to the reality of the matter. If one of these four things is missing, then there is no ground for rational discussion, though it is possible to have a discussion based on logic and to have imagination and speculation. Such discussion has no value because it does not fall within the realm of comprehension by the mind nor the mind could understand its source. Thus, the inability of the mutakallimoon to understand the meaning of the mind led to them holding discussions on many things that could not be perceived, or on which they had no previous information about.

The scholastics (Mutakallimoon) could not differentiate between the method used by the Quran and the method of the philosophers in rational discussions. This is because both sides discussed the subject of theology. The theological discussion conducted by the philosophers focused on the subject of the Absolute Being (al-wujood al-mutlaq) and whatever required for its Essence. They did not study the universe but what lay beyond the universe. They began to arrange proofs with their logical assumptions, and from these proofs they arrived at specific results and then derived

other results from these results. They continued in this manner until they arrived at what they considered to be the truth of this Essence and the requirements of this Essence. Although each group arrived at different results, they all followed one method – the discussion of the supernatural establishing proofs based on speculative assumptions or on other proofs, and arriving at results they considered definite and believable.

This method of study contradicts the method of the Qur'an because the Qur'an discusses the universe itself, in respect to its objects (mawjoodat): the earth, sun, moon, stars, animals, human beings, riding animals, camels, mountains and all other perceived things. From this the listener arrives at an understanding of the Creator of the universe, Creator of everything that exists and the Creator of the sun, camel, mountains, mankind and so on, through his comprehension of all these things. When the Qur'an discusses the supernatural which cannot be sensed and comprehend through understanding the real things that exist it describes a reality, determines a fact and orders that it be believed as a definite matter without requiring that man understands it nor to seek any other means for understanding it. This is like belief in the attributes of Allah (SWT), the Paradise (jannah), and the Hellfire (nar), Jinns, shaytans and so on. This is the method understood and followed by the Sahabah when they advanced into foreign lands carrying the message of Islam to the people, bless them with Islam as they had been blessed with it. The situation remained like this until the end of the first century AH. Then the thoughts and ideas of Greek and other philosophers entered into the message of Islam, when the mutakallimoon emerged. The method of rational study and investigation was altered and disputes over the Essence and attributes of Allah (SWT) arose. Far from being a deep discussion it is not even considered a rational discussion, all because it is the study of those things that cannot be sensed. Anything that cannot be sensed, lies beyond the scope of the mind for any study at all. The dispute in the attributes of Allah (SWT), whether in the Essence itself or something other than the

Essence, is a study of the Essence, which is forbidden and impossible to do. That is why the approach of the studies of the mutakallimoon is misplaced and completely wrong. The attributes of Allah (SWT) are tawqreefiyyah (limited to what in the text). Whatever has been detailed in the definite texts we highlight it to the extent mentioned in the definite texts and nothing more. It is not allowed to add an attribute which has not been mentioned and we should not try to explain an attribute with anything other than what has been mentioned in definite text.

The Muslim Philosophers

When philosophic issues relating to theology infiltrated the minds of the Muslims, during the end of the Ummayyad reign and the beginning of Abbasid rule, certain scholars like al-Hasan al-Basri, Ghaylan al-Dimashqi and Jahm b. Safwan began to address various scholastic and theological issues. Then, after them came Ulema acquainted with the logic of Aristotle and they familiarised themselves with some of the books of Greek philosophy, after these had been translated into Arabic. The study of scholastic and theological issues expanded and Ulema such as Wasil ibn 'Ataa, 'Amr ibn 'Ubayd, Abu Hudhayl al-'Allaf and al-Nazzam began to study the science known as Kalam. However, the studies of these people were not complete philosophical studies but an ever-growing study of philosophical thoughts, until they became well-versed in different areas in philosophy, and of the differing viewpoints of each group of philosophers in some issues, through their pursuit, but not in all issues. In addition to confining themselves to some philosophical studies, they restricted themselves to their belief in the Qur'an. That is why they did not leave the fold of Islam, but they expanded their reasoning, and gave themselves free reign to study the proofs. This was only to prove those aspects that would strengthen the Iman and to eliminate the anthropomorphic elements from (tanzeeh) Allah (SWT). As a result, there was no deviation in their beliefs despite their different viewpoints. So these Ulema were simply Muslims defending Islam.

Then after the mutakallimon came individuals who did not attain the stage of forming groups and mazhabs, and none of the Muslims followed them on mass even though some people admired their studies. These were the first Muslim philosophers, the ones who came after the Mutakallimoon amongst the Muslims in the Islamic lands. The main factor that allowed them to exist and flourish amongst the Muslims was their knowledge of philosophical thoughts and ideas, and the books of philosophy which

made these studies attractive to the people in that time. The other factor was that the people of those times became attracted to such thoughts and ideas. Some people took on the responsibility of expanding the scope of study of such thoughts. They studied these thoughts deeply and extensively, a study comprehensive and unrestricted in every way and every thought. They followed every line of thought and studied an appropriate volume of philosophical thoughts and ideas to qualify themselves to think in a philosophical manner. Such studies, especially in certain branches of Greek philosophy, led to the development of the first Muslim philosophers. The first prominent Muslim philosopher was Ya'qub al-Kindi (d.260). Muslim philosophers then began to appear with increasing frequency, but did not emerge until after the Mutakallimoon appeared on the scene and their way of thinking had become prevalent, and became the subject of study, debates and disputes. For many mutakallimoon and Ulema philosophy became intolerable, but before their advent there had been no Muslim philosophers. Hence, both mutakallamin and philosophers existed amongst the Ulema in the Muslim lands. However, there is a difference between the mutakallimoon and the philosophers. The mutakallimoon were well versed with certain philosophical thoughts and ideas, but the philosophers were scholars of philosophy and used to look upon the mutakallimoon as ignorant. The philosophers thought the mutakallimoon were people who used clever language in disputes. The philosophers were the ones who rationally studied logical issues and used sound philosophical approach.

Both the mutakallimoon and philosophers studied theology, although there is a difference between the method of study adopted by the mutakallimoon and that of the philosophers. The difference can be summarised as follows;

1. The mutakallimoon had conviction in the principles of iman and they acknowledged their validity and believed in them, then they used rational evidences to prove them. They used the rational study through logical proofs as a means to prove their beliefs. The mutakallimoon already believed in the basic principles of Islam

and they used arguments and proofs to prove what they believed in.

2. The mutakallimoon restricted their studies to issues relating to the defence of the Islamic 'Aqeedah and refutation of the arguments of their opponents whether they were Muslims – who held a different understanding, such as the Mu'tazila, murji'ah, Shi'ah, Khawarij and others - or whether they were non-Muslims such as the Christians, Jews, Magians and others. The most prominent motive of their discussions was the response to the Muslim scholastics (mutakallimoon) and philosophers.

3. The studies of the mutakallimoon were Islamic, and despite their differences and contradiction, these studies are considered Islamic opinions. Any Muslim embraced any of these opinions is considered to have conviction in an Islamic opinion, and such conviction was considered as an Islamic creed.

The method of the philosophers can be summarised as follows:

1. The philosophers studied various issues for their own sake. Their method and criterion for study was based on using demonstrable proof (burhan). Their viewpoint concerning theology was the viewpoint concerning the Absolute Being (al-wujood al-mutlaq) and the necessary elements of its Essence. They began their discussion proceeding step by step until they reached any kind of result and put their conviction in it. This is the aim and main issue of philosophy. Their discussions were purely philosophical, having no relationship to Islam in terms of the discussion, even though one could see that this discussion might be linked to some subjects. They would frequently admit textual things in their discussions for which a rational proof cannot be established for the correctness or otherwise of the discussion; for example the nature of resurrection and return of life to human's bodies. And often they would show certain opinions regarding Greek philosophy, effected by their Islamic 'Aqeedah and issuing judgments on an issue based on the Islamic 'Aqeedah. Often they would attempt to

reconcile certain aspects of philosophy with Islamic opinions, this inevitably comes as a result of Muslims being effected by Islam. The philosophers did not make any intellectual aspect as criterion for discussion, unlike the mutakallimoon. Rather, the effect was greatly similar to the effect of Christianity on the Christian philosophers, and the effect of Judaism on the Jewish philosophers, in the sense that deep rooted concepts must continue to arise or have some effect on the study. As for the theory on which they proceeded, it was built around the Absolute Being (al-wujood al-mutlaq) and what was required for its Essence. Their true influence was Greek philosophy. Their mentality had been moulded according to Greek philosophy, and they wrote about the thoughts and ideas of philosophy after gaining maturity in the Greek philosophy. There was no link between Islam and their philosophy.

2. The Muslim philosophers did not defend Islam. They restricted themselves to establishing the facts and furnishing proofs for them. Nor did they involve themselves in reporting opposing views and refuting them for the defence of Islam even though they may have been influenced by Islam. Thus, rational discussion became the criterion and subject matter for their discussions and nothing else was involved.

3. The studies of the Muslim philosophers are non-Islamic. They are purely philosophical discussions and with no relationship to Islam. They had no place for Islam in their discussions. They are not considered Islamic opinions and they are not part of the Islamic culture.

This is the difference between the method used by the mutakallimoon and the method used by the Muslim philosophers. This is the reality of the Muslim philosophers. It is injustice, contradiction of the reality and fabrication of Islam, to label as Islamic philosophy the philosophy which the likes of al-Kindi, al-Farabi, Ibn Sina and other Muslim philosophers were preoccupied with and practised. This discussion has no connection with Islam, rather completely

contradicts Islam. whether in terms of the basis of discussion or in terms of many of its details. Concerning the basis of discussion, this philosophy discusses that which lies beyond the universe, i.e. regarding the existence of the absolute being (al-wujood al-mutlaq). This is contrast to Islam which discusses what exists within the universe and only those things that can be sensed. It prohibits discussion about the essence of Allah (SWT) and that which lies beyond the universe. Islam orders the Muslim to submit to it totally and remain within the limits of what is enjoined by iman without allowing the mind to attempt to discuss that which lies beyond the its reality. As for the details, there are many discussions in this philosophy which Islam considers kufr. There are discussions that hold the world to be eternally pre-existent (qidam al-'aalam) and eternal (azali). There are also discussions which assert that the delights of Paradise are spiritual and not material. Other discussions maintain that Allah (SWT) is ignorant of the detailed aspects (juz'iyyaat), and there are other notions which definitely manifests kufr in the sight of Islam. Given this clear contradiction, how can it be claimed that such discussion is Islam. Additionally, there is no room for philosophical discussion in Islam because Islam restricts rational discussion to material objects and prohibits the mind from contemplating those matters lying beyond the universe and beyond what the mind can comprehend. This makes its discussions alien to those of philosophy, and there can be no room for any studies of philosophy in Islam. This is why there is no such thing as Islamic philosophy. In Islam, there is the study of the Qur'an and the Sunnah. They are the only criterion (basis) in Islam regarding the 'Aqedah and rules (Ahkam) whether concerning an order, prohibition or notification.

Prophets and Messengers

Although Prophet (Nabiyy) and Messenger (Rasool) are two different terms, they share similarities, as both were inspired with a Shar'a. The difference between a Messenger and a Prophet is that the Messenger is inspired with a Shari'ah which he is commanded to propagate, the Prophet is also inspired, but commanded to propagate the Shariah of a Messenger. In other words, the Messenger is commanded to propagate the Shari'ah revealed to him, whilst the Prophet propagates the Shari'ah revealed to other than himself. Qadi al-Baydawi in commentary to the saying of Allah (SWT),

"Never did we send a Rasool or a Nabiyy before you, but, when he framed a desire..." (22:52) he says, "The Messenger is sent by Allah (SWT) with a revived or new Shariah which he calls people to, whereas the Prophet is sent by Allah (SWT) to affirm a former Shar'a." For example, Musa (SAW) was a Prophet because he was inspired with a Shar'a and a Messenger because this Shar'a was for his mission. His brother Haroon (Aaron (SAW)) was also a Prophet because he was inspired with a Shar'a, but he was not a Messenger because the Shar'a revealed to him was not for his mission, but for the mission of Musa (SAW). By the same token, Muhammad (SAW) was a Prophet and a Messenger because he was inspired with a Shar'a, which was for his mission. The message is the communication between Allah (SWT) and humans in order to explain and clarify the way to satisfy man's needs in this world and show their interest in the Hereafter. Logic and wisdom necessitates sending of Messengers as they bring laws and interests (masslih) for people. Thus, sending of Messengers has actually occurred. Allah (SWT) appointed Messengers from amongst mankind and sent them as bearers of the glad tidings of Paradise and rewards for the people of belief and obedience. They were warners of the hell-fire and punishment for people of disbelief and disobedience. They explained the needs and requirements of this world and the Hereafter for man. This is all because mind is incapable of deciding what is

good and bad, and unable to comprehend the nature of man himself and his affairs. Allah (SWT) supported the Prophets and Messengers with miracles which went against the norm. The miracle is a matter given by Allah (SWT) that not only defies reality, but is rendered by the one who claimed Prophethood when he challenges those disbelievers who defies Allah (SWT) and His commands to bring something similar. Because if the Messenger was not supported by a miracle it would not be necessary to accept his claim, since no distinction could have been made between an impostor claiming Prophethood and a genuine Prophet. Hence, the miracle confirms the truth of the Prophet and convinces the people in such a manner that any ordinary man would not be able to achieve such a feat.

The first Prophet was Adam (SAW) and the last Prophet was Muhammad (SAW). The Prophethood of Adam (SAW) can be proven through three sources: Firstly through the Quran. Allah (SAW) says,

"Adam slipped the commandment of his Lord so he did not get the way to it. Thereafter, his Lord chose him (ijtabahu), so He turned to him with His mercy and showed him the way to His favoured nearness."(20:121-2)

The word 'ijtabahu', in this context, means selected him. The Quran also proves that Allah (SWT) both commanded Adam (SAW) to do certain things and prohibited him from doing other things. Hence Allah (SWT) says,

"And we said, O Adam, dwell you and your wife in paradise and eat freely thereof wherever you will, but do not approach this tree lest you become of the transgressors."(2:35) This is beside the absolute fact that there was no other Prophet during his time. Therefore, Adam was a Prophet by revelation and nothing else. A Prophet is he who was inspired with a Shar'a, as everything commanded or prohibited was Shar'a. Thus since he received inspiration he was a Prophet. His Prophethood was also established by the Sunnah. Tirmidhi reported from Abi Said al-Khudri that the Prophet (SAW) said, "I will be the master of the sons of Adam on the day of resurrection but I do not boast. I will have the

banner of al-Hamd (Praise) in my hand but I do not boast, and on that day, all the Prophets starting from Adam will be under my banner." Lastly, the ijmaa' of the Sahaba also proves that Adam (SAW) was a Prophet.

Looking at the Prophethood of Muhammad (SAW), he also claimed the Prophethood and brought miracles. His claim of Prophethood is known by Mutawatir narration, which is definite beyond any doubt. As for the miracle (the Quran) it is the speech of Allah (SWT), which challenged and defied the most eloquent of the Quraysh of Makkah. They could not even match the shortest Sura of the Quran, even though the Qur'an challenged them and they strived to do so. They then abandoned their styles of opposition by using talk and rhetoric even, though they were the best and most revered linguists of their time, and resorted to force and the sword. Not even one Kafir ever related that anyone was ever able to produce something similar to the Quran, though they had the means to facilitate this information if required. All this definitely proves that the Quran, the miracle given to Muhammad (SAW), is from Allah (SWT) and without any doubt verifies the truth of the claim of the Prophet (SAW).

The number of Prophets and Messengers sent by Allah (SWT) cannot be verified as Allah (SWT) informed His Messenger,

"We have sent Messengers before you, we have mentioned some of their stories to you, but we have not mentioned others." Although the number has been mentioned in some Ahadith, the Ahadith in question are of the Khabar Ahad (solitary reports), and thus have no value in the 'Aqeedah i.e. they do not form part of the 'Aqeedah. Assuming that the Ahad Hadith meet all the pre-requisites of Usul-al-fiqh, it would only lead to thunn (conjecture), and conjecture cannot be accepted as part of belief. Therefore, the number is limited to the Prophets and Messengers mentioned in the Quran, because that is a definite number. Moreover, the number of Prophets has not been mentioned in the Mutawatir Hadith. Concerning those Prophets mentioned in the Quran, Allah (SWT) says,

"And this is our argument that we gave to Abraham against his people, we raise in degrees whom We please, undoubtedly, your Lord is all-Wise, all-Knowing. And We gave him Ishaq and Yaqub, We showed the path to all of them and showed the path to Nuh before them, and of his progeny, to Daud and Sulaiman and Ayyoob and Yusuf and Musa and Haroon, and thus We recompense the righteous. And to Zakaria, Yahya, Isa and Ilyas. These are all entitled to be Our near ones. And to Ismail and Yas'a and Yunus and Loot, and each one We preferred above all in his time. And also to some of their fathers and their progeny and some of their brothers, and We chose them and showed them the straight path. This is the guidance of Allah (SWT). He gives whom He will of His bondmen, and if they would have committed polytheism, then surely all that they had already done would have been destroyed. These are they to whom We gave the Book and Prophethood."(6:83-89)

And He (SWT) says:

"And Ismail and Idrees and Dhul-Kifl all were from the patient ones whom We took into Our mercy. Indeed they are from the righteous." [21:85].

And He (SWT) says: "And to Madyan, we sent their brother Shu'aib." [7:85] And He (SWT) says:

"And to Thamud, We sent their brother Salih." [7:73] And He (SWT) says:

"And to A'ad, We sent their brother Hud." [7:65] And He (SWT) says:

"And We said, O Adam dwell you and your wife in paradise." [2:35] And He (SWT) says:

"Muhammad is the Messenger of Allah (SWT). Those with him are severe on the Kuffar and merciful between themselves." [48:29] All the Prophets and Messengers were informers from Allah (SWT) because this is the meaning of Prophethood and Messengership. They were truthful and warners to creation lest the mission and message become futile. They are infallible from lying and cannot make errors in the propagation of the message, just as they are

infallible in committing sin. Anything that has been related about the Prophets, which suggests lying and sinning has no value and is rejected, since it was transmitted by means of Ahad narration. Events transmitted through definite channels ,for example narrations about some Prophets and Messengers in the Quran, these either occurred before the advent of Prophethood or Messengership, a matter which is possible because the infallibility of the Prophets is relevant only after receiving the message.; or they are actions such as leaving recommended acts and permissible choices. What was permissible for all the Prophets and Messengers would be thing such as disagreement or contradiction over an indefinite order or command.

The Infallibility (‘ismah) of the Prophets

Although the Islamic belief consists of belief in Allah (SWT), His Angels, His Books, His Messengers, the Day of Judgement and al-Qadha’ wal-Qadar, both good and bad from Allah (SWT), it does not mean to exclude anything else from the belief. Rather these form the basis of belief, as there are other thoughts linked to the ‘Aqeedah, such as the infallibility of the Prophets, which forms part of the category of belief in the Prophets. Evidence for the infallibility of the Prophets is rational and not based upon textual reports. This is because the validity of the Prophethood of the Prophet and the message of the Messenger to whom they are sent is rational and can be proven by tangible miracles. The infallible nature of the Prophet has to be rational because it is a requirement that would verify the Prophethood of the Prophets and Messengers. Mind demands that the Prophets and Messengers are infallible, and this is a pre-requisite for the role of the Prophet and Messenger in propagating the message of Allah (SWT). If doubts could be raised about the infallible nature of the Prophets, even on one issue, this would give rise to the possibility of default in every other issue. At this point both the case for Prophethood and Messengership would be made meaningless. The evidence that a person is a Prophet or Messenger from Allah (SWT) means that he is infallible in everything he propagates and represents. By necessity he is infallible in his propagation, of the message of Allah (SWT), and the disbelief in this is disbelief in the message he brought and the Prophethood he was sent with. It is necessary that each and every Prophet and Messenger be infallible from error in the propagation of the message as this is one of the attributes of the Prophets. Mind requires that these characteristics be present in every Prophet and Messenger.

As for the infallibility of the Prophets and Messengers for carrying out actions contrary to the prohibitions and commands of Allah (SWT), rational evidence requires that they be infallible from doing al-Kaba’ir (major sins). Hence, they can not undertake any of al-Kaba’ir because this

would mean the committing of disobedience. Both obedience and sinning are indivisible. Thus, if it were possible for the Prophets to sin in their actions, this would also be true in their propagation. However, this contradicts both the Prophethood and Messengership. Therefore, the Prophets and Messengers are infallible from doing al-Kaba’ir, just as they are infallible in propagating the message of Allah (SWT). As for infallibility from doing al-Sghai’r (minor sins), there is a difference of opinion between the Ulema. Some say that they are not infallible from doing them, because they do not constitute sinning, while others say they are infallible from doing the al-Sghair, because they constitute sinning. However, the reality is that the Prophets are infallible in every action that has been definitely demanded of them and prohibited upon them. Thus, they are infallible from leaving the Wajib and from carrying out the Haram actions, whether they are major or minor sin. In other words, they are infallible from doing anything that could be called a sin. This is with the exception of those actions that fall within the realm of the Makruh or Mandoobaat as they are not immune to these. Doing these actions would not cause contradiction with the role of Prophethood or Messengership. Thus, it is permissible for them to carry out a Makruh action or leave a Mandoob action, because the performance or abstention of either doesn’t constitute a sin. Likewise, it was also permissible for them to carry out some Mubah actions and abstain from others, as none of these categories in all their aspects fall within the concept of sin. This means it is possible that the Prophets or Messengers might have performed actions different to that considered better (Kltilaf al-Awla). These are the pre-requisites and attributes of the Prophets and Messengers that the mind requires.

However, infallibility only becomes an integral part of the characteristics of the Prophets and Messengers after they received revelation and became Prophets and Messengers. Prior to revelation they were bound by the same laws as the rest of mankind, because as has already been mentioned, infallibility is for Prophethood and Messengership only.

Revelation (al-Wahy)

Each and every Muslim must believe in revelation, as it is a fundamental aspect of belief. However, the evidence for revelation is not rational, but accepted on the basis of authentic texts. Since revelation does not have a tangible reality, the mind cannot verify its validity. Any attempt to prove revelation through the intellect will fail, as the mind cannot be used to prove something without tangible reality.

As mentioned earlier the evidence for revelation is not intellectual, but established on the basis of authentic narrations. Definite text of the Quran verifies that the Messenger Muhammad (SAW) received revelation. Allah (SWT) says,

"Likewise Allah (SWT), the Honourable, the all-Wise, reveals to you and to those before you." (42:3). And HE says:

"And likewise we have revealed to you an invigorate thing by our command."(42:52). And He says:

And he doesn't utter from his own desire. Indeed it is a inspired inspiration" [53:3-4]. And he says:

"Undoubtedly, O Prophet! We have sent revelation to you as we sent it to Noah and the Prophets after him."(4:163). And He says:

"And follow that which is revealed to you and have patience until Allah (SWT) give judgement, and He is the best of judges."(10:109)

The revelation that came to the Messenger (SAW) had three aspects, which accompanied revelation to all Prophets. These aspects are all categorised under revelation which Allah (SWT) explains in the Quran. He says,

"And it is not fit for any man that Allah (SWT) should speak to him but through revelation, or that the man may be at the other side of the veil of grandeur, or by sending Messengers and inspiring whom He wills."(42:51). Allah (SWT) only communicates with man through

inspiration, verbal contact, via a veil or by sending a messenger. The revelation that descended upon the Messenger (SAW) had two aspects. He (SAW) alluded to these when he was once asked, "How does the revelation come to you?" He (SAW) replied, "Sometimes it comes like the clattering of a bell which is severe on me, and when it leaves me, I have learned everything. Sometimes the angel comes to me in a form of a man and speaks to me and I am aware of what is being said." These two aspects can be described as follows:

Firstly- the angel inspires the Prophet (SAW) by indication without using words or language. The revelation is inspired into the mind of the Prophet (SAW), just as he (SAW) mentioned: "Gabriel inspired in me that no soul shall die until it has completed its Rizq and its Ajal. Therefore fear Allah (SWT), O people and acquire the means to do good" During his dreams, the Messenger had visions that he received revelation from Allah (SWT) either in a state of consciousness or in a state of sleep. Things would have been inspired to him whilst awake and he would have certain visions in his dreams that were revelation. The mother of the believers, 'Aishah (may Allah (SWT) be pleased with her said), "Firstly, the Messenger (SAW) began seeing true visions in his sleep. Every vision he had became true and as clear as the dawn." The Messenger (SAW) would also feel that some form of revelation would come to him, but often it didn't appear. 'Aishah, (may Allah (SWT) be pleased with her) na that Harith ibn Hashim (May Allah (SWT) be pleased with him) asked the Messenger (SAW), "O Messenger, how does the revelation come to you?" The Messenger (SAW) said, "sometimes it comes like the clattering of a bell which is severe on me and when it leaves me, I have learned everything." All these variations namely; inspiration, dream, revelation without words and similar other instances constitute one aspect and fall within the speech of Allah (SWT),

"Nothing but revelation". Linguistically when the verb "to reveal to someone" is used it means to indicate or shake one's head. Thus Allah (SWT) revealed to the Messenger (SAW) and inspired him. Allah (SWT) says,

"And your lord inspired to the bee". [TMQ 16:68] In this case the inspiration to the bee is unique to it and innate knowledge carried within the bee's heart.

The second aspect is revelation inspired through the words from the Angel. It is transmitted orally to the Prophet (SAW) after he has learned through decisive evidence that it is revelation and that the message bearer is the Angel, i.e. Gabriel. Allah (SWT) says,

"The trusted spirit has descended with it, on your heart that you may warn."(26:193). In other words, Allah (SWT) sent Gabriel who conversed with the Messenger who heard and preserved the words simultaneously. The Prophet (SAW) said, "And sometimes the Angel comes to me and he talks to me and I am conscious of what he is saying." Abu Hurayrah na that the Prophet (SAW) was with the people one day when a person came and asked him (SAW), "What is Emaan? He (SAW) said, "It is the belief in Allah (SWT), His Angels, in the meeting with Him, His Messengers and the resurrection." He asked, "What is Islam?" He (SAW) said, "Islam is that you worship Allah (SWT) and do not commit Shirk, establish the prayer, pay the enjoined Zakat and you fast in Ramadan." He said, "What is Ihsaan?" He (SAW) said, "That you worship Allah (SWT) as if you see Him, and if you cannot see Him, surely He sees you." He said, "When is the Hour?" He (SAW) said, "The one questioned about it knows no better than the questioner. I will tell you of its signs. When the mother will give birth to her mistress and when the shepherd will build tall buildings, within five things that no one knows them except Allah (SWT)." Then the Prophet (SAW) recited the Ayah. "Indeed Allah (SWT) has the knowledge of the hour." Then the man turned and left. The Prophet (SAW) said to the Sahabah to call him back but they didn't see anything. He (SAW) said, "This was Gabriel, he came to teach people their Deen." There are a number of incidents mentioned in Ahadith in which Gabriel (may Allah (SWT)'s peace be upon him) descended and talked to the Prophet (SAW) who would listen to him. This was a form of revelation for

the Messenger, as the Angel would tell the Messenger (SAW) the meaning of the conversation. The revelation by words and meaning is restricted to the holy Qu'ran. As for revelation by meaning, the Messenger (SAW) would express this through his own words, through application (i.e. his actions he performed), or by silence and this is the Sunnah. The Hadith Qudsi is regarded as Sunnah because although its meaning is revelation from Allah (SWT), its words came from the Prophet (SAW). The words of the Hadith Qudsi were never from Allah (SWT) because the words revealed from Allah (SWT) are limited to the Qu'ran and this is proven by its being a miracle. Although the Sunnah comes in the forms of inspiration, dream or is cast directly in the heart, it comes also in full consciousness and as dialogue between Gabriel and the Messenger (SAW). The Qu'ran is only revealed through the Messenger (SAW) because its words are from Allah (SWT). There are numerous aayaat detailing the revelation of the Quran. Allah (SWT) says,

"And We have revealed the Quran to you in Arabic" [42:7], and He says

"And that which We have revealed to you of (min) the Book is the truth." [35:31] the Book is the Quran, and the word of (min) is for explanation. And HE says

"This Quran has been inspired to me so that I may warn you and he who hears of it." [6:19] and He says

"We narrate on to you the best of narrations with what We have inspired to you this Quran." [12:3] and He says

"Recite of what has been inspired to you from the Book of your Lord and no one can alter His words" [18:27], this is the Quran. There are also other aayaat, which mention the revelation in general form that includes the Sunnah. For example, Allah (SWT) says,

"If I have been guided then it is on account of what my Lord has revealed to me."(34:50) And He says,

"Indeed We have sent inspiration to you just as We sent inspiration to Noah and the Prophets." [163:4] and He says,

"And follow what has been revealed to you from your Lord." [33:2].

These are the two states mentioned in the reports. The third state is mentioned in His (SWT) saying,

"Or from behind a veil." [42:51]. This is what happened with Musa (SAW). This ayah refers to the incident which Allah (SWT) spoke to Musa (SAW) from behind a veil, just as a veiled person would speak with his close people. He speaks from behind a veil and although one can hear this person's voice, he does not see him. This is the manner in which Allah (SWT) spoke with Musa (SAW). Such an incident only occurred once with the Prophet (SAW). This was during the al-Isra wal-Miraj, which has been mentioned in an authentic Hadith, and also been indicated by Surat al-Najm. Allah (SWT) says,

"That is not but the revelation that is revealed to him. He was taught by one possessing mighty powers. Possessor of strength. Then that splendid sight proceeded. And he was on the highest horizon. Then that splendid sight drew nearer, and then he came close well. So there was a distance of two hands between the splendid sight and the beloved, but rather less than that. Now he revealed to his bondman whatever he revealed."(53:4-10). With the exception of this particular incident i.e. al-Isra wal-Miraj, the revelation came to the Prophet (SAW) in the form of inspiration and in sending a messenger. All the types of revelation are forms of evidence. The communication between the Angel and the Messenger (SAW) by direct conversation or indication is clear revelation. The inspiration and visions are clear revelation and Allah (SWT) speaking directly to His Prophets is also a form of revelation. This revelation is a definite evidence for it is mentioned in the texts which are decisively proved and of decisive meaning. The revelation is clear proof as it has been reported in the most authentic and definite texts of definite meaning.

It is not allowed on the part of the Messenger (SAW) that he be a mujtahid

The opinion that our master Muhammad (SAW) made ijtiḥād in certain rules and he made an error in his ijtiḥād which Allah (SWT) then corrected means that OUR master Muhammad (SAW) conveyed the Shari'ah to people of his own ijtiḥād and not through revelation. It also shows he was not ma'sum (infallible) in what he conveyed to the people of the Shari'ah of Islam. All this is invalid (batil) from ratiōn and from the shar'a point view. Our master Muhammad (SAW) is a Prophet (nabiy) and a Messenger (rasul) like the rest of the Prophets and Messengers, and he (SAW) is protected from committing mistakes in the revelation which he conveyed from Allah (SWT), a definite protection indicated by rational evidence (daleel 'aqli). Furthermore, there are shar'ai evidences definite in meaning that the Prophet's (SAW) conveyance of the Message (risalah), in both general and detailed aspects, was only from revelation. Also the Messenger (SAW) did not convey the ahkam except from revelation. He (SWT) said in Surt al-Anbiya'a:

Say (O Muhammad, SAW): "I warn you only by the revelation [21:45] i.e. tell them, O Muhammad, that I warn you with the revelation that has been brought down upon me. In other words, my warning to you is restricted to the revelation. And He (SWT) said in Surt al-Najm :

'Nor does he speak (ma yantiqu) of his own desire. It is only a revelation that is inspired'. [53:3] The expression 'ma yantiqu' is in general form (sighat al-'umoom) and includes the Qur'an and Sunnah. There is nothing in the Book and Sunnah that makes this expression specific to the Qur'an. So this remains general, meaning everything he has pronounced from the shari'ah is revelation that has been revealed. It is wrong to say that the Ayah is specific and what he pronounced is restricted to the Qur'an. Rather, it should remain general and inclusive of both the Qur'an and the hadith.

As for specifying what the Messenger (SAW) conveyed from Allah (SWT) regarding legislation, and other rules, beliefs, thoughts and stories and the exclusion of styles and means, and affairs of the world such as issues relating to agriculture, industry, sciences and so on, this specification occurs due to two factors: first, other texts came and specified it to legislation. For example, the Messenger (SAW) said regarding the subject of pollinating date palms: 'You are more knowledgeable in the affairs of your dunya'. And he (SAW) told the Muslims in the battle of Badr when they asked him: 'Is this revelation from Allah (SWT) or is it a question of opinion, war and strategy?' He (SAW) replied: 'it is a question of opinion, war and strategy'. These texts have restricted the revelation to aspects not linked to affairs of the world and anything else, for example by way of war, opinion and strategy. The second factor which has restricted revelation to legislation, beliefs and so on, this is clear from the topic of discussion. That is because he (SAW) is a Messenger and the discussion is what he has been sent with and nothing else. So the subject of discussion has been specified, and the sighat al-'umoom (general foem) remains general, but only on the subject matter at hand and not anything else. Indeed, what is considered is the general form of words and not the specific cause of revelation (al-'ibra bi 'umoom al-lafz la bi khusoos as-sabab). The cause (sabab) means the incident which led to the revelation of the ayaat of the Qu'ran. The topic is not specific but general to all the incidents, however only in the subject matter and not in all subjects. The subject matter of revelation is the warning (indhar) meaning legislation and rules. He (SWT) said:

'Say: "I warn you only by the revelation"'. [21:45] And He (SWT) said in Surat Sad:

'Only this has been inspired to me, that I am a plain warner'. [38:70]. These verses show that what was meant by revelation was what the Messenger brought of the beliefs and rules of Islam and anything he was ordered to convey and warn the people of. That is why the verses of the Qu'ran do not include styles and means and actions that he (SAW) performed as a matter

---of course. Such as his manner of walking, pronunciation, eating etc. Thus the verses pertain to beliefs and shar'ai rules and not the means and styles and other things of such nature which do not come under beliefs and rules. Whatever the Messenger (SAW) brought, regarding what he has been ordered to convey in all matters relevant to the thoughts and actions of the humans, is revelation from Allah (SWT).

The revelation includes the sayings, actions and silence of the Messenger (SAW), because Muslims have been ordered to follow him. Allah (SWT) said:

'Whatsoever the Messenger [SAW] gave you, take it, and whatsoever he forbade you, abstain from it'. [59:7] And He (SWT) said:

'Indeed in the Messenger of Allah you have a good example'. [33:21]. The speech, action and silence of the Messenger (SAW) are shar'ai evidence, and these are all revelation from Allah (SWT).

The Messenger of Allah (SWT) received revelation and conveyed what he brought from Allah (SWT), and he resolved matters according to the revelation and did not deviate from the revelation. He (SWT) said in surat al-Ahqaf:'

I only follow that which is revealed to me'. [46:9] And He (SWT) said in surat al-A'araf:

'I but follow what is revealed to me from my Lord'. [7:203] meaning I do not follow anything except what my Lord has revealed to me. Generally, all this is explicit, clear and evident. Everything that relates to the Prophet (SAW) regarding what he has been ordered to convey is revelation. The life of the Prophet (SAW), in clarifying legislative rules to the people, proceeded on this manner. In situations that lead to the revelation of many of the Ahkam, he (SAW) would want for example the case of zihar (injurious pre-islamic type of divorce), li'an (imprecation) and so on. He did not state a hukm on an issue, enact legislation or remain silent (consent) except because of revelation from Allah (SWT). Sometimes the Sahabah

would confuse the hukm of the action of a man with an opinion concerning an aspect, means or style., so they would ask the Messenger (SAW): Is that revelation O Rasool Allah? Or is it a question of opinion and (advice) mashurah? If he replied it was revelation they kept silent.,because they knew that it had not come from the Prophet himself. If he told them: it was an issue of opinion and mashurah (advice) they would discuss with him and perhaps even he would follow their own opinion as happened during the campaigns of Badr, Uhud and Khandaq. In matters other than what he (SAW) conveyed from Allah (SWT) he (SAW) used to say: You are more knowledgeable in the affairs of your dunya, as reported in the hadith concerning the pollination of date palm. Had the Prophet (SAW) said something related to legislation without revelation he would not have waited for the revelation before stating the hukm. Why would the Sahabah have asked about a statement whether revelation or opinion. Therefore, nothing issued from his speech, actions, and silence (consent) unless it came via revelation from Allah (SWT) and not from his own opinion. He (SAW) never made ijthad, and ijthad is not allowed for him according to shar'a and ration. As for the shar'a, those are explicit verses which indicate the restriction of everything that relates to the revelation matters to the revelation:

"Say: "I warn you only by the revelation"". [21:45] . And He says:

'I only follow that which is revealed to me'. [46:9] . And He says:

'Nor does he speak of his own desire'. [53:3] As for ration, it is because the Prophet (SAW) used to wait for the revelation on many aspects despite the urgency to clarify the hukm of Allah (SWT). If ijthad was permitted for him he would not have delayed giving the hukm, but he would have made ijthad. Since he used to delay giving the hukm until the revelation had been sent down, this indicates he did not make ijthad, and that he was not allowed to make ijthad, otherwise he would not have delayed giving the hukm despite the need to give it. Also, it is

obligatory to follow the Prophet (SAW). If he exercised ijtihad it would have been possible for him to make a mistake. If he made a mistake we would be obliged to follow him and such a matter would entail we follow a mistake which is not valid, for Allah (SWT) did not order that we should follow mistake. Furthermore, the Messenger (SAW) is infallible (ma'soom) from making mistakes in the conveyance of the Message. It is absolutely not possible on his part to make a mistake in the conveyance (tablegh) of the Message of Allah (SWT), as allowing the Messenger to make a mistake would negate the concept of Messengership and Prophethood. The affirmation of Messengership and Prophethood determines that the Messenger is not allowed to make mistakes. Regarding tablegh (conveyance of the Message), it is required that he is protected from making mistakes in tablegh. So it is impossible for the Messenger (SAW) to err in what he has conveyed from Allah (SWT), and therefore the Messenger (SAW) was not allowed to exercise ijtihad. Everything he conveyed of the Ahkam with his sayings, actions or silence (consent) is revelation from Allah (SWT) and nothing else.

It should not be claimed that Allah (SWT) will not allow him to maintain the error, but He (SWT) clarifies the matter to the Messenger (SAW). Any mistake made in Ijtihad done by the Messenger (SAW) would then become fard for the Muslims to follow until the clarification comes, which represents a separate hukm different from the first hukm. The Muslims would be ordered to follow this new hukm and leave the incorrect former hukm. It is ridiculous to suggest that Allah (SWT) would order the people to follow a mistake and then order them to leave it and follow the correct one. Similarly, the Messenger (SAW) is not allowed to convey a hukm, then say to the people that this hukm is incorrect because it is from him, and that the correct hukm is what has come to me from Allah (SWT), which is this hukm. And then inform the people that they should leave the first hukm because it is a mistake and inform them about the correct hukm.

It is incorrect to say this is a rational evidence for a shar'ai matter, which is not allowed, for the shar'ai matter requires a shar'ai evidence. This is because the shar'ai matter whose daleel (evidence) must be shar'ai is the shar'ai rule. As for the beliefs, their evidence can be rational or a shar'ai. The subject of whether the Prophet (SAW) was a mujtahid or not is related to the belief and not the shar'ai rules. So its evidence can be either rational or shar'ai. The fact that it is not allowed for the Messenger to be a mujtahid is proven by the rational and shar'ai evidence. It is one of the beliefs.

It cannot be claimed that the Messenger (SAW) made ijtihad on various rules, that Allah (SWT) did not acknowledge his ijtihad, and that He (SWT) corrected the Prophet's (SAW) ijtihad and revealed verses which clarified the correct opinion. The Messenger (SAW) did not exercise any ijtihad in conveying any rule of Allah (SWT). Rather what is proven by Quranic text and Sunnah is that he (SAW) used to convey the revelation to the people. He did not convey anything concerning legislation, beliefs, rules and so on, except of what had come through revelation. It should be noted that when an incident occurred, the Prophet (SAW) would wait for revelation, before acting on the matter.

Some claim there are verses that state the Messenger (SAW) actually made ijtihad, and they then assume ijtihad has been made. There is not one ayah which mentions this. For example, His (SWT) saying:

'It is not for a Prophet that he should have prisoners of war (and free them with ransom) until he had made a great slaughter (among his enemies) in the land'. [8:67] And such as His (SWT) saying:

'May Allah (SWT) forgive you (O Muhammad [SAW]). Why did you grant them leave (to remain behind)'. [9:43] And like His (SWT) saying:

'And never (O Muhammad [SAW]) pray (janazah) for any of them (hypocrites) who dies,

nor stand at his grave'.[9:84] And like His (SWT) saying:

'(The Prophet [SAW]) frowned and turned away, because there came to him the blind man'.[80:1-2] These aayaat do not highlight examples by way of exercising ijtihaad regarding a hukm and conveying it to the people. Rather, they rebuke the Messenger undertaking actions which are not appropriate for the Messenger (SAW) to perform. The Messenger (SAW) did not convey a specific hukm to the people, then an ayah was revealed to clarify the error of the hukm conveyed by the Messenger (SAW) and then clarify the mistake in his ijtihaad and demand that he conveys the correct opinion regarding this hukm. The truth of the matter is that the Messenger (SAW) undertook an action to apply a Shar'ai rule from the rules of Allah (SWT) previously sent down in the revelation (wahy) and which had already been conveyed to the people. The Messenger (SAW) acted in a manner that did not benefit him in accordance with this hukm. Those aayaat reproach the Messenger (SAW) for his actions in these instances. This mild reproach is not legislation for a new hukm. The hukm has already been revealed, its application ordered and the Messenger (SAW) had already conveyed it. Thus, in the incidents mentioned in these verses, he (SAW) undertook an action in accordance with what Allah (SWT) had ordered, his performance of this action was not appropriate, and Allah (SWT) rebuked him for this. They are not verses which legislate new rules not revealed before. Nor do they correct an ijtihaad or legislate another hukm at variance with the hukm the Messenger had already made ijtihaad for. From a rational perspective, the Prophets and Messengers can do what is contrary to best performance. This is because the idea of doing something better is that there might be a permissible (mubah) issue, but some of its actions are better than others. There might also be a preferable (mandoob), but some of its actions might be better than others. For example, it is allowed for a person to live in the city or village. If he lives in the village he has done contrary to what is best; living in the city is better than living in the village for the one who wishes to see to the matters of ruling and for

accounting the rulers. Giving sadaqah publicly (openly) and discreetly is a preferable matter (mandoob), but giving sadaqah secretly is better than giving it publicly. If he gave it in public, he has acted contrary to what is best. The matter is not that it is allowed for the Messenger (SAW) to undertake what is contrary to the best, but that he is permitted to do anything not considered to be sinful. He performed the action that was contrary to the best, so Allah (SWT) mildly censured him for it. The one who thinks deeply about these verses that they cite will find that the wording, meaning and understanding of the verses indicate this.

Thus, His (SWT) saying:

'It is not for a Prophet that he should have prisoners of war (and free them with ransom) until he had made a great slaughter (among his enemies) in the land', [8:67], indicates that the taking of prisoners has been permitted on the proviso that a severe slaughter (ithkhan) had taken place first. This is supported by the ayah:

'Smite at their necks till you have killed and wounded many of them, then bind a bond firmly on them (i.e., take them prisoners)'.[47:4] Thus, the hukm of taking prisoners was not revealed in the first ayah. It was revealed before that in surat Muhammad (SAW) called the surah of fighting (surat ul-qital), which was revealed before surat al-Anfal. Therefore, the hukm of taking prisoners was revealed in this surah. He (SWT) said:

'So, when you meet (in jihad) those who disbelieve, smite at their necks till when you have killed and wounded many of them, bind a bond firmly on them (i.e., take them prisoners) Thereafter (is the time) either for generosity (i.e., free them without ransom), or ransom, until the war lays down its burden'.[47:4] So the rule of taking prisoners had been revealed and was known before the revelation of:

'It is not for a Prophet...'[8:67] In this verse there is no legislation for prisoners, and its wording gives no legislation for prisoners. Rather, it is

only a reminder to the Messenger (SAW) that he should not have taken prisoners until he had inflicted a severe slaughter (ithkhan) upon the enemy. Ithkhan indicates killing and creating intense fear. There is no doubt for example, that on the day of Badr the Sahabah killed a great number of people and they won the battle. It is not a condition of inflicting a severe slaughter in the land that everyone should be killed. Then after killing many in the battle, they took a group as prisoners. This is permitted from the referenced ayah in surat Muhammad (surat ul-Qital), and from the ayah itself, which indicates after inflicting a severe slaughter (ithkhan) it is allowed to take prisoners. So this verse shows clearly that capture of prisoners was allowed according to the hukm derived from this ayah. It is not therefore correct to say the Messenger (SAW) made ijthihad regarding the hukm of prisoners when he took prisoners and that a verse came to correct his ijthihad. Nor is it the case that the capture done by the Messenger (SAW) in Badr was legislation and that the ayah came to clarify his mistake. Likewise this capture was not a sin or breach of the hukm that had been revealed. However, it does show that the Messenger (SAW), in applying the hukm of taking captives as mentioned in surat Muhammad:

'Smite at their necks till when you have killed and wounded many of them'. [47:4] on the battle of Badr, it was more preferable if the killing was greater so that the ithkhan is more evident. The verse was revealed to mildly reproach the Prophet (SAW) for applying the hukm in a manner contrary to what is best. It is the censure of an action undertaken by him when applying a previous hukm, it is not legislation nor is it correction of an ijthihad. As for His (SWT) saying at the end of the ayah:

'You desire the good of this world, but Allah (SWT) desires for you the Hereafter. And Allah (SWT) is All-Mighty, All-Wise', [8:67], this is the conclusion of the rebuke in the ayah. It states you have taken prisoners before doing your utmost to inflict a severe slaughter (ithkhan) hoping to get ransom for those prisoners. By taking captives you desire the transient things of

the world, the ransom (fida'a) which is the result of taking them captives. But Allah (SWT) wishes to strengthen His deen by killing them in the battle, not by taking them as prisoners. The issue here is the taking of prisoners and desiring the good of this world as a result of the capture, and not a mild rebuke for taking ransom. Rather, it is only a mild rebuke for taking captives before inflicting a severe slaughter. It completes the meaning of the ayah which began with this indication from its very beginning:

'It is not for a Prophet that he should have prisoners of war (and free them with ransom) until he had made a great slaughter (among his enemies) in the land. You desire the good of this world, but Allah (SWT) desires for you the Hereafter. And Allah (SWT) is All-Mighty, All-Wise'. [8:67] As for His (SWT) saying:

'Were it not a previous ordainment from Allah (SWT), a severe punishment ('azaab) would have touched you for what you took'. [8:68] It is not promise of a punishment from Allah (SWT) for taking ransom as some might think. Rather, it clarifies the consequences that could result from taking prisoners before striving to inflict a severe slaughter, such as losing the battle and Muslims being killed by the Kuffar. This is the great punishment, not the punishment of Allah (SWT). This means if it were not that Allah (SWT) knew you would be victorious, then by taking prisoners before doing your utmost to slaughter the Kuffar, your enemies would have defeated and killed you. The Qur'an has used the word 'azaab (punishment) for killing in war. He (SWT) said:

'Fight against them so that Allah (SWT) will punish them (yu'azzibihum) by your hands'. [9:14] It cannot be that it means the punishment of Allah (SWT), because the speech is general to the Messenger (SAW) and the believers. If it has been claimed, the ayah corrects an ijthihad, then it is a mistake that has been forgiven for which they do not deserve to be punished by Allah (SWT). If it is considered a mild reproach for not acting in the best manner, as it happens to be the case here, then it does not merit punishment from Allah (SWT). So, it is not possible to mean the touching or receiving of a punishment from

Allah (SWT). The meaning is that your enemies would have killed and humiliated you. The hadith reported regarding the cause of revelation of this ayah and studies relating to the ayah are all isolated reports (khabar ahad) which are not admissible as evidence for 'Aqeedah. The Messenger (SAW) being allowed or prohibited from doing Ijtihad is a creedal issue. Furthermore, they contradict the definite text, mentioned in surat Muhammad regarding the hukm of taking prisoners and the fact that it was revealed to the Messenger (SAW), while the ahadith indicate the Sahabah are the ones who gave the hukm. The rule of taking captives is a shar'ai rule on which the Messenger (SAW) waited for the revelation. He did not consult his companions, then acted upon what they advised before the revelation was sent down to correct this action, as this would mean the legislation of certain rules came about by shura and not revelation. Therefore, all ahadith reported regarding these two aayaat are rejected in terms of meaning (dirayatun) and not considered as proof. As for His (SWT) saying:

'May Allah (SWT) forgive you (O Muhammad [SAW]). Why did you grant them leave (to remain behind), until those who told the truth were seen by you in clear light, and you had known the liars?'.[9:43] The ayah does not indicate the practise of ijthihad, because it states the Messenger is allowed to grant permission to whoever he wished. The hukm has already come before the revelation of this ayah. It came in surat an-Nur. He (SWT) said:

'So if they ask your permission for some affairs of theirs, give permission to whom you will of them'.[24:62] This surah was revealed after surat al-Hashr in the battle of Khandaq. And the ayah;

'May Allah (SWT) forgive you (O Muhammad [SAW])'.[9:43] came in surat at-Tawbah. It was revealed regarding the expedition of Tabuk in the ninth year of the hijrah. So the hukm was known and the ayah in surat an-Nur clearly indicates it is allowed for the Messenger (SAW) to grant them permission (to remain behind).

However, the incident for which the ayah of surat at-Tawbah was revealed, the expedition of Tabuk and the preparation of the army of 'usrah (hardship), it would have been better had the Messenger (SAW) not grant the hypocrites (munafiqeen) permission to stay behind. When he gave them permission in that incident, Allah (SWT) rebuked him for this action, because it was contrary to what was better. The ayah does not correct an ijthihad and it does not legislate a hukm different to the hukm the Messenger had made regarding the same incident. It is a mild rebuke for something that was contrary to what was best.

As for His (SWT) saying:

'And never (O Muhammad [SAW]) pray (janazah) for any of them (hypocrites) who dies, nor stand at his grave. Certainly, they disbelieved in Allah (SWT) and His Messenger, and died while they were fasiqoon (transgressors)'.[9:84] This ayah came after His (SWT) saying:

'If Allah (SWT) brings you back to a party of them (the hypocrites), and they ask your permission to go out (to fight), say: "Never shall you go out with me, nor fight an enemy with me; you agreed to sit inactive on the first occasion, then you sit (now) with those who lag behind. And never (O Muhammad [SAW]) pray (janazah) for any of them (hypocrites)...'.[9:83-84] Allah (SWT) has clarified in the ayah;

'If Allah (SWT) brings you back to a party of them (the hypocrites)', [9:83], that the Messenger (SAW) should not allow them to accompany him in his expeditions, and was revealed to humiliate and disgrace them so that they would not have the honour of making jihad and going out (to fight) with the Messenger (SAW). He (SWT) in the ayah that comes immediately after;

'And never (O Muhammad [SAW]) pray (janazah) for any of them (hypocrites)', [9:84], announced yet (just) another aspect to humiliate them with. That took place during the campaign undertaken to destroy them. So this ayah, and the AAYAAT immediately before and after it clarify the rules regarding the munafiqoon and

the manner in which they should be treated by showing them contempt, humiliating them and keeping them at a lower status than the believers. Nothing in the ayah indicates that the Messenger (SAW) made ijtiḥad regarding a ḥukm. The verse came showing the contrary. The verse gives an unprecedented ḥukm with respect to the munafiqoon. It runs along the same theme with other verses on the issue of al-Munafiqoon. Nothing appears in the ayah, by way of indication, wording or understanding, nor giving cause for any semblance (shubḥah) (of such a meaning) that it corrects an ijtiḥad or draws attention to a mistake. For what has been na regarding the cause of revelation of this ayah, these are solitary reports (khabar aḥad) which are not admissible as evidence for 'Aqeedah. Nor do they contradict definite text that restricts the Messenger's conveying of the aḥkam to that brought to him through revelation and nothing else. He (SAW) did not follow anything but the revelation. Would these hadiths make 'Umar b al-Khattab try to prevent the Messenger (SAW) praying the janazah!! This is either he wanted to prevent him from doing an action legislated as a ḥukm or he wanted to prevent the Messenger (SAW) from undertaking a worship according to a legislated shar'ai rule and the Messenger (SAW) remained silent about him, then he (SAW) reverted to 'Umar's opinion after the revelation of this ayah. This is not allowed for the Messenger (SAW). Thus acting upon this hadith contradicts the fact the Messenger is a Prophet, so the hadith is rejected in terms of meaning (dirayatun). The hadith indicates that the Messenger (SAW) gave his shirt to 'Abdullah b. Ubayy and that he tried to pray (janazah) for him though he was the head of the munafiqoon. 'Abdullah b. Ubayy was exposed by Allah (SAW) after the ghazwah of Bani al-Mustaliq, and his son came to the Messenger (SAW) to find out if the Messenger had taken the decision to kill him, so that he might himself kill his father. Allah (SWT) revealed surat al-Munafiqoon after the ghazwah of Bani al-Mustaliq and He (SWT) said to the Messenger (SAW) regarding it:

'They are the enemies, so beware of them. May Allah (SWT) curse them! How are they denying

the Right Path'. [63:4] And He (SWT) told him with respect to it:

'Therefore their hearts are sealed'. [63:3] And He (SWT) told him:

'Allah (SWT) bears witness that the hypocrites are indeed liars'. [63:1] Yet the Messenger (SAW) comes after this and gives his shirt to the head of the munafiqoon and tries to pray (janazah) for the head of the munafiqoon and then 'Umar prevents him". This surely contradicts the aayaat. The ayah of surat at-Tawba was revealed in the ninth year (AH) some years after surat al-Munafiqoon. So the hadiths about 'Umar and the shirt and other such hadiths contradict the reality of how the Munafiqoon were treated after the ghazwah of Bani al-Mustaliq. And they contradict the verses which revealed before it regarding the munafiqoon. Therefore, they are rejected from this viewpoint in terms of their meaning (dirayatun).

As for His (SWT) saying:

'(The Prophet [SAW]) frowned and turned away, because there came to him the blind man. But what could tell you that per chance that he might become pure (from sins)'. [80:1-2] and the ayaat that follow. They do not indicate any ijtiḥad. The Messenger (SAW) ordered to convey the da'wah to all people and to teach Islam to the Muslims. It is for the Messenger to undertake both orders every available opportunity. 'Abdullah b. Umm Maktum had become a Muslim and studied Islam. He came to Rasool Allah (SAW) while he was debating with the leaders of Quraysh 'Utbah and Shaybah (the two sons of Rabi'ah), Abu Jahl b. Hisham, al-'Abbas b. al-Muttalib, Umayyah b. Khalaf, al-Walid b. al-Mughirah. He (SAW) was inviting them to Islam in the hope that others would embrace Islam if they entered its fold. Ibn Umm Maktum approached the Prophet (SAW) while he was talking to Quraysh and said: 'O Rasool Allah! Teach me (aqri'ni) to read and teach me of what Allah (SWT) has taught you'. He repeated this not knowing the Prophet (SAW) was busy in speaking with these people. Rasool Allah (SAW) did not like this interruption so he frowned and turned away, and so this verse was revealed in

response to this event. The Messenger (SAW) was ordered to convey (the da'wah) and ordered to teach Islam. So he undertook the conveyance of the Call and turned away from teaching the one who asked to be taught, because he (SAW) was preoccupied with the conveyance of the da'wah (tableegh). It would have been better for him to teach Ibn Umm Maktum what he had asked for. He didn't do this and Allah (SWT) mildly rebuked him for that, because his (SAW) turning away from Ibn Umm Maktum was contrary to the best action. In this there is no ijihad concerning a rule or a correction of an action. Rasool Allah (SAW) has simply performed a rule on a certain incident which was not the best action and Allah (SWT) rebuked him for that.

There is no indication in the above-mentioned verses on the occurrence of ijihad from the Messenger (SAW). As no ijihad came from the Messenger (SAW) regarding what he had conveyed from Allah (SWT), he is not allowed to perform Ijihad according to the shar'a or ratiun. The Messenger (SAW) was not a mujtahid and he (SAW) should not be labeled as one. It was revelation that was revealed to him by Allah (SWT) and this revelation (wahy) came either by wording and meaning as in the Noble Qur'an or by meaning only and expressed by the Messenger either with his own words or by his silence (consent) which alludes to a rule or by his performance of an action, and all this is the Sunnah.

The Noble Qur'an

The Qur'an was revealed to Prophet Muhammad (SAW) in parts over a period of 23 years. It was revealed in various ways. Sometimes revelation would come in (quick) succession and other times it would take a long time (tarakhin). The Qur'an was revealed gradually and not all at once due to a wisdom (hikmah) Allah (SWT) has mentioned in the Noble Qur'an:

'And those who disbelieve say: "Why is not the Qur'an revealed to him all at once?" Thus (it is sent down in parts), that We may strengthen

your heart thereby.'[25:32] Meaning it has been revealed in parts so that We may strengthen, (due to the division,) your heart and you may fully understand it and memorise it. And He (SWT) said:

'And (it is) a Qur'an which We have divided (into parts), in order that you might recite it to men at intervals. And We have revealed it by stages.'[17:106] meaning it is a Qur'an whose revelation We have given in parts and (revealed) gradually at intervals, without haste (tu'adah) and taking great care (tathabbut). We have revealed it in stages according to certain incidents. To strengthen the heart of the Messenger, to recite it to the people slowly and carefully and also to reveal it in response to certain incidents and as answers to questions, the Qur'an was revealed gradually over 23 years.

When the Qur'an used to be revealed to Rasool Allah (SAW) he would instruct people to memorise it in their breasts, write it down on scraps of leather, paper and cardboard, on scapula, palm risp and likhaf i.e., on shoulder blades, leaf stalks of date palm and thin rocks. When the aayaat were revealed he would order they be placed in their proper place in the surah, and the Sahabah would put them in their proper place in the surah. It has been na by 'Uthman that he said: "The aayaat used to be revealed to the Prophet (SAW) and he would say: Put these aayaat in the surah which mentions such and such a thing". It was done in this manner until the revelation of the Qur'an was complete and Allah (SWT) took the Messenger's (SAW) soul after the revelation had been completed. That is why the arrangement of the verses in every surah of the Qur'an from then until the present day in the script (MUSHAF) was determined by revelation (tawqeefun) from Allah (SWT) and transmitted to the Prophet (SAW) by Jibreel. With this arrangement the Sahabah transmitted the Qur'an to the Ummah and there is no dispute about this. The order of the verses is in the same form that we see today and is the very form ordered by Rasool Allah (SAW). It is the same form that was written on scraps of shoulder blades, palm risp, likhaf and preserved in the breasts of men. Consequently,

the arrangement of verses within the Quranic chapters is definite and has been fixed by revelation (tawqeefi) from Rasool Allah (SAW), Jibreel and from Allah (SWT). The arrangement of the suras (chapters) were put together according to the ijtiḥad of Sahabah (may Allah (SWT) be pleased with them). Imam Ahmad and the Sunan compilers have reported a hadith by Ibn 'Abbas, declared sound by Ibn Hibban and al-Hakim; they na : 'I (Ibn 'Abbas) said to 'Uthman: 'What had made you, in regards of surat al-Anfal, which is from the mathani (suras with less than 100 ayahs), and regards al-Baraa'ah which is from the mi'un (consisting of more than 100 ayahs) combine them, without writing 'bismillah ir-rahman ir-rahim' between them and you have placed them among the seven long suras? So 'Uthman replied: 'Often a surah was revealed to Rasool Allah (SAW) that would have a number of verses. When something was revealed to him – i.e. verses from it- he used to call one of his scribes and would say to him: "Place these aayaat in the surah, in which such and such has been mentioned.' Surat al-Anfal was one of the first Madani surahs to be revealed, and Baraa'ah was of the end of the Qur'an. Their narrative was similar to each other so I thought Anfal was part of Baraa'ah.' Rasool Allah (SAW) died and he did not clarify to us if surat al-anfal was part of baraa'ah. It has been na by Said b. Jubayr from Ibn 'Abbas who said: "The Prophet (SAW) did not know the ending of a surah until 'bismillah ir-rahman ir-rahim' was revealed'. In another narration: "When bismillah ir-rahman ir-rahim was revealed they knew that the surah had come to an end'. This indicates that the verse order in every surah had been determined by revelation (tawqifiyyun). Since the Prophet (SAW) did not clarify the issue of baraa'ah, 'Uthman added it to al-anfal on the basis of his own ijtiḥad (may Allah (SWT) be pleased with him). The author of al-Iqna' reported that the Basmalah (abbr. for bismillah ir-rahman ir-rahim) for Baraa'ah is present in the mushaf (copy) of Ibn Mas'ud. It has been reported that the Sahabah kept mushafs whose arrangement of suras differed though there were no differences in the arrangement of verses in each surah. So the mushaf of Ibn Mas'ud was compiled in a manner different to the mushaf of

'Uthman regarding the sequence of suras. It began with al-fatiha, then al-baqarah, al-nisaa' and aali 'Imran. The 'Uthmani mushaf was arranged as al-fatiha, al-baqarah, aali 'Imran and then al-nisaa'. Neither of these were compiled according to the order of revelation. However, it is said the mushaf of 'Ali was arranged according to the order of revelation, so it began with iqra', then al-muddaththir, nun wal qalam, al-muzzammil, tabbat, al-takweer, sabbih, and it went on in this manner to the last of the Makki suras and then onto the Madani suras. All this indicates that the arrangement and ordering of surahs was done according to the ijtiḥad of the Sahabah. This is why maintaining the arrangement of suras in recitation is not obligatory, whether in recitation of the Qur'an (tilawah), in the prayer (salah), in a lesson or teaching. This is evidenced by the fact that the Prophet (SAW) would often read surat al-Nisaa' before Aali 'Imran in his night prayer. In regards of what had been reported about the prohibition of reciting the Qur'an in reverse order, this means that aayaat in one surah should not be read in reverse, and not the recitation of surahs in reverse order.

