

# PART 3: FUNDAMENTAL ISSUES & PRINCIPLES

*Kitāb at-Tawḥeed*

(book of monotheism)

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## 5. The Prohibition relating to excessive questioning

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There is a misconception which is held in many quarters, that during the time of revelation the Prophet (peace be upon him) was being inundated with questions regarding matters of law by his companions. Rather the opposite is the case. It is noteworthy to consider this point in substantive detail as it forms a prelude to a wider and far-reaching principle of law that is very often overlooked. Allah and His Messenger (peace be upon him) stressed the prohibition of asking too many questions. There is no difference here between the question posed by the man - 'Who is my father?' and the question of the foolish Bedouin about *Hajj*, asking whether it should be performed annually. This matter has been established by way of absolute proof as demonstrated by the following verse and accompanying *aḥadith* which we will examine in detail in this section. Allah unequivocally stated:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنَ شَيْءٍ إِن تَبَدَّ لَكُمْ تَسْؤُكُمْ وَإِن تَسْأَلُوا عَنْهَا حِينَ يُنَزَّلُ الْقُرْآنُ تُبَدَّ لَكُمْ عَفَا اللَّهُ عَنْهَا  
وَاللَّهُ غَفُورٌ حَلِيمٌ

***O you who believe! Do not ask questions about things which if declared to you may trouble you, and if you ask about them when the Qur'ān is being revealed, they shall be declared to you; Allah pardons this, and Allah is forgiving, forbearing.***<sup>1</sup>

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<sup>1</sup> Qur'ān 5: 101

To further clarify the status of this verse, it is important to consider the various points raised by the classical scholars of *Tafsir*. Writing in his *Tafsir* Imām aṭ-Ṭabari said:

Concerning the interpretation of the verse, it means, O you who believe! Do not ask about matters which if disclosed to you may distress you. And if you ask about them during the revelation of the Qur'ān, they will be disclosed to you. Allah passes over this, for Allah is most forgiving, most forbearing. It was revealed to the Messenger of Allah (peace be upon him) because of the questions that were asked to him by some people, sometimes (seeking to) examine him and sometimes to mock him. One said to him: 'Who is my father?' Another said when his camel was lost, 'Where is my camel?' and Abdallah bin Ḥudhayfah asked him about his father. That was why Allah addressed people commanding them not to ask about such matters. Allah is saying to them do not ask about things which if made plain to you, may cause you trouble. Many Companions of the Messenger of Allah (peace be upon him) interpreted the verse as such.

Following on from this, Imām aṭ-Ṭabari mentions ten narratives, most of which are authentic bearing the above meaning. Thereafter he states: 'Others said that this verse was revealed to the Messenger of Allah (peace be upon him) because of a question he was asked about *Ḥajj*.' Yet again he mentions several narrations which further establish this point, most of which are authentic. He then provides two narratives in relation to those who have said as much to support the following view: '...it was revealed because they asked the Messenger of Allah (peace be upon him) about *al-Baḥira*, *as-Sā'iba*, *al-Waṣeela* and *al-Ḥāmi*.'<sup>2</sup> Thereafter he says:

The most correct amongst the sayings concerning this subject is the saying of those who said that it was revealed because of the many questioners who used to ask the Messenger of Allah (peace be upon him) about various matters, like the one (asked by) ibn Ḥudhayfah about his father; the one about *Ḥajj* and the like. All these narrations are reported by companions, successors and the majority of exegetes. The saying of Mujāhid

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<sup>2</sup> See *Qur'ān* chapter 5, verse 103

on the authority of Ibn A'bbās is not far from rightness; what was reported by the companions and successors disagreed with it and that is only why we do not prefer it. Still, this question about *al-Baḥira*, *as-Sā'iba*, *al-Waṣeela* and *al-Ḥāmi* could be among the questions the Prophet (peace be upon him) was asked and Allah hated; like for example, when He hated the question about *Ḥajj*; is it annually or just once and as He hated the question about the father of Abdallah ibn Ḥudhayfah. That was why the verse was revealed, placing a prohibition on people posing such questions. Each one of these questioners was as part of the reasoning for the revelation of this verse, including what concerned him and what concerned others. I think that this saying is the most valid one about the verse, as the sources of these different accounts mentioned are authentic, and it is more proper to know the most correct from these existing accounts than just to be existent while they are not correct.

Ibn Kathir argued along the same lines in his *Tafsir*, although he does provide some additional comments that are noteworthy:

Allah the exalted forbade believers in this glorious verse to ask the Prophet (peace be upon him) too many questions about matters not yet revealed. That is to say, if you ask about its details after its revelation, it will be revealed to you, but do not ask about the matter before its revelation, as it may become forbidden just because of this question. It was recorded in the *Ṣāḥīḥ* that Sa'd bin Abi Waqqās (may Allah be pleased with him) narrated that the Prophet (peace be upon him) said: '*The most sinful person among the Muslims is the one who asked about something which had not been prohibited, but was prohibited because of his asking.*' When the Messenger of Allah (peace be upon him) was asked about the case of a man who found another man with his wife: if this man (i.e., the husband) talks, he will talk with a great matter, and if he keeps silent he will keep silent with the same. The Messenger of Allah (peace be upon him) hated such questions and criticised them. After that, Allah revealed the ruling of *Li'ān*. In *Ṣāḥīḥ* Bukhāri and Muslim it is recorded that al-Mughira bin Shu'bah (may Allah be pleased with him) narrated that the Messenger of Allah (peace be upon him) used to forbid *Qeel* and *Qāl* (idle useless talk or talking too much about others), asking too many questions (in disputed Religious matters); and wasting one's wealth extravagantly.

It was also recorded in *Ṣāḥīḥ* Muslim that Abu Hurayrah (may Allah be pleased with him) narrated that the Messenger of Allah (peace be upon him) said: *'Leave me what I have left to you. Verily, the people before you went to their doom because of putting too many questions to their Prophets and disagreeing with them. So avoid that which I forbid you to do and do that which I command you to do, to the best of your capacity.'* This was said by the Prophet (peace be upon him) after saying: *'O people! Allah has made Ḥajj obligatory for you; so perform Ḥajj.* Thereupon, a person said - O Messenger of Allah, (is it to be performed) every year? He (the Prophet) kept quiet, and he repeated this three-times thereafter the Messenger of Allah (peace be upon him) said: *'If I were to say yes it would have become obligatory (for you to perform it every year) and you would not be able to do it.'* Then he said, *'Leave me as I leave you.'* That was why Anas bin Mālik (may Allah be pleased with him) narrated: *'We were forbidden to ask anything (without the genuine need) from the Prophet (peace be upon him). It therefore pleased us that an intelligent person from the dwellers of the desert should come and ask him while we listen to it.'* Regarding the same, al-Ḥāfiẓ Abu Ya'la al-Mawṣily mentioned in his *Musnad*: Abu Kareeb reported to us Ishāq bin Sulaymān reported to us from Abi Sinān from Abi Ishāq from al-Barā' bin Aā'zib who said: *'A whole year would pass while I want to ask the Messenger of Allah (peace be upon him) about a matter. But I was afraid from him and we used to wish that some Bedouin will come and ask him.'*

Al-Bazzār said: Muḥammad bin al-Muthanna reported to us Ibn Fuḍeel reported to us from A'tā bin as-Sā'ib from Sa'eed bin Jubayr from Ibn A'bbās who said: I did not see a nation better than the Companions of Muḥammad (peace be upon him); they only asked him about twelve issues all of which are in the *Qur'ān*: *They ask you about the intoxicants and games of chance*<sup>3</sup>; *They ask you concerning the Sacred Month and fighting in it,*<sup>4</sup> *They ask you about the orphans.*<sup>5</sup> And others like them. Allah says: *Do you desire to question your Messenger as was questioned Musa in the past?*<sup>6</sup> *'Do you'* here means that they really wanted to ask him, but it is a reproving interrogation for all: believers and *mushrikeen* (polytheists). Muḥammad (peace be upon him) is the Messenger of Allah to all. Allah also says: *The People of the Scripture ask of you that you should bring down to them a scripture from above; but they have indeed asked of Musa a bigger thing than*

<sup>3</sup> *Qur'ān* 2: 219

<sup>4</sup> *Qur'ān* 2: 217

<sup>5</sup> *Qur'ān* 2: 220

<sup>6</sup> *Qur'ān* 2: 108

*that, when they said: show us Allah openly. Then rumbling overtook them for their wrongdoing.*<sup>7</sup>

Explaining the occasion of the revelation - Muḥammad ibn Ishāq said: Muḥammad bin Abi Muḥammad narrated to me from I'krima or Sa'eed from Ibn A'bbās who said: Rāfiḥ bin Ḥuraymila or Wahb bin Zayd said – (this means) O Muhammad! Bring a book to us from heaven that we can read. Gush forth to us rivers in order so that we would follow and believe you. Hence Allah revealed this verse. Abu Ja'far ar-Rāzi said from ar-Rabeeḥ bin Anas from Abul'Aāliya concerning this verse (*Do you desire to question your Messenger as was questioned Musa in the past?*<sup>8</sup>), that a man said to the Prophet (peace be upon him), O Messenger of Allah! (I wish that) our expiations are like the expiations of Bani Israel! The Prophet (peace be upon him) said three-times: *'O Allah! We do not want to.'* Then he said *'What Allah gave you is better than what He had given Bani Israel. Whoever did a sin from among them found it written on his door with its expiation. If he expiated, it used to be disgrace during his lifetime and if he did not, it would be disgrace in his hereafter. Whatever Allah gave you is better than what He had given Bani Israel.'* Then he recited the following verse: *But whoever does evil or does injustice to his soul, then asks forgiveness of Allah, he will find Allah most forgiving, most rewarding.*<sup>9</sup>

The Prophet (peace be upon him) said: *'The five prayers and from one Friday prayer to the next, is an expiation (of the sins committed in between their intervals).'* Additionally ibn A'bbās (may Allah be pleased with him) narrated that the Prophet (peace be upon him) said: *'If someone intends to do a bad deed and he does not do it, Allah will not write it (in his account) with Him. And if he does it (the bad deed), Allah will write one bad deed (in his account). And if he intends to do a good deed and he does not do it, Allah will write for him a full good deed (in his account with Him); and if he does it, Allah will write for him (in his account) with Him (a reward equal) from ten to seven hundred times, to many more times. Verily, Allah does not put to destruction anyone except he who is doomed to destruction.'* Then Allah revealed the verse (2:108).

Mujāhid said that the occasion of revelation of this verse is that the Quraysh asked Muḥammad (peace be upon him) to turn the mountain of *Ṣāfa* into gold. He said: *'Yes, and it would be to you like the table to Bani Israel.'* They refused and retracted. As-Suddi

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<sup>7</sup> *Qur'ān* 4: 153

<sup>8</sup> *Qur'ān* 2: 108

<sup>9</sup> *Qur'ān* 4: 110

and Qatāda said the same occasion. What is meant here is that Allah blamed whoever asked the Messenger (peace be upon him) about any matter while meaning obstinacy and suggestion. Exactly like Bani Israel, when they asked Musa (Moses, peace be upon him) out of their obstinacy and disbelief. Allah says: *Do you desire to question your Messenger as was questioned Musa in the past? Whoever prefers disbelief and abandons faith has left the right path and is heading toward ignorance and deception. This was the case of those who refused to believe, follow and obey prophets, preferring instead to disobey, accuse their prophets of lying, and ask them questions without real need out of their obstinacy and disbelief. As Allah says: Do you not see those who have exchanged Allah's favour with kufr and have made their people alight in the abode of perdition? (Into hell) they shall enter it and an evil place it is to reside in.*<sup>10</sup>

From what has been presented thus far by the exegete's aṭ-Ṭabari and Ibn Kathir, we can reasonably conclude that the meaning of the verse is general and concerned all questions. In this regard there is essentially no difference here between the obdurate question 'who is my father' or 'where is my father – in paradise or hell' and the question from the ignorant Bedouin who asked whether *Hajj* had to be performed annually. In order to complete the definite evidence concerning the meaning of the verse and to explain the subject from all its aspects, we will mention the most important and authentic accounts regarding this with their chains of transmission, beginning with *ḥadith* narrated by Abu Hurayrah (may Allah be pleased with him) as recorded by Imām Muslim in his *Ṣāḥīḥ*:

حدثني حرمة بن يحيى التميمي أخبرنا ابن وهب أخبرني يونس عن ابن شهاب أخبرني أبو سلمة بن عبد الرحمن وسعيد بن المسيب قالا كان أبو هريرة يحدث أنه سمع رسول الله صلى الله عليه وسلم يقول ما نهيتكم عنه فاجتنبوه وما أمرتكم به فافعلوا منه ما استطعتم فإنما أهلك الذين من قبلكم كثرة مسائلهم واختلافهم على أنبيائهم

Ḥarmala ibn Yaḥya at-Tajeebe narrated to me Ibn Wahb reported to us Yunus reported to me from Ibn Shihāb - Abu Salamah ibn Abdar-Raḥman and Sa'eed ibn Musayib reported to me, they said Abu Hurayrah narrated that he heard the Messenger of Allah

<sup>10</sup> *Qur'ān* 14: 28/29



(peace be upon him) say: *Avoid that which I forbid you to do and do that which I command you to do to the best of your capacity. Verily the people before you went to their doom because they had put too many questions to their Prophets and then disagreed with their teachings.*

The narration is well known and can be found in almost all the major *ḥadith* collections via authentic chains of transmission. In *al-Jāmi aṣ-Ṣāḥiḥ al-Mukhtaṣr* Imām Bukhāri recorded this:

حدثنا إسماعيل حدثني مالك عن أبي الزناد عن الأعرج عن أبي هريرة عن النبي صلى الله عليه وسلم قال دعوني ما تركتكم إنما هلك من كان قبلكم بسؤالهم واختلافهم على أنبيائهم فإذا نهيتكم عن شيء فاجتنبوه وإذا أمرتكم بأمر فأتوا منه ما استطعتم

Ismāeel narrated to us Mālik narrated to me from Abi Zinād from al-A'raj from Abu Hurayrah from the Prophet (peace be upon him) who said: *Leave me as I leave you for the people who were before you were ruined because of their questions and their differences over their Prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can.*

Without doubt this *isnād* is authentic as the brightest sun; it is considered the 'golden chain' from Abu Hurayrah as is commonly said, although we believe that Ibn Shihāb az-Zuhri from Abu Salamah ibn Abdar-Raḥman and Sa'eed ibn Musayib from Abu Hurayrah is just as authentic and indeed stronger. Again, Muslim has another version of this albeit with the additional contextual backdrop:

