



Issues & Concerns: 1

SURKHEEL (ABU AALIYAH) SHARIF

CONTENT:

- ◆ The hadith about the seventy-three sects: will most Muslims be consigned to the Hellfire?
- ◆ Divorcing one's wife at the behest of parents.
- ◆ Being distinct from non-Muslims.
- ◆ Forming spiritual habits in forty days.
- ◆ Concerning the Universal Declaration of Human Rights.
- ◆ Reciting Qur'an for the deceased.

ABOUT THE 73 SECTS: WILL MOST MUSLIMS BE CONSIGNED TO THE HELLFIRE?

Does the prophetic saying concerning Muslims dividing into seventy-three sects, and that most of these sects are destined for the Fire, imply that the majority of Muslims are consigned to Hell as innovators?

One of the wordings for the hadith in question runs as follows: "Indeed the Israelites split-up into seventy-one sects, and my *ummah* shall split-up into seventy-three sects; all of them are in the Fire save one." When asked who that one was, he responded: "That which I and my Companions are upon."¹ In another wording, this one saved-sect is described as being: "The united body (*al-jamā'ah*)."²

We will discuss three issues germane to the hadith of *al-firqat al-nājiyah*; the saved-sect:

Firstly, the authenticities of the above hadiths, and other similar hadiths, have been questioned. Some authorities declare all such hadiths to be weak, while others deem some of them to be authentic. Among the hadith masters who make-up the latter category is Ibn Kathīr, who says in his *Tafsīr*: "... for they are the saved-sect referred to in the hadith related in the *Musnad* and *Sunan* anthologies,

via routes of transmission that strengthen each other [in authenticity]."³

Secondly, these misled, innovated sects being referred to are Muslims who have strayed from Sunni orthodoxy. Imam al-Bayhaqī explains: "The report is taken to mean that they will be subjected to punishment in the Fire for a period of time; not for eternity. The argument against their excommunication (*takfīr*) is taken from the words of the Prophet, peace be upon him: "my *ummah*." Thus he included them all as part of his *ummah*, despite their deviancy."⁴

Thirdly, which bears most directly on the contention: is the hadith advocating the ruin of a majority of Muslims? Such a thesis has been duly responded to by Shaykh al-Maqbalī, who wrote: "The people consist of the masses (*āmmah*) and the elite (*kbāṣṣah*). As for the masses, the latter of them are like their former: women, slaves, farmers and traders; those who have nothing to do with the affairs of the elite. And there is no doubt whatsoever that they are free from being innovators."⁵

He then goes on to divide the elite into four categories or groups:

- (i) True innovators.
- (ii) Possible innovators.
- (iii) Those whose learning is not sufficiently seasoned, thereby innovating unintentionally.
- (iv) The rightly-guided and rightly-guiding scholars.

"Thus the first group of the elite," states al-Maqbalī, "are definitely innovators. The second, apparent innovators. The third fall under the ruling of innovating." As for the

fourth group of the elite, “they are the saved-sect, whom the masses turn to. It also takes in those whom your Lord wills from the three aforementioned groups of the elite, relative to the level of their innovation and intention.”⁶

Shaykh al-Maqbalī then concludes:

“So if you understand all that we have mentioned, then the worrying question - the destruction of most of this *ummah* - need not be asked. For the majority, past and present, are from the masses, and likewise the elite from the earlier generations. And also the middle two groups. Likewise, one whose innovation is hidden from the first group - then God’s mercy shall save him from being an innovator according to the requital of the Hereafter: for God’s mercy is more comprehensive for every Muslim. However, we have been speaking about the meaning of the hadith, and who it refers to. And the number of the innovated sects, even if there are many; then all of their followers added together would not amount to even a thousandth part of the rest of the Muslims.”⁷

The following words from Ibn Taymiyyah may be taken as a synopsis of a sort for what has preceded. He says of the issue - may God sanctify his soul:

“The hadith is authentic and well-known in the *Sunan* and *Musnad* collections; like the *Sunan* of Abu Dāwūd, al-Tirmidhī, Ibn Mājah and others ... And this is why he described the saved-sect as being *Ahl al-Sunnah wa’l-Jamā’ah*, who are the vast number of people; the great majority. As for the remaining sects, they are the people of aberrant opinions, sectarianism, innovation and false desires. None of these sects come anywhere near being the size of the saved sect; let alone its status. No, these sects are extremely small by comparison. Now the distinguishing mark of these sects is their splitting from the Book, the Sunnah and the scholarly consensus (*ijmā’*). But whoever speaks according to the Book, the Sunnah and the scholarly consensus is from *Ahl al-Sunnah wa’l-Jamā’ah*.”⁸

DIVORCING ONE’S WIFE AT THE BEHEST OF THE PARENTS

Is there any religious requirement for a husband to divorce his wife because the parents are displeased with the marriage or now disapprove of it? Didn’t the Prophet, upon whom be

peace, endorse the decision of ‘Umar who ordered his son to divorce his wife? Is the son being disobedient if he refuses to do so?