Jibreel used to read once every year all that had been revealed to the Messenger (SAW) from the Qur'an. In the year of the death of Rasool Allah (SAW), Jibreel recited the whole of the Qur'an twice to him. It has been na by 'Aishah (R.A) on the authority of Fatimah (R.A) that: The Prophet (SAW) confided in me that: "Jibreel used to read the Qur'an to me every year and in this year he read it twice, and I only see that he came because of my ajal (approach of death)." It has been na from Abu Hurayra that he said: 'Jibreel used to present the Qur'an to the Prophet once a year, but he presented it twice to him in the year he died.'

Jibreel's presentation of the Qur'an to the Messenger (SAW) every year means that he presented the arrangement of its verses in relation to each other. This indicates that such arrangement of verses in their respective chapters meant the presenting of the Qu'ran in a specific order, and the fact that the Qu'ran was presented to the Prophet twice in the year of his

death means the same thing. The Hadiths can also be understood as implying the presentation of the Surahs in a specific order. However, there are other hadiths which explicitly mention the arrangement of the verses. They clarify the position of verses in relation to each other and the arrangement of the verses in their respective chapters. As the Messenger (SAW) said 'Place these verses in such and such surah after such and such surah. And 'place those verses in the surah that mentioned such and such thing'. A surah would end and another surah would begin as decreed by Allah (SWT) through Jibreel. It has been reported that Ibn 'Abbas said: 'The Prophet (SAW) would not know the ending of a surah until 'bismillah ir-rahman ir-raheem' was revealed'. In another narration; 'When 'bismillah ir-rahman ir-raheem' is revealed then they would know that the surah has come to an end'. This shows that the arrangement of verses in their chapters and the structure of the suras concerning the numbers and positioning of the verses, is determined by Allah (SWT). The Ummah received the Qur'an (transmitted) in this form from her Prophet (SAW) and that is proven by tawaatur (recurrent reports). Concerning the relative order of the surahs, this has been derived and understood from those Ahadeeth regarding the presentation of the Qur'an to the Messenger (SAW) by Jibreel. It was narrated by 'Aishah, the mother of the Believers, that a person from Iraq came to her and asked, 'What type of shroud is the best?' 'Aishah said, 'May Allah (SWT) be merciful to you! What does it matter?' He said, 'O mother of the believers! Show me (the copy of) your Qur'an,' She said, 'Why?' He said, "In order to compile and arrange the Qur'an according to it, for people recite it with its surahs not in proper order." 'Aishah said, "What does it matter which part of it you read first? Know that the first thing that was revealed thereof was a Surah from Al-Mufassal, and in it Paradise and the Fire were mentioned. When the people embraced Islam, the verses regarding legal and illegal things were revealed. If the first thing to be revealed was: 'Do not drink alcoholic drinks.' people would have said, 'We will never leave alcoholic drinks,' and if there had been revealed, 'Do not commit illegal things', they would have said, 'We will never give up illegal

.' While I was a young girl of playing age, the following verse was revealed in Makkah to Muhammad (SAW):

'Nay! But the Hour is their appointed time (for their full recompense), and the Hour will be more grievous and more bitter.' [54.46]. Surat Al-Baqara and Surat an-Nisaa' (The Women) were revealed while I was with him." Then 'Aishah took out the copy of the Qur'an for the man and dictated to him, i.e. the surahs (in their proper order). The hadith of 'Aishah (R.A) confirms that the Qur'an had not yet been put together in order and the fact that the mushafs of individual Sahabah were arranged differently indicates that the relative arrangement of surahs in relation to each other had been agreed upon by the Sahabah.

The Compilation of the Qur'an

It has been proven by definite evidence that when the Prophet (SAW) died the whole Qur'an had been written on scraps of shoulder bones, palm fibre, likhaf, and other parchments. In addition the Sahabah had committed the Qur'an to memory. An ayah or aayat would be revealed and the Prophet (SAW) always ordered his scribes to write them down before him at once. Concerning the Qur'an, the Prophet (SAW) only allowed the Muslims to write from it of what he had dictated to those scribes who wrote down the revelation. Muslim reported a hadith from Abu Sa'id al-Khudri that Rasool Allah (SAW) said: 'Do not write down anything from me, whosoever writes anything I have said other than the Qur'an let him erase it'. The compilation of the revelation by the scribes was collected on sheets (suhuf). He (SWT) said:

'A Messenger from Allah, reciting purified pages (suhuf) (of the Qur'an)'. [98:2] i.e., reciting sheets (qirtas) purified from falsehood, honestly handwritten unequivocally true and just. Allah (SWT) said:

'Nay, indeed it (verses of the Qur'an) are a warning (tazkirah). So whoever wills, let him pay attention to it. (It is) in Records held (greatly) in honour. Exalted (in dignity), purified. In the hands of scribes. Honourable and obedient.' [80:11-16] meaning this warning (tazkirah) established in Records being held (greatly) in honour (suhuf mukarramah) from Allah (SWT) and exalted in value, and free from the hands of those who are corrupt (shayateen). They have been written down by God fearing (atqiyaa) scribes. The Messenger (SAW) ensured that everything between the two covers of the mushaf was revelation that had been written down in front of him. 'Abdul-'Aziz b. Rafeea' na : Shaddad bin Ma'qil and I entered upon Ibn 'Abbas. Shaddad bin Ma'qil asked him, 'Did the Prophet leave anything (besides the Qur'an)?' He replied. "He did not leave anything except what is between the two bindings (of the Qur'an)!' Then we visited Muhammad bin Al-Hanafiyah

and asked him (the same question). He replied, 'The Prophet did not leave except what is between the bindings (of the Qur'an)!' An Ijma'a (consensus) took place that confirms all verses of the Qur'an in their respective chapters (surahs) were written down directly in front of the Messenger (SAW) when revelation came to him, and that they were written on sheets (suhuf). The greatest of Messengers died content about the state of the Qur'an, his greatest miracle which had established complete proofs for the Arabs and the world. He did not fear for the verses of the Qur'an because Allah (SWT) has preserved the Qur'an with an explicit instruction?

'Verily: It is We Who have sent down the Zikr (the Qur'an) and surely, We will guard it (from corruption)',[15:9] meaning these verses had been preserved permanently through being written in the presence of the Messenger (SAW), in the hearts of the Sahabah and through the general permission granted to the Muslims to copy the verses of the Qur'an. This explains why after the death of the Messenger the Sahabah did not feel the need to compile the Qur'an in one book or write it down. This remained the case until many of the Huffaz (memorisers of the Qur'an) were killed in the Harb-ur-Riddah (Riddah wars). Due to this Umar feared for the loss of certain transcripts and deaths of more of the Qurra'a (Huffaz), which might cause verses to be lost. So he considered compiling the written scripts together in one bind. He presented his ideas to Abu Bakr and the Qur'an was compiled. It has been na by 'Ubayd b. al-Sibaq that Zayd b. Thabit Al-Ansari said: 'Abu Bakr sent for me after the (heavy) casualties among the warriors (of the battle) of Yamamah (where a great number of Qurra'a were killed). 'Umar was present with Abu Bakr who said, 'Umar has come and told me, 'The people suffered heavy casualties on the day of (the battle of) Yamamah, and I am afraid there will be more casualties among the Qurra'a (those who know the Qur'an by heart) in other battles, and a large part of the Qur'an could be lost, unless you collect it. I am of the same opinion that you should collect the Qur'an,' Abu Bakr added, 'I said to 'Umar, 'How can I do something which Allah (SWT)'s Apostle did not do?' 'Umar said (to me), 'By Allah (SWT),

it is (really) a good thing.' 'Umar kept on pressing, trying to persuade me to accept his proposal, till Allah (SWT) opened my heart to it and I took the same opinion as 'Umar.' Zayd b. Thabit said: Abu Bakr said to me that you are a wise young man and we do not suspect you (of telling lies or of forgetfulness): and you used to write down the revelation (wahy) for Allah (SWT)'s Apostle. Therefore, look for the Qur'an and collect it (in one manuscript). ' By Allah (SWT), if they had ordered me to shift one of the mountains (from its place) it would have been easier for me than what he had ordered me concerning the collection of the Qur'an. I said to both of them, "How dare you do a thing which the Prophet has not done?" Abu Bakr said, 'By Allah (SWT), it is (really) a good thing. 'So I kept on arguing with him about it till Allah (SWT) opened my heart for that which He had opened the hearts of Abu Bakr and Umar. So I started locating Quranic material and collecting it from parchments, scapula, leaf-stalks of date palms and from the memories of men (who knew it by heart). I found with Khuzaima two Verses of Surat at-Tawbah which I had not found with anybody else, (and they were):

'Verily, there has come unto you a Messenger from amongst yourselves. It grieves him that you should receive any injury or difficulty',[9:128] until the end of surat Bara'ah. The manuscript on which the Quran was collected remained with Abu Bakr till Allah (SWT) took Abu Bakr to death, and then it passed onto 'Umar during his lifetime, and finally it stayed with Hafsa (R.A) the daughter of Umar. Zayd's compilation of the Qur'an did not consist of anything he wrote down from the Huffaz. Rather his compilation brought together that which he had written down himself in the presence of Rasool Allah (SAW). He did not place one sheet with another to compile them unless two witnesses testified for this sheet, that it had been written down in the presence of Rasool Allah (SAW). Furthermore, he did not accept any sheets of the Qur'an unless it met two conditions: firstly, that it was held in written form with one of the Sahabah, and secondly, that it had been memorised by one of the Sahabah. When both written and memorised formats concurred with the sheet that was to be

compiled, he accepted it, otherwise anything else was rejected. For example, even though Zayd himself could remember and recall Surat Bara'ah, he did not take the last verses of it until he found them in written form with Abu Khuzayma. It has been narrated through Yahya b 'Abdel al-Rahman b. Hatib that he said: 'Umar stood up and said; 'whosoever has received anything of the Qur'an from Rasool Allah (SAW), let him bring it forth. They used to write the verses on sheets, tablets and palm risps. Ibn Hatib said about Zayd, 'he (Zayd) did not accept anything from anyone until two witnesses had given testimony. This showed Zayd was not satisfied merely by finding something in written form until the one who had received it testified that he had heard it, despite the fact that Zayd had already memorized it. He did this because of extreme caution.

The process of compilation was simply bringing together sheets that had already been written in the presence of Rasool Allah (SAW) into one book. The Qur'an was written down on sheets that were kept separately. Abu Bakr assembled them in one place. Abu Bakr's order to compile the Qur'an was not an order to put it down in one mushaf, but an order to bring together the sheets that had been written in the presence of the Messenger in one piece and to verify it. This verification was done through the testimonies of two witnesses that these verses had been written down in the presence of Rasool Allah (SAW) and that these verses were being held in written form by the Sahabah and they had memorised them. These sheets remained preserved with Abu Bakr during his life and were then passed onto 'Umar who kept them during his life and then passed onto Umar's daughter, Hafsa in accordance with 'Umar's bequest. Abu Bakr's compilation of the Qur'an consisted only of bringing together sheets that had been written down in the presence of Rasool Allah and was not an actual compilation of the Qur'an. This memorisation related to these sheets i.e. scraps that had been written down in front of Rasool Allah (SAW) and not the actual memorisation of the Qur'an. The bringing together of these pieces and their preservation was done through extreme caution and by the execution of tremendous

effort to examine the memorization of what had been reported from Rasool Allah (SAW). As for the Qur'an itself, it was preserved in the hearts of the Sahabah and compiled in their memory. In memorizing, a great multitude of Sahabah were relied upon because many of them had memorized it completely or in part.

Concerning the compilation of 'Uthman, in the second or third year of his Khilafah 25 AH, Huzayfah b. al-Yaman approached 'Uthman in Madinah at the time when the people of ash-Sham and Iraq were waging war to conquer what is now Armenia and Azerberjan. Hudhayfah was concerned about the differences between the two peoples in their recitation of the Qur'an. He saw the people of ash-Sham reading according to the recitation of Ubay b. Ka'b and they came with readings the people of Iraq had not heard of. He saw the people of Iraq reading according to the recitation of 'Abdullah b. Mas'ud and so they brought readings the people of ash-Sham had not heard of. The two peoples began to quarrel with each other and accused each other of kufr (disbelief). They disagreed about a verse in surat al-Baqarah. For example one read it as

'And perform properly the hajj and 'Umrah for Allah (SAW);
(wa -atimmul hajja wal 'umrata lillah)'. [2:196],
and the other read

"And perform properly the hajj and 'Umrah to the House (of Allah (SWT))
(wa atimmul hajja wal 'umrata lil bayt)'.
Huzayfah became angry and his eyes went red with rage. It has been na about Huzayfah that he reported on this matter saying, 'The people of Kufah adhere to the recitation of Ibn Mas'ud and the people of Basrah adhere to the recitation of Abu Musa. By Allah (SWT)! If I go to the Leader of the Believers I will order him to make it a single recitation'. So he travelled to 'Uthman. Ibn Shihab reports that Anas b. Malik na : Huzayfah bin al-Yaman came to Uthman at the time when the people of Sham and the people of Iraq were waging war in Arminya and Adharbijan. Huzhayfah was concerned of their (the people of Sham and Iraq) differences in the recitation of the Qur'an, so he said to 'Uthman,

'O chief of the Believers! Save this nation before they differ about the Book (Quran) as Jews and the Christians differed about their books'. So 'Uthman sent a message to Hafsa saying, 'Send us the manuscripts of the Qur'an so that we may compile the Qur'anic materials in perfect copies and return the manuscripts to you.' Hafsa sent it to 'Uthman. 'Uthman then ordered Zaid bin Thabit, 'Abdullah b. al-Zubair, Said b. al-'As and 'Abdul-Rahman b. Harith b. Hisham to rewrite the manuscripts in perfect copies. 'Uthman said to the three Quraishi men, 'In case you disagree with Zaid b. Thabit on any point in the Qur'an, then write it in the dialect of the Quraish as the Qur'an was revealed in their tongue.' They did so, and when they had written several copies, 'Uthman returned the original manuscripts to Hafsa. 'Uthman sent one copy of what they had copied to every Muslim Wilayah (district) and ordered that all other Qur'anic materials, whether written in fragments or whole copies be burnt and destroyed'. The number of copies made was seven, and they were sent to Makkah, ash-Sham, Yemen, Bahrain, Basrah, Kufah, and one copy was kept at Madinah.

Therefore, 'Uthman's action was just the copying and transcription of what had been transcribed from Rasool Allah (SAW) in its original form. He did not do anything except that he made seven copies from the original preserved copy kept in the possession of Hafsa, the mother of the Believers, united the people on this single script and forbade the existence of any text or script other than this. This matter settled upon a master text. It is the same handwriting and script in which the sheets had been written, in the presence of Rasool Allah (SAW) when the revelation was first revealed. It is the same copy compiled by Abu Bakr. The Muslims began to make copies from this text and not other. Nothing remained except the mushaf of 'Uthman in its script. When printers came about, the mushaf was printed from this copy with the same handwriting and script.

The difference between the compilations of Abu Bakr and 'Uthman is that the former took place because of the fear that some verses of the Qur'an might be lost if any of its carriers

(memorisers) were lost. Although it has been written on sheets it had not been compiled together into a single book. The compilation of 'Uthman took place because the expansion of the Arabic language (Qira'at) led to differences in reading various aspects of the Qur'an. This led some Muslims to accuse others of making an error. It was feared the matter would escalate and become worse and these sheets were therefore copied into one mushaf. The mushaf we now have before us is the same mushaf revealed to Rasool Allah (SAW); it is the same one which was written in those scripts written in the presence of Rasool Allah (SAW); it is the same mushaf that Abu Bakr brought together into one place; and it is the same one from which 'Uthman transcribed the seven copies and ordered that the rest be burned. It is the same Noble Qur'an in its arrangement of the verses and their respective Surahs, in terms of handwriting and script. From the copy dictated by Rasool Allah (SAW) direct from revelation, these sheets were compiled together and then copied. It remained protected in the possession of Hafsa, the mother of the believers until Marwan became the Wali (governor) of Madinah and tore it up. The original text was not considered binding because copies of the mushaf had now spread everywhere. Ibn Shihab na that Salim b. 'Abdullah b. 'Umar informed him that Marwan used to send for Hafsa when he was the amir of Madinah - asking her for the original sheets from which the Qur'an had been written. She refused to give him it. Salim said after the death of Hafsa and while we were returning from her burial, Marwan communicated his firm decision to 'Abdullah b. 'Umar that he sends him that mushaf. So 'Abdullah b. 'Umar sent it to him and Marwan ordered that it be destroyed. He said: ' I did this because I feared that if it remained with people for a long time then people would have doubts regarding these sheets.

The Quranic Script

The Quranic script is *tawqeefi* (follow the text literally) and it is not allowed to go against it. Evidence for this is that the Prophet (SAW) used to have scribes who wrote down the revelation. They actually wrote the Qur'an down according to this script which was then approved by the Messenger (SAW). His (SAW) period came to an end while the Qur'an was in the form of this script, in which no changes or alterations occurred. Even though the Sahabah wrote down the Qur'an, it has not been reported from anyone that there were any differences in this script until 'Uthman became Khalifah and transcribed the sheets that had been preserved with Hafsa, the mother of the believers into *mushafs* according to that script, ordered that all remaining *Mushafs* be burned. The major reasons for the differences between the Qur'anic and Arabic script of other books was that the form of the Qur'anic script was *Tawqeefi* and not conventional. For example it is not asked why the word *arriba* (usury) in the Qur'an ends with the letters waw and alif and not with the letters ya and alif. It is also not asked why there is an additional alif in the word *mia'ah* (one hundred) but not in the word *fa'ah* (group), why there is an additional ya in the words *bi'aydeekum* (with your hands) and *bi'ayeekum* (with anyone of you) and an extra alif in the word *sa'aw* (they strived) in Surat al-Hajj but is absent from the word *sa'aw* in Surat Saba. Why it also adds in the word *'ataw* (they transgressed) but is lacking from *'ataw* in Surat al-Furqan. The alif is also added in the word *'aamano* (they believed) but omitted from the words *ba'ao*, (they returned with) *ja'ao* (they came) and *fa'ao* (they returned) in Surat al-Baqarah. It is present in the word *ya'afo alladbi* (he forgives) but absent from the word *ya'afo 'anhum* in Surat an-Nisa'a. Likewise it should not be said what relates to the sense of deletion of certain letters in some words but not in other similar words. This is like omitting the letter alif from the word *Qura'anun* in Surahs of Yusuf and az-Zukhruf but keeping it in other places; and keeping the alif after the waw of the word *samawat* (heavens) in Surat Fussilat but omitting it in others. So why is the alif in the word *Al-Mi'aad* (the appointment)

is kept everywhere but omitted from the same word in Surat al-Anfal, and why is the alif kept in the word *sirajun* (light) wherever this word is mentioned in the Qur'an except in Surat al-Furqan. This difference in the writing of a single word between one Surah and another, suggests dependency on the hearing of the words and not on *Ijtihad* or their understanding. Anything that depends on such is *Tawqeefi* script. Likewise, a difference in the order of the Surahs (chapters) in the Qur'an was reported, but there was no reported difference in Quranic script from the script writing recorded in the presence of Rasool Allah (SAW). Nor was there any difference reported in the order of the *Ayahs* (verses) in the Qur'an, also indicating that Quranic script is *Tawqeefi*. This is clear from Rasool Allah (SAW)'s acknowledgement of this writing, the consensus of the Sahabah on this issue and differences in the writing of a single word from one Surah to another despite the same wording and meaning. This is all clear evidence proving that the script in which the *Mushaf* has been written is *Tawqeefi* script, and must be adhered to without exception. Writing the *Mushaf* in any other script is forbidden. To say that Rasool Allah (SAW) was illiterate so there is no point in his approval of the Qur'an's script is incorrect. This is because he had scribes who could write and they described the script to him, and he could recognise the forms of letters as reported in some Hadiths. His scribes also wrote letters on his behalf to foreign kings and leaders in conventional Arabic script which was noticeably different from the script used to write the Qur'an during its revelation. The obligation to follow the *Uthmani* script of the Qur'an relates only to the writing of the *Mushaf*. As for the writing of the Qur'an by quotation, for teaching purposes or for any other reasons, this is permissible because the approval of the Messenger (SAW) and consensus of the companions related to the *Mushaf* alone and nothing else. There is no *Qiyas* on this matter because this is a *Tawqeefi* issue without an *Illah* (reason).

The Miracle of the Qur'an

The Qur'an is the wording revealed to our master Muhammad (SAW) with what it indicates of its meanings, and it is the wording (*Lafẓ*) and meaning (*Ma'na*) together. The meaning on its own is not called Qur'an, and the wording alone doesn't have meaning, because the idea of composing expressions is to indicate a certain meaning. That is why the Qur'an has been described as a description of its wording. Allah (SWT) described it as Arabic when He (SWT) said:

'Verily, We have sent it down as an Arabic Qur'an.' [12:2] And He (SWT) said:

'A Book whereof the Verses are explained in detail; - a Qur'an in Arabic for people who know.' [41:3] And He (SWT) said:

'An Arabic Qur'an, without any crookedness.' [39:28] And He (SWT) said:

'And thus We have revealed unto you (O Muhammad [SAW]) a Qur'an (in Arabic).' [42:7] And He (SWT) said:

'We verily, have made it a Qur'an in Arabic.' [43:3] Here, the word Arabic is a description of the wording of the Qur'an and not of its meanings, because its meanings are human in origin and not based on Arabic terminology. They are for all humankind and not for the Arabs alone. As for His (SWT) saying:

'And thus We have sent it (the Qur'an) down to be a judgement of authority in Arabic (bukman arabīyyan).' [13:37], it means it is a wisdom translated in the Arabic tongue and not that it is an Arabic wisdom. Here the word 'Arabic' is a description of wording and nothing else and its wording is described as only Arabic. Its meaning has no designation other than Arabic, whether literally or metaphorically. Thus it is incorrect to call the writing of some of its meanings in other than the Arabic as Qu'ran. The Arabic language of the Qur'an is definite which is Arabic in wording alone. The Qur'an is the miracle of the Prophet

Muhammad (SAW). There are other miracles to the Prophet (SAW), that took place at his hands, other than the Qur'an as mentioned in the Qur'an itself and the sound ahadith, but he did not challenge the Quraysh with them. The challenge was only with the Qur'an. Thus the Qur'an is the miracle of the Prophet Muhammad (SAW), confirming his Prophethood from the time of revelation of the Qur'an until the Day of Judgement. In it Allah (SWT) challenged the Arabs to bring something like it. He (SWT) said in His challenge:

'And if you (Arab pagans, Jews and Christians) are in doubt concerning that which We have sent down (i.e. the Qur'an) to Our slave (Muhammad [SAW]), then produce a Surah of the like thereof and call your witnesses besides Allah (SWT), if you are truthful.' [2:23] And He (SWT) said:

'Say: "Bring then a Surah like unto it, and call upon whomsoever you can, besides Allah (SWT), if you are truthful.' [10:38] And He (SWT) said:

'Or they say, "He (Prophet Muhammad [SAW]) forged it (the Qur'an)."' 'Say: "Bring you then ten forged Surahs like unto it, and call whomsoever you can, other than Allah (SWT) (to your help), if you speak the truth.'" [11:13] He (SWT) challenged them to the stage where He (SWT) told them that they would not be able to bring something like it. He (SWT) said:

'Say: "If mankind and the jinn were together to produce the like of this Qur'an, they could not produce the like thereof, even if they helped one another.' [17:88] So those challenged by the Qur'an were unable to bring something like it. This has been proven via recurrent reports (*Mutawatir*), and history has no record that the Quraysh did bring something like it.

This challenge is not specific to those who were addressed, but an open challenge until the Day of Judgement, because what counts in the text is the generality of the wording (*Lafẓ*) and not the specificity of the cause (*Sabab*). So the Qur'an has laid down this challenge to the whole of mankind from its time of revelation until the Day of Judgement. This is why the Qur'an is a

miracle for all mankind and not just the Arabs who lived in the time of Muhammad (SAW). There is no difference, in this regard, between a nation and another, because the speech is to the whole of mankind. He (SWT) said:

'We have not sent you (O Muhammad [SAW]), except to all of mankind.' [34:28] The verses of the challenge are general ('*Aammah*) so they state:

'And call upon whomsoever you can, besides Allah (SWT).' [10:38] All mankind is addressed because the Qur'an informs us of the inability of mankind and jinn to answer this challenge. He (SWT) said:

'Say: "If the mankind and the jinn were together to produce the like of this Qur'an, they could not produce the like thereof.' [17:88]

The inability of the Arab peoples and other peoples to respond to the challenge laid down in the Qur'an is unique to the Qur'an itself. When the Arabs used to listen to the Qur'an they approached it and were so captivated by its eloquence, that al-Walid b. al-Mughirah, who had heard the Prophet (SAW) reciting the Qur'an, said to the people: "By Allah (SWT)! There is not a man amongst you who is better versed in poetry than me, or has more knowledge of its prose (*Rajaz*) or *Qaseed* [ancient Arabic poem with rigid tripartite structure] than me. In the saying that he says there is a sweetness and beauty (*halaawah*), and in it there is grace and elegance (*Talaawah*). At its highest it is fresh and leafy and at its lowest it is copious and abundant (with rain). Verily it is the highest and nothing is higher than it." Despite this al-Walid did not believe and still persisted with his Kufr. So the aspects of the miracle relate to the nature of the Qur'an itself because those who have heard it and those who will hear it in the future are and will be baffled by the power of its eloquence just by simply listening to it, even if it is just for one sentence:

'And whose is the kingdom this day,' [40:16] and also

'On the Day of Resurrection the whole of the earth will be grasped by His Hand,' [39:67] and also

'If you fear treachery from any people throw back (their covenant) to them (so as to be) on equal terms,' [8:58] and also

'O mankind! Fear your Lord and be dutiful to Him! Verily, the earthquake of the Hour (of Judgement) is a terrible thing. The Day you shall see it, every nursing mother will forget her nursing, and every pregnant one will drop her load, and you shall see mankind as in a drunken state, yet they will not be drunken, but severe will be the Torment of Allah (SWT).' [22:1] In this manner *aayaat* of the Qur'an would be recited, when their words, style and meaning completely encompass the feelings of a human being and seize him.

The miracle of the Qur'an is clearest in its fluency, purity, and eloquence of an astonishing level. This is indicated in the miraculous style of the Qur'an, which has clarity (*Wudub*), force (*Quwwah*) and beauty (*Jamal*), that man cannot match.

Style (*Uslub*) is the arrangement of the meanings in coordinated phrases or the type of expression used to highlight meanings via linguistic expressions. The clarity of style comes from the projection of the meanings designed to present via the phrase with which they are conveyed.

'And those who disbelieve say: "Listen not to this Qur'an, and make noise in the midst of its (recitation) that you may overcome.' [41:26] The force (*Quwwah*) of the style is represented by the choice of words compatible to the meaning they give. Thus delicate meaning is expressed with delicate words, emotive meanings are expressed with emotive words and loathed meanings are expressed with odd words and so on.

'And they will be given to drink there a cup (of wine) mixed with Zanjabil (ginger, etc), and a spring there, called Salsabil.' [76:17-18]

'Truly, Hell is a place of ambush, a dwelling place for the Taghun (Those who transgress the limits set by Allah (SWT)). They will abide therein for ages.' [78:21-23]

'That indeed is a division most unfair.' [53:22]

'Verily, the harshest of all voices is the voice (braying) of the ass.' [31:19] As regards the beauty of the style, it is found in the choice of purest and best phrases fitting with the meaning they conveyed

and with the words and meanings, which accompany them in the expressions,

'Perhaps (often) will those who disbelieve wish that they were Muslims. Leave them to eat and enjoy, and let them be preoccupied with (false) hope. They will come to know.' [15:2-3]

The one who examines the Qur'an will find a lofty elevation in which the style of the Qur'an is characterised in terms of its clarity, power and beauty. Observe the following examples of this:

'And among men is he who disputes about Allah (SWT), without knowledge or guidance, or a Book giving light (from Allah (SWT)), - bending his neck in pride, and leading (others) too (far) astray from the Path of Allah (SWT).' [22:8-9]

'These two opponents (believers and disbelievers) dispute with each other about their Lord; then as for those who disbelieve, garments of fire will be cut out for them, boiling water will be poured down over their heads. With it will melt or vanish away what is within their bellies, as well as their skins. And for them are booked rods of iron (to punish them). Every time they seek to get away there from, from anguish, they will be driven back therein, and (it will be) said to them: "Taste the torment of burning." [22:19-22]

'O mankind! A similitude has been coined, so listen to it (carefully): Verily! Those, on whom you call besides Allah (SWT), cannot create (even) a fly, even though they combine together for the purpose. And if the fly snatched away a thing from them, they would have no power to release it from the fly. So weak are (both) the seeker and the sought.' [22:73]

The Qur'an has a special mode (*Tiraḏ*) of expression. The arrangement of words (*Naẓm*) does not follow the standard method of metrical and rhythmic poetry (*As-shi'r al-mawḏun al-muqaffā*), the style of free prose (*An-nathm al-mursal*). Or the method of rhymed prose (*An-nathm al-muḏawij*). It is a unique style, which the Arabs had never come across before.

Arabs were so impressed with the Qur'an to the point they could not know from what aspect did the Qur'an reach this wondrous nature (*'Ijaz*).

According to the speech of Allah (SWT) they started to say:

'This is indeed clear magic.' [10:76] They also said these were the words of a poet and a soothsayer. In response, Allah (SWT) said:

'It is not the word of a poet, little is that you believe! Nor is it the word of a soothsayer, little is that you remember.' [69:41-42]

The fact the Qur'an has a special mode of expression and unique structure is clear in every respect. So you will find the Qur'an saying:

'(Allah (SWT)) will disgrace them and give you victory over them and heal the breasts of a believing people.' [9:14] And it says:

'By no means shall you attain piety (Al-birr) unless you spend (in Allah (SWT)'s Cause) of that which you love.' [3:92] If the two verses were arranged together then they could be seen as lines of poetry in the following manner:

*Wayukhḏihim wayansurkum alaihim wayashfi
sodoora qanmin mu'amineen.
Lan tanalo el-birra hatta tunfiqo mimma
tobippoon.*

However these verses are not poetry, but type of unique prose. You find the Qur'an saying in form of prose, stating:-

'By the heaven, and at-Tariq (the night-comer, i.e. the bright star); and what will make you to know what at-Tariq (night-comer) is? (It is) the star of piercing brightness; There is no human being but has a protector over him (or her). So let man see from what he is created! He is created from a water gushing forth. Proceeding from between the back-bone and the ribs.' [86:1-7] This is prose, and not poetry in every respect. You also find it saying:

'We sent no Messenger, except (but) to be obeyed by Allah (SWT)'s leave.' [4:64]

'If they (hypocrites), when they had been unjust to themselves, had come to you (Muhammad [SAW]) and begged Allah (SWT)'s forgiveness, and the Messenger

had begged forgiveness for them: indeed, they would have found Allah (SWT) All-Forgiving, Most Merciful.' [4:64]

'But no, by your Lord, they can have no iman, until they make you the judge in all disputes between them, and find in themselves no resistance against your decisions, and accept them with full submission.' [4:65] So it lengthens the passage and breath (*Nafas*) in prose.

The Qur'an also says:

'And by the sun and its brightness; And by the moon as it follows the sun; And by the day as it shows up (the sun's) brightness; And by the night as it conceals it (the sun).' [91:1-4]

So it shortens the passage and breath (*Nafas*) in prose, even though both verses are examples of prose coming in the form of passages. Whilst you will find it creative in free prose, giving free speech. So it says:

'O Messenger! Let not those who hurry to fall into disbelief grieve you, of such who say: "We believe" with their mouths but their hearts have no faith. And of the Jews are men who listen much and eagerly to lies - listen to others who have not come to you. They change the words from their places; they say, "If you are given this take it, but if you are not given this, then beware!" And whomsoever Allah (SWT) wants to put in fitnah (error), you can do nothing for him against Allah (SWT). Those are the ones whose hearts Allah (SWT) does not want to purify; for them there is a disgrace in this world, and in the Hereafter a great torment.' [5:41] You will find it creative in rhymed prose, thus it will speak in rhymed prose. So it says:

'O you (Muhammad [SAW]) enveloped (in garments)! Arise and warn! And your Lord (Allah (SWT)) magnify! And your garments purify! And keep away from ar-rujz (the idols)! And give not a thing in order to have more (or consider not your deeds of Allah (SWT)'s obedience as a favour to Allah (SWT)). And be patient for the sake of your Lord.' [74:1-7]

You will find it superior in *izdivaj* (prose with successive but different rhymes) so it says:

'The mutual rivalry for piling up of worldly things diverts you. Until you visit the graves. Nay! You shall come to know! Again, Nay! You shall come to know! Nay! If you knew with a sure knowledge. Verily, you shall see blazing fire!' [102:1-6] You will find it lengthening the *Izdivaj*, so the Qur'an states:-

'Be cursed (the disbelieving) man! How ungrateful he is! From what thing did He create him? From nutfa (semen) He created them, and then set him due proportion; Then He makes the Path easy for him; Then He causes him to die, and puts him in a grave; Then, when it is His Will, He will resurrect him (again). Nay, but (man) has not done what He commanded him. Then let man look at his food. That We pour forth water in abundance, and We split the earth in clefts, and We cause therein the grain to grow. And grapes and clover plants (green fodder for the cattle). And olives and date palms. And gardens, dense with many trees. And fruits and Abba (herbage etc).' [80:17-31] After following a certain rhym it changes to another rhym. This Qur'an proceeds in rhymed prose in the following verse:

'Then, when the Trumpet is sounded; Truly, that Day will be a Hard Day. Far from easy for the disbelievers.' [74:8-10] It will abandon it in the verse that immediately follows after it, so it says:

'Leave Me Alone (to deal) with whom I created Alone (i.e. al-Walid b. al-Mughirah al-Makbuzumi)! And then granted him resources in abundance. And children to be by his side! And made life smooth and comfortable for him! After all that he desires - that I should give more; Nay! Verily, he has been stubborn and opposing Our aayaat (signs). I shall oblige him to face a severe torment!' [74:11-17] Then it will move from this rhym to another rhym in the verse that immediately follows it, so it says:

'Verily, he thought and plotted; so let him be cursed, how he plotted! Then he thought; Then he frowned and he looked in bad tempered way; Then he turned back and he was proud.' [74:18-23] In this way when the whole Qur'an is studied, there is no presence of the style of the Arabs in poetry or prose, nor does it bear any resemblance to any of the sayings of the Arabs or of any other people.

Then we find its style is clear, beautiful and forceful expressing its meanings in a manner providing the most accurate of descriptions. Where the meaning is delicate one will find the Qur'an saying:

'Verily, for the Muttaqeen (God fearing), there will be a success (Paradise); Gardens and grape yards. And maidens of equal age. And a full cup (of wine).' [78:31-34] thus using delicate words and soft, flowing sentences. Where the meaning is forceful, one will find the Qur'an saying:

'Truly, Hell is a place of ambush, a dwelling place for the Tagheeb (Those who transgress the limits set by Allah (SWT)). They will abide therein for ages, nothing cool shall they taste therein, nor any drink. Except boiling water, and dirty wound discharges. An exact recompense (according to their evil crimes).' [78:21-26] thus using grand words and strong sentences. And when the meaning is pleasant, the Qur'an uses pleasant phrases, saying:

'And he raised his parents to the throne and they fell down before him prostrate.' [12:100]

And when the meaning is reprehensible it comes with the appropriate word for this meaning, so it says:

'Is it for you the males and for Him the females? That indeed is a division (Dheeza) most unfair.' [53:22] And it says:

'And lower your voice. Verily, the harshest of all voices is the voice of (al-Hameer) the ass.' [31:19] The rendering of meanings with this type of expression which highlights the meanings, was accompanied with the attention to words which have the rhythm to move the human soul when conceiving and understanding these meanings. Therefore, they stilled in the listener who understood the depth of these meanings a deep sense of awe and humility, to the point that some of those eloquent and intellectual Arabs were about to prostrate to them despite their disbelief and obstinacy.

One who scrutinises the words and sentences of the Qur'an will find that the Qur'an gives great

attention to the sounds articulated by letters that are placed together. So letters close to each other in articulation are often placed close together in a word or sentence. When there is a gap between these points of articulation, they are often separated with a letter that eliminates the 'strangeness' of the transition, and at the same time makes a letter pleasant in articulation and easy on the ears to be repeated like a refrain in music. It does not say '*Kal ba'iq a-mudfiq*' but '*Kasayyib*', and nor does it say '*Al-hu'khu*' but '*Sundusin khudrin*'. Sometimes it is necessary to use letters placed apart from each other in a meaning which suits it, and nothing else gives that meaning, like the word '*Dheeza*'. There is no point in using the word '*Zalimah*' or '*Ja'irah*' in its place even though the meaning is one. In addition to this precision in usage, the letter, which is used as a refrain is clearly found in verses with some frequency. For example the Verse of the Throne (*Ayatul Kursiy*) (Al-Baraqah 2:255), has the letter 'lam' repeated twenty three times in a manner which has such a pleasant impact on the hearing it makes people prick up their ears and want to hear more.

All these situations highlight the special mode of the Qur'an. It reveals its meanings in expressions befitting them, and the words and meanings around it. You will not find that lacking in any of its verses. Its wonderful nature (*I'jaz*) is clear in its style as of being a special genre of speech which has no resemblance to the speech of man regarding the use of meanings in words and sentences. Also in the effect these words have on the hearing of the one who comprehends its eloquence and looks deeply into its meanings, so he becomes humble to the point of almost prostrating to it. The effect the Qur'an has on the hearing of the one who does not comprehend its eloquence, the sound of its words captivate him and hold him spellbound in such a manner that the listener humbles himself even though he may not understand its meanings. Thus the Qur'an is a miracle, and will remain so until the Final Hour.

The Sunnah

Sunnah and hadith mean the same thing. The term Sunnah indicates what has been reported from Rasool Allah (SAW) of his sayings, actions and consent. What has been reported from the Sahabah is also considered part of the Sunnah because they used to live with the Prophet (peace and blessings be upon him), listen to his sayings witness his actions and narrate what they saw and heard. The hadith is considered a *Shar'ai* text because Allah (SWT) said:

'Whatsoever the Messenger [SAW] gave you, take it, and whatsoever he forbade you, abstain from it.' [59:7] And He (SWT) said:

'Nor does he speak of his own desire. It is only a revelation that is inspired.' [53:3-4].

Many verses of the Qur'an have been revealed as *Mujmal* (ambivalent) for which Hadiths have provided details. For example, the verses related to prayer came as *Mujmal* (ambivalent), but it is the actions of the Prophet (SAW) that clarified the times and method of prayer. This is also the case for many *Abkam* (rules) in the Qur'an, which were revealed as *Mujmal* (ambivalent) and explained by the Messenger (SAW). He (SWT) said:

'And We have sent down unto you (O Muhammad [SAW]) the Reminder so that you may explain to people what has been sent down to them.' [16:44]. The Sahabah (may Allah (SWT) be pleased with all of them) were the ones who heard the sayings of the Prophet (SAW) and they saw his actions and situations. When they came across a problem in understanding an *Ayah* they disagreed about its *Tafseer* or a rule (Hukm) from it, they would refer to the Prophetic Hadiths for clarification. In the beginning, to safeguard this knowledge the Muslims relied upon memory and accurate transmission without looking at what they had written. When Islam spread and the lands grew, the Sahabah spread across the regions and most of them died, the accuracy in transmission of their experiences was compromised. It therefore became necessary to document the Hadiths and preserve them in writing.

The era of compiling the Hadith goes back to the age of the Sahabah. A number of persons amongst them used to write down and narrate what they had written. It has been na about Abu Hurayrah that he said: *'from the companions of the Prophet (SAW) no one na more Hadiths than me except 'Abdullah b. 'Umar. But he used to write them down, I did not.'* However, those Sahabah who did write down the Hadiths were few in number. Most of the Sahabah learnt the Hadiths by heart since they were prohibited from writing down Hadith at the dawn of Islam. Muslim reported in his Sahih on the authority of Abu Sa'id al-Khudri that he said that the Messenger of Allah (SAW) said: 'Do not write down anything from me. Whosoever writes down anything from me other than the Qur'an, let him erase it. Narrate about me, there is no objection. But whosoever deliberately lies about me, let him reserve his place in the hell-fire.' This is why the Sahabah refrained from writing down Hadiths and they were content just to rely on memorisation and attention. The Sahabah paid careful attention to learning the Hadith and it has been established that many Sahabah refrained from accepting numerous reports. Ibn Shihab na from Qabisah that her grandmother came to Abu Bakr (R.A) asking about her rights in inheritance. He said: *'I did not find anything mentioned in the Qur'an for you and I do not know that Rasool Allah (SAW) mentioned anything for you.'* Then he asked the people. Al-Mughirah stood up and said: *'Rasool Allah (SAW) used to give her a sixth.'* Abu Bakr said: *'Do you have anyone who can corroborate this?'* Muhammad b. Maslamah bore witness to the same thing and Abu Bakr implemented this rule (Hukm) for her.

Al-Jariri na from Abu Nadhrah who na from Abu Sa'id that: 'Abu Musa gave greetings to 'Umar three times from behind his door but he was not given permission to enter, so he turned back. 'Umar sent somebody to ask him: "Why did you turn back?" Abu Musa said: "I heard Rasool Allah (SAW) say: *'When one of you gives salam three times and you are not answered, then let him turn back.'* 'Umar replied: "You must bring me an evidence about this matter otherwise I will punish you." Abu Musa came to us while we were sitting down and his face was sweaty. We

said: "What is the matter with you?" So he informed us and asked: "Did anyone of you hear this Hadith?" We replied: "Yes, all of us have heard this (Hadith)." So we sent a man from amongst us till he came to Umar and told him. Ali (R.A) said: "if I heard a Hadith from Rasool Allah (SAW) which Allah (SWT) benefited me with it, and if anyone talked to me about it, I would ask for an oath from him, and if he gave it to me then I would trust him."

From this we can see the care taken by the Sahabah (may Allah (SWT) be pleased with them) in the narration of Hadith and the extreme care they exercised in accepting reports. It has even been narrated that 'Umar (R.A) did not give much attention to the narration of Fatimah b. Qays (which stated) that there is no maintenance (*Nafaqah*) or lodging (*Sukna*) for the woman who has been irrevocably divorced (*Mabtutah*) with three pronouncements. He said: "We shall not abandon the Book of our Lord or the Sunnah of our Prophet (SAW) for the speech of a woman for we do not know if she has memorised it or forgotten it. "This does not mean that 'Umar left her Hadith because the narrator was a woman, rather it meant the Book and Sunnah would not be abandoned in favour of the speech of someone for whom it is not known whether he had memorised or forgotten the Hadith. The *Illah* (reason) is the fact of whether she had memorised the Hadith or not, and not because she was a woman.

When *Fitnah* (civil war) ensued after the murder of 'Uthman (R.A), Muslims started to disagree among themselves and different groups were formed as a result. The attention of every group was devoted to deducing evidences and reporting Hadiths, that supported their claims. Often when a particular group needed a Hadith to support a saying or establish a proof for something, they would themselves fabricate a Hadith, and during this period of disorder, there was rapid growth in the numbers of such fabrications. Once *Fitnah* (civil war) had abated, the Muslims checked the Hadiths to find that these fabrications had become widespread. So they worked hard to separate fabricated Hadiths from sound (*Sahih*) Hadiths.

When the age of the Sahabah ended and the *Tabi'oon* came after them, they followed the noble Sahabah in their close attention to the Hadith and its conveyance through the medium of narration, until the Khalifah of 'Umar ibn 'Abdul 'Aziz. He ordered the Hadith be written down at the turn of the first century A.H. Bukhari later said in his *Sahih* in the *Kitab al-'ilm* (The Book of Knowledge) that 'Umar b. 'Abdul 'Aziz wrote to Abu Bakr b. Hazm "Look for what you can find of the Hadiths of Rasool Allah (SAW) and write them down. I fear for the loss of lessons of knowledge and the dwindling numbers of the scholars. Do not accept anything other than the Hadiths of the Prophet (SAW) so that you may disseminate knowledge and sit down to teach those who do not have knowledge until they gain the knowledge. Verily, knowledge does not perish unless it is kept secret." Likewise, he wrote to his *'Amils* (district governors) to search for the Hadiths in the main town centres of the Muslims.

The first to record Hadiths in accordance with the order of 'Umar b. 'Abdul 'Aziz was Muhammad b. Muslim b.'Ubayd Ullah b. 'Abdullah b. Shihab az-Zuhri. He learned knowledge from a group of young Sahabah and senior followers (*Tabi'oon*). In the generation which followed the generation of az-Zuhri, recording of Hadith became widespread. Amongst those who collected Hadith were Ibn Jurayj in Makkah, Malik in Madinah, Hammad b. Salamah in Basrah, Sufyan al-Thawri in Kufah, al-Awaza'i in the region of ash-Sham and various others throughout the Islamic lands. The Hadith collections of these people were mixed with the sayings of the Sahabah and the *fatwas* (legal verdicts) of the *Tabi'oon*. At the beginning of the third century A.H. the scholars began to set down their compilations of Hadith. This was the case until Imam Bukhari came on the scene. He was learned and had distinguished himself in the science of Hadith. He wrote his renowned book *Sahih ul-Bukhari* in which he placed those Hadith he perceived as authentic. He was followed by Muslim b. al-Hajjaj who was a student of Imam Bukhari. He wrote his famous book *Sahih*

Muslim. These two works are designated as the '*Sahihayn*' (the two sahih works).

When the Imams of Hadith began to record the Hadiths, they recorded them in the manner in which they had found them. In the majority of cases they did not omit anything except that which was known to have been fabricated and concocted. They compiled them with their *Isnads* (chains of narration) as they found them, rigorously investigated the status of the transmitters until they were certain of whose narrations could be accepted, whose had to be rejected and whose they could not accept. They then studied the report and status of the narration, for not everything narrated by a transmitter possessing the attributes of truth and accuracy could be taken because any man is susceptible to forgetfulness or error.

The Hadiths were a broad topic encompassing all Islamic disciplines. They included *Tafseer* (Qur'anic interpretation), legislation and the *Sirah*. The Hadith transmitter would narrate a Hadith which might include the *Tafseer* of an *Ayah* of the Noble Qur'an, or a rule on an event, or narrate a Hadith which would mention a battle, and so on. The compilation of Hadith began when Muslims from different areas of the State started collecting all the Hadiths and put them down in writing. The purpose of this compilation was to distinguish the Hadiths of the Messenger (SAW) from anything else. As a result the Hadiths became separate from the *Fiqh* just as they became independent from the *Tafseer*. This happened after the first two hundred years. Afterwards, the progression to the collection of Hadith gathered momentum and the compilers separated sound Hadiths from weak ones, characterized the men who transmitted them and passed judgement either in their favour or against them.

The Sunnah is a Shar'ai Evidence like the Qur'an

The Sunnah is Shar'ai evidence (*Daleel Shar'ai*) like the Qur'an and it is revelation from Allah (SWT). Confining oneself to the Qur'an and leaving the Sunnah is *Kufr buwah* (manifest disbelief), and takes those who support this opinion outside the fold of Islam. As for the Sunnah being revelation from Allah (SWT), this is explicitly stated in the Qur'an al-Kareem. He (SWT) said:

'Say: "I warn you only by the revelation."' [21:45] And He (SWT) said:

'This has been inspired to me, that I am only a plain warner.' [38:70] And He (SWT) said:

'I only follow that which is revealed to me.' [46:9] And He (SWT) said:

'I but follow what is revealed to me from my Lord.' [7:203] And He (SWT) said:

'Nor does he speak of his own desire. It is no less than revelation sent down to him.' [53:3-4] These verses are qat'ii (definite) in their proof and in their meaning in restricting what the Messenger (SAW) brought, warned people of, and pronounced as coming from the revelation. These verses are not open to interpretation. Thus the Sunnah is revelation like the Qur'an. The Qur'an clearly states the obligation of following the Sunnah in the same way as following the Qur'an itself. Allah (SWT) says:-

'Whatsoever the Messenger [SAW] gave you, take it, and whatsoever he forbade you, abstain from it.' [59:7] And He (SWT) said:

'He who obeys the Messenger (SAW), has indeed obeyed Allah (SWT).' [4:80] And He (SWT) said:

'And let those who oppose the Messenger's commandment beware, lest some fitnah (affliction) befall them or a painful torment be inflicted on them.' [24:63] And He (SWT) said:

'It is not for a believer, man or woman, when Allah (SWT) and His Messenger have decreed a matter that they should have any option in their decision.' [33:36] And He (SWT) said:

'But no, by your Lord, they can have no imman, until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept them with full submission.' [4:65] And He (SWT) said:

'Obey Allah (SWT) and obey the Messenger.' [4:59] He (SWT) said:

'Say (O Muhammad): If you (really) love Allah (SWT) then follow me; Allah (SWT) will love you and forgive you your sins.' [3:31] All these *ayaat* are explicit and clear in the obligation of following the Messenger (SAW) concerning of what he has brought and considering obedience to the Messenger as obedience to Allah (SWT).

So the Qur'an and Hadith are Shar'ai evidences in terms of the obligation of following what has been revealed. The Hadith is like the Qur'an in this respect. It is not allowed for someone to say: we have the Book of Allah (SWT) and from this we will take our rules; because what one understands from this statement is that the Hadith has been ignored. The Sunnah must be combined with the Book. So the Hadith is taken as a shar'ai evidence just like the Qur'an. It is not allowed for a Muslim to imply that the Qur'an is sufficient for the Muslims, and the Sunnah is not needed. The Messenger (SAW) has alluded to this in his Hadith when he (SAW) said: "You may almost find a man amongst you who sits on his bed narrating my Hadith saying: 'Between me and you is the Book of Allah (SWT).' What we find *Halal* in the Qur'an we will make *Halal* and what we find *Haram* in it we will make *Haram*. But what Rasool Allah (SAW) forbade, is like what Allah (SWT) has forbidden." In the narration of Jabir, he (SAW) said: "Whosoever comes to know a hadith from me and he rejects it, he has rejected three: Allah (SWT), His Messenger and the one who informed him of the hadith." Therefore, it is wrong to say, we compare the Qur'an with the Hadith, so if the Hadith does not agree with it then we abandon

the Hadith. This would lead to abandoning the Sunnah if it had come to specify the Qur'an, restrict it or elaborate any verses ambiguous in meaning (*Mujmal*), since it would show that what the Hadith states does not agree with the Qur'an or it is not found in the Qur'an, like those Hadiths which relate the branches to their foundation (*Asl*). Indeed, many rules mentioned in the Hadith have not been mentioned in the Qur'an. This concerns many of the detailed rules, not brought by the Qur'an and mentioned only in the Hadith. Therefore, Hadith is not compared to the Qur'an regarding what is mentioned in the Qur'an and rejecting anything else. Rather this arises when a Hadith mentions something that contradicts what came in the Qur'an in definite meaning, then the Hadith is rejected on the basis of its meaning (*dirayatun*), because its meaning contradicted the Qur'an. For example, it has been narrated from Fatimah bint Qays that she said: 'My husband divorced me three times during the time of Rasool Allah (SAW), so I went to the Prophet (SAW) but he did not allow me to get lodging (*Sukna*) or maintenance (*Nafaqah*). This Hadith is rejected because it contradicts the Qur'an. It contradicts what Allah (SWT) says:

'Lodge them (the divorced women) where you dwell, according to your means.' [65:6] Therefore, the Hadith is rejected because it has contradicted definite text and definite meaning of the Qur'an. Where a Hadith does not contradict the Qur'an because it includes things not brought by the Qur'an or adds onto what is in the Qur'an, then the hadith is taken just like the Qur'an. It should not be said it is enough for the Muslims to take the Qur'an and what came in the Qur'an, for Allah (SWT) has ordered us to follow both Qur'an and Hadith, and it is obligatory to believe in both of them.

Educing proofs using the Sunnah

It is known that the Sunnah consists of the sayings, actions and consent of the Messenger (SAW) and that it is obligatory to follow the Sunnah like the Qur'an. What has to be established is that the Messenger (SAW) is the one who said that word, he (SAW) did that action or consented (was silent) to somebody's saying or action. Once proven, then it is correct to deduce the Sunnah for the *Shar'ai* rules and beliefs, and it becomes a proof that the thing established by the Sunnah is a *Shar'ai* rule or one of the articles of belief. The authenticity of the Sunnah is considered definite (*Qat'i*), when a group of *Tabi-tabi'in* transmit from a group of *Tabi'in* from a group of Sahabah who na it from the Prophet (SAW) on the condition that there are sufficient numbers of people in each group to remove the possibility of collusion (an agreement) on a lie. This is *Mutawatir* Sunnah (recurrently transmitted sunnah) or *Mutawatir* report. The authenticity of the Sunnah is considered gesture (*Zanni*) when a single narrator or separate single narrators transmit from a single or more *Tabi'i-tabi'in* from a single or more of the Sahabah who na from the Prophet (SAW). The Sunnah can be split into two categories: the *Mutawatir* report and the solitary report (*Khabar al-Ahad*). The *Mashhoor* or *Mustafidh* is the report transmitted via single narrators who na it from the Prophet (SAW), then became widely known in the age of the *Tabi'in* or the *Tabi-tabi'in*. So it is considered a kind of solitary report (*Khabar al-Ahad*), and not a separate category. In deduction it is considered no higher than the level of *Khabar al-Ahad* and does not reach the level of *Mutawatir*. As long as the transmission of Hadith is done in the presence of solitary transmitters in any category whether Sahabah, *Tabi'in* or *Tabi Tabi'in*, then it is considered a solitary report even if the other two categories consisted of groups. Thus, the Sunnah is either *Mutawatir* (recurrent) or *Ahad* (solitary) and there is no third category.

If the *Khabar al-ahad* is *Sahih* (sound) or *Hasan* (good) and considered a proof for all *Shar'ai*

rules, it is obligatory to act upon them, whether these rules pertain to *'Ibadat* (worships), *Mu'amalat* (transactions) or *'Uqubat* (punishments). Educing it as proof is correct. The use of solitary reports in establishing *Shar'ai* rules is proven, and the Sahabah (R.A) have a consensus (*Ijma'a*) on this issue. The evidence here is that the Shari'ah has recognised testimony in establishing a legal case, which is a solitary report. So accepting the narration of a Sunnah and accepting a solitary report is comparable to the acceptance of a testimony. That is because it has been proven by Qur'anic text that a rule can be passed on the basis of two male witnesses or one man and two female witnesses regarding money, on the basis of testimonies by four witnesses in *Zina*, and on the basis of two witnesses for *Hadd* punishments and equal retribution (*Qisaas*). Rasool Allah (SAW) passed judgement on the basis of testimony by one witness and the oath of the claimant, and he accepted the testimony of one woman regarding suckling, all these are solitary reports. All the Sahabah proceeded on this basis and no one na from them anything contrary to this. The judgment (*qadha'a*) is enforcement (of a verdict) by outweighing the truth over the lie as long as those factors that could cast falsehood upon the report are absent or unproven. This enforcement (of the verdict) is simply acting upon the solitary report. It has been obliged, by *Qiyas* (analogy) that we must act upon the solitary reports na from the Prophet (SAW) in order to outweigh the truth as long as the narrator is just (*'Adh*), reliable (*Thiqah*) and accurate (*Dhabit*) and he has met the person from whom the report has been na . Then any suspicion over lying becomes absent and therefore unproven. So the acceptance of any solitary report from the Messenger (SAW) and adducing it as proof for a *Hukm* is like accepting a testimony and issuing a judgement according to that in the litigated case. Therefore, the solitary report is a proof as evidenced by the direction of the Qur'an.

However, the Messenger (SAW) said: *May Allah (SWT) shine (the face of) a servant who hears my saying and memorises it and deliver it. Perhaps the one carrying the knowledge is not a Faqih and perhaps he will carry the knowledge to someone who is more knowledgeable than*

him.' The saying of the Messenger (SAW) 'may Allah (SWT) shine (the face of) a servant and not servants, is generic and applicable to one or more persons. So he is praising the one individual and individuals for transmitting his Hadith.

Moreover, the Prophet (SAW) call the people to memorise his sayings and transmit them. It is *Fard* on every Muslim who hears it (whether one or more persons) to transmit it to others, but his delivery and transmission of the Prophet's saying to others will have no effect unless his statement is accepted. The call of the Prophet (SAW) to transmit his sayings is a call for them to be accepted as long as the person to whom the Hadith is transmitted trusted that this is indeed the speech of the Messenger (SAW); meaning that the transmitter must be trustworthy, honest, God fearing, accurate and he knows what he is conveying and what he is leaving out. This is in order suspicion of lying is removed from him and the truth is outweighed about him. This shows that the solitary report is a proof by the explicit text of the Sunnah and based on what the Sunnah has indicated.

On one occasion, the Prophet (SAW) sent twelve separate messengers to twelve different rulers inviting them to Islam. If the conveyance (*Tabligh*) of the *Da'wah* was not obligatory to follow through solitary report then the Messenger (SAW) would not be content to send one person to convey Islam. This is explicit evidence from the action of the Messenger (SAW) confirming solitary report as sufficient proof for the conveyance of Islam. The Messenger (SAW) would send letters to his provincial governors by single messengers, and it did not occur to any of them to abandon implementing his orders just because the message carrier was a single person. They adhered to what the messenger brought from the Prophet (SAW) in terms of rules and orders. There is also clear evidence from the actions of the Messenger (SAW) that the solitary report is a proof that obliges us to act upon *Shar'ai* rules and it is a proof for the orders and prohibitions of the Prophet (SAW). If this was not the case, the Messenger (SAW) would not have been satisfied with sending one person to each governor.

It is now well known and well established about the Sahabah that if they trusted the narrator they would take the solitary report without question. There are numerous proofs to back this matter and nothing has ever been recorded about any Sahabah that they rejected a solitary report because it had been transmitted by a single narrator. They rejected solitary reports on the basis that the narrator was not considered reliable (*thiqah*). The solitary report is proof for *Shar'ai* rules and for conveying Islam as evidenced by the Kitab, Sunnah and *Ijma'-as-Sahabah* (may Allah (SWT) be pleased with them).

The solitary report (khabar al-ahad) is not a proof for ‘aqaa’id

Belief in the Messenger Muhammad (SAW) obliges the Muslim to obey and follow him. It obliges us to educe Islam in terms of ‘Aqeedah and rules, from his Sunnah. Allah (SWT) said:

'It is not for a believer, man or woman, when Allah (SWT) and His Messenger have decreed a matter that they should have any option in their decision. And whosoever disobeys Allah (SWT) and His Messenger, he has indeed strayed in a plain manner.' [33:36] And He (SWT) said:

'Obey Allah (SWT) and obey the Messenger.' [4:59] And He (SWT) said:

'Whatsoever the Messenger [SAW] gave you, take it, and whatsoever he forbade you, abstain from it.' [59:7]

However, educing the Sunnah depends on the subject matter which requires proof. If in the educed subject matter in question most probability (*Ghalabatuz-zun*) is enough, then information about it is sought on the basis of what the Messenger (SAW) most probably said it. With greater reason, we seek information about this matter on the understanding that the narrator is certain of what the Messenger (SAW) said. In matters necessitating decisiveness and certainty, educing must be on the basis that the narrator is certain that the Messenger (SAW) said it. Such matters are not educed by what the Messenger (SAW) most probably said. This is because the most probable (*Zanni*) evidences are considered not sound enough for establishing certainty (*Yaqeen*), for what necessitates decisiveness and certainty nothing suffices in it except certainty.

It is enough in the rule (*Hukm Shar'ai*) that which the person most probably thinks of it as the *Hukm* of Allah (SWT) so he must then follow it as a *Hukm*. Thus, it is allowed for the evidence of the *Hukm Shar'ai* to be thunni (most probable), whether it was thunni in terms of the proof or thunni in terms of the indication. Thus,

the solitary report is valid to be an evidence for *Hukm Shar'ai*. The Messenger accepted it in judicial actions and called for its acceptance in the sayings of his Hadiths, and the Sahabah accepted it in their observance of the *Shar'ai* rules. As for the ‘Aqeedah, it is the decisive (*jazim*) acceptance that agrees with the reality based on an evidence. Sice this is the nature of the ‘aqeedah and that is its reality, then it evidence must generate *tasdeeq jazim* (decisive acceptance), and this would not happen unless the evidence itself is decisive (*jazim*) so as to be an appropriate evidence for certainty (*jazm*). Probable (*Zanni*) evidence by its nature is impossible to generate decisiveness (*jazm*), so it is not appropriate to be an evidence for decisiveness (*jazm*). Therefore, the solitary report (*Khabar al- Ahad*) is not an acceptable evidence for the ‘Aqeedah, because it is based on probability, whereas the ‘Aqeedah must be certain (*yaqini*).