وحدثني زهير بن حرب حدثنا يزيد بن هارون أخبرنا الربيع بن مسلم القرشي عن محمد بن زياد عن أبي هريرة قال خطبنا رسول الله صلى الله عليه وسلم فقال أيها الناس قد فرض الله عليكم الحج فحجوا فقال رجل أكل عام يا رسول الله فسكت حتى قالها ثلاثا فقال رسول الله صلى الله عليه وسلم لو قلت نعم لوجبت ولما استطعتم ثم قال ذروني ما تركتكم فإنما هلك من كان قبلكم بكثرة سؤالهم واختلافهم على أنبيائهم فإذا أمرتكم بشيء فأتوا منه ما استطعتم وإذا نهيتكم عن شيء فدعوه

And Zuhayr bin Ḥarb narrated to me Yazeed bin Ḥāroon narrated to us ar-Rabeeh' bin Muslim al-Qurayshi reported to us from Muḥammad bin Ziyād from Abu Hurayrah who said: Allah's Messenger (peace be upon him) addressed us and said: *O people, Allah has made Hajj obligatory for you; so perform Hajj.* Thereupon a person said: Messenger of Allah, (is it to be performed) every year? He (the Prophet) kept quiet, and he repeated (these words) thrice, whereupon Allah's Messenger (peace be upon him) said: *If I were to say yes, it would become obligatory (for you to perform it every year) and you would not be able to do it.* Then he said: *Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it.*

There is a good useful addition which is mentioned in *Ṣāḥīḥ* Ibn Ḥibbān with a strong chain of transmission accompanied with a useful comment made by Imām Abu Ḥātim Ibn Ḥibbān al-Bus'ty:

أخبرنا عمر بن محمد الهمداني قال: حدثنا عبد الملك بن ثعيب الليث بن سعد قال: حدثني أبي عن جدي عن محمد بن عجلان: حدثني زيد بن أسلم عن أبي صالح عن أبي هريرة عن رسول الله صلى الله عليه وسلم وذاد فيه: وما أخبرتكم أنه من عند الله فهو الذي لا شك فيه

Umar bin Muḥammad al-Hamdāni reported to us he said Abdal-Malik bin Shu'ayb al-Layth bin Sa'd narrated to us he said my father narrated to me from my grandfather from Muḥammad bin A'jlān: Zayd bin Aslam narrated to me from Abi Sāliḥ from Abu Hurayrah from the Messenger of Allah (peace be upon him): *Whatever matter I informed you of, undoubtedly it is from Allah.*

Abu Ḥātim ibn Ḥibbān may Allah be pleased with him said:

This *ḥadith* includes a clear statement: the prohibited matters forbade by the Messenger of Allah (peace be upon him) are all definite and obligatory until evidence proves it is not. In addition, the Prophet's orders are obligatory, depending on one's capacity, until

evidence proves it is not. Allah the exalted says ‘and whatever the Messenger gives you, take it and whatever he forbids you then abstain’<sup>11</sup> and ‘But no, by your Lord they do not believe until they appoint you a judge in all what is in dispute between them, then they do not find in their souls any objection on what you have decided, and they submit with an entire submission.’<sup>12</sup>

Shaykh Shu’ayb al-Arnā’uṭ said the *isnād* is strong according to the conditions of Muslim. Abu Hurayrah (may Allah be pleased with him) was not the only one who narrated that meaning, as Sa’d bin Abi Waqqās (may Allah be pleased with him) narrated similarly in the same subject but from a different view. In *al-Jāmi aṣ-Ṣāḥīḥ al-Mukhtaṣr*, Imām Bukhāri recorded the following:

حدثنا عبد الله بن يزيد المقرئ حدثنا سعيد حدثني عقيل عن ابن شهاب عن عامر بن سعد بن أبي وقاص عن أبيه أن النبي صلى الله عليه وسلم قال إن أعظم المسلمين جرماً من سأل عن شيء لم يحرم فحرم من أجل مسألته

Abdallah bin Yazeed al-Muqra’ narrated to us Sa’eed narrated to us Uqayl narrated to me from Ibn Shihāb from Aā’mir bin Sa’d bin Abi Waqqās from his father that the Prophet (peace be upon him) said: *The most sinful person among the Muslims is the one who asked about something which had not been prohibited, but was prohibited because of his asking.*

Imām Muslim also records this narration with a slight variant wording:

وحدثناه أبو بكر بن أبي شيبة وابن أبي عمر قالوا حدثنا سفيان بن عيينة عن الزهري وحدثنا محمد بن عباد حدثنا سفيان قال أحفظه كما أحفظه بسم الله الرحمن الرحيم الزهري عن عامر بن سعد عن أبيه قال قال رسول الله صلى الله عليه وسلم أعظم المسلمين في المسلمين جرماً من سأل عن أمر لم يحرم فحرم على الناس من أجل مسألته وحدثنيه حرملة بن يحيى أخبرنا ابن وهب أخبرني يونس ح وحدثنا عبد بن حميد

<sup>11</sup> *Qur’ān* 59: 7

<sup>12</sup> *Qur’ān* 4: 65

أخبرنا عبد الرزاق أخيرنا معمر كلاهما عن الزهري بهذا الإسناد وزاد في حديث معمر رجل سأل عن شيء ونقر عنه وقال في حديث يونس عامر بن سعد أنه سمع سعدا

And Abu Bakr ibn Abi Shayba and Ibn Abi Umar narrated it to us, they said Sufyān bin Uyayna narrated to us from az-Zuhri and Muḥammad bin A'bād narrated to us Sufyān narrated to us he said: I saved and memorised in the name of Allah *ar-Raḥman, ar-Raḥeem* az-Zuhri from A'āmir bin Sa'd from his father who said that the Messenger of Allah (peace be upon him) said: *The greatest sinner of the Muslims amongst Muslims is one who asked about a certain thing which had not been prohibited and it was prohibited because of his asking about it*

Further to the above, the next *ḥadith* which is also authentic and is recorded on the authority of an-Nawwās ibn Samān provides even greater clarity upon the issue at hand; as collected by Muslim:

حدثني هارون بن سعيد الأيلي حدثنا عبد الله بن وهب حدثني معاوية يعني ابن صالح عن عبد الرحمن بن جبير بن نفيير عن أبيه عن نواس بن سمعان قال أقمت مع رسول الله صلى الله عليه وسلم بالمدينة سنة ما يمنعني من الهجرة إلا المسألة كان أحدنا إذا هاجر لم يسأل رسول الله صلى الله عليه وسلم عن شيء قال فسألته عن البر والإثم فقال رسول الله صلى الله عليه وسلم البر حسن الخلق والإثم ما حاك في نفسك وكرهت أن يطلع عليه الناس

Hāroon bin Sa'eed al-Ayli narrated to me Abdallah bin Wahb narrated to us Muā'wiya – that is to say - Ibn Ṣāliḥ narrated to us from Abdar-Raḥman bin Jubayr bin Nufayr from his father from Nawwās ibn Samān who said: I stayed with Allah's Messenger (peace be upon him) for one year. What obstructed me to migrate was (nothing) but (persistent) inquiries from him (about Islam). (It was a common observation) that when anyone of us migrated (to Medina) he ceased to ask (questions) from Allah's Messenger (peace be upon him). So I asked him about virtue and vice. Thereupon Allah's Messenger (peace be upon him) said: *Virtue is a kind disposition and vice is what rankles in your mind and that you disapprove of its being known to the people.*

Moreover, there is also the *ḥadīth* that has been narrated upon the authority of Abu Thalabah al-Khushani. The narration is authentic and relates to the same subject; this has been cited by Ibn Ḥazm, who also judged it as authentic in his seminal work *al-Iḥkām fi Uṣūl al-Aḥkām* (Judgement on the Principles of Law):

حدثنا أحمد بن قاسم حدثنا أبي قاسم بن محمد بن قاسم حدثنا جدي قاسم بن أصبغ أخبرنا بكر بن حماد أخبرنا حفص بن غياث عن داود بن أبي هند عن مكحول عن أبي ثعلبة الخشني قال: قال رسول الله، صلى الله عليه وسلم: إن الله فرض فرائض فلا تضيعوها، وحد حدودا فلا تعتدوها، ونهى عن أشياء فلا تنتهكوها، وسكت عن أشياء، من غير نسيان لها: رحمة لكم، فلا تبحثوا عنها!

Aḥmad bin Qāsīm narrated to us Abi Qāsīm bin Muḥammad bin Qāsīm narrated to us my grandfather Qāsīm bin Aṣḥbagh narrated to us Bakr bin Ḥammād reported to us Ḥafṣ bin Ghayāth reported to us from Dāwud bin Hind from Makḥoul from Abu Thalabah al-Khushani who said: the Messenger of Allah (peace be upon him) said: *Allah, the Exalted, has laid down certain duties which you should not neglect, and has put certain limits which you should not transgress, and has kept silent about other matters out of forgiveness for you and not out of forgetfulness, so do not seek to investigate them.*

Imām Bayhaqy recorded similarly in his *Sunan al-Kubra*;<sup>13</sup> via Ḥafṣ bin Ghayāth albeit in *mawqūf* (halted) form which is admittedly weak. The correct reporting for this narration should not be halted at Ḥafṣ bin Ghayāth; that is mistaken. Al-Ḥākim also collected this narration and authenticated it in *al-Mustadrak a’la Ṣāḥīḥayn* with a slight variation in wording:

حدثني علي بن عيسى حدثنا محمد بن عمرو الحرشي حدثنا القعنبى حدثنا علي بن مسهر عن داود بن أبي هند عن مكحول عن أبي ثعلبة الخشني رضي الله عنه قال: قال رسول الله، صلى الله عليه وسلم: إن الله حد حدوداً فلا تعتدوها، وفرض لكم فرائض فلا تضيعوها، وحرّم أشياء فلا تنتهكوها، وترك أشياء، من غير نسيان من ربكم ولكن رحمة منه لكم، فاقبلوها ولا تبحثوا فيها!

<sup>13</sup> Bayhaqy, *Sunan al-Kubra*, Vol. 10 sec. 12, no. 19,509

A'li bin E'sa narrated to me Muḥammad bin Amr al-Ḥarshi narrated to us al-Qa'nabi narrated to us A'li bin Mashour narrated to us from Dāwud bin Abi Hind from Makḥoul from Abu Thalabah al-Khushani who said: the Messenger of Allah (peace be upon him) said: *Verily, Allah has set some limits, so do not trespass them and He has ordained some obligations, so do not neglect them; He has sanctified some things so do not violate them; and He has refrained from mentioning other matters not (out of) forgetfulness, but as a way of being merciful to you, so accept (that) and do not look for them!*

The narration is also recorded by Dāraquṭni in his *Sunan*,<sup>14</sup> in a *marfu'* (elevated) form via the channel of Ishāq al-Azraq; aṭ-Ṭabarāni has this in *Mu'jam al-Kabir*,<sup>15</sup> Ibn A'sākir has this in his collection<sup>16</sup> via the channel of Yazeed bin Hāroon; Ibn Ḥazm has it in the *Iḥkām*<sup>17</sup> in another place in *marfu'* (elevated) form via the channel of Muḥammad bin Faḍeel. It is also in *Faqih al-Mutafaqih*<sup>18</sup> of al-Khaṭīb al-Baghdādi via the channel of Zuhayr bin Ishāq, again *marfu'*. It is arguable that Imām Dāraquṭni fell prey to this as a result of *irsāl* when recording his tradition. As for those who would argue that Imām Makḥoul did not hear from Abu Thalabah al-Khushani, we categorically assert that this is invalid. We have conducted an in-depth study of this matter, which is not available elsewhere, which proves beyond reasonable doubt that Makḥoul was a great successor, may Allah be pleased with him.<sup>19</sup> The next narration to be taken into account is that which is found in Al-Ḥākim's *al-Mustadrak a'la Ṣāḥīḥayn*, recorded on the authority of Abu Dardā':

أخبرنا أبو جعفر محمد بن علي الشيباني حدثنا أحمد بن حازم الغفاري حدثنا أبو نعيم حدثنا عاصم بن رجاء بن حيوة عن أبيه عن أبي الدرداء رضي الله عنه رفع الحديث قال: ما أحل الله في كتابه فهو حلال، وما حرم فهو حرام، وما سكت عنه فهو عافية، فاقبلوا من الله العافية: فإن الله لم يكن نسياً، ثم تلا هذه الآية: وَمَا تَنْزِيلُ إِلَّا بِأَمْرِ رَبِّكَ لَهُ مَا بَيْنَ أَيْدِينَا وَمَا خَلْفَنَا وَمَا بَيْنَ ذَلِكَ وَمَا كَانَ رَبُّكَ نَسِيًّا

<sup>14</sup> Dāraquṭni, *Sunan*, Vol. 4 sec. 183, no. 42

<sup>15</sup> Ṭabarāni, *Mu'jam al-Kabir*, Vol. 22 sec. 223, no. 589

<sup>16</sup> Ibn A'sākir, *Mu'jam*, Vol. 2 sec. 965, no. 1,232

<sup>17</sup> Ibn Ḥazm, *al-Iḥkām fi Uṣul al-Aḥkām*, Vol. 8 sec. 24

<sup>18</sup> Al-Khaṭīb Baghdādi, *Faqih al-Mutafaqih*, Vol. 2 sec. 16

<sup>19</sup> The Arabic edition contains the full appendix which discusses Makḥoul as a narrator and dispels a number of criticisms levelled against his reporting from previous scholars, which as it transpires, were based upon a mistaken understanding of his life chronology.