The incident in question refers to the case of Ibn ‘Umar who relates: I was married to a woman that I loved, but my father disliked her. So he ordered me to divorce her, but I refused. I mentioned this to the Prophet, peace be upon him, who said: “O ‘Abd Allah ibn ‘Umar! Divorce your wife.”⁹

The leading Ḥanbalī jurist of his age, Ibn Muflīḥ, writes in *al-Ādāb al-Sbar’iyyah*:

“If his father demands that he divorce his wife, he is not required to do so. This was mentioned by most of the senior students [of Imam Aḥmad bin Ḥanball]. Al-Sanadī states: A man said to Abu ‘Abd Allah:¹⁰ My father orders me to divorce my wife. He responded: ‘Do not divorce her.’ The man said: But didn’t ‘Umar order his son ‘Abd Allah to divorce his wife? He said: ‘Only if your father is like ‘Umar, may God be pleased with him.’”¹¹

Shaykh Shu‘ayb al-Arna’ūt explains in a footnote to this point: “Meaning, he shouldn’t divorce her on account of his father ordering it - unless the father is like ‘Umar, in the sense of doing what is true and just, and not merely following his personal whims in the matter.”¹²

Ibn Taymiyyah states the same about a mother ordering her son to divorce his wife: “It is not required to do so; though remain kind and dutiful to her. Divorcing one’s wife is not part of kindness to mothers.”¹³

Here, it is essential to mention the honour, kindness and devotion that is owed to parents. The Qur’an says: *Your Lord has decreed that you worship none but Him, and that you show kindness to your two parents. If either or both of them attain old age [show no sign of impatience, and] do not even say “fie!” to them nor rebuke them, but speak to them kindly.*¹⁴ God also strictures: *Be grateful to Me and your two parents.*¹⁵ And: *We have enjoined on mankind kindness to parents; but if they try to force you to ascribe to Me that of which you have no knowledge, then obey them not.*¹⁶ The hadith corpus has it that the Prophet, peace be upon him, was asked: What deed is best? He replied: “Prayer at its earliest time, and then kindness to parents.”¹⁷ “A parent,” declared the Prophet,

peace be upon him, “is the best of the gates of Paradise; so if you wish, protect the gate or lose it.”¹⁸ Then there is the hadith: “The pleasure of your Lord lies in pleasing the parents, and the anger of your Lord lies in displeasing parents.”¹⁹ Yet despite the tremendous station Islam assigns to parents, a son is under no obligation to fulfill the demands of his parents to divorce his wife if there is no valid grounds for doing so.

Whatsmore, these texts in no way legitimise the tyranny that some parents inflict upon their sons and daughters: forced marriages, indifference to religious education and upbringing, forceful imposition of ‘back home’ cultural values and, in a few cases, honour killings! Such issues should be challenged, stood-up to and be rooted out of our communities.

In summary: If parents ask the son to annul his marriage because of some reason held to be legitimate in Islam’s Sacred Law (*shari‘ah*), they must be obeyed; if not, then not. If one is in any doubt, those learned in Sacred Law must be consulted. And God knows best.

BEING DISTINCT FROM NON-MUSLIMS

Is the imitation of non-Muslims categorically prohibited in Islam? Wouldn’t that make the wearing of trousers, shirts and ties impermissible?

