

Ilm Essentials

Islāmic Scholarship

Lesson 2



Understanding Differences

Established Framework

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- Left off with a framework for all future generations
 - ▣ Begin by looking at the Quran and sunnah
 - Then move to ijmā, qiyās and ijtihād
- Seems to indicate that anything referenced in the Quran and sunnah should be agreed upon
 - ▣ And we should only see differences in new matters
 - Yet we see many differences in things like salāh, saḥn, hajj, etc.
 - Need to understand why these differences exist

Sharīah vs. Fiqh

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- Sharīah refers to those doctrines and regulations which Allah has legislated through one of His Messengers
 - ▣ The sharīah is perfect and protected
 - But our understanding and implementation of it may not be
- Fiqh is our understanding of those rulings
 - ▣ As well as the objectives of those rulings
 - Fiqh refers to the science of the extraction and explanation of Islāmic law

Different Interpretations

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- After the Battle of Khandaq the Prophet (sallallahu alaihi wa sallam) said
 - ▣ “No one among you should pray Asr except at Banū Quraydhah”
 - One group prayed on the way
 - Why did this group do this
 - Another missed the prayer
 - Why did this group do this

Different Interpretations

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- The Prophet (sallallahu alaihi wa sallam) confirmed both opinions as correct
 - ▣ Shows that there can be more than one correct way
 - Shows that even an authentic hadīth can still be open to interpretation
 - Shows that ijtihād by a qualified person is not only permissible, but necessary and unavoidable

Different Interpretations

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- Sometimes different interpretations can both be valid
 - ▣ Even through one is closer to the sunnah
 - “Two men left on a journey and the time for the prayer set in. They did not have any water with them and they both made tayammum and prayed. Then they found water before the time for the prayer had lapsed. One of them repeated the prayer while the other one did not. When they returned and related the incident to the Prophet (sallallahu alaihi wa sallam) he said to the one who did not repeat, “You got the sunnah” and he said to the one that repeated, “You will get a double reward” (Abū Dāwūd)

Why Scholars Differ

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- New issues without direct textual evidence
- Multiple texts on an issue
 - ▣ Some of which may apparently contradict one another
- Single text, with different interpretations
- Disagreement on the authenticity of a hadīth
- Disagreement on the meaning or interpretation of a hadīth
 - ▣ “The purchaser and seller have the choice (of refund) as long as they do not separate”
 - Does this refer to physical or verbal separation

Why Scholars Differ

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- Disagreement on the applicability of a hadīth
- Differences in juristic methodology (usūl)
 - ▣ Decisive vs. probabilistic texts
 - ▣ How and when can weak hadīth be used
 - ▣ Place of the sayings of the saḥābah
- General principles
 - ▣ Prohibition takes precedence over permissibility
 - ▣ Verbal command takes precedence over action

Why Scholars Differ

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- Not knowing all the narrations on an issue
- Considering the general practice of the Muslims
 - ▣ This can help fill in gaps from the previous reason
 - Can also indicate that a hadīth might not be suitable for practice
- Differences in intellectual acuity and depth of knowledge
 - ▣ “Hadīth is a source of misguidance except for the jurists” (Sufyān ibn Uyaynah)
 - ▣ “When I hear a hādīth, I examine what is suitable for practice and I practice on it, and I leave the remainder” (Ibrāhīm an-Nakha‘ī)
 - ▣ “If it were not for Mālik and al-Layth I would have been lost, as I used to think that everything transmitted from the Messenger of Allah (sallallahu alaihi wa sallam) should be practiced upon” (Abd Allah ibn Wahb)

Disclaimer

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- We are presenting this material from the Hanafī point of view
 - ▣ Statements about the opinions and reasoning of other scholars should be verified against the scholars of those schools

Coming to Rest in Rukū and Sajdah

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- A man had prayed and was told by the Messenger of Allah (sallallahu alaihi wa sallam), 3 times, “Go back and pray, for you have not prayed”
 - Finally the man said, “By the One who sent you with the truth, I cannot do more than that, so teach me”
 - He said, “When you go to pray, say takbīr and then recite whatever you can of the Quran. Then bow until you are still in bowing, then rise until you are standing up straight. Then prostrate until you are still in prostration, then sit up until you are still in sitting. Then do that throughout the entire prayer”
(Bukhāri)
- “Oh you who believe, bow and prostrate and worship your Lord...”
(Quran 22:77)
- Question: Is it mandatory (fard) to remain motionless in rukū and sajdah
- Question: Define sajdah

Coming to Rest in Rukū and Sajdah

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- The words rukū and sajdah in the verse are “khāss”
 - And this verse is decisive in meaning
 - So we cannot condition it with something that is not at the same level
 - Other scholars put both proofs on the same footing and make remaining motionless fard
- Does that mean we just ignore the hadīth
 - We act on each in their respective place
 - Rukū and sajdah are fard
 - Remaining motionless is wājib
 - Since its proof is not decisive
- “Go back and pray, for you have not prayed,” is understood to mean
 - “You have not prayed properly,” not
 - “You have not prayed at all”

Understanding Textual Evidence

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- When a ruling is deduced from a textual proof
 - ▣ That ruling can either be definitive (qat'ī) or speculative (zannī)
 - Classified as such based on the evidences used
 - ▣ Two aspects of a text determine whether it is definitive or speculative
 - Authenticity (thubūt) and implication (dalālah)