Abu Ja'far Muḥammad bin A'li ash-Shaybāni reported to us Aḥmad bin Ḥāzim al-Ghafāri narrated to us Abu Nu'aym narrated to us Aā'ṣim bin Rajā bin Ḥaywa narrated to us from his father from Abu Dardā' who raised the *ḥadīth* and said: *Whatever was considered lawful by Allah in His Book is lawful and whatever was considered unlawful is unlawful and He has refrained from mentioning other matters so it is forgiveness from Him. Accept from Allah His Forgiveness, as Allah never forgets anything,* (then he mentioned this verse): *And we do not descend but by the command of your Lord; to Him belongs whatever is before us and behind us and whatever in between, and your Lord is not forgetful.*<sup>20</sup>

Al-Ḥākim said that the narration is authentic, but they (Bukhāri and Muslim) did not record it; ath-Dhahabi concurred with him in this. It has also been reported in a number of other places, such as in the *Sunan* of Dāraqūṭni<sup>21</sup>; the *Sunan al-Kubra* of Bayhaqy,<sup>22</sup> by Ṭabarāni in the *Musnad ash-Shāmiayn*<sup>23</sup> and in a number of other places. Al-Ḥāfiz (ibn Ḥajar) attributed it to al-Bazzār and al-Ḥākim in *Fatḥ al-Bāri* with different wording and some additions. He said al-Bazzār recorded the following *ḥadīth* with a valid chain of transmission and al-Ḥākim regarded it as authentic. I would submit that it is *ḥasan* (good) and reasonable on the basis of Aā'ṣim bin Rajā bin Ḥaywa; hence the narration is *ḥasan Ṣāḥīḥ*.<sup>24</sup> A similar version of this *ḥadīth* was narrated by U'mair bin Qatāda al-Janda'y al-Laythi through a reasonable chain of transmission which doesn't have serious objections raised about it; it is recorded in Al-Ḥākim's *al-Mustadrak a'la Ṣāḥīḥayn*:

حدثنا يحيى بن عثمان بن صالح حدثنا عمرو بن خالد الحراني حدثنا محمد بن سلمة الحراني عن بكر بن خنيس عن أبي بدر عن عبد الله بن عبيد بن عمير عن أبيه عن جده قال: كانت في نفسي مسألة قد احزنتني لم أسأل رسول الله، صلى الله عليه وسلم، عنها ولم اسمع أحدا يسأله عنها فكنت أتحيته، فدخلت ذات يوم وهو يتوضأ، فوافقتة على حالين كنت أحب أن أوافقه عليهما: وجدته فارغاً، طيب النفس، فقلت: يا رسول الله انذن لي فأسألك؛ قال: نعم: سل عما بدا لك؛ قلت: يا رسول الله: ما الإيمان؟! قال: السماحة والصبر؛

<sup>20</sup> *Qur'ān* 19: 64

<sup>21</sup> Dāraqūṭni, *Sunan*, Vol. 2 sec. 217, no. 12

<sup>22</sup> Bayhaqy, *Sunan al-Kubra*, Vol. 10 sec. 12, no. 19,508

<sup>23</sup> Ṭabarāni, *Musnad ash-Shāmiayn*, Vol. 3 sec. 209, no. 2,102

<sup>24</sup> The appendix to the Arabic edition has greater detail concerning this and the narrators contained within this tradition.

قلت: وأي المؤمنين افضلهم إيماناً، قال: احسنهم خلقاً؛ قلت: فأبي المسلمين أفضل إسلاماً، قال: من سلم المسلمون من يده ولسانه؛ قلت: أي الجهاد أفضل؟!، فطأطأ رأسه فصمت طويلاً حتى خفت أن اكون قد شققت عليه، وتمنيت أن لم أكن سألته، وقد سمعته بالأمس يقول: إن أعظم الناس في المسلمين جرماً لمن سأل عن شيء لم يحرم عليهم فحرم من أجل مسألته؛ فقلت: أعوذ بالله من غضب الله، وغضب رسوله؛ فرفع رأسه فقال: كيف قلت؟!، قلت: أي الجهاد أفضل؟!، قال: كلمة عدل عند امام جائر

Yahya bin U'thmān bin Ṣālīḥ narrated to us Amr bin Khālid al-Ḥirāni narrated to us Muḥammad bin Salama al-Ḥirāni narrated to us from Bakr bin Khanees from Abi Badr from Abdalla bin U'baid bin U'mair from his father from his grandfather who said: There was a question inside me and I was sad that I had not asked the Messenger of Allah (peace be upon him) about it nor heard anyone asking him about it. I was waiting for the proper time for it. Then I entered upon him once while he was performing ablution. I found him in the two moods I loved to find him; I found him unoccupied and at peace. So I said - O Messenger of Allah! Can I have your permission to ask you? He said: *Yes, ask about whatever concerns you.* I said: O Messenger of Allah! What is faith? He said: *leniency and patience.* I said: Who has the best faith among believers? He said: *Whoever has the best manners.* I said: Who is the best Muslim among Muslims? He said: *The one who avoids harming Muslims with his tongue and hands.* I said: What (kind) of fighting in the cause of Allah is the best? He bowed his head and kept silent for a long time, such that I feared I troubled him and wished that I did not ask him, as I heard him saying the day before - *The most sinful person among the Muslims is the one who asked about something which had not been prohibited, but was prohibited to people because of his asking.* So I said: I seek refuge with Allah from the anger of Allah and the anger of His Messenger (peace be upon him). He raised his head and said: *What did you say (ask)?* I said - what is the best among *Jihād*? He said: *The best Jihād is (to speak) a word of justice to an oppressive ruler.*

Hats off to U'mair bin Qatāda for these great and productive questions! How fortunate was he to have enjoyed hearing the perfect statements directly from the Messenger of Allah (peace be upon him) directly without recourse to an intermediary. Similarly, this also has reached us from Salmān al-Fārsi as recorded by Imām Tirmidhi in his *Sunan*:



حدثنا إسماعيل بن موسى الفزاري حدثنا سيف بن هارون البرجمي عن سليمان التيمي عن أبي عثمان عن سلمان قال: سئل رسول الله، صلى الله عليه وسلم، عن السمن والجبن والفراء فقال: الحلال ما أحل الله في كتابه، والحرام ما حرم الله في كتابه، وما سكت عنه فهو مما عفا عنه

Ismāeel bin Musa al-Fuzāri narrated to us Sayf bin Hāroon al-Burjumi narrated to us from Sulaymān at-Taymi from Abi U'thmān from Salmān who said: *The Messenger of Allah was asked about fat, cheese, and furs, so he said: The lawful is what Allah made lawful in His Book, the unlawful is what Allah made unlawful in his Book, and what He was silent about; then it is among that for which He has pardoned.*

After citing this narration Tirmidhi comments as follows:

There is something on this topic from Al-Mughirah, and this *ḥadith* is *ghareeb* (strange), we do not know of it being *marfu'* (raised / elevated) except from this route. Sufyān and others reported it from Sulaymān at-Taymi from Abu U'thmān from Salmān as his own saying. It is as if the *mawquf'* (halted) narration is more correct. I asked Al-Bukhāri about this *ḥadith* and he said: 'I do not think it is preserved. Sufyān reported it from Sulaymān at-Taymi from Abu U'thmān from Salmān in *mawquf'* form.' Al-Bukhāri (also) said: 'Sayf bin Hāroon is *muqārib* (average) in *ḥadith* and as for Sayf bin Muḥammad from Aā'ṣim his narrations are left.'

The narration is also found in several places, such as in *Sunan Ibn Mājah*,<sup>25</sup> al-Ḥākim's *Mustadrak*<sup>26</sup>, Ṭabarāni's *Mu'jam al-Kabir*<sup>27</sup> and in the *Sunan al-Kubra* of Bayhaqy.<sup>28</sup> I would argue that Sayf bin Hāroon is *thiqa aā'bid*. Mistaking him for being weak is a quite grave. The Imām and established authority, Sufyān ibn U'yayna raised his *ḥadith*. These *ḥadith* have come through several different ways, such as via Abu Abdallah al-Jundly from Salmān *marfu'* and the *ḥadith* in this form are authentic.<sup>29</sup>

<sup>25</sup> Ibn Mājah, *Sunan*, Vol. 2 sec. 1,117, no. 3,367

<sup>26</sup> Al-Ḥākim, *Mustadrak*, Vol. 4 sec. 129, no. 7,115

<sup>27</sup> Ṭabarāni, *Mu'jam al-Kabir*, Vol. 6 sec. 250, no. 6,124

<sup>28</sup> Bayhaqy, *Sunan al-Kubra*, Vol. 10 sec. 12, no. 19,507

<sup>29</sup> The appendix to the Arabic edition has greater detail concerning this and the narrator in question

أخبرني علي بن محمد بن دحيم الشيباني بالكوفة حدثنا أحمد بن حازم الغفاري حدثنا أبو نعيم حدثنا مُحَمَّدُ بن شريك المكي عن عمرو بن دينار عن أبي الشعثاء عن بن عباس رضي الله عنهما قال: كان أهل الجاهلية يأكلون أشياء ويتركون أشياء تقدرا فبعث الله تعالى نبيه، صلى الله عليه وسلم، وأنزل كتابه وأحل حلاله، وحرّم حرامه: فما أحل فهو حلال، وما حرم فهو حرام، وما سكت عنه فهو عفو وتلا هذه الآية: {قُلْ لَا أُجِدُّ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رَجْسٌ أَوْ فِسْقًا أُهْلٌ لِعَيْبٍ لَعِينٍ اللَّهُ بِهِ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَحِيمٌ}

Ali bin Muḥammad bin Duḥaym ash-Shaybāni reported to me in Kufa Aḥmad bin Ḥāzim al-Ghafāri narrated to us Abu Nu'aym narrated to us Muḥammad bin Shareek al-Makki narrated to us from Amr bin Dinār from Abu ash-Sha'shā from Ibn A'bbās who said: The people of pre-Islamic times used to eat some things and leave others alone, considering them unclean. Then Allah sent His Prophet (peace be upon him) and sent down His Book, marking some things lawful and others unlawful; so what He made lawful is lawful, what he made unlawful is unlawful, and what he said nothing about is allowable. And he recited: *Say: I do not find in that which has been revealed to me anything forbidden for an eater to eat of except that it be what has died of itself, or blood poured forth, or flesh of swine-- for that surely is unclean-- or that which is a transgression, other than (the name of) Allah having been invoked on it; but whoever is driven to necessity, not desiring nor exceeding the limit, then surely your Lord is forgiving, merciful.*<sup>30</sup>

It is also reported by Abu Dāwud in his *Sunan*,<sup>31</sup> al-Ḥākim said that the *isnād* is authentic, but they (Bukhāri and Muslim) did not record it; I would submit that it is well established and authentic. Moreover, this also comes to us via a major successor, namely U'baid bin U'mair, as cited by Abdar-Razzāq aṣ-Ṣana'i in his *Muṣṣanaf* with an authentic *isnād*:

عبد الرزاق عن ابن عيينة عن عمرو بن دينار أنه سمع عبيد بن عمير يقول: أحل الله حلاله وحرّم حرامه فما أحل فهو حلال وما حرم فهو حرام وما سكت عنه فهو عفو

<sup>30</sup> *Qur'ān* 6: 145

<sup>31</sup> *Sunan* Abu Dāwud Vol. 3 sec. 355, no. 3,800

Abdar-Razzāq from ibn U'yayna from Amr bin Dinār that he heard U'baid bin U'mair say: Allah has outlined the *ḥalāl* and the *ḥaram*, other than the *ḥalāl* and the *ḥaram* that upon which there is silence it is regarded as forgiven.

It is also recorded in the *Tafsir* of Imām aṭ-Ṭabari in two places with an authentic *isnād's*:

حدثنا هناد قال، حدثنا ابن أبي زائدة قال، أخبرنا ابن جريج، عن عطاء قال: كان عبيد بن عمير يقول: إن الله تعالى أحلّ وحرّم، فما أحلّ فاستحلّوه، وما حرّم فاجتنبوه، وترك من ذلك أشياء لم يحلها ولم يحرمها، فذلك عفو من الله عفاه. ثم ينلو: {يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنَ أَشْيَاءٍ إِن تَبَدَّ لَكُمْ تَسْؤُكُمْ}

Ḥannād narrated to us he said Ibn Abi Zāida narrated to us Ibn Jurayj reported to us from A'ṭā who said U'baid bin U'mair he said: Verily Allah the exalted (clarified) the *ḥalāl* and the *ḥaram*; as for the *ḥalāl* he has legislated as such and refrain from what is *ḥaram*. Leave the matters which have not been detailed as *ḥalāl* and *ḥaram* - that has been pardoned from the mercy of Allah. (Then he recited): *O you who believe! Do not ask questions about things which if declared to you may trouble you.*<sup>32</sup>

حدثنا ابن المثنى قال: حدثنا الضحاك قال: أخبرنا ابن جريج قال: أخبرني عطاء، عن عبيد بن عمير أنه كان يقول: إن الله حرّم وأحلّ؛ ثم ذكر نحوه

Ibn Muthanna narrated to us he said ad-Ḍhaḥāk narrated to us he said Ibn Jurayj reported to us he said A'ṭā reported to me from U'baid bin U'mair that he was saying Allah has forbidden and permitted, therefore he mentioned about it.