The basis for such a viewpoint is taken from the saying of the Prophet, peace be upon him: “*man tashabbahu bi qawmin fa huwa minhum* - whoever imitates a people is from them.”²⁰ However, not all forms of imitation are forbidden in Islam. So in order to get to the crux of the issue, some preliminaries need stating:

Firstly, the imitation, or *tashabbuh*, which is forbidden is one that involves the intent to resemble non-Muslims. Ibn Taymiyyah explains that, “Imitation is whenever an act is done merely because others have done so.”²¹ Also, it says in the *Mawsū‘ah al-Fiqhiyyah*: “Imitation in what is not blameworthy, or what does not involve intent, is not a problem.”²² Here, imitation with intent resembles the Quranic stricture: *He among you who turns to them, is of them.*²³

Secondly, imitating the non-Muslims in a matter which is specific to their religion, such as wearing a cross or a

jewish skull cap, is also forbidden. Ibn Ḥajr al-‘Asqalānī relates that Anas saw some people wearing a shawl-like garment;²⁴ he censured them saying: “They look just like the Jews of Khaybar.” Ibn Ḥajr goes on to say: “It would be correct to infer from this incident that such a shawl in that time was emblematic of the Jews. In our times this is no longer the case, and thus wearing it becomes part of what is generally permissible.”²⁵

Thirdly, and what stems directly from the above: clothes that cease to be specific to the religious code of the non-Muslims become permissible. To again quote Ibn Ḥajr from his magisterial commentary to al-Bukhārī’s *Ṣaḥīḥ*: “If we say that it [a red saddlecloth] is forbidden due to it being imitation of the non-Arabs, then this is a religious reason. But that was their distinctive symbol at that time when they were disbelievers. Now that it has ceased to be particular to them, the notion no longer applies and hence it no longer remains disliked (*makrūb*). And God knows best.”²⁶

Fourthly, the rules in respect to being distinct from non-Muslims are very much contextual, and are bound with time and place. Shaykh al-Islam Ibn Taymiyyah explains the point: “The same holds true even for today. Were a Muslim to find himself in the Land of War (*dār al-ḥarb*), or the Land of Unbelief (*dār al-kufr*) without there being a war, he is no longer under the injunction to differ from them in their external modes of life lest it should prove harmful. In fact, it might be recommended - incumbent, even - for a man to at times participate in their external modes of conduct if, in doing so, it will be in the interest of the faith: either to invite them to the religion, to learn about their internal matters so as to apprise the Muslims of them, to ward-off any harm they may be considering against the Muslims, or other similar objectives ... Thus, conforming with or differing from them varies according to time and place.”²⁷

If these points have been understood, then the matter of imitation or resemblance becomes clear. Sometimes it is forbidden, sometimes disliked, and at other times simply permitted. Indeed, in some circumstances it can even be required. The wearing of jackets, trousers, shirts or ties, as well as other items of dress now common to Muslims and non-Muslims alike is, at the least, permitted. For they are neither specific to the non-Muslims nor do they hold any religious significance.

No doubt, the rationale behind being distinct is to avoid the dangers of assimilation whereby a Muslim's faith or moral probity could be compromised. Secular societies have a tendency for mediocrity and for dragging things down to their lowest common denominator. A believer, on the other hand, seeks to live out his or her life by the standards of excellence: "*inna'LLāba kataba'l-iḥsān 'alā kulli shay'* - indeed God prescribes excellence in all that you do," says one famous hadith.²⁸

That Muslims in majority Muslim countries would wish to dress in more 'traditional' clothes is understandable. Adopting habits or norms which are not so historically rooted in one's own culture can be irksome. As for those Muslims born and raised in the West, their challenge is to square maintaining their faith and identity as Muslims whilst affirming the cultural norms that they have been socialised into. They are also duty bound not to portray Islam as something Arab or Asian, for example, and thus obscure its universal nature. Hence sometimes we need the courage to be distinct; at other times the courage to conform!

FORMING SPIRITUAL HABITS IN FORTY DAYS

Is there any religious significance to the period of forty days? Why do some people insist on going into spiritual retreats for this length of time?

Some allude to the verse: *And when We appointed for Moses forty nights,*²⁹ saying it points to the significance of a forty day retreat. This respite prepared Moses, peace be upon him, for the august meeting with his Lord and the lordly gift he was about to receive.³⁰ The Bible has it that Jesus, peace be upon him, also retreated into the wilderness, fasting for forty day. It was after this that his ministry began.

