

Articles on Ibādī Studies

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The Distinction between Ibādīs and Khārijites

Introduced to: Prof. Jørgen S. Nielsen

Introduction:

The present paper tries to clear many misconceptions ascribed to one of the first and most moderate classical Islamic schools of thought, Ibāḍīsm. The chief reason beyond causing these misconceptions is the inaccurate attribution of Ibāḍīs to Khārijites by many classical historians such as al-Ash'arī (1980, p.102), al-Baghdādī (1997, p.78, 103), ibn Hazm (1321 AH, v.4 p.188), etc. Therefore, this essay attempts at shedding some light over some examples of the key differences between Ibāḍīs and Khārijites, and these examples will be confined only, due to the word limit, to the political and theological spheres.

The driving force to write on this topic can be summarised in two main reasons: first, the serious complications of this association which, in turn, leads inevitably to ascribe Khārijī thought and misbehaviour, like charging other Muslims with infidelity, killing them, taking their property, etc., to moderate and tolerant Ibāḍī thought; second and most importantly in the current time, with the emergence of some extremist and violent groups recently such as ISIS, this issue of Khawārij was brought back again to the arena of discussion, placing the contemporary moderate Ibāḍīs with these terrorist groups, pointing out that the current Ibāḍīs are extension to the classical Khārijī movement, of which none is left except Ibāḍīs, as claimed.

However, the difficulty of this research lies on the fact that there is no written literature extant for Khārijī thought recorded by the followers of this thought themselves. Hence, the researcher should bear in mind that the writings of any group against their opponents cannot be taken for granted. Yet, what concerns me in this paper is to negate such radical ideologies and practices from Ibāḍīs, and whether Khārijites, in reality, believed and did all what was attributed to them or not.

However, I will attempt through this academic essay to examine the authenticity of what has been propagated for a long time by the aforementioned classical historians, that the Ibāḍīs are part of Khārijites, and to show through the Ibāḍī early sources that there always have been clear distinctions and decisive differences, politically and theologically, between Ibāḍīs and Khārijites. And those historians and many contemporary researchers, who fell in the same trap, did not follow academic integrity by referring those opinions to the Ibāḍī sources. On the contrary, they were content with transferring and quoting what the Ibāḍī opponents said about them. To that end, I divided this paper into three sections. The first of which serves as an introductory section to the other two, then comes the conclusion of the main research outcomes.

Section One: a Historical Context of Emergence of Ibāḍīs and Khārijites

After the murder of the third rightly-guided Caliph Uthmān b. Affān and appointing the fourth rightly-guided Caliph, ‘Alī b. Abī Tālib, Muāwiyah b. Abī Sufyān, the governor of Levant (al-Sham), marched with his army against ‘Alī, demanding him to execute the assassins of Uthmān or put them on trial. Because of that the battle of *Siffin* (37 AH/ 657 CE) took place between the two armies. Meanwhile, when Muāwiyah saw that his army is being defeated by ‘Alī’s troops, he came up with the plot of arbitration i.e. each party chooses one of his followers as a representative and arbitrator, speaking on the behalf of his party. When the conspiracy was disclosed by removing ‘Alī from any authority and installing Muāwiyah as a new Caliph, ‘Alī refused the result of this arbitration and it became clear to him that it was no more than a scheme to get out of that defeat, therefore, he decided to carry on fighting them again. At this ambiguous situation which relates to Muslims’ blood, a group of ‘Alī’s army ‘went out’ of the army, this is why were called Khārijites (Bierschenk, 1988, p.109), and withdrew themselves from any further military participation (Montgomery Watt, 1996, p.106), preferring to keep themselves away from any bloodshed in this unclear condition, especially as they had already refused the arbitration prior to ‘Alī’s final acceptance, declaring that there is no arbitration but Allah’s, denoting that Allah has already arbitrated and judged on this issue in the

Quran when he asked the believers to keep fighting the transgressive party until it repents and that is why this group of people was known in the Islamic history al-Muhakkimah, which means the arbitrators [Q 49:9] (Bierschenk, 1988, p.109; Montgomery Watt, 1996, p.108-109).

It is said that 'Alī was about to fight Muāwiyah's army again, but eventually he was convinced by one of his followers, al-Ash'ath b. Qays, to fight those who left his army and isolated themselves, al-Muhakkimah. Consequently, 'Alī fought them and most of them were killed in the battle of an-Nahrawān (38 AH/ 658 CE) and many who could survive had fled (Montgomery Watt, 2002, p.12-13).

At this point of time, this group of al-Muhakkimah did not hold any political or theological thoughts other than denying the human arbitration, as they suggested. Yet, after a period of time (64 AH), they divided into two main categories; first, those who decided to take military and violent actions against their opponents. Under this category fall *Sufriyyah*, *Azariqah* and *Najdat*. The second category is those who refused to take any military action and preferred to sit down, and that is why they were called al-*Qa'idah* or al-*Waqifah*, meaning those who sat down and did not stand up to fight. This is what was confirmed by Savage (1990, p.7-8) who said: 'However, those members of Basra's *Ulamā*, who subsequently were identified as early Ibāḍīs, had maintained a deliberate distance from the violent

dissidence of the extreme Khawārij. This very distinction was a principal characteristic of the early ‘Ibāḍī’ movement in the late seventh century’. This category is the one that was called Ibāḍīsm, being attributed to Abdullah b. Ibāḍ, one of the followers and adherents to this thought. Therefore, from this group, in particular, the Ibāḍī school of thought had emerged and from it their school of law had flourished (Higazy, 2000, 4; Montgomery Watt, 1996, p.107-109).

I think because of the fact that the spiritual leader of Ibāḍīs was Jabir b. Zaid (18- 93 AH), the Ibāḍīs at first did not acknowledge this attribution to Ibn Ibāḍ and following did not accept to call themselves more than Muslims or people of *Da'wah*, missionary activity. That is why researchers in history never find this term Ibāḍīs or Ibāḍīsm in the Ibāḍī literature until the end of the third century AH (Ghubash, 2006, p.27). Afterwards, when these people saw that this term has become as a reality with others and Ibn Ibāḍ was one of their political spokesmen, they accepted this association as there are no bad implications on it, but the Ibāḍīs never considered Ibn Ibāḍ their Imam, let alone they agreed unanimously on his Imama, as al-Baghdadi claimed (al-Baghdadi, 1997, p.103).

On the other hand, because attributing Ibāḍīs to Khawārij makes a lot of confusions and mixes up their distinct thoughts with many faulty beliefs, the Ibāḍīs never acknowledged this attribution due to the dangerous implications in both the

political and theological level, unlike the term Ibāḍī. Explaining some of the distinguished political and theological thoughts between Ibāḍīs and Khārijites is what I am going to elaborate on in the following two sections.

Section Two: the Political Differences between Ibāḍīs and Khārijites

The differences between Ibāḍīs and Khārijites are not confined to one aspect. Rather, they fall under more than one category. However, the political differences are the first ones and the initial bases for the division. In this section is an attempt to highlight some of these clear differences that distinguish Ibāḍīs from Khārijites:

First: the ruling of revolting against the tyrant ruler: the Khārijites hold that the rebellion against the unjust ruler is mandatory. Thus, the public have no choice but to exert their utmost efforts to overthrow such rulers. Whereas the Ibāḍīs do not agree with Khārijites in maintaining this attitude. Rather they are of the opinion that it depends on the surrounding circumstances. If they are in the position of power and strength, and it is most likely that the rebellion against tyranny is going to succeed, then going against this ruler is permissible and lawful, not obligatory as Khārijites adopted. On the other hand, if they are in the position of weakness and inability, and their success is not expected, then they must not rebel against him; otherwise the Muslims' affairs would become disorder and mess. What

confirms this idea is the practical peaceful application by the Ibāḍī followers and leaders during the first century under the Umayyad rule, and in Oman when it was ruled by some transgressive governors (al-Sabee, 1999, p.175; Ennami, p.25; Muammar, 2001, p.499, 502-505).

Second: the ruling of *Isti'rad*, giving the security to the innocent people then killing them without any warning nor legitimate reason. *Isti'rad*, this reprehensible assassination, was considered to be one of the distinguishing marks of Khārijites, especially *Azraqis*, throughout their history. However, the Ibāḍī writings recorded many letters attributed to multitude of Ibāḍī scholars. Most importantly, many of those scholars were contemporary to early Khārijī movements, who witnessed the developing bloody conflicts during the second half of the first century and the first half of the second century AH. These writings show how the early Ibāḍī scholars opposed the notion of *Isti'rad* and condemned this act in the time of war, let alone the time of peace. Of those scholars is Salim b. Dhkwan al-Hilali (died 101 AH/ 719 CE) in his famous *Sīra*, long letter, who said: 'We do not approve of assassinating our people (i.e. non-Ibāḍī Muslims) or killing them secretly, even if they were misguided' (Ennami, p.25, 34-36).

Third: the ruling of *Khuruj*, making *Hijrah*, emigration, to their camp. The Khārijites introduced the doctrine of *Hijra* from the areas of their Muslim opponents to their own camps.

Furthermore, they made this kind of Hijra compulsory upon every individual Muslim. Therefore, they imposed upon all Muslims to join them, as they consider their opponents' abode '*dar al-harb*', land of war. On the other hand, the Ibāḍīs refused this notion and did not join them nor did they go out with them to fight other Muslims, raising the Prophetic tradition as a slogan '*La Hijrat bad al-Fath*', meaning 'There is no Emigration after the Conquest of Mecca' (al-Bukhari, 1:3). Hence, Khārijites called them *al-Qaadah*, i.e. those who sat down and did not join them to fight. What confirms this clear difference between Ibāḍīs and Khārijites is the fact that the reader of Ibāḍī literature never finds one single war initiated by Ibāḍīs on sectarian bases. Hence, all Muslim lands, including the opponents' lands, are considered by Ibāḍīs as lands of peace and Islam, not lands of war and disbelief (Ennami, p.27-28).

Fourth: the property of the opponents. The Khawārij consider their opponents' properties as a legal wealth for them to take and a kind of a permitted spoil. Hence, we find in Khārijī history that the Khārijites would wage wars against their opponents and take their belongings as booty of war. However, this extreme action would not be accepted by the Ibāḍī community at all. As such, it is clear with the Ibāḍīs that the Muslim's property, regardless of whoever he/she is, is unlawful as long as he declares the testimony of *Tawhid*, the Oneness of Allah. They base this firm stance on the Prophetic saying: 'Verily your blood, your property and your honour are as sacred and inviolable as

the sanctity of this day of yours, in this month of yours and in this town of yours' (al-Bukhari, 18:1524). This Ibāḍī principle was reflected in their behaviour with their fellow Muslims over the course of the Ibāḍī history, where the researcher does not find in their history one single case in which the Ibāḍīs took the other Muslims' belongings as a spoil, even in the time of war. The clear instance for this is that when Ibāḍīs took over San'a, Yemen, and liberated its people from the tyrant ruler of Bani Umayyah. Their illegal wealth, i.e. the Umayyad's, was brought before the Ibāḍī conqueror, Talib al-Haqq, and he did not take for himself nor for any of his followers anything. On the contrary, he distributed all that to the people of that city (al-Salimi, 1989, p.512-513).

Section Three: The Theological Differences between Ibāḍīs and Khārijites

First: accusing their Muslim opponents of disbelief. The main distinguishing feature of Khārijī thought is that they accuse their opponents of being *kuffār*, infidels. I consider this feature the key marker of Khārijites and the most crucial one, due to the fact that many of the theological and political Khārijī thoughts, such as *ist'rad* and despoiling other's property, were built upon this extreme and radical thinking. As a result, the researcher in this field should be careful when dealing with this sensitive issue, especially in relation to the Ibāḍī theological thought, for two main reasons: first, this term *kufṛ* is used in the original

textual evidence, Quran and Sunnah, for more than one meaning: *shirk* which takes one out of the fold of Islam and *kufr Neamah (Allah's favour)*, infidel-ingratitude which means simply 'sin', which does not remove the description of Islam. Hence, it is called sometimes minor *kufr* or practical *kufr*, therefore, this kind of *kufr* does not get one out of the religion of Islam. Second, it is well-known in the historical references that the first one to use this term *kuffār*, intending the major *kufr* or *shirk*, to label other Muslims was Nafia b. Al-Azraq, the head of *Azariqah*, and that was only after the split of al-Muhakkimah in 64 AH/ 684 CE. With all that in mind, it becomes clear that there is nothing reported authentically to prove that the early Muhakkimah, which includes Ibādīs, used this term against any Muslim. However, if we were to say, for the sake of argument, that some of early Muhakkimah had used it, we would interpret that to be minor *kufr* which could be termed to any sinful Muslim as well, as the textual evidence did and legitimised (al-Sabee, 1999, p.131, 176; al-Msqri, 2011, p.121).

Second: accusing any one committing a major sin of being *kāfir kufr sherik*, i.e. committing major infidel. The Khawārij based their ruling upon a misinterpretation of the Qur'anic verse in which Almighty Allah says: 'If you were to obey them, you would indeed be infidels' (Q, 6:121). They claimed that this verse means that if you obey the disbelievers in eating carrion, the non-slaughtered animal flesh, you would be considered disbelievers like them. However, the Ibādīs disagree with this

interpretation and argue that the ruling of the verse ‘disbelief’ is not built on eating the dead animal meat, rather on believing the unlawful thing lawful. This Ibāḍī argument is widespread in the Ibāḍī literature such as the theological and Qur’anic commentaries. Sheik Atfayish, an Algerian Ibāḍī scholar (died 1385 AH/ 1965 CE), says: ‘However, the correct understanding of this verse is that those who make carrion lawful are heretics’ (Attfayish, 2015, p.18).

Third: denying some Islamic punishments, *Hudūd*, which have not been mentioned in the Qur’an, such as denying the stoning entirely. Furthermore, it is attributed to Khārijites that they do not acknowledge stoning as an Islamic punishment anyway. And the argument given for their opinion is the fact that this kind of punishment is not mentioned in the Quran, the first source of Islamic legislation. However, the early Ibāḍī writings approve of the stoning for the married adulterer or adulteress as a legitimate punishment in Islamic penal law. Consequently, all Ibāḍī jurists have agreed unanimously over the general legitimacy of stoning in Islam (al-Rabeea, 2011, p.149,151; al-Misaqri, 2011, p.125).

Conclusion

To sum up, it has been made clear by this concise discussion that one should deal with the books of history carefully, as each historian embarks on his writing from his own political or sectarian background, especially when it comes to describe or evaluate his adversaries, and this is totally consistent with the research hypothesis suggested in the introduction of this paper. Although this research was limited by a certain number of words and a short period of time, the research shows some outstanding outcomes. Part of these is the fact that although the Ibāḍīs share with the so-called Khārijites the denial of arbitration, they differ with them in most of the political and theological decisive points.

On top of these key differences is that the Khārijites describe their opponents as being unbelievers which is, as far as I am concerned, the prime reason beyond the other political and theological extreme approaches of Khārijites. Therefore, it is historically incorrect to give one group, Ibāḍism, the whole descriptions or ideologies of another group, or even to consider it part of that group because it had agreed with that group on one single *ijtihadi*, arguable, issue especially when it comes to a classical Islamic school considered as ‘a quietest and pietist third branch of Islam’, according to Gaiser’s description (Gaiser, 2010, p.206). Additionally, this fact has been acknowledged even by

many non-Ibāḍī scholars such as al-Tanukhi, a specialist researcher in the literary and religious Ibāḍī heritage died 1966 CE, who stated: 'Indeed, attributing the word 'Khawārij' to Ibāḍīs is one of the unjust claims which stemmed from the political aggression first, and religious fanaticism second,. They mixed up between Ibāḍīs and Azariqh, Sufryyah and Najdat. However, there is no commonality between Ibāḍīs and the Khārijites apart from denying the arbitration between 'Alī and Muāwiyah' (Muammar, 2001, p. 150).

It is hoped that this paper will open the gate for subsequent research to investigate the Islamic historical heritage and to re-read it in an unbiased way. Most importantly, to clear the misconceptions and correct the misunderstanding that are happening between the current Islamic rites, and that might result definitely in narrowing the differences, bridging the gaps and letting the various legal Islamic schools lead a more tolerant and harmonious common life.

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Book Review

Oman - The Islamic Democratic Tradition

Introduced to: Prof. Jørgen S. Nielsen

Book Review

Oman - The Islamic Democratic Tradition

‘Oman - The Islamic Democratic Tradition’ is the title of a very valuable book in the fields of both Islamic Politics and Omani History. This scholarly work, which took ten years of research and writing, was originally written in French and then translated into several languages, including Arabic and English. The author of this work is Dr. Husain Ghubash, a UAE politician and former ambassador for the UAE to several countries. In general, the book traces what the author calls ‘the unique and successful experience of the Omani Islamic democracy’ which embodied in the *Ibāḍī Imama* system, a parallel to the Royal ruling system, over the last twelve centuries, up to the accession of His Majesty Sultan Qābūs in 1970.

At the outset of his book, Dr. Ghubash explains the fundamental democratic bases on which the Omani Islamic ruling system, *Imama*, had been based and through which the Omani democratic experience had succeeded and flourished. Part of these principles are *al-shura* (consultation of the senior Muslim scholars), equality before the law and the free election of the *Imam* (the leader of the state). What made the Omani *Imama* experience unique is the fact that it didn’t stipulate that the publically elected *Imam* be from a certain Arab tribe, rather every citizen is eligible, regardless of his skin colour or racial group.

Afterwards, the author talks about what he terms 'The true expression of the spirit of Omani Islamic Democracy'. Here, he considers the *Ibāḍī* constitution – not only the first of its kind in the Arab and Islamic worlds, but one of the first constitutions in the whole world, as it was laid down in the second half of the first century AH. Consequently, and unlike most historians, this led Dr. Ghubash to regard the *Ibāḍī Imama* system as the true inheritor of the Islamic Caliphate of the first rightly-guided Caliphs.

However, the writer places a great emphasis in his scholarly work on the establishment of *Imama* as the backbone of the democratic experience of modern Oman. This establishment consists mainly of three vital institutions: the *Majlis* of the *Ulamā* (the Council of Scholars), the '*Majlis al-Am* (the General Council), and the tribal component. The *Majlis* of the *Ulamā* is considered the supreme council in the *Imama* system because it is made up of the most senior and expert Muslim scholars, who are very close to the *Imam* and trusted by public. Those scholars are called *Ahl al-Hall wal 'Aqd*, i.e. the people who have the authority of decision-making and dissolving with regards to constitutional and political affairs, as this council holds the legislative power in the *Imama* state, knowing that establishing this particular council is following in the footsteps of the first Islamic Caliphate (11- 40 AH/ 632- 660), in which a council of senior scholars played a key role.

As for *Majlis al-Am*, the General Council, it is considered a traditional local council in almost every region. This *Majlis*

represents the real participation of the public in political life. However, this *Majlis* is headed by a highly-respected figure, usually a prominent Muslim scholar, *Ālim*, who has a strong connection with the central authority. The writer then stresses the significant role of the third *Imama* institution, the tribal component. This institution plays a key part in backing the state and enforcing its democracy. Therefore, it is regarded by the writer as 'the prime political institution', which reminds us of Ibn Khaldūn's theory (732-808 AH) about the notion of *Asabiya* 'the group's feeling or social solidarity' and its role in the establishment and rise of civilisations. Additionally, the tribe's custom and common laws, *urf*, were always a source of legislation in the Islamic legal and judicial system. Hence, the religious legislator should use the *urf* as a basis for new laws.

More importantly, these *Imama* institutions collectively proved, over the course of the Omani history, to be consistent and effective, and that which paved the way for the *Imama* to practically achieve the fundamentals of a successful democratic experience - the principles of consensus, contract, consultation, and so on. By the real activation of these institutions, the interior of Oman, *the Imama zone*, enjoyed a period of stability in both the social and political spheres.

The author goes deeper, explaining the succession of modern competing imperialist powers whose interest in the Gulf region was nothing but to take over trade routes and achieve political domination. However, as a result of the eventual victory of British colonialism through the signing of treaties with the Arab

tribes, the revolution of Azzan (1285- 1287 AH/ 1869-1871 CE) to revive the *Imama* rule was thwarted at the very beginning by the Royal system. As such, the second attempt to establish the *Imama* ruling system was contained by the signature of the Treaty of al-Sib (1339 AH, 1920 CE), by which the *Imama* of Oman was cornered to the interior side, and then an economic blockade was imposed by the British colonialists, which resulted in decades of suffering from a lack of material and medical supplies. This was the case until the discovery of oil in the *Imama* areas, which led to collaboration between the Sultan, Royal system, and the British Air Force to breach the treaty and overthrow the *Imama* system.

Finally, what distinguishes this book is the fact that it depends, to a large extent, on many Western documents recorded by intellectuals who accompanied the colonial expeditions as eyewitnesses. Most of these documents are disclosed, through this book, for the first time. Moreover, this work draws the West's attention to a preceding successful democratic experience that had existed since the eighth century CE and lasted for twelve hundred years, and never had any dependency on Western democratic theories, but it was rather the intervention of West that ended it by force in the mid-twentieth century. This book is a truly historic addition to the study of Islamic democracy, and therefore undoubtedly worth reading.

The Embryonic Miracles in the Holy Quran

Introduced to: Dr. Galateia

Index

Introduction

**The Stages of Embryonic Development in the Mother's
Womb**

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Introduction:

This scholarly paper tries to shed some light upon the Embryonic Miracles in the Holy Quran. The importance of this topic is derived from the current global concern with the issue of the Holy Quran to both Muslims and non-Muslims. In fact, proving or disproving the Divinity of the Qur'anic text is considered the cornerstone of the ongoing discourse regarding the Holy Quran. Therefore, evidencing that the Quran is a miraculous text has been the major proof introduced by Muslim scholars over the course of history since the emergence of Prophet Muhammad (Peace be upon him), in the 7th century AC, onward.

However, the aspects of the Qur'anic miracles vary significantly and are not restricted to one area of human life, rather all of our life's aspects are touched by the miraculous Qur'anic text. For instance, the linguistic miracle, the historical miracle, the

informational miracle and the scientific miracle. However, due to the limited time, the focus will be on the scientific miracle in the Holy Quran as an example of the Qur'anic miracle, and due to the vastness of this topic as well, the paper will present particularly the Embryonic Miracle in the Holy Quran as an example of the modern scientific Qur'anic miracle.

As a matter of fact, it could be a good chance for the people of this era, the era of technological advancement and modern sciences, to examine the actual authenticity of this book, the book that was revealed over 1400 years ago, in order for them to acknowledge to what extent this book corresponds with the definitive scientific facts. Based on that, this paper will investigate this issue in order to get a conclusive answer to this critical enquiry.

Additionally, the methodology adopted by the writer in this research paper is clarified as follows:

- Showing the translation of the verse or the relevant part of that verse.
- Commenting on the meaning of the verse.
- Offering what the modern science says regarding the meaning of the verse.
- Explaining to what extent the Qur'anic text corresponds with the modern scientific facts.

Furthermore, here are some important definitions for the most frequent terms mentioned in this paper to remove any ambiguity away from the reader:

- **Miracle**

For the sake of clarity, it is better to give the word 'Miracle' two definitions: linguistic definition and theological definition, as follows:

- First\ **the linguistic definition:** it is an unusual and mysterious event for human being, because it does not follow the usual laws of nature.

- Second\ **the theological definition:** it is a surprising fact or supernatural phenomenon that is beyond the capability of the human being, given by God to one of his Prophets.
- **Quran:** is the book that was revealed by the Almighty God 'Allah' to His Prophet Muhammad (PBUH) in the 7th century AC.
- **Verse:** is a complete statement in the holy Quran. Therefore, each full statement in the Quran is called 'verse' and each Qur'anic chapter consists of a set of statements 'verses'.
- **Embryology:** is the science related to the development of the human embryo, the fetus, inside the mother's womb.

Finally, the findings of this paper definitely could be used as an effective means to prove the authenticity of the Glorious Quran as a divine book and to bridge the gap between Muslims and non-Muslims and to get a better understanding about this great Divine gift, the religion of Islam.

The Stages of Embryonic Development in the Mother's Womb

The stages which the embryo goes through in the mother's womb have been mentioned in numerous places in different chapters in the Holy Quran, such as the 'Chapter of Believers', 'Chapter of Pilgrimage' and 'Chapter of Prostration'. One chosen example of these verses will be shown in this paper. Furthermore, the development of the fetus or the embryo in the mother's womb is elaborated by the Holy Quran in the 'Chapter of Believers' in a way that conforms totally with the actual stages the embryo goes through.

The Qur'anic text:

قَالَ تَعَالَى: ﴿وَلَقَدْ خَلَقْنَا الْإِنْسَانَ مِنْ سُلَالَةٍ مِّن طِينٍ ۖ ثُمَّ جَعَلْنَاهُ نُطْفَةً فِي قَرَارٍ مَّكِينٍ ۝١٣ ثُمَّ خَلَقْنَا النُّطْفَةَ عَلَقَةً فَخَلَقْنَا الْعَلَقَةَ مُضْغَةً فَخَلَقْنَا الْمُضْغَةَ

عِظَامًا فَكَسَوْنَا الْعِظَامَ لَحْمًا ثُمَّ أَنْشَأْنَاهُ خَلْقًا آخَرَ فَتَبَارَكَ اللَّهُ أَحْسَنُ الْخَالِقِينَ ﴿١٤﴾

المؤمنون: ١٢ - ١٤.

The translation: ‘*And certainly We created man from an extract of clay, Then We placed him as a sperm-drop in a firm resting-place, Then We made the sperm-drop into ‘Alaqah’, and We made the clot into ‘Mudghah’, And We made [from] the Mudghah bones, and We covered and clothed the bones with flesh; Then We developed him into another creation. So blessed is Allah, the best of creators*’ [Chapter: 23. Verses: 12-14].

The embryonic stages:

The above mentioned verse can be highlighted in successive stages as follows:

The first stage: it is stated by this part of verse ‘*And certainly We created man from an **extract of clay***’ that the initial creation of the human being is originated out of ‘*extract of clay*’ or, as

stated in a second place in the Quran, out of '*dust of the earth*' or, as stated in a third place, out of '*the essence of clay*'. It is obvious from these Qur'anic statements that the initial origin of the human being comes from the earth.

Modern science has come recently to know that the human body contains all the soil components and elements, in other words, all the components that are found in the soil are also found in the human being and that is what conforms entirely to the Qur'anic text (Ashfaq, 1999, p.121-122; Haeri, 1987, p.22). Consequently, this scientific statement demonstrates clearly the precision of the Qur'anic expression with regard to the initial origin of the human being and it also confirms its Divine authenticity.

The second stage: in this part of verse, the Quran talks about the second stage of the human creation: '*Then We placed him as a sperm-drop*'. The 'sperm-drop' stage covers the period from fertilising the female ovum to implanting it into the mother's

womb (Sadaat, 2009, p105). The miraculous Qur'anic aspects in the Science of Embryology in general, and in 'man's semen' in particular, cannot be comprehended thoroughly unless by looking at the Qur'anic descriptions of the seminal liquid of man which are going to be shown here as follows:

- 1) '**Nutfa**': the seminal fluid of man is described in several places in the Quran as '*Nutfa*'. A remarkable example of these places is this verse: '*Does not man see that We have created him from Nutfa*' [Chapter: 36. Verse: 77]. The word '*Nutfa*' in Arabic means the 'very little amount of left water' or just "a minute drop of water" left after emptying the container. However, it has been recently discovered that the process of fertilising the female's ovum is fulfilled just by one single cell of man's fluid, unlike the former portrayal which believed that the human

being was created from a large amount of semen (Esmaeilzadeh, 2011, p3).