The last of the Prophets sent to mankind, Muḥammad (peace be upon him) used to become very angry with whoever asked him such questions, as is demonstrated in the *ḥadith* which is narrated upon the authority of Abu Qatāda al-Anṣārī (may Allah be pleased him) as collected by Imām Muslim:

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<sup>32</sup> *Qur'ān* 5: 101

حدثنا محمد بن المثنى ومحمد بن بشار واللفظ لابن المثنى قال حدثنا محمد بن جعفر حدثنا شعبة عن غيلان بن جرير سمع عبد الله بن معبد الزماني عن أبي قتادة الأنصاري رضي الله عنه أن رسول الله صلى الله عليه وسلم سئل عن صومه قال فغضب رسول الله صلى الله عليه وسلم قال لا صام ولا أفطر أو ما صام وما أفطر قال فسئل عن صوم يومين وإفطار يوم قال ومن يطيق ذلك قال وسئل عن صوم يوم وإفطار يومين قال ليت أن الله قوانا لذلك قال وسئل عن صوم يوم وإفطار يوم قال ذلك صوم أخي داود عليه السلام قال وسئل عن صوم يوم الاثنين قال ذاك يوم ولدت فيه ويوم بعثت أو أنزل علي فيه قال فقال صوم ثلاثة من كل شهر ورمضان إلى رمضان صوم الدهر قال وسئل عن صوم يوم عرفة فقال يكفر السنة الماضية والباقية قال وسئل عن صوم يوم عاشوراء فقال يكفر السنة الماضية

Muḥammad ibn Muthanna and Muḥammad bin Bishār narrated to us – and this is the wording of ibn Muthanna – they said Muḥammad bin Ja’far narrated to us Shu’ba narrated to us from Ghaylān bin Jarir who heard Abdallah bin Ma’bad az-Zamāni from Abu Qatāda al-Anṣārī that the Messenger of Allah (peace be upon him) was asked about his fasting. The Messenger of Allah (peace be upon him) felt annoyed. Thereupon 'Umar (Allah be pleased with him) said: We are pleased with Allah as the Lord, with Islam as our Code of Life, with Muḥammad as the Messenger and with our pledge (to you for willing and cheerful submission) as a (sacred) commitment! He was then asked about perpetual fasting, whereupon he said: He neither fasted nor did he break it, or he did not fast and he did not break it. He was then asked about fasting for two days and breaking one day. He (the Prophet) said: *And who has strength enough to do it?* He was asked about fasting for a day and breaking for two days, whereupon he said: *May Allah bestow upon us strength to do it.* He was then asked about fasting for a day and breaking on the other, whereupon he said: *That is the fasting of my brother Dāwud (David, peace be upon him).* He was then asked about fasting on Monday, whereupon he said: *It was the day on which I was born, on which I was commissioned with Prophethood or revelation was sent to me,* (and he further) said: *Three days' fasting every month and of the whole of Ramadan every year is a perpetual fast.* He was asked about fasting on the day of A’rafa whereupon he said: *It expiates the sins of the preceding year and the coming year.* He was asked about fasting on the day of 'Ashura whereupon he said: *It expiates the sins of the preceding year.*

Muslim records this through various authentic channels of transmission in his *Ṣāḥīḥ*. It is also recorded widely by many authorities of *ḥadīth* in their collections: *Mujtabi min as-Sunan* and *Sunan al-Kubra* of Imām an-Nasā’i; *Musnad Aḥmad*, *Ṣāḥīḥ* ibn Khuzayma, Al-Ḥākim’s *al-Mustadrak a’la Ṣāḥīḥayn* and many others. The *isnād*’s for this *ḥadīth* are authentic and well established. Bayhaqy has this in *Sunan al-Kubra* via the following *isnād* which doesn’t contain Shu’ba:

أخبرنا أبو بكر مُحَمَّد بن الحسن بن فورك أنبأ عبد الله بن جعفر حدثنا يونس بن حبيب حدثنا أبو داود حدثنا حماد بن زيد وهشام ومهدي قال حماد ومهدي عن غيلان بن جرير وقال هشام عن قتادة عن غيلان بن جرير عن عبد الله بن معبد الزماني عن أبي قتادة رضي الله تعالى عنه، أن أعرابيا سأل رسول الله، صلى الله عليه وسلم، عن صومه: فغضب حتى عرف ذلك في وجهه، فقام عمر بن الخطاب رضي الله تعالى عنه فقال: رضينا بالله ربا وبالإسلام ديننا وبك نبيا، أعوذ بالله من غضب الله وغضب رسوله، فلم يزل عمر رضي الله تعالى عنه يردد ذلك حتى سكن، ثم ساق الحديث بطوله إلى منتهاه بنحو حديث الإمام مسلم

Abu Bakr bin Muḥammad bin al-Ḥasan bin Farook reported to us Abdallah bin Ja’far reports, Yunus bin Ḥabeeb narrated to us Abu Dāwud narrated to us Ḥammād bin Zayd, Hishām and Mahdī narrated to us he said Ḥammād and Mahdi from Ghaylān bin Jarir and he said Hishām from Qatāda from Ghaylān bin Jarir from Abdallah Ma’bad az-Zamāni from Abu Qatāda al-Anṣāri, from him that he narrated that a Bedouin asked the Messenger of Allah (peace be upon him) about his fast. The Messenger of Allah (peace be upon him) became angry until it was shown in his face. Thereupon, 'Umar (may Allah be pleased with him) stood up and said - We are satisfied with Allah as our Lord, with Islam as our religion, and with you as our Prophet. We seek refuge with Allah from the anger of Allah and that of His Messenger! 'Umar kept on repeating these words until his (the Prophet's) anger calmed down. The rest of the *ḥadīth* is recorded similar to the *ḥadīth* of Imām Muslim.

Regarding this, Bayhaqy said: ‘Muslim recorded it in his *Ṣāḥīḥ* from Yahya bin Yahya and other than him from Ḥammād bin Zayd and from other channels from Mahdi bin Maymoon.’ The

same is also reported by Abu Dāwud in his *Sunan*.<sup>33</sup> Ibn Ḥibbān records this narration in his *Ṣāḥīḥ* with the following *isnād* with an additional insightful comment:

أخبرنا أبو يعلى حدثنا خلف بن هشام البزار حدثنا حماد بن زيد عن غيلان بن جرير عن عبد الله بن معبد  
عن أبي قتادة به بطوله إلى قوله: وددت انى طوقت ذلك

Abu Ya'la reported to us Khalf bin Hishām al-Bazzār narrated to us Ḥammād bin Zayd narrated to us from Ghaylān bin Jarir from Abdallah bin Ma'bad from Abu Qatāda al-Anṣārī in a long narrative (as above) till he said: I wished that I could bear that.

Abu Ḥātim said: The Prophet (peace be upon him) was not angry because of this question asking about the fast but he (peace be upon him) was angry because the person asked him – 'O Messenger of Allah! How do you fast?' The Prophet (peace be upon him) hated this question about his own way of fasting because he feared that if he tells the questioner he will not bare such kind of fasting or he feared for the questioner and all of his *Ummah* that if he tells them it may be imposed upon them and they will fail to perform it.

Regarding this, Shaykh Shu'ayb al-Arnā'uṭ said: 'It has a good chain of transmission according to the conditions of Muslim.' As already mentioned earlier as part of the long quote from Ibn Kathir, al-Ḥāfiz Abu Ya'la al-Mawṣily mentioned in his *Musnad*:

أخبرنا أبو كريب أخبرنا إسحاق بن سليمان عن أبي سنان عن أبي إسحاق عن البراء ابن عازب قال: إن  
كان ليأتي علي السنة أريد أن أسأل رسول الله، صلى الله عليه وسلم، عن الشيء فأتهدب منه، وإن كنا لنتمنى  
الأعراب

Abu Kareeb reported to us Ishāq bin Sulaymān reported to us from Abi Sinān from Abi Ishāq from al-Barā' bin Aā'zib who said: A whole year would pass while I wanted to ask the Messenger of Allah (peace be upon him) about a matter. But I was afraid from him and we used to wish that some Bedouin will come and ask him.

<sup>33</sup> Abu Dāwud, *Sunan*, Vol. 2 sec. 322, no. 2,425

حدثنا قتيبة قال: حدثنا الليث عن جعفر بن ربيعة عن بكر بن سوادة عن مسلم بن مخشي عن ابن الفراسي أن الفراسي قال لرسول الله، صلى الله عليه وسلم: أسألُ يا رسول الله؟!، قال: لا، وإن كنت سائلاً، لا بد، فاسأل الصالحين

Qutayba narrated to us he said al-Layth narrated to us from Ja'far bin Rabee'a from Bak bin Sawāda from Muslim bin Makhshi from Ibn al-Firāsi that al-Firāsi said to the Messenger of Allah (peace be upon him): May I ask, Messenger of Allah?<sup>34</sup> The Prophet (peace be upon him) said: *No, but if there is no escape from it, ask the righteous (aṣ-Ṣāliḥeen).*

Imām an-Nasā'i has this in both his *Sunan* and *Sunan al-Kubra*<sup>35</sup> with the only difference in terms of narration being 'Qutayba reported to us' instead of 'Qutayba narrated to us' as above. Imām Abdallah bin Aḥmad bin Ḥanbal has this narration albeit with slight variation regarding the channel of transmission and how it was reported.<sup>36</sup> Ṭabarāni has this in *Mu'jam al-Kabir* and he narrates as follows:

حَدَّثَنَا مُطَلِّبُ بْنُ شُعَيْبِ الْأَزْدِيِّ، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ صَالِحٍ، حَدَّثَنِي اللَّيْثُ، عَنْ جَعْفَرِ بْنِ رَبِيعَةَ، عَنْ بَكْرِ بْنِ سَوَادَةَ، عَنْ مُسْلِمِ بْنِ مَخْشِيِّ، عَنْ ابْنِ الْفِرَاسِيِّ، أَنَّ أَبَاهُ الْفِرَاسِيَّ، أَتَى النَّبِيَّ، صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ: يَا رَسُولَ اللَّهِ، أَسْأَلُ؟ قَالَ: لَا، وَإِنْ كُنْتَ لَا بُدَّ سَائِلًا، فَسَلِ الصَّالِحِينَ

Muṭlib bin Shu'ayb al-Azdi narrated to us Abdallah bin Ṣāliḥ narrated to us al-Layth narrated to me from Ja'far bin Rabee'a from Bakr bin Sawāda from Muslim bin Makhshi from Ibn al-Firāsi that his father al-Firāsi said: O Messenger of Allah, can I ask? He replied: *No, but if there is no escape from it, ask the righteous.*

<sup>34</sup> In the standard English translation of this *ḥadīth* this is rendered as 'May I beg?', which doesn't give the reader the full context and is slightly misleading

<sup>35</sup> Nasā'i, *Sunan*, Vol. 5 sec. 95, no. 2,587; *Sunan al-Kubra*, Vol. 2 sec. 50, no. 2,368

<sup>36</sup> Vol. 4 sec. 334, no. 18,965

The same is also in *Taḥzeeb al-Kāmil* with the addition in transmission being clarification of Muslim bin Makhshi as being Muslim bin Makhshi al-Mudalja, Abu Mu'āwiya al-Maṣri from the channel of Ṭabarāni. Bayhaqy has this in *Sunan al-Kubra* from an alternate way:

وأخبرنا أبو طاهر الفقيه أنبأ علي بن إبراهيم بن معاوية النيسابوري حدثنا مُحَمَّد بن مسلم بن وارة حدثني مُحَمَّد بن موسى بن أعين قال: وجدت في كتاب أبي عن عمرو بن الحارث عن بكر عن مسلم بن مخشى أن الفراسي حدثه عن أبيه بنحوه

And Abu Ṭāhir al-Faqihi reported to us A'li bin Ibrāhim bin Mu'āwiya an-Nisāburi reports, Muḥammad bin Muslim bin Wāra narrated to us Muḥammad bin Musa bin A'yn narrated to me he said: I found in the book of my father from Amr bin al-Ḥārith from Bakr from Muslim bin Makhshi that al-Firāsi's father told him about it.

Al-Ḥāfiz (Ibn Ḥajar) summarised most of the accounts mentioned about this subject *Fath al-Bāri*, he writes:

The chapter of the disapproval of asking too many questions, interfering in what is not our concern and the saying of Allah – ‘O you who believe! Do not ask questions about things which if declared to you may trouble you’. As if he mentioned this verse to be evidence that establishes the disapproval, which indicates that he approved some of what was mentioned in explaining this verse. We had mentioned the difference in opinion concerning the occasions of its revelation within the *Tafsir of Surah al-Mā'ida*. Ibn al-Muneer felt that it is about asking too many questions both in the past and at the present. And the saying of al-Bukhāri showed his approval and the *ḥadith's* which he mentioned in the chapter, supported his view. While a group among the jurists including the judge - Abu Bakr bin al-A'raby denied it. He said that some ignorant people believed that this verse prohibited asking about matters concerned with disasters till it really happened, while it is not; the verse cleared that what is prohibited is asking questions that may cause hardship and difficulty to the Muslims while questions about disasters are not like that. The matter is exactly as he said, because this verse suggests that it is concerned with the time of revelation. Included in the *ḥadith* of Sa'd which he mentioned



at the beginning of *al-Muṣṣanaf* in the chapter of whoever asks about something which had not been prohibited, but was prohibited to people because of his asking - approved that.

Like that could happen and was included in the meaning of the *ḥadith* of Sa'd. Al-Bazzār recorded the following *ḥadith* with a valid chain of transmission and Al-Ḥākim regarded it as an authentic *ḥadith* that Abu Dardā' (may Allah be pleased with him) narrated that the Messenger of Allah (peace be upon him) said: *'Whatever was considered lawful by Allah in His Book is lawful and whatever was considered unlawful is unlawful and He has refrained from mentioning other matters so it is forgiveness from Him. Accept from Allah His forgiveness, as Allah never forgets anything.'* Dāraquṭni recorded that Abu Thalabah narrated that the Messenger of Allah (peace be upon him) said: *'Verily, Allah has ordained some obligations, so do not neglect them; He has set some limits, so do not cross them; He has refrained from mentioning other matters not (out of) forgetfulness, do not look for them.'* It has a support narrated by Salmān as recorded by Tirmidhi and another narrated by Ibn A'bbās and recorded by Abu Dāwud. Muslim also recorded what was mentioned originally by al-Bukhāri as it was mentioned above in the book of knowledge on the authority of Anas (may Allah be pleased with him) that he narrated: *'We were forbidden to ask anything (without the genuine need) from the Messenger of Allah (peace be upon him). It, therefore, pleased us that an intelligent person from the dwellers of the desert should come and asked him (the Prophet) while we listen to it.'*

He went on mentioning the story of the oath of condemnation in *ḥadith* narrated by 'Umar and how the Messenger of Allah (peace be upon him) hated the questions and criticised them. Muslim recorded that Nawwās ibn Samān (may Allah be pleased with him) narrated that he stayed with the Messenger of Allah (peace be upon him) for one year at Medina. Nothing obstructed me to migrate but inquiries to him (about Islam). It was a common observation) that when anyone of us migrated (to Medina) he ceased to ask (too many questions) the Messenger of Allah (peace be upon him). He meant here that he came to Medina as a newcomer but did not emigrate to it and he remained in that state for one year in order not to lose his right to ask questions. This *ḥadith* indicates that the prohibition of asking too many questions is addressing those people other than Bedouins whether they are newcomers or others. Aḥmad recorded that Abu Umāma (may Allah be pleased with him) narrated: *'When this verse was revealed in which Allah*

says *Do not ask about matters.....* we used not to ask him (peace be upon him). So we went to a Bedouin and gave him a garment as a bribe and said to him - ask the Prophet (peace be upon him). Furthermore, Abu Ya'la recorded that al-Barā' (may Allah be pleased with him) narrated: 'A whole year would pass while I want to ask the Messenger of Allah (peace be upon him) about a matter. But I was afraid from him and we used to wish that some Bedouin (will come and ask him).' They wished that a Bedouin may come and ask him while they are listening and benefit from such questions.