Allah (SWT), in the Noble Qur'an, has censured the following of conjecture (*Zann*). He (SWT) said:

'They have no 'ilm (certain knowledge), they follow nothing but conjecture (Zann).' [4:157]

And He (SWT) said:

'And most of them follow nothing but conjecture. Certainly, conjecture (zann) is no substitute for the truth.' [10:36] And He (SWT) said:

'And if you obey most of those on earth, they will mislead you far away from Allah (SWT)'s Path. They follow nothing but conjecture (zann), and they do nothing but lie.' [6:116]

And He (SWT) said:

'They follow but a guess (zann) and that which they themselves desire.' [53:23] And He (SWT) said:

'While they have no 'ilm (knowledge) thereof. They follow but a guess (zann), and verily, guess (zann) is no substitute for the truth.' [53:28] These and other verses in the Qur'an are explicit in rebuking those who follow conjecture (*Zann*) in the creeds ('Aqaa'id) of Islam. This rebuke is evidence of

prohibiting the following of conjecture (*Zann*). The solitary report (*Khabar al-Ahad*) is probable (thunni) evidence at best, so taking this as evidence for the '*Aqeedah*' has been explicitly revoked in the Qur'an. The *Shar'ai* evidence and the reality of the '*Aqeedah*' itself indicate that using the probable (*Zanni*) evidence for the 'aqaa'id does not oblige the belief in what came in such daleel. Thus, the solitary report (*Khabar al-Ahad*) cannot be a proof for the '*Aqa'id*'.

The mentioned verses have been explicitly restricted to the '*Aqaa'id*' and not the *Shar'ai* rules, because in these verses Allah (SWT) has considered following the conjecture (*Zann*) in the creed as misguidance (*Dhalaal*) and He (SWT) mentioned them in the subject of 'aqaa'id. So He (SWT) clearly reproached those who follow conjecture in the '*Aqaa'id*'. He (SWT) said:

'They follow but a guess (zann) and that which they themselves desire.' [53:23]

'Have you then considered al-Lat and al-'Uzza (two idols of the pagan Arabs). And Manat, (another idol of the pagan Arabs), the other third? Is it for you the males and for Him the females? That indeed is a division most unfair! They are but names, which you have named - you and your fathers, - for which Allah (SWT) has sent down no authority. They follow but a guess (zann) and that which they themselves desire....' [53:19-23]

'And if you obey most of those on earth, they will mislead you far away from Allah (SWT)'s Path. They follow nothing but conjecture (zann), and they do nothing but lie.' [6:116] So He (SWT) defined the *Dhalaal* as *Kufr*, which happens when adopting conjecture (*Zann*) in belief. From this, we can see that the subject matter of these verses is the 'Aqaa'id. From another angle, it has been proved that the Messenger (SAW) judged using solitary report. In his time, the Muslims accepted *Hukm Shar'ai* by solitary report (*Khabar al-Ahad*) and he (SAW) accepted that. Thus, the Hadith of the Messenger (SAW) specified these verses in other than *Hukm Shar'ai* i.e. in the '*Aqaa'id*'. Therefore, the Hadith of the Messenger excluded the subject matter of *Hukm Shar'ai* from the verses on the assumption that some of the verses is general ('*Aamm*) in form.

It has been reported about the Prophet (SAW), that he sent single envoys to other rulers and single messengers to his '*Amils (governors)*'. It has also been reported that the Sahabah accepted without question the words of a single messenger in informing them of *Shar'ai* rules, such as (the order) to face the Ka'bah, the prohibition of alcohol, the Messenger's sending of 'Ali (R.A) to the people to read to them Surat at-Tawbah' and so on. This does not indicate the acceptance of *Khabar al-ahad* in the '*Aqeedah*', but the acceptance of *Khabar al-ahad* in conveying the Da'wah whether in the *Shar'ai* rules or in Islam itself. It should not be claimed that accepting the conveyance of the message of Islam is a conveyance of the '*Aqeedah*', since accepting the conveyance of Islam is equivalent to accepting solitary report and not the acceptance of the '*Aqeedah*'. This is proven by the fact that the one to who receives the report must use his intellect regarding what has been passed onto him. If decisive evidence is established for him upon it, he should believe it and he will be accounted for his disbelief in it. Thus, the rejection of a report about Islam is not considered *Kufr*, but the rejection of Islam by a person who has received a decisive evidence on Islam is considered to be an act of *Kufr*. Therefore, conveying Islam is not considered part of the Islamic '*Aqeedah*'. There is no dispute about accepting the report of a single person in conveyance. All the reported incidents indicate that spreading the message would have been of either Islam itself, the Qur'an or the rules. As for the conveyance of '*Aqeedah*', there is no evidence for educing it with the *Khabar al-ahad*.

Therefore, evidence for the Islamic '*Aqeedah*' must be definite, as this '*Aqeedah*' is definitive and decisive. It cannot be definitive or decisive unless derived from definite evidence. Evidence must come from Qur'an or Hadith *Mutawatir* on condition that both are definite in their meaning. They have to be taken in the '*Aqeedah*' and *Shar'ai* rules. The one who rejects such definite evidence and the one who does not accept what this evidence indicates is committing *kufur*.

If the evidence is based on solitary report (*Khabar al-Ahad*), it would not be definite (*Qata'i*). If the evidence is considered authentic (*Sahih*) then it indicates a high degree of probability and the creed (*Aqeedah*) brought in such evidence would be accepted as probable, but not definite. This is because this *Aqeedah* is not decisive and it is prohibited for the Muslim to believe in it. *Aqeedah* has to be a matter of decisiveness and certainty, and the solitary report (*Khabar al-Ahad*) at best only indicates probability. One who rejects the solitary report (*Khabar al-Ahad*) is not considered Kafir. However, it is not allowed to reject such solitary report, because if this was permitted then all *Abkam Shari'ah* derived from probable (*Zanni*) sources will be rejected, a matter which Muslims have never talked about.

In this matter, *Khabar al-Ahad* is like the Qur'an. The Qur'an was delivered to the Ummah by *Tawatir* (recurrent narration), so Muslims must believe in this and anyone who rejects that is considered Kafir. However, those *Aayaat* of the Qur'an na through *Khabar al-Ahad* are not considered as being from the Qur'an nor must we believe in them. These *Aayaat* were na through solitary report (*Khabar al-Ahad*) and this negates their validity of being from the Qur'an and thus the requirement of believing in them. This is like the so-called ayah;

Ashaikhu washaikhathu idha zanaya farjumoohum albattata, nakalun min Allahe, wallahu 'Azeezun Hakeem

'The old man and the old woman, if they committed adultery (zina) stone them definitely, as an exemplary punishment from Allah, and indeed Allah is Azeez and Hakeem'. In the same way a Hadith may be na as *Khabar al-Ahad*, but this form of narration negates the obligation of believing in it as Hadeeth and the obligation of believing in what it contains. However, it is accepted and considered as a Hdeeth and we must take Hukm Shar'ai contained in it.

The difference between the '*Aqeedah* and the *Shar'ai* rule (*hukm Shar'ai*)

Linguistically, '*Aqeedah* means the matter on which the heart has tied a knot (believed in firmly). Tying a knot on a matter means to be sure of it and to believe in it decisively. This is general and includes belief in everything. However, the belief in a particular thing is examined in terms of its type. If this matter is a fundamental matter or branching out from a fundamental matter then it is correct to define it as part of the '*Aqeedah*, for it is valid to be taken as a fundamental criterion for other matters. In this case the heart tying a knot on it has clear effect. If this matter in which one has conviction is not a fundamental matter or branching out from a fundamental matter then it will not be part of the 'aqaa'id (creeds). This is because the heart tying a knot on it has no effect, so believing in it has no reality or has no benefit. However, if the heart tying a knot on any subject matter has an effect that would drive a person to determine his stance towards it in terms of belief and denial, then this will be part of '*Aqeedah*.

The '*Aqeedah* is a comprehensive thought concerning the universe, man and life, what preceded the life of this world and what is to follow it, and the relationship of this life with what preceded it and what is to follow. This definition applies to every '*Aqeedah* including the Islamic and includes all unseen matters. So belief in Allah (SWT), His angels, His books, His Messengers, the Last Day, divine fate and destiny (*al-Qadba'a wal qadar*), their good and bad are from Allah (SWT), all of that comprises the Islamic '*Aqeedah*. The belief in Paradise (*Jannah*), Hellfire (*Nar*), angels, *Shaytans* and so on is also part of the Islamic '*Aqeedah*, thoughts and whatever else relates to it. Also reports and non-sensory and unseen things that relate to them are considered part of the '*Aqeedah*.

As for the *Shar'ai* rules, these are the speech of the Legislator concerning the actions of His servants. They are thoughts relating to the action or attributes of the human being as being part of

his actions. Thus leasing, selling, dealing with usury, custody, representation (*Wikalab*), prayer (*Salah*), establishing a Khalifah or the punishments (*Hudud*) of Allah (SWT), the fact that the Khalifah should be a Muslim, the witness be just and the ruler be male and so on, all these are considered to be from the *Shar'ai* rules. *Tawheed* (Oneness of Allah (SWT)), *Risalah* (message), *Ba'th* (resurrection), truthfulness of the Messenger (SAW), the infallibility of the Prophets, the fact that the Qur'an is Allah (SWT)'s speech (*Kalam*), the reckoning (*Hisab*) and torment (*'Azaab*) and so on, are all considered part of the '*Aqeedah*. The articles of belief ('*Aqeedah*) are thoughts believed in and accepted without question. The *Shar'ai* rules are the speech that relates to the actions performed by man, for example the two Rakats of the Fajr (dawn) prayer is a *Shar'ai* rule in terms of performing them, and the belief that they came from Allah (SWT) is from the '*Aqeedah*. Praying the two Rakats Sunnah of the Fajr is Sunnah, and if one does not pray them he is not blamed. If he prays these Rakats he will get the same reward as for praying the two Rakats of the Maghrib (evening) prayer, both of which carry the same weight in the *Shar'ai* rules. Regarding the articles of the '*Aqeedah*, belief in the two Rakats of Fajr is definite, so rejecting them is considered as disbelief (Kufr), for they have been proven by way of *Mutawatir* (recurrent lines of transmission). As for belief in the two Rakats of Maghrib, it is preferable, so if one rejects them it is not considered Kufr because they have been proven by speculative (*Zanni*) evidence, i.e. the *Khabar al-abad* (solitary report). The solitary report is not considered proof for the articles of belief ('*Aqeedah*). Cutting the hand of the thief is a *Shar'ai* rule. The fact that it comes from Allah (SWT) and belief in it is from the '*Aqeedah*. The prohibition of usury is a *Shar'ai* rule, but believing that it is a rule from Allah (SWT) is an '*Aqeedah* issue.

Therefore, there is a difference between the '*Aqeedah* and the *Shar'ai* rule. '*Aqeedah* is Iman, i.e. a definite belief that agrees with the reality based on conclusive evidence. The *Shar'ai* rule is the speech of the Legislator relating to the actions of His servants. In this matter,

speculative knowledge (*Zann*) is sufficient proof. Thus, comprehension of the thought and belief in whether this thought has a reality or not is an *'Aqeedah*. The comprehension of a thought and considering whether it is a solution or not for man's actions is a *Shar'ai* rule. To consider thoughts and ideas as solution for man's actions, speculative evidence is sufficient. However, in order to accept the presence of a reality of a thought, one must have definite evidence (*Daleel Qat'i*).

Ijtihad and Taqleed

Allah (SWT) addressed the whole of mankind through the Prophethood of our master Muhammad (SAW). He (SWT) said:

'Say (O Muhammad (SAW)): "O mankind! Verily I am sent to you all as the Messenger of Allah (SWT)..."' [7:158]

And He (SWT) said:

'O mankind! Verily, there has come to you a convincing proof (Muhammad [SAW]) from your Lord;' [4:174]

And He (SWT) said:

'O mankind! Verily, there has come to you the Messenger (Muhammad [SAW]) with the truth from your Lord.' [4:170] And He (SWT) addressed the people and the Muslims with the *Abkam* (rules) of Islam. He (SWT) said:

'O mankind! Fear your Lord and be dutiful to Him! Verily, the earthquake of the Hour (of judgment) is a terrible thing.' [22:1]

He (SWT) said:

'O mankind! Be dutiful to your Lord, Who created you from a single person...' [4:1]

He (SWT) said:

'O you who believe! Fight those of the disbelievers who are close to you, and let them find harshness in you...' [9:123]

And He (SWT) said:

'O you who believe! Approach not As-Salat (the prayer) when you are in a drunken state.' [4:43]

And He (SWT) said:

'O you who believe! When you go (to fight) in the cause of Allah (SWT), verify (the truth)...' [4:94]

And He (SWT) said:

'O you who believe! Stand out firmly for justice, as witnesses to Allah (SWT), even though it be against yourselves...' [4:135] So for the one who has heard the speech he becomes obliged to understand it and believe in it, and whoever believed in it is obliged to understand it and act upon it, because it is the *Hukm Shar'ai* (Shari'ah rule). So the principal aim for the Muslim is that he himself should understand the *Hukm* (rule) of Allah (SWT) derived from the Speech of Allah (SWT) (the Legislator). This is because the speech has been directed to all *Mukallafin* (legally responsible) by the Legislator and not only to the *Mujtahidin* or the *'Ulema*. It is an obligation on the *Mukallafin* to understand this speech so as to be able to act upon it, since one cannot act upon a speech without comprehending it. Thus, the extraction (*Istinbat*) of Allah (SWT)'s *Hukm* became *Fard* on all the *Mukallafin* i.e. *Ijtihad* became *Fard* on all the *Mukallafin* (legally responsible). Consequently, in origin the *Mukallaf* (legally responsible) derives by himself the *Hukm* of Allah (SWT) from the speech of the Legislator, because he has been addressed by this speech.

However, the reality of the *Mukallafin* (legally responsible) is that there is a disparity in their understanding and comprehension and in their aptitude for learning. They also differ regarding knowledge and ignorance. It is realistically impossible for all to deduce *Shar'ai* rules from the evidences i.e. it is impossible for all *Mukallafin* to be *Mujtahidin*. The objective is to understand the speech and act upon it, so understanding of the speech i.e. *Ijtihad* becomes *Fard* on all the *Mukallafin* (legally responsible). However, it is impossible for all *Mukallafin* to understand the speech by themselves due to difference in their understanding and learning, so the obligation of *Ijtihad* becomes one of sufficiency (*'ala al-Kifayah*). If some undertake it the rest are absolved of the sin. Therefore, it is obligatory upon Muslims who are legally responsible that there be *Mujtahidin* amongst them who would derive the *Shar'ai* rules.

The reality of the *Mukallafin* and *Hukm Shar'ai* means there are two categories of Muslims: the

Mujtabidoon and *Muqallidoon*. The one who derives by himself the *Hukm* directly from the evidences is a *Mujtabid*, and the one who questions the *Mujtabid* about a *Hukm Shar'ai* is a *Muqallid*. In the latter, this is whether or not the *Muqallid* asked about the *Hukm* to learn and act upon it, to learn and teach it to others or just to learn it. The *Muqallid* is considered as such when he asks someone who is not a *Mujtabid* but knows the *Hukm Shar'ai* and can pass this onto others, regardless of whether the one asked is knowledgeable or just a layman. Thus, they all follow others in this *Hukm* even if they do not know the one who deduced the *Hukm*, because the *Mukallaf* is required to adopt the *Hukm Shar'ai* and not follow any particular person. Thus *Muqallid* means the one who adopted a *Hukm Shar'ai*, that he did not deduce by himself. It does not mean he followed a particular person, since the subject matter is the *Hukm Shar'ai* and not the person. The difference between the *Muqallid* and the *Mujtabid* is that the *Mujtabid* deduces by himself the *Hukm Shar'ai* from the Shari'ah evidences and the *Muqallid* is the one who adopts the *Hukm Shar'ai*, regardless of whether or not he knew the one who derived it, as long as he trusts the *Hukm* to be a Shari'ah rule. It is not permissible *Taqleed* to adopt the opinion of any person as a personal opinion or the opinion of a particular scholar, thinker or philosopher. This is tantamount to adopting something other than Islam, a matter definitely prohibited by the Shari'ah. Also, Allah (SWT) has ordered us to adopt from the Messenger Muhammad (SAW) and not from anybody else whoever he may be. He (SWT) said:

'And whatsoever the Messenger (Muhammad [SAW]) gave you, take it, and whatsoever he forbade you, abstain (from it).' [59:7]

Prohibition has been mentioned concerning the adoption of an opinion originating from the people. In the Hadith, the Messenger of Allah (SAW) said *'Allah (SWT) will not deprive you of knowledge after He has given it to you, but it will be taken away through the death of the learned men (Ulema'a) with their knowledge. There will remain ignorant people who, when consulted, will give verdicts according to their opinions whereby they will mislead*

others and themselves go astray.' i.e. they give *Fatwas* according to their own opinions. The opinion that has been derived is not considered to be an opinion originating from the one who derived it, rather it is (considered) a *Hukm Shar'ai*. As for what is mere opinion, it is just hearsay from a person. That is why the Messenger (SAW) called such opinion a *Bid'aah* (innovation). In an authentic Hadith, the Prophet (SAW) said: *'The best speech is the Book of Allah (SWT) and the best guidance is the guidance of Muhammad (SAW). And the evil matters are the newly invented issues and every Bida'ah (innovation) is a misguidance.'* The 'newly invented issues' refer to the *Bida'a* (innovations). These are whatever contradicts the *Kitab*, *Sunnah* or *Ijma'a* in terms of the *Abkam* whether by action or speech. Those actions and things not considered *Abkam* do not fall under the term 'innovation (*Bida'ah*)', nor does it refer to refuted and prohibited opinion. Innovation is rather taking the *Hukm* for an action from the opinion of a person, for the *Hukm* can be taken from *Shar'ai* evidences alone and not from anywhere else. Thus the *Taqleed* permitted by Shari'ah is solely for the person unable to deduce a *Hukm Shar'ai*, and he is allowed to ask the scholar about any *Hukm Shar'ai* so as to study and adopt it. To summarise, it is allowed for any person ignorant of a *Hukm Shar'ai* to ask one who does know the *Hukm* so that he may learn it and adopt it. This is what is understood to be the meaning of the *Muqallid* legally.

Ijtihad

Linguistically, *Ijtihad* means making a supreme effort to verify a matter that entails a some difficulty and unease. The scholars of Usul define IJTIHAD as making great effort to seek a prevalent opinion (*Zann*) about a matter of the Ahkam Shari'ah in such a manner that the *Mujtahid* feels unable to exert any more effort.

Ijtihad is proven by the text of the Hadith. It has been na from the Prophet (SAW) that he said to Abu Musa when he sent him to Yemen: 'Judge by the book of Allah (SWT) and if you do not find (solution there) then by the Sunnah of Rasool Allah (SAW). And if you do not find it there then exercise your own *Ijtihad*.' And it has also been na from him (SAW) that he said to Mu'adh and Abu Musa al-Ash'ari when dispatching them to Yemen: 'By what will you judge?' They said: 'if we do not find the Hukm in the Kitab and the Sunnah we will make analogy between the two issues. Whichever is closer to the truth we will act upon it.' This analogy (*Qiyas*) is denoted as *Ijtihad* through the derivation of the Hukm. The Prophet (SAW) accepted that from them. It has also been reported from him (SAW) that he said to Mu'adh when he sent him as *Wali* (governor) to Yemen: 'By what will you pass Judgement?' Mu'adh answered: 'By the Book of Allah (SWT).' The Prophet (SAW) then said: 'if you do not find it there?' Mu'adh replied: 'By the Sunnah of the Rasool Allah (SAW).' He (SAW) said: 'and if you do not find it?' Mu'adh said: 'I will exercise my own *Ijtihad*.' He (SAW) said: 'Praise be to Allah (SWT) Who has made the messenger of the Rasool Allah accord with what Allah (SWT) and His Messenger love.' This is clear in the Prophet's acceptance of Mu'adh's intention to practise *Ijtihad*. One cannot find anyone who disputes the legality of making *Ijtihad*. An *Ijma'a* (consensus) of the Sahabah has taken place on the issue of judging by an opinion deduced from *Shar'ai* evidence, meaning the Sahabah agreed on using *Ijtihad* in any incidents that took place for which no (clear) text could be found. One such report is the saying of Abu Bakr when he was asked about the *Kalalah* He said: 'I will speak about it according to my opinion. If it is correct then it is from Allah (SWT). If it is a mistake

then it is from me and from Shaytan, and Allah (SWT) has nothing to do with it. *Kalalah* is the one who has no children or parents left.' His statement: 'I will speak about it according to my opinion' does not mean that Abu Bakr got it from himself, but that he would express his opinion according to what he understood from the term '*Kalalah*' in the verse. *Kalalah* in the Arabic language applies to three (categories of) people, the one who has not left behind a child or a parent, the one who is neither a child or a parent (in terms of the left people), and relatives coming not from the side of the child or parent. Which of these meanings apply to the word *Kalalah* in the verse? Abu Bakr (R.A) understood it to have one of these meanings expressed in the speech of Allah (SWT):

'If the man or woman whose inheritance is in question (Kalalah) was kalalah....' [4:12]

Kalalah is the predicate (*khabar*) of the verb 'to be' (*kana*), in this case if the man left no immediate family (i.e. parents or children) to inherit after him. Abu Bakr (R.A) probably understood this also from a second verse:

'Say: "Allah (SWT) directs you concerning al-Kalalah (those who leave neither descendants nor ascendants as heirs). If it is a man that dies leaving no child...' [4:176] and from the Hadith which has been reported about the cause of the above-mentioned verse, the Messenger (SAW) visited Jabir b. 'Abdullah who was ill. He said: 'I leave no ascendants or descendants (*inni kalalah*). What shall I do with my wealth?' This verse [4:176] was revealed in response to the question of Jabir. This opinion stated by Abu Bakr (R.A) is an *Ijtihad* which did not emanate from himself. Another example of *Ijtihad* is that Abu Bakr (R.A) gave a share of the inheritance to the mother's mother and not to the father's mother. Some of the Ansar said to him: 'you give inheritance to a woman from a deceased person who would not inherit from her if she died. Yet you ignored a woman, who if she had died, he would have inherited everything she left behind.' So Abu Bakr (R.A) gave both grandmothers equal shares in the inheritance. Abu Bakr (R.A) also used to give equal gifts to the Muslims. 'Umar (R.A) said to him concerning this matter: 'do not put those who emigrated for the Prophet and left their homes and wealth behind on an equal footing with those who embraced

Islam under duress. Abu Bakr (R.A) answered: *'they embraced Islam for the sake of Allah (SWT), and the Dunya is nothing but a message (Balagh).'* Likewise Umar (R.A) said: *'I judge concerning the paternal grandfather (father's father) by my opinion and state concerning it according to my opinion. i.e. according to his understanding of the texts'. In the time of Umar (R.A)'s rule a woman passed away leaving behind a husband, mother, two maternal brothers and two paternal fathers. Umar first thought that the maternal brothers should have the third as their right, but this left nothing to the paternal brothers. Those approached Umar (R.A) and said to him: 'assume that our father is but a donkey (in other narrations, a stone) – are we still not of one mother?' So Umar (R.A) changed his mind and gave all the brothers equal shares in the third, in spite of the fact the Sahabah had judged differently. They had given the husband one half of the inheritance, one sixth of the inheritance was given to the mother as decreed in the text, and the final third was given to the maternal brothers as also determined in the text, thus leaving nothing for the paternal brothers. Umar (R.A) understood that the maternal brothers were brothers of the man from his mother's side, but this applied not just to the maternal brothers but also to the paternal brothers. The mother was the common factor between them all, so when nothing had been left to the paternal brothers, their right was of what they deserved from the maternal brothers. The rest of the Sahabah saw it differently; they understood the text and made their own *Ijtihad*. Consider also the case when a Muslim, named Samrah took from a Jewish merchant a tenth portion of alcohol (as customs), bottled it and then sold it. So Umar (R.A) said: *"May Allah (SWT) fight Samrah. Does he not know that the Prophet (SAW) said: 'May Allah (SWT) curse the Jews. The fat was made Haram upon them, so they ornamented it and sold it.'*" In this case, Umar (R.A) made the analogy between the alcohol and the fat, and that prohibition of it meant prohibition of its selling price. A further example of *Ijtihad* is what Ali (R.A) said regarding punishment (*Hadd*) for the crime of drinking alcohol. He said: *'Whoever drinks it will speak nonsense, and who did so would fabricate lies, so I see that he must be punished like the fabricator of lies.'* Like Umar (R.A) in the previous*

example, Ali (R.A) made an analogy between drinking and fabrication of lies because he understood from *Shar'a* that which is likely to happen is treated the same as that which happens. This is like when the *Shar'a* treated sleeping the same as ritual impurity, and the act of _____ in requiring the *Iddah* (legal period a woman waits after divorce for marriage) the same as if the womb had become engaged (pregnant). All these are examples of *Ijtihad* by the Sahabah and *Ijma'a as-Sahaba* on the issue of *Ijtihad*.

The application of a *Hukm* on issues classified under it is not considered *Ijtihad* but only as comprehension of the *Shar'ai* rule. *Ijtihad* is the extraction of a *Hukm* from the text whether from its wording (*Mantooq*), meaning (*Mafhoom*), and indication (*Dalalah*) or from the reason (*'Illah*) which has been mentioned in the text. The inference could be of a comprehensive *Hukm* (*Hukm Kulli*) from a comprehensive evidence (*Daleel Kulli*), for example, the inference that a punishment should be imposed on the looter since the Legislator made the cutting of the hand a *Hadd* punishment for theft. Or the inference could be of a detailed *Hukm* (*Hukm Juz'i*) from a partial evidence (*Daleel Juz'i*), for example the derivation of the *Hukm* for employment or hiring from the incident of the Prophet hiring a worker from Bani al-Du'l as an experienced guide and also from the speech of Allah (SWT):

'Then if they give suck to the children for you, give them their due payment, ...' [65:6]

Consider also the inference of the *Hukm* of giving the worker his wage after he has finished his work due to the Prophet (SAW)'s saying: *'Give the worker his wage before his sweat dries.'* It is a detailed evidence for a detailed *Hukm*. The inference of a comprehensive *Hukm* from comprehensive evidence and the inference of a detailed *Hukm* from partial evidence, is considered *Ijtihad* because it is extraction of a *Hukm* from a *Daleel* whether the *Hukm* is general and has been extracted from a general evidence, or whether the *Hukm* is specific and has been extracted from a specific evidence. All this is considered as exerting one's outmost effort in understanding the *Hukm* from the evidence. As

for the application of the *Hukm* on new issues which fall within the scope of its meaning or classified as being one of its constituents, this is not regarded as *Ijtihad*. For example, Allah (SWT) has forbidden the eating of carrion. When a cow is killed by striking a blow to its head until it dies, its meat is *Haram* because it has died as carrion and was not lawfully slaughtered. The *Hukm* regarding tinned meat from such a source is that eating and selling of it is *Haram* in the *Shari'ah*. This *Hukm* has not been deduced yet is classified under the word 'carrion'. For example, the slaughtered animals of the Druse are not eaten because they have not been slaughtered by Muslims or People of the Book. This *Hukm* has not been deduced, but a *Hukm* already known has been applied upon it, namely the prohibition of eating animals that have not been slaughtered by Muslims or People of the Book. For example, the permissibility of a woman being a member of the *Majlis ash-Shura* is a *Shar'ai* rule. This *Hukm* has not been deduced, rather the *Hukm* of *Wikalah* (representation) has been applied to it. Membership of the *Majlis ash-Shura* is representation of an opinion. It is allowed for the woman to delegate others to put forward (her) opinion and she can represent others in their opinion. For example, Zakat is not given to anyone other than the one who is poor and his poverty has been ascertained by speculative indications on which evidence has been provided for legal consideration. Judgement is not also passed without the statement of a just person ('*adl*') whose trustworthiness ('*adalah*') is known through the least amount of doubt. This is also like someone making inquiries to find out the *Qiblah* (direction of prayer) until this is verified after the investigation has ended. These things are not arrived at by way of *Ijtihad*, but by applying the rules to detailed or partial issues (*Juz'iyat*) or by understanding detailed or partial issues and then applying rules to them. This practice falls under the scope of the judiciary (*Qadha'a*) and does not come under *Ijtihad*. It is not *Ijtihad* because it does not generate a specific *Shar'ai* rule but only applies a *Shar'ai* rule, already extracted and understood from a previous incident, on an incident similar to the original incident itself. What is applied is that which was applied to the initial incident, and this application

is not considered *Ijtihad*. After deducing them from the divine evidences, the *Shar'ai* rules require application and not *Ijtihad*, as opposed to *Shari'ah* texts which require *Ijtihad* to derive the *Hukm Shar'ai* from them. Therefore, the legitimate *Ijtihad* is exerting maximum effort to understand the *Shar'ai* texts in order to deduce the rule from these texts. It is not the exertion of one's effort in applying the *Shar'ai* rules on the issues classified under them.

The texts of the *Shari'ah* require of Muslims to perform *Ijtihad*. This is because the *Shar'ai* texts have not come in a detailed manner but in ambivalent form (*Mujmal*), applicable to all situations involving the entire human race. Understanding them and deducing the *Hukm* of Allah (SWT) from them requires making an effort to derive *Hukm Shar'ai* for each incident. Even the texts that have come in elaborate manner addressing many details are in fact general ('*amm*') and ambivalent (*Mujmal*). For example, although the verses concerning inheritance came in a clear-cut manner and deal with the minutest of details, they still, in terms of the detailed rules, require understanding and deduction in many issues, for example the issues of *Kalalah* and disinheritance. All the *Mujtahidun* take the view that the male or female child (*Walad*) takes precedence in inheritance over the brothers of the deceased because the word '*Walad*' (child) refers to children of both sexes. Ibn 'Abbas holds the view that the girl does not have such role because the word '*Walad*' refers to a male only. This shows that even some texts that treat various issues in detail have come as ambivalent (*Mujmal*), and that understanding and deducing a *Hukm* from them requires *Ijtihad*.

Those texts that deal with specific details need to be applied to new incidents. This application is not defined as *Ijtihad*. What is meant of *Ijtihad* is the inference of a *Hukm* from its ambivalent (*Mujmal*) meaning even if it deals with specific details. They are general (a'*amm*'), ambivalent (*Mujmal*) and texts that deal with legislation. It is the nature of legislative texts to be (a'*amm*) general and concised (*Mujmal*) even if they touch on details. The *Shar'ai* texts, whether from *Qur'an* or *Sunnah*, are the best and most detailed

in thought, the widest in scope for generalisation, and the most fertile ground to cultivate general principles. In themselves they are suitable as legislative texts for all peoples and nations. As for being the best texts for the field of thought, this is obvious from the way they cover all kinds of relationships, whether between individuals, the state and its citizens, or between states, peoples and nations. However new and multifarious these relationships may be, the thought is able to deduce rules for them from these Shar'ai texts. They are the best available sources for the field of thought in legislative texts. As for being the broadest scope for generalisation, this is clear from their grammar, sentences, words, style of expressions in terms of covering the wording (*Mantooq*), meaning (*Ma'fhum*), indication (*Dalalah*) and reasoning (*Ta'leel*) and analogy (*Qiyas*) based on the reason (*'illah*) which makes the inference feasible, continuous and inclusive. This ensures they are able to encompass everything. As for them being the most fertile ground for cultivating general principles, that is clear from the abundance of general meanings contained within these texts. This is because the Qur'an and the Hadiths were revealed in form of broad guidelines even when focusing on specific details. The nature of these broad guidelines is that they give the Kitab and Sunnah general meanings within which collective and detailed issues can be included, and from this arise an abundance of general meanings. These general meanings contain real and perceptible issues and not hypothetical ones. At the same time they are revealed to solve the problems of all mankind, and not of specific individuals, meaning clarifying the rules for the actions of man, whatever the instinct that pushed man to the performance of this action. That is why these texts are applicable to diverse meanings and rules. As such, the shar'ai texts are the best fertile texts for producing the general principles (*qawa'id 'aammah*).

This is the reality of the Shar'ai texts from the legislative viewpoint. When we recognise these texts have come for all mankind and are legislation for all nations and peoples, it becomes clear that the presence of *Mujtahidin* is essential -

to understand these texts from a legislative angle, apply them in all times so as to derive from them the Shar'ai rule for each incident.

New things happen every day that are too numerous to mention. The *Mujtahid* must deduce the rule of Allah (SWT) for everything that happens, because it is not permitted for events to happen and then be left as they are without knowledge of the rule of Allah (SWT) about them.

Ijtihad is a *Fard* of sufficiency (*Fard 'ala al-keifayah*) on the Muslims. If some Muslims undertook this duty then the rest are absolved from this obligation. If no one performs it then all Muslims are collectively sinful for the period of time in which there were no *Mujtahidin*. It is absolutely forbidden for the Ummah to be without a *Mujtahid* at any point in time, because understanding the *Deen* and performing *Ijtihad* is a *Fard* of sufficiency, but if nobody performs *Ijtihad* the whole *Ummah* is collectively sinful. Even if it was allowed to be without a *Mujtahid* in a specific period of time, the *Ummah* of that time would have agreed on misguidance, meaning abandoning the adoption of the rules of Allah (SWT) - something clearly prohibited by Islam. In addition, the only way of knowing and applying the *Ahkam Shar'aiyah* is through *Ijtihad*. If an age is devoid of *Mujtahidin* upon whom it is relied to gain knowledge of the Shari'ah, this would certainly lead to suspension of the Shari'ah and the wiping out of *Ahkam* - a matter not allowed in Islam.

The *Mujtahid* exerts his utmost effort to derive the rule. If he is correct in his *Ijtihad* then he has two rewards, and if he makes a mistake he will have one. The Prophet (SAW) said: '*if a judge passed judgment and made Ijtihad and he was right then he would have two rewards. And if he made a mistake he would have one.*' The Sahabah have formed an *Ijma'a* (consensus) that the *Mujtahidin* are not accountable over the Shar'ai rules regarding speculative *Fiqhi* (jurisprudence) issues. For definite issues such as the obligation of worship, prohibition of fornication and murder and so on, there is no requirement for *Ijtihad* or any dispute with respect to them. This is why the Sahabah disagreed on speculative issues but never on definite issues.

Concerning speculative issues the *Mujtabid* is correct in what he has arrived at by his *Ijtihad* even if it was likely he made a mistake in his opinion. However, being correct does not mean that he has hit the mark, because this does not agree with the reality of a speculative rule, since the Messenger (SAW) called him a *Mukhti'* (one who has made a mistake). Saying that the *Mujtabid* is right does not rule out the possibility of making mistakes and does not mean finding the true mark which is contrary to mistake. Describing someone who makes a mistake in *Ijtihad* as as right (*Musib*) is understanding that the text rewards the *Mujtabid* even when he makes a mistake, and not in the sense that he did not make a mistake. Therefore, every *Mujtabid* is right according to what he understands as right, but this does not rule out the possibility that a mistake could have been made.

The Conditions (shurut) of Ijtihad

Ijtihad has been defined as the expenditure of effort, seeking the most prevalent opinion about an issue from the Shar'ai rules in a manner such that the Mujtahid feels unable to do any more. In other words, it is the comprehension of the Shar'ai text from Kitab and Sunnah after exerting one's outmost effort in arriving at this comprehension to gain such cognisance of the Shar'ai rule. This means three issues need to be fulfilled in the inference (*Istinbat*) of the *Shar'ai* rule before it can be said the Mujtahid has performed a legitimate *Ijtihad*; firstly, exerting effort in a manner until he feels unable to exert any more; secondly, this exertion should be to find a most probable opinion about an issue from the Shar'ai rules; thirdly, this opinion about an issue should be derived from the Shar'ai texts alone as they are the only source from which Shar'ai rules may be derived. The *Hukm Shar'ai* is the speech of the Legislator relating to the actions of His servants. So one who does not exert effort is not considered a *Mujtahid*, and whoever exerts effort in seeking the most probable opinion regarding something other than the Shar'ai rules and information is not considered a *Mujtahid* either. Whoever seeks an opinion from the Shar'ai rules using other than the Shar'ai texts is not considered a *Mujtahid*. The *Mujtahid* is therefore restricted in making great effort in understanding the Shar'ai texts to deduce the *Hukm* of Allah (SWT). Anything else, for example those *Ulema* who explain the sayings of the Imam of their *Mazhab*, attempt to comprehend his sayings and deduce rules from them, or weigh up the opinion of some *Ulema* over the opinion of others without using the Shar'ai evidences, are not considered of the *Mujtahideen*. The issue of *Ijtihad* is restricted to comprehension of the Shar'ai texts after exerting maximum effort for the sake of reaching this understanding to know the *Hukm* of Allah (SWT). Thus the Shar'ai texts are the object of comprehension and they are the object of seeking the most probable opinion from the *Shar'ai* rules.

What should be clear is that the *Shar'ai* texts are the Qur'an and Sunnah alone. Anything else is

not accepted as *Shar'ai* text whatever the status of the one who said it. For example, the sayings of Abu Bakr (R.A), 'Umar (R.A), 'Ali (R.A) or any one of the Sahabah and the statements of *Mujtahidin* such as Ja'far, al-Shafi'i, Malik and other *Mujtahidin* are not considered *Shar'ai* texts at all. So exerting effort to deduce a rule from the statements of such people is not considered *Ijtihad*, and the one who exerts this kind of effort is not considered a *Mujtahid*. Therefore, the rule he derives is not a *Shar'ai* rule. It is simply the opinion of the person himself who made the inference and has no value in the Shar'a. The deduction of a *Hukm* from the sayings of any of the Sahabah, *Tabi'in*, *Mujtahidin* and others is not allowed since it would be deduction of a Shari'ah rule from a source other than Qur'an or Sunnah. This is *Haram* because it is judging by other than what Allah (SWT) revealed, and the revelation of Allah (SWT) is restricted to the Qur'an and Sunnah. Adopting a *Hukm* from any other source is simply adopting something Allah (SWT) has not revealed and this is definitely *Haram*.

The Kitab and Sunnah are in the Arabic language. They came as revelation from Allah (SWT) either in words and meaning such as the Qur'an, or in meaning only but the Messenger (SAW) conveyed this meaning in his own words, which constitute the Hadith. In any case, the Kitab and Sunnah are in the Arabic language, spoken by Rasool Allah (SAW). The speech either has linguistic meaning only, such as '*Mutrafin*' (the affluent ones), or a Shar'ai meaning only where the linguistic meaning has been abandoned, such as the word '*Gha'it*' (the place for making the natural need), or it has linguistic and Shar'ai meaning, as with the word '*Tabara*' (purity) in the examples of '*Tabhir*' (to purify) and '*Mutabharun*' (the purified ones). So, to understand this speech, one has to depend on the linguistic and Shar'ai disciplines for understanding the text and arriving at comprehending the *Hukm* of Allah (SWT). Consequently, all the conditions of *Ijtihad* revolve around the availability of the linguistic and Shar'ai disciplines. From the dawn of Islam to the end of the second century A.H., the Muslims did not need specific principles, from the linguistic or Shar'ai perspective, to understand

the Shar'ai texts, because of the closeness of their time to that of Rasool Allah (SAW), and because their concern in life was only the *Deen*. This is beside the soundness of their linguistic disposition and the purity of their Arabic language. Thus there were no known conditions for *Ijtihad*, but *Ijtihad* as an issue was well known; and in that time *Mujtabidooon* could be counted by thousands. All the Sahabah were *Mujtabidooon* as were the majority of the rulers, *Walīs* and judges. Later on, the Arabic language became unsound and specific principles had to be laid down to rectify this situation. When the Muslims became increasingly occupied by the *Dunya*, the numbers of people devoted to (the study of) the *Deen* decreased and the frequency in attributing false Hadiths to the Messenger (SAW) became widespread, so principles were set down for conditions of abrogation (*Nasikh* and *Mansukh*), acceptance or rejection of Ahadith and understanding the manner of deducing the *Hukm* (rule) from the Qur'an and Hadith. When all this happened, the number of *Mujtabidin* decreased and the *Mujtabid* would proceed carefully in his *Ijtihad* according to certain principles through which he would arrive at specific opinions that differed from the opinions of others. These principles were established either through the practice of deducing rules from the texts as though they were set down for him to proceed according to one path only, or through following certain principles and then deducing rules according to them. This resulted in the *Mujtabid* exercising *Ijtihad* according to a specific method in understanding the Shar'ai texts and in deducing the *Shar'ai* rules from the Shar'ai texts. Some *Mujtabids* imitated others in their method of *Ijtihad* but not in their deduction of rules, so they deduced the rules by themselves according to that person's method. Some Muslims became well versed about a specific area of the Shar'ai disciplines and they exerted effort in seeking opinions from the Shar'ai rules in these areas that were presented to them. Today, as a result of this, we find three types of *Mujtabidin* amongst Muslims: *Mujtabid Mutlaq* (one who has performed absolute *Ijtihad*), *Mujtabid Mazhab* (*Mujtabid* in one school of thought) and *Mujtabid Mas'alah* (*Mujtabid* in a single issue).

The *Mujtabid Mazhab* is one who follows other *Mujtabidin* in their method of *Ijtihad*, but exercises his own *Ijtihad* in deducing *Ahkam* and does not imitate the Imam of his school. There are no conditions for the *Mujtabid Mazhab* except having knowledge of the rules of the *Mazhab* and their evidences. He can follow the rules of the *Mazhab* or disagree with them through his own opinion. Therefore, it is permitted for one who follows a *Mazhab* to exercise *Ijtihad* within his own *Mazhab* and disagree with the *Imam* of the *Mazhab* in some rules and issues if he considers a particular evidence to be stronger. It has been reported about the *Imams* that they often used to say: 'If a *Hadith* is found to be authentic, that is my *Mazhab* and throw my saying at the wall.' One of the clearest examples is that of Imam Ghazali who was a follower of the Shafi'i *Mazhab*, but he had *Ijtihads* in the Shafi'i *Mazhab* which contradicted the *Ijtihads* of al-Shafi'i himself. The *Mujtabid Mas'alah* has no specific conditions or method, but it is allowed for whoever has knowledge of some of the Shar'ai and linguistic disciplines that enable him to understand the Shar'ai texts to exercise *Ijtihad* in a single issue. On a single issue he can study the views and evidences of other *Mujtabidin* and their lines of reasoning. From that he would reach a specific understanding of the *hukm Shar'ai* which he assumes with least amount of doubt to be the *Hukm Shar'ai*, whether it agrees with the opinion of other *Mujtabidin* or not. In single issues it is allowed for him to study the *Shar'ai* evidences and understand from them what he considers, with least amount of doubt, to be (the) *Hukm Shar'ai* irrespective of whether this issue has been previously studied or not. It suffices for the *Mujtabid* in a single issue to be knowledgeable about whatever relates to that issue, and it is important he is aware of that. However, there is no harm if he is unaware of anything that does not relate to the single issue in terms of the issues of jurisprudence (*fiqh*) and usool of *fiqh* and so forth.

Besides the state of affairs that took place in the days of the Sahabah and *Tabi'in* and what happened after the *Mazhabs* and *Imams*, there were people who understood the Shar'ai texts and could deduce rules from them directly without any pre-conditions as was the case in the

time of the Sahabah. There were people who continued as followers of a specific *Mazhab* but they had *Ijtihads* that went against the opinions of their *Imam*. So the reality, there existed many *Mujtabid Mazhab* and many *Mujtabid Mas'alah*. This is what actually happened. However, *Ijtihad* itself can be split into sections. It is therefore possible, for someone to be a *Mujtabid* in some texts and not in others. As for the opinion of those who say that *Ijtihad* is a natural disposition that occurs to the person when he has knowledge of all the recognised branches of *Ijtihad*, there is no basis for this, and it does not agree with reality. A person may have the capacity but will not be a *Mujtabid*, because he did not exert himself in studying issues. Moreover, since the capacity or aptitude (*Malakah*) denotes the strength of understanding and linkage, this can be obtained by someone who is exceptionally intelligent, has some knowledge of the linguistic and Shar'ai disciplines but he does not necessarily need to be aware of all the linguistic and Shar'ai disciplines. A grasp of the Shar'ai and linguistic disciplines may be present as knowledge due to study and instruction, but the aptitude (*Malakah*) is not, because of the lack of thinking. However, *Ijtihad* is a tangible process with tangible results i.e. exerting effort to arrive at a *Hukm*. The presence of aptitude by itself in a human being does not confer his ability to do *Ijtihad*. A person might be able to perform *Ijtihad* in some issues but not in others. He might be able to make *Ijtihad* in some branches (*Furu'*) of Islam but not in other areas. It is thus clear that *Ijtihad* can be portioned. However, portioning of *Ijtihad* does not mean the splitting of *Ijtihad*, where a *Mujtabid* is able to perform *Ijtihad* in some areas of Islamic law but not in other areas. Rather the meaning of portioning the *Ijtihad* is the possibility of comprehending some evidences due to their clarity and lack of ambiguity, and the inability of understanding some other evidences due to their depth and complexity and due to the presence of various evidences that may seem conflicting. This may happen in foundational principles (*Qawa'id Usuliyah*) or in the Shar'ai rules. So the portioning of *Ijtihad* relates to the ability to make deductions and not the ability in the subject areas of jurisprudence (*Fiqh*).

All of this is with regards to the *Mujtabid Mazhab* and *Mujtabid Mas'alah*. The *Mujtabid Mutlaq* is any person who performs *Ijtihad* in the Shar'ai rules, whether or not he uses a specific method in his deduction. He proceeds naturally using a specific method of comprehension to deduce rules, as was the case of the *Mujtabidin* in the time of the Sahabah. Ever since the Arabic language weakened, and people ceased devoting themselves to understanding their *Deen*, it became inevitable that the *Mujtabid Mutlaq* had fulfilled certain conditions to be considered so. Consequently, the opinion is that the *Mujtabid Mutlaq* does have conditions to fulfil, the most important of which are:

First: knowledge of the textual evidences (*Adilla Sam'iyah*) from which the principles and rules are extracted.

Second: knowledge of the aspects of textual indication (*Dalalat al-lafz*) relied upon in the Arabic language and in the usage of the people of eloquence (*Bulagha'a*).

As for the textual evidences, they are considered based on the Kitab, Sunnah and the *Ijma'a*; the ability to compare and reconcile evidences and outweighing the stronger evidences over other evidences when they conflict. That is because the evidences may seem competing with each other in the view of the *Mujtabid* and he sees them all as concerning the same issue, and each evidence (of them) indicates a *Hukm* other than what the other evidence does. The *Mujtabid Mutlaq* is required to examine the aspects by which one evidence is outweighed in order to rely upon it in deciding the *Hukm*. For example, Allah (SWT) said:

'And take as witness two just persons from among you (Muslims).' [65:2]

And He (SWT) said:

'...then take the testimony of two just men of your folk or two others from outside...' [5:106]

Both aayat are about the giving of testimony. The first states that the witnesses should be from amongst the Muslims. The second states that they could be from amongst Muslims and the non-Muslims i.e., the first Ayah stipulates that

the witness be a Muslim while the latter states the witness could be a non-Muslim as well. It is essential to know the way in which they are reconciled i.e. that the first Ayah is unrestricted (*Mutlaq*) with regards to testimony and the second is restricted (*Muqayyad*) to the testimony of bequests (*Wasayyah*) while on travel. The second verse permits the testimony of non-Muslims at the time of bequest and the like in terms of financial transactions, while the first verse relates to other matters. Moreover, both verses indicate that the proof (*Bayyinah*) should be given by two just witnesses. It is supported by another verse in which Allah (SWT) states:

'And get two witnesses out of your own men. And if there are not two men (available), then a man and two women.' [2:282].

How does this fit in with what has been established in (the) *Sahih* Bukhari from the Prophet (SAW) when he accepted the testimony of one woman in regard to fosterage (*Rada'ah*)? That he accepted the testimony of a single witness with an oath of the plaintiff? It has been na by Ibn 'Abbas: *'That Rasool Allah (SAW) pronounced judgement on the basis of an oath along with a single witness.'* It was na by Jabir: *'That the Prophet (SAW) pronounced Judgement on the basis of an oath along with a single witness.'* It has also been na by Amir al-Mu'minin 'Ali b. Abi Talib: *' That the Prophet (SAW) passed judgement on the basis of a testimony of a single witness and an oath of the plaintiff.'* It may seem there is contradiction between the evidences. However, the *Mujtahid* who scrutinises the issue finds that what the Ayah mentions is the complete number required for testimony. If the complete number is not met it does not mean any other number is unacceptable, because the *Nisab* (number) concerns taking up the responsibility of testimony. As for the judge's discharging of his duty and the issue of issuing verdict, the number of witnesses has not been stipulated, but what is stipulated is the proof, which is whatever demonstrates the truth even by the testimony of a single woman or single man along with the oath of the plaintiff. However, if the Shari'ah has specified the number of witnesses, as for example, in the testimony for fornication, then it is restricted by the text. In addition, the Prophet (SAW) rejected the offer of help made by the *Mushrikeen* at the battle of Uhud. He did not accept their offer to

fight alongside the Muslims in the battle. He (SAW) said: *'We do not seek the help of the disbelievers.'* However, he (SAW) accepted their help at Hunayn. How these two evidences can be reconciled? The *Mujtahid* should know that the Messenger (SAW) did not accept the offer of help from *Mushrikeen* at Uhud because they wanted to fight under their own banner for the purpose of distinguishing themselves with it. So his refusal has an *'illah*, which is that the *Mushrikeen* were fighting under their own banner and state. He sought and accepted their help at Hunayn because they fought under the banner of the Messenger (SAW). At Hunayn the *'illah* of refusing to seek help from the *Mushrikeen* was absent, so seeking and accepting their help was allowed. With this clarification and other such examples the conflict of evidences is removed.

So the ability to comprehend (the) textual evidences and compare them is a fundamental condition. Consequently the *Mujtahid Mutlaq* must be able to discern the Shar'ai rules and their divisions, ways of establishing them, aspects of their indications of their meanings, difference of their levels and the recognised conditions regarding them. He must also know the ways of weighing them up when they conflict with each other. This obliges the *Mujtahid* to be acquainted with the transmitters (*Ruwah*), methods of invalidation and attestation (*Jarh wa ta'deel*) and he should be familiar with the causes of revelation (*Asbab ul- nuzul*) and abrogation (*Nasikh wa mansukh*) in the texts.

As for the aspects of textual indications (*Dalalat al-lafz*), this requires knowledge of the Arabic language. Through the knowledge of Arabic, one is able to know the meanings of words, aspects of their eloquence and indication and knowledge of any difference of opinion over the same word so as to refer to trustworthy narrators and to what the lexicographers and philologists may say about it. It is not sufficient for the *Mujtahid* to know from the dictionary that *Qur'* indicates a state of purity and menstruation, and that *Nikah* denotes and contract of marriage. He should have knowledge of the Arabic language in a general manner in terms of grammar (*nahw*), inflection (*sarf*), rhetoric (*balaghah*), dialect and so on. Knowledge of that will enable him to

understand the aspects of indication of the word and sentence according to the language of the Arabs and usage of the people of eloquence and that which will enable him to study books about the Arabic language and understand from them what he needs. However, this does not mean he should be a *Mujtabid* in every branch of the language. It is not stipulated that he be proficient in language like al-Asma'i and as proficient in grammar as Sibawayh. Rather it is sufficient for him to be knowledgeable about the linguistic style so that he can distinguish between indications of words (*Dalalat al-alfaz*), sentences and style such as *Mutabaqah* (conformity), *Tadhmin* (inclusion), *Haqiqah* (literal), *Majaz* (metaphorical), *Kinayah* (metonym), *Mushtarak* (homonym), *Mutaradif* (synonym) and so on. In a word, the level of absolute *Ijtihad* (*Ijtihad Mutlaq*) cannot be attained except by someone who has two attributes: first, comprehension of the objectives (*Maqasid*) of the Shari'ah by understanding the textual evidences. Second, comprehension of the Arabic language and the indications of its words, sentences and styles. Thus the *Mujtabid Mutlaq* becomes able to deduce rules based on his own understanding. Being *Mujtabid Mutlaq* does not mean he should encompass every text and be able to deduce any *Hukm*, though he might be a *Mujtabid* in many issues reaching the level of absolute *Ijtihad*, but does not know some issues external to them. So it is not a condition that the *Mujtabid Mutlaq* be knowledgeable of all issues, all rules related to issues and their discernment. Consequently, the presence of a *Mujtabid Mutlaq* is not a difficult matter, but it is possible to attain this level if one is truly determined. The level of *Mujtabid Mas'alah* is possible for all to attain after learning what is essential of the linguistic and *Shar'ai* disciplines.

Taqleed

Taqleed linguistically means following others without proper scrutiny. It is often said 'he imitated him in such and such' i.e. he followed him without close scrutiny or examination. Legally, *Taqleed* is acting according to the statements of others without a binding proof or argument, such as the layman's adoption of the opinion of a *Mujtabid*, or the *Mujtabid's* adoption of the opinion of someone else of the same stature as him. *Taqleed* (imitation) in the '*Aqeedah* (creed) is not allowed because Allah (SWT) has censured the *Muqallids* (imitators) in '*Aqeedah*. He (SWT) said:

'When it is said to them: "Follow what Allah (SWT) has sent down." They say: "Nay! We shall follow what we found our fathers following." (Would they do that!) even though their fathers did not understand anything nor were they guided?' [2:170]

And He (SWT) said:

'And when it is said to them: "Come to what Allah (SWT) has revealed and unto the Messenger (Muhammad [SAW] for the verdict of that which you have made unlawful)." They say: "Enough for us is that which we found our fathers following," even though their fathers had no knowledge whatsoever and no guidance.' [5:104]

As for *Taqleed* in the *Shar'ai* rules this is legally permissible for every Muslim. Allah (SWT) said:

'So ask the people of the Reminder (Scriptures – the Taurat (Torah), and the Injeel (Gospel)) if you do not know.' [21:7] In this verse He (SWT) has ordered the one who does not have the knowledge to ask the one who is more knowledgeable than him, even though these verses came in the context of replying to those who rejected the Messenger(SAW) be a human being. However the wording of the *Ayah* is general and what matters is the generality of the wording and not the specificity of the cause (*Al-'ibra bi 'umum al-lafẓ laa bi kbususi as-sabab*). Moreover, it is not about a specific subject so as to say the *Ayah* relates to a specific topic. The

verse is general about the request from those who do not know to ask those who do know. It tells the *Mushrikeen* to ask the People of the Book to teach them that Allah (SWT) has not sent to previous nations any Messengers who were not human beings. They were ignorant of this information so He (SWT) ordered them to ask those who know. The *Ayah* states:

'And We sent not before you (O Muhammad (SAW)) but men to whom We revealed. So ask the people of the Reminder (Scriptures – the Taurat (Torah), and the Injeel (Gospel)) if you do not know.' [21:7] The word '*fas'ali*' (you ask!) has come with a general import i.e. ask so that you may learn that Allah (SWT) has not sent anyone other than human beings to preceding nations. It is related to knowledge and not to belief (*Iman*). Although the people of *Dhiker* mentioned in the verse are the People of the Book, the term came in a general manner and it includes all people of *Dhiker*, whether Muslims or non-Muslims. The Muslims are the people of *Dhiker* because the Qur'an is a *Dhiker*. He (SWT) said:

'And We have also sent down to you (O Muhammad [SAW]) the Dhiker (reminder and advice [i.e. the Qur'an]), that you may explain clearly to men that which was sent down to them, and that they may give thought.' [16:44]. So those who know the *Shar'ai* rules are the people of *Dhiker*, whether they by themselves had gained that knowledge through *Ijtihad* or received it (from others). The *Muqallid* only asks for the rule of Allah (SWT) in an issue or issues. Therefore, the *ayah* indicates the permissibility of practising *Taqleed*.

It has also been narrated on the authority of Jabir (R.A): "a man was struck by a stone that fractured his skull. Then he had a bath. He asked his companions - do you know of a permission (*Rukhsab*) for me to perform *Tayammum* (dry ablution)? - They said: we do not find any permission for you, and you can use water. He then had a bath and died. The Prophet (SAW) said: '*Verily, it would have sufficed for him to make Tayammum, tie a piece of cloth around his head, wipe over it and wash the rest of his body.*' The Prophet (SAW) then said: '*why did they not ask when they did not know. Indeed, the cure for inability and*

lack of knowledge is to ask.' The Messenger (SAW) instructed them to ask about the *Hukm Shar'ai*. It has been authentically reported that al-Sha'bi said: "there were six companions of Rasool Allah (SAW) who used to deliver legal opinions to the people. Ibn Mas'ud (R.A), 'Umar b. al-Khattab (R.A), 'Ali b. Abi Talib (R.A), Zayd b. Thabit (R.A), Ubayy b. Ka'b (R.A), and Abu Musa (R.A). Three used to leave their opinion for the opinion of the other three. Ibn Mas'ud used to leave his opinion for 'Umar's opinion, Abu Musa used to leave his opinion for the opinion of 'Ali and Zayd used to leave his opinion for the opinion of Ubayy b. Ka'b." This also indicates that the Muslims used to imitate the Sahabah and some of them used to imitate others.

As for what has been mentioned in the Qur'an in terms of the censure for *Taqleed*, this is censuring for imitation in belief and not in adoption of the Shar'ai rules. This is because the subject matter of the verses concerns belief. Its text is specific to the subject of belief and they have no '*illah*. So the saying of Allah (SWT):

'And similarly, We sent not a warner before you (O Muhammad [SAW]) to any town (people) but the luxurious ones amongst them said: "We found our fathers following a certain way and religion, and indeed we will indeed follow their footsteps." (The warner) said: "Even if I bring you better guidance than that which you found your fathers following?" They said: "verily, we disbelieve in that with which you have been sent."' [43:23-24]

And His (SWT) saying:

'When those who were followed disown (declare themselves free of) those who followed (them), and they see the torment, then all their relations will be cut off from them. When those who followed will say: "if only we had one more chance to return (to the worldly life), we would disown (declare ourselves free from) them as they have disowned (declared themselves free from) us." Thus Allah (SWT) will show them their deeds as regrets for them. And they will never get out of the Fire.' [2:166-167]

And Allah (SWT) saying:

'When he said to his father and his people: "what are these images, to which you are devoted?" They said: "we found our fathers worshipping them."' [21:52] These

verses are texts clearly referring to the subject of belief (*Iman*) and disbelief (*Kufr*) and nothing else. This text does not include any (reason) '*illah* nor is there reasoning found in any other text. Therefore, it should not be said that what matters is the generality of the wording form and not the specificity of the cause. This (principle) is correct with respect to the cause (*Sabab*), that is the incident which is the cause of revelation, but not correct regarding the subject matter of the verse. Consideration is given to the subject matter of the verse, and the generality (*'Ummum*) is restricted to the subject of the verse only. It is general in everything included in the meaning of the subject matter of the verse and not in matters not included in the verse. Nor should it be said the verses pertain to belief and disbelief, but it is correct to interpret them as applicable to the *Muqallidin*, based on the fact that the *Hukm* revolves around the presence or absence of an '*illah*. This cannot be claimed because there is no '*illah* in the *Ayah* nor an '*illah* for the *Ayah*. The *Ayah* has also no reasoning, nor there is a reasoning for it in any of the texts of the Kitab and Sunnah. Thus, there is no any text to prohibit *Taqleed*. Rather the texts and the reality of the Muslims in the time of the Messenger (SAW) and Sahabah indicate the permissibility of practising *Taqleed*.

Taqleed applies to both the follower (*Muttabi'*) and the layman (*'Aammi*), because Allah (SWT) has defined *Taqleed* as following (the opinion of someone else). He (SWT) said:

'When those who were followed disown (declare themselves free of) those who followed (them).' [2:166] It is also because the *Hukm Shar'ai* adopted by a person is either deduced by that person himself or by someone else. If the person himself deduced it then he is a *Mujtabid*, and if someone else deduced it and the person then adopted it he would have adopted and followed the opinion of someone else. This is *Taqleed* whether the person adopted the *Hukm* without proof or with a non-binding proof. The *Muttabi'* (follower) therefore is a *Muqallid*. *Ittiba'a* (following someone else) means that you follow the opinion of a *Mujtabid* based on what has become clear to you in terms of evidence without examining this evidence i.e.

the proof is non-binding on you. If the Muslim examined the evidence, knew the method of deducing the *Hukm* from it and agreed on the *Hukm* and its deduction, then the proof on which the *Hukm* rests has become binding on him. The opinion has now become the opinion of that Muslim the same as it is the opinion of the *Mujtabid*. In this case the Muslim has become a *Mujtabid* and is not a *Muqallid*. From this it becomes clear that *Ittiba'a* (following) is *Tagleed* and that the follower (*Muttabi'*) is a *Muqallid* even though he knows the evidence.

The reality of Taqleed

The definition of *Taqleed*, linguistically and legally, indicates that anyone who follows others in a particular matter is a *Muqallid*. So what matters is following others. Therefore, there are two types of people regarding knowledge of the Shar'ai rules - the *Mujtabid* and the *Muqallid* and no other. The reality of the Muslim is that he either adopts what he himself has arrived at by his own *Ijtihad* or what the other has arrived at by his *Ijtihad*. The issue is limited to these two cases. Therefore, anyone who is not a *Mujtabid* is a *Muqallid*, whatever is his category. The issue in *Taqleed* is the adoption of the rule from others irrespective of whether the one who adopted the rule is a *Mujtabid* or not. It is acceptable for the *Mujtabid* to imitate other *Mujtabidin* in a particular issue even if he is qualified to do *Ijtihad*, and he would be considered a *Muqallid* in this issue. Thus, in a single *Hukm*, the follower (*Muqallid*) may or may not be a *Mujtabid*; and the single person may be *Mujtabid* or *Muqallid* ..