2) '**Sulalah**': the spermatic liquid of man was described also as '*Sulalah*'. This meaning is stated explicitly in another verse in the Holy Quran, where the Quran says: '*And then He made his progeny from (Sulalah) of despised fluid*' [Chapter: 32. Verse: 8]. Interestingly, the word (*Sulalah*) in Arabic has two meanings and both of them agree accurately with the reality of the amount of sperm and the reality of the process of fertilising, these meanings are explained below respectively as follows:

The first meaning of the word (*Sulalah*) is 'the extract or the best part of something' and this is what coincides with what has been mentioned earlier, that the woman's ovum is fertilised only

by one single sperm, not by a large amount of man's liquid as it has been imagined in the past.

The second meaning of (*Sulalah*) is 'a long-tailed fish' [see figure n.1]. It is known nowadays through using the advanced microscopes that the shape of each single 'sperm' is just like the shape of 'long-tailed



[figure n.1]

'fish' (Esmailzadeh, 2011, p3). Therefore, it is clear here that the Qur'anic portrayal of the reality of man's sperm corresponds exactly with the modern discovery, either in terms of quantity or in terms of shape.

3) '**Amshaj**': in a third place in the Holy Quran, man's water is described as '*Amshaj*' where the Quran says:

*‘Verily, We have created man from Nutfah **Amshaj**’*

[Chapter: 72. Verse: 2]. In the Arabic language, the word ‘*Amshaj*’ means ‘Mixtures’ or ‘Mingled liquid’ which denotes that the man’s sperm is made up by various elements and components. This Qur’anic notion is proved scientifically by Dr. Maurice Bucaille (1976, p.220), a French medical doctor specialist in gastroenterology who said: ‘Spermatic liquid is formed by various secretions which come from the following glands: the testicles, the seminal vesicles, the prostate gland and the glands annexed to the urinary tract...’.

As shown in this stage, it is noticeable that all the Qur’anic descriptions of the man’s sperm, which were foretold precisely by Muhammad (PBUH) over than fourteen hundred years ago, have been confirmed recently by the contemporary

embryologists implying the truthfulness of the Prophethood and the divine Qur'anic message of Muhammad (PBUH).

The third stage: the Qur'anic verse continues describing the embryonic development of the fetus inside the mother's womb, stage by stage. This part of verse '*in a place of settlement, **firmly fixed***' represents the third stage of the human development concerning his/her creation. In this stage, the stage of implanting the '*Nutfah*' in the wall of the mother's uterus, the Quran describes the place in which the sperm-drop 'man's semen' is implanted as 'a place of settlement, firmly fixed' or as 'a firm resting-place'. These descriptions given by the Quran refer to a place of safety and security. Since it is very safe and well-protected settlement for the child during the period of pregnancy.

The present medical science, using the most sophisticated equipment and latest advanced instruments, has come to approve the Qur'anic portrayal of the mother's womb in terms of strength

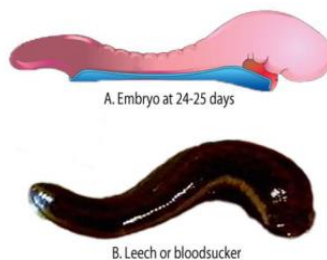
and stability (Moor, 1988, p19). Indeed, it became scientifically known that the mother's uterus is firm to protect the child and keep its life intact. In addition to that, this firmly fixed 'farm' is very solid resting-place to suit and fit the needs of the embryo throughout the period of fetal development. Moreover, that protection and solidarity are not confined to the physical preservation and strength, rather they include the suitability for all necessary aspects to ensure the proper development for the human being in this critical stage of life, such as the temperature degree and the full hygiene protection. As a consequent, all these accurate descriptions to the intrauterine life of the child in this phase prove the divine origin of the Holy Quran which had been revealed upon Muhammad (PBUH) more than one thousand four hundred years ago, before the era of scientific discovery and technological advancement.

The fourth stage: the following stage, the *Alaqah* stage, is portrayed by this Qur’anic statement: ‘*Then We made the sperm-drop into **Alaqah***’. Thus, the ‘*Alaqah*’ stage begins on day 15 and is completed on day 24. In reality, ‘*Alaqah*’ is an Arabic word and, literally, this word has three meanings given in the classical Arabic dictionaries (Sadaat, 2009, p105). However, the most noticeable thing here is that all of these meanings are applicable and valid to describe the embryo in this certain period of time, the ‘*Alaqah*’ phase, as follows:

A. Leech: it is a kind of worm which sucks the other’s blood.

The similarity between the embryo and the leech at this stage is obvious from two aspects:

- The first aspect: both of them are similar in the appearance or shape. In other word, the fetus

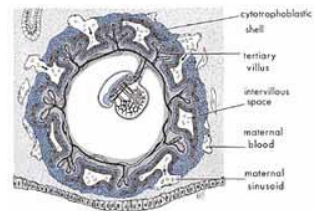


[figure n.2]

in this stage looks exactly like the leech. [see figure n.2].

- The second aspect: the leech feeds on the blood of others and the embryo obtains its nourishment from the blood of his mother (Moor, 1988, p3. Johnson et al, 2000, p.36).

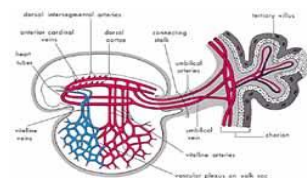
B. Something clings: or clinging and hanging substance. As it is clear in [figure n.3] the human embryo clings and hangs in this stage, the ‘*Alaqah*’ stage, on the wall of the mother’s womb.



[figure n.3]

C. Blood clot: ‘*Alaqah*’ also means, in Arabic language, ‘blood clot’ or ‘a bit of accumulated blood’.

The embryo in this stage, the ‘*Alaqah*’

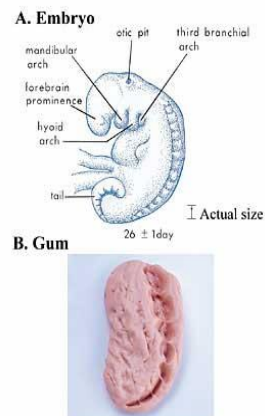


[figure n.4]

stage, looks like ‘blood clot’ or ‘a bit of accumulated blood’ as it is shown in the upper part of [figure n.4], that similarity is due to two reasons: the first one is because the embryo in this stage consists mainly of accumulated blood. The second reason is because the embryo, in this stage, is one joint entity and the blood does not circulate therein (Moor, 1988, p61).

As a result, it became clear that giving the embryo, in this particular fetal stage, three corresponding and accurate descriptions at the same time by one single word is something beyond the human comprehend, and such miraculous phenomenon could not be justified unless it has come from the Creator of the human being Himself.

The fifth stage: the '*Mudghah*' stage is the fifth phase in the embryonic development, and it is stated in this part of verse: '*And We made the clot into **Mudghah***'. The embryo changes from the previous stage, the stage of '*Alaqah*' to this stage, the stage of '*Mudghah*' at the days from 24 to 26 (Sadaat, 2009, p105).



[figure n.5]

The Arabic word '*Mudghah*' means a “chewed substance” or something that has been chewed. For example, if a piece of gum or flesh was taken and chewed by mouth and then compared in shape with the embryo at this stage, *Mudghah* stage, it would be remarkable that the embryo at the *Mudghah* stage is similar in the external appearance to that chewed substance. That clear similarity is because of the marks at the back of the embryo

which resemble teeth marks in a chewed substance [see figure n.5] (Moor, 1988, p3).

The sixth stage: as for the sixth fetal phase, the Holy Quran says: *‘And We made [from] the Mudghah **bones**, and We covered and **clothed the bones with flesh**’*. In truth, the people of the past thought that the flesh is created before the bones but the Quran here, in this verse, declares that the bones are created before the flesh, then these bones are covered by flesh, and this agrees totally with what the modern embryonic knowledge has recently come to know via its advanced technological tools as Professor Moor, professor of anatomy at the University of Toronto, (1998) said: ‘During the seventh week, the skeleton begins to spread throughout the body and bones take familiar shapes. At the end of the seventh week and during the eighth week, the muscles take their positions around the bones forms’. This conclusive medical notion was also confirmed by Dr. Johnson (2000) when he

stated: ‘The bone structure develops inside this mass in what is called the mesenchyma. The bones that are formed are covered in muscle; the word *lahm* applies to them’.

It is indeed a striking fact, since it is impossible for a layman lived in the middle of Arabian Peninsula to tell such precise facts in a book 1400 years old. The only rational answer for this wonder is that he was being inspired by the Great One, the One who created the whole mankind.

The seventh stage: the description given to the embryo by this Qur’anic part ‘*Then We developed him into **another creation***’ represents the phase of the ‘*new creation*’. This embryonic phase lasts from the end of the preceding stage, clothing the bones with flesh, until the full completion of the pregnancy. Medically, this description is applicable accurately to the fetus after previous stage for two reasons: firstly, at this stage, the formation of the

embryo becomes complete and recognisably human being. Secondly, the embryo becomes separate from the mother's body and could live independently outside the mother's womb, as confirmed by Dr. Ashfaq (1999, p.122) who said: 'The process of formation is finished and then a new human being comes into existence to be separated from the mother to exist independently of her body'.

Shaping the embryo in a new creation resembling the human being just in this late stage destroys the previous predominant belief and the old medical theory which supposes that the embryo has the human shape since it was a sperm coming out of the father. The question arises here 'Who told Muhammad (PBUH), the illiterate man who didn't read nor write, these medical and embryonic mysterious facts? There is no potential answer for this serious question but God, the Creator, the All-Wise the All-Knowing.

The implantation of the fertilised egg

قَالَ تَعَالَى: ﴿نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ البقرة: ٢٢٣.

The Almighty Allah says:: *‘Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish and put forth for yourselves’* [Chapter: 2. Verses: 223].

The Quran, in this verse, likens one's wife metaphorically with the farm *‘a place of sowing of seed’*. However, it has become an indisputable fact in the medical field that once the female ovum has been fertilized by the male sperm, the female egg descends via Fallopian tube into the maternal uterus, then, as soon as the egg touches the wall of the uterus it literally spreads its roots inside the mucous membrane and implants itself by insertion into the thickness of the muscle of the mother's womb exactly like a grain of seed spreading its roots in the ground, in a process known embryologically as ‘The implantation of the fertilised

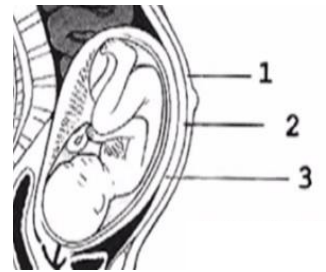
egg'. So clearly, the Qur'anic depiction of the implantation process in the mother's uterus is highly precise and in total compatibility with the established scientific notion. Therefore, such accurate description must have come from the Creator Himself whose knowledge encompasses everything, since these medical facts cannot be based on the primitive human knowledge in the 7th century CE, when people didn't possess any form of the advanced embryonic instruments or microscopic science (Bucaille, 1976, p.199, 203).

The three darkness in the mother's womb

قَالَ تَعَالَى: ﴿ خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ ثُمَّ جَعَلَ مِنْهَا زَوْجَهَا وَأَنْزَلَ لَكُمْ مِنَ الْأَنْعَامِ ثَمَنِيَّةً أَزْوَاجًا يَخْلُقُكُمْ فِي بُطُونِ أُمَّهَاتِكُمْ خَلْقًا مِنْ بَعْدِ خَلْقٍ فِي ظُلُمَاتٍ ثَلَاثٍ ذَٰلِكُمْ اللَّهُ رَبُّكُمْ لَهُ الْمُلْكُ لَا إِلَهَ إِلَّا هُوَ فَآَنَى تُصْرَفُونَ ﴾ الزمر: ٦.

The Exalted God says: "He creates you in the wombs of your mothers: creation after creation in three veils of darkness. Such is Allah your Lord. His is the kingdom, none has the right to be worshipped but He' [Chapter: 39. Verses: 6].

It is stated here by this Qur'anic statement that the fetal development in the mother's uterus takes place inside three layers of darkness. Recently, it has been discovered



by the contemporary embryologists that the embryo inside his mother womb during the period of pregnancy is covered by three distinct layers or veils one upon the other. These anatomic layers

are as follows: abdominal wall, the uterus wall and the chorionic membrane. For further details about this Qur'anic fact, the reader may go back to:

- Bucaille, **The Bible, the Quran and the Science** P136.
- Sadaat, **Human Embryology and the Holy Quran an overview** P108.
- Mohsen, **Holy Quran, New sciences and Development of the Human Embryo** P7.

The responsible for determining the sex of the child

قَالَ تَعَالَى: ﴿أَيَحْسَبُ الْإِنْسَانُ أَنْ يُتْرَكَ سُدًى ﴿٣٦﴾ أَلَمْ يَكُ نُطْفَةً مِنْ مَنِيٍّ يُُمْنَى ﴿٣٧﴾ ثُمَّ كَانَ عَلَقَةً

فَخَلَقَ فَسَوَّى ﴿٣٨﴾ فَجَعَلَ مِنْهُ الزَّوْجَيْنِ الذَّكَرَ وَالْأُنْثَى ﴿٣٩﴾﴾ القيامة: ٣٦ - ٣٩.

وَقَالَ تَعَالَى: ﴿وَأَنَّهُ خَلَقَ الزَّوْجَيْنِ الذَّكَرَ وَالْأُنْثَى ﴿٤٥﴾ مِنْ نُطْفَةٍ إِذَا تُمْنَى ﴿٤٦﴾﴾ النجم: ٤٥ - ٤٦.

It has been thought, for a long period of time, that the wife is the responsible party for determining baby's gender. However, the reality in this regard was declared in the Holy Quran fourteen centuries back when the Quran, in more than one place, told mankind the responsible couple for determining the child's sex.

Two obvious examples of these Qur'anic places are shown here:

The Holy Quran says in the 'Chapter of Judgment': *'Does man think that he will be left neglected in this life, without purpose? Had he not been a **sperm from semen emitted, ejaculated**? Then he was a clot of blood, so He created (him), then made (him)*

perfect. And He made of him two mates, the male and the female’ [Chapter: 75. Verses: 36-38]. In another place in the Holy Quran, ‘Chapter of Star’, God also says: ‘*And that He creates the two mates - the male and female from a sperm drop when it is ejaculated*’ [Chapter: 53. Verses: 46].

It is denoted in these verses that a minor quantity ‘a sperm drop’ of man’s liquid ‘semen’ is the required to specify the gender of the child, i.e. the husband’s fluid is the determining factor for the baby’s gender not the wife, as believed in the past.

As a matter of fact, the modern medical science has come to admit this reality recently, and it confirmed this notion just in the second half of the last century, the 20th century. The embryologists have got to know this fact just when they became able to study the human chromosomes with the present advanced microscopes. Upon that, they realised that the male is the responsible one of the pair for specifying the baby’s sex, because

the chromosome of the female's liquid is always (X), while the male's one varies, sometimes (X) and sometimes (Y). Based on that fact, if the male chromosome is (X) the baby becomes female (XX), and if the male chromosome is (Y) the baby becomes boy (XY).

Professor Moor (1988, p.29-31) states: 'The embryo's chromosomal sex is determined at fertilisation by the kind of sperm that fertilises the ovum. Hence, it is the father rather the mother whose gamete determines the sex of the embryo'.

It is really this discovery in embryology giving weight to the contention that the Qur'an is divine in its origin.

Conclusion:

As stated in the introduction, the main purpose of this study is to determine to what extent the Holy Quran coincides with modern scientific facts using the ‘Embryonic Development’ as an instance of the scientific miracle in the Qur’anic verses. Therefore, this study adopted a neutral methodology that gathers showing the Qur’anic text on the one hand, and introducing the modern scientific viewpoint on the other hand in order to achieve the logical consequence.

In fact, this distinct methodology in the research paper has gone towards enhancing a better understanding of the scientific hints mentioned in the Holy Quran in the light of contemporary advanced medicine. Thus, the following result drawn from this present study could be taken provably as a real fact.

Briefly, the conclusion reached by this research is that it is impossible for an illiterate man, neither read nor write, spent the whole of his lifetime in the mid of Arabian desert in a Bedouin environment amongst uncivilised nation one thousand four hundred years back to come up with such accurate medical facts which have just been known recently by the current embryologists via using the advanced microscopes and the most sophisticated equipment without a Divine guidance from the One who created the human being, the Exalted God.

In addition to the aforementioned, some of the outstanding outcomes and recommendations found through this study are suggested in this conclusion:

- The Holy Quran is a Divine Scripture, and the claim that the Quran is mere man-made book is refuted by the definitive scientific facts.

- The Holy Quran is not a book of science, but rather it is a book of 'signs' and many scientific facts have been mentioned therein in order to guide mankind and to aid them in recognising the greatness of the Creator.
- The Holy Quran is an exceptional phenomenon, and its scientific indications and references are worthy of giving more research and investigation to obtain a better understanding of the world around us.

Finally, I hope the results and the recommendations of this paper are eligible to be used to correct some misconceptions about this Divine revelation, the Holy Quran, and to be used as a stepping stone in further researches which combine between the Divine revelation and the human experimental sciences.

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Book Reviews on Muslim-Christian Relations

Introduced to: Prof. David Thomas

The First Book\ Islam and Christianity as seen in the Bible':

'Islam and Christianity as seen in the Bible' is a contemporary interreligious book in the field of Christian-Muslim relation written by Sayed R. Ali and reviewed by two Muslim scholars: Sheik Essam Eshaq and Dr. Linda Thayer. In addition, this book was published by 'Discover Islam- Muslim Education Society' as the second issue of Discover Islam Series. The origin of this book reviewed here is a lecture given by the author in Kingdom of Bahrain as he states in his preface of the book. The writer aims through this book to examine both Islam and Christianity in the light of the Bible to stress that Islam is not a new religion, rather it is the religion of the previous messengers. Furthermore, the writer aims at erasing what he thinks misconceptions from the mind of many Christians and he attempts to equip the Muslims of today with the proper knowledge when communicating with Christians.

This book deals with a various range of issues concerning the religion of Islam and Christianity from a Biblical point of view, as he claims. The book is divided into two main sections: Islam and Christianity. The main themes of the first section 'Islam' are the origin and the meaning of the word ISLAM and the concept and the practice of ISLAM in the Bible. As for the second section 'Christianity', it includes the origin and the meaning of the word CHRISTIANITY and the practice and meaning of Christianity in the Bible. Since the writer is going to use a comparative

methodology between Islam and Christianity through the Bible, I expect him to succeed in achieving his goals to a certain extent.

In the first section of this book, the writer argues that the word 'Islam' is given to this religion by the Almighty God Himself, and as this is clearly mentioned in the Quran, it is also understood from the meaning of numerous Biblical verses which imply the meaning of Islam, the submission to the will of the one true God, such as 'Not everyone who says to me 'Lord, Lord, Lord' will enter the kingdom of heaven, but only who does the will of my Father who is in heaven' (Matthew 7: 21). Consequently, submitting to the will of God will result in the second meaning of the word Islam 'Peace' and he quoted to prove that Jesus's (PBUH) saying: 'Blessed are the peacemaker, for they will be called the children of God' (Matthew 5:9).

The author goes further to assert that even the main practical worships of Islam 'the Pillars of Islam' are referred to in the Bible and he goes through these pillars one by one; the Oneness of God, Prayer, Fasting etc., quoting from the Bible what supports his notion. For example, he touches upon the Oneness of God, as the first pillar in Islam and in order for him to support his contention, he quoted many Biblical statements with references. For instance: 'There is no other God beside me, a just God and a Saviour' (Isaiah 46: 9) and Jesus (PBUH) said: 'The Lord our God, the Lord is one' (Mark 12:29).

As such, the author goes deeply in confirming his argumentation, claiming that many distinctive features in the daily Muslim practices are not supposed to be confined

practically to Muslims as they are also emphasised in the previous scripture, the Bible, such as: prohibiting the pork, dealing with usury, eating the dead animals, drinking alcohol, legitimizing circumcision, special dress code for women, the practice of Islamic greeting and saying: if God wills.. Besides mentioning these, the writer keeps quoting respectively the Biblical verses which serve his goal.

The current distorted version of Christianity which differs from the pure teachings of Jesus (PBUH) is the fundamental writer's claim in the second section of his book. As a result, in order to get to that aim he attempts through performing comparative Biblical citing between Jesus's saying and Paul's saying in terms of the nature of Jesus (PBUH), his message, his aim, etc. to conclude that it is the questionable profile of Paul is the first responsible for the early alteration in Jesus's mission which its effects are still taking place up to today.

It seems to me that the book's author succeeded to a large extent in proving his assertions and leave the intellectual reader and the layman alike quite convinced with his opinions since he showed his ability to quote more than one text in each point associated with its exact reference to the Bible, the indisputable Christian source, to remove any doubt or claim away that these texts were taken out of their contexts or they were misunderstood or misinterpreted for the interest of some presumptions. Moreover, what makes the book more worthy of reading is the fact that the writer does not satisfy to strengthen his hypothesis with evidencing the similarities in the general

principles only, rather he goes deeply elaborating many minor practical examples. Personally, I think the book in its entirety is attractive to the readers and is drawing their attention to carry on reading till the end without feeling any boredom.

However, if we were to compare this work with other prominent scholarly works in the same field, such as 'Islam in the Bible' by Thomas McElwain, it would be noticeable that this work is more accurate when it comes to detail the ritual practices of Islamic worships, although both of them end up extracting the same conclusion.

Therefore, I believe strongly that this book could contribute much in the discipline of Christian-Muslim relation and may give a good starting point for the seekers of knowledge who are involved in this area to investigate the original Biblical texts in their first languages and that consequently opens the gate widely to trace the shared ideals and the common principles between the Divine religions which end up, undoubtedly, bridging the gap and clearing up the pending ambiguous matters between the main global religions today.

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<https://www.youtube.com/watch?v=O8KXTI5-J6A>

The Second Book\ Refutation of the Christians

‘Refutation of the Christians’ by Al-Qasim ibn Ibrahim is a very valuable document, since it is one of the earliest books in the Christian-Muslim Relations: as it was written in the first half of the ninth century CE. The author of this refutation is Al-Qassim ibn Ibrahim Al-Alawi (785-860 CE). He is a prominent Imam in the Zaidi Islamic school of thought and well known for his refutations of his opponents.

The author’s methodology:

The writer declares the importance of the authenticity and reliability of the proofs given by the debater at the beginning of his refutation, which implies that he is going to adopt this scholarly methodology in his argument, as it is the most convincing way, when debating, to persuade the opposing party. So, it is time consuming and a waste of effort to provide the other side with evidence that he does not admit or acknowledge in the first place.

In the same context, the writer stipulates that he is going to argue against his opponents with sincerity and in a wise manner, applying literally the Qur’anic commandments ‘Invite to the way of your Lord with wisdom and good instruction, and argue with them in a way that is best’ [Q 16:125] and: ‘And do not argue with the People of the Scripture except in a way that is best’ [Q 26:46].

The writer also reminds himself first, and his opponents second, of the necessity of being adherent to the principles of justice and transparency, pointing out that this is the real means to attain unity and avoid the division between the followers of the Heavenly religions.

The author's arguments:

The author begins his response with a very short introduction, then immediately follows with what he contends are the logical proofs that can be used when arguing with Christians to disprove that Almighty God has a father or a son, as the Divinity is a position that could not be filled by one who has an origin or an offspring. In other words, that is because the son inherits the features of his father or mother, and the original carries his son's features. Therefore, each one should necessarily be similar to the other, which contradicts the oneness and uniqueness of the Absolute God. In addition, being a physical or genuine son or father necessitates the need for the other and that does not befit the Absolute Being, the Self-Sufficient, Almighty God.

Furthermore, whoever is descended from an origin, his origin is surely more deserving to be considered a deity and worshiped, if the branch himself is divine. As a result, in the case of Jesus (PBUH), since Jesus (PBUH) is a branch of his mother Mary, his mother is more deserving of worship than him, and that is clearly not the situation with the majority of Christians. Thus, because most of them do not hold this notion, it becomes clear

that Jesus (PBUH) is not a divine figure, rather that he is a pure human being and a servant of Allah, just like all His messengers.

Moreover, all the Messengers of Allah would eat and drink, and this is not disputed. Christians witness that Jesus (PBUH) also would eat and drink. On the other hand, they admit that Jesus (PBUH) would feel joy and sadness like any other human being. Therefore, these human characteristics nullify and disprove that Jesus (PBUH) was a god or a divine individual, as such contrasting conditions do not befit the Exalted Creator.

Further tangible evidence is employed by the writer in his refutation. Another instance of this is that Christians admit that Jesus (PBUH) was devout and sincere in his worship of Almighty God, and called people to submit to His will and keep His commandments. Thus, one could conclude witnessing that is a clear proof that he is no more than a humble servant of God and one of His great messengers.

In addition to what have been mentioned of the logical and tangible evidence, the author denies that Almighty God has a son, as he claimed that attributing fatherhood to God entails accepting a similarity in divine status between father and son and this similarity prevents each from being superior over the other. Therefore, if each cannot be superior over the other, it means that God's power is limited, not absolute. And since the True God is over and above all things without any limitation, it is

logically impossible for Almighty God to be a father to a child or a son from a fatherly origin.

The writer goes deeper, backing his argument by quoting some texts from the four Gospels which support his claims with regards to the real nature of Jesus (PBUH). The quotations, in short, denote the following points: first, description of the Messiah as a son of Joseph. Second, Jesus's (PBUH) witness to his own disciples that they are all the children of God, which does not agree with the Christian interpretation of Jesus as the son of God. Third, Jesus's (PBUH) attestation to his disciples that they are his brothers, which agrees with the concept of the human brotherhood of all Prophets of God with their followers. Fourth, Mary's declaration that her son Jesus is a grandchild of her grandfather David, and both of this quotation and the first quotation assert the blood relationship between Jesus and his ancestors, which cannot be reconciled with the claim of the divine nature of Jesus (PBUH).

Moreover, the author adds that it is an issue of agreement between all Christian denominations that none of God's angels, and none of the preceding Prophets, would worship Jesus (PBUH), nor did they call him God or the son of God, nor did they invite their people to worship him alongside Almighty God. However, if we were to say, for the sake of argument, that Jesus (PBUH) is the son of God, we would have to interpret that differently in a metaphorical manner, according to what befits

the absolute Oneness of His Majesty, knowing that the metaphor is one of the beautiful ways of expressing the meaning in all languages, including Greek and Aramaic, and the use of son or father for non-literal uses is widespread in the speech of these languages. Thus, it could be said linguistically that the son in this context means: the beloved, the student, the dependent, etc., as all creatures, including the Messengers of Allah, are the children of God in this sense, but not in reality His biological begotten children.

The reasons:

It is believed that the main driving force for the author to write this book was that he deemed it obligatory upon him to do so. This is because he believed, as he mentioned right after his introduction and based on some quotations from the Holy Qur'an, that those Christians who hold these false beliefs, are going to sue Muslims in the Day of Judgment before Almighty God if they did not correct their false beliefs and did not explain to them the sound creed in this life.

It is clear through careful reading of the book that the author relies, especially at the beginning, on using logical evidence, as most of his opponents would not admit the authenticity of his evidence if he had used Islamic textual evidence, the Holy Qur'an and the Prophetic Traditions. On the other hand, logical and rational proofs would be agreed upon by both parties, Muslims and Christians. In addition, if they were to resort to an

external party or to a neutral referee to be the judge between them, such standards and criteria would be accepted by him.