Authenticity and Meaning

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- Authenticity
 - ▣ How sure are we that the text we have in front of us is the same as the original
- Textual implication or meaning
 - ▣ How sure are we that the text is really imparting or implying the meaning that we think it is
 - Could we be mistaken about the meaning
 - Are there other plausible interpretations

Definitive and Speculative Proofs

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- Definitive (qat'ī)
 - ▣ Absolute certainty
 - No doubt at all
 - ▣ These texts are not open to interpretation or ijtihād
- Speculative or plausible (zannī)
 - ▣ Highly probable
 - Anything less than 100% certainty
 - Even 99% becomes speculative
 - ▣ Open to interpretation or ijtihād

Four Categories of Proofs

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Authenticity (Thubūt)		Meaning (Dalālah)	
Qat'ī	Zannī	Qat'ī	Zannī
Established w/ absolute certainty	Established w/ a very high probability		
All of the Quran	Most hadīth		
Few hadīth			

Four Categories of Proofs

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Authenticity (Thubūt)		Meaning (Dalālah)	
Qat'ī	Zannī	Qat'ī	Zannī
Established w/ absolute certainty	Established w/ a very high probability	Understood meaning is absolutely certain	Understood meaning is open to interpretation
All of the Quran	Most hadīth	No other possible meaning	Other possible meanings
Few hadīth			

Four Categories of Proofs

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- Decisive in both authenticity and meaning
 - ▣ Issues of aqīdah or the pillars of Islām, etc.
- Decisive in authenticity and speculative in meaning
 - ▣ Meaning of “qurū”
- Speculative in authenticity and decisive in meaning
 - ▣ “A goat for every five (camels)” (Abū Dāwūd)
- Speculative in both authenticity and meaning
 - ▣ “There is no salāh without the Fātihah of the Book” (Muslim)

Meaning of Qurū

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- “(Oh divorced women) Remain within yourselves for three qurū” (Quran 2:228)
 - ▣ Verse is referring to the iddah of a woman
- The word “qurū” is a homonym
 - ▣ Can mean either a period of purity (tuhr)
 - Or menses (haidh)
 - ▣ Question: Which meaning do we take

Qurū Means Purity

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- Assume qurū means purity
 - ▣ If a woman is divorced when pure, does that period count toward her three periods
 - If it does, she ends up with less than 3 complete periods of purity (2+)
 - If it doesn't count, she ends up with more than 3 complete periods of purity (3+)
 - And her iddah gets extended



Qurū Means Menses

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- Assume qurū means menses
 - ▣ Since a divorce is only to be issued during purity
 - The first time-period begins when her menses start
 - And you end up with 3 periods of menses



Meaning of Qurū

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- What does the word “3” mean
 - ▣ So by assuming qurū means menses
 - We get exactly 3 “time periods”
 - And keep the iddah shorter
- Others says qurū means purity
 - ▣ Based on qiyās through grammar
- When saying “three something” in Arabic
 - ▣ The “something” and the word “three” must be of opposite genders
 - Since the word “three” in the verse is feminine, qurū must refer to something masculine
 - The word “purity” is masculine; “haidh” is feminine

ثَلَاثَةَ قُرُوءٍ

Meaning of Qurū

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- But if we accept that reasoning
 - ▣ We don't get three complete periods
 - Instead we get 2+ periods
 - Two complete periods of purity
 - Part of another (the one in which the divorce took place)
- Which means we are leaving acting upon a specific word (i.e. three) of Quran due to something lesser

Ramifications

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- The result of taking the other opinion is that a woman's iddah will end earlier
 - ▣ Taking back the wife during her third menses
 - ▣ Validity of marriage to another man
 - Or his marrying her sister
 - ▣ Exiting the house before the end of the seclusion
 - ▣ Ruling of financial support
 - ▣ Inheritance

Praying Once the Khutbah Begins

- “When the Quran is recited, listen to it attentively, and remain silent, so that you may receive mercy” (Quran 7:204)
- “A man came while the Prophet (sallallahu alaihi wa sallam) was delivering the khutbah on Friday, so he asked him, ‘Have you prayed?’
 - ▣ The man replied, ‘No.’ The Prophet (sallallahu alaihi wa sallam) said, ‘Stand and pray two rakāh’” (Bukhāri)
- Question: Should you pray the 2 rakāh for entering the masjid once the khutbah has begun
- Question: How does the first proof even relate to the question at hand

Praying Once the Khutbah Begins

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- The scholars of tafsīr mention that one of the reasons for the revelation of the verse was the jum'ah khutbah
- There are other proofs to support that view
 - ▣ Imām Nawawī mentions, in his commentary on Sahīh Muslim, that most of the early Muslims from the saḥābah and the tābi'īn, including Umar, Uthmān and Alī, did not deem it permissible to pray during the khutbah
 - ▣ Also confirmed by the practice of the people of Madīnah, which is why Imām Mālik agrees with us on this issue

Praying Once the Khutbah Begins

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- “The Muslim, when he performs ghusl for Friday and then comes to the masjid without harming anyone, if he does not find that the imām has come out (for the khutbah) he prays as much as he likes and if he finds that the imām has come out, he sits, listens attentively and remains silent until the imām completes the Friday (prayer) (Ahmad)
- So do we just ignore the hadīth entirely
 - ▣ Other versions mention that the khutbah had not yet started
 - Or that the Prophet (sallallahu alaihi wa sallam) paused
 - Or that the man was very poor

Questions and Discussion