As for in Islam, a forty day retreat, or *kbalwab*, seems to have no specific mention in our Sacred Law. Besides his retreats to the cave of Ḥirā before prophethood, there is no hadith to show that the Prophet, peace be upon him, ever entered into this type of retreat after he was commissioned as a prophet; nor did he legislate it for others. Ibn Taymiyyah insists that forty day retreats are not part of the Prophet's Sacred Law, peace be upon him, but rather the Law of Moses which is now abrogated by the Muhammadan *shari'ah*.³¹

There is a hadith which says: "Whoever dedicates to God forty days, the wellspring of wisdom will manifest itself from his heart to his tongue."³² This hadith, however, is weak (*ḍa'if*); though not fabricated.³³

Something resembling this was echoed by Imam Mālik who stated: "It has reached me that none renounces the world and is God-conscious except that he shall speak wisdom."³⁴ The famous pietist, Sahl al-Tustarī, also has similar words: "Whoever renounces the world for forty days with sincere devotion, miracles shall emanate from him. If they do not, there is an absence of truthfulness in his renunciation."³⁵

All in all, then, nothing sound and concrete seems to be legislated in the Sunnah with regards to retreating from the world specifically for forty days. Certain words have been recorded from some of the early pietists based on their experience (*tajribab*) in this matter, and rooted in the generally accepted wisdom that habits can be forged in forty days. Imam al-Munāwī says that, "The wisdom in specifying forty days is that this is the time needed to persist in changing or forming basic habits; as is known by experience."³⁶

As for seeking seclusion so as to worship God through personal acts of devotion - in other words, taking some spiritual 'time-out' - Ibn Taymiyyah has this to say: "It is important for a person to set aside some time for themselves so as to engage in earnest supplication, remembrance, prayer, contemplation, introspection, setting the heart aright, and other [devotional] matters that require being alone and by oneself."³⁷

If someone specifies forty days (or, for that matter, any length of time) for a personal retreat, or to try and instill spiritual habits - then provided the specific period is not believed to be an established Sunnah, and provided that one's other religious duties or worldly responsibilities are not neglected - this would be in keeping with the overall spirit of the faith and the received wisdoms of some of our predecessors. And God knows best.

ISLAM AND HUMAN RIGHTS' DECLARATION

What is the view of contemporary Muslim jurists concerning the United Nations 'Universal Declaration of Human Rights'? How far do the teachings of Islam agree to its tenets?

In contrast to Western notions of human rights, which arose from the conflict between citizen and state, Islam's vision of human rights roots itself in human dignity. The Qur'an confers on humanity a special dignity, implying that all people have certain inalienable rights: *We have honoured the children of Adam.*³⁸

Al-Alūsī, a nineteenth century scholar, comments on this in his magisterial commentary, *Rūḥ al-Ma'ānī*, saying: "God endowed them all, without exception - the pious and the sinful - with dignity and honour that cannot be exclusively expounded upon or pin-pointed. Ibn 'Abbās did, however, comment that God honoured humanity by endowing them with intellect."³⁹ This dignity is not something earned, rather it is an expression of God's gift to humanity. Nor is it a token of gratuity from the state to its citizens. It is the natural right of all human beings; regardless of colour, creed or gender.

Shaykh Wahbah al-Zuhaylī remarked in a similar vein: "Dignity is the natural right (*ḥaqq ṭabī'ab*) of each and every human being. Islam safeguards it and has made it a principle of government, and a basis of social interaction. It is not permitted to violate the dignity of anyone, or to make lawful their blood or their honour - whether they be good or bad, Muslim or non-Muslim."⁴⁰

In this regard there is a hadith which serves to highlight Islam's outlook on the issue. The Prophet, upon whom peace be upon him, once saw a funeral procession passing by; so upon seeing it he rose to his feet and remained standing until he was told by one of his Companions that the deceased was a Jewish man. Hearing this, the Prophet, peace be upon him, remarked: "*alaysat nafsan* - is he not a human soul?"⁴¹

'Abd Allah bin Bayyah, a contemporary jurist, explains Islam's idea of human rights in these terms: "Essentially, it is possible for us to reduce the source of human rights down to two fundamental principles: dignity and equality. Dignity is a resolute principle every person warrants by the mere fact of their humanity ... As for equality, this is a principle Islam emphasises over others with particular force ... From these two principles, all rights have emanated, including freedom in all its permutations. For the original state of humanity is freedom ... Nonetheless, this is with the understanding that an individual's freedom cannot harmfully impinge on society."⁴²

If truth be told, Islam's view on human rights are not just rooted in human dignity, they are very much intertwined with obligations and responsibilities. In fact, obligations and responsibilities are the primary focus of the Sacred Law, and often take priority over rights. Kamalī explains that it is via the acceptance and fulfilment of responsibilities that individuals acquire certain rights. Dignity thus becomes a reality when there is an emphasis on balancing rights with responsibilities.⁴³