However, it is noticed later that the writer supports his contentions with some textual evidence from the Holy Qur'an and the Prophet's sayings. In my own estimate, he is doing so considering the fact that there is a group of Christians who do admit that the Holy Qur'an is a true revelation from God, and that Muhammad (PBUH) is a faithful prophet sent by God, although they believe he was only sent to the Arabs. Three distinct examples of these Qur'anic texts could be quoted here. The first is 'Say, "He is Allah, [who is] One. Allah, the Eternal Refuge. He neither begets nor is born, nor is there to Him any equivalent" [Q 112:1-4]. Then, second: 'And to warn those who say, "Allah has taken a son". They have no knowledge of it, nor had their fathers. Grave is the word that comes out of their mouths; they speak not except a lie' [Q 18:4-5]. Third: 'And they say, "The Most Merciful has taken [for Himself] a son". You have done an atrocious thing. The heavens almost rupture therefrom and the earth splits open and the mountains collapse in devastation, that they attribute to the Most Merciful a son. And it is not appropriate for the Most Merciful that He should take a son. There is no one in the heavens and earth but that he comes to the Most Merciful as a servant' [Q 18:4-5]. Therefore, addressing this specific kind of Christian with these textual proofs may be persuasive.

However, one of the author's main pieces of evidence to prove the pure human nature of Jesus (PBUH), is the sensory proof which could be seen by eyes or heard by ears, such as evidence of Jesus (PBUH) eating, drinking, worshiping, etc. He resorted to this kind of evidence because it is undeniable and irrefutable by his opponents since it is based on something which is actual and tangible.

Besides, some Biblical quotations were also present in this refutation, especially when he came to prove the pure humanity of the Prophet Jesus (PBUH). The reason beyond that, in my own opinion, is that all of these four Gospels, which he quoted from, are regarded as authentic and unquestioned texts by his opponents, the Christians. Rather, they regard them as the words of God and the main source of Heavenly guidance. In consequence, quoting the exact texts from these Gospels is the most incontrovertible evidence that he could be armed with.

The Third Book\ Refutation of the Incarnation’:

The writer of this piece of literature is Abu Isa Muhammad bin Harun Al-Warraaq. He lived roughly in the second half of the ninth century CE. Abu Isa spent his life in a multi-faith and pluralist Muslim society in Baghdad, where Christians and other religious groups were accepted and enjoyed the freedom to worship and choose their own beliefs. This multicultural environment had a great impact on Abu Isa, and made him consequently well-educated and enabled him to get an extensive knowledge of various faiths, which enabled him, in return, to produce a large number of refutations against his opponents.

The chosen book here, ‘Refutation of the Incarnation’, is the second and last part of his interreligious work ‘The Refutation of the Three Christian Sects’. This part of the refutation consists of many arguments against some significant Christian denominations, chiefly regarding the belief in the concept of divine unity or Incarnation and the reality of Jesus’s (PBUH) birth, as will be discussed shortly. The origin of this book is a response to questions passed to the author in written form.

The author’s methodology:

There is no explicit mention of the writer’s methodology that can be found in this book. However, by going through his responses thoroughly, the reader will notice certain patterns the writer adopts and some primary guidelines he follows. More

specifically, it can be noted that the main methodology he follows, although not the only one, is that he tries to assume in every issue all the possibilities or all the alternatives that could be argued by his opponents. He then attempts to refute all these possibilities or alternatives one by one in a very rational way as clearly as possible. It appears that he adopts this methodology to demonstrate that he is a neutral debater, detaching himself from any religious presumptions or sectarian prejudice in order to convince both his opponents and his readers that this doctrine is incorrect and could not be logically accepted. Finally, it could be said that the ultimate aim of the writer through this work is to affirm the absolute uniqueness of Almighty God and the pure humanity of the Messiah Jesus (PBUH).

The author's argument:

The author begins his book by refuting the concept of the Trinity and Unity, claiming that if his opponents believe that the action of uniting is performed by one hypostasis only, the Word, they would acknowledge that the action is only performed by the son, not by the father or the Holy Spirit. Therefore, if it is possible for one of the three hypostases to act independently of the others, it would be possible for each one of them individually to take over the whole universe and creates and manages whatever he wishes without his two partners, and this

could result in contrasting wills and consequently the corruption of the well-knit world.

Responding to the Nestorians and Jacobites pertaining to the concept of the Incarnation, the author asks them: when did the action of uniting between the Word and the human who conceived by Mary take place - before the birth, after the birth or at the moment of delivering the baby? And he assumes: if they say it was united before the birth, either before the pregnancy or before he was shaped, this would go against their teaching that the united is eternal, because they admit now that it occurred at a certain time. Also, that contradicts their teaching that the Word united with an individual human, since that individual human could only be called an individual human after he is formed as a man, and not before that.

In a later place, the writer debates with the Melkites concerning the crucifixion, wondering whether that suffering and killing afflicted the Messiah only with regards to his human nature - his physical body -, his divine nature, or both of them? And he puts forward his answer for each possibility. For example, if they said that the crucifixion took place only for Jesus's human body, it could be replied that in this case God could choose any human being to fulfil this job as the divine nature was not touched by any harm. Consequently, this would go against their claim that any human was not enough to redeem the sins of humanity, but only through God's own son.

The last Christian denomination on Abu Isa's list is the Jacobites. Here he responds to their comparison of the unity of the two natures of the Messiah with the coal and its fire. The writer addresses the Jacobites, asking: is the coal changed when it is surrounded by the fire or not? If they affirmed the fact that it is changed or destroyed by the fire, it would be contrary to their principle that the eternal, the Messiah, could not be changed or destroyed.

In his conclusion, the writer turns his discussion to the three sects together, questioning whether or not the Messiah himself is the one who created his humanity. If their answer is yes, the response is that this is in counter to the teaching that Jesus was divine and human, an entity possessing both characteristics at the same time. Because being the Messiah himself is the creator of his human nature necessitates that he was divine only before creating the human nature. However, if their answer is no, someone else is the creator of his humanity, the reply would be that you acknowledge now that the Creator is other than Jesus (PBUH) and this entails, on the other hand, that the Messiah is himself a created being since there is no third category, all things are either Creator or created.

The reasons:

Even though, Abu Isa did not explicitly use Qur'anic texts in his refutations, he applied his deep understanding of the logic of Qur'anic arguments. The first claim mentioned in this paper is a

clear-cut example of this, as Abu Isa employed the reasoning of two Qur'anic verses: 'Had there been within the heavens and earth gods besides Allah, they both would have been ruined' [Q 21:22] and 'Allah has not taken any son, nor has there ever been with Him any deity. [If there had been], then each deity would have taken what it created, and some of them would have sought to overcome others' [Q 23:91].

Furthermore, the second example chosen in the author's argument serves as a representative of his main methodology in this book, in which he brings forth the mental possible responses that could be claimed by his opponents, and then responds to each one in a rational manner.

As for the third example, which was addressed to the Jacobites, the author uses the sensory proofs to respond to their comparison concerning the concept of unity. He resorts to tangible evidence, that which could be recognised by one of the five sensors, because no-one can deny or doubt them as the effect of fire on coal is undeniable; therefore it would be a very powerful refutation against his opponents.

In his conclusion, the writer directs his argument towards all Christian sects, refuting a very sensitive and crucial notion which is an issue of consensus between all these three sects: the divinity of Jesus Christ. He concludes with it to emphasise the commonality of these sects, and to remind the reader that all these denominations are baseless and their responses,

whatsoever they are, cannot withstand in the arena of logical discussion, and as a consequence, his opponents should submit if they truly have the basics of the academic integrity.

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How Islamic was Islamic Philosophy?

Introduced to: Prof. David Thomas

Introduction

The first time the concept of 'Islamic Philosophy' came to my attention; I thought that it is related to the Islamic system of theology. After further study, it became clear to me that this is no more than a broader use of this concept that is used loosely in some classical Islamic circles. However, the technical meaning of this concept denotes an entirely different system of thinking. 'Islamic Philosophy', in its narrowest meaning, lasted for several centuries known as the Golden Age of Islamic Civilization, roughly dating from the eighth century to the middle of the thirteenth century CE. But what does Islamic philosophy, in the technical sense, actually mean? And how Islamic was Islamic philosophy? An attempt to investigate these issues is what this academic paper is concerned with. However, as it is very crucial to understand anything thoroughly, we should put it in its own perspective, so the first section of this essay will be dedicated to criticism based on a contextual basis. This will be very helpful in answering the first question in particular. On the other hand, in order to answer the second question, the second and third sections will engage critically with some textual and rational criticisms respectively. Therefore, it is hoped by the end of this paper that an adequate answer will be provided.

Finally, it is worth saying that, although the relevant academic references that I read through are numerous and there is much literature written about this topic, I did not restrict myself to the literal arguments given by the conflicting adversaries. Rather, most of the time, I used my own critical analyses to either

support or critique what the philosophers held based on my own religious training in the classical Islamic Sciences, while acknowledging, at the same time, the indispensable benefit that I got from a wide range of consulted texts.

Section One: Criticisms Based on a Contextual Basis:

Apart from the two following bases by which Islamic Philosophy was criticised, a group of classical Muslim scholars tried to disapprove it by using different contextual and historical elements in order for the average person to gain a better understanding about where philosophy originally comes from and what it is all about. In fact, these elements are very worthy of taking into account. Hence, a brief summary of some of them, with a critical analysis, is given below:

First, this philosophy is, in its origin, related to the Greek language, its features, concepts, methodologies and ways of thinking (al-Syuti, nd, p.15). However, although this objection might be true in itself, it is not qualified evidence to reject all philosophical thinking, as language and thought are two distinct things and consequently the influence of one on another, although it is not denied totally, is very little. Since each one has its own domain. More specifically, language is nothing more than a tool to communicate and deliver thoughts. Nevertheless, one might argue that linguistic factors still have a significant impact on Islamic thought, as both translation and transliteration might not be accurate enough and do not represent actually the original text.

Even though this claim, in general, cannot be dismissed, it is not applicable to the relevant case as the translation process was not an individual job, and is instead a team effort with lots of official organisations and specialist commissions set up for this process. Since this is the case, it becomes clear that such inexcusable linguistic mistakes are unthinkable.

Second, the strong connection between Greek philosophy, from which Islamic philosophy sprang, and its pagan beliefs and practices, which are based on the diversity of divine being, human speculations and denying the resurrection after death (Watt, 1979, p.39). Obviously, such ideas go fundamentally against the whole monotheistic mission of Islam, the absolute Oneness of God. It is undeniable that there always has been an overlap and mutual influence between any emerging science and the predominant and surrounding beliefs. On the other hand, the Islamic teachings sought to sever the connection with any pagan thought or practice and to establish, for Muslims, an independent lifestyle based on the pure divinely revealed scripture, not upon mere guesswork and speculation (Ibn Taymyyah, nd, p.9-7, 111-113, 177).

Third, there is no great benefit to be acquired from philosophy, as it is just a defect methodology for the human reason concerns in most of its discussions with the external appearance and forms, prolonging the issues and overcomplicating the simple realities. Moreover, it is merely made up of abstract theoretical methods that, at times, seeks to repeat the established notions and does not seek to add new constructive and practical ideas (al-Suylim, 2010, p.12-13). Commenting on this, it is enough to say that, in fact, Aristotle

himself, from whom most Muslim philosophers have taken their philosophy, is reported to have supported this argument when he likened the logic to the mud of the way that disturbs the footsteps and causes the wayfarer to be late (Ameen, 1971, p.118).

Section Two: Criticisms Based on a Textual Basis:

In this section is an effort to examine some of the main philosophical notions in the light of the chief Islamic sources, especially the textual ones: the Quran and Sunnah. This section is meant to find out to what extent these disputable ideas are in harmony with Islam's sources of legislation.

The First Notion: the Eternity of the Universe. It is claimed by most Muslim philosophers, such as Avicenna and Averroes, that the world in which we live is eternal, not created, a notion that is opposed, according to most Muslim theologians, by many explicit legislative texts. For these theologians, the Holy Quran is full of verses that prove the creation of the whole Universe. For the sake of simplicity, the response to this notion from the Quran can be divided into three categories and, for the sake of brevity, only one example is given for each. The first category consists of the verses that relate the story of the creation of the Universe. The example found in the Quran reads: 'Then He directed Himself to the heaven while it was smoke and said to it and to the earth, "Come [into being], willingly or by compulsion." They said, "We have come willingly" (Q, 41:11). The second category consists of

the verses that confirm that Almighty God is the Creator of everything, which, therefore, includes the whole World. The Quran says: 'That is Allah, your Lord; there is no deity except Him, the Creator of all things' (Q, 6:102). The third category consists of the verses that describe Almighty God as the absolute First and Eternal one, which implies that He was and nothing was with him. At the beginning of the Chapter of Iron, the verse says: 'He is the First and the Last, the Ascendant and the Intimate' (Q, 57:3). As for the second main textual source of Islam, the Prophetic Tradition, the Prophet Muhammad (PBUH) is reported to have said, asserting the creation of the Universe, that 'Verily, Allah created, on the same very day when He created the heavens and the earth, one hundred parts of mercy' (Muslim, 50:25). Therefore, from a textual standpoint, it has become clear that the Universe must actually have been created at a certain point in time; which is fundamentally different to what the early Muslim philosophers adopted.

The Second Notion: God's Knowledge Regarding Particulars. It is widely known in Islamic scholarly circles that the philosophers deem that God only knows the universals, and his knowledge does not pertain to particulars. If this is the case, the notion could be described as having no basis in Islam and must be rejected altogether due to its clear opposition of the Quran and Sunnah. Both these Islamic legal texts emphasise the absolute knowledge of God, which encompasses every single object in the Universe. Almighty Allah says: 'And with Him are the keys of the unseen; none knows them except Him. And He knows what is on the land and in the sea. Not a leaf falls but that He knows it. And no grain is there within the darknesses of

the earth and no moist or dry [thing] but that it is [written] in a clear record' (Q, 6:59). And he says in the Chapter of Jonah: 'And there does not lie concealed from your Lord the weight of an atom in the earth or in the heaven, nor anything less than that nor greater, but it is in a clear book' (Q, 10:61). The all-encompassing knowledge of Allah is also emphasised by the Prophet of Islam, Muhammad (PBUH), when he said: 'The first thing Allah created was the pen. He said to it: Write. It asked: What should I write, my Lord? He said: Write what was decreed about everything till the Last Hour comes' (Abu Dawud, 42: 105). Additionally, one of the ninety-nine magnificent names of Allah is *al-Muhait*, which means the One whose knowledge encompasses every single thing in the whole creation.

However, Averroes (died 1198) claimed that these philosophers had been misunderstood on this issue by theologians such as al-Gazali. Averroes argued that what the philosophers aimed is to distinguish between the way God and the human beings know particulars. More specifically, according to Averroes, all what the philosophers meant is that God does not know the particular things in a reactionary manner by senses after that particular thing took place (Ibn Rushd, 1986, p.38-40). Up to this point, there is no problem between the theologians and philosophers as this notion is believed by these two parties. Based on this, both approve that God's knowledge of the particulars is eternal and unchanging; unlike human knowledge.

For me, the problem still arises when Averroes goes on to explain the nature of God's knowledge of the particulars when he says: 'It is the cause of the object known' (Averroes, 1986, p.39). Here, the confusion stems from two aspects; first, if that

really was what the philosophers meant, they would have mixed up between two distinct things: God's knowledge, which is eternal and a personal attribute to Him, and God's action (creating or bringing things into existence), which is accidental and a practical attribute of Almighty God. The second aspect, if the philosophers only wanted to articulate that God does not know by physical senses as humans do, there would be no point to the philosophers' distinction between the universals and particulars, since both universals and particulars are known by God eternally, and the particulars are not exempt from this aspect. Rather the distinction should be between God's knowledge and human knowledge, which is accidental, reactionary, and acquired by means of senses.

The Third Notion: The Resurrection of the Bodies. Among the crucial issues, for which many Muslim philosophers were attacked severely, is the issue of the Bodily Resurrection. It is held by many philosophers in the Islamic sphere, such as Avicenna, that the resurrection in the Hereafter is only for the soul, not for the body. As for the body, it disintegrates gradually upon death and only the soul continues to live an eternal life. Therefore, the life after creation is brought up again is a spiritual one. Hence, it is only the soul that will entertain pleasure and experience torment. This notion has been rejected by mainstream Muslim scholars. Their objection is due to the apparent opposition of this concept to the indisputable reference points of Islamic legislation, the Quran and Sunnah. According to the Quran, Almighty Allah promised the believers of Paradise of the many forms of entertainment that could only be enjoyed and experienced by the physical organs of the body and, on the

other hand, warned them of the many forms of punishment that are usually experienced and endured by the physical body. The Quran reads: 'The description of Paradise which the pious have been promised is that in it are rivers of water the taste and smell of which are not changed; rivers of milk of which the taste never changes; rivers of wine delicious to those who drink; and rivers of clarified honey clear and pure. Therein for them is every kind of fruit; and forgiveness from their Lord. Are these like those who shall dwell forever in the Fire, and be given, to drink, boiling water, so that it cuts up their bowels?' (Q, 47:15). In a more explicit verse regarding those that do not believe in His book, He says: 'Indeed, those who disbelieve in Our verses - We will drive them into a Fire. Every time their skins are roasted through, We will replace them with other skins so they may taste the punishment' (Q, 4:56).

As for the Prophet's Sunnah, it transmitted on the authority of Anas bin Malik that the Messenger of Allah (PBUH) said, "Among the inmates of Hell, a person who had led the most luxurious life in this world will be brought up on the Day of Resurrection and dipped in the Fire and will be asked: 'O son of Adam! Did you ever experience any comfort? Did you happen to get any luxury?' He will reply: 'By Allah, no, my Lord.' And then one of the people of Paradise who had experienced extreme misery in the life of this world will be dipped in Paradise. Then he will be asked: 'O son of Adam! Did you ever experience any misery? Did you ever encounter difficulty?' He will say: "By Allah, no my Lord, I neither experienced misery nor passed through hardship" (Muslim, 1:462). Besides the clear-cut meaning of these texts, there is no evidence to suggest taking these texts out of their literal

meanings to metaphorical or allegorical ones, not even one single verse or *hadeeth* from the Prophetic Tradition. Consequently, this must force the original and tangible connotations in those legal texts and reject any idea that does not coincide with them.

Section Three: Criticisms Based on a Rational Basis:

Since the subject-matter of philosophy is logical thinking, philosophers' arguments always rely on the rational and the analytical ways. With this in mind, it makes a lot of sense to examine their arguments with rational logic in order to discern the issue in question, how Islamic was Islamic philosophy?, taking into consideration the fact that Islam, in a sense, is a rational religion and its teachings never conflict with sound logical conclusions. Furthermore, due to time and word limit, this section's discussion will be confined to the three decisive issues mentioned earlier, by which the philosophers were charged of being unbelievers.

The First Notion: the Eternity of the Universe. The philosophers maintain this idea due to their contention that God is unchanging and uncaused. Thus, according to them, saying that the Universe was created by God at a particular moment in time entails necessarily that God was caused to produce this Universe, which could never have happened. If this is the claim and justification, the logical counterargument would be to say that bringing something into being does not necessitate that God had been caused by an external effect, a third party, because God's knowledge is timeless and His will is absolute.

Based on this fact, He must have known and willed every single created thing in its particular time and place. As such, there is no reason that Almighty God could not will something eternally and did create it actually when its destined time is up. And the creation of the Universe is not an exception from this rule. Therefore, it has become understood that what caused the Universe to come into existence is nothing other than the eternal will of the Creator Himself, without Him being affected or created by another external factor.

On the other hand, if we were to agree, for the sake of argument, with what the philosophers contend, we would have to say that every creation or incident that takes place apart from the Universe is immortal otherwise they would have an effect on God, because what they said in the Universe should be applicable by extension to every single created being, otherwise choosing the Universe apart from the rest of creatures would be arbitrary. By all that, the philosophers' confusion and misunderstanding should have been cleared up. However, I believe that this does not result in its advocates being cast out of the fold of Islam, as the initial driving force of the philosophers to come up with this argument is to glorify God and make Him transcendent above any cause.

The Second Notion: God's Knowledge Regarding Particulars. The philosophical belief in this regard is that God's knowledge of things is universal, not particular. The logical justification given for this argument is that it is the nature of the knower to be changed by the knowledge s/he acquires, which is impossible to God. The response to this way of reasoning is to say that it is true that knowledge changes the knower in one way or another,

but that this does not apply to the Creator Himself. The trap into which the philosophers fell is that they made analogy between two different things; God's knowledge and human knowledge. As such, it is established in the logical sciences that there must be a valid shared characteristic between the two beings in order to make a sound analogy, which is not the case here. To elaborate on this point, God's knowledge is absolute and eternal and human knowledge is accidental and reactionary. Hence, being the eternal knower of everything suggests that any incident that takes place has no impact or effect on the absolute and eternal knowledge.

Furthermore, the philosophers stand for their viewpoint with the argument that God is a pure intellect and His knowledge of the particulars is not a result of perception, but through the concatenation of causes that bring them about. To counter this argument, it can be said that the fallacy of this statement can be divided into two categories. First, things that are true in themselves and not disputable but irrelevant to the discussed issue. Therefore, acknowledging them does not change anything in the matter in question. The reference to this is their saying that God does not know by perception, which is true in itself since He is entirely unique and incomparable to all creatures, but this does not entail that God knows through a series of the actual causes as they have claimed. Rather, the correct understanding which befits the Absolute Being is to say that He knows everything by His own essence independently as He is totally complete. Second, things that are unprovable and no more than mere speculation and guesswork. As a result, their opponents are not bound to acknowledge these philosophical and theoretical introductions in the first place, let alone accept

their unnecessary implications. What is referred to by this category is their saying that God is pure intellect.

The Third Notion: The Resurrection of the Bodies. It is known from the preceding section that the philosophers believe that human body will not be resurrected in the next life. It only exists in this life as the material shell of the soul and the human intellect. The argument for this is that the body in this material life is just like a physical container for the soul and there is no need for the body to be brought back in the next life, after it has turned to dust after death. Rather, it is enough that both the soul and the human intellect will be activated by the heavenly intellects. In a nutshell, logically speaking, the response to this issue is pretty similar to the previous one, that this notion is built on an abstract argument that the human soul will resume its connection to its origin, the heavenly soul. Since there is no rational basis beyond this notion, it should not be seen as reliable. Thus, what could be built on it does not exceed the level of doubt which cannot withstand as a valid proof in the disputable issues.

Conclusion

To conclude, I believe that 'Islamic Philosophy' shouldn't be dismissed entirely, as not all its notions are false and not all its proponents hold these severely criticised notions. On the whole, Islamic Philosophy in its narrowest sense could be accepted as an independent branch of the empirical sciences, which arose in the Islamic environment just like the other empirical sciences, such as medicine, astronomy, etc. However, that does not negate the fact that it might contain, with some of its advocates, some unacceptable notions that go against the established facts found in the main sources of Islam, including sound rational thinking. Hence, in order for Islamic philosophy to be acknowledged and recognised, these incompatible ideas must be distinguished and their erroneous concepts must be explained.

The general acknowledgment of Islamic philosophy stems from the fact that Islamic legal sources encourage people to reflect on the origin of the Universe, ponder on the celestial moving bodies, wonder about the sky and the different floating creatures in it, ruminate on the self and what the human being encloses, etc. Accepting 'Islamic Philosophy' involving some incorrect thoughts is just like accepting any empirical and experimental science which may contain within it many arguable or even rejected notions. Thus, this kind of science could be accepted, in general, just as any of the other empirical sciences, based on mere rational contemplation through the limited senses. Therefore, it should not be considered to be a branch or form of the religious sciences, which were brought

by the religion of Islam, due to the fact that many of its teachings do not conform to the established matters of Islamic theology. Here comes the role of the real Muslim philosopher to ascertain what can go alongside/against the classical Islamic sources of legislation including sound mental logic.

In regards to ascribing this philosophy to Islam and calling it 'Islamic', for me, that does not necessarily mean that it derives its thoughts primarily from the classical Islamic sources. Rather, it was the rapid expansion of the Islamic empire via the continuous conquests of the Eastern and Western civilizations that had a huge legacy of cultural and intellectual heritage. More importantly, what enhanced this element so effectively was the translation movement through which many Muslim thinkers of the time were exposed to a completely different intellectual and scientific advancement. As an inevitable consequence, those Muslim intellectuals had to accommodate and develop many of those ideas in the Islamic sphere and within Muslim communities. Hence, this philosophy was ascribed to Islam.

As for the philosophers who were influenced immensely by Greek philosophy, such as Avicenna and Ibn Rush, it should be noted that they were not only philosophers; but instead they were theologians and prominent Muslim scholars in different fields including the classical Islamic sciences and empirical disciplines. In addition, it should not be forgotten that they came at a time during which the translation movement of Greek legacy was at its peak. However, although they went astray in some metaphysical aspects following the chief

founders of Greek philosophy, it is worth bearing in mind that they did not take foreign philosophies in their entirety blindly; rather there would be a rational process of investigation one might differ in its conclusions but should submit to many of its theoretical principles. Hence, I am not in favour of declaring any one, who adheres to Islam, professing its testimony and adopting its teachings, as non-Muslim, taking into consideration the fact that the philosophers had their own concepts and terminology which undoubtedly differ radically from that of Theology, which they were bound to use in defence of their own beliefs. Finally, their writings must be understood in an esoteric and technical way, avoiding literal interpretation and issuing unreflective judgment. In conclusion, I believe that the question 'How Islamic was Islamic Philosophy?' will remain open to discussion and will never have a conclusive answer.

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Fiqh

for Muslim Minorities

Introduced to: Dr. Mustafa Draper

Fiqh for Muslim Minorities

Introduction:

The issue of Muslim minorities is a very important issue today and it matters a lot for modern Muslims, since almost one-third of the Muslims today are living as minorities in non-Muslim societies. Moreover, the concept of ‘minority’ or a ‘fiqh for Muslim minorities’ did not exist in the era of the Prophet Muhammad (Peace Be Upon Him) nor in the time of the rightly-guided Caliphs and the first centuries of Islam. Therefore, contemporary researchers don’t find explicit discussions of this current practical issue in the Qur’anic text, the Prophetic traditions or the consensus of early Muslim scholars (Fahdi, 1994, p128).

In fact, the concept of Muslim minorities and the call for a special fiqh were only raised in the last few years, particularly, in the last decade of the 20th century. The pioneers of the notion of a fiqh for Muslim minorities were Dr. Taha Jabir Al-Alwani, the chairman of the Fiqh Council of North America (Rayyan, 2012) and Sheik Yusuf Al-Qaradawi. As Mr. Shavit (2012, p417) says: ‘In the early 1970s Al-Qaradawi began visiting Muslim communities in the West. Subsequently, together with other jurists, he developed, systemized, institutionalized and popularized an approach to the unique challenges faced by Muslim minorities. Al-Qaradawi defines *fiqh al-aqalliyyat al-muslima* as a category of fiqh pertaining to residence in majority

non-Muslim societies. His approach to this topic was propagated by Wasati Al-Azhar graduates and Islamist-oriented religious jurists’.

Section one:

For the sake of clarity, the terms ‘fiqh’ and ‘minority’ should be defined both linguistically and technically before we go deeper into the details of this topic:

- “fiqh”:

A. Linguistically: the concept fiqh literally means the profound understanding of an ambiguous meaning. The word fiqh was also defined as ‘the true understanding of what is intended’ (Philips, 1990, p1).

B. Technically: the word fiqh in Islam refers to ‘the knowledge of practical Islamic rules and regulations extracted from the detailed evidence’ (Al-Maawali, 2014, p54).

- “Minority”:

A. Linguistically: according to Oxford English Dictionary (1992) the word ‘minority’ literally means ‘the smaller number or part, especially a number or part representing less than half of the whole’.

B. Technically: the expression ‘Muslim minority’ signifies a group of Muslims living in a political entity in a

state or nation in which they are numerically inferior to non-Muslims (Kettani, 1979, p5).