The *aḥadith* that are mentioned in this section are all proven and definite containing no doubts. By combining them with the verse (5: 101) and with the narrations that have been reported via Ibn A'bbās and others in explaining this verse, clarity can be brought to the subject. The primary point is that Allah and His Messenger (peace be upon him) severely prohibited asking too many questions; arguing and disagreeing with the Prophet (peace be upon him); indulging in too many details, hair-splitting and dialectics. Even asking about matters that had not yet been raised or addressed by the revelation was also covered by this, notwithstanding the type of matters which people did ask the Prophet (peace be upon him), as noted earlier on. All of this has been demonstrated beyond any doubt by definite evidence, which has the effect of reaching certitude. For anyone to deny this would be clear *kufr* (disbelief). Thus, it is well established as a basic rule that other secondary issues can be built upon. All praise is to Allah for protecting the *Dhikr* – the Qur'ān and *Sunnah*.

One issue though remains, namely how do we interpret the narrations which we find in the reliable books of *ḥadith*, such as in Bukhāri, that indicate some of companions in fact did ask the Messenger of Allah (peace be upon him) direct questions? Would the existence of these questions contradict what we have previously mentioned above concerning the prohibition of asking too many questions? In short, it is not a disaster that this in fact did occur. Nobody claims that the companions – may Allah be pleased with them all - were infallible or that they were above committing mistakes. If we go through Bukhāri we will find also several narrations that includes the punishment of adulterers, thieves, slanderers, and the Prophet (peace be upon him) scolding whoever indulged in backbiting. And we mentioned previously that the Prophet (peace be upon him) became angry concerning some

questions and he reproved them and that the above verse was revealed concerning one of those incidents.

Secondly, most direct questions were in fact asked by Bedouins, people who were not living in Medina, those living outside the sacred precincts and by people from among delegations which were given a clear legal right to ask, as the Prophet (peace be upon him) used to ask them when they were about to leave - *Do you have anything left (want to ask about it)?* or words to that effect. This of course includes asking about whatever is not known by them or obscure in their minds. Thirdly, the severe prohibition is concerned with asking about matters that were not prohibited; that there is no text which was revealed talking about a particular matter. Pursuing the aforementioned line of argumentation seems to indicate that whoever takes issue with this is in fact displaying an underlying mistrust of Allah or having some kind of doubt that maybe Allah forgets some matters, misses things or that his Prophet (peace be upon him) hid something or neglected some matter. All of this is impossible and constitutes clear *kufur* (disbelief). Such mistrust may lead to the revelation of a judgment that prohibits a matter that was not prohibited before as a punishment for the whole nation. Asking about details of any judgment that was already revealed, seeking explanation of some small matters that were already legislated, details of any act of worship, or about rites that were legislated previously, this is not considered as being part of the prohibited questioning.

One can therefore discern that taken in the round, the cumulative legal effect of all these evidences establishes clearly that the basic ruling was one of permissibility. Put another way, the companions did not hesitate in carrying on with their normal lives and actions; when a commandment was revealed they put it into effect, when a matter was declared prohibited, they avoided the prohibition. Where the text was silent upon a matter, they implicitly understood that this was by default falling within the realm of permissibility.

## 6. In origin, acts, speech and objects / things are permissible:

### Permissibility is the original or default ruling

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Thus far we have exhaustively shown with compelling evidence, reaching the level of certitude, the following key principles:

- ❖ We are not originally addressed with the laws of the previous Prophets (peace and blessings upon all of them). These laws have been totally abrogated from beginning to end, an immediate and total abrogation, once the revelation descended to Muḥammad (peace be upon him), the last of the Prophets.
- ❖ We are certain that the Prophet (peace be upon him) received revelation and laws throughout his tenure as a Prophet over twenty-three years. No complete book was sent to him from the outset; the Qur'ān and *Sunnah* being revealed in stages.
- ❖ A severe prohibition was placed upon seeking to question the Prophet (peace be upon him); from arguing and disputing with him and indulging in all manner of disputation.
- ❖ The companions did not hesitate in carrying on with their normal lives and actions during the period of revelation. They did this without asking or waiting for a revelation to be sent.

What was the original ruling concerning acts, speech and objects / things, was it prohibition or permissibility (*ibāḥa*)? What did the Muslims do during the period of revelation regarding these matters that had no text yet to classify them? There are two fundamental phases which must be considered. Firstly, prior to the advent of the Prophetic mission - there is no specific judgment before laws were sent down. The ruling in relation to acts, speech and objects / things is not permissibility as some might think. Permissibility (*ibāḥa*) is a legal judgment only specified by a statement from the law-maker. How can there be a judgment before there was such a statement - this is impossible. People did what they wished according to their own whims and interests till the message of Allah comes to them. This is a case of applying non-divine laws and not a divine permissibility. There is a great and fundamental difference between the two states. They are as far from each other as heaven and earth and it is an obvious matter to any reasonable person.

The second phase is what occurs during the period of revelation. Once the message has been sent *everyone* is obliged to believe in it and then follow it, for people were only created to worship Allah. They are ordered to listen to and obey all commandments and orders, to abstain from all matters prohibited. Submission to Allah means: surrendering, obeying and yielding to Him with love and respect. It is not just a mere collection of acts and rituals, be that bowing, prostrating or otherwise. The question that is raised now, is there a general ruling to which we refer in all things and actions till it is abrogated or altered? Or does such a ruling even exist?

The answer to this can be deduced from the plethora of evidence mentioned in the previous chapter on the prohibition relating to excessive questioning. These evidences establish the prohibition of asking too many questions. Further to this, the Prophet (peace be upon him) clearly stated: *'Leave me as I leave you.'* Such a statement is not ambiguous and can have only one meaning. It meant - do whatever you wish and say whatever you wish, and believe whatever you choose to believe, for it is lawful for you; make use of all things, for they were created pure, lawful and blessed for you to use it in every possible way; fulfil your contracts, meet your promises, keep on doing your customs and continue on following your prevailing systems regarding marriage and inheritance etc. All of this can be carried out till

the specifications regarding what is obligatory, recommended, disliked and prohibited has been detailed by revelation. This must be the meaning and implication of the phrase - '*Leave me as I leave you*'. To argue otherwise would be tantamount to saying that the Prophet (peace be upon him) would be allowing people to do prohibited acts, to leave obligations and to go on with their evil contracting system. He would no longer be a Messenger of Allah, commanding the good and forbidding the evil; this would be the qualities of a false imposter not a true prophet. Allah forbid that Abul-Qāsīm (Muḥammad, peace be upon him) the last of the Prophets should be thought of in that manner. Arguably this principle ought to be known by the necessity of reason as well as by the necessities of the *Shari'ah*, as it has been made explicit by several texts, in brief:

- ❖ Abu Dardā' (may Allah be pleased with him) who narrated that the Prophet (peace be upon him) said: *Whatever was considered lawful by Allah in His Book is lawful and whatever was considered unlawful is unlawful and He has refrained from mentioning other matters so it is forgiveness from Him. Accept from Allah His Forgiveness, as Allah never forgets anything*, (then he mentioned this verse): '*...and your Lord is not forgetful.*'<sup>37</sup>
- ❖ There is also the ḥadīth of Abu Thalabah al-Khushani who said, the Messenger of Allah (peace be upon him) said: '*...and has kept silent about other matters out of forgiveness for you and not out of forgetfulness, so do not seek to investigate them.*' The word 'forgiveness' mentioned here is the forgiveness granted after the revelation of the laws; it is called absolute permissibility and not 'forgiveness' before the revelation of a law, which is called 'absence of divine law'; no account or punishment follows it for they are only applied *after* laws are established and proven.
- ❖ The Prophet (peace be upon him) said: '*The most sinful Muslim is the one who asked about something which had not been prohibited, but was prohibited because of his asking.*' This means that the thing asked about was *originally lawful before the*

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<sup>37</sup> *Qur'ān* 19: 64

question posed resulted in its prohibition. This necessitates in the absence of a legal text denoting a prohibition (or an obligation) the matter is lawful and within the realm of permissibility. For it to be otherwise is impossible. There is no more ‘absence of divine law’ after the revelation of the verse of the Qur’ān: ‘*Read! In the name of your Lord...*’<sup>38</sup> It is almost as if Allah said to people then: ‘Do whatever you wish, for I have forgiven you all things and have gave you my permission in all actions until I specify for you what is prohibited, what is obligatory and till I show you what is desirable and what is disliked. Until that time everything is lawful and is forgiven, out of my gentleness and mercy not out of negligence or forgetfulness. So, do not ask your Prophet frequently, do not ask too many questions and argue or you will taste the calamity of your affairs.’ Put another way – continue, as what you are doing is considered lawful until further notice and clarification.

- ❖ Lastly, what has been transmitted to us from history and biographies has established that the Prophet (peace be upon him) and his companions undertook transactions, various professions, marriages, travel, underwent medical treatment and practiced all of life’s affairs without asking or waiting for a revelation to be sent except in very limited instances. Necessity dictates that they implicitly knew that permissibility was the original ruling regarding all things and actions and that it is the general default position.

Some may deny this, postulating an extreme example, such as what if an owner of a brothel continued in this iniquitous practice, living off its profits; surely this would invalidate this principle? In response, we would argue, so what if that was the case! Such practices would be considered lawful *until* revelation comes to specify that it is prohibited. Shocking as it may seem that is how it is. Some may even argue that this goes against the thinking of ‘sound minds’ and reason. In response, we would argue that the matter cannot be judged by a reasoning that is flawed. He that created the mind and reason is more knowledgeable of them; such matters should be left to him. If he wishes he shall put this into consideration out

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<sup>38</sup> Qur’ān 96: 1

of his leniency and mercy and if he wishes, he shall neglect it out of being from matters of worship. What you should do is to accept the reason for which you were created, that is exclusively to worship Allah making your devotion sincere and turning to him in repentance; not to argue with the orders of the Lord or put yourself forward before his Messenger (peace be upon him). In any event the jurists of Islam have concurred that lawfulness is the default ruling regarding things / objects, as Allah says:

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا ثُمَّ اسْتَوَىٰ إِلَى السَّمَاءِ فَسَوَّاهُنَّ سَبْعَ سَمَاوَاتٍ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ

***It is He created for you all that is in the earth and He directed Himself to the heaven, so He made them complete seven heavens and He knows all things.***<sup>39</sup>

There are many verses mentioning the gifts which Allah conferred upon mankind. Such gifts out of his bounty would not be true gifts unless all these things and utilities were lawful except that which was prohibited. All things must have been pure in origin except that which was ordained impure. This is an admissible and decisive proof and here are some additional proofs - everything that was created in this universe from among things, entities in themselves, and their utilities are:

- *Permissible for humans*
- *Pure from the religious ritual point of view*

There is no difference between gases (like air and vapour), liquids (like water, juice and milk), and solid entities (like iron, copper, dust and rocks). There is no difference between simple compounds like water and air and complex mixtures like clay and soil. There is no difference between inanimate objects (like rocks and mountains) and living beings (like cattle and birds). All of these things are among the items which Allah has placed in this universe and they are pure and permissible for a human being to utilise. The utilisation can mean terminating them like slaughtering a sheep, eating a loaf of bread, and making use of one of its utilities such as

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<sup>39</sup> *Qur'ān* 2: 29



riding animals, smelling roses, and looking at the beautiful sights of mountains and plains. All of this is permissible except for that which is excluded by a legal text specifying its prohibition, its impurity or both. Permissibility and purity are two separate things. Being prohibited does not entail being impure and vice versa.

Indeed, a minority of Islamic scholars argued that the original principle concerning acts is different from that concerning things / objects. According to this view, man and his actions do not fall under the previous discussion, for Allah favoured man by granting him the right to utilise all other creatures. We know by the necessity of perception and reason that the one favoured (mankind) is different from the favoured thing itself which is the rest of things in the universe. Thus, the previous evidences supporting the permissibility and purity of things does not entail that permissibility is the original ruling regarding man's actions. Mankind was only created to worship Allah, to obey his orders and abstain from his prohibitions. Consequently, man cannot do or intend to do any action without the express permission of Allah. In response, we would submit that this is a good point that draws a clear distinction between actions - man's voluntary actions which is the only thing taken into account here - and all things created in the universe other than man. The one certain truth is that man is only created to worship Allah, as clearly established in the verse:

وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ

***And I have only created man and jinn so that they should worship me.***<sup>40</sup>

Submission to Allah means to yield, surrender and obey with love and honour. It is not a simple collection of rituals that involve bowing or prostrating. Worship is obedience, based on love and sanctification as will be discussed elsewhere. All of that has nothing to do with the fact that permissibility is the default ruling regarding neither all things nor all actions, for permissibility is a legal judgment. Obeying Allah in that which he has designated permissible is not different from obeying him in adhering to duties and abstaining from prohibitions. When Allah ordains that permissibility is the default ruling regarding things, this is his

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<sup>40</sup> *Qur'ān* 51: 56

judgment that cannot be refused. This is the meaning of submission to Allah which is the reason behind the creation of mankind. If he ordained things to be prohibited, this is his judgment that cannot be neglected and that must be obeyed.

فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ ، وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ

*Hence he who has done an atom's weight of good shall see it and he who has done an atom's weight of evil shall see it.*<sup>41</sup>

The aforementioned verse and those of similar import are not directly relevant to the present discussion; it is just an indication to the comprehensive account and reward or punishment for each deed no matter how minute it is. Good is what Allah has classified as good and evil is what Allah has dispraised and called evil and nothing else. What is the relationship between that and the original judgment regarding actions and things? There is no relationship whatsoever, for we only seek the judgment of Allah. We wish to submit to Allah surrendering to his judgment and nothing else, regardless of the nature of that judgment. It might be prohibiting drinking camel's milk in the same matter that it was prohibited to the people of Israel or making it lawful as ordained in our last and final law. Thus, there is no other choice than discussing this matter from such an angle.

The statement that permissibility is the original or default ruling on all things / objects unless a textual proof denotes otherwise, necessarily requires that all acts that are related to these things are permissible as well. Otherwise that notion of permissibility would lose its meaning and become absurd. To say that a ewe is lawful, means that it is permissible to slaughter it, skin it, tan its skin, sell it, buy it, bury it or dissolve its fat and benefit from that fat or manufacture soap from it. In this way from what cannot be counted concerning human actions that are related to the ewe itself or its utility. This is a big part of human behaviour that has necessarily been basically permissible, unless a textual proof denotes otherwise; an

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<sup>41</sup> *Qur'ān* 99: 7/8

example of this being the textual proof that outlaws torturing animals or branding them with fire on their faces.