When the *Mujtabid* gains complete competence (*Ahliyyah*) in performing *Ijtihad* in any issue and then performs *Ijtihad* on this issue leading him to derive a *Hukm*, he is not allowed to follow other *Mujtabidin* in that issue contrary to what his *Ijtihad* has led him to. He cannot abandon his opinion in this issue except in four cases:

(1) When it appears that the evidence (*Daleel*) upon which he relied in his *Ijtihad* is weak (*Da'if*) and the evidence of another *Mujtabid* is stronger than the evidence he used. In such a case he is obliged to leave at once the *Hukm* to which his *Ijtihad* has led to and adopt the *Hukm* proven to be of stronger evidence. It is forbidden for him to continue adopting the first *Hukm* he had reached by his own *Ijtihad*. He is not prevented from adopting a new *Hukm* simply because a new *Mujtabid* was the only one to hold such a *Hukm*, or because this *Hukm* has not been expounded by anyone before. That goes against *Taqwa* (the fear of Allah [SWT])

because (the) consideration is for the strength of evidence not the number of *Mujtabidin* who held it or however ancient and exalted they were. There have been many *Ijtihads* derived by the Sahabah that were later discovered by the *Tabi'in* or *Tabi'-tabi'in* to contain errors. When the weakness of his evidences and the strength of someone else's evidences becomes apparent through weighing (*Tarajjuh*) without considering all evidences and inference from them, in such a situation the *Mujtabid* will be considered a *Muqallid*, because he has adopted the opinion of someone else through the weighing up evidences (*Tarjeel*). His example is that of a *Muqallid* who is confronted with two *Hukms*, so he gives preference to one of them according to a Shar'ai qualification (*Murajjih Shar'ai*). If the weakness of his evidence and the strength of someone else's evidence becomes apparent through examination (*Muhakama*), pursuance (*Tatabbu'*) and inference (*Istinbat*) through which he arrives at an opinion which is the opinion of another person, he is not a *Muqallid* but a *Mujtabid* to whom the errors within his first *Ijtihad* became apparent. So he retracts from it in preference to another opinion that he has deduced. This happened with Imam al-Shafi'i on a number of occasions.

(2) When it appears to him that another *Mujtabid* has a greater capacity to link, (between issues) or has better awareness of the reality, or stronger comprehension of the evidences or is more acquainted with the textual evidences (*Adillah Sam'iyah*) and do on. Then he realized that the other *Mujtabid* is closer to the truth in understanding a specific issue or issues. It is then allowed for him to leave the *Hukm* he has reached through his own *Ijtihad* and follow the *Mujtabid* in whose *Ijtihad* he has greater confidence than in his own. It has been correctly reported on the authority of al-Sha'bi that Abu Musa (R.A) used to leave his

opinion for the opinion of 'Ali (R.A), (that) Zayd (R.A) used to leave his opinion for the opinion of Ubay b. Ka'b R.A) and (that) 'Abdullah (R.A) used to leave his opinion for the opinion of 'Umar (R.A). Incidents have been reported about Abu Bakr (R.A) and 'Umar (R.A) that they used to leave their opinions for the opinion of 'Ali (R.A). This indicates allowing the retraction of a *Mujtahid* from his opinion for the opinion of someone else based on his trust in the *Ijtihad* of the other *Mujtahid*. However, this is allowed for the *Mujtahid* and is not obliged on him.

- (3) If the *Khalifah* adopts a *Hukm* that conflicts with a *Hukm* the *Mujtahid* arrived at through his own *Ijtihad*, he is obliged to leave the opinion reached by his *Ijtihad* and take the *Hukm* which the *Imam* (leader) has adopted. This is because the *Ijma'a* of the Sahabah has taken place on the fact that 'the order of the imam settles disputes' and that his order is to be implemented on all Muslims.
- (4) If there is an opinion by which it is intended to unify the Muslims for their own good, then it is allowed for the *Mujtahid* to leave the result of his *Ijtihad*, as happened with 'Uthman (R.A) when he was given the *Bay'ah* as *Khalifah*. It has been reported about 'Abdur-Rahman b. 'Awf (R.A) that, after he consulted the people individually and together, in secret and openly, he gathered the people in the mosque, ascended the *minbar* and made a long supplication. He then called 'Ali (R.A), held his hand and said: '*do you pledge to me that you will rule according to the Book of Allah (SWT) and the Sunnah of His Messenger (SAW) and the opinions held after him (SAW) by Abu Bakr And 'Umar?*' Ali (R.A) replied: '*I pledge to you on the basis of the Book of Allah (SWT) and the Sunnah of His Messenger, but I will exercise my own Ijtihad.*' So 'Abdur-Rahman b. 'Awf (R.A) let go of his hand

and then called for 'Uthman (R.A) and said to him: '*do you pledge to me that you will rule according to the Book of Allah (SWT) and the Sunnah of His Messenger and the opinions held after him (SAW) by Abu Bakr And 'Umar?*' Uthman (R.A) replied: '*By Allah (SWT) yes!*' 'Abdur-Rahman (R.A) raised his head towards the ceiling of the Mosque, his hand in Uthman's hand, and said three times: '*O Allah (SWT), hear and bear witness!*' Then he gave 'Uthman (R.A) the pledge and the people thronged to the mosque to give *Bay'ah* to him. Ali (R.A) had to push his way through the people until he gave his pledge to 'Uthman (R.A). In effect 'Abdur al-Rahman (R.A) demanded from two *Mujtahid*, 'Ali and 'Uthman that they leave their own *Ijtihad* and follow the *Ijtihad* of Abu Bakr (R.A) and 'Umar (R.A), regardless of whether each exercised his own *Ijtihad* and had opinions that contradicted the opinions of either or both Abu Bakr and Umar or not. The Sahabah concurred with this and they gave *Bay'ah* to 'Uthman (R.A) on that basis. Even 'Ali (R.A) who had refused to leave his *Ijtihad*, gave *Bay'ah* to 'Uthman (R.A) on that basis. However, this is permissible for the *Mujtahid* and not obligatory as shown by the refusal of 'Ali (R.A) to leave his *Ijtihad* for the *Ijtihad* of Abu Bakr (R.A) and 'Umar (R.A). No one rebuked him for that, which indicates that this matter is permitted and not obligatory.

For any *Mujtahid* who has not exhausted *Ijtihad* on an issue, he can follow other *Mujtahidin* and not make *Ijtihad* on the issue, for *Ijtihad* is an obligation of sufficiency (*Fard 'ala al-keifayah*) and not an individual obligation (*Fard 'ayn*). If he already knows the *Hukm* of Allah (SWT) on an issue then the *Mujtahid* is not obliged to make *Ijtihad* in it. It has been correctly reported that 'Umar (R.A) said to Abu Bakr (R.A): '*We hold opinions in accordance with your opinion.*' It has also been correctly reported about 'Umar (R.A) that when he found himself unable to find what was needed in the Qur'an and Sunnah so as to judge

between disputing parties, he would see if Abu Bakr (R.A) had made a decision in the matter. If he found that Abu Bakr (R.A) had passed a specific judgement on the issue he would pass the same judgement. It has been authentically reported about Ibn Mas'ud (R.A) that he used to adopt the opinion of 'Umar (R.A). This often occurred in numerous incidents in front of the Sahabah and no one objected. Thus, it became a tacit *Ijma'a* (*Ijma'a sukuti*).

This is the reality of the *Mujtabid's* practice of *Taqleed*. Regarding the *Taqleed* of the non-*Mujtabid* whether learned or ignorant about the issue, when an issue presents itself to him, he is not permitted to do anything other than ask about it since Allah (SWT) is worshipped by His creation through knowledge and not ignorance. He (SWT) said:

'So be afraid of Allah (SWT); and Allah (SWT) teaches you.' [2:282] meaning Allah (SWT) teaches you whatever the situation, so fear Him. Thus knowledge comes before the *Taqwa* (fear of Allah (SWT)). Since the order to fear Allah (SWT) comes after the acquisition of knowledge in a natural manner, then knowledge must be given precedence over action. Just as when He (SWT) said:

'So be afraid of Allah (SWT).' [2:282]. Thus it comes to the mind of the Muslim what *Taqwa* should be like. The answer was: And Allah (SWT) teaches you so fear Him. Thus knowledge must come before action. Therefore, it becomes *Fard* upon the Muslim to learn those rules of Allah (SWT) required for action before he acts, since the Muslim cannot act without knowledge. Such knowledge of the *Ahkam* requires the Muslim to enquire about them to adopt the *Hukm* and act upon it; and through this knowledge he will follow that *Hukm*. He (SWT) said:

'So ask the people of the Reminder (Dhikr) if you do not know.' [21:7]. This is general instruction to all those who have been addressed. The Messenger (SAW) said in the Hadith about the person whose skull had been fractured: CHECK ITALICS???Had they not asked? *'Indeed, the cure*

for inability and lack of knowledge is to ask.' During the time of the Sahabah, the *Ummah* continued to ask the *Mujtabidin* for their opinions and followed them in the *Shar'ai* rules. The *Mujtabidin* continued to answer the *Ummah's* questions without providing textual evidences, they were not forbidden from doing so nor were objections raised against that. Thus it was an *Ijma'a*. This was common practice in the time of the *Tabi'in* and *Tabi-tabi'in*, and thousands of incidents have been reported to that effect.

Just as it is permitted for the learned person or layman to follow others in the *Shar'ai* rule it is also permitted for him to teach this *Shar'ai* rule to others as he understands it, but only once he is sure he has understood it correctly, and he had adopted this *Shar'ai* rule to act upon it himself. If he does not trust this rule for any reason, for example lack of confidence in the authenticity of the evidence or lack of trust in the character of the one who has taught it he cannot teach it to others so that they act upon it. Rather he should state what he knows about the rule when he discusses it. It is permitted for the one who learns a *Hukm* to teach it to others because anyone who has knowledge of even one issue is considered knowledgeable about that issue, once the trust in his knowledge of the *Hukm* and the truth of what he has said about the issue is confirmed. The concealment of knowledge is forbidden. The Prophet (SAW) said: *'Whosoever hides the knowledge which he knows, he will be restrained on the Day of Judgement with a bridle of fire.'* This is general and applicable to knowledge of one or many issues.

However, the learned person (*Muta'allim*) is not considered a follower of the one who has taught him the *Hukm*. He is seen as a *Muqallid* of the *Mujtabid* who deduced the *Shar'ai* rule, and the study of this *Hukm* is considered as study alone, as *Taqleed* can only be made to a *Mujtabid* and not to someone who only has knowledge of a *Hukm*. However much a non-*Mujtabid* may acquire in terms of knowledge, it is not permitted to make *Taqleed* to him in his capacity as a learned person because he is not a *Mujtabid*.

The *Muqallid* has no right to choose when a difference of opinion arises, for instance when the *Mujtabidun* differ resulting in with two opinions. Some people think that two opinions with respect to a *Muqallid* are tantamount to one opinion. They think the *Muqallid* has the right to choose between them, thus following his whims and desires and whatever agrees with his purpose, in preference to that which disagrees with his purpose. This is despite that the Muslim is ordered to adopt *Hukm Shar'ai*; and the *Hukm Shar'ai* is the speech of the Legislator, which cannot be more than one. Where there is more than one understanding of the speech, then each understanding represents a *Hukm Shar'ai* on the part of the one who understands it and the one who makes *Taqleed* to him. Anything else cannot be considered *Hukm Shar'ai*. How it is then possible for the *Muqallid* to adopt two different opinions? When a *Muqallid* finds two opinions from the *Mujtabidin* that conflict with each other, it highlights that one *Mujtahid* follows an evidence that results in something opposite to what the evidence of the other *Mujtahid* results. So the two have two conflicting evidences. Following one of them on the basis of personal whim is forbidden. He (SWT) said:

'Follow not the desires of your hearts.' [4:135] The *Muqallid* has only one choice; that is to perform *Tarjeeh* (weighing up of evidences). Two *Mujtahids* with respect to the layman (*'Aammii*) are like two evidences with respect to the *Mujtabid*. Just as it is obligatory for the *Mujtabid* to weigh up two conflicting evidences, it is also incumbent on the *Muqallid* to weigh up two conflicting rules. If whims and desires were allowed to arbitrate in something like this then this would surely have been allowed for the judge also, a matter which is invalid according to the *Ijma'a* of the Sahabah. In issues relating to the Qur'an, there is a general control that clearly forbids following of personal whims and desires, as in the saying of Allah (SWT):

'(And) if you differ in anything amongst yourselves, then refer it to Allah (SWT) and His Messenger (SAW).' [4:59] This *Muqallid* must refer the matter to Allah (SWT) and the Messenger (SAW), and this is done by referring to a qualification that Allah

(SWT) and the Messenger (SAW) are pleased with from the *Muqallid*, just as the *Mujtabid* refers to the Book of Allah (SWT) and the Sunnah of His Messenger (SAW). Referring to what Allah (SWT) and His Messenger (SAW) are pleased with has nothing to do with following personal whims and desires. The *Muqallid* must choose one of two opinions and this choice must be based on a qualification which Allah (SWT) and His Messenger (SAW) are pleased with. It is not possible for the *Muqallid* to act upon both opinions, since they conflict. Choosing one of two *Mazhabs* or one of two different rules without qualification is a choice based on personal whims and desires. It is contrary to referring to Allah (SWT) and the Messenger (SAW). The qualifications (*Murajjibat*) by which the *Muqallid* chooses one *Mujtabid* over another, or one *Hukm* over many others are the question of who has best knowledge (*A'lamiyyah*) and who has the best understanding (*Fahm*). It came in the Hadith of Ibn Mas'ud that the Messenger (SAW) said: 'O 'Abdullah b. Mas'ud. I said I am at your service and here I am.' He (SAW) said: 'Do you know who are the most knowledgeable of people?' I replied: "Allah (SWT) and His Messenger (SAW) know best." He (SAW) said: "The most knowledgeable of people is the one most well-versed in the truth when the people differ, even if he lacks in deeds and crawls on his buttocks." Therefore, the *Muqallid* weighs up what he knows of the *Mujtabid's* knowledge and integrity because integrity is a prerequisite for accepting the testimony of a witness. Providing a *Hukm Shar'ai* in his teaching is proof this is a *Hukm Shar'ai*, thus the integrity of the teacher who teaches it is essential, and the integrity of the one who deduces it is also essential. *A'adalah* (integrity) is a stipulation required in the person from whom the *Hukm Shar'ai* is learnt whether *Mujtabid* or teacher. Knowledge is vital qualification. Whoever believes that Imam Shafi'i was more knowledgeable and his *Mazhab* more likely to be correct is not permitted to adopt a conflicting *Mazhab* solely on his whims and desires. Whoever believes Imam Ja'far as-Sadiq was most knowledgeable and his *Mazhab* more likely to be correct is not permitted to go against it based on his whims. He rather has the right, and even obliged to adopt that which conflicts with his

Mazhab once he realised of its preference after weighing up the evidence. *Tarjeeb* (weighing up of evidences) is inevitable, and the fact that it should not be based on whims and desires is inevitable as well. The *Muqallid* does not have the right to pick and choose from different *Mazhabs* those issues more agreeable to him. Rather the required *Tarjeeb* is like the weighing up of two conflicting evidences for the *Mujtahid*. To perform *Tarjeeb*, the *Mujtahid* relies on the veracity of the information that comes with the *Qara'in* (indications).

The qualifying factors in *Taqleed* for the *Muqallid* are two: First: the general qualification, relating to the person he wishes to follow such as Ja'far as-Sadiq and Malik b. Anas for example. Second: the specific qualification regarding a specific *Hukm Shar'ai* the *Muqallid* wishes to follow. The question of the best available knowledge (*A'alamiyyah*) comes in the second category. For example, if an incident had taken place in Madinah in the time of Imam Malik he would be regarded as more knowledgeable about it than Imam Abu Yusuf; and for an incident that took place in Kufah in the time of Imam Ja'far as-Sadiq, he would be considered more knowledgeable about it than Imam Ahmad b. Hanbal. When considering the issue of whom the *Muqallid* makes *Taqleed*, to, the *Muqallid* will refer to the information which he has received regarding the *Mujtahid*.

Having the best knowledge (*a'alamiyyah*) is not the only qualification nor it is the qualification for *taqleed* in itself. Rather it is the general qualification for the one who wishes to make *taqleed*, and for the *hukm* which will be followed. As for correct qualification regarding the *Hukm*, it is the strength of its evidence. However, because the *muqallid* cannot understand the evidence, then the criterion of best knowledge (*a'alamiyyah*) is the criterion. There are many recognised qualifications which vary according to the conditions of the *muqallids*.

The states of Muqallidin and the qualifications they use

Taqleed is the adoption of another person's opinion without binding proof (hujjah mulzimah), meaning the acceptance of another person's opinion without binding proof or acting according to the opinion of another without binding proof. This is comparable to the layman's adoption of the opinion of a mujtahid, or the adoption by the mujtahid of an opinion from another Mujtahid. Referring to the Messenger (SAW) or Ijma'a us-Sahabah is not Taqleed, because Ijma'a us-Shabah is a source of evidence. Likewise, the laymen's reference to a mufti is not considered taqleed but it is seen as seeking and studying a legal opinion and not adoption. So he refers to him either, to seek a legal verdict (fatwa) or to learn about it. The reference of a layman to a learned person is not considered taqleed to him, because it constitutes inquiring about a hukm Shar'ai or learning it. Adopting an opinion with knowledge of its evidence, needs to be closely examined. If knowledge of the evidence is mere knowledge, for example that visiting the graves is permitted because the Messenger (SAW) said : USE ITALICS' I used to forbid you from visiting the graves, (but now) visit them', then in this situation, one who takes this is considered a muqallid, because he has adopted the opinion of another person without binding proof, even if he knew the evidence. However, the Muqallid himself did not use this evidence as proof so it is not binding with respect to him. If understanding about a particular evidence was arrived at after examining the evidence and then deducing the hukm from it, it is regarded as an ijihad agreeing with the ijihad of the one who initially held this opinion. This is because examining the evidence and then deducing the hukm from it can only be done by the Mujtahid. That is because this process depends on realizing that the Hukm is free of conflicting factor based on the necessity of studying it, a matter which depends on the close examination of the evidences, something only the Mujtahid can do. Therefore, the muqallid is not a mujtahid.

Concerning the hukm Shar'ai, people can either be mujtahid or muqallid and none other, meaning he either deduces the hukm himself (regardless of whether someone else had deduced it) or he adopts the deduction of another mujtahid. Therefore, whoever does not have the capacity (ahliyyah) for ijihad is a muqallid regardless of whether he had knowledge of some of the legally recognised disciplines in ijihad or not. So he comes under the category of muqallid 'Aammi (one who follows a hukm without any knowledge) (layman) or muttabi' (one who follows a hukm with the knowledge of the evidence).

It is allowed for the muqallid, to adopt the opinion of any mujtahid once it had been established as Ijihad, even if based on solitary narration (khabar ahad). When the Muqallid is confronted with an issue and he has not acquainted himself with the opinions of the mujtahidin but knows the opinion of a single mujtahid. He can adopt the shari'a rule deduced by the Mujtahid, because that is what is required of him and nothing more. In such an instance weighing up of evidences (Tarjeeh) is not required. If the Muqallid is familiar with the opinions of the mujtahidin and he wishes to adopt one of them, then he has to weigh up the evidences (make Tarjeeh). Tarjeeh should not be done in favour of the Hukm for the sake of his personal whims and desires, as the purpose of the Legislator is to take the mukallaf (legally responsible) away from his whims and desires to make of him a true servant of Allah (SWT). Tarjeeh should be performed on a Shari'a qualification, meaning the qualification should be linked to Allah (SWT) and Rasool Allah (SAW). He (SWT) said :'

(And) if you differ in anything amongst yourselves, refer it to Allah (SWT) and His Messenger (SAW).' [4:59] Referring to Allah (SWT) and to His Messenger (SAW) is either to the Qur'an (word of Allah (SWT)) or the Hadith (Sunnah) of His Messenger (SAW) ,meaning the Shar'ai evidences. The qualifications will therefore differ according to the level of the muqallids. The general qualification for the layman after the evidence is the best knowledge

(a'alamiyyah) and comprehension (fahm), and this is the primary qualification for all muqallids. However, there are different qualifications which people may use to weigh up evidences, with or without the qualification of best knowledge (a'alamiyyah). So the layman will follow the mujtahid according to his trust of the understanding and taqwa (God fearing) of whom he follows from the people he knows, like his father or one of the 'Ulema, so he follows the one whom these follow . This weighing up (tarjeeh) for the 'aammi (layman) is from the outlook of the character and not of his whims. Another qualification may be that the layman studies and learns the shar'ai rules and their evidences by attending lessons on fiqh, hadith and so on. At that point he can distinguish between the rules and their evidences. This person will weigh up the evidences in taqleed according to his familiarity with the evidences. So he follows the hukm he is familiar with its evidence, when it contradicts a hukm he is not acquainted of its evidence. Then he will have a hukm linked to an evidence preferable to a hukm which not linked to an evidence. These two situations apply to the layman, who does not have knowledge of some recognised disciplines in ijtihaad. In all these situations, when an evidence becomes clear to the layman, he must leave behind the taqleed based on his trust in the knowledge and taqwa of those who follow the mujtahid whom he follows and he must adopt the hukm linked to an evidence; this is because he now has a stronger qualification. For example, whoever followed Shafi'i or others on the basis that his father followed him, and then the evidence of a hukm Shar'ai, deduced by a mujtahid different from the one he follows became clear to him, this layman must adopt that hukm, because it holds a stronger qualification, namely the Shar'ai evidence. If he is not convinced of this Hukm then he does not have the right to leave the first hukm he has been following since he has no qualification to warrant this. In the weighing up of evidences (Tarjeeh), the layman relies on the hearing of indications (qara'in). He does not have the right to adopt different mazhabs based on his personal whims, nor does he have the right to follow mazhabs in every issue seen easier for him to take, rather he

must seek a qualification when he gets knowledge of numerous ahkam.

Moving (tanaqqul) from one mujtahid to another

Allah (SWT) did not order the Muslims to follow any mujtahid, imam or mazhab. Rather He ordered the Muslims to adopt the hukm Shar'ai. He ordered the Muslims to adopt what the Messenger (SAW) brought us and to abstain from what he has forbidden us. He (SWT) said :

' And whatsoever the Messenger (SAW) gave you, take it, and whatsoever he forbade you, abstain (from it).' [59:7]. The Shar'a does not deem it right for us except in following the rules of Allah (SWT) and not the people. However, the reality of taqleed has led the Muslims to follow the opinions of certain mujtahids whom they assigned as imams for themselves and they adopted the rules these mujtahids deduced by their ijtiḥad, as a mazhab for themselves. So the Shafi'is, Hanafis, Malikis, Hanbalis, Ja'faris, Zaidis and so on, have a tangible presence amongst the Muslims. Even though these people follow the Shar'ai rules deduced by their mujtahids, their action is legitimate, because it constitutes the following of a Shar'ai rule. If they follow the mujtahid as a person and not his deduction, this action is not lawful, and what they follow is not considered a shar'ai rule, because the statement of this person is not from the orders and prohibitions of Allah (SWT) brought to us by the Messenger of Allah (SAW). Consequently, all those who follow mazhabs must understand that they are following only the rules of Allah (SWT), which have been deduced by these Imams. If they have a different understanding, then they will be answerable to Allah (SWT) for abandoning the rules of Allah (SWT) in preference to people who are themselves servants of Allah (SWT).

This is from the perspective of following the rules of a mazhab. As for leaving these rules, it has to be looked at. If someone adopted a hukm but has not yet acted upon it, he has the right to leave it and adopt another hukm based on a particular qualification linked to seeking the

pleasure of Allah (SWT). If he, actually, practised it then this hukm becomes the rule of Allah (SWT) with respect to him. It is not permitted for him to leave this hukm and adopt a second hukm unless the second hukm is linked with an evidence and the first hukm has not been linked to an evidence, or it is clearly proven to the layman that the evidence for the second hukm is stronger than that of the first and he is convinced of that. In this case it becomes incumbent on the layman to leave the first hukm, because his conviction and trust in the shar'ai evidence for the second hukm has made it the rule of Allah (SWT). This is comparable to the mujtahid when he finds an evidence stronger than the evidence from which he deduced the first hukm. He must then leave the previous opinion and adopt the new opinion due to the strength of the evidence. In any other situation it is not allowed for the muqallid to leave the hukm he has followed and take a second hukm after he has adopted that first hukm.

To make taqleed to another mujtahid for another hukm is permitted on the basis of Ijma'a us-Sahabah, which permits the muqallid to seek legal verdicts from any learned person in any issue. When the muqallid selects a mazhab such as that of Shafi'i or Ja'far for example and states, I follow his mazhab and adhere to it, there are some details for this : he is not permitted to follow any other mujtahid in an opinion he has already acted upon according to the mazhab he is following; in issues that he has not yet performed the relevant actions, he is allowed to follow other mujtahidin in those questions.

It should be made clear that in the issue for which the layman can leave the hukm he has been following for a second hukm, it is stipulated that this issue should be distinct from other issues, and that leaving it does not mean infringement of other Shar'ai rules. When the issue is related to other issues, then he cannot leave it until he leaves all issues related to it, because they are all considered as one issue. As an example is when an issue is a condition related to another Hukm, or one of the pillars (arkan) of a complete action such as prayer (salah), ablution (wudu) and pillars (arkan) of the Salah. Thus, it is

not correct for a person from the Shafi'i Mazhab to follow Abu Hanifah's opinion that touching a woman does not invalidate the wudu and then continue praying according to the mazhab of al-Shafi'i. It is not also valid for him to follow one who takes the opinion that constant movement in prayer (to whatever extent this may be) does not invalidate the prayer, or that the recitation of Surat Al-Fatihah is not one of the pillars of prayer and then continues to pray as a muqallid of the one who takes the opinion that constant movement in prayer does invalidate the prayer or that Surat Al-Fatihah is one of the pillars of the prayer. The hukm which can be left is that hukm which when abandoned does not affect those actions undertaken according to other Shar'ai rules.

Learning the Hukm Shar'ai

The one who seeks a legal verdict (mustafti) is not a muqallid, because the muqallid is one who adopts the Hukm Shar'ai and acts upon it. The mustafti (one who seeks a legal verdict), is the one who learns the Hukm Shar'ai from a person who knows this hukm regardless of whether the mustafti learned the hukm in order to practise it or just for the sake of knowledge. The mustafti is anyone who seeks to know the rule of Allah (SWT) relating to any issue. Anyone who is not a mujtahid with regard to a hukm is a seeker of a legal verdict (mustafti) in regard to that hukm. So one who is not a mujtahid in any issue is a mustafti (seeker of a legal verdict) in all issues. Whoever is a mujtahid in certain issues is a mustafti in the issues he has not exercised ijihad in. The one who explains the rule of Allah (SWT) to a mustafti (seeker of a legal verdict) is a mufti. It is said in the Arabic language : Afta in an issue to mean he clarified its rule, also istafta (a scholar) in an issue to mean sought a legal opinion from an 'aalim regarding an issue. The legal opinions of the Sahabah and the Tabi'in are the rules they clarified to the people; and since having knowledge of Allah (SWT)'s rule is obligation, there must be people, mujtahids or not, who can teach the Shar'ai rules to others, regardless of whether these rules have come with or without evidences. It is not a requirement that the one who teaches the rules should be a mujtahid, just as it is not required that the Muslim who teaches others must clarify the evidences. It is allowed for someone who knows a hukm to teach it to others when he becomes knowledgeable about that hukm. It is therefore not required for one who gives legal opinions to people regarding the shar'ai rules or teaches them himself to be a mujtahid. It is allowed for someone who is not a Mujtahid but who is acquainted with the shar'ai rule of a mujtahid to convey a legal opinion using that hukm, because he is someone who carries the hukm, even if he did not explicitly say he is just conveying (a hukm). In performing this action there is no difference between an expert and others, such as in the reporting of ahadith. Just as it is not

required that the transmitter of a hadith be an expert it is not required for the one who conveys a hukm Shar'ai to others to be an expert. So by greater reason (min bab awla) there should be no requirement for him to be a mujtahid. Even though it is required that he knows the hukm he conveys, precise about it and it is clear to him, since he cannot convey it to others if he is not precise about it or unable to convey it properly. Likewise, it is not required for the person who teaches people the hukm Shar'ai or conveys legal opinions to teach them the evidence or conveys it to them. He can restrict himself to conveying the hukm Shar'ai without quoting the evidence, so it is permitted for him to give fatwas with the hukm Shar'ai and teach it without clarifying the evidence. However, he is required to explain to the people that what he conveys to them is a hukm Shar'ai or the inferences (istinbat) of a particular mujtahid. If he conveys an opinion and he says to them : 'This is my opinion' or he conveys to them an opinion and says : 'this is the hukm because so-and-so mujtahid said such and such thing'. What is conveyed is not considered a shar'ai rule since the statement of a mujtahid is not a shar'ai evidence. Using their speech as an evidence for a hukm invalidates its status as a hukm Shar'ai. However, if he ascribes the hukm to a mujtahid's deduction, it is hukm Shar'ai even if he does not expound the evidence.

This was common practise in the time of the Sahabah. The people used to seek legal opinions from the mujtahidin and follow them in the shar'ai rules. The learned among them would respond to their questions without alluding to the evidence and they were not forbidden from doing that. No Sahabah objected. Thus it became an Ijma'a (consensus) that the layman could legally follow a mujtahid without the mention of the evidence. It was also an Ijma'a on the permissibility of learning the rules of Allah (SWT) and teaching them without teaching or learning the evidence. It is allowed for either one of them to seek verdicts from the other and teach the hukm shar'ai he correctly understands to the other, whether or not he knows the evidence. This is because anyone who gains knowledge of a hukm is considered to be knowledgeable about that hukm. So he can teach

it to others. However, the layman ('aammi) limits himself to conveying what he knows exactly as he learnt it. The follower (muttabi'), on the other side, teaches what he knows and gives verdicts according to what he knows, because he possesses some of the recognised disciplines in ijihad. He comprehends the rules and he knows how to teach them and how to give legal opinions from them. However, learning the rules and giving opinions using them does not mean making taqleed to the teacher or the mufti. This is considered only as the giving of opinions or learning a hukm. Taqleed should be made to the one who deduced the hukm and not the one who teaches it or gives verdicts by it. However, it is required that the teacher, in analogy to the witness, be reliable ('Adl) , meaning without manifesting any transgression (fisiq), for the witness provides information about an incident and the teacher provides information about the hukm of Allah (SWT). Both provide information about some issue, (So both inform about something,) for which integrity ('adalah) is a requirement. Also, Allah (SWT) has forbidden the Muslims to accept the statement of a fasiq (transgressor) and ordered them to check it. He (SWT) said :

' O you who believe ! If a fasiq (transgressor) comes to you with a news, verify it[49:6] The use of the word 'fasiq' (transgressor) and 'news' (naba') in their indefinite (verbal noun) forms in this ayah indicates that when any fasiq (transgressor) comes with any news, the people should desist from adopting what he says, seek to verify the matter and discover the truth and not simply accept what he says. The opposite meaning (mafhum al-mukhalafah) of this verse is that the statement of the reliable ('adl) person is taken whether for the purpose of giving legal opinions or for acquiring knowledge.

The strength of the Evidence

The Shar'ai evidence is a proof that the hukm it denotes is hukm shar'ai. Therefore, consideration of a hukm as a Shar'ai rule depends on the consideration of its evidence. Consequently, the discussion about the judgement of an evidence is the criterion for considering the Shar'ai rules. When there is suitable evidence upon an incident to state its hukm, this hukm is considered a Shar'ai rule for that incident based on the consideration of its evidence. However, if there are two relevant evidences for an incident: where one indicates a certain hukm, a prohibition (hurmah) for example, and the other indicates a different hukm, such as permissibility (ibahah), we must weigh up (make tarjeeh) the evidences against each other until it becomes possible to adopt a hukm on the premise that its evidence is stronger than the other. Therefore, one must know the angles of weighing up (tarjeeh) the relevant evidences used as proof until it is possible to adopt the strongest evidence by weighing it up over other evidences. The evidence for the obligation of weighing up evidences and acting upon the strongest evidence, is the Ijma'a of the Sahabah (may Allah (SWT) be pleased with them). They (the Sahabah) weighed up the report of ITALICS 'A'ishah with regards to the touching of the two circumcised parts. Her statement: 'When the circumcised part passes the circumcised part ghusl is obligatory. I and Rasool Allah (SAW) did this so we made ghusl'. They weighed this up against the report of Abu Sa'id al-Khudri who said that the Prophet (SAW) said : ITALICS 'It is with the seminal emission that bath becomes obligatory.' This is because the wives of the Prophet (SAW) were more versed about these matters than the men. The Sahabah also weighed up the report of one of his wives who na that he used to wake up in the morning in a state of janabah (major ritual impurity) against what Abu Hurayrah reported from al-Fadhl b. 'Abbas that the Prophet (SAW) said: ITALICS 'Whoever wakes up in a state of major impurity, there is no fast for him.' Just as 'Ali b. Abi Talib found the report of Abu Bakr stronger, thus he did not put his own oath as he did with others.

And just as Abu Bakr found the report of al-Mughirah about the inheritance of the grandmother stronger when Muhammad b. Maslama na with him. Also, 'Umar found the report of Abu Musa al-Ash'ari about the isti'zan (seeking permission) stronger after it was corroborated by Abu Sa'id al-Khudri's narration. The Sahabah did not turn away to opinions and analogies except after searching for texts up to the point it was not possible to go any further. Whoever scrutinises their situations and observes the nature of their Ijtihad would be aware, without doubt, that they used to oblige the using of a prevalent evidence as opposed to a weaker one from amongst the two speculative (zanni) evidences. That is also indicated by the Prophet's (SAW) consent of Mu'az, when he sent him to Yemen as judge, on the order of evidences and the precedence of one evidence over the other.

However, when two evidences conflict it is not correct to resort to the weighing up of one evidence over the other except in the event it was not possible to use both of them together. If it is possible to use both then this is more suitable, for it is better, since it is better to act upon both evidences than disregard one of them altogether, and because the purpose of evidence is to act upon it and not disregard it. However, it is incorrect to act upon both evidences through excuses and pretexts rather than according to the indication of the text. An example of acting based on the two conflicting evidences is the saying of the Prophet (SAW) : ITALICS 'Shall I tell you who are the best of witnesses? He is the one who comes with his testimony before he is asked to do so.' And his saying (SAW): ITALICS 'Then lies will become widespread until a man will take an oath without being asked and will give witness without being asked to give witness.' In the first Hadith, the Messenger (SAW) praised the one who gave witness before he was called to give testimony and in the second he (SAW) criticised the one who gave witness before he was called to give testimony. Thus, the Prophet's praise of the one who gave witness before he was asked to give it indicates that it has been ordered by the Legislator. And the Prophet's (SAW) criticism of the one who gave witness before he was asked to give testimony

indicates that it has been prohibited by the Legislator. This apparent contradiction between the two evidences can be reconciled by stating: giving testimony regarding one of the rights of Allah (SWT) is a matter which the Shar'a has ordered to be performed without being requested to do so. While giving testimony regarding one of the rights of the servants ('ibad), the Shar'a has forbade that the witness testifies before he is asked to do so. Also his saying (SAW): *ITALICS* 'There is no prayer for the one who lives next to a mosque except in the mosque.' However, the Messenger's (SAW) acceptance for prayer to be performed in other than a mosque has been established. One evidence contradicts the other. The reconciliation is that the hadith is taken to mean the negation of (the prayer's) perfection. The Messenger's (SAW) acceptance of the prayer to be performed in other than a mosque is taken to mean that such a prayer is correct (sahih).

It is absolutely essential that one attempts to act upon both evidences. If it is not possible to use them both together and they contradict despite being similar in strength and generality, then the matter must be looked at. If the latter evidence is known then it abrogates the earlier one, whether both evidences are definite (qat'i) or speculative (zanni), whether from the Kitab or Sunnah. Both evidences cannot be from the Kitab and Sunnah at the same time because the Sunnah does not abrogate the Kitab even if it is mutawatir (recurrent report). Where the latter evidence is unknown, then both are speculative (zanni) because definite evidences (qat'i) do not contradict each other. If they are speculative (zanni) then one must return to weighing them up, and the stronger evidence is used. The strength of the evidence means its strength in terms of the order of the evidences, and in terms of the level of inference (istidlal) in all types of speculative evidences. As for the order of the evidences; the Kitab is stronger than the Sunnah even if the Sunnah is mutawatir (recurrent). The hadith Mutawatir is stronger than the Ijma'a (consensus). The Ijma'a transmitted by Tawatar is stronger than the solitary hadith (khabar al-ahad). The solitary hadith (khabar al-ahad) is stronger than qiyas (analogy) if the 'illah was

given by way of indication (dalalah), deduction or analogy. As for when the 'illah is taken explicitly, it is treated as a text which has clear indication and its rule is adopted on the basis of strength of evidence. If the text is Quranic then its hukm is that of the Qur'an and if text is Sunnah then its hukm is that of the Sunnah. If 'illah is indicated by the Ijma'a then its hukm is that of the Ijma'a. In considering deduction from the speculative evidences, there are two types; the first is the Sunnah and the second is the analogy (qiyas). Each one has specific considerations in the weighing up of evidences, i.e. considering the relative strengths of the different evidences. For the Sunnah, the strength of the evidence relates to its strength in terms of the chain (sanad) of transmission, in terms of the text, and in terms of the meaning. Looking at the chain (Sanad) of transmission; the strength of the Sunnah evidence is examined in regards to:

1. The transmitter himself, so the transmitter who narrates directly is preferable to the transmitter who does not narrate directly, because the former has a greater understanding of what he is narrating. Consider the narration of Abu Rafi' who said that the Prophet (SAW) married Maymunah while he was not in ritual consecration. This is preferred to the narration of Ibn 'Abbas who stated he (SAW) married her while he was in ritual consecration. In this case, Abu Rafi' was the mediator between them and able to (witness) Maymunah's marriage to Rasool Allah (SAW). The hadith is weighed up on the basis of the legal comprehension of the transmitter. The report of a transmitter who is a faqih (jurist) is preferable over the report of a transmitter who is not a faqih (jurist). The hadith which has been transmitted by a transmitter (rawi) through memorisation is preferred to the hadith which has been transmitted by a transmitter (rawi) through written texts. When a transmitter relies on his memorisation of the hadith and the other relies on written text, the one who has committed it to memory is more entitled for preference, because he is more free from suspicion. The hadith narrated by a well-known transmitter is preferred to

the hadith na by a lesser-known transmitter.

2. The narration of the Hadith, so the multi-chain (recurrent) hadith (khabar mutawatir) is preferred to the solitary hadith (khabar al-ahad). The report which has a complete chain (musnad) is preferred to a mursal report, because we know the transmitter of the musnad but not the transmitter of the mursal.
3. The time of the narration, so the transmitter who na the hadith in his adolescence is preferred to the transmitter who na the hadith when he was a child.
4. The mode of narration, so the report on which there is agreement over its continuous linkage to the Prophet (SAW) is preferable to the report about which has doubt over its continuous linkage to the Prophet (SAW). The report which cites the actual words of the Messenger (SAW) is better than the report transmitted by meaning.
5. The time of reporting, so that hadith which has been transmitted absolutely without a date is preferred to a hadith which dated early, because the absolute hadith is similar in form to the latter hadith. For example, the report mentioned in the last days of the Prophet (SAW) is preferred. So the report mentioned during the illness when he died is preferred to the absolute report.

As for the strength of evidence in terms of the text (matn) is examined on the basis of the following issues:

1. If one report is in form of an order, and the other is in the form of prohibition, then the prohibition is preferable. This is because it is more common that prohibition demands the averting of an evil (mafsadah), while it is more common that the order demands the acquiring of an interest (maslahah). However, averting evils (mafasid) is more important than acquiring interests (masalih).

2. If the one of the reports orders a thing and the other allows a thing, then the hadith which allows is preferable to the one that orders. This is because acting upon the hadith of allowance permits the interpretation of the order by diverting it from order to allowance of the action, for allowance is one of the indications of the order. While acting upon the order necessitates the suspension of the allowance completely. Acting upon both evidences is better than suspending one of them.

3. When one report is an order and the other is news (khabar), then the news (khabar) is preferable to the order, because the news (khabar) is stronger in meaning than the order. That is why abrogation of the news (khabar) is avoided at all costs as opposed to the order which can be abrogated.

4. If one report forbids and the other allows (permits), then the one that allows (permits) is preferable to the one that forbids, for the same reason where the hadith of allowance (permission) is preferred to the hadith of order.

5. When one report is a prohibition and the other is a news (khabar), then the news (khabar) is preferable to the prohibition, for the same reason where the news (khabar) is preferred to the order.

6. That which is related to the expression of the news (khabar). The news (khabar) whose expression indicates the truth/literal (haqiqah) is preferred to the news (khabar) which indicates something metaphorical. The Khabar (information) that includes Haqiqah Shar'aiyyah (divine truth) is preferred over the Khabar (information) that includes Haqiqah lughawiyah (linguistic truth) or Haqiqah 'Urfiyah (conventional truth). The Prophet (SAW) was sent to explain the Shar'ai matters (divine issues). The Khabar (information) that includes 'Illah (reason) for the Hukm stated explicitly (Sarahatun), by indication (Dalalatun) or by inference (Istinbatun) is preferred to the Khabar that does not indicate an 'Illah (reason) for the Hukm. This is because the reasoned Khabar carries greater weight from a legislative angle.

The strength of the report in terms of the meaning is manifested in the following matters:

First: If one report conveys softening (of the hardship) and the other conveys harshness, then the report which includes softening is preferred to the report which includes harshness due to His (SWT) saying:

'Allah (SWT) intends for you ease, and He does not want to make things difficult for you.' [2:185] And His (SWT) saying:

'And He has not laid upon you in religion any hardship.' [22:78] And also due to his (SAW) saying: 'Islam is easy.' And his (SAW) saying: *ITALICS* 'There is no harm or reciprocating harm in Islam.'

Second: If one report conveys prohibition and the other conveys allowance (permission), then the report indicating prohibition is preferred to the report indicating allowance (permission) due to his (SAW) saying: *ITALICS* 'The lawful and the unlawful do not come together except that unlawful prevails over the lawful.' And his (SAW) saying: *ITALICS* 'Leave what you doubt for that which you do not doubt.'

Third : If one report conveys prohibition and the other conveys obligation, then the report indicating prohibition is preferred to the report indicating obligation. In most cases prohibition will repulse an evil and obligation will acquire interest. The repulsion of evil takes precedence over the acquisition of interests.

Fourth : If one report conveys obligation and the other conveys permission, then the report which indicates obligation is preferred to the report indicating allowance (permissibility). Since leaving an obligation entails committing Haram and leaving allowance (permissibility) does not entail anything. Therefore, avoiding sin is more important than avoiding something that does not entail anything, and the report indicating obligation is a decisive request while the report which indicates permission is either a request offering a choice or it is itself a choice.

The decisive request is preferred over other requests.

All these relate to the consideration of tarjeeh in the Sunnah. The consideration of tarjeeh in analogy (qiyas) is according to the evidence of the 'illah. So the Qiyas (analogy) for which reasoning ('illah) is established through definite text carries greater weight than the Qiyas for which reason has been established through indefinite text. This is because definite text will not imply other than the 'illah (reasoning), a matter which is different from a reasoning implied by indefinite text. The Qiyas whose 'illah is explicitly proven outweighs the Qiyas whose 'illah has been proven through indication or deduction or analogy. The Qiyas whose 'illah has been proven through indication outweighs the Qiyas whose 'illah has been proven through deduction or analogy. The Qiyas whose 'illah is proven through deduction outweighs the Qiyas whose 'illah is proven through analogy. Thus weighing up of the different categories of Qiyas is based on the 'illah and the evidence of the 'illah.

These, briefly, are the qualifications. Through them the stronger evidence is known and taken so as the Shar'ai rule is weighed up. This is possible in two cases: firstly, the muttabi' (follower) in his judgement of two evidences without possessing the ability to make a deduction (istinbat) due to the absence of exerting the effort in seeking the prevalent opinion; and secondly, the mujtahid when he is confronted with two evidences. In both cases, when there are two evidences, then one must be weighed up against the other. When one evidence is weighed up he is obliged to adopt the hukm whose evidence is stronger and act upon it, and leave the hukm whose evidence is proven to be weak.

Ash-Shura : The adoption of an opinion in Islam

The shura, or the adoption of an opinion can be undertaken by the Khalifah, ameer, or anyone who holds authority. It can also take place between spouses due to His (SWT) saying:

'If they both decide on weaning, by mutual consent, and after due consultation.' [2:233] As for putting forth an opinion to a person in authority, whether judge, leader and so on, this is clearly an issue performed by way of giving advice (nasihah). It is a legitimate order and is expressed to the leaders of the Muslims and the masses. As for the reference of a person in authority, whatever is his position, to seek opinion of the people, this is now a cause of confusion and ambiguity, especially now that the concepts of democracy are dominant and about to corrupt the mentality of the Muslims. Seeking of an opinion is what is termed in Islam as: 'Shura' and 'tashawur'. It is permitted to listen to an opinion expressed by Muslims and non-muslims, because the Messenger (SAW) once accepted the opinion included in the hilf al-fudul (fudul confederacy), where he stated: *ITALICS* 'If I were invited to it I would respond, for I do not like to break an agreement which is more appealing to me than the best camels,' even though this was an opinion of the Mushrikin. Referring back to the people to seek an opinion is for the Muslims alone, meaning only Muslims have the right to perform Shura (with them). This is because Allah (SWT) addressed the Messenger saying:

'And consult them in their affairs.' [3:159], meaning the Muslims. And He (SWT) says:

'And who conduct their affairs by mutual consultation.' [42:38], meaning the Muslims. This is because the first verse says in full:

'And by the Mercy of Allah (SWT), you dealt with them gently. And had you been severe and harsh-hearted, they would have broken away

from about you; so pass over (their faults), and ask (Allah (SWT)'s) Forgiveness for them; and consult them in their affairs.' [3:159] This consultation by the Messenger (SAW) is for the Muslims alone. The second verse in full says:

'And those who answer to the Call of their Lord and establish the prayer, and who conduct their affairs by mutual consultation.' [42:38] This can only be a description of the Muslims. The practise of shura between the Muslims is a matter that is well-known. It has been mentioned in the noble Qur'an and sacred hadith and in the sayings of the Muslims. It has been na that Abu Hurayra (R.A) said: 'I have not seen anyone making consultation more than Rasool Allah (SAW) with his companions.' It has been na also that al-Hasan (R>A) said: 'There is not a people who consult each other, except that they are guided to the best decision in their affairs.' So seeking an opinion which is tashawur or shura is proven in Qur'anic text and the words of the hadith. However, what many people do not know about Shura is in what issues an opinion can be sought, and what is the rule on this opinion; should it be adopted on the basis that this is the opinion held by the majority irrespective of whether it is right or wrong; Or, is it necessary to adopt the correct opinion irrespective of whether it is the opinion of the majority, minority, or the individual.'

To be able to answer these points, we must understand the reality of the opinion as it is and understand the detailed Shar'ai evidences mentioned about the adoption of opinions and apply these evidences on the reality of an opinion from a legislative viewpoint.

There are only four types of opinions that exist in the world today. Any opinion in the world can be one of, or classified under these four. The four types of opinions are:

1. The opinion is a Shar'ai rule, meaning a legislative opinion.
2. It is a definition of a certain issue, either a Shar'ai definition such as the definition of what a hukm shar'ai is, or the definition of reality, such

as the definition of the 'mind' , 'society' and other such things.

3. It is an opinion indicating thought in a subject or a thought in a technical matter understood by the relevant experts.

4. An opinion which indicates an action in order to undertake it.

These are the types of opinions existent in the world today, and this is their reality. So does shura cover all these opinions or only some of them ? Is the opinion of the majority preferred regardless of whether right or wrong or is the opinion preferred due to its correctness regardless of the opinion of the majority ? In order to arrive at an answer, we must examine the evidences mentioned in the Qur'an and hadith first. Then we apply these evidences on these opinions. As regards shura, the Qur'an indicates that shura covers all the different types of opinions, because the verse says:

'And who conduct their affair by mutual consultation.' [42:38] And says:

'And consult them in the affair.' [3:159] The speech here is general. So the word 'affair' means the affairs of the Muslims, as a general designation for all affairs, as is the word 'al-amr' (the affair). The definite article (alif lam) is generic to the class of affairs. The general thing remains general as long as there is no evidence to specify it, and this is the case here. Therefore, it remains general including every opinion. Adhering to an opinion which is sought in the Shura, i.e. adhering to the opinion of the majority regardless of being right or wrong, or preferring the opinion that is right giving no consideration to the majority. There are texts clearly indicating that the opinion of the majority should be adopted and complied with. There are also texts indicating that the opinion of the majority should not be adopted, giving the person in authority the right to carry out what he has decided, irrespective of the position of the majority. The Messenger (SAW) said to Abu Bakr and 'Umar: *ITALICS* 'If both of you agree on a mashurah, I will not go against it,' and he also complied with the opinion of the majority in Uhud. Allah (SWT) says to the Messenger (SAW):

'And consult them in the matter. Then when you have taken a decision, put your trust in Allah (SWT)' [3:159]

To arrive at an understanding of when it is binding to adopt the opinion of the majority and when it is not binding, we must first examine the evidences mentioned in the Qur'an and hadith and then apply these evidences on the currently existing opinions.

For those evidences mentioned in the Qur'an, there are two aayaat: the first is His (SWT) saying:

'And consult them in the matter.' [3:159] This is an order from Allah (SWT) to His Messenger (SAW) to refer to the Muslims to obtain their opinion. However, Allah (SWT) gave His Messenger (SAW) the right to choose the opinion. So He (SWT) said in completion of the same verse:

'then when you have taken a decision, put your trust in Allah (SWT)' [3:159] meaning after you have consulted and decided on a matter after consultation (shura), put your trust in Allah (SWT) and proceed in the most sensible and appropriate manner. He (SWT) also said: 'When you (individual) have decided a matter' ('azamta) and not when 'you (together) have decided a matter' ('azamtum). As for the second verse, His (SWT) saying:

'And who conduct their matter by mutual consultation.' [42:38] It is a commendation from Allah (SWT) for the Muslims, because they do not adopt an opinion on their own but consult each other about it. It encourages the practise of consultation (shura). The saying is also summed (mujmal). Thus, we need to refer to the Sunnah, in terms of the sayings and actions of the Messenger (SAW) for clarifying this summed meaning (mujmal).

By referring to the sayings and actions of the Messenger (SAW) we find that he (SAW) said to Abu Bakr and 'Umar: *ITALICS* 'If both of you agree on a mashurah, I will not go against it.' He

(SAW) is restricting himself not to go against what they have agreed upon, though he restricted their agreement to the mashurah. He (SAW) said: ITALICS 'If both of you agree on a mashurah...' The word 'mashurah' is a description which serves as a restriction and has an opposite meaning (mafhum mukhalafah), that means that if Abu Bakr and 'Umar agreed on anything other than mashurah it would not have been binding on the Messenger (SAW) to agree to it. Here the Messenger (SAW) demonstrated that the opinion of the majority should not be opposed, for they are two persons and he is one.

We also find on the occasion of the battle of Uhud, the Messenger (SAW) brought together the people of opinion from the Muslims and the hypocrites and they started to consult each other. The Prophet (SAW) took the opinion that they should remain in Madinah and fortify it against the Quraysh. The head of the Munafiqin (hypocrites) 'Abdullah b. Ubay b. Salul was of this opinion. This was also the opinion of the senior Sahabah. However, the zealous youth who had not witnessed Badr was for going out from Madinah and confronting the enemy on the battlefield. The majority then appeared to side with the youth. So Rasool Allah (SAW) yielded to their opinion and followed the opinion of the majority. The lesson of this incident indicates that he (SAW) agreed to the opinion of the majority and acted on it, and he left his own opinion and that of the senior Sahabah, because they were in the minority. The youth felt remorseful and said: 'We have forced Rasool Allah (SAW) to follow our opinion but we do not have that right'. They went to him (SAW) and said: 'We have compelled you but we do not have that right. If you wish you may remain (in Madinah). May Allah (SWT) bless you.' The Prophet (SAW) refused their request to go back to his opinion and that of the senior companions and he insisted on complying with the opinion of the majority.

Also see during the campaign of Badr that he complied with the correct opinion and he was satisfied with this single opinion when he found it to be true. When Rasool Allah (SAW) and the Muslims with him stopped at the nearest spring

of Badr, al-Hubab b. al-Munzir did not like that place. He said to the Prophet (SAW): ITALICS 'O Rasool Allah. Has Allah (SWT) inspired you to choose this spot in which we have no say, or is it an opinion concerning war and strategy?' The Prophet (SAW) replied: 'It is a matter of opinion on war and strategy'. So he said: 'O Rasool Allah. This is not a good spot', and pointed to another place. The Prophet (SAW) and those with him lost no time in following the opinion of al-Hubab. In this hadith the Prophet (SAW) left his own opinion and he did not refer to the majority opinion but followed what he felt to be the correct opinion. He was content to adopt it from one person about a matter, the Messenger (SAW) himself had described as: 'a matter of opinion, war and strategy.'

In the expedition to Hdaybiyah, we find the Messenger (SAW) held to his opinion single-handedly and rejected the opinion of Abu Bakr, 'Umar. He rejected the dominant opinion of the Muslims and forced them to accept his opinion despite their anger and grievances. He told them: ITALICS 'I am Rasool Allah (SAW). I will not disobey Him and He is my Helper.'

From these four hadiths we find that the Messenger (SAW) held onto his opinion alone and rejected all other opinions. We also find him adopting the opinion of an individual when finding it to be correct, whilst leaving his own opinion, and not referring to the opinion of the people. We also see that he complied with the majority opinion and made a statement indicating that the opinion of the majority had to be referred to and accepted and not opposed. If we scrutinise these hadiths and the context in which they came, we will see that the Prophet (SAW) referred to the Shar'ai evidence, the wahy (revelation), in the journey to Hdaybiyah, that he accepted the correct opinion in the battle of Badr but accepted the majority opinion in Uhud, and in not opposing Abu Bakr and 'Umar. The action and saying of Rasool Allah (SAW) highlight three situations: The first is referring to the strength of the evidence as the one who has deduced it perceives the matter and not how the people perceive it. The second is accepting what is correct irrespective of the majority, and not

even giving the majority opinion any consideration. The third is accepting the majority opinion regardless of whether or not it is proven to be right.

Application of these three rules, deduced from the actions and sayings of the Prophet (SAW), upon the reality of the current opinions will lead to:-

Firstly; The Shar'ai rule is weighed up only on the criterion of the strength of evidence. The Messenger (SAW) only weighed up what was sent down by revelation and rejected everything else. We find he said: ITALICS 'I am Rasool Allah (SAW). I will not disobey Him and He is my Helper.' The Shar'ai evidence is the Kitab and Sunnah alone and whatever the Kitab and Sunnah indicate as an evidence, for they are the only evidences, because it is on it that the order or prohibition of Allah (SWT) applies. The strength of evidence is not what people perceive or what they understand it to be, but it is only according to the one who has deduced it, even if he used his own methods and definitions, provided he depends on a probable evidence (shubhat al-daleel). How the strength of evidence is perceived differs from people to people due to their differing perceptions of the shar'ai evidence itself and the way in which they understand the Arabic language and the Shar'a. The strength of evidence is not only the authenticity of the hadith. The strength of the evidence, whether from Kitab or Sunnah, is in terms of meaning (dirayah), narration (riwayah), understanding (fahm) and consideration (i'tibar), and all Muslims are in agreement on this.

Secondly: The opinion which indicates a particular thought about a subject, is weighed up from the perspective of what is right. For example, the issue of revival. Will it be realised through intellectual progression or economic advance? Is the current international situation in favour of this state or that state? Is the domestic and international situation of the state favourable for the undertaking of certain political or military actions or not? In all of these examples, what is referred to must be the correct opinion, because whatever category they may be, they fall under

the saying of the Messenger (SAW): ITALICS 'It is a matter of opinion, war and strategy.' The correct opinion is referred to just as the Prophet (SAW) referred to the opinion of al-Hubab b. al-Munzir. Al-Hubab was familiar with that place and the strategy, so the Prophet (SAW) referred to his experience. Therefore, in technical matters, reference should be made to the correct opinion which must then be adopted.

Thirdly: The opinion which leads to the performance of an action, the opinion of the majority is adopted. The Messenger (SAW) complied with the majority opinion in Uhud and he went outside of Madinah even though it was against his own opinion. The senior companions took an opposing view because they supported the Prophet's viewpoint that the Muslims remain in Madinah. Despite this, the Prophet (SAW) adopted and acted according to the majority to go outside Madinah. So this action of Rasool Allah (SAW) clarifies the meaning of his statement to Abu Bakr (R.A) and 'Umar (R.A): ITALICS 'If both of you agree on a mashurah, I will not go against it.' In this, the opinion is of the same category as in the example of Uhud i.e. an opinion leading to the performance of an action. In any such opinion, for undertaking of an action the majority opinion is accepted and acted upon, for example electing a leader, dismissal of a governor (wali), deciding on a project and so on. It is vital that the majority opinion is adopted and that it becomes binding irrespective of whether it was right or wrong.

Due to application of evidences on the reality of opinions in the world, it becomes clear that the binding opinion, meaning the majority opinion is of the same category as in the case of Uhud. It falls under the 'al-mashurah' mentioned in his (SAW) saying: ITALICS 'If both of you agree on a mashurah...!' It is the opinion which leads to performing an action. Anything outside of this is not binding and therefore it is not obligatory to act upon it based on the viewpoint of the majority. The binding opinion is restricted to a particular action that needs to be performed, meaning the opinion that studies the action in order to undertake it. It also becomes clear that for the adoption of the Shar'ai rule and the

opinion which leads to a thought or a technical issue, no attention is given to the majority opinion. For the Shar'ai rule, only the strength of evidence is taken into account. For the opinion on a technical issue only the correct opinion is accepted.

In both these situations, the majority opinion is not binding because it does not fall under 'mashurah', (meaning the incident of Uhud does not apply to it). However, the question of definition does apply to the opinion which indicates a thought on a technical issue, for the study of the hukm shar'ai to define it, and the study of the mind to define it, is study of a tangible issue to derive an understanding of its reality or nature. When it agrees with reality then this is what is preferred and accepted. In defining anything what is accepted is the correct opinion. In this issue the shar'ai rule is not sought and no importance is attached to the opinion of the majority. There is no difference between the shar'ai definition and the definition of any other thing. So the definition should be comprehensive (jami') including all individuals of the object defined, and nothing is excluded, and it should prevent inclusion of any individual that does not fall within the meaning of the definition. This definition is accepted over other definitions as the correct opinion, because it agrees with the reality of the object being defined and gives true description of this reality.

This is the hukm of shura in Islam. It is clear from the texts of Qur'an and hadith, and has been elaborately described in the actions of Rasool Allah (SAW). In gaining a precise understanding, someone may become confused when discussing the reality of opinions, about the difference between an opinion through which thought is reached and the opinion through which one decides to perform an action. The question of the difference between the incident at Badr and the incident of Uhud may be confusing when applying them on the opinions dominant in the world. When discussing the reality of opinions it could be said there is no difference between the opinion which leads to an action and the opinion which leads to a thought. In the end, all of them relate to an action, so

from where does this difference arise? The answer to this question is that there is a difference, but it is a subtle one. With respect to the opinion which leads to generation of thought, the subject matter alone is discussed and the action is not considered at all. The intention of such discussion is to generate thought and ideas on a subject matter being studied without the need to look at actions that may arise from such thoughts and ideas. For example, the Muslims going out to fight in the riddah wars, this was discussed by Abu Bakr in the sense that a faction under his rule had rebelled against the implementation of the Ahkam Shar'aiyyah (laws of the Shar'a). 'Umar discussed it in the sense that this war would constitute fighting a strong faction challenging the State and that the State might be unable to fight them. Thus, Abu Bakr said: 'By Allah (SWT) ! If they withhold from me the cord of a camel which they used to give to Rasool Allah (SAW) I will fight them!' When the issue became clear to him 'Umar had no choice but to retract from his opinion and follow the correct opinion, the opinion of Abu Bakr. The reality was that a faction living under the Islamic State had rebelled and not that a large powerful faction was challenging the state. The real discussion was not about going out to war or not going out to war as was the case in Uhud. It was about whether refusal of the bedouin tribes to pay Zakah after the death of the Messenger (SAW), and their challenge to the State constituted rebellion against Ahkam of Shar'a or a challenge to the State by a large faction. It was a discussion about an opinion which would lead to a thought or opinion, and for which reference could only be the correct opinion. The correct opinion is that a faction under the rule of the Islamic State had rebelled against the implementation of the Shar'a rules. Mu'awiyah's request for that the Qur'an be used for arbitration (tahkeem) between him and sayyidina 'Ali by raising the mushafs was a true arbitration of the Qur'an or just a ploy against sayyidina 'Ali? 'Ali (R.A) saw it as a ploy and many people with him viewed it as arbitration based on the Qur'an. So, the issue at hand must be studied in order to arrive at the true significance of raising the mashafs (scripts) thus providing an opinion that leads to a thought. So

the correct opinion is accepted which is that it was a ploy against sayyidina 'Ali. For example, does the increase in the number of rulers weaken a state or strengthen it? As the number of rulers becomes less, does the state become stronger or weaker? Or whenever the numbers of rulers increase does the state become stronger? Does a Cabinet of Ministers in a democratic system become stronger whenever its numbers decrease or it becomes weaker whenever its number increases, or is it the opposite? Does the state in the Islamic system become stronger whenever the number of the khalifah's assistants (mu'awwinin) decrease or it becomes weaker when their number increases, or is it the opposite? This issue is studied in order to arrive at the true reality, meaning it is an opinion which leads to a thought, and in this matter the correct opinion is accredited and taken. In such question, whenever the number of rulers increases the State becomes weaker and whenever their number decreases the State becomes stronger.