Now, do the principles of human rights in Islam accord with the Universal Declaration of Human Rights? Shaykh Bin Bayyah says: "Most certainly, there is general agreement on most of the issues." He has some reservations with articles sixteen (marriage without 'limitation due to religion') and eighteen ('freedom to change one's faith') of the Declaration; though, he says, there is agreement on the following rights:

The right to life and liberty; that all people are born free; the right to security; one is innocent until proven guilty; crimes are personal; torture, illegal search and seizure is forbidden without due cause; men and women are equal in terms of human dignity; and that people have a right to legal standing, property and education.⁴⁴

There are other areas of concern Bin Bayyah alludes to with the thirty-article Declaration. For instance, in Islam, obligations and responsibilities that individuals and the state are charged with are clearly laid out; this, though, is not always the case with the Declaration. So although rights are well-defined in it, it does not designate who is responsible for fulfilling these various rights. In other words, it is too open-ended.⁴⁵

Perhaps another concern may be added here. Although the Declaration upholds that mothers and children "are entitled to special care and assistance," there is no mention of the elderly! Yet for Muslims: "He is not one of us who shows not compassion to our young, nor honours our elders."⁴⁶

At the end of the discourse, he states: "In conclusion, we are in general agreement with the Universal Declaration of Human Rights in its spirit, not in its letter."⁴⁷

RECITING QUR'AN FOR THE DECEASED

Is it permitted to donate the reward of one's Qur'an recitation

to the deceased, and will they benefit by it? Or is it an innovation opposing orthodox Islam, as some claim?

Jurists have differed about whether the rewards of one's Quranic recitation can be donated to the deceased. The majority says that such a donation reaches the deceased and that they benefit from it. Ibn Qudāmah states in his much acclaimed *al-Mughnī*:

“Any act of worship one performs, gifting the reward of it to a deceased Muslim, the deceased will benefit from it; God willing. As for supplication, seeking forgiveness, charity, and those duties that may be fulfilled on someone else's behalf, I know of no difference concerning their permissibility.”⁴⁸

Some of the basic proof-texts to support the above claim are as follows:

Supplicating (*du'ā*) and seeking forgiveness (*istighfār*) is rooted in the Qur'an: *And those who come after them say: "Our Lord! Forgive us and our brethren who came before us in faith."*⁴⁹

As for charity (*ṣadaqah*), the lady 'Ā'ishah narrates that S'ad b. 'Ubādah said: O Messenger of God! My mother died unexpectedly without leaving a will. If I give charity on her behalf, will she reap the rewards? He replied: “Yes!”⁵⁰

Concerning pilgrimage (*ḥajj*), there is a hadith in which the Prophet, peace be upon him, was asked: My mother vowed to undertake pilgrimage, but she passed away before having had the chance to do so. Shall I not perform pilgrimage on her behalf? He responded: “Yes. If she had a debt, wouldn't it have to be settled?” Yes, the man replied. The Prophet said: “The debt owed to God is more deserving of being settled.”⁵¹

“Whoever dies,” said the Prophet, peace be upon him, “and a fast is due on him, a responsible family member of his must make it up in his stead.”⁵²

Jurists differ in regards to donating acts of worship that are bodily in nature, like reciting the Qur'an and prayer. The Ḥanafīs and Ḥanbalīs, along with the slightly later Mālikīs and Shāfi'īs, say that donating the reward of any act of worship (*iṣāl al-thawāb*, *ibdā al-thawāb*) benefits

a person: whether living or deceased. The early Mālikīs and Shāfi'īs held that the reward of one's bodily acts of worship cannot benefit anyone except the doer of the actual deed.⁵³ After citing the aforementioned hadiths, Ibn Qudāmah wrote: “In these sound hadiths is a proof that the deceased is benefited by any act of worship; since fasting, pilgrimage and supplicating are also bodily acts of worship, and God has allowed their benefits to reach the deceased. Such, then, is the case with every other act of worship.”⁵⁴

Imam Aḥmad b. Ḥanbal stated, “Any good deed such as charity, prayer, or other than that reaches the deceased; as per the reports about it.”⁵⁵