Section two:

The debate around the notion of a fiqh for Muslim minorities:

As mentioned previously, the notion of a special fiqh for Muslim minorities was not discussed in early Islamic juristic books, let alone in the Holy Qur'an or the traditions of the Prophet Muhammad (PBUH). However, as a consequence of the expansion of Muslim communities during previous decades in non-Muslim territories, the issue of creating a certain fiqh for these Muslim communities has been raised by some contemporary Muslim scholars. On the other hand, this idea has been refused by another group of conservative scholars. Naturally, each group of scholars has its own evidence and proofs to support their claims.

The first group: the supporters of a fiqh for Muslim minorities

The adherents of a fiqh for Muslim minorities justify their position with the following reasons:

- Muslims in non-Muslim communities currently face a lot of problems and challenges, and the solution to their problems is to set up a modern version of Islamic law, based on the fundamental sources of classical Sharia: the Holy Qur'an and the Prophetic traditions (Alwani, 2003, p7).

- The current situation of a closely-connected world was not experienced by early Muslims, unlike for today's Muslims where the world has become one single global village in terms of communication and interaction. These new circumstances have resulted in a growing need for a special kind of jurisprudence which takes into consideration essential Islamic principles, that seek the ease and the facilitation to resolve the daily difficulties of modern Muslims, and that seek to achieve peaceful coexistence and harmonious cohabitation between Muslims and their non-Muslim neighbouring communities (Shavit, 2012, p421).
- The Messenger of Allah (PBUH) not only allowed, but went further by ordering a group of his companions to migrate to a Christian territory (Abyssinia) to live there as a Muslim minority, and this incident took place when Muslims were weak, like the situation of Muslims today. However, the presence of a Muslim minority resulted in them explaining the reality of their religion to the Negus of Abyssinia and his religious advisors, which led to them embracing Islam. (Alwani, 2003, p30-32).
- Islamic jurisprudence is established to preserve five essential objectives: the maintenance of religion, life, offspring, reason, and property. Therefore, anything that is necessary to maintain one of these aims could serve as an independent basis for a new legal decision in order to

keep Islamic identity sound and intact (Shavit, 2012, p425).

The second group: those who reject the idea of a fiqh for Muslim minorities

The second party, mainly led by the Salafi movement, which didn't accept the notion of innovating a new fiqh for those who live in non-Muslim countries, asserting their viewpoint with the following evidence:

- The religion of Allah is complete and Almighty God has perfected it. Thus, no adjustment should be made to the divine Sharia, rather it should be strictly obeyed no matter what hardships Muslims living in non-Muslim lands experience, and any additions to the truth are falsehood (Shavit, 2012, p429-430).
- The Muslims lived as a small minority during the Maccan period for roughly thirteen years, so the situation of Muslims living as a minority is not a new feature of Islamic history for which modernists can request a modern methodology to the approach of Islamic law. Instead it had been the situation of Muslims at the beginning of the Prophetic mission for almost thirteen years. However, the Prophet of Allah and his companions were very clear towards the majority non-Muslim society in declaring the religion of Allah, and applied the Sharia rules without any compromise or asking for any concession. Rather, they

were patient in all that they faced in terms of persecution and torture (Rayyan, 2012).

The writer's viewpoint:

It became obvious to the writer, through researching the previous arguments concerning the debate around the issue of a fiqh for Muslim minorities, that there is no essential difference between the liberal and conservative parties in reality. Rather, the contrasting discussion between them doesn't go beyond verbal differences, as each group goes back to the same main Islamic sources of legislation, such as the Holy Qur'an, the Prophetic tradition, and the consensus of Muslim scholars. On the other hand, Neither of the conflicting parties differ, in principle, on the fact that there is a certain range of acceptable exceptions in Islamic law as it is recorded by many Qur'anic verses and numerous Prophetic traditions. However, this polemic discourse, in the writer's opinion, is caused by the difference in methodology adopted by each group when it comes to juristic practical application and the issuing of legal rulings on emerging events. For example, the liberals rely more on the objectives and interests of Sharia. As a result, they give more emphasis to the Five Necessities: religion, life, offspring, reason and property. However, the conservatives are more literalist and rely more on the textual evidence. Therefore, they don't look deeper into implementing Sharia interests and objectives.

Based on this analysis, the writer argues that the most suitable way to deal with emerging cases is to look at every case individually, rather than generalising a certain ruling for all. Consequently, it is hoped that carrying out this methodology will bridge the gap between the two parties and take away any negative presumptions. Thus, in the next section we will look at some individual examples of these polemic issue facing Muslim minorities in non-Muslim territories.

Section three:

In this section are three main examples of some debatable issues in Islamic law pertaining to Muslim minorities who live in non-Muslim countries, whether they are originally migrants or converts, as is the case of Muslims living in Britain.

The first issue:

Are Muslims permitted to reside in non-Muslim territory in the first place?

The issue of allowing Muslims to reside in non-Muslim lands is not an agreed-upon matter, rather it has been an issue of disagreement between the two extremes throughout the course of Islamic history. A brief summary of this dispute is shown here:

Conservatives: the conservative viewpoint doesn't permit, in principle, Muslims to initiate migration to settle in these territories permanently or even to carry on residing there

(Shavit, 2012, p429). This group constructed this strict position on the following considerations:

- These places are not an abode of Islam (*Dar al-Islam*), rather they are an abode of war (*Dar al-Harb*). As a result, Muslims in this situation either become participants or supporters, even implicitly, of the infidels, against their fellow Muslims or, otherwise, they will be liable to be harmed by the enemies of Islam if they condemn and denounce what their opponents do.

- The principle of loyalty and disloyalty (*Wala* and *Bara*) are essential in Islamic doctrine and such things cannot be compromised in any way. Therefore, Muslims should not demonstrate the hearty love to those who fight Islamic *Ummah*, kill their Muslim brothers and support occupiers who have taken over Muslim land unjustly. Therefore, residing in these areas, which implies underlying loyalty to their rulers, cannot be associated with true belief.

- In such non-Islamic lands Muslims cannot conduct their ritual worship properly, perform their religious rights completely, and are not able to establish the rule of Allah as Allah ordained in His Book and by His Noble Messenger (PBUH).

However, this conservative group made some exceptions from this general rule, in that whenever there is a pressing need to travel to the abode of disbelief, such as calling non-Muslims to Islam and studying the disbelievers' conditions to

expose their plots against the Muslim nation and warn Muslims of their corruption, such travel is permitted on two conditions:

- No modification should be made in the Islamic Jurisprudence, instead it should be obeyed and strictly adhered to.
- Migrants must not imitate the non-Muslims or apply in religion any of their innovations (Shavit, 2012, p429-430).

Liberals: the more liberal Muslim jurists allowed Muslims to travel and reside in non-Islamic countries and allowed them to gain citizenship in that country as well, supporting this idea with the following:

- According to Mr. Fahdi (1994, p130), “The Qur’an does not specifically command Muslims to live in an Islamic territory” nor forbid Muslims from residing in other religious societies. Consequently, the default rule of permissibility is applicable to this issue and there is no intact exception that overrides this juristic principle.
- The Prophet Muhammad (PBUH) asked his companions to migrate to Abyssinia since ‘It has a just king, none is wronged with him’ as the Prophet (PBUH) said. As a result, it could be derived from this Prophetic justification ‘It has a just king, none is wronged with him’ that Muslims are allowed to reside in non-Muslim communities, as long as justice is established and freedom of worship is

guaranteed, as it is the current Muslim situation now in Britain (Pirzada, 2005, p14).

- Moreover, the Muslim migrants to Abyssinia stayed there for about fourteen years and didn't come back, even after the establishment of the Islamic State in Al-Madina. Furthermore, the Prophet (PBUH) approved of this and did not ask them to come back, until he eventually sent them a letter to join the Muslims in the new Muslim state after the Battle of the Trench, five AH (Qadhi, 2011).

The second issue:

Participating in Christmas celebrations:

One of the most stressful times for many Muslims living in minorities in majority non-Muslim countries, such as the UK, is the Christmas period. This is because Muslims are expected by their fellow Christians to congratulate them on this religious occasion and take part in Christmas festivals and activities. However, by looking back at Muslim history and Islamic cultural heritage, researchers do not find any juristic verdict on this issue, simply because the early Muslim generations did not encounter this matter. Although contemporary Muslim jurists unanimously agree on the fact that Muslims are prohibited from initiating any non-Muslim religious festivities, they differ on taking part in certain aspects of Christmas, such as congratulating Christians,

giving gifts, and attending events, etc. into two main groups as follows:

The first group are those who permit Muslims to participate in this celebration, based on the following evidence. First, such involvement may soften non-Muslims' hearts to Islam and that, in turn, helps Muslims to fulfil their duty to convey their religion to their Christian brothers. Second, Christmas commemorates the birthday of Jesus (PBUH) who is, according to Islamic tradition, one of the mighty messengers. Third, it is admitted by all that Jesus (PBUH) praised his birthday in the Qur'an: 'And peace is on me the day I was born and the day I will die and the day I am raised alive' [Q 19:33]. Fourth, Almighty Allah commands Muslims to act kindly towards non-Muslims: 'Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes - from being righteous toward them and acting justly toward them' [Q 60:8]. Finally, the Christmas holiday is nowadays considered primarily a national holyday, and no longer commemorated as a religious occasion (Shavit, 2012, p433- 437).

As for the second group, they do not allow Muslims to engage in any form of activity related to Christmas. Numerous proofs are brought forward by the supporters of this trend to back their strict stance regarding this ongoing issue. First, it is a misconception to believe that Jesus (PBUH) was born on 25th December. According to both the Qur'an and the Bible, he was born in the summer at the

time when the dates were ripe. The Qur'an says to Mary at the birth of Jesus: 'And shake toward you the trunk of the palm tree; it will drop upon you ripe, fresh dates' [Q 60:8]. And according to Luke 2:8, Jesus's birth could never have occurred in Palestine in the month of December as shepherds were tending their flocks in the field when they heard the news of Jesus's birth [GoodNews Magazine, 2012]. Second, the celebration of 25th December originally has nothing to do with either Jesus or with Christianity. In fact, this comes from a Roman pagan origin. It was the birthday of the Sun God which was celebrated on December 25th in Rome at the time when Constantine converted to Christianity and altered a lot of Christian traditions. As such, Christian historians of the 12th century wrote that 'it was the pagan holiday that led to the designation of that date for Christmas' (Eichenwald, 2014). Therefore, celebrating this day is participating in an infidel occasion. Third, taking part in this occasion denotes an implicit approval of false beliefs, celebrating the birth of God or God's son, which goes against the doctrine of the absolute Oneness of Almighty God (Al-Khalili, 2014). Finally, if we were, for the sake of argument, to say that Jesus (PBUH) was really born on that day, that in itself does not justify the celebration of his birthday since he himself neither commemorated it nor did he order his followers to do so. Therefore, doing such things is an innovation and addition to the religion, just as we are not supposed to celebrate our Prophet Muhammad's birthday (Shavit, 2012, p433- 437).

The third issue:**The applications of Sharia (Islamic Law) Courts by Muslim minority (Birmingham Sharia Council, an example)****Introduction:**

In Islam, marriage is considered a sacred contract for the benefits that it has. Consequently, Sharia always aims to keep this marital bond strong and intact. Marital relations are always prone to pardonable disagreements between the husband and wife during their daily life. However, some marital disputes might develop to the point that they become untenable for both partners, or only one of them. In that context, Islamic law advocates using all possible means that could reconcile the husband and wife, which could eventually end up nominating a wise referee from each family, according to the Qur'anic teachings. If these processes fail to rectify the relationship and bring husband and wife together, divorce can be considered the final and last resort. In principle, the husband is the party who possesses the right to initiate the divorce, but it is still legitimate for the wife to apply to the Muslim religious judge, *Qadi*, requesting the dissolution of the marriage contract, if she has been harmed by her husband or could not continue her marital life with her husband for any legitimate reason.

However, based on the non-existence of special Islamic judicial bodies in non-Muslim communities, the Sharia

Councils are the only representatives of the Islamic courts, and they function as Islamic legal judges in these countries in order to solve civil issues, especially family problems.

Since 'Birmingham Sharia Council' sets a good example and plays a key role in Muslim society in Birmingham, it will be adopted as an example of an Islamic Council functioning interactively in the surrounding area, especially in divorce issues. However, the focus in this essay will particularly be on the *Khula'* agreement. The discussion will be divided into four main themes: the religious basis of Sharia Council, the official procedures of *Khula'* as a living instance, the reasons why women approach the Sharia Council for separation, and the authority of the Council's decisions in the surrounding Muslim community:

The religious basis of the Sharia Council:

According to Bukhari (2014), a member of Birmingham Sharia Council, the legal religious authority of this Council is derived from three Islamic schools of law, specifically Ḥanafī, Maliki and Hanbali. All these three Islamic schools gave this group of Muslims, who are represented by Council members, the authority to have functioning as a Muslim Judge '*Qadhi*' in non-Muslim lands, where there are no Islamic courts. The Birmingham Council committee consists of three prominent Muslim scholars in the

jurisprudence of family matters. However, when it comes to issuing religious rulings, the Sharia Council always chooses the easiest and the most suitable option for both parties, husband and wife, without confining themselves to one school of law.

The official procedures:

The official procedures of Birmingham Sharia Council can be divided into two distinct phases:

The first phase: reconciliation

- The wife should call the Family Support Service and Counseling Clinic, which is part of the Sharia Council, to book an appointment.
- She must come personally to the office and fill in an official form, reporting her request and explaining her reasons to a specialist female member of the Counseling Clinic.
- She will provide the office with supporting documented proofs if available, besides the basic documents such as the marriage certificate.
- The office studies the case and writes to the husband, informing him of the issue and requesting that he comes for a meeting.
- At the meeting, the office brings the couples together and tries to reconcile them by reminding them of the sanctity of the marital relationship, the significance of conciliation in Islam and the dangerous implication of the separation.

- Based on a deep analysis, the office puts forward some suggestions and asks the parties to offer some concessions to each other, in order to come together again.
- If all these propositions fail, the office asks each couple to nominate a wise referee from each family to negotiate on their behalf with a sincere will to solve the matter in the best way possible (Birmingham Central Mosque Website, 2014).

The second phase: giving the decision

- Afterwards, if these official attempts at reconciliation do not work, the issue will be transferred to the Sharia Council Committee.
- The members of the Sharia Council Committee study the case carefully and deliver their initial verdict.
- A letter of invitation will be sent to both parties to attend the final proceedings before the committee members, in order for the committee to make sure that they still insist on their stances.
- If the woman still insists on dissolving the marriage, the committee gives them the most suitable Islamic decision, which is usually divorce from the husband if it is his fault, or *Khula'*, in which the woman pays the husband an amount of money to release herself if it is her fault.
- When the verdict is issued, the two parties are given a certificate within a period of two weeks. The applicant

must pay a fee of £250 for the certificate and the whole proceeding.

- If this marriage is recorded by British civil law, the Committee asks the husband to go and record the dissolution of the marriage in civil law as well, in order to avoid any further complications in the future (Bukhari, 2014).

The reasons why women approach the Sharia Council for separation:

According to Rahman (2014), the main driving forces which lead many women to seek marriage dissolution can be summarised as three main causes: 1) The lack of compatibility between the two parties, who got married only by force or to please their parents. 2) The lack of verbal communication, especially from the husband's side, as the woman tends to disclose her concerns to her life partner, and if the husband neglects to fulfil her psychological needs and does not listen to her, she will become fed up of him. 3) The husband lacks understanding when it comes to the needs of the wife. Even though some husbands do listen to their wives, they still fail to understand them properly, since the husband's mental processes tend to give the wife logical solutions and rational alternatives, while in reality the wife requires emotional sympathy and mutual concern. Furthermore, Mr. Najib adds extra reasons that can contribute to women resorting to the Sharia Council. These reasons are the lack of parental and close relative intervention to reconcile or solve the problem, drinking alcohol, physical or emotional abuse, the long absence of the husband and neglecting the physical and sexual rights of the wife (Najib, 2014).

The authority of Birmingham Sharia Council's decisions in the surrounding Muslim community:

By performing several interviews within the Muslim community in Birmingham, it appears clear that Birmingham Sharia Council is well recognised and respected by the overwhelming majority of Muslim individuals in the area surrounding the Central Mosque. The reason for this authority is that this religious institution is run by qualified and knowledgeable scholars, who function in society as prominent and trustworthy Imams. Moreover, the Qur'an, Sunnah and the authentic books are always the primary source for deriving Islamic rulings, especially in marital disputes. Additionally, all judgments issued must have the consensus of all Council members (Najib, 2014). Therefore, it would appear that Sharia Councils in the UK serve as a suitable solution and a legitimate resort for Muslims living as minorities in non-Muslim lands.

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**A Comparative Study
between
Ibādī and Ḥanafī Schools of law
through the two books:
*The Adopted Opinions in
Jurisprudence of Prayer and Fiqh
of Worships*
in the Chapter of Purification**

Introduced to: Dr. Mustafa Draper

Introduction

This academic paper will undertake a short comparative study between the Ibāḍī School of law and Ḥanafī School of law in the chapter of purification and cleanliness. I have chosen these two schools because both have precedence over the majority of Muslim schools in terms of their early establishment and their rich juristic heritage. With that in mind, the two chosen books for this essay, *The Adopted Opinions in Jurisprudence of Prayer* and *Fiqh of Worships*, serve as representatives of contemporary Ibāḍī and Ḥanafī jurisprudence, respectively. Especially because both works are authorised and approved by the official religious authorities of their respective school and have been adopted by a multitude of followers.

The paper consists of this short introduction and two sections. The first will give a brief historical overview of the emergence of each school of law, Ibāḍīsm and Ḥanafīsm. The second section contains the main body of the paper: the comparative study between the two schools, providing evidence for their opinions and reasons for their disagreement. Finally, the essay will conclude with a summary of the general reasons for the differences between the two schools on the matter of purification. This academic paper will argue that most of the disagreements are due to differences in some juristic principles adopted by each school. Finally, it is hoped that this study opens the gate to

further detailed comparative research between these two schools of jurisprudence.

Section One: the Historical Background

This section is divided into two parts, as follows:

Part One: The Ibādī School of Jurisprudence

Ibādīsm, or Ibādīyya, is an early Islamic school, which emerged in the second half of the first century of Al-Hjrah. It is considered to be the first moderate Islamic school because it is associated with the Omani scholar Jabir b. Zaid, one of the successors to the Companion, *Tabeen*. Jabir b. Zaid was born in 22 A.H and died in 96 A.H. He studied under the Prophet's (PBUH) great Companions, such as Aisha, Ibn Abbas, Ibn Omar, and Abu Huryrah (Muammar, 1990, p.5).

However, for political reasons, this Islamic school was attributed by the Umayyad rulers to Abdullah b. Ibādh al-Tamimi, one of the adherents to this tradition.

The misattribution was deliberate and done for many reasons. First, Jabir b. Zaid was a prominent successor of the Companions and a very well-known Muslim scholar at that time, therefore, it was felt that attributing this group to Jabir b. Zaid may strengthen the position of the Ibādī School, at the expense of the Umayyads. Second, Abdullah b. Ibādh served as the spokesman of the group, who used to argue with and give advice to the Umayyad rulers and governors, since he belonged to Bani Tamim, a very powerful Arab tribe. As a consequence, there was no fear that the Umayyads would

harm him, otherwise his tribe would rebel against the Umayyads. At the same time, Jabir b. Zaid was hidden from the Umayyads, lest they arrest him or even kill him due to his opinions on Umayyad policies, although the Umayyads did eventually succeed in exiling him to Oman, his homeland, where the Ibāḍī state was established and Ibāḍī jurisprudence had flourished (Ghubash, 2006, p.20; Montgomery, 2002, p.26-27).

As a consequence, the Ibāḍīs did not accept this attribution to Abdullah b. Ibāḍh because he was not the founder of the school, nor even one of their religious scholars, rather, he was a tribal leader and a political spokesman on their behalf. This is why there is not even one single narrative or religious opinion, *fatwa*, that is attributed to Abdullah b. Ibāḍh in Ibāḍī sources. Therefore, Ibāḍīs were not happy with the term and any other terms to describe themselves other than 'Muslims' and 'the people of *Dawah*' (the missionary activity), because they were keen to follow in the footsteps of the Prophet Muhammad (PBUH) and his teachings. Any researcher into Ibāḍī history cannot find the term 'Ibāḍī' or 'Ibāḍism' in the early Ibāḍī writings up to the end of third century A.H. as, at that time, they saw no harm in this attribution, especially as it had become a well-known term associated with them and an unarguable reality with other Muslims (Ennami, p.17).

Moreover, Ibāḍism is considered one of the most moderate and tolerant sects in Islam, theologically and practically. The Ibāḍī School bases its rules upon the agreed sources of Islam, such as the Quran, Sunnah, Consensus, and deductive

reasoning. With that in mind, I believe that what distinguishes the Ibāḍī School of jurisprudence is twofold. First, it combines an Islamic school of law and an Islamic school of thought at the *same time*, as there is no separation, in the main sources of Islam, between Islamic Law, *Sharīah*, and Islamic thought, Creed (Al-Khalili, 2000, p.142). Second, based on the fact that Jabir b. Zaid studied for a long period of time with the Prophet's (PBUH) Companions in Iraq and Ḥijaz, the Ibāḍī school of jurisprudence combined the two schools and took a moderate position between these two early Islamic schools of jurisprudence, the school of tradition, Ḥadīth, based in Ḥijaz and the school of opinion, *ra'y*, based in Iraq (Al-Busaidi, 2003, p.1). Therefore, it is deemed by the followers of this school to be in line with the pure way of Islam, established by the Apostle of Allah, Muhammad (PBUH) (The Ibāḍism of Oman, 2015).

Part Two: The Ḥanafī School of Jurisprudence

The roots of the Ḥanafī juristic school go back to the time of the second rightly-guided Caliph Umar (May Allah be pleased with him), when he sent a great scholar of the Companions, Abdullah b. Mas'ud (May Allah be pleased with him) to al-Kūfah. Furthermore, when the fourth rightly-guided Caliph Ali (May Allah honor his face) came to power, he shifted the Islamic capital from al-Madīnah to al-Kūfah. All of this enabled Abdullah b. Mas'ud to found the school of *ra'y*, which relied, to a large extent, on opinion and deductive reasoning. I believe that this school, the school of Iraq, took this approach for two main reasons: first, the lack of Ḥadīth in

Iraq, as most of the Prophet's Companions were in Ḥijaz; and second, the spread of the Ḥadīth fabrication movement there in order to support political and ideological agendas. Abū Ḥanīfah (80 – 150 AH/ 699 – 767 CE), after whom the Ḥanafī school was named, grew up in that environment and was trained and taught by the disciples of ibn Mas'ud in al-Kūfah (Abu Yusuf, 2011).

Like all Islamic legal schools, the Ḥanafites deem the Quran, Sunnah and Consensus the main sources of religious legislation. Alongside these include many subsidiary and non-textual sources, such as *Ijtihad* (deductive reasoning), *Qiyaas* (analogy), and *Istihsaan* (juristic preference). Based on this, the Ḥanafī School became the real representative of the school of *ra'y* (opinion) in al-Kūfah or Iraq, in contrast to the school of Ḥadīth in Ḥijaz. Even though Abū Ḥanīfah is considered the main founder of this school of law, it was his chief students, especially Abu Yusuf (113- 182 A.H) who was known as the Judge of Judges, and Muhammad b. Al-Hassan (131- 189 A.H) who laid the foundations of the Ḥanafī School, taught his jurisprudence, and extracted most of the Ḥanafī juristic opinions, known today, from his foundations and principles (Montgomery, 2002, p.260,485; Montgomery, 1996, p.89).

Subsequently, the succeeding Islamic dynasties of the Abbasids, Mamlūkis, Seljukis and Ottomans promoted Ḥanafī jurisprudence and spread this school around the world. These empires adopted the rite of Abū Ḥanīfah as their official school of law. Furthermore, they mostly confined the appointment of judges and religious

authorities to Ḥanafī jurists, and taught and distributed only Ḥanafī literature. Hence, Ḥanafī jurisprudence is the most widespread and it is estimated that the Ḥanafīs currently make up one third of the Muslim nation, the *Ummah* (Philips, 2009).

Section Two: the Issues of Difference

This section will give several examples of juristic issues in the chapter of purification and cleanliness through which the differences between the Ibādī and Ḥanafī schools will be demonstrated to the reader.

The First Issue

Muslim jurists agree that whenever one of water's attributes is changed by an impure substance - be it in terms of taste, colour or smell - the whole water, irrespective of the quantity, is considered filthy and cannot be purified. Moreover, they agreed unanimously that if a large amount of water is touched by an impure substance, but none of its features are changed, all of the water is still considered pure.

However, they differ if that amount of water is less than two *Qullahs* (a *Qullah* is a classical Arabic measurement; one *Qullah* currently equals approximately 100kg). Some scholars, such as Sheik Hassan Ayub (p.51), hold that if it is less than two *Qullahs* and is touched by a contaminating substance, it would be considered contaminated, whether any of its features have changed or not, applying the literal meaning of the Prophet's (PBUH) saying:

‘If the water is as much as two *Qullahs* [or less], it wouldn’t bear impurity’. Al-Rabeea, (24: 159).

On the other hand, some jurists, such as Sheik Said Al Qannobi (p.67), maintain that the default ruling of the water, being clean in this case, is still applied even if the amount of water is less than two *Qullahs*, arguing that what the Prophet (PBUH) said concerns the usual situation of the water, that usually such a small amount of water cannot bear any filth. Furthermore, it is admitted by the scholars of the Principles of Islamic Jurisprudence that whenever the textual evidence is meant to tell of the predominant or usual situation of something, then its reverse connotation, derived from its literal wording, cannot be considered to establish a new ruling. And for this juristic principle there are many applications, either from the glorious Quran or the Prophetic tradition.

Interestingly, it is clear that Sheik Hassan doesn’t commit himself to the Ḥanafī opinions on the Principles of Islamic jurisprudence when he uses the reverse connotation to derive a new ruling, while the majority of Ḥanafī scholars don’t consider the reverse connotation to be a valid principle, unlike the majority of Muslim jurists. However, although both Sheik Hassan and Sheik Said initially acknowledge the validity of this principle, the difference in result is still due to differences when it comes to applying further prerequisites in order to apply that principle, as Sheik Said stipulates, and as explained in the above discussion.

The Second Issue

Muslim scholars agree that it is recommended to perform both *Istigmar* (cleansing private parts with pebbles or toilet paper) (Saleh, 2011, p.105) and *Istingaa* (washing private parts with water) (Saleh, 2011, p.106) in order to remove traces of impurity after passing urine or stool. Yet, they disagree on whether the *Istigmar* itself is enough to remove filth and lift the legal status of impurity or if it is necessary to use water, *Istingaa*, as well, in order to be able to perform worship.

Sheik Hassan Ayub is of the opinion that it is enough to remove the filth (urine or stool) via *Istigmar* only i.e. by stone or paper (p.67, 76). That is sufficient as long as the filth has gone. However, all Ibādī jurists agree that one must also use water to clean one's private organs. They support their opinion by saying that it is only the water that is able to eradicate the remnants of the filth completely, and remove it from hidden places (p.74).

It is likely that one of the main reasons for this disagreement is where each group placed more emphasis, as this form of worship has two aspects: the comprehensible aspect and incomprehensible aspect. The first group favoured the comprehensible aspect, and said: this worship is meant to cleanse the private organs of impurity. Therefore, as long as the filth is removed, the worship is technically fulfilled; as for small traces, they are pardonable. On the other hand, the second group favoured the incomprehensible aspect, and said: the worship is meant ultimately to lift the legal situation of the

minor impurity and, consequently, to allow the performance of ablution and prayer. Furthermore, they state that there is no specific evidence that allows leaving these preventable impure traces, while there is a possible means to remove them, i.e. water. Additionally, this understanding is supported by the practical example of Allah's Messenger (PBUH).