These are but three examples of the opinion which leads to a thought. It is clear that the area of discussion is the subject and not the action, even though it finally leads to performance of actions. The discussion is not dependent on performing an action but on a thought which when it becomes clear will entail the performance of, or abstention from an action or alternatively, undertaking an action in a manner required by the thought which has been discussed. The discussion is for the purpose of arriving at an opinion in a subject, i.e. generating thoughts and ideas. When a thought is reached after discussion or study, a decision will then be made on the subject of the action. This opinion which is studied will not lead directly to an action, but to a thought. This thought may entail the undertaking of an action or it may not. As such it is an opinion which leads to a thought. As for the opinion which leads to an action, the performing of an action is discussed irrespective of whatever subject is entailed by this action. The area of discussion is the undertaking of an action and not the subject matter itself. The purpose of discussion is to determine whether or not an action should be performed or abstained

from. The purpose is not to discuss any subject matter. So when it is intended to elect a Khalifah and give Bay'ah to him the subject matter of the Khalifah is not discussed. For example, is this action obligatory (fard) or preferable (mandub)? Nor is it the discussion should we elect a president (of a republic) or a khalifah? What must be discussed is: should such a person be elected and given Bay'ah or should a different person be elected and given Bay'ah? When the state's action of taking out a loan is discussed, the discussion should not be the issue of whether or not it is allowed to take the loan, but whether the loan is required or not. And when the opening of a certain road is discussed, it should not be discussed whether or not it is allowed to open this road because another road is already there, but whether the road should be opened or not. In each case the action itself is discussed not in terms of whether it is allowed or not but whether or not it should be performed. The subject matter of this action is not discussed. The discussion of any subject matter is an opinion which leads to a thought, but the subject is not the area of discussion. The subject under the area of discussion is whether to perform an action, so what is considered is a discussion regarding an opinion which leads to an action, so the opinion will be put forward in order to perform an action immediately. For example, when Abu Bakr consulted the Muslims with regards to who should be khalifah after him, it was a discussion about the election of a khalifah and not about the issue of Khalifah. It was a discussion about an opinion which leads to an action. When the agreement on arbitration (tahkeem) between Mu'awiyah and sayyidina 'Ali was finalised, a discussion took place about selecting an arbiter (hakam) on the side of 'Ali (r.a.). 'Ali (r.a.) chose 'Abdullah b. 'Abbas (r.a.) but most of the people with him chose Abu Musa al-Ash'ari. This discussion was about who should be the arbiter (hakam) and not an the issue of accepting arbitration. Again it was a discussion about an opinion which leads to an action. For example, the Muslim population take the view they should establish heavy industry to manufacture all the plants and machinery required in order to fulfil all conditions necessary for the state to carry the Message (of Islam) but

the officials take the view they should establish efficient water supplies and encourage to improve the situation of the farmers. The discussion is about whether to pursue heavy industry or undertake the construction of an efficient irrigation system. The discussion is not about whether the State should carry the Message (of Islam) or not. Once again the discussion is about an opinion which leads to an action.

In these three examples it is clear that the area of discussion is the action and not the subject matter. Though these actions result from subject matter, but the discussion was not focused on the subject matter, but rather on performing the action. Thus discussion is about the action and not about the opinion.

It can be seen there is a difference between the opinion that leads to a thought and the opinion that leads to an action, thus this difference is subtle and requires contemplation and close examination. This discussion relates to the confusion that can occur with respect to the difference between an opinion that leads to a thought and the opinion that leads to an action. As for the confusion that may occur with regards to the difference between the incident at Badr and the incident of Uhud, it could be claimed that there is no difference between either incident. Why should the incident of Badr be considered as an opinion that leads to a thought and the incident of Uhud be considered as an opinion that leads to an action when both involve going into battle? The answer is there is clear distinction between the two incidents, as the reality of the incident of Badr is different to that of Uhud. The issue at Uhud was: Should the Muslims go out to fight or remain in Madinah? It was all to do with zeal and cautiousness and not a discussion about war tactics and strategy. Therefore, we find the Prophet (SAW) had organised the army in a strategic position on the mountain of Uhud, where he assumed the task of organising them himself, and he made the archers wait in the rear guard, ordered them not to leave their posts nor attack the enemy. For this action he did not refer to the opinion of the people. At Badr the issue was purely arranging

the army in a strategic position. So for this action Rasool Allah (SAW) referred to the correct opinion of an expert. Another view is that the evidence for this is not just the actions of the Messenger (SAW) but it is his action and his saying as well. So the Messenger's (SAW) saying, *ITALICS* 'It is a matter of opinion, war and strategy,' is also an evidence.

One issue still remains; who is the one to expound what is right and his opinion is considered the stronger? It has been explained that in the Ahkam Shar'aiyyah, strength of the evidence is preferred, and in the opinion that leads to performance of an action, the majority viewpoint is weighed up. In the opinion which leads to a thought, or technical issues and questions of definition, the correct and valid opinion is weighed up. It remains for us to identify who expounds the right opinion and whose opinion will be weighed up. The one who weighs up the correct opinion is the one who has jurisdiction over the matter in question. He is the one who leads the people, since he is the one who assumes the task of consulting the people. When the community consults each other, it does this to reach an opinion so as to proceed according to it. To follow this opinion as a community, it is necessary to have a leader over them, so only he will have the authority over the matter for which the consultation took place. The one to weigh up the correct opinion should be the leader and only him. The evidence for this is the verse which states:

'And consult them in the matter. Then when you have taken a decision, put your trust in Allah (SWT)' [3:159] So the shura was performed by the Messenger (SAW) and he was the leader of the Muslims. Allah (SWT) gave him the right to decide and to implement his decision after the consultation, i.e. what he considers is correct. So he was the one who weighed up the matter and decided what was correct. It is the same situation for any leader, since this is not unique to the Messenger (SAW) but of general application to all Muslims. The speech to the Messenger (SAW) is a speech to his Ummah as long as there is no evidence to restrict it to him. Here there is no evidence that restricts this verse

to the Messenger (SAW). So it is general ('Aamm).

When the community does not have a leader and it wishes to select someone who will have the authority and right to weigh up the correct opinion, the community should choose a single person alone so that he will have the right to make the correct opinion. The community is not allowed to choose more than one person, because weighing up and taking the correct opinion can only take place through one person. Yes, the majority of the people might state the correct opinion and the correct opinion might lie with two persons as opposed to one. But the issue is not the possibility of with whom the correct opinion lies but rather who will weigh up the correct opinion. For example, should it be one person or two? That cannot be for the majority, because in this matter following the majority (opinion) is contrary to adopting the correct opinion. They are two opposing thoughts. The majority opinion is adhered to irrespective of whether it is correct or not, and the correct opinion is acted upon irrespective of the majority approval.

The fact that only one person and no more should weigh up the correct opinion is an obligatory matter for many reasons:-

Firstly: The reality of the validity (of an opinion) means that there should be only one person to weigh up (the opinions), for if weighing up is left to two, or more persons they will only disagree, and this disagreement of theirs will lead to need for arbitration (tahkeem). If they appoint two people as arbiters they will only disagree so the judgement will have to go to one of them, thus the right to judge will have to be referred to only one person. If they appoint three arbitrators, disagreement is inevitable. Then the judgement will be given either to one or two persons. If they refer to two persons then they would have referred to the majority opinion, when what is required is referral to the correct opinion. Therefore, it becomes necessary to refer to one person. It is thus imperative that from the outset the right to make the judgement is given to only one person. Any disagreement that occurs

between two or three persons will also occur between greater numbers of people. So more than one person should not be given the right to pass judgment, because when this happens the judgement goes to the majority and not to what is right. What is intended is arbitration to the correct opinion and not to the majority.

Secondly: In principle, the right of weighing up the correct opinion is only for the one in authority and he can only be one person, namely the Ameer. If he is implementing the thing for which consultation takes place then he can only be one person, as two or more persons will inevitably disagree about styles of implementation and their disagreement will obstruct the implementation. Therefore, the person in authority should only be one and consequently the one who weighs up and decides the correct opinion should be one person.

Thirdly: For the Muslims, the post of the Khalifah is the most important issue. The Islamic Shar'a has granted the Khalifah sole authority to weigh up one rule against another in the adoption of rules. It has also given him the right to be alone in his adoption based on strength of evidence, and it has given him the sole right to weigh up the correct opinion. He has the sole right to declare war, contract a treaty, define relationships with the Kafir nations and anything else that comes under the authority of the Khalifah. Looking after the affairs of the people has been made subject only to his opinion, based on what he sees as being correct to undertake. The Ijma'a us-Sahabah confirms this. The opinion of the Khalifah is the opinion of one person only. So by greater reason, for things of lesser importance than the work of the Khalifah, the correct opinion should be weighed up and made by a single person.

In summary, this is the issue of shura (consultation) and tashawur (mutual consultation), the adoption of opinions and the rule of the Shar'a concerning them. This rule is completely different to the rule of democracy. The rule of Allah (SWT) on this issue is the only correct one, and any rule that comes from democracy is false and cannot be accepted.

Science and Culture

In Arabic, it is said: 'alima ar-rujulu 'ilmun, meaning the true reality of knowledge occurred to him; and 'alima ashaya', meaning he knew it; a'alamahu 'al-amr wa bil-amr, meaning informed him of it. It is also said in the Arabic language: thaqifa thaqafatun, to mean he has become proficient so he is thaqif and thaqeef. While thaqefa al-kalam thaqqafatun, to mean he has studied it and mastered it swiftly. These linguistic meanings are the criteria for using words. However these words may be coined to indicate other meanings related to the linguistic meaning such as the technical use of the word fa'il (subject) in grammar. The determinant factor used to be the linguistic meaning, and that is why the ancients used to apply the word 'ilm on all forms of knowledge without differentiating between the sciences and disciplines. Then people began to consider intellectual and natural disciplines as being general to all peoples whilst other traditional disciplines were considered specific to the nation from which they had originated. Subsequently, science ('ilm) and culture (thaqafah) began to be defined according to specific disciplines, having technical meanings different to their linguistic meanings. According to this terminology: science ('ilm) is knowledge acquired through observation, experimentation and deduction, such as physics, chemistry and the other empirical sciences. Culture (thaqafah) is the knowledge acquired by way of transmission, learning and deduction such as the study of history, languages, jurisprudence (fiqh), philosophy and other non-empirical disciplines. And various non-empirical disciplines are included as sciences ('ilm), even though they fall within the realms of culture, such as arithmetic, engineering and industry. Although they come under culture (thaqafah), they are regarded as part of the field of science, because they are universal to all peoples and not specific to any one nation. Also regarded as part of science is anything from culture relating to professions that relate to industry, such as trade and shipping, so these are considered as a part of science and are

universal. As regards the arts of painting, sculpture and music they are a part of culture, because they follow or relate to a specific culture. The difference between culture and science is that science is universal to all nations and does not relate to any one nation to the exclusion of other nations. Culture might be specific as being ascribed to the nation from which it originates, or it may be part of a set of characteristics unique to a particular nation, for example literature, the biographies of heroes, their philosophy concerning life and so on. Culture may be universal such as trade and shipping, but here it will be referred to as science, because these subjects are universal to all nations and people. Therefore, science is adopted from all nations, because it is not specific to any one nation. In regards to culture, the nation should study first her own culture and when she has studied it and it has become crystallised in the minds of her people, then she can study other cultures.

The Muslims would differentiate between the sciences which a person would attain by himself and the sciences he used to acquire from others. Ibn Khaldun says in his *al-Muqaddimah*: 'The sciences are of two types: a natural type for man to arrive at through his own thinking, and a textual type which he takes from the one who originated it. The first type is the rational and philosophical sciences which he can seek through his own thought; and by his faculties he discovers its subjects and issues, the forms of their proofs and the aspects of their teaching, so as through discernment and study, he identifies the correct (opinion) from the incorrect in his capacity as a human being possessing the faculty of thought. The second is the textual and traditional sciences ('ulum naqliyya wad'iyyah), which depend on the report coming from a shar'ai source. In this type the mind has no scope except to link the peripheral issues to the usul (foundation).' He also said 'The rational or natural sciences are common to all nations since man arrives at them through the natural disposition of his thought. The textual sciences are specific to the Muslim religion (millah islamiyyah) and its followers.' It appears that what Ibn Khaldun meant by specifying the textual sciences with the Islamic millah was only

as an example, since nations other than the Islamic nation have textual sciences specific to them such as their legislation and language. Ibn Khaldun's statement does not indicate that he distinguished between science and culture. It only indicates that he distinguished between textual and rational sciences. His comments are not evidence to say that the Muslims used to differentiate between science and culture. Rather, they are used to prove that the Muslims would distinguish in abstract fashion, between different disciplines, and their division was in terms of their abstract acquisition and not in terms of the manner of acquisition. They considered them rational sciences acquired via the mind, and textual sciences acquired from the text. Today, people differentiate between disciplines in terms of the manner of their acquisition. Thus, they apply the term 'science' ('ilm) on anything acquired through experimental techniques and the term 'culture' (thaqafah) on anything acquired by any other method.

The Islamic Culture

The Islamic culture is the disciplines whose study is occasioned by the Islamic 'Aqeedah. This is whether these disciplines included the Islamic 'Aqeedah and related to its study such as theology ('ilm al-Tawheed), or built on the Islamic 'Aqeedah such as fiqh (jurisprudence), tafseer and hadith, or required for the comprehension of rules emanating from the Islamic 'Aqeedah such as the sciences of the Arabic language, the terminological classification of hadith (mustalah al-hadith) and science of the foundations of jurisprudence ('ilm ul-usul).

All Islamic culture is referable to the Kitab and Sunnah, and it is through study and comprehension of these sources that all branches of the Islamic culture have been acquired. The Kitab and Sunnah also form part of the Islamic culture, because the 'Aqeedah obliges their adoption and adherence to whatever has been mentioned in them. The Qur'an has been revealed to the Messenger (SAW) so that he may clarify it to the people. Allah (SWT) said:

'And we have sent down unto you (Muhammad [SAW]) the reminder (Thikr) that you may clearly explain to men what was sent down to them.' [16:44] And He ordered the Muslims to take whatever the Messenger (SAW) brought. He (SWT) said:

'And whatsoever the Messenger (SAW) gave you, take it, and whatsoever he forbade you, abstain (from it).' [59:7] Adopting whatever the Messenger (SAW) has brought is not possible without first learning and comprehending it. Many different disciplines required to understanding the Kitab and Sunnah were studied and emerged on this basis. The Islamic culture came to adopt a specific meaning which included : the Kitab, Sunnah, Arabic language, declension (sarf), grammar, rhetoric (balaghah), tafseer, hadith, classification of hadith, foundations of jurisprudence (usul), tawheed (theology) and other disciplines from the Islamic culture.

The Method of Study in Islam

The Islamic culture has a method of study, and this method is summarised in three issues :

Firstly: The Muslim must study things deeply until he correctly comprehends their true state. This culture is conceptually profound and its study requires patience and forbearance. Culturing oneself is an intellectual process that requires a mental exertion to comprehend it, because the matter requires the comprehension of its sentences, realisation of its reality and linking the reality with information through which this reality is understood. That is why it is essential to acquire this culture intellectually. For example, the Muslim is obliged to adopt his creed through ration and not by unquestioning submission. The study of whatever relates to the basis of the creed requires an intellectual process during the (process of) study. The Shar'ai rules have been addressed in the Qur'an and hadith, so, to deduce the Shar'ai rules the use of the intellectual process is vital. Through this process the problem, the relevant text and its application on the problem can be understood. This intellectual process is indispensable. Even the layman, who adopts the hukm without knowledge of its evidence, needs to understand the problem, and understand the hukm brought to solve the problem, to ensure he does not adopt an entirely different hukm which relates to a different problem. To culture oneself with the Islamic culture, whether he is mujtahid or layman, the Muslim receives and processes the culture intellectually. This is not possible except through the intellectual process and by utmost effort in study.

Secondly: The student should believe in what he studies so that he acts upon it, meaning he definitely believes in the facts he is studying beyond any doubt, if they relate to the 'Aqeedah. He should have least amount of doubt that they agree with the reality, if they are not creedal issues such as rules and morals. All these matters must be founded on a criterion he believes in and accepts definitely without any doubt. Whatever the case, belief in what the student adopts from

what he studies is a condition, thus meaning he must believe in the origin of what he adopts and the subject matter he adopts on. The adoption of culture in any other way is not permitted. It is through making belief the basis of adopting the Islamic culture that this culture was established on an elevated and distinguished manner. This, it is deep and at the same time stimulating and effective, giving the student a blazing vitality and igniting a fire that removes corruption and a light that illuminates the path of reform (salah). The definite belief in these thoughts makes the inevitable linkage, that occurs naturally within man between his reality and the concepts he has about the objects, linked with these thoughts in their capacity as meanings about life. Thus he moves with eagerness and zeal towards action, generating this extraordinary effect of the culture on human minds; for they (thoughts) provoke the emotions towards the reality included by the thought. This is because the belief in these thoughts constitutes linking of the emotions to their concepts, thus generating plunging (in the action).

Thirdly: The student should study the thoughts in a practical way that aims at treating the tangible perceptible reality, and not a study based on theoretical suppositions, so that he describes matters as they are in their true form, to treat and change them. He should take existing facts about man, life and universe which he can sense, and study them and provide a judgement regarding them, until he can determine his position towards them in terms of whether to take them, leave them or have the choice of taking or leaving them. Islam does not allow people to follow theoretical assumptions. For example: If people live on mars how can they fast the month of Ramadhan there, when there is no moon there for the month of Ramadhan to exist! Only the person on earth is made the subject of the speech of the Legislator (khitab), and he must witness the month of Ramadhan and he must fast that month. However, the cloud might prevent the people from seeing the moon, so the Shar'a passes a judgement for this event when it occurs. Hence, the Messenger (SAW) said: *ITALICS* 'When you see the crescent (of the month of Ramadhan), start fasting, and when

you see the crescent (of the month of Shawwal), stop fasting; and if the sky is overcast (and you can't see it) then regard the crescent (month) of Ramadhan (as of 30 days).' Therefore, it is stipulated that in adopting the culture it must be real and not fanciful or theoretical. It should be studied in order to act upon it when its reality occurs in the Muslim's life, and not for the purpose of knowing its beauty or for the sake of mere intellectual gratification.

This is the method of Islam for study: an indepth study and belief in what results from the study , or in what is being studied, and to adopt this practically so as to apply it in the realm of life. If the conditions of the method of study are met, then the Muslim, who is cultured with the Islamic culture according to this method, will have deep thinking, sensitive and be able to solve life's problems. This ensures the Muslim will naturally follow the path of perfection with free will and he cannot deviate from this as long as he proceeds according to this method. This is because the Islamic thoughts he has adopted from this culture are stimulating, effective, based on reality and offer true and successful solutions for problems. In addition to instilling zeal within the one cultured by it, it gives the Muslim an extraordinary ability to confront all life's problems with solutions however great or small, easy or difficult they may be. Thus, the mentality ('aqliyyah) that develops within him will only be contented when the mind is convinced and the heart is filled with tranquillity. At the same time, the Islamic disposition (nafsiyyah) that is formed within him will be filled with a belief that is consummate. Through this mentality ('aqliyyah) and disposition (nafsiyyah) the person holds excellent qualities which Islam demands of the Muslim. Through this mentality ('aqliyyah) and disposition (nafsiyyah) he overcomes all the difficulties that stand in his way. This is due to what we see in the nature of the Islamic culture in terms of deep and enlightened thought and due to such thoughts being based on the 'Aqeedah which represents man's comprehension of his relationship with Allah (SAT). So, the Islamic culture is either from Allah (SWT) or deduced from that which was revealed by Allah (SWT) in terms of the Kitab and Sunnah. It has

an intellectual aspect in the form of thought, and at the same time it has a spiritual (ruhi) aspect in recognising the relationship with Allah (SWT) when it is adopted as something that has come from Allah (SWT). It thus ensures anyone cultured by it to have deep and enlightened thought, and filled with a burning and fiery enthusiasm. He sells himself to Allah (SWT) in the path of Islam, seeking the Pleasure of Allah (SWT). Also, you will find that the one cultured by the Islamic culture knows what he wants and knows how to solve the problems of life, because he has learnt the facts with which he faces the battlefield of life. Thus, he plunges into the trials and tribulations of life equipped with the best provision, that is the enlightened thought, taqwa (fear of Allah (SWT)), and the knowledge to solve all problems. This is the culture which brings together all that is good.

Acquisition of Culture and Sciences

Encouraging the study of Islamic culture does not mean restricting the Muslims to its study alone. Islamic culture should be made the basis for culturing, teaching, and the criterion for the permissibility of studying other cultures and sciences. The Muslim has the right to learn whatever he wants from the cultures and the sciences that appeal to him. However, the Islamic personality (shakhsiyyah islamiyyah) must be the basic premise around which the acquisition of any culture revolves. The Muslims endeavoured to teach their sons and daughters the Islamic culture first, and only after they were assured that this culture was consolidated in their minds did they open the doors to the study of other cultures. This method of learning keeps the Islamic personality only Islamic, having specific attributes which distinguish it from all other human personalities.

It is required, when taking from non-Islamic cultures, nothing should be taken until it is satisfied that the Islamic culture has been consolidated and has become entrenched in the mind of the Muslims. This is not a requirement for the study of science, because sciences are universal in nature and have no bearing on the Islamic culture. Muslims must make the greatest effort in the course of learning sciences, since they are of the means of life. It should be noted however, with regards to the teaching of sciences, their results should concur with the viewpoint of Islam so that they strengthen the 'Aqeedah and don't shake people's conviction in it. When a scientific theory or law contradicts the text of the Qur'an which is definite in meaning and authenticity, then this theory is not taken and nor is included in the education curriculum, since it is speculative (zanni) and the Qur'anic text definite (qat'i). For example, the theory of Darwin regarding the origin of human beings contradicts the text of the Qur'an with respect to the creation of Adam (A.S). Therefore, this theory is rejected because it contradicts the Qur'an. Though Islam did not make the Qur'an a basis of acquiring scientific knowledge,

however it must be noted that these sciences should not contradict the Islamic 'Aqeedah.

The Islamic 'Aqeedah must be completely adhered to when acquiring the cultures and sciences, by making the Islamic personality the basis for acquiring any culture, and making sure that the sciences do not contradict the Islamic personality when acquiring scientific knowledge. This adherence will maintain the presence of the Islamic personality in the Muslims, make the Islamic culture effect other cultures and ensure its progression as an Islamic culture unique from all other cultures of the world. When this adherence disappears and the Muslims become negligent on this issue they will acquire other cultures on a basis other than Islam; and when they study the sciences without giving heed to the Islamic 'Aqeedah, then this will lead to presence of danger to the Islamic personality, rather on the whole Muslim Ummah when this goes on for a long period and continues for a generation or more.

The Cultural Movement

The Muslims conquered lands in order to carry the Islamic da'wah to the peoples of those lands. The nature of carrying the Islamic Call necessitates the presence of a cultural movement, since Islam is a message requiring thorough study, research and reading, and its very nature necessitates that it be studied and understood. It requires one who has conviction in it to study anything that has an effect on elevating the standard of life. Thus, many of those people who conquered the lands were scholars (ulema), proficient in the recitation of the Qur'an (qari'een), and writers (katiboon). They accompanied the Muslims so as to teach in the newly conquered lands. Thus, in every conquered land a mosque would be built for prayer and for the purpose of teaching men, women and children. The Ulema were the ones who assumed the responsibility of teaching Qur'an to the people, together with the hadith and the ahkam (rules). They also assumed the responsibility of spreading Islam. Thus, the cultural movement aimed at teaching and spreading Islam, so it was an Islamic one; it however included historical, linguistic and literary aspects.

The position of Muslims with regards to non-Islamic cultures

The Muslims conquered Persia, Iraq, the Sham region, Egypt, north Africa and Spain. These countries had different languages, nationalities, cultural norms, laws and traditions. They also had different cultures. When the Muslims entered these lands they carried the Islamic da'wah to them and applied the system of Islam on them. However, they did not coerce the people to Islam, but the people became Muslims through the strength and truthfulness of the Islamic ideology, and the simplicity of its creed and its agreement with (man's) nature (fitrah). So they entered into Islam in crowds. In addition, the understanding of Islam was easily accessible to all, the Ulema accompanied the armies in the campaigns to the newly conquered countries to teach the people the deen of Islam. A strong Islamic cultural movement thus took form in the conquered lands. This had a big effect on people's understanding of the reality of Islam and its culture. Islam affected the thoughts and the cultures present in the conquered lands. All the mentalities became fused together into one Islamic mentality ('aqliyyah islamiyyah).

Although Islam assumes the role of the universal intellectual leadership and works to save mankind, it does not however impose itself on the people by force, even though it does prepare the force to protect its da'wah and to carry it to the people. Likewise, it prepares the minds and intellects of people with the Islamic culture so they can comprehend the truth of Islam. Thus, its attitude with people regarding its culture was decisive. The Muslims understood this when they emerged from the Arabian peninsula to spread Islam through conquest. They entered these lands and carried Islam to them : they carried to them the Qur'an, the Sunnah of the Prophet and the Arabic language. They used to teach the people the Qur'an, hadith, the rules of the deen and also the Arabic language. They restricted their attention to the Islamic culture. That is why, within a short period of their rule over these

countries, the former culture of the conquered countries dissipated and eventually disappeared. The Islamic culture became the sole culture of the land, and the Arabic language became the sole language of Islam. It was the only language used by the state. Therefore, the culture of the Islamic lands, despite the disparity in its peoples and languages became one Islamic culture. After the sons of Persia had a culture different to that of the sons of ash-Sham, and the sons of Africa had a different culture to that of the sons of Iraq, and the culture of the sons of Yemen was different to that of the sons of Egypt, the mentality of all of them became one Islamic mentality, and their culture became one Islamic culture. The conquered lands along with the lands of the Arabs became one Islamic State with no borders between them. These different peoples fused into one Islamic Ummah after having being different and scattered peoples.

The orientalist's false proposition and some Muslim scholars themselves have fallen prey to this, when they claim that foreign cultures such as the Persian, Roman, Greek and Hindu cultures had an effect on the Islamic culture. Their false argument claims that many of these foreign cultures penetrated the Islamic culture. The reality is that the Islamic culture entered the conquered lands, and affected the indigenous culture to the extent that these cultures generally ceased to exist. The Islamic culture generally replaced these cultures in their capacity as the original culture and it became the sole culture of the country.

The suspicion that the Islamic culture was effected by non-Islamic cultures comes from the deliberate distortion undertaken by the non-Muslims with respect to changing the meanings of things, and also due to shortsightedness of some researchers. Indeed the Islamic culture did benefit from and make use of various foreign cultures. It used them as means for its own productivity and growth. However, this does not constitute effect (ta'aththur) but rather deriving of benefit (intifa'a) from them. This happens in every culture.

The difference between being effected by and deriving benefit from something is : that being effected by the culture is to study it, adopt the thoughts that it contains and then incorporate them into the thoughts of your own culture, due to a semblance of similarity between them or the appreciation of these thoughts. Being effected by a culture leads to believing in its thoughts. If the Muslims were effected by foreign culture at the beginning of their conquests then they would have translated and incorporated Roman Law into the Islamic Law and accepted it as part of Islam. They would have also made Greek philosophy part of their beliefs, and in their lives, they would have followed the Persian and Roman ways by allowing the affairs of the State to be run by what they saw as beneficial to them. If they did that then Islam would have followed a disorderly and confusing course from the start of its emergence from the Arabian peninsula, and its thoughts would have become completely mixed up, causing it to cease being Islamic. As for benefiting from another culture, this constitutes deep study of that culture and acquaintance of the difference between its thoughts and the thoughts of the Islamic culture, taking the meanings in that culture and the similarities it contains, enriching the literary culture, and improving the rendition of these meanings and similarities, without allowing any contradictions to enter the thoughts of Islam, and without taking any thoughts from its concepts about life, legislation and 'Aqeedah. The restriction to benefiting from the culture and not being effected by it means that its study constitutes only information which does not affect the viewpoint about life. From the beginning of the Islamic conquests until the age of decline in which cultural and missionary campaigns took place during the middle of the eighth century A.H., the Muslims made the Islamic 'Aqeedah the basis of their culture and they used to study the non-Islamic cultures to benefit from them relating to the meanings about certain things in life, without having any conviction in the thoughts of these non-Islamic cultures; and that is why they were not effected by them, rather they derived benefit from them. This is contrary to the present situation of the Muslims after the onslaught of Western culture

against them. They studied this culture and they came to like its thoughts. Amongst the Muslims there were those who came to be convinced of such thoughts such that they abandoned the Islamic culture. There were those who liked these thoughts and incorporated them into the Islamic culture as being part of it, so some of its thoughts became considered as Islamic thoughts even though they contradicted Islam. Many of them often consider the well known democratic principle 'the Ummah is the source of authority' as an Islamic principle even though it really meant that sovereignty would be for the people and that the Ummah alone would pass legislation and enacts canons. This contradicts Islam, because in Islam sovereignty is only for the Shar'a and not for the Ummah, and the laws are from Allah (SWT) and not from the people. There were many who tried to make Islam democratic, socialist or communist. Islam yet contradicts democracy because the ruler only implements the Shar'a and is restricted by it. He is not employed by the Ummah, nor does he implement their will. Rather he looks after their interests according to the Shar'a. Likewise Islam contradicts socialism, because ownership in Islam is qualified by the (shar'ai) means and not restricted by the amount. It contradicts with communism, because Islam considers the belief in Allah (SWT) the basis of life, advocates private ownership and acts to protect it. Making Islam democratic, socialist or communist, through the appreciation of those thoughts, is the same as being effected by the foreign culture and not benefiting from it. What is worse, is that Western intellectual leadership is a creed contradicting the creed of Islam. Some were affected by it and the educated amongst them began to say that matters of religion should be kept separate from the affairs of the State! The uneducated amongst them would say religion is contrary to politics, and the deen should not be mixed with politics. This indicated that the Muslims, in the era of decline after the missionary and cultural invasions, began to study the non-Islamic culture and became affected by it, contrary to the situation of the Muslims before, who studied the non-Islamic cultures and benefited from them but were not affected by their thoughts.

By examining the manner in which the Muslims studied the non-Islamic culture and the manner in which they used to adopt it, the nature of benefitting from it and becoming affected by it becomes clear. Someone who scrutinises the Islamic culture will find that it has Shar'ai disciplines like tafseer (Quranic exegesis), hadith, jurisprudence and so on; and it has disciplines relating to the Arabic language in terms of grammar, declension, literature, rhetorics (balaghah) and so on; and it has rational disciplines such as logic (mantiq) and theology (tawheed). Islamic Culture does not go beyond these three categories. The Shar'ai disciplines were not affected by non-Islamic cultures, nor did they benefit from them at all, because their basis was restricted to the Kitab and Sunnah. The Fuqaha (jurists) did not benefit from the non-Islamic cultures, nor did they study them because the Islamic Law abrogates all previous law; their adherents have been ordered to leave them and follow the Islamic Shari'ah and if they did not do that they would be considered disbelievers. Therefore, the shar'a does not permit the Muslims to adopt these laws or to be affected by those cultures, because the Muslims have been restricted to adopting the rules of Islam and nothing else, and anything else is considered kufr (disbelief) and forbidden to adopt. However, Islam has one method for adopting rules which cannot be overstepped. This method involves understanding the occurring problem and the derivation of a rule for it from the Shar'ai evidences. There is no scope for Muslims to study any jurisprudence culture for the purpose of adopting rules. Thus, the Muslims were not affected by Roman Law or any other law; they definitely did not adopt from it and they did not study it. Although the Muslims did translate some philosophical and scientific works, they did not translate anything from non-Islamic jurisprudence or legislation whatever was the source. This indicates definitely that the non-Islamic cultures had no presence or influence amongst the Fuqaha (jurists), whether for the purpose of study or for benefitting from them. Indeed, the Islamic laws did grow and expand, but this can be attributed to the need for new rules and solutions to confront problems

which needed solution. Extensive economic problems faced by the Islamic State and the various issues occurring in different areas of the State pushed the Muslims, by virtue of their deen, to perform ijihad on these issues according to the principles of Islam and pushed them to deduce rules as solutions to these problems from the Kitab and Sunnah and other evidences alluded to in the Kitab and Sunnah. This is what their deen ordered them to do and this is what our Master Muhammad, Rasool Allah (SAW) made clear to them. It has been na about him (SAW) that when he sent Mu'az to Yemen he said to him: *ITALICS* 'By what will you pass judgement?' He replied: 'By the Book of Allah (SWT)'. The Prophet (SAW) then said: 'If you do not find it there?' He replied: 'By the Sunnah of Rasool Allah (SAW)'. He said: 'And if you do not find it?' He said: 'I will exercise my own ijihad.' He (SAW) said: 'Praise be to Allah (SWT) who has made the messenger of Rasool Allah to accord with what Allah (SWT) and His Messenger love.' Thus, it was fard on the Muslims to perform ijihad to deduce the Shar'ai rule for each new issue that occurred. The rules that were deduced were Ahkam Shar'iyyaiah, derived from the Kitab and Sunnah or whatever the Kitab and Sunnah alluded to in terms of evidences.

As for tafseer (Quranic interpretation), they used to explain the verses of the Qur'an and attempted to expound upon the meanings of verses, either according to what had been indicated by the words and sentences in terms of linguistic and Shar'ai meanings or by inserting new occurring things which fall within the imports of those words and sentences. Even though the tafseer began to expand and the clarification of the meanings of verses became more detailed, Roman and Greek concepts relating to the viewpoint about life or legislation, were never inserted into the tafseer literature. There were fabricated and weak hadiths used by some Mufasssirun. They inserted their meanings into the tafseer of the Qur'an even though they were not Islamic. However, this should not be considered as an example of being affected by non-Islamic culture but as interpolation of the Islamic culture, such as the interpolation of hadiths not actually spoken by the Messenger

(SAW). There is a difference between interpolating something in Islam concerning the fabrication of ahadith and being affected by a non-Islamic culture through adopting its thoughts and incorporating them into Islam as part of Islam it. In a word, the Shar'ai disciplines were not affected by non-Islamic cultures. Regarding the literary and linguistic disciplines and so on, the influence of the Arabic language on other languages in the conquered lands was strong until the other languages disappeared from common usage in everyday life. The Arabic language was the only dominant language over all affairs of life in its capacity as a fundamental component in the understanding of Islam, because it is the language of the Qur'an. One will find that the conquered nations, after gaining conviction in Islam, participated in strengthening this influence, because it was one of the requirements of Islam, the deen they came to profess. Therefore, the Arabic language was not affected by the languages and cultures of the conquered countries. On the contrary, the language itself influenced the country that was conquered and weakened its original languages until they faded away and some eventually disappeared from everyday life with the Arabic language remaining as the only language of Islam, the only language used by the State and the language of culture, science and politics. As Arabic literature came across various material forms in the conquered countries such as gardens, palaces, seas, rivers, scenery and so on, it grew with the increase in its meanings, imagination, similes and topics. It benefited from that, but it was not affected by those thoughts that contradict Islam. Thus, we find in those sections which relate to the creed and contradict Islam, not any literary Muslim was affected by them, rather they completely opposed them. Although the Greek philosophy was translated and attention was paid to it, Greek literature which professed belief in a pantheon (plurality) of gods and gave them human-like attributes, did not gain any attention amongst the Muslims, who ignored them completely. Some individual Muslims did overstep the requirements of what should befit the Islamic culture. They became susceptible to terms and meanings not recognised by Islam. Just as the morally depraved

amongst the literaries and poets did, so they included meanings in their poetry and prose which Islam did not agree with. Those were a small minority not worth mentioning in relation to Islamic society. However much their literature may have been affected by meanings forbidden by Islam, this was not something that influenced and affected the Islamic culture. Rather, the Islamic culture continued and prospered as did the Arabic culture, and the Arabic language remained free from any blemishes.

As for the rational disciplines, due to the nature of the primary duty in life, the conveying of the Message of Islam, the Muslims used to clash with the people of other religions and cultures who armed themselves with Greek philosophy. Thus refuting and destroying their beliefs and demonstrating their fallacy was imperative. The Muslims had to explain the Islamic 'Aqeedah in a style or a manner these people would understand. This is why the Muslims instituted the science of Tawheed (belief in the oneness of Allah (SWT)) to clarify the Islamic 'Aqeedah and explain it to the people. Thus 'ilm ut-tawheed (science of Tawheed) came to exist. Though it comes under the Shar'ai disciplines in terms of the subject, which is the Islamic 'Aqeedah, but it is considered part of the rational disciplines in terms of form and delivery. The Muslims benefited from mantiq (logic) and translated it into Arabic. Consequently, it is clear that the foreign cultures did not affect the Islamic culture, whether in the shar'ai disciplines, Arabic language or rational disciplines. The Islamic culture remained until the end of the period of decline as a purely Islamic culture. The Muslims, themselves were not also affected by any other culture, neither in terms of their way of thinking or in their understanding of Islam. The mentality of the Muslims remained a pure Islamic mentality, but there were some individuals affected by foreign rational disciplines. So new thoughts emerged amongst them. There were some Muslims who the study of foreign philosophies confused their minds that led them to make mistakes in understanding some of the thoughts of Islam or falling into misguidance in their intellectual discussions. They attempted to understand some of the thoughts without

restricting themselves to the Islamic 'Aqeedah and the thoughts of Islam. These are of two groups, for the first group, it was the error in their understanding that caused them to fall into the situation they found themselves in, but they continued to hold an Islamic mentality ('aqliyyah islamiyyah) and disposition (nafsiyyah islamiyyah). Their intellectual contribution is considered part of the Islamic culture even though it contained erroneous thoughts, but it was a misunderstanding. For the second group, it was the misguidance in their comprehension that caused them to fall into the situation they found themselves in. They completely deviated from the Islamic 'Aqeedah and came to carry a non-Islamic mentality ('aqliyyah), and consequently their intellectual contribution is not considered to be part of the Islamic culture.

Concerning the first group of the Muslims, the effect of the Hindu philosophy was the reason for their error in understanding. That is because part of Hindu philosophy advocates ascetism and renunciation of the world. Some Muslims became confused and thought this ascetism to be the same as zuhd (pious austerity) which has been reported in some hadiths. It is from this understanding that the Sufis emerged. This affected the understanding of what it means to take from or renounce the world. Although Zuhd (living an austere life) in this world means that one should not take the world as one's goal in life, for example making the procurement of wealth the highest goal. It does not mean however that the Muslim should not enjoy the good and halal things in life. This is contrary to ascetism and renunciation of the world, both of which mean the abandoning pleasures and delights (tayyibat) in life despite having the ability to attain them. This contradicts Islam. This incorrect understanding originates due to the veil that covered the minds of some Muslims owing to their study of the Hindu philosophy.

Concerning the second group, they were influenced by the Greek philosophy, and this is the reason for their misguided understanding. This is because Greek philosophy came with thoughts and discussions about things beyond the natural world. It set out to discuss the

existence of God and His attributes (sifat). Those well-versed in it amongst the non-Muslims in the conquered lands attacked Islam leading some Muslims to translate their works and study them to refute these attacks on Islam. They tried to reconcile philosophy with Islam. This led to debates whose proponents were affected by the Greek philosophy, such as the debate about the creation of the Qur'an (khalq ul-Qur'an), debates about whether the attribute (sifah) was part of the object being described or something distinct to the thing described, and other such discussions. These discussions remained within the limits of the Islamic 'Aqeedah. The proponents of these debates adhered to the creed and restricted themselves to its thoughts. The reason for their discussions was the Islamic 'Aqeedah, and they did not deviate from it. They did not proceed blindly into philosophy outside the realm of the 'Aqeedah. Their thoughts were Islamic and their discussions were considered part of the Islamic culture. That is why they did not deviate or become misguided. Their adherence to the Islamic 'Aqeedah protected them from becoming misguided. Examples of such people are the Mu'tazila from scholars of tawheed. There was a small number of people who plunged headlong into Greek philosophy without restricting themselves to the Islamic 'Aqeedah. They studied the Greek philosophy on a purely rational basis without adhering to Islam. They began to imitate and emulate it and thus initiated their own philosophy based on their own understanding. They did not observe the effect of the Islamic 'Aqeedah in their discussions and nor did they acknowledge its presence. Their discussion was purely philosophical. However, in their capacity as Muslims, certain Islamic aspects did appear in their discussions, but that was due to the deep-rooted Islamic concepts they held, as has been the case with certain Jewish philosophers. This does not take their philosophy a single step closer to Islam. Rather it is a rational philosophy proceeding according to the method of Greek philosophy, with no connection to Islam. These are Muslim philosophers such as Ibn Sina, al-Farabi, Ibn Rushd and their peers. This philosophy was not Islamic, nor was it the philosophy of Islam concerning life; indeed it

had no relationship to Islam. It is not considered as Islamic culture because the Islamic creed was not a part of its study. Rather, when they discussed it, they did not give Islam any attention. Greek philosophy was the sole object of study. It had no relationship to Islam or the Islamic 'Aqeedah.

This is briefly the position of Muslims with regards the non-Islamic cultures. So, the Muslims generally were not affected by them, but they did benefit from them and definitely did not study the non-Islamic cultures relating to legal rules (rulings). In the Shar'ai disciplines nothing can be found relating to non-Islamic cultures. They benefited from the meanings, similes and creativity present in the non-Islamic Cultures, but these had no effect on the Arabic language or Arabic literature. From this perspective, their study of non-Islamic cultures was through benefit and not effect. Regarding rational disciplines, they studied them and benefited from them with respect to the style of delivery in logic (mantiq) and in 'ilm ut-tawheed. However, Islam itself and the thoughts of Islam were not affected. On the other hand, some Muslims were affected in their personal understanding of Islam and this was manifested in their behaviour and writings but not in the Islamic culture or thoughts, for example the Sufis and Muslim philosophers.

With reference to the sciences such as the natural sciences, mathematics, astronomy, medicine and so on, the Muslims studied them and adopted them universally. These are not cultural disciplines that affect the viewpoint about life. They are experimental sciences only and general to all peoples. They are universal and not specific to any particular nation, therefore, the Muslims took from them and benefitted from them.

As for the manner of compiling the sciences and Islamic culture, this grew naturally until it became organised. The Islamic culture began orally, by people transmitting it to each other through hearing. They did not devote themselves to writing down anything other than the Qur'an until the area of the State began

expanding rapidly and there arose an urgent need to have the sciences and disciplines written down. The practice of writing increased, though it was not according to any specific system. They would write about an issue concerning tafseer, hadith, jurisprudence, history, literature and so on, all in one book without arrangement or division into chapters, because it all constituted knowledge in their view. There was no difference between one science and another or between one piece of knowledge and another. Rather, all were one science. A scholar was not distinguished by any particular science. Greater concentration in writing started when the scope of the disciplines expanded and most Muslims became unable to encompass them all. A specific inclination towards one type of science and discipline prevailed amongst each group, and so similar issues began to be gathered together. The sciences and disciplines became more distinct and the Ulema slowly began to arrange them in more organised fashion. We now have examples of such works as the Muwatta in hadith, Kalilah wa Dimnah in Arabic literature, al-Risalah in foundations of jurisprudence (usul), the books of Muhammad in jurisprudence (fiqh), the book of al-'Ayn in Arabic language, and the book of Sibawayh in grammar, the book of Ibn Hisham in Sirah, the book of Tabari in history and so on. In fact there were books for each branch of fiqh (Islamic jurisprudence). For example the Kitab al-Kharaj of Abu Yusuf regarding economics, and the book of al-Ahkam al-Sultaniyyah of al-Mawardi in ruling. The compilations originally included all branches of sciences and disciplines, then the arrangement of issues (masa'il) and chapters gradually progressed until it covered all sciences and disciplines. Then the culture (thaqafah) became distinguished from science ('ilm), in writing and in the classes of high education in the universities and so forth...

What is worth mentioning is that the Muslims took the style of compilation from others, because the style of compilation is like science in being general.

The Islamic Disciplines

The Muslims saw their lives as only for the Islam, and their existence as only for the purpose of carrying the Islamic Da'awah. Islam was the only basis for their unity and sole reason for their revival. It is the only source of their dignity, glory and hope. That is why their souls and minds became possessed by it, so they devote themselves to it and turned to studying it and understanding it. They dedicated themselves to the Qur'an, its understanding and explanation. They devoted themselves to the ahadith, its transmission and collection. They began to deduce rules that solve the problems of people. They followed reports about the life of the Prophet (SAW) and his campaigns, memorising and transmitting them. They gave their attention to the military expeditions (maghazi) and conquests, by documenting them and transmitting them. As the Qur'an cannot be understood without the Arabic language, the inevitable mixing of Arabs with non-Arabs in the conquests led to a flaw in the pronunciation of Arabic by the Arabized population and even by the Arabs. The Muslims then devoted themselves to the Arabic language, studying it, explaining it and putting down to it grammatical principles. They studied the jahili (pre-Islamic) poetry and the traditions of the Arabs, their speeches and times in order to understand the Book of Allah (SWT) and the Sunnah of Rasool Allah (SAW). Then, the people of other religions who still possessed intellectual cultures and carried traces of kufr thoughts began entering into Islam. It was due to the Muslims carrying the Islamic da'wah that the intellectual struggle between them and the enemies of Islam took place. They dedicated themselves to the rational sciences, studying them to explain the 'Aqeedah of Islam to the people and demonstrate it with rational evidence. As a result, disciplines became divided into branches and the Islamic disciplines became diversified accordingly, so they dealt with many issues and were enriched every time the conquests expanded further, and each time people embraced the deen of Allah (SWT). When the Islamic State became vast and the aspect of concentrating on the conquered lands

that had been opened to Islam was preferred over the aspect of conquest, many Muslims began to devote themselves to the disciplines, sciences, deep study and research. A multi-faceted Islamic culture took shape with the Muslims, so the people dedicated themselves to learning it so long as to serve Islam and elevate the position of Muslims. Generally, the Muslims were only interested in this culture and not in other cultures, despite their interest in the universe in terms of science and industry. Every scholar, whatever type of culture he specialised in, and every writer, whatever his literary approach, and even every mathematician, scientist or artisan, were definitely cultured first by the Islamic culture and then they learnt other things. As for those scholars who became famous for science like Muhammad b. al-Hasan in mathematics, Ibn Batutah in geography, Ibn al-Athir in history, Abu Nuwas in poetry, their fame does not imply that they only studied the science of which they became famous. They and others like them studied the Islamic culture first and then turned to a branch of knowledge and became famous for its study despite their acquaintance of the other branches of Islamic culture as well. This Islamic culture contained topics that were fundamental to the culture, because the meanings mentioned in them are what was intended for the Muslim, such as tafseer, hadith, sirah, history, jurisprudence (fiqh), foundations of jurisprudence (usul ul-fiqh) and tawheed. It contains tools for understanding those topics that are fundamental like the sciences of the Arabic language and logic (mantiq). The Muslims used to devote themselves to all these disciplines; and since the sciences serving as tools are but a means of understanding the intended fundamental meanings, the acquaintance of the intended meanings is what should be aimed at. Therefore, we shall restrict ourselves to presenting a glimpse of the tafseer, hadith, sirah, history, jurisprudence (fiqh), foundations of jurisprudence (usul ul-fiqh) and tawheed, in order to give a brief illustration of each.

Tafseer (Quranic Exegesis)

The word tafseer is the form of taf'eel from the word al-fasr which means the explanation (bayan). It could be said you say 'fasartu, ufsiru, fasrun' the matter, to mean I explained it. The difference between tafseer and ta'weel is that tafseer is the explanation of what is intended by the wording, and ta'weel is the explanation of what is intended by the meaning. The word tafseer was chosen when applying to the explanation of the verses of the Qur'an. The Qur'an was revealed in the Arabic language, so, its words are Arabic, even those words of a foreign origin like istabraq (brocade); they have been Arabized according to the principles of Arabic and became part of the Arabic words. The style of the Qur'an is the style of the Arabs in their speech. He (SWT) said :

'An Arabic Qur'an.' [39:28] The Arabs used to read and recite it, and understand the strength of its eloquence and its meanings. Note, not all of the Qur'an can be approached by all Arabs who would understand it in totality just by listening to it. Revealing the Qur'an in the Arabic language does not mean that all Arabs will understand its words and phrases. Not every book written in a certain language can be understood by the people of that language. To understand the book does not require language only but also a level of intellect in comprehension that agrees with the level and the elevation degree of the book. The reality of the Arabs, when the Qur'an was being revealed, was that not all of them were able to understand the Qur'an in general and specific. They differed in their understanding according to their intellectual elevation, and because of that reason the Sahabah's ability to explain and understand the Qur'an differed due to the variance in their understanding of the Arabic language and also due to the different levels of intelligence and comprehension. The Quranic words and their meanings were not understood by all Arabs. Anas b. Malik na about that a man asked 'Umar b. al-Khattab about His (SWT) saying:

'And fruits and abba (herbage, etc).' [80:31] and enquired about the abb 'Umar replied: We have been forbidden from over-burdening ourselves and going too deeply into things. It has also been na about 'Umar that he was on the minbar and he read:

'Or that He may catch them with takhawwuf (gradual wasting of their health).' [16:47] Then he inquired about the meaning of takhawwuf? A man from Huzayl said : takhawwuf for us is the gradual decline (tanaqqus).

Furthermore, there are many verses in the Qur'an, the knowledge of linguistic words and linguistic styles is not sufficient for understanding them. They require information about certain words, because these words point to specific meanings such as in His (SWT) saying:

'By (the winds) that scatter dust.' [51:1]

'By the (steeds) that run, with panting (breath).' [100:1]

'Verily! We have sent it (this Qur'an) down in the night of al-Qadar (decree).' [97:1]

'By the dawn; by the ten nights (i.e. the first ten days of the month of Dhul-hijja).' [89:1-2] and several other verses which point to well known meanings. Also there are verses whose understanding requires knowledge of the causes of revelation.

Some verses in the Qur'an are muhkamah (explicit) and clear in meaning. These are the verses, especially Makkan verses that relate to the fundamentals of the deen in terms of the 'Aqeedah, and those verses that pertain to the fundamentals of the rules, namely the Madinan verses, especially those relating to transactions (mu'amalat), punishments ('uqubat) and testimonies (bayyinat). In addition, there are mutashabihat (ambiguous) verses in the Qur'an that are ambiguous in meaning, especially the verses that are open to different meanings or demand leaving the apparent obvious meaning in favour of another meaning ,because of the

contradiction of the left meaning with the creed which should be free of human-like attributes.

Although the Sahabah were most competent in understanding the Qur'an, because they were the most knowledgeable in the Arabic language and because they witnessed the circumstances and events around which the Qur'an was revealed, they differed in their understanding and ability to explain (tafseer) the Qur'an due to the differences in the level of their familiarity with the Arabic language, and differences in their closeness to the Messenger (SAW). The most famous Mufasssirun from the Sahabah were 'Ali b. Abi Talib, 'Abdullah b. 'Abbas, 'Abdullah b. Mas'ud and Ubay b. Ka'b. They are the four who fed the most amount of tafseer (exegetical material) to the different Muslim regions. What enabled them to have such a deep knowledge of tafseer was their strong understanding of the Arabic language, their grasp of its rhetorical forms and styles, their companionship with the Prophet (SAW) and being close to him that enabled them to know the events for which verses of the Qur'an were revealed, and their own intellect and intelligence, which enabled them to link meanings together in the best manner and come out with the correct results. They never refrained from making ijthad in understanding the Qur'an according to what their mind demanded. Rather, they made ijthad in tafseer and spoke about it within their own opinions (ijtihads) and they made decisions based on what they had arrived at through their understanding and ijthad. Therefore, the tafseers of these people are considered as amongst the highest forms of tafseer. Unfortunately, many have lied about them, and sayings have been inserted in their tafseer which they did not say, so one will find many fabrications in their tafseer. What has been authenticated by trustworthy narrators is one of the strongest of tafseers. As for everything else from the fabricated reports, it is not permitted to take, since it has not been proven they said it. However, the warning of taking fabricated tafseers of those four does not mean it is a warning for reading their tafseers. Rather, it is a caution against taking and acting upon them, given the fact that these are fabrications. To read them and determine a

correct understanding by the language, Shar'a and intellect regarding what has been mentioned in them, this is useful to do. There are valuable explanations (tafseers) in these fabricated reports with regards to understanding even though their chains of transmission are weak as regards attributing them to the Sahabah.

After the Sahabah came the Tabi'un. Some of them became famous for transmitting from the Sahabah, from the four mentioned above and from others. The most famous from amongst these Tabi'un are Mujahid, 'Ata'a b. Abi Rabah, 'Ikrimah freedman of Ibn 'Abbas and Sa'id b. Jubayr. The 'Ulema have differed on the degree of trust put on those Mufasssirun from the Tabi'un. So, Mujahid is considered the most reliable even though he had the fewest narrations, but some imams and muhaddithun like Shafi'i and Bukhari rely on his tafseer. However, some scholars noted that Mujahid used to ask the People of the Book. From this perspective they would give his sayings close examination before taking them, though they were all agreed on his honesty. Both 'Ata'a and Sa'id were trustworthy and honest and no one has questioned their honesty. As for 'Ikrimah, most scholars trust him and believe him. Imam Bukhari transmitted from him but others view him as taking risks in tafseer and claimed to know everything in the Qur'an, due to the huge amount of Quranic tafseer he narrated from the Sahabah. Of these four, 'Ikrimah was the one who transmitted mostly from Ibn 'Abbas. There are those who used to narrate from the rest of the Sahabah like Masruq b. al-Ajda' the student of 'Abdullah b. Mas'ud, and he used to narrate tafseer from him. From the Tabi'un, Qatadah b. Da'ama As-Sadus al-Akmah also became well known for tafseer, and had an extensive knowledge of the Arabic language and was well versed in Arabic poetry, the days of the Arabs and their genealogy. After the end of the era of the Tabi'un, the 'Ulema began to compile books of tafseer following a specific method, which was to mention the verse and then quote what has been reported from the tafseers of the Sahabah and the Tabi'un along with their chains. The most famous of these in this method were Sufyan b. 'Uyaynah, Waki'a b. al-Jarrah, 'Abdur-

Razzaq and others, even though the tafseers of those people have not reached us in their entirety. Rather what has reached us are statements found in some of the books of tafseer like the tafseer of at-Tabari. Then after them came al-Farra'a and then came at-Tabari. Then scholars of tafseer came one after another in every age until our time.

Approaches of Mufassirun in Tafseer

The Sahabah made tafseer for the verses of the Noble Qur'an either as their own ijihad in tafseer or on hearing it from Rasool Allah (SAW). Many a time they would explain the cause of revelation for a verse or explain it with respect to whom it had been revealed. In explaining a verse, they would often restrict themselves to elucidating the linguistic meaning which they understood from the verse with the most concise of words like their saying: *ghayr mutajanifin li ithm* (not inclined to sin) meaning not predisposed to sin (*ghayr muta'arridin li ma'siyah*). For example their statement regarding His (SWT) saying:

'(Forbidden) also is to use arrows seeking luck or decision.' [5:3]. Amongst the people of jahiliyyah when one of them wanted to go out (on a journey) he would take an arrow and say: 'This one orders me to go out'. So if he goes out on his journey he will meet good luck. And he will take another arrow and say: 'This one orders me to stay', meaning he would not be lucky in his journey. There is a third arrow between these two called 'al-maneeh'. So Allah (SWT) forbade such practice. If they added anything to that it would be what has been *na* about the cause of revelation of this verse regarding whom the verse in question was revealed. An example would be what has been *na* about Ibn 'Abbas (R.A) regarding His (SWT) saying:

'He will surely bring you back to the ma'ad (place of return).' [28:85] Ibn Abbas said: to Makkah. It has been *na* about Abu Hurayrah (R.A) regarding His (SWT) saying:

'Verily! You (O Muhammad [SAW]) guide not whom you like.' [28:56] Abu Hurayrah said the verse had been revealed concerning the Rasool Allah (SAW) when he tried to win his uncle Abu Talib over to Islam. Then came the Tabi'un after the Sahabah who reported everything the Sahabah mentioned in this manner. From among the Tabi'un themselves there were those who explained the verses of the Noble Qur'an or

stated the cause of revelation, either as their own ijihad in tafseer or by hearing it from (other authorities). After the Tabi'un the 'Ulema came and expanded the tafseer and quoted reports from the Jews and Christians. The mufassirun followed one after another in every age and generation, they explained the Qur'an and expanded the tafseer in each age on what had come before. The mufassirun began to give their attention to the verses to deduce rules (ahkam) from them and explain their schools of thought, as for example in terms of free-will (ikhtiyar) and predestination (jabr). They began to explain verses proving their opinions according to their inclinations, whether in legislation, scholasticism ('ilm ul-Kalam), rhetorics (balaghah), declension (sarf), grammar and so on. From an examination of the tafseers, through the different ages since the time of the Sahabah until the present day, we can see that tafseer of the Qur'an in every age was influenced by the scholarly movement of the time, reflecting the views, theories and schools of thought of the time. Seldom were there tafseers that were free from the influence of opinions, thoughts and rules of the time.

However, all of these tafseers were not compiled in books from the beginning of the existence of the Mufassirun at the time of the Sahabah. Rather, they changed from situation to situation throughout the ages. In the beginning, the tafseer used to be a part of the hadith and one of its chapters. The hadith was the all-extensive topic which encompassed all Islamic disciplines. So the transmitter of a hadith, just as he would narrate a hadith containing a legal rule, he would also narrate a hadith which contained the tafseer of a Quranic verse. At the beginning of the second century A.H., writers at the end of the Umayyad era and the beginning of Abbasid era began to bring together all relevant hadiths into a topic and separate them from other topics. So the disciplines such as tafseer and fiqh contained within hadith were separated from each other, thus resulting in sciences such as hadith, sirah, jurisprudence and tafseer. Thus, the science of tafseer came into existence and it became an independent science studied on its own. However, the tafseers did not take any organised

form, in that verses of Qur'an were not mentioned in an orderly manner like the arrangement found in the mushaf (Qur'an), and then followed by their tafseer. Rather, the tafseers were scattered here and there. They were tafseer for miscellaneous verses as was the case with the hadith. This situation continued until the tafseer became separate and distinct from the hadith and began to stand up as a science in its own right. Tafseer was given for each ayah of the Qur'an or part of an ayah, arranging these verses according to their order in the mushaf. The first Muslims to undertake the tafseer of the Qur'an, quoting ayah after ayah and explaining them one after another, was al-Farra'a (d.207 A.H.). Ibn al-Nadim reports in his Fihrist that: "Umar b. Bakir wrote to al-Farra'a that al-Hasan b. Sahl perhaps may ask me one thing after another from the Qur'an but I would not be able to recall all the answers. May I request you should bring together the essential points and compile them in a book so that I will refer to, if you like. So al-Farra'a said to his students, 'gather together so that I can dictate to you a book about the Qur'an'. He gave them a day. When they came he went to them. In the mosque there was a man who gives azan and recites the Qur'an with the people in prayer. Al-Farra'a turned to him and said: 'recite the opening chapter of the Qur'an (fatihatul kitab), we will explain it and then we will speak fully about the whole book'. The man recited and al-Farra'a made tafseer. Abu al-'Abbas said: 'no one did anything like him before and I don't think anyone can add to that.' Then, after him came Ibn Jarir at-Tabari (d.310 A.H.) and wrote his famous tafseer. A number of tafseers became well-known before the tafseer of Ibn Jarir, for example, the tafseer of Ibn Jurayj. His situation was like the situation of the first muhaddithun who compiled everything that reached them without differentiating between the correct (sahih) and incorrect reports. It was said 'that Ibn Jurayj's aim was not authenticity, but he reported everything mentioned about every ayah whether correct (sahih) or weak (saqim).' Also from these tafseers is the tafseer of as-Suddi (d.127 A.H.) and the tafseer of Muqatil (d.150 A.H.). 'Abdullah b. al-Mubarak said about the tafseer of Muqatil: How excellent is his tafseer, if only he were reliable (thiqah).' Amongst them is

also the tafseer of Muhammad b. Ishaq. He used to transmit from the Jews and Christians and he used to quote sayings of Wahb b. Munabbih, Ka'b al-Ahbar and others, who reported things from the Torah, Bible and their commentaries. These tafseers have not reached us, even though Ibn Jarir at-Tabari has collected most of them and included them in his book. Then came mufasssirun one after another explaining the Qur'an in a complete and well-ordered manner in books that were detailed, complete and well-arranged.