Imam Ibn al-Qayyim said: “Scholars have differed about bodily acts of worship such as fasting, prayer, reciting Qur'an and *dhikr*. The view of Aḥmad and the majority of the *salaf* is that their benefits reach the deceased. The view of al-Shāfi'ī and Mālik is that they do not.” Having cited some proof-texts to substantiate the first view, Ibn al-Qayyim goes on to explain: “These texts demonstrate that the reward of an action reaches the deceased, if the doer intended it. So by what textual stipulation, analogy or principle of the Sacred Law does one [set of actions] reach the deceased, but not the other? Analogy dictates that they all reach him. The reward of a deed is the right of its doer. Now if the doer wishes to gift the reward to his brother Muslim, why would he be prevented from it; in the same way that it is not forbidden to gift his wealth to another person, or pay-off that person's debt after his death.”⁵⁶

Ibn Abi'l-'Izz stated: “*Ahl al-Sunnah* are agreed that the dead benefit from the actions of the living in two ways. *Firstly*, they benefit from those things they were a cause of during their lifetime; and *secondly*, from the *du'ā* of the Muslims, their seeking forgiveness for them, as well as their charity and pilgrimage ... There is disagreement about bodily acts of worship; like fasting, prayer, reciting Qur'an and *dhikr*. The stance of Abu Ḥanīfah, Aḥmad, and the majority of the *salaf* is that the reward of these deeds reaches the deceased.”⁵⁷

Thus far from being an unorthodox practice, reciting the Qur'an and donating the reward of it to the deceased is not only legitimate, it is the view taken by the majority of scholars. In fact, Ibn Qudāmah went one step further

when he suggested that, “There is [now] a consensus of the Muslims [about it]. For, in every time and place, they concurred on reciting the Qur’an and gifting its reward to their dead, without any objection.”⁵⁸ The absurd notion that this practice constitutes some sort of deviancy from the Straight Path can now be seen for what it truly is: an inversion of the truth, and an attempt to ride roughshod over normative Sunni Islam.

One final point. Some have raised an objection against the above practice by citing the following passage of the Qur’an: *And that man shall have nothing save what he strives for.*⁵⁹ There is also the hadith in this connection: “When a person dies, his actions come to an end except in three situations: recurring charity; knowledge which people continue to benefit from after him; and a pious offspring who prays for him.”⁶⁰ The objectors say these texts prove nothing can benefit a deceased person save whatever good he did whilst alive.

The scholarly majority reply by pointing out: (i) There are, as has preceded, certain acts wherewith the living can benefit the dead: supplication, charity and pilgrimage. This is a point of consensus. (ii) Reciting the Qur’an in order to donate its reward has nothing to do with the deceased’s action - which have come to an end; instead it is a gift from the living to the dead.⁶¹

To bring the discussion to a close, let us cite this passage from Ibn Abi’l-‘Izz: “If it is said: ‘The Prophet, peace be upon him, directed us to fast, perform pilgrimage and to give charity, but not to recite the Qur’an.’ It may be said in reply that the Prophet, upon whom be peace, did not initiate these practices except as a response to people’s questions. So on one occasion he was asked about performing pilgrimage for the deceased, so he permitted it. On another occasion, he was asked about fasting, so he permitted that too. He never ruled out other practices for them beside these.”⁶² And God knows best.



END NOTES

1. Al-Tirmidhī, *Sunan*, no.2779.
2. Ibn Mājah, *Sunan*, no.3992.
3. Ibn Kathīr, *Tafsīr Qur’an al-‘Azīm* (Beirut: Dār al-Ma‘rifah, 1987), 3:482. After citing the hadith and mentioning other sources

for it, al-‘Irāqī then said: “Its chains of transmission are excellent.” *Al-Mughnī ‘an Ḥaml al-Asfār* (Riyadh: Maktabah al-Tayariyyah, 1995), 2:884-5, no.3240.

Contemporary scholars who have declared the hadith about the splitting-up of the *ummah* to be sound include: al-Arnā’ūtī in his verification to Ibn Abi’l-‘Izz, *Sbarḥ al-‘Aqīdab al-Taḥāwīyyah* (Beirut: Mu’assasah al-Risālah, 1999), 1:400; al-Albānī, *Silsilat al-Aḥādīth al-Ṣaḥīḥah* (Riyadh: Maktabah al-Ma‘ārif, 1995), nos.204, 205.

4. *Al-I’tiqād wa’l-Hidāyatu ilā Sabil al-Rashād* (Damascus & Beirut: al-Yamāmah, 2002), 357. Also cf. al-Shātibī, *al-I’tiṣām* (Saudi Arabia: Dār Ibn ‘Affān, 1995), 2:714.