The Third Issue

According to Islamic etiquette, it is required that the Muslim sits while urinating. However, Muslim clerics disagree over the acceptability of passing urine while standing. As far as Sheik Hassan Ayub is concerned, it is just disliked to urinate while standing. He corroborates his position with the narrative in which the Prophet (PBUH) did such a thing, as recounted in al-Bukhārī, 46:32 (p.74).

On the other hand, the Ibādī School of law completely disapproves of that act and states that this behaviour goes against Islamic conduct and teaching. They claim the previous narrative is contradicted by more famous narratives in which it is reported that the Prophet (PBUH) would not lift his clothes when he would go to answer the call of nature until he was as near to the ground as he could be (Abu Dawud, 1:14). Furthermore, Aisha (May Allah be pleased with her) denied that the Prophet (PBUH) ever did this and she said: 'Whoever tells you that the Messenger of Allah (PBUH) urinated standing up, do not believe him, for he would not urinate except while squatting'. An-Nasa'i, (1:29) (p.71).

I contend that the main reason for disagreement over this issue is the conflicting narrations, i.e. how the scholars tried to reconcile between them, according to what was explained in the books of Jurisprudence Principles. Interestingly, both parties adopted the 'outweighing' methodology, but from different perspectives. Concerning the first party, they held that the narration that the Prophet (PBUH) urinated whilst standing has a sound chain of narrators. Therefore, it outweighs the other narratives and should be given precedence over the reports that prevent this act. As for the second party, they said that the narratives forbidding urinating whilst standing should override the permissive narrative for many reasons. First, they say that the permissive narrative doesn't conform to Islamic etiquette and manners when it comes to answering the call of nature, as the adherents of the first party themselves always state, and the Prophet Muhammad (PBUH) was sent to perfect good characteristics (al-Adab al-Mufrad, 2:273). Therefore, it is unlikely that the Prophet (PBUH) himself did so and that, in turn, casts doubt on the narrative's authenticity. Second, the grade of that narrative was already stated by the Messenger's (PBUH) wife, Aisha, when she said 'don't believe him' i.e. the one who claimed that the Prophet (PBUH) urinated standing. Thus, it is a weak narration and the weak narration does not serve as a valid proof for legal issues unanimously. Third, that narrative is contrasted by the agreed-upon practical Sunnah in which the Prophet (PBUH) would not raise his garment, until he lowered himself to the ground. Abu Dawud, (1:14).

The Fourth Issue

The *fuqahā'*, scholars of Islamic law, are almost unanimous that the Messenger (PBUH) wiped over his boots or socks upon performing ablution instead of washing his feet, and allowed his Companions to do the same. The narrations that support this meaning are well-known in famous Ḥadīth collections. However, Muslim scholars have differed since the era of the Companions (May Allah have mercy on them) over the continuity of this ruling until the Prophet's (PBUH) death, i.e. whether this ruling is still applicable to us or if it was already abrogated in the Prophetic era? The majority of Islamic schools, including the Ḥanafī School of law, hold that this Prophetic permission is still valid and applicable in our time (p.90-91). Their evidence is the consecutive verbal, practical and approval narrations attributed to the Prophet (PBUH) such as al-Bukhārī, (8:40).

However, as far as the Ibādī Legal School is concerned, wiping over the socks is no longer applicable in our time. Their justification can be classified in two categories: Qur'anic evidence and Companions' reports. Regarding the first category, it is an issue of agreement that the very last chapter of the Holy Quran revealed to the Messenger Muhammad (PBUH) is the Chapter of Al-Maeda, which includes 'the Verse of Ablution 5:6', that explicitly orders the believers to wash their feet while performing ablution. As for the second category, there are plenty of narrations associated with the Prophet's (PBUH) Companions that clearly affirm the abrogation of the

initial verdict and warn people against merely wiping their socks, such as al-Rabeea, (19:123- 127).

The issue of wiping socks is one of the distinctive facets of Ibāḍī jurisprudence, since the majority of Muslim schools of law permitted this, while there is a consensus amongst Ibāḍī scholars on its impermissibility in our time. The reason for this deep difference is the apparent conflict between the evidence. As a result, each group chose a way of reconciliation that brought all the evidence together. Hence, according to the Ḥanafī School, the Prophetic narrations outweigh the Qur'anic verse as the narratives are consecutive and highly detailed; while the verse is indefinite and the juristic principle states that the indefinite text should be interpreted according to the definite one. Therefore, in this instance, the narratives have higher priority than the verse. On the Ibāḍī side, they state that although abrogation is the last resort when dealing with contrasting evidence, it is only when we don't have any clue about the matter in discussion. However, in this case, we have supporting clues given by several Companions of the Prophet (PBUH) that indicate that this ruling had already been abrogated by the Qur'anic verse towards the end of the Messenger's life. Al-Rabeea, (19: 125).

The Fifth Issue:

The *fuqahā'* differ over the permissibility of touching the Quran if one is sexually impure, and whether this major impurity is due to monthly period, postnatal bleeding or *Janabah* (ejaculation or sexual intercourse). The

author of *Jurisprudence of Worship*, Sheikh Hassan Ayub, maintains that there is no harm for one who is sexually impure to touch the Quran. Furthermore, we should not blame the one who touches the Quran in that state, because the purity meant in the Prophetic tradition, 'the Quran should only be touched by those who are pure' is indecisive and can be interpreted to denote its spiritual sense and, likewise, the impurity to mean its spiritual sense, polytheism (p.114).

However, the Ibādī School of Fiqh adopts the view that it is totally prohibited for anybody who is sexual impure to touch the Glorious Quran as long as he is still in a state of major impurity. They back up their position with two main narratives: one of them is practical and the other is verbal. The practical one is the narration of Ali (May Allah honour his face), who said: 'The Prophet would not cease from reciting the Quran in all his conditions except when he is *Junub*, sexually impure'. As for the verbal, it is reported that the Prophet (BPUH) said to those who are sexually impure: 'They don't recite the Quran, and don't touch it with their hands until they are completely pure' al-Rabeea, (3:12).

I contend that the difference between the two parties may have stemmed from one of two aspects. The first is the difference in interpreting the word 'pure', according to the adopted juristic principle. The first party confined the word to its spiritual dimension, polytheism, and consequently allowed whoever is not a polytheist to touch the Quran, irrespective of their purity status, due to the juristic principle that 'whenever the probability is found in the proof, its probable connotation should be dropped'. Therefore, we should retain

the default ruling of, the original non-liability. By contrast, although the second party acknowledges that this word 'pure' is probable, the common technical meaning, the physical purity, should be given precedence in the textual evidence, taking into account the juristic principle: 'No resort to the metaphor whenever the real (technical) meaning is possible'.

The second reason for this disagreement in these classical schools of fiqh, especially with the early jurists, might have developed as a result of the lack of Ḥadīth. Although the practical Ḥadīth adopted by the second party is explicit in its meaning, it was only narrated by Imam al-Rabeea, an early Ibādī scholar born in the first century of Al-Hijrah. Therefore, it is most likely that the early Ḥanafī jurists didn't know this Ḥadīth, while the Ibādīs were aware of it from the very beginning, which explains why they established the ruling so early.

The Sixth Issue

Sheik Hassan Ayub contends that when the Imam, the prayer leader, finds out that his prayer was invalid because of an impure substance found on his clothes, such as semen, he has to clean it off and make up the prayer, but the *al-Mamumeen*, his followers, don't have to repeat that prayer. Ayub supports his arguments with the narrative that such a thing happened to two Caliphs, Umar and 'Uthman, and neither of them asked their congregations to substitute their prayer (p.120). On the other hand, Sheik Ahmed Al-Khalili, currently the most prominent Ibādī scholar, maintains

that both the Imam and followers must repeat the prayer, because the prayer of the followers is interlinked with that of the Imam. Therefore, if the prayer of the Imam has become invalid, the followers' prayer must also have become null and void (p.292).

It seems that one of the main reasons behind the controversy over this issue is the disagreement over whether the Companions' actions and opinions are considered valid and legislative proofs or not. Sheik Hassan considered the Companion's action and opinions to be legislative proof. Based on this, he supported his argument with recourse to some of the Companions' actions. In contrast, Al-Khalili affirms the position of the majority of scholars that the Companions' opinions and actions do not serve as independent proof. As a consequence, he did not consider either this evidence or its derivative, but rather he resorted to *Ijtihad*, deductive reasoning, to extract a more suitable verdict. He stressed that prayer is a collective worship, constituting the Imam and followers. Therefore, the followers' prayer is interlinked strongly with the Imam's prayer. Al-Khalili advocated this rule with multiple forms of evidence. Consequently, the followers' prayer is interlinked with the Imam's, and entails the general rule that 'whenever the Imam's prayer becomes invalid, the followers' prayer becomes invalid accordingly'.

Conclusion

To sum up, I would say that although both schools are in total agreement on the main sources of Islamic legislation, there still have been several factors that played a major role in causing differences of opinion between, particularly in the chapter of purification. The study therefore confirms the initial hypothesis, which is that most of these disagreements occur because of differences in some principles of jurisprudence between the two schools. Among these factors lie the following reasons:

- The disagreement on the authenticity of some Prophetic narrations, on which some independent rulings have been established.
- The disagreement on understanding, or interpreting, some textual evidence related to the discussed issues.
- The disagreement on the order of steps by which the process of reconciling conflicting evidence is conducted.
- The disagreement on some juristic rules, which result in differences over their application.
- The disagreement on some forms of worship as to whether they are comprehensible or incomprehensible.
- The disagreement over some forms of evidence as to whether they are still valid or whether they are already abrogated in the Prophet's time.

Finally, I would recommend to other researchers that their subsequent research be in the field of comparative juristic studies, between different Islamic schools of law, as this would result in greater understanding of one another and open the way to a more tolerant Islamic coexistence with the non-Muslim world.

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A proposal essay to the dissertation:

Research Methods in Islamic Studies

**A Comparative Study between the Ibādī
and Ḥanafī Schools of law
a Case Study of
the Chapter of Prayer**

Introduced to: Dr. Mustafa Draper

Introduction

This paper tries to give a comprehensive overview about the academic dissertation 'Research Methods in Islamic Studies: a Comparative Study between Ibāḍī School of Law and Ḥanafī School of Law in the Chapter of Prayer'. For the sake of clarity and simplification, this preliminary paper is divided into three sections. First of which is dedicated to explore the dissertation's topic and give a critical analysis to the title's wordings and clauses, explaining and justifying why that word or phrase has been chosen particularly in this place. Regarding the second section, there will be a brief clarification for the research plan and what falls under each chapter.

The third section of this paper will provide an elaborated critical review of the six key texts that the writer is going to adopt as representative for each school of law and for each branch of the main fields related mainly to the dissertation theme: Jurisprudence, Hadith and Juristic Principles. Finally, the paper will end with a concise conclusion to sum up what has been discussed throughout this introductory paper and what is expected of the subsequent dissertation. I hope that this proposal would pave the way for my dissertation to achieve its goals and to be an effective means of its success.

Section One: The Chosen title ‘Research Methods in Islamic Studies: a Comparative Study between Ibāḍī School of Law and Ḥanafī School of Law a Case Study of the Chapter of Prayer’.

Ever since the dawn of the major Schools of Islamic Jurisprudence, the comparisons between their opinions and the debates around them have been highly important and fruitful to the Islamic cultural and scholarly legacy. In fact, all those debates contributed effectively for supportive Islamic Sciences to emerge and develop in order to serve the ultimate goal of reaching the most authentic juristic verdict. Of the most important sciences that serve Islamic Jurisprudence are the Science of Hadith, Prophetic Tradition, and the Science of Jurisprudence Principles, *Usūl al-Fiqh*.

However, among the very early Islamic legal Schools which came to being in the first century AH, the seventh CE, is the Ibāḍī School of law. Although this school predated all major Muslim Schools and it has a very rich jurisprudential heritage, it is not usually considered in the comparative studies. On the contrary, it has been ignored for a long time even in most modern academic studies. Hence, it is worthy of looking at and choosing to be one of the two schools compared here.

As for the other school, the Ḥanafī School of Law, it has been chosen here to be contrasted with due to various factors. First, it was the first school to be established in relation to the other three major Schools of Law: Mālikī, Shafi'i and Hanbali respectively. Second, it is the School that has more followers than other Islamic Schools. Third, it is the School that was

adopted by the major Islamic dynasties, such as Abbasid, Mamlūki, Seljuki, and Ottoman. Finally, it is the predominant School of which the writer of this academic paper is doing his work.

Moreover, based on the fact that the Islamic law has been always renewable and its issues are endless over the passage of time, the reliance in this paper will be upon certain selected contemporary works which serve as representatives for the current Jurisprudence of each school of law, Ibāḍīsm and Ḥanafīsm. Besides, other contemporary texts serve as good examples for the other two supplementary fields: Hadith and Juristic Principles. However, it is worth pointing out here that the reasons beyond choosing those particular texts are given in detail in the third section of this essay, the section pertaining to the literature review.

Because the Prayer is the first practical pillar in Islam after the testimony of *Tawhīd*, the most obvious and frequent form of worship performed by Muslims five times a day and perhaps the kind of worship which has the most controversies over its details, the focus of this the dissertation will be on the Prayer as an example to compare the opinions adopted by each of the two Schools, Ibāḍīsm and Ḥanafīsm.

Hence, the suggested title of this dissertation is 'Research Methods in Islamic Studies: a Comparative Study between Ibāḍī School of Law and Ḥanafī School of Law, a Case Study of the Chapter of Prayer,'. However, it is worth pointing out here that with this precise title, this study will be the first academic

comparative study between these two schools in the Chapter of Prayer, as far as I know.

Furthermore, this academic paper attempts to examine my hypothesis that most of those differences that are taking place between the Ibāḍī School and Ḥanafī School in the chapter of Prayer, *Salah*, can be traced back largely to the differences in the Science of Prophetic Hadith and Science of Jurisprudence Principles, or the way by which each School is approaching their fundamentals when it comes to reconcile the apparently conflicting evidence. I hope that this study achieves its aims, to be a successful means for further comparative studies between the two Schools and to be a fertile ground for fruitful dialogues between all Muslim scholars in general, and Ibāḍīs and Ḥanafīs in particular.

Section Two: Research Skeleton

Specifically speaking, the dissertation will be including three main chapters beside the introduction and conclusion. Concerning the introduction, it will have the research question or thesis argued by the writer. Then, the means or the methodology adopted to achieve the study goals and to examine and evaluate critically to what extent that hypothesis is sound. After that, the dissertation structure and what the research is going to include and what it is going to exclude. Finally, the introduction will have an overall discussion about the difficulties that the writer has experienced throughout his research journey.

As for the first chapter, a historical background of the two chosen legal schools will be given. Following that with the main features of each school and what distinguishes each in relation to the other one. In regards to the second chapter, which represents the main body of the dissertation, it will have a detailed discussion about the aspects of differences and controversies between the two schools, Ibāḍīsm and Ḥanafīsm, in the form of separate issues. Under each issue lies a brief juristic background about that issue. Then, the Ibāḍī viewpoint on that issue with their evidence, whenever it is mentioned. After, the Ḥanafī viewpoint on the same issue will be pointed with their evidence, whenever it is mentioned in the key text. Finally, an attempt will be made to identify the reasons for that disagreement in the light of the textual and intellectual evidence, especially the Hadith and Juristic Principles, and give a

critical evaluation to what extent that justification, use of evidence, fits the general fundamentals of that school itself.

Finally, the dissertation will end with a concise conclusion, containing the outstanding findings of the research, especially in relation to the initial research question or hypothesis suggested in its introduction. Additionally, the conclusion will summarise the main causing roots for disagreements between the clerics of the two schools, particularly in relations to Hadith and *Usūl*. Consequently, it will show the implications that these causes have on the detailed issues of Prayer, *Salah*. Finally, some constructive recommendations derived from the whole discussion will be suggested there.

Section Three: Literature Review

Even though the jurisprudential heritage of both the Ibāḍī and Ḥanafī Schools are vast and hard to count, carefully chosen key texts on which the dissertation chiefly relies will be presented in this section. However, there will be many subsidiary and consulting texts on both sides beside the key ones; some of them will be presented in the bibliography. To that end, the current section is divided into three parts, covering the three main areas of discussion: jurisprudence, Hadith and juristic principles. Each part reviews the adopted key text in each school in that particular area, explaining the main features of the book and the reasons beyond that selection. Therefore, the discussion flows as follows:

Part One: Jurisprudence

The Adopted Opinions in Jurisprudence of Prayer

Among the best-selling and readership books in contemporary Ibāḍī Jurisprudence nowadays is *The Adopted Opinions in Jurisprudence of Prayer*, written by al-Muatasim Said al-Maawali. This book is taught across the Sultanate of Oman at mosques, schools, colleges and Sultan Qābūs University. Although the first emergence of the book was just in 2009, it is widespread and present extensively in the areas predominantly populated by Ibāḍīs. The defining features of its success are the driving force to choose this book as a key text representing the contemporary Ibāḍī jurisprudential thought in this comparative study.

These distinguishing features can be summarised as follows. First, the book was written in a simple modern Arabic language. By that, the book has been able to convey its juristic and complex material to all society members with comprehensible and understandable language. Second, *The Adopted Opinions* is an inclusive and comprehensive work, absorbing the ablution and the prayer topics and that, in turn, allows lay people, enquiring readers and seekers of knowledge to find what they need just in one single combination. Third, the book relies only on the juristic preferences of the most renowned and knowledgeable Ibāḍī scholars in the Muslim World at the present time, Sheik Ahmed al-Khalili and Sheik Said al-Qannobi, whose trustworthiness and reliability are unquestionable and indisputable by all Ibāḍīs. Fourth, prior to its publication, the

book had undergone an extensive process of linguistic proofreading and scholarly revision by specialists on both sides; this includes the remarks of al-Khalili and al-Qannobi, whose opinions are the basic foundations of this book. Hence, all these features qualified the book to be the main reference point for the contemporary Ibāḍī jurisprudence (al-Maawali, 2014).

Fiqh of Worships with their Proofs in Islam

On the Ḥanafī side, *Fiqh of Worships* is the chosen juristic work. The compiler of this book is the Egyptian scholar Sheik Hassan Ayyub, a graduate from al-Azhar University, Cairo. Although the present compilation, *Fiqh of Worships*, involves mostly all ritual forms of worship, Prayer, Charity, Fasting, etc., it gives the main proofs for most opinions mentioned in its chapters. Furthermore, the author contrasts the different juristic opinions and attributes each one to the particular Islamic Legal School that adopts that opinion. Though the writer of this comparative work belongs to a certain School of Law, yet he does not show in his comparisons any prejudice to his own School. Rather, he shows that he follows the proof wherever it appears irrespective of what the Ḥanafī School maintains. It is worth saying that the writer meant for his book to be an adequate and comprehensive reference to both lay people and students of knowledge, as he stated clearly in his introduction.

However, before he started writing his book, Ayub had to undergo a long period of academic and practical experience in

the field of Islamic Studies. This experience started from him being a teacher in the Ministry of Education, a senior preacher and a manager of the technical office in the Ministry of Endowments, Egypt. Then, he was asked to work in Kuwait as a preacher and an expert in the field of Islamic Sciences. Afterwards, he moved from Kuwait to Saudi Arabia and was appointed as a professor of Islamic Culture in King Abdul Al-Aziz University. Eventually, he was promoted to be a professor of the Institute of Preparing Preachers in Mecca.

I believe that his late books, such as *Fiqh of Worships*, were influenced greatly by this broad theoretical and practical expertise, as it combines different fields. Most importantly, this expertise involves all main Schools of Law. In more detail, the first environment he worked in, the Egyptian society, is predominated by both Ḥanafī and Shafī'i Schools, then, Kuwaiti society is a majority Maliki one, and lastly, the Saudi community is largely following the Hanbali School of Law. Therefore, all this must have had a great impact on his work *Fiqh of Worship*, as it is clear when one goes through his juristic discussions in this book and the subsequent volumes. Hence, I am convinced by this choice being a suitable representative for the contemporary Ḥanafī Jurisprudence (Ayub, 2010).

Part Two: Hadith

***Al-Jamea al-Sahih*, The Sound Collection of al-Rabeea b. Habeeb al-Azdi al-Omani**

Al-Jamea al-Sahih is deemed by all Ibāḍīs to have been the most authentic source of *Hadith*, Prophetic Tradition, and the second authentic book for Islamic legislation, as far as the Ibāḍī scholars are concerned, after the Holy Quran, (al-Salimi, 1993). It was composed by the Ibāḍī scholar al-Rabeea b. Habeeb al-Azdi al-Omani (died between 175- 180 AH/ 796- 801 CE) in the second century AH, eighth century CE. Hence, al-Rabeea's collection is of the first collections of the Prophetic Reports. The high level of authenticity and reliability of this book can be ascribed to three chief reasons: firstly, al-Rabeea was the religious leader and the main reference of Ibāḍism in his time. Secondly, its chain of narration is considered to be the most reliable Hadith transmission with the scholars of Hadith, since it consists in most cases of only three narrators (Abu Ubaidah: al-Rabeea's direct teacher, Jabir b. Zaid: the direct student of the Companions and the Prophet's Companions) and that is known by the scholars of Hadith as the Golden Chain, meaning the highest chain of reporters, according to the rule: the less reporters the Hadith has, the closer to the Prophet (PBUH) it is and, consequently, the more reliable and authentic it becomes (al-Baikuni, 2004, p7).

Thirdly and most importantly, all the three main transmitters, who are involved in this chain, are authentic and trustworthy by the witness of the specialists in the Science of Hadith's Narrators Authentication, *al-Jarh wa al-Tadill*, even from non-Ibāḍī biographers, let alone Ibāḍīs. Concerning al-Rabeea himself, both ibn Ma'in and ibn Shahin said about him: '*Theqah*', trustworthy and Ahmed b. Hanbil said: 'I see no wrong with him'. Regarding his Sheik Abū 'Ubaydah, ibn Ma'in said: 'There is no harm on him'. As for Jabir b. Zaid, ibn Hagar said: '*Theqah Faqeeh*', trustworthy jurist.

Al-Rabeea's collection is classically ordered now by the juristic chapters known in the books of Islamic Jurisprudence after it was ordered initially by its own writer according to the narrators' names. Moreover, this collection has two main commentaries, the earlier one was written by Abu Sittah, a Tunisian Ibāḍī scholar (died 1088 AH), in five parts. Subsequently, the Omani prominent scholar *Nur al-Deen al-Salim* (died 1332 AH) made an extended explanation of three large volumes. His commentary is considered now the most common explanation on al-Rabeea's collection (al-Wargalani, 2003, p.15-16).

Sahīh al-Bukhārī, the Sound Collection of al-Bukhārī

Sahīh al-Bukhārī is the most celebrated book of Hadith known in Muslim literature. Its fame is due to the fact that most Muslims consider it to be of the most authentic and reliable Hadith collection. The compiler of this work is Imam Muhammad b.

Ismail al-Bukhārī (died 256 AH). Al-Bukhārī started learning Hadith and the basic *Sharīah* sciences with his father in his homeland, Bukhara, known currently as Kazakhstan. Although al-Bukhārī came from a predominantly populated Ḥanafī environment, most biographers consider him as an independent jurist, not following a particular school of law. Rather al-Bukhārī does have the means and the ability to extract the rulings directly from the main legal sources. However, what drives me to introduce this book as a key Hadith text is the very fact that it is the first Hadith reference with Sheik Hassan Ayub, the author of *Fiqh of Worship* on which the study relies largely.

However, al-Bukhārī moved later on southward to Iraq to study with the famous scholars of Hadith in his time, such as ibn Ma'in, ibn al-Madīnī and Ishāq b. Rahwayh. By a reference from his teacher Ishāq b. Rahwayh, al-Bukhārī started writing his collection which took him sixteen years until he finalised it completely in 232 AH/ 846 CE. What distinguishes Sahīh al-Bukhārī is that his book is organised and ordered systematically according to the chapters of Jurisprudence. In addition, he chooses for each chapter a very accurate title through which many rulings and jurisprudential verdicts can be drawn (Abdul-Jabbar, 2007, p.23-24).

Beside the strict criteria al-Bukhārī laid from the beginning to identify and collect only the sound Hadiths, he showed his work to the most renowned Hadith senior scholars, such as Ahmed b. Hanbil, ibn Ma'in and ibn al-Madīnī. Fortunately, he obtained their approval of what he collected in his book. Moreover, al-

Bukhārī spent his last twenty four years teaching and proofreading every single hadith he wrote which, in turn, minimised the possibility of any hidden flaw he was not aware of at first (Karimov, 1998, p.48-50).

Part three: Principles of Jurisprudence

Talat al-shams: sharh shams al-usūl

It is roughly translated as 'The Sunrise: a commentary on the Sun of Principles'. It is considered to be one of the main key texts on the Principles of Jurisprudence in the Ibāḍī Legal School. This work was authored by the famous Ibāḍī cleric, Sheik Abdu Allah b. Humaid al-Salimi (died 1332 AH/ 1914 CE). The book consists of two volumes; each one contains over 500 pages. The book is an extended explanation of a concise poetic text in the field of 'Jurisprudence Principles', written by the commentator himself. The importance of this work is derived from the innovative way of writing the compiler has adopted. Beside the classical juristic chapters known by the Ibāḍī jurists, the writer goes further to compare the Ibāḍī opinions with a wide range of opinions held by juristic scholars from different Islamic law schools. Moreover, the writer does not hesitate to comment or add some of his opinions which arise as a consequence of this comparative effort whenever he concludes that the proof on that particular issue is evident, although in many cases that differs from the established opinions with the School that he belongs to. The reason beyond this is that the writer has undertaken to implement and follow full academic integrity.

What may interest the reader of this book is the fact that the writer could produce a very comprehensive work to absorb

mostly all chapters of Jurisprudence Principles. In addition, he shows, despite his physical blindness and the lack of sources at the time, a high ability to extract each opinion from the original books of each juristic school and refer it to those who hold it from their own writings. Partly, that enables him to renew many issues related to the ways of deriving the rulings from the main legislative sources. On the other hand, he acknowledges most of the secondary sources used by the classical jurists, such as: analogy, original innocence, public interests, *Sharīah* goals, juristic preference.

In relation to the Ḥanafī School of Jurisprudence, in spite of the fact that the author liberates himself from any blind imitation, *Taqlīd*, even to the scholars of his own School of law, it is notable that he agrees with them on many fundamentals of Fiqh Principles. Among the main agreed opinions between him and Ḥanafī scholars are the following: first, the area of the science of 'Jurisprudence Principles' is the unelaborated evidence and their rulings, unlike the majority of scholars who confined this science to the evidence apart from their rulings (al-Salimi, 2008, p.23); second, he agrees with the Ḥanafīs on the issue of *al-Mushtarak*, which refers to a word that has multiple meanings; like the word 'Ayn' in Arabic, which has various meanings such as eye, gold, spring, spy, etc. Whether we should interpret *al-Mushtarak*, when it comes in the textual evidence, with one meaning only or we should apply it to all its meanings; most scholars are of the last opinion, while al-Salimi along with Ḥanafīs are of the first one (al-Salimi, 2008, p.138).

Principles of Islamic Jurisprudence:

The presented book is considered the most detailed work in the field of 'Jurisprudence Principles' written originally in English by Dr. Mohammad Kamali. This book comes to meet the need of Islamic Studies students in the Western academies. The former English writings in this area were superficial and distant from the deeper classical juristic writing, whereas this book succeeded in fulfilling the urgent demand and fill the gap that has been in the English library of Islamic Studies for a long time.