However, anyone who examines tafseer will find that the mufasssirun approached the tafseer from different perspectives. Some were interested in looking at the styles and meanings of the Qur'an and whatever it included in forms of rhetorics (balaghah) to know the grandeur and distinction of its speech as compared to other types of speech. So the rhetorical aspect prevailed in their tafseers. One of those people is Muhammad b. al-Zamakhshari in his tafseer entitled al-Kashaf. There were those who looked into the foundations of belief, the challenging the false people and debating with the opponents (to Islam), for example Fakhr ud-Din ar-Razi in his famous tafseer, al-Tafseer ul-Kabir. Some of them studied the Shar'ai rules and were interested in deducing them from the verses. So they channelled their interest in the verses of ahkam like Abu Bakr ar-Razi (commonly known as al-Jassas) in his well known tafseer Ahkam al-Qur'an. There were those who went after stories and added to the Quranic stories from the books of history and isra'iliyyat (Judaica) and began to collect everything they heard whether trivial or valuable without editing those things that contradicted the Shar'a, did not agree with the mind and contradicted Qur'anic aayaat definite in meaning. One such person is 'Ala'ud-Din 'Ali b. Muhammad al-Baghdadi the Sufi, otherwise known as al-Khazin who did this in his tafseer Bab al-ta'weel fi ma'ani at-tanzeel. There were those who concerned themselves with supporting their mazhab (school of thought) and explaining the verses in any way that supports their faction like the tafseer al-Bayan of ash-Shaykh al-Tubrusi and the tafseer al-Tibyan of ash-Shaykh al-Tusi. Both of them supported the

views of the Shi'ah and their mazhab regarding beliefs ('aqaid) and ahkam. There were those that were only concerned with the tafseer in order to explain the verses and rules of the Qur'an regardless of any other view. They are the mufasssirun whose tafseers are considered the most important of the books of tafseer. These are considered the imams of tafseer and other topics. For example the tafseer of Ibn Jarir at-Tabari, the tafseer of Abu 'Abdullah Muhammad al-Qurtubi, and the tafseer of an-Nasafi and others. As for the tafseers written in this day and age and towards the end of the period of decline, like the tafseer of Muhammad 'Abduh, the tafseer of Tantawi Jawhari, and the tafseer of Ahmad Mustafa al-Muraghi and others, these are not considered part of the tafseer literature nor is there any trust put on them. That is because they have insolence against the deen of Allah (SWT) in the explanation of many verses like Muhammad 'Abduh's tafseer of the verse:

'And whosoever does not judge by what Allah (SWT) has revealed, such are the Fasiqun (transgressors).' [5:44] He permitted the Muslims of India to adopt English laws and submit to the rules of English judges. Shaykh Muhammad 'Abduh mentioned in volume six from the Tafseer of the Wise Qur'an widely known as al-Manar in the tafseer of surat al-Maidah when he explained His (SWT) saying:

'And whosoever does not judge by what Allah (SWT) has revealed, such are the Fasiqun (transgressors).' [5:44] in pages 406-409 when he was asked: 'Is it permitted for a Muslim to be employed by the English to rule by English laws, some of which constitutes rules by other than what Allah (SWT) has revealed?' He gave a long reply: 'In short, the abode of war (dar al-harb) is not a place for the establishment of the rules of Islam, therefore it is obligatory to make hijrah unless there is an excuse or interest (maslahah) for the Muslims on condition he will be safe from the fitnah (test) on his deen. It is incumbent on the one who resides (in India) to serve the Muslims according to the best of his abilities and to strengthen the rules of Islam as much as he can. And there is no means of strengthening the influence of Islam and

protecting the interests of the Muslims like the assuming of government posts especially if the government is lenient and just between all nations and religions like the English government. It is well known that the laws of this state (i.e. England) is closer to the Islamic Shari'ah than others, because it delegates most matters to the ijihad of judges. So whoever is qualified to be a judge in Islam and takes up a post in the judiciary in India with the correct aim and good intention, it is possible for him to do a great service for the Muslims. It is obvious that the abandonment of the judiciary and other government posts, by the people of knowledge and insight for fear of being sinful in working according to their laws, will forfeit the interests of the Muslims in their deen and dunya.' He added: 'It is obvious from all of this that the Muslim's acceptance to work in the English government in India 'and any other similar work' and his ruling according to their laws is a dispensation (rukhsah) which comes under the principle of doing the lesser of two evils if not even a 'azeema (duty) by which it is intended to support Islam and protect the interests of Muslims.' For example, the tafseer of Tantawi Jawhari where he mentioned that there were modern sciences and disciplines in the Qur'an and he filled his tafseer with pictures of birds and animals to demonstrate that the Qur'an did explain such things. The tafseer of Mustafa Zayd who rejected the existence of angels and Shayateen through interpretation. So he committed kufr by his tafseer and took himself outside of Islam. These tafseers and their likes are not considered books of tafseer by the Muslims, nor are their explanations given any regard.

Sources of Tafseer

What the mufasssirun used to rely on when explaining the Qur'an according to the ideas they carried such as tawheed, jurisprudence (fiqh), rhetorics (balaghah), history and so on is not what is intended by the term 'sources of tafseer' (masadir ut-tafseer). These are not sources of tafseer, rather, matters that had an effect on the mufasssir which would lead him to lean towards a specific thing in tafseer. What is intended by 'sources of tafseer' are the authoritative sources that the mufasssirun quoted, and what they quoted from them and wrote down in their tafseers, irrespective of their orientation in tafseer. If we study the sources of tafseer we find that they are confined to three things:

Firstly: Tafseer transmitted from Rasool Allah (SAW) such as the narration that the Messenger (SAW) said: *ITALICS* 'The median prayer (as-salat ul-wusta) is the afternoon prayer (salat ul-'asr)'. For instance it has been narrated by 'Ali that he said: *ITALICS* 'I asked Rasool Allah (SAW) about the great day of Hajj (yawm ul-hajj al-akbar)'. He said '(it is) the day of sacrifice (yawm un-nahr)'. And what has been reported; *ITALICS* 'Of the two ajals (appointed time) which ajal did Musa take'. He (SAW) said: 'He spent the longest and best ajal.' However this type of tafseer cannot be relied upon as a source of transmission save what has been reported in the books of Sahih (books of hadith such as Bukhari and Muslim), because the storytellers and fabricators greatly added to the material. That is why this type of source material has to be investigated due to the great number of lies instigated against Rasool Allah (SAW). The scrutiny of the Salaf (early generations of scholars) of this type of tafseer reached the point where many of them rejected the whole type altogether...They held that no tafseer could have been transmitted from Rasool Allah (SAW). It has been reported from Ahmad b. Hanbal that he said: 'Three (categories of reports) have no basis; tafseer, battles (malahim) and military campaigns (maghazi)!' That is why we find that because of this lack of trust in what has been

mentioned, the Mufasssirun did not restrict themselves to what has been reported. They followed this up with what they reached through their own ijihad. They did not limit themselves to the text. What has been mentioned from the Sahabah in terms of tafseer was added to the hadiths from Rasool Allah (SAW). It began with the transmitted tafseer and also with the tafseer of the tabi'un. This type of transmitted tafseer became vast and it began to include what had been transmitted from Rasool Allah (SAW), the Sahabah and Tabi'un. Each one would suffice as a tafseer. Nearly all the books of tafseer written in the early ages were restricted to this manner of tafseer.

Secondly: One of the sources of tafseer is opinion (ra'y), or what is called ijihad in tafseer. That is because the mufasssir knows the speech of the Arabs and their modes in the spoken language. He knows the Arabic words and their meanings by being acquainted with the same thing in jahili poetry, prose and so on. He familiarises himself with what he finds to be correct from the cause of revelation of verse. Using these tools he explains the Qur'anic verses in accordance with what he has reached through his own ijihad. Tafseer by opinion does not mean saying whatever one likes about the verse or whatever our own desires would like to see. Rather the opinion according to which the tafseer takes place, depends on the jahili literature in terms of poetry, prose, the customs and speech of the Arabs, and at the same time it relies on the events that took place at the time of the Messenger (SAW) and whatever the Prophet (SAW) faced regarding hostility, conflicts, migration (hijrah), wars and afflictions, and anything else that happened during that period which required ahkam and demanded the revelation of the Qur'an. Therefore, what is meant by making tafseer by opinion is to understand the sentences by understanding their meanings indicated by the information the mufasssir has at his disposal in terms of language and events. It has been narrated about sayyidina 'Ali b. Abi Talib (R.A) that he said: 'The Qur'an is open to (many) viewpoints'. This does not mean that the Qur'an is open to any viewpoint you wish to explain it with. Rather, any one word

or sentence in the Qur'an is open to a number of viewpoints in tafseer, but the viewpoints are restricted to the meanings of the word or sentence without going beyond that. Consequently, tafseer by opinion means understanding of a sentence within the limits of the meanings of its words. That is why they called it tafseer by ijhtihad.

The great majority of the mufasssirin from the Sahabah used to explain the Qur'an by opinion and rely on it in the first degree when making tafseer. They used to disagree in tafseer even in the explanation of a single word proving they often relied upon their own particular understanding like much of what has been reported about Ibn 'Abbas, Ibn Mas'ud, Mujahid and others. For example they used to explain the word 'tur' in His (SWT) saying:

'And (O Children of Israel, remember) when We took your covenant and We raised above you (the 'Tur).' [2:63] with different explanations. Mujahid explained 'tur' as a mountain, Ibn 'Abbas explained it as a specific mountain and another person said that 'tur' is the spread out mountain, and that which does not spread out is not 'tur'. This difference in tafseer is a result of difference of opinion and not related to the difference in what has been transmitted, though the word is linguistic, so what about the opinion when it concerns the meaning of the sentence and not the meaning of a word. That is why in addition to their disagreement over the meanings of words, they also often disagreed with regards to the meanings of verses. It is clear from studying the tafseers of the Sahabah, especially the well known mufasssirin, that on the whole they would rely on individual opinion when making tafseer. As for what has been na about some of them that they would refrain from making tafseer by opinion and confined themselves to making tafseer through what has been transmitted (manqul), it is taken to refer to the opinion of somebody who has not acquired the tools of tafseer such as having knowledge of the Arabic word he wishes to explain and knowledge of the events leading to the revelation of such verses. It is not taken to mean that one should refrain from understanding the Qur'an,

since it has been revealed so that people may understand it and not so that they restrict themselves to the transmitted tafseer. By going back to the texts with regarding this, the reason for why they restricted themselves becomes clear. It has been reported about Sa'id b. al-Musayyab that when he was asked about something from the Qur'an he said: 'I will not say anything about the Qur'an.' He declined to say anything about the Qur'an, but he did not say he would refuse to say anything about the Qur'an by opinion. Ibn Sirin said: I asked Abu 'Ubaydah about something in the Qur'an. He said: 'Fear Allah (SWT) and stick to what is correct. For those who knew the events surrounding which the Qur'an was revealed have all gone.' It is well known that Abu 'Ubaydah was one of the senior Sahabah, and he requested that people adhere to what is correct and have knowledge of the events regarding which the Qur'an was revealed. The reason for this cautiousness and reluctance to speak about the Qur'an is made clear by his statement: 'For those who knew the events surrounding which the Qur'an was revealed have all gone'. When someone is able to examine the correct opinion and knows the events for which the Qur'an was revealed, then there is no doubt he should speak about the Qur'an with his own opinion and ijhtihad. Therefore, we cannot say that the Sahabah were divided into two groups: One group refraining from saying anything about the Qur'an by opinion and the other speaking about the Qur'an according to their opinion. Rather, all of them used to speak about the Qur'an with their opinion. They were wary of anyone who said anything about the Qur'an with his opinion without having sure knowledge of what was being explained and made clear from the aayaat of the Qur'an. This was the position of the Tabi'un. However, after them came people who knew about these sayings and understood them as a warning against using one's opinion in speaking about the Qur'an, so they avoided saying anything about the Qur'an with their own opinion. There were also people who became acquainted with the the tafseer of the Sahabah by opinion and they advocated tafseer by opinion. That is why later scholars became divided into two groups regarding the tafseer: One group would avoid saying anything with their own

opinion and restrict themselves to what had been transmitted, and the second group would give their own opinions. As for the Sahabah and the Tabi'un, they were not two groups. Rather, they used to speak about the Qur'an with what they knew in terms of the narrations and opinion, and refrained from that which they did not know and warned people from speaking about the Qur'an with their own opinions without having prior knowledge.

Thirdly: The israilyyat, because certain Jews and Christians had entered the fold of Islam. Among them were scholars of the Torah and Bible. Most of the Jews that came into Islam were dishonest, because they more than the Christians hated and loathed the Muslims. From these scholars many Jewish fables infiltrated the Muslims, and entered the tafseer of the Qur'an to supplement the explanation of the verses. That is because the minds and their inclinations are fond of inquiry when invited, and when listening to many verses of the Qur'an, to inquire about things surrounding them. When they heard the story about the dog and the companions of the cave they would ask what colour was the dog? When they heard:

'So We said: Strike him (dead man) with a piece of it,' [2:73] they inquired about (as to) what was that piece with which they struck the dead man? When they read:

'Then they found one of Our slaves, unto whom We had bestowed mercy from Us, and whom We had taught knowledge from Us,' [18:65] they asked about this righteous servant that Musa met, whom Musa asked to teach him. From here the story of Khidr arose. We find them asking about the boy that Khidr had killed and the boat he had scuttled, and about the village that did not entertain him. They enquired about the story of Musa and Shu'ayb and the size of Noah's ark and so on. What answered these questions and satiated their greed for this kind of information was the Torah, its commentaries and exposition, and whatever legends were inserted in it, which were transmitted to them by the Jews, whether through good or bad intention. Some Christians who had embraced Islam inserted certain stories

and reports from the Bible, but that was nothing compared to what the Jews had interpolated. In this manner the volume of stories and reports expanded greatly until it far exceeded the reports of the transmitted tafseer. Many books of tafseer came to be loaded with huge amounts of israilyyat, stories and other reports. The ones who inserted the greatest amount of israilyyat and the most famous were Ka'b al-Ahbar, Wahb b. Munabbih, 'Abdullah b. Salam amongst others. Due to this activity, these israilyyat, stories and other reports became one of the sources of tafseer for the mufasssirun.

The Ummah's need today for Mufassirun p306 (incomplete)

The science of tafseer (Quranic exegesis), in its capacity as one of the prominent Shar'ai disciplines, is considered one of the most important of the Shar'ai sciences. Therefore, it is vital that attention be given to it in every age and every generation. The Ummah today is in need of Mufassirun, because new issues have arisen which did not exist before. They must be understood in case if they come under some general comprehensive statements mentioned in the Qur'an, or it is possible to apply elaborate rules upon them. However, the style of the classical tafseers in their capacity, as a collection of tafseers, is one way of writing in terms of form and presentation. It is like the style of the classical works which the sons of today's generation do not have a desire or love to read these tafseers except by those accustomed to reading classical books, and these are very few indeed. Therefore, the style has to be such that it awakens desire and love in the Muslims before anyone else for reading tafseers as an intellectual book which is deep and enlightened in scope. In addition, the path followed by Mufassirun in the ages that followed the translation of the books of philosophy and of being affected by them, and in the age of decline which came after the Crusades, led to the presence of tafseers for which much effort was spent in giving attention to things which did not constitute tafseer and had no relationship to the verses of the Qur'an; not to mention the *isra'iliyyat* that accumulated until it became a third source of tafseer for the mufassirun. It is imperative that the tafseer of the Qur'an should proceed according to the Sahabah's method of tafseer, using *ijtihad* in understanding the Qur'an and seeking the aid of the tafseers of the Sahabah that have been transmitted. As for the tafseer transmitted from the Messenger (SAW), even if authentic, it is considered part of the hadith. It is not considered as tafseer since it is a legislative text like the Qur'an; where it is known that the tafseers are not considered as legislative text.

As of the style according to which the mufassir should proceed, this depends on his creativity. Since it is one of the forms and styles of compilation that each mufassir chooses according to what he sees as an ideal medium of rendering the tafseer, in terms of the arrangement, classification and presentation. That is why it is not correct to clarify the style of writing the tafseer. As for the method of tafseer that requires clarification, after study and research, it is presented here so that tafseer of the Qur'an can take place according to it. It is a method necessitated by the reality of the Qur'an. It is defined as method (*Minhaj*) and not as style (*Usloob*), because it is like the method of *ijtihad* which is understood from the reality of the texts and from the evidences alluded by the Qur'an. Tafseer is the same. It is a method in terms of adhering to it and not in terms of being a Shar'ai rule. The method itself is not a *hukm*, but what is viewed proper to proceed upon in the tafseer of the Noble Qur'an, and it can be summarised in the following :

Tafseer of the Qur'an is clarification of the meanings of its vocabulary (placed) in their phrases and the meanings of the phrases themselves. To know the method of its tafseer, we must present the reality of the Qur'an first, and study it comprehensively in a way that manifests the nature of this reality. Then we must study whatever applies to this reality, in terms of its words and meanings, and then study the subject matter it has brought in revelation. With this knowledge of the reality and whatever applies to it, and knowledge of the subject of discussion brought by the Qur'an, the method that should be followed in making tafseer of the Qur'an becomes clear. Thus, the Mufassir is guided to the right path on whose method the tafseer should proceed.

The reality of the Qur'an, is that it is in the Arabic speech, so its reality, in its capacity as Arabic speech, has to be understood. Thus, we must comprehend its vocabulary as being Arabic words, its phrases as being Arabic structures, and the nature of the right of disposal of the phrases in their capacity as phrases only, and in terms of its being Arabic disposal of Arabic vocabulary in

Arabic phrases, or Arabic disposal of Arabic phrases in terms of the structure as a whole. In addition to that the Mufasssir must comprehend the high manner of address and speech in the Qur'an, in terms of the manner of the Arabs regarding the high manner of address and speech in their language. Once the reality of the Qur'an, on this Arabic basis, has been comprehended in a detailed fashion, then it is possible to make tafseer, but not before this. As the whole of Qur'an, in its words and phrases, proceeds according to the words and phrases of the Arabs and according to what is well-known in their language, and it does not overstep that by a hairbreadth, one cannot make tafseer of the Quran except with this comprehension and according to this reality. As long as that is not fulfilled, the Qur'an cannot be explained correctly at all. Therefore, tafseer of the Qur'an in its capacity as an Arabic speech and text, depends on the comprehension of its Arabic reality in terms of the language:

'And thus We have sent it down as a Qur'an in Arabic.' [20:113]

'And thus have We sent it (the Qur'an) down to be a judgement of authority in Arabic.' [13:37]

This is in terms of the reality of the Qur'an and whatever applies to the reality regarding its words and meanings i.e. from the perspective of the language. As regarding the subject matter that the Qur'an brought, it is a Message from Allah (SWT) for humankind, conveyed by the Messenger from Allah (SWT). It contains everything relating to the Message: in terms of beliefs, ahkam, glad tidings, admonitions and stories for the purpose of exhortation and remembrance, together with description of the scenes of the day of judgement, al-Jannah (Paradise), Jahannum (Hellfire), in order to restrain (from haram) and incite desire (for halal). It contains rational issues to be comprehended and perceptible and non-perceptible issues founded on a rational basis, for the sake of iman and action, and whatever else a universal message to mankind necessitates. One cannot be correctly acquainted with this subject except through the way of the Messenger (SAW) who actually

brought it. Not least when Allah (SWT) has clarified that He revealed it to the Messenger (SAW) so that he may explain it to the people. He (SWT) said:

'And We have also sent down unto you (O Muhammad [SAW]) the reminder (the Qur'an), that you may explain clearly what is sent down to them.' [16:44] The way of the Messenger (SAW) is his Sunnah, meaning whatever has been correctly reported from his sayings, actions and consent. Consequently, it is necessary to be acquainted with the Sunnah of the Messenger (SAW) before starting and when making tafseer of the Qur'an, as the subject matter of the Qur'an cannot be understood without being acquainted with the Sunnah of the Messenger (SAW). This acquaintance should be one of awareness of the text of the Sunnah, irrespective of one's acquaintance with the sanad; meaning it should be an awareness in the form of contemplation of its thoughts in their capacity as concepts and not in the form of memorising its words. It would not harm the mufasssir not to concern himself with the memorisation of words or have knowledge of the sanad (chain) and transmitters so long as he trusts the authenticity of the hadith from just the reference and extrapolation (takhrij) of the hadith. Rather it is an obligation upon the Mufasssir to comprehend the meanings of the hadith, as tafseer is closely related to the the meanings of the Sunnah and not to its words, sanad or transmitters. Therefore, he must have sufficient awareness of the Sunnah so that he can explain the Qur'an. It is now clear that before anything else, one must first make a detailed study of the reality of the Qur'an and study of whatever applies to this reality, regarding the words and meanings, and then understand the subject of discussion. It should be known that a general understanding is not sufficient, but a detailed understanding of the comprehensive (kulliyat) and elaborate (juz'iyat) issues is essential, even if in a general manner. To visualise this detailed understanding, we present a quick look at the way of this detailed understanding of the reality of the Qur'an as regards its vocabulary and phrases, and its disposal of the vocabulary and phrases, and as regards the high manner in speech and address

from the linguistic perspective and in terms of the language of the Arabs and their well-known way in language.

As for the vocabulary of the Qur'an, we can see it contains vocabulary on which the linguistic meaning applies literally (haqiqatun) and the linguistic meaning applies metaphorically (majazun). The linguistic and metaphorical meanings may continue to be used together. The intended meaning is known by the qarinah (context) in each phrase. The linguistic meaning may be deliberately forgotten whilst using the metaphorical meaning. So, this becomes what is intended and not the linguistic meaning. We also notice vocabulary on which only the linguistic meaning applies. It is not used in the metaphorical sense due to the absence of any qarinah (context) which would divert us from the linguistic meaning. There is vocabulary on which both linguistic meaning and the new Shar'ai meaning apply to the exclusion of the literally and metaphorical linguistic meanings, while it is used in the linguistic and Shar'ai meanings in other verses. What determines the meaning that is intended is the structure of the ayah. Vocabulary may be only used in the Shar'ai meaning and not in the linguistic meaning. For example, the word qaryah (town), was used in the linguistic meaning only. He (SWT) said:

'Till, when they came to the people of the (qaryah) town.' [18:77],

'Rescue us from this (qaryah) town.' [4:75] It was also used in its metaphorical meaning. He (SWT) said :

'And ask (the people of) the (qaryah) town where we have been.' [12:82] The town is not questioned but rather those intended are the people of the town. This meaning is metaphorical in nature. And He (SWT) said:

'And many a (qaryah) town (population) revolted against the Command of its Lord.' [65:8] The people of the town are intended. For example in His(SWT) saying:

'Or any of you comes from answering the call of nature (ghait).' [5:6] The 'ghait' is the place which is low, it is used metaphorically with respect to answering the call of nature, because the one who answers the call of nature goes to the low place. So the use of the metaphorical meaning of 'ghait' prevailed and the literal meaning was deliberately forgotten. For example the word 'qist' in His (SWT) saying:

'Judge with justice (qist) between them,' [5:42] and His (SWT) saying:

'And observe the weight with equity (qist),' [55:9], its intended meaning is linguistic, and no other meaning can be found. For example the word 'tahir' in His (SWT) saying:

'And your garments (tahir) purify,' [74:4] it is the linguistic meaning that is intended, such as the purification of clothes from dirt, because purity (tuhr) linguistically is taharah (purification) as the opposite of dirt. Purifying something with water means to wash it. Taharah means being free from filth. Similarly His (SWT) saying:

'If you are in a state of janabah (i.e. had a sexual discharge) purify yourself (fattaharu).' [5:6] and, 'Which (that Book) none can touch but the purified (mutahharun).' [56:79] The linguistic meaning here, the removal of impurity, is not possible because the believer can not become impure. So only the other meaning remains which is removal of impurity. So 'fattaharu' means: remove the impurity. And the 'mutahharun' are: the ones free from impurity, because the removal of the greater and lesser impurity is called taharah in the Shari'ah. He (SAW) said: *ITALICS* 'Allah (SWT) does not accept the prayer (salah) without (tuhur) purification,' meaning the removal of impurity. Another example is His (SWT) saying:

'Have you (O Muhammad [SAW]) seen him (i.e. Abu Jahl) who prevents, a slave (Muhammad [saw]) when he (salla) prayed?' [96: 9-10] Here the Shar'ai meaning of 'salla' is what is meant. And His (SWT) saying:

'They (yusalluna) ask Allah (SWT) to bless and forgive the Prophet (SAW).' [33:56] What is intended of 'yusalluna' is the linguistic meaning which is the du'a (supplication). And for example in His (SWT) saying:

'Then when the (jum'a) salat (prayer) is finished,' [62:10] and His (SWT) saying:

'O my son! Establish the salat (prayer).' [31:17] All the aayaat in which salah is mentioned, have only been used in the Shar'ai meaning.

This is in terms of the vocabulary. As for the phrases, the Arabic language is composed of words which indicate meanings. When we examine these words in terms of their existence in phrases whether relating to its isolated meanings in the phrase or the meaning of the whole phrase, it does not exceed two viewpoints. Firstly, they should be viewed from the angle of being general words and expressions indicating general meanings, which is the original meaning. Secondly, from the angle of them being words and expressions that indicate meanings which serve the general words and expressions, and this is the secondary meaning. In relation to the first category, which is where the structure is composed of general words and expressions indicating general meanings, there are in the Arabic language in terms of the vocabulary, words which are homonymous (mushtarakah) such as the word 'ayn (lit. eye), qadar, ruh and so on. There are also words which are synonymous (mutaradifah) such as jaa' and a'ta (to come), asad and qaswarah (lion), zanna and za'ma (contention) and so on. There are words which have opposite (mudhadhah) meanings such as the word quru' for being in a menstrual or pure state, and 'azzara for help and support, likewise the words lawm and tankeel for rebuke and so on. Understanding of the intended meaning of the word requires the understanding of the structure. It is not possible to understand its meaning simply by referring to dictionaries, rather, it is essential that the structure in which the word was mentioned is understood, as it is the structure that determines the intended meaning. Just as we say this regarding the vocabulary in the structure, we also say this

regarding the structures themselves. The structure, in its capacity as general words and expressions indicates general meanings, which is its original meaning. As long as there is no qarinah (indication) to indicate otherwise, the general meaning is what is intended, and examples of this are abundant in the Qur'an and needs no mentioning.

As for the second category, the fact that the structures are composed of words and expressions indicating meanings which serve the general words and expressions, every piece of information stated in the sentence necessitates the clarification of what is intended in the sentence in relation to this piece of information. So the sentence is written in a manner leading to that purpose according to the informant, the informed about and the notification itself, in the state in which it existed and the context in which the sentence is presented, and in the type of style in terms of clarity, ambiguity, succinctness and verbosity and so on. For example, one may say at the beginning of notification, qama Zayd (stood up Zayd), if the concern is not with the one who is being informed about but the report. If the concern is with the one being informed about you would say: Zayd qama. In response to question or something on the level of a question one might say: 'Indeed Zayd stood up (inna Zaydan qama)' In response to someone who refuses to believe: 'By God! Indeed Zayd stood up (wallai inna Zaydan qama).' And in notifying someone who expects Zayd to stand up: Zayd has stood up (qad qama zaydun), beside other such issues which should be considered in Arabic texts. The Qur'an has come fulfilling those two categories. So in it, general words and phrases indicating general meanings have come. And in it restricted words and phrases have come serving the general meanings in various rhetorical aspects. The best examples where the secondary meanings can be observed are those verses (aayaat) and parts of those verses which are repeated in the Qur'an, whether in the same surah or in different surahs. Other similar examples are those stories and sentences which have been repeated in the Qur'an. For example, bringing the predicate before the subject, the emphasis with one or more tools of confirmation

according to the pattern of the sentence. Also the negative interrogative forms and the like that include the highest forms of secondary meanings. So, you might find an Ayah or part of an Ayah, or a sentence or a story that follows a particular pattern in one Surah, another pattern in another Surah, and in yet a third pattern in another Surah. In every location, where the expression has been transformed from its original position, like forwarding the predicate over the subject, or mentioning a certain part of some information in preference to another part of the same information that is usually used, we will find an eloquent witty point aimed at generating a meaning that serves the general meanings contained in the words and phrases of the Ayah.

This is regarding the foundations of speech in the Arabic language in terms of being words which indicate meanings, and regarding the foundations of speech in the Qur'an in terms of being words which indicate meanings, whether in terms of the viewpoint of vocabulary in their phrases or in terms of the phrases as a whole. When it comes to using the words in their phrase or the phrase itself, Qur'an follows the well-known pattern of the Arabs in whose language it was revealed. Although the Qur'an disabled the Arabs when it challenged them to bring the like of it, it did not abandon the continuous custom of the Arabs in their disposal of the Arabic language. In this case the nature of Quranic speech is similar to the nature of Arabic speech. By referring to the nature of the well-known disposal of Arabic language by the Arabs, we don't find the Arabs strictly adhere to certain words when the aim is to preserve the meaning of the phrases, even though these words are taken into account. At the same time, if the aim is to convey an accurate meaning that can only be given by adhering to the word that could achieve this, then the phrase needs to contain such particular word. So, neither of these two options is adhered to. Rather, the meanings can be builtrest on the phrase alone, without adhering to the words contained within the phrase, or built on the words in the phrase. The custom of the Arabs disposal of their own language was that, if the intended meaning of the

phrase is valid, the Arabs would be satisfied in using some words instead of others that are synonymous (Muradif) or close to them in meaning. Ibn Jinni reported from Eisa bin Umar who said: 'I heard Zar-Rummah read:

'Wa-zaahir laha min yaabis esh-shakhte wasta'in Alaihus-saba waj'al yadayka laha sitra. The meaning is:

Help it by the dry and slim (oar) and seek help against

It by the wind and make your hands a sheild to it.

I said: 'you read to me 'min baa'is.' He said: yaabis and baa'is hold the same (meaning). Ahmed ibn Yahya said that Ibn Al-A'arabi read the following poetry to him:

Wa-mawdhi'i zeerin la ureedu mabeetahu

Ka'anni bihi min shiddati-r-raw'ai aanasu. The meaning is:

A narrow place I don't want to sleep in

As if it is because of the great fear, more intimate.

A shaikh of his companions said: 'It is not like that. You read to us "Wa-mawdhi'i dheeqin.'" The shaikh said 'Subhana Allah (praise be to Allah), you have accompanied us since such and such time and you don't know that the zeer and the dheeq hold the same meaning.' This is similar to what happens in the Qur'an, where certain words were used in preference to synoyomous words or words close in meaning, like the different readings (Qira'at) in the Quran.

' The Only Owner (maalik) of the Day of Recompense.'[1:4]

' The Only Owner (malik) of the Day of Recompense.'[1:4]

' They only deceive (yakhda'una) themselves.'[2:9]

' They only deceive (yakhadi'una) themselves.'[2:9]

' To them We shall surely give (li nubawwi'annahum) lofty dwellings in Paradise[29:58]

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It is the habit of the Arabs to adhere to the words themselves when there is a purpose for expressing with them. It is na when a transmitter (raawi) read a poem saying:

La'mruka ma dahri bita'abeeni Maalikin

Wa la jazi'un mimma asaaba fa`wga'aa

(By your life, what is my long life commemorating Maalik)

(Nor am I worried of what happened and caused pain)

Instead of saying Maalik he said the word (haalik, meaning dead). Somebody became angry and said the narration is Maalik and not haalik, for the commemorated person is Maalik and not a dead person. There came in the qur'an words that were adhered to, where the meaning cannot be delivered without them, this is like His (swt) saying:

' That indeed is a division most unfair (Dheeza)!"[53:22] The word (DHeeza) here cannot be replaced by any synonomous or similar word that could give its meaning, like (Dhaalimah) or (jaa'irah). And His (swt)'s saying:

' Verily, the harshest of all voices is the voice (braying) of the ass (Hameer).'[31:19] The word (Hameer) has a meaning that cannot be delivered with a word other than it, that is why it uttering was observed in the syntax so as to preserve the meaning. That is in regards to preserving or not the expression with the same word. However, in regards to preserving or not the individual meaning by explaining it, the well known practise among the Arabs is that their greatest attention is to the meanings dissiminated in the speech. This is because the Arabs were only concerned with the meanings, and the words were only fashioned for their sake. However, if the purpose of the sentence is the individual meaning, the attention should then be directed to the meaning of the words together with the meaning of the sentence. If the purpose is the syntax meaning, then it is enough to observe the individual meaning so as not to confuse the readers understanding of the syntax meaning of the sentence.

The qu'ran followed this well known practise in all the verses. Therefore, Omar b. Al-Khattab (ra) when he was asked about His (swt)'s saying:

Wa-faakihatan (fruit) wa abba

'And fruits and abba (herbage, etc).'[80:31], he (ra) said we have been forbidden from burdening ourselves unnecessarily (takalluf) and going deeply (ta'ammuk). In other words the intended individual meaning in the like of this sentence is the syntax meaning. However, if the syntax meaning depends on the individual meaning then attention should b given to the individual meaning. Therefore we see again Omar b. Al-Khattab himslef asked while he was on the mimbar, about the meaning of the word (takhawwuf), when he read His (swt)'s saying:

' Or that He may catch them with (takhawwuf).'[16:47], a man from Hudhayal said: At-takhawwuf amongst us means the decrease, and he read to him:

Takhawwafa ar-rahlu minha taamikan qarida

Kama takhawwafa 'oudan nab'ati es-safanu

(The saddle of the camel impaired and soothed the back of the camel)

(As an iron piece smoothed the wooden stick (arrow)

When the man of Hudhayal read the verse of poetry and explained the meaning of at-takhawwuf, Omar (ra) said: (O people hold on to your collection of poetry in jahiliyahfor it has the explanation of your Book.)

Moreover, the Qur'an when speaking adheres to expressions which it intends use of a high level of manner whether as a narrative or instruction. Thus, when it used the vocative form from Allah (SWT) to the servants ('ibad) it used the vocative particle that requires remoteness, written and not deleted so that the servant feels his distance from Allah (SWT), such as in His (SWT) saying:

'O My slaves who believe ! Certainly, spacious is My earth.' [29:56] And,

' Say: O 'ibadi (My slaves) who have transgressed against themselves.' [39:53] And,

'Say (O Muhammad [SAW]: O mankind! Verily, I am the Messenger of Allah to all of you.' [7:158] And,

'O mankind !' [7:158] and

'O you who believe !'[2:153] This is with regards to when Allah (SWT) calls His servant. As for when the servant calls Allah (SWT), it used the call without the vocative particle (yaa) like His (SWT) saying:

'Our Lord! Punish us not if we forget or fall into error, our Lord! Lay not on us a burden like that which You did lay on those before us (Jews and Christians); our Lord! Put not on us a burden greater than we have strength to bear.' [2:286] And ,

'Our Lord! Verily, we have heard the call of the one (Muhammad [SAW]) calling to Iman (belief).' [3:193] And,

'Our Lord! Let not our hearts deviate (from the truth) after You have guided us.' [3:8] And,

' 'Isa (Jesus), the son of Maryam (Mary), said: Allah (SWT), Our Lord! Send us from heaven a table spread (with food).' [5:114] All of these are free from the particle 'yaa' which makes you feel remote, so that the servant feels that Allah (SWT) is close to him, and also because the 'yaa' indicates drawing attention, which the servant needs when he is called, but that is not the case with Allah (SWT).

Furthermore, in observing the expressions which intend to take notice of the high manner, the Quran followed that by using the indirect instead of the explicit (direct) expression in the matters which are ashamed to be expressed explicitly. This is the like when the Quran expressed about the by using the dress (garment) and by using the touching (direct contacting), like His (SWT) saying:

'They are your garments and you are their garments.' [2:187] And He (SWT) said:

'And do not equal relations with them (your wives) while you are in I'tikaf (i.e. confining oneself in a mosque for prayers and invocations leaving the worldly activities) in the mosques.' [2:187] Quran talked indirectly about responding to the natural cause by His (SWT) saying:

'They both used to eat food (as any other human being, while Allah (SWT) does not eat).' [5:75] Similarly, the Quran brought the form of the attention which implies of the manner of attendance from the absence to the presence in relation to the servant ('abd) if it is required by the circumstance, like His (SWT) saying:

'All the praise and thanks be to Allah (SWT), the Lord of the worlds. The Most Beneficent, the Most Merciful. The Only Owner of the Day of Recompense.' [1: 2-4] Then it turned away from the absent to the direct speech, so He (SWT) said:

'You (Alone) we worship, and you (Alone) we ask for help,' [1:5] and His saying:

'Till when you are in the ships and they sail with them with a favourable wind.' [10:22] So it turned away from the direct speech to the absent. His (SWT) saying:

'(The Prophet [saw]) frowned and turned away, because there came to him the blind man (Ibn Umm Maktum).' [80:1-2] The blame here occurred in a manner which indicates the absence, though the verse came down to him and he is addressed with it. Then He (SWT) turned to speak to him directly:

'But what could tell you that perchance he might become pure (from sins) ?'[80:3] This turning away from the direct speech to the absence, and then from the absence to the direct speech is only to observe the high manner. This is because the direct speech after the absence speech strengthens the second meaning or reduces the first meaning on the soul when laid down to him. Don't you see that in the thanking of Allah and praising Him, the manner of the speech would require the absence. While in worshipping Him and showing one's weakness (to Him) would be more appropriate to be direct? So it might be milder upon the blamed one to be in the the absent expression, while enquiring might be more appropriate to come from a direct speaker. Other examples of observing the high manner is what Allah (SWT) taught us in terms of leaving the explicit reference of eil to Allah

(SWT), though He (SWT) is the creator of everything. This is like when He (SWT) says:

'In Your Hand is the good (khair).'[3:26] He was satisfied by mentioning that without saying: ' and in Your Hand is the evil (sharr)', after h His (SWT) saying:

' Say (O Muhammad [saw]) : " O Allah (SWT)! Possessor of the Power, You give the Power to whom You will, and You take the Power from whom You will, and You endue with honour whom You will, and you humiliate whom You will. In Your Hand is the good. Verily, You are Able to do all things.'[3:26] This is despite the course of speech implies mentioning ' and in Your is the evil'. This is because what the Quran stated of the action of Allah is good and evil in the view of man. This is because giving the power and honour is considered good in the view of man. While taking the power and man's humiliation is evil in his view. Allah has related all that to Him by saying that He (SWT) did that. At the end of the *ayah* , He (SWT) said:

' Verily, You are Able to do all things.'[3:26] This includes the evil and the good. Yet Quran said ; 'In Your Hand is the good' without mentioning the evil and without saying; ' and in Your Hand is the evil', this is to teach us to use the high manner. All of this, that is to express in phrases that aim at observing the high manner, is a matter which is well-known for the Arabs in their speech, as it came in their poetry and discourse. Thus, Quran goes on in its vocabulary and phrases according to the vocabulary and expressions of the Arabs without deviating from that not by a hair's breadth. At the same time it contains the highest eloquent speech that is more than they did. So the reality of the Quran is pure Arabic; there is no place in it for non-Arabic language. Accordingly, it is inevitable for the one who wants to understand it to approach from the Arabic language angle , and there is no way to seek its understanding from any other angle. Therefore, it is inevitable that the Quran be explained in terms of its vocabulary and phrases, and in terms of the vocabulary and phrases as words and as syntax, in Arabic language only. So, whatever the Arabic language indicates and

whatever its well-known course requires is used to explain the Quran. It should not be explained from this angle except with what the Arabic language requires only. The way to know all of that is the reliable transmission (*naql*) through the narration reported by the relevant (person) who knows precisely what he narrates from the eloquent Arabs whose Arabic language is pure.

Thus, the tafseer of vocabulary and phrases as words and expressions is restricted only to the Arabic language, and it is prohibited for one to make tafseer with anything other than it. This is what its reality necessitates from this direction.

As for its reality in terms of shar'ai meanings like prayer (salah) and fasting (sawm), and shar'ai rules such as the prohibition of usury, permissibility of trade, and the thoughts which have a shar'ai reality such as angels and shayateen, it has been established that the Qur'an has come with many verses, as ambivalent (mujmal), and these have been elaborated upon by the Messenger (SAW). It came in general form and the Messenger (SAW) has specified them. It came as absolute (mutalaq) and the Messenger (SAW) restricted it (muqayyad). In the Qur'an Allah (SWT) has clarified that it is the Messenger who will explain the Qur'an. He (SWT) said:

'And We have also sent down unto you (O Muhammad [SAW]) the reminder (the Qur'an), that you may explain to the people what is sent down to them.' [16:44] So the Qur'an from this viewpoint, in order to be understood needs familiarity with what the Messenger has explained in terms of the meanings of the vocabulary and phrases of the Qur'an, whether this explanation is a specification, restriction, elaboration or anything else. Therefore, to understand the Qur'an, it is imperative one familiarises oneself with the Sunnah relating to the Qur'an, meaning the Sunnah in its general form, because it is an explanation of the Qur'an, so that the Muslims know from the Sunnah the meanings, rules and thoughts in the Qur'an. That is why to have complete understanding of the Qur'an, it is not sufficient to restrict oneself only to the Arabic language, but beside the

knowledge of the Arabic language there must be knowledge of the Sunnah. Even though the Arabic language is the only source referred to in order to understand the indications of vocabulary and phrases in terms of its words and expressions. To understand the whole Qur'an, one must make the Sunnah and the Arabic language as two indispensable matters. It is inevitable that they both proceed together to understand the Qur'an, and that these two things should be available to whoever wishes to make tafseer of the Qur'an. They must both be made the medium by which the Qur'an is understood and explained. As for the stories in it about the earlier Prophets and Messengers and the events narrated about the nations of ancient times, if a sound (sahih) hadith is narrated about them, it is taken. Otherwise one should confine oneself to what has been reported in the Qur'an in the whole verses. It is not correct that anything about them should be acquainted except through these two ways. From the angle of vocabulary and phrases there is no role for the Torah and Bible in understanding the vocabulary and phrases that narrate the stories. There is no relevance to the Torah and Bible in understanding these vocabulary and phrases. As for the meanings, the one who explained them is the Messenger by the explicit (text) of the Qur'an and not the Torah or the Bible. Therefore, there is no role for the Torah and the Bible in understanding the meanings of the Qur'an, because Allah (SWT) has ordered us to refer to the Messenger and clarified to us that the Messenger (SAW) has explained the Qur'an. He (SWT) did not order us to refer to the Torah and the Bible. It is not allowed for us to refer to the Torah and the Bible to understand the stories of the Qur'an and the reports of bygone nations. Similarly, there is no role for sources other than the Torah and Bible like books of history and the like, as the issue is not the explanation of a story so as to say this is a more extensive source assuming that it is authentic, rather it is the explanation of specific texts which we believe are the words of the Lord of the worlds (rabbul 'alamin). Therefore, we must restrict ourselves to the meanings of these texts in terms of the Arabic language in which the Qur'an came, and to whatever this language dictates, and also in

terms of the shar'ai definition from the one who holds the authority to provide the definition, who is the Messenger (SAW) about whom Allah (SWT) said that the Qur'an has been revealed to him so that he may explain it to the people. Consequently, we must reject any tafseer which comes from the Torah, Bible, historical works and so on. It would be a fabrication against Allah (SWT) if we think that these are the meanings of Allah (SWT)'s words while there is not the semblance of a daleel (evidence) that they have any relationship to the meanings of the words of Rabb ul-'Aalamin.

Many people have claimed, in the past and in modern times, that the Qur'an contains sciences, industry, inventions and so on. People will ascribe to the Qur'an every science mentioned by the ancient and modern authors, such as the natural and chemical sciences, logic and other subjects. All of this has no basis and the reality of the Qur'an refutes them. The Qur'an did not intend to establish any of the things they claim. All the aayaat of the Qur'an are but; thoughts demonstrating the greatness of Allah (SWT) and ahkam to treat the actions of the servants of Allah (SWT). As for what takes place in terms of the sciences there is not a single ayah or part of an ayah (let alone verses) with the slightest indication of any one of the sciences. As for the aayaat which can be applied to theories or facts like the verse:

'Allah (SWT) is He Who sends the winds, so they raise clouds.' [30:48] The ayah came to demonstrate the power and ability of Allah (SWT) and not to prove scientific viewpoints. As for His (SWT) saying:

'And We have sent down to you the Book (the Qur'an) as an exposition (tibyan) of everything.' [16:89] What is conveyed in this is everything from the obligations and worships and whatever relates to that as evidenced by the text of the verse. It pertains to the subject of obligations which the Messengers conveyed to the people. The full text of the ayah is:

'And (remember) the Day when We shall raise up from every nation a witness against them from

amongst themselves. And We shall bring you (O Muhammad [SAW]) as a witness against these. And We have sent down to you the Book (the Qur'an) as an exposition (tibyan) of everything, a guidance, a mercy, and glad tidings for those who have submitted themselves (to Allah (SWT) as Muslims).' [16:89] Allah (SWT) bringing a Messenger as a witness over his Ummah means he is a witness over them regarding that which he conveyed to them. The fact that he revealed the Qur'an to explain everything means it is a guidance, mercy and glad tidings for the Muslims. This definitely means that the thing is not natural science, logic or geography or any other subject, but it is a thing that relates to the Message, meaning the Book is an exposition of their ahkam, worships and beliefs (aqa'id). A guidance by which people are guided, and a mercy for them which saves them from misguidance, and glad tidings for the Muslims of jannah (Paradise) and the Good Pleasure of Allah (SWT). It has no relationship to anything other than the deen and its obligations. So the meaning of 'exposition (tibyan) of everything' is designated as any issues of Islam. As for His (SWT) saying:

'We have neglected nothing in the Book.' [6:38] What is meant by 'Book' here, is the preserved tablet (al-lawh al-mahfuz) as the knowledge of Allah (SWT) . The word 'kitab' (book) is a homonym (mushtarak) which is explained according to the context (by the setting) in which it came. So, when Allah (SWT) says:

'This is the Book whereof there is no doubt.' [2:2] it is the Qur'an that is referred to here. And when He (SWT) says:

'You know not what is the Book,' [42:52] meaning how to write. But when He (SWT) said:

'And with Him is the Mother of the Book.' [13:39] And He (SWT) says:

'That is written in the Book (of our decrees).' [17:58] And He says:

'We have neglected nothing in the Book.' [6:38] And He says:

'Were it not a previous ordainment from Allah (SWT).' [8:68] And He says:

'But is written in a Clear Record (kitab mubin).' [6:59] And He says:

'All is in a Clear Record (kitab mubin).' [11:6] And He says:

'Nor is a part cut off from his life but is in a Book.' [35:11] Book in all these verses indicates the knowledge of Allah (SWT). And His (SWT) saying:

'It is with my Lord in a Record (Kitab)' [20:52], where kitab means the preserved tablet (al-lawh al-mahfuz) which means His (SWT) knowledge. And His (SWT) saying:

'Written in the Book (of our decrees).' [17:58] also refers to the preserved tablet (al-lawh al-mahfuz) which means His (SWT) knowledge. And His (SWT) saying:

'We have neglected nothing in the Book.' [6:38], has come clearly as the knowledge of Allah (SWT). The complete ayah reads:

'There is not a moving (living) creature on earth, nor a bird that flies with its two wings, but are communities like you. We have neglected nothing in the Book.' [6:38] Similar to His (SWT) saying:

'What sort of Book is this that leaves neither a small thing nor a big thing.' [18:49] As evidenced by the second ayah which came in the same surah (chapter) - surat al- An'aam - which is:

'except it is written in a Clear Record (kitab mubin).' [6:59] So the verse came:

'And with Him are the keys of the ghayb (all that is hidden), none knows them but He. And He knows whatever there is in the earth and in the sea; not a leaf falls, but He knows it. There is not a grain in the darkness of the earth nor anything fresh or dry, except it is written in a Clear Record (kitab mubin).' [6:59] All of this indicates that in this verse the word 'kitab' does not mean Qur'an.

Rather, it means the preserved tablet (al-lawh al-mahfuz) which is tantamount to the knowledge of Allah (SWT). There is no indication in the ayah that the Qur'an contains scientific knowledge and other such topics. The Qur'an is devoid of any discussions about science, because its vocabulary and phrases do not indicate that, and also because the Messenger (SAW) did not explain them, so they have no relationship with it. This is the reality of the Qur'an. It indicates explicitly and clearly that it consists of Arabic texts brought by the Messenger (SAW) from Allah (SWT) which are not explained except with the Arabic language and the Sunnah of Rasool Allah (SAW). As for its tafseer based on a shar'ai evidence mentioned regarding the manner of tafseer, this is not real and has no basis. The Qur'an itself did not clarify to us the manner in which its verses should be explained, and the Messenger (SAW) has not been authentically reported to have clarified a specific mode of tafseer. The Sahabah (may Allah (SWT) be pleased with them), even though what they explained was the causes of revelation, but that was by way of a mawquf hadith (not ascribed to the Prophet) and not by way of tafseer. Even by way of explanation and clarification, they still differed on the aayaat. Each one spoke according to his view which indicates that an Ijma'a (consensus) on a specific manner of tafseer did not take place. Among them there were those who used to take from the people of the Book certain israliyyat which were na by the Tabi'un. Some would reject their use. However, all of them used to understand the Qur'an according to what they had in terms of knowledge of the Arabic language, and with what they understood from the Sunnah of Rasool Allah (SAW), related to his sayings, actions, consents and description to the creation and moral character of Rasool Allah (SAW). This is well known about all the Sahabah. Whoever used to refrain from explaining certain words and verses, his restraint was to reach certainty in the meaning and not for restricting himself to what the text has mentioned ; all that so as not to give an opinion unless based on reliable knowledge. This is not called Ijma'a (consensus) because it does not reveal an evidence about the Messenger (SAW) as the clarification of the Messenger

(SAW) constitutes Sunnah and not tafseer. However, the Sahabah are the closest people to the correct opinion in the tafseer of the Qur'an, due to their high rank in the Arabic language and their closeness to the one to whom the Qur'an was revealed. They used to agree on an approach, by making the Arabic language such as the jahili poetry, speeches in jahiliyyah and others as the only tool for understanding the vocabulary and phrases of the Qur'an. They restricted themselves to the limits of what has been mentioned from the Messenger (SAW). They also opened their minds in understanding the Qur'an according to those two tools. This is the best method to follow in understanding the Qur'an.

Therefore, we view the method of explaining the Qur'an is that the Arabic language and the Prophet's (SAW) Sunnah should be adopted as the only tool in understanding the Qur'an and its tafseer in terms of its vocabulary and phrases, the Shar'ai meanings, Shar'ai rules, and the thoughts that have Shar'ai reality. The method of explaining the Qur'an is that we open our minds to understand the texts to the extent that is indicated by the language of the Arabs and their customary disposal of the speech. Whatever the words indicate in terms of Shar'ai meanings mentioned in a Shar'ai text of the Qur'an or Sunnah, without being restricted to the understanding of the previous forebears whether 'Ulema, Tabi'un or even the Sahabah. All these are ijthahs which may be mistaken or correct. Maybe the mind is guided to the understanding of an ayah whose reality becomes conspicuous to the mufassir during an extensive perusal of the Arabic language or it becomes apparent to him during the changing of things, progress of material forms (ashkal madaniyyah), incidents, events and so on. By opening the mind to creativity in understanding and not invention, the creativity in tafseer takes place within the limits demanded by the word 'tafseer', while at the same time protecting oneself from the misguided coinage of meanings which have absolutely no relationship to the text being explained. This conformity in understanding and giving the mind free reign by best understanding of the text, without being restricted by the understanding of

any human being except the person on whom the Qur'an was revealed, necessitates that all israiliyyat are rejected and restricting oneself only to the stories mentioned in the Qur'an, and rejecting what they claim of sciences contained in the Qur'an. Also limiting oneself to what the phrases of the Qur'an mean in terms of the aayaat which discuss the universe and whatever is intended by them in terms of clarifying the greatness of Allah (SWT). This is the method of explaining the Qur'an that the mufassir has to adhere to it, and its burdens must be borne by whoever wishes to make tafseer of the Qur'an.

The Science of Hadith

It is the science by whose laws the conditions of the sanad and matn are known. Its aim is to know the correct (sahih) hadith from others. The science is in two parts : knowledge of the hadith pertaining to transmission (riwayah) and knowledge of the hadith pertaining to meaning (dirayah). As for that pertaining to transmission (riwayah), this includes the transmission of the sayings, actions, consent and characters of the Prophet (SAW), and their narration, checking and writing down of words. As for that pertaining to transmission (riwayah), the reality, conditions (shurut), categories and rules of transmission are known through it. Dirayah includes knowledge of the meaning contained by the hadith in terms of whether it contradicts the definite text.

The Hadith

One should be familiar with the meanings of terms that are frequently used by the muhaddithun. They are : Hadith, khabar, athar and sunnah. These are general terms. The words matn, sanad, isnad, musnad and musnid are from the perspective of the words of the hadith and its transmission. The words muhaddith, hafiz, hujjah, hakim are from the perspective of the transmitters. This is the clarification of the meanings of these words in the terminology of hadith :

1. Hadith : Whatever has been attributed to the Prophet (SAW) in terms of his sayings, actions, consent or physical description (i.e. relating to his creation (SAW) such as his being of medium height), or his character meaning relating to his morals such as he did not counter anyone with anything makruh. Khabar and sunnah has this meaning also. They are synonymous terms for the term hadith. All these words - hadith, khabar and sunnah have the same meaning. As for athar

it is the hadith ending to the Sahabah (may Allah (SWT) be pleased with them).

2. Matn : IT is the speech which comes at the end part of the sanad. The sanad is the line of transmission leading to the matn, i.e. the men (transmitters) who lead to the matn. The isnad is the attribution of the hadith to the one who said it. Musnad is the chain which is continuous from its beginning until the end, even if it stops at the sahabi (mawquf). The word musnad is also applied to a book in which reports of the Sahabah are compiled. As for musnid it is the person who narrates the hadith with its isnad.

3. Muhaddith : Someone who carries the hadith and devotes his attention to it in terms of narration (riwayah) and meaning (dirayah). The hafiz: Someone who has committed to memory a hundred thousand hadiths with the matn and sanad, even if they are through various lines of transmission, and he is aware of what the hadith requires. The hujja: Someone who is thoroughly acquainted with three hundred thousand hadiths. And hakim is someone who is familiar with the entirety of the sunnah.

The Transmitters of Hadith

The narrations of hadith came to an end after the compiling of ahadith in books. After the age of the recording of hadith there is no narration of hadiths, which was the age of Bukhari, Muslim and the compilers of the books of Sunan. This is because, narration of hadith is tantamount to transmission and this transmission has ended. The transmitters of ahadith are the Sahabah, Tabi'un and those after them. The 'Ulema of hadith have said that whoever saw the Prophet (SAW) and believed in him, is a Sahabi. However, the truth is that the Sahabi is anyone who actually realised the meaning of companionship. It has been narrated about Sa'id b. al-Musayyab that he said 'It is essential that someone has companionship with the Prophet (SAW) for one or two years, or has gone out with him on one or two battles.' Shu'bah reported from Musa al-Sibillani - whom he spoke appreciatively of - that he said: 'I said to Anas b. Malik: Are there any companions of Rasool Allah (SAW) left other than you?' He said: 'There are still many Arabs who saw him. As for his companions, no!' All the Sahabah are trustworthy because Allah (SWT) has praised them in his holy Book and due to the commendation of their morals and actions stated in the Prophetic sunnah. As for the Tabi'un, a Tabi'i is designated as the one who met a Sahabi and transmitted from him even if he had not companionship with him, like Sa'id b. al-Musayyab, Qays b. Abi Hazim, Qays b. 'Ubad and Abu Sasan Husayn b. al-Munzir. The history of the transmitters of hadith have been written and each one had been identified. The Sahabah are not protected from mistakes. Hafiz al-Zahabi al-Dimashqi said: As for the Sahabah (R.A), their matter has been settled despite what happened, even though they made mistakes as other trustworthy people did. Barely a single one of them is immune from mistakes, but the mistakes are rare which do no harm, since it is on the basis of their trustworthiness and acceptance of what they transmit that we act, and since it is through what they transmit that we worship Allah (SWT). As for the Tabi'un, those who would

intentionally lie are almost non-existent. However, they made mistakes and errors. The one whose mistakes were rare he is forgiven for what he is charged with. And whoever made many mistakes and was of wide knowledge he was forgiven also. His hadith is transmitted and acted upon despite the hesitancy of the imams and trustworthy in depending on such people for proofs such as al-Harith al-A'war, 'Asim b. Hanbal, Salih the freedman of al-Taw'amah, 'Ata'a b. al-Sa'ib and their likes. The one who makes terrible mistakes and was alone in his narration, his hadith is not relied upon. This hardly happens with the early Tabi'un, though it was present among the less senior Tabi'un, who came after them. As for the students of the Tabi'un like al-Awza'i and others they are on the aforementioned levels. In their age there were those who would intentionally lie and would commit many mistakes, his hadith would be disregarded. 'Look at Malik, who is the leading star in the Ummah, and yet was not safe from attack. If when referred to Malik for evidence, somebody said that he (Malik) was contested, such person would be rebuked and abused. Al-Awza'i is also a trustworthy and authentic, and he might be alone and mistaken (in narration), and his reports from az-Zuhri have defect.'

The one whose narration is accepted and the one whose narration is not accepted:

The exposition of (the science of) invalidation and attestation of reliability (al-jarh wat- ta'deel)

It is required of someone whose narration is used as proof, that he be trustworthy ('adl) and accurate (dhabit) in that which he narrates. As for the reliable transmitter, he should be Muslim, mature, sane, free from the causes of fisq (transgression) and matters that violate the honour. As for the one who is accurate (dhabit), this is the one who is aware and not inattentive. He should be some one who has memorised his narration (well) if he narrates from memory, and precise in his writing if he narrates from a book, and knowledgeable about what he transmits and what will change the intended meaning if he narrates by meaning.

The reliability of a transmitter is established through his becoming known for being good and praise given to him. So whoever becomes well known for his trustworthiness among the people of transmission and their likes from the people of knowledge, and praise for his reliability and trustworthiness become widely known, due to that he has no need of any testimonial proof of his reliability (a'dalah). The probity of a transmitter is established likewise by the attestation of the imams, or by one of them if his trustworthiness and scholar's approval of him are not well known.

A transmitters accuracy (dhabt) is known by comparing his narrations with that of trustworthy narrators who are known for their accuracy and precision. If his narrations are found to accord with their narration (even in meaning) or they are in agreement with the majority of cases, and his divergences are rare, then at that time his accuracy is established and verified.

Attestation (ta'deel) of a transmitter's reliability is accepted whether the reason was mentioned or not. This is contrary to invalidation or disparagement (jarh), which is not accepted except when the reason has been explained and clarified due to people's divergent views of the causes of fisq (transgression). The one who disparages a transmitter might believe something to cause transgression (fisq) so he brands the transmitter as weak, but in reality (the cause) might not be so, or it might not be considered in the views of others. In other words, someone might term something as disparaging (invalidation) based on what he believes to be so, which in reality is not a (legitimate) invalidation (jarh). That is why clarification of the reason for invalidation of reliability has been stipulated, so that one can look into whether it is a legitimate invalidation or not. The invalidation can be proved by one person, there is no condition on the number. One person is sufficient in attesting (ta'deel) or invalidating (tajreeh) a transmitter's probity, because it constitutes the notification of a news for which one person is sufficient. Just as the number is not stipulated in accepting a report, rather one person is sufficient. Similarly, the number is also not stipulated in invalidating

or attesting a transmitter's probity. Rather, one person is sufficient for the purpose of invalidation and attestation of someone's character. When there is an invalidation and attestation for a person at the same time, then invalidation is given precedence even if there are many people attesting someone's reliability. The one who attests (mu'addil) a transmitter's reliability informs us of what is clear from the transmitter's condition, but the one who invalidates (jarih) informs us of what is hidden and concealed from the one who validates (mu'addil). As for the number of those validating being greater, that is of no significance, for that is not the reason ('illah) for accepting the report. Rather the reason is whether someone is familiar or not familiar with the condition of a transmitter. The fuqaha restricted that case to when the validator (mu'ad) es not say: 'I know the reason mentioned by the one who invalidated (so and so) but he has since repented and his condition has improved'. When the one who invalidates mentions a specific reason for invalidation, the mu'addil can nullify it if he knows anything that indicates definitely that the reason has been cancelled.

Disparagement of a transmitter can take place with ten things. Five relate to trustworthiness ('adalah) and five relate to accuracy (dhabt) in the retention and reproduction of reports. The five which relate to the 'adalah they are: mendacity (kadhib), accusation (of any impropriety), any manifestations of fisq (transgression), ignorance, and innovations (bid'ah). The five factors which relate to accuracy (dhabt) they are: serious mistakes, flagrant negligence, delusion, contradicting reports of reliable transmitters, and bad retentive ability.

As for the transmitter whose condition is not known, there are categories:

1. A transmitter whose apparent and hidden probity is not known. This transmitter's narration is not accepted.
2. A transmitter whose hidden condition is not known but he is reliable as apparent. He is a narrator with a blameless record (mastur). This transmitter's narration is used.

3. A transmitter who is completely unknown (majhul al-'ayn). He is every transmitter not known to the 'Ulema. And he is someone whose hadith is known only through one transmitter. Anonymity (being unknown) of the transmitter is abolished by the acquaintance of the 'ulema with him or by the narration of the attested (muladdalin) narrators from him. One narration or one attestation (Ta'deel) is enough. Al-Bukari na from Murad al-Aslami though only Qays b. Hazim na from him. Muslim na also from Rabi'ah b. Ka'ab though only Abu Aslama b. Abdur-Rahman na from him. Thus, the anonymity of each of the two was removed by one narrator.

Narrations of the Muslim Sects

All the Sahabah are trustworthy ('udul). That is why people did not ask about isnad in the time of the Prophet (SAW) and after his death, until the fitnah (civil war) took place. The Sahabah and others (after them) encouraged people to examine the one from whom the hadith is taken. It has been narrated by Abu Sakinah, Mujashi' b. Fatinah that he said: I heard 'Ali b. Abu Talib (may Allah (SWT) be pleased with him) while he was in the mosque of Kufah, say : "Enquire about the person from whom you take this knowledge, for it is the deen." Al-Dahhak b. Muzahim said: 'Indeed, this knowledge is the deen, so enquire about the person from whom you take it.' And Muhammad b. Sirin said: 'Indeed this hadith is deen, so enquire about whom you take it.'