Allah has bestowed great favour upon mankind giving us the senses, the heart, the soul and the mind. Mankind has been created with the best stature. Together with the texts already cited, necessity dictates that all actions proceeding from this form are basically permissible, unless a textual proof denotes otherwise. To elaborate this point with a simple example, all manner of expression from the lips and tongue is permissible, including speaking, whistling, humming, mumbling, crying, weeping, lamentation, wailing, articulation and speech and various sounds etc. Allah has said:

مَا يَلْفِظُ مِنْ قَوْلٍ إِلَّا لَدَيْهِ رَقِيبٌ عَتِيدٌ

***He utters not a word but there is by him a watcher at hand.***<sup>42</sup>

The stressed prohibition in the Qur'ānic verse of asking '*questions about things which if declared to you may trouble you*' requires the necessity of permitting all things and all actions, unless textual evidence denotes otherwise. A human being can never be void of activities in the course of life. Given that the verse says not to ask until the legislator provides detailed explanation, the meaning of the verse is evidently established: do as you will, for it is permissible unless the legislator specifies otherwise. As previously mentioned, the Prophet (peace be upon him) clearly said: '*Leave me as I leave you for the people who were before you were ruined because of their questions and their differences over their Prophets. So, if I forbid you to do something, then keep away from it. And if I order you to do something, then do of it as much as you can.*' Is it therefore conceivable that someone who has been made infallible by Allah and who conveys the most perfect conveyance about him, commands people to leave him until it is he who specifies otherwise; would he be leaving them to commit matters unlawful and not establish obligations? Allah forbid!

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<sup>42</sup> Qur'ān 50: 18

The Prophet (peace be upon him) also said: *'The most sinful Muslim is the one who asked about something which had not been prohibited, but was prohibited because of his asking.'* Yet again the *ḥadīth* provides definite evidence that the thing asked wrongly, affectedly and unjustly, was permissible before the question, which then led to a prohibition. The word 'things' here in its lexical meaning includes everything: genus, qualities and actions. Furthermore, he (peace be upon him) clearly said: *'Verily, Allah has ordained some obligations, so do not neglect them; He has set some limits, so do not trespass them; He has refrained from mentioning other matters not (out of) forgetfulness, so do not look for them. It is mercy from Allah, so accept it.'* Can the matter be any clear than this? In a separate Qur'ānic verse Allah has said that he has explained to us in detail what has been forbidden:

وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُررْتُمْ إِلَيْهِ وَإِنَّ كَثِيرًا لِّيُضِلُّونَ  
بِأَهْوَائِهِمْ بَغَيْرِ عِلْمٍ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِالْمُعْتَدِينَ

***And what reason have you that you should not eat of that on which Allah's name has been mentioned, and He has already made plain to you what He has forbidden to you-- excepting what you are compelled to; and most surely many would lead (people) astray by their low desires out of ignorance; surely your Lord-- He best knows those who exceed the limits.***<sup>43</sup>

Matters prohibited have all been explained, declared and clarified in detail. The same thing has been applied to the religious obligations, for abandoning them is a sin and prohibited. Allah has blamed, scolded and condemned in this verse, whosoever abstained from some food, lest that he falls into a forbidden thing *which has not been detailed*. This has been a proof that all things, whether properties and actions, are lawful unless there is an explicit detailed statement to prohibit or make something an obligation. Jābir ibn Abdallah as well as many other companions (may Allah be pleased with them all) had this very same understanding. He referred to them in the collective by saying using the word 'we' when he said: 'We used to practice *al-A'zī* (*coitus interruptus*) during the lifetime of the Messenger of

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<sup>43</sup> Qur'ān 6: 119

Allah (peace be upon him) while the Qur'ān was being revealed.'<sup>44</sup> In the version which Muslim records, Iṣḥāq added that Sufyān said: 'Had it been something to be prohibited from, the Qur'ān would have stated so.'<sup>45</sup> Writing in *Fatḥ al-Bāri* al-Ḥāfiz (ibn Ḥajar) said:

Ibn Daqiq al'Eid has explained it, concerning what is in al-U'mda. He said that Jābir's inference of the establishment from Allah is strange and it is possible that it is the establishment of the Messenger (peace be upon him) but it is conditioned by his knowing about that. And it is enough for him to know about the statement of the companion that he did it at his lifetime. Regardless, the issue is a well known issue in the study of *Uṣul* and in the study of *ḥadith* that if the companion adds it to during the lifetime of the Prophet (peace be upon him), it would have the judgment of traceability according to the majority because it is obvious that the Prophet (peace be upon him) saw that and approved it, due to the abundance of their causes about their asking him concerning judgments, though the judgment of traceability is not added to it according to some people. And this is from the beginning, for Jābir made it clear that it happened during the lifetime of the Prophet (peace be upon him). Several methods have been reported proving that he saw it. Now what is apparent to me is that the person who deduced that, be it Jābir or Sufyān, the person meant by the revelation of the Qur'ān, that what is read is more general than what worship is done by reciting it, or other than that, from that which is revealed to the Prophet (peace be upon him). It is as if he says, we have done it at the time of legislation. And had it been unlawful, we would not have been approved to it. In relation to this, the statement of Ibn 'Umar (may Allah be pleased with him) provides for the following: 'During the lifetime of the Prophet we used to avoid chatting leisurely and freely with our wives lest some divine inspiration might be revealed concerning us. But when the Prophet had died, we started chatting leisurely and freely (with them).' Recorded by al-Bukhāri]

I would argue that the statement of those who said: '*Jābir's inference of the establishment from Allah is strange,*' means nothing. But what is truly astonishing is how al-Ḥāfiz (may Allah

<sup>44</sup> The *ḥadith* is recorded by Bukhāri, Muslim and many others. The wording above is cited from Bukhāri - book of marriage, chapter on *al-A'zī* with the following *isnād*: Ali bin Abdallah narrated to us Sufyān narrated to us he said A'mr reported to me from A'tā who heard Jābir bin Abdallah say (etc.)

<sup>45</sup> Muslim book of marriage chapter on the ruling of *al-A'zī*

have mercy upon him) commented. *That* is what is truly strange. Does Allah not surround all things by his knowledge? And was the statement of the Prophet (peace be upon him) from himself and not revelation? Allah forbid! This is not what happened but it is from Allah and it is Allah who guarantees both the protection and explanation of the *Dhikr* - as he has already confirmed to us: *Therefore it is upon us (rests) its explanation.*<sup>46</sup>

As for the *ḥadith* of Ibn ‘Umar (may Allah be pleased with him), it is in conformity with that reported from Jābir and confirms the notion of permissibility being the underlying or default ruling. The full narration as recorded in Bukhāri is as follows:

حدثنا أبو نعيم حدثنا سفيان عن عبد الله بن دينار عن ابن عمر، رضي الله عنهما، قال: كنا نتقي الكلام والانبساط إلى نساتنا، هيبة أن ينزل فينا شيء على عهد النبي، صلى الله عليه وسلم، فلما مات النبي، صلى الله عليه وسلم، تكلمنا وانبسطنا

Abu Nu‘aym narrated to us Sufyān narrated to us from Abdallah bin Dinār from Ibn Umar who said: During the lifetime of the Prophet (peace be upon him) we used to avoid chatting leisurely and freely with our wives lest some divine inspiration might be revealed concerning us. But when the Prophet (peace be upon him) had died, we started chatting leisurely and freely (with them).<sup>47</sup>

Arguably this is from amongst the most authentic chains of transmission. Ibn Mājah recorded this but with the following channel to Sufyān: ‘Muḥammad bin Bishār narrated to us Abdar-Raḥman bin Mahdi narrated to us Sufyān narrated to us’. Imām Aḥmad also reports this in *Musnad* with the channel: Abdar-Raḥman narrated to us Sufyān narrated to us (et al).

In addition to the above we may add to these points the various narratives where the Prophet (peace be upon him) used to inform his companions about matters that they were completely unaware of; he (peace be upon him) only knew them via revelation. An example of this is the advice given to the delegation of ‘Abdul-Qais not to make *nabeeth* (wine) in

<sup>46</sup> *Qur’ān* 75: 19

<sup>47</sup> The standard rendering of this narration into English is that wording. What Ibn Umar is referring to by this ‘leisurely talk’ is intimate sexual talk between spouses.

certain containers which were like ‘hollowed stumps’, vessels smeared with pitch, pumpkins, and green jars. They were astonished that he knew some of them, though they are unknown to the people of Mecca and Medina; only the people of Al-Yamāma knew about them. As recorded and authenticated by Imām Muslim:

حدثني مُحَمَّد بن بكار البصري حدثنا أبو عاصم عن بن جريج (ح) وحدثني مُحَمَّد بن رافع، واللفظ له، حدثنا عبد الرزاق أخبرنا بن جريج قال: أخبرني أبو قزعة أن أبا نضرة أخبره وحسنا أخبرهما أن أبا سعيد الخدري أخبره: أن وفد عبد القيس لما أتوا نبي الله، صلى الله عليه وسلم، قالوا: يا نبي الله جعلنا الله فداءك، ماذا يصلح لنا من الأشربة؟، فقال: لا تشربوا في النقيير! ، قالوا: يا نبي الله، جعلنا الله فداءك، أو تدري ما النقيير؟، قال: نعم، الجذع ينقر وسطه؛ ولا في الدباء، ولا في الحنتمة، وعليكم بالموكى

Muḥammad bin Bakkār al-Baṣri narrated to me Abu A’āṣim narrated to us from ibn Jurayj (*ḥawala*) and Muḥammad bin Rāfi’h narrated to me and it’s his wording – Abdar-Razzāq narrated to us Ibn Jurayj reported to us he said Abu Qaza’ah reported to me that Abu Naḍra informed him and told him that Abu Sa’eed al-Khudri informed him that when the delegation of the tribe of Abdul-Qais came to the Prophet of Allah (peace be upon him) (its members) said: Messenger of Allah, may God enable us to lay down our lives for you, which beverage is good for us? He (the Prophet) said: *(Not to speak of beverages, I would lay stress) that you should not drink in the wine jars.* They said: Apostle of Allah, may God enable us to lay down our lives for you, do you know what *al-naqir* is? He (the Holy Prophet) replied: *Yes, it is a stump which you hollow out in the middle, and added: Do not use gourd or receptacle (for drink). Use water-skin the mouth of which is tied with a thong (for this purpose).*

It is also recorded in the *Musnad* of Imām Aḥmad<sup>48</sup> with essentially the same *isnād*: Abdar-Razzāq narrated to us and he reports, they said Ibn Jurayj narrated to us Abu Qaza’ah reported to me with it, before my presence. I would submit that this is very authentic and well established particularly given the wording from Ibn Jurayj. The words, ‘and good, told them’ it is inverse wording and authentic; and he reported well. In any event, it is a good report from Abu Qaza’ah as is evident from the channel. In *Sharḥ al-Ma’āni al-Athār* its reported as:

<sup>48</sup> *Musnad Aḥmad* Vol. 3 sec. 57, no. 11,561

A'li narrated to us he said Ḥajjāj narrated to us from Ibn Jurayj he said Abu Qaza'ah reported to me that Abu Naḍra reported to him that Abu Sa'eed al-Khudri narrated to them, as follows. In a lengthy *ḥadīth* recorded and authenticated by Imām Muslim we have the following:

حدثنا يحيى بن أيوب حدثنا ابن عليّة حدثنا سعيد بن أبي عروبة عن قتادة قال: حدثنا من لقي الوفد الذين قدموا على رسول الله، صلى الله عليه وسلم، من عبد القيس قال سعيد: وذكر قتادة أبا نصره عن أبي سعيد الخدري في حديثه هذا أن أناسا من عبد القيس قدموا على رسول الله، صلى الله عليه وسلم، فقالوا: يا نبي الله: إنا حي من ربيعة، وبيننا وبينك كفار مضر، ولا نقدر عليك إلا في أشهر الحرم فمرنا بأمر نأمر به من وراءنا وندخل به الجنة إذا نحن أخذنا به! ، فقال رسول الله، صلى الله عليه وسلم: «أمركم بأربع وأنهاكم عن أربع: اعبدوا الله ولا تشركوا به شيئا، وأقيموا الصلاة وآتوا الزكاة وصوموا رمضان وأعطوا الخمس من الغنائم؛ وأنهاكم عن أربع: عن الدباء والحنتم والمزفت والنقير، قالوا: (يا نبي الله ما علمك بالنقير؟!، قال: بلى، جذع تنقرونه فتقذفون فيه من القطيعاء (قال سعيد: أو قال من التمر) ثم تصبون فيه من الماء حتى إذا سكن غليانه شربتموه حتى إن أحدكم، أو إن أحدهم، ليضرب ابن عمه بالسيف»، قال: (وفي القوم رجل أصابته جراحة كذلك، قال: وكنت أختبئها حياء من رسول الله، صلى الله عليه وسلم، فقلت: (فقيم تشرب يا رسول الله؟!، قال: «في أسقية الأدم التي يلاث على أفواهها، قالوا: يا رسول الله إن أرضنا كثيرة الجرذان، ولا تبقى بها أسقية الأدم؟!، فقال نبي الله، صلى الله عليه وسلم: وإن أكلتها الجرذان، وإن أكلتها الجرذان، وإن أكلتها الجرذان، قال: وقال نبي الله، صلى الله عليه وسلم، لأشج عبد القيس: إن فيك لخصلتين يجهما الله، الحلم والأناة

Yahya bin Ayub narrated to us ibn A'liya narrated to us Sa'eed bin Abi A'ruba narrated to us from Qatāda who said: (It was) narrated to us from among the delegates of the 'Abd al-Qais tribe narrated this tradition to him. Sa'id said that Qatada had mentioned the name of Abu Naḍra on the authority of Abu Sa'eed al-Khudri who narrated this tradition: That people from the- tribe of 'Abd al-Qais came to the Messenger of Allah (peace be upon him) and said: Messenger of Allah, we belong to the tribe of Rabi'a and there live between you and us the unbelievers of the Mudar tribe and we find it impossible to come to you except in the sacred months; direct us to a deed which we must communicate to those who have been left behind us and by doing which we may enter heaven. Upon this the Messenger of Allah (peace be upon him) said: *I enjoin upon you four (things) and forbid you to do four (things): worship Allah and associate none with Him, establish prayer, pay Zakat, and observe the fast of Ramaḍān, and pay the fifth part out of the booty. And I prohibit you from four (things): dry gourds, green-coloured jars, hollowed stumps of palm-trees, and receptacles.* They (the members of the delegation) said: Do



you know what *al-naqir* is? He replied: *Yes, it is a stump which you hollow out and in which you throw small dates.* Sa'eed said: He (the Holy Prophet) used the word *tamar* (dates). (The Prophet then added): *Then you sprinkle water over it and when its ebullition subsides, you drink it (and you are so intoxicated) that one amongst you, or one amongst them* (the other members of your tribe, who were not present there) strikes his cousin with the sword. He (the narrator) said: There was a man amongst us who had sustained injury on this very account due to (intoxication), and he told that he tried to conceal it out of shame from the Messenger of Allah (peace be upon him). I, however, inquired from the Messenger of Allah (it we discard those utensils which you have forbidden us to use), then what type of vessels should be used for drink? He replied: *In the waterskin the mouths of which are tied (with a string).* They (again) said: Prophet of Allah, our land abounds in rats and water-skins cannot remain preserved. The holy Prophet of Allah (peace be upon him) said: *(Drink in water-skins) even if these are nibbled by rats.* And then (addressing) al-Ashajj of 'Abd al-Qais he said: *Verily, you possess two such qualities which Allah loves: insight and deliberateness.*