'Principles of Islamic Jurisprudence' is authored by Kamali, a Professor of Islamic law, *Sharīah*, at the International Islamic University of Malaysia. The importance of this work stems from the fact that it is a result of the long academic experience of the writer in the field of *Fiqh* and its principles, as he had been teaching in this University for a long period of time. Although, the first version of the book was published in 1989, the current revised version of 2003 comes with many valuable additions. The author's experience, added to this version, started from him being an LL.M student, and a PhD student at London University, then obtaining the post of Assistant Professor at the Institute of Islamic Studies at McGill University in Montreal and finally as Research Associate in the Social Science and Humanities Research Council of Canada. Therefore, the book combines both the classical and modern Juristic style at the same time, and ultimately it serves as a good representative of Ḥanafī Jurisprudential Principles in the present comparative studies.

As mentioned earlier, the book covers the main themes in *Usūl al-Fiqh*, Principles of Jurisprudence, such as: the Islamic sources of legislation, Textual Implications, Commands and Prohibitions, *Fatwa* of the Companions, Considerations of Public Interests, Presumption of Continuity, Blocking the means of corruption, Conflict of Evidence, Personal Reasoning, etc. What distinguishes the book, besides its theoretical fundamentals, is the fact that the writer mentions many examples for each principle especially from the Quran and Sunnah, providing even the original Arabic text.

Conclusion

It is anticipated that this essay will play a significant role in facilitating the way to the intended dissertation 'Research Methods in Islamic Studies: a Comparative Study between Ibādī School of Law and Ḥanafī School of Law, a Case Study of the Chapter of Prayer, as an example'. The essay has discussed many relevant issues to the aforementioned topic. Among these discussed issues are the research question which the dissertation will try to address, the research skeleton upon which the dissertation will be built, analysing the research title from which the dissertation will set out, the methodology according to which the research will be conducted, reviewing the main key texts on which most of the discussion will rely, etc. Clarifying all these dimensions from the very beginning will contribute positively for the dissertation to achieve its objectives.

Finally, I hope this subsequent work will clarify many misconceptions and clear different misunderstandings that could have taken place formerly either with the followers of these two schools themselves or with the followers of the other Islamic schools. This clarification will be due to the fact that this study will display each party's evidence on all controversial issues. Hence, each enquiring Muslims are expected to appreciate these differences, although the followers of each school perhaps practise something else other than what they

usually do, yet they still have their own considerable proof or evidence.

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Dissertation title:

Research Methods in Islamic Studies

**A Comparative Study between Ibādī School of
Law and Ḥanafī School of Law in the Light of
Ḥadīth Rules and Jurisprudence Principles
a Case Study of the Chapter of Prayer**

Supervisor: Dr. Mustafa Draper

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Introduction:

This study will attempt to shed some light on some controversial issues relating to how prayer is understood by two of the oldest Islamic schools of law, Ibāḍīsm (established in the second half of the first century AH) and Ḥanafīsm (established in the first half of the second century AH), with an analytical effort to understand the reasons for this diversity of opinions on the same issue in the light of the Science of Ḥadīth and the Science of Jurisprudence Principles. The decision to discuss the conflicting matters in light of Ḥadīth and Jurisprudence Principles, *Usūl al-Fiqh*, was because it is contended that many of the disagreements taking place between the two schools in the chapter of prayer are the result of fundamental differences in the Ḥadīth rules and the Jurisprudential principles. Hence, the research will try to address the question: ‘To what extent is this initial thesis accurate and applicable to the discussed issues?’.

The choice to compare between these particular schools of law, Ibāḍīsm and Ḥanafīsm, is due to two main reasons: first, both of these schools have a chronological precedence in comparison to the other law schools known today. Second, the Ibāḍī School of law is the dominant school in the area from which the researcher comes from, Oman, and the Ḥanafī School of Law is the dominant school in the area in which the researcher conducts his research, Birmingham due to the south Asian

Muslim communities, besides being the school that has more followers over the course of Islamic history up to modern-day.

Furthermore, building on the fact that the issues facing Muslims in their worship, that demand new juristic verdicts, are endless, the decision was to choose as authoritative texts, two contemporary books, each of which serves as a good representative of each Juristic school, Ibādīsm and Ḥanafīsm. These chosen books are respectively as follow: *The Adopted Opinions in Jurisprudence of Prayer* which was selected because it was scholarly well reviewed by the highest religious authority in Oman, the office of the Grand Mufti, and *The Salah of the Believer in The Qur'ān and Sunnah* which was selected due to the fact that it is one of the most widely read books in Ḥanafī communities nowadays, especially in the UK. Besides, some supplementary classical text-books in the field of Ḥadīth, Prophetic Tradition, and Jurisprudence Principles, *Usūl al-Fiqh* are consulted as well.

However, due to the vastness of this topic, on the one hand, and the word and time limitation of the dissertation, on the other hand, the research will be confined to the nine main issues of difference in the chapter of prayer between the two schools: the opening supplication, raising the hands upon the consecrating *Takbīr*, reciting *al-Basmallah* loudly, saying *Āmīn* after reciting *al-Fatiha*, reciting *al-Fatiha* behind the Imam, reciting surah after *al-Fatiha* in the day prayers, raising the index finger in the *Tashahhud*, combining the two prayers on travel and *al-Qunut* in the prayer. For the sake of brevity, the

average space given for each issue is around one thousand words, and for the sake of simplicity, the discussion of each matter is divided into four sections: the background; the Ibāḍī view and evidence; the Ḥanafī view and evidence; and finally the analysis section. The analysis will try to explore the root causes of the disagreement and how they might have been influenced by the divergent opinions between the two schools in the Science of Ḥadīth and the Science of Jurisprudence principles, as suggested by the research hypothesis.

This dissertation will consist of three chapters. The first chapter takes a historical approach to demonstrate the historical context that accompanied the initial emergence of the two schools in discussion, Ibāḍism and Ḥanafism, in order to disclose what distinguishes each school in relation to the other. While the second chapter, which represents the central focus of the study, is dedicated to discussing the main cases of conflict between the two schools. The chapter is divided into four sections, as just explained formerly. As for the third chapter, it summarises the grounds of disagreement between the two schools, according to their theme, under two categories: 'Ḥadīth and 'Jurisprudence Principles'. Finally, the dissertation conclusion contains the research's main outcome as to whether the initial hypothesis of the research has been proven to be correct or not, besides the recommendations suggested by the researcher.

Finally, it is essential to mention that the approach adopted in this study is the analytical approach which was chosen in order

to be an effective means to discern the root causes of the different opinions on the same issue between the two legal schools despite using the same primary sources, such as: Quran, Ḥadīth, Consensus, etc. The analytical approach is conducted by looking critically at each single evidence provided by each party and trying to examine the content of the text and criticise the chain of narrators. Moreover, by the use of the analytical approach, the Science of Jurisprudence Principles is employed as an active means to understand the different ways used to extract the textual implications and their concluded applied rulings.

1. The Historical Context

This first chapter is concerned with giving a historical background of both Ibāḍī and Ḥanafī Schools of Law. Moreover, this background tries to shed some light on the political and religious circumstances that surrounded the early evolution of these juristic schools. Based on the chronological order, the start will be with the School of the Ibāḍī Jurisprudence.

1.2. The Ibāḍī School of Law

The study of Ibāḍī *fiqh* (jurisprudence) gains a high level of importance in the general history of Islam due to the fact that the Ibāḍī School of Law is the first Islamic school of jurisprudence (Wilkinson, 1985, p.234). The early roots of the Ibāḍī origins go back to the time of the second Rightly-Guided Caliph Umar b. al-Kattab (d. 18 AH/ 639 CE). At the rule of Umar, Abu ash-Shatha Jabir b. Zaid, to whom the Ibāḍī denomination belongs, was born into an Omani religious family in the year (18 AH/ 639 CE). According to all Ibāḍī references and most non-Ibāḍīs' sources, it was the great Successor Jabir b. Zaid who laid the basic foundations of the first school of Islamic jurisprudence in the second half of the first century AH/ the seventh century CE (as-Saee, 2007, p.364, 371). Despite Jabir being born in what became the Islamic capital of Oman, Nizwa, he left his homeland at an early age along with his family to go to al-Basra, where he pursued the religious sciences. There, in al-Basra, he met many eminent jurists, including many Successors and some

Companions of the Prophet Muhammad (PBUH). Nevertheless, it seems that all this did not satisfy his thirst to obtain a good portion of the Sharīah sciences. Thus, he directed his face towards al-Hijaz where he adhered for a long period to the great and prominent scholars of the Prophet's (PBUH) Companions, such as: Ibn Abbas, Ibn Umar, Aisha, Abu Hurairah, etc., so much so that he said: 'I have met seventy *Badry* (one who took part in the Battle of Badr) and encompassed what they have of knowledge except the Ocean', meaning Abdullah b. Abbas (Wilkinson, 1985, p.235; al-Harthi, 2006, p.96-107).

Although Abu as-Shatha was present between the Companions (May Allah be pleased with them) at the time of *fitna*, the Companions' political dispute, it seems that he did not take part, give an opinion or issue any *fatwa* on those military conflicts. That might have been due to the fact that he was still at the time a young man and student of knowledge and did not hold any political views (al-Aghbari, 2013, p.83). However, it was only since the year (64 AH/ 683 CE) that Jabir b. Zaid emerged as a religious authority to what was known later as Ibādīsm. In the year (64 AH/ 683 CE), al-Muhakkimah (those who left the fourth Caliph Ali and refused to accept the arbitration) would split. At this turning point, al-Muhakkimah had divided into two main groups; the first group decided to take a military action against their opponents and considered the others' land as an abode of disbelief and war. Only this group was known at that time as Khawārij or Khārijites. The second group decided to remain peaceful and remained determined to avoid any violent act

against their adversaries (Savage, 1990, p.7-8). Moreover, they preferred to refrain and sit down from conducting any physical attack against any monotheist. Because of this behaviour they were called *al-Qa'idah* (the sitting down people) (al-Abri, 2015, p.42). Having said that, it has become clear that ignoring or even not knowing this crucial distinction between the two groups might lead to mixing up between Ibāḍīs and Khārijites, as it is the case with many classical historians, such as: al-Baghdādī (1997, p.78, 103), al-Ash'arī (1980, p.102), and ibn Hazm (1321 AH, v.4 p.188).

However, from (64 AH/ 683 CE) onwards, Jabir b. Zaid would become the official spiritual leader and founding theorist of *al-Qa'idah*, who were the direct roots to what was known shortly afterwards as the Ibāḍīs. Despite Jabir being the first man in *al-Qa'idah*, he hid himself from public life and confined himself to his close students (al-Aghbari, 2013, p.73)., due to the continuous oppressive pursuit of the Umayyad Caliphs and their governors to their opponents, including this group, *al-Qa'idah*, which never acknowledged the Umayyad rule as a representative of the Islamic Caliphate, rather they deemed that the Umayyads turned the Rightly-Guided Caliphate into a hereditary kingship imposed upon Muslims unjustly (Ajmi, 2013, p.27). These circumstances caused Abu ash-Shatha to remain away from the public eye and push Abdullah b. Ibaḍ to be the official representative and political spokesman. Ibn Ibāḍ was chosen for this task because he was a strong tribal leader in his

well-known tribe of Bani Tamim (an-Nami, nd, p.45; al-Aghbari, 2013, p.73). Although the Umayyads were aware of Jabir being the real director behind the group and Ibn Ibāḍ being directed by Jabir, they preferred to ascribe this group to Abdullah b. Ibāḍ calling them Ibāḍīs or Ibāḍīyya. This was driven by two main reasons: firstly, Ibn Ibāḍ being known by the common people as the public representative and spokesman of the group especially his famous letters to the Umayyad Caliph Abdu al-Malik b. Marwan (Cuperly, 2009, p.18). Secondly, and most importantly, attributing the group to Jabir would weaken the Umayyad position and raise the Ibāḍīs' for the fact that Jabir b. Zaid is considered a reliable and authoritative figure by all Muslims of the time (al-Jaabiree, 2015, p.32-47). Thus, ascribing the group to Jabir would lead people to incline towards his group and thoughts at the expense of the loyalty to Bani Umayyad.

Although the Umayyads kept on calling them Ibāḍīs, *al-Qa'idah* of that time did not acknowledge this attribution to Ibn Ibāḍ because he was not their real religious or spiritual leader. Instead, they insisted on calling themselves what was known at the time of the Prophet of Islam (PBUH); thus, they called themselves only 'Muslims', 'The group of Muslims', 'The people of *Da'wah*', etc. (al-Aghbari, 2013, p.73). In the same context, the early Ibāḍī writings of the first three centuries, such as *al-Mudawana*, ar-Rabeea collection, Jabir letters, etc., did not make any mention to the term Ibāḍī or Ibāḍism (Khalifat, 1978, p.12). This reality, in turn, reflects the Ibāḍī insistence to keep

the origin and avoid any confusing or misleading attribution. However, it appears that this association was eventually accepted by Ibāḍīs because it had been accepted for a long time by other communities as the only term they would be known by. On the other hand, although Ibn Ibāḍ never represented any religious authority, he was still a righteous man and faithful member of the people of *Da'wah*. With all that in mind, they did not, at the end, see any shame to accept this ascription, taking into account these considerations. Accordingly, only for the first time the concepts Ibāḍīs and Ibāḍism appear in the Ibāḍī writings. This appearance was in the late third century AH/ ninth century CE, specifically in the theological book *Usūl ad-Dainunah as-Safia* compiled by Amros b. Fath an-Nafusi, a Libyan Ibāḍī writer who died in (283 AH/ 896 CE) (an-Nafusi, 1999, p.68; al-Madani, 2011, p.9).

Finally, it is worth pointing out that despite the precautionary and preventive measures that Jabir b. Zaid undertook to save his movement and followers away from the Umayyad persecution, he was caught by al-Hajaj b. Yusuf al-Thaqafi, the Umayyad governor of Iraq, and imprisoned then exiled at a late part of his life to his country of origin, Oman, and died in (93 AH/ 711 CE). When the news of Jabir's death reached the great Companion and servant of the Prophet, Anas b. Malik, he is said to have remarked: 'Today, the most knowledgeable man on the whole earth has died' (al-Harhi, 2006, p.209).

1.3. Features of the Ibādī School of Law

Based on the above biography, one can deduce many features that distinguish the Ibādī School of Islamic fiqh. Firstly, the Ibādī School is the earliest Islamic legal school in relation to the four Sunni schools (Wilkinson, 1985, p.234). More specifically, when Jabir b. Zaid died in (93 AH/ 711 CE), the first Sunni Imam, Abu Hanifa, was only thirteen years old while the second Imam, Malik b. Anas was just born in that year, (93 AH/ 711 CE). As for the other two Sunni Imams, ash-Shafiee and Ahmed, they had not yet been born, as they were born in (150 AH/ 767 CE) and (164 AH/ 780 CE) respectively. Another feature is that the founder of this school, Abu ash-Shatha, was a direct student of many of the Prophet's (PBUH) Companions in both Hijaz and Iraq, including their eminent jurists, such as: Ibn Abbas, Aisha, Ibn Mas'ud, Abu Hurairah, etc. (Wilkinson, 1985, p.235). As a consequence, he transferred to his followers the actual Prophetic practice and sayings just as those Companions witnessed the Messenger of Allah (PBUH) would do and say. The third feature is marked by the fact that Jabir studied in both Hijaz and Iraq, thus his school combined between the Hijazi School of Ḥadīth and Iraqi School of *ra'y* (opinion) (al-Jaabiri, 2015, p.99). This, in turn, gave him full awareness of the various opinions in circulation at the time and, furthermore, enabled him to set up a balanced and moderate juristic school. Fourth, by the death of Jabir at the end of the first century AH/ the beginning of the ninth century, the jurisprudential School of Ibādīsm was already established and its rules were complete

and well-organised (al-Jaabiree, 2015, p.97). This was clearly embodied in the *fatwas* of Jabir, of which many are still recorded in his published answers. In addition to Jabir's answers, many early writings are also still extant and available, for example: the books of Abu Ubaidah, *al-Mudawanah* of Abu Ghanim, the *Musnad* of ar-Rabeea. All these early writings, which were written at most in the first half of the second century AH/ the first half of the ninth CE, show how well-systematised the Ibāḍī jurisprudence was from its early days (an-Nami, nd, p.120-121).

1.4. The Ḥanafī School of Law

The early roots of the Ḥanafī Legal School are associated with the great Companion, Abdullah b. Mas'ud (d. 33 AH/ 653 CE) (May Allah have a mercy on him). This goes back to the time when the second Rightly-Guided Caliph Umar b. al-Kattab sent Ibn Mas'ud to Kūfah in order for the latter to teach the people of Kūfah and give religious opinions, *fatwas*. The position of Ibn Mas'ud in Kūfah was advocated by the shift of the Islamic capital from Madīnah to Kūfah at the era of the fourth Rightly-Guided Caliph, Ali b. Abi Talib (May Allah honour his face) (Corinne, 2003, p.6). By that, Ibn Mas'ud had become the chief scholar of this learning centre in which many students sought the religious sciences. Unlike many Companions like Ibn Umar (May Allah have a mercy on him), Ibn Mas'ud tended to give more weight to deductive reasoning, personal *ijtihād* or legal diligence. Among Ibn Mas'ud's eminent students was Hammad b. Abi Suleiman, the main teacher of Imam Abu Hanifa after whom the well-known Ḥanafī School of Islamic Jurisprudence is named (Abu Yusuf, 2011).

In his early years and before engaging in the religious studies, Abu Hanifa an-Nuaman b. Thabit grew up as a debater. That was because he studied logic and mastered, in his youth, the philosophical arguments and was famous with his mental abilities to convince and persuade his opponents. Afterwards, Abu Hanifa decided to start mastering different disciplines of Islamic sciences. On top of these fields of knowledge, he studied

under his first Sheikh, Hammad b. Abi Suleiman, both Ḥadīth and Fiqh extensively for a period of eighteen years in Kūfah. After Hammad's death in the year (120 AH/ 738 CE), Abu Hanifa took over his mentor's post and succeeded him in being the dean of the School of Kūfah or, as it became to be known, as the School of *ra'y*, opinion, as opposed to the School of Ḥadīth, Prophetic Tradition, in Hijaz (Philips, 1988, p.64; Moin, 1968, p.155). Having said that, it is worth noting that the surrounding circumstances that accompanied the nascent Iraqi school contributed immensely in giving the school its unique shape, namely, relying to a large extent on opinions at the expense of Ḥadīths (Philips, 1988, p.49).

Many compelling conditions were imposed upon the new growing school to adopt this methodology, relying more on opinions. Among these driving forces are the following: first, the lack of Ḥadīth in Iraq due to the fact that most of the Prophet's Companions (May Allah please them) who met the Prophet (PBUH) and heard from him resided in Hijaz and only a very few number of their jurists moved to Iraq (az-Zuhili, 2001, p.12). Second, due to Kūfah being the new political capital of Islam, the scholars had to face new challenges which did not exist when the revelation was being sent down at the time of the Prophet Muhammad (PBUH). Therefore, these issues did not have any mention in the textual legislative sources. Thus, there was a dire need to have religious verdicts on these matters which were placed on the shoulders of the clerics of Kūfah, in particular. In other words, there had been a great responsibility

upon *ulamā* (scholars) of Kūfah to use deductive reasoning and sound analogies which, in turn, could enable them to arrive at the accurate ruling and the most suitable judgement, which more effectively fits the new environment (Philips, 1988, p.49). Third, because of the spread of Ḥadīth fabrication movements in the late Umayyad and early Abbasid periods, which coincided with the establishment stage of the Ḥanafī School, the founders of the school laid down strict rules and regulations to distinguish between the sound and authentic hadīths from that which is fabricated. That, accordingly, contributed to the development of the Science of Ḥadīth Criticism, on the one hand, and on the other hand, reduced remarkably the number of hadīths used in fiqh issues and gave a wider room to other sources of legislation which fall under the *ra'y* or non-textual category (Philips, 1988, p.48, 50; az-Zuhili, 2001, p.42).

Although the school of *ra'y* came to be attributed to Abu Hanifa, it was his early disciples who set up the final foundations of the Ḥanafī fiqh and greatly enhanced the spread of his school. More specifically, even though Abu Hanifa did not compile his own narrations and opinions in a written form, it was his senior students, such as Abu Yusuf, Muhammad b. al-Hasan and Zufar b. al-Hudhil, who recorded his reports and documented his opinions (as-Saghirji, 2000, p.21-22). Furthermore, at the time, many of Abu Hanifa's religious issues were codified under general jurisprudential principles and rules, extracted from Abu Hanifa's detailed opinions and teachings (az-Zuhili, 2001, p.6, 7, 8). Moreover, Abu Yusuf, being the chief judge in the Abbasid

dynasty, played a significant role in spreading Ḥanafī thought. This was accomplished by confining the appointment of judges and religious teachers to the followers of the Ḥanafī School. Hence, many people converted to the school of Abu Hanifa and, consequently, its principles spread all over the Abbasid dynasty (Bedir, 2004, p.151). This notion was confirmed by Philips (1988, p.68) when he said: 'In his capacity as a chief judge, he [Abu Yusuf] used to appoint judges for the various cities and all his appointees were followers of the Hanafee *Madh-hab* [school of law]. Thus, he was instrumental in the spread of this school of thought throughout the Muslim empire'.

1.5. Features of the Ḥanafī School of Law

The Ḥanafī School of Law's unique attributes can now be summarised as follows: firstly, the Ḥanafī reliance on the *ra'y* (opinion) more than Ḥadīth was not a matter of choice; rather, it was something dictated by surrounding circumstances and dire need. Secondly, the Ḥanafī School of Law, its opinions and principles, were not a result of an individual effort. In fact, they were a production of a collective work of Abu Hanifa and his senior students (Nurit, 1998, p.3-4). Thirdly, the spread of the Ḥanafī School is indebted to the succeeding Islamic dynasties, e.g.: the Abbasid, Suljoki, Ottoman, etc. since these major empires adopted the Ḥanafī fiqh as the official legal framework of the state (Bedir, 2004, p.150-151; Burak, 2015, p.3,17). Fourthly, unlike the Ḥijazi fiqh, a large portion of the Ḥanafī jurisprudence is theoretical, in which imaginary situations are

assumed by Abu Hanifa and his students, then suggested solutions and juristic verdicts are offered (Philips, 1988, p.49).

2. The Issues of Controversy

Chapter two constitutes the main body of this study, as it includes almost all main points of difference between the two schools, Ibāḍīsm and Ḥanafīsm. The chapter involves particularly nine issues of controversy between the two schools. Specifically speaking, each issue is divided into four sections: first of which gives a juristic background about the discussed matter. The second provides the Ibāḍī viewpoint and their evidence. As such, the third section offers the Ḥanafī view and their various proofs. The final section contains the most important part of the issue; that is a critical discussion pertaining the debatable issue and what might have led to that controversy in the light of Ḥadīth rules and jurisprudence principles.

2.1. The Opening Supplication

The Background

One of the first actions of the prayer is the opening supplication, *tawjēh*. It is even referred to in the Holy Qur'ān, where Allah Almighty says: 'And hymn the praise of your Lord when you stand' (Q, 52:48). The Prophet Muhammad (PBUH), it is recorded, would start his prayer with this particular supplication 'Glory be to you, oh Allah, and praise. Blessed is your name and Elevated is your Majesty. There is no God besides you'. Although the Islamic law schools agree, in general, on the authentic attribution of this supplication to the

Messenger of Allah and it being of the first prayer's actions to start with, they differ on the exact position in which the *tawjeeh* is conducted.

The Ibādī view and evidence

The Ibādī School of law is of the view that the opening supplication is performed right before the consecrating *takbīr*. Their evidence for that can be summarised in the following points. First, it is proven from many narrations that the people's speech is abrogated in the prayer after the consecrating *takbīr* except what the evidence allow such as; seeking refuge from Satan, praising Allah, the transitional *takbīrs*, etc. (Muslim, 5:39). However, there is no authentic narration that states that the opening supplication is one of these exceptions and can be done after the consecrating *takbīr*. Thus, it is more cautious to be done before the *takbīr* than after it, as the juristic principle states, when there is a conflict between two states; one of them is more cautious than the other, we should resort to the cautious one as the Prophet (PBUH) says: 'Give up what is doubtful to you for that which is not doubtful' (At- Tirmidhi, 1:55). Thus, we are required to take the precautionary measures to ensure the validity of our worship whenever it is possible (as-Salimi, 2008, p. 313). Second, the Prophet (PBUH) said to the one who did not pray properly three times: 'When you get up for the prayer, perform the ablution properly and then face the *Qibla* and say *Takbīr* (Allahu Akbar), and then recite of what you know of the Qur'an' (al-Bukhārī, 83:45). If the *tawjeeh* is after the *takbīr*, the Prophet (PBUH) would have told the man to read

it before the Qur'ānic recitation. Third, on the authority of Aisha (May Allah be pleased with her) who said when the Messenger of Allah (PBUH) would begin his prayer, he would say: "Glory be to Thee, O Allah," and "Praise be to Thee" and "Blessed is Thy name, and Exalted is Thy greatness..." (Abu Dawud, 3:775). Based on this narration, Ibādī scholars said: this should be before *takbīr* as the Prophet would start his prayer actions with it. If the *takbīr* had been before it, the narrator would have said the Prophet would start with *takbīr*, not *tawjēeh*. (al-Maawali, 2014, 238-239).

The Ḥanafī view and evidence

However, the Ḥanafī legal School, in accordance with the mainstream Sunni opinion, contends that the place of the opening supplication is to follow after the consecrating *takbīr*, not before it. Sheik Abu Yusuf Riyadh ul-Haq supports this notion in his book *The Salah of the Believer in The Qur'ān and Sunnah*, with many narrations. Part of these narrations is the following. First, the abovementioned Ḥadīth of Aisha (May Allah have a mercy on her) that the Prophet (PBUH) would begin his prayer with the Opening supplication (Abu Dawud, 3:775). Second, on the authority of Abu Said al-Khudri who said: 'When the Prophet (BPUH) would begin Salah he would say *Subhanak Allahumma...*' (Ibn Abi Shaibah, 2402). Third, what is narrated by Ubdah that 'Umar bin al-Khattab would recite the following words in prayer out loud *Subhanak Allahumma...*' (Abu Yalaa, 3735). Forth, what Aswad reports that when Umar bin al-Khattab would begin his prayer he would say *Subhanak*

Allahumma...' (Tahawi, 1:198). Fifth, the writer quoted many names of the Prophet Muhammad's (PBUH) Companions and many of the Companions' followers, *Tabiaeen*, and a multitude of Muslim scholars after them, arguing that they all would recite the opening supplication after the consecrating takbīr (Abu Yusuf, 1998, p.36-37).

The Analysis

It seems, based on the above discussion, that the controversy could be traced back to multiple factors. First of all, the difference in understanding the texts. In more detail, although the apparent wording of the quoted textual evidence by the two parties are almost the same, they still differ on the place alluded to by the narrator's sayings 'would start' and 'would begin'. The Ibāḍīs took this 'start' or 'beginning' literally, in its absolute sense. As a consequence of that, they do not precede the opening supplication with any act of the prayer. However, the other party took it only as a relative beginning or start, not an absolute one. Thus, they argue that it is described as a 'beginning' or 'start' in comparison to what follows it of the prayer, which is in fact most of the prayer actions, and that does not negate that it could be preceded by another action of the prayer. Secondly, the Ibāḍī jurists resort to consult external evidence, which could give them some clues to determine what is meant exactly by this 'start'. While, on the Ḥanafī side, there does not seem that there is any consultation to external texts. Third, the Ibāḍī School, unlike the Ḥanafī, is of the majority opinion that the actions and sayings of Companions, let alone

those who came after them, do not serve as a proof or legislating evidence on the arguable matters except if their opinion is in a unanimous agreement. Hence, what the Ḥanafīs resorted to, as a supporting evidence, the Companions and followers' opinion, cannot be taken for granted by the Ibādī jurists (Kamali, 2003, p. 318-319).