After the fitnah (civil war), Islamic sects emerged that advocated new opinions. The followers of these sects claimed that they had deduced these opinions, which they professed, from the Shar'ai texts, so as to be considered Islamic opinions. When some of them required a proof but did not find the evidence in the Shar'ai texts to back up the opinion, they would fabricate a hadith supporting their opinion, and attribute it to the Messenger (SAW). Some of them, driven by the call to their sect or their opinions and the favourable presentation of them, he would fabricate a hadith to achieve that. These new opinions were called bid'ah (innovations), and the people who did this were called muftadi'ah (innovators). That is why hearing hadiths from these people needs to be carefully scrutinized. Their narration of hadith was a subject of discussion. There are detailed clarifications regarding this situation. For the muftadi' (innovator) charged with kufr due to his bid'ah (innovation), there are no problems in rejecting his narration. If he is not charged with kufr, but permits lying, then his narration is rejected also. As for if he does not permit lying, then his narration is accepted on the proviso that he does not make a call to his sect or school of thought (mazhab). However, if he calls to his sect, then

his narration is rejected, and his reports are not advanced as proofs.

In short, any Muslim who fulfills the conditions for the acceptance of a narration, by being reliable ('adl) and precise (dhabit), then his narration is accepted irrespective of his mazhab or sect as long as he does not call to his sect or mazhab. This is because inviting people to a sect or mazhab within Islam is not allowed. If he invited people to Islam and explained the thoughts he has adopted with their evidences, then his narration is accepted, because he is calling people to Islam: so this person's narration is not impugned.

Narration by meaning and abridgement of the hadith

It is permitted to narrate hadith by meaning, because, we do not worship Allah (SWT) through the words of a hadith but through meaning, for wahy (revelation) is the meaning of the hadith and not its actual words. However, it is a requirement that the narrator be knowledgeable about anything that can change the meaning. If he is not knowledgeable or cognisant of that, he is not allowed to narrate hadith by meaning. As for abridgment of the hadith, this is permitted. It is not improper if a hadith is narrated in abridged form, with a part omitted and a part mentioned on the proviso that the omitted part does not relate to the part mentioned. However, it is not allowed to omit or exclude anything that would make the meaning deficient or make the part of the hadith which has been mentioned lead to a meaning which is completely different to the (actual) meaning of the hadith.

Categories of hadith

The khabar (report) which is synonymous to the terms hadith and sunnah is divided, in terms of the line of transmission, into the khabar mutawatir (continuously recurrent report) and khabar ahad (isolated report). The mutawatir comprises of four issues, and these are:

1. The number of transmitters should be such that they are a group and not be restricted to any specific number. So whatever number proves to be a group, that is considered mutawatir. However, the minimum requirement is five. Four is not enough, because four are in need of another to attest their integrity (tazkiyah) if nothing is known about them when they give testimony for zina. The group accredited for tawatir (continuous transmission) is that it should not need any attestation (tazkiyah) so as to be definite by the mere notification of the report.

2. It should preclude collusion on a possible lie. It differs according to the difference between persons and locations. So five people like 'Ali b. Abi Talib are sufficient to consider their report as mutawatir. However other type of people, five may not be a sufficient figure. Five transmitters who have not met from five different countries may be enough for the report to be considered as mutawatir, for they did not meet together in one place for collusion to occur. Probably a notification by the same number of people in one country may not suffice.

3. That they transmit the report from a group like them from the beginning to the end of the transmission, in a manner that precludes collusion on a possible lie, even if they were not of the same number. In other words, the first two conditions should be met in every tier of transmitters.

4. The basis of their report should be sensory perception, like hearing and the like, but not what is established by pure reason, because the

pure reason can make mistakes if not based on sensory perception, thus not indicating certainty.

The value of the mutawatir report is that it yields positive knowledge ('ilm daruri). It is what one is compelled to accept, such that he is unable to refuse it. It is compelling, because it does not require study, meaning the mutawatir report imparts certainty (yaqin). The mutawatir report is divided into two categories: verbal (lafzun) mutawatir like the hadith: 'Whosoever intentionally lies about me, let him reserve his place in the Hellfire.' and the hadith of wiping on the socks (khuff), hadith of hawdh (river in paradise), hadith of intercession (shafa'ah) and the hadith of raising the hands in prayer. The mutawatir by meaning (ma'nun), such as when the transmitters concur on a matter occurring in different incidents such as the sunnah of the morning prayer being two rakats, a category which does exist. Numerous mutawatir hadiths have been reported even though the 'Ulema differ on what constitutes mutawatir according to their different views about the mutawatir report.

As for the isolated report (khabar ul-ahad). It is the report whose narrators have not reached the number required for the mutawatir, whether it was reported by one or four narrators, meaning it is the report which falls short of the preceding four conditions for the mutawatir report. It is divided, in terms of the number of narrators, into three categories:

1. Gharib (Alien): it is the report na by a single transmitter, meaning there is a single narrator throughout the narration at any stage in the isnad. It is divided into: gharib in isnad only, and gharib in isnad and matn together. There is no such report as gharib only in matn. The gharib in matn and isnad is that whose narration is by a single narrator, for example the hadith prohibiting and donating the sale of wala'a (patronage). The gharib in isnad and not in matn is the matn na by a group of Sahabah, but a single transmitter na it from another Sahabi, like the hadith: *ITALICS* 'Actions are judged according to intentions.'

2. Aziz (scarce): It is a report transmitted by more than one narrator but less than four,

meaning it is na by two or three narrators, even at one tier. It is called aziz (scarce) due to its rarity.

3. Mashur (famous): A report which has been na by more than three narrators, but still it did not reach the level of mutawatir. It is called mashur due to it being clear and widely mentioned on the lips of people, irrespective of a sanad (chain) being found for it or not found. It is also the mustafid (abundant). It has two categories: mashur according to the scholars of hadith and mashur for the general public. The first is like the hadith of Anas, that the Prophet (SAW) made du'a (qunut) for one month against (the tribes of) Ra'al and Dhakwan.

The second category is like the hadith: ITALICS 'A Muslim is someone from whose (sharp) tongue and hands other Muslims are safe.' Not every mashur report among people is sahih. Some ahadith which have no basis or are entirely fabricated may become famous and well known. These are many, like the hadith: 'the day of your fast is (identical to) the day of your sacrifice', which has no basis. The Khabar al-ahad also, whether gharib, aziz or mashur, the isnad has a termination point, either ending with the Prophet (SAW) or with a Sahabi or tabi'i. In terms of the end of the chain (isnad) there are three types:

1. Marfu': It is a report which has been specifically ascribed to the Prophet in terms of his actions, sayings, consent or description, whether the one who attributed it to the Prophet (SAW) was a Sahabi, tabi'i or someone who came after them. Example of that is when the Sahabi says: 'we used to do or say such and such (thing) during the lifetime of the Messenger (SAW), 'or when he was among us', or 'when he was amongst us', or 'we did not see anything wrong with such and such thing', or the Sahabah used to do or say such and such (thing); or such and such (thing) was said during the lifetime of the Messenger (SAW). Another example is when the Sahabi says: 'We were ordered to do such and such (thing)', or 'we were forbidden from doing such and such (thing) or 'such and such (thing) is from the Sunnah'. It is also considered a marfu' report when the Sahabi says: 'We used to do or say such and such (thing)' even if they did not

attribute it to the Prophet (SAW), because it indicates a consent. Likewise, the saying of Anas b. Malik is considered as a marfu' report when he said: ITALICS 'The Prophet's doors used to be knocked using the fingernails', and when Anas said; ITALICS Bilal was ordered to double the azan and make iqamah one.' Similarly the tafseer of the Sahabah concerning the cause of revelation comes under the rule of marfu'. Anything other than that from the tafseer of the Sahabah is not considered part of the hadith. That is because the Sahabah performed many ijthahs in explaining the Qur'an and they disagreed as a result. We find also many of them used to narrate isra'illiyat from the people of the Book. That is why their tafseer is not considered part of the hadith, let alone considered as a marfu' hadith.

2. Mawquf: It is the narration from the Sahabah in terms of their sayings and actions. It is specifically related to the Sahabah. Its isnad can be continuous or broken. It is the report many of the Fuqaha and muhaddithun also call 'athar'. The mawquf does not serve as a proof, because Allah (SWT) said:

'And whatsoever the Messenger (SAW) gave you, take it, and whatsoever he forbade you abstain (from it).' [59:7] This means that whatever came to us from other than the Messenger (SAW) do not take it. Therefore, there is no proof (in the saying of) anyone except Rasool Allah (SAW). It is not permitted to ascribe it to Rasool Allah (SAW), because it is a mere possibility and not a prevalent opinion (zann), and possibilities are not recognised.

3. Maqtu' : It is not the same as munqati'. It is that whose chain stops at the Tabi'i in terms of sayings and actions. A proof is not established by it, and it is weaker than the mawquf.

Categories of the Khabar al-Ahad

The khabar al-ahad (isolated report) in its three forms: gharib, 'aziz or mashur, whether marfu', mawquf or maqtu' is divided by the scholars of hadith, in terms of its acceptance or rejection, into three categories: sahih, hasan, da'eef. The following is a clarification of each category:

1. Sahih; the hadith whose isnad continues through transmission of the reliable ('adl) narrator whose retention is accurate (dhabit) from an another reliable ('adl) transmitter who has an accurate retentive ability, and so on until the end of the chain, and is not shadh (irregular) or mu'allal (defective). In other words, the isnad of the hadith continues through by the transmission of the reliable ('adl) and accurate (dhabit) narrator from another of same quality until it ends with Rasool Allah (SAW) or a Sahabi or someone after him. The statement of the scholars of hadith that the ' the isnad of the hadith continues through the transmission of the reliable ('adl) and accurate (dhabit) narrator from another same as him', excludes the mursal, munqati' and mu'dhil hadiths, from the category of sahih. The mursal is what the Tabi'un have na from the Prophet (SAW) without mentioning the Sahabi. The munqati' is when a single narrator is omitted in one or more places in the isnad. The mu'dhil has two or more narrators missing from one or more places in the isnad. These three all have discontinued isnads which takes them out of the sahih category. The statement that "the hadith should not be shadh" (irregular) excludes from the sahih hadith the shadh report where a trustworthy narrator goes against the narration of narrators who are more reliable than him. Their statement: 'It should not be mu'allal (defective)' excludes from the sahih hadith the mu'allal report which has a defect. The 'illah (defect) consists of a weakness in the hadith, causing its rejection, a matter which appears to the critics when collecting and examining the various transmission routes of the hadith. For example, the chain of a narrator being continuous while a group has transmitted it as mawquf. Their statement: 'By the transmission of the reliable

('adl) narrator', it excludes the report na by a transmitter whose apparent and hidden condition is not known, majhul al-'ayn (not known personally), or he is known to be weak. Such a hadith is not considered as sahih. Their statement: 'by the transmission of a narrator who has accurate retentive ability (dhabit) ' excludes what has been na by someone who is not retentive and aware, that is his transmission is negligent and he commits many mistakes. This report is not considered a sahih hadith, rather, all the conditions which have been clarified should be met in the sahih ahadith. If one condition is missing then the hadith is not sahih.

2. Hasan : It is a report whose collector is known and its transmitters are well known. It is the most regular hadith, and most scholars accept it, and it is used by the fuqaha generally, meaning that in its isnad there are no narrators that have been charged with lying, nor it is a shadh (irregular). It is of two types:

First: a hadith whose isnad is not free from a transmitter who is mastur (of hidden condition) and whose capacity is not realized, but not negligent nor prone to make many mistakes or charged with mendacity. However, a hadith of similar matn might have been na from another way, and it is thus excluded from being shadh or munkar (rejected). Second: The narrators must be known for their trustworthiness and honesty, but they do not attain the level of the transmitters of the sahih category in retention and percesion; and what he narrates of reports singularly is not considered as munkar (rejected), nor is the matn irregular (shadh) or defective (mu'allal). So the hasan ahadith is the report transmitted by a reliable ('adl) narrator who is of lesser retentive capacity, but its isnad is continuous and not irregular (shadh) or defective (mu'allal). The hasan hadith is used as proof exactly as the sahih hadith.

3. Da'eef : It is the hadith which does not have the qualifications of the sahih or hasan hadiths. The weak hadith is not used as evidence at all. It is a mistake to say that when a da'eef hadith comes via numerous lines of transmission then it

rises to the level of hasan or sahih. For when the hadith is weak because its narrator has actually committed transgression or has been accused of actual lying, and the hadith came through other lines of transmission which are of this type, then it has increased in weakness. As for when the meaning contained in the da'eef hadith is also contained in the sahih ahadith, then the sahih hadith is cited and the da'eef hadith is rejected. Therefore, the da'eef hadith is not used as proof in any way whatsoever.

The accepted hadith (maqbul) and the rejected hadith (mardud)

It becomes clear from dividing the hadith into sahih, hasan and da'eef, that the hasan and sahih hadiths are both advanced as proof and the da'eef hadith is not. What makes the hadith acceptable or rejectable is the examination of the sanad (chain), transmitter and matn. If a narrator is not omitted from the sanad and whose omission would not lead to the inability of attesting the reliability of the omitted narrator, and the narrator's probity is not impugned; and the matn is not weak nor it does contradict certain parts of the Qur'an or Sunnah mutawatir or definite ijma'a, in this case the hadith is accepted, acted upon and advanced as a shar'ai evidence, whether sahih or hasan. As for when the hadith is contrary to these qualifications, it is rejected and not used as proof. Therefore, the rejected hadith is the hadith rejected due to omission from the sanad of a narrator which results in the inability to attest the reliability of this narrator, or due to a narrator's probity being impugned, or due to the weakness of the (matn) of the hadith or its contradiction to the Qur'an, hadith and Ijma'a which are definite. Various types of hadith come under the hadith mardud (rejected) which do not exceed the following descriptions:

1. Mu'allaq: when there is one or more narrators are consecutively missing from the beginning of the sanad in a blatantly obvious manner. The term 'more' is more general to include the whole or part of the isnad. Also included, is the omission of the whole chain such as when the

muhaddith or hadith compiler, says: Rasool Allah (SAW) said so or did such and such thing.

2. Mu'dil: Is a chain in which two or more narrators are missing from one or more places, such as when the tabi ut-tabi'i omits a tabi'i and sahabi from the isnad. But it does not include the statement of authors from the fuqaha when they say: 'Rasool Allah (SAW) said'. Or their statement 'from Rasool Allah (SAW)'. This is not (mu'dil), because that is not transmission, rather it is quoting and educing a proof which is valid.

3. Munqati': When a single narrator is missing before the Sahabi in any one place wherever it is, even if they are many, such that the missing narrator is not more than one from each place, so it will be munqati' in these places. Also considered to be munqati' is the chain in which there is an obscure narrator (mubham). An example of a transmitter being omitted is what has been na by 'Abdur Razzaq > ath-Thawri > Abu Ishaq > Zayd b. Yathir' > Hudhayfa, which goes back to the Prophet (SAW) that he said: ITALICS "If you assigned it (authority) to Abu Bakr, indeed he is powerful and honest." The isnad has breaks in two places. First, 'Abdur Razzaq did not hear from ath-Thawri but rather na it from al-Nu'man Ibn Abi Shaybah al-Jundi who na it from ath-Thawri. The second, ath-Thawri did not hear it from Abu Ishaq but rather na it from Shurayk who na it from Abu Ishaq. The hadith, therefore, is rejected. An example of a transmitter being obscure is what is na by Abu al-'Ala b. 'Abdullah b. Shukhayr > two men > Shaddad b. Aws the hadith of: ITALICS 'O Lord! I ask you to make me steadfast in the matter.' Therefore, the hadith is rejected due to the presence of an unknown (majhul) narrator in the transmission.

4. Shadh: When a reliable transmitter narrates a hadith which contradicts what others have na. It is not shadh if a reliable narrator transmits something no one else has na, because the narration of a reliable transmitter is accepted even if others have not na it, and it is used as proof. That is like the hadith: ITALICS 'Actions are judged according to intentions'. Only 'Umar na it and from him only 'Alqama na it. A single narrator, Muhammad b. Ibrahim al-Tamimi na from him, and from him only

Yahya b. Said al-Ansari na and from him Yahya b. Said, then there was a proliferation of transmission routes. Therefore, the shadh is only when a reliable narrator transmits something which contradicts what has been na by others, meaning the accepted narrator transmits a report that goes against the report which is more stronger than it.

5. Mu'allal: A hadith which is found to have a defect ('illah) and impairs its authenticity through it appears to be sound. This applied to the isnad whose transmitters are reliable and which apparently includes the conditions of authenticity.

6. Munkar : What a single unreliable transmitter narrates alone. The munkar is the narration of a weak narrator which contradicts the report of a transmitter who is less weak.

7. Mawdu'u: The hadith mawdu'u is the fabricated hadith. The fabricated hadith is the worst among the weak ahadith. The narration of such hadith is not allowed if its condition is known except when it is linked to clarifying its fabricated status. A hadith is known to be fabricated when the forger acknowledges its fabrication or something which takes the position of a confession. The fabrication can be understood from the condition of the transmitter, such as the narrator following the whims of certain leaders in his lies. Or while he is attributing the hadith he is caught out as a consummate liar, where the report is not na from any way other than him, nobody supported him and he has no witness. It could be also understood from the condition of what has been na, meaning the state of the matn, if it is deficient in its wording or meaning or it contradicts parts of the Qur'an, mutawatir sunnah and definite Ijma'a. There are different types of hadith fabricators. The ones causing most harm are those associated with zuhd (pious ascetism), who fabricated Hadiths hoping to get reward for what they alleged. The danger is that people accept their fabrications, trusting and depending on them. Then, maybe a forger fabricated a saying coming from himself so he na it. Probably, he took a saying from the sages or others and falsely ascribed it to Rasool Allah (SAW). From the fabricated ahadith are the ahadith about the merits of the Qur'an, surah by

surah, especially narrations on the authroity of 'Ubay b. Ka'b and those from Abu 'Ismah > 'Ikrimah > Ibn 'Abbas. Their fabrication has been established from the study (cross refrences) of scholars and through the confession of Abu 'Ismah. It has been na that he said: I saw that the people had turned away from the Qur'an and occupied themselves with the fiqh of Abu Hanifah and the maghazi of Muhammad b. Ishaq, so I forged these ahadith seeking reward in the Hereafter.'

This is a selection of the types of rejected ahadith, but they are not all the possible types that could be mentioned. There are many types of rejected ahadith for which mentioning a part is sufficient as an example for the criterion by which the acceptable hadith is identified from the rejected hadith. A hadith is not rejected because it does not meet the conditions for the catagory of sahih as long as its sanad, transmitters and matn are acceptable, meaning it is hasan because its narrators are of lesser reliability than the narrators of the sahih hadith. Or if there was a mustur, (a transmitter whose record is unknown) or he had a bad memory, but he has been strengthened by a qarinah (indication) that weighs up its acceptance, such as when it is strengthened by another narrator agreeing with it or by a witness, meaning, strengthened by a narrator thought to be alone (in narration) or by another hadith. One should not be overstrict in rejecting a hadith as long as it is possible to accept it according to the requirements of the sanad, transmitter and matn. Especially when the majority of the 'ulema have accepted it and the fuqaha have generally used it. It is then worth to be accepted, even if it does not meet the conditions of the sahih, because it comes under hasan. Just as one should not be overstrict in rejecting a hadith, at the same time it is not allowed to be complacent with respect to the hadith, thus accepting the hadith which is rejected due to the sanad, transmitter or matn.

The Mursal Hadith

The mursal hadith is the hadith from which a Sahabi has been omitted. For example, when the Tabi'i says that Rasool Allah (SAW) said or did such and such thing, or such and such thing was done in his presence. A representative example would be the hadith of a tabi'i who has met a number of companions and has sat down to learn from them like 'Ubaydullah b. 'Adiy b. al-Khiyar, then Sa'id b. al-Musayyab and their likes when they say (directly) that: Rasool Allah (SAW) said'. It is well known that all of the Tabi'un are treated equally, ie what the tabi'i na from the Prophet (SAW) without mentioning the Sahabah, without a difference between the older or younger tabi'i, because it is well known that they are treated equally. The muhaddithun, scholars of usul (usuliyoon) and the imams have differed over the use of the mursal hadith as proof. There were those who did not use it, and considered it to be rejected like the munqati' hadith; and there were those who did accept its use. Those who do not accept it reject it for a defect (illah), which is a transmitter, who is not known, has been omitted from the isnad, and who might be unreliable. The consideration in narration is reliability and certainty, so there is no proof in the unknown transmitter. This is the reason for rejecting the mursal ahadith. The reason is correct and the rejection of a hadith according to it is correct, but this does not apply to the mursal hadith, because the transmitter who has been omitted is a Sahabi. Even though he is not known in terms of his identity, he is known as a Sahabi. As stated previously the Sahabah are all trustworthy ('udul). They cannot be unreliable. They are rather definitely trustworthy. The reason for which they would reject the hadith does not apply to the mursal, nor is there any other reason to reject it. Since the mursal fulfils the conditions of the matn, sanad and narrator, no harm is there from omitting the Sahabi as long as it is known that he is a Sahabi, and thus by definition is trustworthy. Thus mursal hadith is a proof and should be used as an evidence. It might be said that the reason is that there is a possibility that a tabi'i na from a tabi'i like

himself who na from the Sahabah. The omission of a Sahabi does not mean the omission of only one narrator, but the break in the chain means that it is possible that two narrators have been omitted, one of them satisfying the conditions of integrity, which is the Sahabi, while the other narrator is dubious, who is a tabi'i. Therefore, there is a possibility in the hadith of a jarh (invalidation) or absence of accuracy (dhabt), so it is rejected. The response to this is that the definition of the mursal hadith is that : it is a report na by a tabi'i from the Prophet (SAW) without mentioning the Sahabi'. The narration of a Tabi'i from a Tabi'i who is not known does not come under this definition. Even if we accept this possibility, that a Tabi'i is omitted and the Sahabi is not mentioned, this possibility of omission is by way of suspicion, which does not reach the level of possibility. This is because it is suspected the tabi'i na it from another tabi'i whom he did not mention nor mention the Sahabi i.e. he assumes that a Tabi'i has been omitted. There is no evidence for this hypothetical assumption. It is merely suspicion, which has no value and the judgement on the hadith is not based on it. It should not be said that an unknown narrator (majhul) has transmitted it, because there is no one to whom a narration has been ascribed so as to say that one is a majhul (unknown). Therefore, the mursal hadith is not considered to be from the rejected ahadith, rather it is accepted and used as proof.

The hadith Qudsi

The hadith qudsi is what has been transmitted to us as isolated reports from Rasool Allah (SAW), with its isnad going back to his Lord. It is from His (SWT) speech, for it is attributed to Him, which is present in the majority of cases. The attribution to Him, is an attribution of composition, because He is the One Who spoke it first. It could be attributed to the Prophet (SAW), because he is the one informing about Allah (SWT). This is different to the Qur'an which is attributed to no one except to Him (SWT), so it is said: Allah (SWT) said'. On the other hand, in the hadith qudsi, it is said: Rasool Allah (SAW) said in what he narrates from his Lord'. The narrator of the hadith qudsi has two characteristics, firstly, he may say: 'Rasool Allah (SAW) said about in (what) he narrates from his Lord'. Secondly, he may say: 'Allah (SWT) said concerning that which Rasool Allah (SAW) narrated from Him'. They have the same meaning.

The difference between the Qur'an and the hadith qudsi is that the wording and the meaning in the Qur'an are from Allah (SWT) and through clear revelation. As for the hadith qudsi, the wording is from the Messenger (SAW), and the meaning is from Allah (SWT) through ilham (inspiration) or sleep. The Qur'an's wording is a miracle, revealed through the medium of Jibreel. The hadith qudsi is not a miracle and without any medium. The difference between the Qur'an, hadith qudsi and all other ahadith is that the Qur'an is the wording that is brought down by Jibreel to the Prophet (SAW). The hadith qudsi is the notification of its meaning by Allah (SWT) through ilham (inspiration) or sleep, so the Prophet (SAW) informed people of it with his own words. As for the rest of the ahadith they are like the hadith qudsi in that their meaning is from Allah (SWT) and their wording is from the Messenger (SAW) and without attributing them to Allah (SWT). The designation of the hadith attributed to Allah (SWT) as the hadith qudsi is a terminological designation.

The inability to prove the authenticity of a hadith from its sanad does not indicate that it is a weak hadith

The strength of the sanad is considered a condition for accepting a hadith. However, it should be known that judging the sanad of a specific hadith as weak does not necessarily mean the hadith is weak in itself. For example, it might have another isnad, unless an imam stated that it has not been na except from this line of transmission. So, whoever finds a hadith with a weak isnad, it is more inclusive to say that it is weak through this isnad, but the text cannot be judged as weak unrestrictedly without qualification. Therefore, the rejection of the isnad does not necessitate the rejection of the hadith. However, there are ahadith which are not proved from the perspective of the isnad, but when passed from people to people they accepted their authenticity, so did not need to ask for the isnad. There are many example of this such as the hadith: *"There shall be no bequest (wasiyyah) to an heir"* and the hadith: *'the blood money (diyyah) is due on the immediate blood relatives ('aaqilah)'*, and many others.

Consideration of the hadith as an evidence in the Shar' ai Rules

The evidence for the 'Aqeedah must be definite and of unequivocal authenticity. That is why the isolated report (khabar al-ahad) is not fit to be evidence for 'Aqeedah even if it is hadith sahih in its meaning and transmission. As for the Shar' ai rule, it suffices for its evidence to be speculative (zanni). Therefore, just as the mutawatir hadith is valid as an evidence for the Shar' ai rule, likewise the isolated report (khabar al-ahad) is also valid as an evidence for the shar' ai rule. However, the khabar al-ahad which is suitable as evidence for the shar' ai rule is the hadith sahih and hadith hasan. As for the weak hadith (hadith da'eef) it cannot serve as a shar' ai evidence at all. Anyone who used it as a proof will not be considered to have deduced a shar' ai evidence. However, the consideration of a hadith as sahih (sound) or hasan (good) is according to the one who deduces it, if he is qualified to understand the hadith, though it might not be so for the rest of the muhaddithun. That is because there are transmitters who are trustworthy (thiqah) for some muhaddithun, but not so for other muhaddithun. They might also be not known to some muhaddithun, but known to others. There are ahadith not sound from one line of transmission, but are sound from others. There are lines of transmission which are correct for some but not for others. There are ahadith not recognised by some muhaddithun and impugned by them, but are recognised by other muhaddithun who advanced them as proof. There are ahadith which some of the Ahl ul-hadith have discredited, but fuqaha in general accepted them and used them as proof. Thus forcing the people to consider a hadith as sahih or hasan according to a particular opinion or all of the opinions is not correct and contradicts the reality of the ahadith. Just as it is not allowed to hastily accept a hadith without due consideration of its authenticity, it is not allowed to hastily discredit a hadith and reject it merely because one of the muhaddithun has questioned the probity of its transmitter, because of the possibility that another muhaddith had accepted

him. One should not reject a hadith purely because one muhaddith has rejected it, for it is possible that it was accepted by another muhaddith. Nor it should be rejected because the muhaddithun (in general) have rejected it, for it is possible it had been used as proof by the imams and general body of fuqaha (jurists). One should not rush in discrediting or rejecting a hadith unless its transmitter is generally known to have been disparaged, the hadith is rejected by everyone, or no one advanced it as a proof except some fuqaha who lacked knowledge of the hadith. It is then the hadith is discredited and rejected. One should be careful and give thought before disparaging a hadith or rejecting it. Anyone who scrutinises the transmitters and ahadith will find many differences regarding them between the muhaddithun. There are numerous examples, one example: Abu Dawud na on the authority of 'Amr b. Shu'ayb who na from his father, who na from his grandfather that Rasool Allah (SAW) said: *ITALICS* 'Muslims are equal in respect of blood. The lowest of them is entitled to give protection on their behalf and the one residing far away may give protection on their behalf. They are like one hand against all those who are outside the community. Those who have quick mounts should consider (return to) those who have slow mounts, and those who got out along with a detachment should consider (return to) those who are stationed.' The transmitter of this hadith is 'Amr b. Shu'ayb. 'Amr b. Shu'ayb > father > grandfather line of transmission is subject to well known controversy. Despite that, many have used his hadith as proof and others have rejected it. Al-Tirmidhi said: 'Muhammad b. Isma'il said: I saw Ahmad and Ishaq (and he mentioned others) who used the hadith of 'Amr b. Shu'ayb as proof'. He said: 'Amr b. Shu'ayb heard hadiths from 'Abdullah b. 'Umar. Abu 'Isa said: 'whoever spoke about the hadith of 'Amr b. Shu'ayb branded him as weak because he used to quote ahadith from his grandfathers script, as if they held him not to have heard these ahadith directly from his grandfather. 'Ali b. Abi 'Abdullah al-Madini said that Yahya b. Sa'id said: 'The hadith of 'Amr b. Shu'ayb is, in our view, untenable.' Thereupon, if someone establishes a shar' ai rule with the hadith of 'Amr b. Shu'ayb, his evidence

will be considered a shar'ai evidence, because 'Amr b. Shu'ayb is one of those people whom some of the muhaddithun cite his hadith as an evidence. Another example, in al-Darqutni, al-Hasan na on authority of 'Ubadah and Anas b. Malik that the Prophet (SAW) said: ITALICS 'Whatever is weighed is exchanged equally if it is of the same type, and whatever is measured is exchanged likewise (similarly) if it was of the same type. If the types differed then there is no harm (if not equal in exchange).' In the isnad of this hadith there is al-Rabi' b. Subayh, whom Abu Zur'a h has verified him as trustworthy and another group has described him as weak. Al-Bazzar has recorded this hadith also and was considered as a sound (sahih) hadith. When someone deduces this hadith or a hadith whose isnad contains al-Rabi' b. Subayh, then he has deduced a shar'ai evidence, because this hadith is sound according to one group (of scholars), and because al-Rabi' is trustworthy (thiqah) for another group (of critics). It should not be said here that when a person is declared trustworthy and also disparaged, the invalidation (jarh) takes precedence over confirmation of reliability. This is only valid when these two (contradictory) opinions are reported to the same person about one person (narrator). As for when they are reported to two persons and one considers it as an impugnation and the other does not, then it is allowed. It is due to this, that some scholars have recognised certain transmitters (as reliable) and others have not.

Other example: Abu Dawud, Ahmad, an-Nasa'i, Ibn Majah and al-Tirmidhi na on the authority of Abu Hurayra that: A man asked Rasool Allah (SAW): ITALICS 'O Rasool Allah, we travel on the sea and take a small quantity of water with us. If we use this for ablution, we would suffer from thirst. Can we perform ablution with sea water?' The Messenger (SAW) replied: 'Its water is pure (Tahir) and what dies in it is lawful food'. Al-Tirmidhi has reported that al-Bukhari verified the soundness of this hadith. Ibn 'Abdul Barr judged it as sound, because the 'Ulema have accepted it. It has also been authenticated by Ibn al-Munzir. Ibn al-Asir said in the commentary on al-Musnad: 'This hadith is sahih and mashur, the imams recorded it in their

books. They used it as proof, its transmitters are trustworthy'. Al-Shafi'i said that there is a transmitter in the isnad (chain) of this hadith 'whom I do not know'. Ibn Daqiq al-'Eid mentioned the aspects of defects in this hadith. One of them is the lack of knowledge about Sa'id b. Salamah and al-Mughirah b. Abi Burdah, both of whom are mentioned in the isnad. Whereas some muhaddithun have said these two transmitters are indeed known. Abu Dawud said al-Mughirah is known and his reliability is attested by an-Nasa'i. Ibn 'Abdul-Hakam said the people of Africa gathered around him (al-Mughirah) after the murder of Yazid bin Abi Muslim, but he refused. Al-Hafiz said, it is known from this that the one who said about him that he is unknown is mistaken. As for Said bin Salamah, Safwan bin Salim followed him in his narration from al-Julah b. Kathir. So if anybody used this hadith as an evidence, or used as proof the report of al-Mughirah and Said, then he would have used a Shar'ai evidence. This is because this hadith is considered valid, and these two transmitters are considered reliable in view of some Muhaddithun.

Another example: Ahmad na that Sa'd b. Abi Waqqas said: ITALICS I heard the Prophet (SAW) asked about the purchase of dates with fresh dates. He asked the people around him: 'Do fresh dates loose weight if they become dry? They said: yes, so he forbade that'. This hadith has been validated by at-Tirmidhi, but another groups invalidated it like At-Tahawi, at-Tabari, Ibn Hazm and Abdul Haqq, because it includes in its transmission (isnad) Zayd ibn Ayyash who is unknown. He (at-Tirmidhi) said in at-Talkhees, the answer is that ad-Darqutni said he is reliable (referring to Zayd ibn Ayyash). Al-Munziri said: Reliable people na from him, and Malik, despite his strict criticism, has endorsed him. Therefore, if somebody took this hadith as a Shar'ai evidence, or used as an evidence a hadith that includes Zayd ibn Iyash in its chain of narrators, then he would have been using a Shar'ai evidence.

Other example: Ahmad, Abu Dawud and Ibn Majah na that Abu Sa'id al-Khudri said: I heard Rasool Allah (SAW) say:ITALICS 'When

two persons go together for relieving themselves uncovering their private parts and talking together, Allah (SWT) becomes wrathful at this (action)'. This hadith includes 'Ikrimah b. Ammar al-'Ejaili, and Muslim recorded it in his Sahih book. Some Huffaz (of hadith) considered the hadith of this transmitter 'Ikrimah, na from Yahya b. Kathir to be weak, though Muslim has reported his hadith from Yahya, and al-Bukhari used also his hadith from Yahya as evidence. So if somebody used this hadith as evidence, or used a hadith that includes Ikrimah, then he would have educed a Shar'ai evidence, despite that there are people who discredit this hadith and discredit 'Ikrimah.

Another example: Ahmad, Abu Dawud, an-Nasa'i, Ibn Majah and at-Tirmidhi na on the authority of Yusra bint Safwan that the Prophet (SAW) said: *ITALICS* 'Whosoever touches his organ he should not pray until he makes wudu (ablution).' This hadith has been recorded by Malik, ash-Shafi'i, Ibn Khuzaymah, Ibn Hayyan, al-Hakim and Ibn al-Jarud. Abu Dawud said: 'I said to Ahmad: the hadith of Yusra is not sound'. He said: 'No, it is sound'. Al-Bayhaqi said: 'Even though the shaykhayn (ie two shhaykhs, Bukhari and Muslim) did not record this hadith due to disagreements about whether 'Urwah heard the hadith from her or from Marwan, they have used all of its transmitters (elsewhere as reliable transmitters)'. If someone uses this hadith as proof, it is a shar'ai evidence, even if Bukhari and Muslim did not record it. If a hadith is not advanced as proof by Bukhari and Muslims, that is not a vellification of the hadith.

Another example: The hadith: *ITALICS* 'khamr has been forbidden for itself' and the hadith: *ITALICS* 'My companions are like the stars, whomever you follow you will be guided' The general body of fuqaha have used both hadiths and some of the muhaddithun have contested their authenticity. If somebody used them as proof then he is considered to have educed a shar'ai evidence.

Thus many of the differences in ahadith, transmitters and the lines of transmission between muhaddithun becomes clear.

Disagreements between muhaddithun, the general fuqaha and certain mujtahidun do take place. If hadith is rejected due to this disagreement then many ahadith considered to be sahih or hasan may have been rejected. Many shar'ai evidences are lost as a result and this is not allowed. That is why a hadith should not be rejected except for the correct reason, which might be recognised by the majority of the muhaddithun or it might not satisfy the necessary conditions for the sahih and hasan hadith. It is permitted to use any ahadith for deduction when recognised by some of the muhaddithun and it fulfils the conditions of the hadith sahih and hasan. It is then considered as shar'ai evidence that the hukm is a shar'ai rule.

Sirah and History

The first and foremost thing that Islamic history concerned itself with was the Sirah of the Prophet (SAW) and the subsequent military campaigns (maghazi). For this, reliance was placed on ahadith na by the Sahabah, Tabi'un and those who came after them concerning the life of the Prophet, from his birth, and early life, his Call to Islam, his Jihad and military expeditions against the Mushrikin, meaning the whole life of the Prophet. The history of the Prophet's life (SAW) was a part of the reported ahadith. Such ahadith used to be compiled without arrangement in the days when a muhaddith would compile all the reports that he got know, without any order. When ahadith were arranged according to chapters, the military campaigns were brought together in a separate chapter. These then became separated from the rest ahadith, and specific books were written on them, though muhaddithun continued to include them within their chapters. So, in al-Bukhari there is the Book of Military Expeditions (kitab ul-Maghazi) and in Muslim the Book of Jihad and Military Campaigns (kitab al-jihad was-siyar). Though many have written about the Sirah, the first book that reached us from amongst the early compilers is the kitab al-Maghazi of Ibn Ishaq. Its author, Muhammad b. Ishaq b. Yasar (d.153 A.H.) is considered the most well known of those who were associated with the maghazi, to the extent that ash-Shafi'i is reported to have said: 'Whosoever wishes to be an expert in the maghazi, he is totally dependent on Muhammad b. Ishaq'. After Ibn Ishaq, the second early author is al-Waqidi. Muhammad b. 'Umar b. Waqid al-Waqidi (d.209 A.H.) who was considered to have an extensive knowledge of the maghazi equivalent to that of Ibn Ishaq. He was very knowledgeable in history and hadith, though it is reported about him that in later years he began to get his reports muddled. That is why many muhaddithun have branded him weak, Bukhari says of him: 'His ahadith are to be rejected (munkar al-hadith)'. However, they did not contest the depth of his knowledge concerning the maghazi. Thus, Ahmad b. Hanbal says about him: 'He is well-informed about the maghazi'. He has compiled a book on maghazi

from which Ibn Sa'd quotes in his book al-Tabaqat in his discussion of the Sirah. Likewise, Tabari also quotes from it. Two of the most famous compilers of the Sirah are Ibn Hisham (d.218 A.H.) and Muhammad b. Sa'd (d.230 A.H.). To this day, Muslims have continued to devote their attention to the Sirah. The Sirah is considered one of the most important things to which Muslims should attend, because it contains reports concerning the Messenger (SAW) relating to his actions, sayings, consent and description, like the Qur'an all of this is legislation. Therefore, the Sirah is one of the constituent elements of legislation, and that is why it is considered part of the hadith. Whatever is proven to be authentic from it concerning the Prophet (SAW), in transmission and meaning, is considered as Shar'ai evidence, because it is from the Sunnah, not to mention that the Muslims have been commanded by Allah (SWT) to emulate the Messenger (SAW). Allah T'ala said:

'Indeed in Rasool Allah (SAW) you have a good example'. [33:21]. Devoting one's attention to the Sirah and its follow up is a Shar'ai matter. However, the difference between the method employed in compiling the Sirah by the ancients and those who came in later periods is that the method of the ancients in compilation of the Sirah and history used to depend on the narration of reports. The historians started with oral transmission, the first generation who witnessed the actions of the Messenger (SAW) or heard about them and transmitted them, began to transmit them to others. The generation that came after them assumed the burden (of the Sirah). Some of them wrote down sporadic ahadith like those seen in the books of hadith upto now. Not till the advent of the second century did we see some scholars beginning to compile and put together biographical reports and put them down in writing according to the method of narration, by mentioning the name of the transmitter and the one who transmitted from him, exactly as it was done in the (transmission) of hadith. Thus, hadith scholars and critics are able to distinguish authentic and acceptable biographical reports from the weak and rejected ones, based on their knowledge of the transmitters and chain of transmission. This

is the authentic part that is relied upon when quoting from the Sirah, as long as it is sound, contrary to the modern authors of the Sirah who only enumerate events without mentioning their transmitters. That is why their books are not relied upon as a source of Sirah, unless when the author verifies at the time of writing, the reports na in his book of the Sirah, and was himself trustworthy. If he does not, then his statement is not quoted, rather the event he mentions is traced back to the books of Sirah which have been transmitted according to the method of narration or to the books of hadith. This is because reports concerning the Prophet are from the Sunna and not taken except when sound.

There is another area which historians attended to, in addition to their attention to the Sirah, which is the history of Islamic events in relation to wars between some Muslims and wars between the Muslims and other nations, and the subsequent conquests and events that followed. A group of historians became well known (in this field), the foremost amongst them being Abu Mikhnaf, Lut b. Yahya b. Sa'id b. Mikhnaf b. Salim al-Azdi (d.170 A.H.). Some of the most famous books written by him were; *The Conquest of ash-Sham*, *Conquest of Iraq*, *al-Jamal*, *Siffin* and *the murder of al-Hussein*. It is clear each book is a commentary of a particular issue. Nothing remains from the books that have been correctly attributed to him except that which Tabari has transmitted in his (history) *Tarikh*. Many traditionalists (muhaddithun) have discredited him by saying that he used to narrate from a group of unknown transmitters. Among the famous historians is al-Mada'ini. He is 'Ali b. Muhammad al-Mada'ini (d.225 A.H.), a prolific author. He had books concerning reports about the Prophet (SAW) and Quraysh. He also had books about reports concerning women and the Khulafaa. Tha'lab an-Nahawi described him saying: 'Whosoever wishes to know the reports concerning the Days of Ignorance (pre-Islamic era) he should consult the books of Abu 'Ubaydah, and whosoever wishes to know about the reports concerning Islam let him consult the books of al-Mada'ini'. Also, the traditionalists have not questioned his probity. Yahya b. Mu'yn, one of the most famous critics of the

narrators says he is trustworthy (thiqah). Writing of history began much the same way as the Sirah, with oral reports; then the first generation which witnessed and participated in the events began to transmit reports to the next generation, the burden of which was assumed by the following generation; then the events started to be written down. Historians proceeded in Islamic history exactly as they did with the Sirah regarding the narration of reports. Thus, you find in the old books of history, such as Tabari for example, that an event is reported on the authority of such and such person, sometimes from varying lines of transmission, because, their method of writing history was by narration only.

There is another area which emerged amongst Muslims since the earliest times. This is the history (historiography) of other nations such as the Persian and Roman Empires and the history (historiography) of other religions such as Judaism and Christianity. However, this form of history writing was less accurate in comparison to the Sirah and the history of Islamic events. This is because historians relied on the transmitters of this history from amongst the people of other nations. This section of history was filled with legends due to the remoteness of the era of the transmitters (from the events) and the inaccuracy in transmission, and because every nation tended to inflate its reports.

In short, Muslims did not have an acknowledged ability in (writing) history, whether in Islamic history or the history of other peoples, even though they employed the correct method in writing it, which is the narration of a report from one who witnessed it, or narration of a book on the authority of the one who na the report from the one who witnessed it. However, in writing the history of other nations they relied on weak reports, and such books became filled with stories and legends. In the history of Islam they did not carefully scrutinise the transmitters the way they did in the Sirah and hadith, restricted themselves to reports about the Khulafaa and Walis and did not give attention to reports about the society and conditions of people. That is why Islamic history does not present a complete picture of the society or state. This can only be

obtained from the Sirah after it has been checked, and from the hadith works in which reports concerning the Companions (Sahabah) and Successors (Tabi'un) have been narrated. In fact, Islamic history is in need of re-examination of the events found in the books of history by scrutinising the transmitters, who narrated them, and their lines of transmission, and by scrutinising and judging the same events in the light of facts and accounts. However, what took place in other than the time of the Sahabah is of no importance. As for what took place at time of the Sahabah, it is the subject of study, because the Ijma'a of the Sahabah is a Shar'ai evidence. In that period there arose many newly adopted rules (ahkam) for the ever-emerging new problems of life, problems that were solved by the Sahabah and thus must be understood from a legislative perspective. Thus, the history of the Sahabah is one of the constituent elements of legislation. Indeed, many issues relating to Jihad, treatment of non-Muslims (Ahl udh-Dhimma), Kharaj, 'Ushr, knowledge of whether a land is 'Ushri or Kharaji and so on, meaning whether it was conquered by treaty or force, issues relating to asylum (al-Aman), armistice (hudnah) and rules pertaining to booty (al-fa'i) and provision of the army and so on. All these are incidents and rules which were applied in the state. They must be understood in order to take, as Shar'ai evidence that which the Sahabah agreed upon, and to consider that which an individual Sahabi adopted alone, as a Shar'ai rule of one of the mujtahidin. It is important to become acquainted with the actions of the Sahabah, especially those of Khulafa'a Rashidoon (the Rightly Guided Caliphs), in terms of how they managed ruling, administration and politics. This is because they are the best of whom Allah (SWT) has granted the ability to rule, and they understood best how to apply the rules in the State on its citizens, whether Muslim or dhimmi. For this reason Muslims are obliged to know the history of the Islamic State during the period of the Sahabah, but there is no harm in gaining knowledge of the authentic Islamic history after that (period). Muslims do have at their disposal sources for reports about the Sahabah (Companions) other than history books, such as the al-Amwal (The Treasury) of Abu 'Ubayd, the

Muwatta of Malik and books of hadith which narrate sahih (correct) and hasan (good) reports.

As for the history of other than the Sahabah, there is no harm in knowing it simply as reports and information, but not to emulate them or to take lessons from what was mentioned in them. Yes, the Qur'an does relate the history of some of the (previous) Prophets and peoples for the sake of exhortation with regards to belief, to obey Allah (SWT), and to clarify the fate of those who disobey Him, but not so that we can take their reports and actions as a method according to which we should proceed. It is a common mistake that many people make when they assume that history is of utmost importance in the revival of nations, and that knowledge of the past throws light on the present and opens the way to the future. This is fanciful. It is analysing a perceptible reality by something that is unknown and cannot be perceived, and an analysis of an indisputable reality which we can clearly observe by speculative knowledge which may be right or wrong, or true or false. In fact, it is not possible to use history as a basis for revival nor as a basis for study. Only the reality which we wish to treat is made the subject of study, because it is perceptible and real and can be studied and understood. Then a solution is given for it, either from the Shar'a if it relates to the Shar'ai rules or from the requirements of that reality pertaining to the solution if it relates to means and styles. It is of little benefit for the Muslim to busy himself with reports about Bismarck or even Harun ar-Rashid, instead he should preoccupy himself with the Islamic Shari'ah as a host of thoughts and rules, and with the real and practical life from the viewpoint of elevating the situation of Islam and the Muslims, so he can take every opportunity to propagate Islam and carry its call to the world. Since we must study reports about people we must study those reports concerning present societies as a reality in order to treat them, and reports about other nations at this time, to determine our position relative towards them, while we are in a state of constant struggle in the way of propagating Islam and carrying its call to those nations.

The Foundations of Islamic Jurisprudence (Usul ul-Fiqh)

Ash-Shafi'i is reputed to be the one who derived the principles of deduction (usul al-istinbat) and regulated them with general comprehensive principles. Thus, he was the originator of the science of usul ul-fiqh (foundations of jurisprudence), even though many people came after him who were more knowledgeable about usul ul-fiqh and its elaborations. The Fuqaha (jurists) before ash-Shafi'i used to perform ijtiḥad without having defined any parameters for ijtiḥad. They depended on their understanding of the meanings of the Shari'ah, the aims of its ahkam, its objectives, the gesture of its texts and whatever its objectives (maqasid) indicate. Due to the experience of those Fuqaha (jurists) in the study of the Shari'ah and their skilled familiarity with the Arabic language, they were able to be acquainted with its (shari'ah) meanings, and to comprehend its aims (ghayat) and objectives (maqasid). They succeeded in deriving the rules (ahkam) from the texts, their meanings and their objectives, without having available designed or defined parameters. The Fuqaha before ash-Shafi'i, from the time of the Sahabah, Tabi'un and those after them, did deal with issues of usul ul-fiqh and deduce and oppose (ahkam). An example of that is the narration about 'Ali b' Abi Talib (R.A) that he spoke about the mutlaq (absolute), muqayyad (restricted), khas (specific), 'amm (general), abrogator (nasikh) and the abrogated (mansukh). However, this was not done in form of defined parameters. Those Fuqaha who dealt with certain issues of usul ul-fiqh did not possess general and comprehensive principles to which they referred in order to understand the indications of the Shari'ah in the manner or its conflicting (evidences) and weighing them up. When ash-Shafi'i came, he derived the science of usul ul-fiqh, and laid down comprehensive principles to which reference is made in understanding and knowing the levels of the Shar'ai evidences. It has become widely known to people that ash-Shafi'i set out the science of usul in his book entitled ar-Risalah, a work which is famous. The reality is that the

book of ar-Risalah contains only a part of the science of usul as outlined by ash-Shafi'i. Anyone who examines the books of ash-Shafi'i will find that ar-Risalah contains only some of the topics in the science of usul ul-fiqh, but it does not contain all of ash-Shafi'i's discussion on usul. He has other books which contain discussions on usul, for example the book of the Refutation of Istihsan and the book Jima'a ul-'ilm. Even the book al-Umm contains, (within its pages) some discussions on the science of usul, where he has mentioned comprehensive principles (qawa'id kulliyah) amidst the detailed rules (ahkam far'aiyyah).

What helped ash-Shafi'i to lay down the science of usul was that he came at a time when Islamic jurisprudence had started to prosper and grow. In the Islamic lands, juristical groups of mujtahidin began to take shape and they began to form into mazhabs (schools of thought). The debate between the Mujtahidin and the proponents of mazahib took various perspectives on fiqh and the evidences. So he plunged into debates with those who engaged in these actions, so these discussions were what guided him to think about general and comprehensive principles (qawa'id 'ammah kulliyah), as regulatory criterions which should be the basis of study and inference. He brought together these principles as one body of knowledge which was the science of usul ul-fiqh. The impressive thing about the usul of ash-Shafi'i is that he proceeded in the discussion of usul in a legislative but not logical manner. One of the greatest dangers for study, more specifically for the Ummah's revival especially in fiqh and usul, is to take the path of logic. Ash-Shafi'i distanced himself from the course of logic and adhered to the issues of legislation. He was not interested in theoretical methods or suppositions. He rather regulated real and existing issues, meaning he took the Shar'ai texts and restricted himself to the text and the reality as indicated by the text and witnessed by people. Regarding the issue of abrogation (nasikh wal mansukh), he established the principles of abrogation from the issues that for him, had been proven to contain abrogations. These were taken from what had been mentioned in the ayah or hadith itself, from the

indication (dilalah) of abrogation, or what has been na from the Messenger (SAW) regarding ahadith that indicate abrogation, or whatever has been reported from the Sahabah of Rasool Allah (SAW) regarding reports and judgements. Thus he was unlike many who came after him, for when they saw a conflict between two verses or hadiths, they immediately moved to say that one abrogated the other, to the point they ended up making terrible errors. When ash-Shafi'i came with a principle he did not bring it from a logical premise (muqaddimah mantiqiyah), rather he showed you the sources from which he had taken it, either a report from the Prophet (SAW) or from legal verdicts (fatwas) of the Sahabah. His approach in deriving regulatory principles (qawa'id dhabitah) was a practical one, in which he relied on reality, evidences, and on the application of these two on the facts at hand. The most prominent aspect that makes Shafi'i's usul unique, is that it contains general principles for the deduction (istinbat) of rules, regardless of any specific methodology. Therefore, his usul is suitable for any methodology, however different it might be, for it is a measure by which one can know which opinions are correct and which are incorrect. It is a comprehensive law which must be adhered to when deducing new rules, whatever methodology a person might set to himself, in order to judge on opinions and bind himself by the comprehensive law when making istinbat (deduction). The usul of ash-Shafi'i was not intended to be an usul for his mazhab (school of thought) only, even though he adhered to it. It was not written to defend his mazhab and clarify its viewpoint, but contained general and comprehensive principles for istinbat (inference). The motive was not a trend towards a particular mazhab, but rather a desire to regulate the procedures of ijtihaad and put in place limits and guidelines for the mujtahidin. He was sincere in his intentions and had the correct understanding when devising the science of usul ul-fiqh, thereby influencing, without exception, those mujtahidin and Ulema that came after ash-Shafi'i, whether they opposed or supported his opinions. Despite their different tendencies, they eventually saw themselves proceeding according to the path of ash-Shafi'i regarding setting out

comprehensive principles (qawa'id kulliyah) and proceeding in fiqh and istinbat (inference) in a regulated manner according to comprehensive laws and general principles. Fiqh (Islamic jurisprudence) after him came to be based on established foundations and not as an assortment of fatwas and individual judgements (aqdiyah) as had been the case before his time. Even though all 'Ulema proceed in the footsteps of ash-Shafi'i, in terms of the notion of usul al-fiqh, the way, in which they received what ash-Shafi'i had arrived at, differed according to their different juristic approaches. There were those who followed his opinions and began to explain and expand on them and disagree with them. These are like the followers of ash-Shafi'i himself. There were those who took the major part of what ash-Shafi'i had brought despite their disagreement with certain details of usul, but not the actual body of usul. They had no disagreements in terms of the body, framework or structure and course of ash-Shafi'i's usul, like the Hanafis and those who followed their method. There were those who disagreed with ash-Shafi'i in this usul, like the Zahiris and Shi'ah. Those who followed ash-Shafi'i in his opinions were the Hanbalis. They adopted the usul of ash-Shafi'i even though they said the only (recognised) Ijma'a (consensus) is that of the Sahabah. The Malikis who came after ash-Shafi'i combined their methodology with much of what was in ash-Shafi'i's usul, though they took the actions (practice) of the people of Madinah as proof and differed with him in certain details. As for those who proceeded according to his method and embraced his opinions, they are the followers of his mazhab, who were very active in the science of usul ul-fiqh and wrote prolifically about the subject. Books were written according to the methodology of ash-Shafi'i in usul al-fiqh which were, and still are, the pillars and support of this science. Of the most important three books that are known to be written by the ancients: First, the book al-Mu'tamad of Abu al-Husayn Muhammad b. al-Basri (d.413 A.H.). Second, the book al-Burhan of 'Abd ul-Malik b.'Abdullah al-Juwayni commonly known as imam al-Haramayn (d. 478 A.H.). And third, the book al-Mustasfa of Abu Hamid al-Ghazali (d. 450 A.H.). After them came Abu al-Husayn 'Ali, more commonly

known as al-'Aamidi. He brought together all three books and expanded on them in his book *al-ihkam fi usul al-ahkam*. It is one of the most important works written in *usul ul-fiqh*. From those who adopted the major part of what ash-Shafi'i brought and differed in some of the details, they are the Hanafis. That is because their method of *istinbat* (inference) agreed with the *usul* of ash-Shafi'i, though the way in which they approached the science of *usul* was influenced by the *furu'* (branches of *fiqh*). They studied the principles of *usul* in order to support the *furu'* and thus made the *furu'* the basis. The general principles were based on them and made to support them. Perhaps what pushed them towards this approach was that their study of *usul* was for the purpose of supporting their *mazhab* and not to produce principles according to which their school should deduce rules. This is because Abu Hanifah, who had preceded ash-Shafi'i, died in the year in which ash-Shafi'i was born. His inferences were not according to general and comprehensive principles. After Abu Hanifah came his students Abu Yusuf, Muhammad and Zufar. They did not concern themselves with writing about *usul ul-fiqh*, but it fell to the scholars of the Hanafi *mazhab* afterwards to pursue the inference of principles which would serve the *furu'* of the Hanafi *mazhab*. The principles came after the *furu'* and did not precede them. Nevertheless, the Hanafi *usul*, on the whole, has been extracted from the *usul* of ash-Shafi'i, and what they differed on with the Shafi'is was in terms of the 'aamm (general) being *qat'i* (definite) like the *khas* (specific), there is no consideration for the understanding of the condition (*shart*) and description (*wasf*), and there is no weighing up of evidences (*tarjeeh*) due to the great number of transmitters, which are detailed issues and not comprehensive principles. That is why it is possible to consider the Hanafi and Shafi'i *usuls* as one *usul* for *fiqh*. Its approach towards the *furu'* and disagreements in certain details is not another *usul*, but they are one *usul* in its comprehensive (issues), general (issues) and principles. One will hardly see any difference between a book on Shafi'i *usul* and a book on Hanafi *usul*. Rather, all of them are a study of the same principles (*usul*) of *ul-fiqh*. One of the

most important books of *usul* for the Hanafis is the *usul al-Bazdawi* compiled by Fakhr ul-Islam 'Ali b. Muhammad al-Bazdawi (d.483 A.H.)

Those who disagreed with ash-Shafi'i in *usul*, are the Zahiris and the Shi'ah. They disagreed with ash-Shafi'i's *usul* in some of its basic elements and not just in the details. The Zahiris, rejected *Qiyas* (analogical deduction) completely and depended solely on the apparent (*zahir*) meaning of the texts. Even what is termed as the *qiyas jali* (clear analogy), was not considered by them as part of *Qiyas* but as text. Their consideration of the text is nothing other than the apparent (*zahir*) meaning of the text. The imam of this *mazhab* is Abu Sulayman Dawud b. Khalaf al-Isfahani (d.270 A.H.). He was from the Shafi'iyah and learnt *fiqh* from the students of ash-Shafi'i. Then he left the *mazhab* of ash-Shafi'i and chose a special *mazhab* for himself, where he would only rely on the text. It is called the Zahiri *mazhab* (literalists). Ibn Hazm is one of them. Certain people made him popular and gave a glowing description about him until people became interested in his books even though they were below the level of the books of *fiqh* and other *usuls* in terms of the jurisprudential discussion and angle of educing evidences. The Shi'ah, disagreed with ash-Shafi'i's *usul* in a significant way. For they made the sayings of their imams a *Shar'ai daleel* like the *Kitab* and *Sunnah*. They considered these sayings as a proof following the proof of the *Kitab* and that of the *Sunnah* at the very least. They permitted the speech of the imams to specify the *Sunnah*. They say: "The wisdom (*hikmah*) of legislation demands the exposition of a body of *ahkam* and requires the concealment of a body of *ahkam*. The Prophet (SAW) entrusted (the body of *ahkam* that is concealed) to his guardians (*awsiyaa*). Each guardian (*wasi*) delegates the other to spread it when time is appropriate for him, according to *Hikmah* (wisdom), in terms of an 'aamm (general) which is specified (*mukhassas*), a *mutlaq* (absolute) which is restricted (*muqayyad*) or a *mujmal* (ambivalent) which is clarified (*mubayyan*). So the Prophet (SAW) may mention something which is 'aamm (general) and mentions the specific after a while in his life, or he might even not mention it originally, rather

leave his guardian (wasi) to do that on his behalf.' The Imami Shi'ah place their imams in a position close to the Sunnah. Ijtihad for them is restricted to the mazhab. It is not permitted for the mujtahid to contradict the views of the mazhab, meaning it is not permitted for him to make ijthad with what contradicts the sayings of the imam as-Sadiq. They rejected ahadith except if they came via their imams. They do not take Qiyas. It has been recurrently reported (tawataru) about their imams, as narrated in their books, that when analogy is made to the Shari'ah the deen is destroyed.

This is the situation of the course of Muslim Ulema in the science of usul ul-fiqh after ash-Shafi'i, in terms of their agreeing or disagreeing with him. As for the science itself, after ash-Shafi'i it was discussed at great length and had many commentators and writers. It is strange that in the ages that followed the age of ash-Shafi'i, ijthad diminished and there was a scarcity of mujtahidin, and in the centuries that followed that age, the door of ijthad became closed. However, the science of usul ul-fiqh thrived and flourished, the study of its principles increased and its issues became more elaborate. All of this sprang from a theoretical and not practical perspective. As a result, it was ineffective in creating mujtahidin and in breaking the notion of the closing of the door of ijthad and bringing it to an end. Perhaps the reason for that is that usul ul-fiqh, during those later periods, took a purely theoretical approach, where theoretical discussion prevailed, and studies were implicated that had no relationship to usul ul-fiqh. The attention of researchers was directed to examining and revising the principles, supporting them with evidences, and selecting the one with the strongest evidence, regardless of whether there was a reality for it or not. Their theoretical assumptions multiplied and they studied the concept of dalalah (textual indication) and grouped it according to the classifications of the scholars of mantiq (logic). They raised discussions which had nothing to do with usul ul-fiqh like husn (pretty) and qubh (ugly), whether they are rational or legal? Or a discussion such as whether thanking (shukr) of the benefactor (mun'im) is an obligation due to

the Shari'a or the mind? They initiated studies that were from the science of Kalam (scholastic theology) and not from usul ul-fiqh. For example, the infallibility of the Prophets, permissibility of the Prophets to make mistakes or forget issues relating to (conveying) the Message. They made studies relating to the Arabic language and not to usul ul-fiqh. They studied the origin of languages and studied particles (huruf) and nouns (asma'a). In that manner, they made the science of usul ul-fiqh rigid and transformed it from its legislative aspect, which produced mujtahidin and enriched fiqh, into a theoretical and philosophical study in which the scholar became unable to deduce the simplest of rules. Its usefulness was almost lost and it had no effect on the legislation or deduction of rules (istinbat). Bearing in mind the science of usul ul-fiqh is indispensable, in relation to the deduction of rules and the growth of the legislative aspect, it is essential to attend to its study based on reality and not on theory. It is enough to undertake studies that relate to the deduction of rules, accompanied by evidences indicating the rules, and realities which can apply to their meanings so as to produce mujtahidin and generate a legislative wealth to solve the new issues which come up each day, both in the Muslim world and in the rest of the world.