5. Al-Maqbālī, *al-‘Alam al-Sbāmīkḥ fī Ithbār al-Ḥaqāq ‘ala’l-Ābā’ wa’l-Masbā’ikḥ*, 414 - cited in al-Albānī, *Silsilat al-Aḥādīth al-Ṣaḥīḥah*, 1:1:411-2.

6. *ibid.*, 1:1:412.

7. *ibid.*, 1:1:413. Having approvingly cited it, al-Albānī then goes on to say: “This concludes the words of Shaykh al-Maqbālī, may God have mercy upon him; and they are superb words. It shows the learning and distinction of the person, as well as his depth of understanding.”

8. Ibn Taymiyyah, *Majmū‘ al-Fatāwā* (Riyadh: Dār ‘Ālam al-Kutub, 1991), 3:345-6.

9. Al-Tirmidhī, *Sunan*, no.1200, where he said: “This hadith is *ḥasan ṣaḥīḥ*.”

10. i.e. Imam Aḥmad.

11. Ibn Mufliḥ, *al-Ādāb al-Sbar’iyyah* (Beirut: Mu’assasah al-Risālah, 1996), 1:475.

12. *ibid.*

13. Cited in *al-Ādāb al-Sbar’iyyah*, 1:475.

14. Qur’an 17:23.

15. Qur’an 31:14.

16. Qur’an 29:8.

17. Al-Bukhārī, *Ṣaḥīḥ*, no.527.

18. Al-Tirmidhī, no.1961, who said: “This hadith is *ṣaḥīḥ*.”

19. Al-Tirmidhī, no.1962, and it is authentic (*ṣaḥīḥ*). Cf. al-Albānī, *Silsilat al-Aḥādīth al-Ṣaḥīḥah* (Beirut: Maktab al-Islāmī, 1985), no.516.

20. Abu Dāwūd, *Sunan*, no.4031. Its chain is *ṣaḥīḥ* as per al-‘Irāqī, *Al-Mughnī*, no.851. Ibn Taymiyyah says about it, *Iqtīdā’ al-Ṣirāt al-Mustaqīm* (Beirut: Dār Ibn Ḥazm, 2003), 163: “Its chain is excellent (*jayyid*).”

21. *Iqtīdā’ al-Ṣirāt al-Mustaqīm*, 164. A point to note is that: “Resemblance devoid of any intent is not called ‘imitation’ since there is no actual resolve. Nevertheless, if there arises outward conformity with that of non-Muslims in some act or appearance, then it becomes disliked (*makrūb*), and being distinct becomes what is sought after. It does not, though, reach the level of being prohibited.” Al-Juday’, *al-Liḥyab* (Beirut: Mu’assasah al-Rayyān, 2005), 196.

22. *Mawsū‘ah al-Fiqhiyyah* (Kuwait: Dhāt al-Salāsīl, 1988), 12:7.

23. Qur’an 5:51.

24. Ar. *taylasān*: a shawl-like cloak worn over the head and shoulders.

25. *Fatḥ al-Bārī*, 10:337.

26. *ibid.*, 10:376.

27. *Iqtīdā’ al-Ṣirāt al-Mustaqīm*, 282.