2.2. Raising the Hands upon the Consecrating *Takbīr*

The Background

As a matter of fact, the Muslim *Ummah* scholars disagreed on the legitimacy of raising the hands on the prayer especially upon the consecrating *takbīr*. The majority of them are in favour of its legitimacy and it being recommended by the Prophet of Allah (PBUH) in the prayer. However, the Ḥanafīs, unlike the other Sunni Schools, maintain that raising the hands is recommended only upon the consecrating *takbīr*. Thus, they believe that all the other raisings of the hands are weak and illegitimate. In contrast to them, the Ibādīs, in total consensus from the early Islamic generations up to the present day, hold that this act of raising the hands is not part of the prayer nor was it one of the Prophet's (PBUH) actions, nor did he recommend it anyhow (al-Sabee, 2013, p.33). However, what eases this clear-cut point of difference is the reality that none of those who hold the legitimacy of raising the hands in the prayer said that it is mandatory and the prayer of those who do not act upon it is invalid. Rather, they all agree that the prayer's validity is not

affected by leaving such action, as an-Nawwai says: 'They, (Muslims Scholars) agreed that none of the raising (of the hands) is obligatory' (al-Nawwai, v.4, p.99).

The Ibāḍī view and evidence

Technically speaking, the Ibāḍī School of Law advocates not raising the hands in the prayer for a number of reasons. First, what was narrated authentically in al-Rabeea, Muslim and an-Nasa'i that the Prophet (PBUH) denied his Companions when he saw them raising their hands in the prayer, and, as a result, he commanded them not to do so anymore. In an-Nasa'i wording, Jabir b. Samurah said: 'The Messenger of Allah (PBUH) came out to us and we were raising our hands during the Salah. He said: 'Why are you raising your hands while praying, like the tails of wild horses? Stay still when you are praying' (al-Rabeea, 216; Muslim, 430; an-Nasa'i, 1185). Second, although the narrations that legitimise the raising of the hands in the prayer are numerous, they prove to have been inconsistent in regards to its rule, its count, its postures and the details of its application. If it had been an established Prophetic Sunnah, the examples would not have been contradictory and incompatible, especially when it comes to an issue concerning the most frequently visible act of worship in the Prophet's (PBUH) lifetime, the Prayer (as-Sabee', 2013, p.35-39). In the same connection, it is indisputable in the Science of *Ḥadīth* that the inconsistent *hadīth* falls under the category of a weak *hadīth* (al-Baikuni, 2004, p.8; Ibn Hajar, 2008, p.115). Hence, the inconsistent reports do not serve as a legitimate proof in Islamic

Jurisprudence. Third, the famous agreed narrations, which mention the description of the Prophet's (PBUH) prayer, do not mention raising the hands at all, such as the famous narration of the man who did not pray properly in the presence of the Prophet of Allah (PBUH) (al-Bukhari; 78:660). Fourth, implementing the principle of taking the most precautionary choice and going back to the original state in the ambiguous situations. To elaborate, since this action and all its narrations are not free of controversy, in terms of their chain of transmitters, the safer recourse is to go back to the origin and not to add, in the essence of the prayer, anything except what fulfils the certainty conditions (al-Maawali, 2014, p.201-202).

The Ḥanafī view and evidence

Unlike the Ibādīs, the Ḥanafīs rely mainly on the narrative proofs attributed to the Messenger of Allah (PBUH) and his Companions (May Allah be pleased with them). The renowned contemporary Ḥanafī scholar, Sheik Abu Yusuf Riyadh ul-Haq (born 1971), in his book *The Salah of a Believer in the Qur'an and Sunnah* lists many of the Ḥanafī textual evidence on this issue. Of this evidence, he mentioned the following *hadīths*; first, on the authority of Anas b. Malik who said: 'I saw the Prophet say the *takbīr* and place his thumbs close to his ears..' (al-Hakim; 822). Second, what is reported by Wa'il b. Hujr who said: 'The Messenger of Allah (PBUH) stood up and faced the *Qiblah* and uttered the *takbīr* (Allah is most great); then he raised his hands till he brought them in front of his ears' (Abu Dawud; 957). Third, Ibn Mas'ud once said: 'Should I not inform

you of the prayer of the Prophet (PBUH)? He then stood up and raised his hands once in the beginning' (al-Nasai; 1026). Fourth, what is narrated by Ibrahim al-Nakha'i that he says: 'Abdullah bin Mas'ud would not raise his hands in any part of the prayer except in the beginning' and many other *hadīths*. (Abu Yusuf, 1998, p.26-27, 44-49).

The Analysis

It is clear from a quick glance at the evidence of each party that each one took a side to prove its stance. On the one hand, the Ḥanafīs seem to have been overwhelmed by the great number of narrations and narrators who attributed to the Prophet (PBUH) and his Companions that they would raise their hands in the prayer, irrespective of the differences in the details between the narrations. Thus, they became content and reassured without any further investigation of their authenticity. On the other hand, the Ibāḍī scholars used both the Science of Ḥadīth and the Science of Jurisprudence Principles to tackle this problematic issue and reach at a final verdict, reconciling, or rather, determining which of the two conflicting sets of evidence deserved to outweigh the other. On the Ḥadīth level, they conclude that the massive inconsistency between the reports, in both the chain of narration and the content, cannot be reconciled anyhow and such inconsistency is considered an intolerable deficiency and, consequently, renders the *hadīth* unacceptable.

On the *Usūl* level, the Ibāḍīs seem to have utilised the Principles of Jurisprudence to get to a conclusion and support their view.

The following three examples of principles could serve to support this claim. First, 'Whenever evidence is provided that allows is opposed by evidence that forbids, the forbidding evidence should be given the priority over the allowing one' (Harmosh, nd, v.1, p.110; Kamali, 2003, p. 458). Putting this Principle into practice led the Ibāḍī jurists to give preference to the narrations which prohibit people from raising the hands, over those which allow this action (al-Busafi, 2013, p.342). Second, 'Whenever a verbal report conflicts a practical one and there is no way to reconcile them, the verbal one should be given precedence over the practical', as far as the majority of Islamic schools are concerned (as-Shawkani, 2000, p.1138) As all the narrations that allow and legitimise raising the hands are only practical ones and the narrations that disallow are verbal, the disallowing narration should prevail on this issue (al-Busafi, 2013, p.342). Third, Ibāḍī scholars are of the opinion that the Companions' views are not valid proof in disputable and arguable matters, like the one in question (as-Salimi, 2010a, v.2, p.76; Harmosh, nd, v.1, p.853), unlike what Imam Abu Hanifa holds (Kamali, 2003, p. 318-319). Therefore, what the Ḥanafīs reported from the Companions' own practice and sayings can neither be independent evidence nor supporting to others, as far as Ibāḍīs are concerned (as-Salimi, 2010a, v.2, p.97-99).

Finally, what al-Nawwai claimed is not accurate, being that raising the hands as a recommended act of prayer found the consensus of all Muslims (al-Nawwai, v.4, p.99), nor what Ibn al-Munder related, that Muslim Scholars agreed unanimously that

the Prophet (PBUH) would raise his hands when he would pronounce the consecrating *takbīr* (Ibn al-Munder, 2001, p.8), because many jurists hold that all what has been narrated from the Prophet (PBUH), related to this subject, is not technically authentic. Thus, it is not valid to be considered an established Sunnah.

2.3. Reciting *al-Basmallah* Loudly

The Background

Among the first pillars of the prayer is reciting *al-Fatiha*, the Opening Chapter of the Qur'an. Hence, the prayer does not count if the person has not recited this chapter. However, the very first part of the Opening Chapter is *al-Basmallah*, saying *Bismillah al-Rahman al-Rahmeem*, meaning 'In the Name of Allah the most Gracious the most Merciful'. Besides being an independent verse of *al-Fatiha*, it is an integral part of it. Therefore, the prayer of the one who does not recite *al-Fatiha* is incomplete.

The Ibādī view and evidence

Although, generally speaking, both Ibādīs and Ḥanafīs are in agreement regarding the obligation of reciting the Opening Chapter and its *Basmallah* upon the Imam, they differ over some details. Of these issues of difference is the ruling regarding reciting *al-Basmallah* by the Imam in the loud prayers as to whether it should be out aloud or not. Like the Shafīe School of Law, the Ibādīs unanimously make no distinction between any

parts of the Opening Chapter. They maintain that the *Basmallah* has to be recited loudly in all loud prayers (al-Khalili, 1984, p.174, 182, 191). Their main proof is that the whole Opening Chapter must be recited out aloud in other than the two day prayers, the Noon, *Duhr*, and Afternoon, *Asr*, prayers because there is no valid evidence which gives a specific exceptional ruling on the *Basmallah*. Thus, the original ruling should be applicable to it as well. Moreover, this default ruling is supported by an explicit Prophetic tradition narrated by a large number of the Prophet's Companions, such as: Ali b. Abi Talib, Ammar b. Yasser, Abu Hurayrah, Ibn Abbas, Ibn Omar and Aisha. They all confirm that 'The Prophet would read *Bismillah al-Rahman al-Rahmeem* loudly' (al-Hakim, 1061). Also, it is narrated authentically from Anas b. Malik, the servant of the Prophet himself, that all Companions from the Emigrants and Helpers denounced what Muawyah b. Abi Suffyan did when they did not hear him recite the *Basmallah* in the prayer (al-Shafiee, 138) and this, in turn, shows that the application of all the Companions is to read *al-Basmallah* out aloud, not in silence (al-Maawali, 2014, p.217-218).

The Ḥanafī view and evidence

As for the Ḥanafī School of Fiqh, it holds that the Imam should recite *al-Basmallah* even in the loud prayers silently, unlike the rest of the Opening Chapter. They argue that reciting *al-Basmallah* silently is the practice of the Prophet Muhammad (PBUH) himself and it is the known view and practice of the four Rightly Guided Caliphs. To that end, Sheik Abu Yusuf advocates

the Ḥanafī standpoint with the following hadīth: on the authority of Anas b. Malik who said: ‘I prayed *salah* behind the Prophet (PBUH), Abu Bakr, Umar and Uthman (May Allah be pleased with them) and I did not hear one of them recite *Bismillah al-Rahman al-Rahmeem* loudly’ (Muslim, 399). With almost the same wording, the hadīth has also been narrated by the Companion Abdullah b. Mugaffal who said to his son, the narrator of this *hadīth*: ‘I have prayed with the Prophet (PBUH), Abu Bakr, Umar and Uthman (May Allah be pleased with them), and I did not hear any one of them recite *Bismillah al-Rahman al-Rahmeem*, therefore don’t recite it. When you pray *salah* read *al Hamudul lillahi Rabbil Aalameen*’ (Tirmidhi, 244). Beside the Companions, Ḥanafī *fuqahā* support this attitude by attributing it to many of the Successors, *Tabeen*, and their followers, such as Imam Abu Hanifa, his close disciples, Ahmed b. Hanbil, his followers, Sufyān al-Thawri, etc. (Abu Yusuf, 1998, p.37-38).

The Analysis

As both parties, the Ibāḍīs and Ḥanafīs, try to prove their jurisprudential positions with regards to this issue with textual evidence apparently in contradiction to one another, it would seem that the disagreement between the two can be ascribed to the methodology each adopts to settle the issue and in order to find out which set of evidence outweighs the other. Regarding the Ibāḍī School, they resort to support their textual evidence that the *Basmillah* should be recited out aloud with the juristic rules such as, ‘The part is given the rule of the

whole'. Thus, as the *Basmillah* is part of *al-Fatiha*, the *Basmillah* should be given *al-Fatiha*'s rule and, consequently, recited loudly. Second, the jurisprudential principle reads that 'The original ruling should be presumed and maintained so long as it is not changed with a valid proof' (as-Salimi, 2010a, v.2, p. 259). Practically speaking, the original ruling is that the recitation of the Night, *Isha*, prayer is loud. Thus, this ruling should be continued and not be changed, except with a sound proof, free of any defect, such as being opposed by another sound proof. However, Ibādīs argue that the Ḥanafī's narrations do not serve to change this original ruling, as they are being challenged with another strong proof. Hence, going back to the original ruling, loudness, is what should be implemented here. Last but not least, it is worth bearing in mind that the Ḥanafīs do not acknowledge this juristic principle, presumption of the continuity of the previous state, in the first place. Thus, they do not have to comply with it, and that enhances, even partly, the difference that takes place, as will be mentioned in the Ḥanafī side (Kamali, 2003, p. 384).

On the hadīth level, the jurists of the Ibādī School make use of the Science of Ḥadīth Criticism to investigate the authenticity of the Ḥanafī narrations mentioned above. They checked the historical reliability of the hadīths' transmitters and argued that both hadīths' chains of narrators are not reliable. Regarding Anas' hadīth, it contains al-Waleed b. Muslim ad-Dimashqi who is accused of being a falsifier, as Ibn Hajar mentioned (Ibn Hajar, 2004, v.6, p.750-751). As for the second report of Abdullah b.

Mughaffal, the narrator of this hadīth, the son of Abdullah, is unknown as many scholars agree (Redha, 2005, v.1, p.76).

On the Ḥanafī side, Ḥanafīs resort, in order to prefer one set of the conflicting evidence over the other, to the application of the Companions, their Successors and the followers of their Successors (May Allah be pleased with them), the first three generations being the best three Muslim generations. Thus, when reciting *al-Basmillah* silently was the practice of the Companions and their followers, as far as the Ḥanafīs are concerned, they concluded that the silent narrations should be given precedence over the loud ones. However, what the Ḥanafīs resorted to of the Companions' action, let alone their followers and who came later, is a disputable matter and rather not acknowledged as a proof by the Ibādī School, as mentioned previously (as-Salimi, 2010a, v.2, p.76; Harmosh, nd, v.1, p.853). Hence, the disagreement occurred. Furthermore, another important element which might have contributed to causing the controversy, as referred to above, is the fact that the Ḥanafīs, unlike Ibādīs, do not deem *Istishab*, presuming the continuity of the original state, as a valid proof in Islamic legislation, whereas Ibādīs acknowledge *Istishab* as a valid legislative proof when the sound evidence is absent (as-Salimi, 2010a, v. 2, p. 259; Kamali, 2003, p. 384).

2.4. Saying *Āmīn* after Reciting *al-Fatiha*

The Background

In the Glorious Qur'an, Allah Almighty guaranteed that He will preserve His final revelation, the Qur'an, so no distortion or tampering will affect it. Consequently, He fulfilled His promise and hence, all Muslims across the World from the East to the West are now in complete agreement on what was compiled between the two covers of the Qur'an that it is part of the Qur'an and they are in total agreement as well that what is out of its two covers is not part of the Qur'an. Therefore, there is no difference of opinions between them that '*Āmīn*' is not a part of the Qur'an. However, with this agreement, they differed whether it is legitimate to say it in the prayer after reciting the Opening Chapter or not. The Juristic Ibādī School is of the view that it should not be said. Whereas, the Ḥanafī Juristic School is of the opinion that it is recommended to say '*Amen*' after the recitation of the Opening Chapter.

The Ibādī view and evidence

As far as *al-Muatamid in the Jurisprudence of Prayer* is concerned, the Ibādī viewpoint is supported with multiple forms of evidence, as follows. First, '*Āmīn*' is part of people's speech since it is not from the Qur'an by a unanimous consensus, as established earlier. Indeed, at the beginning of the Prophet's (PBUH) mission, people's speech had been allowed in the prayer, but towards the end of the Prophet's (PBUH) life, it was abrogated by both the Qur'an and Sunnah. Thus, people's

speech is no longer allowed in the prayer in any form which includes saying 'Āmīn'. Second, the prayer is an incomprehensible form of worship (i.e. we do not know its ultimate purpose), and the established jurisprudential rule in this regard is that there should not be in this kind of worship any addition other than the Qur'ān and the legitimised remembrance of Allah, except with a valid proof which gives an exception to what is other than that. According to Ibādīs, Āmīn is not part of the remembrance of Allah, nor is there a valid excepting proof (al-Maawali, 2014, p.219-220).

The Ḥanafī view and evidence

In support to their position of saying Āmīn after the Opening Chapter, Ḥanafī scholars of Islamic jurisprudence rely on many narratives, some of which are attributed to the Prophet (PBUH) himself and others to his Companions and their followers. The first proof the Ḥanafī text, *the Salah of a Believer in the Qur'ān and Sunnah*, uses is what has been reported by Abu Hurairah (May Allah have a mercy on him) that the Prophet (PBUH) said: 'When the Imam says 'Ghairil Maqhdhoobi Alaihim WaladhaAlleen', say Āmīn. For one whose Āmīn coincides with that of the Angels, he will have all his past sins forgiven' (al-Bukhari, 749). Further evidence has been narrated by Wail b. Hujr who said: 'The Prophet (PBUH) led us in Salah, when he recited 'Ghairil Maqhdhoobi Alaihim WaladhaAlleen' he said Āmīn silently' (Abu Dawood, 1024). Furthermore, the writer of *the Salah of a Believer* backs up these narrations, writing: 'Saying Āmīn silently was the view and practice of Sayyiduna

Umar, Sayyiduna Ali, Sayyiduna Ibn Mas'ud (May Allah be pleased with them), Ibrahim al-Nakha'i, Sh'abi, Ibrahim al-Taimi, Imam Abu Hanifa, Abu Yusuf.. and the people of Kūfah' (Abu Yusuf, 1998, p.40).

The Analysis

Unlike the Ḥanafī methodology, what draws the reader's attention, in the Ibāḍī discussion, is the Ibāḍīs' not using of the narrative texts to defend their position. From a deeper reading of the literature of the Ibāḍī Fiqh, it can be inferred that Ibāḍīs did not rely on what have been narrated by their opponents because they hold that all those narrations are not free of deficiencies (the intolerable defects which render the hadīths weak). Of these deficiencies is the weakness in some of the hadīth narrators as traced by the Ibāḍī contemporary researcher Rashid al-Busafi in his book *The Satisfactory Letter in the Ibāḍī Prayer*, a detailed study on what distinguishes the Ibāḍī prayer. After examining the chains of the famous narrations, in regards to 'Āmīn', al-Busafi concludes that all these narrations have one or more criticised narrator (al-Busafi, 2011, v.1, p.151-157). In addition, the Ibāḍī School excluded many of the 'Āmīn' narrations argued by the opposite party, the Ḥanafī School, because they are general in the legality of saying Āmīn after any *Dua'a*, and not explicit in the prayer or after *al-Fatiha*. Therefore, they claim that they do not serve as considerable proofs, since they are irrelevant to the point of dispute (al-Maawali, 2014, p. 220).

However, the renowned contemporary Ibādī *Muhaddith*, scholar of *hadīth*, Sheik Said al-Qannobi makes use of the Science of Islamic Principles to give preference to one opinion over the other. He contends that if we were to agree, for the sake of argument, that some of the '*Āmīn*' narrations are sound, in terms of their chains of transmitters, we still would not be able to use them as specifying evidence in this issue because the narrations of abrogating people's speech are general in their wordings. As a consequence, these general wordings cannot be confined to their historical contexts (the contextual reasons for the narrations) due to the juristic principle, 'There is no consideration with the specificity of the historical context of an evidence with the generality of its wording' (al-Busafi, 2011, v.1, p.122). Hence, the general wording of the forbidding reports should be applied over all people's speech, including *Āmīn*. In other words, this generality of the evidence that prohibits people's speech cannot be specified by mentioning one instance falling under that generality, such as *Āmīn*. All of this is according to juristic principle acknowledged by the majority of Jurisprudence Principles scholars (al-Qannobi, 1995b, p.4).

On the other hand, in support of his narrative proofs, Sheik Abu Yusuf Riyadh ul-Haq followed his textual evidence by saying: 'and the people of Kūfah' (Abu Yusuf, 1998, p.40). This indicates the view found in some of the Ḥanafī literatures that the practice of the people of Kūfah, the second Islamic Capital, is a proof, per se. On the contrary, neither the action of the people of Kūfah, nor that of al-Madina, as it is the case in the Maliki

School, is a legal proof in the Ibādī School of Law (as-Salimi, 2010a, v.2, p.122-123).

2.5. Reciting *al-Fatiha* behind the Imam

The Background

In general, all Muslim scholars have come to an agreement on the obligation of reciting the Opening Chapter, *al-Fatiha*, in the prayer and it being one of the prayer's pillars. That consensus is due to the numerous Prophetic sayings that command people to recite it, and that give the ruling of invalidity to the one who does not read it. An example of the Prophetic traditions is what has been related on the authority of Anas b. Malik that the Prophet (PBUH) said: 'Whoever performs a prayer in which he does not recite *Ummul Qur'an* (the Mother of the Qur'an, i.e., *al-Fatiha*), his prayer is deficient; not complete' (al-Rabee, 225; al-Bukhari, 887). However, with that overall agreement, the dispute took place between the Muslim scholars over whether the follower of the Imam, *Mamum*, should recite the Opening Chapter in the congregational prayer or not.

The Ibādī view and evidence

As far as the Ibādī jurists are concerned, reciting the Opening Chapter of the Qur'ān is compulsory upon every person who prays in every unit (*Rak'ah*) whether s/he is an Imam, follower or an individual, whether it be a mandatory prayer or just a recommended prayer, whether it be a loud prayer or a silent prayer. The generality of the previous narration of Anas (May

Allah be pleased with him), in which the Messenger (PBUH) did not specify the Imam to recite *al-Fatiha* apart from his followers, is one of their reliable proofs. Further evidence of theirs was narrated by Ubadah b. Assamt who stated that Allah's Messenger prayed the *Subh* prayer (morning) and he had difficulty with the recitation. When he turned (after finishing) he said: 'I think that you are reciting behind your Imam?' The narrator said: "We said: 'Yes, Messenger of Allah!' The Prophet replied: 'do not do that, except for *Umm Al-Kitab*, *al-Fatiha*, for there is no Salah for one who does not recite it' (al-Rabee, 230).

The Ḥanafī view and evidence

Abu Yusuf Riyadh ul-Haq articulates the Ḥanafī viewpoint, saying: 'If you are praying in a congregation, then you should not read behind the Imam anything' (Abu Yusuf, 1998, 42).

In support of this position, there are many textual proofs listed by the Ḥanafī School. For the sake of clarity, their textual evidence could be divided into three categories: Qur'anic, Prophetic, and narratives from the righteous predecessors. Also, for the sake of brevity, only one example from each category will be given. Firstly, the divine commandment of Almighty Allah in the Chapter of *al-A'raaf*, the Heights, which reads: 'And when the Qur'ān is recited, listen to it attentively and remain silent, that you may receive mercy' (Q, 7:204). Secondly, the prophetic category reports, such as what Abu Hurairah (May Allah have a mercy on him) narrates that the Prophet (PBUH) turned around after a Salah in which he recited loudly. He enquired: 'Has any of you recited behind me?' A man replied: 'I did'. The Prophet

(PBUH) said: ‘I say: what is it with me? I am being contested with the Qur’ān’. After the people heard this from the Prophet (PBUH), they stopped reciting with him (behind him) in those Salah in which he would pray loudly’ (Malik, 194). Thirdly, in this category the writer mentioned the narration of Nafi’, in which he reports that when Abdullah b. Umar (May Allah be pleased with him and his father) would be asked, ‘Should one recite behind the Imam?’ he would reply: ‘When one of you prays behind the Imam, the Imam’s recitation is sufficient for him. When he prays alone, he should recite’. Nafi’ adds ‘Abdullah b. Umar (May Allah be pleased with him and his father) would not recite behind the Imam’ (Malik, 193).

The Analysis

From an *Usūl* point of view, all agree on the fact that the Qur’anic verse offered by the Ḥanafī School is general, but the difference still has to emerge because of the diverse views between the two Schools regarding the generality of the evidence. Since the Ḥanafī jurists hold that the general evidence is definitive in its meaning (Kamali, 1998, p.148), it is very natural that they use the verse as a valid proof, and consequently, base their ruling upon its generality. On the contrary, the Ibādīs, like the majority of the juristic schools, don’t follow that principle, as they hold that the general is speculative, not definite, on its meaning (as-Salimi, 2010a, v.2, p.225, 229; as-Salimi, 2010b, v.7, p.579; Harmosh, nd, v.1, p.503). As an application of this principle, whenever there is a specifying proof, even a solitary one, the specific should be

given priority over the general, as it is the case with this instance in which the general, the verse, is specified by the, abovementioned narration of Ubadah b. Assamt (May Allah be pleased with him). Kamali (1998, p.148) articulates the point of difference between the Ḥanafīs and the majority of the juristic schools, with regards to this issue, by saying: ‘The result of this disagreement becomes obvious in the event of a conflict between the *amm*, general, of the Qur’ān and the *khass*, specific, of the *hadīth*’.

Furthermore, from a Ḥadīth point of view, it seems by the way of comparison between the Ibāḍī narration (*hadīth* Ubadah) and the Ḥanafī narration (*hadīth* Abu Hurairah), that both of them are actually relating the same occasion but one of them, the Ibāḍī narration, has an addition not found in the Ḥanafī one, which states that ‘except for *Umm Al-Kitab*, *al-Fatiha*, for there is no *Salah* for one who does not recite it’. The Ibāḍī School relied on this narration due to the *hadīth* principle which is approved in the Science of Ḥadīth that ‘The addition of the trustworthy is acceptable’ (Ibn Hajar, 2001, p.212). On balance, the other opinion has become the established one in the Ḥanafī School, although the Ḥanafī scholars might agree with this *hadīth* principle, because *hadīth* Ubadah was narrated in al-Rabee’ collection of *hadīth*, an Ibāḍī authoritative source of *hadīth*, which might not be acknowledged as a reliable reference by the Ḥanafī School, or at least, not given the preference over the Sunni collections of *hadīth*s. As for the narration of Nafi’ presented by Ḥanafīs, pertaining to Ibn

Umar's own practice, it remains a Companion's opinion in a disputed juristic issue, which cannot stand as a binding proof with most scholars, including the Ibāḍī jurists, unlike the Ḥanafī School (az-Zuhili, 2001, p.12).

2.6. Reciting Surah after *al-Fatiha* in the Day Prayers

The Background

A large number of Muslim scholars are unanimously united in the fact that reciting what is after *al-Fatiha* in the first two *rak'ah* of the two day prayers, the Noon and Afternoon prayers, is not obligatory and that the prayer of the one who does not recite it is complete. Despite this agreement, the difference still took place between Ibāḍīs and the mainstream Sunni Muslims, including the Ḥanafī Scholars, as to whether this recitation is legally recommended or not. The Ḥanafī School adopts the former, while the Ibāḍī School adopts the latter, as will be discussed below.

The Ibāḍī view and evidence

The Ibāḍī Law School holds the opinion that reciting any part of the Qur'ān after the Opening Chapter in the first two units of the silent prayers is not legitimate; rather, it should not be practised. In support of their standpoint, Ibāḍī scholars suggest three main kinds of evidence: textual evidence, analogical reasoning and deductive inference. Regarding the textual evidence, of their narrative proofs is what has been narrated from Ibn Abbas that he was once asked: 'Would the Prophet of

Allah recite in the Noon and Afternoon prayers? He replied: No no. Then he is asked: Perhaps he might recite the Qur'an quietly. He said: May your face be scratched (a kind of curse)! This (statement) is worse than the former' (Abu Dawud 2:418). Concerning the analogical reasoning, they argue that, apart from the point of discussion, it is agreed by all that only *al-Fatiha* is recited in all silent *rak'ah* like the last two units of Noon, Afternoon and Night prayers.