Fiqh (jurisprudence)

Fiqh, linguistically means understanding as in His (SWT) saying:

'We do not comprehend (la nafqahu) much of what you say.' [11:91]. According to the definition of the legislatives, fiqh is designated as the knowledge of a body of subsidiary (furu'iyah) Shar'ai rules acquired through study and deduction (istidlal). Knowledge of the Shar'ai rules (ahkam shar'aiyyah) began the day these Shar'ai rules came into existence, after the migration (hijrah) from Makkah to Madinah. That is because Rasool Allah (SAW) was sent as a messenger and stayed in Makkah for thirteen years, then he resided in Madinah for about ten years, and the Qur'an used to be revealed throughout both periods, though the verses of ahkam were only revealed in Madinah. The Messenger (SAW) would talk about the ahkam relating to whatever Qur'an included, in terms of events and relating to the solution for whatever problems that arose.

The portion that was revealed in Makkah approximates to about two thirds of the Qur'an and is designated as the Makkan verses (makkiyy). In their totality, they barely deal with a single hukm, but are confined to explaining the fundamentals of the deen and calling people to them, such as the belief in Allah (SWT) and His Messenger, the Day of Judgement, the command to perform Salah, characterisation of moral attributes such as honesty, trust, and forbidding evil actions such as fornication, murder, burying girls alive, fraud in measures and scales and so on. The second portion revealed in Madinah is close to a third of the Qur'an and is designated as the Madinan verses (madaniyy). They are verses of mu'amalat (transactions) such as selling, renting and usury, and the hudud (penal code), such as the hadd of zina (fornication) and stealing, jinayat (capital punishments), such as killing the one who killed someone intentionally or punishment of highway robbers, and aslo bayyinat (testimonial evidences), such as the testimony of zina and the rest of the testimonies. As well the remaining rules concerning the worships ('ibadat), such as fasting, zakah, hajj and

jihad were revealed. From this it becomes clear that even though rules of prayer were revealed in Makkah they did not form a body of rules but knowledge of one type of rules. As for what was revealed in Madinah, they consisted of all the ahkam. That is why knowledge of such rules is considered fiqh. It is more accurate for us to say that fiqh began in Madinah; and since it constitutes practical rules, they were clearly revealed to treat incidents that have taken place. The verses of ahkam, more often were connected to events. The disputants would refer for judgement to Rasool Allah (SAW) and he would judge between them according to the rules Allah (SWT) has revealed to him, or on the occasion of problems requiring solutions, so an ayah or aayaat stating the hukm would be revealed. This is what means Qur'an was revealed gradually (munajjamun). The legislative aspect was quite evident in the revelation of the Qur'an. The aayaat did not treat assumptions that might or might not happen, but issues that actually took place and problems that did arise between people. The Qur'an continued to be revealed until the year in which Rasool Allah (SAW) joined his Lord (passed away). So, Allah (SWT) perfected and completed the deen and He revealed to him the last ayah of ahkam which is His (SWT) saying in surat al-Baqarah:

'O you who believe! Be afraid of Allah (SWT) and give up what remains (due to you) from riba (usury).' [2:278] With that, the ahkam were completed in their capacity as ahkam. The Qur'an and the actions, sayings and consent of the Messenger (SAW) contain the rules for all the types of actions that ensue from human beings; for the worships ('ibadat) like prayer (salah) and zakat, for morals such as honesty and trust, for the societal transactions (mu'amalat) such as murder and theft, for the testimonial evidences (bayyinat) such as the rules of testimonies and the rules of written documents, and for political affairs relating to internal policy such as the rules of the khalifah and the rules of the judiciary, or relating to the foreign policy such as the rules of combatants and treaties. This Islamic jurisprudence (fiqh) existed due to the presence of the Shar'ai rules, because the fiqh is the knowledge of a body of Shar'ai rules.

The Development of Fiqh

Fiqh is one of the most important Islamic disciplines that have the greatest effect on society. It is one of the most important branches of Islamic culture. The Islamic culture is the Kitab and Sunnah and whatever is deduced from them and laid down to understand the Kitab and Sunnah. Even though the Islamic culture includes the disciplines of the Arabic language, hadith and tafseer, the most prominent thing that appears from it are the thoughts which relate to the viewpoint about life and solutions which treat the problems of life. In other words, it is the thoughts that appear in the beliefs ('aqaid) and Shar'ai rules, because being a practical culture adapted to face life's problems, it contains thoughts about beliefs and solutions meaning the rules. Fiqh is nothing more than the knowledge of these rules.

The Islamic culture and the study and learning of Shar'ai rules began from the time the Messenger (SAW) was sent with the Message of Islam. The Messenger (SAW) was the only reference point for the shar'ai rules, because he had been sent to teach the people the deen of Allah (SWT). He (SWT) said:

'O Messenger (SAW)! Proclaim (the Message) which has been sent down to you from your Lord. And if you do not, then you have not conveyed His Message.' [5:67] He (SWT) said:

'And We have also sent down unto you (O Muhammad[saw]) the reminder (adh-Dhikr), that you may explain to people what was revealed to them.' [16:44] With the exception of the Messenger (SAW), no Muslim has the right to put forward an independent opinion regarding a viewpoint or a rule. This is because of the presence of the Messenger (SAW) and the ease of referring to him on any issue the Muslims came across, it was not permitted for any of them to give his own opinion regarding any event. So when they came across an event, a dispute arose amongst them or one of them had an idea, they would refer to the Messenger

(SAW). He (SAW) would give an opinion, settle their disputes and answer their questions, sometimes with an ayah and sometimes with a hadith. It has been reported that certain Sahabah exercised ijtiḥad in the time of the Messenger (SAW) and pronounced judgements according to their own ijtiḥad in certain disputes and had deduced, through their own ijtiḥad, the rule regarding certain events. This does not make these ijtiḥads a source for shar'ai rules. Rather they constitute an understanding of the Shari'ah, in accordance with the order of the Messenger (SAW), and are simply application of the Shari'ah, relying on the Kitab and Sunnah as understood by those mujtahidin. This is demonstrated by the situations in which these ijtiḥads took place. It has been reported that the Prophet (SAW) sent 'Ali b. Abi Talib (R.A) to Yemen as a judge. He (SAW) told him: ITALICS Allah (SWT) will guide your heart and affirm your tongue. When two disputants sit before you, do not pronounce judgment until you have listened to the latter just as you did with the former. It is more proper (for you to do this) so that the judgment becomes clear to you.' It has also been reported that the Prophet (SAW) sent Mu'az b. Jabal to Yemen and he (SAW) said to him: ITALICS 'With what will you judge when you come upon a judgement which you do not find in the Book of Allah (SWT) or the Sunnah of His Messenger. What judgment will you give? Mu'az said: 'I will exercise my own ijtiḥad'. The Messenger (SAW) said: "Praise be to Allah (SWT) who has made the messenger of Rasool Allah (SAW) to accord with what Allah (SWT) and His Messenger are pleased with'. It is reported that some people were disputing over a hut between themselves, so Hudhayfah was sent to judge between them. The Prophet (SAW) said to 'Amr b. al-'As: ITALICS 'You give judgement for this issue'. So 'Amr said: Shall I exercise ijtiḥad while you are present? He said: 'Yes. If you are right you will get two rewards, and if you make a mistake you will get one.'

All of these reports and many other examples indicate that the ijtiḥad being performed by the Muslims in the days of the Messenger (SAW) was in accordance with his order. Therefore, he (SAW) was their source. Thus, the time of the

Messenger (SAW) was a time in which the source of the entire Islamic culture existed. That continued from when he was first sent with the Message until his death, a period of twenty two years and a few months, in which the whole Qur'an was revealed and the sublime Sunnah was made complete. They are the only texts considered as the source of thoughts, rules and culture in Islam.

With the death of the Messenger (SAW), in the eleventh year of the Hijrah, began the age of the Sahabah. It was an age of tafseer, opening the doors of deduction (istinbat) for issues that did not possess clear text. The Sahabah saw that not all the texts of the Qur'an and the Sunnah were disseminated widely amongst the people so that they were accessible to each and every person. The texts of the Qur'an had been written down on special parchments preserved in the house of the Messenger (SAW) and the houses of certain Sahabah. The Sunnah had not yet been written down. The Sahabah saw that the texts of the Kitab and Sunnah legislated rules for events and issues that had occurred at the time of their legislation. Rules were not legislated for events and issues that only had a chance of happening. New events and issues took place amidst the Muslims which had not happened previously during the time of the Messenger (SAW). There were no texts to state the rules on problems that were arising much later. They saw that not every Muslim was qualified to refer to the texts of the Kitab and Sunnah by himself and understand the rules indicated by them. The Ummah would not understand the texts unless there would be someone who could teach them to understand the rules of Islam. The Sahabah realised that it was incumbent on them to disseminate the Noble Qur'an and the hadiths of the Messenger (SAW) among the Muslims. They undertook the responsibility of compiling the Qur'an and from this compilation they made many copies which they circulated amongst the Muslims. They took precautions to ensure the trustworthiness of the narration of the Sunnah and trust in the scrutiny of the narrators. The Sahabah also realised that it was incumbent on them to demonstrate to the Muslims the necessary clarification and explanation of the texts of the Kitab and Sunnah.

So they began to teach people the deen. They took the opinion that they should provide people with legal verdicts for the events and issues happening to them for which there was no (clear) text. Consequently, the Sahabah begin to deduce rules necessary to explain issues that took place, and in the best possible way, they undertook to fulfil their obligation to the deen.

The method on which the Sahabah proceeded in the Shar'ai rules is that when they found a text (nuss) in the Qur'an or Sunnah offering a rule on an incident, they stopped at this text, and restricted their efforts to understanding the text and becoming acquainted with what is required within it to attain correct application of the rule on the incident. If they did not find a text in the Qur'an and the Sunnah indicating the rule on incidents that confronted them, they made ijtiḥad to deduce the rule. In their ijtiḥad, they relied on their own understanding of the texts of the Shari'ah, and the knowledge of the Shari'ah that they had acquired from directly speaking to the Messenger (SAW), and witnessing the revelation of the verses and their application on incidents. By studying the incidents for which they made ijtiḥad, it can be seen that they used to make analogy between an incident which had relevant text with one that did not have a text, and they used to consider the acquisition of an interest (maslahah) and repulsion of corruption (mafsadah) as an 'illah (legal cause) for rules. They considered the interest (maslahah) indicated by the Shari'ah as the true one, and made the analogy between the interest (maslahah) for which no text has been mentioned with an interest (maslahah) for which a text has been mentioned. They did not decide the maslahah (interest) based on their opinion, because decision based on individual opinion is prohibited. The historians, muḥaddithun and fuqaha (jurists) transmitted many verdicts of the Sahabah. By studying these verdicts, the extent of their adherence to the Shari'ah and the extent of their advancement in understanding the Shari'ah becomes clear. An incident was brought to the attention of 'Umar, about a man who was killed by his stepmother and her friend. 'Umar hesitated: 'are many people to be killed for the murder of one person?' 'Ali said to him: 'What

do you think if a group participated in the theft of a slaughtered camel, so this one took a part and that one took another part. Would you cut their hands?' He said: 'Yes'. 'Ali said: 'well it is the same thing'. So 'Umar acted upon Ali's opinion and wrote to his 'Aamil (governor): 'kill them both, for if the whole population of San'aa had participated in this crime I would have had them all killed. In another incident, there was a disagreement about the question of joint share, when a woman died leaving a husband, mother, uterine (mother's side) brothers and full brothers. Umar used to give the husband half, the mother a sixth, and the uterine (mother's side) brothers a third. So nothing remained for the full brothers. It was said to him: Suppose our father was a donkey. Are we not from one mother? So he changed his view and gave them a share. They used to acquaint themselves with the maslahah (interest) for which the text came, if it was understood from the text. Another example is when Allah (SWT) said:

'As-sadaqat (zakah) are only for the Fuqara (poor), and al-masakin (needy) and those employed to collect it (the zakah); and the mu'allafatu qulubuhum (those who are given from the zakah to reconcile their hearts to Islam).' [9:60] So Allah (SWT) made those whose hearts have been reconciled to Islam an area of expenditure from the sources of zakah. It has been established that the Prophet (SAW) used to give money to people whose hearts had been reconciled to Islam. After the death of the Messenger (SAW) it is na about 'Umar that he forbade the payment of those whose hearts had been reconciled (al-mu'allafatu qulubuhum). He told them :Allah (SWT) has made Islam strong, so Islam has no need of you, either you stick to Islam or else between you and us is the sword. 'Umar was of the view that the reconciling of hearts towards Islam was there, because the state was weak, for the expression 'reconciling hearts' (ta'leeful qulub) indicates this. For when do you reconcile hearts except when you are in need for them (the people)? 'Umar took the opinion that the need to reconcile hearts ended when Islam became strong, and the absence of the need to reconcile hearts. So the

'illah (legal cause) vanished and due to this, the hukm also vanished.

The Sahabah used to investigate and ask the people about the Shar'ai texts regarding matters they did not know. They (may Allah (SWT) be pleased with them) while they gathered together in the Hijaz, discussed the Kitab and Sunnah. If in the Kitab and Sunnah they did not find a hukm for the issue they are looking for, they would ask Muslims if anyone of them knows that Rasool Allah (SAW) passed a judgement for this issue. That is why they used to refer to each other and get together to discuss an issue and give an opinion for it. Abu Bakr and 'Umar used to deduce rules and refer to the people. Al-Baghawi has reported in his Masabih us-Sunnah: When disputants came (a dispute was reported) to Abu Bakr, he used to look into the Book of Allah (SWT). If he found something to judge between them, he gave that judgement. If it is not found in the Book, and he knew a sunnah from Rasool Allah (SAW) regarding that matter, he would give judgement by it. Failing to find that, he would go out and ask the Muslims; such and such matter has come to me, do you know of any judgement given by Rasool Allah (SAW) pertaining to this?' Probably the whole group would agree on mentioning a judgment by Rasool Allah (SAW). Abu Bakr would say: 'Praise be to Allah (SWT) Who has made people amongst us memorise (issues) concerning our Prophet (SAW).' If he failed to find a sunnah from Rasool Allah (SAW), he gathered the heads of people and the best amongst them and consulted them. If they had a consensus on a matter he would judge with that. It has been reported that 'Umar used to consult the Sahabah despite his knowledge of fiqh, to the point when an incident would be referred to him he would say: 'Call 'Ali for me, call Zayd'. He used to consult them and settle the dispute with whatever they agreed upon. Due to the Sahabah referring to each other, differences of opinion between them were rare, because each Sahabi expressed to another Sahabi his own perspective and the evidences he deduced. Their view on the whole was true and correct and each one referred to each other. Though their views differed in certain rules, their difference was rare and it was

in understanding and not in the method of understanding.

The conquests expanded and the Sahabah dispersed in various cities and it became difficult for them to meet every time an incident presented itself which had no text. So each Sahabi gave his own opinion without expressing it to others or referring to others due to the difficulty of meeting, since the cities were distant from each other, and also due to the need to give an opinion on an incident occurring in the city in order to give judgement by it. In every Muslim city there was one or more Sahabi. They were the reference point for rules. They used to deduce rules which had no text, and assume the task of clarifying and explaining the texts just as they took the responsibility of teaching the people the Kitab and Sunnah. The Sunnah had still not been written down, therefore the opinions of Sahabah differed about a single incident, and each one had an evidence for the opinion he had deduced and gave legal verdicts with. However, all of these opinions were Shar'ai rules and were acceptable to all of them, since their disagreement was only in their understanding. As for their method of ijtiḥad, it was one, which is to consider the text of the Qur'an and hadith and examine the texts, and insure that the accredited *maslahah* (interest) is the only one indicated by the Shari'ah, and make analogy to issues and *masalih*. The unity of the method in ijtiḥad did not allow the difference in understanding to have any effect. On the contrary, it was one of the reasons for the growth and expansion of *fiqh*. Their legal verdicts (*fatwas*) were according to the incidents and issues that took place. The range of their disagreement did not widen nor did it overstep the *furū'* (branches of *fiqh*). The disagreement of the Sahabah in *furū'* is attributable to two reasons:

First: That most of the texts of the Qur'an and Sunnah are not definite in their meaning, for they are of speculative meaning (*zanniyyut ud-dalalah*). They are also liable to indicate this or that meaning, due to the text sharing two or more linguistic meanings or the text being general (*a'amm*) such that it is open to specification (*takhsees*). Each Mujtahid

attempted to understand the text according to what was preponderant from the *qara'in* (indications).

Second: The sunnah had not yet been recorded in written form. There was no unanimity on the body of hadith which had spread among Muslims so as to be a common reference. Rather, the hadith was circulated via transmission and memory. Perhaps a mujtahid in Egypt knew a hadith but a mujtahid in Damascus did not know it. Many a time certain mujtahidun would retract from another mujtahid's *fatwa* when they came to know that someone else knew of a sunnah that they did not know. This led to disagreements in *furū'* (branches of *fiqh*), but the evidences and principles concerning them did not differ, therefore their method of ijtiḥad did not differ.

In short, the Sahabah (may Allah (SWT) be pleased with them) were scholars of the Shari'ah. They learnt the Qur'an and acquired the hadith, and looked themselves at the implementation of the rules of Islam through their mixing with the one responsible for the Message, our master Muhammad (peace and blessings on him). They used to rule the people, judge between them and teach them their *deen*. They were a light for the inhabitants of the country they lived in, trustees of the Shari'ah, and true believers in calling people to Islam. They taught the people the Qur'an and the laws and rules. In teaching people Islam they used to follow a practical course. So they taught the people Islam and its rules and the method by which they would benefit in solving the problems of life with those rules. They were rulers and at the same time they were teachers. The people approached the Sahabah, receiving culture from them, taking Islam and understanding the rules. The opinions in *ahkam* that the Sahabah clarified were termed as 'legal verdicts' (*fatawa*). The *fatawa* of about one hundred and thirty companions of Rasool Allah (SAW) (among which there are men and women) have been preserved. There were seven out of these who were the most knowledgeable and gave the most opinions. They have been called the *al-mukthirun* (those who were prolific in giving opinions). They are: 'Umar, 'Ali, Ibn

Mas'ud, 'A'ishah, Zayd b. Thabit, Ibn 'Abbas and Ibn 'Umar. The Khalifahs, Walis and the rest of the rulers were fuqaha in ahkam, scholars of the Shari'ah and involved in (giving) fatawa. That is why Islam was embodied in them. Their minds were filled with its culture, their thoughts originated from this culture and the concepts they believed in were the meanings of those thoughts. They were the ones who implemented these orders, prohibitions and rules. So the Khalifah and the Wali were the same people who thought, acted, understood and ruled. That is why their actions used to be correct, their affairs were on the right path, their lives were elevated, their manner of speaking with the people was honest, and their rules adhered to the path of Islam with extreme precision. A group from the Tabi'un accompanied the Sahabah, learnt Qur'an from them, reported the Sunnah from them, memorised their legal verdicts and understood their methods of deduction of ahkam. There were those who used to give legal verdicts in the lifetime of the Sahabah like Said b. al-Musayyab in Madinah and Said b. Jubayr in Kufah. Thus, we find after all the Sahabah had gone, the Tabi'un succeeded them in fiqh and istinbat (inference of rules). They used to deduce rules according to their own ijtihaad. They used to first look into the Book of Allah (SWT) and the Sunnah of Rasool Allah (SAW), if they did not find anything there, they would study the fatawa (legal verdicts) of the Sahabah. They used to have opinions concerning the Fatawa of Sahabah from a jurisprudential perspective and they used to outweigh one opinion over another. They used to take the opinions of some of them or they might even differ with them. The Tabiun's method of inferring rules was the same method of the Sahabah. That is why their fatawa were according to the incidents and issues that took place without the presence of any assumptions. Rather, according to the incidents you will find the fatawa. The range of disagreement did not become wide between them, nor did the reasons for disagreement on which the Sahabah disagreed overstep the mark, which used to relate to the understanding of the text and not to the Shar'ai evidences. Therefore, there were no disagreements amongst Muslims that effected life.

The effect of disputes and debates on Islamic jurisprudence

Two events took place during the time of the Sahabah: The first is the civil war (fitnah) regarding 'Uthman, and the second is the debates which took place between the 'Ulema. This resulted in disagreements over the types of Shar'ai evidences, which led to the presence of new political groups, which in turn led to the presence of various juristical schools of thought. That is because after 'Uthman (R.A) was murdered and the bay'ah (pledge) of the Khilafah was given to 'Ali b. Abi Talib with whom Mu'awiyah b. Abu Sufyan disputed, and war broke out between the two factions and ended with the judgement of the two arbiters. This resulted in the emergence of new political groups which had not existed before. These groups came to have new opinions. The opinion began politically concerning the Khalifah and the Khilafah. Then it included most of the remaining ahkam. A group of Muslims emerged who resented from Uthman his policies during his khilafah and they resented Ali's acceptance of arbitration (tahkeem). They were angry over Mu'awiyah for seizing the Khilafah by force. So they rebelled against all of them. Their view was that Muslims should give pledge to the Khalifah of the Muslims purely according to their choice without coercion or force, and that whoever qualifies for the Khilafah he is eligible to be khalifah. Muslims should give bay'ah to him and the Khilafah will be contracted to him by the pledge as long as he is a man, Muslim and just even if he was a negro. Obedience to the Khalifah in their view, is not obliged except if his matter was within the limits of the Kitab and Sunnah. These people did not take rules reported in hadith na by 'Uthman, 'Ali, Mu'awiyah, or if a hadith was na by a Sahabi who supported any one of them. They rejected all of their hadiths, opinions and legal verdicts. They weighed up what was na by those they approved of. They only considered their opinions and their own scholars to the exclusion of others. They had their own fiqh, and they are the Khawarij. Another group from the Muslim

emerged which adored 'Ali b. Abi Talib (R.A) and loved his offspring. They took the view that he and his descendants had greater right to the Khilafah over anyone else. They believed he was the wasi (trustee) to whom the Messenger bequeathed the Khilafah after him. They rejected many hadiths na about the Messenger (SAW) by the majority of the Sahabah. They did not depend on the views of he Sahabah and their legal verdicts. They only relied on the hadiths na by their imams and the family of the Prophet (SAW), and relied on the legal verdicts originating from them. They had their own fiqh, and they are the Shi'ah. As for the majority of the Muslims, they did not adopt the opinions adopted by the aforementioned groups. They took the view that the pledge should be given to a Khalifah from Quraysh, if such a person was found, and they conveyed, without a single exception, great respect, affection and loyalty to all the Sahabah. They interpreted the disputes between them as being ijihad in speculative shar'ai rules which were not linked to belief (iman) or disbelief (kufr). They used as proof every authentic hadith na by any Sahabi without any discrimination between the Sahabah for, in their view, all the of the Sahabah are trustworthy. They took all the fatwas and opinions of the Sahabah. Due to this, their ahkam did not accord with the ahkam of the other political groups in a number of topics, because of their disagreement regarding rules, method of istinbat (inference of rules) and in the types of evidences.

From this it becomes clear that the civil war (fitnah) created a jurisprudential and political condition which led to disagreement that had an impact on history. However, the disagreement was not over the shari'ah but in the understanding of the shari'ah. That is why all of the people who disagreed were Muslims even though their disagreement went beyond the furu' and rules to the foundations, evidences and the method of inference.

As for the debates which took place between the 'Ulema, it led to juristic disagreements but did not lead to political disagreements, because the disagreement was not over the khalifah, the

Khilafah or the ruling system. It was over the rules and their deduction. The basis of that was that debates and disagreements took place between some mujtahidin that led to a disagreement over the method of inference (istinbat). In Madinah, Islamic discussions concerning the deduction of rules took place between Rabi'ah b. Abi 'Abdur Rahman and Muhammad b. Shihab al-Zuhri, which led many fuqahaa (jurists) of Madinah to withdraw from Rabi'a's sessions until they came to give him the title of 'Rabi'at ur-ra'i'. A similar thing also happened in Kufah between Ibrahim al-Nakha'i and al-Sha'bi. From these debates a number of opinions came to be formed about the method of deducing rules, until the Mujtahidin came to have different methods of ijihad. In the middle of the 2nd century A.H., these different methods of ijihad became apparent and so did the disagreements concerning them, and various views were formed. The Tabi'un used to be close to a group of 'Ulema and mujtahidin, so they followed their method. For those who came after them, the scope of disagreement became wider. The reasons for their disagreement did not stop at the understanding but extended to reasons linked to Shar'ai evidences and linguistic meanings. It was in this manner that their disagreement took place in the furu' (branches of fiqh) and usul (foundations of jurisprudence). They became factions, each faction had its own school of thought (mazhab). Owing to this, the mazhabs were formed. The schools were many, more than four, five six and more. The disagreement of the mujtahidin over the method of ijihad is due to their disagreement around three issues: First the sources from which the shar'ai rules are deduced. Second, the perception of the Shar'ai text. Third, disagreement over certain linguistic meanings which are used in understanding the text.

As for the first, it is due to four issues:

1. The method of authenticating the Sunnah and the criterion by which one narration is preferred over another. That is because the authentication of the Sunnah assumes the task of authenticating its narration and the manner of narration. The muhadithun differed on the method of

authentication. Some of them advanced the mutawatir (concurrent) and mashur sunnah as proof and weighed up whatever was na by the trustworthy amongst the fuqahaa. This meant that they gave the mashur hadith the same hukm (value) of the mutawatir and they used it to specify the 'aamm (general) in the Qur'an. There were those who gave preference to what the people of Madinah were unanimously agreed upon and disregarded the isolated hadiths (khabar al-ahad) which went against it. There were those who advanced as evidence what trustworthy ('udul) and reliable (thiqat) transmitters na, whether they were from the fuqahaa or not, whether they were from the family of the Prophet (SAW) or not, and whether it agreed with the people of Madinah or went against them. Amongst them there were those who took the view that hadith transmitters are not to be considered except if they are from their imams. They had a specific method in transmitting the hadith, in its consideration and use. They had specific transmitters on whom they relied, and did not rely on others. Some mujtahidin differed with regards to the mursal hadith, which is what a tabi'i na directly from the Prophet (SAW), omitting the sahabi. Amongst the mujtahidin, there were those who would use the mursal hadith as proof and there were those who did not.

So this disagreement regarding the method of authenticating the sunnah led to some of them using a sunnah as proof which the other did not use. Some of them gave preference to a sunnah which was of lesser preference to others. This led to the disagreement over the manner in which the Sunnah is taken as a Shar'ai evidence, so the disagreement in the Shar'ai evidences took place.

2. Disagreement regarding the legal verdicts of the Sahabah and their evaluation. The mujtahidun and the imams differed with regards to the jurisprudential legal verdicts which came from individual Sahabis. There were those who took any one of these fatawa and did not restrict themselves to any particular one, but did not deviate from all of them either. There were those who took the view that these fatawa

constituted only individual jurisprudential legal verdicts ensuing from people who are not infallible, so the scholar has the right to take any one of the fatawa or give legal verdicts which go against all of them. They viewed them as Shar'ai rules which have been deduced and not as Shar'ai evidences. There were those who took the view that certain Sahabah were infallible (ma'sum) and his view is to be taken as a Shar'ai evidence. So his sayings are like the sayings of the Prophet (SAW) and his actions are like the actions of the Prophet (SAW), and his consent is like the consent of the Prophet (SAW). As for other Sahabah they are not infallible (ma'sum) so their views are not to be taken at all, not in the capacity of a Shar'ai evidence nor in the capacity of a Shar'ai rule. There were those who took the view that one should not take from certain Sahabah because of their participation in the civil war (fitnah), while those who did not participate, one can take from them. Consequently, another facet of this difference of opinion arose about the evidences.

3. Disagreement in qiyas (analogical deduction). Some mujtahidun rejected the use of qiyas as an evidence and they disclaimed its status as a Shar'ai evidence. Among them there were those who advanced qiyas as a proof and considered it a Shar'ai evidence after the Qur'an, Sunnah and Ijma'a (consensus). However, despite their agreement that it constitutes a proof, they disagreed over what qualifies as an 'illah (legal cause) for the hukm, and on what qiyas is based. As a result a difference of opinion regarding evidences arose.

4. Disagreement over Ijma'a (consensus). The Muslims agreed on considering the Ijma'a as proof. Some of them viewed the Ijma'a of the Sahabah as a proof, and some of them saw the Ijma'a of the Prophet's family as proof. Some saw the Ijma'a of the ahl halli wal 'aqd (the influential and leading figures) as proof, while others saw the Ijma'a of the Muslims as proof. There were those who viewed Ijma'a as proof, because it constituted an agreement on an opinion, therefore, if they agreed on a matter and advanced a view then it is considered an Ijma'a which is used as an evidence. There were those

who viewed the recognised Ijma'a as proof not because it constitutes an agreement on an opinion but because it reveals an evidence. So the Sahabah, family of the Prophet (SAW) and the people of Madinah had companionship with the Messenger (SAW) and saw him they are trustworthy ('udul). When they held a Shar'ai opinion but did not cite its evidence, their opinion was considered as disclosing a saying stated by the Messenger (SAW), or an action he did or he consented to. Thus, they reported the hukm but did not report its evidence due to it being widely known amongst them. Therefore, the meaning of Ijma'a constituting a proof for them is that it reveals an evidence. That is why their meeting and discussion over a matter and then giving their opinion, is not considered an Ijma'a. Rather Ijma'a is that they give an opinion without conformity over it. Therefore, another difference of opinion came regarding the evidences.

These four issues have increased the rift of disagreement between the mujtahidun. They are not considered as disagreement over the understanding of the text as was the case in the time of the Sahabah and Tabi'in, but it went beyond that and became a disagreement over the method of comprehension. In other words, it was not considered as a disagreement over the rules but it surpassed that and became a disagreement over the method of deducing rules. That is why we find some mujtahidun took the view that the Shar'ai evidences are the Kitab, Sunnah, saying of Imam 'Ali (R.A), Ijma'a of the family of the Prophet (SAW) and the mind. Some others took the view that the Shar'ai evidences are the Kitab, Sunnah, Ijma'a, qiyas, istihsan (juristic preference), the opinion of the Sahabi (mazhab us-sahabi), and the Shar'a of the people of the past (shar'u mun qablana). Some of them were of the opinion that the evidences were the Kitab, Sunnah and Ijma'a. There were those who held the view that the evidences were the Kitab, Sunnah, Ijma'a, qiyas, al-masalih al-mursalah (interests free of evidence) etc... That is why they disagreed about the Shar'ai evidences. This led to difference in the method of ijihad.

As for the second issue to which difference in the method of ijthah is attributed, it is how the Shar'ai text is viewed. Some of the mujtahidin restricted themselves to the understanding of the expression mentioned in the Shar'ai text, stopped at the limits of the meanings it indicated and confined themselves to these meanings. They have been called the Ahl ul-hadith. Some others consider what the expression coming in the text indicate of rational meanings in addition to the meanings of the words. These have been called ahl ur-ra'i. It is because of this, that many have said that the mujtahidun were divided into two groups: Ahl ul-hadith and Ahl ur-ra'i. This division does not mean that the Ahl ur-ra'i do not refer in their legislation to the hadith and that the Ahl al-hadith do not refer in their legislation to ra'i (opinion). Rather, all of them take hadith and ra'i (opinion), because all of them agree that hadith is a Shar'ai proof, and that ijthah using ra'i in understanding the rational meaning (ma'aqool) of the text is a Shar'ai proof. What becomes apparent to anyone who scrutinises this, is that the issue is not the proponents of hadith or ra'i themselves. Rather, the issue is the evidence on which the Shar'ai rule depends. That is because the Muslims relied on the Book of Allah (SWT) and the Sunnah of His Messenger (SAW). If they did not find that rule clearly stated, they operated their own opinion in deducing that from them. So the rule which is clearly stated like:

'Allah (SWT) has permitted trading and forbidden riba (usury)' [2:275], its evidence is considered the Book of Allah (SWT). Anything clearly stated in the hadith such as : 'Let not a man conduct a transaction against the transaction of his brother', its evidence is considered the hadith. As for anything other than this, like the prohibition of leasing property at the time of azan for Jum'ah prayer, or such as the conquered land coming under the control of the Bait ul-mal (treasury) and its use by all the people etc, they are considered an opinion (ra'i), even if it is based on the Kitab and Sunnah. So they called everything that did not have a clear text an opinion (ra'i), even if they acted upon it based on a comprehensive rule (hukm kulliy) or it was deduced from the Kitab and Sunnah. The truth is

that this ra'i which is acted upon via a general principle or it has been deduced from the meaning (mafhum) of the text mentioned in the Kitab and Sunnah, it is not called an opinion but rather it is a Shar'ai rule (hukm shar'ai) since it is a view based on an evidence, and constitutes adherence to the evidence.

The basis in dividing the mujtahidin into Ahl ul-hadith and Ahl ul-ra'i stems from the fact that some fuqahaa scrutinised the bases on which the inference (istinbat) had been built. It became clear to them that the shar'ai rules are the rational meaning (of the texts), and they were revealed to solve the problems of people and to obtain interests (masalih) for them and avert corruption (mafahid) that come their way. Therefore, it is essential to understand the texts as widely as possible, encompassing everything indicated by the expression.. On this basis, they came to understand and weigh up one text over another, and make deductions for issues that did not have a (clear) text. Certain fuqahaa devoted their attention to the preservation of the isolated hadith (khabar al-ahad) and the fatawa of the Sahabah. In their inference, they turned to the understanding of these isolated hadiths and reports within the limits of their texts, and they applied them on events that occurred. As a consequence, disagreement arose concerning the consideration of texts as shar'ai evidences, and whether to consider or not the 'illah (legal cause).

The origin of the question of ra'i, is that there are evidences which prohibit its use. In the Sahih of Bukhari, on the authority of 'Urwah b. az-Zubayr, he said: 'Abdullah b. 'Amr b. al-'Aas came to us in the Hajj and I heard him say: I heard Rasool Allah (SAW) say: ITALICS 'Allah (SWT) will not deprive you of knowledge after he has given it to you, but it will be taken away through the death of the ulema together with their knowledge. Then there will remain ignorant people who, when consulted, will give verdicts according to their opinion (ra'i), whereby they will mislead others and go astray.' 'A'waf b. Malik al-Ashja'i na that Rasool Allah (SAW) said: ITALICS 'My Ummah will become divided into some seventy sects, the greatest in fintah (test) among them will be people who make analogy to

the deen with their own opinion (ra'i), thus forbidding what Allah (SWT) has permitted and permitting what Allah (SWT) has forbidden.' Ibn 'Abbas said that Rasool Allah (SAW) said: *ITALICS* 'Whoever speaks about the Qur'an with his own opinion (ra'i), let him reserve his place in the fire'. These hadiths are explicit in their censure of the use of ra'i. However, the ra'i here is not the same ra'i employed by the scholars of ra'i like the Hanafis. Rather the blameworthy ra'i is that of speaking about the Shari'ah without any authority. As for the ra'i which is premised on a shar'ai basis, the hadiths and reports (athar) from the Sahabah indicate that it is a shar'ai rule and not considered taking an objectionable ra'i. The Prophet (SAW) has permitted the judge to exercise his own ijthihad (opinion) and awarded him, despite making a mistake in exercising his own opinion (ra'i), one reward, if his aim was to gain knowledge of the truth and follow it. The Prophet (SAW) ordered the Sahabah on the day of the (battle of) Ahzab (the confederates) to pray the mid-day ('asr) prayer in Bani Qurayzah. Some exercised their own ijthihad and prayed on the way, they said he did not want from us any delay, rather what he wanted of us is to advance quickly, thus they looked into the meaning. The others exercised their ijthihad and delayed the prayer until they reached Bani Qurayzah. They prayed the 'asr prayer at night, thus they considered the words. The Messenger (SAW) consented to both groups, each one on his own opinion (ra'i). Mu'az na 'that when Rasool Allah (SAW) sent him to Yemen he said: *ITALICS* 'What will you do when a judgement presents itself to you. Mu'az said: 'I will judge by what is in the Book of Allah (SWT). He said: But what if it is not in the Book of Allah (SWT)? He said: I will judge by what is in the Sunnah of Rasool Allah (SAW). He said: But what if it is not in the Sunnah of Rasool Allah (SAW)? He replied: I will exercise my own ijthihad (ra'i), without spearing any effort. He said: So, Rasool Allah (SAW) beat my chest and said: 'Praise be to Allah (SWT) who has made the messenger of Rasool Allah (SAW) accord with what pleases Rasool Allah (SAW)'. So this is the ra'i on which the fuqahaa, and the mujtahidun, proponents of ra'i, proceeded on in acting upon the sunnah. It is the ra'i which is based on the

text. They are also considered from the Ahl ul-hadith, even if they were called the Ahl ur-ra'i. Even the Hanafis, who have become famous as Ahl ur-ra'i, all agreed that the view of Abu Hanifah is that the hadith other than the sahih, i.e. the hasan, is more entitled to be followed than qiyas or ra'i. So he gave preference to the hadith of qauquhah (loud laughter), even though it is hasan, over qiyas and ra'i. He also prevented the hand of a thief to be cut for a theft whose value is less than ten dirhams, though the hadith on this issue did not reach the level of sahih, rather it is hasan. This indicates that ra'i for them is an understanding of the text. They gave qiyas a rank lower than the hasan hadith, let alone the hadith which is sahih. This indicates that what is intended by ra'i is the understanding of the text and the ra'i which is based on the text. So the Ahl ur-ra'i are people of hadith also.

As for the third issue which led to disagreement over the method of deducing rules, it concerns certain linguistic meanings which are applied in understanding the texts. A disagreement between the mujtahidun arose from examining the styles of the Arabic language and whatever they indicated. There were those who took the view that the text was a proof for establishing the hukm from its wording (mantuq); and for proving the opposite of this hukm it is derived from the opposite understanding (mafhum ul-mukhalafah). There were those who view the general 'Aamm (general) as definite (qat'iy) in covering all its parts, while others saw it as speculative (zanni). There were those who viewed the absolute (mutlaq) command to indicate obligation, without deviating from this except when there was a qarinah (indication) to the contrary, where then the command becomes binding. Some of them used to take the view that a command was merely a request to do an action. It is the the qarinah (indication) which clarifies whether it is an obligation or otherwise. As a result, disagreement arose concerning the understanding of the texts, which led to disagreement in the method of ijthihad.

Thus, in this manner, after the generation of the Tabi'in disagreement arose in the method of deducing ahkam, and each mujtahid came to

have his own special method. From this disagreement over the method of deducing rules arose various juristic schools, which led to the growth of the jurisprudential wealth and made fiqh flourish in its entirety. This is because difference in understanding is natural and it assists the development of thought. The Sahabah used to disagree amongst themselves. 'Abdullah b. 'Abbas disagreed with 'Ali, 'Umar, Zayd b. Thabit, even though he had learnt from them. Many of the Tabi'un disagreed with some Sahabah yet they took knowledge from them. Malik disagreed with many of his Shaykhs, and Abu Hanifah disagreed with Ja'far us-Sadiq concerning certain issues, despite learning from him. Ash-Shafi'i disagreed with Malik in many issues, even though he had learnt from him. Thus, the 'Ulema used to disagree with each other, and students disagreed with their shaykhs and teachers. They did not consider that as bad manners or rebellion against their shaykhs. This is because Islam encourages people to do ijtiḥad. Every scholar has the right to comprehend and make ijtiḥad and not be confined to the view of a Sahabi or Tabi'i, nor to be confined to the opinion of a shaykh or teacher.

The Flourishing of Islamic Jurisprudence

The Muslims generally used to make taqleed to the mujtahidin despite their disagreement, since the basis of their disagreement was the Shar'ai evidence. So the understanding of every mujtahid of the speech of the Legislator (khitab ush-shaari') is considered a Shar'ai rule with respect to him and with respect to the one who makes taqleed to him. The speech of the Legislator is the hukm shar'ai (shar'ai rule) and the understanding of the Legislator's speech is a Shar'ai rule, but in respect to the one who understood it and the one who followed him in this understanding. Those who attained the understanding of the Legislator's speech used to make ijtihaad. Those who did not reach the level of ijtihaad used to follow in ahkam those who had reached the level of ijtihaad and exercised it. The issue was not that of following the faqih personally, just as the issue is not one of making taqleed to a mazhab. Rather, the issue is about adopting the hukm shar'ai deduced by the faqih and acting upon it. The Muslim is ordered to follow the Shar'ai rule only and act upon it, and not follow a mazhab, or a person, or act according to any particular mazhab, or follow any particular person. When one is able to reach hukm shar'ai through his own ijtihaad, he should do that, if not he should adopt a hukm deduced by someone else. In the early ages, the mujtahidun could be counted by thousand. That is why we find that the mujtahidun whom the Muslims followed were not restricted to four, five, six or any number of mazhabs. Rather there were many mazhabs and numerous mujtahidun. Each group used to follow rules deduced by a mujtahid, whether he was from a mazhab or not. For example, the general population of Kufah acted upon the fatawa of Abu Hanifah and Sufyan al-Thawri, but the Shi'ah used to act upon the mazhab of Ja'far us-Sadiq. The practice of the people of Makkah used to be according to the fatawa of Ibn Jurayj, and the people of Madinah on the fatawa of Malik. The people of Basrah acted on the fatawa of 'Uthman. The people of ash-Sham acted on the fatawa of al-Awza'i, and

the people of Egypt acted on the fatawa of Ibn Sa'd, the people of Khurasan on the fatawa of 'Abdullah b. al-Mubarak, and some of the people of Yemen on the fatawa of Zayd b. al-Husayn. Many of the Muslims used to follow the fatawa of Sa'id b. al-Musayyab, Ibn Abi Layla, 'Ikrimah, Rabi'a al-ra'i, Muhammad b. Shihab az-Zuhri, al-Hasan al-Basri, al-Layth b. Sa'd, Sufyan b. 'Uyayna, Ishaq b. Rahawayh, Abi Thawr, Dawud az-Zahiri, Ibn Shubramah and Ibn Jarir at-Tabari. All these were mujtahids and belonged to mazhabs. Each mazhab had its own method of ijtihaad and a specific opinion regarding the ahkam. Many of the mujtahidun and imams were judges and rulers in the countries. The disagreement of the imams, judges and rulers led to difference in ahkam. Each judged using his own opinion or acted according to the opinion of a faqih whom he agreed with his opinion. This resulted in the presence of different judgements in the State. Due to this there were 'Ulema openly inclined to unifying the rules by which judgement is given, and wanted the Khalifah to issue an order for people to adhere to them. At that time, certain people who knew about the situation of the society took the view that a comprehensive book should be written to which judges and other would refer, to lighten the burden of the judges and make it easy for the litigants. Ibn al-Muqaffa' wrote a letter to the Khalifah al-Mansur regarding this matter, in which it was mentioned: 'What the Ameer ul-mu'minin sees, regarding the matter of those two cities; Basrah and Kufah and other cities and regions, of the difference of these contradictory rules which has reached great proportions regarding rules relating to blood, chastity and property. Thus blood and chastity became allowed in Basrah, but forbidden in Kufah. This difference is even taking place inside Kufah itself, where something is allowed in one area and prohibited in another. However, despite its various forms it is legally valid in the life of Muslims, in their blood and sacred possessions, where judges validly judge with it. If Ameer ul-Mu'mineen ordered that these different verdicts and courses be reported to him in writing together with the supporting evidences from the Sunnah and qiyas; then he would examine them and pass in each case his opinion which he

viewed and decided; and he forbade to judge otherwise.

If he then wrote a book in that, we would then hope that Allah makes these verdicts, in which the right one is mixed with the wrong one, the same correct one. We would also hope that the convention of the matter will be by the opinion and on the word of Ameer ul-M'umineen. However, al-Mansur did not act upon this letter although he was impressed by it, so he took steps to make the fuqahaa and the muhaddithun to record what has reached them, thus people had references to which they could refer. The reason for al-Mansur not acting upon the opinion of Ibn al-Muqaffa', in laying down a constitution and canons for the state, which would have brought the people to together on specific ahkam, was due to what happened between him and Malik. Ibn Sa'd na in al-Tabaqat that Malik b Anas said: 'when al-Mansur made hajj he said to me: I have taken the decision to order people to follow the books which you have written. They will be copied, then I will send a copy to every Muslim city, and I will order them to act upon them, and not refer to any other works. So I said: O Ameer ul-Mu'minin! Do not do this. The people already hold opinions, and they have heard hadiths and na reports, and each people have taken from what they already got and submitted to it, so leave the people, and let the people of each country with what they had chosen to themselves.' Owing to this, the mazhabs and opinions were not unified, and people were left to make ijtihaad and ra'i in adopting the hukm they deemed correct. The choice remained for judges and rulers to judge with what they deemed (correct). Due to this, each imam of fiqh had students who came to study his opinions and explain his school. The outlook towards this difference which took place changed and it became a science on its own right, being called the science of difference ('ilm ul-khilaf). They studied it just as they studied usul ul-fiqh. They said that the disagreements of the imams was a mercy. The students of each imam used to expand on the furu' (branches of fiqh). It was this expansion that preserved the mazhabs of some mujtahidin and caused the extinction of others. Al-Awza'i, al-Hasan ul-Basri, al-Thawri and Ibn Jarir at-Tabari are some of the greatest

imams, in terms of their breadth of knowledge and ijtihaad. However, they did not expand in furu', rather confined themselves to the usul, and they did not have students who would expound their mazhab, that is why they were not acted upon and they did not spread. As for the rest of the imams, such as Abu Hanifah, Ja'far us-Sadiq, Zayd b. al-Husayn, ash-Shafi'i, Ahmad b. Hanbal and Malik, they had students and followers, so their mazhabs were recorded and continued to exist. Despite the restriction imposed by Abu Ja'far ul-Mansur on Ja'far ul-Sadiq and others from the family of 'Ali, he deduced rules and had students from the Shi'ah and others. They recorded his opinions and looked upon them as something akin to the Sunnah. His mazhab spread in many regions of the world. Abu Hanifah used to have many students, the most well known being Abu Yusuf, Muhammad b. al-Hasan ash-Shaybani and Zufar. They were all mujtahids like Abu Hanifah. Although they mixed their opinions with his, the credit goes to them for recording the mazhab of Abu Hanifah. It is the same for imam Malik. He used to live in Madinah, and had many students. He was widely known, especially for scrutinising the hadith and transmitters of hadith, especially in regarding his book al-Muwatta. His students after him used to record his fatawa and expand on the furu' and give their views on issues. Despite Malik's fame, the credit for spreading his mazhab goes to his students. As for ash-Shafi'i, he had established his towering fame by his own hands in the science of fiqh, indicated by what appears in his great book called "al-Umm", which along with the book "ar-Risalah" and the book "Ibtal ul-Istihsan" in usul ul-fiqh, are the greatest model of intellectual awakening in that age. His students, such as ar-Rabi'a and al-Muzani, who proceeded according to his method, studied his opinions and expanded his mazhab so it spread far and wide. Likewise, Ahmad b. Hanbal. Despite the dominant prevalence of hadith in his mazhab, he had students who expanded his mazhab for him and studied his opinions. The credit first and foremost goes to those students, not only for spreading the mazhabs of their teachers and imams, but also for the explanation of the fiqh and its flourishing, until their age was considered more radiant than the age of the

imams themselves. It was in this age of the students that explanation of ahkam and clarification of evidences took place. Thus, the fuqahaa rushed ahead in studying fiqh and explaining it, especially the science of usul ul-fiqh as the true basis of fiqh. The situation of fiqh continued to spread until it flourished greatly. The pinnacle of its bloom, after the century in which the mazhabs were formed, was the fourth century A.H.

The Decline of Islamic Jurisprudence

After the era of the students of mujtahidin came the adherents and followers of the mazahib. They did not continue on the path which the imams and scholars of mazhabs had followed in ijihad and the inference (istinbat) of rules. Nor did they continue on the path taken by the students of the mujtahidin, in terms of studying the evidence, clarifying the angles of deduction and the branching out of the rules, and explanation of issues. The followers of each imam or the scholars of each mazhab were only concerned about taking the side of their own mazhab, supporting its furu' and usul by every means. They were not interested in studying the soundness of the daleel and weighing up the prevailing evidence over the weaker evidence, even if it went against their mazhab. Sometimes, they were concerned to establish the proofs for the correctness of the view they had taken and invalidate the proofs against it. At other times, their interest was devoted to extolling the imams and the scholars of the mazhabs. This preoccupied the scholars of the mazhabs and distracted them from the primary source being the Qur'an and Sunnah. A person among them, did not refer to the text of the Qur'an or Sunnah, except for finding anything that will support the mazhab of his imam. Accordingly, their studies were confined to their mazhabs, and their zeal for absolute ijihad, and reference to the primary sources in order to derive rules from them, became weak. Their eagerness for ijihad was restricted to their mazhab or to one issue, or simply to make taqleed without reflection. Their dependence on taqleed reached the point where they said : any ayah or hadith which goes against what our scholars have said, meaning our mazhab, is either wrongly interpreted or abrogated. They made the following of a mazhab an obligation on the Muslim. And they began to study, in Islamic institutions such as al-Azhar, the saying of the author of Jawharat ut-Tawheed fee wujub ut-taqleed (the obligation of making taqlid).

An obligation it is to follow the learned amongst them.

This is what the people spoke with a language understood by them.

Rather, they believed that the door of ijihad should be closed before the Muslims. They said that ijihad was not permitted, until many of the 'Ulema, qualified for ijihad and who had the capacity for ijihad, did not dare to perform ijihad or say that they were mujtahids. This decline started at the end of the 4th century A.H. However, from the beginning till the end of the 6th century and the beginning of the 7th century, there was some elevation in it. Mujtahidun and scholars were present at a time when the likes of al-Qaffal were advocating the closing of the door of ijihad. However, from the beginning of the 7th century until the end of the 13th century A.H. the decline was complete but remained within the limits of Islam. The decline was in thought but the juristic opinions remained Islamic. As for after the 13th century ie from 1274 A.H. until the present day, the decline has reached the point where the shar'ai rules have become mixed with un-islamic laws, and the situation reached the worst possible state of decline.

It was due to this juristical decline that it became difficult for people to act upon the shar'ai rules. So after the Islamic Shari'ah had been sufficient for the entire world, they made it narrow for its adherents, so as to be forced to adopt other laws which are not match to it. Many pious Muslims began to refer to a shari'ah which was not the Islamic Shari'ah. Towards the end of the 'Uthmani state, the ignorance of Islam and the ignorant fuqahaa were the principle reason for the backwardness of the Muslims and the disappearance of their state. There were fuqahaa who were rigid and always ready to give fatwa forbidding anything new and branding every thinker with kufr. One of the curiously ludicrous and lamentable things that happened was when coffee appeared, some scholars gave fatwa forbidding it, and when smoking appeared they gave the fatwa of prohibiting it, and when people wore the fez the fuqahaa gave the fatwa that it was forbidden to wear it, and when the printing machine appeared and the State decided to print copies of the Qur'an, some fuqahaa forbade this action. The telephone appeared and some

fuqahaa forbade people to speak through it, and many other issues followed. The Islamic jurisprudence finally reached a point that the Muslims became completely ignorant of it. The issue changed from studying the Shar'ai rules to studying Western laws. Law schools were thus founded, whose presence in the Muslims countries became a shameful blot for them. Towards the end of the 'Uthmani state, the Islamic state and its leader the Khalifah, - decided to imitate western jurisprudence in the codification of law. Thus they introduced the Majallah in 1282 A.H. as a civil law, and a grand edict was issued in 1293 A.H. to put it into effect. Before that they had drawn up the Ottoman penal code in 1274 A.H. They introduced that in place of the hudud, criminal (jinayat) and discretionary punishments (ta'zeer). In 1276 A.H. they introduced the Law of Rights and Commerce and then introduced the constitution in order to abolish the Khilafah system in its entirety in 1294 A.H. However, the constitution was abolished but then reinstated in 1326 A.H. (1907 C.E.). The Muslims tried to make it agree with Islam and keep the Khilafah system. In this way, fiqh (comprehension) declined and became laws, and the Shar'ai rules were abandoned, and rules were adopted from outside Islam under the pretext that they agreed with Islam. An erroneous notion became prevalent that whatever agrees with Islam is taken from any human being. The zeal of the 'Ulema waned and they all, became muqallidin (followers). However, the glimpse of Islam was still seen in that. After the end of the Khilafah, the occupation of Muslim lands by the English and French, and the lands were divided into states on a nationalistic basis Arab, Turk, Iranian and so on, the Islamic fiqh was wiped out from the relationships between people and from education system. Its study was confined to certain countries, such as al-Azhar in Egypt, Najaf in Iraq, Zaytunah in Tunisia, but studied in the same abstract manner as Greek philosophy. The decline reached a horrible level, where the Islamic fiqh vanished from the people's relationships.

The myth of the influence of Roman Law on Islamic Jurisprudence

Some orientalist who hate Islam and detest the Muslims, claim that Islamic jurisprudence was greatly influenced by Roman jurisprudence and law, when the Muslim conquests spread in the early years of Islam. They claimed that Roman law was one of the main sources of Islamic law, and that some of the Islamic ahkam were taken from this source. This claim meant that in the time of the Tabi'un and those who came after them, the Muslims adopted Roman laws from Roman jurisprudence. The orientalist claimed as evidence for their view of the claim that in the days of the Islamic conquests, schools of Roman law existed in the Wilayat of Sham in Qaysariyyah on the coasts of Palestine, and Beirut. In that area, there were also courts that proceeded, in their system and rules according to Roman law. These courts continued to run for sometime after the Islamic conquests, indicating that Muslims had approved and adopted them and proceeded according to Roman law and the Roman system. They supported this viewpoint with various assumptions. For example, they claimed it was natural for a nomadic people like the Muslims to consider what should they do when they conquered an urbanised country such as the Sham region which had been under Roman rule, and what they should rule with. Consequently they borrowed Roman law. Then they drew up a comparison between certain aspects of Islamic law and certain aspects of Roman law, to demonstrate the similarity between the two. They also showed that certain laws have been copied in their entirety from Roman law, such as 'the burden of proof rests on the one who makes the claim, while taking an oath is bound on the one who rejects (the claim)', also the use of the words fiqh and faqih. The orientalist maintained that the Islamic law took rules from the Talmud, and these rules had been adopted by the Talmud from Roman jurisprudence. They claimed Islamic jurisprudence took Roman jurisprudence directly from the schools and courts in Sham, and

indirectly via the Talmud which took it from the Romans.

The claims made by the Orientalists are wrong for a number of reasons:

First: No one reported about the Muslims, neither the orientalist or the others,, that any muslim, whether a jurist (faqeeh) or not, has ever pointed to the Roman jurisprudence or law, neither by way of criticism or support or quotation; and no body mentioned it, whether little or much. This indicated that Roman law was not a subject of discussion or study. Some Muslims translated works of Greek philosophy, but no Roman book or body of jurisprudence was ever translated. This strengthens the case that these books and laws were abolished from the country when conquered by the Muslim armies.

Second: At the time when they claimed there were schools of Roman jurisprudence and courts which made decisions according to Roman law in the Wilayat of Sham, this province was full of mujtahidin from the 'Ulema, judges and rulers. It is natural that any claimed Roman influence would have been noticed in those fuqahaa (jurists). The reality is that there is no sign of any Roman influence in the fiqh of these fuqahaa, nor any mention of it. Their jurisprudence and ahkam were based on the Kitab, Sunnah and the Ijma'a of the Sahabah. One of the most famous of those mujtahidin was al-Awza'i. He lived in Beirut, the site of the largest Roman schools in the Sham as alleged by the Orientalists. He lived his entire life in Beirut. His opinions have been recorded in many recognised books of fiqh. For example, in volume VII of ash-Shafi'i's 'al-Umm', there are numerous ahkam of al-Awza'i. It can be seen, from reading the texts of al-Awza'i, they were far from the Roman law as the earth from the sky. The mazhab of al-Awza'i, as noticed from his fiqh and his reports, is the mazhab of the Ahl ul-Hadith. He relied upon hadith more than he relied upon ra'i. The example of al-Awza'i can be applied to other fuqahaa (jurists). If there were any influence, it would have been noticed in those fuqahaa.

Third: The Muslims believed that Allah (SWT) addressed the whole of mankind with the Islamic Shari'ah. He sent our Prophet Muhammad (SAW) to all the people:

'We have not sent you (O Muhammad [SAW]) except to all mankind, as a giver of glad tidings and a warner.' [34:28] They considered anyone who did not believe in the Islamic Shari'ah to be a disbeliever. They believed that any hukm not from Islam was a hukm of kufr (disbelief), adoption of which was prohibited. Whoever accepts such a belief and acted upon it, couldn't take from other than the hukm of Islam, especially in the early period, of the Islamic conquests. When the Muslims would open up other countries to carry the Da'wah of Islam to them. They conquered other countries for the purpose of saving the people from the rule of kufr (disbelief) and bringing them to the rule of Islam. It would be then inconceivable for them to conquer the land, and instead of replacing the rule of Kufr they had come to destroy with the rule of Islam, they rather take it.

Fourth: It is wrong to say that the civilisation and culture brought by the Muslims to the lands they conquered was inferior to that of the opened lands. If this was the case, they would have abandoned their culture and adopted the culture of the conquered countries. The tangible reality is that those lands previously ruled and occupied by the Romans, adopted thoughts about life contradictory to Islam. When the Muslims conquered them, they did not force the inhabitants to embrace Islam, but they were content just to take jizyah from the people. It did not take long for the strength of the Islamic thoughts and the sublimity of the Islamic civilisation and culture to prevail over the Roman thoughts and civilisation and abolish them. The inhabitants of these lands became Muslims, professing Islam and living on its basis in great contentment, proving that the Islamic thought had erased the Roman thoughts and culture. This reality refutes the orientalist's assertion that Roman culture was greater than Islamic culture, and that Islamic jurisprudence had been influenced by the Roman jurisprudence.

Fifth: The word 'fiqh' and 'faqih' have been mentioned in both the Qur'an and the hadith. They had no connection with Roman ideas and legislation. Allah (SWT) said:

'Of every troop of them, a party should only go forth, that they (who are left behind) may get instructions (liatafaqqahu) in religion.' [9:122] And the Messenger (SAW) said: *ITALICS*'Whosoever Allah (SWT) wishes good (khayr) for him, He (SWT) makes him comprehend (yufaqqihhu) the deen.' The Messenger (SAW) questioned Mu'az when he sent him to Yemen, with what he would judge, and Mu'az replied, with the Book of Allah (SWT), then with the Sunnah of Rasool Allah (SAW), then he will exercise his own opinion; which is the fiqh. Similarly, sending the rest of the Walis to lands, and the legal judgements of the Sahabah that account for more than a quarter of a century, constitute part of the fiqh. How do the Orientalists assume the words 'fiqh' and 'faqih' were taken from the Romans? As for the principle: 'The burden of proof rests on the one who makes the claim, and taking an oath is bound on the one who rejects (the claim)!' It is a hadith of the Messenger (SAW), which he stated before any legislative contact with the Romans, and the principle was mentioned in the letter of 'Umar to Abu Musa in Basrah. It is well known there was no legislative contact between 'Umar and the Romans. So how can the Orientalists claim that the Muslims took from the Roman ideas the terms 'fiqh' and 'faqih' and the principle: 'The burden of proof rests on the one who makes the claim, and taking an oath is bound on the one who rejects (the claim)', when the Muslims had such statements since the dawn of Islam.

From this it is clear that the myth of the influence of Roman law on Islamic jurisprudence has no truth at all. It is a fabrication of the orientalist, hostile to Islam, and whose hearts are full with hatred for the Muslims.....

On the issue of Islamic jurisprudence taking laws from the Talmud, its fallacy is evident from the Qur'anic verses that attack the Jews for

fabricating the Tawrah and Injeel which were revealed to the Prophets Musa and 'Isa respectively. What the Jews had before, had been forged by their own hands and was not from Allah (SWT). It is a lie, a distortion of the Tawrah and Injeel. This attack by the Qu'ran includes the attack on the Talmud that has been manufactured by their writings and not what was revealed from Allah (SWT). This contradicts the notion of Muslims taking from the Jewish scripture, let alone the fact that the Jews lived in tribes separate from the Muslims. They did not live with the Muslims, nor even mix with them, there was constant animosity between them and the Muslims, and the continuous wars waged on them by the Muslims, until they expelled them from their midst. This contradicts the idea of Muslims taking anything from the Jews.

The truth, and the sensorial reality is that Islamic jurisprudence consists of rules deduced from the Kitab and Sunnah or what the Kitab and Sunnah alluded to, in terms of evidence. If these rules are not based on shar'ai evidences, they are not considered part of the rules of Islam, nor as a part of Islamic jurisprudence.

Read my comments no your coming suggestions

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| I would suggest that the Arabic words and letters in this chapter not be transliterated, but put in the original Arabic alphabet. NO, because we want only Quran be in Arabic

| please note ; half of p. 199 and p.200 will be submitted later. I wish to check some aspects relating to the translation of these passages. This missing part is due now

| deduction and inference have been used interchangeably for 'istinbat' OK

| I think the word is tunki from ansa. tanwassa is probably a misprint. please check. p. 209. I will

| it is pointless to try and translate hadith classifications such as these. Better to give their meanings in the glossary. No , for this is a subject itself

| please check I will see if I did not already check before

| Not sure of correct translation for ba'. It is a unit of measurement but my guess is, given the context, that it should be rendered as 'criterion' or 'yardstick'. Please check. I did.

| not sure about this translation for 'hunalika ahkam kathira tajaddadat bi tajaddud al-hayat'. il it was revealed. I did.