After this Imām Muslim said: 'Muḥammad bin al-Muthanna and Ibn Bishār narrated to us, they said Ibn Abi A'di narrated to us from Sa'eed from Qatāda who said: it was narrated to me from among the delegates of the 'Abd al-Qais tribe, that they came to the Prophet (peace be upon him) with the likeness of this *ḥadith* of ibn A'liya, that in it he referred to hollowed stumps of palm-trees and receptacles or dates and water, but didn't say Sa'eed said or he said from dates.' This narration is also found in the *Musnad* of Imām Aḥmad<sup>49</sup> with the channel – Yaḥya bin Sa'eed narrated to us from Ibn Abi A'ruba, Qatāda narrated to us, who met with the delegation and he mentioned Abu Naḍra from Abu Sa'eed about it. The reference to '*al-naqeer*' was known in Al-Yamāma only and unknown to the people of Ḥijāz as outlined by al-Bayhaqy in *Sunan al-Kubra*:

حدثنا أبو بكر بن فورك أنبأ عبد الله بن جعفر حدثنا يونس بن حبيب حدثنا أبو داود حدثنا عيينة بن عبد الرحمن بن جوشن حدثني أبي قال: كان أبو بكر يبتذله في جرة فقدم أبو برزة من غيبة كان غابها فنزل بمنزل أبي بكر قبل أن يأتي منزله فذكر الحديث في إنكار ما نبذ له في جرة، وقوله لامرأته: وددت إنك

<sup>49</sup> *Musnad Aḥmad* Vol. 3 sec. 23, no. 11,191

جعلتية في سقاء، وأن أبا بكره حين جاء قال: قد عرفنا الذي نهينا عنه، نهينا عن الدباء والنقير والحنتم والمزفت، فإما الدباء فإننا معشر ثقيف بالطائف كنا نأخذ الدباء فنخرط فيها عناقيد العنب ثم ندفنها ثم نتركها حتى تهدر ثم تموت. وأما النقير فإن أهل اليمامة كانوا ينقرون أصل النخلة فيشدخون فيه الرطب والبسر ثم يدعونه حتى يهدر ثم يموت. وأما الحنتم فجرار كان يحمل إلينا فيها الخمر، وأما المزفت فهي هذه الأوعية التي فيها هذا الزفت

Abu Bakr bin Farook narrated to us Adallah bin Ja'far reports, Yunus bin Ḥabeeb narrated to us Abu Dāwud narrated to us U'yayna bin Abdar-Raḥman bin Jawshan narrated to us my father narrated to me he said: Wine used to be made for Abu Bakrah in a jar. And then one day, Abu Barzah came from a long absence. He stayed at Abu Bakrah's house before he went to his own house. He mentioned the *ḥadith* regarding the prohibited of wine for him, and his statement to his wife - I would like you to put it in water skin. When Abu Bakrah came, he said: we have known what we have been forbidden from. We have been forbidden from dry gourds, receptacles, hollowed stumps of palm-trees and green-coloured jars. As for the dry gourds, we the people from the tribe of Thaqeef in Ṭā'if, used to take dry gourds, and mix clusters of grapes in them, and then bury them till they simmer and die. As for hollowed stumps of palm-trees, they are jars that wine used to transported to us in them. As for green-coloured jars, they are these vessels that contain this pitch.

Abu Dāwud aṭ-Ṭayālasī also reported similarly in his *Musnad*.<sup>50</sup> Regarding this al-Bayhaqī commented as follows:

This is the way it has been reported about Abu Bakrah. According to a group of scholars, what is meant by prohibition from making wine in these vessels is that when malmsey is put in them, it quickly becomes so strong that it becomes intoxicating, whereas in water skins, it is unlikely to become so. And then, permission was granted regarding all sorts of vessels, as long as they do not drink intoxicants. And only Allah knows best.

<sup>50</sup> *Musnad* Abu Dāwud aṭ-Ṭayālasī Vol. 1 sec. 120, no. 882

The Prophet (peace be upon him) once surprised the companions on another occasion and without prior notice, when an embarrassing matter arose. Imām Aḥmad records this incident in the *Musnad*:

حدثنا عبد الصمد قال: حدثنا حفص السراج قال: سمعت شهرا يقول: حدثتني أسماء بنت يزيد أنها كانت عند رسول الله، صلى الله عليه وسلم، والرجال والنساء قعود عنده فقال: لعل رجلا يقول ما يفعل بأهله، ولعل امرأة تخبر بما فعلت مع زوجها؟!، فأرم القوم فقلت: إي والله يا رسول الله إنهن ليقلن وإنهم ليفعلون! قال: «فلا تفعلوا، فإنما ذلك مثل الشيطان لقي شيطانة في طريق فغشبيها والناس ينظرون

Abd aṣ-Ṣammad narrated to us he said Ḥafṣ as-Sirāj narrated to us he said I heard Shahr saying Asmā bint Yazeed narrated to me - she was once at the mosque of the Messenger of Allah (peace be upon him), and men and women were sitting there. All of a sudden, he said: *It may be that some men of you talk about what they do with their wives, and it may be that some women talk about what they have done with their husbands?* Thereupon, people became shocked, and then I said – Yes! By Allah, O Messenger of Allah, they (women) do say such things regarding what they do! He said: *You should not do that, for that is like the he-devil who met a she-devil in a street, and slept with her while people were looking (at them)!*

The narration is also recorded by aṭ-Ṭabarāni in *Muʿjam al-Kabir*.<sup>51</sup> The report is authentic; I would submit that Shahr ibn Ḥawshab is *thiqa* and *ṣadooq* (trustworthy and truthful). Though at times some reports appear incomplete with some illusionary points; al-Ḥāfiz (Ibn Ḥajar) said regarding him in *at-Taqreeb*: '*ṣadooq* (trustworthy) but he has a lot of *irsāl* and illusions.' Yet the narration he has reported here has been delivered well and he is known for narrating from Asmā bint Yazeed. Therefore, this chain of transmission is good on its own virtue, without doubt. It is witnessed, for he has memorised here the following *ḥadith* from a completely independent chain away from Abu Hurayrah. It is inconceivable that there is a connivance of falsehood or the occurrence of error by chance.

<sup>51</sup> Ṭabarāni, *Muʿjam al-Kabir*, Vol. 24 sec. 163, no. 414

حدثنا إسماعيل بن إبراهيم عن سعيد الجريري عن أبي نضرة عن رجل من الطفاوة قال: نزلت على أبي هريرة، قال: ولم أدرك من صحابة رسول الله، صلى الله عليه وسلم، رجلاً أشد تشميراً ولا أقوم على ضيف منه؛ فبينما أنا عنده وهو على سرير له وأسفل منه جارية له سوداء ومعه كيس فيه حصى ونوى، يقول: سبحان الله سبحان الله، حتى إذا أنفذ ما في الكيس ألقاه إليها فجمعته فجعلته في الكيس ثم دفعته إليه فقال لي: ألا أحدثك عني وعن رسول الله، صلى الله عليه وسلم! قلت: بلى، قال: فإني بينما أنا أو عك في مسجد المدينة إذ دخل رسول الله، صلى الله عليه وسلم، المسجد فقال: «من أحسن الفتى الدوسي، من أحسن الفتى الدوسي»، فقال له قائل: هو ذاك يوعك في جانب المسجد حيث ترى يا رسول الله، فجاء فوضع يده علي وقال لي معروفًا فقممت، فانطلق حتى قام في مقامه الذي يصلي فيه ومعه يومئذ صفتان من رجال وصف من نساء، أو صفتان من نساء وصف من رجال، فأقبل عليهم فقال: إن أنساني الشيطان شيئاً من صلاتي فليسمح القوم وليصفق النساء، فصلى رسول الله، صلى الله عليه وسلم، ولم ينس من صلاته شيئاً. فلما سلم أقبل عليهم بوجهه فقال: «مجالسكم: هل منكم إذا أتى أهله أغلق بابيه وأرعى ستره ثم يخرج فيحدث فيقول: فعلت بأهلي كذا وفعلت بأهلي كذا؟!»، فسكتوا، فأقبل على النساء فقال: «هل منكن من تحدت؟!»، فجلت فتاة كعاب على إحدى ركبتيها وتناولت ليراها رسول الله، صلى الله عليه وسلم، ويسمع كلامها فقالت: (إي والله: إنهم ليحدثون، وإنهن ليحدثن!)، فقال: «هل تدرون ما مثل من فعل ذلك؟! إن مثل من فعل ذلك مثل شيطان وشيطانة لقي أحدهما صاحبه بالسكة قضى حاجته منها والناس ينظرون إليه»، ثم قال: ألا لا يفضيّن رجل إلى رجل، ولا امرأة إلى امرأة إلا إلى ولد أو والد- قال: وذكر ثلاثة فنسيتها- ألا إن طيب الرجل ما وجد ريحه ولم يظهر لونه، ألا إن طيب النساء ما ظهر لونه ولم يوجد ريحه

Ismāeel bin Ibrāhim narrated to us from Sa'eed al-Juriri from Abi Naḍra from a man from al-Ṭufāwa who said: I once happened to be a guest of Abu Hurayrah (may Allah be pleased with him). I did not find any one among the companions of the Prophet (peace be upon him) more devoted to worship and more hospitable than him. One day I was with him when he was sitting on his bed. He had a bag which contained pebbles or kernels. A black slave girl of his was sitting below. He was saying: Glory be to Allah, Glory be to Allah (with the pebbles or kernels). When the pebbles or the kernels in the bag came to the end, he would make her collect them and put them back into the bag, and then she would give them to him. After a while, he said to me 'Should I tell you about the Messenger of Allah and me? I said, Yes. He said, Once while I was suffering from fever in the mosque of Medina, the Messenger of Allah (peace be upon him) suddenly came and entered the mosque, and then asked: *Who saw the youth of Ad-Daus? Who saw the youth of Ad-Daus?* A man replied to him, O Messenger of Allah, there he is, suffering from fever in the corner of the mosque as you can see. He came over, put his hand on me and had a kind talk with me, and I rose. He then began to walk till he reached the place where he used to perform his prayer. On that day, there were two rows of men and one row of women, or two rows of women and one row of men (the narrator is doubtful). He turned

to them and then said: *If Satan makes me forget anything during the prayer, the men should say - Glory be to Allah, and the women should clap their hands.* The Messenger of Allah (peace be upon him) then performed the prayer and he did not forget anything during the prayer.

When he ended the prayer by pronouncing the final salutation he turned immediately to them with his face and then said: *(please) stay at your places: Is there any man among you who approaches his wife, closes the door, covers himself with a curtain, and then come out and says, I have done such and such with my wife?* They all kept silent. He then turned to the women and said (to them): *Is there any woman among you who narrates it?* Thereupon, a young busty girl knelt on one of her knees and raised her head so that the Messenger of Allah (peace be upon him) could see her and hear her talk. She said - Yes, by Allah! They talk (about secrets of intercourse), they really talk about it! He then said: *Do you know the likeness of the one who does that? Certainly, the likeness of this act is the likeness of a male devil and a female devil who met each other in the street, and he fulfilled his desire with her while people are looking at him.* Then he said: *Beware! No man should sleep in the same bed under the same cover while another man is sleeping therein, and no woman should sleep in the same bed under the same cover while another woman is sleeping therein, unless the other party, man or woman, is either an offspring or a parent.* He (the narrator) said, he mentioned a third one but I have forgotten. *Certainly, the perfume of men is that whose scent can be scented and its colour does not appear (like rose water), and the perfume of women is that whose colour can be seen, but its scent cannot be scented (like henna).*

The narrative is reported quite widely, such as in the *Sunan* of Abu Dāwud,<sup>52</sup> in Bayhaqy's *Sunan al-Kubra*,<sup>53</sup> in the *Muṣṣanaf* of Ibn Abi Shayba<sup>54</sup> as well as in other places. Albāni said that the narration was weak in his commentary on the *Sunan* of Abu Dāwud. I would concur to a degree given the presence of an unknown man from Ṭufāwa. Indeed, it is not from a companion but there is no fear of *ikhtilāf* (confusion/mixing up) regarding al-Juriri; yet there are a multiplicity of the narrations from him – Ismāeel bin Ibrāhim (Ibn U'laya), Bishr and Ḥammād bin Zayd as well as Yazeed bin Zureeh'. Besides, Bayhaqy said: 'All of them are

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<sup>52</sup> *Sunan* Abu Dāwud Vol. 2 sec. 254, no. 2,174

<sup>53</sup> Bayhaqy, *Sunan al-Kubra*, Vol. 7 sec. 194, no. 13,876

<sup>54</sup> Ibn Abi Shayba, *Muṣṣanaf*, Vol. 2 sec. 161, no. 7,661 & Vol. 4 sec. 39, no. 17,560

established Imām's and from them he heard from al-Juriri before his *ikhtilāf*.' To reiterate, admittedly the chain of transmission contains an unknown man from al-Ṭufāwa, but the rest are well known and trustworthy; the girl is certainly Asmā bint Yazeed bin as-Sakan (may Allah be pleased with her), the narrator of the previous *ḥadith*. That *ḥadith* of hers has certainly be established and the sincerity and accuracy of the man of Ṭufāwa (may Allah have mercy upon him) is made evident. Therefore, all praise and thanks is only to Allah, the lord of all the worlds.