On the other hand, they agree that the Quran, beside *al-Fatiha*, is recited always in all loud units, even if these prayers are day prayers like the Friday and Eid prayers. Furthermore, this applies even within the one prayer itself, in other words, we find that since the first two units of the Sunset and Night prayers are loud, another surah is recited, whereas, only *al-Fatiha* is recited in the silent units within these two prayers. Thus, with all that in mind, a general rule could be established that whenever there is a silent unit, *al-Fatiha* only should be recited. Furthermore, whenever there is an audible unit, another Surah should be added to the Opening Chapter. Therefore, by applying this rule, it is concluded that any Surah, other than *al-Fatiha*, should not be recited in the first two units of the Noon and Afternoon prayers (an-Nami, nd, p.151). As for the deductive inference, the Surah is recited in order to be heard and listened to by *Ma'mumeen* (the followers). Therefore, since the first two units of the day prayers are silent by consensus, there will be no listening taking place, thus no Surah is to be recited in that place (al-Khalili, 1426 AH, p2-9.).

The Ḥanafī view and evidence

The mainstream Muslim schools, including Ḥanafīs, advocated the opinion of reciting other than the Opening Chapter in the first two units of the day prayers with some reports ascribed to the action of the Prophet (PBUH). Among these practical reports are the following. Firstly, on the authority of the Companion Abu Qatadah who said: 'My father said, "The Prophet (PBUH) in Zuhr prayers used to recite *al-Fatiha* along with two other Suras in the first two rak`at: a long one in the first rak`a and a shorter (Sura) in the second, and at times the verses were audible. In the `Asr prayer the Prophet (PBUH) used to recite *al-Fatiha* and two more Suras in the first two rak`at and used to prolong the first rak`a' (al-Bukhari, 10:153). Secondly, Khabbab b. al-Art (May Allah have a mercy on him) was once asked: 'Did the Messenger of Allah (PBUH) recite (the Qur`ān) in the Noon and Afternoon prayers? He replied: Yes. We then asked: How did you know this? He said: By the shaking of his beard, [due to the movement made by speaking] may peace be upon him' (Abu Dawud, 2:411). Thirdly, some other narrations, in which the Messenger (PBUH) was reported to have recited some specific Qur`anic chapters in the day prayers, e.g. what was narrated by Abu Said al-Khudri, that the Apostle of Allah (PBUH) used to recite in every rak'ah of the first two rak'ahs of the Noon prayer about thirty verses and, in the last two, about fifteen verses or half (of the first rak'ah) and in every rak'ah of the 'Asr prayer of the first two rak'ahs about fifteen verses and in the last two verses half (of the first ones) (Muslim, 4:177).

The analysis

It seems that the Ibādī jurists doubted the authenticity of the reports introduced by the Ḥanafī School after having subjected them to a process of examination. A number of Ḥadīth flaws could be sensed from their arguments. For instance, the inconsistency between the narrations, in terms of the chapters, claimed to have been recited by the Prophet Muhammad (PBUH) in these silent units and the portion of these chapters that the Prophet (PBUH) would read, taking into account that the inconsistent ḥadīth falls under the category of weak ḥadīth which is invalid as a legal proof (Ibn Hajar, 2008, p.115). Furthermore, the way that some of the Companions learned the recitation of the Prophet (PBUH) after *al-Fatiha* is through a doubtful way, that was only by observing the movement of his beard, as it is the case with Khabbab's narration. Despite being a weak way to prove such a disputable issue, it is hard to believe that the Prophet's Companions would look around during their prayer, bearing in mind the repeated Prophetic prohibition and threat from practising such an action during the prayer, which would most likely result in the absence of the prayer's consciousness. Moreover, another criticism directed to the content of ḥadīths is that, according to some of the abovementioned narrations, the Companions would hear the Prophet (PBUH) reciting some verses from different chapters. If this is the case, it that the Prophet (PBUH) would exceed the limits of silence, and enter the limit of loudness, and that prayer would cease to be silent prayer anymore.

With all that in mind, it appears that it is quite peculiar that the Ḥanafīs adopted the opinion of the majority if you take into account that of their methodology is to give preference to *Ijtihād* over the narrative proofs, and that they give preference to *Qiyās* over the solitary narrations, which means that they do not rely on individual narrations when they are probable, let alone criticised ones, as it is the case here (al-Khalili, 1426 AH, p.21).

However, the Ḥanafī view still could be justified in the light of some juristic principles. That is the jurisprudence rule: ‘The affirmative proof is given precedence over the negative proof’ (az-Zarkashi, 1994, p.466; ash-Shawkani, 2000, p.1137). In other words, the narrations that state that the Prophet would recite other than *al-Fatiha* in the day prayers are affirmative, whereas, those which deny this recitation are negative. Nevertheless, the other party might retort against this proof, claiming that this method of evidence is valid when both the affirmative and negative are equal. Since this is not the case, as the negative reports are explicit on negating the Prophet’s (PBUH) recitation and the affirmative are speculative, the affirmative cannot be given precedence over the negative as far as al-Busafi is concerned (al-Busafi, 2011, v.2, p.83).

2.7. Raising the Index Finger in the *Tashahhud*

The Background

Although the jurists of Islam agree on the general legality of saying the *Tashahhud* in both sittings, including saying: ‘There is no God but Allah’, they differ over the legitimacy of raising and moving the index finger upon saying the aforementioned testimony of Oneness of Allah. Regarding Ibāḍīs and Ḥanafīs, this issue is considered among the disputable matters in the prayer between the two schools; whereas the Ibāḍīs maintain its illegitimacy, the Ḥanafīs maintain the legality, as will be elaborated below.

The Ibāḍī view and evidence

Having to abstain from moving the index finger at *Tashahhud*, or even raising it in the first place, is what has been maintained by the Ibāḍī Law School. The argument was by various evidence, some are textual and others are concluded by deductive reasoning. From a textual point of view, many of the Ibāḍī scholars state that there is no authentic hadīth valid to prove the issue, rather, according to them, all of what was narrated had subtle defects when applying the Science of Ḥadīth Criticism (al-Busafi, 2011, v.2, p.110), as will be discussed shortly in the analysis. As for the deductive point of view, they argue that raising the finger is an additional action in the prayer, like the previous controversial actions, and unless an unambiguous sound proof is provided, we should stick to the original legal non-liability (as-Salimi, 2010b, v.4, p.272).

The Ḥanafī view and evidence

It is worth stating that although the Ḥanafīs, unlike Ibādīs, maintain the legality of raising the index in *Tashahhud*, they share with the Ibādīs the view that moving this finger, the index, constantly in the posture of sitting is not legitimate. Thus, it is only the issue of raising the index in the sitting posture they differ over. Having determined the point of controversy between the two parties, the only Ḥanafī proof given by Sheik Abu Yusuf (1998, p.173) should be provided here. It is narrated on the authority of Abdullah b. al-Zubair (May Allah be pleased with him and his parents) who wrote: ‘The Prophet (PBUH) would point with his finger when he prayed and he would not move it’ (Abu Dawood, 2: 600).

The analysis

As is clear from the above mentioned discussion, this contentious issue is marked by the scarcity of evidence provided by both parties. Despite that scarcity, a critical look at the information available might reveal some clues as to why they differed over the issue. First, the Ibādīs did not find one single narration in their legal literature that supports the action of raising the forefinger in *Tashahhud*, neither in their hadīth books nor in their Jurisprudence combinations. Based on that, it could be understood that the Ibādīs relied on the practical transmission of the prayer description all the way back to the Prophet Muhammad (PBUH) himself. In other words, it seems that they never found any of their righteous predecessors raising their index fingers. Bearing in mind that the founder of

their school of law, upon his opinions the Ibādīs rely, was Jabir b. Zaid whose teachers were the senior jurists of the Prophet's (PBUH) Companions, e.g. Ibn Abbas, Aisha, Abu Hurairah, Ibn Mas'ud, Ibn Umar, etc. who witnessed that he attained vast knowledge in the Islamic Fiqh. Therefore, it is unlikely, if raising the index was a Sunnah, that they did not tell him or he did not teach his followers this established Sunnah.

The second attempt to understand what might have been part of the root causes of this disagreement is by a comparative study of the numerous divergent reported narrations. By doing this narrative comparison, it seems that Ibādīs might have arrived at the conviction that these diverse reports were proven to be inconsistent. The inconsistency of these narrations is reflected, as a result, in the irreconcilable opinions derived from them. Technically speaking, the inconsistent hadīth falls under the category of weak hadīth, which does not serve as a sound proof in the Fiqh issues, according to the four Sunni schools (al-Baikuni, 2004, p.8).

2.8. Combining the Two Prayers on travel:

The Background

A unanimous consensus between the scholars across the various schools of Islamic law is concluded regarding the general legality of combining the Noon and Afternoon prayers on the one hand and Sunset and Night prayers on the other hand. Despite the general agreement, it is notable that, of the juristic issues that distinguish the Ḥanafī School, is the view that the combination between the two prayers on travel is restricted to only two places: Arafah and Muzdalfa. As in, they are opposed by the other legal schools, including the Ibāḍī School of Law (as-Salimi, 2010b, v.5, p.210-211).

The Ibāḍī view and evidence

Like the majority of jurists, Ibāḍī *fuqahā* (jurisprudence jurists) hold that the combination between the two prayers is not confined to certain geographical areas, rather, it is legitimate to combine wherever the prayer is as long as he/she is legally travelling. The proof being the numerous narrations that provide a practical tradition that the Messenger of Allah joined the two prayers on so many occasions. The set of textual evidences are mentioned as follows: first, what is narrated by Abu Hurayra, that the Messenger of Allah (May Allah bless him and grant him peace) joined Dhuhr and `Asr on his journey to Tabuk (Malik, 9:329). Second, the servant of Allah's Prophet (PBUH), Anas b. Malik, said: Whenever the Prophet (PBUH) started a journey before noon, he used to delay the Dhuhr

prayer till the time of `Asr and then offer them together (al-Bukhari, 18:30). Beside these Prophetic narrations and much more, some of the supporters of this viewpoint back up their standpoint with a Qur'anic reference in which Allah Almighty says: 'Establish prayer at the decline of the sun [from its meridian] until the darkness of the night and [also] the Qur'an of dawn. Indeed, the recitation of dawn is ever witnessed' (Q, 17:78). They argue that the verse commands the believers to offer the prayer only three times: when the sun moves from the middle of the sky, in order to establish both Noon and Afternoon prayers, and when the sun sets which involves the Sunset and Night prayers. And finally, the recitation of dawn which refers to the early Morning prayer (al-Maawali, 2014, p.341).

The Ḥanafī view and evidence

As explained earlier, all Muslim scholars are unanimous on the point that it is allowed to join the prayers in Arafah and Muzdalfa. However, apart from this point of consensus, the Ḥanafī School does not permit the combination of the two prayers at the same time. The justification of their firm stance could be summarised in the following points: firstly, the general legislative texts that prescribe a particular time for each single prayer and the texts that order the believers to observe the prayers on their own time, such as the verse which reads: 'Indeed, prayer has been decreed upon the believers a decree of specified times' (Q, 4:103). Secondly, Ibn Mas'ud's (May Allah please him) clear statement that he says: 'By the one who has

no partner in his divinity, the Prophet (PBUH) never prayed a prayer but on its own time, except that of Arafah and Muzdlifah (Az-Zuhili, 2007, v.2, p1374). Thirdly, based on some of the early predecessors, the combination meant in the legal texts is only 'the nominal combination'. In other words, it is just to delay performing the first prayer till its last time, then you offer the second prayer on its very early time. This means that each prayer is conducted on its own time, despite the apparent nominal combination. Among these narrations that are used to support this understanding is what related by Amr b. Dinar, who said: 'I heard Abu Ash-sha'tha' Jabir saying, "I heard Ibn `Abbas saying, 'I offered with Allah's Messenger (PBUH) eight rak`at (of Zuhr and `Asr prayers) together and seven rak`at (the Maghrib and the `Isha' prayers) together'. "I said, "O Abu Ash-shatha! I think he must have prayed the Zuhr late and the `Asr early; the `Isha early and the Maghrib late." Abu Ash-sha'tha' said, "I also think so" (al-Bukhari, 19:52; as-Saghirji, 2000, p.276).

The analysis

Not allowing the two prayers to be joined while travelling is a unique issue to the School of Abu Hanifa. This uniqueness is due to two reasons: first, it is contrary to the opinion adopted by the overwhelming majority of Muslims, even within the Sunni Schools of Law (as-Salimi, 2010b, v.5, p.210-211). Second, it imposes considerable hardship upon the practitioners of the Ḥanafī fiqh, especially on their continuous travel as it disrupts their journey and obliges them to stop more frequently to perform each prayer on its own time.

Although the Ḥanafīs do not deny all the narrations that allow the combination of the prayers, it seems that they were compelled to reinterpret them in order to be in line with that which was narrated from Ibn Mas'ud, the great scholar of Kūfah, from which the Ḥanafī School had stemmed. Most likely, the reverence that the Ḥanafīs have towards the founder of the School of *ra'y* (opinion), Ibn Mas'ud, would have to have a great influence on the Ḥanafī *ijtihād* like the issue in discussion. Moreover, although it is not strange that the Ḥanafīs give such weight to the opinion of the founder of the School of *ra'y*, it is quite strange that they also rely on the estimation of Abu ash-Shatha, the founder of the Ibādī School, whereas the Ibādīs themselves did not follow the teaching of their first founder. What could be found suitable to interpret this apparent paradox is to say that the Ḥanafīs here applied their juristic principle of not only accepting the *mursal*, but also that which is transmitted by the Followers and the second generation of Followers, known as *tabi' al-tabi'* (Kamali, 2003, p. 109; az-Zuhili, 2001, p.17). Whereas the Ibādī School took another position on this issue, and applied to all their principle of not accepting the followers' *mursal*. In other words, it seems that they were not selective in this regard even if it was the *mursal* of their first Imam, the great follower Abu ash-Shatha Jabir b. Zaid. Hence, the *mursal* of Ibādīs and non-Ibādīs are alike as far as the prominent hadīth scholar Sheik Saeed al-Qannobi is concerned (al-Qannobi, 1995a, p.157).

Another element that could justify the Ḥanafī position is that they might have deemed the Prophet's (PBUH) action of combining the prayers in Arafah and Muzdalifa as having nothing to do with travel. As in, it was just part of the Pilgrimage (Hajj) rites just like the other rites of Pilgrimage, which should be performed irrespective of the pilgrim being a traveller or resident. On the other hand, what could have led the majority to insist on that position, and not accept the probabilities provided by Ḥanafīs, is the fact that the narrations related to combining the prayers are so numerous and, therefore, cannot be confined to only the nominal combination or to only two occasions. Moreover, some of these narrations are clear that the Prophet (PBUH) did actually combine between the two prayers not only on his travel but even in his residence (ar-Rabeea, 43:254).

2.9. *al-Qunut* in the Prayer

The Background

As a matter of fact, the origin of *al-Qunut* (a certain supplication in the standing position) is not a debatable issue since it is proven that the Messenger of Allah, Muhammad (PBUH) would practise it at certain periods. He would supplicate against some Arab tribes who had betrayed the covenant with him and committed horrific acts against some of his Companions until they killed a number of the Companions (May Allah have a mercy on them) (an-Nasa'i, 42:12). He did that *Qunut* for one whole month, then he was asked by the Qur'ān to leave that practice when Almighty God sent down: 'You have no concern on their affairs whether He turns to them (mercifully) or chastises them, for surely they are unjust' (Q, 3:128). After the Prophet's demise, Muslims, including the noble Companions, disagreed on the legality of *Qunut*. While we find the majority are of the notion that it is still legitimate, the whole Ibāḍī School is in favour of the other opinion, the illegitimacy.

The Ibāḍī view and evidence

From their earliest legislative history, the founders of the Ibāḍī School of Fiqh did not show sympathy towards the issue of *al-Qunut*. Instead they considered this action to be abrogated at the time of the Prophet (PBUH) and, therefore, not applicable to his *Ummah* (nation) anymore. Abundant texts are employed to advocate this position; some of which are Qur'anic whereas

some are narrations from the Prophet's (PBUH) Companions. Of the Qur'anic evidence is the previous verse which pertains to this exact issue. Another verse is narrated by Zaid b. Arqam who said: 'We used to talk while engaged in prayer and a person would talk with a companion on his side in prayer till (this verse) was revealed: "And stand before Allah in devout obedience" (Q, 2:238). Then, we were commanded to observe silence (in prayer) and were forbidden to speak' (Muslim, 5:43). These verses are used by Ibādīs to support the idea of abrogation despite being practised for a period at the time of the Prophet (PBUH). As for the Companions' narrations, it is related on the authority of Ibn Abbas (May Allah be pleased with him and his father) that he said: 'We would pray with the Messenger of Allah (PBUH) and never saw him perform *Qunut* (ar-Rabeea, 48:303). Another narration is transmitted by Abu Ubaidah Muslim b. Abi Karimah (d. approx. 145 AH/762 CE) who writes: I heard that Ibn Umar sees *Qunut* nothing in the prayer and never did *Qunut* in his prayer and would consider it innovation (ar-Rabeea, 48:304). Finally, Imam Ahmed narrates in his *Musnad* that Abu Malik al-Ashjaee relates that his father prayed behind the Messenger (PBUH), Abi Bakr, Umar, Uthman and Ali, and none of them performed *Qunut* (an-Nami, nd, p.151).

The Ḥanafī view and evidence

The Ḥanafī School is of the opinion that *al-Qunut* is a recommended Sunnah in al-Watr prayer throughout the year, and not legal in the other prayers except if there is a general calamity or catastrophe that has befallen the Muslim *Ummah*

(nation). Then, in this case, *al-Qunut* is legitimate in only audible prayers as well (as-Saghirji, 2000, p.180). A group of proofs were shown in support of *al-Qunut*; some of them are verbal and some are practical, as follows: first, the verbal one is ascribed to Al-Hasan b. Ali who said: "The Messenger of Allah (PBUH) taught me some words to say in *witr* in *Qunut*: O Allah, guide me among those whom You have guided, pardon me among those You have pardoned, turn to me in friendship among those on whom You have turned in friendship, and bless me in what You have bestowed, and save me from the evil of what You have decreed. For verily You decree and none can influence You... etc." (an-Nasa'i, 20:148). Second, the practical is narrated on the authority of Ubay b. Kab who reported that the Prophet (PBUH) recited supplication of *al-Qunut* in *witr* before bowing (Abu Dawud, 8:12). Another practical narration is transmitted by al-Bara b. Azib, stating that the Prophet (PBUH) would perform the *al-Qunut* in the *Subh* (Morning) and *Maghrib* (Sunset) prayers (at-Tirmidhi, 2: 254).

The analysis

The Ibāḍī methodology of legislation relied, to a large extent, on the practical transmission of the Prophet's (PBUH) prayer. In other words, they give considerable weight to what Jabir b. Zaid reported, as they consider him the linking point between them and the very first generation of Muslims, the Prophet's Companions. Based on the fact that Jabir studied under the great jurists of the Prophet's (PBUH) Companions, such as: Ibn Abbas, Ibn Umar, Abu Hurayrah, etc. it is most likely that he

witnessed their prayer which would undoubtedly be an identical copy of that of the Prophet's prayer. Hence, the reliability of the practical transmission of the first Imam of the Ibāḍī School, Jabir b. Zaid. Thus, the Ibāḍī logic here is that the opposing narrations in the issue which were only recorded afterwards, in the third century onwards cannot outweigh the practical transmission of Jabir b. Zaid who died in the first century, 93 AH/711 CE, between the Companions of the Prophet (PBUH), when many of them were still alive.

Returning to the opposing narrations, if it is admitted, for the sake of argument, that these narrations of *al-Qunut* are authentic, the Ibāḍīs see them irrelevant to the point of dispute because the discussion is not whether Allah's Messenger (PBUH) performed *al-Qunut* or not. Rather, the discussion is whether this practice is still valid and unabrogated after the Prophet's lifetime or not, since the Ibāḍī School has no problem accepting that the Prophet Muhammad did conduct *al-Qunut* and supplicate, in his prayer, against some Arab tribes, but they argue that all that have been abrogated by his death (PBUH).

Another factor that might have enhanced the Ibāḍī disagreement with the mainstream Muslim schools is their principle of religious precaution. Their methodology dictates that they resort to the agreed upon position in the validity of prayer and leave that which is doubtful an uncertain. Furthermore, the advocates of *al-Qunut* do not consider it a binding duty without which the prayer is invalid. While those who hold the illegitimacy of *al-Qunut* concluded that performing

al-Qunut after being abrogated is a satisfying reason to nullify the prayer. Therefore, a rigorous analysis reveals that the more cautious attitude is that which abstains from practising *al-Qunut* in order to keep the prayer in the safe haven, as we are commanded to adhere to the cautious measures by the Prophet (PBUH) himself, when he said: 'Give up what is doubtful to you for that which is not doubtful' (at-Tirmidhi; 1:55).

On the Ḥanafī side, it seems that the Ḥanafī scholars have been overwhelmed with the sheer volume of narrations which prove the fact that Prophet Muhammad did observe *al-Qunut*, and that the large number of narrations caused them to prefer the side of this practice being legal over the abrogation side. Another fact which might have persuaded them is the word *Qunut*, which is mentioned in the Qur'anic verses used to support the notion of abrogation, has more than one meaning which causes the text to be ambiguous and not definite in the point of dispute. Thus, according to Juristic principle 'The abrogation is not concluded by probability', the whole verse does not serve as an abrogating proof; (az-Zarkashi, 1994, p.159).

3. The Reasons for Disagreement:

It has become evident from the issues discussed in the second chapter, and from analysing the evidence provided by each party, that the root causes of the disagreement in the prayer issues between the Ibādī School of Law and Ḥanafī School of Law go back to the different approaches adopted by each school in the Science of Ḥadīth, on the one hand, and the Science of Jurisprudence Principles, on the other hand. However, these reasons can be summarised under the two following categories:

The first category: the ‘Ḥadīth’ reasons for disagreement. Based on the above analysis, the following grounds fall under ‘Ḥadīth’ category:

- The disagreement over the authenticity of certain Prophetic narrations as to whether they are sound or have subtle deficiency.
- The availability of certain hadīths with a particular school as opposed to the absence of these hadīths with the other school.
- The disagreement on considering a textual addition in a narration that is not found in the mainstream narrations.
- The disagreement on understanding or interpreting a legislative text, based on understanding the general meaning, or a particular word or preposition, in the text’s wording.

- The difference as to what extent the practical transmission should be relied on, as opposed to the oral tradition or transmission.
- The difference over prioritising a certain hadīth collection over another collection.
- The difference on the consulted texts that are sought to help determine one of the possible meanings, or which opinion outweighs the other.
- The different approaches to dealing with and reconciling the inconsistent and contradictory narrations.
- The disagreement over certain hadīth transmitters, as to whether they are trustworthy or unreliable.

The second category: the 'Jurisprudence Principles' reasons for disagreement. Among the reasons that influenced the disagreement to come out are those related to the principles of Islamic Jurisprudence. Under this category, the following causes can be highlighted:

- The difference over certain juristic principles as to whether they are valid in the first place or not. For example: *Istishab*, as in presuming the continuity of the original state or ruling.
- The disagreement over certain practices, as to whether they are considered valid sources of Islamic legislation or not, such as: the Companions' practice and opinions and the practice of the people of Kūfah.

- The disagreement over some texts, as to whether they are still applicable today, or have already been abrogated before the Prophet's (PBUH) demise.
- The difference on the methodologies for reconciling conflicting evidence, i.e. the controversy over prioritising the steps by which the apparent conflict is resolved. For instance: preference, specification, abrogation, etc.
- The difference over how far the principle of precaution should be implemented. In other words, the disagreement on the position that the preventative measures should take in the issues of dispute.
- The disagreement over the general connotation of the textual evidence, as to whether it is definitive, as the Ḥanafī holds, or speculative, as the mainstream holds, which would include Ibādīs.

Despite these different approaches used by each party in both the Science of Ḥadīth and Science of Jurisprudence Principles, the ultimate goal of both still remains the same. That is to detect which proof, and consequently which opinion, outweighs the other. However, being aware of this reality drives lay Muslim practitioners to appreciate the differences between the Muslim legal schools. Moreover, this leads them not to rule in favour of the invalidity of their Muslim brothers' prayer as long as they believe that whatever is adopted and applied by the other schools is no more than following in the footsteps of the Prophet Muhammad (PBUH), according to their own understanding, and none of them never intended to oppose neither the Qur'anic text nor the prophetic tradition.

Most importantly, the study shows the importance of the differences between the Muslim juristic schools as that gives the body of Islamic Jurisprudence a broader range of variety, and consequently, more flexibility to cope with the emerging and endless incidents facing Muslims every day. This capability to deal effectively with the evolving circumstances stems from the fact that the legal textual evidence always carry more than one acceptable interpretation. This, in turn, would create a wider room of possible and suitable applications that take into consideration the surrounding conditions of the time and place.

The importance of the differences between the Islamic schools does not stop at the devotional level or is not confined to the certain forms of worship. Rather, it exceeds that sphere to other vital dimensions, including, for instance, the academic and social domains. On the academic level, this variety enriches the scholarly research. Moreover, being fully aware of the differences and their proofs gives the contemporary jurists the mechanism by which they would be able to extract and derive new appropriate rulings to the new occurrences. Furthermore, such differences enhance the scholars of Islamic law, alongside with the lawgivers, to enact legislations and pass laws that suit the modern-day society the best. On the social level, appreciating this diversity within the same community is expected to qualify Muslims to adapt easily to the more diverse lifestyles outside the Muslim communities when they are exposed to non-Muslim individuals or societies.

Conclusion

The initial research hypothesis suggested in the introduction has been demonstrated as the central issues have been analysed. Having said that, it has been established that most of the differences between the two schools, the Ibāḍī and Ḥanafī Legal Schools, stem from different approaches and methodologies embraced by each school in the Science of Ḥadīth and Science of Islamic Jurisprudence Principles. Nevertheless, that does not negate the fact that there might have been various other textual and non-textual factors, which exacerbated the disagreement.

Despite the unexpected difficulties that the writer experienced while writing this piece of work, such as: the lack of very detailed sources which provide the evidence in every single issue, and beside the research being written in a second language, the study has been, as far as the writer is concerned, very informative and, it is hoped, of high academic value for subsequent research, being the first comparative study conducted between the two schools pertaining to the matters of the jurisprudence of prayer.

However, in addition to the research findings and outcomes, I would like to put forward the following recommendations and suggestions which constitute an important practical aspect of this comparative study. The suggested recommendations are as follows:

- Comparative studies between the Ibāḍī School of Law and the other Islamic schools should be encouraged, as that could result in more understanding and appreciation of the others' practices, especially appreciating the scholarly legacy of this school, Ibāḍism, which tends to be neglected by both classical and contemporary academic studies.
- The adherents to the different Islamic schools of fiqh should not rule for the invalidity of their fellow Muslims' prayers, as each practitioner performs the worship the way he/she believes that our role model, the Prophet Muhammad (PBUH), would perform, or as the evidence directs. Thus, the best attitude in such occasions is to show full respect and acknowledgment to the others' religious opinions and their ways of practicing the rites.
- Educating lay people that the differences in the details of practicing the various forms of worship, including the prayer, between the diverse Islamic schools of law are a healthy phenomenon, as they are only a disagreement in the excusable branches of the religion, not in the pillars or foundations of the religion. Hence, they are worthy of tolerance and warrant excusing one another.

Finally, it is hoped that this study will contribute positively to the field of comparative studies in Islamic jurisprudence. Also, that it will be highly significant in reconciling the Muslim

nations, on one level, and the different schools of Islamic law, on another.

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