28. Muslim, *Ṣaḥīḥ*, no.1955.
29. Qur'an 2:51.
30. Cf. al-Alūsī, *Rūḥ al-Ma'ānī* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, n.d.), 1:257; Ibn 'Ashur, *al-Taḥrīr wa'l-Tanwīr* (Tunis: Dār al-Tūnisīyah, 1984), 1:497.
31. Cf. Ibn Taymiyyah, *Majmū' al-Fatāwā*, 10:393-95.
32. Abu Nu'aym, *Ḥilyat al-Awliyā'*, 5:189; Ibn Abī Shaybah, *al-Muṣannaḥ*, 13:231; Hannād, *al-Zubd*, no.678.
33. Al-Qārī says that Ibn al-Jawzī cites it in his anthology of fabricated reports, *al-Mawḍū'āt*, but believes it to be an error in judgement. For the chain is merely weak, not fabricated. Cf. *Isrār al-Marfū'ab* (Beirut: al-Maktab al-Islāmī, 1986), 315; no.454. Its chain being weak is also the grading given to it by al-Sakhāwī, *al-Maqāṣid al-Ḥasanab* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2003), no.1052. Al-Albānī declared the hadith to be weak in *Silsilat al-Āḥādīth al-Ḍa'īfah* (Riyadh: Maktabah al-Ma'ārif, 1992), no.38.
34. This gem was cited in al-Dhahabī, *Siyar A'lam al-Nubalā* (Beirut: Mu'assasah al-Risālah, 1998), 8:109.
35. Cited in al-Qushayrī, *al-Risālah*.
36. *Fayḍ al-Qadīr Sbarḥ al-Jāmi' al-Ṣagbīr* (Beirut: Dār al-Ma'rīfah, n.d.), 6:44.
37. *Majmū' al-Fatāwā*, 10:426.
38. Qur'an 17:70.
39. Al-Alūsī, *Rūḥ al-Ma'ānī* (Beirut: Iḥyā' al-Turāth al-'Arabī, n.d.), 15:117.
40. al-Zuhaylī, *Fiqh al-Islāmī wa Adillatubu* (Damascus: Dār al-Fikr, 1985), 6:720.
41. Al-Bukhārī, no.1312.
42. 'The Rights of Man', *Depending on Allah* (USA: Zaytuna, 2000), 9-10.
43. *The Dignity of Man: An Islamic Perspective* (Cambridge: Islamic Texts Society, 2002), xv.
44. Refer to: 'The Rights of Man', 18-19. Also cf. *The Dignity of Man*, 21-89, for citations from the Qur'an and hadith literature in support of such rights.
- As for Muslim women marrying non-Muslim men, the Qur'an lays down [2:221]: *Nor marry [your daughters] to idolaters until they believe in Islam*. About this, there is a juristic consensus - as per Qurṭubī, *al-Jāmi' li Ahkām al-Qur'an* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1996), 3:48; al-Baghawī, *Ma'ālim al-Tanzīl* (Beirut: Dār Ibn Ḥazm, 2002), 125.
- With regards to the issue of changing one's religion; in other words, apostasy or *riddab*, the normative juristic take on it is as follows: "The people of knowledge have reached a consensus on the obligation to execute the apostates. This was related from Abu Bakr, 'Umar, 'Uthmān, 'Alī, Mu'adh, Abu Mūsā, Ibn 'Abbās, Khālid, and others, and none objected to it. Hence it constitutes a consensus." Ibn Qudāmah al-Maqdisī, *al-Mughnī* (Riyadh: Dār 'Ālam al-Kutub, 1997), 12:264. The basic proof-text for this is the hadith in al-Bukhārī (no.2854): "Whoever changes his religion, execute him." The Qur'an proclaims [2:217]: *But whoever of you turns away from his religion and dies in disbelief, his works will come to nothing both in this world and the world to come. Such are the dwellers of the Fire, abiding therein perpetually*. We ask God - Most-Kind, Most-Merciful - to grant us firmness and to seal our lives upon faith.
- A final point to keep in mind is that meting out the punishment for such a crime against the state and against the right of

God is the responsibility of the executive state authority (*imām*); as with all capital punishments (*ḥuḍūd*). Islam has no space for vigilante executions. Cf. *al-Mughnī*, 12:271-2.

45. Cf. 'The Rights of Man', 6.
46. Al-Tirmidhī, no.1961, who said: "A *ḥasan ṣaḥīḥ* hadith."
47. 'The Rights of Man', 22.
48. Ibn Qudāmah, *al-Mughnī*, 3:519.
49. Qur'an 59:10.
50. Al-Bukhārī, no.1388; Muslim, no.1004.
51. Al-Bukhārī, no.6699.
52. Muslim, no.1147.
53. Cf. al-Bassām, *Tawḍīḥ al-Aḥkām min Bulūgh al-Marām* (Makkah: Maktabah al-Nahḍah al-Ḥadīthah, 1994), 2:474; and al-Zuhaylī, *Fiqh al-Islāmī wa Adillatubu*, 2:550-51.
54. *Al-Mughnī*, 3:521.
55. Cited in al-Buḥūṭī, *Sbarḥ Muntabā al-Īrādāt* (Mu'assasah al-Risālah, 2000), 2:165.
56. Ibn al-Qayyim, *Kitāb al-Rūḥ* (Riyadh: Dār Ibn Taymiyyah, 1992), 159, 168.
57. *Sbarḥ al-'Aqīdab al-Taḥāwīyyah*, 2:683.
58. *Al-Mughnī*, 3:522.
59. Qur'an 53:39.
60. Muslim, no.1631.
61. Consult: *Sbarḥ al-'Aqīdab al-Taḥāwīyyah*, 2:688-89.
62. *ibid.*, 2:692.

27-05-08