We have no doubt that anyone who examines the collections of *Sunan*, the person would find a greater number of narratives are like this; i.e. where the Prophet (peace be upon him) explained things which were happening even though none of the companions had formally raised it. It may be without any occasion that requires that or without the Prophet (peace be upon him) being previously informed about anything concerning them; just by a revelation that might suddenly be revealed to him by Allah. This is what we really mean by the following statement: '*the approval of the Qur'ān concerning what happened at the time of the revelation, is like the approval of the Prophet (peace be upon him) regarding what he saw and heard and there is no difference.*' What is more, the first one is stronger and higher in rank, which is the origin and it is more general and more numerous. Nonetheless, we do not mind the statement where it was said: 'Had it been something to be prohibited, the Qur'ān would have stated so', because in actuality, it is the truth with its previously cited proofs. But as for his statement: 'while the Qur'ān was being revealed', it means the importance of the time of the revelation, without any difference between the Qur'ān and the *Sunnah*, as previously mentioned and as it is evident like the way the sun is evident to us, regarding our previous evidences concerning the authenticity of *Sunnah*, and that it is a revelation and part of the protected *Dhikr*.

The point is also clearly established by the tradition reported from Ibn Umar regarding the 'leisurely talk'. We know for a fact that the Prophet (peace be upon him) did not discuss this with their wives, nor did he used to spy on private matters that occurred in their bedrooms to see what they did or hear what they talk about. With the death of the Prophet (peace be upon him) we know with certitude that revelation came to an end, the religion was completed; prior to that all commands and prohibitions which Allah decided upon were outlined completely with detail where necessary. As the Prophet (peace be upon him) said:

*'I have left you on a straight forward path as clear as the day and night and no one would go astray therefore except he who is doomed to be a loser.'* Allah protected the *Dhikr* in its totality – the Qur'ān and the *Sunnah*; he protected the Arabic language as it is necessary for the *Dhikr* and will not be understood except by this medium until the day of judgement, because the Prophet (peace be upon him) is the seal and last of all the Prophets and Messengers. There is neither a Prophet nor any message after him. There can be neither abrogation nor a new creed after him except for those who changed his creed, exchanging his favour with unbelief and thereby going astray.

Now that the Prophet (peace be upon him) is no longer with us it becomes the responsibility and duty of people in general, including the scholars, to exert themselves in returning to the divine legal texts only in order to extract guidance from them; to maintain diligence in following the authentic *aḥadith* and form true conclusive judgments. In other words, in our era questioning does become necessary in the sense that we must acquaint ourselves with the ruling of Allah in every matter. The religion in totality contains no gaps, nor is there a matter which exists that is not covered by the revelation. But those who seek to clarify matters pertaining to religion *now* should be asking the right question, namely asking about the evidence that proves a matter to be obligatory, prohibited, desired or undesired. Questions should not be framed in the manner of 'is this matter permissible (*mubāḥ*)?' since it is the general default position, as established by the exhaustive evidence already cited. Stated differently questions that are framed as - 'what is the evidence for the permissibility of so and so?' become an absurdity given that permissibility is the default ruling. It is legal texts which raise a matter to being an obligation or a prohibition.

We said that the right question is the one which is asking about the evidence that proves a matter to be obligatory or prohibited; desired or undesired in itself. The use of 'in itself' is but precautionary, because man can be rewarded for doing matters that are permissible if he intends to do it in order to help him in doing some obligations and desirable matters or in order to accustom himself to keep away from doing undesirable and prohibited matters. People can be undertaking matters with a consciousness, while intending to do a particular deed assured that Allah permitted it as such, thereby rendering to the judgement of Allah, content in the knowledge that he has allowed the matter. Reward is not given according to the naked deed in and of itself as such, but rather according to the intention whether it is to

help him in doing other obligatory or desirable acts or because of consciousness and remembrance of Allah or any other considerations than that which are more than doing the deed in itself as a mere deed. It is inaccurate to say then that the permissible was turned into desirable because it is not desirable in itself, and reward is to be given according to other aspects and matters that accompanied it. It is not appropriate to mix them, otherwise measures of *Shari'ah* will be disturbed and truth will mix with falsehood. That is why, both the matter which is desirable in itself, that whoever did it will be rewarded and whoever did not will not be punished and the matter which is undesirable in itself, that whoever did not do it will be rewarded and whoever did it will not be punished, need an independent evidence because they are not like the original absolute permissibility. Whatever was not like it needs evidence, otherwise it would be a saying about Allah without knowledge and a judgment that Allah did not permit. That is to say, it would be innovation in the religion and this is exactly the way that leads to misguidance and ultimately to disbelief.

The subject of intention and its influence on both reward and punishment is considered in a separate section entitled 'the reward of deeds rests upon intention and everybody will be rewarded according to what he/she has intended.' All of the forgoing discussion is not an aberration, nor is it a matter that has just been introduced. As already referred to, many famous Imām's adopted the same view, from the classical period of Islam up to the present, although, some of them did not always apply this diligently when it came to matters of *fiqh* (jurisprudence). To take just one example, we provide a long quote here from *al-Iḥkām fi Uṣul al-Aḥkām* (Judgement on the Principles of Law) by Imām Abu Muḥammad 'Ali bin Ḥazm (may Allah be merciful to him):

If they said that they want to see evidence for all incidents we should say that if we failed to do such a thing, our failure is not evidence to be taken, neither against Allah nor His Messenger (peace be upon him). We did not claim that we are Allah; Allah alone knows about all these incidents. It is enough that we are sure that Allah, the exalted explained to us whatever happened or will happen from among the judgments of the religion till the day of judgement. We present to you one text that included every incident that happened or will happen till the day of judgement; it is the same *ḥadith* which we mentioned above. The Messenger of Allah (peace be upon him) said: '*Leave me with what*



*I have left to you. Verily the people before you went to their doom because they had put too many questions to their Prophets and then disagreed with their teachings. So do that which I command you to do to the best of your capacity and avoid that which I forbid you to do.'*

According to this text it is legal that whatever was not mentioned by the Prophet (peace be upon him) is neither an obligation as he did not command us with that, nor forbidden as he did not forbade us to do it. What is left from that is therefore permissible. Whoever claimed that it is forbidden must bring the evidence that the Prophet (peace be upon him) forbade us from doing it and when he brings it, we will listen and obey, otherwise his claim is null and void. Whoever claimed that it is obligatory must bring the evidence that the Prophet (peace be upon him) commanded us with and when he brings it we will listen and obey, but if he did not, his saying will be null and void. It was proved by this text that whatever the Prophet (peace be upon him) commanded us with is an obligation except that what we were not able to do and whatever he forbade us from doing is a forbidden matter except what he explained to be undesirable or desirable. There is no judgment in religion that was left without being mentioned here.'

What then has been left after all of this? Was there any incident in the world that would not be included in the saying of whoever claims something to be obligatory and we say to him that if you bring a text from the Qur'ān or an authentic text narrated by the Messenger of Allah (peace be upon him) or consensus that proves what you said, we will listen and obey and it will be obligatory and whosoever then denies its obligation, will be a *kāfir* (disbeliever). However, if he did not bring a text or a consensus, he is a liar and this matter is not an obligation. Whoever claims that something is forbidden, we should answer that, if you bring a text or a consensus that proves its illegality, it will be forbidden and we will listen and obey and whoever wants to violate it then will be sinner but if he did not bring a text or consensus, he is liar and this thing is not forbidden. Is there any judgment in the whole world that is not included in this? Then it is true that the text includes every judgment that has happened or will happen till the day of judgement and there is no way that any incident is not included in these three judgments.

*Hadith's* of the Messenger of Allah (peace be upon him) showed the same that were indicated in these verses. Abu Hurayrah (may Allah be pleased with him) narrated that the Prophet (peace be upon him) said: *'Leave me with what I have left to you, Verily the people before you went to their doom because they had put too many questions to their*

*Prophets and then disagreed with their teachings. So avoid that which I forbid you to do and do that which I command you to do to the best of your capacity.'* Abu Muḥammad (ibn Ḥazm) said: This *ḥadith* includes all what we have mentioned. The Prophet (peace be upon him) explained that if he forbade us to do anything, it is our duty to avoid it and if he commanded us with something it is also our duty to do it according to our capacity. Whatever he forbade or commanded us, it is our duty not to search for it during his lifetime and if the matter is like that, so it was imposed that every Muslim should neither forbid nor obligate it. If it is neither forbidden nor obligatory, it is then permissible as there is no other branch other than these three divisions. If two of them are null, then the third is obligatory. This is the case according to this text, to listening and to mind not to understand other than it except an unacceptable induction conducted by way of that *Qiyās* (analogy), they see that the expiation for intentionally having food during a day of Ramaḍān is the same expiation for intentionally having intercourse with one's spouse. Likewise, they have defined the minimum value of stolen properties incurring the amputation of the thief's hand to be like that of the conventional minimum value of a dowry.

Then we should ask the same question of them. If you claimed that there are some incidents that have neither judgment in the Qur'ān nor in the *Sunnah*, so say to us what do you use to do with them? As it is according to you obligatory but not to us as it is null and not existing. So tell us if you really found these incidents, do you neglect its judgment while this is not your opinion or you will judge them while there is no other branch but these three divisions. If you judge them, tell us about your judgment; did you judge them according to Allah and His Messenger (peace be upon him) and if you said yes, so you have contradicted yourselves as you already said that there is no text that proves them either from Allah or from His Messenger (peace be upon him). Your next saying proves the untruth of your previous saying. And if you said that you judged not according to judgment of Allah or His Messenger (peace be upon him), we seek refuge with Allah from every judgment in religion that is not legislated by Allah, the exalted. This is enough for whoever has a mind. All matters are clear and others are null. Praise be to Allah!

(Numerous) *aḥadith* prove this matter. Sa'd bin Abi Waqqās (may Allah be pleased with him) narrated that the Prophet (peace be upon him) said: '*The most sinful person among the Muslims is the one who asked about something which had not been prohibited, but was prohibited because of his asking.*' The Prophet (peace be upon him)

is saying that whatever was not prohibited by Allah is not prohibited. And the Prophet (peace be upon him) also said the same about the obligatory matters. Abu Hurayrah (may Allah be pleased with him) narrated that the Messenger of Allah (peace be upon him) gave them a sermon and said – ‘O people! Allah has made *Ḥajj* obligatory for you; so perform *Ḥajj*.’ Thereupon a person said: O Messenger of Allah, (is it to be performed) every year? He (the Prophet) kept quiet and he repeated (these words) thrice, whereupon Messenger of Allah (peace be upon him) said: ‘If I were to say yes, it would become obligatory (for you to perform it every year) and you would not be able to do it.’ Then he said: ‘Leave me with what I have left to you. Verily the people before you went to their doom because they had put too many questions to their Prophets and then disagreed with their teachings. So do that which I command you to do to the best of your capacity and avoid that which I forbid you to do.’ Abu Muḥammad said that the Messenger of Allah (peace be upon him) said that whatever he did not set as obligatory is not obligatory and whatever he said to be obligatory is obligatory according to one’s capability and that which he did not forbade is lawful and that which he forbade is unlawful. So *Qiyās* (analogy) has nothing to do with it. Texts (have) covered everything people disagreed about and every incident that will happen till the day of judgement. Allah says:

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُمْ مِنَ الدِّينِ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ وَلَوْلَا كَلِمَةُ الْفَصْلِ لَفُضِيَ بَيْنَهُمْ وَإِنَّ الظَّالِمِينَ  
لَهُمْ عَذَابٌ أَلِيمٌ

***Or have they associates who have prescribed for them any religion that Allah does not sanction? And were it not for the word of judgment, decision would have certainly been given between them; and surely the unjust shall have a painful punishment.***<sup>55</sup>

One should seriously ponder over the comments that Imām Abu Muḥammad 'Ali bin Ḥazm (may Allah be merciful to him) has furnished us with. Our viewpoint regarding the original / default ruling being one of permissibility can be summed up as the following dictum:

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<sup>55</sup> *Qur'ān* 42: 21

- ❖ *The original ruling of all things (or objects), acts / actions and sayings is permissibility. The original ruling in contracts and conditions is permissibility and correctness. Thus fulfilling contracts, which were correctly concluded, is an obligation and conditions that were agreed about are also obligatory as they were correctly agreed upon.*

We would also stress that this rule entails by necessity, that the original ruling of all things and entities in the universe is (ritual) purity. By way of greater clarity, our statement concerning the original ruling of permissibility required that such things are clear in their origin from any 'positive' rules (*aḥkām waḍīya*). Nothing among them should be: cause, condition, license etc. to other thing, or other among 'positive' rules except through some piece of evidence. The same is to be applied to incidents that happened in the universe such as the rising of the sun, rain, eclipses etc., until text establishes other than that.

## 7. What is the original ruling concerning worship, is it prohibition?

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Many hold the view that while the original ruling concerning matters is permissibility, this does not hold true for matters that directly pertain to worship (*i'bādah*). Hence the saying – *'the original ruling concerning all 'acts of worship' is prohibition until evidence stipulates otherwise'* which is almost common parlance. Given what we have presented in the previous chapters, we argue that this statement is futile. The sentence *'the original ruling concerning all "acts of worship" is prohibition until evidence stipulates otherwise'* is meaningless. Whoever said as much has *presumed* that there are acts that deserve to be called 'worship' in-and-of-itself. Holding a view like this is a terrible mistake which leads to many other greater mistakes. Such matters will be considered in greater detail in the other sections of the present work.

Historically, the idea of a collection of rituals or rites being termed as 'worship' relates to acts that are done with the express purpose of gaining closeness to a divinity or divine entity. Worship is thus understood in this manner. Essentially it is the performance of certain actions and / or rituals as a means of approach or sanctification towards a divine or God-like entity. The 'worshipper' therefore utilises these rituals to get closer to that divine being; seeking its contentment and love; avoiding its wrath or punishment and seeking to obtain mercy and benefits, worldly or otherwise. Consequently, the performer of these rituals undertakes them in the belief that the particular divine being loves them to be performed and / or has obligated them.

After the message of Muḥammad (peace be upon him) any judgment that was proved to be desirable or obligatory means that this judgment is different from the definite and original permissibility, a matter that is not established except by way of evidence. In actuality, the truth concerning this matter is that Allah is only 'worshipped' by what he himself has judged as obligatory or desirable. Put another way – Allah is only to be worshipped in the manner through which he has legislated. This maxim is not new it is rather a consequence of our previous statement – 'the original ruling of all things (or objects), acts / actions and sayings is permissibility.' The original ruling in contracts and conditions is permissibility and correctness. Fulfilling contracts, which were correctly concluded, is an obligation and conditions that were agreed about are also obligatory as they were correctly agreed upon. The original ruling of all things and entities in the universe is (ritual) purity. All definite evidence is based upon this, so whoever believes in Allah and the final day is not allowed to believe in other than this or to act according to other than it and whomsoever disbelieves, Allah is self-sufficient and free of all needs.